

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

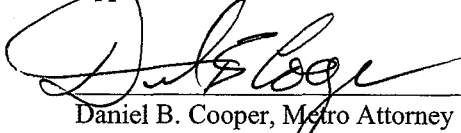
1. Enters Order 06-008, attached to this resolution as Exhibit A, which denies the claim for compensation.
2. Directs the COO to send a copy of Order No. 06-008, with Exhibit A attached, to the claimants, persons who participated in the public hearing on the claim, Clackamas County and the Oregon Department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

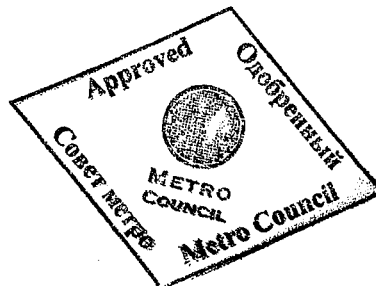


Exhibit A to Resolution No. 06-3715

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:

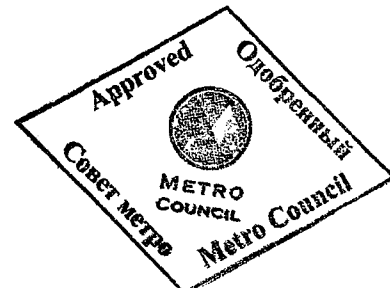
The claim of Kumyon Radow, Trustee, and Helen Radow for compensation be denied because it does not qualify for compensation for reasons set forth in the reports of the COO.

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

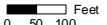
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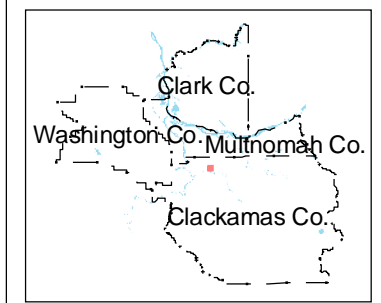
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Attachment 1 COO Report

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.

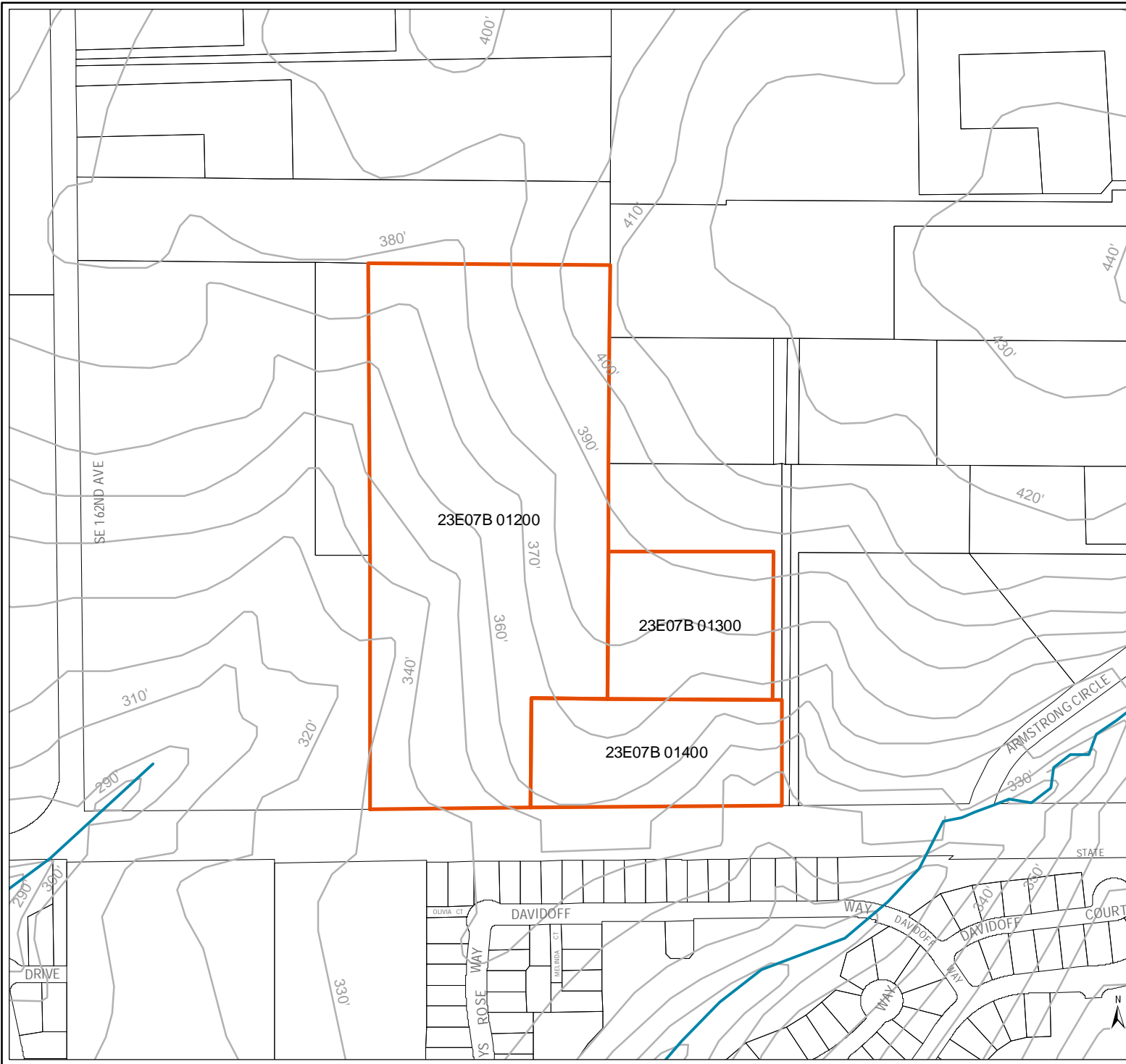
1 inch equals 0.06 miles
 Feet
0 50 100



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 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.

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

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Attachment 2: Revised Report of the Chief Operating Officer

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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Attachment 2: Revised Report of the Chief Operating Officer

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

Resolution No. 06-3715
Attachment 2: Revised Report of the Chief Operating Officer

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

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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.

