



SUPPLEMENTAL INFORMATION SUBMITTED

Submitted on: 5-17-07

Taken By: SGP

SUPPLEMENTAL INFORMATION HAS BEEN RECEIVED BY THIS OFFICE IN REGARDS TO THE FOLLOWING:

BP# _____

PA# 067280 Cronk

SP# _____

SI# _____

OTHER: _____

Michael E. Farthing
Attorney at Law

Smeede Hotel Building
767 Willamette Street, Suite 203
Eugene, Oregon 97401
Office (541) 485-1141 – Fax (541) 485-1174
email - mefarthing@yahoo.com

May 17, 2007

HAND DELIVERED

Stephanie Schulz
Lane County Land Management Division
Lane County Courthouse/PSB
125 E. 8th Ave.
Eugene, OR 97401

Re: Supplemental Information to Measure 37 Claim
Richard L. and Geneva M. Cronk, Owners
Map No. 18-02-14; Tax Lot 1001
PA 06-7280

Dear Ms. Schulz:

This office filed a Measure 37 Claim on behalf of Richard and Geneva Cronk, owners of the above-referenced property. The purpose of this letter is to supplement our claim with information regarding the value reduction evaluation of the Subject Property.

A one-page evaluation was submitted with our original application, but contained no comparable sale values to support our determination of the value reduction that was attributable to land use regulations that were applied to the property after the Cronks acquired it. The Subject Property consists of 31.37 acres and is currently zoned F-2. No improvements have been made to the Subject Property. For purposes of calculating the value reduction for our Measure 37 claim, the Subject Property is presently valued at \$281,940 which is the real market value assessed for the property by the Assessor. The property is presently vacant and would likely qualify for a single template dwelling.

If Claimants developed the property at the time they acquired it in 1963 when no zoning regulations were in place, they could have subdivided the 31 acre parcel into at least 6 parcels, each approximately 5 acres in size and placed a dwelling on each lot as an outright permitted use.

To supplement our claim, we would like you to consider the following list of recent sales of properties which are presently vacant but upon which a single-family residence could be constructed:

- (1) Sunderman Road, Springfield. 5.68 acres, zoned Rural Residential. Well in place septic approved, river frontage but in the flood plain requiring engineered foundation. Property sold May 23, 2005 for \$120,000.
- (2) Hileman Road, Marcola. 4.17 acres, zoned Rural Residential. Well in place septic approved. Property sold February 20, 2004 for \$120,000.
- (3) Marcola Road, Marcola. 5.27 acres, zoned F-2, but with Special Use Permit in place for dwelling approval. Well and septic in place. Riverfront property. Property sold January 26, 2005 for \$138,000.
- (4) 40244 Jasper-Lowell Road, Lowell. 10 acres, zoned F-2, but with Special Use Permit in place. Phone, power, driveway and well in place, septic approved. Well and septic in place. Riverfront property. Property sold May 19, 2004 for \$130,000.
- (5) 10 Oakshire Drive, Springfield. 5 acres, zoned Rural Residential. A community water system and road system was in place. Property sold August 5, 2004 for \$110,000.
- (6) Little Fall Creek Road, Fall Creek. 6 acres, zoned F-2, but with Special Use Permit in place. No site improvements. Property sold May 4, 2004 for \$110,000.
- (7) 49865 McKenzie Highway, Vida. 4.3 acres, zoned Rural Residential. Well and driveway in place. Property sold December 6, 2005 for \$169,000.

We believe these sale prices are low because they predated the recent increase in property values. For that reason, we do not believe they reflect the recent increase in rural values. As evidence of this, I have attached copy of a comparative market analysis that was prepared by Pam Dietz, a broker with All State Real Estate, which was submitted to the County with another Measure 37 claim for property located at 36826 Wallace Creek Road (Kienlen, PA 06-7240) which is within a mile of the subject property. As noted in this analysis, the average sale price was \$204,600.

The average sales price from the older values listed is \$128,000. The more recent sales reflect an average value of approximately \$200,000 for a five acre buildable lot. In our claim, we stated that a 5-acre rural homesite sells for an average of \$130,000, which is very comparable. By averaging the more recent sales with the earlier sales, we calculated an average sale price of

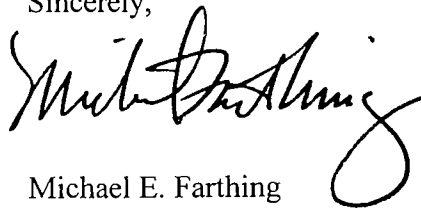
Stephanie Schulz
Lane County Land Management Division
May 17, 2007
Page 3

\$165,000. The imposition of current land use regulations has noticeably decreased the property value given that Claimants are unable to develop the property as they intended to at the time they purchased it.

Claimants desire to subdivide the 31 acre parcel into six 5-acre lots. Considering the figures above, and using an average of the comparables which would be \$165,000 for each lot, and applying that to the five additional homesites that could be created (5 x \$165,000), the reduction in value by reason of the imposition of F-2 zoning is \$825,000.

Please supplement our claim with this information. This claim is set to be heard on May 22. If you have further questions or comments, please call.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Farthing", with a large, stylized loop at the end.

