

## SUPPLEMENTAL MEMORANDUM



**Memo Date:** April 10, 2007  
**Deliberations:** May 1, 2007

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**TO:** Board of County Commissioners  
**DEPARTMENT:** Public Works Dept./Land Management Division  
**PRESENTED BY:** BILL VANVACTOR, COUNTY ADMINISTRATOR  
KENT HOWE, PLANNING DIRECTOR

**AGENDA ITEM TITLE:** In the Matter of Considering a Ballot Measure 37 Claim and Deciding Whether to Modify, Remove or Not Apply Restrictive Land Use Regulations in Lieu of Providing Just Compensation (PA06-7202, Davidson2)

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### **BACKGROUND**

**Applicant:** Davidson Investments LLC  
**Current Owner:** Davidson Investments LLC  
**Agent:** Norm Waterbury  
**Map and Tax lot(s):** 20-35-34, tax lot 401  
**Acreage:** 27.8 acres  
**Current Zoning:** RR10 (Rural Residential)  
**Date Property Acquired:** July 19, 2002, (WD, 2002-054921)  
**Date claim submitted:** November 24, 2006  
**180-day deadline:** May 23, 2007  
**Land Use Regulations in Effect at Date of Acquisition:** RR10 (Rural Residential).  
**Restrictive County land use regulation:** Minimum parcel size of ten acres and limitations on new dwellings in the RR (Rural Residential) zone (LC 16.290)

### **ANALYSIS**

On March 20, 2007, the Board of Commissioners heard testimony on this Ballot Measure 37 claim and elected to give the claimant, Davidson Investments LLC, until April 13, 2007, to supplement the written record with additional evidence to substantiate the history of ownership of the subject property.

In the initial claim the applicant presented a warranty deed recorded July 19, 2002 describing the subject property with the claimant, Davidson Investments LLC, as the alleged grantee. Please refer to the staff memorandum dated February 21, 2007, for the hearing on March 20, 2007. The title report in the record substantiates the current owner of the subject property is Davidson Investments LLC, with an effective date of July 19, 2002.

The claimant has submitted the following supplemental documentation into the record:

1. Operating Agreement of Davidson Investments LLC an Oregon Limited Liability Company.

The submittal includes the first three pages of an eleven page agreement identifying the four members of the LLC: Jerald M. Davidson, Shirley J. Davidson, David J. Davidson and Leslie D. Davidson. The submittal does not identify the date that Davidson Investments LLC document was executed or any assets or information relating to the subject property.

2. Land Sales Contract -- dated May 12, 1975.

Grantors: Byron Libby and Lila L. Libby, husband and wife.

Grantees: Jerald M. Davidson and Shirley J. Davidson, husband and wife; and David J. Davidson and Leslie D. Davidson, husband and wife.

The contract includes seven pages but it does not identify the property being conveyed and it does not include reference to an exhibit with a metes and bounds or description of the property being conveyed. Whether this contract is related to the subject property is unknown.

3. Bargain and Sale Deed -- dated March 8, 2001.

Grantors: Jerald M. Davidson and Shirley J. Davidson; David J. Davidson and Leslie D. Davidson.

Grantee: Davidson Investments LLC

The deed references an "Exhibit A attached hereto and by this reference incorporated herein". "Exhibit A" was not included in the submittal. It is not known what property was intended as the "contribution to capital" of Davidson Investments LLC.

4. Evergreen Land Title Company Measure 37 Ownership Lien and Encumbrance Report, October 18, 2006.

This report was in the claimant's original application and does not provide any new information.

5. The submittal includes copies of assessment & taxation deed description cards, deeds, easement agreements, and RLID tax statements. All of the documents were in the claimant's original application.

The new documents identified in 1, 2, and 3 above, do not provide any new evidence that would change the conclusion and recommendation of the staff report dated February 21, 2007.

### **CONCLUSION**

It appears this is not a valid claim for Davidson Investments LLC.

### **RECOMMENDATION**

The timeline for submittal of new evidence expired on April 13, 2007. The County Administrator recommends the Board direct him to deny the claim.