

SUPPLEMENTAL MATERIAL

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SUPPLEMENTAL AGENDA COVER MEMO



DATE: June 14, 2006
TO: BOARD OF COUNTY COMMISSIONERS
FROM: Steve Hopkins, AICP
Land Management Division
RE: 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 (PA 05-6581, Bernheim)

The attached letters are comments from the neighbors regarding the Bernheim Measure 37 claim.

HOPKINS Steve P

From: Corliss Family [oakfive@hotmail.com]
Sent: Thursday, June 08, 2006 11:44 PM
To: HOPKINS Steve P
Subject: RE: Bernheim M37 claim

Mr. Hopkins.

Here is an e-mail that I have sent to the Lane County Commisioners. Unfortunately I will be out of town the day of hearing. I hope to have a family member attend to speak on our behalf. I hope that you can include this e-mail with the other public comments regarding this claim. Thank you for your public service.

June 8, 2006

To: Lane County Commissioners

From: Craig Corliss
2120 Law Lane
Eugene, OR 97491
(541) 485-1499

Re: Measure 37 Bernheim claim.

I recently purchased approximately 20 acres and a residence at 82624 Rodgers rd. This is directly across from tax lot 101. I bought it to have a place to live with my 24 year old son who suffered a severe traumatic brain injury 5 years ago.

The quiet rural setting is especially conducive to activities I can engage in with my son that are therapeutic to his ongoing recovery and also add to his enjoyment of life.

Being aware of measure 37 and the potential development that may be allowed to occur on neighboring properties if owned prior to 1975 I inquired who owned the neighboring property. I was told that the Bernheims had sold it to McDougal brothers. Frontier Resources LLC no trespassing signs are on the fences and Bernheims had moved to Bend. You can imagine how shocked I was to receive notice of Bernheims claim.

I urge you to deny the waiver as an invalid claim for the following reasons.

1. Based on common knowledge the Bernheims have already created or accepted a sale of their property. They should be at least questioned: Did you agree to sell? Have you received or has money been placed in escrow?
2. The value of the claim is unrealistic and unsubstantiated. Compensation under measure 37 is to be based on the difference in market value between the old zoning and the new zoning. At the time the zone changes went into effect no reduction in market value occurred.
3. This land can not developed in smaller lots due to limited groundwater supplies and arsenic contamination. Our well is 160 feet deep and produces only 1 gallon per minute. The arsenic levels are borderline safe for human consumption. Increased draw down of the aquifer below me will increase the arsenic release from the soils. Our well could become dry or become unusable.
4. The increase in pollution levels will negatively impact all county residents. Run off will flow into the South Fork of the Willamette river. Commuter exhaust from greatly increased traffic flows will degrade the air. Light and noise pollution will be increased.

5. Police fire and other county provided services will not be readily available. The roads cannot handle the increased traffic.

Measure 37 was meant to benefit pre 1975 owners. This claim is an attempt to benefit new owner developers. My resources are limited and my efforts are directed towards providing for someone who cannot plan and provide for himself. This is very difficult to do when deep pocketed developers use back room deal making with the apparent intention of getting what they want and not what the voters want or intended.

Respectfully,

Craig Corliss

>From: "HOPKINS Steve P" <Steve.HOPKINS@co.lane.or.us>
>To: "Kristi Hoolaas" <kristihoolaas@centurytel.net>, "Christa Gruner"
><phr@jb.com>, "DIGNAM Steve" <SDIGNAM@lcog.org>, <oakfive@hotmail.com>
>Subject: Bernheim M37 claim
>Date: Wed, 7 Jun 2006 07:16:32 -0700
>

>Good morning,
>I have attached the finalized report for the Bernheim claim, as well as
>the draft order, a map and the materials submitted by the applicant.
>This claim will be heard by the County Commissioners on June 14 at 1:30
>in the 2nd floor conference room. Your testimony at the hearing may
>address any issue you feel is relevant to this claim. If there are a
>lot of people who wish to testify, there may be a time limit placed in
>order to allow everyone an opportunity to speak. I you have any
>questions, don't hesitate to contact me.
>

> <<Bernheim Report.doc>> <<Bernheim Order.doc>> <<Bernheim Map.pdf>>
> <<Bernhiem Claim.pdf>>

