

**Memo Date:** March 12, 2007  
**Hearing 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 (PA 06-7119, Grant)

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**BACKGROUND**

**Applicant:** Beverly Grant

**Current Owner:** Grant Farm LLC, an Oregon Limited Liability Company

**Agent:** Thomas Poage, Poage Engineering

**Map and Tax lot(s):** 17-01-28, tax lot 600

**Acreage:** 58.6 acres

**Current Zoning:** E30 (Exclusive Farm Use)

**Date Property Acquired:** Beverly J. Grant: June 22, 1976 (Warranty Deed, Reel 800R, Rec. No. 76-31829  
Grant Farm LLC: December 28, 1998 (Bargain and Sale Deed, Reel 2499R, Rec. No. 98100081).

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

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

**Land Use Regulations in Effect at Date of Acquisition:**  
Beverly J. Grant: Unzoned  
Grant Farm LLC: E30 (Exclusive Farm Use)

**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 Grant Farm LLC, an Oregon Limited Liability Company. Grant Farm LLC acquired the property by Bargain and Sale Deed on December 28, 1998 (Reel 2499R, Rec. No. 98100081). Article 2 of the Grant Farm LLC’s Articles of Organization (filed with the Oregon Secretary of State on December 14, 1998) declare the “Duration shall be perpetual.” and the registered agent is “Laurence E. Thorp”. When Grant Farm LLC acquired the property in 1998, the property was zoned E30, Exclusive Farm Use. Currently, the property is zoned E30.

The record does not include evidence on whether or not Beverly Grant maintains any ownership interest in the Grant Farm LLC. If so, then the date she acquired the property (1976), is the date to base the alleged reduction in value.

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

The property was zoned E30 Exclusive Farm Use when it was acquired by the current owner, Grant Farm LLC. The alleged reduction in fair market value is \$3,290,962, based on the submitted appraisal assuming that Beverly Grant maintained some ownership in the LLC.

Because the minimum lot size and dwelling restrictions were applicable when the current owner, Grant Farm LLC, acquired the property, these regulations can not be waived.

**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. However, they can not be waived for the current owner.

**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.