



SUPPLEMENTAL INFORMATION SUBMITTED

Submitted on: 5/21/07

Taken By: M

SUPPLEMENTAL INFORMATION HAS BEEN RECEIVED BY THIS OFFICE IN REGARDS TO THE FOLLOWING:

BP# _____

PA# 06-7272

50655 72

SP# _____

SI# _____

OTHER: May 22 Km

MILLER Keir C

From: kykang@comcast.net
Sent: Monday, May 21, 2007 2:19 PM
To: MILLER Keir C
Subject: Measure 37 claim by Sues Co. [Department file PA 06-7272 (Suess72)]

Re : Measure 37 claim by Sues Co. [Department file PA 06-7272 (Suess72)]

Dear Mr Miller,

We are writing to **oppose** approval to the above-referenced Measure 37 claim.

We own property two houses south to the parcel in question. Our house is a single-family residence in 2.5 acres in Blanton Heights neighborhood.

We have two wells and 2,500 gallon holding tank to have adequate water supply for us to use.

I am asking you to deny their claim because the fair market value of the property they claim is based on the wrong assumption.

Suess Co. claims their property is valued at \$8.7 million with an assumption that they could develop one house on 1 acre lots. But that valuation is based on their wishes not based on the fact. Reality is that they were denied to develop 24 houses on 5 acre lots in 1992 due to the limitation of water supply. The concerns addressed in 1992 remains the same. So they can't claim that they could build 123 home on their property. So their property value hasn't changed due to land use regulation.

Thank you for your consideration.

Hee Chol and Kwang Yee Kang
4980 Blanton Rd.
Eugene, OR 97405

05/21/2007



SUPPLEMENTAL INFORMATION SUBMITTED

Submitted on: June 5

Taken By: Ker

SUPPLEMENTAL INFORMATION HAS BEEN RECEIVED BY THIS OFFICE IN REGARDS TO THE FOLLOWING:

BP#

PA# 06-7272 Success

SP#

SI#

OTHER: June 20

Ker

MILLER Keir C

From: Dianne Robertson [redrover@cmc.net]
Sent: Tuesday, June 05, 2007 12:17 PM
To: MILLER Keir C
Subject: PA 06-7272 (Suess 72)

Dear Mr. Miller:

Since this is the last day on which to make additions to the Suess Measure 37 file, I wish to raise these 2 points:

Suess claims to have transferred some of his property to the City of Eugene for their Ridgeline Trail extension. You may recall his testimony. Does this transfer of property (acreage unknown) affect the validity of his claim? It would certainly take a portion of the property out of the valuation. In other words, why is he claiming to have lost income on 123 acres when he also claims to have given some of the property away?

Land use regulations were never an issue when his request to build was denied in 1992. In other words, zoning did not affect valuation.

Linda Niemi
Dianne Robertson



SUPPLEMENTAL INFORMATION SUBMITTED

Submitted on: June 5

Taken By: Km

SUPPLEMENTAL INFORMATION HAS BEEN RECEIVED BY THIS OFFICE IN REGARDS TO THE FOLLOWING:

BP# _____

PA# 06-7272 Swess

SP# _____

SI# _____

OTHER: June 20

Km

MILLER Keir C

From: Peter H. von Hippel [petevh@molbio.uoregon.edu]
Sent: Tuesday, June 05, 2007 8:41 PM
To: SORENSON Peter
Cc: MILLER Keir C
Subject: Comment re the Measure 37 application from Suess Co. (Appl. # 06-7272)

Sorry -- sent again because I forgot to attach our address information. It is attached to this one.
Pete

Dear Pete (and Keir Miller):

I write to call your attention to an aspect of the above application from the Suess Co. for a Measure 37 land claim that you and your Commissioner colleagues may not have considered. His claim will come up again at your June 20th Measure 37 meeting -- it was deferred from your May 22nd meeting (at the request of the Suess Co. attorney) because of a technical problem with the continuity of the title, as I understand it, and his attorney requested, and you agreed, to hold the record open for additional comments until the end of June 5th (today). That is why I am writing now -- to make sure that this comment is officially sent to you and Keir Miller on June 5th so that it can be considered as part of the record of this case. Please feel free to forward this to your fellow commissioners as appropriate.

