

T.M. 37



Memo Date: April 11 2007

Hearing Date: May 1, 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 thirty two 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 32 claims scheduled for a hearing on May 1st. There are 9 claims recommended for denial. Those claims are Davidson2, Harding2, Lamb2, Louvring, McDonald, Miller, Obie, Odegard and Patterson. Of these, 4 are incomplete, 4 are not valid because there does not appear to be any reduction in the fair market value from enforcement of a restrictive land use regulation, and one has issues associated with ownership. Refer to the staff reports for those claims for further details. Since the above mentioned claims do not appear to be valid, the County Administrator is compelled to recommend denial of those claims. If the Board concurs, the County Administrator will issue a letter to that effect for each claim.

Of the claims scheduled for hearing, there are 6 claims that were continued from the February 13 and March 20, 2007, public hearings to allow time for the applicants and others to submit additional information. Those claims are Davidson2, Harding1, Harding2, Henton, Lamb2, and Murry1. These claimants had until April 13 to submit additional information. Refer to the individual staff reports for specific details on each claim. Supplemental information provided prior to April 13th can be found at Attachment "D" following all the staff reports and Board Orders. Information submitted after April 13th, will need to be presented at the hearing.

In addition to the continued claims, one claim has been cancelled by request of the applicant (Slocum). Another claim, Cross, has submitted a value reduction analysis that the Board will need to authorize since it is different than what the Board has approved in the past. 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 on claims continued from 2/13 and 3/20/07.

Attachment "A"

Table 1: Summary of Claims and Recommendations

	Name	PA#	Tax Parcels	Acres	Submitted	180 days	Status	Issues/Notes	Recommendation
1.	Benedick	06-7203	17-05-13 #4100	44	1-Dec-06	30-May-07	Valid		Adopt Order
2.	Brewer2	06-7212	20-04-30 #500	148	1-Dec-06	30-May-07	Valid		Adopt Order
3.	Byers	06-7217	17-01-34 #603	33	1-Dec-06	30-May-07	Valid		Adopt Order
4.	Cross	06-7342	17-05-02 #800	4	4-Dec-06	2-Jun-07	Valid?	Valuation	Adopt Order?
5.	Davidson 2 (3/20)	06-7072	20-35-34 #401	27	24-Nov-06	23-May-07	Not Valid	No Reduction	Deny
6.	Gabrielson	05-5587	19-03-27 #1101	16	5-Nov-05	4-May-06	Valid		Adopt Order
7.	Harding1 (3/20)	06-6979	18-04-09 #3606	36	15-Nov-06	14-May-07	Valid		Adopt Order
8.	Harding2 (3/20)	06-6980	18-04-09 #3606	36	15-Nov-06	14-May-07	Not Valid		Deny
9.	Henton (2/13)	06-6612	17-01-20-20 #200, 300; 17-01-20-30 #300	183	15-Sep-06	14-Mar-07	Valid		Adopt Order
10.	Hillyard	06-7209	21-03-03 #1301	5	1-Dec-06	30-May-07	Valid		Adopt Order
11.	Lamb2 (3/20)	06-7325	18-12-02 #203	19	4-Dec-06	2-Jun-07	Not Valid	No Reduction	Deny
12.	Louvring	06-7199	18-04-04 #2300	26	1-Dec-06	30-May-07	Not Valid	Ownership	Deny
13.	Makinson2	06-7211	16-04-35 #400	13	1-Dec-06	30-May-07	Valid		Adopt Order
14.	McDonald	06-7341	20-04-08 #101	170	4-Dec-06	2-Jun-07	Incomplete	Valuation	Deny
15.	Miller	06-7202	17-02-19 #1100, 1200	20	1-Dec-06	30-May-07	Not Valid	No Reduction	Deny

