

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Claim No. CL 05-01 for Compensation )  
under Measure 37 by Opal Burkhard ) Order No. 23-2005

WHEREAS, on December 2, 2005, Columbia County received a claim under Measure 37 and Order No. 84-2004 from Opal Alice Burkhard related to a 116 acre parcel on Neer City Road in Rainier having Tax Account Number 6211-000-00100 as described in Book 84, Page 170 of the Columbia County Deed Records; and

WHEREAS, according to the information presented with the Claim, Opal Alice Burkhard has continuously owned an interest in the property since 1946, and is currently the sole fee owner of the property; and

WHEREAS, in 1946 Columbia County did not regulate minimum lot sizes for the division of forest land; and

WHEREAS, the subject parcel is currently zoned Primary Forest (PF-76) pursuant to the Columbia County Comprehensive Plan; and

WHEREAS, pursuant to Columbia County Zoning Ordinance (CCZO), Section 506.1, the minimum lot or parcel size for new land divisions in the PF-76 zone shall be 76 acres; and

WHEREAS, Ms. Burkhard claims that the minimum lot size requirement for new land divisions has restricted the use of the property and has reduced the value of the property by One Million Two Hundred Thousand Dollars (\$1,200,000); and

WHEREAS, Ms. Burkhard desires to subdivide the property into 29 four acre parcels; and

WHEREAS, pursuant to Measure 37, in lieu of compensation the Board may opt to not apply (hereinafter referred to as "waive" or "waiver") any land use regulation that restricts the use of the Claimant's property and reduces the fair market value of the property to allow a use which was allowed at the time the Claimant acquired the property;

NOW, THEREFORE, it is hereby ordered as follows:

1. The Board of County Commissioners adopts the findings of fact set forth in the Staff Report for Claim Number CL 05-01, dated April 4, 2005, which is attached hereto as Attachment 1, and is incorporated herein by this reference.
2. In lieu of compensation, the County waives CCZO 506.1 to the extent necessary to allow the Claimant to subdivide the property into parcels having a minimum lot size of four acres.

Order No. 23-2005

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3. This waiver is subject to the following limitations:
- A. This waiver does not affect any land use regulations of the State of Oregon. If the use allowed herein remains prohibited by a State of Oregon land use regulation, the County will not approve an application for land division, other required land use permits or building permits for development of the property until the State has modified, amended or agreed not to apply any prohibitive regulation, or the prohibitive regulations are otherwise deemed not to apply pursuant to the provisions of Measure 37.
  - B. In approving this waiver, the County is relying on the accuracy, veracity, and completeness of information provided by the Claimant. If it is later determined that Claimant is not entitled to relief under Measure 37 due to the presentation of inaccurate information, or the omission of relevant information, the County may revoke this waiver.
  - C. Except as expressly waived herein, Claimant is required to meet all local laws, rules and regulations, including but not limited to laws, rules and regulations related to subdivision and partitioning, dwellings in the forest zone, and the building code.
  - D. This waiver is personal to the Claimant, does not run with the land, and is not transferable except as may otherwise be required by law.
  - E. By developing the parcel in reliance on this waiver, Claimant does so at her own risk and expense. The County makes no representations about the legal effect of this waiver on the sale of lots resulting from any land division, on the rights of future land owners, or on any other person or property of any sort. By accepting this waiver, and developing the property in reliance thereof, Claimant agrees to indemnify and hold the County harmless from and against any claims arising out of the division of property, the sale or development thereof, or any other claim arising from or related to this waiver.
  - F. This Order shall be recorded in the Columbia County Deed Records, referencing the legal description which is attached hereto as Attachment 2, and is incorporated herein by this reference, without cost.

Dated this 15<sup>th</sup> day of June, 2005.

