

W-15-C-



Memorandum Date: September 13, 2006  
Order Date: September 20, 2006

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**TO:** Board of County Commissioners

**DEPARTMENT:** Public Works Dept./Land Management Division

**PRESENTED BY:** BILL VANVACTOR, COUNTY ADMINISTRATOR  
KENT HOWE, PLANNING DIRECTOR

**AGENDA ITEM TITLE:** IN THE MATTER OF CONSIDERING A BALLOT MEASURE 37 CLAIM AND DECIDING WHETHER TO MODIFY, REMOVE OR NOT APPLY RESTRICTIVE LAND USE REGULATIONS IN LIEU OF PROVIDING JUST COMPENSATION (PA06-5959, GREEN)

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**I. MOTION**

Move to request additional information regarding the alleged reduction in fair market value.

**II. AGENDA ITEM SUMMARY**

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

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

**Applicants:** Norman and Frieda Green

**Current Owner:** Norman J. Green and Frieda G. Green Living Trust

**Agent:** none

**Map and tax lot:** 16-02-10-40 #3500

**Acreage:** 5 acres

**Current Zoning:** RR5 (Rural Residential)

**Date Property Acquired:** July 23, 1972.

**Date claim submitted:** May 26, 2006. the 180-day processing deadline is November 22, 2006.

**Land Use Regulations in Effect at Date of Acquisition:** unzoned.

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

**B. Policy Issues**

As directed by the Board on March 21, 2006, a claimant must submit reasonable and competent evidence of a reduction in fair market value from a land use regulation. An appraisal is not required, but an analysis of the tax values is not adequate. This applicant has submitted several listings from the MLS. The Board has relied on similar information when the MLS identifies the sold price for each property. The submitted listings only identify the asking price of each property. They do not identify the sold price. Because of this, it is difficult to use this as evidence of a reduction in value. The County Administrator has **not** waived the appraisal requirement and recommends the Board request additional information regarding the alleged reduction in value.

**C. Board Goals**

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

**D. Financial and/or Resource Considerations**

The applicant has requested compensation in the amount of \$55,000 or a waiver of the RR5 (Rural Residential) zone regulations that prohibit the division of the property into lots containing less than 5 acres.

**E. Analysis**

The claimant has submitted information in support of this claim including several listings from the MLS, a deed and the processing fee. The property contains approximately 5 acres and is zoned RR5. In this zone, the minimum lot size is 5 acres. The applicants wish to subdivide the property into lots that contain less than 5 acres.

Norman and Frieda Green acquired an interest in the property on July 23, 1973, as evidenced by Warranty Deed #7868090. It appears the property was transferred to the Norman J. Green and Frieda G. Green Living Trust on August 8, 1992, as evidenced by Instrument #9204341100. This is a revocable Trust and Norman and Frieda are the trustees. Because of this, the Trust is not

considered a new owner and the individuals retain an ownership interest in the property. If the Board determines this is a valid claim, the waiver will be granted to Norman and Frieda, not the Trust.

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

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

### **Restrictive Regulations**

Norman and Frieda Green acquired an interest in the property on July 23, 1972, when it was unzoned. Currently, the property is zoned RR5 (Rural Residential) and the minimum lot size is five acres. The property was conveyed to the Norman J. Green and Frieda G. Green Living Trust on August 8, 1992. This is a revocable Trust and Norman and Frieda are the trustees. Because of this, the Trust is not considered a new owner and the individuals retain an ownership interest in the property. If the Board determines this is a valid claim, any waiver will be granted to Norman and Frieda, not the Trust.

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

The applicants allege a reduction in value of \$55,000. As evidence of a reduction in fair market value, the applicants have submitted several listings from the Multiple Listing Service (MLS). The Board has relied on similar information when the MLS has identified the sold price for each property. It is difficult to use the submitted listings to demonstrate a reduction in value because they only identify the asking price of each property. They do not identify the sold price. The County Administrator has **not** waived the appraisal requirement and recommends the Board request additional information regarding the alleged reduction in value.

### **Exempt Regulations**

The minimum lot size of five acres in the RR5 (Rural Residential) zone does not appear to be an exempt regulation described in Measure 37 or LC 2.710.

### **Conclusion**

Based on the submitted evidence, it is difficult to determine if this is a valid claim. Because of this, the County Administrator recommends the Board request additional information regarding the alleged reduction in fair market value.

**F. Alternatives/Options**

The Board has these options:

- Determine the application appears valid and direct staff to prepare an order to this effect.
- Require more information regarding the reduction in value or ownership.
- Conclude the application is not a valid claim and direct the issuance of a final written decision by the County Administrator denying the Claim.

