



Resolution 2004-089

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SHERWOOD EXPRESSING ITS OPPOSITION TO STATE BALLOT MEASURE 37

WHEREAS, the City Council of the City of Sherwood supports existing federal and state constitutional provisions to compensate property owners when land is needed for public purposes; and

WHEREAS, the City Council for the City of Sherwood supports the existing land use system in Oregon established in 1973 by Senate Bill 100; and

WHEREAS, Measure 37 would undermine Oregon's land use laws and local zoning authority; and

WHEREAS, Measure 37 would create potential takings liability for the City beyond that required by State and Federal constitutions and would include issues such as wetlands, fish and wildlife habitat, buffer zones, access denials, aquifer recharge areas, flood plains, geologically hazardous areas, shorelines, open spaces, view corridors, environmentally sensitive areas and would include actions such as denying permits, re-zoning, subdivisions and variances; and

WHEREAS, Measure 37 provides that "no governments must pay owners, or forgo enforcements, when certain land use restrictions reduce property value" but creates no standards to help local government, including the City of Sherwood to decide when to pay and when to allow landowners to violate the law; and

WHEREAS, Measure 37 would require the City of Sherwood to develop new processes for assessing value, land use requirements, and appeals, thereby crating delays in development; and

WHEREAS, Measure 37 creates significant administrative costs for claims assessment for Sherwood including ownership research, costs of an appraisal that makes multiple value determinations, staff reports, assessments of impacts to neighbors, assessment of collateral impacts to existing infrastructure investments, legal assistance and additional public hearings; and

WHEREAS, the City of Sherwood is currently and for the foreseeable future financially constrained and Measure 37 does not include a new state or local funding mechanism for increased staff requirements or for compensating property owners beyond that currently required by state and federal constitutional standards; and

WHEREAS, Measure 37 requires a city to waive a regulation even though a waiver of such regulation puts additional unplanned capacity on public facilities, transportation system improvements, curbs, sidewalks, open space requirements, height requirements, parks, and even though such a waiver would increase infrastructure costs; and

WHEREAS, Measure 37 does not require property owners to compensate government for governmental actions that increase property value; and

WHEREAS, Measure 37 could create a loss of property tax revenue to Sherwood by having neighboring property owners demanding a reduction of their assessed values if an unplanned development were allowed next to their property,

NOW, THEREFORE BE IT RESOLVED, based on the foregoing:

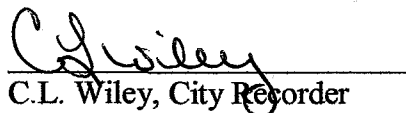
Section 1. The City Council for the City of Sherwood opposes Measure 37; and

Section 2. The City Council for the City of Sherwood urges all Sherwood citizens to vote no on Measure 37.

Section 3. Effective Date: This Resolution shall become effective immediately upon its passage and approval by the Mayor.

Duly passed by the City Council this 12th day of October, 2004.


Mark O. Cottle, Mayor


C.L. Wiley, City Recorder