



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

Measure 49 Development Services Division

635 Capitol Street, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5318

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

August 12, 2009



RE: *State Measure 37/49 Claim M131309*

Dear Dorothy E. O'Dell:

On March 4, 2008, the Department of Land Conservation and Development (Department) mailed claimant Dorothy E. O'Dell a Measure 49 Election Packet, which included a Notice and an Election Form. The packet instructions explained that to be eligible for relief under Measure 49, the claimant was required to return the Election Form to the Department within 90 days, electing review under either section 6 or section 7 of Measure 49. The 90-day election period ended on June 2, 2008. The Department did not receive an Election Form completed by the claimant Dorothy E. O'Dell by that date.

Section 8(3) of Measure 49 states that "[i]f the claimant fails to file the form within 90 days after the date the Department mails the notice, the claimant is not entitled to relief under section 6 or 7 of Measure 49." The claimant did not file the required Election Form within 90 days and therefore is not entitled to relief under section 6 or 7.

The Department did receive an Election Form, for claim M131309, completed by Nellie Harris LLC, who appears to be the current owner of the Measure 37 claim property. Nellie Harris LLC requested supplemental review under section 6 of Measure 49. However, even if Nellie Harris LLC is the current owner of the Measure 37 claim property, Section 6 indicates that only "[a] claimant that filed a claim under ORS 197.352" is eligible for section 6 relief. Nellie Harris LLC was not a claimant under claim M131309 and is therefore not eligible to seek relief under Section 6 of Measure 49.

Claim M131309 is no longer eligible for supplemental review under either Section 6 or Section 7 of Measure 49. The claim will be closed without any further action.

This correspondence concerning claim M131309 is an 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, Measure 49 Division Manager
Dept. of Land Conservation and Development

cc: Nellie Harris LLC
Lane County