**V. TIMING/IMPLEMENTATION**

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

**VI. RECOMMENDATION**

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

**VII. FOLLOW-UP**

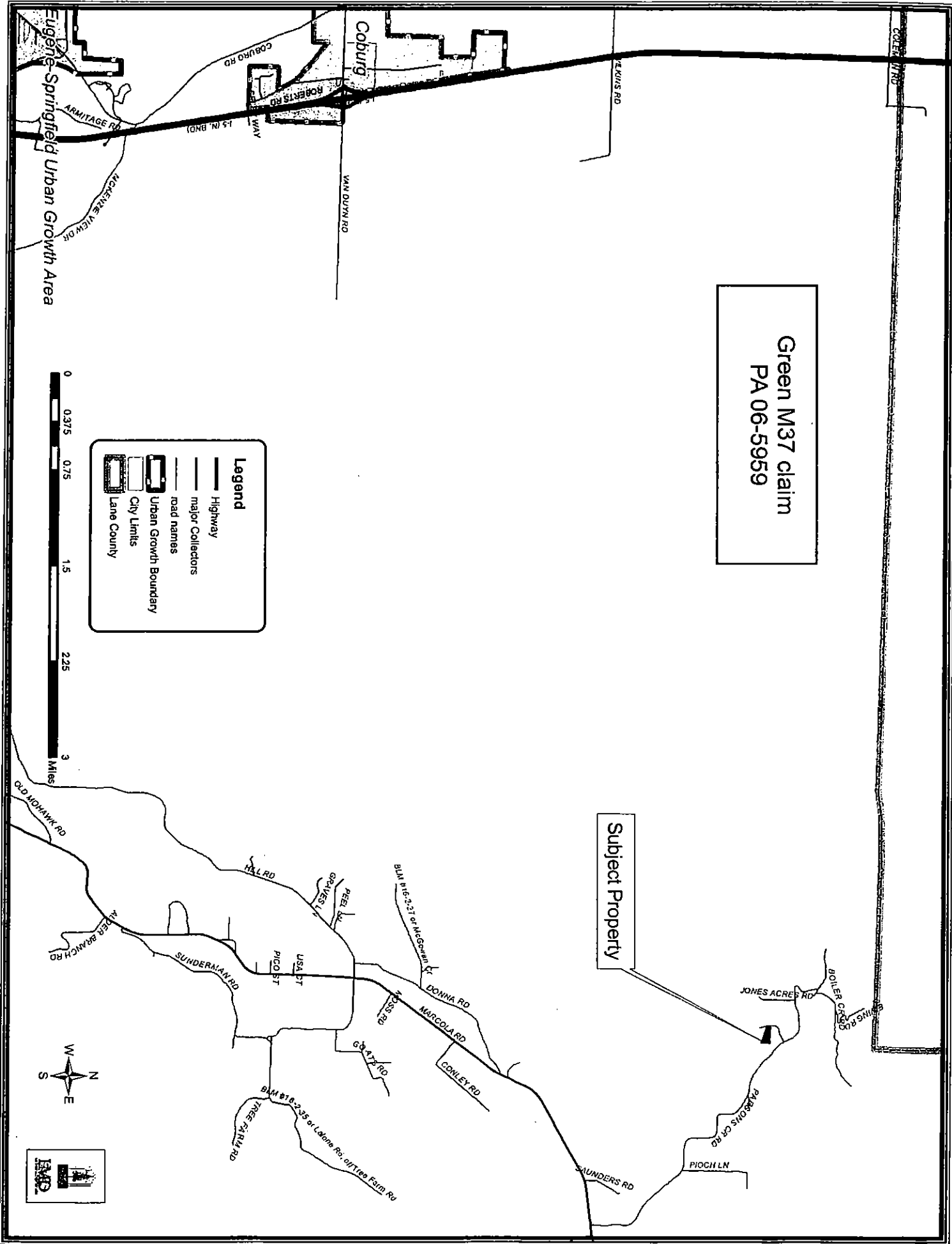
If an order is adopted, it will be recorded.

**VII. ATTACHMENTS**

- Vicinity Map.
- Claim submitted on May 26, 2006.

Green M37 claim  
PA 06-5959

Subject Property



**Legend**

- Highway
- major Collectors
- road names
- Urban Growth Boundary
- City Limits
- Lane County





LAND MANAGEMENT DIVISION

Measure 37 Claim Form

125 E 8th AVENUE, EUGENE OR 97401

PLANNING: 682-3807

For Office Use Only. FILE #

PA065959

CODE: PLN-M37

FEE: \$850

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

LOCATION

16 02 10 40 3500
Township Range Section qtr section Taxlot

92785 Regal Lane Springfield 97478
Site address

Applicant (print name): Norman J and Frieda G Green

Mailing address: 92130 Marpar Lane Springfield, OR 97478

Phone: 541-933-2852 Email:

Applicant Signature: Norman J Green Frieda G Green

Agent (print name):

Mailing address:

Phone: Email:

Agent Signature:

Land Owner (print name): Norman J and Frieda G Green Revocable Living Trust

Mailing address: 92130 Marpar Lane Springfield, OR 97478

Phone: 541-933-2852 Email:

Land Owner Signature: Norman J Green, Trustee Frieda G Green, Trustee

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

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

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

We are seeking a waiver on the land use restrictions

the desire is to divide the property into two 2.43 +/- acreages

**APPROVAL CRITERIA**

Lane Code 2.740(1)

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

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

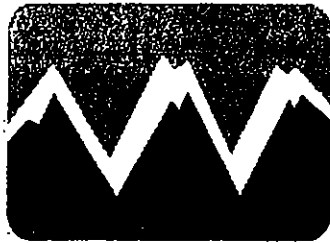
Answer the following questions. Attach additional pages if necessary.

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

Land use SAC RR has been enacted since purchase of property

we can not divide into smaller lot size because of regulation

we have attached Lot Size Comparables



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**WESTERN**  
**TITLE & ESCROW COMPANY**  
OF LANE COUNTY

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497 Oakway Road Suite 340 Eugene, OR 97401  
Phone: [541] 485-3588 Fax: [541] 485-3597

**Prepared For:**

**NORMAN GREEN**  
**92130 MARPAR LANE**  
**SPRINGFIELD, OR 97478**

**Order Number:**

50-0167506  
LOT BOOK REPORT

**Buyer/Address:**

Preliminary Title Report Enclosed



# WESTERN TITLE & ESCROW COMPANY OF LANE COUNTY

EUGENE OFFICE • 497 OAKWAY ROAD, SUITE 340 • PO BOX 10960 • Eugene, Oregon 97440 • (541) 485-3588 • FAX (541) 485-3597

Date: May 22, 2006

NORMAN J. GREEN  
92130 MARPAR LANE  
SPRINGFIELD, OR 97478

Report No: 50-0167506  
Your No: 50-0167506

<b>LOT BOOK SERVICE</b>	<b>\$200.00</b>
<b>GOVERNMENT SERVICE FEE</b>	<b>\$25.00</b>

## AMENDED LOT BOOK REPORT

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

The Property described in **Exhibit "A"** attached hereto and made a part hereof.

and dated as of May 2, 2006 at 5:00 p.m.

