

BEFORE THE DEPARTMENT OF ADMINISTRATIVE SERVICES, THE
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT, AND THE
BOARD AND DEPARTMENT OF FORESTRY OF THE STATE OF OREGON

IN THE MATTER OF THE CLAIM) FINAL ORDER
FOR COMPENSATION UNDER) CLAIM NO. M119546
BALLOT MEASURE 37 (CHAPTER 1,)
OREGON LAWS 2005) OF)
Harvey O. and Dickie Ann Kempema, CLAIMANTS)

Claimants: Harvey O. and Dickie Ann Kempema (the Claimants)

Property: Tax Lot 1400, T.2S, R.2W, Section 12, Washington County (also known
as 15100 SW Pleasant Valley Road, Beaverton, Oregon) (the Property)

Claim: The demand for compensation and any supporting information received
from the Claimants by the State of Oregon (the Claim).

Claimants submitted the Claim to the State of Oregon under Ballot Measure 37 (2004)
(Oregon Laws 2005, Chapter 1) (hereafter, Measure 37). 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 Final Staff Report and Recommendation of DLCD (the DLCD Report) and the
Oregon Department of Forestry (the ODF Report) both attached to and by this reference
incorporated into this order.

ORDER

The Claim is denied as to laws administered by the Oregon Department of Forestry or the
Oregon Board of Forestry, for the reasons set forth in the ODF Report.

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 Deputy Director of the DLCD as a final order of DLCD and
the Land Conservation and Development Commission under Measure 37, OAR 660-002-
0010(8), and OAR 125, division 145, and by the Deputy Administrator for the State
Services Division of the DAS as a final order of DAS under Measure 37, OAR 125,
division 145, and ORS 293.

This Order is entered by the Oregon Board and Department of Forestry as a final order of
the Board under Measure 37, OAR 629-001-0056, and OAR Chapter 125, division 145.

FOR DLCD AND THE LAND
CONSERVATION AND DEVELOPMENT
COMMISSION:

Lane Shetterly, Director

By: George Naughton, Deputy Director
DLCD

Dated this ___ day of _____, 2005.

FOR the DEPARTMENT OF
ADMINISTRATIVE SERVICES:

Dugan Petty, Deputy Administrator
DAS, State Services Division

Dated this ___ day of _____, 2005.

FOR THE OREGON BOARD OF
FORESTRY AND THE OREGON
DEPARTMENT OF FORESTRY:

Marvin D. Brown, State Forester
ODF

Dated this ___ day of _____, 2005.

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 293.316: Judicial review under ORS 293.316 may be obtained by filing a petition for review within 60 days from the service of this order. Judicial review under ORS 293.316 is pursuant to the provisions of ORS 183.482 to the Court of Appeals.
2. 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 and the Circuit Court in the county in which you reside.

3. A cause of action under Oregon Laws 2005, chapter 1 (Measure 37 (2004)): A present owner of the property, or any interest therein, may file a cause of action in the Circuit Court for the county where the property is located, if a land use regulation continues to apply to the subject property more than 180 days after the present owner made a written demand for compensation.

(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)