

(c) **Filing Official.** Claims authorized by the Measure shall be filed with the City Administrator.

(d) **Supporting Information.** Processing a claim will be facilitated and expedited by submission by claimant to the City of the following information:

- i. Identification of the affected parcel of property, including a legal description.
- ii. Evidence of property ownership, including prior ownership by family members.
- iii. Evidence of current fair market value of the affected parcel of property.
- iv. Evidence of decrease of fair market value of the affected parcel of property due to a land use restriction adopted or enforced by the City and applying to the affected parcel of property. Submission to the City from claimant of an appraisal by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon will be necessary before the City can determine if compensation under the Measure is justified.
- v. The amount of the claim.
- vi. The specific land use regulation or restriction which causes a decrease in fair market value of the property.
- vii. Names and addresses of surrounding property owners within 300 feet of the property, which is the subject of the claim, who might be affected by development of the property for which the claim is filed.
- viii. Copies of any leases or Covenants, Conditions and Restrictions (CCRs), if any, applicable to the affected property.

(e) **Eligibility of Claim.** Upon receipt of a claim, the City Administrator shall determine if the claim complies with the eligibility criteria prescribed in Ballot Measure 37. If the claim is eligible, the claimant shall be invited to participate in the negotiation process described herein. If the claim is determined ineligible, the claimant shall be notified thereof, and no negotiation process shall commence unless determined otherwise by the City Administrator. Upon determination of ineligibility, the application fee shall be returned to the claimant less \$200 for the cost of determining eligibility.

- (f) **Negotiation.** Upon receipt of a claim and prescribed fee, and determination of claim eligibility, the City Administrator shall arrange with the claimant a meeting(s) to gather additional information from the claimant, discuss alternatives and negotiate a mutually acceptable resolution of the claim. If the claimant declines to participate in such negotiations or to provide requested supporting information, the City Administrator may terminate negotiations and report such termination to the Council.
- (g) **Settlement Proposal.** The objective of negotiations shall be agreement between the claimant and the City Administrator on a Settlement Proposal. Such proposal shall be reduced to written form and initialed by the parties. The proposal shall be submitted to the City Council for its consideration. The proposal may contain conditions for waiver or modification of land use regulations, payment of compensation, acquisition of the property, or any combination thereof, and may include other terms and conditions agreed to by the claimant and City Administrator. The Settlement Proposal shall not be binding on the City or claimant until Council approval.
- (h) **Failure to Settle.** In the event that a Settlement Proposal is not agreed to between the City Administrator and the claimant, pursuant to Section 3(g) of this ordinance, within 90 days from the date the claim was filed, or in the event that the claimant declines to participate in negotiations or provide supporting information pursuant to Section 3 of this ordinance, the City Administrator shall report that fact to the Council together with a recommendation for further processing of and response to the claim as required by the Measure.
- (i) **Council Consideration.** Upon submission of a Settlement Proposal to the City Council, a public hearing shall be scheduled before the Council to consider the proposal. Notice shall be given to surrounding affected property owners by mail, but failure of such notice shall not invalidate or otherwise affect a settlement of the claim. Public notice shall also be given as determined by the City Administrator. The hearing shall be legislative in nature and any interested person may participate subject to regulations determined by the Mayor. Upon conclusion of the hearing, the Council may approve, deny or adopt alterations to the proposal. Nothing in this section shall preclude the Council from holding an executive session to consider a Settlement Proposal or other matter regarding a claim filed pursuant to this ordinance.
- (j) **Criteria.** In determining whether to enter into a Settlement Agreement granting compensation and/or waiving or modifying land use regulations, or in determining a claim in absence of a Settlement Agreement, the criteria for such determination shall be whether the public interest would

be better served by compensating the claimant or waiving or modifying an applicable land use regulation.

Section 4. Settlement. Settlement of a claim shall be a Settlement Agreement in writing in a form approved by the City Attorney, and shall be executed by the claimant, the City Administrator on behalf of the Council, and any other necessary parties. A settlement shall be conclusive of all Ballot Measure 37 claims pertaining to the parcel of property subject to the claim, and the Settlement Agreement shall so provide.

Section 5. Code Amendment. This ordinance shall be added to Chapter 2 of the Lafayette Municipal Code.

Section 6. Recordation. Upon approval of a settlement by the Council and execution of the Settlement Agreement by the City, the claimant and any other necessary parties, the Settlement Agreement or memorandum thereof shall be recorded by the City in the county deed records, including a legal description.

Section 7. Emergency. Because the Measure takes effect December 2, 2004 and it is necessary that this ordinance be in effect on that date, an emergency is declared to exist, and this ordinance shall take effect upon its adoption.

ADOPTED by the Council on the 9th day of October, 2004.

VOTE: Ayes: _____ Nays: _____ Abstentions: _____ Absent: _____
Vacancies: _____

APPROVED:

ATTEST:

Mayor Lotis Hanks

City Administrator Diane Rinks