Yesterday my wife Jo attended the Ridgeline Travel informational hearing put on by the planning personnel of the Eugene City Parks Department. As it turns out, they are now officially proposing that the extension of the Ridgeline Trail, from where it currently ends on Blanton Road, proceed through the Suess land which is at issue here before hooking up with some other parkland the City has already purchased and eventually on to Fern Ridge Lake. This seems to me to be a very good plan, and I suggested to the people in the City Parks Department that they unofficially inform you and the Lane County staff of their potential interest in this parcel. They responded that they can't do that until they have completed their hearings and obtained feedback and comments on this plan from the public. As I understand it, if it turns out that the public comments largely fall in line with this proposal they will then need to take it before the City Council and the Lane County Commissioners to get further approval before this recommendation can become "official".

Although I imagine that you probably are aware of these tentative plans, I thought that it would be prudent to call them to your attention before you hear the Suess Measure 37 claim again, since it would be unfortunate if that Claim were approved without consideration of this possible use and, as a consequence, possibly significantly impact the further development of the Ridgeline Trail. I believe that the Eugene City Parks Department may have some discussions underway with Bob Suess about this land, and I will try to find out more before the hearing, but meanwhile I wanted to put you on notice about this possible aspect, which hasn't previously been raised in the context of your Measure 37 deliberations.

As you know from official submissions from the Blanton-Crest Neighbors, both directly from various individuals and via our attorney, Anne Davies, this neighborhood group is opposing the Suess claim, largely on the grounds that the land at issue cannot possibly sustain the requested development with one acre lots because of inadequate water and sewage as well as other concerns. As you may also know, a proposal to rezone the same land from E-40 to **five** acre lots was turned down by the Lane

06/06/2007

County Commissioners in 1992, largely on the grounds of inadequate water and sewerage and unstable soil. None of those things have changed, and thus a Measure 37 proposal to now develop the same land with **one** acre lots seems clearly unfeasible and inappropriate. Our request was, and is, that you decline the Measure 37 claim on those grounds, but the Ridgeline Trail impact adds yet another reason why a decision on this should at least be further delayed, if it can't be declined outright.

Please let me know your thoughts on this. We thank you and your fellow Commissioners in advance for your consideration.

With best regards!

Sincerely yours,

Pete (and Jo) von Hippel

Peter H. and Josephine B.R. von Hippel
1900 Crest Drive
Eugene, Oregon 97405
Telephone: 541-344-3659
e-mail: petevh@molbio.uoregon.edu
jovh@rio.com



SUPPLEMENTAL INFORMATION SUBMITTED

Submitted on: 6/5/07

Taken By: M

SUPPLEMENTAL INFORMATION HAS BEEN RECEIVED BY THIS OFFICE IN REGARDS TO THE FOLLOWING:

BP# _____

PA# 06-7272

5ve55 72

SP# _____

SI# _____

OTHER: _____

Anne C. Davies

Attorney at Law

June 5, 2007

Lane County Board of Commissioners
125 E. 8th Avenue
Eugene, OR 97401

RE: Suess Measure 37 Claim, PA 06-7272
Map and tax lot: 18-04-13, tax lot 1300

Dear Lane County Board of Commissioners:

This letter is submitted on behalf of James Harrang, Linda Niemi and David Funk in opposition to the above-referenced Measure 37 claim filed by Suess Co., a partnership of Helen H. Suess and C. Robert Suess.

On May 22, 2007, the county held a hearing on the Suess Measure 37 claim. We submitted a memorandum addressing many issues, including the issue of water availability to the property. Attached to this letter are materials that have been provided to us from Eugene Water and Electric Board. EWEB will not provide water to the subject property because it does not fall within the old Hillcrest Water District. As discussed previously, the water quantity problem is well-established in this area.

For the foregoing reasons, this application fails to meet the requirements of a valid Measure 37 claim, and should be denied.

Further, at the hearing on May 22, 2007, the claimant's attorney apparently resubmitted a corrected title report, dated April 25, 2007. This supplemental material was first submitted to the county on May 2, 2007. The supplemental title report establishes a vesting date of June 1, 1966 for the Suess partnership.