Michael E. Farthing

MEF/aeg

Enclosure

cc: Richard and Geneva Cronk (w/ encl)
Jim McLaughlin (w/ encl)



2001 Franklin Blvd. • Eugene, OR 97403
541-687-1663 • Fax 541-687-2327

PA 06-7240
18-02-14 1303
Kienlen'

Comparative Market Analysis
For: Linda Kienlen

F-2 / 19 AC

Subject Property: 36826 Wallace Creek Road
Springfield, OR 97478
Tax Lot: 18 02 14 00 01303 000
Tax Account: 1041316, 1311479

Subject Property Description:

This is a 19.4 acre parcel zoned F2 that includes a modest home, 1457 square feet in size including three bedrooms and two baths. The home was built in 1972, and has had minimal updating. Improvements to the property include a small studio, 2-car detached garage, 22 stall barn (10,710 square feet), indoor arena (18,000 square feet).

The purpose of this CMA is to establish the current fair market value of subject property (current appraisal from refinance is attached), and additionally to establish the value of the property if it were currently subdivided into 2 buildable five acre parcels plus the existing home and outbuildings on the remaining approximately 9.4 acres. The difference of these values will be noted.

I have provided sales data on bare land parcels of 5.0 – 5.07 acres in size. I have also included sales data on bare land properties of 15.52 – 26.64, as well as a copy of an August 31, 2006, appraisal of the subject property. All sales included have occurred in the previous twelve months.

Values:

Current market value is established by an appraisal dated August 31, 2006, \$580,000.00 (there are no comparables available for similar property/improvements during previous 12 months).

Projected Subdivided Fair Market Value:

There are 4 sales which have occurred on buildable bare land parcels of approximately 5 acres (data is included). They average 5.0175 acres in size and \$204,600 in price.

The Data Includes:

1. Hills Creek Lot 603 in Springfield, Oregon - Tax ID 571982, 5.07 acres sold for \$200,000.00.
2. Brown Road, Dexter, Oregon, 97431 – Zoned RR5, 5 acres sold for \$199,700.
3. Brown Road, Dexter, Oregon, 97431 – Tax ID 812444, Zoned RR5, 5 acres sold for \$194,700.
4. Dilley Lane, Eugene, Oregon 97405, 5 acres, sale pending for \$234,500.

This indicates a current fair market value of 2 (5) acre parcels subdivided off the subject parcel would have a value of: $\$204,600.00 \times 2 = \$409,200.00$

There are three sales which have occurred on buildable bare land parcels of 15.52 acres to 26.64 acres. They average 20.60 acres in size and \$243,300 in price – an average of \$11,810/acre.

The Data Includes:

1. Bear Creek Road, Creswell, Oregon, 97426 – Tax ID 829042, Zoned F2, 15.52 acres sold for \$225,000.
2. 28746 Hamm Road, Eugene, Oregon, 97405 – Tax ID 1387073, 19.66 acres sold for \$170,000.
3. Cloverdale Road, Creswell, Oregon, 97426 – Tax ID 836948, 836930, Zoned EFU25, 26.64 acres sold for 334,900.

By subdividing 10 acres off the subject property at \$11,800/acre, the current value of the property would decrease by \$118,000 ($\$11,800 \times 10$) to give the remaining 9.4 acres with improvements a fair market value of \$462,000 (\$580,000 less \$118,000).

Therefore the current fair market value of the subject property if it were subdivided as discussed above would be:


2 (5) acre parcels –	\$409,200.00 *
Existing Home, Improvements & remaining 9.4 acres +	<u>\$462,000.00</u>
Total	\$871,200.00

The difference between the current fair market value of the existing subject property and the value if it were subdivided as proposed above :

\$871,200.00
<u>– \$580,000.00</u>
\$291,200.00

* Note that claimant could have subdivided in smaller parcel sizes than 5 acres. Assuming smaller parcel sites would most likely result in higher fair market values today.

If I may be of further assistance to you, please feel free to call me.

A handwritten signature in black ink, appearing to read "Pamela G. Dietz". The signature is fluid and cursive, with a large initial "P" and a stylized "G" and "D".

Pam Dietz

Broker

All State Real Estate

Uniform Residential Appraisal Report

UNITED SUMMARY
File # 00003895

The purpose of this summary appraisal report is to provide the lender/client with an accurate, and adequately supported, opinion of the market value of the subject property.

Property Address: 36826 Wallace Creek Road City: Springfield State: OR Zip Code: 97478
 Borrower: Klemen, Linda Owner of Public Record: Klemen, Linda S County: Lane

Legal Description: Account #1041316, 1311479
 Assessor's Parcel #: 18 02 14 00 01303 000 Tax Year: 05-06 R.E. Taxes \$: 2,182.85
 Neighborhood Name: Rural Springfield Map Reference: N/A Census Tract: 0016.00

Occupant: ☒ Owner ☐ Tenant ☐ Vacant Special Assessment \$: None Noted ☐ PUD HOA \$: None ☐ per year ☐ per month

Property Rights Appraised: ☒ Fee Simple ☐ Leasehold ☐ Other (describe):
 Assignment Type: ☐ Purchase Transaction ☒ Refinance Transaction ☐ Other (describe):

Lender/Client: Washington Mutual / Secondary Market Address: 7600 Dublin Avenue Dublin CA 94568

Is the subject property currently offered for sale or has it been offered for sale in the twelve months prior to the effective date of this appraisal? ☐ Yes ☒ No

Report data source(s) used, offering price(s), and date(s):
 RMLS, Metroscan

☐ I did ☐ did not analyze the contract for sale for the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed:
 N/A

Contract Price \$: N/A Date of Contract: N/A Is the property seller the owner of public record? ☐ Yes ☐ No Data Source(s): N/A

Is there any financial assistance (loan charges, sale concessions, gift or downpayment assistance, etc.) to be paid by any party on behalf of the borrower? ☐ Yes ☐ No

If Yes, report the total dollar amount and describe the terms to be paid:
 N/A

Note: Race and the racial composition of the neighborhood are not appraisal factors.

