

Memo Date: March 14, 2007
Order Date: April 3, 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 (PA06-7125, Edgemon)

BACKGROUND

Applicant: Robert L. and Roberta C. Edgemon

Current Owner: Robert L. and Roberta C. Edgemon

Agent: Sheryl Balthrop

Map and Tax lot: 17-02-04, #1000

Acreage: 27 acres

Current Zoning: E-40 (Exclusive Farm Use)

Date Property Acquired: November 3, 1967, Robert L. Edgemon (WD 7636009)
November 19, 1993 by Roberta C. Edgemon (DOT 1899)

Date claim submitted: November 29, 2006

180-day deadline: May 28, 2007

Land Use Regulations in Effect at Date of Acquisition: unzoned

Restrictive County land use regulation: Minimum parcel size of forty acres and limitations on new dwellings in the E-40 (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 owners are Robert L. and Roberta C. Edgemon. Robert L. Edgemon acquired his interest in the property on November 6, 1967, when the property was unzoned. Roberta C. Edgemon acquired her interest in the property on November 19, 1993, when the property was zoned E-40 (Exclusive Farm Use). Currently, the property is zoned E-40.

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

The property was unzoned when it was acquired by Robert L. Edgemon. The minimum lot size and limitations on new dwellings in the E-40 zone prevent Robert L. Edgemon from developing the property as could have been allowed when he acquired it. The property is currently the same zoning as it was when Roberta C. Edgemon acquired an interest in the property. The claimant has not provided any competent analysis of value reduction as a result of the land use regulation. The County Administrator has not waived the appraisal requirement.

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

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.