

W-14-e

**SUPPLEMENTAL MATERIAL**  
**SUPPLEMENTAL**  
**AGENDA COVER MEMO**



**DATE:** June 14, 2006  
**TO:** BOARD OF COUNTY COMMISSIONERS  
**FROM:** Steve Hopkins, AICP  
Land Management Division  
**RE:** In the Matter of Considering a Ballot Measure 37 Claim and Deciding Whether to Modify, Remove or Not Apply Restrictive Land Use Regulations in Lieu of Providing Just Compensation (PA 05-6581, Bernheim)

I received the attached letters on Monday, June 12. These are additional letters from the neighbors regarding the Bernheim Measure 37 claim.

8 June 2006

To: Lane Co. Board of Commissioners  
Land Management Division  
125 East 8<sup>th</sup> Avenue  
Eugene, OR 97401

Steve Hopkins

Lane Co. Board of Commissioners  
Land Management Division  
125 East 8<sup>th</sup> Avenue  
Eugene, OR 97401

SUBJECT: MEASURE 37 CLAIM / PA 05-6581

The purpose of the letter is to voice our strong objection to the Measure 37 Claim PA 05-6581, Map/Tax Lots 19-02-21, 1010, 105 & 106; Map/Tax Lots 19-02-17, 100 by the owners Margaret & Bernard Bernheim.

The land noted above is approximately 515 acres and is currently zoned E 40 / Exclusive Farm Use.

We have resided at 82962 Rodgers Road (Map 19 02 17 00 00 900) since 1994 and are directly adjacent to the proposed development. Our objection is based on the proposed removal of restrictive land use regulations which have, to date, protected said property for the purposes outlined by E 40 ruling. Land such as that in the Tax Lots in question, which is outside the Urban Growth Boundaries, is zoned for maximum beneficial use related to Agriculture and Forestry. Land inside the Urban Growth Boundaries is supported by infrastructure allowing the most efficient means for human population expansion. Both types of land use zones supply necessary benefits for quality of life in Lane County and the State of Oregon.

Our first and foremost concern is that the area water table and infrastructure cannot accommodate the proposed development. We have first hand experience with water supply shortage as do most of our neighbors. The impact of the proposed housing would eliminate water supply to most, if not all, existing wells located on the developed land surrounding the 515 acres. Lack of water to the surrounding properties adjacent to the proposed development would create a chain reaction of detrimental effects including, but not excluding, a reduced standard of living, lower property values, increased fire danger, reduced wildlife habitat and a large negative affect on the land use for Agriculture and Forest.

We believe that the maximum allowable division of the 515 acres should stand as 40 acre parcels exclusive farm use. The proposed division into 157 lots would completely negate the intended purpose for the historical division of Urban Growth Boundaries versus Exclusive Farm Use.

Also, this development would further prompt additional Measure 37 Claims by land owners in the same area. This proposed development and the impending snowball effect would devastate this rural area.

We feel confident that the Lane County Board of Commissioners can readily see the reasons & need to uphold the current E 40 zoning for said property. We trust you will oppose this claim and the rights to transfer this claim to any purchaser of the Tax Lots listed.

Thank you for your time to review our sincere comments in opposition.

Regards,



Richard & Sheryl Webb  
82962 Rodgers Road  
Creswell, OR 97426

Cc: Kristi Hoolaas / 82788 Rodgers Road / Creswell, OR / 97426

Tammy Ellis / 83135 Rodgers Road / Creswell, OR / 97426

June 12, 2006

Via Hand Delivery

Land Management Division

To: Lane Co. Board of Commissioners  
& Steve Hopkins  
Land Management Division  
125 East 8<sup>th</sup> Avenue  
Eugene, OR 97401

Regarding: Margaret and Bernard Bernheim Measure 37 Claim  
Dept. File No.: PA 05-6581

Dear Commissioners,

Thank you for this opportunity to comment.

We live at 83271 Enterprise Rd. in Creswell. I am writing this letter on behalf of myself, Judy Walker and my husband, Bill Walker to explain why we strongly oppose the Measure 37 claim application by Margaret and Bernhard Bernheim.

The Bernheim family is well known to us. Bill's first recollections of them come from meetings when he was building our house in the late 60's and 70's. Our families have shared years of school events (our children and Bernheim children attended the same schools), exchanged Christmas gifts, and attended barbeques and weddings together. Bill and Bernard, known as Bunk, also had a working relationship, having bought and sold farm equipment and vehicles over the years. Bunk fertilized, cut and baled our hay for many years. Bunk and Bill were friends too, going to lunch together and flying in Bunk's plane.

Late 2004 (Bill is unsure of the exact date), Bunk called and asked Bill if he would help him dispose of farm equipment and vehicles, as he had sold their property and had "a couple of months" to remove all their belongings for the new owner to take possession. He said that he and Margaret, also known as Peggy, had bought a place in Terrabon, OR to be close to their daughters who now lived in E. Oregon.

Bill helped intermittently to clean out, load trailers and dispose of equipment. We bought a farm truck and a heifer. Bunk gave Bill a feeder and other equipment he didn't plan to use or didn't want to move. He sold his herd of Charolais (all white) cows to Wayne Bowers in Creswell, keeping one cow for one of his daughters.

He made a series of trips from their new residence in Terrabon, to the Rogers Rd. property over several months. On most of these trips, he would call Bill to either have lunch or assist in his moving process. On these trips he talked about "signing the papers" in selling his property. More than once, he expressed his concern for his renter, Verne Storey, living in the farmhouse on the old Simonson place on Enterprise Rd., and for his caretaker, Brownie, who resided with his wife in a mobile home near Bunk and Peggy's house on their property. He was worried about where these 2 elderly men would go when he turned the property over to the new owners.

According to Bunk, the original closing date on the property was 11/04, but there were many delays and many trips from Terrabon. During this time, he discussed openly with Bill that he planned to leave his name on the property after it was sold, to "get around Measure 37". In doing this, he would realize "a significant amount of money" later, in addition to the millions he was to receive for the property. The amount of money he was to receive above the sale of the property would be dependent on the number of building sites the new owners could have approved.

At this same time, an employee of Greg DeMeers, who lives in Pleasant Hill and frequents the Pleasant Hill Dairy Queen for morning coffee, verified this sale, stating he was anxious to ride a 4 wheeler on the land and hunt following the closing. He discussed plans for making roads for logging access and said in June of this year that the timber was ready to put up for bid. This commentary regarding the purchase of Bernheim property by his employer was heard by many people at the Dairy Queen. The employee made it clear that the property ownership had transferred. Both Bunk and this employee said plans of the new owners included logging and dividing the property into over 150 building sites. Hugh Grey, who lives on Hendricks Rd. is related to this employee and was given similar information.

The new owners put a herd of cattle on the property, all brown and black cows, obviously not Bunk's white Charolais, in the spring of 2005. Bunk left some equipment including a squeeze chute and a cattle scale that was purchased by DeMeers.

This property has always been a functioning farm, timber has been sold and new acreage acquired, but it has remained a beautiful backdrop for our homes and a functional forest protecting the wildlife within and the properties below. To remove additional timber and divide and sell the land as is planned by the new owners would have a devastating effect on all of the people and animals who live nearby. The loss of wildlife and view that have been a part of our lives would be tragic.

The impact on our roads, schools and taxes is mind boggling. The logging and construction itself would end life, as we know it. Beauty and peacefulness of this area are the reasons most of us have moved here.

Water is a huge issue in varying degree for all who live in this area. Some homes and farms are limited only in summer, having to wash clothes and cars away from home. Others have to truck water in and drill new wells. Some have year round problems, having to resort to trickle storage tanks or supplementary water at all times.

One beautiful home nearby did not sell for years because of water problems. We need water for ourselves and our livestock and also want it for all the other purposes most people use the water they take for granted. To add more people, more homes, more yards and animals, would take water from those of us who have lived here for years and could, in fact, easily take it all.

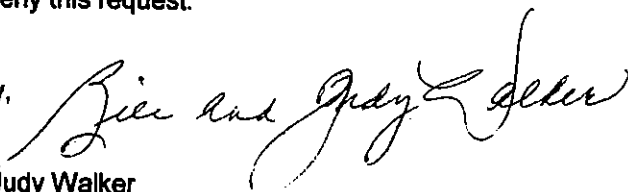
Removing time would change the water flow to the creeks that help water our animals and the absence of trees above us would certainly create a runoff that would impact those of us below. It would be the end of much of the wildlife that lives in the area.

The septic situation from the additional 150+ families, visitors and animals would greatly change our lives. Springhill contains wetlands and a turtle pond once studied by OSU.

We know the current owners are not the Bernheims, as stated, but the DeMeers and McDougal group. These are people who have no sympathy for our way of life or resources.

Please deny this request.

Sincerely,



Bill and Judy Walker  
83271 Enterprise Rd.  
Creswell, OR 97426

To: Lane County Board of Commissioners

This letter is to inform you that January of 2005 I had called Bernard Bernheim to inform him that the cows on the property next to ours on Spring Hill Road would be coming on to our property. The fence was down and it need to be secured. I had called him because I know that the McDougal's had purchased the property which I was informed by the previous owner of our property. The previous owner had given us Bernard's telephone number near Bend where they were living there now.

A few days later he returned my call apologizing that he had already sold his property to the McDougal's and he was very sorry that we had just purchased a property next to one that was going to be developed. He said that the property had been for sale for a long time and there where only 2 interested parties. A professional basket ball player and the McDougal's. Because the professional basket ball player's offer was not presented in time he had accepted the McDougal's offer thereafter. I thought he was a very kind man because he sounded concerned about our new life on Spring Hill Road and felt bad about selling the property to the McDougal's for a housing development.

Best regards.



Claudia and Lorin Bliss  
35740 Spring Hill Road  
Creswell, Or 97426  
(541) 895-5427

June 12, 2006

From: Bill Center & Kristi Holaas

To: Lane Co. Board of Commissioners  
Land Management Division  
125 East 8<sup>th</sup> Avenue  
Eugene, OR 97401

Steve Hopkins  
Lane Co. Board of Commissioners  
Land Management Division  
125 East 8<sup>th</sup> Avenue  
Eugene, OR 97401

Regarding: Margaret and Bernard Bernheim Measure 37 Claim  
Dept. File No.: PA 05-6581

As property owners of 20 acres with dwelling at 82788 Rodgers Rd., we are opposed to Bernhard's Measure 37 Claim.

We feel the claim is not valid due to the following reasons:

1. An accurate review of the property in question has not been completed, i.e. Lot 100 – deed unknown (Lane Co. staff report)
2. Ownership has already been transferred. Care and control of the property has clearly changed hands.

We ask that you deny this claim as it does not definitively meet the requirements.

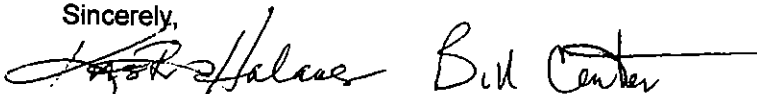
If, for some reason, you do decide to accept all or any portion of the property as a Measure 37 claim, we ask that you accept it with "modifications". The impact of such a large development, which is proposed as Exhibit C, would have devastating effects on our rural community.

Currently there is nothing in Lane County to compare to the proposed development and you would be in danger of setting a precedence that could change Lane County's rural communities forever. If you took a drive through this particular rural "neighborhood" you would know that our lives could never be the same.

Such a development would hurt our water supply and quality. Surface run-off and flooding is an issue as is drainage into the south fork of the Willamette River. The roads could never withstand an increase in traffic. The riparian zones surrounding the creek that runs through the property would be permanently damaged and wildlife would disappear.

For the good of our community, please deny this claim.

Sincerely,



Kristi Holaas and Bill Center

To: The Lane County Board of Commissioners

Regarding: June 14, 2006 Hearing 1:30pm to review the proposal of considering a Ballot Measure 37 Claim and Decide whether to modify, remove or not apply restrictive Land Use regulations in lieu of providing just compensation.

Dept. File No. PA 05-6581, Map/Tax Lots 19-02-21, 101,105&106  
19-02-17, 100

Owner: Margaret and Bernard Bernheim

From: The Undersigned Group of Nearby Property Owners

We, the undersigned, represent a part of the nearby landowners to the above referenced tax lots SE of Creswell, along Enterprise, Rodgers and adjacent roads.

Collectively, we are opposed to this claim. We oppose granting a waiver. There is good reason to question the ownership status of said property and will provide testimony under separate cover that will confirm that the Bernheims no longer own or manage the property.

Regardless of the results of this hearing, the undersigned landowners are not going to stop here. We will vigorously oppose the development proposal referred to in the above claim, at such time that it is appropriate, with energy and research.

The issues before us are not only water rights, geological surveys/reports, if any, well laws, road systems, sewage treatment and riparian zones surrounding the creek and tributaries, impact on environment and wildlife, but also include fire/police support, school systems and many more by the time any development hearing is scheduled.

Date: 6-11-06

| <u>Name/Signature</u>      | <u>Address</u>                        |
|----------------------------|---------------------------------------|
| <u>Catherine Rowan DVM</u> | <u>82309 Bear Crk Rd</u>              |
| <u>Phillip Dills</u>       | <u>82309 Bear Cr. Rd.</u>             |
| <u>Norm Pendell CPA</u>    | <u>82307 Bear Creek Rd.</u>           |
| <u>Mary M. Hyde</u>        | <u>83362 Enterprise Rd</u>            |
| <u>Robert Hyde</u>         | <u>83362 ENTERPRISE Rd.</u>           |
| <u>Sandra Mearns</u>       | <u><del>82</del> 83050 Rodgers Rd</u> |
| <u>Mark Mayfield</u>       | <u>82892 Rodgers Rd.</u>              |

Page 1 of 3

To: The Lane County Board of Commissioners

Page 2 of        Signature Pages



To: The Lane County Board of Commissioners  
Page 2 of 3 Signature Pages

Date: 6-11-06

Name/Signature

Address

|                                     |                              |
|-------------------------------------|------------------------------|
| <del>THREE</del> & <del>Clark</del> | 82914 Rodgers Rd             |
| Richard <del>Clark</del>            | 82962 Rodgers Rd.            |
| Jim + Patte Burr                    | 82280 Bear Creek Rd          |
| Bob + Norene Ash                    | 82280 Bear Creek Rd          |
| Wesley & Cassie                     | 83756 S Morningstar Rd,      |
| Melinda                             | 83188 Enterprise Rd          |
| Joanne <del>Clark</del>             | " "                          |
| Gordon + Laura Peet                 | 82306 Bear Creek Rd.         |
| Barbara + Tim Jenkins               | 82302 Bear Creek Rd          |
| Larosa + James Simons               | 83207 Rodgers Rd             |
| Tom Pendell                         | 82307 Bear Crk Rd            |
| Ben + Tammy Ellis                   | 83135 Rodgers Rd             |
| Billy + Christa Greener             | 83094 Rodgers Rd, Creswell   |
| Edna Bates                          | 82103 N. Bear Cr. Rd.        |
| Janet Boyles                        | 82163 N Bear Creek           |
| Ann <del>Clark</del>                | 82074 Bear Crk Creswell      |
| Wendi + Dennis Zuniga               | 83225 Rodgers Rd Creswell    |
| Sue + Susan Matyjas                 | 82322 Bear Creek Rd Creswell |
| Kon Mitchell                        | 83058 Rodgers Rd, Creswell   |
| Silvia Greener                      | 83094 Rodgers Rd Creswell    |
| Scott + Jean                        | 82788 Rodgers Rd Creswell    |



To: The Lane County Board of Commissioners

Regarding: June 14, 2006 Hearing 1:30pm to review the proposal of considering a Ballot Measure 37 Claim and Decide whether to modify, remove or not apply restrictive Land Use regulations in lieu of providing just compensation.

Dept. File No. PA 05-6581, Map/Tax Lots 19-02-21, 101, 105&106  
19-02-17, 100

Owner: Margaret and Bernard Bernheim

From: The Undersigned Group of Adjacent Landowners

We, the undersigned, represent a part of the adjacent landowners to the above referenced tax lots SE of Creswell, along Enterprise, Rodgers and adjacent roads.

Collectively, we are opposed to this claim and the rights to transfer this claim to any purchaser of said property. For one thing, we understand that there is good reason to question the "sales" status of said property and will provide testimony under separate cover that sheds doubt on whether or not there is an actual sale that has already taken place whether verbally or in writing.

—Insert as many answers to the guidelines of 1000 Friends here—

Regardless of the results of this hearing, the undersigned adjacent landowners are not going to stop here. We are preparing to oppose the zoning/land use planning proposal attached and made a part of the above claim by the Bernheims and their representatives, at such time that it is appropriate, with vehement energy and research.

The issues before us are not only water rights, geological surveys/reports, if any, well laws, road systems, sewage treatment and reparion zones surrounding the creek, impact on environment and wildlife, but fire/police support, school systems and many more by the time the zoning/land use planning hearing is scheduled.

Name/Signature

Claudio & Lorin Bliss

Address

35740 Spring Hill Rd, Creswell, Or.

June 11, 2006

Via Hand Delivery And Fax: 541-682-3947

Land Management Division  
Attn: Lane Co. Board of Commissioners  
& Steve Hopkins  
125 East 8th Avenue  
Eugene, OR 97401

RE: Margaret and Bernard Bernheim Measure 37 Claim  
Dept. File No. PA 05-6581

Dear Commissioners,

Thank you for this opportunity to comment.

We live at 83135 Rodgers Road in Creswell. I am writing this letter on behalf of myself, Tammy Ellis, and my husband, Ben Ellis, and our family to explain the basis of our serious opposition to the Measure 37 claim application submitted under the name of Margaret (Peggy) and Bernard (Bunk) Bernheim.

This claim has not, in actuality, been filed by the Bernheims, but is an attempt only to gain the division rights that they may possibly be able to acquire in order for the actual owners of the property (McDougals and others) to implement their plans for an irresponsibly designed development.

We have been told by Mr. Bernheim himself that he sold the property to the McDougals. We have also been told the same thing by several other neighbors, and acquaintances, namely, that the McDougal's purchased the property, in partnership with Mr. Greg Demers, and specifically that a very large scale development was intended by the new owners.

In our view, this application is a complete fraud and is not based on the intentions of the Bernheims at all. Instead, it is simply an avenue for big money developers to try to bully the county into giving them the rights to do a division on property they are not entitled to. Please uphold the County's land use planning regulations.

Late spring of 2004, we asked Bunk if we could buy a feeder calf from him, although we had noticed that we hadn't seen any of his Charolais for a while. Bunk said he had sold the herd to Bowers, his place was up for sale and he was moving to be closer to their children.

In Fall of 2004, my husband came home from the Bernheim's home one night and said Peggy had told him the McDougal's were trying to buy their property but they didn't really want to sell to them and she didn't want them coming in and "raping" her land. She seemed very upset about the whole deal.

Later in the fall of 2004, the Bernheim's started moving all of their belongings to their new place over east and we would see them coming or going sometimes once a week. A few times Ben went up to help Bunk move a couple things or help with some plumbing issues. Then we didn't see them for a time.

Early in the beginning of the year 2005, a neighbor had told us that Bunk had in fact sold his property. We were in the process of considering selling our home and a couple of realtors had come by and were interested and before we considered finding another home to buy we wanted to talk to Bunk about renting his house since it was vacant. We called him and asked and he said that he didn't have any say in it because he had already sold the place and it was in somebody else's hands now. We didn't press for any information and left it at that.

In early spring of 2005, a red Ford 1 ton flat bed loaded with a cattle trailer broke down in front of our house with a bent front axle. I went out to ask the guy if he needed any help. He told me he had another guy coming to help unload the trailer full of cattle on the property that his boss had just bought. I asked him if it was the Bernheim property and he pointed up the road to it and said ". . . . That right there", pointing directly at the former Bernheim property. I asked him who he worked for and he said Fern Hollow Farms. I understand Fern Hollow Farms to be owned by Greg Demers (attached Oregon Business Registry).

A man driving a white extended cab flat bed Dodge pickup truck came to help him transfer and dump the cattle. We still see this same man frequently. He goes up to the former Bernheim ranch and to the property occupied by Vern Story that has feed and hay storage barns on Enterprise Road (Tax Lot 100).

When we saw Bunk Bernheim next, in the spring of 2005, we told him there was a lot of "urban legends" going around about the property. He said we could probably find out more than he knew about the place if we went down to the barbershop. We laughed and then he told us that he had sold the property to the McDougal's. He said he really regretted it too because after he agreed to sell it to them Luke Jackson had called him up and made an offer and he would much rather have sold it to him, because he was planning on living on the place.

We sympathized with him and asked him if he could go back on the deal with the McDougals and he said that he couldn't because he was too far into it.

Bunk said he was on his way to have another meeting with them at Emerald Valley because they were wanting to divide the property and to use his name to do it under the Measure 37. Bunk said the McDougals were going to apply to the county for lots down to 2 acres in size, knowing they would never get that, and then see what they could get. He said specifically, "They are just using me is all it is. The more lots they can get out of it the more they say they'll pay me."

We asked him what they would do about roads and he said they had a whole road system development plan. Bunk was pretty disgusted with the whole thing and told us it was a shame and that he was glad he wouldn't be around to see it happen.

On a separate visit, we talked to Bunk and asked him how things were going and he said he was still having to come back and forth for meetings with them. He and I talked about how people were crazy to go around developing all of this farmland. He said he could see people putting houses on some of the hillsides and wooded areas of his property but not the farm land. He said he looked around at all of the areas it's being allowed and people were really going to regret wasting all of the rich fertile land.

One day in the summer of 2005, the couple that lives on Bunk's property, in a mobile home along the private road to Bunk's house, stopped and talked to Ben and the man, Brownie, told Ben that everything had changed since Bunk had sold the place and he was really needing to find a place to live, maybe in town. He said nothing was the same since Bunk was gone and he didn't want to be around there any more.

Since the spring of 2005, we noticed No Trespassing signs put up by Frontier Resources that have the phone number blacked out (photos attached), a continuous occupation of cattle on the ranch, late night vaccinations at the lower Enterprise Road barns, fencing repairs, and constant traffic of ranch related vehicles coming and going from the ranches residence and the Enterprise Road barns. We understand Greg Demers and Ed King own Frontier Resources (attached Oregon Business Registry).

We have received and reviewed the notice of hearing from the county, the application, and the staff notes regarding this claim and we have also been working with the community to gather and research information.

During our research, we have found a Notice of Option to Buy deed with signatures dated May 25 and 26, 2005 and recorded with the Lane County Deeds and Records on May 26, 2005 between the McDougal Bros. Investments and the Bernheims (copy attached) to purchase property encompassing at least the property listed in the application.

This option agreement was not submitted in the claim application and it is incredibly important because it substantiates that the property was in fact sold prior to this application. Due to the fact that the property is no longer actually in possession of the Bernheims and the title is in question, we are asking the Commissioners to please deny this claim in its entirety.

If the county were to grant a waiver, our property values would fall significantly. The properties included in this application are centrally located in our rural community. I understand this is not by chance. The development planned and allowed around these properties has been in direct consideration of the fact that specifically these lands remain in their current zoning status. Obviously, the high market value we all now enjoy associated with the location of our homes is because of current land use planning management regulations. Community property values would be devastated by a waiver and these proposed changes to the zoning structure of this centrally located area of land. Please understand that there is no development of this precedence anywhere in the directly surrounding or local area.

Development on the scale proposed would have incredible impacts. The environmental importance and incredible impact associated with all of these variables that we as individuals and a community are all dependant on would be absolutely destroyed by this type of a development. Many local wells are poor and water supply is limited. You are going to hear and read several statements of water quantity and quality issues for almost all nearby residences. People are already struggling to maintain a basic water supply. But we and our neighbors have adjusted to living without much water because the rest of the living conditions are otherwise so ideal, finding a different location to live is not a viable alternative.

Ironically, though we have limited drinking water, we also have too much surface water runoff. Seasonal ponding and flooding is already a problem. Logging and developing this land in this absurdly irresponsible fashion would have a direct impact on the watershed that is already unable to be managed. The property in this application is all sloped, with Enterprise Road directly at the bottom of lot 100 and being the west boundary. Within three home sites to the west of Enterprise Road and lot 100, our home being the

second, geographically the land changes from a moderate grade to slight to non-existent grade. (On our property, we lasered a 3% grade from the beginning east portion and then traveling west approximately half the frontage distance of our property, 200 feet.)

The Willamette River is the point of contact for all shed waters. Every rainy season we, along with several of the homes to the west of us, have flooding in varying degrees. We have standing water on our hay field until June!

The county came thru 3 years ago and replaced all of the culverts and widened the ditches in an effort to combat this problem and I spoke with Jeff, one of the county road crew supervisors. I asked him why he thought this was such a problem. Jeff explained to me that he thought it would always be a problem because *there is simply nowhere for the water to go* and there is no public land from Cloverdale Road to the river to be able to trench the water and there have been no personal property owners willing to grant the county access for such a project. So, how could we increase that problem?

Widening the roads and creating new ones to facilitate a high increase in traffic, is something very important to me personally as I have three, soon to be four, small children. We are closely located to the road directly at the bottom of a hill. People already drive down the hill at speeds of easily over 55 miles an hour.

Widening the road would force everyone to change fencing and landscaping and put cars even closer to my front porch, which isn't too far away as it is. Currently our road has a lot of foot traffic from people able to enjoy nice, safe walks and runs and a lot of people that bike. We just had a bike race take place a couple of weeks ago that included Rodgers, Bear Creek, Danstrom and North Bradford Roads.

I have grown up, and my children have grown up, being able to enjoy the abundance of wildlife we have been so fortunate to have not only in our backyards, but surrounding us. In a days time, we can take a walk or a short drive and see all of the farm animals and also fox, pheasants, quail, deer, woodpeckers, turkeys, snakes, lizards I've never found names for, an uncountable number of different birds, and if you are lucky every now and then a herd of elk. I've grown up with the coyotes singing me to sleep and have given my children a knowledge of life and energy and seasons and respect for all things thru watching these animals.

Obviously none of these concerns are being considered by the new owners of this property. It's just a simple matter of more money for them. When is enough actually enough?



My family has always had a tremendous amount of respect for Bunk and Peggy Bernheim. They were always wonderful neighbors. Bunk impresses upon people a rare and gentle kindness. I've always admired the fact that he was a model steward of his land. His cattle were always well-attended to and were something to truly be proud of, by anybody's standards.

Mr. Bernheim made his living from the business of farming and logging his properties. I always considered him to have, not only a working knowledge of farming, but a very educated position and perspective on a number of aspects of agriculture. I feel the Bernheims purchased their properties and were able to use them exactly for the purposes they intended - farming and forestry.

The Bernheims did not seek to change any of the zoning regulations on their properties listed in this application, nor did they apply for a Measure 37 claim at any time prior to the sale of their property.

The operative word in the claim request, used fluently in the letter from Donald Joe Willis, is "restrictions." The Bernheims were able to farm and log their land and use it as responsibly and prudently as they chose. In doing so they were able to do quite well for themselves financially. They did not suffer any financial hardships that are a requirement for being compensated for due to zoning regulations.

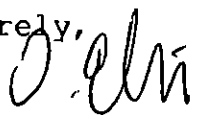
I would encourage and appreciate questioning of the Bernheims themselves. I truly believe if you talked to them in person, they would tell you that while they owned and operated the property, they in fact agreed with the farm zoning of their properties, at all times!

I would even be willing to bet the money sought after in this claim that it's the McDougals and/or Demers and King who are behind this demand for the county to pay or waive land use regulations. The current request is totally inconsistent with the Bernheims' personal intention and vision for property. But because of their prior sale of the property, it appears the Bernheims are being forced to participate in this process against their will. If you asked the Bernheim's if they wanted this claim they would answer you honestly and say, "No."

Which is what I am again encouraging you to please do - say, "No" and deny this claim. The voters who approved Measure 37, with good intentions, did so for long time land owners, not for land speculators and developers who have only recently appeared on the

scene. We fear you are being misled and this claim has been presented to you under false pretences.

Thank you for your consideration and patience in this matter.

Sincerely,  


The Ellis Family  
Ben, Tammy, Samantha, Morgan, Brazen, and Baby  
83135 Rodgers Road  
Creswell, OR 97426



After recording, return to:  
WILLIAM R. POTER  
800 WILLAMETTE STREET, SUITE 800  
EGGERS, OR 97401-2996

05/26/2005 01:49:40 PM  
RPR-NT Cnt=1 Stn=1 CASHIER 05  
\$20.00 \$10.00 \$11.00

NOTICE OF OPTION

Notice is hereby given that McDougal Bros. Investments, a partnership consisting of Melvin L. McDougal and Norman N. McDougal, has an option to purchase the real property described on the attached Exhibit A by virtue of an Option Agreement between Bernard Bernheim and Margaret Bernheim, husband and wife, and McDougal Bros. Investments of even date herewith.

Reference is hereby made to the Option Agreement for the terms and provisions of the option.

DATED: May 26, 2005.

Bernard Bernheim

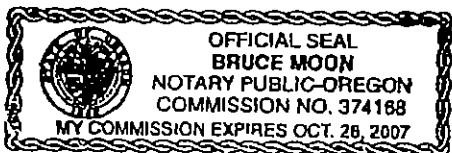
McDOUGAL BROS. INVESTMENTS

By

Margaret Bernheim

STATE OF OREGON        )  
                                  ) ss.  
COUNTY OF DESCHUTES )

This instrument was acknowledged before me on MAY 25, 2005, by Bernard Bernheim and Margaret Bernheim.



Notary Public for Oregon  
My commission expires: OCT 28, 2007

STATE OF OREGON )  
 ) ss.  
COUNTY OF LANE )

This instrument was acknowledged before me on May 23, 2005, by Norman McDougal, PARTNER of McDougal Bros. Investments, a partnership.



Maggie Turner  
Notary Public for Oregon  
My commission expires: 5/13/09

property description continued-

Parcel 3:

Beginning at a point in the South line of Wm. G. Eaton and wife Donation Land Claim No. 62 in Township 19, Range 2, 20.35 chains North 89° 5' West of the Southeast corner thereof; thence South 89° 5' East 10.35 chains; thence North 10' West 10.0 chains; thence South 89° 05' East 10.0 chains; thence North 10° West along East line of said Claim No. 62, 85.59 chains to the most Claim No. 62, 85.59 chains to the most Northerly corner thereof; thence South 39° 56' West along Northwest boundary line of said claim 10.31 chains; thence North 34° West 25.60 chains; thence North 49° 52' West 3.81 chains; thence South 41° 53' West 13.88 chains to the corner in angle of Donation Land Claim No. 60 in said Township and Range; thence South 38 1/2° West 6.75 chains; thence South 29° 45' East 80 links; thence South 29° 45' East along center of County Road No. 640, 10.57 chains; thence South 27° 32' East 7.91 chains; thence South 28° 53' East 10.17 chains; thence South 25° 36' East 8.70 chains; thence South 12° 45' East 5.20 chains to the boundary line of premises described in Certificate No. 2642; thence East 2.0 chains; thence South 0° 36' East 21.87 chains; thence South 14° East 17.69 chains; thence South 89° 5' East 3.74 chains and thence South 3.0 chains to the place of beginning, in Lane County, Oregon.

EXCEPT THEREFROM that part described in deed to International Paper Company, recorded January 11, 1965, Reception No. 88276, Lane County Oregon Deed Records.

ALSO EXCEPT that part described in deed to Robert A. Murphy and Elsie Murphy, recorded November 04, 1976, Reception No. 7658214, Lane County Official Records.

Parcel 4:

A portion of the Wm. G. Eaton Donation Land Claim No. 62 described as follows: Beginning at the most Northerly corner of the Wm. G. Eaton Donation Land Claim No. 62 in Township 19 South of Range 2 West of the Willamette Meridian; thence South 39° 56' West along the Northwesterly line of D.L.C. No. 62 to the West line of International Paper Company land as described on Reel No. 257, Page D, File No. 88276, Lane County, Oregon and the true point of beginning; thence South 0° 10' East 1461.0 feet; thence East 660.0 feet; thence North 0° 10' West 2,246.7 feet to the Northwesterly line of D.L.C. No. 62; thence South 39° 56' West, along said Northwesterly, D.L.C. line, a distance of 1,024.65 feet to the true point of beginning.

TOGETHER WITH that portion of partially vacated County Road No. 1242 inuring to said property by Vacation Order 95-8-23-14, recorded August 31, 1995, Reception No. 9548800; Lane County Official Records.

continued-

property description continued-

Parcel 5:

That portion of the following described parcel of land which lies Northeasterly of the Northeasterly right of way line of County Road No. 640: Beginning at a point in the center of the County Road 20.00 chains North and 18.29 chains South 89° 54' East from the Southwest corner of the William O. Eaton Donation Land Claim No. 62, Notification No. 6536, Township 19 South, Range 2 West of the Willamette Meridian; and run thence North 21.87 chains; thence North 89° 54' West 25.11 chains the West line of Lot 5, Section 20 said Township and Range; thence South along the West line of Lots 4 and 6 of said Section 20, 16.96 chains to a point 7.75 chains North of the North line of the Southwest quarter of the Southeast quarter of Section 20; thence West to the center of East branch of Bear Creek; thence Southerly along the center of said creek to the center of the County Road; thence Easterly along the center of said County Road to the point of beginning, all in Lane County, Oregon;

EXCEPTING THEREFROM any portion which lies within that parcel of land described in document recorded June 15, 1976, Reel 799, Reception No. 7629550, Lane County Oregon Records.

Parcel 6:

Beginning 24.15 chains East of the Southwest corner of Donation Land Claim No. 62 in Township 19 South, Range 2 West of the Willamette Meridian; thence East 3.0 chains; thence North 3.0 chains; thence West about 3.76 chains; thence South 13 3/4° East about 3.11 chains to the place of beginning, in Lane County, Oregon.

**NO TRESPASSING  
NO HUNTING**

**FRONTIER RESOURCES  
PRIVATE PROPERTY**

For Property Access Information Call:

Frontier Resources, LLC.



NO TRAMPING  
NO HUNTING

FRONTIER RESOURCES  
PRIVATE PROPERTY

For Property Access Information Call  
Frontier Resources, LLC 707-255-1000 or 800-451-1000

805108

SHADYSIDE  
RANCH  
805108



OREGON SECRETARY OF STATE  
**Corporation Division**

HOME  
 SEARCH  
 CONTACT US

business referral center **business name search** oregon business guide  
 information referral list business registry/renewal forms/fees notary public  
 uniform commercial code uniform commercial code search custom searches & lists



**Business Name Search**

New Search Printer Friendly

**Business Entity Data**

06-10-2006  
 04:39

| Registry Nbr                        | Entity Type | Entity Status | Jurisdiction | Registry Date | Duration Date | Renewal Date |
|-------------------------------------|-------------|---------------|--------------|---------------|---------------|--------------|
| 646751-85                           | DLLC        | ACT           | OREGON       | 08-05-1998    |               |              |
| Entity Name FRONTIER RESOURCES, LLC |             |               |              |               |               |              |
| Foreign Name                        |             |               |              |               |               |              |

New Search Printer Friendly

**Associated Names**

| Type   | PPB                 | PRINCIPAL PLACE OF BUSINESS |       |         |                          |  |
|--------|---------------------|-----------------------------|-------|---------|--------------------------|--|
| Addr 1 | 70 S BERTELSEN ROAD |                             |       |         |                          |  |
| Addr 2 |                     |                             |       |         |                          |  |
| CSZ    | EUGENE              | OR                          | 97402 | Country | UNITED STATES OF AMERICA |  |

| Type   | AGT                      | REGISTERED AGENT | Start Date | 01-26-1999 | Resign Date              |  |
|--------|--------------------------|------------------|------------|------------|--------------------------|--|
| Name   | CARMEN                   | M                | CALZACORTA |            |                          |  |
| Addr 1 | 1211 SW 5TH AVE STE 1800 |                  |            |            |                          |  |
| Addr 2 |                          |                  |            |            |                          |  |
| CSZ    | PORTLAND                 | OR               | 97204      | Country    | UNITED STATES OF AMERICA |  |

| Type   | MAL          | MAILING ADDRESS |       |         |                          |  |
|--------|--------------|-----------------|-------|---------|--------------------------|--|
| Addr 1 | PO BOX 23110 |                 |       |         |                          |  |
| Addr 2 |              |                 |       |         |                          |  |
| CSZ    | EUGENE       | OR              | 97402 | Country | UNITED STATES OF AMERICA |  |

| Type   | MEM                 | MEMBER |        |         |                          |  |
|--------|---------------------|--------|--------|---------|--------------------------|--|
| Name   | GREGORY             |        | DEMERS |         |                          |  |
| Addr 1 | 70 S BERTELSEN ROAD |        |        |         |                          |  |
| Addr 2 |                     |        |        |         |                          |  |
| CSZ    | EUGENE              | OR     | 97402  | Country | UNITED STATES OF AMERICA |  |

|        |                   |    |       |         |                          |
|--------|-------------------|----|-------|---------|--------------------------|
| Type   | MEM MEMBER        |    |       |         |                          |
| Name   | EDWARD            | J  | KING  | III     |                          |
| Addr 1 | 30314 LEBLEU ROAD |    |       |         |                          |
| Addr 2 |                   |    |       |         |                          |
| CSZ    | EUGENE            | OR | 97405 | Country | UNITED STATES OF AMERICA |

[New Search](#) [Printer Friendly](#) [Name History](#)

| Business Entity Name    | Name Type | Name Status | Start Date | End Date |
|-------------------------|-----------|-------------|------------|----------|
| FRONTIER RESOURCES, LLC | EN        | CUR         | 08-05-1998 |          |

Please read before ordering Copies.

[New Search](#) [Printer Friendly](#) [Summary History](#)

| Image Date | Action                     | Transaction Date | Effective Date | Status | Name/Agent Change | Dissolved By |
|------------|----------------------------|------------------|----------------|--------|-------------------|--------------|
| 07-14-2005 | ANNUAL REPORT PAYMENT      | 07-14-2005       |                | SYS    |                   |              |
| 07-15-2004 | ANNUAL REPORT PAYMENT      | 07-15-2004       |                | SYS    |                   |              |
| 07-15-2003 | ANNUAL REPORT PAYMENT      | 07-15-2003       |                | SYS    |                   |              |
| 08-16-2002 | AMENDMENT TO ANNUAL REPORT | 08-16-2002       |                | FI     |                   |              |
| 06-28-2002 | ANNUAL REPORT PAYMENT      | 06-28-2002       |                | SYS    |                   |              |
| 06-28-2001 | ANNUAL REPORT PAYMENT      | 06-28-2001       |                | SYS    |                   |              |
| 07-25-2000 | STRAIGHT RENEWAL           | 07-25-2000       |                | FI     |                   |              |
| 07-30-1999 | AMENDED RENEWAL            | 07-30-1999       |                | FI     |                   |              |
| 01-26-1999 | AGENT/AUTH REP CHNG        | 01-26-1999       |                | FI     |                   |              |
| 08-05-1998 | NEW FILING                 | 08-05-1998       |                | FI     |                   |              |

[About Us](#) | [Announcements](#) | [Laws & Rules](#) | [Feedback](#)  
[Site Map](#) | [Policy](#) | [SOS Home](#) | [Oregon Blue Book](#) | [Oregon.gov](#)

For comments or suggestions regarding the operation of this site,  
please contact : [businessregistry.sos@state.or.us](mailto:businessregistry.sos@state.or.us)



© 2006 Oregon Secretary of State. All Rights Reserved.

OREGON SECRETARY OF STATE  
**► Corporation Division**

HOME  
 SEARCH

CONTACT US

business referral center

**business name search**

oregon business guide

information referral list

business registry/renewal

forms/fees

notary public

uniform commercial code

uniform commercial code search

custom searches & lists



**Business Name Search**

New Search Printer Friendly

**Business Entity Data**

06-11-2006  
 23:25

| Registry Nbr                        | Entity Type | Entity Status | Jurisdiction | Registry Date | Duration Date | Renewal Date |
|-------------------------------------|-------------|---------------|--------------|---------------|---------------|--------------|
| 234424-86                           | DBC         | ACT           | OREGON       | 02-07-1991    |               |              |
| Entity Name FERN HOLLOW FARMS, INC. |             |               |              |               |               |              |
| Foreign Name                        |             |               |              |               |               |              |

New Search Printer Friendly

**Associated Names**

|        |                 |                             |       |                                  |
|--------|-----------------|-----------------------------|-------|----------------------------------|
| Type   | PPB             | PRINCIPAL PLACE OF BUSINESS |       |                                  |
| Addr 1 | 24244 SERTIC RD |                             |       |                                  |
| Addr 2 |                 |                             |       |                                  |
| CSZ    | VENETA          | OR                          | 97487 | Country UNITED STATES OF AMERICA |

|        |                 |                  |            |            |                          |  |
|--------|-----------------|------------------|------------|------------|--------------------------|--|
| Type   | AGT             | REGISTERED AGENT | Start Date | 02-07-1991 | Resign Date              |  |
| Name   | PEGGY           | DEMERS           |            |            |                          |  |
| Addr 1 | 24244 SERTIC RD |                  |            |            |                          |  |
| Addr 2 | PO BOX 1042     |                  |            |            |                          |  |
| CSZ    | VENETA          | OR               | 97487      | Country    | UNITED STATES OF AMERICA |  |

|        |            |                 |       |                                  |
|--------|------------|-----------------|-------|----------------------------------|
| Type   | MAL        | MAILING ADDRESS |       |                                  |
| Addr 1 | PO BOX 876 |                 |       |                                  |
| Addr 2 |            |                 |       |                                  |
| CSZ    | VENETA     | OR              | 97487 | Country UNITED STATES OF AMERICA |

|        |             |           |        |                                  |
|--------|-------------|-----------|--------|----------------------------------|
| Type   | PRE         | PRESIDENT |        |                                  |
| Name   | GREG        | M         | DEMERS |                                  |
| Addr 1 | PO BOX 1042 |           |        |                                  |
| Addr 2 |             |           |        |                                  |
| CSZ    | VENETA      | OR        | 97487  | Country UNITED STATES OF AMERICA |

|        |               |        |       |                                  |
|--------|---------------|--------|-------|----------------------------------|
| Type   | SEC SECRETARY |        |       |                                  |
| Name   | PEGGY         | DEMERS |       |                                  |
| Addr 1 | PO BOX 1042   |        |       |                                  |
| Addr 2 |               |        |       |                                  |
| CSZ    | VENETA        | OR     | 97487 | Country UNITED STATES OF AMERICA |

New Search Printer Friendly Name History

| Business Entity Name    | Name Type | Name Status | Start Date | End Date |
|-------------------------|-----------|-------------|------------|----------|
| FERN HOLLOW FARMS, INC. | EN        | CUR         | 02-07-1991 |          |

Please read before ordering Copies.

New Search Printer Friendly Summary History

| Image Date | Action                | Transaction Date | Effective Date | Status | Name/Agent Change | Dissolved By |
|------------|-----------------------|------------------|----------------|--------|-------------------|--------------|
| 01-18-2006 | ANNUAL REPORT PAYMENT | 01-18-2006       |                | SYS    |                   |              |
| 01-19-2005 | ANNUAL REPORT PAYMENT | 01-19-2005       |                | SYS    |                   |              |
| 01-21-2004 | ANNUAL REPORT PAYMENT | 01-21-2004       |                | SYS    |                   |              |
| 01-23-2003 | ANNUAL REPORT PAYMENT | 01-23-2003       |                | SYS    |                   |              |
| 01-25-2002 | ANNUAL REPORT PAYMENT | 01-25-2002       |                | SYS    |                   |              |
| 02-23-2001 | CHANGED RENEWAL       | 02-23-2001       |                | FI     |                   |              |
| 01-22-2001 | ANNUAL REPORT PAYMENT | 01-22-2001       |                | SYS    |                   |              |
| 01-26-2000 | STRAIGHT RENEWAL      | 01-12-2000       |                | FI     |                   |              |
| 01-25-1999 | STRAIGHT RENEWAL      | 01-19-1999       |                | FI     |                   |              |
| 01-26-1998 | STRAIGHT RENEWAL      | 01-21-1998       |                | FI     |                   |              |
| 02-05-1997 | STRAIGHT RENEWAL      | 01-23-1997       |                | FI     |                   |              |
| 02-05-1996 | STRAIGHT RENEWAL      | 01-19-1996       |                | FI     |                   |              |
| 02-25-1995 | AMENDED RENEWAL       | 02-25-1995       |                | FI     |                   |              |
| 02-01-1994 | STRAIGHT RENEWAL      | 01-20-1994       |                | FI     |                   |              |

**Presented By:** Becky Carwithen-Work  
All State Real Estate

**No Photo Available**

**RESIDENTIAL**      **Status:** SLD      **6/10/2006**  
**ML#:** 5041607      **Area:** 235      **List Price:**  
**Addr:** 82791 Rodgers RD      **U**  
**City:** Creswell      **Zip:** 97426      **Condo Loc/**  
**Map Coord:** 0/0/0      **Zoning:** E40  
**County:** Lane      **Tax ID:** 828317  
**Elem:** CRESLANE      **Middle:**  
**High:** CRESWELL      **PropType:** RES  
**Nhood:**      **#Image:** 0  
**Legal:** 190221000010 - 105 - 106

**GENERAL INFORMATION**

**Lot Size:** 200AC+      **# Acres:** 194.79      **Lot Dimensions:**  
**Waterfront:** CREEK      **View:** VALLEY      **Lot Desc:** SECLDED, SLOPED, TR  
**River/Lake:**      **Seller Disc:** DSCLOSUR      **Other Disc:**

**RESIDENCE INFORMATION**

**Upper SQFT:** 0      **SFSrc:**      **#Bdrms/#Lvl:** 3 / 2      **Year Built:** 1959 /  
**Main SQFT:** 1944      **TotUp/Mn:** 1944      **Style:** RANCH      **Home Wrnty:** 55+ w/Affidavit  
**Lower SQFT:** 0      **Parking:**      **#Garage:** 2 / ATTACHD      **#Fireplaces:** 2 / INSERT, WOOD  
**Total SQFT:** 1944      **Roof:**      **Exterior:** BRD&BTN      **Bsmt/Fnd:** DAYLITE, UNFIN

**APPROXIMATE ROOM SIZES AND DESCRIPTIONS**

|                                    |                            |                |
|------------------------------------|----------------------------|----------------|
| <b>Living:</b> M / / BEAMS, FIREPL | <b>Mstr Bd:</b> M / / BATH | <b>Ba</b>      |
| <b>Kitchen:</b> M / / EATAREA      | <b>2nd Bd:</b> M / /       | <b>Upper</b>   |
| <b>Dining:</b> / /                 | <b>3rd Bd:</b> M / /       | <b>Main l</b>  |
| <b>Family:</b> M / / FPL-INS       | / /                        | <b>Lower</b>   |
| / /                                | / /                        | <b>Total l</b> |

**REMARKS**

**XSt/Dir:** So. on I-5 to Creswell  
**Remarks:**

**FEATURES AND UTILITIES**

**Kitchen:** BI-RANG, DISHWAS, DISPOS, WAT-PUR, BI-OVEN  
**Interior:** SMOKDET, WATSOFT, WW-CARP  
**Exterior:** BARN, FENCED, OUTBULD, SHOP, BI-HTUB, CORRAL  
**Accessibility:**  
**Cool:** XASTFAN      **Hot Water:** ELECT      **Heat:** BASEBRD      **Fuel:** ELECT  
**Water:** WELL      **Sewer:** SEPTIC      **Insul:** BLOWNIN, CEILING, FULLY

**FINANCIAL**

**PTax/Yr:** 992      **Rent, If Rented:**  
**HOA Dues:**      **HOA Dues-2nd:**  
**HOA Incl:**

**COMPARABLE INFORMATION**

**Pend:** 5/14/2005      **DOM:** 0      **Sold:** 6/14/2005      **Terms:** CASH      **O/Price:** \$3,000,000      **Sold:**

© Copyright 2006 RMLS™Portland - MLS INFORMATION NOT GUARANTEED AND SHOULD BE VERIFIED.  
 SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFC  
 SCHOOL AVAILABILITY SUBJECT TO CHANGE.