

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

IN THE MATTER OF THE CLAIM) FINAL ORDER
FOR COMPENSATION UNDER) CLAIM NO. M119597
BALLOT MEASURE 37 (CHAPTER 1,)
OREGON LAWS 2005) OF)
Laverne W. Ratzlaff and)
Mary Jean Ratzlaff, CLAIMANTS)

Claimants: Laverne W. Ratzlaff and Mary Jean Ratzlaff (the Claimants)

Property: Tax Lots 101, 102, 104, 105, 106, 107 and 108, T.9S, R.5W, Section 5, and Tax
Lots 604, 608, 610, 614 and 621, T8S, R.5W, Section 33, W.M., Polk County

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) attached to and by this reference incorporated
into this order.

ORDER

The Claim is approved as to laws administered by DLCD and the Land Conservation and
Development Commission (LCDC) for the reasons set forth in the DLCD Report, and subject to
the following terms:

1. In lieu of paying just compensation under Measure 37, the State of Oregon will not apply
the following state laws enforced by the Commission or the department, specifically: the
applicable provisions of Statewide Planning Goal 4 (Forest Lands), ORS 215, and OAR 660,
Divisions 06 and 33, to the extent necessary to allow: (a) Laverne Ratzlaff's a use of Tax
Lots 105, 107 and 604 permitted at the time he acquired these tax lots on March 25, 1976, a use
of Tax Lot 614 permitted at the time he acquired this tax lot on November 18, 1981, and a use of
Tax Lot 610 permitted at the time he acquired this tax lot on December 31, 1992; and
(b) Mary Jean Ratzlaff's a use of Tax Lots 102, 104 and 108 permitted at the time she acquired
these tax lots on March 25, 1976, and a use of Tax Lot 608 permitted at the time she acquired
this tax lot on February 10, 1983; and (c) Laverne and Mary Jean Ratzlaff's a use of Tax
Lots 101, 106 and 621 permitted at the time they acquired these tax lots on March 25, 1976. As
a result, the claimant's use of Tax Lots 101, 102, 104, 105, 106, 107, 108, 604, 608, 610, 614,

and 621 will be subject to those specified laws that were in effect on those dates including, but not limited to, those laws specified in (2), immediately below.

2. The relief granted by this order does not authorize claimants to use the Property for a use that was not permitted when they acquired their interest in the Property. The use of the Property in 1976, 1981, and 1983 was governed by state laws that include, but are not limited to the provisions of the following laws that were in effect when the properties were acquired by their respective current owner(s): Statewide Planning Goals 3 or 4, OAR 660, Divisions 5 or 6 and the applicable edition of ORS 215 in effect when: (a) Mr. Ratzlaff acquired Tax Lot 610 on December 31, 1992, Tax Lot 614 on November 18, 1981 and Tax Lots 104, 107 and 604 on March 25, 1976; (b) Mrs. Ratzlaff acquired Tax Lot 608 on February 10, 1983 and Tax Lots 102, 104 and 108 on March 25, 1976; and (c) Mr. and Mrs. Ratzlaff acquired Tax Lots 101, 106 and 621 on March 25, 1976.¹

3. To the extent that any law, order, deed, agreement or other legally-enforceable public or private requirement provides that the Property may not be used without a permit, license, or other form of authorization or consent, this order does not authorize the use of the Property unless the Claimants first obtains that permit, license, or other form of authorization or consent. Such requirements may include, but are not limited to: a building permit, a land use decision, a permit as defined in ORS 215.412 or ORS 227.160, other permits or authorizations from local, state or federal agencies, and restrictions on the use of the Property imposed by private parties.

4. Any use of the Property by the Claimants under the terms of this order remains subject to the following laws: (a) those laws not specified in (1), above; (b) any laws enacted or enforced by a public entity other than DLCD; and (c) those laws not subject to Measure 37 including, without limitation, those laws exempted under section (3) of Measure 37.

5. Without limiting the generality of the foregoing terms, in order for the Claimants to use the Property, it may be necessary for the Claimants to obtain a decision under Measure 37 from a city and/or county and/or metropolitan service district that enforces land use regulations applicable to the Property. Nothing in this order relieves the Claimants from the necessity of obtaining a decision under Measure 37 from a local public entity that has jurisdiction to enforce a land use regulation applicable to a use of the Property by the Claimants.

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.

¹ For the December 31, 1992 acquisition date of Tax Lot 610, the county's acknowledged FF zone and the applicable provisions of ORS 215 (1991 edition) apply to this tax lot.

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.

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)

FOR INFORMATION ONLY

The Oregon Department of Justice has advised the Department of Land Conservation and Development that "[i]f the current owner of the real property conveys the property before the new use allowed by the public entity is established, then the entitlement to relief will be lost."