

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENTERING AN ORDER RELATING TO THE LILA AND KENNETH SAXON CLAIM FOR COMPENSATION UNDER ORS 197.352 (MEASURE 37) ) Resolution No. 07-3778 ) Introduced by Chief Operating Officer Michael Jordan with the concurrence of Council President David Bragdon

WHEREAS, Lila and Kenneth Saxon 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

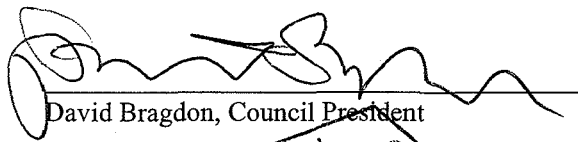
WHEREAS, the Chief Operating Officer ("COO") reviewed the claim and submitted reports to the Metro Council, pursuant to section 2.21.040 of the Metro Code, recommending denial of the claim for the reason that the Metro regulation that is the basis for the claim did not reduce the fair market value of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

WHEREAS, the Metro Council held a public hearing on the claim on March 22, 2007, and considered information presented at the hearing; now, therefore

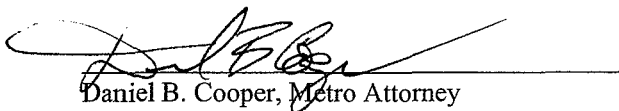
BE IT RESOLVED that the Metro Council

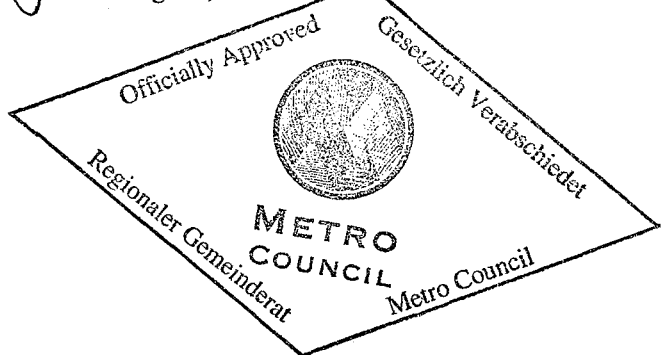
1. Enters Order 07-021, attached to this resolution as Exhibit A, which denies the claim for compensation.
2. Directs the COO to send a copy of Order No. 07-021, with Exhibit A attached, to the claimants, persons who participated in the public hearing on the claim, Clackamas County and the Oregon Department of Administrative Services. The COO shall also post the order and Exhibit A at the Metro website.

ADOPTED by the Metro Council this 22nd day of March, 2007

  
David Bragdon, Council President

Approved as to form:

  
Daniel B. Cooper, Metro Attorney



**Exhibit A to Resolution No. 07-3778**

Order No. 07-021

**RELATING TO THE LILA AND KENNETH SAXON CLAIM  
FOR COMPENSATION UNDER ORS 197.352 (MEASURE 37)**

Claimants: Lila and Kenneth Saxon

Property: SE 190<sup>th</sup> Court and SE Debora, Damascus, Oregon;  
Township 1S, Range 3E, Section 32B, Tax Lot 01700 (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 March 22, 2007.

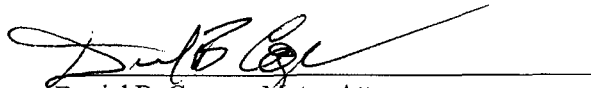
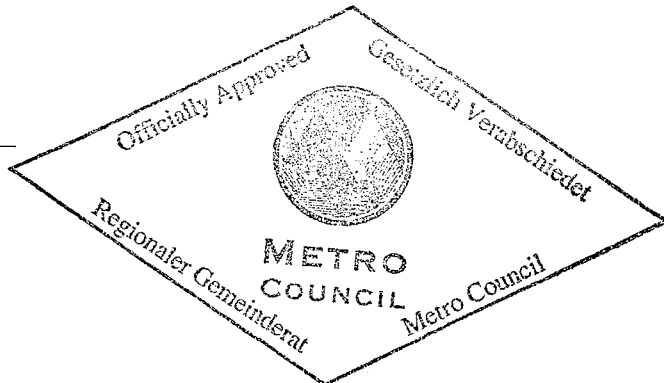
**IT IS ORDERED THAT:**

The claim of Lila and Kenneth Saxon for compensation be denied because it does not qualify for compensation for reasons set forth in the reports of the COO.

ENTERED this 22<sup>nd</sup> day of March, 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. 07-021  
For the Purpose of Entering an Order  
Relating to the Measure 37 Claim of Lila and Kenneth Saxon**

February 5, 2007

**METRO CLAIM NUMBER:** Claim No. 07-021

**NAME OF CLAIMANT:** Lila D. and Kenneth Saxon

**MAILING ADDRESS:** c/o Donald B. Bowerman  
Bowerman & Boutin, LLP  
P.O. Box 100  
Oregon City, OR 97045

**PROPERTY LOCATION:** Damascus, OR

**LEGAL DESCRIPTION:** Township 1 South, Range 3 East, Section 32B  
Tax Lot 01700

**DATE OF CLAIM:** November 28, 2006

**I. CLAIM**

Claimant, Lila Saxon, seeks compensation in the amount of \$444,661.43 for a claimed reduction in fair market value (FMV) of property owned by the claimant as a result of enforcement of Metro Code chapters 3.01 and 3.07, specifically Section 3.07.1110 C of Title 11 (Interim Protection of Areas Brought into the Urban Growth Boundary). In lieu of compensation, claimant seeks a waiver of those regulations so claimant can apply to the City of Damascus to divide the 6.84-acre subject property into single or multi-family residential lots of one-half to one acre. Claimant would need to attain a waiver from Clackamas County to be eligible for one-half to one-acre lot zoning.

Claimant has also filed a pending Measure 37 Claim with Clackamas County/City of Damascus.

The Chief Operating Officer (COO) sent notice of date, time and location of the public hearing on this claim before the Metro Council on February 9, 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/measure37](http://www.metro-region.org/measure37).

**II. SUMMARY OF COO RECOMMENDATION**

The COO recommends that the Metro Council deny the claim for the reasons explained in section IV of this report. The facts and analysis indicate that Metro's action to bring claimant's land into the Urban Growth Boundary (UGB), designate it Inner Neighborhood (allowing high-density residential

development), and applying a temporary 20-acre minimum lot size while planning is completed did not reduce the fair market value of claimant's 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 November 28, 2006. The claim identifies Metro Code chapters 3.01 and 3.07, specifically Section 3.07.1110 (Interim Protection of Areas Brought into the Urban Growth Boundary) as the basis for 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 claimant's property. This ordinance also designated the claimants' property as Inner Neighborhood.

#### Conclusions of Law

Metro adopted the regulation that gives rise to this claim prior to the effective date of Measure 37, and claimant 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

Claimant, Lila Saxon, states that she and her then husband, Michael Rask, acquired an interest in the 6.84-acre subject property through a Contract recorded on June 30, 1965. The 1965 Contract was for a phased purchase of 10 acres, with a Warranty Deed recorded for each phase. Claimant included in the claim a Quitclaim Deed from Michael Rask to claimant, recorded in 1971 (exact date illegible). This Quitclaim Deed was the result of a divorce between claimant and Michael Rask. The legal description of the property in the Quitclaim Deed is erroneous. Claimant submitted a copy of a Warranty Deed, recorded on August 11, 1981, for their acquisition of the property. Additional title research by Metro indicates that in 1986 claimant entered into a contract to sell the parcel to Cheryl Olin who subsequently defaulted on the contract and, by an Estoppel Deed recorded on June 6, 1988, conveyed the parcel back to claimant. Attachment 1 is a site map of the subject property (ATTACHMENT 1).

#### Conclusions of Law

The claimant, Lila Saxon, is owner of the subject property as defined in the Metro Code. Claimant has had a continuous ownership in the property since June 6, 1988.

## 2. Zoning History

### Findings of Fact

Clackamas County designated the subject property as RRFF-5 on December 17, 1979 (recorded June 19, 1980). This same RRFF-5 zoning applied to the property at the time of claimant's acquisition on June 6, 1988 and at the time of Metro's action to include the subject property in the UGB. Under the RRFF-5 zoning designation, one dwelling unit per lot is allowable with minimum lot size being five acres.

### Conclusions of Law

Section 3.07.1110 C of Metro's Code does not reduce the number of lots that are allowable on the subject property. Under both the existing RRFF-5 zoning and Metro's temporary 20-acre minimum, no subdivisions would be possible on the property as any such division would result in a lot of less than 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 claimant's 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 claimant to partition or subdivide the 6.84-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 February 8, 2007 (Conder Memo)).

Claimant has submitted assessor's real market values of nearby properties to support her assertion that the temporary 20-acre minimum size has reduced the value of her property by \$444,661.43. Using assessor data, claimant asserts that the subject property's current fair market value (FMV), with the temporary 20-acre minimum size in place, is \$148,304 (\$21,681.87 per acre). Based on the assessor values of nearby properties, claimant asserts that the property would have a current real market value of \$86,690.85 per acre were it not subject to the disputed regulation. Though the claimant provides data on three comparable properties, the above conclusion is reached using only the most valuable (on a per acre basis) of the three properties.

Additionally, claimant does not account for the costs of subdividing and providing services to the subject property that would necessarily be incurred in order to realize the asserted fair market value.

