

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENTERING AN ORDER RELATING TO THE ROBERT & SHARON MARTIN CLAIM FOR COMPENSATION UNDER ORS 197.352 (MEASURE 37) ) Resolution No. 07-3784 ) Introduced by Chief Operating Officer Michael Jordan with the concurrence of Council President David Bragdon

WHEREAS, Robert and Sharon Martin 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

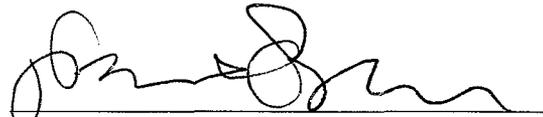
WHEREAS, the Chief Operating Officer ("COO") reviewed the claim and submitted reports to the Metro Council, pursuant to section 2.21.040 of the Metro Code, recommending denial of the claim for the reason that the Metro regulation that is the basis for the claim did not reduce the fair market value of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

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

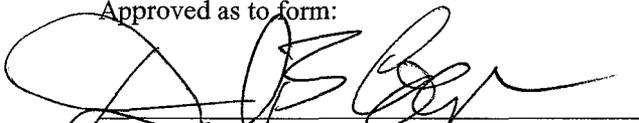
BE IT RESOLVED that the Metro Council

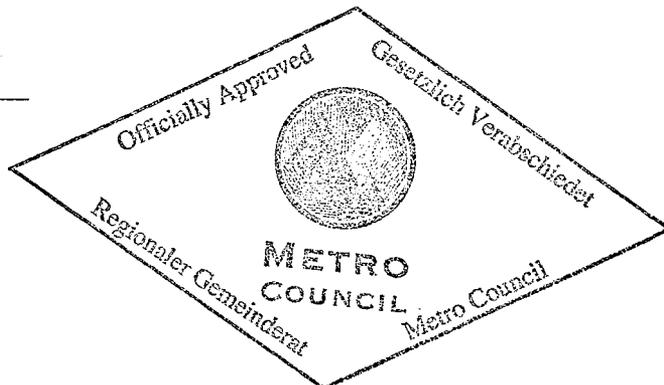
1. Enters Order 07-023, attached to this resolution as Exhibit A, which denies the claim for compensation.
2. Directs the COO to send a copy of Order No. 07-023, with Exhibit A attached, to the claimants, persons who participated in the public hearing on the claim, Clackamas County and the Oregon Department of Administrative Services. The COO shall also post the order and Exhibit A at the Metro website.

ADOPTED by the Metro Council this 15th day of March, 2007

  
David Bragdon, Council President

Approved as to form:

  
Daniel B. Cooper, Metro Attorney



**Exhibit "A" to Resolution No. 07-3784**

Order No. 07-023

**RELATING TO THE ROBERT & SHARON MARTIN CLAIM FOR COMPENSATION  
UNDER ORS 197.352**

Claimant: Robert and Sharon Martin

Property: 19707 (Tax Lot 400) and 19715 (Tax Lot 403) SE Heuke Road, Damascus  
Township 1S, Range 3E, Section 32, Tax Lot 400, and Section 32D, Lot 403

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. This order is based upon the report prepared by the Chief Operating Officer ("COO") pursuant to section 2.21.040(d) of the Metro Code.

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

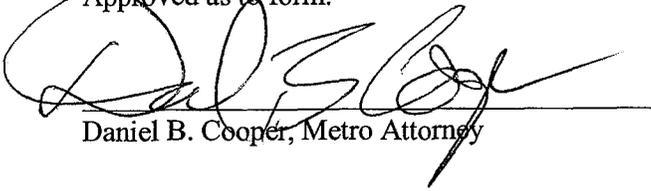
**IT IS ORDERED THAT:**

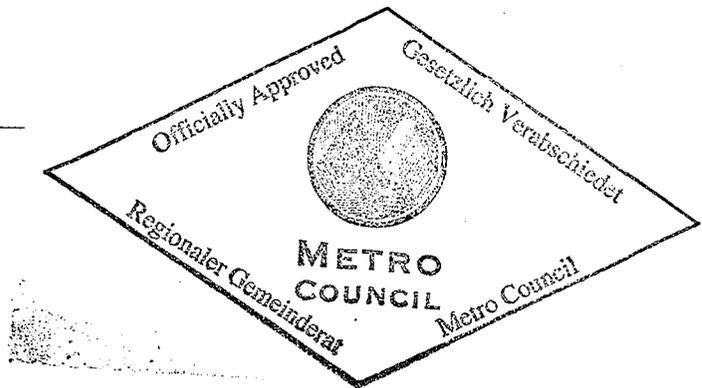
The claim of Richard and Sharon Martin for compensation be denied because it does not qualify for compensation for reasons set forth in the reports of the COO.

ENTERED this 5<sup>th</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. 07-023  
For the Purpose of Entering an Order  
Relating to the Measure 37 Claim of Robert and Sharon Martin**

February 23, 2007

<b>METRO CLAIM NUMBER:</b>	Claim No. 07-023
<b>NAME OF CLAIMANT:</b>	Robert D. and Sharon L. Martin
<b>MAILING ADDRESS:</b>	19715 SE Heuke Rd. Damascus, OR 97089
<b>PROPERTY LOCATION:</b>	19707 SE Heuke Rd. and 19715 SE Heuke Rd. Damascus, OR 97089
<b>LEGAL DESCRIPTION:</b>	T 1 S, R 3 E, Section 32D, Tax lot 400 T 1 S, R 3 E, Section 32D, Tax lot 403
<b>ACREAGE:</b>	29.1 acres
<b>DATE OF CLAIM:</b>	November 28, 2006

**I. CLAIM**

Claimants Robert and Sharon Martin seek compensation in the amount of \$2,750,000 for a claimed reduction in fair market value (FMV) of property owned by the claimants as a result of Metro regulation. Claimants do not specify which Metro regulation has this effect, but it is presumed herein that claimants are referring to the 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, claimants seek a waiver of those regulations so claimants can apply to the City of Damascus to divide the 29.1-acre subject property into one-acre, residential lots. Claimants would need to attain a waiver from Clackamas County to be eligible for one-acre lot zoning.

Claimants have a pending Measure 37 claim with Clackamas County for \$5,000,000 (for Tax lot 400 only). Claimants have also filed a Measure 37 claim with the State of Oregon for an unknown amount of compensation.

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 23, 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).



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February 23, 2007

To: Ray Valone  
Richard Benner

From: Sonny Conder  
Karen Hohndel

Subject: Valuation Report on the Martin Measure 37 Claim

**Conclusion:**

Per your request we have conducted a valuation analysis of the Martin Measure 37 Claim. The Metro designation of 'Inner Neighborhood' applies to the Martin Claim. We conclude, using the comparable sales method of determining possible reduction in value that the Metro action of including the 29.1-acre<sup>1</sup> property 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>2</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 29.1-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 EFU-80 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 Martin property? Application of the method shows that the FMV of the Martin property continued to rise after Metro included it in the UGB with the 'Inner Neighborhood' designation and the temporary 20-acre minimum lot size. Thus, the Metro Council should deny the Martin claim for compensation or waiver.

We consider the time trend and Plantinga – Jaeger methods to be consistent approaches in determining whether a claimant has experienced a property value loss due to a particular government regulation. As we have noted elsewhere, the comparative sales method yields an estimate of what a particular property owner may gain, not an estimate of what they have lost.

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<sup>1</sup> The Martin claim consists of an 27.1 acre tax lot and a 2 acre tax lot both zoned EFU-80 at the time of Metro's action.

<sup>2</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.

### **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 fair market value of the property subject to the regulation that the claimant contends has reduced the value of his property.
2. Estimate the fair market value 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 the 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. The entire 29.1 acre property was designated 'Inner Neighborhood', allowing 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 the overall framework of this land use designation, any particular property may have a substantial range of development types and lot sizes. Implicit in this design type designation is the availability of urban level capital facilities including sanitary sewers, storm water retention and management, water distribution, streets, roads, parks and other infrastructure and services associated with urban living. All development is assumed to occur in compliance with all health and safety regulations.

The default land use at the time of Metro regulatory action was the Clackamas County designation of EFU-80 on the 27.1-acre and 2 acre tax lots comprising the 29.1-acre property. This land use designation limits the creation of new parcels to 80 acres in size. Criteria for the siting of dwellings may or may not allow a dwelling.

### **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>3</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 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

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<sup>3</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.

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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 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 both 'Inner Neighborhood', and EFU-80, 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 of 'Inner Neighborhood' development configurations including a 10-year discount factor for lag time in service provision.

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- Based on allowable use of the property with the default zoning of EFU-80 determine the alternative value of the property.
- Provide an alternative determination of loss of value of the Martin 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 EFU-80.

**Martin Property Description**

The subject property consists of an 27.1-acre and a 2-acre tax lot totaling 29.1 acres along the north side of SE Heuke Road in the city of Damascus in the 197<sup>th</sup> block, roughly 3500 feet east of Foster Road. Clackamas County Assessor data show the 2-acre tax lot as containing a single family home and associated improvements. The 27.1-acre tax lot contains no improvements. Assessor’s market value for the 2-acre tax lot is \$265,979 and \$265,256 for the 27.1-acre tax lot giving a total assessor’s fair market value of \$531,235 for the property.

The Martin property is sloping to flat with an elevation ranging from 390 to 460 feet from the west center of the property to the southeast corner. The property is cultivated throughout with the exception of a stream –wetland running diagonally through the property from northeast to southwest. With the exception of the stream impediments to development are not apparent.

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 EFU-80.

**Land Use Capacity Estimates – 29.1 Property as ‘Inner Neighborhood’ and as EFU-80**

As noted above the Martin property is in Metro’s ‘Inner Neighborhood’ designation. This designation allows a wide range of residential densities more limited by market and site conditions than regulation. With the exception of the wetland, the market rather than site impose limitations on the Martin property. Since the existing improvement on the 2-acre parcel is recent we assume that under “Inner Neighborhood” regulations that the improvement would be retained on a 1-acre lot. Furthermore, we assume that wetlands would preclude development on another 8.1 acres leaving 20 acres buildable. We assume development of medium income housing with a density of 5 – 7 units per acre. Total capacity of the property we estimate to be 100 – 140 dwelling units with the “Inner Neighborhood” designation.

