

Supplemental Memo

Memo Date: May1, 2007

Order 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 (PA06-7125, Edgemon)

BACKGROUND

Applicant: Robert L. and Roberta C. Edgemon

Current Owner: Robert L. and Roberta C. Edgemon

Agent: Sheryl Balthrop

Map and Tax lot: 17-02-04, #1000

Acreage: 27 acres

Current Zoning: E-40 (Exclusive Farm Use)

Date Property Acquired: November 3, 1967, Robert L. Edgemon (WD 7636009)
November 19, 1993 by Roberta C. Edgemon (DOT 1899)

Date claim submitted: November 29, 2006

180-day deadline: May 28, 2007

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 E-40 (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

On April 23, 2007, the applicant provided supplemental information addressing the previously identified deficiencies in the value reduction analysis. The claimant provided a comparative market analysis but has not demonstrated how the land use restriction has reduced the fair market value of the subject property. The claimant has not provided an opinion of an appraiser or licensed real estate broker on the reduction in fair market value as a result of the land use regulation since Robert Edgemon acquired the property. The County Administrator has not waived the appraisal requirement.

The minimum lot size and dwelling restrictions were applicable when Roberta Edgemon acquired an interest in the property. No competent value reduction analysis has been provided.

CONCLUSION

It appears this is not a valid claim.

RECOMMENDATION

If explanation is not given at the continued hearing on May 8th, 2007, on how this supplemental information meets the M37 requirements to demonstrate a reduction in the fair market value as a result of the land use regulation since Robert Edgemon acquired the property, the County Administrator recommends the Board direct him to deny the claim.