

**Planning Commission
Regular Meeting Agenda
Wednesday, February 21, 2024 at 7:00 p.m.**

**Lowell Fire Department
389 N Pioneer St
Lowell, OR 97452**

Members of the public are encouraged to provide comment or testimony through the following:

- Joining by phone, tablet, or personal computer. For details, click on the event at www.ci.lowell.or.us.
- Submitting written comments by mail to PO Box 490, Lowell, OR 97452 or in person to Lowell City Hill located at 70 N. Pioneer St.
- By email to: admin@ci.lowell.or.us.

Meeting Agenda

Call to Order/Roll Call/Pledge of Allegiance

Commissioners: Kintzley ___ George ___ Trimble ___ Petrie ___ Sirois ___

Approval of Agenda

Selection of Planning Commission Chairperson

1. At this time, the Planning Commission will appoint a chairperson and vice chairperson from among its membership, pursuant to L.R.C. Sec. 2.610.

New Business

1. Review Land Use Application #2023-03, "Zone change request for map and tax lot 19-01-11-13-06502 from public lands to general commercial and multiple-family residential." – Discussion / Possible action
 - a. The public hearing is now open at ___ (state time)
 - b. Staff report – Associate Planner Henry Hearley, Lane Council of Governments
 - c. Public comment
 - d. The public hearing is now closed at ___ (state time)
 - e. Planning Commission decision on Land Use Application #2023-03

Other Business

- Reminder: Next meeting on March 6, 2024 @ 6:00 pm.

Adjourn

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities must be made at least 48 hours before the meeting to City Clerk Sam Dragt at 541-937-2157.

Lowell Planning Commission Public Hearing Notice

**The public is invited to attend and testify at a public hearing for a Zone Change proposal at Map and Tax Lot 19-01-11-33-06502
City File # LU 2023 02**

Notice is hereby given for a Public Hearing by the Lowell Planning Commission for a zone change request to change a property from Public Land (PL) to General Commercial (C-1) and a portion to R-3 Multi-Family residential.

The Lowell Planning Commission will hold a public hearing on the land use application on February 21, 2024, at 7:00 PM at the Lowell Rural Fire Protection District Fire Station 1 located at 389 N. Pioneer Street, Lowell, OR 97452.

The Planning Commission will make a recommendation onto City Council.

The date of the City Council public hearing is to be determined and will be set once Planning Commission has made its recommendation. Please inquire with the City Administrator for dates.

A remote hearing option via Zoom will be available. For instructions on how to attend remotely, please email the City Administrator at jcaudle@ci.lowell.or.us, call 541-937-2157, or visit the meeting page on the City's website. Written comments may be emailed to jcaudle@ci.lowell.or.us, delivered in person at City Hall located at 70 N. Pioneer St., or mailed to PO Box 490, Lowell, OR 97452. A staff report will be available no later than 4PM on February 14, 2024.

The meeting materials and zoom link will also be posted on the City's website at <https://www.ci.lowell.or.us/>.

For questions or to submit written testimony, please contact the City Administrator using the contact information listed above.

Staff Report

City of Lowell Planning Commission Public Hearing Dollar General Zone Change Application LU 2023 03

Date of Incompleteness: October 16, 2023
Date of Completeness: December 20, 2023
Planning Commission Hearing: February 21, 2024
City Council Hearing: To Be Determined
Notice Mailed: January 12, 2024
Notice Posted: January 23, 2024
Notice Published: January 25 & February 1, 2024
Property Owner: BJ Real Properties LLC
Applicant: Kirk Farrelly, Capital Growth Buchalter
Applicant Representative: Mark McKechnie, Oregon Architecture

- 1. PROPOSAL.** The Planning Commission is being asked to review and render a recommendation on a zone change for Map and Tax Lot 19-01-11-13-06502. The entire property is presently zoned Public Lands (PL). The applicant is requesting a portion of the property be rezoned from PL to General Commercial (C-1) and the other portion be rezoned from PL to Multiple-Family Residential (R-3). At this time, the applicant is only seeking zone change approval. If the applicant prevails on zone change, it is likely the applicant will apply for land partition and site plan review.

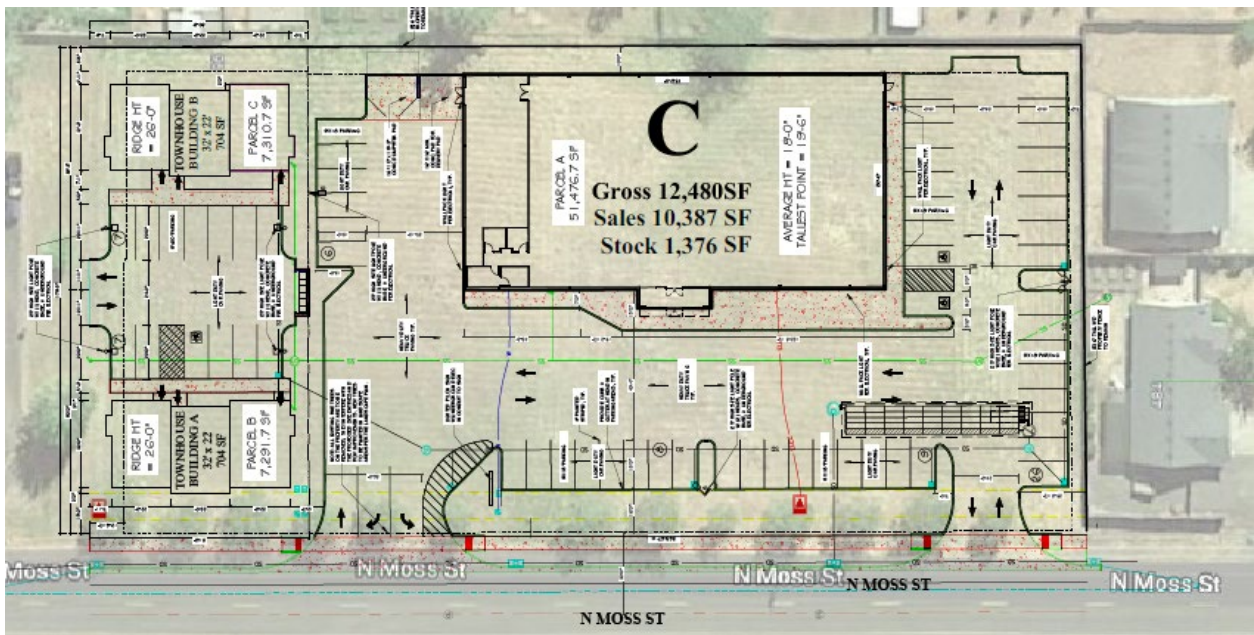


Figure 1. Proposed site plan for an eventual Dollar General retail store and six-unit multiple-family dwelling development. Site plan is not being reviewed at this time. Site plan included for context of overall project.

2. **BACKGROUND.** The subject property is not located within the confines of the Regulating Plan which governs development within the Downtown District of Lowell. The subject property was formerly an Oregon State Parks and Recreation Department (OPRD) property. Seeing no need or use for the property OPDR sold off the property as excess. The subject property was “Parcel 2” of Land Partition Plat No. 2009-P2377 recorded for a past partition which split off the subject property from the northern portion. The land uses occurring to the north are governmental/public. Land uses occurring to the east and south of the site are residential. A previous land use application for zone change, partition and site plan review was ultimately withdrawn by the applicant on March 7, 2023.

3. **PLANNING COMMISSION DISCRETION REQUIRED.**

- Amendments criteria requires the Planning Commission to divine the “intent” of the Comprehensive Plan. Approval criteria #1 for an amendment is located in Section 9.253(b)(1). This approval standard requires that the proposed amendment, in this case a zone change, not conflict with the “intent” of the Comprehensive Plan.
 - Planning Commission’s discretion on several policies and provisions of the Comprehensive Plan may be necessary to determine whether the proposed amendment does not conflict with the intent of the Comprehensive Plan. Staff offer their analysis and recommendation as to whether the application meet the approval criterion. The Planning Commission may agree or disagree with staff.
 - Staff provide a reasonable interpretation as to how to divine the “intent” of the Comprehensive Plan backed by case law. The proposed interpretation for Planning Commission’s consideration is found under the “staff response” on Page 4-5 of this report.
 - Planning Commission is only making a recommendation for approval or denial of the zone change. City Council will make the final determination.
 - The applicant’s responses to the zone change (amendment) criteria are contained in **Exhibit A**.
 - **Staff conclude a recommendation for denial is most appropriate and cite LDC Section 9.253(b)(1) and (5) as the reasons for denial.**

4. **AGENCY REFERRAL COMMENTS.**

Lane County Transportation Planning (LCTP): LCTP has reviewed the applicant’s Traffic Impact Analysis (TIA) and concurs with the findings contained therein. A zone change will result in a net increase of approximately 59 PM peak trips and does not generate a significant effect on the transportation system. As an informational item, LCTP will require a site-specific TIA to be completed and submitted upon site development. Agency referral comments are included in this staff report as **Exhibit C**.

5. **PUBLIC COMMENTS.**

The City received two public comments for the record on the proposed zone change.

Comment #1 is from Jimmy Martini. Comment #1 addresses Lowell’s Strategic Plan (presumably the commenter meant to say the Comprehensive Plan) and describes attributes of

the Plan such as “Positively plan, develop, and coordinate economic and population growth consistent with community values” and a mission stating, “A historical rural city surrounded by nature’s beauty on the north side of Dexter Lake where all people area valued, encouraged, and appreciated for their diversity.” Comment #1 questions whether a Dollar General retail store is consistent with the Downtown Master Plan vision and whether the characteristics of a Dollar General retail store are consistent with Lowell’s values. Comment #1 also includes excerpts from news articles and attributes of discount-retail stores.

Comment #2 is from Lisa-Bee Wilson. Comment #2 includes excerpts from news articles stating Dollar General stores have put out of business local grocers in other cities around the Country (Moville, Iowa is presented as the city in this article). Comment #2 addresses the low-quality build that is typical of Dollar General retail stores and questions if this the type of commercial development Lowell wants to see. Comment #2 urges City officials to deny the rezoning and to not let a national chain change the character of Lowell.

Comment #3 is from the Department of Land Conservation and Development (DLCD) Southern Willamette Valley Regional Representative. DLCD has concerns about the proposed zone change. Comment #3 cites Economic Policy #5 and #7 of the Lowell Comprehensive Plan and discusses how the proposed zone change contradicts those two policies. Specifically Comment #3 cites Lowell’s adoption of Ordinance #309 which integrated the City’s 2019 Downtown Master Plan into the Lowell Development Code. The integration of the Downtown Master Plan into the Lowell Development Code advanced Policies #5 and #7; the proposed zone change is not consistent with those two policies and is discouraged per Policy #7.

All public comments are included in the record hereby reference and can be read in their entirety as **Exhibit B** to this staff report.

6. APPROVAL CRITERIA. Section 9.523 Amendments; Lowell Comprehensive Plan; and Applicable Oregon Statewide Planning Goals.

7. STAFF REVIEW OF APPLICABLE APPROVAL CRITERIA.

Section 9.253 Amendments. It is recognized that this Code or the Lowell Comprehensive Plan may require amendments to adjust changing circumstances. An amendment may require either, a Legislative Decision as defined in Section 9.303(b) or a Quasi-judicial decision as defined in Section 9.303(c) depending upon whether the amendment applies to the Code in general or to a specific property.

Amendments may be either Text Amendments or Map Amendments. The City utilizes a single land use map as a Comprehensive Plan and a Zoning Districts Map, therefore a zone change map amendment is an amendment to the Lowell Comprehensive Plan and the Lowell Development Code.

(a) Amendment Application. An Amendment to this Code may be initiated by the City Council, the Planning Commission or by application of a property owner. A request by a

property owner for an amendment shall be accomplished by filing an application with the City using forms prescribed in Section 9.203.

Staff Response: The subject property under consideration for zone change is Map and Tax Lot 19-01-11-33-06502. According to the Regional Land Information Database (RLID), the subject property is owned by BJ Real Properties, LLC. The application was submitted by Rajan Mehta, of Oregon Architecture, on September 28, 2023. Mr. Kirk Farrelly and Mark McKechnie are listed as authorized agents to act on the applicant's behalf. Staff find this criterion met.

(b) Decision Criteria. All requests for an amendment to the text of map of this Code or the Comprehensive Plan may be permitted upon authorization by the City Council in accordance with the following findings:

(1) The proposed amendment does not conflict with the intent of the Comprehensive Plan.

Applicant Response: The Comprehensive Plan is meant to be a living document that reflects the goals and aspirations of the citizens of Lowell. One of the City's Goals is to maintain its viability as an attractive residential community with a local employment base. This particular parcel had been owned by the Forest Service and was once intended to be a location for an office for the Service (a commercial use, as defined by the Code). Times change, the US federal government's plans changed and the Forest Service found it no longer needed this parcel to accomplish their mission in the Lowell area. The property was subsequently put up for sale in a public auction and a local Developer purchased the property.

That Developer now has partnered with another development entity to fully develop the parcel in a mixed-use configuration, with a commercial venture that will meet the City's continued local employment goals and also support much needed housing within the City.

The new commercial venture will add 16 new jobs to the local economy. In addition, the commercial venture will be able to shoulder the lion's share of the development costs for the parcel, making the 6 new attached residential units (townhouses, specifically) possible in a market where it is nearly impossible to produce living units that can meet local market conditions.

Staff Response: This approval criterion is worded a bit differently than other similar types of approval criteria that call for "consistency" or "compliance" with the Comprehensive Plan or "consistency" or "compliance" with the policies of the Comprehensive Plan. This approval criterion requires that the proposed change "not conflict with" the "intent" of the Comprehensive Plan. The Planning Commission's interpretation of what that provision means is entitled to deference. *Friends of Hood River Waterfront v. City of Hood River, 68 Or LUBA 459 (2013)*. Below is an interpretation of that provision that the city decision makers could adopt.

This provision does not simply require decision makers to review the Comprehensive Plan policies and find that the proposed zone change does not conflict with each applicable policy. Rather, it requires a more comprehensive study of the Comprehensive Plan to discern what the “intent” of the comprehensive plan is, with regard to the subject proposal.

This conclusion is consistent with the cases that hold that, even where a specific Comprehensive Plan policy may not constitute an independent applicable mandatory approval criterion, policies may provide relevant, necessary consideration that must be reviewed and balanced with other relevant plan provisions to demonstrate “consistency with applicable plan provisions.” *See Bothman v. City of Eugene, 51 Or LUBA 426 (2006); Save our Skyline v. City of Bend, 48 Or LUBA 192 (2004).*

It is true that the Comprehensive Plan is a document that is meant to reflect the goals and aspirations of the citizens of Lowell. Staff believe the Comprehensive Plan reflects the City’s desire to have commercial uses locate in the Downtown Core Area, consistent with the Downtown Master Plan. This staff report will outline why staff believe this to be true. Staff find the proposed zone change is not consistent with the intent of the Comprehensive Plan and thus denial is the appropriate action.

Consistent with the interpretation of approval criterion #1, above, staff now turn to a review of relevant policies, goals and sections the Comprehensive Plan.

Section 9.932 Economy

(b) Industrial/Commercial Land

The City of Lowell has a designated area for light industrial activities in an Industrial Park. A portion of the land is occupied by manufacturing uses. The Lowell Industrial Park has full City services and there are two vacant tax lots totaling 3.45 acres available for businesses to locate there. The Industrial and Commercial Lands Assessment in Rural Lane County (June 2000) includes inventory information for these two lots.

Commercially zoned land is also available in Lowell, primarily to accommodate small, sole proprietor businesses common in the area. There are several vacant commercial sites available for new occupants or redevelopment.

Industries that meet the following criteria should be given the highest priority in regards to outreach and recruitment because they are considered to be the most likely candidates for a good fit with the Lowell area:

1. Small, clean, quiet companies. These offer a better fit and employment growth potential for Lowell, e.g. ten companies with 5 employees each rather than one company with 50 employees.
2. Employers that require skilled labor and provide family wage jobs.
3. Entrepreneurial in nature.
4. Cottage industries that meet the applicable code requirements.
5. Manufacture a product or provide a service that is exportable outside the Lowell/Dexter/Fall Creek area. These bring in money from outside the community to add to the local economy.
6. A business that will pull customers from outside the city.

Staff Response: Section 9.932(b) says “*commercially zoned land is also available in Lowell, primarily to accommodate small, sole proprietor businesses common in the area.*” If the City’s intent, with respect to commercial lands and uses, is to primarily accommodate small, sole proprietor businesses common in the area, then city decision makers must consider whether the proposed rezone from Public Lands to General Commercial to facilitate a medium-sized commercial retail store conflicts with this intention.

