

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: July 20, 2006
DAY: Thursday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

**3. DEPARTMENT OF FORESTRY PRESENTATION ON URBAN/FOREST
ISSUE** O'Brien

4. CONSENT AGENDA

4.1 Consideration of Minutes for the July 13, 2006 Metro Council Regular Meeting.

5. RESOLUTIONS

5.1 **Resolution No. 06-3713**, For the Purpose of Adopting the Eastside Transit Burkholder
Alternative Analysis Locally Preferred Alternative Located within
Portland Central City.

5.2 **Resolution No. 06-3714A**, For the Purpose of Entering an Order Relating to
Harold S. and Rebeca MacLaughlan Claim for Compensation Under
ORS 197-352 (Measure 37)

5.3 **Resolution No. 06-3715**, For the Purpose of Entering an Order Relating to the
Kumyon and Helen Radow Claim for Compensation Under ORS 197.352
(Measure 37)

6. CHIEF OPERATING OFFICER COMMUNICATION

7. COUNCILOR COMMUNICATION

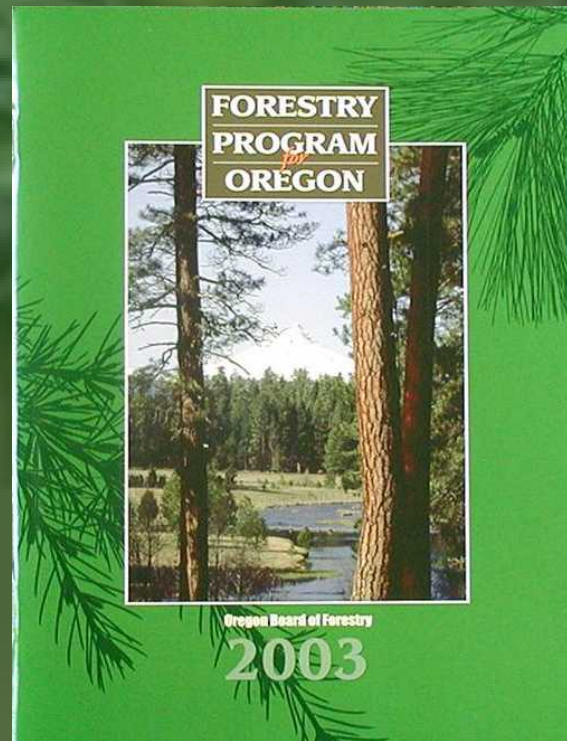
ADJOURN

Television schedule for July 20, 2006 Metro Council meeting

<p>Clackamas, Multnomah and Washington counties, and Vancouver, Wash. Channel 11 -- Community Access Network www.yourtv.org -- (503) 629-8534 2 p.m. Thursday, July 20 (live)</p>	<p>Portland Channel 30 (CityNet 30) -- Portland Community Media www.pcmtv.org -- (503) 288-1515 8:30 p.m. Sunday, July 23 2 p.m. Monday, July 24</p>
<p>Gresham Channel 30 -- MCTV www.mctv.org -- (503) 491-7636 2 p.m. Monday, July 24</p>	<p>Washington County Channel 30 -- TVC-TV www.tvctv.org -- (503) 629-8534 11 p.m. Saturday, July 22 11 p.m. Sunday, July 23 6 a.m. Tuesday, July 25 4 p.m. Wednesday, July 26</p>
<p>Oregon City, Gladstone Channel 28 -- Willamette Falls Television www.wftvaccess.com -- (503) 650-0275 Call or visit website for program times.</p>	<p>West Linn Channel 30 -- Willamette Falls Television www.wftvaccess.com -- (503) 650-0275 Call or visit website for program times.</p>

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, (503) 797-1542. Public hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro website www.metro-region.org and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).



Creating the Future of Oregon's Forests

***Marvin Brown, State Forester
July 20, 2006***



What we will cover . . .

- *Key Forestry Program for Oregon*
Concepts
- Oregon Sustainable Forest Management
Indicators
- Urban and Community Forestry
- Opportunities for Board of Forestry and
Metro Council Collaboration




Key messages . . .

- Oregon's forests are among the state's most valuable resources
- They are renewable and always changing
- Environmental, economic, and social benefits from our forests are interdependent; we must sustain all three to sustain any one benefit



Key messages . . .

- All forestlands should not be managed the same way
- The continuum from rural forests (and their issues) to urban forests (and their issues) needs a more comprehensive approach
- Management of Oregon forests should be considered in a global context



Forest Policymaking and Implementation are Difficult!

- **Conflicting values**
 - Social values are complex and dynamic
 - Serious discrepancy between social values as measured by public opinion vs. behavior
- **Conflicting interests**
 - Some have an interest in maintaining conflict (“paid gladiators”)
- **Conflicting science**
 - Scientific uncertainty
 - Natural systems are also complex and dynamic
 - It is important to maintain a clear distinction between scientific information and personal values

An aerial photograph of a dense, vibrant green forest covering a hillside. The trees are thick and the colors range from bright green to deep forest green. The image is partially obscured by a white vertical bar on the right side, which serves as a background for the text.

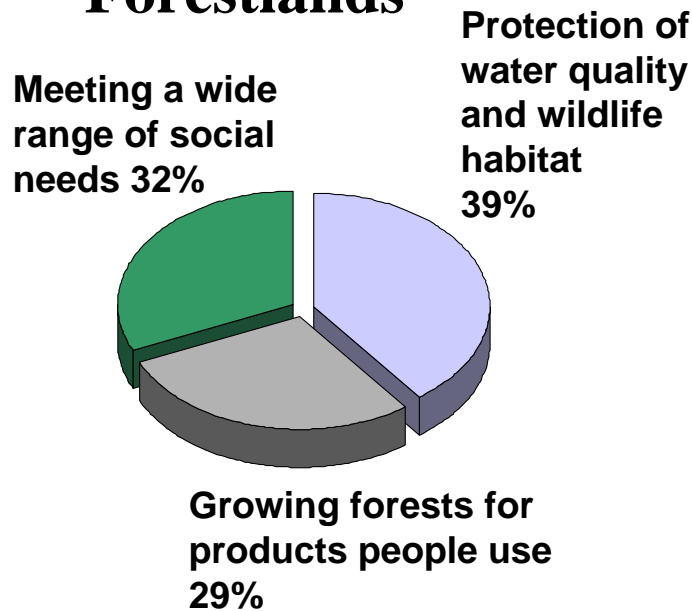
Sustainability is a Unifying Theme that Resonates with the Public

“Sustainable forest management” means . . .

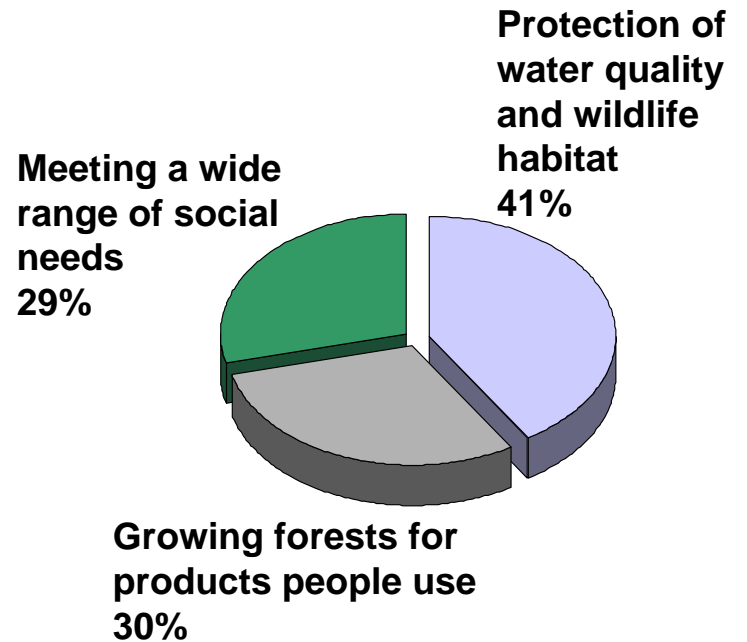
Forest resources are used, developed, and protected at a rate and in a manner that enables people to meet their current environmental, economic, and social needs, and also provides that future generations can meet their own needs (based on ORS 184.421)

Oregonians Prefer “Balanced” Forest Management on Public and Private Lands

Balance For Federal Forestlands



Balance For Private Forestlands





How does one attain sustainability?

- The Board of Forestry is promoting a public dialogue with Oregonians in determining how to sustainably manage forestlands in Oregon for current and future generations.
- Requires an integration of environmental, economic and social values provided by our forests.
- There is no formula, Oregonians must define what balance works for us!



Nature emphasis forests

– Parks, wilderness, wild areas *Mostly federal lands, some state, tribal and private*

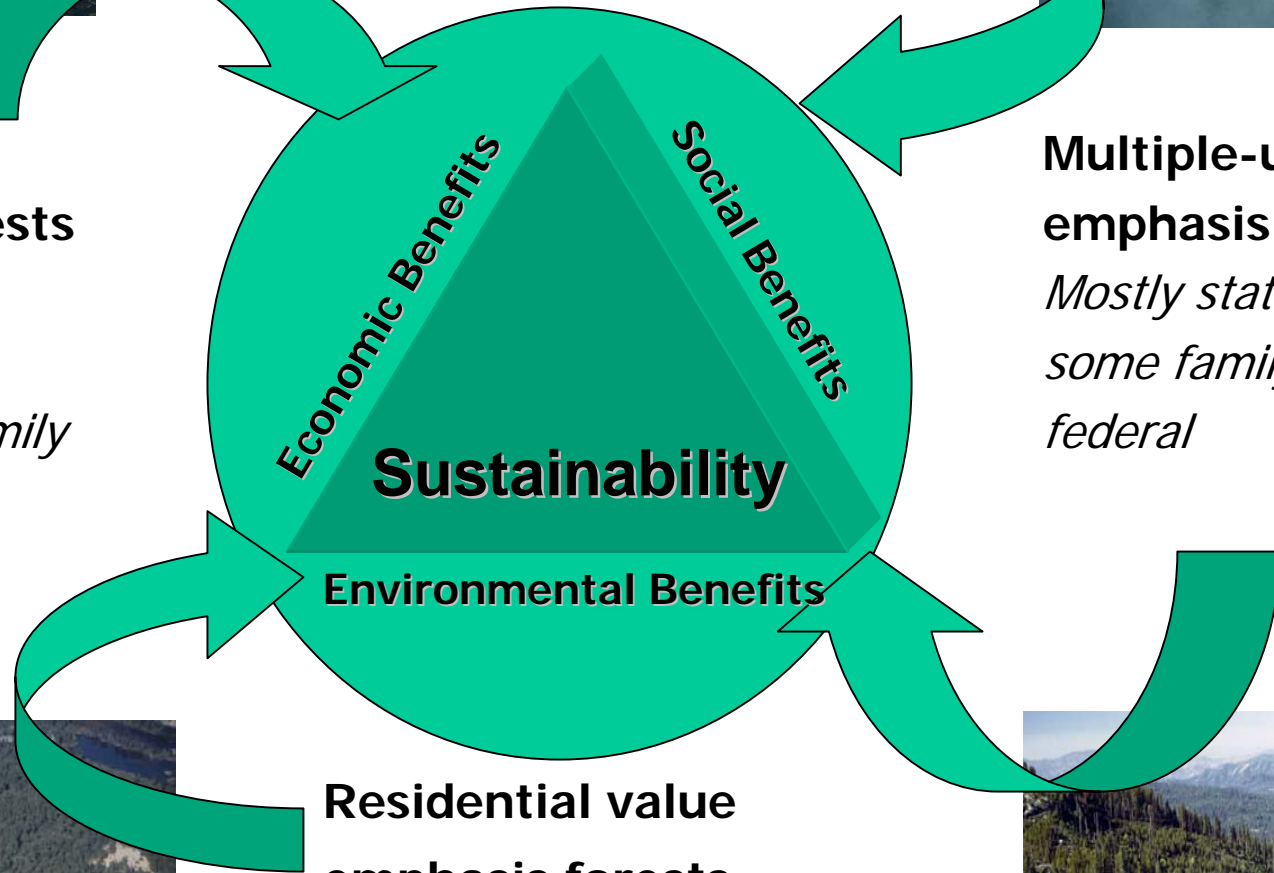


Production emphasis forests

Mostly forest industry, some state, tribal, family

Multiple-use emphasis forests

Mostly state, tribal, some family, some federal



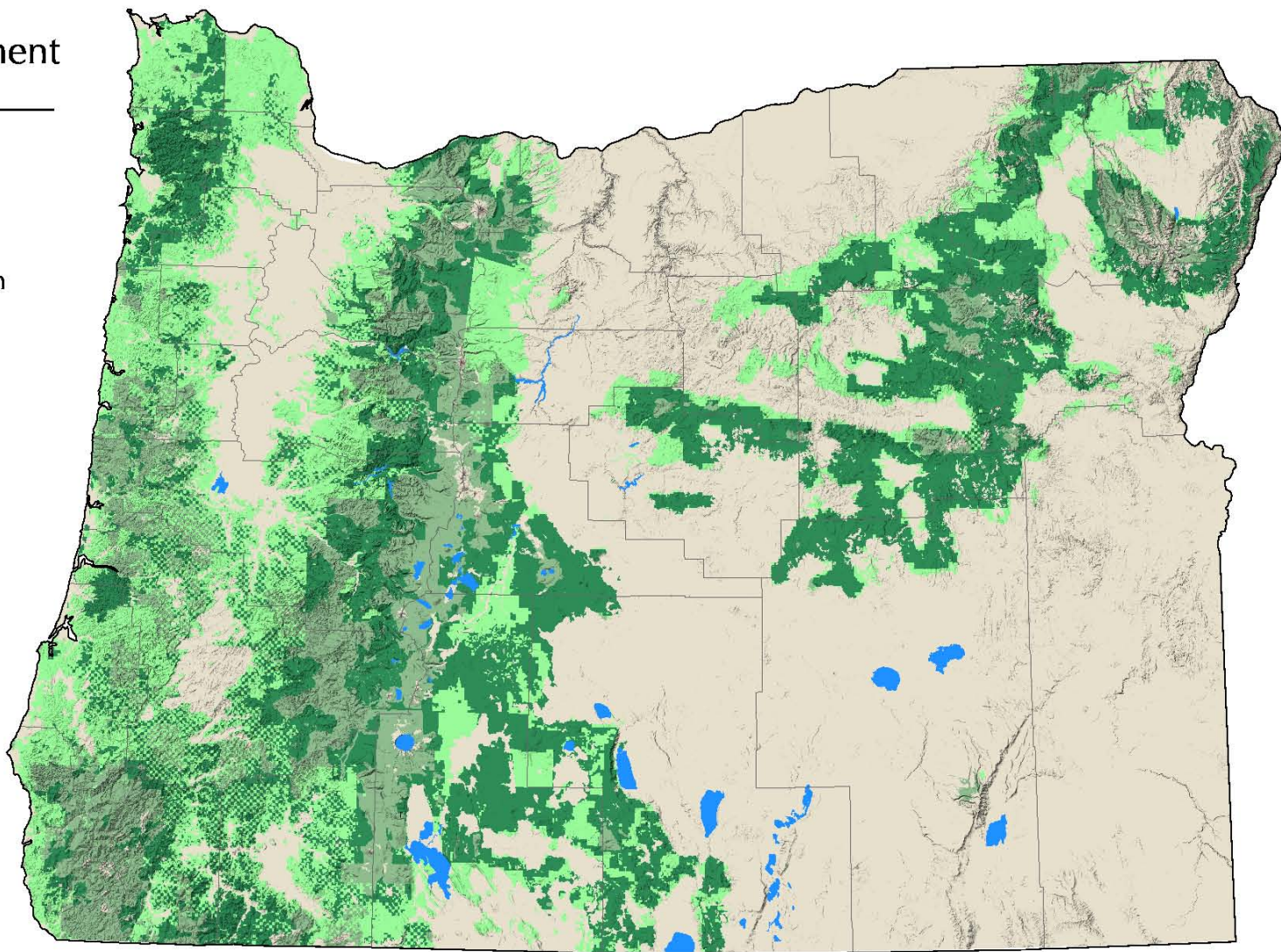
Residential value emphasis forests

Forests where people live



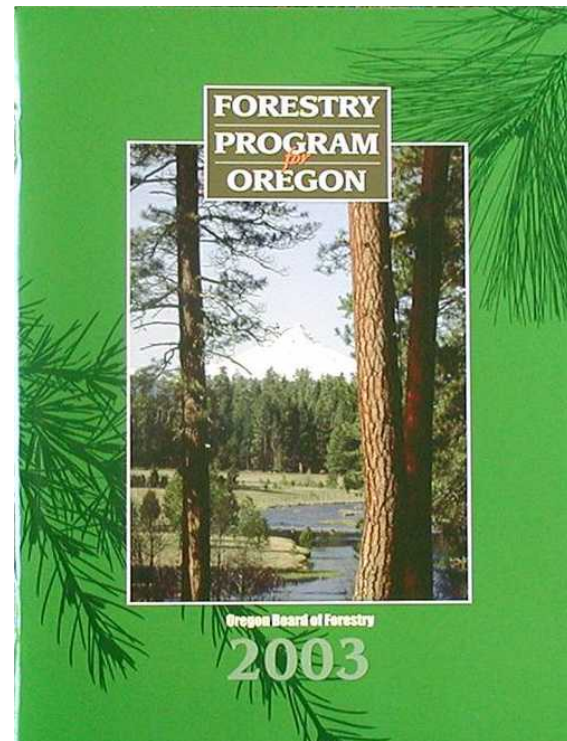
Forest Management Classes

- Wood Production
- Multi Resource
- Reserved
- Water
- Non-Forest



2003 *Forestry Program for Oregon* Elements

- Mission
- Strategies
- Vision
- Values
- Issues
- Actions
- Indicators





Oregon Board of Forestry Mission Statement

The Board of Forestry's mission is to lead Oregon in implementing policies and programs that promote environmentally, economically, and socially sustainable management of Oregon's 28 million acres of public and private forests.

An aerial photograph of a dense, green forest covering a hillside. The trees are vibrant and the terrain is slightly undulating. The image is positioned on the left side of the slide, partially overlapping the text area.

Forestry Program for Oregon Strategies:

Strategy A: Promote a sound legal system, effective and adequately funded government, leading-edge research, and sound economic policies.

Strategy B: Ensure that Oregon's forests provide diverse social and economic outputs and benefits valued by the public in a fair, balanced, and efficient manner.

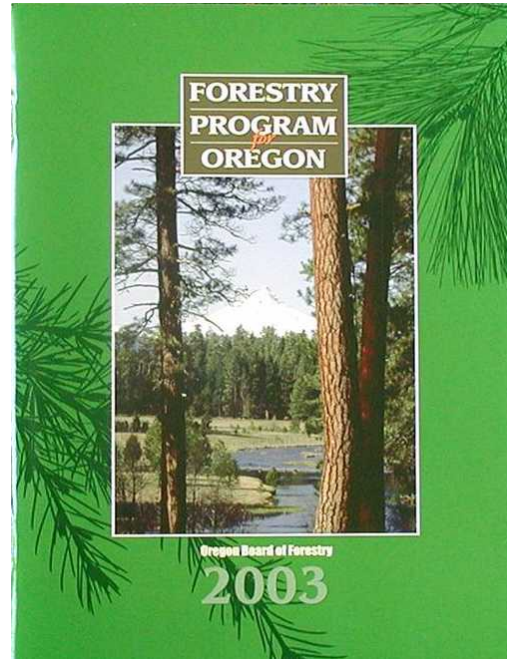
Strategy C: Maintain and enhance the productive capacity of Oregon's forests to improve the economic well-being of Oregon's communities.

Strategy D: Protect, maintain, and enhance the soil and water resources of Oregon's forests.

Strategy E: Contribute to the conservation of diverse native plant and animal populations and their habitats in Oregon's forests.

Strategy F: Protect, maintain, and enhance the health of Oregon's forest ecosystems, watersheds, and airsheds within a context of natural disturbance and active management.

Strategy G: Enhance carbon storage in Oregon's forests and forest products.

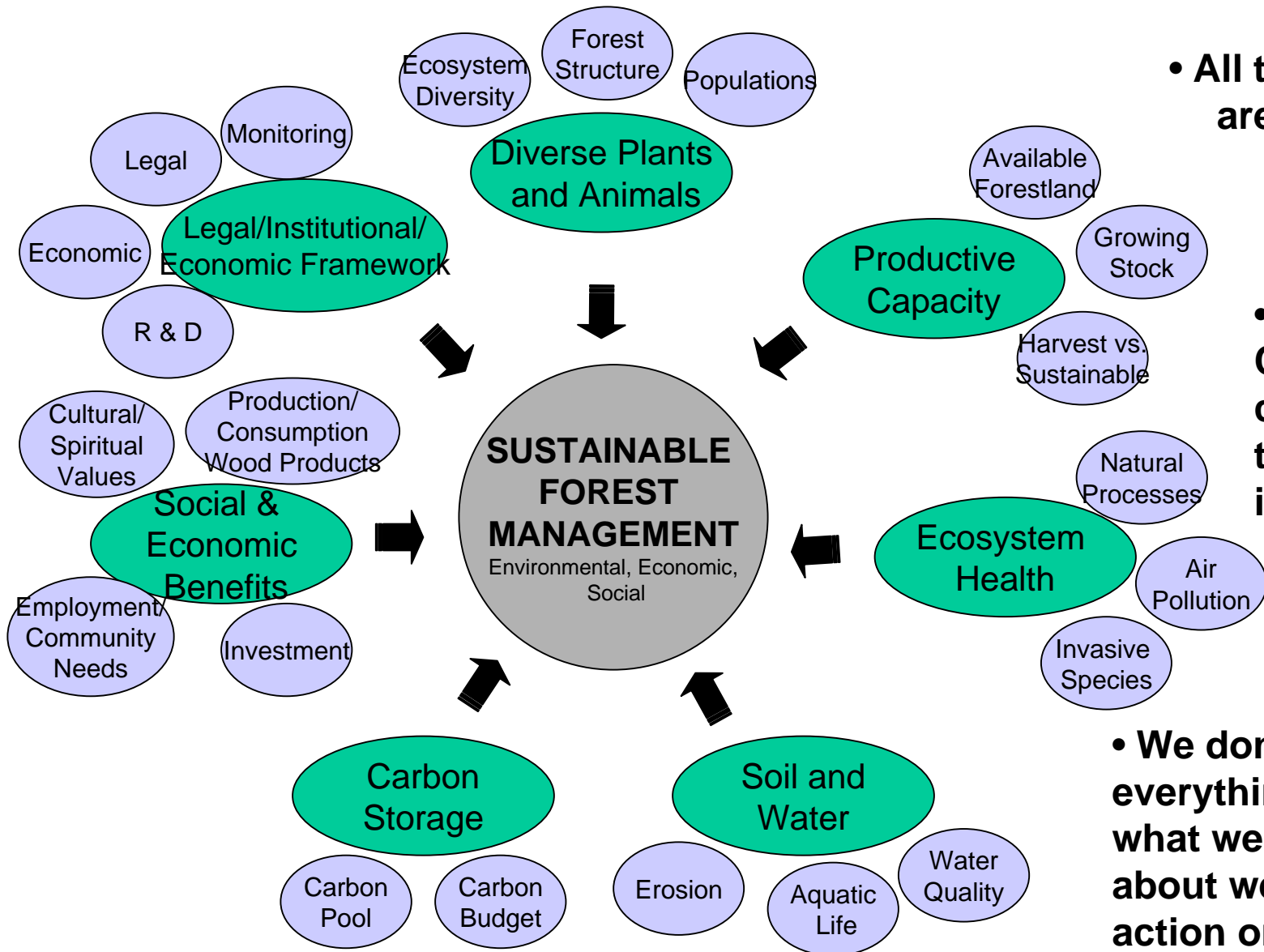


Oregon

Sustainable Forest Management Indicators

Better Data – Better Dialogue – Better Decisions

INTERNATIONAL CRITERIA AND EXAMPLE INDICATORS FOR SUSTAINABLE FOREST MANAGEMENT



• All the Criteria are Linked

• A single Criterion cannot be treated in isolation

• We don't know everything, but what we do know about we can take action on

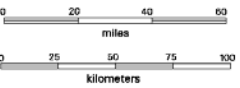
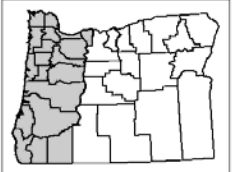
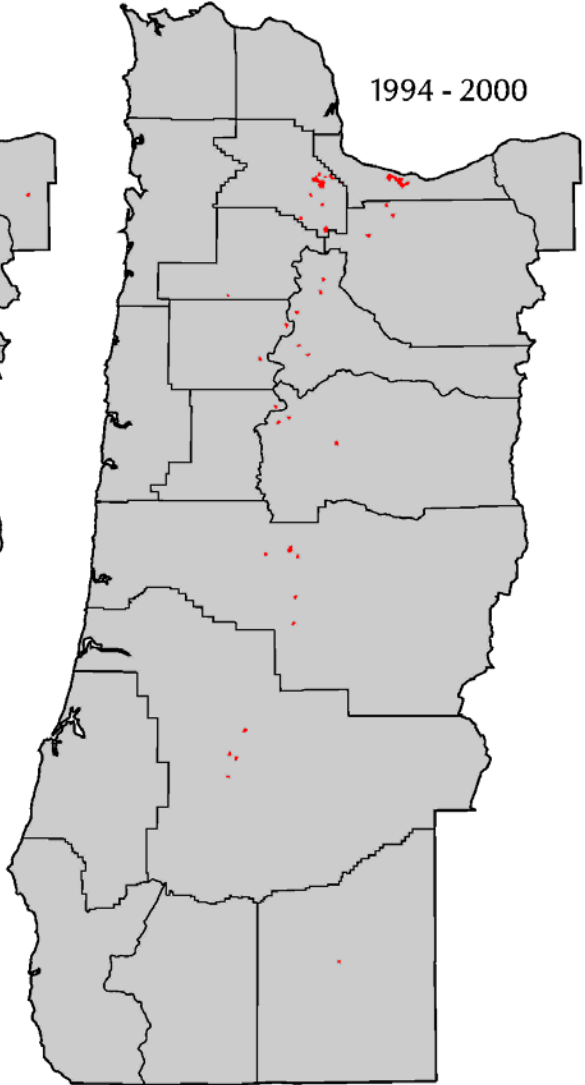
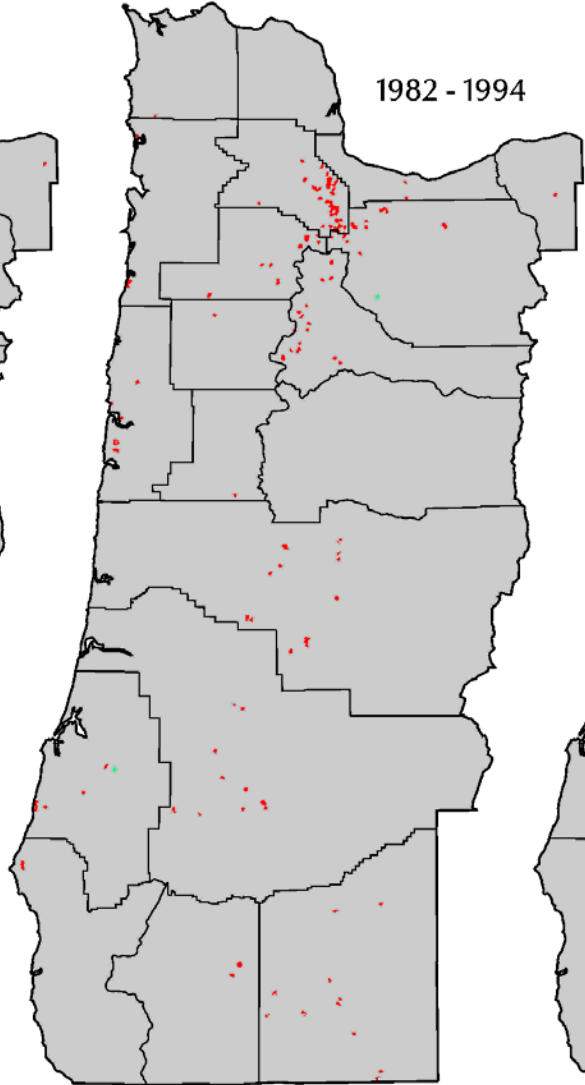
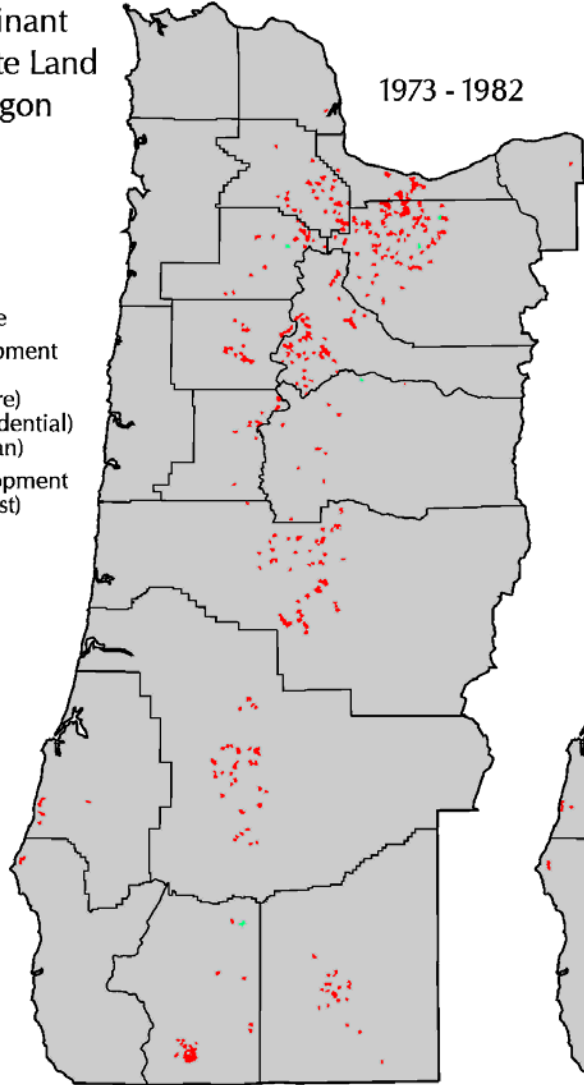


Why are Indicators Important?

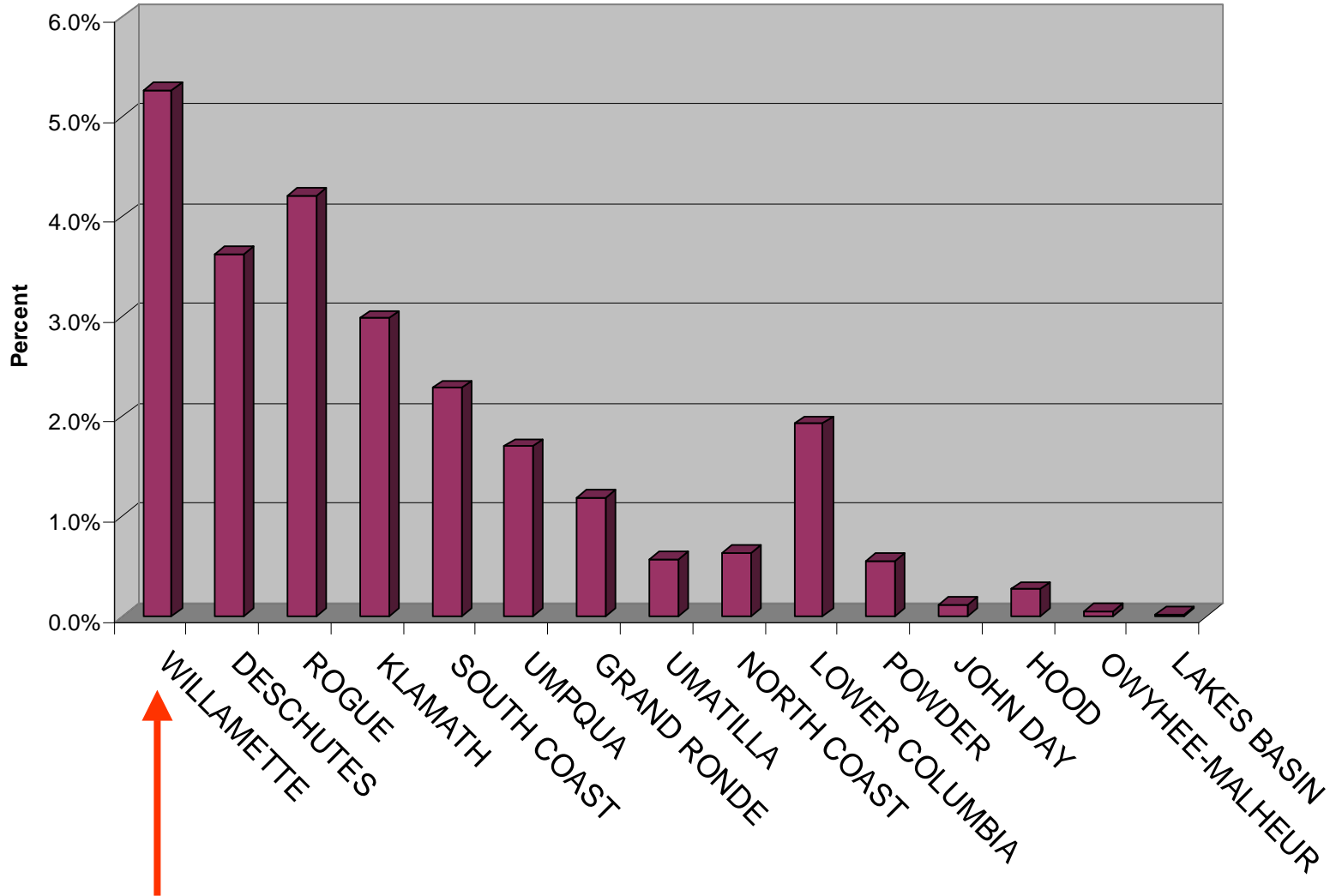
- Shape social understanding of forests and the forces that influence them
- Places natural resource management on par with economic indicators that leaders and the public will understand
- A framework to coordinate natural resource inventory, assessment, planning, and coordination
- Provide citizens interested in forests with a tool to encourage society to address the needs of forests

Change in Dominant Land Use on Private Land in Western Oregon

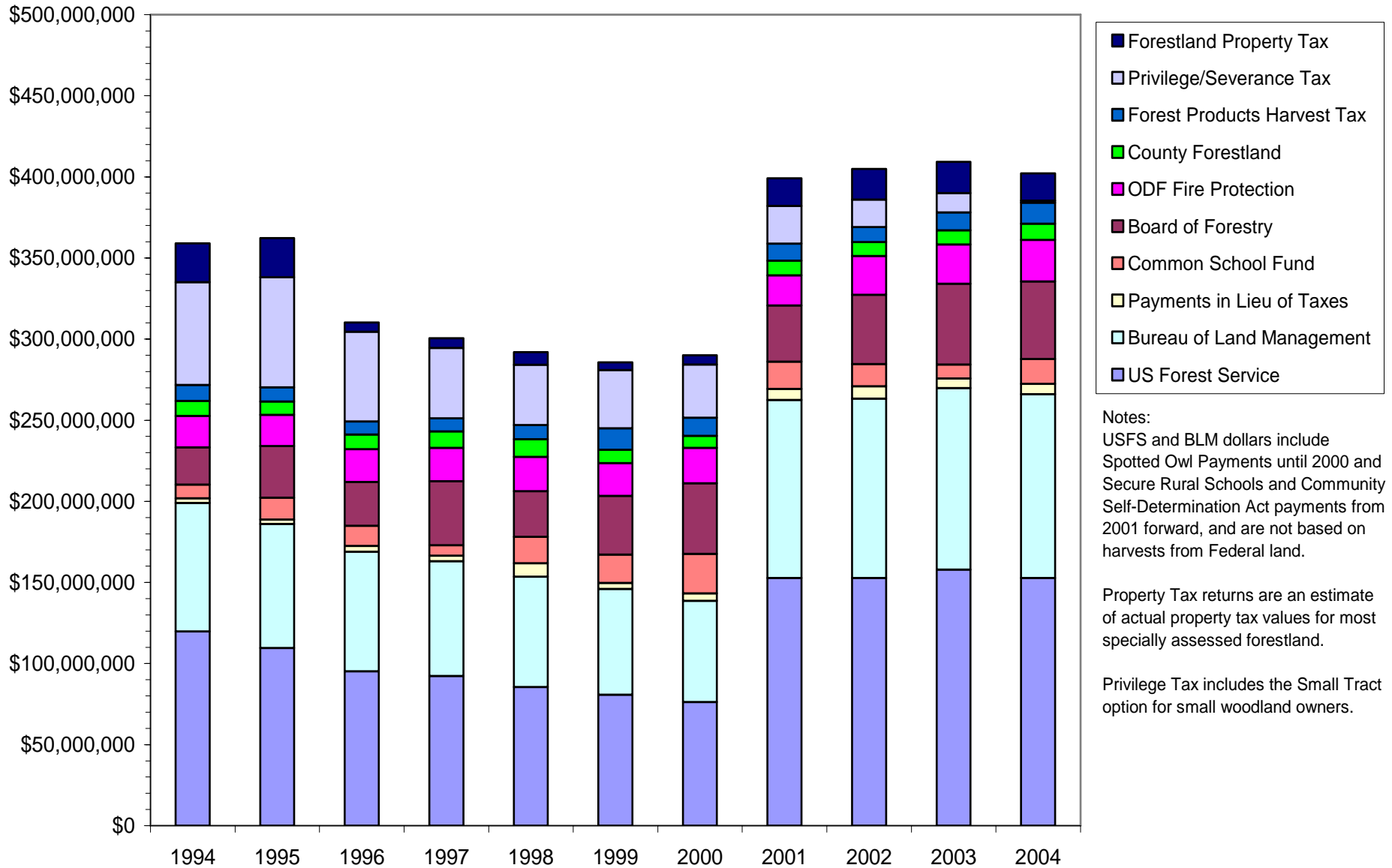
- No Change in Dominant Land Use
- Increase in Development (Forest to Mixed) (Forest to Agriculture) (Residential to Urban)
- Decrease in Development (Agriculture to Forest)



% Decline in Area of NonFederal Resource Land, 1974-2001 by OWEB Basin (Forest, Ag, & Range)



DRAFT State and Local Government Forest Revenues by Year and Revenue Source 1994-2004



Notes:
 USFS and BLM dollars include Spotted Owl Payments until 2000 and Secure Rural Schools and Community Self-Determination Act payments from 2001 forward, and are not based on harvests from Federal land.


Property Tax returns are an estimate of actual property tax values for most specially assessed forestland.

Privilege Tax includes the Small Tract option for small woodland owners.



Use indicator information for. . .

- *Forestry Program for Oregon* implementation and future revisions
- Foundation for federal land management planning
- Linkages to Oregon Benchmarks and other state and regional evaluations
- Begin building common ground



The Board of Forestry and the Department are seeking a more robust Urban and Community Forestry Program

- The *Forestry Program for Oregon*
- The Board's Outreach to Urban Populations
Work Plan
- The Department's Urban and Community
Forestry Services Proposal



The *Forestry Program for Oregon*

- Support for the Forest Practices Act and Land Use Planning
- Support retention of the forest land base, in particular family forestlands
- Promote reinvigoration of rural areas
- Consider Oregon forest policies in a global context
- Promote a favorable investment climate for Oregon's forest products cluster
- Help reconcile public opinions and consumption behaviors regarding forest management

An aerial photograph of a dense, lush green forest, showing a mix of tree heights and vibrant foliage. The forest extends across the entire left side of the slide, with a slight gradient from top to bottom.

The *Forestry Program for Oregon*

(cont.)

- Enhance public understanding and management of urban and community forest values
- Support a statewide native plant and animal assessment and policy covering all land uses
- Aggressively act to prevent and mitigate adverse affects of air pollution and invasive species on Oregon's forests
- Promote in the marketplace the environmental, economic, and social advantages of using renewable and recyclable wood products from Oregon's forests



Board of Forestry Outreach to Urban Populations Work Plan

- Develop sustainable and comprehensive urban forestry programs in Oregon communities
- Expand the visibility of the Urban and Community Forests Program and the Department of Forestry among local and state elected officials
- Help urban Oregonians understand the connection between the sustainable management of Oregon's forest resources and their own quality of life.
- Better connect urban populations with both rural and urban forestry issues.



ODF's Current Urban Forestry Program

- Established 1991
- Primarily funded through partnership with the US (federal) Forest Service
- State enabling legislation directs agency to provide technical, financial, and educational assistance to Oregon communities and organizations
- Help cities develop comprehensive and sustainable community forestry programs
- ODF has a staff of 3 professional urban foresters covering the entire state

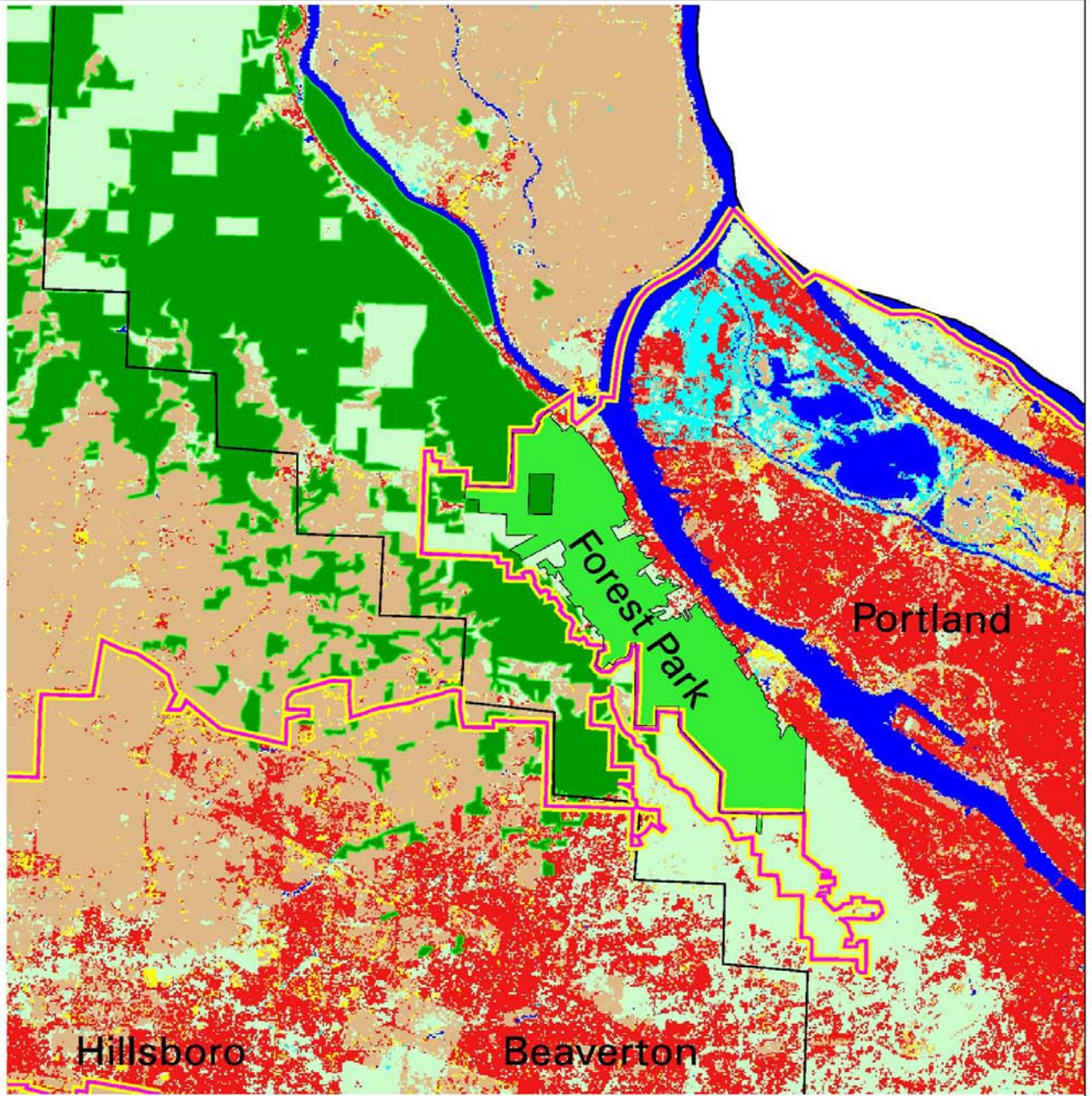


Department Proposal: Urban and Community Forestry Services

- Better connect urban populations with both rural and urban forestry issues.
- Work with landowners, community groups, and other government agencies to:
 - Protect urban fringes from wildfire
 - Ensure orderly transitions from forests to developed uses, where planned
 - Help owners of developable land who prefer to maintain their property in forest use
 - Ensure lands in UGBs and rural development zones meet water quality standards and provide salmon habitat
 - Maintain and expand urban and community forests
 - Promote a more comprehensive, coordinated approach to ensuring a desirable “green infrastructure”

- Forest Park
- Developed Residential/Commercial
- Open Water
- Agriculture
- Other Forest
- Wetlands

- Family Forest Lands
- Urban Growth Boundary
- County Boundary





Issues

- Our main tool is the Forest Practices Act -- not suited for urban landscapes
- We work from the outside in – need to work from inside communities
- Need to more effectively deal with this “indistinct continuum”
- Need to promote healthy green infrastructure in a comprehensive manner
- Need to create stronger linkages between urban values and rural issues



Board of Forestry and Metro Council Coordination Opportunities

Generally:

- Help the *Forestry Program for Oregon* and Sustainable Forest Management Indicators become an “Oregon-owned” endeavor
- Champion a new, improved, and more effective Urban and Community Forestry Program for the state



Oregon's Forest Advantage

“Nature has given us a tremendous advantage. We must use it responsibly to build our economy, enhance our environment, and ensure that economic recovery reaches every community”

--Forestry Program for Oregon, page 67



For more information . . .

www.oregonforestry.org

Follow links to:

- *Forestry Program for Oregon*
- Board Work Plans
- Sustainable Forestry Indicators

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE) RESOLUTION NO. 06- 3713
EASTSIDE TRANSIT ALTERNATIVE)
ANALYSIS LOCALLY PREFERRED) Introduced by Rex Burkholder
ALTERNATIVE, LOCATED WITHIN THE)
PORTLAND CENTRAL CITY)

WHEREAS, in 1988, the City of Portland adopted the *Central City Plan*, which identified the need and desire for an inner city transit loop, specifically citing the location for such transit loop on the Eastside as "...possibly on Grand Avenue"; and

WHEREAS, in 1995, the City of Portland adopted the *Central City Transportation Management Plan* (CCTMP) to implement the Central City Plan to improve transit circulation and distribution throughout the Central City districts and stating the need to: "Identify a strategy for developing the Central City streetcar system and integrating it with other transit services"; and

WHEREAS, in 1997, the Portland City Council approved a locally funded streetcar that was opened for service on the west side of the Central City in 2001, and

WHEREAS, on June 25, 2003, the Portland City Council adopted a *Eastside Streetcar Alignment Study* that recommended the locally funded streetcar be extended to the Eastside with Federal Transit Administration (FTA) assistance; and

WHEREAS, the Metro Council approved Resolution No. 03-3380A, For the Purpose of Adopting the 2004 Regional Transportation Plan to Meet Federal Planning Requirements, and said *2004 Regional Transportation Plan* includes in the Financially Constrained System projects 1106 and 1107, "Portland Streetcar - Eastside", constructing a streetcar to the Lloyd and Central Eastside districts; and

WHEREAS, TriMet's five-year *Transit Improvement Plan* adopted by the TriMet Board of Directors on June 22, 2005, includes expanding high capacity transit service, specifically including streetcar, as a priority; and

WHEREAS, the recent SAFETEA-LU reauthorization adopted in 2005 includes the Federal Transit Administration's (FTA) Small Starts program for transit projects costing less than \$250 million with a maximum of \$75 million federal share which could possibly provide a source of federal support for Eastside transit improvements; and

WHEREAS, on April 28, 2005, the Metro Council approved Resolution No. 05-3541, For the Purpose of Approving the FY 2006 Unified Planning Work Program, and this work plan included on pages 41 and 42 the preparation of the Eastside Transit Alternatives Analysis, and

WHEREAS, in 2005, an Eastside Transit Alternative Analysis, consistent with Metro Council direction and Federal Transit Administration (FTA) requirements, was initiated to assess the feasibility of a transit circulator for the whole Central City including the Eastside districts; and

WHEREAS, in May 2006, Metro published the *Eastside Transit Alternatives Analysis Evaluation Report* for the purpose of evaluating potential transit modes, alignments and terminus locations; and

WHEREAS, opportunities for public comment were provided at open houses and through written, telephone and email mediums and public comments were received on the *Eastside Transit Alternatives Analysis Evaluation Report* and compiled in the *Eastside Transit Alternatives Analysis Draft Public Comment Summary* published June 2006; and

WHEREAS, the *Eastside Transit Alternatives Analysis Evaluation Report* found that the streetcar mode is preferred because:

1. The streetcar mode results in approximately 30% higher ridership than an equivalent level of bus service operating in the same Central City mixed-traffic environment, indicating an inherent preference for streetcar.
2. A streetcar line would leverage higher levels of economic development and would provide better opportunities for land use that fosters compact urban form.
3. A streetcar line has garnered strong community support and the support of adjacent property owners, as evidenced by support for the current streetcar line through participation in local improvement districts, and through the stated intent of property owners along the Eastside line to participate in such a district.