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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

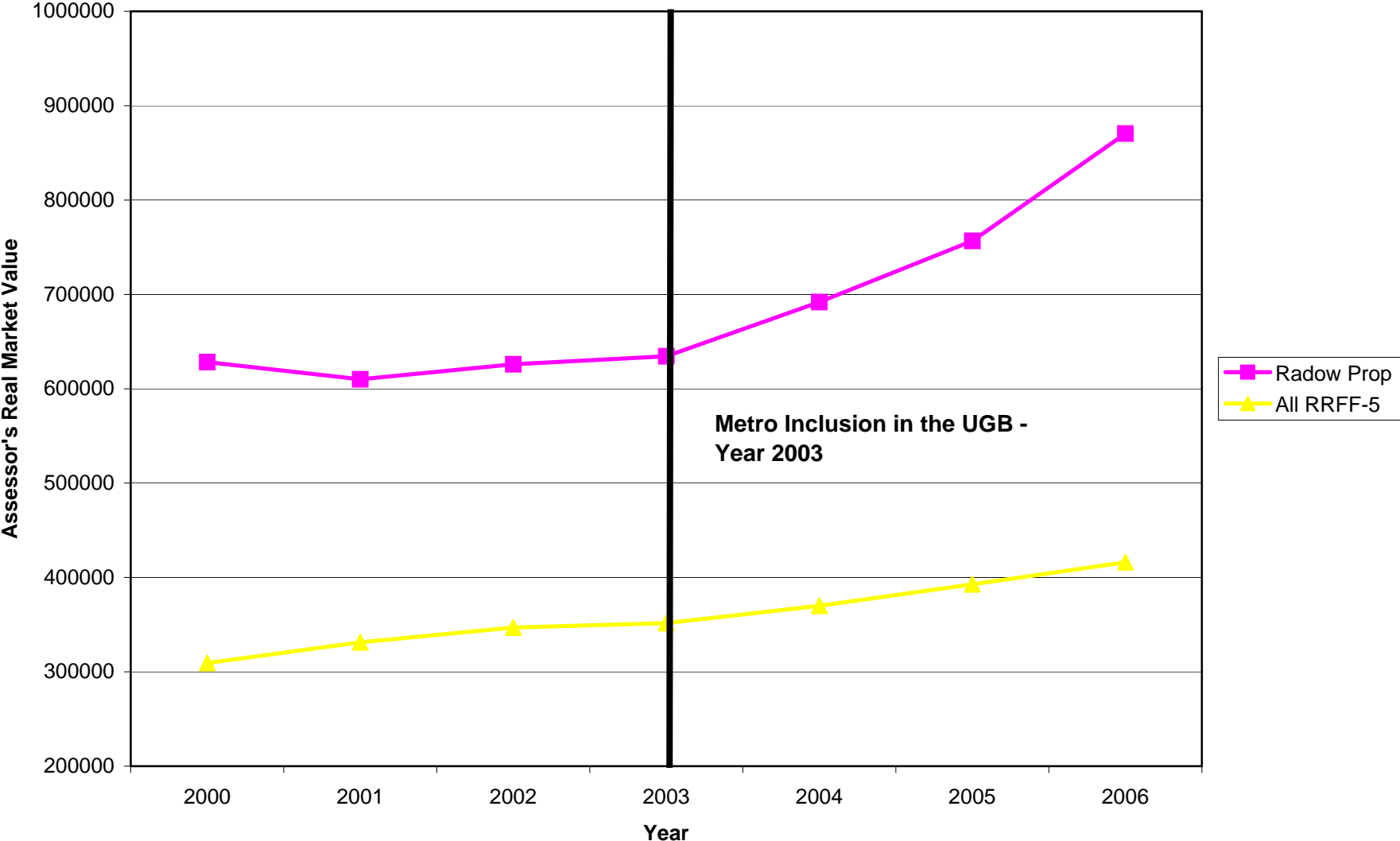
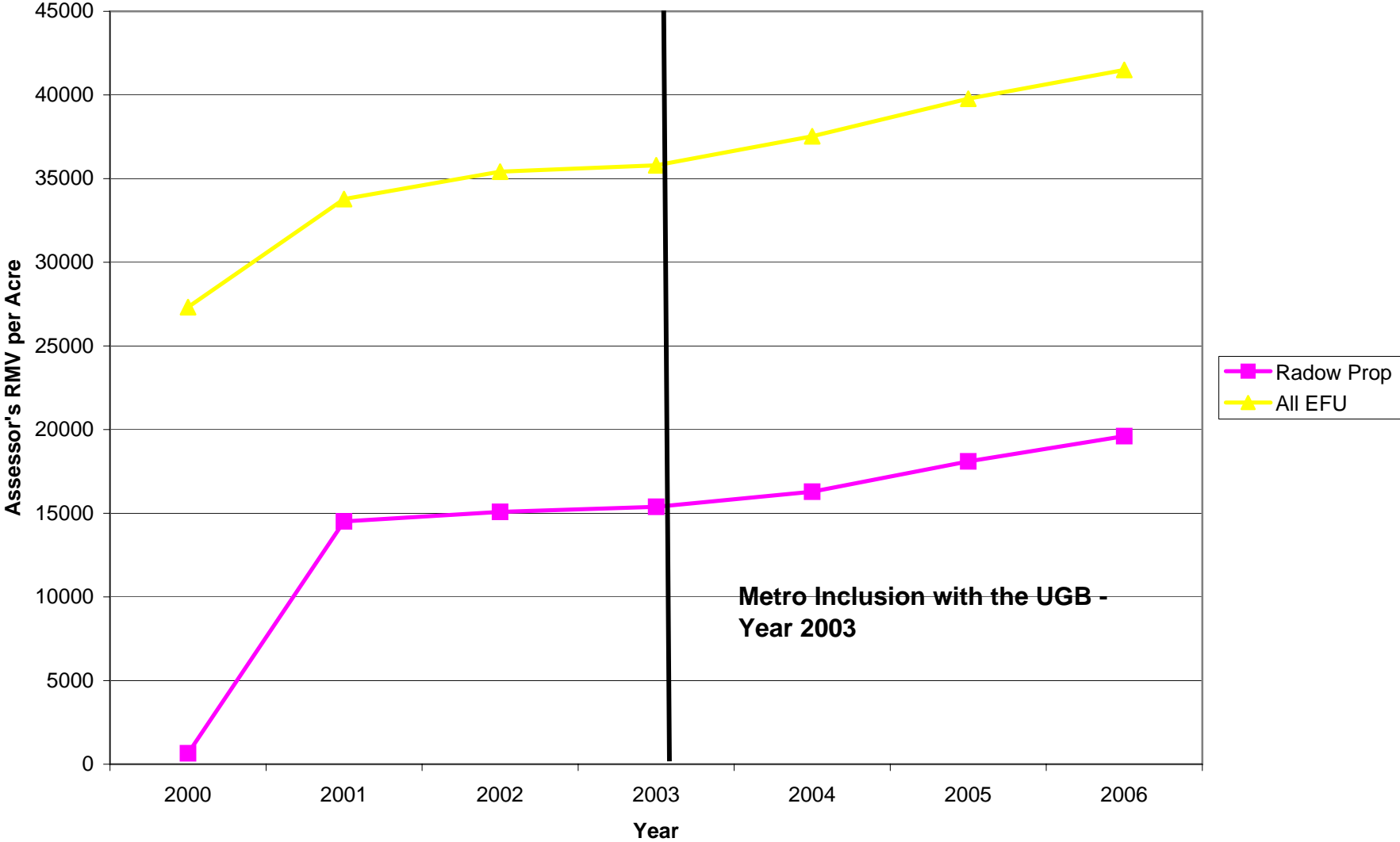
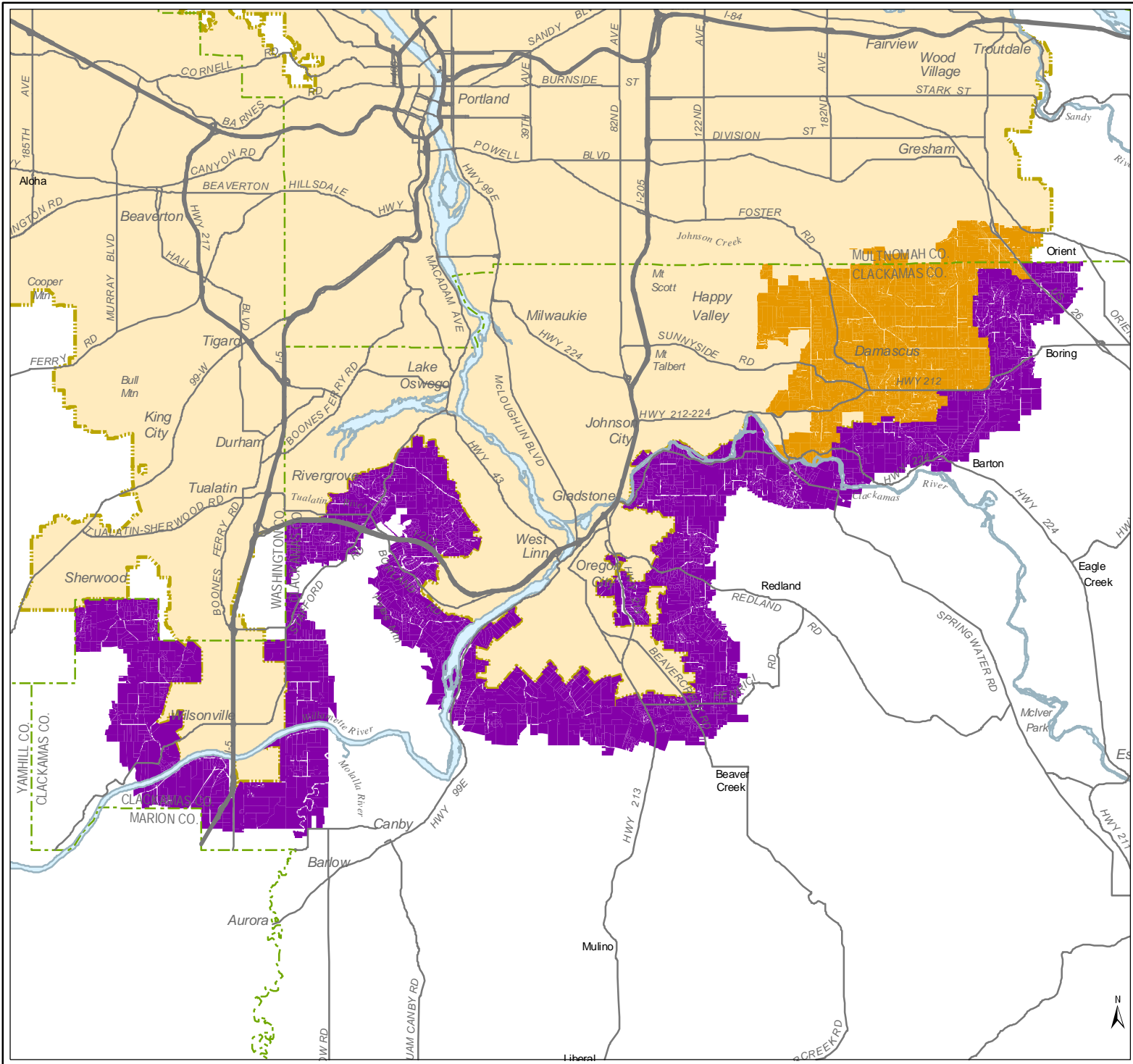


