



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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November 2, 2007

To: Interested Persons

From: Cora R. Parker, Acting Director



Re: Ballot Measure 37 (ORS 197.352) Claim Number M131221

Claimant: Ronald D. Bozarth

Enclosed, in regard to the above-referenced claim for compensation under Ballot Measure 37 (ORS 197.352), is the Final Staff Report and Recommendation of the Department of Land Conservation and Development, and the Final Order.

This Final Staff Report and Recommendation and the Final Order constitute the final decision on this claim. No further action will be taken on this matter.

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. M131221
(BALLOT MEASURE 37) OF)
Ronald D. Bozarth, CLAIMANT)

Claimant: Ronald D. Bozarth (the Claimant)

Property: Township 13S, Range 13E, Section 31, Tax lot 200
Jefferson County (the property)

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


Claimant 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 (DLCDC) as the
regulating entity. This order is based on the record herein, including the Findings and
Conclusions set forth in the Amended Final Staff Report and Recommendation of DLCDC
(the DLCDC Report) attached to and by this reference incorporated into this order.

ORDER


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

This Order is entered by the Acting Director of the DLCDC as a final order of DLCDC 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 Manager for the Measure
37 Services Unit of the DAS as a final order of DAS under ORS 197.352, OAR chapter
125, division 145, and ORS chapter 293.

FOR DLCDC AND THE LAND
CONSERVATION AND
DEVELOPMENT COMMISSION:


Cora R. Parker, Acting Director
DLCDC
Dated this 2nd day of November, 2007.

FOR THE DEPARTMENT OF
ADMINISTRATIVE SERVICES:


Carla Ploederer, Manager
DAS, Measure 37 Services Unit
Dated this 2nd day of November, 2007.

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

November 2, 2007

STATE CLAIM NUMBER: M131221

NAME OF CLAIMANT: Ronald D. Bozarth

MAILING ADDRESS: 13682 E 52nd Drive
Yuma, Arizona 85367

PROPERTY IDENTIFICATION: Township 13S, Range 13E, Section 31
Tax lot 200
Jefferson County

DATE RECEIVED BY DAS: November 24, 2006

DEADLINE FOR FINAL ACTION:¹ May 17, 2008

I. SUMMARY OF CLAIM

The claimant, Ronald Bozarth, seeks compensation in the amount of \$50,000 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 claimant desires compensation or the right to develop a dwelling on the 40-acre subject property. The subject property is located at the geographic coordinates listed above, near Culver, in Jefferson 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 claimant is not an owner of the subject property. (See the complete recommendation in Section VI of this report.)

¹ ORS 197.352, as originally enacted, required that final action on claims made under Measure 37 be made within 180 days of the date the claim was filed. In response to the large volume of claims filed in late 2006, the Oregon legislature passed House Bill 3546, which became effective on May 10, 2007. This legislation increased the amount of time state and local governments have to take final action on Measure 37 claims filed on or after November 1, 2006, by 360 days, to a total of 540 days.

