W. 14. C

Memorandum Date: August 15, 2006

Order Date: August 23, 2006

TO:

Board of County Commissioners

DEPARTMENT:

Public Works Dept./Land Management Division

PRESENTED BY:

BILL VANVACTOR, COUNTY ADMINISTRATOR

KENT HOWE, PLANNING DIRECTOR

AGENDA ITEM TITLE:

In the Matter of Amending Order No. 06-2-15-2 to Include Property Omitted From a Ballot Measure 37 Claim Decision to Not Apply Restrictive Land Use Regulations in Lieu of

Providing Just Compensation (PA 05-6100, Bedortha)

I. <u>MOTION</u>

Move to approve the Measure 37 Claim and adopt the order attached to this memo.

II. AGENDA ITEM SUMMARY

Shall the Board of County Commissioners compensate an applicant under Ballot Measure 37 and LC 2.700 through 2.770 for the reduction in fair market value of the affected property interest resulting from enactment or enforcement of restrictive land use regulations or modify, remove, or discontinue application of those land use regulations to the subject property to allow Milton Bedortha to use the property as allowed at the time he acquired an interest in the property?

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

On January 18, 2006, the Board held a hearing regarding this claim. After taking testimony, the Board closed the hearing except for additional information regarding the date of acquisition for tax lot #2300. The hearing was continued to February 15. At the meeting February 15, 2006, the Board adopted Order No. 06-2-15-2. This order waived the restrictive regulations for tax lot #200 to February 1, 1974. Also on that date, the Board allowed the claimant to place the claim on the remaining tax lot on hold and submit additional information at a later date.

Applicant: Milton W. Bedortha

Current Owner: Bedortha Family Trust

Agent: Norm Waterbury

Legal Description of Property: 20-03-34 #2300

Acreage: 60 acres

Current Zoning: F2 (Impacted Forest)

Date Property Acquired: January 10, 1969.

Date claim submitted: August 4, 2005. At the hearing on January 18, 2006, the applicant waived the processing timeline in order to submit

additional information.

Land Use Regulations in Effect at Date of Acquisition: Unzoned

County land use regulation which restricts the use and reduces the fair market value of claimant's property: LC 16.211 F2 (Impacted Forest)

В. **Policy Issues**

This claim does not involve any administrative policy or objective.

C. **Board Goals**

The public hearing will provide an opportunity for citizen participation in decision making, in conformance with the overall goals of the Lane County Strategic Plan.

Financial and/or Resource Considerations D.

The applicant has requested compensation in the amount of \$780,000 or a waiver of the F2 (Impacted Forest) zone regulations that prohibit the division of the property into lots containing less than 80 acres and construction of a dwelling on each lot.

Ε. **Analysis**

The applicant has submitted evidence in support of this claim including an appraisal, numerous deeds and the processing fee.

On March 22, 2006, Mr. Waterbury submitted Warranty Deed #9055909, dated July 12, 1967. This deed demonstrates the contract between Jessie W. Post and McNair was completed. This is the link that was missing in the original submittal. Based on the evidence in the record, it appears that Milton Bedortha acquired an interest in tax lot #2300 on January 10, 1969 (instrument #50692).

Also on March 22, Mr. Waterbury submitted Bargain and Sale deed #50692 dated January 16, 1969. This deed describes tax lot #200 and is already in the record. The claim for tax lot #200 has already been determined to be valid and

the restrictive regulations have been waived to February 1, 1974 (Order No. 06-2-15-2, adopted on February 16, 2006). No evidence has been submitted that changes the acquisition date of tax lot #200.

The current owner is the Bedortha Family Trust. This is a revocable trust and Milton Bedortha is a trustee. Because of this, the claimant is allowed to demonstrate a reduction in fair market value from the date Milton acquired an interest. In addition, any waiver will be granted to Milton Bedortha and will be based on his date of acquisition.

An order is attached to this memo that waives the land use regulations for tax lot #2300, based on an acquisition date of January 10, 1969.

Summary of evidence for Parcel 20-03-34 #2300

Instrument #50692 Dated: January 10, 1969. Recorded: January 13, 1969 Bargain and Sale Deed that shows W.L. and Kathryn McNair conveyed the parcel to Milton, Chester and Gladys Bedortha.

Instrument #50693 Dated: January 10, 1969. Recorded: unknown. An Assignment of Contract that shows WL and Kathryn McNair assigned the remainder of the contract to Milton, Chester and Gladys Bedortha.

Instrument #7513026 Dated: March 28, 1975. Recorded: Unknown. Bargain and Sale Deed. This was a conveyance from Loris Dale Post to Julia Anna Post to create a survivorship. However, it referenced a land sale contract between Jessie W. Post and W.L. McNair and wife, dated July 11, 1967.

NEW Instrument #9055909 Dated: July 12, 1967. Recorded: November 21, 1990. Warranty Deed that conveyed property from Jessie Post to WL and Kathryn McNair.

Instrument #7606614 Dated: January 31, 1976.

Quit Claim Deed from Chester and Gladys Bedortha to Milton Bedortha. Subject to a contract of sale dated July 11, 1967 and recorded on January 10, 1969, where Jessie Post was selling the property to WL and Kathryn McNair.

Summary of evidence for Parcel 21-03-03 #200

Instrument #29050 Dated August 30, 1963. Recorded: Unknown, unreadable. Warranty Deed from Walter and Edna Pitcher to Clifford and Berta Mae Bush.

Instrument #7404187 Dated: Feb 1, 1974. Recorded: Feb 5, 1974. Land Sale Contract from Clifford and Berta Mae Bush to Milton and Chester Bedortha.

Instrument #7908763 Dated: February 1, 1974. Recorded: February 13, 1979. Contract of Sale from Clifford and Berta Mae Bush to Milton and Chester Bedortha.

