



Lane County  
LAND MANAGEMENT DIVISION  
125 EAST 8<sup>TH</sup> AVENUE  
EUGENE, OREGON 97401  
PHONE: 541-682-3823  
FAX: 541-682-3947

**SUPPLEMENTAL MATERIAL**

W.14.C.

**AGENDA COVER MEMO  
SUPPLEMENT**

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**MEMO DATE: April 17, 2006**

**AGENDA DATE: April 19, 2006**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: BILL VANVACTOR, COUNTY ADMINISTRATOR  
KENT HOWE, PLANNING DIRECTOR**

**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 05-6234, CBM Properties LLC )**

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On April 14, 2006, the applicant requested this item be pulled and placed on hold until further notice. This claim was scheduled for hearing on Wednesday and notice was provided. Should anyone appear, the Board may want to advise them of the request before deciding whether to open the hearing or simply cancel it. The letter from the applicant's representative is attached to this cover memo.

ARNOLD GALLAGHER SAYDACK  
PERCELL ROBERTS & POTTER

A Professional Corporation

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ATTORNEYS AT LAW

800 U.S. Bank Center  
800 Willamette Street  
Eugene, OR 97401

Telephone: (541) 484-0188  
Facsimile: (541) 484-0536  
E-Mail: [mreeder@agsprp.com](mailto:mreeder@agsprp.com)  
[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

Correspondence:  
P.O. Box 1758  
Eugene, OR 97440-  
1758

MICHEAL M. REEDER

April 14, 2006

Steve Hopkins, Planner  
Lane County Land Management Division  
125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401

Re: Indefinite Postponement of CBM Family LLC Measure 37 Claim Hearing  
Without Withdrawal of Measure 37 Claim (PA 05-6234)  
Please Refer to Our File No. 15312-6

Dear Mr. Hopkins:

We respectfully request that the CBM Family LLC Measure 37 Claim Hearing (PA 05-6234) be pulled from the Wednesday, April 19, 2006 Board of Commissioners meeting agenda. We reserve the right to request a hearing at some future date. We therefore waive the 180-day requirement pursuant to ORS 197.352(6).

Our desire to postpone the hearing on our client's claim is based on the fact that the County Administrator has taken the position that a transfer of real property to a Family LLC creates a new owner for purposes of Measure 37. Although we respectfully disagree with this interpretation, we prefer to wait until this issue is resolved by the courts.

We will notify you once our client has decided to have its claim heard in a public meeting by the Board of Commissioners. Thank you for your attention in this matter.

Very truly yours,

*/s/ Michael M. Reeder*

Micheal M. Reeder

MMR:jgh

cc: Client  
Kent Howe