Approved as to form

By: *Sarah W. Jordan*  
Assistant County Counsel

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: *Anthony Hyde*  
Anthony Hyde, Chair

By: *Joe Corsiglia*  
Joe Corsiglia, Commissioner

By: *Rita M. Bernhard*  
Rita Bernhard, Commissioner

After recording please return to:  
Board of County Commissioners  
230 Strand, Room 331  
St. Helens, Oregon 97051

# COLUMBIA COUNTY LAND DEVELOPMENT SERVICES

## Staff Report

### Measure 37 Claim

**DATE:** April 4, 2005

**FILE NUMBER:** CL 05-01

**CLAIMANT/OWNER:** Opal Alice Burkhard  
513 E. 2<sup>nd</sup> Street  
Rainier, Oregon 97048

**PROPERTY LOCATION:** 70961 Neer City Road, Rainier, Oregon 97048. On the South side of Neer City Road approximately 1 mile West of Highway 30.



**TAX ACCOUNT NUMBER:** 6211-000-00100

**ZONING:** Primary Forest (PF-76)  
**SIZE:** 116.0 Acres  
**REQUEST:** To subdivide the subject property into approximately 29 4.0 acre parcels to be used as Rural Residential parcels.  
**CLAIM RECEIVED:** 12/2/04                      **180 DAY DEADLINE:** 5/30/05

**I. BACKGROUND:** Opal A. Burkhard filed a claim under Measure 37 on December 2, 2004. The applicant submitted a letter with the application stating the value diminished by the current PF-76 land use regulations (minimum lot size and conditional use requirements) applicable to her property is \$1,200,000.00. Justification for this alleged loss of value will be reviewed below. Mrs. Burkhard states her desire to divide the property into approximately 29 4.0 acre lots, and that the entire property be declared Rural Residential now and forever forward. The applicant further states it is her intention to sell some of the parcels for future building sites and give several of the parcels to family members.

**II. CLAIM SUMMARY:**

**A. PROPERTY OWNER AND OWNERSHIP INTERESTS:**

1. Tigor Title Company at St. Helens Or. Issued a Policy of Title Insurance, Report No. 07-49103, dated February 15, 2005 for the subject property identified by Tax Acct. No. 6211-000-00100, with legal description attached.  
Vested In: Opal A. Burkhard, an estate in fee simple  
Subject to: The rights of the public for public roads lying within the subject property. No other property interests are listed.  
Date of Acquisition: A Correction Deed submitted with this claim and dated February 27, 1946 lists Louis and Opal Burkhard as owners of the property. A Certificate of Death indicates that Louis Burkhard was deceased on March 13, 2003.
2. Chain of Title, Folder No. 07-49703, issued by Tigor Title Company on February 9, 2005: lists the current owner Opal A. Burkhard came into ownership with husband Louis Burkhard by recorded document Book 84/Page170 on March 13, 1946. Subsequently husband, Louis Burkhard, has died as recorded in County Clerk Records 03-03956 dated March 20, 2003. (Death Certificate on file)

**B. APPLICANT/RELATIONSHIP TO OWNER**

The applicant is owner, Opal A. Burkhard who has signed the claim for compensation. A Durable Power of Attorney, executed by Opal A. Burkhard on May 1, 2001, appointed Florence M Gestrin to act in behalf of her as an attorney in fact, recorded by Columbia County Clerk January 4, 2004, Inst. No. 00090, (5 pages).

**C. FAMILY MEMBER STATUS**

Applicant Opal A. Burkhard, with her deceased husband, Louis, are the original family members who own the property. There is no family succession of ownership interest of record in the subject property.

**D. LAND USE REGULATION(S) APPLICABLE TO SUBJECT PROPERTY ALLEGED TO HAVE REDUCED FAIR MARKET VALUE/EFFECTIVE DATES/CLAIMANT ELIGIBILITY**

CCZO Primary Forest(PF-76) Zoning Regulations as follows:

Section 503.9; 504 and 505

Lists residential uses as conditional uses subject to special review criteria.

Section 506.1

New land divisions must be a minimum of 76 acres(State Law 80 acres)

Effective Date: July 1984.

