

Memo Date: March 26, 2007  
Hearing Date: April 3, 2007

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**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 six Ballot Measure 37 Claims. See the attached reports for the individual title of each Ballot Measure 37 claim to be heard.

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**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 26 claims scheduled for hearing today. There are 15 claims recommended for denial. Of these, seven 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. Those claims are Defoe1 & 2, Lamb1, Lassiter and Long Rock2 & 3. Refer to the staff reports for those claims for further details.

The other claims recommended for denial have not submitted adequate evidence regarding the alleged reduction of value despite requests for that information. Without additional information, 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.

The Bixler claim was submitted in September 2005. The application was not complete and the applicant was so notified by written correspondence dated December 21, 2005. No further information has been received. Staff does not recommend allowing additional time for that claim. Refer to the Bixler staff report for more information.

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.	Bixler	05-6425	16-03-30 #802	50	28-Sep-05	27-Mar-06	Incomplete	ownership and valuation	Deny
2.	Burch	06-7093	17-04-01-31 #400	8	28-Nov-06	27-May-07	Valid		Adopt order
3.	Campbell	06-7100	19-02-10 #500	33	28-Nov-06	27-May-07	Valid		Adopt order
4.	Carpenter	06-7102	21-03-05 #2100 and 2000 21-03-04 #2200;	58	28-Nov-06	27-May-07	Incomplete	Valuation and ownership	Deny
5.	Defoe1	06-7117	15-04-18 #2000	46	29-Nov-06	28-May-07	Not valid	No reduction	Deny
6.	Defoe2	06-7126	16-04-07 #100; 16-04-08-20 #300	61	29-Nov-06	28-May-07	Not valid	No reduction	Deny
7.	Edgemon	06-7125	17-02-04 #1000	28	29-Nov-06	28-May-07	Incomplete	Valuation	Deny
8.	Gifford	06-7107	20-03-31 #1706 and 1707	55	28-Nov-06	27-May-07	Valid		Adopt order
9.	Glover	06-7327	16-05-14 #800	5	4-Dec-06	2-Jun-07	Incomplete	Valuation	Deny
10.	Grant	06-7119	17-01-28 #600	58	29-Nov-06	28-May-07	Incomplete	Ownership (LLC)	Deny
11.	Keepers1	06-7108	18-02-35 #206	10	28-Nov-06	27-May-07	Valid		Adopt order
12.	Kirkpatrick2	06-7085	16-01-18-40 #1100	6	27-Nov-06	26-May-07	Valid		Adopt order
13.	Lamb1	06-7106	18-06-01 #2100	60	28-Nov-06	27-May-07	Not Valid	Valuation	Deny
14.	Lassiter	06-7328	21-03-04 #2300 and 2301	28	4-Dec-06	2-Jun-07	Not valid		Deny
15.	Lone Rock2	06-7115	17-06-16 #900 and 1000; 17-06-21 #300	160	29-Nov-06	28-May-07	Not valid	No reduction	Deny
16.	Lone Rock3	06-7116	20-03-24 #100	324	29-Nov-06	28-May-07	Not valid	No reduction	Deny
17.	Neuman	06-7094	16-05-18 #211; 16-05-18 #205	20	28-Nov-06	27-May-07	Valid		Adopt order
18.	Rankin	06-7121	19-03-21 #202	50	29-Nov-06	28-May-07	Incomplete	Valuation	Deny

	Name	PA#	Tax parcels	Acres	Submitted	180 days	Status	Issues/Notes	Recommendation
19.	Ridgley	06-7124	18-05-06-40 #200, 202; 18-05-06-10 #2202, 2700	21	29-Nov-06	28-May-07	Incomplete	Valuation	Deny
20.	Sletager	06-7122	20-03-11 #604, 129, 128	25	29-Nov-06	28-May-07	Valid		Adopt order
21.	Svingen	06-7109	16-04-36 #600	14	28-Nov-06	27-May-07	Valid		Adopt order
22.	Swearingen	06-7118	20-03-16 #802	17	29-Nov-06	28-May-07	Valid		Adopt order
23.	Watson1	06-7120	17-02-25 #2100	35	29-Nov-06	28-May-07	Valid		Adopt order
24.	Willie	06-7101	19-03-26 #6100	69	29-Nov-06	28-May-07	Not valid	No reduction	Deny
25.	Woodard1	06-7111	17-06-27 #302	115	28-Nov-06	27-May-07	Valid		Adopt order
26.	Woodard2	06-7112	21-02-07 #800, 801 and 1000	60	28-Nov-06	27-May-07	Incomplete	Valuation	Deny

**ATTACHMENT "B"**  
**Table 2: Hearing Notes**

	<b>Name</b>	<b>PA#</b>	<b>Recommendation</b>	<b>NOTES</b>
1.	Bixler	05-6425	Deny	
2.	Burch	06-7093	Adopt order	
3.	Campbell	06-7100	Adopt order	
4.	Carpenter	06-7102	Deny	
5.	Defoe1	06-7117	Deny	
6.	Defoe2	06-7126	Deny	
7.	Edgemon	06-7125	Deny	
8.	Gifford	06-7107	Adopt order	
9.	Glover	06-7327	Deny	
10.	Grant	06-7119	Deny	
11.	Keepers1	06-7108	Adopt order	
12.	Kirkpatrick2	06-7085	Adopt order	
13.	Lamb1	06-7106	Deny	
14.	Lassiter	06-7328	Deny	
15.	Lone Rock2	06-7115	Deny	
16.	Lone Rock3	06-7116	Deny	
17.	Neuman	06-7094	Adopt order	
18.	Rankin	06-7121	Deny	
19.	Ridgley	06-7124	Deny	
20.	Sletager	06-7122	Adopt order	
21.	Svingen	06-7109	Adopt order	

	<b>Name</b>	<b>PA#</b>	<b>Recommendation</b>	<b>NOTES</b>
22.	Swearingen	06-7118	Adopt order	
23.	Watson1	06-7120	Adopt order	
24.	Willie	06-7101	Deny	
25.	Woodard1	06-7111	Adopt order	
26.	Woodard2	06-7112	Deny	