Instrument #7606615 Dated: January 31, 1976. Recorded: February 11, 1976. Quit Claim Deed from Chester Bedortha to Milton Bedortha, and subject to the Contract of Sale dated Feb 1, 1974.

To have a valid claim against Lane County under Measure 37 and LC 2.700 through 2.770, the applicant must prove:

- 1. Lane County has enacted or enforced a restrictive land use regulation since the owner acquired the property, and
- 2. The restrictive land use regulation has the effect of reducing the fair market value of the property, and
- 3. The restrictive land use regulation is not an exempt regulation as defined in LC 2.710.

Restrictive Regulations

Based on the information in the record, Milton Bedortha acquired an interest in tax lot #2300 on January 10, 1969. At that time, the property was unzoned. Currently, the property is zoned F2 (Impacted Forest), the minimum parcel size is 80 acres and new dwellings are prohibited.

Reduction in Fair Market Value

The claimant has submitted an appraisal. Based on this appraisal, the alleged reduction in fair market value for tax lots #200 and #2300 is \$780,000.

The current owner is the Bedortha Family Trust. This is a revocable trust and Milton Bedortha is a trustee. Because of this, the claimant is allowed to demonstrate a reduction in fair market value from the date Milton acquired an interest. In addition, any waiver will be granted to Milton Bedortha and will be based on his date of acquisition. If the Board determines the submitted evidence demonstrates a reduction in fair market value resulting from enforcement of a restrictive land use regulation, it appears this is a valid claim.

Exempt Regulations

The F2 (Impacted Forest) limitations on new dwellings, and the minimum parcel size of 80 acres do not appear to be exempt regulations described in Measure 37 or LC 2.710.

Conclusion

It appears this is a valid claim for tax lot #2300 if the Board determines the submitted evidence demonstrates a reduction in fair market value resulting from enforcement of a restrictive land use regulation.

F. Alternatives/Options

The Board has these options:

• Determine the application appears valid for tax lot #2300 and adopt the order attached to this report.

- Require more information regarding the reduction in value or ownership.
- Conclude the application is not a valid claim and direct the issuance of a final written decision by the County Administrator denying the Claim.

V. TIMING/IMPLEMENTATION

If the Board determines this is a valid claim and waives a land use regulation, the claimant must receive a similar waiver from the state before a land use application and/or development proposal is submitted.

VI. RECOMMENDATION

If the Board determines the submitted evidence demonstrates a reduction in fair market value from enforcement of a restrictive land use regulation, the County Administrator recommends the Board waive the restrictive land use regulations adopted after January 10, 1969, as to tax lot #2300.

VII. FOLLOW-UP

No other action is required.

VII. ATTACHMENTS

Draft order to approve the Measure 37 claim for tax lot #2300.

This cover memo prepared for the Board hearing does not contain the entire submittal. The entire submittal is contained in a notebook labeled "PA05-6100", available in the County Commissioners Office. The portions of the submittal included with this memo are identified below:

- Vicinity Map.
- Additional material submitted on March 22, 2006.
- Appraisal.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER No.) IN THE MATTER OF AMENDING ORDER NO. 06-2-15-2
) TO INCLUDE PROPERTY OMITTED FROM A BALLOT
) MEASURE 37 CLAIM DECISION TO NOT APPLY
) RESTRICTIVE LAND USE REGULATIONS IN LIEU
) OF PROVIDING JUST COMPENSATION
) (Bedortha/PA05-6100).

WHEREAS, on January 18 and August 23, 2006, the Board of County Commissioners conducted a public hearing on the Measure 37 claim (PA05-6100) of Milton Bedortha that included the real property described in the records of the Lane County Assessor as map 20-03-34, tax lot 2300 and consisting of approximately 63 acres in Lane County, Oregon; and

WHEREAS, Board Order No. 06-2-15-2 adopted on February 16, 2006, omitted mention of tax lot 2300 because earlier information made it unclear that Milton Bedortha had acquired an interest in the property on January 10, 1969, but new information was submitted that demonstrates the clear linkage between Milton Bedortha and his acquisition through the earlier owners of the property; and

WHEREAS, this matter having been fully considered by the Lane County Board of Commissioners.

NOW, THEREFORE IT IS HEREBY ORDERED that Order No. 06-2-15-2 is amended to specifically include the real property described in the records of the Lane County Assessor as map 20-03-34, tax lot 2300, so that it is clear the applicant Milton Bedortha made a valid claim under Ballot Measure 37 and the Board elects not to pay just compensation but in lieu of payment, grants the request of Milton Bedortha so that he can also make application for approval to develop the property described in the records of the Lane County Assessor as map 20-03-34, tax lot 2300, in a manner consistent with the land use regulations in effect when he acquired an interest in the property on January 10, 1969.

IT IS HEREBY FURTHER ORDERED that all of the other provisions of Order No. 06-2-15-2 shall remain in full force and effect and any references to the property subject to the order shall be included in the real property described in the records of the Lane County Assessor as map 20-03-34, tax lot 2300.

2000

DATED thisday o	, 2000.
	Bill Dwyer, Chair
	Lane County Board of County Commissioners

