



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

November 1, 2007

To: Interested Persons
From: Cora R. Parker, Acting Director



Re: Ballot Measure 37 (ORS 197.352) Claim Numbers M131228, M131229, M131230, M131231

Claimant: Ray Drayton

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. M131228, M131229,
(BALLOT MEASURE 37) OF) M131230 and M131231
Ray Drayton, CLAIMANT)

Claimant: Ray Drayton (the Claimant)

Property: Township 6S, Range 10W, Section 35BD, Tax lot 900
Township 6S, Range 11W, Section 35BD, Tax lot 900
Township 6S, Range 11W, Section 36BD, Tax lot 600
Township 6S, Range 11W, Section 36CA, Tax lots 300 and 400
Lincoln 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 (DLCD) 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 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 Acting 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 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 DLCD AND THE LAND
CONSERVATION AND
DEVELOPMENT COMMISSION:


Cora R. Parker, Acting Director
DLCD
Dated this 1st day of November, 2007.

FOR THE DEPARTMENT OF
ADMINISTRATIVE SERVICES:


Carla Ploederer, Manager
DAS, Measure 37 Services Unit
Dated this 1st 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) CLAIMS FOR COMPENSATION

**OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
Final Staff Report and Recommendation**

November 1, 2007

STATE CLAIM NUMBERS: M131228, M131229, M131230 and
M131231

NAME OF CLAIMANT: Ray Drayton

MAILING ADDRESS: c/o Russell L. Baldwin
PO Box 1242
Lincoln City, Oregon 97367

PROPERTY IDENTIFICATION: Township 6S, Range 10W, Section 35BD
Tax lot 900

Township 6S, Range 11W
Section 35BD: tax lot 900
Section 36BD: tax lot 600
Section 36CA: tax lots 300 and 400
Lincoln County

DATE RECEIVED BY DAS: November 24, 2006

DEADLINE FOR FINAL ACTION:¹ May 17, 2008

I. SUMMARY OF CLAIMS

The claimant, Ray Drayton, seeks compensation in the amount of \$4,125,000² under ORS 197.352. The claimant desires compensation but has not identified his desired use of the subject property or how any land use regulations restrict the use of the property with the effect of reducing the property's fair market value. The subject property is located at the geographic coordinates listed above, near Lincoln City, in Lincoln County. (See claims.)

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.

² This amount represents total compensation sought for all tax lots subject to claims M131228, M131229, M131230 and M131231. The claimant submitted a separate claim for relief under ORS 197.352 for each of the tax lots identified above. Those claims are consolidated for this review.

