



**Memo Date:** March 21, 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 (PA06-7115, Lone Rock2)

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**BACKGROUND**

**Applicant:** Lone Rock Timberland Co. and Richard Fohs Sohn  
**Current Owner:** Lone Rock Timberland Co.  
**Agent:** Danny L. Cawthorn  
**Map and Tax Lots:** 17-06-16, tax lots #900 and #1000; 17-06-21, #300  
**Acreage:** approximately 171 acres  
**Current Zoning:** F2 (Impacted Forest Land)  
**Date Property Acquired:** December 31, 1986 (deed # 8715774)  
**Date claim submitted:** November 29, 2006  
**180-day deadline:** May 28, 2007  
**Land Use Regulations in Effect at Date of Acquisition:** F2 (Impacted Forest)  
**Restrictive County land use regulation:** Minimum parcel size of eighty 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 the Lone Rock Timberland Co., which allegedly acquired the property in 1973 when the property was zoned AGT5 (Agriculture, Grazing, and Timber Raising) and FM (Forest Management). Currently, the property is zoned F2 (Impacted Forest Land).

Ownership of this property between 1973 and 2006, was conveyed in the following manner.

- Sun Studs, Inc. acquired the property on March 26, 1973 by Warranty Deed #631R/13592 from George L. Zellner and Emily Zellner;
- Crooked River Properties acquired the property on April 1, 1984 by Warranty Deed 1291R/8412505 from Sun Studs, Inc.
- Merger of Crooked River Properties, Inc., Green Butte Timber Co., Lone Rock Timber Co. and Juniper Investments, Inc. into Sun Holding Co., Inc. occurred on December 31, 1986; Sun Holding Co., Inc. changed to Lone Rock Timber Co.
- Lone Rock Timber Co. changed its name to Lone Rock Timberland Co. on November 28, 2003, according to Oregon Secretary of State's Business Registry.

The claimant, Richard Fohs Sohn, is a stockholder in Lone Rock Timber Co., and does not have an ownership interest in the property.

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

The property was zoned F2 (Impacted Forest) when it was acquired by the current owner in 1986. The current minimum lot size and limitations on new dwellings in the F2 zone were applicable when the current owner acquired the property. The alleged reduction in fair market value is \$7,032,147, based on the submitted comparative market analysis. However, this evidence assumes the property can be divided into lots as small as five acres, which could not be done in 1986.

## **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 in the F2 zone appear to be exempt regulations because they applied when the current owner acquired the property.

## **CONCLUSION**

It appears this is not a valid claim for Lone Rock Timberland Co. or Richard Sohn.

## **RECOMMENDATION**

The County Administrator recommends the Board direct him to deny the claim.