

BEFORE THE METRO COUNCIL


FOR THE PURPOSE OF ENTERING ORDERS )  
 RELATING TO THE CLAIMS BY ALFRED C. & )  
 ALVERAN F. BOTHUM; DONALD B. BOWERMAN, ) Resolution No. 07-3767  
 W. LEIGH CAMPBELL & CEILLE W. CAMPBELL; )  
 ELLA MAE & KENNETH LARSON; ARTHUR A. )  
 LUTZ, JAMES H. GILBAUGH, JR., LINDA )  
 GILBAUGH, DEANNA S. HVAL, STEVEN B. HVAL )  
 & SCOTT R. HVAL; SHARON DAILY ) Introduced by Chief Operation Officer  
 MCCULLOCH-GILSON; MPR DEVELOPMENT CO.; ) Michael J. Jordan with the concurrence of  
 REGIS & ROSALIE RAUJOL; KENT SEIDA, AND ) Council President David Bragdon  
 RICHARD W. CHILDERS FOR COMPENSATION )  
 UNDER ORS 197.352 )

WHEREAS, Alfred C. and Alverna F. Bothum; Donald B. Bowerman, W. Leigh Campbell and Ceille W. Campbell; Ella Mae and Kenneth Larson; Arthur Lutz, James H. Gilbaugh, Jr., Linda Gilbaugh, Deanna S. Hval, Steven B. Hval and Scott R. Hval; Sharon Daily McCulloch-Gilson; MPR Development Co.; Regis and Rosalie Raujol; Kent Seida; and Richard W. Childers have filed claims for compensation under ORS 197.352 contending that Metro regulations have reduced the fair market value of properties they own; and

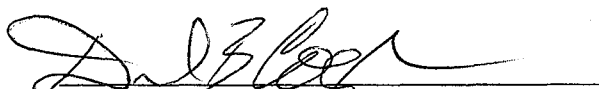
WHEREAS, the Chief Operating Officer ("COO") reviewed the claims and submitted reports to the Metro Council pursuant to section 2.21.040(c) of the Metro Code recommending dismissal of the claims for the reason that the properties lie outside Metro's urban growth boundary and, therefore, are not subject to the regulations that are the bases for the claims; now, therefore

BE IT RESOLVED that the Metro Council

1. Accepts the report of the COO on each claim.
2. Enters Orders No. 07-009 through 07-017, attached, dismissing the claims for compensation.
3. Directs the COO to send a copy of the appropriate order to the claimants and the local government with land use responsibility for the property, together with the appropriate report of the COO, and to post all of the orders and reports at the Metro website.

ADOPTED by the Metro Council this 5<sup>th</sup> day of February, 2007  
  
 David Bragdon, Council President

Approved as to form:

  
 Daniel B. Cooper, Metro Attorney



**Order No. 07-009**

**RELATING TO THE ARTHUR C. AND ALVERNA F. BOTHUM  
CLAIM FOR COMPENSATION UNDER ORS 197.352**

Claimant: Arthur C. and Alverna F. Bothum  
Property: 12800 N.W. Springville Road, Portland, OR  
Township 1 North, Range 1 West, Section 16, Lot 12  
Claim: Metro regulations reduce the fair market value of property

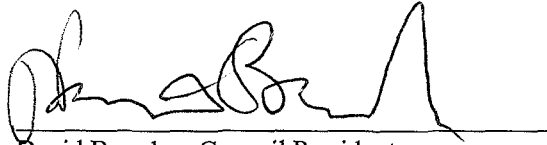
Claimants submitted the claim to Metro pursuant to ORS 197.352. This order is based upon the report prepared by the Chief Operating Officer ("COO") pursuant to section 2.21.040(c) of the Metro Code.

The Metro Council has considered the report of the COO, attached to this order.

**IT IS ORDERED THAT:**

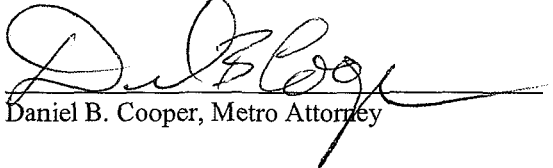
The claim of Arthur C. and Alverna F. Bothum for compensation is dismissed because the subject property does not lie within Metro's urban growth boundary and is not subject to land use regulations as defined in ORS 197.352(11)(B).

ENTERED this 9<sup>th</sup> day of February, 2007.



David Bragdon, Council President

Approved as to form:



Daniel B. Cooper, Metro Attorney

**CLAIM FOR COMPENSATION  
UNDER ORS 197.352  
AND METRO CODE CHAPTER 2.21**

**REPORT OF THE CHIEF OPERATING OFFICER**

**In Consideration of Order No. 07-009  
For the Purpose of Entering an Order  
Relating to the Claim of Arthur C. and Alverna F. Bothum**

January 3, 2007

**METRO CLAIM NUMBER:** Claim No. 07-009

**NAME OF CLAIMANTS:** Arthur C. and Alverna F. Bothum

**MAILING ADDRESS:** 12800 N.W. Springville Road, Portland, OR

**PROPERTY LOCATION:** 12800 N.W. Springville Road, Portland, OR

**LEGAL DESCRIPTION:** T 1 North, R 1 West, Section 16, Lot 12

**DATE OF CLAIM:** December 4, 2006

**I. CLAIM**

Claimants Arthur C. and Alverna F. Bothum seek compensation for a claimed reduction in fair market value of their property as a result of Metro land use regulations. Claimants seek a waiver of the regulations to allow the division of the property for residential development.

**II. SUMMARY OF COO RECOMMENDATION**

The Chief Operating Officer ("COO") recommends that the Metro Council dismiss the claim for the reason set forth in section III of the report.

