

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. PA 1212 [IN THE MATTER OF ADOPTING A CONFORMITY
[DETERMINATION AMENDMENT PURSUANT TO RCP
[GENERAL PLAN POLICIES – GOAL 2, POLICY 27 AND
[GOAL 4, POLICY 15 TO REZONE 83.58 ACRES FROM
[NONIMPACTED FOREST LAND (F-1, RCP) TO IMPACTED
[FOREST LAND (F-2, RCP) FOR FOUR PARCELS
[IDENTIFIED AS TAX LOTS 4100 (15.69 ACRES) AND 4200
[(23.19 ACRES) ON LANE COUNTY ASSESSOR’S MAP 19-01-
[08, AND TAX LOTS 1800 (26.01 ACRES) AND 401 (18.69
[ACRES) ON LANE COUNTY ASSESSOR’S MAP 19-01-17,
[AND ADOPTING SAVINGS AND SEVERABILITY
[CLAUSES. (File: PA 04- 5276, Kronberger).

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance No. PA 1192 and amended thereafter, has adopted the Conformity Determination Amendment process as Goal 2, Policy 27 of the General Plan Policies which is a component of the Lane County Rural Comprehensive Plan; and

WHEREAS, Lane Code 16.252 sets forth procedures for rezoning of lands within the jurisdiction of the Rural Comprehensive Plan; and

WHEREAS, on March 29, 2004, a Conformity Determination Amendment application (PA 04-5276 Kronberger) was submitted to Lane County proposing a zone change from Nonimpacted Forest Land (F-1, RCP) to Impacted Forest Land (F-2, RCP) pursuant to RCP General Plan Policies - Goal Two, Policy 27 and Goal 4, Policy 15; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in a public hearing on August 3, 2004; and

WHEREAS, the Lane County Planning Commission on October 5, 2004, recommended approval of an interpretation of Goal Two, Policy 27.a.ii., and recommended denial of the proposed zone changes; and

WHEREAS, the proposal was reviewed at a public hearing with the Lane County Board of Commissioners on March 30, 2005; and

WHEREAS, evidence exists within the record indicating that the proposal meets the requirements of Lane Code Chapter 16, and the requirements of applicable state and local law; and

WHEREAS, the Board of County Commissioners has conducted a public hearing and is now ready to take action;

NOW, THEREFORE, the Board of County Commissioners of Lane County Ordains as follows:

Section 1. Tax lots 4100 and 4200 of Lane County Assessor’s map 19-01-08, and tax lot 401 and 1800 of Lane County Assessor’s map 19-01-17 are rezoned from Nonimpacted Forest Land F-1, RCP (Lane Code 16.210) to Impacted Forest Land F-2, RCP (Lane Code 16.211), such territory depicted on Official Zoning Plot 518 and further identified as Exhibit “A” attached and incorporated herein.

FURTHER, although not a part of this Ordinance, the Board of County Commissioners adopts the findings in support of this action as set forth in the attached Exhibit "B".

The prior policies, zoning base designations and plan diagram base designations repealed or changed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

ENACTED this _____ day of _____, 2005.

Chair, Lane County Board of County Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date _____ Lane County

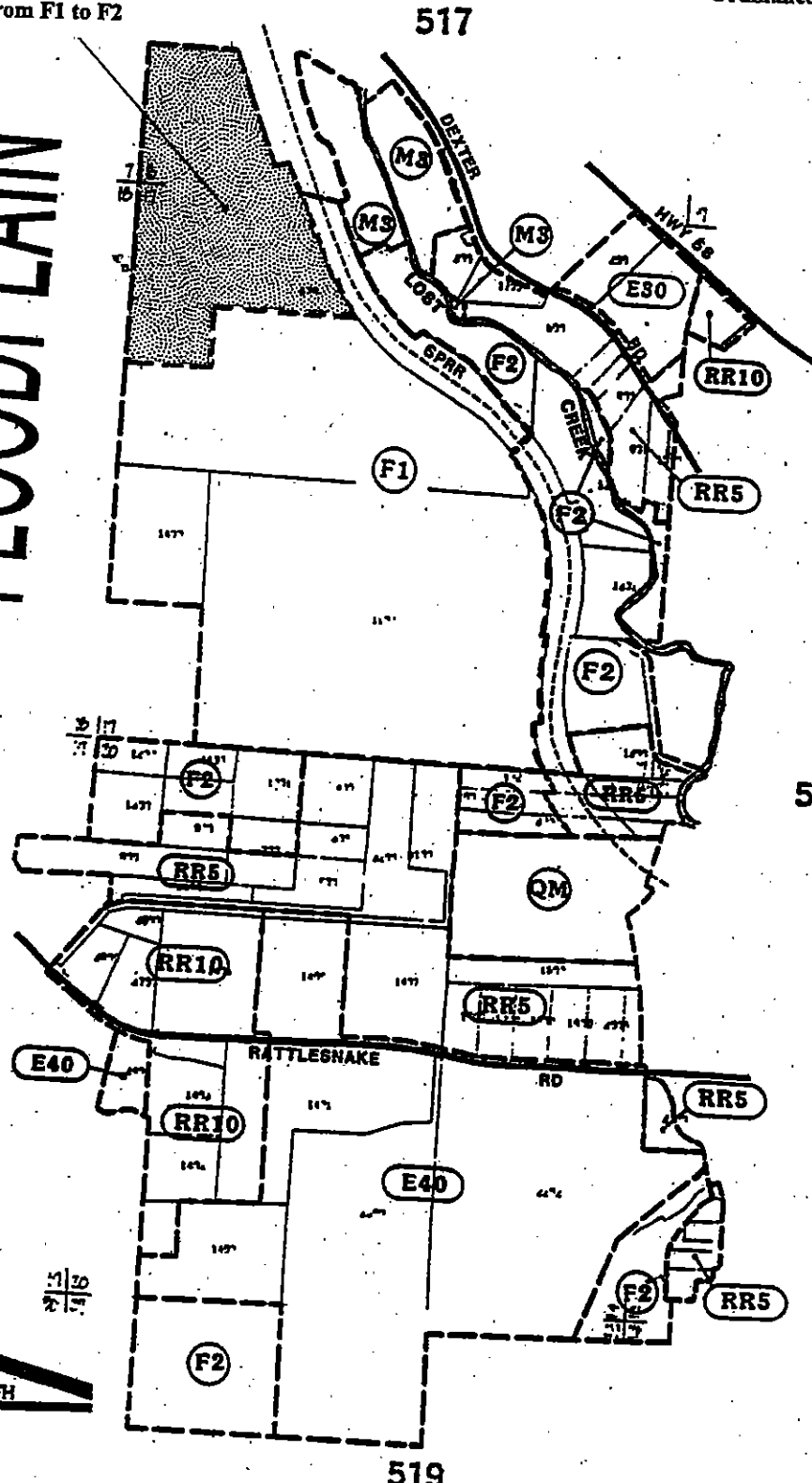
OFFICE OF LEGAL COUNSEL

Zone change
from F1 to F2

FLOODPLAIN

The zones on this map are changed as follows:
 From: RC, RA, ~~RM~~ To: RR2
 From: CB, C1, C2, & C3 To: RC Rural Commercial
 From: M1, M2, & M3 To: R1 Rural Industrial
 From: PF To: RPF Rural Public Facility
 From: PR To: RPR Rural Park & Recreation

The RR zones on this map are changed as follows:
 FROM: RR LC 16.231 TO: RR LC 16.290
 The RR zone parcel sizes remains the same.



county



OFFICIAL ZONING MAP

PLOT# 518

Township Range Section
 19 01 17 / 19 01 20

ORIGINAL ORD. # _____ PA 884 DATE 2/29/1984 FILE # _____
 AMENDMENT # 1 ORD. # _____ PA 992 DATE 1/18/91 FILE # _____

Ordinance No. PA 1212
Exhibit "B"
Findings of Fact

Finding 1. Rural Comprehensive Plan – General Plan Policies: Goal Two, Policy 27 provides a conformity determination amendment process for the correction of identified plan or zoning designations in the RCP Official Plan and Zoning Plots resulting from the Official Plan or Zoning Plots not recognizing lawfully existing (in terms of the zoning) uses or from inconsistencies between the Official Plan and Zoning Plots.

Finding 2. Lane Code 16.252(1): This section of Lane Code requires that as the Rural Comprehensive Plan for Lane County is implemented, changes in zone and other requirements of this chapter will be by ordinances.

Finding 3. Lane Code 16.252(2) requires that rezoning shall be consistent with the specific purposes of the zone classification proposed and Statewide Planning Goals. Based on the findings below, Ordinance No. PA 1212 complies with applicable state laws and Statewide Planning Goals.

- a. Statewide Planning Goal 2 requires, "Opportunities shall be provided for review and comment by citizens during the preparation, review and revision of plans and implementation ordinances." Lane County provided the opportunities identified below for citizens to review and comment on the preparation, review and revision of Ordinance No. PA 1212. These opportunities were adequate to comply with Goal 2.
 - On July 14, 2004, a legal ad was published in *The Register Guard*, providing notice of the Lane County Planning Commission public hearings in Harris Hall of the Lane County Public Service Building on August 3, 2004.
 - On July 15, 2004, LMD mailed to the Oregon Department of Land Conservation and Development (DLCD) a notice of the public hearing and pending adoption, and two copies of the proposed conformity determination amendment.
 - On August 3, 2004, the Lane County Planning Commission (LCPC) conducted a public hearing on the proposed Conformity Determination Amendment (PA 04-5276) Ordinance No. PA 1212 requesting consideration of a change in zoning designation from Nonimpacted Forest Land (F-1, RCP) to Impacted Forest Land (F-2, RCP) pursuant to the qualifying circumstance of Goal Two, Policy 27.a.ii.:
 - ii. *Failure to zone a property Impacted Forest Land (F-2, RCP), where maps used by staff to designate the property Nonimpacted Forest Land (F-1, RCP) zone did not display actual existing legal lots adjacent to or within the subject property, and had the actual parcelization pattern been available to County staff, the Goal 4 policies would have indicated the F-2 zone.* and, the defining characteristics for F-1 and F-2 lands pursuant to RCP General Plan Policies, Goal Four, Policy 15; and pursuant to the qualifying circumstance of Goal Two, Policy 27 a.vii.:
 - vii. *Correction of an inconsistency between the text of an order or ordinance adopted by the Board of Commissioners and an Official Plan or Zoning Diagram."*
 - On October 5, 2004, the Lane County Planning Commission (LCPC) deliberated in a work session on the policy issue of what constituted a "legal lot" for the purposes of land use actions in 1984, which included qualifying for consideration under Rural Comprehensive Plan – General Plan Policy Two - Policy 27.a.ii.

- On October 5, 2004, the LCPC approved a motion by unanimous vote (7-0) to apply a common sense interpretation to the 1983-1986 definition for “legal lot” in Lane Code Chapter 13 and 16, based on the clarification of ORS 92 with the enactment of HB 2381 in 1985 by the Oregon Legislative Assembly, and Lane County’s adoption of three ordinances in 1986 (Ordinance No. 10-86, Ordinance No. 11-86, and Ordinance PA 921), that contiguous, discrete parcels created lawfully by recorded deeds or real estate contracts prior to the 1983-1986 period were not merged during that period, and were during that period and are today, discrete legal lots.
On October 5, 2004, the LCPC reviewed the merits of the proposed amendment application pursuant to Goal Two, Policy 27.a.vii. and forwarded a recommendation to the Board of County Commissioners for denial of the Conformity Determination Amendment request (PA 04-5276).
 - On March 2, 2005, a legal ad was published in *The Register Guard* providing notice of the BCC public hearing in Harris Hall of the Lane County Public Service Building at 1:30 PM on March 30, 2005.
 - On March 30, 2005, the Board of County Commissioners conducted a public hearing on the proposed Conformity Determination Amendment (PA 04-5276) Ordinance No. PA 1212 requesting consideration of a change in zoning designation from Nonimpacted Forest Land (F-1, RCP) to Impacted Forest Land (F-2, RCP) pursuant to the qualifying *circumstance* of Goal Two, Policy 27.a.ii. and Goal Four, Policy 15 *characteristics*; or Goal Two, Policy 27 a.vii. *circumstance*.
- b. Ordinance No. PA 1212 acknowledges the written testimony and documentation, and citizen comments received during the LCPC public hearings on August 3, 2004, and submitted into the official record thereafter.
 - c. Ordinance No. PA 1212 acknowledges the deliberations of the LCPC on October 5, 2004 and their findings of fact, conclusions and recommendation, and the Board of County Commissioners adopts as their own the LCPC interpretation of RCP Policy 27.a.ii. that contiguous, discrete parcels created lawfully by recorded deeds or real estate contracts prior to the 1983-1986 period were not merged during that period, and were during that period and are today, discrete legal lots.
 - d. Ordinance No. PA 1212 changes the recommendation of the LCPC of October 5, 2004 and based on the applicant’s findings of fact and conclusions, approves the applicant’s conformity determination amendment for a zone change from Nonimpacted Forest Land (F-1, RCP) to Impacted Forest Land (F-2, RCP).
 - e. Ordinance No. PA 1212 acknowledges citizen testimony received during the Lane County Board of Commissioners public hearing on March 30, 2005.



Land Use Application



REQUEST / PROPOSAL FOR: Conformity Determination Amendment

| | |
|----------|------------|
| FILE NO. | PA 04-5276 |
| SECTION | PLANNING |

SECTION (PLEASE PRINT)
 19 | 1 | 17 | 401 (Portion) | **B. Application PA 04-5276 Conformity Determination Amendment (Kronberger).**

ZONED: F-1 OF F-2 | TAX CODE: 001-16 | PLOT #: 518 | ACREAGE: 82.6 ac.

LOCATION ADDRESS: N/A

STRUCTURES NOW ON PROPERTY: None

APPLICANT / AGENT
 NAME (PLEASE PRINT): Al Couper & Associates | DATE: 4-2-04

ADDRESS: 2258 Harris St. | PHONE: 484-7314

CITY: Eugene, OR 97405 | ZIP:

OWNER
 NAME (PLEASE PRINT): Darren Kronberger | DATE: 4-2-04

ADDRESS: 37012 Wheeler Road | PHONE:

CITY: Pleasant Hill, OR 97455 | ZIP:

DO YOU OWN ADJACENT PROPERTY? Yes No

MAP, PARCEL NUMBER

| Township | Range | Section | 1/4 Section | Tax Lot |
|----------|-------|---------|-------------|---------|
| | | | | |
| | | | | |
| | | | | |

WATER: PUBLIC ON-SITE WELL COMMUNITY SYSTEM _____

SEWAGE: PUBLIC ON-SITE SEPTIC COMMUNITY SYSTEM _____

ROAD: STATE COUNTY PUBLIC EASEMENT

FIRE DISTRICT: Dexter | SCHOOL DISTRICT: Pleasant Hill No. 1

POWER COMPANY: Emerald PUD | PHONE COMPANY: U.S. West

I (We) have completed all the attached application requirements and certify that all statements are true and accurate to the best of my (our) knowledge and belief. I am (We are) so authorized to submit this application as evidenced by the signature of the owner below.

