

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENTERING AN) Resolution No. 07-3796
ORDER RELATING TO THE PATRICIA A.)
LAWRENCE CLAIM FOR) Introduced by Chief Operating Officer Michael
COMPENSATION UNDER ORS 197.352) Jordan with the concurrence of Council President
(MEASURE 37)) David Bragdon

WHEREAS, Patricia A. Lawrence filed a claim for compensation under ORS 197.352 (Measure 37) contending that Metro regulations had reduced the fair market value of property she owns in the city of Damascus; and

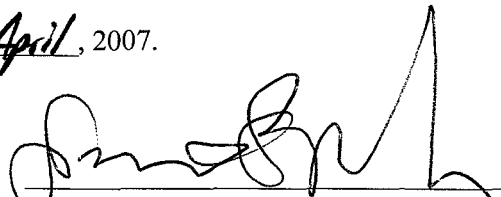
WHEREAS, the Chief Operating Officer reviewed the claim and submitted a report to the Metro Council, pursuant to section 2.21.040 of the Metro Code, recommending dismissal of the claim for the reason that the claimant has not identified a Metro regulation that restricts the use of the subject property and has submitted no evidence of reduction in fair market value; and

WHEREAS, the Metro Council held a public hearing on the claim on April 5, 2007, and considered information presented at the hearing; now, therefore

BE IT RESOLVED that the Metro Council


- 1. Enters Order 07-026, attached to this resolution as Exhibit A, which dismisses the claim for compensation.
- 2. Directs the Chief Operating Officer ("COO") to send a copy of Order No. 07-026, with Exhibit A attached, to the claimant, 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 5th day of April, 2007.



David Bragdon, Council President

Approved as to form:



Daniel B. Cooper, Metro Attorney

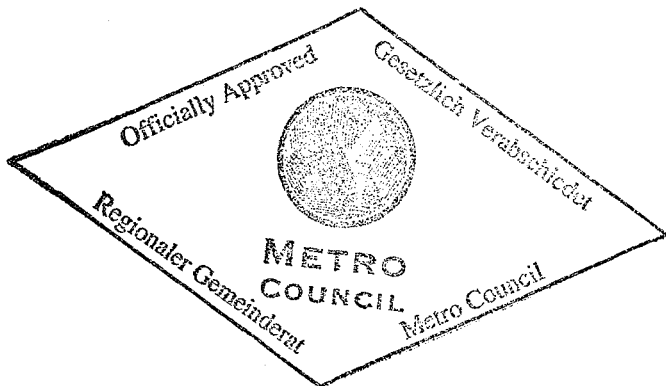


Exhibit A to Resolution No. 07-3796

Order No. 07-026

RELATING TO THE PATRICIA A. LAWRENCE CLAIM FOR COMPENSATION UNDER
ORS 197.352

Claimant: Patricia A. Lawrence

Property: Damascus
Township 2 South, Range 3 East, Section 9B, Tax Lots 01000 and 01200

Claim: Metro regulation has reduced claimant's fair market value

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

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

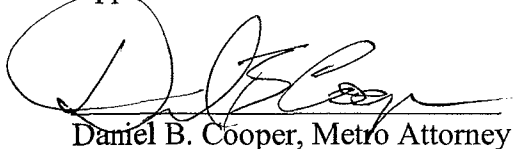
IT IS ORDERED THAT:

The claim of Patricia A. Lawrence is dismissed because claimant has not identified a Metro regulation that restricts the use of the subject property and has submitted no evidence of reduction in fair market value.

ENTERED this 5th day of April, 2007.


David Bragdon, Council President

Approved as to form:


Daniel B. Cooper, Metro Attorney

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

REPORT OF THE CHIEF OPERATING OFFICER

**In Consideration of Order No. 07-026
For the Purpose of Entering an Order
Relating to the Claim of Patricia A. Lawrence**

March 8, 2007

METRO CLAIM NUMBER: Claim No. 07-026

NAME OF CLAIMANTS: Patricia A. Lawrence

MAILING ADDRESS: 14661 SE Royer Road, Damascus, OR

PROPERTY LOCATION: City of Damascus

LEGAL DESCRIPTION: T 2 South, R 3 East, Section 9B, Tax Lots 01000 and 01200

DATE OF CLAIM: December 1, 2006

I. CLAIM

Claimant Patricia A. Lawrence seeks compensation for a claimed reduction in fair market value of the subject property as a result of a Metro land use regulation. Attachment 1 is a site map of the subject property (ATTACHMENT 1).

