

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENTERING AN ) Resolution No. 07-3774  
ORDER RELATING TO THE RICHARD L. )  
AND SHARON K. KURTZ CLAIM FOR ) Introduced by Chief Operating Officer Michael  
COMPENSATION UNDER ORS 197.352 ) Jordan with the concurrence of Council President  
(MEASURE 37) ) David Bragdon

WHEREAS, Richard L. and Sharon K. Kurtz filed a claim for compensation under ORS 197.352 (Measure 37) contending that Metro regulations had reduced the fair market value of property they own in the city of Damascus; and

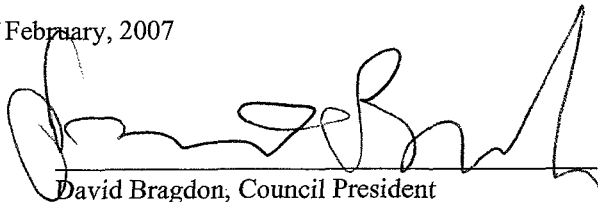
WHEREAS, the Chief Operating Officer reviewed the claim and submitted reports to the Metro Council, pursuant to section 2.21.040 of the Metro Code, recommending denial of the claim for the reason that the Metro regulation that is the basis for the claim did not reduce the fair market value of the claimants' property; and

WHEREAS, the Metro Council held a public hearing on the claim on February 15, 2007, and considered information presented at the hearing; now, therefore

BE IT RESOLVED that the Metro Council

1. Enters Order 07-018, attached to this resolution as Exhibit A, which denies the claim for compensation.
2. Directs the Chief Operating Officer ("COO") to send a copy of Order No. 07-018, 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 15<sup>th</sup> day of February, 2007

  
David Bragdon, Council President

Approved as to form:

  
Daniel B. Cooper, Metro Attorney

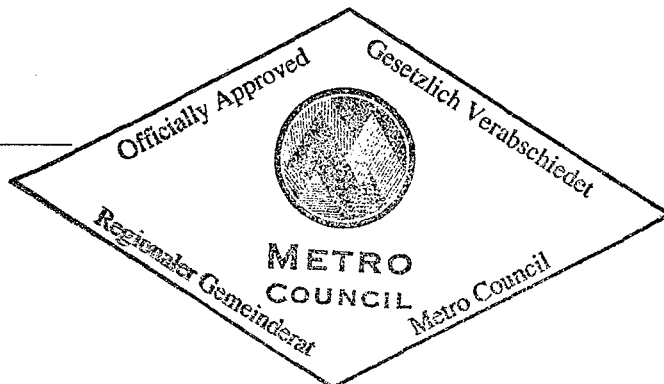


Exhibit A to Resolution No. 07-3774

**Order No. 07-018**

RELATING TO THE RICHARD L. & SHARON K. KURTZ CLAIM  
FOR COMPENSATION UNDER ORS 197.352 (MEASURE 37)

Claimants: Richard L. and Sharon K. Kurtz

Property: 12020 SE 222nd, Damascus, Oregon;  
Township 1S, Range 3E, Section 34C, Tax Lot 700 (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 claimants' land.

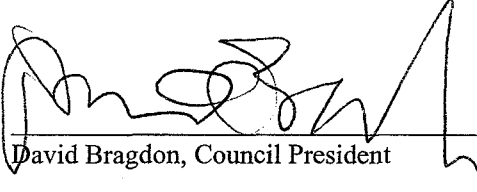
Claimants submitted the claim to Metro pursuant to ORS 197.352 (Measure 37). This order is based upon materials submitted by the claimants and the reports prepared by the Chief Operating Officer ("COO") prepared pursuant to section 2.21.040.

The Metro Council considered the claim at a public hearing on February 15, 2007.


IT IS ORDERED THAT:

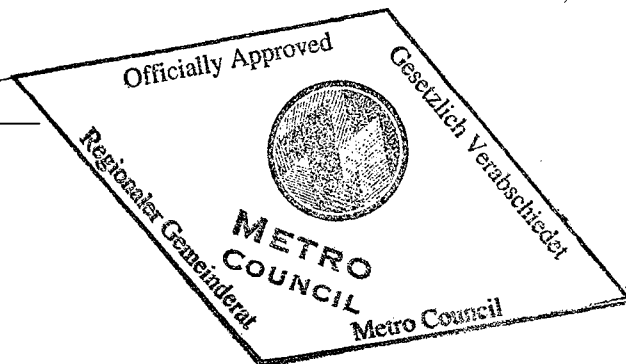
The claim of Richard L. and Sharon K. Kurtz for compensation be denied because it does not qualify for compensation for reasons set forth in the reports of the COO.

ENTERED this 15<sup>th</sup> day of February, 2007.

  
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**

**REPORT OF THE METRO CHIEF OPERATING OFFICER**

**In Consideration of Council Order No. 07-018  
For the Purpose of Entering an Order  
Relating to the Measure 37 Claim of Richard L. and Sharon K. Kurtz**

January 18, 2007

**METRO CLAIM NUMBER:** Claim No. 07-018

**NAME OF CLAIMANT:** Richard L. and Sharon K. Kurtz

**MAILING ADDRESS:** c/o Tom Leibner/Primogenitor Corporation  
17940 Oatfield Rd.  
Gladstone, OR 97027

**PROPERTY LOCATION:** 12020 SE 222<sup>nd</sup> Dr.  
Damascus, OR 97089

**LEGAL DESCRIPTION:** Township 1S, Range 3E, Section 34C  
Tax Lot 700

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

**I. CLAIM**

Claimants Richard L. and Sharon K. Kurtz seek compensation in the amount of \$227,295 for a claimed reduction in fair market value (FMV) of property owned by the claimant as a result of enforcement of Metro Code Section 3.07.1110 C of Title 11 (Interim Protection of Areas Brought into the Urban Growth Boundary) and Metro Ordinance 02-969B (For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code in Order to Increase the Capacity of the Boundary to Accommodate Population Growth to the Year 2022). In lieu of compensation, claimant seeks a waiver of those regulations so claimant can apply to the City of Damascus to divide the 6.37-acre subject property into single-family residential lots of one to five acres.

Claimants have also filed a pending Measure 37 Claim with Clackamas County, challenging the property's RRFF-5 zoning designation. It is unknown if claimants have filed Measure 37 claims with any other jurisdictions.

The Chief Operating Officer (COO) sent notice of date, time and location of the public hearing on this claim before the Metro Council on January 25, 2007. 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](http://www.metro-region.org).

**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 a portion of it Inner Neighborhood (allowing high-density residential

development) and a portion of it Corridor (allowing a wide range of residential and non-residential uses), and applying a temporary 20-acre minimum lot size 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 4, 2006. The claim identifies Metro Code section 3.07.1110 C, Metro Ordinance 98-772B, and Metro Ordinance 02-969B as the basis of the claim.

Metro Council applied the regulation to the claimants' property on December 5, 2002 (effective March 5, 2003), by Ordinance No. 02-969B, prior to the effective date of Measure 37 (December 2, 2004). This ordinance added 18,638 acres to the Urban Growth Boundary, primarily in the Damascus urban expansion area, that includes the claimants' property. This ordinance also designated portions of the claimants' property as Inner Neighborhood and portions of it as Corridor.

#### 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 2.22.020(c) defines "owner" to mean the owner of the property or any interest therein. "Owner" includes all persons or entities that share ownership of a property.

#### Findings of Fact

The claimants acquired an ownership interest in 6.37 acres of the subject property through a Warranty Deed recorded on June 14, 1968, and have had a continuous ownership interest since that time. Attachment 1 is a site map of the subject property (ATTACHMENT 1). The subject property has one house built upon it.

#### Conclusions of Law

The claimants, Richard and Sharon Kurtz, are owners of the subject property as defined in the Metro Code.

#### 2. Zoning History

The zoning of the subject property at the time of claimants' acquisition in 1968 is unknown and is not provided by claimants. However, at the time of Metro's annexation of the subject property into the UGB, the subject property was zoned RRFF-5, allowing one dwelling unit per five acres.

### 3. Applicability of a Metro Functional Plan Requirement

#### Findings of Fact

In 2002, Metro Council expanded the UGB by adopting Ordinance No. 02-969B, including the claimants' property in the UGB expansion area.

Section 3.07.1110 C of Metro's Code prohibits any division of land into lots or parcels smaller than 20 acres, except for public schools or other urban services, pending adoption of urban comprehensive plan designations and zoning.

#### Conclusions of Law

Section 3.07.1110 C of the Metro Code applies to the subject property and became applicable after the claimant acquired the property. Thus, the section did not apply to the subject property at the time claimant acquired it. The section does not allow the claimants to partition or subdivide their 6.37-acre property until the City of Damascus adopts its comprehensive plan.

### 4. Effect of Functional Plan Requirements on Fair Market Value

#### Findings of Fact

Section 2.21.040(d)(5) of the Metro Code requires the Chief Operating Officer (COO) to determine whether the temporary 20-acre minimum size for the creation of new lots or parcels applicable to territory newly added to the UGB has reduced the value of claimants' land. The COO's conclusion is based upon the analysis of the effect of Metro's action contained in ATTACHMENT 2 (Metro Memorandum to Ray Valone and Richard Benner from Sonny Conder and Karen Hohndel dated January 24, 2007 (Conder Memo)).

Claimants have submitted comparable sales data to support their assertion that the temporary 20-acre minimum size has reduced the value of their property by \$227,295. Using assessor data, claimants assert that the property's current fair market value (FMV), with the temporary 20-acre minimum size in place, is \$257,295 (including the existing house). Based on comparable property data, claimants assert that a one-acre parcel for a homesite has a current FMV of \$120,000. Claimants believe they could have received approval of four additional homesites under the zoning in place at the time they acquired the property. Claimants assert the following diminution in value attributable to Metro regulations:

Current FMV:		
Land:	\$159,855	
Improvements:	\$ 97,440	
	<b>Current Total:</b>	<b>\$257,295</b>
Assertion of potential FMV:		
Land:	\$159,855	
Improvements:	\$ 97,440	
Reduction/Lot Size:	\$( 30,000)	
	<b>Subtotal:</b>	<b>\$227,295</b>
Four new lots FMV:	\$480,000	
Less development costs:	\$( 80,000)	
	<b>Subtotal:</b>	<b>\$400,000</b>
	<b>Potential FMV:</b>	<b>\$627,295</b>
	<b>Claimed reduction in FMV:</b>	<b>\$227,295</b>

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 “before” and “after” scenarios. Under the “before” scenario, the property would be outside the UGB with the zoning that applied at the time of the application of Metro’s regulation: 6.37-acres zoned RRFF-5 (Rural Residential-Farm/Forest, five acre minimum lot size). Given these zoning requirements, claimants would not have been able to obtain approval to divide their 6.37-acre property and would only be eligible for one single-family dwelling.

Under the “after” scenario (current regulatory setting), the land lies within the UGB. Portions of the property are designated Inner Neighborhood and portions are designated Corridor. The property 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 eventually be able to use the property for high-density residential development (ranging from 47 to 59 residential lots on the buildable portions of the subject property).

Table 4 of the Condor Memo compares today’s value of the property before and after 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 greatly exceeds the value of the property under RRFF-5 zoning outside the UGB. The analysis using this methodology indicates that the current regulatory setting has not reduced the FMV of the subject property. In fact, the analysis indicates that Metro’s actions have increased the property’s FMV.

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

The Condor Memo uses time-series data to determine whether the application of Metro regulations to the property reduced its value. The data show values before and after Metro’s inclusion of the property in the UGB and application of Metro’s regulations. The data are displayed in Table 3 of the memo. There is no

indication from the data that Metro's regulations reduced the value of the property. The data show that the property continued to increase in value after March 5, 2003, the date the regulations became applicable to the property. Figure A of the memo depicts the data graphically.