OWNER Signature: [Signature] | Date: 4-2-04 | APPLICANT Signature: [Signature] | Date: 4-2-04

An accurate Plot Plan must be attached. Ask for a sample Plot Plan

SPECIFIC SECTION OF LANE CODE REQUIRING THIS APPLICATION: 4.14.01 PREVIOUS PRACTICE LINE

STAFF COMMENTS: ADJUSTMENTS w/ PAGE

RELATED PERMIT # _____

Before the Lane County Planning Commission and Board of County
Commissioners

CONFORMITY DETERMINATION AMENDMENT APPLICATION

March 31, 2004

I. PROPOSAL DESCRIPTION

A. Applicant

Darren Kronberger
37012 Wheeler Road
Pleasant Hill, OR 97455

B. Agent

Al Couper & Associates
2258 Harris Street
Eugene, OR 97405
Phone/fax: 484-7314

C. Proposal

Amendment from Nonimpacted Forest Lands (F-1, RCP) to Impacted Forest Lands (F-2, RCP) for four tracts ranging in size from 15.4 acres to 25.7 acres and totaling 80.6 acres. The property is located between Rattlesnake Road and the Union Pacific Railroad right-of-way south of the Community of Trent and west of the Community of Dexter. See Zoning Maps at Exhibits 1 and 2.

Note that the property now requested for F-2 zoning is only a portion of land that was originally zoned F-2 and then changed to F-1 in 1984. Since then additional legal lots have been verified and a portion of the subject property has been merged with a larger ownership to the south. The complete property configuration history is set forth in Exhibit 3.

This proposal is presented pursuant to Rural Comprehensive Plan Goal 2, Policy 27, which allows F-2 zoning in situations where the true extent of legal lots was not known in 1984. See Ordinance No. PA 1192, enacted December 17, 2003.

II. REQUESTED DECISION

Recommendation of approval by the Planning Commission; final approval by the Board of County Commissioners.

III. GENERAL INFORMATION

A. Location and Site Description

The property can be identified as Tax Lot 401 on Assessor's Map 19-1-17.¹ See Exhibit 4. This property is composed of four verified legal lots in separate ownerships. The four lots form a tier consisting of the following acreages from north to south: 15.4 acres, 23.0 acres, 25.7 acres, and 18.5 acres. The total size is 82.6 acres.

The subject property originally consisted of four separate legal lots verified in 2001 by Lane County Planning Action No. 00-6492 through No. 00-6295. Later, in 2003 118.83 acres was sold to Merle S. Brown, a property owner to the south and consolidated with Mr. Brown's larger holdings. No new lots were created by this transaction and the four verified legal lots were adjusted pursuant to Lane County land use regulations and ORS 92.010(7)(b) and 92.190(4) to their present configuration within the subject property. See again, Exhibit 3.

The subject property is largely composed of ridge summits with hill and foot slopes falling away in all directions. More than 90 percent of the property consists of uplands with slopes less than 60 percent with most in the range of 8 to 35 percent. Several alluvial fans are present, with one being fairly flat and undulating. See aerial photograph at Exhibit 5.

There are no primary stream terraces on the property. There are several intermittent, non-salmon bearing drainage ways with narrow adjacent riparian areas. Some wetlands are present. No floodplains are present.

In general, the property has imperfect drainage, inability to infiltrate and resultant large surface runoff. All of the above factors lead to a conclusion that the property exhibits "poor growth habits of economic commercial timber species" according to an intensive ("Order I") soil survey performed in 2001. The certified soils scientist who performed the survey commented that the forest site index on the property was so poor that the owner would not spend a lot of time and money on silvicultural treatments (thinning, fertilizing, herbicide RX etc.) since such practices were not cost effective. See Soils Map and Table at Exhibit 6.

Nonetheless, timber on the property was harvested in stages beginning in 1993 and ending in 2000. The property has been reforested at a rate of 200 trees per acre.

¹ Because of personnel shortages the Assessor's maps are, in some cases, months or years out of date and do not reflect current ownership lines.

B. Services

Power: Emerald Peoples Utility District
Phone: U.S. West
Sewer: On-site sub-surface disposal system
Water: On-site wells
School: Pleasant Hill School District No. 1
Fire: Dexter Rural Fire Protection District
Police: Lane County Sheriff and OSPD
Solid Waste: Commercial collection system
Roads: Rattlesnake road and easement

IV. Executive Summary

- **The subject property was originally zoned F-2. Current information about legal lots will allow the F-2 zoning to be reinstated.**

This application represents an opportunity to correct a situation that occurred twenty years ago when the property was first zoned F-2 Impacted Forest Land and then apparently rezoned to F-1 Non-Impacted Forest Land a few months later. That history demonstrates that the balance between F-1 and F-2 was close in 1984 and, with the benefit of current information, tips conclusively in the direction of F-2. And, as explained in Exhibit 7 there is at least some evidence that the F-2 zoning was never actually removed.

Such an argument is unnecessary, however, thanks to Lane County's recently adopted amendments to RCP Goal 2. Those amendments allows consideration of several circumstances in which faulty decisions may have been made simply because of the massive amounts of information the County was required to process when the original county-wide plan and zoning designations were being created in 1984.

One category from the new policy is especially applicable to this case. It is:

"ii. Failure to zone a property Impacted Forest Land (F-2, RCP), where maps used by staff to designate the property Nonimpacted Forest Land (F-1, RCP) zone did not display actual existing legal lots adjacent to or within the subject property, and had the actual parcelization pattern been available to County staff, the Goal 4 policies would have dictated the F-2 zone."

- **The subject property and vicinity contained more legal lots than were known in 1984.**

As noted above, and in Exhibit 3, additional legal lots actually in existence in 1984 have now been identified. By comparison, the original County work map shows that the subject property and adjacent land was treated as one large parcel. See Exhibit 8. Legal lot information known in 1984 versus now is summarized on Exhibits 9 and 10.

- **In light of current information, the Goal 4 policies would indicate F-2 zoning.**

Goal 4, policies 1, 2 and 16 work together to conserve forest lands consistent with sound management of soil, air, water, fish, wildlife and recreational opportunities. The policies also allow agricultural activities; however, none exist on the subject property.

A primary function of the policies is to segregate impacted forest lands suited for small-scale woodland operations from non-impacted lands suited for large-scale, industrial forest operations.

The subject property contains no dwellings but does consist of four small, verified legal lots that were not known in 1984. Also there are several identified legal lots on adjacent property as well as new dwellings that did not exist in 1984. The subject property has been logged and replanted; but, due to soils and surrounding land use, does not possess the characteristics that favor large-scale industrial forestry. It is important to remember that F-2 is a resource zone and that a change from F-1 to F-2 does not contradict the notion of forest land conservation.

The property is virtually surrounded by developed and committed "exception" areas devoted to residential and industrial use. Also, it is adjacent on the north and the south to areas already zoned F-2. See large scale zoning map at Exhibit 2.

The property is served by general purpose, rather than farm or forest, roads and is served by all of the public facilities and services required by the Rural Comprehensive Plan for rural residential use. The details of the Goal 4 analysis are set forth in Exhibit 11.

- **This application meets the zone change criteria of Lane Code Chapter 16.**

Lane Code 16.252(2) requires that zone changes achieve the general purpose of Chapter 16 and not be contrary to the public interest. Those general goals call for using property consistent with its character and physical limitations, protecting and diversifying the economy of the county, conserving resource lands, avoiding natural disasters and hazards and otherwise promoting public health, safety, convenience and welfare.

As set forth in Exhibit 12 and elsewhere, F-2 zoning is a resource designation designed to conserve and promote the type of small-scale woodland operation to which the subject property is best suited.

- **Arguably the property was never zoned F-1.**

The policies of RCP Goal 2, Policy 27 allow for:

"vii. Correction of an inconsistency between the text of an order or ordinance adopted by the Board of Commissioners and an Official Plan or Zoning Diagram."

The subject property is a possible candidate for this category because of an inconsistency between a map and a list of tax lots that were exhibits to an ordinance changing the zoning of certain properties from F-2 to F-1.

In 1984 the subject property was part of Tax Lot 400 on Assessor's Map 19-1-17. Tax Lot 400 was zoned F-2 in Ordinance No. PA 884, which established the Rural Plan designations in 1984. Later that year zoning designations were changed on various parcels in Ordinance No. PA 891. This ordinance states,

"The following parcels are redesignated and rezoned as set forth on the interim Plan Designation and Zoning Maps attached as Exhibit "A", and further delineated in attached Exhibit "C".

The hand-outlined map found in Exhibit "A" of Ordinance No. PA 891 shows the zoning on Tax Lot 400 to be changed to F-1. Exhibit "C" which the ordinance language says "further delineates" the affected tax lots does not list Tax Lot 400.

Arguably, by the language of the ordinance itself, Exhibit "C" would be the more precise document showing the Tax Lots that were rezoned. Because Tax Lot 400 was not listed, one could find that the zoning was never actually changed from F-1 to F-2.

The applicant does not rely on this argument to support the case for F-2. It is offered primarily as a corroboration of the fact that the case was close between F-1 and F-2 even with the limited information available in 1984. A further discussion of this argument is found at Exhibit 7.

V. Conclusion

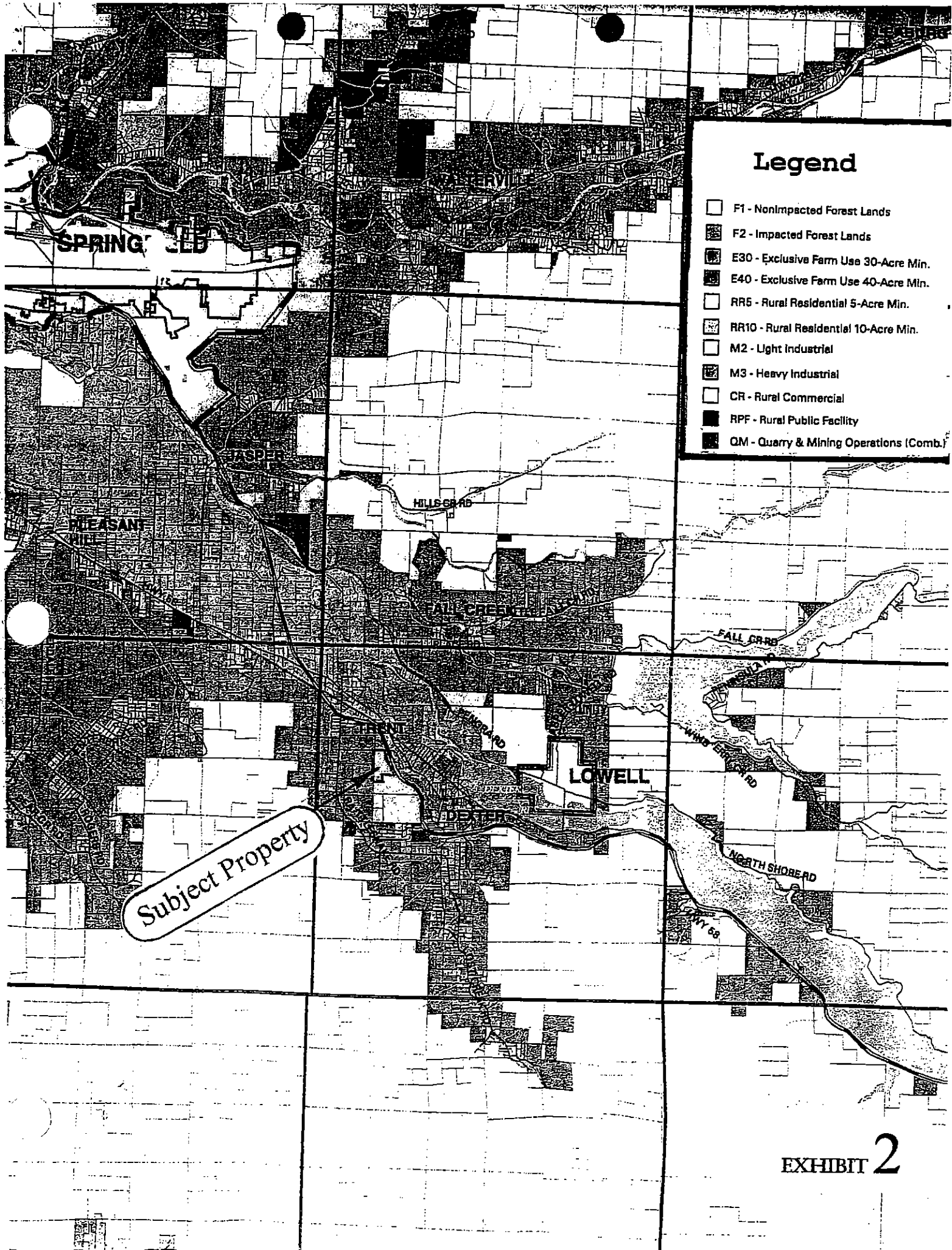
This case presents a series of reasons to support F-2 zoning, any one of which may be sufficient. Taken as a whole, they are clear and convincing evidence. The reasons are:

1. The F-2 versus F-1 case was close even with the limited information available in 1984. The property was, in fact, originally zoned F-2.
2. Since then additional legal lots have been identified and verified on and adjacent to the subject property. This fact tips the Goal 4 analysis in favor of F-2 zoning.
3. The subject property exists in the context of being nearly surrounded by rural residential and industrial zoning. It is adjacent on the north and the south to F-2 zoning.
4. There is some evidence, though not conclusive, that the original F-2 zoning was never changed.
5. F-2 is a bone fide resource zone that is consistent with the public interest. It allows and facilitates the type of small woodlot operation that is appropriate on lower quality, impacted forest lands. F-2 zoning will not result in the loss of resource land or cause anything remotely resembling urban development.












Based on the above the Planning Commission and the Board of Commissioners may confidently find that F-2 zoning is appropriate for the subject property.