> <<Picture (Metafile)>>

>Steve Hopkins, AICP
>Planner
>Lane County Land Management
>682-3159

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><< BernheimReport.doc >>

><< BernheimOrder.doc >>

><< BernheimMap.pdf >>

><< BernhiemClaim.pdf >>

7 June 2006

From: William J & Rose Somerville

To: Lane Co. Board of Commissioners
Land Management Division
125 East 8th Avenue
Eugene, OR 97401

REC'D JUN 09 2006

Steve Hopkins
Lane Co. Board of Commissioners
Land Management Division
125 East 8th Avenue
Eugene, OR 97401

Cc: Kristi Hoolaas / 82788 Rodgers Road / Creswell, OR / 97426

Tammy Ellis / 83135 Rodgers Road / Creswell, OR / 97426

SUBJECT: MEASURE 37 CLAIM PA 05-6581

TO WHOM IT MAY CONCERN:

We feel the above mentioned claim, if granted as requested by owners Bernard and Margaret Bernheim, will have many negative consequences.

This property on Map 19-02-21 - Tax Lot 101,105 & 106; Map 19-02-17 – Tax Lot 100 is presently zoned E 40 (Exclusive Farm Use) and contains 515 acres with 3 dwellings on the Tax Lots in question.

The primary purpose of zoning rural property outside any Urban Growth Boundary is:

1. Preserve agricultural use by efficient means to conserve natural resources.
2. Preserve the maximum supply of agricultural land for the assurance of adequate, healthful, and nutritious food for the people of Lane County, the State of Oregon, and the Nation.
3. To substantially limit the expansion of urban development into rural acres because of the increase in costs of community services of water, sewers, roads and schools.

We have lived on Rodgers Road since 1973. since that time the before mentioned Tax Lots have been functioning as farm or forest use.

When reviewing this claim the present claim established by Oregon State to zone this as E 40 would leave a much less of a detrimental effect of bringing approximately 10 more residences on these tax lots if they were divided into 40 acre parcels. The impact of allowing the proposed 157 lots if "just compensation" is not allowed would certainly create water supply problems to both existing wells and future wells.

The value of existing residences without the adequate water availability greatly impacts the value of that property.

At present the roads in this area are typical country roads and are not wide enough to handle the increase in traffic. This also impacts the present owners of needing to deed part of their current land for expansion of roadways and utilities.

In the area immediately surrounding this acreage are many other acreages that would result in Measure 37 claims and thus setting a precedence and disasterous results from using this precious agricultural zoned land.

Thank you for your consideration for our concerns and the concerns of the majority of our neighborhood.

Respectively Submitted,



William & Rose Somerville

REC'D JUN 09 2006

To: The Lane County Board of Commissioners

Regarding: June 14, 2006 Hearing 1:30pm to review the proposal of considering a Ballot Measure 37 Claim and Decide whether to modify, remove or not apply restrictive Land Use regulations in lieu of providing just compensation.

Dept. File No. PA 05-6581, Map/Tax Lots 19-02-21, 101,105&106
19-02-17, 100

Owner: Margaret and Bernard Bernheim

From: The Undersigned Group of Adjacent Landowners

We, the undersigned, represent a part of the adjacent landowners to the above referenced tax lots SE of Creswell, along Enterprise, Rodgers and adjacent roads.

Collectively, we are opposed to this claim and the rights to transfer this claim to any purchaser of said property. For one thing, we understand that there is good reason to question the "sales" status of said property and will provide testimony under separate cover that sheds doubt on whether or not an actual sale has already taken place whether verbally or in writing.

Regardless of the results of this hearing, the undersigned adjacent landowners are not going to stop here. We are preparing to oppose the zoning/land use planning proposal referred to in the above claim by the Bernheims and their representatives, at such time that it is appropriate, with vehement energy and research.

The issues before us are not only water rights, geological surveys/reports, if any, well laws, road systems, sewage treatment and raparion zones surrounding the creek and tributaries, impact on environment and wildlife, but fire/police support, school systems and many more by the time the zoning/land use planning hearing is scheduled.