Given the premises of comment #1 and comment #2 arguing that the type of national discount-retail store that would be facilitated by virtue of the zone change is headquartered out of state, has annual sales exceeding 34 Billion dollars, and has a propensity to target low-income areas and drive out mom-and-pop retail stores, staff find it reasonable to believe that a national discount-retail store is not small, nor a sole proprietor type business and thus conflicts with the intent of the Comprehensive Plan.

Planning Commission may glean its own intention of Section 9.932 to determine whether a national discount-retail store is the small, sole proprietor type commercial business that Lowell seeks.

Section 9.939 Population & Economy Goals & Policies:

Policy 1: The City of Lowell shall strive for continual and substantial progress toward improving the quality of life for area residents including livability and economic prosperity.

Staff Response: Staff find the proposed amendment conflicts with Policy 1 of Section 9.939 of the Comprehensive Plan. Planning Commission may find otherwise and discuss and debate the merits of the application against this policy. Staff find this because the subject property is located outside the Downtown Core Area. The Downtown Core Area contains the majority (likely all) of lands zoned for commercial and mixed-uses. If approved, the zone change would result in a commercially zoned parcel that is cut-off from other commercially zoned parcels and cut-off from the Downtown Core Area.

Further, the subject property is located in the middle of an existing residential neighborhood, potentially creating a conflict of land uses. Lastly and pointing to the public comments that have come in against the proposal. Public comments have alluded to the degradation of quality of life and economic prosperity, if the zone change were approved and a Dollar General retail store realized. These factors have the ability to contribute to a lower quality of life, including livability and economic prosperity and thus the proposal is in conflict with Policy 1 of Section 9.939 of the Comprehensive Plan.

Policy 5: The City shall continue to actively encourage industrial and business developments that can help improve the economy of the Lowell area which are compatible with maintaining the area's environmental assets and the livability of the community.

Staff Response: Staff find the proposed amendment conflicts with Policy 5 of Section 9.939 of the Comprehensive Plan. Planning Commission may find otherwise and discuss and debate the merits of the application against this policy. Staff find this because the amendment does not actively encourage business developments that can help improve the economy of the Lowell area, which are compatible with maintaining the area's environmental assets and the livability of the community.

Further, the proposed amendment does not improve the economy of the Lowell area because Lowell has an existing business that is locally owned that provides a similar goods and services as a Dollar General retail store would provide. The competing nature of businesses does not improve the economy of the Lowell area, especially a national discount retail store. This fact is also evidenced by the public comments that have been submitted into the record.

Lastly, Staff believe Policy 5 may be cited as grounds for denial based on the following reasoning. The proposal conflicts with the intent of Policy 5 because the proposal does not encourage business development that can help improve the economy of the Lowell area and is not compatible with maintaining the area's environmental assets and livability of the community. The proposed rezone conflicts with the intent of the Comprehensive Plan because the subject property is located in an area of exclusively existing residences therefore conflicting with the

intent to encourage business developments that are compatible with maintaining the livability of the community.

Policy 7: The City recognizes the need to create a centralized downtown business district in Lowell and shall encourage new retail, office and service commercial developments to locate there.

Staff Response: Staff believe the intent is to create a centralized downtown business district by encouraging new retail, office and service commercial developments to locate there. This is evidenced by the fact that there are no commercially zoned properties outside of the Downtown Core Area and the adopted Downtown Master Plan which contains a vision, policies and goals with respect to commercial enterprises in the Downtown Core Area.

Lowell places a high priority on commercially zoned properties and commercial development within the Downtown Core Area. The subject property is not located in the Downtown Core Area and if rezoned, would detract and undermine the vision contained within the Downtown Master Plan and conflict with the intent of the Comprehensive Plan.

Staff believe the Planning Commission can find the zone change conflicts with the intent of Policy 7 of the Comprehensive Plan. The intent of Policy 7 is to create a centralized downtown business district and for commercial enterprises to locate there. If the property were rezoned to a commercial designation this would detract and undermine the efforts, vision, policies, and goals as contained in the Lowell Downtown Master Plan to create a quaint and vibrant Downtown Core Area.

Section 9.953 Land Use Trends

(b) Commercial Land Use Trends

The City has 10 acres of commercially zoned land at this time. Only 1acre is utilized for commercial use and the remainder of the 10 commercial acres is utilized for other uses. The commercial facilities are located within the two adjoining commercial Districts.

District C-1. The corridor commercial area contains only 0.38 acres of vacant land. Much of this area’s 6.12 acres is devoted to other uses. The corridor commercial area should provide space for heavier commercial uses requiring on-site truck and auto access like lumber yards, equipment sales and light fabrication shops.

District C-2. The City's downtown core area has continued to decline due primarily to the realignment of through traffic off Main Street many years ago. The location and redevelopment of the downtown core area will become increasingly important as a pedestrian friendly center for those persons who do not drive automobiles by providing a walking environment for students, the elderly and those living in adjacent multi-family facilities. Convenient parking areas will be needed for residents and visitors that do not interfere with an integrated shopping environment

The City's commercial development has been diluted due to a limited population, fewer jobs that don't require travel to the Eugene/Springfield urban area, and the proximity of that urban area. The limited development that has occurred has been haphazard and allowed without any specific commercial area planning. Emphasis and increased planning for the Downtown Core Area will greatly improve the appearance and commercial vitality of the City over the long run.

Staff Response: Staff believe the intent of Section 9.953(b) to be outlined in the paragraph describing the C-2 District (boxed areas).

“The location and redevelopment of the downtown core area will become increasingly important as a pedestrian friendly center for those persons who do not drive automobiles by providing a walking environment for students, the elderly and those living in adjacent multi-family facilities.”

The intent is to locate commercial businesses together and focus on redevelopment of the Downtown Core Area. This renewed focus is evidenced in the adopted Downtown Master Plan. Further, the intent is to create a “pedestrian friendly center.” The subject property, which is not located in the Downtown Core Area will not be a “pedestrian friendly center” because it is located off a Major Arterial road and, in most instances, is not walkable in a safe and convenient manner and, to some extent, relies on the use of an automobile to reach it.

Furthermore, the last two sentences of the last paragraph read: “the limited development that has occurred has been haphazard and allowed without any specific commercial area planning. Emphasis and increased planning for the Downtown Core Area will greatly improve the appearance and commercial vitality of the City over the long run.”

Staff believe these two sentences make two things apparent:

- 1) What limited development, presumably commercial, has occurred in Lowell historically has been haphazard and was allowed and occurred without any specific commercial area planning and;
- 2) Emphasis on and increased planning for the Downtown Core Area will greatly improve the appearance and commercial vitality of the City over the long run.

Lowell has taken steps to address these two issues, especially with respect to commercial development planning. Again, this is evidenced by the adopted of the Downtown Master Plan that contains a vision, series of goals and specific policies to ensure that what commercial development does occur in Lowell is not haphazard and is not done without some level of forethought and planning.

The planning efforts that have been kick-started to prevent haphazard commercial development centered around a focus on re-development of the Downtown Core Area. These efforts, while still on-going, resulted in City Council's adoption of a Downtown Master Plan. The City's adopted Downtown Master Plan contain the vision and goals of the City with respect to creating a Downtown that is vibrant and quaint. Planning Commission may find that rezoning a property from public lands to commercial for a commercial use that is located outside of the Downtown Core Area contrary to the City's efforts to revive the Downtown Core Area of Lowell.

Further, the last sentence seems to suggest if commercial planning efforts are to be undertaken, those efforts should focus on the Downtown Core Area for the long-term vitality of the City. Planning Commission should debate and interpret this section of the Comprehensive Plan to discern if the proposed rezone conflicts with the intent of the Comprehensive Plan. If Planning Commission find this section of the Comprehensive Plan conflicts with the proposed rezone, then it may be cited as grounds for denial.

Staff find the proposed amendment conflicts with the intent of Section 9.953(b) and therefore, denial is the appropriate decision.

(d) Public & Semi-Public Land Use Trends

Because of the wide differences in public and semi-public uses it is virtually impossible to define a land use district applicable to all. Therefore the Public Lands District applies to governmental or institutionally owned lands. All other public and semi-public uses may be located in any zoning district under specified conditions as a Permitted or Conditional Use.

One of the City's largest public lands owners, the U.S. Forest Service, has indicated that they will divest themselves of much, if not all of their land within the next 10 years. This land will have to be considered for reutilization. The office complex on Pioneer Street is very close to the downtown commercial district and could be easily converted to commercial use as a business park. The undeveloped property adjoining Moss Street could be developed for multi-family use. The developed property adjoining Moss and 6th Streets should be considered for light industrial reuse with no more impacts than the present use has on neighboring residential properties. If such a use can not be found, redevelopment for residential uses or semi-public uses would be the City's preference.

Staff Response: The Comprehensive Plan seems to have envisioned the Forest Service's divestment in its properties in Lowell. Because of this, the Comprehensive Plan wisely found the need for the properties to be considered for redevelopment and what types of uses and development should occur on those properties. Staff believe the Comprehensive Plan set forth an "intent" as to how that land should be reutilized.

"The undeveloped property adjoining Moss Street could be considered for multi-family use."

"If such a use can not be found, redevelopment for residential uses or semipublic uses would be the City's preference."

Based on the two above sentences, quoted directly from the Comprehensive Plan, staff believe it is evident that the community and City Council intend for the former U.S. Forest Service properties to be reutilized for multi-family uses, residential uses, or semi-public uses. For these reasons, staff believes the proposed amendment conflicts with the intent of the Comprehensive Plan as cited in Section 9.953(d) and should be denied.

Section 9.954 Projected Land Use Needs

Comparative land use statistics for 33 Oregon cities show an average of 4.2% allocated for commercial use for cities with 2,500 to 10,000 population. Lowell's 2.2% is lower than this average and much of the commercially designated land is used for other purposes.

Commercial activities that provide goods and services to area residents are essential to a viable community. The location and distribution of commercial facilities is also crucial to the organizational structure of a community and can substantially influence the quality of life in a city.

Staff Response: Staff find the proposed amendment conflicts with the Section 9.954(b) of the Comprehensive Plan. Noted above, it is clear that commercial activities, goods and services are vital to a community. But just as vital is the location of the commercial activities. The last sentence of the second paragraph reads “The location and distribution of commercial facilities is also critical to the organizational structure of a community and can substantially influence the quality of life in a city.”

District C-2. The redeveloped Downtown Core Area should be the central commercial focus of the community with the majority of the retail, office and service businesses locating there. A strong downtown area can serve as a focal point for the community, encourage business activity, increase service efficiency, and stimulate residential development in the adjacent areas. Adequate off-street and public parking should be provided and a pedestrian-oriented atmosphere should be encouraged.

Staff Response: The District C-2 paragraph of Section 9.954(b) provides a good purpose of the C-2 zone and the importance placed on redevelopment and commercial activities to locate in the Downtown Core Area of Lowell.

“The redeveloped Downtown Core Area should be the central commercial focus of the community with the majority of the retail, office and service businesses locating there. A strong downtown area can serve as a focal point for the community, encourage business activity, increase service efficiency, and stimulate residential development in the adjacent areas. Adequate off-street and public parking should be provided and a pedestrian oriented atmosphere should be encouraged.”

The above quoted paragraph from the District C-2 section that redevelopment of the Downtown Core Area should be the central focus of the community. A strong downtown area can serve as a focal point for the community, encourage business activities, increase efficiency, and stimulate residential development in the adjacent areas. Staff believe these policies and provisions of the Comprehensive Plan conflict with the proposed amendment.

Commercial centers can provide the structure for quality community development. Fragmented dispersed development does not contribute to a sense of community. Designating more commercial land than is needed along an arterial road will encourage fragmented random strip development at the expense of the community and should be avoided.

Staff Response: Another provision of Section 9.954 gets at the importance of commercial centers when placed appropriately and their impact on a community. The above provision of Section 9.954 of the Comprehensive Plan conflicts with the proposed amendment because the subject property is fragmented from the Downtown Core Area and other commercial areas of Lowell. This type of dispersed commercial development does not contribute to a sense of community.

Furthermore, the Downtown Master Plan is making strides at developing a sense of community in the Downtown Core Area. The subject property, if zoned for commercial uses, is the quintessential definition of fragmented dispersed development because it's located in an area that contains no adjacent commercial uses and is located along an arterial road near the fringe of city limits. According to the Comprehensive Plan, which is the guiding planning document for the City of Lowell, this should be avoided.

To further illustrate this point, Staff present Figure 2 into evidence in support of the proposal resulting in a fragmented and dispersed development.

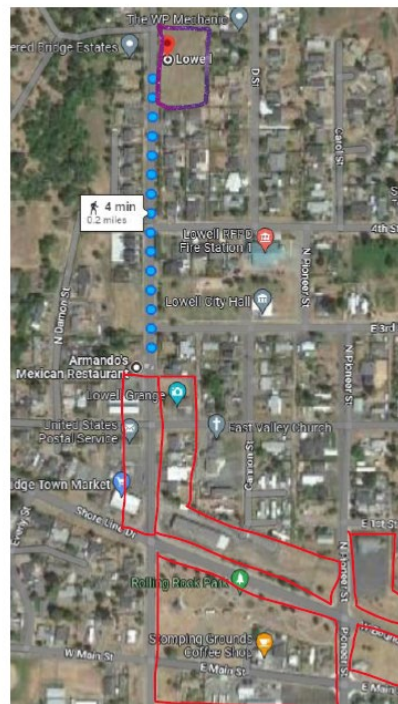


Figure 2. Proposal would result in a fragmented and dispersed development that does not contribute to a sense of community. Areas seen in red are existing commercial parcels; the subject property is separated from existing commercial parcels by 0.2 miles.

The areas outlined in red represent the approximate areas that are zoned for commercial uses in Lowell. The google maps walking distance and time is from the most northern point of a commercially zoned property in Lowell. Even at the closest point to a commercially zoned property, the subject property is still 0.2 miles north and along a Lane County Arterial roadway. Figure 2 illustrates that the site would result in a fragmented and dispersed commercial property that does not contribute to a sense of community. Lowell residents and Lowell decision makers, in their crafting of this provision in the Comprehensive Plan clearly had an intent to prevent dispersed and fragmented commercial development.

If the needed amount of commercial land is located wisely in commercial centers new commercial businesses will be attracted to the community and will have a higher potential for success because they are supported by the activities generated by adjacent businesses, and are more efficient and convenient for area residents. The City's land use plan and transportation systems are thereby supported and the quality of life in the community is enhanced.

Staff Response: The final paragraph of Section 9.954 states (see above) “if the needed amount of commercial land is located wisely in commercial centers, new commercial businesses will be attracted to the community and will have a higher potential for success because they are supported by the activities generated by adjacent businesses and are more efficient and convenient for area residents.”

If the property is rezoned to site a new retail store, it will be the only retail/commercial use in the immediate vicinity, so it's questionable if the development will attract additional commercial facilities to the city because there would be no adjacent business activity, so one could reasonably conclude that it is not “located wisely.” The above paragraph recognizes the importance of a Downtown Core Area, in that commercial facilities that locate there help spur adjacent economic activity in the Downtown Core Area, of which are more convenient and efficient to area residents. The proposed amendment conflicts with the intent of the Comprehensive Plan, as discussed here and cited in the final paragraph of Section 9.954 and should be denied.

(b) Commercial Acreage Needs

There is no anticipated need for additional designated commercial land initially. What is needed is an emphasis on downtown renewal to attract additional commercial uses to the Downtown Core Area to revitalize the community. As the City grows, it is anticipated that the need for additional commercial lands will increase to 4% of the City's land use.

Staff Response: Lastly, the above paragraph (see above box) addresses location and the amount of needed commercial land. Page TC 97 concludes there is, initially, no anticipated need for additional commercial land. *What is needed is an emphasis on downtown development.*

General Residential Land Use Policies:

Policy 12: *The City shall ensure that future commercial development will not have a significant adverse effect on surrounding land uses.*

Staff Response: The proposed zone change from Public Lands to General Commercial, and a small portion Multiple-Family, would spur a future commercial development in the form of a proposed 12,480 square foot Dollar General retail store and a six-unit multiple family residential development. Policy 12 says “*the City shall ensure that future commercial development will not have a significant adverse effect on surrounding land uses.*” This does not mean that no adverse effects on surrounding land uses are permitted – it means that the adverse effects should not be “significant.”