#### Conclusions of Law

The comparable sales method compares the value of similarly situated properties before and after the application of Metro's regulations. The Plantinga-Jaeger method as applied in this case measures the assessor's real market 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 subject property? Application of the method shows that the FMV of the subject property continued to rise after Metro included it in the UGB with the Inner Neighborhood and Corridor designations and the temporary 20-acre minimum lot size.

Property value data indicate that Metro's action to bring claimants' land into the UGB, designate it Inner Neighborhood and Corridor (allowing high-density residential development), and apply a temporary 20-acre minimum lot size while planning is completed did not reduce the FMV of their property.

#### 5. Exemptions under ORS 197.352(3)

##### Findings of Fact

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

#### 6. Relief for Claimant

##### Findings of Fact

The Metro Council has appropriated no funds for compensation of claims under Measure 37. Waiver of Metro Code Section 3.07.1110 C to the subject property would allow the claimant to apply to the City of Damascus 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 will be to reduce the residential capacity of the City of Damascus and of the UGB. It would also make 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 3.07.1110 C.

##### Recommendation of the Chief Operating Officer

The Metro Council should deny the Kurtz claim for the reason that the Metro Code Section 3.07.1110 C and Metro Council's Ordinance No. 02-969B did not reduce the value of the subject property.

**ATTACHMENTS TO THE REPORT OF THE CHIEF OPERATING OFFICER**

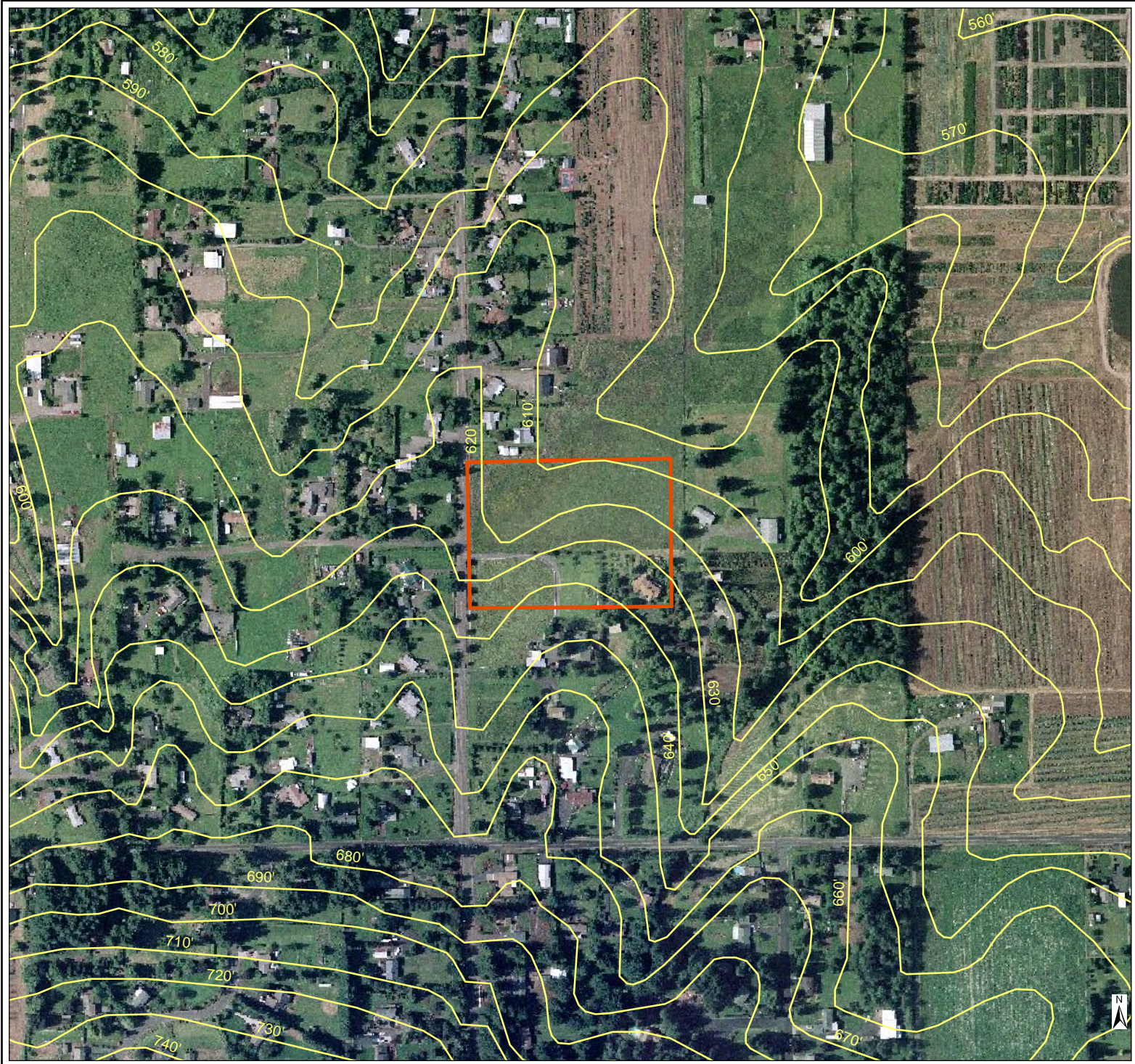
Attachment 1: Site Map of Richard and Sharon Kurtz Property

Attachment 2: Metro Memorandum to Ray Valone and Richard Benner from Sonny Conder and Karen Hohndel, "Valuation Report on the Kurtz Measure 37 Claim," dated January 25, 2007

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

Attachment 4: Richard and Sharon Kurtz Measure 37 Claim Submittal to Metro





R L I S  
REGIONAL LAND INFORMATION SYSTEM

**Resolution No. 07-3774**  
**Attachment 1 COO Report**

# Site Map

## Kurtz

### 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 0.08 miles

0 50 100 200 300 400 500 Feet

Location Map

**METRO**

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

January 25, 2007

To: Ray Valone  
Richard Benner

From: Sonny Conder  
Karen Hohndel

Subject: Valuation Report on the Kurtz Measure 37 Claim

## Conclusion

Per your request, we have conducted a valuation analysis of the Kurtz Measure 37 Claim. The Metro designations of 'Inner Neighborhood' and 'Corridor' apply to the Kurtz Claim. We conclude, using the comparable sales method of determining possible reduction in value, that the Metro action of including the 6.37-acre property inside the urban growth boundary (UGB), designating it 'Inner Neighborhood' and 'Corridor', and imposing a temporary 20-acre minimum lot size for development did not produce a material loss of value for the subject property<sup>1</sup>. In all likelihood, the action produced an increase in value for the claimant's property.

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 6.37-acre parcel. This conclusion rests on the observation that the assessor's market value for that particular property has continued to increase since the Metro 2003 regulation. Moreover, the entire class of comparably sized RRF-5 acre lot size designated parcels within the expansion area has continued to increase since the Metro 2003 regulation.

The Plantinga-Jaeger method as applied in this case measures the value of the property before and after Metro's action of March 5, 2003. 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 more clear and accurate answer to the question posed by Measure 37: Did Metro's action reduce the fair market value (FMV) of the Kurtz property? Application of the method shows that the FMV of the Kurtz property continued to rise after Metro included it in the UGB with the 'Inner Neighborhood' and 'Corridor' designations and the temporary 20-acre minimum lot size. Thus, the Metro Council should deny the Kurtz claim for compensation or waiver.

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<sup>1</sup> 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.

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. 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 issue to consist of making two property value estimates. These are:

1. Estimate the FMV of the property subject to the regulation that the claimant contends has reduced the value of his property.
2. Estimate the FMV of the property today as though it were subject to the regulations in place prior to the date Metro first applied the regulation to the claimant's property.

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 UGB, making the property eligible for urban residential densities on the parcel rather than rural low-density development. Fifty percent of the 6.37 acre parcel was designated 'Inner Neighborhood', allowing urban-level residential use on the property; and 50% of the parcel was designated 'Corridor', allowing urban-level residential and nonresidential 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, scheduled for completion in 2008, to allow urban development. Within this overall framework of these two land use designations, any particular property may have a substantial range of development types and lot sizes. Implicit in these design type designations 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's regulatory action was the Clackamas County designation of RRFF-5 on the 6.37-acre parcel. This land use designation is a rural designation allowing one dwelling unit per 5 acres. Since a single-family dwelling is presently on the property, no further development could occur under the RRFF-5 designation. 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 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 Jaeger<sup>2</sup>, economists at

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<sup>2</sup> 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](mailto:plantinga@oregonstate.edu)).

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 taxicabs 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 1980’s. In the 1950’s through roughly the 1970’s, 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 taxicab or liquor license, they would have no value. From an economic perspective, using a method that really measures value gained from regulation is not the same as determining economic loss resulting from regulation.

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

As Metro’s regulatory action was taken in 2003, we have actual time series data to determine whether 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 or not. We are able to make these observations for the particular property and for the entire class of subject properties within the Damascus UGB 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 should be compensated for what they lost due to the application of Metro’s regulations. They are not awarded an extra benefit owing to unanticipated growth, infrastructure investment or regulatory changes irrespective of any Metro changes.

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William K. Jaeger, *The Effects of Land Use Regulations of Land Prices*, Oct. 2005, 38 pages. (Available at OSU Department of Agricultural and Resource Economics, URL: [wjaeger@oregonstate.edu](mailto: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.

## **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 'Inner Neighborhood', 'Corridor' and RRFF-5, assuming health and safety regulations are enforced.
- Estimate value of 50% of property based on recent sales (2004,2005,2006) of lots and existing properties inside the Damascus expansion area designation of 'Inner Neighborhood' development configurations and including a 10-year discount factor for lag time in service provision. Since we implicitly assume the existing residential structure will be removed, account for the existing dwelling unit by adding in the value of a 10-year rent annuity appropriately discounted.
- Estimate value of 50% of property with the 'Corridor' designation assuming higher density residential development and including a 15-year discount factor for lag time in service provision as well as adjusting property values for a smaller lot size product.
- Based on recent sales (2005) of property in a buffer zone extending 1 mile outside the present UGB within Clackamas County, determine the value of residential property on lots of 5 to 15 acres in size. This procedure establishes a reasonable range of values for residential properties of RRFF-5 configuration in a rural setting.
- Provide an alternative determination of loss of value of the Kurtz property based on time series before and after Metro's regulatory action.
- Provide and compare estimates of the value of the subject property as of 2006 with Metro's 'Inner Neighborhood' and 'Corridor' designation versus Clackamas County's RRFF-5.

## **Kurtz Property Description**

The subject property consists of 6.37 acres along the east side of 222<sup>nd</sup> Drive between Tillstrom Road and Bohna Park Road in the city of Damascus. Clackamas County Assessor data show it as a 6.37-acre parcel with one residential structure. Assessor market value as of 2006 is \$257,295. The land was valued at \$159,855 and the improvements at \$97,440. Data submitted with the claim indicate 6.37 acres of the property was purchased in 1968. Purchase price was \$28,000.

Visual inspection indicates a relatively level northeast sloping pastureland with a home and outbuildings in the northwest corner of the property. Other than the existence of the present structures no visible impediments to development exist.

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 'Inner Neighborhood' and 'Corridor', and the default use of RRFF-5

## **Land Use Capacity Estimates – 6.37-Acre Parcel: 3.0 acres as 'Corridor' and 3.37 acres as 'Inner Neighborhood' and as RRFF-5**

As noted above, the Kurtz property is roughly split between Metro's 'Inner Neighborhood' and 'Corridor' designations. Metro's 'Inner Neighborhood' allows a wide range of residential

densities more limited by market and site conditions than regulation. Metro’s ‘Corridor’ designation likewise allows a wide range of residential and nonresidential uses. The market rather than site impose limitations on the Kurtz property. We estimate that the ‘Inner Neighborhood’ portion of the property will be developed within 10 years as moderate value single family with a density of 5 – 7 units per acre. We likewise estimate that the Corridor portion of the property may be developed within 15 years as moderate value medium density owner occupied residential at 10 – 12 units per acre.

