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Memo Date: April 10, 2007
Hearing Date: April 17, 2007

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: Hearings on twenty seven Ballot Measure 37 Claims. See the attached reports for the individual title of each Ballot Measure 37 claim to be heard.

PUBLIC HEARINGS/ MEASURE 37 CLAIMS

All claims set for hearing and consideration by the Board are listed in Table 1 and will be reviewed together in a single, day-long proceeding. The hearings will allow anyone the opportunity to speak to any claim during public testimony and/or submit written testimony. Anyone who submits testimony will be sent notice of subsequent land use applications that rely on the Ballot Measure 37 claim. The Board may elect to adopt all or a subset of the provided draft orders in one motion. Any of the claims with issues can be removed and discussed by the Board in separate actions.

Hearing Process

The order of testimony for each claim listed in Table 1 will be as follows:

1. Applicant.
2. Others.
3. Rebuttal by applicant.
4. Questions from the Board, if necessary.

After closing or continuing the hearings on all the listed claims, the Board may:

1. Identify claims for further discussion.
2. Act on those not requiring more discussion (by number from Table 1).

Possible Motions following the Hearings

1. Motion for Board to adopt the proposed orders for the claims that appear valid.
2. Motion for Board on individual orders or claims pulled for discussion.
3. Motion that remaining claims have inadequate information to determine their validity and direct the County Administrator to issue letters of denial.

ANALYSIS AND RECOMMENDATIONS

There are 27 claims scheduled for a hearing. There are 4 claims recommended for denial. Gregory Demers and Mosby² appear to be incomplete. Cone Investments and Heceta Lake, do not appear valid because there does not appear to be any reduction in the fair market value from enforcement of a restrictive land use regulation. Two claims either have been withdrawn (Jaramillo) or put on hold (Pavelec) and there are no reports on those claims.

In addition, there are 6 claims that are scheduled for deliberation but not a hearing. These claims were heard on March 13 and were scheduled for denial because they were incomplete or did not appear valid. No testimony will be taken on these claims. These claims are Barnes, Barrowcliff, Dowdy, Green², Johnson² and Titus. These claimants had until April 6 to submit additional information. Any new information submitted by those claimants is presented as an attachment to the staff reports. Refer to the individual staff reports for specific details on each claim.

The claims recommended for denial have not submitted adequate evidence regarding ownership or the alleged reduction of value despite requests for that information. Because of this, the County Administrator is compelled to recommend denial of these claims. If the Board concurs, the County Administrator will issue a letter to that effect for each claim. The remaining claims appear valid as described in the attached reports and the County Administrator recommends the Board adopt the proposed orders for those claims.

ATTACHMENTS

- A. Table 1: Summary of Claims and Recommendations
- B. Table 2: Hearing Notes
- C. Reports and Orders where provided

Attachment "A"

Table 1: Summary of Claims and Recommendations

	Name	PA#	Tax parcels	Acres	Submitted	180 days	Status	Issues/Notes	Recommendation
1.	Brewer1	06-7165	19-01-04 #600; 19-01-05 #703	207	30-Nov-06	29-May-07	Valid		Adopt order
2.	Cone	06-7181	18-03-23 #100	105	30-Nov-06	29-May-07	Not valid	Ownership	Deny
3.	Decker 3	06-7188	17-05-03 #300	29	30-Nov-06	29-May-07	Valid		Adopt order
4.	Decker1	06-7185	17-05-02-22 #2900, 3100, 3200, 3400, 3500, 5000,	17	30-Nov-06	29-May-07	Valid		Adopt order
5.	Decker2	06-7186	17-05-02-22 #2800	3	30-Nov-06	29-May-07	Valid		Adopt order
6.	Decker4	06-7187	17-05-03 #1000	43	30-Nov-06	29-May-07	Valid		Adopt order
7.	Demers, Gregory	05-6589	17-06-35 #600	38	27-Oct-05	25-Apr-06	incomplete	valuation	Deny
8.	Egge	06-7180	17-03-03 #402	112	30-Nov-06	29-May-07	Valid		Adopt order
9.	Eubank	06-7179	19-06-11 #700 and 701	35	30-Nov-06	29-May-07	Valid		Adopt order
10.	Graham	06-7166	16-04-13 #900	7	30-Nov-06	29-May-07	Valid		Adopt order
11.	Heceta Lake	06-7172	18-12-10-10 #100	11	30-Nov-06	29-May-07	Not valid	No reduction	Deny
12.	Humphrey	06-7335	19-01-02 #700	10	4-Dec-06	2-Jun-07	Valid		Adopt order
13.	Hunt	06-7167	19-03-16 #1500	41	30-Nov-06	29-May-07	Valid		Adopt order
14.	Jaramillo	06-7337	18-11-16 #2000, 2001, 2002	28	4-Dec-06	2-Jun-07	Withdrawn by applicant		No action
15.	Keepers2	06-7175	18-02-35 #205	10	30-Nov-06	29-May-07	Valid		Adopt order
16.	Kempf	06-7189	17-02-17 #401 and 404	115	30-Nov-06	29-May-07	Valid		Adopt order

