



**OREGON DEPARTMENT OF LAND CONSERVATION AND  
DEVELOPMENT**

**ORS 195.300 to ORS 195.336 (MEASURE 49) SUPPLEMENTAL REVIEW  
OF MEASURE 37 CLAIM  
Preliminary Evaluation**

September 11, 2008

**STATE ELECTION NUMBER:** E129659

**CLAIMANT:** Laura Wellons  
5055 Lakeview Boulevard  
Lake Oswego, Oregon 97035

**MEASURE 37 PROPERTY  
IDENTIFICATION:** Township 2S, Range 1E, Section 34A  
Tax lot 900  
Clackamas County

**I. ELECTION**

The claimant, Laura Wellons, filed a claim under ORS 197.352 (2005) (Measure 37) on July 13, 2006 for property located on Johnson Road, near West Linn, in Clackamas County. ORS 195.300 to ORS 195.336 (Measure 49) entitles claimants who filed a Measure 37 claim to elect supplemental review of their claim under either Section 6 (Express option) or 7 (Conditional option) of Measure 49. The claimant has elected supplemental review of her Measure 37 claim under the Express option. The Express option authorizes the Department of Land Conservation and Development (the department) to issue up to three home site approvals to qualified claimants.

**II. SUMMARY OF PRELIMINARY EVALUATION**

Based on the department's preliminary analysis, it appears that the claimant is not eligible for any relief under Measure 49 because the claimant did not file a Measure 37 claim with Clackamas County.

**III. PRELIMINARY ANALYSIS OF QUALIFICATION FOR HOME SITE APPROVAL**

**1. Preliminary Analysis**

To qualify for a home site approval under the Section 6 Express option, a claimant must have filed a Measure 37 claim for the property with either the state or the county in which the property is located on or before June 28, 2007, and must have filed a Measure 37 claim with both the state and the county before Measure 49 became effective on December 6, 2007. If the state Measure

37 claim was filed after December 4, 2006, the claim must also have been filed in compliance with the provisions of OAR 660-041-0020 then in effect.

The claimant, Laura Wellons, filed a Measure 37 claim, M129659, with the state on July 13, 2006. Based on information from Clackamas County, the claimant did not file a Measure 37 claim with Clackamas County. The state claim was filed prior to or on December 4, 2006.

It appears that the claimant timely filed a Measure 37 claim with the state.

It appears that the claimant did not file a Measure 37 claim with Clackamas County.

Because the claimant has not met the requirement that a claim be filed with both the state and the county in which the property is located, the remaining approval criteria will not be evaluated.

## **2 Preliminary Conclusion**

Based on the preliminary analysis, the claimant, Laura Wellons, does not qualify for any Measure 49 home site approvals. The claimant did not file a Measure 37 claim with Clackamas County.

## **V. NOTICE OF OPPORTUNITY TO COMMENT**

A claimant or the claimant's authorized agent, a county and any third party may submit written comments, evidence and information in response to the preliminary evaluation. The comments, evidence and information must be filed with the department no more than twenty-eight (28) calendar days after the date this evaluation is mailed to the claimant and the claimant's agent and notice of this evaluation is mailed to third parties.

The department will mail a copy of all materials timely filed by a county or a third party with the department to the claimant and the claimant's agent. A claimant or a claimant's authorized agent may then file written comments, evidence or information in response to the materials filed by the third party or county. That response must be filed no more than twenty-one (21) calendar days after the date the department mails the materials to the claimant and the claimant's authorized agent.

All comments, evidence and information in response to the preliminary evaluation and all responses to materials filed by a third party or a county shall be delivered to Supplemental Measure 49 Claim Review, 635 Capitol Street NE, Suite 150, Salem, Oregon 97301-2540 and will be deemed timely filed either (1) if actually delivered to the department before the close of business on the final eligible calendar day, or (2) if mailed on or before the final eligible calendar day.

**Note: Please reference the claim number and claimant name and clearly mark your comments as "Preliminary Evaluation Comments." Comments must be submitted in original written form only. Comments submitted electronically or by facsimile will not be accepted.**