

Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

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Applicant(s): **Pacific Farms Co., LLC Ronald Marx, Manager**

Mailing Address: **PO Box 1144**

City: **Dallas** State: **Oregon** Zip Code: **97338** Daytime Phone: **OWRD 503.623.2953**

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
6S	5W	35	NE-NE	6.5.36.200	Agriculture/EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Wetland
6S	5W	35	SE-NE	6.5.36.200	Agriculture/EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Wetland
6S	5W	36	NW-NW	6.5.36.200	Agriculture/EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Wetland
6S	5W	36	SW-NW	6.5.36.200	Agriculture/EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Wetland

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Polk County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond
 Ground Water
 Surface Water (name) **Overland run-off & flood waters, tribs. of Unnamed Creek and West Branch Ash Swale**

Estimated quantity of water needed: **50.6** cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other **Wetland Enhancement**

Briefly describe:

10 existing ponds constructed in 2002 under now-cancelled OWRD permits R-13235, R-13236 & R-13237 issued in 2002. Design & plans provided by USDA-NRCS in 2001.
No Additional Work is Being Done

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
RECEIVED		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
AUG 02 2021		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
OWRD		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

** See attached Pursuant to PCZO 136.030(D) "Creation, Restoration, and Enhancement of Wetlands" is outright permitted. However, a non-structural floodplain development permit was required, C101-7.*

Name: Miranda Muller Title: Associate Planner

Signature: *Miranda Muller* Phone: 503.623.9237 Date: 7/16/2021

Government Entity: **Polk County Planning Division**

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

*The applicant indicated that the wetlands are existing and no additional work is proposed, however, this serves as notification that the subject property is located within the Special Flood Hazard Area (SFHA). Any non-structural floodplain development, such as excavating, drilling, removal or fill material, etc., within the SFHA would require a land use application and approval prior to conducting the non-structural floodplain development activities. The applicable review and decision criteria for non-structural floodplain development can be found in the Polk county Zoning Ordinance Chapter 178.

The subject property also contains wetlands identified on the NWI map. According to the SRA map the wetlands are inventoried as being fish bearing. Any development within the inventoried wetland areas may require permits from the Oregon Department of State Land (DSL) and Oregon Department of Fish and Wildlife (ODFW).

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POLK COUNTY

Community Development

POLK COUNTY COURTHOUSE ★ DALLAS, OREGON 97338 ★ (503) 623-9237 ★ FAX (503) 623-6009

GENE CLEMENS
Director

NOTICE OF LAND USE APPLICATION

APPLICANT/OWNER: Ronald and Janice Marx

TYPE OF APPLICATION: The applicants are proposing to construct three low berm dikes creating a shallow water pond within the 100-year floodplain of Ash Swale Creek as part of a wetland restoration project. The Subject property is a 335.93-acre parcel located within the Exclusive Farm Use (EFU) Zoning District.

LOCATION: The subject property is located at 4905 Livermore Road, Dallas, OR 97338 (T6S, R5W, Section 36, Tax Lot 200).

REVIEW & DECISION CRITERIA: PCZO 136.030(D), 178.060(A)(2)(B)(1)(2)(4), 173.040, 182.040(A)(E).

FILE NUMBER: CU 01-17

STAFF CONTACT: Austin McGuigan

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DECISION

Based on the Review and Decision Criteria above, the application is **approved** to construct three low berm dikes within the 100-year floodplain of Ash Swale Creek. The application shall be subject to compliance with the conditions listed below, as required by the findings in the Review and Decision Criteria (Section III), and development standards, as required by the Polk County Zoning Ordinance. Any modifications to conditions shall be approved in accordance with provisions of law (e.g., variance, subsequent land use application, etc.). Appeals to conditions listed in Development Standards may be appealed as allowed by law.

