

Memo Date: March 12, 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 (PA06-7101, Willie)

BACKGROUND

Applicant: Britta Belle Willie

Current Owner: The Britta Belle Willie Revocable Trust

Agent: Norman Waterbury

Map and Tax lot(s): 19-03-23-6100

Acreage: Approximately 72 acres

Current Zoning: E30 (Exclusive farm Use), /FP (Floodplain Combining Zone)

Date Property Acquired: February 7, 1966 property acquired by Britta Belle Willie (B&SD #55511)

August 23, 1995 Property transferred to The Britta Willie Trust (WD #9546953)

Date claim submitted: November 29, 2006

180-day deadline: May 28, 2007

Land Use Regulations in Effect at Date of Acquisition: Unzoned;

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 owner of the subject property is The Britta Belle Willie Trust. Britta Belle Willie acquired an interest in the property on February 7, 1966, when it was unzoned (B&SD #55511). Currently, the property is zoned E30.

On August 23 1995, the property was placed into a Trust (WD #9546953). The applicant has provided an amended Trust Agreement, dated February 20, 2007, but has failed to provide the original trust documents to demonstrate that the Trust was revocable when it was established, therefore, the ownership interest of Britta Belle Willie is unknown.

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 Britta Belle Willie on February 7, 1966. The minimum lot size and limitations on new dwellings in the E30 zone prevent the current owner from developing the property as could have been allowed in 1966. The alleged reduction in fair market value of the property is \$2,420,000, based on the submitted appraisal.

The applicant is also claiming that the following sections of Lane Code have restricted the use of the subject property:

LC10.104-15, (1) a, b, c, (2) a, b, – These provisions only apply to those F2 (Forest Land District) zoned properties within the Urban Growth Boundaries of a city and are not applicable to the subject property.

LC10.100-10, 30 & 40– These provisions only apply to those EFU (Exclusive Farm Use District) zoned properties within the Urban Growth Boundaries of a city and are not applicable to the subject property.

LC13.050 – These provisions apply to subdivision and partitioning of property. No evidence has been provided that demonstrates how these regulations have lowered the fair market value of the property.

LC15.070, 15.080, 15.137 & 15.138 – These provisions apply to road and driveway approach spacing standards and building setbacks from roads. No evidence has been provided that demonstrates how these regulations have lowered the fair market value of the property.

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 regulations found within the /FP (Floodplain Combining Zone) of LC16.244 are exempt regulations as defined by LC 2.710 (2) and cannot be waived.

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.