We find that the title is vested in:

NORMAN J. GREEN AND FRIEDA G. GREEN, Trustees, or any successor Trustees of  
THE NORMAN J. GREEN AND FRIEDA G. GREEN LIVING TRUST, dated June 29, 1992

We also find the following apparent encumbrances prior to the effective date hereof:

1. Reservations, including the terms and provisions thereof, as disclosed by instrument,  
Recorded: April 6, 1943  
Book 244, Page 507, Deed Records
2. An easement created by instrument, including the terms and provisions thereof,  
Recorded: April 13, 1948  
Book 371, Page 68, Deed Records  
In favor of: Mountain States Power Company, a Delaware corporation
3. An easement created by instrument, including the terms and provisions thereof,  
Recorded: April 13, 1948  
Book 371, Page 69, Deed Records  
In favor of: Mountain States Power Company, a Delaware corporation

4. An easement created by instrument, including the terms and provisions thereof,  
Recorded: April 13, 1948  
Book 371, Page 73, Deed Records  
In favor of: Mountain States Power Company, a Delaware corporation
5. Easement Agreement, including the terms and provisions thereof,  
Recorded: June 6, 1977  
Document No.: 77-34103, Official Records
6. An easement created by instrument, including the terms and provisions thereof,  
Recorded: September 13, 1977  
Document No.: 77-57977, Official Records  
In favor of: Pacific Power & Light Company
7. Reservations, including the terms and provisions thereof, as disclosed by instrument,  
Recorded: September 13, 1977  
Document No.: 77-57977, Official Records
8. Resolution and Final Order for the vacation of the Lot Line common to Lots 4 and 5, including the terms and provisions thereof,  
Recorded: November 2, 1988  
Document No.: 88-46248, Official Records

NOTE: Taxes paid in full for the year 2005-2006  
Original Amount: \$625.82  
Tax Lot No.: 16 02 10 40 03500  
Account No.: 1334547, Code 79-02

Taxes paid in full for the year 2005-2006  
Original Amount: \$346.48  
Tax Lot No.: 16 02 10 40 03500  
Account No.: 4158919, Code 79-02  
(Mobile home)

NOTE: We find no judgment liens or tax liens against Norman J. Green, Frieda G. Green or The Norman J. Green and Frieda G. Green Living Trust.

NOTE: We find the following conveyance documents:

Bargain and Sale Deed recorded August 3, 1992, Document No. 92-43411, Official Records;  
Warranty Deed recorded October 10, 1978, Document No. 78-68090, Official Records; and  
Memorandum of Contract recorded July 24, 1973, Document No. 73-33794, re-recorded January 15, 1974, Document No. 74-01658, and re-recorded January 25, 1974, Document No. 74-03020, Official Records.

This report is to be utilized for information only. Any use of this report as a basis for transferring, encumbering or foreclosing the real property described will require payment in an amount equivalent to applicable title insurance premium as required by the rating schedule on file with the Oregon Insurance Division.

The liability of Western Title & Escrow Company of Lane County is limited to the addressee and shall not exceed the premium paid hereunder.

Any questions concerning this Lot Book Report should be directed to Jerrilyn Egger, at (541) 431-3710.

NOTE: For copies of exceptions please call our Customer Service Department at (541) 284-8011 or email your request to [eugene@westerntitle.com](mailto:eugene@westerntitle.com)

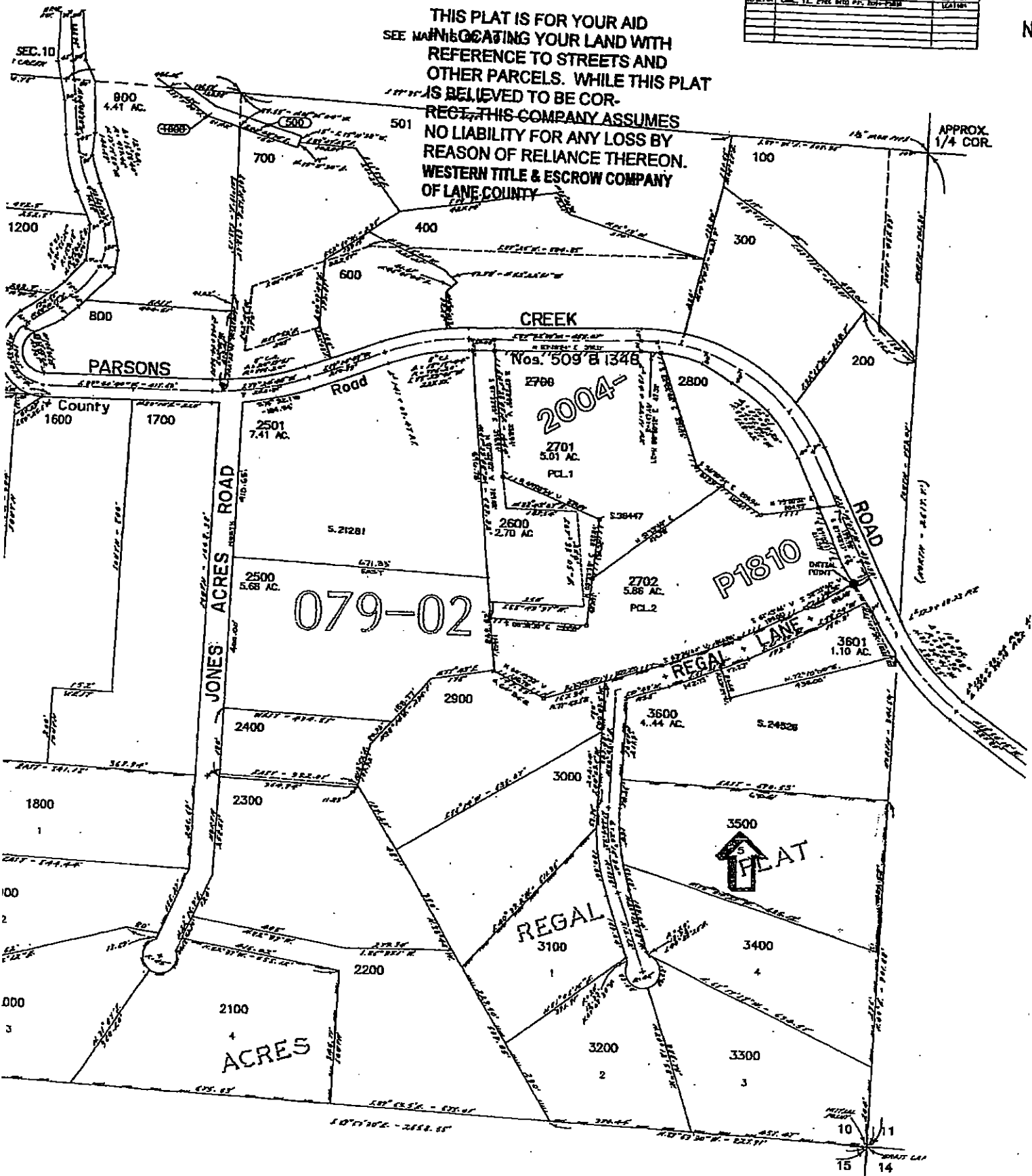
**EXHIBIT "A"**

Lot 5, REGAL PLAT, as platted and recorded in File 73, Slide 292, Lane County Oregon Plat Records,  
in Lane County, Oregon.

