



SUPPLEMENTAL INFORMATION SUBMITTED

Submitted on: 5-15-07

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**CUSTOM PLANNING
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**Thoughtful Land Use
Planning and Development
Ron R. Funke, AICP
Principal**

May 15, 2006

Lane County Commissioners
Lane County Land Use Management
125 East 8th
Eugene, Oregon 97401

Joan Patterson,
5055 Center Way
Eugene, OR. 97405

RE: Measure 37 Claim: PA 06-7340

Dear Sirs,

Mrs. Patterson's Measure 37 was held over to allow further documentation of her loss of value relative to her ability to subdivide her property, Map 16-25-26, lots 500 and 501 into to twenty-five acre parcels.

In 1961 when Mrs. Patterson and her then husband, Gerald first bought this property on a land sales contract there was no zoning on these parcels.

On December 15 1972, when the first Warranty Deed was recorded, the Lane Use Code in effect covering this property was found in Lane Code 13.080, governing the size of subdivisions. **See attachment A**

Land division as small as one-acre parcels were allowed at that time. The current land use code requires that F-2 parcels be a minimum of 80 acres.

As Mr. Craig McKern, an Oregon Certified Residential Real Estate Appraiser, estimated the current "real market" value of Mrs. Patterson's 102 acres is \$750.00, exclusive of timber value. **See attachment B**

If Mrs. Patterson is allowed to divide her property into four approximately 25 acre parcels (not allowed under current Lane County Code the total value is approximately \$1,350.00 for a net loss in value to Mrs. Patterson of \$600,000.00.

It seems very clear that Mrs. Patterson has a significant "loss of value" for her property as a result of restrictive land use regulations.

Sincerely



Ron R. Funke, AICP
Custom Planning Services
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Eugene, Oregon

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ATTACHMENT A

13.075

Lane Code

13.080

(3) Easements for Utilities. Dedication of easements for storm water sewers, and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water, and dedication of easements for sanitary sewers, and for access thereto for maintenance, and dedication of easements for other public utilities, may be required of the subdivider by the Planning Commission along lot rear lines, lot side lines, or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this chapter. Easements for utility lines shall be not less than fourteen (14) feet in width; except that for an easement abutting land not in the subdivision area a lesser width may be allowed at the discretion of the Planning Commission where the subdivider presents a satisfactory plan whereby such easement will be expanded to the width otherwise required. Easements for access to sewer lines for maintenance shall be six (6) feet in width.

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13.080

Lots.

(1) Size and Frontage; General Requirements.

(a) Area and Width for Residential Use:

(i) Where the site is served by both public sewer and water facilities, or by public sewers alone:

Single-family dwelling	6,000 sq.ft.	60' m.a.w.*
Two-family dwelling	8,000 sq.ft.	60' m.a.w.
Three-family dwelling	10,000 sq.ft.	70' m.a.w.
Four-family dwelling	12,000 sq.ft.	70' m.a.w.

(ii) Where the site is served by public water, but not by public sewer facilities:

Single-family dwelling	8,000 sq.ft.	60' m.a.w.*
Two-family dwelling	12,000 sq.ft.	70' m.a.w.
Three-family dwelling	16,000 sq.ft.	80' m.a.w.
Four-family dwelling	20,000 sq.ft.	90' m.a.w.

(iii) Where the site is served by neither public sewer nor public water facilities:

Single & two-family dwellings	one acre	150' m.a.w.*
Three & four-family dwellings	two acres	250' m.a.w.

* m.a.w. - minimum average width.

(iv) Corner lots, key lots and butt lots shall, in no case, have a minimum average width between the lot side lines of less than sixty-five (65) feet.

(b) Depth. Each lot shall have an average depth between the lot front line and the lot rear line of not less than the applicable minimum average width requirement for such lot, but in no case shall be less than 80 feet, and not more than two and one-half (2-1/2) times the average width between the lot side lines.

(c) Frontage. Each lot shall have frontage of not less than 60 feet upon a street, except that a lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than 35 feet upon a street, measured on the arc.

(d) Minimum area. No lot shall be created, divided or set off in such a manner that either the portion created, divided or set off, or the portion remaining, shall fail to conform with the applicable minimum area, width, depth and frontage requirements set forth immediately above.

(2) Size and Frontage; Exceptions.

