



Memo Date: June 6, 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 (PA06-7283, Rosboro83)

BACKGROUND

Applicant: Rosboro Lumber Co., LLC

Current Owner: Rosboro Lumber Co., LLC

Agent: William R. Potter and Michael M. Reeder

Map and Tax lot(s): 16-45-29, tax lot 500 (portion northwest of McKenzie River)

Acreage: 196.01 acres

Current Zoning: F1 (Nonimpacted Forest Land)

Date Property Acquired: May 28, 1948 (Warranty Deed, Reel 52, Reception No. 48068).

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 (Nonimpacted Forest Land) zone (LC 16.210).

This claim was originally heard on May 22, 2007. The applicant submitted supplemental information into the record at the hearing on May 22, 2007. The Board continued the discussion of this claim to the June 20, 2007 public hearing in order to allow staff the opportunity to evaluate the information received at the May 22nd hearing and the claimant time to submit additional information and have the Board reconsider staff's recommendation. The Board requested all new information to be submitted to Lane County by June 5, 2007. No additional information has been received after May 22, 2007.

ANALYSIS

The May 22nd submittal by the claimant included argument to the State of Oregon and Lane County by the claimant's attorney and additional documents referenced by the claimant for inclusion into six separate BM37 claims including this one, PA 06-7283.

The submitted information addresses the issues of "break in ownership" concerning the conveyance of property from a general partnership to a limited liability company.

Staff's recommendation is unchanged: The minimum lot size and restrictions on new dwellings 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 is not 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 June 20, 2007 hearing, the County Administrator recommends the Board direct him to deny the claim.