



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

August 30, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Coos County Plan Amendment
DLCD File Number 003-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 14, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Dave Perry, DLCD Regional Representative
Patty Evernden, Coos County

<paa> ya/



FORM 2

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision
Per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF

AUG 25 2006

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: Coos County

Local File No.: AM-06-03/RZ-06-03
(if no number, use none)

Date of Adoption: August 23, 2006
(Must be filled in)

Date Mailed: August 24, 2006
(Must be filled in)

Date the Notice of Proposed Amendment was mailed to DLCD: June 5, 2006

 Comprehensive Plan Text Amendment X Comprehensive Plan Map Amendment

 Land Use Regulation Amendment X Zoning Map Amendment

 New Land Use Regulation Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Amend the CCCP designation for the subject property from Agricultural to Forest and to change the zone designation of the implementing CCZLDO from Exclusive Farm Use (EFU) to Forest Mixed Use (FMU).

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."
No language changes to the Comprehensive Plan or Zoning and Land Development Ordinance. Map update only.

Plan Map Changed from: EFU to F

Zone Map Changed from: EFU to F

Location: Township 28, Range 13, Section 10, Tax Lot 2900 Acres Involved: 2.43 acres

Specified Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 3 & 4

Was an Exception Adopted? Yes: _____ No: X

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: X No: _____

If no, do the Statewide Planning Goals apply. Yes: _____ No: _____

If no, did the Emergency Circumstances Require immediate adoption. Yes: _____ No: _____

Affected State or Federal Agencies, Local Governments or Special Districts: Coquille RFPD, ODA, DOF

Local Contact: Patty Evernden, Director Area Code + Phone Number: (541) 396-3121 ext. 210

Address: Coos County Planning Department, Coos County Courthouse

City: Coquille Zip Code + 4: 97423

DLCD File No.: 003-06 (15268)

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BOARD OF COMMISSIONERS
COUNTY OF COOS
STATE OF OREGON

IN THE MATTER OF AMENDING)
THE COOS COUNTY COMPREHENSIVE)
PLAN AND ZONING AND LAND) ORDINANCE 06-05-004PL
DEVELOPMENT ORDINANCE)
(Reiner Application))

The Board of Commissioners for the County of Coos ordains as follows:

SECTION 1. TITLE

This Ordinance shall be known as "Coos County Ordinance No. 06-05-004PL".

SECTION 2. AUTHORITY

This Ordinance is enacted pursuant to the provisions of ORS 203.035 and Chapter 215.

SECTION 3. PURPOSE

The purpose of this Ordinance is to amend Volume I of the acknowledged Coos County Comprehensive Plan; this Ordinance therefore amends Coos County Ordinance 82-12-022L, and amendments thereto, which adopts Volume I of the Coos County Comprehensive Plan. The purpose of this Ordinance is also to amend Coos County Ordinance 85-03-004L and amendments thereto, which is the Coos County Zoning and Land Development Ordinance (CCZLDO) that implements Volume I of the Coos County Comprehensive Plan; this Ordinance therefore amends Ordinance 85-03-004L.

These amendments are necessary to reflect the forest suitability and predominant characteristics, and the subordinate agricultural characteristics which exist on the subject properties.

Doug Reiner filed an application (AM-06-03/RZ-06-03) seeking re-designation of the subject property to "Forest" plan and zone designation from the existing "Exclusive Farm Use" and "Agriculture" plan and zone designations. The applicant proposes to add the subject property to the Comprehensive Plan inventory "Mixed Agricultural-Forest Use Areas".

1 SECTION 4. FINDINGS

2 The review criteria for the proposed action are set forth in Attachment A,
3 attached hereto and incorporated herein by this reference, together with the
4 findings of fact and conclusions that the criteria have been satisfied. The
5 Board of Commissioners hereby adopts the findings and conclusions set forth
6 in Attachment A.

7 SECTION 5. AMENDMENTS TO THE COOS COUNTY COMPREHENSIVE
8 PLAN AND TO THE COOS COUNTY ZONING AND LAND
9 DEVELOPMENT ORDINANCE

10 Ordinance 82-12-022L and amendments thereto adopting Volume I of the
11 Coos County Comprehensive Plan, and the Plan's map designation described
12 in Section 3, above, are amended as necessary to change the Plan
13 designation of the subject property to "Forest". Also, Ordinance 82-12-022L
14 and amendments thereto adopting Volume I of the Coos County
15 Comprehensive Plan are amended to change the "Mixed Agricultural-Forest
16 Use Areas" inventory map to include the rezone area. Ordinance 85-03-
17 004L and amendments thereto implementing Volume I of the Coos County
18 Comprehensive Plan are amended as necessary to change the official zoning
19 map to reflect the rezone of the subject property to "Forest" Mixed Use.

20 SECTION 6. REPEAL OF INCONSISTENT ORDINANCES

21 Coos County Ordinance 82-12-022L and amendments thereto and Ordinance
22 85-03-004L and amendments thereto are repealed to the extent that they
23 conflict with this Ordinance. Said Ordinances shall remain in full force and
24 effect in all other respects.

25 SECTION 7. SEVERANCE CLAUSE

26 If any section, subsection, provision, clause, or paragraph of this Ordinance
27 shall be adjudged or declared by any court of competent jurisdiction to be
28 unconstitutional or invalid, such judgment shall not affect the validity of the
29 remaining portions of this Ordinance; and it is hereby expressly declared
30 that every other section, subsection, provision, clause or paragraph this
31 Ordinance enacted, irrespective of the enactment or validity of the portion
32 thereof declared to be unconstitutional or invalid, is valid.

33 SECTION 8. EMERGENCY CLAUSE

34 The Board of Commissioners for the County of Coos deems this Ordinance
35 necessary for the immediate preservation and protection of the public peace,
36 safety, health, and general welfare for Coos County and declares an
37 emergency exists, and this Ordinance shall be in full force and effect upon its
38 passage.

1 ADOPTED this 23RD day of AUGUST, 2006.

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BOARD OF COMMISSIONERS

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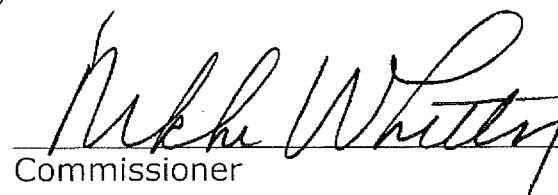
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Commissioner

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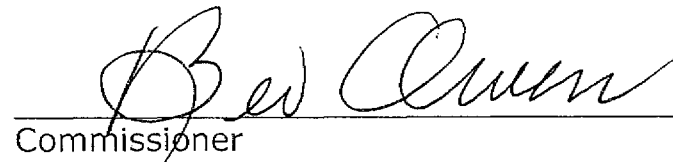
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Commissioner

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Commissioner

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14 ATTEST:

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Recording Secretary

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APPROVED AS TO FORM:

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Office of County Counsel

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SIGNED this 23RD day of AUGUST, 2006.

1st Reading: AUGUST 9, 2006

2nd Reading: AUGUST 23, 2006

Emergency Adoption: AUGUST 23, 2006

Effective Date: AUGUST 23, 2006

ATTACHMENT A

ANN SMITH REVOCABLE TRUST FARM TO FOREST PLAN AMENDMENT AND REZONE

INTRODUCTION

The applicant is the owner of a 2.43 acre parcel of land that is generally located Southwest of the City of Coquille in the Fat Elk Creek area of Coos County. The subject property is currently zoned Exclusive Farm Use (EFU) and the applicant wishes to rezone the property to Forest (F) with a Mixed-Use (agricultural) overlay. Access to the property is provided directly from Elk Creek County Road approximately two miles West from its intersection with Highway 42S. The land surrounding the subject property is currently zoned Exclusive Farm Use (EFU), however the connecting uplands to the South are predominately zoned Forest (F) and are in a mixture of farm and forest uses. It is evident that portions of the adjacent uplands were zoned for farm use in conjunction with bottomland farm uses to the North. The development pattern of the area consists of farm and forest residential uses with considerable Rural Residential (RR-5) development to the West and Southwest.

The subject property is a rectangular parcel lying North of the County Road. The parcel is an extension of the Southerly facing uplands and is situated approximately 30 feet above the adjacent and northerly bottomland pasture. The parcel is entirely forested with a variety of conifers that are predominately 65 to 90 years in age. According to the United States Department of Agriculture Soil Conservation Service survey maps, the predominant soil type on the subject property is Wintley Silt Loam with 0% to 8% slopes and 15% to 30% slopes. On the basis of a 100-year site curve, the Wintley soil type is capable of a mean site index of 170 for Douglas fir. The 170-site index demonstrates that the Wintley soils are some of the best timber growing soils in Coos County.

