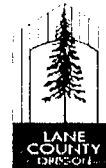


Supplemental Memo



Memo Date: June 8, 2007

Hearing Date: June 20, 2007 (Continued from 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).

This claim was originally heard on May 22, 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

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.

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 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.