

Supplemental Memo



Memo Date: April 10, 2007
Meeting Date: April 17, 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 (PA06-6846, Titus)

BACKGROUND

Applicant: Tommy N. Titus and Barbara J. Titus

Current Owners: Tommy N. Titus and Barbara J. Titus

Agent: none

Map and Tax lot: 17-02-36-04 tax lot #200

Acreage: approximately 24 acres

Current Zoning: F2 (Impacted Forest Land)

Date Property Acquired: June 29, 1960 (WD # 7400690)

Date Claim Submitted: October 25, 2006

180-day Deadline: April 23, 2007

Land Use Regulations in Effect at Date of Acquisition: unzoned

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).

This claim was originally heard on March 13, 2007. When the Board closed the March 13, 2007 public hearing, the record was left open until April 6, 2007 to allow the claimants time to submit additional information and have the Board reconsider the recommendation to deny the claim. Additional information was submitted.

ANALYSIS

The claimant originally provided an appraisal in the application that stated the current value of the property, but the appraisal did not state how the property value had been reduced by any land use regulation. The information submitted with the application was insufficient to conclude the property value was reduced by the current regulations.

Additional information was submitted by the applicant prior to the April 6, 2007 close of the record. The information submitted, however, is not sufficient to conclude the established fair market value was reduced from enforcement of a land use regulation. The County Administrator has not waived the requirement for an appraisal.

RECOMMENDATION

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

ATTACHMENT

The claimant's supplemental value loss analysis received April 6, 2007.

FRANK WALKER & ASSOCIATES
 Land Planning and Project Management
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 Salem, Oregon 97303
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 (Color copies acceptable for Fax or E-mail)

FACSIMILE TRANSMISSION

NUMBER OF PAGES ~~15~~ (Including Cover)

TO: Stephanie Schulz Fax # (541) 682-3947

FROM: Frank Walker and Mark DeWitt

DATE: April 6, 2007

TIME: 4:25 PM

IN CASE OF ERROR CALL (503) 588-8001

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COMMENTS:

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April 6, 2007

Stephanie Schulz
Lane County Land Management
125 East Eighth Street
Eugene, Oregon 97401

Re: Measure #37 Claim for Tommy and Barbara Titus (PA06-6846)

Dear Ms. Schulz:

I had the opportunity to talk to Commissioner Bobby Green today regarding the issue of providing value loss data for the Board of Commissioners. I think we agree that the Board has set some expectation levels for providing value loss data on waiver claims; however, this is clearly a waiver claim only. The owners have no interest in pursuing a compensatory claim because even if they did there is no government money available to pay them. Nevertheless, we prepared a value loss determination based on comparable sales much like a real estate agent would do in setting a sales price value. As Mr. DeWitt told you yesterday, we have filed claims in every western Oregon County with no request for credentials.

We are requesting that you provide us with enabling legislation, ordinances, administrative rules or other documentable evidence that requires a claimant or their agent to have specific credentials.

The other issue we need to address is the exact methodology that we have developed for establishing value loss. We have used this methodology without having our staff's credentials being called into question. A synopsis of the methodology is enclosed for your review. We are respectfully requesting that the evidence we submitted be accepted and that the claim processing proceed.

Sincerely yours,



Frank D. Walker
Land Planning and Project Management

Enc.

Ballot Measure 37
Methodology for Establishing Loss of Value

I. Set Search Parameters

- Range of Parcel size(s) to be evaluated (4-6 acres and 10-15 acres)
- Similar zoning (resource lands or rural residential)
- Similar level of improvements (size of dwellings and outbuildings)
- Types of dwelling improvements (bedrooms and baths)
- Age of Structure
- Names and address of owners
- Land Use Code
- Most recent sold value (referred to as price)
- Time period of study (1 and/or 2 years)

II. Data Analysis

- Rank order data
- Review which sales are comparable in terms of data sets in I above.
- Determine average sales price for the types of parcel sizes and improvements the Claimants are proposing.
- Determine value of existing property through assessment data or through an appraisal
- Determine the total value of the property as proposed
- Subtract the value of the property as it currently exists from the proposed value of the property after improvements to determine value loss.

