



SUPPLEMENTAL INFORMATION SUBMITTED

Submitted on: 5-21-07

Taken By: SG

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

BP# _____

PA# 067346

SP# _____

SI# _____

Inman

ML

OTHER:

May 25, 2007

Lane County Board of Commissioners
125 East 8th Avenue
Eugene, OR 97401

05-25-07P03:27 RCWE

M37 Claim File # PA 06-7346

Dear Commissioners:

As a business owner whose personal and payroll taxes contribute substantially to the great state of Oregon and Lane County I am writing to express my deep displeasure to measure 37. I realize that due to the way the law is written, there is only so much that you can do and I have heard the phrase "that our hands are tied" more than once. However, I would hope that as elected officials you would do the right thing even if it were not the easiest road to take.

As I understand it there are only 3 criteria that you can use to judge an M37 claim, they are:

1. Continuous ownership by claimant.
2. Land use change while claimant owns property.
3. Diminution in value due to land use change during ownership by claimant.

It is a travesty of justice that you are not allowed to judge the affect that the claim will have on neighbors and the community. I served my country for four years with the Marine Corps, built a business from scratch, and yet my rights mean nothing here. It is wrong.

I believe that there are Federal issues that must also be addressed with this claim in addition to the above criteria as the claim borders Fern Ridge reservoir, which is under management, by the U.S. Army Corps of Engineers. I will address this point further, but for the record I would like to comment on the above criteria.

1. Continuous ownership by claimant. There is no doubt that Thelma Inman has owned the property. However, there are legal proceedings in the courts that question whether or not there was an ownership transfer when it was placed in a revocable living trust on February 25, 1997
2. Land use change while claimant owns property. This claim addresses 3 tax lots 100, 300, and 400. Ben Inman acquired tax lot 100 on June 5th, 1987 when it was already zoned E40. So tax lot 100 does not qualify, as there was no land use change while claimant owned the property. Thelma Inman acquired interest in tax lot 300 on December 29, 1967, and acquired interest in tax lot 400 on June 15th 1953. Both tax lots 300 & 400 meet the first two criteria. However, I believe that I can make a strong argument in regards to the third criteria, diminution in value due to land use change during ownership by claimant.
3. Diminution in value due to land use change during ownership by claimant. On the measure 37 form filed on December 2th, 2006 the claimant alleged a reduction in fair market value of \$2,500,000. When the claim was filed the applicant did not submit evidence of reduction in fair market value and the county administrator did not waive the requirement for an appraisal. Based upon the above, the County Administrator

recommended that the Board deny the claim. During the last hearing on May 8th, 2007 the claimant submitted a long list of real estate market comparables that do not come close to substantiating the alleged reduction in fair market value of \$2,500,000. If you consider the fact that the original claim of the three tax lots which totaled 221 acres along with the alleged reduction in fair market value of \$2,500,000 on these 221 acres you get an alleged reduction in fair market value of \$2,500,000 / 221 acres or \$11,312.27 per acre.

I had a realtor friend send me research on sold properties that closely matched tax lots 300 & 400, and a 51-acre view lot with a gentleman's farm on it sold on 5/24/07 for \$805,000 this sale is almost an exact fit to the claimants land and it sold for \$15,778 an acre. Please see the attached listing for proof of this. This quick search of like land sales within our area shows that valuable farm land does have substantial value, and since the value is more then what the claimant has alleged this is proof that there is no diminution in value due to land use change during ownership by claimant.

I have addressed all three of the criteria that limit you, and I plan on presenting this material at the hearing on June 5th, 2007. It is up to you as elected officials to do the right thing, even if it is a difficult task. I spoke with Thelma Inman regarding her claim, out of my concerns of a subdivision going up on beautiful piece of E40 property, and she told me she would never put a subdivision in, but yet the claimant's valuation is based upon this, so I do not know what to believe.

What I do know is that I purchased my property which is tax lot 500 right next to the Inman's under the knowledge that the E40 zoning that my, and the surrounding land is zoned, would protect the land from development, and this is why I purchased the property. I realize Thelma's point of view & understand why M37 passed, as if Thelma just wanted to put up a house, or two, for her kids I would not have a problem with this. However, we are talking about a subdivision, 30 or more two acre parcels, based upon the claimant's application, and this is just plain wrong. We have land use laws in place that were put in place protect the community as a whole.

I spent four years in the Marine Corps prepared to give my life for the American way of life, and right now my fellow Marines are giving their lives to protect the fairness and equality that our democracy stands for. I have laid out a concrete case for denial here, and to deny this claim for a subdivision would be what is fair and right for the community. It is up to you now to take the high road and do the right thing. You were elected to your positions to serve all of Lane County and not just a few well to do land owners. Please do the right thing and deny this claim.

