

Supplemental Memo



Memo Date: April 11, 2007

Hearing Date: May 1, 2007 (Continued from March 20, 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 (PA06-7325, Lamb2)

BACKGROUND

Applicant: Donald L. Lamb

Current Owner: Donald L. Lamb

Agent: none

Map and Tax lot: 18-12-02, #203

Acreage: 18.74 acres

Current Zoning: F-2 (Impacted Forest Land) and NR (Natural Resource)

Date Property Acquired: March 10, 2004 (WD 040026277)

Date claim submitted: December 4, 2006

180-day deadline: June 2, 2007

Land Use Regulations in Effect at Date of Acquisition: F-2 and NR

Restrictive County land use regulation: Minimum parcel size of eighty acres and limitations on new dwellings in the F-2 (Impacted Forest Land) zone (LC 16.211) and the NR (Natural Resource) zone (LC 16.239).

This claim was originally heard on March 20, 2007. The Board continued the discussion of this claim to the May 1, 2007 public hearing in order to allow the claimants time to submit additional information and have the Board reconsider the initial staff recommendation of denial. The Board requested all new information to be submitted to Lane County by April 13, 2007. Supplemental information was provided by the applicant.

ANALYSIS

The applicant has failed to demonstrate that a restrictive land use regulation has been enacted or enforced since they acquired an interest in the property.

The supplemental information provided by the claimant does not change the date when the Lamb-Quade partnership conveyed the property interest back to Donald L. and Mary Ann N. Lamb on March 10, 2004 (WD 040026277). The partnership is a new owner (not family) and the transfer creates a new date of acquisition for the current owners. The claim of ownership to 1980 fails to establish a legal basis for concluding the applicant acquired any interest in the property prior to April 14, 1986, when it was zoned F-2 and NR.

The current zoning regulations of F-2 and NR are the same as when the current owners acquired the property in 2004 and, therefore, there has been no reduction in the property fair market value as a result of a land use regulation. The supplemental information relies on changes in the regulations before the applicant acquired any interest in the property in 1986.

CONCLUSION

It appears this is not a valid claim.

RECOMMENDATION

The minimum lot size and dwelling restrictions in the F-2 and NR zones were applicable when Donald and Mary Lamb recently acquired the property in 2004 and when they first acquired an interest in the property in 1986, before conveying it to the partnership.

If additional information is not submitted at the continued hearing on May 1st, 2007, the County Administrator recommends the Board direct him to deny the claim.