Attached is a forestry report provided by Norman T. Marsh, Consulting Forester, in November of 2000, showing that the subject property (Fat Elk Creek Tract) is well stocked in commercial tree species with a gross average volume of 32 thousand board feet per acre and a net total volume of 69 thousand board feet on the 2.43 acre parcel. The report also indicates that the majority of the volume, or 36 thousand board feet of the existing timber, contains #2 or better saw logs.

It is clear that the subject property consists of high-site forest type soils and is predominantly forestland by use. However, the Wintley soils are also identified as subclass III and IVe agricultural soils. Goal 3 (Agriculture) recognizes agricultural lands in Western Oregon as those lands containing agricultural subclass I, II, III, and IV soils. Therefore, with consideration given to the predominate forest use existing on the property

together with the subordinate agricultural characteristics of the property and adjacent lands, an appropriate and more accurate zone designation for the subject property is Forest (F) with a mixed agricultural use overlay.

Therefore, pursuant to Appendix 1, Volume 1 Policy 5.4(8) of the Coos County Comprehensive Plan, Oregon Statewide Planning Goals 3 and 4, and the applicable Administrative Rules, the applicant is requesting a change in the zone designation from Exclusive Farm Use (EFU) to Forest (F) with a Mixed Use Overlay. The requested change will better support the suitability and predominant (forest) characteristics and also support the subordinate agricultural characteristics of the upland region.

APPLICATION REQUEST

This request is to amend the Coos County Comprehensive Plan Designation for the subject property from Agriculture to Forest and to change the zone designation of the implementing Coos County Zoning and Land Development Ordinance from Exclusive Farm Use (EFU) to Forest (F) with a Mixed Use Overlay.

APPLICATION SUPPLEMENTAL

JUSTIFICATION:

- (1) If the purpose of this rezone request is to rezone one or more lots or parcels in the interior of an exclusive farm use zone for non-farm uses, the following questions must be answered:
 - a) were the lots or parcels for which a rezone request is made physically developed for a non-farm use prior to February 16, 1983? Explain and provide documentation:

FINDING: No. The purpose of this rezone application is to change the resource zone designation of the subject property from Exclusive Farm Use (EFU) to Forest (F) with a mixed use overlay to reflect the suitability and predominant "forest" characteristics of the property and the subordinate agricultural characteristics of the area. A physically developed or irrevocably committed exception pursuant to Goal 2 is not required for changes from one resource zone designation to another resource zone designation provided it can be documented that the requested zone designation satisfies the definitions prescribed by the pertaining Goal (see *OAR 660-33-030(4) below). Furthermore, accepted farm practices are allowed outright in the Forest zone district.

**OAR 660-33-030(4) When inventoried land satisfies the definition requirements of both agricultural land and forestland, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*

2) If the purpose of this rezone request is for other than (1) above the following questions must be answered:

a) will the rezone conform with the comprehensive plan? Explain:

FINDING: Yes. Evidence has been submitted addressing Appendix 1 CCCP Volume 1, Policy 5.4(8) which allows changes in zoning districts from Forestry to Agriculture and vice versa provided adequate findings are made supporting the request.

The policy recognizes "That agriculture and forestry are closely related in Coos County because the land resource base is capable of and suitable for supporting both agricultural and forest uses and activities."

b) will the rezone seriously interfere with permitted uses on other nearby parcels? Explain:

FINDING: No. Farm, forest and rural residential uses currently exist on adjacent and nearby parcels. This request is to rezone the subject property to reflect the existing forest use and predominant forest characteristics. Because the land surrounding the subject property is similar in use and resource characteristics, and because the uses allowed in both the Farm and Forest districts are generally the same or similar in nature, there is no reason to believe that a change from one resource zone designation to another resource zone designation will interfere with "resource uses" on adjacent or nearby properties.

2) will the rezone comply with other adopted plan policies and ordinances?

FINDING: Yes. The Coos County Comprehensive Plan and the Coos County Zoning and Land Development Ordinance are based upon Oregon Statute, Administrative Rules and the Oregon Statewide Planning Goals. The proposed rezone is intended to bring the subject property more into compliance with Goal 4 (Forestry), Goal 3 (Agriculture), and Oregon Statutes and Administrative Rules that regulate uses and activities occurring on resource lands. Because the subject property is forest land by both use and definition pursuant to Goal 4 as acknowledged by the Coos County Comprehensive Plan, changing the zone

designation from farm to forest to allow the continuation of forest uses is assumed to be in compliance with other portions of the adopted plan policies and ordinances.

Rezoning from Forestry to Agriculture and vice versa is recognized and allowed pursuant to Appendix 1 Volume 1 CCCP Policy 5.4(8) of the Coos County Zoning and Land Development Ordinance.

FINDING DOCUMENT

SMITH TRUST REZONE/PLAN AMENDMENT

OREGON ADMINISTRATIVE RULES

OAR 660-06-057 Rezoning Land to an Agricultural/Forest Zone

Any rezoning or plan amendment of lands from an acknowledged zone or plan designation to an Agriculture/Forest zone requires a demonstration that each area being rezoned or replanned contains such a mixture of agriculture and forest uses that neither Goal 3 nor 4 can be applied alone.

FINDING: The subject property consists of 2.48 acres of benched forestland. According to the United States Natural Resource Conservation Service soil survey maps, the predominant soil type on the subject property is Wintley Silt Loam with 0% to 8% slopes and 15% to 30% slopes. On the basis of a 100-year site curve, the Wintley soil type is capable of a mean site index of 170 for Douglas fir. Attached is a forestry report provided by Norman T. Marsh, Consulting Forester, in November of 2000, showing that the subject property (Fat Elk Creek Tract) is well stocked in commercial tree species with a gross average volume of 32 thousand board feet per acre and a net total volume of 69 thousand board feet on the 2.43 acre parcel. The report also indicates that the majority of the volume, or 36 thousand board feet of the existing timber, contains #2 or better saw logs.

The Wintley soils are also identified as subclass III and IVe agricultural soils and Goal 3 (Agriculture) recognizes agricultural lands in Western Oregon as those lands containing agricultural subclass I, II, III, and IV soils. The land lying North of the subject property consists of agricultural bottomland that has historically been used for farming. Because the adjacent bottomland is subject to winter flooding, the adjacent uplands have historically been utilized as refuge for cattle and for development of barns and residences in conjunction with existing farm uses.

CONCLUSION

Based upon the predominant forest use and characteristics of the subject property together with the subordinate agricultural characteristics associated with the property and adjacent lands, a conclusion can be made that the area being rezoned contains such a mixture of forest and agricultural uses that neither Goal 3 nor 4 can be applied alone.

APPENDIX 1, COOS COUNTY COMPREHENSIVE PLAN, VOLUME 1

POLICY 5.4 FORESTLANDS

5.4(8) Coos County shall consider, and approve where appropriately justified, changes from forestry to agriculture zoning districts, and vice-versa, upon findings which establish:

- i. that the proposed rezone would be at least as effective at conserving the resource as the existing zone.

FINDING: The subject property is forestland by use and definition.

Appendix I CCCP Volume I Policy 5.4(1) states in part that, Coos County “shall conserve those resources designated as forestlands by regulating uses and activities in such areas through requirements stipulated in the Forest zone (F).” Furthermore, the policy goes on to state, “This strategy recognizes that Coos County’s forestlands are an extremely valuable resource, and that the above-referenced zones are; (1) necessary and responsible to respond to the varying situational characteristics addressed in the inventory, and (2) adequate to conserve the county’s forestlands for forest uses.

It is clear from the above referenced policy that the Forest (F) zone district has been established specifically for the purpose of conserving forest resources. Furthermore, the implementation of the Mixed Use overlay recognizes the existence of agricultural lands in conjunction with forestlands and assures the conservation and continuation of agricultural uses.

- ii. that the proposed rezone would not create a non-conforming use.

FINDING: There is currently no development or use existing on the subject property that would become a non-conforming use when the zone district is changed from Exclusive Farm Use (EFU) to Forest (F).

- iii. that the applicant for the proposed rezone has certified that he/she understands that the rezone, if granted, could have significant tax consequences.

FINDING: The applicant is aware that if granted the proposed rezone may have significant tax consequences.

"MIXED AGRICULTURAL-FOREST USE AREAS"

COMPREHENSIVE PLAN VOLUME 1 PART 2, SETTING 3.2(5)

1. Mixed-use areas are those areas with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and agricultural uses.
2. Mixed-use areas are those areas generally managed to maintain enough upland acreage to sustain livestock during the winter months due to flooding of lowland areas.
3. Mixed use areas are those areas predominantly co-managed for both farm and forest uses.