**E. STATEMENT AS TO HOW THE REGULATIONS RESTRICT USE**

The applicant states that she is unable to divide her property for rural residential use due to PF-76 zoning district regulations limiting parcel sizes and conditional use criteria affecting siting of residential uses.

**F. EVIDENCE OF REDUCED FAIR MARKET VALUE SUBMITTED**

1. Value of Current Property-Pre-development.

A certified appraisal indicating a value of \$170,000 under current land use regulations for the single 116.0 acre lot submitted by the applicant was prepared by Rich Larson Appraisal on October 3, 2003.

2. Value of Property Not Subject to Cited Regulations and Developed As Proposed

The applicant submitted a Comparative Market Analysis prepared by Tyrone Schimpf with John L. Scott Realty.

**G. COMPENSATION DEMANDED**

\$1,200,000

**DETERMINATION OF CLAIMANT ELIGIBILITY FOR FURTHER REVIEW:**

The Claimant acquired the property in 1946. The regulation cited became effective in July 1984. The claimant is eligible for further review and action should be taken under Measure 37.

**CRITERIA FOR REVIEW**

**COLUMBIA COUNTY ORDINANCE 84-2004**

**Interim Procedure to Process Applications for Compensation Under Oregon Statewide Ballot Measure 37**

- III. **PRE-APPLICATION CONFERENCE.** Before submitting a Claim, Owners are encouraged to schedule and attend a pre-application conference with Land Development Services Department staff to discuss the Claim.

**Finding 1:** The applicant and applicant's daughter attended a pre-application conference on December 2, 2004 with staff to obtain information concerning Measure 37 and the County claims process

- IV. **APPLICATION FEE.** The fee to submit a claim for compensation shall be \$500.00. The Board of County Commissioners may, by order or resolution, modify the fee for processing Claims. The fee shall be based upon the reasonable cost to the County of processing such application including the cost of technical review.

**Finding 2:** The applicant submitted the required \$500.00 filing fee. A hardship fee waiver request was submitted by the applicant, but withdrawn after additional financial information necessary for determination of financial hardship was requested by the County.

V. **CLAIM FILING PROCEDURES.**

- A. An Owner Seeking to file a Claim for Compensation under Measure 37, must be the present owner of the property that is subject to the claim at the time the claim is submitted. The claim shall be filed with the Land Development Services Department.

**Finding 3:** The claim was filed with Land Development Services on December 2, 2004. According to Columbia County tax records and the title report submitted with the claim( II A above), Louis and Opal A. Burkhard are the current owners of the subject property. A death certificate for Louis Burkhard was submitted.

- B. Claims should be submitted on the Claim Form approved by the Board of County Commissioners...

**Finding 4:** The applicant submitted the Claim for Compensation under Measure 37 on the claim form approved by the Board of County Commissioners.

- C. The Claim Form should be accompanied by all necessary information and materials and the appropriate filing fee, sufficient to demonstrate a claim under Measure 37. The Board of County Commissioners may waive the fee if the Claimant establishes a financial hardship. A complete Claim Form includes all the information and materials listed on the Claim Form. The Owner is responsible for the completeness and accuracy of the application and supporting information and materials.

**Finding 5:** The applicant has submitted a Claim under Measure 37 on the appropriate form(Attachment 1). The applicant has requested compensation in the amount of \$1,200,000.00. The applicant has provided justification for this amount of compensation in the form of an appraisal for the current 116.0 acre parcel and a market

analysis for 4 acre residential parcels (II F above). The sufficiency of the documents submitted to demonstrate a claim under Measure 37 is addressed in Findings 6 through 10 below.

