

T. B. a



Memorandum Date: December 6, 2006
Order Date: December 12, 2006

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 (PA06-6148, PETERSEN)

I. MOTION

Move to approve the Measure 37 Claim and adopt the order attached to this memo.

II. AGENDA ITEM SUMMARY

Shall the Board of County Commissioners compensate an applicant under Ballot Measure 37 and LC 2.700 through 2.770 for the reduction in fair market value of the affected property interest resulting from enactment or enforcement of restrictive land use regulations or modify, remove, or discontinue application of those land use regulations to the subject property to allow the Alan and Leroy Petersen to use the property as allowed at the time they acquired an interest in the property?

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Applicant: Alan and Leroy Petersen

Current Owner: Petersen Brothers LLC

Agent: Steve Cornacchia

Map and Tax lots: 17-02 #2000 and 17-02-22 #200

Acreage: 502 acres

Current Zoning: F1 (Non-Impacted Forest), F2 (Impacted Forest), E30

(Exclusive Farm Use)

Date Property Acquired: Petersen Bros. LLC acquired an interest in the property on December 4, 1997 (Bargain and Sale Deed #9784726).

Date claim submitted: June 28, 2006. The 180-day processing deadline is December 25, 2006.

Land Use Regulations in Effect at Date of Acquisition: When the Petersen Bros. LLC acquired an interest in the property, it was zoned F1 (Non-Impacted Forest), F2 (Impacted Forest) and E30 (Exclusive Farm Use).

County land use regulations which restrict the use and reduce the fair market value of claimant's property: Minimum parcel size and restrictions on new dwellings in the F1 (Non-Impacted Forest), LC 16.210, F2 (Impacted Forest) zone, LC 16.211 and E30 (Exclusive Farm Use), LC 16.212.

B. Policy Issues

As directed by the Board on March 21, 2006, a claimant must submit reasonable and competent evidence of a reduction in fair market value from a land use regulation. An appraisal is not required, but an analysis of the tax values is not adequate. This claimant has submitted a Comparative Market Analysis prepared by a real estate broker. Because of this, the County Administrator has waived the requirement for an appraisal. If the Board determines the submitted evidence is not reasonable or competent, the Board has the authority to require an appraisal.

C. Board Goals

The public hearing will provide an opportunity for citizen participation in decision making, in conformance with the overall goals of the Lane County Strategic Plan.

D. Financial and/or Resource Considerations

The applicant has requested compensation in the amount of \$11,045,000 or a waiver of the land use regulations that prohibit the division of the property into lots below the minimum lot size and construction of a dwelling on each lot.

E. Analysis

The applicants have submitted information in support of this claim including a comparative market analysis prepared by a real estate broker, deeds and the processing fee. The property contains approximately 502 acres and is zoned F1, F2 and E30. In the F1 and F2 zones, the minimum lot size is 80 acres. In the E30 zone, the minimum lot size is 30 acres. New dwellings require a special use permit in the F2 and E30 zone but are not allowed in the F1 zone. The applicants wish to subdivide the property into lots that contain less than 30 acres and place a dwelling on each lot.

The applicants are Alan and Leroy Petersen. They acquired the property on March 9, 1954 (Warranty Deed #80472). On that date, the property was unzoned. On December 18, 1980, they conveyed the property to the O. Petersen & Sons Land Co. (Bargain and Sale Deed #8065652). The applicants have stated they had an ownership interest in that company, but they have not submitted any other evidence in support of that claim. On December 4, 1997, the property was conveyed to the current owner, Petersen Bros. LLC, (Bargain and Sale Deed #9784726).

It appears that the current owner acquired an interest in the property in 1997. On that date, the property was zoned F1, F2 and E30 and the minimum lot size and dwelling restrictions were applicable.

It appears this is a valid claim if Leroy and Alan Petersen held an ownership interest in the O. Petersen & Sons Co. This memo and the attached order assume the applicants will provide this evidence at the hearing. If this evidence is provided, then the restrictive regulations can be waived to December 4, 1997, for the Petersen Bros. LLC.

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
2. The restrictive land use regulation has the effect of reducing the fair market value of the property, and
3. The restrictive land use regulation is not an exempt regulation as defined in LC 2.710.

Restrictive Regulations

Petersen Brothers LLC. acquired an interest in the property in 1997. On that date the property was zoned E30, F1 and F2 and the zoning has not changed. In the F1 and F2 zones, the minimum lot size is 80 acres. In the E30 zone, the minimum lot size is 30 acres. New dwellings require a special use permit in the F2 and E30 zone but are not allowed in the F1 zone. The applicant wishes to subdivide the property into lots that contain less than 30 acres and place a dwelling on each lot. Because the minimum lot size and dwelling restrictions were applicable when the current owner acquired an interest in the property,

Reduction in Fair Market Value

The applicants have submitted a comparative market analysis prepared by a real estate broker. Based on this evidence, the applicants allege a reduction in fair market value of \$11,045,000. The property was unzoned when Leroy and Alan Petersen acquired an interest in 1954. The property was conveyed to the O. Petersen & Sons Co. in 1980 and then to the Petersen Bros. LLC in 1997. If the applicants had an ownership interest in each of those entities, they are allowed to demonstrate a reduction in fair market value from the date they first acquired the property (1954). If so, it would appear there has been a reduction in fair market value resulting from enforcement of a restrictive land use regulation.

Exempt Regulations

The F1, F2 and E30 limitations on new dwellings and the minimum parcel size requirements do not appear to be exempt regulations described in Measure 37 or LC 2.710. However, these regulations were applicable when the current owner acquired the property. Only the restrictive regulations enacted after the current owners acquired the property can be waived.

Conclusion

It appears this is a valid claim if the Board determines:

1. The submitted evidence demonstrates a reduction in fair market value resulting from enforcement of a restrictive land use regulation, and
2. The applicants submit evidence that demonstrates they had an ownership interest in the O. Petersen & Sons Co.

F. Alternatives/Options

The Board has these options:

- Determine the application appears valid and adopt the order attached to this report.
- Require more information regarding the reduction in value or ownership.
- Conclude the application is not a valid claim and direct the issuance of a final written decision by the County Administrator denying the Claim.

V. TIMING/IMPLEMENTATION

If the Board determines this is a valid claim and waives a land use regulation, the claimant must receive a similar waiver from the state before a land use application and/or development proposal is submitted.

VI. RECOMMENDATION

If the Board determines the submitted evidence demonstrates a reduction in fair market value from enforcement of a restrictive land use regulation, the County Administrator recommends the Board waive the restrictive land use regulations.

VII. FOLLOW-UP

If an order is adopted, it will be recorded.

VII. **ATTACHMENTS**

This cover memo prepared for the Board hearing does not contain the entire submittal. The entire submittal is contained in a notebook labeled "PA06-6148", available in the County Commissioners Office. The portions of the submittal included with this memo are identified below:

- Draft order to approve the claim of Leroy and Alan Petersen.
- Vicinity Map.
- Cover letter.
- Comparative Market Analysis.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY,
OREGON**

ORDER No.) 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 (Petersen Bros. LLC/PA06-6148).

