

Memo Date: April 11, 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 (PA05-6771, Odegaard)

BACKGROUND

Applicant: Maurice and Sharon Odegaard
Current Owner: Maurice and Sharon Odegaard
Agent: none
Map and Tax lots: 19-02-12, tax lot # 300
Acreage: approximately 38 acres
Current Zoning: E40 (Exclusive Farm Use)
Date Property Acquired: unknown
Date claim submitted: December 15, 2007
180-day deadline: June 13, 2007
Land Use Regulations in Effect at Date of Acquisition: unknown
Restrictive County land use regulation: unknown

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 are Maurice and Sharon Odegaard. They have not submitted evidence of when they acquired an interest in the property. Currently, the property is zoned E40.

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

The date the current owners acquired the property is unknown, therefore the historical zoning at the time of purchase can not be determined. There is an appraisal included in the application, but it is for another property entirely, not for 19-02-12, tax lot #300.

The applicant 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 applicant has not provided documentation or any statement of what restrictive land use regulations allegedly reduce the fair market value of the property.

CONCLUSION

It appears this is not a valid claim.

RECOMMENDATION

If additional information is not submitted at the hearing, the County Administrator recommends the Board direct him to deny the claim.