



**OREGON DEPARTMENT OF LAND CONSERVATION AND
DEVELOPMENT**

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

November 12, 2008

STATE ELECTION NUMBER: E131623

CLAIMANT: Salem Golf Club
2025 Golf Course Road S
Salem, Oregon 97302

**MEASURE 37 PROPERTY
IDENTIFICATION:** Township 7 South, Range 3 West,
Section 33CA, tax lot 500
Marion County

**AGENT/
PRIMARY CONTACT INFORMATION:** Christopher B. Matheny
530 Center Street NE, Suite 700
Salem, Oregon 97302

I. ELECTION

The claimant, Salem Golf Club, filed a claim under ORS 197.352 (2005) (Measure 37) on November 29, 2006, for property located at 1250 Maple Glen Lane S, in Salem, in Marion County. ORS 195.300 to ORS 195.336 (Measure 49) entitles claimants who filed Measure 37 claims to elect supplemental review of their claims under either Section 6 or Section 7 of Measure 49. The claimant has elected supplemental review of the Measure 37 claim under Section 7, which allows the Department of Land Conservation and Development (the department) to authorize up to ten home site approvals for 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 Section 7 of Measure 49 because the claimant did not file a Measure 37 claim with Marion County and because the Measure 37 claim property is located within the boundary of the city of Salem.

III. PRELIMINARY ANALYSIS OF QUALIFICATION FOR HOME SITE APPROVAL

1. Preliminary Analysis

To qualify for a home site approval under Section 7 of Measure 49, 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, Salem Golf Club, filed a Measure 37 claim, M131623, with the state on November 29, 2006. The claimant filed a Measure 37 claim, 36172, with the City of Salem on November 29, 2006. The state claim was filed prior to December 4, 2006.

It appears that the claimant timely filed a Measure 37 claim with the state but did not file a claim with Marion County.

In addition to filing a claim with both the state and the county in which the property is located, to qualify for a home site approval under Section 6 of Measure 49 the claimant must establish each of the following:

(a) The Measure 37 Claim Property Is Located Entirely Outside Any Urban Growth Boundary and Entirely Outside the Boundaries of Any City

The Measure 37 claim property is located in Marion County, at 1250 Maple Glen Lane S, within the boundary of the city of Salem.

Because the above requirements have not been met, the remaining approval criteria will not be evaluated.

2. Preliminary Conclusion

Based on the preliminary analysis, the claimant, Salem Golf Club, does not qualify for any home site approvals under Section 7 of Measure 49 because the claimant did not file a Measure 37 claim with Marion County and because the Measure 37 claim property is located within the boundary of the city of Salem.

IV. NOTICE OF OPPORTUNITY TO COMMENT

A claimant or a 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 claimants and the claimants' 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.