WHEREAS, the voters of the State of Oregon passed Ballot Measure 37 on November 2, 2004, which added provisions to Oregon Revised Statutes (ORS) Chapter 197 to require, under certain circumstances, payment to landowner if a government land use regulation restricts the use of private real property and has the effect of reducing the property value; and

WHEREAS, the Board of County Commissioners of Lane County enacted Ordinance No. 18-04 on December 1, 2004, to establish a real property compensation claim application process in LC 2.700 through 2.770 for Ballot Measure 37 claims; and

WHEREAS, the County Administrator has reviewed an application for a Measure 37 claim submitted by Leroy and Alan Petersen (PA06-6148), on behalf of the Petersen Bros. LLC, the owner of real property described in the records of the Lane County Assessor as map17-02 tax lot #2000 and 17-02-22 tax lot #200, consisting of approximately 502 acres in Lane County, Oregon; and

WHEREAS, the County Administrator has determined that the application appears to meet all of the criteria of LC 2.740(1)(a)-(d), appears to be eligible for just compensation and appears to require modification, removal or not applying the restrictive land use regulations in lieu of payment of just compensation and has referred the application to the Board for public hearing and confirmation that the application qualifies for further action under Measure 37 and LC 2.700 through 2.770; and

WHEREAS, the County Administrator has determined under LC 2.740(4) that modification, removal or not applying the restrictive land use regulation is necessary to avoid owner entitlement to just compensation under Ballot Measure 37 and made that recommendation to the Board; and

WHEREAS, the Board has reviewed the evidence and confirmed the application appears to qualify for compensation under Measure 37 but Lane County has not appropriated funds for compensation for Measure 37 claims and has no funds available for this purpose; and

WHEREAS, on December 13, 2006, the Board conducted a public hearing on the Measure 37 claim (PA06-6148) of Leroy and Alan Petersen and has now determined that the restrictive F1 (Non-Impacted Forest), F2 (Impacted Forest) and E30 (Exclusive Farm Use) zone dwelling and land division requirements of LC 16.210, LC 16.211 and LC 16.212 were enforced and made applicable to prevent Leroy and Alan Petersen from developing the property as might have been allowed on March 9, 1954, the date they acquired an interest in the property, and that the public benefit from application of the current F1, F2 and E30 restrictions on new dwellings and the

minimum parcel size to the applicant's property is outweighed by the public burden of paying just compensation; and

WHEREAS, Leroy and Alan Petersen request either \$11,045,000 as compensation for the reduction in value of the property, or waiver of the restrictive land use regulations that would prevent the division of the land into lots that contain less than 30 acres and placement of a dwelling on each lot, uses that could have otherwise been allowed at the time they acquired an interest in the property; and

WHEREAS, the Board finds that under LC 2.760(3) the public interest would be better served by modifying, removing or not applying the challenged land use regulations of the F1, F2 and E30 zones to the subject property in the manner and for the reasons stated in the report and recommendation of the County Administrator incorporated here by this reference except as explicitly revised here to reflect Board deliberation and action to allow the Petersen Bros. LLC to make application for development of the subject property in a manner similar to what it could have been able to do under the regulations in effect when it acquired an interest in the property on December 4, 1997; and

WHEREAS, this matter having been fully considered by the Lane County Board of Commissioners.

NOW, THEREFORE IT IS HEREBY ORDERED that the applicants Leroy and Alan Petersen made a valid claim under Ballot Measure 37 by describing the use being sought, identifying the county land use regulations prohibiting that use, submitting evidence that those land use regulations have the effect of reducing the value of the property, showing evidence that they acquired the property before the restrictive county land use regulations were enacted or enforced and the Board hereby elects not to pay just compensation but in lieu of payment, the request of Leroy and Alan Petersen shall be granted and the restrictive provisions of LC 16.210, LC 16.211 and LC 16.212 that have been enacted since December 4, 1997, shall not apply to the Petersen Bros. LLC, so that it can make application for approval to develop the property described in the records of the Lane County Assessor as map17-02 tax lot #2000 and map17-02-22 tax lot #200, consisting of approximately 502 acres in Lane County, Oregon, in a manner consistent with the land use regulations in effect when it acquired the property on December 4, 1997.

IT IS HEREBY FURTHER ORDERED that the Petersen Bros. LLC still will need to make application and receive approval for a division of the property and placement of a dwelling under the other land use regulations applicable to dividing the land and placing a dwelling that were not specifically identified or established by Alan and Leroy Petersen as restricting the division of the land and placement of a dwelling, and it would be premature to not apply those regulations given the available evidence. To the extent necessary to effectuate the Board action to not apply the dwelling or division restrictions of the applicable zone described above, the claimant shall submit appropriate applications for review and approval of a new dwelling to show the specific development proposals and in the event additional county land use regulations result in a restriction of those uses that have the effect of reducing the fair market value of the property, the County Administrator shall have the authority to determine those restrictive county land use regulations that will not apply to that development proposal to preclude entitlement to just compensation under Measure 37, and return to the Board for action, if necessary. All other Lane

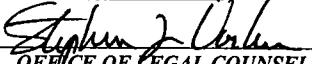
Code land use and development regulations shall remain applicable to the subject property until such time as they are shown to be restrictive and that those restrictions reduce the fair market value of the subject property.

IT IS HEREBY FURTHER ORDERED that this action making certain Lane Code provisions inapplicable to use of the property by Donald Johnson does not constitute a waiver or modification of state land use regulations and does not authorize immediate construction of a dwelling. The requirements of state law may contain specific standards regulating development of the subject property and the applicants should contact the Department of Administrative Services (DAS - State Services Division, Risk Management - Measure 37 Unit, 1225 Ferry Street SE, U160, Salem, OR 97301-4292; Telephone: (503) 373-7475; website address: <http://www.oregon.gov/DAS/Risk/M37.shtml>) and have the State of Oregon evaluate a Measure 37 claim and provide evidence of final state action before seeking county land use approval.

IT IS HEREBY FURTHER ORDERED that the other county land use regulations and rules that still apply to the property require that land use, sanitation and building permits be approved by Lane County before any development can proceed. Notice of this decision shall be recorded in the county deed records. This order shall be effective and in effect as described in LC 2.770 and Ballot Measure 37 to the extent permitted by law. This order does not resolve several questions about the effect and application of Measure 37, including the question of whether the right of applicants to divide or build dwellings can be transferred to another owner. If the ruling of the Marion County Circuit Court in *MacPherson v. Dept. of Administrative Services*, (Marion County Circ. Ct. Case No. 00C15769, October 14, 2005) or any other court decision involving Ballot Measure 37 becomes final and that decision or any subsequent court decision has application to Lane County in a manner that affects the authority of this Board to grant relief under Ballot Measure 37 and LC 2.700 through 2.770 then the validity and effectiveness of this Order shall be governed by LC 2.770 and the ruling of the court.

DATED this _____ day of _____, 2006.

