

Memo Date: May 2, 2007
Hearing Date: May 22, 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 (PA06-7275 Roberts275)

BACKGROUND

Applicants: Les and Patricia Roberts

Current Owner: Les and Patricia Roberts

Agent: none

Map and Tax lots: 16-65-11, #501 & #700

Acreage: approximately 23 acres

Current Zoning: F2 (Impacted Forest Land)

Date Property Acquired: December 17, 1992 (WD # 9302634)

Date claim submitted: December 1, 2006

180-day deadline: May 30, 2007

Land Use Regulations in Effect at Date of Acquisition: F2 (Impacted Forest)

Restrictive County land use regulation: Minimum parcel size of eighty acres and limitations on new dwellings in the F2 (Impacted Forest) zone (LC 16.211).

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 Les and Patricia Roberts. They acquired an interest in the property on December 17, 1992, when it was zoned F2 (WD #9302634). Currently, the property is zoned F2.

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

The property was zoned F2 when it was acquired by the current owners. The alleged reduction in fair market value is \$825,000. No documentation is provided that supports this conclusion. The applicant has not submitted competent evidence of a reduction in fair market value from enforcement of a land use regulation and the County Administrator has not waived the requirement for an appraisal.

Because the minimum lot size and dwelling restrictions were applicable when the current owner acquired the property in 1992, these regulations can not be waived.

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

The minimum lot size and restrictions on new dwellings do not appear to be exempt regulations, but they can not be waived for the current owner. The claimant has not identified any other restrictive land use regulations that allegedly reduce the fair market value of the property.

CONCLUSION

It appears this is not a valid claim.

RECOMMENDATION

The County Administrator recommends the Board direct him to deny the claim.