



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development Measure 49 Development Services Division

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November 19, 2010

Gordon and Charlene Elliot
15145 Antioch Road
White City, OR 97503

RE: State Measure 49 Claim D135052 Hugh and Palmyra Driver; Jackson County Measure 37 claim M37
2005-00103

Dear Gordon and Charlene Elliot,

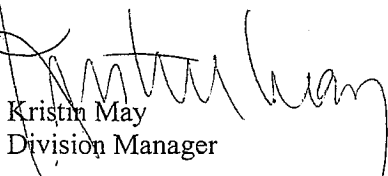
Jackson County Measure 37 claim M37 2005-00103 was previously ineligible for Supplemental Review under Measure 49 because the claimants did not file a state Measure 37 claim. ORS 195.300 to ORS 195.336 (Measure 49), as amended by Senate Bill 1049 (SB 1049) entitles claimants who filed Measure 37 claims only with the county to make a timely Election under Measure 49 with the Department of Land Conservation and Development (the department), allowing the department to review the claim following submission of the fee required by SB1049. The department received a timely election and the fee as required by SB1049. After review of claim, the department has determined that no relief may be granted for this claim.

According to our records, the claimants Hugh Driver and Palmyra Driver passed away on March 16, 2006, and May 5, 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. This information was also discussed on pages 7-8 of the "Senate Bill 1049 Information Guide" included with the election materials. According to our records Hugh and Palmyra Driver filed their Jackson County claim, M37-2005-00103, on June 2, 2005.

Claim D135052 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.

This correspondence concerning claim D135052 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,


Kristin May
Division Manager

cc: Jackson County Planning