II. SUMMARY OF COO RECOMMENDATION

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

III. PRELIMINARY REVIEW

1. *Timeliness of Claim*

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

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

The claimant bases her claim on undetermined Metro land use regulations. Claimant filed her claim on December 1, 2006. The claim is timely.

2. *Location of Property*

Claimant's property lies within the City of Damascus in territory added to the UGB on December 5, 2002. The property is subject to Metro regulations that add new territory to the UGB.

3. *Land Use Regulation*

The claim does not make reference to a specific Metro land use regulation. It is apparent from the claim, however, that claimant believes a Metro regulation prohibits her from developing the subject property in the manner she prefers. In correspondence and conversation with the claimant, claimant has made reference to regulations of the city of Damascus, but none of Metro, that she believes reduce the fair market value of the property.

4. *Interest in Land*

Metro Code section 2.21.020(c) defines "owner" to mean the owner of the property or any interest therein. To be valid, the claimant must have been the owner at the time the Metro regulation first became applicable to the subject property, and must have remained the owner. The claimant has owned the subject property since 1972.

IV. COO Recommendation

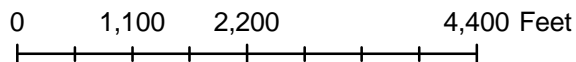
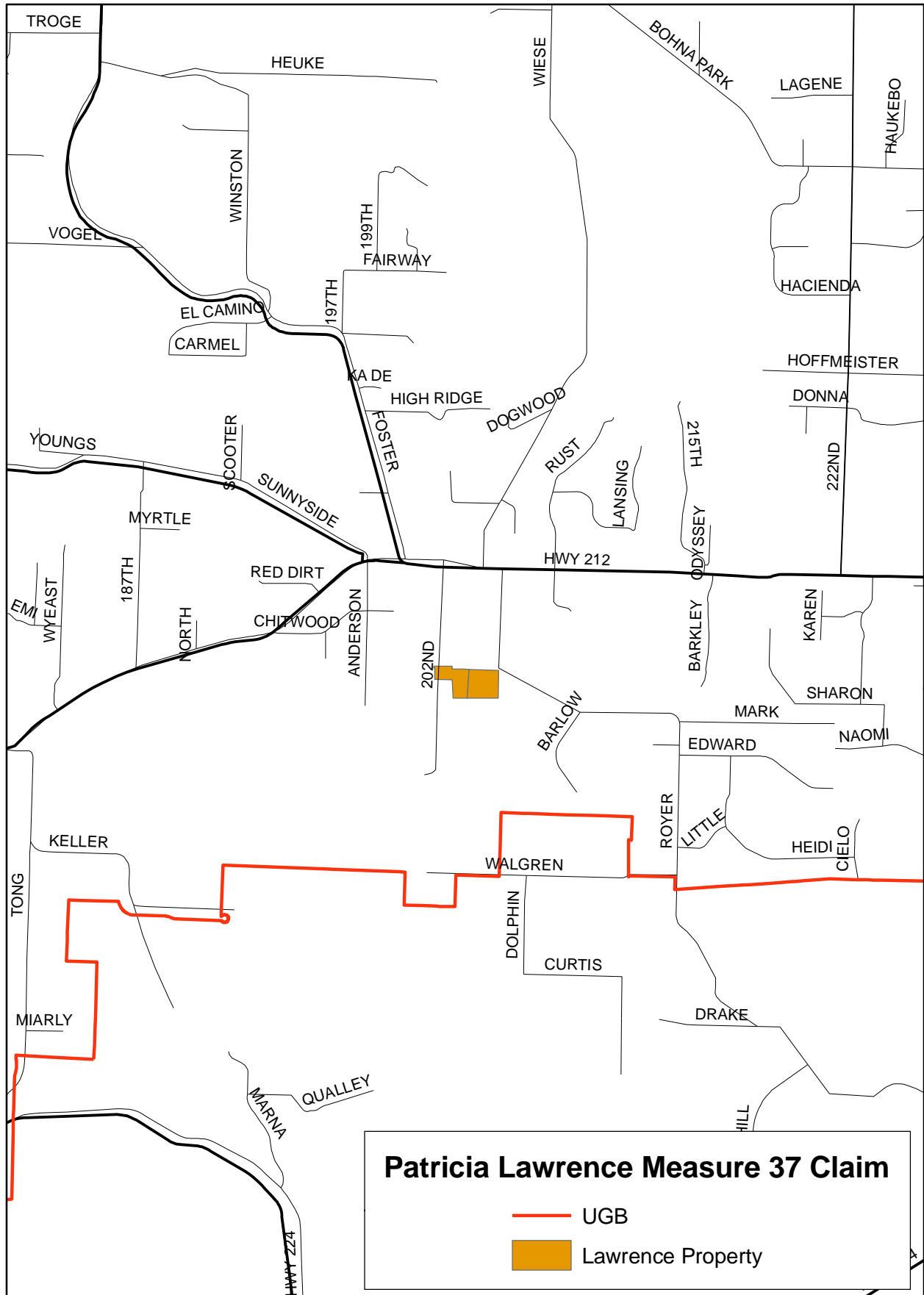
Metro Code section 2.21.040(b) requires the COO to make a preliminary analysis to determine whether a claim meets the basic requirements for full review. The claimant in this case has not identified a Metro regulation as the basis for her claim. The claimant has also not submitted information to show that a Metro regulation has reduced the fair market value of her property. Staff has, by letter and telephone conversation, asked claimant to submit this information. She has not submitted the information. It is, therefore, not possible to determine whether a Metro regulation has reduce the value of her property. The COO recommends that the Metro Council dismiss the claim pursuant to Metro Code 2.21.040(c) and 2.21.060(a)(1).