Claimant asserts the following diminution in value attributable to Metro regulations:

Current FMV:		
Land:	\$148,304	
Improvements:	\$ -	
	<b>Current Total:</b>	<b>\$148,304</b>
Assertion of potential FMV:		
Land:	\$592,965.43	
Less development costs:	\$ -	
	<b>Subtotal:</b>	<b>\$592,965.43</b>
<b>Claimed reduction in FMV:</b>		<b>\$444,661.43</b>

#### Conclusions of Law

Given the 6.84-acre size of the property, no further subdivision would be allowed under either the RRFF-5 (zoning at the time of UGB expansion) or the temporary 20-acre minimum lot size as any subdivision would necessarily result in at least one lot of less than five acres. Therefore, Metro's temporary regulation does not further restrict claimant's ability to subdivide the property beyond the property's previous zoning restrictions.

The Conder Memo provides a more thorough analysis of the property's value, using two different methods for determining the effect of Metro's action on the value of the property. The conclusions of that memo are summarized below.

#### 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: 6.84-acres zoned RRFF-5 (Rural Residential-Farm/Forest, five acre minimum lot size). Given these zoning requirements, claimant would not have been able to obtain approval to divide their 6.84-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. The property is designated Inner Neighborhood. 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 claimant will eventually be able to use the property for residential development (ranging from two to four 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.

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 designation and the temporary 20-acre minimum lot size.

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

Attachment 2: Metro Memorandum to Ray Valone and Richard Benner from Sonny Conder and Karen Hohndel, "Valuation Report on the Saxon Measure 37 Claim," dated February 8, 2007


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

Attachment 4: Lila D. Saxon Measure 37 Claim Submittal to Metro

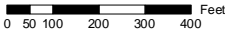


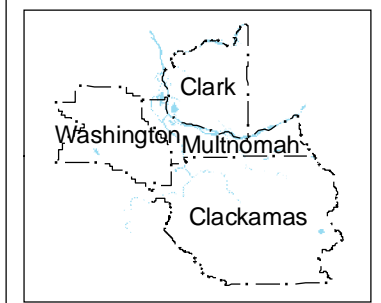
Resolution No. 07-3778  
Attachment 1 COO Report

# Site Map Saxon 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  
 Feet  
0 50 100 200 300 400



Location Map



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



February 8, 2007

To: Ray Valone  
Richard Benner

From: Sonny Conder  
Karen Hohndel

Subject: Valuation Report on the Saxon Measure 37 Claim

## **Conclusion**

Per your request, we have conducted a valuation analysis of the Saxon Measure 37 Claim. The Metro designation of 'Inner Neighborhood' applies to the Saxon Claim. We conclude, using the comparable sales method of determining possible reduction in value, that the Metro action of including the 6.84-acre tax lot inside the urban growth boundary (UGB), designating it 'Inner Neighborhood', 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 6.84-acre property. 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 RFFF-5 acre lot size designated parcels within the Damascus UGB 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 Saxon property? Application of the method shows that the FMV of the Saxon property continued to rise after Metro included it in the UGB with the 'Inner Neighborhood' designation and the temporary 20-acre minimum lot size.

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:

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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.

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. One hundred percent of the 6.84 acre property was designated 'Inner Neighborhood', allowing urban-level residential use on the property. Second, 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 6.84-acre property. This land use designation is a rural designation allowing one dwelling unit per 5 acres. Under RRFF-5 zoning, one dwelling unit could be constructed on the 6.84-acre tax lot.

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 OSU, have written papers pointing out that using the method of comparative sales does not compute the loss due to regulation. Rather, the perceived "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

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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)). 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.

## Resolution No. 07-3778, Attachment 2 to COO Report

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.

### **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', and RRF-5, assuming health and safety regulations are enforced.
- Estimate value 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.

## Resolution No. 07-3778, Attachment 2 to COO Report

- 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 Saxon 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' designation versus Clackamas County's RRFF-5.

### **Saxon Property Description**

The subject property consists of one tax lot of 6.84 acres at end of SE 190<sup>th</sup> Court, a dead-end street that connects into SE Debora Drive that in turn connects into SE Tillstrom Road. The property is located in the city of Damascus and was more than one mile beyond the Urban Growth Boundary prior to 2003. Clackamas County Assessor data show a market value as of 2006 for the 6.84-acre lot as \$171,592.

Visual inspection from 190<sup>th</sup> Court, air photos and RLIS map coverage indicate there are severe limits to development of the property in any configuration. First and foremost among the development limitations is the slope of the property. The property is located on the southwest slope of a lava dome with a northeast to southwest elevation change from 710 to roughly 500 feet elevation. In the Regional Land Information System steep slopes coverage, approximately 70% of the property is classed as steep (over 25%) with only isolated patches not so classed.

The second limitation is surrounding development. The property is surrounded by existing dwelling units built on 2 – 5 acre lots with property values in the range of \$350,000 - \$650,000 with land usually comprising \$150,000 – \$190,000 of the total. There are developed properties immediately east of the claimant's property line and properties immediately west situated on flatter ground at the lip of steep slopes. Noteworthy is that though two down slope properties have easements from 190<sup>th</sup> Court, both developments elected to provide access from SE Foster Road rather than use the easements.

Partly offsetting the site development limitations is that the site commands an excellent view of the Happy Valley and North Clackamas Area to the west. This view and location on the lava dome has resulted in the low-density development of fairly expensive homes on the flatter, buildable portions of the area along Debora Drive.

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 the default use of RRFF-5

### **Land Use Capacity Estimates – 6.84-Acre Parcel as 'Inner Neighborhood' and as RRFF-5**

As noted above, the Saxon property has Metro's 'Inner Neighborhood' designation. Metro's 'Inner Neighborhood' allows a wide range of residential densities more limited by market and site conditions than regulation. The site rather than market impose limitations on the Saxon property. Assuming that access can be extended from the south sloping property immediately to the west of the claimant's property, the availability of sewers and other utilities would allow a

small amount of land to be developed in some cluster configuration. This would involve little or no disruption of surrounding properties or the steeper slopes to the east.

With the ‘Inner Neighborhood’ designation, we estimate that the 6.84-acre property will be developed within 10 years as high value single family with a 2 – 4 units clustered in the northwest corner. Here we presume urban level of utilities and the availability of access from Foster Road through an existing developed property adjacent to the western boundary of the Claimant’s tax lot.

Using the RRF-5 Clackamas County land use designation in effect at the time of Metro’s UGB action, we assume that the 6.84-acre property can yield one dwelling unit within the next two years. Furthermore, given the lack of sewers and the requirements for land suitable for drainage, it is unlikely additional lots could be made available under any rural level development.

### **Current Value Estimate of ‘Inner Neighborhood’ 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 7,000 – 10,000 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

The above data measure a recent subdivision without views or a prestige setting. The Happy Valley lot values are much more representative of probably the bottom range of lot prices that the claimant’s site would command in an urban setting. With a lot size of 1.5 – 3.0 acres and excellent views in a full urban setting we would expect a range of \$225,000 - \$275,000 per developed lot.

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

To establish the value range for “5-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 Saxon raw land value with a 5-acre minimum lot size restriction that limits the property to 1 residential unit would be worth \$153,000 to \$181,000 in a rural residential setting outside the Urban Growth Boundary. Adjusting for the view property adds another \$75,000 – \$150,000 to the value. However, on the minus side we need to reduce the value at least \$50,000 to account for the difficult development conditions. The combination of additions and subtraction yields a range of \$178,000 - \$281,000 for the 6.84-acre parcel used as RRFF-5. As noted in the Saxon property description, the Assessor’s RMV for the 6.84 acre lot amounts to \$171,592.

**Alternative Valuation of Saxon 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 Saxon 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 2001 through 2006. We also present the data 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: Saxon Per Acre Value and Expansion Area Land Values 2000 – 2006**

Year	Saxon Property	Average All 5 – 15 Acre RRFF-5
2001	17,082	17,357
2002	17,919	18,854
2003	18,098	19,194
2004	18,994	20,280
2005	20,069	21,515
2006	21,682	23,275

Both the Saxon 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, and RRFF-5 Land Uses**

<b>Inner Neighborhood (6.84 acres)</b>	
Low Yield (2 lots @ 3.42 acres)	2 DU (dwelling units)
Lot Value:	\$275,000
Development Cost per Lot <sup>3</sup> :	\$100,000
Net Raw Land per Lot:	\$175,000
Total Raw Land Value (2x175,000):	\$350,000
Current Market Value 6.84 acres	
Discounted 10 years:	\$186,000
High Yield (4 lots @ 1.71 acres)	4 DU
Lot Value:	\$225,000
Development Cost per Lot:	\$100,000
Net Raw Land per Lot:	\$125,000
Total Raw Land Value (4x125,000):	\$500,000
Current Market Value for 6.84 acres	
Discounted 10 years:	\$266,000
<b>Total Low Value (6.84 acres):<sup>4</sup></b>	<b>\$186,000</b>
<b>Total High Value (6.84 acres):<sup>5</sup></b>	<b>\$266,000</b>
<b>RRFF-5 (5-Acre Minimum)</b>	
Low Range:	
1 Residential Unit (6.84 acre Lot)	\$178,000
Discounted 2 years	\$157,000
High Range:	
1 Residential Unit (6.84 acre Lot)	\$281,000
Discounted 2 years	\$248,000

We estimate the current raw land value plus residence of the Saxon property with ‘Inner Neighborhood’ designation to range from \$186,000 to \$266,000. The same property used as Rural Residential in a rural setting with a 5-acre minimum would yield \$157,000 to \$248,000. In other words, ‘Inner Neighborhood’ developed at slightly higher density 10 years hence, is slightly better than rural residential developed within 2 years at rural standards. Given the severe development limitations of the site and cost variability such conditions create, our assumption of a more urban density under the ‘Inner Neighborhood’ designation does not reduced the value of the property. More than likely by increasing the infrastructure options, it has increased the value.

<sup>3</sup> We are assuming the cost of converting raw land to buildable lots will be \$100,000 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. These costs are twice the normal pro-forma assumption owing to the difficulty of the site.