The alternative rural use in effect at the time of Metro’s action was EFU-80. Using the EFU-80 Clackamas County land use designation in effect at the time of Metro’s UGB action, we assume that the property can not be further subdivided under the alternative use. Consequently, the property under the default land use alternative has no additional capacity than exists at present.

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

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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 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 nearby recent developments closer to the Martin property. To establish the range of relevant property values we selected the 90 developed tax lots north of the Martin property. These properties are located in Gresham and reflect a development pattern and market achievable with urban services on the Martin property. Relevant summary results are in Table 1 below.

**Table 1: Summary Property Value Data – South Gresham Area Residential Designation, 222<sup>nd</sup> (Antelope Hills – Deer Creek Place) – Assessor’s FMV.**

Average Lot Size:	7,491 sq. ft.
Average Lot Value:	\$111,917
Average Total Property Value:	\$348,915
Number of Properties:	90

We also note that view properties located on the buttes are selling for over \$1,000,000 with lot values exceeding \$200,000. We expect the Martin property to not include such high end products. For that reason we regard a ready to build lot range of \$90,000 - \$110,000 as the basis for a reasonable, conservative estimate of land value.

**Current Value Estimate of EFU – 80 Land**

We consider the alternative value of the 29.1-acre property to be the assessor’s FMV in its current land use designation as agriculture. As noted earlier the default alternative land use of EFU-80 prohibits additional subdivision of the property. Assessor FMV amounts to: \$531,235.

**Alternative Valuation of Martin 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 Martin property actually experienced a loss of value after the Metro regulation.

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Accordingly, we have tabulated property value data for the entire expansion area from assessor's records for the years 2001 through 2006. We present the data for the Martin 29.1-acre property specifically and for all EFU-80 designated properties within the expansion area. Table 3 below depicts the results by year.

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

Year	Martin Value per Acre (27.1-acre tax lot)	Average EFU-80 10 – 60 acres (Value per acre)
2001	8,025	9,463
2002	6,885	9,797
2003	6,954	9,899
2004	7,298	10,387
2005	7,711	10,998
2006	8,331	11,516

Both the Martin property assessor's market value and the average value of EFU-80 tax lots within the study area increase steadily from 2003 through 2006. There is no evidence that Metro's action of including the property within the Urban Growth Boundary and imposing a temporary minimum lot size of 20 acres has reduced property values.

**Table 4: Comparison of Estimated Market Value of Raw Land for Inner Neighborhood, and EFU – 80 Land Uses**

<b>Inner Neighborhood (20 acres)</b>	
Low Yield (20 x 5):	100 DU (dwelling units)
Low Range Lot Value:	\$90,000
Development Cost per Lot: <sup>4</sup>	\$50,000
Net Raw Land per Lot:	\$40,000
Total Raw Land Value (100x40,000):	\$4,000,000
Current Market Value for property	
Discounted 10 years:	\$2,131,000
Plus value of retained dwelling:	\$ 250,000
Total low range value:	\$2,381,000
High Yield (20 x 7):	140 DU (dwelling units)
High Range Lot Value:	\$110,000
Development Cost per Lot:	\$50,000
Net Raw Land per Lot:	\$60,000

<sup>4</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.

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Total Raw Land Value (140x60,000):	\$8,400,000
Current Market Value for property	
Discounted 10 years:	\$4,475,000
Plus value of retained dwelling:	\$ 250,000
Total high range value:	\$4,725,000

**EFU – 80**

Assessor's current FMV for 29.1-acre property: \$531,235

We estimate the current raw land value plus residence of the Martin property with 'Inner Neighborhood' designation to range from \$2,381,000 to \$4,725,000. The same property used as EFU-80 would yield \$531,235. 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' designation has 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 Martin 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 Martin property.

## II. SUMMARY OF COO RECOMMENDATION

The COO recommends that the Metro Council deny the claim for the reasons explained in section IV of this report. The facts and analysis indicate that Metro's action to bring claimants' land into the Urban Growth Boundary (UGB), designate it 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 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 November 28, 2006. Though claimants do not identify a specific Metro regulation as the basis for the claim, this report presumes that claimants object to Metro Code section 3.07.1110 C.

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

Claimants state that they acquired an ownership interest in the 29.1-acre subject property on April 1, 1975 and have had a continuous ownership interest since that time. Claimants' stated acquisition date appears erroneous. The property consists of two tax lots, one of which is 2 acres and the other of which is 27.1 acres. While the 2-acre tax lot (403) was acquired on April 4, 1975, the larger 27.1-acre lot (400) was not acquired until January 24, 1979. Attachment 1 is a site map of the subject property (ATTACHMENT 1). There is a house on the 2-acre tax lot. The 27.1-acre tax lot has no improvements.

### Conclusions of Law

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

## 2. Zoning History

### Findings of Fact

Claimants assert that the zoning of the subject property at the time of claimants' acquisition allowed for one-acre lots. Claimants do not provide information about the property's zoning at the time of Metro's UGB expansion. However, the Clackamas County zoning map indicates that, at the time of Metro's inclusion of the subject property into the UGB, the subject property was zoned EFU (Exclusive Farm Use), with a minimum lot size of 80 acres.

As previously noted, claimants assert that at the time they acquired the tax lots comprising the subject property (April 1, 1975 and January 4, 1979), Clackamas County had zoned the property RA-1, Rural Agriculture – 1 Acre. Claimants assert that they could have divided their 27.1-acre property into twenty lots under RA-1 zoning (claimants only include tax lot 400 in their valuation, a portion of which is, according to claimants, not buildable because of the presence of wetlands), and base the valuation of the property on this assumption.

Oregon's Statewide Planning Goals became effective on January 25, 1975. As of the time claimants acquired the subject property, the Oregon Land Conservation and Development Commission had not yet acknowledged the Clackamas County Comprehensive Plan or its zoning ordinances. Thus, the goals applied directly to claimants' property when they bought it. Given the soils on the property, it was subject to Goal 3 (Agricultural Lands), among other goals. Had claimants applied to the county for approval of a twenty-lot subdivision, the county would have had to apply Statewide Planning Goal 3 to the application. Goal 3 would not have permitted any subdivision of the property.

### Conclusions of Law

Section 3.07.1110 C of Metro's Code did not reduce the number of lots allowable on the subject property.

Furthermore, claimants' assumption that the FMV of their property should be based upon their ability to divide it into twenty homesites is not supported by the regulations in place at the time of their acquisition.

## 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 claimants acquired it. The section temporarily limits the partition or subdivision of both of the tax lots that comprise the 29.1-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 claimant’s 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 23, 2007 (Conder Memo)).

Though the claimants include both tax lots in their claim, the compensation request is based only on the 27.1-acre tax lot (tax lot 400). Claimants have submitted a request for compensation that is based on the proposed subdivision of the 27.1-acre tax lot into 20 lots of one acre each. Claimants’ assertion is based upon a November 19, 2006 market analysis performed by Burns & Olson Realtors.

Claimants assert the following diminution in value attributable to Metro regulations:

Current FMV:	
Land (2 lots):	\$700,000
Improvements:	\$ -
<b>Current Total:</b>	<b>\$700,000</b>
Claimant assertion of potential FMV:	
FMV of 20 lots at \$230,000/lot:	\$4,600,000
Less development costs:	\$(1,150,000)
<b>Potential FMV:</b>	<b>\$3,450,000</b>
<b>Claimed reduction in FMV:</b>	<b>\$2,750,000</b>

Conclusions of Law

Metro’s temporary regulation does not further restrict claimants’ ability to subdivide the property.

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 claimant’s 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: 29.1-acres zoned EFU (Exclusive Farm Use, 80-acre minimum lot size). Given these zoning requirements, claimants would not have been able to obtain approval to further divide the two tax lots that constitute their 29.1-acre property.

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 high-density residential development (ranging from 100 to 140 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 EFU 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 claimants' 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 claimants 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 claimants 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 Robert and Sharon Martin 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 Robert and Sharon Martin Property

Attachment 2: Metro Memorandum to Ray Valone and Richard Benner from Sonny Conder and Karen Hohndel, "Valuation Report on the Martin Measure 37 Claim," dated February 23, 2007

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

Attachment 4: Robert and Sharon Martin Measure 37 Claim Submittal to Metro

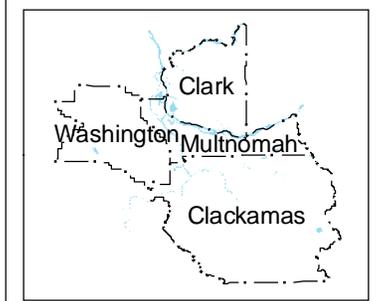
Resolution No. 07-3784  
Attachment 3 COO Report