The Measure 37 claim originally alleged that the owner acquired title on June 21, 1965. A title report affirmed that. However, the claimant apparently discovered that that title report was in error. It now alleges that the current owner obtained title on June 1, 1966, based on an amended title report. Unfortunately, that title report is also in error.

The property was conveyed on June 21, 1965 to a different partnership than now owns it—Scott and Suess Construction Company. On June 1, 1966, "H. Glen Scott, individually and as a partner with C. Robert Suess in Scott and Suess Company, and Fay W. Scott, his wife" filed a quitclaim deed transferring any and all interest that they had in the property to C. Robert Suess and Helen S. Suess, doing business as Suess Co., a partnership. Apparently, that transfer did not take effect. H. Glen Scott did not have authority to convey the partnership's interest in the property. Further, the entity was not doing business as "Scott and

Suess Company” but as “Scott and Suess Construction Company.” For one or both of these reasons, another quitclaim deed was executed on September 8, 1970. The grantor for that deed is listed as Scott and Suess Construction Co., a co-partnership and the grantee is listed as Suess Co., a partnership composed of Helen S. Suess and C. Robert Suess. It was not until that date, September 8, 1970, that the current partnership obtained ownership of the subject property.

It is unclear whether the change in dates is relevant in the county’s analysis of the claim, but it must use this more recent date in determining the validity of the Suess claim.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anne C. Davies".

Anne C. Davies

RESOLUTION NO. 2643

A RESOLUTION REPEALING RESOLUTION NO. 2448
ADOPTED OCTOBER 13, 1975 AND ADOPTING A RE-
VISED WATER POLICY FOR THE CITY OF EUGENE.

The Common Council of the City of Eugene finds that:

The power of the City to maintain and operate a water utility is vested by Charter in the Eugene Water & Electric Board (EWEB) subject to regulation by the City Council. The primary purpose and major duty of EWEB is to provide service to the residents of the City. The City does not intend ordinarily to supply service beyond the corporate limits of the City. Water may be supplied to nonresidents only if the City has an ample supply for its own present and future use and only in accordance with adopted city water policy. Although the policy is not intended to prohibit extension absolutely and in every instance, it is intended to limit the extension of public water service to those instances where extraterritorial extension is in the best interests of the City.

On October 13, 1975, the Council adopted a Resolution which authorized extension of water service by EWEB outside the City if the property was within the Eugene-Springfield Metropolitan Area 1990 General Plan projected urban service area but annexation was inappropriate or legally impossible and the owner had complied with certain conditions, including signing an agreement to annex at the appropriate time in the future. The Resolution also authorized extension of water service under certain conditions to provide a solution to a public health hazard to occupants of existing structures.

It is in the best interest of the City that the water policy of the City be clarified by adoption of a revised policy for use in considering any extension of water service outside the corporate limits of the City.

In establishing a revised water policy, the City seeks to assure the highest possible level of livability for its residents by complying with the goals and policies established in the Eugene-Springfield Metropolitan Area 1990 General Plan, adopted in 1972, and the Eugene Community Goals and Policies, adopted in 1974, and such other policies that may apply. The Council reaffirms the goal in the comprehensive general plan of providing public utilities, services, and facilities in an orderly and efficient manner. The extension of urban services, particularly water, into outlying areas has encouraged urban development at distant, isolated sites, which has led in turn to the need for extension of other, more expensive and less profitable services. Public water supply is identified, generally and in the comprehensive general plan, as

and recommendations (policies) adopted by the City of Eugene, the City of Springfield, Lane County, and the Lane Council of Governments in 1972 to guide the development of the metropolitan area. The Plan is generally in accordance with the policy of the State of Oregon adopted by the Legislature:

"...comprehensive plans ... (2) Are expressions of public policy in the form of policy statements, generalized maps, and standards and guidelines; (3) Shall be the basis for more specific rules, regulations, and ordinances to implement the policy expressed through the comprehensive plans; (4) Shall be prepared to assure that all public actions are consistent and coordinated with the policies expressed through the comprehensive plans...."