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

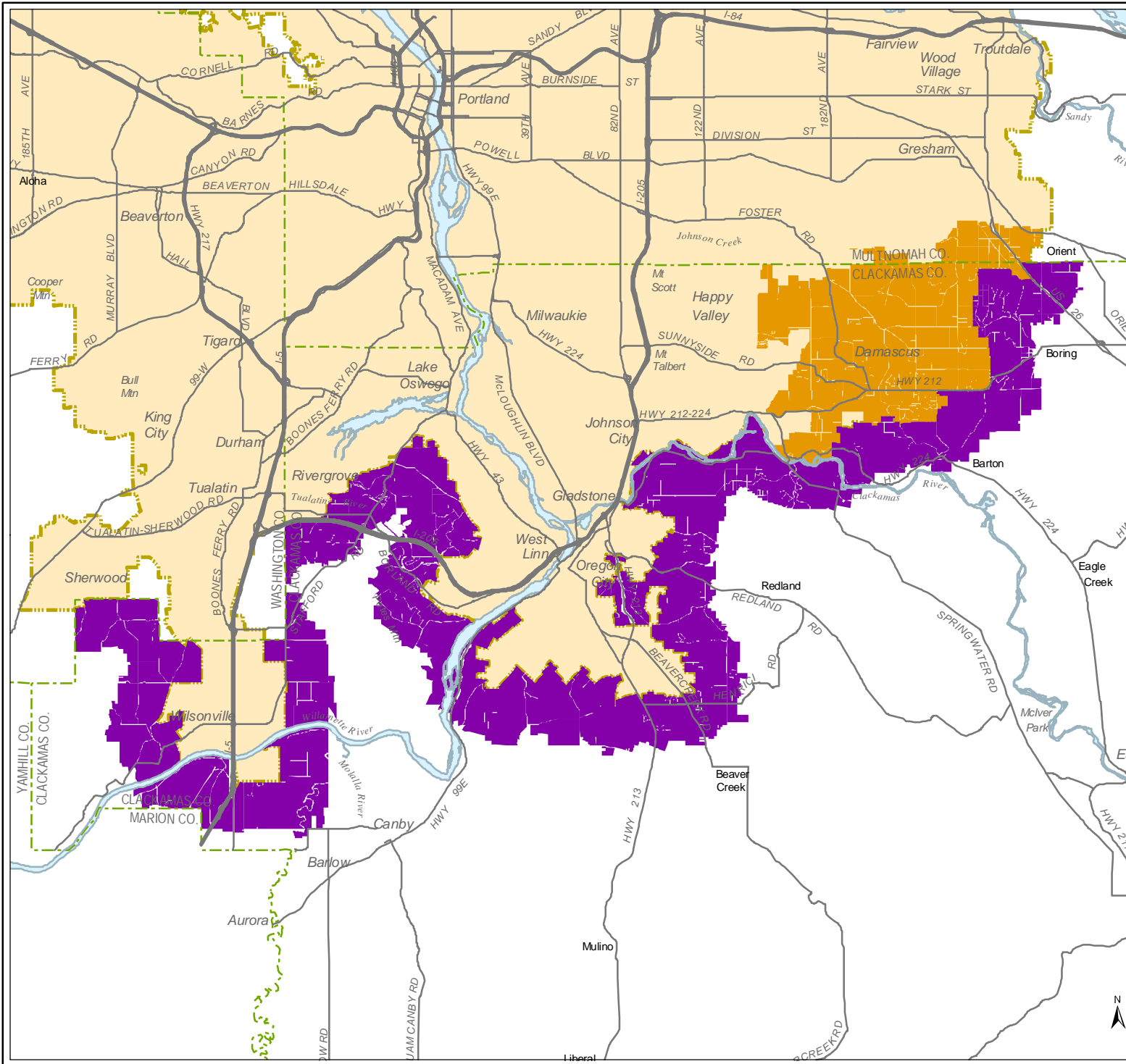
<sup>5</sup> Total High Value = Inner Neighborhood high yield



Resolution No. 07-3778, Attachment 2 to COO Report

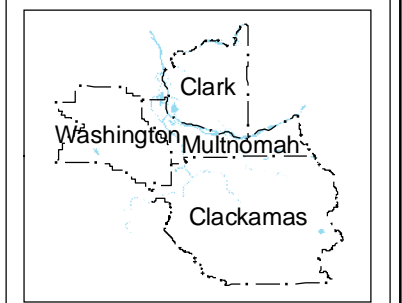
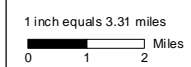
Moreover, in terms of establishing economic loss, the land values per acre established using the time trend Plantinga-Jaeger method shows land values increasing steadily since 2003. Clearly, under no circumstances has any regulatory change to the Saxon property reduced its value. Again, the contrary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

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.



Location Map



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

**BOWERMAN & BOUTIN, LLP**

ATTORNEYS AT LAW

DONALD B. BOWERMAN, P.C.  
RODERICK A. BOUTIN, P.C.  
KRISTEN S. DAVID

1001 Molalla Avenue, Suite 208  
Mailing Address: P.O. Box 100  
Oregon City, Oregon 97045

(503) 650-0700  
FAX (503) 650-0053

*Legal Assistants*  
LONDON L. BROWN  
SANDRA A. MORRIS

NOV 28 2006

November 27, 2006

Office of the Chief Operating Officer  
Metro  
Attn: Michael Jordan  
600 NE Grand Avenue  
Portland, OR 97232-2736

Re: Measure 37 Claim - Lila and Kenneth Saxon  
Tax Lots: 01700

Dear Mr. Jordan:

RRFF-5

We are enclosing the Measure 37 claim on behalf of our clients Lila and Kenneth Saxon.

We are not enclosing a formal appraisal. At such time Metro indicates its election to compensate the owner of the property for the loss in value as a result of the restrictions on the property the owners will provide an appropriate appraisal to substantiate reduction in the property's fair market value.

The submission of the enclosed Measure 37 claim is not a waiver of any objection to the requirements of Metro's Claim Process to the extent the requirements are not authorized by ORS 197.352.

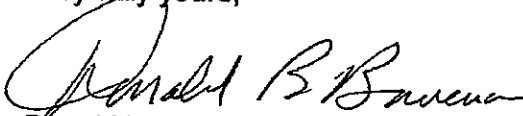
We have calculated the loss of value from the restrictions based on our estimate of the maximum utilization of the property although there are no current plans for utilization at that density. We have used the County Assessor's values of comparable properties in our calculations. We reserve the right to supplement this claim.

Please indicate as soon as possible if there are any deficiencies in this application so we may address it prior to a hearing.

We request a copy of the COO written report as soon as it is prepared.

Office of the Chief Operating Office  
Metro  
November 28, 2006  
Page 2 of 2

Very truly yours,

  
Donald B. Bowerman

DBB:sam  
Enclosures

cc: Lila and Kenneth Saxon

# Metro M37 CLAIM

## Section 1 NAME AND CONTACT INFORMATION OF ALL CLAIMANTS/PROPERTY OWNERS

**Claimant:** Lila Saxon - OWNER  
3104 NE Regents Drive  
Portland, OR 97212  
503-288-0954

NOV 28 2006

**Name of Agent:** Don Bowerman  
P.O. Box 100  
Oregon City, OR 97045

## Section 2 PROPERTY THE CLAIM IS FOR

- a. Current Real Property Interest: OWNER.
  - Exhibit A: Purchase Contract.
  - Exhibit B: Quitclaim Deed
  - Exhibit C: Warranty Deed
  - Exhibit D & E: County Tax Statements.
- b. Deeds Registry: June 30, 1965. Book 659, Page 417.
- c. Street Address: no situs address. Near SE 190<sup>th</sup> Court and Debora
- d. T 1 R 3E Section 32B, Tax Lot 01700
- e. Date Owner Acquired Interest: 6/8/65.

## Section 3 CONSENT TO FILE CLAIM.

<i>Lila D. Saxon</i> 11/27/06	
Claimant Signature: Lila D. Saxon	Date

**Section 4** ALL LAND USE REGULATIONS.

1. All zoning and regulations restricting use or development subsequent to the date of acquisition by claimant(s) (6/1/76), including but not limited to all regulations applied pursuant to Senate Bill 100, House Bill 3661, and all rules and regulatory restrictions adopted as set forth in the Oregon Revised Statutes, Oregon Administrative Rules and Goals including but not limited to ORS 197 *et seq.*, ORS 215 *et seq.*, OAR 660 *et seq.*, and Metro charter, codes, rules and regulations applicable to the use and development of the property.
2. Any and all land use plan(s), regulation(s), ordinance(s) or rule(s) regarding the use of the subject property enacted by any other governmental body, including the City of Damascus.
3. See Metro Planning Codes, including but not limited to Title III, chapters 3.01 and 3.07, specifically 3.07.1110.
4. See Exhibit G: County Research Request.

**Section 5** LAND USE REGULATION AT TIME OF ACQUISITION.

See Exhibit G: County Research Request. RA-1.

**Section 6** REDUCTION IN VALUE.

Preliminary Statement: An appraisal will be provided if requested, however ORS 197.352 does not require an appraisal.

See Exhibit E: Tax Statements.

Land Value: \$ 148,304 / 6.84 acres = \$ 21,681.87 per acre

See Exhibit H: Comparable Properties.

Comparable Property in Neighborhood = \$ 86,690.85

\$ 86,690.85 x 6.84 acres = \$ 592,965.43

\$ 592,965.43 - \$ 148,304 = \$ 444,661.43 loss

**Section 7** PROPOSED USE IF WAIVER OF REGULATION INSTEAD OF COMPENSATION.

Any and all available uses existing at the time of acquisition (6/8/65), including but not limited to single or multi-family use on one-half to one acre lots.