VI. EXHIBITS

1. Composite zoning plot maps
2. Large-scale zoning map
3. Property configuration history
4. Assessor's map
5. Aerial photograph
6. Soils map and Tabulation
7. Zoning history
8. Original zoning work map
9. Map of tax lots known in 1984
10. Map of tax lots actually existing in 1984
11. RCP Goal 4 analysis
12. Lane Code Chapter 16 analysis



Legend

-  F1 - NonImpacted Forest Lands
-  F2 - Impacted Forest Lands
-  E30 - Exclusive Farm Use 30-Acre Min.
-  E40 - Exclusive Farm Use 40-Acre Min.
-  RR5 - Rural Residential 5-Acre Min.
-  RR10 - Rural Residential 10-Acre Min.
-  M2 - Light Industrial
-  M3 - Heavy Industrial
-  CR - Rural Commercial
-  RPF - Rural Public Facility
-  QM - Quarry & Mining Operations (Comb.)

Subject Property

Exhibit 3

Property Configuration History

When the original zoning was enacted via Ordinance No. PA 884 in 1984, Tax Lot 400 was composed of 262.98 acres and lay on both sides of the Southern Pacific Railroad right-of-way (SPRR). See Exhibit A. The portion west of the SPRR was zoned F-2 and comprised 201.43 acres. Later that year, Ordinance No. PA 891 re-designated land west of the railroad, possibly including the subject property, as F-1.¹ The entire portion east of the SPRR was zoned M-3.

PA 992, effective January 18, 1991 changed the zoning on part of the easterly portion to F-2. After that, on July 24, 1992, the westerly portion was sold off and subsequently became Tax Lot 401. In February 2001, four legal lots were verified within Tax Lot 401. See PA Nos. 00-6492, 00-6493, 00-6494 and 00-6495 at Exhibit B to this exhibit.

In December 2002, the four verified legal lots were reconfigured into four parcels ranging from 25.7 acres to 15.4 acres totaling 82.6 acres. The reconfiguration was initiated by a request from Merle Brown, the adjoining property owner to the south, to acquire approximately 120 acres from the Kronberger property to add to his larger holdings. No new parcels were created as part of that transaction. See Property Line Adjustment Deed at Exhibit C to this exhibit.

Throughout this application, "subject property" will refer land lying within that portion of original Tax Lot 400 west of the SPRR and now identified as Tax Lot 401 on the current Assessor's Map. Specifically, "subject property" is the 80.6-acre portion of Tax Lot 401 that remained following the sale to Merle Brown.

¹ See Zoning History at Exhibit 7 to the application.

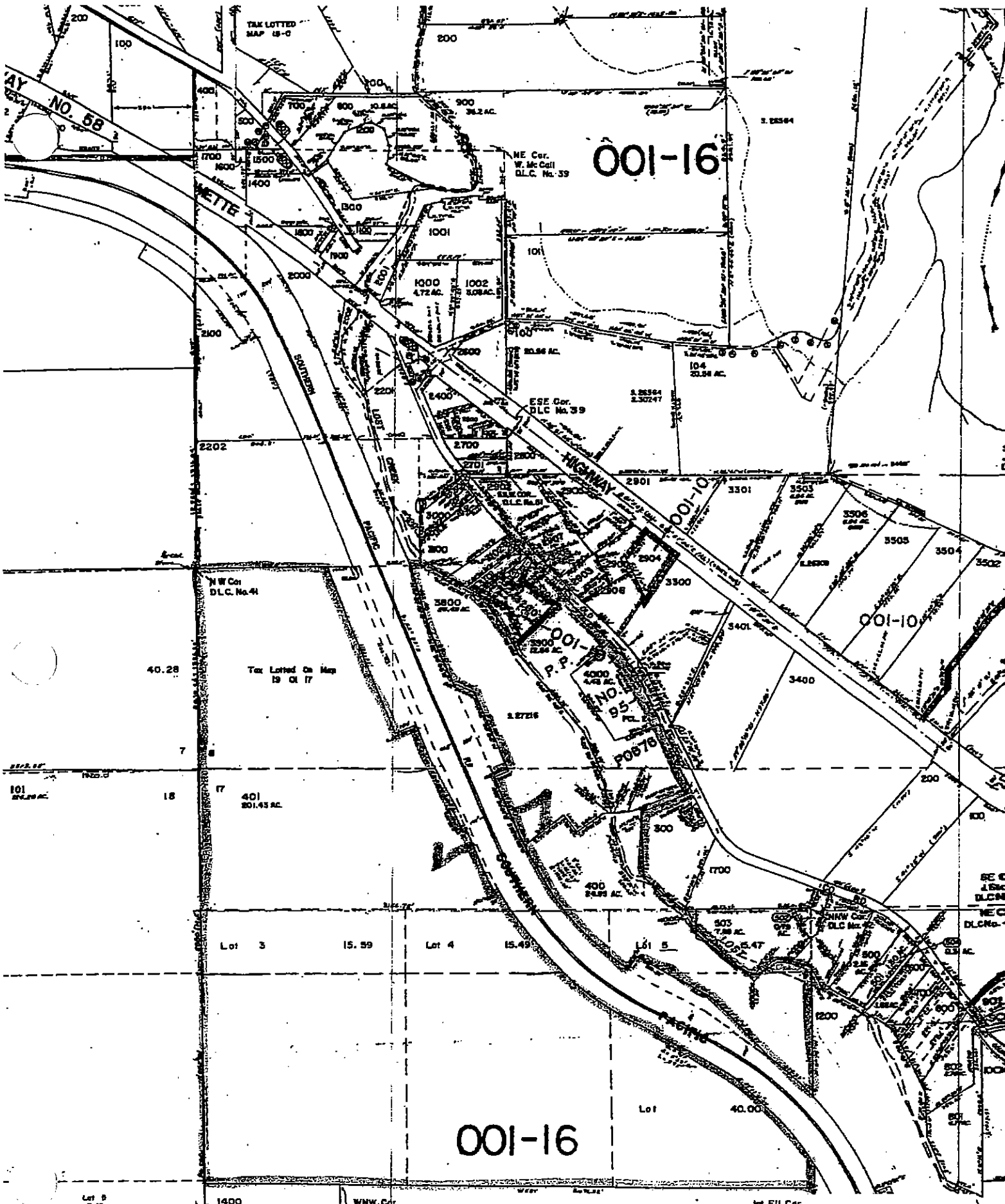
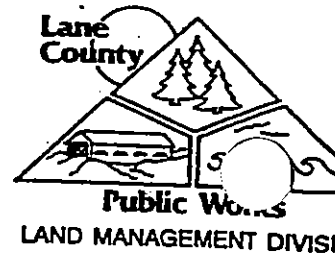


Exhibit A
To Exhibit 3



Date: FEB 27, 2001

APPLICANT: STANLEY SHATTUCK
78314 HWY 99 SO.
COTTAGE GROVE, OR. 97424

OWNER: NORTHWEST LANDS
37012 WHISLER ROAD
PLEASANT HILL, OR. 97455

PA: 00-6492

RE: Report and Verification of a Legal Lot
Tax Map: 19-01-17-00 Taxlot: 401 (SW1/4, NE1/4)

A more exact description by reference to Deed or Land Sales Contract
is BOOK T PAGE 350

Based upon the Findings provided in this report, the above referenced property constitutes a legal lot, which means:

1. Ownership to this property may be conveyed with the assurance that such a conveyance would not require approval by Lane County land division regulations; and
2. Lane County recognizes this property as a legally separate unit of land for the purposes of development. Development would still be subject to applicable zoning, sanitation, access and building regulations.

Findings

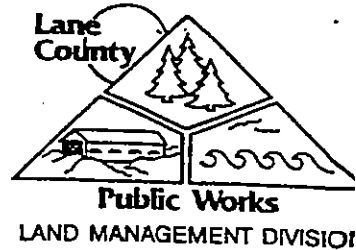
1. The subject property was created as a separate parcel on DEC. 5 1987
See attached instruments BOOK T PAGE 350
2. The creation of the subject property as a separate parcel complied with all effective land division, zoning and comprehensive plan regulations, and it therefore constitutes a legal lot:

a. Land division regulations:

] When the subject parcel was created, there were not land division regulations in effect to govern its creation. Lane County did not adopt applicable regulations for this kind of division until MARCH 20, 1975.

[] There were land division regulations in effect governing the creation of this parcel, and the creation of this parcel was specifically exempted by these regulations from compliance because _____

Exhibit B
To Exhibit 3



b. Zoning regulations:

-] When the subject parcel was created, there were no zoning regulations in effect at this time. The zoning for this property was adopted on NOV. 12 1975.
-] When the subject parcel was created, there were the following zoning regulations in effect which the parcel complied with because _____

c. Additional Comments:

THE ORIGINAL PARCEL AS DESCRIBED WITHIN THE ENCLOSED DEED, WAS SPLIT BY THE ESTABLISHMENT OF SOUTHERN PACIFIC RAILROAD RIGHT OF WAY. THAT PORTION BEING WEST OF THE RIGHT OF WAY IS A LEGAL LOT. THIS PARCEL DOES NOT APPEAR TO CONTAIN ANY LEGAL ACCESS. PLEASE CONTACT THE PLANNING OFFICE FOR MORE DETAIL

"This is a preliminary indication that the above referenced property, as further designated on the enclosed map, is a legal lot. The decision that this property constitutes a legal lot will be made at the time of the first permit or application action where a legal lot is required. If the boundaries of this legal lot have changed at the time of a permit or application which requires a legal lot, a new Legal Lot Verification will be required."

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "D. G. Nickell".

D. G. NICKELL P.L.S.O.
Engineering Associate
541-682-3989

ATTACHMENTS

CC: TRS File

SAVE OREGON TO PARKER

Underwater rights as may be recognized and acknowledged by the local customs laws and decisions of courts are also subject to the right of the proprietor of a vein or lode to extract minerals. His or their former lode or the mine be found to penetrate or intersect the premises hereby granted as provided by law.

In testimony whereof I have caused these letters to be made Patent and the Seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington the 5th day of May 1872

Revised Dec 5th - 1887 } By the President U.S. Grant

Geo Warr Co clerk

By J Parker Secretary

W. M. Elcomack Dept

BOOK 1 Page 350

SW 1/4 of N.E 1/4 - SECTION 17 - T. 19 S. - R. 1 W. W. M.

State of Oregon to James M. Parker

In consideration of Fifty Dollars paid to the Board of Commissioners for the sale of School Lands and other State lands the State of Oregon does hereby grant bargain sell and convey unto James M. Parker his heirs and assigns the following described School Lands situate in Lane County Oregon to wit:

The South West quarter of North East quarter of Section 17 Township 19 S. R. One West of the Will, Lane, containing 40 acres To have and to hold the said premises with their appurtenances unto the said James M. Parker his heirs and assigns forever

Witness the Seal of the State affixed this 5th day of December 1887

Revised Dec 6 - 1887

By Sylvester Peabody Governor

Geo Warr Co clerk

Geo W. Peabody Secretary

W. M. Elcomack Dept

G. M. Webb Treasurer

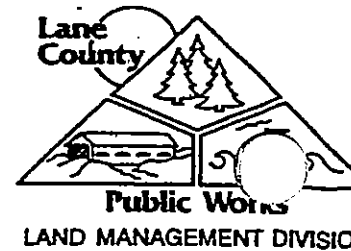
DEC. 6 1887

J. J. Stiles and Wife to Thomas J. Roeder

This Indenture witnesseth that Mr. J. J. Stiles and Mary J. Stiles his wife for the consideration of the sum of One Hundred Dollars to us paid have bargain and quit claim and by their private do bargain sell and quit claim unto Thomas J. Roeder all our right title and interest in and to the following described premises to wit:

Lots No 6-7 and 8 in Section 16 & 15 S. R. 4 West of the Will Lane Co. in Lane County Oregon having and accepting from the premises herein granted ten acres in the North West corner of said Lot No 8 and 20 acres of the West side of said Lot No 7: To have and to hold the said premises with their appurtenances unto the said

This Indenture witnesseth that Mr. J. J. Stiles and Mary J. Stiles his wife for the consideration of the sum of One Hundred Dollars to us paid have bargain and quit claim and by their private do bargain sell and quit claim unto Thomas J. Roeder all our right title and interest in and to the following described premises to wit: Lots No 6-7 and 8 in Section 16 & 15 S. R. 4 West of the Will Lane Co. in Lane County Oregon having and accepting from the premises herein granted ten acres in the North West corner of said Lot No 8 and 20 acres of the West side of said Lot No 7: To have and to hold the said premises with their appurtenances unto the said



Date: FEB, 27, 2001

APPLICANT: STANLEY SHATTUCK
78314 HWY 99 SO.
COTTAGE GROVE, OR. 97424

OWNER: NORTHWEST LANDS
37012 WHEELER ROAD
PLEASANT HILL, OR. 97455

PA: 00-6493

RE: Report and Verification of a Legal Lot
Tax Map: 19-01-17-00 Taxlot: 401 (THAT PORTION WITHIN
DC # 41

A more exact description by reference to Deed or Land Sales Contract
is BOOK 41 PAGE 3

Based upon the Findings provided in this report, the above referenced property constitutes a legal lot, which means:

1. Ownership to this property may be conveyed with the assurance that such a conveyance would not require approval by Lane County land division regulations; and
2. Lane County recognizes this property as a legally separate unit of land for the purposes of development. Development would still be subject to applicable zoning, sanitation, access and building regulations.

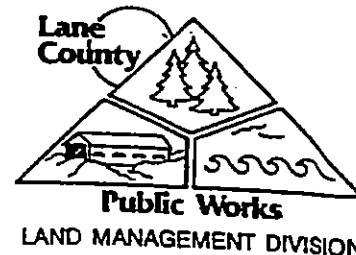
Findings

1. The subject property was created as a separate parcel on FEB. 3 1896.
See attached instruments BOOK 41 PAGE 3
2. The creation of the subject property as a separate parcel complied with all effective land division, zoning and comprehensive plan regulations, and it therefore constitutes a legal lot:

a. Land division regulations:

When the subject parcel was created, there were not land division regulations in effect to govern its creation. Lane County did not adopt applicable regulations for this kind of division until MARCH 26 1979.

There were land division regulations in effect governing the creation of this parcel, and the creation of this parcel was specifically exempted by these regulations from compliance because _____



b. Zoning regulations:

- When the subject parcel was created, there were no zoning regulations in effect at this time. The zoning for this property was adopted on NOV. 12, 1975.
- When the subject parcel was created, there were the following zoning regulations in effect which the parcel complied with because _____

c. Additional Comments:

THE ORIGINAL PARCEL AS DESCRIBED WITHIN THE ENCLOSED DEED WAS SPLIT BY SOUTHERN PACIFIC RAILROAD RIGHT OF WAY ON OCT. 24, 1950, SEE BOOK 426 PAGE 8. THIS LEGAL LOT VERIFICATION IS FOR THE WESTERLY PORTION, WHICH IS A LEGAL LOT. THIS PARCEL DOES NOT APPEAR TO HAVE ANY LEGAL ACCESS. PLEASE CONTACT THE PLANNING OFFICE FOR MORE DETAILS

"This is a preliminary indication that the above referenced property, as further designated on the enclosed map, is a legal lot. The decision that this property constitutes a legal lot will be made at the time of the first permit or application action where a legal lot is required. If the boundaries of this legal lot have changed at the time of a permit or application which requires a legal lot, a new Legal Lot Verification will be required."