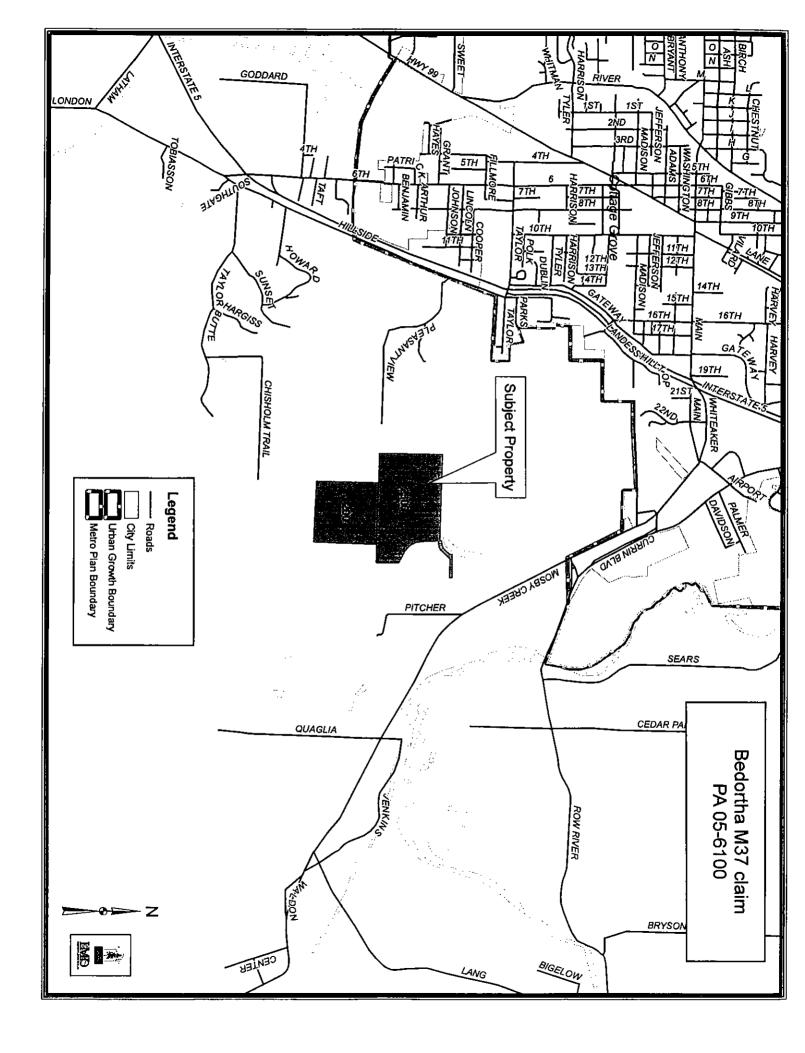
TO A CONTRACT ALC:

APPROVED AS TO FORM

Date 8 - 15 - 2000 Line County

HANNIN LINIA

OFFICE OF LEGAL COUNSEL



Norman Waterbury Land Use Planning Consultant 28788 Gimpl Hill Rd. Eugene, OR 97402 3-22-06

To: Steve Hopkins Lane County Planning Dept. 125 East Ave. Eugene, OR 97401

Dear Steve,

Regarding PA 05-6100, Bedortha

I am enclosing copies of a warranty deed 9055909 from Post to McNair for tax lot 2300. Also enclosed is documentation, bargain and sale deed from McNair to Bedortha, 50692, dated January 16, 1969. We would hope that the enclosed evidence shows that the Bedortha family's ownership dates to 1969, not 1974. Lane County Document 50693 which also dates from 1969, Mcnair to Bedortha also supports Bedortha's ownership in the subject property, (sorry about the poor quality of the documents), I highlighted the dates for you.

The Bedortha's will be back in this area the first part of April an I am sure that they would be able to provide original documentation regarding this issue.

Sincerely

Norm Waterbury

20-03-34-00-02300 page 2

2300 - 1969 - 105 AC

OFRICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
OFFICE OF COUNTY ASSESSOR LANE COUNTY, OFFICEN

CANCELLED 2007
#255289 GFFIL AL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

		TOWNSHIP 20 4. AANGE	DEED RECORD													
201 311 800		MAP NO. 20.03.34 PARCEL NO. 2300 SECTION 34 TOW	BET BACH HEW JAMES LEGAL DESCRIPTION	, i	KIIU//bus48 Containing more or less	EXCEPT: 4.90 acres out to 2302 for 1981 per R1118/8105423.	EXCEPT: 13.30 ac to parcel 2303 per R1283 / 8404120 for 1987	Cont m/l EXCEPT: 5.00 ac to parcel 2304 by F I L P 0	TOF 1987	ACREAGE CORRECTION for 1987	cont m/l		-			
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TAX STATIONOISE: NO CHANGE

WARRAKTY DEED

FOR VALUE RECEIVED, JESSIE W. POST, a Widow, herein referred to as

Grantor, hereby grant, bargain, sell and convey unto W. L. MC NAIR and KATHEYN

MC MAIR, Husband and Wife, herein referred to as Grantess, the following described

real property, with tenements, hereditaments and appurtenences, to-wit:

Parcel No. 1: Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of Section No. 34, in Township 20 South, of Range 3 West of the Willamette Meridian, in Lane County, Oregon. Parcel No. 2: Beginning at a point 16.32 chains South of the quarter Section corner between Sections 34 and 35, Township 20 South, Range 3 West of the Willemette Heridian, thence West 19.17 chains, thence 3.85 chains 4 to the Southment corner of said Section 34, thence East 3.98 chains, thence South 5.91 chains, thence East 16.02 chains to the East line of said Section 34, thence North 9.71 chains to the place of beginning, all in Section 34, Township 20 South, Range 3 West of the Willamette Meridian; ALSO: Beginning at the Northwest corner of the Southeast Quarter of the Southeast Quarter O Section 34, Tenship 20 South, Range 3 West of the Willemette Heridian, and running thence South 20 chains, thence Sest 3.48 chains; thence North 20 chains and thence West 3.48 chains to the place of beginning, all in the Southeast 1/4 of the Southeast 1/4 of Section 34, Township 20 South, Range 3 West of the Willamette Heridien; ALSO: Beginning at a point 3 chains and 48 links East from the Horzhwest corner of the Southeast 1/4 Southeast 1/4 of Section 34, Township 20 South, Range 3 West of the Willamette Heridian, and running thence South 16 chains and 28 links, thence East 50 links; thence Morth 18 chains and 28 links, thence West 50 links to the place of beginning, in Lane County, Oregon. Parcel No. 3: Beginning at the Southeast corner of the Horthwest quarter of the Southeast quarter of Section 34, Township 20 South Range 3 Heat of the Willamette Meridian, Lane County, Oregon, run thence West 96 feet to the Center of the slough; thence North 55° 15' Bast along said center line 131.3 feet; thence South 7° 30' West 75.4 feet to the place of beginning, in Lane County, Oregon.

