

The regulation that restricts the use of the property (include code citation)

Multnomah County Ordinance #115

Section 3, RL-C Minimum lot size of 38 acres for a single family dwelling.

December 1975

See Attachment

Sauvie Island/Multnomah Channel Rural Plan Area 34.2625 Review Uses

(D) (1)

High-value Farmland soils, \$80,000 income (required from the sale of farm products)

Ord. 997, Repealed and Replaced, 10/31/2002

See Attachment

Describe the manner and extent to which the regulation restricts the use of the Property:

The above citations restrict building a single family dwelling on the property. The requirement of 38 acres and of \$80,000 from farm products restrict building a home. The parcel was purchased on August 15, 1973 prior to when these regulations that now restrict building a single family dwelling.

PREFERRED RESOLUTION (CHECK ONE):

Wave the applicable regulation

We are not seeking a monetary claim. We have no interest in dividing the parcel of land.

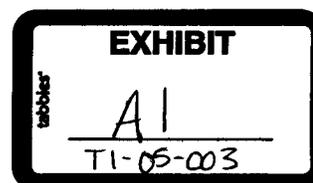
We will stipulate to Multnomah County that we have no further interest other than building a single family dwelling on the parcel of land.

See email from Derrick I. Tokos, AICP Principal Planner below.

To summarize our conversation, I discussed the before/after appraisal approach with Sandra Duffy, in the County Attorney's Office, and she agreed that this is going in the right direction. In fact, she suggested that it makes some sense on the County's part to have an MAI certified appraiser undertake a "benchmark" appraisal for undeveloped farm properties and would look into the matter further. If this were to happen prior to your filing a claim (which you had mentioned would be 2 to 3 weeks out on the appraisal side of things) than you would be looking at just the developed condition appraisal (i.e. value without the regulation). I cannot guarantee at this point that the County is going to pursue this "benchmark" appraisal concept, nor do I have a clear idea as to what the timing might be for it, so please do not base your decision on filing a claim on whether or not this is going to happen. Should you choose to file and the County later decides to pursue this course of action, it makes sense that you or any other "in process" claimant be reimbursed for that portion of the appraisal costs and I would do what I can to see that that occurs.

As to whether or not one or two appraisals need to be submitted, one appraisal is all that you need to submit if the dollar amount listed in your claim does not exceed \$10,000. I understand that you are not interested in compensation, but rather a waiver or modification of the regulation to allow a dwelling. With that in mind, one approach that you can take is to submit one appraisal to show a reduction of value that is at least this dollar amount, reserving the right in your claim to conduct a second appraisal to establish a more exact figure should

FEB 15 PM 2:50  
MULTNOMAH COUNTY  
PLANNING SECTION



the County choose to consider compensation rather than set aside the regulation. You can provide additional information after you submit your request and a County representative will regularly communicate with you as your claim moves through the process.  
Derrick I. Tokos, AICP Principal Planner ph. 503.988.3043

Considerations:

- 1.) We are asking that the county not require two appraisals rather to use a county established “benchmark” appraisal for the property as it currently is limited to farming. In addition given that we are not seeking a monetary claim per our communications with Derek Tokos we do not need two appraisals to justify what would have been our claim.
  
- 2.) This Measure 37 Claim also combines an interest in helping with the family farm. My parents are older and yet we want to keep the Blueberry business going on the adjacent parcel (15140 NW Burlington Ct., R971170410). Anne K. Jones has run a successful Blueberry U-Pick business for over 20 years with a gross production of 50,000 pounds a year. Labor is cost intensive for Blueberries and family involvement really the only way to continue the farming business. The claim is for the adjacent 6.78 acre parcel of land (also owned by Anne K. Jones) where we (Greg Jones and family) would like to build a home and help with the blueberry business. Greg Jones and family are proposing building a home on this parcel that is next to the main parcel where the blueberries fields and parent’s home is located.
  
- 3.) By limiting our use the property to one single family home and not requesting dividing the parcel we intend to use the parcel to grow vegetables to augment the Blueberry farm’s sale. In addition, our proposed building site is in an area where the spoils from digging a pond were emptied and this is not prime farmland.
  
- 4.) Although this parcel is identified by the county as high use farmland this parcel borders a housing development with two acre subdivided lots and homes. We feel building one home on this lot would be consistent with the bordering subdivision. (Circus Estates)
  
- 5.) We believe that land does need protected from over development. My family has owned this property since 1970 and 1973 (two parcels). Our intent is to keep it in mostly farm use. We feel that our proposal to Multnomah County is well balanced and seeks the best interest of family property rights under Measure 37 and that of the environment and zoning needs.

MULTNOMAH COUNTY MEASURE 37 CLAIM #T1-05-003

Addendum

March 5, 2005

Attention: Tammy Boren-King, Case Manager

Written statement regarding alleged loss of value.

This is to confirm that as a result of state and county land use provisions since purchase of property (8/15/73) and with the support of the appraisal attached to the measure 37 claim, the alleged loss in value of said parcel of land is at least \$9,500.00. If further documentation is needed to detail an amount for compensation we reserve the right to have an additional appraisal done to refine the dollar amount.

Anne K. Jones  
Claimant's Signature

3-5-05  
Date

Dreg Jones  
Co-Claimant's Signature

3-5-05  
Date

MULTNOMAH COUNTY  
PLANNING SECTION

05 MAR -8 PM 2:22

RECEIVED

MULTNOMAH COUNTY MEASURE 37 CLAIM #T1-05-003

Addendum

March 5, 2005

Attention: Tammy Boren-King, Case Manager

Written statement regarding request for waiver of the Lot of Record provisions of the EFU code (MCC34.2675).

We specially request to have Lot of Record provisions of the EFU code (MCC34.2675) waived. The property is currently subject to these regulations and we request that EFU code (MCC34.2675) be waived. This section aggregates adjacent properties under 19 acres in size that were under the same ownership on February 20, 1990.

Please see the attached copy of EFU code (MCC34.2675)

  
Claimant's Signature

3-5-05  
Date

  
Co-Claimant's Signature

3-5-05  
Date

MULTNOMAH COUNTY  
PLANNING SECTION

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RECEIVED

**APPRAISAL OF**



Single Family Residence

**LOCATED AT:**

North of 15100 NW Burlington Court  
Portland, OR 97231

**FOR:**

Greg Jones  
5511 SW Pendleton Street  
Portland, OR 97221

**AS OF:**

January 13, 2005

**BY:**

Jack Crum

RECORDED  
FEB 15 PM 2:50  
CLERK OF COUNTY  
CLERK'S OFFICE  
CLERK'S SECTION

**EXHIBIT**  
AZ  
T1-05-003

January 18, 2005

Greg Jones  
5511 SW Pendleton Street  
Portland, OR 97221

File Number: 250112

In accordance with your request, I have personally inspected and appraised the real property at:

**North of 15100 NW Burlington Court  
Portland, OR 97231**

The purpose of this appraisal is to estimate the market value of the subject property, as vacant. The property rights appraised are the fee simple interest in the site.

