



Oregon

Theodore R. Kuiongoski, Governor

Department of Land Conservation and Development Measure 49 Development Services Division

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April 28, 2009



RE: State Measure 37/49 Claim M118369

Dear Gene and Dorothy Tomlin,

On January 18, 2008, the Department of Land Conservation and Development (Department) mailed claimants Gene and Dorothy Tomlin a Measure 49 Election Packet, which included a Notice and an Election Form. The packet instructions explained that to be eligible for relief under Measure 49, the claimants were required to return the Election Form to the Department within 90 days, electing review under either section 6 or section 7 of Measure 49. The 90-day election period ended on April 17, 2008. The Department did not receive an Election Form completed by the claimants Gene and Dorothy Tomlin by that date.

Section 8(3) of Measure 49 states that "if the claimant fails to file the form within 90 days after the date the Department mails the notice, the claimant is not entitled to relief under section 6 or 7 of Measure 49." The claimants did not file the required Election Form within 90 days and therefore are not entitled to relief under section 6 or 7.

The Department did receive an Election Form for claim M118369, completed by Daniel and Marguerite Tomlin, who appear to be the current owner of the portion of the Measure 37 claim property for which relief is sought. Daniel and Marguerite Tomlin requested supplemental review under section 6 of Measure 49. However, Section 6 of Measure 49 indicates that only "a claimant that filed a claim under ORS 197.352" is eligible for section 6 relief. Daniel and Marguerite Tomlin were not claimants under claim M118369 and are therefore not eligible to seek relief under Section 6 of Measure 49.

Claim M118369 is no longer eligible for supplemental review under either Section 6 or Section 7 of Measure 49. The claim will be closed without any further action.

This correspondence concerning claim M118369 is an 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,

Richard Whitman, Director
Dept. of Land Conservation and Development

cc: Daniel and Marguerite Tomlin
Clackamas County