

W. 16.10.



Lane County
LAND MANAGEMENT DIVISION
125 EAST 8TH AVENUE
EUGENE, OREGON 97401
PHONE: 541-682-3823
FAX: 541-682-3947

AGENDA COVER MEMO

MEMO DATE: January 19, 2006

AGENDA DATE: February 15, 2006

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 (PA 05-5813, Nice)

I. MOTION

Move to request more information from the applicant.

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 Richard and Velma Nice to use the property as allowed at the time they acquired the property?

III. DISCUSSION

A. Background

Applicant: Richard and Velma Nice

Current Owner: Richard and Velma Nice

Agent: Steve Cornacchia

Legal Description of Property: 18-02-19 #400

Acreage: 3.36 acres

Current Zoning: RR5 (Rural Residential)

Date Property Acquired: September 16, 1970

Date claim submitted: June 16, 2005 (180th day was December 16, 2005). On November 7, 2005, the applicant waived the 180 day processing timeline requirement. On December 22, 2005, the applicant submitted additional information and requested that the County resume processing the application.

Land Use Regulations in Effect at Date of Acquisition: None

County land use regulation which restricts the use and reduces the fair market value of claimant's property: LC 16.290 RR5 (Rural Residential)

B. Specific Relief Sought:

The applicant wishes to divide the property into 3 one-acre parcels and place a dwelling on each parcel. The RR5 zone prohibits the creation of parcels containing less than 5 acres.

C. Lane Code Submittal Requirements

The applicant has paid the processing fee and submitted evidence in support of the claim. This evidence includes an appraisal, a Land Sale Contract and a Warranty Deed dated September 16, 1970.

D. Analysis

A temporary mobile home was approved on June 8, 1970, as evidenced by building permit #1124-70 and request for sanitation inspection #67132. The approval for the mobile home was renewed every two years as required, until 1992. That approval expired on December 31, 1994. LMD does not have any evidence that the land owner has requested a renewal or a new approval for the temporary mobile home since 1992. Because the approval for the temporary mobile home has expired, it must be removed from the property. On January 19, 2005, the Compliance Program sent a letter to the land owners requesting voluntary compliance. This Ballot Measure 37 claim was submitted on June 16, 2005.

The applicant wishes to divide the property into three parcels and place the two existing dwellings on separate parcels. This will allow the temporary mobile home to remain on the property as a permanent dwelling. The property contains 3.5 acres and is not eligible for a partition because the RR5 zone requires new parcels to contain at least 5 acres.

As evidenced by FIRM Panel #415591-41039C 1655 F, effective June 2, 1999, the entire property is located within the floodway. The floodway is commonly called the river channel. Development in the floodway is not prohibited, but must not raise the flood level or reduce the flood carrying capacity of the floodway. This is also called a "No Rise Certification". This process usually requires a "Stepback Water Analysis" performed by an engineer. This is one of the reasons that development in the floodway is a complicated and expensive process.

Development in the floodplain is completely different. The floodplain is defined as the area that has a one percent chance of flooding in a calendar year. This flood level is called the Base Flood Elevation (BFE). There are several options when building in a floodplain, but the most common is to elevate the lowest floor of the structure at least 12 inches above BFE. This is a simple and routine process that occurs everyday. Because the flood hazard regulations are a federal requirement for participation in the flood insurance program, it is likely they are exempt regulations under Measure 37 and LC 2.710.

The letter from Craig McKern dated November 7, 2005, incorrectly assumes development of the subject property only requires elevation above BFE. This letter also identifies specific properties in the vicinity. The properties identified in the letter have complied with the flood hazard regulations. Each were issued a floodway development permit that included a "No Rise Certification":

- A floodway development permit (PA #02-5746) was approved for 85561 Dilley lane.
- A floodway development permit (PA #99-5998) was approved for 85565 Dilley Lane.
- A floodway development permit (PA #02-5395) was approved for 85627 Dilley Lane.

The dwelling at 85425 Dilley Lane was built in 1930 while the dwelling at 35080 Fremont was

built in 1971. Both were built prior to adoption of the Lane County flood hazard regulations. There is no evidence of expansion of either dwelling that would require a floodway permit.

Based on this evidence, all the dwellings listed in the letters from Craig McKern complied with the regulations for development in the floodway.

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

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

Regarding #1, Richard and Velma Nice acquired an interest in the property on September 16, 1970 as evidenced by Land Sale Contract #7401956. At that time, the property was unzoned. Currently, the property is zoned RR5 (Rural Residential) and the minimum parcel size is 5 acres.

Regarding #2, the applicant has submitted an appraisal by a certified real estate appraiser. The applicant wishes to create 3 one-acre parcels and place a dwelling on each parcel. However, it is difficult to use the submitted appraisal or the supplemental evidence to demonstrate a reduction in fair market value. Specifically, the appraiser did not include the cost of development in the floodway. Instead, the appraiser incorrectly applied the cost for development in the floodplain. Development in the floodway is considerably more complicated and expensive than development in the floodplain. Until these costs are identified and included in the appraisal, it is difficult to use the submitted appraisal to demonstrate a reduction in fair market value.

Regarding #3, the Rural Residential (LC 16.290) minimum parcel size does not appear to be an exempt regulation described in Measure 37 or LC 2.710. However, the Lane County flood hazard regulations (LC 16.244) and any federal flood hazard regulations may be considered exempt regulations described in Measure 37 and LC 2.710.

E. Conclusion/County Administrator Recommendation

It appears there is insufficient evidence to determine if this is a valid claim. The County Administrator recommends the Board request additional information regarding the alleged reduction in fair market value. Specifically, the appraisal must include the cost of developing in the floodway.

IV. ALTERNATIVES/OPTIONS

The Board has three options:

1. Determine the application appears valid and direct staff to draft an order to that effect for final Board action.
2. Require more information regarding the alleged reduction in value.
3. 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. RECOMMENDATION

The County Administrator recommends the Board request additional information regarding the alleged reduction in value.

VI. ATTACHMENTS

- A. Written claim and application dated June 16, 2005.
- B. Supplemental information submitted on December 22, 2005.
- C. Map of flood hazard area
- D. Vicinity map.



Land Use Application



REQUEST / PROPOSAL FOR:

FILE NO.	PA055813
ACTION	FEEL

LOCATION (PLEASE PRINT)

18	02	19	00	400			
TOWNSHIP	RANGE	SECTION	1/4 SECTION	TAX LOT	SUBDIVISION / PARTITION	LOT / PARCEL	BLOCK
RR 5 / FP / RCP					437	3.5 Acres	
ZONED	TAX CODE	PLDT #	ACERAGE				

85528 Dilley Lane, Eugene, OR 97405

Primary Dwelling, Shop, Hardship Mobile Home, Wells and Septic Systems

APPLICANT / AGENT

Steve Cornacchia, Hershner Hunter, LLP June 15, 2005

180 E. 11th Avenue (541) 686-8511

Eugene, OR 97401

OWNER

Richard D. and Velma B. Nice June 15, 2005

85528 Dilley Lane (541) 747-2310

Eugene, OR 97405

DO YOU OWN ADJACENT PROPERTY? Yes <input type="checkbox"/> No <input type="checkbox"/> MAP, PARCEL NUMBER <table border="0"> <tr> <td>Township</td><td>Range</td><td>Section</td><td>1/4 Section</td><td>Tax Lot</td> </tr> <tr> <td> </td><td> </td><td> </td><td> </td><td> </td> </tr> <tr> <td>Township</td><td>Range</td><td>Section</td><td>1/4 Section</td><td>Tax Lot</td> </tr> <tr> <td> </td><td> </td><td> </td><td> </td><td> </td> </tr> <tr> <td>Township</td><td>Range</td><td>Section</td><td>1/4 Section</td><td>Tax Lot</td> </tr> <tr> <td> </td><td> </td><td> </td><td> </td><td> </td> </tr> </table>	Township	Range	Section	1/4 Section	Tax Lot						Township	Range	Section	1/4 Section	Tax Lot						Township	Range	Section	1/4 Section	Tax Lot						WATER PUBLIC <input type="checkbox"/> ON-SITE WELL <input checked="" type="checkbox"/> COMMUNITY SYSTEM _____ SEWAGE PUBLIC <input type="checkbox"/> ON-SITE SEPTIC <input checked="" type="checkbox"/> COMMUNITY SYSTEM _____ ROAD STATE <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> EASEMENT <input type="checkbox"/> FIRE DISTRICT Goshen RFPD SCHOOL DISTRICT Pleasant Hill No.1 POWER COMPANY EPUD PHONE COMPANY QWest
	Township	Range	Section	1/4 Section	Tax Lot																										
Township	Range	Section	1/4 Section	Tax Lot																											
Township	Range	Section	1/4 Section	Tax Lot																											

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

Richard D. Nice 5-06-05
 Velma B. Nice 5-06-05 6/15/05
OWNER Signature Date APPLICANT Signature Date

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

SPECIFIC SECTION OF LANE CODE REQUIRING THIS APPLICATION	RELATED PERMIT #
STAFF COMMENTS:	

APPLICATION

Applicant: Richard D. and Velma B. Nice

Property Owner: Richard D. and Velma B. Nice

Property Location: 3.5 acres of land located at 85528 Dilley Lane, Eugene, Oregon, 97405. Subject property located approximately 7 miles southeast of Eugene in the west Pleasant Hill district of central Lane County

Assessors Map and Lot: Map 18-02-19-00, Tax Lot 0400. A copy of the Assessor's Map is attached as Appendix A, and the legal description of the subject property is attached as Appendix B.

Current County Zoning: Agriculture (AG)

Attorney-Consultant: Hershner Hunter, LLP
180 East 11th Avenue, Eugene, OR 97401
P.O. Box 1475, Eugene, OR 97440
Telephone: (541) 686-8511

Submission Date: June 15, 2005

1. INTRODUCTION.

The applicants claim that Lane County's enforcement of land use regulations that restrict the use of their property has reduced the fair market value of their property. The applicants are requesting, pursuant to the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) and Lane Code 2.700, that Lane County pay them just compensation for the reduction in the fair market value of their property resulting from those restrictions on its use. This application constitutes written demand pursuant to Section (4) of Ballot Measure 37 (2004).

In lieu of such payment of just compensation, the applicants request that Lane County waive the offending regulations as provided hereinbelow that prevent the applicants from partitioning the subject property to three one-acre, buildable, lots.

The applicants purchased the subject property on September 16, 1970, and have resided there continuously since that time. The applicants are the sole owners of the subject property. Following their purchase, the applicants were permitted by Lane County to place an additional mobile home on the subject property for the habitation and care of a relative. On January 19, 2005, Lane County issued to the applicants a Request for Voluntary Correction requesting that the applicants either remove the mobile home from the subject property or obtain requisite land use approvals for continuing the mobile home's existence. A copy of the request is attached as Exhibit C.

Current Lane County zoning of the subject property will not allow the mobile home to remain on the subject property (in addition to the applicant's residence). The property is zoned Rural Residential-Five Acre Minimum (RR5). LC 16.290 does not allow more than one dwelling per parcel in the Rural Residential zone and the property cannot be partitioned due to its existing substandard size.

2. BACKGROUND INFORMATION.

2.1 General Site Description.

The property subject to this application consists of one parcel, approximately 3.5 acres in size, located in the vicinity of the unincorporated community of Pleasant Hill, southeast of the city limits of Eugene and south of the Coast Fork of the Willamette River. The subject property is described as Tax Lot 0400 of Lane County Assessor's Map No. 19-02-19.

The subject property contains the applicant's dwelling and several accessory buildings thereto. It also contains a mobile home, with connected well and septic system, sited in 1970 pursuant to a temporary mobile home permit and renewed in 1990.

The subject property also abuts Fremont Avenue on its northern boundary. Properties along Fremont Avenue consist of one-acre and one-half-acre parcels with residences, all zoned Rural Residential. Properties to the south of the subject property consist of parcels in various sizes, from approximately five acres down to one-half acre.

The subject property receives the following public services: Pleasant Hill School District No. 1 (schools); Emerald Peoples' Utility District (electrical power); Goshen Rural Fire Protection District (fire and ambulance); Qwest (telephone); LTD (bus service); Lane County Sheriff's Department and Oregon State Police.

2.2 List of Exhibits:

- Exhibit A - Assessor's Map No. 18-02-19
- Exhibit B - Legal Description
- Exhibit C - Lane County Request for Voluntary Correction
- Exhibit D - 1970 Moore/Nice Land Sale Contract
- Exhibit E - 1976 Moore Warranty Deed
- Exhibit F - Lane County Zoning and Land Use Ordinance No. 223
- Exhibit G - Lane County Zoning and Land Use Regulation Ordinance #4
- Exhibit H - Lane County Zoning and Land Use Ordinance No. 293
- Exhibit I - Lane County Zoning and Land Use Ordinance No. 426
- Exhibit J - Appraisal Reports prepared by Craig E. McKern, Certified Real Estate Appraiser

3. APPLICABLE CRITERIA. (Lane Code 2.700 - Real Property Compensation/Regulation Application Process)

3.1 Lane Code 2.720 Application for Claim

Lane Code 2.720 requires that the applicant be the present owner of the property that is the subject of the claim at the time the claim is submitted. The applicants are the present and sole owners of the subject property.

Lane Code 2.720 also contains the required items for a completed application as follows:

- (1) A completed application form;

Response:

A completed application form is attached hereto.

- (2) The name, mailing address, and phone number of the property owner filing the application, and of each of the other owners of the subject property and anyone with any interest in the property, including lien holders, trustees, renters, lessees, and a description of the ownership interest of each, if any, along with the signature of each of the other owners indicating consent to the application claim;

Response:

The applicants are the sole owners of the property, free and clear of all encumbrances and interests of record other than those of the applicants. The applicants' names, mailing address and phone number are provided in the application form attached hereto. The applicants have signed the application form attached hereto.

- (3) A legal description and tax lot number of the subject property as well as a street address for the property (if any);

Response:

A legal description of the subject property is attached hereto as Exhibit B. The Lane County Assessor's Map No. for the subject property is 18-02-19-00 and the tax lot is Tax Lot 0400. The street address of the subject property is 85528 Dilley Lane, Eugene, OR 97405.

- (4) A title report issued within 30 days of the application's submittal, including title history and including a statement of the date the applicant acquired ownership of the subject property and showing the ownership interests of all owners of the property or, as an alternative to the title report, a copy of the deed(s) granting all existing ownership interests to the owner(s) of the subject property signing the petition;

Response:

A copy of the original September 16, 1970, land sale contract between the applicants, as Purchasers, and Fremont A. Moore and Weltha M. Moore, as Sellers, and the 1976 warranty deed of the Moore's, conveying the subject property to the applicants, are attached hereto as Exhibits D and E, respectively.

- (5) A statement specifically identifying the section of Lane Code or other land use regulation that allegedly restricts the use of the real property and allegedly causes a reduction in the fair market value of the subject property, including the date the regulation was adopted, first enforced or applied to the subject property;

Response:

The subject property is zoned Rural Residential 5 (RR5) as depicted on Lane County Official Zoning Map Plot 437, adopted by Lane County as part of Ordinance 884 on February 29, 1984. In addition to Ordinance 884, the primary land use regulation that restricts the use of the subject property is Lane Code 16.290(6) which requires a minimum area requirement of five acres for the creation of new lots or parcels in the Rural Residential Zone on property designated as RR-5 on Lane County Zoning Maps. LC 16.290(6) and Zoning Map Plot 437 prevent the applicants from partitioning their property into one-acre parcels as was allowed by Lane County regulations prior to the county's adoption of it and Ordinance 884.

On July 27, 1966, Lane County enacted Lane County Zoning and Land Use Ordinance No. 223 that zoned the subject property as AGT, Agriculture, Grazing, Timber Raising District. The legal descriptions included in the ordinance include the subject property. A copy of the ordinance is attached hereto as Exhibit F.

Lane County Zoning and Land Use Regulation Ordinance # 4, adopted by Lane County on May 31, 1949, contains the land use regulations in effect on September 16, 1970 for AGT-zoned property. A copy of that ordinance is attached as Exhibit G. That ordinance was amended by Lane County on August 14, 1968, under Lane County Zoning and Land Use Ordinance No. 293, to establish a minimum area requirement of one acre for AGT-zoned property. That ordinance is attached as Exhibit H. Ordinance #4 was again amended on April 14, 1971, by Lane County Zoning and Land Use Ordinance No. 426 which established a minimum area requirement of one acre for any property zoned AGT prior to the effective date of the ordinance. That ordinance is attached as Exhibit I.

Ordinance 884 restricts the applicants' use of their property subsequent to their acquisition of it by increasing the minimum area requirement from one acre to five acre and preventing the applicants from partitioning their property into one-acre parcels. If the aforementioned Lane County regulations did not exist, or were consistent with provisions of Lane County regulations preceding 1984, the value of the applicants' property would be considerably higher as three one-acre parcels as opposed to one five-acre parcel.

In addition to Ordinance 884 and LC 16.290(6), the following Lane County regulations restrict the use of the subject property by the applicants:

- LC 16.290(2) and (4)
- LC 10.130-42
- LC 13.050(1), (2),(5), and (12)
- LC 15.045(1)
- LC 15.070
- LC 15.080
- LC 15.137
- LC 15.138

(6) A copy of a written appraisal by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon, addressing the requirements of the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) and indicating the amount of the alleged reduction in the fair market value of the property by showing the difference in the fair market value of the property before and after the application of each of the challenged regulations, individually, and after the application of all of the challenged regulations, cumulatively;

Response:

The applicants retained the services of Craig E. McKern, Certified Residential Real Estate Appraiser to prepare a written appraisal of the property indicating the difference in the fair market value of the subject property as currently configured in a five-acre parcel and as configured into three one-acre parcels. Mr. McKern's appraisal is attached hereto as Exhibit J.

(7) A written statement addressing the criteria listed in LC 2.740(1)(a) through (d);

LC 2.740(1)(a) through (d) provides the following criteria:

(a) The county has either adopted or enforced a land use regulation that restricts the use of private property or any interest therein:

Response:

The subject property is zoned Rural Residential 5 (RR5) as depicted on Lane County Official Zoning Map Plot 437, adopted by Lane County as part of Ordinance 884 on February 29, 1984. In addition to Ordinance 884, the primary land use regulation that restricts the use of the subject property is Lane Code 16.290(6) which requires a minimum area requirement of five acres for the creation of new lots or parcels. (See discussion above in section 3.1(5))

(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;

Response:

See discussion above in sections 3.1(5) and (6) and below in section 3.1(8).

(c) The challenged land use regulation was adopted, enforced or applied after the current owner of the property (the applicant) became the owner, and

Response:

See discussion above in sections 3.1 (5) and 3.1(7)(a).

(d) The challenged regulation is not an exempt regulation as defined in LC 2.710.

Response:

Ordinance 884, Lane Code 16.290(6) and the Lane Code provisions listed in the Response to section (5) above are land use regulations as defined by provisions added to ORS Chapter 197 by Ballot Measure 37. They do not restrict or prohibit public nuisances, are not public health and safety protection regulations, are not required to comply with federal law, do not relate to the use

of the property for pornography or nude dancing and were not enacted prior to the date the applicants acquired the property.

- (8) A statement by the applicant specifying the amount of the claim, and the fair market value of the property before and after application of the challenged land use regulation(s); and

Response:

The applicants claim from Lane County the sum of \$115,000, which represents the reduction in market value of the subject property resulting from Lane County's enforcement of the aforementioned regulations that restrict the use of the property to a five-acre parcel. The fair market value of the property before the application of the aforementioned challenged land use regulation is \$370,000. The fair market value of the property after the application of the aforementioned challenged land use regulation is \$255,000. The reduction in fair market value of the subject property resulting from Lane County's restrictions on its use totals \$115,000, the amount of the claim herein.

- (9) Copies of any leases or covenants, conditions and restrictions applicable to the subject property if any exist that impose restrictions on the use of the property. Unless waived by the County Administrator, an application shall also include an application fee, in the amount established by Order of the Board, to at least partially cover the County costs of processing the application, to the extent an application fee may be required as a condition of acceptance of filing an application for a claim under the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004). The county shall refund the application fee if it is determined by the County or by a court that the applicant is entitled to compensation under the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004).

Response:

The subject property is free and clear of any encumbrances that would restrict the use of it.

4. CONCLUSION.

The applicant has demonstrated that Lane County's enforcement of Ordinance 884 and LC 16.290(6) restricts the use of the subject property to a five-acre parcel and that the restriction reduces the fair market value of the property from what it would be as three one-acre parcels. The applicants have demonstrated compliance and consistency with the provisions added to ORS Chapter 197 by Ballot Measure 37 and LC 2.700. Accordingly, the applicants claim for just compensation for the reduction in the fair market value of their property as a result of the restriction should be paid by Lane County. In lieu of such payment of just compensation, Lane County should waive the offending regulations as provided above that prevent the applicants from partitioning the subject property to three one-acre, buildable, lots.