TO MAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their beirs and assigns forever. And the said Granter does hereby essente to and with the said Grantees that she is the owner in fee simple of said premises; that they are free from all encumbrances and that she will warrant and defend the same from all lawful claims whatsoever

Dated: July /2, 1967

& Jane We ABi-

STATE OF OSECON)

COUNTY OF LAME)

7440NDV.21'90NDSREC 5.00-7449NDV.21'90NDSPFUND 10.00 7449NDV.21'90NDSA&T FUND 20.00

Personally appeared the above named JESSE W. POST, a Widow, and acknowledged the foregoing im trument to be her voluntary act and dead. Before ma:

Deted: July /2, 1967.

Hotery Fubric for Grejon
Hy Commission empires: 9-7-68

BARGAIN & SALE DEED FOR VALUE RECEIVED 9. 1. MC NAIR and KATHEWN MC NAIR, Husband and Wife opered to as grantors, hereby grant, bargain, sell, and corresy units MILTON H. SKDORTHA and CHESTER W. BOOK HA rand CLADYS R., BEDORTHA, Humband and Wife, as temmes in common with right of of the railing like the state of the following described real property, with tenements, hereditaments, and appurenances, to with Private Southwast Ouerter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of the Willscotte Selthier Courts of Section No. 34 in Township 20 South, Range 3 West of the Williamtte Horidian, Oregen.

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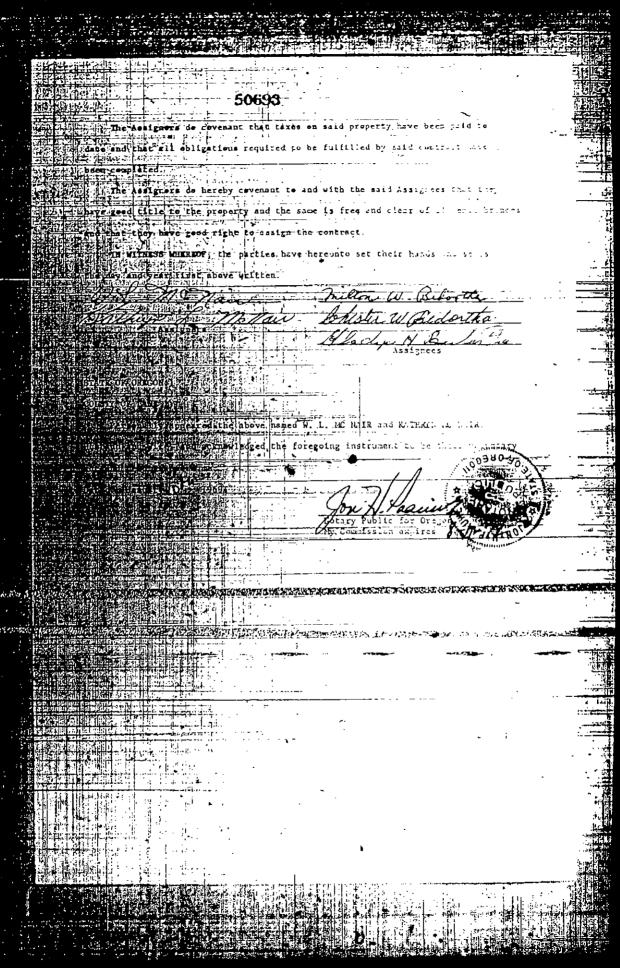
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Craig E. McKern, Appraiser, F. State Certified Residential Real Estate Appraiser

Mailing: 1574 Coburg Road, PMB 397, Eugene, Oregon 97401-4802 Telephone 541-345-0744 Facsimile 541-345-0577

email: cem9th@msn.com

July 29, 2005

Milton and Bonnie Bedortha c/o Norm Waterbury, agent 28788 Gimpl Hill Road Eugene, Oregon 97402

RE: Lane Code 2.740 (6)

Norm,

For your files, here is the Ballot Measure 37 summary for the Bedortha property at 78190 Pitcher Lane, Cottage Grove, Oregon 97424. This includes three appraisal reports: the subject site in its entirety (Tax Lots 20-03-24-00-2300 and Tax Lot 21-03-03-00-00200) as report 061805A and for hypothetical acreages as portions of those tax lots as described in reports 061805B and 061805C.

The assignment consisted of three appraisals:

Estimated value of subject in total "as is" on current 105 acre m/l site - \$600,000 Estimated value of one hypothetical 14 acre site out of Tax Lot 200 - \$180,000 Estimated value of one hypothetical 7 acre site out of Tax Lot 2300 - \$150,000

For purposes of this letter and summary required by the county, it is postulated:

- 1) six (6) hypothetical various size parcels similar to 14 acres could be created; Including the present homesite, where the manufactured home and structures Are excluded from value to give land and site improvement value only.
- 2) Two (2) hypothetical sites of 6 and 7 acres could be created (as "Lots 1 and 2" with an Estimated value of \$150,000.

The value difference using appraised and hypothecated values is then arrived at arithmetically: Six hypothetical sites at \$180,000 equals \$1,080,000; Two hypothetical sites at \$150,000 equals \$300,000; total hypothetical sites: \$1,380,000, less \$600,000 "as is" estimated value of the entirety leaves a difference of \$780,000 more or less in rounded figures.

