

Memo Date: May 2, 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 (PA06-7274 First Baptist)

BACKGROUND

Applicant: First Baptist Church

Current Owner: First Baptist Church

Agent: Bill Kloos

Map and Tax lots: 17-03-04, #1500; 17-03-09, #600, 603, & 604

Acreage: approximately 227 acres

Current Zoning: tax lots 1500 & 600 - E30 (Exclusive Farm Use); outside UGB

Date Property Acquired: March 31, 1965 (WD # 98536)

Date claim submitted: December 1, 2006

180-day deadline: May 30, 2007

Land Use Regulations in Effect at Date of Acquisition: AGT (Agriculture, Grazing, Timberland) on tax lots #1500 & 600

Restrictive County land use regulation: Minimum parcel size of thirty acres and limitations on new dwellings in the E30 (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 owner is the First Baptist Church of Eugene. The Church acquired an interest in the property on March 31, 1965 (WD #98536), when it was zoned AGT. Currently, tax lots #1500 and the portion of tax lot 600 outside the Eugene-Springfield Metro UGB are zoned E30. The southern portion of tax lot #600 is inside the Metro UGB, and tax lots #603 and #604 are entirely within the Eugene City Limits.

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

Tax lots #1500 & #600 were zoned AGT when the property was acquired by the First Baptist Church. The minimum lot size and limitations on new dwellings in the E30 zone prevent the Church from developing the property as could have been allowed when it was acquired.

The applicant has alleged a reduction in the fair market value of the E30 zoned property of \$20,880,000. This figure is based on a Comparative Market Analysis of bare land on a per-acre basis. The CMA assigns the value of vacant land under different zoning designations, and does not distinguish any difference in value between rural land outside the city and land developed with urban services located inside the city limits and UGB. This information does not appear to address the concerns regarding the potential value of the property in rural uses compared to the value of urbanizing land. No analysis addressing the value of the whole property in relation to the portion inside the UGB and/or the city limits is provided by the applicant.

This claim was filed with multiple jurisdictions because the property lies within the Eugene-Springfield Metro Plan Boundary, partially outside the UGB, partially inside the UGB and within the Eugene city limits. The City of Eugene has a role to play in determining the valuation of the urban land value within the city and UGB. The city has put the claim on hold to allow for more time in performing that analysis. Without that analysis it is difficult to reach a conclusion on the rest of the property.

The applicant is also claiming that the following have restricted the use of the subject property:

The Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) and associated refinement plans; including the Willakenzie Area Plan, Eugene-Springfield Transportation Systems Plan (2001), and the Comprehensive Stormwater Management Plan. Also studies and reports such as Goal 5 studies, Residential Land and Housing Study and the PFSP Technical Background Report, and associated implementing regulations and standards. – No evidence has been provided that shows how these regulations have lowered the fair market value or restricted the use of the property.

LC10.100-10, 23, 30, 40, & 95 – These provisions apply to those EFU (Exclusive Farm Use District) zoned properties within the Urban Growth Boundaries of a city. - No evidence has been provided that demonstrates how these regulations have lowered the fair market value of the property.

LC13.050 (1), (2), (5), (12) – These provisions apply to subdivision and partitioning of property. No evidence has been provided that demonstrates how these regulations have lowered the fair market value of the property.

LC15.045 (1), 15.070, 15.080, 15.137 & 15.138 – These provisions apply to road and driveway approach spacing standards and building setbacks from roads. No evidence has been provided that demonstrates how these regulations have lowered the fair market value of the property.

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 in the E30 zone do not appear to be exempt regulations.

CONCLUSION

It appears this could be a valid claim. The City of Eugene has a role to play in reviewing and determining the adequacy of the valuation analysis of the urban land value within the city and urban growth boundary. The Board will need to determine the adequacy of information after the City conducts analysis of the effect of land use regulation on the value of the property within the urban growth boundary and city.

RECOMMENDATION

The County Administrator recommends the Board continue this claim and hold off on a conclusion until the city of Eugene has completed its analysis of the basis for valuation reduction in the urban area of the claim.