N 89°59'13" W 1154.23'

554.26'

302

301

300

7°58'E - 504.31'

403

406

402

409

401

ONT AVE. S 89°28'E - 1154.35' C. R. No 1705

410

408

400

260.57' SOUTH

260.57' NORTH

262.48' SOUTH

188.6' COUNTY ROAD No. 1269

N. 89° 49' 30" W - 1155.00'

1135'

1125.0'

N6PT

601

690.0'

690.0'

800

465'

350'

900

739'

N 84° 50' W

1000

4.33 AC.

1100

S 27° 19' E
334.2'

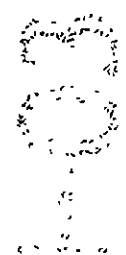
750'

267.0'
240'
189° 50' W

1350'

123' (120')

75'



Not to Scale

tax Lot 400



Dilley Ln 261.2'

150'

Trailer

Well

House

Septic

Septic

45940 sq ft

410'

410'

61500 sq ft

Shop

580'

580'

Fremont Ave

112'

170'

old well

44625 sq ft

262.5'

Exhibit B

LEGAL DESCRIPTION

Beginning at the northwest corner of the Thomas Whitmore Donation Land Claim No. 82, Township 18 South, Range 2 West of the Willamette Meridian; thence, S $0^{\circ}01'W$ 1035.45 feet to a point marked by an iron pin; thence, S $89^{\circ}58'E$ 554.35 feet to an iron pin marking the TRUE POINT OF BEGINNING; thence S $89^{\circ}58'E$ 580.00 feet to a point referenced on the ground by an iron pin bearing N $89^{\circ}58'W$ and bearing North 262.50 feet from the stone marking the northeast corner of County Survey No. 2005; thence, South 262.50 feet to the stone marking the Northeast corner of said County Survey No. 2005; thence, N $89^{\circ}49'30''W$ 580.00 feet to a point marked by an iron pin; thence North 261.02 feet to the true point of beginning in Lane County, Oregon.

January 19, 2005

Richard and Velma Nice
85528 Dilley Rd
Eugene, OR 97405



LAND MANAGEMENT DIVISION
http://www.lane-county.org/PW_L

Concerning: TRS 18-02-19-00-00400
File CA 05-0029

REQUEST FOR VOLUNTARY CORRECTION

Dear Richard and Velma Nice,

The building permit **BP 02-1190** to temporarily place a 1971 Freedom mobile home at the above mentioned property has expired-by-limit and has not been renewed as required by Lane Code 16.229 (C) (vii).

Lane Code 11.100-10 requires a building permit for any mobile home sited in Lane County. Oregon Revised Statutes 455.450(1) and (2), 446.252, and 455.153 require that a building permit be obtained for any mobile home sited, or placed on parcels and provides that Lane County may enforce this statutory requirement as if it were a local ordinance. Failure to obtain required permits is, therefore, a Lane County infraction subject to enforcement procedures under Lane Code 5.017.

You are being asked to voluntarily comply with the Lane Code by removing the mobile home or submitting the required land use and building permit applications, paying all required permit fees, and obtaining all required inspections for the mobile home placement. A Permit Review Meeting is required to submit the building permit application. If the required building permit review application has not been submitted or the home removed by February 1, 2005 you will receive an order to comply and may become liable to pay a civil penalty of up to \$1000.00 per day until compliance is reached.

If you have any questions concerning the land use requirements a land planner is available to assist you each weekday from 9 am - 12 pm in the Land Management Division lobby.

If you have any questions feel free to contact Jeb Doran at 541 682-6432

Sincerely,

Jane Burgess
Compliance Officer

by: 
Jeb Doran
Land Management Technician

7401956

LAND SALE CONTRACT

THIS AGREEMENT made and entered into this 16th day of September, 1970, by and between FREMONT A. MOORE and WELTHA M. MOORE, husband and wife, hereinafter referred to as Sellers, and RICHARD D. NICE and VELMA B. NICE, husband and wife, hereinafter referred to as Purchasers,

WITNESSETH:

AGREEMENTS:

NOW, THEREFORE, in consideration of the terms, covenants and agreements herein contained on the part of the respective parties to be kept and performed; IT IS AGREED:

Sellers agree to sell and Purchasers agree to purchase the following described real property with all improvements thereon located in the County of Lane, State of Oregon:

Beginning at the northwest corner of the Thomas Whitmore Donation Land Claim No. 82, Township 18 South, Range 2 West of the Willamette Meridian; thence, S 0° 01' W 1035.45 feet to a point marked by an iron pin; thence, S 89° 58' E 554.35 feet to an iron pin marking the TRUE POINT OF BEGINNING; thence S 89° 58' E 580.00 feet to a point referenced on the ground by an iron pin bearing N 89° 58' W and bearing North 262.50 feet from the stone marking the northeast corner of County Survey No. 2005; thence, South 262.50 feet to the stone marking the Northeast corner of said County Survey No. 2005; thence, N 89° 49' 30" W 580.00 feet to a point marked by an iron pin; thence North 261.02 feet to the true point of beginning in Lane County, Oregon.

Reserving to the Sellers a life occupancy to one acre for the life of the Sellers and for the life of the survivor of them.

PURCHASE PRICE AND TERMS: The purchase price of the property which Purchasers agree to pay shall be the sum of Thirteen Thousand Five Hundred (\$13,500.00) Dollars payable as follows:

- (a) The sum of Seven Thousand (\$7,000.00) Dollars which is paid upon execution of this agreement.
- (b) The remaining balance of Six Thousand Five Hundred (\$6,500.00) Dollars shall be paid in monthly installments of One Hundred (\$100.00) Dollars, including interest at the rate of six percent (6%) per annum on the unpaid balance, the first payment to be due on the 20th day of October, 1970, and each 20th day of each month thereafter until paid in full.

7401956

PLACE OF PAYMENT: All payments shall be made by Sellers by direct payment to United States National Bank, Springfield Branch, Springfield, Oregon.

PREPAYMENTS: Purchasers may at any time pay off the entire amount of the principal and interest due thereon with interest due thereon.

TAXES: The real property taxes on the property conveyed hereby for the fiscal year of 1970-71 shall be prorated as of the date of possession, September 20, 1970, and Sellers shall be responsible for and hereby agree to pay all taxes accruing and becoming due upon the property as of September 20, 1970. In the event Purchasers default the payment of any taxes or liens, Sellers are authorized to make payment on said taxes or liens on behalf of Purchasers and to add such sums paid to the principal of this contract to be paid by Purchasers, including interest at the rate of six percent (6%) per annum.

POSSESSION: Purchasers shall be entitled to possession of the premises on the 20th day of September, 1970.

INSURANCE: Purchasers agree to keep the buildings on said premises insured against loss by fire or other casualty in an amount equal to the fair market value of said buildings. Any amount received by Sellers under the insurance in payment of a loss shall be applied upon the unpaid balance of the purchase price and shall reduce said unpaid balance to the extent of the amount of the insurance payment received by Sellers. All uninsured losses shall be borne by Purchasers, on or after the date purchasers become entitled to possession.

RESERVATION OF LIFE ESTATE: Sellers hereby reserve and purchasers consent that Sellers are granted a life occupancy to one acre of the real property described above for the life of the Sellers and for the life of the survivor of them.

WASTE: Purchasers shall not commit or suffer any waste of the property, or any improvements thereon, or alterations thereof, and shall

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maintain the property, and all improvements thereon, and all alterations thereof, in good condition and repair.

DEFAULT: In the event that Purchasers shall fail to perform any of the terms of this agreement, time of payment and performance being of the essence, Sellers, at their option, subject to the requirements of notice as herein provided shall have the following rights:

- (a) To foreclose this contract by strict foreclosure in equity.
- (b) To declare the full unpaid balance of the purchase price immediately due and payable.
- (c) To specifically enforce the terms of this agreement by suit in equity.
- (d) To declare this agreement null and void as of the date of the breach and to retain as liquidated damages the amount of payment theretofore made upon said premises. Under this option all of the right, title and interest of Purchasers shall revert and revest in Sellers without any act of re-entry or without any other act by Sellers to be performed, and Purchasers agree to peacefully surrender the premises to Sellers, or, in default thereof Purchasers may, at the option of Sellers, be treated as tenants holding over unlawfully after the expiration of a lease and may be ousted and removed as such.
- (e) To pursue any other remedy available at law or in equity.

Purchasers shall not be deemed in default for failure to perform any covenant or condition of this contract, other than the failure to make payments as provided for herein, until notice of said default has been given by Sellers to Purchasers and Purchasers shall have failed to remedy said default within 30 days after the giving of the notice. Notice for this purpose shall be deemed to have been given by the deposit in the mails of a certified letter containing said notice and addressed to Purchasers at Route 7, Eugene, Oregon.

ESCROW: As soon as practicable following the execution of this agreement, Sellers shall deliver in escrow to the United States National Bank of Oregon, Springfield Branch, Springfield, Oregon:

- (a) A warranty deed to the property;

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(b) An executed copy of this agreement.

INSTRUCTIONS TO ESCROW AGENT: The parties hereto hereby instruct said escrow agent to receive for Sellers' account the balance of the installment payments provided for herein, and to deliver to Purchasers the instruments specified above. If Purchasers fail to pay any installment before the expiration of thirty (30) days after the due date thereof, the escrow agent is authorized to surrender to Sellers, upon demand and without notice to Purchasers all of the documents specified in the preceding paragraphs thereby terminating the escrow.

Sellers and Purchasers shall share equally the initial charges of setting up the escrow and the Sellers shall bear the collection costs thereafter.

REPRESENTATION: Purchasers certify that this contract of purchase is accepted and executed on the basis of their own examination and personal knowledge of the premises and opinions of the value thereof; that no attempt has been made to influence their judgment; that no representations as to the condition or repair of said premises have been made by Sellers or by any agent of Sellers; that no agreement or promise to alter, repair, or improve said premises has been made by Sellers or by any agent of Sellers; and that purchasers take said property in the condition existing at the time of this agreement.

COVENANTS OF TITLE: Sellers covenant that they are the owners of the above-described property free of all encumbrances.

WAIVER: Failure by Sellers at any time to require performance by Purchasers of any of the provisions hereof shall in no way affect Sellers' right hereunder to enforce the same, nor shall any waiver by Sellers or any breach hereof be held to be a waiver of any succeeding breach, or a waiver of this non-waiver clause.

ASSIGNMENTS: Purchasers shall not assign this agreement, their rights thereunder or in the property covered thereby without the written consent of sellers.

SUCCESSOR INTERESTS: The covenants, conditions and terms of this agreement shall extend to and be binding upon and inure to the benefit of

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the heirs, administrators, executors and assigns of the parties hereto, provided, however, that nothing contained in this paragraph shall alter the restrictions hereinabove contained relating to assignment.

COSTS AND FEES: All costs of closing and attorney fees shall be borne equally by Sellers and Purchasers.

ATTORNEY FEES: In the event any suit or action is brought to enforce the terms of this contract, or on appeal therefrom, then in that event the prevailing party shall be entitled to reasonable attorney fees as determined by the Court.

IN WITNESS WHEREOF, these presents have been executed on the day and year hereinabove written.

Fremont A. Moore
Fremont A. Moore

Weltha M. Moore
Weltha M. Moore

SELLERS

Richard D. Nice
Richard D. Nice

Velma B. Nice
Velma B. Nice

PURCHASERS

STATE OF OREGON,
County of Lane } ss.

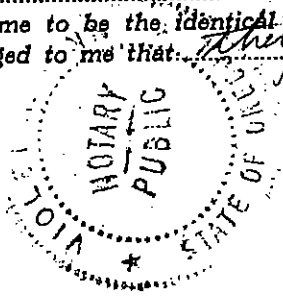
ACKNOWLEDGMENT

BE IT REMEMBERED, That on this 17th day of January, 1974, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Richard D. Nice
Velma B. Nice

known to me to be the identical individual ~~A~~ described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Violet R. Lenn
Notary Public for Oregon.
My Commission expires 8-13-76



FOR VALUE RECEIVED

FRÉMONT A. MOORE and WELTHA M. MOORE, husband and wife, herein referred to as grantors, hereby grant, bargain, sell and convey unto

RICHARD D. NICE and VELMA B. NICE, husband and wife,

herein referred to as grantees, the following described real property, with tenements, hereditaments and appurtenances, to wit:

Beginning at the northwest corner of the Thomas Whitmore Donation Land Claim No. 82, Township 18 South, Range 2 West of the Willamette Meridian; thence, S 0° 01' W 1035.45 feet to a point marked by an iron pin; thence, S 89° 58' E 554.35 feet to an iron pin marking the TRUE POINT OF BEGINNING; thence, S 89° 58' E 580.00 feet to a point referenced on the ground by an iron pin bearing N 89° 58' W and bearing North 262.50 feet from the stone marking the northeast corner of County Survey No. 2005; thence, South 262.50 feet to the stone marking the Northeast corner of said County Survey No. 2005; thence, N 89° 49' 30" W 580.00 feet to a point marked by an iron pin; thence, North 261.02 feet to the true point of beginning in Lane County, Oregon.

Reserving to the grantors a life occupancy to one acre for the life of the grantors and for the life of the survivor of them.

"The true and actual consideration for this transfer is \$ 13,500.00

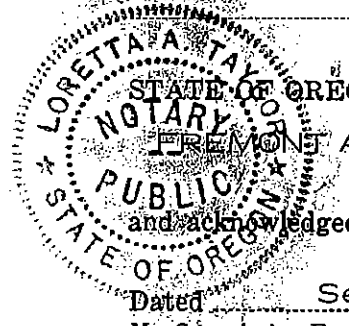
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances, except a life occupancy to one acre reserved to the Grantors for the life of the Grantors, and for the life of the survivor of them.

and that they will warrant and defend the same from all claims whatsoever, except as above stated. lawful

REVENUE STAMPS

Dated September 16 1970

(Seal) Fremont A. Moore (Seal)
(Weltha M. Moore (Seal)
(Seal) (Seal)



STATE OF OREGON, County of Lane, ss. Personally appeared the above named FRÉMONT A. MOORE and WELTHA M. MOORE

and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

Dated September 16 A.D. 1970 Loretta A. Taylor
My Commission Expires Notary Public for Oregon

WARRANTY DEED

Courtesy of



Pioneer TITLE CO.

818 Pearl Street - Eugene, Oregon

85528 Disley Pl Eugene, Oregon 97405

TO

29452

STATE OF OREGON,

County of Lane

ss. I certify that the within instrument was received for record on the day of

State of Oregon, County of Lane ss.

I, D. M. Penfold, Director of the Department of Records and Elections, in and for the said County, do hereby certify that the within instrument was received for record at

1976 JUL 15 PM 2 33

Reel 803 R

Lane County OFFICIAL Records.

D. M. PENFOLD, Director of the Department of Records & Elections.

By Gladys Beitel Deputy

C29-083-05

THURSDAY THE 27TH DAY OF JULY, 1966

FILED
AT _____ O'CLOCK _____ M

JUL 27 1966

DIA RANDOLPH, Director of the
Dep. of Growth and Economic of Lane County
BY Willie B. Baker
DEPUTY

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

LANE COUNTY ZONING AND)
LAND USE ORDINANCE NO. 223)

Adopting a Comprehensive Plan and Zoning Certain Land in Sections 6, 7, 8, 17, 18, 19, 20, 30, 31, Twp 18S, R2W, W.M., Sections 1, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, Twp 18S, R2W, W.M., to ACT Agriculture, Grazing, Timber Raising District; ACT-TF Agriculture, Grazing, Timber Raising-Trailer Park District; RA Suburban District; C-2 Neighborhood Commercial District; C-3 Commercial District; M-1 Limited Industrial District; M-2 Light Industrial District; M-3 Heavy Industrial District; FR Public Reserve District; and Establishing Special Setback Requirements.

The Board of County Commissioners of Lane County ordains as follows:

The following described land, to-wit:

Area to be zoned to ACT, Agriculture, Grazing, Timber Raising District

Beginning at the intersection of 30th Avenue and the Eugene city limits line in Section 6 of Twp. 18 South, Range 3 West; thence follow said city limits line northerly and easterly to the intersection with 29th Street and the north line of Section 9 of Twp. 18 South, Range 3 West; thence easterly along the north line of said Sections 9 and 10 of Twp. 18 South, Range 3 West to the east line of Section 10, Twp. 18 South, Range 3 West; thence easterly to the left bank of the middle fork of the Willamette River; thence easterly along said left bank about four miles to the east line of Section 8, Twp. 18 South, Range 2 West; thence southerly along said section line to a point 1700 feet south of the north line of Section 20, Twp. 18 South, Range 2 West, said point being the present Pleasant Hill zoning boundary; thence westerly and southerly along said boundary to the left bank of the east fork of the Willamette River; thence southerly along said left bank to the south line of Section 31, Twp. 18 South, Range 2 West; thence westerly along the south line of Section 31 and the south line of Sections 36 and 35 to the Southern Pacific Railroad tracks; thence northerly along said tracks to the east-west centerline of Sections 33, 34, 33, 32, and 31 to the north-south centerline of Section 31 in Twp. 18 South, Range 3 West; thence northerly along the north-south centerline of Section 31 to a point 300 feet south of Fox Hollow Road; thence northerly parallel to and 300 feet from Fox Hollow Road being the present zoning boundary to the north line of the South 1/2 of the South 1/2 of Section 20; thence easterly to the east line of Section 20; thence northerly along said east line to the northeast corner of said section; thence easterly along the south line of Section 16 to the 1/4 corner on the south line; thence north to the 1/4 corner on the north line of said section; thence west to the city limits line; thence easterly and northerly along said city limits line to the Point of Beginning.

EXCEPT the following described area presently zoned ACT-TF, Agriculture, Grazing, Timber Raising-Trailer Park District.

Beginning at a point on the east line of the Washington I. Riggs D.L.C. No. 40 in Section 13, Twp. 18 South, Range 3 West, W.M., said point being 589.16 feet north 0° 47' East of the most southerly southeast corner of said claim; run thence along the said east line of Claim No. 40 North 0° 47' East 437.59 feet; thence North 53° 36' West 402.76 feet; thence North 33° 06' 20" West 287.09 feet; thence North 04° 14' 20" West 208.31 feet; thence North 89° 55' West 419.60 feet; thence South 00° 05' West 261.13 feet; thence South 60° 05' West 57.74 feet; thence South 0° 05' West 487.00 feet; thence South 79° 13' East 438.00 feet; thence South 0° 49' West 165.00 feet; thence South 79° 13' East 542.72 feet to the Point of Beginning.

Approved and recommended for enactment by the affirmative vote of the Lane County Planning Commission this 28th day of June, 1966, after giving due notice of public hearing and holding a public hearing on the 28th day of June, 1966.

John B. Leahy
Chairman

Edward W. B. [unclear]
Secretary

Enacted this 27 day of July, 1966.

James P. [unclear]
Chairman of the Board of County Commissioners of Lane County

Reba [unclear]
Recording Secretary of the Board
at the meeting at which this ordinance was enacted

THURSDAY THE 2ND DAY OF JUNE 1949 2ND JUNE 1949

BOOK 27 PAGE 3

IN THE COUNTY COURT OF THE STATE OF OREGON FOR LANE COUNTY
Sitting in and for the Transaction of County Business

In the Matter of an Ordinance to Establish)
a Zoning or Land Use Code to be used in) ORDER
Establishing Land Use Districts)

Zoning and Land Use
Regulation Ordinance

Pursuant to the authority vested in the County Court by Chapter 537 Oregon Laws 1947 and by vote of the people on November 2, 1948 upon the question "Shall the County Court be authorized to enact zoning and land use regulations?" the following ordinance is hereby enacted:

AN ORDINANCE OF THE COUNTY OF LANE, STATE OF OREGON, ADOPTING A PRECISE LAND USE MASTER PLAN TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS AND THE USE OF LAND IN THE UNINCORPORATED TERRITORY OF LANE COUNTY BY DIVIDING THE COUNTY INTO LAND USE DISTRICTS; TO LIMIT THE HEIGHT AND BULK OF FUTURE BUILDINGS; TO PROVIDE FOR SETBACK LINES, SIZE OF YARDS, AND OTHER OPEN SPACES; TO ESTABLISH MINIMUM LOT SIZES; TO PROVIDE FOR THE PROTECTION OF FUTURE COUNTY ROADS AND THE WIDENING OF CERTAIN EXISTING ROADS; TO PROVIDE FOR AUTOMOBILE PARKING FACILITIES, TO PROVIDE FOR THE ENFORCEMENT, ADJUSTMENT, AND AMENDMENT THEREOF; AND TO PRESCRIBE PENALTIES FOR ITS VIOLATION IN THE COUNTY OF LANE, STATE OF OREGON.

THE COUNTY COURT OF THE COUNTY OF LANE, STATE OF OREGON, DOES ORDAIN AS FOLLOWS:

SECTION I. ADOPTION OF ZONING PLAN

A. There is hereby adopted a zoning plan for a portion of the County of Lane, State of Oregon.

B. This ordinance shall consist of the text hereof and maps entitled, "Lane County Zoning Maps," and identified by the signature and signature of the County Judge, the chairman of the County Planning Commission, and the County Clerk.