Cordially,

Craig E. McKern

[RAI] E. McKERN

Three Summary Appraisal Reports of a Complete Appraisal of

existing and hypothetical acreages located at

78190 Pitcher Lane Cottage Grove, Oregon 97424

Tax Lote 20-03-34-00-02300 and 21-03-03-00-00200 A 105 acre more or less site, the "before" instance (surveyed, one buildable homesite) file 081805A

AND

Portion of Tax Lot 21-03-03-00-00200, shown as Lot "5" A fourteen acre frypothetical site, an "after" instance (unsurveyed, not a legal lot or partitioned alte at this time) file 061805B

AND

Portion of Tax Lot 20-63-34-00-02300, shown as Lot "2" a seven acre hypothetical site, an "after" Instance (unsurveyed, not a legal or partitioned site at this time) file 061805C

Client:

Bedortha, Milton and Bonnie

c/o Norm Waterbury, agent 28788 Gimpl Hill Road Eugene, Oregon 97402

Purpose of the Apprelsal:

To estimate market value of actual and hypothetical parcels subject to certain conditions outlined in the text and exhibits of the reports 061805A, 061805B and 061805C

Use of the Appraisal:

For use in a State Measure 37 proceeding brought by the owner and agent in Lane County, Oregon

Date of Most Recent Inspection and Effective Date of Report: July 12, 2005

Report Completion Date: July 29, 2005

Prepared by:

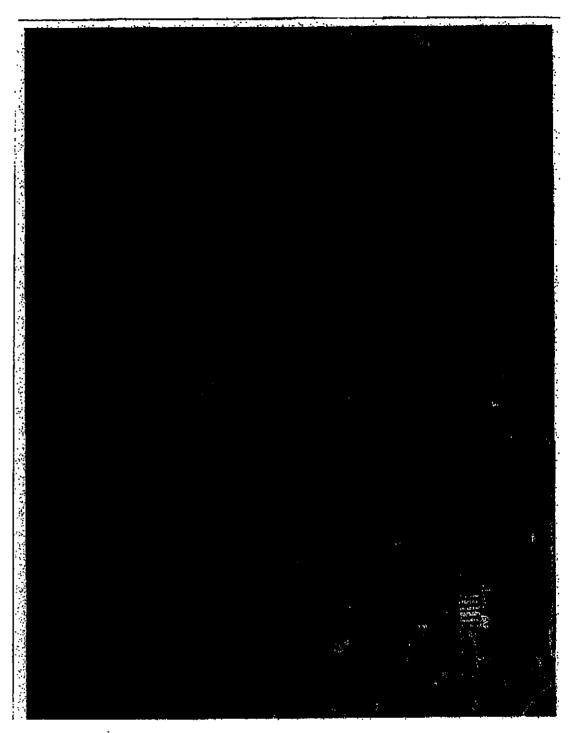
Craig E. McKem, Appraiser, P.C. Cartified Residential Real Estate Appraiser 1574 Coburg Road, PMB 397 Eugene, Oregon 97401-4802 files 061805A, 061805B and 061805C



General view of Pitcher Lane area with Cottage Grove and interstate 5 at far left, Mosby Crack and Row River confluence in upper right, Taylor Butte in center from upper left to lower center



Enlarged earlial photo with subject site in total approximately in center, Taylor Butte radio and TV towars at lower left



Form SCI $-\!\!-$ "TOTAL for Windows" appraisal software by a la mode, inc. $-\!\!-$ 1-800-ALAMODE

PHOTOGRAPH ADDENDUM (

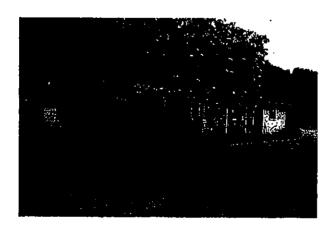
Вопочи	c/Dient N	borrower		
Property	Address 78	190 Pitcher Lane //Tex Lote 21-03-03-00-00200	and 20-03-34-00-02300	
CRY	Cottage Gro	County Lene	State OR	Zip Code 97424
Lender	Bedorthe.	Million and Bonnie		



General view from off Pitcher Lane on access drive looking southwest toward Taylor Butts (note anterma left of pole) from (ax Lot 2304 shown on plat map



Looking west on access drive from Pitcher Lane, tax lot 2304 on left which is owned by the Bedorihae end north slope of Taylor Butte on horizon



Manufactured home on subject site, and the only present dwelling on the subject site. This home is excluded from value due mainly to age and the likelihood of replacement by any future buyer however the residential dwelling site is included in value along with site improvements.

PHOTOGRAPH ADDENDUM TV.

Borrower/Client	No borrower				
Property Address	78190 Pticher Lane	//Tex Lote 21-03-03-00-	00200 and 20-03-34-00-02300		
City Cottage G	rove	County Lene	State OR	Zio Code 97424	
Lander Bedorth	a, Millon end Bonnie	l			



View from bench area north of and near manufactured home on prior page

Looking northeast toward Dorene Reservoir



Looking north from same spot down valley with the new Cottage Grove Hospital at left center



. PHOTOGRAPH ADDENDUM THE

Borrower No borrower			
Property Address 78100 Pitcher	Lane //Yax Lote 21-03-03-00-0020	00 and 20-03-34-00-02300	-
City Cottage Grove	County Lene	State OR	Zio Code 97424
Lander Bedorthe, Militon and	Bonnie		



Looking southwest screes upper bench from manufactured home erea; note entenne towers in relation to this view point on hypothetical Lot 4 as proposed

Photo also looks across hypothetical "Lot 5" and "Lot 6"



Old slough pond along base of hillside which is the northeast boundary of hypothetical proposed "Lot p". Property to left of pond is tex lot 2303

3



Developed road through subject site, looking easterly, hypothetical "Lot 8" on left and hypothetical "Lot 7" on right, uphili