WHEREAS, on May 31, 2006 the Eastside Project Management Group (PMG) recommended an *Eastside Transit Alternatives Analysis Locally Preferred Alternative (LPA)* which generally includes a streetcar loop connecting downtown to the Lloyd and Central Eastside districts via the Broadway Bridge and the Weidler/Broadway and MLK/Grand couplets; and an *Eastside Transit Project Work Program Considerations*; and

WHEREAS, on June 1, 2006, the Eastside Project Advisory Committee (EPAC) recommended an LPA consistent with the PMG and made minor amendments or revisions; and

WHEREAS, the recommended LPA recognizes that the full loop would need to be constructed in stages, with OMSI being the interim terminus until such time as the Caruthers crossing or other Willamette River crossing is available; and

WHEREAS, the recommended LPA also recommends that the initial construction segment from the present streetcar line's northeastern extent at Northwest Lovejoy Street be constructed to Oregon Street, until such time as the additional financial resources and project conditions are met; and

WHEREAS, on June 5, 2006 the Eastside Project Steering Committee recommended an LPA consistent with the PMG and EPAC and made minor amendments or revisions; and

WHEREAS, the City of Portland Planning Commission, the Portland City Council, TriMet Board of Directors, Multnomah County Board of Commissioners and the Portland Streetcar Inc. Board recommended an *Eastside Transit Alternatives Analysis Locally Preferred Alternative*, which generally includes a streetcar loop connecting downtown to the Lloyd and Central Eastside districts via the Broadway Bridge and the Weidler/Broadway and MLK/Grand couplets, and also recommended *the Eastside Transit Project Work Program Considerations*; and

WHEREAS, the Metro Council has considered the LPA recommendations including the *Eastside Transit Project Work Program Considerations* and the Metro Council concludes the reasons, included in the LPA recommended by the Steering Committee dated June 5, 2006, for selecting this project are compelling; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the Locally Preferred Alternative in Exhibit A, attached, the *Eastside Transit Alternatives Analysis Locally Preferred Alternative Recommendation Report*, which generally includes a streetcar loop connecting the downtown to the Lloyd and Central Eastside districts via the Broadway Bridge and the Weidler/Broadway and MLK/Grand couplets.

BE IT FURTHER RESOLVED that the Metro Council endorses the *Eastside Transit Project Work Program Considerations*, marked Exhibit B, attached, and directs staff to complete these work elements and return to the Metro Council with recommendations for addressing these considerations.

ADOPTED by the Metro Council this ____ day of July, 2006.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

Eastside Transit Alternatives Analysis

Locally Preferred Alternative Recommendation

Adopted by the Steering Committee
June 5, 2006



METRO

♻️ Printed on 30% recycled post-consumer paper.

I. Overview

This document presents the Locally Preferred Alternative (LPA) recommendation for transit improvements for the Eastside transit project in Portland's Central City. These recommendations are based on information documented in the *Eastside Transit Alternatives Analysis Evaluation Report* (Metro, May 2006) and from public input received during the public comment period and in the hearing held May 10, 2006 before the Eastside Project Advisory Committee (EPAC).

The LPA decision consists of three distinct decisions on project implementation and phasing. The **mode decision** chooses between streetcar, and the no-build bus network. The **terminus decision** addresses whether the project can be completed in one phase or in construction segments defined by three minimum operable segments (MOS). The streetcar alternative includes two potential alignments through the Central Eastside, the MLK/Grand Couplet and the two-way Grand design option and the **alignment decision** will choose between them.

II. Eastside Transit Project Locally Preferred Alternative

A. Transit Mode - Streetcar

Streetcar is the preferred transit mode for the Eastside project as defined by the **Full Loop Streetcar Alternative**. This alternative best meets the project's purpose and need and goals and objectives as outlined in the *Eastside Transit Alternatives Analysis Evaluation Report (Evaluation Report)*. The project also garners significant public support as shown by the public comments received.

The **streetcar mode** is preferred because:

- The streetcar mode results in approximately 30% higher ridership than an equivalent level of bus service operating in the same Central City mixed-traffic environment, indicating an inherent preference, or modal bias for streetcar
- A streetcar line would leverage higher levels of economic development and would provide better opportunities for land use that fosters compact urban form, reduced vehicle miles traveled and higher transit mode split than bus transit alone could provide, as shown by the experience of the existing Portland Streetcar
- A streetcar line has garnered strong community support, and the support of adjacent property owners, as evidenced by support for the current streetcar line through participation in local improvement districts, and through the stated intent of property owners along the Eastside line to participate in such a district.

The **Full Loop Streetcar Alternative** performs better than the no-build or MOS options in several key areas:

- Highest streetcar ridership and highest ridership per mile of operation
- Most cost-effective project by all three measures evaluated – annualized capital and operating cost and capital cost per new streetcar rider, federal capital cost per new streetcar rider and operating cost per new streetcar rider

- Best implements land use and economic plans and policies for the Central City
- Provides best potential for economic development given the geographic extent of the line
- Provides the greatest travel time improvements due to a new Willamette River crossing
- Provides potential for the highest level of local funding through a local improvement district and possible amendment of urban renewal areas
- Best meets the transit circulator function outlined in the Purpose and Need for the project.

B. Terminus

1. Interim Project Terminus – OMSI MOS

The **Full Loop Streetcar Alternative** is the project’s ultimate objective. However construction of the project will need to occur in shorter segments to respond to the anticipated availability of federal and local funds and the timing of the Milwaukie Light Rail Project and construction of the new Caruthers Bridge across the Willamette River. The **OMSI MOS** is the logical interim terminus for the full project until such time that the proposed Caruthers Bridge or other Willamette River streetcar crossing is viable. Current estimates for completion of the Milwaukie Light Rail Project put completion at 2014. The OMSI MOS would have a capital funding gap between project costs and anticipated revenues of \$37 million. It is recommended that major component costs and funding be reviewed seeking to reduce the overall cost and to identify additional revenue sources for the construction to OMSI as soon as possible.

2. First Construction Segment – Oregon Street MOS

The **Oregon Street MOS** is recommended as the first construction segment for the project for the following reasons:

- The Oregon Street MOS would require \$60 million in FTA Small Starts funding, less than the statutory maximum of \$75 million for a single project. All other MOS options and the Full Loop Alternative would require the maximum level of FTA participation.
- The City of Portland needs to complete key analyses regarding the alignment south of Oregon Street. The Oregon Street MOS is the only MOS that could be advanced expeditiously independent of additional analyses for the MLK/Grand couplet in the Central Eastside.

C. Alignment – MLK/Grand Couplet

The preferred alignment through the Central Eastside is the **MLK/Grand couplet**, contingent on the conditions set forth in section D below, for the following reasons:

- The MLK/Grand couplet alignment enjoys a higher level of community and business support than the two-way Grand Alignment.
- The MLK/Grand couplet alignment better supports existing city policy in the Portland Comprehensive Plan, Transportation System Plan and Central City Transportation Management Plan
- The two-way Grand alignment would result in greater local and neighborhood traffic impacts, would require major improvements on SE 7th Avenue including transitions to and from Grand Avenue, and would add \$17 million to the cost of the Morrison or OMSI MOS options or the Full Loop Alternative.
- The added cost of the two-way Grand alignment would strain finite local and federal funding sources and could delay the ultimate completion of the project.
- The MLK/Grand couplet would allow for a wider Local Improvement District and could enhance the ability to acquire local funding for the project.

Although MLK/Grand is the preferred alignment, the Steering Committee has raised some concerns regarding the MLK/Grand Couplet alignment and construction of the project through the Central Eastside including:

- Quality of the pedestrian environment, particularly on MLK Blvd, and its effect on the ultimate success of the project
- Connectivity with east-west bus routes at the bridgeheads, particularly from MLK Blvd
- Commitment of urban renewal funding, parking meter revenue and other sources to solidify local funding to construct the alignment south of Oregon Street.

D. Conditions for Extending the Project to OMSI

Extension of the project south of Oregon Street is therefore contingent on the City of Portland addressing the following Steering Committee concerns regarding the Central Eastside alignment:

- Progress towards a signed development agreement between the Portland Development Commission and the developer of the Burnside Bridgehead project
- Development of an MLK/Grand Transportation Management Plan that will:
 - Improve pedestrian access to the streetcar
 - Improve pedestrian safety and increase pedestrian crossing opportunities at streetcar stops, with special attention paid to the needs of the elderly and handicapped and connections to the bridgeheads
 - Provide for efficient streetcar operations through evaluation of transit priority measures that could include capital improvements such as curb extensions and operational improvements such as signal timing and spacing, or other measures

- Provide for efficient vehicle and freight movements through coordinated signalization, or any other operational improvements that will address the issues
- Identification of additional private and public redevelopment opportunities and projects along the corridor in addition to the proposed Burnside Bridgehead project
- Amending the Central Eastside Urban Renewal District to facilitate development objectives within the District
- Development of a parking management plan that includes a plan for raising revenues to help fund streetcar operations

When the project Steering Committee determines that the conditions have been met, project sponsors will seek to immediately extend the project to the OMSI MOS. If that is not possible for financial reasons, the shorter Morrison Street MOS should be considered as an interim terminus. The overall short-term goal is to proceed with the project to the OMSI MOS until such time that the Caruthers Bridge or other Willamette River streetcar crossing is available.

If the preceding conditions are not met or are not met satisfactorily, the Steering Committee will evaluate other alignments and measures, which will meet these conditions.

Eastside Transit Project

Work Program Considerations

Adopted by the Steering Committee
June 5, 2006



Overview

These future work program elements and the issues they address are defined here because the Steering Committee wants to ensure continuity as the project moves beyond the Alternatives Analysis and Conceptual Design phases of project development. The following outlines issues and work program elements that have emerged from the Eastside Transit Alternatives Analysis process. Specific requirements to report back to the Steering Committee are noted below. The Steering Committee anticipates that this issues list will change as current issues are addressed and as new issues are identified.

1. Coordination with Ongoing Planning Efforts

Project staff will need to coordinate with other planning efforts that may be taking place along the project alignment and in the surrounding area. The City of Portland will be undertaking an update to the Central City Plan and Central City Transportation Management Plan. As part of this planning, the City may re-examine the land use and zoning along the Streetcar alignment to increase development potential and employment density.

Proposed Action: City of Portland staff should brief the Steering Committee if and when changes are proposed that could affect the streetcar project.

2. Preparation of Alternative User Benefit Measures

Project staff should develop a rationale related to streetcar's effect on redevelopment and the "trip not taken" for consideration by the FTA. This work needs to strengthen the project's justification and should be focused on affecting the Transportation System User Benefit (TSUB) number.

Proposed Action: The Steering Committee should be briefed on the progress of developing this measure prior to submittal of an application to enter the Project Development phase of FTA's Small Starts program.

3. Refinement of Capital Costs and Funding Plan

The City of Portland should finalize the capital funding plan with a focused review of the capital cost estimate related to a likely schedule for FTA approvals (risk assessment.) This capital cost should include costs inherent in the fleet management plan and finance plan. The capital funding plan should also identify the funding sources for the "by others" pedestrian and transportation improvements included in the Conceptual Design for the Alternatives Analysis.

Proposed Action: A capital cost review and draft funding plan should be submitted to the Steering Committee for review prior to submittal of an application to enter the Project Development phase of FTA's Small Starts program, and should be completed prior to the end of Project Development.

4. Definition of Operating and Maintenance Revenue Sources

The Steering Committee acknowledges TriMet's constrained operating revenue situation for the first years of project operation, given the demands of opening both the Portland Mall/I-205 Light Rail Project and the Wilsonville to Beaverton Commuter Rail line.

These are in addition to increasing service for fixed route bus lines, the LIFT and other dial-a-ride services as well as other fixed-guideway projects under consideration by the region such as Milwaukie Light Rail, Columbia River Crossing and Lake Oswego streetcar. Prior to applying for construction approval and funding, both the full capital costs and a 20-year operating plan will need to be finalized. This plan may need to identify new funding sources that reflect that the project is as much about development as it is about transportation. The goal of the funding plan should be to provide for streetcar operations in a manner that allows TriMet to implement its adopted five year service plan, fund operations of the South Corridor Phase II Milwaukie Light Rail Project, and meet other regional transit needs.

Proposed Action: The Steering Committee requests that it be briefed by Portland Streetcar, Inc and the City of Portland prior to submittal of an application to enter Small Starts Project Development, regarding the status of the capital, operations and maintenance funding plan. Prior to applying for construction funding, the Steering Committee also requests that it be briefed by the City of Portland on capital, operating and maintenance funding plans and briefed by TriMet regarding any potential service cuts or reallocations that might be required to share in the operating costs of the Eastside Project. The operations funding plan should be finalized prior to the end of Project Development. Any concerns raised at the Steering Committee would need to be resolved prior to applying for Small Starts funding.

5. Traffic and Streetcar Operations

The Alternatives Analysis identified a number of key intersections that may need additional operational improvements to maintain streetcar reliability. The City of Portland will analyze the traffic and transit operational considerations described in Chapter 4 of the *Eastside Transit Alternatives Analysis Evaluation Report* including cost, potential impacts and speed improvements and their effect on streetcar reliability. In particular, northbound Grand Ave. is already congested between NE Oregon and NE Broadway. At a minimum, such congestion requires a detailed plan for mitigation if streetcar is expected to operate northbound on Grand Ave. without further deteriorating auto movement or compromising streetcar's ability to maintain its schedule.

Proposed Action: A proposed plan for capital and operational improvements to maintain the reliability of streetcar operations should be prepared prior to submittal of an application to enter the Project Development phase of FTA's Small Starts program and should be completed prior to the end of Project Development.

6. Refinement of Streetcar Alignment and Capital Cost Reduction

Recognizing that capital cost reductions may be necessary in order to advance the project to the OMSI interim terminus, the City of Portland should investigate modifying the proposed Streetcar Conceptual Design (*URS, April 2006*). Specifically, streetcar operations on the left side of Grand Avenue and on the right side of NE Broadway and Weidler streets should be evaluated for their potential to save construction costs associated with utility relocation. Traffic impacts of this alignment modification should

also be assessed. In addition, cost reductions should be pursued for proposed modifications to the Broadway Bridge.

Proposed Action: An evaluation of potential alignment modifications and a proposed plan to evaluate and implement capital cost reductions should be prepared prior to submittal of an application to enter the Project Development phase of FTA's Small Starts program. This information will be critical to inform any Steering Group action to advance the project to the OMSI interim terminus.

7. Evaluate Emergency Shared Light Rail and Streetcar Operations Between Rose Quarter and the Caruthers Bridge

The Steering Committee requests that TriMet and the City of Portland evaluate the potential for shared light rail and streetcar operations between the Caruthers Bridge and Rose Quarter in the event of an emergency that closes the Steel Bridge. The ability to use a new Willamette River streetcar crossing and the Central Eastside streetcar alignment for all light rail lines builds an important safeguard in the event of an emergency situation. The Steering Committee requests that this evaluation be conducted prior to applying for FTA Small Starts funding.

Proposed Action: Prior to entering Small Starts Project Development, the Steering Committee will review the feasibility of including provisions for joint emergency operations with light rail in the project scope. TriMet and the City of Portland should evaluate the feasibility of shared light rail operations. This evaluation should inform the design standards to be used in Project Development and identify any special design and operational considerations for joint operation of streetcar and light rail.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 06-3713 FOR THE PURPOSE OF ADOPTING THE EASTSIDE TRANSIT ALTERNATIVE ANALYSIS LOCALLY PREFERRED ALTERNATIVE, LOCATED WITHIN THE PORTLAND CENTRAL CITY

Date: June 30, 2006

Prepared by: Richard Brandman
Ross Roberts

BACKGROUND

Since 1988, City of Portland plans have called for a transit circulator in the Central City as a way to connect, strengthen and enhance the region's urban core. The *Central City Plan* (1988) and *Central City Transportation Management Plan* (1995) included a transit circulator and for a streetcar system integrated with the rest of the transit system. In 1997, the City of Portland approved a locally funded streetcar and in 2001 streetcar service began in the west side of the Central City. In 2003, based on the success of the streetcar, the City approved the *Eastside Streetcar Alignment Study*, which called for extension of the streetcar to the Eastside and to seek federal funding assistance.

In 2003, the Metro Council approved projects 1106 and 1107 calling for the construction of "Portland Streetcar - Eastside" as part of the Financially Constrained System of the *2004 Regional Transportation Plan*.

In 2005, SAFETEA-LU, the federal surface transportation funding law, included funding for Small Starts - transit projects no larger than \$250 million in total with federal share no greater than \$75 million. Also in 2005 the Metro Council approved the *FY 2005-2006 Unified Planning Work Program* that included an Eastside Transit Alternatives Analysis as a work element to be completed in fiscal year 2005/2006.

In 2005 the Eastside Transit Alternatives Analysis was initiated consistent with the UPWP. The purpose of the Eastside Transit Alternatives Analysis was to develop and evaluate transit alternatives so that a transit alternative is selected that is: 1) responsive to community needs, 2) addresses travel demand in the Central City and 3) benefits the economic development and land uses of the area. This alternatives analysis process has been conducted consistent with the Federal Transit Administration's (FTA) newly approved Small Starts program and the National Environmental Policy Act. Potential alternatives included the extension of the streetcar or circulator bus /existing rail service on the eastside.

An *Eastside Transit Alternatives Analysis Evaluation Report* (Attachment 1 to this staff report) was produced by Metro, assessing the alternatives. Ridership, cost-effectiveness, economic development potential and other evaluation measures were assessed for each alternative.

The results of the *Evaluation Report* were discussed by technical and policy advisory committees. A locally preferred alternative was created and recommended by the Project Management Group, Eastside Transit Alternatives Policy Advisory Committee and Transit Alternatives Steering Committee. The recommended Locally Preferred Alternative (LPA) includes extending streetcar service from the west side of Portland's Central City to the Eastside, providing a transit circulator.

The LPA recommendation consists of three distinct proposed decisions on project implementation and phasing concerning: mode, terminus, and alignment. A streetcar is the preferred transit mode for the Eastside project as defined by the Full Loop Streetcar Alternative. This alternative best meets the

project's purpose and need and goals and objectives as outlined in the LPA attached as Exhibit A to Resolution No. 06-3713, For the Purpose of Adopting the Eastside Transit Alternative Analysis Locally Preferred Alternative, located within the Portland Central City. More specifically, the LPA recommends:

1. Streetcar as the preferred transit mode because the streetcar has approximately 30 percent higher ridership than a comparable bus, a streetcar would leverage substantially more economic development, and the streetcar has garnered significant public support.
2. A full loop alignment configuration because the full loop has the highest ridership per mile of operation, is the most cost-effective by the measures used, best implements land use plans, provides the highest level of economic development potential, provides the greatest travel time improvements due to a new Willamette River crossing, provides the highest level of local funding and best meets the transit circulator function of the Purpose and Need statement.
3. An interim terminus of OMSI with a first construction segment to Oregon Street, after consideration of the availability of local funds, the federal Small Starts fund availability and the need for the City of Portland to complete analyses regarding the alignment south of Oregon Street.

There are numerous detailed issues, which need to be addressed in the next phase of work and as a result, the Eastside Transit Project Work Program Considerations (Exhibit B to the resolution) were drafted and are recommended to be adopted as a means of addressing these concerns.

ANALYSIS/INFORMATION

Known Opposition

The study offered numerous opportunities for public involvement including attendance at Eastside Project Advisory Committee meetings, several facts sheets and study information available on Metro's web site, two open houses (April 2005 and May 2006), two e-newsletters (April and May 2006), a public hearing (May 2006), a forty-five day comment period (May-June 2006) and meetings with community and neighborhood groups.

The LPA and work program considerations were unanimously recommended by the Eastside Transit Alternatives Policy Advisory Committee, composed of representatives of neighborhoods, business associations, property owners and other interested parties from the project area.

In addition to traditional public involvement opportunities, property owners on the Eastside were contacted to discuss support for formation of a local improvement district to provide funding for the project.

Public comment generally favored a Central City transit circulator, especially the full loop, with some supporting extension to the north or east of the alignments studied. Some comments favored a bus or trolley bus, in part because of the cost. Other comments were made concerning design issues relating to pedestrian and/or traffic issues. Of those who favored streetcar, no one specifically supported the two-way Grand design option but some favored modifications to or considerations besides the MLK/Grand design option. Concern about potential traffic congestion consequences was expressed about the use of Grand Avenue for the streetcar prior to implementation of Milwaukie light rail.

Legal Antecedents

Metro

Resolution No. 03-3380A, For the Purpose of Adopting the 2004 Regional Transportation Plan to Meet Federal Planning Requirements

Resolution No. 05-3541, For the Purpose of Approving the FY 2006 Unified Planning Work Program

Federal

SAFETEA-LU

Anticipated Effects

The existing Portland Streetcar line demonstrates the impact of transit on development. To date, about \$2.3 billion of investments have been made within three blocks of the existing streetcar line since the City Council approval of the Streetcar in 1997. The Eastside has numerous proposed economic development projects that would benefit from transit, and especially a streetcar, because of the streetcars' demonstrated higher attraction of riders and greater passenger capacity. This larger public investment in a streetcar would likely result in greater private investments in the Eastside than would occur with the provision of bus service. Assuming existing zoning and the provision of an Eastside Streetcar, it is estimated that 3,400 more housing units could be expected to be built between 2005 and 2025 - as compared with a bus alternative.

Budget Impacts

No Metro funds are proposed for this project. Additional work that Metro may perform to advance the next phase of this project would come from a combination of funds from the Federal Transit Administration and the City of Portland.

RECOMMENDED ACTION

Adopt Resolution No. 06-37-3713, For the Purpose of Adopting the Eastside Transit Alternative Analysis Locally Preferred Alternative, located within the Portland Central City.



Eastside Transit Alternatives Analysis

Evaluation Report

May 2006



METRO

TRI  MET



U.S. Department
of Transportation
Federal Transit Administration
Federal Highway Administration

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENTERING AN ORDER RELATING TO THE HAROLD S. AND REBECA MACLAUGHLAN CLAIM FOR COMPENSATION UNDER ORS 197.352 (MEASURE 37)) Resolution No. 06-3714A) Introduced by Chief Operating Officer Michael Jordan with the concurrence of Council President David Bragdon

WHEREAS, Harold S. and Rebeca MacLaughlan filed a claim for compensation under ORS 197.352 (Measure 37) and Chapter 2.21 of the Metro Code contending that Metro regulations had reduced the fair market value of property they own in the Clackamas, Oregon, area; and

WHEREAS, the Chief Operating Officer (“COO”) reviewed the claim and submitted a report to the Metro Council, pursuant to section 2.21.040 of the Metro Code, recommending denial of the code for the reason that the Metro regulation that is the basis for the claim has not reduced the fair market value of the claimant’s property; and

WHEREAS, the Metro Council held a public hearing on the claim on July 13, 2006, and considered information presented at the hearing; now, therefore

BE IT RESOLVED that the Metro Council

- 1. Enters Order 06-007A, attached to this resolution as Exhibit A, which denies the claim for compensation.
2. Directs the COO to send a copy of Order No. 06-007A, with Exhibit A attached, to the claimants, persons who participated in the public hearing on the claim, Clackamas County and the Oregon Department of Administrative Services. The COO shall also post the order and Exhibit A at the Metro website.

ADOPTED by the Metro Council this 20th day of July, 2006

David Bragdon, Council President

Approved as to form:

Daniel B. Cooper, Metro Attorney

Exhibit A to Resolution No. 06-3714A

Order No. 06-007A

RELATING TO THE HAROLD S. AND REBECA MacLAUGHLAN CLAIM
FOR COMPENSATION UNDER ORS 197.352 (MEASURE 37)

Claimant: Harold S. and Rebeca MacLaughlan

Property: 14674 SE Sunnyside Road, Clackamas, Oregon;
Township 2s, Range 3E, Section 7A, Tax Lot 602 (map attached)

Claim: Temporary 20-acre minimum size for creation of new lots and parcels in Title 11 of the Urban Growth Management Functional Plan has reduced the value of the claimant's land.

Claimants submitted the claim to Metro pursuant to Metro Code Chapter 2.21. This order is based upon materials submitted by the claimant, ~~and the reports prepared~~ by the Chief Operating Officer ("COO") prepared pursuant to section 2.21.040, and testimony at the public hearing.

The Metro Council considered the claim at a public hearing on July 13, 2006.

IT IS ORDERED THAT:

The claim of Harold S. and Rebeca MacLaughlan for compensation be denied because it does not qualify for compensation for reasons set forth in the report of the COO, as revised following the public hearing.

ENTERED this 20th day of July, 2006.

David Bragdon, Council President

Approved as to form:

Daniel B. Cooper, Metro Attorney

**CLAIM FOR COMPENSATION
UNDER BALLOT MEASURE 37
AND METRO CODE CHAPTER 2.21**

**REVISED REPORT OF THE METRO CHIEF OPERATING OFFICER
July 14, 2006**

METRO CLAIM NUMBER: Claim No. 06-007

NAME OF CLAIMANT: HAROLD AND REBECA MACLAUGHLAN

MAILING ADDRESS: Harold S. and Rebeca MacLaughlan
14674 SE Sunnyside Road, PMB #115
Clackamas, OR 97015

PROPERTY LOCATION: 14820 SE 172nd Avenue, Clackamas,
Oregon 97015

LEGAL DESCRIPTION: T2S R3E Section 7A, Tax Lot 602

DATE OF CLAIM: July 19, 2005

180-DAY PROCESSING DEADLINE: January 17, 2006

I. CLAIM

Claimants Harold and Rebeca MacLaughlan seek compensation in the amount of 700,000 to \$800,000 for a claimed reduction in fair market value of property owned by the claimant as a result of enforcement of Metro Code Section 3.07.1110 C of Title 11. In lieu of compensation, claimant seeks a waiver of that regulation so claimant can apply to the City of Damascus and Clackamas County to divide the 5.85-acre subject property into lots of at least one acre and to allow a single family dwelling to be developed on each lot that does not already contain a dwelling. There is one existing single-family dwelling on subject property that was constructed in 1985.

The Chief Operating Officer (COO) sent notice of date, time and location of the public hearing on this claim before the Metro Council on June 23, 2006. The notice indicated that a copy of this report is available upon request and that the report is posted on Metro's website at www.metro-region.org/measure37.

II. SUMMARY OF COO RECOMMENDATION

The COO recommends that the Metro Council deny the claim for the reasons explained in Section IV of this report. The facts and analysis indicate that Metro's action to bring claimants' land into the Urban Growth Boundary (UGB), designate it Regionally Significant Industrial Area (RSIA) (allowing urban scale industrial and limited commercial uses), and applying a 20-acre minimum lot size temporarily while planning is completed did not reduce the fair market value of claimants' property.

III. TIMELINESS OF CLAIM

ORS 197.352(5) requires that a written demand for compensation be made:

1. For claims arising from a land use regulation enacted *prior* to the effective date of Measure 37 (December 2, 2004), within two years of that date, or of the date a public entity applies the regulation to the property as an approval criterion in response to an application submitted by the owner, whichever is later; or
2. For claims arising from a land use regulation enacted *after* the effective date of Measure 37 (December 2, 2004), within two years of the enactment of the regulation, or of the date the owner of the property submits a land use application for the property in which the regulation is an approval criterion, whichever is later.

Findings of Fact

The claimant submitted this claim on July 19, 2005. The claim identifies Metro Code section 3.07.1110 C as the basis of the claim. The Metro Council adopted the regulation that gives rise to this claim on September 10th, 1998, by Ordinance 98-772B. Metro Council applied the regulation to the claimants' property on December 5, 2002 (effective March 5, 2003), by Ordinance No. 02-969B, prior to the effective date of Measure 37 (December 2, 2004).

Conclusions of Law

Metro adopted the regulation that gives rise to this claim prior to the effective date of Measure 37, and claimants filed the claim within two years of the effective date of Measure 37. The claim, therefore, is timely.

IV. ANALYSIS OF CLAIM

1. Ownership

Metro Code section 2.21.020(c) defines "owner" to mean the owner of the property or any interest therein. "Owner" includes all persons or entities who share ownership of a property.

Findings of Fact

The claimants acquired the 5.85-acre subject property on June 26, 1974 and the claimants have had a continuous ownership interest since that time. Attachment 1 is a site map of the subject property (ATTACHMENT 1). There is one existing single-family dwelling on the subject property constructed in 1985.

Conclusions of Law

The claimants, Harold and Rebeca MacLaughlan, are owners of the subject property as defined in the Metro Code.

2. Zoning History

The first zoning of the property was Rural (Agricultural) Single Family Residential District (RA-1), applied in 1964. The property was rezoned Rural Residential Farm Forest 5-Acre (RRFF-5) on December 17, 1979.

3. Applicability of a Metro Functional Plan Requirement

Findings of Fact

On December 5, 2002, Metro Council expanded the UGB by adopting Ordinance No. 02-969B, including the subject property in the UGB expansion area. The claimants' property was designated Regionally Significant Industrial Area (RSIA) under Ordinance No. 02-969B. The effective date of Ordinance No. 02-969B was March 5, 2003.

Section 3.07.1110 C of Metro's Code prohibits any division of land into lots or parcels smaller than 20 acres, except for public schools or other urban services, pending adoption of urban comprehensive plan designations and zoning. Ordinance No. 02-969B requires local governments such as the City of Damascus and Clackamas County to apply the interim protection measures to the subject property as set forth in Metro Code Title 11, Urban Growth Management Functional Plan, Section 3.07.1110. Ordinance No. 02-969B requires the local government with land use responsibility for the area of claimants' property (City of Damascus in this case) to complete urban planning by March 5, 2007.

Clackamas County adopted Order No. 2005-150 on July 6, 2005, waiving certain land use regulations including Zoning and Development Ordinance Subsections 309.07A, 309.08B and 309.08D which regulate lot divisions in the RRFF-5 District, including a prohibition of partitions for subdivisions less than 20 acres inside the Metro UGB. Order No. 2005-150 allows the claimants to apply to the county to divide their property into lots of at least one acre in size and to allow a single-family dwelling to be constructed on each lot not already containing a dwelling, consistent with RA-1 zoning in effect when the claimants acquired the property in 1974. The Order recognizes that Metro Code Section 3.07.1110 applies and that the claimants also may need approval by Metro of a Measure 37 claim.

Prior to its inclusion within the UGB in 2002, the property was subject to the state-imposed 20-acre minimum lot size. This requirement was adopted by the Land Conservation and Development Commission on April 29, 1992 and applies to lands located within one-mile of the urban growth boundary.

Conclusions of Law

Section 3.07.1110 C of the Metro Code applies to the subject property and became applicable after the claimants acquired the property. Thus, the section did not apply to the subject property at the time claimants acquired it.

4. Effect of Functional Plan Requirements on Fair Market Value

Findings of Fact

Section 2.21.040(d)(5) requires the Chief Operating Officer (COO) to determine whether Metro's temporary 20-acre minimum size for the creation of new lots or parcels applicable to territory newly added to the UGB has reduced the value of claimants' land. The COO's conclusion is based upon the analysis of the effect of Metro's action contained in this report and in the attached memorandum to Paul Ketcham and Richard Benner from Sonny Conder and Karen Hohndel dated June 23, 2006 (Conder Memo).

Claimants have submitted comparable sales data to support their assertion that the temporary 20-acre minimum size has reduced the value of their property by \$700,000 to \$800,000. Based on the comparable sales data, claimants assert that a one-acre parcel for a homesite has a current FMV of \$175,000. County zoning at the time of purchase (1974) allowed creation of one-acre homesites. Claimants believe they could have received approval of four homesites. Hence, they multiply \$175,000 times the four homesites they could have created, yielding a value of \$700,000. The claimants make adjustments for the remainder lots with an existing dwelling and the costs of infrastructure. This calculation yields the range of claimed reduction in FMV of \$700,000 to \$800,000.

The Conder Memo analyzes the claimant's information and applies two different methods for determining the effect of Metro's action on the value of claimant's property.

A. "Comparable Sales" Method

This method compares the value of the property in its current regulatory setting with its value today as though Metro's action had not happened, using transactions involving comparable properties in both "with" and "without" scenarios. Under the "without" scenario, the property would be outside the UGB under RRFF-5 (Rural Residential-Farm/Forest, five-acre minimum lot size) zoning that applied at the time of the application of Metro's regulation.¹ Given the five-acre minimum lot size, claimants would not have been able to obtain approval for a land division.

Under the "with" scenario (current regulatory setting), the land lies within the UGB; it is designated Regionally Significant Industrial Area; and it is subject to a temporary 20-acre minimum lot size to preserve the status quo while the city of Damascus completes the comprehensive planning necessary to allow urbanization of the previously rural (outside the UGB) land. This method, therefore, assumes claimants will be able to use the property for industrial and other uses consistent with Title 4 of Metro's Urban Growth Management Functional Plan.

¹ The property was also subject to a state-imposed 20-acre minimum lot size prior to and at the time of application of Metro's regulations to the property. However, because this 5.85-acre property could not be divided under the RRFF-5 zoning that applied at that time, the applicability of the state lot size does not affect this analysis.

Table 4 of the Conder Memo compares today's values of the property with and without Metro's action, adjusting in both cases for costs of development and limitations on development of the site that a prudent investor would take into account. The table shows that the FMV of the property under existing regulations exceeds the value of the property under RRFF-5 zoning outside the UGB. The analysis using this methodology indicates that the current regulatory setting has not reduced the FMV of the MacLaughlan property.

B. Alternative Method Using Time Trend Data Suggested by Plantinga/Jaeger

The Conder Memo uses times-series data to determine whether the application of Metro regulations to the property reduced its value. The data show values before and after application of the regulations. The data are displayed in Table 3 of the memo. There is no indication from the data that Metro's regulations reduced the value of the property. The data show that the property continued to increase after March 5, 2003, the date the regulations became applicable to the property.

Conclusion

Metro's action to bring claimants' land into the UGB, designate it Regionally Significant Industrial Area and apply a temporary 20-acre minimum lot size did not reduce the value of the MacLaughlan property.

5. Exemptions under ORS 197.352(3)

Findings of Fact

Section 3.07.1110C of the Metro Code does not restrict or prohibit a public nuisance, the selling of pornography or nude dancing, is not intended to protect public health or safety, and is not required to comply with federal law.

Conclusions of Law

Section 3.07.1110C of the Metro Code is not exempt from Measure 37 under ORS 197.352(3).

6. Relief for Claimant

Findings of Fact

The Metro Council has appropriated no funds for compensation of claims under Measure 37. Waiver by Metro would allow the claimants, due to the waiver granted by Clackamas County in Order No. 2005-150, to proceed with land use applications to the City of Damascus and to Clackamas County to divide the subject property into one-acre lots and to develop a single family dwelling on each lot that does not already contain a dwelling. The effect of development as proposed by the claimant would be to allow land uses incompatible with industrial uses and reduce employment capacity within the UGB. It would also make the provision of urban services less efficient and more complicated. Finally, it would undermine the planning now underway by the City of Damascus to create a complete and livable community.

Conclusions of Law

Based on the record, the claimants have not established that they are entitled to relief in the form of compensation or waiver of the interim 20-acre minimum lot size requirement under Metro Code Section 3.07.1110C.

Recommendation of the Chief Operating Officer:

The Metro Council should deny the MacLaughlins' claim for the reasons that the Council's Ordinance No. 02-969B did not reduce the value of the MacLaughlan's property.

ATTACHMENTS TO THE REPORT OF THE CHIEF OPERATING OFFICER

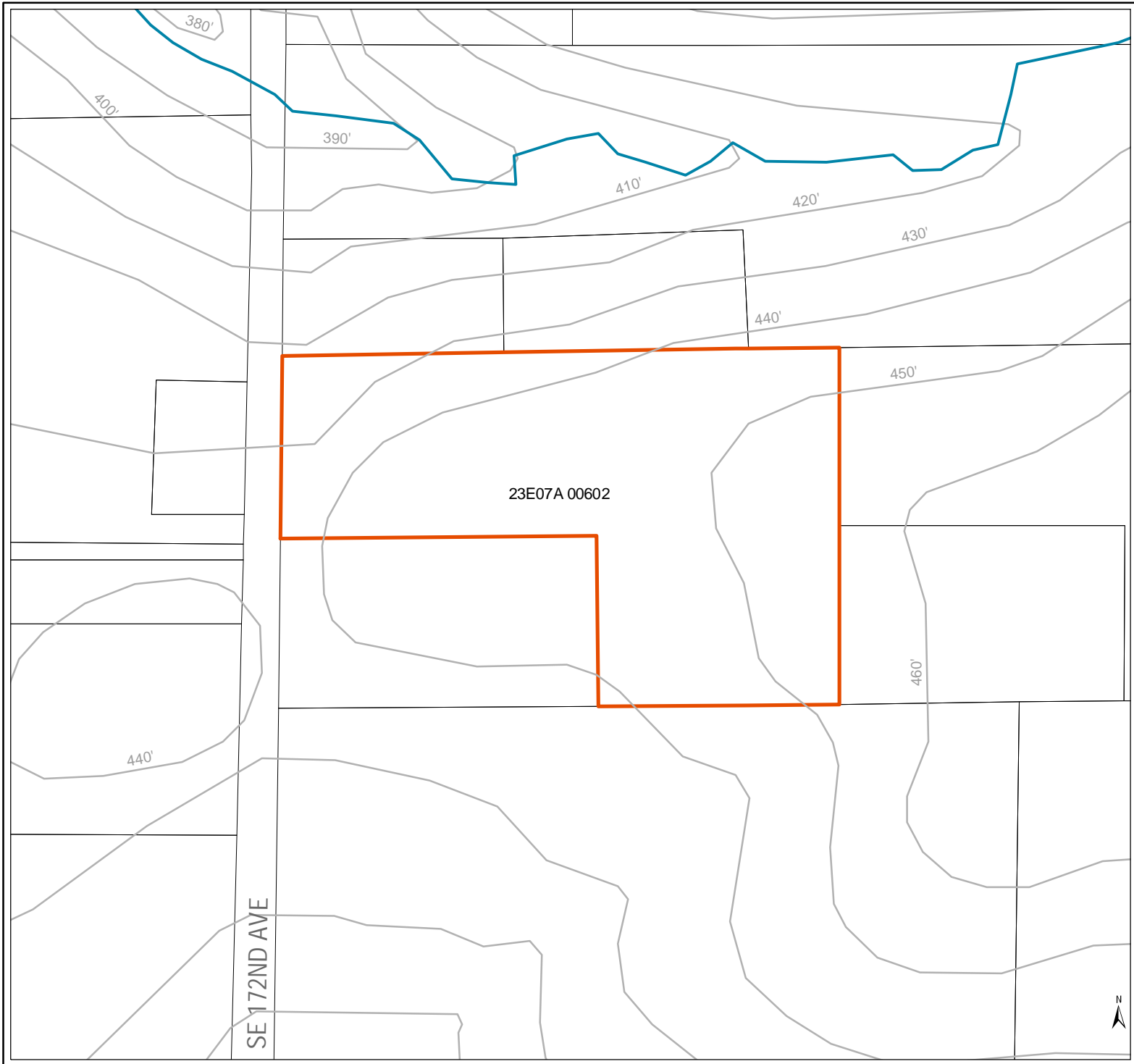
Attachment 1: Site Map of Harold and Rebeca MacLaughlan Property

Attachment 2: Metro Memorandum to Paul Ketcham and Richard Benner from Sonny Conder and Karen Hohndel, "Revised Valuation Report on the MacLaughlan Measure 37 Claim," dated July 14, 2006

Attachment 3: Sample Area of 2004-2005 Sales Data for Damascus UGB Expansion Area and One Mile Buffer, Clackamas County, OR

Attachment 4: Harold and Rebeca MacLaughlan Measure 37 Claim Submittal to Metro

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R L I S
REGIONAL LAND INFORMATION SYSTEM

Resolution No. 06-3714
Attachment 1 COO Report

Site Map MacLaughlan Measure 37 Claim

Subject Property

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

1 inch equals 0.03 miles

 0 50 100 Feet

Location Map

METRO

METRO DATA RESOURCE CENTER
 600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232-2736
 TEL (503) 797-1742 | FAX (503) 797-1909
 drc@metro.dst.or.us | www.metro-region.org

Resolution No. 06-3714A
Attachment 2: Revised Report of the Chief Operating Officer

M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1794



July 14, 2006

To: Paul Ketcham, Principal Regional Planner
Richard Benner, Senior Staff Attorney

From: Sonny Conder, Principal Regional Planner
Karen Hohndel, Associate GIS Specialist

Subject: Revised Valuation Report on the MacLaughlan Measure 37 Claim

Conclusion:

Per your request we have conducted a valuation analysis of the MacLaughlan Measure 37 Claim. The Metro designation of "Regionally Significant Industrial Area" (RSIA) applies to the MacLaughlan claim. We conclude that the Metro action of including the 5.85 acre property inside the UGB, designating it RSIA and imposing a temporary 20 acre minimum lot size for development did not produce a material loss of value for the subject property¹.

Using the time-series variation of the Plantinga-Jaeger method of determining property value loss due to regulation indicates no loss of value for the 5.85-acre parcel. This conclusion rests on the observation that the assessor's market value for that particular property has continued to increase since the Metro 2003 regulation. Moreover, the entire class of RRF-5-acre lot size designated parcels within the expansion area have continued to increase since the Metro 2003 regulation.

Conceptual Understanding for Basis of Property Value Analysis:

We understand the present Measure 37 valuation problem to consist of making two property value estimates. These are:

¹ We use the term "material" in the accounting/auditing sense that given the statistical variability inherent in the data there is no difference between two measurements of land value.

1. Estimate the current market value of the property subject to the regulation that the claimant contends has reduced the value of his property.
2. Estimate the current market value of the property in the absence of that regulation, and with the zoning that applied prior to the Metro regulatory action.

Metro Ordinance No. 02-969B applied a set of new regulations to the claimant's property. First the ordinance brought claimant's property into the region's urban growth boundary, making the property eligible for industrial densities rather than rural low-density development. The parcel was designated RSIA, allowing industrial use and associated non-industrial uses on the property. Third, the ordinance applied a temporary 20-acre minimum lot size to protect the status quo while local governments complete amendments to comprehensive plans to allow urban development. Within this overall framework any particular property may have a substantial range of development types and lot sizes. Implicit in this design designation is the availability of urban level capital facilities including sanitary sewers, storm water retention and management, water distribution, streets, roads, parks and other infrastructure and services associated with urban living. All development is assumed to occur in compliance with all health and safety regulations.

The default land use at the time of Metro regulatory action was the Clackamas County designation of RRFF-5. This land use designation is a rural designation allowing one dwelling unit per five acres. All development under RRFF-5 must conform to applicable health and safety regulations. Most significant is that the reference default land use must be outside the present UGB in a rural setting. While seeming to be a subtle distinction, the requirement of a rural setting outside the UGB is conceptually pivotal to the valuation. To use RRFF-5 or equivalent land inside the UGB as a basis for valuation includes the property-value-increasing amenity effects of urban services and infrastructure. It is logically contradictory to argue that inclusion inside the UGB and designation of the land for urban purposes has reduced a property's value but to include those very effects in the estimate of the property value without the subject action.

Alternative Method of Computing Property Value Loss Resulting From Regulation

Estimating loss of property value using the usual appraisal method of "comparative sales" has been the subject of substantial criticism. Andrew Plantinga and William Jaeger², economists at OSU, have written papers pointing out that using the method of

² Andrew Plantinga, *Measuring Compensation Under Measure 37: An Economist's Perspective*, Dec. 2004, 15 pages. (Available at OSU Department of Agricultural and Resource Economics, URL: plantinga@oregonstate.edu).

comparative sales does not compute the loss due to regulation. Rather the estimated “value loss” is actually the gain resulting from obtaining an exemption to the general rule. To better understand their arguments, we may think of the comparative sales method of determining an economic loss as equivalent to determining the value of issuing someone a special license or franchise to carry out an economically valuable function that others may not do. For instance, licenses to operate taxi cabs in New York are seldom issued and in great demand. As a result the license itself has acquired substantial economic value. An example closer to home is the value of an Oregon Liquor License prior to more liberal issuing standards in the 80’s. In the 1950’s through roughly the 70s, an Oregon liquor license for a restaurant or bar vastly increased the property value of the establishment that had one. Plantinga and Jaeger argue that the value of the property hinges on scarcity resulting from regulation. If everyone had a taxi cab or liquor license, they would have no value. From an economic perspective, using a method that really measures value gained from regulation is not the same as determining economic loss resulting from regulation.

Plantinga and Jaeger go on to suggest an economically appropriate measure of loss resulting from subsequent land use regulation. Their method is grounded in the well established and tested Theory of Land Rent. Simplified a bit the Theory of Land Rent holds that the value of land at any particular time is the future net profit from the land used in its most efficient allowable use. The market also adjusts (discount factor) this value to account for time and uncertainty as to future uses. What this means is that the original sales price incorporates future expectations about how the land might be used. If we take the original sales price and bring it up to the current date by using an appropriate price index, we are able to measure in today’s prices what the land was worth when it was purchased under the original regulatory requirements.

As Metro’s regulatory action was taken in 2003, we have actual time-series data to determine if the subject property experienced a loss of value after Metro’s action. Consequently, we need not index the original sales price as we can observe whether the value actually decreased. We are able to make these observations for the particular property and for the entire class of subject properties within the Damascus expansion area. In essence, the simplest approach to answering the question of whether a property lost value as a result of Metro’s regulation is to measure whether the property value decreased following Metro’s action.

William K. Jaeger, *The Effects of Land Use Regulations on Land Prices*, Oct. 2005, 38 pages. (Available at OSU Department of Agricultural and Resource Economics, URL: wjaeger@oregonstate.edu).
Also: William K Jaeger, *The Effects of Land-Use Regulations on Property Values*, **Environmental Law**, Vol. 36:105, pp. 105 - 127, Andrew J. Plantinga, et. al., *The effects of potential land development on agricultural land prices*, **Journal of Urban Economics**, 52, (2002), pp. 561 - 581. and Sonny Conder and Karen Hohndel, *Measure 37: Compensating wipeouts or insuring windfalls?*, **Oregon Planners’ Journal**, Vol. 23, No 1. Dec. - Jan 2005. pp. 6 - 9.

This method allows a consistent computation of property loss due to subsequent regulatory changes. At the same time it avoids awarding particular property owners a bonus that was not anticipated in the original purchase price. Owners are compensated for what they lost; but they are not awarded an extra benefit owing to unanticipated growth, infrastructure investment or regulatory changes.

Property Valuation Analysis Procedure:

Our property valuation analysis procedure consists of the following steps:

- Briefly describe the property and make a prudent assessment of development limitations to establish a likely range of development capacity under both “RSIA” and RRFF-5 designations assuming health and safety regulations are enforced.
- Based on recent sales (2004,2005,2006) of lots and existing properties inside the Damascus expansion area and the eastern portion of the Clackamas industrial district determine the current (2006) value of the property with a reasonable range of “ Industrial” or “RSIA” development configurations .
- Based on recent sales (2005) of property in a buffer zone extending one mile outside the present UGB within Clackamas County determine the value of residential property on lots of 2.5 to 7.5 acres in size. This procedure establishes a reasonable range of values for residential properties of RRFF-5 configuration in a rural setting.
- Provide an alternative determination of loss of value of the MacLaughlan property based on time-series before and after Metro’s regulatory action.
- Evaluate the lot value and home value comparables submitted as evidence with the MacLaughlan Measure – 37 claim. Comment on whether those estimates are logically relevant to establish a Measure –37 property value loss assertion.
- Provide and compare estimates of the value of the subject property as of 2006 with Metro’s RSIA designation versus Clackamas County’s RRFF-5 designation.

MacLaughlan Property Description:

The subject property consists of one parcel of 5.85 acres located on 172nd about ¼ mile north of Highway 212, about two miles west of the Damascus town center and 1.7 miles east of the eastern edge of the Clackamas industrial district. The parcel has access to 172nd. Assessor appraised value as of 2005 for the 5.85-acre parcel is \$413,071 with \$212,400 improvement value and \$200,400 in land value. Data submitted with the claim indicate the property was purchased in 1974, and the present structure was built in 1985. Though not explicit in the record we assume the purchase price of \$19,800 included land only at that time.

Visual inspection from 172nd and air photo inspection as well as relevant GIS data indicate that the property per se poses no substantial limitations to development for industrial purposes. It is generally flat on the crest of a hill. Surrounding properties do however, have slope limitations in regard to industrial development. Consequently, the scale of industrial development in this general area may be limited. In the case of industrial use on the 5.85-acre parcel, the residential structure would need to be demolished or moved when the land is converted to a more intense use.

Again, it is not in our professional capacity to assert with authority any definitive estimate of what the site limitations are; but rather to reflect what any prudent property investor must consider when pricing raw land. This holds true for both Metro's RSIA, and the default use of RRFF-5.

Land Use Capacity Estimates – 5.85 Acre Parcel:

For purposes of determining RSIA capacity, we note that the site is roughly 1.6 miles east of the eastern edge of the existing Clackamas industrial district. In designating these lands for industrial use there was an implicit presumption that a major transportation corridor – the “Sunrise Corridor” would be constructed through the area with available access. Our understanding at present is that no identified funding for the project exists and that a number of other regional transportation projects have higher priority. Consequently, we cannot prudently consider such an improvement to be in place over a 20 year planning horizon. Slope on surrounding parcels, poor access and general lack of demand portend an industrial market for the property of very low density and low value structures.

Current Value Estimate of “RSIA” in Damascus Expansion Area:

RSIA:

Comparables for the RSIA designation are far more problematic. To establish a starting point for valuation, we examined recent (since 2004) sales of industrially designated property in the eastern section of the Clackamas Industrial District and two sales of Industrial and RSIA property along Highway 212 in the Damascus expansion area. Table 1A below summarizes the information on the sales.

See next page for Table 1A

Table 1A: Summary Property Value Data – Clackamas Industrial District and Damascus Area Industrial/RSIA Highway 212 Development Recent Sales

Property Description	Sale Date	Size Acres	Per Acre Sale \$
3 land assembly sales, ready to build, hwy 212 Clackamas Ind. Dist.	2004	29.8	\$102,300
2 land assembly sales, ready to build, hwy 212 Clackamas Ind. Dist	2004	4.8	\$130,200
2 land assembly sales, Damascus expansion area, Hwy 212, Ind.- RSIA	2005 – 06	69.3	\$131,600
1 land sale, Damascus expansion area, Hwy 212, Ind.- RSIA	2005	34	\$45,700
2 land assembly sales, Damascus expansion area, Highway 212, RSIA	2005	20.8	\$75,300
1 land sale, Damascus expansion area, Hwy 212, RSIA	2003	17.9	\$83,600

In the context of the MacLaughlan property industrial valuation, the above sales merit some discussion. The Clackamas Industrial District sales represent transactions for ready to build industrial land at the east end of the industrial district. As such they are legitimate comparators for flat land, with services in an existing, developed industrial area.

The remaining four sales are located adjacent to or close to Hwy 212 in the Damascus expansion area on a combination of industrial and RSIA designated land with slope characteristics similar to or more extreme than the MacLaughlan property. The 69-acre property was purchased by Providence Health System for \$131,600 per acre. The 34-acre property, north and adjacent to the Providence property was purchased by a developer for \$45,700 per acre and consists of sloping Industrial and RSIA designated land.