In my opinion, the estimated market value of the property as of January 13, 2005 is:

**\$275,000  
Two Hundred Seventy-Five Thousand Dollars**

The attached report contains the description, analysis and supportive data for the conclusions, final estimate of value, descriptive photographs, limiting conditions and appropriate certifications.

This is a summary report of a limited appraisal. Supportive data and analysis for the value conclusion are maintained in the office file.

Sincerely,

  
Jack Crum

Property Address North of 15100 NW Burlington Court Census Tract 71.00 Blk 2  
 City Portland County Multnomah State OR Zip Code 97231  
 Legal Description 2N 1W 17 TL  
 Owner/Occupant Anne Jones Map Reference 504 J7  
 Lender/Client Greg Jones  
 5511 SW Pendleton Street, Portland, OR 97221

**SUBJECT**

LENDER DISCRETIONARY USE  
 Sale Price \$ \_\_\_\_\_  
 Date \_\_\_\_\_  
 Mortgage Amount \$ \_\_\_\_\_  
 Mortgage Type \_\_\_\_\_  
 Discount Points and Other Concessions \_\_\_\_\_  
 Paid by Seller \$ \_\_\_\_\_  
 Source \_\_\_\_\_

Property Rights Appraised  
 Fee Simple  
 Leashold  
 Condominium (HUDVA)  
 PUD

Loan charges/concessions to be paid by seller \$ \_\_\_\_\_  
 R.E. Taxes \$ 139.48 Tax Year 03-04 HOA \$/Mo. N/A  
 Date of Sale N/A

**LOCATION**  
 Urban  Suburban  Rural  
 Over 75%  25-75%  Under 25%  
**GROWTH RATE**  
 Rapid  Stable  Slow  
**PROPERTY VALUES**  
 Increasing  Stable  Declining  
**DEMAND/SUPPLY**  
 Shortage  In Balance  Over Supply  
**MARKETING TIME**  
 Under 3 Mos.  3-6 Mos.  Over 6 Mos.

**NEIGHBORHOOD ANALYSIS**

	Good	Avg	Fair	Poor
Employment Stability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Shopping	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adequacy of Public Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreation Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adequacy of Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property Compatibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Protection from Detrimental Cond.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police & Fire Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General Appearance of Properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appeal to Market	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Note: Race or the racial composition of the neighborhood are not considered reliable appraisal factors.  
 COMMENTS: The neighborhood is bounded by Sauvie Island.

**SITE**

Dimensions See attached plat map.  
 Site Area 6.78 Acres Corner Lot No  
 Zoning Classification EFU Zoning Compliance \_\_\_\_\_  
 HIGHEST & BEST USE: Present Use Residential Other Use \_\_\_\_\_

**UTILITIES**

Public	Other	Street	Public	Private
Electricity	<input type="checkbox"/>	<u>Asphalt</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gas	<input type="checkbox"/>	<u>None</u>	<input type="checkbox"/>	<input type="checkbox"/>
Water	<input type="checkbox"/>	<u>None</u>	<input type="checkbox"/>	<input type="checkbox"/>
Sanitary Sewer	<input type="checkbox"/>	<u>None</u>	<input type="checkbox"/>	<input type="checkbox"/>
Storm Sewer	<input type="checkbox"/>	<u>None</u>	<input type="checkbox"/>	<input type="checkbox"/>

**SITE IMPROVEMENTS Type**  
 Street Asphalt  
 Curb/Gutter None  
 Sidewalk None  
 Street Lights None  
 Attey None

Topography Level to Sloping  
 Size Typical for area  
 Shape Irregular  
 Drainage Appears Adequate  
 View Nature  
 Landscaping Typical  
 Driveway Gravel  
 Apparent Easements Typical Utility  
 FEMA Flood Hazard Yes\* \_\_\_\_\_ No 3/18/1986  
 FEMA\* Map/Zone 410 179 0040 B

Comments (Apparent adverse easements, encroachments, special assessments, slide areas, etc.): There were no apparent adverse conditions noted upon inspection of the subject property. The subject is considered typical for the area. No special assessments.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

ITEM	SUBJECT	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	<u>North of 15100 N Portland</u>	<u>East of 25710 NW Reeder Road Portland, OR 97231</u>	<u>15620 Gillihan Road Portland, OR 97231</u>	<u>17414 Lucy Reeder Road Portland, OR 97231</u>
Proximity to Subject		<u>4.35 miles</u>	<u>2.49 miles</u>	<u>1.96 miles</u>
Sales Price	<u>\$ NA</u>	<u>\$ 255,000</u>	<u>\$ 354,000</u>	<u>\$ 210,000</u>
Price/				
Data Source		<u>RMLS/MetroScan # 3794888</u>	<u>MetroScan/RMLS # 3259897</u>	<u>MetroScan/RMLS #4185531</u>
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION
Sales or Financing Concessions		<u>Conventional None Known</u>	<u>Cash None Known</u>	<u>Conventional None Known</u>
Date of Sale/Time	<u>N/A</u>	<u>2/03CL/43DOM</u>	<u>12/04CL/64DOM</u>	<u>10/04CL/8DOM</u>
Location	<u>Suburban</u>	<u>Average</u>	<u>Average</u>	<u>Average</u>
Site/View	<u>Nature</u>	<u>River Frontage -80,000</u>	<u>River Frontage -80,000</u>	<u>Nature</u>
Site Size	<u>6.78 Acres</u>	<u>1.92 Acres +100,000</u>	<u>6.34 Acres</u>	<u>Equal 3 Acres +75,000</u>
Net Adj. (total)		<input checked="" type="checkbox"/> + <input type="checkbox"/> - : \$ <u>20,000</u>	<input type="checkbox"/> + <input checked="" type="checkbox"/> - : \$ <u>80,000</u>	<input checked="" type="checkbox"/> + <input type="checkbox"/> - : \$ <u>75,000</u>
Indicated Value of Subject		Gross: <u>71</u> Net: <u>8</u> \$ <u>275,000</u>	Gross: <u>23</u> Net: <u>-23</u> \$ <u>274,000</u>	Gross: <u>36</u> Net: <u>36</u> \$ <u>285,000</u>

Comments of Sales Comparison: The subject property is considered typical for the subject neighborhood. The indicated value of the subject trends toward the upper limit of the adjusted range of comparable values.

Comments and Conditions of Appraisal: Hypothetical Condition: This appraisal has been made "subject-to" approval of the site as buildable for single family use and "subject to" the provision for legal avenues of access.  
 Final Reconciliation: The sales approach offers the most reliable indicator of value and accurately measures buyer/seller reactions in the marketplace. The cost approach supports the market value and was given secondary consideration. The income approach is deemed unreliable for this report.

**I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE SUBJECT PROPERTY AS OF January 13, 2005 to be \$ 275,000**  
 I (We) certify: that to the best of my (our) knowledge and belief, the facts and data used herein are true and correct; that I (we) personally inspected the subject property and inspected all comparable sales cited in this report; and that I (we) have no undisclosed interest, present or prospective therein.