Neighborhood Characteristics	One Unit Housing Types	One & 1/2 Housing Types	Present Land Use %
Location: <input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input checked="" type="checkbox"/> Rural	Property Values: <input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining	PRICE: <u>3000</u> AGE: <u>(yrs)</u>	One-Unit: <u>100</u> %
Build-Up: <input checked="" type="checkbox"/> Over 75% <input type="checkbox"/> 25-75% <input type="checkbox"/> Under 25%	Demand/Supply: <input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Over Supply	100 Low New	2-4 Unit: <u>0</u> %
Growth: <input checked="" type="checkbox"/> Rapid <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Slow	Marketing Time: <input checked="" type="checkbox"/> Under 3 mths <input type="checkbox"/> 3-6 mths <input type="checkbox"/> Over 6 mths	600+ High 80	Multi-Family: <u>0</u> %
Neighborhood Boundaries: <u>SEE ADDITIONAL FIELD TEXT ADDENDA **</u>		250 Pred 20-30	Commercial: <u>0</u> %
Neighborhood Description: <u>SEE ADDITIONAL FIELD TEXT ADDENDA **</u>			Other: <u>0</u> %
Market Conditions (including support for the above conclusions): <u>SEE ADDITIONAL FIELD TEXT ADDENDA **</u>			

Dimensions: Irregular, See Plat Map Area: 19.40 Shape: Somewhat Rectangular View: Pasture

Specific Zoning Classification: F2 Zoning Description: Impacted Forest (100 acre minimum site size)

Zoning Compliance: ☐ Legal ☒ Legal Nonconforming (Grandfathered Use) ☐ No Zoning ☐ Illegal (describe):

Is the highest and best use of subject property as improved (or as proposed per plans and specifications) the present use? ☒ Yes ☐ No If No, describe:

Utilities: Public Other (describe):
 Electricity: ☒ Gas: ☐ Water: ☒ Sanitary Sewer: ☒ Off-site Improvements-Type: Street Asphalt ☒ Alley: None ☐ Private: ☐

FEMA Special Flood Hazard Area: ☐ Yes ☐ No FEMA Flood Zone: N/A FEMA Map #: N/A FEMA Map Date: N/A

Are the utilities and off-site improvements typical for the market area? ☒ Yes ☐ No If No, describe:

Are there any adverse site conditions or external factors (easements, encroachments, environmental conditions, land use, etc.)? ☐ Yes ☒ No If Yes, describe:

FEMA Flood Information has been omitted at the request of the client as they have an outside vendor to supply that information. The subject F2 zoning would require a land use study to determine whether or not the subject could be rebuilt if destroyed. Therefore the appraiser has made the extraordinary assumption that the subject property could be rebuilt.

General Description	Foundation	Exterior Description	Interior
Units: <input checked="" type="checkbox"/> One <input type="checkbox"/> One with Accessory Unit # of Stories: <u>1</u> Type: <input checked="" type="checkbox"/> Det. <input type="checkbox"/> Apt. <input type="checkbox"/> S-Det./End Unit <input type="checkbox"/> Existing <input type="checkbox"/> Proposed <input type="checkbox"/> Under Const. Design (Style): <u>Ranch</u> Year Built: <u>1972 (34)</u> Effective Age (Yrs): <u>15-18 years</u>	<input type="checkbox"/> Concrete Slab <input checked="" type="checkbox"/> Crawl Space <input type="checkbox"/> Full Basement <input type="checkbox"/> Partial Basement Basement Area: <u>sq. ft.</u> Basement Finish: <u>%</u> <input type="checkbox"/> Outside Entry/Exit <input type="checkbox"/> Sump Pump Evidence of: <input type="checkbox"/> Infestation <input type="checkbox"/> Dampness <input type="checkbox"/> Settlement	Foundation Walls: <u>Concrete / Average</u> Exterior Walls: <u>T-111 / Average</u> Roof Surface: <u>Wood Shake / Average</u> Gutters & Downspouts: <u>Metal / Average</u> Window Type: <u>Aluminum Average</u> Storm Sash/Insulated: <u>Yes</u> Screens: <u>Yes</u>	Floors: <u>Carpet / Average</u> Walls: <u>Pine / Average</u> Trim/Finish: <u>2" Wood / Average</u> Bath Floor: <u>Carpet / Average</u> Bath Vainsool: <u>Outlets / Avg</u> Car Storage: <input type="checkbox"/> None <input checked="" type="checkbox"/> Driveway # of Cars: <u>10</u> Driveway Surface: <u>Gravel</u> <input checked="" type="checkbox"/> Garage # of Cars: <u>2</u> <input type="checkbox"/> Carport # of Cars: <u>0</u> <input type="checkbox"/> Att. <input checked="" type="checkbox"/> Det. <input type="checkbox"/> Built-in

Appliances: ☐ Refrigerator ☒ Range/Oven ☒ Dishwasher ☒ Disposal ☐ Microwave ☐ Washer/Dryer ☐ Other (describe):

Finished area above grade contains: 6 Rooms 3 Bedrooms 2 Bath(s) 1.457 Square Feet of Gross Living Area Above Grade

Additional features (special energy efficient items, etc.):

The subject property has aluminum windows, a forced air oil furnace, wood shake roof, small studio building, 2-car detached garage, 18,000SF lighted indoor arena, 10,710SF lighted 22-stall barn, and 4 outdoor corals.