Bill Dwyer, Chair
Lane County Board of County Commissioners

APPROVED AS TO FORM
Date 12-8-2006 Lane County

OFFICE OF LEGAL COUNSEL



LAND MANAGEMENT DIVISION

Measure 37 Claim Form

125 E 8th AVENUE, EUGENE OR 97401

PLANNING: 682-3807

For Office Use Only. FILE #

PA066148

CODE: PLN-M37

FEE: \$850

This completed form, supporting documentation and processing fee must be submitted to the Lane County Land Management Division for all claims subject to the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 4, 2004), to be considered for compensation under LC 2.700 through 2.770. In all cases, the applicant has the burden of demonstrating, with competent evidence, that all applicable criteria are met and the applicant would be entitled to compensation if the land use regulation continues to apply.

LOCATION

17	02	00		2000
17	02	22		200
Township	Range	Section	qtr section	Taxlot

None

Site address

Applicant (print name): Alan W. Petersen and Leroy J. Petersen

Mailing address: 39188 and 39122 Upper Camp Creek Road, Springfield, OR 97478

Phone: (541) 746-2961 and 554-6485 Email:

Applicant Signature:

Agent (print name): Hershner Hunter, LLP by Steve Cornacchia

Mailing address: 180 E. 11th Avenue, Eugene, OR 97401

Phone: (541) 585-8511

Email: scornacchia@hershnerhunter.com

Agent Signature:

Land Owner (print name): Same as applicant

Mailing address:

Phone:

Email:

Land Owner Signature:

By signing this application, the applicant, agent and landowner(s) certify the following: I (we) have completed all of the attached application requirements and certify that all statements are true and accurate to the best of my (our) knowledge and belief. I am (We are) authorized to submit this application on behalf of all those with an interest in the property and all the owners(s) agree to this claim as evidenced by the signature of those owners. (Include additional signatures as necessary.)

Entry by County or its designee upon the subject property is authorized by the owner(s) and the owner(s) consent to the application for claims under provisions added to ORS Chapter 197 by Ballot Measure 37 (November 4, 2004).

Additional land owners, lien holders, trustees, lessees or anyone with an interest in the subject property. Describe the ownership interest. Attach more pages if necessary.

<u>Leroy S. Peterson</u>	<u>Leroy S. Peterson</u>	<u>39122 Upper Camp Cr. Rd Springfield, OR 97478</u>
Name <u>Joan S. Peterson</u>	Signature <u>Joan S. Peterson</u>	Address <u>39188 Upper Camp Cr Rd. Springfield, OR 97478</u>
<u>Alan W. Peterson</u>	<u>Alan W. Peterson</u>	<u>39122 Upper Camp Cr. Rd Springfield, OR 97478</u>
Name <u>Mary L. Peterson</u>	Signature <u>Mary L. Peterson</u>	Address <u>38861 Upper Camp Cr Rd Springfield, OR 97478</u>
<u>Shirley J. Peterson</u>	<u>Shirley Peterson</u>	<u>38861 Upper Camp Cr Rd Springfield, OR 97478</u>
Name _____	Signature _____	Address _____

Submit the following documents:

- Title Report. This report must identify the current land owner(s) and the date the current land owner(s) acquired the property or an interest in the property.
- Description Card and deeds. The description card is available in the Tax Assessor's Department. Submit all the deeds listed on the card from the date the current owner acquired an interest in the property. The deeds must verify the current land owner, as listed on the Title Report, and demonstrate continuous ownership by that owner since the date of acquisition.
- If the property is in a Trust, LLC or other type of ownership, submit documentation regarding the ownership. These document must show whether the Trust, LLC or other type of ownership is revocable and identify all persons with an interest in the ownership.
- If the property was acquired through a land sale contract, identify the original land owner and each person who assumed the contract prior to the current land owner. Include the documentation that demonstrates when the contract was conveyed. Also, submit the document(s) demonstrating the contract was completed and ownership was conveyed to the current owner.
- Leases, covenants, conditions or restrictions applicable to the subject property.
- Reasonable and competent evidence of a reduction in fair market value from a land use regulation.

Current Zoning: F2 and EFU 30

Acreege: Approximately 504 total acres

When did the current land owner acquire an interest in the property? March 9, 1954

When did the family acquire an interest in the property? March 9, 1954

Current fair market value of property: \$1,330,000

Alleged reduction in fair market value: \$11,045,000

EXISTING IMPROVEMENTS Identify any existing improvements to the property such as any homes, roads, other structures, etc.

None

What relief is being sought? Are you requesting monetary compensation or a waiver of a land use regulation(s)? If a waiver is desired, what is the desired use and/or how do you want to develop the property?

Monetary Claim: _____
Waiver: Use and lot restrictions preventing residential, commercial and industrial use on parcels less than 80 acres and 30 acres in size.
Desired Use: Residential or commercial use

APPROVAL CRITERIA

Lane Code 2.740(1)

The County Administrator shall make a determination as to whether the application qualifies for Board compensation consideration. An application qualifies for compensation consideration if the applicant has shown that all of the following criteria are met:

- (a) The County has either adopted or enforced a land use regulation that restricts the use of private real property or any interest therein;
- (b) The restriction on use has the effect of reducing the fair market value of the property or any interest therein, upon which the restriction is imposed;
- (c) The challenged land use regulation was adopted, enforced or applied after the current owner of the property (the applicant) became the owner; and
- (d) The challenged regulation is not an exempt regulation as defined in LC 2.710.

Answer the following questions. Attach additional pages if necessary.

- What land use regulation(s) has been enacted since the current owner acquired the property that reduced the fair market value of the property?
- How has the identified regulation(s) reduced the fair market value of the property?
- What evidence are you providing that demonstrates the value reduction? Explain the evidence.

See attached narrative.

BALLOT MEASURE 37 CLAIM

INTRODUCTION.

The applicants, Alan W. Petersen and Leroy S. Petersen, claim that Lane County's enforcement of land use regulations that restrict the use of their property has reduced the fair market value of their property. The applicants are requesting, pursuant to the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) and Lane Code 2.700, that Lane County pay them just compensation for the reduction in the fair market value of their property resulting from those restrictions on its use. This application constitutes written demand pursuant to Section (4) of Ballot Measure 37 (2004).

In lieu of such payment of just compensation, the applicants request that Lane County waive the offending regulations, as provided hereinbelow, that prevent them from subdividing the subject property to buildable lots of less than 80 or 30 acres in size (see discussion below) and from establishing residential or commercial uses on the subject property.

The applicants obtained an interest in the subject property on March 9, 1954, and have owned an interest in the subject property continuously since that time. Lane County adopted a zoning ordinance on May 31, 1949, but did not exercise its authority to zone the subject property at that time. The subject property was not zoned, or otherwise regulated relative to use, by Lane County on March 9, 1954, the date applicants first obtained their interests in the property.

The property consists of two parcels, one (Tax Lot 200) is zoned Impacted Forest (F2) and Exclusive Farm Use (E30) and the other (Tax Lot 2000) is zoned Non-Impacted Forest (F1). That zoning, as applied by LC 16.210, 16.211, LC 16.212, will not permit land divisions below 30 acres in size (E30) and 80 acres in size (F2) for the resulting parcels on Tax Lot 200 and below 80 acres in size for the resulting parcels on Tax Lot 2000 and will not permit residential or commercial uses on the subject property except under very limited circumstances.