Figure B: Radow EFU Property Time Trend Compared to All EFU and P-J Test





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

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

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

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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.

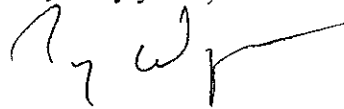
Michael Jordan
December 22, 2005
Page 2

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

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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
Portland, Oregon
97204-1357

Phone 503.224.6440
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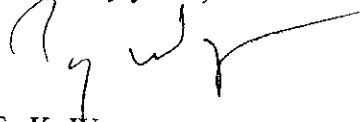
Clackamas County Planning Division
9101 SE Sunnybrook Blvd.
Clackamas, OR 97015

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

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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

OWNER 2 _____

SIGNATURE _____
CITY _____ STATE _____ ZIP _____
PHONE _____ ; CELL PHONE _____

*daughter
Helen
Radow*

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

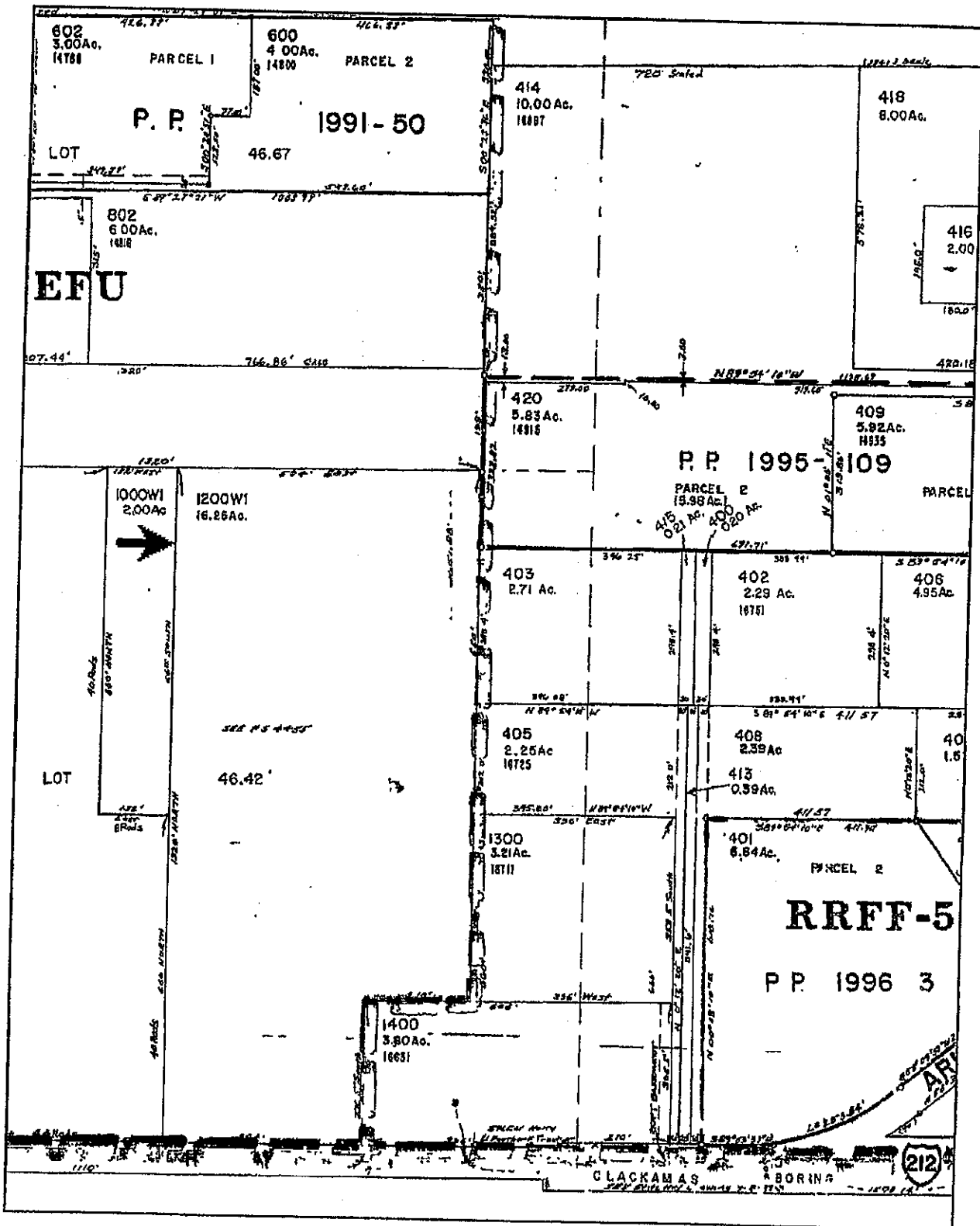
FEL/lcd

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.



