

APPLICANT'S STATEMENT

And

WRITTEN NARRATIVE

Date: July 22, 2009

Owner and Applicant:

JAKL Property Solutions, LLC
Jered Helton, managing member
65 Irving Rd.
Eugene, OR 97404
(541) 870-8913

Land Surveyor and Engineer:

K & D Engineering, Inc.
Grant Beem, PE
Jack Burrell, LS
276 Hickory St. NW
Albany, OR 97321
(541) 928-2583

Request:

Partition approval is requested to divide the subject property into 3 parcels

Tax Lot:

Tax Lot 100 (Map No. 18-5W-06-23)

Summary:

This written statement addresses pertinent requirements of:

- o The City of Veneta Land Development Ordinance—No. 461
- o The City of Veneta Land Division Ordinance No. 462

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K & D ENGINEERING, Inc.

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VENETA LAND DEVELOPMENT ORDINANCE

ARTICLE 5—SUPPLEMENTARY PROVISIONS

The applicant must address all applicable criteria in Article 5 of the Veneta Land Development Ordinance. The following sections are relevant:

Section 5.02—Access

RESPONSE: *This response is discussed in Appendix "B"*

Section 5.07—Future Development Potential. When a residential property is larger than twice the minimum lot size and has potential for division, the applicant must submit a shadow plat showing how the future land division could take place and site the residences accordingly.

RESPONSE:

- *Parcel 1 has the potential for future division into and additional parcels. See Shadow Plat attached to this application.*
- *Parcel 2 does not have future potential.*
- *Parcel 3 is not greater than 12,000 sf and is not subject to the requirements of this section.*

Section 5.14 (1)—Improvement Requirements related to water and sewer connections.

RESPONSE:

Parcel 1 is being connected to the water and sewer.

Parcels 2 and 3 will be connected to both at time of building permits

Section 5.26—Parkland Dedication Requirements

RESPONSE:

The owner is requesting to pay cash in lieu of dedication as outlined in Section 5.26

Section 5.27—Traffic Impact Analysis and Mitigation

RESPONSE:

This response is discussed in Appendix "A".

APPENDIX "D"

ARTICLE 7—SECTION 7.03—IMPROVEMENTS IN SUBDIVISIONS (PARTITIONS)

VENETA LAND DIVISION ORDINANCE

**ARTICLE 7—SECTION 7.03—IMPROVEMENTS IN
SUBDIVISIONS (Partitions)—Section 7.04 refers back to
Section 7.03)**

The following improvements shall be installed at the expense of the partitioner at the time of partition or as agreed upon as provided in Section 7.05. All improvements shall comply with the construction permit as required by the City.

(1) **Streets.**

RESPONSE:

No new streets will be required. Not applicable

(2) **Surface drainage and storm sewer systems. Surface drainage and storm sewer system.** Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as approved by the City Engineer, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such area as per adopted Drainage Plan.

RESPONSE:

- *A seasonal drainage way flows through the subject property. This drainage swale shall not be disturbed.*
- *The unrestricted flow of the seasonal drainageway shall be maintained.*

(3) **Sanitary Sewers**

RESPONSE:

- *Parcel 1 is in the process of being connected to the existing sewer main*
- *Parcel 2 and 3 will be connected concurrent to building of homes on each parcel.*

(4) **Water system**

RESPONSE:

VENETA LAND DIVISION ORDINANCE

ARTICLE 5 – PARTITIONS

SECTION 5.01 TENTATIVE PLAN SUBMISSION REQUIREMENTS

Following preliminary consultation as required in Article 2, the applicant shall submit ten (10) copies of the tentative plan together with improvement plans and other supplementary data for review and action. The applicant shall also submit one (1) reproducible 11" x 17" black and white copy of the tentative plan.

- (1) **Form and Scale.** The tentative plan shall be clearly and legibly drawn or printed in ink to a scale of not less than one (1) inch equals 100 feet or multiples of ten (10) thereof.

RESPONSE: The tentative plat is drawn at a scale of 1" = 60' (See map).

- (2) **General Information.** The following general information must be presented as part of the application for a tentative partition:

- (a) Date, north point, scale of drawing.

RESPONSE: The tentative plat shows this information. (See map).

- (b) Appropriate identification clearly stating the plan is a tentative partition plan.

RESPONSE: The tentative plat shows this information. (See map).

- (c) Location of the land division by section, township and range sufficient to define the location and boundaries of the proposed subdivision and a legal description of record of the proposed site.

RESPONSE: The tentative plat shows this information. (See map).

- (d) Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer or surveyor or other parties involved in preparation of the documents.

RESPONSE: The tentative plat shows this information. (See map). A copy of the title report is attached verifying the ownership (See Attachment No. 1)

- (e) The approximate acreage of land under single ownership or, if more than one ownership is involved, the total contiguous acreage of the owners directly involved in the partition.

RESPONSE: The tentative plat identifies the owner. (See map). The owner has no interest in abutting property. The map shows that the acreage of the subject property is 1.68 acres.

APPENDIX "A"
ARTICLE 5 PARTITIONS—SECTION 5.01

(f) Any other information as required to comply with all provisions of State Law Chapter ORS 92.

RESPONSE: *The tentative plat shows this information. (See map).*

(3) **Information to be shown on Tentative Partition Plat Concerning:**

(a) **Existing Conditions.** The following information is required to show the existing conditions of the proposed subdivision and surrounding area:

1. A vicinity map clearly showing the relationship of the proposed land division to surrounding developments, streets, storm drainage, sewer, water and utility services.

RESPONSE:

○ *The vicinity map on the tentative plat shows the general location of the property in reference to abutting streets. The map portion of the tentative plat shows the relationship to surrounding developments, streets, storm drainage, sewer, water and utility services. (See map).*

○ *The North boundary fronts on Perkins Road (105 feet of frontage)*

○ *The South boundary fronts on Irenic Avenue (105 feet of frontage)*

○ *The East boundary abuts:*

• *3 residential single family lots that were platted as part of the second and third additions to the "Perkins Country Estates" subdivisions. These lots are fully served with City water, sewer and access onto Trek Drive.*

• *It also abuts a public storm drain detention basin and future park.*

○ *The West boundary abuts Tax Lot 300 (18-5W-06-23). This tax lot is 60 feet in width and 696 feet in depth.*

2. The location, widths and names of streets within or adjacent to the land division, together with easements, other rights-of-way and other important features such as section lines, corners, city boundary lines and monuments.

