

Third Supplemental Memo



Memo Date: June 6, 2007

Hearing Date: June 20, 2007 (Continued from April 3rd, May 8th and June 5th)

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)

BACKGROUND

Applicant: David L. Bixler and Loyce Evelyn Bixler

Current Owner: David L. Bixler and Loyce Evelyn Bixler

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:

Loyce Evelyn Bixler: September 7, 1997 (Bargain & Sale Deed: Reel 1395, No. 8611530).

Date claim submitted: September 28, 2005

180-day deadline: March 27, 2006 (Time waiver approved)

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).

This claim was originally heard on April 3, 2007. The Board continued the discussion of this claim to the May 8, 2007 in order to allow the claimants time to submit additional information and have the Board reconsider the recommendation. On May 8, 2007 the Board held a second hearing and at the conclusion the Board continued the discussion

of this claim to June 5th, 2007 public hearing to allow the claimants time to submit additional information and have the Board reconsider the recommendation. The Board requested all new information to be submitted to Lane County by May 25, 2007.

On June 5th, 2007, the claimant submitted at the public hearing, two additional documents into the record: a marriage certificate – David Leroy Bixler and Loyce Evelyn Colthar; and a birth registration – Loyce Evelyn Colthar). No additional evidence has been received.

CONCLUSION

It appears this is not a valid claim since the applicant acquired the property after the current zoning was applicable.

RECOMMENDATION

If additional information is not submitted at the June 20th, 2007 hearing, the County Administrator recommends the Board direct him to deny the claim.