The final two sales are particularly close to the MacLaughlan property on land designated RSIA. The 17.9-acre sale was to Sunrise Water Authority and may reflect a future public facility use. The 20.8-acre sale was to a developer for undetermined purposes.

Given the above information, we take the \$75,000 per acre value as the base for comparison purposes for valuing industrial on the MacLaughlan property. For purposes of our valuation we assume a raw land sales price of \$75,000 per acre. We note, however, that having only two closely comparable sales as the basis for comparison makes our second method of analysis – the time series analysis – a more reliable indicator of values.

Current Value Estimate of RRFF-5 Buildable Lots in the 1 Mile Buffer Area Outside the UGB:

To establish the value range for RRFF-5 properties within the Clackamas County rural area we selected all residential properties that sold in 2004 and 2005 within one-mile from the UGB with a lot size of 2.5 to 7.5 acres. These comprised 177 properties and their summary statistics are included below in Table 2.

Table 2: Summary Property Value Data – Clackamas Rural Residential (“RRFF-5”)

Average Lot Size:	4.45 acres
Median Lot Size:	4.56 acres
Average Lot Value:	\$233,200
Median Lot Value:	\$204,000
Average Total Prop.	\$510,200
Median Total Prop.	\$421,800
Average House Size:	3,500 Sq. Ft.
Median House Size:	3,350 Sq. Ft.

For purposes of valuation we observe that our sample properties closely correspond to the 2005 assessor’s market value for the MacLaughlan property. Accordingly, we accept the 2005 assessor’s value as the market value with the present improvements and RRFF-5 zoning.

Alternative Valuation of MacLaughlan Property Using the Time Trend Method Suggested by Plantinga and Jaeger:

OSU economists Andrew Plantinga and William Jaeger have challenged the “comparable sales” approach of traditional appraisal methods. They have pointed out that it really measures the value obtained by an exception to the current rule, rather than a measure of economic loss suffered as a result of government land use regulation.

Since the subject Metro regulatory change was recent (2003), we have before and after time-series data to determine whether the MacLaughlan property actually experienced a loss of value after the Metro regulation.

Accordingly, we have tabulated property value data for the entire expansion area from assessor's records for the years 2000 through 2006. We present the data for the MacLaughlan property specifically and for all RRF-5-designated properties within the expansion area. Table 3 below depicts the results by year.

**Table 3: MacLaughlan Property Value and Expansion Area Property Values
2000 - 2006**

Year	MacLaughlan Value	Average All RRFU-5
2000	310,430	309,353
2001	292,770	331,342
2002	300,332	346,958
2003	299,475	351,695
2004	326,279	369,960
2005	359,105	392,706
2006	413,071	416,137

Both the MacLaughlan property assessor's market value and the average value of all RRF-5 tax lots within the study area increase steadily from 2003 through 2006. There is no evidence that Metro's action of including the property within the Urban Growth Boundary and imposing a temporary minimum lot size of 20 acres has reduced property values. Figure A attached depicts the time trends graphically.

Evaluation of MacLaughlan Claim of Comparable Properties:

The basis for the MacLaughlan property value loss estimate of \$700,000 - \$800,000 rests on a market value estimate of \$175,000 per developed, ready-to-build lot assuming four or more buildable lots are available on the property, plus the value of the existing structure on a one-acre lot. To arrive at the loss estimate the value of the existing structure on the existing 5.85 acre lot is subtracted. Though we are unable to replicate the exact amounts, the range stated is roughly consistent with the claimant's property value assumptions.

We take issue with some of the claimant's list of comparable properties as it uses properties from areas inside the Urban Growth Boundary in some prestige neighborhood of developed cities with full urban services. However, a number of properties in rural locations outside the UGB are also included. Examining comparables for rural locations that have actually sold we find the highest to be a 4.2-acre lot that

Resolution No. 06-3714A
Attachment 2: Revised Report of the Chief Operating Officer

sold for \$159,000. The average sales price of the sold comparables in rural locations is \$135,800 with a lot size range of 1.14 to 4.22 acres.

MacLaughlan Claim Property Values Compared:

Given the data developed in the previous tables we may now summarize our estimates of the total value in 2006 for the MacLaughlan property in its present location. To do so we have followed the procedure below:

1. Assume the 5.85 acre parcel is developed as RSIA.
2. For the default RRFF-5 use we assume the assessor's market value of \$413,000 plus 15% is the appropriate property value since the property cannot be further subdivided under RRFF5 designation.
3. For the 5.85 acre parcel we assume a \$75,000 per acre raw land price based on comparables adjusted for access. To account for the value of the existing improvements on the property, we value them on an annual net rental proceeds basis discounted 6.5% per year until time of land conversion (10 years) at which time the improvements are demolished. The summed and discounted residential rents we add to the land value.
4. We compare the resultant values for the property with RRFF-5 usage to the value of the property with RSIA usage.

Table 4 below depicts the results for both RSIA and RRFF-5.

Table 4: Comparison of Estimated Market Value of Raw Land for RSIA and RRFF-5

RSIA 5.85 Acre Parcel Used as Industrial

Parcel Size:	5.85 acres
Estimate of raw land value at Time of conversion (per acre):	\$75,000
Total value (5.85 x 75,000):	\$438,750
Plus present value of 10 years net Rents from SFD improvement:	\$69,013
Total Value:	\$507,763
Value per acre (5.85 acres):	\$86,800

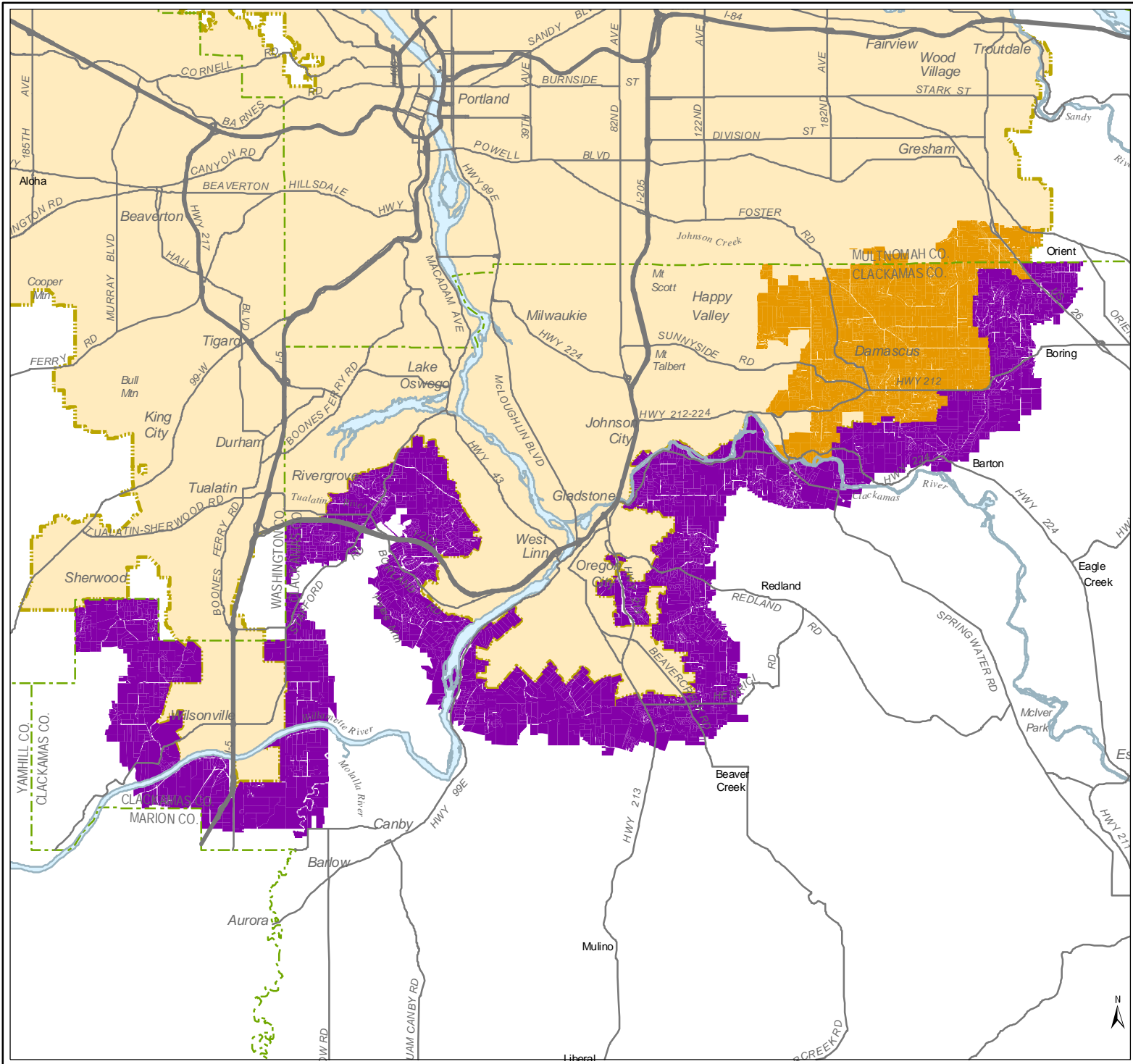
RRFF-5 5.85 Acre Parcel

Assessor's value of Property;	\$413,071
Plus 15%	\$61,961
Total Value of property:	\$475,032
Value per acre total (5.85 acres):	\$81,201

Resolution No. 06-3714A
Attachment 2: Revised Report of the Chief Operating Officer

Using comparable sales, we estimate the current value of the MacLaughlan property subject to Metro regulations to be \$508,000. The same property used as RRFF-5 is worth \$475,000. Using the time-series method - a more reliable indicator in this case - there is also no indication that Metro's actions reduced the value of the MacLaughlan property. Instead, the comparisons indicate that the value increased, as did the values of all other properties in the expansion area.

M:\plan\lrpp\projects\Measure 37\MacLaughlan M37 claimRevValuationMemo7.14.06.doc



R L I S

REGIONAL LAND INFORMATION SYSTEM

Resolution No. 06-3714
Attachment 3 COO Report

Sample Area of 2004-2005 Sales Data for Damascus UGB Expansion Area and One Mile Buffer, Clackamas County, OR

- Damascus UGB Expansion Area
- One Mile Buffer
- County Line
- Inside Metro UGB

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

1 inch equals 3.31 miles

Location Map

Clark Co.
Washington Co. Multnomah Co.
Clackamas Co.

METRO

METRO DATA RESOURCE CENTER
600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232-2736
TEL (503) 797-1742 | FAX (503) 797-1909
drc@metro.dst.or.us | www.metro-region.org



METRO

Daniel B. Cooper
Tele: (503) 797-1528
FAX: (503) 797-1792

January 4, 2006

Harold S. and Rebeca MacLaughlan
14674 SE Sunnyside Road, PMB #115
Clackamas, Oregon 97015

Re: Your Measure 37 Compensation Claim with Metro
Property Address: 14820 SE 172nd Avenue, Clackamas, Oregon 97015
Legal Description: T2SR3E, Section 7A, Tax Lot 602

Dear Mr. and Mrs. MacLaughlan:

In light of the recent judicial actions regarding Measure 37 and *MacPherson, et al. v. Department of Administrative Services, et al.*, I want to give you a response as to a current status of your claim pending at Metro.

Your property is located inside the Metro jurisdictional boundary, inside the Metro urban growth boundary and inside of Clackamas County. Any grant of a waiver by Metro for your property is subject to the validity of the waiver that you have previously obtained from Clackamas County. Therefore, Metro believes that your claim must now wait a decision by the Oregon Supreme Court since the waiver granted to you by Clackamas County is at least temporarily on hold. If and when the Oregon Supreme Court upholds the validity of the Measure 37 claim, Metro will be prepared to respond to your claim within 60 days of the date of the Court's decision.

In order to assist Metro in processing your claim in the event the Court does reinstate Measure 37, I believe the Metro Council would be seeking additional information regarding the effect on your property's value of the action taken by Metro to bring the property inside the Metro urban growth boundary at the same time it impose the temporary 20-acre minimum lot size pending actual adoption of comprehensive plan designations for the property. As you maybe aware, property in this category similarly situated to yours is being sold for substantial value to persons who are willing to wait until after the 20-acre minimum lot size no longer applies upon the adoption of urban comprehensive plan designations and zoning.

Very truly yours,

Daniel B. Cooper
Metro Attorney

DBC/sm

cc: David Bragdon, Metro Council President
Michael J. Jordan, Chief Operating Officer
Andy Cotugno, Metro Planning Director

Harold S. and Rebeca MacLaughlan
January 4, 2006
Page 2

RESOLUTION NO. 06-3714
Attachment 4: COO Report

bcc: Dick Benner
Lydia Neill, Metro's Measure 37 Task Force

Dan Cooper
 ~~ESCO~~ BENNER NO. 06-3714
N/A ~~Dick Bolen~~ Attachment 4: COO Report
 Lydia Neill

July 19, 2005

Dan Cooper
Metro Attorney
600 Grand Ave
Portland Oregon 97232

Dear Mr. Cooper,

This letter is in regards to a current ballot measure 37 claim for Mac Laughlan that has been approved by Clackamas County and the state of Oregon. I was informed by Clackamas County that my next step was to notify Metro of the approval. When I spoke with your office they advised me that there are no actual applications of forms available to submit this clam to Metro. Therefore, this letter shall serve as notice and please notify me of the next step involved with Metro.

I am enclosing a copy of approval from the Board of County Commissioners. There is also a copy of the original application and supporting documentation on file at your office that was mailed in Mid March.

If you need any further documentation please call me at 503-329-8442. Thank you for your time and I look forward to hearing from you.

Sincerely,


Harold S. Mac Laughlan

RECEIVED

JUL 20 2005

OFFICE OF METRO ATTORNEY

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

RESOLUTION NO. 06-3714
Attachment 4: COO Report

**In the Matter of a Ballot Measure
37 Claim for MacLaughlan**

**Order No. 2005-150
Page 1 of 2**

File No. ZC035-05

Claimants/ Property Owners: Harold and Rebeca MacLaughlin

Date Filed: February 17, 2005

Legal Description: T2S-R3E-SECTION 07A-TAX LOT 602

Location: 14820 SE 172nd Avenue; east side of SE 172nd Avenue, approximately .2 mile north of SE Armstrong Circle; Damascus area.

Proposal/ Relief Requested: The claimants are asking that the existing RRFF-5 zoning not be applied, allowing creation of additional home sites consistent with the previous RA-1 zoning district that was in place when the applicants acquired the property.

Ownership History/Date Acquired by Current Owner: The claimants acquired the property on June 26, 1974. Deed records demonstrate that the claimant has held a continuous property interest since acquisition in 1974.

Zoning History: The first zoning of the property in 1964 was RA-1, Rural (Agricultural) Single Family Residential District, 1-acre minimum lot size. The property was zoned RRFF-5, Rural Residential Farm Forest 5 Acre on December 17, 1979.

Reduction in Land Value: The claimant contends that the application of the RRFF-5 zoning district reduces the value of the property by \$700,000-\$800,000. The applicant has provided evidence in the form of comparable sales of one acre residential lots in the area. This information is sufficient to substantiate a reduction in land value resulting from the application of the RRFF-5 zone to the property.

DECISION

- (1) The claimants have a valid claim.
- (2) Monetary compensation for any reduction in value is not available.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

RESOLUTION NO. 06-3714
Attachment 4: COO Report

**In the Matter of a Ballot Measure
37 Claim for MacLaughlan**

**Order No. 2005-150
Page 2 of 2**

File No. ZC035-05

(3) Remove from the subject property ZDO 309.07A and subsections 309.08.B and 309.08.D, which regulate lot divisions in the RRFF-5 District. Development of the property will be subject to the lot size standards of the RA-1 zoning district that were in effect when the current owner acquired the property, June 26, 1974, and to all other current ZDO provisions.

Conditions/Comments

- (1) The claimant will need to receive approval of a subdivision or partition to allow creation of new lots.
- (2) Approval of building and septic permits for new residences also will be required.
- (3) The claimant also may need approval by Metro of a Measure 37 claim. Metro Code Section 3.07.1110 may apply.
- (4) This action does not resolve several questions about the application of Measure 37, including the question of whether the rights granted to the claimant by this decision can be transferred to an owner who subsequently acquires the property.

DATED this 10th day of July, 2005.

BOARD OF COUNTY COMMISSIONERS

Bill [Signature]
Chair

Mary Rastak
Recording Secretary

MEASURE 37 CLAIM

CLACKAMAS COUNTY PLANNING DIVISION
9101 SE SUNNYBROOK BLVD., CLACKAMAS, OREGON 97015
PHONE (503) 353-4500 FAX (503) 353-4550 www.co.clackamas.or.us

FOR STAFF USE ONLY

FILE NUMBER: 2C035-05 DATE RECEIVED: 2-17-05
STAFF MEMBER: _____ CPO: Rock Creek

APPLICANT INFORMATION (PLEASE TYPE OR PRINT IN BLACK INK ONLY)

WHAT IS PROPOSED RETURN TO ZONING THAT IT WAS IN PLACE WHEN PURCHASED IN 1974

LEGAL DESCRIPTION: T2SR3E SECTION 7A TAX LOT(S) 602
T R SECTION _____ TAX LOT(S) _____

(ADDITIONAL) Demacus ore

NAME OF CONTACT PERSON HAROLD MacLaughlan
MAILING ADDRESS 14674 SE Sunnyside Rd
CITY Clackamas STATE OR ZIP 97015
PHONE _____ ; CELL PHONE 503-329-8442

PROPERTY OWNER(S) (The name, address and telephone number of all owners, including their signatures, must be provided. In the event there are more than 3 property owners, please attach additional sheets. Please print clearly)

OWNER 1 HAROLD MacLaughlan
SIGNATURE Harold MacLaughlan
Mailing ADDRESS 14674 SE Sunnyside Rd PMB #115
CITY Clackamas STATE OR ZIP 97015
PHONE 329-8442 CELL PHONE _____

OWNER 2 REBECCA MacLaughlan
SIGNATURE Rebecca MacLaughlan
Mailing ADDRESS 14674 SE Sunnyside Rd PMB #115
CITY Clackamas STATE OR ZIP 97015
PHONE 329-8442 CELL PHONE _____

OWNER 3 _____
SIGNATURE _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
PHONE _____ CELL PHONE _____

MEASURE 37 CLAIM
SUPPLEMENTAL INFORMATION

(Attach additional sheets as necessary to complete this supplemental portion of the claim)

1. **Other persons with an interest in the property (such as lien holders):** Please provide a list of the name, address and phone number of anyone with an interest in the property, and identify their interest.

Countrywide Home Loans -
PO Box 5170 Simi Valley, CA 93062

2. **Exact date the current owner acquired the property?** June 26, 1974

3. **If the current owner acquired the property from a family member, what is the exact date the family member acquired the property?**

N/A

If there is more than one event where the property was acquired from a family member, such as a series of inheritances, please provide a list of all such events and their dates.

N/A

4. **What regulation (if more than one, please describe) do you believe lowered the value of your property? When did the regulation take effect?**

Toning change to RRFF 5-
Date of Regulation Unknown

5. **Please describe how this regulation(s) restricts the use of the property and reduces the property's fair market value.**

Reduction of
building sites from six to One

12/6/2004

6. How much has the fair market value of your property been reduced by enactment or enforcement of the regulation(s)? Approx \$700,000 - \$800,000

7. Are you requesting compensation, or removal of the regulation(s), modification of the regulation(s), or a decision not to apply the regulation(s)? If you are requesting monetary compensation, please indicate how much and how you calculated this sum. [Please note that the County has exclusive authority to choose whether to pay monetary compensation, or remove, modify or not apply the regulation(s) causing a valid claim.]

Modify Regulations to previously "approved" building sites & perk tests on 30,000 & 40,000 sq ft lots - per County approval dated 4-21-75

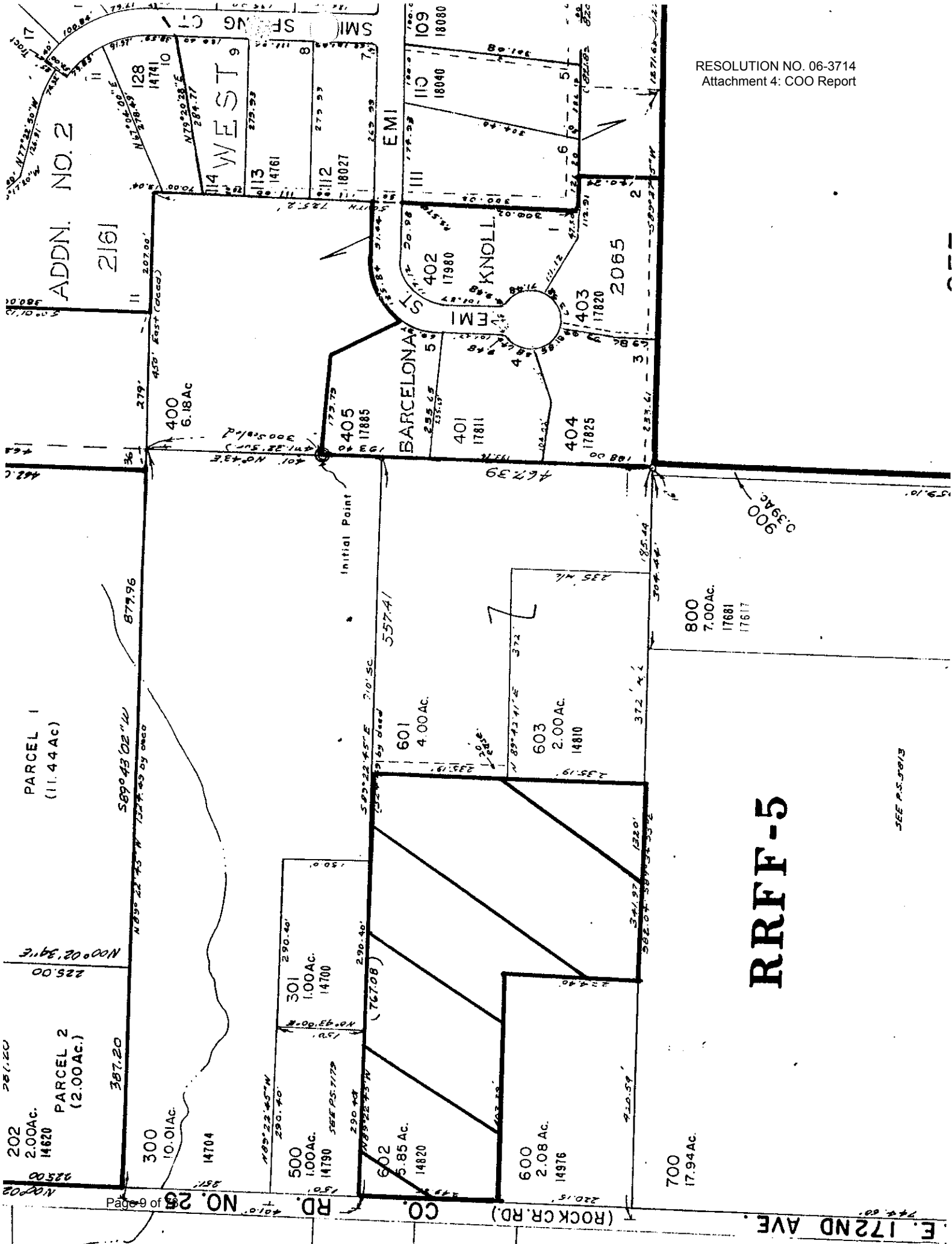
8. Are you requesting that a specific use be allowed? Please describe the use.

Yes - Single Family Residence

9. The following additional material must be submitted with the application:

- a. A real property appraisal performed by a licensed or certified appraiser licensed in Oregon; the appraisal must meet the Uniform Standards of Professional Appraisal Practice and the requirements of County's Measure 37 Claims Process Ordinance;
- b. A title report issued no more than 30 days prior to the submission of the claim that reflects the ownership interest in the property, or other documentation proving ownership of the property;
- c. Copies of any leases or covenants, conditions and restrictions applicable to the property and any other documents that impose restrictions on the use of the property;
- d. Claims processing fee - \$750.00

12/6/2004



SEE P.S. 3813

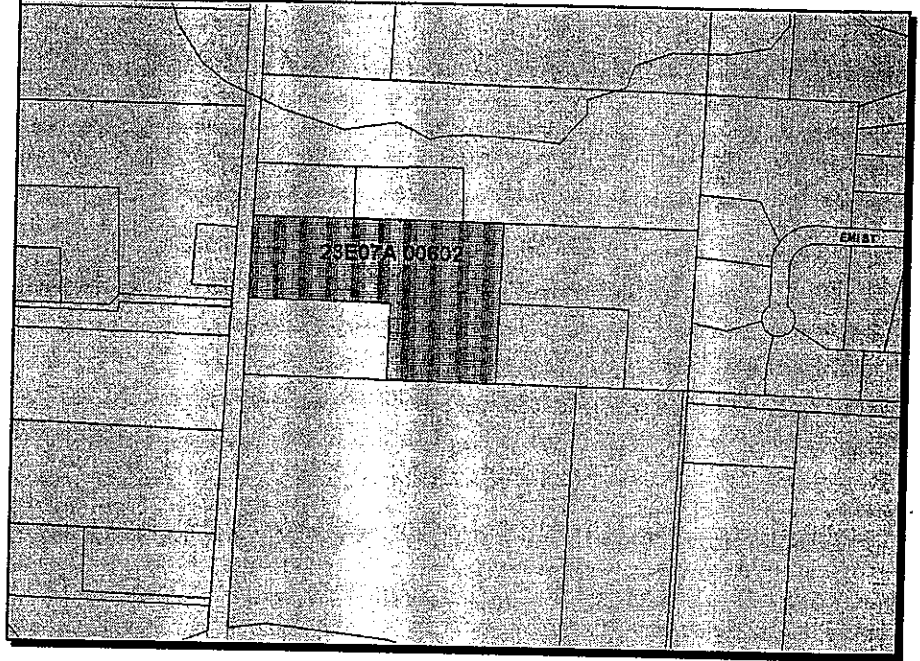


Geographic Information Systems
121 Library Court
Oregon City, OR 97045

Property Report

MACLAUGHLAN HAROLD S & REBECA
14674 SE SUNNYSIDE RD #115
CLACKAMAS, OR 97015

Location Map:



Site Address: **14820 SE 172ND AVE**
Taxlot Number: **23E07A 00602**

Land Value: **183265**
Building Value: **175840**
Total Value: **359105**

Acreage: **5.85**
Year Built: **1985**
Sale Date: **3/1/1995 0:00:00**
Sale Amount: **6600**
Sale Type:

Land Class:
Tract land improved

Building Class:
Data unavailable - contact Assessors office

Neighborhood:
Pleasant Valley all other

Taxcode Districts: **12115**

Fire **Clackamas RFPD #1**
Park **Unknown**
School **North Clackamas**
Sewer **Unknown**
Water **SUNRISE WATER AUTHORITY**
Cable **COMCAST (AT&T of Ohio);Clear Creek;**
CPO **Rock Creek**
Garb/Recyc **B & J Garbage Co**
Jurisdiction **Clackamas**

Site Characteristics:

UGB: **In**
Flood Zone: **No**

Zoning Designation(s):

Zone	Overlay:	Acreage:
RRFF5		5.76

This map and all other information have been compiled for preliminary and/or general purposes only. This information is not intended to be complete for purposes of determining land use restrictions, zoning, title, parcel size, or suitability of any property for a specific use. Users are cautioned to field verify all information before making decisions.

QUITCLAIM DEED

RESOLUTION NO. 06-3714

Attachment 4: COO Report

KNOW ALL MEN BY THESE PRESENTS, That MARIAN BRIDGES *

hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and quitclaim unto HAROLD S. MACLAUGHLAN and REBECA MACLAUGHLAN, husband and wife hereinafter called grantee, and unto grantee's heirs, successors and assigns all of the grantor's right, title and interest in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in the County of CLACKAMAS, State of Oregon, described as follows, to-wit:

A tract of land in the Northwest one-quarter of the Northeast one-quarter of Section 7, T. 28., R. 3E., of the W.M., in the County of Clackamas and State of Oregon, described as follows: Beginning at the Southwest corner of that tract sold by Contract to Daniel G. Schweitzer, et ux, recorded July 18, 1973, as Recorder's Fee No. 73-22700, Film Records, which is 557.44 feet West along the South line of said division from the Southeast corner thereof; thence West along the South line of said division 341.97 feet; thence North parallel with the East line of 172nd Avenue, 224.40 feet; thence West parallel with the South line of said division 403.39 feet to the East line of said road; thence North along the said road line 249.85 feet to the South line of that tract conveyed to Henry W. Coe, recorded March 30, 1970 as Recorder's Fee No. 70-5832, Film Records; thence East along the South line of said Coe tract 745.69 feet to the Northwest corner of said Schweitzer tract; thence South along the West line of said Schweitzer tract 470.38 feet to the point of beginning. SUBJECT TO 20.00 foot easement along the North line of said tract as disclosed by said document recorded as Recorder's Fee No. 73-22700, Film Records.

* SUCCESSOR IN ONE-THIRD INTEREST TO REAL ESTATE CONTRACT BETWEEN JOHN H. REHBERG, DECEASED, AND HAROLD S. MACLAUGHLAN AND REBECCA MACLAUGHLAN, DATED JUNE 17, 1974.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 1/3 of \$19,800.00

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 16th day of March, 1995; if a corporate grantor, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized thereto by order of its board of directors.

Marian Bridges
MARIAN BRIDGES

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

STATE OF OREGON, County of Washington ss.
This instrument was acknowledged before me on 3-10, 1995,
by Marian Bridges

This instrument was acknowledged before me on _____, 19____,
by _____



Rita Girard
Notary Public for Oregon
My commission expires 9-7-96

Marian Bridges
5275 SW 150th Ct.
Beaverton, OR 97007-2709
Grantor's Name and Address
Harold & Rebeca MacLaughlan
14820 SE 172nd St.
Clackamas, OR 97215
Grantee's Name and Address
After recording return to (Name, Address, Zip):
Harold & Rebeca MacLaughlan
14820 SE 172nd St.
Clackamas, OR 97215
Until requested otherwise send all tax statements to (Name, Address, Zip):
Harold & Rebeca MacLaughlan
14820 SE 172nd St.
Clackamas, OR 97215

SPACE RESERVE FOR RECORDER'S

STATE OF OREGON, } ss.
County of _____ }
I certify that the within instrument was received for record on the _____ day

STATE OF OREGON 95-015062
CLACKAMAS COUNTY
Received and placed in the public records of Clackamas County
RECEIPT# AND FEE: 18787 \$26.00
DATE AND TIME: 03/16/95 01:04 PM
JOHN KAUFFMAN, COUNTY CLERK

By _____ TITLE _____

95-015062



Benj Franklin

FEDERAL SAVINGS AND LOAN ASSOCIATION
PORTLAND, OREGON

FRANKLIN BLDG.
S. W. 5TH AT STARK
PORTLAND, OREGON 97204

June 26, 1974

Harold S. and Rebeca McLaughlan
17716 S. E. Alder Street
Portland, Oregon 97233

Re: Collection Account #802125-1 McLaughlan/Rehberg
Property: 14976 S. E. 172nd. Avenue, Clackamas, Oregon

Dear Mr. and Mrs. MacLaughlan:

The Benj. Franklin has been asked to act as collection agent on your account as listed above.

We are enclosing two copies of the collection agreement:

The green copy is for your records; and
The white copy is to be signed, where indicated with a red mark and returned to us in the stamped envelope provided.

The only charge applicable to you as buyers or leasees is the assignment fee of \$7.50 in the event you sell or assign your interest in this account.

The monthly payment of \$ 132.16 will be due the Benj. Franklin on July 20, 1974.

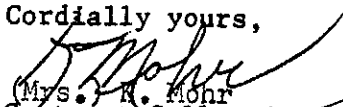
In the near future you will receive a packet of "Payment Identification Cards" to be used in making your payments. Please read the instructions accompanying the cards so that you will receive the best possible service on your account. Included in this packet will be sufficient envelopes for the remainder of the year.

In December each year you will receive a new supply of "Payment Identification Cards" for the coming year.

In January each year you will receive an annual statement showing a recap of the previous years transactions.

Please refer to your account number when contacting us.

Cordially yours,


(Mrs. R. Mohr)
Contract Collections
Customer Service Department
248-1239

P. S. To Buyers: Enclosed herewith is a monthly payment card for your use in making your July payment, in the event you do not receive your payment cards by the due date.

P. S. To Seller: Enclosed herewith is the pink copy of the collection agreement for your records.

MONTHLY HOME LOAN STATEMENT

0064127 01 AT 0.292 **AUTO T4 0 2467 97015-6400
 028942867 AA AY 1000321-0---N- M 14402 IN 4
 HAROLD S & REBECA MACLAUGHLAN
 14674 SE SUNNYSIDE RD PMB 115
 CLACKAMAS OR 97015-6400

**To CONTACT Us**

Online payments
 & account details: customers.countrywide.com
 Customer Service: (800) 669-6607
 General information: www.countrywide.com
 New home loan,
 refinance or
 home equity loans: (800) 686-0145

CUSTOMER BULLETIN**File Your Taxes Quicker—Countrywide Can Help**

Because you are a valued customer, Countrywide wants to make our relationship with you as rewarding—and as easy—as possible. That's why we are offering the benefit of being able to access year-end tax statements online. You'll be able to review the details of your Countrywide 1098 and 1099 forms easily and at your convenience.

You can enjoy the:

- ✓ **Ease of tax preparation**—make your tax season less stressful by accessing your year-end statements online, at your convenience
- ✓ **Ability to receive your Countrywide 1098/1099 forms quicker**—file your taxes quicker (extra good news if you're expecting a refund!)

Setting up your account is **EASY!**

- ✓ Go to customers.countrywide.com and create a user name and password
- ✓ Click **Account Information**
- ✓ Click **Year End Statement**
- ✓ Click **Electronic Year End Statement** and complete the consent form

HOME LOAN SUMMARY	Home loan overview as of 12/10/2004		Amount due on 01/01/2005 as of 12/10/2004	
		Principal balance	\$141,049.57	Next Payment Posting 01/10/2005
	Late Charge if payment received after 01/18/2005	\$40.88	After 01/18/2005 late payment	\$858.50
	<i>Date</i>	<i>Payments received</i>		
	12/10/2004	\$817.62		

NOTICES**IMPORTANT TAX RETURN DOCUMENT ENCLOSED**

Your IRS Form 1098 is enclosed with your monthly statement. Explanations to commonly asked questions can be found on our website at customers.countrywide.com.

IMPORTANT NEWS

Sign up for e-mail notification and know when your payment has been applied to your Countrywide Home Loan.

Countrywide's e-mail notification service is a no-cost, online benefit that notifies you of recent activity on your Countrywide Home Loan account. We provide you with an e-mail message confirming the receipt and posting of your monthly payments. If you have an escrow account, we also notify you when Countrywide makes tax or insurance payments on your behalf. This service is our way of providing you with automatic, convenient and informative updates regarding your Countrywide Home Loan account or other products and services available from the Countrywide family of companies.

You are automatically enrolled in our e-mail notification service when you visit our customer service Website at customers.countrywide.com and create your User Name and Password. To update or change your e-mail address, simply log-in, select "My Profile" and update your record. We will automatically send you an e-mail notification whenever there is activity on your account. For those of you that have already provided your e-mail address, we hope you're enjoying this service. And once again, thank you for your loyalty to Countrywide Home Loans.

file 12
12-45-72

COUNTY OF CLACKAMAS

PLANNING DEPARTMENT

Fred Stefani, Commissioner
Thomas D. Telford, Commissioner
Robert Schumacher, Commissioner

James E. Hall, Planning Director
940 Warner-Milne Road
Oregon City, Oregon 97045
Phone 655-3311
Ext. 205



Revised
unit B
for water
tubing

September 7, 1972

Subsurface & Soils

Approved Denied

By J. C. Marshall

Date 4-21-75

Mr. John H. Rehberg
14976 S. E. 172nd
Clackamas, Oregon 97015

Dear Mr. Rehberg:

I have completed the soil investigation of a portion of Tax Lot 600, Section 7A, T2S, R3E as you requested.

Map unit B is a deep, well drained soil of moderate permeability (1-2 inches/hour). The apparent engineer class of unit A is silt loam ML, A4 over silty clay loam ML-CL, A6 that occurs at depths of forty-eight (48) to fifty (50) inches. The winter water table in unit B is generally deeper than forty-eight (48) inches. This soil does not have a strongly developed brittle pan. The minimum lot size for houses requiring subsurface disposal of sewage is 30,000 square feet in unit B. There is sufficient area in unit B for three (3) 30,000 square foot house locations.

1 ACRZ

Map unit A is a somewhat poorly drained brittle pan soil of slow permeability below thirty (30) to thirty-seven (37) inches (less than 0.6 inches/hour). The minimum lot size in unit A is 40,000 square feet. The apparent engineer class is silt loam ML, A4 over silty clay loam ML-CL, A6 over a silty clay loam to silty clay brittle pan ML-CL, A6. The winter water table in unit A ranges between thirty-one (31) and thirty-seven (37) inches. All subsurface walls deeper than twenty-four (24) inches will require extensive drainage protection on the upslope side as ground water will move into deeper excavation on the brittle pan surface.

1 ACR

24" max trench depth w/ protection for GWT

The subsurface sewage disposal leach field in units A and B will require a minimum of 1140 feet of line per bedroom. In unit B the maximum depth of the trenches will be thirty-six (36) inches. The fall of the lines will not exceed four (4) inches per 100 feet. In map unit A the depth of the trenches will not exceed twenty-four (24)

1140

12-45-72

Mr. John H. Rehberg
September 7, 1972
Page -2-

RESOLUTION NO. 06-3714
Attachment 4: COO Report

Soil Investigation Request

inches. All houses should be located on the lots so that a gravity flow system can be established between the septic tank and leach field without exceeding the prescribed trench depth.

If you have any questions concerning this matter, please contact me at this office.

Application No. _____

Date: _____

Sincerely, _____

JAMES E. HALL
Planning Director

WILLIAM H. DOAK
Soil Scientist

Name: _____

Address: _____

Legal Description: _____

WHD:ls

- cc: Subdivision Department
- Health Department
- Tax Assessor
- Building Department

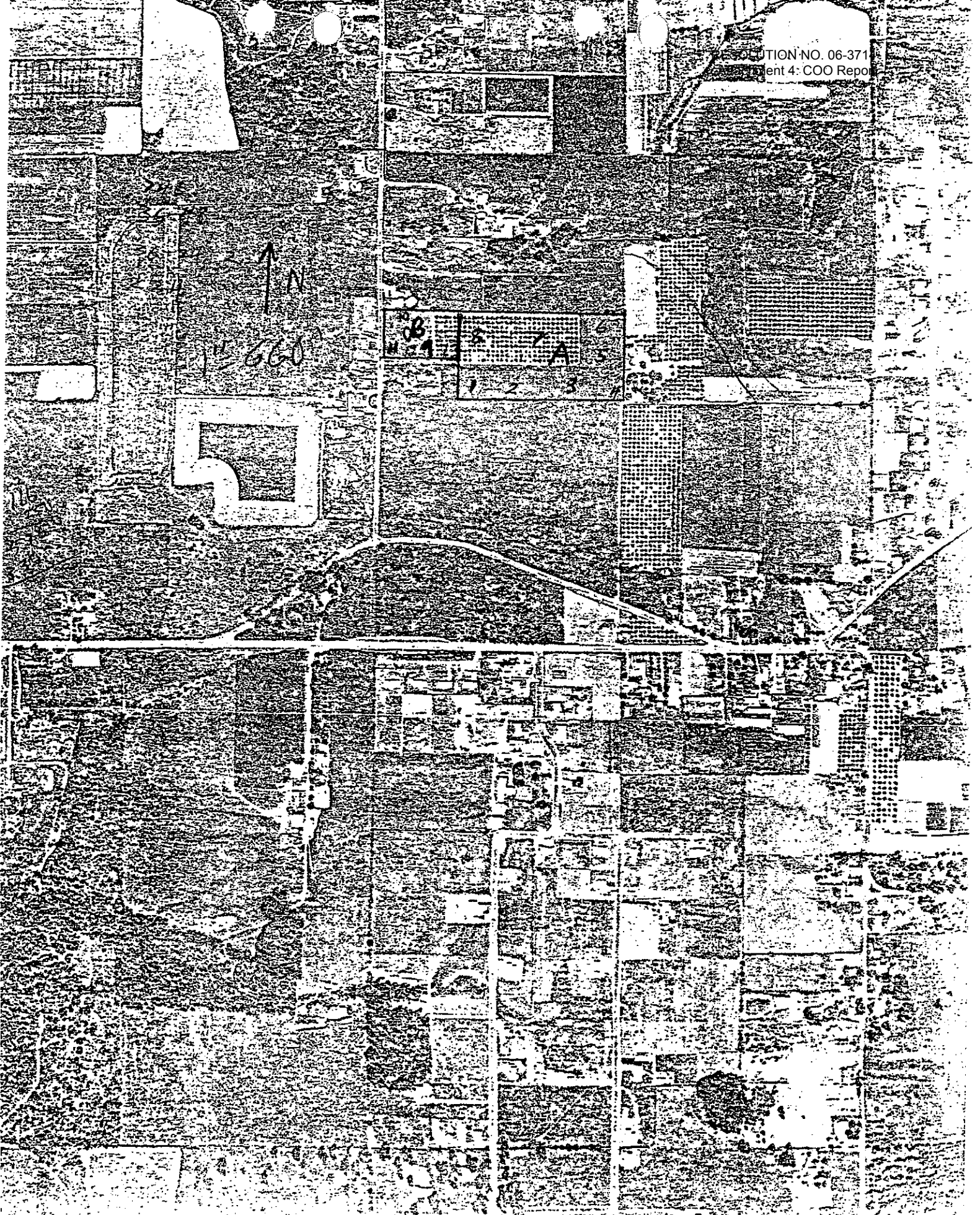
Submit to: _____

(Acres)

Zoning: _____
(Name - File No.)

Building Permit: _____

Fee: _____





**PACIFIC NORTHWEST TITLE
TRI-COUNTY**

9020 SW Washington Sq. Rd. Suite 220
Tigard, OR 97223
Title: 503-671-0505 Fax: 503-643-3746
Escrow: (503) 350-5080 Fax: (503) 659-7160
Visit us at: www.pnwtor.com

**PRELIMINARY COMMITMENT
FOR TITLE INSURANCE**

February 9, 2005

Order Number: 05263179-C
Property Address: 14820 SE 172nd Ave.
Clackamas, OR 97015

Pacific Northwest Title of Oregon, Inc.
12050 SE Stevens Rd., #100
Portland, OR 97266

Attention: Christine D. Crenshaw-Boring
Telephone: (503) 350-5080

Reference: MacLaughlan/Burns

	<u>Amount</u>	<u>Premium</u>	
ALTA Owner's Policy (1992)	\$ 400,000.00	\$ 1,036.00	STR
ALTA Loan Policy (1992)	\$ TO COME	\$ TO COME	
Government Service Charge		\$ 50.00	
City Lien Search – Sunrise Water Authority		\$ 10.00	
Endorsements 7.4, 7.11 & 7.31		\$ 50.00	

This is a preliminary billing only; a consolidated statement of all charges, credits, and advances, if any in connection with this order will be provided at closing.

Pacific Northwest Title is prepared to issue on request and on recording of the appropriate documents, a policy or policies as applied for, with coverages as indicated, based on this preliminary commitment that as of January 26, 2005 at 5:00 p.m. title of the property described herein is vested in:

HAROLD S. MACLAUGHLAN and REBECA MACLAUGHLAN,
as tenants by the entirety

Subject only to the exceptions shown herein and to the terms, conditions and exceptions contained in the policy form. This commitment is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued, and the full premium paid.

Description:

See Exhibit A Attached hereto and made a part hereof

SCHEDULE B

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interest, easements or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Statutory liens or other liens or encumbrances, or claims thereof, which are not shown by the public records.

SPECIAL EXCEPTIONS:

6. The herein described premises are within the boundaries of and subject to the statutory powers, including the power of assessment, of the Sunrise Water Authority.

NOTE: We have requested a search and will advise when we have received a response

7. Easement, including the terms and provisions thereof:
 - For : Utility lines
 - Granted to : Portland General Electric Company
 - Recorded : June 26, 1951
 - Book : 445
 - Page : 705
 - Affects : 10 feet in width, exact route not disclosed
8. Easement, including the terms and provisions thereof:
 - For : Driveway and utilities
 - Granted to : Adjacent property owners
 - Recorded : July 18, 1973
 - Fee No. : 73 22700
 - Affects : the North 20 feet
9. Easement, including the terms and provisions thereof:
 - For : Waterline
 - Granted to : Damascus Water District, a municipal corporation
 - Recorded : March 29, 1999
 - Fee No. : 99-031091
 - Affects : the West 10 feet

SCHEDULE B – CONTINUED

10. Trust Deed, including the terms and provisions thereof to secure the amount noted below and other amounts secured thereunder, if any:

Grantor : Harold S. MacLaughlan and Rebeca MacLaughlan
Trustee : Transnation Title Insurance Company
Beneficiary : Mortgage Electronic Registration Systems, Inc. as nominee for Capitol
Commerce Mortgage Co., a California corporation
Dated : May 15, 2003
Recorded : May 23, 2003
Fee No. : 2003-065853
Amount : \$144,000.00
Loan No. : 419532

11. Parties in possession, or claiming to be in possession, other than the vestees shown herein. For the purpose of ALTA Extended coverage, we will require an Affidavit of Possession be completed and returned to us. Exception may be taken to such matters as may be shown thereby

12. Statutory liens for labor or materials, including liens for contributions due to the State of Oregon for unemployment compensation and for workmen's compensation, which have now gained or hereafter may gain priority over the lien of the insured mortgage where no notice of such liens appear of record.

NOTE: We find no judgments or Federal Tax Liens against WENDY BURNS.

NOTE: Taxes paid in full for 2004-2005:

Levied Amount : \$3,085.61
Account No. : 23E07A 00602
Levy Code : 012-115
Key No. : 00614295

NOTE: The following is provided for informational purposes only and will not be shown in the policy to be issued:

We find no recorded Deeds or Conveyances of said property in the past 24 months.

**If you have any questions regarding this report or your escrow closing please contact Christine D. Crenshaw-Boring at (503) 350-5080, located at 12050 SE Stevens Rd., #100, Portland, OR 97266 .
Email address: christinec@pnwtor.com**

PACIFIC NORTHWEST TITLE OF OREGON, INC.

By 
Diane M. Broome
Title Officer

DMB:ibv

cc: Harold & Rebeca MacLaughlan
cc: Burns & Olson Realtors, Inc.
Attn: Wendy Burns (Enclosure)

Exhibit A

A tract of land in the Northwest one-quarter of the Northeast one-quarter of Section 7, Township 2 South, Range 3 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Southwest corner of that tract sold by Contract to Daniel G. Schweitzer, et ux, recorded July 18, 1973 ad Recorder's Fee No. 73 22700, Film Records, which is 557.44 feet West along the South line of said division from the Southeast corner thereof; thence West along the South line of said division 341.97 feet; thence North parallel with the East line of 172nd Avenue, 224.40 feet; thence West parallel with the South line of said division 403.39 feet to the East line of said road; thence North along the said road line 249.85 feet to the South line of that tract conveyed to Henry W Coe, recorded March 30, 1970 as Recorder's Fee No. 70 5832, Film Records; thence East along the South line of said Coe Tract 745.69 feet to the Northwest corner of said Schweitzer Tract; thence South along the West line of said Schweitzer Tract 470.38 feet to the point of beginning.

Comparative Market Analysis

RESOLUTION NO. 06-3714
Attachment 4: COO Report

for

MacLaughlan

SUBJECT PROPERTY

1 acre lots on 172nd Ave
Clackamas Or

◆ Level one acre lots

Suggested Price: \$175,000

Prepared By:

Wendy Burns
Burns & Olson Realtors Inc.

2/3/2005

This report is not intended to meet the requirements set out in the Uniform Standards of Appraisal Practice and is not intended as an appraisal. If an appraisal is desired, the services of a competent professional licensed appraiser should be obtained.

*Sales price for Vacant 1 acre
lot - Septic approved - City 17.*

Comparables to Your Home

RESOLUTION NO. 06-3714
Attachment 4: COO Report

Vacant Land Lot 1100	LND	ACT	\$150,000
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No Photo Available

ML#:	4064607	Bedrooms:	
MLS Area:	144	Bathrooms:	
County:	Multnomah	Sub-Type:	RESID
Neighborhood:		Style:	
Zip Code:	97080	Year Built:	
T/Guide:	629B5	Total SF:	
Tax Id #:	R340339	Tax per Year:	298.99

Directions:S. ON WALTERS RD. FROM POWELL. FOLLOW TO SW BLAINE. PARK & WALK.
Remarks: BEAUTIFUL PRIVATE SETTING ATOP GRESHAM BUTTE. WILL REQUIRE SEPTIC. ELECTRICITY AVAILABLE AND WATER, BUT LINES WILL HAVE TO BE BROUGHT TO PROPERTY. CHECK WITH CITY OF GRESHAM FOR SPECIFICS.

16th CT	LND	ACT	\$249,900
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ML#:	4075268	Bedrooms:	
MLS Area:	144	Bathrooms:	
County:	Multnomah	Sub-Type:	RESID
Neighborhood:		Style:	
Zip Code:	97080	Year Built:	
T/Guide:	629C4	Total SF:	
Tax Id #:	Not Found	Tax per Year:	0

Directions:REGNER TO ELLIOT, LEFT ON 15TH. RIGHT ON 16TH CT. TO END OF CUL-DE-SAC
Remarks: ONCE IN A LIFE TIME MT. HOOD & CITY LIGHTS VIEW LOT. PRESTIGIOUS "DAWN CREST ESTATES" NEIGHBORHOOD. 4 BLOCKS FROM THE SPRING WATER TRAIL, NEW SPORTS PARK UNDER CONST. & PERSIMMONS GOLF NEAR-BY. NO HOME OWNERS FEES. READY TO BUILD YOUR DREAMS ON. 1031 EXCHANGE

W. K. Anderson RD	LND	PEN	\$169,950
--------------------------	------------	------------	------------------



ML#:	4068812	Bedrooms:	
MLS Area:	144	Bathrooms:	
County:	Multnomah	Sub-Type:	RESID
Neighborhood:		Style:	
Zip Code:	97030	Year Built:	
T/Guide:	629H3	Total SF:	
Tax Id #:	R341566	Tax per Year:	131.82

Directions:TROUTDALE RD (282ND), EAST ON WK ANDERSON RD, 2ND PROP ON RIGHT.
Remarks: 1.98 ACRES. BEAVER CREEK FLOWS THROUGH. NO CC&R'S. OK FOR ANIMALS. OK FOR MANU. HOME. CLOSE IN GRESHAM, POWELL VALLEY GRADE, SAND FILTER (BECAUSE OF CREEK) APPROVED. TALL CEDARS, LOTS OF ALDER TREES 200' ROAD FRONTAGE & NEAR UG BOUNDARY. BROKER OWNED.

