

**Memo Date:** May 2, 2007  
**Hearing Date:** May 22, 2007



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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 (PA06-7138 McBee)

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## **BACKGROUND**

**Applicant:** William D. McBee

**Current Owner:** William D. McBee

**Agent:** N/A

**Map and Tax lots:** 18-04-08, tax lots 203 and 210

**Acreage:** approximately 31 acres

**Current Zoning:** F2 Impacted Forest Land

**Date Property Acquired:** Unknown

**Date claim submitted:** November 29, 2006

**180-day deadline:** May 28, 2007

**Land Use Regulations in Effect at Date of Acquisition:** Unknown

**Restrictive County land use regulation:** Minimum parcel size of eighty acres and limitations on new dwellings in the F2 (Impacted Forest Land) zone (LC 16.211).

## **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**

On February 1, 2007, LMD reviewed the claimant's submittal and found it did not include:

- documentation of when the two tax lots were acquired by William D. McBee;
- what the original zoning was when the applicant acquired the properties;
- who the current owner(s) is;
- documentation of the reduction in fair market value;
- a claim for compensation; or
- a request for waiver of restrictive regulations, if any.

On March 21, 2007, the applicant submitted pages 2, 3, 4 and 5 of a "land sales contract". The first page and any additional pages following page 5 were not submitted. The sellers/grantors, buyers/grantees, subject property description, date of conveyance, and recording date and data were not included in the four-page submittal.

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

No information in the record to determine the date of original ownership and zoning.

No appraisal or comparative market analysis in the record to substantiate a reduction in fair market value.

**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 current F2 zone do not appear to be exempt regulations.

The claimant has not identified any 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.