

T. B. M37



Memo Date: July 17, 2007
Hearing Date: July 24, 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 and deliberation on ten 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 consideration by the Board are listed in Table 1 and will be reviewed together in a single, day-long proceeding. Two claims will be open public hearings. These 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. Six claims are scheduled for deliberation only because they have already had a public hearing and the record has now closed. New testimony will not be allowed for claims with a closed record, unless the board re-opens them for a public hearing. Two claims received preliminary approval at the June 20, 2007 public hearing and have been placed on the Wednesday consent calendar for final approval.

Hearing Process

The order of testimony for each claim listed for hearing 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 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 ten claims scheduled for Board action. Two of the claims are scheduled for a public hearing, they are Babb and VanDuyn. Two claims received tentative approval at the June 20, 2007 public hearing and have been placed on the Wednesday consent calendar, they are Robinson and Warner. The record closed on June 29, 2007 for the remaining six claims that are scheduled for Board deliberation only, they are Bixler, Brandt, Larsen, Montgomery, Petersdorf and Shelley.

There are two claims recommended for denial, they are Larsen and Shelley. Refer to the staff reports for those claims for further details. If the Board concurs with the recommendations, 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
- D. Supplemental Information

Attachment "A"
Table 1: Summary of Claims and Recommendations
July 24, 2007

Claims set for Public Hearing

	Name	PA#	Tax parcels	Acres	Submitted	180 days	Status	Issues/Notes	Recommendation
1.	Babb*	06-7257	17-04-16 #100, 500	75	1-Dec-06	30-May-07	Valid		Adopt Order
2.	Van Dуйn*	06-7259	17-04-09 #2700; 17-04-16 #300	143	1-Dec-06	30-May-07	Valid		Adopt Order

Claims set for Deliberation Only

3.	Bixler*	05-6425	16-03-30, tax lot 802	50	28-Sep-05	27-Mar-06	Valid		Adopt Order
4.	Brandt*	06-7297	16-02-11 #300	10	1-Dec-06	30-May-07	Valid		Adopt Order
5.	Larsen*	06-7251	17-04-18 #2600	13	1-Dec-06	30-May-07	Not Valid	No Reduction	Deny
6.	Montgomery*	06-7333	19-12-25 #200, 299, 300, 700, 1400	325	4-Dec-06	2-Jun-07	Valid		Adopt Order
7.	Petersdorf*	06-7246	17-05-06 #2400; 17-06-01 #2000	151	1-Dec-06	30-May-07	Valid		Adopt Order
8.	Shelley*	06-7253	18-02-27 #600	112	1-Dec-06	30-May-07	Not Valid	Ownership	Deny

Claims set for Consent Calendar

9.	Robinson	06-7277	16-05-19 #200	48	1-Dec-06	30-May-07	Valid		Adopt Order
10.	Warner	06-7332	17-06-22 #2200	6	4-Dec-06	2-Jun-07	Valid		Adopt Order

ATTACHMENT "B"
Table 2: Hearing Notes
July 24, 2007

Claims set for Public Hearing

	Name	PA#	Recommendation	Notes
3.	Babb*	06-7257	Adopt Order	
4.	Van Duyn*	06-7259	Adopt Order	

Claims set for Deliberation Only

3.	Bixler*	05-6425	Adopt Order	
4.	Brandt*	06-7297	Adopt Order	
5.	Larsen*	06-7251	Deny	
6.	Montgomery*	06-7333	Adopt Order	
7.	Petersdorf*	06-7246	Adopt Order	
8.	Shelley*	06-7253	Deny	

Claims set for Consent Calendar

9.	Robinson	06-7277	Adopt Order	
10.	Warner	06-7332	Adopt Order	