Regner RD	LND	PEN	\$200,000
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No Photo Available

ML#:	4066615	Bedrooms:	
MLS Area:	144	Bathrooms:	
County:	Multnomah	Sub-Type:	RESID
Neighborhood:		Style:	
Zip Code:	97080	Year Built:	
T/Guide:	629B6	Total SF:	
Tax Id #:	R340924	Tax per Year:	5700

Directions:REGNER/GABBERT RD., GRESHAM
Remarks: DEVELOPMENT PROPERTY. POSSIBLE 8-9 LOTS WITH CITY CONSTRAINTS.

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SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
SCHOOL AVAILABILITY SUBJECT TO CHANGE.

**No Photo
Available**

ML#: 4052846
MLS Area: 144
County: Multnomah
Neighborhood:
Zip Code: 97080
T/Guide: 629J6
Tax Id #: R240399

Bedrooms:
Bathrooms: RESOLUTION NO. 06-3714
Sub-Type: Attachment 4: COO Report
Style: RESID
Year Built:
Total SF:
Tax per Year: 1533

Directions: ORIENT DR TO DODGE PARK TO SHORT-LEFT ON SHORT-LEFT ON POWELL VALLEY
Remarks: 1 ACRE LOT NEXT TO 29138 SE POWELL VALLEY RD (NOTE: THE PROSPECTIVE PURCHASER OF 29138 SE POWELL VALLEY RD HAS FIRST OPTION TO PURCHASE THIS 1 ACRE LOT). FLAT LOT, EXCELLENT AREA. LOT TO CLOSE WITH 29138 SE POWELL VALLEY RD

9670 SE 257th DR

LND

PEN

\$179,000



ML#: 4059915
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97080
T/Guide: 659E3
Tax Id #: 01381267

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 602

Directions: 242ND TO SUNSHINE VALLEY RD, N ON 257TH FOLLOW SIGNS
Remarks: PRICE REDUCED! BEAUTIFUL VIEW PROPERTY OVERLOOKING SUNSHINE VALLEY. SECLUDED AREA OF UPSCALE HOMES ON PRIVATE ROAD. MANY LARGE TREES!

Hwy 212 1000ft Off HWY

LND

PEN

\$189,500



ML#: 4059864
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 659A7
Tax Id #: Not Found

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 480

Directions: DAMASCUS, EAST 1/4 MILE ON 212, SIGNS ON RIGHT, FOLLOW ARROWS
Remarks: PRIVATE APPROVED BLDG SITE WITH PASTORIAL VALLEY VIEW. CURRENTLY THE ONLY SMALL ACREAGE APPROVED BLDG SITE IN THE AREA. SELLER TO INSTALL LINES FOR UTILITIES. UTILITY HOOKUPS AND SEPTIC INSTALL RESPONSIBILITY OF PURCHASER. BROKER OWNED. DRIVE ALL THE WAY TO THE BUILDING SITE AT THE TOP.

Barlow CT

LND

PEN

\$297,500



ML#: 4013071
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97015
T/Guide: 659A7
Tax Id #: Not Found

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 950

Directions: ROYER ROAD TO BARLOW CT
Remarks: 4.73 ACRES IN UGB...BUILDABLE.. NOT DIVIDABLE...BEAUTIFUL AREA...

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SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
SCHOOL AVAILABILITY SUBJECT TO CHANGE.

**No Photo
Available**

ML#: 3078313
MLS Area: 144
County: Clackamas
Neighborhood:
Zip Code: 97080
T/Guide: 659D2
Tax Id #: 01587287

Bedrooms:
Bathrooms: RESOLUTION NO. 06-3714
Sub-Type: Attachment 4: COO Report
Style: RESID
Year Built:
Total SF:
Tax per Year: 2.26

Directions: 242 TO BORGES RD. WEST TO KINGSWOOD WAY 2ND DRIVE ON RIGHT

Remarks: GOLFERS DREAM, BUILDING SITE WITH GREAT VIEWS AND SOUTHERN EXPOSURE LOCATED FIVE MIN. TO PERSIMMON GOLF COURSE.

crecident	LND	SLD	\$145,000
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**No Photo
Available**

ML#: 3043466
MLS Area: 144
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 690F1
Tax Id #: 00652877

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 587.41

Directions: ORIENT TO CRESCENT

Remarks: WONDERFUL PROPERTY, STANDARD SEPTIC APPROVAL, RECENTLY SURVEYED, GREAT LOCATION TO BUILD A DREAM HOME OR PLACE A MANUFACTURED HOME.

34935 SE CRESCENT RD	LND	SLD	\$150,000
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ML#: 4033782
MLS Area: 144
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 690F1
Tax Id #: 00652706

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 1146.35

Directions: HWY 26, ORIENT DRIVE

Remarks: 3 ACRE PARCEL OFF HWY 26. WELL, SEPTIC, AND ELECTRICITY AVAILABLE. LARGE HOME HAS NO VALUE (TEAR DOWN). RUNNING CREEL BORDERS PROPERTY.

ARROW CREEK LN	LND	SLD	\$220,000
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ML#: 3041647
MLS Area: 144
County: Multnomah
Neighborhood:
Zip Code: 97080
T/Guide: 629G4
Tax Id #: R109109

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 1941

Directions: POWELL VALLEY RD, N ON ARROW CREEK LANE...A STUNNING NEIGHBORHOOD!

Remarks: GORGEOUS NEIGHBORHOOD OF HIGH END CUSTOM HOMES ON LONG CULDESAC! BACKS TO APPROX 50 ACRES OF PROTECTED GREENWAY W/TRAILS & GREAT VIEWS! GATED ENTRY, TENNIS COURT & ADDITIONAL GREENWAY ACROSS THE STREET.

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SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
SCHOOL AVAILABILITY SUBJECT TO CHANGE.

No Photo Available

ML#: 308415
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 659F4
Tax Id #: R13E31C00100

Bedrooms:
Bathrooms: RESOLUTION NO. 06-3714
Attachment 4: COO Report
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 1256

Directions: FOSTER TO SE 172 SOUTH OR SUUNYSIDE TO 172 NORTH, AT CO
Remarks: LEVEL LOT ON GOLF COURSE. LOTS OF TREES AND YEAR AROUND CREEK AT PROPERTY LINE. BUILD YOUR DREAM HOME HERE. CLOSE TO EVERYTHING AND YET STILL IN THE COUNTRY.

24040 SE Eagle Creek RD	LND	SLD	\$115,000
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ML#: 4036782
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97022
T/Guide: 720A3
Tax Id #: 00683816

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 1334.13

Directions: HWY 224 TO HWY 211/EAGLE CREEK/SANDY EXIT, R ON EAGLE CREEK
Remarks: NICE PEICE OF LEVEL LAND W/ 2 RANCH STYLE HOUSES CONNECTED BY ENCLOSED WALK WAY(OCCUPIED). HOUSES ARE MAJOR FIXERS OF LITTLE VALUE. 2ND HOUSE CAN'T BE USED AS A RENTAL, CURRENTLY USED AS A CARETAKERS QUARTERS ON A HARDSHIP BASIS.

27120 SE Hwy212 east of	LND	SLD	\$159,000
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ML#: 4044484
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 659G5
Tax Id #: 00599668

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 319.01

Directions: JUST WEST AND DUE EAST OF BORING, TO 27120 SE HWY 212
Remarks: WONDERFUL 4.22 ACRE PARCEL WITH UNOBSTRUCTED VIEW OF MT. HOOD. MOSTLY LEVEL AND SLOPED. HAS AN OLD ORCHARD. WATER, GAS, AND ELECTRIC TO SITE. DO NOT CALL LISTING AGENT DIRECT IF YOU ARE WORKING WITH ANOTHER AGENT, PLEASE.

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Summary of Comparables

RESOLUTION NO. 06-3714
Attachment 4: COO Report

Active

MLS#	P	Type	Address	City	Area	Acres	Price
		RESID	1 ACRE LOTS ON 172ND AVE		145	1.0	\$175,000
4064607	0	RESID	Vacant Land Lot 1100	Gresham	144	3.35	\$150,000
4075268	8	RESID	16th CT	Gresham	144	1.1	\$249,900

Pending

MLS#	P	Type	Address	City	Area	Acres	Price
		RESID	1 ACRE LOTS ON 172ND AVE		145	1.0	\$175,000
4068812	6	RESID	W. K. Anderson RD	Gresham	144	1.98	\$169,950
4066615	0	RESID	Regner RD	Gresham	144	2.93	\$200,000
4052846	0	RESID	Powell Valley Rd	Gresham	144	1	\$200,000
4059915	4	RESID	9670 SE 257th DR	Gresham	145	4.54	\$179,000
4059864	1	RESID	Hwy 212 1000Ft Off HWY	Damascus	145	1.8	\$189,500
4013071	2	RESID	Barlow CT	Damascus	145	4.73	\$297,500

Sold

MLS#	P	Type	Address	City	Area	Acres	Price
		RESID	1 ACRE LOTS ON 172ND AVE		145	1.0	\$175,000
3078313	0	RESID	9388 SE kingswood WAY	Gresham	144	2.01	\$125,000
3043466		RESID	crescent	Boring	144	2.84	\$145,000
4033782	6	RESID	34935 SE CRESCENT RD	Boring	144	3	\$150,000
3041647	8	RESID	ARROW CREEK LN	Gresham	144	1.24	\$220,000
308415	0	RESID	172nd	Happy Valley	145	1.14	\$110,000
4036782	3	RESID	24040 SE Eagle Creek RD	Eagle Creek	145	1.25	\$115,000
4044484	1	RESID	27120 SE Hwy212 east of	Boring	145	4.22	\$159,000

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

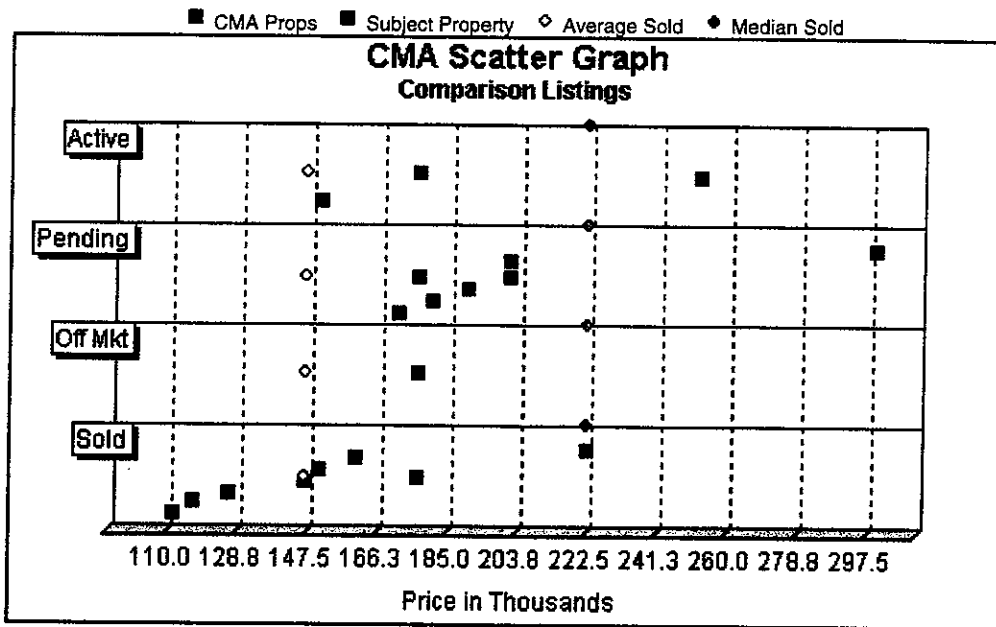
Pricing Your Home

RESOLUTION NO. 06-3714
Attachment 4: COO Report

Status	#	Average	Minimum	Maximum	Avg Sqft	Avg \$Sqft
Active	2	\$199,950	\$150,000	\$249,900	0	\$0
Pending	6	\$205,992	\$169,950	\$297,500	0	\$0
Sold	7	\$146,286	\$110,000	\$220,000	0	\$0
Total Listings	15	Sold Properties closed averaging 94.44% of their Final List Price. This reflects a 5.56% difference between Sale Price and List Price.				

	Amount	\$/Sqft
Average Sales Price	\$146,286	\$0
Min. List Price	\$125,000	\$0
Max. List Price	\$239,900	\$0
Suggested List Price	\$175,000	\$

How the Suggested Price Looks in the Market



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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Comparative Market Analysis

RESOLUTION NO. 06-3714
Attachment 4: COO Report

for

Harold MacLauglan

SUBJECT PROPERTY

14820 Se 172nd ave
Clackamas, Or 97015

3 Bedrooms ♦ 2 Bathrooms

Almost 6 level acres

Suggested Price: \$345,000

Prepared By:

**Wendy Burns
Burns & Olson Realtors Inc.**

2/3/2005

This report is not intended to meet the requirements set out in the Uniform Standards of Appraisal Practice and is not intended as an appraisal. If an appraisal is desired, the services of a competent professional licensed appraiser should be obtained.

*Suggested Sales Price for home &
acreage of almost 6 acres.*

Comparables to Your Home

RESOLUTION NO. 06-3714
Attachment 4: COO Report

8707 SE 347th	RES	SLD	\$302,000
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ML#: 4034545
MLS Area: 144
County: Clackamas
Neighborhood: Boring, Damacus, to San
Zip Code: 97009
T/Guide: 660E1
Tax Id #: 00150749,00150767,01597

Bedrooms: 4
Bathrooms: 2
Sub-Type: RESID
Style: DAYRNCH
Year Built: 1971
Total SF: 2960
Tax per Year: 2784

Directions: E. HWY. 26 - N. ON BLUFF RD. TO S.E 347TH (8 MI). HOUSE ON LEFT SIDE.
Remarks: GREAT HORSE PROPERTY, W/ BARN & LG. SHOP, EXCELLENT LOCATION. WINTER CREEK, MT HOOD VIEW. HOUSE HAS 2 SEPARATE LIVING QTRS.. LOTS OF SPACE. FABULOUS POTENTIAL.

36078 SE LUSTED RD	RES	SLD	\$315,000
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ML#: 4015818
MLS Area: 144
County: Multnomah
Neighborhood:
Zip Code: 97009
T/Guide: 630G7
Tax Id #: R240226

Bedrooms: 3
Bathrooms: 2.1
Sub-Type: RESID
Style: 2STORY
Year Built: 2000
Total SF: 1935
Tax per Year: 2077

Directions: LUSTED RD EAST OF BARLOW HIGH
Remarks: INCREDIBLE 2 STORY ON 5AC. OPEN FLOOR PLAN, SPACIOUS LR W/FRPL, KITCHEN HAS EATBAR, CHERRYWOOD CABINETS, PANTRY & HARDWOODS. WOODWRAPPED WINDOWS, BULLNOSE CORNERS, DET. SHOP W/CONCRETE FLOOR & ELEC. PATIO, BBQ PIT, GARDEN SHED & PLENTY OF PARKING. GREAT AREA & EXCELL SCHOOLS!

18823 SE Tickle Creek CT	RES	SLD	\$335,000
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ML#: 3066938
MLS Area: 144
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 690B4
Tax Id #: 00673872,00673836

Bedrooms: 3
Bathrooms: 1
Sub-Type: RESID
Style: RANCH
Year Built: 1971
Total SF: 1346
Tax per Year: 2280.44

Directions: EAST ON HWY 26; RT ON KELSO; LT ON TICKLE CREEK; RT ON TICKLE CREEK CT;
Remarks: QUIET COUNTRY LIVING W/PEACEFUL VIEW! 3 BEDROOM RANCH HOME ON 7.44 ACRES! EVERYTHING READY FOR YOU TO SET UP YOUR OWN NURSERY: 30X48' SHOP, 2-STORY POTTING BARN, 2 GREEN HOUSES, 1 DOUBLE HOOP GREEN HOUSE 96X84'. POWER/WATER/PHONE TO MOST OUTBUILDINGS. NOT A DRIVE-BY! MUST SEE!

12072 SE Revenue RD	RES	SLD	\$367,000
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ML#: 4041826
MLS Area: 144
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 660C4
Tax Id #: 00158171

Bedrooms: 3
Bathrooms: 3
Sub-Type: RESID
Style: FARMHSE
Year Built: 1981
Total SF: 2816
Tax per Year: 1735

Directions: HWY 26 BORING EXIT E ON COMPTON N ON ORIENT E ON REVENUE - 10 MIN TO GR
Remarks: YOU WON'T WANT TO LEAVE WHEN YOU REACH THIS DESTINATION. PEACEFUL SETTING WITH CREEK, 2 PONDS (KOI) AND A MULTITUDE OF WILDLIFE. PASTURE AND WETLANDS, 4 CAR SHOP WITH 2 BONUS ROOMS FOR STORAGE AND ANIMALS. WELL MAINTAINED AND UPDATED HOME WITH "BRUCE" HARDWOODS & 10 MINS TO SANDY RIVER



ML#: 4006238
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97015
T/Guide: 658J7
Tax Id #: 00616676

Bedrooms: 5
Bathrooms: 2
Sub-Type: RESID
Style: DAYRNCH
Year Built: 1966
Total SF: 2532
Tax per Year: 3005.38

RESOLUTION NO. 06-3714
 Attachment 4: COO Report

Directions: HWY 212, SOUTH ON ANDERSON TO PROPERTY.

Remarks: GREAT PROPERTY IN THE COUNTRY, YET ONLY BLOCKS FROM DOWNTOWN DAMASCUS. HOME IS ON A 1 ACRE LEVEL PARCEL WITH A REAR 4 ACRE WOODED PARCEL INCLUDED IN THE SALE. COULD MAKE A GREAT HORSE PROPERTY! THIS HOME WAS BUILT TO LAST WITH VERY HIGH-QUALITY CONSTRUCTION. WIRED FOR GENERATOR.

27110 SE HOLST RD

RES

SLD

\$395,000

**No Photo
Available**

ML#: 5000011
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 689G3
Tax Id #: 00625229

Bedrooms: 3
Bathrooms: 2
Sub-Type: RESID
Style: RANCH
Year Built: 1978
Total SF: 1889
Tax per Year: 2958.18

Directions: 224 TO AMISIGGER TO JUDD TO HOLST

Remarks: 2 TAX LOTS W/APPROX.40X60SPRING-FED POND, VIEWABLE FROM EXTENSIVE OUTDOOR DECKING, W/ HOT-TUB. ONE-LEVEL, WELL-MAINTAINED HOME ON OVER 5 ACRES. FENCED AND CROSS-FENCED FOR HORSES W/NEWER 30X35 BARN W/POWER & WATER FOR \$435,000. PRICED TO SALE. A/C & SPRINKLER SYSTEM

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 SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Summary of Comparables

RESOLUTION NO. 06-3714
Attachment 4: COO Report

Sold

MLS#	P Type	Address	City	Area	Bed	Bath	APX SQFT	Price
	RESID	14820 SE 172ND AVE		145	3	2	1370	\$345,000
4034545	5 RESID	8707 SE 347th	Boring	144	4	2	2960	\$302,000
4015818	6 RESID	36078 SE LUSTED RD	Boring	144	3	2.1	1935	\$315,000
3066938	8 RESID	18823 SE Tickle Creek CT	Boring	144	3	1	1346	\$335,000
4041826	8 RESID	12072 SE Revenue RD	Boring	144	3	3	2816	\$367,000
4006238	8 RESID	15199 SE ANDERSON RD	Clackamas	145	5	2	2532	\$349,000
5000011	0 RESID	27110 SE HOLST RD	Boring	145	3	2	1889	\$395,000

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.*

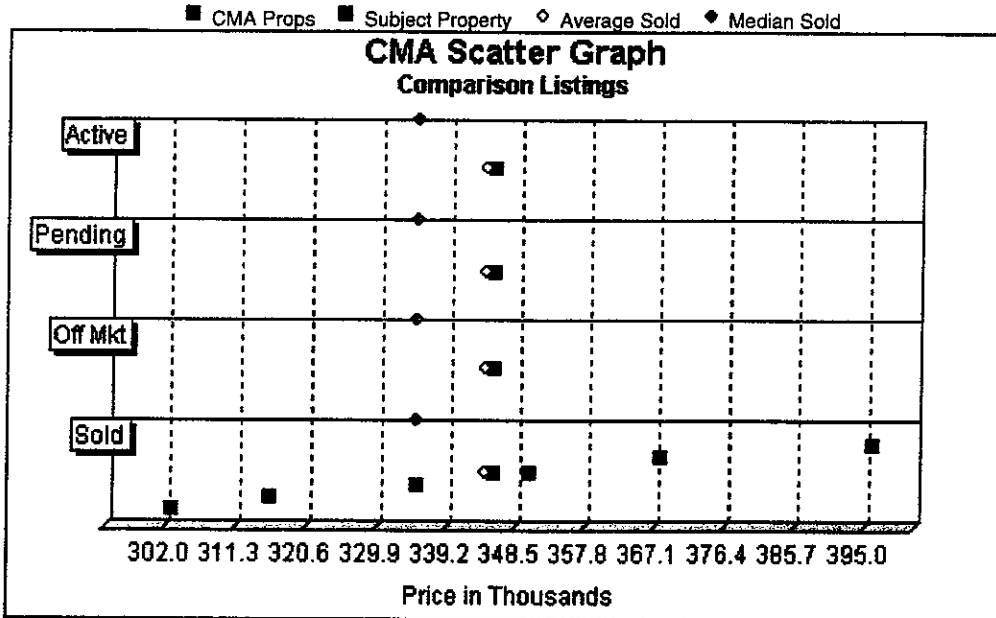
Pricing Your Home

RESOLUTION NO. 06-3714
Attachment 4: COO Report

Status	#	Average	Minimum	Maximum	Avg Sqft	Avg \$/Sqft
Sold	6	\$343,833	\$302,000	\$395,000	2246	\$153
Total Listings	6	Sold Properties closed averaging 96.96% of their Final List Price. This reflects a 3.04% difference between Sale Price and List Price.				

	Amount	\$/Sqft
Average Sales Price	\$343,833	\$153
Min. List Price	\$300,000	\$101
Max. List Price	\$435,000	\$230
Suggested List Price	\$345,000	\$252

How the Suggested Price Looks in the Market



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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Comparative Market Analysis

RESOLUTION NO. 06-3714
Attachment 4: COO Report

for

Harold MacLauglan

SUBJECT PROPERTY

14820 Se 172nd ave
Clackamas, Or 97015

3 Bedrooms ♦ 2 Bathrooms

♦ One Acre lot

Suggested Price: \$250,000

Prepared By:

Wendy Burns
Burns & Olson Realtors Inc.

2/3/2005

This report is not intended to meet the requirements set out in the Uniform Standards of Appraisal Practice and is not intended as an appraisal. If an appraisal is desired, the services of a competent professional licensed appraiser should be obtained.

*Suggested Sales price for house
and one acre lot package.*

Comparables to Your Home

RESOLUTION NO. 06-3714
Attachment 4: COO Report

28810 SE Church RD	RES	PEN	\$214,900
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ML#: 4069040
MLS Area: 144
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 659H6
Tax Id #: 00649864

Bedrooms: 3
Bathrooms: 1
Sub-Type: RESID
Style: RANCH
Year Built: 1959
Total SF: 1510
Tax per Year: 1603.22

Directions: BORING, SOUTH ON RICHIE (RIGHT GOING EASTBOUND) LEFT TURN ON CHURCH RD
Remarks: OPPORTUNITY TO OWN A BEAUTIFUL ACREAGE IN UPSCALE AREA OF BORING. ALMOST 50,000 SQ FT LOT SURROUNDED BY TALL SHADY TREES AND PASTURES. NICELY LANDSCAPED ONE LEVEL RANCH WITH FIREPLACE AND HUGE FAMILY ROOM. BIG RED BARN, COULD BE A GREAT SHOP WITH ARTIST LOFT ABOVE.

15160 SE ORIENT DR	RES	PEN	\$289,000
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ML#: 4078723
MLS Area: 144
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 660F7
Tax Id #: 00653670

Bedrooms: 2
Bathrooms: 2
Sub-Type: RESID
Style: COTTAGE
Year Built: 1966
Total SF: 1201
Tax per Year: 1758.35

Directions: ORIENT DRIVE, EAST OF KELSO ROAD
Remarks: HORSE HEAVEN! 2.4 FENCED ACRES W/3 STALL BARN AND BIG STORAGE ROOM + 30X48X14 WEB STEEL SHOP W/LOFT. HOME FEATURES NEW CARPET, KITCHEN & BATH FLOORING, HUGE VAULTED MASTER, W/BATH, HRDWOODS IN DINING + WOODSTOVE IN LIVING. HOT TUB & APPLIANCES INCLUDED.

14820 SE NORTH CT	RES	PEN	\$264,900
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ML#: 5002808
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97015
T/Guide: 658H7
Tax Id #: 00616881

Bedrooms: 4
Bathrooms: 3
Sub-Type: RESID
Style: RANCH
Year Built: 1942
Total SF: 2200
Tax per Year: 1759.24

Directions: WEST OF DAMASCUS ON 212, N ON NORTH CT.
Remarks: MOTIVATED SELLER. LIGHT FIXER W/TONS OF POSSIBILITES. THIS 2200SF, 4BR/3BA RANCH HAS BIG WINDOWS THROUGHOUT FOR ENJOYING THE FRUIT ORCHARDS, GARDENS AND MORE ON THE 1AC LOT. TAKE IN THE VIEW OF MT. HOOD IN THIS PRIVATE, WOODED, PARK-LIKE SETTING. THIS ONE WON'T LAST.

28775 SE Andy ST	RES	SLD	\$215,000
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ML#: 4027632
MLS Area: 144
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 659H4
Tax Id #: 00155744

Bedrooms: 3
Bathrooms: 2
Sub-Type: RESID
Style: 2STORY
Year Built: 1978
Total SF: 1700
Tax per Year: 1794.83

Directions: HWY 212 TO 282ND; N TO ANDY; EAST TO PROPERTY
Remarks: NICELY, LANDSCAPED SETTING ON AN ACRE. SPACE, BUT CLOSE TO TOWN. QUIET ROAD ABLE TO LISTEN TO THE BIRDS. NICE NEIGHBORHOOD. FENCED AREA FOR A DOG, WITH AN ENTRANCE TO THE GARAGE. DOG WILL BE IN GARAGE.



ML#: 3026134
 MLS Area: 144
 County: Multnomah
 Neighborhood: Orient
 Zip Code: 97009
 T/Guide: 629G7
 Tax Id #: R342212

Bedrooms: 3
 Bathrooms: 3
 Sub-Type: RESID
 Style: RANCH
 Year Built: 1964
 Total SF: 1375
 Tax per Year: 2041

RESOLUTION NO. 06-3714
 Attachment 4: COO Report

Directions: HWY 26 TO ORIENT DR. SO ON 282ND, L. ON STONE RD.

Remarks: LOVELY COUNTRY SETTING W/ CREEK MINUTES FROM PORTLAND. 1 LEVEL, 2 ACRES, CUSTOM KITCHEN, 32'X14' LR. CHARMING VERMONT CAST. W/STOVE IN BRICK ALCOVE. KOHLER JACUZZI. 55' PATIO. LARGE GARAGE. GREAT SCHOOLS. MUST SEE!

19531 SE Tickle Creek RD RES SLD \$228,000



ML#: 3072602
 MLS Area: 144
 County: Clackamas
 Neighborhood: WILLIAMS
 Zip Code: 97009
 T/Guide: 690B3
 Tax Id #: 00674764

Bedrooms: 4
 Bathrooms: 2.1
 Sub-Type: RESID
 Style: RANCH
 Year Built: 1974
 Total SF: 1696
 Tax per Year: 1548.1

Directions: S. SANDY ON HWY 211 - WEST ON TICKLE CREEK FOR .7 MILE.

Remarks: FLAT USABLE ACRE-FENCED + CROSS FENCED-CLOSE TO SANDY & GRESHAM. MASTER OPENS TO BACKYARD. ADDITIONAL BEDROOMS PLUS OFFICE OFFER A LOT OF SPACE AND POSSIBILITIES. SEVERAL LARGE TREES. PRIVATE. GOOD FOR ANIMALS AND GARDENS.

34144 SE Jarl RD RES SLD \$243,000

No Photo Available

ML#: 4006842
 MLS Area: 144
 County: Clackamas
 Neighborhood:
 Zip Code: 97009
 T/Guide: 690E1
 Tax Id #: 01599782

Bedrooms: 1
 Bathrooms: 2
 Sub-Type: RESID
 Style: OTHER
 Year Built: 1995
 Total SF: 1456
 Tax per Year: 1939.35

Directions: HWY 26 / JARL

Remarks: ONE OF A KIND! CLOSE IN 1.46 AC 1,456 SQ FT OF CHARM. MUST SEE! VAULTED ROOMS AND MANY WINDOWS FOR VIEWING COUNTRYSIDE. GARDEN AREA AND ROOM FOR RV, BOAT ETC. ENJOY 24X36 FT SHOP WITH CEMENT FLOOR. WOOD SHED AND GARDEN SHED INCLUDED.

13425 SE 222nd RES SLD \$255,900

No Photo Available

ML#: 4049204
 MLS Area: 144
 County: Clackamas
 Neighborhood:
 Zip Code: 97009
 T/Guide: 659B5
 Tax Id #: 00605955

Bedrooms: 3
 Bathrooms: 2
 Sub-Type: RESID
 Style: SPLIT
 Year Built: 1979
 Total SF: 1912
 Tax per Year: 2430.36

Directions: HOFFMESTER & 222ND

Remarks:

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ML#: 4065908
MLS Area: 144
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 660B3
Tax Id #: 00156431

Bedrooms: 3
Bathrooms: RESOLUTION NO. 06-3714
 Attachment 4: COO Report
Sub-Type: RESID
Style: RANCH
Year Built: 1954
Total SF: 1550
Tax per Year: 1523

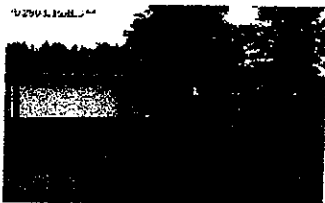
Directions: HWY 26 TO HALEY RD GO EAST TO ORIENT DR THEN SOUTH TO PROPERTY
Remarks: FRESH PAINT INSIDE & OUT. NEW CARPET & VINYL & PERGO FLOORING & CABINETS. 48X50 STEEL SHOP W/26X13 PAINT BOOTH, CONCRETE FLOOR, 220V & WATER. DENCOULD BE 4TH BED. GREAT LOCATION & YARD 100% USEABLE. SEVERAL FRUIT TREES.

14303 SE 312 AVE

RES

SLD

\$295,000



ML#: 4050714
MLS Area: 144
County: Clackamas
Neighborhood: Barbara Ann
Zip Code: 97009
T/Guide: 660B7
Tax Id #: 00647900

Bedrooms: 3
Bathrooms: 2
Sub-Type: RESID
Style: RANCH
Year Built: 1969
Total SF: 1660
Tax per Year: 2099

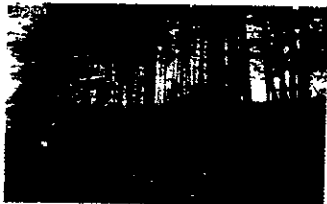
Directions: 26 TO KELSO RD R L R ONTO 312 APPROXIMATELY 1 MILE
Remarks: STRESS FREE ZONE! BEAUTIFUL 1.64 ACRE PARCEL, FLAT, WITH LOTS OF GARDEN SPACE, FRUIT TREES, FENCED, 43 X 25 SHOP/BARN, 3 BR 2 BA, 1660 SFT, 25 YEAR ROOF, NEWER SEPTIC, ELECTRONIC AIR CLEANER, HIGH EFFICIENCY HYDROHEAT SYSTEM, 50 GAL WH, QUIET COUNTRY ROAD, MANY UPDATES!

21122 SE Hwy 212 1000 ft off HWY

RES

SLD

\$217,500



ML#: 4014350
MLS Area: 145
County: Clackamas
Neighborhood: Damascus
Zip Code: 97009
T/Guide: 659A7
Tax Id #: Not Found

Bedrooms: 3
Bathrooms: 2
Sub-Type: RESID
Style: SPLIT
Year Built: 1976
Total SF: 1920
Tax per Year: 1950

Directions: 1/4 MILE EAST OF DAMASCUS CENTER, SOUTH DOWN LANE, TURN WEST TO HOME.
Remarks: LIKE WALKING INTO A NEW HOME. COMPLETELY REDONE. SITS ON OVER AN ACRE WITH TREES. GREAT VIEW OF THE VALLEY THROUGH LARGE NEW PICTURE WINDOWS. NEW APPLIANCES, JACUZZIE AND SEP SHOWER IN MASTER, LOTS OF TILE WORK. BROKER OWNED.

18545 SE Sunnyside RD

RES

SLD

\$227,000



ML#: 4019976
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 658G6
Tax Id #: 00609372

Bedrooms: 3
Bathrooms: 1
Sub-Type: RESID
Style: RANCH
Year Built: 1945
Total SF: 1147
Tax per Year: 1554.46

Directions: HWY 212 TO SUNNYSIDE RD WEST
Remarks: CLOSE IN 1.76 ACRES, FULLY-FENCED PASTURE WITH BARN AND CARPORT WITH ELECTRICITY. FULLY LANDSCAPED WITH FRUIT TREES, YEAR ROUND SPRING THAT FLOWS INTO THREE TERRACED PONDS WITH BRIDGE OVER TROUT POND. THE 3 BEDROOM, 1 BATH HOME FEATURES A NEW GAS FURNACE, HARDWOOD FLOORS, AND DOG RUN.

© Copyright 2005 RMLS™ Portland - MLS INFORMATION NOT GUARANTEED AND SHOULD BE VERIFIED.
 SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
 SCHOOL AVAILABILITY SUBJECT TO CHANGE.



ML#: 4004594
MLS Area: 145
County: Clackamas
Neighborhood: Damascus
Zip Code: 97015
T/Guide: 659D7
Tax Id #: 00620607

Bedrooms: 4
Bathrooms: 2.1
Sub-Type: RESID
Style: TRI
Year Built: 1972
Total SF: 1800
Tax per Year: 2266

RESOLUTION NO. 06-3714
 Attachment 4: COO Report

Directions: E-HWY 212, R-ROYER RD, L-EDWARD DR **1 YR HM WARRANTY**

Remarks: DESIRABLE DAMASCUS TRI-LEVEL. GREAT STREET & DEMANDED SCHOOLS! 4 BD, 2.5 BA LOWER LEVEL REMODEL JUST COMPLETED. NEWER ROOF, HEAT PUMP, WTR HTR. ROOM FOR ANIMALS & SHOP! LOTS BERRIES, GRAPES, FRUIT TREE'S ON OVER 1 ACRE!

21160 SE Foster Rd

RES

SLD

\$246,000



ML#: 4046653
MLS Area: 145
County: Clackamas
Neighborhood: Damascus
Zip Code: 97009
T/Guide: 658H5
Tax Id #: 00609979

Bedrooms: 4
Bathrooms: 2.1
Sub-Type: RESID
Style: SPLIT
Year Built: 1968
Total SF: 1850
Tax per Year: 2116.07

Directions: FOSTER RD JUST ABOVE HWY 212

Remarks: NICELY SET BACK FROM ROAD, SOLID HOME ON 1 ACRE IN DESIRABLE DAMASCUS AREA. FINISHED LOWER LEVEL W/FAMILY RM, UTILITY/BATH, & 4TH BDRM. BRICK FIREPLACES UP & DOWN. NEW HI-EFFICIENCY FURNACE PLUS GENERATOR TO RUN ELECT & HEAT IF POWER GOES OUT! SMALL BARN IN PRIVATE BACK YARD. RV SPACE!

16269 SE Royer RD

RES

SLD

\$285,000



ML#: 4062532
MLS Area: 145
County: Clackamas
Neighborhood: Damascus
Zip Code: 97015
T/Guide: 689A2
Tax Id #: 00620402

Bedrooms: 3
Bathrooms: 2
Sub-Type: RESID
Style: RANCH
Year Built: 1987
Total SF: 1813
Tax per Year: 2723.62

Directions: HWY 212, SOU ON ROYER RD IN COMMUNITY OF DAMASCUS

Remarks: DOG FANCIERS TAKE NOTICE. THIS IMMAC.HM WITH NEW CPT & FLOOR COVERINGS, PERGO, PAINT, ETC. KENNEL IS ATTACHED TO HOUSE FOR CONVENIENCE OR SELLER WILL REMOVE. 12 DOG CAPACITY. RARE OPPORTUNITY FOR DOG ENTHUSIAST. NOTE OVERSIZED GAR, 753 SF. INCLUDE WASHER & DRYER.

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 SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
 SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Summary of Comparables

RESOLUTION NO. 06-3714
Attachment 4: COO Report

Pending

MLS#	P Type	Address	City	Area	Bed	Bath	APX SQFT	Price
	RESID	14820 SE 172ND AVE		145	3	2	1370	\$250,000
4069040	4 RESID	28810 SE Church RD	Boring	144	3	1	1510	\$214,900
4078723	8 RESID	15160 SE ORIENT DR	Boring	144	2	2	1201	\$289,000
5002808	7 RESID	14820 SE NORTH CT	Clackamas	145	4	3	2200	\$264,900

Sold

MLS#	P Type	Address	City	Area	Bed	Bath	APX SQFT	Price
	RESID	14820 SE 172ND AVE		145	3	2	1370	\$250,000
4027632	4 RESID	28775 SE Andy ST	Boring	144	3	2	1700	\$215,000
3026134	5 RESID	28373 SE Stone RD	Boring	144	3	1	1375	\$225,000
3072602	1 RESID	19531 SE Tickle Creek RD	Boring	144	4	2.1	1696	\$228,000
4006842	0 RESID	34144 SE Jarl RD	Boring	144	1	2	1456	\$243,000
4049204	0 RESID	13425 SE 222nd	Boring	144	3	2	1912	\$255,900
4065908	8 RESID	10882 SE Orient DR	Boring	144	3	1	1550	\$260,567
4050714	8 RESID	14303 SE 312 AVE	Boring	144	3	2	1660	\$295,000
4014350	4 RESID	21122 SE Hwy 212 1000 ft off HWY	Damascus	145	3	2	1920	\$217,500
4019976	6 RESID	18545 SE Sunnyside RD	Boring	145	3	1	1147	\$227,000
4004594	6 RESID	21900 SE Edward DR	Clackamas	145	4	2.1	1800	\$235,500
4046653	3 RESID	21160 SE Foster Rd	Boring	145	4	2.1	1850	\$246,000
4062532	1 RESID	16269 SE Royer RD	Boring	145	3	2	1813	\$285,000

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SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Measure 37 Claims Distro List:

MacLaughlan
14674 SE Sunnyside Rd. #111
Clackamas OR 97015

Dan Cooper
 Dick Benner
 Dick Bolen
 Lydia Neill

To whom it may concern

We bought this property because
it had been platted with soil test
approved. Before we could finish the
project the laws were changed
from 6 building lots to 1 house
per five acres.

Dick Benner

RECEIVED

MAR 24 2005

OFFICE OF METRO ATTORNEY

MEASURE 37 CLAIM

CLACKAMAS COUNTY PLANNING DIVISION
9101 SE SUNNYBROOK BLVD., CLACKAMAS, OREGON 97015
PHONE (503) 353-4500 FAX (503) 353-4550 www.co.clackamas.or.us

FOR STAFF USE ONLY

FILE NUMBER: _____ DATE RECEIVED: _____
STAFF MEMBER: _____ CPO: _____

APPLICANT INFORMATION (PLEASE TYPE OR PRINT IN BLACK INK ONLY)

WHAT IS PROPOSED RETURN TO ZONING THAT IT
WAS IN PLACE WHEN PURCHASED IN 1974
LEGAL DESCRIPTION: T2SR3E SECTION 7A TAX LOT(S) 602
T R SECTION _____ TAX LOT(S) _____

(ADDITIONAL) _____

NAME OF CONTACT PERSON HAROLD MacLaughlan
MAILING ADDRESS 14674 SE Sunnyside Rd
CITY Clackamas STATE OR ZIP 97015
PHONE _____; CELL PHONE 503-329-8442

PROPERTY OWNER(S) (The name, address and telephone number of all owners, including their signatures, must be provided. In the event there are more than 3 property owners, please attach additional sheets. Please print clearly)

OWNER 1 HAROLD MacLaughlan
SIGNATURE _____
ADDRESS 14674 SE Sunnyside Rd PMB #115
CITY Clackamas STATE OR ZIP 97015
PHONE 329-8442 CELL PHONE _____

OWNER 2 REBECA MacLaughlan
SIGNATURE _____
ADDRESS 14674 SE Sunnyside Rd PMB #115
CITY Clackamas STATE OR ZIP 97015
PHONE 329-8442 CELL PHONE _____

OWNER 3 _____
SIGNATURE _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
PHONE _____ CELL PHONE _____

SIGN
HERE



SIGN
HERE



MEASURE 37 CLAIM
SUPPLEMENTAL INFORMATION

(Attach additional sheets as necessary to complete this supplemental portion of the claim)

1. **Other persons with an interest in the property (such as lien holders):** Please provide a list of the name, address and phone number of anyone with an interest in the property, and identify their interest.

Countryside Home Loans -
PO Box 5170 Simi Valley, CA 93062

2. **Exact date the current owner acquired the property?** June 26, 1974

3. **If the current owner acquired the property from a family member, what is the exact date the family member acquired the property?**

N/A

If there is more than one event where the property was acquired from a family member, such as a series of inheritances, please provide a list of all such events and their dates.

4. **What regulation (if more than one, please describe) do you believe lowered the value of your property? When did the regulation take effect?**

Zoning change to RRF 5 -
Date of Regulation Unknown

5. **Please describe how this regulation(s) restricts the use of the property and reduces the property's fair market value.**

Reduction of
building sites from six to One

12/6/2004

6. How much has the fair market value of your property been reduced by enactment or enforcement of the regulation(s)? Approx \$700,000 - \$800,000

7. Are you requesting compensation, or removal of the regulation(s), modification of the regulation(s), or a decision not to apply the regulation(s)? If you are requesting monetary compensation, please indicate how much and how you calculated this sum. [Please note that the County has exclusive authority to choose whether to pay monetary compensation, or remove, modify or not apply the regulation(s) causing a valid claim.]

Modify Regulations to previously "approved" building sites & perk tests on 30,000 & 40,000 sq ft lots - per County approval dated 4-21-75

8. Are you requesting that a specific use be allowed? Please describe the use.

Yes - Single Family Residence

9. The following additional material must be submitted with the application:
- A real property appraisal performed by a licensed or certified appraiser licensed in Oregon; the appraisal must meet the Uniform Standards of Professional Appraisal Practice and the requirements of County's Measure 37 Claims Process Ordinance;
 - A title report issued no more than 30 days prior to the submission of the claim that reflects the ownership interest in the property, or other documentation proving ownership of the property;
 - Copies of any leases or covenants, conditions and restrictions applicable to the property and any other documents that impose restrictions on the use of the property;
 - Claims processing fee - \$750.00

12/6/2004

NA

QUITCLAIM DEED

RESOLUTION NO. 06-3714

Attachment 4. COO Report

KNOW ALL MEN BY THESE PRESENTS, That MARIAN BRIDGES *

hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and quitclaim unto HAROLD S. MACLAUGHLAN and REBECA MACLAUGHLAN, husband and wife hereinafter called grantee, and unto grantee's heirs, successors and assigns all of the grantor's right, title and interest in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in the County of CLACKAMAS, State of Oregon, described as follows, to-wit:

A tract of land in the Northwest one-quarter of the Northeast one-quarter of Section 7, T.2S., R.3E., of the W.M., in the County of Clackamas and State of Oregon, described as follows: Beginning at the Southwest corner of that tract Oregon, described as follows: Beginning at the Southwest corner of that tract sold by Contract to Daniel G. Schweitzer, et ux, recorded July 18, 1973, as Recorder's Fee No. 73-22700, Film Records, which is 557.44 feet West along the South line of said division from the Southeast corner thereof; thence West along the South line of said division 341.97 feet; thence North parallel with the East line of 172nd Avenue, 224.40 feet; thence West parallel with the South line of said division 403.39 feet to the East line of said road; thence North along the said road line 249.85 feet to the South line of that tract conveyed to Henry W. Coe, recorded March 30, 1970 as Recorder's Fee No. 70-5832, Film Records; thence East along the South line of said Coe tract 745.69 feet to the Northwest corner of said Schweitzer tract; thence South along the West line of said Schweitzer tract 470.38 feet to the point of beginning. SUBJECT TO 20.00 foot easement along the North line of said tract as disclosed by said document recorded as Recorder's Fee No. 73-22700, Film Records.

* SUCCESSOR IN ONE-THIRD INTEREST TO REAL ESTATE CONTRACT BETWEEN JOHN H. REHBERG, DECEASED, AND HAROLD S. MACLAUGHLAN AND REBECCA MACLAUGHLAN, DATED JUNE 17, 1974.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$1/3 of \$19,800.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals. In Witness Whereof, the grantor has executed this instrument this 10th day of March, 1995, if a corporate grantor, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized thereto by order of its board of directors.

Marian Bridges
MARIAN BRIDGES

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

STATE OF OREGON, County of Washington ss. This instrument was acknowledged before me on 3-10-1995, by Marian Bridges This instrument was acknowledged before me on 19... by as



Rita Girard
Notary Public for Oregon
My commission expires 9-7-96

Form with fields for Grantor's Name and Address (Marian Bridges, 5275 SW 150th Ct, Beaverton, OR 97007-2709) and Grantee's Name and Address (Harold & Rebeca MacLaughlan, 14820 SE 172nd St, Clackamas, OR 97215).

STATE OF OREGON, County of... I certify that the within instrument was received for record on the... day... STATE OF OREGON, 95-015062, CLACKAMAS COUNTY, Received and placed in the public records of Clackamas County, RECEIPT# AND FEE: 18707, \$25.00, DATE AND TIME: 03/16/95 01:04 PM, JOHN KAUFFMAN, COUNTY CLERK.

95-015062

RESOLUTION NO. 06-3714
 Attachment 4 - COO Report
 OFFICIAL RECORD OF DESCRIPTIONS
 OF REAL PROPERTY
 CLACKAMAS COUNTY ASSESSOR

TWP. S.	RGE.	SEC.	1/4	1/16	TAX LOT NUMBER	TYPE	SPEC. INT. IN REAL PROP.	CODE AREA NUMBER	FORMERLY PART OF T.L. NO.	DATE OF ENTRY ON THIS CARD	DEED RECORDED VOL.	PG.	ACRES REMAINING	
2	3E	7	A		602				600					
ACCOUNT NUMBER										DEED RECORDED		ACRES REMAINING		
REHBERG, JOHN H.														
c/o MAC LAUGHLAN, HAROLD S. & REBECCA										6-27-74	74	16683	5.85	
Added to MSID - MAR 06 1-1-79										2-14-79				
										3-20-89	89	05949	POSTED	
MERGER CLACKAMAS CO. FIRE 54 & HAPPY VALLEY 65 INTO CLACKAMAS RFPD #71 ORD 2575 1989-90 ROLL														
MAC LAUGHLAN HAROLD S. & REBECCA										3-22-95	95	15062		
												95	15063	POSTED
												95	15064	POSTED
MERGER FIRE 54 TO FIRE 1														
AND FIRE 65 TO ROLL														

-115
12-67

RES
WIN



Benj Franklin

FEDERAL SAVINGS AND LOAN ASSOCIATION
PORTLAND, OREGON

FRANKLIN BLDG.
S. W. 5TH AT STARK
PORTLAND, OREGON 97204

June 26, 1974

Harold S. and Rebeca McLaughlan
17716 S. E. Alder Street
Portland, Oregon 97233

Re: Collection Account #802125-1 McLaughlan/Rehberg
Property: 14976 S. E. 172nd. Avenue, Clackamas, Oregon

Dear Mr. and Mrs. MacLaughlan:

The Benj. Franklin has been asked to act as collection agent on your account as listed above.

We are enclosing two copies of the collection agreement:

The green copy is for your records; and
The white copy is to be signed, where indicated with a red mark and returned to us in the stamped envelope provided.

The only charge applicable to you as buyers or leasees is the assignment fee of \$7.50 in the event you sell or assign your interest in this account.

The monthly payment of \$ 132.16 will be due the Benj. Franklin on July 20, 1974.

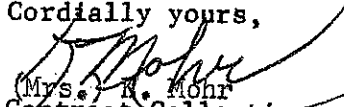
In the near future you will receive a packet of "Payment Identification Cards" to be used in making your payments. Please read the instructions accompanying the cards so that you will receive the best possible service on your account. Included in this packet will be sufficient envelopes for the remainder of the year.

In December each year you will receive a new supply of "Payment Identification Cards" for the coming year.

In January each year you will receive an annual statement showing a recap of the previous years transactions.

Please refer to your account number when contacting us.

Cordially yours,


(Mrs.) M. Mohr
Contract Collections
Customer Service Department
248-1239

P. S. To Buyers: Enclosed herewith is a monthly payment card for your use in making your July payment, in the event you do not receive your payment cards by the due date.

