

****MINUTES OF THE METRO BALLOT MEASURE 37 TASK FORCE
MEETING**

Monday, May 16, 2005

Metro Council Chamber

Members Present: Judie Hammerstad (Chair), John Leeper, Robert Liberty, Dan Cooper, Dorothy Coefield, Martha Schrader, Doug Bowsby, Jim Chapman, Bonny McKnight, Keith Fishback, Domonic Biggi, Jack Hoffman, Carl Hosticka, Wayne Kingsley, David Whitehead, Charlie Gregorio, Lane Shetterly and Shelia Martin

Staff Present: Robin McArthur, Andy Cotugno

Others Present: Brent Curtis - Washington County, Doug McClain - Clackamas County, Denise Frisbee - Attorney, City of Lake Oswego, Adelle Jenike - Real Estate Broker/Developer, Meg Fernakees – DLCD, Mark Brown - Washington County

Chair Hammerstad convened the Ballot Measure 37 Task Force Meeting at 5:35 p.m.

1. WELCOME AND INTRODUCTIONS

Chair Hammerstad asked the Task Force Committee members to go around the table and introduce themselves.

2. APPROVAL OF MINUTES

The April 25, 2005 minutes were approved, with corrections from Carl Hosticka and Robert Liberty, noted as follows:

Page 5 of Minutes: Paragraph 1 should read as follows: Mr. Jim Chapman, Home Builders Association and Legend Homes Corporation, spoke about how it is to live in the City of West Linn. He is concerned about a low-density barrier and said that whatever we do, we will have to require jurisdictions to do something.

Page 3 of Minutes: Paragraph 3 should read as follows: Chair Hammerstad asked for any questions that the committee members may have before moving on to the two case studies. Councilor Liberty noted that the map shows an even scattering of claims across the land zoned for exclusive farm zoned for EFU. Paragraph 7 corrects the word “illicit” to be elicit.

Page 6 of Minutes: Paragraph 8 should read as follows: Councilor Liberty said that when you think about the level and amount of development you would barely notice it inside an UGB in terms of rural claims.

Page 7 of Minutes should read as follows: Councilor Liberty was skeptical of the legislature fixing this. There are a number of things that can be done that don't require legislation. He suggested that the committee focus less on the content of Measure 37 and move on figuring out ways to get it to work with the 2040 Growth Concept.

3. COUNTY CASE STUDIES:

- Mark Brown, Washington County
- Doug McClain, Clackamas County

Mark Brown from Washington County discussed the County's claim process and experience dealing with claims that have been filed. The County has decided to waive regulations because there is no funding available to compensate property owners for claims. Thirty per cent of the claims are for a single lot, single dwelling. Those are handled administratively. Seventy percent of the claims that have come in are for subdivisions, ranging in size from two or three homes to larger. Washington County is not attempting to determine the accuracy of the valuation of the claim; it doesn't require appraisals, the reduction in value is clear.

Doug McClain from Clackamas County described the County's process and provided a handout to the committee that summarized Clackamas County's experience with M37 thus far. As of May 15, 2005, 145 claims had been filed, all but one outside the UGB; 81% of the claims were on resource land, either farm or forest. Almost all claims are requesting ability to subdivide and develop new homesites. The capability of property to support on-site sewage service will be the determinative factor in permitting the number and size of lots. The County will address septic and environmental issues when claims come in through the subdivision process. The County has decided to waive regulations because there is no funding available to compensate property owners for claims.

Case Studies. The issue of services is the key issue for most of the M37 claims. The committee looked at two case studies in order to focus the discussion on how services will be addressed and provided. The first case study is a claim for development of a subdivision in the Stafford Basin in Clackamas County, outside West Linn and Lake Oswego, and adjacent to the UGB. The second case study involves a claim for development of a subdivision in the Pete's Mountain area of Clackamas County. The Pete's Mountain claim is in an area that has been declared a "water limited area" by the Water Resources Department.

Chair Hammerstad led a discussion focused on transportation impacts, health and safety issues relating to septic systems and ground water. The committee discussed whether it would be desirable to consider extending urban services to mitigate some of these negative effects. The committee discussed the disadvantages of allowing development to occur with septic systems and wells, and whether in settings where the property is adjacent to the UGB, it might be preferable to extend services or annex. This policy could conflict with state law and with the requirements of voter-approved annexations. Questions were raised about who would pay for the extension of public facilities and the expense involved

4. EXAMINATION OF THE IMPLEMENTATION OF MEASURE 37 THROUGH LOCAL ORDINANCES

The committee discussed the basic requirements that all claims processes should contain, the need for consistency throughout the region and how a region-wide claims process would be administered. Major issues were public notice, the interconnection between claims and subsequent local processes for subdivision approval and the 180 day time limit.

There was confusion over the issue of valuation. Washington County, for example, does not require an appraisal in order to verify the reduction in value, because in most cases, it is clear that there is a reduction in value.

Lane Shetterly stated that the issue of ownership is the most troubling for DLCD, especially the issue of trusts. This is true for local jurisdictions as well. An interest in an LLC would probably not

qualify as a valid ownership interest, nor would a revocable living trust. Jurisdictions may be handling this issue differently.

5. UPDATES ON CLAIMS, STATUS OF LEGISLATION AND OTHER MATTERS

An overview of Senate Bill 1037 was provided by Dan Cooper and is described by a summary handout entitled “ Senate Bill 1037- 02(2005). The handout describes how farmland would be classified, how claims would be dealt with both inside and outside of the UGB, a description of the process to file a claim and valuation versus compensation.

6. MEETING ADJOURNED AT 7:40 p.m.

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MAY 16, 2005

| Item | Topic | Doc Date | Document Description | Doc. Number |
|------------------------|------------|----------|--|--------------|
| Summary | Measure 37 | 5/16/05 | Submitted by Doug McClain: Measure 37: Clackamas County's Experience | 051605m37-01 |
| Report | Measure 37 | 3/9/05 | Submitted by Brent Curtis: Before the Board of County Commissioners | 051605m37-02 |
| Summary/ Hammerstad | Measure 37 | Undated | Review of Issues Discussed at April 25 th Meeting | 051605m37-03 |
| Handout | Measure 37 | 5/9/05 | Senate Bill 1037 – 02 (2005) | 051605m37-04 |

**Audio tapes of the meeting were not available

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