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

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

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

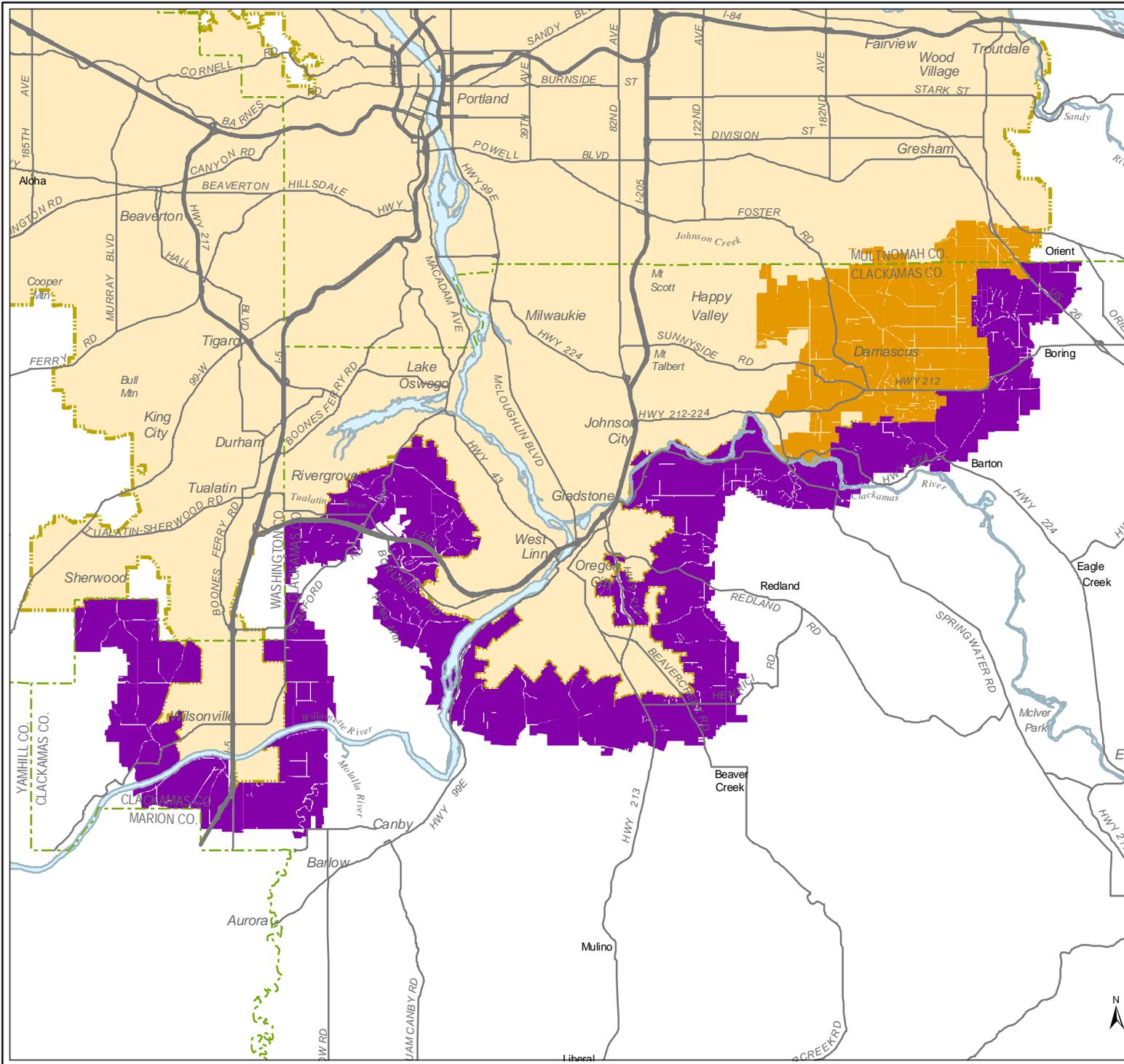
1 inch equals 3.31 miles  
0 1 2 Miles



Location Map



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



November 22, 2006

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

NOV 28 2006

Chief Operating Officer, Metro:

My husband and I are submitting requests under Measure 37 to both the State of Oregon and Clackamas county to have our property reverted back to RA-1 zoning from the present zoning of 20 acre minimum. We believe this zoning change has the potential to reduce the value of our property as one acre lots sell for considerably more than larger parcels of land. The land was zoned RA-1 when we contracted to purchase the property (29.1 acres) March, 1975. We at present have no desire to sell our land so are not seeking monetary compensation. We invested in our property with the idea that someday we could develop one acre home sites as retirement income. We did not know until sometime after 1994 that our property had been rezoned 20 acre minimum.

We have watched Metro's 2040 plan evolve and noted the different studies taking place involving our property. After attending several meetings pertaining to the incorporation of the City of Damascus and viewing the pre-comprehensive plans and maps for the Damascus area, we have determined that the Counselor's for the new City of Damascus' are adhering to Metro's planning for our property. These plans have us listed as in the urban growth boundary, Rock Creek watershed, scenic Boring Lava Buttes area, open green spaces, wetlands, wildlife habitat etc. A major sewage trunk line is projected to go through the middle length of our property following Rock creek along with a future potential light rail line and, Sunnyside Road has been proposed to follow our South property line. Some of this planning conflicts with the various proposals put forth so we feel we should keep our options open and request our property be returned to the RA-1 designation in the event we may someday again be able to sell or develop one acre home sites for our retirement.

We do not object to the present planning, we just want to protect our interests and as such we are filing a claim to Metro to revert our property back to RA-1 zoning.

Properties included in this claim:

T1S R3E Section 32 Tax Lot: 400	27.1 acres (19707 SE Heuke Rd., Damascus, OR)
T1 R3E Section 32D Tax Lot: 403	2 acres (19715 SE Heuke Rd., Damascus, OR)

We are attaching the following documentation to support our Measure 37 request:

Map showing the two properties,  
Tax statements  
Copy of deeds showing purchase date

-2-

County Assessor's office ownership log

Letter from Veteran's Affairs showing properties paid in full June, 1993

An appraisal by Chris Olson of Burns and Olson Realtors in reference to the 27.1 acres demonstrating the potential loss in value between selling a larger parcel of land versus one acre lots at present market values.

As the owners of the property involved since April 1, 1975 we request that any correspondence and contacts be directed to: Robert D. Martin and/or Sharon L. Martin, husband and wife. Our address and phone number is as follows:

Robert D. & Sharon L. Martin  
19715 SE Heuke Rd.  
Damascus, Oregon 97089  
Phone #: (503)658-6504

Sincerely,

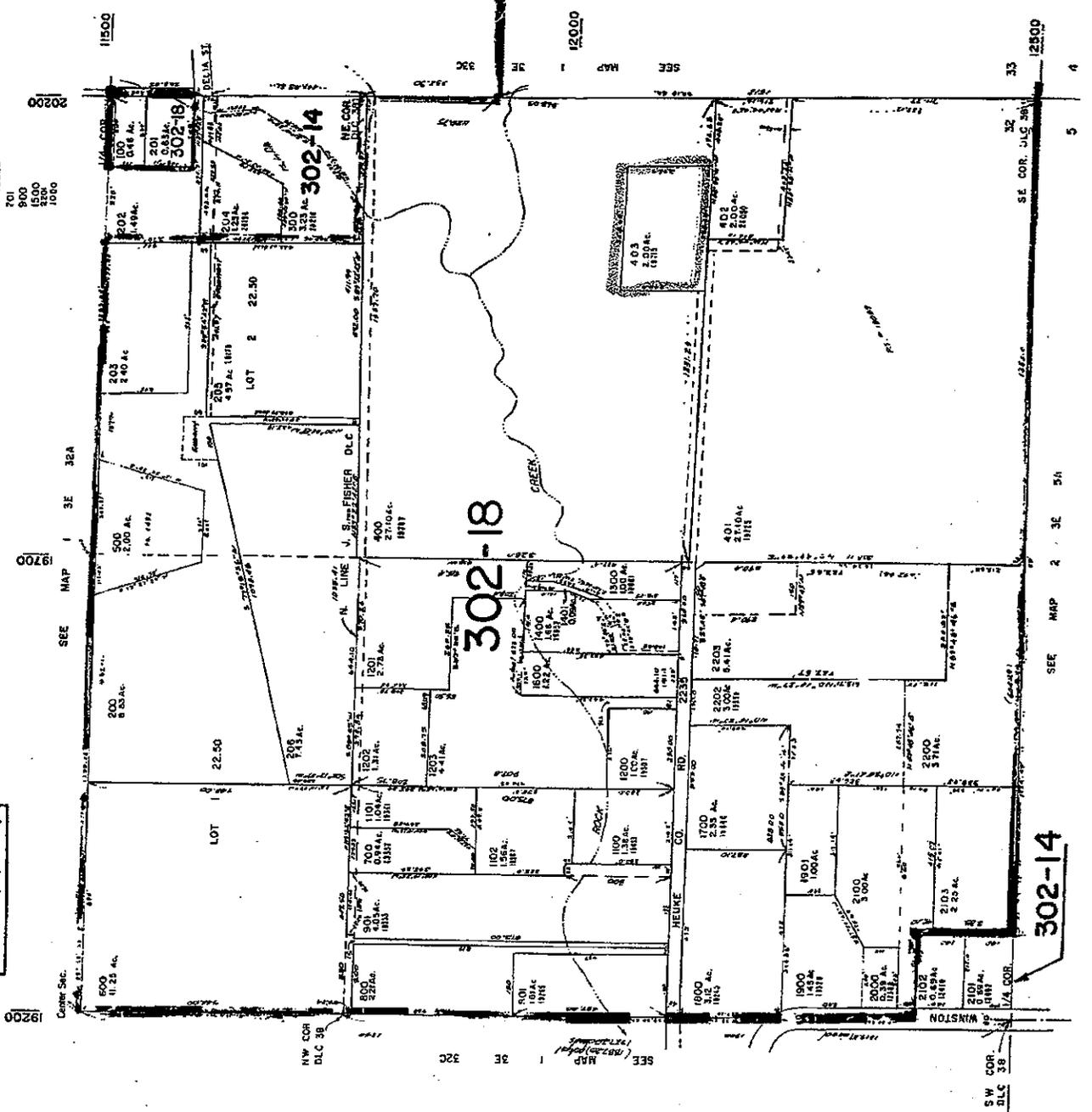
  
Robert D. Martin

  
Sharon L. Martin

SE1/4 SECTION 32 T.1S. R.3E. WM.  
CLACKAMAS COUNTY  
D.L.C.  
J. S. FISHER NO. 38  
I 3E 32D

This map was prepared for  
assessment purpose only.

