

Supplemental Memo

Memo Date: April 25, 2007

Hearing Date: June 20, 2007 (Continued from May 15, 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 (PA06-7251, Larsen)

BACKGROUND

Applicant: Kenneth M. Larsen

Current Owners: Kenneth M. and Barbara A. Larsen

Agent: none

Map and Tax lot: 17-04-18, #2600

Acreage: approximately 13 acres

Current Zoning: E40 (Exclusive Farm Use)

Date Property Acquired: April 13, 1988 (WD #9893959) for Kenneth Larsen
November 17, 2003 (BSD2003-111564) for Barbara Larsen

Date claim submitted: December 1, 2006

180-day deadline: May 30, 2007

Land Use Regulations in Effect at Date of Acquisition: FF-20 (Farm-Forestland)

Restrictive County land use regulation: Minimum parcel size of forty acres and limitations on new dwellings in the E40 (Exclusive Farm Use) zone (LC 16.212).

This claim was originally heard on May 15, 2007. The Board continued the discussion of this claim to the June 20, 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 June 5, 2007.

ANALYSIS

The current owners are Kenneth and Barbara Larsen. Kenneth Larsen appears to have acquired an interest in the property on April 13, 1988, when it was zoned FF20 (WD #

9893959). The application states the owner acquired the property in 1985, this is not substantiated. Fred Long is listed as a trustee with ownership interest in the application, he is not shown on any deeds nor on any trust documents. The preliminary title report states that pending bankruptcy proceedings begun in 2005 were confirmed, and that Barbara Larsen acquired ownership in 2003. Neither the chain of ownership or the nature and people listed in the Trust are clarified by additional information from the claimant.

The property is currently zoned E40. It was zoned FF20 when it was acquired by Kenneth Larsen. The minimum lot size and limitations on new dwellings in the E40 zone prevent them from developing the property as could have been allowed when they acquired it. The alleged reduction in fair market value is \$205,000. The basis for this determination is not provided. No comparative market analysis or other competent evidence of a reduction in fair market value from enforcement of a land use regulation was submitted in the additional time extension. The County Administrator has not waived the requirement for an appraisal.

The minimum lot size and restrictions on new dwellings appear to be exempt regulations, but they can not be waived for the current owners. Barbara Larsen appears to have acquired an ownership interest in 2003, when the current F2 regulations applied to the subject property. The minimum lot size under FF20, the applicable zoning in place when Kenneth Larsen acquired ownership interest in 1988, was larger than the acreage that is owned by the applicant. The claimant has not identified any other restrictive land use regulations that allegedly reduce the fair market value of the property.

CONCLUSION

It still appears this is not a valid claim.

RECOMMENDATION

No additional information was submitted to clarify this claim prior to June 5, 2007, therefore, the County Administrator recommends the Board direct him to deny the claim.