ATTACHMENTS TO THE REPORT OF THE CHIEF OPERATING OFFICER

Attachment 1: Site Map of the Patricia Lawrence Property

Attachment 2: Patricia Lawrence Measure 37 Claim Submittal to Metro

Attachment 1 to COO Report



DEC - 4 2006

MEASURE 37 CLAIM

CLACKAMAS COUNTY PLANNING DIVISION
9101 SE SUNNYBROOK BLVD., CLACKAMAS, OREGON 97015
PHONE (503) 353-4500 FAX (503) 353-4550 www.co.clackamas.or.us

MV/Council 10:40 am via
mail room

FOR STAFF USE ONLY

FILE NUMBER: _____ DATE RECEIVED: 4-30-06 12-01-06

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

WHAT IS PROPOSED _____

LEGAL DESCRIPTION: T 2 R 3E SECTION 0913 TAX LOT(S) 1000, 1200

LEGAL DESCRIPTION: T _____ R _____ SECTION _____ TAX LOT(S) _____

CONTACT PATRICIA A. LAWRENCE

MAILING ADDRESS 14661 SE ROYER RD

CITY DAMASCUS STATE OR ZIP 97089

PHONE 503-658-3287 CELL PHONE 971-222-4604

PROPERTY OWNER(S) (The name, address and telephone number of all owners, including their signatures, must be provided. In the event there are more than 3 property owners, please attach additional sheets. Please print clearly)

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

NAME PATRICIA A. LAWRENCE CLAIMANT

SIGNATURE Patricia A. Lawrence

MAILING ADDRESS 14661 SE ROYER RD

CITY DAMASCUS STATE OR ZIP 97089

PHONE 503-658-3287 CELL PHONE 971-222-4604

NAME _____ CLAIMANT

SIGNATURE _____

MAILING ADDRESS _____

MEASURE 37 CLAIM
SUPPLEMENTAL INFORMATION

(Attach additional sheets as needed.)

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

Name: FLAGSTAR BANK Phone: 800-945-7700

Address: 2600 TELEGRAPH RD.

Type of Interest: HOME LOAN

Name: _____ Phone: _____

Address: _____

Type of Interest: _____

2. Exact date the claimant acquired an ownership interest in the property? (Please include a copy of the deed or the contract to purchase.) AUG 1971

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

What is the relationship of the family member to the claimant (e.g. father, uncle, brother, etc.)? N/A

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

N/A

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

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

WAS 1 ACRE DIVIDABLE IN 1971 - WENT TO 5 ACRE LATER
MAY BE CHANGED TO GREEN SPACE

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

INCREASE IN VALUE SHOULD HAVE SALE VALUE SAME AS OTHERS IN NEW CITY LIMITS

7. How much has the fair market value of your property been reduced by enactment or enforcement of the regulation(s)? AT THIS TIME NOT SURE (GREEN SPACE)?