1.0 BACKGROUND INFORMATION.

1.1 General Site Description.

The property subject to this application consists of two parcels, cumulatively approximately 504 acres in size, and located adjacent to Camp Creek Road approximately 1 mile north of Springfield and 2.5 miles east of the intersection of Camp Creek Road and Marcola Road.

The subject property is described as Tax Lot 200 of Lane County Assessor's Map No. 17-02-22 and Tax Lot 2000 of Lane County Assessor's Map No. 17-02-00.

The subject property is undeveloped and vacant.

The subject property receives the following public services: Springfield School District No. 19(schools); Emerald Peoples Utility District (electrical power); Springfield Dept. of Fire and Life Safety (fire); Qwest (telephone); LTD (bus service); Lane County Sheriff's Department and Oregon State Police.

1.2 List of Exhibits:

- Exhibit A - Assessor's Map No.s 17-02-22 and 17-02-00
- Exhibit B - Legal Description
- Exhibit C - Lane County Application Form
- Exhibit D - Ream Warranty Deed
- Exhibit E - Deed of Conveyance to Partnership
- Exhibit F - Deed of Conveyance to Limited Liability Company
- Exhibit G - LLC Operating Agreement
- Exhibit H - Lane County Official Zoning Map Plots 470 and 469A
- Exhibit I - Ordinances No. 884 and 891
- Exhibit J - Ordinance #3
- Exhibit K - Land Use Regulation Ordinance #4
- Exhibit L - Lane County Ordinance No. 5-04
- Exhibit M - Comparable Listings/Sales of 5-Acre Parcels
- Exhibit N - Comparable Listings/Sales of 200+ Acre Parcels

2.0 APPLICABLE CRITERIA. (Lane Code 2.700 - Real Property Compensation/Regulation Application Process)

2.1 Lane Code 2.720 Application for Claim

Lane Code 2.720 (and the definition of "Owner" in LC 2.710) requires that the applicants be the present owners of the property, or any interest therein, that is the subject of the claim at the time the claim is submitted. The applicants are the present owners of the subject property as that term is defined by LC 2.710.

Lane Code 2.720 also contains the required items for a completed application as follows:

- a. **A completed application form;**

Response:

A completed Lane County application form is attached hereto as Exhibit C.

- b. **The name, mailing address, and phone number of the property owner filing the application, and of each of the other owners of the subject property and anyone with any interest in the property, including lien holders, trustees, renters, lessees, and a description of the ownership interest of each, if any, along with the signature of each of the other owners indicating consent to the application claim;**

Response:

The applicants are the owners of the subject property, as the term is defined by LC 2.710, free and clear of all encumbrances. The names, mailing addresses and phone numbers of the applicants are: Alan W. Petersen, 39188 Upper Camp Creek Road, Springfield, OR 97478, (541) 746 2961, and Leroy S. Petersen, 39122 Upper Camp Creek Road, Springfield, OR 97478,

(541) 554 6485. The applicants' names, mailing addresses and phone numbers are also provided in the Lane County application form attached hereto. The applicants have signed the application form attached hereto as Exhibit C.

The applicants remain owners of the subject property. The applicants obtained their interest in the subject property on March 9, 1954. On that date, they obtained their interests in the subject property from Norman E. Ream and Edith M. Ream. On that date, Mr. and Mrs. Ream conveyed the fee interest in the subject property to the applicants by Warranty Deed. A copy of the Ream deed to the applicant is attached as Exhibit D.

On December 18, 1980, the applicants conveyed their interest in the property to O. Petersen & Sons Co., a partnership of the applicants, their spouses and other family members. Following that conveyance the applicants continue to own the beneficial interest in the subject property. That conveyance does not cause a break in the applicants' ownership of interests in the subject property. A copy of the conveyance deed is attached at Exhibit E.

Under Oregon law, partnerships are considered the sole legal owners of property. However, this merely refers to legal title to the property and not to the greater claim of right the partner has to the property. Both the measure and Lane Code 2.720 Lane Code 2.720 (and the definition of "Owner" in LC 2.710) requires that applicants be the present owners of the subject property, or **any interest therein**, that is the subject of the claim at the time the claim is submitted. The Oregon Supreme Court has characterized "[t]he interest of a partner in the firm assets [as] the share to which he is entitled after claims against the firm are satisfied and equities and account, as between partners, [are] adjusted." *Claude v. Claude*, 191 Or 308, 330 (1951). While the courts have never put a particular name to that ownership interest, they acknowledge that partners do hold some sort of interest in the entity property. That is why the courts allow a partner to relinquish his rights in partnership property to his other partners. *Shinn v. Vaughn*, 83 Or App 251, 255 (1986). *Shinn* is instructive of the property interest that partners hold in partnership property. The court noted that a partner does not hold a specific part of partnership property, but holds the value of that property through his ownership interest in the partnership itself. The decision in *Shinn* demonstrates that partners have an ownership interest in the property through their ownership in the entity itself.

On December 4, 1997, O. Petersen Land Co. conveyed the subject property to Petersen Brothers LLC, an Oregon Limited Liability Company. Following that conveyance the applicants continue to own the beneficial interest in the subject property. That conveyance does not cause a break in the applicants' ownership of interests in the subject property. A copy of the conveyance deed is attached at Exhibit F. A copy of the Operating Agreement of Petersen Brothers, LLC, which provides that the applicants are members of the company, is attached as Exhibit G.

A member-managed LLC, while having a corporate-style limited liability, is similar in structure to a partnership. Both partnerships and LLC's have pass through profits and losses (an aggregate structure), ORS 63.185, ORS 67.140(2), but are considered the sole legal owners of property (an entity structure), ORS 63.63.239, ORS 67.190. Similar to a partnership, a member has no legal interest in particular company property. Again, however, this merely refers to legal title to the property, and not to the greater claim of right the member has to the property. By analogy, *Shinn* is also instructive of the property interest that members hold in company property. Interpreting a statute similar to the LLC statute, the court noted that a partner does not hold a specific part of

partnership property, but holds the value of that property through his ownership interest in the partnership itself.

The applicants own a beneficial ownership interest in the subject property. A beneficial ownership interest in property is the “right to its enjoyment as exists where the legal title is in one person and the right to such beneficial use or interest is in another, and such right is recognized by law...” *White City, Or., Water System, Inc. v. Dept. of Revenue*, 7 Or Tax 274, 279-80 (1977) (internal cites and quotes omitted). While the Petersen Brothers LLC holds bare legal title to the land, any use of the land entirely benefits the applicants as members of the company. That use is a beneficial ownership interest in that land. The applicants have the right to received profits and losses that come from any use of the land. ORS 63.185. The applicants have the right to the land, after creditors have been paid, upon dissolution of the LLC. ORS 63.625. Also, as the member-managers of the LLC, they control the right to possess the land as if they held actual legal title. They hold all the incidents of ownership, bundled together, of this property.