Using the RRFF-5 Clackamas County land use designation in effect at the time of Metro’s UGB action, we assume that the property cannot be further subdivided. This assumption results from the fact that the Clackamas County ordinance prohibits division of a parcel smaller than 10 acres. Because the ordinance also limits residential use to one house per parcel smaller than ten acres, and because a residence currently exists on the property, there can be no further residential development in the RRFF-5 zone.

### **Current Value Estimate of ‘Inner Neighborhood’ and ‘Corridor’ Land in Damascus Expansion Area**

In order to establish a reasonable range of lot values for developing urban areas with infrastructure and nearby urban services, we evaluated all recent sales (year 2005) of land and lots within the Damascus UGB expansion area. As detailed in relevant data file and confirmed by the Clackamas County Assessor’s office, currently one area is under development. It consists of 38 acres that was included in the expansion area and annexed to city of Happy Valley. Data indicate that 152 lots of 7000 – 10000 square feet have been sold for \$22.6 million for an average of \$149,000 per lot. The lot price range was from \$127,000 to \$175,000. The lots in question are ready to build lots with complete urban services inside the city of Happy Valley. They were also designated ‘Inner Neighborhood’ when included within the UGB and subsequently zoned to R10 by Happy Valley.

Since these lots were located in the urbanized, extreme western portion of the expansion area, we also examined a recently developed residential area immediately south of Highway 212 in the Anderegg Road area. Relevant summary results are in Table 1 below.

**Table 1: Summary Property Value Data – Damascus Area ‘Inner Neighborhood’ Designation Highway 212 Development**

Average Lot Size:	5,805 sq. ft.
Median Lot Size:	5,148 sq. ft.
Average Lot Value:	\$93,100
Median Lot Value:	\$92,200
Average Total Property Value:	\$273,600
Median Total Property Value:	\$267,100
Number of Sales:	51

When we adjust for lot size, and the availability of full urban services, the data support a lot value range of \$90,000 – \$110,000 per buildable lot in 2006 dollars for ‘Inner Neighborhood’ type development on the subject property. Adjusting for smaller lot sizes, residential uses with the ‘Corridor’ designation would command \$70,000 - \$90,000 per lot at the location of the Kurtz property. This value range encompasses a range of housing types and neighborhood conditions.

**Current Value Estimate of “5 Acre Minimum Buildable Lots” in the 1-Mile Buffer Area Outside the UGB**

To establish the value range for “20-Acre Minimum” size lots with RRFF-5 zoning within the Clackamas County rural area, we selected all residential properties that sold in 2004 and 2005 within the 1 mile zone subject to the Land Conservation and Development Commission’s 20-acre minimum lot size with a lot size of 5 to 15 acres. These comprised 17 properties and their summary statistics are included below in Table 2.

**Table 2: Summary Property Value Data – Clackamas County 1-Mile Buffer RRFF-5 Zoning 5 – 15 Acre Lots with Recent Sales**

Average Lot Size:	7.3 acres
Median Lot Size:	6.3 acres
Average Acre Value:	\$26,435
Median Acre Value:	\$22,297

The data suggest that the Kurtz land value with a 5-acre minimum lot size restriction that limits the property to 1 residential unit would be worth \$142,000 to \$168,000. Accounting for the residential structure adds another \$100,000 to the value giving a range of \$242,000 to \$268,000 in 2006 dollars. We note that the assessor market value as of 2006 is \$257,295.

**Alternative Valuation of Kurtz 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 Kurtz 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 Kurtz 6.37-acre property specifically and for all RRFF-5 designated properties within the expansion area between 5 and 15 acres in size. Table 3 below depicts the results by year.

**Table 3: Kurtz Land Value and Expansion Area Land Values 2000 – 2006**

Year	Kurtz Value per Acre	Average All 5 – 15 Acre RRFF-5
2000	5,931	9,138
2001	20,799	17,357
2002	21,818	18,854
2003	22,036	19,194
2004	23,128	20,280
2005	24,437	21,515
2006	25,095	23,275

Both the Kurtz property assessor's market value and the average value of all RRFF-5 tax lots within the study area increase steadily from 2003 through 2006. There is no evidence that Metro's action of including the property within the UGB and imposing a temporary minimum lot size of 20 acres has reduced property values.

**Table 4: Comparison of Estimated Market Value of Raw Land for Inner Neighborhood, Corridor and RRFF-5 Land Uses**

<b>Inner Neighborhood (3.37 acres)</b>	
Low Yield (3.37 x 5):	17 DU (dwelling units)
Low Range Lot Value:	\$90,000
Development Cost per Lot <sup>3</sup> :	\$50,000
Net Raw Land per Lot:	\$40,000
Total Raw Land Value (17x40,000):	\$680,000
Current Market Value 3.37 acres	
Discounted 10 years:	\$362,000
High Yield (3.37 x 7):	23 DU
High Range Lot Value:	\$110,000
Development Cost per Lot:	\$50,000
Net Raw Land per Lot:	\$60,000
Total Raw Land Value (23x60,000):	\$1,380,000
Current Market Value for 3.37 acres	
Discounted 10 years:	\$735,000
<b>Corridor</b>	
Low Yield (3.0 x 10):	30 DU
Low Range Lot Value:	\$70,000
Development Cost per Lot:	\$50,000
Net Raw Land per Lot:	\$20,000
Total Raw Land Value (30x20,000):	\$600,000
Current Market Value for 3.0 acres	
Discounted 15 years:	\$233,000
Plus existing house rental at \$800	
For 15 years:	\$90,000
Total Value:	\$323,000
High Yield (3.0 x 12):	36 DU
High Range Lot Value:	\$90,000
Development Cost per Lot:	\$50,000
Net Raw Land per Lot:	\$40,000
Total Raw Land Value (36x40,000):	\$1,440,000
Current Market Value for 3.0 acres	
Discounted 15 years:	\$560,000
Plus existing house rental at \$800	
For 15 years:	\$90,000
Total Value:	\$650,000
<b>Total Low Value (6.37 acres):<sup>4</sup></b>	<b>\$685,000</b>

<sup>3</sup> We are assuming the cost of converting raw land to buildable lots will be \$50,000 per lot. This figure includes on-site streets, curbs, sidewalks, streetlights, water, sewer, and drainage as well as SDC's for sewer, water, drainage, parks and transportation.

<sup>4</sup> Total Low Value = Inner Neighborhood low yield + Corridor low yield



**Total High Value (6.37 acres):**<sup>5</sup> \$1,385,000

**RRFF-5 (5-Acre Minimum)**

Low Range:

No Allowable Uses	
Improvement Value:	\$100,000
Land Value (6.37 acres):	\$142,000
Total Value:	\$242,000

High Range:

No Allowable Uses	
Improvement Value:	\$100,000
Land Value (6.37 acres):	\$168,000
Total Value:	\$268,000

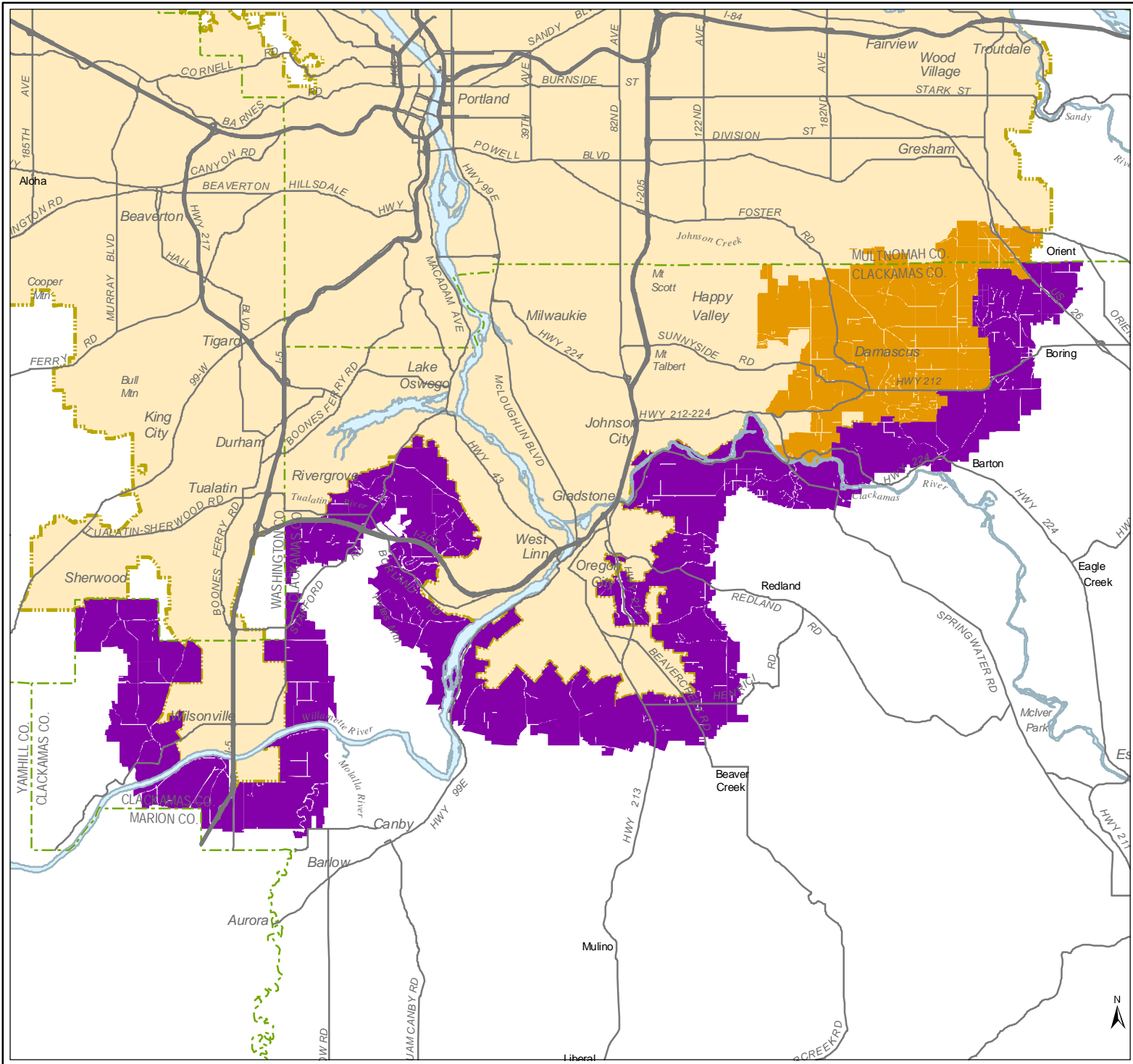
We estimate the current raw land value plus residence of the Kurtz property with ‘Inner Neighborhood’ and ‘Corridor’ designations to range from \$685,000 to \$1,385,000. The same property used as Rural Residential in a rural setting with a 5-acre minimum would yield \$242,000 to \$268,000. In other words, the most optimistic rural valuation falls well below the most pessimistic ‘Inner Neighborhood’ valuation. Given these results, we would conclude that the ‘Inner Neighborhood’ and ‘Corridor’ designations have not reduced the value of the property. Quite the contrary, it has most likely increased the value.





Moreover, in terms of establishing economic loss, the land values per acre established using the time trend Plantinga-Jaeger method shows land values increasing steadily since 2003. Clearly, under no circumstances has any regulatory change to the Kurtz property reduced its value. Again, the contrary is the case. Growth, infrastructure investment and regulation necessary for orderly growth have produced increases in property values well in excess of any alternative investment for the Kurtz property.