FINDING: The subject property is located within the Coquille River Valley. The Coquille River is under tidal influence for approximately twenty-six (26) miles from its mouth at Pacific Ocean (Bandon) through Riverton and Coquille to Myrtle Point. The land along the Coquille River generally consists of bottomland that has been reclaimed from tidal marshes through dikes, ditching and tidegates that control high tides and seasonal flooding. The bottomland has historically been used for the grazing of cattle and for grass/hay crops. The adjacent uplands consist predominantly of forestland with bench and hillside topography that contains a mixture of forest uses and upland pastureland for cattle grazing and refuge for cattle during seasonal flooding.

Although the subject property is entirely forested with 65 to 90 year old conifer and scattered hardwoods, the lands adjacent to the subject property contain a mixture of upland grazing, forest and residential uses. According to the United States Department of Agriculture Soil Conservation Service, the predominant soil types on the subject property are Wintley Silt Loams with 0% to 8% and 15% to 30% slopes. Although these soil types are predominantly used for timber production, they are also suitable for livestock grazing and are identified as subclass III and IV agricultural soils.

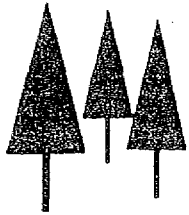
Forestland throughout Coos County that are adjacent to existing agricultural uses have historically been zoned with a mixed use overlay to allow for both forestry and farm uses. The subject property consists of high site forest type soils and is predominantly forestland by use and definition. However, the historic farm use of uplands in conjunction with adjacent bottomland is symbolic of the mixed-use designation utilized throughout Coos County.

CONCLUSION

Based upon the existing uses, soil types and physical features associated with the subject property and the surrounding area, the application of a mixed-use overlay is appropriate pursuant to the Coos County Comprehensive Plan.

FINAL CONCLUSION

Based upon the submitted evidence addressing Appendix 1, Volume 1 Policy 5.4(8) and Volume 1, Part 2, Setting 3.2(5) of the Coos County Comprehensive Plan and the Oregon Statewide Planning Goals 3 and 4, a conclusion can be made that the applicable criteria has been satisfied and that a Forest (F) zone designation with a Mixed-use overlay is appropriate for the subject property. Therefore, the applicant respectfully requests a decision supporting the proposed zone change.



FOREST RESOURCE SERVICES

TIMBER CRUISING & APPRAISAL
TIMBER LAND MANAGEMENT



NORMAN T. MARSH
CONSULTING FORESTER
1893 LEXINGTON CIRCLE S.E.
SALEM, OR 97306
PHONE (503) 364-7663

November 2, 2000

Mrs. Ann Smith
P.O. Box 323
Coquille, OR 97423

Dear Mrs. Smith:

As requested by Doug Reiner recently, I have made a timber cruise and appraisal of timber and reproduction for two parcels of forested land owned by you and your late husband Donald T. Smith, located near Coquille, as follows:

Calloway Creek Tract, Tax Lot 500 on Map # 27S 12W 30 (4.96 acres), and Tax Lot 500 on Map # 27S 13W 25 (28.60 acres), A total of 73.56 acres.

* Fat Elk Creek Road Tract, Tax Lot 2900 on Map # 28S 13W 10 (2.43 acres)

My timber cruise was made on October 17, 2000, and the timber volumes and values stated in the enclosed Timber Cruise & Appraisal Report are as of September 3, 2000, which I understand was the date of your late husband's death.

The timber cruise finds the following net, merchantable timber volumes on each of the above listed properties:

Calloway Creek Tract - Total, All Species 1,398 MBF
There is also 11 acres of planted reproduction on this tract.

Fat Elk Creek Road Tract Total, All Species 69 MBF

Total For Both Tracts 1,467 MBF

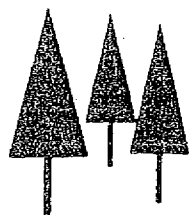
It is my opinion that on September 3, 2000, the Total Fair Market Value of merchantable timber and reproduction on these two properties was \$ 490,397. This is the value of all timber and reproduction on the properties, as is, after making allowance for costs of harvesting, disposing of logging slash, re-planting seedling trees to meet the requirements of the Oregon Forest Practices Act, and paying Privilege Tax and Forest Products Harvest Tax due following harvest of the timber.

It is also my opinion that the Fair Market Value of forest land for each of these properties is: Calloway Creek Tract - 73.56 acres @ \$ 500 or \$ 36,780
Fat Elk Creek Road Tract - 2.43 acres @ \$ 10,000 or \$ 24,300

A detailed listing of my appraised values by tract, showing timber volume and value by species and age class of timber is included in the enclosed report. If you have any questions about any of the information in the report, please call me and I will be glad to assist you in interpreting the data.

Thank you for the opportunity to do this cruise and appraisal. It was a pleasure to meet you and get acquainted.

Sincerely,
Norm Marsh



FOREST RESOURCE SERVICES

TIMBER CRUISING & APPRAISAL
TIMBER LAND MANAGEMENT



NORMAN T. MARSH
CONSULTING FORESTER
1893 LEXINGTON CIRCLE S.E.
SALEM, OR 97306
PHONE (503) 364-7663

TIMBER APPRAISAL SUMMARY, ESTATE OF DONALD T. SMITH PROPERTIES

Timber Volumes & Values As Of September 3, 2000

CALLOWAY CREEK TRACT

Merchantable Timber

<u>Species</u>	<u>Age Class</u>	<u>Net Volume</u>	<u>Value Per M</u>	<u>Total Value</u>
Douglas-fir	30 - 45 yrs. old	232 MBF	\$ 314	\$ 72,848
Douglas-fir	50 - 90 yrs. old	1,051 MBF	340	357,340
Douglas-fir	200 yrs. old +	33 MBF	175	5,775
Grand Fir	30 - 90 yrs. old	30 MBF	259	7,770
W. Hemlock	30 - 90 yrs. old	41 MBF	247	10,127
W. Redcedar	30 - 90 yrs. old	11 MBF	528	5,808
Total Tract, All Species & Ages		1,398 MBF		\$ 459,668

Planted Reproduction

<u>Species</u>	<u>Age Class</u>	<u>Stocking</u>	<u>Acres</u>	<u>Value Per Acre</u>	<u>Total Value</u>
Douglas-fir	8 years	Full	7	\$ 630	\$ 4,410
Douglas-fir	10 to 25 yrs.	Light	4	300	1,200
Total Reproduction			11 acres		\$ 5,610
Total Value Of Trees On This Tract					\$ 465,278



FAT ELK CREEK ROAD TRACT

Merchantable Timber

Douglas-fir	30 - 50 yrs. old	18 MBF	\$ 331	\$ 5,958
Douglas-fir	60 - 100 yrs. old	37 MBF	356	13,172
Grand Fir	30 - 100 yrs. old	4 MBF	286	1,144
W. Redcedar	30 - 90 yrs. old	7 MBF	531	3,717
Port Orford Cedar	30 - 80 yrs. old	1 MBF	508	508
Red Alder	30 - 70 yrs. old	2 MBF	310	620
Total Tract, All Species & Ages		69 MBF		\$ 25,119

SUBJECT PROPERTIES

The two Donald T. Smith Estate properties which are the subject of this Timber Cruise & Appraisal Report are located in the immediate vicinity of Coquille, Oregon, as follows:

Calloway Creek Tract - is 1½ miles North of Coquille on the North side of Calloway Creek, near the Coquille - Fairview Road, 73.56 acres.

Fat Elk Creek Road Tract - is about 2 miles Southwest of Coquille, on the North side of Fat Elk Creek Road, 2.43 acres.

The Coos County Assessor's Office identifies these properties as three separate Tax Lots. The Calloway Creek Tract includes Tax Lot 500 on Map Number 27 12 30 which has 44.96 acres, and Tax Lot 500 on Map Number 27 13 25 which has 28.60 acres. The Fat Elk Creek Road Tract is Tax Lot 2900 on Map Number 28 13 10, and has 2.43 acres.

Geographically, the tracts are described as a portion of the N½ SW¼, and portion of the SW¼ SW¼ of Section 30, Township 27 South, Range 12 West, Willamette Meridian, and a portion of the E½ SE¼ of Section 25, Township 27 South, Range 13 West, for the Calloway Creek Tract, and a portion of the SW¼ NE¼, and a portion of the NW¼ SE¼, North of Fat Elk Creek Road, in Section 10, Township 28 South, Range 13 West Willamette Meridian, in Coos County, Oregon.

Both of these tracts are forest land on gentle to moderate slopes between the elevations of 20 feet and 250 feet above sea level. Both have deep, well drained forest soils that are very productive for forest growth. Measurements taken for trees on the Calloway Creek Tract indicate Douglas-fir Site Class 2+ on a scale of 1 to 5, with site 1 being the highest and most productive forest lands.