Additionally, the applicant submitted a copy of a deed showing Louis and Opal A. Burkhard purchased the property on March 13, 1946. The applicant claims the property was initially purchased in 1905 by Louis Burkhard, and inherited by Louis Burkhard Jr. and a brother and sister in the 1930's. Louis Burkhard Jr. acquired sole ownership of the subject property in 1946. The only documentation submitted with this application however is a copy of a deed from March 13, 1946. The County enacted its first Zoning Ordinance for the subject property in July 1984. It is clear that the applicant owned the property prior to enactment of the Columbia County Zoning Ordinance and the Columbia County Subdivision and Partitioning Ordinance.

## MEASURE 37

**(1) If a public entity enacts or enforces a new land use regulation or enforces a land use regulation enacted prior to the effective date of this amendment that restricts the use of private real property or any interest therein and has the effect of reducing the fair market value of the property, or any interest therein, then the owner of the property shall be paid just compensation.**

**(2) Just compensation shall be equal to the reduction in fair market value of the affected property interest resulting from enactment or enforcement of the land use regulation as of the date the owner makes written demand for compensation under the act.**

### Finding 6:

The claimant states her desire to divide her 116 acre property into approximately 29 4-acre lots which would be sold or be retained by family members as rural residential parcels. She claims that "Columbia County Zoning Ordinance 503.9 and Sections 504 and 505 in total" and "For minimum lot size 506.1. And any other regulations or ordinances I might not be aware of" prevent her from doing so.

Columbia County Zoning Ordinance(CCZO) Section 503.9 requires that a conditional use permit be obtained before development of a nonresource-related single family residential structure in the PF-76 zone. Section 504 contains criteria that all conditional uses in the PF-76 zone must meet. Section 505 contains criteria that residential structures must meet. These requirements have not been enforced on the applicants property under terms of Measure 37 and therefore cannot be the basis for a valid claim until or unless an application for a conditional use permit has been denied or condition has been imposed that restricts use. Staff finds that CCZO Sections 503.9, 504 and 505 have not restricted the use of the claimants property.

CCZO, Section 506.1, minimum lot size requirement in the PF-76 zone restricts use of the property

by limiting land divisions on forest land to 76 acres. The County adopted PF-76 zoning district standards including the minimum lot size provision in 1984. Since 1994, when the State enacted a law establishing a minimum lot size of 80 acres in the primary forest use zone, the County has enforced the State minimum lot size requirement of 80 acres in the PF-76 zone directly. Staff finds that the claimant has shown that the PF-76 lot size regulation, CCZO, Section 506.1, restricts the use of her property by preventing land divisions below 76 acres.

The claimant has submitted documentation to demonstrate reduction in fair market value of her property in the form of an appraisal for the single 116.0 acre lot, as well as a market analysis showing the current value of individual 4.0 acre residential lots (II F above). The appraisal for the single 116.0 acre lot submitted by the applicant was prepared by Rich Larson Appraisal on October 3, 2003. The appraisal estimates the subject property to be worth approximately \$170,000 under the current Land Use Regulations. The applicant submitted a Comparative Market Analysis prepared by Tyrone Schimpf with John L. Scott Realty. The Market Analysis shows residential lots averaging 4.51 acres in size are currently averaging \$68,957.32 in price. The market analysis compares a variety of parcels, most of which are zoned residential and have developed road access and/or have more readily available utilities. The market analysis does not address the costs to develop the 116 acres into 4 acre building sites that are more comparable to the building sites shown in the Fair Market Analysis. The subject property is remote. The cost to provide required utilities such as water and sewer will likely be high. The prevailing soils on the site are Goble Silt Loam(NRCS Soil Survey of Columbia County, Sheet #16) which can develop a hardpan and may restrict the use of on-site septic systems. It is not possible to substantiate the specific dollar amount of the claim. Nevertheless, based on the submitted information, including the comparative market analysis, staff finds that it is more likely than not that there has been some reduction in fair market value of the subject property as a result of the minimum lot size regulations in the PF-76 zone.