If the applicant is successful in its zone change, the next land use process they must go through is site plan review. Practically all perceived adverse effects on surrounding land uses have the ability to be mitigated through site plan review.

Section 9.972 Street System

(g) Downtown Core Area. *The Downtown Core Area is centered on Main Street and extends from the High School to North Shore Drive, which is part of the Jasper-Lowell Corridor. This area has struggled to maintain itself over the years. Public and commercial businesses have located outside of the area causing fragmentation and dispersal of facilities that usually define a City. Renewal of the “Downtown” should begin immediately and should be continually improved as the community grows. The City should seek participation in a downtown planning program with the Oregon Downtown Development Association that can help provide the impetus needed to initiate this important effort. Pedestrian facilitates, pedestrian scaled street lighting, sidewalks, landscaping and ties to the Park can also provide an attractive identification feature for the Downtown Core Area of the corridor.*

Staff Response: Staff present subsection (g) of Section 9.972 because of the reference to public and commercial businesses locating outside of the Downtown Core Area have caused fragmentation and dispersal of facilities that usually define a City. This may be relevant because the addition of a new commercial use (outside of the Downtown Core Area) may contribute to the fragmentation and dispersal of facilities that the City is attempting to avoid. Such a proposal, as the one being sought by the applicant, is counter to the City's present efforts around revitalizing the Downtown Core Area.

******This ends staff's review of the Comprehensive Plan against the proposed amendment and discussion of the first approval criterion for an amendment. Staff find the applicant has not met the first approval criterion for an amendment and recommend denial******

(2) There is a need for the proposed amendment to comply with changing conditions, new laws or to correct existing deficiencies.

Applicant Response: The Forest Service has greatly reduced its presence in Lowell in recent years, making this particular site surplus and no longer necessary for its ongoing operations. As part of the determination of this parcel as surplus, it was offered to other governmental agencies, including the State of Oregon, Lane County and the City of Lowell. All declined to accept the property.

The proposed amendment to the Comprehensive Plan seeks to modify the Plan to address this change in reality. As this site is within the town proper, repurposing this site will help address statewide planning Goals 3 and 4, which seek to preserve agricultural and forest lands. It is also worth mentioning that the Developer purchased this property several years ago and has not been able to develop housing on it for economic reasons.

Staff Response: The applicant's reference to Goal 3 and 4 is not abundantly clear to staff. Notwithstanding, staff do agree that there is a changing of condition that has occurred at the subject property. Evident in the Comprehensive Plan is the Forest Service's plans to divest from its property interests in Lowell. Thus, the end result is vacant or under-development lands formerly owned by the Forest Service. Staff find a reasonable person could find that the changing condition is the fact the former Forest Service lands are no longer owned by the Forest Service in Lowell and are ready for redevelopment.

(3) The amendment will not have a significant adverse impact on adjacent properties.

Applicant Response: The properties on all sides of this parcel are developed, so adding low density development within the town proper will have no negative impact on adjacent properties. The parcel is located on the main north/south roadway through the town, which has a mix of residential and commercial uses. The mix of proposed development on this

parcel will mirror surrounding development. As access for this development will be from the main travel route, the additional development will not impact any other travel ways. A traffic study has been completed and submitted showing no additional mitigation is required for this development.

Further, this development will provide additional retail opportunities in the town for everyday necessities. That will reduce the need to drive to Eugene or Springfield to shop for those necessities.

Staff Response: The applicant is correct in asserting that all sides of the property are developed. Located immediately north are OPRD offices. Located to the east and south are residential uses. To the west, across North Moss Street, are more residential uses.

The applicant further asserts that adding “low-density development within the town proper will have no negative impact on adjacent properties.” Staff do not necessarily agree with that statement. Staff believe there are negative impacts to adjacent properties. What’s important is how those impacts are mitigated. Negative impacts could include, but are not limited to light pollution, noise pollution, traffic, emissions, and heavy-duty trucks. However, these possible negative impacts are more attributable to the operational characteristics of the proposed retail store, and to a lesser extent, the proposed multiple-family development. This proposed zoned change in of itself will not cause the negative impacts to materialize, although the rezone makes the proposed development a possibility.

By virtue of following the site plan review criteria and implementation of conditions of approval, staff find it reasonable any potential adverse impacts on adjacent properties can be appropriately mitigated.

(4) The amendment will not have a significant adverse impact on the air, water and land resources of the City.

Applicant Response: The amendment will have no significant adverse impact on the air, water and land resources of the City. This particular site is not impacted by wetlands or flood plains. It has a gentle slope, so it will not impact any areas with steep slopes. Delivery truck traffic is regulated to a few trips per week, and drivers are instructed to shut down their engines while the trucks are stationary.

Staff Response: Impacts on air and water will be addressed as part of site plan review, if the applicant is successful in its zone change attempt. However, this criterion also includes “land resources.” The land resources impacted here are arguably the number of lands devoted to each designation. The property is presently zoned for Public Uses and is proposed to be changed from Public Lands to Commercial and Multi-Family residential. The Comprehensive Plan has concluded that Lowell has an adequate number of commercially designated lands as is. Further, it was realized that the Forest Service’s divestment in Lowell over the years would

LU 2023 03 Dollar General Zone Change 17

result in a lower need for Public Lands.

To address the land resources of the City part of the approval standards, staff again turn to relevant portions of the Comprehensive Plan. Staff are not certain how to quantify adverse impacts on land resources of the City. One method would be to look at the proposed rezone as taking away from one land designation and adding to the other and then comparing that result against the land use needs of Lowell, as set forth in the Comprehensive Plan. City decision makers are welcome to form their own conclusions and methodology for addressing this portion of the approval criterion.

(a) Residential Acreage Needs

Lowell will need approximately 73 additional gross acres of unconstrained buildable residential land to accommodate the additional housing needs of the community based upon the coordinated population projections to the year 2025 for a UGB change.

Section 9.985(a) above is taken from the Comprehensive Plan section dealing with projected growth needs. Specifically, subsection (a) relates to residential acreage needs. As stated in the Comprehensive Plan, by the year 2025, Lowell will need approximately 73 additional gross acres of unconstrained building residential land to accommodate housing needs of the community. It is unknown precisely if Lowell has that amount of land available within its current UGB. The Comprehensive Plan does recommend the City pursue a formal buildable lands analysis and housing needs analysis to answer those critical questions. The proposal to rezone a portion of the subject property R-3 multiple-family would decrease the need from 73 acres to 72.67 acres, based on the square footage of proposed Parcels 2 and 3. In other words, the proposal to rezone a small portion of the subject property to residential would aid the city's residential lands need.

The other question that needs to be addressed with respect to land resources of the City is whether the City needs additional commercially zoned land. The answer to this question is summed in in Section 9.985(b) of the Comprehensive Plan.

(b) Commercial Acreage Needs

There is no anticipated need for additional designated commercial land initially. What is needed is an emphasis on downtown renewal to attract additional commercial uses to the Downtown Core Area to revitalize the community. As the City grows, it is anticipated that the need for additional commercial lands will increase to 4% of the City's land use.

Section 9.985(b) states there is no anticipated need for additional designated commercial land initially. What is needed is an emphasis on downtown renewal to attract additional commercial uses to the Downtown Core Area to revitalize the community. As alluded to earlier in this staff report, the proposal to rezone a vacant parcel commercial and a portion

residential, may be counter-productive to the City's efforts revitalize the Downtown Core Area.

(d) Public Lands Acreage Needs

Additional designated Public Lands are not anticipated. However, growth of public and semi-public areas can be accommodated within the other land use districts as needs arise. Therefore, there is no need for additional designated public lands.

Section 9.985(d) states that additional designated Public Lands are not anticipated. Growth of public and semi-public areas can be accommodated within the other land use districts as needs arise. Therefore, there is no need for additional designated public lands.

Staff believe the proposed amendment does not have a negative impact on the land resources of the City because as described in the Comprehensive Plan, Lowell has adequate number of all types of land designations. However, it's again important to point out the Comprehensive Plan explicitly states that what is needed is an emphasis on the Downtown Core Area for new commercial activity to revitalize the Downtown Core Area. The proposed amendment is counter-productive to that goal.

(5) The amendment will not have a significant adverse impact on public facilities, transportation, the economy, and on the housing needs of the City.

Applicant Response: This parcel was declared surplus by the federal government and not needed for its mission to serve the public in or near the town of Lowell. The land was first offered to other government agencies and bodies, all of whom declined to accept the property, which ultimately left it available for private development. The land has current zoning of PL, so a rezone is required no matter what the use.

This proposed change will not have a significant adverse impact on public facilities within the town of Lowell or Lane County. The County and the City already have adequate land for their purposes. The Traffic Study provided shows this development will not have a significant adverse impact on the local transportation system. This proposed change will, however, have a positive impact on both the economy of Lowell, where the proposed use will be providing 16 additional employment opportunities and additional local retail opportunities, and on available housing, where 6 new housing units are proposed. The developed site will also provide additional property tax revenue to the City and the County.

Staff Response: Staff do not believe the proposed amendment will have a significant impact on public facilities. The Public Works Director has indicated the City has adequate water and sewer service to serve the subject property once fully built out. If the applicant reaches the site plan review stage of the development, a complete drainage plan will be required to

address and treat stormwater drainage in a manner consistent with City standards and commonly acceptable methods in western Oregon. The applicant's TIA found the zone change would result in a net increase of approximately 59 PM peak trips and does not generate a significant effect on the transportation system. LCTP has reviewed the applicant's TIA and has concurred with the findings.

Public comments #1 and #2 get at the negative impacts on Lowell's economy that a national discount-chain retail store may have on existing locally owned businesses in Lowell.

Specifically comment #1 cites an August 2020 newspaper article from Denver, Colorado titled "*Dollar stores driving out local businesses in many small towns*¹" and a July 2019 article published by CNN titled "*the big chains intentionally cluster multiple stores in low-income areas. That strategy discourages supermarkets from opening and it threatens existing mom-and-pop grocers*²..."

Given the evidence contained in comment #1 and the two cited newspaper articles explaining the deleterious effects discount-retail stores have on the economy of a small-town, staff find it reasonable to conclude that the proposed amendment will have a significant adverse impact on the economy of Lowell. Therefore, this criterion is not met, and denial is warranted.

¹ <https://www.denver7.com/news/national-politics/the-race-2020/dollar-stores-driving-out-local-businesses-in-many-small-towns>. Retrieved February 9, 2024, via internet search.

² <https://www.cnn.com/2019/07/19/business/dollar-general-opposition/index.html#:~:text=Advocates%20of%20tighter%20controls%20on,General's%20CEO%20said%20last%20year>. Retrieved February 9, 2024, via internet search.

(6) The amendment does not conflict with the intent of Statewide Planning Goals.

Applicant Response: The amendment does not conflict with the intent of Statewide Planning Goals.

Staff Response: To address subsection 9.253(b)(6), staff introduce and discuss relevant Statewide Planning Goals.

Goal 1 Citizen Involvement: Goal 1 requires governments to ensure the public as adequate involvement in the land use decision making process. Further, Goal 1 requires that governments form a citizen advisory committee to review land use proposals. Most governments in Oregon for a Planning Commission which serves as the city’s citizen involvement committee. Goal 1 is met and addressed through the public hearing process where the Planning Commission and City Council will each hold a public hearing to invite the public to review and provide testimony on the proposal. DLCDC notice of proposed amendment has also been submitted. Goal addressed.

Goal 2 Land Use Planning: Goal 2 requires each local government to have and follow a comprehensive land use plan and implementing regulations. A city must build their comprehensive plans on a factual basis and follow their plan when making decisions on appropriate zoning. Applying Goal 2 to the proposed rezone, this means that in rendering a decision, the decision must be made on a factual basis and be consistent with the Comprehensive Plan. The approval criteria for a rezone (or amendment) reference that the amendment must be consistent with the “intent of the Comprehensive Plan,” thus the Comprehensive Plan is invoked as an applicable approval criterion for an amendment. Goal addressed.

Goals 3-8 are not applicable to the proposal.

Goal 9 Economic Development

Staff Response: The purpose of Goal 9 is to make sure cities have enough land to realize economic growth and development opportunities. Each city has a unique local vision for economic development. Goal 9 is implemented through the economic development portions of the Comprehensive Plan. Goal addressed.

Goal 10 Housing

Staff Response: The purpose of Goal 10 is for cities to provide an adequate buildable land supply to meet housing needs. The Comprehensive Plan quite plainly outlines that Lowell needs additional land zoned residential and additional dwelling units to meet its projected demand. The portion of the property to be rezoned R-3 will add six additional dwelling units to the city’s housing stock, which furthers Goal 10 efforts to address housing needs. Goal

addressed.

Goal 11 Public Facilities

Staff Response: Goal 11 requires cities to plan and develop public facilities in a timely, orderly and efficient manner. The proposal does not conflict with the intent of Goal 11 because the City has the ability to provide efficient and orderly extension of public facilities to the site, upon development. Goal addressed.

Goal 12 Transportation

Staff Response: The Transportation Planning Rule (TPR), Oregon Administrative Rule 660-012-000 was enacted to support Goal 12. Normally, when a rezone is proposed, TPR is triggered in that a traffic analysis must be completed to enumerate the “worst-case” scenario impacts on transportation facilities due to a rezone. Since North Moss Street is a Lane County facility, Lane County Transportation owns the jurisdiction of North Moss. At the direction of Lane County Transportation, the applicant has completed and submitted a TIA. The applicant’s TIA found that the proposed zone change would result in a net increase of approximately 59 PM peak hour trips and no significant impacts on Lowell’s transportation system. Lane County Transportation concurred with the findings of the TIA. If the applicant reaches the Site Plan Review stage of the project, a more detailed TIA will be required by Lane County Transportation. Goal 12 addressed.

Goals 13-19 are not applicable to the proposal.

6. CONCLUSION and RECOMMENDATION.

Staff find the applicant has failed to meet the following applicable approval criteria for an amendment:

Section 9.523(b). Decision Criteria

- (1) ***The proposed amendment does not conflict with the intent of the Comprehensive Plan; and***

Reasoning: As outlined at length in this staff report and these findings, staff find the intent of the Comprehensive Plan, in context of the proposed amendment is to focus commercial development in the Downtown Core Area of Lowell to revitalize Lowell’s downtown and to avoid haphazard commercial strip-mall commercial development outside of the Downtown Core Area. Comment #3 from DLCD is cited here as additional evidence in support of denial.

- (5) *The amendment will not have a significant adverse impact on public facilities, transportation, the economy, and on the housing needs of the City.*

Reasoning: As outlined at length in this staff report and these findings, staff find the proposed amendment will have a significant adverse impact on the economy of the City. Staff support this finding and reasoning by pointing to the evidence contained in comment #1 and the two referenced and cited news articles about national discount-retail stores having a deleterious effect on existing small proprietor businesses.

It's staff's recommendation to the Planning Commission that the proposed amendment must be denied.

7. ATTACHMENTS

Exhibit A: Applicant's Application for Zone Change

Exhibit B: Public Comments

Exhibit C: Referral Comments from Public Agencies

Exhibit D: Applicant Traffic Impact Analysis

Land Use Permit Application

Site Plan Review Lot Line Adjustment Partition Subdivision
 Conditional Use Variance Map Amendment Text Amendment
 Annexation Vacation Other, specify Zone change from public lands to general commercial

Please complete the following application. If any pertinent required information or material is missing or incomplete, the application will not be considered complete for further processing. If you have any questions about filling out this application, please contact staff at Lowell City Hall, phone (541) 937-2157, 107 East Third, Lowell.

List all Assessor’s Map and Tax Lot numbers of the property included in the request.

Map# 19-01-11-33-06502 Lot # 06502
 Map# _____ Lot # _____
 Map# _____ Lot # _____

Street Address (if applicable): 484/570 N Moss St. Lowell, OR. 97452

Area of Request (square feet/acres): Lot A 1.14 Acres Commercial / Lot B .38 Acres R-3 Four Plex

Existing Zoning: Public Lands

Existing Use of the Property: Vacant Public Lands

Proposed Use of the Property GENERAL COMMERCIAL Lot A Lot B Multi-Family

Pre-application Conference Held: No _____ Yes X If so, Date 9-7-23

Submittal Requirements:

- X 1. Copy of deed showing ownership or purchase contract with property legal description.
- X 2. Site Plan/Tentative Plan with, as a minimum, all required information. Submit one copy of all plans 11x17 or smaller; 12 copies of all plans larger than 11x17. (See attached checklist for required information)
- X 3. Applicant’s Statement: Explain the request in as much detail as possible. Provide all information that will help the decision makers evaluate the application, including addressing each of the decision criteria for the requested land use action.
- X 4. Other submittals required by the City or provided by the applicant. Please List.
 - a. Traffic Report b. _____
 - c. _____ d. _____
 - e. _____ f. _____
- _____ 5. Filing Fee: Amount Due: _____.

