

## Supplemental Memo



**Memo Date:** June 6, 2007

**Hearing Date:** June 20, 2007 (Continued from May 22, 2007)

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**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 (PA06-7287, Rosboro87)

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### BACKGROUND

**Applicant:** Rosboro Lumber Co., LLC

**Current Owner:** Rosboro Lumber Company, a corporation, as to a portion;  
Rosboro Lumber Company, a co-partnership, as to a portion;  
and Rosboro Lumber Company LLC, as to a portion (ref: Cascade Title Co., 10-26-06).

**Agent:** William R. Potter and Michael M. Reeder

**Map and Tax lot(s):** 16-45-31, portion of tax lot 101 and portion of tax lot 102.

**Acreage:** 81 acres (applicant's estimate)

**Current Zoning:** F1 (Nonimpacted Forest Land)

**Date Property Acquired:** Map 16-45-31, tax lot 101 (a portion):

Rosboro Lumber Co. LLC – August 20, 1998, Bargain & Sale Deed, Reel 2465R, No. 9875163 ("Parcel 1" in deed).

Map 16-45-31, tax lot 102 (a portion):

Unknown. There is no deed in the record linking the claimant, Rosboro Lumber Co. LLC, to an interest or ownership in tax lot 102.

**Date claim submitted:** December 1, 2006

**180-day deadline:** May 30, 2007

**Land Use Regulations in Effect at Date of Acquisition:**

Map 16-45-31, tax lot 101 (a portion): F1 Nonimpacted Forest Land

Rosboro Lumber Co. LLC – August 20, 1998, Bargain & Sale Deed, Reel 2465R, No. 9875163 (“Parcel 1” in the deed).

The applicant’s description “a portion of tax lot 101” is insufficient to identify either the exact acreage on which the claim is being filed or to identify a conveyance history for that acreage.

Map 16-45-31, tax lot 102 (a portion): unknown

The applicant’s description “a portion of tax lot 102” is insufficient to identify either the exact acreage on which the claim is being filed or to identify a conveyance history to Rosboro Lumber Co. LLC, for that acreage.

**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 22<sup>nd</sup> 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 22<sup>nd</sup> 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 06-7287.

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.