RESPONSE: *The tentative plat shows this information. (See map).*

3. Existing uses on the property, including the location of all existing structures (with dimensions from the property lines) on the property and the access points of any existing public utilities, septic, sewage or drainage lines or channels.

RESPONSE: *There are 3 structures on the property and all are located on proposed Parcel 1. The most northerly structure is a*

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ARTICLE 5 PARTITIONS—SECTION 5.01

residence and the other 2 are a garage and an out building. The remainder of the property is vacant. The tentative plat shows location of access to public utilities.

4. The location of at least on Bench Mark

RESPONSE: *The benchmark is the southeast corner of the subject property as shown on the tentative plat.*

(b) Proposed Tentative Plan. All tentative partition applications shall include the following information:

- 1. Proposed improvements required in Articles 7 and 8 such as pavement, curbs and gutters, sidewalks, grading and filling, utilities and other major improvements to develop the parcels. This requirement may be waived if the applicant will have to file a site plan including all of this information in order to further improve or develop the property. These include:**
 - i. The location, width, name and approximate grade and radii of street curves. If a significant grade change is anticipated beyond the limits of the proposed land division, indicate approximate street grade and anticipated vertical taper required to provide for street extension beyond the proposed land division. The relationship of streets to any existing or proposed streets as shown on the City's Transportation System Plan maps. The relationship of the proposed land division to future streets on adjacent land.**

RESPONSE:

- *Streets: No streets will be built for the development of the Subject Property. Irenic Avenue is a fully improved street with curb and gutter. Perkins Road is constructed to County Road standards. The existing roads and streets are shown on the tentative plat.*
- **Driveways:**
 - *Parcel 1: An existing driveway provides access to Perkins Road for the residence on Parcel 1*
 - *Parcel 2: A new driveway to serve Parcel 2 will access to the flag*
 - *Parcel 3: A new driveway to serve Parcel 3 will access directly to Irenic Avenue. It will be separate from the new driveway serving Parcel 2.*
- *The public utilities (water, sewer, storm drains are shown on the tentative plat.*
- *The proposed drainage facilities for the future homes are shown and the seasonal drainage pattern is shown.*

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ARTICLE 5 PARTITIONS—SECTION 5.01

- Proposed Grading:
 - Parcel 1: This parcel has an existing home and driveway. No re-grading is planned for this parcel.
 - Parcel 2: There will be a flag driveway on Parcel 2. It will be graded to generally slope with and match the existing ground surface with minimal grading or disturbance to the natural grade and slope. The future home will be placed on the lot. The lot is relatively flat (not exceeding 5% grade). Minimal grading will be necessary and will affect only that portion where the driveway, garage and home are to be located.
 - Parcel 3: This lot will require minimal grading. The driveway will slope toward Irenic Avenue and the future home site will be graded as necessary to fit on the lot. This lot is relatively flat (not exceeding 5%).

ii. The location, width and purpose of proposed easements.

RESPONSE: The location and type of easements are shown on the plat and described below:

- Parcel 2 will require a private storm drainage easement over the south boundary of Parcel 1. This easement will be for the benefit of Parcel 2 and will allow storm drain pipes and or swales to reach the seasonal stream.
 - Parcel 2 will require a private sanitary sewer service easement over the easterly 10 feet of Parcel 3.
- iii. The approximate width and location of all existing and proposed reserve strips.**
RESPONSE: No reserve strips are proposed.

2. The approximate dimensions and area in square feet of all proposed parcels.

RESPONSE:

- The property proposed for this partition is a 1.68 acre tract that is 105 feet wide and 696 feet in depth.
- The map shows the approximate dimensions of the individual parcels.
- Parcel 1 contains 46,173 sf (1.06 acres)
- Parcel 2 contains 11,738 sf by excluding the panhandle.
- Parcel 3 contains 12,000 sf

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ARTICLE 5 PARTITIONS—SECTION 5.01

3. Sites if any allocated for purposes other than single-family dwellings.

RESPONSE: All sites are for single-family purposes.

4. The location, approximate acreage and approximate dimensions of areas proposed for public use.

RESPONSE: No areas are proposed for public use

5. The location and approximate dimensions of proposed parcels and the proposed parcel numbers.

RESPONSE: This information is shown. See Tentative Partition Plat

6. An outline of the area proposed for partial recording of final plat or map if phased recording is proposed.

RESPONSE: The partitioning will occur in one phase.

7. Traffic Impact Analysis (TIA) Review as required by section 5.27 of the LDO

RESPONSE:

- *Three parcels are being proposed. Parcels 1, 2 and 3 will generate approximately 10 trips per day each. These trips will be spread out over the course of a day.*
- *Section 5.27 of the Land Development Ordinance requires a TIA, if:*
 - *more than 100 vehicle trips during a.m. or p.m. peak hour occur*
 - *increased traffic will significantly contribute to documented traffic problems*
 - *A TIA is required by the State or County.*
- *The partitioning will not create more than 30 trips per day. There will continue to be approximately 10 trips per day on Perkins Road from the existing residence. There will be approximately 20 new trips per day on Irenic Avenue. This will have no significant impact on traffic safety. We are not aware of any documented traffic problems that would be affected by this proposal.*

(c) Significant Natural Features

1. Contour lines related to an established bench mark or other datum approved by the City Engineer and having contour intervals as follows:

APPENDIX "A"

ARTICLE 5 PARTITIONS—SECTION 5.01

- i. For slopes of less than five (5) percent; show the direction of slope by means of arrows or other suitable symbol together with not less than four (4) spot elevations per acre, evenly distributed.

RESPONSE:

- o *The average cross slopes on the property vary from 1% to 5%. The tentative plat shows this information. (See map).*
- o Slope:
 - Portion of property north of Drainageway. *The ground slopes easterly with a variation in elevation of approximately 431' to 433'.*
 - Portion of property south of Drainageway: *The ground slopes westerly with a variation in elevation of approximately 430' to 433'*

- ii. For slopes of five (5) percent to ten (10) percent: Two (2) feet.

RESPONSE: *With the exception of the banks of the seasonal drainage ditch, the average slope of the ground does not exceed 5%. The ditch is only a few feet deep. 2-foot contours in the ditch would not show on the map.*

- iii. For slopes over ten (10) percent: Five (f) feet

RESPONSE: *The site does not contain slopes in excess of 10%.*

2. The location and direction of all water courses and the location of all areas subject to inundation or in the 100 year flood plain.