(a) Subdivision area developed as a unit. The Planning Commission may at its discretion authorize the relaxation of the lot size and frontage requirements specified herein where the subdivider presents a plan satisfactory to the Planning Commission whereby the entire subdivision area will be designed and developed with provision for proper maintenance of recreation and park area which will be commonly available for recreation and park purposes to the residents of the subdivision area, and which the Planning Commission determines will be of such benefit to said residents as is equal to that which would be derived from observance of the lot size and frontage requirements otherwise specified, and will be in accordance with the purpose of this chapter.

(b) Lot retained for future subdivision. The Planning Commission may in its discretion waive lot frontage requirements where in its judgment a lot should and will be retained by the subdivider, and future subdivision of such lot will be the highest and best use thereof and such use will be best protected by the creation of a reserve strip separating such lot from any street.

(c) Land zoned for commercial use. The Planning Commission may in its discretion authorize relaxation of the lot size and frontage requirements specified herein in the case of land zoned for commercial use, where such relaxation

Craig E. McKern, Appraiser, P.C.
State Certified Residential Real Estate Appraiser
Mailing: 1574 Coburg Road, PMB 397, Eugene, Oregon 97401-4802
Telephone 541-345-0744 Facsimile 541-345-0577
email: cem9th@msn.com

November 22, 2006

ATTACHMENT B

Joan Patterson
c/o Ron Funke, agent
Custom Planning Services
99 West 10th Avenue, Suite 119
Eugene, Oregon 97401

RE: Lane Code 2.740 (6)

Ron,

For your files, here is the Ballot Measure 37 summary for the Patterson property at 46580 North Gate Creek Road, Vida, Oregon 97488, known as Tax Lots 16-25-26-00-00501 and 16-25-26-00-00500.

The scenario for these three appraisal reports is captioned on the cover letter. The three reports were structured to provide a "before" value of the entire property as it exists now and an "after" value as postulated for Ballot Measure 37 procedures. The scenarios are further explained in the reports themselves with my file numbers 101906A through 101906C.

Therefore it is postulated:

101906A: 46580 North Gate Creek Road, Vida, the entire 102 acre more or less property noted above, a "before" instance: opinion of value \$750,000 exclusive of any net merchantable timber value.

101906B: a hypothetical twenty five acre more or less parcel, identified as Postulated Lot "A", and including all present dwelling site and other improvements as described, except for a small summer cabin located on Tax Lot 500, appraised as a hypothetically partitioned and buildable site as an "after" instance, opinion of value: \$450,000. Note this postulated site Lot "A" has most of the creek frontage and a southerly exposure aspect.

101906C: a hypothetical twenty five acre more or less parcel, identified as Postulated Lot "B" as a hypothetically buildable site for one single family residence out of Tax Lot 501 and arbitrarily located south of the South Fork of Gate Creek, an "after" instance and representative of two other similar "after" instance hypothetical buildable parcels out of Tax Lots 501 and 500, opinion of value: \$300,000 each.

Please note the postulated sites called Lot "A" and Lot "B" are not surveyed and attributed acreage is approximate only for Measure 37 claim purposes.

Summary: three hypothetical twenty five acre buildable postulated Lots "B" out of Tax Lots 501 and 500 at \$300,000 each is \$900,000; the postulated improved and buildable site called Lot "A" is valued at \$450,000; total hypothetical postulated value is calculated as: \$1,350,000; less the "as is" value of the one current buildable parcel in both Tax Lots 500 and 501 of \$750,000 in the "before" instance: remainder is \$600,000, subject to conditions and assumptions found in the three appraisal reports.

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page two of two

Patterson
46580 North Gate Creek Road
Vida, Oregon 97488
Measure 37 claim

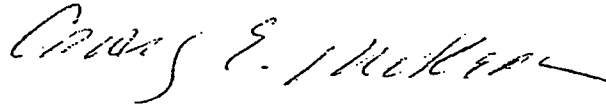
The difference of \$600,000 between the "before" and "after" scenarios can be attributed to creation of four new parcels out of the present 102 more or less acres of Tax Lots 501 and 500. It is assumed there will be the required dwelling setbacks within the creek bottom riparian zone.

Further, no net merchantable timber value is included in the above valuations. Further, only an actual market test in due course, should the owner be inclined to sell these hypothecated parcels in due course, can actually determine a true market value.

See the individual reports for specific assumptions and conditions used in making the hypothetical report values for files 101906B and 101906C.

Please call if you have any questions.

Cordially,



Craig E. McKern