P. S. To Seller: Enclosed herewith is the pink copy of the collection agreement for your records.

MONTHLY HOME LOAN STATEMENT

0064127 01 AT 0.292 **AUTO T4 0 2467 97015-6400
028942867 AA AY 1000321-0---N- M14402 IN 4
HAROLD S & REBECA MACLAUGHLAN
14674 SE SUNNYSIDE RD PMB 115
CLACKAMAS OR 97015-6400



RESOLUTION NO. 06-3714

Attachment 4: COO Report

To CONTACT US

Online payments
& account details: customers.countrywide.co
Customer Service: (800) 669-6607
General information: www.countrywide.com
New home loan,
refinance or
home equity loans: (800) 686-0145

CUSTOMER BULLETIN

File Your Taxes Quicker—Countrywide Can Help

Because you are a valued customer, Countrywide wants to make our relationship with you as rewarding—and as easy—as possible. That's why we are offering the benefit of being able to access year-end tax statements online. You'll be able to review the details of your Countrywide 1098 and 1099 forms easily and at your convenience.

You can enjoy the:

- ✓ **Ease of tax preparation**—make your tax season less stressful by accessing your year-end statements online, at your convenience
- ✓ **Ability to receive your Countrywide 1098/1099 forms quicker**—file your taxes quicker (extra good news if you're expecting a refund!)

Setting up your account is **EASY!**

- ✓ Go to customers.countrywide.com and create a user name and password
- ✓ Click **Account Information**
- ✓ Click **Year End Statement**
- ✓ Click **Electronic Year End Statement** and complete the consent form

HOME LOAN
SUMMARY

Home loan overview as of 12/10/2004

Principal balance	\$141,049.57
Late Charge if payment received after 01/18/2005	\$40.88
Date	12/10/2004
Payments received	\$817.62

Amount due on 01/01/2005 as of 12/10/2004

Next Payment Posting 01/10/2005	\$817.62
After 01/18/2005 late payment	\$858.50

NOTICES

IMPORTANT TAX RETURN DOCUMENT ENCLOSED

Your IRS Form 1098 is enclosed with your monthly statement. Explanations to commonly asked questions can be found on our website at customers.countrywide.com.

IMPORTANT
NEWSSign up for e-mail notification and know when your
payment has been applied to your Countrywide Home Loan.

Countrywide's e-mail notification service is a no-cost, online benefit that notifies you of recent activity on your Countrywide Home Loan account. We provide you with an e-mail message confirming the receipt and posting of your monthly payments. If you have an escrow account, we also notify you when Countrywide makes tax or insurance payments on your behalf. This service is our way of providing you with automatic, convenient and informative updates regarding your Countrywide Home Loan account or other products and services available from the Countrywide family of companies.

You are automatically enrolled in our e-mail notification service when you visit our customer service Website at customers.countrywide.com and create your User Name and Password. To update or change your e-mail address, simply log-in, select "My Profile" and update your record. We will automatically send you an e-mail notification whenever there is activity on your account. For those of you that have already provided your e-mail address, we hope you're enjoying this service. And once again, thank you for your loyalty to Countrywide Home Loans.

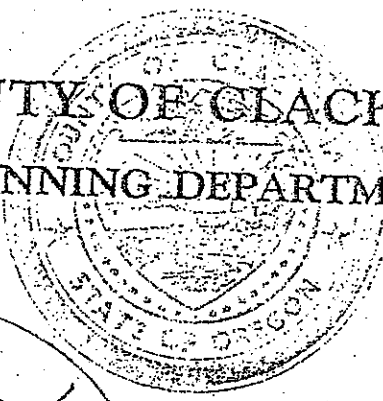
file 12
45-3

COUNTY OF CLACKAMAS

PLANNING DEPARTMENT

Fred Stefani, Commissioner
Thomas D. Telford, Commissioner
Robert Schumacher, Commissioner

James E. Hall, Planning Director
940 Warner-Milne Road
Oregon City, Oregon 97045
Phone 655-3311
Ext. 205



Revised
unit B
for water
tables

September 7, 1972

Subsurface & Soils

Approved Denied

By J. A. Marshall

Date 4-21-75

Mr. John H. Rehberg
14976 S. E. 172nd
Clackamas, Oregon 97015

Dear Mr. Rehberg:

I have completed the soil investigation of a portion of Tax Lot 600, Section 7A, T2S, R3E as you requested.

Map unit B is a deep, well drained soil of moderate permeability (1-2 inches/hour). The apparent engineer class of unit A is silt loam ML, A4 over silty clay loam ML-CL, A6 that occurs at depths of forty-eight (48) to fifty (50) inches. The winter water table in unit B is generally deeper than forty-eight (48) inches. This soil does not have a strongly developed brittle pan. The minimum lot size for houses requiring subsurface disposal of sewage is 30,000 square feet in unit B. There is sufficient area in unit B for three (3) 30,000 square foot house locations.

Map unit A is a somewhat poorly drained brittle pan soil of slow permeability below thirty (30) to thirty-seven (37) inches (less than 0.6 inches/hour). The minimum lot size in unit A is 40,000 square feet. The apparent engineer class is silt loam ML, A4 over silty clay loam ML-CL, A6 over a silty clay loam to silty clay brittle pan ML-CL, A6. The winter water table in unit A ranges between thirty-one (31) and thirty-seven (37) inches. All subsurface walls deeper than twenty-four (24) inches will require extensive drainage protection on the upslope side as ground water will move into deeper excavation on the brittle pan surface.

1 ACRS

24"
max
depth
w/ potential
for GWT

1140

The subsurface sewage disposal leach field in units A and B will require a minimum of 100 feet of line per bedroom. In unit B the maximum depth of the trenches will be thirty-six (36) inches. The fall of the lines will not exceed four (4) inches per 100 feet. In map unit A the depth of the trenches will not exceed twenty-four (24)

12-115-72

Mr. John H. Rehberg
September 7, 1972
Page -2-

RESOLUTION NO. 06-3714
Attachment 4: COO Report

Soil Investigation Request

inches. All houses should be located on the lots so that a gravity flow system can be established between the septic tank and leach field without exceeding the prescribed trench depth.

If you have any questions concerning this matter, please contact me at this office.

Application No. _____

Date: _____

Sincerely, _____

JAMES E. HALL
Planning Director

WILLIAM H. DOAK
Soil Scientist

Name: _____

Address: _____

Legal Desc: _____

WHD: 1S

- cc: Subdivision Department
- Health Department
- Tax Assessor
- Building Department

Subdivision: _____ (Acres)

Zoning: _____ (Name - Five Digits)

Building Permit: _____

Fee: _____

1A
1000

1B
1000



**PACIFIC NORTHWEST TITLE
TRI-COUNTY**
9020 SW Washington Sq. Rd., Suite 220
Tigard, OR 97223
Title: 503-671-0505 Fax: 503-643-3746
Escrow: (503) 350-5080 Fax: (503) 659-7160
Visit us at: www.pnwtr.com

**PRELIMINARY COMMITMENT
FOR TITLE INSURANCE**

February 9, 2005

Order Number: 05263179-C
Property Address: 14820 SE 172nd Ave.
Clackamas, OR 97015

Pacific Northwest Title of Oregon, Inc.
12050 SE Stevens Rd., #100
Portland, OR 97266

Attention: Christine D. Crenshaw-Boring
Telephone: (503) 350-5080

Reference: MacLaughlan/Burns

	<u>Amount</u>	<u>Premium</u>	
ALTA Owner's Policy (1992)	\$ 400,000.00	\$ 1,036.00	STR
ALTA Loan Policy (1992)	\$ TO COME	\$ TO COME	
Government Service Charge		\$ 50.00	
City Lien Search – Sunrise Water Authority		\$ 10.00	
Endorsements 7.4, 7.11 & 7.31		\$ 50.00	

This is a preliminary billing only; a consolidated statement of all charges, credits, and advances, if any in connection with this order will be provided at closing.

Pacific Northwest Title is prepared to issue on request and on recording of the appropriate documents, a policy or policies as applied for, with coverages as indicated, based on this preliminary commitment that as of January 26, 2005 at 5:00 p.m. title of the property described herein is vested in:

HAROLD S. MACLAUGHLAN and REBECA MACLAUGHLAN,
as tenants by the entirety

Subject only to the exceptions shown herein and to the terms, conditions and exceptions contained in the policy form. This commitment is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued, and the full premium paid.

Description:

See Exhibit A Attached hereto and made a part hereof

SCHEDULE B

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interest, easements or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Statutory liens or other liens or encumbrances, or claims thereof, which are not shown by the public records.

SPECIAL EXCEPTIONS:

6. The herein described premises are within the boundaries of and subject to the statutory powers, including the power of assessment, of the Sunrise Water Authority.

NOTE: We have requested a search and will advise when we have received a response.

7. Easement, including the terms and provisions thereof:
For : Utility lines
Granted to : Portland General Electric Company
Recorded : June 26, 1951
Book : 445
Page : 705
Affects : 10 feet in width, exact route not disclosed
8. Easement, including the terms and provisions thereof:
For : Driveway and utilities
Granted to : Adjacent property owners
Recorded : July 18, 1973
Fee No. : 73 22700
Affects : the North 20 feet
9. Easement, including the terms and provisions thereof:
For : Waterline
Granted to : Damascus Water District, a municipal corporation
Recorded : March 29, 1999
Fee No. : 99-031091
Affects : the West 10 feet

Exhibit A

A tract of land in the Northwest one-quarter of the Northeast one-quarter of Section 7, Township 2 South, Range 3 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Southwest corner of that tract sold by Contract to Daniel G. Schweitzer, et ux, recorded July 18, 1973 ad Recorder's Fee No. 73 22700, Film Records, which is 557.44 feet West along the South line of said division from the Southeast corner thereof; thence West along the South line of said division 341.97 feet; thence North parallel with the East line of 172nd Avenue, 224.40 feet; thence West parallel with the South line of said division 403.39 feet to the East line of said road; thence North along the said road line 249.85 feet to the South line of that tract conveyed to Henry W Coe, recorded March 30, 1970 as Recorder's Fee No. 70 5832, Film Records; thence East along the South line of said Coe Tract 745.69 feet to the Northwest corner of said Schweitzer Tract; thence South along the West line of said Schweitzer Tract 470.38 feet to the point of beginning.

SCHEDULE B - CONTINUED

10. Trust Deed, including the terms and provisions thereof to secure the amount noted below and other amounts secured thereunder, if any:

Grantor : Harold S. MacLaughlan and Rebeca MacLaughlan
Trustee : Transnation Title Insurance Company
Beneficiary : Mortgage Electronic Registration Systems, Inc. as nominee for Capitol Commerce Mortgage Co., a California corporation
Dated : May 15, 2003
Recorded : May 23, 2003
Fee No. : 2003-065853
Amount : \$144,000.00
Loan No. : 418532

11. Parties in possession, or claiming to be in possession, other than the vestees shown herein. For the purpose of ALTA Extended coverage, we will require an Affidavit of Possession be completed and returned to us. Exception may be taken to such matters as may be shown thereby.

12. Statutory liens for labor or materials, including liens for contributions due to the State of Oregon for unemployment compensation and for workmen's compensation, which have now gained or hereafter may gain priority over the lien of the insured mortgage where no notice of such liens appear of record.

NOTE: We find no judgments or Federal Tax Liens against WENDY BURNS.

NOTE: Taxes paid in full for 2004-2005:


Levied Amount : \$3,085.61
Account No. : 23E07A 00602
Levy Code : 012-115
Key No. : 00614295

NOTE: The following is provided for informational purposes only and will not be shown in the policy to be issued:

We find no recorded Deeds or Conveyances of said property in the past 24 months.

If you have any questions regarding this report or your escrow closing please contact Christine D. Crenshaw-Boring at (503) 350-5080, located at 12050 SE Stevens Rd., #100, Portland, OR 97266 .
Email address: christinec@pnwtr.com

PACIFIC NORTHWEST TITLE OF OREGON, INC.

By 
Diane M. Broome
Title Officer

DMB:ibv

cc: Harold & Rebeca MacLaughlan
cc: Burns & Olson Realtors, Inc.
Attn: Wendy Burns (Enclosure)

for

Harold MacLauglan

**SUBJECT
PROPERTY**

14820 Se 172nd ave
Clackamas, Or 97015

3 Bedrooms ♦ 2 Bathrooms

Suggested Price: \$345,000

Prepared By:

**Wendy Burns
Burns & Olson Realtors Inc.**

2/3/2005

This report is not intended to meet the requirements set out in the Uniform Standards of Appraisal Practice and is not intended as an appraisal. If an appraisal is desired, the services of a competent professional licensed appraiser should be obtained.

*Suggested sales price for home
& acreage of almost 6 acres.*

Comparables to Your Home

RESOLUTION NO. 06-3714
Attachment 4: COO Report

8707 SE 347th RES SLD \$302,000



ML#: 4034545 **Bedrooms:** 4
MLS Area: 144 **Bathrooms:** 2
County: Clackamas **Sub-Type:** RESID
Neighborhood: Boring,Damacus,toSan **Style:** DAYRNCH
Zip Code: 97009 **Year Built:** 1971
T/Guide: 660E1 **Total SF:** 2960
Tax Id #: 00150749,00150767,01597 **Tax per Year:** 2784

Directions:E.HWY.26-N.ON BLUFFRD.TO S.E 347TH (8 MI). HOUSE ON LEFT SIDE.
Remarks: GREAT HORSE PROPERTY,W/ BARN & LG. SHOP,EXCELLENT LOCATION. WINTER CREEK, MT HOOD VIEW. HOUSE HAS 2 SEPARATE LIVING QTRS.. LOTS OF SPACE. FABULOUS POTENTIAL.

36078 SE LUSTED RD RES SLD \$315,000



ML#: 4015818 **Bedrooms:** 3
MLS Area: 144 **Bathrooms:** 2.1
County: Multnomah **Sub-Type:** RESID
Neighborhood: **Style:** 2STORY
Zip Code: 97009 **Year Built:** 2000
T/Guide: 630G7 **Total SF:** 1935
Tax Id #: R240226 **Tax per Year:** 2077

Directions:LUSTED RD EAST OF BARLOW HIGH
Remarks: INCREDIBLE 2 STORY ON 5AC.OPEN FLOOR PLAN,SPACIOUS LR W/FRPL,KITCHEN HAS EATBAR,CHERRYWOOD CABINETS,PANTRY & HARDWOODS.WOODWRAPPED WINDOWS,BULLNOSE CORNERS,DET.SHOP W/CONCRETE FLOOR & ELEC.PATIO,BBQ PIT,GARDEN SHED & PLENTY OF PARKING.GREAT AREA & EXCELL SCHOOLS!

18823 SE Tickle Creek CT RES SLD \$335,000



ML#: 3066938 **Bedrooms:** 3
MLS Area: 144 **Bathrooms:** 1
County: Clackamas **Sub-Type:** RESID
Neighborhood: **Style:** RANCH
Zip Code: 97009 **Year Built:** 1971
T/Guide: 690B4 **Total SF:** 1346
Tax Id #: 00673872,00673836 **Tax per Year:** 2280.44

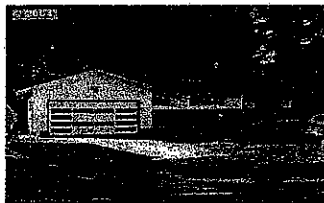
Directions:EAST ON HWY 26; RT ON KELSO; LT ON TICKLE CREEK; RT ON TICKLE CREEK CT;
Remarks: QUIET COUNTRY LIVING W/PEACEFUL VIEW! 3 BEDROOM RANCH HOME ON 7.44 ACRES! EVERYTHING READY FOR YOU TO SET UP YOUR OWN NURSERY: 30X48' SHOP, 2-STORY POTTING BARN, 2 GREEN HOUSES, 1 DOUBLE HOOP GREEN HOUSE 96X84'. POWER/WATER/PHONE TO MOST OUTBUILDINGS. NOT A DRIVE-BY! MUST SEE!

12072 SE Revenue RD RES SLD \$367,000



ML#: 4041826 **Bedrooms:** 3
MLS Area: 144 **Bathrooms:** 3
County: Clackamas **Sub-Type:** RESID
Neighborhood: **Style:** FARMHSE
Zip Code: 97009 **Year Built:** 1981
T/Guide: 660C4 **Total SF:** 2816
Tax Id #: 00158171 **Tax per Year:** 1735

Directions:HWY 26 BORING.EXIT E ON COMPTON N ON ORIENT E ON REVENUE - 10 MIN TO GR
Remarks: YOU WON'T WANT TO LEAVE WHEN YOU REACH THIS DESTINATION. PEACEFUL SETTING WITH CREEK, 2 PONDS(KOI) AND A MULTITUDE OF WILDLIFE. PASTURE AND WETLANDS, 4 CAR SHOP WITH 2 BONUS ROOMS FOR STORAGE AND ANIMALS. WELL MAINTAINED AND UPDATED HOME WITH "BRUCE" HARDWOODS & 10 MINS TO SANDY RIVER



ML#: 4006238
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97015
T/Guide: 658J7
Tax Id #: 00616676

Bed Rooms: 5
Bathrooms: 2
Sub-Type: RESID
Style: DAYRNCH
Year Built: 1966
Total SF: 2532
Tax per Year: 3005.38

RESOLUTION NO. 06-3714
 Attachment 4: COO Report

Directions: HWY 212, SOUTH ON ANDERSON TO PROPERTY.

Remarks: GREAT PROPERTY IN THE COUNTRY, YET ONLY BLOCKS FROM DOWNTOWN DAMASCUS. HOME IS ON A 1 ACRE LEVEL PARCEL WITH A REAR 4 ACRE WOODED PARCEL INCLUDED IN THE SALE. COULD MAKE A GREAT HORSE PROPERTY! THIS HOME WAS BUILT TO LAST WITH VERY HIGH-QUALITY CONSTRUCTION. WIRED FOR GENERATOR.

27110 SE HOLST RD

RES

SLD

\$395,000

**No Photo
Available**

ML#: 5000011
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 689G3
Tax Id #: 00625229

Bedrooms: 3
Bathrooms: 2
Sub-Type: RESID
Style: RANCH
Year Built: 1978
Total SF: 1889
Tax per Year: 2958.18

Directions: 224 TO AMISIGGER TO JUDD TO HOLST

Remarks: 2 TAX LOTS W/APPROX.40X60SPRING-FED POND, VIEWABLE FROM EXTENSIVE OUTDOOR DECKING, W/ HOT-TUB. ONE-LEVEL, WELL-MAINTAINED HOME ON OVER 5 ACRES. FENCED AND CROSS-FENCED FOR HORSES W/NEWER 30X35 BARN W/POWER & WATER FOR \$435,000. PRICED TO SALE. A/C & SPRINKLER SYSTEM

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 SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
 SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Summary of Comparables

RESOLUTION NO. 06-3714
Attachment 4: COO Report

Sold

MLS#	P	Type	Address	City	Area	Bed	Bath	APX SQFT	Price
		RESID	14820 SE 172ND AVE		145	3	2	1370	\$345,000
4034545	5	RESID	8707 SE 347th	Boring	144	4	2	2960	\$302,000
4015818	6	RESID	36078 SE LUSTED RD	Boring	144	3	2.1	1935	\$315,000
3066938	8	RESID	18823 SE Tickle Creek CT	Boring	144	3	1	1346	\$335,000
4041826	8	RESID	12072 SE Revenue RD	Boring	144	3	3	2816	\$367,000
4006238	8	RESID	15199 SE ANDERSON RD	Clackamas	145	5	2	2532	\$349,000
5000011	0	RESID	27110 SE HOLST RD	Boring	145	3	2	1889	\$395,000

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

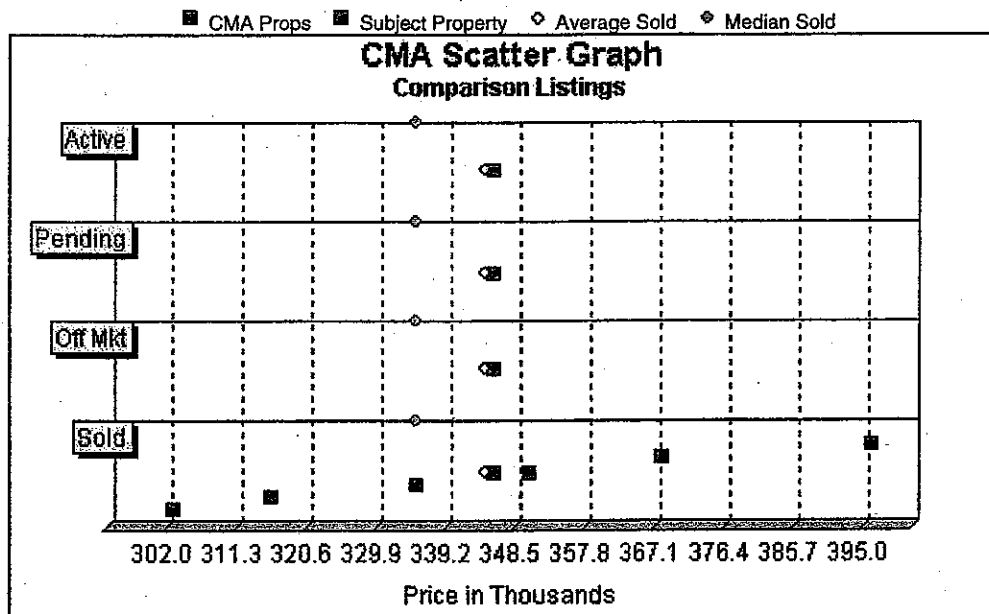
Pricing Your Home

RESOLUTION NO. 06-3714
Attachment 4: COO Report

Status	#	Average	Minimum	Maximum	Avg Sqft	Avg \$/Sqft
Sold	6	\$343,833	\$302,000	\$395,000	2246	\$153
Total Listings	6	Sold Properties closed averaging 96.96% of their Final List Price. This reflects a 3.04% difference between Sale Price and List Price.				

	Amount	\$/Sqft
Average Sales Price	\$343,833	\$153
Min. List Price	\$300,000	\$101
Max. List Price	\$435,000	\$230
Suggested List Price	\$345,000	\$252

How the Suggested Price Looks in the Market



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 SCHOOL AVAILABILITY SUBJECT TO CHANGE.

for

MacLaughlan

SUBJECT PROPERTY

**1 acre lots on 172nd Ave
Clackamas Or**

◆ Level one acre lots

Suggested Price: \$175,000

Prepared By:

**Wendy Burns
Burns & Olson Realtors Inc.**

2/3/2005

This report is not intended to meet the requirements set out in the Uniform Standards of Appraisal Practice and is not intended as an appraisal. If an appraisal is desired, the services of a competent professional licensed appraiser should be obtained.

*Sales price for Vacant 1 acre
lot - Septic approved - City Water*

Comparables to Your Home

RESOLUTION NO. 06-3714

Attachment 4- COO Report

Vacant Land Lot 1100

LND

ACT

\$150,000

No Photo Available

ML#: 4064607
MLS Area: 144
County: Multnomah
Neighborhood:
Zip Code: 97080
T/Guide: 629B5
Tax Id #: R340339

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 298.99

Directions: S. ON WALTERS RD. FROM POWELL. FOLLOW TO SW BLAINE. PARK & WALK.
Remarks: BEAUTIFUL PRIVATE SETTING ATOP GRESHAM BUTTE. WILL REQUIRE SEPTIC. ELECTRICITY AVAILABLE AND WATER, BUT LINES WILL HAVE TO BE BROUGHT TO PROPERTY. CHECK WITH CITY OF GRESHAM FOR SPECIFICS.

16th CT

LND

ACT

\$249,900



ML#: 4075268
MLS Area: 144
County: Multnomah
Neighborhood:
Zip Code: 97080
T/Guide: 629C4
Tax Id #: Not Found

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 0

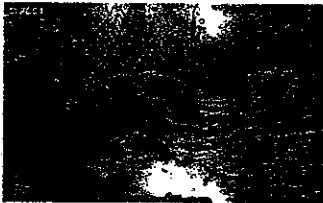
Directions: REGNER TO ELLIOT, LEFT ON 15TH. RIGHT ON 16TH CT. TO END OF CUL-DE-SAC
Remarks: ONCE IN A LIFE TIME MT. HOOD & CITY LIGHTS VIEW LOT. PRESTIGIOUS "DAWN CREST ESTATES" NEIGHBORHOOD. 4 BLOCKS FORM THE SPRING WATER TRAIL, NEW SPORTS PARK UNDER CONST. & PERSIMMONS GOLF NEAR-BY. NO HOME OWNERS FEES. READY TO BUILD YOUR DREAMS ON. 1031 EXCHANGE

W. K. Anderson RD

LND

PEN

\$169,950



ML#: 4068812
MLS Area: 144
County: Multnomah
Neighborhood:
Zip Code: 97030
T/Guide: 629H3
Tax Id #: R341566

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 131.82

Directions: TROUTDALE RD (282ND), EAST ON WK ANDERSON RD, 2ND PROP ON RIGHT.
Remarks: 1.98 ACRES. BEAVER CREEK FLOWS THROUGH. NO CC&R'S. OK FOR ANIMALS. OK FOR MANU. HOME. CLOSE IN GRESHAM, POWELL VALLEY GRADE, SAND FILTER (BECAUSE OF CREEK) APPROVED. TALL CEDARS, LOTS OF ALDER TREES 200' ROAD FRONTAGE & NEAR UG BOUNDARY. BROKER OWNED.

Regner RD

LND

PEN

\$200,000

No Photo Available

ML#: 4066615
MLS Area: 144
County: Multnomah
Neighborhood:
Zip Code: 97080
T/Guide: 629B6
Tax Id #: R340924

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 5700

Directions: REGNER/GABBERT RD., GRESHAM
Remarks: DEVELOPMENT PROPERTY. POSSIBLE 8-9 LOTS WITH CITY CONSTRAINTS.

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 SCHOOL AVAILABILITY SUBJECT TO CHANGE.

**No Photo
Available**

ML#: 4052846
MLS Area: 144
County: Multnomah
Neighborhood:
Zip Code: 97080
T/Guide: 629J6
Tax Id #: R240399

Bedrooms:
Bathrooms: RESOLUTION NO. 06-3714
Sub-Type: Attachment, COO Report
Style: RESID
Year Built:
Total SF:
Tax per Year: 1533

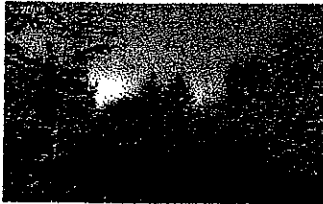
Directions: ORIENT DR TO DODGE PARK TO SHORT-LEFT ON SHORT-LEFT ON POWELL VALLEY
Remarks: 1 ACRE LOT NEXT TO 29138 SE POWELL VALLEY RD (NOTE: THE PROSPECTIVE PURCHASER OF 29138 SE POWELL VALLEY RD HAS FIRST OPTION TO PURCHASE THIS 1 ACRE LOT). FLAT LOT, EXCELLENT AREA. LOT TO CLOSE WITH 29138 SE POWELL VALLEY RD

9670 SE 257th DR

LND

PEN

\$179,000



ML#: 4059915
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97080
T/Guide: 659E3
Tax Id #: 01381267

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 602

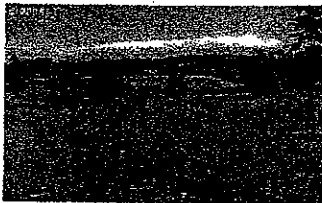
Directions: 242ND TO SUNSHINE VALLEY RD, N ON 257TH FOLLOW SIGNS
Remarks: PRICE REDUCED! BEAUTIFUL VIEW PROPERTY OVERLOOKING SUNSHINE VALLEY. SECLUDED AREA OF UPSCALE HOMES ON PRIVATE ROAD. MANY LARGE TREES!

Hwy 212 1000Ft Off HWY

LND

PEN

\$189,500



ML#: 4059864
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 659A7
Tax Id #: Not Found

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 480

Directions: DAMASCUS, EAST 1/4 MILE ON 212, SIGNS ON RIGHT, FOLLOW ARROWS
Remarks: PRIVATE APPROVED BLDG SITE WITH PASTORIAL VALLEY VIEW. CURRENTLY THE ONLY SMALL ACREAGE APPROVED BLDG SITE IN THE AREA. SELLER TO INSTALL LINES FOR UTILITIES. UTILITY HOOKUPS AND SEPTIC INSTALL RESPONSIBILITY OF PURCHASER. BROKER OWNED. DRIVE ALL THE WAY TO THE BUILDING SITE AT THE TOP.

Barlow CT

LND

PEN

\$297,500



ML#: 4013071
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97015
T/Guide: 659A7
Tax Id #: Not Found

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 950

Directions: ROYER ROAD TO BARLOW CT
Remarks: 4.73 ACRES IN UGB...BUILDABLE.. NOT DIVIDABLE...BEAUTIFUL AREA...

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

**No Photo
Available**

ML#: 3078313
MLS Area: 144
County: Clackamas
Neighborhood:
Zip Code: 97080
T/Guide: 659D2
Tax Id #: 01587287

Bedrooms:
Bathrooms: RESOLUTION NO. 06-3714
Sub-Type: Attached RESID COO Report
Style:
Year Built:
Total SF:
Tax per Year: 2.26

Directions: 242 TO BORGES RD. WEST TO KINGSWOOD WAY 2ND DRIVE ON RIGHT

Remarks: GOLFERS DREAM, BUILDING SITE WITH GREAT VIEWS AND SOUTHERN EXPOSURE LOCATED FIVE MIN. TO PERSIMMON GOLF COURSE.

crecident	LND	SLD	\$145,000
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**No Photo
Available**

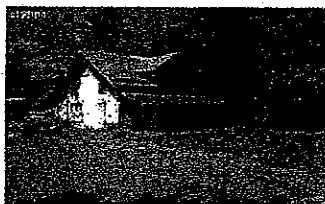
ML#: 3043466
MLS Area: 144
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 690F1
Tax Id #: 00652877

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 587.41

Directions: ORIENT TO CRESCENT

Remarks: WONDERFUL PROPERTY, STANDARD SEPTIC APPROVAL, RECENTLY SURVEYED, GREAT LOCATION TO BUILD A DREAM HOME OR PLACE A MANUFACTURED HOME.

34935 SE CRESCENT RD	LND	SLD	\$150,000
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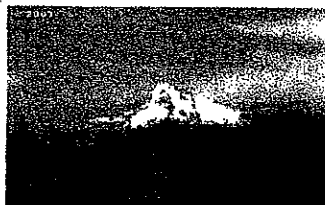
ML#: 4033782
MLS Area: 144
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 690F1
Tax Id #: 00652706

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 1146.35

Directions: HWY 26, ORIENT DRIVE

Remarks: 3 ACRE PARCEL OFF HWY 26. WELL, SEPTIC, AND ELECTRICITY AVAILABLE. LARGE HOME HAS NO VALUE (TEAR DOWN). RUNNING CREEL BORDERS PROPERTY.

ARROW CREEK LN	LND	SLD	\$220,000
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ML#: 3041647
MLS Area: 144
County: Multnomah
Neighborhood:
Zip Code: 97080
T/Guide: 629G4
Tax Id #: R109109

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 1941

Directions: POWELL VALLEY RD, N ON ARROW CREEK LANE...A STUNNING NEIGHBORHOOD!

Remarks: GORGEOUS NEIGHBORHOOD OF HIGH END CUSTOM HOMES ON LONG CULDESAC! BACKS TO APPROX 50 ACRES OF PROTECTED GREENWAY W/TRAILS & GREAT VIEWS! GATED ENTRY, TENNIS COURT & ADDITIONAL GREENWAY ACROSS THE STREET.

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

**No Photo
Available**

ML#: 308415
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 659F4
Tax Id #: R13E31C00100

Bedrooms:
Bathrooms: RESOLUTION NO. 06-3714
Sub-Type: Attachment, COO Report
Style: RESID
Year Built:
Total SF:
Tax per Year: 1256

Directions: FOSTER TO SE 172 SOUTH OR SUUNYSIDE TO 172 NORTH, AT CO
Remarks: LEVEL LOT ON GOLF COURSE. LOTS OF TREES AND YEAR AROUND CREEK AT PROPERTY LINE.
 BUILD YOUR DREAM HOME HERE. CLOSE TO EVERYTHING AND YET STILL IN THE COUNTRY.

24040 SE Eagle Creek RD	LND	SLD	\$115,000
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ML#: 4036782
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97022
T/Guide: 720A3
Tax Id #: 00683816

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 1334.13

Directions: HWY 224 TO HWY 211/EAGLE CREEK/SANDY EXIT, R ON EAGLE CREEK
Remarks: NICE PEICE OF LEVEL LAND W/ 2 RANCH STYLE HOUSES CONNECTED BY ENCLOSED WALK
 WAY(OCCUPIED). HOUSES ARE MAJOR FIXERS OF LITTLE VALUE. 2ND HOUSE CAN'T BE USED
 AS A RENTAL, CURRENTLY USED AS A CARETAKERS QUARTERS ON A HARDSHIP BASIS.

27120 SE Hwy212 east of	LND	SLD	\$159,000
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ML#: 4044484
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 659G5
Tax Id #: 00599668

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 319.01

Directions: JUST WEST AND DUE EAST OF BORING, TO 27120 SE HWY 212
Remarks: WONDERFUL 4.22 ACRE PARCEL WITH UNOBSTRUCTED VIEW OF MT. HOOD. MOSTLY LEVEL
 AND SLOPED. HAS AN OLD ORCHARD. WATER, GAS, AND ELECTRIC TO SITE. DO NOT CALL
 LISTING AGENT DIRECT IF YOU ARE WORKING WITH ANOTHER AGENT, PLEASE.

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 SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Summary of Comparables

RESOLUTION NO. 06-3714
Attachment 4: COO Report

Active

MLS#	P	Type	Address	City	Area	Acres	Price
		RESID	1 ACRE LOTS ON 172ND AVE		145	1.0	\$175,000
4064607	0	RESID	Vacant Land Lot 1100	Gresham	144	3.35	\$150,000
4075268	8	RESID	16th CT	Gresham	144	1.1	\$249,900

Pending

MLS#	P	Type	Address	City	Area	Acres	Price
		RESID	1 ACRE LOTS ON 172ND AVE		145	1.0	\$175,000
4068812	6	RESID	W. K. Anderson RD	Gresham	144	1.98	\$169,950
4066615	0	RESID	Regner RD	Gresham	144	2.93	\$200,000
4052846	0	RESID	Powell Valley Rd	Gresham	144	1	\$200,000
4059915	4	RESID	9670 SE 257th DR	Gresham	145	4.54	\$179,000
4059864	1	RESID	Hwy 212 1000Ft Off HWY	Damascus	145	1.8	\$189,500
4013071	2	RESID	Barlow CT	Damascus	145	4.73	\$297,500

Sold

MLS#	P	Type	Address	City	Area	Acres	Price
		RESID	1 ACRE LOTS ON 172ND AVE		145	1.0	\$175,000
3078313	0	RESID	9388 SE kingswood WAY	Gresham	144	2.01	\$125,000
3043466		RESID	crescent	Boring	144	2.84	\$145,000
4033782	6	RESID	34935 SE CRESCENT RD	Boring	144	3	\$150,000
3041647	8	RESID	ARROW CREEK LN	Gresham	144	1.24	\$220,000
308415	0	RESID	172nd	Happy Valley	145	1.14	\$110,000
4036782	3	RESID	24040 SE Eagle Creek RD	Eagle Creek	145	1.25	\$115,000
4044484	1	RESID	27120 SE Hwy212 east of	Boring	145	4.22	\$159,000

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

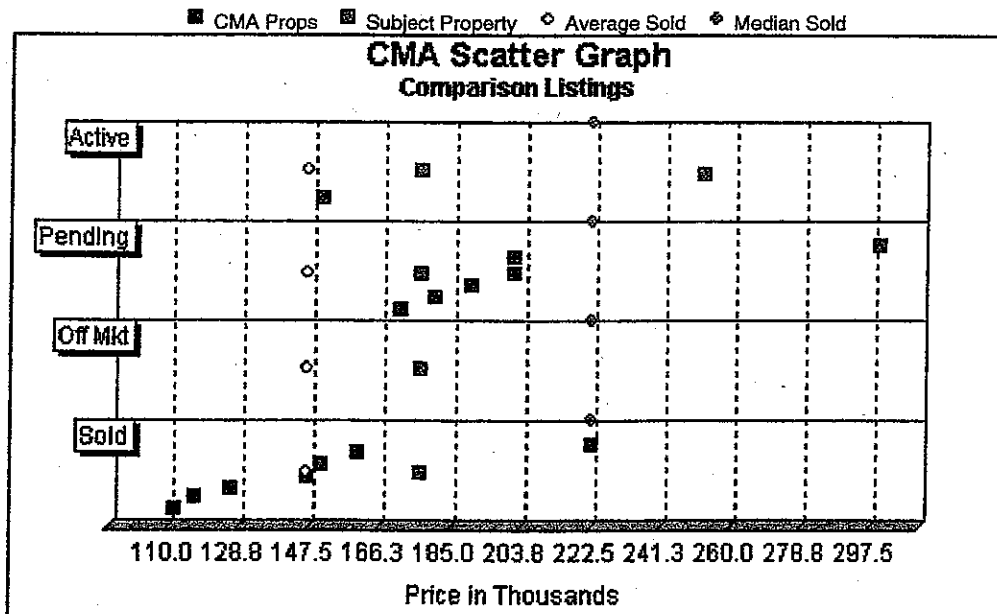
Pricing Your Home

RESOLUTION NO. 06-3714
Attachment 4: COO Report

Status	#	Average	Minimum	Maximum	Avg Sqft	Avg \$/Sqft
Active	2	\$199,950	\$150,000	\$249,900	0	\$0
Pending	6	\$205,992	\$169,950	\$297,500	0	\$0
Sold	7	\$146,286	\$110,000	\$220,000	0	\$0
Total Listings	15	Sold Properties closed averaging 94.44% of their Final List Price. This reflects a 5.56% difference between Sale Price and List Price.				

	Amount	\$/Sqft
Average Sales Price	\$146,286	\$0
Min. List Price	\$125,000	\$0
Max. List Price	\$239,900	\$0
Suggested List Price	\$175,000	\$

How the Suggested Price Looks in the Market



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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

for

Harold MacLauglan

SUBJECT PROPERTY

14820 Se 172nd ave
Clackamas, Or 97015

3 Bedrooms ♦ 2 Bathrooms

♦ One Acre lot

Suggested Price: \$250,000

Prepared By:

Wendy Burns
Burns & Olson Realtors Inc.

2/3/2005

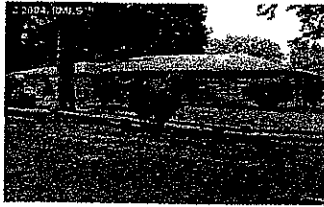
This report is not intended to meet the requirements set out in the Uniform Standards of Appraisal Practice and is not intended as an appraisal. If an appraisal is desired, the services of a competent professional licensed appraiser should be obtained.

*Sales price for house and
one acre lot*

Comparables to Your Home

RESOLUTION NO. 06-3714
Attachment 4: COO Report

28810 SE Church RD	RES	PEN	\$214,900
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ML#:	4069040	Bedrooms:	3
MLS Area:	144	Bathrooms:	1
County:	Clackamas	Sub-Type:	RESID
Neighborhood:		Style:	RANCH
Zip Code:	97009	Year Built:	1959
T/Guide:	659H6	Total SF:	1510
Tax Id #:	00649864	Tax per Year:	1603.22

Directions: BORING, SOUTH ON RICHIE (RIGHT GOING EASTBOUND) LEFT TURN ON CHURCH RD
Remarks: OPPORTUNITY TO OWN A BEAUTIFUL ACREAGE IN UPSCALE AREA OF BORING. ALMOST 50,000 SQ FT LOT SURROUNDED BY TALL SHADY TREES AND PASTURES. NICELY LANDSCAPED ONE LEVEL RANCH WITH FIREPLACE AND HUGE FAMILY ROOM. BIG RED BARN, COULD BE A GREAT SHOP WITH ARTIST LOFT ABOVE.

15160 SE ORIENT DR	RES	PEN	\$289,000
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ML#:	4078723	Bedrooms:	2
MLS Area:	144	Bathrooms:	2
County:	Clackamas	Sub-Type:	RESID
Neighborhood:		Style:	COTTAGE
Zip Code:	97009	Year Built:	1966
T/Guide:	660F7	Total SF:	1201
Tax Id #:	00653670	Tax per Year:	1758.35

Directions: ORIENT DRIVE, EAST OF KELSO ROAD
Remarks: HORSE HEAVEN! 2.4 FENCED ACRES W/3 STALL BARN AND BIG STORAGE ROOM + 30X48X14 WEB STEEL SHOP W/LOFT. HOME FEATURES NEW CARPET, KITCHEN & BATH FLOORING, HUGE VAULTED MASTER, W/BATH, HRDWOODS IN DINING + WOODSTOVE IN LIVING. HOT TUB & APPLIANCES INCLUDED.

14820 SE NORTH CT	RES	PEN	\$264,900
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ML#:	5002808	Bedrooms:	4
MLS Area:	145	Bathrooms:	3
County:	Clackamas	Sub-Type:	RESID
Neighborhood:		Style:	RANCH
Zip Code:	97015	Year Built:	1942
T/Guide:	658H7	Total SF:	2200
Tax Id #:	00616881	Tax per Year:	1759.24

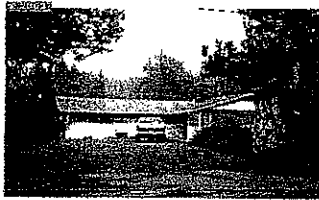
Directions: WEST OF DAMASCUS ON 212, N ON NORTH CT.
Remarks: MOTIVATED SELLER. LIGHT FIXER W/TONS OF POSSIBILITES. THIS 2200SF, 4BR/3BA RANCH HAS BIG WINDOWS THROUGHOUT FOR ENJOYING THE FRUIT ORCHARDS, GARDENS AND MORE ON THE 1AC LOT. TAKE IN THE VIEW OF MT. HOOD IN THIS PRIVATE, WOODED, PARK-LIKE SETTING. THIS ONE WON'T LAST.

28775 SE Andy ST	RES	SLD	\$215,000
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ML#:	4027632	Bedrooms:	3
MLS Area:	144	Bathrooms:	2
County:	Clackamas	Sub-Type:	RESID
Neighborhood:		Style:	2STORY
Zip Code:	97009	Year Built:	1978
T/Guide:	659H4	Total SF:	1700
Tax Id #:	00155744	Tax per Year:	1794.83

Directions: HWY 212 TO 282ND; N TO ANDY; EAST TO PROPERTY
Remarks: NICELY, LANDSCAPED SETTING ON AN ACRE. SPACE, BUT CLOSE TO TOWN. QUIET ROAD ABLE TO LISTEN TO THE BIRDS. NICE NEIGHBORHOOD. FENCED AREA FOR A DOG, WITH AN ENTRANCE TO THE GARAGE. DOG WILL BE IN GARAGE.



ML#: 3026134
MLS Area: 144
County: Multnomah
Neighborhood: OriENT
Zip Code: 97009
T/Guide: 629G7
Tax Id #: R342212

Bedrooms: 3
Bathrooms: RESOLUTION NO. 06-3714
Sub-Type: Attached COO Report
Style: RANCH
Year Built: 1964
Total SF: 1375
Tax per Year: 2041

Directions: HWY 26 TO ORIENT DR. SO ON 282ND, L. ON STONE RD.

Remarks: LOVELY COUNTRY SETTING W/ CREEK MINUTES FROM PORTLAND. 1 LEVEL, 2 ACRES, CUSTOM KITCHEN, 32'X14' LR. CHARMING VERMONT CAST. W/STOVE IN BRICK ALCOVE. KOHLER JACUZZI. 55'PATIO. LARGE GARAGE. GREAT SCHOOLS. MUST SEE!

19531 SE Tickle Creek RD	RES	SLD	\$228,000
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ML#: 3072602
MLS Area: 144
County: Clackamas
Neighborhood: WILLIAMS
Zip Code: 97009
T/Guide: 690B3
Tax Id #: 00674764

Bedrooms: 4
Bathrooms: 2.1
Sub-Type: RESID
Style: RANCH
Year Built: 1974
Total SF: 1696
Tax per Year: 1548.1

Directions: S. SANDY ON HWY 211 - WEST ON TICKLE CREEK FOR .7 MILE.

Remarks: FLAT USABLE ACRE-FENCED + CROSS FENCED-CLOSE TO SANDY & GRESHAM. MASTER OPENS TO BACKYARD. ADDITIONAL BEDROOMS PLUS OFFICE OFFER A LOT OF SPACE AND POSSIBILITIES. SEVERAL LARGE TREES. PRIVATE. GOOD FOR ANIMALS AND GARDENS.

34144 SE Jarl RD	RES	SLD	\$243,000
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No Photo Available

ML#: 4006842
MLS Area: 144
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 690E1
Tax Id #: 01599782

Bedrooms: 1
Bathrooms: 2
Sub-Type: RESID
Style: OTHER
Year Built: 1995
Total SF: 1456
Tax per Year: 1939.35

Directions: HWY 26 / JARL

Remarks: ONE OF A KIND! CLOSE IN 1.46 AC 1,456 SQ FT OF CHARM. MUST SEE! VAULTED ROOMS AND MANY WINDOWS FOR VIEWING COUNTRYSIDE. GARDEN AREA AND ROOM FOR RV, BOAT ETC. ENJOY 24X36 FT SHOP WITH CEMENT FLOOR. WOOD SHED AND GARDEN SHED INCLUDED.

13425 SE 222nd	RES	SLD	\$255,900
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No Photo Available

ML#: 4049204
MLS Area: 144
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 659B5
Tax Id #: 00605955

Bedrooms: 3
Bathrooms: 2
Sub-Type: RESID
Style: SPLIT
Year Built: 1979
Total SF: 1912
Tax per Year: 2430.36

Directions: HOFFMESTER & 222ND

Remarks:

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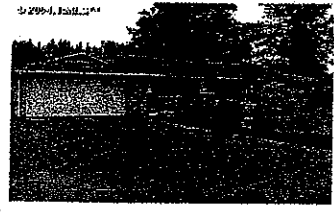


ML#: 4065908
MLS Area: 144
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 660B3
Tax Id #: 00156431

Bedrooms: 3
Bathrooms: RESOLUTION NO. 06-3714
Sub-Type: Attach RESID COO Report
Style: RANCH
Year Built: 1954
Total SF: 1550
Tax per Year: 1523

Directions: HWY 26 TO HALEY RD GO EAST TO ORIENT DR THEN SOUTH TO PROPERTY
Remarks: FRESH PAINT INSIDE & OUT. NEW CARPET & VINYL & PERGO FLOORING & CABINETS. 48X50 STEEL SHOP W/26X13 PAINT BOOTH, CONCRETE FLOOR, 220V & WATER. DENCOULD BE 4TH BED. GREAT LOCATION & YARD 100% USEABLE. SEVERAL FRUIT TREES.

14303 SE 312 AVE	RES	SLD	\$295,000
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ML#: 4050714
MLS Area: 144
County: Clackamas
Neighborhood: Barbara Ann
Zip Code: 97009
T/Guide: 660B7
Tax Id #: 00647900

Bedrooms: 3
Bathrooms: 2
Sub-Type: RESID
Style: RANCH
Year Built: 1969
Total SF: 1660
Tax per Year: 2099

Directions: 26 TO KELSO RD R L R ONTO 312 APPROXIMATELY 1 MILE
Remarks: STRESS FREE ZONE! BEAUTIFUL 1.64 ACRE PARCEL, FLAT, WITH LOTS OF GARDEN SPACE, FRUIT TREES, FENCED, 43 X 25 SHOP/BARN, 3 BR 2 BA, 1660 SFT, 25 YEAR ROOF, NEWER SEPTIC, ELECTRONIC AIR CLEANER, HIGH EFFICIENCY HYDROHEAT SYSTEM, 50 GAL WH, QUIET COUNTRY ROAD, MANY UPDATES!

21122 SE Hwy 212 1000 f t off HWY	RES	SLD	\$217,500
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ML#: 4014350
MLS Area: 145
County: Clackamas
Neighborhood: Damascus
Zip Code: 97009
T/Guide: 659A7
Tax Id #: Not Found

Bedrooms: 3
Bathrooms: 2
Sub-Type: RESID
Style: SPLIT
Year Built: 1976
Total SF: 1920
Tax per Year: 1950

Directions: 1/4 MILE EAST OF DAMASCUS CENTER, SOUTH DOWN LANE, TURN WEST TO HOME.
Remarks: LIKE WALKING INTO A NEW HOME. COMPLETELY REDONE. SITS ON OVER AN ACRE WITH TREES. GREAT VIEW OF THE VALLEY THROUGH LARGE NEW PICTURE WINDOWS. NEW APPLIANCES, JACUZZIE AND SEP SHOWER IN MASTER, LOTS OF TILE WORK. BROKER OWNED.

18545 SE Sunnyside RD	RES	SLD	\$227,000
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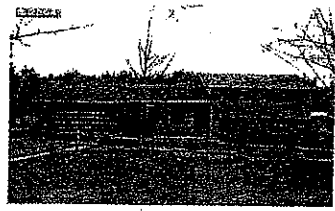


ML#: 4019976
MLS Area: 145
County: Clackamas
Neighborhood:
Zip Code: 97009
T/Guide: 658G6
Tax Id #: 00609372

Bedrooms: 3
Bathrooms: 1
Sub-Type: RESID
Style: RANCH
Year Built: 1945
Total SF: 1147
Tax per Year: 1554.46

Directions: HWY 212 TO SUNNYSIDE RD WEST
Remarks: CLOSE IN 1.76 ACRES, FULLY-FENCED PASTURE WITH BARN AND CARPORT WITH ELECTRICITY. FULLY LANDSCAPED WITH FRUIT TREES, YEAR ROUND SPRING THAT FLOWS INTO THREE TERRACED PONDS WITH BRIDGE OVER TROUT POND. THE 3 BEDROOM, 1 BATH HOME FEATURES A NEW GAS FURNACE, HARDWOOD FLOORS, AND DOG RUN.

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ML#: 4004594
MLS Area: 145
County: Clackamas
Neighborhood: Damascus
Zip Code: 97015
T/Guide: 659D7
Tax Id #: 00620607

Bedrooms: 4
Bathrooms: 2
Sub-Type: RESID
Style: TRI
Year Built: 1972
Total SF: 1800
Tax per Year: 2266

Directions: E-HWY 212, R-ROYER RD, L-EDWARD DR **1 YR HM WARRANTY**
Remarks: DESIRABLE DAMASCUS TRI-LEVEL.GREAT STREET & DEMANDED SCHOOLS! 4 BD, 2.5 BA LOWER LEVEL REMODEL JUST COMPLETED.NEWER ROOF, HEAT PUMP, WTR HTR. ROOM FOR ANIMALS & SHOP! LOTS BERRIES,GRAPES,FRUIT TREE'S ON OVER 1 ACRE!