**(3) Subsection (1) of this act shall not apply to land use regulations:**

**(A) Restricting or prohibiting activities commonly and historically recognized as public nuisances under common law. This subsection shall be construed narrowly in favor of a finding of compensation under this act;**

**(B) Restricting or prohibiting activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;**

**(C) To the extent the land use regulation is required to comply with federal law;**

**(D) Restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing. Nothing in this subsection, however, is intended to affect or alter rights provided by the Oregon or United States Constitutions; or**

**(E) Enacted prior to the date of acquisition of the property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first.**

**Finding 7:**

Staff finds that the PF-76 zoning district regulations identified by the claimant in Sections 504.4(planning and design to prevent fire hazard) and 505.2(fire siting standards for development in forest areas) are not compensable under Measure 37 since they are public safety restrictions.

**(4) Just compensation under subsection (1) of this act shall be due the owner of the property if the land use regulation continues to be enforced against the property 180 days after the owner of the property makes written demand for compensation under this section to the public entity enacting or enforcing the land use regulation.**

**Finding 8:**

Should the Board determine that the that the claimant has demonstrated a specific reduction in fair market value of the property due to the cited regulation(s), the Board is to pay compensation in the amount of the reduction in fair market value caused by PF-76 land use regulations or in lieu of compensation, modify, remove, or not apply the PF-76 minimum lot size regulations.

**(5) For claims arising from land use regulations enacted prior to the effective date of this act, written demand for compensation under subsection (4) shall be made within two years of the effective date of this act, or the date the public entity applies the land use regulation as an approval criteria to an application submitted by the owner of the property, whichever is later. For claims arising from land use regulations enacted after the effective date of this act, written demand for compensation under subsection (4) shall be made within two years of the enactment of the land use regulation, or the date the owner of the property submits a land use application in which the land use regulation is an approval criteria, whichever is later.**

**Finding 9:**

The subject claim arises from PF-76 zoning regulations which were enacted in 1984, prior to the effective date of Measure 37. The subject claim was filed within two years of the effective date of Measure 37.

**(8) Notwithstanding any other state statute or the availability of funds under subsection (10) of this act, in lieu of payment of just compensation under this act, the governing body responsible for enacting the land use regulation may modify, remove, or not to apply the land use regulation or land use regulations to allow the owner to use the property for a use permitted at the time the owner acquired the property.**

**Finding 10:**

As noted in Findings 6 and 7 above, Staff finds that the PF-76 zoning district minimum lot size restrictions restrict the use of the applicant's property. Additionally, such restriction may reduce the value of the property (see Finding 6 above). Therefore, if the Board finds that the cited regulations have reduced the value of the property, the Board should authorize payment of just compensation in the amount of the reduction in fair market value. Or, in lieu of such compensation, the Board should not apply the cited regulations to which Measure 37 applies to allow the owner to use the property for a use which was permitted at the time the owner acquired the property.

## STAFF RECOMMENDATION

Based on the above findings, it is Staff's opinion that the applicant has met the threshold requirements for proving a Measure 37 claim.

The following table summarizes staff findings concerning the land use regulations cited by the claimant as a basis for her claim. In order to meet the requirements of Measure 37 for a valid claim the cited land use regulation must be found to restrict use, reduce fair market value, and not be one of the land use regulations exempted from Measure 37. The highlighted regulations below have been found to meet these requirements of a valid Measure 37 claim.