Appraiser(s) Jack Crum Review Appraiser \_\_\_\_\_  
 Did  Did Not Inspect Property (if applicable)

## Sunset Appraisal, Inc.

### ADDENDUM: SUMMARY REPORT - COMPLETE APPRAISAL

- NOTICE: 1. THIS REPORT PRESENTS ONLY A SUMMARY OF THE MATERIAL AND ANALYSES USED IN THE APPRAISAL PROCESS TO ARRIVE AT THE OPINION REPORTED HEREIN. SUPPORTING DOCUMENTATION IS RETAINED IN THE APPRAISER'S FILE.**
- 2. THIS REPORT IS INTENDED TO COMPLY WITH UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE (USPAP) AS SET FORTH UNDER STANDARD RULE 2-2(c).**
- 3. THE CONTENT OF THIS REPORT IS SPECIFIC TO THE NEEDS OF THE CLIENT AND FOR THE EXPRESS PURPOSE STATED BELOW.**
- 4. THE APPRAISER DOES NOT SUPPORT AND WILL NOT BE RESPONSIBLE FOR UNAUTHORIZED USE OF THIS REPORT.**

**CLIENT:** Greg Jones

**SUBJECT:** R325012  
Portland, Oregon 97231

#### PURPOSE OF THE APPRAISAL:

This appraisal provides the appraiser's best estimate of the market value for the fee simple interest in the subject property as of January 13, 2005.

#### USE OF THIS REPORT:

Use of this appraisal report is only for the purpose of assisting Greg Jones and Multnomah County in evaluating the subject property with regard to remedies for land use provided by Measure 37.

**INTEREST VALUED:** Fee Simple

**EFFECTIVE DATE OF VALUE:** January 13, 2005

**DATE OF REPORT:** January 19, 2005

#### APPRAISAL DEVELOPMENT AND REPORTING PROCESS:

In preparing this appraisal, the appraiser viewed the subject site and the comparable sites. Information on improved and unimproved site sales in the market area were gathered, confirmed, and analyzed.

To develop the opinion of value, the appraiser performed a complete appraisal process, as defined by the Uniform Standards of Professional Appraisal Practice. The income approach is not applicable and has not been performed to arrive at the value conclusion.

#### DESCRIPTION OF THE SUBJECT PROPERTY:

The 6.78 acre site is irregular in shape with level to sloping topography. There is a pond at the lowest elevation of the site. Some of the site may be in a FEMA identified flood hazard zone and the reader should independently verify the flood zone. The higher elevation of the site is

of adequate size for a home site. No adverse site factors were noted.

This parcel is zoned for Exclusive Farm Use, EFU, and prior to the approval of Measure 37, did not allow residential use on this size site. The value conclusion provided here is "subject to" Multnomah County approving the site for residential use.

A search of the local multiple listing service indicates the subject has not been listed in the past 36 months. The subject has not been transferred in the past 36 months.

#### **MARKET COMPARABLE ANALYSIS:**

The comparable sales used were, after an extensive search of the subject's market area, determined to be the best available at the time of the inspection. All sales are reported closed, and included no personal property. The best comparable sales found are used in this report.

Sale 1 is a 1.92 acre, unimproved site with river frontage adjacent to 25710 NW Reeder Road. Document number 3027702 indicates the sale closed February 5, 2003 with a sales price of \$255,000. It is superior to the subject with its river frontage location but inferior to the subject in site size. No time adjustment was made.

Sale 2 is a 6.34 acre improved site at 15620 NW Gillihan Road, RMLS # 406420 indicates the sale closed December 22, 2004 with a sales price of \$665,000. Using Marshall and Swift cost factors, a land value of \$344,000 was extracted. This site is superior to the subject with its river frontage location but its size was considered to be equal.

Sale 3 is a 3 acre improved site at 17414 NW Lucy Reeder Road, Document number 4185531 indicates the sale closed October 12, 2004 with a sales price of \$371,000. Using Marshall and Swift cost factors, a land value of \$210,000 was extracted. This site is inferior in size.

#### **CERTIFICATION AND STATEMENT OF LIMITING CONDITIONS:**

I certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct as reported by the reporting agency(s) used in for this report.

The effective date of this report is the date on which the property was inspected. The completion date is the date on which the report is prepared.

The liability of the appraiser and any contract appraisers associated with this appraisal assignment is limited to the client only and only up to the amount of the fee actually received for the assignment. Further, there is no accountability, obligation, or liability to any third party. If this report is placed in the hands of anyone other than the client, the client shall make such party aware of all limiting conditions and assumptions of the appraisal assignment and related discussions. The appraiser is in no way responsible for any costs incurred to discover or correct any deficiency in the property. The appraiser assumes that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.

This appraisal report is not to be construed as an implied or stated warranty of structural or site integrity and should not be accepted as such. No liability will be assumed by this appraiser for assumptions regarding the appraised properties physical, functional or economic value not expressly stated herein. It is the intent of this report to comply with the Uniform Standards of Professional Appraisal Practice (USPAP).

The following certification has been provided to meet the requirements of USPAP. This

additional certification enhances and in no way detracts from the certification on the attached Limiting Conditions.

**CERTIFICATION:**

I certify that, to the best of my knowledge and belief:

- the statements of fact contained in this report are true and correct.
- the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- my engagement in this assignment was not contingent upon developing or reporting predetermined results.
- my compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- my analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
- I have made a personal inspection of the property that is the subject of this report.



**FRONT VIEW OF  
SUBJECT PROPERTY**

Appraised Date: January 13, 2005



**REAR VIEW OF  
SUBJECT PROPERTY**



**STREET SCENE**



**COMPARABLE SALE #1**

East of 25710 NW Reeder Road  
Portland, OR 97231  
Sale Date: 2/03CL/43DOM  
Sale Price: \$ 255,000