FRANK WALKER & ASSOCIATES*Land Planning and Project Management*

P.O. Box 7170 Salem, Oregon 97303

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*April 4, 2007**Tom and Barbara Titus
8725 McKenzie Hwy.
Springfield, Oregon 97478**RE: Comparibles of your property**Enclosed you will find the search parameters of a single dwelling with square footage between 1500 thru 1800 on 3 to 6 acres of land. These were researched for one and two year comparative respectively.**We also included search parameters on ten through fifteen acre parcels of unimproved property with similar zoning. These also were researched for a one and two year study of comparibles.**If you should have any questions or concerns about this study, please feel free to contact our office.**Sincerely and Best Regards,**Mark DeWitt
Project Manager**MD/iti*

FRANK WALKER & ASSOCIATES

Land Planning and Project Management

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April 4, 2007

Tom and Barbara Titus
8725 McKenzie Hwy.
Springfield, Oregon 97478

Actual Comparables of your property address listed above.

The following calculations are based on the findings in this report. The criteria was 2 parcels of unimproved land with approximately 10 acres each and a single dwelling of comparable size on 4 and 1/3 acres.

Potential Gross Sales Value-----\$1,083,071.33
(Based on 2-Year Study)

Minus the current appraised Value-----\$-251,000.00

Total Projected Value Loss-----\$ 833,071.33

Search Parameters / Single Dwelling

1500 through 1800 square feet / 3 to 6 acres

One Year Study

-----: **Western Pioneer / Lane** :-----
 Owner :Cantrell Paul G & Shelby L Account :0106391
 Site :89338 Old Mohawk Rd Springfield 97478 Parcel :17 02 17 00 00905 000
 Mail :89354 Old Mohawk Rd Springfield Or 97478 Xfered :07/12/2006
 Land Use :401 Tract, Improved Price :\$389,950
 MarketLnd:\$149,649 MarketImpr:\$160,380 Owner Ph :541-988-2071
 MarketTot:\$310,029 06-07 Taxes :\$2,042.74
 Bedroom :3 Bath:2.00 YB:1971 BldgSF:1,502 LotDim: Ac:5.00

-----: **Western Pioneer / Lane** :-----
 Owner :Henrichsen Don E Account :0546232
 Site :89975 Greenwood Dr Leaburg 97489 Parcel :17 15 01 30 00700 000
 Mail :PO Box 3687 Incline Village Nv 89450 Xfered :12/12/2006
 Land Use :806 Rec, Waterfront Price :\$420,000
 MarketLnd:\$197,820 MarketImpr:\$112,800 Owner Ph :
 MarketTot:\$310,620 06-07 Taxes :\$1,509.67
 Bedroom :3 Bath:1.00 YB:1940 BldgSF:1,612 LotDim: Ac:4.94

-----: **Western Pioneer / Lane** :-----
 Owner :Brink Mark W/Kellie J Account :0689784
 Site :34220 Matthews Rd Eugene 97405 Parcel :18 03 24 00 01100 000
 Mail :83938 N Enterprise Rd Pleasant Hill Or 97455 Xfered :02/01/2007
 Land Use :401 Tract, Improved Price :\$230,000
 MarketLnd:\$97,457 MarketImpr:\$54,960 Owner Ph :
 MarketTot:\$152,417 06-07 Taxes :\$1,023.18
 Bedroom :5 Bath:1.00 YB:1856 BldgSF:1,624 LotDim: Ac:3.01