LAND USE CRITERION	DESCRIPTION	RESTRICTS USE?	REDUCES VALUE?	EXEMPT?
CCZO 503.9	Nonresource-related single family residential structure permitted by conditional use permit	No	No	No
CCZO 504.1	Use consistent with forest and farm uses and Forest Practices Act	No	No	No
CCZO 504.2	Use will not significantly increase cost, nor interfere with accepted forest management practices or farm uses on adjacent or nearby forest or farm uses.	No	No	No
CCZO 504.3	Limit site to no larger than necessary to accommodate activity. Won't materially alter stability of land use pattern, limit or impair surrounding permitted uses. If necessary measures will be taken to minimize negative effects on adjacent forest lands.	No	No	No
CCZO 504.4	Use does not constitute an unnecessary fire hazard; provides for safety measures in planning, design, construction, and operation.	No	No	Yes
CCZO 504.5	Public utilities develop or utilize ROWs that have least adverse effect on forest resources. Use existing ROWs where possible.	No	No	No
CCZO.504.6	Development within major or peripheral big game ranges shall be sited to minimize impact on big game habitat.	No	No	No
CCZO 505.1	Nonresource-related structures shall be placed only on land that is generally unsuitable for commercial forestry or agricultural use considering terrain, adverse soil or land conditions, drainage, and flooding, vegetation, location, and size of the tract.	No	No	No

CCZO 505.2	Provision be made for fire safety measures consistent with NIFPG publication "Fire Safety Considerations for Development in Forest Areas"	No	No	Yes
CCZO 505.3	Dwelling owner/occupant assume responsibility for wildlife damage.	No	No	No
CCZO 505.4	Use does not impose limitation on operation of primary wood processing facility.	No	No	No
CCZO 505.5	Forest management impact statement may be required showing relationship between the proposed residential use and surrounding resource uses, including setbacks for any dwellings from forest or farm uses to assure above conditions met.	No	No	No
CCZO 506.1	Minimum parcel size for new land divisions is 76 acres. New land divisions of less than 76 acres shall be allow only for specified permitted and conditionally permit uses in the PF-76 zone, excluding nonresource related dwellings.	Yes	Yes	No

Staff recommends the Board of County Commissioners take action to determine the amount, if any, by which the cited regulations reduced the value of the claimant's property, and act accordingly to pay just compensation in that amount, or, in the alternative, to not apply CCZO Section Section 506.1 (minimum parcel size) to the claimant's property.

COLUMBIA COUNTY



OREGON

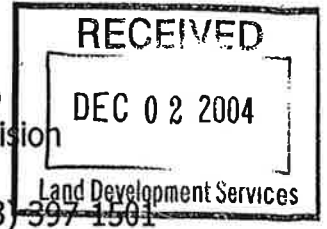
*fee waived - pending*

File No. CL 05-01

### Measure 37 Claim

Fee: \$500.00 (Required with application)  
Land Development Services - Planning Division  
Columbia County Courthouse

230 Strand, Strand, St. Helens, OR 97051 (503) 397-1501



### Claimant Information (attach additional pages for multiple Claimants):

OPAL ALICE BURKHARD  
Name(s) of Claimant(s):  
513 EAST 2ND STREET  
Mailing address for Claimant(s)  
  
Mailing address for Claimant(s)

503-556-1562  
Daytime phone #  
RAINIER, OREGON  
City, State, Zip  
  
City, State, Zip

### Property Information:

40961 New City Rd Rainier, Oregon 97048  
Property location/address

6211-000-00100  
Property tax account #

### Claim Information:

1) Amount of claim: \$ 1,200,000

2) Please list the intended use of the property which you believe is restricted by a County land use regulation:

*My intention is to have property broken up into approximately 40 acre parcels and sold or retained by family members as Rural Residential parcels.*

3) Please list all land use regulations related to your intended use of the property which you believe have reduced the fair market value of the property, followed by the date of adoption or the date the regulations were enforced against the property (be as specific as possible...Ordinance, Chapter, Section, Subsection):

*Columbia County Zoning Ordinance 5-03.9 and Section 504 and 505 in total  
for minimum lot size 506.1  
And any other regulations or ordinances I might not be aware of.*

4) Have you applied for land use approval for your intended use of the property? NO

*No Deferrals Have Ever Been Requested or Accepted*

If so, when?: N/A  
If so, what did you apply for? N/A  
If so, what was the file number?: N/A

5) When did you acquire the property: \_\_\_\_\_

6) Ownership of property:  Sole  Joint  Other (please list): \_\_\_\_\_

7) Does anyone else have an ownership interest in the property? If so, please list each person and their respective ownership interest:

NO N/A.

