



**OREGON DEPARTMENT OF LAND CONSERVATION AND
DEVELOPMENT**

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

January 21, 2009

STATE ELECTION NUMBER: E130016

CLAIMANTS: James H. Sloss
Sally A. Martin
3705 SE Locks Road
Dayton, OR 97114

**MEASURE 37 PROPERTY
IDENTIFICATION:** Township 4S, Range 3W, Section 7
Tax lot 1500
Yamhill County

I. ELECTION

The claimants, James Sloss and Sally Martin, filed a claim under ORS 197.352 (2005) (Measure 37) on September 11, 2006, for property located at 3705 SE Locks Road, near Dayton, in Yamhill 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 claimants have elected supplemental review of their 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.

II. SUMMARY OF PRELIMINARY EVALUATION

Based on the department's preliminary analysis, it appears that the claimants are not eligible for any relief under Section 6 of Measure 49 because the claimants did not file a Measure 37 claim with Yamhill County.

III. PRELIMINARY ANALYSIS OF QUALIFICATION FOR HOME SITE APPROVAL

1. Preliminary Analysis

To qualify for a home site approval under 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 claimants, James Sloss and Sally Martin, filed a Measure 37 claim, M130016, with the state on September 11, 2006. Based on information from Yamhill County, the claimants did not file a Measure 37 claim with Yamhill County. The state claim was filed prior to December 4, 2006.

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

It appears that the claimants did not file a Measure 37 claim with Yamhill County.

Because the claimants have not met the requirement that a claim be filed with both the state and the county in which the property is located, the remaining approval criteria will not be evaluated.

2. Preliminary Conclusion

Based on the preliminary analysis, the claimants, James Sloss and Sally Martin, do not qualify for any Section 6 of Measure 49 home site approvals because the claimants did not file a Measure 37 claim with Yamhill County.

V. 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 claimants and the claimants' 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 claimants and the claimants' 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 claimants and the claimants' 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.