C. This Ordinance is adopted under the provisions of the State Enabling Act establishing County Planning and Zoning, Chapter 537, Oregon Laws, 1947, approved by the Governor of the State of Oregon, April 15, 1947.

SECTION II. TITLE

This Ordinance shall be known as the "Zoning Plan of the County of Lane, State of Oregon."

FILED

AT OREGON IN

JUN 2 1949

HARRY L. CHASE

County Clerk

SECTION XXXIX. VIOLATIONS AND PENALTIES

BOOK 27 PAGE 367

A person, firm, or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not more than one-hundred dollars (\$100.00) and in default of payment thereof, by imprisonment for one day for each two dollars (\$2.00) of such unpaid fine. Each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Ordinance is committed or continued by such person, firm, or corporation, and shall be punished accordingly.

Approved by the affirmative vote of a majority of the Lane County Planning Commission after due public notices and hearings, this 27th day of May, 1949.

Ralph S. Rogers
Chairman

Howard W. Duffin
Secretary

Regularly passed and adopted by the County Court of the County of Lane, State of Oregon, this 31st day of May 1949.

Clinton Hurd
County Judge

W. J. Hollander
County Commissioner

County Commissioner

27-338

USE: The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

VISION CLEARANCE: A triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, the space being defined by a line across the corner the ends of which are on the street or alley right-of-way lines an equal and specified distance from the corner and containing no planting, walls, structures, or temporary or permanent obstruction, exceeding three and one-half (3½) feet in height above the curb level.

YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, FRONT: A yard between the front line of the building (exclusive of steps) and the front property line.

YARD, REAR: An open unoccupied space on the same lot with a building, between the rear line of the building (exclusive of steps, porches, and accessory buildings) and the rear line of the lot.

YARD, SIDE: An open unoccupied space on the same lot with a building, between the side wall line of the building and the side line of the lot.

SECTION V. DISTRICTS

In order to carry out the purpose and provisions of this Ordinance, certain areas shown on the maps entitled, "Lane County Zoning Maps," being a part of this Zoning Ordinance, are hereby designated in one of the following districts. In case any streets or alleys as shown on the maps have been or are hereafter vacated, the land shall take the district classification of the property to which it reverts. Public land acquired prior to the adoption of this Ordinance shall be limited to the use for which the land was acquired or to any use established for the highest abutting district. Development of public land acquired subsequent to the passage of this Ordinance shall conform to the district in which it is located. In the event public land is sold for private development, it shall automatically assume the classification of the highest abutting district.

- AG-1 AGRICULTURE, GRAZING, TIMBER-RAISING DISTRICT
- PR-1 PUBLIC RESERVE DISTRICT
- RA-1 SUBURBAN DISTRICT
- RR-1 SINGLE-FAMILY RESIDENTIAL DISTRICT
- RR-2 MULTIFAMILY RESIDENTIAL DISTRICT
- C-1 LIMITED COMMERCIAL DISTRICT
- C-2 COMMERCIAL DISTRICT
- M-1 LIGHT MANUFACTURING DISTRICT
- M-2 HEAVY MANUFACTURING DISTRICT
- MS-1 MIXED USE DISTRICT

SECTION VI AGT AGRICULTURE, GRAZING, TIMBER-RAISING DISTRICT

The following regulations shall apply to AGT Agricultural, Grazing, Timber-Raising District:

A. USE

No building, structure, or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained except for the following uses:

1. Agriculture, grazing, and/or timber raising.
2. Dwelling or dwellings for owners, operators, and/or help required to carry out a use as specified in A-1 above.
3. Accessory buildings normally required in connection with a use as specified in A-1 above.

B. REGULATIONS

1. Regulations hereinafter prescribed shall not apply to conforming uses within an AGT district.
2. Nonconforming uses established at the time this Ordinance became effective shall be subject to the regulations established by this Ordinance.

SECTION VII PR PUBLIC RESERVE DISTRICT

The following regulations shall apply in the PR Public Reserve Districts:

A. USE

No building, structure, or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained except for the following uses:

1. A dwelling arranged, intended, and designated exclusively for one family, and accessory buildings such as garages, store rooms, wood sheds, laundries, greenhouses, animal shelters, or similar and related accessory uses for which a special building permit may be required; provided, however, that there shall not be more than three (3) buildings allowed as accessory to any single family dwelling.
2. Hunting and fishing lodges, dude ranches, resort hotels, public and semi-public buildings, such as:
 - a. Schools.
 - b. Libraries, art galleries, and museums.
 - c. Hospitals, sanitariums, and hot baths, rest homes.
 - d. Institutions for education, philanthropic, or other similar uses.
 - e. Fraternal clubs, fraternities, and lodges.
 - f. Parks, playgrounds, water sports, golf courses, and other recreational uses.
 - g. Governmental buildings and uses, including courts, fire stations, police stations, government-owned buildings, and other government-owned buildings.

RVL 40 PAGE 797

FILED

AT _____ O'CLOCK _____ M

AUG 14 1968

INA RANDOLPH, Director of the Dept. of Records and Elections of Lane County

BY [Signature] DEPUTY

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

LANE COUNTY ZONING AND)
LAND USE ORDINANCE NO. 293)

In the matter of an Ordinance to amend Lane County Zoning and Land Use Regulation Ordinance No. 4, Sections IV, VI, XIII, XVI-1, XXI, XXIII and XXV.

The Board of County Commissioners of Lane County ordains as follows:
That Lane County Zoning and Land Use Regulation Ordinance No. 4 be amended in accordance with the amendments in Exhibit "A" attached hereto and made a part hereof as if set out in full herein.

Enacted this 14th day of August, 1968.

APPROVED AS TO FORM
DATE 8/14/68
[Signature]
OFFICE OF COUNTY COUNSEL

[Signature]
Chairman of the Board of County Commissioners of Lane County

Paula M. Nelson
Recording Secretary of the Board at the meeting at which this ordinance was enacted

Approved and recommended for enactment by the affirmative vote of the Lane County Planning Commission this 23rd day of July, 1968, after giving due notice of public hearing and holding a public hearing on the 23rd day of July, 1968.

[Signature]
Chairman

[Signature]
Secretary (acting)

ppp
798
NOT
HERE

MOBILE HOME PARK. Any place where two or more mobile homes are parked on a lot less than 500 feet of the street or other public highway.

MOBILE HOME COVER. A structure having a roof extending over a mobile home to protect it from the elements, but not used for the purpose of protection from sun and rain.

MOBILE HOME USE. See subsection.

MOBILE HOME USE PERMIT. A permit issued by the Department of Health and Sanitation, (See SECTION IV 7-1(1)) for use of a mobile home on a lot or parcel of land, the conditions and requirements of SECTION VII shall apply.

SECTION VII - AGRICULTURE, GRAZING, TIMBER-RAISING, add the following:

Under **MOBILE HOME USE**, add the following items:

- 12. Mobile home on an individual lot or parcel pursuant to a mobile home use permit issued by the Department of Health and Sanitation. (See SECTION IV 7-1(1)) if located in a subdivision approved by the Planning Commission, the conditions and requirements of SECTION VII shall apply.
- 13. Normal accessories for a mobile home, such as awning, cabana, canopy, patio, carport, garage or storage building, pursuant to an original mobile home use permit or subsequent permit for such accessories.

AREA

1. Size of Lot

- a. No dwelling unit or mobile home shall be erected or located on less than one acre of lot area having a minimum average width of not less than one hundred fifty (150) feet. Notwithstanding the lot area and lot width requirements of this

section, a single-family dwelling or mobile home may be erected or located on any lot separately owned at the time of the passage of this amendment, or on any numbered lot in an approved and filed major or minor subdivision plat that was on record at the time of the passage of this amendment.

- b. Lots for other uses as specified under A-5, A-6, A-7, A-8, A-9 and A-10 shall have a minimum width of two hundred (200) feet and a minimum area of one (1) acre.

"2. Percent of Coverage

The main building and accessory buildings located on any one building site or lot shall not cover in excess of thirty (30) percent of the lot area."

SECTION XIII, C-3 COMMERCIAL DISTRICT, Subsection A, "USE": Delete paragraph 14 in its entirety, and renumber the remaining paragraphs accordingly.

SECTION XVI-I, TR TRAILER PARK DISTRICT: Delete said section in its entirety, and substitute in lieu thereof the following:

" SECTION XVI-I. (1) MH MOBILE HOME DISTRICT

"The following regulations shall apply in any zone where the suffix "MH" appears after the zone designation.

"A. USE

- "1. A mobile home may be placed, parked or located on any parcel of land in any RA, RG or RP district that is designated by the suffix MH, provided such mobile homes are for residential use only.
- "2. Normal accessories for a mobile home, such as an awning, cabana, ramada, patio, carport, garage or storage building shall be allowed in this district.
- "3. All of the uses allowed in the basic zoning district shall also be allowed in a district with a MH suffix.

"B. REQUIREMENTS AND REGULATIONS

- "1. No person shall maintain more than one (1) mobile home on a single legal building site, other than in mobile home parks.
- "2. All the requirements and regulations of the basic zoning district shall also apply to a district with a MH suffix. Mobile homes shall be subject to the same regulations and standards as a single-family dwelling in the basic zoning district.
- "3. Before a mobile home or any accessories thereto are permitted under this District, a mobile home use permit shall be obtained from the Department of Health and Sanitation. (See SECTION XVI-I (3)).

"C. PROHIBITING MOBILE HOMES IN OTHER DISTRICTS - EXCEPTIONS - TEMPORARY PERMITS

- "1. No person shall maintain a mobile home for residential purposes in any other zoning district of the county, except as follows:
 - "a. Mobile homes in an AGT District, pursuant to a mobile home use permit.
 - "b. Mobile homes in a permitted mobile home park.

FRIDAY THE 16TH DAY OF APRIL, 1971.

REF 35 PAGE 680

FILED

AT ... O'CLOCK

APR 16 1971

W. M. ... Director of the
Dept of Records and Elections of Lane Cou

BY *Keith ...* DEPUTY

IN THE BOARD OF COUNTY COMMISSIONERS FOR LANE COUNTY

LANE COUNTY ZONING AND LAND USE
ORDINANCE NO. 426

IN THE MATTER OF AMENDING LANE COUNTY
ZONING AND LAND USE ORDINANCE NO. 4

The Board of County Commissioners of Lane County ordains that Lane County Zoning and Land Use Ordinance No. 4, as readopted by Ordinance No. 7-71, be amended as follows and as specifically provided in Appendix A, attached hereto and incorporated herein:

- I. Amend Section IV, Definitions, by adding a definition for "Use, Farm" and "Farm Use", as shown by attached new pages 6, 10, and 10.01.
- II. Add Section VI (1), Exclusive Farm Use 20 District (EFU 20), as shown by attached new pages 11.01 and 11.02.
- III. Add Section VI (2), Farm-Forestry 20 District (F-F 20), as shown by attached new pages 11.03 through 11.06.
- IV. Amend Section VI, Agriculture, Grazing, Timber-Raising District (AGT), as shown by attached new pages 12 through 13.04.
- V. Add Section VI (4), Farm and Recreation District 5 (FF 5), as shown by attached new pages 13.05 through 13.09.
- VI. Add Section VI (5), Interim Agriculture Combining District (/IA), as shown by attached new page 13.10.
- VII. Add Section VII-I, Rural Residential District (RR), as shown by attached new pages 15.01 through 15.05.

FRIDAY THE 16TH DAY OF APRIL, 1971.

REEL 55 PAGE 681

VIII. Amend Section XVI-I (1), Mobile Home District, to allow mobile homes in the EFU 20, F-F 20, FR 5, and RR Districts, and to allow provisions for temporary mobile home permits for employees in the EFU 20, F-F 20, and FR 5 Districts, as shown by attached new page 43.

Enacted this 14th day of April 1971.

APPROVED AS TO FORM
DATE <u>3-31-71</u>
<u>Ray D. Adams</u>
OFFICE OF COUNTY COUNSEL

James Dice
Chairman, Lane County Board of Commissioners

Lily Shriver
Recording Secretary for this Meeting of the Board

The hereinabove ordinance approved and recommended for enactment by majority vote of the Lane County Planning Commission this 23rd day of March, 1971 after giving due notice of public hearing, and holding a public hearing on the 23rd day of February, 1971 and the 23rd day of March, 1971.

Lu Millh
Secretary, Lane County Planning Commission

FRIDAY THE 16TH DAY OF APRIL, 1971.

SECTION VI (3). REEL 55 PAGE 691
AGRICULTURE, GRAZING, TIMBER RAISING DISTRICT (AGT)

A. PURPOSE

The Agriculture, Grazing, Timber Raising District is intended to provide areas for rural density residential development and continuation of farm uses and timber production where compatible with each other. It is appropriate to be applied to areas which have, by nature of use and land division activity, already begun a transition from rural to urban use, primarily in the outer portions of the rural-urban fringe areas where public facilities and services will be necessary before intensive urbanization should occur, and in rural lands with marginal suitability for agricultural production.

B. PERMITTED BUILDINGS AND USES

In the AGT District, the following types of buildings and uses are permitted as hereinafter specifically provided for by this Section, subject to the general provisions and exceptions set forth in this Ordinance beginning with and following Section XVII:

1. The following farm uses:
 - a. General farming, including but not limited to the growing and raising of trees, vines, shrubs, berries, vegetables, nursery stock, hay grains, seed, and similar food and fibre products.
 - b. Pastures and grazing.
 - c. Except as limited by subsection C-1 following, animal husbandry, including the breeding and raising of cattle, sheep, horses, goats and rabbits; provided that such raising activities are not a part of, nor conducted in conjunction with any livestock sales yard, slaughter house, or animal by-product business; provided further that such uses on lots of less than five (5) acres shall be subject to the area requirements of Section VI (3)-E-6.
 - d. Raising and selling of fur bearing animals.
 - e. Keeping of honey bees and the production and sale of honey.
2. The management growing and harvesting of forest products, including Christmas tree raising.
3. One single-family dwelling or two-family dwelling per lot or one mobile home per lot pursuant to a mobile home use permit approved in compliance with Section XVI-I (3).
4. Normal accessories for a mobile home, such as awning, cabana, ramada, patio, carport, garage or storage building, pursuant to an original mobile home use permit or subsequent permit for only accessories.
5. Guest house.
6. Parks, playgrounds, and community centers owned and operated by a governmental agency.
7. Lodges and grange halls.
8. Public and semi-public buildings and structures essential to the physical

(AGT) SECTION VI (3). AGRICULTURE, GRAZING, TIMBER RAISING DISTRICT.

and pump stations, provided that interior yards shall be a minimum of twenty-five (25) feet, and no stockpiling or storage of materials shall be allowed.

9. Sale of agricultural products grown or raised on the premises, provided the sales floor area does not exceed three hundred (300) square feet.
10. Home occupations (see home occupation permit provisions).
11. Accessory buildings and uses customarily provided in conjunction with a use permitted in this District.

C. CONDITIONAL USES

The following conditional uses, subject to a conditional use permit granted pursuant to the general provisions of this ordinance providing for the granting of conditional use permits:

1. The following animal husbandry uses, provided the lot area is a minimum of ten (10) acres:
 - a. Breeding and raising of pigs.
 - b. Poultry ranching.
 - c. Dairying.
2. The following uses, when such uses are operated on the same property as, by the owner or operator of, and customarily provided in conjunction with a farm use, and are not a separate business or enterprise; provided the lot area is a minimum of ten (10) acres:
 - a. Hop, nut and fruit driers.
 - b. Feed mixing and storage facilities.
 - c. Hullers.
 - d. Mint distilleries.
 - e. Seed processing, packing, shipping and storage.
 - f. Plants for the storage or packing of agricultural products produced on the premises.
 - g. Feed lots.
 - h. Temporary and portable sawmills, barkers, and chippers.
 - i. Any other similar processing and allied farm commercial activities.
3. Sale of agricultural products raised on the premises where the sales floor area exceeds three hundred (300) square feet; the sale of livestock grown and raised on the premises.
4. Kennels and animal hospitals
5. Churches.
6. Schools.

8. Group care homes.
9. Hospitals, nursing homes, and sanitariums.
10. Stables, riding academies, and commercial riding; provided such activities are contained on the property authorized for conditional use permit approval.
11. Radio and TV transmission towers.
12. Stadiums.
13. Electric transmission facilities transmitting electric current in excess of 75,000 volts on any single cable or line or group of cables or lines.
14. Flood control facilities and irrigation projects.
15. Accessory dwellings for persons employed on the premises.
16. Airports, heliports, or aircraft landing fields.
17. Cemeteries.
18. Correctional institutions.
19. Sanitary landfills.
20. Golf courses.
21. Jails.
22. Penal farms.
23. Radio and TV stations.
24. Rock, sand, gravel, and loam excavations and extraction of mineral resources, with incidental processing.
25. Sewage treatment plants.
26. Mobile home parks.
27. Tourist parks.
28. Camping vehicle parks.
29. Campgrounds.
30. Other uses not specifically authorized any place in the Ordinance.

(AGT) SECTION VI (3). AGRICULTURE, GRAZING, TIMBER RAISING DISTRICT

D. YARD REGULATIONS

1. Front yard setback shall be twenty (20) feet.
2. Side yard setback shall be as follows:
 - a. Ten (10) percent of the lot width for an interior yard, but in no case shall be more than fifteen (15) feet nor less than ten (10) feet.
 - b. Twenty (20) feet for a street side yard for a reverse corner lot; ten (10) percent of the lot width for a street side yard for a regular corner lot, but in no case shall be more than twenty (20) feet nor less than ten (10) feet.
3. Rear yard setback shall be twenty (20) feet for a main building; five (5) feet for an accessory building or structure.

E. AREA

1. Any property zoned AGT after the effective date of Ordinance 426 shall be designated AGT-5, and the minimum area for division of land for any property so designated shall be five (5) acres; except:
 - a. The division of agricultural land by lease or rental for any farm use purpose is permitted, provided however, that no structure or building may be erected appurtenant to such division of land except those permitted under Section VI (3)-B-11 of this Ordinance.
 - b. Division of land for less than five (5) acres is permissible for uses permitted under Section VI (3)-B-7 and B-8 and permitted conditionally in the AGT District except under Section VI (3)-C-15.
2. The minimum area for the division of land for any property zoned AGT prior to the effective date of Ordinance 426 shall be one (1) acre and shall have a lot width of not less than one hundred fifty (150) feet.
3. For each accessory dwelling or mobile home unit approved conditionally under Section VI (3)-C-15, except farm labor camps, the lot shall contain a minimum average of five (5) acres per such accessory unit.
4. A single-family dwelling or mobile home only may be established on any lot separately owned as of September 13, 1969 which does not conform to the area requirements provided in paragraphs 1 and 2 above.
5. The main building and accessory buildings located on any one building site or lot shall not cover in excess of thirty (30) percent of the lot area.

6. The following animal use area regulations shall apply on lots of less than five (5) acres:

a. Cows, horses, sheep or goats cannot be kept on lots having an area of less than one (1) acre. The minimum area for such animals (other than their young under the age of six months) on less than five (5) acres shall be as follows:

Horses One (1) per acre, plus one (1) additional for every 15,000 sq. ft.

Cow One (1) per acre, plus one (1) additional for every 10,000 sq. ft.

Goat or sheep Five (5) per acre, plus one (1) additional for every 2,000 sq. ft.

The area of a property may be utilized one time only for the computation of the above allowable animal usage.

- b. The number of chickens, fowl and/or rabbits (over the age of six (6) months) shall not exceed one for each five hundred (500) square feet of property. The number of young chickens, fowl and/or rabbits (under the age of six (6) months) allowed on the property any time shall not exceed three (3) times the allowable number of chickens, fowl, and/or rabbits over the age of six (6) months.
- c. The number of colonies of bees allowed on a lot shall be limited to one (1) colony for each two thousand (2,000) square feet of lot area.
- d. Animal runs, stables, barns, corrals of less than one half acre, chicken or fowl pens, and colonies of bees shall be located on the rear half of the property, but not closer than seventy (70) feet from the front property line no closer than forty (40) feet from any residence or other property line.

Animals, chickens, and/or fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal and poultry food shall be stored so as to be rodent-proof.

When an ACT District is reclassified to another district, all those animal uses in this paragraph shall be required to comply with the requirements of said other district for such uses within a period of six (6) months from the date of reclassification.

F. VISION CLEARANCE

Vision clearance for corner lots shall be a minimum of fifteen (15) feet.

Exhibit J
Craig E. McKern, Appraiser, P.S.
State Certified Residential Real Estate Appraiser
Mailing: 1574 Coburg Road, PMB 397, Eugene, Oregon 97401-4802
Telephone 541-345-0744 Facsimile 541-345-0577
email: cem9th@msn.com

May 9, 2005

Richard and Velma Nice
c/o Steve Cornacchia
Hershner Hunter
180 East 11th Avenue
Eugene, Oregon 97401

RE: Lane Code 2.740 (6)

Steve,

For your file 31155-00001, here is the Ballot Measure 37 summary for the Nice's property at 85528 Dilley Lane, Eugene, Oregon 97405.

