

**Memo Date:** March 13, 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 06-7121, Rankin)

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**BACKGROUND**

**Applicant:** Eilene (Rankin) Abston-Miller and F. Elaine Rankin

**Current Owner:** P. Eilene Abston-Miller (Rankin) 2/3 interest and F. Elaine Rankin 1/3 interest.

**Agent:** N/A

**Map and Tax lot(s):** 19-03-21, tax lot 202

**Acreage:** 49.62 acres

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

**Date Property Acquired:** F. Elaine Rankin: April 26, 1962 (Purchase Statement)  
P. Eilene Abston-Miller: December 29, 1976  
(Warranty Deed, 827R, 7669166)

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

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

**Land Use Regulations in Effect at Date of Acquisition:**  
F. Elaine Rankin (April 26, 1962): unzoned; and  
P. Eilene Abston-Miller (December 29, 1976): GR-10 (LC 10.108)

**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 owners are F. Elaine Rankin and P. Eilene Abston-Miller.

F. Elaine Rankin acquired an interest in the property on April 26, 1962 (Purchase Statement) when the property was unzoned;

P. Eilene Abston-Miller acquired an interest in the property on December 29, 1976 (Warranty Deed, 827R, 7669166) when the property was zoned General Rural District (GR-10)

Currently, the property is zoned E30.

**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 F. Elaine Rankin and was zoned GR10 when it was acquired by P. Eilene Abston-Miller, the current owners. The minimum lot size and limitations on new dwellings in the E30 zone prevent the current owners from developing the property as could have been allowed when they acquired it.

The claimant's have not presented any documentation in support of an alleged reduction in fair market resulting from the current zoning designation and the county Administrator has not waived the requirement for 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. However, the claimants have not identified any reduction in fair market value of the property or documented any specific amount of compensation resulting from the more restrictive, current, land use 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.