

BEFORE THE DEPARTMENT OF ADMINISTRATIVE SERVICES,
THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT OF
THE STATE OF OREGON

IN THE MATTER OF THE CLAIM FOR)FINAL ORDER
COMPENSATION UNDER ORS 197.352)CLAIM NO. M129626
(BALLOT MEASURE 37) OF)
Alan W. Petersen, Leroy S. Petersen, Joan S. Petersen,)
Mary L. Petersen and Shirley J. Petersen, CLAIMANTS)

Claimants: Alan W. Petersen, Leroy S. Petersen, Joan S. Petersen, Mary L. Petersen and
Shirley J. Peterse (the Claimants)

Property: Township 17S, Range 2W, Section 00, Tax lot 2000
Township 17S, Range 2W, Section 22, Tax lot 200
Lane County (the property)

Claim: The demand for compensation and any supporting information received
from the Claimants by the State of Oregon (the Claim).


Claimants submitted the Claim to the State of Oregon under ORS 197.352. Under
OAR 125-145-0010 *et seq.*, the Department of Administrative Services (DAS) referred
the Claim to the Department of Land Conservation and Development (DLCD) as the
regulating entity. This order is based on the record herein, including the Findings and
Conclusions set forth in the Final Staff Report and Recommendation of DLCD (the
DLCD Report) attached to and by this reference incorporated into this order.

ORDER

The Claim is denied as to laws administered by DLCD and the Land Conservation and
Development Commission (LCDC) for the reasons set forth in the DLCD Report.

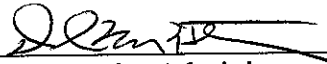
This Order is entered by the Director of the DLCD as a final order of DLCD and the
Land Conservation and Development Commission under ORS 197.352, OAR 660-002-
0010(8), and OAR chapter 125, division 145, and by the Administrator for the State
Services Division of the DAS as a final order of DAS under ORS 197.352, OAR chapter
125, division 145, and ORS chapter 293.

FOR DLCD AND THE LAND
CONSERVATION AND
DEVELOPMENT COMMISSION:



Lane Shetterly, Director
DLCD
Dated this 29th day of December, 2006.

FOR THE DEPARTMENT OF
ADMINISTRATIVE SERVICES:



David Hartwig, Administrator
DAS, State Services Division
Dated this 29th day of December, 2006.

NOTICE OF RIGHT TO APPEAL OR OTHER JUDICIAL RELIEF

You are entitled, or may be entitled, to the following judicial remedies:

1. Judicial review under ORS 183.484: Judicial review under ORS 183.484 may be obtained by filing a petition for review within 60 days from the service of this order. A petition for judicial review under ORS 183.484 may be filed in the Circuit Court for Marion County or the Circuit Court in the county in which you reside.
2. A cause of action under ORS 197.352 (Measure 37 (2004)): If a land use regulation continues to apply to the subject property more than 180 days after the present owner of the property has made written demand for compensation under ORS 197.352, the present owner of the property, or any interest therein, shall have a cause of action in the circuit court in which the real property is located.

(Copies of the documents that comprise the record are available for review at the Department's office at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301-2540)

ORS 197.352 (BALLOT MEASURE 37) CLAIM FOR COMPENSATION
OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
Final Staff Report and Recommendation

December 29, 2006

STATE CLAIM NUMBER: M129626

NAMES OF CLAIMANTS: Alan W. Petersen
Leroy S. Petersen
Joan S. Petersen
Mary L. Petersen
Shirley J. Petersen

MAILING ADDRESS: Alan W. and Joan S. Petersen
39188 Upper Camp Creek Road
Springfield, Oregon 97478

Leroy S. and Mary L. Petersen
39122 Upper Camp Creek Road
Springfield, Oregon 97478

Shirley J. Petersen
38861 Upper Camp Creek Road
Springfield, Oregon 97478

PROPERTY IDENTIFICATION: Township 17S, Range 2W
Section 00: tax lot 2000
Section 22: tax lot 200
Lane County¹

OTHER CONTACT INFORMATION: Steve Cornacchia
Hershner Hunter, LL
180 E 11th Avenue
Eugene, Oregon 97401

DATE RECEIVED BY DAS: July 6, 2006

180-DAY DEADLINE: January 2, 2007

¹ The subject property includes two tax lots. Tax lot 200 consists of 207.66 acres and tax lot 2000 consists of 240 acres.

I. SUMMARY OF CLAIM

The claimants, Alan, Leroy, Joan, Mary and Shirley Petersen, seek compensation in the amount of \$11,045,000 for the reduction in fair market value as a result of land use regulations that are alleged to restrict the use of certain private real property. The claimants desire compensation or the right to divide the 447.66-acre subject property into five-acre parcels and to develop a dwelling on each parcel. The subject property is located at the geographic coordinates listed above near the intersection of Camp Creek Road and Marcola Road, near Springfield, in Lane County. (See claim.)

II. SUMMARY OF STAFF RECOMMENDATION

Based on the findings and conclusions set forth below, the Department of Land Conservation and Development (the department) has determined that this claim is not valid because the claimants have not established their ownership of the subject property. (See the complete recommendation in Section VI of this report.)

III. COMMENTS ON THE CLAIM

Comments Received

On October 13, 2006, pursuant to Oregon Administrative Rule (OAR) 125-145-0080, the Oregon Department of Administrative Services (DAS) provided written notice to the owners of surrounding properties. According to DAS, no written comments were received in response to the 10-day notice.

IV. TIMELINESS OF CLAIM

Requirement

ORS 197.352(5), requires that a written demand for compensation be made:

1. For claims arising from land use regulations enacted prior to the effective date of Measure 37 (December 2, 2004), within two years of that effective date, or the date the public entity applies the land use regulation as an approval criteria to an application submitted by the owner, whichever is later; or
2. For claims arising from land use regulations enacted after the effective date of Measure 37 (December 2, 2004), within two years of the enactment of the land use regulation, or the date the owner of the property submits a land use application in which the land use regulation is an approval criterion, whichever is later.

Findings of Fact

This claim was submitted to DAS on July 7, 2006, for processing under OAR 125, division 145. The claim identifies Statewide Planning Goals 3 (Agricultural Lands), 4 (Forest Lands) and 14 (Urbanization) and provisions of OAR 660 and ORS 197 and 215 as the basis for the claim. Only laws that were enacted or adopted prior to December 2, 2004, are the basis for this claim.