Date: 6/7/06

Name/Signature

Address

Geraldine Gunn

82040 Bear Cr. Rd

Creswell OR. 97426

8 June 2006

To: Lane Co. Board of Commissioners
Land Management Division
125 East 8th Avenue
Eugene, OR 97401

REC'D JUN 09 2006

Steve Hopkins
Lane Co. Board of Commissioners
Land Management Division
125 East 8th Avenue
Eugene, OR 97401

SUBJECT: MEASURE 37 CLAIM / PA 05-6581

The purpose of the letter is to voice our strong objection to the Measure 37 Claim PA 05-6581, Map/Tax Lots 19-02-21, 1010, 105 & 106; Map/Tax Lots 19-02-17,100 by the owners Margaret & Bernard Bernheim.

The land noted above is approximately 515 acres and is currently zoned E 40 / Exclusive Farm Use.

We have resided at 82962 Rodgers Road (Map 19 02 17 00 00 900) since 1994 and are directly adjacent to the proposed development. Our objection is based on the proposed removal of restrictive land use regulations which have, to date, protected said property for the purposes outlined by E 40 ruling. Land such as that in the Tax Lots in question, which is outside the Urban Growth Boundaries, is zoned for maximum beneficial use related to Agriculture and Forestry. Land inside the Urban Growth Boundaries is supported by infrastructure allowing the most efficient means for human population expansion. Both types of land use zones supply necessary benefits for quality of life in Lane County and the State of Oregon.

Our first and foremost concern is that the area water table and infrastructure cannot accommodate the proposed development. We have first hand experience with water supply shortage as do most of our neighbors. The impact of the proposed housing would eliminate water supply to most, if not all, existing wells located on the developed land surrounding the 515 acres. Lack of water to the surrounding properties adjacent to the proposed development would create a chain reaction of detrimental effects including, but not excluding, a reduced standard of living, lower property values, increased fire danger, reduced wildlife habitat and a large negative affect on the land use for Agriculture and Forest.

We believe that the maximum allowable division of the 515 acres should stand as 40 acre parcels exclusive farm use. The proposed division into 157 lots would completely negate the intended purpose for the historical division of Urban Growth Boundaries versus Exclusive Farm Use.

Also, this development would further prompt additional Measure 37 Claims by land owners in the same area. This proposed development and the impending snowball effect would devastate this rural area.

We feel confident that the Lane County Board of Commissioners can readily see the reasons & need to uphold the current E 40 zoning for said property. We trust you will oppose this claim and the rights to transfer this claim to any purchaser of the Tax Lots listed.

Thank you for your time to review our sincere comments in opposition.

Regards,



Richard & Sheryl Webb
82962 Rodgers Road
Creswell, OR 97426

Cc: Kristi Hoolaas / 82788 Rodgers Road / Creswell, OR / 97426

Tammy Ellis / 83135 Rodgers Road / Creswell, OR / 97426

Linnea Embleton
David Embleton
82766 Rodgers Rd.
Creswell, OR 97426

REC'D JUN 09 2006

June 8, 2006

Re: June 14, 2006 Hearing 13:30 to review the proposal of considering a Ballot Measure 37 Claim and decide whether to modify, remove or not apply restrictive Land Use regulations in lieu of providing just compensation.
Dept. File No. PA 05-6581, Map/Tax Lots 19-02-21, 101, 105 & 106, 19-02017, 100

To the Lane County Board of Commissioners,

We are writing this letter in opposition of the Bernheim Claim as described above for the following reasons:

We do not believe that it meets the intent of Measure 37 as land that should have restrictions changed. Current land restrictions are appropriate for the area and for its use. Current land restrictions on the above cited Tax lots are appropriate for this rural area and do not need to be modified or removed.

As adjacent land owners to the Bernheim's we have strong opposition to develop this area due to poor well production of our own wells, narrow rural roads, riparian zones of year-round creek on the proposed property, water quality due to erosion and management of water-shed creek for the Coast Fork of the Willamette River and impacts on wildlife and natural environment.

Please take into consideration our family and the other families that own land near the proposed property when considering its value as a Measure 37 claim.

Please do not approve this Measure 37 Claim!

Thank you for considering our input on this issue,


David Embleton


Linnea Embleton