DATE	CLASS.	Y.L.	PREC.	WTR.	PP.	ED.	PL.	PL.	WATER

N

THIS PLAT IS FOR YOUR AID  
 SEE MAP 16 02  
 IN LOCATING YOUR LAND WITH  
 REFERENCE TO STREETS AND  
 OTHER PARCELS. WHILE THIS PLAT  
 IS BELIEVED TO BE COR-  
 RECT, THIS COMPANY ASSUMES  
 NO LIABILITY FOR ANY LOSS BY  
 REASON OF RELIANCE THEREON.  
 WESTERN TITLE & ESCROW COMPANY  
 OF LANE COUNTY



079-02

2004-

P1810

REGAL PLAT

ACRES

SEE MAP 16 02

16

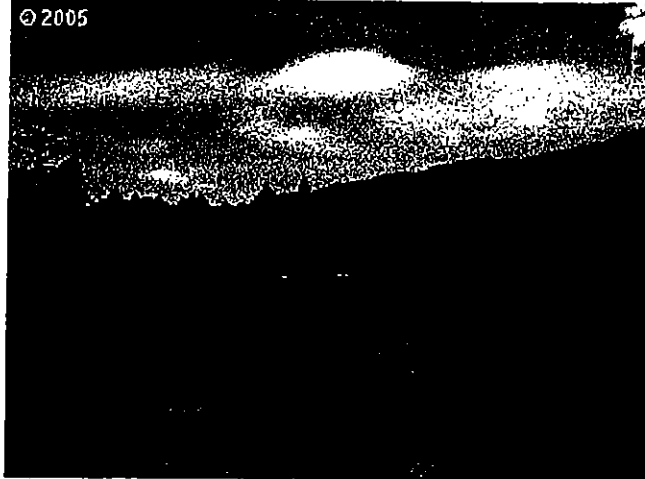
<sup>4.87</sup>  
I have a ~~4~~ Acre parcel that has a comparable value of \$175,000

I want to split it in half to make two <sup>2.43<sup>+</sup> or -</sup> ~~2~~<sup>2 1/2</sup> acre parcels which has a comparable value of \$115,000

So we feel that with the restrictions that have been implanted  
By the State/County after we acquired the property has reduce  
Our value by \$55,000.

<sup>4.87</sup> ~~4~~ Acres = \$175,000

<sup>2.43<sup>+</sup> or -</sup> ~~2~~<sup>2 1/2</sup> acre parcel = 115,000 x 2 = \$230,000



Presented by: Larry Alberts  
 Keller Williams Rlty Mid Wmte  
**LOTS AND LAND** Status: SLD 5/3/2006 *200,000*  
 ML#: 5052519 Area: 233 List Price:  
 Address: Holden Creek Ln  
 City: Leaburg Zip:  
 Additional Parcels: /  
 Map Coord: 0/0/0 Zoning:  
 County: Lane Tax ID: 1009479  
 Subdivision:  
 Manufhs Okay: CC&Rs: #image: 3  
 Elem: WALTERVILLE Middle: THURSTON  
 High: THURSTON Prop Type: RESID  
 Legal: 17-15-09-00-00605

**GENERAL INFORMATION**

Waterfront: /	Acres: 4.98	Lot Dimensions:
Perc Test: /	River/Lake:	Availability: SALE #1
Seller Disc:	RdFrntg: Y	Rd Surf:
Lot Desc:	Other Disc:	View:
Topography:		Soil Type/Class:
Soil Cond:		Present Use:

**IMPROVEMENTS**

Utilities: NONE, WELL  
 Existing Structure: Y / BARN

**REMARKS**

XSt/Dir: Adjacent to 42418 Holden Creek Rd.  
 Remarks: Beautiful 4.98 acres on Holden Creek Ln. Has older 52 x 52 red barn, all level and usable land, in area of excep Well drilled 1983, never used (since seller owned home next door w/ well), well log states 20 gpm per bailer test - file.

**FINANCIAL**

PTax/Yr: 79 HOA Dues: HOA Dues-2nd:  
 HOA Incl:

**COMPARABLE INFORMATION**

Pend: 11/1/2005 DOM: 111 Sold: 12/27/2005 Terms: CONV O/Price: \$200,000 Sold:

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

*Comparable 5 Acre Parcels*



© 2005



Presented by: Larry Alberts  
 Keller Williams Rity Mid Wmte **115,000**

**LOTS AND LAND** Status: SLD 5/3/2006  
 ML#: 5054981 Area: 233 List Price:  
 Address: MCKENZIE HWY  
 City: Leaburg Zip:  
 Additional Parcels: Y/  
 Map Coord: 85/C/13 Zoning: RR-2  
 County: Lane Tax ID: 546224  
 Subdivision:  
 Manufhs Okay: CC&Rs: Y #Image: 4  
 Elem: WALTERVILLE Middle: THURSTON  
 Hlgh: THURSTON Prop Type: RESID  
 Legal: 17-15-01-30-00605

**GENERAL INFORMATION**

Lot Size: <del>1.238AC</del>	Acres: 2.19	Lot Dimensions: 207X348
Waterfront: N /	River/Lake:	Availability: SALE #
Perc Test: Y / APROVED	RdFrntg: Y	Rd Surf: GRAVLRD
Seller Disc: EXEMPT	Other Disc:	View: MNTAIN
Lot Desc: CLEARED, CULDSAC, PASTURE, SOLAR, PRIVRD		Soil Type/Class:
Topography: LEVEL		Present Use: RAWLAND
Soil Cond: NATIVE		

**IMPROVEMENTS**

Utilities: SPT-APP  
 Existing Structure: Y / BARN

**REMARKS**

XStDir: MP 22; 1.5 MILES E. OF LEABURG; JUST BEFORE GREER LANE (FISH HATCHERY)  
 Remarks: EXCELLENT HOMESITE. VERY PRIVATE. SOUTHERN EXPOSURE. CLOSE TO MCKENZIE RIVER, FISH HA AND BOAT RAMP. CC&R'S TO BE ADDED BY SELLER. STANDARD SEPTIC APPROVAL. BARN ON PROPE PASTURE. LOTS OF SUN. ACCESSED FROM PRIVATE DRIVE.

