

YAMHILL COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT

**APPLICATION FOR
FINAL COUNTY VESTING DECISION**

525 NE 4th Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544

Docket VEST-_____

Date _____

Rec'd By _____

APPLICANT			OTHER OWNER		
Last Name	First	MI	Last Name	First	MI
Mailing Address (Street or PO Box)			Mailing Address (Street or PO Box)		
City	State	Zip	City	State	Zip
Telephone			Telephone		
List any other owners of subject property: _____					
PROPERTY INFORMATION					
Tax Lot(s) _____			Size of parcel: _____		
Street address, if any: _____					

Note: Ordinance 823 allows a Measure 37 claimant to obtain a determination by the county Review Authority (either the Planning Director or an Independent Vesting Officer hired by the County Counsel at the request and consent of the Planning Director) as to whether the claimant has a vested right to continue and complete a use allowed under State and County orders granting Measure 37 relief on the property subject to the determination (the “subject property”). The determination is referred to as the “Final County Vesting Decision.” This application is required by Ordinance 823 before the Review Authority may make a Final County Vesting Decision.

Please complete this application and attach additional documents as desired to assist the Review Authority in making a decision. Once the Review Authority determines the application is complete, notice of the application will be provided to surrounding property owners and others. Public comments on the application will then be received for 21 calendar days. If public comments are received, the applicant has 14 calendar days to provide rebuttal comments. The Final County Vesting Decision is subject to judicial review.

THE APPLICANT MUST SUBMIT:

1. Attach legal description of subject property.
2. Attach a copy of the State of Oregon order granting Measure 37 relief for the subject property.
3. Attach additional information you deem appropriate to enable the Review Authority to make a Final County Vesting Decision.

Note: Section 4.01 of Ordinance 823 states that “In determining whether the applicant has a vested right to continue and complete a use allowed under a Board Order granting Measure 37 relief, the Review Authority must consider (seven identified) factors based on the evidence submitted in the application.”

4. Attach additional information you deem appropriate to address the following factors from Section 4.01 of Ordinance 823:

- (1) The amount of money spent on developing the use in relation to the total cost of establishing the use.
- (2) The good faith of the property owner.
- (3) Whether the property owner had notice of the proposed change in law before beginning development.
- (4) Whether the improvements could be used for other uses that are allowed under the new law.
- (5) The kind of use, location and cost of the development.
- (6) Whether the owner's acts rise beyond mere contemplated use or preparation, such as the leveling of land, boring test holes, or preliminary negotiations with contractors or architects.
- (7) Other relevant factors.

I hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that the information submitted with this application is true and correct to the best of my knowledge.

I understand that issuance of a Final County Vesting Decision is subject to review by, at least, the circuit court. I understand that judicial review by the circuit court is limited to information in the record before the Review Authority at the time the Final County Vesting Decision is made. I understand it is unlikely the court will accept any additional factual information regarding vesting of the Measure 37 waiver other than information in the record before the Review Authority at the time the Final County Vesting Decision is made.

I understand that due to uncertainties of Measure 49, I proceed with any development based on a Measure 37 waiver at my own risk. I understand that any Final County Vesting Decision will not excuse me from complying with any other applicable ordinances and laws regulating the use of the land and buildings.

I hereby grant permission for and consent to Yamhill County, its officers, agents, and employees coming upon the subject property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.

Applicant's signature _____ Date _____

Additional property owner's signature _____ Date _____

Additional property owner's signature _____ Date _____

Additional property owner's signature _____ Date _____

Additional property owner's signature _____ Date _____