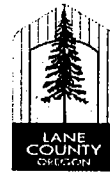


Supplemental Memo



Memo Date: May 29, 2007
Hearing Date: June 5, 2007 (Continued from May 15, 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 (PA06-7245, Brooks)

BACKGROUND

Applicant: Maurice Brooks

Current Owner: Maurice Brooks (tax lot 600)

Agent: Frank Walker and Associates

Map and Tax lot(s): 20-03-03 tax lot 600 (The claim originally included tax lots 600 and 700)

Acreage: Approximately 4.5 acres

Current Zoning: RR5 (Rural Residential)

Date Property Acquired: February 20, 1978
(Assignment of Contract and Deed # 78-11747)

Date claim submitted: December 1, 2006

180-day deadline: May 30, 2007

Land Use Regulations in Effect at Date of Acquisition: Tax lot 600 was zoned GR10 (General Rural District)

Restrictive County land use regulation: Minimum parcel size of 5 acres and limitations on commercial and industrial uses in the RR5 zone.

This claim was originally heard on May 15, 2007. At that hearing, the applicant requested that tax lot 700 be removed from the claim. The applicant also requested additional time to submit required valuation information for tax lot 600. The Board continued the discussion of this claim to the June 5, 2007 public hearing in order to allow the claimant time to submit additional information and have the Board reconsider the recommendation. The Board requested all new information to be submitted to Lane County by May 25, 2007.

ANALYSIS

The original claim materials provided by the applicant identified the Rural Residential zone as the restrictive land use regulations that reduced the fair market value of tax lot 600. However, an appraisal was not originally provided. On May 25, 2007, a restricted use appraisal report was submitted into the record. This report does not discuss the nexus between the reduction in value of the property and the regulations within the Rural Residential zone. Rather, the report opines an alleged reduction in value of the property of approximately \$200,000 (33% of \$600,000) due to the riparian setback standards of LC. 16.253. The letter transmitting the appraisal alleges a reduction in value of \$664,000 rather than the original two million dollar figure, without any analysis of how either of those figures were obtained.

This report does not appear sufficient because it fails to illustrate the linkage between the current land use regulations (Rural Residential) and the reduction in fair market value. Specifically, the report does not "connect the dots" by demonstrating how the riparian regulations (which may apply only to 3-5% of the subject property) have limited the use of the property for residential purposes in such a way as to reduce its value.

CONCLUSION

There is insufficient evidence to determine the validity of this claim.

RECOMMENDATION

If additional information is not submitted at the continued hearing on June 5, 2007; the County Administrator recommends the Board direct him to deny the claim.