PROPERTY DESCRIPTION

16711 SE HWY 212
 CLACKAMAS OR 97015

MAP: 23E07B 01300

Code Area 012-115

ACCOUNT NO: 00614810

RADOW KUMYON TRUSTEE
 16711 SE HWY 212
 CLACKAMAS OR 97015

Acre: 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

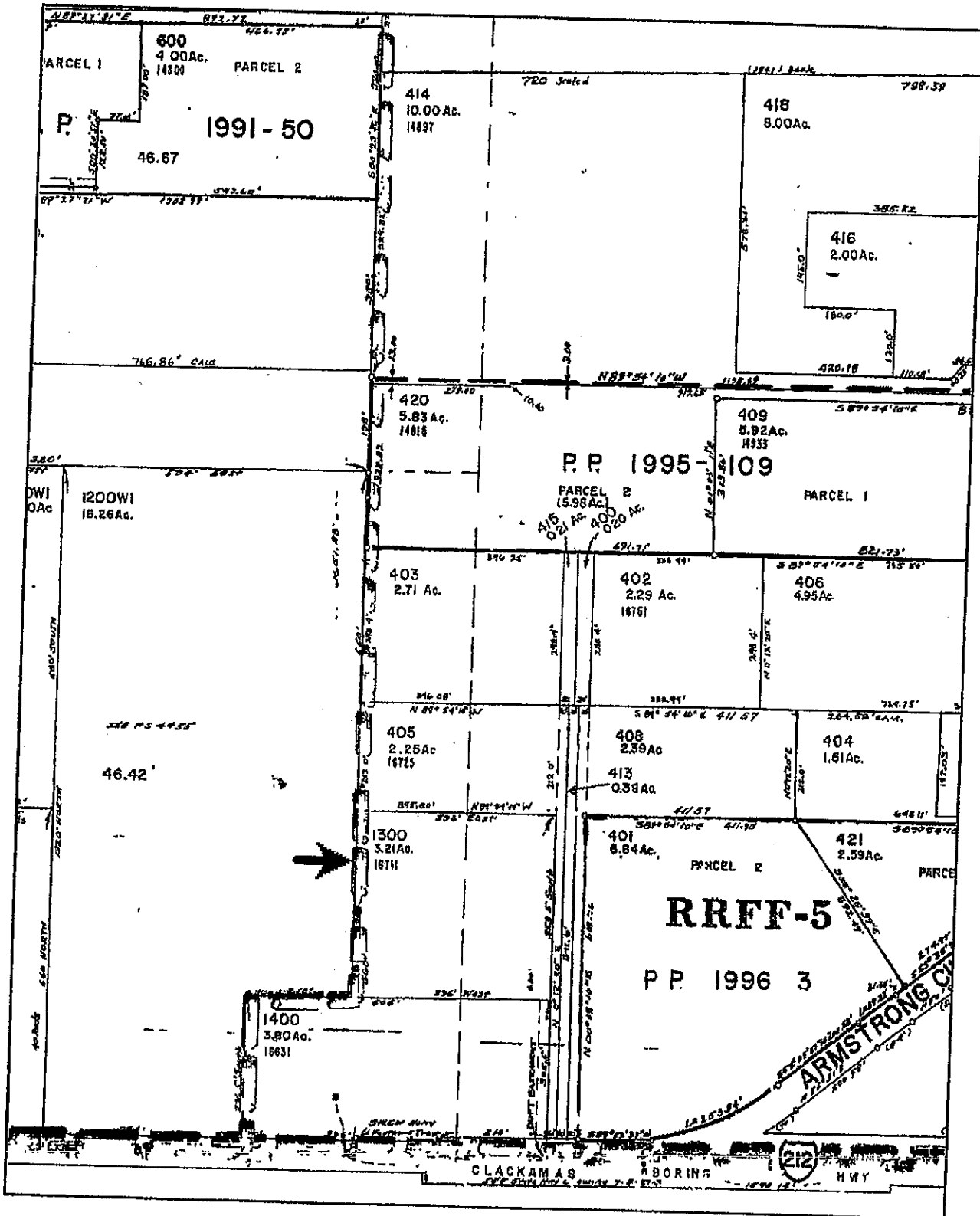
EXHIBIT "A"
Legal Description

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

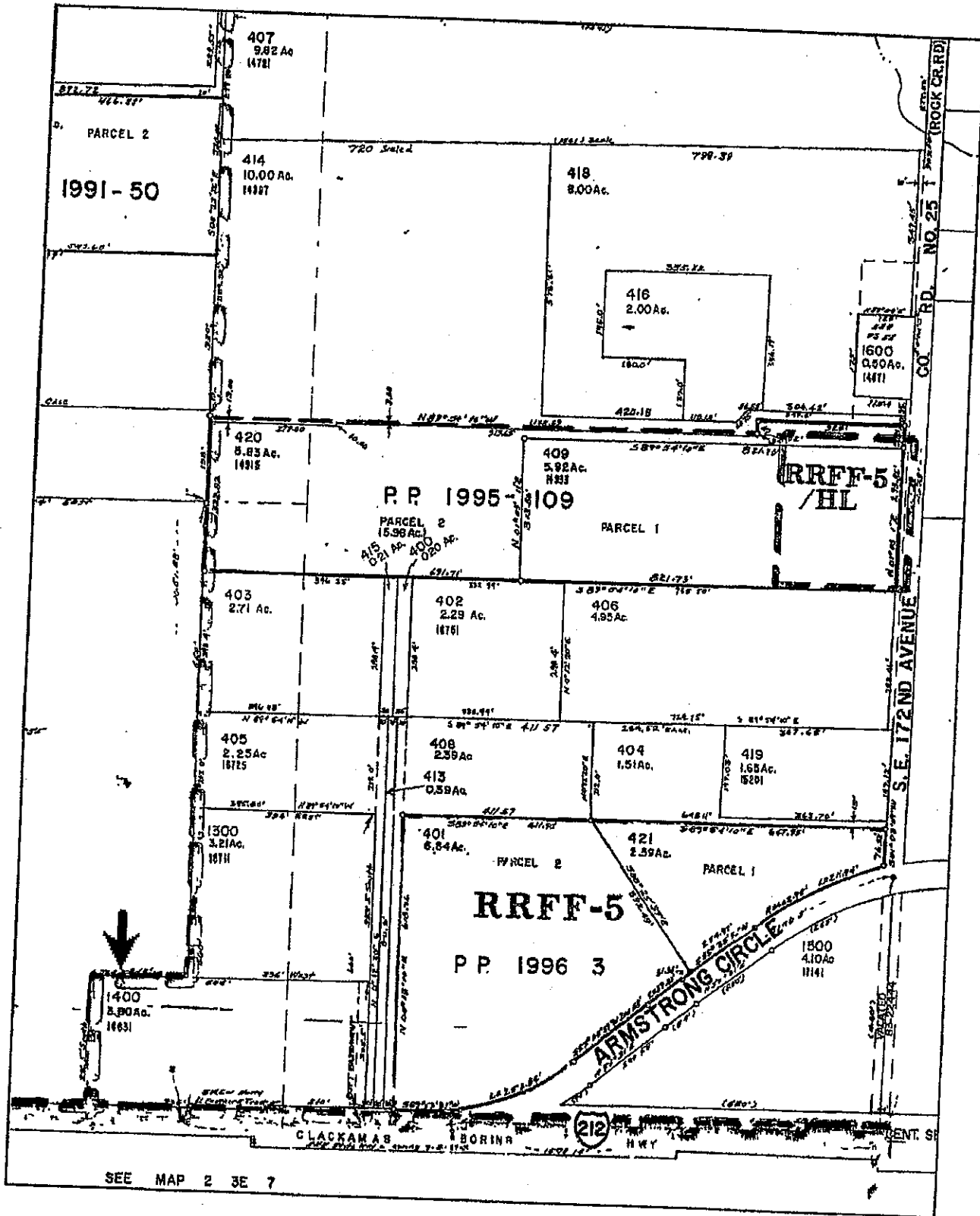
PEL/lcd

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:

