

Supplemental Memo



Memo Date: April 19, 2007

Hearing Date: May 8, 2007 (Continued from April 3, 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 (PA06-7126, Defoe2)

BACKGROUND

Applicant: Ronald Major Defoe

Current Owner: Ronald Major Defoe

Agent: None

Map and Tax lot: 16-04-07, #100 and 16-04-08-20, #300

Acreage: 61 acres

Current Zoning: E-40 (Exclusive Farm Use)

Date Property Acquired: October 15, 1998 (Deed #98-83097)

Date claim submitted: November 29, 2006

180-day deadline: May 28, 2007

Land Use Regulation in Effect at Date of Acquisition: E-25 (Exclusive Farm Use)

Restrictive County land use regulation: Minimum parcel size of twenty five acres and limitations on new dwellings in the E25 (Exclusive Farm Use) zone (LC 16.212).

This claim was originally heard on April 3, 2007. The Board continued the discussion of this claim to the May 8, 2007 public hearing in order to allow the claimants 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 April 24, 2007.

ANALYSIS

No supplemental evidence has been submitted into the record by the claimant since the public hearing on April 3, 2007.

The minimum lot size and dwelling restrictions were applicable when the Defoe family acquired the property in 1998.

CONCLUSION

It appears this is not a valid claim.

RECOMMENDATION

If additional information is not submitted at the continued hearing on May 8th, 2007; the County Administrator recommends the Board direct him to deny the claim.