21160 SE Foster Rd	RES	SLD	\$246,000
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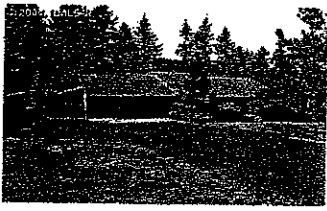


ML#: 4046653
MLS Area: 145
County: Clackamas
Neighborhood: Damascus
Zip Code: 97009
T/Guide: 658H5
Tax Id #: 00609979

Bedrooms: 4
Bathrooms: 2.1
Sub-Type: RESID
Style: SPLIT
Year Built: 1968
Total SF: 1850
Tax per Year: 2116.07

Directions: FOSTER RD JUST ABOVE HWY 212
Remarks: NICELY SET BACK FROM ROAD, SOLID HOME ON 1 ACRE IN DESIRABLE DAMASCUS AREA.FINISHED LOWER LEVEL W/FAMILY RM, UTILITY/BATH, & 4TH BDRM. BRICK FIREPLACES UP & DOWN. NEW HI-EFFICIENCY FURNACE PLUS GENERATOR TO RUN ELECT & HEAT IF POWER GOES OUT! SMALL BARN IN PRIVATE BACK YARD. RV SPACE!

16269 SE Royer RD	RES	SLD	\$285,000
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ML#: 4062532
MLS Area: 145
County: Clackamas
Neighborhood: Damascus
Zip Code: 97015
T/Guide: 689A2
Tax Id #: 00620402

Bedrooms: 3
Bathrooms: 2
Sub-Type: RESID
Style: RANCH
Year Built: 1987
Total SF: 1813
Tax per Year: 2723.62

Directions: HWY 212, SOU ON ROYER RD IN COMMUNITY OF DAMASCUS
Remarks: DOG FANCIERS TAKE NOTICE. THIS IMMAC.HM WITH NEW CPT & FLOOR COVERINGS, PERGO, PAINT, ETC. KENNEL IS ATTACHED TO HOUSE FOR CONVENIENCE OR SELLER WILL REMOVE. 12 DOG CAPACITY. RARE OPPORTUNITY FOR DOG ENTHUSIAST. NOTE OVERSIZED GAR, 753 SF. INCLUDE WASHER & DRYER.

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 SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Summary of Comparables

RESOLUTION NO. 06-3714
Attachment 4: COO Report

Pending

MLS#	P Type	Address	City	Area	Bed	Bath	APX SQFT	Price
	RESID	14820 SE 172ND AVE		145	3	2	1370	\$250,000
4069040	4 RESID	28810 SE Church RD	Boring	144	3	1	1510	\$214,900
4078723	8 RESID	15160 SE ORIENT DR	Boring	144	2	2	1201	\$289,000
5002808	7 RESID	14820 SE NORTH CT	Clackamas	145	4	3	2200	\$264,900

Sold

MLS#	P Type	Address	City	Area	Bed	Bath	APX SQFT	Price
	RESID	14820 SE 172ND AVE		145	3	2	1370	\$250,000
4027632	4 RESID	28775 SE Andy ST	Boring	144	3	2	1700	\$215,000
3026134	5 RESID	28373 SE Stone RD	Boring	144	3	1	1375	\$225,000
3072602	1 RESID	19531 SE Tickle Creek RD	Boring	144	4	2.1	1696	\$228,000
4006842	0 RESID	34144 SE Jarl RD	Boring	144	1	2	1456	\$243,000
4049204	0 RESID	13425 SE 222nd	Boring	144	3	2	1912	\$255,900
4065908	8 RESID	10882 SE Orient DR	Boring	144	3	1	1550	\$260,567
4050714	8 RESID	14303 SE 312 AVE	Boring	144	3	2	1660	\$295,000
4014350	4 RESID	21122 SE Hwy 212 1000 ft off HWY	Damascus	145	3	2	1920	\$217,500
4019976	6 RESID	18545 SE Sunnyside RD	Boring	145	3	1	1147	\$227,000
4004594	6 RESID	21900 SE Edward DR	Clackamas	145	4	2.1	1800	\$235,500
4046653	3 RESID	21160 SE Foster Rd	Boring	145	4	2.1	1850	\$246,000
4062532	1 RESID	16269 SE Royer RD	Boring	145	3	2	1813	\$285,000

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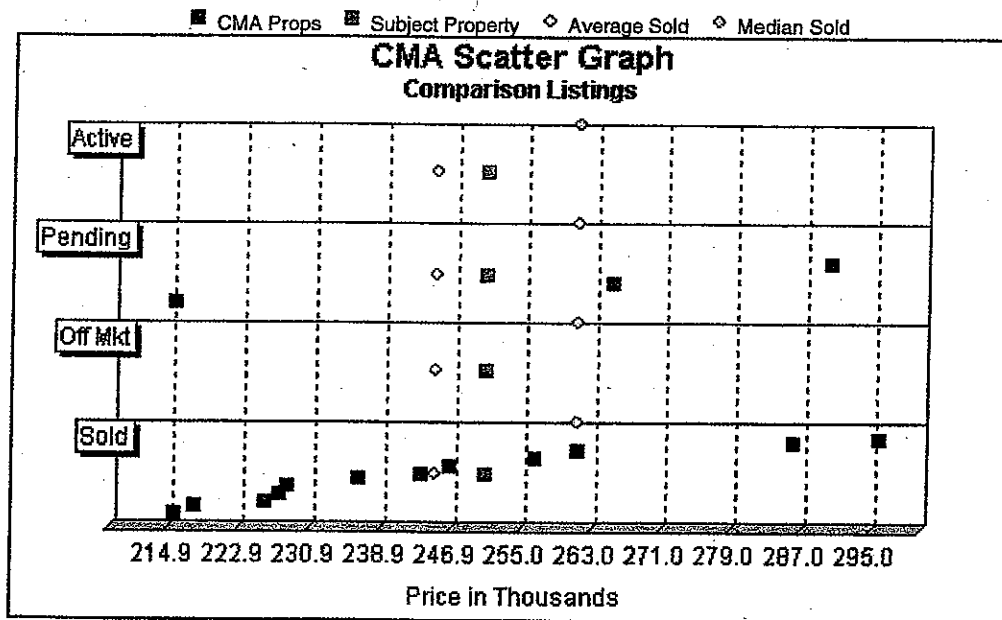
Pricing Your Home

RESOLUTION NO. 06-3714
Attachment 4: COO Report

Status	#	Average	Minimum	Maximum	Avg Sqft	Avg \$\$sqft
Pending	3	\$256,267	\$214,900	\$289,000	1637	\$157
Sold	12	\$244,456	\$215,000	\$295,000	1657	\$148
Total Listings	15	Sold Properties closed averaging 97.02% of their Final List Price. This reflects a 2.98% difference between Sale Price and List Price.				

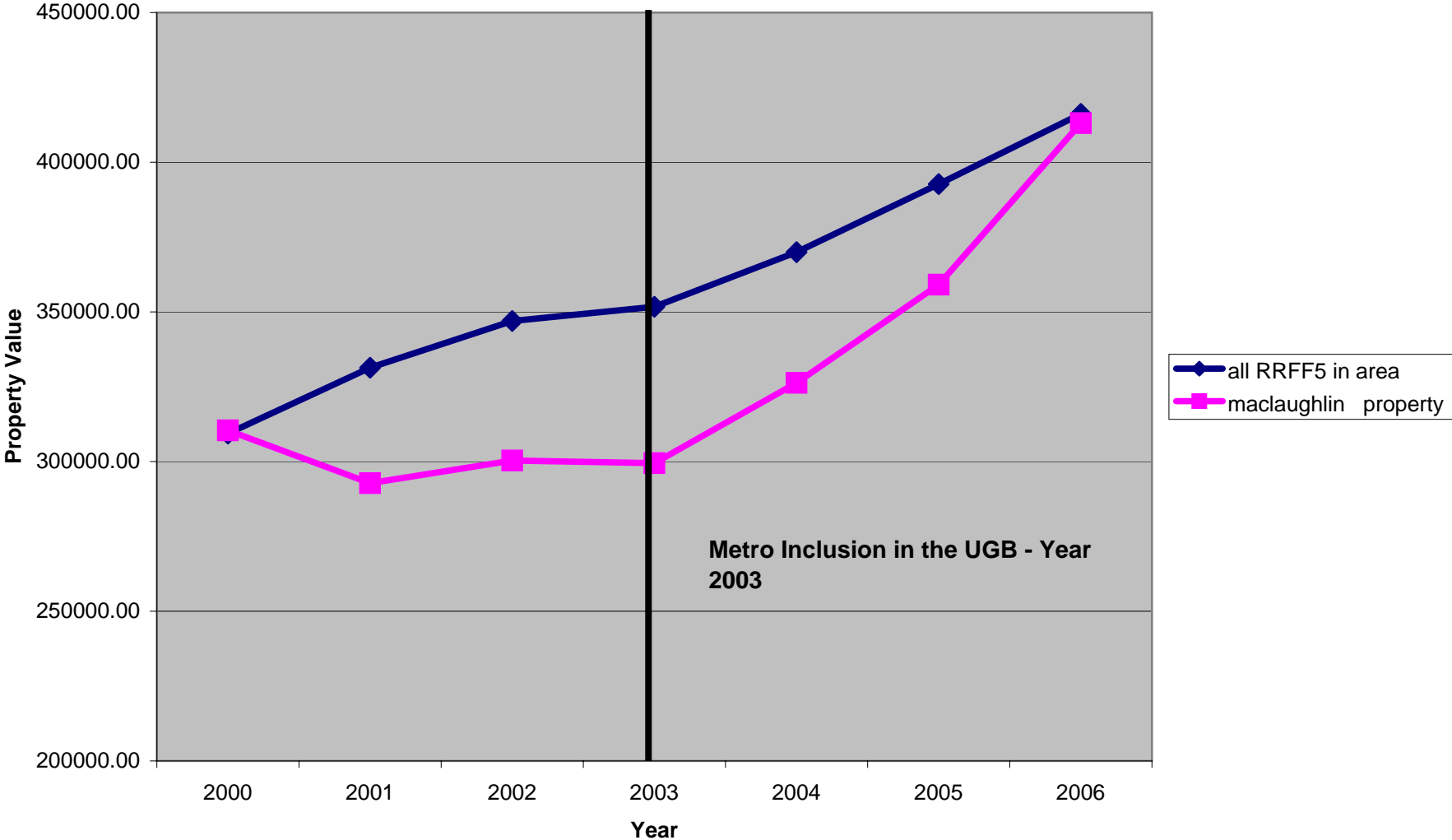
	Amount	\$/Sqft
Average Sales Price	\$244,456	\$148
Min. List Price	\$225,000	\$164
Max. List Price	\$289,950	\$160
Suggested List Price	\$250,000	\$182

How the Suggested Price Looks in the Market



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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Figure A: Time Trend of RRFF5 Property in Damascus Expansion Area Compared to MacLaughlin Property



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENTERING AN) Resolution No. 06-3715
ORDER RELATING TO THE KUMYON)
RADOW, TRUSTEE, AND HELEN RADOW) Introduced by Chief Operating Officer
CLAIM FOR COMPENSATION UNDER) Michael Jordan with the concurrence of
ORS 197.352 (MEASURE 37)) Council President David Bragdon

WHEREAS, Kumyon Radow, Trustee, and Helen Radow filed a claim for compensation under ORS 197.352 (Measure 37) and Chapter 2.21 of the Metro Code contending that a Metro regulation had reduced the fair market value of property they own in the Clackamas, Oregon, area; and

WHEREAS, the Chief Operating Officer (“COO”) reviewed the claim and submitted a report to the Metro Council, pursuant to section 2.21.040 of the Metro Code, recommending denial of the code for the reason that the Metro regulation that is the basis for the claim has not reduced the fair market value of the claimant’s property; and

WHEREAS, the Metro Council held a public hearing on the claim on July 20, 2006, and considered information presented at the hearing; now, therefore

BE IT RESOLVED that the Metro Council

- 1. Enters Order 06-008, attached to this resolution as Exhibit A, which denies the claim for compensation.
- 2. Directs the COO to send a copy of Order No. 06-008, with Exhibit A attached, to the claimants, persons who participated in the public hearing on the claim, Clackamas County and the Oregon Department of Administrative Services. The COO shall also post the order and Exhibit A at the Metro website.

ADOPTED by the Metro Council this 20th day of July, 2006

David Bragdon, Council President

Approved as to form:

Daniel B. Cooper, Metro Attorney

Exhibit A to Resolution No. 06-3715

Order No. 06-008

RELATING TO THE KUMYON RADOW, TRUSTEE, AND HELEN RADOW CLAIM
FOR COMPENSATION UNDER ORS 197.352 (MEASURE 37)

Claimant: Kumyon Radow, Trustee, and Helen Radow

Property: 16711 SE Highway 212, Clackamas, Oregon;
Township 2S, Range 3E, Section 7, Tax Lots 1200 and 1300; and
16631 SE Highway 212, Clackamas, Oregon;
Township 2S, Range 3E, Section 7, Tax Lot 1400 (map attached)

Claim: Temporary 20-acre minimum size for creation of new lots and parcels in Title 11 of the Urban Growth Management Functional Plan has reduced the value of the claimant's land.

Claimants submitted the claim to Metro pursuant to Metro Code Chapter 2.21. This order is based upon materials submitted by the claimant, the reports prepared by the Chief Operating Officer ("COO") pursuant to section 2.21.040, and materials and testimony presented at the public hearing.

The Metro Council considered the claim at a public hearing on July 20, 2006.

IT IS ORDERED THAT:

The claim of Kumyon Radow, Trustee, and Helen Radow for compensation be denied because it does not qualify for compensation for reasons set forth in the reports of the COO.

ENTERED this 20th day of July, 2006.

David Bragdon, Council President

Approved as to form:

Daniel B. Cooper, Metro Attorney

**CLAIM FOR COMPENSATION
UNDER BALLOT MEASURE 37
AND METRO CODE CHAPTER 2.21**

**REVISED REPORT OF THE METRO CHIEF OPERATING OFFICER
July 14, 2006**

METRO CLAIM NUMBER: Claim No. 06-008

NAME OF CLAIMANT: KUMYON RADOW

MAILING ADDRESS: Ty K. Wyman, Esq.
Dunn Carney Allen Higgins & Tongue LLP
Attorneys at Law
851 SW 6th Avenue, Suite 1500
Portland, OR 97204

PROPERTY LOCATION: 16711 SE Highway 212
Clackamas, OR 97015

LEGAL DESCRIPTION: T2S R3E Section 7B, Tax Lot 1200
(16.26 acres)
T2S R3E Section 7B, Tax Lot 1300
(3.21 acres)
T2S R3E Section 7B, Tax Lot 1400
(3.80 acres)

DATE OF CLAIM: December 22, 2005

180-DAY PROCESSING DEADLINE: June 20, 2006

I. CLAIM

Claimant Kumyon Radow seeks compensation in the amount of \$5,400,000 for a claimed reduction in fair market value of property owned by the claimant as a result of enforcement of Metro Code Section 3.07.1110 C of Title 11. In lieu of compensation, claimant seeks a waiver of that regulation so claimant can apply to the City of Damascus and Clackamas County to divide the 23.27-acre subject property into lots of at least five acres and to allow a single family dwelling to be developed on each lot that does not already contain a dwelling. There are two existing single-family dwellings, one on Tax Lot 1300 and one on Tax Lot 1400 which were constructed in 1972 and 1925, respectively.

The Chief Operating Officer (COO) sent notice of date, time and location of the public hearing on this claim before the Metro Council on June 29, 2006. The notice indicated that a copy of this report is available upon request and that the report is posted on Metro's website at www.metro-region.org/measure37.

II. SUMMARY OF COO RECOMMENDATION

The COO recommends that the Metro Council deny the claim for the reasons explained in Section IV of this report. The facts and analysis indicate that Metro's action to bring claimants' land into the Urban Growth Boundary (UGB), designate it Regionally Significant Industrial Area (RSIA) (allowing urban scale industrial and limited commercial uses), and apply a 20-acre minimum lot size temporarily while planning is completed did not reduce the fair market value of claimants' property.

III TIMELINESS OF CLAIM

ORS 197.352(5) requires that a written demand for compensation be made:

1. For claims arising from a land use regulation enacted *prior* to the effective date of Measure 37 (December 2, 2004), within two years of that date, or of the date a public entity applies the regulation to the property as an approval criterion in response to an application submitted by the owner, whichever is later; or
2. For claims arising from a land use regulation enacted *after* the effective date of Measure 37 (December 2, 2004), within two years of the enactment of the regulation, or of the date the owner of the property submits a land use application for the property in which the regulation is an approval criterion, whichever is later.

Findings of Fact

The claimant submitted this claim on December 22, 2005. The claim identifies Metro Code section 3.07.1110 C as the basis of the claim. The Metro Council adopted the regulation that gives rise to this claim on September 10th, 1998, by Ordinance 98-772B.

Metro Council applied the regulation to the claimant's property on December 5, 2002 (effective March 5, 2003), by Ordinance No. 02-969B, prior to the effective date of Measure 37 (December 2, 2004). This ordinance added 18,638 acres to the Urban Growth Boundary, primarily in the Damascus urban expansion area that includes the claimant's property. This ordinance also designated the claimant's property as Regionally Significant Industrial Land (RSIA).

Conclusions of Law

Metro adopted the regulation that gives rise to this claim prior to the effective date of Measure 37, and claimants filed the claim within two years of the effective date of Measure 37. The claim, therefore, is timely.

IV. ANALYSIS OF CLAIM

1. Ownership

Metro Code section 2.21.020(c) defines “owner” to mean the owner of the property or any interest therein. “Owner” includes all persons or entities who share ownership of a property.

Findings of Fact

Sammy Radow and Kumyon Radow acquired Tax Lot 1300 (3.21 acres) on May 15, 1972; Tax Lot 1200 (16.26 acres) on October 2, 1973; and Tax Lot 1400 (3.80 acres) on July 1, 1984. The Radow Revocable Living Trust acquired the property from Sammy Radow and Kumyon Radow on March 11, 1996. Kumyon Radow, the claimant, has had a continuous ownership interest since the dates the three tax lots comprising the subject property were acquired by her.

Attachment 1 is a site map of the subject property (ATTACHMENT 1). There two existing single-family dwelling(s) on the subject property one constructed in 1925 and the other in 1972.

Conclusions of Law

The claimant, Kumyon Radow, is owner of the subject property as defined in the Metro Code.

2. Zoning History

The first zoning of the property was Rural Agricultural Single Family Residential District (RA-1), applied in September 8, 1964. Tax Lot 1400 (3.80 acres) property was rezoned Rural Residential Farm Forest 5-Acre (RRFF-5) on June 30, 1980. Tax Lot 1300 (3.21 acres) was rezoned RRFF-5 on June 30, 1980. Tax Lot 1200 (16.26 acres) was rezoned Exclusive Farm Use (EFU) on June 30, 1980.

3. Applicability of a Metro Functional Plan Requirement

Findings of Fact

On December 5, 2002, Metro Council expanded the UGB by adopting Ordinance No. 02-969B, including the subject property in the UGB expansion area. The effective date of Ordinance No. 02-969B was March 5, 2003. The claimant’s property was also designated Regionally Significant Industrial Area (RSIA) under Ordinance No. 02-969B.

Section 3.07.1110 C of Metro’s Code prohibits any division of land into lots or parcels smaller than 20 acres within urban expansion areas, except for public schools or other urban services, pending adoption of urban comprehensive plan designations and zoning. Ordinance No. 02-969B requires local governments such as the City of Damascus and Clackamas County to apply the interim protection measures to the subject property as set forth in Metro Code Title 11, Urban Growth Management Functional Plan, Section 3.07.1110. Ordinance No. 02-969B requires the local government with land use responsibility for the area of claimant’s property (City of Damascus in this case) to complete urban planning by March 5, 2007.

Clackamas County’s RRFF-5 zone does not allow the division of Tax Lots 1400 or 1300 because both are smaller than 5 acres, the zone’s minimum lot size. Likewise, Tax Lot 1200 (16.26 acres) cannot be divided under the provisions of the County’s applicable EFU zone. This zoning applied to the claimant’s property at the time Metro Council expanded the UGB in 2002.

Clackamas County Board of Commissioners has scheduled a public meeting for the Radow Measure 37 claim for July 12, 2006. The public meeting notice was published on June 14, 2006. At the time of this report, a county staff report was not available.

Prior to its inclusion within the UGB in 2002, the property was subject to the state-required 20-acre minimum lot size. This requirement was adopted by the Land Conservation and Development Commission on April 29, 1992 and applies to lands located within one-mile of the urban growth boundary.

Conclusions of Law

Section 3.07.1110 C of the Metro Code applies to the subject property and became applicable in March 2003 after the claimant acquired the property. Thus, the section did not apply to the subject property at the time claimants acquired it. The section does not allow the claimant to partition or subdivide their 23.27-acre property; however, as noted above, County zoning in effect since 1980 precludes further division of the 23.27 subject property.

4. Effect of Functional Plan Requirements on Fair Market Value

Findings of Fact

Section 2.21.040(d)(5) requires the Chief Operating Officer (COO) to determine whether Metro's temporary 20-acre minimum size for the creation of new lots or parcels applicable to territory newly added to the UGB has reduced the value of the claimant's land. The COO's conclusion is based upon the analysis of the effect of Metro's action contained in this report and in the attached memorandum to Paul Ketcham and Richard Benner from Sonny Conder and Karen Hohndel dated June 28, 2006 (Conder Memo).

The claimant submitted comparable sales data to support their assertion that the temporary 20-acre minimum size has reduced the value of their property by \$5.4 million. Based on the comparable sales data, claimant asserts a current FMV of \$300,000 for each of 20 acres of the 23.27-acre ownership. County zoning at the time of purchases 1972-1985 allowed creation of one-acre homesites (RA-1, one-acre minimum lot size) or five-acre homesites (RRFF-5, five-acre minimum lot size). The claimant believes she could have received approval of 20 additional homesites. Hence, she multiplies \$300,000 times the 20 homesites, subtract the assessor's value under current regulations and arrive at the \$5.4 million loss in FMV.

The Conder Memo analyzes the claimant's information and applies two different methods for determining the effect of Metro's action on the value of claimant's property.

A. "Comparable Sales" Method

This method compares the value of the property in its current regulatory setting with its value today as though Metro's action had not happened, using transactions involving comparable properties in both "with" and "without" scenarios. Under the "without" scenario, the property would be outside the UGB with the zoning that applied at the time of the application of Metro's regulation: 7.01 acres zoned RRFF-5 (Rural Residential-Farm/Forest, five-acre minimum lot size), and 16.2 acres zoned EFU. Given these zoning designations, claimants would not have

been able to obtain approval for division of any of the constituent parcels comprising their ownership.

Under the “with” scenario (current regulatory setting), the land lies within the UGB; it is designated Regionally Significant Industrial Area; and it is subject to a temporary 20-acre minimum lot size to preserve the status quo while the city of Damascus completes the comprehensive planning necessary to allow urbanization of the previously rural (outside the UGB) land. The comparable sales method assumes claimants will be able to use the property for industrial and other uses consistent with Title 4 of Metro’s Urban Growth Management Functional Plan.

Table 4 of the Conder Memo compares today’s values of the property with and without Metro’s action, adjusting in both cases for costs of development and limitations on development of the site that a prudent investor would take into account. The table shows that the FMV of the property under existing regulations exceeds the value of the property under RRFF-5 and EFU zoning outside the UGB. The analysis using this methodology indicates that the current regulatory setting has not reduced the FMV of the Radow property.

B. Alternative Method Using Time Trend Data Suggested by Plantinga/Jaeger

The Conder Memo uses times-series data to determine whether the application of Metro regulations to the property reduced its value. The data show values before and after application of the regulations. The data are displayed in Tables 3A and 3B of the memo. There is no indication from the data that Metro’s regulations reduced the value of the property. The data show that the property continued to increase in value after March 5, 2003, the date the regulations became applicable to the property.

Conclusion

The comparable sales method compares today's value of similarly situated properties under current regulations with today's value under the regulations in place before Metro's action. The Plantinga-Jaeger method as applied in this case measures the value of the property before and after Metro's March 5, 2003, action. The Plantinga-Jaeger method provides a clearer and more accurate answer to the question posed by Measure 37: did Metro's action reduce the FMV of the Radow property? Application of the method shows that the FMV of the Radow property continued to rise after Metro included it in the UGB with the RSIA designation and the temporary 20-acre minimum lot size.

Property value data indicate that Metro’s action to bring claimant’s land into the UGB, designate it Regionally Significant Industrial Area (allowing urban-scale industrial development), and apply a 20-acre minimum lot size temporarily while planning is completed did not reduce the FMV of their property.

5. Exemptions under ORS 197.352(3)

Findings of Fact

Section 3.07.1110C of the Metro Code does not restrict or prohibit a public nuisance, the selling of pornography or nude dancing, is not intended to protect public health or safety, and is not required to comply with federal law.

Conclusions of Law

Section 3.07.1110C of the Metro Code is not exempt from Measure 37 under ORS 197.352(3).

6. Relief for Claimant

Findings of Fact

The Metro Council has appropriated no funds to compensation of claims under Measure 37. Waiver of the claim would allow the claimants apply to the City of Damascus and to Clackamas County for a waiver of applicable EFU and RRF-5 zoning provisions to divide the subject property into one-acre lots and to develop a single family dwelling on each lot that does not already contain a dwelling. The effect of development as proposed by the claimant would be to reduce the employment capacity of the city of Damascus and of the UGB. It would also make the provision of urban services less efficient and more complicated. Finally, it would undermine the planning now underway by the City of Damascus to create a complete and livable community.

Conclusions of Law

Based on the record, the claimants have not established that they are entitled to relief in the form of compensation or waiver of the interim 20-acre minimum lot size requirement under Metro Code Section 3.07.1110C.

Recommendation of the Chief Operating Officer:

The Metro Council should deny the Radow claim for the reason that the Council's Ordinance No. 02-969B did not reduce the value of the Radow property.

ATTACHMENTS TO THE REPORT OF THE CHIEF OPERATING OFFICER

Attachment 1: Site Map of Kumyon Radow Property

Attachment 2: Metro Memorandum to Paul Ketcham and Richard Benner from Sonny Conder and Karen Hohndel, "Revised Valuation Report on the Kumyon Radow Measure 37 Claim," dated July 14, 2006


Attachment 3: Sample Area of 2004-2005 Sales Data for Damascus UGB Expansion Area and One Mile Buffer, Clackamas County, OR

Attachment 4: Kumyon Radow Measure 37 Claim Submittal to Metro

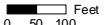
M:\plan\lrpp\projects\Measure 37\M 37 report.RadowRevA.doc

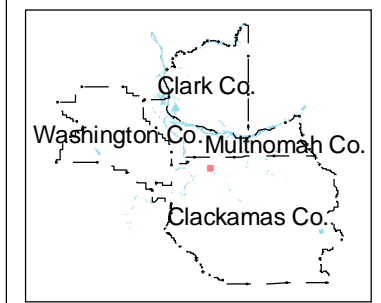
Resolution No. 06-3715
Attachment 1 COO Report

Site Map Radow Measure 37 Claim

 Subject Property

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

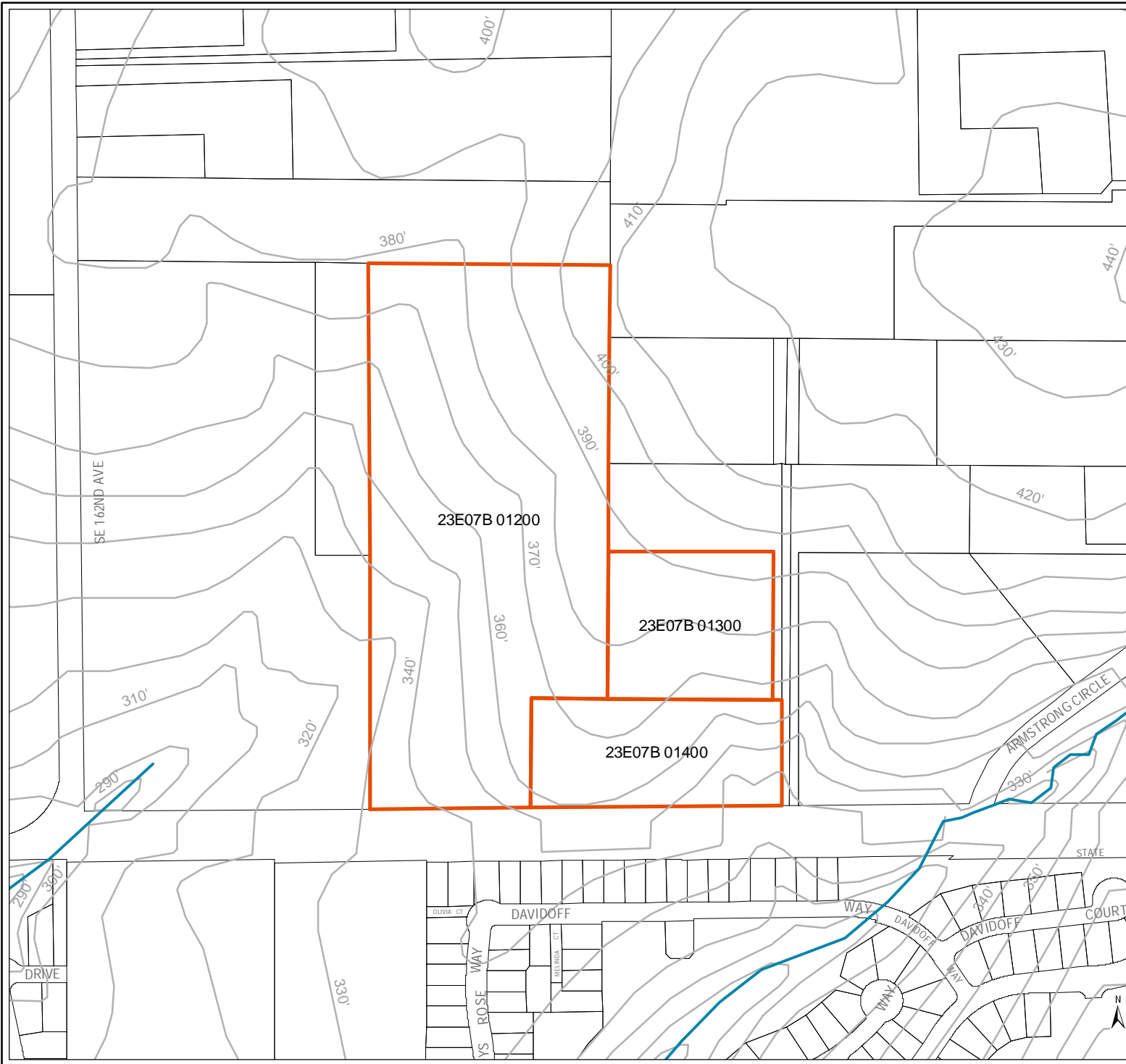
1 inch equals 0.06 miles
 Feet
0 50 100



Location Map



METRO DATA RESOURCE CENTER
600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232-2736
TEL (503) 797-1742 | FAX (503) 797-1909
drc@metro.dst.or.us | www.metro-region.org





July 14, 2006

To: Paul Ketcham, Principal Regional Planner
Richard Benner, Senior Staff Attorney

From: Sonny Conder, Principal Regional Planner
Karen Hohndel, Associate GIS Specialist

Subject: Revised Valuation Report on the Radow Measure 37 Claim

Conclusion

Per your request we have conducted a valuation analysis of the Radow Measure 37 Claim. The Metro designation of “Regionally Significant Industrial Area” (RSIA) applies to the Radow claim. We conclude, using the comparable sales method of determining possible reduction in value, that the Metro action of including the 23.27-acre property inside the UGB, designating it RSIA and imposing a temporary 20-acre minimum lot size for development did not produce a material loss of value for the subject property ¹.

Using a time-series variation of the Plantinga-Jaeger method of determining property value loss due to regulation also indicates no loss of value for the 23.27-acre parcel. This conclusion rests on the observation that the assessor’s market value for that particular property has continued to increase since the Metro 2003 regulations. Moreover, the entire class of RRFF-5 designated parcels within the expansion area and EFU-designated parcels have continued to increase since the Metro 2003 regulations.

The Plantinga-Jaeger method as applied in this case measures the value of the property before and after Metro's March 5, 2003, action. The comparable sales method compares today's value of similarly-situated properties under current regulations with today's value under the regulations in place before Metro's action. The Plantinga-Jaeger

¹ We use the term “material” in the accounting/auditing sense that given the statistical variability inherent in the data there is no difference between two measurements of land value.

method provides a clearer and more accurate answer to the question posed by Measure 37: did Metro's action reduce the fair market value (FMV) of the Radows' property? Application of the method shows that the FMV of the Radows' property continued to rise after Metro included it in the UGB with the RSIA designation and the temporary 20-acre minimum lot size. Thus, the Metro Council should deny the Radows' claim for compensation or waiver.

We consider the time trend and Plantinga – Jaeger methods to be consistent approaches to determining whether a claimant has experienced a property value loss due to a particular government regulation. As we have noted elsewhere, the comparative sales method yields an estimate of what a particular property owner may gain; not an estimate of what they have lost.

Conceptual Understanding for Basis of Property Value Analysis

We understand the present Measure 37 valuation problem to consist of making two property value estimates. These are:

1. Estimate the current market value of the property subject to the regulation that the claimant contends has reduced the value of his property.
2. Estimate the current market value of the property in the absence of that regulation, and with the zoning that applies prior to the Metro regulatory action.

Metro Ordinance No. 02-969B applied a set of new regulations to the claimant's property. First, the ordinance brought claimant's property into the region's urban growth boundary (UGB), making the property eligible for industrial densities on the parcel rather than rural low-density development. Second, the parcel was designated RSIA, allowing industrial use and some associated non-industrial uses on the property. Third, the ordinance applied a temporary 20-acre minimum lot size to protect the status quo while local governments complete amendments to comprehensive plans to allow urban development. Within this overall framework any particular property may have a substantial range of development types and lot sizes. Implicit in this design designation is the availability of urban level capital facilities including sanitary sewers, storm water retention and management, water distribution, streets, roads, parks and other infrastructure and services associated with urban living. All development is assumed to occur in compliance with all health and safety regulations.

The default land use at the time of Metro regulatory action was the Clackamas County designation of RRFF-5 on the 3.8 acre and 3.2 acres parcels. The default designation on the 16.2-acre parcel was EFU. These land use designations are rural designations allowing one dwelling unit per five acres on RRFF-5 and dwellings in EFU zones only under limited circumstances. All development under RRFF-5 and EFU must conform to

applicable health and safety regulations. Most significant is that the reference default land use must be outside the present UGB in a rural setting. While seeming to be a subtle distinction, the requirement of a rural setting outside the UGB is conceptually pivotal to the valuation. To use RRFF-5 or EFU equivalent land inside the UGB as a basis for valuation includes the property value increasing amenity effects of urban services and infrastructure. It is logically contradictory to argue that inclusion inside the UGB and designation of the land for urban purposes has reduced a property's value but to include those very effects in the estimate of the property value without the subject action.

Alternative Method of Computing Property Value Loss Resulting From Regulation

Estimating loss of property value using the usual appraisal method of "comparative sales" has been the subject of substantial criticism. Andrew Plantinga and William Jaeger², economists at OSU, have written papers pointing out that using the method of comparative sales does not compute the loss due to regulation. Rather the estimated "value loss" is actually the gain resulting from obtaining an exemption to the general rule. To better understand their arguments, we may think of the comparative sales method of determining an economic loss as equivalent to determining the value of issuing someone a special license or franchise to carry out an economically valuable function that others may not do. For instance, licenses to operate taxi cabs in New York are seldom issued and in great demand. As a result the license itself has acquired substantial economic value. An example closer to home is the value of an Oregon liquor license prior to more liberal issuing standards in the 80s. In the 1950s through roughly the 70s, an Oregon liquor license for a restaurant or bar vastly increased the property value of the establishment that had one. Plantinga and Jaeger argue that the value of the property hinges on scarcity resulting from regulation. If everyone had a taxi or liquor license, they would have no value. From an economic perspective, using a method that really measures value gained from regulation is not the same as determining economic loss resulting from regulation.

² Andrew Plantinga, *Measuring Compensation Under Measure 37: An Economist's Perspective*, Dec. 2004, 15 pages. (Available at OSU Department of Agricultural and Resource Economics, URL: plantinga@oregonstate.edu).

William K. Jaeger, *The Effects of Land Use Regulations of Land Prices*, Oct. 2005, 38 pages. (Available at OSU Department of Agricultural and Resource Economics, URL: wjaeger@oregonstate.edu).

Also: William K Jaeger, *The Effects of Land-Use Regulations on Property Values*, **Environmental Law**, Vol. 36:105, pp. 105 - 127, Andrew J. Plantinga, et. al., *The effects of potential land development on agricultural land prices*, **Journal of Urban Economics**, 52, (2002), pp. 561 - 581. and Sonny Conder and Karen Hohndel, *Measure 37: Compensating wipeouts or insuring windfalls?*, **Oregon Planners' Journal**, Vol. 23, No 1. Dec. - Jan 2005. pp. 6 - 9.

Plantinga and Jaeger go on to suggest an economically appropriate measure of loss resulting from subsequent land use regulation. Their method is grounded in the well-established and tested Theory of Land Rent. Simplified a bit the Theory of Land Rent holds that the value of land at any particular time is the future net profit from the land used in its most efficient allowable use. The market also adjusts (discount factor) this value to account for time and uncertainty as to future uses. What this means is that the original sales price incorporates future expectations about how the land might be used. If we take the original sales price and bring it up to the current date by using an appropriate price index, we are able to measure in today's prices what the land was worth when it was purchased under the original regulatory requirements.

As Metro's regulatory action was taken in 2003, we have actual time-series data to determine if the subject property experienced a loss of value after Metro's action. Consequently, we need not index the original sales price, as we can observe whether the value actually decreased. We are able to make these observations for the particular property and for the entire class of subject properties within the Damascus expansion area. In essence, the simplest approach to answering the question of whether a property lost value as a result of Metro's regulation is to measure whether the property value decreased following Metro's action.

This method allows a consistent computation of property loss due to subsequent regulatory changes. At the same time it avoids awarding particular property owners a bonus that was not anticipated in the original purchase price. Owners are compensated for what they lost; but they are not awarded an extra benefit owing to unanticipated growth, infrastructure investment or regulatory changes that happen after the application of Metro's regulations.

Property Valuation Analysis Procedure

Our property valuation analysis procedure consists of the following steps:

- Briefly describe the property and make a prudent assessment of development limitations to establish a likely range of development capacity under both RSIA, RRF-5 and EFU designations assuming health and safety regulations are enforced.
- Based on recent sales (2004,2005,2006) of lots and existing properties inside the Damascus expansion area and the eastern portion of the Clackamas industrial district, determine the current (2006) value of the property with a reasonable range of Industrial or RSIA development configurations.
- Based on recent sales (2005) of property in an area extending one mile outside the present UGB within Clackamas County, determine the value of residential

property on lots of 2.5 to 7.5 acres in size. This procedure establishes a reasonable range of values for residential properties of RRFF-5 configuration in a rural setting. In the same way, determine the value of properties classed as EFU with a size range of 15 – 25 acres.

- Provide an alternative determination of loss of value of the Radow property based on time-series before and after Metro’s regulatory action.
- Evaluate the lot value and home value comparables submitted as evidence with the Radow Measure 37 claim. Comment on whether those estimates are logically relevant to establish a Measure 37 property value loss assertion.
- Provide and compare estimates of the value of the subject property as of 2006 with Metro’s RSIA designation versus Clackamas County’s RRFF-5 and EFU designations.

Radow Property Description

The subject property consists of one parcel of 23.27 acres located just north of Highway 212 at approximately the 167th block about 2.5 miles west of the Damascus town center and 1.2 miles east of the eastern edge of the Clackamas Industrial District. The parcel has access to Highway 212. Assessor appraised value as of 2006 for the entire 23.27-acre parcel is \$1,189,259 with \$447,000 improvement value and \$742,259 in land value. Data submitted with the claim indicate 23.27 acres comprising the property was purchased in 1975 with the present structures built in 1925 and 1972. One property appears dilapidated and abandoned. However, the assessor still gives it a positive value so we are assuming a useful life. This assumption penalizes the RSIA designation slightly and increases the default valuation.

Visual inspection from Highway 212 and air photo inspection as well as relevant GIS data indicate that the property per se poses substantial limitations to development for industrial purposes. It is located on land that increases elevation about 60 feet south to north east over the extent of the property. Surrounding properties also have slope limitations in regard to industrial development. Consequently, the scale of industrial development in this general area may be limited. The portion of the property zoned RRFF-5 (7.01 acres) cannot be divided to create new home sites because the zone has a five-acre minimum lot size.³ Likewise the 16.2-acre parcel cannot be divided because of the EFU zone has an 80-acre minimum lot size. Consequently, the default land uses for the three tax lots are no change in present uses. In the case of use under Metro’s

³ At the time Metro’s regulations became applicable to the property, it was also subject to a state-imposed 20-acre minimum lot size. The applicability of this state regulation, however, does not affect this analysis because no division of the property is allowed by the RRFF-5 zone or the EFU zone.

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Industrial designation on the 23.27-acre parcel. the residential structures would need to be demolished or moved when the land is converted to a more intense use.

Again, it is not in our professional capacity to assert with authority any definitive estimate of what the site limitations are; but rather to reflect what any prudent property investor must consider when pricing raw land. This holds true for both Metro's RSIA, and the default use of RRFF-5 and EFU.

Land Use Capacity Estimates – 23.27 Acre 3 Tax Lots Parcel

For purposes of determining RSIA capacity, we note that the site is roughly 1.2 miles east of the eastern edge of the existing Clackamas Industrial District. In designating these lands for industrial use there was an implicit presumption that a major transportation corridor – the “Sunrise Corridor” - would be constructed through the area with available access. Our understanding at present is that no identified funding for the project exists and that a number of other regional transportation projects have higher priority. Consequently, we cannot prudently consider such an improvement to be in place over a 20-year planning horizon. Slope on surrounding parcels, poor access and general lack of demand portend an industrial market for the property of very low density and low value structures.

Current Value Estimate of “RSIA” in Damascus Expansion Area

RSIA:

Comparables for the RSIA designation are more problematic. To establish a starting point for valuation, we examined recent (since 2004) sales of industrially designated property in the eastern section of the Clackamas Industrial District and two sales of Industrial and RSIA property along Highway 212 in the Damascus expansion area. Table 1 below summarizes the information on the sales.

See next page for Table 1

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Table 1: Summary Property Value Data - Clackamas Industrial District and Damascus Area Industrial/RSIA Highway 212 Development Recent Sales

Property Description	Sale Date	Size Acres	Per Acre Sale \$
3 land assembly sales, ready to build, hwy 212 Clackamas Ind. Dist.	2004	29.8	\$102,300
2 land assembly sales, ready to build, hwy 212 Clackamas Ind. Dist	2004	4.8	\$130,200
2 land assembly sales, Damascus expansion area, Hwy 212, Ind.- RSIA	2005 - 06	69.3	\$131,600
1 land sale, Damascus expansion area, Hwy 212, Ind.- RSIA	2005	34	\$45,700
2 land assembly sales, Damascus expansion area, Highway 212, RSIA	2005	20.8	\$75,300
1 land sale, Damascus expansion area, Hwy 212, RSIA	2003	17.9	\$83,600

In the context of the Radow property industrial valuation, the above sales merit some discussion. The Clackamas Industrial District (CID) sales represent transactions for ready to build industrial land at the east end of the industrial district. As such they are legitimate comparators for flat land, with services in an existing, developed industrial area. Given the distance of the subject property from existing industrial development, fewer services and less access and greater slopes, it should be expected that the claimants' property would have lower value for industrial use than CID properties.

The remaining four sales are located adjacent to or close to Hwy 212 in the Damascus expansion area on a combination of industrial and RSIA designated land with slope characteristics similar to or more extreme than the Radow property. The 69-acre property was purchased by Providence Health System. The 34-acre property, north of

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and adjacent to the Providence property, was likewise purchased by a developer for \$45,700 per acre and consists of sloping Industrial and RSIA-designated land.

The final two sales are particularly close to the Radow property on land designated RSIA. The 17.9-acre sale was to Sunrise Water Authority and may reflect a future public facility use. The 20.8-acre sale was to a developer for undetermined purposes.

Given the above information we take the \$75,000 per acre value as the base for comparison purposes for valuing industrial on the Radow property. For purposes of our valuation we assume a raw land sales price of \$75,000 per acre. We note, however, that having only two closely comparable sales as the basis for comparison makes our second method of analysis – the time-series analysis – a more reliable indicator of values.

Current Value Estimate of “RRFF-5 Buildable Lots” in the 1 Mile Buffer Area Outside the UGB

To establish the value range for “RRFF-5” size lots within the Clackamas rural area we selected all residential properties that sold in 2004 and 2005 within the 1 mile buffer zone with a lot size of 2.5 to 7.5 acres. These comprised 177 properties and their summary statistics are included below in Table 2. To establish the value of Clackamas EFU we selected on properties of between 15 and 25 acres in the 1 mile buffer area that sold in 2004 and 2005. The selection consisted of 20 properties. The data are summarized in Table 2A.

Table 2: Summary Property Value Data – Clackamas Rural Residential (“RRFF-5”)

Average Lot Size:	4.45 acres
Median Lot Size:	4.56 acres
Average Lot Value:	\$233,200
Median Lot Value:	\$204,000
Average Total Prop.	\$510,200
Median Total Prop.	\$421,800
Average House Size:	3,500 Sq. Ft.
Median House Size:	3,350 Sq. Ft.

Table 2 values indicate the assessor values for the two RRFF-5 Radow properties are fairly consistent with present market prices.

Table 2A: Summary Property Value Data – Clackamas EFU

Average Lot Size:	19.45 acres
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Median Lot Size: 19.59 acres
Average Lot Value: \$19,584/acre
Median Lot Value: \$13,885/acre

On a per acre basis the combined assessor's data indicates a value of \$13,885 compared to \$19,584 for the Radow EFU-designated property.

Alternative Valuation of Radow Property Using the Time Trend Method Suggested by Plantinga and Jaeger

OSU economists Andrew Plantinga and William Jaeger have challenged the "comparable sales" approach of traditional appraisal methods. They have pointed out that it really measures the value obtained by an exception to the current rule; rather than a measure of economic loss suffered as a result of government land use regulation. Since the subject Metro regulatory change was recent (2003), we have before and after time-series data to determine whether the Radow property actually experienced a loss of value after the Metro regulation.

Accordingly, we have tabulated property value data for the entire expansion area from assessor's records for the years 2000 through 2006. We present the data for the Radow RRFF-5 and EFU property specifically and for all RRFF-5-designated and EFU-designated properties within the expansion area. Table 3 below depicts the results by year.

**Table 3A: Radow RRFF-5 Property Value and Expansion Area Property Values
2000 - 2006**

Year	Radow Value	Average All RRFF-5
2000	628,280	309,353
2001	610,060	331,342
2002	625,939	346,958
2003	634,409	351,695
2004	691,839	369,960
2005	756,709	392,706
2006	870,436	416,137

**Table 3B: Radow EFU Property Value and Expansion Area Property Values
2000 - 2006**

Year	Radow Value Per Acre	Average EFU Per Acre
2000	649	27,317
2001	14,514	33,782

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2002	15,083	35,417
2003	15,385	35,793
2004	16,290	37,535
2005	18,100	39,778
2006	19,608	41,496

Both the Radow property assessor's market value and the average value of all RRFU5 and EFU tax lots within the study area increase steadily from 2003 through 2006. There is no evidence that Metro's action of including the property within the UGB and imposing a temporary 20-acre minimum lot size has reduced property values. Figures A and B attached depicts the time trends graphically. Here we also include a "Plantinga - Jaeger" test where we compare property appreciation after the Metro action to an index that includes the real interest rate, a "risk premium" and the inflation rate. We note that the Radow properties' assessor RMV increases faster than the "Plantinga - Jaeger" test.

Evaluation of Radow Claim of Comparable Properties

The basis for the Radow property value loss estimate of \$5,400,000 rests on a market value estimate of \$300,000 per raw acre for 20 acres of land less the assessor's estimate of \$30,000 per acre that it is worth under present land use designation of RSIA. Presumably, the 3.27 acres remaining is retained for the existing improvements. Essentially, the claimant assumes unrestricted use of the land as the default land use.

We see two problems with the claimant's list of comparable properties: (1) the list uses urban subdivisions as comparators rather than RRF-5 and EFU-zoned parcels, indivisible under the county zoning that applied at the time Metro's regulations first applied; and (2) the list uses properties from areas inside the UGB of developed cities with full urban services. The claimant submits six comparable sales covering the dates from July 2003 through June 2005. Five of the sales are tract land sales of land suitable within a reasonable period of time (1 - 5 years) for urban residential development. One sale is for already-developed lots immediately useable for home construction. All sales are within developed or developing areas within the UGB. Per acre values for the five raw land sales range from \$90,000 per acre (most easterly) to \$210,000 (most westerly - inside I-205).

We do not take issue with these values as representing unrestricted market land values. However, the relevant land designations are either Metro's RSIA designation or the applicable land use designations at the time of Metro's action (RRFF-5 or EFU).

Radow Claim Property Values Compared

Resolution No. 06-3715
Attachment 2: Revised Report of the Chief Operating Officer

Given the data developed in the previous Tables we may now summarize our estimates of the total value in 2006 for the Radow property in its present location. To do so we have followed the procedure below:

1. Assume the 23.27 acre parcel is developed as RSIA.
2. For the default RRFF-5 use we add the assessor's market value of both properties plus 15%. This approximates the market value since the property cannot be further subdivided under RRFF-5 designation. For the EFU property we use as a low estimate the median value and as a high estimate the average value of EFU designated land in the area. Both EFU estimates are well beyond what the land is worth in agricultural use alone and reflects market capitalization of alternative non-agricultural uses.
3. For the 23.27 acre parcel we assume a \$75,000 per acre raw land price based on comparables adjusted for access. To account for the value of the existing improvements on the property, we value them on an annual net rental proceeds basis discounted 6.5% per year until time of land conversion (10 years) at which time the improvements are demolished. The summed and discounted residential rents we add to the land value.
4. We compare the resultant values for the property with RRFF-5 and EFU usage to the value of the property with RSIA usage.