A LLC is also similar to a revocable trust. The State of Oregon has recognized that when property owners create a revocable family trust for estate planning purposes, creation of such an entity does not cause a break in the property owner’s interest under Measure 37, and that, instead, such owners retain their interest in the property for purposes of recognizing them as current owners and their original acquisition date under the measure. See: *Nina Simmons*, Claim No. M119385; *Virginia Corey*, Claim No. M119478; and *Beverly J. Aspino*, Claim M119786. In a revocable trust, the grantor holds an equitable interest in the property of the trust, and upon revocation the grantor regains all of the trust property; this equitable interest can be attached by creditors. *Johnson v. Comm. Bank*, 284 Or 675, 681-82 (1978). It is clear from the state cases that it was the trust’s revocability that prevented a transfer to the trust from constituting a change in ownership for purposes of establishing current ownership under Measure 37. The State was correct in doing so because if one breaks down the critical Measure 37 (and Lane Code) phrase, “any interest therein” it necessarily includes an owner who retains an interest in the property when he or she transfer the property to a revocable entity because the revocable nature of the entity means that the owner retains right of entry or power of termination. Thus, they have retained an “interest” after creation of the revocable trust, and therefore can be deemed to have continued to have an interest or an estate in the property since their original acquisition date.

The ability of the applicants to dissolve their LLC and regain title to the property is the exact power as revocation of the trust. And, since the members of the LLC get all of the profits and losses coming from the land, they are both the grantors and the beneficiaries of the LLC “trust.” In other words, they hold all of the equitable interests in the land. By focusing on the actual control and beneficial ownership of the land, it is apparent that the applicants hold an ownership interest in the land. Thus, they have held a continuous ownership interest in the land since they first purchased it in 1954.

The applicants have provided the requisite evidence to demonstrate that they are true owners of the subject property and that they have had an interest in the subject property since March 9, 1954.

c. A legal description and tax lot number of the subject property as well as a street address for the property (if any);

Response:

A legal description of the subject property is attached hereto as Exhibit B. The Lane County Assessor's Maps for the subject property are No. 17-02-22 and No. 17-02-00. The subject property does not have a street address.

d. A title report issued within 30 days of the application's submittal, including title history and including a statement of the date the applicant acquired ownership of the subject property and showing the ownership interests of all owners of the property or, as an alternative to the title report, a copy of the deed(s) granting all existing ownership interests to the owner(s) of the subject property signing the petition;

Response:

See discussion of 2.1.b. above.

e. A statement specifically identifying the section of Lane Code or other land use regulation that allegedly restricts the use of the real property and allegedly causes a reduction in the fair market value of the subject property, including the date the regulation was adopted, first enforced or applied to the subject property;

Response:

Tax Lot 200 of the subject property is split-zoned Impacted Forest (F2) and Exclusive Farm Use as depicted on Lane County Official Zoning Map Plot 470, adopted by Lane County as part of Ordinance 884 on February 29, 1984, and Tax Lot 2000 of the subject property is zoned Non-Impacted Forest (F1), as depicted on Lane County Official Zoning Map Plot 469A, adopted as part of Ordinance 891 on September 12, 1984. Copies of Plots 470 and 469A are attached as Exhibit H and a copy of relevant portions of Ordinances 884 and 891 is attached as Exhibit I. In addition to Ordinances 884 and 891, the primary land use regulations that restrict the use of the subject property are found in Lane Code 16.210, Lane Code 16.211 and Lane Code 16.212. The provisions of Lane Code 16.210, 16.211 and 16.212 restrict the residential and commercial use of the subject property and require a minimum area requirement of eighty and thirty acres, respectively, for the creation of new lots or parcels in the Non-Impacted Forest Zone on property designated as F1 on Lane County Zoning Maps, in the Impacted Forest Zone on property designated as F2 on Lane County Zoning Maps and in the Exclusive Farm Use Zone on property designated as E30 on Lane County Zoning Maps. Those Lane Code provisions and Zoning Map Plots 470 and 469A prevent the applicants from subdividing their property into buildable parcels, for residential and commercial uses, less than 80 acres and 30 acres in size, respectively, as was allowed by Lane County regulations (or the lack thereof) prior to the county's adoption of Ordinances 884 and 891 and the current code provisions.

On March 8, 1949, the Lane County Court approved Ordinance #3 that regulated small lot subdivisions (5 acres or less) and related road dedications. A copy of Ordinance #3 is attached as Exhibit J. From 1953 to 1954, Ordinance #3, as amended, regulated land divisions that were within the scope of "to subdivide" and, for an "Acre Tract", recommended a lot width of 150 feet and a lot depth of 290.4 feet.

On May 31, 1949, the Lane County Court approved Land Use Regulation Ordinance #4 which established a basis to zone land in Lane County. A copy of the first, second and last page of that ordinance is attached as Exhibit J. Lane County did not exercise its authority under that ordinance to the zone the subject property.

As previously mentioned, on February 29, 1984, Lane County adopted Ordinance 884 which repealed all prior plan and zone designations on the subject property and further restricted the applicants' use of the property subsequent to their acquisition of it by designating Tax Lot 200 on the Rural Comprehensive Plan diagram map as "Forest" and rezoning it as Impacted Forest (F2), which it remains today, and by designating Tax Lot 2000 on the Rural Comprehensive Plan diagram as "Agriculture" and rezoning it as Exclusive Farm Use (E30), which it also remains today.

The Lane County Board of Commissioners enacted Ordinance No. 5-04 on June 2, 2004. Ordinance No. 5-04 contains the current provisions of Lane Code 16.211 for the F2 zone and Lane Code 16.212 for the E30 zone. Those provisions allow limited commercial and industrial uses and only a single residential dwelling to be placed on the property pursuant to a variety of criteria and standards. The provisions require, with a few narrow exceptions, a minimum area of either 80 acres or 30 acres for newly created parcels. A copy of the relevant portions of Ordinance No. 5-04 is attached as Exhibit K.

If the aforementioned current Lane County regulations did not exist, or were consistent with provisions of Lane County regulations preceding March 9, 1954, the value of the applicants' property would be considerably higher if divided into parcels less than 80 and 30 acres in size for residential or commercial use rather than remaining in its current configuration with the aforementioned use and acreage restrictions in place.

In addition to Ordinance 884, Zoning Map Plots 470 and 469A, and LC 16.210, LC 16.211 and LC 16.212, the following Lane County regulations restrict the use of the subject property by the applicant:

- LC 10.100-10, 30 and 40
- LC 13.050(1), (2), (5), and (12)
- LC 15.045(1)
- LC 15.070
- LC 15.080
- LC 15.137
- LC 15.138

f. **A copy of a written appraisal by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon, addressing the requirements of the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) and indicating the amount of the alleged reduction in the fair market value of the property by showing the difference in the fair market value of the property before and after the application of each of the challenged regulations, individually, and after the application of all of the challenged regulations, cumulatively;**

Response:

By direction of the Board of Commissioners, applicants are not required to provide written appraisals from a licensed Oregon appraiser. The applicants herein below provide information regarding comparable listings and sales of Lane County property that provide sufficient and significant evidence of the current value of the subject property under the existing restrictions and requirements of Lane Code Sections 16.210, 16.211 and 16.212. The applicants herein below also provide information regarding comparable listings and sales of Lane County property that provide sufficient and significant evidence of the value of the subject property if appraised and/or sold for uses allowable on March 9, 1954, particularly as if subdivided into residential parcels of 5 acres in size.

g. **A written statement addressing the criteria listed in LC 2.740(1) (a) through (d);**