Conditions of Development:

1. The three proposed low berm dikes shall not be altered, enlarged or enhanced beyond the proposed dimensions submitted in this application without appropriate County, State, and Federal permits. Repair and maintenance of the berms is allowed, subject to limiting the berm dimensions and impacts to those identified in this application.
2. The property owner must obtain any necessary state or federal permits before beginning the project. Polk County is not liable for any delays in the processing of a state or federal permit.
3. The property owner shall contact the Oregon Division of State Lands (DSL) ((503) 378-3805) in order to determine if the project is located within a jurisdictional wetland. If DSL determines that the project is located within a jurisdictional wetland, then the project is located within a significant resource area and PCZO chapter 182 Significant Resource Areas Overlay Zone criteria shall be applied to the proposed project. As a result of such a determination, the applicant would be required to determine the wetland and or riparian setback area, and develop a management plan as described in PCZO 182.040 and 182.050. If required, The property owner shall submit a DSL approved management plan to the Planning Division prior to construction of the proposed project.
4. Soil stabilizing vegetation shall be maintained as to not increase the base flood elevation more than one (1) foot.

EFFECTIVE DATE: June 26, 2001 at 5:00 p.m. This application and approval must be exercised within one (1) year from its effective date or it shall be null and void. If additional time is required, the applicant shall file a written request for extension, with the appropriate fee, addressed to the Polk County Planning Director, at least thirty (30) days prior to the expiration.

Jim Allen
Jim Allen, Planning Director

6-14-01
Date

Decisions of the Polk County Planning Director may be appealed to the Polk County Board of Commissioners by any person whose interests are adversely affected or who is aggrieved by the decision. Such appeals must be filed within 12 days of the mailing of the decision, with the Polk County Community Development Department, Courthouse, Dallas, Oregon, on the form supplied by that department and the appropriate fee paid at the time of filing. Failure of an issue to be raised in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue. Appeals to the Land Use Board of Appeals (LUBA) may only be based on Review and Decision Criteria contained in Section III, below. This decision becomes effective only if a written appeal is not filed within the appeal period. If an appeal is filed, this decision is stayed until a determination is made by the governing body.

A copy of the application, all documents and evidence relied upon by the applicant, and the applicable criteria are available for inspection at no cost and will be provided at the Community Development Department for the cost of copying.

**Polk County Community Development
Polk County Courthouse
850 Main Street; Dallas, OR 97338
(503) 623-9237**

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS Chapter 215 requires that if you receive this Notice of Decision, it must promptly be forwarded to the purchaser.

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**Polk County Community Development Department
Planning Division Administrative Action:**

APPLICANT/OWNER: Ronald and Janice Marx
TYPE OF APPLICATION: The applicants are proposing to construct three low berm dikes creating a shallow water pond within the 100-year floodplain of Ash Swale Creek as part of a wetland restoration project. The Subject property is a 335.93-acre parcel located within the Exclusive Farm Use (EFU) Zoning District.
LOCATION: The subject property is located at 4905 Livermore Road, Dallas, OR 97338 (T6S, R5W, Section 36, Tax Lot 200).
REVIEW & DECISION CRITERIA: PCZO 136.030(D), 178.060(A)(2)(B)(1)(2)(4), 173.040, 182.040(A)(E).
FILE NUMBER: CU 01-17
STAFF CONTACT: Austin McGuigan

I. PROJECT AND PROPERTY DESCRIPTION

REQUEST:

To construct three low berm dikes, in order to impound overland flow and stream flood surface water, creating a shallow water pond within the 100-year floodplain of Ash Swale Creek. The proposed non-structural floodplain development is part of a 63-acre wetland restoration project. The property owners, Ronald and Janice Marx, hired the United States Department of Agriculture Natural Resources Conservation Service to perform a study to determine if the proposed wetland restoration project design and construction would increase the flood levels during the base-flood discharge. (Attachment A, Plot Plan).

The application was received complete on May 30, 2001.

PARCEL SIZE:

335.93-acres

Zoning:	Comprehensive Plan Designation	Zoning Designation
Subject Property	Agriculture	Exclusive Farm Use
Property North	Agriculture	Exclusive Farm Use
Property East	Agriculture	Exclusive Farm Use
Property South	Agriculture	Exclusive Farm Use
Property West	Agriculture	Exclusive Farm Use

PROPERTY DESCRIPTION:

The subject property is located at 4905 Livermore Road, Dallas, OR 97338 (T6S, R5W, Section 36, Tax Lot 200, and T6S, R5W, Section 36, Tax Lot 100). The subject parcel consists of 335.93-acres and is part of a 496.93-acre tract (T6S, R5W, Section 36, Tax Lot 200, 201 and T6S, R5W, Section 36, Tax Lot 100). The subject parcel is described in Polk County Book of Records 289, Page 995. The subject parcel was lawfully created on August 31, 1954 pursuant to Polk County Deed Volume 154, Page 467.

