

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DIRECTING THE) Resolution No. 04-3520
CHIEF OPERATING OFFICER TO)
FORMULATE REGIONAL POLICY OPTIONS)
RELATING TO BALLOT MEASURE 37) Introduced by Council President Bragdon

WHEREAS, Oregon voters enacted Ballot Measure 37 (Governments must pay owners, or forego enforcement, when certain land use restrictions reduce property value) on November 2, 2004; and

WHEREAS, the effects and consequences to the metropolitan region of Ballot Measure 37 are not known, but may adversely affect the region's ability to protect livability in the region and to manage growth according to the Regional Framework Plan and the 2040 Growth Concept; and

WHEREAS, the effects and consequences of Ballot Measure 37 may adversely affect the region's ability to protect public investments in transportation and other public services; and

WHEREAS, claims under Ballot Measure 37 have been submitted to Metro and the 25 cities and other local governments involving land within Metro's jurisdictional boundary; and

WHEREAS, the people of the region have an interest in knowing and understanding the potential consequences of claims submitted under Ballot Measure 37, notwithstanding the failure of the measure to require or provide for a public claims process; and

WHEREAS, claims in one jurisdiction may affect neighboring jurisdictions; and

WHEREAS, Metro and communities in the region would benefit from coordination of responses to claims submitted under Ballot Measure 37 and better information about effects and consequences of the measure to the region; now, therefore,

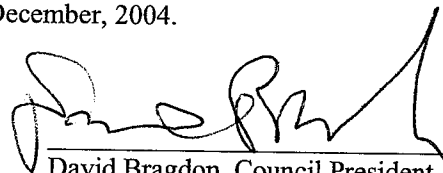
BE IT RESOLVED that:

1. The Chief Operating Officer ("COO") shall:
 - (a) Convene a Ballot Measure 37 Work Group composed of representatives of local governments in the region and other organizations that will be affected by claims or which can contribute expertise to advise the Metro Council and staff on potential consequences of claims submitted under Ballot Measure 37, coordination among public entities in the region, policy options to maintain the region's commitment to the 2040 Growth Concept, and a coordinated claims and waiver process;

- (b) Estimate the potential consequences to the region of compensation of claims filed under Ballot Measure 37, or of waiver of land use restrictions in lieu of compensation, to the extent possible given the uncertainties resulting from the general and ambiguous terms in Ballot Measure 37;
- (c) Develop a plan for coordination among Metro and the public entities in the region subject to Ballot Measure 37 on responses to claims submitted under the measure, including a database to record and track claims;
- (d) Develop policy options to respond to the potential consequences of claims submitted under Ballot Measure 37, considering, among other matters:
 - (i) Potential consequences of claims submitted under Ballot Measure 37;
 - (ii) Alternative methods to achieve the policies of the Regional Framework Plan and the objectives of the 2040 Growth Concept in a post-Ballot Measure 37 environment and to reduce adverse consequences of claims; and
 - (iii) Potential actions by the 2005 Legislative Assembly to mitigate the adverse consequences of Ballot Measure 37 in the region; and
- (e) Develop a proposed process, open to the public, to address claims under Ballot Measure 37:
 - (i) Submitted to Metro and arising from land use restrictions in the Metro Code;
 - (ii) Submitted to Metro and arising from land use restrictions in the Metro Code that derive from land use restrictions in state law;
 - (iii) Submitted to cities and counties within Metro's jurisdiction and arising from land use restrictions in city and county land use regulations that derive from land use restrictions in the Metro Code.

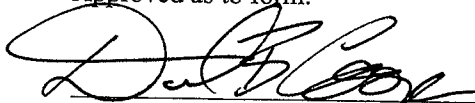
2. The Council President shall select two members of the Council to serve as liaisons with the Ballot Measure 37 Work Group described in section 1.

ADOPTED by the Metro Council this 16th day of December, 2004.



 David Bragdon, Council President

Approved as to form:



 Daniel B. Cooper, Metro Attorney

