

Memo Date: April 24, 2007
Hearing Date: 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 (PA06-7297, Brandt)

BACKGROUND

Applicant: Thomas C. Brandt

Current Owner: Thomas C. Brandt

Agent: None

Map and Tax lot(s): 16-02-11-00 #300

Acreage: Approx. 10 ac.

Current Zoning: F2 (Impacted Forest Lands)

Date Property Acquired: May 27, 1974 (WD #7431971)

Date claim submitted: December 1, 2006

180-day deadline: May 30, 2007

Land Use Regulations in Effect at Date of Acquisition: unzoned;

Restrictive County land use regulation: Minimum parcel size of eighty acres and limitations on new dwellings in the F2 (Impacted Forest Lands) 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 Thomas C. Brandt. Mr. Brandt acquired an interest in the property on May 27, 1974, when it was unzoned (WD #7431971). 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 owner from developing the property as could have been allowed when he acquired it. The alleged reduction in fair market value is \$912,000, based on the applicant's calculations.

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.

In addition to the missing evidence of valuation, the applicant has not paid the required processing fee. On February 1, 2007, a letter was mailed to the applicant informing him that his measure 37 claim was incomplete due to inadequate information. No new information has been received as of the date of this report.

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

There is insufficient evidence to determine the validity of this claim and the applicant has failed to pay the processing fee.

RECOMMENDATION

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