

Memo Date: May 1, 2007
Hearing Date: May 22, 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 (PA06-7290, Cowger)

BACKGROUND

Applicant: Robert and Elnora Cowger

Current Owner: Robert and Elnora Cowger

Agent: none

Map and Tax lot(s): 18-02-20, #1600

Acreage: 5.9 acres

Current Zoning: RR-5 (Rural Residential)

Date Property Acquired: March 30, 1972 (LSC #?????)

Date claim submitted: December 1, 2007

180-day deadline: May 30, 2007

Land Use Regulations in Effect at Date of Acquisition: AGT (Agriculture, Grazing, Timberland)

Restrictive County land use regulation: Minimum parcel size of five acres in the RR-5 (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 owners are Robert and Elnora Cowger. Robert and Elnora Cowger acquired an interest in the property on March 30, 1972, when it was zoned AGT. Currently, the property is zoned RR-5.

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

The property was zoned AGT when it was acquired by the current owners. The minimum lot size in the RR-5 zone prevent the current owners from developing the property as could have been allowed when they 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.

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.

RECOMMENDATION

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