LC 2.740(1) (a) through (d) provides the following criteria:

(a) The county has either adopted or enforced a land use regulation that restricts the use of private property or any interest therein:

Response:

The subject property is zoned Impacted Forest (F2) and Exclusive Farm Use (E30) on Tax Lot 200 and Non-Impacted Forest (F1) on Tax Lot 2000 as depicted on Lane County Official Zoning Map Plots 470 and 469A, adopted by Lane County as part of Ordinance 884 on February 29, 1984, and Ordinance 891 on September 12, 1984. In addition to Ordinances 884 and 891, the primary land use regulations that restrict the use of the subject property are contained in Lane Code 16.210, Lane Code 16.211 and Lane Code 16.212 which restrict the residential and commercial of the subject property and which requires a minimum area requirement of eighty or thirty acres for the creation of new lots or parcels in the Non-Impacted Forest Zone on property designated as F1 on Lane County Zoning Maps, in the Impacted Forest Zone on property designated as F2 on Lane County Zoning Maps and in the Exclusive Farm Use Zone on property designated as E30 on Lane County Zoning Maps. (See discussion above in Section 2.1.e.)

(b) The restriction on use has the effect of reducing the fair market value of the property or any interest therein, upon which the restriction is imposed;

Response:

See discussion above in sections 2.1(e) and (f) and below in section 2.1(h).

(c) The challenged land use regulation was adopted, enforced or applied after the current owner of the property (the applicant) became the owner, and

Response:

Ordinances 884 and 891 and Zoning Map Plots 470 and 469A were adopted on February 29, 1984, and September 12, 1984, respectively, subsequent to the applicants obtaining their interests in the subject property. See discussion above in sections 2.1(d) and (e).

(d) The challenged regulation is not an exempt regulation as defined in LC 2.710.

Response:

Ordinance 884, Lane Code 16.210, Lane Code 16.211, Lane Code 16.212 and the Lane Code provisions listed in the Response to section 2.1(e) above are land use regulations as defined by provisions added to ORS Chapter 197 by Ballot Measure 37. They do not restrict or prohibit public nuisances, are not public health and safety protection regulations, are not required to comply with federal law, do not relate to the use of the property for pornography or nude dancing and were not enacted prior to the date the applicants acquired the property.

h. A statement by the applicant specifying the amount of the claim, and the fair market value of the property before and after application of the challenged land use regulation(s); and

Response:

The applicants claim from Lane County the sum of \$11,045,000, which sum represents the reduction in market value of the subject property resulting from Lane County's enforcement of the aforementioned regulations that restrict the residential and commercial use of the property and which prohibit land divisions to parcels less than 80 and 30 acres in size.

Based upon comparable listings and sales of five-acre residential parcels in Lane County, the applicant submits that the total fair market value of the subject property before the application of the aforementioned challenged land use regulations is \$12,375,000. The applicants have chosen a configuration of five-acre parcels across the subject property as the basis for providing a market value for the subject property prior to the application of the aforementioned challenged land use regulations. A configuration of five-acre parcels across the entire subject property would result in at least 75 five-acre parcels on the 504 total acres that constitute the subject property. The applicants' use of five-acre residential parcels is conservative because, under county regulations existing in 1954, the subject property could have been subdivided into parcels as small as one acre and, if appraised in that configuration, could arguably be worth more than if developed into fewer, larger, parcels. Furthermore, 75 five-acre parcels is a conservative estimate of the number of five-acre parcels that could potentially be developed on 504 acres. The applicants provide nine examples of recent Lane County sales of undeveloped five-acre parcels within a reasonable commute to the metropolitan area (similar to the commute from the Camp Creek area) that are comparable to the five-acre parcels that would result from subdivision of the subject property under Lane County regulations existing in 1954. Those examples, provided by Liz Kramer, Broker, Windermere Jean Tate Real Estate, are attached as Exhibit M. The examples provided render an average sales price of \$165,000 (Ms. Kramer notes that the average sales price for 70 comparable sales is \$189,492) for each comparable five-acre residential parcel. Multiplying 75 five-acre parcels by the sum of \$165,000 produces a market value of \$12,375,000.

The applicants have appraised the subject property by using comparable sales of large-acreage parcels with and without residential building rights (as is the current condition of the subject property). According to the applicants' examples of comparable sales of undeveloped, large-acreage parcels, comparable to the vacant and resource-zoned subject property, the fair market value of the subject property after the application of the aforementioned challenged land use regulation is approximately \$1,330,000. The applicants have determined that approximate value by averaging the listing and sales price of the few large-acreage sales that have recently occurred in Lane County. That average, approximately \$665,000 for a 200+ acre parcel, is also provided by Liz Kramer, Broker, Windermere Jean Tate Real Estate. Her opinion that the average sold price for comparable property is \$665,000. Her opinion and accompanying evidence of listings and sales of such type property is attached as Exhibit N. Because the property is approximately 504 acres the applicants have doubled the \$665,000 price for a 200+ acre parcel and submit that its current market value is approximately \$1,330,000.

Based upon the applicants' use of comparable sales as discussed above, they reasonably estimate that the reduction in fair market value of the subject property resulting from Lane County's restrictions on its use totals at least \$11,045,000, the amount of the claim herein.

i. Copies of any leases or covenants, conditions and restrictions applicable to the subject property if any exist that impose restrictions on the use of the property. Unless waived by the County Administrator, an application shall also include an application fee, in the amount established by Order of the Board, to at least partially cover the County costs of processing the application, to the extent an application fee may be required as a condition of acceptance of filing an application for a claim under the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004). The county shall refund the application fee if it is determined by the County or by a court that the applicant is entitled to compensation under the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004).

Response:

The subject property is free and clear of any encumbrances that would restrict the use of it.

2.0 CONCLUSION.

The applicants have demonstrated that Lane County's enforcement of Ordinances 884 and 891 and provisions of LC 16.210, 16.211 and LC 16.212 restricts their use of the subject property to forest use on 80-acre minimum parcel sizes and agricultural use on 30-acre minimum parcel sizes. Those restrictions reduce the fair market value of the property from what it would be if residential or commercial use on parcels less than eighty or thirty acres in size was allowed. The applicants have demonstrated compliance and consistency with the provisions added to ORS Chapter 197 by Ballot Measure 37 and LC 2.700. Accordingly, the applicants' claim for just compensation for the reduction in the fair market value of their property as a result of the restriction should be paid by Lane County. In lieu of such payment of just compensation, Lane County should waive the offending regulations as provided above that prevent the applicants

from subdividing the subject property to into buildable residential or commercial lots of less than eighty or thirty acres in size.



June 19, 2006

RE: Competitive Market Analysis for small acreage

I have completed a Market Analysis on small rural acreage, vacant land, from 5 – 10 acres near Eugene-Springfield.

The average sold parcel out of 70 comparables was \$189,492.

The active listings for similar acreage are listed for an average of \$212,680.