Best Regards,



John H. Zemek

90,000 Ferrisborial Rd
Elmira, OR 97437

Presented By: Fawn Faribault Client Full
RE/MAX Integrity



1 2 3 4 5 6 7 8

RESIDENTIAL Status: SLD ~~5/25/2007~~ 10:47:26 AM
 ML#: 6050819 Area: 237 List Price: \$845,000
 Addr: 25319 FERGUSON RD M Unit#:
 City: Junction City Zip: 97448 Condo Loc/Lvl:
 Map Coord: 3/A/7 Zoning:
 County: Lane Tax ID: 1308285
 Elem: TERRITORIAL Middle: OAKLEA
 High: JUNCTION CITY PropType: DETACHD
 Nhood/Bldg:
 Legal: 15-06-24-00-00101
 Virtual Tour

GENERAL INFORMATION

Lot Size: 50-99.99AC	# Acres: 51.02	Lot Dimensions:
Waterfront:	View: TREES	Lot LEVEL, SLOPED, Desc: TREES
River/Lake:	Seller Disc: DSCLOSUR	Other Disc:

RESIDENCE INFORMATION

Upper SQFT: 1004	SFSrc: county #Bdrms: 3 #Lvl: 2	Year Blt: 1917/APPROX	Green:
Main SQFT: 1316	TotUp/Mn: 2320 Style: CRAFTSM	Home Wrnty: 55+ Nw/Affidavit Y/N:	
Lower SQFT: 0	Parking: #Garage: 3/CARPORT	#Fireplaces: 2/WOOD	
Total SQFT: 2320	Roof: COMP Exterior: LAP	Bsmt/Fnd: CRAWLSP	

REMARKS

XSt/Dir: 99 to Hwy 36, right on Territorial 5 mi to left on Ferguson

Public: RARE FIND, "Vintage 1917 Sears Craftsman Kit" home! Beautiful 51+ acre gentleman's farm with Classic Landmark Barn, 7 Stalls, foaling stall, clear span hay loft and large shop. Hay & Equipment Barn, fenced & crossed fenced pastures, corral, Serene setting with Vista Views and more!!!

**APPROXIMATE ROOM SIZES
AND DESCRIPTIONS**

Living: M/15 X / 25 /	Mstr U/13 X / Bd: 15 / WI-CLOS	Baths - Full.Part
Kitchen: M/12 X / 13 /	2nd U/11 X / Bd: 14 /	Upper Lvl: 2.0
Dining: M/13 X / 16 /	3rd Bd: U/10 X / 13 /	Main Lvl: 1.0
Family: M/15 X / 16 /	DEN/OFF U/8 X 6/ / /	Lower Lvl: 0.0
UTILITY L/24 X / 15 /		Total Bth: 3.0

**FEATURES AND
UTILITIES**

Kitchen: DISHWAS

Interior: HARDWOD, WOODFLR

Exterior: BARN, DECK, DOG-RUN, FENCED, GARDEN, OUTBULD, PORCH, RV-PARK, SHOP

Accessibility:

Cool: NONE	Hot Water: ELECT	Heat: BASEBRD, WOODSTV	Fuel: ELECT
Water: WELL	Sewer: SEPTIC	Insul: PARTIAL	

FINANCIAL

PTax/Yr: 1323.05

Rent, If Rented:

HOA

Other

Dues:

Dues:

HOA

Incl:

**COMPARABLE
INFORMATION**

Pend: 10/27/2006 **DOM:** 141 **Sold:** 2/12/2007 **Terms:** OTHER **Price:** \$845,000 **Sold:** \$805,000



County postpones land-use claims

Measure 37 - The Washington County board delays decisions on two billboards and a landfill

Thursday, May 24, 2007

KATHLEEN GORMAN

HILLSBORO -- The Washington County Board of Commissioners will shake up the county's schedule for deciding Measure 37 claims, pushing back hearings on the more disputed requests for waivers under the state land-use law.

With a 3-1 vote Tuesday night, board members postponed deciding on whether to grant waivers that could permit two prominent billboards or allow changes at a long-contested landfill in the county's rural Scholls area.

Neighbors of Lakeside Reclamation Landfill had urged the commissioners to postpone a decision on the landfill's claim. They hope the law may change if Oregonians are asked to reconsider Measure 37 this fall.

Officials hope that vote will provide more clarity on the contentious property rights law. By approving a new schedule, the commissioners won't have to consider the stickiest claims until after voters have weighed in.

The decision displeases Commissioner Andy Duyck, who said he opposed "artificially juggling" action on claims because it didn't provide a basic service to the public.

Commissioner Dick Schouten, among the board's stronger critics of Measure 37, said the board now can make "more rational" decisions.

"We have a little more time," he said, "so we can do it in a more systematic way."

Voters approved Measure 37 in November 2004 to give landowners a waiver of regulations or compensation if planning rules restricted what they could do with their property. No money was set aside for compensation, so counties and the state have waived regulations in most cases.

The 7,500 claims filed in Oregon under the measure tend to cluster near high-growth areas, and most propose housing. Washington County has received 873 claims, totaling nearly 74,000 acres.

In January, commissioners joined other counties' leaders in pressing the Legislature for more time to process a crush of Measure 37 claims submitted just before the law's requirements became tougher. From Nov. 1 to Dec. 4, the county received 303 claims, all requiring county action within 180 days.

In response this month, the Legislature gave governments a one-year extension to process claims.

With that extension, and on the advice of county staff, the commissioners decided to queue up claims this way: Washington County land-use employees will continue to process all claims seeking 10 or fewer housing lots. Then, the commissioners will take up larger residential claims at public hearings. Finally, they will consider all nonresidential claims.

Oregonians in Action, the author of Measure 37, didn't think Tuesday's decision was a big deal. The group's members opposed the length of the extension

granted by the Legislature, but they supported an extension for those counties needing one, said David Hunnicutt of Oregonians in Action.

"Washington County is certainly free to choose how they're going to process their claims," he said.

County officials say Measure 37 has been challenging -- and costly -- to implement. They estimate it will cost \$2 million in land-use staff and county counsel time to process all 873 claims.

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