SUBJECT TIMBER STANDS

The timber on these properties is primarily Douglas-fir of several age classes, with lesser amounts of Western Hemlock, Grand Fir and Western Redcedar, and very minor amounts of Red Alder, Port Orford Cedar and Sitka Spruce. Most of this timber appears to have seeded in naturally following early logging and broadcast burning which was common in this area before 1970.

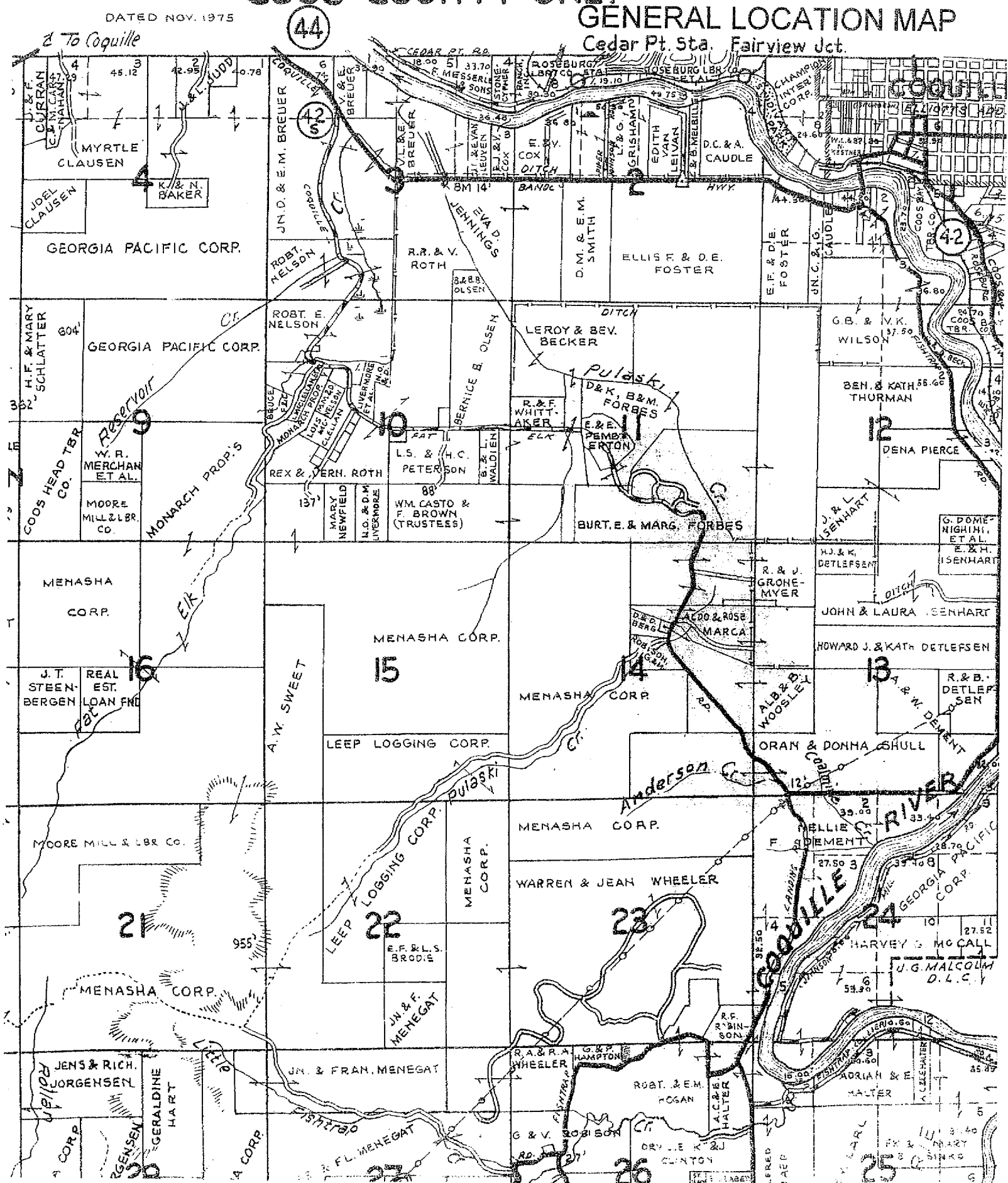
The Calloway Creek Tract timber has had significant thinning within the past 7 to 10 years, in which many of the smaller trees were removed. The present stand is growing very well, and has a large predominance of 50 to 65 year old trees that are mostly of fair quality. A light sanitation salvage harvest is currently being done nearly every year, with only a few trees harvested each year by a local contract logger.

* The Fat Elk Creek Road Tract timber is predominantly from 65 to 90 years old, and is starting to show signs of over-maturity in that conk rot is evident in a number of trees. This stand could benefit from a sanitation harvest cut to remove these conky trees and other trees that show signs of defects. The quality of some of these trees is good, but there is a wide range of quality in the stand.

