

Memo Date: April 17, 2007
Hearing Date: May 8, 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 (PA06-7231, Powell1)

BACKGROUND

Applicant: Rebecca S. Powell

Current Owner: Rebecca S. Powell

Agent: N/A

Map and Tax lot(s): 16-02-33, tax lot 103

Acreage: 17.38 acres

Current Zoning: F2 Impacted Forest Land

Date Property Acquired: April 11, 1985 (Warranty Deed, recorded on July 16, 2001: No. 2001-044050)

Date claim submitted: December 1, 2006

180-day deadline: May 30, 2007

Land Use Regulations in Effect at Date of Acquisition: F2 - Impacted Forest Land (LC 16.211)

Restrictive County land use regulation: Minimum parcel size of eighty acres and limitations on new dwellings in the F2 (Impacted Forest Land) 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 owner is Rebecca S. Powell, who acquired an interest in the property on April 11, 1985, when it was zoned F2 – Impacted Forest Land (Warranty Deed, recorded on July 16, 2001: No. 2001-044050). 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 owner. The alleged reduction in fair market value is \$773,200, based on the submitted preliminary comparative sales data.

Because the minimum lot size and dwelling restrictions of the F2 zone were applicable when the current owner acquired the property, 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 appear to be exempt regulations and 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

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