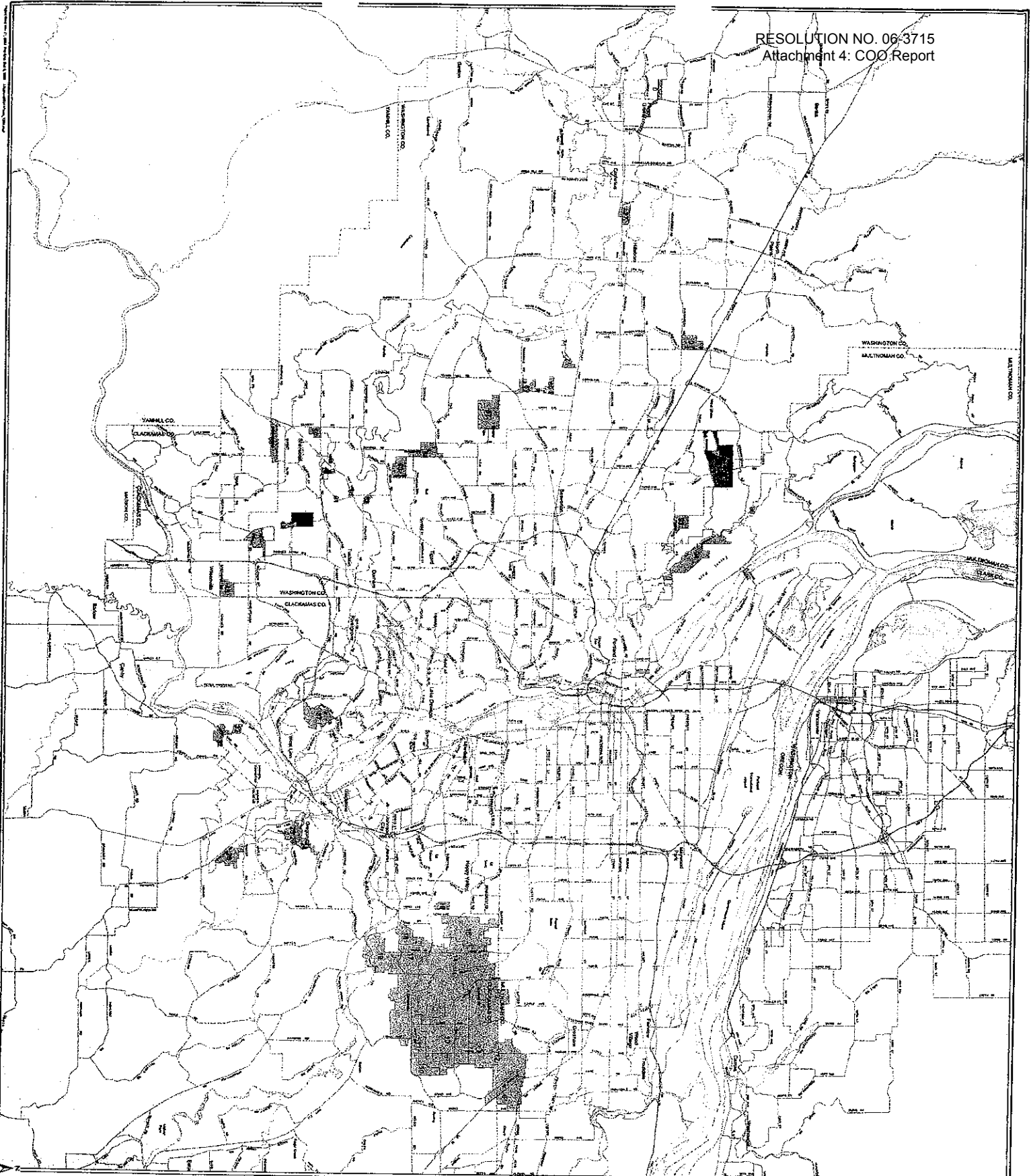
Beginning at a point on the South boundary of the Northwest one-quarter of said Section 7, Township 2 South, Range 3 East, which is 1,110 feet East of the one-quarter corner on the West line of said Section 7; thence North parallel with the West line of said Section 7, a distance of 306.5 feet; thence 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.



SEE MAP 2 3E 7

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.