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "D. G. Nickell".

D. G. NICKELL P.L.S.O.
Engineering Associate
541-682-3989

ATTACHMENTS

CC: TRS File

(A) Vol. 41 P. 3

WARRANTY DEED

This Indenture witnesses that Joseph M. Parker and Caroline Parker his wife for and in consideration of the sum of Dollars to them in hand paid by James Parker the undivided one-half interest in the following described premises, to-wit:

Beginning at a point 32.74 chs west of the southeast cor. of the 1/4 sec 17 of T. 17 N. R. 11 W. running thence N 20° 23' E. 8.37 chs. ... Also the SW 1/4 of the N. E. 1/4 of sec 17 of T. 17 N. R. 11 W. containing 40 acres all in Lane County, Oregon.

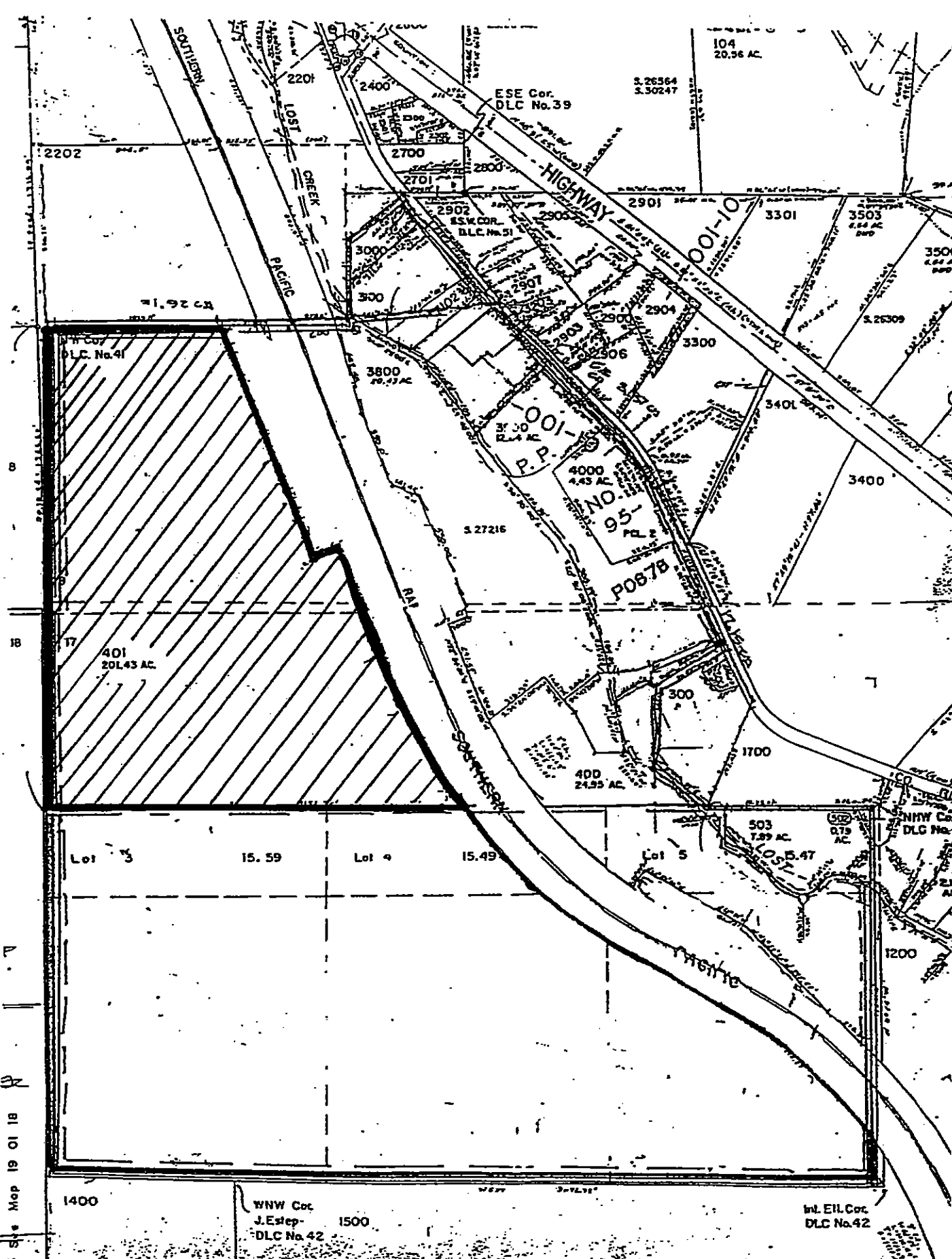
To Have and to Hold the said premises, with their appurtenances, unto the said James Parker his heirs and assigns forever. And the said Joseph M. Parker and Caroline Parker do hereby covenant and warrant that the said James Parker his heirs and assigns that they are the owners in fee simple of said premises; that they are free from all incumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

In Witness Whereof, We have hereunto set our hands and seals this 8 day of February, A. D. 1896. DONE IN PRESENCE OF J. H. Currier J. H. Westbrook Joseph M. Parker Caroline Parker

STATE OF OREGON, COUNTY OF LANE, ss. On this, the 8 day of February, 1896, personally came before me, a Notary Public in and for said County, the within named Joseph M. Parker and Caroline Parker his wife, to me personally known to be the identical persons described in, and who executed the within instrument, and acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein named and that she executed the same freely and voluntarily for the uses and purposes therein named. Witness my hand and seal this 8 day of February, 1896. E. P. Currier Notary Public for Oregon

Parker to Parker February 1896
The West Part of D.L.C. No. 41 & SW 1/4 of NE 1/4

Approximately the West 1/2 of D.L.C. No. 41 and SW 1/4 of NE 1/4 - 19-01-17



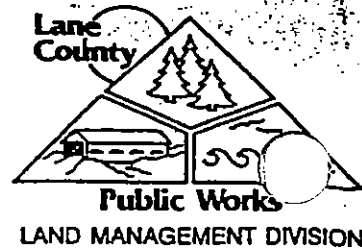
Map 19 01 18

1400

WNW Cor.
J.Estep
DLC No. 42

1500

Int. Etl. Cor.
DLC No. 42



Date: FEB 27 2001

APPLICANT: STANLEY SHATTUCK
78314 HWY 99 SO.
COTTAGE GROVE, OR. 97424

OWNER: NORTHWEST LANDS
37012 WHEELER ROAD
PLEASANT HILL, OR. 97455

PA: 00-6A94

RE: Report and Verification of a Legal Lot
Tax Map: 19-01-17-00 Taxlot: 401 (S/2, NW 1/4 PORTION)

A more exact description by reference to Deed or Land Sales Contract
is BOOK 50 PAGE 221

Based upon the Findings provided in this report, the above referenced property
constitutes a legal lot, which means:

1. Ownership to this property may be conveyed with the assurance that such a conveyance would not require approval by Lane County land division regulations; and
2. Lane County recognizes this property as a legally separate unit of land for the purposes of development. Development would still be subject to applicable zoning, sanitation, access and building regulations.

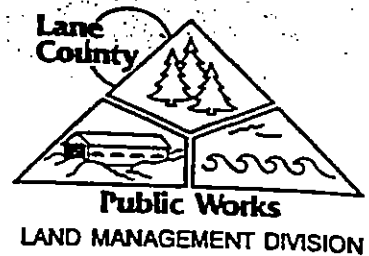
Findings

1. The subject property was created as a separate parcel on FEB. 4 1903
See attached instruments BOOK 50 PAGE 221
2. The creation of the subject property as a separate parcel complied with all effective land division, zoning and comprehensive plan regulations, and it therefore constitutes a legal lot:

a. Land division regulations:

] When the subject parcel was created, there were not land division regulations in effect to govern its creation. Lane County did not adopt applicable regulations for this kind of division until MARCH 26 1975.

[] There were land division regulations in effect governing the creation of this parcel, and the creation of this parcel was specifically exempted by these regulations from compliance because _____



b. Zoning regulations:

-] When the subject parcel was created, there were no zoning regulations in effect at this time. The zoning for this property was adopted on NOV. 12 1975.
-] When the subject parcel was created, there were the following zoning regulations in effect which the parcel complied with because _____

c. Additional Comments:

THE ORIGINAL PARCEL AS DESCRIBED WITHIN THE ENCLOSED DEED WAS REDUCED IN SIZE TO ESTABLISH THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY ON OCT. 24 1950 SEE BOOK 426 PAGES. THIS PARCEL DOES NOT APPEAR TO HAVE ANY LEGAL ACCESS. PLEASE CONTACT THE PLANNING OFFICE FOR MORE DETAILS

"This is a preliminary indication that the above referenced property, as further designated on the enclosed map, is a legal lot. The decision that this property constitutes a legal lot will be made at the time of the first permit or application action where a legal lot is required. If the boundaries of this legal lot have changed at the time of a permit or application which requires a legal lot, a new Legal Lot Verification will be required."

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "D. G. Nickell".

D. G. NICKELL P.L.S.O.
Engineering Associate
541-682-3989

ATTACHMENTS

CC: TRS File

Vol. 56 P. 221

Special Warranty Deed

(B)

Union Trust and Investment Co.,) Filed for record February 17, 1903, at 10 o'clock
A.M. in the County of Multnomah, State of Oregon.

KNOW ALL MEN BY THESE PRESENTS, That Union Trust and Investment Company, a corporation duly incorporated and organized under the laws of the State of Oregon, having its principal office in Portland, Oregon, in consideration of one dollar, to be paid by William McMaster, of Multnomah County, Oregon, has bargained, sold, aliened, conveyed and otherwise disposed of, granted, bargain, sell and convey unto said William McMaster, his heirs and assigns, all the following bounded and described real property, situated in the county of Lane, and State of Oregon:

All of that certain mining ground situated in sections 24, 25, 26, 27, 28, 29, and 30, township twenty three (23) south of range three (3) west of the Willamette meridian, on what is known as Bald Butte mountain in Lane County, Oregon, and more particularly known as the "BALD BUTTE", "WILD WEST", and "COVER" cinnabar mining locations, each location being fifty (50) hundred (1500) feet long and six hundred (600) feet wide, and also being located on mining lands under the mining laws of the United States, and duly recorded in book four (4) of the mining records of Lane County, Oregon; the said Bald Butte location on pages 68 and 69 and dated 11th day of January, 1898; the Wild West location on page 135 and dated 15th day of July, 1896; and the Cover location on page 134 dated 23d day of July, 1896, together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all its estate, right, title and interest in and to the same, including cover and claim of cover.

TO HAVE AND TO HOLD the above described and granted premises unto the said William McMaster, his heirs and assigns forever, together with the right of inheritance, and that the said William McMaster, his heirs and assigns, do covenant to and with William McMaster, the above named grantor, his heirs and assigns, that the above granted premises are free from all incumbrances made, executed or suffered by said grantor Union Trust & Investment Company, and that it will and its successors and assigns shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever, claiming or to claim the same by, from, through or under said grantor.

IN WITNESS WHEREOF, the grantor above named, hereunto set his hand and seal this 6th day of February, A.D. 1903.

Signed, sealed and delivered in the presence of us as witnesses: Corporate By William McMaster, President
Charles M. Dewey Seal By Earl C. Bronaugh, Secretary
D. A. Milne

State of Oregon,)
County of Multnomah)
BE IT REMEMBERED that on this 6th day of February, A.D. 1903, before me, the undersigned, a notary public in and for the State of Oregon; duly commissioned and qualified, personally came William McMaster, President Union Trust & Investment Company, and Earl C. Bronaugh, Secretary Union Trust & Investment Company, whose names are subscribed to the foregoing instrument and as such President and such Secretary of said Union Trust & Investment Company, both personally known to me to be the individuals named and described in, and who executed the said instrument, and they severally acknowledged to me that he, the said William McMaster, as such President, and he, the said Earl C. Bronaugh as such Secretary of the Union Trust & Investment Company, executed the foregoing instrument as and for the act and deed of said Union Trust & Investment Company, freely and voluntarily and for the uses and purposes therein mentioned; and he, the said Earl C. Bronaugh, being by me duly sworn, did depose and say that he is the said Secretary of the Union Trust & Investment Company, and resides at Portland, Oregon; that he is the legal custodian of, and is acquainted with, and has in his possession, the corporate seal of the Union Trust & Investment Company, that the seal affixed to the foregoing instrument is such corporate seal; that the same was affixed by him as such Secretary of said Company, on the 6th day of February, A.D. 1903, by order of the Board of Directors of said Company; and that he signed his name thereto by the like order of the Board of Directors of said Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Portland, Oregon, the date first above written.
(L.S.) Charles M. Dewey, Notary Public