Estimated value of subject in total "as is" on current 3.5 acre m/l site –	\$255,000
Estimated value of subject improvements on a hypothetical 1.41 acre m/l site –	\$225,000
Estimated value of hypothetical portion of Tax Lot 400 (northeast 1.05 acres m/l, with well and septic system in place, hardship mobile home pad in place --	\$80,000
Postulated value of remainder hypothetical portion of Tax Lot 400 (westerly 170 feet by 262.5 feet more or less, 1.02 acres more or less, WITHOUT well and septic system in place) is calculated at \$80,000 minus estimated \$15,000 value of well and septic system in northeast portion above –	\$65,000
Total as hypothetically partitioned into three parcels =	\$370,000
"As is" prior to any partitioning =	\$255,000
Estimated Value Difference =	\$115,000

Cordially,

Craig E. McKern





Summary Appraisal Report for Real Property

LOCATED AT:

85528 Dilley Lane (HYPOTHETICAL SITE)
Eugene, Oregon 97405

FOR:

Nice, Richard and Velma
85528 Dilley Lane, Eugene, Oregon 97405

AS OF:

March 17, 2005

BY:

Craig E. McKern
Certified Residential Real Estate Appraiser
1574 Coburg Road, PMB 397
Eugene, Oregon 97401-4802
files 031005 A, B and C

THREE APPRAISAL REPORTS FOR USE IN A MEASURE 37
LAND USE PROCEEDING IN LANE COUNTY, OREGON

A Summary Appraisal Reports of a Complete Appraisal of
HYPOTHETICAL ACREAGE AS IF VACANT AND READY TO BUILD

Portion of Tax Lot 18-02-19-00-00400
A 1.05 acre site, one of two "after" instances
(as if surveyed, one legal lot; one buildable homesite assumed)
File 031005A

AND

A Summary Appraisal Report of a Limited Scope Appraisal of
HYPOTHETICAL ACREAGE WITH PRESENT IMPROVEMENTS

Portion of Tax Lot 18-02-19-00-00400
A 1.41 acre hypothetical site, one of two "after" instances
(as if surveyed, with all present improvements on the south
portion of Tax Lot 18-02-19-00-00400)
File 031005B

AND

A Summary Appraisal Report of a Limited Appraisal of

Tax Lot 18-02-19-00-00400
The entire present site containing 3.5 acres and all improvements
The "before, as is" instance
File 031005C

Current Property Address:
85528 Dilley Lane
Eugene, Oregon 97405

Client:

Nice, Richard and Velma

Purpose of the Appraisal:

To estimate market value of actual and hypothetical parcels subject to certain conditions
outlined in the reports and addendums for appraiser's file 031005A, 031005B, 031005C

Use of the Appraisal:

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

Date of Most Recent Inspection
and Effective Date of Report:
March 17, 2005

Report Completion Date:
April 14, 2005

Prepared by:
Craig E. McKern, Appraiser, P.C.
Certified Residential Real Estate Appraiser
1574 Coburg Road, PMB 397
Eugene, Oregon 97401-4802

LAND APPRAISAL REPORT

Summary Appraisal Report

File No. 031005A

Borrower No borrower Census Tract 17.00 Map Reference See Below
 Property Address Number Not Assigned Dilley Lane (HYPOTHETICAL SITE) Portion of Tax Lot 18-02-19-00-00400
 City Eugene County Lane State Oregon Zip Code 97405
 Legal Description Portion of Lengthy Metes and Bounds Legal Description\see deed and plat map attached
 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 \$ Lot Only (yr) Loan charges to be paid by seller \$ N/A Other sales concessions Not Applicable
 Lender/Client Nice, Richard and Velma Address 85528 Dilley Lane, Eugene, Oregon 97405
 Occupant Vacant (hypothetical) 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 facsimile 541-345-0577

Location	<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Employment Stability <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Convenience to Employment <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Convenience to Shopping <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Convenience to Schools <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Adequacy of Public Transportation <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Recreational Facilities <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Adequacy of Utilities <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Property Compatibility <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Protection from Detrimental Conditions <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Police and Fire Protection <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> General Appearance of Properties <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Appeal to Market <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" 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 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>75% 1 Family</u> <u>3% 2-4 Family</u> <u>0% Apts.</u> <u>0% Condo</u> <u>5% Commercial</u>			
Change in Present Land Use	<input type="checkbox"/> Not Likely	<input type="checkbox"/> Likely (*)	<input checked="" type="checkbox"/> Taking Place (*)	
Predominant Occupancy	(*) From <u>vacant/undeveloped</u> To <u>residential</u>			
Single Family Price Range	<u>\$ 100</u> to <u>\$ 600+</u> Predominant Value <u>\$ 200-300</u>			

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): Subject is located about 7 miles southeast of Eugene city limits in the west Pleasant Hill district of central Lane County (with a Eugene mailing address). The area has developed with a wide range of suburban to rural improvements and land uses including public parks, open space and riverways; schools, places of worship, truck farms, RV parks, spot industrial uses, the unincorporated Pleasant Hill commercial area, single family residential on 0.5 to 20+ acre sites.

Dimensions 45,900 square feet more or less = 1.05 Sq. Ft. or Acres Corner Lot
 Zoning classification RR-5 Rural Residential -5 acre min. for new partitions Present Improvements do do not conform to zoning regulations
 Highest and best use Present use Other (specify) future single family residence
 Elec. Public Other (Describe) _____
 Gas _____
 Water Private Well _____
 San. Sewer Private Septic _____
 Underground Elect. & Tel. _____
 OFF SITE IMPROVEMENTS
 Street Access Public Private
 Surface Asphalt
 Maintenance Public Private
 Storm Sewer Curb/Gutter
 Sidewalk Street Lights
 Topo Level _____
 Size Typical small acres
 Shape Rectangular
 View Hills, fields
 Drainage Normally Adequate; FEMA 41039C1655F; Zone AE
 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 plat map and owner's sketch for outline of this HYPOTHETICAL site. No such site exists at this time and this report is written for purposes of value comparison under Measure 37 requirements. Site is in a Zone AE flood plain; new structure would need foundation elevation. Site includes the hardship mobile home pad, well, septic system, utility hookups and driveway, plus partial fencing. The fence lines shown in photos are not the same as hypothetical property lines.

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	Dilley Lane - HYPOTHETICAL Eugene	NNA Matthews Road Eugene // \$95,000 asking price	37240 Wheeler Road Pleasant Hill / asking \$89,900	38529 Kickbusch Lane Springfield/ asking \$100,000
Proximity to Subject		1/2 mile southwest	4 air miles east	10 air miles north
Sales Price	\$ Not Sold	\$ 95,000	\$ 87,000	\$ 79,105
Price	\$	\$	\$	\$
Data Source	Inspection/Owners	John L Scott Real Estate/Insp.	Cheryl Neu Realty/ Inspection	Sterling Properties/ Inspection
Date of Sale and Time Adjustment	DESCRIPTION 03-17-2005	DESCRIPTION 06-2004 (COE)	DESCRIPTION 03-2004 (COE)	DESCRIPTION 10-2004 (COE)
		+(-)\$ Adjust. 0	+(-)\$ Adjust. 0	+(-)\$ Adjust. 0
Location	Above Average	Above Average	Average	Good minus
Site/View	1.05 acres m// Hills	2.0 acres / Hills	2.2ac /Fields/Wds	0.87ac/ Hills
Dwelling/Structures	Hardship MH Only	None	None	Placeholder Only
Well/Septic system	Installed/ Installed	None/Approval	None/Approval	Installed/ Installed
Drive/Road access	Installed on site	Available at road	Available at road	Installed on site
Utilities /Adverse	Installed / Not Noted	Available/ Not Noted	Available/ Railroad	Installed/ Not Noted
Sales or Financing Concessions	Cash to seller would be assumed as terms	Cash	Cash	Cash (low price indicator)
Net Adj. (Total)		<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 11,000	<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 8,000	<input type="checkbox"/> + <input type="checkbox"/> - \$
Indicated Value of Subject		Net 11.6 % \$ 84,000	Net 9.2 % \$ 79,000	Net % \$ 79,105

Comments on Market Data: Emphasis on Sale 1, located nearby and in a flood plain requiring higher elevation foundations or restricted placement of the dwelling on site, similar to subject. Acreage adjustment considers first acre in a small site having homesite and most value; also can be adjusted on a per square foot basis at \$0.75 per square foot. Sale 2 is farther from urban center, affected by sporadic train noise. *****

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. SEE REPORTS 031005B AND 031005C WHICH ARE ATTACHED TO THIS REPORT IN SEQUENCE. ***** Sale 3 located in lower McKenzie River valley, about same distance to urban services as subject. Odd sale price due to purchase of two adjacent lots with improvements at negotiated price; selected sale had old MH with pad, well, septic, drive

Final Reconciliation: The market data (sale comparison) approach is the only reliable method of estimating vacant residential site value. The cost approach is omitted; site improvements only are included in adjusted value at estimated cost new for well, septic installations. Income approach does not normally apply to vacant land. Site size adjustment overall considers value of additional site area for outbuildings, animals, hobbies

I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF March 17, 2005 to be \$ 80,000

The opinion of value stated is within a range of indicated values.
 Appraiser(s) Craig E. McKern Review Appraiser (if applicable) _____
 Report completion date April 13, 2005
 Did Did Not Physically Inspect Property

Site Portion (hardship mobile home acre) PHOTOGRAPH ADDENDUM

Borrower/Client	No borrower						
Property Address	Number Not Assigned Dilley Lane (HYPOTHETICAL SITE)						
City	Eugene	County	Lane	State	Oregon	Zip Code	97405
Lender	Nice, Richard and Velma						



North elevation of hardship mobile home site

The mobile home is excluded from value

Included in value is the onsite well, the septic system with an onsite tank and drainfield Using the hypothetical site)



Looking east on Fremont Avenue from near the far northwest corner of present Tax Lot 400

Hypothetical site is the east 410 feet of the north 112' of Tax Lot 400



Looking west on Fremont Avenue

Mobile home on left, hypothetical parcel described begins at the northeast corner of tax Lot 400 and extends 10 feet to west along property line (not necessarily the fence line)

THIS SUMMARY APPRAISAL REPORT IS INTENDED FOR USE BY THE LENDER/CLIENT FOR A MORTGAGE FINANCE TRANSACTION ONLY.

SUBJECT
 Property Address 85528 Dilley Lane (HYPOTHETICAL SITE) City Eugene State OR Zip Code 97405
 Legal Description Portion of Lengthy Metes and Bounds Legal Description\see deed and plat map attached County Lane
 Assessor's Parcel No. Portion of Tax Lot 18-02-19-00-00400 Tax Year 04-05 R.E. Taxes \$ Lot Only Special Assessments \$
 Borrower No borrower Current Owner Nice, Richard and Velma Occupant Owner Tenant Vacant
 Neighborhood or Project Name Goshen - Pleasant Hill - Seavey Loop area Project Type PUD Condominium HOA \$ N/A /Mo
 Sales Price \$ Not Sold Date of Sale 03-17-2005 Description / \$ amount of loan charges/concessions to be paid by seller Not Applicable
 Property rights appraised Fee Simple Leasehold Map Reference Pittmon County page 17 Census Tract 41-039- 17.00

NEIGHBORHOOD
 Note: Race and the racial composition of the neighborhood are not appraisal factors.
 Location Urban Suburban Rural Property values Increasing Stable Declining
 Built up Over 75% 25-75% Under 25% Demand/supply Shortage In balance Over supply
 Growth rate Rapid Stable Slow Marketing time Under 3 mos. 3-6 mos. Over 6 mos.
 Single family housing PRICE (if applic.) \$ (000) AGE (yrs) Condominium housing PRICE (if applic.) \$ (000) AGE (yrs)
 100 Low New N/A Low N/A
 Neighborhood boundaries Subject area is the west Pleasant Hill district between Interstate 5 and Pleasant Hill off Highway 58. A wide range of suburban improvements and land uses is present. Coast Fork Willamette River nearby. Eugene-Springfield metro area employment, shopping, services are about 7 to 15 miles NW.
 600+ High 100+ N/A High N/A
 Predominant Predominant
 250+- None N/A N/A

SITE
 Dimensions 61,500 square feet more or less Site area 1.41 acres more or less Shape Rectangular
 Specific zoning classification and description RR-5 Rural Residential -5 acre min. for new partitions
 Zoning compliance Legal Legal nonconforming (Grandfathered use) Illegal, attach description No zoning
 Highest and best use of subject property as improved (or as proposed per plans and specifications): Present use Other use, attach description.
 Utilities Public Other Public Other Off-site improvements Type Public Private
 Electricity Water Private Well Street Asphalt
 Gas Sanitary sewer Private Septic Alley None

IMPROVEMENTS
 Are there any apparent adverse site conditions (easements, encroachments, special assessments, slide areas, etc.)? Yes No If Yes, attach description.
 Source(s) used for physical characteristics of property: Interior and exterior inspection Exterior inspection from street Previous appraisal files
 MLS Assessment and tax records Prior inspection Property owner Other (Describe):
 No. of Stories One + Type (Det./Att.) Detach Exterior Walls Vinyl Siding Roof Surface Various Manufactured Housing Yes No
 Does the property generally conform to the neighborhood in terms of style, condition and construction materials? Yes No If No, attach description.
 Are there any apparent physical deficiencies or conditions that would affect the soundness or structural integrity of the improvements or the livability of the property?
 Yes No If Yes, attach description.
 Are there any apparent adverse environmental conditions (hazardous wastes, toxic substances, etc.) present in the improvements, on the site, or in the immediate vicinity of the subject property?
 Yes No If Yes, attach description.

I researched the subject market area for comparable listings and sales that are the most similar and proximate to the subject property.
 My research revealed a total of five sales ranging in sales price from \$ 170,000 to \$ 275,000
 My research revealed a total of none listings ranging in list price from \$ to \$
 The analysis of the comparable sales below reflects market reaction to significant variations between the sales and the subject property.

FEATURE	SUBJECT	SALE 1	SALE 2	SALE 3
Address	85528 Dilley Lane Eugene - HYPOTHETICAL	85388 Dilley Lane Eugene // \$295,000 asking price	34833 Highway 58 Eugene // \$189,900 asking price	34728 Highway 58 Eugene // \$199,000 asking price
Proximity to Subject		200 yards south	1/2 mile southwest	2/3 mile southwest
Sales Price	\$ Not Sold	\$ 275,000	\$ 190,000	\$ 203,000
Price/Gross Living Area	\$	\$ 189.39/sq ft	\$ 138.89/sq ft	\$ 138.66/sq ft
Data & Verification Sources		Prudential R. E. Professionals/	Challe Real Estate/ County Rcrrds	RE/max Integrity/County Rcrrds
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION +(-)\$ Adjust.	DESCRIPTION +(-)\$ Adjust.	DESCRIPTION +(-)\$ Adjust.
Sales or Financing Concessions		New Conv. Loan No Points, Costs	New Conv. Loan No Points, Costs	New Conv. Loan Seller paid costs 0
Date of Sale/Time		03-25-2005 (COE)	PENDING SALE 0	06-2004 (COE) 0
Location	Above Average	Above Average	Above Average	Above Average
Site	1.41 ac m/l	5.62 acres m/l -60,000	2.96 acres m/l 0	2.0 acres m/l 0
View	Hills, fields	Woods/ Fields 0	Hills, Fields/ Hwy 0	Hills, Fields/ Hwy +10,000
Design (Style)	Rambler plus	Rambler 0	Rambler 0	Rambler flat roof +10,000
Actual Age (Yrs.)	58act 30eff	56act 30eff	56act 25eff -5,000	52act 30eff
Condition	Good minus	Average plus +5,000	Good minus	Above Average +3,000
Above Grade Room Count	Total Bdrms: Baths 7 3 2	Total Bdrms: Baths 7 2 2	Total Bdrms: Baths 7 3 1 +5,000	Total Bdrms: Baths 7 3 2
Gross Living Area	1,492 Sq. Ft.	1,452 Sq. Ft. 0	1,368 Sq. Ft. +2,500	1,464 Sq. Ft. 0
Basement & Finished Rooms Below Grade	168sf Hobby Rm 144sf Guest Rm	400sf studio/stor None +3,000	176sf Bonus Rm None +3,000	99sf Bonus Rm None +3,000
Garage/Carport	2++ Carports	2+ Carports +2,000	1 + Garage/ 1CP 0	2 Garages (400sf) 0
Inter. Amenities/Quality	FP/App'l's/Ave+	FP/App'l's/AbvAve -5,000	NoFP/App'l's/AbvAv -3,000	WS/App'l's/Ave +5,000
Exterior Amenities	Shop/sheds/ L,F	Grnhse/stor/L, F +10,000	SmallShop/stor/LF +15,000	700sfShop/stor/LF 0
Net Adj. (total)		<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 50,000	<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 17,500	<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 33,000
Adjusted Sales Price of Comparables		Net: 18.2% Gross: 32.7% \$ 225,000	Net: 9.2% Gross: 17.8% \$ 207,500	Net: 16.3% Gross: 16.3% \$ 236,000
Date of Prior Sale	None Noted	None Noted, Known (3 years)	None Noted, Known (3 years)	None Noted, Known (3 years)
Price of Prior Sale	\$	\$	\$	\$

QUANTITATIVE SALES COMPARISON ANALYSIS
 Analysis of any current agreement of sale, option, or listing of the subject property and analysis of the prior sales of subject and comparables: No recent or current listing or sale of the subject noted within the past 3 calendar years; no prior sales of the comparables in the past 3 calendar years unless noted.
 Summary of sales comparison and value conclusion: The sales cited bracket indicated market value using adjustments for this market segment. Footage adjustments are based on 1/3 depreciated cost to construct. Age and condition adjustments are made when necessary. These sales are the three closest to and similar to the subject found and are the only three found in near proximity. All three, like the subject are in the AE flood zone and all are older homes with various updates over the years. Sales 2 and 3 front Highway 58 with adverse direct traffic noise which offsets or more than offsets the site size difference, in appraiser's opinion. The best sale indicator appears to be Sale 1, a similar size 1 level home on larger acreage with river water rights. It has a 44' x 15' greenhouse plus storage sheds, kitchen and windows had been updated in the past 10 years Marketing time= 144 days. Sale 2 is due to close on conventional loan terms circa April 20, 2005; it has hardwood floors, kitchen updates, minor outbuildings

This appraisal is made "as-is", subject to completion per plans and specifications on the basis of a hypothetical condition that the improvements have been completed, or subject to the following repairs, alterations or conditions Improvements "as is"; site size is hypothetical for purposes of comparison under Measure 37
 BASED ON AN EXTERIOR INSPECTION FROM THE STREET OR AN INTERIOR AND EXTERIOR INSPECTION, I ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE REAL PROPERTY THAT IS THE SUBJECT OF THIS REPORT TO BE \$ 225,000, AS OF March 17, 2005

Desktop Underwriter Quantitative Analysis Appraisal Report

File No. 031005B

PUD	Project Information for PUDs (If applicable) - - Is the developer/builder in control of the Home Owners' Association (HOA)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Provide the following information for PUDs only if the developer/builder is in control of the HOA and the subject property is an attached dwelling unit:	
	Total number of phases _____	Total number of units _____
	Total number of units rented _____	Total number of units for sale _____
	Data Source(s) _____	
	Was the project created by the conversion of existing buildings into a PUD? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, date of conversion: _____	
Does the project contain any multi-dwelling units? <input type="checkbox"/> Yes <input type="checkbox"/> No Data Source: _____		
Are the common elements completed? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe status of completion: _____		
Are any common elements leased to or by the Home Owners' Association? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach addendum describing rental terms and options.		
Describe common elements and recreational facilities: _____		

CONDOMINIUM	Project Information for Condominiums (If applicable) - - Is the developer/builder in control of the Home Owners' Association (HOA)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Provide the following information for all Condominium Projects:	
	Total number of phases _____	Total number of units _____
	Total number of units rented _____	Total number of units for sale _____
	Data Source(s) _____	
	Was the project created by the conversion of existing buildings into a condominium? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, date of conversion: _____	
Project Type: <input type="checkbox"/> Primary Residence <input type="checkbox"/> Second Home or Recreational <input type="checkbox"/> Row or Townhouse <input type="checkbox"/> Garden <input type="checkbox"/> Midrise <input type="checkbox"/> Highrise _____		
Condition of the project, quality of construction, unit mix, etc.: _____		
Are the common elements completed? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe status of completion: _____		
Are any common elements leased to or by the Home Owners' Association? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach addendum describing rental terms and options.		
Describe common elements and recreational facilities: _____		

PURPOSE OF APPRAISAL: The purpose of this appraisal is to estimate the market value of the real property that is the subject of this report based on a quantitative sales comparison analysis for use in a mortgage finance transaction.