Describe the condition of the property (including needed repairs, deterioration, renovations, remodeling, etc.):

The subject was found to be of average overall quality and condition with minimal interior updating. The small studio to the rear of the home was also of average condition as was the 2-car detached garage. The 10,710SF 22-stall barn was found to be of average+ quality and condition with metal siding and roofing and wood framing. The 18,000SF indoor arena was found to be of good overall quality and condition as it was built 5 years ago with metal siding, roofing, and framing.

Are there any physical deficiencies or adverse conditions that affect the livability, soundness, or structural integrity of the property? ☐ Yes ☒ No If Yes, describe:

No leakage was noted around the above ground oil tank, therefore, the appraiser is making the extraordinary assumption that no leakage has occurred in the past and the soil around the tank is not contaminated. If the lender has any further questions, it is recommended that a licensed soil specialist be contacted.

Does the property generally conform to the neighborhood (functional utility, style, condition, use, construction, etc.)? ☒ Yes ☐ No If No, describe:

Uniform Residential Appraisal Report

LIMITED SUMMARY
File # 00003895

There are 5 comparable properties currently offered for sale in the subject neighborhood ranging in price from \$ 450,000 to \$ 650,000.
There are 7 comparable sales in the subject neighborhood within the past twelve months ranging in sale price from \$ 402,000 to \$ 738,000.

FEATURE	SUBJECT	COMPARABLE SALE # 1	COMPARABLE SALE # 2	COMPARABLE SALE # 3
Address	30826 Wallace Creek Road Springfield	37145 Wallace Creek Road Springfield	88440 Fisher Road Eugene	24016 Paradise Drive Junction City
Proximity to Subject		1.83 miles NE	17.58 miles NW	24.16 miles NW
Sale Price	\$ N/A	\$ 480,000	\$ 738,000	\$ 844,500
Sale Price/Gross Living Area	\$ 0	\$ 227.36	\$ 422.53	\$ 255.25
Date Source(s)		RMLS, Doc #58757	RMLS, Doc #36494	RMLS, Doc #53870
Verification Source(s)				
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION
Sale or Financing Concessions	None Noted	None Noted	None Noted	None Noted
Date of Sale/Time	6-7-2006	05-25-2006	11-28-2005	0
Location	Rural	Rural / Superior	Rural	0
Leasehold/Fee Simple	Fee Simple	Fee Simple	Fee Simple	0
Site	-10.40 acres	28.95 acres	26.52 acres	14.22 acres
View	Pasture	Private	Partial Fern Ridge	Pasture
Design (Style)	Ranch	Ranch	Traditional	Ranch
Quality of Construction	Average	Average	Average	Average
Actual Age	1972 (34)	1970 (36)	1914 (92)	1994 (12)
Condition	Average	Average	Average	Average
Above Grade	Total Bdrms Baths	Total Bdrms Baths	Total Bdrms Baths	Total Bdrms Baths
Room Count	6 3 2	8 3 2	7 3 2	8 4 2
Gross Living Area	1457	2,155	1749	2525
Basement & Finished Rooms Below Grade	None	None	None	None
Functional Utility	Typical	Typical	Typical	Typical
Heating/Cooling	FAO / None	FAE / HP	BBE / None	FAE / HP
Energy Efficient Items	Typical	Typical	Typical	Typical
Garage/Carport	2-Car Garage	None	None	2-Car Garage
Porch/Patio/Deck	Porch/Deck	Porch/Patio	Porch/Patio	Porch/Patio
Amenities	1FP/Studio/4 Corals	1WS/Shop	1WS	RVA/Arena/Shop/Brm
	18,000SF Arena		Shop/Arena/Shop	
	10,710SF 23-Shell Barn		Corral/Out/Arena	
Net Adjustment (Total)		\$ 44,570	\$ -81,720	\$ -69,380
Adjusted Sale Price of Comparables		\$ 534,570	\$ 657,280	\$ 585,120

I ☒ did ☐ did not research the sale or transfer history of the subject property and comparable sales. If not, explain:

My research ☐ did ☒ did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.
Data source(s) RMLS, Metroscan

My research ☒ did ☐ did not reveal any prior sales or transfers of the comparable sales for the year prior to the date of sale of the comparable sale.
Data source(s) RMLS, Metroscan

Report the results of the research and analysis of the prior sale or transfer history of the subject property and comparable sales (report additional prior sales on page 3).

ITEM	SUBJECT	COMPARABLE SALE #1	COMPARABLE SALE #2	COMPARABLE SALE #3
Date of Prior Sale/Transfer	10/11/2000	10/4/1996	12/30/1993	3/27/2002
Price of Prior Sale/Transfer	95,543		97,500	
Date Source(s)	N/A	Doc #67718	Doc #87109	Doc #58129
Effective Date of Date Source(s)	08/08/2006	08/31/2006	08/31/2006	08/31/2006

Analysis of prior sale or transfer history of the subject property and comparable sales:
No sales of the subject property were noted in the past 3 years or bidings in the past 1 year.