COOS COUNTY ORE

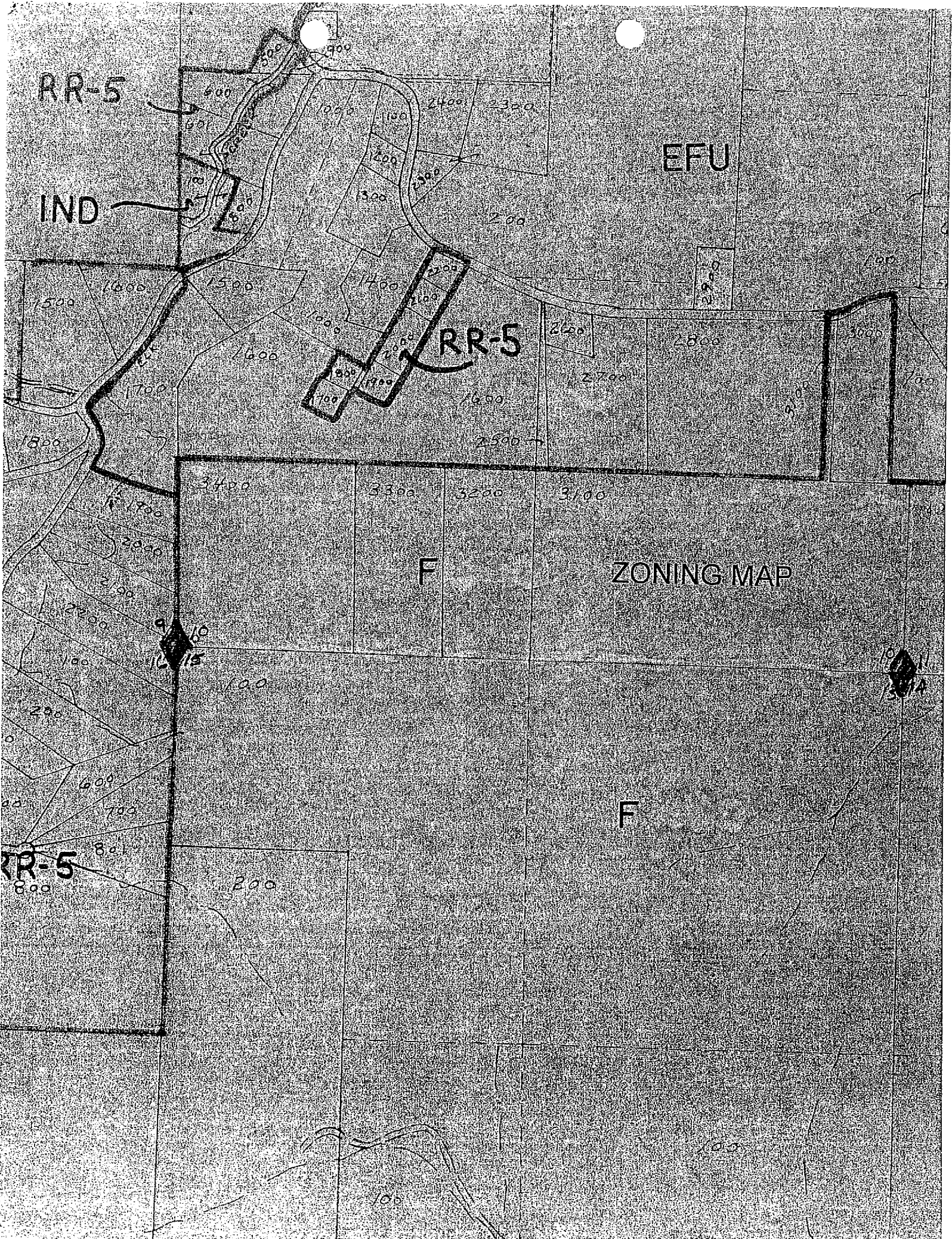
GENERAL LOCATION MAP

2 To Coquille

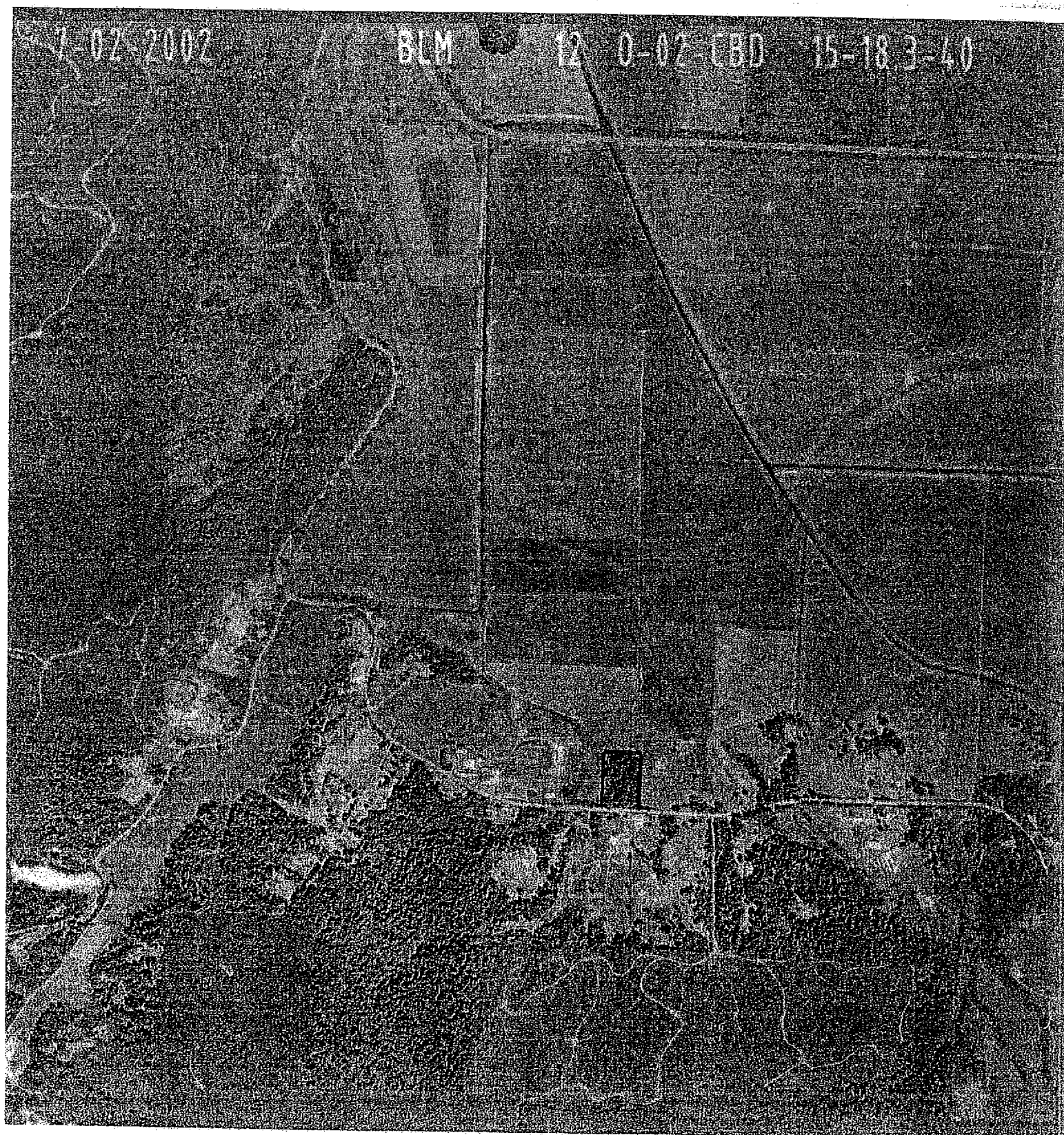


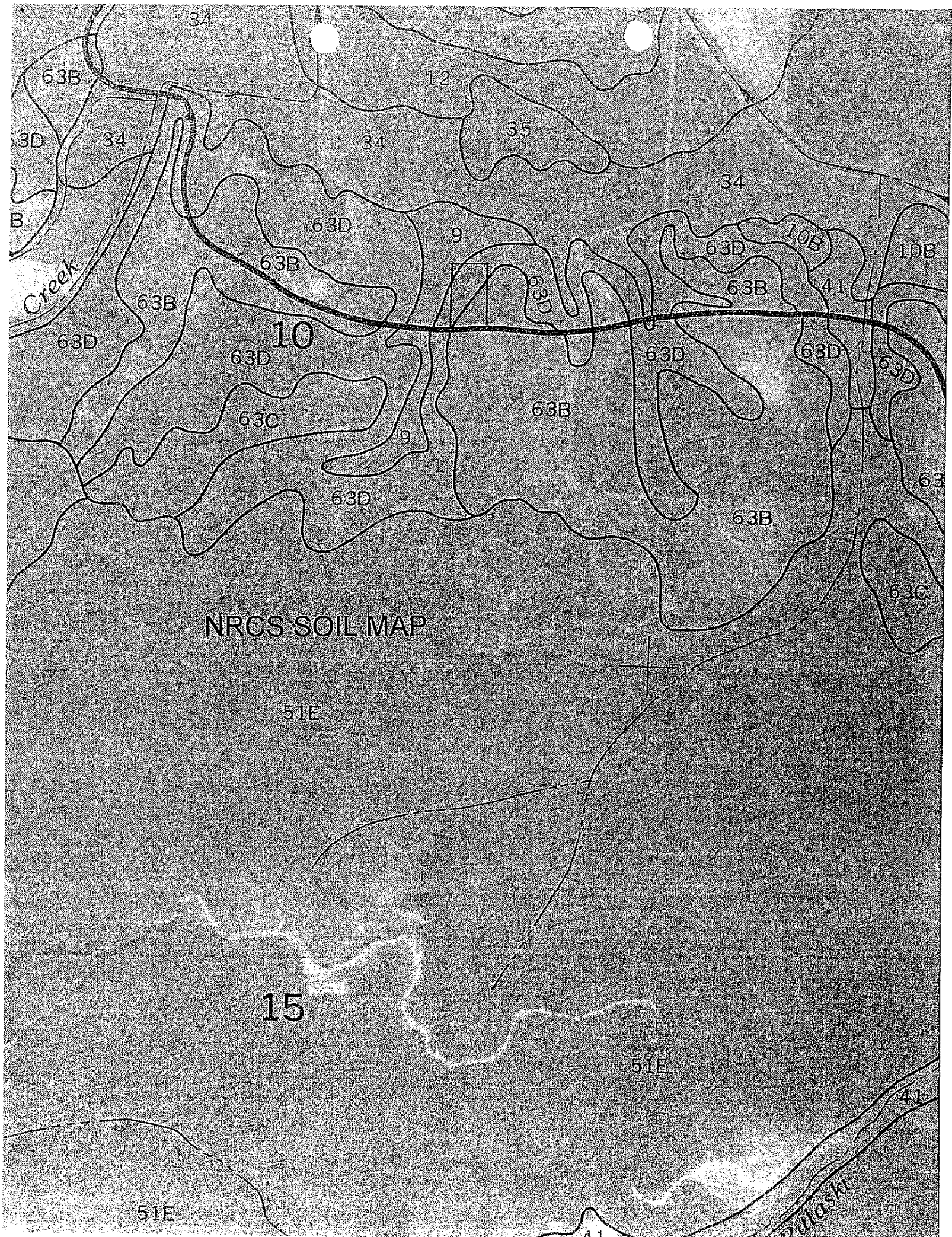
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AERIAL PHOTOGRAPH





Vegetation is mainly sedges, rushes, grasses, and hardwoods. Elevation is 10 to 40 feet. The average annual precipitation is 50 to 80 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface layer is mottled, very dark grayish brown and dark brown fine sandy loam 13 inches thick. The upper 22 inches of the substratum is mottled, dark grayish brown sandy loam, and the lower part to a depth of 60 inches or more is mottled, dark grayish brown loamy fine sand and loamy sand.

Included in this unit are small areas of Nehalem and Nestucca soils. Included areas make up about 25 percent of the total acreage.

Permeability of this Willanch soil is moderately rapid. Available water capacity is about 2.5 to 4.5 inches. Effective rooting depth is 60 inches for water-tolerant plants, but it is limited by the water table for non-water-tolerant plants. Runoff is very slow, and the hazard of water erosion is slight. The water table fluctuates between the surface and a depth of 24 inches below the surface from November to March. This soil is subject to frequent periods of flooding in winter.

This unit is used mainly for hay and pasture.

The vegetation in areas not cultivated is mainly red alder, black cottonwood, and Pacific willow. The understory vegetation is mainly soft rush, slough sedge, skunkcabbage, brown-headed rush, sickle-leaved rush, and large-headed sedge.

