



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

Measure 49 Development Services Division

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<http://www.oregon.gov/LCD/MEASURE49>

November 2, 2009



Dallas School District 26-J
Christy Perry, Superintendent
111 Ash Street SW
Dallas, Oregon 97338

RE: State Measure 37 Claim M130569

Dear School District 26-J,

On June 5, 2008, the Department of Land Conservation and Development (the department) received your election requesting supplemental review of your Measure 37 claim M130569 under section 6 of Measure 49. The department has determined that you are ineligible for relief under Section 6 on the property that was the subject of your Measure 37 claim, M130569, because you are a public body as defined in ORS 192.410.

Under Section 6 of Measure 49 the department reviews a claimant's eligibility for up to three home site approvals on property that was described in a Measure 37 claim. However, Section 2(17) of Measure 49 further defines "property" as "the private real property described in a claim....and that is not property owned by...a public body as defined in ORS 192.410."

School District 26-J meets the definition of a public body in ORS 192.410(3), which provides:

"Public body" includes every state officer, agency, department, division, bureau, board and commission; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other public agency of this state.

Because School District 26-J is a public body, the property that is the subject of claim M130569 does not qualify as "property" for which the department may authorize home site approvals under Section 6 of Measure 49.

This correspondence concerning claim M130569 is a Final Order from the department in other than a contested case. Please note that you have the right to petition for agency reconsideration or judicial review of this Final Order under ORS 183.484.

If you believe you have received this letter in error or have any questions, please contact this office at (503) 373-0050 ext. 324, or via e-mail at measure49.info@state.or.us.

Sincerely,

Judith Moore
Division Manager

cc: Anthony R. Kreitzberg, Garrett Hemann Robertson P.C.
Polk County Planning