RESPONSE:

- o Seasonal Drainage Way: *A Drainageway crosses the property (see map). It flows in a northeasterly direction and traverses the Subject Property approximately 300 feet from the south property line.*
- o *The tentative plat shows the direction of the drainage course. (See map). The subject property is not in the 100-yr flood plain.*

3. Natural features such as rock outcroppings, wetlands, wooded areas and isolated preservable trees with a trunk diameter of 6 inches or greater.

RESPONSE:

- i. Wetlands:

APPENDIX "A"

ARTICLE 5 PARTITIONS—SECTION 5.01

- *Tim Acker of Applied Technology Wetland and Forestry Consultants completed a wetland reconnaissance on the Subject Property.*
- *The consultant concluded that the only area subject to wetland jurisdiction is located in the seasonal stream that crosses the subject property. This wetland is not greater than 10 feet in width.*
- *A copy of the "Opinion Letter Regarding Presence of Wetlands" on the subject property is included in the application submittal. (See Attachment No. 3).*
- *As a result of the consultant's findings, the southerly property line of Parcel 1 will be located just south of the seasonal drainageway. No development will occur in this area.*

ii. Wooded Areas:

- *There are oak and fir trees on the site.*
- *The property owner has met on the site with Brian Issa (Community Service Director) and Zac Moody (Assistant City Planner) to evaluate and discuss trees.*
- *There are 6 heritage trees by definition of Veneta tree code. These trees are oak and located in Parcel 1 around the existing home. The trees vary in diameter from 19-inches to 25-inches. None of these trees will be affected.*
- *There are fir trees along the northerly boundary line of Parcel 2. These trees are on the south side of the seasonal drainageway. This buffer of trees is approximately 30 feet wide. These trees will not be disturbed by future building development.*
- *There are approximately 30 fir trees along the east boundary of Parcels 2 and 3. These trees vary in diameter from 6-inches to 9-inches.*

4. Elevation, slope and view data for commercial, industrial and development sites with more than 4000 sf of building space.

RESPONSE: Not applicable

(d) Utilities. Any proposed public and private utilities within the development shall be shown on the tentative plan, including but not limited to:

- 1. Proposed plan locations and size of water service facilities, including fire hydrants.**

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ARTICLE 5 PARTITIONS—SECTION 5.01

***RESPONSE:** Proposed water services are shown on the tentative plat. All water services will be standard residential service lines and meters. No fire hydrants are proposed.*

2. Connection points and size of sanitary sewer facilities.

RESPONSE:

Proposed sanitary sewer services are shown on the tentative plat. These services will be standard sized sewer services per the City's standards.

3. Street light locations, sizes, and specifications.

RESPONSE:

No street lights will be placed.

4. Location and preliminary design of all proposed stormwater facilities including sizing of pipes, inlet and outfall locations and elevations, and section details of all swales or other open features.

RESPONSE:

The general location of the storm drainage facilities are shown on the map.

- *Parcel 1 has an existing residence and no additional pipes or other stormwater facilities are proposed.*
- *Parcel 2: Stormwater will be directed to the seasonal drainage way along the northerly boundary line of Parcel 2. It is requested that the design and specifics of these facilities and detention basins be waived until time of the building permit application.*
- *Parcel 3: Storm water facilities will be directed in one of the following ways, depending on the future location of the proposed residence:*
 - *To the south and through the weep hole in Irenic Avenue.*
 - *Into the existing storm drain pipe on either the south or east side of the Parcel.*
 - *If a detention basin is necessary, it will connect to the existing 18 inch storm drain pipe. It is requested that the design and specifics of these facilities and detention basins be waived until time of the building permit application.*

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ARTICLE 5 PARTITIONS—SECTION 5.01

- (4) **Statements to Accompany Tentative Plan.** The tentative plan shall be accompanied by written statements from the applicant giving essential information regarding the following matters.

- (a) **Adequacy and source of water supply and compliance with the city's Water System Plan.**

RESPONSE:

Public water mains are located in Perkins Road and Irenic Avenue. These mains provide an adequate quantity of water to serve all 3 parcels.

- (b) **A statement detailing the storm water runoff and drainage impact the new development will have on areas beyond the land division and compliance with the city's Drainage Master Plan. The developer, city and impacted property owners shall work closely with each other so that adverse impacts of storm water runoff (in terms of both quantity and quality) from the new development are alleviated or avoided and that all necessary storm sewer and drainage facilities will be installed prior to or concurrent with the land division.**

RESPONSE:

The proposed partition will create 3 new residential parcels. Parcel 1 has an existing residence and Parcels 2 and 3 will create 2 new home sites. If required, the new homes will retain storm water on site and discharge it to existing drainage ways and / or storm drain pipes at historical rates.

- (c) **Proposed method of sanitary sewage disposal and compliance with the city's Wastewater Master Plan.**

RESPONSE:

All parcels will be connected to the existing sewer mains located in Perkins Road (Parcel 1) or Irenic Drive (Parcels 2 and 3).

- (d) **Protective covenants and deed restrictions to be recorded, if any.**

RESPONSE:

No protective covenants and deed restrictions are proposed.

- (e) **The time the proposed improvements are to be made or installed.**

RESPONSE:

o **Sewer and Water:**

- *Parcel 1 is in the process of being connected to the existing sewer main and water main in Perkins Road.*
- *Parcel 2 and 3 will be connected concurrent to building of homes on each parcel.*

- (5) **Tree Removal Plans:** If development of the proposed plan will require a tree removal permit in accordance with Veneta Municipal Code 8.10, detailed tree removal plans are required. Plans shall be drafted in

Partition Application

Appendix "A"

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APPENDIX "A"

ARTICLE 5 PARTITIONS—SECTION 5.01

conformance with the requirements of VMC 8.10. [Article 5, Section 5.01, Subsection (6) adopted by Ordinance 472, February 12, 2007]

RESPONSE:

None of the Heritage Trees on Parcel 1 (in vicinity of the existing home) will be affected. Per conversation at the site with Brian Issa (Community Service Director) and Zac Moody (Assistant City Planner), there is no requirement for a tree removal plan.

- (6) **Supplementary Information.** The following supplemental information may be required.