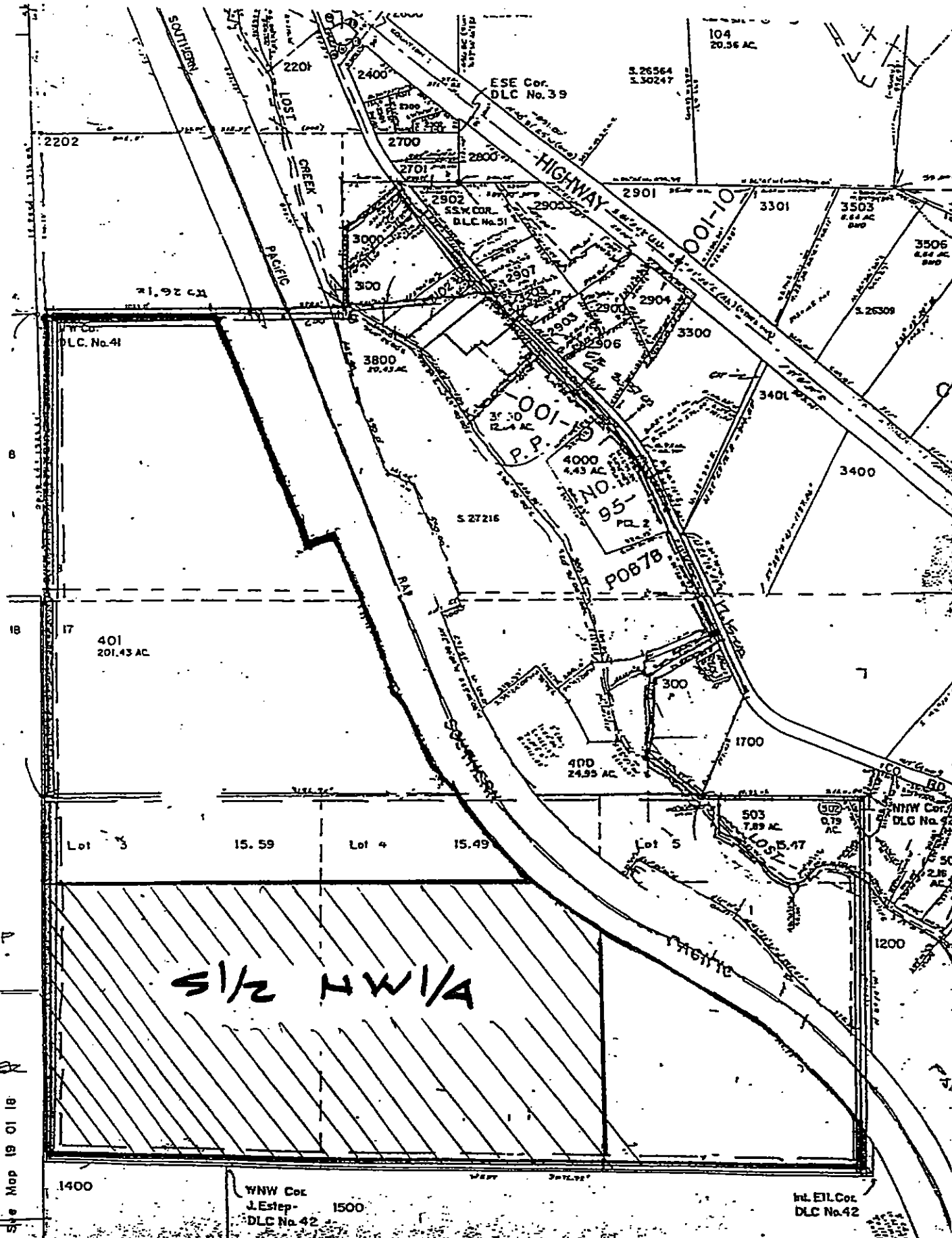
Vol. 56 P. 221

State of Oregon,) Filed for record February 17, 1903.
To E. U. L. S.,
County Clerk.

Alta R. Wright Jones)
STATE OF OREGON. In consideration of one hundred and no/100 dollars, paid to the State Board, the State of Oregon does hereby grant, bargain, sell and convey unto Alta R. Wright Jones the following described lands, to wit, situated in Lane County, Oregon: The south half of northwest quarter of section seventeen, township nineteen south, range one west of Willamette meridian, containing 80 acres.

TO HAVE AND TO HOLD the same unto the said Alta R. Wright Jones, his heirs and assigns forever.
WITNESS the seal of the State Land Board, affixed this 17th day of February, 1903.
George Chamberlain, Chairman
F. L. Dunbar, Secretary
Chas. B. Moore, Treasurer

State Record of Deeds - Book 27, Page 221
This deed is a copy of the original as recorded in the State Record of Deeds, Book 27, Page 221.
I, the undersigned, County Clerk, do hereby certify that the above is a true and correct copy of the original as recorded in the State Record of Deeds, Book 27, Page 221.
E. U. L. S., County Clerk

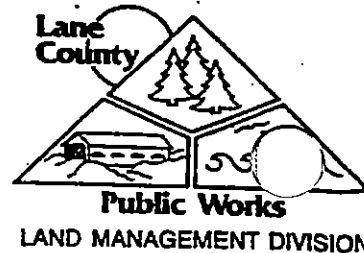


1/2 NW 1/4

Site Map 19 01 18

WNW Cor.
J. Estep
DLC No. 42

Int. EIL Cor.
DLC No. 42



Date: FEB. 27 2001

APPLICANT: STANLEY SHATTUCK
78314 HWY 99 SO.
COTTAGE GROVE, OR. 97142A

OWNER: NORTHWEST LANDS
37012 WHEELER RD.
PLEASANT HILL, OR. 97455

PA: 00-6495

RE: Report and Verification of a Legal Lot
Tax Map: 19-01-17-00 Taxlot: 401 (GOVNT LOTS 3, 4 AND 5
WEST OF S.P. R.R. R/W.

A more exact description by reference to Deed or Land Sales Contract
is BOOK 59 PAGE 114.

Based upon the Findings provided in this report, the above referenced property
constitutes a legal lot, which means:

1. Ownership to this property may be conveyed with the assurance that such a conveyance would not require approval by Lane County land division regulations; and
2. Lane County recognizes this property as a legally separate unit of land for the purposes of development. Development would still be subject to applicable zoning, sanitation, access and building regulations.

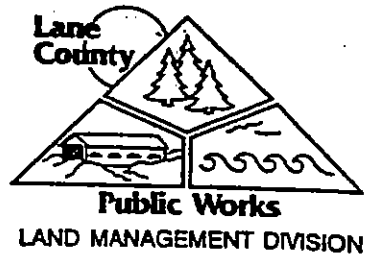
Findings

1. The subject property was created as a separate parcel on NOV. 15 1902.
See attached instruments BOOK 59 PAGE 114
2. The creation of the subject property as a separate parcel complied with all effective land division, zoning and comprehensive plan regulations, and it therefore constitutes a legal lot:

a. Land division regulations:

] When the subject parcel was created, there were not land division regulations in effect to govern its creation. Lane County did not adopt applicable regulations for this kind of division until MARCH 26 1975.

[] There were land division regulations in effect governing the creation of this parcel, and the creation of this parcel was specifically exempted by these regulations from compliance because _____



b. Zoning regulations:

- When the subject parcel was created, there were no zoning regulations in effect at this time. The zoning for this property was adopted on NOV. 12 1975.
- When the subject parcel was created, there were the following zoning regulations in effect which the parcel complied with because _____

c. Additional Comments:

THE ORIGINAL PARCEL AS DESCRIBED IN THE ENCLOSED DEED WAS REDUCED IN SIZE BY THE ESTABLISHMENT OF THE SOUTHERN PACIFIC RAIL ROAD RIGHT OF WAY ON OCT 24 1950, SEE BOOK 4210 PAGE 8. THIS SPLIT THE ORIGINAL PARCEL. THIS LEGAL LOT IS PORTION WEST PORTION. IT APPEARS THAT THIS PARCEL DOES NOT HAVE ANY LEGAL ACCESS. PLEASE CONTACT THE PLANNING OFFICE FOR MORE DETAILS.

"This is a preliminary indication that the above referenced property, as further designated on the enclosed map, is a legal lot. The decision that this property constitutes a legal lot will be made at the time of the first permit or application action where a legal lot is required. If the boundaries of this legal lot have changed at the time of a permit or application which requires a legal lot, a new Legal Lot Verification will be required."

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "D. G. Nickell".

D. G. NICKELL P.L.S.O.
Engineering Associate
541-682-3989

ATTACHMENTS

CC: TRS File

WARRANT DEED

This Indenture Witnesseth, that Edward L. French of

Marilla F. Smith, the sum of \$1000 DOLLARS,

to have paid, do hereby bargain, sell, convey and

transfer unto Peter Hansen & Ellen Hansen, his wife, the following

premises, to-wit: Lot 37 containing fifteen

acres of land (47) containing fifteen acres, Lot

35 containing fifteen acres, all in section sixteen (17), Township

number (19) south of range one (1) West Willamette

Meridian, more or less, according to government survey

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Peter Hansen & wife

and the said J. C. & Marilla Smith do their heirs and assigns forever.

hereby covenant to and with the said Peter Hansen & wife their heirs and assigns, that they and

theirs shall warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 15th day of Nov. 1907.

Done in presence of Geo. J. Crow, Clara J. Brown

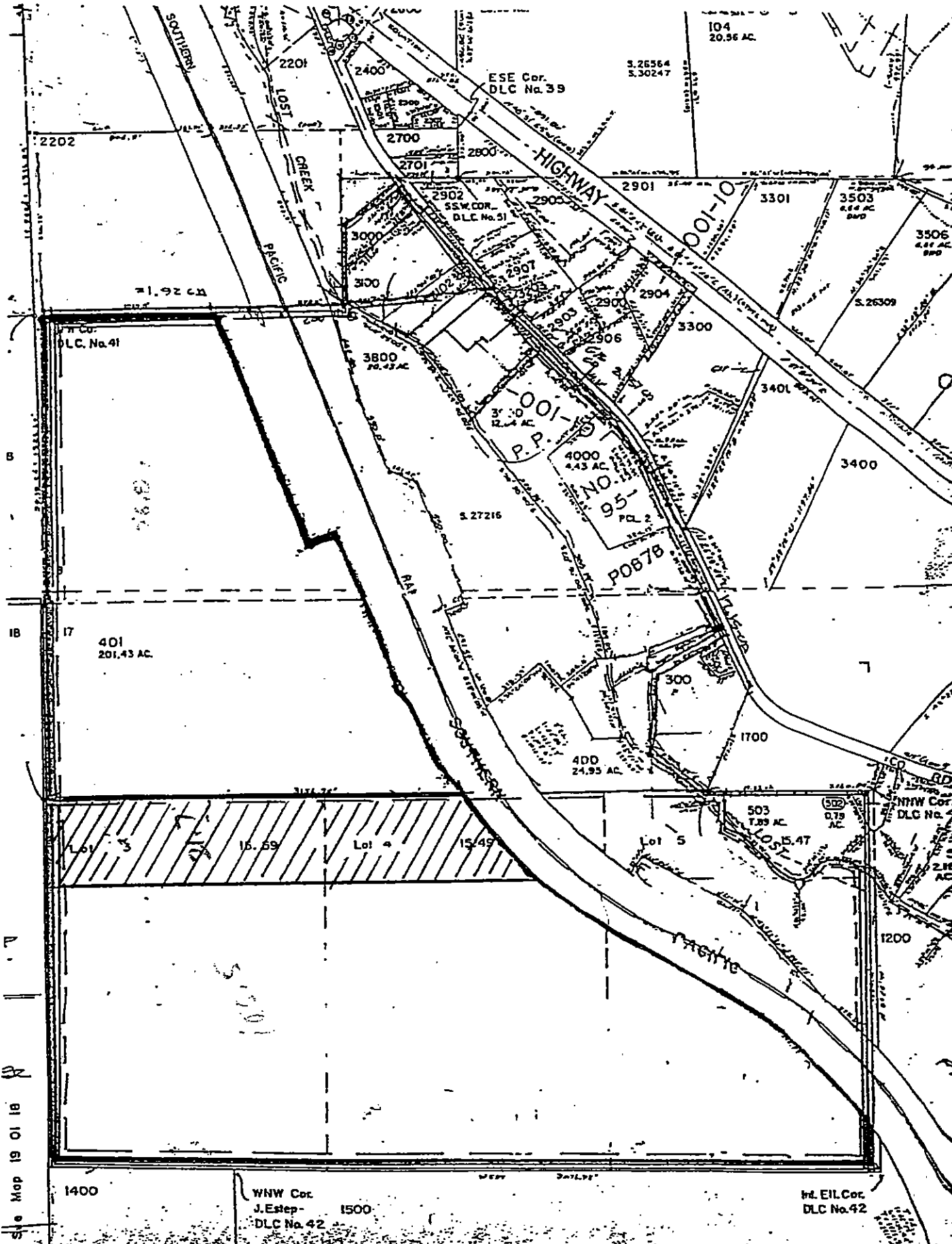
Marilla F. Smith (SEAL) (SEAL) (SEAL) (SEAL)

STATE OF OREGON

Notary Public on the 15th day of Nov. AD 1907

Marilla F. Smith, Marilla F. Smith

WITNESS my hand and seal this 15th day of Nov. 1907 Geo. J. Crow

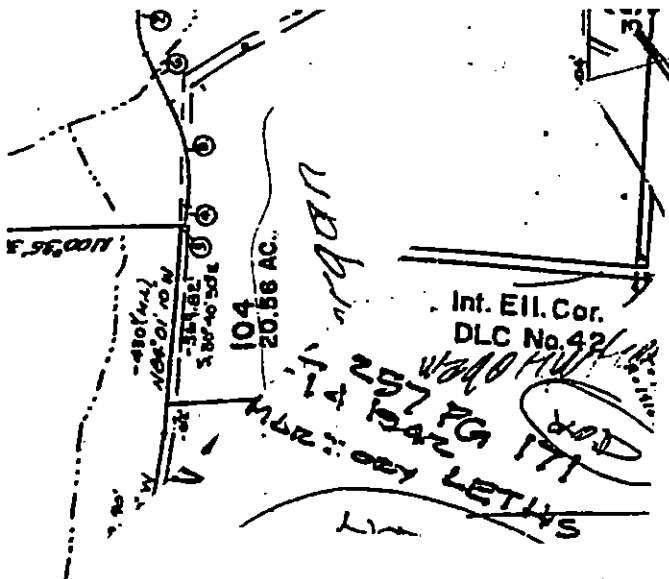


Site Map 19 01 18

1400

WNW Cor.
J. Estep
DLC No. 42 1500

Int. EIL Cor.
DLC No. 42



Int. Ell. Cor.
DLC No. 42

104
20.56 AC.
480 (ft)
N 68° 01' 10 W
351.82
S 80° 40' 30 E
104
174
257
194
LETINS

A

190103/WPT/50-15633
part of 19 01 17 00 00401
TA#1484474
part of 19 01 17 00 01400
TA#819241

30
10
11

Division of Chief Deputy Clerk
Lane County Deeds and Records

2003-000996



\$151.00

00376058200300009960260269

01/05/2003 10:32:49 AM

RPR-DEED Cnt=1 Stn=6 CASHIER 05
\$130.00 \$11.00 \$10.00

PROPERTY LINE ADJUSTMENT DEED

WHEREAS: Northwest Lands Inc., an Oregon corporation (NORTHWEST) is the owner of a tract of real property located in the Northwest 1/4 of Section 17 and the Southwest 1/4 of Section 8 all in Township 19 South, Range 1 West of the Willamette Meridian and being shown on Assessor's Map No. 19-01-17 as Tax Lot No. 401

WHEREAS: Merle S. Brown (BROWN) is the owner of a tract of real property located in the Southwest 1/4 of Section 17 in Township 19 South, Range 1 West of the Willamette Meridian and being shown on Assessor's Map No. 19-01-17 as Tax Lot No. 1400

WHEREAS: NORTHWEST acquired title to their property under that certain warranty deed recorded April 14, 2000, Instrument No. 2000021329 of the Lane County Oregon Deed Records. The legal description of the subject property is described as Parcel III of the aforementioned warranty deed.