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Polk County file Land Division 91-16 permitted the property owner to divide a 642-acre parcel into three separate parcels consisting of 144, 161, and 337-acres on December 21, 1991. The land division was recorded on January 10, 1992 as Polk County Partition No. 1992-002. The subject parcel is the 337-acre remainder of Partition 1992-002, and the current tract also includes 161-acre parcel 2 of Partition 1992-002.

According to the applicants, they have created a permanent conservation easement on 63-acres of the subject 335.93-acre parcel. The applicants also stated that the 63-acre easement portion of the subject parcel has been actively farmed as a grass seed operation until 2000, and the land bordering the easement area is currently farmed. The subject parcel contains a single-family dwelling and four outbuildings.

The proposed wetland restoration project consists of constructing three low berm dikes. According to the applicants, a minor amount of excavation will be conducted during the construction of the dikes. The applicants stated that the 4,000 total feet of dike would have a natural appearance with an average height of 1.5 to 2.5 feet, 20-foot width, and side slopes of 5:1 interior slope and 10:1 outer slope. The applicants also stated that there would be one adjustable water control structure built into the dike system consisting of a 24-inch out fall with a 36-inch riser. In addition, the applicants stated that the dike would incorporate a natural spillway by allowing water to flow around the terminal ends of the dike and the flashboard structure will be set at the same contour in order to allow positive flow out of the impoundment during full-pool conditions. Emergency spillways are proposed for excavation for each wetland impoundment in order to accommodate positive outflow during flooding and winter storm events.

The applicants have stated that project area would be replanted to a tufted hair grass prairie. In addition, the tufted hair grass and slough grass would be planted in the scarified soil along the margins of the shallow ponds.

According to the National Wetland Inventory Rickreall Quad Map, the subject property contains a wetland in the general location of the proposed low berm dike and shallow pond.

- Access: Direct access to Livermore Road, a local road as defined in the Polk County Transportation Plan, Appendix 3.
- School: Perrydale School District No. 21.
- Fire: Southwest Polk Rural Fire Protection District.
- Police: Polk County Sheriff

II. COMMENTS RECEIVED

- Assessment: No comment.
- Enforcement: No comment.
- Building: No comment.
- Environmental Health: No comment.
- Public Works: No objections.
- Surveyor: No objections to proposal.

No other comments were received as of the writing of this staff report.

III. REVIEW AND DECISION CRITERIA

The applicant requests to construct three low berm dikes within the EFU Zoning District, and the 100-year floodplain of Ash Swale Creek. Non-structural development within a floodplain is subject to review based upon the Polk County Zoning Ordinance, Section 178.060.

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- 1) **136.030. USES PERMITTED BY RIGHT.** The following uses are permitted, subject to applicable standards set forth in the Polk County Zoning Ordinance and as may otherwise be indicated by federal, state and local permits or regulations: [PCZO 136.030]

(A) **Creation, Restoration and Enhancement of Wetlands.** [PCZO 136.030(D)]

Findings: According to the applicant, the application for the construction of three low berm dikes within the Ash Swale Creek floodplain is part of a wetland restoration project. The application meets this criterion.

- 2) **PCZO 178.060. CONDITIONAL USE PERMIT PROCEDURES AND REQUIREMENTS.**

(A) A conditional use permit shall be obtained from the Polk County Community Development Department prior to commencement of the following types of development: [PCZO 178.060 (A)]

- (1) **Non-structural development within any floodplain identified on the Polk County Flood Insurance Rate Map requires a conditional use permit. Non-structural development includes mining, dredging, filling, grading, paving, excavation or drilling operations.** [PCZO 178.060 (A)(2)]

Findings: The applicant is requesting approval to establish three low berm dikes totaling 4,000 feet in length, averaging 1.5 to 2.5 feet in height, and 20 feet in width within the 100-year floodplain of Ash Swale Creek. The proposed project would involve excavation and filling within the designated floodplain.