Search Parameters / Single Dwelling

1500 through 1800 square feet / 3 to 6 acres

Two Year Study

```

*-----:
Owner      :Ireland Cory & Brittany
Site       :37680 Parsons Creek Rd Springfield 97478
Mail       :37680 Parsons Creek Rd Springfield Or 97478
Land Use   :401 Tract, Improved
MarketLnd:$129,682      MarketImpr:$79,210
MarketTot:$208,892
Bedroom   :2   Bath:1.00   YB:1951   BldgSF:1,724   LotDim:
*-----:
Owner      :Cantrell Paul G & Shelby L
Site       :89338 Old Mohawk Rd Springfield 97478
Mail       :89354 Old Mohawk Rd Springfield Or 97478
Land Use   :401 Tract, Improved
MarketLnd:$149,649      MarketImpr:$160,380
MarketTot:$310,029
Bedroom   :3   Bath:2.00   YB:1971   BldgSF:1,502   LotDim:
*-----:
Owner      :Winter V Allen & Helen H
Site       :90074 Greenwood Dr Leaburg 97489
Mail       :90074 Greenwood Dr Leaburg Or 97489
Land Use   :401 Tract, Improved
MarketLnd:$138,373      MarketImpr:$180,820
MarketTot:$319,193
Bedroom   :2   Bath:2.00   YB:1975   BldgSF:1,572   LotDim:
*-----:
Owner      :Henrichsen Don E
Site       :89975 Greenwood Dr Leaburg 97489
Mail       :PO Box 3687 Incline Village Nv 89450
Land Use   :806 Rec, Waterfront
MarketLnd:$197,820      MarketImpr:$112,800
MarketTot:$310,620
Bedroom   :3   Bath:1.00   YB:1940   BldgSF:1,612   LotDim:
*-----:
Owner      :Brink Mark W/Kellie J
Site       :34220 Matthews Rd Eugene 97405
Mail       :83938 N Enterprise Rd Pleasant Hill Or 97455
Land Use   :401 Tract, Improved
MarketLnd:$97,457      MarketImpr:$54,960
MarketTot:$152,417
Bedroom   :5   Bath:1.00   YB:1856   BldgSF:1,624   LotDim:
*-----:
Owner      :Welle Carl J & Shari
Site       :*no Site Address*
Mail       :87850 Lupe Ln Springfield Or 97478
Land Use   :641 For, Improved, Unzoned Farm Land
MarketLnd:$131,378      MarketImpr:$132,730
MarketTot:$264,108
Bedroom   :4   Bath:2.00   YB:1910   BldgSF:1,764   LotDim:
*-----:
Owner      :Heckathorn Robert J
Site       :37811 Upper Camp Creek Rd Springfield 97478
Mail       :37811 Upper Camp Creek Rd Springfield Or 97478
Land Use   :401 Tract, Improved
MarketLnd:$140,331      MarketImpr:$159,430
MarketTot:$299,761
Bedroom   :2   Bath:2.00   YB:1961   BldgSF:1,500   LotDim:
*-----:
Owner      :Hall Dale
Site       :90269 Hill Rd Springfield 97478
Mail       :90269 Hill Rd Springfield Or 97478
Land Use   :541 Agr, Improved, Unzoned Farm Land
MarketLnd:$147,415      MarketImpr:$195,030
MarketTot:$342,445
Bedroom   :3   Bath:2.00   YB:1979   BldgSF:1,614   LotDim:

```

Western Pioneer / Lane

```

Account :0035012
Parcel  :16 02 24 21 00200 000
Xfered  :07/27/2005
Price   :$227,500
Owner Ph :
06-07 Taxes :$1,355.30
Ac:3.82

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Western Pioneer / Lane

```

Account :0106391
Parcel  :17 02 17 00 00905 000
Xfered  :07/12/2006
Price   :$389,950
Owner Ph :541-988-2071
06-07 Taxes :$2,042.74
Ac:5.00

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Western Pioneer / Lane

```

Account :0546166
Parcel  :17 15 01 30 00301 000
Xfered  :08/08/2005
Price   :$273,000
Owner Ph :
06-07 Taxes :$1,992.21
Ac:3.29

```

Western Pioneer / Lane

```

Account :0546232
Parcel  :17 15 01 30 00700 000
Xfered  :12/12/2006
Price   :$420,000
Owner Ph :
06-07 Taxes :$1,509.67
Ac:4.94