Table 4 below depicts the results for low and high range assumptions for both RSIA and RRFF-5.

See next page for Table 4

Resolution No. 06-3715
Attachment 2: Revised Report of the Chief Operating Officer

Table 4: Comparison of Estimated Market Value of Raw Land for RSIA and RRF-5

RSIA 23.27 Acre Parcel Used as Industrial:

Parcel Size:	23.27 acres
Estimate of raw land value at Time of conversion (per acre):	\$75,000
Total value (23.27 x 75,000):	\$1,745,250
Rents from SFD improvement:	\$120,775
Total Value:	\$1,866,025
Value per acre (23.27 acres):	\$80,200

EFU 16.26 Acre Parcel:

Size:	16.26
Low Value per Acre:	\$13,900
Low Total Value:	\$226,000
High Value per Acre:	\$19,600
High Total Value:	\$318,700

RRFF-5 Property - 7.01 Acres:

Current Assessor's RMV:	\$870,400
Plus 15% for Assessor lag:	\$130,600
Total RRF-5 Prop. Value:	\$1,001,000

Combined Total Value Default Use:

Low:	\$1,227,000
Per Acre:	\$52,700
High:	\$1,319,700
Per Acre:	\$56,700

We estimate the current value of the Radow property with RSIA designation to be \$1,866,025. The same property used as RRF-5 and EFU would yield \$1,227,300 - 1,319,700. If developed with Metro's designation in 10 years the property would not experience a loss over the default RRF-5 and EFU use.

Using the time trend method with a "Plantinga - Jaeger" test for reasonable return on investment yields no loss. The Radow property value did not decrease after Metro's designation, but instead increased at a rate faster than the average of similarly designated properties in the expansion area.

Resolution No. 06-3715
Attachment 2: Revised Report of the Chief Operating Officer

The Plantinga-Jaeger method as applied in this case measures the value of the property before and after Metro's March 5, 2003, action. The comparable sales method compares today's value of similarly situated properties under current regulations with today's value under the regulations in place before Metro's action. The Plantinga-Jaeger method provides a clearer and more accurate answer to the question posed by Measure 37: did Metro's action reduce the FMV of the Radows' property? Application of the method shows that the FMV of the Radows' property continued to rise after Metro included it in the UGB with the RSIA designation and the temporary 20-acre minimum lot size. In short, the Metro regulations did not reduce the FMV of the Radows' property.

Figure A: Radow RRF-5 Property Time Trend and P-J Test

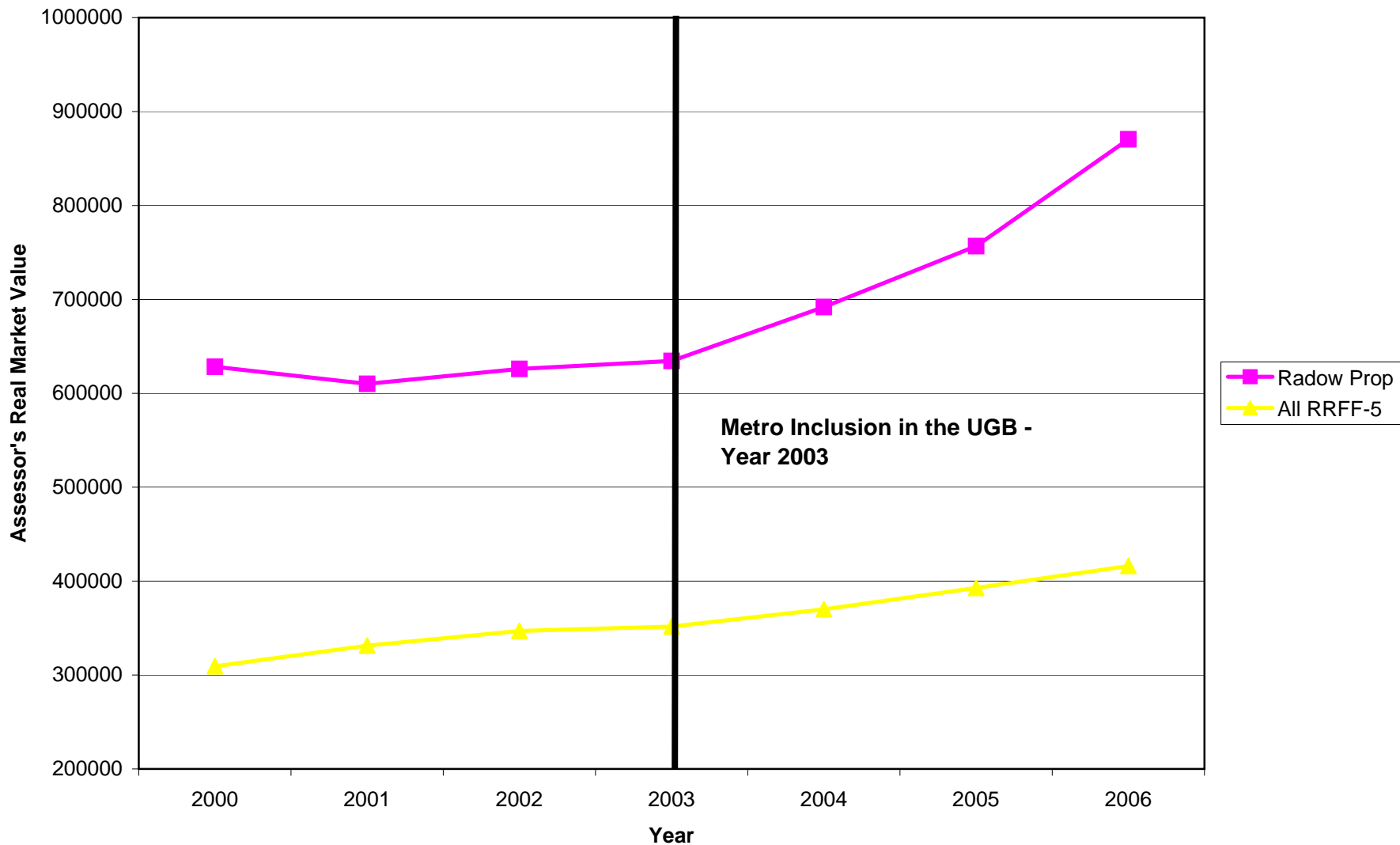
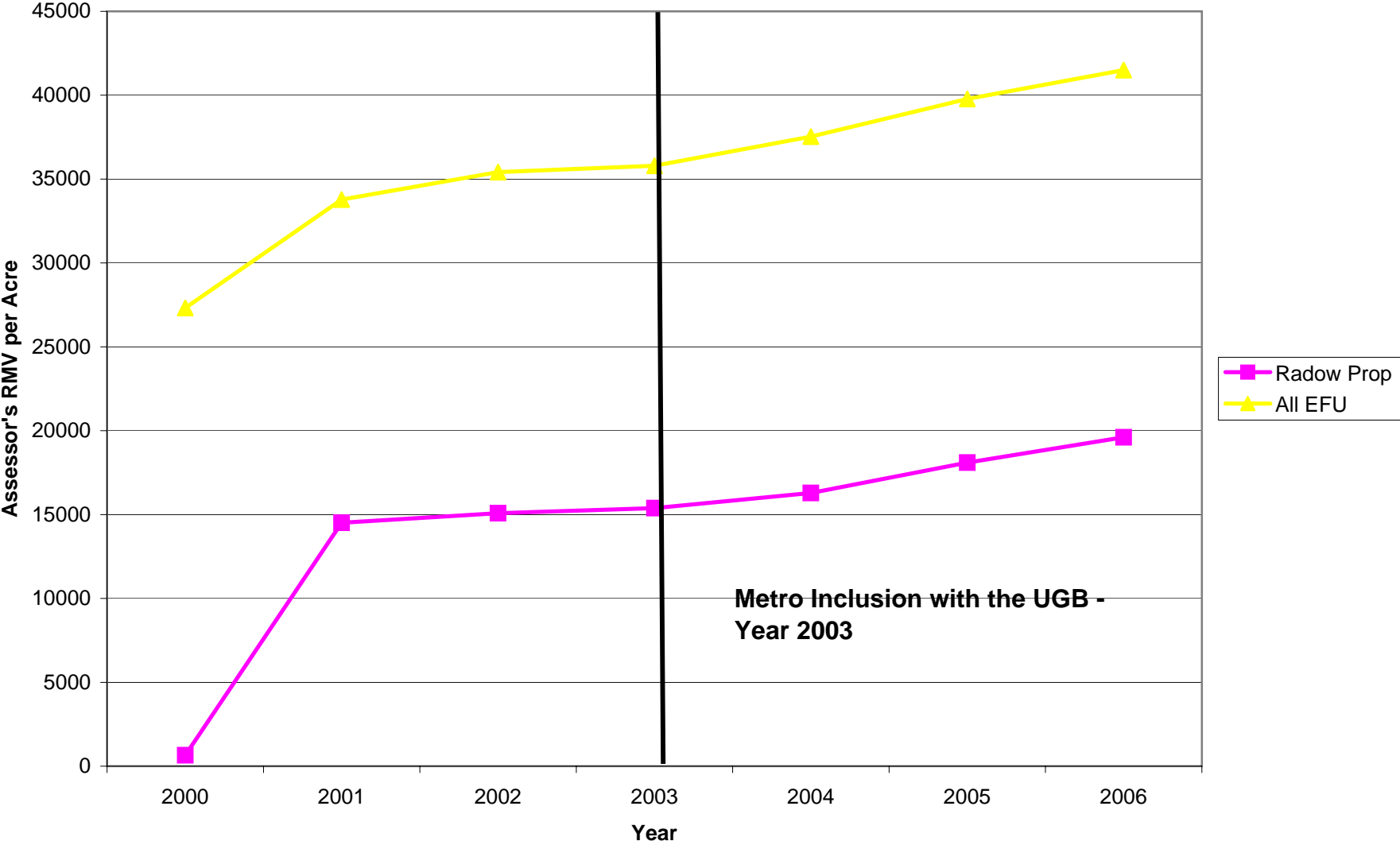
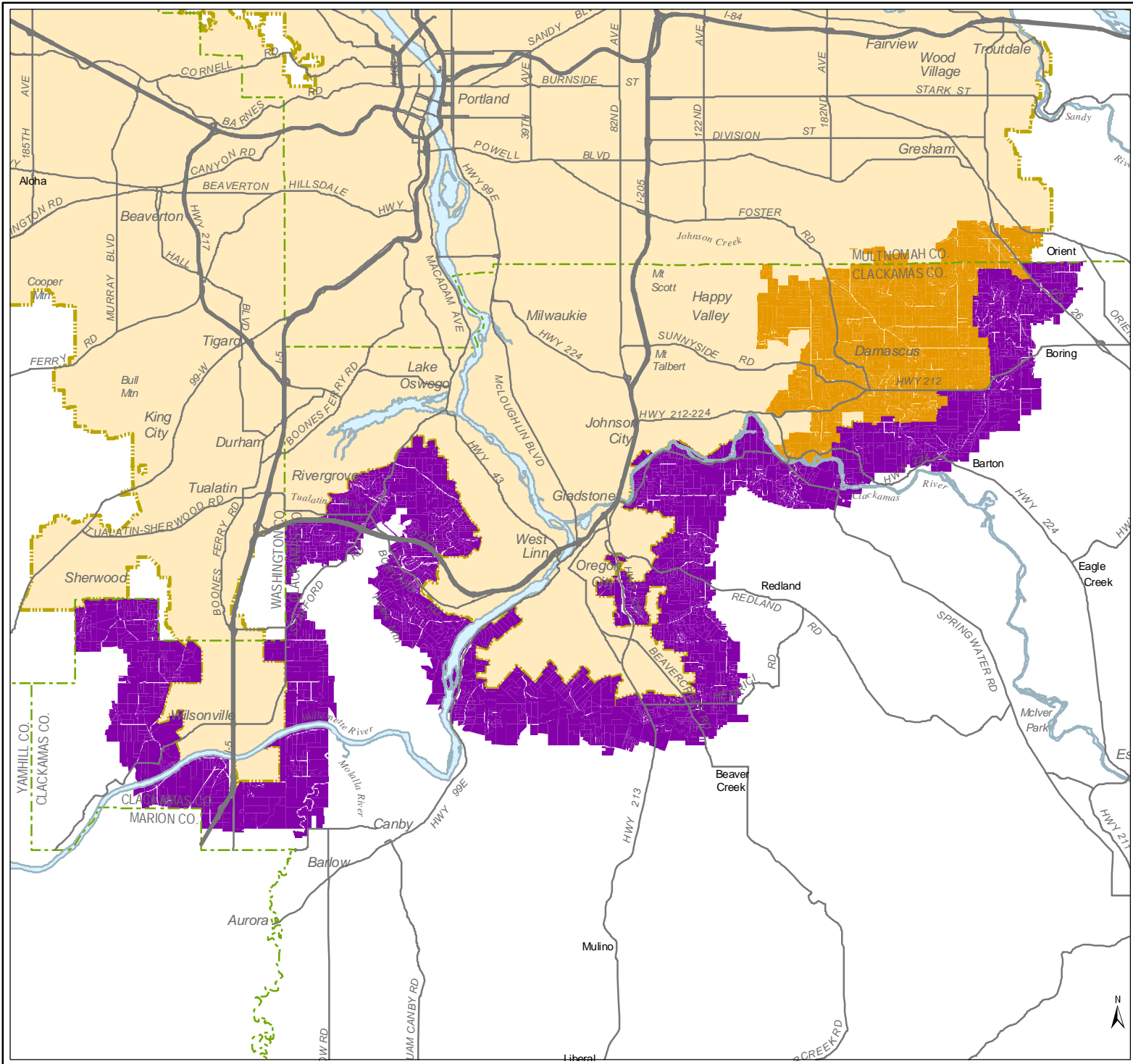


Figure B: Radow EFU Property Time Trend Compared to All EFU and P-J Test





R L I S

REGIONAL LAND INFORMATION SYSTEM

Resolution No. 06-3715
Attachment 3 COO Report

Sample Area of 2004-2005 Sales Data for Damascus UGB Expansion Area and One Mile Buffer, Clackamas County, OR

- Damascus UGB Expansion Area
- One Mile Buffer
- County Line
- Inside Metro UGB

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

1 inch equals 3.31 miles

Location Map

METRO DATA RESOURCE CENTER
600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232-2736
TEL (503) 797-1742 | FAX (503) 797-1909
drc@metro.dst.or.us | www.metro-region.org

FEB 28 2006

February 24, 2006

MISTI K. JOHNSON

DIRECT DIAL
503.417.5514

E-MAIL
mkj@dunn-carney.com

ADDRESS
Suite 1500
851 S.W. Sixth Avenue
Portland, Oregon
97204-1357

Phone 503.224.6440
Fax 503.224.7324

INTERNET
www.dunn-carney.com

Michael Jordan
Operating Officer
Metro
600 NE Grand Avenue
Portland, OR 97232-2736

Re: Measure 37 Claim – Kumyon Radow and Helen Radow
Our File No. RAD 11-1

Dear Mr. Jordan:

Enclosed is a copy of a Measure 37 claim submitted to Metro on December 22, 2005. We have not received acknowledgement of receipt as of this date. In light of the recent Oregon Supreme Court decision involving Measure 37, we are resubmitting this claim.

Please acknowledge receipt of this claim. If you should have any questions, please do not hesitate to contact me.

Sincerely yours,



Misti K. Johnson

MKJ:klb
Enclosures
cc w/o enc: Helen Radow

::ODMA\GRPWISE\DUNN-CAR.POST1.CLIENTS:388101.1

December 22, 2005

TY K. WYMAN

DIRECT DIAL
503.417.5478

E-MAIL
tkw@dunn-camey.com

ADDRESS
Suite 1500
851 S.W. Sixth Avenue
Portland, Oregon
97204-1357

Phone 503.224.6440
Fax 503.224.7324

INTERNET
www.dunncarney.com

Michael Jordan
Chief Operating Officer
Metro
600 N.E. Grand Avenue
Portland, Oregon 97232-2736

Re: Measure 37 Claim – Kumyon Radow and Helen Radow
Our File No. RAD11-1

Dear Mr. Jordan:

Enclosed with this letter is a Measure 37 claim that we have filed with Clackamas County. We are also submitting it to Metro for the following reasons.

On December 5, 2002, the Metro Council approved the major expansion of the Urban Growth Boundary. That decision brought 18,638 acres into the boundary, including, 2,851 acres dedicated to employment purposes. The findings of that ordinance set out Metro's analysis of the need for land for new jobs for the year 2022. Metro's analysis indicated that the region would need approximately 14,000 acres to accommodate an additional 355,000 jobs. As part of that ordinance, the Metro Council amended the Regional Framework Plan to improve the protection of the existing industrial land base, created a new 2040 Growth Concept Design Type, "Regionally Significant Industrial Land," (RSIA) and revised Title 4 to establish new limitations on commercial office and commercial retail uses in RSIA's.

Metro adopted Ordinance 04-1040B, which included Exhibit C, which amended the employment/industrial areas map. That amendment designated Ms. Radow's property as Regionally Significant Industrial Land.

Exhibit F to Ordinance 04-1040B required that the city or the county with land use planning responsibility for a study area included in the UGB, apply the 2040 Growth Concept Design Type as shown on Exhibit E of the Ordinance to the planning required by Title 11 for the study area. In addition, the Ordinance required that the city or county with land use planning responsibility for a study area included in the UGB, apply interim protection standards of Metro Code Title 11, UGMFP, Section 3.07.1110 to the study area until the effective date of the Comprehensive Plan provisions and land use regulations adopted to implement Title 11.

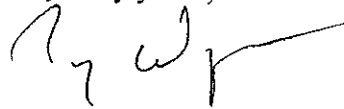
Michael Jordan
December 22, 2005
Page 2

Metro Code Title 11, UGMFP, Section 04-1040B specifies that local governments shall not approve of any land use regulation or zoning map amendment that is inconsistent with the Ordinance. Nor, may local governments approve of land divisions or partitions that would result in the creation of a new parcel less than 20 acres in total size.

The effect of these two ordinances in designating Ms. Radow's property as industrial, restricts the use of her property and thus reduces the fair market value. When the City of Happy Valley annexes Ms. Radow's property, Happy Valley will be required by the Metro Functional Plan to zone the property as industrial, with significant limitations. Happy Valley will not be able to zone it residential. This inability to have the property zoned residential significantly lowers the value of her property, because industrial property has a lower fair market value than does residential.

Therefore, Ms. Radow is requesting removal of the industrial designation on her property.

Very truly yours,



Ty K. Wyman

TKW:jdj/cls

Enclosures

cc: Helen Radow

::ODM\AGR\WISE\DUNN-CAR.POST\I.CLIENTS\380309.1

December 22, 2005

TY K. WYMAN

DIRECT DIAL
503.417.5478

E-MAIL
tkw@dunn-carney.com

ADDRESS
Suite 1500
851 S.W. Sixth Avenue
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Fax 503.224.7324

INTERNET
www.dunn-carney.com

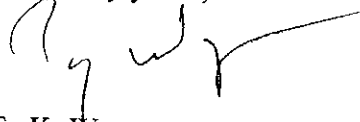
Clackamas County Planning Division
9101 SE Sunnybrook Blvd.
Clackamas, OR 97015

Re: Measure 37 Claim -- Kumyon Radow and Helen Radow
Our File No. RAD11-1

Dear Sir/Madame:

Enclosed is Kumyon Radow and Helen Radow's Measure 37 claim.

Very truly yours,


Ty K. Wyman

TKW:jdh/cls
Enclosure

cc: Helen Radow

::ODMAGRWISE\DUNN-CAR.POST1.CLIENTS:380257.1

MEASURE 37 CLAIM
CLACKAMAS COUNTY PLANNING DIVISION
9101 SE SUNNYBROOK BLVD., CLACKAMAS, OREGON 97015
PHONE (503) 353-4500 FAX (503) 353-4550 www.co.clackamas.or.us

FOR STAFF USE ONLY

FILE NUMBER: _____ DATE RECEIVED: _____
STAFF MEMBER: _____ CPO: _____

APPLICANT INFORMATION
(PLEASE TYPE OR PRINT IN BLACK INK ONLY)

WHAT IS PROPOSED Residential and/or Commercial Development

LEGAL DESCRIPTION: T R SECTION TAX LOT(S)/Map No. 23E07B 01200W1
T R SECTION TAX LOT(S)/Map No. 23E07B 01300

(ADDITIONAL) Tax Lot/Map No. 23E07B 01400

NAME OF CONTACT PERSON ~~Atkins Thomas~~ Ty Wyman

Dunn Carney Allen Higgins & Tongue LLP
MAILING ADDRESS 851 S.W. 6th Avenue, Suite 1500
CITY Portland STATE OR ZIP 97204-1357
PHONE (503) 224-6440 ; CELL PHONE _____

PROPERTY OWNER(S) (The name, address and telephone number of all owners, including their signatures, must be provided. In the event there are more than 3 property owners, please attach additional sheets. Please print clearly)

OWNER 1 Kumyon Radow, Trustee of the Radow Revocable Living Trust UTA dated March 11, 1996

SIGNATURE *Kumyon Radow*

ADDRESS 16711 S.E. Hwy. 212
CITY Clackamas STATE OR ZIP 97015
PHONE (503) 658-2029 ; CELL PHONE (503) 544-8401 daughter

OWNER 2 _____ Helen

SIGNATURE _____ Radow

CITY _____ STATE _____ ZIP _____
PHONE _____ ; CELL PHONE _____

OWNER 3 _____

SIGNATURE _____

CITY _____ STATE _____ ZIP _____
PHONE _____ ; CELL PHONE _____

MEASURE 37 CLAIM OF KUMYON RADOW

SUPPLEMENTAL INFORMATION

- 1. Other persons with an interest in the property (such as lien holders): Please provide a list of the name, address and phone number of anyone with an interest in the property, and identify their interest.**

None.

- 2. Exact date the current owner acquired the property?**

The Radow Living Trust acquired the property from Sammy Radow and Kumyon Radow on March 11, 1996.

- 3. If the current owner acquired the property from a family member, what is the exact date the family member acquired the property? If there is more than one event where the property was acquired from a family member, such as a series of inheritances, please provide a list of all such events and their dates.**

Sammy Radow and Kumyon Radow acquired Tax Lot 1300 from Sally Healy, formerly Sally Osburg, on May 15, 1972.

Sammy E. Radow and Kumyon Radow acquired Tax Lot 1400 on July 1, 1984.

Sammy E. Radow and Kumyon Radow acquired Parcel 1200 on October 2, 1973. (See attached deeds and title history).

- 4. What regulation (if more than one, please describe) do you believe lowered the value of your property? When did the regulation take effect?**

The County adopted a comprehensive plan, which designated the Site as resource land under. Pursuant to that Plan designation, the County zoned the Site EFU (Lot 1200) and RRFF-5 (Lot 1400). Attendant with such zoning, the County applied a number of restrictions on use and development of each lot.

- 5. Please describe how this regulation(s) restricts the use of the property and reduces the property's fair market value.**

Both the EFU and RRFF-5 designations restrict both use and development of the Site.

Restrictions on Use. ZDO 401 governs use and development within the EFU zone. ZDO 401.08.A “prohibits . . . uses of land not specifically mentioned in this Section.” Because this use prohibition is stated as a negative, it is impossible for the claimant to list the prohibited uses of Lot 1200. Nonetheless, by reviewing uses specifically allowed in other zones, we can identify many that are impliedly prohibited on Lot 1200. These include the following:

- “Office, retail, and service commercial uses”
- “Multifamily residential uses”
- “Institutional Uses”
- “Cultural/Public Uses”
- “Business Park Uses”

Restrictions on Development.

The primary restriction on development within the EFU zone is the 80-acre minimum size that is applied to all new lots by ZDO 401.10.A.

Unlike other zones, does not set forth “development standards,” *per se*. Rather, it sets forth at length “Criteria for Dwellings.” In general, these criteria do not limit the size and location of dwellings, but rather the circumstances in which a dwelling may be built.

As it does with uses, ZDO 401.08.A “prohibits . . . [s]tructures . . . not specifically mentioned in this Section.” Many types of structures are not allowed pursuant to this provision, including retail stores.

6. How much has the fair market value of your property been reduced by enactment or enforcement of the regulation(s)?

The fair market value of Parcel 1200, Parcel 1300 and Parcel 1400 (approximately 20 acres), under current zoning, according to the Clackamas County Tax Assessor, is \$682,000. This is approximately \$30,000 per acre. Without those restrictions, this property could be sold for over \$300,000 per acre. (See comparable listings). Therefore, the fair market value loss is approximately \$5,400,000 (\$300,000/acre - \$30,000/acre x 20 acres).

7. Are you requesting compensation, or removal of the regulation(s), modification of the regulation(s), or a decision not to apply the regulation(s)? If you are requesting monetary compensation, please indicate how much and how you calculated this sum. [Please note that the County has exclusive authority to choose whether to pay monetary compensation, or remove, modify or not apply the regulation(s) causing a valid claim.]

Applicant is requesting removal of the regulations.

8. Are you requesting that a specific use be allowed? Please describe the use.

We are not asking the County presently to allow a specific use of the Site. Rather, we ask the County to remove the regulations that restrict its use.

9. The following additional material must be submitted with the application:

A real property appraisal performed by a licensed or certified appraiser licensed in Oregon; the appraisal must meet the Uniform Standards of Professional Appraisal Practice and the requirements of County's Measure 37 Claims Process Ordinance;

In lieu of an appraisal, applicant is submitting the most recent tax assessments for parcels 1200, 1300 and 1400, as well as comparable listings.

A title report issued no more than 30 days prior to the submission of the claim that reflects the ownership interest in the property, or other documentation proving ownership of the property;

Title reports for parcels 1200, 1300 and 1400 are with this application.

Copies of any leases or covenants, conditions and restrictions applicable to the property and any other documents that impose restrictions on the use of the property;

There are none.

Claims processing fee - \$750.00

Attached.

PROPERTY DESCRIPTION

MAP: 23E07B 01200W1

ACCOUNT NO: 00614801

Code Area 012-081

Acres:
16.26

2004-2005 CURRENT TAX BY DISTRICT:

RADOW SAMMY TRUSTEE
 SAMMY RADOW
 16711 SE HWY 212
 CLACKAMAS OR 97015

COM COLL CLACK	4.31
ESD CLACKAMAS	2.86
SCH NORTH CLACK	35.57
EDUCATION TOTAL:	42.74
CLACKAMAS COUNTY	22.47
FD 1 CLACK CO	17.65
PARK N CLACKAMAS	3.90
PORT OF PTLD	0.55
SRV 2 METRO - OREGON ZOO	0.75
URBAN RENEWAL COUNTY	8.62
VECTOR CONTROL	0.05
GENERAL GOVERNMENT TOTAL:	53.99
COM COLL CLACK BOND	1.87
FD 1 CLACK CO BOND	1.37
SCH NORTH CLACK BOND	8.53
SRV 2 METRO BOND	1.45
TRANS TRIMET BOND	0.85
EXCLUDED FROM LIMIT TOTAL:	14.07
2004-2005 TAX BEFORE DISCOUNT	110.80

VALUES: LAST YEAR THIS YEAR

REAL MARKET VALUES (RMV):		
RMV LAND	264,868	294,298
RMV TOTAL	264,868	294,298
SAV TOTAL	19,674	20,211
ASSESSED VALUE (AV):	7,739	7,967

PROPERTY TAXES: 108.69 110.80

Questions about your property value or taxes
 Please call 503-655-8671

Please Make Payment To: CLACKAMAS COUNTY TAX
 COLLECTOR (Refer to the insert enclosed for more information)

DELINQUENT TAXES: NO DELINQUENT TAXES DUE
 See back for explanation of taxes marked with an (*).
 Delinquent tax amount is included in payment options listed below.
TOTAL (after discount): 107.48

(See back of statement for instructions)

TAX PAYMENT OPTIONS

Payment Options	Date Due	Discount Allowed	Net Amount Due
FULL PAYMENT	Nov 15, 2004	3.32 3% Discount....	107.48
2/3 PAYMENT	Nov 15, 2004	1.48 2% Discount....	72.39
1/3 PAYMENT	Nov 15, 2004	No Discount....	36.94

↑ TEAR HERE PLEASE RETURN THIS PORTION WITH YOUR PAYMENT See back of Statement for Instructions

TEAR ↑
HERE

2004-2005 Property Tax Payment

Clackamas County, Oregon

ACCOUNT NO: 00614801

PROPERTY LOCATION:

Unpaid delinquent tax due is included in payment options.

FULL PAYMENT	(Includes 3% Discount) DUE Nov 15, 2004	107.48
2/3 PAYMENT	(Includes 2% Discount) DUE Nov 15, 2004	72.39
1/3 PAYMENT	(No Discount offered) DUE Nov 15, 2004	36.94

DISCOUNT IS LOST AND INTEREST APPLIES AFTER DUE DATE

Mailing address change or name change on back

Enter Amount Paid

RADOW SAMMY TRUSTEE
 SAMMY RADOW
 16711 SE HWY 212
 CLACKAMAS OR 97015

Please make payment to:
 CLACKAMAS COUNTY TAX COLLECTOR
 168 Warner Milne Rd
 Oregon City, OR 97045



Tigard Branch
10220 SW Greenburg Road #101
Portland, Oregon 97223
(503)244-6068 FAX 244-1633

Lawyers Title Insurance Corp.
Kathryn Runyon
10220 SW Greenburg Road #101
Portland, Oregon 97223

Date Prepared: October 4, 2005

Reference:
ORDER NO. : 22g0238447
CUSTOMER REFERENCE: KUMYON RADOW TR
FEE : \$175.00

LAWYERS TITLE INSURANCE CORPORATION
herein the Company,

has provided the attached information as a special service based on the records and indices listed herein. **THIS IS NOT A PRELIMINARY TITLE REPORT, NOR A COMMITMENT TO ISSUE TITLE INSURANCE.** No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for errors and/or omissions is limited to the amount of fee paid, and the Company will have no greater liability by reason of this report. The Company has no liability for any error or omission which does not result in actual loss to the named customer.

The charge for this service will not include supplemental reports, updates, or any other additional services.

If additional services are requested, the charge will be one hundred dollars (\$100.00) per hour, with a one hour minimum.

Copies of documents may be assessed at the rate of twenty-five cents (\$.25) a page or at the Company's cost, whichever is greater

If you need assistance with this report, please contact:

Kathryn Runyon, Escrow Officer, Phone: (503)244-6068 FAX: 244-1633
Michelle Hoke, Advisory Title Officer: (503) 262-4630

PROPERTY:

Lawyers Title Ins. Corp. File No. 22g0238447 cps

PLANT SERVICE REPORT -- GENERAL FORM

Subject to the limitations specified on the cover sheet, the Company has searched its title plant records, and the Company reports as follows:

A. The land which is the subject of this search is described as follows:

As fully described on Exhibit "A" attached hereto and by this reference incorporated herein.

B. Based on a review of the above tract indices, through 09/22/05, the apparent vested owner is:

KUMYON RADOW, Trustee of the Radow Revocable Living Trust, utu March 11, 1996

For a period of time from 01/01/65 through 09/22/05 at 5:00 P.M., the Company finds the following transfers of title, which affect the property:

1. Contract of Sale,

From : Walter R. Ballard and Rachel R. Ballard, husband and wife
To : William E. Dwyre and/or Betty C. Dwyre, husband and wife, and Walter E. Egger and/or Ruth M. Egger, husband and wife
Recorded : September 8, 1964
As : B 646 P 8

Assignment of Contract,

From : William E. Dwyre, Betty C. Dwyre, Walter E. Egger and Ruth M. Egger
To : Sammy E. Radow and Kumyon Radow, husband and wife
Recorded : March 10, 1966
As : B 670 P 412

2. Warranty Deed,

From : Walter R. Ballard and Rachel Rose Ballard, husband and wife
To : Sammy E. Radow and Kumyon Radow, husband and wife
Recorded : October 3, 1973
As : Recorder's Fee No. 73-31474

(Continued)

PLANT SERVICE REPORT -- GENERAL FORM, CONTINUED
Part B, Continued Order No.: 22g0238447 cps

3. Bargain and Sale Deed,
From : Sammy Radow and Kumyon Radow
To : Sammy Radow and Kumyon Radow, trustees, the Radow Trust, or
their successors or amendments thereto under the Radow
Revocable Living Trust, utd dated March 11, 1996
Recorded : March 14, 1996
As : Recorder's Fee No. 96-017858

END OF REPORT

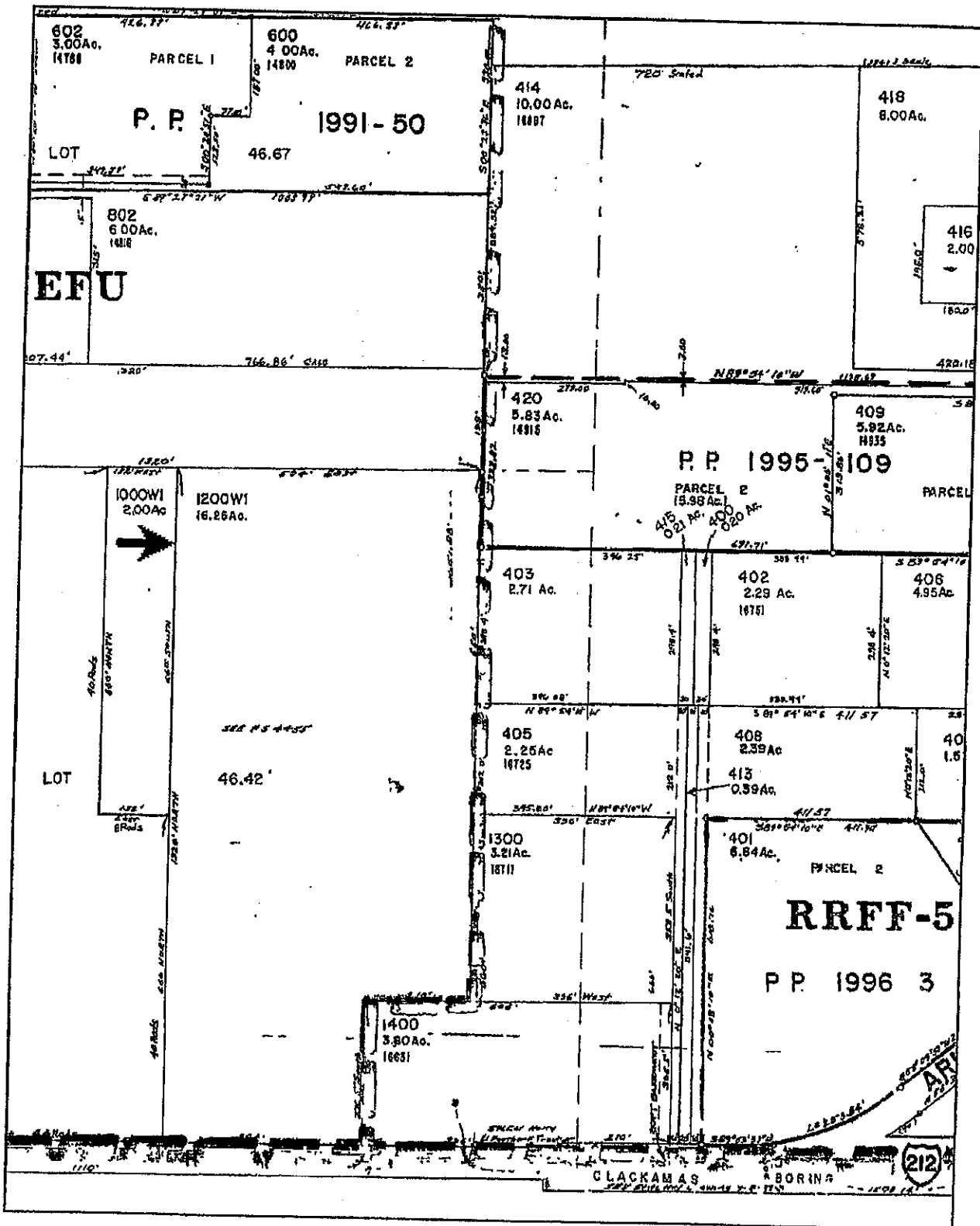
FEL/lcd

Order No. 22g0238447 cps

EXHIBIT "A"
Legal Description

A part of the Northwest one-quarter of Section 7, Township 2 South, Range 3 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point on the South boundary of the Northwest one-quarter of Section 7, Township 2 South, Range 3 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, that is 726.00 feet East of the West one-quarter corner of said Section 7, said point of beginning being also the Southeast corner of a tract of land conveyed to Murry W. Robbins, et ux, by Book 600, Page 333, Deed Records, from said point of beginning; thence North along the East boundary of said Robbins tract and along the East boundary of a tract of land conveyed to Murry Robbins, et ux, by Book 626, Page 452, Deed Records, a distance of 1,320.00 feet to the North boundary of the Southwest one-quarter of the Northwest one-quarter of said Section 7; thence East along the said North boundary 594.00 feet to the Northeast corner of said Southwest one-quarter of the Northwest one-quarter of said Section 7; thence South along the East boundary of said Southwest one-quarter 660.00 feet to the Northwest corner of a tract of land conveyed to Joseph Abbl, et ux, as the second parcel in Book 446, Page 97, Deed Records; thence continuing South along the West line of said Abbl tract 353.5 feet to a point on the North line of a tract of land sold to Donald Gene Herndon, et ux, by contract of sale recorded June 17, 1963, in Book 623, Page 363, Deed Records; thence West along the North boundary of said Herndon tract 210.0 feet to the Northwest corner thereof; thence South along the West boundary thereof 306.5 feet to a point on the South boundary of the Southwest one-quarter of the Northwest one-quarter of said Section 7; thence West along said South boundary 384.00 feet to the point of beginning.



THIS MAP IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING SAID PREMISES, AND THE COMPANY ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, IN DIMENSIONS, AREAS, AND LOCATIONS ASCERTAINED BY ACTUAL SURVEY.



7/1/2004 o 6/30/2005 REAL PROPERTY STATEMENT

CLACKAMAS COUNTY, OREGON * 168 WARNER MILNE RD. * OREGON CITY, OREGON 97045
 RESOLUTION NO. 06-3715
 Attachment 4: COO Report

PROPERTY DESCRIPTION

16711 SE HWY 212
 CLACKAMAS OR 97015

MAP: 23E07B 01300

Code Area 012-115

ACCOUNT NO: 00614810

Acres:
 3.21

2004-2005 CURRENT TAX BY DISTRICT:

COM COLL CLACK	169.84
ESD CLACKAMAS	112.78
SCH NORTH CLACK	1,402.24
EDUCATION TOTAL:	1,684.86
CLACKAMAS COUNTY	886.76
FD 1 CLACK CO	695.73
PORT OF PTLD	21.51
SRV 2 METRO - OREGON ZOO	29.43
URBAN RENEWAL COUNTY	322.56
VECTOR CONTROL	2.04
GENERAL GOVERNMENT TOTAL:	1,958.03
COM COLL CLACK BOND	73.84
FD 1 CLACK CO BOND	53.89
SCH NORTH CLACK BOND	336.60
SRV 2 METRO BOND	56.97
EXCLUDED FROM LIMIT TOTAL:	521.30
2004-2005 TAX BEFORE DISCOUNT	4,164.19

VALUES: LAST YEAR THIS YEAR

REAL MARKET VALUES (RMV):		
RMV LAND	198,735	220,817
RMV BLDG	266,070	286,610
RMV TOTAL	464,805	507,427
ASSESSED VALUE (AV):	304,911	314,058

PROPERTY TAXES: 4,085.38 4,164.19

Questions about your property value or taxes
 Please call 503-655-8671

Please Make Payment To: CLACKAMAS COUNTY TAX
 COLLECTOR (Refer to the insert enclosed for more information)

DELINQUENT TAXES: NO DELINQUENT TAXES DUE
 See back for explanation of taxes marked with an (*).
 Delinquent tax amount is included in payment options listed below.
 TOTAL (after discount): 4,039.26

(See back of statement for instructions)

TAX PAYMENT OPTIONS

Payment Options	Date Due	Discount Allowed	Net Amount Due
FULL PAYMENT	Nov 15, 2004	124.93	3% Discount.... 4,039.26
2/3 PAYMENT	Nov 15, 2004	55.52	2% Discount.... 2,720.61
1/3 PAYMENT	Nov 15, 2004		No Discount.... 1,388.07

↑ TEAR HERE PLEASE RETURN THIS PORTION WITH YOUR PAYMENT See back of Statement for Instructions

TEAR ↑ HERE

2004-2005 Property Tax Payment Clackamas County, Oregon

ACCOUNT NO: 00614810

PROPERTY LOCATION: 16711 SE HWY 212

Unpaid delinquent tax due is included in payment options.

FULL PAYMENT	(Includes 3% Discount) DUE Nov 15, 2004	4,039.26
2/3 PAYMENT	(Includes 2% Discount) DUE Nov 15, 2004	2,720.61
1/3 PAYMENT	(No Discount offered) DUE Nov 15, 2004	1,388.07

DISCOUNT IS LOST AND INTEREST APPLIES AFTER DUE DATE

Mailing address change or name change on back

Enter Amount Paid

RADOW KUMYON TRUSTEE
 16711 SE HWY 212
 CLACKAMAS OR 97015

Please make payment to:
 CLACKAMAS COUNTY TAX COLLECTOR
 168 Warner Milne Rd
 Oregon City, OR 97045



Tigard Branch
10220 SW Greenburg Road #101
Portland, Oregon 97223
(503)244-6068 FAX 244-1633

Lawyers Title Insurance Corp.
Kathryn Runyon
10220 SW Greenburg Road #101
Portland, Oregon 97223

Date Prepared: October 4, 2005

Reference:
ORDER NO. : 22g0238443
CUSTOMER REFERENCE: KUMYON RADOW TRUST
FEE : \$175.00

LAWYERS TITLE INSURANCE CORPORATION
herein the Company,

has provided the attached information as a special service based on the records and indices listed herein. **THIS IS NOT A PRELIMINARY TITLE REPORT, NOR A COMMITMENT TO ISSUE TITLE INSURANCE.** No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for errors and/or omissions is limited to the amount of fee paid, and the Company will have no greater liability by reason of this report. The Company has no liability for any error or omission which does not result in actual loss to the named customer.

The charge for this service will not include supplemental reports, updates, or any other additional services.

If additional services are requested, the charge will be one hundred dollars (\$100.00) per hour, with a one hour minimum.

Copies of documents may be assessed at the rate of twenty-five cents (\$.25) a page or at the Company's cost, whichever is greater

If you need assistance with this report, please contact:

Kathryn Runyon, Escrow Officer, Phone: (503)244-6068 FAX: 244-1633
Michelle Hoke, Advisory Title Officer: (503) 262-4630

PROPERTY:
16711 SE Hwy 212
Clackamas OR 97015

Lawyers Title Ins. Corp. File No. 22g0238443 cps

PLANT SERVICE REPORT -- GENERAL FORM

Subject to the limitations specified on the cover sheet, the Company has searched its title plant records, and the Company reports as follows:

A. The land which is the subject of this search is described as follows:

As fully described on Exhibit "A" attached hereto and by this reference incorporated herein.

B. Based on a review of the above tract indices, through 09/22/05, the apparent vested owner is:

KUMYON RADOW, Trustee of the Radow Revocable Living Trust utd dated March 11, 1996

For a period of time from 01/01/65 through 09/22/05 at 5:00 P.M., the Company finds the following transfers of title, which affect the property:

1. Contract of Sale,

From : Walter R. Ballard and Rachel R. Ballard, husband and wife
To : William E. Dwyre and/or Betty C. Dwyre, husband and wife, and Walter E. Egger and/or Ruth M. Egger, husband and wife
Recorded : September 8, 1964
As : B 646 P 8

Assignment of Contract,

From : William E. Dwyre, Betty C. Dwyre, Walter E. Egger and Ruth M. Egger
To : Sammy E. Radow and Kumyon Radow, husband and wife
Recorded : March 10, 1966
As : B 670 P 412

2. Bargain and Sale Deed,

From : Walter R. Ballard and Rachael Rose Ballard, husband and wife
To : Sammy E. Radow and Kumyon Radow, husband and wife
Recorded : May 22, 1972
As : Recorder's Fee No. 72-14264

3. Bargain and Sale Deed,

From : Sally Healy, formerly Sally Osburg
To : Sammy E. Radow and Kumyon Radow, husband and wife
Recorded : May 22, 1972
As : Recorder's Fee No. 72-14265

(Continued)

PLANT SERVICE REPORT -- GENERAL FORM, CONTINUED
Part B, Continued Order No.: 22g0238443 cps

4. Bargain and Sale Deed,
From : Sammy Radow and Kumyon Radow
To : Sammy Radow and Kumyon Radow, trustee, of the Radow Trust
or their successors, or amendments thereto under the Radow
Revocable Living Trust, uta dated 3/11/96
Recorded : March 14, 1996
As : Recorder's Fee No. 96-017859

5. Warranty Deed,
From : Kumyon Radow, sole surviving Trustee of the Radow Trust or
of the Radow Revocable Living Trust, UTA dated 3/11/96
To : Kumyon Radow, as Trustee of the Sammy E. Radow Trust,
executed the 11 day of March, 1996, as to an undivided
one-half interest, and Kumyon Radow, as Trustee of the
Kumyon Radow Trust, executed the 11 day of March 1996, as
to an undivided one-half interest, as tenants in common
Recorded : January 17, 2003
As : Recorder's Fee No. 2003-006948

END OF REPORT

PEL/lcd

Order No. 22g0238443 cps

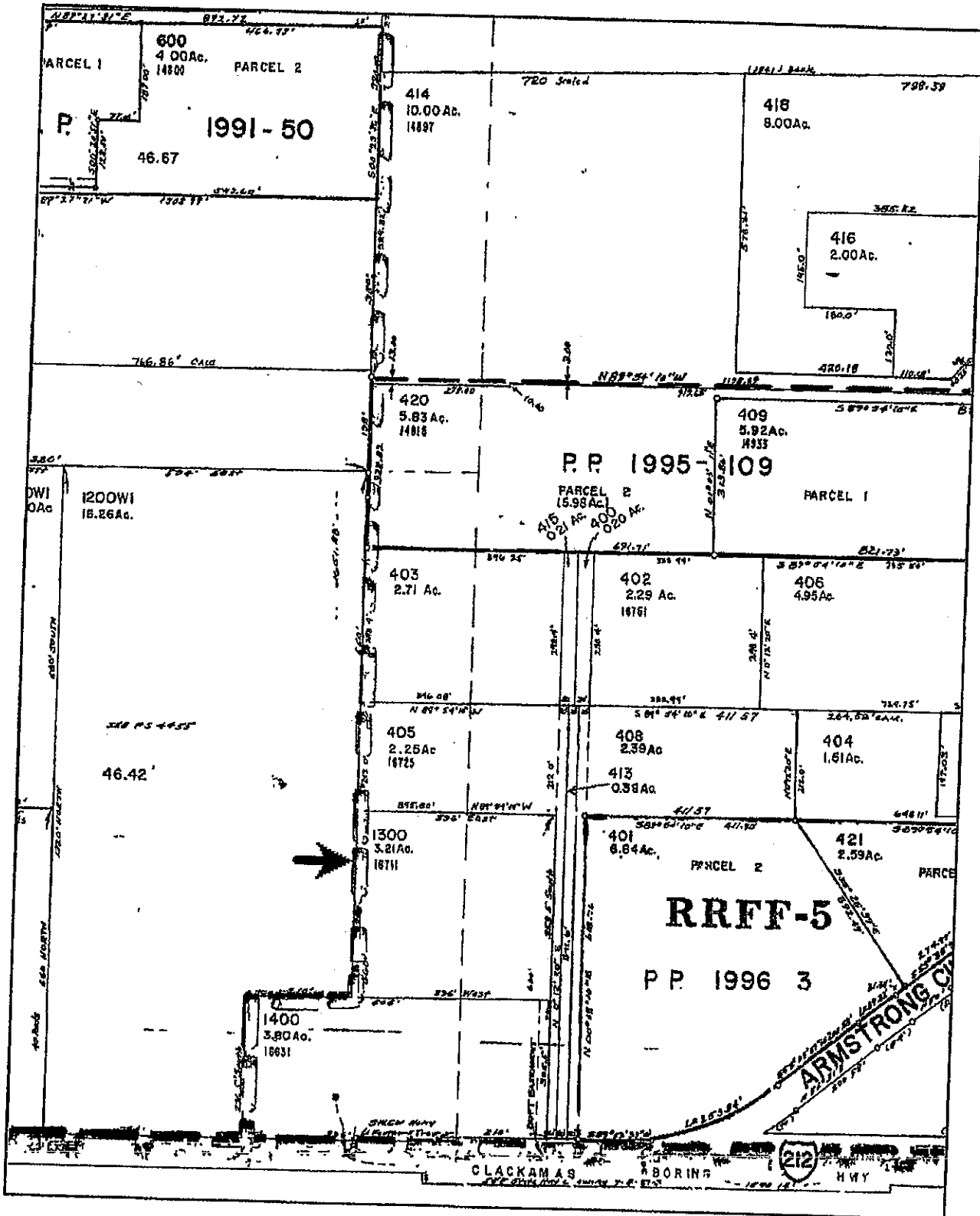
EXHIBIT "A"
Legal Description

A tract of land in Section 7, Township 2 South, Range 3 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the West one-quarter corner of said Section 7; thence Easterly along the division line 1,716.00 feet to the Southeasterly corner of Parcel 2 of that tract conveyed to Walter R. Ballard, et ux, recorded June 23, 1966, in Book 573, Page 31, Deed Records; thence Northerly along the Easterly line of said Ballard tract, 306.50 feet to an iron pipe and the true point of beginning of the tract herein to be described; thence Northerly along the Easterly line of said Ballard tract, 353.50 feet to an iron pipe at the Northeast corner thereof; thence Westerly along the Northerly line of said Ballard tract, 396.00 feet to an iron pipe at the Northwest corner of Parcel 2 of said Ballard tract; thence Southerly along the Westerly line of said Parcel 2, a distance of 353.50 feet to a point in the North line of that tract sold by contract to Donald Gene Herndon, et ux, recorded June 17, 1963, in Book 623, Page 363, Deed Records; thence Easterly along the Northerly line of said Herndon tract, 396.00 feet to the true point of beginning.