**Section 8** OTHER CLAIMS FILED

Clackamas County for the City of Damascus

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Please let us know if there are any deficiencies with this application.

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Attachment 4 to COO Report

C O N T R A C T

THIS AGREEMENT, made and entered into this 8<sup>TH</sup> day of June, 1965, by and between DON C. TOOLEY and GLADYS M. TOOLEY, husband and wife hereinafter referred to as "Sellers," and MICHAEL R. RASK and LILA D. RASK, husband and wife, hereinafter referred to as "Buyers."

W I T N E S S E T H :

In consideration of the stipulations herein contained and the payments to be made as hereinafter specified, Seller agrees to sell to Buyer, and the Buyer agrees to purchase from Seller, the following described real property, situated in the County of Clackamas, State of Oregon, described as follows, to-wit:

Part of Section 32, T.1.S.R.3.E., of the W.M., in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the Northwest corner of the Southeast quarter of the Northwest quarter of said Section 32; thence North  $89^{\circ} 25' 20''$  East along the North line of said legal subdivision 737 feet; thence South  $0^{\circ} 09' 20''$  East 730 feet to the true place of beginning of the tract to be described; thence South  $89^{\circ} 25' 20''$  West 737 feet to the West line of the Southeast quarter of the Northwest quarter of said Section 32; thence South  $0^{\circ} 09' 20''$  East along the subdivision line, 591 feet to the Southwest corner of the Southeast quarter of the Northwest quarter of said section; thence North  $89^{\circ} 24' 10''$  East along the South line of said legal subdivision 737 feet to a point which is 580.84 feet West of the center of said section 32; thence North  $0^{\circ} 09' 26''$  West 591 feet to the place of beginning. TOGETHER WITH and subject to an easement for roadway purposes over and across the East 50 feet of the North 110 feet of the subject property extending Northerly and Easterly over the present traveled roadway to Market Road No. 30.

Handwritten notes: "11" and "10830" with a circled "0" below it.

BOOK 659 PAGE 412

EXHIBIT A PAGE 1076



For the sum of NINE THOUSAND DOLLARS (\$9,000.00), hereinafter called the purchase price, on account of which FOUR THOUSAND DOLLARS (\$4,000.00) is paid on the execution hereof, the receipt of which is hereby acknowledged by the Seller; the Buyer agrees to pay the remainder of said purchase price, to-wit: FIVE THOUSAND DOLLARS (\$5,000.00) to the order of the Seller in monthly payments of not less than \$42.20, each payable on the 25th day of each month hereafter, beginning with the month of July, 1965, and continuing until the said purchase price is fully paid. All of said purchase price may be paid at any time, with no penalties; all deferred balances of said purchase price shall bear interest at the rate of six (6%) per cent per annum from June 25, 1965, until paid, interest to be paid monthly and being included in the minimum monthly payments above required. Taxes on said premises for the current year shall be prorated between the parties hereto as of the date of this contract.

The Buyer shall be entitled to possession of said lands on the date of closing, and may retain such possession so long as he is not in default under the terms of this contract. The Buyer agrees that all times he will keep said premises free from mechanics' and all other liens, and save the Seller harmless therefrom and reimburse Seller for all costs incurred by him in defending against any such liens; that he will pay all taxes hereafter levied against said property, as well as all water rents, public charges and municipal liens which hereafter lawfully may be imposed upon said premises, all promptly before the same or any part thereof become past due; that if the Buyer shall fail to

(2)

pay any such liens, costs, water rents, taxes or charges; the Seller may do so and any payment so made shall be added to and become a part of the debt secured by this contract and shall bear interest at the rate aforesaid, without waiver, however, of any right arising to the Seller for Buyer's breach of contract.

The Seller agrees that, at his expense, at the time of the closing of this real estate contract, he will furnish unto Buyer a title insurance policy insuring (in an amount equal to said purchase price) marketable title in and to said premises in the Seller on or subsequent to the date of this agreement, save and except the usual printed exceptions and the building and other restrictions and easements now of record, if any.

It is further agreed between the parties that the Seller will provide for Buyer an acreage release clause releasing individual parcels of this property in accordance with the schedule as follows: At the time of closing, Seller will execute a warranty deed to approximately three acres of the southeast corner of the ten-acre tract, beginning 32 feet south of the north boundary and running to the south boundary, a distance of 559 feet and running west of the east boundary, a distance of 245 feet; and at such time as an additional \$3,000.00 has been paid on the principal balance (leaving a balance due on the purchase price of \$2,000.00) then an additional three acres immediately west of the above-released portion, beginning 32 feet south of the north boundary and running to the south boundary, a distance of 559 feet, and running west of the above-released tract a distance of 245 feet, shall be transferred by warranty deed to Buyer by Seller. When the entire \$9,000.00 has been paid, then the

remaining acreage from this ten-acre tract, including the 32 foot strip immediately south of the north boundary will be transferred to the Buyer by the Seller, who will issue a warranty deed. All warranty deeds by the Seller to the Buyer will convey all of the property remaining unto Buyer, his heirs and assigns, free and clear of encumbrances as of the date hereof and free and clear of all encumbrances since the date placed, permitted or arising by, through or under Seller; excepting, however, the easements and restrictions, and the taxes, municipal liens, water rents and public charges so assumed by the Buyer, and further excepting all liens and encumbrances created by the Buyer or his assigns.

It is further agreed between the parties herein that the Seller shall subordinate and release any and all lands necessary for the Buyer to secure financing for the construction of a dwelling on this property, it being agreed that whatever land necessary for the purchase hereof shall be released by the Seller in favor of a lending institution, and at such time as the lending institution shall be paid off, that the Seller's lien against said property shall be reinstated.

It is further agreed that the Seller shall have a secondary lien on any and all properties released pursuant to this ~~provision~~ <sup>LP.</sup> ~~provision~~ <sup>provision</sup>. *DC F Limited*

<sup>HP</sup> It is further understood and agreed between said parties that time is of the essence of this contract, and in case the Buyer shall fail to make the payments above required, or any of them, punctually within fifteen days of the time limited therefor, or fail to keep any agreement herein contained, then the Seller, at his option, shall have the following rights:

(1) To declare the whole unpaid principal balance of said purchase price, with interest thereon, at once

(4)

due and payable, and/or

(2) To foreclose this contract by suit in equity.

In any of such cases, all rights and interests created or then existing in favor of the Buyer as against the Seller hereunder shall cease and determine, and the right to the possession of the premises above-described and all other rights acquired by the Buyer hereinafter shall revert to and reinvest in said Seller without any act of re-entry or any other act of said Seller to be performed, and without any right of the Buyer of return, reclamation or compensation for moneys paid on account of the purchase price of said property. And the said Seller, in case of such default, shall have the right immediately, or at any time thereafter, to enter upon the land aforesaid, and take immediate possession thereof, together with all the improvements and appurtenances thereon or thereto belonging.

The Buyer agrees that failure by the Seller at any time to require performance by the Buyer of any provision hereof shall in no way affect his right hereunder to enforce the same, nor shall any waiver by said Seller of any breach of any provision hereof be held to be a waiver of any succeeding breach of any such provision, or as a waiver of the provision itself.

In case suit or action is instituted to foreclose this contract or to enforce any of the provisions hereof, the Buyer and Seller both agree to pay such sums as the Court may adjudge reasonable as attorney's fees, said sum to be allowed the prevailing party in such suit or action.

IN WITNESS WHEREOF, said parties have hereunto set their hands and seals in duplicate the day and year first above written.

Don C. Fowley  
Seller

Michael Black  
Buyer

Lady M. Tooley  
Seller

Lisa D. Paul  
Buyer

(5)

STATE OF OREGON )  
 ) ss  
County of Multnomah)

On this 8th day of June, 1965, before me, the undersigned, a notary public in and for said county and state, personally appeared the within named DON C. TOOLEY and GLADYS M. TOOLEY, husband and wife, known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.



IN TESTIMONY WHEREOF, I have hereunder set my hand and seal the day and year last above written.

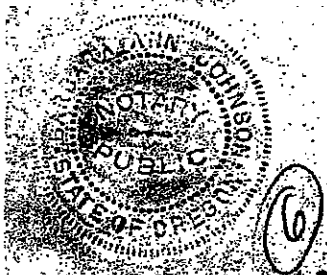
*[Signature]*  
\_\_\_\_\_  
Notary Public for Oregon

My commission expires: \_\_\_\_\_  
COMMISSION EXPIRES SEPT. 26, 1968

STATE OF OREGON )  
 ) ss.  
County of Multnomah)

On this 23 day of June, 1965, before me, the undersigned, a notary public in and for said county and state, personally appeared the within named MICHAEL R. RASK and LILA D. RASK, husband and wife, known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.



*[Signature]*  
\_\_\_\_\_  
Notary Public for Oregon

My commission expires: 1/22/68

SEAL DOCUMENT 10820 RECORDED JUN 9 1965 11:25 A.M. ROBERT SCHUMACHER, County Clerk

659 417

EXHIBIT A PAGE 6 of 6

72 13E 32B 1700  
I think My Deed 1800

**MICHAEL RAYMOND RASK, a**  
**SINGLE PERSON** hereinafter called grantor,  
for the consideration hereinafter stated, does hereby grant, sell and quitclaim unto  
**LILA DAGNY RASK, a single person** hereinafter called grantee,  
her heirs, successors and assigns all of the grantor's right, title and interest  
in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in any-  
wise appertaining, situated in the County of Clackamas, State of Oregon, described as follows, to-wit:

Part of Section 32, T. 1. S. R. 3. E. of the W. M. in the County of Clackamas,  
State of Oregon, more particularly described as follows:

Beginning at the Northwest corner of the Southeast quarter of the Northwest  
quarter of said Section 32; thence North 89°25'20" East along the North line  
of said legal subdivision 737 feet, thence South 0°9'20" East 730 feet to the  
true place of beginning of the tract to be described; thence South 89°25'20"  
East along the subdivision line, 591 feet to the Southwest corner of the  
Southeast quarter of the Northwest quarter of said Section; thence North  
89°24'10" East along the South line of said legal subdivision 737 feet to a  
point which is 580.84 feet West of the center of said Section 32; thence North  
0°09'20" West 591 feet to the place of beginning. TOGETHER WITH and sub-  
ject to an easement for roadway purposes over and across the East 50 feet  
of the North 110 feet of the subject property extending northerly and easterly  
over the present traveled roadway to Market Road Number 30.