8) Did you acquire the property from a family member? (Family member includes wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, daughter-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandchild, the estate of any of the family members listed, or a legal entity owned by any one or a combination of such family members) YES.

If so, from who? FREDERICK BURKHARD HELEN GOLDEN, MARGARET DAVISSON  
If so, what is the family relationship to you? BROTHER AND SISTERS OF LOUIS BURKHARD (HUSBAND)  
If so, when did you acquire the property? 1946 (LOUIS DIED 4TH UNTIL THEN AS WELL)  
If so, when did your family member acquire the property? 1930'S FROM MOTHER MARIE BURKHARD  
MARIE INHERITED IN 1917 FROM HER HUSBAND LOUIS BURKHARD PURCHASER OF  
**SIGNATURES** PROPERTY IN 1905

I/we certify that the information contained in and attached to this claim form is accurate and complete.

<u>Opal Burkhard</u> Claimant	_____	Date
_____	_____	Date
_____	_____	Date
_____	_____	Date

**FOR OFFICIAL USE ONLY**

Date Received \_\_\_\_\_ Receipt # \_\_\_\_\_ Received By: \_\_\_\_\_

12/02/2004

Land Use Development Board  
Columbia County Courthouse  
St. Helens, Oregon 97051

**RE: REQUEST FOR COMPENSATION OR WAIVER OF LAND USE  
REGULATIONS**

To Whom It May Concern,

I request that I be compensated for the loss of comparable value of property that I own at 70961 Neer City Road, Rainier, Oregon 97048. Located on the North half of the Northwest quarter (N $\frac{1}{2}$  of NW $\frac{1}{4}$ ) and the Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$  of NE $\frac{1}{4}$ ) Section 11, Township 6 North, Range 2 West of the Willamette Meridian, except 1 acre as described in Book 62, Page 389 and except  $\frac{1}{2}$  acre as described in Book 46, Page 278, Deed Records of Columbia County, Oregon. Tax Account # 6211-000-00100 Pull # 0420647, Code #0312.

The cost of loss of value that I am requesting is \$1,200,00.00

I will accept instead of compensation that the current Land Use Laws forbidding me to use my property be abolished / rescinded or waived.

If the Land Use Restrictions are waived I request that my property be taken out of Forest Land and Farm Land and any other restrictions that I might not be aware of and have never agreed to.. I further request that the land use regulations be returned to the way they were when the property was acquired by my husband Louis Burkhard and I in 1946.

It is my desire to have the land now and forever forward declared Rural Residential. It is my desire to divide the property for sale as Rural Residential in parcels approximately four acres in size. Some parcels could be larger and some possibly smaller but four acres would be the expected general size.

It is my intention to sell the property as property available for building sites and to retain some parcels if I choose so my Daughter, Grandsons, and possibly Great Grandchildren can have a home on the property that my husband and I worked hard to hold in expectation of our retirement and a heritage to our family.

**Please note at no time have my husband and I taken out any deferrals or exemptions on this property. It was our belief that we should maintain the property and pay taxes on it as good citizens. We have not participated in any deferrals, green belt, or other type of assistance at any time. We also maintain mineral rights to this property.**

There are no leans, judgments, or loans on this property. There is a Insured Title on this property.

Multiple attempts have been made during the past year to sell this property with no success. A variety of measures were taken to attempt to sell the property including but not limited to numerous letters to well known persons, adds in local and out of State newspaper, and Real Estate Agents. In all cases there was some interest until parties interested learned about the prohibitive Land Use Regulations which made it impossible for them to build more than one house and questionable if they could even do that.

Further complicating efforts to sell the property was our attempts to sell it to Forest Industry business. As is noted by one of the letters attached to this request for compensation or waiver. Timber Companies have made the decision not to purchase because they believe that the area is "to urbanized".