	Name	PA#	Tax parcels	Acres	Submitted	180 days	Status	Issues/Notes	Recommendation
17.	Kilmer	06-7339	18-04-26 #201	17	4-Dec-06	2-Jun-07	Valid		Adopt order
18.	Mathews	06-7176	21-03-21 #2300, 2400, 2500	72	30-Nov-06	29-May-07	Valid		Adopt order
19.	Mentzer	06-7169	17-08-09 #200, 500, 600; 17-08-09-22 #1001	121	30-Nov-06	29-May-07	Valid		Adopt order
20.	Mosby2	06-7177	21-03-16 #1102	50	30-Nov-06	29-May-07	Incomplete	Ownership/Valuation	Deny
21.	Pavelec	06-7168	18-04-12-40 #3200	10	30-Nov-06	29-May-07	On Hold		No action
22.	Slusher	06-7174	20-01-04 #1700	45	30-Nov-06	29-May-07	Valid		Adopt order
23.	Sly	06-7184	19-02-06 #600; 19-03-01 #1500,1600,	219	30-Nov-06	29-May-07	Valid in part	Ownership	Adopt order
24.	Springfield Country Club	06-7183	17-02-03 #300	69	30-Nov-06	29-May-07	Valid		Adopt order
25.	Vilhauer	06-7178	18-04-19 #1500 1505	29	30-Nov-06	29-May-07	Valid		Adopt order
26.	Webking	06-7182	17-04-05 #400	84	30-Nov-06	29-May-07	Valid		Adopt order
27.	Whitney	06-7173	20-03-13 #100	141	30-Nov-06	29-May-07	Valid		Adopt order
28.	Barnes (3/13)	06-7323	16-05-15 #300	308	4-Dec-06	2-Jun-07	Incomplete	Valuation	Deny
29.	Barrowcliff (3/13)	06-6975	16-02-11 #200	338	15-Nov-06	14-May-07	Incomplete	No reduction	Deny
30.	Dowdy (3/13)	06-6951	19-03-22 #1400	22	13-Nov-06	12-May-07	Valid		Adopt order
31.	Green2 (3/13)	06-6896	17-04-30 #1400	23	3-Nov-06	2-May-07	Not valid	No reduction	Deny
32.	Johnson2 (3/13)	06-6830	17-03-09 #800	15	23-Oct-06	21-Apr-07	Valid		Adopt order
33.	Titus (3/13)	06-6846	17-02-36-40 #200	24	25-Oct-06	23-Apr-07	Not valid	No reduction	Deny

ATTACHMENT "B"
Table 2: Hearing Notes

	Name	PA#	Recommendation	NOTES
1.	Brewer1	06-7165	Adopt order	
2.	Cone	06-7181	Deny	
3.	Decker 3	06-7188	Adopt order	
4.	Decker1	06-7185	Adopt order	
5.	Decker2	06-7186	Adopt order	
6.	Decker4	06-7187	Adopt order	
7.	Demers, Gregory	05-6589	Deny	
8.	Egge	06-7180	Adopt order	
9.	Eubank	06-7179	Adopt order	
10.	Graham	06-7166	Adopt order	
11.	Heceta Lake	06-7172	Deny	
12.	Humphrey	06-7335	Adopt order	
13.	Hunt	06-7167	Adopt order	
14.	Jaramillo	06-7337	No action	
15.	Keepers2	06-7175	Adopt order	
16.	Kempf	06-7189	Adopt order	

	Name	PA#	Recommendation	NOTES
17.	Kilmer	06-7339	Adopt order	
18.	Mathews	06-7176	Adopt order	
19.	Mentzer	06-7169	Adopt order	
20.	Mosby2	06-7177	Deny	
21.	Pavelec	06-7168	No action	
22.	Slusher	06-7174	Adopt order	
23.	Sly	06-7184	Adopt order	
24.	Springfield Country Club	06-7183	Adopt order	
25.	Vilhauer	06-7178	Adopt order	
26.	Webking	06-7182	Adopt order	
27.	Whitney	06-7173	Adopt order	
28.	Barnes (3/13)	06-7323	Deny	
29.	Barrowcliff (3/13)	06-6975	Deny	
30.	Dowdy (3/13)	06-6951	Adopt order	
31.	Green2 (3/13)	06-6896	Deny	
32.	Johnson2 (3/13)	06-6830	Adopt order	
33.	Titus (3/13)	06-6846	Deny	