

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENTERING AN ORDER ) Resolution No. 07-3807  
RELATING TO THE BRADLEY K. AND CYNTHIA )  
J. TOMAN CLAIM FOR COMPENSATION UNDER ) Introduced by Chief Operating Officer  
ORS 197.352 (MEASURE 37) ) Michael Jordan with the concurrence of  
 ) Council President David Bragdon

WHEREAS, Bradley K. and Cynthia J. Toman filed a claim for compensation under  
ORS 197.352 (Measure 37) contending that Metro regulations had reduced the fair market value of their  
property; and

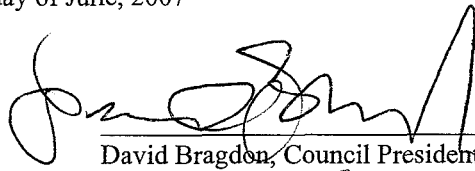
WHEREAS, the property that is the subject of the claim lies outside Metro's jurisdictional  
boundary; and

WHEREAS, the Metro Council considered the claim on June 14, 2007; now, therefore

BE IT RESOLVED that the Metro Council:

1. Enters Order No. 07-037, attached to this resolution as Exhibit A, which dismisses the claim for the reason that the subject property lies outside Metro's jurisdictional boundary.
2. Directs the Chief Operating Officer ("COO") to send a copy of Exhibit A to the claimants and Washington County. The COO shall also post the exhibit at the Metro website.

ADOPTED by the Metro Council this 14<sup>th</sup> day of June, 2007

  
David Bragdon, Council President

Approved as to form:

  
Daniel B. Cooper, Metro Attorney

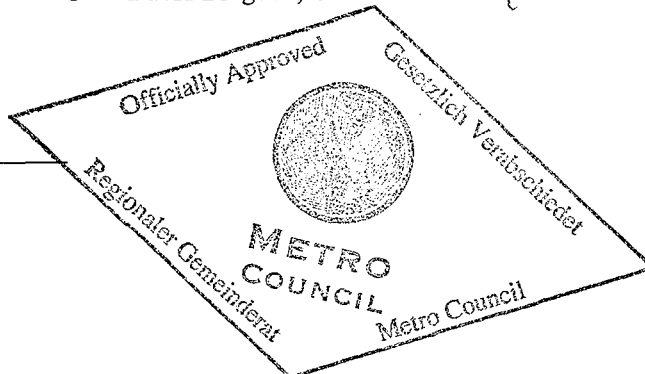


Exhibit A to Resolution No. 07-3807

Order No. 07-037

RELATING TO THE BRADLEY K. AND CYNTHIA J. TOMAN CLAIM  
FOR COMPENSATION UNDER ORS 197.352 (MEASURE 37)

Claimant: Bradley K. and Cynthia J. Toman

Property: City of Hillsboro


Claim: Regulations in Titles 3 and 13 reduce the fair market value of claimants' property

Claimants submitted the claim to Metro pursuant to ORS 197.352 (Measure 37). This order is based upon materials submitted by the claimants.

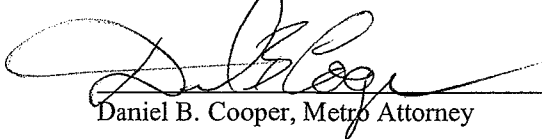
IT IS ORDERED THAT:

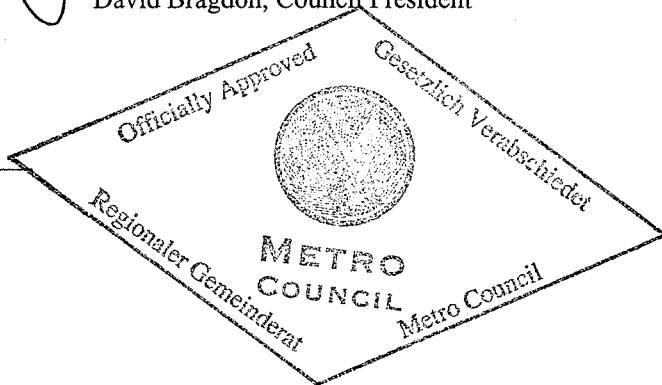
The claim of Bradley K. and Cynthia J. Toman for compensation be denied because the subject property lies outside Metro's jurisdictional boundary.

ENTERED this 14 day of June, 2007.

  
David Bragdon, Council President

Approved as to form:

  
Daniel B. Cooper, Metro Attorney



**CLAIM FOR COMPENSATION**  
UNDER ORS 197.352  
AND METRO CODE CHAPTER 2.21

**REVISED REPORT OF THE CHIEF OPERATING OFFICER**

**In Consideration of Order No. 07-037**  
**For the Purpose of Entering an Order**  
**Relating to the Claim of Bradley K. and Cynthia J. Toman**

April 30, 2007

**METRO CLAIM NUMBER:** Claim No. 07-037

**NAME OF CLAIMANTS:** Bradley K. and Cynthia J. Toman

**MAILING ADDRESS:** 31400 NW Camp Ireland St.  
Hillsboro, OR 97124

**PROPERTY LOCATION:** 31400 NW Camp Ireland St.  
Hillsboro, OR 97124

**TAX LOT ID:** 1N325AB-001600

**DATE OF CLAIM:** December 4, 2006

**I. CLAIM**

Claimants seek compensation in the amount of \$405,000 for a claimed reduction in fair market value of the subject property as a result of Title 13 (“Nature in Neighborhoods”) of Metro’s Urban Growth Management Functional Plan. Claimants seek a waiver of the regulations to allow for residential development.

**II. SUMMARY OF COO RECOMMENDATION**

The Chief Operating Officer (COO) recommends that the Metro Council dismiss the claim for the reason set forth in section III of the report.

**III. PRELIMINARY REVIEW**

1. *Timeliness of Claim*

ORS 197.352(5) requires that a written demand for compensation be made:

- a. For claims arising from a land use regulation enacted *prior* to the effective date of Measure 37, within two years of that date or the date a public entity applies the regulation to the property as an approval criterion in response to a land use application submitted by the owner; or
- b. For claims arising from a land use regulation enacted *after* the effective date of Measure 37, within two years of the enactment of the regulation or of the date the owner of the property submits a land use application for the property in which the regulation is an approval criterion.

Claimants filed their claim on December 4, 2006. The claim is timely.

2. *Location of Property*

The subject property is within Metro's urban growth boundary, but is outside of Metro's jurisdictional boundary. Because the property is outside of Metro's jurisdictional boundary, the claim is invalid.

3. *Land Use Regulation*

Only Metro regulations that apply to properties inside Metro's jurisdictional boundary are subject to claims under ORS 197.352. No Metro land use regulations apply to claimant's property.

4. *Interest in Land*

Claimants assert that they acquired the property in February 1980 and are presumed to have had a continuous ownership since that date. Claimants did not submit any proof of ownership.

**IV. COO Recommendation**

Metro Code section 2.21.040(b) requires the COO to make a preliminary analysis to determine whether a claim meets the basic requirements for full review. The subject property is outside of Metro's jurisdictional boundary. Therefore, the claim does not meet the basic requirements for further review. The COO recommends that the Metro Council dismiss the claim pursuant to Metro Code 2.21.040(c) and 2.21.060(a)(1).