

W. K. d.



Memorandum Date: August 31, 2006  
Order Date: September 27, 2006

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**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 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 (PA06-6032, MINTON)

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**I. MOTION**

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 Russell Minton 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**

**Applicant:** Russell Minton

**Current Owner:** Russell Minton

**Agent:** Jim Belknap

**Map and Tax lots:** 19-01-19 #1303

**Acreage:** 28 acres

**Current Zoning:** F2 (Impacted Forest)

**Date Property Acquired:** October 27, 1969

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**

Russell Minton acquired an interest in the property when it was unzoned. Currently, it is zoned F2 (Impacted Forest), the minimum parcel size is 80 acres and new dwellings require a special use permit. Because of these restrictions, Russell Minton is prevented from developing the property as could have been allowed when he acquired an interest on October 27, 1969.

### **Reduction in Fair Market Value**

The claimant has submitted an opinion of value from a real estate broker. This opinion alleges a reduction of \$869,600. This opinion is based, in part, on the sales prices of comparable properties. 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 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 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.

**VII. FOLLOW-UP**

If an order is adopted, it will be recorded.

**VII. ATTACHMENTS**

- Draft order to approve the claim of Russell Minton.
- Vicinity Map.
- Claim submitted on June 6, 2006.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY,  
OREGON**

**ORDER No.** ) 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 (PA06-6032, Minton)

**WHEREAS**, the voters of the State of Oregon passed Ballot Measure 37 on November 2, 2004, which added provisions to Oregon Revised Statutes (ORS) Chapter 197 to require, under certain circumstances, payment to landowners if a government land use regulation restricts the use of private real property and has the effect of reducing the property value; and

**WHEREAS**, the Board of County Commissioners of Lane County enacted Ordinance No. 18-04 on December 1, 2004, to establish a real property compensation claim application process in LC 2.700 through 2.770 for Ballot Measure 37 claims; and

**WHEREAS**, the County Administrator has reviewed an application for a Measure 37 claim submitted by Russell Minton (PA06-6032), the owner of real property located at 82410 Rattlesnake Road, Dexter, and more specifically described in the records of the Lane County Assessor as map 19-01-19, tax lot 1303, consisting of approximately 28 acres in Lane County, Oregon; and

**WHEREAS**, the County Administrator has determined that the application appears to meet all of the criteria of LC 2.740(1)(a)-(d), appears to be eligible for just compensation and appears to require modification, removal or not applying the restrictive land use regulations in lieu of payment of just compensation and has referred the application to the Board for public hearing and confirmation that the application qualifies for further action under Measure 37 and LC 2.700 through 2.770; and

**WHEREAS**, the County Administrator has determined under LC 2.740(4) that modification, removal or not applying the restrictive land use regulation is necessary to avoid owner entitlement to just compensation under Ballot Measure 37 and made that recommendation to the Board; and

**WHEREAS**, the Board has reviewed the evidence and confirmed the application appears to qualify for compensation under Measure 37 but Lane County has not appropriated funds for compensation for Measure 37 claims and has no funds available for this purpose; and

**WHEREAS**, on September 27, 2006, the Board conducted a public hearing on the Measure 37 claim (PA06-6032) of Russell Minton and has now determined that the restrictive F2 (Impacted Forest) zone dwelling and land division requirements of LC 16.211 were enforced and made applicable to prevent Russell Minton from developing the property as might have been allowed at the time he acquired an interest in the property on October 27, 1969, and that the public benefit from application of the current F2 dwelling and division land use regulations to the applicant' property is outweighed by the public burden of paying just compensation; and

**WHEREAS**, Russell Minton request either \$869,600 as compensation for the reduction in value of his property, or waiver of all land use regulations that would restrict the division of land into lots containing less than eighty acres and placement of a dwelling on each lot, uses that could have otherwise been allowed at the time Russell Minton acquired an interest in the property; and

**WHEREAS**, the Board finds that under LC 2.760(3) the public interest would be better served by modifying, removing or not applying the challenged land use regulations of the F2 zone to the subject property in the manner and for the reasons stated in the report and recommendation of the County Administrator incorporated here by this reference except as explicitly revised here to reflect Board deliberation and action to allow Russell Minton to make application for development of the subject property in a manner similar to what he could have been able to do under the regulations in effect when he acquired an interest in the property; and

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

**NOW, THEREFORE IT IS HEREBY ORDERED** that the applicant Russell Minton made a valid claim under Ballot Measure 37 by describing the use being sought, identifying the county land use regulations prohibiting that use, submitting evidence that those land use regulations have the effect of reducing the value of the property, showing evidence that he acquired an interest in the property before the restrictive county land use regulations were enacted or enforced and the Board hereby elects not to pay just compensation but in lieu of payment, the request of Russell Minton shall be granted and the restrictive provisions of LC 16.211 that prevent the division of the property into lots containing less than eighty acres and placement of a new dwelling on each lot in the F2 (Impacted Forest) Zone shall not apply to Russell Minton, so he can make application for approval to develop the property located at 82410 Rattlesnake Road, Dexter, and more specifically described in the records of the Lane County Assessor as map 19-01-19, tax lot 1303, consisting of approximately 28 acres in Lane County, Oregon, in a manner consistent with the land use regulations in effect when he acquired an interest in the property on October 27, 1969.

**IT IS HEREBY FURTHER ORDERED** that Russell Minton still needs to make application and receive approval of any division of the property or placement of a dwelling under the other land use regulations applicable to dividing the property or placing a dwelling that were not specifically identified or established by Russell Minton as restricting the division of the property or placement of a dwelling, and it would be premature to not apply those regulations given the available evidence. To the extent necessary to effectuate the Board action to not apply the dwelling or division restrictions of the applicable zone described above, the claimant shall submit appropriate applications for review and approval of a new dwelling to show the specific development proposals and in the event additional county land use regulations result in a restriction of those uses that have the effect of reducing the fair market value of the property, the County Administrator shall have the authority to determine those restrictive county land use regulations that will not apply to that development proposal to preclude entitlement to just compensation under Measure 37, and return to the Board for action, if necessary. All other Lane Code land use and development regulations shall remain applicable to the subject property until such time as they are shown to be restrictive and that those restrictions reduce the fair market value of the subject property.

**IT IS HEREBY FURTHER ORDERED** that this action making certain Lane Code provisions inapplicable to use of the property by Russell Minton does not constitute a waiver or modification of state land use regulations and does not authorize immediate division of the subject property or immediate construction of a dwelling. The requirements of state law may contain specific standards regulating development of the subject property and the applicant should contact the Department of Administrative Services (DAS - State Services Division, Risk Management - Measure 37 Unit, 1225 Ferry Street SE, U160, Salem, OR 97301-4292; Telephone: (503) 373-7475; website address: <http://www.oregon.gov/DAS/Risk/M37.shtml> ) and have the State of Oregon evaluate a Measure 37 claim and provide evidence of final state action before seeking county land use approval.

**IT IS HEREBY FURTHER ORDERED** that the other county land use regulations and rules that still apply to the property require that land use, sanitation and building permits be approved by Lane County before any development can proceed. Notice of this decision shall be recorded in the county deed records. This order shall be effective and in effect as described in LC 2.770 and Ballot Measure 37 to the extent permitted by law. This order does not resolve several questions about the effect and application of Measure 37, including the question of whether the right of applicant to divide or build dwellings can be transferred to another owner. If the ruling of the Marion County Circuit Court in *MacPherson v. Dept. of Administrative Services*, (Marion County Circ. Ct. Case No. 00C15769, October 14, 2005) or any other court decision involving Ballot Measure 37 becomes final and that decision or any subsequent court decision has application to Lane County in a manner that affects the authority of this Board to grant relief under Ballot Measure 37 and LC 2.700 through 2.770 then the validity and effectiveness of this Order shall be governed by LC 2.770 and the ruling of the court.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Bill Dwyer, Chair  
Lane County Board of County Commissioners

APPROVED AS TO FORM

Date 9-19-2006 Lane County

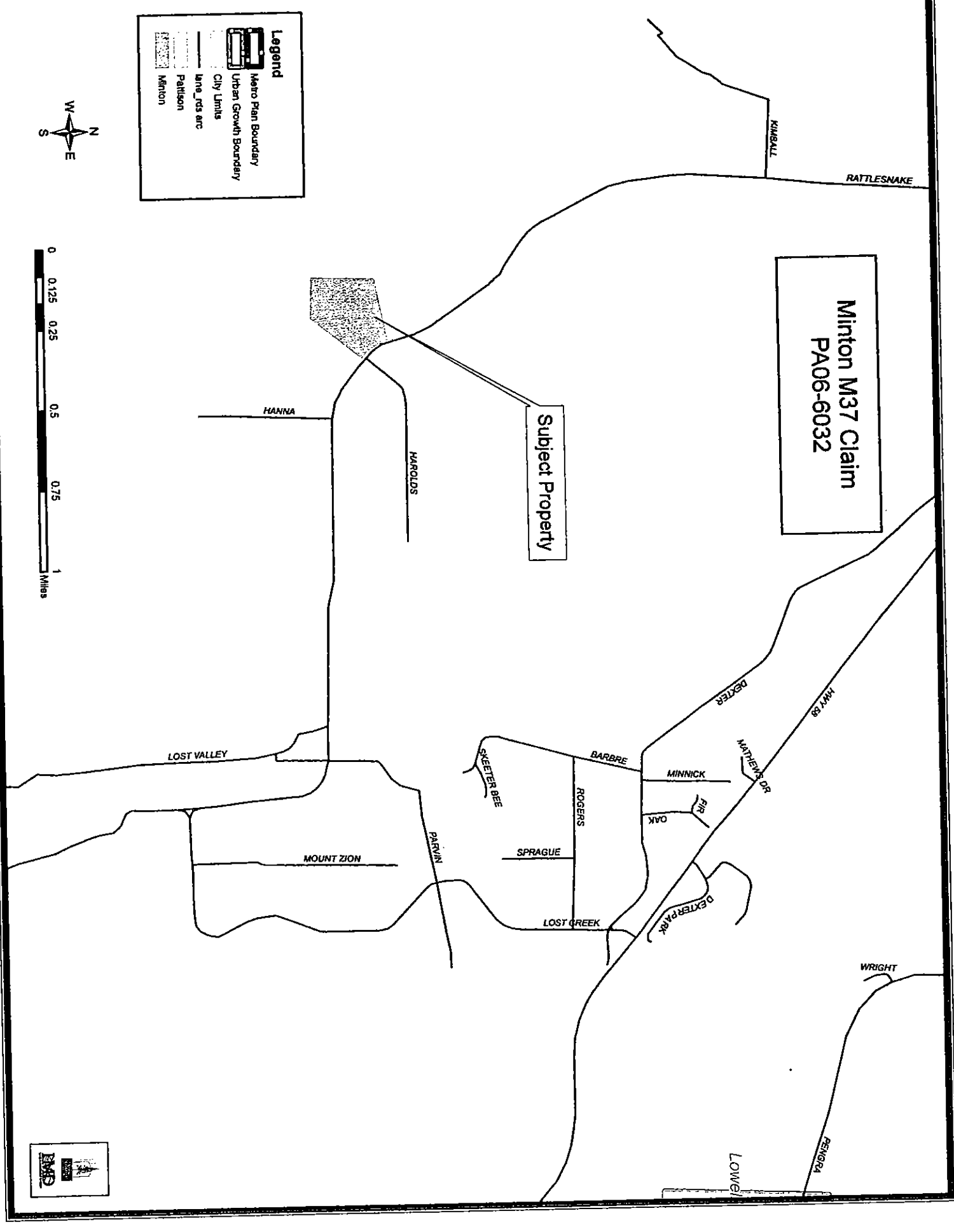
  
OFFICE OF LEGAL COUNSEL

Minton M37 Claim  
PA06-6032

Subject Property

**Legend**

- Metrol Plan Boundary
- Urban Growth Boundary
- City Limits
- Lane Jct's arc
- Partition
- Minton





LAND MANAGEMENT DIVISION

Measure 37 Claim Form

125 E 8th AVENUE, EUGENE OR 97401 PLANNING: 682-3807

For Office Use Only, FILE # PA066032 CODE: PLN-M37 FEE: \$850

This completed form, supporting documentation and processing fee must be submitted to the Lane County Land Management Division for all claims subject to the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 4, 2004), to be considered for compensation under LC 2.700 through 2.770. In all cases, the applicant has the burden of demonstrating, with competent evidence, that all applicable criteria are met and the applicant would be entitled to compensation if the land use regulation continues to apply.

LOCATION

19S 01W 19 1303
Township Range Section qtr section Taxlot

82410 Rattlesnake Rd. Dexter, OR 97431
Site address

Applicant (print name): Russell Leonard Minton

Mailing address: 82410 Rattlesnake Rd., Dexter, OR 97431

Phone: 541-937-2288 Email:

Applicant Signature: [Handwritten Signature]

Agent (print name): Jim Belknap

Mailing address: P. O. Box 865, Cottage Grove, OR 97424

Phone: 541-942-9141 Email: jbelknap@territorialland.com

Agent Signature: [Handwritten Signature]

Land Owner (print name): Russell Leonard Minton

Mailing address: 82410 Rattlesnake Rd., Dexter, OR 97431

Phone: 541-937-2288 Email:

Land Owner Signature: [Handwritten Signature]

By signing this application, the applicant, agent and landowner(s) certify the following: I (we) have completed all of the attached application requirements and certify that all statements are true and accurate to the best of my (our) knowledge and belief. I am (We are) authorized to submit this application on behalf of all those with an interest in the property and all the owners(s) agree to this claim as evidenced by the signature of those owners. (Include additional signatures as necessary.)

Entry by County or its designee upon the subject property is authorized by the owner(s) and the owner(s) consent to the application for claims under provisions added to ORS Chapter 197 by Ballot Measure 37 (November 4, 2004).



Additional land owners, lien holders, trustees, lessees or anyone with an interest in the subject property. Describe the ownership interest. Attach more pages if necessary.

None

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

Submit the following documents:

- Title Report. This report must identify the current land owner(s) and the date the current land owner(s) acquired the property or an interest in the property. Attached
Description Card and deeds. The description card is available in the Tax Assessor's Department. Submit all the deeds listed on the card from the date the current owner acquired an interest in the property. The deeds must verify the current land owner, as listed on the Title Report, and demonstrate continuous ownership by that owner since the date of acquisition. Attached
If the property is in a Trust, LLC or other type of ownership, submit documentation regarding the ownership. These document must show whether the Trust, LLC or other type of ownership is revocable and identify all persons with an interest in the ownership. N/A
If the property was acquired though a land sale contract, identify the original land owner and each person who assumed the contract prior to the current land owner. Include the documentation that demonstrates when the contract was conveyed. Also, submit the document(s) demonstrating the contract was completed and ownership was conveyed to the current owner. N/A
Leases, covenants, conditions or restrictions applicable to the subject property. Attached
Reasonable and competent evidence of a reduction in fair market value from a land use regulation. Attached

Current Zoning: F2 Impacted Forestland

Acreage: 27.73 acres

When did the current land owner acquire an interest in the property? October 27, 1969

When did the family acquire an interest in the property? October 27, 1969

Current fair market value of property: \$173,000 (exclusive of improvements)

Alleged reduction in fair market value: \$869,600 (exclusive of improvements)

EXISTING IMPROVEMENTS Identify any existing improvements to the property such as any homes, roads, other structures, etc.

Single family residence, 2488 sq. ft., constructed in 1950.

Equipment shed, shop.

What relief is being sought? Are you requesting monetary compensation or a waiver of a land use regulation(s)? If a waiver is desired, what is the desired use and/or how do you want to develop the property?

The request is for a waiver of zoning restrictions to allow the subdivision of the property into 13 lots of approximately two acres each, and for the approval to place a single family dwelling on each lot.

**APPROVAL CRITERIA**

Lane Code 2.740(1)

The County Administrator shall make a determination as to whether the application qualifies for Board compensation consideration. An application qualifies for compensation consideration if the applicant has shown that all of the following criteria are met:

- (a) The County has either adopted or enforced a land use regulation that restricts the use of private real property or any interest therein;
- (b) The restriction on use has the effect of reducing the fair market value of the property or any interest therein, upon which the restriction is imposed;
- (c) The challenged land use regulation was adopted, enforced or applied after the current owner of the property (the applicant) became the owner; and
- (d) The challenged regulation is not an exempt regulation as defined in LC 2.710.

Answer the following questions. Attach additional pages if necessary.

- What land use regulation(s) has been enacted since the current owner acquired the property that reduced the fair market value of the property?
- How has the identified regulation(s) reduced the fair market value of the property?
- What evidence are you providing that demonstrates the value reduction? Explain the evidence.

The current owner acquired the property by deed executed October 27, 1969, recorded November 18, 1969, at which time no zoning standards were applicable to the property. On February 18, 1976 the property was zoned Agriculture, Grazing and Timber (AGT-5). Subsequently the property was zoned Farm-Forestry 20 (FF-20) and later, Impacted Forestland (F-2), which remains the current zoning. The F-2 zoning prohibits any further division of the property and restricts the placement of additional dwellings. Attached is a report from Territorial Land Company, Inc. discussing the value of the 27.7 acres as a single building site at \$173,000 compared to the net value of 10 developed lots, a conservative estimate of the development potential of the property, at \$1,042,600, to arrive at a value reduction of \$869,600. The valuation is based on an analysis of comparable sales.



**First American**

**First American Title Insurance Company of Oregon**  
600 Country Club Road  
Eugene, OR 97401  
Phn - (541)484-2900  
Fax - (541)484-7321

**LANE COUNTY TITLE UNIT**  
FAX (541)484-7321

Title Officer: **Deborah Forstrom**  
(541)484-2900

**MEASURE 37 LOT BOOK SERVICE**

Territorial Land Company  
1785 East Main Street  
Cottage Grove, OR 97424

Order No.: 7199-693704  
April 17, 2006

Attn: Jim Belknap  
Phone No.: (541)942-9141 - Fax No.: (541)942-1653  
Email: jbelknap@territorialland.com

Re: Minton

Fee: \$500.00

We have searched our Tract Indices as to the following described property:

The land referred to in this report is described in Exhibit A attached hereto.

and as of April 6, 2006 at 8:00 a.m.

We find that the last deed of record runs to

Russell L. Minton, also known as Russell Leonard Minton

We also find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
2. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes:

Recording Information: March 11, 1996, Reception No. 96-15663

Modification and/or amendment by instrument:

Recording Information: March 27, 1996, Reception No. 96-19691

3. Line of Credit Trust Deed, including the terms and provisions thereof, given to secure an indebtedness of up to \$150,000.00

Grantor: Russell L. Minton  
Beneficiary: Selco Credit Union  
Trustee: Western Title & Escrow Company  
Dated: August 26, 2003  
Recorded: September 02, 2003  
Recording Information: 2003-084583

Situs Address as disclosed on Lane County Tax Roll:

82410 Rattlesnake Road, Dexter, OR 97431

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

We also find the following unpaid taxes and city liens:

1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.

NOTE: Taxes for the year 2005-2006 PAID IN FULL

Tax Amount: \$62.20  
Map No.: 1901190001303  
Property ID: 0819761  
Tax Code No.: 00100

NOTE: Taxes for the year 2005-2006 PAID IN FULL

Tax Amount: \$1,508.99  
Map No.: 1901190001303  
Property ID: 0819779  
Tax Code No.: 00110

In our search for recorded deeds to determine the vestee herein we find the following:

Title of Conveyance: Warranty Deed  
Recorded: November 18, 1969  
As: Reception No. 87837  
Grantor: Richard O. Schlichting and Mary Lou Schlichting, husband and wife  
Grantee: Russell L. Minton and Sharon R. Minton, husband and wife

Title of Conveyance: Bargain and Sale Deed  
Recorded: Sepbember 13, 1994  
As: Reception No. 9466023  
Grantor: Sharon R. Minton, nak Sharon R. Wright  
Grantee: Russell Leonard Minton

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listing do to include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection wit this Measure 37 Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

cc: Russell L. Minton

**Exhibit "A"**

Real property in the unincorporated area of the County of Lane, State of Oregon, described as follows:

Beginning at a point on the Southwesterly right of way line of the relocated Rattlesnake Road, said point being 50.00 feet from (when measured at right angles to) Centerline Station L 142+88.24 P.T., said point also being 322.34 feet North and 161.97 feet West of the one-quarter corner common to Sections 19 and 20, Township 19 South, Range 1 West, of the Willamette Meridian; run thence along said right of way line on a 1004.93 foot radius curve right (the long chord of which bears North 36° 54' West 539.08 feet) a distance of 545.77 feet, to a point 50.00 feet from the Centerline Station L 137+69.63 P.C.; thence leaving said right of way line South 76° 23' 30" West 1033.46 feet; thence South 0° 40' 10" West 1035.33 feet; thence East 689.11 feet; thence North 37° 32' 30" East 1068.57 feet to the Point of Beginning, in Lane County, Oregon.

Tax Parcel Number: 0819761 and 0819779

1304  
9615663

3-11-96 2150

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT ("Declaration") is made by  
Russell L. Minton ("Declarant"), for the benefit of James L. and Konni J. Steinberger.

10-  
10-

RECITALS

- A. Declarant owns the real property described in the Records of the Lane County Assessor as Map #190119, Tax Lot #1303, zoned F-2.
- B. James L. and Konni J. Steinberger own adjacent property to the east of Declarant as described in the Records of the Lane County Assessor as Map #190119, Tax Lot #1304, also zoned F-2.
- C. James L. and Konni J. Steinberger intend to construct an accessory building on their property which is situated approximately 105 feet from the property line adjoining Declarant's property.
- D. The Lane County Code requires a 30-foot primary fuel break around structures in F-2 zones, LC 16.211(8)(c)(i)(aa), and an additional 100-foot secondary fire break. LC 16.211(8)(c)(i)(bb).
- E. The 30-foot primary fuel break around the accessory building falls entirely on Tax Lot #1304. A portion of the secondary fuel break, however, extends onto Declarant's property.

DECLARATION

Now, therefore, based upon the foregoing recitals, Declarant hereby makes the following Declaration of Restrictive Covenant, to and for the benefit of James L. and Konni J. Steinberger.

2328MAR.11'96K02REC 10.00  
2328MAR.11'96K02PFUND 10.00

- 1. Declarant hereby declares and agrees that Declarant and declarant's successors and assigns will provide, during occupancy of the accessory building on Tax Lot #1304, for a secondary fuel break on the portion of their property extending 130 feet in all directions from the aforementioned accessory building, sufficient to comply with LC 16.211(8)(c)(i)(bb). Vegetation within the break shall be pruned and spaced so that a fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.
- 2. This Declaration shall touch and concern the property and shall benefit and burden the property in the manner described above.

DATED and signed this 7<sup>th</sup> day of March, 1996.

*Russell L. Minton*

ACKNOWLEDGMENTS

STATE OF OREGON )  
County of Lane ) ss.

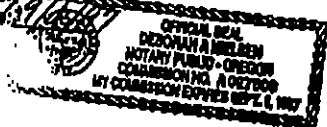
The foregoing instrument was acknowledged before me this \_\_\_ day of March, 1996, by \_\_\_\_\_, known personally to me to be the person that executed same and acknowledged to me that they did so.

Notary Public for Oregon  
My commission expires: \_\_\_\_\_

STATE OF OREGON )  
County of Lane ) ss.

The foregoing instrument was acknowledged before me this 7 day of March, 1996, by James L. and Konni J. Steinberger, known personally to me to be the person that executed same and acknowledged to me that they did so.

*Deborah M. Nielsen*  
Notary Public for Oregon  
My commission expires: 12/31/97



RETURN TO: Russell L. Minton  
92410 S. Hawthorn Ln. N.E.  
Dexter, Or. 97431

3-11-96-2150

9615663

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES  
OFFICE OF COUNTY ASSESSOR LANE COUNTY, OREGON

OLD NUMBER		819 787	
MAP NO. 19 01 19	TAX LOT NO. 1301	SECTION 19	TOWNSHIP 19 S. RANGE 14 W.
LEGAL DESCRIPTION		DEED RECORD	
Parcel II Beg. at a pt. on the SW 1/4 r/w ln. of Rattlesnake Rd., sd. pt. being 30.00 ft. Opp. of (when Meas. at Rt. angles to) Engr's Ctrln. Sta. L 150 + 17.06' P O C sd. pt. also being 85.68 ft. S and 449.89 ft. E of the 1/4 cor. common to Secs. 19 & 20, T19S., R14W., W1., run th 312°05'20"W 449.22 ft., th West 1168.89 ft., th N37°32'30"E 1068.57 ft. to a pt. on the W 1/4 r/w ln. of sd. Rattlesnake Rd., sd. pt. being 50.00 ft. from (when meas. at Rt. angles to) Engr's Ctrln. Sta. L 142 + 84.24 FT, th alg. sd. r/w ln. S52°27'30"E 495.32 ft., th N37°32'30"E 20.00 ft., th alg. the arc of a rad. curve left (the chord of which bears S59°27'45"E 240.21 ft.) a dist. of 240.83 ft. to the POB, LCO. Cont. n/2		DATE OF ENTRY	DEED NUMBER
		1969	Filed Instrum. R460/87837
		1970	R1992/9446022
		1994 WD	
			ACRES REMAINING 16.65

deed from ex

State of Oregon  
County of Lane -- ss.  
I, the County Clerk, in and for the said County, do hereby certify that the within instrument was received for record at

11 MAR 96 9:01

Real **2150R**

Lane County OFFICIAL Records  
Lane County Clerk

By Donal S. Dubay  
County Clerk



1303  
1304

17-1-14

3-27-96 2156

9619691

Correction

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT ("Declaration") is made by Russell L. Minion ("Declarant"), for the benefit of James L. and Konni J. Steinberger.

RECITALS

- A. Declarant owns the real property described in the Records of the Lane County Assessor as Map #190119, Tax Lot #1303, zoned F-2.
- B. James L. and Konni J. Steinberger own adjacent property to the east of Declarant as described in the Records of the Lane County Assessor as Map #190119, Tax Lot #1304, also zoned F-2.
- C. James L. and Konni J. Steinberger intend to construct <sup>a dwelling</sup> ~~an accessory building~~ on their property which is situated approximately 108 feet from the property line adjoining Declarant's property.
- D. The Lane County Code requires a 30-foot primary fuel break around structures in F-2 zones, LC 18.211(8)(c)(i)(aa), and an additional 100-foot secondary fire break. LC 18.211(8)(c)(i)(bb).
- E. The 30-foot primary fuel break around the <sup>dwelling</sup> ~~accessory building~~ falls entirely on Tax Lot #1304. A portion of the secondary fuel break, however, extends onto Declarant's property.

DECLARATION <sup>Reference # 96 15661</sup>

Now, therefore, based upon the foregoing recitals, Declarant hereby makes the following Declaration of Restrictive Covenant, to and for the benefit of James L. and Konni J. Steinberger.

- 1. Declarant hereby declares and agrees that Declarant and declarant's successors and assigns will provide, during occupancy of the ~~accessory building~~ <sup>dwelling</sup> on Tax Lot #1304, for a secondary fuel break on the portion of their property extending 130 feet in all directions from the aforementioned accessory building, sufficient to comply with LC 18.211(8)(c)(i)(bb). Vegetation within the break shall be pruned and spaced so that a fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.
- 2. This Declaration shall touch and concern the property and shall benefit and burden the property in the manner described above.

DATED and signed this 25 day of March, 1996.

*Russell L. Minion*

OREGON MAR. 27 '96 HOSREC  
OS MAR. 27 '96 HOSPFUND

18:08

ACKNOWLEDGMENTS

STATE OF OREGON }  
County of Lane } ss.

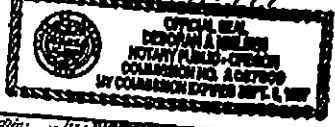
STATE OF OREGON }  
County of Lane } ss.

The foregoing instrument was acknowledged before me this 25 day of March, 1996, by Russell Minion, known personally to me to be the person that executed same and acknowledged to me that they did so.

The foregoing instrument was acknowledged before me this \_\_\_ day of March, 1996, by \_\_\_\_\_, known personally to me to be the person that executed same and acknowledged to me that they did so.

*Russell L. Minion*  
Notary Public for Oregon  
My commission expires 9/1/97

Notary Public for Oregon  
My commission expires: \_\_\_\_\_



Return to:  
52410 Antelopeville  
Denton, Or 97421

new document being recorded to change wording as shown

10-

3-27-96 2156

9530449

9619691

EXHIBIT "A"

Beginning at a point on the southwesterly right-of-way line of Rattlesnake Road, said point being 30.00 feet opposite of (when measured at right angles to) Engineer's Centerline Station L 150+17.06 P.O.C., said point also being 68.68 feet South and 449.89 feet East of the one-quarter corner common to Sections 19 and 20, Township 19 South, Range 1 West, of the Willamette Meridian; run thence South 12° 05' 20" West 449.22 feet; thence West 1168.09 feet; thence North 37° 32' 30" East 1068.87 feet to a point on the Westerly right-of-way line of said Rattlesnake Road, said point being 50.00 feet from (when measured at right angles to) Engineer's Centerline Station L 142+88.24 P.T.; thence along said right-of-way line South 52° 27' 30" East 495.33 feet; thence North 37° 32' 30" East 20.00 feet; thence along the arc of a 984.93 foot radius curve left (the chord of which bears South 59° 27' 45" East 240.21 feet) a distance of 240.83 feet to the point of beginning, in Lane County, Oregon.

State of Oregon  
County of Lane — ss.  
I, the County Clerk, in and for the said  
County, do hereby certify that the within  
instrument was received for record at

27 MAR 96 10:06

Real 2156R  
Lane County OFFICIAL Records  
Lane County Clerk

By David S. ...  
County Clerk

9530449

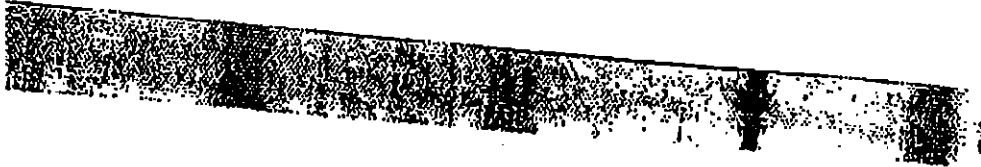
State of Oregon  
County of Lane — ss.  
I, the County Clerk, in and for the said  
County, do hereby certify that the within  
instrument was received for record at

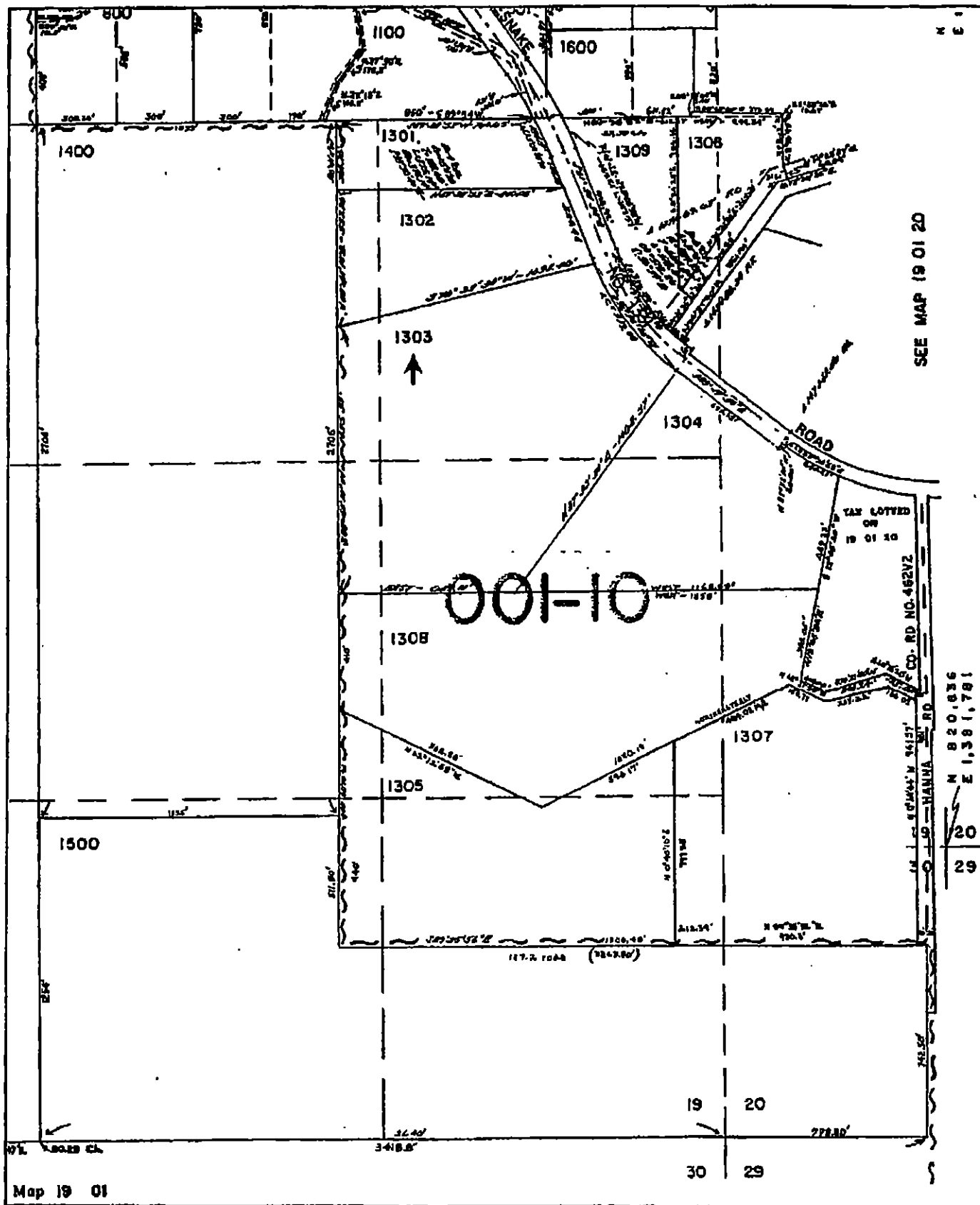
1 JUN 95 11:25

Real 2068R

Lane County OFFICIAL Records  
Lane County Clerk

By David S. ...  
County Clerk





THIS MAP IS PROVIDED AS A COURTESY OF WESTERN PIONEER TITLE COMPANY

THIS COPY OF ASSESSOR'S MAP IS PROVIDED SOLELY TO ASSIST IN LOCATING SUBJECT PROPERTY. NO LIABILITY IS ASSUMED FOR DISCREPANCIES IN THIS MAP AS OUTLINED AND THE ACCOMPANYING LEGAL DESCRIPTION.

MAP # 19 01 19 00 01303 000

**OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES**  
OFFICE OF COUNTY ASSESSOR LANE COUNTY, OREGON

OLD NUMBER		819 761	
MAP NO.	19 01 19	TAX LOT NO.	1303
ACCOUNT NUMBER		SECTION	19
		TOWNSHIP	19 S.
		RANGE	1W W.M.

INDENT EACH NEW COURSE TO THIS POINT	LEGAL DESCRIPTION	DEED RECORD		ACRES REMAINING
		DATE OF ENTRY	DEED NUMBER	
	<p>Beg. at a point on the SW'ly r/w line of the relocated Rattlesnake Rd., said point being 50.0 ft. (when measured at right angles to) centerline Sta. L 142+88.24 P.T., said point also being 322.34 ft. North &amp; 161.97 ft. West of the <math>\frac{1}{4}</math> corner common to Sec's 19 &amp; 20, T.19S, R.1W, W.M. run thence along said r/w line on a 1004.93 ft. radius curve right (the long chord of which bears N.36°54'W. 539.08 ft) a dist. of 545.77 ft. to a point 50.0 ft. from centerline Sta. L 137+69.63 P.C; thence leaving said r/w line</p> <p>S.76°23'30"W. 1033.46 ft, thence  S.00°40'10"W. 1035.33 ft. "  East 689.11 ft. "  N.37°32'30"E. 1068.57 ft to the POB. all</p> <p>in LCO.</p> <p align="center">Cont. m/1</p>	<p>1969 R435/63408 (Mtg.)</p> <p>1969 "Filed instru"</p> <p>1970 R460/87837</p> <p>1994 BS R1992/9466023</p>	<p>27.95</p>	

**FOR ASSESSMENT  
AND TAXATION  
USE ONLY**

87837

WARRANTY DEED

FOR VALUE RECEIVED Richard O. Schlichting and Mary Lou Schlichting, husband and wife, herein referred to as Grantors, hereby grant, bargain, sell and convey unto Russell L. Minton and Sharon R. Minton, husband and wife, herein referred to as Grantees, the following described real property, with tenements, hereditaments and appurtenances, to-wit:

PARCEL I

Beginning at a point on the Southwesterly right-of-way line of the relocated Rattlesnake Road, said point being 50.00 feet from (when measured at right angles to) Centerline Station L 142+88.24 P.T., said point also being 322.34 feet North and 161.97 feet West of the one-quarter corner common to Sections 19 and 20, Township 19 South, Range 1 West, of the Willamette Meridian; run thence along said right-of-way line on a 1,004.93 foot radius curve right (the long chord of which bears North 36° 54' West 539.08 feet) a distance of 545.77 feet; to a point 50.00 feet from Centerline Station L 137+69.63 P.C., thence leaving said right-of-way line South 76° 23' 30" West 1,033.46 feet, thence South 0° 40' 10" West 1,035.33 feet, thence East 689.11 feet, thence North 37° 32' 30" East 1,068.57 feet to the point of beginning, in Lane County, Oregon.

PARCEL II

Beginning at a point on the Southwesterly right-of-way line of Rattlesnake Road, said point being 30.00 feet opposite of (when measured at right angles to) Engineer's Centerline Station L 150+17.06 P.O.C., said point also being 85.68 feet South and 449.89 feet East of the one-quarter corner common to Sections 19 and 20, Township 19 South, Range 1 West, of the Willamette Meridian, run thence South 12° 05' 20" West 449.22 feet, thence West 1168.89 feet, thence North 37° 32' 30" East 1068.57 feet to a point on the westerly right-of-way line of said Rattlesnake Road, said point being 50.00 feet from (when measured at right angles to) Engineer's Centerline Station L 142+88.24 P.T., thence along said right-of-way line South 52° 27' 30" East 495.32 feet, thence North 37° 32' 30" East 20.00 feet, thence along the arc of a 984.93 foot radius curve left (the chord of which bears South 59° 27' 45" East 240.21 feet) a distance of 240.83 feet to the point of beginning, in Lane County, Oregon.

TO HAVE AND TO HOLD the said premises unto said Grantees, their heirs and assigns forever. And the said Grantors hereby covenant that they are lawfully seized in fee simple of said

premises; that they are free from all encumbrances, and that they will warrant and defend the above granted premises against all lawful claims whatsoever, except as above stated.

The true and actual consideration for this transfer is \$50,000.00.

Dated this 27th day of October, 1969.

Richard O. Schlichting  
Richard O. Schlichting  
Mary Lou Schlichting  
Mary Lou Schlichting

STATE OF OREGON, )  
                          ) ss.  
COUNTY OF LANE. )

Personally appeared the above named Richard O. Schlichting and Mary Lou Schlichting, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

Dated: October 27, 1969.

Mary E. Bryant  
Notary Public for Oregon  
My Commission expires: 10/21/72



State of Oregon,  
County of \_\_\_\_\_ ss.  
I, Randolph J. Director of the  
Department of Records and Elections,  
in and for the said County, do hereby  
certify that the within instrument was  
received by the Secretary of said

1959 NOV 13 PM 8 45 3

502

Record  
I have been official in the order  
of the \_\_\_\_\_ Department of  
Records and Elections  
and do hereby certify that the within  
instrument was received by the  
Secretary of said

Stanley A. Milligan  
Attorney at Law  
4506 Wilamette St.  
Eugene, Oregon 97401

1303

19-1-14

SEP 10 1934 1442M

9466023 BARGAIN AND SALE DEED-STATUTORY FORM

SHARON R. MINTON, nka SHARON R. WRIGHT  
conveys to RUSSELL LEONARD MINTON

County, Oregon, to-wit:

PART 1

Beginning at a point on the Southwesterly right-of-way line of the relocated Rattlesnake Road, said point being 50.00 feet from (when measured at right angles to) Centerline Station L 142+88.24 P.T., said point also being 122.34 feet North and 161.97 feet West of the east-quarter center corner common to Sections 19 and 20, Township 19 South, Range 1 West, of the Willamette Meridian, run thence along said right-of-way line on a 1,004.99 foot radius curve right (the long chord of which bears North 36° 54' West 339.08 feet) a distance of 545.77 feet, to a point 50.00 feet from Centerline Station L 137+69.83 P. C., thence leaving said right-of-way line South 76° 33' 30" West 1,035.46 feet, thence South 0° 40' 10" West 1,035.33 feet, thence East 689.11 feet, thence North 37° 32' 30" East 1,068.17 feet to the point of Beginning, in Lane County, Oregon.

The true consideration for this conveyance is \$5000.00

Dated this 12th day of September, 1934

Sharon R. Wright  
Sharon R. Minton-Wright

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

STATE OF OREGON County of Lane  
JACKIE D. HUMPHREY  
NOTARY PUBLIC-OREGON  
COMMISSION NO. 027754  
MY COMMISSION EXPIRES APRIL 26, 1937

SHARON R. MINTON, nka SHARON R. WRIGHT  
September 12th 1934

Jackie D. Humphrey  
Notary Public for Oregon-My commission expires

BARGAIN AND SALE DEED  
SHARON R. MINTON, nka SHARON R. WRIGHT  
RUSSELL LEONARD MINTON  
Pleasant Hill, Oregon  
After recording return to  
JAMES E. STRICKLAND  
94 EAST BROADWAY #3  
EUGENE, OR. 97401  
RUSSELL L. MINTON  
82410 RATTLESNAKE ROAD  
PLEASANT HILL, OR. 97455

STATE OF OREGON  
1934  
1992R  
Lane County Central Records  
By Deputy

9466023



1304 3-11-96-2150  
9615663

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT ("Declaration") is made by Russell L. Minton ("Declarant"), for the benefit of James L. and Konni J. Steinberger.

10-  
10-

RECITALS

- A. Declarant owns the real property described in the Records of the Lane County Assessor as Map #190119, Tax Lot #1303, zoned F-2.
- B. James L. and Konni J. Steinberger own adjacent property to the east of Declarant as described in the Records of the Lane County Assessor as Map #190119, Tax Lot #1304, also zoned F-2.
- C. James L. and Konni J. Steinberger intend to construct an accessory building on their property which is situated approximately 105 feet from the property line adjoining Declarant's property.
- D. The Lane County Code requires a 30-foot primary fuel break around structures in F-2 zones, LC 16.211(8)(c)(i)(aa), and an additional 100-foot secondary fire break. LC 16.211(8)(c)(i)(bb).
- E. The 30-foot primary fuel break around the accessory building falls entirely on Tax Lot #1304. A portion of the secondary fuel break, however, extends onto Declarant's property.

DECLARATION

Now, therefore, based upon the foregoing recitals, Declarant hereby makes the following Declaration of Restrictive Covenant, to and for the benefit of James L. and Konni J. Steinberger.

2232MAR.11'96NO2REC  
2232MAR.11'96NO2PFUND

10.00  
10.00

- 1. Declarant hereby declares and agrees that Declarant and declarant's successors and assigns will provide, during occupancy of the accessory building on Tax Lot #1304, for a secondary fuel break on the portion of their property extending 130 feet in all directions from the aforementioned accessory building, sufficient to comply with LC 16.211(8)(c)(i)(bb). Vegetation within the break shall be pruned and spaced so that a fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.
- 2. This Declaration shall touch and concern the property and shall benefit and burden the property in the manner described above.

DATED and signed this 7<sup>th</sup> day of March, 1996.

*Russell L. Minton*

ACKNOWLEDGMENTS

STATE OF OREGON )  
County of Lane ) ss.

The foregoing instrument was acknowledged before me this \_\_\_ day of March, 1996, by \_\_\_ known personally to me to be the person that executed same and acknowledged to me that they did so.

Notary Public for Oregon  
My commission expires: \_\_\_\_\_

STATE OF OREGON )  
County of Lane ) ss.

The foregoing instrument was acknowledged before me this 7 day of March, 1996, by the above-named Russell L. Minton, known personally to me to be the person that executed same and acknowledged to me that they did so.

*Deborah M. Nielsen*

Notary Public for Oregon  
My commission expires: \_\_\_\_\_

RETURN TO: Russell L. Minton  
2410 S. Hawthorne Rd.  
Dexter, Or. 97431



3-11-96 2150

9615663

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES  
OFFICE OF COUNTY ASSESSOR LANE COUNTY, OREGON

OLD NUMBER		819 787	
MAP NO. 19 01 19	TAX LOT NO. 1301	SECTION 19	TOWNSHIP 19 S. RANGE 21 W. W. 4
ACCOUNT NUMBER		LEGAL DESCRIPTION	

LEGAL DESCRIPTION	DEED RECORD		ACRES REMAINING	
	DATE OF ENTRY	DEED NUMBER		
Parcel II Beg. at a pt. on the SW 1/4 r/w ln. of Rattlesnake Rd., sd. pt. being 30.00 ft. Opp. of (when Meas. at Rt. angles to) Engr's Ctrln. Sta. L 150 + 17.06 P C C sd. pt. also being 85.68 ft. S and 449.89 ft. E of the 1/4 cor. common to Sees. 19 & 20, T19S., R1W., W.N., run th 312°05'20"W 449.22 ft., th West 1168.89 ft., th N37°32'30"E 1068.57 ft. to a pt. on the W 1/4 r/w ln. of sd. Rattlesnake Rd., sd. pt. being 50.00 ft. from (when meas. at Rt. angles to) Engr's Ctrln. Sta. L 142 + 88.24 PT, th alg. sd. r/w ln. 352°27'30"E 495.32 ft., th 984.93 ft N37°32'30"E 20.00 ft., th alg. the arc of a rad. curve left (the chord of which bears 359°27'45"E 240.21 ft.) a dist. of 240.83 ft. to the POB, LCO. Cont. r/1	1969	Filed Instru <sup>n</sup> .	14.65	
		1970		R460/87837
		1994 WD		R1992/9466022

debt from ay

State of Oregon  
County of Lane -- ss.  
I, the County Clerk, in and for the said  
County, do hereby certify that the within  
instrument was received for record at

11 MAR 96 9:01

Real 2150R

Lane County OFFICIAL Records  
Lane County Clerk

By Donal S. Surdick  
County Clerk

1303 17-1-19 3-27-96 2156  
1304  
9619691

101

**Correction**  
**DECLARATION OF RESTRICTIVE COVENANT**

THIS DECLARATION OF RESTRICTIVE COVENANT ("Declaration") is made by  
Russell L. Minion ("Declarant"), for the benefit of James L. and Konni J. Steinberger.

**RECITALS**

- A. Declarant owns the real property described in the Records of the Lane County Assessor as Map #190119, Tax Lot #1303, zoned F-2.
- B. James L. and Konni J. Steinberger own adjacent property to the east of Declarant as described in the Records of the Lane County Assessor as Map #190119, Tax Lot #1304, also zoned F-2.
- C. James L. and Konni J. Steinberger intend to construct <sup>a dwelling</sup> an accessory building on their property which is situated approximately 105 feet from the property line adjoining Declarant's property.
- D. The Lane County Code requires a 30-foot primary fuel break around structures in F-2 zones, LC 16.211(8)(c)(i)(aa), and an additional 100-foot secondary fire break, LC 16.211(8)(c)(i)(bb).
- E. The 30-foot primary fuel break around the <sup>dwelling</sup> accessory building falls entirely on Tax Lot #1304. A portion of the secondary fuel break, however, extends onto Declarant's property.

**DECLARATION** Reference # 96 15651

Now, therefore, based upon the foregoing recitals, Declarant hereby makes the following Declaration of Restrictive Covenant, to and for the benefit of James L. and Konni J. Steinberger.

- 1. Declarant hereby declares and agrees that Declarant and declarant's successors and assigns will provide, during occupancy of the accessory building on Tax Lot #1304, for a secondary fuel break on the portion of their property extending 130 feet in all directions from the aforementioned accessory building, sufficient to comply with LC 16.211(8)(c)(i)(bb). Vegetation within the break shall be pruned and spaced so that a fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.
- 2. This Declaration shall touch and concern the property and shall benefit and burden the property in the manner described above.

DATED and signed this 25 day of March, 1996.

*Russell L. Minion*

0844MAR.27'96NOSREC  
0844MAR.27'96NOSFFUND

18:08

**ACKNOWLEDGMENTS**

STATE OF OREGON )  
County of Lane ) ss.

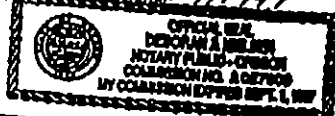
STATE OF OREGON )  
County of Lane ) ss.

The foregoing instrument was acknowledged before me this 25 day of March, 1996, by Russell Minion, known personally to me to be the person that executed same and acknowledged to me that they did so.

The foregoing instrument was acknowledged before me this \_\_\_ day of March, 1996, by \_\_\_\_\_, known personally to me to be the person that executed same and acknowledged to me that they did so.

*Richard P. Miller*  
Notary Public for Oregon  
My commission expires 9/1/97

Notary Public for Oregon  
My commission expires: \_\_\_\_\_



Return to:  
8240 Rattlesnake  
Denton, Or 97431

new document being recorded to change wording as shown

3-27-96 2156

9530449

9619691

EXHIBIT "A"

Beginning at a point on the Southwesterly right-of-way line of Rattlesnake Road, said point being 30.00 feet opposite of (when measured at right angles to) Engineer's Centerline Station L 150+17.06 P.O.C., said point also being 88.68 feet South and 449.89 feet East of the one-quarter corner common to Sections 19 and 20, Township 19 South, Range 1 West, of the Willamette Meridian; run thence South 12° 08' 20" West 449.22 feet; thence West 1160.89 feet; thence North 37° 32' 30" East 1068.57 feet to a point on the Westerly right-of-way line of said Rattlesnake Road, said point being 50.00 feet from (when measured at right angles to) Engineer's Centerline Station L 142+88.24 P.T.; thence along said right-of-way line South 52° 27' 30" East 495.32 feet; thence North 37° 32' 30" East 20.00 feet; thence along the arc of a 984.93 foot radius curve left (the chord of which bears South 59° 27' 45" East 240.21 feet) a distance of 240.83 feet to the point of beginning, in Lane County, Oregon.

State of Oregon  
 County of Lane — ss.  
 I, the County Clerk, in and for the said  
 County, do hereby certify that the within  
 instrument was received for record at

27 MAR 96 10:06

Real 2156R

Lane County OFFICIAL Records  
Lane County Clerk

By Donal A. Surhan  
 County Clerk

9530449

State of Oregon  
 County of Lane — ss.  
 I, the County Clerk, in and for the said  
 County, do hereby certify that the within  
 instrument was received for record at

1 JUN 95 11:25

Real 2068R

Lane County OFFICIAL Records  
Lane County Clerk

By Donal A. Surhan  
 County Clerk



**TERRITORIAL LAND COMPANY, REALTORS** 

Real Estate Offices:  
1785 East Main St.  
Mailing Address:  
P.O. Box 865  
Cottage Grove, OR 97424  
541/942-9141  
FAX 541/942-1653  
[www.territorialland.com](http://www.territorialland.com)

Russell L. Minton  
82410 Rattlesnake Road  
Dexter, OR 97431

May 21, 2006

Re: Tax Map 19-01-19, Lot 1033

Dear Mr. Minton

You have requested an opinion of value regarding the above referenced property. Specifically, your inquiry is addressed to the applicability of a Measure 37 claim with regards to the estimated market value of the subject property in light of currently imposed land use regulations and what the estimated market value would be if such land use regulations had not been imposed subsequent to your acquisition. In other words, what would be the value of the property if you were still subject to the regulations that were in effect at the time you acquired the property and how does this differ from the value now with the imposition of the current land use regulations?

The date of your acquisition was October 27, 1969, see deed recorded November 18, 1969 under Lane County Recorder's Reception Number 87837 in Reel 460. As noted in the letter dated May 15, 2006 from Steve Hopkins at the Lane County Land Management Division the property was unzoned at the date of your acquisition.

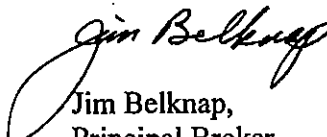
With the adoption of the current comprehensive plan in 1984 by Lane County, the property was zoned Impacted Forestland, or F2, with an 80 acre minimum parcel size and strict limitations on the placement of a dwelling.

In evaluating the subject property for compensation under Measure 37 we considered the market value of the property as it currently is zoned, F2, with an allowance for a single dwelling but no further provisions for division or placement of additional dwellings, arriving at an estimated value of \$173,000. Following that analysis, we evaluated the property in accord with your intended plan to subdivide and create 13 lots of approximately two acres each. The difference between those two values is the potential for a claim of compensation under Measure 37.

Enclosed is a summary of the evaluations that have been completed. It is my opinion that the potential claim for compensation under Measure 37 is the amount of \$869,600.

If you have any questions please do not hesitate to give me a call.

Sincerely,

  
Jim Belknap,  
Principal Broker

encl.

Evaluation of the property of Russell Minton  
Tax Map 19-01-19, Tax Lot 1303  
May 1, 2006

82410 Rattlesnake Road  
Dexter, OR 97431

**Purpose of this Report.**

We have been requested to establish an estimate of value of the subject property when it is considered subject to the limitations and benefits of the current zoning standards (F2 zoning), and an estimate of value were the property subjected to the limitations and benefits of the zoning that was applicable to the property at the time the current owner acquired title. For purposes of a Measure 37 Application, this process is required to establish a monetary claim for the alleged reduction in fair market value brought about by the imposition of the land use regulation being challenged.

The current owner, Russell Minton, acquired title in a deed executed on October 27, 1969 by Richard O. Schlichting and Mary Lou Schlichting to Russell L. Minton and Sharon R. Minton, recorded November 18, 1969 under Lane County Recorder's Number 87837. At the date of conveyance no zoning was applicable to the subject property (see letter dated May 15, 2006 from Steve Hopkins, Lane County Land Management Division). Mr. Minton later acquired sole title to the property in a divorce settlement from Sharon R. Minton (see deed 9466023 dated September 12, 1994 recorded September 13, 1994).

The property was unzoned until February 18, 1976, at which time it was zoned Agriculture, Grazing and Timber-5 Acre Minimum Parcel Size (AGT-5). Subsequently the property was zoned Farm Forestry-20 Acre Minimum Parcel Size (FF-20) and is currently zoned F2, Impacted Forestland, with an 80 acre minimum parcel size. Beyond the limitations of parcel size, the property is subject to strict limitations on placement of dwellings or other structural improvements within the F2 zoning, which are a result of County Code provisions established to conform to Administrative Rules set forth by the State of Oregon.

The first step in considering the establishment of value for any real property is to ascertain the highest and best use of the subject property. The F2 zoning is established to promote commercial forestland as part of the state's resource base, while acknowledging the presence of residential and other improvements in the immediate area, thus the definition of "Impacted." The F2 zoning provides for the placement of a single dwelling if an extensive list of criteria can be successfully met. Other development opportunities exist within the F2 zoning, generally limited to those associated with commercial forestland operations and community or public facilities. In general, no commercial activities are allowed that are not associated with forestland operations. In short, retail sales, office buildings, multi-family housing, industrial uses, etc., are typically not approved uses. From an appraisal standpoint this is not necessarily a limitation as the common rural location of F2 zoned lands typically limits what demand might exist for such uses. What is regularly found are mixed residential uses of varying size parcels interspersed with commercial forestland operations and private, non-industrial forestland ownerships. The subject property is no exception to this makeup of land.

East, immediately across Rattlesnake Road from the subject property, and north a few hundred feet on both sides of Rattlesnake Road are nineteen tracts of land varying in size from approximately two acres to 10 acres. The parcels are all of a residential nature, again with a common mix of non-industrial forestland uses. To the south are larger tracts of land, approximately 15 to 20 acres in size and, similar to the subject, all with a single family dwelling. To the west are large blocks of land from 40 acres on up, being primarily industrial forestland.

As commercial forestland, land values regularly fall into the area of \$500 per acre to \$1,500 per acre. Admittedly, this is a rather broad range of value and is dependent on a wide array of factors including soil quality, access, road improvements, topography and proximity to processing facilities. When considered as a single residential homesite, parcels of this nature, wooded 20 to 40 acres tracts, jump in value to between \$100,000 and \$500,000. This is an even wider range of value, primarily driven by location and characteristics more closely associated with the desirability of the site for a residence (view, privacy, slope, vegetation, proximity to employment opportunities, etc.). These residential characteristics influence the value of the property whether considered as a 27 acre site or a two acre site. Not uncommonly two acre parcels that can be developed as building sites command a market value in the area of \$75,000 to \$250,000. Thus, when a market can be identified for residential homesites the question of highest and best use, when compared with commercial forestland, becomes quite obvious. The subject property typifies this discussion and the ability to develop the site for a number of single family dwellings clearly establishes the highest and best use of the property as being such a development. This development is in keeping with the residential nature of the area immediately to the north and east of the subject.

The subject property currently has a single family dwelling located on the parcel, having been established prior to the adoption of zoning regulations.

In order to reach the highest and best use of the subject property the owner has decided to develop the subject property into approximate two acre lots for residential purposes. The current F2 zoning prohibits such a development. At the time of the owner's acquisition of the property no zoning was in place that restricted parcel size or placement of structures and a development of two acre lots each with a residence would have been permitted.

#### Subject Property.

The subject property is a 27.73 acre tract of land with a single family dwelling and assortment of outbuildings. The residence is a three bedroom, one bath home of approximately 2,488 square feet, built in 1950. The home is of modest construction and is in average condition. The site is a mix of young timber, brush and some open ground. The property is zoned F2, Impacted Forestland. The location is approximately 13 miles southeast of the Eugene-Springfield area, the dominant employment base for the county. The Pleasant Hill School District that serves the subject property area is a popular school district and adds significantly to the market appeal of the property.

## Process of Evaluation.

As the purpose of this report is to establish the estimated loss of value brought about by the imposition of the current land use regulations the first evaluation that will be made is to identify the value of the subject as a single home site of 27.73 acres without regard for the improvements, as they would be permitted under the F2 zoning, assuming that the property would qualify under the template test, which is a reasonable assumption. The second evaluation that will be made is with the property considered as 13 single family home sites each of approximately two acres. This evaluation assumes that each parcel can be approved for subsurface sewage disposal (septic system) and placement of a well. Given two acres sites it is reasonable that such improvements can be made that will meet health and sanitation standards. It is also assumed that a road system can be constructed that will provide for access to each of the parcels. In considering the topography of the site and road construction features necessary to serve multiple residential home sites it appears that a density of 13 lots may not be feasible while providing appropriate grade and width of road improvements. It is estimated that nine or ten sites can be developed, each approximately two acres in size, allowing for additional land to be dedicated to the road system to provide access. While the owner is requesting the opportunity to develop 13 parcels of approximately two acres each, for purposes of this evaluation only 10 lots will be considered in establishing the diminution of value.

Comparable sales of unimproved parcels between 10 and 40 acres that can be considered as approvable for placement of a dwelling.

1. Adjoining 38500 Dexter Road, Dexter. 20 acres. Lost Creek frontage. Pleasant Hill Schools. This is a recently logged parcel approvable as a building site being rolling terrain with some view of the valley. No site improvements existed. The property sold July 22, 2005 for \$145,000. An indicated price per acre is \$7,250.
2. Adjoining 38500 Dexter Road, Dexter. 26.19 acres. Lost Creek frontage. Pleasant Hill Schools. This parcel adjoins Comparable No. 1 and was also recently logged. No site improvements existed on this parcel. The property sold August 5, 2005 for \$145,000. An indicated price per acre is \$5,536.
3. Wallace Creek Road. Springfield. 42.9 acres. Pleasant Hill Schools. Exceptional view site with approved building site. Site improvements included a well, power to the site and an improved driveway. The property sold April 4, 2005 for \$239,000. Adjusting for the well (-\$5,000), power (-\$8,000) and driveway (-\$10,000), the indicated value is \$216,000 or \$5,035 per acre.



## Discussion and conclusion of value.

Comparable No. 2 offers the strongest similarity to the subject property in size and features and while possessing creek frontage, a significant superior feature, the property was very rough in appearance having been recently logged. The indicated price per acre of \$5,536 is supported by Comparable No. 3 at \$5,035 per acre when adjusted for the site improvements. Comparable No. 3 is significantly larger than the subject property, a feature that tends to skew a price per acre evaluation to a lower number. It is also notable that the sales cited above are from eight months to a year old, with general appreciation over the past year running approximately 20% or 1.6% per month. The value per acre, before adjustment for market timing, is indicated at approximately \$5,500 per acre. Adjusting for market appreciation, the indicated value per acre is \$6,231 per acre, or \$172,785 for the 27.73 acres. Call it \$173,000.

Comparable sales of unimproved parcels between 1 acre and 3 acres that can be considered as approvable for placement of a dwelling.

4. 38724 Place Road, Fall Creek. 2.68 acres. Lowell School District. A gently sloping parcel with well and septic installed. The property sold January 11, 2006 for \$165,000. Adjusting for the well (-\$5,000) and septic (-\$6,000) the indicated value of the parcel is \$154,000.

5. Marina Vista, Lowell. 2.03 acres. Lowell School District. View property overlooking Dexter Lake with city services available to the site. The property sold May 17, 2005 for \$160,000. Adjusting again for the availability of water (-\$5,000) and sewage disposal (-\$6,000) the indicated value of the parcel is \$149,000.

6. East Jasper Drive, Oakridge. 2.92 acres. Oakridge School District. Level site located within the city limits of Oakridge. City services available to the site. The property sold September 9, 2005 for \$130,000. While the property was developable into several residential lots the selling agent reported the property sold for a single homesite. The property was on the market for over 41 months reflecting the economic condition of Oakridge. Adjusting for the availability of water (-\$5,000) and sewage disposal (-\$6,000) the indicated value of the parcel is \$119,000.

7. Thatcher Lane, Oakridge. 2.64 acres. Oakridge School District. Level site with 200 feet of frontage on the Willamette River and city services available. The property sold April 21, 2004 for \$110,000. This property also was developable into several homesites but, again, sold for a single residential building site. Adjusting for the availability of water (-\$5,000) and sewage disposal (-\$6,000) the indicated value of the parcel is \$99,000. This is a somewhat dated sale and also reflects the rather dire economic conditions of Oakridge.

## Discussion and conclusion of value.

Comparable No. 4 offers the strongest indicator of value and is the most recent sale, reflecting an estimated market value of lots similar to that proposed to be created by the owner of approximately \$154,000. This value is supported by the indicated value of Comparable No. 5 at \$149,000. While appearing to support a value range near \$100,000 for a two to three acre lot,

the sales cited in Comparable No. 6 and 7 are reflective of a much less attractive location than the subject property. In normal circumstances these comparable sales would not have been considered in this evaluation as they are substantially removed in distance from the subject property, but the market is extremely limited in the number of sales of smaller parcels that can be reviewed. This situation is a direct result of the restrictive nature of the land use laws imposed over the past 30 years. The simple fact is that it is extremely difficult to create small parcels of any size, particularly between two and five acres, and the parcels that have been previously created now have residential improvements. As such, few sales occur and the opportunity to identify comparable sales is quite limited. The indicated value for two to three acre parcels in the general location of the subject property is approximately \$150,000.

While the owner intends to attempt to develop 13 lots and is making this request in his Measure 37 application, it appears likely that approximately 10 lots can be developed. At \$150,000 each the ten lots produce a gross value of \$1,500,000.

To arrive at a final value for the subject property, not limited by the current zoning standards, one must estimate the cost of the development of the property. It is believed the development of the 10 lots would entail construction of approximately 2,200 feet of road at an estimated cost of \$150 per lineal foot, or \$330,000. In addition engineering and surveying is estimated at \$80,000. Septic site approvals are estimated at \$5,000. The installation of electrical service is estimated at \$42,400. While not all inclusive, these estimated costs encompass the most significant costs associated with creating the 10 lots. The summation of these costs is \$457,400.

#### Conclusion.

It is estimated that the net value of the subject property if developed without current land use restrictions would be \$1,042,600 (Gross value of 10 lots: \$1,500,000, less development cost of \$457,400, equals \$1,042,600). From this figure the value of the subject property when considered in light of the limitations of the current zoning, F2, must be deducted. The estimated value of the subject property as currently zoned is \$173,000. Accordingly, the reduction in fair market value of the subject property as a result of the imposition of Lane County Code 16.211, the F2 zoning provisions, is \$869,600.



Presented by: James Belknap Agent Full  
 Territorial Land Company  
 LOTS AND LAND Status: SLD 5/19/2006 8:56:59 PM  
 ML#: 4046187 Area: 234 List Price: \$145,000  
 Address: 38500 Dexter RD  
 City: Dexter Zip: 97431  
 Additional Parcels: /  
 Map Coord: 0/D/9 Zoning: List Type: ER LR: N  
 County: Lane Tax ID: 819068  
 Subdivision:  
 Manufhs Okay: CC&Rs: #Image: 5  
 Elem: TRENT Middle: PLEASANT HILL  
 High: PLEASANT HILL Prop Type: RESID  
 Legal: 19-01-17-00-1600  
 Public Internet/Address Display: Y/N Offer/Nego:

GENERAL INFORMATION

Lot Size: 20-49.99AC Acres: 20  
 Waterfront: Y / CREEK River/Lake: Lost Creek  
 Perc Test: Y / APPROVED RdFrntg:  
 Seller Disc: EXEMPT Other Disc:  
 Lot Desc: BRUSH, PASTURE, SECLUDED, STREAM, RPROTIM  
 Topography: ROLLING  
 Soil Cond: NATIVE

Lot Dimensions:  
 Availability: SALE #Lots: 1  
 Rd Surf: GRAVLRD  
 View: CREEK, VALLEY  
 Soil Type/Class: Native  
 Present Use:

IMPROVEMENTS

Utilities: SPT-APP  
 Existing Structure: N / NONE

REMARKS

S/Dir: Hwy 58, Right on Dexter Road, 3/4 mile to mailbox 38538, go across Bridg  
 Private: PC2832 Opportunity! Build your dream home, Private, pristine, acreage w/ fantastic views. Awesome close in location with Lost Creek Frontage. Great Value! Hurry won't last.  
 Public: PC2832 Opportunity! Build your dream home, Private, pristine, acreage w/ fantastic views. Awesome close in location with Lost Creek Frontage. Great Value! Hurry won't last.

FINANCIAL

Prop Tax/Yr: 65 Spcl Asmt Balance: Tax Deferral: BAC: % 3  
 Prop/Land Lease: 3rd Party: N SAC:  
 OA Dues: HOA Dues-2nd:  
 OA Incl:  
 Terms: CASH, CONV, OTHER Escrow Preference:

BROKER / AGENT DATA

RCD: 5COL01 Office: Coldwell Banker CIR Phone: 541-338-3200 Fax: 541-338-3299  
 PID: MILLMIKE Agent: Mike Miller Phone: 541-334-7653 Cell/Pgr: 541-954-4454  
 CoLPID: CoBRCD: CoAgent: CoPh:  
 Agent E-mail: cbmiller@continet.com  
 Exp: 7/9/2004 Show: VACANT Poss:  
 Exp: 7/26/2005 Owner: Kronberger Phone:  
 Tenant: Phone:

COMPARABLE INFORMATION

End: 3/29/2005 DOM/CDOM: 263 / 263 O/Price: \$145,000  
 Sold: 7/22/2005 Terms: CONV / Sold Price: \$145,000  
 PID: JANLJEN S/Ag: Janice Jennings S/Off: 1CPR01 S/Off Phone: 541-673-5514

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 SCHOOL AVAILABILITY SUBJECT TO CHANGE.



Comparable No. 2

Presented by: James Belknap  
Territorial Land Company  
Agent Full

**LOTS AND LAND** Status: SLD 5/19/2006 8:56:58 PM  
ML#: 4045646 Area: 234 List Price: \$145,000  
Address: 38500 Dexter RD  
City: Dexter Zip: 97431  
Additional Parcels: /  
Map Coord: 0/D/9 Zoning: List Type: ER LR: N  
County: Lane Tax ID: 819068  
Subdivision:  
Manufhs Okay: CC&Rs: #Image: 8  
Elem: TRENT Middle: PLEASANT HILL  
High: PLEASANT HILL Prop Type: RESID  
Legal: 19-01-17-00-400  
Public Internet/Address Display: Y/N Offer/Nego:

**GENERAL INFORMATION**

Lot Size: 20-49.99AC Acres: 26.19  
Waterfront: Y / CREEK River/Lake: Lost Creek  
Arc Test: Y / APPROVED RdFrntg:  
After Disc: EXEMPT Other Disc:  
Lot Desc: BRUSH, PASTURE, SECLDED, STREAM, RPROTIM  
Topography: ROLLING  
Soil Cond: NATIVE

Lot Dimensions:  
Availability: SALE #Lots:  
Rd Surf: GRAVLRD  
View: CREEK, VALLEY  
Soil Type/Class:  
Present Use: RAWLAND, TIMBER

**IMPROVEMENTS**

Utilities: SPT-APP  
Existing Structure: N /

**REMARKS**

St/Dir: Hwy 58, Rt. on Dexter, 3/4 mile to mailbox 38538. Go across bridge.  
Private:  
Public: PC2157 Opportunity! Build your dream home. Private, pristine, acreage w/fantastic views. Awesome close in location with Lost Creek frontage. Great value! Hurry won't last.

**FINANCIAL**

Prop Tax/Yr: 65 Spcl Asmt Balance: Tax Deferral: BAC: % 3  
Prop/Land Lease: 3rd Party: N SAC:  
HOA Dues: HOA Dues-2nd:  
Escrow Preference:  
Terms: CASH, CONV, OTHER

**BROKER / AGENT DATA**

CRCD: 5COL01 Office: Coldwell Banker CIR Phone: 541-338-3200 Fax: 541-338-3299  
PID: MILLMIKE Agent: Mike Miller Phone: 541-741-2669 Cell/Pgr: 541-954-4454  
LPID: CoBRCD: CoAgent: CoPh:  
Agent E-mail: cbmiller@continent.com  
Exp: 7/9/2004 Show: VACANT Poss:  
Exp: 8/10/2005 Owner: Kronberger Phone:  
Tenant: Phone:

**COMPARABLE INFORMATION**

End: 3/31/2005 DOM/CDOM: 265 / 265 OI Price: \$139,800  
Old: 8/5/2005 Terms: CASH / Sold Price: \$145,000  
PID: MILLMIKE S/Agt: Mike Miller S/Off: 5COL01 S/Off Phone: 541-338-3200

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

**No Photo  
Available**

*Comparable No. 3*

Presented by: James Belknap  
Territorial Land Company  
Agent Full

LOTS AND LAND Status: SLD 5/19/2006 8:56:59 PM  
ML#: 4033018 Area: 234 List Price: \$249,000  
Address: Wallace Creek Road  
City: Springfield Zip: 97478  
Additional Parcels: /  
Map Coord: 17/D/12 Zoning: List Type: ER LR: N  
County: Lane Tax ID: Not Found  
Subdivision:  
Manufhs Okay: Y CC&Rs: N #Image:  
Elem: TRENT Middle:  
High: PLEASANT HILL Prop Type: RESID  
Legal: to be provided prior to the close of escrow  
Public Internet/Address Display: Y/N Offer/Nego:

**GENERAL INFORMATION**

Lot Size: 20-49.99AC Acres: 42.9  
Waterfront: / River/Lake:  
Acre Test: / RdFrntg:  
Seller Disc: DSCLOSUR Other Disc:  
Lot Desc: PASTURE, TREES  
Topography: LEVEL, SLOPED  
Soil Cond: NATIVE

Lot Dimensions:  
Availability: SALE #Lots:  
Rd Surf:  
View: MNTAIN, VALLEY  
Soil Type/Class:  
Present Use: RAWLAND

**IMPROVEMENTS**

Utilities: POW-AVL, WELL  
Existing Structure: N /

**REMARKS**

S/Dir: 42nd to Jasper Road to Wallace Creek Road 2 1/2 miles to signs  
Private: Top of the world building site with views of the Cascades. The well is in and there is power to the building site. Seller to provide septic approval prior to the close of escrow. Seller will also upgrade driveway.  
Public: Top of the world building site with views of the Cascades. Well and driveway in.

**FINANCIAL**

Prop Tax/Yr: 31.74 Spcl Asmt Balance:  
Prop/Land Lease: Tax Deferral: Y BAC: % 3  
HOA Dues: HOA Dues-2nd: 3rd Party: N SAC:  
DA Incl:  
Terms: CASH, CONV Escrow Preference:

**BROKER / AGENT DATA**

RCD: 5PRU01 Office: Prudential R.E. Professionals Phone: 541-485-1400 Fax: 541-485-7136  
PID: DOWNINGR Agent: Randall Downing Phone: 541-984-2510 Cell/Pgr: 541-913-3924  
CoLPID: CoBRCD: CoAgent: CoPh:  
Agent E-mail: randydowning@ppporegon.com  
List: 5/21/2004 Exp: Show: VACANT Poss:  
Exp: 4/8/2005 Owner: Danker Trust Phone:  
Tenant: Phone:

**COMPARABLE INFORMATION**

Exp: 9/30/2004 DOM/CDOM: 132 / OI Price: \$249,000  
Exp: 4/4/2005 Terms: OTHER / Sold Price: \$239,000  
PID: NONRMLS S/Agt: Non Rmls S/Off: NMLS01 S/Off Phone: 503

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

**No Photo  
Available**

Presented by: James Belknap *Comparable No. 4*  
Territorial Land Company Agent Full  
LOTS AND LAND Status: SLD 5/19/2006 8:52:52 PM  
ML#: 5084155 Area: 234 List Price: \$175,000  
Address: 38724 place rd  
City: Fall Creek Zip: 97452  
Additional Parcels: N/  
Map Coord: 16/D/9 Zoning: RR5 List Type: ER LR: N  
County: Lane Tax ID: 557908  
Subdivision:  
Manufhs Okay: Y CC&Rs: N #Image:  
Elem: LUNDY Middle: LOWELL  
High: LOWELL Prop Type: RESID  
Legal: 18-01-32-00-01800  
Public Internet/Address Display: Y/Y Offer/Nego: LA-ONLY

**GENERAL INFORMATION**

Lot Size: 1-2.99AC Acres: 2.68  
Waterfront: N / OTHER River/Lake:  
Aerial Test: / Rd Frntg: Y  
Seller Disc: DSCLOSUR Other Disc:  
Plot Desc: CLEARED  
Topography: SLOPED  
Soil Cond: NATIVE  
Lot Dimensions:  
Availability: SALE #Lots:  
Rd Surf: PAVEDRD  
View: OTHER, MNTAIN  
Soil Type/Class:  
Present Use: RAWLAND

**IMPROVEMENTS**

Utilities: POWER, SEPTIC, WELL  
Existing Structure: Y / NO-VALU, STORAGE

**REMARKS**

St/Dir: past jasper store on jasper-lowell to pengra to left on place rd to 38724  
Private: nice gentle sloping acreage with well and septic in. a carport and small storage shed at no value. ovc with large down.  
Balance due in one year or first draw. 2.68 ml per lane co.  
Public: nice gentle sloping acreage with well and septic in. a carport and small storage shed at no value.

**FINANCIAL**

Prop Tax/Yr: 612.97 Spcl Asmt Balance: Tax Deferral: N BAC: % 3  
Prop/Land Lease: N 3rd Party: N SAC:  
OA Dues: HOA Dues-2nd:  
OA Incl:  
Terms: CASH, OWNCNT Escrow Preference: western d. schaefer

**BROKER / AGENT DATA**

RCD: 5WJT01 Office: Windermere Jean Tate RE Phone: 541-484-2022 Fax: 541-465-8169  
PID: 993 Agent: Jerry Schwecke Phone: 541-465-8183 Cell/Pgr: 541-912-0242  
oLPID: 993 CoBRCD: 5WJT01 GoAgent: Jerry Schwecke CoPh: 541-465-8183  
Agent E-mail: jschwecke@hotmail.com  
List: 11/9/2005 Exp: Show: VACANT Poss: NEGO  
Ren: 1/11/2006 Owner: casey and casey llc Phone:  
Tenant: Phone:

**COMPARABLE INFORMATION**

Band: 11/15/2005 DOM/CDOM: 6 / 6 OI Price: \$175,000  
Sold: 1/11/2006 Terms: CASH / Sold Price: \$165,000  
PID: 1270 S/Agt: Bill Medford S/Off: 5WJT02 S/Off Phone: 541-988-0200

**No Photo  
Available**

Presented by: James Belknap *Comparable No. 5*  
Territorial Land Company Agent Full  
LOTS AND LAND Status: SLD 5/19/2006 8:52:52 PM  
ML#: 4078186 Area: 234 List Price: \$160,000  
Address: Marina Vista  
City: Lowell Zip: 97452  
Additional Parcels: /  
Map Coord: 0/A/0 Zoning: R1 List Type: ER LR: N  
County: Lane Tax ID: 1546942  
Subdivision:  
Manufhs Okay: Y CC&Rs: Y #Image: 0  
Elem: LUNDY Middle: LOWELL  
High: LOWELL Prop Type: RESID  
Legal: 19 01 1511 00801  
Public Internet/Address Display: Y/N Offer/Nego:

**GENERAL INFORMATION**

Lot Size: 1-2.99AC Acres: 2.03 Lot Dimensions:  
Waterfront: N / River/Lake: Availability: BLDORDR #Lots: 1  
Peric Test: / RdFrntg: Rd Surf: PAVEDRD  
Seller Disc: Other Disc: View: LAKE  
Lot Desc: CLEARED, TREES Soil Type/Class:  
Topography: SLOPED  
Soil Cond: NATIVE Present Use: RAWLAND

**IMPROVEMENTS**

Utilities: POW-AVL, SWR-AVL, WAT-AVL  
Existing Structure: N / NONE

**REMARKS**

St/Dir: Pengra Rd to Marina Vista  
Private:  
Public: Excellent view property overlooking Dexter Lake. City services available

**FINANCIAL**

Prop Tax/Yr: 622.91 Spcl Asmt Balance: Tax Deferral: N BAC: % 3  
Prop/Land Lease: 3rd Party: N SAC:  
OA Dues: HOA Dues-2nd:  
OA Incl:  
Terms: CASH, CONV Escrow Preference:

**BROKER / AGENT DATA**

RCD: 5ASR03 Office: All State Real Estate Phone: 541-687-1663 Fax: 541-687-2327  
PID: DIETZ Agent: Pamela Dietz Phone: 541-729-9217 Cell/Pgr:  
CoLPID: CoBRCD: CoAgent: CoPh:  
Agent E-mail: paming@juno.com  
List: 12/6/2004 Exp: Show: VACANT Poss: NEGO  
Term: 5/18/2005 Owner: Leavitt Phone:  
Tenant: Tenant: Phone:

**COMPARABLE INFORMATION**

End: 3/8/2005 DOM/CDOM: 92 / O/Price: \$160,000  
Sold: 5/17/2005 Terms: CASH / Sold Price: \$160,000  
PID: DIETZ S/Agt: Pamela Dietz S/Off: 5ASR03 S/Off Phone: 541-687-1663

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.



*Comparable No. 6*

Presented by: James Belknap  
Territorial Land Company  
Agent Full

**LOTS AND LAND** Status: SLD 5/19/2006 8:52:51 PM  
ML#: 2000953 Area: 234 List Price: \$135,000  
Address: E JASPER DR  
City: Oakridge Zip: 97463  
Additional Parcels: /  
Map Coord: 65/B/5 Zoning: RES List Type: ER LR: N  
County: Lane Tax ID: 1355872  
Subdivision: RODEO 2ND ADD  
Manufhs Okay: CC&Rs: #Image: 1  
Elem: OAKRIDGE Middle:  
High: OAKRIDGE Prop Type: RESID  
Legal: 21 35 15 00 00 602  
Public Internet/Address Display: Y/Y Offer/Nego:

**GENERAL INFORMATION**

Lot Size: 1-2.99AC	Acres: 2.92	Lot Dimensions: 412X1031
Waterfront: /	River/Lake:	Availability: SALE #Lots: 1
arc Test: N / NONE	RdFrntg: Y	Rd Surf: DIRTRD
eller Disc: DSCLOSUR	Other Disc:	View: OTHER
st Desc: CLEARED		Soil Type/Class:
opography: FLOODPL, LEVEL		Present Use:
oil Cond: NATIVE		

**IMPROVEMENTS**

ilities: POW-AVL, SWR-AVL  
isting Structure: N /

**REMARKS**

St/Dir: E JASPER DRIVE  
ivate: BROKER OWNED  
ublic: BEAUTIFUL SETTING, MOUNTAIN VIEWS, LEVEL & CONTOURED, TREES, ACCESS OFF 2 STRS. PERFECT SPOT FOR EXCLUSIVE SUB-DIV, ACCESS TO RIVERSIDE FOOTPATH, QUITE PRIVATE.

**FINANCIAL**

op Tax/Yr: 213	Spcl Asmt Balance:	Tax Deferral: N	BAC: % 3
op/Land Lease:		3rd Party: N	SAC: % 0
DA Dues:	HOA Dues-2nd:		
OA Incl:			
irms: CASH		Escrow Preference:	

**BROKER / AGENT DATA**

RCD: 5OAK01	Office: OAKRIDGE REAL ESTATE	Phone: 541-782-4890	Fax: 541-782-4889
PID: PAHARMON	Agent: PAT HARMON	Phone: 541-782-3727	Cell/Pgr:
oLPID:	CoBRCD:	CoAgent:	CoPh:
gent E-mail:			
st: 4/3/2002	Exp:	Show: CALL-LO	Poss: CLOSING
an: 9/21/2005		Owner: HARMON	Phone:
		Tenant:	Phone:

**COMPARABLE INFORMATION**

end: 7/16/2005	DOM/CDOM: 1200 / 1200	O/Price: \$125,000
old: 9/9/2005	Terms: CASH /	Sold Price: \$130,000
PID: PAHARMON	S/Agt: Pat Harmon	S/Off: 5OAK01
		S/Off Phone: 541-782-4890

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.



Comparable No. 7

Presented by: James Belknap  
Territorial Land Company  
Agent Full  
LOTS AND LAND Status: SLD 5/19/2006 8:52:51 PM  
ML#: 4010720 Area: 234 List Price: \$114,900  
Address: Thatcher LN  
City: Oakridge Zip: 97463  
Additional Parcels: /  
Map Coord: 17/A/2 Zoning: List Type: ER LR: N  
County: Lane Tax ID: 1697620  
Subdivision:  
Manufns Okay: CC&Rs: N #Image:  
Elem: OAKRIDGE Middle: WESTRIDGE  
High: OAKRIDGE Prop Type: RESID  
Legal: 21-35-18-14-2003  
Public Internet/Address Display: Y/ N Offer/Nego:

No Photo Available

GENERAL INFORMATION

Lot Size: 1-2.99AC Acres: 2.64 Lot Dimensions: 200x532  
Waterfront: N / RIVER River/Lake: MIDDLE FOR Availability: SALE #Lots: 1  
Arc Test: / RdFrntg: N Rd Surf: RIVER, MNTAIN  
Other Disc: Other Disc: View: SOIL Type/Class:  
Lot Desc: SECLDED, WOODED, PRIVRD  
Topography: Present Use: RAWLAND  
Soil Cond: NATIVE

IMPROVEMENTS

Utilities: CABLETV, POWER, SEWER, UG-UTIL, WATER  
Existing Structure: N / NONE

REMARKS

StDir: Between Thatcher Ln & River Rd  
Private: 2 ac riverfront parcel w/appx 200' of direct access.city water,sewer & power close by.Beautiful woodsy setting waiting for your site blt dream home. Rayley Ln off Thatcher Ln  
Public:

FINANCIAL

Prop Tax/Yr: 705 Spcl Asmt Balance: Tax Deferral: BAC: % 3  
Prop/Land Lease: N 3rd Party: N SAC: % 0  
DA Dues: HOA Dues-2nd:  
DA Incl:  
Terms: CASH Escrow Preference:

BROKER / AGENT DATA

RCD: 5OAK01 Office: Oakridge Real Estate Phone: 541-782-4890 Fax: 541-782-4889  
PID: PAHARMON Agent: Pat Harmon Phone: 541-782-3727 Cell/Pgr:  
CoAgent: CoPh:  
CoAgent: CoPh:  
Agent E-mail: harmon@efn.org  
List: 2/11/2004 Exp: Show: 24HR-NC Poss: IMMED  
Exp: 5/14/2004 Owner: Rayley Phone:  
Tenant: Phone:

COMPARABLE INFORMATION

Exp: 3/13/2004 DOM/CDQM:31 / O/Price: \$114,900  
Exp: 4/21/2004 Terms:CASH / Sold Price:\$110,000  
PID: PAHARMON S/Agt: Pat Harmon S/Off: 5OAK01 S/Off Phone: 541-782-4890

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SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.  
SCHOOL AVAILABILITY SUBJECT TO CHANGE.



## Lane County

LAND MANAGEMENT DIVISION  
125 EAST 8<sup>TH</sup> AVENUE  
EUGENE, OREGON 97401  
PHONE: 541-682-3823  
FAX: 541-682-3947

May 15, 2006

Jim Belknap  
PO Box 865  
Cottage Grove OR 97424

Re: PA06-5620. Research request.

Dear applicant,

On April 19, 2006, you submitted a research request for map 19-01-19; tax lot 1303. Your letter indicated you want to know the zoning of the property on November 18, 1969.

The property was unzoned until February 18, 1976. On that date, it was zoned AGT-5. At that time, the AGT zone (Agriculture, Grazing and Timberland) required a minimum parcel size of 5 acres.

If you have any questions, I can be contacted at 682-3159 or by email at [steve.hopkins@co.lane.or.us](mailto:steve.hopkins@co.lane.or.us).

Sincerely,

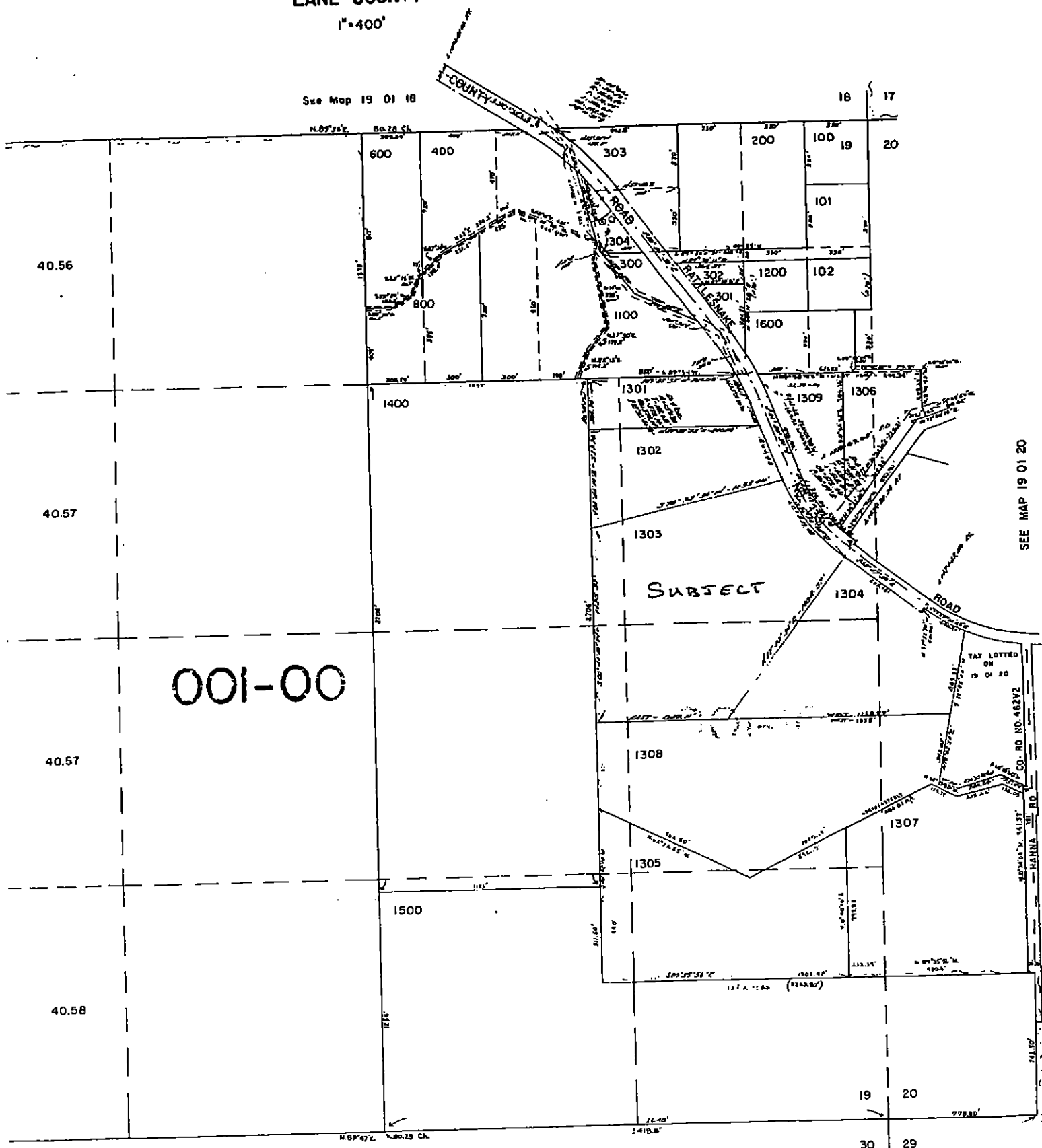
Steve Hopkins, AICP  
Planner  
Lane County Land Management Division

lane county:  
**wOrking**  
for you

Section 19 T.19S. R.1 W.W.M.  
LANE COUNTY

1"=400'

See Map 19 01 18



001-00

SEE MAP 19 01 20

See Map 19 01