Summary of Sales Comparison Approach:
Due to the very unique nature of the subject property, large adjustments were required for quality, condition, location, gross living area and amenities. This is to be expected for rural properties with many outbuildings such as the subject. Additionally, the list range of value is quite broad, but this is once again typical of properties such as this. All three sales are given some consideration with a value corrected towards the middle of the range deemed most reasonable given the subjects smaller home size, but large, above average outbuildings. This value is based on an estimated 30-90 day exposure period which is typical of homes in the area.

Indicated Value by Sales Comparison Approach \$ 580,000

Indicated Value by: Sales Comparison Approach \$ 580,000 Cost Approach (if developed) \$ N/A Income Approach (if developed) \$ 0

This appraisal is made ☒ "as is," ☐ subject to completion per plans and specifications on the basis of a hypothetical condition that the improvements have been completed, ☐ subject to the following repairs or alterations on the basis of a hypothetical condition that the repairs or alterations have been completed, or ☐ subject to the following required inspection based on the extraordinary assumption that the condition or deficiency does not require alteration or repair:

Based on a complete visual inspection of the interior and exterior areas of the subject property, defined scope of work, statement of assumptions and limiting conditions, and appraiser's certification, my (our) opinion of the market value, as defined, of the real property that is the subject of this report is \$ 580,000 as of 8/31/2006, which is the date of inspection and the effective date of this appraisal.



SUPPLEMENTAL INFORMATION SUBMITTED

Submitted on: 6-5-07

Taken By: SGS

SUPPLEMENTAL INFORMATION HAS BEEN RECEIVED BY THIS OFFICE IN REGARDS TO THE FOLLOWING:

BP# _____

PA# 067280

SP# _____

SI# _____

Cronk

MC

OTHER:

Michael E. Farthing

Attorney at Law

Smeede Hotel Building
767 Willamette Street, Suite 203
Eugene, Oregon 97401
Office (541) 485-1141 – Fax (541) 485-1174
email - mefarthing@yahoo.com

COPY

June 5, 2007

HAND DELIVERED

Lane County Board of Commissioners
% Kent Howe, Planning Director
Lane County Land Management Division
Lane County Courthouse/PSB
125 E. 8th Ave.
Eugene, OR 97401

Re: **Measure 37 Claim PA 06-7280**
Richard and Geneva Cronk, Claimants
Map No. 18-02-14, Tax Lot 1001

Dear Mr. Howe:

This office represents the Cronks with regard to the above-referenced Measure 37 Claim. This claim was previously before the Board of Commissioners on May 22 and at that time, Staff stated:

“The applicant has not submitted competent evidence of a reduction in fair market value from enforcement of a land use regulation...”

A supplemental statement was submitted on May 17 and contained a list of comparable values to support the Cronks' claim. This analysis was quite thorough and similar to others that we have submitted in support of other claims and which have been granted waivers by the Board of Commissioners.

The Staff's analysis was based on the assumption that the “property was zoned FF” at the time the Cronks acquired the property in 1963. It is our position that Staff erred in determining that the property was zoned FF (Farm-Forest) because there was no “FF” zone in Lane County at that time. The Subject Property is 31 acres of vacant forest land that is located west of Wallace Creek Road near Springfield. We are unable to locate any County ordinances or other materials that suggest that the property was zoned in 1963. Instead, we do have supporting documents that the Subject Property was not subject to any zoning regulations until 1984.

On March 14, 1971, well after Claimants purchased the Subject Property, Lane County

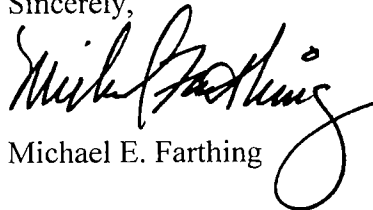
Lane County Board of Commissioners
% Kent Howe, Planning Director
June 5, 2007
Page 2

enacted Ordinance No. 7-71 which adopted prior amendments. See partial copy of the ordinance attached as Exhibit "A". At that time, there is no mention of the FF or FF-20 zoning because there were no use regulations in Ordinance No. 4 (1949 Zoning Ordinance), as amended, for this kind of zoning. On that same date in 1971, the County adopted Ordinance No. 426 which first enacted the FF-20 zoning district. See partial copy of the ordinance attached as Exhibit "B". Therefore, Staff's assertion that the property could be zoned FF in 1963 is impossible. Our records indicate that the Subject Property was unzoned until the adoption of Ordinance No. 884 on February 29, 1984. At that time, the F-2 zoning was applied and it remains in effect today. See partial copy of the ordinance attached as Exhibit "C". Copy of Official Zone Map #483 is attached as Exhibit "D".

Through the enclosed documents, we have demonstrated that Cronks' property was unzoned in 1963 and have shown competent evidence that the value has been reduced as a result of the current zoning regulations with our supplemental evaluation submitted May 18. We believe that based on the clarification of these issues that our claim is complete and Claimants should receive approval to develop the property as they could have in 1963. We request that Staff re-evaluate the original claim and the enclosed documents.