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that incomplete applications may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge. I (We) also acknowledge that if the total cost to the City to process this application exceeds 125% of the application fee, we will be required to reimburse the City for those additional costs in accordance with Ordinance 228.

PROPERTY OWNER

Name (print): BJ Real Properties LLC Phone: 541.913.6687

Address: 38015 Wheeler Rd

City/State/Zip: Dexter, Oregon 97431

Signature: 

APPLICANT, If Different

Name (print): Kirk Farrelly Phone: 205.263.4589

Company/Organization: Capital Growth Buchalter

Address: 361 Summit Boulevard Ste. 110

City/State/Zip: Birmingham, AL 35243

Signature: 

E-mail (if applicable): kfarrelly@cgpre.com

APPLICANTS REPRESENTATIVE, if applicable

Name (print): Mark Mckechnie Phone: 541.772.4372

Company/Organization: Oregon Architecture Inc

Address: 132 West Main St. # 101

City/State/Zip: Medford OR. 97501

E-mail (if applicable): mark@oregonarchitecture.biz

For City Use. Application Number _____

Date Submitted: _____ Received by: _____ Fee Receipt # _____

Date Application Complete: _____ Reviewed by: _____

Date of Hearing: _____ Date of Decision _____ Date of Notice of Decision _____

APPLICATION SITE PLAN REQUIREMENTS CHECKLIST
Lowell Land Development Code, Section 2.140

Applications for land divisions or land use requests that require a site plan shall submit the site plan on 8 1/2 x 11 inch or 11 x 17 inch black/white reproducible sheets for copying and distribution. Larger drawings may be required for presentation and City review. Drawings shall be drawn to scale. The scale to be used shall be in any multiple of 1 inch equals 10 feet (1" = 20', 1" = 30", 1" = 100', etc.) and may be increased or decreased as necessary to fit the sheet size. The Application and site plan shall show clearly and with full dimensioning the following information, as applicable, for all existing and proposed development. It is understood that some of the requested information may not apply to every application.

- _____ The names of the owner(s) and applicant, if different.
- _____ The property address or geographic location and the Assessor Map number and Tax Lot number.
- _____ The date, scale and northpoint.
- _____ A vicinity map showing properties within the notification area and roads. An Assessor Map, with all adjacent properties, is adequate.
- _____ Lot dimensions.
- _____ The location, size, height and uses for all existing and proposed buildings.
- _____ Yards, open space and landscaping.
- _____ Walls and fences: location, height and materials.
- _____ Off-street parking: location, number of spaces, dimensions of parking area and internal circulation patterns.
- _____ Access: pedestrian, vehicular, service, points of ingress and egress.
- _____ Signs: location, size, height and means of illumination.
- _____ Loading: location, dimension, number of spaces, internal circulation.
- _____ Lighting: location and general nature, hooding devices.
- _____ Street dedication and improvements.
- _____ Special site features including existing and proposed grades and trees, and plantings to be preserved and removed.

- _____ Water systems, drainage systems, sewage disposal systems and utilities.
- _____ Drainage ways, water courses, flood plain and wetlands.
- _____ The number of people that will occupy the site including family members, employees or customers.
- _____ The number of generated trips per day from each mode of travel by type: employees, customers, shipping, receiving, etc.
- _____ Time of operation, where appropriate. Including hours of operation, days of the week and number of work shifts.
- _____ Specifications of the type and extent of emissions, potential hazards or nuisance characteristics generated by the proposed use. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use. Misrepresentation or omission of required data shall be grounds for denial or termination of a Certificate of Occupancy.
- Uses which possess nuisance characteristics or those potentially detrimental to the public health, safety and general welfare of the community including, but not limited to; noise, water quality, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference, may require additional safeguards or conditions of use as required by the Planning Commission or City Council.
- All uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, and any other public agency having appropriate regulatory jurisdiction. City approval of a land use application shall be conditional upon evidence being submitted to the City indicating that the proposed activity has been approved by all appropriate regulatory agencies.
- _____ Such other data as may be necessary to permit the deciding authority to make the required findings.

NOTE: Additional information may be required after further review in order to adequately address the required criteria of approval.



First American

Commitment

ALTA Commitment for Title Insurance

28

ISSUED BY

First American Title Insurance Company

COMMITMENT FOR TITLE INSURANCE

Issued By

FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT-READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, ***First American Title Insurance Company***, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within 90 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

First American Title Insurance Company

Dennis J. Gilmore, President

Greg L. Smith, Secretary

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This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

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1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I—Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

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6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

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First American

Schedule A

ALTA Commitment for Title Insurance ³¹

ISSUED BY

First American Title Insurance Company

Transaction Identification Data for reference only:

Issuing Agent: First American Title Insurance Company National Commercial Services

Issuing Office: 200 SW Market Street, Suite 250, Portland, OR 97201

Issuing Office's ALTA® Registry ID:

Loan ID No.:

Commitment No.: NCS-1101519-OR1

Issuing Office File No.: NCS-1101519-OR1

Property Address: Vacant Land/APN 6502, Lowell, OR

Revision No.:

SCHEDULE A

1. Commitment Date: November 22, 2021 at 8:00 a.m.
2. Policy to be issued:
 - (a) ALTA® Standard Owners Policy
 Proposed Insured: To Be Determined
 Proposed Policy Amount: \$500,000.00 \$1,350.00
 - (b) ALTA® Policy
 Proposed Insured:
 Proposed Policy Amount: \$ \$
 - (c) ALTA® Policy
 Proposed Insured:
 Proposed Policy Amount: \$
3. The estate or interest in the Land described or referred to in this Commitment is

Fee Simple

4. The Title is, [at the Commitment Date, vested in:](#)

BJ Real Properties, L.L.C., an Oregon Limited Liability Company
5. The Land is described as follows:

See Exhibit "A" attached hereto and made a part hereof

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

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By:
Authorized Signatory

If there are any questions concerning this Commitment, please contact:

Connie Haan at chaan@firstam.com

First American Title Insurance Company National Commercial Services
200 SW Market Street, Suite 250
Portland, OR 97201
(503)795-7600 phone

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Form 53000341 (8-9-18)	Page 5 of 10	OTIRO C-03 (Cond 9 Deleted) (Rev 4-2-18) ALTA Commitment for Title Insurance (8-1-16) Oregon
------------------------	--------------	---



First American

Schedule BI & BII

ALTA Commitment for Title Insurance

33

ISSUED BY

First American Title Insurance Company

Commitment No.: NCS-1101519-OR1

SCHEDULE B, PART I

Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

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First American

Schedule BI & BII (Cont.)

ALTA Commitment for Title Insurance³⁴

ISSUED BY

First American Title Insurance Company

Commitment No.: NCS-1101519-OR1

SCHEDULE B, PART II

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

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 (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the Land), 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 or equipment, unless such lien is shown by the Public Records at Date of Policy and not otherwise excepted from coverage herein.
6. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
7. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
8. City liens, if any, of the City of Lowell.
Note: An inquiry has been directed to the City Clerk and subsequent advice will follow concerning the actual status of such liens.

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- 9. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
- 10. Any and all offers of dedication, conditions, restrictions, easements, boundary discrepancies or encroachments, notes and/or provisions shown or disclosed by Short Plat or Plat Land Partition No. 2009-P2377 recorded under recording number [2009-041672](#).
- 11. An easement reserved in a deed, including the terms and conditions thereof:
 For: ingress and egress
 Recording Information: March 09, 2011 as Instrument No. [2011-011645](#)
 Affects: see document for details
- 12. Covenants, Conditions and/or Restrictions contained in the following instrument:
 Quitclaim Deed

 Executed by: United States of America, acting through the Forest Service, Department of Agriculture
 Recorded: August 18, 2011
 Recording No.: Instrument No. [2011-037361](#)
- 13. Any conveyance or encumbrance by BJ Real Properties, LLC should be executed pursuant to their Operating Agreement, a copy of which should be submitted to this office for inspection.

-END OF EXCEPTIONS-

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NOTE: We find no matters of public record against H&H Northwest Companies, LLC that will take priority over any trust deed, mortgage or other security instrument given to purchase the subject real property as established by ORS 18.165.

NOTE: Taxes for the year 2021-2022 PAID IN FULL

Tax Amount: \$1,255.35
 Map No.: 19-01-11-33-06502
 Property ID: 1835931
 Tax Code No.: 07107

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: NONE

NOTE: We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.

Situs Address as disclosed on Lane County Tax Roll:

Not Yet Assigned, OR

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First American

Exhibit A

ISSUED BY

37

First American Title Insurance Company

File No: NCS-1101519-OR1

File No.: NCS-1101519-OR1

The Land referred to herein below is situated in the County of Lane, State of Oregon, and is described as follows:

PARCEL 2 OF PARTITION PLAT 2009-P2377 FILED JULY 20, 2009 RECEPTION NO. 2009-41672, LANE COUNTY DEEDS, AND RECORDS, IN LANE COUNTY, OREGON.

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Privacy Notice

Effective: October 1, 2019

Notice Last Updated: January 1, 2021

This Privacy Notice describes how First American Financial Corporation and its subsidiaries and affiliates (together referred to as "First American," "we," "us," or "our") collect, use, store, and share your information. This Privacy Notice applies to information we receive from you offline only, as well as from third parties, when you interact with us and/or use and access our services and products ("Products"). For more information about our privacy practices, including our online practices, please visit <https://www.firstam.com/privacy-policy/>. The practices described in this Privacy Notice are subject to applicable laws in the places in which we operate.

What Type Of Information Do We Collect About You? We collect a variety of categories of information about you. To learn more about the categories of information we collect, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Collect Your Information? We collect your information: (1) directly from you; (2) automatically when you interact with us; and (3) from third parties, including business parties and affiliates.

How Do We Use Your Information? We may use your information in a variety of ways, including but not limited to providing the services you have requested, fulfilling your transactions, comply with relevant laws and our policies, and handling a claim. To learn more about how we may use your information, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Share Your Information? We do not sell your personal information. We only share your information, including to subsidiaries, affiliates, and to unaffiliated third parties: (1) with your consent; (2) in a business transfer; (3) to service providers; and (4) for legal process and protection. To learn more about how we share your information, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Store and Protect Your Information? The security of your information is important to us. That is why we take commercially reasonable steps to make sure your information is protected. We use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your information.

How Long Do We Keep Your Information? We keep your information for as long as necessary in accordance with the purpose for which it was collected, our business needs, and our legal and regulatory obligations.

Your Choices We provide you the ability to exercise certain controls and choices regarding our collection, use, storage, and sharing of your information. You can learn more about your choices by visiting <https://www.firstam.com/privacy-policy/>.

International Jurisdictions: Our Products are offered in the United States of America (US), and are subject to US federal, state, and local law. If you are accessing the Products from another country, please be advised that you may be transferring your information to us in the US, and you consent to that transfer and use of your information in accordance with this Privacy Notice. You also agree to abide by the applicable laws of applicable US federal, state, and local laws concerning your use of the Products, and your agreements with us.

We may change this Privacy Notice from time to time. Any and all changes to this Privacy Notice will be reflected on this page, and where appropriate provided in person or by another electronic method. **YOUR CONTINUED USE, ACCESS, OR INTERACTION WITH OUR PRODUCTS OR YOUR CONTINUED COMMUNICATIONS WITH US AFTER THIS NOTICE HAS BEEN PROVIDED TO YOU WILL REPRESENT THAT YOU HAVE READ AND UNDERSTOOD THIS PRIVACY NOTICE.**

Contact Us dataprivacy@firstam.com or toll free at 1-866-718-0097.



For California Residents

If you are a California resident, you may have certain rights under California law, including but not limited to the California Consumer Privacy Act of 2018 ("CCPA"). All phrases used in this section shall have the same meaning as those phrases are used under California law, including the CCPA.

Right to Know. You have a right to request that we disclose the following information to you: (1) the categories of **personal information** we have collected about or from you; (2) the categories of sources from which the **personal information** was collected; (3) the business or commercial purpose for such collection and/or disclosure; (4) the categories of third parties with whom we have shared your **personal information**; and (5) the specific pieces of your **personal information** we have collected. To submit a verified request for this information, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097.

Right of Deletion. You also have a right to request that we delete the **personal information** we have collected from and about you. This right is subject to certain exceptions available under the CCPA and other applicable law. To submit a verified request for deletion, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097.

Verification Process. For either a request to know or delete, we will verify your identity before responding to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the information requested, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

Notice of Sale. We do not sell California resident information, nor have we sold California resident information in the past 12 months. We have no actual knowledge of selling the information of minors under the age of 16.

Right of Non-Discrimination. You have a right to exercise your rights under California law, including under the CCPA, without suffering discrimination. Accordingly, First American will not discriminate against you in any way if you choose to exercise your rights under the CCPA.

Notice of Collection. To learn more about the categories of **personal information** we have collected about California residents over the last 12 months, please see "What Information Do We Collect About You" in <https://www.firstam.com/privacy-policy>. To learn about the sources from which we have collected that information, the business and commercial purpose for its collection, and the categories of third parties with whom we have shared that information, please see "How Do We Collect Your Information", "How Do We Use Your Information", and "How Do We Share Your Information" in <https://www.firstam.com/privacy-policy>.

Notice of Sale. We have not sold the **personal information** of California residents in the past 12 months.

Notice of Disclosure. To learn more about the categories of **personal information** we may have disclosed about California residents in the past 12 months, please see "How Do We Use Your Information" and "How Do We Share Your Information" in <https://www.firstam.com/privacy-policy>.

PLAT DOCUMENT

Division of Chief Deputy Clerk
Lane County Deeds and Records

2009-041672



\$61.00

01089798200900416720010016

07/20/2009 01:14:21 PM

RPR-PART Cnt=1 Stn=1 CASHIER 05

\$40.00 \$10.00 \$11.00

This document is
Land Partition Plat No.
2009-P2377

Owner: USDA Forest Service

Dedicatee: City of Lowell
Twn. 19S Rng. 1W Sec. 11

LANE COUNTY DEEDS & RECORDS

2 - Parcels

2 - Stickers

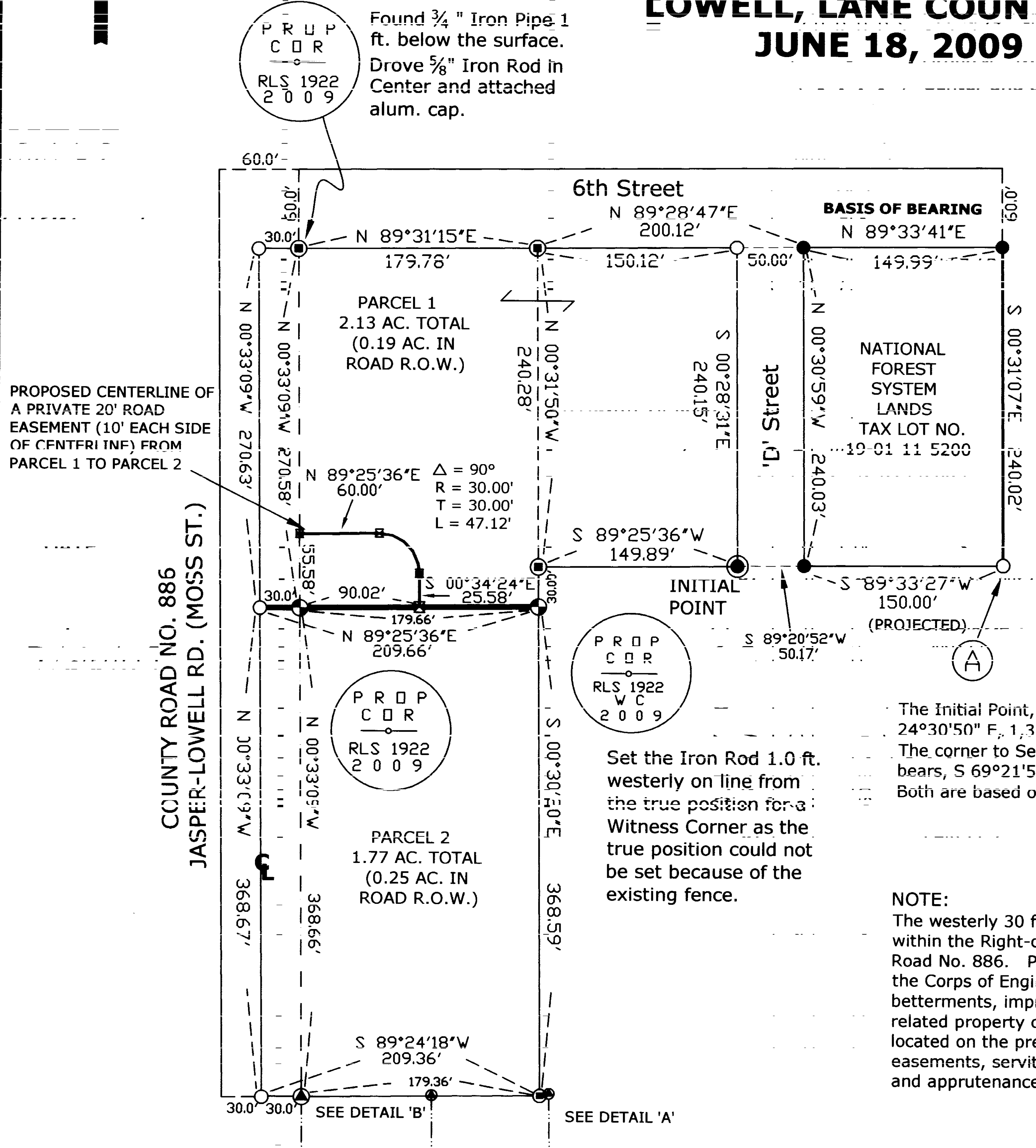
1 - Res. Numbers

AFTER RECORDING RETURN TO:
Lane County Surveyor's Office

**PARTITION PLAT
FOR THE
WILLAMETTE NATIONAL FOREST
IN THE SW¹/₄SW¹/₄, SEC. 11
T.19 S., R.1 W., W.M.
LOWELL, LANE COUNTY, OR
JUNE 18, 2009**

LAND PARTITION PLAT NO. **2009-P2377**

LANE COUNTY SURVEYORS OFFICE	
CSF#	
FILE DATE	



NOTE: At the NE corner of Parcel 1, a monument could not be set because of the existing fence corner which is a metal cyclone fence pipe set in concrete.