**COMPARABLE SALE #2**

15620 Gillihan Road  
Portland, OR 97231  
Sale Date: 12/04CL/64DOM  
Sale Price: \$ 354,000



**COMPARABLE SALE #3**

17414 Lucy Reeder Road  
Portland, OR 97231  
Sale Date: 10/04CL/8DOM  
Sale Price: \$ 210,000

Borrower: Greg Jones

File No.: 250112

Property Address: North of 1<sup>st</sup> NW Burlington Court

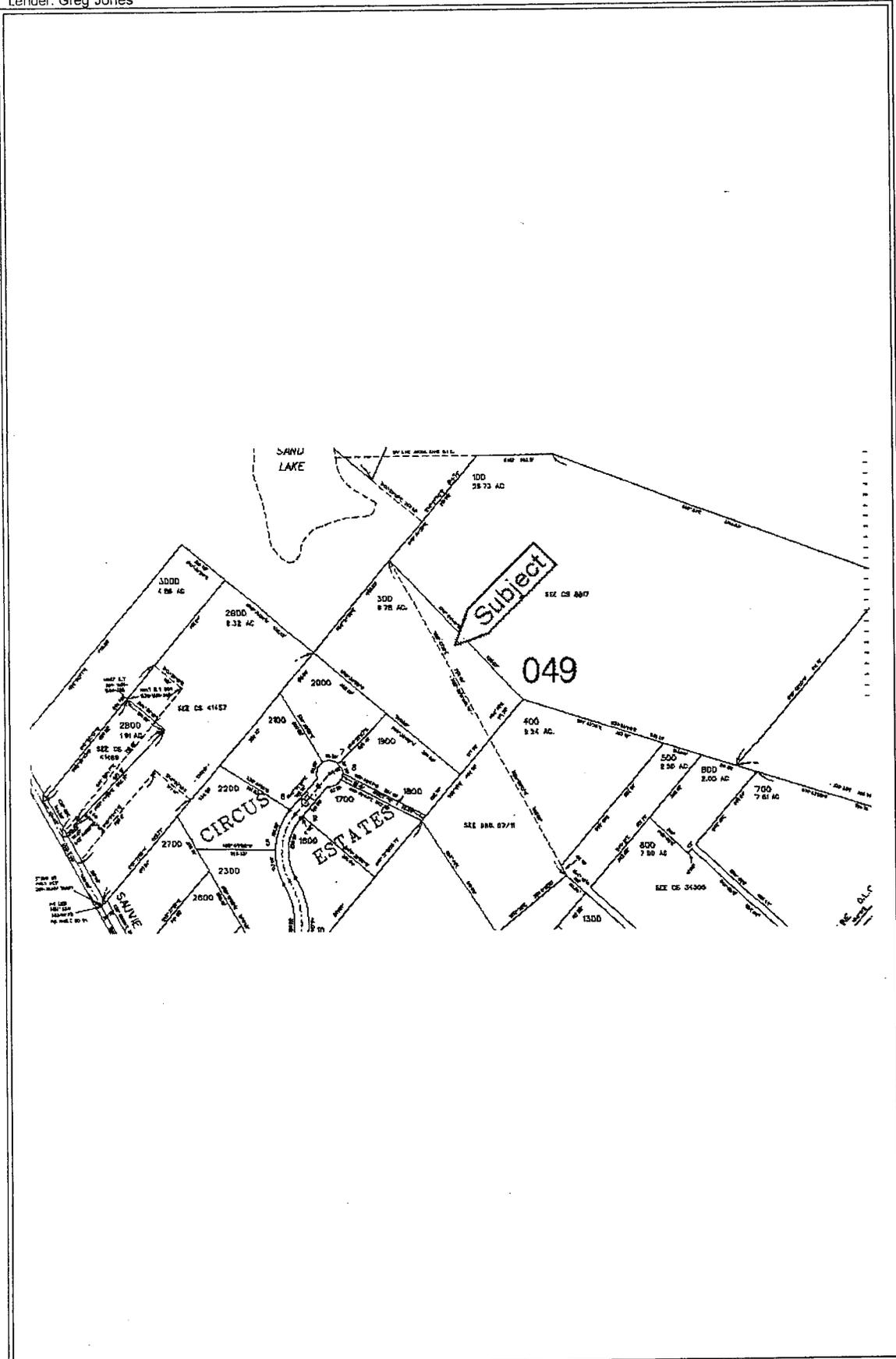
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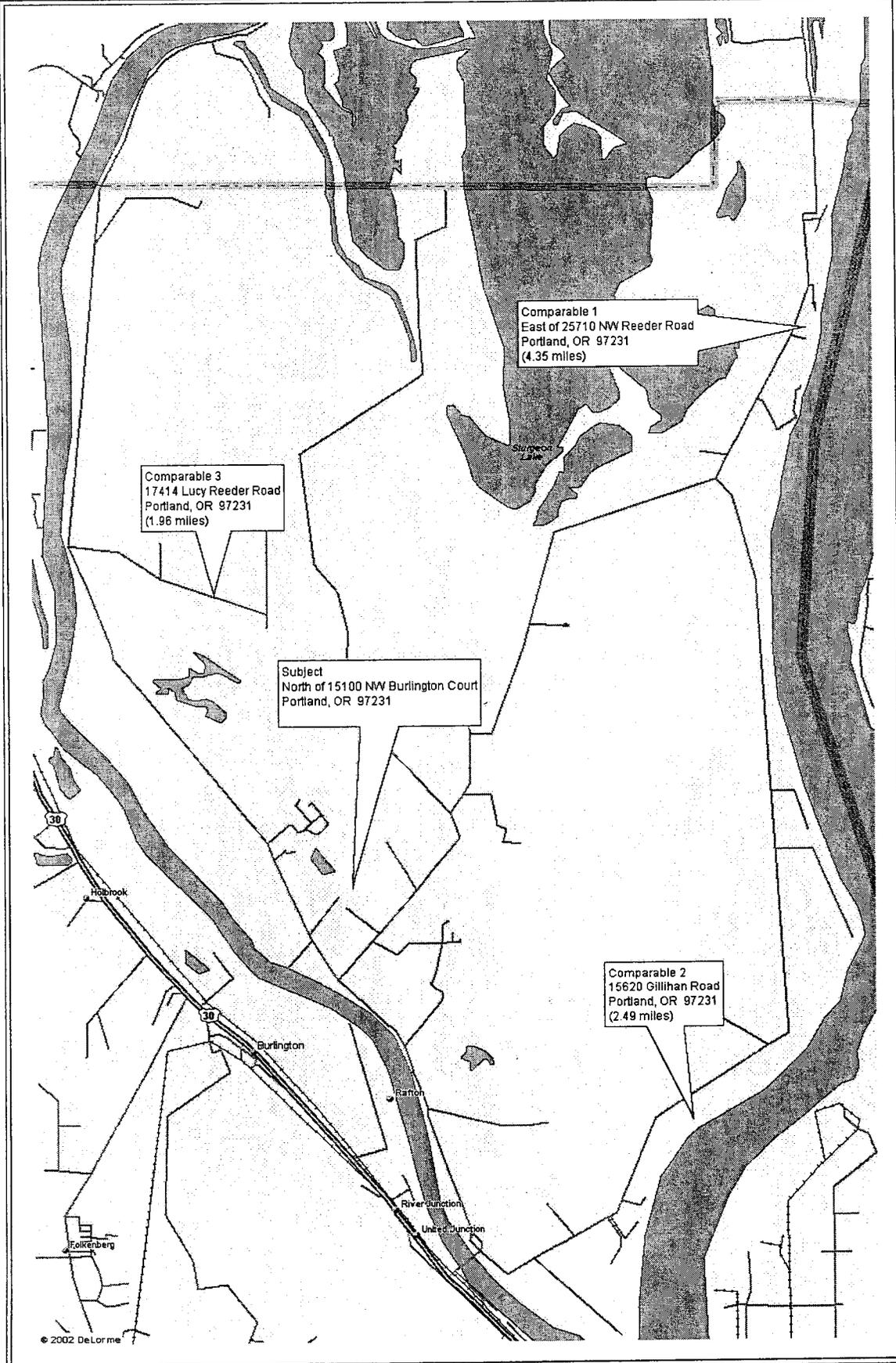
City: Portland