ORS 197.010

6. Extension of Service: For the purpose of this Resolution, an extension of service includes provision of water to an existing use, to a new use, an intensification of an existing use, or a change in use.

7. Intensification of Use: An increase in the use of property, such as an increase in the number or capacity of businesses, manufacturing establishments, dwelling units, or offices within a structure or on the land. An addition to a single-family dwelling unit for the use of the family is not an intensification of use.

8. Nonconforming Use: A use of a building or land which lawfully existed when applicable land use regulations were adopted but which would not be permitted under existing regulations.

9. Projected Urban Services Area: The estimated geographic area within which a full range of urban services will need to be extended or provided to accommodate urban development at any future point in time (such as 1990, see Eugene-Springfield Metropolitan Area 1990 General Plan, page 12).

B. Policy Governing Extensions:

1. Within the City Limits: The Council of the City of Eugene through EWEB shall provide public water service of the highest quality to those areas within the City.

2. Property Outside the City But Within the Projected Urban Service Area:

2.1 Property Which Meets Annexation Criteria:

If the property is outside the City limits, annexation is legally possible, and the property meets the normally applied annexation criteria, water

(5) The owner acknowledges the paramount rights of EWEB and the residents of the City to the municipal water supply.

(6) The owner agrees to abide by applicable EWEB policies and procedures.

(7) The City, at its option, has the right to re-examine provision of water service to the property owner at any time after five (5) years and terminate service to the property upon eighteen (18) months notice.

(8) The owner agrees not to bring action or suit or appeal any City decision to terminate service and shall waive any rights he may have or may acquire thereafter to proceed against the City to continue service.

(9) The contract will be binding on the parties, assigns, and successors.

(10) A notice of agreement pertaining to the contract will be recorded at the expense of the City.

2.3 Property Within a Dissolved Water District:
If a property is within a dissolved water district and is not currently being served and does not meet the conditions of Section 2.1 or Section 2.2.1 through 2.2.4 and the owner applies for extension of water service, the City administration may refer the matter to the Boundary Commission with an explanation of the applicable City policy and without a recommendation of approval. In the event the Boundary Commission enters a final order approving extension of water service, the matter then will be referred to the City Council for its determination.

3. Property Outside the Projected Urban Service Area:

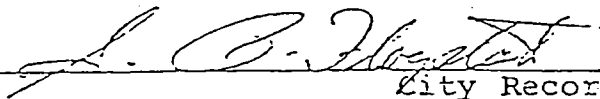
3.1 Mahlon Sweet Aviation Park: Although Mahlon Sweet Aviation Park is outside the projected urban service area, it is within the extraterritorial jurisdiction of the City. The comprehensive general plan recognizes the fact that public water service should be extended to Mahlon Sweet Aviation Park specifically as a land use activity of sufficient size, character, and distance from existing urban service to preclude its location within the projected urban service area. Water service is provided to Mahlon Sweet Aviation Park and to a number

In the event the Boundary Commission enters a final order approving extension of water service, the matter then will be referred to the City Council for its determination.

4. Water Districts That May Dissolve After Adoption of This Policy: It is recognized that after the effective date of this policy, water districts served by EWEB may be dissolved by agreement between the City and the district. Any such agreement shall be deemed an amendment to this policy, and the agreement shall include the terms and conditions under which service to the property owners within the district may be provided.

Section 3. The City Recorder is directed to forward a copy of this Resolution to the Lane County Local Government Boundary Commission, the Eugene Water & Electric Board, and to all City departments, boards, and commissions affected hereby.

The foregoing Resolution adopted the 28th day of March, 1977.


City Recorder

Outside Sewer Extensions:

2.212 Extraterritorial Water and Sewer Service Extensions. The city manager or the manager's designee is hereby authorized to receive on behalf of the city requests for extraterritorial water service extensions, sewer service extensions, or provision of water or sewer service to special service districts. Such requests shall be accompanied by the application fee established by the city manager as provided by section 2.020 of this code. The city manager, or the manager's designee, shall submit such requests to the Lane County Boundary Commission, together with a favorable recommendation by city only if the city manager, or the manager's designee, finds that the extension of service as proposed would be consistent in all respects with adopted resolutions, policies, plans and ordinances.