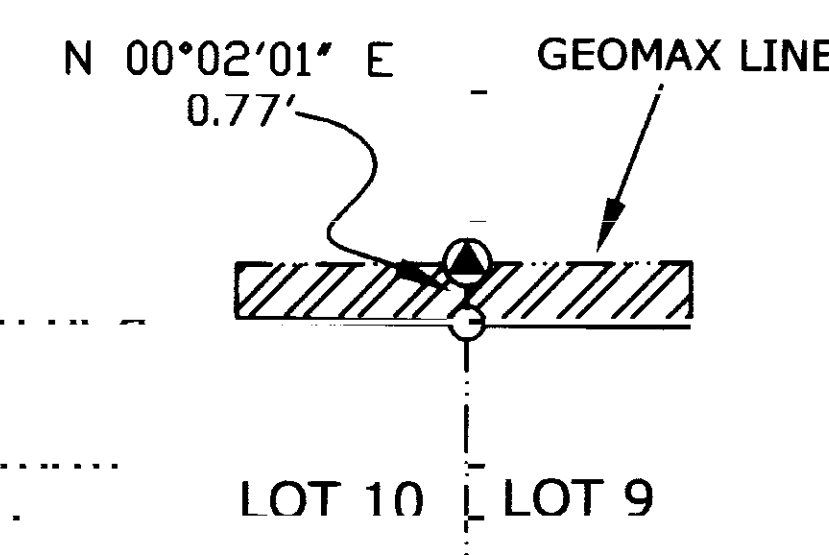
The Initial Point, Plat of Lowell, bears S 24°30'50" E, 1,370.79 ft.
The corner to Sections 10, 11, 14, & 15 bears, S 69°21'50" W, 12784.11 ft.
Both are based on ties in CSF# 26785.

NOTE:
The westerly 30 ft. of the property is within the Right-of-Way of County Road No. 886. Per the Transfer from the Corps of Engineers, it included all betterments, improvements, and/or related property of any character located on the premises, and all easements, servitudes, rights of way and appurtenances, thereto".

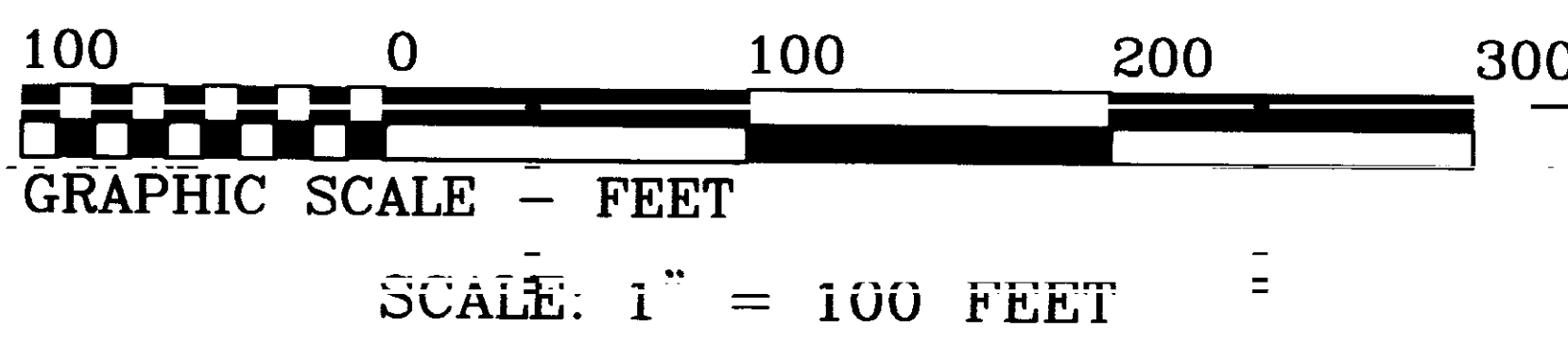
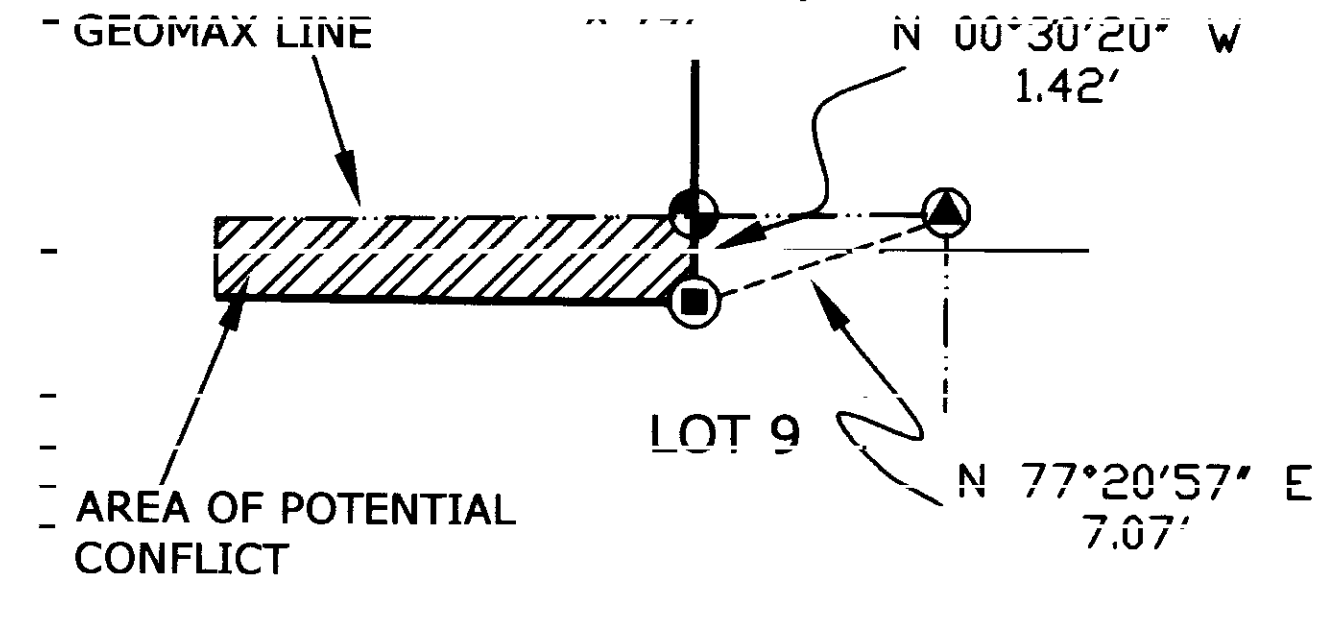
PROPOSED CENTERLINE OF A PRIVATE 20' ROAD EASEMENT (10' EACH SIDE OF CENTERLINE) FROM PARCEL 1 TO PARCEL 2

COUNTY ROAD NO. 886
JASPER-LOWELL RD. (MOSS ST.)

DETAIL 'B'
(NO SCALE)



DETAIL 'A'
(NO SCALE)



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 18, 1980
MICHAEL J. SCHWARTZ
1922

EXPIRATION DATE: JUNE 30, 2010

TAX LOTS 6500, MAP 19-01-11-33
PLOTTER: HP DESIGNJET 500
INK: BLACK C4844a
MEDIA: CONTINENTAL MILANO, JPC-4M1

LEGEND

- FOUND IRON PIPE AND EITHER ALUMINUM OR BRASS CAP PER CSF #26785
- ⊙ FOUND IRON PIPE PER CSF# 26785 (CORPS OF ENGINEERS)
- ⊙ FOUND IRON ROD AND RED PLASTIC CAP PER CSF# 40086 (APPLE CREEK 1 SUBDIVISION)
- ⊙ SET A 5/8"x30" IRON ROD WITH A 1 1/2" ALUMINUM CAP MARKED AS SHOWN.
- COMPUTED POSITION
- EXISTING PROPERTY LINES
- PARTITION LINE BETWEEN PARCELS 1 & 2
- RIGHT-OF-WAY LINE FOR MOSS STREET
- APPROXIMATE LOT LINES APPLE CREEK 1 (SHOWN IN DETAILS)

RECORDED
DATE: 20 Jul '09
COUNTY CLERK
BY: Alm Omerick

APPROVALS

LANE COUNTY

MICHAEL JACKSON
LANE COUNTY SURVEYOR
7-20-09
DATE

Nettie B. Spickard
LANE COUNTY ASSESSOR
7/20/09
DATE

OWNER'S DECLARATION

KNOW ALL PEOPLE THAT THE WILLAMETTE NATIONAL FOREST BY THE FOREST SUPERVISOR IS THE OWNER OF THE LAND HEREON DESCRIBED AND DID CAUSE THE SAME TO BE PARTITIONED AND PLATTED ACCORDING TO THE PROVISIONS OF THE OREGON REVISED STATUTES, CHAPTER 92.

THE OWNER WILL CREATE A PRIVATE ROAD EASEMENT FROM PARCEL 1 TO PARCEL 2 UPON THE SALE OF SAID PARCELS. THE OWNER ALSO ACKNOWLEDGES ANY EXISTING EASEMENTS FOR LANE COUNTY OR THE CITY OF LOWELL.

SCOTT G. FITZWILLIAMS
ACTING FOREST SUPERVISOR
WILLAMETTE NATIONAL FOREST

CITY OF LOWELL

CHARLES F. SPIES
CITY ADMINISTRATOR
7/15/09
DATE

GENERAL NOTES:

- 1) The minimum setback requirements for development adjoining Moss Street (County Road No. 886) shall be five(5) foot greater than established by the Lowell Development Code in the event the County would need to acquire an additional five (5) foot of right-of-way.
- 2) For future development or redevelopment of the property, this may require off-site public improvements to be constructed or a waiver of remonstrance to construction of public improvements, including but not limited to curbs, gutter, sidewalks, and storm drains, within the 'D' Street, 6th Street, and/or Moss Street rights-of-way adjoining the property.

ACKNOWLEDGMENT

STATE OF OREGON
COUNTY OF LANE
THERE PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED SCOTT G. FITZWILLIAMS, WILLAMETTE NATIONAL FOREST, ACTING FOREST SUPERVISOR, WHO IS KNOWN TO ME TO BE THE INDIVIDUAL WHO EXECUTED THE ABOVE INSTRUMENT AND HAVE ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED

ACKNOWLEDGED BEFORE ME ON THIS 15th DAY OF July, 2009.

KIMBERLY A. WILLIAMS
NOTARY PUBLIC FOR OREGON
COMMISSION NO. 426719
MY COMMISSION EXPIRES: MARCH 9, 2012

Division of Chief Deputy Clerk
Lane County Deeds and Records
2009-041672
\$61.00
01089798200900416720010016
07/20/2009 01:14:21 PM
RPR PART Cnt=1 Str=1 CASHIER 05
\$40.00 \$10.00 \$11.00

**PARTITION PLAT
FOR THE
WILLAMETTE NATIONAL FOREST
IN THE SW¹/₄SW¹/₄, SEC. 11
T.19 S., R.1 W., W.M.
LOWELL, LANE COUNTY, OR**

LAND PARTITION PLAT NO. 2009-P2377

RECORDED
DATE: 20 Jul '09
COUNTY CLERK

LANE COUNTY SURVEYORS OFFICE
C.S. FILE NO. _____
FILING DATE _____

Division of Chief Deputy Clerk
Lane County Deeds and Records 2009-041672
\$61.00
07/20/2009 01:14:21 PM
RPR-PART Cnt=1 Stn=1 CASHIER 05
\$40.00 \$10.00 \$11.00

BY: *Olivia C. Meind*

SURVEYOR'S CERTIFICATE

I, MICHAEL J. SCHWARTZ, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I PERFORMED THE SURVEY OF THE HEREIN DESCRIBED PARCELS OF LAND AND PLATTED THE SAME AS SHOWN HEREON PURSUANT TO ORS CHAPTERS 92 AND 209, AND THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

Michael J. Schwartz
Michael J. Schwartz
4077 SW Research Way
Corvallis, OR 97339
Phone: 541-750-7175

THE LANDS THAT ARE PART OF THIS PARTITION WERE TRANSFERRED FROM THE U.S. ARMY CORPS OF ENGINEERS TO THE U.S. DEPARTMENT OF AGRICULTURE UNDER THE AUTHORITY OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949. THE TRANSFER INCLUDED THREE(3) PARCELS WITH THE BOUNDARIES BEING SURVEYED IN 1984 AS LANE COUNTY SURVEY NO. 26785. THE DESCRIPTIONS FOR THE PARCELS UNDER THIS PARTITION ARE AS FOLLOWS:

PARCEL 1 OF PARTITION:

COMMENCING AT A POINT WHICH WAS THE FORMER NORTHEAST CORNER OF THE TOWN OF LOWELL AS THE SAME PLATTED AND RECORDED IN VOLUME 4, PAGE 357, LANE COUNTY OREGON PLAT RECORDS, THENCE, N 24°30'50" W, 1370.31 FEET, TO THE SOUTHEAST CORNER OF THE PARCEL FROM THE PROPERTY TRANSFER, THENCE, S 89°33'27" W, 150.00 FEET, TO THE SOUTHWEST CORNER OF THE PARCEL FROM THE PROPERTY TRANSFER, THENCE, S 89°20'52" W, 50.17 FEET, TO THE INITIAL POINT AND THE TRUE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF PARCEL 1 OF THIS PARTITION SAID POINT BEING MONUMENTED BY AN ALUMINUM CAP AND ROD, THENCE, S 89°25'36" W, 149.89 FEET, TO A 1/2" IRON PIPE SET BY THE CORPS OF ENGINEERS, THENCE, S 00°30'20" E, 30.00 FEET, TO A POINT, THENCE, S 89°25'36" W, 1.00 FEET TO A 5/8"X30" IRON ROD WITH AN ALUMINUM CAP FOR A WITNESS CORNER TO THE TRUE CORNER POINT, THENCE, S 89°25'36" W, 178.66 FEET, TO A 5/8"X30" IRON ROD WITH AN ALUMINUM CAP, THENCE, S 89°25'36" W, 30.00 FEET, TO A POINT AND THE CENTERLINE OF COUNTY ROAD NO. 886, THENCE, N 00°33'09" W, 270.63 FEET, TO A POINT AND THE CENTERLINE OF COUNTY ROAD NO. 886, THENCE, N 89°31'15" E, 30.00 FEET, TO A 3/4" IRON PIPE SET BY THE CORPS OF ENGINEERS, THENCE, N 89°31'15" E, 179.78 FEET, TO A 3/4" IRON PIPE SET BY THE CORPS OF ENGINEERS, THENCE, N 89°28'47" E, 150.12 FEET, TO A POINT AND THE NORTHEAST CORNER OF SAID PARCEL, THENCE, S 00°28'13" E, 240.15 FEET, TO THE POINT OF BEGINNING.