**III. PRELIMINARY REVIEW**

1. *Timeliness of Claim*

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

- a. For claims arising from a land use regulation enacted *prior* to the effective date of Measure 37, within two years of that date or the date a public entity applies the regulation to the property as an approval criterion in response to a land use application submitted by the owner; or

- b. For claims arising from a land use regulation enacted *after* the effective date of Measure 37, 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.

The claimants based their claim on Metro land use regulations adopted prior to the effective date of Measure 37. Claimants filed their claim on December 4, 2006, the last day to file without having to submit a land use application in which the regulation is an approval criterion. The claim is timely.

#### 2. *Location of Property*

Metro regulations subject to claims under ORS 197.352 apply only inside the urban growth boundary (“UGB”). The claimants’ property lies outside the UGB. The land use regulation that is the basis of the claim does not apply to claimants’ property.

#### 3. *Land Use Regulation*

The claim does not make reference to a specific Metro land use regulation. It is apparent from the claim, however, that claimants believe a Metro regulation prohibits them from dividing their property. No Metro regulation applies outside the UGB.

#### 4. *Interest in Land*

Metro Code section 2.21.020(c) defines “owner” to mean the owner of the property or any interest therein. To be valid, the claimant must have been the owner at the time the Metro regulation first became applicable to claimant’s property, and must have remained the owner. The Bothums have been the owners of the property for a long time. However, because no Metro land use regulation applies to the property, it is not possible to determine whether the Bothums are “owners” within the meaning of the Metro Code.

### **IV. COO Recommendation**

Metro Code section 2.21.040(b) requires the COO to make a preliminary analysis to determine whether a claim meets the basic requirements for full review. The Bothums’ property lies outside the UGB. No Metro land use regulation under ORS 197.352 applies to land outside the UGB. Therefore, the Bothums’ claim does not meet the basic requirements for further review. The COO recommends that the Metro Council dismiss the claim pursuant to Metro Code 2.21.040(c) and 2.21.060(a)(1).

**Order No. 07-010**

**RELATING TO THE DONALD B. BOWERMAN, W. LEIGH CAMPBELL AND  
CEILLE W. CAMPBELL CLAIM FOR COMPENSATION UNDER ORS 197.352**

**Claimant:** Donald B. Bowerman, W. Leigh Campbell and Ceille W. Campbell  
**Property:** Pete's Mountain Road and Schaeffer Road  
Township 3 South, Range 1 East, Section 3, Tax Lots 01100, 01101 and 01102  
**Claim:** Metro Code Chapters 3.01 and 3.07

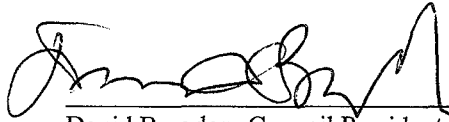
Claimants submitted the claim to Metro pursuant to ORS 197.352. This order is based upon the report prepared by the Chief Operating Officer (COO) pursuant to section 2.21.040(c) of the Metro Code.

The Metro Council has considered the report of the COO, attached to this order.

**IT IS ORDERED THAT:**

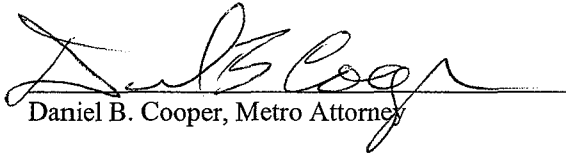
The claim of Donald B. Bowerman, W. Leigh Campbell and Ceille W. Bowerman for compensation is dismissed because the subject property does not lie within Metro's urban growth boundary and is not subject to land use regulations as defined in ORS 197.352(11)(B).

ENTERED this 9<sup>th</sup> day of February, 2007.



David Bragdon, Council President

Approved as to form:



Daniel B. Cooper, Metro Attorney

**CLAIM FOR COMPENSATION  
UNDER ORS 197.352  
AND METRO CODE CHAPTER 2.21**

**REPORT OF THE CHIEF OPERATING OFFICER**

**In Consideration of Order No. 07-010 For the Purpose of Entering an Order  
Relating to the Claim of Donald B. Bowerman, W. Leigh Campbell and Ceille W. Campbell**

January 3, 2007

**METRO CLAIM NUMBER:** Claim No. 07-010

**NAME OF CLAIMANTS:** Donald B. Bowerman, W. Leigh Campbell  
and Ceille W. Campbell

**MAILING ADDRESS:** Bowerman & Boutin, LLP, P.O. Box 100  
Oregon City, OR 97045

**PROPERTY LOCATION:** Near Pete's Mtn. Rd and Schaffer Rd.

**LEGAL DESCRIPTION:** T 3 South, R 1 East, Section 3, Tax Lots  
01100, 01101 and 01102

**DATE OF CLAIM:** December 1, 2006

**I. CLAIM**

Claimants seek compensation for a claimed reduction in fair market value of their property as a result of Metro land use regulations. Claimants seek a waiver of the regulations to allow the division of the property for residential development.

**II. SUMMARY OF COO RECOMMENDATION**

The Chief Operating Officer ("COO") recommends that the Metro Council dismiss the claim for the reason set forth in section III of the report.

**III. PRELIMINARY REVIEW**

1. *Timeliness of Claim*

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

- a. For claims arising from a land use regulation enacted *prior* to the effective date of Measure 37, within two years of that date or the date a public entity applies the regulation to the property as an approval criterion in response to a land use application submitted by the owner; or

- b. For claims arising from a land use regulation enacted *after* the effective date of Measure 37, 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.

The claimants based their claim on Metro land use regulations adopted prior to the effective date of Measure 37. Claimants filed their claim on December 1, 2006. The claim is timely.

#### 2. *Location of Property*

Metro regulations subject to claims under ORS 197.352 apply only inside the urban growth boundary (“UGB”). The claimants’ property lies outside the UGB. The land use regulations that are the basis of the claim do not apply to claimants’ property.