WHEREAS: Parcel III of the aforementioned warranty deed was found to contain four separate legal lots under Lane County Planning Action No.00-6492 through No. 00-6495 and are referred to herein as Tract 1, Tract 2, Tract 3 and Tract 4

The legal description for the Tract 1 property prior to this property line adjustment is contained in a Bargain and Sale deed recorded December 6, 1887 in Book T, Page 350 of the Lane County Oregon Deed and Records Office

The legal description for the Tract 2 property prior to this property line adjustment is contained in a Bargain and Sale deed recorded February 17, 1903 in Book 56, Page 221 of the Lane County Oregon Deed and Records Office

The legal description for the Tract 3 property prior to this property line adjustment is contained in a Warranty deed recorded February 4, 1903 in Book 56, Page 221 of the Lane County Oregon Deed and Records Office

The legal description for the Tract 4 property prior to this property line adjustment is contained in a Warranty deed recorded February 3, 1896 in Book 41, Page 3 of the Lane County Oregon Deed and Records Office

DECLARATION OF PROPERTY LINE ADJUSTMENT

Northwest Lands Inc., 37012 Wheeler Road, Pleasant Hill, OR 97455 (Grantor)
Merle S. Brown 82747 Rattlesnake Creek Road, Dexter, OR 97431 (Grantee)
After recording return to: Western Pioneer Title, Cottage Grove, OR 97424
Until a change is requested, mail all tax statements to: no change
CONSIDERATION: OTHER CONSIDERATION OR VALUE GIVEN

After Recording Return To
Western Pioneer Title Co.
PO Box 10146
Eugene, OR 97440

Exhibit C
To Exhibit 3

WHEREAS: BROWN acquired title to their property under that certain warranty deed recorded August 11, 1972 Reception No. 13178 and is referred to herein as Tract 5.

The legal description of the Tract 5 property prior to this adjustment is as follows:

Lot 2 of Section 17, Township 19 South, Range 1 West of the Willamette Meridian

An illustration of the boundaries of Tracts 1-5 prior to this property line adjustment is shown on attached "Exhibit A"

WHEREAS: NORTHWEST and BROWN wish to adjust the common boundaries between these five tracts to create a more usable configuration of the individual tracts and still maintain the legal lot status of the individual tracts.

THEREFORE: By and through this instrument NORTHWEST and BROWN agree to adjust the common boundaries of Tracts 1-5 in an eight (8) step process as outlined herein to comply with Lane County Land Use Regulations and the provisions of OR 92.190(4). To accomplish the property line adjustment NORTHWEST quitclaim and releases all rights to that certain property lying south of that certain line described on attached Exhibit "EE" to BROWN.

STEP 1: Involving the common property line between the original boundaries of Tract 1 as described in the aforementioned instrument and the original boundaries of Tract 2 as described in the aforementioned instrument. An illustration of the property line adjustment appears on Exhibit "B" contained herein.

The legal description of the adjusted property line is shown on attached Exhibit "C". Following this property line adjustment, the legal description for the revised boundaries of Tract 1 is shown on the attached Exhibit "D". Following this lot line adjustment, the legal description for the revised boundaries of Tract 2 is shown on the attached Exhibit "E".

STEP 2: Involving the common property line between the revised boundaries of Tract 2 as described on attached Exhibit "E" and the original boundaries of Tract 5 as described herein. An illustration of the property line adjustment appears on Exhibit "F" contained herein.

The legal description of the adjusted property line is shown on attached Exhibit "G". Following this property line adjustment, the legal description for the revised boundaries of Tract 1 is shown on the attached Exhibit "I". Following this lot line adjustment, the legal description for the revised boundaries of Tract 5 is shown on the attached Exhibit "H".

STEP 3: Involving the common property line between the original boundaries of Tract 3 as described in the aforementioned instrument and the original boundaries of Tract 4 as described in the aforementioned instrument. An illustration of the property line adjustment appears on Exhibit "J" contained herein.

The legal description of the adjusted property line is shown on attached Exhibit "K". Following this property line adjustment, the legal description for the revised boundaries of Tract 3 is shown on the attached Exhibit "L". Following this lot line adjustment, the legal description for the revised boundary and final configuration of Tract 4 is shown on the attached Exhibit "M".

STEP 4: Involving the common property line between the revised boundaries of Tract 3 as described on attached Exhibit "L" and the revised boundaries of Tract 2 as described on attached Exhibit "I". An illustration of the property line adjustment appears on Exhibit "N" contained herein.

The legal description of the adjusted property line is shown on attached Exhibit "O". Following this property line adjustment, the legal description for the revised boundaries and final configuration of Tract 3 is shown on the attached Exhibit "Q". Following this lot line adjustment, the legal description for the boundary of the second revision of Tract 2 is shown on the attached Exhibit "P".

STEP 5: Involving the common property line between the revised boundaries of Tract 5 as described on attached Exhibit "H" and the revised boundaries of Tract 1 as described on attached Exhibit "D". An illustration of the property line adjustment appears on Exhibit "R" contained herein.

The legal description of the adjusted property line is shown on attached Exhibit "S". Following this property line adjustment, the legal description for the boundary of the second revision to Tract 5 is shown on the attached Exhibit "T". Following this lot line adjustment, the legal description for the boundary of the second revision of Tract 1 is shown on the attached Exhibit "U".

STEP 6: Involving the common property line between the boundaries of the second revision to Tract 2 as described on attached Exhibit "P" and the boundaries of the second revision to Tract 1 as described on attached Exhibit "U". An illustration of the property line adjustment appears on Exhibit "V" contained herein.

The legal description of the adjusted property line is shown on attached Exhibit "W". Following this property line adjustment, the legal description for the boundary of the third revision to Tract 2 is shown on the attached Exhibit "X". Following this lot line adjustment, the legal description for the boundary of the third revision of Tract 1 is shown on the attached Exhibit "Y".

STEP 7: Involving the common property line between the boundaries of the third revision to Tract 2 as described on attached Exhibit "X" and the boundaries of the third revision to Tract 1 as described on attached Exhibit "Y". An illustration of the property line adjustment appears on Exhibit "Z" contained herein.

The legal description of the adjusted property line is shown on attached Exhibit "AA". Following this property line adjustment, the legal description for the revised boundaries of the fourth revision and final configuration to Tract 2 is shown on the attached Exhibit "BB". Following this lot line adjustment, the legal description for the revised boundary of the fourth revision of Tract 1 is shown on the attached Exhibit "CC".

STEP 8: Involving the common property line between the boundary of the fourth revision to Tract 1 as described on attached Exhibit "CC" and the boundary of the second revision to Tract 5 as described on attached Exhibit "T". An illustration of the property line adjustment appears on Exhibit "DD" contained herein.

The legal description of the adjusted property line is shown on attached Exhibit "EE". Following this property line adjustment, the legal description for the boundaries of the fifth revision and final configuration to Tract 1 is shown on the attached Exhibit "GG". Following this lot line adjustment, the legal description for the boundaries of the third revision and final configuration of Tract 5 is shown on the attached Exhibit "FF".

An illustration of the revised boundaries of Tracts 1-5 after the completion of the property line adjustments is shown on attached "Exhibit HH"

The true and actual consideration for this conveyance is \$ other consideration or value

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OF COUNTY PLANNING DEPARTMENT TO VERIFY USES.



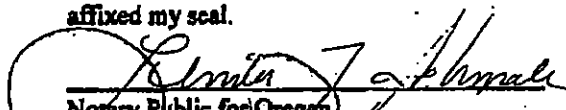
Northwest Lands Inc. an Oregon corporation
Darren Kronberger, President



Merle S. Brown

STATE OF OREGON)
) ss.
County of Lane)

On this 30th day of December, 2002, there appeared before me, a notary public in and for the said state and county, the hereon named Darren Kronberger, acting in his capacity as president of Northwest Lands Inc., an Oregon corporation and known to me, or proven to me by satisfactory evidence, to be the same person who executed the foregoing instrument on behalf of said corporation and acknowledged the same to be his voluntary act and deed. In witness thereof I have hereunto set my hand and affixed my seal.

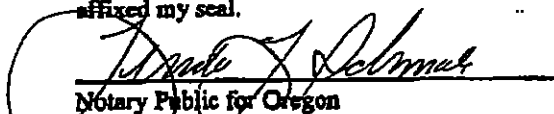


Notary Public for Oregon
My Commission Expires: _____

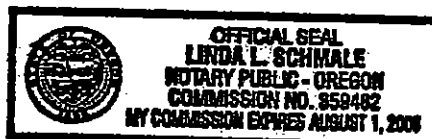


STATE OF OREGON)
) ss.
County of Lane)

On this 30th day of December, 2002, there appeared before me, a notary public in and for the said state and county, the hereon named Merle S. Brown and known to me, or proven to me by satisfactory evidence, to be the same person who executed the foregoing instrument and acknowledged the same to be his voluntary act and deed. In witness thereof I have hereunto set my hand and affixed my seal.

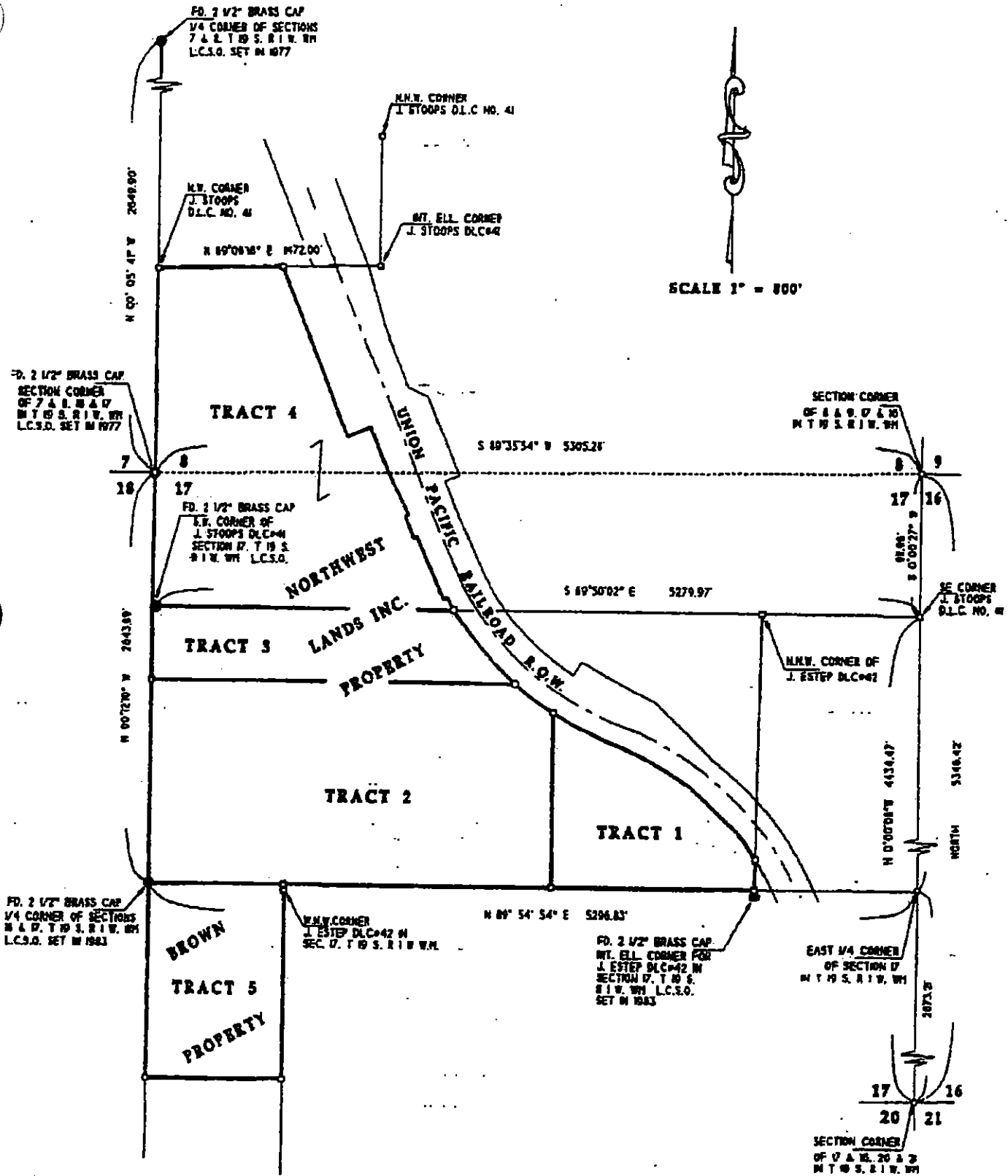


Notary Public for Oregon
My Commission Expires: _____



" EXHIBIT A "

ORIGINAL LOT CONFIGURATION



" EXHIBIT B "

