

Memo Date: April 25, 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 (PA06-7251, Larsen)

BACKGROUND

Applicant: Kenneth M. Larsen

Current Owners: Kenneth M. and Barbara A. Larsen

Agent: none

Map and Tax lot: 17-04-18, #2600

Acreage: approximately 13 acres

Current Zoning: E40 (Exclusive Farm Use)

Date Property Acquired: April 13, 1988 (WD #9893959)

Date claim submitted: December 1, 2006

180-day deadline: May 30, 2007

Land Use Regulations in Effect at Date of Acquisition: FF-20 (Farm-Forestland)

Restrictive County land use regulation: Minimum parcel size of forty acres and limitations on new dwellings in the E40 (Exclusive Farm Use) zone (LC 16.212).

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 Kenneth and Barbara Larsen. The Larsen family acquired an interest in the property on April 13, 1988, when it was zoned FF20 (WD # 9893959). Fred Long is listed as a trustee in the application. The lot book report states that pending bankruptcy proceedings begun in 2005 were confirmed. 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 property was zoned FF20 when it was acquired by Kenneth Larsen. The applicant states the minimum lot size and limitations on new dwellings in the E40 zone prevent them from developing the property as could have been allowed when they acquired it. The alleged reduction in fair market value is \$205,000. The basis for this determination is not provided.

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 appear to be exempt regulations, but they can not be waived for the current owner. The minimum lot size when the current owner purchased the property is larger than the acreage owned by the applicant. The claimant has not identified any other restrictive land use regulations that 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.