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<sup>5</sup> Total High Value = Inner Neighborhood high yield + Corridor high yield

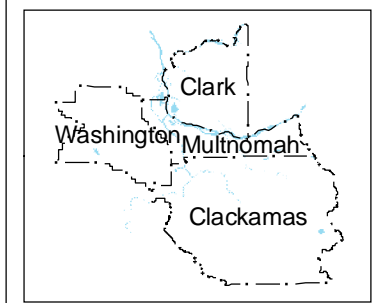
# Sample Area of 2004-2005 Sales Data for Damascus UGB Expansion Area and One Mile Buffer, Clackamas County, OR



-  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  
 Miles



Location Map



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

# METRO

## 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: \_\_\_\_\_

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

WHAT IS PROPOSED Buildable residential lots of 1 to 5 acres

LEGAL DESCRIPTION: T 1SR 3ESECTION 34C TAX LOT(S) 700

LEGAL DESCRIPTION: T   R   SECTION    TAX LOT(S)   

CONTACT Matthew Green-Hite  
Tom Leibner / Primogenitor Corporation

MAILING ADDRESS 17940 Oatfield Rd

CITY Gladstone STATE OR ZIP 97027

PHONE (971) 230-0177 CELL PHONE (503) 577-4455

(503) 3512126 Mat

**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)

**FOR EACH OWNER WHO IS ALSO A CLAIMANT, PLEASE CHECK THE BOX MARKED "CLAIMANT"**

NAME Richard L Kurtz CLAIMANT

SIGNATURE Richard L Kurtz

MAILING ADDRESS 12020 SE 222nd Dr

CITY Damascus STATE OR ZIP 97089

PHONE (971) 230-0177 CELL PHONE \_\_\_\_\_

NAME Sharon K Kurtz CLAIMANT

SIGNATURE Sharon K Kurtz

MAILING ADDRESS 12020 SE 222nd Dr

CITY Damascus STATE OR ZIP 97089

PHONE (971) 230-0177 CELL PHONE \_\_\_\_\_

NAME \_\_\_\_\_ CLAIMANT

SIGNATURE \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_

DEC 4 06 PM 2:30

**MEASURE 37 CLAIM**  
**SUPPLEMENTAL INFORMATION**

(Attach additional sheets as needed.)

**1. Other persons with an interest in the property (such as lien holders):**

Name: N/A Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Type of Interest: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Type of Interest: \_\_\_\_\_

**2. Exact date the claimant acquired an ownership interest in the property? (Please include a copy of the deed or the contract to purchase.)** June 12, 1968

**3. If the claimant acquired the property from a family member, what is the exact date the family member acquired the property?** N/A

**What is the relationship of the family member to the claimant (e.g. father, uncle, brother, etc.)?** \_\_\_\_\_

**If there is more than one event where the property was transferred among family members, such as a series of inheritances, please provide a list of all such events, their dates, and the relationship between the parties. If transfer was by inheritance, please provide the date of death.**

\_\_\_\_\_

\_\_\_\_\_

**4. If a husband and wife are both claimants but acquired a documented ownership interest (e.g. deed, contract to purchase) on different dates, please identify the date of the marriage.** N/A

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

RRFF-5 : December 17, 1979 (Current County zoning applicable to City Damascus)

METRO Code: Section 3.07.1110 C and Ordinance 98-772B (September 10, 1998)

Ordinance No. 02-969B (2002)

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

RRFF-5 / Restricts lot size to 5 acres; Section 3.07.110C & Ord. 98-772B restricts

Parcels to 20 acres+; Ordinance ~~98-772B~~ places property in UGB (see Attached)

02-9698

7. How much has the fair market value of your property been reduced by enactment or enforcement of the regulation(s)? \$227,295

8. Are you requesting compensation, or removal of the regulation(s), modification of the regulation(s), or a decision not to apply the regulation(s)? (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.)

Request monetary compensation if available; otherwise removal of applicable

regulations listed; as well as any other subsequent regulations that restrict intended use.

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

Single family residential lots of 1 - 5 acres.

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

- a. If the property is owned by a trust (or an LLC, corporation, partnership, etc.) but the claimant is an individual rather than the trust, provide documents sufficient to establish the claimant's relationship to the trust (e.g. trustee, beneficiary) and the date that the relationship originated. This information is also required if the claim relies upon an ownership history that includes previous ownership by a trust.
- b. An appraisal that meets the requirements of the county's Measure 37 Claims Process Ordinance; or other evidence demonstrating that there has been a reduction in the fair market value of the property (e.g. data on sales of comparable properties in the area or fair market values established by the Department of Assessment and Taxation for comparable properties in the area);
- c. 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;
- d. 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;
- e. List of all compensation claims, or development or permit applications previously filed with any regulatory body relating to the property, and any enforcement actions taken by any governmental body, regarding the use restriction identified in Question 5, above.
- f. ~~Claims processing fee \$750.00~~

## MEASURE 37 CLAIM

### Supplemental information

This claim is submitted with Clackamas County assessor information for valuation purposes. In past hearings METRO has declined to accept assessor information, sales of comparable properties, or real estate listings as acceptable methods of establishing market value (FMV). METRO valuation models have also proven unacceptable in the Legislative (NON-quasijudicial) hearings conducted by METRO if those conclusions are unacceptable (see METRO vs YOUNG).

As neither METRO nor City of Damascus provide a specific form for processing of Measure 37 claims, the form provided by Clackamas County (also used by Damascus) has been utilized for both claims. These claims were signed prior to the December 2, 2006 (Saturday) deadline; but will be delivered December 4, 2006 (Monday). The delivery date of December 4<sup>th</sup> has been established by the State of Oregon when deadlines fall on weekends or holidays.

### #6 Supplemental information form - Continued

Applicant requests removal / decision not to apply Ordinance 02-969B. This ordinance placed this property in the urban growth boundary (UGB). If this ordinance is removed / not applied then the following METRO ordinances would not apply; and the application of FMV utilizing sales data, listings, assessor data, or standard real estate appraisals would be valid.

Applicant requests removal / decision not to apply Section 3.07.110C and Ordinance 98-772B requiring lots to be 20 acres or more pending adaptation of a comprehensive plan by Damascus.

Applicant also requests a written statement from METRO regarding applicability of a METRO waiver after a comprehensive plan is adapted by the City of Damascus.

APPENDIX "A"

# OWNERSHIP

OFFICIAL RECORD OF DESCRIPTION  
OF REAL PROPERTY 35804-1 S  
CLACKAMAS COUNTY ASSESSOR

26-01

3E	34	C	700				
S. RGE.	SEC.	1/4	1/16	TAX LOT NUMBER	TYPE	SPEC. INT. IN REAL PROP.	CODE AREA NUMBER

FORMERLY PART OF T.L. NO.

MAP NUMBER	ACCOUNT NUMBER	Date of Entry on this Card	DEED RECORD		ACRES REMAINING	ACRES REMAINING
			VOL.	PG.		

Siron, Horley & Barbara  
 Exc: Regner Rd No 233 0.90 10-13-66  
 Kurtz, Richard Lee & Sharon K. 9-11-68 68-11233  
 A.

UNIFICATION GRESHAM-BARLOW  
 SD 26 DOR 26-585-94 94-95 ROLL

TRANSFER TO MULT-ELEM ESD  
 DOR 26-599-95 1995-96 ROLL

*Kurtz*



KNOW ALL MEN BY THESE PRESENTS, THAT HARLEY SIRON and BARBARA SIRON,

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by RICHARD LEE KURTZ and SHARON K. KURTZ, husband and wife

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of CLACKAMAS and State of Oregon, described as follows, to-wit:

The North third of the West half of the Southwest quarter, of the Southwest quarter of Section 34, T. 1S., R. 3E., of the W. M., in Clackamas County, Oregon, except the rights of the public in and to public roads.

from below/ of Portland, Oregon, which grantee agrees and assumes to pay.

Handwritten note: 2/14/68

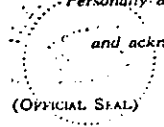
To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except conditions, restrictions, and easements of record, and mortgage dated April 7, 1968, recorded April 10, 1968, Recorder's Fee No. 68-6660, Clackamas County, to Portland Federal Savings and Loan Association/ see and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$28,000.00 However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which).

In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantor's hand this 12th day of June, 1968

Handwritten signature: Barbara Siron

STATE OF OREGON, County of Multnomah, June 12, 1968. Personally appeared the above named HARLEY SIRON and BARBARA SIRON, husband and wife and acknowledged the foregoing instrument to be their voluntary act and deed. Before me: Notary Public for Oregon, My commission expires 12/31/1972



NOTE—The sentence between the symbols ( ), if not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.

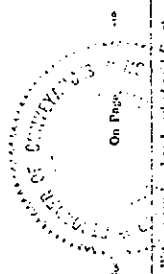
WARRANTY DEED

Harley Siron, et ux TO Richard Lee Kurtz, et ux

AFTER RECORDING RETURN TO [Address]

STATE OF OREGON, County of Clackamas, I, Robert Schumaker, County Clerk, Ex. Of. Rec. of Conveyances and Ex. Of. Clerk of the Circuit Court of the State of Oregon, for the County of Clackamas, do hereby certify that the within instrument of writing was received for record and recorded in the office of the County Clerk of said County on the 12th day of June, 1968.

In the County of Clackamas, Oregon, On this 12th day of June, 1968. [Signature] Deputy. [Signature] Deputy.



APPENDIX "B"

# FAIR MARKET VALUE

KURTZ  
6.37 acre

FAIR MARKET (FMV) ANALYSIS

Comarables / "COMP" values

COMPS

<u>Property ID</u>	<u>Acres</u>	<u>Assessed Value</u>	<u>Comment</u>
22310 SE Tillstrom	.91	104,933.	
12237 SE 222nd Dr	1.09	125,479.	
22115 SE Lagave St	1.24	130,209.	
	<u>1.08</u>	<u>120,207</u>	

Notes / Comment:

\$120,000 / 1 Acre

CURRENT FMV

(Assessor) Land \$ \_\_\_\_\_

Land \$ \_\_\_\_\_

Land \$ 159,855.

Improvements \$ 97,440.

\*\*\* Current TOTAL \$ 257,295.

POTENTIAL FMV

Land \$ 159,855

Improvements \$ 97,440.

Reduction / Lot size \$ (30,000)

SUBTOTAL \$ 227,295

New Lots FMV \$ 120,000

Less Development Cost \$ (20,000)

X 4 Lots

SUBTOTAL \$ 400,000.