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

* Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

CONTINGENT AND LIMITING CONDITIONS: The appraiser's certification that appears in the appraisal report is subject to the following conditions:

- The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
- The appraiser has provided any required sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
- The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
- The appraiser has noted in the appraisal report any adverse conditions (such as, but not limited to, needed repairs, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, expressed or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
- The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
- The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the report to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.
- The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to completion per plans and specifications on the basis of a hypothetical condition that the improvements have been completed.
- The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.

Desktop Underwriter Quantitative Analysis Appraisal Report

File No. 031005B

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

1. I performed this appraisal by (1) personally inspecting from the street the subject property and neighborhood and each of the comparable sales (unless I have otherwise indicated in this report that I also inspected the interior of the subject property); (2) collecting, confirming, and analyzing data from reliable public and/or private sources; and (3) reporting the results of my inspection and analysis in this summary appraisal report. I further certify that I have adequate information about the physical characteristics of the subject property and the comparable sales to develop this appraisal.
2. I have researched and analyzed the comparable sales and offerings/listings in the subject market area and have reported the comparable sales in this report that are the best available for the subject property. I further certify that adequate comparable market data exists in the general market area to develop a reliable sales comparison analysis for the subject property.
3. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware, have considered these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them, and have commented about the effect of the adverse conditions on the marketability of the subject property. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
4. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and limiting conditions specified in this form.
5. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
6. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
7. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
8. I estimated the market value of the real property that is the subject of this report based on the sales comparison approach to value. I further certify that I considered the cost and income approaches to value, but, through mutual agreement with the client, did not develop them, unless I have noted otherwise in this report.
9. I performed this appraisal as a limited appraisal, subject to the Departure Provision of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of the appraisal (unless I have otherwise indicated in this report that the appraisal is a complete appraisal, in which case, the Departure Provision does not apply).
10. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value. The exposure time associated with the estimate of market value for the subject property is consistent with the marketing time noted in the Neighborhood section of this report. The marketing period concluded for the subject property at the estimated market value is also consistent with the marketing time noted in the Neighborhood section.
11. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. I further certify that no one provided significant professional assistance to me in the development of this appraisal.

SUPERVISORY APPRAISER'S CERTIFICATION: If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have examined the appraisal report for compliance with the Uniform Standards of Professional Appraisal Practice, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 5 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

APPRAISER:

Signature: *Craig E. McKern*
 Name: Craig E. McKern, Appraiser, P.C.
 Company Name: Craig E. McKern, Appraiser, P.C.
 Company Address: 1574 Coburg Road, PMB 397
Eugene, Oregon 97401
 Date of Report/Signature: April 13, 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: _____
 Company Name: _____
 Company Address: _____
 Date of Report/Signature: _____
 State Certification #: email: cem9th@msn.com
 or State License #: phone 541-345-0744/fax 541-345-0577
 State: _____
 Expiration Date of Certification or License: _____

ADDRESS OF PROPERTY APPRAISED:

85528 Dille Lane (HYPOTHETICAL SITE)
Eugene, OR 97405

APPRAISED VALUE OF SUBJECT PROPERTY \$ 225,000
 EFFECTIVE DATE OF APPRAISAL/INSPECTION March 17, 2005

LENDER/CLIENT:

Name: _____
 Company Name: Nice, Richard and Velma
 Company Address: 85528 Dille Lane, Eugene, Oregon 97405

SUPERVISORY APPRAISER:**SUBJECT PROPERTY**

- Did not inspect subject property
 Did inspect exterior of subject property from street
 Did inspect interior and exterior of subject property

COMPARABLE SALES

- Did not inspect exterior of comparable sales from street
 Did inspect exterior of comparable sales from street

PHOTOGRAPH ADDENDUM 01

Borrower/Client	No borrower						
Property Address	85528 Dilley Lane (HYPOTHETICAL SITE)						
City	Eugene	County	Lane	State	OR	Zip Code	97405
Lender	Nice, Richard and Velma						



East elevation of 85528 Dilley Lane



Entry detail



West elevation area showing covered deck carport, hobby room to right

PHOTOGRAPH ADDENDUM T

Borrower/Client	No borrower		
Property Address	85528 Dilley Lane (HYPOTHETICAL SITE)		
City	Eugene	County	Lane
State	OR	Zip Code	97405
Lender	Nice, Richard and Velma		



West elevation



North elevation of shop/storage structure



Looking east from approximate west boundary of hypothetical 1.41 acre site

fence line is not necessarily the sketched hypothetical property line

PHOTOGRAPH ADDENDUM TH

Borrower/Client	No borrower				
Property Address	85528 Dilley Lane (HYPOTHETICAL SITE)				
City	Eugene	County	Lane	State	OR
				Zip Code	97405
Lender	Nice, Richard and Velma				



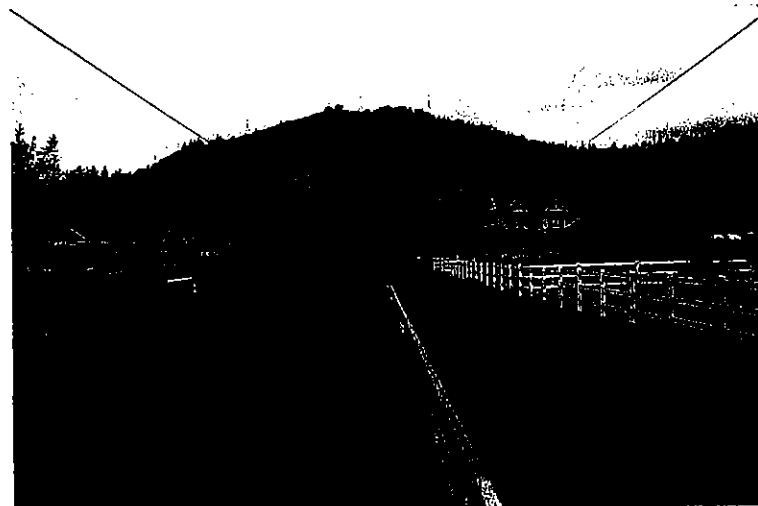
Looking northwest across west fenced field of Tax Lot 400, Mt. Pisgah at right

With this field, plus the hypothetical site the dwelling



Looking from northwest corner of the above field to the southeast corner reciprocally

Fence corner is near the west line of the entire Tax Lot 400



Street scene looking north on Dilley Lane from Fremont Avenue intersection
Mt. Pisgah in background

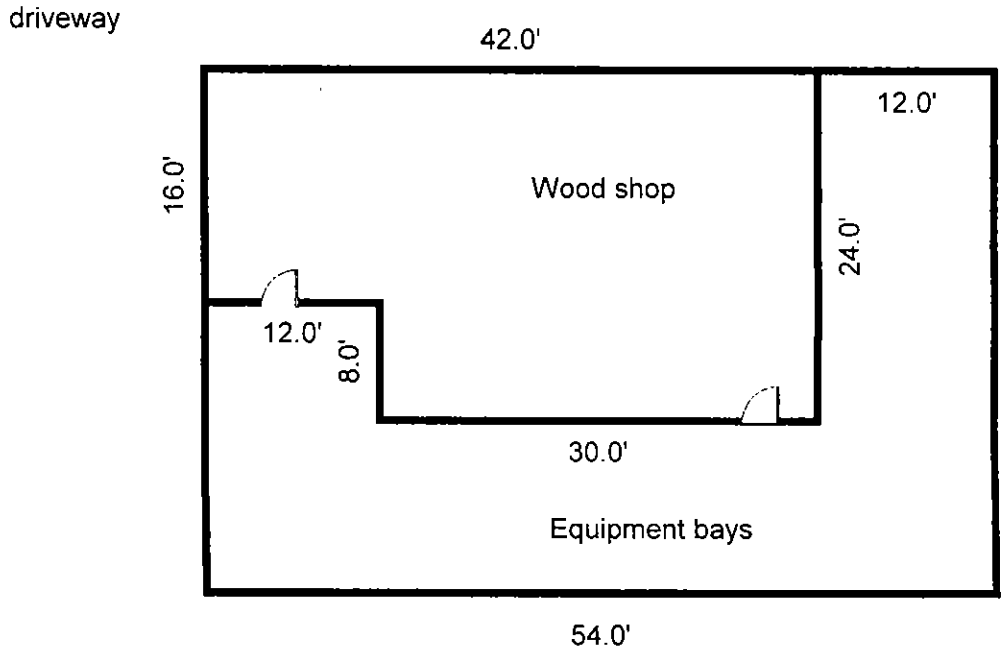
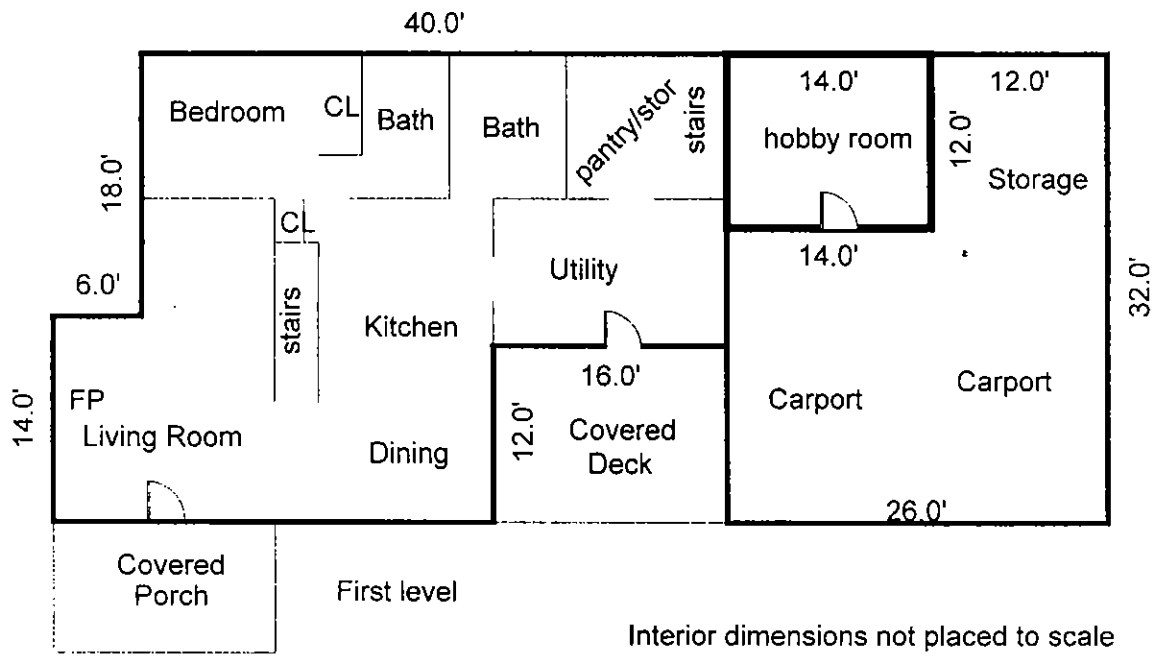
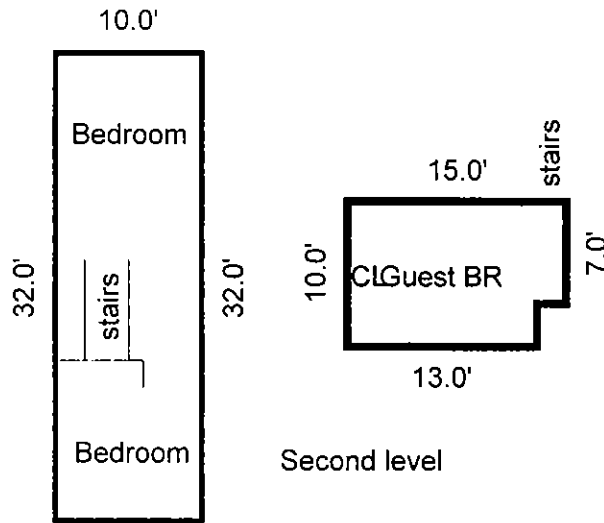
SKETCH/AREA TABLE ADDENDUM

File No 031005B

SUBJECT

Property Address 85528 Dilley lane
 City Eugene County Lane State Oregon Zip 97405
 Borrower no borrower
 Lender/Client Nice
 Appraiser Name Craig E. McKern, Appraiser PC

IMPROVEMENTS SKETCH



Scale. 1 = 13

CALCULATIONS ADDENDUM

File No 031005B

SUBJECT

Property Address 85528 Dilley lane
 City Eugene County Lane State Oregon Zip 97405
 Borrower no borrower
 Lender/Client Nice
 Appraiser Name Craig E. McKern, Appraiser PC

AREA CALCULATIONS

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	1172.0	1172.0
GLA2	finished attic	320.0	320.0
GBA1	Hobby room	168.0	
	Wood shop	912.0	
	Equipment/car bays	1032.0	2112.0
GBA2	Guest BR/storage	144.0	144.0
GAR	Carport/storage	664.0	664.0
Net LIVABLE Area		(Rounded)	1492
Net BUILDING Area		(Rounded)	2256

LIVING/BUILDING AREA BREAKDOWN			
Breakdown			Subtotals
First Floor			
20.0	x	40.0	800.0
12.0	x	24.0	288.0
6.0	x	14.0	84.0
finished attic			
10.0	x	32.0	320.0
Hobby room			
12.0	x	14.0	168.0
Wood shop			
16.0	x	42.0	672.0
8.0	x	30.0	240.0
Equipment/car bays			
12.0	x	54.0	648.0
8.0	x	12.0	96.0
12.0	x	24.0	288.0
Guest BR/storage			
10.0	x	13.0	130.0
2.0	x	7.0	14.0
12 Items			(Rounded)
			3748

INDIVIDUAL AREA - BREAKDOWN CALCULATIONS

First Floor		GLA1
20.0	x	40.0 = 800.0
12.0	x	24.0 = 288.0
6.0	x	14.0 = 84.0
Area total (Rounded) =		1172

finished attic		GLA2
10.0	x	32.0 = 320.0
Area total (Rounded) =		320

CALCULATIONS ADDENDUM

File No 031005B

SUBJECT

Property Address 85528 Dilley lane

City Eugene

County Lane

State Oregon

Zip 97405

Borrower no borrower

Lender/Client Nice

Appraiser Name Craig E. McKern, Appraiser PC

Hobby room	GBA1
12.0 x 14.0 =	168.0
Area total (Rounded) = 168	

Guest BR/storage	GBA2
10.0 x 13.0 =	130.0
2.0 x 7.0 =	14.0
Area total (Rounded) = 144	

Carport/storage	GAR
12.0 x 32.0 =	384.0
14.0 x 20.0 =	280.0
Area total (Rounded) = 664	

Wood shop	GBA1
16.0 x 42.0 =	672.0
8.0 x 30.0 =	240.0
Area total (Rounded) = 912	

Equipment/car bays	GBA1
12.0 x 54.0 =	648.0
8.0 x 12.0 =	96.0
12.0 x 24.0 =	288.0
Area total (Rounded) = 1032	

INDIVIDUAL AREA - BREAKDOWN CALCULATIONS

THIS SUMMARY APPRAISAL REPORT IS INTENDED FOR USE BY THE LENDER/CLIENT FOR A MORTGAGE FINANCE TRANSACTION ONLY.

Property Address 85528 Dille Lane -- "as is" current site City Eugene State OR Zip Code 97405
 Legal Description Portion of Lengthy Metes and Bounds Legal Description\see deed and plat map attached County Lane
 Assessor's Parcel No. 18-02-19-00-00400 Tax Lot 18-02-19-00-00400 Tax Year 04-05 R.E. Taxes \$ 1,381.59 Special Assessments \$ None noted
 Borrower No borrower Current Owner Nice, Richard and Velma Occupant Owner Tenant Vacant
 Neighborhood or Project Name Goshen - Pleasant Hill - Seavey Loop area Project Type PUD Condominium HOA \$ N/A /Mo.
 Sales Price \$ Not Sold Date of Sale 03-17-2005 Description / \$ amount of loan charges/concessions to be paid by seller Not Applicable
 Property rights appraised Fee Simple Leasehold Map Reference Pittmon County page 17 Census Tract 41-039- 17.00

Note: Race and the racial composition of the neighborhood are not appraisal factors.

Location Urban Suburban Rural Property values Increasing Stable Declining Single family housing PRICE AGE Condominium housing PRICE (if applic.) AGE
 Built up Over 75% 25-75% Under 25% Demand/supply Shortage In balance Over supply \$(000) (yrs) \$(000) (yrs)
 Growth rate Rapid Stable Slow Marketing time Under 3 mos. 3-6 mos. Over 6 mos. 100 Low New N/A Low N/A
 Neighborhood boundaries Subject area is the west Pleasant Hill district between Interstate 5 and Pleasant Hill off Highway 58. A wide range of suburban improvements and land uses is present. Coast Fork Willamette River nearby. Eugene-Springfield metro area employment, shopping, services are about 7 to 15 miles NW. 600+ High 100+ N/A High N/A
 Predominant Predominant
 250+- None N/A N/A

Dimensions 262.5' x 580' more or less Site area 3.5 acres more or less Shape Rectangular
 Specific zoning classification and description RR-5 Rural Residential -5 acre min. for new partitions
 Zoning compliance Legal Legal nonconforming (Grandfathered use) Illegal, attach description No zoning
 Highest and best use of subject property as improved (or as proposed per plans and specifications): Present use Other use, attach description.
 Utilities Public Other Public Other Off-site Improvements Type Public Private
 Electricity Water Private Well Street Asphalt
 Gas Sanitary sewer Private Septic Alley None

Are there any apparent adverse site conditions (easements, encroachments, special assessments, slide areas, etc.)? Yes No If Yes, attach description.
 Source(s) used for physical characteristics of property: Interior and exterior inspection Exterior inspection from street Previous appraisal files
 MLS Assessment and tax records Prior inspection Property owner Other (Describe):
 No. of Stories One + Type (Det./Att.) Detach Exterior Walls Vinyl Siding Roof Surface Various Manufactured Housing Yes No
 Does the property generally conform to the neighborhood in terms of style, condition and construction materials? Yes No If No, attach description.
 Are there any apparent physical deficiencies or conditions that would affect the soundness or structural integrity of the improvements or the livability of the property?
 Yes No If Yes, attach description.
 Are there any apparent adverse environmental conditions (hazardous wastes, toxic substances, etc.) present in the improvements, on the site, or in the immediate vicinity of the subject property? Yes No If Yes, attach description.

I researched the subject market area for comparable listings and sales that are the most similar and proximate to the subject property.
 My research revealed a total of five sales ranging in sales price from \$ 170,000 to \$ 275,000.
 My research revealed a total of none listings ranging in list price from \$ _____ to \$ _____.
 The analysis of the comparable sales below reflects market reaction to significant variations between the sales and the subject property.

