

**Memo Date:** March 12, 3007  
**Hearing Date:** April 3, 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 (PA05-6425, Bixler)

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**BACKGROUND**

**Applicant:** Selene Bixler Price and Lucette Bixler Wood  
**Current Owner:** Unknown  
**Agent:** Selene Bixler Price and Lucette Bixler Wood  
**Map and Tax lot(s):** 16-03-30, tax lot 802  
**Acreage:** 56.01 acres  
**Current Zoning:** E40 Exclusive Farm Use  
**Date Property Acquired:** Unknown  
**Date claim submitted:** September 28,2005  
**180-day deadline:** March 27, 2006  
**Land Use Regulations in Effect at Date of Acquisition:** unknown  
**Restrictive County land use regulation:** Minimum parcel size of forty acres and limitations on new dwellings in the E40 (Exclusive Farm Use) zone (LC 16.212).

**ANALYSIS**

On September 28, 2005, Selene Bixler Price and Lucette Bixler-Wood submitted a BM 37 claim (PA 05-6425) on behalf of Loyce and David Bixler. The application was not complete and the applicant was so notified by written correspondence dated December 21, 2005. No further information has been received establishing a valid written demand for compensation under BM 37 or qualification for compensation under LC 2.740.

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 submittal lacks any evidence that identifies who the current land owner is or when the current land owner acquired an interest in the property. It also fails to identify the zoning on the property at the time of first acquisition or any current restrictive regulations or a reduction in fair market value from a land use regulation. In addition, the processing fee has not been paid. The only metes and bounds description in the submittal is the "Exhibit A" page to a document recorded in Reel 1395R, Instrument No. 8611530 recorded on April 15, 1986. The first page was not included and the grantor and grantee are not identified.

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

It is unknown who the current land owners are or when they acquired the property. Thus, it is unknown what the zoning was at the time of acquisition by a potential claimant.

The applicants have not documented any alleged restrictions limiting development of the property that could have been exercised by the owners at a previous time under different zoning.

The applicants have not submitted any claim for reduction in fair market value resulting from a restrictive regulation.

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

The claimant has not identified any other restrictive land use regulations that allegedly reduce the fair market value of the property.

**CONCLUSION**

It appears this is not a valid claim.

**RECOMMENDATION**

If additional information is not submitted at the hearing, the County Administrator recommends the Board direct him to deny the claim.