

**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 (PA06-7328, Lassiter)

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**BACKGROUND**

**Applicant:** Myrna A. and Joseph Lassiter  
**Current Owner:** Myrna and Joseph Lassiter  
**Agent:** Bernard J. Woodard  
**Map and Tax lot:** 21-03-04, #2300 and #2301  
**Acreage:** 28 acres  
**Current Zoning:** E-40 (Exclusive Farm Use)  
**Date Property Acquired:** June 29, 1972 (Deed 6255)  
**Date claim submitted:** December 4, 2006  
**180-day deadline:** June 2, 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 Myrna A. and Joseph Lassiter. Myrna and Joseph Lassiter acquired an interest in the property on June 29, 1972, when it was unzoned and have maintained a continuous ownership interest in the property. 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 Myrna and Joseph Lassiter. The minimum lot size and limitations on new dwellings in the E-40 zone prevent the Myrna and Joseph Lassiter from developing the property as could have been allowed when they acquired it. The alleged reduction in fair market value is \$2,461,862, based on the tax assessor information and the opinion of the claimant. No competent form of value reduction analysis has been provided. 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 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.