FEATURE	SUBJECT	SALE 1		SALE 2		SALE 3	
Address	85528 Dille Lane - "as is" site Eugene	85388 Dille Lane Eugene // \$295,000 asking price		34833 Highway 58 Eugene // \$189,900 asking price		34728 Highway 58 Eugene // \$199,000 asking price	
Proximity to Subject		200 yards south		1/2 mile southwest		2/3 mile southwest	
Sales Price	\$ Not Sold	\$ 275,000		\$ 190,000		\$ 203,000	
Price/Gross Living Area	\$	\$ 189.39/sq ft		\$ 138.89/sq ft		\$ 138.66/sq ft	
Data & Verification Sources		Prudential R. E. Professionals/		Chaille Real Estate/ County Rcrds		RE/max Integrity/County Rcrds	
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+(-)\$ Adjust.	DESCRIPTION	+(-)\$ Adjust.	DESCRIPTION	+(-)\$ Adjust.
Sales or Financing Concessions		New Conv. Loan No Points, Costs		New Conv. Loan No Points, Costs		New Conv. Loan Seller paid costs 0	
Date of Sale/Time		03-25-2005 (COE)		PENDING SALE 0		06-2004 (COE) 0	
Location	Above Average	Above Average		Above Average		Above Average	
Site	3.5 acres m/l	5.62 acres m/l -30,000		2.96 acres m/l +10,000		2.0 acres m/l +15,000	
View	Hills, fields	Woods/ Fields 0		Hills, Fields/ Hwy +15,000		Hills, Fields/ Hwy +15,000	
Design (Style)	Rambler plus	Rambler 0		Rambler 0		Rambler flat roof +10,000	
Actual Age (Yrs.)	58act 30eff	56act 30eff		56act 25eff -5,000		52act 30eff	
Condition	Good minus	Average plus +5,000		Good minus		Above Average +3,000	
Above Grade	Total Bdrms: Baths	Total Bdrms: Baths		Total Bdrms: Baths		Total Bdrms: Baths	
Room Count	7 3 2	7 2 2		7 3 1 +5,000		7 3 2	
Gross Living Area	1,492 Sq. Ft.	1,452 Sq. Ft.		1,368 Sq. Ft. +2,500		1,464 Sq. Ft. 0	
Basement & Finished Rooms Below Grade	168sf Hobby Rm	400sf studio/stor -5,000		176sf Bonus Rm 0		99sf Bonus Rm +2,000	
Garage/Carport	2++ Carports	2+ Carports +2,000		1 + Garage/ 1CP 0		2 Garages (400sf) 0	
Inter. Amenities/Quality	FP/App'l's/Ave+	FP/App'l's/AbvAve -5,000		NoFP/App'l's/AbvAv -3,000		WS/App'l's/Ave. +5,000	
Exterior Amenities	Shop/sheds/ L,F	Grnhse/stor./L, F +10,000		SmallShop/stor/LF +15,000		700sfShop/stor/LF 0	
Net Adj. (total)		+ \$ 20,000		+ \$ 42,500		+ \$ 53,000	
Adjusted Sales Price of Comparables		Net 7.3 % Gross 21.8 % \$ 255,000		Net 22.4 % Gross 30.8 % \$ 232,500		Net 26.1 % Gross 26.1 % \$ 256,000	
Date of Prior Sale	None Noted	None Noted, Known (3 years)		None Noted, Known (3 years)		None Noted, Known (3 years)	
Price of Prior Sale	\$	\$		\$		\$	

Analysis of any current agreement of sale, option, or listing of the subject property and analysis of the prior sales of subject and comparables: No recent or current listing

Comparable Photo Page

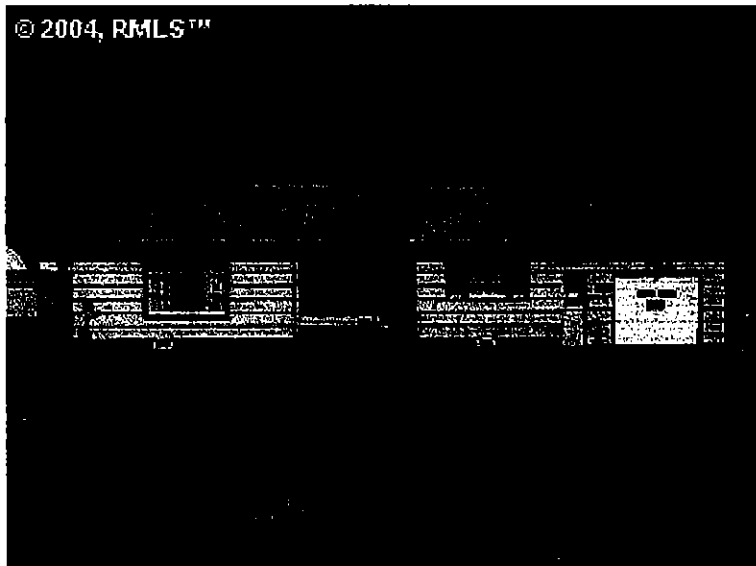
Borrower/Client No borrower			
Property Address 85528 Dilley Lane (HYPOTHETICAL SITE)			
City Eugene	County Lane	State OR	Zip Code 97405
Lender Nice, Richard and Velma			



Comparable 1

85388 Dilley Lane
 Prox. to Subject 200 yards south
 Sale Price 275,000
 Gross Living Area 1,452
 Total Rooms 7
 Total Bedrooms 2
 Total Bathrooms 2
 Location Above Average
 View Woods/ Fields
 Site 5.62 acres m/l
 Quality
 Age 56act 30eff

Current photo



Comparable 2

34833 Highway 58
 Prox. to Subject 1/2 mile southwest
 Sale Price 189,900
 Gross Living Area 1,368
 Total Rooms 7
 Total Bedrooms 3
 Total Bathrooms 1
 Location Above Average
 View Hills, Fields/ Hwy
 Site 2.96 acres m/l
 Quality
 Age 56act 30eff

RMLS photo used due to
 people in scene at time of
 drive-by



Comparable 3

34728 Highway 58
 Prox. to Subject 2/3 mile southwest
 Sale Price 203,000
 Gross Living Area 1,464
 Total Rooms 7
 Total Bedrooms 3
 Total Bathrooms 2
 Location Above Average
 View Hills, Fields/ Hwy
 Site 2.0 acres m/l
 Quality

Desktop Underwriter Quantitative Analysis Appraisal Report

File No. 031005C

PUD

Project Information for PUDs (If applicable) - Is the developer/builder in control of the Home Owners' Association (HOA)? Yes No
Provide the following information for PUDs only if the developer/builder is in control of the HOA and the subject property is an attached dwelling unit:
Total number of phases _____ Total number of units _____ Total number of units sold _____
Total number of units rented _____ Total number of units for sale _____ Data Source(s) _____
Was the project created by the conversion of existing buildings into a PUD? Yes No If yes, date of conversion: _____
Does the project contain any multi-dwelling units? Yes No Data Source: _____
Are the common elements completed? Yes No If No, describe status of completion: _____
Are any common elements leased to or by the Home Owners' Association? Yes No If yes, attach addendum describing rental terms and options.
Describe common elements and recreational facilities: The subject is not located in a Planned Unit development.

CONDOMINIUM

Project Information for Condominiums (If applicable) - Is the developer/builder in control of the Home Owners' Association (HOA)? Yes No
Provide the following information for all Condominium Projects:
Total number of phases _____ Total number of units _____ Total number of units sold _____
Total number of units rented _____ Total number of units for sale _____ Data Source(s) _____
Was the project created by the conversion of existing buildings into a condominium? Yes No If yes, date of conversion: _____
Project Type: Primary Residence Second Home or Recreational Row or Townhouse Garden Midrise Highrise
Condition of the project, quality of construction, unit mix, etc.: _____
Are the common elements completed? Yes No If No, describe status of completion: _____
Are any common elements leased to or by the Home Owners' Association? Yes No If yes, attach addendum describing rental terms and options.
Describe common elements and recreational facilities: _____

PURPOSE OF APPRAISAL: The purpose of this appraisal is to estimate the market value of the real property that is the subject of this report based on a quantitative sales comparison analysis for use in a mortgage finance transaction.

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale

* Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment

STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

CONTINGENT AND LIMITING CONDITIONS: The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
2. The appraiser has provided any required sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
4. The appraiser has noted in the appraisal report any adverse conditions (such as, but not limited to, needed repairs, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, expressed or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
5. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
6. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice

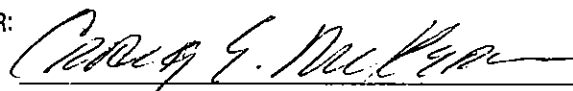
Desktop Underwriter Quantitative Analysis Appraisal Report

File No. 031005C

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

1. I performed this appraisal by (1) personally inspecting from the street the subject property and neighborhood and each of the comparable sales (unless I have otherwise indicated in this report that I also inspected the interior of the subject property); (2) collecting, confirming, and analyzing data from reliable public and/or private sources; and (3) reporting the results of my inspection and analysis in this summary appraisal report. I further certify that I have adequate information about the physical characteristics of the subject property and the comparable sales to develop this appraisal.
2. I have researched and analyzed the comparable sales and offerings/listings in the subject market area and have reported the comparable sales in this report that are the best available for the subject property. I further certify that adequate comparable market data exists in the general market area to develop a reliable sales comparison analysis for the subject property.
3. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware, have considered these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them, and have commented about the effect of the adverse conditions on the marketability of the subject property. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
4. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and limiting conditions specified in this form.
5. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
6. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
7. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
8. I estimated the market value of the real property that is the subject of this report based on the sales comparison approach to value. I further certify that I considered the cost and income approaches to value, but, through mutual agreement with the client, did not develop them, unless I have noted otherwise in this report.
9. I performed this appraisal as a limited appraisal, subject to the Departure Provision of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of the appraisal (unless I have otherwise indicated in this report that the appraisal is a complete appraisal, in which case, the Departure Provision does not apply).
10. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value. The exposure time associated with the estimate of market value for the subject property is consistent with the marketing time noted in the Neighborhood section of this report. The marketing period concluded for the subject property at the estimated market value is also consistent with the marketing time noted in the Neighborhood section.
11. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. I further certify that no one provided significant professional assistance to me in the development of this appraisal.

SUPERVISORY APPRAISER'S CERTIFICATION: If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have examined the appraisal report for compliance with the Uniform Standards of Professional Appraisal Practice, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 5 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

APPRAISER:
 Signature: 
 Name: Craig E. McKern, Appraiser, P.C.
 Company Name: Craig E. McKern, Appraiser, P.C.
 Company Address: 1574 Coburg Road, PMB 397
Eugene, Oregon 97401
 Date of Report/Signature: April 14, 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: _____
 Company Name: _____
 Company Address: _____
 Date of Report/Signature: _____
 State Certification #: email: cem9th@msn.com
 or State License #: phone 541-345-0744/fax 541-345-0577
 State: _____
 Expiration Date of Certification or License: _____

SUPPLEMENTAL ADDENDUM

File No. 031005C

File No. 031005C

Borrower/Client	No borrower		
Property Address	85528 Dilley Lane -- "as is" current site		
City	Eugene	County	Lane
State	OR	Zip Code	97405
Lender	Nice, Richard and Velma		

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 inspected the subject site and the improvements on March 17, 2005. Relevant information on comparable land and improved site sales, construction costs and accrued depreciation were also gathered, verified and considered.

All three approaches to value were considered; the sales comparison approach only was developed. The cost approach is of limited use in the appraisal of a midlife to older existing home in a mostly fully developed location. A land value range was determined by appraisal of a hypothetical portion of the total subject site; see report 031005A attached.

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

Purpose of the Appraisal and Use of the Report:

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

This appraisal report is intended ONLY for the use of the client named for the purpose of establishing a fair market value by an independent third party for Measure 37 proceedings. The use of this report is restricted to the clients, Richard and Velma Nice and their legal counsel for this purpose only. Duly constituted Lane County committees or courts for Measure 37 appeals are also and 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.

Borrower No borrower

File No. 031005C

Property Address 85528 Dilley Lane -- "as is" current site

City Eugene

County Lane

State OR

Zip Code 97405

Lender Nice, Richard and Velma

APPRAISAL AND REPORT IDENTIFICATIONThis 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 for 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.)

I have made a personal interior inspection of 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. The owners of the subject are represented by able counsel.

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 and 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 this report 031005A in conjunction with reports 031005B and 031005C. 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: 

SUPERVISORY APPRAISER (only if required):

HERSHNER HUNTER

11-07-05P05:01 RCVD

STEVE CORNACCHIA
scornacchia@hershnerhunter.com

November 7, 2005

Kent Howe, Director
Lane County Land Management Division
125 E. 8th Avenue
Eugene, OR 97401

RE: Nice BM 37 Claim (PA 05-58130)

Our File No. 31155 00001

Dear : Kent

We represent Dick and Velma Nice regarding this matter. Pursuant to our phone conversation, this letter constitutes, on behalf of our clients, a written waiver of the 180-day limitation on local government action on claims as provided by Ballot Measure 37. We understand that the matter is scheduled for public hearing before the Board of Commissioners on November 9th, that the hearing will be opened and then continued until further notice. Please keep the subject application on hold thereafter while we sort out the floodway issues involving the Nice's property.

If you have any questions regarding this matter please contact me.

Best regards,



STEVE CORNACCHIA

PSC:psc

ATTACHMENT B

**SUPPLEMENTAL INFORMATION
SUBMITTED ON DECEMBER 22, 2005**

DEC 22 2005

HERSHNER HUNTER
LP

STEVE CORNACCHIA
scornacchia@hershnerhunter.com

December 22, 2005

HAND DELIVERED

Lane County Land Management Division
ATTN: Frèdèrique Château-Gruener
125 E. 8th Avenue
Eugene, Or 97401

Re: PA05-5813 (Nice)
Our File No. 31155 00001

Dear Frèdèrique:

Enclosed are two letters and attached materials from Craig E. McKern, the appraiser for Richard and Velma Nice regarding the aforementioned Ballot Measure 37 claim. The letters are provided to you for the purpose of addressing Lane County planning staff concerns, contained in the November 8, 2005 Agenda Cover Memo, regarding the appraisal conducted by Mr. McKern. Specifically the staff report stated:

“The appraiser didn’t appear to take into consideration the potential high development costs typically associated with the development of dwellings within the Floodway. * * * It is therefore unknown whether the hypothetical values listed in the appraisal are accurate or not. Because it is difficult to determine what the exact fair market value reduction, if any, would be for this property, it is recommended that the applicants provide a revised appraisal with the floodway regulations taken into account.”

Mr. McKern’s response to the staff report is contained in his correspondence. In that correspondence he demonstrates that he did take the cost of development in the AE zone into account and, in fact, used comparable properties within the AE zone in conducting his appraisal.

Lane County Land Management Division
December 22, 2005
Page 2

Please re-schedule this matter for hearing before the Board of Commissioners at the earliest possible date and include this correspondence and the attached materials in the record of this proceeding.

Best regards,

A handwritten signature in cursive script, appearing to read "Steve Cornacchia".

STEVE CORNACCHIA

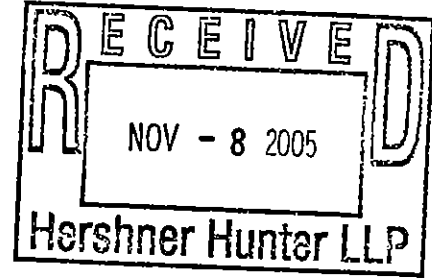
PSC:ss
Enclosures

Cc: Client (with enclosures)

Craig E. McKern, Appraiser, P.C.
State Certified Residential Real Estate Appraiser
Mailing: 1574 Coburg Road, PMB 397, Eugene, Oregon 97401-4802
Telephone 541-345-0744 Facsimile 541-345-0577
email: cem9th@msn.com

November 7, 2005

Steve Cornacchia
Hershner Hunter
180 East 11th Avenue
Eugene, Oregon 97401



re: Richard and Velma Nice Ballot Measure 37 claim

Steve,

I have researched land uses in the immediate area of Dilley Lane and Fremont Avenue to see what sort of ammunition the clients could have in furthering their Measure 37 claim. As we have discussed, current Lane County building ordinances present challenges for building and/or partitioning in a designated floodway.

I have attached property report summaries for the several relevant properties in the subject's immediate area which may prove useful. Please refer to the area plat map attached also. I'm assuming you already have the flood map I faxed to you last week.

All these properties are in Zones A3 and in the designated floodway on the east side of Dilley Lane, closer to the river than the subject.

Most notable is Partition Plat 2000-P1332, creating three tax lots out of about 19 acres more or less in the year 2000. Tax Lot 1504 at 85561 Dilley Lane has a home built in 2003 on it and the home is (by my eagle eye estimate at a distance) less than 150 feet from the river bank. Tax Lot 1503 has a newer structure built in 2000 that appears to be a combination shop/garage with a residence on the second level; address is 85565 Dilley Lane. *99 5857*

Tax Lot 2100 has 12.33 acres more or less and river frontage and also a home started in 2004 per the county which is not yet complete, with siding in progress; it appears to be occupied and the address is 85627 Dilley Lane. *99 5998*

Also, 85425 Dilley Lane, Tax Lot 1701, is shown as 0.55 of an acre and squeezed hard between the river and the road; it is an older home which appears to have been substantially rebuilt/improved, possibly following the Floods of 1964 or 1996; I am acquainted with the prior owner and can get remodel/addition details if needed.

I can also email photos of these properties or print them out with captions if needed.

Cordially,

Craig E. McKern

A handwritten signature in black ink that reads "Craig E. McKern".

Craig E. McKern, Appraiser, S.C.
 State Certified Residential Real Estate Appraiser
 Mailing: 1574 Coburg Road, PMB 397, Eugene, Oregon 97401-4802
 Telephone 541-345-0744 Facsimile 541-345-0577
 email: cem9th@msn.com

December 6, 2005

Steve Cornacchia
 Hershner Hunter
 180 East 11th Avenue
 Eugene, Oregon 97401

re: Richard and Velma Nice
 85528 Dilley Lane
 Eugene, Oregon 97405
 my files 031005A-C

Steve,

This letter is to address the question from the Lane County Measure 37 review panel regarding the AE flood zone of the subject site in general and the postulated two 1 +/- acre sites proposed to be created from Tax Lot 18-04-09-00-00400 as a part of the Nice's Measure 37 claim.

In assigning value to these two postulated vacant and assumed buildable sites, I did consider the AE flood plain and code requirements to elevate a first floor level to one foot above the base 100 year flood plain elevation. These elevations are established generally by FEMA and also much more specifically by an actual survey on the site.

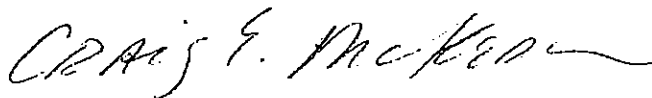
I have taken another look at other residential properties near the subject and it appears to me the foundation elevations are little if any elevated above a standard 1.5 feet above ground level. The dwelling adjacent to the subject on the west at 35080 Fremont Avenue is a remodeled older home and appears to have a typical foundation elevation. The new dwelling at 85627 Dilley Lane, still under construction, has an elevated foundation about three feet high or so and it is on Tax Lot 18-02-20-00-2100, considerably closer to the river.

'11
 02-5395

While I am not saying a standard 1.5 foot foundation elevation above present ground grade would be adequate to elevate the first floor level of any new structure on the postulated two 1 +/- acre sites above the AE 100 year flood plain, it appears to me that an extraordinarily high foundation would not be necessary on these subject proposed sites. Also, since the three comparable vacant land sales I used in report 031005A were also in AE flood plains, it appears the buyers of these three properties had the opportunity to consider any added foundation costs when making their offer to purchase, making an adjustment for construction cost unnecessary.

Should it be shown by correct survey that an extraordinarily high foundation is necessary for new structures on these two 1 +/- acre postulated sites, I will reconsider the above opinion and information.

Cordially,
 Craig E. McKern

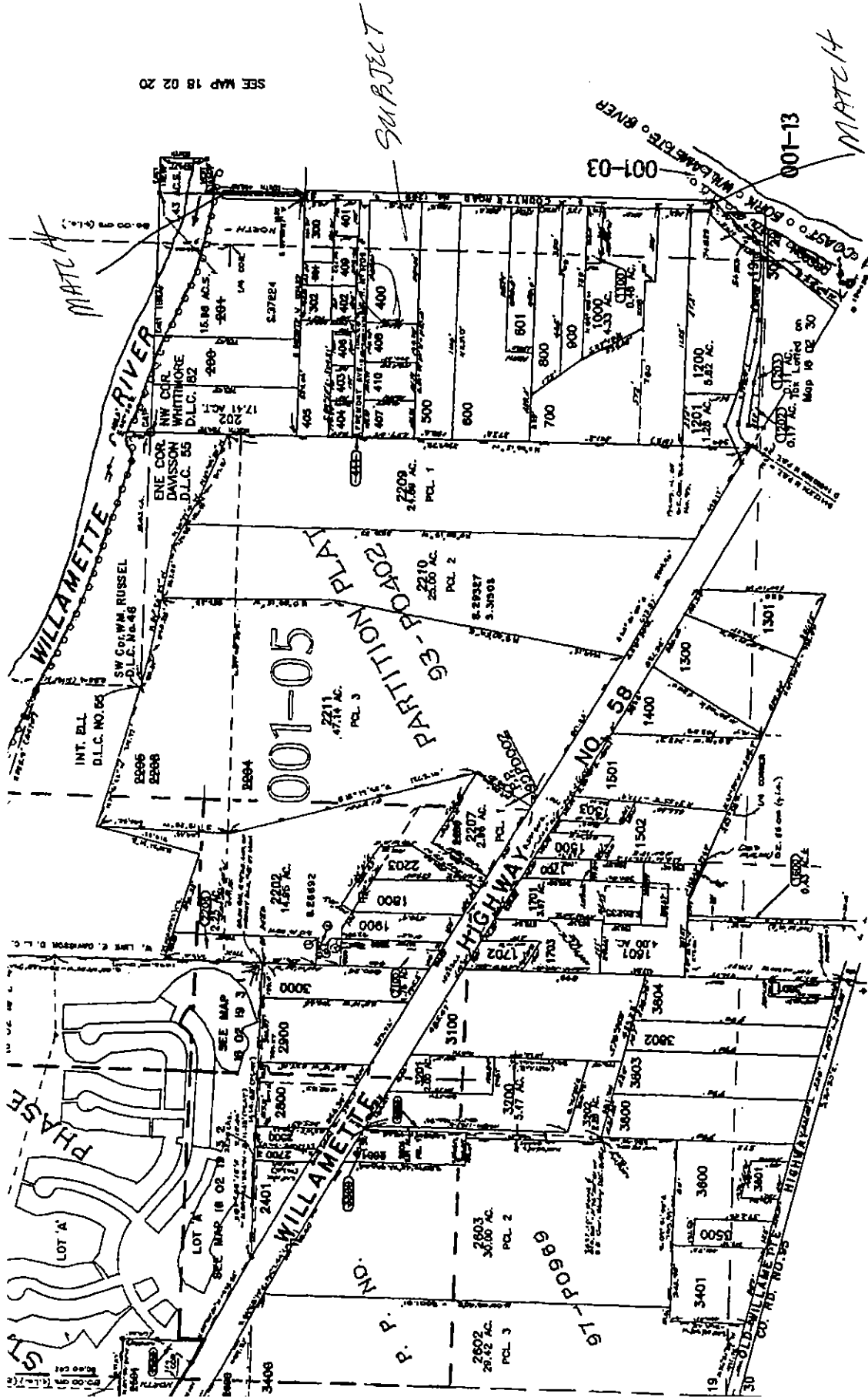


SEE MAP 18 02 20

SUBJECT

MATCH

18 02 19



SEE MAP 18 02 30

NW COR.
THOMAS WHITMORE
D.L.C. 82

NE Cor.
T. Whitmore
D.L.C. No. 82

S.E. Cor. W. Russel
D.L.C. No. 46

See Map 18 02 19

2000-
P1332

001-05

19 20
30 29

Tax Lotted on Map 18 02 29

ESE Cor.
D.L.C. No. 82

200

300

1000

900

1802
60.91 AC.