- (a) If any portion of the proposed partition is located within the steep slope sub-zone, the applicant shall submit on-site and adjacent off-site data to insure that proposed developments are within the carrying capacity of the natural resources as required by the Land Development Ordinance.

RESPONSE:

There are no steep slopes on the property

- (b) The applicant is required to submit any additional information as may be required by the Building and Planning Official or Planning Commission to assist in evaluating the request.

RESPONSE:

Additional information will be provided upon request

APPENDIX "B"

LAND DIVISION ORDINANCE ARTICLE 6-SECTION 6.04 BUILDING SITES

VENETA LAND DIVISION ORDINANCE

ARTICLE 6—SECTION 6.04—BUILDING SITES

- (1) **Size and shape.** The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall comply with the following standards:

RESPONSE:

- a. **Width (average).** The GR zone minimum lot width is 60'
- *The average width of the parcels is 105 feet.*
- b. **Depth.** Each or parcel shall have an average depth between the front line and parcel rear line of not less than 80' and not more than 2 ½ times the average width between the side lines.
- **Parcel 1:** *Depth =425'; Depth to width ratio = 4 to 1*
 - *The depth to width ratio exceeds the standard.*
 - *This cannot be avoided because the subject property is 105' wide and 695' deep; D to W ration = 6.1 to 1.*
 - *Future division of Parcel 1 will allow future parcels to come into conformance with the depth to width standard.*
 - **Parcel 2:** *(excluding the pan handle): 120'; D to W ratio = 1.1 to 1*
 - **Parcel 3:** *146'; D to W ratio = 1.4 to 1*
- c. **Area.** (Minimum area for lots or parcels in the GR Zone is 6000 sf.)
- **Parcel 1:** *46,173 sf (1.06 acres)*
 - **Parcel 2:** *11,738 sf without panhandle.*
 - **Parcel 3:** *12,000 sf*
- d. **In areas not served by public sewer:**
- *Not applicable*

APPENDIX "B"

LAND DIVISION ORDINANCE ARTICLE 6-SECTION 6.04 BUILDING SITES

- e. **Where property is zoned and planned for business or industrial uses:**
 - *Not applicable*
- f. **The minimum lot size for panhandle lots shall be calculated for the area exclusive of the portion of the lot that provides access.**
 - *Parcel 2 is a flag lot. Without the panhandle, the area is 11,738 sf*

- (2) **Access.** Each lot and parcel (except those in the GR and RC zones intended for single-family attached housing shall abut upon a street other than an alley for a width of at least 50 feet and 35 feet in a cul-de-sac. Panhandle or flag lots shall be allowed when other options for dividing the property are not available such as odd shaped lots, separate disparate uses exist on a single lot, or natural and pre-existing man-made barriers which may cause an undue hardship on the land owner. An exception to the frontage requirements may be made with the Planning Commission approves panhandle or flag lots.

RESPONSE:

- *Parcel 1: Accesses onto Perkins Road (Public) and has 105 feet of frontage.*
- *Parcel 2: Accesses onto Irenic Avenue (Public) and has 23 feet of frontage.*
 - *There are no specific minimum frontages for the panhandle portion of the flag lot. The fire department requires a 12 foot wide (minimum) driveway with 20 feet of clearance for single family residences.*
- *Parcel 3: Accesses onto Irenic Avenue (Public) and has 82 feet of frontage.*

APPENDIX "C"

LAND DIVISION ORDINANCE ARTICLE 6-SECTION 6.09 STORMWATER FACILITIES

VENETA LAND DIVISION ORDINANCE

ARTICLE 6—SECTION 6.09—STORMWATER FACILITIES

All new development shall be designed and constructed such that the systems(s) peak discharge for a 10-year frequency storm of the fully developed site shall not exceed the peak storm discharge of the pre-developed site, as determined and approved by the sole discretion of the City Engineer or his / her designee.

RESPONSE:

- *The proposed partition will create 3 new residential parcels. Parcel 1 has an existing residence. Parcels 2 and 3 will each create 1 new home site. If required, the new homes will retain storm water on site and discharge it to existing drainage ways and / or storm drain pipes at historical rates.*
- *Parcel 1 has an existing residence and no additional pipes or other stormwater facilities are proposed.*
- *Parcel 2: Stormwater will be directed to the seasonal drainage way along the northerly boundary line of Parcel 2. It is requested that the design and specifics of these facilities and detention basins be waived until time of the building permit application.*
- *Parcel 3: Storm water facilities will be directed in one of the following ways, depending on the future location of the proposed residence:*
 - *To the south and through the weep hole in Irenic Avenue.*
 - *Into the existing storm drain pipe on either the south or east side of the Parcel.*

APPENDIX "D"

ARTICLE 7—SECTION 7.03—IMPROVEMENTS IN SUBDIVISIONS (PARTITIONS)

- *Parcel 1 is in the process of being connected to the existing sewer main and water main in Perkins Road.*
- *Parcel 2 and 3 will be connected concurrent to building of homes on each parcel.*

(5) **Sidewalks**

RESPONSE:

A sidewalk already exists on the north side of Irenic Avenue. When driveway cuts are located on Parcels 2 and 3, it will be necessary to remove and replace a portion of the sidewalk.

(6) **Bicycle routes**

RESPONSE:

Not applicable

(7) **Street names signs.**

RESPONSE:

Not applicable

(8) **Street lights**

RESPONSE:

Not applicable

(9) **Other**

RESPONSE:

If franchise utilities are required, the owner will coordinate with the utility company.

TRANS SI INF.
TYPE IND IND CODE CODE CODE CODE CODE REISSUE AMOUNT

ORDER NO.	POLICY NUMBER	DATE OF POLICY	AMOUNT	PREMIUM
0262135	73306-77629735	APRIL 20, 2009 AT 2:20 P.M.	\$155,000.00	\$588.00

OWNERS POLICY



SCHEDULE A

Order No.: 0262135

Policy No.: 73306-77629735

Amount of Insurance: \$155,000.00

Premium: \$588.00

Date of Policy: APRIL 20, 2009 AT 2:20 P.M.

