

Memo Date: March 13, 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 (PA06-7116, Lone Rock3)

BACKGROUND

Applicant: Lone Rock Timberland Co. and Richard Fohs Sohn
Current Owner: Lone Rock Timberland Co.
Agent: Danny L. Cawthon
Map and Tax Lots: 20-03-24, tax lot 100
Acreage: 320 acres
Current Zoning: F1 (Nonimpacted Forest Land)
Date Property Acquired: July 13, 2004 (Bargain and Sale Deed, Reception No, 2004-053481)
Date claim submitted: November 29, 2006
180-day deadline: May 28, 2007
Land Use Regulations in Effect at Date of Acquisition: F1 (Nonimpacted Forest Land)
Restrictive County land use regulation: Minimum parcel size of eighty acres and limitations on new dwellings in the F1 (Nonimpacted Forest Land) zone (LC 16.210).

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 claimant, Lone Rock Timberland Co., who acquired the property in 2004 when the property was zoned F1 (Nonimpacted Forest Land). The property is currently zoned F1 (Nonimpacted Forest Land).

Ownership of this property between 1974 and 2004, was conveyed in the following manner:

- Title to the property was acquired by Lone Rock Timberland Co., by Bargain and Sale Deed recorded July 13, 2004, Reception No, 2004-053481, from Umpqua Growth Limited Partnership;
- Umpqua Growth Limited Partnership acquired title by Quitclaim Deed recorded December 29, 1989, Reception No. 89-59196, from Lone Rock Timber Co., an Oregon Corporation, successor by merger to Crooked River Properties, Inc., an Oregon Corporation, on December 31, 1986;
- Crooked River Properties, Inc., acquired title by Warranty Deed recorded April 4, 1984, Reception No. 84-12505, from Sun Studs, Inc, an Oregon Corporation;
- Sun Studs, Inc., acquired title by Warranty Deed recorded July 29, 1974, from William P. Keen.

One of the claimants, Richard Fohs Sohn, is a stockholder in Lone Rock Timberland 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 F1 Nonimpacted Forest Land when it was acquired by the current owner, Lone Rock Timberland Co. in 2004. The applicant has not identified any restrictive regulations enacted since the current owner acquired the property. Specifically, the current minimum lot size and dwelling restrictions were applicable in 2004. This CMA does not demonstrate a reduction in value because it assumes the minimum lot size and dwelling restrictions were not applicable when the current owner acquired the property.

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

The applicant has not identified any restrictive regulations enacted since the current owner acquired the property and the current minimum lot size and dwelling restrictions of the F1 zone would appear to be exempt regulations.

CONCLUSION

It appears this is not a valid claim for Lone Rock Timberland Company or Rick Sohn.

RECOMMENDATION

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