

Memo Date: January 5, 2007
Order Date: January 23, 2007



TO: Board of County Commissioners

DEPARTMENT: Public Works Dept./Land Management Division

PRESENTED BY: BILL VANVACTOR, COUNTY ADMINISTRATOR
KENT HOWE, PLANNING DIRECTOR

AGENDA ITEM TITLE: In the Matter of Considering a Ballot Measure 37 Claim and Deciding Whether to Modify, Remove or Not Apply Restrictive Land Use Regulations in Lieu of Providing Just Compensation (PA05-6816, Hingley)

BACKGROUND

Applicant: Carl W. Hingley

Current Owner: Carl W. Hingley

Agent: n/a

Map and Tax lot: 19-02-07-00, tax lot 101

Acreage: approximately 40 acres.

Current Zoning: E40 (Exclusive Farm Use)

Date Property Acquired: October 6, 1972 (WD Reel 607R, #22910)

Date claim submitted: December 23, 2005

Date of agreement to suspend timelines: December 23, 2005

Date claim taken off suspension: June 29, 2006

180-day deadline: December 24, 2006

Land Use Regulations in Effect at Date of Acquisition: Unzoned.

Restrictive County land use regulation: Minimum parcel size of forty acres and limitations on new dwellings in the E40 zone (LC 16.212).

ANALYSIS

To have a valid claim against Lane County under Measure 37 and LC 2.700 through 2.770, the applicant must prove:

1. Lane County has enacted or enforced a restrictive land use regulation since the owner acquired the property, and

The current owners are Carl W. Hingley and Beverly J. Hingley. They acquired an interest in the property on October 6, 1972 (WD Reel 607R, #22910) when the property was unzoned. Currently, the property is zoned E40 (Exclusive Farm Use).

2. The restrictive land use regulation has the effect of reducing the fair market value of the property, and

The property was unzoned when it was acquired. The minimum lot size and limitation on new dwellings in the E40 (Exclusive Farm Use) zone prevent the current owner from developing the property as allowed in 1972. However, the evidence of a reduction in value is based on asking price of three properties. This information has not been prepared by a person with experience in land valuation and is not adequate to establish a reduction in value.

3. The restrictive land use regulation is not an exempt regulation as defined in LC 2.710.

The minimum parcel size and dwelling restrictions do not appear to be exempt regulations.

CONCLUSION

The applicant has not submitted sufficient evidence to establish the validity of the claim.

RECOMMENDATION

If additional information is not submitted at the hearing, the County Administrator recommends the Board direct him to deny the claim.