#### 3. *Land Use Regulation*

The claim does not make reference to a specific Metro land use regulation. It is apparent from the claim, however, that claimants believe Metro regulations prohibit them from dividing their property. No Metro regulation applies outside the UGB.

#### 4. *Interest in Land*

Metro Code section 2.21.020(c) defines “owner” to mean the owner of the property or any interest therein. To be valid, the claimant must have been the owner at the time the Metro regulation first became applicable to claimant’s property, and must have remained the owner. Claimants have been the owners of the property for a long time. However, because no Metro land use regulation applies to the property, it is not possible to determine whether claimants are “owners” within the meaning of the Metro Code.

### **IV. COO Recommendation**

Metro Code section 2.21.040(b) requires the COO to make a preliminary analysis to determine whether a claim meets the basic requirements for full review. The subject property lies outside the UGB. No Metro land use regulation under ORS 197.352 applies to land outside the UGB. Therefore, the claim does not meet the basic requirements for further review. The COO recommends that the Metro Council dismiss the claim pursuant to Metro Code 2.21.040(c) and 2.21.060(a)(1).

Order No. 07-011

RELATING TO THE ELLA MAE AND KENNETH LARSON  
CLAIM FOR COMPENSATION UNDER ORS 197.352

Claimants: Ella Mae and Kenneth Larson

Property: Township 2 North, Range 1 West, Sections 28, 28C, 28CA and 28D

Claim: Metro Code Chapter 3.07, Title 13

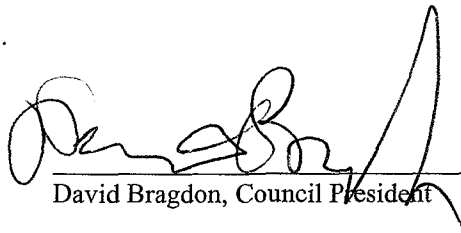
Claimants submitted the claim to Metro pursuant to ORS 197.352. This order is based upon the report prepared by the Chief Operating Officer ("COO") pursuant to section 2.21.040(c) of the Metro Code.

The Metro Council has considered the report of the COO, attached to this order.

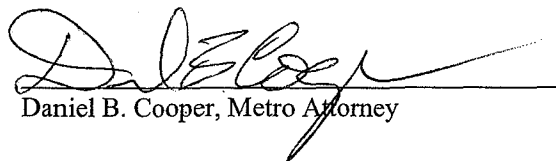
IT IS ORDERED THAT:

The claim of for compensation is dismissed because the subject property does not lie within Metro's urban growth boundary and is not subject to land use regulations as defined in ORS 197.352(11)(B).

ENTERED this 9<sup>th</sup> day of February, 2007.

  
\_\_\_\_\_  
David Bragdon, Council President

Approved as to form:

  
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Daniel B. Cooper, Metro Attorney



**CLAIM FOR COMPENSATION  
UNDER ORS 197.352  
AND METRO CODE CHAPTER 2.21**

**REPORT OF THE CHIEF OPERATING OFFICER**

**In Consideration of Order No. 07-011  
For the Purpose of Entering an Order  
Relating to the Claim of Ella Mae and Kenneth Larson**

January 3, 2007

**METRO CLAIM NUMBER:** Claim No. 07-011

**NAME OF CLAIMANTS:** Ella Mae and Kenneth Larson

**MAILING ADDRESS:** Donald Joe Willis, Schwabe, Williamson &  
Wyatt, 1211 SW Fifth Ave., Suites 1600-  
1900, Portland, OR 97204-3795

**PROPERTY LOCATION:** Multnomah County

**LEGAL DESCRIPTION:** T 2 North, R 1 West, Section 28, four Tax Lots;  
Section 28C, Tax Lots 100 and 101; Section 28CA,  
Tax Lot 100; Section 28D, Tax Lot 500

**DATE OF CLAIM:** December 1, 2006

**I. CLAIM**

Claimants seek compensation for a claimed reduction in fair market value of their property as a result of Metro's Title 13 (Nature in Neighborhoods) of the Urban Growth Management Functional Plan. Claimants seek a waiver of the regulations to allow boat houses, moorage facilities, marine construction, a ramp and an RV park.

**II. SUMMARY OF COO RECOMMENDATION**

The Chief Operating Officer ("COO") recommends that the Metro Council dismiss the claim for the reason set forth in section III of the report.

**III. PRELIMINARY REVIEW**

1. *Timeliness of Claim*

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

- a. For claims arising from a land use regulation enacted *prior* to the effective date of Measure 37, within two years of that date or the date a public entity applies the regulation to the property as an approval criterion in response to a land use application submitted by the owner; or
- b. For claims arising from a land use regulation enacted *after* the effective date of Measure 37, 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.

The claimants based their claim on Metro land use regulations adopted prior to the effective date of Measure 37. Claimants filed their claim on December 1, 2006. The claim is timely.

#### 2. *Location of Property*

Metro regulations subject to claims under ORS 197.352 apply only inside the urban growth boundary (UGB). The claimants' property lies outside the UGB. The land use regulations that are the basis of the claim does not apply to claimants' property.

#### 3. *Land Use Regulation*

Title 13 (Nature in Neighborhoods) of the Urban Growth Management Functional Plan has not yet been acknowledged by the Land Conservation and Development Commission. It does not yet apply, therefore, to any property within the urban growth boundary.

#### 4. *Interest in Land*

Metro Code section 2.21.020(c) defines "owner" to mean the owner of the property or any interest therein. To be valid, the claimant must have been the owner at the time the Metro regulation first became applicable to claimant's property, and must have remained the owner. Claimants have been the owners of the property for a long time. However, because no Metro land use regulation applies to the property, it is not possible to determine whether claimants are "owners" within the meaning of the Metro Code.