(Section 2.212 added by Ordinance No. 17492, enacted December 22, 1975; amended by Ordinance No. 17630, enacted April 26, 1976; and Ordinance No. 19625, enacted July 10, 1989.)

6.441 Premises Located Outside City - Connection Prohibited. No person shall connect premises located outside the city limits to the city wastewater system or to the city stormwater system until:

- (a) An application therefor has been submitted and a permit issued in accordance with the provisions of section 2.212 of this code;
- (b) The property which is to be connected to the sewer
 1. has been assessed for the sewer to which connection is to be made, or
 2. is included within a local improvement district for the sewer to which connection is proposed;or
- (c) The city engineer has determined, consistent with council policy, the property is to be connected to the city wastewater system or the city stormwater system available to serve the property.

(Section 6.441, formerly Section 7.050, amended by Ordinance No. 17492, enacted December 22, 1975; Ordinance No. 19653, enacted November 22, 1989, effective May 22, 1990; and renumbered by Ordinance No. 19939, enacted November 17, 1993, effective December 17, 1993.)

SEE MAP 18 04 24

Hill Crest Water Dist.
Doc. # 6093-5
NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN That on March 15, 1952, there will be submitted to the voters living within the following described territory:

Beginning at the Northeast corner of Lot 41 of the recorded plat of Lawndale Acres as recorded in Volume 5 Page 8 of Lane County Plat Records and running thence South to the Southeast corner of Lot 47 of Lawndale Acres; thence West to the Southwest corner of said Lot 47; thence South 400 feet to the Northwest corner of Lot 9 Block 1 of Magladry's Subdivision of part of College Crest Addition to Eugene; thence South along the West line of Lots 9 and 8 to the Southwest corner of Lot 8; thence Southeasterly along the Southwesterly line of said Lot 8 to the North line of Whitbeck Blvd; thence in a Westerly and Southerly direction following the Whitbeck Blvd. to the Northeast corner of Lot 10, Block 4 of Magladry's Subdivision; thence Southerly along the East line of Lot 10 to the Southwest corner of Lot 27 of College Crest Addition; thence East 255 feet to the Northwest corner of Lot 13 College Crest Addition; thence South on the West line of Lots 13, 12 and 1 to the Southwest corner of Lot 1; thence South 1/2 mile to the South line of Section 12, Twp. 18 South, Range 4 West, W. M.; thence East to the Southeast corner of said Section 12; thence South 4362.6 feet; thence North 67° 40' West 346.5 feet; thence South 330 feet; thence North 67° 40' West to the North line of the South half of the South half of Section 13, Twp. 18 South, Range 4 West, W.M.; thence West to the East line of the West half of the West half of said Section 13; thence North 1/2 mile; thence East 1/4 mile; thence North to a point 660 feet North of the South line of Section 12, Twp 18 S, Range 4 W of the Willamette Meridian; thence West to a point 400 feet West of the West line of said Section 12; thence North parallel to and 400 feet West of the West line of Section 12, to the south line of the plat of The Fraes Addition to Eugene; thence East to the West line of Section 12, Twp 18 South, Range 4 West, W.M.; thence North to the North line of The Braes Addition to Eugene; thence West 400 feet; thence North parallel to and 400 West of the West line of Section 1 to a point due West of the South line of Lot 29 of Prospect Park; thence East to the West line of Section 1, Twp 18 South, Range 4 West, W.M. said last mentioned point being on the City Limits of Eugene; thence following the City Limits of Eugene on the following courses: East to the West line of Chambers Street; South to the South line of the North half of said Section 1 East to the West line of Lawndale Acres if extended North; South to the Northwest corner of Lot 41 of Lawndale Acres; East to the Northeast corner of Lot 41 and the place of beginning, all in Lane County, Oregon.

the question of whether the said portion of said County shall be incorporated as a municipal corporation for the purpose of obtaining a supply of water for domestic purposes, to be known as "Hill Crest Water District" and to elect five (5) commissioners.

The polls on said day will remain open from eight o'clock A.M. until eight o'clock P.M. Only persons who are duly registered and have resided within the said territory for ninety days can vote at said election.