**FINANCIAL**

PTax/Yr: 745.86 HOA Dues: HOA Dues-2nd:  
 HOA Incl:

**COMPARABLE INFORMATION**

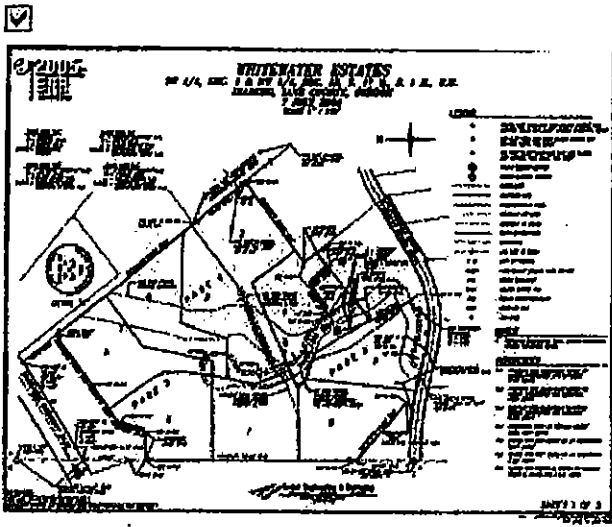
Pend: 12/6/2005 DOM: 130 Sold: 1/30/2006 Terms: CONV O/Price: \$115,000 Sold:

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

Comparable 2 1/2 Acre Parcels



114,900



Presented by: Larry Alberts  
 Keller Williams Rity Mid Wmte

**LOTS AND LAND** Status: SLD 5/3/2006  
 ML#: 5008761 Area: 233 List Price:  
 Address: Rippling Way  
 City: Leaburg Zip:  
 Additional Parcels: Y/  
 Map Coord: 0/0/0 Zoning: RR-2  
 County: Lane Tax ID: Not Found  
 Subdivision: Whitewater Estates  
 Manuffs Okay: N CC&Rs: Y #Image: 1  
 Elem: WALTERVILLE Middle: THURSTON  
 High: THURSTON Prop Type: RESID  
 Legal: Not Available

**GENERAL INFORMATION**

Lot Size: 1-2.99AC Acres: 2  
 Waterfront: / River/Lake:  
 Perc Test: Y / APROVED RdFrntg: Y  
 Seller Disc: Other Disc:  
 Lot Desc: CLEARED  
 Topography: LEVEL  
 Soil Cond: NATIVE

Lot Dimensions:  
 Availability: SALE #  
 Rd Surf: PAVEDRD  
 View: TREES, MNTAIN  
 Soil Type/Class:  
 Present Use: OTHER

**IMPROVEMENTS**

Utilities: POWER, WATER  
 Existing Structure: N /

**REMARKS**

XSt/Dir: McKenzie Hwy to Greenwood Drive to Rippling Way  
 Remarks: PC1594 WOW! Beautiful lots designated for Custom Homes, "Whitewater Estates", Rippling Way, Septic approve power in, Ready for Custom Home

**FINANCIAL**

PTax/Yr: 0 HOA Dues: HOA Dues-2nd:  
 HOA Incl:

**COMPARABLE INFORMATION**

Pend: 6/20/2005 DOM: 131 Sold: 7/20/2005 Terms: CONV O/Price: \$114,900 Sold:

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 SCHOOL AVAILABILITY SUBJECT TO CHANGE.



**No Photo Available**

Presented by: Larry Alberts  
 Keller Williams Rity Mid Wmto  
**LOTS AND LAND** Status: SLD 5/3/2008  
 ML#: 5054997 Area: 233 List Price: 110,000  
 Address: MCKENZIE HWY  
 City: Leaburg Zip:  
 Additional Parcels: Y/PARCEL 2  
 Map Coord: 85/C/13 Zoning: RR-2  
 County: Lane Tax ID: 1701737  
 Subdivision:  
 Manufhs Okay: CC&Rs: Y #Image:  
 Elem: WALTERVILLE Middle: THURSTON  
 High: THURSTON Prop Type: RESID  
 Legal: 17-15-01-30-00604

**GENERAL INFORMATION**

Lot Size: 1-2.99AC	Acres: 2.03	Lot Dimensions: 225X300
Waterfront: N /	River/Lake:	Availability: SALE #1
Perc Test: Y / APPROVED	RdFrntg: Y	Rd Surf: GRAVLRD
Seller Disc: EXEMPT	Other Disc:	View: MNTAIN
Lot Desc: CLEARED, CULDSAC, PASTURE, PRIVATE, SOLAR		Soil Type/Class:
Topography: LEVEL		Present Use: RAWLAND
Soil Cond: NATIVE		

**IMPROVEMENTS**

Utilities: SPT-APP  
 Existing Structure: N /

**REMARKS**

XSt/Dir: MP22 ; 1.5 MILES E. OF LEABURG JUST BEFORE GREER LANE(FISH HATCHERY)  
 Remarks: EXCELLENT HOMESITE. PASTURE FOR ANIMALS. LOTS OF SUN. NEAR MCKENZIE RIVER, BOAT RAMP. HATCHERY. STANDARD SEPTIC APPROVAL. SELLER TO ADD CC&R'S. PRIVATE DRIVE FOR ACCESS TO CLOSE IN.

**FINANCIAL**

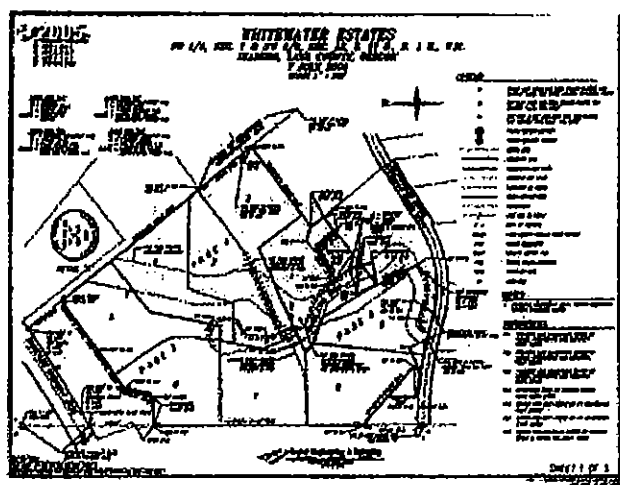
PTax/Yr: 462.72 HOA Dues: HOA Dues-2nd:  
 HOA Incl:

**COMPARABLE INFORMATION**

Pend: 8/9/2005 DOM: 11 Sold: 9/28/2005 Terms: CASH O/Price: \$110,000 Sold:

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

104,000



Presented by: Larry Alberts  
 Keller Williams Rity Mid Wmte

**LOTS AND LAND** Status: SLD 5/3/2006  
 ML#: 5008777 Area: 233 List Price:  
 Address: Rippling Way  
 City: Leaburg Zip:  
 Additional Parcels: Y/  
 Map Coord: 0/0/0 Zoning: RR-2  
 County: Lane Tax ID: Not Found  
 Subdivision: Whitewater Estates  
 Manufhs Okay: N CC&Rs: Y #image: 1  
 Elem: WALTERVILLE Middle: THURSTON  
 High: THURSTON Prop Type: RESID  
 Legal: not Available

**GENERAL INFORMATION**

Lot Size: 1-2.99AC. Acres: 2  
 Waterfront: / River/Lake:  
 Perc Test: Y / APROVED RdFrntg: Y  
 Seller Disc: Other Disc:  
 Lot Desc: CLEARED  
 Topography: LEVEL  
 Soil Cond: NATIVE

Lot Dimensions:  
 Availability: SALE #  
 Rd Surf: PAVEDRD  
 View: TREES, MNTAIN  
 Soil Type/Class:  
 Present Use: OTHER

**IMPROVEMENTS**

Utilities: POWER, WATER  
 Existing Structure: N /

**REMARKS**

XSt/Dir: McKenzie Hwy to Greenwood Drive to Rippling Way  
 Remarks: PC2039 WOW! Beautiful lots designated for Custom Homes, "Whitewater Estates", Rippling Way, Septic approved power in, Ready for Custom Home

**FINANCIAL**

PTax/Yr: 0 HOA Dues: HOA Dues-2nd:  
 HOA Incl:

**COMPARABLE INFORMATION**

Pend: 7/15/2005 DOM: 156 Sold: 8/31/2005 Terms: CASH O/Price: \$109,900 Sold:

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



# No Photo Available

Presented by: Larry Alberts  
 Keller Williams Rity Mid Wmte

**LOTS AND LAND** Status: SLD 5/3/2006 **95,000**  
 ML#: 5055008 Area: 233 List Price:  
 Address: MCKENZIE HWY  
 City: Leaburg Zip:  
 Additional Parcels: Y/PARCEL 1  
 Map Coord: 85/C/13 Zoning: RR-2  
 County: Lane Tax ID: 1701729  
 Subdivision:  
 Manufhs Okay: CC&Rs: Y #image: 0  
 Elem: WALTERVILLE Middle: THURSTON  
 High: THURSTON Prop Type: RESID  
 Legal: 17-15-01-30-00803

### GENERAL INFORMATION

Lot Size: <del>1-2000</del>	Acres: 2.16	Lot Dimensions: 224X320
Waterfront: N /	River/Lake:	Availability: SALE #1
Perc Test: Y / APPROVED	RdFrntg: Y	Rd Surf: GRAVLRD
Seller Disc: EXEMPT	Other Disc:	View: MNTAIN
Lot Desc: CORNER, PRIVATE, SOLAR, TREES, PRIVRD		Soil Type/Class:
Topography: LEVEL		Present Use: RAWLAND
Soil Cond: NATIVE		

### IMPROVEMENTS

Utilities: SPT-APP  
 Existing Structure: N /

### REMARKS

XSt/Dir: MP 22; 1.5 MILES E. OF LEABURG; JUST BEFORE GREER LANE(FISH HATCHERY)  
 Remarks: EXCELLENT HOMESITE. STAND OF LARGE DOUGLAS FIR TREES SCREENS MCK. HWY. NEAR MCKENZI BOAT RAMP AND FISH HATCHERY. CC&R'S TO BE ADDED BY SELLER. STANDARD SEPTIC APPROVAL. ACCESSED FROM PRIVATE DRIVE.

### FINANCIAL

PTax/Yr: 472.89 HOA Dues: HOA Dues-2nd:  
 HOA Incl:

### COMPARABLE INFORMATION

Pend: 8/11/2005 DOM: 13 Sold: 11/14/2005 Terms: CASH O/Price: \$95,000 Sold:

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

We, Norman J. Green and Frieda G. Green, Trustees of the Green Revocable Living Trust dated June 29, 1992, make this certification pursuant to ORS 130.860.

1. **Trust.** The Green Revocable Living Trust is presently in existence. It was executed on June 29, 1992, and established under the laws of the State of Oregon.

2. **Settlor and Trustee.** The Settlers are Norman J. Green and Frieda G. Green. We are currently the sole Trustees of the Trust.

3. **Trustee's Mailing Address.** Our mailing address as current acting Trustees is:

92130 Marpar Lane  
Springfield, OR 97478

4. **Trust Powers.** Under the terms of the Trust Agreement, the Trustees are given powers granted a trustee under ORS 130.720 and ORS 130.725, including the right to sell, exchange, assign, lease, encumber, or otherwise alienate all or any part of the Trust estate on such terms as the Trustee shall determine.

5. **Trust Revocable.** The Trust is revocable, modifiable, and amendable. The trust can be revoked, modified, or amended, only by the Settlers.

6. **Multiple Trustees.** While we are acting jointly as Trustees, we each have authority to exercise Trust powers alone.

7. **Taxpayer Identification Number.** The Trust's taxpayer identification number is: 544-36-4415.

8. **Title to Trust Property.** Trust property is to be titled as follows:

Norman J. Green and Frieda G. Green, or their successor(s) in trust, Trustees of the Green Revocable Living Trust dated June 29, 1992.

9. **No Change in Trust.** The Trust has not been revoked, modified, or amended in any manner that would cause the representations contained in this certification to be incorrect.

Dated: May 26, 2006.