### **IV. COO Recommendation**

Metro Code section 2.21.040(b) requires the COO to make a preliminary analysis to determine whether a claim meets the basic requirements for full review. The subject property lies outside the UGB. No Metro land use regulation under ORS 197.352 applies to land outside the UGB. The claim is based upon Title 13 (Nature in Neighborhoods) of the Urban Growth Management Functional Plan. Title 13 does not yet apply to land in the region. Therefore, the claim does not meet the basic requirements for further review. The COO recommends that the Metro Council dismiss the claim pursuant to Metro Code 2.21.040(c) and 2.21.060(a)(1).

**Order No. 07-012**

RELATING TO THE ARTHUR A. LUTZ, JAMES H. GILBAUGH, JR.,  
LINDA GILBAUGH, DEANNA S. HVAL, STEVEN B. HVAL & SCOTT  
R. HVAL CLAIM FOR COMPENSATION UNDER ORS 197.352

**Claimants:** Arthur Lutz, James H. Gilbaugh, Jr., Linda Gilbaugh, Deanna S. Hval, Steven B. Hval  
and Scott R. Hval

**Property:** Township 1 South, Range 2 West, Section 16D, Tax Lots 00100, 00101 and 00199

**Claim:** Metro Code Chapter 3.09

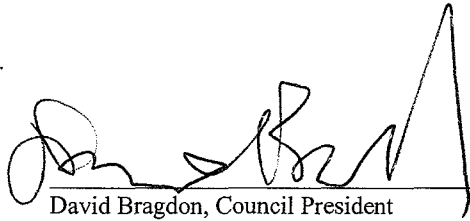
Claimants submitted the claim to Metro pursuant to ORS 197.352. This order is based upon the report prepared by the Chief Operating Officer (COO) pursuant to section 2.21.040(c) of the Metro Code.

The Metro Council has considered the report of the COO, attached to this order.

**IT IS ORDERED THAT:**

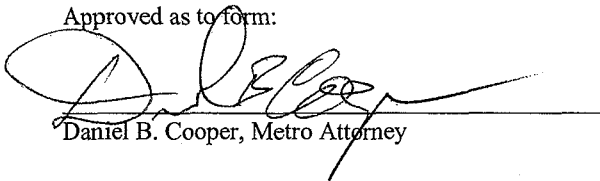
The claim of Arthur Lutz, James H. Gilbaugh, Jr., Linda Gilbaugh, Deanna S. Hval, Steven B. Hval and Scott R. Hval for compensation is dismissed because the subject property does not lie within Metro's urban growth boundary and is not subject to land use regulations as defined in ORS 197.352(11)(B).

ENTERED this 9<sup>th</sup> day of February, 2007.



David Bragdon, Council President

Approved as to form:



Daniel B. Cooper, Metro Attorney

**CLAIM FOR COMPENSATION  
UNDER ORS 197.352  
AND METRO CODE CHAPTER 2.21**

**REPORT OF THE CHIEF OPERATING OFFICER**

**In Consideration of Order No. 07-012  
For the Purpose of Entering an Order  
Relating to the Claim of Arthur Lutz, James H. Gilbaugh, Jr.,  
Linda Gilbaugh, Deanna S. Hval, Steven B. Hval and Scott R. Hval**

January 3, 2007

**METRO CLAIM NUMBER:** Claim No. 07-012

**NAME OF CLAIMANTS:** Arthur Lutz, James H. Gilbaugh, Jr., Linda Gilbaugh, Deanna S. Hval, Steven B. Hval and Scott R. Hval

**MAILING ADDRESS:** Steven B. Hval, Hagen O'Connell, LLP  
121 SW Morrison Street, Suite 1500  
Portland, Oregon 97204

**PROPERTY LOCATION:** Washington County

**LEGAL DESCRIPTION:** T 2 South, R 2 West, Section 16DO,  
Tax Lots 100, 101 and 199

**DATE OF CLAIM:** December 1, 2006

**I. CLAIM**

Claimants seek compensation for a claimed reduction in fair market value of their property as a result of Metro Code chapter 3.09 (Local Government Boundary Changes). Claimants seek a waiver of the regulations to allow a municipality to extend urban services from within the urban growth boundary (UGB) to the subject property outside the UGB for residential development.

**II. SUMMARY OF COO RECOMMENDATION**

The Chief Operating Officer ("COO") recommends that the Metro Council dismiss the claim for the reason set forth in section III of the report.

### III. PRELIMINARY REVIEW

#### 1. *Timeliness of Claim*

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

- a. For claims arising from a land use regulation enacted *prior* to the effective date of Measure 37, within two years of that date or the date a public entity applies the regulation to the property as an approval criterion in response to a land use application submitted by the owner; or
- b. For claims arising from a land use regulation enacted *after* the effective date of Measure 37, 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.

The claimants based their claim on Metro regulations adopted prior to the effective date of Measure 37. Claimants filed their claim on December 1, 2006. The claim is timely.

#### 2. *Location of Property*

Metro regulations subject to claims under ORS 197.352 apply only inside the urban growth boundary (“UGB”). The claimants’ property lies outside the UGB.

#### 3. *Land Use Regulation*

The regulations that are the basis of the claim – Metro Code chapter 3.09 – are not “land use regulations” as defined by ORS 197.352 or Metro Code chapter 2.21. Chapter 3.09 is not part of the Regional Framework Plan, any functional plan, or any regional goals or objectives.

#### 4. *Interest in Land*

Metro Code section 2.21.020(c) defines “owner” to mean the owner of the property or any interest therein. To be valid, the claimant must have been the owner at the time the Metro regulation first became applicable to claimant’s property, and must have remained the owner. Claimants have been the owners of the property for a long time. However, because no Metro land use regulation applies to the property, it is not possible to determine whether claimants are “owners” within the meaning of the Metro Code.