STEP 1 PROPERTY LINE ADJUSTMENT

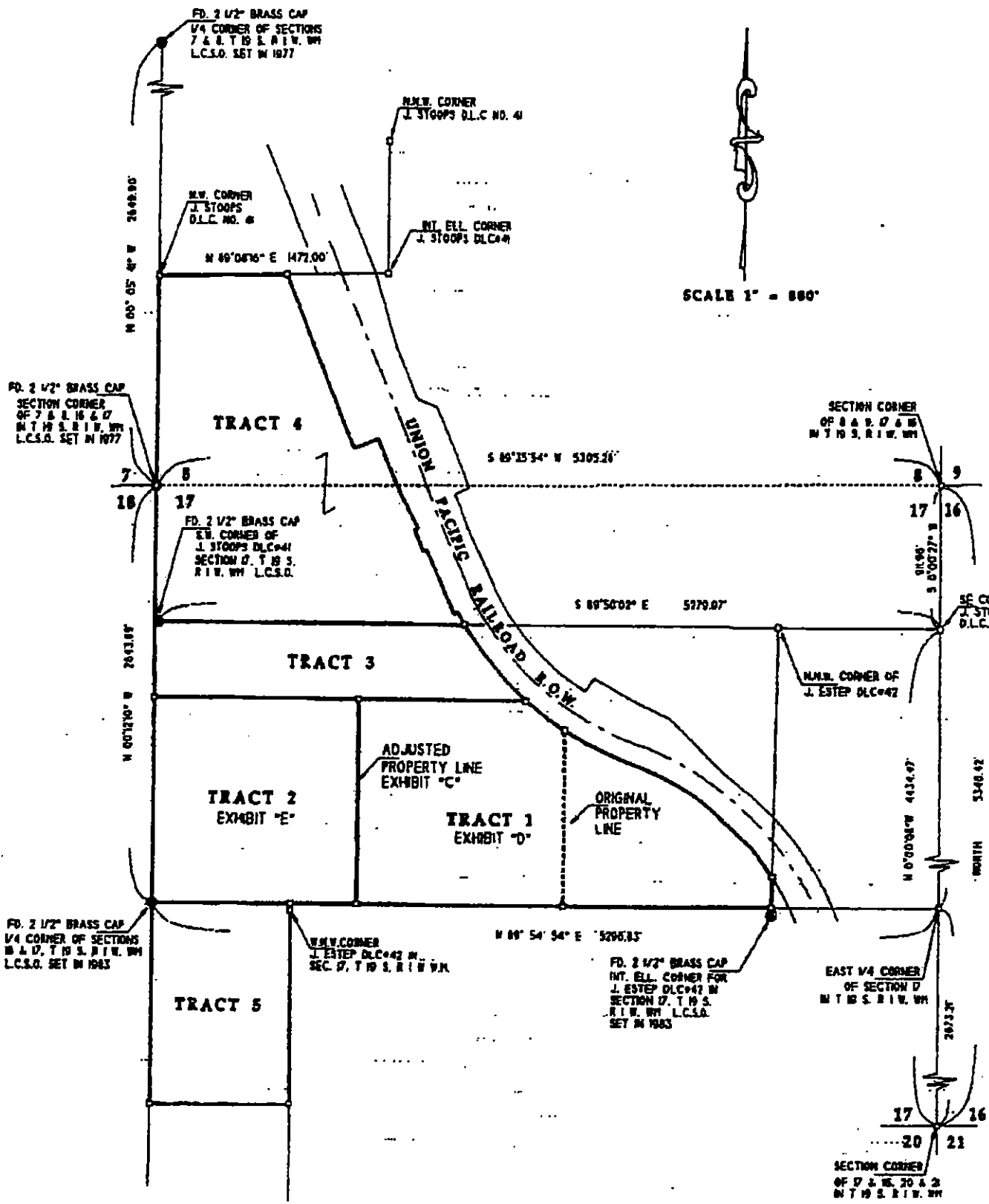


EXHIBIT "C"

**LEGAL DESCRIPTION FOR THE ADJUSTED PROPERTY LINE
BETWEEN THE ORIGINAL BOUNDARIES OF
TRACT 1 AND TRACT 2**

Beginning at a point on the east/west center section line of Section 17 in Township 19 South, Range 1 West of the Willamette Meridian said point North 89° 54' 54" East 1320 feet from the brass cap marking the west one-quarter corner of Section 17 in said Township 19 South, Range 1 West of the Willamette Meridian; thence leaving said east/west center section line and running parallel to the west line of the Northwest one-quarter of said Section 7 North 00° 12' 10" West 1320 feet more or less to a point on the north line of south one-half of the Northwest one-quarter said Section 17 and there ending, all in Lane County, Oregon.

EXHIBIT "D"

**LEGAL DESCRIPTION FOR THE REVISED BOUNDARIES
TRACT 1
FIRST ADJUSTMENT**

Beginning at a point on the east/west center section line of Section 17 in Township 19 South, Range 1 West of the Willamette Meridian said point North 89° 54' 54" East 1320 feet from the brass cap marking the west one-quarter corner of Section 17 in said Township 19 South, Range 1 West of the Willamette Meridian; thence leaving said east/west center section line and running parallel to the west line of the Northwest one-quarter of said Section 17 North 00° 12' 10" West 1320 feet more or less to a point on the north line of the south one-half of the Northwest one-quarter said Section 17; thence along the north line of the south one-half of the Northwest one-quarter of said Section 17 East 1030 feet more or less to a point marking the intersection of said north line and the west margin of the Union Pacific Railroad right of way; thence leaving said north line and running in a southeasterly direction along the west margin of the Union Pacific Railroad right of way to a point marking the intersection of the west margin of the Union Pacific Railroad right of way and the east line of the said William McCall D.L.C. No. 39; thence leaving said west margin and running along the east line of said William McCall D.L.C. No. 39 South 150 feet more or less to a point marking the intersection of the east line of the William McCall D.L.C. 39 and the east/west center section of said Section 17; thence leaving said west line and running along the east/west center section line of said Section 17 South 89° 54' 54" West 2640 feet more or less to the point of beginning, all in Lane County, Oregon.

EXHIBIT "E"

**LEGAL DESCRIPTION FOR THE REVISED BOUNDARIES
TRACT 2
FIRST ADJUSTMENT**

Beginning at the brass cap marking the west one-quarter corner of Section 17 in said Township 19 South, Range 1 West of the Willamette Meridian; thence along the east/west center section line of said Section 17 North 89° 54' 54" East 1320 feet; thence leaving said east/west center section line and running parallel to the west line of the Northwest one-quarter of said Section 17 North 00° 12' 10" West 1320 feet more or less to a point on the north line of the south one-half of the Northwest one-quarter said Section 17; thence along the north line of the south one-half of the Northwest one-quarter of said Section 17 West 1320 feet more or less to a point on the west line of the northwest one-quarter of said Section 17; thence along the west line of the northwest one-quarter of said Section 17 South 00° 12' 10" East 1320 feet more or less to the point of beginning, all in Lane County, Oregon.

" EXHIBIT F "

STEP 2 PROPERTY LINE ADJUSTMENT

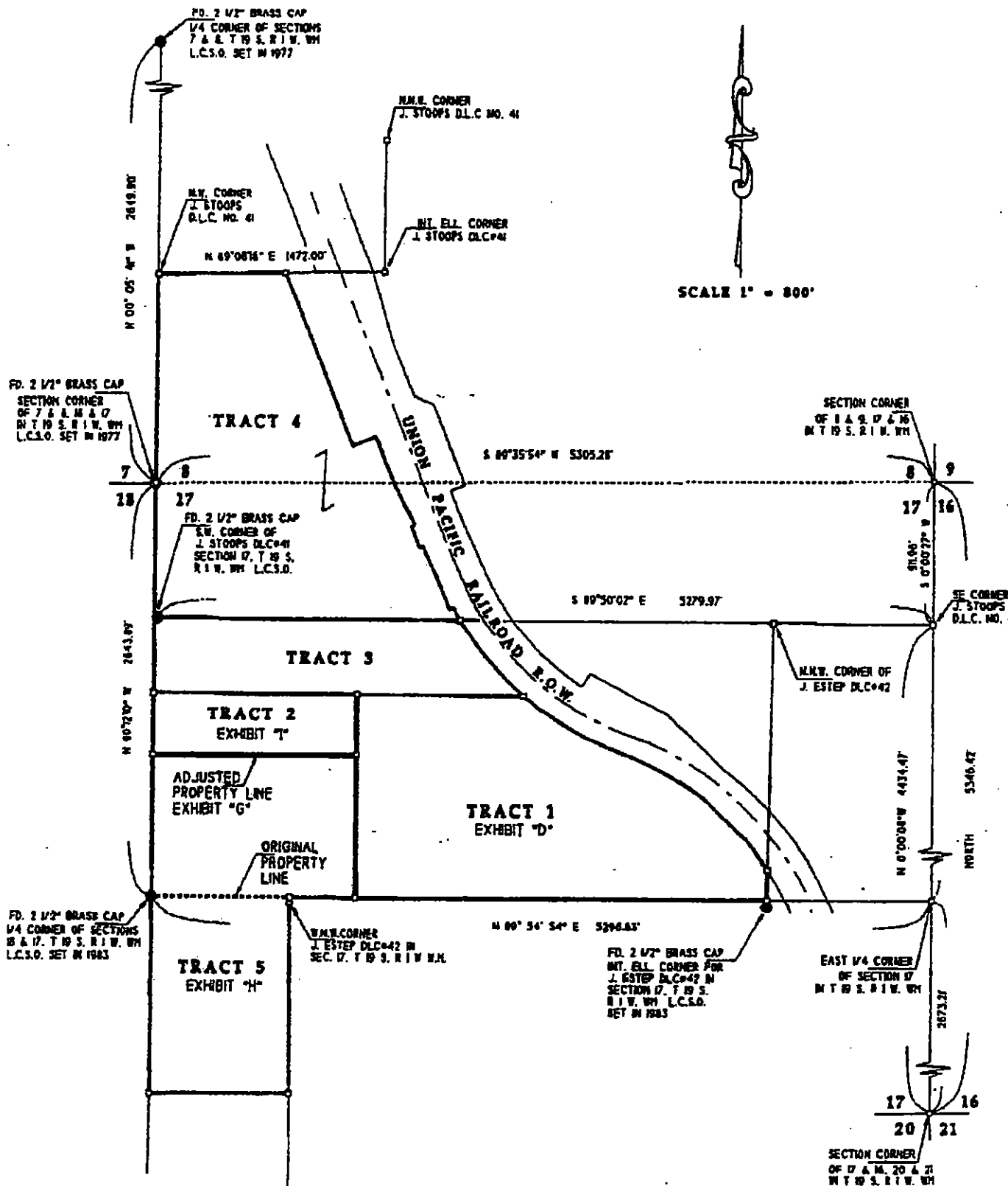


EXHIBIT "G"

**LEGAL DESCRIPTION FOR THE ADJUSTED PROPERTY LINE
BETWEEN THE ORIGINAL BOUNDARY OF TRACT 5
AND THE BOUNDARY OF TRACT 2 AFTER THE FIRST ADJUSTMENT**

Beginning at a point on the east/west center section line of Section 17 in Township 19 South, Range 1 West of the Willamette Meridian said point North $89^{\circ}54'54''$ East 1320 feet from the brass cap marking the west one-quarter corner of Section 17 in said Township 19 South, Range 1 West of the Willamette Meridian; thence leaving said east/west center section line and running parallel to the west line of the Northwest one-quarter of said Section 17 North $00^{\circ}12'10''$ West 900 feet to the True Point of Beginning; thence parallel with said east/west center section line South $89^{\circ}50'02''$ West 1320 feet more or less to a point on the west line of the Northwest one-quarter of said Section 17 and there ending, all in Lane County, Oregon

EXHIBIT "H"

**LEGAL DESCRIPTION FOR THE REVISED BOUNDARIES
TRACT 5
FIRST ADJUSTMENT**

Lot 2 of Section 17 in Township 19 South, Range 1 West of the Willamette Meridian, all in Lane County, Oregon.

ALSO: Beginning at the brass cap marking the west one-quarter corner of Section 17 in said Township 19 South, Range 1 West of the Willamette Meridian; thence along the east/west center section line of Section 17 in Township 19 South, Range 1 West of the Willamette Meridian North $89^{\circ}54'54''$ East 1320 feet thence leaving the east/west center section line of said Section 17 and running parallel to the west line of the Northwest one-quarter of said Section 7 North $00^{\circ}12'10''$ West 900 feet; thence parallel with the east/west center section line South $89^{\circ}54'54''$ West 1320 feet more or less to a point on the west line of the Northwest one-quarter of said Section 17; thence along the west line of the Northwest one-quarter of said Section 17 South $00^{\circ}12'10''$ East 900 feet more or less to the point of beginning, all in Lane County, Oregon.

EXHIBIT "I"

**LEGAL DESCRIPTION FOR THE REVISED BOUNDARIES
TRACT 2
SECOND ADJUSTMENT**

Beginning at a point on the east/west center section line of Section 17 in Township 19 South, Range 1 West of the Willamette Meridian said point North $89^{\circ}54'54''$ East 1320 feet from the brass cap marking the west one-quarter corner of Section 17 in said Township 19 South, Range 1 West of the Willamette Meridian; thence leaving said east/west center section line and running parallel to the west line of the Northwest one-quarter of said Section 17 North $00^{\circ}12'10''$ West 900 feet to the True Point of Beginning; thence parallel with the said east/west center section line South $89^{\circ}54'54''$ West 1320 feet more or less to a point on the west line of the Northwest one-quarter of said Section 17; thence along the west line of the Northwest one-quarter of said Section 17 North $00^{\circ}12'10''$ West 420 feet more or less to the northwest corner of the South one-half of the northwest one-quarter of said Section 17; thence leaving said west line and running along the north line of the South one-half of the Northwest one-quarter of said Section 17 East 1320 feet more or less to a point which bears North $00^{\circ}12'10''$ West from the true point of beginning; thence South $00^{\circ}12'10''$ East 420 feet more or less to the True Point of Beginning, all in Lane County, Oregon.