S.W. Cor.
D.L.C. No. 75

Lot 4
6.32

Lot 5
6.10

1300
2100
12.27 AC.

1100

1400

1500

Lot 6
8.08 AC.
19.28
PCL 2

Lot 7
23.16

1502
5.06 AC.
PCL 1

1504
5.57 AC.
PCL 3

1501

1601

1600

1700

1703

1702

Lot 9
19.28

Lot 8
31.79

Lot 3
9.56

Lot 2
18.74

Lot 1
18.44

Tax Lotted on Map 18 02 :

COAST OF OREGON
STATE

WILANET RIVER

WORLD
LOUISY
WILANET RIVER

WILANET RIVER

WILANET RIVER

WILANET RIVER

WILANET RIVER

WILANET RIVER

WILANET RIVER

WILANET RIVER

PROPERTY REPORT - LANE COUNTY

Account # 1363926

Map, Tax Lot, & SIC # 18-02-20-00-02100

Site Address: 85627 DILLEY LN EUGENE OR 97405	
Owner Name & Address: Stephen & Jodie Wize Joint Revocable Tr 85255 Marriott Ln Pleasant Hill , OR 97455	Taxpayer Name & Address: Wize Stephen E & Jodie L 85225 Marriott Ln Pleasant Hill , OR 97455
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	12.33 537,095'	Subdivision Name:		School District:	Pleasant Hill
Inc City:		Phase:		Elem	Pleasant Hill/Trent
UGB:		Lot #	TL 02100	Middle	Pleasant Hill
Census Tr/BlkGrp:	1700/1	Recording #		High	Pleasant Hill

Zoning: Parent/Overlay	RPR
Statistical Class:	140 Class 4 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	406 Tract, Waterfront, Improved MAP

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$150,475	\$144,060	\$294,535	\$236,909
2004	\$124,132	\$31,380	\$155,512	\$146,626

*Flood Zone A3/ 1655 F
FW*

2005 Taxable Value
\$ 236,909

2005 Taxes
\$2,768.73

Tax Code Area
00105

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
04-23-2003	\$0	Wize Stephen E & Jodie L	Stephen & Jodie Wize Joint Revocable	20-04-009192
10-09-2001	\$20,000	Wilmeth Robert & Mart Brad E	Prichard Charles S & Letha M Lvg Trs	20-02-027801

Residential Building # 1 (of 1) Characteristics 41 stat 140

		Square feet	
		Base	Finished
Year Built:	2004	Basement	
Bedrooms	4	First	
Full Baths	3	Second	
Half Baths	1	Attic	
% Improvmt Complete	26	Total	3867 3867

Bsmt Garage Sqft	
Att Garage Sqft	888
Det Garage Sqft	
Att Carport Sqft	

Comments:

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

PROPERTY REPORT - LANE COUNTY

Account # 1653979

Map, Tax Lot, & SIC # 18-02-20-00-01503

Site Address: 85565 DILLEY LN EUGENE OR 97405	
Owner Name & Address: Hulse Byron Lee & Valerie Robertson 85565 Dilley Ln Eugene , OR 97405	Taxpayer Name & Address: Hulse Byron Lee & Valerie Robertson 85565 Dilley Ln Eugene , OR 97405
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	7.96 346,738'	Subdivision Name:	2000-p1332	School District:	Pleasant Hill
Inc City:		Phase:		Elem	Pleasant Hill/Trent
UGB:		Lot #	PARCEL 2 TL 1503	Middle	Pleasant Hill
Census Tr/BlkGrp:	1700/1	Recording #	C.S. #36440	High	Pleasant Hill

Zoning: Parent/Overlay	RR5
Statistical Class:	130 Class 3 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	\$152,112	\$209,150	\$361,262	\$254,055
2004	\$128,909	\$195,460	\$324,369	\$246,655
	2005 Taxable Value	2005 Taxes	Tax Code Area	
	\$ 254,055	\$2,969.12	00105	

zone A3/FW MRF 1655 F

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
02-11-2005	\$0	Byron L Hulse & Valerie R Hulse Rev Li	Hulse Byron Lee & Valerie Robertson	20-05-011727
03-30-2004	\$0	Hulse Byron L & Valerie A	Byron L Hulse & Valerie R Hulse Rev Li	20-04-022876

Residential Building # 1 (of 1) Characteristics 31 stat 130

		Square feet		
		Base	Finished	
Year Built:	2000	Basement		
Bedrooms	2	First	540	540
Full Baths	1	Second	956	956
Half Baths	1	Attic		
% Improvmt Complete	100	Total	1496	1496
		Bsmt Garage Sqft		
		Att Garage Sqft		515
		Det Garage Sqft		
		Att Carport Sqft		

Comments:

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

*Included in large Shop type Structure
Business use - custom cars repair/build*

PROPERTY REPORT - LANE COUNTY

Account # 1653987

Map, Tax Lot, & SIC # 18-02-20-00-01504

Site Address: 85561 DILLEY LN EUGENE OR 97405	
Owner Name & Address: Burri Dennis PO Box 826 Pleasant Hill , OR 97455	Taxpayer Name & Address: Burri Dennis PO Box 826 Pleasant Hill , OR 97455
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	5.76 250,906'	Subdivision Name:	2000-p1332	School District:	Pleasant Hill
Inc City:		Phase:		Elem	Pleasant Hill/Trent
UGB:		Lot #	PARCEL 3 TL 1504	Middle	Pleasant Hill
Census Tr/BlkGrp:	1700/1	Recording #	C.S. #36440	High	Pleasant Hill

Zoning: Parent/Overlay	RR5
Statistical Class:	140 Class 4 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$124,506	\$376,400	\$500,906	\$323,680
2004	\$93,065	\$241,390	\$334,455	\$236,425
	2005 Taxable Value \$ 323,680	2005 Taxes \$3,782.82	Tax Code Area 00105	

Zone A3/FW *MAP 1655 F*

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
06-13-2001	\$100,000	Hulse, Byron L	Burri Dennis	20-01-036970
11-03-2000	\$317,000	Reed Gary	Hulse Byron L	20-00-063647

Residential Building # 1 (of 1) Characteristics 41 stat 140

	Square feet	Base	Finished		
Year Built:	2003	Basement		Bsmt Garage Sqft	
Bedrooms	3	First	1716	Att Garage Sqft	452
Full Baths	2	Second	666	Det Garage Sqft	
Half Baths	1	Attic		Att Carport Sqft	
% Improvmt Complete	100	Total	2382		

Comments:

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

Newer House within 100-150' of River

PROPERTY REPORT - LANE COUNTY

Account # 0570034

Map, Tax Lot, & SIC # 18-02-20-00-01701

Site Address: 85425 DILLEY LN EUGENE OR 97405	
Owner Name & Address: Gibeau Joshua G 85425 Dilley Ln Eugene , OR 97405	Taxpayer Name & Address: Gibeau Joshua G 85425 Dilley Ln Eugene , OR 97405
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	0.55 23,958'	Subdivision Name:		School District:	Pleasant Hill
Inc City:		Phase:		Elem	Pleasant Hill/Trent
UGB:		Lot #	TL 01701	Middle	Pleasant Hill
Census Tr/BlkGrp:	1700/1	Recording #		High	Pleasant Hill

Zoning: Parent/Overlay	RR5
Statistical Class:	130 Class 3 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$64,011	\$139,550	\$203,561	\$131,818
2004	\$54,247	\$130,420	\$184,667	\$127,979

2005 Taxable Value
\$ 131,818

2005 Taxes
\$1,540.54

Tax Code Area
00105

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
08-27-1999	\$157,500	Sohm David W & Connie J	Gibeau Joshua G	25-86/99075815
07-22-1988	\$18,500	Sohm, Anita		88-03190300

Residential Building # 1 (of 1) Characteristics 31 stat 130

	Square feet	Base	Finished		
Year Built:	1930	Basement		Bsmt Garage Sqft	
Bedrooms	3	First	874	Att Garage Sqft	
Full Baths	2	Second	950	Det Garage Sqft	
Half Baths		Attic		Att Carport Sqft	
% Improvmt Complete	100	Total	1824		

Comments:

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

Older house, updated and remodeled - after 1964 or 1996 Floods?

NOV 0 8 2005

HERSHNER HUNTER

11-07-05P05:01 RCVD

STEVE CORNACCHIA
scornacchia@hershnerhunter.com

November 7, 2005

Kent Howe, Director
Lane County Land Management Division
125 E. 8th Avenue
Eugene, OR 97401

RE: Nice BM 37 Claim (PA 05-58130)

Our File No. 31155 00001

Dear : Kent

We represent Dick and Velma Nice regarding this matter. Pursuant to our phone conversation, this letter constitutes, on behalf of our clients, a written waiver of the 180-day limitation on local government action on claims as provided by Ballot Measure 37. We understand that the matter is scheduled for public hearing before the Board of Commissioners on November 9th, that the hearing will be opened and then continued until further notice. Please keep the subject application on hold thereafter while we sort out the floodway issues involving the Nice's property.

If you have any questions regarding this matter please contact me.

Best regards,



STEVE CORNACCHIA

PSC:psc

DEC 22 2005

HERSHNER HUNTER
LLP

STEVE CORNACCHIA
scornacchia@hershnerhunter.com

December 22, 2005

HAND DELIVERED

Lane County Land Management Division
ATTN: Frédérique Château-Gruener
125 E. 8th Avenue
Eugene, Or 97401

Re: PA05-5813 (Nice)
Our File No. 31155 00001

Dear Frédérique:

Enclosed are two letters and attached materials from Craig E. McKern, the appraiser for Richard and Velma Nice regarding the aforementioned Ballot Measure 37 claim. The letters are provided to you for the purpose of addressing Lane County planning staff concerns, contained in the November 8, 2005 Agenda Cover Memo, regarding the appraisal conducted by Mr. McKern. Specifically the staff report stated:

“The appraiser didn’t appear to take into consideration the potential high development costs typically associated with the development of dwellings within the Floodway. * * * It is therefore unknown whether the hypothetical values listed in the appraisal are accurate or not. Because it is difficult to determine what the exact fair market value reduction, if any, would be for this property, it is recommended that the applicants provide a revised appraisal with the floodway regulations taken into account.”

Mr. McKern’s response to the staff report is contained in his correspondence. In that correspondence he demonstrates that he did take the cost of development in the AE zone into account and, in fact, used comparable properties within the AE zone in conducting his appraisal.

Lane County Land Management Division
December 22, 2005
Page 2

Please re-schedule this matter for hearing before the Board of Commissioners at the earliest possible date and include this correspondence and the attached materials in the record of this proceeding.

Best regards,

A handwritten signature in cursive script, appearing to read "Steve Cornacchia".

STEVE CORNACCHIA

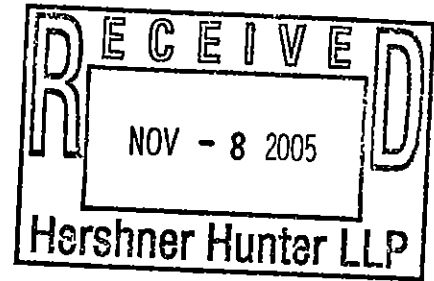
PSC:ss
Enclosures

Cc: Client (with enclosures)

Craig E. McKern, Appraiser, P.C.
State Certified Residential Real Estate Appraiser
Mailing: 1574 Coburg Road, PMB 397, Eugene, Oregon 97401-4802
Telephone 541-345-0744 Facsimile 541-345-0577
email: cem9th@msn.com

November 7, 2005

Steve Cornacchia
Hershner Hunter
180 East 11th Avenue
Eugene, Oregon 97401



re: Richard and Velma Nice Ballot Measure 37 claim

Steve,

I have researched land uses in the immediate area of Dilley Lane and Fremont Avenue to see what sort of ammunition the clients could have in furthering their Measure 37 claim. As we have discussed, current Lane County building ordinances present challenges for building and/or partitioning in a designated floodway.

I have attached property report summaries for the several relevant properties in the subject's immediate area which may prove useful. Please refer to the area plat map attached also. I'm assuming you already have the flood map I faxed to you last week.

All these properties are in Zones A3 and in the designated floodway on the east side of Dilley Lane, closer to the river than the subject.

Most notable is Partition Plat 2000-P1332, creating three tax lots out of about 19 acres more or less in the year 2000. Tax Lot 1504 at 85561 Dilley Lane has a home built in 2003 on it and the home is (by my eagle eye estimate at a distance) less than 150 feet from the river bank. Tax Lot 1503 has a newer structure built in 2000 that appears to be a combination shop/garage with a residence on the second level; address is 85565 Dilley Lane. 99 5857

Tax Lot 2100 has 12.33 acres more or less and river frontage and also a home started in 2004 per the county which is not yet complete, with siding in progress; it appears to be occupied and the address is 85627 Dilley Lane. 02 5395

Also, 85425 Dilley Lane, Tax Lot 1701, is shown as 0.55 of an acre and squeezed hard between the river and the road; it is an older home which appears to have been substantially rebuilt/improved, possibly following the Floods of 1964 or 1996; I am acquainted with the prior owner and can get remodel/addition details if needed.

I can also email photos of these properties or print them out with captions if needed.

Cordially,

Craig E. McKern

A handwritten signature in black ink, appearing to read "Craig E. McKern".

Craig E. McKern, Appraiser, *AS*
State Certified Residential Real Estate Appraiser
Mailing: 1574 Coburg Road, PMB 397, Eugene, Oregon 97401-4802
Telephone 541-345-0744 Facsimile 541-345-0577
email: cem9th@msn.com

December 6, 2005

Steve Cornacchia
Hershner Hunter
180 East 11th Avenue
Eugene, Oregon 97401

re: Richard and Velma Nice
85528 Dilley Lane
Eugene, Oregon 97405
my files 031005A-C

Steve,

This letter is to address the question from the Lane County Measure 37 review panel regarding the AE flood zone of the subject site in general and the postulated two 1 +/- acre sites proposed to be created from Tax Lot 18-04-09-00-00400 as a part of the Nice's Measure 37 claim.

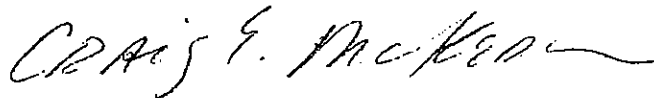
In assigning value to these two postulated vacant and assumed buildable sites, I did consider the AE flood plain and code requirements to elevate a first floor level to one foot above the base 100 year flood plain elevation. These elevations are established generally by FEMA and also much more specifically by an actual survey on the site.

I have taken another look at other residential properties near the subject and it appears to me the foundation elevations are little if any elevated above a standard 1.5 feet above ground level. The dwelling adjacent to the subject on the west at 35080 Fremont Avenue is a remodeled older home and appears to have a typical foundation elevation. The new dwelling at 85627 Dilley Lane, still under construction, has an elevated foundation about three feet high or so and it is on Tax Lot 18-02-20-00-2100, considerably closer to the river. ¹¹ 02-5395

While I am not saying a standard 1.5 foot foundation elevation above present ground grade would be adequate to elevate the first floor level of any new structure on the postulated two 1 +/- acre sites above the AE 100 year flood plain, it appears to me that an extraordinarily high foundation would not be necessary on these subject proposed sites. Also, since the three comparable vacant land sales I used in report 031005A were also in AE flood plains, it appears the buyers of these three properties had the opportunity to consider any added foundation costs when making their offer to purchase, making an adjustment for construction cost unnecessary.

Should it be shown by correct survey that an extraordinarily high foundation is necessary for new structures on these two 1 +/- acre postulated sites, I will reconsider the above opinion and information.

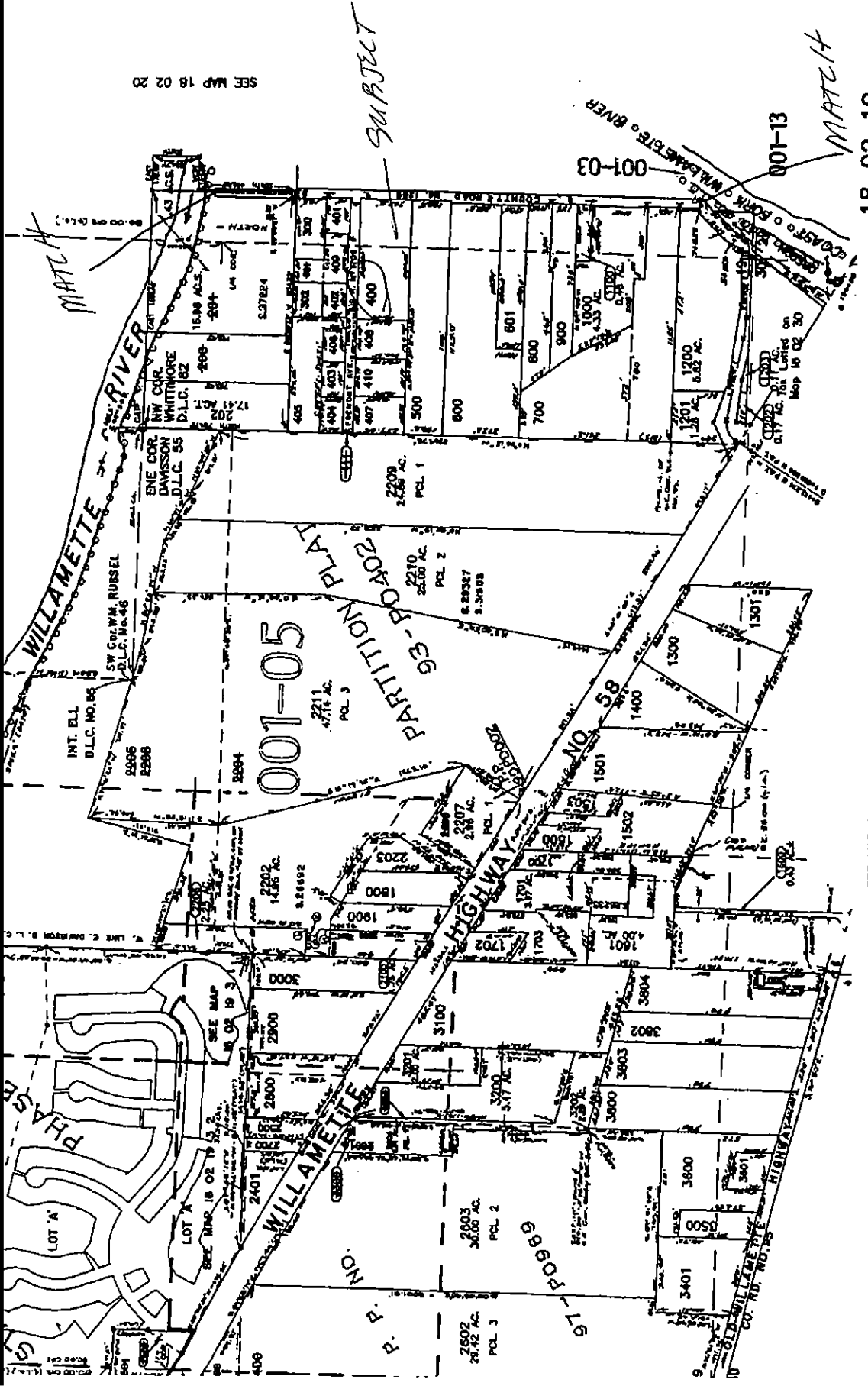
Cordially,
Craig E. McKern



SEE MAP 18 02 20

SUBJECT

18 02 19



SEE MAP 18 02 30

NW Cor.
THOMAS WHITMORE
D.L.C. 52

NE Cor.
T. Whitmore
D.L.C. No. 82

SE Cor. W. Russell
D.L.C. No. 46

See Map 18 02 19

2000-
P1332

001-05

19 20
30 28

Tax Lotted on Map 18 02 29

ESE Cor.
D.L.C. No. 82

200

300

1000

900

1802
60.91 AC.

S.W. Cor.
D.L.C. No. 75

Lot 4
1200
6.32

Lot 5
2000
6.10

1300
2100
12.27 AC.

