



**OREGON DEPARTMENT OF LAND CONSERVATION AND  
DEVELOPMENT**

**ORS 195.300 to ORS 195.336 (MEASURE 49) SUPPLEMENTAL REVIEW  
OF MEASURE 37 CLAIM  
Preliminary Evaluation**

February 24, 2009

**STATE ELECTION NUMBER:** E129583B<sup>1</sup>

**CLAIMANT:** Mary Hallstrom<sup>2</sup>  
1920 Hallstrom Road  
Tillamook, Oregon 97141

**MEASURE 37 PROPERTY  
IDENTIFICATION:** Township 2S, Range 10W, Section 12,  
Tax lot 400  
Tillamook County

**AGENT CONTACT INFORMATION:** Kevin M. Pike  
19602 Derby Court  
West Linn, Oregon 9068

**I. ELECTION**

The claimant, Mary Hallstrom, filed a claim with the state under ORS 197.352 (2005) (Measure 37) on June 27, 2006, for property located on both sides of Hallstrom Road and north of Ekloff Road, near Tillamook, in Tillamook County. ORS 195.300 to ORS 195.336 (Measure 49) entitles claimants who filed Measure 37 claims to elect supplemental review of their claims. The claimant has elected supplemental review of her Measure 37 claim under Section 6 of Measure 49, which allows the Department of Land Conservation and Development (the department) to authorize up to three home site approvals to qualified claimants.

**I. SUMMARY OF PRELIMINARY EVALUATION**

Based on the department's preliminary analysis, it appears that claimant Mary Hallstrom is not eligible for any relief under Measure 49 because she did not file a Measure 37 claim with Tillamook County.

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<sup>1</sup> Claim E129583 has been split into two claims, E129583A and E129583B, because the Measure 37 claim sought relief for two contiguous parcels in different ownerships. Claim E129583A addresses the claimants' eligibility for Measure 49 relief on tax lots 100 and 2200 and E129583B addresses relief for claimant Mary Hallstrom on tax lot 400.

<sup>2</sup> Olof Hallstrom was a Measure 37 claimant; however, he is not an owner of tax lot 400 of the Measure 37 claim property and is not eligible for relief under Measure 49.

## **II. PRELIMINARY ANALYSIS OF QUALIFICATION FOR HOME SITE APPROVAL**

### **1. Preliminary Analysis**

To qualify for a home site approval under the Section 6 of Measure 49, a claimant must have filed a Measure 37 claim for the property with either the state or the county in which the property is located on or before June 28, 2007, and must have filed a Measure 37 claim with both the state and the county before Measure 49 became effective on December 6, 2007. If the state Measure 37 claim was filed after December 4, 2006, the claim must also have been filed in compliance with the provisions of OAR 660-041-0020 then in effect.

The claimant, Mary Hallstrom, filed a Measure 37 claim, M129583, with the state on June 27, 2006. Based on information from Tillamook County, the claimant did not file a Measure 37 claim with Tillamook County. The state claim was filed prior to or on December 4, 2006.

It appears that the claimant timely filed a Measure 37 claim with the state.

It appears that the claimant did not file a Measure 37 claim with Tillamook County.

Because this requirement has not been met, the claimant is not entitled to any relief under Measure 49, and, therefore, the remaining approval criteria will not be evaluated.

### **2. Preliminary Conclusion**

Based on the preliminary analysis, the claimant, Mary Hallstrom, does not qualify for Measure 49 home site approvals. The claimant did not file a Measure 37 claim with Tillamook County.

### III. NOTICE OF OPPORTUNITY TO COMMENT

A claimant or a claimant's authorized agent, a county and any third party may submit written comments, evidence and information in response to the preliminary evaluation. The comments, evidence and information must be filed with the department no more than twenty-eight (28) calendar days after the date this evaluation is mailed to the claimant and the claimant's agent and notice of this evaluation is mailed to third parties.

The department will mail a copy of all materials timely filed by a county or a third party with the department to the claimant and the claimant's agent. A claimant or a claimant's authorized agent may then file written comments, evidence or information in response to the materials filed by the third party or county. That response must be filed no more than twenty-one (21) calendar days after the date the department mails the materials to the claimant and the claimant's authorized agent.

All comments, evidence and information in response to the preliminary evaluation and all responses to materials filed by a third party or a county shall be delivered to Supplemental Measure 49 Claim Review, 635 Capitol Street NE, Suite 150, Salem, Oregon 97301-2540 and will be deemed timely filed either (1) if actually delivered to the department before the close of business on the final eligible calendar day, or (2) if mailed on or before the final eligible calendar day.

**Note: Please reference the claim number and claimant name and clearly mark your comments as "Preliminary Evaluation Comments." Comments must be submitted in original written form only. Comments submitted electronically or by facsimile will not be accepted.**