PARCEL 1 ACRES: 2.13

PARCEL 2 OF PARTITION:

COMMENCING AT A POINT WHICH WAS THE FORMER NORTHEAST CORNER OF THE TOWN OF LOWELL AS THE SAME PLATTED AND RECORDED IN VOLUME 4, PAGE 357, LANE COUNTY OREGON PLAT RECORDS, THENCE, N 24°30'50" W, 1370.31 FEET, TO THE SOUTHEAST CORNER OF THE PARCEL FROM THE PROPERTY TRANSFER, THENCE, S 89°33'27" W, 150.00 FEET, TO THE SOUTHWEST CORNER OF THE PARCEL FROM THE PROPERTY TRANSFER, THENCE, S 89°20'52" W, 50.17 FEET, TO THE SOUTHEAST CORNER OF PARCEL 1 OF THIS PARTITION SAID POINT BEING MONUMENTED BY AN ALUMINUM CAP AND ROD, THENCE, S 89°25'36" W, 149.89 FEET, TO A 1/2" IRON PIPE SET BY THE CORPS OF ENGINEERS, THENCE, S 00°30'20" E, 30.00 FEET, TO A POINT AND THE TRUE POINT OF BEGINNING OF PARCEL WHICH IS REFERENCED BY A 5/8"X30" IRON ROD WITH AN ALUMINUM CAP FOR A WITNESS CORNER, 1 FOOT WESTERLY ON LINE, THENCE, S 00°30'20" E, 368.59 FEET, TO A 1/2" IRON PIPE SET BY THE CORPS OF ENGINEERS, THENCE, S 89°24'18" W, 179.36 FEET, TO A 5/8" IRON ROD WITH A RED PLASTIC CAP SET IN CS# 40088, THENCE, S 89°24'18" W, 30.00 FEET, TO A POINT AND THE CENTERLINE OF COUNTY ROAD NO. 886, THENCE, N 00°33'09" W, 368.67 FEET, TO A POINT AND THE CENTERLINE OF COUNTY ROAD NO. 886, THENCE, N 89°25'36" E, 30.00 FEET, TO A 5/8"X30" IRON ROD WITH AN ALUMINUM CAP, THENCE, N 89°25'36" E, 178.66 FEET TO A 5/8"X30" IRON ROD WITH AN ALUMINUM CAP FOR A WITNESS CORNER TO THE POINT OF BEGINNING, THENCE, N 89°25'36" E, 1.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2 ACRES: 1.77

NARRATIVE

PROCEDURES

THE BASIS OF BEARING IS THE NORTH LINE OF TAX LOT 5200 FROM CS# 26785.

ALL MONUMENTS FOUND RELATE TO THE SURVEYS BY AL REID (CS# 26785) AND DENNIS CROWE, GEOMAX, INC. (APPLE CREEK 'I' SUBDIVISION, CS# 40088).

IN THE '1957 PROPERTY TRANSFER', THE CASE FILE HAS THE DEED DESCRIPTIONS AS WELL AS A DRAWING DENOTING THE 'POINT OF BEGINNING' FOR THE PARCELS WITH A TIE TO THE 'NE CORNER OF THE ORIGINAL TOWNSHIP OF LOWELL'. THE CALL FOR THE P.O.B. WAS "1257.1 FEET NORTH & 546.6 FEET WEST OF THE INITIAL POINT. (N 22°30'00" W, 1370.79 FEET)

THE DESCRIPTIONS AND DRAWINGS ALSO RELATE TO 'D STREET' AS WELL AS COUNTY ROAD #886.

IN THE HUTCHISON SURVEY, HE NOTED THAT HE FOUND THE P.O.B. POINT AS WELL AS OTHER "GOV'T CORNERS" HE SHOWED THE CALL PER THE DEED FOR HIS SUBDIVISION ON HIS PLAT. HE DID NOT SHOW THAT HE TIED TO THE 'INITIAL POINT OF LOWELL', BUT IS VERY APPARENT THAT FROM HIS TIES TO THE OTHER "GOV'T CORNERS" THAT HE ACCEPTED THEM AS THE CONTROLLING CORNERS FOR THE PROPERTY HE WAS SUBDIVIDING.

IN THE REID SURVEY, HE ALSO FOUND IRON PIPES THAT HAD BEEN SET OR PERPETUATED BY THE CORPS OF ENGINEERS FOR THE PROPERTY AND NOTED THAT SOME WERE OUT OF POSITION.

IN MY SURVEY, I FOUND THOSE PIPES AS WELL AS THE MONUMENTS HE SET AND HAVE ACCEPTED THEM ALL AS THE CONTROLLING CORNERS FOR THE PROPERTY. THEY ARE ALL WITHIN AN ACCEPTABLE TOLERANCE FOR THE TIME OF THE SURVEYS AS WELL AS WHAT THEY WERE INTENDED TO CONTROL.

ALSO, AS PART OF REID'S SURVEY, HE SHOWED HIS TIE TO THE "INITIAL POINT OF LOWELL". HIS RETURN WAS, N 24°30'50" W, 1370.31 FT. FROM THE "POINT".

*** THIS IS A 2° DIFFERENT FROM THE DEED CALL, AND ALTHOUGH THIS MAY BE CONSTRUED AS A CONFLICT, THE MONUMENTS STILL HOLD AS CONTROL FOR THE PROPERTIES AND IN MY DETERMINATION THE ERROR IN THE DEED(S) WOULD BE THE CALL FROM THE "INITIAL POINT OF LOWELL".

IN THE 2006 CROWE(GEOMAX) APPLE CREEK 'I' SURVEY, HE TIED TO THE "INITIAL POINT OF LOWELL" AND APPARENTLY FOLLOWED THE "LITERAL DESCRIPTION" OF THE PROPERTY HE WAS SUBDIVIDING, I.E., NOT TAKING INTO ACCOUNT THE PAST SURVEYS.

FROM HIS SURVEY, HE CREATED POSITIONS FOR THE LOT CORNERS AND WHAT WOULD BE THE SOUTH PROPERTY LINE FOR THE FOREST SERVICE. THIS CREATED AN OVERLAP BETWEEN THE SURVEYS AND THE ADJACENT PROPERTIES TO THE NORTH AND EAST. FURTHER RESEARCH FOUND THAT QUITCLAIM DEEDS WERE CREATED WITH THE LANDOWNERS TO THE EAST OF THE SUBDIVISION, BUT NO DISCUSSIONS WERE HELD WITH THE FOREST SERVICE.

AFTER UNCOVERING THIS INFORMATION, DISCUSSIONS WITH REPRESENTATIVES OF GEOMAX, INC., WERE CONDUCTED. NO FINAL DECISIONS WERE MADE, BUT THERE WAS A THOUGHT THAT POSSIBLY REID DID NOT HAVE THE "TRUE INITIAL POINT". AFTER MAKING TIES TO THE CORNERS AND COMPLETING MY COMPUTATIONS, I FOUND THAT BOTH REID AND CROWE WERE USING THE SAME MONUMENT FOR THE "INITIAL POINT".

THIS LEFT THE FOREST SERVICE WITH AN OVERLAP BETWEEN THE MONUMENTS THAT CONTROLLED THE SOUTH LINE OF THEIR PROPERTY WITH LOTS 9 & 10 OF THE APPLE CREEK I SUBDIVISION. AFTER CONSULTATION, IT WAS DETERMINED THAT THE LINE THAT REID HAD RESURVEYED IS THE PROPER LINE.

AFTER MAKING TIES TO ALL THE CORNERS, I ALSO DETERMINED THAT THE SOUTHWEST CORNER OF THE FOREST SERVICE PROPERTY (AND NORTHWEST CORNER OF THE SUBDIVISION) WERE APPROX. 0.5 FEET DIFFERENT IN POSITION. AFTER ALSO REVIEWING THE TRANSFER DEED AND WHAT REID FOUND FOR THIS POSITION, I FEEL THAT THE GEOMAX MONUMENT IS ACCEPTABLE AND CONTROLLING OF BOTH PROPERTIES.

PRIOR TO SALE OF PARCEL 2, THE FOREST SERVICE WILL RESOLVE THE OVERLAP SITUATION WITH THE APPLE CREEK 'I' SUBDIVISION LOT OWNERS.

NARRATIVE

PURPOSE

THE PURPOSE OF THIS SURVEY IS TO CREATE '2' PARCELS OF LAND FROM THE PRIMARY PARCEL, AS REQUESTED BY THE FOREST SUPERVISOR FOR THE WILLAMETTE NATIONAL FOREST.

PERTINENT SURVEY / DEED HISTORY

1950's - The Corps of Engineers surveyed the property and set iron pipes at the corners

1957 - The Corps of Engineers transferred three (3) parcels of land to the U.S Forest Service. (These transfers were not filed in the County)

1959 - William Hutchison in CS# 11106 completed a subdivision survey to the south and east of the Forest Service properties in which he made ties to the "MONUMENTS SET BY U.S GOV'T SURVEYORS."

1984 - Al Reid(RLS 959) in CS# 26785 found and set corners to define the U.S. Forest Service property

2006 - Dennis Crowe(RLS 845) in CS# 40088 platted the Apple Creek I subdivision. (working for GEOMAX, Engineering)

REVIEWED BY

John Ransom 7/15/09
SIGNATURE DATE

I CERTIFY THAT THIS SURVEY WAS PERFORMED AT THE REQUEST OF THE WILLAMETTE NATIONAL FOREST SUPERVISOR

Scott J. Huidt 7/15/09
SIGNATURE DATE

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JULY 18, 1980
MICHAEL J. SCHWARTZ 1922

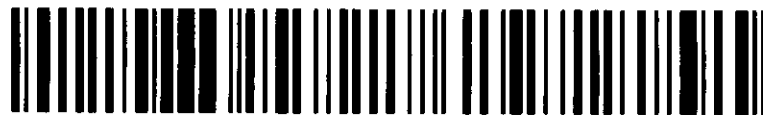
EXPIRATION DATE: JUNE 30, 2010

TAX LOTS 6500,
MAP 19-01-11-33

PLOTTER: HP DESIGNJET 500
INK: BLACK C4844a
MEDIA: CONTINENTAL MILANO, JPC-4M1

Lane County Clerk
Lane County Deeds and Records

2011-011645



\$107.00

01209962201100116450100108

03/09/2011 10:35:32 AM

RPR-DEED Cnt=1 Stn=6 CASHIER 04
\$50.00 \$20.00 \$11.00 \$16.00 \$10.00

When Recorded Mail To:
State of Oregon
Parks and Recreation Department
725 Summer Street NE, Suite C
Salem, OR 97301-1266

Send Tax Statement To:
State of Oregon
Parks and Recreation Department
725 Summer Street NE, Suite C
Salem, OR 97301-1266

QUITCLAIM DEED

THIS DEED, made this 1st day of March, 2011, between the **UNITED STATES OF AMERICA**, acting through the Forest Service, Department of Agriculture, hereinafter called Grantor, and the **STATE of OREGON, acting through the OREGON PARKS AND RECREATION COMMISSION on behalf of the OREGON PARKS AND RECREATION DEPARTMENT**, hereinafter called Grantee.

WITNESSETH: The Grantor, as authorized by the Forest Service Facility Realignment and Enhancement Act of 2005 (Title V, P.L. 109-54), as amended, the provisions of which have been met, has determined that the conveyance is in the public interest.

NOW THEREFORE, the Grantor, for and in consideration of **FOUR HUNDRED SIXTY THOUSAND DOLLARS (\$460,000.00)**, the receipt whereof is hereby duly acknowledged, does hereby remise, release, and quitclaim unto the Grantee, its successors and assigns, all right, title, interest, and claim in and to the real property situated in the County of Lane, State of Oregon, a parcel more particularly described as follows:

A portion of those lands transferred by the U.S. Army Corps Of Engineers (COE) to the U.S. Department of Agriculture under the authority of the Federal Property and Administrative Services Act of 1949 in two separate actions by letters of acceptance dated September 30, 1957 and November 6, 1957, being a portion of those lands that the United States of America acquired from E.C. and Cora Hayes, husband and wife, and C.M. Hayes and Anna Hayes, husband and wife, dated August 5, 1947, as recorded in Lane County Deed Records, Book 355, Page 9. The boundaries of these parcels were surveyed in 1984 in Lane County Survey No. 26785 and subsequently surveyed in Lane County Survey File No. 41561 as part of Land Partition Plat No. 2009-P2377, and designated as Parcel 1 of said Partition.

Willamette Meridian

T.19 S., R.1 W., within a portion of the SW1/4SW1/4 Sec. 11, more particularly described as follows per County Survey File No. 41561 as filed in the records of Lane County Surveyor on July 20, 2009:

COMMENCING at a point which was the former northeast corner of the Town of Lowell as the same platted and recorded in Volume 4, page 357, Lane County Oregon Plat records,

Approved as to description, consideration, reservations or conditions, and form.

Name: Diana Hall Date: March 3, 2011

RETURN TO:
EVERGREEN LAND TITLE CO.
1651 CENTENNIAL BLVD
SPRINGFIELD, OR 97477
503-10-2814

THENCE, North 24°30'50" West 1,370.31 feet, to the southeast corner of the parcel from the COE,
 THENCE, South 89°33'27" West, 150.00 feet, to the southwest corner of the same parcel,
 THENCE, South 89°20'52" West, 50.17 feet, to the TRUE POINT OF BEGINNING for this parcel monumented with an aluminum post and cap set in CSF# 26785,
 THENCE, South 89°25'36" West, 149.89 feet to a ½" iron pipe set by the COE,
 THENCE, South 00°30'20" East, 30.00 feet, to a point,
 THENCE, South 89°25'36" West, 1.0 feet, to a 5/8"x30" iron rod with an aluminum cap for a Witness Corner to the true corner point,
 THENCE, South 89°25'36" West, 178.66 feet, to a 5/8"x30" iron rod with an aluminum cap,
 THENCE, South 89°25'36" West, 30.00 feet, to a point and the centerline of County Road No. 886,
 THENCE, North 00°33'09" West, 270.63 feet, to a point and the centerline of County Road No. 886,
 THENCE, North 89°31'15" East, 30.00 feet, to a ¾" iron pipe set by the COE with a 5/8" iron rod driven inside with an aluminum cap,
 THENCE, North 89°31'15" East, 179.78 feet, to a ¾" iron pipe set by the COE,
 THENCE, North 89°28'47" East, 150.12 feet, to a point and the northeast corner of this parcel,
 THENCE, South 00°28'13" East, 240.15 feet, to the Point of Beginning.

Said Parcel containing 2.13 acres, more or less. (0.19 acres in County Road ROW)

EXCEPTING AND RESERVING UNTO THE UNITED STATES the right to a perpetual 20 foot Road Easement (10 feet each side of the described centerline) to allow for access to Parcel 2, as depicted on Land Partition Plat No. 2009-P2377, recorded on July 20, 2009, Lane County Surveyor Records and attached as "Exhibit A". A description of the easement, and it's terms, is contained in "Exhibit B" attached to this deed.

SUBJECT TO:

- A. Subject to County Road No. 886 over the western 30 feet of the property.
- B. CERCLA Notice and Covenant Regarding Hazardous Substances. The notice and covenants contained in this Clause are required under the authority of regulations promulgated under section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9620(h). The **GRANTOR** has completed a Phase 1 Environmental Site Assessment (ESA) and has furnished the **GRANTEE** with the following reports: *All Appropriate Inquiry, Lowell Warehouse*, by Douglas C. Shank, Forest Geologist and Environmental Professional, May 15, 2006, *Addendum No. 1 (June 12, 2006)* and *Addendum No. 2 (September 23, 2006)*, by Douglas C. Shank, Forest Geologist and Environmental Professional, and *Pre-Conveyance Environmental Site Assessment, Update, Lowell Warehouse*, by Douglas C. Shank, Forest Geologist and Environmental Professional, June 30, 2010.

Pursuant to Section 120(h)(3)(A)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9620(h)(3)(A)(ii), the United States warrants that:

- (1) all response action necessary to protect human health and the environment with respect to any hazardous substance remaining on the Property has been taken before the date of this conveyance; and
- (2) it shall take any additional response action found to be necessary after the date of this conveyance regarding hazardous substances located on the Property on the date of the conveyance.