\*\*\* Potential TOTAL \$ 627,295

\*\*\*\*\* LOSS / REDUCTION OF FMV\*\*\*\*\*

\$ (227,295)

APPENDIX "C"

# COMPARABLES

# PortlandMaps

\* Comps - for 12020 SE 222nd Drive

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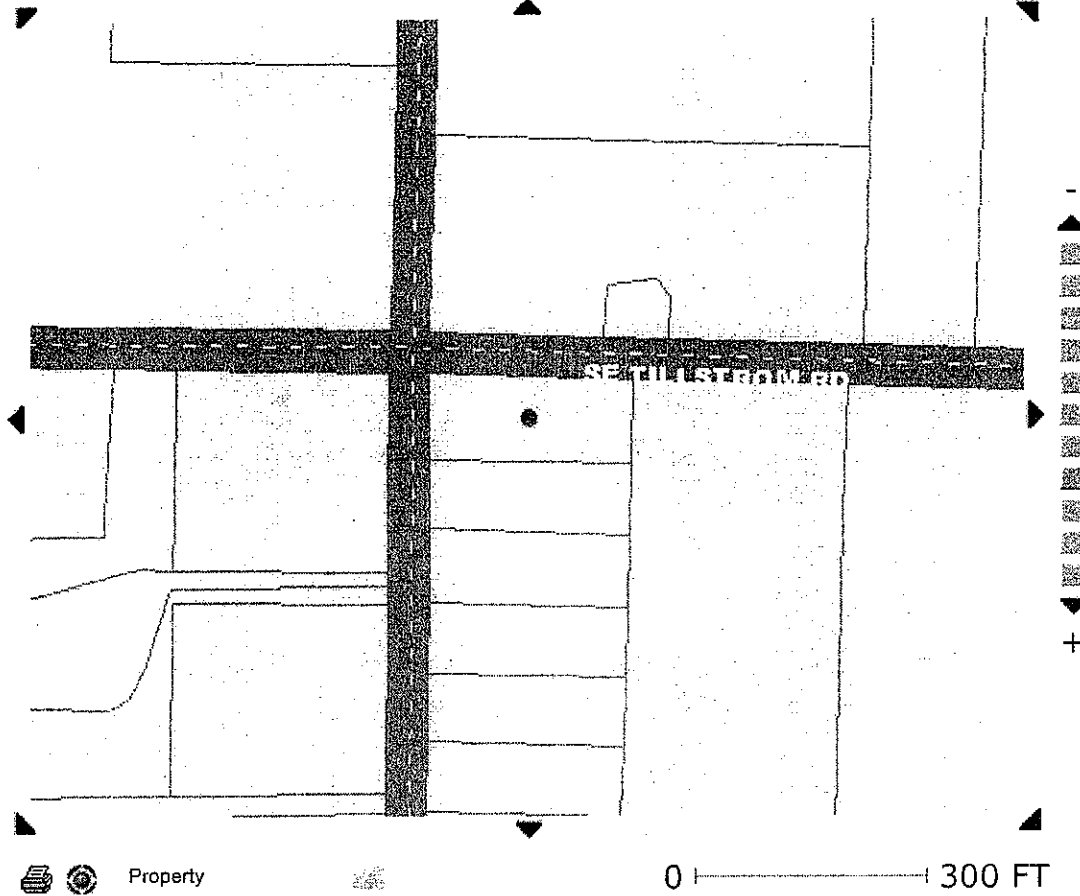
22310 SE TILLSTROM RD - CLACKAMAS COUNTY

Explorer | Property | Maps | Crime | Census | Transportation

Explore the area, view different themes

Property Detail

Long -122.43391 Lat 45.43904



City of Portland, Corporate GIS

11/27/2006

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( Almost 1 Acre )

# PortlandMaps

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## 22310 SE TILLSTROM RD - CLACKAMAS COUNTY

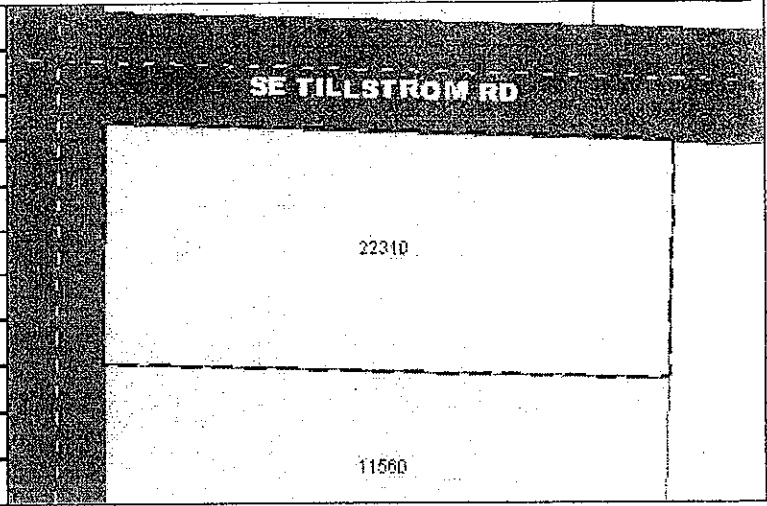
Explorer | **Property** | Maps | Crime | Census | Transportation

[Summary](#) | [Assessor](#) | [Permits/Cases](#) | [Block](#) | [Schools](#) | [Parks](#) | [Capital Projects](#) | [Development](#) | [Clean River Rewards](#) | [Noise](#) | [Storage Tank](#)

### General Information

Property ID	C217729
County	CLACKAMAS
State ID	13E34C 00601
Alt Account #	144052
Map Number	

Site Info	
Site Address	22310 SE TILLSTROM RD
City/State/Zip	GRESHAM



0 ————— 107 FT

### Property Description

Tax Roll	Use
Lot	Block

#### Tax Districts

Tax Code	26028	Fire
Park		Water
School		Sewer

#### Deed Information

Sale Date	Type	Instrument	Sale Price
01/01/1995			\$45,000.00

### Land Information

Type	SFR	Acres	39,625
------	-----	-------	--------

### Improvement Information

Improvement Type	
Improvement Value	\$133,280.00
Room Descriptions	
Building Class	
Actual Year Built	1972
Effective Year Built	
Number of Segments	
Construction Style	
Foundation Type	
Interior Finish	
Roof Style	
Roof Cover Type	
Flooring Type	
Heating/AC Type	
Plumbing	
Fireplace Type	

Resolution No. 07-3774  
Attachment 4

#### Improvement Details

# Segment Type	Class	Total Area
No Improvement Segment Information Available		

**Tax History**

Year	Property Tax	Total Tax
No Tax History Information Available		

**Assessment History**

Year	Improvements	Land	Special Mkt/Use	Real Market	Exemptions	Assessed
2006	\$133,280.00	\$104,933.00	\$0.00	\$238,213.00	\$0.00	\$0.00

City of Portland, Corporate GIS

Assessor Data Updated 11/20/2006

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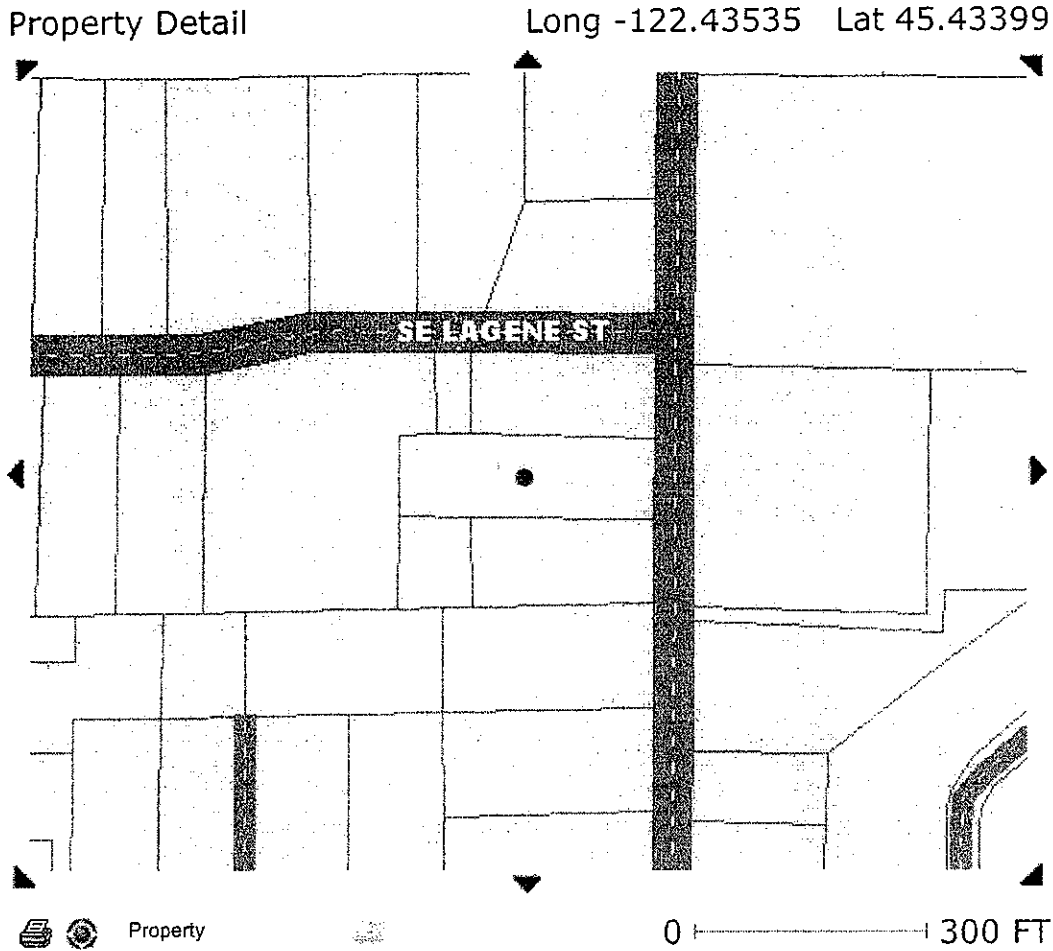
# PortlandMaps

12237 SE 222ND DR - CLACKAMAS COUNTY

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[Explorer](#) | [Property](#) | [Maps](#) | [Crime](#) | [Census](#) | [Transportation](#)

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City of Portland, Corporate GIS

11/27/2006

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Just over 1 Acre.



# PortlandMaps

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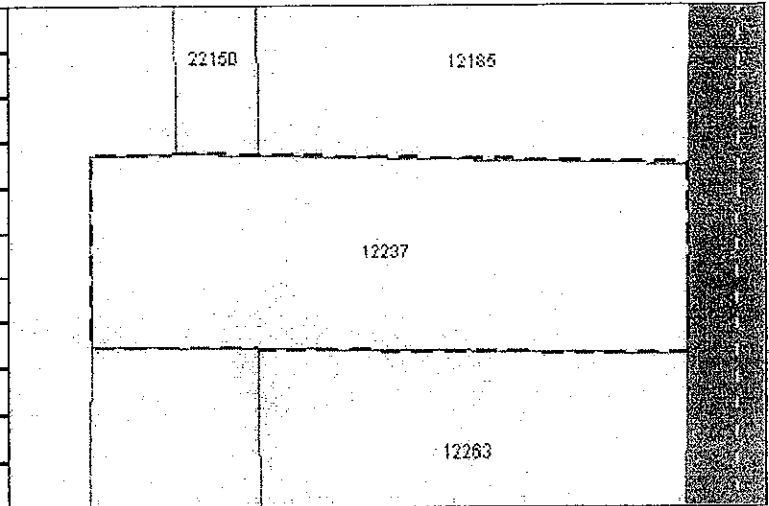
12237 SE 222ND DR - CLACKAMAS COUNTY

Explorer | **Property** | Maps | Crime | Census | Transportation

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### General Information

Property ID C217627
County CLACKAMAS
State ID 13E33D 01902
Alt Account # 142991
Map Number
Site Info
Site Address 12237 SE 222ND DR
City/State/Zip BORING



0 ————— 128 FT

### Property Description

Tax Roll	Use		
Lot	Block		
Tax Districts			
Tax Code 26028	Fire		
Park	Water		
School	Sewer		
Deed Information			
Sale Date	Type	Instrument	Sale Price
			\$0.00

### Land Information

Type	Acres	SQFT
SFR	1.09 acre(s)	47,661

### Improvement Information

Improvement Type	
Improvement Value	\$154,030.00
Room Descriptions	
Building Class	
Actual Year Built	1950
Effective Year Built	
Number of Segments	
Construction Style	
Foundation Type	
Interior Finish	
Roof Style	
Roof Cover Type	
Flooring Type	
Heating/AC Type	
Plumbing	
Fireplace Type	

Resolution No. 07-3774  
Attachment 4

Improvement Details

# Segment Type	Class	Total Area
No Improvement Segment Information Available		

**Tax History**

Year	Property Tax	Total Tax
No Tax History Information Available		

**Assessment History**

Year	Improvements	Land	Special Mkt/Use	Real Market	Exemptions	Assessed
2006	\$154,030.00	\$125,479.00	\$0.00	\$279,509.00	\$0.00	\$0.00