Norman J. Green  
Norman J. Green, Trustee

Frieda G. Green  
Frieda G. Green, Trustee

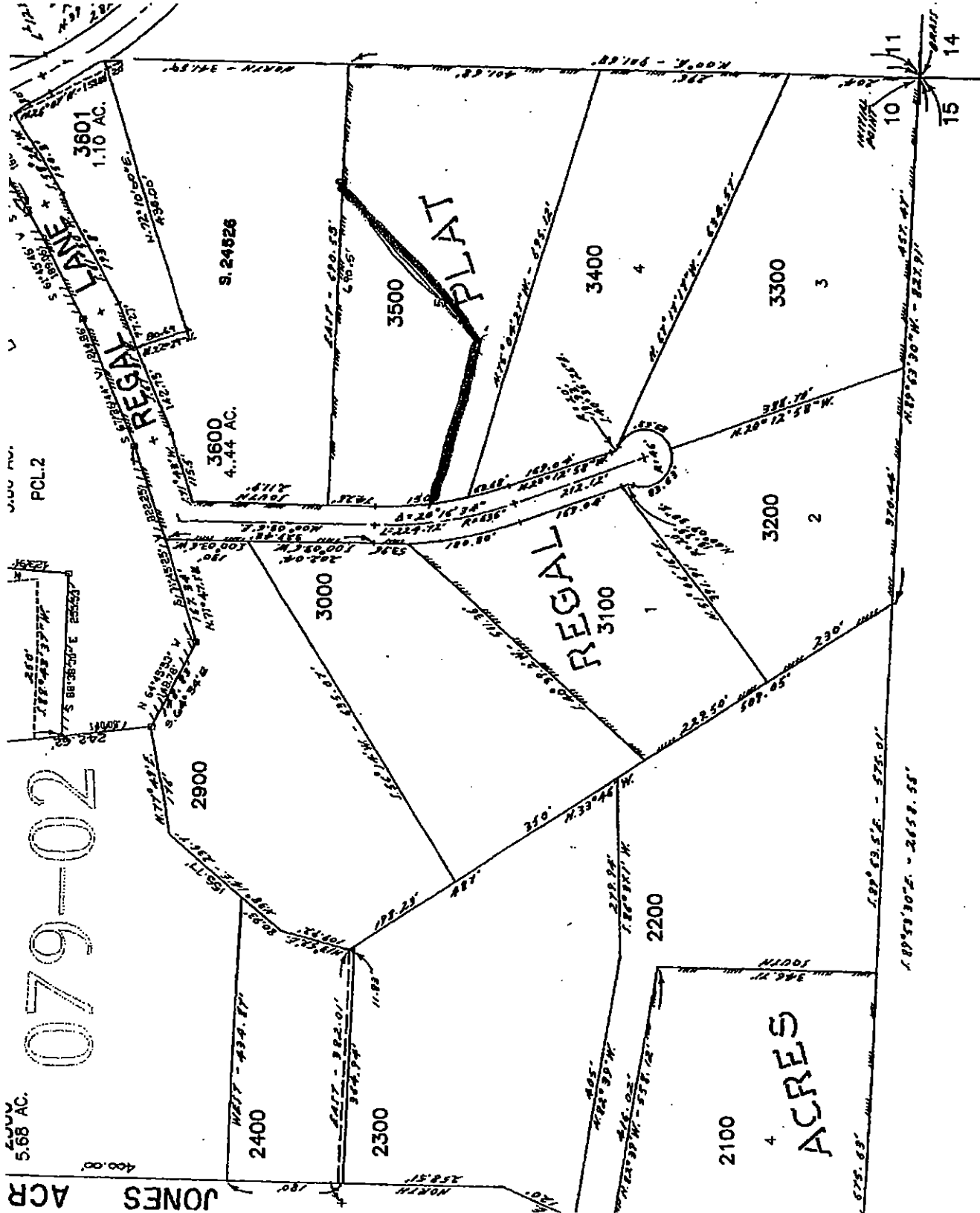
STATE OF OREGON )  
  ) ss.  
County of Lane )



This instrument was acknowledged before me on May 26, 2006, by Norman J. Green and Frieda G. Green, as acting Trustees.

Lee D. Kersten  
Notary Public for Oregon

This is an example of what we want to do with our property.  
 We want to split it in half to make two 2 1/2 build able parcels.  
 See Attachment.  
 2.43 + 00 -



079-02

SEE MAP 16 02

u n



## Lane County

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

May 17, 2006

Frieda and Norman Green  
92130 Marpar Lane  
Springfield OR 97478

Re: PA06-5743. Research request.

Dear applicant,

On May 3, 2006, you submitted a research request for map 16-02-10-40, lot 3500. Your letter indicated you want to know the zoning of the property on July 23, 1973. This letter contains our findings.

On that date, the property was unzoned. Currently, the property is zoned RR5 (Rural Residential). The regulations for this zone are located in Lane Code 16.290. You can view the Lane Code on the Lane County website at: [www.lanecounty.org](http://www.lanecounty.org).

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

Sincerely,

Steve Hopkins, AICP  
Planner  
Lane County Land Management Division

lane county  
**working**  
for you

10

7868090

WARRANTY DEED

FOR VALUE RECEIVED, ROY B. KLINGAMAN and INEZ KLINGAMAN, husband and wife, who acquired title to property as Roy B. Klingamon and Inez Klingamon, hereinafter referred to as Grantors, hereby grant, bargain, sell and convey unto NORMAN J. GREEN and FRIEDA G. GREEN, husband and wife, the following described real property, with tenements, hereditaments and appurtenances, to-wit:

Beginning at the Southeast corner of Section 10, Township 16 South, Range 2 West Willamette Meridian and running thence North along the East line of said Section 10, 1311.69 feet to its intersection of County Road No. 509, as is presently constructed and traveled; thence North 26° 07' West along the center of said County Road 180.85 feet, thence along the southerly bank of a creek South 58° 24' West 184.4 feet, thence South 61° 50' West 189.0 feet; thence South 67° 31' West 214.8 feet, thence South 71° 43' West 322.9 feet, thence North 64° 43' West 148.7 feet, thence leaving the bank of said creek and running South 77° 49' West 176.0 feet; thence South 38° 14' West 236.7 feet, thence South 13° 52' West 109.9 feet, thence South 38° 57' East 204.7 feet, thence South 14° 52' East 65.4 feet, thence South 26° 38' East 104.9 feet, thence South 41° 20' East 300.0 feet, thence South 27° 37' East 112.6 feet, thence South 15° 43' 30" East 209.02 feet to the South line of said Section 10; thence North 89° 45' East along the South line of said Section 10, 886.8 feet to the place of beginning, in Lane County, Oregon.

EXCEPT that portion which is being conveyed by Memorandum of Contract, dated October 14, 1969, recorded December 24, 1969, as Recorder's Reception No. 91579, Lane County Official Records, to Maynard D. Williamson and Joyce N. Williamson.