	<u>DEDATY ADDITALS</u>										TEG NO, U	31805A	
	Borrower No borro						Cens	us Tract _	13.01	Map Refe	vence See	Below	
	City Cottage Gro		r <u>Lane //la</u>	X LOIS 21-	03-03-00-002 County <u>La</u>		20-03-34-00-02300				0-4-07-0		
			es and Bound	da Legal D	Description\\\\	see preli	minary title report	iste <u>OR</u> or deed		_ 40	Code <u>9742</u>	<u> </u>	
	Sale Price \$ Not So		Date of Sale		Loan Term			Rights Aor		Fee [Leasehold	De Mini	mie Dia
j	Actual Real Estate Tax		(yr)		erges to be paid	by seller \$		les conces				C. 1 00 1988	IIIS FU
	Lender/Client Bede	orthe, Milto					Address 78190 Pitc						
	Occupant vacant	Anomice	Appraise	Craig E	McKern	NT F	instructions to Apprais	er eppra	ise to marke	t value	per USPAI	standard	<u>s.</u>
7	Location	Whitelet	Urban	Coons K	OSO, PMD 36 Suburban	37, EU991	ne, Oregon 97401 Rural	<u>lelephoi</u>	no 641-345-	0744 18			
	Built Up		⊠ Over 75%	-	25% to 75%	<u>}-</u>	Under 25%	Emolovi	meni Stability		\000 	d Avg. Fair D⊠ [_]	Poor
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•	Demand/Supply		Shortage	=	In Balance	⊑	Oversupply		lence to School				
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ı	Change in Present Lar		Not Lilaty		Likely (*)		Taking Place (*)		Compatibility		누-		
	-		(*) From vac	ant/undev	oT <u>begole</u>				on from Detrim	ental Cond	dilions 🗵	はなり	m-
9	Predominani Occupan	•	○ Owner ○ Owner	_	Tenant		% Vacant	Police a	nd Fire Protecti	ĈΠ			C
	Single Family Price Ra	uða 2	100	to \$ 500+			ue \$ <u>200+/-</u>		Appearance of	Propertie:			
ľ	Single Family Age		<u> </u>	125+	yrs. Predomin	iant Age	20-80 yrs.	Appeal i	o Market		Ø		
l	Comments Including t	hosa factors. I	lavorable or uni:	avorable, affe	sctino marketahii	lity (e.d. pui	blic parks, schools, vie	un noise).	Subject le	located	kust encl o	Cattaga	
6	Grove and within	one road n	nile of new C	ottage Gr	ove Hospital,	Interstel	e 5 access and G	sleway s	services are:	a Amb	of home a	tyles soes	
ď.	acreages, qualitie	is, values s	ind view asp	ects is pre	sent in this u	Inincomo	rated area near th	e city. L	and uses inc	thide fo	zest lenda	numeries	the
5.	Mosby Creek and	lower Rov	v River greer	ways, a 1	Reils to Tralle	s" bike b	eth, verious small l	business	eas, a conve	nlence	store, vace	nt acreage	8.
	Dimensions <u>Irregui</u> Zoning classification			ands		. •		Sq. Fl. or) de :	Com	er Lol	
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ľ	Public	Other (Des	scribe)	OFF SITE	e improvemen	TS	Topo Benched to	rolling to	steep alope	**			
•	Bec. 🗵 .			t Access	⊠ Public ∑	Privale	Size <u>Larger than</u>				ast partitio	ns in area	
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	Water [_] . San. Sewer □	Private We Private Se		tenance Storm Sawe			View Valley, wood						
ľ			CL & TeL		Stree		Drainage <u>Adequate</u> is the property located			al Maad (NZI NA I	-10
d	Comments (lavorable or	unfavorable inc	INGUO BUY BOOKE	uni adverse ea	SAFRANIS, ENCIDAD	amusts, or o	affair adverse conditional:	· S4	na kanal an	1 other	nhotos and		
,	visualize the acre	age in total	, which is on	the north	east slopes o	f Taylor	Butte close-in to e	ast Cott	ana Grove.	Site in t	total is "he	fore* Instead	200
ı	<u>for M</u> easure 37 pr	oceadings	purposes; ha	es Iwo lex	lota. Access	s from Pi	tcher Lane via an e	owned a	ite and a ma	dway s	a shown o	niel men	
Ľ	Benai photos. Acr	eage has e	xisting mani	ifactured i	nomesite, we	l), septic	system, RV hooku	ıps, spri	ng-fed water	r systen	n, Vanous r	oads, driva	8.
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Borrower No bor					Censu	us Tract 13	3.01	Lian Delevenae		
Property Address _	78190 Pitcher L	.ane // H1	YPOTHETICAL portle	on of Tax Lo	20-03-34-00-02	300. ahow	vo as T.ol	?"	90000	
City <u>Cottage Gr</u>	oveevo		County (.อกอ	SI	tata OR		Zip Code §	27424	
Legal Description 1	lypothetical Mo	etes and f	Bounds Legal Descri	thod ///noite	on of Tax Lot 20.	103-34-00	L02300	_ ap count_	7/7/7	
Sale Price \$ Not S	iold D	ate of Sale	N/A Loan Ten			Rights Appra		Fee Leasi		15.47
Actual Real Estate T		(yr)	Loan charges to be pa					ree (easi		De Minimis Pt
Lender/Client Be-		— V7 od Bossk	comi cuerdes to ne bi			es concessi				
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Demand/Supply	<u>⊠</u>	Shortage	🔀 in Balance		Dversupply		ce to Schools		菌	
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3	1% Industrial		· — · —	ublic use	- 10 0 00 1 U 1 0 0 0 0 0 0 0 0 0 0 0 0 0					잃무낟
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Predominant Occupa					\			niai Conditions		X [] []
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Single Family Price F				dominant Value	\$ <u>200+/-</u>	General Ap	pearance of S	Properties		
Single Family Age		<10 yrs. i	to <u>125+</u> yrs, Predon	ninant Age	<u>20-80</u> yrs.	Appeal to I	Market	-		ă H H
					L					
Comments including	ihose factors, favo	rabie or unda	avorable, affecting marketa	bility (e.g. publi	c parks, schools, view	w. noise): 3	Subject la l	ocated just e.	eat of C	otece
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Mosby Creek an	d lower Row Ri	lver green	ways, a "Relis to Tra	lis" bike bati	. various small h	UBDARRA	a a conve	nience store	ween!	IBBITIOS, ING
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Highest and best use			ther (specify) potential t	o nadition to	this amplier site	tundig (OD HOL COMBORNI	to sound	regulations
Public	Other (Describ	#\	OFF SITE IMPROVEME	MTC T	po Benched to n	allian to a	taen ili Mea	sure 37 proc	egures	
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[Y2K]