Liz Kramer
Broker

Marina Vista **Lowell** **97452** **\$160,000**

ML#: 4078186 **Status:** SLD **PTax/Yr:** \$623
Lot #: **# Lots:** 1 **Acres:** 2.03
Zoning: R1 **Wtr Frnt:** N **Area:** 234
Lot Size: 1-2.99AC **Map Coord:** 0/A/0 **Prop Type:** RESID

No Photo Available

Xst/Dir: Pengra Rd to Marina Vista
Remarks: Excellent view property overlooking Dexter Lake. City services available

37026 hwy 58 **Pleasant Hill** **97455** **\$165,000**

ML#: 4079899 **Status:** SLD **PTax/Yr:** \$1,017
Lot #: **# Lots:** 2 **Acres:** 5
Zoning: RR5 **Wtr Frnt:** **Area:** 234
Lot Size: 5-9.99AC **Map Coord:** 17/D/18 **Prop Type:** RESID

No Photo Available

Xst/Dir: Hwy 58 to first paved driveway past pierland on right. see re sign
Remarks: nice 5 acre homesite with well and septic in. 20X24 garage. owner carry with minimum 35,000 down. bal paid in 1 year or upon 1st construction draw. mobile home to be newer than 2000 and double wide.

85926 Edenvale Road **Pleasant Hill** **97455** **\$159,900**

ML#: 5002796 **Status:** SLD **PTax/Yr:** \$750
Lot #: **# Lots:** 2 **Acres:** 3.15
Zoning: **Wtr Frnt:** **Area:** 234
Lot Size: 3-4.99AC **Map Coord:** 53/M/18 **Prop Type:** RESID



24761 LAVELL RD



Junction City 97448

\$149,900

ML#: 5006176

Status: SLD

PTax/Yr: \$626

Lot #:

Lots: 1

Acres: 2.63

Zoning: RR5

Wtr Frnt: Y

Area: 237

Lot Size: 1-2.99AC

Map Coord: 70/A/15

Prop Type: RESID

Xst/Dir: W on First Street, Turns into Highpass, to Lavell Road

Remarks: PC1551 Quiet and secluded building site ready for your dream house. Well and septic in. Features a garage and shop already there. The trees border the buildings site already graded. There is a pond that is on the adjacent property on the north side.



Deal Street

Junction City 97448

\$159,900

ML#: 5023911

Status: SLD

PTax/Yr: \$0

Lot #:

Lots: 5

Acres: 5

Zoning: RR5

Wtr Frnt: N

Area: 237

Lot Size: 5-9.99AC

Map Coord: 0/O/0

Prop Type: RESID

No Photo Available

Xst/Dir: Just north of 1700 Deal Street

Remarks: PC2683 WOW! Super beautiful country property, great farm, view, backs up to huge farm, very nice property on outside edge of city limits, Wonderful close in site, septic site approved. Hurry won't last



24080 HIGH PASS RD

Junction City 97448

\$161,000

ML#: 5028632

Status: SLD

PTax/Yr: \$414

Lot #:

Lots: 4

Acres: 4.07

Zoning:

Wtr Frnt: Y

Area: 237

21 Hidden Meadows Eugene 97405 \$165,000

ML#: 4075337
 Lot #: **No Photo Available**
 Zoning: RR5
 Lot Size: 5-9.99AC

Status: SLD
 # Lots: 5
 Wtr Frnt: 243
 Map Coord: 50/M/11
 Prop Type: RESID

PTax/Yr: \$100
 Acres: 5
 Area: 243

Xst/Dir: Dillard Road, left on Hidden Meadows
 Remarks: Perfect for the horse person. End of road privacy yet close in. 4-J schools.Part of Hidden Meadows.

15 HIDDEN MEADOWS Eugene 97405 \$170,000

ML#: 1504571
 Lot #: **No Photo Available**
 Zoning: RR5
 Lot Size: 5-9.99AC

Status: SLD
 # Lots: 5
 Wtr Frnt: Y
 Map Coord: 50/M/11
 Prop Type: RESID

PTax/Yr: \$500
 Acres: 5
 Area: 243

Xst/Dir: DILLARD RD 2 MILES OUT TO TOP OF RIDGE,LEFT AT
 Remarks: FINE VIEWS TO THE NORTH AND EAST. HOME SITE IS ELEVATED. VERY PRIVATE.ABUTS THE MEADOWS.

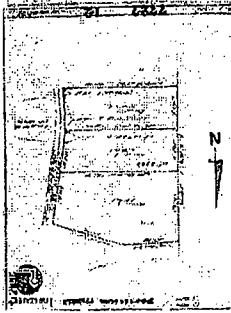
14 Hidden Meadows DR Eugene 97405 \$180,000

ML#: 4073471
 Lot #: **No Photo Available**
 Zoning: RR5
 Lot Size: 5-9.99AC

Status: SLD
 # Lots: 5
 Wtr Frnt: 243
 Map Coord: 15/C/8
 Prop Type: RESID

PTax/Yr: \$0
 Acres: 5
 Area: 243

85212 APPLETREE DR Eugene 97405 **\$165,000**



ML#: 6000152
Lot #:
Zoning: RR
Lot Size: 5-9.99AC

Status: SLD
Lots:
Wtr Frnt: N
Map Coord: 46/N/3

PTax/Yr: \$504
Acres: 5.02
Area: 244
Prop Type: RESID

Xst/Dir: West 18th, S on Bailey Hill, R on Spencer Creek, L on Appletree Drive
Remarks: TOP OF THE HILL VIEW, 5 Acres, Great Well, Close to Eugene. Lots of Trees, Great Neighborhood, Paved Road, Power and Phone to the Property. Building Pad. Standard Septic Approval.

29641 LUSK RD Eugene 97405 **\$199,900**



ML#: 5060297
Lot #:
Zoning: RR10
Lot Size: 3-4.99AC

Status: SLD
Lots: 1
Wtr Frnt:
Map Coord: 47/O/6

PTax/Yr: \$2,554
Acres: 3.65
Area: 244
Prop Type: RESID

Xst/Dir: Lorane Hwy, Peaceful Valley, Stay Left, Corner of PV and Lusk Road
Remarks: One of the best lots around! Great mix of open space, trees, pasture and potential valley views from various building sites. Quiet, semi private, sunny property ideal for a dream home. Sale subject to final partition. Minute's from 4j schools. Adj. home/guest house & land for sale too.

Briggs Hill RD Eugene 97405 **\$185,000**

ML#: 5073496
Lot #:
Zoning: RR10

Status: SLD
Lots:
Wtr Frnt:

PTax/Yr: \$0
Acres: 5.12
Area: 244



June 19, 2006

RE: Competitive Market Analysis for large acreage

I have completed a Market Analysis on larger properties, in excess of 200 acres, with or without a home, in the surrounding rural areas of Eugene-Springfield. Because this is a fairly rare commodity and it is becoming more difficult to find large parcels, there are not too many comparables to substantiate value.

The average sold price for 200- 300+ acres is \$665,000.

The active listings within the same parameters, are considerably higher, with the average listed price of approx. \$3,582,000, some of which have development potential and/or timber value.

