

Supplemental Memo

Memo Date: June 11, 2007

Order 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 (PA06-7332, Warner)

BACKGROUND

Applicant: Michael Warner

Current Owner: Michael Warner and Clara Shoemaker

Agent: Ron Funke

Map and Tax lot: 17-06-22, #2200

Acreage: 6 acres

Current Zoning: RR-5 (Rural Residential)

Date Property Acquired: April 1, 1985 (WD 8518421) Michael Warner
June 26, 1997, (BSD 9744735) Clara Shoemaker

Date claim submitted: December 4, 2006

180-day deadline: June 2, 2007

Land Use Regulations in Effect at Date of Acquisition: RR-5 (Rural Residential)

Restrictive County land use regulation: Minimum parcel size of five acres in the RR-5 (Rural Residential) zone (LC 16.290).

This claim was originally heard on April 10, 2007 and continued to May 15th. 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 to demonstrate continuous ownership and have the Board reconsider the recommendation. The Board requested all new information to be submitted to Lane County by June 5, 2007.

ANALYSIS

As of the writing of this supplemental memorandum, the claimant's agent Ron Funke has not provided any supplemental information to establish continuous ownership by the claimants.

No title report has been provided to establish continuous ownership. The evidence submitted supports the earlier conclusion that Michael Warner acquired the property from CUS, Inc. on April 1, 1985 (WD 8518421) when the property was zoned RR-5. Clara Shoemaker acquired an interest in the property on June 26, 1997, when it was zoned RR-5 (BSD 9744735). Currently, the property is zoned RR-5.

It has not been shown that the current RR-5 land use regulations have had the effect of reducing the fair market value of the property since the current owners acquired an interest in the property.

CONCLUSION

It appears this is not a valid claim.

RECOMMENDATION

The minimum lot size restrictions were applicable when Michael Warner and Clara Shoemaker acquired the property in 1985 and 1997, respectively.

The County Administrator recommends the Board direct him to deny the claim.