If this unit is used for hay and pasture, the main limitations are droughtiness in summer, the hazard of flooding, wetness, and, for the curing of hay, high humidity. Supplemental irrigation is needed for maximum production. Sprinkler irrigation is a suitable method of applying water. Use of this method permits the even, controlled application of water. Water should be applied in amounts sufficient to wet the root zone but small enough to minimize the leaching of plant nutrients. Applications of water should be adjusted to the available water capacity, the water intake rate, and the crop needs.

Frequent, brief periods of flooding restrict the use of this unit in winter. Protection from flooding can be provided only by the use of extensive dikes.

Drainage is needed to lower the water table. Tile drainage can be used to lower the water table if a suitable outlet is available. Wetness and flooding restrict grazing in winter. The choice of plants is limited to those that can withstand periodic inundation.

High humidity and frequent periods of rainfall late in spring prevent the production of high-quality hay. The

quality of grass for hay can be maintained by increasing the stocking rate in winter.

Fertilizer is needed to ensure optimum growth of grasses and legumes. Grasses respond to nitrogen, and legumes respond to sulfur and phosphorus. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition. Rotation grazing increases the production of forage and helps to control weeds and brush. Periodic mowing and clipping help to maintain uniform growth, discourage selective grazing, and reduce clumpy growth.

This map unit is in capability subclass IIIw.

63B—Wintley silt loam, 0 to 8 percent slopes. This deep, well drained soil is on high terraces. It formed in alluvium. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 420 feet. The average annual precipitation is 60 to 80 inches, the average annual air temperature is 50 to 53 degrees F, and the average frost-free period is 180 to 220 days.

Typically, the surface is covered with a mat of undecomposed leaves, needles, and twigs 1 inch thick. The surface layer is dark brown silt loam 4 inches thick. The upper 12 inches of the subsoil is dark brown silty clay loam, and the lower 31 inches is strong brown silty clay and silty clay loam. The substratum to a depth of 60 inches or more is dark yellowish brown very gravelly loam. In some areas the dark-colored surface layer is 10 inches thick or more.

Included in this unit are small areas of McCurdy soils and soils on steep terrace escarpments. Also included are small areas of soils that are similar to this Wintley soil but have a gravelly substratum at a depth of 20 to 40 inches. Included areas make up about 15 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Wintley loam is moderately slow. Available water capacity is about 8.0 to 9.5 inches. Effective rooting depth is 60 inches or more. Runoff is medium, and the hazard of water erosion is moderate.

This unit is used for hay and pasture and homesite development. It is also used for timber production.

This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are western hemlock, western redcedar, red alder, and Oregon myrtle. The understory vegetation is mainly evergreen huckleberry, Pacific rhododendron, trailing blackberry, western swordfern, and Oregon oxalis.

On the basis of a 100-year site curve, the mean site

index for Douglas fir is 160. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 170 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 126.

The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction and plant competition. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction. Displacement of the surface layer occurs most readily when the soil is wet. Using low-pressure ground equipment damages the soil less and helps to maintain productivity.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Unsurfaced roads and skid trails are slippery when wet or moist, and they may be impassable during rainy periods. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit.

When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants prevent adequate natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Sitka spruce, western hemlock, and Douglas fir seedlings.

If this unit is used for hay and pasture, the main limitations are the susceptibility of the surface layer to compaction, droughtiness in summer, and, for the curing of hay, high humidity. Grazing when the soil is moist results in compaction of the surface layer and poor tilth. Compaction limits the movement of air and water in the soil and restricts the growth of roots; it can seriously reduce the productivity of the soil. Grazing should be delayed until the soil has drained sufficiently and is firm enough to withstand trampling by livestock.

Supplemental irrigation is needed for maximum production. Sprinkler irrigation is a suitable method of applying water. Use of this method permits the even, controlled application of water. Water should be applied in amounts sufficient to wet the root zone but small enough to minimize the leaching of plant nutrients. Applications of water should be adjusted to the available water capacity, the water intake rate, and the crop needs.

High humidity and frequent periods of rainfall late in spring prevent the production of high-quality hay. The quality of grass for hay can be maintained by increasing the stocking rate in spring. Excess forage in spring can be used as silage.

Fertilizer is needed to ensure optimum growth of grasses and legumes. Grasses respond to nitrogen, and legumes respond to sulfur and phosphorus. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition. Periodic mowing and clipping help to maintain uniform growth, discourage selective grazing, and reduce clumpy growth.

If this unit is used for homesite development, the main limitation is the moderately slow permeability. Septic tank absorption fields do not function properly during rainy periods. Larger absorption fields help to compensate for the moderately slow permeability.

Preserving the existing plant cover during construction helps to control erosion. Topsoil can be stockpiled and used to reclaim areas disturbed during construction. In summer, supplemental irrigation is needed for lawn grasses and vegetable gardens.

This map unit is in capability subclass IIIe.

63C—Wintley silt loam, 8 to 15 percent slopes.

This deep, well drained soil is on high terraces. It formed in alluvium. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 5 to 420 feet. The average annual precipitation is 60 to inches, the average annual air temperature is 50 to 51 degrees F, and the average frost-free period is 180 to 220 days.

Typically, the surface is covered with a mat of undecomposed leaves, needles, and twigs 1 inch thick. The surface layer is dark brown silt loam 4 inches thick. The upper 12 inches of the subsoil is dark brown silty clay loam, and the lower 31 inches is strong brown s clay and silty clay loam. The substratum to a depth of 60 inches or more is dark yellowish brown very gravelly loam. In some areas the dark-colored surface layer is 10 inches thick or more.

Included in this unit are small areas of McCurdy s and soils on steep terrace escarpments. Also included are small areas of soils that are similar to this Wintley soil but have a gravelly subsoil and a gravelly substratum at a depth of 20 to 40 inches. Included areas make up about 20 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Wintley soil is moderately slow. Available water capacity is about 8.0 to 9.5 inches. Effective rooting depth is 60 inches or more. Runoff medium, and the hazard of water erosion is moderate.

This unit is used for hay and pasture and homesite development.

The vegetation in areas not cultivated is mainly Douglas fir, western hemlock, western redcedar, re

alder, and Oregon myrtle. The understory vegetation is mainly evergreen huckleberry, Pacific rhododendron, trailing blackberry, western swordfern, and Oregon oxalis.

If this unit is used for hay and pasture, the main limitations are the susceptibility of the surface layer to compaction, droughtiness in summer, and, for the curing of hay, high humidity. Grazing when the soil is moist results in compaction of the surface layer and poor tilth. Compaction limits the movement of air and water in the soil and restricts the growth of roots; it can seriously reduce the productivity of the soil. Grazing should be delayed until the soil has drained sufficiently and is firm enough to withstand trampling by livestock.

Supplemental irrigation is needed for maximum production. Sprinkler irrigation is a suitable method of applying water. Use of this method permits the even, controlled application of water. Water should be applied in amounts sufficient to wet the root zone but small enough to minimize the leaching of plant nutrients. Applications of water should be adjusted to the available water capacity, the water intake rate, and the crop needs.

High humidity and frequent periods of rainfall late in spring prevent the production of high-quality hay. The quality of grass for hay can be maintained by increasing the stocking rate in spring. Excess forage in spring can be used as silage.

Fertilizer is needed to ensure optimum growth of grasses and legumes. Grasses respond to nitrogen, and legumes respond to sulfur and phosphorus. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition and to protect the soil from erosion. Periodic mowing and clipping help to maintain uniform growth, discourage selective grazing, and reduce clumpy growth.

If this unit is used for homesite development, the main limitation is the moderately slow permeability. Septic tank absorption fields do not function properly during rainy periods. The limitation of moderately slow permeability may be overcome by increasing the size of the septic tank absorption field. Absorption lines should be installed on the contour.

The risk of erosion is increased if the soil is left exposed during site development. Careful planning of road location can minimize the amount of cutting and filling required. Revegetating disturbed areas around construction sites as soon as feasible helps to control erosion. Plant cover can be established and maintained through proper fertilizing, seeding, mulching, and shaping of the slopes. Topsoil can be stockpiled and

used to reclaim areas disturbed during construction. In summer, supplemental irrigation is needed for lawn grasses and vegetable gardens.

This map unit is in capability subclass IIIe.

63D—Wintley silt loam, 15 to 30 percent slopes.

This deep, well drained soil is on high terraces. It formed in alluvium. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 420 feet. The average annual precipitation is 60 to 80 inches, the average annual air temperature is 50 to 53 degrees F, and the average frost-free period is 180 to 220 days.