CANCELLED  
701  
900  
1500  
2000  
1000



**7/1/2006 to 6/30/2007 REAL PROPERTY TAX STATEMENT**  
 CLACKAMAS COUNTY, OREGON \* 168 WARNER MILNE RD. \* OREGON CITY, OREGON 97045

**PROPERTY DESCRIPTION**  
 19707 SE HEUKE RD  
 DAMASCUS OR 97089

**MAP:** 13E32D 00400

**ACCOUNT NO:** 00141082

Code Area: 302-018

Acres: 27.10

MARTIN ROBERT D & SHARON L  
 19715 SE HEUKE RD  
 DAMASCUS OR 97089

2006 - 2007 CURRENT TAX BY DISTRICT:	
COM COLL MT HOOD	6.39
ESD MULTNOMAH	6.16
SCH CENTENNIAL	63.86
<b>EDUCATION TOTAL:</b>	<b>76.41</b>
CITY DAMASCUS	44.42
COUNTY CLACKAMAS	32.36
FD59 BORING	32.00
PORT OF PTLD	0.93
SRV 2 METRO - OREGON ZOO	1.28
URBAN RENEWAL COUNTY	1.64
VECTOR CONTROL	0.09
VECTOR CONTROL LOC OPT	0.34
<b>GENERAL GOVERNMENT TOTAL:</b>	<b>113.06</b>
SCH CENTENNIAL BOND	29.85
SRV 2 METRO BOND	2.40
<b>EXCLUDED FROM LIMIT TOTAL:</b>	<b>32.25</b>
<b>2006-2007 TAX BEFORE DISCOUNT</b>	<b>221.72</b>

VALUES:	LAST YEAR	THIS YEAR
<b>REAL MARKET VALUES (RMV):</b>		
RMV LAND	225,764	261,216
RMV BLDG	3,470	4,040
RMV TOTAL	229,234	265,256
SAV TOTAL	33,304	36,164
ASSESSED VALUE (AV):	13,058	13,460

PROPERTY TAXES:                      215.31                      221.72

**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):** 215.07

(See back of statement for instructions)			
Payment Options	Date Due	Discount Allowed	Net Amount Due
FULL PAYMENT	Nov 15, 2006	6.65	3% Discount..... 215.07
2/3 PAYMENT	Nov 15, 2006	2.96	2% Discount..... 144.85
1/3 PAYMENT	Nov 15, 2006		No Discount..... 73.90

**7/1/2006 to 6/30/2007 REAL PROPERTY TAX STATEMENT**  
 CLACKAMAS COUNTY, OREGON \* 168 WARNER MILNE RD. \* OREGON CITY, OREGON 97045

**PROPERTY DESCRIPTION**

19715 SE HEUKE RD  
 DAMASCUS OR 97089

MARTIN ROBERT D & SHARON L  
 19715 SE HEUKE RD  
 DAMASCUS OR 97089

**MAP: 13E32D 00403**

Code Area: 302-018

Acres: 2.00

**ACCOUNT NO: 00141117**

**2006 - 2007 CURRENT TAX BY DISTRICT:**

COM COLL MT HOOD	77.97
ESD MULTNOMAH	75.16
SCH CENTENNIAL	779.33
<b>EDUCATION TOTAL:</b>	<b>932.46</b>
CITY DAMASCUS	542.02
COUNTY CLACKAMAS	394.89
FD59 BORING	390.44
PORT OF PTLD	11.33
SRV 2 METRO - OREGON ZOO	15.59
URBAN RENEWAL COUNTY	20.15
VECTOR CONTROL	1.07
VECTOR CONTROL LOC OPT	4.11
<b>GENERAL GOVERNMENT TOTAL:</b>	<b>1,379.60</b>
SCH CENTENNIAL BOND	364.19
SRV 2 METRO BOND	29.29
<b>EXCLUDED FROM LIMIT TOTAL:</b>	<b>393.48</b>
<b>2006-2007 TAX BEFORE DISCOUNT</b>	<b>2,705.54</b>

VALUES:	LAST YEAR	THIS YEAR
REAL MARKET VALUES (RMV):		
RMV LAND	36,920	42,719
RMV BLDG	178,170	223,260
RMV TOTAL	215,090	265,979
SAV TOTAL	190,999	237,366
ASSESSED VALUE (AV):	159,583	164,250

PROPERTY TAXES:                      2,631.31                      2,705.54

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

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

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

**TOTAL (after discount): 2,624.37**

(See back of statement for instructions)				
Payment Options	Date Due	Discount Allowed		Net Amount Due
FULL PAYMENT	Nov 15, 2006	81.17	3% Discount.....	2,624.37
2/3 PAYMENT	Nov 15, 2006	36.07	2% Discount.....	1,767.62
1/3 PAYMENT	Nov 15, 2006		No Discount.....	901.84

129-137 oc

CONTRACT OF SALE

THIS CONTRACT made and entered into this 25<sup>th</sup> day of April, 1975, by and between FRED BORTER, hereinafter called the "Seller" and ROBERT D. MARTIN and SHARON L. MARTIN, husband and wife, hereinafter called the "Buyer".

W I T N E S S E T H:

That in consideration of the stipulations, conditions and covenants herein contained and the payments to be made as hereinafter specified, the Seller hereby sells to the Buyer and the Buyer hereby purchases from the Seller the following described real estate situated in the County of Clackamas and State of Oregon, legally described as follows:

1 3 E 3 2 D 4 0 0

A parcel of land in the S.E. 1/4 of Section 32, T.1S., R.3E., W.M. Clackamas County Oregon described as follows:

Beginning at the S.E. Corner of said Section 32; thence N 0°04'43" W., 927.12 feet along the East Line of said Section 32 to a 5/8 inch Iron Rod and being the True Point of Beginning of the herein described parcel; Thence N 0°04'43" W, 968.09 feet along said line to a 2 inch Iron Pipe at the Northeast Corner of the J.S. Fisher D.L.C.; thence S 89°22'42" W, 1337.70 feet along the North line of said D.L.C. to a point which bears N 0°05'13" W., 6.18 feet from a 3/4 inch Iron Pipe thence S 0°05'13" E. 928.0 feet to a 5/8 inch Iron Rod on the Centerline of Heuke Rd. Number 2235; Thence N 89°48'45" E., 6.50 feet to a Stone marked with a "+" on top and a "R" on the East face set by Meldrum in 1904 as the Easterly Terminus of said Road; Thence S 88°53'57" E., 1331.29 feet to the True Point of Beginning.

Insured By  
Pioneer National  
Title Insurance Company

FORM No. 957—Stevens-Holmes Law Publishing Co., Portland, Ore. 97204

153-145

SPECIAL WARRANTY DEED—STATUTORY FORM  
INDIVIDUAL GRANTOR

ROSE LUTZ, ELSIE SCHMIDT AND PETER BAUMANN Grantor.  
conveys and specially warrants to ROBERT D. MARTIN AND SHARON L. MARTIN, H & W Grantee.  
the following described real property free of encumbrances created or suffered by the Grantor except as specifically set forth herein, situated in Clackamas County, Oregon to-wit:

A parcel of land in the southeast one-quarter of Section 32, T. 1 S., R. 3 E., of the W. M., described as follows: **1 3E 32 D 400**

Beginning at the southeast corner of said Section 32; thence North 0° 04' 43" East 927.12 feet along the east line of said Section 32, to a 5/8 inch iron rod and being the true point of beginning; of the herein described parcel; thence North 0° 04' 43" East 988.09 feet along said line to a 3/4 inch iron pipe at the northeast corner of the J. S. Fisher D. L. C.; thence South 89° 22' 42" East 1337.70 feet along the north line of said D. L. C. to a point which bears North 0° 05' 17" East 6.18 feet from a 3/4 inch iron pipe; thence South 0° 05' 17" East 448.3 feet to a 5/8 inch iron rod on the centerline of Heuve Road No. 2235; thence North 89° 45' 45" East 6.50 feet to a stone marked with a "1" on top and a "2" on the east face set by Meldrum in 1904, as the easterly terminus of said road; thence South 89° 53' 57" East 1331.29 feet to the true point of beginning.

EXCEPT a parcel of land in the southeast one-quarter of Section 32, T. 1 S., R. 3 E., of the W. M., described as follows:

Beginning at the southeast corner of said Section 32; thence North 0° 04' 43" East 927.12 feet along the east line of said Section 32, to a 5/8 inch iron rod; thence North 89° 53' 57" East 196.68 feet to a 5/8 inch iron rod and the true point of beginning of the herein described parcel; thence continuing North 89° 53' 57" East 355.80 feet to a 3/4 inch iron rod; thence North 0° 04' 43" East 243.0 feet; thence South 89° 53' 57" East 359.63 feet; thence South 0° 04' 43" East 243.0 feet to the true point of beginning. **79 3315**

Dated this 11 day of January, 1979

X Rose Lutz ROSE LUTZ  
X Elsie Schmidt ELSIE SCHMIDT  
X Peter Baumann PETER BAUMANN

STATE OF OREGON, County of Multnomah ss. January 27 1979

Personally appeared the above named Rose Lutz, Elsie Schmidt and Peter Baumann

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

Before me: *Shirley A. Kraus*  
Notary Public for Oregon—My commission expires: 12-30-81

(OFFICIAL SEAL)

Recorded by  
Notary National  
Notary Public for Oregon

SPECIAL WARRANTY DEED  
Lutz, Schmidt & Baumann  
GRANTOR  
GRANTEE  
After recording return to:  
Robert D. Martin & Sharon L. Martin  
19715 SE Heuve Rd  
Portland, OR 97206  
NAME, ADDRESS, ZIP  
NAME, ADDRESS, ZIP

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

79 JAN 24 P 3:03

Witness my hand and seal of office.  
*George D. Pappan*  
Recording Clerk  
CLACKAMAS COUNTY  
CCP 84 79 3315

2

129-137

FORM NO. 1-1-74

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That FRED BORTER hereinafter called grantor,

for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto ROBERT D. MARTIN and SHARON L. MARTIN hereinafter called grantees, and unto grantees's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Clackamas, State of Oregon, described as follows, to-wit:

A parcel of land in the Southeast 1/4 of Section 32, Township 1 South, Range 3 East, Willamette Meridian, Clackamas County, Oregon, described as follows: Beginning at the S.E. Corner of said Section 32; thence N 0°04'43" W. 927.12 feet along the East line of said Section 32, to a 5/8 inch Iron Rod; thence N 88°53'57" W., 196.68 feet to a 5/8 inch Iron Rod and the True Point of Beginning of the herein described Parcel; thence continuing N 88°53'57" W., 358.60 feet to a 5/8 inch Iron Rod; thence N 0°04'43" W., 243.0 feet; thence S 88°53'57" E. 358.60 feet; thence S 0°04'43"E, 243.0 feet to the True Point of Beginning.

TOGETHER WITH a 15 foot easement described as follows: Beginning at a stone with a "+" on top and a "R" on the East face marking the terminus of the Centerline of the Fred Heuke Rd County Rd. Number 2235; thence S 88°53'57" E, 776.0 feet, more or less to the Southwest Corner of the above described 2 Acre Parcel; thence N 0°04'43" W, 15.0 feet; thence N 88°53'57" W, 776.0 feet more or less to a 1/2 inch Iron Pipe at the easterly terminus of said Road; thence South 15.0 feet to the point of beginning, said easement to be used for ingress and egress and utilities. This conveyance is subject to existing utility easements, if any, and is made in compliance with the requirements of a Contract of Sale between Grantor and Grantee of even date herewith.