(B) **The Planning Director is responsible for review and approval of all conditional use applications submitted for development and uses described in this section. The Planning Director shall determine that such development and uses meet the following requirements:** [PCZO 178.060 (B)]

- (1) **The necessary permits for the proposed development have been obtained from those federal, state or local governmental agencies from which prior approval is required.** [PCZO 178.060 (B)(1)]

Findings: Staff finds that, according to the National Wetland Inventory Rickreall Quad Map, the subject property contains a wetland in the general location of the proposed low berm dikes. Oregon Division of State Lands (DSL) may require a removal-fill permit for the described project. If DSL determines that the project is located within a jurisdictional wetland, then the project is located within a significant resource area and it would be applicable to apply PCZO chapter 182 Significant Resource Areas Overlay Zone criteria to the proposed project. As a result of such a determination, the applicant would be required to determine the wetland and or riparian setback area, and develop a management plan as described in PCZO 182.040 and 182.050. Staff notified DSL of the subject land use application utilizing the DSL Wetland Land Use Notification Form. As of the writing of this staff report DSL has not responded. The application could meet this criterion.

- (2) **The proposed development will not adversely affect the flood carrying capacity of the floodplain. For purposes of this ordinance "adversely affect" means that the cumulative effects of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point.** [PCZO 178.060 (B)(2)]

Findings: The property owners, Ronald and Janice Marx, hired The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) to perform a study to determine if the three proposed low berm dikes would increase the flood levels during the base flood discharge. According to statements submitted by USDA NRCS lower Basin Engineer, the water surface of the base flood would not be increased by more than one foot at any one point as a result of the proposed 3,850 feet of shallow dike. The applicant's engineer stated that the proposed development would allow floodwater and runoff to be stored behind the 3,850 of low dike in order to enhance the wetland characteristics of the project area. The application meets this criterion.

(3) **Non-structural development within any floodplain identified on the Polk County Flood Insurance Rate Map. Non-structural development includes mining, dredging, filling, grading, paving, excavation or drilling operations. Approval of the conditional use shall be based on the following provisions:** [PCZO 178.060 (B)(4)]

- (a) **Such development shall be consistent with the need to minimize flood damage;** [PCZO 178.060 (B)(4)(a)]
- (b) **Such development shall have adequate drainage provided to reduce exposure to flood damage; and,** [PCZO 178.060 (B)(4)(b)]
- (c) **The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point.** [PCZO 178.060 (B)(4)(c)]

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Findings: The applicant stated that the low berm dikes are designed to have a low flood impact. The applicant also stated that the outer side slope of the dikes would be constructed with a 10:1 ratio to reduce surface drag during high water events. The applicant stated that a natural spillway would be incorporated into each dike design by allowing water to flow around the terminal ends of the dike. The top of the flashboard structures would be set to the same contour as the dike terminus ends in order to allow positive flow out of the impoundment areas in full-pool conditions. In addition, the applicant stated that emergency spillways would be excavated for each wetland impoundment in order to accommodate positive outflow during flooding and or excessive overland flows. Staff finds that, based on the statements and project design prepared by the USDA NRCS, the proposal is adequate for minimizing the flood damage to the subject and area properties, provides adequate drainage, and will not raise the base flood elevation more that one-foot at any one point. As a result, the three proposed low berm dikes shall not be altered, enlarged or enhanced beyond the proposed dimensions submitted in this application without appropriate County, State, and Federal permits. Repair and maintenance of the three low berm dikes is allowed, subject to limiting the berm dimensions and impacts to those identified in this application. Staff finds that increased growth of soil stabilizing vegetation on the berms could increase the base flood elevation over time if the vegetation is not maintained. Soil stabilizing vegetation shall be maintained as to not increase the base flood elevation more than 1-foot. The application meets these criteria.

IV. CONCLUSIONS

Based on the Review and Decision Criteria above, staff has found that the proposed development is consistent with the PCZO, and Polk County Comprehensive Plan provisions for non-structural development within a floodplain. Development requirements will be enforced when the applicant files for building permits to construct the addition to the berm on the subject property. The following conditions have been identified as required for completion of this application:

- 1. The three proposed low berm dikes shall not be altered, enlarged or enhanced beyond the proposed dimensions submitted in this application without appropriate County, State, and

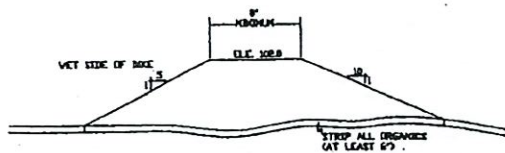
Federal permits. Repair and maintenance of the berms is allowed, subject to limiting the berm dimensions and impacts to those identified in this application.