This covenant shall not apply in any case in which **GRANTEE**, its heir(s), successor(s) or assign(s), or any successor in interest to the Property or part thereof is a Potentially Responsible Party (PRP) with respect to the Property immediately prior to the date of this conveyance; **OR** to the extent but only to the extent that such additional response action or part thereof found to be necessary is the result of an act or failure to act of the **GRANTEE**, its successor(s) or assign(s), or any party in possession after the date of this conveyance that either:

- i. results in a release or threatened release of a hazardous substance that was not located on the Property on the date of this conveyance; **OR**
- ii. causes or exacerbates the release or threatened release of a hazardous substance the existence and location of which was known and identified to the **GRANTEE** as of the date of this conveyance.

In the event **GRANTEE**, its heir(s), successor(s) or assign(s) seeks to have **GRANTOR** conduct or pay for any additional response action, and, as a condition precedent to **GRANTOR** incurring any additional cleanup obligation or related expenses, the **GRANTEE**, its heir(s), successor(s) or assign(s), shall provide **GRANTOR** at least 45 days written notice of such a claim and provide credible evidence that the associated contamination existed prior to the date of this conveyance; and the need to conduct any additional response action or part thereof was not the result of any act or failure to act by the **GRANTEE**, its heir(s), successor(s) or assign(s), or any party in possession.

GRANTOR reserves a right of access to all portions of the Property for environmental investigation, remediation removal or other corrective action. This reservation includes the right of access to and use of available utilities at reasonable cost to **GRANTOR**. These rights shall be exercisable in any case in which a remedial action, removal action or corrective action is found to be necessary after the date of this conveyance, or in which access is necessary to carry out a remedial action, removal action, or corrective action on adjoining property. Pursuant to this reservation, the United States of America, and its respective officers, agents, employees, contractors and subcontractors shall have the right (upon reasonable advance written notice to the record title owner) to enter upon the Property and conduct investigations and surveys, to include drilling, test-pitting, borings, data and records compilation and other activities related to environmental investigation, and to carry out corrective, remedial or removal actions as required or necessary, including but not limited to the installation and operation of monitoring wells, pumping wells, and treatment facilities. Any such entry, including such activities or actions, shall be coordinated with the

record title owner and shall be performed in a manner that minimizes interruption with activities of authorized occupants.

C. The **GRANTEE**, its heir(s), successor(s) or assign(s) hereby agrees to comply with any and all applicable Federal, State, and local laws relating to the management of lead-based paint and asbestos-containing building material associated with the property, including but not limited to, any such laws relating to the mitigation, abatement, remediation, cleanup, renovation, demolition, and disposal of lead-based paint and asbestos-containing building material. **THE GRANTEE** further acknowledges that **THE UNITED STATES OF AMERICA** has taken all actions required under all Federal and State laws and regulations which are now in effect and which pertain to the investigation, assessment, and disclosure of lead-based paint or lead-based paint hazards.

D. The **GRANTEE**, its heir(s), successor(s), and assign(s) shall indemnify the United States, its agencies, employees, agents, assigns, and successors subject to the limitations of Article XI, § 7 of the Oregon Constitution and the Oregon Tort Claims Act (ORS 30.260 through 30.300) against any claim, (whether legal or equitable in nature, and including without limitation, court costs and attorneys' fees) brought against the United States after the date of this agreement by any person or entity under any Federal, State, or local law, including but not limited to environmental and tort laws, with respect to; (a) the Purchaser's release of any lead-based paint or asbestos-containing building material associated with the property; (b) the Purchaser's violation of Federal, State, and local laws and regulations which are now or may in the future become applicable to the property, subject to the remedial action, covenant, and warranty provided above by **THE UNITED STATES OF AMERICA** in accordance with 42 U.S.C § 9620(h); or (c) the Purchaser's release or threatened release on the Property, or into the environment, of solid or hazardous waste, hazardous substances, or oil or petroleum products or their derivatives, after the date of this Deed.

This covenant to indemnify the United States survives the subsequent conveyance of all or any portion of the property to any person and runs with the real property, and may be enforced by the United States in a court of competent jurisdiction.

The above covenants by the **GRANTEE** shall be construed as running with the land and may be enforced by the **GRANTOR** in a court of competent jurisdiction.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED

IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING
PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO
195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND
SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

BY MY SIGNATURE I agree to be bound by the requirements of Clause B, C, and D above,
and approve of this conveyance, and accept title, on behalf of GRANTEE.

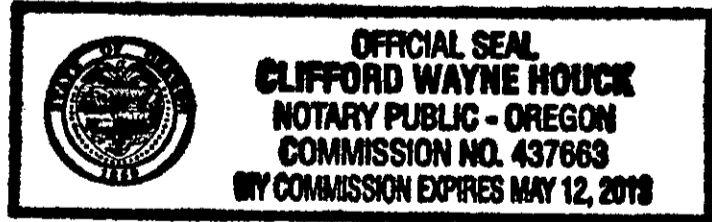
By: [Signature]
TIM WOOD
Title: Director
DIRECTOR OF THE OREGON PARKS
AND RECREATION DEPARTMENT

ACKNOWLEDGMENT

STATE OF OREGON)
)ss.
County of MARION)

On this 1ST day of MARCH, 2011, before me, the undersigned, a Notary Public in
and for said State personally appeared TIM WOOD, DIRECTOR OF THE OREGON PARKS
AND RECREATION DEPARTMENT, known/proved to me to be the person whose name is
subscribed to the within instrument and acknowledged to me that they executed the same.

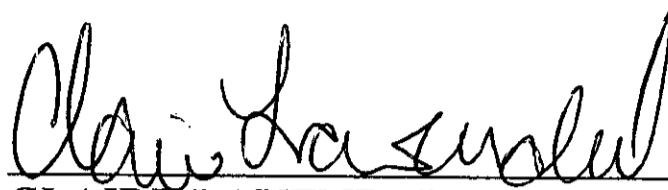
IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first
above written.



[Signature]
Signature
Name (Printed) CLIFFORD WAYNE HOUCK
Notary Public for the State of OREGON
Residing at 641 NW HAYS DR. DALLAS OR
My commission expires MAY 12, 2013

IN WITNESS WHEREOF, the **GRANTOR**, by its duly authorized representative has executed this deed pursuant to the delegation of authority promulgated in Title 7 CFR 2.60, and 49 F.R. 34283, published August 29, 1984, on the day and year first above written.

UNITED STATES OF AMERICA



CLAIRE LAVENDEL

Director, Recreation, Lands, Mineral, Heritage
and Wilderness
Pacific Northwest Region
USDA Forest Service

ACKNOWLEDGMENT

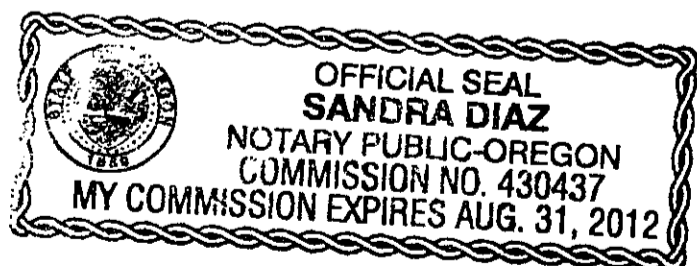
STATE OF OREGON)

)ss.

County of Multnomah)

On this 4TH day of MARCH, 2011, before me, a Notary Public within and for said State, personally appeared Claire Lavendel, Director, Recreation, Lands, Mineral, Heritage, and Wilderness, Pacific Northwest Region, Forest Service, Department of Agriculture, and the same person who executed the within and foregoing instrument, who, being by me duly sworn according to law, did say that she is the Director, Recreation, Lands, Mineral, Heritage and Wilderness, Pacific Northwest Region, Forest Service, Department of Agriculture, and that said instrument was signed on behalf of the United States of America by its authority duly given and by her delivered as and for its act and deed. And she did further acknowledge that she executed said instrument as the free act and deed of the United States of America, for the purposes and consideration herein mentioned and set forth, and I do hereby so certify.

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

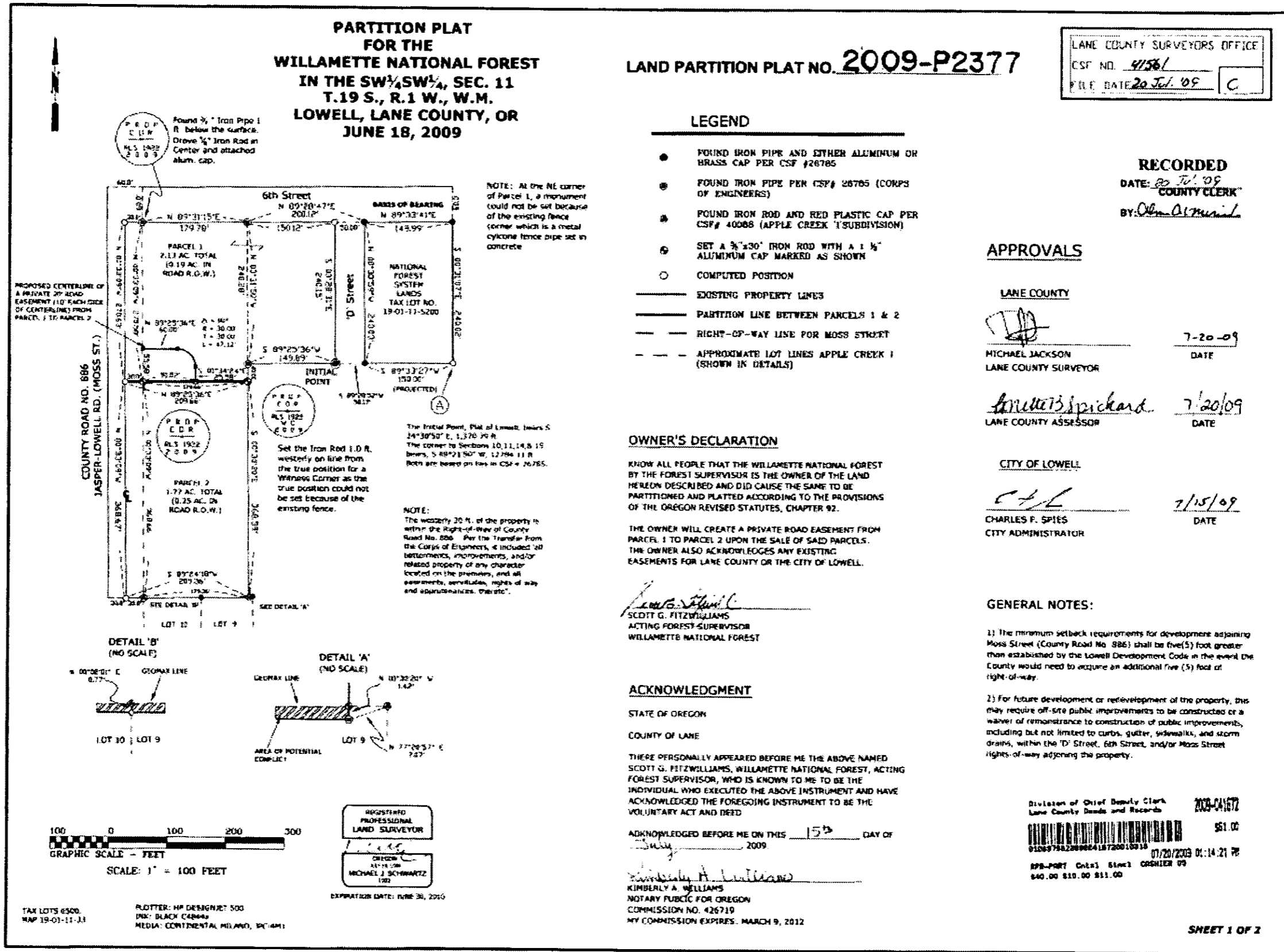



Signature

Name (Printed) SANDRA DIAZ
Notary Public for the State of Oregon
Residing at BEAVERTON OR
My commission expires 8/31/2012

WIL#151 - Lowell Warehouse
Administrative Site Sale

EXHIBIT A



Page 7 of 9

EXHIBIT B

The following describes a reserved perpetual 20 foot Road Easement (10 feet each side of the described centerline) over Parcel 1, to allow for access to Parcel 2, as depicted on Land Partition Plat No. 2009-P2377, recorded on July 20, 2009, Lane County Surveyor Records.

Beginning at the Initial Point as denoted on the Partition survey under CSF No. 41561,
 THENCE,
 South 89°25'36" West, a distance of 149.89 feet, THENCE,
 South 00°30'20" East, a distance of 30.00 feet, THENCE,
 South 89°25'36" West, a distance of 179.66 feet to a point on the right-of-way line for
 County Road No. 886, THENCE,
 North 00°33'09" West, along the right-of-way line for County Road No. 886 a distance
 of 55.58 feet to the TRUE POINT OF BEGINNING and the centerline of said Easement.
 THENCE,
 North 89°25'36" East, a distance of 60.00 feet to a point, THENCE,
 Along a curve to the right, a distance of 47.12 feet, with a Radius of 30.00 feet, and a
 Central Angle of 90°00'00", THENCE,
 South 00°34'24 East, a distance of 25.58 feet to the south line of Parcel 1 and north line
 of Parcel 2 of said Partition.

The United States and its assigns shall have all rights of ingress and egress to and from the real estate, that being Parcel 2 of the Partition Plat No. 2009-P2377, (including the right from time to time, except as herein provided, to cut, trim and remove trees, brush, overhanging branches and other obstructions) necessary for the its use, enjoyment, operation and maintenance of the easement hereby reserved and all rights and privileges incident thereto.

Except as to the rights herein reserved, the State of Oregon, acting by and through its Oregon Parks and Recreation Commission on behalf of the Oregon Parks and Recreation Department shall have the full use and control of the lands described as Parcel 1 of the Partition Plat No. 2009-P2377.

The United States shall receive and consider any third party claims arising from its use of the easement reserved under the Federal Tort Claims Act. Provided, however, should Parcel 2 of the Partition Plat No. 2009-P2377 be conveyed out of Federal ownership "together with" the reserved easement, the assignee of the easement agrees to save and hold the State of Oregon harmless from any and all claims of third parties arising from the assignee's use of the easement reserved herein.

During the existence of this easement, maintenance of the easement and costs of repair of the easement, if damaged by natural disasters or other events for which all holders of an interest in the easement are blameless, shall be that of both parties commensurate with use.

WIL#151 - Lowell Warehouse
Administrative Site Sale

During the existence of this easement, holders of an interest in the easement who are responsible for damage to the easement because of negligence or abnormal use shall repair the damage at their sole expense.

This easement reservation shall bind and inure to the benefit, as the circumstances may require, not only the parties hereto but also their respective heirs, executors, administrators, assigns, and successors in interest.

Lane County Clerk
Lane County Deeds and Records

2011-037361



\$112.00

01239308201100373610110119

08/18/2011 10:57:03 AM

RPR-DEED Cnt=1 Stn=8 CASHIER 02
\$55.00 \$20.00 \$11.00 \$16.00 \$10.00

WIL#158 - Lowell Vacant Lot

When Recorded Mail To:
BJ Real Properties, L.L.C.
38015 Wheeler RD
Dexter, OR 97431

Send Tax Statement To:
BJ Real Properties, L.L.C.
38015 Wheeler RD
Dexter, OR 97431

7194-1740349

After Recording Return To
First American Title
PO Box 10146
Eugene, OR 97440

QUITCLAIM DEED

THIS DEED, made this 10TH day of AUGUST, 2011, between the **UNITED STATES OF AMERICA**, acting through the Forest Service, Department of Agriculture, hereinafter called Grantor, and **BJ Real Properties, L.L.C., an Oregon Limited Liability Company**, hereinafter called Grantee.

WITNESSETH: The Grantor, as authorized by the Forest Service Facility Realignment and Enhancement Act of 2005 as amended (Title V, P.L. 109-54), the provisions of which have been met, has determined that the conveyance is in the public interest.

NOW THEREFORE, the Grantor, for and in consideration of **SEVENTY FIVE THOUSAND DOLLARS (\$ 75,000.00)**, the receipt whereof is hereby duly acknowledged, does hereby remise, release, and quitclaim unto the Grantee, its successors and assigns, all right, title, interest, and claim in and to the real property situated in the County of Lane, State of Oregon, a parcel more particularly described as follows:

A portion of those lands transferred by the U.S. Army Corps Of Engineers(COE) to the U.S. Department of Agriculture under the authority of the Federal Property and Administrative Services Act of 1949 in a letter of acceptance dated November 6, 1957, being a portion of those lands that the United States of America acquired from E.C. and Cora Hayes, husband and wife, and C.M. Hayes and Anna Hayes, husband and wife, dated, August 5, 1947, as recorded in Lane County Deed Records, Book 355, Page 9. The boundaries of these parcels were surveyed in 1984 in Lane County Survey No. 26785 and subsequently surveyed in Lane County Survey File No. 41561 as part of Land Partition Plat No. 2009-P2377, and designated as Parcel 2 of said Partition.