TOGETHER WITH a non-exclusive easement for ingress and egress over a tract of land 20 feet in width, the East line of which is described as follows:

Beginning at the Southeast corner of the herein above described tract; thence Southerly along the Easterly line of Parcel 2 of said Ballard tract, 266.50 feet to the North line of State Highway No. 212.



THIS MAP IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING SAID PREMISES, AND THE COMPANY ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, IN DIMENSIONS, AREAS, AND LOCATIONS ASCERTAINED BY ACTUAL SURVEY.



7/1/2004 , 6/30/2005 REAL PROPERTY TAX STATEMENT
 CLACKAMAS COUNTY, OREGON * 168 WARNER MILNE RD. * OREGON CITY, OREGON 97045
 RESOLUTION NO. 06-3715
 Attachment 4: COO Report

PROPERTY DESCRIPTION

16631 SE HWY 212
 CLACKAMAS OR 97015

RADOW KUMYON TRUSTEE
 16711 SE HWY 212
 CLACKAMAS OR 97015

MAP: 23E07B 01400

Code Area 012-115

Acres:
 3.80

ACCOUNT NO: 00614829

2004-2005 CURRENT TAX BY DISTRICT:

COM COLL CLACK	85.06
ESD CLACKAMAS	56.48
SCH NORTH CLACK	702.29
EDUCATION TOTAL:	843.83
CLACKAMAS COUNTY	444.11
FD 1 CLACK CO	348.44
PORT OF PTLD	10.77
SRV 2 METRO - OREGON ZOO	14.74
URBAN RENEWAL COUNTY	161.56
VECTOR CONTROL	1.02
GENERAL GOVERNMENT TOTAL:	980.64
COM COLL CLACK BOND	36.98
FD 1 CLACK CO BOND	26.99
SCH NORTH CLACK BOND	168.58
SRV 2 METRO BOND	28.53
EXCLUDED FROM LIMIT TOTAL:	261.08
2004-2005 TAX BEFORE DISCOUNT	2,085.55

VALUES: LAST YEAR THIS YEAR

REAL MARKET VALUES (RMV):		
RMV LAND	150,284	166,982
RMV BLDG	76,750	82,300
RMV TOTAL	227,034	249,282
ASSESSED VALUE (AV):	152,709	157,290

PROPERTY TAXES: 2,046.09 2,085.55

Questions about your property value or taxes
 Please call 503-655-8671

Please Make Payment To: CLACKAMAS COUNTY TAX COLLECTOR (Refer to the insert enclosed for more information)

DELINQUENT TAXES: NO DELINQUENT TAXES DUE
 See back for explanation of taxes marked with an (*).
 Delinquent tax amount is included in payment options listed below.
TOTAL (after discount): 2,022.98

(See back of statement for instructions)

Payment Options	Date Due	Discount Allowed	Net Amount Due
FULL PAYMENT	Nov 15, 2004	62.57	3% Discount.... 2,022.98
2/3 PAYMENT	Nov 15, 2004	27.81	2% Discount.... 1,362.56
1/3 PAYMENT	Nov 15, 2004		No Discount.... 695.19

↑ TEAR HERE PLEASE RETURN THIS PORTION WITH YOUR PAYMENT See back of Statement for Instructions TEAR ↑ HERE

2004-2005 Property Tax Payment Clackamas County, Oregon ACCOUNT NO: 00614829

PROPERTY LOCATION: 16631 SE HWY 212

Unpaid delinquent tax due is included in payment options.

FULL PAYMENT	(Includes 3% Discount) DUE Nov 15, 2004	2,022.98
2/3 PAYMENT	(Includes 2% Discount) DUE Nov 15, 2004	1,362.56
1/3 PAYMENT	(No Discount offered) DUE Nov 15, 2004	695.19

DISCOUNT IS LOST AND INTEREST APPLIES AFTER DUE DATE

Mailing address change or name change on back

Enter Amount Paid

RADOW KUMYON TRUSTEE
 16711 SE HWY 212
 CLACKAMAS OR 97015

Please make payment to:
 CLACKAMAS COUNTY TAX COLLECTOR
 168 Warner Milne Rd
 Oregon City, OR 97045



Tigard Branch
10220 SW Greenburg Road #101
Portland, Oregon 97223
(503)244-6068 FAX 244-1633

Lawyers Title Insurance Corp.
Kathryn Runyon
10220 SW Greenburg Road #101
Portland, Oregon 97223

Date Prepared: October 4, 2005

Reference:
ORDER NO. : 22g0238446
CUSTOMER REFERENCE: KUMYON RADOW
FEE : \$175.00

LAWYERS TITLE INSURANCE CORPORATION
herein the Company,

has provided the attached information as a special service based on the records and indices listed herein. **THIS IS NOT A PRELIMINARY TITLE REPORT, NOR A COMMITMENT TO ISSUE TITLE INSURANCE.** No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for errors and/or omissions is limited to the amount of fee paid, and the Company will have no greater liability by reason of this report. The Company has no liability for any error or omission which does not result in actual loss to the named customer.

The charge for this service will not include supplemental reports, updates, or any other additional services.

If additional services are requested, the charge will be one hundred dollars (\$100.00) per hour, with a one hour minimum.

Copies of documents may be assessed at the rate of twenty-five cents (\$.25) a page or at the Company's cost, whichever is greater

If you need assistance with this report, please contact:

Kathryn Runyon, Escrow Officer, Phone: (503)244-6068 FAX: 244-1633
Michelle Hoke, Advisory Title Officer: (503) 262-4630

PROPERTY:
16631 SE Highway 212
Clackamas OR 97015

Lawyers Title Ins. Corp. File No. 22g0238446 cps

PLANT SERVICE REPORT -- GENERAL FORM

Subject to the limitations specified on the cover sheet, the Company has searched its title plant records, and the Company reports as follows:

A. The land which is the subject of this search is described as follows:

As fully described on Exhibit "A" attached hereto and by this reference incorporated herein.

B. Based on a review of the above tract indices, through 09/22/05, the apparent vested owner is:

KUMYON RADOW AND KUMYON RADOW, as Trustee of the Sammy E. Radow Trust, executed March 11, 1996, AND KUMYON RADOW, as Trustee of the Kumyon Radow Trust, executed March 11, 1996, as their interest may appear

For a period of time from 01/01/65 through 09/22/05 at 5:00 P.M., the Company finds the following transfers of title, which affect the property:

1. Contract of Sale,

From : Walter R. Ballard and Rachel Rose Ballard, husband and wife
To : Donald Gene Herndon and Bonnie L. Herndon, husband and wife
Recorded : June 17, 1963
As : B 623 P 363

Assignment of Contract,

From : Donald Gene Herndon and Bonnie L. Herndon
To : David Gene Osberg and Sally Ann Osberg, husband and wife
Recorded : December 10, 1968
As : Recorder's Fee No. 68-24946

Assignment of Contract,

From : David Gene Osberg
To : Sally Ann Osberg
Recorded : April 30, 1970
As : Recorder's Fee No. 70-8045

Assignment of Contract,

From : Sally Ann Healy, formerly known as Sally Ann Osberg
To : Sammy E. Radow and Kumyon Radow, husband and wife
Recorded : August 14, 1975
As : Recorder's Fee No. 75-22754

(Continued)

PLANT SERVICE REPORT -- GENERAL FORM, CONTINUED
Part B, Continued Order No.: 22g0238446 cps

2. Warranty Deed,
From : Marie E. Abbl, widow
To : Walter R. Ballard and Rachel Rose Ballard, husband and wife
Recorded : June 23, 1966
As : B 573 P 31
3. Quitclaim Deed,
From : David Gene Osberg
To : Sally Ann Osberg
Recorded : April 30, 1970
As : Recorder's Fee No. 70-8046
4. Warranty Deed,
From : Walter R. Ballard and Rachel Rose Ballard
To : Sammy E. Radow and Kumyon Radow, husband and wife
Recorded : July 16, 1984
As : Recorder's Fee No. 84-23965
5. Bargain and Sale Deed,
From : Sammy Radow and Kumyon Radow
To : Sammy Radow and Kumyon Radow, Trustee of the Radow Trust or their successors or amendments thereto under the Radow Revocable Living Trust, UTA dated 3/11/96
Recorded : March 14, 1996
As : Recorder's Fee No. 96017860
6. Warranty Deed,
From : Kumyon Radow, sole surviving Trustee of the Radow Revocable Living Trust, UTA dated March 11, 1996
To : Kumyon Radow, Trustee of the Kumyon Radow Trust, executed the 11 day of March, 1996
Recorded : November 2, 2001
As : Recorder's Fee No. 2001-091691

(Continued)

PLANT SERVICE REPORT -- GENERAL FORM, CONTINUED
Part B, Continued
Order No.: 22g0238446 cps

7. Warranty Deed,
From

To

Recorded
As

: Kumyon Radow, sole surviving Trustee of the Radow Trust or
of the Radow Revocable Living Trust, UTA dated 3/11/96
: Kumyon Radow, as Trustee of the Sammy B. Radow Trust,
executed the 11 day of March, 1996, as to an undivided
one-half interest, and Kumyon Radow, as Trustee of the
Kumyon Radow Trust, executed the 11 day of March 1996, as
to an undivided one-half interest, as tenants in common
: January 17, 2003
: Recorder's Fee No. 2003-006949

END OF REPORT

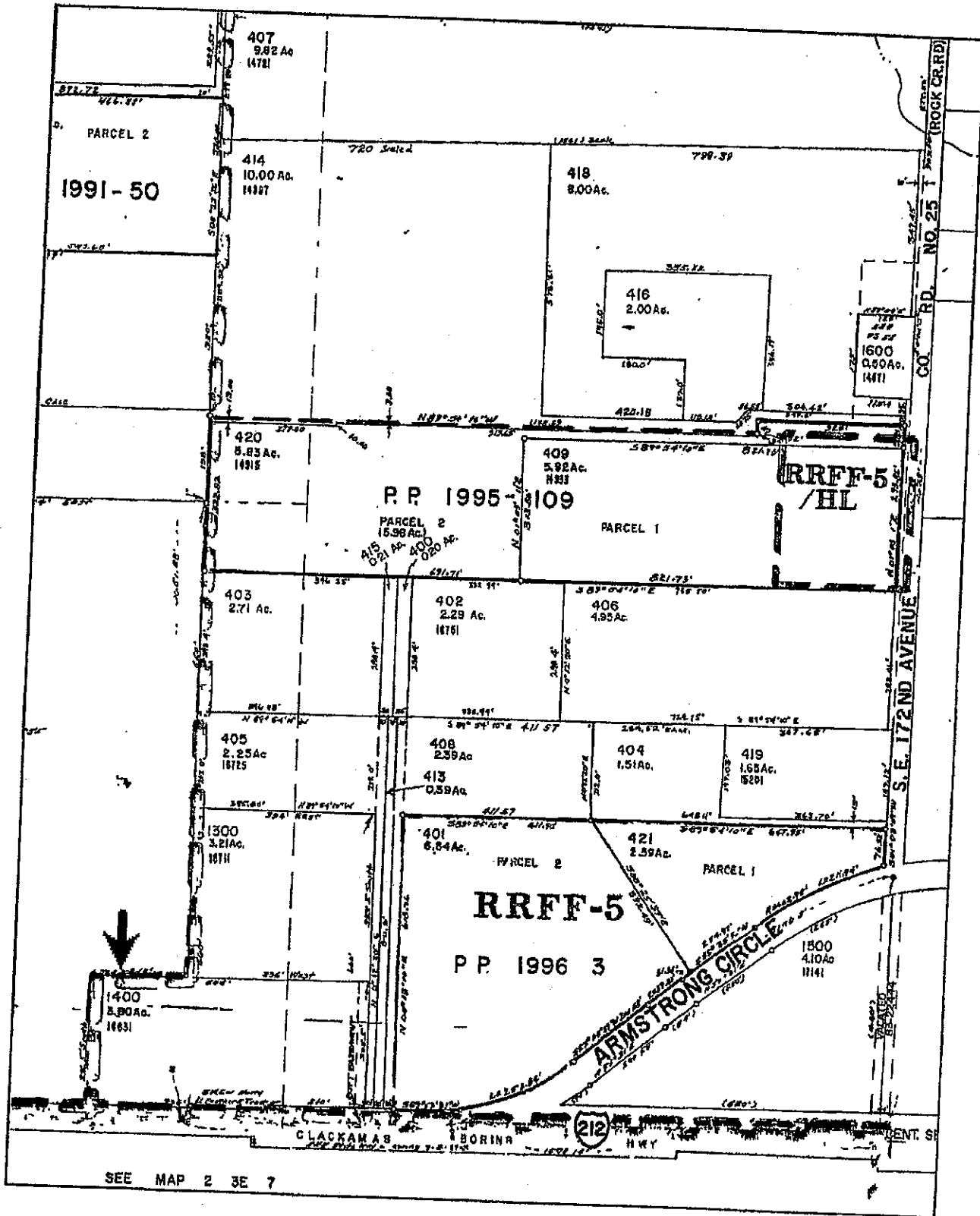
PEL/lcd

Order No. 22g0238446 cps

EXHIBIT "A"
Legal Description

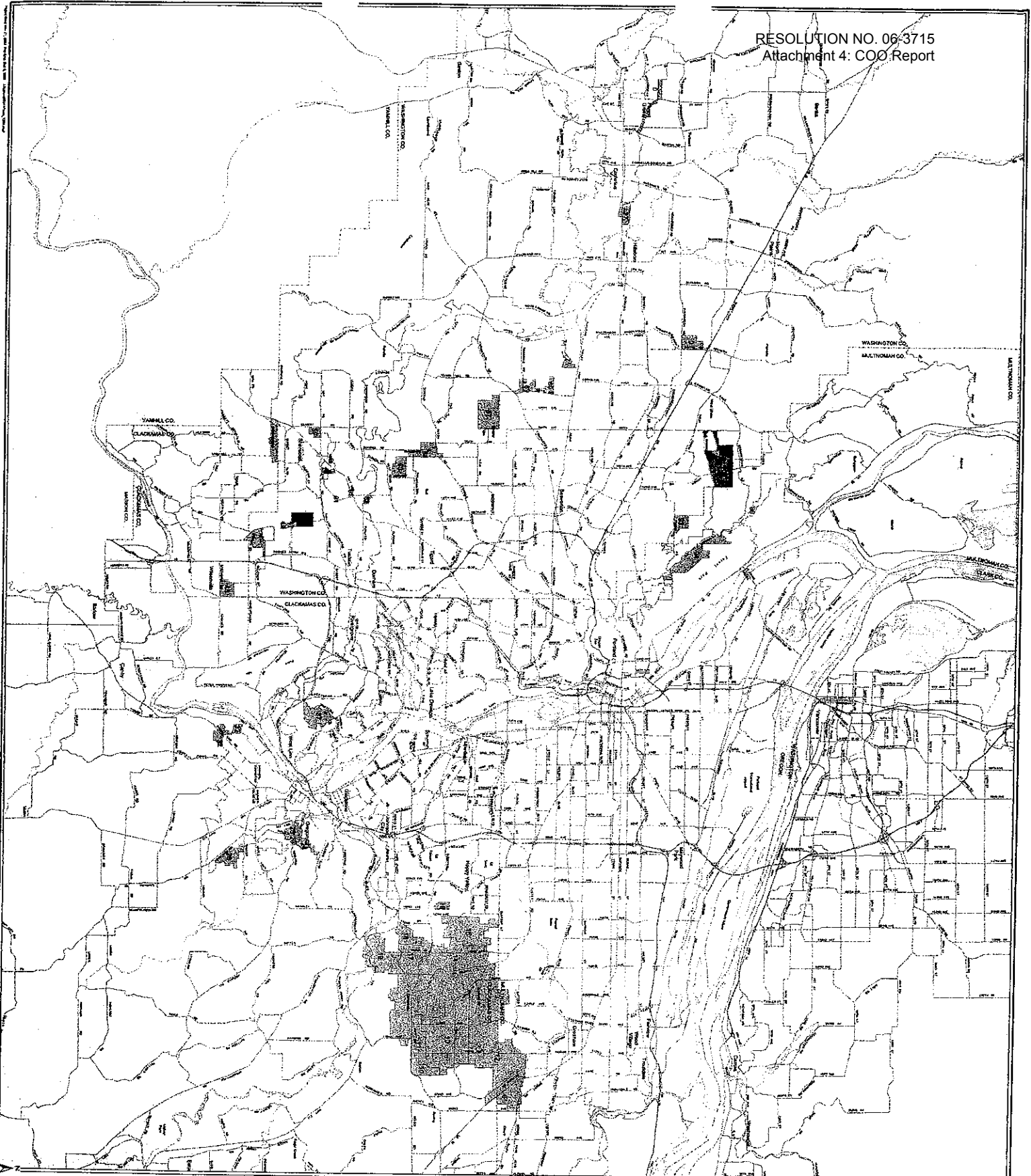
A tract of land in the South one-half of the Northwest one-quarter of Section 7, Township 2 South, Range 3 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point on the South boundary of the Northwest one-quarter of said Section 7, Township 2 South, Range 3 East, which is 1,110 feet East of the one-quarter corner on the West line of said Section 7; thence North parallel with the West line of said Section 7, a distance of 306.5 feet; thence East parallel with the center line of said Section 7, a distance of 606 feet; thence South parallel with the West line of said Section 7, a distance of 306.5 feet to the center line of said Section 7; thence West along the center line of said Section 7, a distance of 606 feet to the point of beginning.



THIS MAP IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING SAID PREMISES, AND THE COMPANY ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, IN DIMENSIONS, AREAS, AND LOCATIONS ASCERTAINED BY ACTUAL SURVEY.



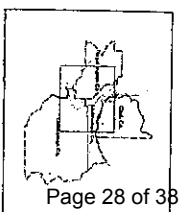


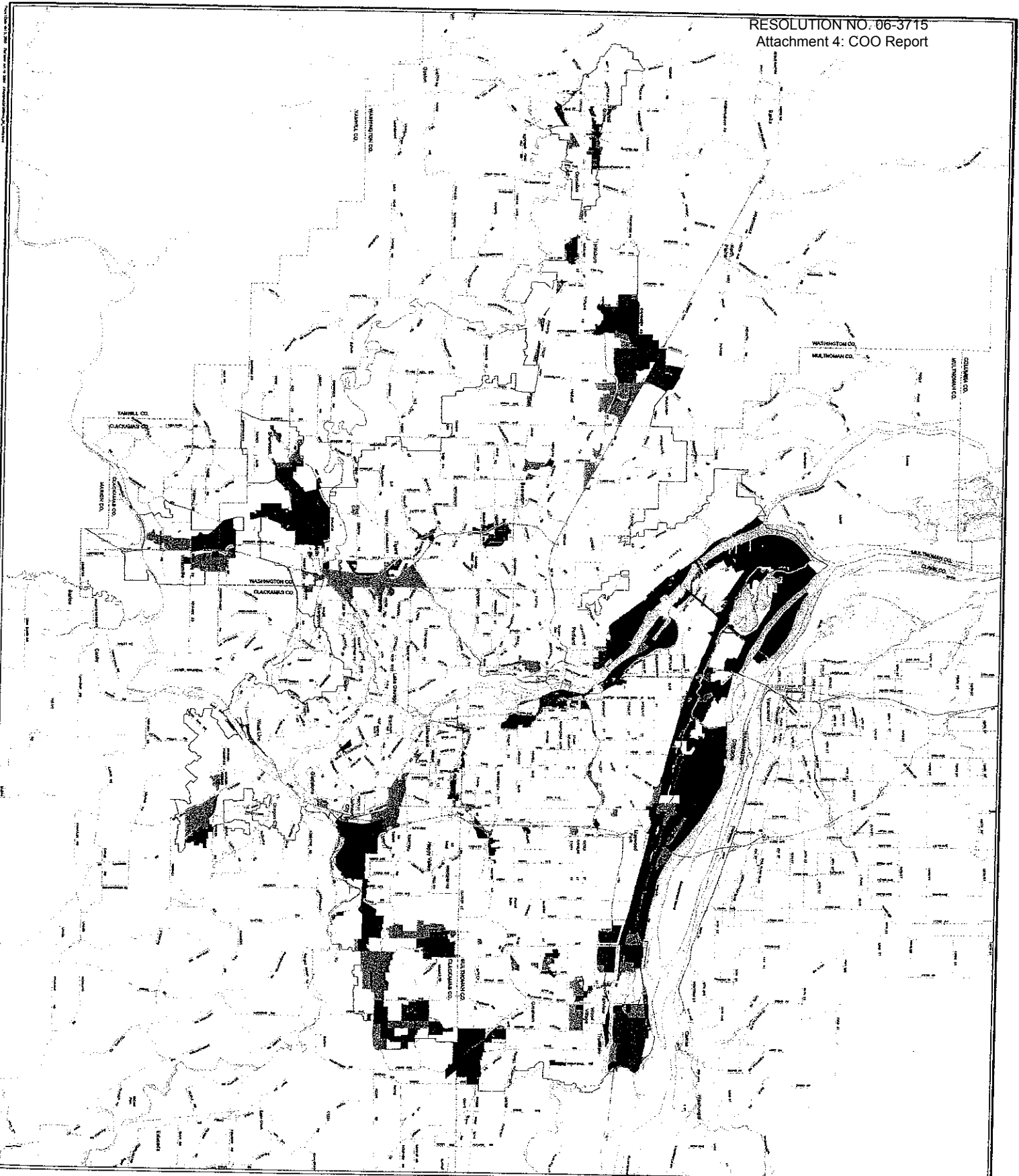
Approved UGB Expansion Areas

The areas approved for expansion will not be in effect until approval by the State Land Conservation and Development Commission.

December 5, 2002

- Expansion Areas
- Approved for expansion 12/12/02
- Approved expected 12/12/02
- Areas to be employed
- Scheduled for consideration 12/12/02








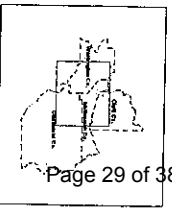
**Title 4 Industrial
and Employment Areas**

Ordinance No. 04-1040B

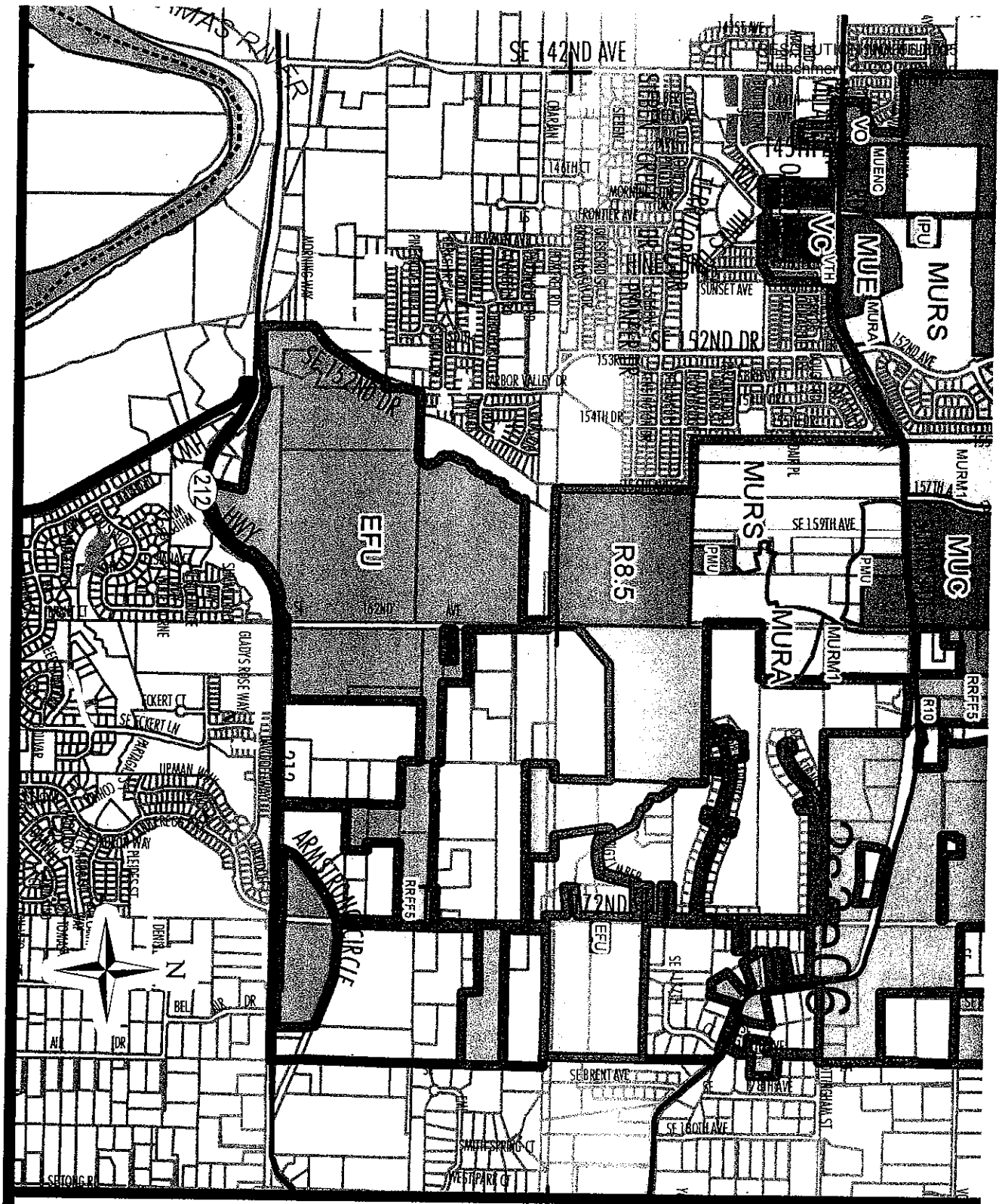
Exhibit C

June 24, 2004

-  Employment Land
-  Industrial Land
-  Regionally Significant Industrial Areas



WASHINGTON STATE DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF PLANNING AND COMMUNITY DEVELOPMENT
1000 WEST BROADWAY, SUITE 1000
SEASIDE, WASHINGTON 98148
PHONE: (206) 467-3000
FAX: (206) 467-3001
WWW.DCD.WA.GOV



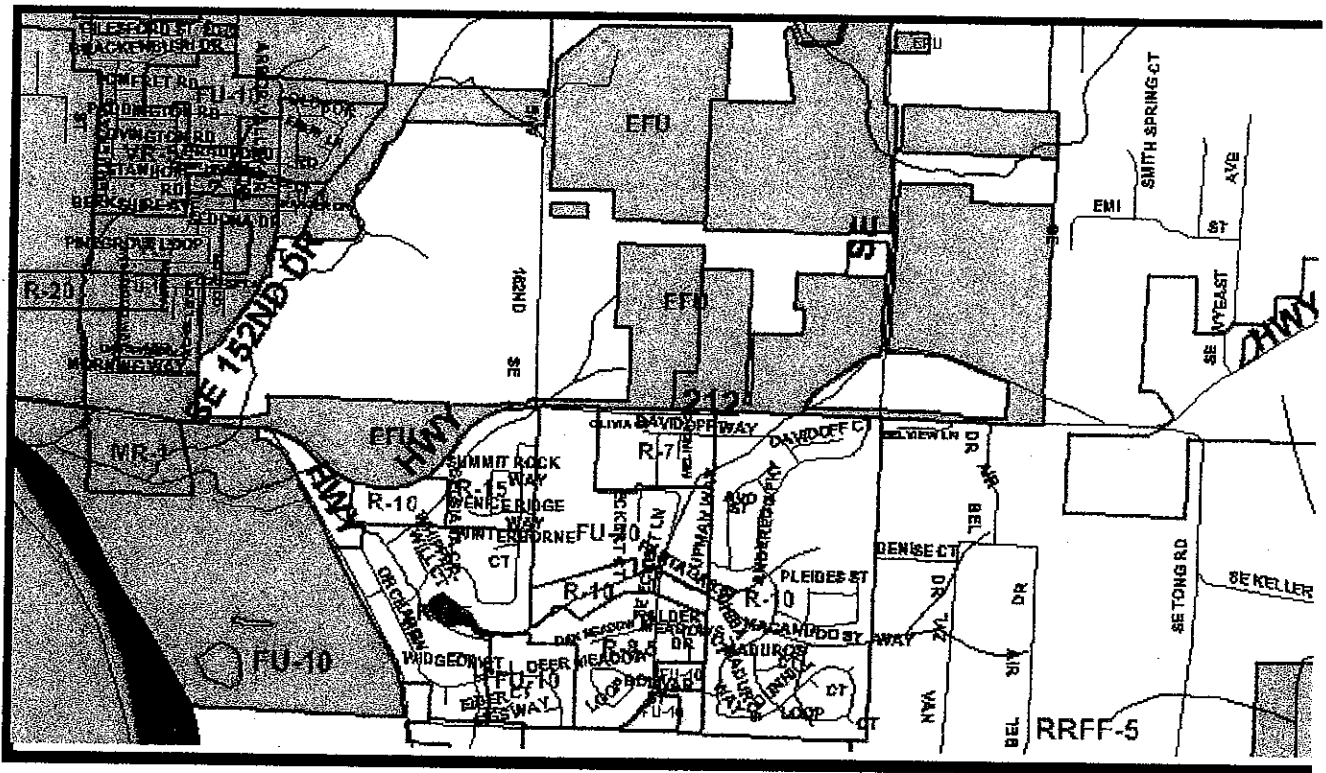
Tax Lot Parcels

1:28

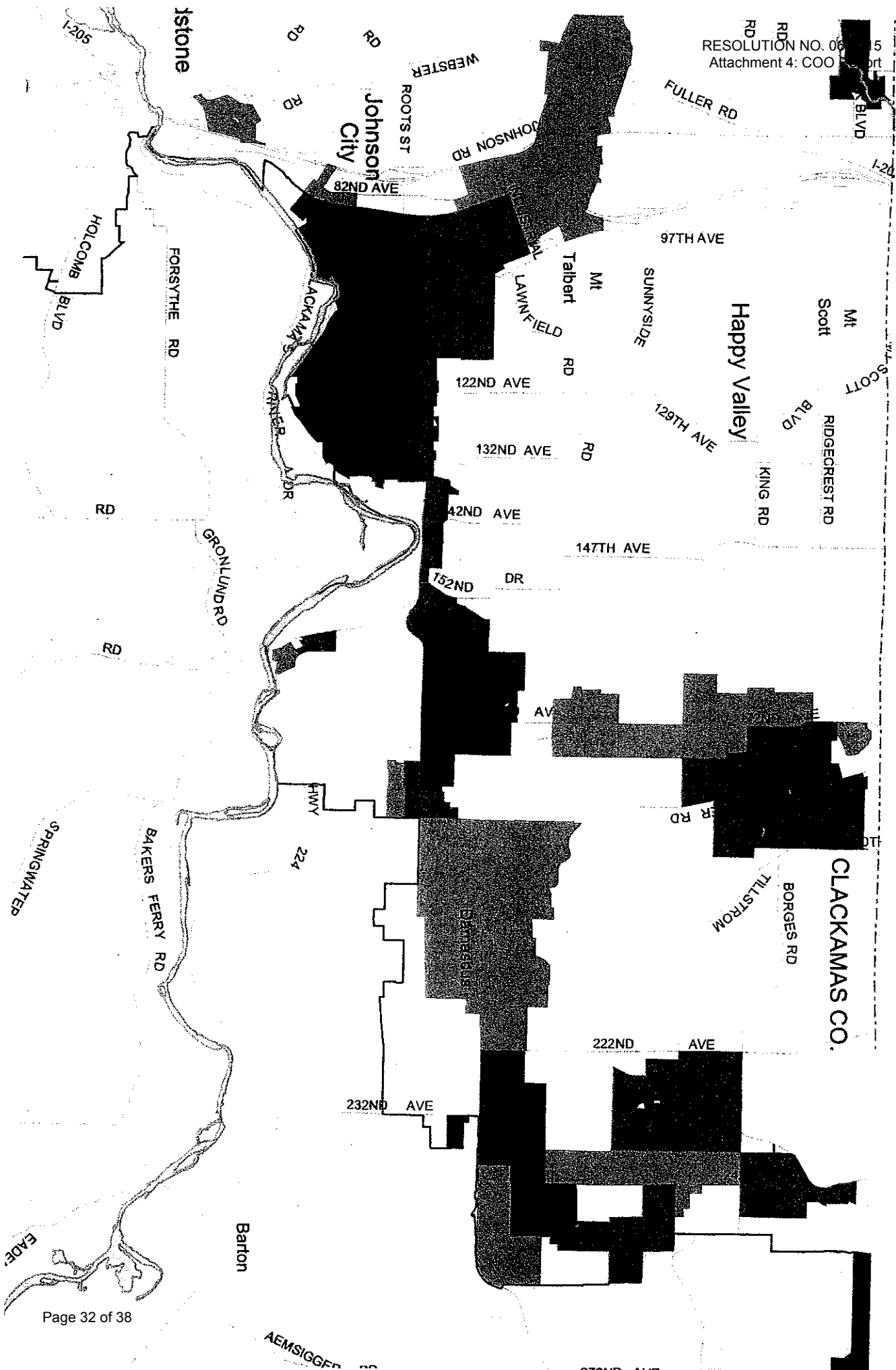


Sources:
 Geographic data from (Urban Growth Boundary Map Printed: August 2006)





X = 7685529 Y = 6





No Photo Available

Presented by: Megan Kavanaugh
 Windermere/C&C Moreland Agent Full

LOTS AND LAND Status: SLD 9/21/2005 12:23:36 PM
 ML#: 3071207 Area: 145 List Price: \$3,490,000
 Address: 12853 SE 172ND AVE
 City: Boring Zip: 97009
 Additional Parcels: Y/
 Map Coord: 658/F/B Zoning: List Type: ER LR: N
 County: Clackamas Tax ID: 00611626
 Subdivision:
 Manufns Okay: CC&Rs: N #Image:
 Elem: OREGON TRAIL Middle: SUNRISE
 High: CLACKAMAS Prop Type: RESID
 Legal: Part of Section 6 in T2SREWM
 Public Internet Site/ Property Address Display: Y/N

GENERAL INFORMATION

Lot Size: 20-49.99AC Acres: 20.07
 Waterfront: / River/Lake:
 Perc Test: / RdFrtg: Y
 Seller Disc: DSCLAIMR Other Disc:
 Lot Desc: PASTURE
 Topography: LEVEL
 Soil Cond: NATIVE

Lot Dimensions:
 Availability: SALE #Lots:
 Rd Surf: PAVEDRD
 View: TREES, VALLEY
 Soil Type/Class: native
 Present Use: RESIDNC

IMPROVEMENTS

Utilities: CABLETV, GAS, PHONE, POWER, SEPTIC, WELL
 Existing Structure: Y / GARAGE, RESIDNC

REMARKS

XSt/Dir: NEAR INTERSECTION OF SUNNYSIDE AND 172ND
 Private: 20 ACRES Level pastureland near intersection of SE 172nd and Sunnyside. Potential Happy Valley Development. Inside UGB.
 Call Ken at 503-504-1888.
 Public: 20 ACRES Level pastureland near intersection of SE 172nd and Sunnyside. Potential Happy Valley Development. Inside UGB.

FINANCIAL

Prop Tax/Yr: 4306.77 Spcl Asmt Balance:
 HOA Dues: / Crop/Land Lease:
 HOA Incl:
 Escrow Preference:
 Terms: CASH, CONV
 Tax Deferral:
 3rd Party: N BAC: % .5
 SAC:

BROKER / AGENT DATA

BRCD: LOCK01 Office: Locker Properties L.L.C
 LPID: OLSONKEN Agent: Kenneth Olson Phone: 503-292-0999 Fax: 503-297-6041
 CoLPID: CoBRCD: CoAgent: Phone: 503-504-1888 Cell/Pgr: 503-504-1888
 Agent E-mail: kvolson@aol.com
 List: 11/6/2003 Exp: Show: CALL1ST, CALL-LA, OWN-OCG Photo: SUBMIT
 Tran: 7/15/2004 Owner: In L/O Poss:
 Tenant: Phone:
 Phone:

COMPARABLE INFORMATION

Pend: 12/20/2003 DOM: 44 Terms: CASH O/Price: \$3,490,000 Sold Price: \$1,800,000
 Sold: 7/13/2004 SPID: GARBARIN S/Agt: Bob Garbarino S/Off: SNTR01

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 SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
 SCHOOL AVAILABILITY SUBJECT TO CHANGE.

RESOLUTION NO. 06-3715
Attachment 4: COO Report

Presented by: Megan Kavanaugh
Windermere/C&C Moreland Agent Full
LOTS AND LAND Status: SLD 9/21/2005 12:23:36 PM
ML#: 258171 Area: 145 List Price: \$3,600,000
Address: 6828 SE THIESSEN RD
City: Milwaukie Zip: 97267
Additional Parcels: /
Map Coord: 657/E/6 Zoning: R10-MR- List Type: ER LR:
County: Clackamas Tax ID: 00463162
Subdivision: WESTWOOD
Manufns Okay: CC&Rs: #Image: 0
Elem: BILQUIST Middle: MCLOUGHLIN
High: CLACKAMAS Prop Type: COM/IND
Legal: UNZONED FARM - POTENTIAL ADDITIONAL TAX LIABILITY
Public Internet Site/ Property Address Display: /N

No Photo Available

GENERAL INFORMATION
Lot Size: 10-19.99AC Acres: 12.45
Waterfront: / River/Lake:
Perc Test: N / RdFrntg: Y
Seller Disc: EXEMPT Other Disc:
Lot Desc: CORNER, LEVEL
Topography: LEVEL
Soil Cond: NATIVE
Lot Dimensions: IRREG
Availability: #Lots:
Rd Surf: PAVEDRD
View:
Soil Type/Class:
Present Use: MIX-USE
Utilities: GAS-AVL, POW-AVL, SWR-AVL, WELL
Existing Structure: /

REMARKS
XSt/Dir: NE QUADRANT OF INTERSECTION OF THIESSEN & WEBSTER RDS
Private: IDEAL LEVEL HI-VISIBILITY INTERSECTION IN PRIME WESTWOOD AREA. PRE-APPVD ZONING FOR C 2 MR1 OC & R
Public: 10. CALL RON HYDE FOR DETAILS.

FINANCIAL
Prop Tax/Yr: 8639.07 Spcl Asmt Balance:
HOA Dues: / Crop/Land Lease:
HOA Incl: Tax Deferral: BAC: 1.35
Escrow Preference: 3rd Party: SAC: 1.35
Terms: CASH

BROKER / AGENT DATA
BRCD: HASN03 Office: HASSON COMPANY
LPID: HYDESALL Agent: SALLY HYDE
CoLPID: CoBRCD: CoAgent:
Agent E-mail: Show: VACANT
List: 7/13/2001 Exp: Owner: MOLT
Tran: 7/11/2003 Tenant: RON HYDE LISTER
Phone: 503-652-9801 Fax: 503-786-5343
Phone: 503-655-6700 Cell/Pgr:
CoPh:
Photo: SUBMIT
Poss:
Phone: 000-000-0000
Phone:

COMPARABLE INFORMATION
Pend: 8/29/2002 DOM: 412 Terms: CASH O/Price: \$3,600,000 Sold Price: \$2,610,000
Sold: 7/11/2003 SPID: HYDERONA S/Agt: Ron Hyde S/Off: HASN03

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SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
SCHOOL AVAILABILITY SUBJECT TO CHANGE.



Presented by: Megan Kavanaugh
Windermere/C&C Moreland Agent Full

LOTS AND LAND Status: SLD 9/21/2005 12:23:37 PM
 ML#: 300478 Area: 145 List Price: \$3,000,000
 Address: 15710 SE SUNNYSIDE RD City: Clackamas Zip: 97015
 Additional Parcels: /
 Map Coord: 658/D/5 Zoning: List Type: ER LR:
 County: Clackamas Tax ID: 00417864
 Subdivision: CC&Rs: #Image:
 Manufhs Okay: Elem: OREGON TRAIL Middle: SUNRISE
 High: CLACKAMAS Prop Type: RESID
 Legal: IN OFC.
 Public Internet Site/ Property Address Display: Y/N

No Photo Available

GENERAL INFORMATION

Lot Size: 10-19.99AC	Acres: 14.75	Lot Dimensions: 14.75 ACRES
Waterfront: /	River/Lake:	Availability:
Perc Test: /	RdFmtg:	Rd Surf:
Seller Disc:	Other Disc:	View:
Lot Desc:		Soil Type/Class:
Topography:		Present Use:
Soil Cond:		

IMPROVEMENTS

Utilities: SEPTIC, WELL
Existing Structure: /

REMARKS

XS/Dir: SUNNYSIDE & 157TH
 Private: PLEASE DO NOT DISTRUB TENENTS CALL SHANNON AT 503-301-4076 FOR ALL THE ZONING INFO. DEFERRAL PROPERTY.
 Public: PLEASE DO NOT DISTURB THE TENENTS. PLEASE CALL THE CITY FOR ZONING INFO.

FINANCIAL

Prop Tax/Yr: 500	Spol Asmt Balance:	Tax Deferral:	BAC:	\$1.00
HOA Dues: /	Crop/Land Lease:	3rd Party:	SAC:	0
HOA Incl:				
Escrow Preference:				
Terms: CASH				

BROKER / AGENT DATA

BRCD: RMXR01	Office: REMAX Preferred Inc	Phone: 503-659-1550	Fax: 503-659-2605
LPID: WOLCOTTS	Agent: Shannon Wolcott	Phone: 503-301-4076	Cell/Pgr:
CoLPID:	CoBRCD:	CoAgent:	CoPh:
Agent E-mail:	Exp:	Show: CALL-LA	Photo: NO-PHOT
List: 4/18/2002		Owner: ON FILE	Poss:
Tran: 9/2/2004		Tenant:	Phone:
			Phone:

COMPARABLE INFORMATION

Pend: 11/7/2002	DOM: 203	Terms: CASH	O/Price: \$3,000,000	Sold Price: \$2,738,750
Sold: 9/1/2004	SPID: WOLCOTTS	S/Agt: Shannon Wolcott		S/Off: RMXR01

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 SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Presented by: Megan Kavanaugh
Windermere/C&C Moreland Agent Full

LOTS AND LAND Status: SLD 9/21/2005 12:23:37 PM
ML#: 276141 Area: 145 List Price: \$4,600,000
Address: 16138 SE SUNNYSIDE RD
City: Happy Valley Zip: 97015
Additional Parcels: /
Map Coord: 658/E/5 Zoning: List Type: ER LR:
County: Clackamas Tax ID: 00417695
Subdivision: CC&Rs: Middle: SUNRISE #image:
Manufha Okay: Elem: OREGON TRAIL Prop Type: RESID
High: CLACKAMAS
Legal: CALL LA
Public Internet Site/ Property Address Display: Y/N

No Photo Available

GENERAL INFORMATION

Lot Size: 20-49.99AC
Waterfront: /
Perc Test: /
Seller Disc:
Lot Desc:
Topography:
Soil Cond:

Acres: 32
River/Lake:
RdFritg: Y
Other Disc:

Lot Dimensions:
Availability:
Rd Surf: PAVEDRD #Lots:
View:
Soil Type/Class:
Present Use:

IMPROVEMENTS

Utilities: GAS-AVL, PHONE, POWER, WAT-AVL
Existing Structure: /

REMARKS

XSt/Dir: SOUTH SIDE OF SUNNYSIDE RD WEST OF SE 162ND
Private: CALL LISTING AGENT FOR DEVELOPMENT PACKAGE/PLAT MAP, ETC. SUBJECT TO RESCISSION OF OPTION AGREEMENT. INSIDE UGB, ANNEXED TO CITY OF HAPPY VALLEY. ALSO TAX ACCT #: 417686, 611350, 612616
Public: 32ACRES MIXED USE COMMERCIAL/RESIDENTIAL. INSIDE URBAN GROWTH BOUNDARY AND ANNEXED TO CITY OF HAPPY VALLEY.

FINANCIAL

Prop Tax/Yr: 525
HOA Dues: /
HOA Incl:
Escrow Preference:
Terms: CASH

Spcl Asmt Balance:
Crop/Land Lease:

Tax Deferral:
3rd Party:

BAC: 2.0
SAC: 0

BROKER / AGENT DATA

BRCD: BTNR01 Office: Bridgetown Realty, I
LPID: HARDYM Agent: Mark Hardy
CoLPID: CoBRCD: CoAgent:
Agent E-mail:
List: 10/29/2001 Exp:
Tran: 7/20/2004 Show: CALL-LA
Owner: SUNNY ROCK DEV
Tenant:

Phone: 503-287-9370 Fax: 503-281-2037
Phone: 503-372-9546 Cell/Pgr:
CoPh:
Photo: NO-PHOT
Poss:
Phone: 000-000-0000
Phone:

COMPARABLE INFORMATION

Pend: 7/22/2003 DOM: 631 Terms: CASH OI Price: \$5,500,000 Sold Price: \$4,132,318
Sold: 7/12/2004 SPID: MONTGOME S/Agt: Lee Montgomery S/Off: CSRL01

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Presented by: Megan Kavanaugh
Windermere/C&C Moreland **Agent Full**

LOTS AND LAND Status: SLD 9/21/2005 12:23:37 PM
 ML#: 5025700 Area: 145 List Price: \$4,805,000
 Address: SE Rolling Acres
 City: Happy Valley Zip: 97236
 Additional Parcels: /
 Map Coord: 658/C/2 Zoning: List Type: ER LR: N
 County: Clackamas Tax ID: Not Found
 Subdivision:
 Manufhs Okay: CC&Rs: #Image:
 Elem: HAPPY VALLEY Middle: SUNRISE
 High: CLACKAMAS Prop Type: RESID
 Legal: Rolling Acres Estates, 31 lots
 Public Internet Site/ Property Address Display: N/N

No Photo Available

GENERAL INFORMATION

Lot Size: 5K-6,999SF	Acres:	Lot Dimensions:
Waterfront: /	River/Lake:	Availability: SALE #Lots:
Pero Test: /	RdFmrtg:	Rd Surfo:
Seller Disc:	Other Disc:	View:
Lot Desc:		Soil Type/Class:
Topography:		Present Use:
Soil Cond:		

IMPROVEMENTS

Utilities: GAS, SEWER, WATER
 Existing Structure: /

REMARKS

XSt/Dir: Sunnyside Rd to 152nd
 Private: For comparables only
 Public:

FINANCIAL

Prop Tax/Yr: 0	Spcl Asmt Balance:	Tax Deferral:	BAC: \$ 100
HOA Dues: /	Crop/Land Lease:	3rd Party: N	SAC:
HOA Incl:			
Escrow Preference:			
Terms: CASH, CONV			

BROKER / AGENT DATA

BRCD: DAMB01	Office: D'Ambrosio & Associates LLC	Phone: 503-698-6600	Fax: 503-698-5563
LPID: DAMBROSI	Agent: Brian D'Ambrosio	Phone: 503-698-6600	Call/Pgr:
CoLPID:	CoBRCD:	CoAgent:	CoPh:
Agent E-mail: susan@homesofportland.com	Exp:	Show: VACANT	Photo: NO-PHOT
List: 1/28/2005		Owner: Sunnyside Dev.	Poss:
Tran: 4/18/2005		Tenant:	Phone:

COMPARABLE INFORMATION

Pend: 1/31/2005	DOM: 3	Terms: CONV	O/Price: \$4,805,000	Sold Price: \$4,805,000
Sold: 4/15/2005	SPID: DAMBROSI	S/Agt: Brian D'Ambrosio		S/Off: DAMB01

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 SCHOOL AVAILABILITY SUBJECT TO CHANGE

Presented by: Megan Kavanaugh
Windermere/C&C Moreland Agent Full

LOTS AND LAND Status: SLD 9/21/2005 12:23:38 PM
ML#: 5049769 Area: 145 List Price: \$8,325,000

Address: 12025 SE 147TH AVE City: Happy Valley Zip: 97236

Additional Parcels: /
Map Coord: 658/C/4 Zoning: List Type: ER LR: N
County: Clackamas Tax ID: Not Found
Subdivision: CC&Rs: #Image:
Manufhs Okay: Elem: HAPPY VALLEY Middle:
High: CLACKAMAS Prop Type: RESID
Legal: 45 LOTS, TUSCAN HILLS
Public Internet Site/ Property Address Display: N/N

No Photo Available

GENERAL INFORMATION

Lot Size: 10-19.99AC Acres: 19.5
Waterfront: / River/Lake:
Perc Test: / RdFrntg:
Seller Disc: Other Disc:
Lot Desc:
Topography:
Soil Cond:

Lot Dimensions:
Availability: SALE #Lots:
Rd Surf:
View:
Soil Type/Class:
Present Use:

IMPROVEMENTS

Utilities: GAS-AVL, POW-AVL, SWR-AVL, WAT-AVL
Existing Structure: /

REMARKS

XStDir: 147TH TO MIA DR
Private: FOR COMPARABLES ONLY
Public:

FINANCIAL

Prop Tax/Yr: 0 Spcl Asmt Balance:
HOA Dues: / Crop/Land Lease:
HOA Incl: Tax Deferral: BAC: \$ 1.00
Escrow Preference: 3rd Party: N SAC:
Terms: CONV

BROKER / AGENT DATA

BRCD: DAME01 Office: D'Ambrosio & Associates LLC
LPID: DAMBROSI Agent: Brian D'Ambrosio
CoLPID: CoBRCD: CoAgent:
Agent E-mail: susan@homesofportland.com
List: 2/1/2005 Exp:
Tran: 7/13/2005 Show: VACANT
Owner: SEQUOIA PROP. DEVEL.
Tenant:

Phone: 503-698-6800 Fax: 503-698-5563
Phone: 503-698-6800 Cell/Pgr:
CoPh:
Photo: NO-PHOT
Poss:
Phone:
Phone:

COMPARABLE INFORMATION

Pend: 2/16/2005 DOM: 15 Terms: CONV O/Price: \$8,325,000 Sold Price: \$8,325,000
Sold: 6/9/2005 SPID: STRUTZLA S/Agt: Larry Strutz S/Off: DAMB01

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.