City of Portland, Corporate GIS

Assessor Data Updated 11/20/2006

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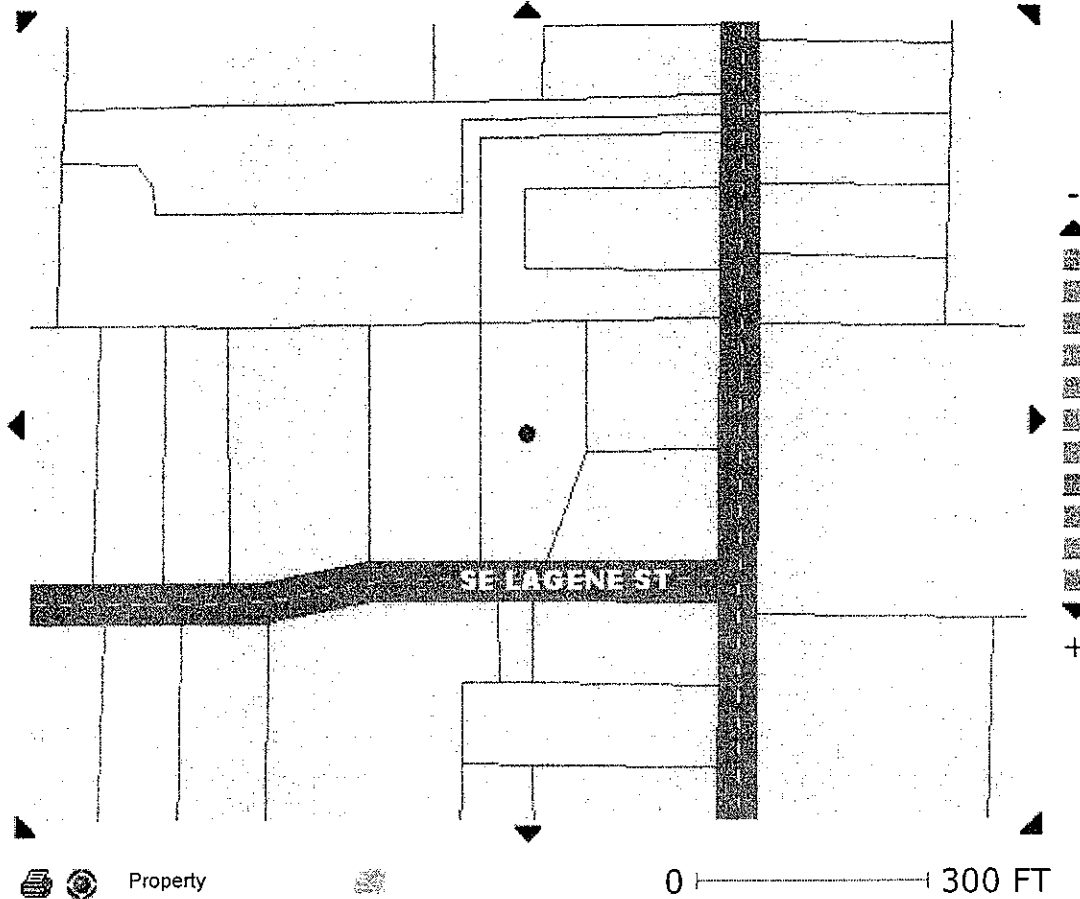
22115 SE LAGENE ST - CLACKAMAS COUNTY

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Explore the area, view different themes

Property Detail Long -122.43575 Lat 45.43522



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Just over 1 acre, (10,000 sq. feet more)

# PortlandMaps

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## 22115 SE LAGENE ST - CLACKAMAS COUNTY

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[Summary](#) | [Assessor](#) | [Permits/Cases](#) | [Block](#) | [Schools](#) | [Parks](#) | [Capital Projects](#) | [Development](#) | [Clean River Rewards](#) | [Noise](#) | [Storage Tank](#)

### General Information

Property ID C217961	
County CLACKAMAS	
State ID 13E33D 01905	
Alt Account # 143026	
Map Number	
Site Info	
Site Address 22115 SE LAGENE ST	
City/State/Zip BORING	

0 |—————| 184 FT

### Property Description

Tax Roll	Use
Lot	Block
Tax Districts	
Tax Code 26028	Fire
Park	Water
School	Sewer

### Deed Information

Sale Date	Type	Instrument	Sale Price
11/01/1986			\$82,000.00

### Land Information

Type	Acres	SQFT
SFR	1.24	53,801

### Improvement Information

Improvement Type	
Improvement Value	\$180,830.00
Room Descriptions	
Building Class	
Actual Year Built	1972
Effective Year Built	
Number of Segments	
Construction Style	
Foundation Type	
Interior Finish	
Roof Style	
Roof Cover Type	
Flooring Type	
Heating/AC Type	
Plumbing	
Fireplace Type	

Resolution No. 07-3774  
Attachment 4

Improvement Details

# Segment Type	Class	Total Area
No Improvement Segment Information Available		

**Tax History**

Year	Property Tax	Total Tax
No Tax History Information Available		

**Assessment History**

Year	Improvements	Land	Special Mkt/Use	Real Market	Exemptions	Assessed
2006	\$180,830.00	\$130,209.00	\$0.00	\$311,039.00	\$0.00	\$0.00

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# PortlandMaps

11825 SE 222ND DR - CLACKAMAS COUNTY

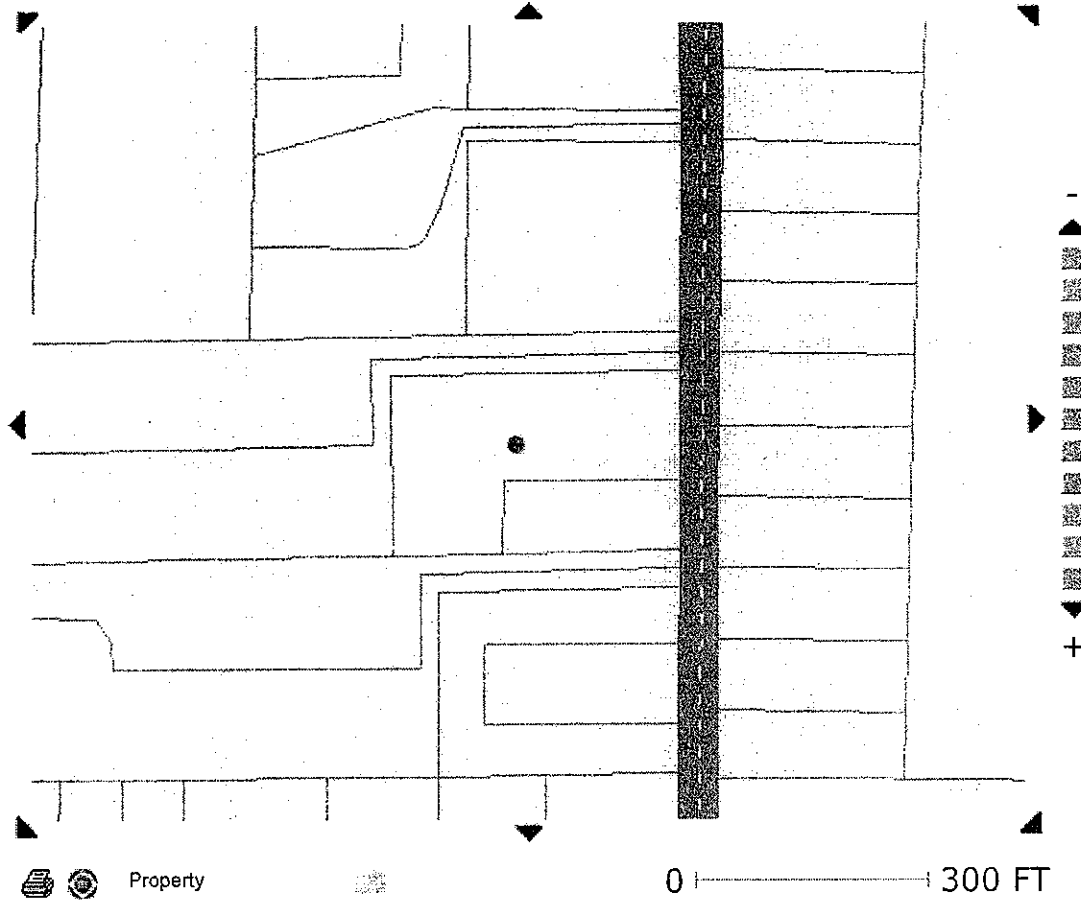
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Explore the area, view different themes

Property Detail

Long -122.43557 Lat 45.43710



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Resolution No. 07-3774  
Attachment 4

APPENDIX "D"

# SUBJECT PROPERTY

12020 SE 222nd Dr  
Damascus OR 97089

**FASTWeb**  
**Property Profile**

**Property Information**

<b>Owner(s)</b>	Kurtz Richard Lee / Kurtz Sharon K	<b>Parcel #</b>	00144178
<b>Property</b>	12020 SE 222nd Dr	<b>Map Coord</b>	659-B3; 1S-3E-34-SW
	Damascus, OR 97089	<b>Census Tract</b>	0232.01
<b>Mailing Addr</b>	12020 SE 222nd Dr	<b>County</b>	Clackamas
	Damascus , OR 97089	<b>Owner Phone</b>	
<b>Legal Lot Number</b>	SECTION 34 TOWNSHIP 1S RANGE 3E QUARTER C TAX LOT 00700 700		

**Characteristics**

<b>Use</b>	Farms	<b>Year Built</b>	1938	<b>Sq. Feet</b>	1408
<b>Zoning</b>		<b>Lot Size</b>	6.37 / 277477.2	<b># of units</b>	
<b>Bedrooms</b>	2	<b>Bathrooms</b>	1	<b>Fireplace</b>	
<b>#Rooms</b>		<b>Quality</b>	Below Average	<b>Heating</b>	
<b>Pool/Spa</b>	N	<b>Air</b>	N	<b>Style</b>	
<b>Stories</b>	1	<b>Improvements</b>		<b>Parking</b>	
<b>Flood</b>	D				

**Attributes** COMPOSITION SHINGLE ; CONCRETE  
**Other**

**Property Sale Information**

<b>Sale Date</b>		<b>\$/Sq. Ft.</b>		<b>2nd Mtg.</b>	
<b>Sale Price</b>		<b>1st Loan</b>		<b>Prior Sale Amt.</b>	
<b>Doc No.</b>	11233	<b>Loan Type</b>		<b>Prior Sale Dt.</b>	
<b>Doc Type</b>		<b>Xfer Date</b>		<b>Prior Doc No.</b>	
<b>Seller</b>		<b>Lender</b>		<b>Prior Doc Type</b>	

**Tax Information**

<b>Imp Value</b>	\$97,440.00	<b>Exemption</b>	
<b>Land Value</b>	\$159,855.00	<b>Tax Year/Area</b>	2005/026008
<b>Total Value</b>	\$257,295.00	<b>Tax Value</b>	\$257,295.00
<b>Tax Amount</b>	\$1,386.31	<b>Improved</b>	38%

Information compiled from various sources and is deemed reliable but not guaranteed.