1 3E 32B  
Desc. in error

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.  
The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 0-  
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 the singular includes the plural as the circumstances may require.

Witness grantor's hand this 6 day of March, 1971

*Michael Raymond Rask*

STATE OF OREGON, County of Clackamas ss. MWR 3/8, 1971  
Personally appeared the above named Michael Raymond Rask

and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me: *[Signature]*  
Notary Public for Oregon  
My commission expires 6/12/71

NOTE: The difference between the symbols ©, if not applicable, should be deleted. See Chapter 442, Oregon Laws 1967, as amended by the 1967 Special Session.

**QUITCLAIM DEED**  
**MICHAEL RAYMOND RASK**  
TO  
**LILA DAGNY RASK**  
AFTER RECORDING RETURN TO  
**William F. Thomas**  
Attorney at Law  
606 Morgan Building  
Portland, Oregon 97205

STATE OF OREGON,  
County of Clackamas,

I, Gerrit D. Poppen, County Clerk, Ex-Officio  
Recorder of Conveyances and Ex-Officio Clerk  
of the Circuit Court of the State of Oregon, do  
hereby certify that the foregoing instrument of writing was received for  
and recorded in the records of this County at  
7:11 3/19 AM 1971

**DEED**

RECORDED IN THE OFFICE OF THE COUNTY CLERK  
OF CLACKAMAS COUNTY, OREGON  
On Page 1  
In Book 19  
Witness my hand and seal this 19 day of March, 1971

*[Signature]*  
Recording Certificate

EXAMINED BY: Oregon State Tax Authority Co., Portland, Or 97224

WARRANTY DEED—STATUTORY FORM  
INDIVIDUAL GRANTOR  
RUBY R. PIEREN, surviving wife of WILLIAM PIEREN, Deceased  
conveys and warrants to LILA D. SAXON, formerly LILA D. RASK, and successor  
in interest of MICHAEL R. RASK  
Grantor, the following described real property free of encumbrances  
except as specifically set forth herein situated in Clackamas County, Oregon, to-wit:

SEE ATTACHED

The said property is free from encumbrances except building and other restrictions, easements of record and any liens or encumbrances coming against the premises on or after June 8, 1965, by act or omission of the grantee and her predecessors in interest

The true consideration for this conveyance is \$5,000.00. (Here comply with the requirements of ORS 93.030)

Dated this 27th day of April 1981  
Ruby R. Pieren  
RUBY R. PIEREN

STATE OF OREGON, County of Multnomah ss.  
Personally appeared the above named RUBY R. PIEREN

and acknowledged the foregoing instrument to be her voluntary act and deed.  
Before me, Notary Public for Oregon—My commission expires 3-17-82

(OFFICIAL SEAL)

WARRANTY DEED  
GRANTOR  
GRANTEE  
After recording return to:  
3:24 PM  
NAME ADDRESS, ZIP  
Until a change is requested, all tax statements shall be sent to the following address:  
NAME ADDRESS, ZIP

SPACE RESERVED FOR RECORDER'S USE

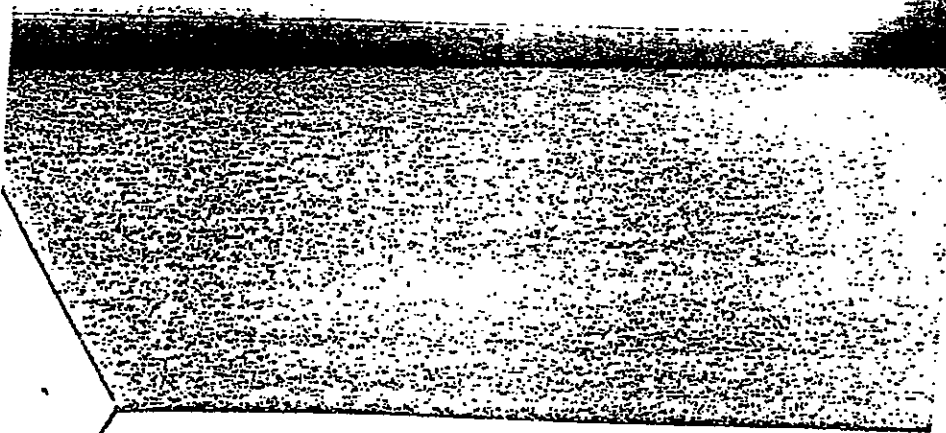
STATE OF OREGON,

County of ss.  
I certify that the within instrument was received for record on the day of 19 at o'clock .. M., and recorded in book reel volume No. on page or as document 'lee file' instrument/microfilm No. Record of Deeds of said county.

Witness my hand and seal of County affixed.

By Deputy

81 28112



1 3E 32B 1700, 1800

Part of Section 32, T.1.S.R.3.E., of the W.M., in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the Northwest corner of the Southeast quarter of the Northwest quarter of said Section 32; thence North 89° 25' 20" East along the North line of said legal subdivision 737 feet; thence South 0° 09' 20" East 730 feet to the true place of beginning of the tract to be described; thence South 89° 25' 20" West 737 feet to the West line of the Southeast quarter of the Northwest quarter of said Section 32; thence South 0° 09' 20" East along the subdivision line, 591 feet to the Southwest corner of the Southeast quarter of the Northwest quarter of said section; thence North 89° 24' 10" East along the South line of said legal subdivision 737 feet to a point which is 580.64 feet West of the center of said Section 32; thence North 0° 09' 20" West 591 feet to the place of beginning. TOGETHER WITH and subject to an easement for roadway purposes over and across the East 50 feet of the North 110 feet of the subject property extending Northerly and Easterly over the present traveled roadway to Market Road No. 30

STATE OF OREGON  
County of Clackamas

I, George D. Hays, County Clerk, Ex-Officio Recorder of Clackamas and Ex-Officio Clerk of the Circuit Court for the State of Oregon, for the County of Clackamas, do hereby certify that the within instrument of writing was received for and recorded in the records of said county at

81 AUG 11 AM: 21



Witness my hand and seal this 11th day of August 1921  
G. D. Hays



150-555-006-1 (3-74)

0936926

B 2

09

Oregon Property taxes for fiscal year ending June 30, 1986	Code Area	Account Number		Assessed Value	52,410
	302-004	0936934		Ad Valorem Tax	1,278.28
	Property Description (Tax Lot Number)			Total Special Assessments	
	Map Number	Parcel	Special Interest	Total Tax and Assessments BEFORE State Payment	1,278.28
1985-1986 CLACKAMAS COUNTY REAL Property Taxes	Township	Range	Section	1/4	1/16
	1S	3E	32	B	01700
	Acres	Class	Sub-class	Full Number	
	6.84	0	400	81-28112	
Tax	Disc./Int.	Total		FULL 3%	38.35
Check	Cash	Change		2/3 - 2%	17.04
				1/3 - None	.00
				NOV 15	1,239.93
					835.15
					426.09
				Amount Paid This Statement	

SAXON LILA D  
3104 NE REGENTS DR  
PORTLAND OR 97212

1984-85 1,222.89  
1983-84 1,248.14  
\*1982-83 1,308.69

Detach Here Oregon Property taxes for fiscal year ending June 30, 1986 1985-1986 CLACKAMAS COUNTY REAL Property Taxes	Code Area	Account Number		RETURN THIS PORTION WITH YOUR PAYMENT			Detach Here
	302-004	0936934		True Cash Value	Last Year	This Year	
	Property Description (Tax Lot Number)			LAND	52,410	52,410	
	Map Number	Parcel	Special Interest	True cash value is reduced by a percentage factor to give assessed value.			
Township	Range	Section	1/4	1/16			
1S	3E	32	B	01700			
	Acres	Class	Sub-class	Full Number	Not Assessed Value	50,310	52,410
	6.84	0	400	81-28112	Tax Rate Each \$1000	22.30	24.39
Taxpayer	SAXON LILA D 3104 NE REGENTS DR PORTLAND OR 97212			Property Taxes	1,121.91	1,278.28	
Other Than Owner				Current Taxes Levied By		Tax Rate	Tax Amount
				FIRE DISTRICT #59	1.96	102.72	
				MULT ELEM ESD	.82	42.98	
				MULT HIGH ESD	.40	20.96	
				MTHOOD COLLEGE #1	1.67	87.52	
				SCHOOL DIST #302	17.00	890.97	
				VECTOR CONTROL	.01	.52	
				METRO SERV DIST#2	.16	8.39	
				PORT OF PORTLAND	.37	19.39	
				CLACKAMAS COUNTY	2.00	104.83	
				Property Tax Totals	24.39	1,278.28	
				Less Payment By State of Oregon			
0936934	Interest Included	TO NOV 15					
Delinquent Taxes		Tax Year	Amount				
Foreclosure proceedings will be started after July 15 on real property accounts with an unpaid balance for any tax year marked with an asterisk (*).		1984-85	1,222.89				
		1983-84	1,248.14				
		*1982-83	1,308.69				
PLEASE MAKE PAYMENT TO:		CLACKAMAS COUNTY TAX COLLECTOR 168 WARNER-MILNE ROAD OREGON CITY OR 97045					
Tax	Disc./Int.	Total		Discount Allowed	Pay By	Pay One Of These Amounts	
Check	Cash	Change		FULL - 3%	NOV 15	1,239.93	
				2/3 - 2%		835.15	
				1/3 - None		426.09	
				WE URGE PAYMENT BY MAIL. CANCELLED CHECK AND LOWER PORTION OF STATEMENT IS YOUR RECEIPT. THANK YOU.			