Subject to reservations in the deed from Fischer Lumber Company to Oliver Dorsey and Calla Dorsey, husband and wife, recorded April 6, 1943 under clerk's filing No. 119467, as follows: "Reserving, however, all minerals and mining rights included in the patent to said premises and also reserving unto the grantor, its successors and assigns a permanent easement over and across said real property for a logging right of way or roadway, said logging right of way or roadway to be maintained across the right as now located upon and across said premises and also reserving unto the grantor, its successors and assigns the perpetual right and easement to maintain, repair, and operate the present dam site upon said premises for logging and dam site over and across said premises."

Subject to reservation of water and mineral rights in the patent to George D. Linn, recorded January 7, 1908 at page 47 of volume 77, Lane County Oregon Deed Records.



7868090

Subject to easement to Mountain States Power Company for electric power line poles, granted by C. F. Kuhl and Alice E. Kuhl, husband and wife, recorded under clerk's filing No. 2-64155, in volume 371 page 68 of Lane County Oregon Deed Records.

Subject to easement to Mountain States Power Company for electric power line poles, granted by C. R. Jones and Evie M. Jones, husband and wife, recorded under clerk's filing No. 2-64156, in volume 371 page 69 of Lane County Oregon Deed Records.

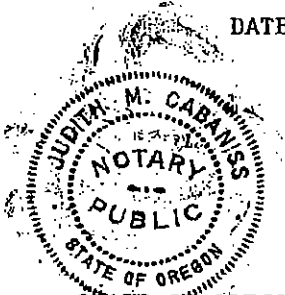
Subject to Easement to Mountain States Power Company for electric power poles, granted by Cecil F. Hammond and Sophia E. Hammond, husband and wife, recorded under clerk's filing No. 2-64160, in volume 371 page 73 of Lane County Oregon Deed Records.

Subject to easements, reservations and restrictions of record.

TO HAVE AND TO HOLD the said premises unto said Grantees, their heirs and assigns forever. And the said Grantors hereby covenant that they are lawfully seized in fee simple of said premises; that they are free from all incumbrances, except as hereinabove stated, and that they will warrant and defend the above granted premises against all lawful claims whatsoever, except as above stated.

The true and actual consideration for this transfer is \$35,000.00.

DATED: July 23, 1973



Roy B. Klingaman (SEAL)  
Roy B. Klingaman

Inez Klingaman (SEAL)  
Inez Klingaman

STATE OF OREGON )  
County of Lane ) ss

Personally appeared the above named ROY B. KLINGAMAN and INEZ KLINGAMAN, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

DATED: July 23, 1973

Judith M. Cabanis  
Notary Public for Oregon  
My commission expires: 10-11-74

MEMORANDUM OF CONTRACT

TA 56-4847

KNOW ALL MEN BY THESE PRESENTS: The undersigned, ROY B. KLINGAMAN and INEZ KLINGAMAN, husband and wife, who took title to property as Roy B. Klingamon and Inez Klingamon, have by written contract dated this day, reference to which is hereby made for all details, agreed to sell to NORMAN J. GREEN and FRIEDA G. GREEN, the following described real property:

180-26

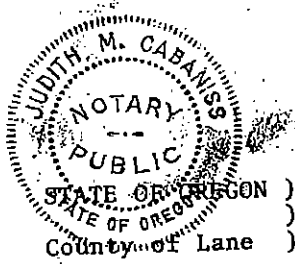
BEGINNING at the Southeast corner of Section 10, Township 16 South, Range 2 West of the Willamette Meridian and running thence North along the East line of said Section 16 1311.69 feet to its intersection of County Road No. 509, as is presently constructed and traveled; thence North 26° 07' West along the center of said County Road 180.85 feet; thence along the Southerly bank of a creek South 58° 24' West 184.4 feet, thence South 61° 50' West 189.0 feet; thence South 67° 31' West 214.8 feet; thence South 71° 43' West 322.8 feet, thence North 64° 43' West 148.7 feet, thence leaving the bank of said creek and running South 77° 49' West 176.0 feet; thence South 38° 14' West 236.7 feet; thence South 13° 52' West 109.9 feet, thence South 38° 57' East 204.7 feet, thence South 14° 52' East 65.4 feet, thence South 26° 38' East 104.9 feet, thence South 41° 20' East 300.0 feet; thence South 27° 37' East 112.6 feet, thence South 15° 43' 30" East 209.02 feet to the South line of said Section 10; thence North 89° 45' East along the South line of said Section 10, 886.8 feet to the place of beginning, in Lane County, Oregon. EXCEPT that portion which is being conveyed by Memorandum of Contract, dated October 14, 1969, recorded December 24, 1968, as Recorder's Reception No. 91579, Lane County Official Records, to Maynard D. Williamson and Joyce N. Williamson.

The true and actual consideration for this transfer is \$55,000.00.

DATED this 23rd day of July, 1973.

Roy B. Klingaman  
Roy B. Klingaman

Inez Klingaman  
Inez Klingaman



ss

On this 23rd day of July, 1973, personally appeared the above named ROY B. KLINGAMAN and INEZ KLINGAMAN, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

Judith M. Cabanis  
Notary Public for Oregon  
My commission expires: 10-11-74

(over)

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

1973 JUL 24 PM 1 51

Reel **648 R**  
Lane County OFFICIAL Records.  
D. M. PENFOLD, Director of the  
Department of Records & Elections.  
By *Lisa A. Opa* Deputy  
C29-083-05

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

1974 JAN 15 PM 12 39

Reel **673 R**  
Lane County OFFICIAL Records.  
D. M. PENFOLD, Director of the  
Department of Records & Elections.  
By *Constance Stumard* Deputy  
C29-083-05

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

1974 JAN 25 PM 1 10

Reel **674 R**  
Lane County OFFICIAL Records.  
D. M. PENFOLD, Director of the  
Department of Records & Elections.  
By *Constance Stumard* Deputy  
C29-083-05

7666030

State of Oregon,  
County of Lane—ss.

I, D. M. Penfold, Director of the Department of General Services, in and for the said County, do hereby certify that the within instrument was received for record at  
10 OCT 78 10: 01

Reel 944 R

Lane County OFFICIAL Records.

D.M. Penfold, Director of the Department of General Services.

By *D.M. Penfold*  
Deputy

CS048