	Name	PA#	Tax Parcels	Acres	Submitted	180 days	Status	Issues/Notes	Recommendation
16.	Mord1	06-7196	17-05-12 #6500	27	30-Nov-06	29-May-07	Valid		Adopt Order
17.	Mord2	06-7193	17-05-12 #6900	9	30-Nov-06	29-May-07	Valid		Adopt Order
18.	Murray1 (3/20)	06-7041	17-04-01 #8100	7	21-Nov-06	20-May-07	Valid		Adopt Order
19.	Murry2	06-7190	18-05-08 #607	32	30-Nov-06	29-May-07	Valid		Adopt Order
20.	Nelson	06-7213	16-05-09 #700	22	1-Dec-06	30-May-07	Valid		Adopt Order
21.	Obie	06-7195	19-04-07 #701	67	30-Nov-06	29-May-07	Incomplete	Valuation	Deny
22.	Odegaard	05-6771	19-02-12 #300	38	15-Dec-05	13-Jun-06	Incomplete	Ownership/Valuation	Deny
23.	Patterson	06-7340	16-25-26 #500, 501	102	4-Dec-06	2-Jun-07	Incomplete	Valuation	Deny
24.	Pope	06-7208	20-01-10 #500	10	1-Dec-06	30-May-07	Valid		Adopt Order
25.	Ritter	06-7201	20-03-11 #111	19	1-Dec-06	30-May-07	Valid		Adopt Order
26.	Scott	06-7210	16-10 #902	5	1-Dec-06	30-May-07	Valid		Adopt Order
27.	Slocum	06-7215	17-05-12 #6600	6	1-Dec-06	30-May-07	Cancelled		No Action
28.	Taylor2	06-7192	17-04-17 #1500	18	30-Nov-06	29-May-07	Valid		Adopt Order
29.	Thienes	06-7204	17-01-32-10 #1005, 1006	58	1-Dec-06	30-May-07	Valid		Adopt Order
30.	Wagner	06-7214	15-04-19 #400	88	1-Dec-06	30-May-07	Valid		Adopt Order
31.	Wilson	06-7216	20-04-11 #100	16	1-Dec-06	30-May-07	Valid		Adopt Order
32.	Zip o logs	06-7191	19-04-05 #200; 19-04-06 #100	315	30-Nov-06	29-May-07	Valid		Adopt Order

ATTACHMENT "B"

Table 2: Hearing Notes

	Name	PA#	Recommendation	NOTES
1.	Benedick	06-7203	Adopt Order	
2.	Brewer2	06-7212	Adopt Order	
3.	Byers	06-7217	Adopt Order	
4.	Cross	06-7342	Adopt Order?	
5.	Davidson 2 (3/20)	06-7072	Deny	
6.	Gabrielson	05-5587	Adopt Order	
7.	Harding1 (3/20)	06-6979	Adopt Order	
8.	Harding2 (3/20)	06-6980	Deny	
9.	Henton (2/13)	06-6612	Adopt Order	
10.	Hillyard	06-7209	Adopt Order	
11.	Lamb2 (3/20)	06-7325	Deny	
12.	Louvring	06-7199	Deny	
13.	Makinson2	06-7211	Adopt Order	
14.	McDonald	06-7341	Deny	
15.	Miller	06-7202	Deny	

	Name	PA#	Recommendation	NOTES
16.	Mord1	06-7196	Adopt Order	
17.	Mord2	06-7193	Adopt Order	
18.	Murry1 (3/20)	06-7041	Adopt Order	
19.	Murry2	06-7190	Adopt Order	
20.	Nelson	06-7213	Adopt Order	
21.	Obie	06-7195	Deny	
22.	Odegaard	05-6771	Deny	
23.	Patterson	06-7340	Deny	
24.	Pope	06-7208	Adopt Order	
25.	Ritter	06-7201	Adopt Order	
26.	Scott	06-7210	Adopt Order	
27.	Slocum	06-7215	No Action	
28.	Taylor2	06-7192	Adopt Order	
29.	Thienes	06-7204	Adopt Order	
30.	Wagner	06-7214	Adopt Order	
31.	Wilson	06-7216	Adopt Order	
32.	Zip o logs	06-7191	Adopt Order	