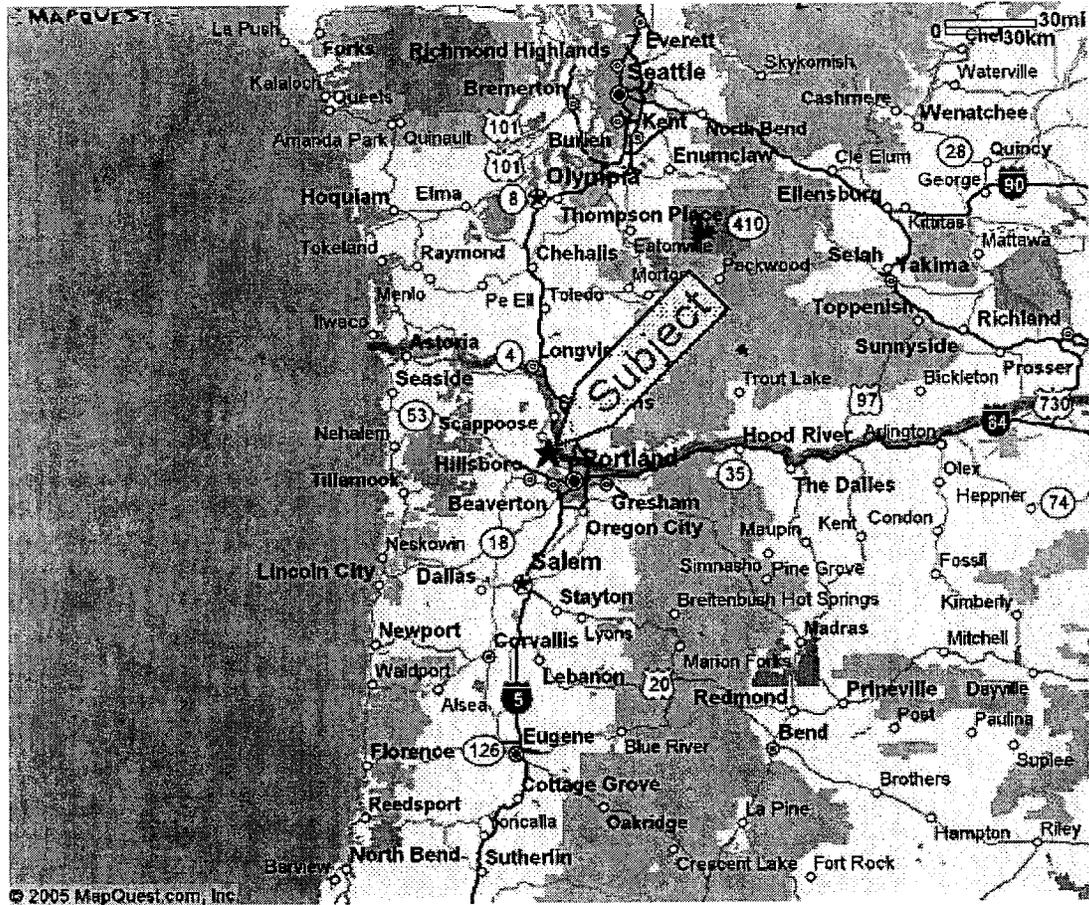
State: OR

Zip: 97231

Lender: Greg Jones







**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions. Prerequisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the Appraiser's judgment.

## STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

**CONTINGENT AND LIMITING CONDITIONS:** The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
10. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.

**APPRAISERS CERTIFICATION:** The Appraiser certifies and agrees that:

1. I have researched the subject market area and have selected a minimum of three recent sales of properties most similar and proximate to the subject property for consideration in the sales comparison analysis and have made a dollar adjustment when appropriate to reflect the market reaction to those items of significant variation. If a significant item in a comparable property is superior to, or more favorable than, the subject property, I have made a negative adjustment to reduce the adjusted sales price of the comparable and, if a significant item in a comparable property is inferior to, or less favorable than the subject property, I have made a positive adjustment to increase the adjusted sales price of the comparable.
2. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
3. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and Limiting Conditions specified in this form.
4. I have no present or prospective interest in the property that is the subject to this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property.
5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
7. I performed this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
8. I have personally inspected the subject property and the exterior of all properties listed as comparables in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
9. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. If I relied on significant professional assistance from any individual or individuals in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

**SUPERVISORY APPRAISER'S CERTIFICATION:** If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 4 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

**ADDRESS OF PROPERTY APPRAISED:** North of 15100 NW Burlington Court, Portland, OR, 97231

**APPRAISER:****SUPERVISORY APPRAISER (only if required)**

Signature:   
 Name: Jack O'rum  
 Date Signed: January 19, 2005  
 State Certification #: CR00011  
 or State License #: \_\_\_\_\_  
 State: OR  
 Expiration Date of Certification or License: 05/31/2005

Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Date Signed: \_\_\_\_\_  
 State Certification #: \_\_\_\_\_  
 or State License #: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Expiration Date of Certification or License: \_\_\_\_\_

Did  Did Not Inspect Property

## \*\*\*\*\* INVOICE \*\*\*\*\*

File Number: 250112

January 18, 2005

Greg Jones  
 5511 SW Pendleton Street  
 Portland, OR 97221

Borrower : Greg Jones

Invoice # : 250112  
 Order Date : 1/3/2005  
 Reference/Case # :  
 PO Number :