The election shall be held at the home of A. W. Ruhndorf on Lorans Highway in said district.

Dated at Eugene, Oregon this 8th day of February, 1952.

Harry L. Chase
County Clerk





SUPPLEMENTAL INFORMATION SUBMITTED

Submitted on: June 5

Taken By: Ker

SUPPLEMENTAL INFORMATION HAS BEEN RECEIVED BY THIS OFFICE IN REGARDS TO THE FOLLOWING:

BP# _____

PA# 06-7272 Suess

SP# _____

SI# _____

OTHER: June 20 KM

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

375 W. 4TH STREET, SUITE 204
EUGENE, OR 97401
TEL (541) 343-8596
FAX (541) 343-8702
E-MAIL BILLKLOOS@LANDUSEOREGON.COM

FAX TRANSMITTAL SHEET

I am transmitting - 5 - page(s), including this cover sheet.

From: Bill Kloos

Date: June 5, 2007

Re: Suess Measure 37 Claim; PA 06-7272

To: Lane County Land Management, c/o Keir Miller, Via Fax: (541) 682-3947

Lane County:

Attached is supplemental information in support of this application; I am also mailing a copy.

Bill Kloos

The information contained in this FAX message is intended only for the personal and confidential use of the designated recipient above. This message may be an attorney-client communication, and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you received this document in error, and any review, dissemination, distribution, or copying of this message is strictly prohibited. If you received this message in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

375 W. 4TH STREET, SUITE 204
EUGENE, OR 97401
TEL (541) 343-8596
FAX (541) 343-8702
E-MAIL BILLKLOOS@LANDUSEOREGON.COM

June 5, 2007

Bill VanVactor, Lane County Administrator
Lane County Courthouse
125 E. 8th Ave.
Eugene, R 97401

Re: Suess Measure 37 Claim; PA 06-7272
Map and Tax Lot: 18-04-13, TL 1300

Attn: Keir Miller

Dear Mr. Van Vactor:

Please accept this information in response to issues raised or left open at the last hearing on this matter.

1. Date of Measure 37 vesting.

The original staff report recommended a 1970 vesting date. Having worked with staff in the meantime, I understand they are now looking at the correct deed for the Suess Co. partnership taking title, and staff's amended recommendation will carry a June 1, 1966 vesting date.

2. Response to Objections by Anne Davies on behalf of Harnag, Niemi and Funk.

Ms. Davies raises five issues on behalf of the current occupants of the low density Rural Residential parcels that completely surround this 123-acre tract of EFU land. These are the same neighbors to successfully opposed a 1990 application to develop the property with 5-acre lots under the theory that the quality of the land is so bad that it is "Nonresource" land. These neighbors are again mobilizing to keep this EFU island a private park for their own enjoyment.

Ms. Davies lists her issues as A. through E. I will respond to these issues in turn.

2.A. The use is adequately described.

Opponents allege the application does not sufficiently describe the proposed use, but in the same breath they say they understand the stated intent is to develop residential uses up to a density of one unit per acre. They correctly understand the scope of the waiver requested.

I will point out what the county points out at the start of each hearing. Waivers are not about development approvals. They merely waive the applicable regulations back to the vesting date.

Bill Van Vactor
June 5, 2007
Page 2 of 4

In this case that is 1966. Any development proposal requires a separate application, demonstration of compliance with standards, and county approval.

2.B. Adequacy of the water supply is not an issue in this proceeding; it is reviewed at the time of a development proposal.

Opponents ask the county board to deny this waiver because of the impacts that future development might have on the aquifer in the area. That request is premature in the extreme.

The materials opponents submit include a 1990 County Board order that confirms that 30% of the subject property is entitled to EWEB water, which is a pretty good assurance that it won't have water problems. The balance of the property can't be developed at a density that can't be served with water, whether by individual wells, a community water system, or EWEB water. The opponent's water issue is premised on their own development assumptions, not on anything pending before the county.

2.C. Valuation issues.

There are four parts to this objection. As a preface, this application is supported by a full, formal appraisal by Charles P. Thompson & Assoc., Inc. See application at Exhibit K. In the dresser full of all the valuation evidence in all the Measure 37 claims, this appraisal is in the top drawer.

