



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development Measure 49 Development Services Division

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December 4, 2009



Kenneth Dimick
9632 Winsome Ct
Indianapolis, IN 46256

Anne A. Chaimov
3015 NW McKinley Dr.
Corvallis, OR 97330

RE: State Measure 37 Claim M133331

Dear Kenneth Dimick and Anne Chaimov,

The Department of Land Conservation and Development (department) received an election form requesting supplemental review of claim M133331 under Measure 49. According to information in our file, however, you applied and were subsequently approved for a zoning amendment to be applied to the Measure 37 claim property since requesting supplemental review of your Measure 37 claim under Measure 49. Under ORS 195.324(1):

“If an owner submits an application for a comprehensive plan or zoning amendment, or submits an application for an amendment to the Metro urban growth boundary, and Metro, a city or a county approves the amendment, the owner is not entitled to relief under ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, with respect to a land use regulation enacted before the date the application was filed.”

Under this provision, because a zoning amendment has been applied to the Measure 37 claim property, you are not entitled to relief for this claim under Measure 49. Claim M/E133331 will be closed and the department will take no further action regarding the review of the claim.

This correspondence concerning claim M/E133331 is a Final 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.

Sincerely,

Judith Moore
Division Manager

cc: Jeff N. Evans/Agent
Lincoln County Planning