

RESOLUTION NO. 2054

**A RESOLUTION OF THE CITY OF WILSONVILLE RESCHEDULING
MEASURE 37 CLAIMS**

WHEREAS, ORS 197.352 (5) requires that property owners file Measure 37 (M37) claims on or before the later of two dates: two years after the effective date of the measure, or two years after the date the city applies the regulation as an approval criterion to an application by the owner of the property; and,

WHEREAS, six M37 claims were filed by property owners in the City by December 4, 2006, the two year anniversary of M37, and the City scheduled the claims for public hearing and City Council action in light of the mandatory 180 day decision period provided in the law; and,

WHEREAS, as of May 10th, 2007, the claims were in various stages of consideration, some having been tolled (suspended and set over) by agreement; some being set for public hearing; and some having been heard with a pending Order; and,

WHEREAS, on May 10, 2007 the Governor of the State of Oregon signed House Bill 3546 into law, which immediately extended the mandatory decision times for M37 claims filed between November 1, 2006 and December 4, 2006 to 540 days from the date of filing; and,

WHEREAS, notwithstanding the value of proceeding with the current claim scheduling, public interest considerations militate in favor of rescheduling M37 claims, including conforming claim treatment to the policy reflected in new legislative or voter "fixes," and applying judicial decisions handed down in the interim, regarding such outstanding issues as transferability, claim valuation, appeal procedure, and other interpretations of M37 language; and,

WHEREAS, all M37 claims filed with the city fall within the scope of HB 3546, and it appearing to Council that taking the time to analyze the claims under the new law serves the public interests of governmental economy and the correct application of emergent M37 law,

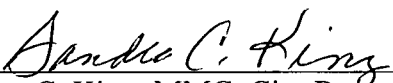
NOW, THEREFORE THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. Based on the recited findings above, all Measure 37 claims filed with the city, whether such claims have been tolled for a period of time, are set for public hearing, or are awaiting an Order, are hereby suspended in accordance with HB 3546. Staff is directed to return to council from time to time to report on important legal developments that may bear on rescheduling the consideration of a claim or claims within the period provided by law.
2. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 21st day of May, 2007 and filed with the Wilsonville City Recorder this date.


CHARLOTTE LEHAN, MAYOR

ATTEST:


Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	<u>yes</u>
Councilor Kirk	<u>yes</u>
Councilor Núñez	<u>yes</u>
Councilor Knapp	<u>yes</u>
Councilor Ripple	<u>yes</u>