8. Are you requesting compensation, or removal of the regulation(s), modification of the regulation(s), or a decision not to apply the regulation(s)? (Please note that the County has exclusive authority to choose whether to pay monetary compensation, or remove, modify or not apply the regulation(s) causing a valid claim.)

FAIR VALUE - ABLE TO DIVIDE

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

ALREADY IN USE - GO-CART TRACK + AUTO REPAIR SHOP

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

- a. If the property is owned by a trust (or an LLC, corporation, partnership, etc.) but the claimant is an individual rather than the trust, provide documents sufficient to establish the claimant's relationship to the trust (e.g. trustee, beneficiary) and the date that the relationship originated. This information is also required if the claim relies upon an ownership history that includes previous ownership by a trust.
- b. An appraisal that meets the requirements of the county's Measure 37 Claims Process Ordinance; or other evidence demonstrating that there has been a reduction in the fair market value of the property (e.g. data on sales of comparable properties in the area or fair market values established by the Department of Assessment and Taxation for comparable properties in the area);
- c. A title report issued no more than 30 days prior to the submission of the claim that reflects the ownership interest in the property, or other documentation proving ownership of the property;
- d. Copies of any leases or covenants, conditions and restrictions applicable to the property and any other documents that impose restrictions on the use of the property;
- e. List of all compensation claims, or development or permit applications previously filed with any regulatory body relating to the property, and any enforcement actions taken by any governmental body, regarding the use restriction identified in Question 5, above.
- f. Claims processing fee - \$750.00

Attachment 2 to COO Report

| OFFICIAL RECORD OF DESCRIPTIVE OF REAL PROPERTY CLACKAMAS COUNTY ASSESS | | | | | | | | | | | |
|---|------|------|-----|------|----------------|------|--------------------------|----------------------------|---------------------------|--------|-------------------|
| 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. | ACRE REMAIN |
| 2 | 35 | 9 | 8 | | 1000 | | | 26 9 26-02 | | | |
| | | | | | | | | | 511 | 430 | |
| Jones, Perry E. & Carrie A. | | | | | | | | 1-16-67 | 369 | 436 | 2.2 |
| Lawrence, David F. & Patricia A. | | | | | | | | 11-13-72 | 72 | 28285 | |
| Annexed to Mult. Mfgs Co 1-1-79 | | | | | | | | 2-23-79 | | | |
| | | | | | | | | 8-1-93 | 83 | 22215 | D.C. POSTED |
| Lawrence Patricia Ann | | | | | | | | 4-8-86 | 86 | 7261 | |
| UNIFICATION GRESHAM-BARLOW | | | | | | | | | | | |
| SD 26 DOR 26-585-94 94-95 ROLL | | | | | | | | | | | |
| COMBINED TL 510 | | | | | | | | 4-5-95 | LTR | 2.83 | |
| TO MULT ELEM ESU | | | | | | | | | | | |
| SD 26-599-95 1995-96 ROLL | | | | | | | | | | | |
| | | | | | | | | 03-12-97 | 97 | 200455 | corr. dec. POSTED |

Attachment 2 to COO Report

OFFICIAL RECORD OF DESCRIPTIONS
 OFFICIAL RECORD OF DESCRIPTIONS
 OF REAL PROPERTY 36369-1
 CLACKAMAS COUNTY ASSESSOR

2609
2602

| | | | | | | | | |
|----------------|-----|------|-----|------|---------|----------------------------|-----------------------|------------------|
| TWP | RGE | SEC. | 1/4 | 1/16 | TAX LOT | TYPE | SPEC INT IN REAL PROP | CODE AREA NUMBER |
| 2 | 3E | 9 | B | | 1200 | | | |
| MAP NUMBER | | | | | NUMBER | FORMERLY PART OF T. L. NO. | | |
| ACCOUNT NUMBER | | | | | | | | NUMBER |

| Date of Entry or this Card | DEED RECORD | | ACRES REMAINING |
|----------------------------|-------------|-----|-----------------|
| | VOL. | PG. | |
| 1-16-67 | 476 | 320 | 3.94 |
| 2-22-78 | | | |
| 8-1-83 | 43 | | |
| | | | |

Jones, Perry E. & Carrie A.