### IV. COO Recommendation

Metro Code section 2.21.040(b) requires the COO to make a preliminary analysis to determine whether a claim meets the basic requirements for full review. The subject property lies outside the UGB. No Metro land use regulation under ORS 197.352 applies to land outside the UGB. The regulation cited as the basis for the claim is not a “land use regulation” subject to claims under ORS 197.352 or Metro Code chapter 2.21. Therefore, the claim does not meet the basic requirements for further review. The COO recommends that the Metro Council dismiss the claim pursuant to Metro Code 2.21.040(c) and 2.21.060(a)(1).

Order No. 07-013

RELATING TO THE SHARON DAILY MCCULLOCH-GILSON CLAIM  
FOR COMPENSATION UNDER ORS 197.352

Claimant: Sharon Daily McCulloch-Gilson  
Property: 6065 S.W. River Road, Hillsboro  
Township 1 South, Range 2 West, Section 21, Tax Lot 01300  
Claim: Metro Code Chapter 3.09

Claimants submitted the claim to Metro pursuant to ORS 197.352. This order is based upon the report prepared by the Chief Operating Officer ("COO") pursuant to section 2.21.040(c) of the Metro Code.

The Metro Council has considered the report of the COO, attached to this order.

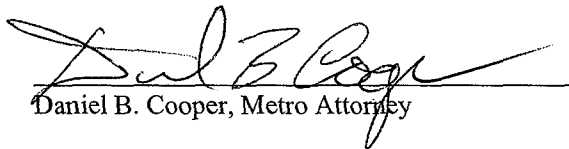
IT IS ORDERED THAT:

The claim of Sharon Daily McCulloch-Gilson for compensation is dismissed because the subject property does not lie within Metro's urban growth boundary and is not subject to land use regulations as defined in ORS 197.352(11)(B).

ENTERED this 9<sup>th</sup> day of February, 2007.

  
David Bragdon, Council President

Approved as to form:

  
Daniel B. Cooper, Metro Attorney

**CLAIM FOR COMPENSATION  
UNDER ORS 197.352  
AND METRO CODE CHAPTER 2.21**

**REPORT OF THE CHIEF OPERATING OFFICER**

**In Consideration of Order No. 07-013  
For the Purpose of Entering an Order  
Relating to the Claim of Sharon Daily McCulloch-Gilson**

January 3, 2007

**METRO CLAIM NUMBER:** Claim No. 07-013

**NAME OF CLAIMANT:** Sharon Daily McCulloch-Gilson

**MAILING ADDRESS:** John Shonkwiler, Attorney at Law  
13425 SW 72<sup>nd</sup> Ave., Tigard, OR 97223

**PROPERTY LOCATION:** 6065 SW River Road

**LEGAL DESCRIPTION:** T 1 South, R 2 West, Section 21, Tax Lot 1300

**DATE OF CLAIM:** November 30, 2006

**I. CLAIM**

Claimant seeks compensation for a claimed reduction in fair market value of her property as a result of Metro regulations. Claimant seeks a waiver of the regulations to allow the division of the property for residential development.

**II. SUMMARY OF COO RECOMMENDATION**

The Chief Operating Officer ("COO") recommends that the Metro Council dismiss the claim for the reason set forth in section III of the report.

**III. PRELIMINARY REVIEW**

1. *Timeliness of Claim*

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

- a. For claims arising from a land use regulation enacted *prior* to the effective date of Measure 37, within two years of that date or the date a public entity applies the regulation to the property as an approval criterion in response to a land use application submitted by the owner; or

- b. For claims arising from a land use regulation enacted *after* the effective date of Measure 37, 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.

The claimant bases her claim on Metro land use regulations adopted prior to the effective date of Measure 37. Claimant filed her claim on November 30, 2006. The claim is timely.

#### 2. *Location of Property*

Metro regulations subject to claims under ORS 197.352 apply only inside the urban growth boundary (“UGB”). The claimant’s property lies outside the UGB. The land use regulations that are the basis of the claim do not apply to claimant’s property.

#### 3. *Land Use Regulation*

Among the regulations that are the basis of the claim is Metro Code chapter 3.09. This chapter does not contain “land use regulations” as defined by ORS 197.352 or Metro Code chapter 2.21. Chapter 3.09 is not part of the Regional Framework Plan, any functional plan, or any regional goals or objectives.

#### 4. *Interest in Land*

Metro Code section 2.21.020(c) defines “owner” to mean the owner of the property or any interest therein. To be valid, the claimant must have been the owner at the time the Metro regulation first became applicable to claimant’s property, and must have remained the owner. Claimant has been the owners of the property for a long time. However, because no Metro land use regulation applies to the property, it is not possible to determine whether claimant is an “owner” within the meaning of the Metro Code.

### **IV. COO Recommendation**

Metro Code section 2.21.040(b) requires the COO to make a preliminary analysis to determine whether a claim meets the basic requirements for full review. The subject property lies outside the UGB. No Metro land use regulation under ORS 197.352 applies to land outside the UGB. Among the regulations cited as the basis for the claim is Metro Code chapter 3.09, which is not a “land use regulation” subject to claims under ORS 197.352 or Metro Code chapter 2.21. Therefore, the claim does not meet the basic requirements for further review. The COO recommends that the Metro Council dismiss the claim pursuant to Metro Code 2.21.040(c) and 2.21.060(a)(1).



**Order No. 07-014**

**RELATING TO THE MPR DEVELOPMENT CO. CLAIM  
FOR COMPENSATION UNDER ORS 197.352**

Claimant: MPR Development Co.  
Property: Washington County  
Township 1 South, Range 1 West, Section 31D, Tax Lot 00800  
Claim: Metro Code Chapters 3.07 and 3.09

Claimants submitted the claim to Metro pursuant to ORS 197.352. This order is based upon the report prepared by the Chief Operating Officer ("COO") pursuant to section 2.21.040(c) of the Metro Code.