1. Name of Insured:

JAKL PROPERTY SOLUTIONS, LLC
AN OREGON LIMITED LIABILITY COMPANY

2. The estate or interest in the land described or referred to in Schedule C and which is covered by this policy is:

FEE SIMPLE

3. Title to the estate or interest in the land referred to herein is at Date vested in:

JAKL PROPERTY SOLUTIONS, LLC
AN OREGON LIMITED LIABILITY COMPANY

4. The land referred to in this Policy is described on the attached Schedule "C" and made a part hereof.

ATTACHMENT No. 1

4 PAGES

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
6. Rights of the public in and to that portion lying within County Road No. 714. (Perkins Road)
7. Deed of Trust, including the terms and provisions thereof, executed by JAKL Property Solutions, LLC, an Oregon Limited Liability Company, to Cascade Title Company, Trustee, for the benefit of David B. Judy and Sandra R. Cardwell, or the survivor thereof, Beneficiary, dated April 16, 2009, recorded April 20, 2009, Reception No. 2009-020514, Lane County Official Records, to secure payment of a note for \$109,000.00.

END OF SCHEDULE B

SCHEDULE "C"

The land referred to in the Policy is described as follows:

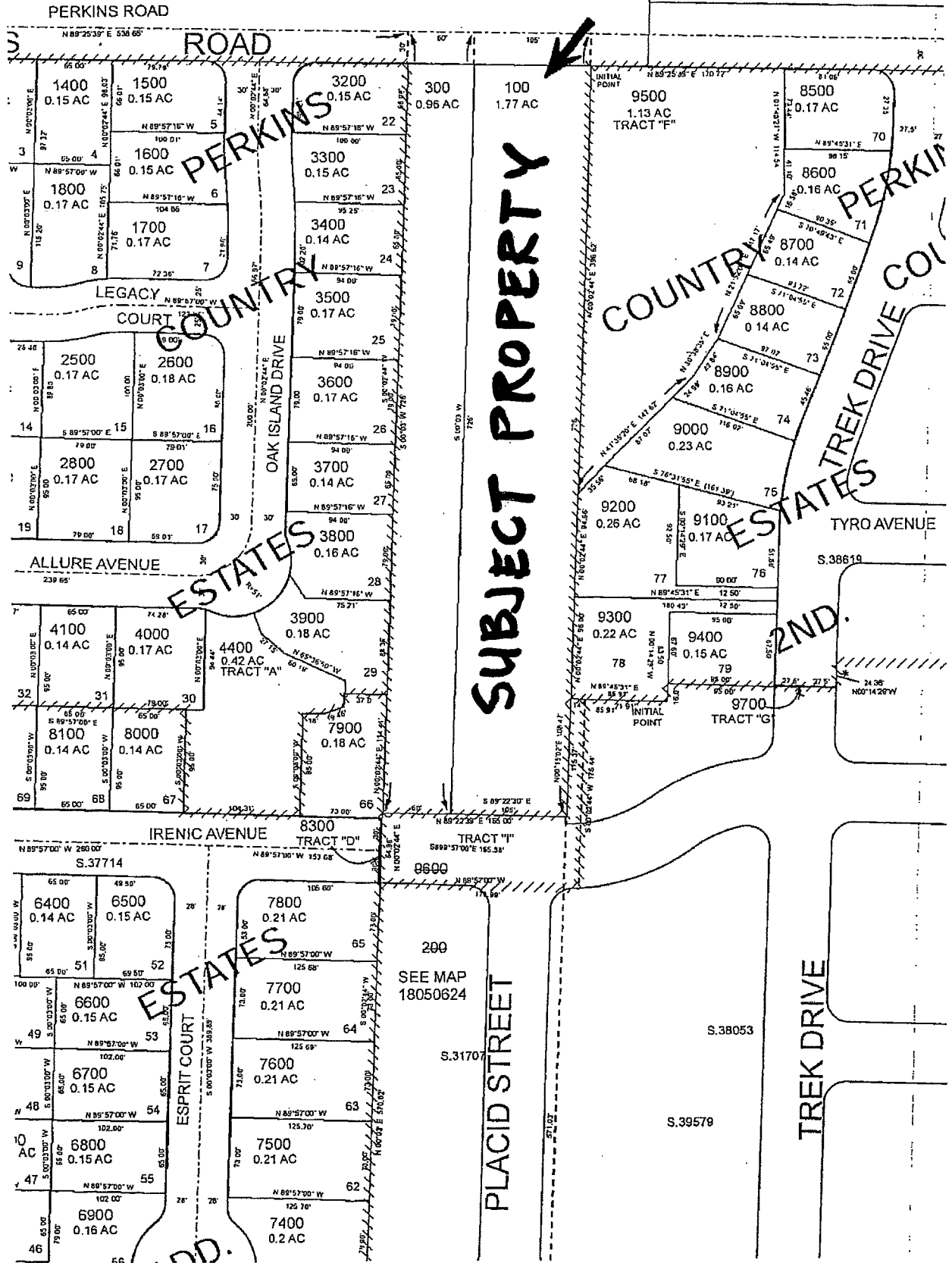
Beginning at the brass monument marking the West $\frac{1}{4}$ corner of Section 6, Township 18 South, Range 5 West of the Willamette Meridian; thence North $0^{\circ} 03'$ East, 1289.30 feet along the West line of said Section 6 to a point on the center line of County Road No. 714 (commonly known as Perkins Road); thence North $89^{\circ} 22' 30''$ East, 1090.34 feet along the centerline of said road to the true point of beginning (being referenced on the ground by an iron pin bearing South $0^{\circ} 03'$ West, 20.0 feet); thence South $0^{\circ} 03'$ West, 726.00 feet to a point; thence South $89^{\circ} 22' 30''$ West, 60.0 feet to a point; thence South $0^{\circ} 03'$ West, 594 feet, more or less, to a point on the East and West $\frac{1}{4}$ line through Section 6, Township 18 South, Range 5 West of the Willamette Meridian; thence Easterly 165.00 feet along said $\frac{1}{4}$ section line to a point; thence North $0^{\circ} 03'$ East, 1320 feet, more or less, to a point on the centerline of County Road No. 714; thence South $89^{\circ} 22' 30''$ West, 105.0 feet along said centerline to the true point of beginning, in Lane County, Oregon;

EXCEPT THEREFROM: A parcel of land lying in the Northwest $\frac{1}{4}$ of Section 6, Township 18 South, Range 5 West, Willamette Meridian and being more particularly described as follows: Beginning at a 1946 G.L.O. Brass Cap marking the West $\frac{1}{4}$ corner of Section 6, Township 18 South, Range 5 West, Willamette Meridian; thence North $89^{\circ} 46' 05''$ East, along the East-West centerline of said Section 6, 1030.34 feet to a $\frac{5}{8}$ " iron pin marking the true point of beginning of this description; thence leaving said East-West centerline North $0^{\circ} 03' 00''$ East, 570.02 feet to a point marked by a $\frac{5}{8}$ " iron pin; thence North $89^{\circ} 25' 00''$ East, 165.00 feet to a point marked by a $\frac{5}{8}$ " iron pin; thence South $0^{\circ} 03' 00''$ West, 571.03 feet to a point on the East-West centerline of said Section 6; thence South $89^{\circ} 46' 05''$ West, along said East-West centerline, 165.00 feet to the point of beginning, all in Lane County, Oregon. The bearings in this description are based upon C.S.F 28,189, in Lane County, Oregon.