```

Western Pioneer / Lane

```

Account :0689784
Parcel  :18 03 24 00 01100 000
Xfered  :02/01/2007
Price   :$230,000
Owner Ph :
06-07 Taxes :$1,023.18
Ac:3.01

```

Western Pioneer / Lane

```

Account :1173762
Parcel  :17 01 32 20 02801 000
Xfered  :04/15/2005
Price   :$215,000
Owner Ph :
06-07 Taxes :$1,448.66
Ac:5.71

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Western Pioneer / Lane

```

Account :1250735
Parcel  :17 02 13 00 00601 000
Xfered  :08/30/2005
Price   :$335,500
Owner Ph :
06-07 Taxes :$1,727.18
Ac:3.97

```

Western Pioneer / Lane

```

Account :1300068
Parcel  :17 02 04 00 00907 000
Xfered  :06/24/2005
Price   :$359,500
Owner Ph :
06-07 Taxes :$1,874.19
Ac:4.11

```


Search Parameters / 10 to 15 Acre Parcels

One Year Study

*-----: **Western Pioneer / Lane** :-----

Owner	: Fendrich Jack M/Pamela L	Account	: 1149572
Site	: 90931 Hill Rd Springfield 97478	Parcel	: 16 02 34 00 01104 000
Mail	: 90931 Hill Rd Springfield Or 97478	Xfered	: 10/03/2006
Land Use	: 401 Tract, Improved	Price	: \$525,500
MarketLnd	: \$149,901	MarketImpr	: \$395,250
MarketTot	: \$545,151	Owner Ph	:
Bedroom	: 3	Bath	: 2.00
YB	: 1980	BldgSF	: 3,270
LotDim	:	06-07 Taxes	: \$3,404.78
		Ac	: 12.05

*-----: **Western Pioneer / Lane** :-----

Owner	: Young Clayton W & Raylene	Account	: 1771912
Site	: *no Site Address*	Parcel	: 17 01 34 00 02301 000
Mail	: 38583 Camp Creek Rd Springfield Or 97478	Xfered	: 03/23/2006
Land Use	: 640 For, Vacant, Unzoned Farm Land	Price	: \$250,000
MarketLnd	: \$189,659	MarketImpr	:
MarketTot	: \$189,659	Owner Ph	:
Bedroom	:	Bath	:
YB	:	BldgSF	:
LotDim	:	06-07 Taxes	: \$112.04
		Ac	: 14.23

Search Parameters / 10 to 15 Acre Parcels

Two Year Study

-----: **Western Pioneer / Lane** :-----
 Owner :Harral Charles W Account :0098523
 Site :40145 Deerhorn Rd Springfield 97478 Parcel :17 01 26 00 00300 000
 Mail :PO Box 127 Springfield Or 97477 Xfered :05/05/2005
 Land Use :551 Agr, Improved, Efu Price :\$450,000
 MarketLnd:\$54,422 MarketImpr: Owner Ph :
 MarketTot:\$54,422 06-07 Taxes :\$71.23
 Bedroom : Bath: YB: BldgSF: LotDim: Ac:13.60

-----: **Western Pioneer / Lane** :-----
 Owner :Harral Charles W Account :0098531
 Site :40145 Deerhorn Rd Springfield 97478 Parcel :17 01 26 00 00300 000
 Mail :PO Box 127 Springfield Or 97477 Xfered :05/13/2005
 Land Use :551 Agr, Improved, Efu Price :\$450,000
 MarketLnd:\$141,555 MarketImpr:9208,700 Owner Ph :
 MarketTot:\$350,255 06-07 Taxes :\$1,955.96
 Bedroom :5 Bath:6.00 YB:1909 BldgSF:2,718 LotDim: Ac:11.13

-----: **Western Pioneer / Lane** :-----
 Owner :Bivens Shallum N & Melissa M Account :0690246
 Site :34376 Matthews Rd Eugene 97405 Parcel :18 03 24 00 04800 000
 Mail :871 S 72nd St Springfield Or 97478 Xfered :09/19/2005
