



## **Supplemental Memo**

**Memo Date:** May 1, 2007

**Order Date:** May 15, 2007 (Continued from April 10<sup>th</sup>)

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**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 (PA06-7332, Warner)

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### **BACKGROUND**

**Applicant:** Michael Warner

**Current Owner:** Michael Warner and Clara Shoemaker

**Agent:** Ron Funke

**Map and Tax lot:** 17-06-22, #2200

**Acreage:** 6 acres

**Current Zoning:** RR-5 (Rural Residential)

**Date Property Acquired:** April 1, 1985 (WD 8518421) Michael Warner

June 26, 1997, (BSD 9744735) Clara Shoemaker

**Date claim submitted:** December 4, 2006

**180-day deadline:** June 2, 2007

**Land Use Regulations in Effect at Date of Acquisition:** RR-5 (Rural Residential)

**Restrictive County land use regulation:** Minimum parcel size of five acres in the RR-5 (Rural Residential) zone (LC 16.290).

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 to demonstrate continuous ownership and have the Board reconsider the recommendation. The Board requested all new information to be submitted to Lane County by April 24, 2007.

## **ANALYSIS**

On April 24, 2007, supplemental evidence was submitted into the record by the claimant. No title report was provided to establish continuous ownership. The evidence submitted supports the earlier conclusion that Michael Warner acquired the property from CUS, Inc. on April 1, 1985 (WD 8518421) when the property was zoned RR-5. Clara Shoemaker acquired an interest in the property on June 26, 1997, when it was zoned RR-5 (BSD 9744735). Currently, the property is zoned RR-5.

It has not been shown that the current RR-5 land use regulations have had the effect of reducing the fair market value of the property since the current owners acquired an interest in the property.

## **CONCLUSION**

It appears this is not a valid claim.

## **RECOMMENDATION**

The minimum lot size restrictions were applicable when Michael Warner and Clara Shoemaker acquired the property in 1985 and 1997, respectively.

If additional information is not submitted at the continued hearing on May 15<sup>th</sup>, 2007, the County Administrator recommends the Board direct him to deny the claim.