1" = 100'

18-05-06-23
THIS MAP IS TO ASSIST LOCATING
PROPERTY. THE COMPANY ASSUMES
NO LIABILITY FOR INACCURACIES.

SEE MAP
18050620



SUBJECT PROPERTY

COUNTRY ESTATES

COUNTRY ESTATES

ESTATES

SEE MAP
18050624

PLACID STREET

TREK DRIVE

PERKINS ROAD

ROAD

LEGACY COURT

ALLURE AVENUE

IRENIC AVENUE

ESPRIT COURT

COUNTRY ESTATES

TYRO AVENUE

TREK DRIVE

Lot No.	Area (AC)	Other Info
1400	0.15 AC	
1500	0.15 AC	
1600	0.15 AC	
1700	0.17 AC	
1800	0.17 AC	
2500	0.17 AC	
2600	0.18 AC	
2700	0.17 AC	
2800	0.17 AC	
2700	0.17 AC	
2800	0.16 AC	
3200	0.15 AC	
3300	0.15 AC	
3400	0.14 AC	
3500	0.17 AC	
3600	0.17 AC	
3700	0.14 AC	
3800	0.16 AC	
3900	0.18 AC	
4100	0.14 AC	
4000	0.17 AC	
4400	0.42 AC	TRACT "A"
8100	0.14 AC	
8000	0.14 AC	
8300	0.21 AC	TRACT "D"
8600	0.21 AC	TRACT "I"
6400	0.14 AC	
6500	0.15 AC	
6600	0.15 AC	
6700	0.15 AC	
6800	0.16 AC	
6900	0.16 AC	
7800	0.21 AC	
7700	0.21 AC	
7600	0.21 AC	
7500	0.21 AC	
7400	0.2 AC	
9500	1.13 AC	TRACT "F"
8500	0.17 AC	
8600	0.16 AC	
8700	0.14 AC	
8800	0.14 AC	
8900	0.16 AC	
9000	0.23 AC	
9200	0.26 AC	
9300	0.22 AC	
9400	0.15 AC	
9700	0.17 AC	TRACT "G"

Applied Technology **Wetlands & Forestry Consultants**

38863 Scrael Hill Road NE
Albany, Oregon 97322-9554
U.S.A.

Phone (541) 327-3427
Cell (503) 871-5472
atwetlands@comcast.net

July 13, 2009

Jered Helton
Jakl Property Solutions
65 Irving Road
Eugene OR 97404

RE: Opinion Letter Regarding Presence of Wetlands on Tax Lot 18-05-06-23/00100, City of Veneta, Lane County, OR

Dear Mr. Helton:

Pursuant to your request, I have completed a wetland reconnaissance for tax lot 00100/tax map 18-05-06-23 located at 25168 Perkins Road, City of Veneta, Lane County, Oregon. Based on the pertinent documents available in the public domain, as well as an on-site reconnaissance conducted on 08JUL09, it is my best professional opinion that the only jurisdictional water/wetland on the property is a narrow seasonal stream located as indicated on the Local Wetland Inventory (LWI). I designated the ordinary high water line in the field with pink wire flags to facilitate avoidance.

What I Did

The purpose of an off-site wetland determination is to discern whether jurisdictional wetlands might be present based on available public-domain documents and other evidence. In general, if any of the off-site evidence suggests that wetlands were present, then on-site fieldwork should be undertaken.

With that logic in mind I did the following:

1. Searched the Oregon Department of State Lands' (DSL) database for past wetland delineations on and around the subject property;
2. Investigated the Soil Survey for mapping of hydric soils;
3. Examined the LWI for mapping of wetlands and/or streams;

Findings

1. The DSL database search was conducted by JoAnn Miles, DSL Support Services Supervisor, on 09JUL09. She found no delineations or other DSL actions regarding the subject tax lot. Her only discovery pertaining to the immediate vicinity was a 1999 wetland delineation (WD1999-0424) by Scott Craig that described a seasonal stream and construction-related wetlands on the tax lots to the east, south and west of the subject property. My review of that delineation report indicated that the stream both entered and exited the subject property.
2. The Soil Survey (see exhibit 1) indicates that the subject property is underlain by two soil types that are not hydric per se, but may be partially hydric. In other words, the presence of wetlands is not a certainty, but cannot be ruled out either.

ATTACHMENT No. 3
(4 pages)

3. The LWI (see exhibit 2) shows a long thin wetland/other water running diagonally across the subject property's midsection. This feature is consistent with WD1999-0424 and the LWI referenced above.

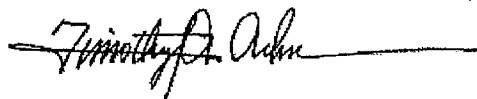
Based on the foregoing off-site evidence, a field inspection was warranted. I checked the property on the afternoon of 08JUL09. The northern half of the property is dominated by the residence, garage, barn and lawn. Several soils pits were open in the front yard and permitted examination of approximately the top 12" of the soil profile. No hydric soil indicators were observed. The southern half of the property is dominated by a stand of *Pseudotsuga menziesii* with a *Gaultheria shallon* understory — both upland species. Just inside the northern treeline exists a shallow, narrow channel dominated primarily by bare soil but also containing patches of *Carex obnupta* and *Oenanthe sarmentosa* — both obligate wetland species. I flagged the ordinary high water line (OHWL) with pink wire flags bearing "Wetland Delineation" based on the outer limit of the wetland plants and topography.

