



**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 (PA06-7279 Rosboro79)

---

### **BACKGROUND**

**Applicant:** Rosboro Lumber Co. LLC

**Current Owner:** Rosboro Lumber Co. LLC

**Agent:** William R. Potter and Micheal M. Reeder

**Map and Tax lots:** 17-35-02, #600; 17-35-02-30, #2600 & 3700; 17-35-11, #300

**Acreage:** approximately 319 acres

**Current Zoning:** F1 (Non-Impacted Forest)

**Date Property Acquired:** February 16, 1954 (WD # 23602)

**Date claim submitted:** December 1, 2006

**180-day deadline:** May 30, 2007

**Land Use Regulations in Effect at Date of Acquisition:** unzoned

**Restrictive County land use regulation:** Minimum parcel size of eighty acres and limitations on new dwellings in the F1 (Non-Impacted Forest) zone (LC 16.210).

### **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**

Rosboro Lumber Company acquired an interest in the property on February 16, 1954, when it was unzoned (WD # 23602). At the time, "Rosboro Lumber Company" was identified on the deed as "a co-partnership consisting of B. S. Cole, Teden H. Cole, R. T. Watts, Martha B. Watts, Spencer Collins and Vernon Williams".

The current owner is the Rosboro Lumber Co. LLC. The limited liability company was registered with the Oregon Secretary of State – Corporation Division on December 30, 1995 when the subject property was zoned F1 Nonimpacted Forest Land. The applicant has not submitted any documentation on the structure or current owners of the LLC and the relationship with the 1948 co-partnership. Currently, the property is zoned F1.

The property identified as 17-35-02-35 tax lot #2600 on page 2 of the James A. Mann report contains several small tax lots from an old Nimrod Platt, one of which is tax lot #3700, included in this claim. The other tax lots entirely surrounded by #2600 and not included in this claim are tax lots #2601, 2700, 2800, 3400, 4200.

**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 initially acquired by the Rosboro Lumber Company co-partnership in 1954. It was zoned F1 when acquired by the current owners, Rosboro Lumber Co. LLC in 1995. The alleged reduction in fair market value is \$4,697,028, based on the difference in land value in the submitted appraisal.

The applicant is also claiming that the following policies of the Rural Comprehensive Plan have restricted the use of the property:

Goal 4 and Goal 5 – These goals apply to Forest Lands and Open Space in Lane County. No evidence has been provided that demonstrates how these policies have lowered the fair market value of the property.

The applicant is also claiming that the following sections of Lane Code have restricted the use of the subject property:

LC13.050 13.120, & 13.400 – These provisions apply to subdivision and partitioning of property. No evidence has been provided that demonstrates how these regulations have lowered the fair market value of the property.

LC15.070, 15.080, 15.137 & 15.138 – These provisions apply to road and driveway approach spacing standards and building setbacks from roads. No evidence has been provided that demonstrates how these regulations have lowered the fair market value of the property.

**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 in the F1 zone appear to be exempt regulations, and it appears from the record that they can not be waived for the current owner.

**CONCLUSION**

It appears this may not be a valid claim. The minimum lot size and dwelling restrictions can not be waived for the current owner.

**RECOMMENDATION**

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