

Memo Date: April 9, 2007
Hearing Date: May 1, 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 (PA06-7199, Louvring)

BACKGROUND

Applicant: Robert Louvring P.O.A. for Eugenia Louvring

Current Owner: Michael J. Godfrey and Anne M. Godfrey

Agent: Diane Egbert

Map and Tax lot(s): 18-04-04-2300

Acreage: Approximately 26 acres

Current Zoning: F2 (Impacted Forest)

Date Property Acquired: March 13, 2007 (SWD #2007-017755)

Date claim submitted: December 1, 2006

180-day deadline: May 30, 2007

Land Use Regulations in Effect at Date of Acquisition: F2 (Impacted Forest)

Restrictive County land use regulation: Minimum parcel size of eighty acres and limitations on new dwellings in the F2 (Impacted Forest) zone (LC 16.211).

ANALYSIS

To have a valid claim against Lane County under Measure 37 and LC 2.700 through 2.770, the applicant must prove:

1. Lane County has enacted or enforced a restrictive land use regulation since the owner acquired the property, and

The current owners of the subject property are Michael J. Godfrey and Anne M. Godfrey. It appears that they purchased the property from the applicant, Eugenia J.

Louvring, on March 13, 2007, pursuant to Statutory Warranty Deed 2007-017755. The property is currently zoned F2 and Lane County has not enacted any restrictive land use regulation since the current owner acquired the property nor is the current owner a party to this claim.

2. The restrictive land use regulation has the effect of reducing the fair market value of the property, and

The applicant, Robert Louvring, has not submitted competent evidence of a reduction in fair market value from enforcement of a land use regulation and the County Administrator has not waived the requirement for an appraisal.

3. The restrictive land use regulation is not an exempt regulation as defined in LC 2.710.

The minimum lot size and restrictions on new dwellings do not appear to be exempt regulations but they cannot be waived for the current owner.

CONCLUSION

The property has recently been sold and it appears that the current owners are not associated with this claim.

RECOMMENDATION

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