

**Memo Date:** March 14, 2007  
**Order Date:** April 3, 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 (PA06-7327, Glover)

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**BACKGROUND**

**Applicant:** Merle and Adele Glover  
**Current Owner:** Merle and Adele Glover  
**Agent:** Ron Funke  
**Map and Tax lot:** 16-05-14, #800  
**Acreage:** 5 acres  
**Current Zoning:** RR-5 (Rural Residential)  
**Date Property Acquired:** November 2, 1968 (WD 8300015)  
**Date claim submitted:** December 4, 2006  
**180-day deadline:** June 2, 2007  
**Land Use Regulations in Effect at Date of Acquisition:** None  
**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 Merle and Adele Glover. Merle and Adele Glover acquired an interest in the property on November 2, 1968, when it was unzoned. 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 unzoned when it was acquired by Merle and Adele Glover. The minimum lot size in the RR-5 zone prevent Merle and Adele Glover from developing the property as could have been allowed when they acquired it. The applicant has not provided an analysis of the reduction of fair market value as a result of the land use regulations that have been applied to the property since it was acquired. The County Administrator has not waived the appraisal requirement for this claim.

**3. The restrictive land use regulation is not an exempt regulation as defined in LC 2.710.**

The minimum lot size restriction does not appear to be an exempt regulation.

**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.