We look forward to the June 20 hearing to discuss these issues in more detail. If you have any more questions or comments, please call at your convenience.

Sincerely,



Michael E. Farthing

MEF/kt

Enclosures

cc: Richard and Geneva Cronk (w/ encl)
Jim McLaughlin (w/ encl)
Stephanie Schulz (w/ encl)

FILED

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR LANE COUNTY, OREGON

ORDINANCE 7-71

-) READOPTION OF LANE COUNTY ZONING AND
-) LAND USE ORDINANCE 4, AS AMENDED AND
-) REPRINTED JANUARY 1971

The Board of County Commissioners for Lane County ordains as follows:

SECTION 1. PURPOSE.

The purpose of this ordinance is to codify Lane County Zoning and Land Use Ordinance 4, as amended and reprinted in January, 1971.

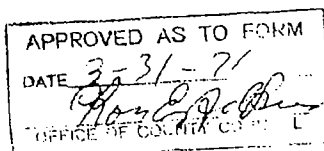
SECTION 2. READOPTION.

Lane County Zoning and Land Use Ordinance 4, as amended and reprinted in January, 1971, pages 1 - 85 attached hereto as Exhibit "A" and incorporated herein, is hereby readopted. Subsequent amendments shall be made by either ordaining pen and ink corrections to the ordinance attached as Exhibit "A" or by adding or substituting new pages.

SECTION 3. TITLE.

This ordinance readopting Lane County Zoning and Land Use Ordinance 4, as amended, shall be referred to as "Lane County Zoning and Land Use Ordinance 4".

ENACTED this 1st day of April, 1971.



James H. Rice
Chairman of the Board of County
Commissioners of Lane County

Ruby Winter
Recording Secretary of the Board at the
meeting at which this ordinance was enacted.

FRIDAY THE 16TH DAY OF APRIL 1971

REF 55 PAGE 725

In order to carry out the purpose and provisions of this Ordinance, certain areas shown on the map entitled "Plano County Zoning Map," being a part of this zoning ordinance, are hereby classified in one of the following districts. In case any street or alley as shown on the map have been or are hereafter vacated, the land shall take the district classification of the property to which it reverts. Public land acquired prior to the adoption of this Ordinance shall be limited to the use for which the land was acquired and/or any use established for the highest abutting districts. Development of public land acquired subsequent to the passage of this Ordinance shall conform to the district in which it is located. In the event public land is sold for private development it shall automatically assume the classification of the highest abutting district.

AGT	AGRICULTURE, GRAZING, TIMBER RAISING DISTRICT	SECTION VI
PR	PUBLIC RESERVE DISTRICT	SECTION VII
RA	SUBURBAN DISTRICT	SECTION VIII
R-1	SINGLE FAMILY RESIDENTIAL DISTRICT	SECTION IX
RG	GARDEN APARTMENT RESIDENTIAL DISTRICT	SECTION X
RP	RESIDENTIAL, PROFESSIONAL DISTRICT	SECTION X (2)
C-1	LIMITED COMMERCIAL DISTRICT	SECTION XI
C-2	NEIGHBORHOOD COMMERCIAL DISTRICT	SECTION XII
C-3	COMMERCIAL DISTRICT	SECTION XIII
M-1	LIMITED INDUSTRIAL DISTRICT	SECTION XIV
M-2	LIGHT INDUSTRIAL DISTRICT	SECTION XV
M-3	HEAVY INDUSTRIAL DISTRICT	SECTION XVI
NH	MOBILE HOME DISTRICT	SECTION XVI-I (1)
MI	MOBILE HOME PARKS	SECTION XVI-I (2)
MH	MOBILE HOME USE PERMIT	SECTION XVI-I (3)
AV	AIRPORT VICINITY DISTRICT	SECTION XVI-II
SG	SAND, GRAVEL AND ROCK PRODUCTS DISTRICT	SECTION XVI-III
SG/CP	SAND, GRAVEL AND ROCK PRODUCTS-CONTROLLED PROCESSING DISTRICT	SECTION XVI-IV

FILED

AT 10 O'CLOCK M

IN THE BOARD OF COUNTY COMMISSIONERS FOR LANE COUNTY

JUL 16 1971

D. B. STANFORD, Director of the
Dept. of Records and Elections of Lane CountyBY Keith Bailey
DEPUTYLANE COUNTY ZONING AND LAND USE
ORDINANCE NO. 426IN THE MATTER OF AMENDING LANE COUNTY
ZONING AND LAND USE ORDINANCE NO. 4

The Board of County Commissioners of Lane County ordains that Lane County Zoning and Land Use Ordinance No. 4, as readopted by Ordinance No. 7-71, be amended as follows and as specifically provided in Appendix A, attached hereto and incorporated herein:

- I. Amend Section IV, Definitions, by adding a definition for "Use, Farm" and "Farm Use", as shown by attached new pages 6, 10, and 10.01.
- II. Add Section VII (1), Exclusive Farm Use 20 District (EFU 20), as shown by attached new pages 11.01 and 11.02.
- III. Add Section VI (2), Farm-Forestry 20 District (F-F 20), as shown by attached new pages 11.03 through 11.06.
- IV. Amend Section VI, Agriculture, Grazing, Timber-Raising District (AGT), as shown by attached new pages 12 through 13.04.
- V. Add Section VI (4), Farm and Recreation District 5 (FF 5), as shown by attached new pages 13.05 through 13.09.
- VI. Add Section VI (5), Interim Agriculture Combining District (/IA), as shown by attached new page 13.10.
- VII. Add Section VII-I, Rural Residential District (RR), as shown by attached new pages 15.01 through 15.05.