North of 15100 NW Burlington Court  
 Portland, OR 97231

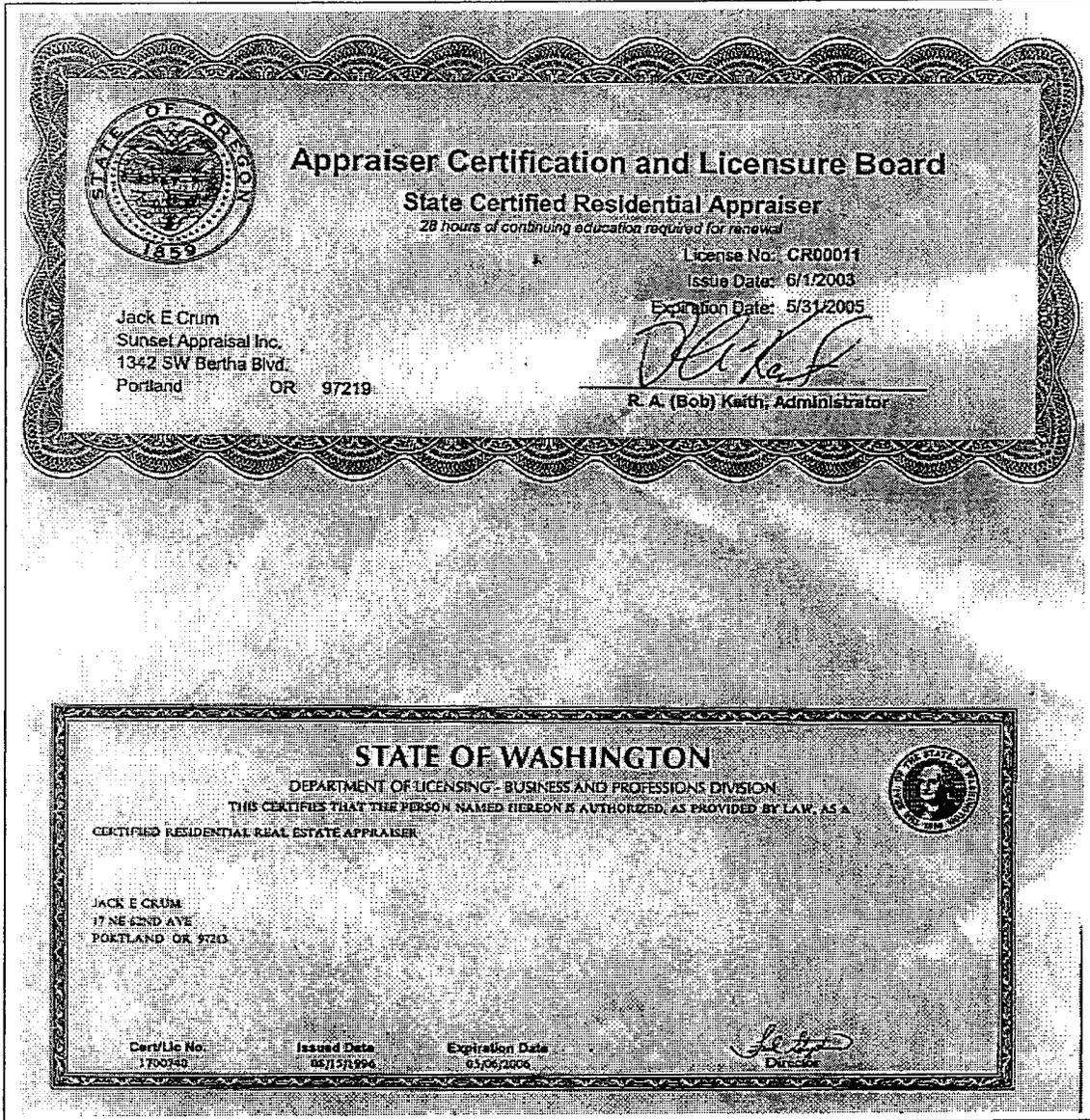
Land Appraisal	\$	600.00
	\$	-----
Invoice Total	\$	600.00
State Sales Tax @ 0%	\$	0.00
Deposit	(\$	)
Deposit	(\$	-----)
Amount Due	\$	600.00

Terms: Net 15 Days. Please include invoice number with payment. Thank-you!

Please Make Check Payable To:

Sunset Appraisal, Inc.  
 1342 SW Bertha Boulevard  
 Portland, Oregon 97219

Fed. I.D. #: 93-1221210







MEASURE 37 TEXT

The following provisions are added to and made a part of ORS chapter 197:

- (1) If a public entity enacts or enforces a new land use regulation or enforces a land use regulation enacted prior to the effective date of this amendment that restricts the use of private real property or any interest therein and has the effect of reducing the fair market value of the property, or any interest therein, then the owner of the property shall be paid just compensation.
- (2) Just compensation shall be equal to the reduction in the fair market value of the affected property interest resulting from enactment or enforcement of the land use regulation as of the date the owner makes written demand for compensation under this act.
- (3) Subsection (1) of this act shall not apply to land use regulations:
  - (A) Restricting or prohibiting activities commonly and historically recognized as public nuisances under common law. This subsection shall be construed narrowly in favor of a finding of compensation under this act;
  - (B) Restricting or prohibiting activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;
  - (C) To the extent the land use regulation is required to comply with federal law;
  - (D) Restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing. Nothing in this subsection, however, is intended to affect or alter rights provided by the Oregon or United States Constitutions; or
  - (E) Enacted prior to the date of acquisition of the property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first.
- (4) Just compensation under subsection (1) of this act shall be due the owner of the property if the land use regulation continues to be enforced against the property 180 days after the owner of the property makes written demand for compensation under this section to the public entity enacting or enforcing the land use regulation.
- (5) For claims arising from land use regulations enacted prior to the effective date of this act, written demand for compensation under subsection (4) shall be made within two years of the effective date of this act, or the date the public entity applies the land use regulation as an approval criteria to an application submitted by the owner of the property, whichever is later. For claims arising from land

EXHIBIT

B1

T1-05-003

use regulations enacted after the effective date of this act, written demand for compensation under subsection (4) shall be made within two years of the enactment of the land use regulation, or the date the owner of the property submits a land use application in which the land use regulation is an approval criteria, whichever is later.

- (6) If a land use regulation continues to apply to the subject property more than 180 days after the present owner of the property has made written demand for compensation under this act, the present owner of the property, or any interest therein, shall have a cause of action for compensation under this act in the circuit court in which the real property is located, and the present owner of the real property shall be entitled to reasonable attorney fees, expenses, costs, and other disbursements reasonably incurred to collect the compensation.
- (7) A metropolitan service district, city, or county, or state agency may adopt or apply procedures for the processing of claims under this act, but in no event shall these procedures act as a prerequisite to the filing of a compensation claim under subsection (6) of this act, nor shall the failure of an owner of property to file an application for a land use permit with the local government serve as grounds for dismissal, abatement, or delay of a compensation claim under subsection (6) of this act.
- (8) Notwithstanding any other state statute or the availability of funds under subsection (10) of this act, in lieu of payment of just compensation under this act, the governing body responsible for enacting the land use regulation may modify, remove, or not to apply the land use regulation or land use regulations to allow the owner to use the property for a use permitted at the time the owner acquired the property.
- (9) A decision by a governing body under this act shall not be considered a land use decision as defined in ORS 197.015(10).
- (10) Claims made under this section shall be paid from funds, if any, specifically allocated by the legislature, city, county, or metropolitan service district for payment of claims under this act. Notwithstanding the availability of funds under this subsection, a metropolitan service district, city, county, or state agency shall have discretion to use available funds to pay claims or to modify, remove, or not apply a land use regulation or land use regulations pursuant to subsection (6) of this act. If a claim has not been paid within two years from the date on which it accrues, the owner shall be allowed to use the property as permitted at the time the owner acquired the property.
- (11) Definitions – for purposes of this section:
  - (A) “Family member” shall include the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law,

mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the property.

(B) "Land use regulation" shall include:

- (i) Any statute regulating the use of land or any interest therein;
- (ii) Administrative rules and goals of the Land Conservation and Development Commission;
- (iii) Local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances;
- (iv) Metropolitan service district regional framework plans, functional plans, planning goals and objectives; and
- (v) Statutes and administrative rules regulating farming and forest practices.

(C) "Owner" is the present owner of the property, or any interest therein.

