



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development Measure 49 Development Services Division

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February 23, 2010

Delores L. Stills
PO Box 247
Culver, OR 97734

RE: Final Order for M37/49 Claim E125113A

Dear Delores L. Stills:

During the 2009 legislative session, the Oregon State Legislature amended Measure 49 through the passage of House Bill 3225. Section 7 of House Bill 3225 states that "a claimant is not entitled to implement relief under the theory of common law vested right and under sections 5 to 11, chapter 424, Oregon law 2007 [Measure 49]."

The Department of Land Conservation and Development (the department) records indicate that you submitted a Measure 49 Election requesting supplemental review of claim M125113 under section 6 of Measure 49. Claim M125113 has been split into two claims, E125113A and E125113B, because the Measure 37 claim sought relief for two non-contiguous properties. Claim E125113A addresses your eligibility for Measure 49 relief on tax lot 2200 and E125113B addresses your eligibility for relief on tax lot 100.

Based upon a June 11, 2008 Jefferson County vested rights determination, it appears that you have been determined to have a common law vested right to complete and continue a use described in your Measure 37 waiver on tax lot 2200. Accordingly, under HB 3225 you are not entitled to supplemental review of claim E125113A under Measure 49. As a result, your Measure 49 Election for this claim will not be further processed. The department will continue to process Claim E125113B according to the Preliminary Evaluation that was issued on December 22, 2009.

If the department's information is not correct and you have not received a final vested rights determination, or if you have any questions regarding your entitlement to relief under Measure 49, please contact this office at (503)373-0050 ext 324 or via e-mail at measure49.info@state.or.us.

This correspondence concerning claim E125113A is a Final Order from the department in other than a contested case. Please note that you have the right to petition the agency for reconsideration or judicial review of this Final Order under ORS 183.484.

Sincerely,

Judith Moore
Division Manager

cc: Lisa Klemp, Brant, Emerson & Fitch, LLP
Jefferson County