HYPOTHETICAL Lot 2 photo(

Borrowst/Cite	nt Na borrower						
Property Add	ms 78190 Pitcher Lane	// HYPOTHETICAL portion	of Tex Lot 20-03-34-0	10-0230), shown as "Lot 2"		
City Co	ottage Grove	County Lane	State	OR	Zio Code	97424	
Lender	Bedorths, Milton and Bonni	•					



Hypothetical "Lot 2" benched homesite looking west



Looking east from benched homesite toward access road and spring creek area at white stake



View from bench to northeast over hypothetical "Lot 1"

	act property, a plus (+) adjust				e signipoent ue	n at alt coul	MINTER IS MINEL	W 10 01 1255
ITEM	SUBJECT PROPERTY	COMPARABLE N	0.1	COMPARABLE	Q. 2		COMPARABLE	NO. 3
Address "Lot 5" HY	POTHETICAL SITE	Part of T.L. 20-03-20-	-00-2700	31909 DeBerry Road		76642 Lo	ndon Road	
Cottage G	rove	Cottage Grove (Benn	att Cr. Rd)	Creswell		Cottaga C	ttaga Grove / ask \$199,000	
Proximity to Subject		3 air miles northwest		11 air miles northwes	ıt	10 air mile	es southea:	st
Sales Price	\$ Not Sold	3	149,900		185,000		د ښون	180,000
Price	\$	######## \$				e la la	La July	;
Data Source	Inspection	GMAC Hemenway Ri	E / Insp.	Past Inspection/Cour	ily_rords	GMAC He	этелжау Р	E / County
Date of Sale and	DESCRIPTION	DESCRIPTION	+(-)\$ Adjust.	DESCRIPTION	+(-)\$ Adjust	DESÇ	RIPTION	+(-)\$ Adjust.
Time Adjustment	07-12-2005	Active Listing	0	03-2005 (COE)	0	07-2004 (COE)	+18,000
Location	Average plus	Average plus		Average	+10,000	Averege		+10,000
Site/View	14 acres/Wds, North	10.5ac/Creek, Wda	+16,000	11,24ac/ Wda, Hills	+12,000	24.88 ac/	Hills Fwy	-20,000
Dwelling/Structures	None	None		Old MH/Bam, shop	-10,000	Old MH, s	smell barn	-5,000
Well/Septic system	None/ Assm'd Permit	None / assumed		Installed/ Installed	-15,000	Installed/	Installed	-15,000
Slope/buildability	Various/ assumed	Rolling/ assumed		Rolling/ buildable		Rolling/ b	ulidable	:
Utilities Available	Available at road	Available at cost	+15,000	Installed on site	-3,000	Installed of	on site	-3,000
Sales or Financing	Cash to Seller	Cash to Seller		Cash to Seller		Cash		
Concessions	assumed	assumed	<u>:</u>	No Points, Costs	: 1	ļ		:
Nat Adj. (Total)		⋈ + □- :\$	31,000	□ + 図 - :\$	6,000		⊠ - :s	15,000
Indicated Value						2 1 2 7		
of Subject		CT STATE OF	180,900		179,000			185,000
Comments on Madest	Date: I leadered manufactual de	ada faa baallababba aa ab		the continued on the				

Limited market data for buildable smaller parcels in the subject's Cottage Grove area. Sale 1 is an active listing since July 27, 2005, appreiser has previously viewed ecreage including this as yet undivided parcel which is a legal lot; Sale 2 had placeholder mobile on site, is further from freeway access, services. Sele 3 located in mixed area south of Interstate 5 with adverse traffic noise. Comments and Conditions of Appraisal: The appraisal is made to cash equivalency per USPAP/FIRREA quidelines and USPAP departure provisions do not apply. See attached assumptions, limiting conditions and comments. Appraisat is made of subject site as a HYPOTHETICAL parcet for purposes of value comparison as a part of Measure 37 proceedings. Several other listings and pending sales of similar size parcels as compared to subject in Cottage Grove area were also reviewed. 10% per annum appreciation adjustment made for Sale 3 as a dated sale Final Reconcilistion: The market date (sale comparison) approach is the only reliable method of estimating vacant or non-residential site value. The cost approach is omitted as there is minimal value for the improvements on site. The income approach does not normally apply to yacant land. The sales cited adjust to a fairly wide range of indicated values with the value opinion stated being a round figure within the range. ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF July 12, 2005 m ha \$ 180,000

Any value in standing trees on the site is included as woodlot value or as natural landscape; no timber cruis	e was made available and the typical
purchaser of wooded suburban and rural parcels is seeking to preserve and enhance a homesite.	
Cralg E. McKern Did	Did Not Physically Inspect Property
purchaser of wooded suburban and rural parcels is seeking to preserve and enhance a homesite. Craig E. McKern Appraiser(s) Did Appraiser(s) Did Did Did Did Did Did Did Di	,

Summary Appraisal Report

Borrower No borrowe

City Cottage Grove

Sala Price \$ Not Sold

Occupant_yacant

Location

Bull Vo

Growth Rate

Property Values

Demand/Supply

Marketing Time

Present Land Use

Change in Present Land Use

Predominant Occupancy

Single Family Age

Highest and best use

Flac

Gas

Water

San Sawar

Public

Single Family Price Range

Actual Real Estate Taxes \$

Fully Dev.