EXHIBIT

Page 1 of 2

VIII. Amend Section XVI-I (1), Mobile Home District, to allow mobile homes in the EFU 20, F-F 20, FR 5, and RR Districts, and to allow provisions for temporary mobile home permits for employees in the EFU 20, F-F 20, and FR 5 Districts, as shown by attached new page 43.

Enacted this 14th day of April 1971.

APPROVED AS TO FORM
DATE <u>3-31-71</u>
<u>Ray E. Adams</u>
OFFICE OF COUNTY COUNSEL

James D. Co
Chairman, Lane County Board of Commissioners

Kathy D. Weather
Recording Secretary for this Meeting of the Board

The hereinabove ordinance approved and recommended for enactment by majority vote of the Lane County Planning Commission this 23rd day of March, 1971 after giving due notice of public hearing, and holding a public hearing on the 23rd day of February, 1971 and the 23rd day of March, 1971.

Lu Muth
Secretary, Lane County Planning Commission

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. ~~3-80~~) IN THE MATTER OF APPLYING THE RURAL
) COMPREHENSIVE PLAN DESIGNATIONS AND
) RURAL COMPREHENSIVE PLAN ZONES TO
) RURAL LANE COUNTY OUTSIDE THE
) METROPOLITAN AREA GENERAL PLAN
) BOUNDARY, AND OUTSIDE ALL URBAN
) GROWTH BOUNDARIES, REPEALING PRIOR
) ZONING DISTRICTS AND PLAN DESIGNA-
) TIONS, AND ADOPTING A SAVINGS AND
) SEVERABILITY CLAUSE

WHEREAS, the plan designations and zoning districts applicable to rural Lane County are not in full compliance with the Statewide Goals, and

WHEREAS, the Oregon State Land Conservation and Development Commission has granted Lane County an extension of time to revise its designations and zones to bring them into conformity with the Statewide Planning Goals, and

WHEREAS, the Board of County Commissioners has received from the Lane County Planning Commission and the West Lane County Planning Commission recommended application of the new plan designations and zones, and

WHEREAS, the Board of County Commissioners has conducted a public hearing and is now ready to take action, now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY ORDAINS AS FOLLOWS:

1. The Plan Designation and Zones as set forth on the attached maps (Exhibit "A") are hereby applied to Rural Lane County outside the Metropolitan Area General Plan Boundary and outside all Urban Growth Boundaries as modified by the attached change request summary, Board of County Commissioners action column (Appendix "B").

2. With exception of the following:

- (a) Rural Transportation Plan (Adopted by Ordinance No. 3-80).
- (b) Willamette Greenway Plan (Adopted by Ordinance No. 783).
- (c) Parks and Open Space Plan (Adopted by Ordinance No. 850).
- (d) Solid Waste Management Plan (Adopted by Ordinance No. 771 and subsequent amendment).
- (e) Coastal Resources Management Plan (Adopted by Ordinance No. 803) (Amended by Ordinance Nos. 862 and 876).

- (f) Siuslaw River Dredged Material Disposal Plan (Adopted by Ordinance No. 749) (Amended by Ordinance Nos. 861 and 877).
- (g) Housing Plan (Adopted by Ordinance 1-78).

the prior Plan and Zone designations are repealed. However, the prior Plan designations and zoning districts remain in full force and effect to authorize prosecution of persons who violate their provisions prior to the effective date of this Ordinance.

3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

4. The exceptions to Statewide Goals 3 and 4 are set forth in the attached Exhibit "B".

While not part of this Ordinance, the Board of County Commissioners adopt the Legislative Findings set forth in attached Exhibit "C" in support of this action.

Enacted this 29th day of February, 1984.

P. J. Galt
Chair, Lane County Board of
Commissioners

Debbie E. Mohr
Recording Secretary for this
Meeting of the Board

Effective date 3/29/84

ORDINANCE NO. PA 884 - LEGISLATIVE FINDINGS

Ordinance No. PA 884 is the implementation of the policies adopted in Ordinance No. PA 883. The support documents and Findings adopted in that Ordinance are, therefore, adopted as if fully set forth herein.

Major map changes, based upon a nonresource designation are supported by prior quasi-judicial or current Findings set forth on attached Exhibit "D".

The Diagrams and Zones reflect only one "need" exception arising from a prior quasi-judicial application. We, therefore, readopt the need exception set forth on attached Exhibit "E". Note that pursuant to CPR summary, the new designation is Destination Resort, rather than Commercial Zones. However, the exception to the Goal remains valid. The site review conditions are also readopted.

In addition, map changes occurring on the basis of a Marginal Lands designation are explained in the attached Exhibit "F".

All other changes to the maps from the original staff recommendation are supported by changes to the developed and committed exception and the information and Findings submitted with CPR requests. Because the amount of supporting information is very extensive, it is not possible to set out new Findings for each approval, nor is such analysis appropriate for a legislative Ordinance. However, the basis for the approval exists in the written attachments to the CPR's, public testimony and deliberation. This information is available on request.