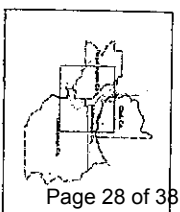


Approved UGB Expansion Areas

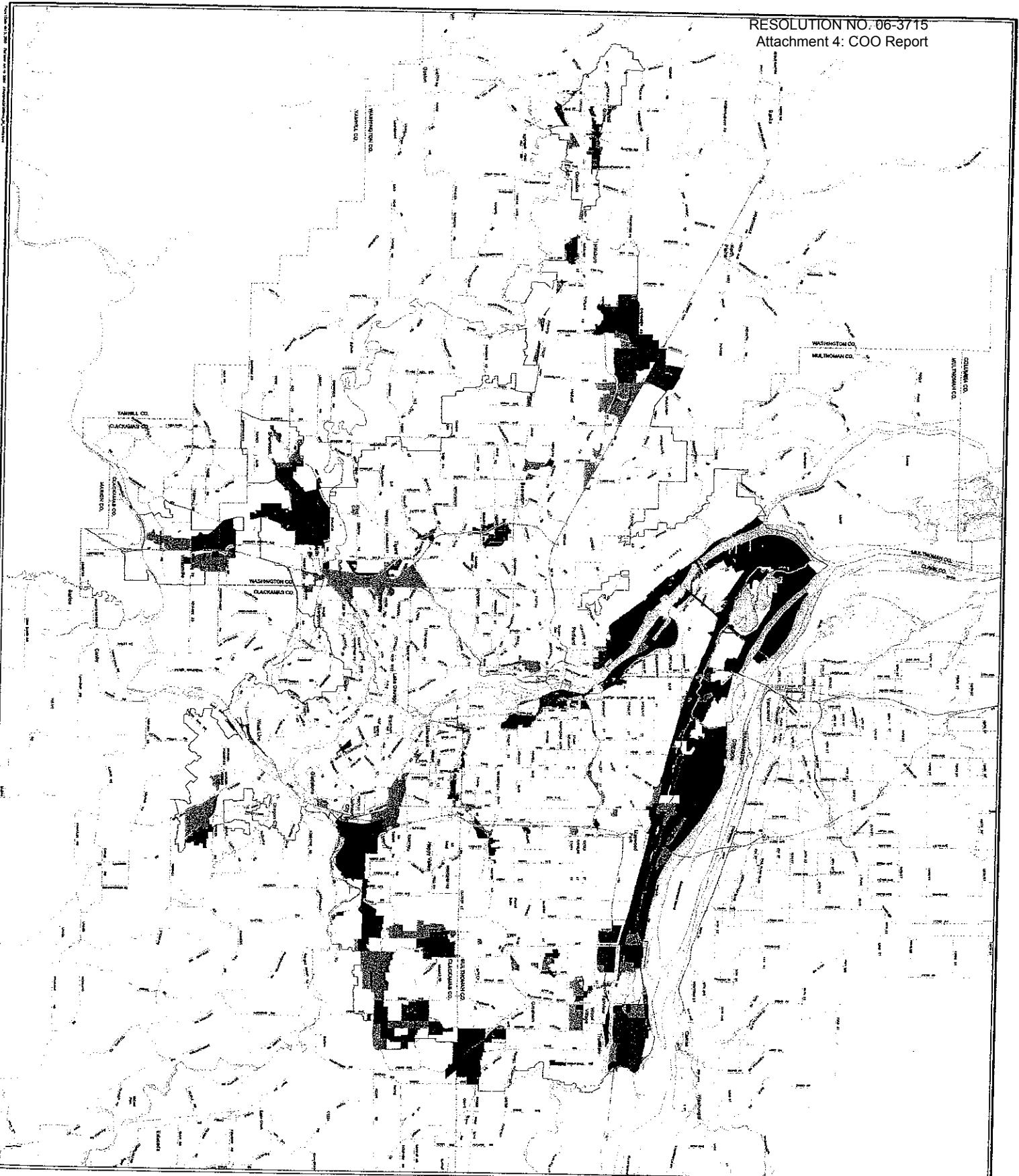
The areas approved for expansion will not be in effect until approval by the State Land Conservation and Development Commission.

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



OR
STATE
LAND
CONSERVATION
AND
DEVELOPMENT
COMMISSION






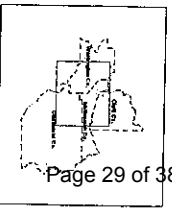
**Title 4 Industrial
and Employment Areas**

Ordinance No. 04-1040B

Exhibit C

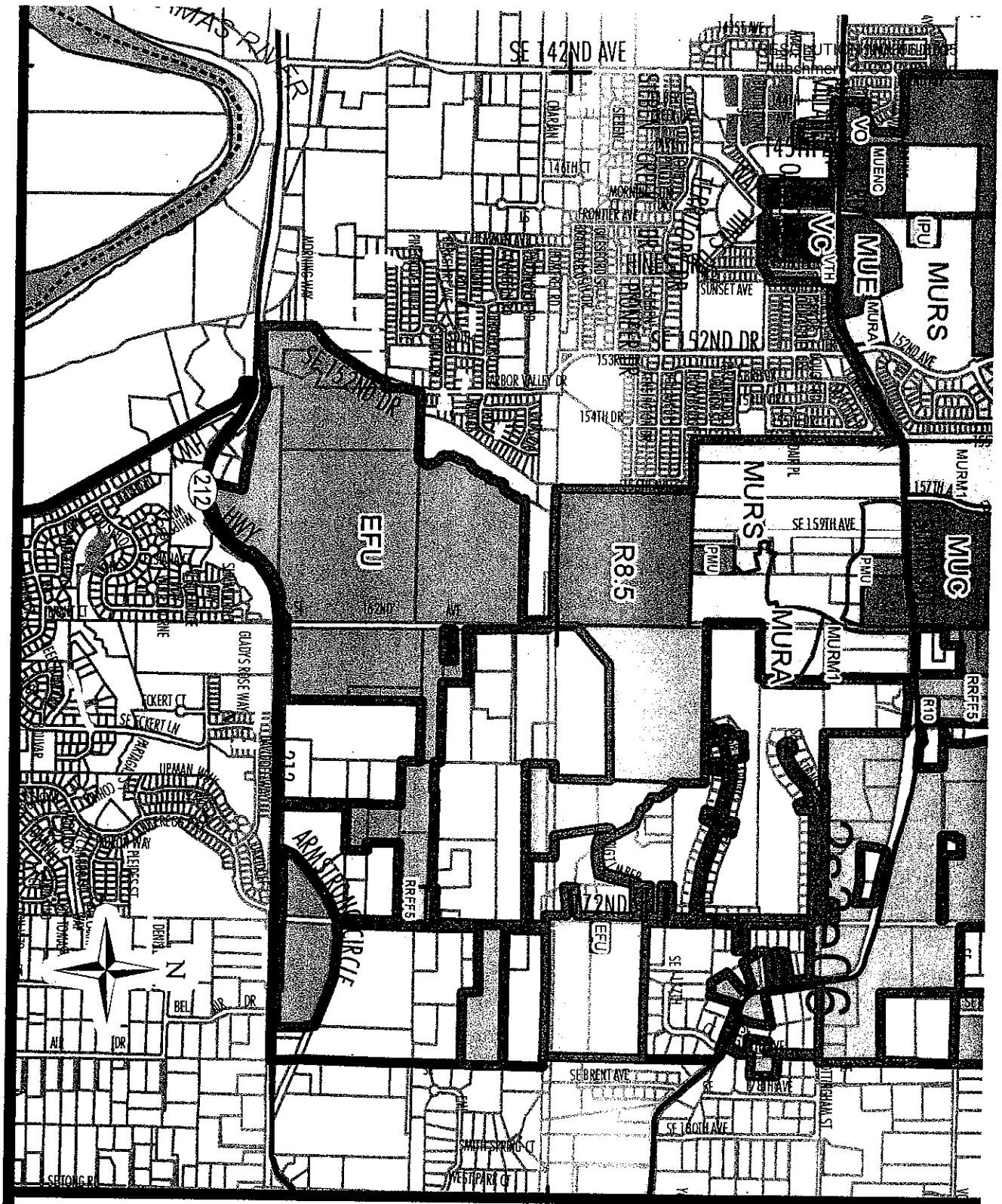
June 24, 2004

-  Employment Land
-  Industrial Land
-  Regionally Significant Industrial Areas



THESE ARE THE OFFICIAL RECORDS OF THE CITY OF SEASIDE, CALIFORNIA. THESE RECORDS ARE THE PROPERTY OF THE CITY OF SEASIDE, CALIFORNIA AND ARE TO BE KEPT IN THE OFFICE OF THE CITY CLERK. ANY REPRODUCTION OF THESE RECORDS WITHOUT THE WRITTEN PERMISSION OF THE CITY CLERK IS PROHIBITED.