0936934

EXHIBIT D PAGE 194

Oregon Property taxes for fiscal year ending	Code Area	Account Number	Assessed Value
	302-004	0936934	Ad Valorem Tax
			Total Special Assessments

0936926

D 8

Oregon Property Taxes for fiscal year July 1, 1986 to June 30, 1987  1986-1987 CLACKAMAS COUNTY REAL Property Taxes	Code Area	Account Number			Assessed Value	950
	302-004	0936934			Ad Valorem Tax	22.62
	Property Description (Tax Lot Number)				Total Special Assessments	
	Map Number	Parcel	Special Interest	Total Tax and Assessments	22.62	
	Township Range Section 1/4 1/16			Total Amount	22.62	
1S 3E 32 B	01700		Discount Allowed	Pay By	Pay One of These Amounts	
Acres Class Sub-class	Full Number		FULL 3%	NOV 15	21.94	
6.84 0 600	86-10622		2/3 - 2%		.00	
Tax	Disc./Int.	Total	1/3 - None		.00	
Check	Cash	Change	Amount Paid This Statement			

SAXON LILA D  
\*OLIN CHERYL A  
3104 NE REGENTS DR  
PORTLAND OR 97212

1985-86 1,393.33  
1984-85 1,357.50  
\*1983-84 1,371.92

Detach Here	PLEASE RETURN THIS PORTION WITH YOUR PAYMENT				Detach Here		
Oregon Property Taxes for fiscal year July 1, 1986 to June 30, 1987  1986-1987 CLACKAMAS COUNTY REAL Property Taxes	Code Area	Account Number			Assessed Value	Last Year	This Year
	302-004	0936934			LAND	52,410	950
	Property Description (Tax Lot Number)				Net Assessed Value	52,410	950
	Map Number	Parcel	Special Interest	Tax Rate Each \$1000	24.39	23.81	
	Township Range Section 1/4 1/16			Property Taxes	1,278.28	22.62	
1S 3E 32 B	01700		Current Taxes Levied By	Tax Rate	Tax Amount		
Acres Class Sub-class	Full Number		FIRE DISTRICT #59	1.97	1.87		
6.84 0 600	86-10622		MULT ELEM ESD	.87	.83		
			MULT HIGH ESD	.43	.41		
			MTHOOD COLLEGE #1	1.74	1.65		
			SCHOOL DIST #302	16.12	15.31		
			VECTOR CONTROL	.01	.01		
			METRO SERV DIST#2	.16	.15		
			PORT OF PORTLAND	.43	.41		
			CLACKAMAS COUNTY	2.08	1.98		
			Property Tax Totals	23.81	22.62		

Taxpayer  
Other  
Than  
Owner

SAXON LILA D  
\*OLIN CHERYL A  
3104 NE REGENTS DR  
PORTLAND OR 97212

	1.97	1.87
	.87	.83
	.43	.41
	1.74	1.65
	16.12	15.31
	.01	.01
	.16	.15
	.43	.41
	2.08	1.98
Property Tax Totals	23.81	22.62

0936934	Interest included	TO NOV 15
Delinquent Taxes	Tax Year	Amount
Foreclosure proceedings will be started after July 15 on real property accounts with an unpaid balance for any tax year marked with an asterisk (*).	1985-86	1,393.33
	1984-85	1,357.50
	*1983-84	1,371.92

PLEASE MAKE CLACKAMAS COUNTY TAX COLLECTOR PAYMENT 168 WARNER-MILNE ROAD TO: OREGON CITY OR 97045	Discount Allowed*	Pay By	Pay One of These Amounts
	FULL - 3% .68	NOV 15	21.94
Tax	Disc./Int.	Total	
Check	Cash	Change	

\*READ PAYMENT INSTRUCTIONS ON REVERSE  
WE URGE PAYMENT BY MAIL. CANCELLED CHECK AND LOWER PORTION OF STATEMENT IS YOUR RECEIPT. THANK YOU.

PSC 780-5369

0936934

E 8

Oregon Property Taxes for fiscal year July 1, 1986 to June 30, 1987	Code Area	Account Number			Assessed Value
	302-004	0936942			Ad Valorem Tax
Property Description (Tax Lot Number)				Total Special A	Total Tax and

Oregon Property Taxes for fiscal year July 1 1987 to June 30, 1988 <b>CLACKAMAS</b>	Code Area <b>302004</b>	Account Number <b>140430</b>	Assessed Value Ad Valorem Tax Total Special Assessments Total Tax and Assessments Total Amount	23.62 23.62 23.62
REAL	Property Description (Tax Lot Number) Map Number Township Range Section 1/4 1/2 <b>R15 3E 32 B 01700</b>		Discount Allowed	Pay By <b>NOV 15</b>
Property Taxes	Acres <b>6.84</b>	Class <b>0</b>	Sub-Class <b>600</b>	Full Number <b>86-10622</b>
Tax	Descrpt	Total	FULL 3% .71	
Check	Cash	Change	2/3 - 2% 1/3 - None	
			<b>DELINQUENT TAXES</b>	Amount Paid This Statement

SAXON LILA D  
\*OLIN CHERYL A  
3104 NE REGENTS DR  
PORTLAND OR 97212

1986-87 24.65  
1985-86 1546.72  
\*1984-85 1492.14

Detach Here Oregon Property Taxes for fiscal year July 1 1987 to June 30, 1988 <b>CLACKAMAS</b>	Code Area <b>302004</b>	Account Number <b>140430</b>	PLEASE RETURN THIS PORTION WITH YOUR PAYMENT		Detach Here
REAL	Property Description (Tax Lot Number) Map Number Township Range Section 1/4 1/2 <b>R15 3E 32 B 01700</b>		Assessed Value	Last Year	This Year
Property Taxes	Acres <b>6.84</b>	Class <b>0</b>	Sub-Class <b>600</b>	Full Number <b>86-10622</b>	
Taxpayer	SAXON LILA D *OLIN CHERYL A 3104 NE REGENTS DR PORTLAND OR 97212		LAND	950	950
Other	ASN 0936934 FORESTLAND - POTENTIAL ADDITIONAL TAX LIABILITY		BUILDINGS		
Than			EXEMPTION		
Owner			Net Assessed Value	950	950
			Tax Rate: Each \$1000	23.81	24.87
			Property Taxes	22.62	23.62
			Current Taxes Levied By	Tax Rate	Tax Amount
			CLACK. COUNTY	2.22	2.11
			VECTOR CNTROL	.02	.02
			PORT OF PTLD	.38	.36
			FIRE DIST #59	1.92	1.82
			MUL ELEM ESD	.92	.87
			MUL HIGH ESD	.46	.44
			MOUNT HOOD CC	1.77	1.68
			SCHOOL DIST.	16.93	16.08
			METRO SD #2	.25	.24
			Property Tax Totals	24.87	23.62
140430	Interest Included	11.15 87			
Delinquent Taxes	Tax Year	Amount			
Foreclosure proceedings will be started after July '85 on real property accounts with an unpaid balance for any tax year marked with an asterisk (*).	1986-87	24.65			
	1985-86	1546.72			
	*1984-85	1492.14			
PLEASE MAKE PAYMENT TO	CLACKAMAS COUNTY TAX COLLECTOR 168 WARNER-MILNE ROAD OREGON CITY, OR 97045		Total Taxes and Assessments	23.62	
Tax	Descrpt	Total	Discount Allowed	Pay By	Pay One of Those Amounts
Check	Cash	Change	FULL 3% .71	NOV 15	22.91
			2/3 - 2%		
			1/3 - None		

SAVE THIS PORTION FOR YOUR RECORDS

140430

1 23

Oregon Property Taxes for 1988 to July 1, 1988 to June 30, 1989 <b>CLACKAMAS</b>	Code Area	Account Number		Assessed Value	970
	302004	140430		Ad Valorem Tax	27.56
	Property Description (Tax Lot Number)			Total Special Assessments	27.56
	Map Number			Total Tax and Assessments	27.56
Township	Range	Section	1/4	1/8	Special Interest
REAL	R1S	3E	32	B	01700
Property Taxes	Acres	Class	Sub-Class	PA Number	FULL 3% .83
Tax	6.84	0	600	88-22320	2/3 - 2%
Check	Disc/Int	Total	DELINQUENT TAXES		Amount Paid This Statement
	Cash	Change			