2.C.1. Consideration of past benefits from agricultural valuation.

As best I understand the argument, it is: The appraisal needs to consider: (1) the past economic benefits from being in assessed in farm use; and (2) the appraisal failed to consider the costs of development.

(1) The rationale for deducting the economic benefit from being assessed at farm value in past years is neither explained nor logical. Regardless, opponents do not argue that such benefits offset the \$7,596,000 claim supported by the appraisal.

(2) The appraisal outlined four potential methodologies for doing the appraisal. It selected the Direct Sales Approach. See Appraisal at page 20. That method does not look at development costs. Other approaches would look at development costs. Arguing here that costs need to be considered merely takes issue with the appraisal methodology selected. The selected method is a defensible method as explained in the appraisal.

2.C.2. Assumption of transferability of vacant lots.

Opponents assume the lots can't be transferred to different owners and then developed. They believe the appraisal assumes transferability; therefore the appraisal is too high.

Bill Van Vactor

June 5, 2007

Page 3 of 4

The applicant is a developer with stout financial legs, and a solid track record of real property development. Opponents' assumption that the vacant lots will be transferred is unfounded. There is nothing to prevent this applicant from developing the property with dwellings and selling the completed dwellings to persons who would need no waivers from the county.

2.C.3. Monopoly valuation theory.

Opponents believe that valuation must assume that the same regulations apply to all the surrounding property as they do to the subject property. This is a theory that might pique interest in the tenured halls of some economics department, but it would not strike a chord in the real world. It is certainly not grounded in the language of Measure 37. It does not reflect the county's practice thus far.

2.C.4. Waiver versus Payment.

Opponents suggest that the valuation is too high, and that discourages the county from deciding to waive rather than compensate. The result, they say, is a waiver that confers an excessive benefit. The rationale for this theory is not tied to the language of Measure 37. Regardless, the theory cannot have any merit when, in the larger context, the County has elected not compensate in any case, and just grants waivers.

D. Failure to enforce regulations.

Opponents believe that the county must make a discrete decision to enforce against the property owner before a claim can arise. This reads more into the language of the measure than is there. The county does not so read the measure. The county enforces its land use regulations against all properties every day. This is plain from the language in the zoning code which says that people may only use their property as allowed by the code, and furthermore, that making any use of the land that is not explicitly allowed constitutes a nuisance that can be abated.

E. Zoning as public health and safety regulation.

Opponents argue that the agricultural zoning laws are public health and safety regulations that cannot be waived. This theory would push the health and safety exemption to places where it has never been pushed before. Opponents are asking the county to grow the exemption to swallow the balance of Measure 37.

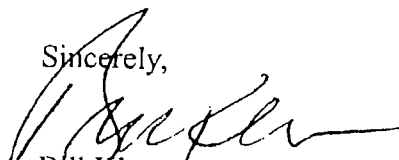
Bill Van Vactor

June 5, 2007

Page 4 of 4

Opponents also restate their concerns about impacts on water supplies. This concern is premature.

Sincerely,



Bill Kloos

CC: Client



SUPPLEMENTAL INFORMATION SUBMITTED

Submitted on: 5/30/07

Taken By: NZ

SUPPLEMENTAL INFORMATION HAS BEEN RECEIVED BY THIS OFFICE IN REGARDS TO THE FOLLOWING:

BP# _____

PA# 06-7272

SVES 72

SP# _____

16.04.13 TL# 1300

SI# _____

OTHER: _____

Dear Sirs;

I was dismayed To find out
about the claims on the Tax lot
18.04-13 Lot 1300 from next door
Neighbors,

The claims are boycos.

After clear cutting in 1989, He
wanted To Build 24 homes, He
was denied in 92 and in 93
Now he wants 100 lots. only
A small amount of land is
suitable. The claim is not
VALID and should be denied again

There is no water or surage
avil on this Property

Thank you

Frederick M Peters
4355 Blanton Hts
Euq OK 97405

P/S would like To Be
sent info on this. As
I AM AGAINST develemonit
AND would like it To
Be replanted as it should
Have Been in 1989

Thank you

REC'D MAY 30 2007