Typically, the surface is covered with a mat of undecomposed leaves, needles, and twigs 1 inch thick. The surface layer is dark brown silt loam 4 inches thick. The upper 12 inches of the subsoil is dark brown silty clay loam, and the lower 31 inches is strong brown silty clay and silty clay loam. The substratum to a depth of 60 inches or more is dark yellowish brown very gravelly loam. In some areas the dark-colored surface layer is 10 inches thick or more.

Included in this unit are small areas of soils that are similar to this Wintley soil but have a gravelly substratum at a depth of 20 to 40 inches. Also included are small areas of Dement soils that have slopes of 15 to 60 percent. Included areas make up about 25 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Wintley soil is moderately slow. Available water capacity is about 8.0 to 9.5 inches. Effective rooting depth is 60 inches or more. Runoff is medium, and the hazard of water erosion is moderate.

This unit is used for pasture and wildlife habitat.

The vegetation in areas not cultivated is mainly Douglas fir, western hemlock, western redcedar, red alder, and Oregon myrtle. The understory vegetation is mainly evergreen huckleberry, Pacific rhododendron, trailing blackberry, western swordfern, and Oregon oxalis.

If this unit is used for pasture, the main limitations are the susceptibility of the surface layer to compaction and droughtiness in summer. Grazing when the soil is moist results in compaction of the surface layer, poor tilth, and excessive runoff. Compaction limits the movement of air and water in the soil and restricts the growth of roots; it can seriously reduce the productivity of the soil. Grazing should be delayed until the soil has drained sufficiently and is firm enough to withstand trampling by livestock.

In summer, droughtiness on south-facing slopes limits the choice of forage plants and limits production.

Irrigation generally is impractical because of slope and an inadequate water supply.

Fertilizer is needed to ensure optimum growth of grasses and legumes. Grass-legume pastures respond to sulfur, phosphorus, and molybdenum. Using a good fertilization program increases the production of forage in winter. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition and to protect the soil from erosion. Rotation grazing increases the production of forage and helps to control weeds and brush.

This map unit is in capability subclass IVE.

64—Yaquina loamy fine sand. This deep, somewhat poorly drained soil is on low terraces. It formed in mixed alluvium. Slope is 0 to 3 percent. The native vegetation is mainly conifers, shrubs, forbs, sedges, and rushes. Elevation is 10 to 50 feet. The average annual precipitation is 50 to 70 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface is covered with a mat of organic litter 2 inches thick. The surface layer is dark gray loamy fine sand 5 inches thick. The upper 7 inches of the subsoil is yellowish brown sand, the next 15 inches is mottled, reddish brown and dark reddish brown sand, and the lower 8 inches is pale brown sand. The substratum to a depth of 60 inches or more is pale brown sand.

Included in this unit are small areas of Heceta soils. Included areas make up about 15 percent of the total acreage.

Permeability of this Yaquina soil is moderately rapid. Available water capacity is about 1 inch to 3 inches. Effective rooting depth is 60 inches or more for water-tolerant plants, but it is limited by the water table for non-water-tolerant plants. The water table fluctuates between the surface and a depth of 24 inches below the surface from November to April. Runoff is slow, and the hazard of water erosion is slight.

This unit is used for recreation and wildlife habitat.

The native vegetation is mainly shore pine, scattered Sitka spruce, Pacific rhododendron, salal, evergreen huckleberry, Pacific waxmyrtle, slough sedge, and soft rush.

If this unit is used for recreational development, the main limitation is wetness. Septic tank absorption fields do not function properly because of the seasonal high water table. Use of paths and trails may be limited to 3 to 4 months during the dry period.

This map unit is in capability subclass IVw.

65—Zyzzug silt loam. This deep, poorly drained soil is on stream terraces. It formed in mixed alluvium. Slope is 0 to 3 percent. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 5 to 120 feet. The average annual precipitation is 50 to 120 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 160 to 220 days.

Typically, the surface layer is very dark grayish brown and dark brown silt loam 12 inches thick. The upper 18 inches of the subsoil is mottled, very dark gray and dark gray silty clay loam, and the lower 15 inches is mottled, dark yellowish brown silty clay and silty clay loam. The substratum to a depth of 60 inches or more is mottled, dark yellowish brown silt loam.

Included in this unit are small areas of soils that are similar to this Zyzzug soil but are moderately well drained or somewhat poorly drained. Also included are small areas of somewhat poorly drained soils that have a gravelly loam surface layer. Included areas make up about 20 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Zyzzug soil is moderately slow. Available water capacity is about 5.0 to 8.5 inches. Effective rooting depth is 60 inches or more for water-tolerant plants, but it is limited by the water table for non-water-tolerant plants. The water table fluctuates between the surface and a depth of 18 inches below the surface from November to April. Runoff is slow, and the hazard of water erosion is slight.

This unit is used for hay and pasture.

The vegetation in areas not cultivated is mainly western redcedar, red alder, and willow. The undergrowth is mainly evergreen huckleberry, western swordfern, hairy brackenfern, soft rush, and skunkcabbage.

If this unit is used for hay and pasture, the main limitations are the susceptibility of the surface layer to compaction, wetness, droughtiness in summer, and the curing of hay, high humidity. Grazing when the soil is moist results in compaction of the surface layer and poor tilth. Compaction limits the movement of air and water in the soil and restricts the growth of roots; it seriously reduces the productivity of the soil. Grazing should be delayed until the soil has drained sufficiently and is firm enough to withstand trampling by livestock.

Drainage and irrigation are needed for maximum production of crops. Tile drainage can be used to lower the water table if a suitable outlet is available. Supplemental irrigation is needed in summer because of low rainfall. Sprinkler irrigation is a suitable method.

11/13/2000 08:56 REC FEE: \$36.00
COOS COUNTY, OR, TERRITORY - COUNTY CLERK

PAGE #: 0001 OF 0003
INST#: 2000 11912 **

Mail tax statements to:
No change

After recording return to:
A.C. Walsh, Jr.
280 N. Collier
Coquille, OR 97423

STATUTORY WARRANTY DEED

Ann H. Smith, widow of Donald T. Smith, grantor, conveys and warrants to Ann H. Smith, Trustee of the Ann H. Smith Revocable Trust, dated Nov. 9, 2000, grantee, the following described real property, free and clear of encumbrances except as specifically set forth herein, situated in the County of Coos, State of Oregon, per Exhibit A attached hereto.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration paid for this transfer stated in terms of dollars, is \$None. However, the actual consideration consists of or includes other property or value given or promised which is the whole of the consideration. (See ORS 93.030).

Dated this 9 day of November, 2000.

Ann H. Smith

STATE OF OREGON)
) ss.
County of Coos)

Nov. 9, 2000

Personally appeared the above named Ann H. Smith and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:

A.C. Walsh Jr.
Notary Public for Oregon



OFFICIAL SEAL
A.C. WALSH JR.
NOTARY PUBLIC - OREGON
COMMISSION NO. 302652

11/13/2000 08:56 REC FEE: \$36.00
COOS COUNTY, OR, TERRI TURI - COUNTY CLERK

PAGE #: 0002 OF 0003
INST#: 2000 11912

SMITH EXHIBIT A

PARCEL 1: Beginning on the South boundary of Fourth Street in the City of Coquille, Coos County, Oregon, which point is 971.1 feet South and 918 feet West of the Quarter section corner on the North boundary of Section 1, Township 28 South, Range 13, West of the Willamette Meridian; from said point run South 286 feet; run West 100 feet; run North 136 feet; run West 17.5 feet to an iron pipe driven in the ground; run North 150 feet to an iron pipe driven in the ground on the South boundary of the aforementioned Fourth Street; run East along the South boundary of Fourth Street 117.5 feet to the point of beginning.

PARCEL 2: Beginning at a point on the North boundary of the County Road on the quarter quarter section line running North and South through the center of the East half of Section 10 in Township 28, South of Range 13, West of the Willamette Meridian, in Coos County, Oregon, said point being situated 1294.0 feet West and 140.4 feet, more or less South of an iron pipe set in the ground at the quarter section corner on line between sections 10 and 11 in said Township 28, South of Range 13, West of the Willamette Meridian; thence running as follows: West 250.0 feet along the North boundary of the County Road to an iron pipe set in the ground; thence North 428.0 feet to an iron pipe set in the ground; thence East 244.0 feet to an iron pipe set in the ground in the line of an old division fence line on the quarter quarter section line running North and South through the center of the East half of said Section 10; thence Southerly along said old line fence and along said quarter quarter section line a distance of 428.0 feet to the place of beginning, containing 2.43 acres of land, more or less, in Coos County, Oregon. Being Coos County Tax Account #9110.01.

PARCEL 3: All of my interest in the following real property:

The Northeast quarter (NE 1/4) of the Southeast quarter (SE 1/4) of Section Twenty-five (25), Township Twenty seven (27) South, Range Thirteen (13) West of the Willamette Meridian, Coos County, Oregon.