SAXON LILA D  
3104 NE REGENTS DR  
PORTLAND OR 97212

1987-88 25.74  
1986-87 27.37  
\*1985-86 1700.11

Detach Here Oregon Property Taxes for 1988 to July 1, 1988 to June 30, 1989 <b>CLACKAMAS</b>	Code Area	Account Number		Assessed Value	Last Year	This Year
	302004	140430		LAND	950	970
	Property Description (Tax Lot Number)			BUILDINGS		
	Map Number			EXEMPTION		
Township	Range	Section	1/4	1/8	Special Interest	
REAL	R1S	3E	32	B	01700	
Property Taxes	Acres	Class	Sub-Class	PA Number	Net Assessed Value	970
Tax	6.84	0	600	88-22320	24.87	28.40
Check	Disc/Int	Total	PROPERTY TAXES		23.62	27.56
	Cash	Change	Current Taxes Levied By		Tax Paid	Tax Amount
Payee	SAXON LILA D		CLACK. COUNTY		2.17	2.11
Other	3104 NE REGENTS DR		VECTOR CNTROL		.01	.01
Then	PORTLAND OR 97212		PORT OF PTLD		.39	.38
Owner			FIRE DIST #59		2.06	2.00
			MUL ELEM ESD		.96	.94
			MUL HIGH ESD		.47	.47
			MOUNT HOOD CC		1.83	1.78
			SCHOOL DIST.		20.13	19.54
			METRO SD #2		.34	.33
HSN 0936934 FORESTLAND - POTENTIAL ADDITIONAL TAX LIABILITY			Property Tax Totals		28.40	27.56
140430 Interest Included 11-15-88			Total Taxes and Assessments		27.56	
Definquent Taxes		Tax Year	Amount	PLEASE MAKE PAYMENT TO:		
Foreclosure proceedings will be started after July 15 on real property accounts with an unpaid balance for any tax year marked with an asterisk (*).		1987-88	25.74	CLACKAMAS COUNTY TAX COLLECTOR		
		1986-87	27.37	168 WARNER-MILNE ROAD		
		*1985-86	1700.11	OREGON CITY, OR 97045		
				FULL 3%	Discount Allowed #	Pay By
				.83	NOV 15	Pay One of These Amounts
				2/3 - 2%		26.73
				1/3 - None		

PSC 887-729

50-50-00 REV. 3/87

SAVE THIS PORTION FOR YOUR RECORDS

140430

C 20

**PROPERTY DESCRIPTION**

**MAP: 13E32B 01700**

**ACCOUNT NO: 00140430**

Code Area 302-018

Acres: **2005-2006 CURRENT TAX BY DISTRICT:**

SAXON LILA D  
 3104 NE REGENTS DR  
 PORTLAND OR 97212

COM COLL MT HOOD	1.03
ESD MULTNOMAH	0.99
SCH CENTENNIAL	10.26
<b>EDUCATION TOTAL:</b>	<b>12.28</b>
CITY DAMASCUS	7.14
COUNTY CLACKAMAS	5.20
FD59 BORING	5.14
PORT OF PTLD	0.15
SRV 2 METRO - OREGON ZOO	0.20
URBAN RENEWAL COUNTY	0.33
VECTOR CONTROL	0.01
VECTOR CONTROL LOC OPT	0.05
<b>GENERAL GOVERNMENT TOTAL:</b>	<b>18.22</b>
SCH CENTENNIAL BOND	4.75
SRV 2 METRO BOND	0.39
<b>EXCLUDED FROM LIMIT TOTAL:</b>	<b>5.14</b>
<b>2005-2006 TAX BEFORE DISCOUNT</b>	<b>35.64</b>

**VALUES: LAST YEAR THIS YEAR**

REAL MARKET VALUES (RMV):		
RMV LAND	137,273	148,304
RMV TOTAL	137,273	148,304
SAV TOTAL	2,530	2,653
ASSESSED VALUE (AV):	2,099	2,161
PROPERTY TAXES:	28.81	35.64

**Questions about your property value or taxes**  
 Please call 503-655-8671

Please Make Payment To: CLACKAMAS COUNTY TAX COLLECTOR (Refer to the insert enclosed for more information)

**DELINQUENT TAXES:** NO DELINQUENT TAXES DUE  
 See back for explanation of taxes marked with an (\*).  
 Delinquent tax amount is included in payment options listed below.  
**TOTAL (after discount): 34.57**

Payment Options	Date Due	Discount Allowed	Net Amount Due
FULL PAYMENT	Nov 15, 2005	1.07 3% Discount....	34.57
2/3 PAYMENT	Nov 15, 2005	0.48 2% Discount....	23.28
1/3 PAYMENT	Nov 15, 2005	No Discount....	11.88

↑ TEAR HERE PLEASE RETURN THIS PORTION WITH YOUR PAYMENT See back of Statement for Instructions TEAR ↑ HERE

2005-2006 Property Tax Payment Clackamas County, Oregon **ACCOUNT NO: 00140430**

PROPERTY LOCATION:

Unpaid delinquent tax due is included in payment options.

FULL PAYMENT	(Includes 3% Discount) DUE Nov 15, 2005	34.57
2/3 PAYMENT	(Includes 2% Discount) DUE Nov 15, 2005	23.28
1/3 PAYMENT	(No Discount offered) DUE Nov 15, 2005	11.88

DISCOUNT IS LOST AND INTEREST APPLIES AFTER DUE DATE  Mailing address change or name change on back

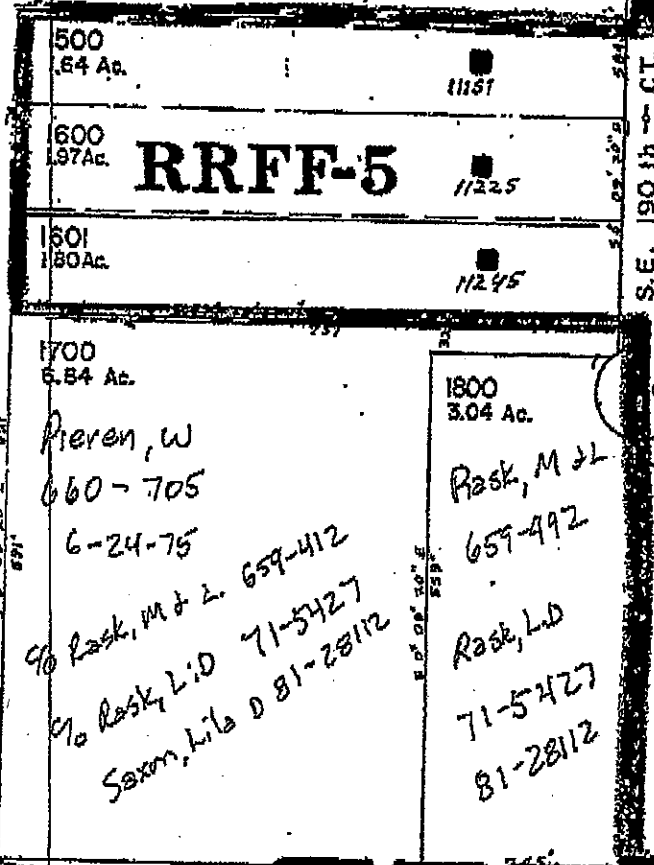
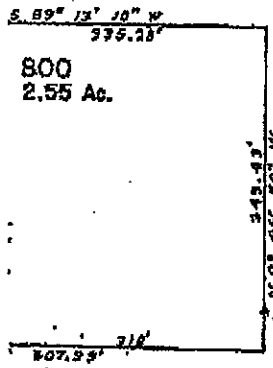
Enter Amount Paid

SAXON LILA D  
 3104 NE REGENTS DR  
 PORTLAND OR 97212

Please make payment to:  
 CLACKAMAS COUNTY TAX COLLECTOR  
 168 Warner Milne Rd  
 Oregon City, OR 97045

# 302-02

# 302-12



SEE MAP

3E 32C



*Clackamas  
County*

DEPARTMENT OF  
TRANSPORTATION AND DEVELOPMENT

Sunnybrook Service Center

RESEARCH REQUEST

DATE: June 20, 2006 STAFF: \_\_\_\_\_

LEGAL/MAP NO.: T 1 S, R 3E, SECTION 32E, TAX LOT(S) 1700

ZONING: \_\_\_\_\_ PRIOR ZONING: \_\_\_\_\_

REQUEST BY: Don Bowerman

ADDRESS: P.O. Box 100 CITY: Oregon City

STATE: Oregon ZIP: 97045

PHONE: (503) 650-0700 FAX: (503) 650-0053

REQUESTED INFORMATION: 1) Current and prior zoning. 2) Legal lots of record, 3) Number of buildable home sites allowed under current zoning. (Please include any and all zoning changes and effective dates impacting property on 6/8/65.)

RESPONSE:

*① Current zoning RREFF5, see attached*

*② yes*

*③ 1*

STAFF: *Peter [Signature]* DATE: *6/21/06*

COUNTY PLANNING DIVISION

NOTE: These comments pertain to land use designations and regulation in effect on the date of this response, to the specific parcels of property and to the specific question asked. Regulations are subject to periodic change. A LEGAL LOT OF RECORD IS MAY BE BUILDABLE SUBJECT TO THE REQUIREMENTS OF THE ZONE IN WHICH IT IS LOCATED. DWELLINGS ARE NOT ALLOWED OUTRIGHT IN SOME ZONING DISTRICTS. PLEASE CONSULT WITH THE PLANNING DIVISION, THE SOILS SECTION AND/OR OTHER APPROPRIATE DEPARTMENTS PRIOR TO CONSTRUCTION.

9701 SE Sunnybrook Blvd. ■ Clackamas OR 97015 ■ Phone (503) 353-4400 ■ FAX 503-353-4550

Printed on 50% recycled paper with 20% post-consumer waste



1-3-32

Legal: T 1 R 3 Sec. 32 B  
Tax Lot(s) 1700, 1800  
Date 7-24-85  
By A. J.

RESEARCH REQUEST

PLANNING DIVISION

JOHN C. MCINTYRE Director  
DOMINIC T. MANCINI Planning Director

Applicant's Name Bill Willis % Marcus Realty Phone 667-1200  
Address: 1450 S. E. Orient Dr. Sand Gresham 97030  
Owner's Name: \_\_\_\_\_  
Request: \_\_\_\_\_

Planning Department Response:

*recorded 6/19/80  
current*

Current Zones: RZFF-5 12/17/79 Comp. Plan: Rural  
Prior Zones: PA-1 9/8/64 First  
Staff Member: H&J Date: 8-14-85

Comments:

There are separate legal lots of record, although now carried on the same deed, the two lots were originally created separately in 1975 in conformance with the PA-1 zone.