# PortlandMaps

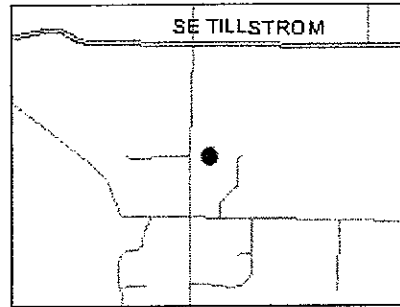
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12020 SE 222ND DR - CLACKAMAS COUNTY

[Explorer](#) | **Property** | [Maps](#) | [Crime](#) | [Census](#) | [Transportation](#)

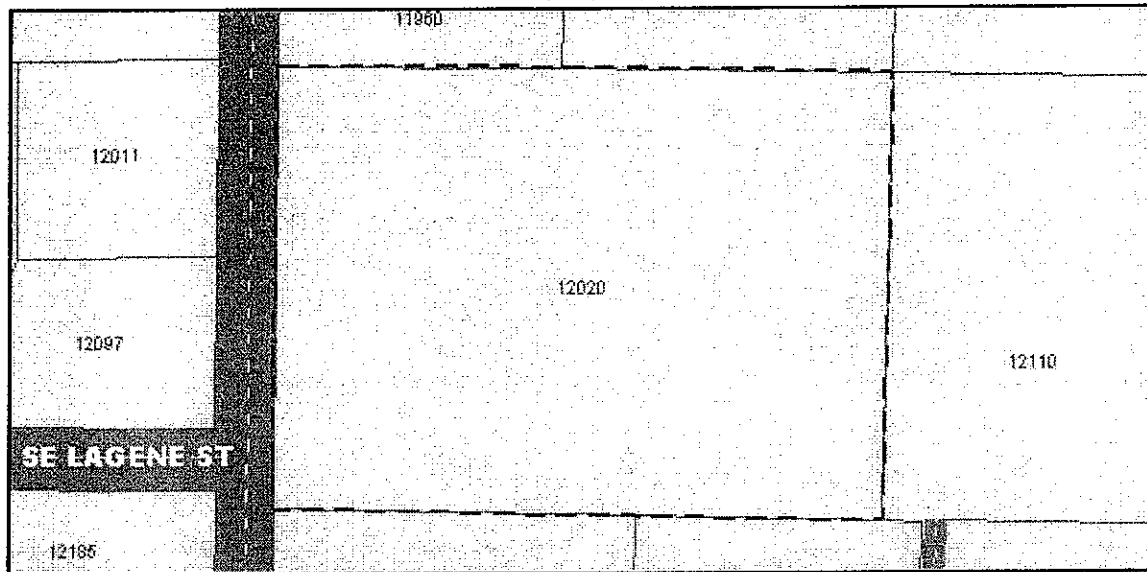
[Summary](#) | [Assessor](#) | [Permits/Cases](#) | [Block](#) | [Schools](#) | [Parks](#) | [Capital Projects](#) | [Development](#) | [Clean River Rewards](#) | [Noise](#) | [Storage Tank](#)

## 12020 SE 222ND DR



Description
Size n/a
Number of Bedrooms
Bathrooms

Property Map



Property Value (2006)

Market Value	\$257,295.00
Assessed Value	\$0.00

Taxes ( )

Property Taxes	\$0.00
Total Taxes	\$0.00

Misc Info

Year Built	1938
Foundation Type	
Interior Finish	
Roof Style	
Roof Cover Type	
Flooring Type	
Heating/AC Type	

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Assessor Data Updated 11/20/2006

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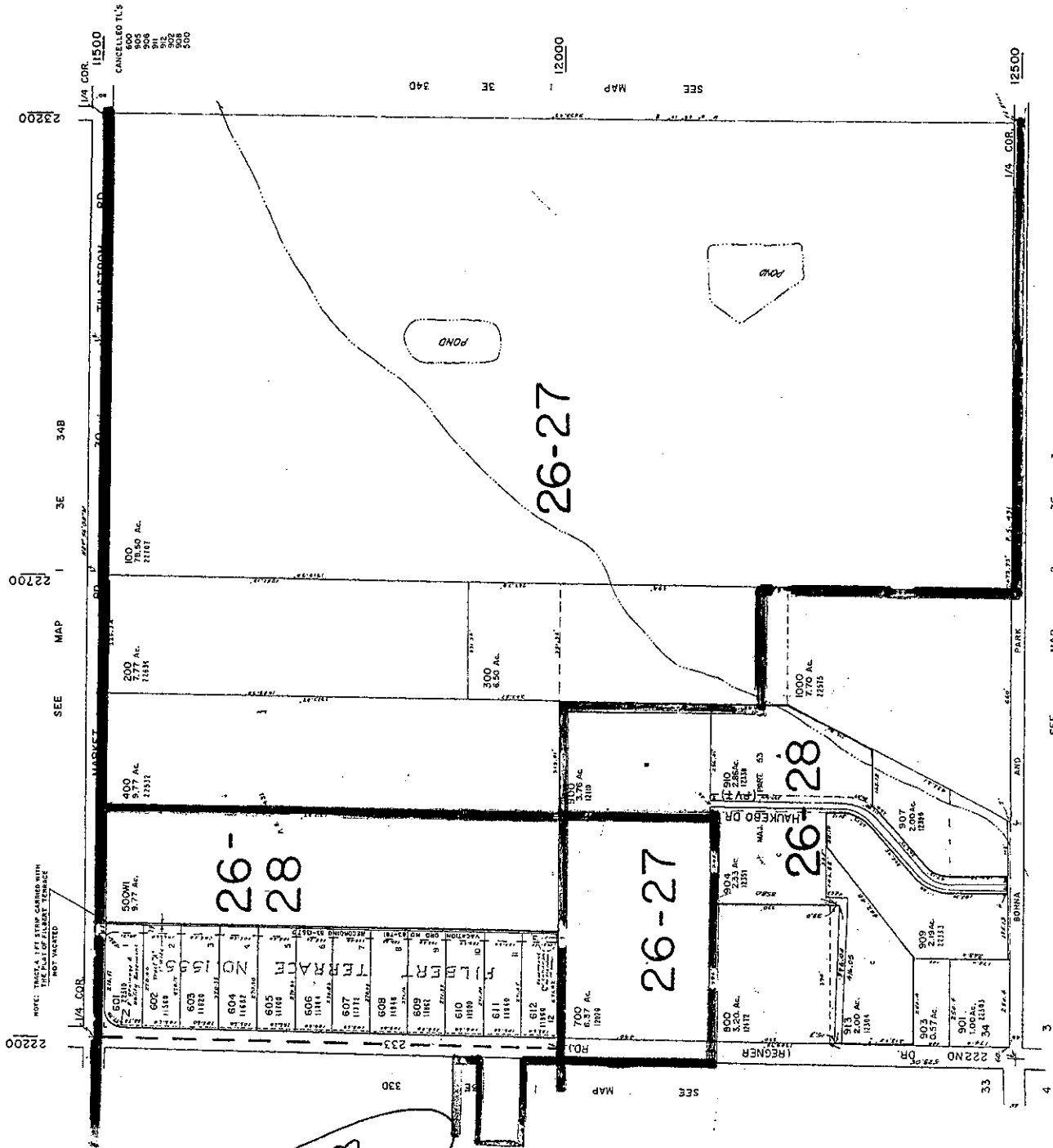
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APPENDIX "E"

# MAPS

SW1/4 SECTION 34 T.1S. R.3E. W.M.  
CLACKAMAS COUNTY  
1" = 200'

This map was prepared for  
assessment purpose only.

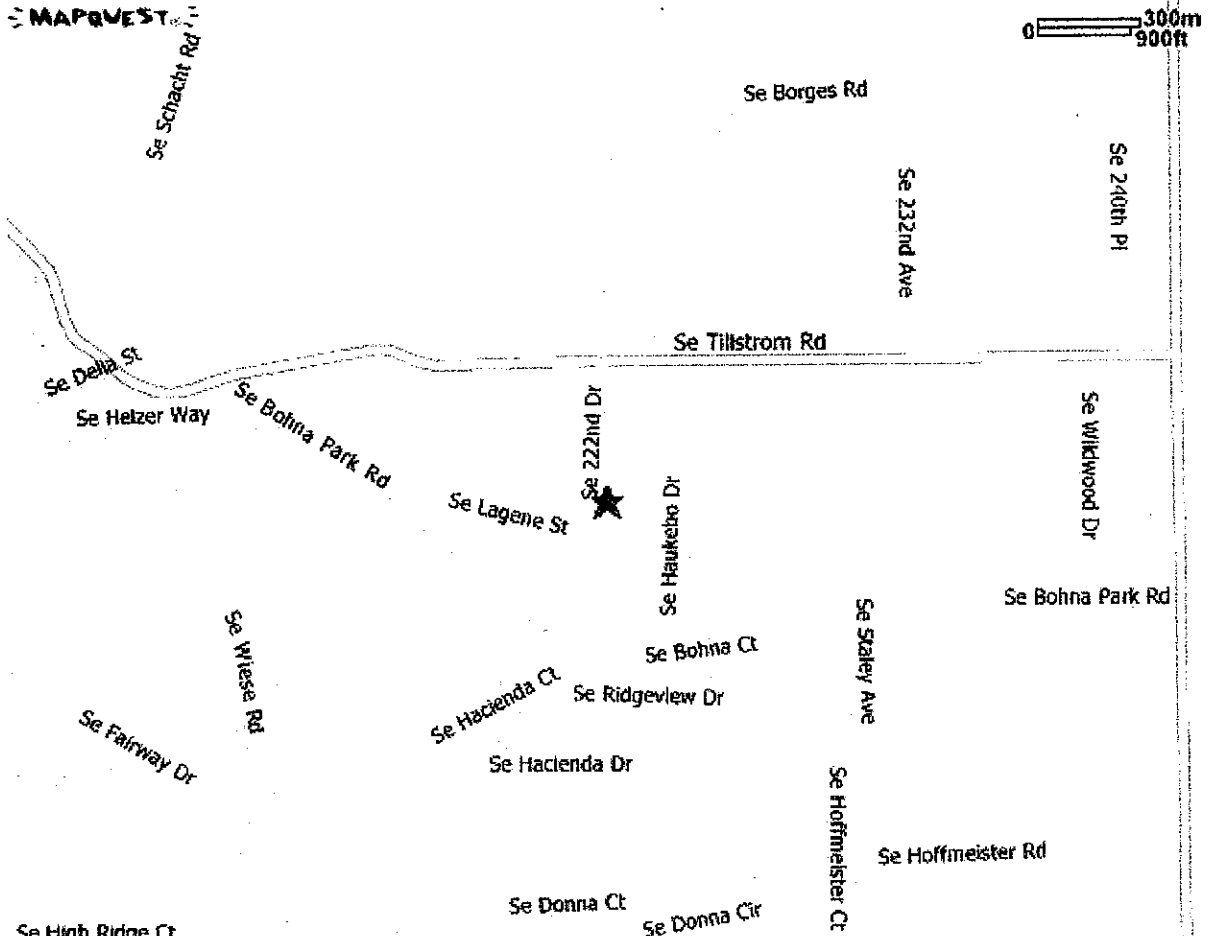
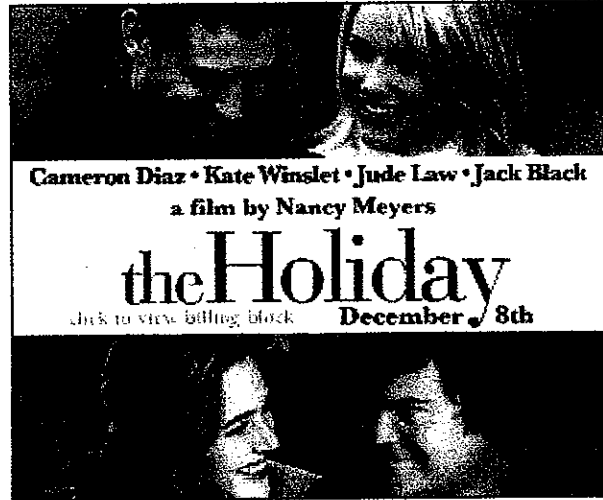