(D) "Public entity" shall include the state, a metropolitan service district, a city, or a county.

(12) The remedy created by this act is in addition to any other remedy under the Oregon or United States Constitutions, and is not intended to modify or replace any other remedy.

(13) If any portion or portions of this act are declared invalid by a court of competent jurisdiction, the remaining portions of this act shall remain in full force and effect.

RECEIVED  
03 MAR 14 PM 3 34  
BILL BRADBURY  
SECRETARY OF STATE

(October, 2004 Cover Sheet added  
for identification purposes  
before electronic scanning)

**ZONING ORDINANCE  
OF  
MULTNOMAH COUNTY, OREGON  
ORDINANCE #100**

**INCLUDING ALL AMENDMENTS  
ADOPTED AS OF  
MAY 21, 1968**

EXHIBIT

BZ

TI-05-005

ZONING ORDINANCE  
OF  
MULTNOMAH COUNTY, OREGON  
ORDINANCE #100



Multnomah County Planning Commission  
Room 403, County Court House  
Portland, Oregon 97204

ZONING ORDINANCE

Table of Contents

Title and Introduction		Page
		3
1.0	General Definitions	3
2.0	<u>Districts</u>	12
2.1	District Names	12
2.2	Other Districts	13
2.3	Zoning Map	13
3.0	<u>Residential Districts</u>	
3.1	Agricultural District	F-2 14
3.15	Suburban-Residential District	S-R 15
3.2	Single Family Residential District	R-40 21
3.3	Single Family Residential District	R-30 25
3.4	Single Family Residential District	R-20 29
3.5	Single Family Residential District	R-10 33
3.6	Single Family Residential District	R-7.5 37
3.7	Single Family Residential District	R-7 41
3.8	Two-Family Residential District	R-4 45
3.9	Apartment-Residential District	A-2 49
3.01	Apartment-Residential-Business Office District	A-1-B 56
4.0	<u>Commercial Districts</u>	
4.1	Local Commercial District	C-4 63
4.2	Retail Commercial District	C-3 66
4.3	General Commercial District	C-2 69
4.4	Commercial-Automobile Center District	C-AC 72
5.0	<u>Manufacturing Districts</u>	
5.1	Manufacturing-Industrial Park District	M-4 80
5.2	Light Manufacturing District	M-3 83
5.3	General Manufacturing District	M-2 86
5.4	Heavy Manufacturing District	M-1 90

Zoning Ordinance - Table of Contents (Continued)

		<u>Page</u>
6.00	<u>Special Districts</u>	
6.10	Airport Landing Field District	94
6.20	Off-Street Parking and Loading District	95
6.30	Buffer-District	111
6.40	Planned Development District	113
7.00	Community Service	C-S 122
7.50	Conditional Uses	C-U 126
8.00	<u>General Provisions</u>	
8.10	Board of Adjustment	132
8.20	Non-Conforming Uses	133
8.30	Changes and Amendments	133
8.40	Variances	137
8.50	Boundaries of Districts	139
8.70	Temporary Permits	139
8.80	Adminstration and Enforcement	139
8.90	Permits	140
9.00	Saving Clause	143
10.00	Conflicting Ordinances or Resolutions	143
11.00	Interpretation	143
12.00	Appeals and Procedure	143
13.00	Fees	145
14.00	Enactment	146

2.00 DISTRICTS. The County of Multnomah, outside incorporated cities is hereby divided into the following districts, in each of which the uses, height, and area regulations are uniform:

2.10 DISTRICT NAMES

<u>SHORT TITLE</u>	<u>DISTRICT</u>
F-2	Agriculture, grazing, horticulture, and timber growing district, with a minimum lot size of two (2) acres.
S-R	Suburban-Residential district, with a variable lot size depending upon services available to each lot.
R-40	Single family residential district, with a minimum lot size of forty thousand (40,000) square feet.
R-30	Single family residential district with a minimum lot size of thirty thousand (30,000) square feet.
R-20	Single family residential district, with a minimum lot size of twenty thousand (20,000) square feet.
R-10	Single family residential district, with a minimum lot size of ten thousand (10,000) square feet.
R-7.5	Single family residential district, with a minimum lot size of seven thousand five hundred (7,500) square feet.
R-7	Single family residential district, with a minimum lot size of seven thousand (7,000) square feet.
R-4	Two-family residential district.
A-2	Apartment residential district.
A-1-B	Apartment residential - business office district.
C-4	Local Commercial district.
C-3	Retail Commercial district.
C-2	General Commercial district.
C-AC	Commercial-Automobile Center district
M-4	Manufacturing-Industrial Park district
M-3	Light Manufacturing district

- M-2 General Manufacturing District
- M-1 Heavy Manufacturing District

\*2.20 OTHER DISTRICTS

<u>SHORT TITLE</u>	<u>DISTRICT</u>
L-F	Airport Landing Field District
O-P	Off-Street Parking and Loading District
B	Buffer District
P-D	Planned Development District

2.3 The designations, locations and boundaries of the respective districts and certain combinations thereof described in this Ordinance are established as shown by appropriate color designations, symbol or short title identification upon the "Multnomah County Zoning Map", which consists of a series of bound and indexed sectional zoning maps numbered sheets one (1) through eight hundred and twenty eight (828). The zoning map and all pertinent information shown thereon is incorporated herein and is to be deemed as much a part of this Ordinance as if fully setforth; however, if a conflict appears between the Zoning Map and the written portion of this Ordinance, the written portion shall control.

2.31 The Zoning Map and each amendment thereto shall be and remain on file in the office of the Multnomah County Planning Commission.

3.00 RESIDENTIAL DISTRICTS.

3.10 AGRICULTURAL DISTRICTS. F-2

3.11 USE. No building, structure or land shall be used and no building or structure shall be hereafter erected or altered in this district except for the following uses:

- 3.111 Grazing, agriculture, horticulture, or the growing of timber.
- 3.112 Dwelling or dwellings for owner, operator and/or help required to carry out grazing, agriculture, horticulture or the growing of timber.
- 3.113 Accessory buildings.
- 3.114 Special uses, such as parks, playgrounds or community centers, churches, schools, golf courses and other uses of a similar nature as provided in the Community Service Section (7.00), when approved by the Planning Commission.
- 3.115 Signs. The following signs shall be permitted in this district:
  - (a) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight (8) square feet, when erected at least ten (10) feet behind the front property line.
  - (b) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of eighty (80) square feet, when erected to be at least ten (10) feet behind the front property line. Any such sign shall be approved by the Building Inspector as to location in regard to health, safety, view obstruction, or other such conditions, before erection.
  - (c) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two (2) square feet.
  - (d) A sign advertising the sale of agricultural products raised or grown on the premises.

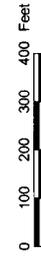
3.12 RESTRICTIONS.

