

Supplemental Memo



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 (PA06-7282, USR Company, LLC)

BACKGROUND

Applicant: USR Company, LLC

Current Owner: USR Company LLC, as to a portion; Rosboro Lumber Company, a corporation, as to a portion; Rosboro Lumber Company, a co-partnership, as to a portion; Rosboro Lumber Company LLC, an Oregon Limited Liability Company, 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, part of tax lots 101 and 102.

Acreage: 156 acres (applicant's estimate)

Current Zoning: F1 (Nonimpacted Forest Land)

Date Property Acquired:

Map 16-45-31, part of tax lot 101:

Rosboro Lumber Co. LLC – August 20, 1998, Bargain & Sale Deed, Reel 2465R, No. 9875163 ("Parcel 1" in deed). Refer to claim PA 06-7287.

USR Company, LLC – Unknown. The applicant's narrative (page 1 – cover page) in the submittal refers to a conveyance from "Rosboro Lumber Co. LLC; December 29, 1999 to USR Co., LLC"; and the applicant's Measure 37 Claim Form, page 2, refers to "3. Deed Recording

No. 2000-15178, dated 29, 1999 (to USR Co., LLC".
No "deed" documenting either reference in the
record was submitted as evidence.

Map 16-45-31, part of tax lot 102:

USR Company, LLC - Unknown. There is no deed in the record linking the
claimant, USR Company, 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, a part of tax lot 101: F1 Nonimpacted Forest Land (1999)

The applicant's description "a part 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 to USR Company, LLC, for that acreage.

Map 16-45-31, a part of tax lot 102: F1 Nonimpacted Forest Land (1999)

The applicant's description "a part 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 USR Company, 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 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 06-7282.

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

The May 22nd submittal by the applicant also included a separate page responding to
staff's report dated May 3, 2007, that included a request for more information on the
date USR Company LLC acquired an interest in tax lots 101 and 102 (map 16-45-31).

The applicant states:

"The boundaries of the property for this claim include a portion of TL 101, shown above, which property is vested in USR Company LLC. For tax lot 101, see a copy of Lane County Assessment and Taxation " PARCEL RECORD" report and a copy of recorded warranty deed #2000015178 dated December 27, 1999."

"The boundaries of the property for this claim include a portion of TL 102, shown above, which vested in Rosboro Lumber Company, LLC. For TL 101, see a copy of Lane County Assessment and Taxation "PARCEL RECORD" report and a copy of recorded warranty deed #987163 dated August 20, 1998."

"Rosboro Lumber Company acquired ownership to the property in this claim on March 24, 1947 with deed Book 344 Pages 223-232. The subject property is included in Tract 44 on page 5 of this deed."

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.