To Have and to Hold the same unto the said grantees and grantees's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 4,000.00

However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which) (If the sentence between the brackets is not applicable, should be deleted. See ORS 99.006)

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

In Witness Whereof, the grantor has executed this instrument this 31<sup>st</sup> day of MARCH, 1975; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Div. out of 400  
1 3E 32D 403  
2.00 Ac.

Fred Borter

*Fred Borter*

If executed by a corporation, file corporate seal

STATE OF OREGON,

County of Multnomah

MARCH 31, 1975

Personally appeared the above named FRED BORTER

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

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires 10/13/75

STATE OF OREGON, County of \_\_\_\_\_ ) ss.

Personally appeared \_\_\_\_\_ and \_\_\_\_\_ who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of \_\_\_\_\_ a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon

My commission expires:

(OFFICIAL SEAL)

Mr. Fred Borter  
c/o Peter Baumann  
2621 S. E. 187th Place  
Portland, Oregon

Mr. Robert D. Martin  
19715 FRED HEUKE RD.  
Gresham, Oregon 97022  
BORING

Mr. Robert D. Martin  
10610 N. E. Russell Court  
Portland, Oregon 97220

Until a change is requested all the statements shall be sent by the following address:  
MR. ROBERT D. MARTIN  
19715 FRED HEUKE RD.  
GRESHAM, OREGON 97022

STATE OF OREGON,

STATE OF OREGON  
County of Clackamas

I, George D. Popen, County Clerk, Ex-Officio Recorder of Conveyances and Ex-Officio Clerk of the Circuit Court of the State of Oregon, for the County of Clackamas, do hereby certify that the within instrument was recorded for me within the time and manner required by law and that the recording of said instrument is correct as the same appears on the records of said county at this date.

DEED  
MAR 2 15

Witness my hand and seal affixed.  
GEORGE D. POPEN  
County Clerk  
Clackamas County, Oregon

Recording Certificate 75 8160

Attachment 4 to COO Report

Resolution No. 07-2704

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTY 37060 CLACKAMAS COUNTY ASSESSOR											
1	3E	32D	400			<del>302-02</del> 302-0A					
TWP S	RGE.	SEC.	1/4	1/16	TAX LOT NUMBER	TYPE SPEC. INT. IN REAL PROP.	CODE AREA NUMBER	FORMERLY PART OF T.L. NO.			
ACCOUNT NUMBER							Date of Entry on this Card	DEED RECORD VOL.	PG.	ACRES REMAINING	
Porter, Fred & Katrina							9-27-66	222	160	60.00	
Exc. T.L. 401							29.10	4-17-75	75	8157	30.90
Decrease Acreage by P.S. #13089							1.80	4-17-75			29.10
Porter, Fred											
Co. Martin, Robert D. & Sharon L.							4-17-75	75	8158		
Exc T.L. 403							2.00	4-17-75	75	8160	27.10
Baumann, Peter 1/3 & Lutz, Rosa 1/3											
& Schmitt, Elsie 1/3											
PO MARTIN, Robert D & Sharon L							6-8-78	77-8	59		
MARTIN, Robert D & Sharon L							2-7-79	79	3315		
ANNEX MSD MTHS 6							1-17-79				
							2-16-78				



Oregon

DEPARTMENT OF  
VETERANS'  
AFFAIRS

Invest in Oregon's Future-  
Hire a veteran

August 17, 1993

PO5399 76724  
ROBERT D MARTIN  
19715 SE HEUKE ROAD  
BORING OR 97009

PO5399 76724 - MARTIN, Robert D.

Enclosed is a Satisfaction of Mortgage, which must be recorded at the Clackamas County Recorder's Office as soon as possible. It will be your responsibility to pay the appropriate dollar amount to record the Satisfaction of Mortgage.

The original Note and Mortgage, and a Modification Agreement marked "PAID" are also enclosed for your records.

Please contact the insurance agent and advise them to delete the Oregon Department of Veterans' Affairs as mortgagee on the home owner's policy.

If we can be of further assistance, please feel free to contact us.



SANDRA G. WALDRON  
Accounts Services  
373-2253  
1-800-828-8801  
TDD (503) 373-2217  
Enc(s).

BARBARA ROBERTS  
Governor



Oregon Veterans' Building  
700 Summer Street NE  
Salem, OR 97310-1201

5

OREGON  
DEPARTMENT OF  
VETERANS' AFFAIRS

### SATISFACTION OF MORTGAGE

Loan No. P05399

The STATE OF OREGON, acting by the Director of Veterans' Affairs, certifies that the mortgage executed by Robert D. Martin and Sharon L. Martin, husband and wife, recorded on the 24th day of January 1979, in the Clackamas County, Oregon, Mortgage Records, #79 3316, together with the debt is paid, satisfied, and discharged.

WITNESS the STATE OF OREGON has caused these presents to be executed this 17th day of August 1993, at Salem, Oregon.

STATE OF OREGON

Director of Oregon Department of Veterans' Affairs

By Joyce D. Emerson  
Joyce D. Emerson  
Accounts Services

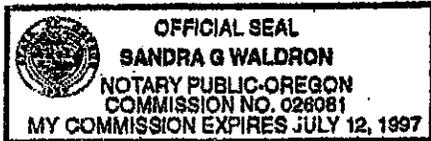
STATE OF OREGON )

County of Marion )

) ss.  
)

On August 17, 1993

personally appeared the above-named Joyce D. Emerson and, being first duly sworn, did say that she is duly authorized to sign the foregoing document on behalf of the Oregon Department of Veterans' Affairs by authority of its Director.



Before me: Sandra G. Waldron  
Notary Public For Oregon

AFTER RECORDING RETURN TO:

Robert D Martin  
19715 SE Heuke Road  
Boring OR 97009

STATE OF OREGON )  
County of Clackamas ) ss.  
I, John Kauffman, County Clerk, for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said county at

93 AUG 24 PM 12:56



Witness my hand and seal affixed  
John Kauffman  
JOHN KAUFFMAN  
County Clerk  
Recording Certificate  
CCP-R4 (Rev. 6/91)

93 60889

Oregon

DEPARTMENT OF  
VETERANS'  
AFFAIRS

Invest in Oregon's Future-  
Hire a veteran

August 17, 1993

P05399 76724  
ROBERT D MARTIN  
19715 SE HEUKE ROAD  
BORING OR 97009

P05399 76724 - MARTIN, Robert D.

Enclosed is a Satisfaction of Mortgage, which must be recorded at the Clackamas County Recorder's Office as soon as possible. It will be your responsibility to pay the appropriate dollar amount to record the Satisfaction of Mortgage.

The original Note and Mortgage, and a Modification Agreement marked "PAID" are also enclosed for your records.

Please contact the insurance agent and advise them to delete the Oregon Department of Veterans' Affairs as mortgagee on the home owner's policy.

If we can be of further assistance, please feel free to contact us.



SANDRA G. WALDRON  
Accounts Services  
373-2253  
1-800-828-8801  
TDD (503) 373-2217  
Enc(s).

BARBARA ROBERTS  
Governor



Oregon Veterans' Building  
700 Summer Street NE  
Salem, OR 97310-1201

5

OREGON  
DEPARTMENT OF  
VETERANS' AFFAIRS

### SATISFACTION OF MORTGAGE

Loan No. P05399

The STATE OF OREGON, acting by the Director of Veterans' Affairs, certifies that the mortgage executed by Robert D. Martin and Sharon L. Martin, husband and wife, recorded on the 24th day of January 1979, in the Clackamas County, Oregon, Mortgage Records, #79 3316, together with the debt is paid, satisfied, and discharged.

WITNESS the STATE OF OREGON has caused these presents to be executed this 17th day of August 1993, at Salem, Oregon.

STATE OF OREGON

Director of Oregon Department of Veterans' Affairs

By Joyce D. Emerson  
Joyce D. Emerson  
Accounts Services

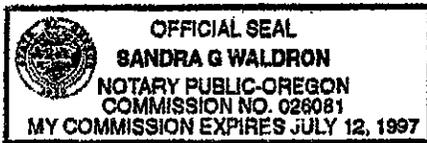
STATE OF OREGON

County of Marion

)  
) ss.  
)

On August 17, 1993

personally appeared the above-named Joyce D. Emerson and, being first duly sworn, did say that she is duly authorized to sign the foregoing document on behalf of the Oregon Department of Veterans' Affairs by authority of its Director.



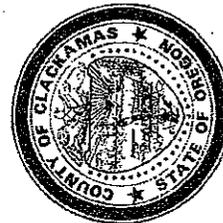
Before me: Sandra G. Waldron  
Notary Public For Oregon

AFTER RECORDING RETURN TO:

Robert D Martin  
19715 SE Heuke Road  
Boring OR 97009

STATE OF OREGON }  
County of Clackamas }  
ss.  
I, John Kauffman, County Clerk, for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said county at

93 AUG 24 PM 12: 56



Witness my hand and seal affixed  
John Kauffman  
JOHN KAUFFMAN  
County Clerk  
Recording Certificate  
CCP-R4 (Rev. 6/91)

93 60889

600

dd

7025793-140

NOTE AND MORTGAGE

THE MORTGAGOR, ROBERT D. MARTIN AND SHARON L. MARTIN, husband and wife

mortgages to the STATE OF OREGON, represented and acting by the Director of Veterans' Affairs, pursuant to ORS 407.030, the following described real property located in the State of Oregon and County of Clackamas 39 1188

A parcel of land in the Southeast one-quarter of Section 32, T. 1 S., R. 3 E., of the W. M., described as follows:

Beginning at the Southeast corner of said Section 32; thence North 0°04'43" West 927.12 feet along the East line of said Section 32, to a 5/8 inch iron rod and being the true point of beginning of the herein described parcel; thence North 0°04'43" West 968.09 feet along said line to a 2 inch iron pipe at the Northeast corner of the J. S. Fisher D. L. C.; thence South 89°22'42" West 1337.70 feet along the North line of said D. L. C. to a point which bears North 0°05'13" West 6.18 feet from a 3/4 inch iron pipe; thence South 0°05'13' East 928.0 feet to a 5/8 inch iron rod on the centerline of Heuke Road No. 2235; thence North 89°48'45" East 6.50 feet to a stone marked with a "+" on top and a "R" on the East face set by Meldrum in 1904, as the Easterly terminus of said road; thence South 88°53'57" East 1331.29 feet to the true point of beginning.