 Land Use :401 Tract, Improved Price :\$382,730
 MarketLnd:\$177,276 MarketImpr:9234,980 Owner Ph :
 MarketTot:\$412,256 06-07 Taxes :\$2,755.76
 Bedroom :3 Bath:2.00 YB:1963 BldgSF:2,754 LotDim: Ac:11.88

-----: **Western Pioneer / Lane** :-----
 Owner :Hollis Steven & Beth A Account :1134095
 Site :8553 Mckenzie Hwy Springfield 97478 Parcel :17 02 36 40 00405 000
 Mail :8553 Mckenzie Hwy Springfield Or 97478 Xfered :10/06/2005
 Land Use :400 Tract, Vacant Tract Land Price :\$212,000
 MarketLnd:\$88,557 MarketImpr: Owner Ph :
 MarketTot:\$88,557 06-07 Taxes :\$683.61
 Bedroom : Bath: YB: BldgSF: LotDim: Ac:14.50

-----: **Western Pioneer / Lane** :-----
 Owner :Fendrich Jack M/Pamela L Account :1149572
 Site :90931 Hill Rd Springfield 97478 Parcel :16 02 34 00 01104 000
 Mail :90931 Hill Rd Springfield Or 97478 Xfered :10/03/2005
 Land Use :401 Tract, Improved Price :\$525,500
 MarketLnd:\$149,901 MarketImpr:9395,250 Owner Ph :
 MarketTot:\$545,151 06-07 Taxes :\$3,404.78
 Bedroom :3 Bath:2.00 YB:1980 BldgSF:3,270 LotDim: Ac:12.05

-----: **Western Pioneer / Lane** :-----
 Owner :Ruhl Richard E & Kimberly A Account :1309341
 Site :*no Site Address* Parcel :17 01 18 00 00702 000
 Mail :390 Coburg Rd #F Eugene Or 97401 Xfered :10/05/2005
 Land Use :641 For, Improved, Unzoned Farm Land Price :\$425,000
 MarketLnd:\$151,366 MarketImpr: Owner Ph :541-344-0949
 MarketTot:\$151,366 06-07 Taxes :\$80.36
 Bedroom : Bath: YB: BldgSF: LotDim: Ac:15.00

-----: **Western Pioneer / Lane** :-----
 Owner :Sherman Ken L Account :1704244
 Site :35371 Mckenzie View Dr Springfield 97478 Parcel :17 02 17 00 01108 000
 Mail :35371 Mckenzie View Dr Springfield Or 97478 Xfered :02/18/2005
 Land Use :641 For, Improved, Unzoned Farm Land Price :\$550,000
 MarketLnd:\$151,450 MarketImpr: Owner Ph :
 MarketTot:\$151,450 06-07 Taxes :\$89.92
 Bedroom : Bath: YB: BldgSF: LotDim: Ac:14.51

-----: **Western Pioneer / Lane** :-----
 Owner :M Carlson Marital Trust Account :1728680
 Site :Address* Springfield 97477 Parcel :16 02 14 00 01304 000
 Mail :ons Creek Rd Springfield Or 97478 Xfered :07/11/2005
 Land Use :Improved Price :\$200,000
 MarketLnd: MarketImpr: Owner Ph :
 MarketTot: 06-07 Taxes :\$780.00
 Bedroom : Bath: YB: BldgSF: LotDim: Ac:14.62


```

*-----:
Owner      :Young Clayton W & Raylene      Account :1771912
Site       :*no Site Address*             Parcel  :17 01 34 00 02301 000
Mail       :38583 Camp Creek Rd Springfield Or 97478 Xfered  :03/23/2006
Land Use   :640 For, Vacant, Unzoned Farm Land Price   :$250,000
MarketLnd:$189,659      MarketImpr:      Owner Ph :
MarketTot:$189,659      06-07 Taxes :$112.04
Bedroom   :      Bath:      YB:      BldgSF:      LotDim:      Ac:14.23

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