Lawrence, David E. & Frances M.

Lawrence, M. E. & M. J.

Lawrence, M. E. & M. J.

Lawrence, M. E. & M. J.

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

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

to grantor paid by ...

Grantor hereby grants, conveys, sells and conveys unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or appertaining, situated in the County of ... and State of Oregon, described as follows, to-wit:

See attached Exhibit "A"

Recorded By ...

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except 1972-73 taxes due but not yet payable.

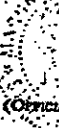
and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$37,500.00. However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which):

In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantor's hand this 30 day of August 19 72

Perry E. Jones
Carrie A. Jones

STATE OF OREGON, County of Multnomah) ss
Personally appeared the above named Perry E. Jones and Carrie A. Jones, husband and wife
and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: Margaret J. Deibel
Notary Public for Oregon
My commission expires 10-24-75

NOTE-The spaces between the symbols @, if not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.

WARRANTY DEED
Perry E. Jones
Carrie A. Jones
TO
David F. Lawrence
Patricia A. Lawrence
AFTER RECORDING RETURN TO
Mr. David F. Lawrence
701 1/2 Bow 200
Clackamas, Oregon

DON'T USE THIS SPACE RESERVED FOR RECORDING LABEL IN COUNTY WHERE USED.

STATE OF OREGON,
County of
I certify that the within instrument was received for record on the day of 19 at o'clock M., and recorded in book on page.
Record of Deeds of said County.
Witness my hand and seal of County affixed.

By Deputy.

SUBJECT TO the rights of the public in and to that portion lying within the boundaries of public roads.

EXCEPT a tract of land conveyed by deed recorded in Book 142, page 360, Deed Records, and as corrected by deed recorded in Book 319, page 408, Deed Records, more particularly described as a part of Government Lot 2, Section 9, T. 2 S., R. 3 E., of the W. M., more particularly described as:

2 3E 9B 1000 x 1200

Beginning on the west line of said lot, due West of the most westerly northwest corner of the Chevalier Richardson D. L. C., which point is 929.1 feet, more or less, North of the one-quarter section corner on the west line of said Section; thence East 14 rods; thence North 12 rods; thence West 14 rods, to the west line of said lot; thence South 12 rods to the point of beginning.

ALSO EXCEPTING a tract of land conveyed by deed recorded in Book 142, page 361, Deed Records, more particularly described as:

The west one rod of Government Lot 2, in Section 9, T. 2 S., R. 3 E., of the W. M.

ALSO EXCEPTING a tract of land conveyed by deed recorded in Book 319, page 410, Deed Records, more particularly described as:

Part of Government Lot 2, Section 9, T. 2 S., R. 3 E., of the W. M., more particularly described as:

Beginning at the one-quarter section corner on the west line of said Section; thence East on the one-quarter section line 69.9 feet, more or less, to the west line of the Chevalier Richardson D. L. C.; thence North on the west line of said claim 929.1 feet; more or less, to the most westerly northwest corner of said claim; thence West 69.9 feet, more or less, to the west line of said Section 9; thence South on the section line 929.1 feet, more or less, to the point of beginning.

PARCEL II:

2 3E 9B 900

The north 233 feet of the west 1 rod of Government Lot 2, Section 9, T. 2 S., R. 3 E., of the W. M.

PARCEL III:

TOGETHER WITH an easement to be used in common with others over the following described property:

Beginning 40 rods South of the northeast corner of said Section 8; thence West 1 rod; thence South parallel with and 1 rod distant from the east line of said Section 8, a distance of 120 rods to the north line of the northeast one-quarter of the southeast one-quarter of said Section 8; thence East along said north line 1 rod; thence North along the east line of said Section 8, a distance of 120 rods to the point of beginning.

STATE OF OREGON
County of Clatsop

I, George D. Poppert, County Clerk, do hereby certify that the within instrument of writing was duly recorded in the records of the County of Clatsop, Oregon, on the 19th day of September, 1972, at 2:35 PM.

1972 SEP 19 PM 2 35



Witness my hand and the seal of the County of Clatsop, Oregon, this 19th day of September, 1972.
George D. Poppert
County Clerk

2

172-28285