3.121 All other uses shall be subject to the other requirements of this Ordinance which apply.



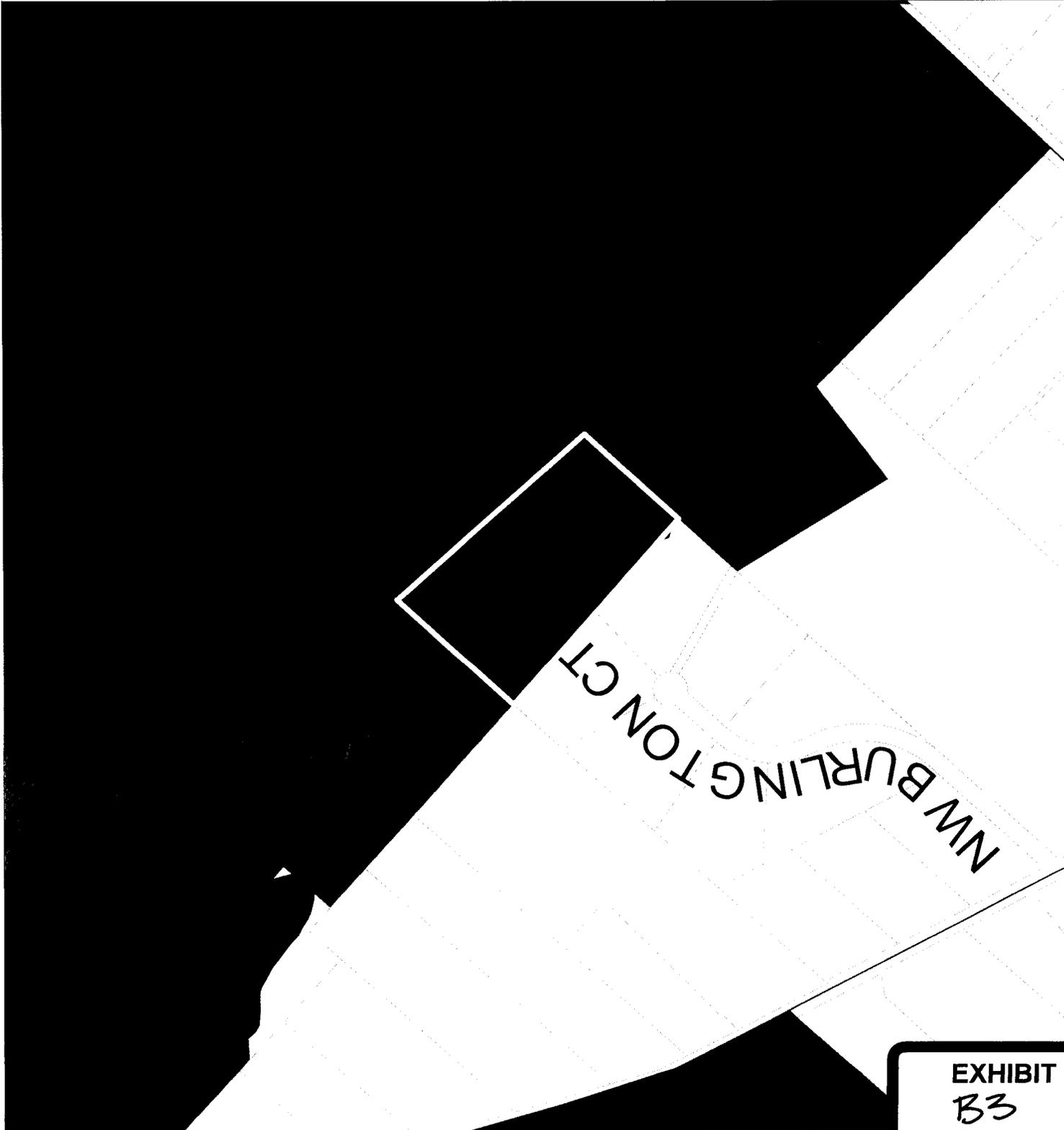
# Zoning Case T1-05-003

- Streets
- Text
- Arterial Streets
- Freeways
- Major Streets
- SL Wetland (fill)
- Streams
- Streams (Fill)
- Tax Lots
- NWI Wetlands
- Rural Zoning
- CFU
- CFU1
- CFU2
- CFU3
- CFU4
- CFU5
- EFU
- MUA20
- MUF19
- RC
- RR



1600 SE 190th Ave.  
 Portland, OR 97233  
 503.988.3043 Fax 503.988.3389  
 Email: land.use.planning@co.multnomah.or.us

This map is based on data from Metro Multnomah County cannot accept responsibility for errors, omissions or positional accuracy. There are no warranties expressed or implied.



**EXHIBIT**  
**B3**  
**T1-05-003**



2002 Aerial  
Photo  
Case T1-05-003

Streets  
Text  
Tax Lots



1" = 400 feet



1600 SE 190th Ave.  
Portland, OR 97233  
503.986.3043 Fax 503.986.3389  
Email: land.use.planning@co.multnomah.or.us

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Multnomah County cannot accept responsibility  
for errors, omissions or positional accuracy.  
There are no warranties expressed or implied.



**EXHIBIT**  
B4  
T1-05-003



**MULTNOMAH COUNTY OREGON**

Real Property Appraisal Section  
501 SE Hawthorne Blvd, Suite 200  
Portland, Oregon 97214  
(503) 988-3367 phone  
(503) 988-3356 fax  
May 24, 2005

Owner: Jones, Ann K.

Assessor's #: R325012

Size: 6.78 acres

Zone: EFU, sec (wetlands)

Topography: Gentle sloping

I have reviewed the appraisal submitted by Ann Jones and her son Greg Jones. Only comparable 1 is of a vacant land parcel on Sauvie Island. The 1.92 acre parcel is located along NW Reeder Rd. with Columbia River frontage. It is currently zoned MUA. Adjustments were for view and size. Adjusted sales price indicates a value of the subject at \$275,000. Comparables 2 and 3 are improved properties also located on Sauvie Island. Mr. Jack Crum (certified appraiser) used the Marshall and Swift cost factors, applied depreciation and extracted indicated land values of \$274,000 and \$285,000 respectively.

I searched the RMLS system and found 2 older Sauvie Island vacant land sales. Sale 1 located along NW Charlton Rd., is 2.40 acres and is zoned MUA, sold 7/01 \$160,000. Sale 2 also located along NW Charlton Rd, is 2.37 acres and is zoned MUA, sold 4/98 \$159,950.

There are no recent vacant land sales that best indicate the value of the subject. It is my opinion that the indicated value of \$275,000 is a conservative estimate of its value. If the account was not specially assessed farmland our 2004/2005 roll value would have been \$247,000. I would have thought it would have been worth more do to the scarcity and high demand for Sauvie Island building sites.

The intent is to build 1 farm related dwelling on the parcel. Should this occur then a farm related homesite would be established. It would be valued at market value. If a non-farm related dwelling is built then 10 years of additional (deferred) taxes would be due. I have asked the Special Programs section to prepare an estimate of those taxes. They have estimated the additional taxes to be approximately \$2,360.97 if cancelled by June 30, 2005.

Respectfully,

Bob Alcantara  
Appraisal Supervisor