SEASIDE, CALIFORNIA
CITY CLERK'S OFFICE
1000 J STREET, SEASIDE, CA 94133
TEL: (708) 424-1000
FAX: (708) 424-1001
WWW.CITYOFSEASIDE.CA.GOV



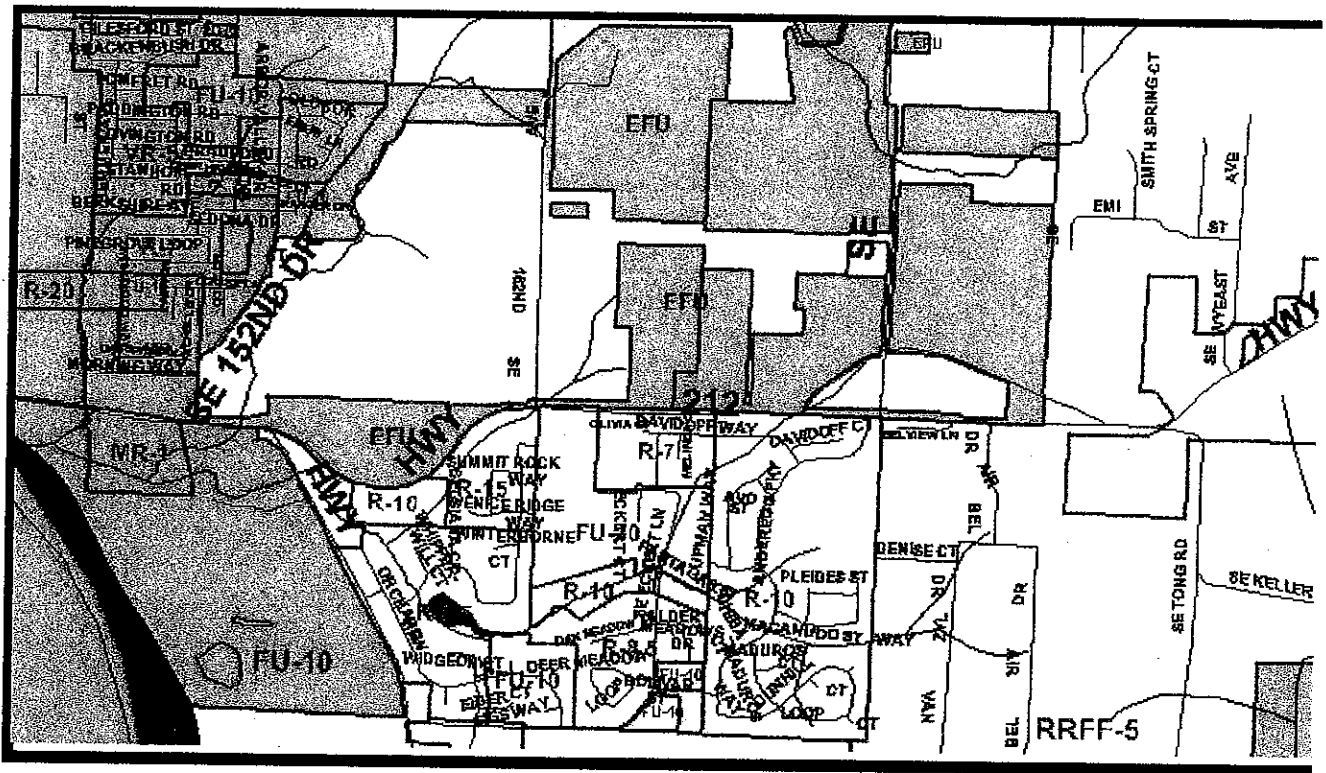
Tax Lot Parcels

1:28

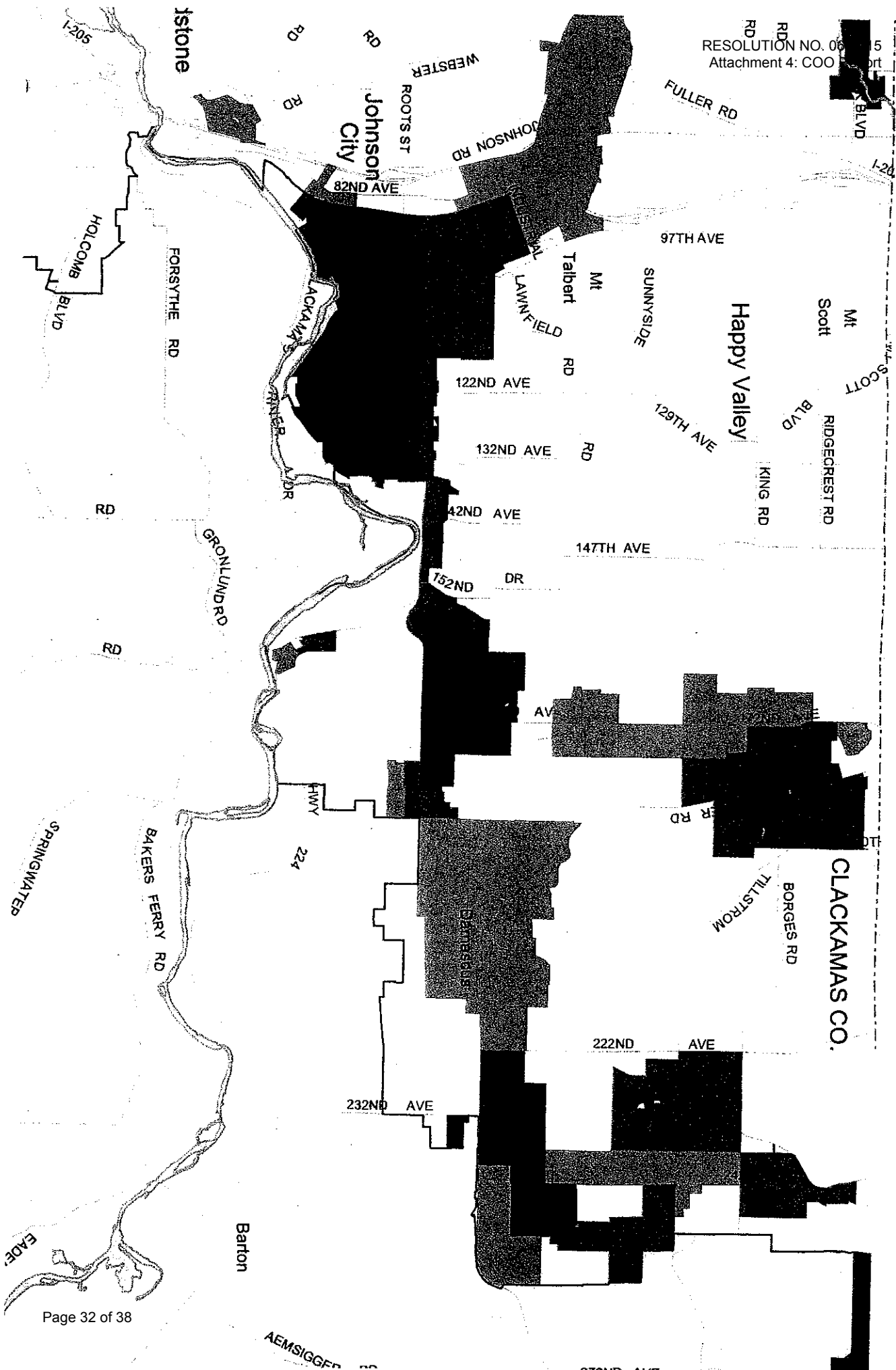


Sources:
 Geographic data from (Urban Growth Boundary Map Printed: August 2006)





X = 7685529 Y = 6





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:
 Manuffs 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

No Photo Available

GENERAL INFORMATION

Lot Size: 20-49.99AC	Acres: 20.07	Lot Dimensions:
Waterfront: /	River/Lake:	Availability: SALE #Lots:
Perc Test: /	RdFrntg: Y	Rd Surf: PAVEDRD
Seller Disc: DSCLAIMR	Other Disc:	View: TREES, VALLEY
Lot Desc: PASTURE		Soil Type/Class: native
Topography: LEVEL		Present Use: RESIDNC
Soil Cond: NATIVE		

IMPROVEMENTS

Utilities: CABLETV, GAS, PHONE, POWER, SEPTIC, WELL
 Existing Structure: Y / GARAGE, RESIDNC

REMARKS

XS/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:	Tax Deferral:	BAC: % .5
HOA Dues: /	Crop/Land Lease:	3rd Party: N	SAC:
HOA Incl:			
Escrow Preference:			
Terms: CASH, CONV			

BROKER / AGENT DATA

BRCD: LOCK01 Office: Locker Properties L.L.C	Phone: 503-292-0999	Fax: 503-297-6041
LPID: OLSONKEN Agent: Kenneth Olson	Phone: 503-504-1888	Cell/Pgr: 503-504-1888
CoLPID: CoBRCD:	CoAgent:	CoPh:
Agent E-mail: kvolson@aol.com	Show: CALL1ST, CALL-LA, OWN-OCG	Photo: SUBMIT
List: 11/6/2003 Exp:	Owner: In L/O	Poss:
Tran: 7/15/2004	Tenant:	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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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

XSDir: 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:

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 Acres: 32
Waterfront: / River/Lake:
Perc Test: / RdFritg: Y
Seller Disc: Other Disc:
Lot Desc:
Topography:
Soil Cond:

Lot Dimensions:
Availability: #Lots:
Rd Surf: PAVEDRD
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 Spcl Asmt Balance:
HOA Dues: / Crop/Land Lease:
HOA Incl:
Escrow Preference:
Terms: CASH
Tax Deferral: BAC: 2.0
3rd Party: SAC: 0

BROKER / AGENT DATA

BRCD: BTNR01 Office: Bridgetown Realty, I
LPID: HARDYM Agent: Mark Hardy Phone: 503-287-9370 Fax: 503-281-2037
CoLPID: CoBRCD: CoAgent: Phone: 503-372-8546 Cell/Pgr:
Agent E-mail: Show: CALL-LA CoPh:
List: 10/29/2001 Exp: Owner: SUNNY ROCK DEV Photo: NO-PHOT
Tran: 7/20/2004 Tenant: 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:
Perc 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	Cell/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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 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 12:23:38 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 Phone: 503-698-6800 Fax: 503-698-5563
CoLPID: CoBRCD: CoAgent: Phone: 503-698-6800 Cell/Pgr:
Agent E-mail: susan@homesofportland.com CoPh:
List: 2/1/2005 Exp: Show: VACANT Photo: NO-PHOT
Tran: 7/13/2005 Owner: SEQUOIA PROP. DEVEL. Poss:
Tenant: 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.

NOTICE OF PUBLIC HEARING

Before Metro Council to Consider a Measure 37 Claim

Notice Date: June 29, 2006

To: Owners and occupants of property within 500 feet of the subject property, local government, claimant, and any person who has requested notice.

Subject: A claim has been filed with Metro pursuant to ORS 197.352 (Ballot Measure 37 (2004)). The claimant seeks compensation in the amount of \$5,400,000 for a claimed reduction in fair market value of property owned by the claimants as a result of enforcement of Metro Code Section 3.07.1110 of Title 11. Metro Title 11 provides interim protection of areas brought into the Urban Growth Boundary. In lieu of compensation, the claimants seek a waiver of that regulation so that the claimants can divide their 23.27-acre subject property into lots of at least one-acre in size and develop a single-family dwelling on each lot that does not already contain a dwelling.

Hearing Date: JULY 20, 2006

Time: 2 p.m.

Hearing Location: Metro Council Chamber, 600 NE Grand Ave, Portland, OR 97232

Case Number: Order No. 06-008

Claimant: KUMYON RADOW

Property Location: 16711 SE Highway 212, Clackamas
Clackamas, Oregon 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)

Documents: The Report of the Metro Chief Operating Officer is posted on Metro's website www.metro-region.org/measure37 along with a copy of this notice. The claim file is available for inspection and may be purchased at a reasonable cost at the Metro Planning Division, 600 NE Grand Avenue, Portland, OR 97232, (503-797-1562).

Planning Staff Contact: Paul Ketcham, 503-797-1726, Ketcham@metro.dst.or.us

All interested persons are invited to attend the hearing. Direct all calls and written correspondence to the Planning Division.



METRO

June 29, 2006

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

RE: Kumyon Radow Measure 37 Compensation Claim with Metro
Property Address: 16711 SE Highway 212, Clackamas, Oregon 97015

Legal Description: T2S R3E Section 7B, Tax Lot 1200
T2S R3E Section 7B, Tax Lot 1300
T2S R3E Section 7B, Tax Lot 1400

Ty
Dear Mr. Wyman:

A public hearing has been scheduled before the Metro Council for the Measure 37 Claim of Kumyon Radow. The hearing date is Thursday, July 20, 2006 at 2:00 p.m. at the Metro Council Chamber, 600 NE Grand Avenue, Portland, Oregon. Enclosed is a copy of the Notice of Public Hearing and the Report of the Metro Chief Operating Officer. Both the notice and the COO Report are posted on Metro's website at: www.metro-region.org/measure37.

If you have any questions about the upcoming hearing, please do not hesitate to contact me.

Thank you.

Sincerely,


Paul Ketcham
Principal Regional Planner
503-797-1726
Ketcham@metro.dst.or.us

Cc: Kumyon Radow

Enclosures