EXHIBIT "C"

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 84-6-19-16) IN THE MATTER OF ADOPTING
) SUPPLEMENTAL FINDINGS IN
) SUPPORT OF ORDINANCE NO. PA 884

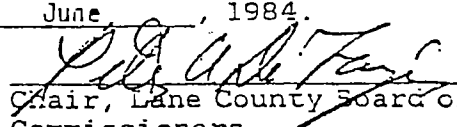
WHEREAS, on February 29, 1984, we adopted Ordinance No. PA 884 which applied Rural Comprehensive Plan Designations and Zoning Districts, and

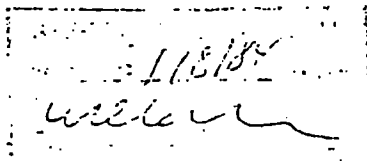
WHEREAS, this Ordinance also adopted exceptions to certain Goals based upon the developed and committed exception process, and also designated certain areas nonresource lands, and

WHEREAS, DLCD Staff have identified certain deficiencies in the findings supporting these actions, now, therefore, be it

ORDERED that the attached Supplemental Findings set forth on Exhibit "A" for Developed and Committed areas and the Supplemental Findings set forth on attached Exhibit "B" for nonresource areas are hereby adopted in support of Ordinance No. PA 884.

Dated this 19th day of June, 1984.


Chair, Lane County Board of
Commissioners



IN THE MATTER OF ADOPTING SUPPLEMENTAL FINDINGS IN SUPPORT OF
ORDINANCE NO. PA 884

cnbjasf

483

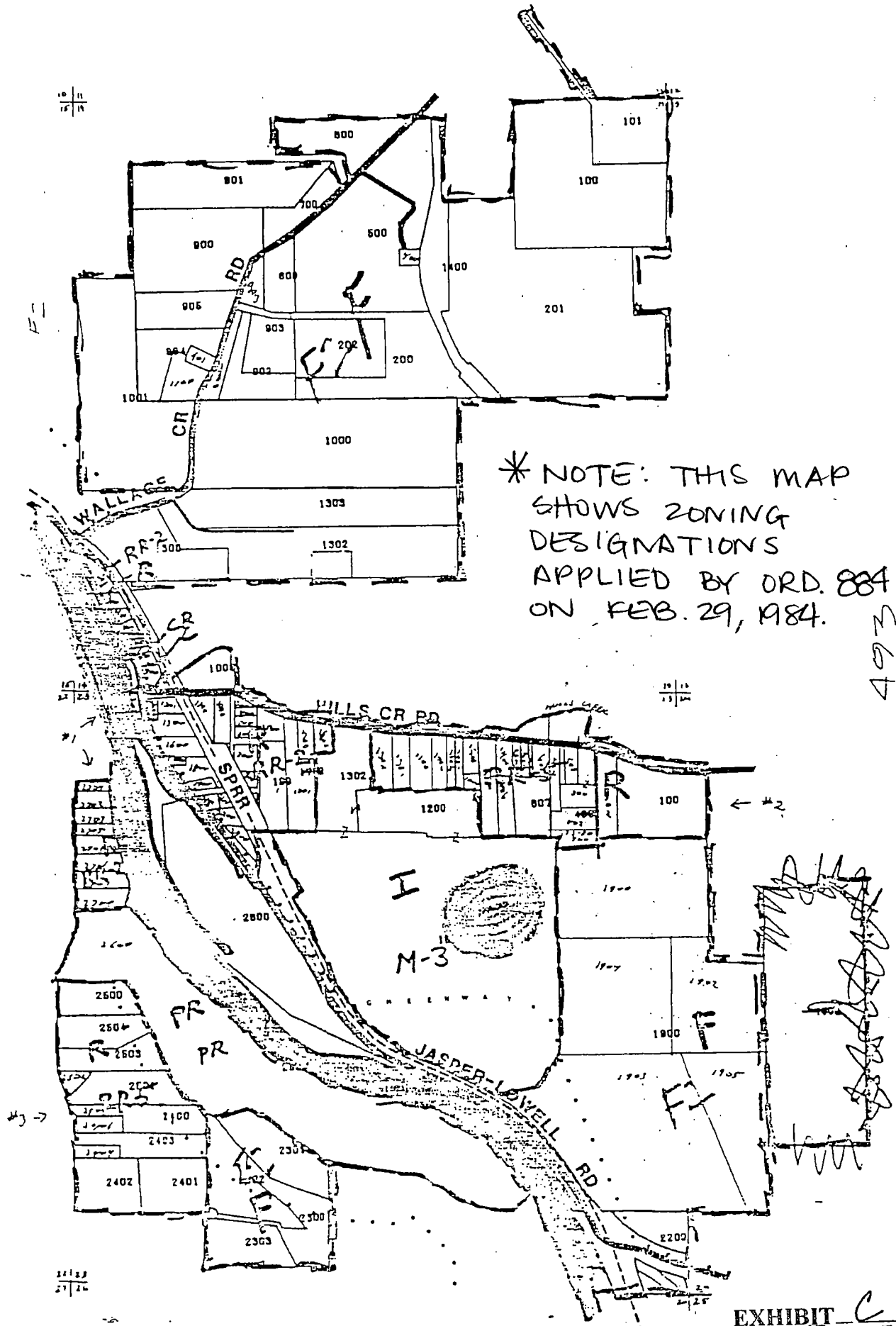


EXHIBIT D
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