A legal lot is buildable for one single family dwelling pending septic approval.

These comments pertain to land use regulations in effect on the date of this response, to the specific piece of property and to the specific question asked. Land use regulations are subject to change. Building permit applications are reviewed within regulations in effect at the time of permit application.

Form 021a

EXHIBIT 4 PAGE 282





**Comparable Listing:**

**Claimant: Lila Saxon**

**Subject Property:** near SE Foster and SE 190<sup>th</sup> Court, Portland  
13E32B 01700 = 6.84 acres  
**Acreage:** 6.84 total acres  
**Land Value:** \$ 148,304 / 6.84 acres = \$ 21,681.87 per acre

***Comparable (neighbors)***

1. 11245 SE 190<sup>th</sup> Ct.  
13E32B 01601  
1.80 acres  
Land Value: \$ 153,511 / 1.80 acres = \$ 85,283.88 per acre  
  
\$ 85,283.88 x 6.84 acres = \$ 583,341.79  
\$ 583,341.79 - \$ 148,304 (current property value) = \$ 435,037.79  
**\$ 435,037.79 loss**
  
2. 11225 SE 190<sup>th</sup> Ct.  
13E32B 01600  
1.97 acres  
Land Value: \$ 146,823 / 1.97 acres = \$ 74,529.44 per acre  
  
\$ 74,529.44 x 6.84 acres = \$ 509,781.37  
\$ 509,781.37 - \$ 148,304 (current property value) = \$ 361,477.37  
**\$ 361,477.37 loss**
  
3. 11151 SE 190<sup>th</sup> Ct.  
13E32B 01500  
1.64 acres  
Land Value: \$ 142,173 / 1.64 acres = \$ 86,690.85 per acre  
  
\$ 86,690.85 x 6.84 acres = \$ 592,965.43  
\$ 592,965.43 - \$ 148,304 (current property value) = \$ 444,661.43  
**\$ 444,661.43**

Attachment 4  
PortlandMaps Detail Report

# PortlandMaps

New Search | Mapping | Advanced | Google Earth | Help

NO ADDRESS AVAILABLE - DAMASCUS

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

Summary | Assessment | Permits/Cases | Block | Schools | Parks | Capital Projects | Development | Clean River Rewards | Noise | Storage

### General Information

Property ID C218061	
County CLACKAMAS	
State ID 13E32B 01700	
Alt Account # 140430	
Map Number	
Site Info	
Site Address NO SITUS	
City/State/Zip ADDRESS	

### Property Description

Tax Roll	Use		
Lot	Block		
Tax Districts			
Tax Code 302018	Fire		
Park	Water		
School	Sewer		
Deed Information			
Sale Date	Type	Instrument	Sale Price
04/01/1988			\$0.00

### Land Information

Type	Acres	SQFT
FOR		301,746

### Improvement Information

Improvement Type		
Improvement Value	\$0.00	
Room Descriptions		
Building Class		
Actual Year Built	0	
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		
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	\$0.00	\$148,304.00	\$0.00	\$148,304.00	\$0.00	\$0.00

City of Portland, Corporate GIS

Assessor Data Updated 11/20/2006

THE GIS APPLICATIONS ACCESSED THROUGH THIS WEB SITE PROVIDE A VISUAL DISPLAY OF DATA FOR YOUR CONVENIENCE. EVERY REASONABLE EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE MAPS AND ASSOCIATED DATA. THE CITY OF PORTLAND MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, SEQUENCE, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE DATA PROVIDED HEREIN. THE USER OF THESE APPLICATIONS SHOULD NOT RELY ON THE DATA PROVIDED HEREIN FOR ANY REASON. THE CITY OF PORTLAND EXPLICITLY DISCLAIMS ANY REPRESENTATIONS AND WARRANTIES INCLUDING WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THE CITY OF PORTLAND SHALL ASSUME NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED REGARDLESS OF HOW CAUSED. THE CITY OF PORTLAND SHALL ASSUME NO LIABILITY FOR ANY DECISIONS MADE OR ACTIONS TAKEN OR NOT TAKEN BY THE USER OF THE APPLICATIONS IN RELIANCE UPON ANY INFORMATION OR DATA FURNISHED HEREUNDER. TO BE SURE OF COMPLETE ACCURACY, PLEASE CHECK WITH CITY STAFF FOR UPDATED INFORMATION.

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# PortlandMaps

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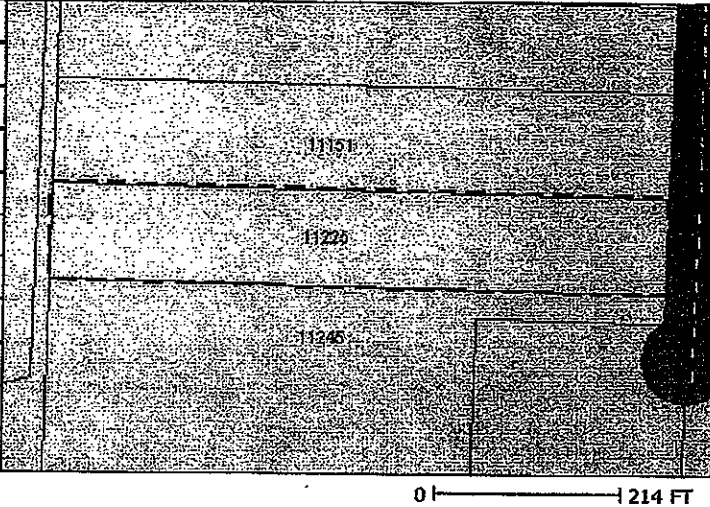
11245 SE 190TH CT - CLACKAMAS COUNTY

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

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

### General Information

Property ID	C218053
County	CLACKAMAS
State ID	13E32B 01601
Alt Account #	140421
Map Number	
Site Info	
Site Address	11245 SE 190TH CT
City/State/Zip	BORING



### Property Description

Tax Roll	Use		
Lot	Block		
Tax Districts			
Tax Code 302014	Fire Boring Fire Dist. #59		
Park	Water Damascus Water Dist. #20		
School Centennial School Dist.	Sewer		
Deed Information			
Sale Date	Type	Instrument	Sale Price
			\$0.00

### Land Information

Type	Acres	SQFT
SFR		82,857

### Improvement Information

Improvement Type			
Improvement Value	\$270,300.00		
Room Descriptions			
Building Class			
Actual Year Built	1977	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	
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	\$270,300.00	\$153,511.00	\$0.00	\$423,811.00	\$0.00	\$0.00

City of Portland, Corporate GIS

Assessor Data Updated 11/20/2006

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# Portland Maps

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11225 SE 190TH CT - 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 C218045	
County CLACKAMAS	
State ID 13E32B 01600	
Alt Account # 140412	
Map Number	
Site Info	
Site Address 11225 SE 190TH CT	
City/State/Zip BORING	

## Property Description

Tax Roll	Use		
Lot	Block		
Tax Districts			
Tax Code 302014	Fire Boring Fire Dist. #59		
Park	Water Damascus Water Dist. #20		
School Centennial School Dist.	Sewer		
Deed Information			
Sale Date	Type	Instrument	Sale Price
12/01/1997			\$1.00

## Land Information

Type	Acres	SQFT
SFR		81,486

## Improvement Information

Improvement Type	Improvement Value \$274,590.00	
Room Descriptions	Building Class	
Actual Year Built 1976	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	
Improvement Details		
# Segment Type	Class	Total Area

No Improvement Segment Information Available
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**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	\$274,590.00	\$146,823.00	\$0.00	\$421,413.00	\$0.00	\$0.00

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Assessor Data Updated 11/20/2006

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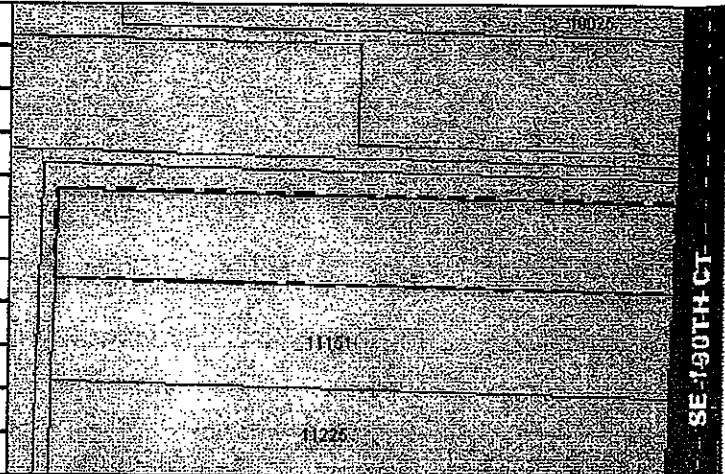
11151 SE 190TH CT - CLACKAMAS COUNTY

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	C218041
County	CLACKAMAS
State ID	13E32B 01500
Alt Account #	140403
Map Number	
Site Info	
Site Address	11151 SE 190TH CT
City/State/Zip	BORING



0 |-----| 124 FT

## Property Description

Tax Roll	Use		
Lot	Block		
Tax Districts			
Tax Code 302014	Fire Boring Fire Dist. #59		
Park	Water Damascus Water Dist. #20		
School Centennial School Dist.	Sewer		
Deed Information			
Sale Date	Type	Instrument	Sale Price
02/01/2003			\$337,500.00

## Land Information

Type	Acres	SQFT
SFR		69,047

## Improvement Information

Improvement Type		
Improvement Value	\$239,750.00	
Room Descriptions		
Building Class		
Actual Year Built	1978	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
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	\$239,750.00	\$142,173.00	\$0.00	\$381,923.00	\$0.00	\$0.00

City of Portland, Corporate GIS

Assessor Data Updated 11/20/2006

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