Liz Kramer
Broker

Liz Kramer
541-484-2022

CROSS PROPERTY

6/19/2006 11:39:43 AM

Windermere RE Lane County

8 Matches

MLS#	P	Type	Address	City	Price
Sold					
3053065		RES	36669 Camp Creek RD	Springfield	\$475,000
4017972	1	FRM	37155 Row River	Cottage Grove	\$290,000
1509859	0	LND	2376 UMPQUA HWY 99	Drain	\$350,000
4043296	0	RES	81024 Territorial RD	Eugene	\$825,000
4017803	0	RES	25362 High Pass	Junction City	\$800,000
4017824	0	FRM	25362 High Pass	Junction City	\$800,000
2006202	5	RES	26005 Ferguson RD	Junction City	\$895,000
5026153	8	RES	34251 MOUNT TOM DR	Hainsburg	\$885,000

Total: 8	Average List: \$720,988	Average SQFT: 2617	Average Sold: \$665,000
	Average DOM: 82	Average \$/SQFT: \$295	

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SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
SCHOOL AVAILABILITY SUBJECT TO CHANGE.

36669 Camp Creek RD

Springfield 97478

\$475,000

No Photo Available

ML#: 3053065
Beds/Baths: 2/1.1
Map Coord: 32/H/18
Fireplaces: 1
Elem: Camp Creek

Status: SLD
SQFT: 1368
YrBuilt: 1955
Garage: 2
High: Thurston

PTax/Yr: \$1,100
Lot Size: 200AC+
Area: 233
Style: RANCH
Acres: 235

XSt/Dir: Camp Creek Road 3 mi., on left across from Belinger Boat Landing Road
Remarks: Beautiful setting with pasture in front and treed hillside behind. 235 acres of beauty in the McKenzie River Valley! Large Oaks, Firs, Maples and Cedars, close to town.

37155 Row River

Cottage Grove

97424

\$290,000



ML#: 4017972
Beds/Baths: 3/2.1
Map Coord: 0/F/9
Type: RANCH
Elem: DORENA

Status: SLD
SQFT: 2016
YrBuilt: 1962
Garage: 0
High: COTTAGE GROVE

PTax/Yr: \$1,775
Lot Size: 200AC+
Area: 235
Style: RANCH
Acres: 202

XSt/Dir: East on Row River Rd, just past Dorena School
Remarks: Seclusion & room to roam! 203 acres, approx 80 is fenced/x-fenced. Main house plus 1 bd/1 bath guest cottage on separate tax lot, both need work. Vaulted ceilings, wood floors, built-ins, deck off living room & master bdrm. Property has required timber replanting that must be done.

2376 UMPQUA HWY 99

Drain

97435

\$350,000

No Photo Available

ML#: 1509859
Lot #:
Zoning: FF
Lot Size: 200AC+

Status: SLD
Lots:
Wtr Frnt:
Map Coord: 32/I/13

PTax/Yr: \$100
Acres: 282
Area: 235
Prop Type: FRM/FOR

XSt/Dir: I-5 SOUTH TO DRAIN, WEST JUST EAST OF DRAIN ON
Remarks: NICE ROLLING HILLSIDE RANCH JUST OUTSIDE CITY OF DRAIN. TWO HOMESITES, SECOND MANUFACTURED HOME IS OWNED BY TENANT. MIXTURE PASTURE, TREES, MEADOWS, GREAT SET-UP FOR CATTLE OR HORSES.

1024 Territorial RD

Eugene

97405

\$825,000

No Photo Available

ML#: 4043296
Beds/Baths: 3/2
Map Coord: 0/A/0
Fireplaces:
Elem: LORANE

Status: SLD
SQFT: 1600
YrBuilt: 1978
Garage: 3
High: CROW

PTax/Yr: \$2,010
Lot Size: 200AC+
Area: 236
Style: DBL-WDE
Acres: 210

XSt/Dir: Territorial Rd. 2 miles, S. Lorane.
Remarks: Prime grape land, rolling property, with springs and oak knolls. Very private in the Lorane Valley - 210 acres of great farmland.

25362'High Pass

Junction City 97448

\$800,000

No Photo Available

ML#: 4017803
Beds/Baths: 3/2
Map Coord: 7/C/3
Fireplaces:2
Elem: LAUREL

Status: SLD
SQFT: 1948
YrBuilt:1988
Garage: 2
High:JUNCTION CITY

PTax/Yr: \$2,700
Lot Size: 200AC+
Area: 237
Style:RANCH
Acres:320

XSt/Dir: Hwy 99, West on High Pass approx. 7 miles.
Remarks: Beautiful working cattle ranch. Six main barns. Fenced & X fenced. 20 acres of timber. 3 creeks. Excellent step-up w/corrals, Shutes & scales. Well maintained 3 bdrm. home. Detached garage plus hobby/rec room. 10 minutes to town. Inground pool & hot tub(minor repairs needed)

25362 High Pass

Junction City 97448

\$800,000

No Photo Available

ML#: 4017824
Beds/Baths: 3/2
Map Coord: 7/C/3
Type: RANCH
Elem: LAUREL

Status: SLD
SQFT: 1948
YrBuilt:1988
Garage: 2
High:JUNCTION CITY

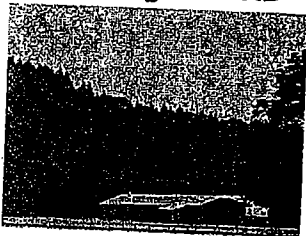
PTax/Yr: \$2,700
Lot Size: 200AC+
Area: 237
Style:RANCH
Acres:320

XSt/Dir: Hwy 99, West on High Pass approx. 7 miles.
Remarks: Beautiful working cattle ranch. Six main barns. Fenced & X fenced. 20 acres of timber. 3 creeks. Excellent setup w/corrals, shutes & scales. Well maintained 3 bdrm. home. Detached garage plus hobby/rec room. 10 minutes to town. Inground pool & hot tub (minor repairs needed).

26005 Ferguson RD

Junction City 97448

\$895,000



ML#: 2006202
Beds/Baths: 4/1
Map Coord: 3/A/7
Fireplaces:1
Elem: Laurel

Status: SLD
SQFT: 1810
YrBuilt:1920
Garage: 0
High:Junction City

PTax/Yr: \$1,600
Lot Size: 200AC+
Area: 237
Style: OLD-PDX
Acres:315.94

(St/Dir: Hwy 99, just No. of Junction City turn W. on Ferguson Rd, approx 3 mi
Remarks: Beautiful property perfect for crops, grapes, animals. Level homesites, older home needs work. Manufactured home does not stay. This is a great property for the price! Out of State Seller. CLA for more info.

14251 MOUNT TOM DR

Harrisburg 97446

\$885,000



ML#: 5026153
Beds/Baths: 6/5.1
Map Coord: 11/A/6
Fireplaces:3
Elem: HARRISBURG

Status: SLD
SQFT: 7628
YrBuilt:1977
Garage: 3
High:HARRISBURG

PTax/Yr: \$7,657
Lot Size: 200AC+
Area: 240
Style:CRAFTSM
Acres:201.88

St/Dir: Coburg Rd. (R) at Coburg Firestation, (R) on Coleman, (L) on Mt. Tom
Remarks: Quality custom-built executive home located near the top of Mt. Tom. Close to Coburg. 200+ acres, 140 in conservation easement. House & 27 acres & a 35 acre piece. Amazing stained and leaded glass throughout, Huge swimming pool area with separate kitchen, play room, bath, utility & storage.

