

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING TITLE 8 OF)
 THE URBAN GROWTH MANAGEMENT)
 FUNCTIONAL PLAN, ORDINANCE NO. 96-647C,) ORDINANCE NO. 00-885
 AND THE REGIONAL FRAMEWORK PLAN,)
 ORDINANCE NO. 97-715B, TO RELIEVE LOCAL)
 GOVERNMENTS FROM COMPLIANCE WITH)
 METRO’S URBAN GROWTH MANAGEMENT)
 FUNCTIONAL PLAN WHEN NECESSARY TO) Introduced by
 RESPOND TO VALID CLAIMS MADE UNDER)
 BALLOT MEASURE 7)

WHEREAS, on November 7, 2000 Oregon voters approved Ballot Measure 7 which allows private property owners to make claims against local governments for the alleged reduction in property value caused by local government regulation, and

WHEREAS, Ballot Measure 7 appears to give local governments the option to not enforce a regulation that is alleged to reduce the value of property instead of paying compensation equal to the reduction in the fair market value of the property, and

WHEREAS, state law grants authority to Metro to adopt functional plans and a regional framework plan. Metro may require or recommend changes to city and county comprehensive plans and implementing ordinances to comply with these functional plans or with the regional framework plan, and

WHEREAS, functional plans and the regional framework plan are supplementary to the requirements that local government plans must meet under state law, statewide planning goals and administrative rules, and

WHEREAS, in 1996, the Metro Council adopted the Urban Growth Management Functional Plan (“UGMFP”) which recommends and requires changes, if necessary, to local comprehensive plans and implementing ordinances, and

WHEREAS, the UGMFP already contains provisions that allow cities and counties to grant relief to property owners when local implementation of certain regional standards would cause a lot or parcel to become “unbuildable,” and

WHEREAS, the local governments in Metro’s jurisdiction have submitted compliance reports explaining amendments they have made to their comprehensive plans and implementing ordinances to comply with the UGMFP or have requested extensions to achieve compliance by the end of 2000, and

WHEREAS, this ordinance is intended to grant relief only from UGMFP "requirements,"
and

WHEREAS, this ordinance is not intended to grant relief from state requirements that
may be coincident with the requirements of the UGMFP, now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Title 8 of the UGMFP is amended to add the following:

"Local governments may elect not to enforce provisions of their comprehensive plans or
implementing ordinances that respond to the requirements of this functional plan in order
to avoid a valid claim for compensation made by a property owner under Section 18 of
Article 1 of the Oregon Constitution (Ballot Measure 7)."

"Local governments shall give notice to Metro within ___ days after receiving a claim
that may relate to provisions of their comprehensive plans or implementing ordinances
that respond to the requirements of this Functional Plan.

ADOPTED by the Metro Council this _____ day of December 2000.

TABLED

David Bragdon, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel