

W. 14. b.

AGENDA COVER MEMO

DATE: October 26, 2005
TO: BOARD OF COUNTY COMMISSIONERS
FROM : BILL VANVACTOR, COUNTY ADMINISTRATOR &
KENT HOWE, PLANNING DIRECTOR
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 (PA05-5163, Asghar
Sadri)

- I. MOTION: Move to Adopt Order**
- II. ISSUE OR PROBLEM**

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 Asghar Sadri to use the property for a use permitted at the time he acquired the property?

III. DISCUSSION

A. Background

On June 29, 2005, the Board conducted a public hearing on the subject Measure 37 claim. The Board closed the public hearing and at Mr. Sadri's request left the record open to October 26th to allow Mr. Sadri the time necessary for him to provide additional information on his claim. On October 4th, Mr. Sadri submitted additional information and is now ready for the Board to consider his Measure 37 claim.

B. Application to Lane County for Measure 37 Claim

Applicant: Steve Cornacchia on behalf of Asghar Sadri

Owner: Asghar Sadri

Address: P.O. Box 1475
Eugene, OR 97440

Legal Description of Property: Map 18-05-02, tax lot 100

Acreage: 266 acres

Current Zoning: Exclusive Farm Use (E-40/RCP)

Date Property Acquired: December 28, 1993

Land Use Regulations in Effect at Date of Acquisition: LC 16.212

PROPERTY REPORT - LANE COUNTY

Account # 0741619

Map, Tax Lot, & SIC # 18-05-02-00-00100

Site Address:	
Owner Name & Address: Sadri Asghar R 203 E Reserve Vancouver , WA 98661	Taxpayer Name & Address: Sadri Asghar R 203 E Reserve Vancouver , WA 98661
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax	265.81	Subdivision Name:		School District:	Eugene
Lot Acres	11,578,684'	Phase:		Elem	Twin Oaks
Inc City:		Lot #	TL 00100	Middle	Kennedy
UGB:		Recording #		High	Churchill
Census Tr/BlkGrp:	1002/1				

Zoning: Parent/Overlay	E40
Statistical Class:	
Land Use:	9100 Vacant, Unused, Undeveloped Land
Property Class:	550 Farm, Efu, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2004	\$550,571	\$0	\$550,571	\$22,426
2003	\$531,715	\$0	\$531,715	\$21,774
	2004 Taxable Value \$ 22,426	2004 Taxes \$246.16	Tax Code Area 00442	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
12-28-1993	\$0	F T Glaser Revo Tr		93-08576400
10-18-1993	\$0	Glaser, Frank T & Mary E H&w		93-06934500

SEE PRIOR DEED ATTACHED

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:

*This report extracts commonly used information from the Detailed Property Report. [Click here for the full Detailed Property Report.](#)

100
400
18-5-2

DEC 07 1992 1809

FORM NO. 943-WARRANTY DEED-STATUTORY FORM (Individual Grantee)

T 171871 RETURN TO CASCADE TITLE CO.
OFFICE: 1000 LAW BLDG., PORTLAND, OR 97208

9209179

WARRANTY DEED-STATUTORY FORM
INDIVIDUAL GRANTEE

S. A. CUDDEBACK and RUBY CUDDEBACK, husband and wife,

conveys and warrants to ASGHAR R. SADRI, Grantee, an undivided one-half (1/2) interest; F.T. GLASSER as the Trustee of the F.T. Glasser Revocable Living Trust dated January 21, 1991, Grantee, (continued below at **). GRANTOR, the following described real property free of encumbrances except as specifically set forth herein situated in Lane County, Oregon, to-wit:

See Exhibit "A" attached hereto and made a part hereof by reference.

(** Grantee continued) an undivided one-quarter (1/4) interest; and MARY E. GLASSER, as Trustee of the Mary E. Glasser Revocable Living Trust dated January 21, 1991, Grantee, an undivided one-quarter (1/4) interest, as tenants in common, in

RECORDED 07 92NOV02REC 15.00
RECORDED 07 92NOV02FFUND 10.00

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE
The said property is free from encumbrances except covenants, conditions and restrictions, zoning ordinances, building and use restrictions, reservations, easements, rights of way and encumbrances or record, and rights of the current Lessee, also taxes and penalties that may be levied if the property becomes disqualified for special assessment as land zoned or classified for farm use.

The true consideration for this conveyance is \$200,000.00 (Here comply with the requirements of ORS 93.030) In addition, part of the consideration consists of other property or value given or promised.

Dated this 2nd day of December, 1992

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

S. A. Cuddeback
Ruby Cuddeback

STATE OF OREGON, County of Lane
This instrument was acknowledged before me on Dec 7, 1992



Sunny Lee Maloy
Notary Public for Oregon
My commission expires 11/5/94

WARRANTY DEED	
S.A. and Ruby Cuddeback	GRANTOR
Asghar R. Sadri, et al.	GRANTEE
203 E. Reserve Vancouver, WA 98661	
After recording return to:	
Asghar R. Sadri, et al.	
NAME, ADDRESS, ZIP	
Until a change is requested, all tax statements shall be sent to the following address:	
Asghar R. Sadri, et al	
203 E. Reserve Vancouver, WA 98661	
NAME, ADDRESS, ZIP	

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON,
County of }
I certify that the within instrument was received for record on the day of , 19 at o'clock M., and recorded in book/reel/volume No. on page or as fee/file/instrument/microfilm/reception No. Record of Deeds of said county.
Witness my hand and seal of County attized.
By _____ Deputy

9269179

Exhibit "A"

PROPERTY DESCRIPTION

PARCEL 1

Beginning at a point which is 1004.3 feet North 21° 15' East of a point which is 1182.7 feet North of the 1/4 section corner on the South line of Section 2 in Township 18 South, Range 5 West of the Willamette Meridian, in Lane County, Oregon; run thence North 21° 15' East a distance of 1684.8 feet, more or less, to the center line of Coyote Creek; thence ascending down the said center line as follows: North 49° 25' West 200.0 feet; thence North 76° 16' West 830 feet; thence North 24° 46' West 459.8 feet; thence North 8° 34' West 388.3 feet; thence North 48° 41' West 240.00 feet to the West line of said property; thence South 21° 15' West along said West line 1200.0 feet, more or less, to an iron pipe; thence South 69° 10' East a distance of 360.0 feet; thence South 46° 13' East a distance of 1200.0 feet; thence South 21° 55' West a distance of 250.0 feet; thence South 46° 13' East a distance of 120.0 feet; thence South 21° 55' West a distance of 150.0 feet; thence South 46° 13' East a distance of 202.8 feet to the Place of Beginning, all in Lane County, Oregon.

PARCEL 2

Beginning at a point 2.60 chains West of the Northeast corner of the Southeast 1/4 of Section 2, Township 18 South, Range 5 West of the Willamette Meridian, in Lane County, Oregon; running thence South 33.84 chains, parallel with the East line of said Section 2; thence West 18.37 chains to the West line of the Southeast 1/4 of said Section 2; thence North along the West line of the Southeast 1/4 of said Section 2 to the tract of land deeded by Ole Halderson and Mary Halderson by Deed recorded in Book 91, Page 137, Lane County Oregon Deed Records; thence following the line of said tract of land northeasterly to Coyote Creek; thence Southeasterly along Coyote Creek until the same intersects with the East line of said Section 2; thence South to the Southeast corner of said Northeast 1/4 of Section 2; and thence West 2.60 chains to the Place of Beginning, in Lane County, Oregon;

EXCEPT that portion lying Southerly of the Northerly line of County Road No. 1146 as described in deed to Lane County, recorded December 4, 1986, Reel No. 1433, Reception No. 8649208, Lane County Official Records, in Lane County, Oregon.

-continued-

DEC 07 1992 1809R

9269179

Exhibit "A" - continued

PROPERTY DESCRIPTION - continued

PARCEL 1

All that part of Section 2, in Township 18 South, Range 5 West of the Willamette Meridian, in Lane County, Oregon, lying North and East of Coyote Creek;

EXCEPTING: Beginning at a point on the North line of Section 2 aforesaid 42.225 chains West of the Northeast corner thereof; and running thence West 27.83 chains to the center of Coyote Creek; thence Southeasterly along the center of Coyote Creek to a point South 21° 15' West 9.67 chains from the Place of Beginning; thence North 21° 15' East 9.67 chains to the Place of Beginning, Lane County, Oregon;

ALSO EXCEPTING a strip of land 40 feet in width, the North line of which begins at the Northeast corner of said Section 2 and runs thence West 42.22 chains along the North line of said Section 2, for road purposes, in Lane County, Oregon.

PARCEL 4

Lot 1 of Section 2, Township 18 South, Range 5 West of the Willamette Meridian, in Lane County, Oregon.

9269179

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

7 DEC 92 4:21

Recd 1809R

Lane County OFFICIAL RECORDS,
Lane County Clerk

By: *Christine Neuniger*
County Clerk

A Summary Appraisal Report of a Complete Appraisal of

Tax Lot 18-05-02-00-00100
A 265.81 acre site, the "after" instance
(one legal lot; one buildable single family residence
homesite assumed under Measure 37 proceedings)
Report 081205A

AND

A Restricted Appraisal Report of a Complete Appraisal of

Tax Lot 18-05-02-00-00100
A 265.81 acre site, the "before" instance
(one legal lot but not having building rights
for one single family residence at this time)
Report 081205B
(this report is included body of Report 081205A)

Address:
Number Not Assigned Haldorson Road
Eugene, Oregon 97402

Client:

Sadri, Asghar R.
c/o Steve Cornacchia, attorney
Hershner Hunter
180 East 11th Avenue
Eugene, Oregon 97401

Purpose of the Appraisal:

To estimate market value of under current use and hypothetical use scenarios
outlined in the text and exhibits of the reports 081205A and 081205B

Use of the Appraisal:

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

Date of Most Recent Inspection
and Effective Date of Report:
September 8, 2005

Report Completion Date:
September 29, 2005

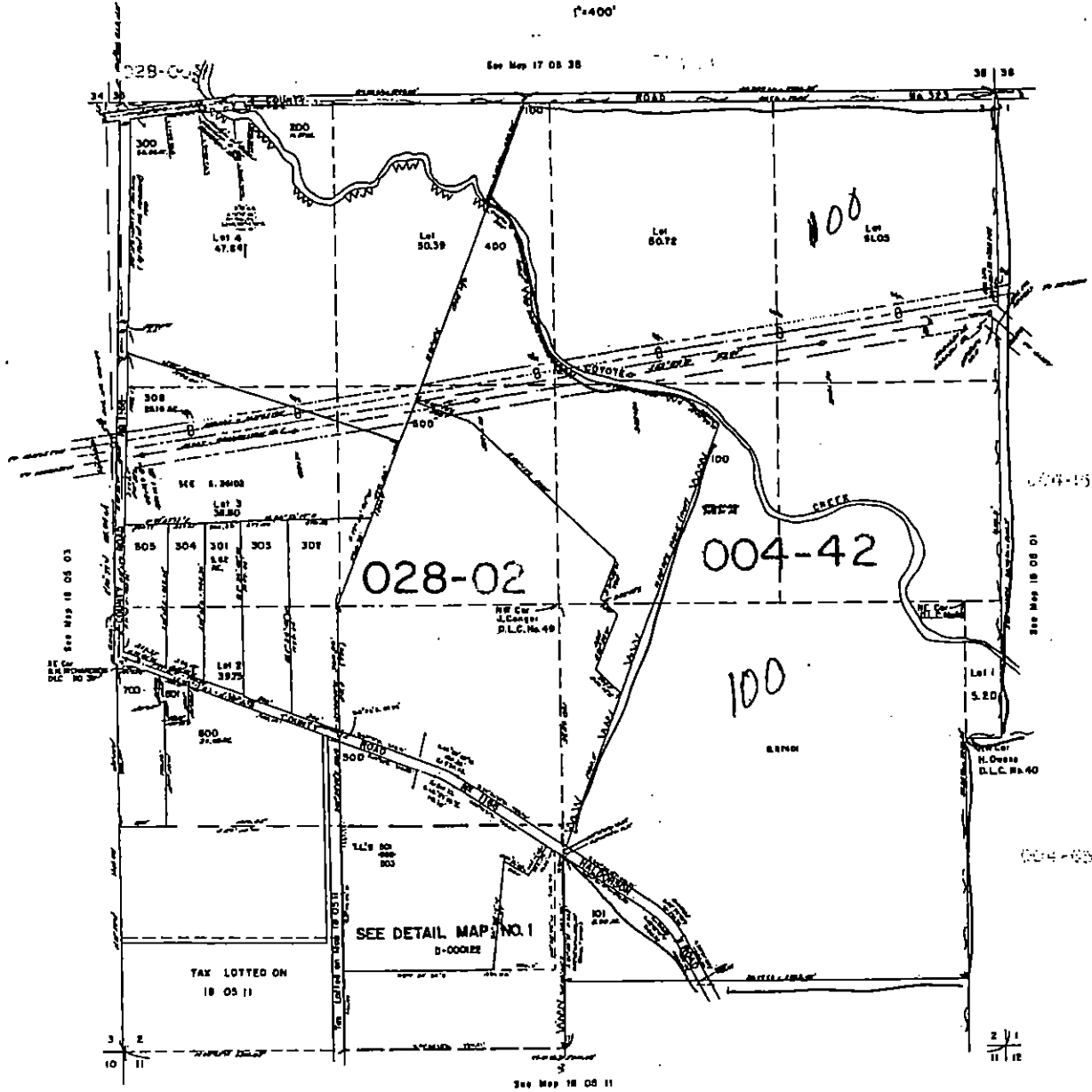
Prepared by:

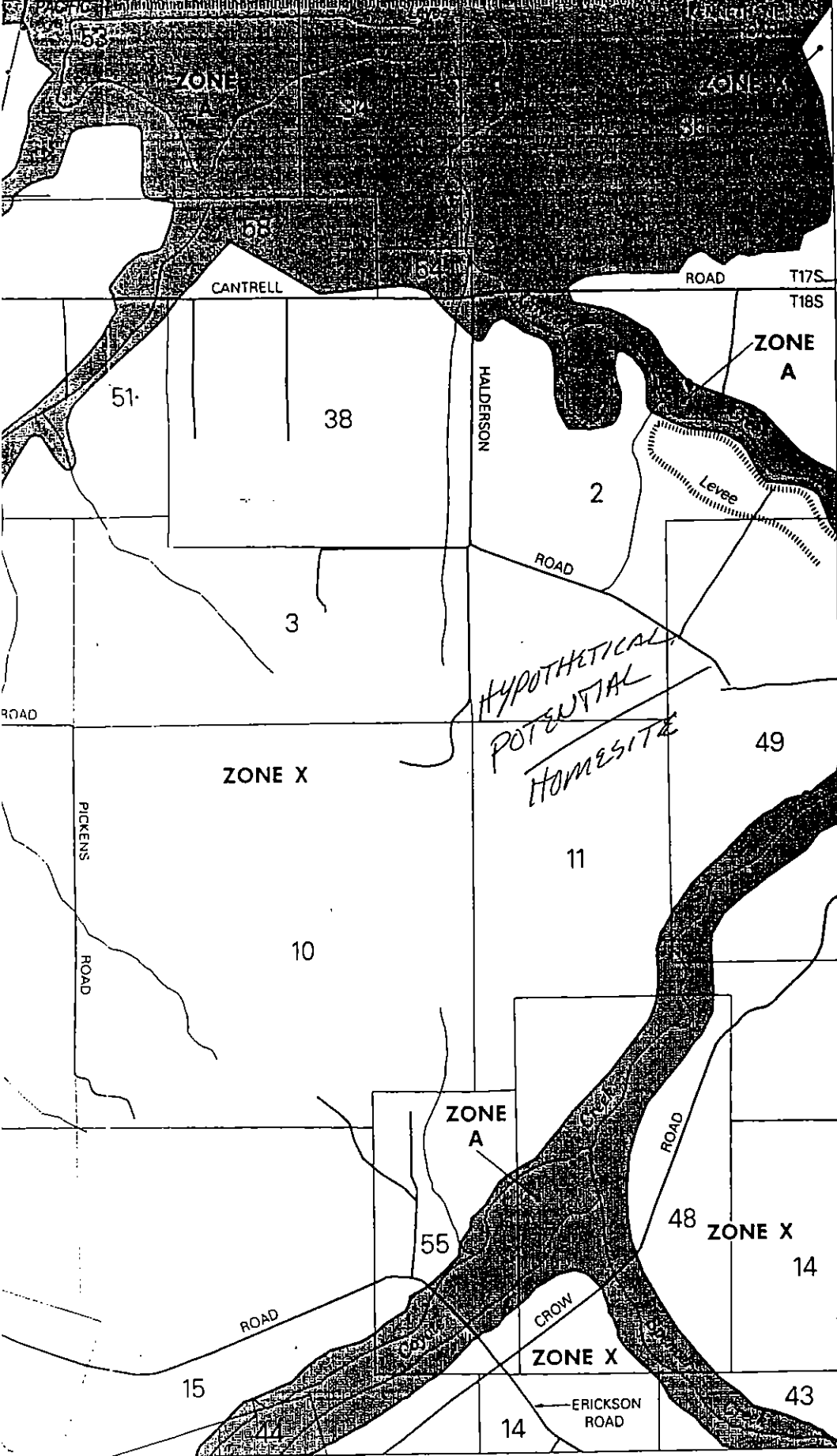
Craig E. McKern, Appraiser, P.C.
Certified Residential Real Estate Appraiser
1574 Coburg Road, PMB 397
Eugene, Oregon 97401-4802
files 081205A and 081205B

LANE COUNTY

1"=400'

See Map 17 05 38



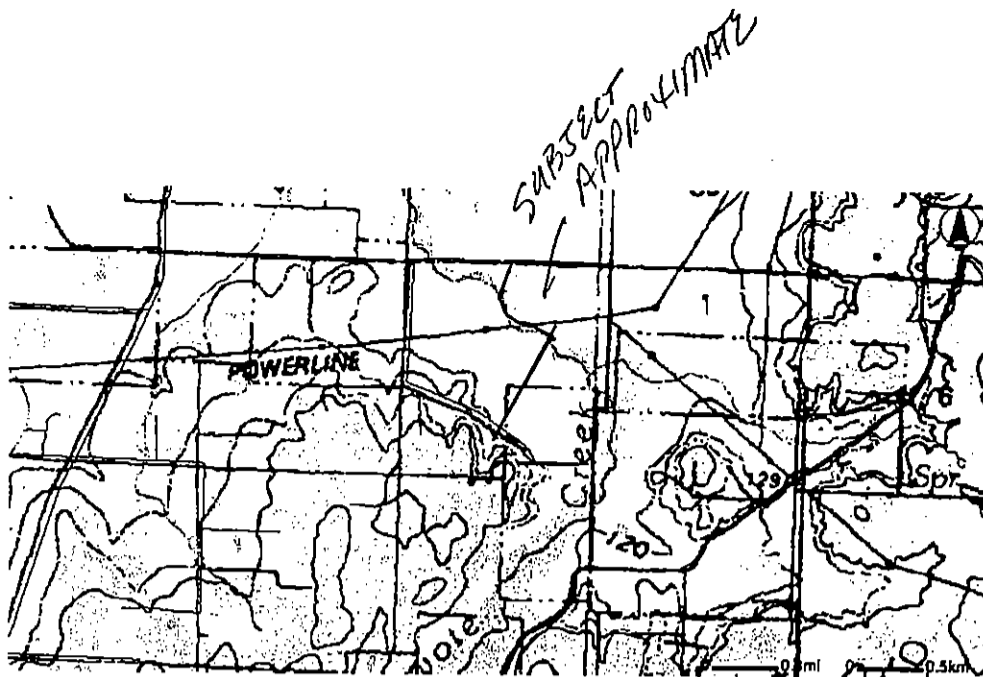


APPROXIMATE SITE

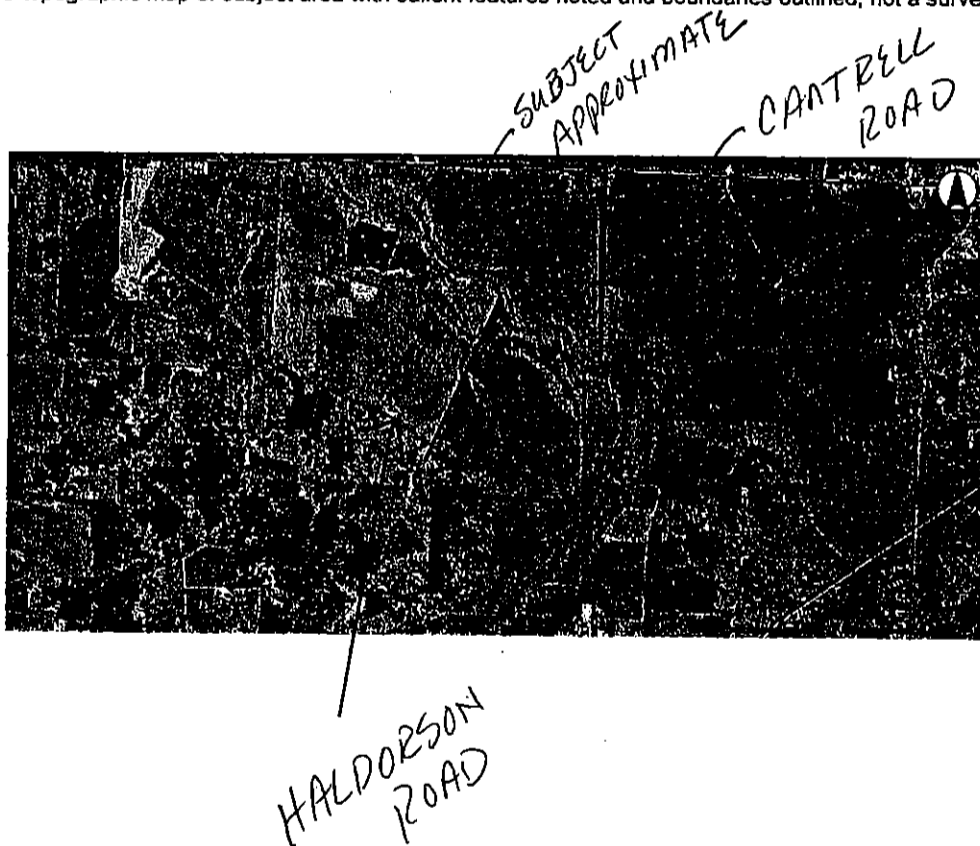
HYPOTHETICAL POTENTIAL HOMESITE

*FEMA MAP
41039C1100F*

44°00'00"
123°15'00"



USGS topographic map of subject area with salient features noted and boundaries outlined; not a survey map



Aerial view of subject area with approximate site boundaries outlined; not a survey map

PHOTOGRAPH ADDENDUM One

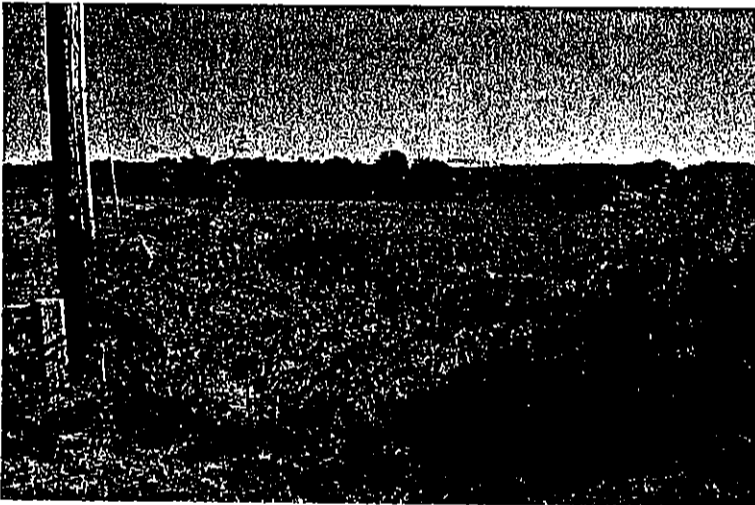
Borrower/Client	No borrower						
Property Address	Number Not Assigned Haidorson Road // Tax Lot 18-05-02-00-00100						
City	Eugene	County	Lane	State	OR	Zip Code	97402
Lender	Sadri, Asghar R. c/o Steve Cornacchia, attorney						



General overview of subject are looking southwest from Cantrell Road about one mile east of subject northeast property corner

Note powerlines; brown/grey plowed field is between photo point and subject site

Structures are not on subject site



Southwest corner of subject site looking northerly a small swale on left with Coyote Creek on right from along west fence line



Looking northeasterly across subject site from same photo point as above photo, Coyote Creek and riparian zone in center and right distance

PHOTOGRAPH ADDENDUM Two

Borrower/Client	No borrower				
Property Address	Number Not Assigned Haldorson Road // Tax Lot 18-05-02-00-00100				
City	Eugene	County	Lane	State	OR
Zip Code	97402				
Lender	Sadri, Asghar R. c/o Steve Cornacchia, attorney				



Looking southeasterly from access driveway (see aerial photo) to subject site with Haldorson Road on right

Southerly portion of site extends to brush line on right center, approximately



Looking westerly toward Haldorson Road on left from access road to site (see aerial photo) on elevated portion of site near haystack



Looking easterly across most probable homesite area which is elevated above the Coyote Creek flood plain by slight slope

Haystack is at lower side of this elevated area which is approximately 2 to 3 acres in size

Car parked on access drive off Haldorson Road

PHOTOGRAPH ADDENDUM Three

Borrower/Client	No borrower						
Property Address	Number Not Assigned Haldorson Road // Tax Lot 18-05-02-00-00100						
City	Eugene	County	Lane	State	OR	Zip Code	97402
Lender	Sadri, Asghar R. c/o Steve Cornacchia, attorney						



End of public portion of Haldorson Road which is north of the south property line of subject site by about 50 yards

Turnaround area on left



Looking northerly from near south property line of subject from south end of Haldorson Road; reference haystack location from above photo on prior photo page



Looking easterly across adjacent acreage to south of subject site; approximate south property line is the brush line at far left; most of photo shown is off the subject site

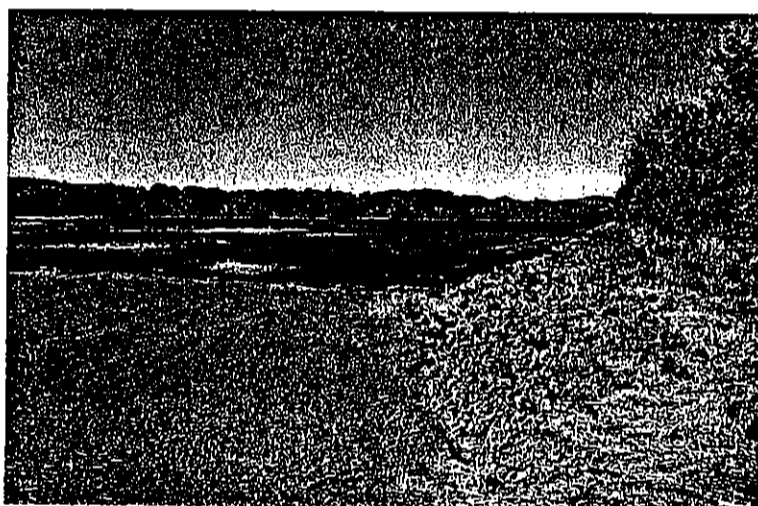
PHOTOGRAPH ADDENDA Four

Borrower/Client	No borrower				
Property Address	Number Not Assigned Haldorson Road // Tax Lot 18-05-02-00-00100				
City	Eugene	County	Lane	State	OR
Zip Code	97402				
Lender	Sadri, Asghar R. c/o Steve Cornacchia, attorney				



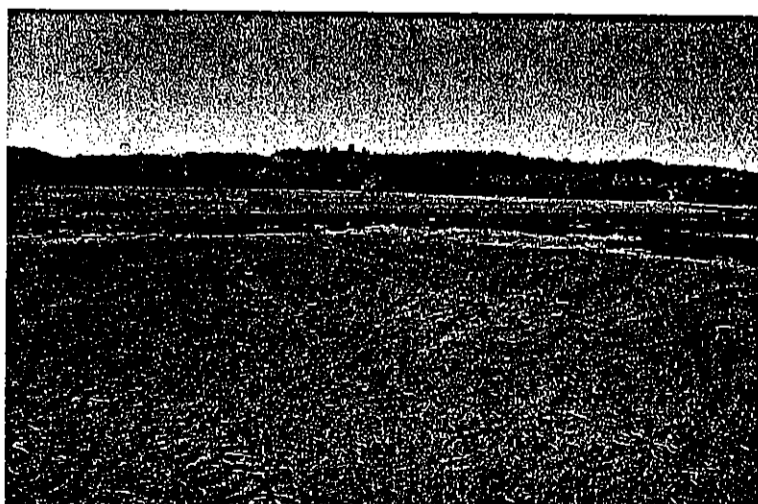
Cantrell Road looking east along north property line (see aerial photo) with subject north field on right

First photo page, top photo, photo point is on rise in cantrell Road in center distance



Looking westerly from access drive to north portion of site; this portion was recently utilized for ryegrass production

Cantrell Road on other side of brush to right



Looking southwesterly from same point as above photo with Coyote Creek in brush and tree line in mid distance

Low hills on horizon are past Haldorson Road

PHOTOGRAPH ADDENDA Five

Borrower/Client	No borrower					
Property Address	Number Not Assigned Haldorson Road // Tax Lot 18-05-02-00-00100					
City	Eugene	County	Lane	State	OR	Zip Code 97402
Lender	Sadri, Asghar R. c/o Steve Comacchia, attorney					



Looking southeasterly across north portion of subject site, tree line in mid distance is the approximate east property line which in this location is along the section line between sections 1 and 2, T 18S , R5W, Willamette Meridian



Looking easterly along north property line of north portion of subject site, Cantrell Road is left behind brush line to left



Same photo as on top of page one of photo pages to provide reader with an additional reference point for preceeding photos

Cantrell Road looking west at far right

Haldorson Road is along lower slope of low hill behind BPA high tension powerline corridor

SUPPLEMENTAL ADDENDUM

Borrower/Client	No borrower		
Property Address	Number Not Assigned Haldorson Road // Tax Lot 18-05-02-00-00100		
City	Eugene	County	Lane
		State	OR
		Zip Code	97402
Lender	Sadri, Asghar R. c/o Steve Cornacchia, attorney		

THIS PAGE IS REPORT 081205B, A RESTRICTED REPORT OF A COMPLETE APPRAISAL OF THE SUBJECT PROPERTY KNOWN AS TAX LOT 18-05-02-00-00100, FOR MEASURE 37 PURPOSES ONLY.

Introduction to report 081205B:

The appraiser searched a very wide geographic area for sold and listed properties in any way similar to the subject but with emphasis on properties which had or have no development rights for a single family home. In Lane County, these types of properties would specifically be zoned F-1 Resource Forest Land, F-2 Impacted Forest Land and EFU Exclusive Farm Use. These would also be properties which for the most part had never had a dwelling or a permit for a dwelling upon them.

The reader should be aware that most larger parcels (100+ acres) in Lane County are dedicated resource lands and cannot be divided or developed. Over the years, larger parcels have been partitioned and partitioned again gradually becoming smaller acreages not similar to the subject.

The lack of suitable resource land sales of the non-timber variety for use as comparables and capable of being placed on a grid is what leads the appraiser make a short restricted use narrative report for the subject in the "before" condition, that is, without rights to construct one single family residence anywhere on the entire 265+ acres. (At least that is the situation presented by the owner's attorney, Steve Cornacchia, to the appraiser at the outset of this assignment).

Therefore the "after" instance of the report 081205A shows a value for the subject site with a hypothetically permitted homesite in the area near the haystack where public road access, slope, Class IIIw soils (suitable for building site with some limitations, notably low soil strength and limited permeability) and existing utility lines are all in one place.

Report 081205B (a Restricted Appraisal Report, done as a calculation based on consensus valuation data)

The appraiser, as noted above, could find no reliable information on parcels of undeveloped larger sites which were hay, pasture and grass crop lands; almost all such sites found were or are timber suitable properties on rolling to steep slopes and lack basic comparability with the subject. In the south Willamette Valley, considerable grass seed crop, hay or pasture acreage is leased on an annual basis by active farmers from inactive owners however few such sites change hands frequently enough to provide a current database of usable open market sales. In this appraiser's experience, the active farmers presently prefer to lease rather than own due to initial capital requirements and also to retain season to season flexibility (such as leaving a field fallow every third year or rotating a crop on a specific field with a different active farmer).

The appraiser, who has past sporadic experience on farms and ranches of his relatives from childhood to the present, consulted with Jerry Saunders, a Certified Residential appraiser who has a long background in farming and farmland appraisal (along with a Bachelor's degree in Crop Science). The appraiser also obtained sale data from Tom Morgan, a Certified general appraiser who frequently values farmlands and vacant lands in Lane County.

According to data from the Soil Conservation Service, U.S. Department of Agriculture, the subject site specifically includes mainly (83%) Natroy silty clay loam soils with a Class IVw rating suitable for hay, pasture and grass crop production. Other soils types are various silt clay, silty clay loam and loam types in various small percentages. These soil types have very slow permeability overall and are mainly dry farmed, as the subject is, since water absorption is very slow and irrigation would not be a net benefit to production. The vast majority of the site in grass crop or hay production is Natroy soil. The soil types and production potential are considered in making the below determinations.

After consultation, the consensus for a value per acre for the subject in the "before" instance was: \$2,000 per acre for the approximately 85% percent of the site which is tillable and used for grass crop or hay production: 225 acres m/l at \$2,000 per acre is \$450,500, say \$450,000 even. For the creek bottom, riparian and fence line areas, about 15% of the site, about 40 acres more or less, a value of \$1,000 per acre is judged reasonable. This figure is based on the fact this portion of the site is not worth "nothing" and that prices for resource or wetlands lands in the west Eugene area (such as BLM or Nature Conservancy parcels) have been valued in the past by other appraisers in this general range for purpose of increasing wetlands ownership primarily to these two entities. Therefore 40 acres at \$1,000 per acre is \$40,000.

The value for the subject site in total in the "before" instance is calculated as: \$490,000

Note the letter of transmittal from the appraiser to Mr. Cornacchia contains some additional rationalization for the postulated value difference in these two scenarios.

Comments on high tension powerlines transecting the subject site; the appraiser considers the BPA high tension line easement corridors, of which there are two shown on the plat map however one such line appears to be in place, are not detrimental to the use of the subject site as either farmlands nor as a single family residential site. The powerline corridor cannot be seen from the logical hypothetical homesite which is adjacent to Haldorson Road at the southwest corner of the subject site. Therefore no deduction is made versus the comparables in the "after" scenario or in consideration of site value per acre in the "before" scenario.

LAND APPRAISAL REPORT

File No. 081205A

HYPOTHETICAL

File No. 081205A

Borrower No borrower **Census Tract** 10.02 **Map Reference** Pittmon metro 23
Property Address Number Not Assigned Haldorson Road // Tax Lot 18-05-02-00-00100
City Eugene **County** Lane **State** OR **Zip Code** 97402
Legal Description Lengthy Metes and Bounds Legal Description\see deed attached or preliminary title report
Sale Price \$ Not Sold **Date of Sale** N/A **Loan Term** N/A yrs. **Property Rights Appraised** Fee Leasehold De Minimis PUD
Actual Real Estate Taxes \$ 246.16 (yr) **Loan charges to be paid by seller** \$ N/A **Other sales concessions** Not Applicable
Lender/Client Sadri, Asghar R. c/o Steve Cornacchia, attorney **Address** Hershner Hunter, 180 East 11th Avenue, Eugene, Oregon 97401
Occupant Vacant Land **Appraiser** Craig E. McKern **Instructions to Appraiser** appraise to market value per USPAP standards.
Craig E. McKern, Appraiser, P.C. 1574 Coburg Road, PMB 397, Eugene, Oregon 97401 telephone 541-345-0744 fax 541-345-0577

Location	<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Employment Stability <input type="checkbox"/> Good <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Fair <input type="checkbox"/> Poor Convenience to Employment <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Convenience to Shopping <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Convenience to Schools <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Adequacy of Public Transportation <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Recreational Facilities <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Adequacy of Utilities <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Property Compatibility <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Protection from Detrimental Conditions <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Police and Fire Protection <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> General Appearance of Properties <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Appeal to Market <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Built Up	<input checked="" type="checkbox"/> Over 75%	<input type="checkbox"/> 25% to 75%	<input type="checkbox"/> Under 25%	
Growth Rate	<input type="checkbox"/> Fully Dev. <input type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Steady	<input checked="" type="checkbox"/> Slow	
Property Values	<input checked="" type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	
Demand/Supply	<input checked="" type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Oversupply	
Marketing Time	<input checked="" type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 4-6 Mos.	<input type="checkbox"/> Over 6 Mos.	
Present Land Use	<u>65%</u> 1 Family <u> </u> % 2-4 Family <u> </u> % Apts. <u> </u> % Condo <u>5%</u> Commercial			
	<u>5%</u> Industrial <u>5%</u> Vacant <u>20%</u> Public lands			
Change in Present Land Use	<input type="checkbox"/> Not Likely	<input type="checkbox"/> Likely (*)	<input checked="" type="checkbox"/> Taking Place (*)	
	(*) From <u>vacant</u> To <u>residential, other</u>			
Predominant Occupancy	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Tenant	<u>5</u> % Vacant	
Single Family Price Range	\$ <u>130</u> to \$ <u>900,000+</u> Predominant Value \$ <u>200,000</u>			
Single Family Age	<u><5</u> yrs. to <u>70+</u> yrs. Predominant Age <u>20-50</u> yrs.			

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): The subject area is generally bounded by Highway 126 (north), Central Road (west), Petzold and Crow Roads (south and east). Location is close in to suburban west Eugene with good access to the urban area via Highway 126/West 11th Avenue. A mix of suburban estates, small to large farms and ranches, public conservation lands including Fern Ridge Wildlife Area, spot places of worship, schools, parks is present. Coyote Creek divides north, south portions of site.

Dimensions Irregular, see plat map = 265.81 Sq. Ft. or Acres Corner Lot
Zoning classification E40- Exclusive Farm Use 40 acre minimum new site **Present Improvements** do do not conform to zoning regulations
Highest and best use Present use Other (specify) potential to allow one single family residence under present Measure 37 procedures
Public **Other (Describe)** _____
Elec. **Gas** **Water** **San. Sewer** **Underground Elect. & Tel.**
OFF SITE IMPROVEMENTS
Street Access Public Private
Surface Asphalt
Maintenance Public Private
 Storm Sewer Curb/Gutter
 Sidewalk Street Lights
Topo Mostly Level to slight slope
Size Larger than typical for area
Shape Irregular
View See photographs
Drainage Adequate; FEMA map 41039C-1100F 06-20-1999; Zone X & A
Is the property located in a HUD Identified Special Flood Hazard Area? No Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions): See FEMA FIRM map attached; flood plain is limited to creek corridor. Site is between Haldorson and Cantrell Roads with access from either road; north portion is virtually level and south portion has slight slope along Haldorson Road. About 85% of acreage has been planted to ryegrass or hay production; about 10% of site is in creek bottom and riparian zones; about 5% is wooded and/or along road and fenceline margins; estimates only from aerial photos, observation.

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

ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	<u>Tax Lot 18-05-02-00-00100 Eugene (HYPO buildable site)</u>	<u>Tax Lot 15-05-26-00-00100 Junction City // asking \$325,000</u>	<u>Tax Lot 16-06-26-00-00100 Junction City // asking \$695,000</u>	<u>33886 Bond Butte Road Harrisburg// asking \$490,000</u>
Proximity to Subject		<u>15 air miles north</u>	<u>24 air miles northwest</u>	<u>35 air miles northeast</u>
Sales Price	<u>\$ Not Sold</u>	<u>\$ 279,296</u>	<u>\$ 383,300</u>	<u>\$ 450,000</u>
Price /acre		<u>\$ 1,900</u>	<u>\$ 2,153</u>	<u>\$ 2,885</u>
Data Source	<u>Inspection/County</u>	<u>Prudential R. E. Professionals/</u>	<u>Prudential R. E. Professionals/</u>	<u>RE/max Integrity/Linn County</u>
Date of Sale and Time Adjustment	<u>DESCRIPTION</u>	<u>DESCRIPTION</u> <u>+(-)\$ Adjust.</u>	<u>DESCRIPTION</u> <u>+(-)\$ Adjust.</u>	<u>DESCRIPTION</u> <u>+(-)\$ Adjust.</u>
	<u>09-08-2005</u>	<u>06-2004 (COE) 0</u>	<u>09-2004 (COE) 0</u>	<u>02-2005 (COE) 0</u>
Location	<u>Above Average</u>	<u>Average plus +10,000</u>	<u>Average +30,000</u>	<u>Average +30,000</u>
Site/View	<u>265ac m//Fields, wds</u>	<u>147 ac m//hills, field +236,000</u>	<u>178 ac m// hills +174,000</u>	<u>156 ac m// Hills +218,000</u>
Well/Septic Permit	<u>None/ Assumed</u>	<u>None/ Assumed</u>	<u>None/ Assumed</u>	<u>well/septic/utilities -20,000</u>
Slope/ buildability	<u>Slight/ Assumed</u>	<u>Level/ Assumed 0</u>	<u>Slight/ Assumed 0</u>	<u>Level/ Permitted 0</u>
Road/drive access	<u>Public way/ Dirt</u>	<u>Public way/ dirt</u>	<u>Public way/ dirt</u>	<u>Public way/ gravel -5,000</u>
Structures	<u>None</u>	<u>None</u>	<u>None</u>	<u>Old house/ shop -40,000</u>
Sales or Financing Concessions	<u>Cash to Seller Assumed</u>	<u>Cash to new conv. loan 0</u>	<u>Cash 0</u>	<u>Cash to new conv. loan 0</u>
Net Adj. (Total)		<u><input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 246,000</u>	<u><input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 204,000</u>	<u><input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 183,000</u>
Indicated Value of Subject		<u>\$ 525,296</u>	<u>\$ 587,300</u>	<u>\$ 633,000</u>

Comments on Market Data: Extremely limited listing and sale data for larger undeveloped farmland sites in any south Willamette Valley location found after extensive search from Albany to Sutherlin. Sales cited are most recent available. Sales 1 and 3 are ryegrass or hay dry croplands while Sale 2 had Christmas trees and has a creek with south slope. Sale 3 had replacement rights for an old dwelling plus infrastructure ****
Comments and Conditions of Appraisal: The appraisal is made to cash equivalency per USPAP and FIRREA guidelines/USPAP departure provisions do not apply. See attached assumptions, limiting conditions and comments. ***** installed including well, septic, power, newer shop structure. Sale 1 was a low indicator due high seller motivation (property was in trust for an estate) and sold in 62 days. County records for this parcel do not show all acreage conveyed. Sales 1 and 2, though in different locations, provide bracketing indicators with Sale 3 a high price per acre
Final Reconciliation: The market data (sale comparison) approach is the only reliable method of estimating vacant or non-residential site value. The cost approach is omitted as there are no improvements on site. The income approach does not normally apply to vacant land even though subject site has lease income from farm use (such income is not normally sufficient incentive by itself for investors to purchase farmland).

