



# 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>

April 20, 2010



Shelly L. Grantham  
Personal Representative  
315 SW McKinley Avenue  
Bend, OR 97702

RE: State Measure 37/49 Claim H129862 McBride

Dear Ms. Grantham,

Measure 37 claim M129862 was previously ineligible for Supplemental Review under Measure 49 because the Measure 49 Election was not timely filed with the Department of Land Conservation and Development (the department). House Bill (HB) 3225 (2009) amended the standard for making a timely Election under Measure 49, allowing the department to review the claim following submission of the fee required by HB3225. The department has received a fee as required by HB 3225. After an initial review of claim H129862, however, the department has determined that no relief may be granted for this claim.

According to our records, the claimants Dean S. McBride and Barbara L. McBride passed away on April 7, 2007, and April 22, 2007, respectively, and their heirs are not authorized to pursue the claim under Measure 49. Requirements for Supplemental Review under such circumstances are stated in section 11(9) of Measure 49 and the Extension Bill, section 2(3) (House Bill 3546 (2007)). If the claimant filed the Measure 37 claim before November 1, 2006, and the claimant died before December 6, 2007, no relief is available for the claimant's heirs under Measure 49. According to our records Dean S. McBride and Barbara L. McBride filed claim M129862 on August 15, 2006.

Claim H129862 will be closed and the department will take no further action regarding the review of the claim. 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).

This correspondence concerning claim H129862 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.

Sincerely,

Judith Moore  
Measure 49 Division Manager

cc: Linn County Planning