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## **Salem Golf Club files Measure 37 claim**

It is a faster path to a zoning change on adjacent land

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Bordering the Salem Golf Club to the east is a swath of undeveloped land. It has been vacant for years, providing open space next to the semi-private golf course.

The land is expected to remain that way. However, the Salem Golf Club has filed a claim under the state's land-use compensation law, Measure 37, that would pave the way for possible housing development in the future, said club president and manager Tom Kay Sr.

"Measure 37 provided a unique opportunity," said attorney Chris Matheny, who represents the club. "We wanted to preserve any rights or benefits that could be provided for our clients."

The Salem Golf Club is asking the city of Salem to waive the public-amusement zoning designation on its property at 1250 Maple Glen Lane S to allow a 64-lot subdivision. Otherwise, the club would seek \$5.9 million in compensation, Matheny said.

Kay said the Salem Golf Club, though, has no plans to develop the 18.4-acre property.

"We expect to do nothing with it," he said. "In my lifetime at least, we're not going to do anything. I don't want any development out here."

Under the current public-amusement zoning, a housing subdivision cannot be built on the land, which is next to Minto-Brown Island Park. The zoning that was in place when the club acquired the land in 1972, residential agriculture, would allow housing.

"That has considerable more development options," said Matheny, who has dealt with many Measure 37 claims for clients. "Therefore, zoning restricts the development and reduces the value of the property."

Measure 37, approved by voters in 2004, requires government to pay landowners for property-value losses caused by land-use regulations or to waive those regulations. Applicants had until Dec. 4 to file a claim without submitting a land-use application to local governments.

The Salem Golf Club's Measure 37 claim is one of five that the city of Salem received.

"This is the first one that wants to waive the zoning-use restriction under Measure 37," said urban planning administrator Glenn Gross.

The other option would have been to apply for a zoning change, which would have gone before the planning commission, Gross said. The club, though, preferred the Measure 37 route.

"Our experience with other claims is that it's kind of a fast track, more of an easier way to get the situation resolved," Matheny said.

Salem planning staffers expect to recommend to the city manager that the city initiate a legislative zone change, converting the property to residential agriculture, said Judith Moore, the interim assistant urban planning administrator.

"We can help to get them where they want to be," she said.

Either way -- with a city-initiated zone change or a Measure 37 claim approval -- the Salem Golf Club would have to go through the subdivision process if and when it decides to develop the property.

The city could review the subdivision approval process and requirements with the Salem Golf Club if it decided to develop housing, Moore said. The club would have to determine details of a proposed subdivision, including where the access would be and how the project would connect to city facilities.

"You can't sell lots of a parcel unless you have a subdivision," city attorney Randall Tosh said.

Leonard Nelson, the South Salem Neighborhood Association land-use chairman, said he hopes that nothing is ever built on the land. He said he's worried that if the land were developed, flooding would occur. The property, which sits near the river, is "too low," he said.

"It's an environmental issue as far as I'm concerned," Nelson said. "This is what happened in New Orleans."

A two-phase subdivision is planned for a 25-acre property near the golf course. Cascadia Development Inc. is developing 120 lots at 3225 River Road S, the site of the former Cottonwood Lakes Golf Course.

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