Conclusions

Based on the foregoing evidence and my best professional judgment, it is my opinion that the only waters of the state present on the subject property are the small seasonal stream channel described above. This feature connects the seasonal stream delineated earlier in WD1999-0424, and matches the LWI mapping. The feature is, however, much narrower than that mapped in the LWI, being at most 10 feet in width. Furthermore, I believe the evidence supporting this conclusion is sound enough such that I do not recommend any additional on-site work as necessary to prove this conclusion. The flagged OHWL should be surveyed and included on any future development drawings in order to facilitate avoidance.

Please contact me if you have any questions regarding this determination.

Sincerely,



Timothy A. Acker
Applied Technology Wetlands & Forestry Consultants

cc. Jack Burrell, P.L.S., K&D Engineering

SOIL SURVEY

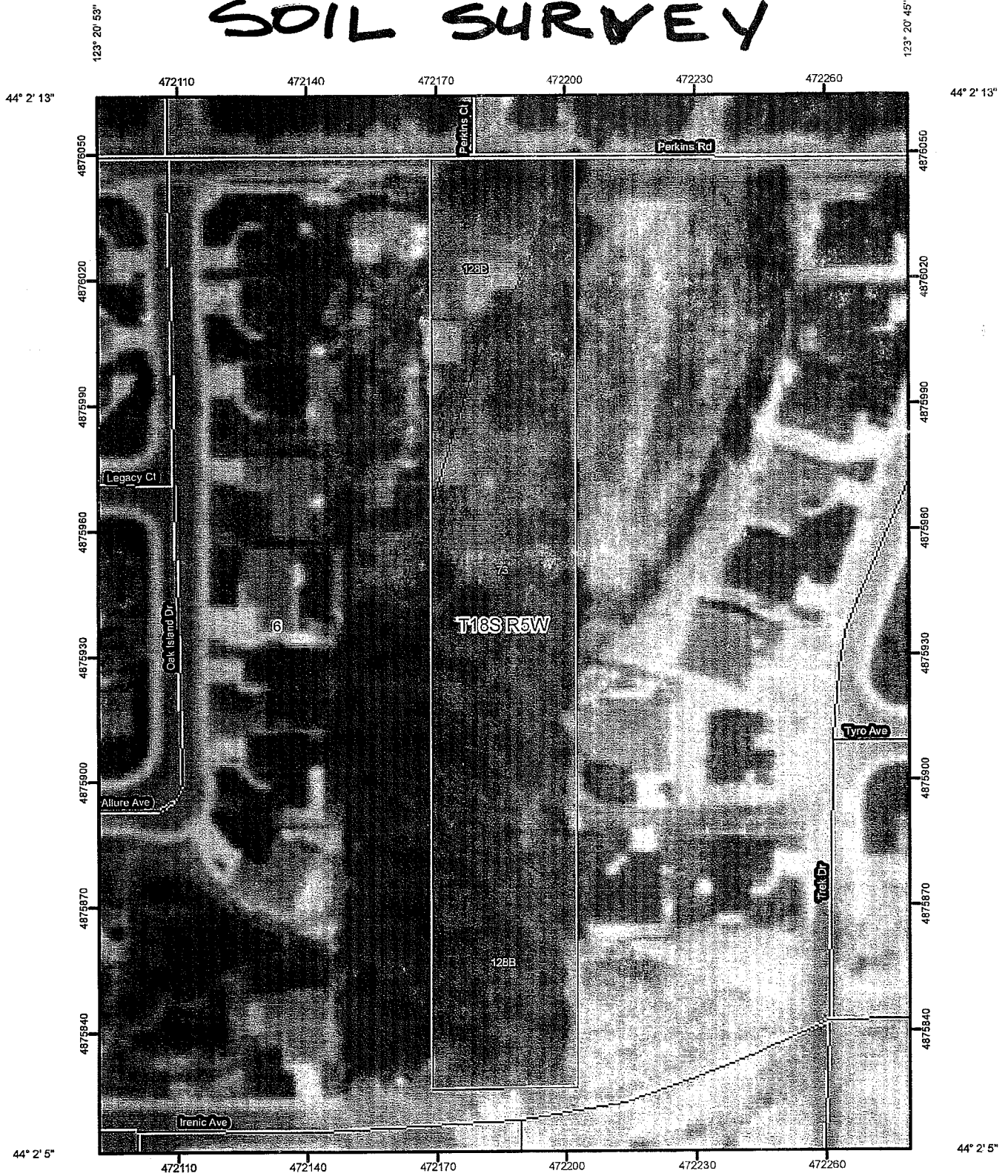
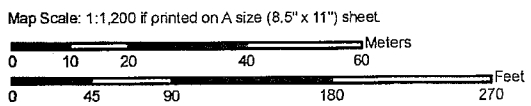
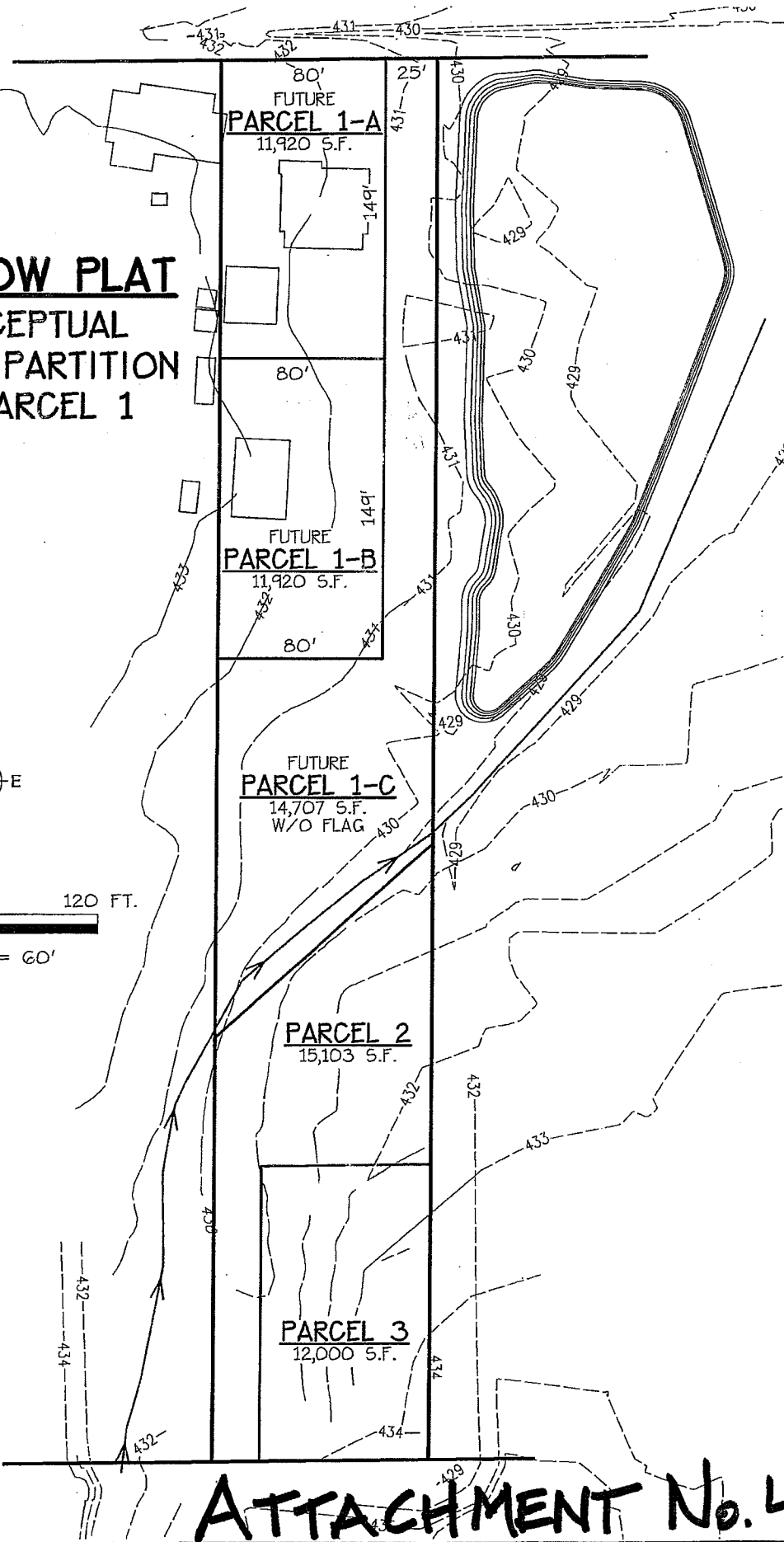
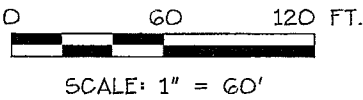
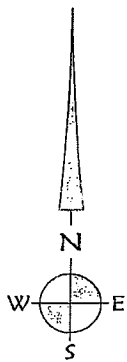