1100

1400

1500

1502
3.06 AC.
PCL 1

Lot 6
19.28

1503
8.08 AC.
PCL 2

Lot 7
23.18

1504
5.57 AC.
PCL 3

1801
42.24 AC.

1501

1601

1600

1700

1703

1702

Lot 8
19.28

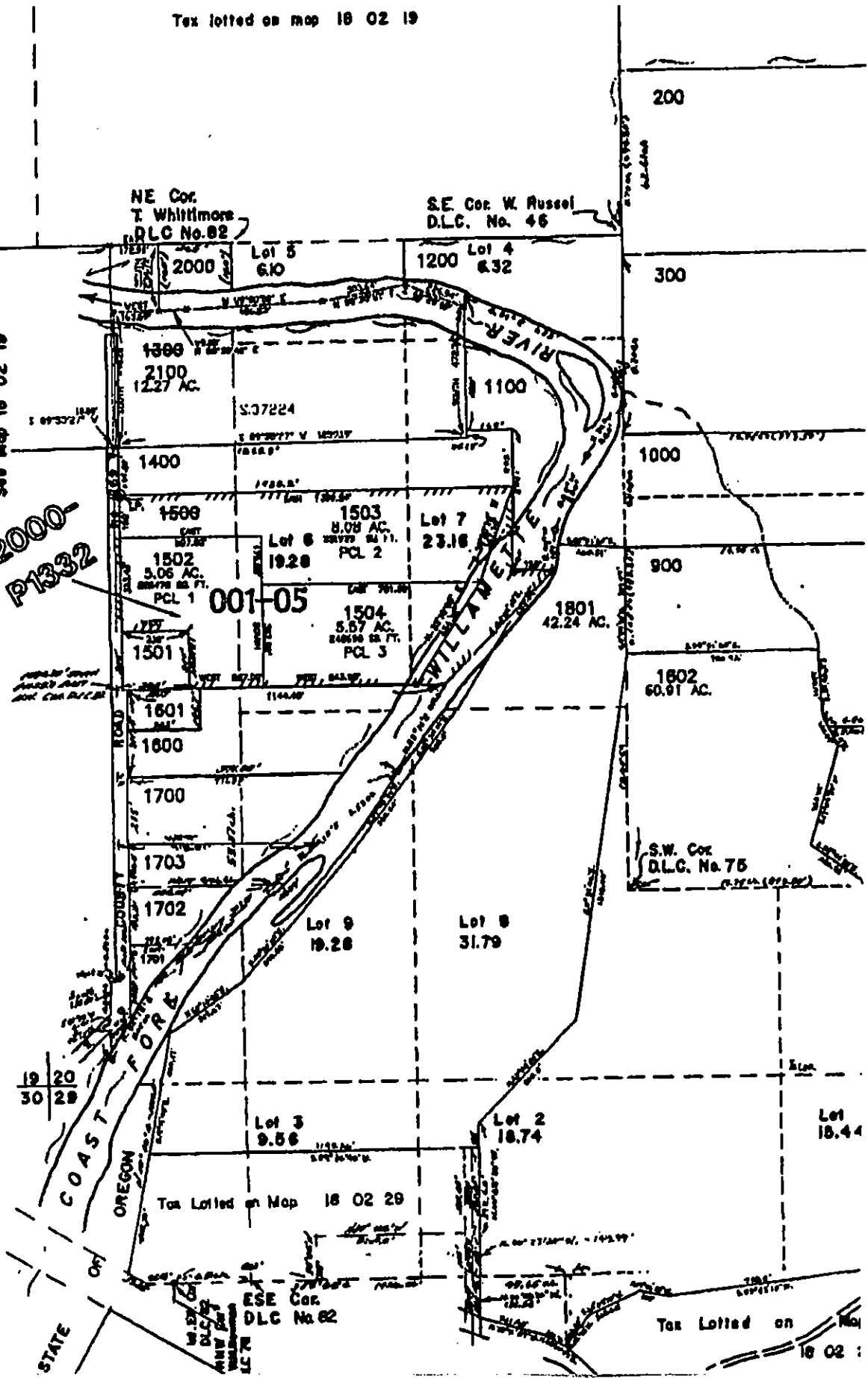
Lot 9
31.79

Lot 3
9.56

Lot 2
18.74

Lot
18.44

Tax Lotted on
18 02 :



PROPERTY REPORT - LANE COUNTY

Account # 1363926

Map, Tax Lot, & SIC # 18-02-20-00-02100

Site Address: 85627 DILLEY LN EUGENE OR 97405	
Owner Name & Address: Stephen & Jodie Wize Joint Revocable Tr 85255 Marriott Ln Pleasant Hill , OR 97455	Taxpayer Name & Address: Wize Stephen E & Jodie L 85225 Marriott Ln Pleasant Hill , OR 97455
Multiple Owners? No.	
Additional <u>Account</u> Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	12.33 537,095'	Subdivision Name:		School District:	Pleasant Hill
Inc City:		Phase:		Elem	Pleasant Hill/Trent
UGB:		Lot #	TL 02100	Middle	Pleasant Hill
Census Tr/BlkGrp:	1700/1	Recording #		High	Pleasant Hill

Zoning: Parent/Overlay	RPR
Statistical Class:	140 Class 4 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	406 Tract, Waterfront, Improved MAP

Flood Zone A3/ 1655 F

	Land Value <u>Real Market</u>	Improvement Value <u>Real Market</u>	Total Value <u>Real Market</u>	<u>Assessed</u>
2005	\$150,475	\$144,060	\$294,535	\$236,909
2004	\$124,132	\$31,380	\$155,512	\$146,626
	2005 Taxable Value \$ 236,909	2005 Taxes \$2,768.73	Tax Code Area 00105	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
04-23-2003	\$0	Wize Stephen E & Jodie L	Stephen & Jodie Wize Joint Revocable	20-04-009192
10-09-2001	\$20,000	Wilmeth Robert & Mart Brad E	Prichard Charles S & Letha M Lvg Trs	20-02-027801

Residential Building # 1 (of 1) Characteristics 41 stat 140

	Square feet	Base	Finished	
Year Built:	2004	Basement		Bsmt Garage Sqft
Bedrooms	4	First		Att Garage Sqft
Full Baths	3	Second		Det Garage Sqft
Half Baths	1	Attic		Att Carport Sqft
% Improvmt Complete	26	Total	3867 3867	

Comments:

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

PROPERTY REPORT - LANE COUNTY

Account # 1653979

Map, Tax Lot, & SIC # 18-02-20-00-01503

Site Address: **85565 DILLEY LN EUGENE OR 97405**

Owner Name & Address: Hulse Byron Lee & Valerie Robertson 85565 Dilley Ln Eugene , OR 97405	Taxpayer Name & Address: Hulse Byron Lee & Valerie Robertson 85565 Dilley Ln Eugene , OR 97405
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	7.96 346,738'	Subdivision Name:	2000-p1332	School District:	Pleasant Hill
Inc City:		Phase:		Elem	Pleasant Hill/Trent
UGB:		Lot #	PARCEL 2 TL 1503	Middle	Pleasant Hill
Census Tr/BlkGrp:	1700/1	Recording #	C.S. #36440	High	Pleasant Hill

Zoning: Parent/Overlay	RR5
Statistical Class:	130 Class 3 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

zone A3/FW *MRF*
1655 F

	Property Value and Taxes		Total Value	
	Land Value <u>Real Market</u>	Improvement Value <u>Real Market</u>	<u>Real Market</u>	<u>Assessed</u>
2005	\$152,112	\$209,150	\$361,262	\$254,055
2004	\$128,909	\$195,460	\$324,369	\$246,655
	2005 Taxable Value \$ 254,055	2005 Taxes \$2,969.12	Tax Code Area 00105	

Two Most Recent Sales				
Date	Price	Grantor	Grantee	Instrument #
02-11-2005	\$0	Byron L Hulse&valerie R Hulse Rev Li	Hulse Byron Lee & Valerie Robertson	20-05-011727
03-30-2004	\$0	Hulse Byron L & Valerie A	Byron L Hulse&valerie R Hulse Rev Li	20-04-022876

Residential Building # 1 (of 1) Characteristics 31 stat 130

		Square feet		
		Base	Finished	
Year Built:	2000	Basement		
Bedrooms	2	First	540	540
Full Baths	1	Second	956	956
Half Baths	1	Attic		
% Improvmt Complete	100	Total	1496	1496

Bsmt Garage Sqft	
Att Garage Sqft	515
Det Garage Sqft	
Att Carport Sqft	

Comments:

*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

Included in large Shop type Structure
Business use - custom cars repair/build

PROPERTY REPORT - LANE COUNTY

Account # 1653987

Map, Tax Lot, & SIC # 18-02-20-00-01504

Site Address: **85561 DILLEY LN EUGENE OR 97405**

Owner Name & Address: Burri Dennis PO Box 826 Pleasant Hill , OR 97455	Taxpayer Name & Address: Burri Dennis PO Box 826 Pleasant Hill , OR 97455
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	5.76 250,906'	Subdivision Name:	2000-p1332	School District:	Pleasant Hill
Inc City:		Phase:		Elem	Pleasant Hill/Trent
UGB:		Lot #	PARCEL 3 TL 1504	Middle	Pleasant Hill
Census Tr/BlkGrp:	1700/1	Recording #	C.S. #36440	High	Pleasant Hill

Zoning: Parent/Overlay	RR5
Statistical Class:	140 Class 4 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

2002 A3/FW map 1655 F

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	\$124,506	\$376,400	\$500,906	\$323,680
2004	\$93,065	\$241,390	\$334,455	\$236,425
2005 Taxable Value		2005 Taxes	Tax Code Area	
\$ 323,680		\$3,782.82	00105	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
06-13-2001	\$100,000	Hulse, Byron L	Burri Dennis	20-01-036970
11-03-2000	\$317,000	Reed Gary	Hulse Byron L	20-00-063647

Residential Building # 1 (of 1) Characteristics 41 stat 140

		Square feet		
		Base	Finished	
Year Built:	2003	Basement		
Bedrooms	3	First	1716	1716
Full Baths	2	Second	666	666
Half Baths	1	Attic		
% Improvmt Complete	100	Total	2382	2382

Bsmt Garage Sqft	
Att Garage Sqft	452
Det Garage Sqft	
Att Carport Sqft	

Comments:

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

Newer House within 100-150' of River

PROPERTY REPORT - LANE COUNTY

Account # 0570034

Map, Tax Lot, & SIC # 18-02-20-00-01701

Site Address: 85425 DILLEY LN EUGENE OR 97405	
Owner Name & Address: Gibeau Joshua G 85425 Dilley Ln Eugene , OR 97405	Taxpayer Name & Address: Gibeau Joshua G 85425 Dilley Ln Eugene , OR 97405
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	0.55 23,958'	Subdivision Name:		School District:	Pleasant Hill
Inc City:		Phase:		Elem	Pleasant Hill/Trent
UGB:		Lot #	TL 01701	Middle	Pleasant Hill
Census Tr/BlkGrp:	1700/1	Recording #		High	Pleasant Hill

Zoning: Parent/Overlay	RR5
Statistical Class:	130 Class 3 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value <u>Real Market</u>	Improvement Value <u>Real Market</u>	Total Value <u>Real Market</u>	<u>Assessed</u>
2005	\$64,011	\$139,550	\$203,561	\$131,818
2004	\$54,247	\$130,420	\$184,667	\$127,979
	2005 Taxable Value \$ 131,818	2005 Taxes \$1,540.54	Tax Code Area 00105	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
08-27-1999	\$157,500	Sohm David W & Connie J	Gibeau Joshua G	25-86/99075815
07-22-1988	\$18,500	Sohm, Anita		88-03190300

Residential Building # 1 (of 1) Characteristics 31 stat 130

		Square feet	Base	Finished		
Year Built:	1930	Basement			Bsmt Garage Sqft	
Bedrooms	3	First	874	874	Att Garage Sqft	
Full Baths	2	Second	950	950	Det Garage Sqft	
Half Baths		Attic			Att Carport Sqft	
% Improvmt Complete	100	Total	1824	1824		

Comments:

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

Older house, updated and remodeled - after 1964 or 1996 Floods?

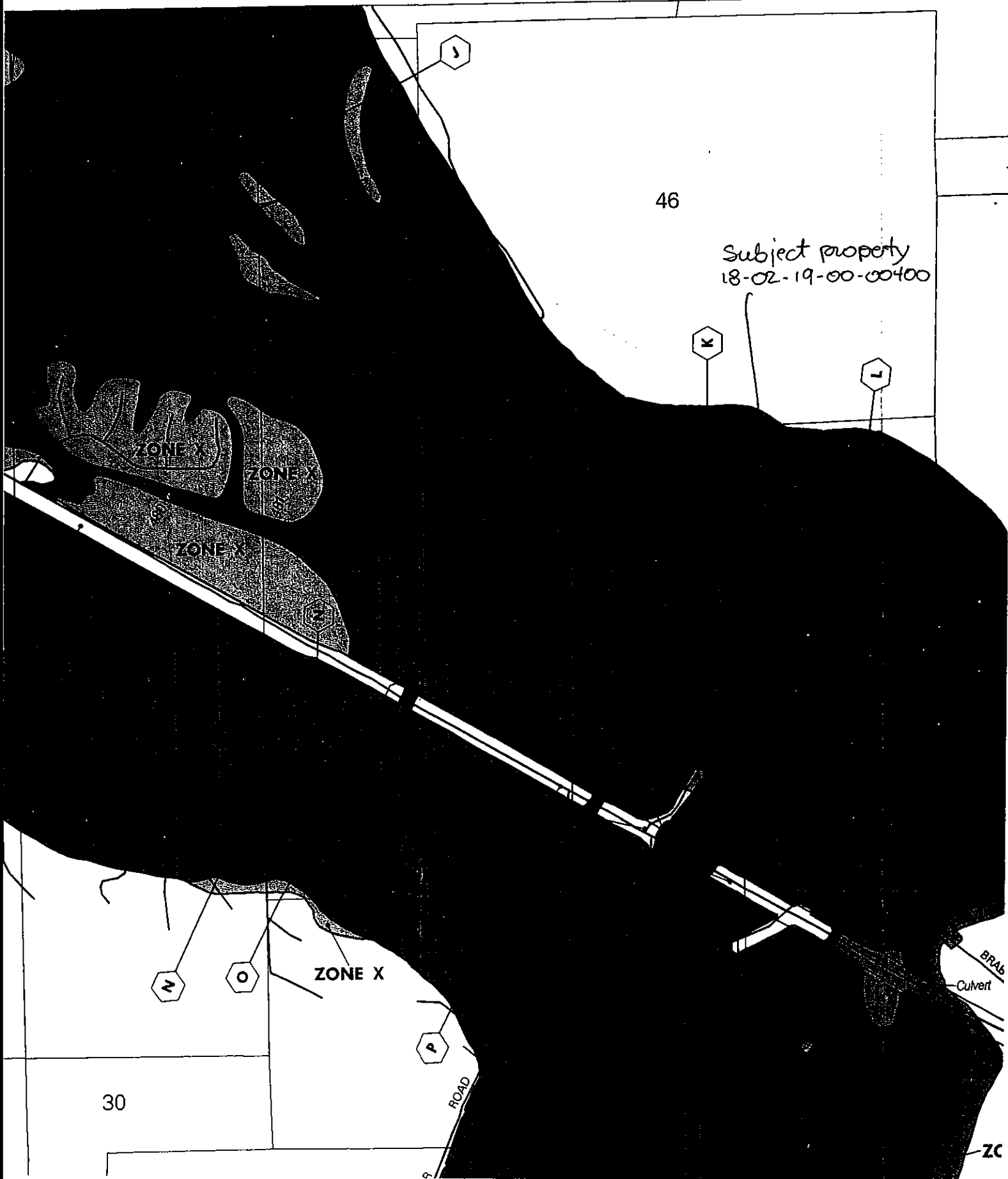
ATTACHMENT C

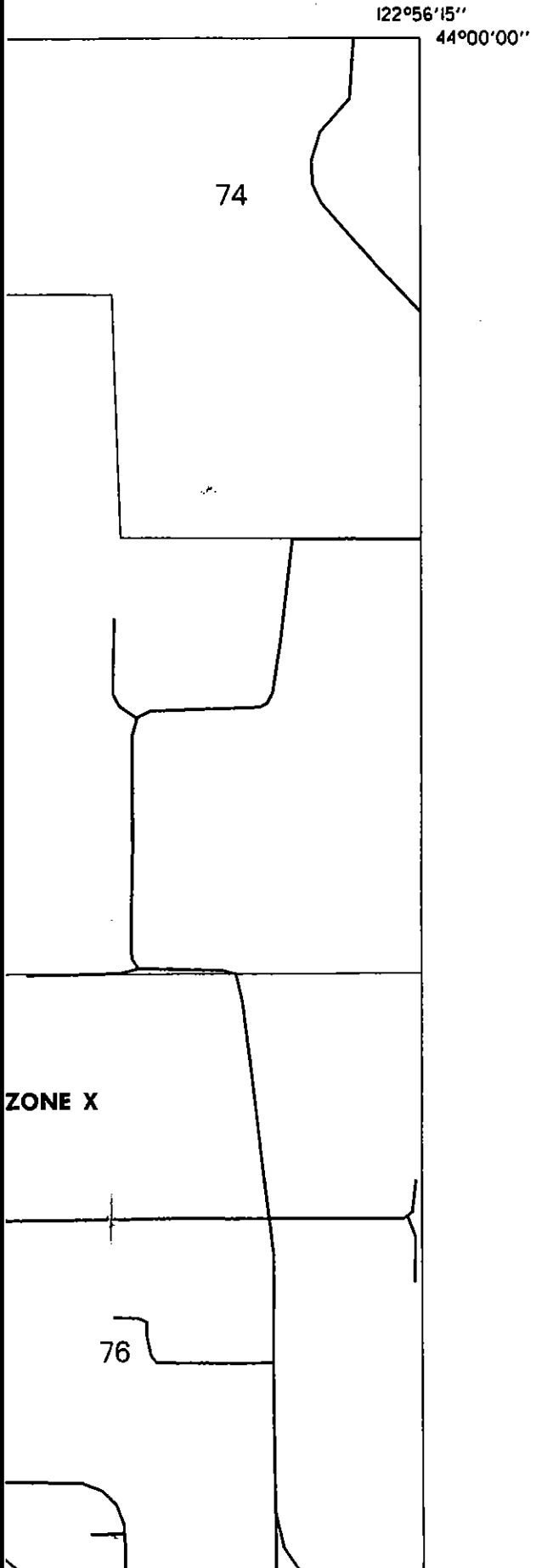
MAP OF FLOOD HAZARD AREA

FIRM Panel # 415591-41039C 1655F, eff. 06/02/99

↑ NP
Scale: 1" = 1000'

JOINS PANEL 1165





LEGEND



SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD

- ZONE A** No base flood elevations determined.
- ZONE AE** Base flood elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE A99** To be protected from 100-year flood by Federal flood protection system under construction; no base flood elevations determined.
- ZONE V** Coastal flood with velocity hazard (wave action); no base flood elevations determined.
- ZONE VE** Coastal flood with velocity hazard (wave action); base flood elevations determined.



FLOODWAY AREAS IN ZONE AE



OTHER FLOOD AREAS

- ZONE X** Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.



OTHER AREAS

- ZONE X** Areas determined to be outside 500-year floodplain.
- ZONE D** Areas in which flood hazards are undetermined.



Identified 1983



Identified 1990



Otherwise Protected Areas

Coastal barrier areas are normally located within or adjacent to Special Flood Hazard Areas.



Floodplain Boundary



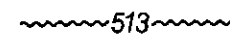
Floodway Boundary



Zone D Boundary

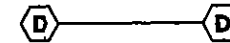


Boundary Dividing Special Flood Hazard Zones, and Boundary Dividing Areas of Different Coastal Base Flood Elevations Within Special Flood Hazard Zones.



513

Base Flood Elevation Line; Elevation in Feet. See Map Index for Elevation Datum.



Cross Section Line

(EL 987)

Base Flood Elevation in Feet Where Uniform Within Zone. See Map Index for Elevation Datum. Elevation Reference Mark

RM7 X

• M2

River Mile

97°07'30", 32°22'30"

Horizontal Coordinates Based on North American Datum of 1927 (NAD 27) Projection.

NOTES

This map is for use in administering the National Flood Insurance Program; it does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size, or all planimetric features outside Special Flood Hazard Areas. The community map repository should be consulted for more detailed data on BFE's, and for any information on floodway delineations, prior to use of this map for property purchase or construction purposes.

Areas of Special Flood Hazard (100-year flood) include Zones A, AE, A1-A30, AH, AO, A99, V, VE and V1-V30.

ATTACHMENT D

**VICINITY MAP
WITH FLOOD HAZARD DATA**

Nice
PA 05-5813

Legend

- Roads
- Stream
- Flood**
- FLOODHAZ**
- A
- AE
- AO
- FW