The Metro Council has considered the report of the COO, attached to this order.

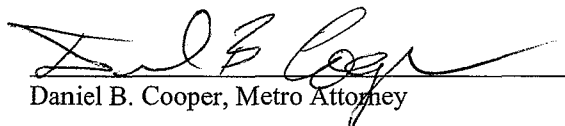
**IT IS ORDERED THAT:**

The claim of MPR Development Co. for compensation is dismissed because the subject property does not lie within Metro's urban growth boundary and is not subject to land use regulations as defined in ORS 197.352(11)(B).

ENTERED this 9<sup>th</sup> day of February, 2007.

  
\_\_\_\_\_  
David Bragdon, Council President

Approved as to form:

  
\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

**CLAIM FOR COMPENSATION  
UNDER ORS 197.352  
AND METRO CODE CHAPTER 2.21**

**REPORT OF THE CHIEF OPERATING OFFICER**

**In Consideration of Order No. 07-014  
For the Purpose of Entering an Order  
Relating to the Claim of MPR Development Co.**

January 3, 2007

**METRO CLAIM NUMBER:** Claim No. 07-014

**NAME OF CLAIMANTS:** MPR Development Co.

**MAILING ADDRESS:** Donald Joe Willis  
Schwabe, Williamson & Wyatt  
1211 SW Fifth Ave., Suites 1600-1900  
Portland, OR 97204-3795

**PROPERTY LOCATION:** Washington County

**LEGAL DESCRIPTION:** T 1 South, R 1 West, Section 31D,  
Tax Lot 800

**DATE OF CLAIM:** November 30, 2006

**I. CLAIM**

Claimant seeks compensation for a claimed reduction in fair market value of its property as a result of Metro Code chapter 3.09 (Local Government Boundary Changes). Claimant seeks a waiver of the regulations to allow a municipality to extend urban services from within the urban growth boundary (UGB) to the subject property outside the UGB for residential development.

**II. SUMMARY OF COO RECOMMENDATION**

The Chief Operating Officer ("COO") recommends that the Metro Council dismiss the claim for the reason set forth in section III of the report.

**III. PRELIMINARY REVIEW**

1. *Timeliness of Claim*

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

- a. For claims arising from a land use regulation enacted *prior* to the effective date of Measure 37, within two years of that date or the date a public entity applies the regulation to the property as an approval criterion in response to a land use application submitted by the owner; or
- b. For claims arising from a land use regulation enacted *after* the effective date of Measure 37, 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.

The claimants based their claim on Metro regulations adopted prior to the effective date of Measure 37. Claimants filed their claim on November 30, 2006. The claim is timely.

## 2. *Location of Property*

Metro regulations subject to claims under ORS 197.352 apply only inside the urban growth boundary (UGB). The claimants' property lies outside the UGB.

## 3. *Land Use Regulation*

The regulations that are the basis of the claim – Metro Code chapter 3.09 – are not “land use regulations” as defined by ORS 197.352 or Metro Code chapter 2.21. Chapter 3.09 is not part of the Regional Framework Plan, any functional plan, or any regional goals or objectives.

## 4. *Interest in Land*

Metro Code section 2.21.020(c) defines “owner” to mean the owner of the property or any interest therein. To be valid, the claimant must have been the owner at the time the Metro regulation first became applicable to claimant's property, and must have remained the owner. Claimant has been the owner of the property for a long time. However, because no Metro land use regulation applies to the property, it is not possible to determine whether claimant is an “owner” within the meaning of the Metro Code.

## IV. COO Recommendation

Metro Code section 2.21.040(b) requires the COO to make a preliminary analysis to determine whether a claim meets the basic requirements for full review. The subject property lies outside the UGB. No Metro land use regulation under ORS 197.352 applies to land outside the UGB. The regulation cited as the basis for the claim is not a “land use regulation” subject to claims under ORS 197.352 or Metro Code chapter 2.21. Therefore, the claim does not meet the basic requirements for further review. The COO recommends that the Metro Council dismiss the claim pursuant to Metro Code 2.21.040(c) and 2.21.060(a)(1).

**Order No. 07-015**

**RELATING TO THE REGIS & ROSALIE RAUJOL  
CLAIM FOR COMPENSATION UNDER ORS 197.352**

Claimants: Regis and Rosalie Rajol  
Property: Clackamas County  
Township 2 South, Range 1 East, Section 22D, Tax Lots 01700, 01800, 02000 and 02301  
Claim: Metro Code Chapter 3.07, Titles 3 and 13 and Chapter 3.01

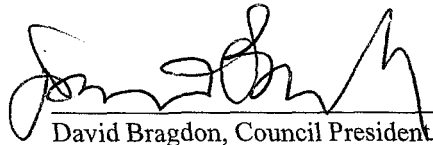
Claimants submitted the claim to Metro pursuant to ORS 197.352. This order is based upon the report prepared by the Chief Operating Officer ("COO") pursuant to section 2.21.040(c) of the Metro Code.

The Metro Council has considered the report of the COO, attached to this order.


**IT IS ORDERED THAT:**

The claim of Regis and Rosalie Rajol for compensation is dismissed because the subject property does not lie within Metro's urban growth boundary and is not subject to land use regulations as defined in ORS 197.352(11)(B).

ENTERED this 9<sup>th</sup> day of February, 2007.

