

Memo Date: May 1, 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 (PA06-5001, Collis)

BACKGROUND

Applicant: Julie A. Collis

Current Owner: Julie A. Collis

Agent: none

Map and Tax lot(s): 18-03-30, #1500 and #1505

Acreage: 19.5 acres

Current Zoning: RR-10 (Rural Residential)

Date Property Acquired: March 25, 1974

Date claim submitted: January 3, 2006

180-day deadline: September 1, 2006 (timeline waiver request)

Land Use Regulations in Effect at Date of Acquisition: RA (Suburban Residential)

Restrictive County land use regulation: Minimum parcel size of ten acres in the RR-10 (Rural Residential) zone (LC 16.290).

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 Julie A. Collis. Julie A. Collis acquired an interest in the property on March 25, 1974, when it was zoned RA (suburban Residential). Currently, the property is zoned RR-10.

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

The property was zoned RA (suburban Residential) which allowed minimum lot sizes of 1 acre when it was acquired by the current owner. The minimum lot size in the RR-10 zone prevent the current owner from developing the property as could have been allowed when she 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.

On April 13, 2006, a letter was mailed to the applicant stating that her Measure 37 claim was incomplete. As of the date of this report, no additional information has been submitted to Lane County.

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 and the claimant has not paid the processing fee.

RECOMMENDATION

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