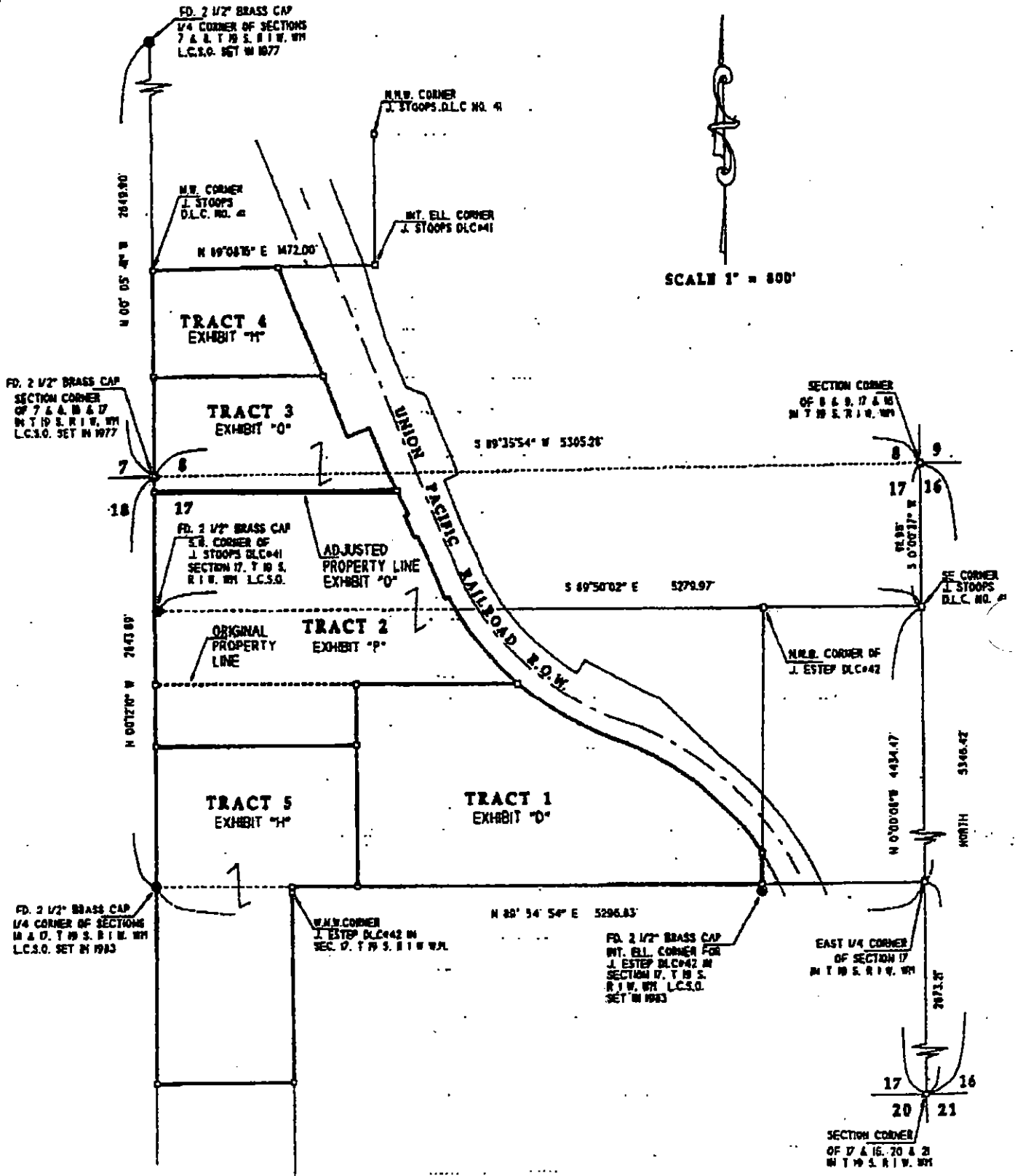
EXHIBIT "M"

**LEGAL DESCRIPTION FOR THE REVISED BOUNDARIES
TRACT 4
FINAL ADJUSTMENT**

Beginning at a point on the west line of the Southwest one-quarter of Section 8 in Township 19 South, Range 1 West of the Willamette Meridian, said point being North 00°05'41" West 640.00 feet from the brass cap marking the southwest corner of said Section 8; thence parallel with the south line of the J. Stoops D.L.C. No. 41 in Township 19 South, Range 1 West of the Willamette Meridian South 89°50'02" East 1120 feet more or less to a point on the west margin of the Union Pacific Railroad right of way; thence northwesterly along the west margin of the Union Pacific Railroad right of way to a point marking the intersection of said west margin and the south line of the William McCall D.L.C. No. 39 in Township 19 South, Range 1 West of the Willamette Meridian; thence leaving said west margin and running along the south line of the William McCall D.L.C. No. 39 South 89°08'16" West 818 feet more or less to a point marking the intersection of the south line of the said William McCall D.L.C. No. 39 and the west line of the southwest one-quarter of Section 8 in Township 19 South, Range 1 West; thence leaving said south line and running along the west line of the southwest one-quarter of said Section 8 South 00°05'41" East 685 feet more or less to the point of beginning, all in Lane County, Oregon.

" EXHIBIT N "

STEP 4 PROPERTY LINE ADJUSTMENT



SCALE 1" = 800'



EXHIBIT "O"

**LEGAL DESCRIPTION FOR THE ADJUSTED PROPERTY LINE
BETWEEN THE BOUNDARY OF TRACT 2 AFTER THE SECOND ADJUSTMENT
AND THE BOUNDARY OF TRACT 3 AFTER THE FIRST ADJUSTMENT**

Beginning at a point on the west line of the Northwest one-quarter of Section 17 in Township 19 South, Range 1 West of the Willamette Meridian said point South 00°12'10" East 100.00 feet from the brass cap marking the section corner common to Sections 7, 8, 17, & 18 in Township 19 South, Range 1 West of the Willamette; thence parallel with the south line of the J. Stoops D.L.C. No. 41 in said Township and Range South 89°50'02" East 1680 feet more or less to a point on the west margin of the Union Pacific Railroad right of way and there ending, all in Lane County, Oregon

EXHIBIT "Q"

**LEGAL DESCRIPTION FOR THE REVISED BOUNDARIES
TRACT 3
FINAL ADJUSTMENT**

Beginning at a point on the west line of the Northwest one-quarter of Section 17 in Township 19 South, Range 1 West of the Willamette Meridian said point South 00°12'10" East 100.00 feet from the brass cap marking the section corner common to Sections 7, 8, 17, & 18 in Township 19 South, Range 1 West of the Willamette; thence North 00°12'10" West 100.00 feet to the brass cap marking the section corner common to said Sections 7, 8, 17 & 18; thence along the west line of the southwest one-quarter of Section 8 in said Township and Range North 00°05'41" West 640.00 feet; thence leaving said west line and running parallel to the south line of the J. Stoops D.L.C. No. 41 in Township 19 South, Range 1 West of the Willamette Meridian South 89°50'02" East 1120 feet more or less to a point on the west margin of the Union Pacific Railroad right of way; thence southeasterly along the west margin of the said Union Pacific Railroad right of way to a point which bears South 89°50'02" East from the point of beginning; thence North 89°50'02" West 1620 feet more or less to the point of beginning, all in Lane County, Oregon

EXHIBIT "P"

**LEGAL DESCRIPTION FOR THE REVISED BOUNDARIES
TRACT 2
THIRD ADJUSTMENT**

Beginning at a point on the west line of the Northwest one-quarter of Section 17 in Township 19 South, Range 1 West of the Willamette Meridian said point South 00° 12' 10" East 100.00 feet from the brass cap marking the section corner common to Sections 7, 8, 17, & 18 in Township 19 South, Range 1 West of the Willamette; thence parallel with the south line of the J. Stoops D.L.C. No. 41 in said Township and Range South 89° 50' 02" East 1620 feet more or less to a point on the west margin of the Union Pacific Railroad right of way; thence southeasterly along the west margin of the Union Pacific Railroad right of way to a point marking the intersection of the west margin of the Union Pacific Railroad right of way and the north line of the south one-half of the northwest one-quarter of Section 17 in Township 19 South, Range 1 West of the Willamette Meridian; thence leaving said west margin and running along the north line of the south one-half of the northwest one-quarter of said Section 17 West 1030 feet more or less to a point which is 1320 feet east of the west line of the northwest one quarter of said Section 17; thence parallel with the west line of the northwest one-quarter of said Section 17 South 00° 12' 10" East 420 feet more or less to a point which bears North 00° 12' 10" West 900.00 feet from a point on the east/west center section line of said Section 17, said last referenced point being North 89° 54' 54" East 1320 feet from the brass cap marking the west one-quarter corner of Section 17 in said Township 19 South, Range 1 West of the Willamette Meridian; thence parallel with the east/west center section line of Section 17 in Township 19 South, Range 1 West of the Willamette Meridian South 89° 54' 54" West 1320 feet more or less to a point in the west line of the northwest one-quarter of said Section 17; thence along the west line of the northwest one-quarter of said Section 17 North 00° 12' 10" West 1644 feet more or less to the point of beginning, all in Lane County, Oregon.

" EXHIBIT R "

STEP 5 PROPERTY LINE ADJUSTMENT

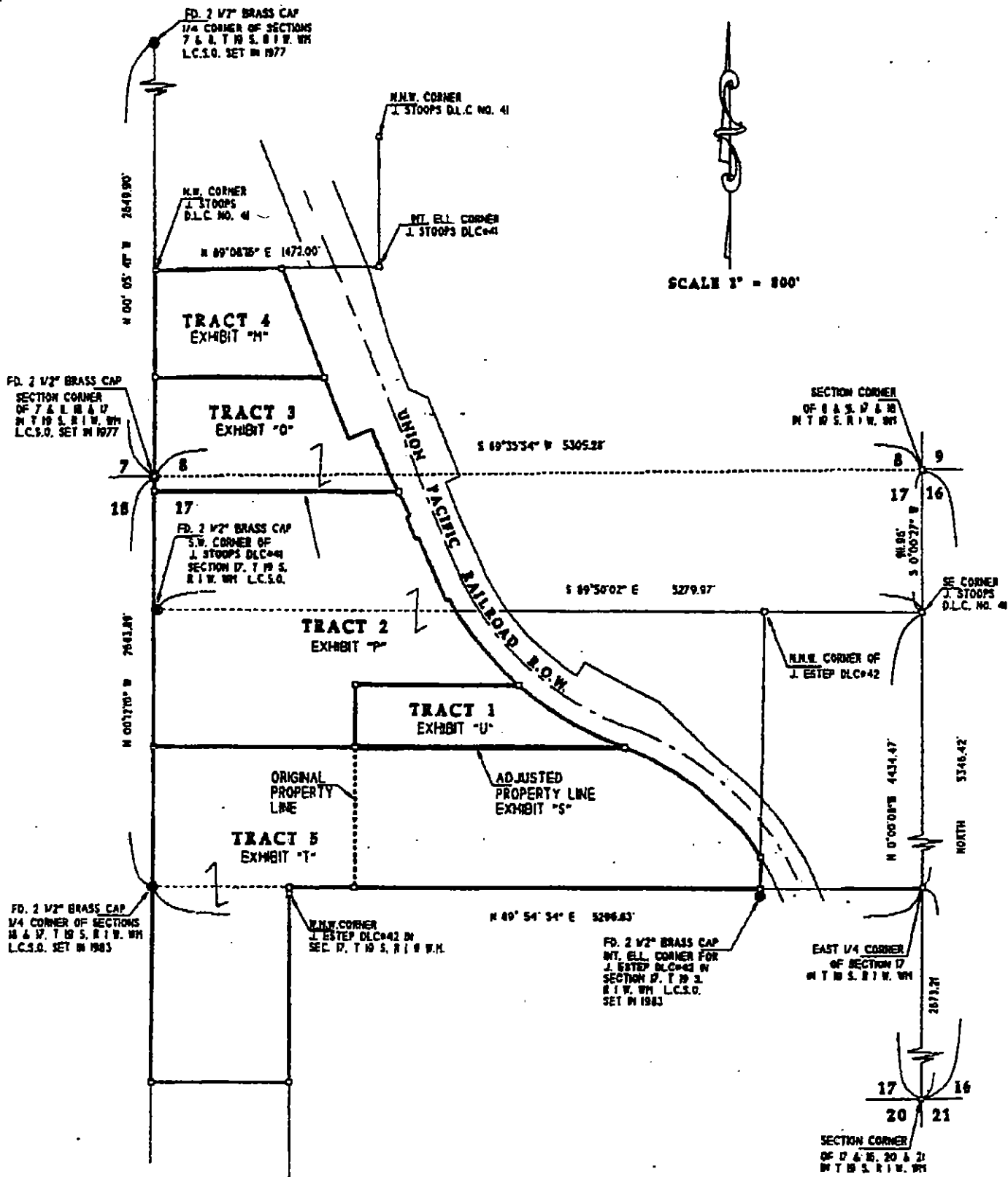


EXHIBIT "S"

**LEGAL DESCRIPTION FOR THE ADJUSTED PROPERTY LINE
BETWEEN THE BOUNDARY OF TRACT 1 AFTER THE FIRST ADJUSTMENT
AND THE BOUNDARY OF TRACT 5 AFTER THE FIRST ADJUSTMENT**

Beginning at a point on the east/west center section line of Section 17 in Township 19 South, Range 1 West of the Willamette Meridian, said point being North 89°54'54" East 1320 feet from the brass cap marking the west one-quarter corner of Section 17 in said Township 19 South, Range 1 West of the Willamette Meridian thence leaving the east/west center section line of said Section 17 and running parallel to the west line of the Northwest one-quarter of said Section 7 North 00°12'10" West 900 feet to the True Point of Beginning; thence parallel with the south line of the J. Stoops D.L.C. No.41 in Township 19 South, Range 1 West of the Willamette Meridian South 89°50'02" East 1750 feet more or less to a point on the west margin of the Union Pacific Railroad right of way and there ending, all in Lane County, Oregon.

EXHIBIT "U"

**LEGAL DESCRIPTION FOR THE REVISED BOUNDARIES
TRACT 1
SECOND ADJUSTMENT**

Beginning at a point on the east/west center section line of Section 17 in Township 19 South, Range 1 West of the Willamette Meridian, said point being North 89°54'54" East 1320 feet from the brass cap marking the west one-quarter corner of Section 17 in said Township 19 South, Range 1 West of the Willamette Meridian thence leaving the east/west center section line of said Section 17 and running parallel to the west line of the Northwest one-quarter of said Section 7 North 00°12'10" West 900 feet to the True Point of Beginning; thence continuing North 00°12'10" West 420 feet more or less to a point on the north line of the south one-half of the northwest one-quarter of Section 17 in Township 19 South, Range 1 West of the Willamette Meridian; thence along the north line of the south one-half of the northwest one-quarter of said Section 17 East 1030 feet more or less to a point marking the intersection of the north line of the south one-half of the northwest one-quarter of said Section 17 and the west margin of the Union Pacific Railroad right of way; thence leaving said north line and running southeasterly along the west margin of the Union Pacific Railroad right of way to a point which bears North 89°54'54" East from the true point of beginning; thence leaving said west margin and running South 89°54'54" West 1720 to the True Point of Beginning, all in Lane County, Oregon.

EXHIBIT "T"

**LEGAL DESCRIPTION FOR THE REVISED BOUNDARIES
TRACT 5
SECOND ADJUSTMENT**

Lot 2 of Section 17 in Township 19 South, Range 1 West of the Willamette Meridian, all in Lane County, Oregon.

ALSO: Beginning at the brass cap marking the west one-quarter corner of Section 17 in Township 19 South, Range 1 West of the Willamette Meridian; thence along the west line of the northwest one-quarter of said Section 17 North $00^{\circ}12'10''$ West 900.00 feet; thence leaving said west line and running parallel to the east/west center section line of said Section 17 North $89^{\circ}54'54''$ East 3100 feet more or less to a point on the west margin of the Union Pacific Railroad right of way; thence southeasterly along the west margin of the Union Pacific Railroad right of way to a point marking the intersection of the west margin of the Union Pacific Railroad right of way and the east line of the William McCall D.L.C. No. 39 in Township 19 South, Range 1 West of the Willamette Meridian; thence leaving said west margin and running along the east line of the William McCall D.L.C. No. 39 South 150 feet more or less to a point marking the intersection of the east line of the William McCall D.L.C. 39 and the east/west center section line of said Section 17; thence leaving said east line and running along the east/west center section line of said Section 17 South $89^{\circ}54'54''$ West 3960 feet more or less to the point of beginning, all in Lane County, Oregon.