*Handwritten signature:* JAS WATTS



[11900-12058] Se 222nd Dr  
Damascus OR  
97089 US

Notes:



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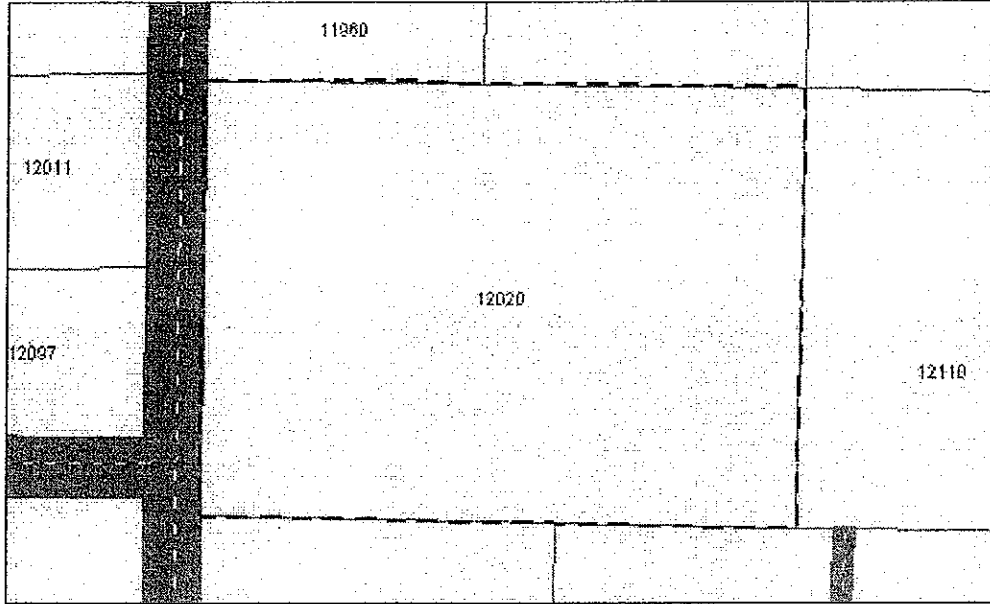
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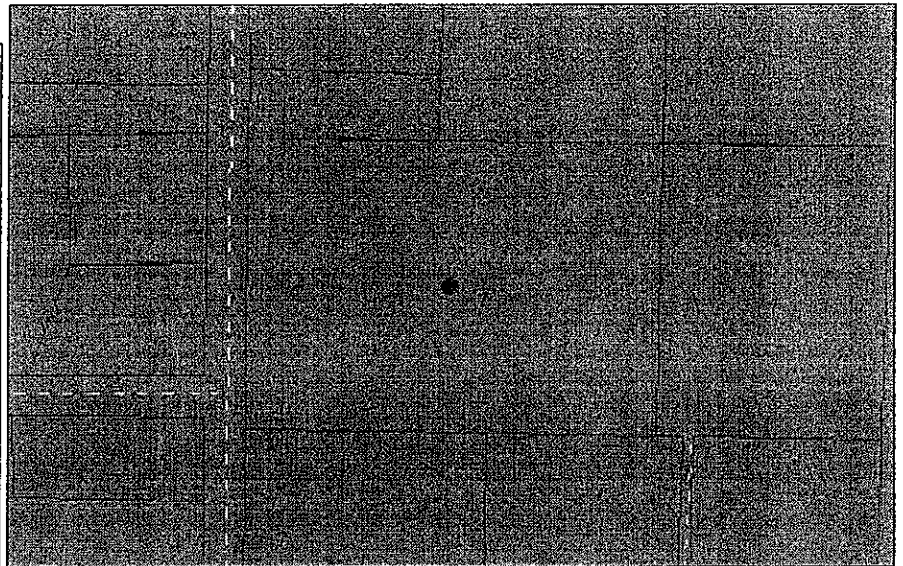
[Summary](#) | [Elevation](#) | [Garbage](#) | [Hazard](#) | [Natural Resources](#) | [Photo](#) | [Property](#) | [Water](#) | [Sewer](#) | [Tax Map](#) | [UGB](#) | [Watershed](#) | [Zip Code](#) | [Zoning](#)

## Property & Location

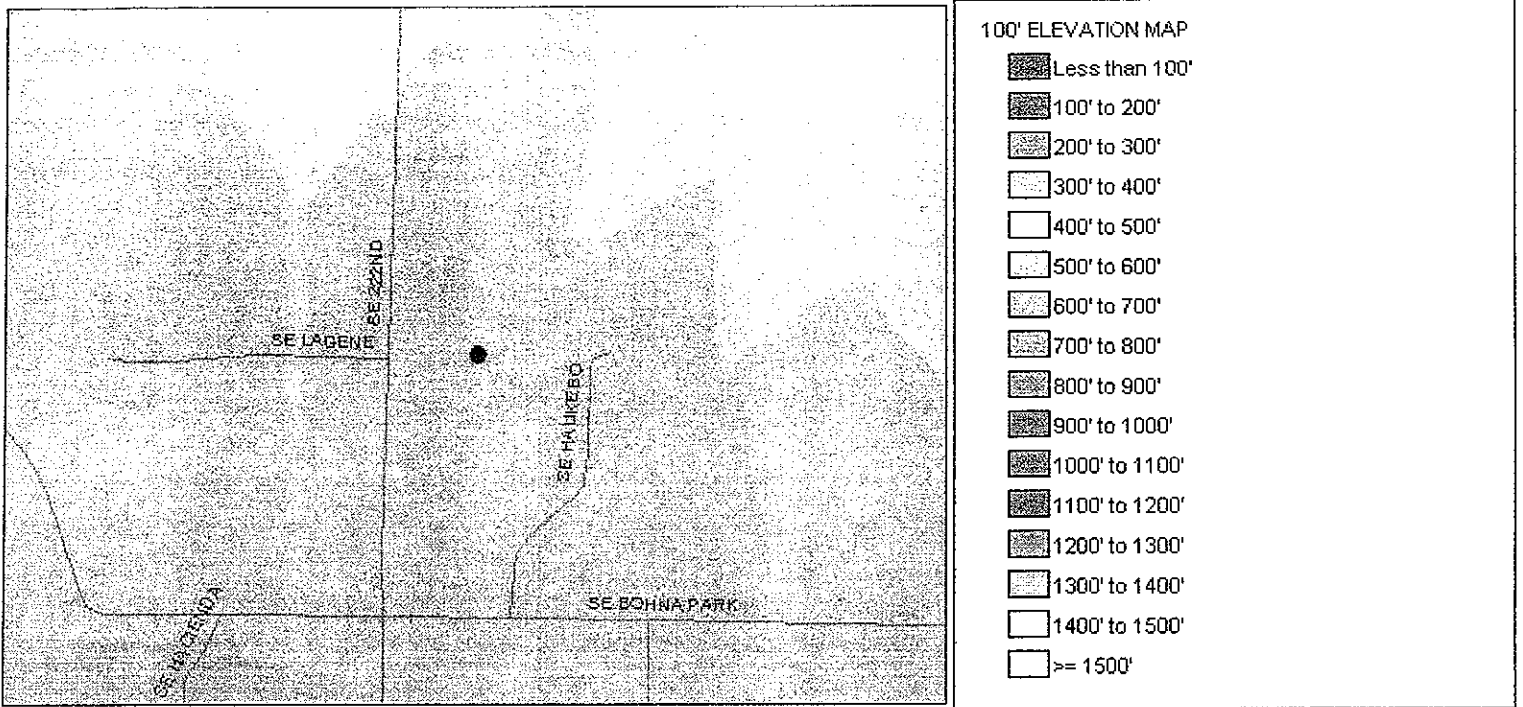


## Zoning

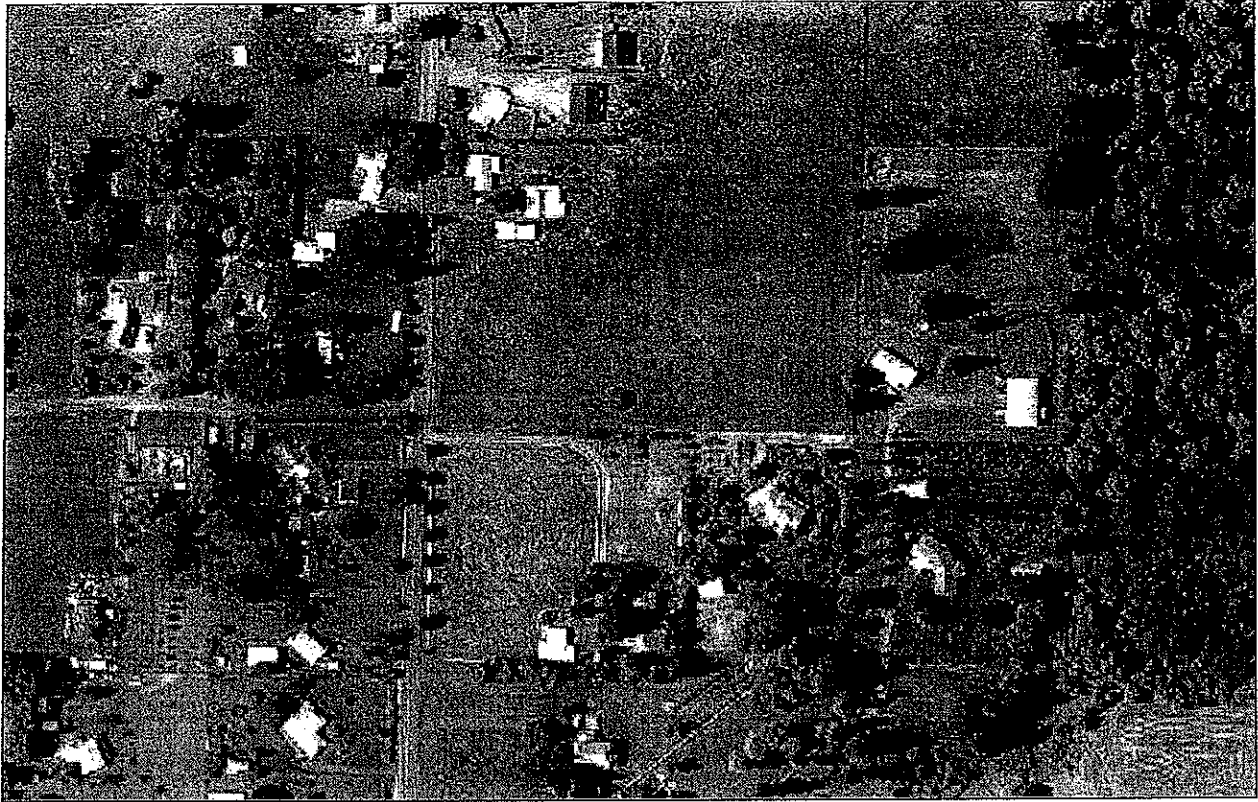
Property	
Zone	
Description	n/a
Overlay	n/a
Comp Plan	
Comp Plan Overlay	
Historic District	n/a
Conservation District	
Plan District	
NRMP District	
Urban Renewal District	n/a
Zoning Map	n/a



Elevation Map



**Aerial Photo (2005)**



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APPENDIX "F"

# STATEMENT OF AUTHORIZATION



# Primogenitor Corporation

## MEASURE 37 AUTHORIZATION

I authorize Primogenitor Corporation to submit my Measure 37 claim on my behalf to the State of Oregon, County of Clackamas, or other jurisdictions deemed necessary to process my claim.

Richard J. Kuntz  
Claimant

12/2/06  
Date

Sharon K. Kuntz  
Claimant

12/2/06  
Date

\_\_\_\_\_  
Claimant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Claimant

\_\_\_\_\_  
Date

Township 1 S R 3E Section 34C Lot(s) 700

Township     S R     Section     Lot(s)