



FOR IMMEDIATE RELEASE
March 8, 2006

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**STATE AND LOCAL GOVERNMENTS ADDRESS
ENTRY OF FINAL JUDGMENT IN *MACPHERSON v. DAS***

The League of Oregon Cities (LOC) and the Association of Oregon Counties (AOC) joined with the State of Oregon in responding to the entry today of the final judgment in the *Macpherson v. DAS* case. The entry of the judgment is the final step in reinstating Ballot Measure 37, which had been ruled unconstitutional last October in Marion County Circuit Court. That trial court decision was overturned last month by the Oregon Supreme Court.

They stressed that, while the decision establishes that the measure is constitutional, significant questions about the meaning and application of the measure remain. There are already more than 30 court actions pending across the state that challenge various aspects of state and local decisions implementing measure. Those cases will now go forward, and more legal challenges are being filed every week. The legal challenges, and the issues they raise about the measure, will not be resolved through the appeals process for at least several years. The issues include whether decisions waiving laws can be passed on to developers, when both state and local governments must act on claims, how the value of property is relevant to decisions on waivers, and the authority of state agencies to waive state statutes.

The State, along with LOC and AOC, wants property owners and local governments to understand that because of the broad wording of the measure there are many questions that will take time to be settled.

In the meantime, with the entry of the final judgment in the case, the State and the four counties (Washington, Clackamas, Marion and Jackson) that were defendants in the case will resume processing claims for compensation filed under the measure. New claims will be accepted for filing. Claims that had been filed before October 25, 2005, when the trial court ordered the state and county defendants to stop processing claims, will be processed as filed and do not need to be re-filed.

Any orders issued by the state or the four defendant counties that allowed a Measure 37 claim and decided to not apply (to waive) a land use regulation prior to October 25, 2005, will be back in effect and enforceable according to their terms.

As to new claims, the State and LOC and AOC reiterated their earlier advice that local governments that receive claims filed at the local level should instruct claimants to also file with the State if the claim involves a state regulation.

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