

Supplemental Memo

Memo Date: May1, 2007

Order Date: May 15, 2007 (Continued from April 10, 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 (PA06-7333, Montgomery)

BACKGROUND

Applicant: Alan, Bruce and Laura Montgomery

Current Owner: Alan, Bruce and Laura Montgomery

Agent: Ron Funke

Map and Tax lot: 19-12-25, #200, #299, #300, #700 and #1400

Acreage: 325 acres

Current Zoning: F-2 (Impacted Forest Land)

Date Property Acquired: Bruce and Alan acquired #200, #299, #300 and #1400 on December 23, 1999 (WD 2000-000583). Laura acquired #700 on August 25, 2000 (WD 2000-050665).

Date claim submitted: December 4, 2006

180-day deadline: June 2, 2007

Land Use Regulations in Effect at Date of Acquisition: F-2 (Impacted Forest)

Restrictive County land use regulation: Limitations on parks, campgrounds and destination resorts in the F-2 (Impacted Forest Land) zone (LC 16.211).

This claim was originally heard on April 10, 2007. The Board continued the discussion of this claim to the May 15, 2007 public hearing in order to allow the claimants time to submit additional information and have the Board reconsider the recommendation. The Board requested all new information to be submitted to Lane County by April 24, 2007.

ANALYSIS

The current owners are Alan, Bruce and Laura Montgomery. They acquired the subject properties in 1999 and 2000 when they were already zoned F-2. The property was then placed in the Aurilla M. Powers Trust. Information needs to be provided that indicates who the trustees and beneficiaries are, and if the trust is revocable. Currently the property is zoned F-2.

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

The property was zoned F-2 when it was acquired by the current owners. The claimants has provided a value reduction analysis alleging a claim of \$31,337,813, but has not related the analysis to the restrictive land use regulations. The claimant has not provided a competent form of value reduction analysis. The County Administrator has not waived the appraisal requirement for this claim.

3. The restrictive land use regulation is not an exempt regulation as defined in LC 2.710.

The applicant has not identified the restrictive land use regulation that has caused a reduction in the fair market value of the property.

CONCLUSION

There is insufficient evidence to determine the validity of this claim.

RECOMMENDATION

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