



# 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>



October 16, 2009

RE: *State Measure 37/49 Claim M124557*

Dear Larry Rust:

On March 6, 2008, the Department of Land Conservation and Development (department) mailed claimant Larry Rust 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 4, 2008. The department did not receive an Election Form completed by the claimant Larry Rust 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 received an Election Form for claim M124557 completed by Betty J. Rust, who appears to be the current owner of the Measure 37 claim property. Betty Rust requested supplemental review under section 6 of Measure 49. However, even if Betty Rust 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. Betty Rust was not a claimant under claim M124557 and is therefore not eligible to seek relief under Section 6 of Measure 49.

Claim M124557 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 M124557 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](mailto:measure49.info@state.or.us).

Sincerely,

  
Judith Moore  
Manager

cc: Betty J. Rust  
Bonnie J. Riendel