2. The property owner must obtain any necessary state or federal permits before beginning the project. Polk County is not liable for any delays in the processing of a state or federal permit.
3. The property owner shall contact the Oregon Division of State Lands (DSL) ((503) 378-3805) in order to determine if the project is located within a jurisdictional wetland. If DSL determines that the project is located within a jurisdictional wetland, then the project is located within a significant resource area and PCZO chapter 182 Significant Resource Areas Overlay Zone criteria shall be applied to the proposed project. As a result of such a determination, the applicant would be required to determine the wetland and or riparian setback area, and develop a management plan as described in PCZO 182.040 and 182.050. If required, The property owner shall submit a DSL approved management plan to the Planning Division prior to construction of the proposed project.
4. Soil stabilizing vegetation shall be maintained as to not increase the base flood elevation more than one (1) foot.

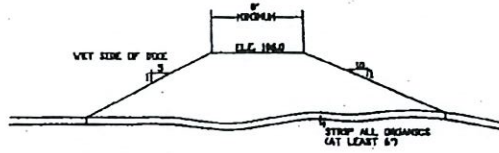
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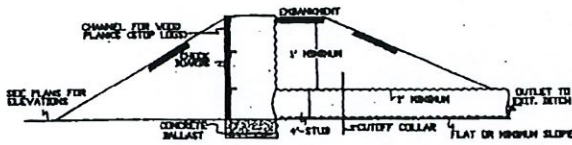
OWRD



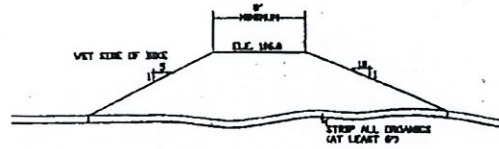
⊕ TYPICAL DIKE SECTION
(not to scale)



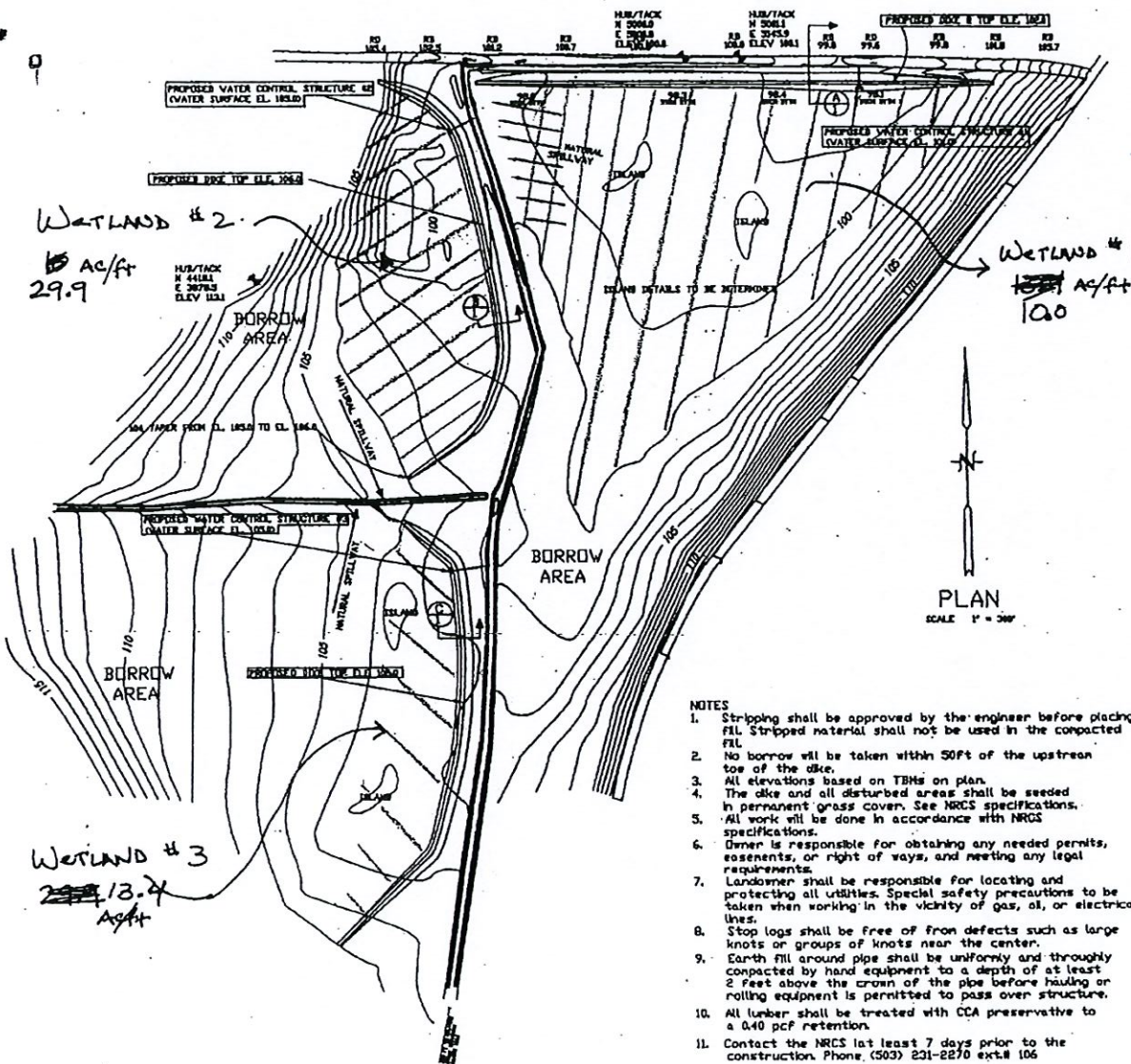
⊕ TYPICAL DIKE SECTION
(not to scale)



