

**Memo Date:** May 11, 2007  
**Hearing Date:** May 22, 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 (PA06-7292, Purcell)

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## **BACKGROUND**

**Applicant:** William and Wilma Purcell, Trustees of the Purcell Living Trust

**Current Owner:** Purcell Living Trust

**Agent:** Michael E. Farthing

**Map and Tax lot(s):** 17-03-25-22 tax lot 200

**Acreage:** Approximately 1.88 acres

**Current Zoning:** Low Density Residential (City of Springfield Zone Designation)

**Date Property Acquired:** May 12, 1965, property acquired by William and Wilma Purcell (WD #8710263)  
May 11, 1998, property is placed into the Purcell Living Trust (WD #9838477)

**Date claim submitted:** December 1, 2006

**180-day deadline:** May 30, 2007

**Land Use Regulations in Effect at Date of Acquisition:** RA (Suburban Residential)

**Restrictive County land use regulation:** Unspecified, see discussion under analysis item 1, below.

## **ANALYSIS**

To have a valid claim against Lane County under Measure 37 and LC 2.700 through 2.770, the applicant must prove:

**1. Lane County has enacted or enforced a restrictive land use regulation since the owner acquired the property, and**

The current owner of the subject property is the Purcell Living Trust. William and Wilma Purcell acquired an interest in the property on May 12, 1965, when it was zoned RA, Suburban Residential (WD #97257). Currently, the property is within the Urban Growth Boundary of the City of Springfield and is zoned Low Density Residential by the City.

On May 11, 1998, the property was placed into The Purcell Living Trust (WD #9838477). The Trust is considered a new owner but because it is revocable and William and Wilma are the Trustees, their ownership interests are continued.

The applicant has failed to identify the specific land use regulations enacted by Lane County which have allegedly reduced the fair market value of the property. Instead, they have provided the following statement: "Claimants request waiver of the land use regulations enacted by the County after the above-referenced date [May 12, 1965] and which applied to the Subject Property while the property was regulated by Lane County land use authority. These are those regulations that restrict or prohibit Claimants from subdividing the property into four additional lots and placing a single family dwelling on each lot

It is unclear from this statement that Lane County has enacted any regulations which have restricted the owners' use of the property since May 12, 1965. Furthermore, the applicant suggests that regulations enacted by Lane County since May 12, 1965, limit their ability to subdivide the property into four lots. This statement appears problematic because in 1965, the Suburban Residential zone applied to the subject property and that zone required that lots have a minimum width of sixty feet. In 1965, the property was approximately 190 feet wide. Therefore, the development of four lots would not have been possible on that date.

**2. The restrictive land use regulation has the effect of reducing the fair market value of the property, and**

It is unclear what restrictive land use regulations have been enacted by Lane County which have reduced the fair market value of the property. It is possible that regulations enacted by the City of Springfield may have reduced the fair market value of the property but without analysis by City of Springfield staff, this remains uncertain.

The applicants have submitted a Comparative Market Analysis alleging a reduction in the fair market value of their property in the amount of \$240,000. In previous Measure 37 deliberations the County Commissioners have accepted CMAs as competent evidence of valuation. Because of this, the County Administrator has waived the requirement for an appraisal.

**3. The restrictive land use regulation is not an exempt regulation as defined in LC 2.710.**

It is unclear what Lane County land use regulations are being challenged.

## **CONCLUSION**

There is insufficient evidence to determine the validity of this claim. The City of Springfield has not yet analyzed the claim so it is unclear if a reduction in the fair market value of the property has occurred. In addition, the applicant has failed to identify the specific Lane County land use regulations which have reduced the fair market value of the property.

## **RECOMMENDATION**

The County Administrator recommends the Board postpone taking action on this item until the valuation component has been analyzed by the City of Springfield. If, at the time the Board takes action on this item, additional information has not been submitted concerning the specific Lane County land use regulations which have reduced the fair market value of the property the County Administrator recommends the direct him to deny the claim.