

Home

News Archives

Subscription

Event Calendars

Online Forum

Photo Gallery

Advertising

Classified Ads

Yellow Pages

HomeFinder

Movie Listings

News

[Local News](#)

[Oregon News](#)

[Obituaries](#)

[Weather](#)

Community

[Features & Columns](#)

[Organizations](#)

[People](#)

[Events Calendar](#)

[Religion](#)

[Home & Garden](#)

Sports

[Local Sports](#)

[League Standings](#)

[Sports Schedules/Scores](#)

[Standings Archive](#)

Opinions

[Editorials](#)

[Letters](#)

[Commentary](#)

[Online Forum](#)

Arts & Entertainment

Multnomah County just says no on 37

Published: February 22, 2005

By DAVID BATES
Of the News-Register

Measure 37 appears to have opened the door in Yamhill County to more subdivisions - perhaps a lot more subdivisions.

In Multnomah County, however, officials haven't just decided to keep that door closed. They've decided it doesn't even exist.

Oregon's most urbanized county has implemented Oregon's new property owner compensation law in a way that local and state officials say is unique. The bottom line is its leadership has ruled out any partitioning or subdividing under Measure 37, arguing that dividing property into lots is not itself a "use" of land.

The state's most populous county doesn't have nearly the amount of undeveloped rural acreage some counties do. And its commissioners are combining one of the state's stiffest fee structures with its narrowest legal interpretations.

As a result, only three Measure 37 claims have been filed there. One of them was filed by Dorothy English, the elderly Portland woman who served as the initiative's poster child in last year's campaign.

Yamhill County is at the opposite end of the spectrum.

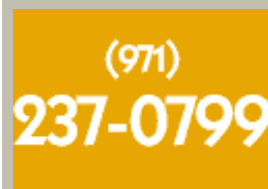
Its acreage is large, its fees modest and its legal interpretation broad. And thanks to its welcoming attitude, it is getting more claims each week than Multnomah County has gotten in total to date.

Yamhill County has approved one batch of claims, received two dozen others and been advised that about 50 more are in the offing with no letup in sight. And many of those claims seek the green light for subdivisions of varying sizes, some covering more acreage than the Shadden Claim subdivision rejected so many times by voters in McMinnville.

Multnomah's ordinance states that Measure 37 "is directed at a landowner's ability to establish a use on an existing property, not to create new properties."

"A division of land is not a use of land," it states. "New parcels or lots would be subject to land-use laws in effect on the date they are formed because they would not have existed at the time the claim was filed."

"As far as I know, they're the only ones who have taken that position so far," said



- [A & E News](#)
- [Reviews](#)
- [TV Listings](#)
- [Movie Listings](#)

Business & Real Estate

- [Business News](#)
- [Real Estate News](#)
- [HomeFinder](#)
- [Classified Ads](#)
- [Yellow Pages](#)

Special Reports

- [Awaiting Judgment](#)
- [Hard Times](#)
- [PERS In-Depth](#)
- [All Tapped Out](#)
- [Spruce Goose](#)

Public Information

- [Public Notices / Legals](#)
- [Community Links](#)

Special Sections

- [Bridal Planner](#)
- [Meet Mac](#)

Services

- [Advertising](#)
- [Photo Orders](#)
- [Printing](#)
- [Internet Access](#)
- [Web Design & Hosting](#)
- [Telephone Services](#)
- [Friendship Network](#)

Contacts

- [About Us / Job Openings](#)
- [Carrier Positions](#)
- [Contact Us](#)
- [Submit a Correction](#)
- [Government & Schools](#)
- [Sharing Your News](#)
- [Newsroom Directory](#)
- [News-Register Staff](#)

Site Map

Art Slack of the Association of Oregon Counties. "That's one of the questions we'll hopefully get some clarification on from the state."




Mike Brandt, Yamhill County's planning director, said it was not a consideration when the local ordinance was drafted.

Derek Tokos, a principal planner for Multnomah County, said he wouldn't necessarily call the approach unique. However, he said he was not aware of any other jurisdiction taking that tack so far.

Dave Hunnicutt, director of Oregonians In Action and author of Measure 37, said the initiative clearly intends the division of land to be allowed.

"Multnomah County has been the source of a lot of frustration over the years with its land-use interpretations," he said. "That's reflected, I think, in its ordinance."

OIA hasn't challenged the provision, though, and probably won't, Hunnicutt said. He thinks the county will revisit the issue on its own when a citizen lawsuit leads a trial judge to order the county to grant a partition or subdivision and pay the plaintiff's legal fees.

-  [E-mail this story](#)
-  [Print this story](#)
-  [Search archives](#)

