

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 (PA06-7340, Patterson)

BACKGROUND

Applicant: Joan E. Patterson

Current Owner: Joan E. Patterson

Agent: Ron Funke, Custom Planning Services

Map and Tax lots: 16-25-26, tax lots # 500, 501

Acreage: approximately 102 acres

Current Zoning: F2 (Impacted Forest Land)

Date Property Acquired: December 16, 1974 (WD # 7452781)

Date claim submitted: December 4, 2006

180-day deadline: June 2, 2007

Land Use Regulations in Effect at Date of Acquisition: unzoned

Restrictive County land use regulation: Minimum parcel size of twenty five acres and limitations on new dwellings in the F2 (Impacted Forest Land) 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 owner is Joan E. Patterson. She acquired an interest in the property on December 16, 1964, when it was unzoned (WD # 7452781). Currently, the property is zoned F2.

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

The property was unzoned when it was acquired by the current owner. The minimum lot size and limitations on new dwellings in the F2 zone prevent the current owners from developing the property as could have been allowed when they acquired it.

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 minimum lot size and restrictions on new dwellings do not appear to be exempt regulations.

CONCLUSION

It appears this is not a valid claim because there is no valuation information.

RECOMMENDATION

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