TYPICAL DIKE SECTION @ HALF RISER
(not to scale)



⊕ TYPICAL DIKE SECTION
(not to scale)



- NOTES
1. Stripping shall be approved by the engineer before placing fill. Stripped material shall not be used in the compacted fill.
 2. No borrow will be taken within 50ft of the upstream toe of the dike.
 3. All elevations based on TBMs on plan.
 4. The dike and all disturbed areas shall be seeded in permanent grass cover. See NRCS specifications.
 5. All work will be done in accordance with NRCS specifications.
 6. Owner is responsible for obtaining any needed permits, easements, or right of ways, and meeting any legal requirements.
 7. Landowner shall be responsible for locating and protecting all utilities. Special safety precautions to be taken when working in the vicinity of gas, oil, or electrical lines.
 8. Stop logs shall be free of from defects such as large knots or groups of knots near the center.
 9. Earth fill around pipe shall be uniformly and thoroughly compacted by hand equipment to a depth of at least 2 feet above the crown of the pipe before hauling or rolling equipment is permitted to pass over structure.
 10. All lumber shall be treated with CCA preservative to a 0.40 pcf retention.
 11. Contact the NRCS at least 7 days prior to the construction. Phone: (503) 231-2270 ext# 106

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DRAFT

DRAFT

DRAWING NO.	DATE	DESIGNED	PVJ	DATE	3/21	APPROVED	
		DRAWN	PVJ	DATE	3/21	TITLE	
DATE		TRACED					
		CHECKED					

RON MARX WRP
POLK COUNTY SOIL AND WATER CONSERVATION DISTRICT
USDA NATURAL RESOURCES CONSERVATION SERVICE

ATTACHMENT A

FIRST AMERICAN TITLE 776561



After recording return to:
Pacific Farms Co., LLC
P O Box 1144
Dallas, OR 97338

Until a change is requested all tax statements shall be sent to the following address:
Pacific Farms Co., LLC
P O Box 1144
Dallas, OR 97338

File No.: 7121-776461 (SDT)
Date: March 21, 2006

THIS SPACE RESERVED FOR RECORDER'S USE


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RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2006-004673



\$31.00

00153133200800048730020028

03/23/2006 11:32:37 AM

REC-WD Cnt=1 Stn=1 K. WILLIAMS
\$10.00 \$10.00 \$11.00

STATUTORY WARRANTY DEED

Ronald L Marx and Janice M Marx, Grantor, conveys and warrants to **Pacific Farms Co., LLC**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

PARCEL 3 OF VOLUME 2005, PAGE 16 BOOK OF PARTITION PLATS FOR POLK COUNTY, OREGON, RECORDED JUNE 3, 2005.

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey; Potential recapture of ad valorem taxes regarding tax deferral as farm land.

The true consideration for this conveyance is **\$165,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