Also: Beginning at a pipe post on the North Boundary of the Coos Bay Lumber Company's railroad right of way, which is 880.0 feet West and 186.0 feet South of the Northeast corner of Section Thirty-six (36), Township Twenty-seven (27) South, Range Thirteen (13) West of the Willamette Meridian;

-1-

2000 11912 0002 0000 0000

0001099

11/13/2000 08:56 REC FEE: \$36.00
COOS COUNTY, OR, TERRITORY - COUNTY CLERK

PAGE #: 0003 OF 0003
INST#: 2000 11912

thence North 32 degrees 10' East 336.9 feet; thence North 25 degrees 06' East 152.6 feet; thence North 43 degrees 07' East 801.8 feet; thence North 58 degrees 51' East 551.8 feet; thence North 41 degrees 16' East 548.6 feet; thence North 78 degrees 08' East 274.6 feet; thence North 63 degrees 31' East 309.0 feet; thence North 46 degrees 51' East 988.9 feet; thence North 21 degrees 05' East 301.2 feet; thence North 02 degrees 49' West 317.1 feet; thence North 29 degrees 55' East 443.9 feet; thence North 26 degrees 52' East 621.2 feet to the Southeast corner of the Northeast quarter (NE 1/4) of the Northwest quarter (NW 1/4) of Section Thirty (30), Township Twenty-seven (27) South, Range Twelve (12) West of the Willamette Meridian; thence North 89 degrees 16' West 1320.0 feet to the Southwest corner of the said Northeast quarter (NE 1/4) of the Northwest quarter (NW 1/4); thence South 1300.0 feet to the Southeast corner of Lot Two (2) of said Section Thirty (30); thence North 89 degrees 16' West 1350.0 feet to the Southwest corner of said Lot Two (2); thence South 1300.0 feet to the Southeast corner of the Northeast quarter (NE 1/4) of the Southeast quarter (SE 1/4) of Section Twenty-five (25) Township Twenty-seven (27) South, Range Thirteen (13) West of the Willamette Meridian; thence West 1740.1 feet to the Northeast corner of the parcel of land excepted in the deed to George H. Jenkins and Alice P. Jenkins recorded in Book 212 on Page 659 of the Deed Records of Coos County, Oregon; thence South 05 degrees 00' West 144.0 feet; thence South 26 degrees 30' East 130.5 feet; South 97.0 feet; South 51 degrees 00' West 315.0 feet; South 20 degrees 00' West 169.5 feet; South 36 degrees 15' West 275.0 feet; South 385 feet to the South boundary of the Southwest quarter (SW 1/4) of the Southeast quarter (SE 1/4) of said Section Twenty-five (25); thence East 618.8 feet to the Northwest corner of the first described parcel of land recorded in the Deed Records of Coos County, Oregon, in Book 194 on Page 581; thence South 02 degrees 35' West 483.2 feet; thence parallel with a ditch South 73 degrees 35' East 100.0 feet; thence parallel with said ditch North 76 degrees 48' East 230.0 feet, more or less, to the North boundary of the said railroad right of way; thence along said North boundary on a curve the long chord of which bears North 56 degrees 55' East 548.3 feet to the place of beginning, Coos County, Oregon; except that portion thereof lying in the Southeast quarter (SE 1/4) of the Northwest quarter (NW 1/4) of said Section Thirty (30). Being Coos County Tax Account #'s 7149.00 and 7157.01.

LESS PARCEL SOLD

TOGETHER with easement at Volume 230 Page 674 Coos County Records.

-2-

2000 11912 0003 0000 0000

POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS, That I, Ann H. Smith, individually and as Trustee of the Ann H. Smith Revocable Trust, do hereby make, constitute and appoint Douglas Reiner, individually and as Successor Trustee of the Ann H. Smith Revocable Trust, and if he is unable to act, Pamela Reiner and Nancy Lane, (if one cannot act, the other may act alone) my true and lawful attorney, with power:

1. To take possession of, manage, administer, operate, maintain, improve and control all my property, real and personal, to insure and keep the same insured and to pay any and all taxes, charges and assessments that may be levied or imposed upon any thereof;

2. To collect and receive any money, property, debts or claims whatsoever, as are now or shall hereafter become due, owing and payable or belonging to me and to give receipts, acquittances or other sufficient discharge for any of the same;

3. To make expenditures for my care, support, maintenance and reasonable comforts;

4. To make investments and changes of investment in such income bearing securities, including common and preferred stocks of corporations, or government or private bonds, or other property, real or personal, as my said attorney in his discretion may deem prudent, and to hold my securities in the name of his nominee or unregistered in such form that transfer thereof may be effected by delivery;

5. To pay my debts and other obligations, to sue upon, defend, compromise, submit to arbitration or adjust any controversies in which I may be interested, and to act in my name in any complaints, proceedings or suits with all the powers I would possess if personally present and under no legal disability;

6. To bargain for, buy and deal in property and goods of every description;

7. To grant, sell, mortgage, pledge, consign, lease, hypothecate and in any and every manner deal in and with my property, both real and personal;

8. To advance his own funds on my behalf and to borrow any sums of money on such terms and at such rate of interest as to my said attorney may seem proper and to give security for the repayment of the same;

9. To make and deliver any conveyances, contract, covenants and other instruments, undertakings or agreements, either orally or in writing, of whatever kind and nature which my said attorney in his discretion shall deem to be for my best interests;

10. To sign, endorse, sell, discount, deliver and deposit checks, drafts, notes and negotiable instruments and to accept drafts;

11. To appear and vote for me in person or as my proxy at any corporate or other meeting;

12. To have access to any safety deposit box which has been rented in my name or in the name of myself and any other person or persons;

13. To withdraw any monies deposited with any bank, mutual savings bank, credit union or savings and loan association in my name or in the name of myself and any other person or persons and generally to do any business with any such financial institution on my behalf;

14. To appoint and substitute for themselves, agents or attorneys to perform any or all of the above duties and thereafter to revoke such authority, as he deems advisable;

15. To cash and redeem any life insurance policies;

16. To file any tax returns or any tax matters, or obtain any information on my account from any taxing agency; to obtain my Will or copy thereof, from any custodian of such.

I authorize my said attorney for me and in my name generally to do and perform all and every act and thing whatsoever requisite and necessary to be done in the premises, to conduct, manage and control all my business and my property, wheresoever situate, as they may deem for my best interests, and to execute and acknowledge any and all instruments necessary or proper to carry out the foregoing powers, hereby releasing all third persons from responsibility for their acts and omissions.

I expressly declare that I am familiar with the provisions of Oregon law which provide that the powers of my attorney herein described shall be exercisable by my said attorney on my behalf even if I may become legally disabled or incompetent.

This Power of Attorney shall not take effect unless I am unable to handle my personal and financial affairs, and a physician so confirms in writing.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 22 day of November, 2000.

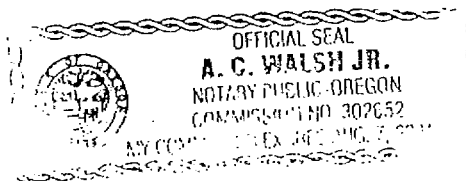
Ann H. Smith

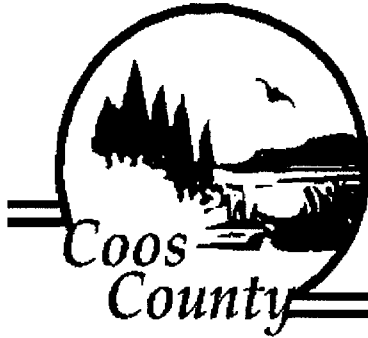
STATE OF OREGON)
County of Coos) ss.

Nov. 22, 2000

Personally appeared the above named Ann H. Smith and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:

A. C. Walsh Jr.
Notary Public for Oregon





Coos County Planning Department

Coos County Courthouse Annex, Coquille, Oregon 97423

Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423

(541) 396-3121 Ext.210

FAX (541) 396-2690 / TDD (800) 735-2900

PATTY EVERNDEN

PLANNING DIRECTOR

CERTIFIED MAIL 7000 0520 0015 6889 9479

August 24, 2006

Larry French
Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol St. NE, Ste. 150
Salem, Oregon 97301-2540

RE: Form 2, DLCD Notice of Adoption for AM-06-03/RZ-06-03, Doug Reiner

Dear Mr. French:

Enclosed please find the Form 2 Green sheet with two (2) copies of the adopted Ordinance 06-05-004PL.

If you have any questions, or we can be of further service, please do not hesitate to phone the Department at (541) 396-3121, extension 210.

Sincerely,

COOS COUNTY PLANNING DEPARTMENT

Jan Mollé, Planning Secretary

c: David Perry
file