



Memo Date: March 21, 2007
Hearing 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 (PA06-7106, Lamb1)

BACKGROUND

Applicant: Doris Morin-Lamb
Current Owner: Doris Morin-Lamb
Agent: none
Map and Tax lot: 18-06-01, tax lot #2100
Acreage: approximately 60 acres
Current Zoning: F2 (Impacted Forest Land)
Date Property Acquired: April 2, 1959 (WD # 64217)
Date claim submitted: November 28, 2006
180-day deadline: May 27, 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 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

The current owner is Doris Morin-Lamb. She acquired an interest in the property on April 2, 1959, when it was unzoned (WD #64217). Currently, the property is zoned F2.

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 the current owner. The minimum lot size and limitations on new dwellings in the F2 zone prevent the current owner from developing the property as could have been allowed when she acquired it. The applicant declined to submit an appraisal. Instead, she requests a waiver to what could be done with her property before LCDC and F2. No documentation of value reduction determination was included in the application, and the County Administrator has not waived the requirement of an appraisal.

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. The claimant has not identified any other restrictive land use regulations that allegedly reduce the fair market value of the property.

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.