  
David Bragdon, Council President

Approved as to form:

  
Daniel B. Cooper, Metro Attorney

**CLAIM FOR COMPENSATION  
UNDER ORS 197.352  
AND METRO CODE CHAPTER 2.21**

**REPORT OF THE CHIEF OPERATING OFFICER**

**In Consideration of Order No. 07-015  
For the Purpose of Entering an Order  
Relating to the Claim of Regis & Rosalie Raujol**

January 3, 2007

**METRO CLAIM NUMBER:** Claim No. 07-015

**NAME OF CLAIMANT:** Regis & Rosalie Raujol

**MAILING ADDRESS:** Bowerman & Boutin, LLP, P.O. Box 100  
Oregon City, OR 97045

**PROPERTY LOCATION:** 1090 S. Station Lane, West Linn, OR 97068

**LEGAL DESCRIPTION:** T 2 South, R 1 East, Section 22D, Tax Lot  
01800, 02000, 02301 and 01700

**DATE OF CLAIM:** November 24, 2006

**I. CLAIM**

Claimants seek compensation for a claimed reduction in fair market value of their property as a result of Title 3 and 11 of Metro's Urban Growth Management Functional Plan and Metro's UGB code. Claimants seek a waiver of the regulations to allow the division of the property for residential development.

**II. SUMMARY OF COO RECOMMENDATION**

The Chief Operating Officer ("COO") recommends that the Metro Council dismiss the claim for the reason set forth in section III of the report.

**III. PRELIMINARY REVIEW**

1. *Timeliness of Claim*

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

- a. For claims arising from a land use regulation enacted *prior* to the effective date of Measure 37, within two years of that date or the date a public entity applies the regulation to the property as an approval criterion in response to a land use application submitted by the owner; or

- b. For claims arising from a land use regulation enacted *after* the effective date of Measure 37, 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.

The claimant bases her claim on Metro land use regulations adopted prior to the effective date of Measure 37. Claimant filed her claim on November 24, 2006. The claim is timely.

2. *Location of Property*

Metro regulations subject to claims under ORS 197.352 apply only inside the urban growth boundary (“UGB”). The claimants property lies outside the UGB. The land use regulations that are the basis of the claim do not apply to claimant’s property.

3. *Land Use Regulation*

Metro regulations subject to claims under ORS 197.352 apply only inside the urban growth boundary (“UGB”). The claimants property lies outside the UGB. The land use regulations that are the basis of the claim do not apply to claimants’ property.

4. *Interest in Land*

Metro Code section 2.21.020(c) defines “owner” to mean the owner of the property or any interest therein. To be valid, claimants must have been the owners at the time the Metro regulation first became applicable to claimants’ property, and must have remained the owners. Claimants have been the owners of the property for a long time. However, because no Metro land use regulation applies to the property, it is not possible to determine whether claimants are “owners” within the meaning of the Metro Code.

#### **IV. COO Recommendation**

Metro Code section 2.21.040(b) requires the COO to make a preliminary analysis to determine whether a claim meets the basic requirements for full review. The subject property lies outside the UGB. No Metro land use regulation under ORS 197.352 applies to land outside the UGB. Therefore, the claim does not meet the basic requirements for further review. The COO recommends that the Metro Council dismiss the claim pursuant to Metro Code 2.21.040(c) and 2.21.060(a)(1).

**Order No. 07-016**

**RELATING TO THE KENT SEIDA CLAIM  
FOR COMPENSATION UNDER ORS 197.352**

**Claimant:** Kent Seida

**Property:** Clackamas County  
Township 2 South, Range 1 East, Section 26, Tax Lot 00200; Section 15C,  
Tax Lot 00102; Section 16, Tax Lots 1015 and 01021

**Claim:** Metro regulations

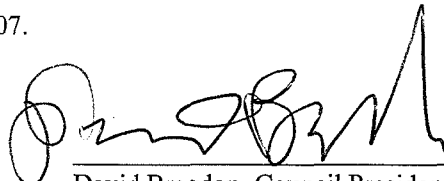
Claimants submitted the claim to Metro pursuant to ORS 197.352. This order is based upon the report prepared by the Chief Operating Officer ("COO") pursuant to section 2.21.040(c) of the Metro Code.

The Metro Council has considered the report of the COO, attached to this order.


**IT IS ORDERED THAT:**

The claim of Kent Seida for compensation is dismissed because the subject property does not lie within Metro's urban growth boundary and is not subject to land use regulations as defined in ORS 197.352(11)(B).

ENTERED this 9<sup>th</sup> day of February, 2007.

  
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David Bragdon, Council President

Approved as to form:

  
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Daniel B. Cooper, Metro Attorney

**CLAIM FOR COMPENSATION  
UNDER ORS 197.352  
AND METRO CODE CHAPTER 2.21**

**REPORT OF THE CHIEF OPERATING OFFICER**

**In Consideration of Order No. 07-016  
For the Purpose of Entering an Order  
Relating to the Claim of Kent Seida**

January 3, 2007

**METRO CLAIM NUMBER:** Claim No. 07-016

**NAME OF CLAIMANTS:** Kent Seida

**MAILING ADDRESS:** Russell L. Baldwin  
Attorney at Law  
P.O. Box 1242  
Lincoln City, OR 97367

**PROPERTY LOCATION:** Clackamas County

**LEGAL DESCRIPTION:** T 2 South, R 1 East, Section 26, Tax Lot  
00200; Section 15C, Tax Lots 00102 and 00200;  
Section 16, Tax Lots 01021 and 01015

**DATE OF CLAIM:** November 30, 2006

**I. CLAIM**

Claimant seeks compensation for a claimed reduction in fair market value of their property as a result of Metro land use regulations. Claimant seeks a waiver of the regulations to allow division of the property for residential development.

**II. SUMMARY OF COO RECOMMENDATION**

The Chief Operating Officer ("COO") recommends that the Metro Council dismiss the claim for the reason set forth in section III of the report.

**III. PRELIMINARY REVIEW**

1. *Timeliness of Claim*

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



- a. For claims arising from a land use regulation enacted *prior* to the effective date of Measure 37, within two years of that date or the date a public entity applies the regulation to the property as an approval criterion in response to a land use application submitted by the owner; or
- b. For claims arising from a land use regulation enacted *after* the effective date of Measure 37, 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.