80% 1 Family

assumed

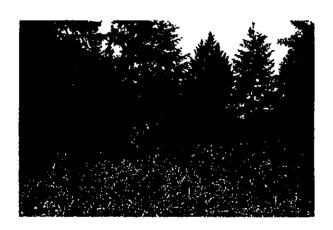
assm saptic

HYPOTHETICAL Lot 5 photo(

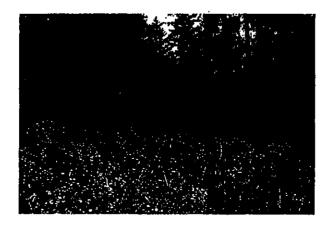
Вопочи	/Citent N	o barrower					
Property	Address 7	190 Pitcher Lane	// HYPOTHETICAL port	tion of Tex Lot 21-03-03-0	0-00200, shown as "	Lot 6°	
CRY	Cottage Gro	Ve	County Lene	Stade	OR	Zip Code	97424
Lander	Bedorthe	Milton and Bonnie	<u> </u>				



Hypothetical "Lot 5" benched lower homeelte tooking south; used as an RV hookup alte with spring water and power



Looking east on upper benched homesite which would have a good cross valley view to the north if trees are thinned or removed



Looking west on upper banched homesita shown above

ty Cottage Grove		20-03-34-00-02300	
	County Lane	Siate OR	Zlo Code 97424
nder Bedortha, Milton and B	onnie		
APPRAISAL AND	REPORT IDENTIFICATION		
This appraisal conforms to or	ng of the following definitions:		
Complete Appraisal	(The act or process of estimating value, or	an opinion of value, performed witho	out invoking the Departure Rule!)
Umited Appraisal	(The act or process of estimating value, or Departure Rule.)	an opinion of value, performed unda	r and resulting from invoking the
This report is gos of the follow	ving types:		
Self Contained (A written report propared under Standards Rule	2-2(a) of a Complete or Limited Ap	praisal performed under STANDARD 1,)
🔀 Summary (/	A written report prepared under Standards Rule	2-2(b) of a Complete or Limited Ap	praisal performed under STANDARD 1.)
Restricted (A	A written report prepared under Standards Rule estricted to the stated intended use by the spec	2-2(c) of a Complete or Limited Ap lifted citent or intended user.)	praisal performed under STANDARD 1.
The reported analyses, opinions, professional analyses, opinions : I have no present or prospective parties involved. I have no blas with respect to the My engagement in this assignment My compensation for completing of the client, the amount of the v	In this report are true and correct. and conclusions are limited only by the reported ass and conclusions. Interest in the property that is the subject of this report property that is the subject of this report property that is the subject of this report or the partiant was not confingent upon developing or reporting to this assignment is not confingent upon the developing property that is not confingent upon the developing this assignment is not confingent upon the developing this assignment is not confingent upon the developing this assignment was developed and this report has been preported.	rt, and no (or the specified) personal inter es involved with this assignment, redetermined results, nent or reporting of a predetermined value the occurrence of a subsequent event direc	est with respect to the or direction in value that favors the cause tity related to the intended use of this appraisal,
No one provided significant real real property appraisal assistance I have made a personal interior ha There is no guarantee from the app	on of the property that is the subject of this report, property appraisal assistance to the person signing the must be stated.)	is certification. (If there are exceptions, the	e name of each individual providing significant
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Appraisal Development and Reporting Process:

As per prior agreement with the client named on the cover sheet and first form page of this report, the level of appraisal service requested is a Summary Appraisal Report of a Complete Appraisal of the subject property. This level of service has, in the past, been known as a "form appraisal" using standard FNMA or FHLMC forms to convey information to the reader. This level of appraisal service is for the most part the same as past "form appraisals."

This report is a Summary Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2b of the Uniform Standards of Professional Appraisal Practice (USPAP) for a Summary Appraisal Report. As such, it represents only summary discussions of the date, reasoning and analyses used in the appraisal process to develop the appraisar's opinion of value stated elsewhere. Supporting documentation that is not provided with this report concerning the data, reasoning and analyses has been retained in the appraiser's file copy. The depth of the discussion contained in this report is specific to the needs of the client and for the Intended use of this report stated below.

Scope of Work:

In preparing this report, the appraiser inspected the subject site and the improvements on July 12, 2005. Relevant information on comparable land and improved site sales, construction costs and accrued depreciation were also gathered, verified and considered.

All three approaches to value were considered; the sales comparison approach only was developed for all three 061805 reports. See reports 061805B and 061805C reports attached to this 061805A report.

The income approach, along with rents, comparative rental data and calculated formulas and multipliers, is used ONLY IF the subject is likely to become or remain a rental income property in the foreseeable future, which is not the case for the subject dwelling at this time.

Purpose of the Appraisal and Use of the Report:

The purpose of this appraisal report is to estimate the market value as defined on the attached certification/limiting conditions addendum included with the 1004 form and in the attached USPAP addendum.

This appraisal report is intended ONLY for the use of the client named for the purpose of establishing a fair market value by an independent third party for Measure 37 proceedings. The use of this report is restricted to the clients, Milton and Bonnie Bedortha, owners, and their advisor/agent, Norm Waterbury, and an attorney, if desired, for this purpose only.

Duly constituted Lane County committees or courts for Measure 37 appeals are also an expected reader of this report but Lane County is not a client of the appraiser.

This report in its present configuration is not intended for any financing purpose whatsoever. Any other authorized use of this report will be stated either below or in the letter of engagement.

The appraiser is not and will not become responsible for any unauthorized use. Errors and omissions insurance is not extended to a future third party reader and the appraiser must be notified, timely and in writing, of any future transfer/assignment of this report to any third party.

Supplemental Certifications:

I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives. In addition, I certify that, to the best of my knowledge and belief, the reported analyses, opinions and conclusions were developed, and this report prepared, with conformity to the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

signed and dated July 29, 2005

Craig E. McKerg

Craig E. McKern Appraiser P.C.

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