EXCEPT a parcel of land in the Southeast one-quarter of Section 32, T. 1 S., R. 3 E., of the W. M., described as follows:

Beginning at the Southeast corner of said Section 32; thence North 0°04'43" West 927.12 feet along the East line of said Section 32, to a 5/8 inch iron rod; thence North 88°53'57" West 196.68 feet to a 5/8 inch iron rod and the true point of beginning of the herein described parcel; thence continuing North 88°53'57" West 358.60 feet to 5/8 inch iron rod; thence North 0°04'43" West 243.0 feet; thence South 88°53'57" East 558.60 feet; thence South 0°04'43" East 243.0 feet to the true point of beginning.

Recorded By Pioneer National Title Insurance Company

PAID JUL 26 1993 STATE OF OREGON DIRECTOR OF VETERANS' AFFAIRS

together with the tenements, hereditaments, rights, privileges, and appurtenances including roads and easements used in connection with the premises; electric wiring and fixtures; furnace and heating system, water heaters, fuel storage receptacles; plumbing, ventilating, water and irrigating systems; screens, doors; window shades and blinds, shutters, cabinets, built-ins, linoleums and floor coverings, built-in stoves, ovens, electric sinks, air conditioners, refrigerators, freezers, dishwashers; and all fixtures now or hereafter installed in or on the premises; and any shrubbery, flora, or timber now growing or hereafter planted or growing thereon; and any replacements of any one or more of the foregoing items, in whole or in part, all of which are hereby declared to be appurtenant to the land, and all of the rents, issues, and profits of the mortgaged property;

to secure the payment of Sixty-Nine Thousand and No/100 - - - - - Dollars

(\$ 69,000.00 - - -), and interest thereon, evidenced by the following promissory note:

[Redacted area]

- 8. Mortgagee shall be entitled to all compensation and damages received under right of eminent domain, or for any security voluntarily released, same, to be applied upon the indebtedness;
9. Not to lease or rent the premises, or any part of same, without written consent of the mortgagee;
10. To promptly notify mortgagee in writing of a transfer of ownership of the premises or any part or interest in same, and to furnish a copy of the instrument of transfer to the mortgagee; a purchaser shall pay interest as prescribed by ORS 407.070 on all payments due from the date of transfer; in all other respects this mortgage shall remain in full force and effect.

The mortgagee may, at his option, in case of default of the mortgagor, perform same in whole or in part, and all expenditures made in so doing including the employment of an attorney to secure compliance with the terms of the mortgage or the note shall draw interest at the rate provided in the note and all such expenditures shall be immediately repayable by the mortgagor without demand and shall be secured by this mortgage.

Default in any of the covenants or agreements herein contained or the expenditure of any portion of the loan for purposes other than those specified in the application, except by written permission of the mortgagee given before the expenditure is made, shall cause the entire indebtedness at the option of the mortgagee to become immediately due and payable without notice and this mortgage subject to foreclosure.

The failure of the mortgagee to exercise any options herein set forth will not constitute a waiver of any right arising from a breach of the covenants.

In case foreclosure is commenced the mortgagor shall be liable for the cost of a title search, attorney fees and all other costs



11-19-06

Robert & Sharon Martin  
19715 SE Heuke Rd  
Damascus, OR 97089

Dear Robert & Sharon,

I have completed the market analysis for your property at 19707 Se Heuke Rd., 1S-3E-32SE Tax lot 400, consisting of 27.1 acres. Since the property is inside the City of Damascus, and Urban Growth Boundary, it can't be divided at this time. If you were to sell it today, it would be sold as a single parcel with a market price of \$700,000, based on the parcel having 20 usable acres. Please see comparable sales for valuation.

If the property were salable in one acre lots, the gross value would be twenty lots at \$230,000 each, or \$4,600,000. A twenty five percent cost for improvements to the property to meet RA-1 zoning standards and make the lots saleable would reduce the value \$1,150,000, resulting in a net to you of \$3,450,000. Subtracting the current value of the property as one parcel of \$700,000, you are left with a loss of \$2,750,000. The loss is determined from not being allowed to sell the property at your original zoning of RA-1.

I have also included comparable sales for one acre buildable parcels in our area. Please give me a call if you have any other questions.

Best Wishes,

A handwritten signature in cursive script that reads "Chris Olson".

Chris Olson Broker, Burns & Olson Realtors Inc

**Burns & Olson Realtors Inc.**  
20500 SE Hwy 212  
Boring, Oregon 97009  
Office: 503-658-2600

**Comparative Market Analysis for:****Robert & Sharon Martin****19715 SE Heuke Rd****Damascus, OR 97089**

**Subject property: 1S-3E-32SE Tax lot 400, with a site address of 19707 SE Heuke. The property is 27.1 acres, with a portion designated by Metro as Wetland Habitat. Of the 27.1 acres twenty acres are usable.**

**Comparable #1****10030 SE Schacht Rd****9.78 acres, 1,000 sf home, land value tax assessed at \$169,000****One legal lot of record, not dividable at this time****Topography sloped, no view, pasture land, inside the City of Damascus/UGB****Market Value of parcel without improvements is \$350,000 or \$35,000 per acre****Sold 4/29/2006 for \$425,000****Comparable #2****16431 SE Royer Rd****Two legal lots, one building site****10.01 acres, 1940's fixer farmhouse with 2288 sf, land assessed \$144,579****Topography sloped, Exceptional view, pasture land, outside City of Damascus/UGB****Market Value of parcel without improvements is \$526,000 or \$52,600 per acre****Comparable #3****11390 SE 222<sup>nd</sup> Drive****One legal lot of record****14.00 Acres, 2,500 sf triple wide, 2 car detached oversized garage, large pole building shop with concrete floor and power, operating nursery with water rights and irrigation****Topography, very gentle slope, pastoral view, nursery ground, inside Damascus/UGB****Improvements and one acre valued at \$350,000.****Market value of parcel without improvements is \$455,000 or \$35,000 per acre****Sold 6/16/2005 for \$805,000**

**The above properties are all currently zoned agriculture use, subject property and two of the comparables are inside Damascus/UGB, third just outside the boundary. The larger size parcels have a lower per acre value as they are still one legal lot of record.**

**Current Market Analysis based on \$35,000 per usable acre, 27.1 total acres with 20 acres usable, for the property at 19707 SE Heuke Rd is \$700,000**

Desktop Search Prospecting Realtor Info **MLS Roster** Toolkit Back Office Logoff

**Tax Full**

Prev Next   Tax Full

1 Records

Presented by: **Chris Olson** 11/19/2006 4:50:44 PM  
**Burns & Olson Realtors Inc.**

**CLACKAMAS COUNTY, OR**

**Tax ID:** 00141082  
**Prop Addr:** 19707 SE HEUKE RD  
**City/State/Zip:** DAMASCUS OR 97089-7619 **Carrier Rt:** R026

**OWNER INFORMATION**

**Owner Name:** MARTIN ROBERT D & MARTIN SHARON L  
**Owner Addr:** 19715 SE HEUKE RD **Phone:** 503-658-5604  
**City/State/Zip:** DAMASCUS OR 97089-7619 **Carrier Rt:** R026

**LAND INFORMATION**

**Lot SF:** 1180476 **Acreage:** 27.1

**BUILDING INFORMATION**

<b>Year Built:</b> 0	<b>Bedrooms:</b>	<b>Parking SF:</b>
<b>Stories:</b>	<b>Bathrooms:</b> 0	<b>Heat Method:</b>
<b># of Bldgs:</b> 0	<b>Living SF:</b>	<b>Roof Cover:</b>
<b>Bldg Code:</b>	<b>Bldg SF:</b> 0	<b>Roof Type:</b>
<b>Fireplace:</b>	<b>Bldg SF Ind:</b>	<b>Floor Cover:</b>
<b>Foundation:</b>	<b>Bsmnt SF:</b>	
<b>Exterior Finish:</b>		

**SALES INFORMATION**

Deed Type	Sale Date	Sale Price	Document No
-----------	-----------	------------	-------------

**Current:**  
**Prior:**

**Title Co:** **Vest Type:**  
**Lender:** **Loan Amt:**  
**Loan Type:**

**TAX INFORMATION**

<b>Tax Year:</b> 05-06	<b>Land Val:</b> \$225,764
<b>Tax Amt:</b> \$215.31	<b>Impv Val:</b> \$3,470
<b>Levy Code:</b> 302004	<b>Total Val:</b> \$229,234
<b>Tax Rate:</b> 13.847	

**LEGAL INFORMATION**

<b>Prop Class:</b> AGRICULTURAL	<b>Map Code:</b> 1S-3E-32-SE	<b>Lot:</b> 400
<b>Land Use:</b> FARMS	<b>Township:</b> 01S	<b>Census Block:</b>
<b>Map Page:</b> 658	<b>Section:</b> 32	<b>Census Tract:</b> 282013001
<b>Map Column:</b> H	<b>Range:</b> 03E	
<b>Map Row:</b> 4	<b>Qtr Section:</b> SE	
<b>School Dist:</b> SCH CENTENNIAL	<b>16th Section:</b>	
<b>Nbrhd Code:</b> 16074		
<b>Subdiv Name:</b>		

Attachment 4 to COO Report

Resolution No. 07-3784

Desktop	Search	Prospecting	Realtor Info	MLS Roster	Toolkit	Back Office	Logoff
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**No Photo Available**

Presented By: Chris Olson  
Bums & Olson Realtors Inc. Agent Full

RESIDENTIAL Status: SLD 11/19/2006 5:01:17 PM  
ML#: 5043596 Area: 145 List Price: \$805,000  
Addr: 11390 SE 222ND DR Unif#:   
City: Gresham Zip: 97080 Condo Loc/Lvl:   
Map Coord: 659/B/3 Zoning: efu List Type: EA LR: N  
County: Clackamas Tax ID: 00143847  
Elem: DEEP CREEK Middle: DAMASCUS  
High: SAM BARLOW PropType: RESID  
Nhood: #Image: 0  
Legal: SECTION 34 TOWNSHIP 1S RANGE 3E QUARTER B TAX LOT 00800  
Public Internet/Address Display: Y/N Offer/Nego:

**GENERAL INFORMATION**

Lot Size: 10-19.99AC # Acres: 14 Lot Dimensions:  
Waterfront: View: Lot Desc:  
River/Lake: Seller Disc: DSCLOSUR Other Disc:

**RESIDENCE INFORMATION**

Upper SQFT: 0 SFSrc: seller #Bdms/#Lvl: 4 / 1 Year Built: 1994 / APPROX  
Main SQFT: 2500 TotUp/Mn: 2500 Style: TRI-WDE Home Wmty: 55+ w/Affidavit Y/N:  
Lower SQFT: 0 Parking: #Garage: 4 / #Fireplaces: /  
Total SQFT: 2500 Roof: Exterior: CEDAR, LAP Bsmt/Fnd: CRAWLSP

**APPROXIMATE ROOM SIZES AND DESCRIPTIONS**

Living: / / /	Mstr Bd: M / /	Baths - Full, Part
Kitchen: / / /	2nd Bd: / /	Upper Lvl: 0.0
Dining: / / /	3rd Bd: / /	Main Lvl: 2.0
Family: / / /		Lower Lvl: 0.0
		Total Bth: 2.0

**REMARKS**

XSt/Dir: 222nd north of tilstrom  
Private: in house sale for comp purposes  
Public:

**FEATURES AND UTILITIES**

Kitchen:  
Interior:  
Exterior:  
Accessibility:  
Cool:  
Water: WELL Hot Water: Sewer: SEPTIC Heat: FOR-AIR Insul: Fuel: ELECT

**FINANCIAL**

Property Tax/Yr: 2447.14 Spcl Asmt Balance: Tax Deferral: BAC: % 2.7  
Terms: OTHER 3rd Party: N SAC: % 0  
Escrow Pref: Rent, If Rented:  
HOA Dues: HOA Dues-2nd:

**BROKER / AGENT DATA**

BRCD: BUOL01 Office: Bums & Olson Realtors Inc. Phone: 503-658-2600 Fax: 503-558-1066  
LPID: BURNSWEN Agent: Wendy Burns Phone: 503-706-4511 Cell/Pgr:  
CoLPID: CoBRCD: CoAgent: CoPh:  
Agent E-mail: wendy@burnsandolson.com  
ShowHrs: Tran: 6/21/2005 List: 3/3/2005 Exp: 6/21/2005 Occ: OWNER Poss:  
LBHrs/Loc/Cmb: none Owner: sharon & amie Phone:  
Show: CALL-LA Tenant: Phone:

**COMPARABLE INFORMATION**

Pend: 3/7/2005 DOM/CDOM: 4 / O/Price: \$805,000  
Sold: 6/16/2005 Terms: OTHER Sold Price: \$805,000  
SPID: OLSONCH S/Agt: Chris Olson S/Off: BUOL01 S/Off Phone: 503-658-2600

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.



Presented By: Chris Olson  
 Bums & Olson Realtors Inc. Client Full

RESIDENTIAL Status: SLD 11/19/2006 4:51:46 PM  
 ML#: 5066593 Area: 145 List Price: \$425,000  
 Addr: 16431 SE ROYER RD Unit#:   
 City: Clackamas Zip: 97015 Condo Loc/Lvl:   
 Map Coord: 689/A/2 Zoning:   
 County: Clackamas Tax ID: 00620368  
 Elem: DEEP CREEK Middle: DAMASCUS  
 High: SAM BARLOW PropType: RESID  
 Nhood: Damascus #Image: 8  
 Legal: TO2S RO3E S9 QTSE 16SEC LOTS 1190/1100 Parcel 2

**GENERAL INFORMATION**

Lot Size: 10-19.99AC # Acres: 10.01 Lot Dimensions: Irregular  
 Waterfront: View: Lot Desc: SECLUDED, SLOPED, TREES  
 River/Lake: Seller Disc: EXEMPT Other Disc: LPB, Siding

**RESIDENCE INFORMATION**

Upper SQFT: 0 SFSrc: Metroscan #Bdms/#Lvl: 2/2 Year Built: 1940 / FIXER  
 Main SQFT: 1144 TotUp/Mn: 1144 Style: FARMHSE Home Wmnty: N 55+ w/Affidavit Y/N: N  
 Lower SQFT: 1144 Parking: OFF-STR #Garage: 1 / DETACHD #Fireplaces: 1 / WOOD  
 Total SQFT: 2288 Roof: COMP Exterior: ALUM Bsmt/Fnd: FULLBAS, UNFIN

**APPROXIMATE ROOM SIZES AND DESCRIPTIONS**

Living: M / 14 X 20 / COVERED, FIREPL	Mstr Bd: M / 13 X 14 / HARDWOD	Baths - Full.Part
Kitchen: M / 12 X 17 / EATAREA, LAM-FL	2nd Bd: M / 11 X 12 /	Upper Lvl: 0.0
Dining: / /	3rd Bd: / /	Main Lvl: 1.0
Family: / /	UTILITY L / 12 X 25 / SINK	Lower Lvl: 0.1
BONUS L / 12 X 14 / BLT-INS		Total Bth: 1.1

**REMARKS**

XSt/Dir: Hwy 212 to Royer Road, S. to 16431  
 Remarks: Gorgeous pastoral acreage. Farmhouse has good bones but needs your TLC. Older barn and several outbuildings. Possible investment potential-check with Clackamas County. Close to Damascus, 20 min. from Clackamas Town Center, I-205. Easy access to Hwy 212, Sunnyside Road, Foster Blvd.

**FEATURES AND UTILITIES**

Kitchen: DISHWAS, DISPOS, FS-RANG, FS-REFR  
 Interior: AIRCLEN, HARDWOD, WW-CARP  
 Exterior: BARN, FENCED, OUTBULD, SATDISH, TL-SHED, GRAVLRD, PRIVRD  
 Accessibility:  
 Cool: NONE Hot Water: ELECT Heat: FOR-AIR Fuel: OIL  
 Water: WELL Sewer: SEPTIC Insul:

**FINANCIAL**

PTax/Yr: 1252.52 Rent, if Rented:  
 HOA Dues: HOA Dues-2nd:  
 HOA Incl:

**COMPARABLE INFORMATION**

Pend: 9/12/2005 DOM: 5 Sold: 11/2/2005 Terms: CONV O/Price: \$425,000 Sold: \$526,000

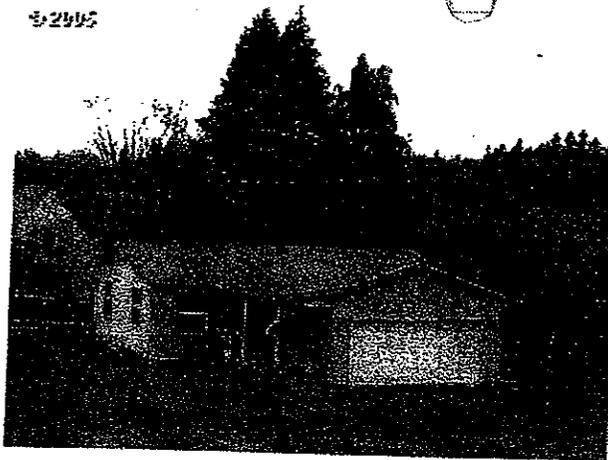
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 SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.  
 SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Attachment 4 to COO Report

Resolution No. 07-3784



3-25-05



Presented By: Chris Olson  
 Burns & Olson Realtors Inc. Client Full  
**RESIDENTIAL** Status: SLD 11/19/2006 4:51:47 PM  
 ML#: 5020544 Area: 145 List Price: \$449,950  
 Addr: 10030 SE SCHACHT RD Unit#:   
 City: Boring Zip: 97009 Condo Loc/Lvl:   
 Map Coord: 659/A/2 Zoning:   
 County: Clackamas Tax ID: 00134205  
 Elem: PLEASANT VALLEY Middle: CENTENNIAL  
 High: CENTENNIAL PropType: RESID  
 Nhood: #Image: 5  
 Legal: SECTION 28 TOWNSHIP 1S RANGE 3E QUARTER C TAX LOT 01000

**GENERAL INFORMATION**

Lot Size: 5-9.99AC  
 Waterfront:  
 River/Lake:

# Acres: 9.78  
 View:  
 Seller Disc: EXEMPT

Lot Dimensions: 572 x 700+  
 Lot Desc:  
 Other Disc:

**RESIDENCE INFORMATION**

Upper SQFT: 0 SFSrc: assessor  
 Main SQFT: 1026 TotUp/Mn: 1026  
 Lower SQFT: 0 Parking:  
 Total SQFT: 1026 Roof: COMP

#Bdrms/#Lvl: 2/1  
 Style: RANCH  
 #Garage: 2 / ATTACHD  
 Exterior: LAP

Year Built: 1997 / APPROX  
 Home Wmnty: 55+ w/ Affidavit Y/N:  
 #Fireplaces: /  
 Bsm/Fnd:

**APPROXIMATE ROOM SIZES AND DESCRIPTIONS**

Living: M / /  
 Kitchen: M / /  
 Dining: / / /  
 Family: / / /

Mstr Bd: M / /  
 2nd Bd: M / /  
 3rd Bd: M / /

Baths - Full/Part  
 Upper Lvl: 0.0  
 Main Lvl: 2.0  
 Lower Lvl: 0.0  
 Total Bth: 2.0

**REMARKS**

XSt/Dir: Borges To Schacht  
 Remarks: Almost ten acres in the Damascus UGB. 6+ acres of pasture and buildings, 3+ acres of woods & creek. 1000 sf home new in '97, two car garage, old barn, Great future potential!

