



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

Measure 49 Development Services Division

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February 23, 2010

Marie Harry and Laura Harry  
5170 SW Wickiup Ave  
Redmond, OR 97756

RE: Final Order for M37/49 Claim E119057

Dear Marie Harry and Laura Harry:

During the 2009 legislative session, the Oregon State Legislature amended Measure 49 through the passage of House Bill 3225. Section 7 of House Bill 3225 states that "a claimant is not entitled to implement relief under the theory of common law vested right and under sections 5 to 11, chapter 424, Oregon law 2007 [Measure 49]."

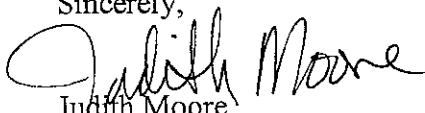
The Department of Land Conservation and Development (the department) records indicate that you submitted two different Measure 49 Elections that requested supplemental review under section 6 of Measure 49 for the same property. Because these elections dealt with identical property, the department combined these two elections into claim E119057.

Based upon a December 21, 2009 Deschutes County vested rights determination, it appears that you have been determined to have a common law vested right to complete and continue a use described in your Measure 37 waiver. Accordingly, under HB 3225 you are not entitled to implement relief under both a common law vested right and under the Measure 49 Home Site Authorizations previously issued. As a result, this Final Order supersedes the Final Order for claim E119057 issued on September 9, 2009 and you are no longer entitled to the relief described in the Final Order for claim E119057.

Although you are no longer entitled to relief under Section 6 of Measure 49, this Final Order has no affect on the vested rights determination you received from Deschutes County. If the department's information is not correct and you have not received a final vested rights determination, or if you have any questions regarding your entitlement to relief under Measure 49, 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 E119057 is a Final Order from the department in other than a contested case. Please note that you have the right to petition the agency for reconsideration or judicial review of this Final Order under ORS 183.484.

Sincerely,

  
Judith Moore  
Division Manager

cc: Edward P. Fitch, Bryant Emerson & Fitch, LLP  
Deschutes County