I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF September 8, 2005 to be \$ 590,000
The opinion of value stated is within a range of indicated values. Value opinion is provided for comparison purposes in a Measure 37 proceeding
Report Completion Date: September 29, 2005
Appraiser(s) Craig E. McKern Did Did Not Physically Inspect Property
Review Appraiser (if applicable) _____

Borrower No borrower File No. 081205A
 Property Address Number Not Assigned Haldorson Road // Tax Lot 18-05-02-00-00100
 City Eugene County Lane State OR Zip Code 97402
 Lender Sadri, Asghar R. c/o Steve Cornacchia, attorney

APPRAISAL AND REPORT IDENTIFICATION

This appraisal conforms to one of the following definitions:

- Complete Appraisal (The act or process of estimating value, or an opinion of value, performed without invoking the Departure Rule.)
- Limited Appraisal (The act or process of estimating value, or an opinion of value, performed under and resulting from invoking the Departure Rule.)

This report is one of the following types:

- Self Contained (A written report prepared under Standards Rule 2-2(a) of a Complete or Limited Appraisal performed under STANDARD 1.)
- Summary (A written report prepared under Standards Rule 2-2(b) of a Complete or Limited Appraisal performed under STANDARD 1.)
- Restricted (A written report prepared under Standards Rule 2-2(c) of a Complete or Limited Appraisal performed under STANDARD 1. restricted to the stated intended use by the specified client or intended user.)

Comments on Standards Rule 2-3

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

The statements of fact contained in this report are true and correct.
 The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions and conclusions.
 I have no present or prospective interest in the property that is the subject of this report, and no (or the specified) personal interest with respect to the parties involved.
 I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
 My engagement in this assignment was not contingent upon developing or reporting predetermined results.
 My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
 My analyses, opinions and conclusions were developed and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
 I have made a personal inspection of the property that is the subject of this report.
 No one provided significant real property appraisal assistance to the person signing this certification. (If there are exceptions, the name of each individual providing significant real property appraisal assistance must be stated.) See addendum attached.
 I have made a personal observation of the subject property.
 A lengthy period passed between the date of inspection and the date of completion as the appraiser performed a variety of investigations on Measure 37 and its ramifications for the subject property. There is no guarantee from the appraiser that the attached report(s) will be found fully satisfactory to the Lane County jurisdiction for handling Measure 37 claims, as these requirements may change due to court ordered or Legislature passed modifications.

Comments on Appraisal and Report Identification

Note any departures from Standards Rules 1-3 and 1-4, plus any USPAP-related issues requiring disclosure:

This appraisal report is complete on the basis of the full site inspection, not the extent of commentary attached.
 The appraised value includes a realty fee as did the sale prices of the comparables, unless otherwise stated.
 There were no directly observed toxic materials or hazardous substances in the immediate area of the subject; if any do exist, these are assumed to be safely stored and used according to label directions. A specific search for and recognition of toxic waste and hazardous materials such as might be found in a farm and ranch environment (a Level I assessment) is beyond the scope of the appraiser's training and knowledge. Common household, shop and garden chemicals and substances found in most homes and garages, including those of the reader, are assumed to exist around the site. These common toxic materials and hazardous substances include chemicals such as fertilizers, weed killers, pest poisons and sprays, bleach, detergent, oils, cleansers, solvents and fuels, among other solid, liquid and paste substances, and are assumed to be used according to label directions and Federal, state and local regulations unless otherwise specifically noted in this report. It is specifically assumed there is no toxic mold or fungus manifest on the site which would affect livability or marketability.
 See attached supplemental addendum. This report has been prepared for use in a State Measure 37 proceeding and is restricted to that use only. See the cover letter page for brief explanations of the use and purpose of SUMMARY report 081205A in conjunction with RESTRICTED report 081205B in order to provide "after and before" scenarios. The actual legality, validity and application of State Measure 37 is still in question with present and future court and Legislature involvements a certainty.

APPRAISER:

Signature: Craig E. McKern
 Name: Craig E. McKern
 Date Signed: September 29, 2005
 State Certification #: CR00024
 or State License #: _____
 State: Oregon
 Expiration Date of Certification or License: 09-30-2006

SUPERVISORY APPRAISER (only if required):

Signature: _____
 Name: _____
 Date Signed: _____
 State Certification #: email: cem9th@msn.com
 or State License #: phone 541-345-0744/fax 541-345-0577
 State: _____
 Expiration Date of Certification or License: _____

- Did
- Did Not
- Inspect Property

Borrower/Client	No borrower		
Property Address	Number Not Assigned Haldorson Road // Tax Lot 18-05-02-00-00100		
City	Eugene	County	Lane
State	OR	Zip Code	97402
Lender	Sadri, Asghar R. c/o Steve Cornacchia, attorney		

Appraisal Development and Reporting Process:

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

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

Scope of Work:

In preparing this report, the appraiser observed the subject site on September 8, 2005. Relevant information on comparable land and improved site sales, were also gathered, verified and considered. All three approaches to value were considered; the sales comparison approach only was developed. The cost approach does not apply to unimproved land.

The income approach does not typically apply to vacant or farm land. The subject site is leased for farm use however the income stream from such leasing is not generally high enough or durable enough to justify an income approach as most all purchasers of the subject would be either farmers, in the case of no building site permitted, or owner occupants with potential to lease the hay and pasture acreage in the case of becoming a buildable site by virtue of Measure 37 proceedings.

Purpose of the Appraisal and Use of the Report:

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

This appraisal report is intended ONLY for the use of the client named for the purpose of establishing a fair market value by an independent third party for Measure 37 proceedings. The use of this report is restricted to the clients, Asghar R. Sadri, the owner, and his legal counsel, Steve Cornacchia, for this purpose only. Duly constituted Lane County committees or courts for Measure 37 proceedings are also an expected reader of this report but Lane County is not a client of the appraiser.

This report in its present configuration is not intended for any financing purpose whatsoever.

Any other authorized use of this report will be stated either below or in the letter of engagement.

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

Supplemental Certifications:

I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

In addition, I certify that, to the best of my knowledge and belief, the reported analyses, opinions and conclusions were developed, and this report prepared, with conformity to the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

signed and dated September 29, 2005

Craig E. McKern
 president
 Craig E. McKern Appraiser P.C.