EXHIBIT 1



SHADOW FLAT
CONCEPTUAL
FUTURE PARTITION
OF PARCEL 1



ATTACHMENT No. 4



K & D ENGINEERING, Inc.
 276 N.W. Hickory Street P.O. Box 725
 Albany, Oregon 97321
 (541) 928-2583

Date: 7/22/2009 Time: 14:48
 Scale: 1=30(P5)
 File: dwg\2009\09-59\09-59shadow.dwg (lan)

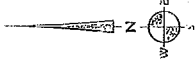
TENTATIVE PARTITION PLAT

FOR
JAKL PROPERTY SOLUTIONS, LLC.
 LOCATED IN

NW 1/4 OF SEC. 6, T. 18 S., R. 5 W., W.M.
 CITY OF VENETA, LANE COUNTY, OREGON

JULY 21, 2009

- LEGEND:**
- EXISTING CONTOUR
 - EXISTING ENCLOSED SPOT ELEVATION
 - EXISTING UNDERGROUND POWER
 - EXISTING UNDERGROUND TELEPHONE
 - EXISTING SD/SS TIEPIPOLE
 - EXISTING WATER LINE
 - EXISTING SANITARY SEWER LINE
 - EXISTING STORM DRAIN LINE
 - DIRECTION OF FLOW
 - GROUND SURFACE SLOPE
 - SPOT ELEVATION, BASED ON GIS CONTOURS
 - PROPOSED SANITARY SEWER LINE
 - PROPOSED STORM DRAIN LINE



TAX LOT:
 TAX LOT 100 (Map 18-5W-05-23)

ZONE:
 GENERAL RESIDENTIAL (GR)

AREA:
 1.68 ACRES

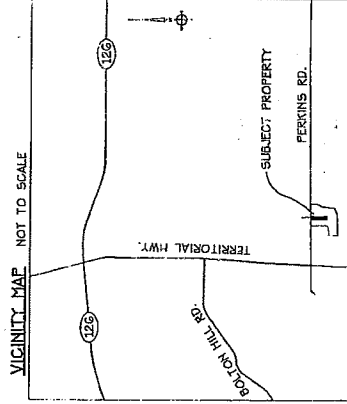
CONTOURS:
 CITY/COUNTY GIS DATA MAPS ARE THE BASIS OF THE CONTOURS ON THE SUBJECT PROPERTY. THE GIS CONTOURS ON THE ABUTTING SUBDIVISION ARE THE PRE-DEVELOPMENT CONTOUR DATA.

EXISTING USE OF PROPERTY:
 THE PROPERTY HAS ONE RESIDENCE WITH SEPARATED GARAGE AND OUTBUILDING. THE REMAINDER OF THE PROPERTY IS VACANT.

APPLICANT:
 JAKL PROPERTY SOLUTIONS, LLC
 JARED HELTON, MANAGING MEMBER
 276 HICKORY ST. NW
 ALBANY, OR 97321
 (541) 870-8913

LANDOWNER:
 JAKL PROPERTY SOLUTIONS, LLC
 JARED HELTON, MANAGING MEMBER
 276 HICKORY ST. NW
 ALBANY, OR 97321
 (541) 870-8913

ENGINEER & SURVEYOR:
 K&D ENGINEERING, INC.
 GRANT BURELL, PE
 JACK BURELL, LS
 276 HICKORY ST. NW
 ALBANY, OR 97321
 (541) 870-8913



Date: 7/22/2009
 Scale: 1"=60.00'
 File: eng\2009\09-18-5W-05-23.dwg (tbl)
K&D
 K & D ENGINEERING, INC.
 276 NW HICKORY STREET, P.O. BOX 725
 ALBANY, OREGON 97321
 (541) 870-8913

SHEET 1 OF 1

ATTACHMENT No. 5