The claimant bases his claim on Metro land use regulations adopted prior to the effective date of Measure 37. Claimant filed his claim on November 30, 2006. The claim is timely.

2. *Location of Property*

Metro regulations subject to claims under ORS 197.352 apply only inside the urban growth boundary ("UGB"). Claimant's property lies outside the UGB. The land use regulations that are the basis of the claim do not apply to claimant's property.

3. *Land Use Regulation*

The claim does not make reference to a specific Metro land use regulation. It is apparent from the claim, however, that the claimant believes Metro regulations prohibit him from dividing his property. No Metro regulation applies outside the UGB.

4. *Interest in Land*

Metro Code section 2.21.020(c) defines "owner" to mean the owner of the property or any interest therein. To be valid, the claimant must have been the owner at the time the Metro regulation first became applicable to claimant's property, and must have remained the owner. Claimant has been the owner of the property for a long time. However, because no Metro land use regulation applies to the property, it is not possible to determine whether claimant is an "owner" within the meaning of the Metro Code.

#### IV. COO Recommendation

Metro Code section 2.21.040(b) requires the COO to make a preliminary analysis to determine whether a claim meets the basic requirements for full review. The subject property lies outside the UGB. No Metro land use regulation under ORS 197.352 applies to land outside the UGB. Therefore, the claim does not meet the basic requirements for further review. The COO recommends that the Metro Council dismiss the claim pursuant to Metro Code 2.21.040(c) and 2.21.060(a)(1).

**Order No. 07-017**

**RELATING TO THE RICHARD W. CHILDERS CLAIM FOR COMPENSATION  
UNDER ORS 197.352**

Claimant: Richard W. Childers  
Property: Western Clackamas County  
Township 3S, Range 1W, Section 18, Tax Lot 1200  
Claim: Metro regulations restrict the division of the land

Claimants submitted the claim to Metro pursuant to ORS 197.352. This order is based upon the report prepared by the Chief Operating Officer ("COO") pursuant to section 2.21.040(c) of the Metro Code.

The Metro Council has considered the report of the COO, attached to this order.

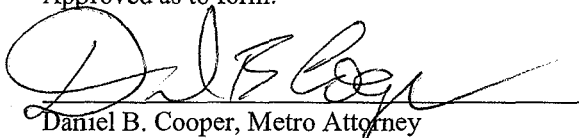
**IT IS ORDERED THAT:**

The claim of Richard W. Childers is dismissed because the subject property does not lie within Metro's urban growth boundary and is not subject to land use regulations as defined in ORS 197.352(11)(B).

ENTERED this 9<sup>th</sup> day of February, 2007.

  
David Bragdon, Council President

Approved as to form:

  
Daniel B. Cooper, Metro Attorney

**CLAIM FOR COMPENSATION  
UNDER ORS 197.352  
AND METRO CODE CHAPTER 2.21**

**REPORT OF THE CHIEF OPERATING OFFICER**

**In Consideration of Order No. 07-017  
For the Purpose of Entering an Order  
Relating to the Claim of Richard W. Childers**

January 3, 2007

**METRO CLAIM NUMBER:** Claim No. 07-017

**NAME OF CLAIMANTS:** Richard W. Childers

**MAILING ADDRESS:** Ronald E. Dusek  
Ronald E. Dusek, P.C.  
2875 Marylhurst Drive  
West Linn, OR 97068-1304

**PROPERTY LOCATION:** Clackamas County

**LEGAL DESCRIPTION:** Township 3S, Range 1W, Section 18, Tax Lot 1200

**DATE OF CLAIM:** November 20, 2006

**I. CLAIM**

Claimants seek compensation for a claimed reduction in fair market value of their property as a result of Metro's regulations. Claimants seek a waiver of the regulations to allow land division for residential development.

**II. SUMMARY OF COO RECOMMENDATION**

The Chief Operating Officer ("COO") recommends that the Metro Council dismiss the claim for the reason set forth in section III of the report.

**III. PRELIMINARY REVIEW**

1. *Timeliness of Claim*

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

- a. For claims arising from a land use regulation enacted *prior* to the effective date of Measure 37, within two years of that date or the date a public entity applies the regulation to the property as an approval criterion in response to a land use application submitted by the owner; or

- b. For claims arising from a land use regulation enacted *after* the effective date of Measure 37, 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.

The claimants based their claim on Metro land use regulations adopted prior to the effective date of Measure 37. Claimants filed their claim on November 20, 2006. The claim is timely.

2. *Location of Property*

Metro regulations subject to claims under ORS 197.352 apply only inside the urban growth boundary (“UGB”). The claimants’ property lies outside the UGB. The land use regulations that are the basis of the claim does not apply to claimants’ property.

3. *Land Use Regulation*

Metro regulations subject to claims under ORS 197.352 apply only inside the UGB. No Metro land use regulations apply to claimant’s property

4. *Interest in Land*

Metro Code section 2.21.020(c) defines “owner” to mean the owner of the property or any interest therein. To be valid, the claimant must have been the owner at the time the Metro regulation first became applicable to claimant’s property, and must have remained the owner. Claimants have been the owners of the property for a long time. However, because no Metro land use regulation applies to the property, it is not possible to determine whether claimants are “owners” within the meaning of the Metro Code.

#### **IV. COO Recommendation**

Metro Code section 2.21.040(b) requires the COO to make a preliminary analysis to determine whether a claim meets the basic requirements for full review. The subject property lies outside the UGB. No Metro land use regulation under ORS 197.352 applies to land outside the UGB. Therefore, the claim does not meet the basic requirements for further review. The COO recommends that the Metro Council dismiss the claim pursuant to Metro Code 2.21.040(c) and 2.21.060(a)(1).