**FEATURES AND UTILITIES**

Kitchen:  
 Interior:  
 Exterior:  
 Accessibility:  
 Cool:  
 Water: WELL

Hot Water:  
 Sewer: SEPTIC

Heat: OTHER  
 Insul:

Fuel: ELECT

**FINANCIAL**

PTax/Yr: 2373.83  
 HOA Dues:  
 HOA Incl:

Rent, If Rented:  
 HOA Dues-2nd:

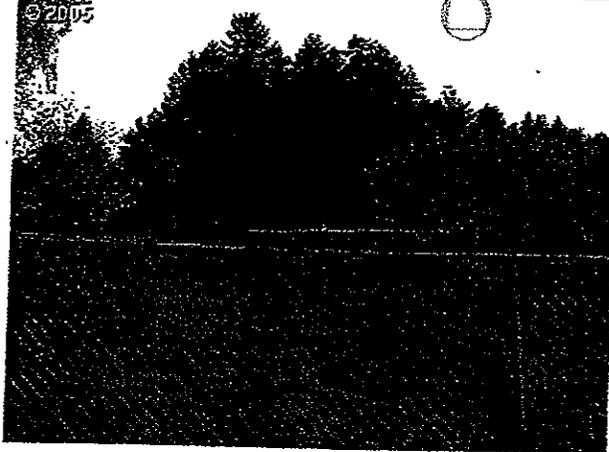
**COMPARABLE INFORMATION**

Pend: 4/29/2005 DOM: 32 Sold: 7/8/2005 Terms: CONV O/Price: \$449,950 Sold: \$425,000

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 SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Attachment 4 to COO Report

Desktop Search Prospecting Realtor Info **MLS Roster** Toolkit Back Office Logoff



Presented by: Chris Olson  
 Burns & Olson Realtors Inc. Agent Full  
**LOTS AND LAND** Status: SLD 11/19/2006 6:21:34 PM  
 ML#: 5031331 Area: 145 List Price: \$255,000  
 Address: 17980 SE VOGEL-reduced RD  
 City: Boring Zip: 97009  
 Additional Parcels: /  
 Map Coord: 658/G/5 Zoning: List Type: ER LR: N  
 County: Clackamas Tax ID: 00610878  
 Subdivision: CC&Rs: #Image: 1  
 Manufns Okay: Elem: OREGON TRAIL Middle:  
 High: CLACKAMAS Prop Type: RESID  
 Legal: 1990-62 PARTITION PLAT PARCEL 1  
 Public Internet/Address Display: Y/N Offer/Nego:

**GENERAL INFORMATION**

Lot Size: 1-2.99AC Acres: 1.44  
 Waterfront: / River/Lake:  
 Perc Test: / RdFrtg:  
 Seller Disc: Other Disc:  
 Lot Desc: TREES, WOODED  
 Topography: LEVEL, ROLLING  
 Soil Cond:  
 Lot Dimensions:  
 Availability: SALE #Lots:  
 Rd Surf:  
 View: VALLEY  
 Soil Type/Class:  
 Present Use: RESIDNC

**IMPROVEMENTS**

Utilities: SEPTIC, WAT-AVL, WELL  
 Existing Structure: Y / MOBL-HM, NO-VALU, UTLSHED

**REMARKS**

XSt/Dir: 172nd to east on Vogel, or Foster to west on Vogel  
 Private: New Price Again! Motivated Seller!!! 1.44 acres with in the UGB! Beautiful building site in area of large homes. Many possibilities! Buyer to verify. Large trees. Timber value! Mobile home is livable but of no value. Public water + capped well. Call agent to view interior of home.  
 Public: Price Reduced!!! Motivated Seller! 1.44 acres within the New UGB! Beautiful building site! Many possibilities! Buyer to verify. Large trees. Timber value!!! Mobile home is livable but of no value. Public water + capped well.

**FINANCIAL**

Prop Tax/Yr: 937.7 Spcl Asmt Balance:  
 Crop/Land Lease: Tax Deferral: BAC: % 2.25  
 HOA Dues: 3rd Party: N SAC:  
 HOA Incl:  
 Terms: CASH, CONV  
 Escrow Preference: Fidelity Or City

**BROKER / AGENT DATA**

BRCD: BUOL01 Office: Burns & Olson Realtors Inc. Phone: 503-658-2600 Fax: 503-558-1066  
 LPID: CANELSON Agent: Buzi Nelson Phone: 503-318-5784 Cel/VPgr: 503-318-5784  
 CoLPID: WATSONDL CoBRCD: BUOL01 CoAgent: Dan Watson CoPh: 503-539-3363  
 Agent E-mail: buzinelson@burnsandolson.com  
 List: 5/9/2005 Exp: 10/12/2005 Show: CALL-LA  
 Tran: 8/11/2005 Owner: willenberg  
 Tenant: Poss:  
 Phone:  
 Phone:

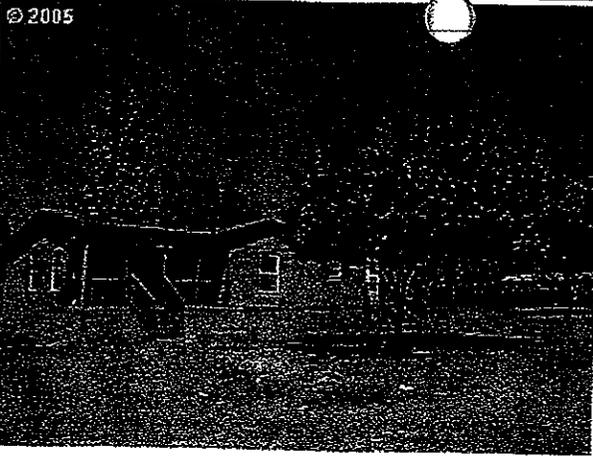
**COMPARABLE INFORMATION**

Pend: 6/10/2005 DOM/CDOM: 32 / 59 O/Price: \$279,900  
 Sold: 8/9/2005 Terms: CONV / Sold Price: \$250,000  
 SPID: ZAHARCHO S/Agt: Vladimir Zaharchook S/Off: PRNW07 S/Off Phone: 503-292-9393

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

HOME REMOVED BUILDING ← LOT ONLY

Desktop Search Prospecting Realtor Info MLS Roster Toolkit Back Office Logoff



Presented By: Chris Olson  
Burns & Olson Realtors Inc. Agent Full

RESIDENTIAL  
ML#: 6002227  
Addr: 13003 SE Burt LN  
City: Boring  
Map Coord: 659/J/5  
County: Clackamas  
Elem: BORING  
High: SANDY  
Nhood:  
Legal: to follow  
Public Internet/Address Display: Y/N Offer/Nego:

Status: SLD  
Area: 145  
Zip: 97009  
Zoning:  
Tax ID: 01487689

11/19/2006  
List Price: \$249,950  
Unit#:   
Condo Loc/Lvl:   
List Type: ER LR: N  
Middle: BORING  
PropType: RESID  
#Image: 4

**GENERAL INFORMATION**

Lot Size: 1-2.99AC # Acres: 1  
Waterfront: View:  
River/Lake: Seller Disc: DSCLOSUR

Lot Dimensions:  
Lot Desc: LEVEL  
Other Disc:

**RESIDENCE INFORMATION**

Upper SQFT: 0 SFSrc: Seller #Bdrms/#Lvl: 3 / 1  
Main SQFT: 1300 TotUp/Mn: 1300 Style: DBL-WDE  
Lower SQFT: 0 Parking: OFF-STR #Garage: 0 /  
Total SQFT: 1300 Roof: COMP Exterior: OTHER

Year Built: 1995 /  
Home Wmty: N 55+ w/Affidavit Y/N:  
#Fireplaces: 0/  
Bemt/Fnd: CRAWLSP

**APPROXIMATE ROOM SIZES AND DESCRIPTIONS**

Living: M / /	Mstr Bd: M / / BATH	Baths - Full,Part
Kitchen: M / /	2nd Bd: M / /	Upper Lvl: 0.0
Dining: M / /	3rd Bd: M / /	Main Lvl: 2.0
Family: / / /		Lower Lvl: 0.0
		Total Bth: 2.0

**REMARKS**

XSDir: Hwy 212 to Burt Lane  
Private: Updated manufactured home on rare level acre in Boring. New carpet, windows and paint. Would make a great building site too. Agent is owner/seller. Septic leach lines have been uncovered for county to approve a different building site. Septic is in Good working order!  
Public: Gorgeous one acre in a neighborhood of \$600K+ homes, Paved road, large trees, with a small creek! Home has an open floor plan w/skylights, vaulted living room, new carpet and paint. Live in mobile while you build or just enjoy the simple life!

**FEATURES AND UTILITIES**

Kitchen: DISHWAS, FS-RANG, FS-REFR  
Interior: WW-CARP  
Exterior: PORCH, RV-PARK  
Accessibility: 1LEVEL  
Cool: HT-PUMP  
Water: PUBLIC

Hot Water: ELECT  
Sewer: SEPTIC

Heat: FOR-AIR  
Insul: CODE

Fuel: ELECT

**FINANCIAL**

Property Tax/Yr: 1219  
Terms: CASH, CONV  
Escrow Pref: PNWT/Sunny/Crenshaw  
HOA Dues:  
HOA Incl:

Spcl Asmt Balance:  
HOA Dues-2nd:

Tax Deferral:  
3rd Party: N  
Rent, if Rented:

BAC: % 2.5  
SAC:

**BROKER / AGENT DATA**

BRCD: BUOL01 Office: Burns & Olson Realtors Inc.  
LPID: BURNSWEN Agent: Wendy Burns  
CoLPID: CoBRCD: CoAgent:  
Agent E-mail: wendy@burnsandolson.com  
ShowHrs: cleared Tran: 4/27/2006 List: 7/21/2005 Exp: 12/21/2006 Occ: VACANT Poss: IMMED  
LBHrs/Loc/Cmb: front door Owner: Burns  
Show: RMLSLBX, VACANT Tenant:

Phone: 503-658-2600 Fax: 503-558-1066  
Phone: 503-706-4511 Cell/Pgr: CoPh:

**COMPARABLE INFORMATION**

Pend: 3/14/2006 DOM/CDOM: 236 / 236  
Sold: 4/25/2006 Terms: CONV  
SPID: JUNGKELL S/Agt: Kelli Jung

O/Price: \$249,950  
Sold Price: \$250,000  
S/Off: EQTY85 S/Off Phone: 503-666-2020

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HOME REMOVED, BUILDING LOT ONLY

I ATTEST THAT I HAVE THE INFORMATION CONTAINED IN THIS CLAIM IS TRUE AND CORRECT. (Signatures of the claimant(s) and (if the claim is prepared by an agent) any agent of the claimant(s).)

Sharon L. Martin 11/27/06  
Claimant Signature Date

Robert D. Martin 11/27/06  
Claimant Signature Date

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Claimant Signature Date

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Claimant Signature Date

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Agent Signature Date

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Agent Signature Date

State of Oregon  
County of Multnomah

Signed and sworn to before me on November 27, 2006 by Sharon L. Martin & Robert D. Martin  
(month - day - year)

Dara Vong  
(Notary Public - State of Oregon)

Notary Seal

My commission expires: Sept. 24, 2009