PARCEL 2 OF PARTITION

T.19 S., R.1 W., W.M.

A portion of Section 11, more particularly described as follows per County Survey File No. 41561

COMMENCING at a point which was the former northeast corner of the Town of Lowell as the same platted and recorded in Volume 4, page 357, Lane County Oregon Plat records, THENCE,
North 24°30'50" West 1,370.31 feet, to the southeast corner of the parcel from the COE, THENCE,
South 89°33'27" West, 150.00 feet, to the southwest corner of the same parcel, THENCE,

Approved as to description, consideration, reservations or conditions, and form.
Name: *[Signature]* Date: 8/2/11

WIL#158 - Lowell Vacant Lot

South 89°20'52" West, 50.17 feet, to an aluminum post and cap set in CSF# 26785,
 THENCE,
 South 89°25'36" West, 149.89 feet to a 1/2" iron pipe set by the COE, THENCE,
 South 00°30'20" East, 30.00 feet, to a point and the TRUE POINT OF BEGINNING for
 this parcel, THENCE,
 South 00°30'20" East, 368.59 feet, to a 1/2" iron pipe set by the COE, THENCE,
 South 89°24'18" West, 179.36 feet, to a 5/8" iron rod with a red plastic cap set in CSF
 No. 40088, THENCE,
 South 89°24'18" West, 30.00 feet, to a point and the centerline of County Road No. 886,
 THENCE,
 North 00°33'09" West, 368.67 feet, to a point and the centerline of County Road No. 886,
 THENCE,
 North 89°25'36" East, 30.00 feet, to a 5/8"x30" iron rod with an aluminum cap,
 THENCE,
 North 89°25'36" East, 178.66 feet, to a 5/8"x30" iron rod with an aluminum cap for a
 Witness Corner to the true corner point, THENCE,
 North 89°25'36" East, 1.0 feet, to the Point of Beginning.

Said Parcel containing 1.77 acres, more or less. (0.25 acres in County Road ROW)

TOGETHER WITH, an appurtenant easement for a perpetual 20 foot road easement
 (10 feet each side of the described centerline) as reserved by the United States in a Quit
 Claim Deed to the State of Oregon recorded March 9, 2011 in the Lane County Deeds
 and Records as File No. 2011-011645. and as depicted on Land Partition Plat No.
 2009-P2377, recorded on July 20, 2009, Lane County Survey Records. The referenced
 Partition Plat, location description and terms are contained in Exhibit A and B attached
 to this deed.

SUBJECT TO:

- A.** Subject to County Road No. 886 over the western 30 feet of the property.
- B.** CERCLA Notice and Covenant Regarding Hazardous Substances. The notice and
 covenants contained in this Clause are required under the authority of regulations
 promulgated under section 120(h) of the Comprehensive Environmental Response,
 Compensation, and Liability Act, 42 U.S.C. 9620(h). The **GRANTOR** has completed a
 a Phase 1 Environmental Site Assessment (ESA) and Update, and has furnished the
GRANTEE with the following reports on the property: All Appropriate Inquiry, Lowell
 Warehouse, May 15, 2006, and Pre-Conveyance Environmental Site Assessment Update,
 Lowell Warehouse, June 30, 2010, both by Douglas C. Shank, Forest Geologist and
 Environmental Professional.

Pursuant to Section 120(h)(3)(A)(ii) of the Comprehensive Environmental Response,
 Compensation, and Liability Act, 42 U.S.C. § 9620(h)(3)(A)(ii), the United States warrants
 that:

- (1) All response action necessary to protect human health and the environment with
 respect to any hazardous substance remaining on the Property has been taken before the
 date of this conveyance; and

(2) it shall take any additional response action found to be necessary after the date of this conveyance regarding hazardous substances located on the Property on the date of the conveyance.

This covenant shall not apply in any case in which **GRANTEE**, its heir(s), successor(s) or assign(s), or any successor in interest to the Property or part thereof is a Potentially Responsible Party (PRP) with respect to the Property immediately prior to the date of this conveyance; **OR** to the extent but only to the extent that such additional response action or part thereof found to be necessary is the result of an act or failure to act of the **GRANTEE**, its successor(s) or assign(s), or any party in possession after the date of this conveyance that either:

- i. results in a release or threatened release of a hazardous substance that was not located on the Property on the date of this conveyance; **OR**
- ii. causes or exacerbates the release or threatened release of a hazardous substance the existence and location of which was known and identified to the **GRANTEE** as of the date of this conveyance.

In the event **GRANTEE**, its heir(s), successor(s) or assign(s) seeks to have **GRANTOR** conduct or pay for any additional response action, and, as a condition precedent to **GRANTOR** incurring any additional cleanup obligation or related expenses, the **GRANTEE**, its heir(s), successor(s) or assign(s), shall provide **GRANTOR** at least 45 days written notice of such a claim and provide credible evidence that the associated contamination existed prior to the date of this conveyance; and the need to conduct any additional response action or part thereof was not the result of any act or failure to act by the **GRANTEE**, its heir(s), successor(s) or assign(s), or any party in possession.

GRANTOR reserves a right of access to all portions of the Property for environmental investigation, remediation removal or other corrective action. This reservation includes the right of access to and use of available utilities at reasonable cost to **GRANTOR**. These rights shall be exercisable in any case in which a remedial action, removal action or corrective action is found to be necessary after the date of this conveyance, or in which access is necessary to carry out a remedial action, removal action, or corrective action on adjoining property. Pursuant to this reservation, the United States of America, and its respective officers, agents, employees, contractors and subcontractors shall have the right (upon reasonable advance written notice to the record title owner) to enter upon the Property and conduct investigations and surveys, to include drilling, test-pitting, borings, data and records compilation and other activities related to environmental investigation, and to carry out corrective, remedial or removal actions as required or necessary, including but not limited to the installation and operation of monitoring wells, pumping wells, and treatment facilities. Any such entry, including such activities or actions, shall be coordinated with the record title owner and shall be performed in a manner that minimizes interruption with activities of authorized occupants.

C. The **GRANTEE**, its heir(s), successor(s) or assign(s) hereby agrees to comply with any and all applicable Federal, State, and local laws relating to the management of lead-based paint and asbestos-containing building material associated with the property, including but

not limited to, any such laws relating to the mitigation, abatement, remediation, cleanup, renovation, demolition, and disposal of lead-based paint and asbestos-containing building material. **THE GRANTEE** further acknowledges that **THE UNITED STATES OF AMERICA** has taken all actions required under all Federal and State laws and regulations which are now in effect and which pertain to the investigation, assessment, and disclosure of lead-based paint or lead-based paint hazards.

D. The **GRANTEE**, its heir(s), successor(s), and assign(s) hereby agrees to indemnify, release, defend, and hold harmless the United States, its agencies, employees, agents, assigns, and successors from and against any liability, judgment, claim, penalty, fine, or other adverse action (whether legal or equitable in nature, and including without limitation, court costs and attorneys' fees) brought against the United States after the date of this agreement by any person or entity under any Federal, State, or local law, including but not limited to environmental and tort laws, with respect to; (a) any lead-based paint and/or asbestos-containing building material associated with the property; (b) violations of Federal, State, and local laws and regulations which are now or may in the future become applicable to the property, subject to the remedial action, covenant, and warranty provided above by **THE UNITED STATES OF AMERICA** in accordance with 42 U.S.C § 9620(h); and (c) releases or threatened releases on the property, or into the environment, of solid or hazardous waste, hazardous substances, or oil or petroleum products or their derivatives, after the date of this Deed.

This covenant to indemnify, release, defend, and hold harmless the United States shall survive the subsequent conveyance of all or any portion of the property to any person and shall be construed as running with the real property, and may be enforced by the United States in a court of competent jurisdiction.

The above covenants by the **GRANTEE** shall be construed as running with the land and may be enforced by the **GRANTOR** in a court of competent jurisdiction.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

WIL#158 - Lowell Vacant Lot

BY MY SIGNATURE I agree to be bound by the requirements of Clause B, C, and D above.

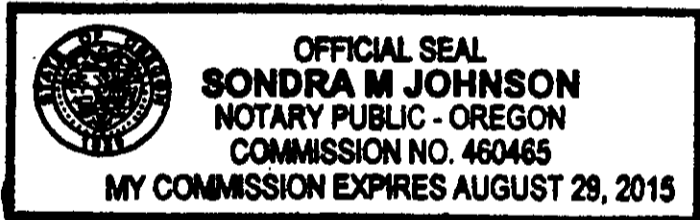
By: Joseph Eisel
Joseph Eisel
Title: Member and Manager

ACKNOWLEDGMENT

STATE OF OREGON)
County of Lane)ss.

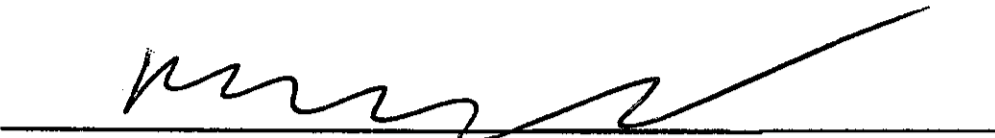
On this 5 day of August, 2011, before me, the undersigned, a Notary Public in and for said State personally appeared Joseph Eisel, known/proved to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Sondra Johnson
Signature
Name (Printed) Sondra Johnson
Notary Public for the State of OR
Residing at _____
My commission expires 8/29/2015

BY MY SIGNATURE I agree to be bound by the requirements of Clause B, C, and D above.

By: 
Brian Way
Title: Member and Manager

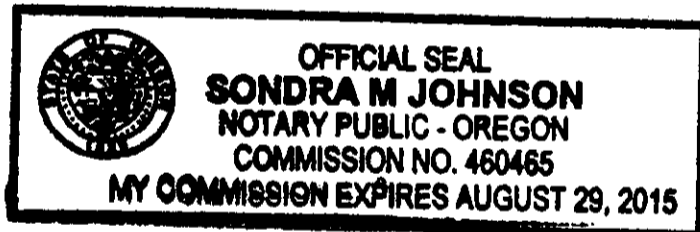
ACKNOWLEDGMENT

STATE OF OREGON)
County of Lane)ss.

On this 5 day of August, 2011, before me, the undersigned, a Notary Public in and for said State personally appeared Brian Way, known/proved to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

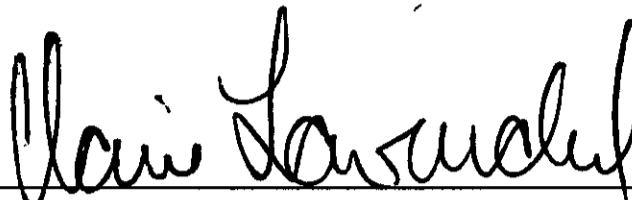

Signature



Name (Printed) Sondra Johnson
Notary Public for the State of OR
Residing at _____
My commission expires 8/29/2015

IN WITNESS WHEREOF, the **GRANTOR**, by its duly authorized representative has executed this deed pursuant to the delegation of authority promulgated in Title 7 CFR 2.60, and 49 F.R. 34283, published August 29, 1984, on the day and year first above written.

UNITED STATES OF AMERICA



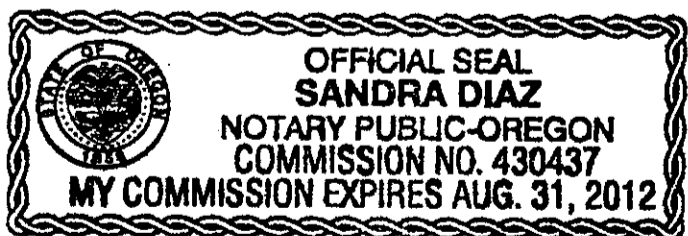
CLAIRE LAVENDEL
Director, Recreation, Lands, Minerals, Heritage, and
Wilderness Resources
Pacific Northwest Region
USDA Forest Service

ACKNOWLEDGMENT

STATE OF OREGON)
) ss.
County of MULTNOMAH

On this 10TH day of AUGUST, 2011, before me, a Notary Public within and for said State, personally appeared Claire Lavendel, Director, Recreation, Lands, Minerals, Heritage and Wilderness Resources, Pacific Northwest Region, Forest Service, Department of Agriculture, and the same person who executed the within and foregoing instrument, who, being by me duly sworn according to law, did say that she is the Director, Recreation, Lands, Minerals, Heritage, and Wilderness Resources, Pacific Northwest Region, Forest Service, Department of Agriculture, and that said instrument was signed on behalf of the United States of America by its authority duly given and by her delivered as and for its act and deed. And she did further acknowledge that she executed said instrument as the free act and deed of the United States of America, for the purposes and consideration herein mentioned and set forth, and I do hereby so certify.

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



Signature

Name (Printed) SANDRA DIAZ
Notary Public for the State of Oregon
Residing at BEAVERTON OR
My commission expires 8/31/2012

EXHIBIT A

WIL#158 - Lowell Vacant Lot

**PARTITION PLAT
FOR THE
WILLAMETTE NATIONAL FOREST
IN THE SW¹/₄SW¹/₄, SEC. 11
T.19 S., R.1 W., W.M.
LOWELL, LANE COUNTY, OR
JUNE 18, 2009**

LAND PARTITION PLAT NO. **2009-P2377**

LANE COUNTY SURVEYORS OFFICE
CSP# NO. 41561
FILE DATE 20 Jul '09 C

LEGEND

- FOUND IRON PIPE AND EITHER ALUMINUM OR BRASS CAP PER CSP #28785
- FOUND IRON PIPE PER CSP# 28785 (CORPS OF ENGINEERS)
- FOUND IRON ROD AND RED PLASTIC CAP PER CSP# 40080 (APPLE CREEK T/SUBDIVISION)
- SET A 1/2" X 1/2" IRON ROD WITH A 1/2" ALUMINUM CAP MARKED AS SHOWN.
- EXISTING PROPERTY LINES
- PARTITION LINE BETWEEN PARCELS 1 & 2
- RIGHT-OF-WAY LINE FOR MOSS STREET
- APPROXIMATE LOT LINES APPLE CREEK (SHOWN IN DETAILS)

RECORDED
DATE: 20 Jul '09
COUNTY CLERK
BY: John O'Connell

APPROVALS

LANE COUNTY
[Signature] 7-20-09
MICHAEL JACKSON DATE
LANE COUNTY SURVEYOR

[Signature] 7/20/09
LANE COUNTY ASSESSOR DATE

CITY OF LOWELL
[Signature] 7/15/09
CHARLES F. SPRES DATE
CITY ADMINISTRATOR

OWNER'S DECLARATION

KNOW ALL PEOPLE THAT THE WILLAMETTE NATIONAL FOREST BY THE FOREST SUPERVISOR IS THE OWNER OF THE LAND HEREIN DESCRIBED AND WHO CAUSE THE SAME TO BE PARTITIONED AND PLATTED ACCORDING TO THE PROVISIONS OF THE OREGON REVISED STATUTES, CHAPTER 92.

THE OWNER WILL CREATE A PRIVATE ROAD EASEMENT FROM PARCEL 1 TO PARCEL 2 UPON THE SALE OF SAID PARCELS. THE OWNER ALSO ACKNOWLEDGES ANY EXISTING EASEMENTS FOR LANE COUNTY OR THE CITY OF LOWELL.

[Signature]
SCOTT G. FITZWILLIAMS
ACTING FOREST SUPERVISOR
WILLAMETTE NATIONAL FOREST

ACKNOWLEDGMENT

STATE OF OREGON
COUNTY OF LANE
THERE PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED SCOTT G. FITZWILLIAMS, WILLAMETTE NATIONAL FOREST, ACTING FOREST SUPERVISOR, WHO IS KNOWN TO ME TO BE THE INDIVIDUAL WHO EXECUTED THE ABOVE INSTRUMENT AND HAVE ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED

ACKNOWLEDGED BEFORE ME ON THIS 15th DAY OF July, 2009

[Signature]
KIMBERLY A. WILLIAMS
NOTARY PUBLIC FOR OREGON
COMMISSION NO. 426719
MY COMMISSION EXPIRES: MARCH 9, 2012

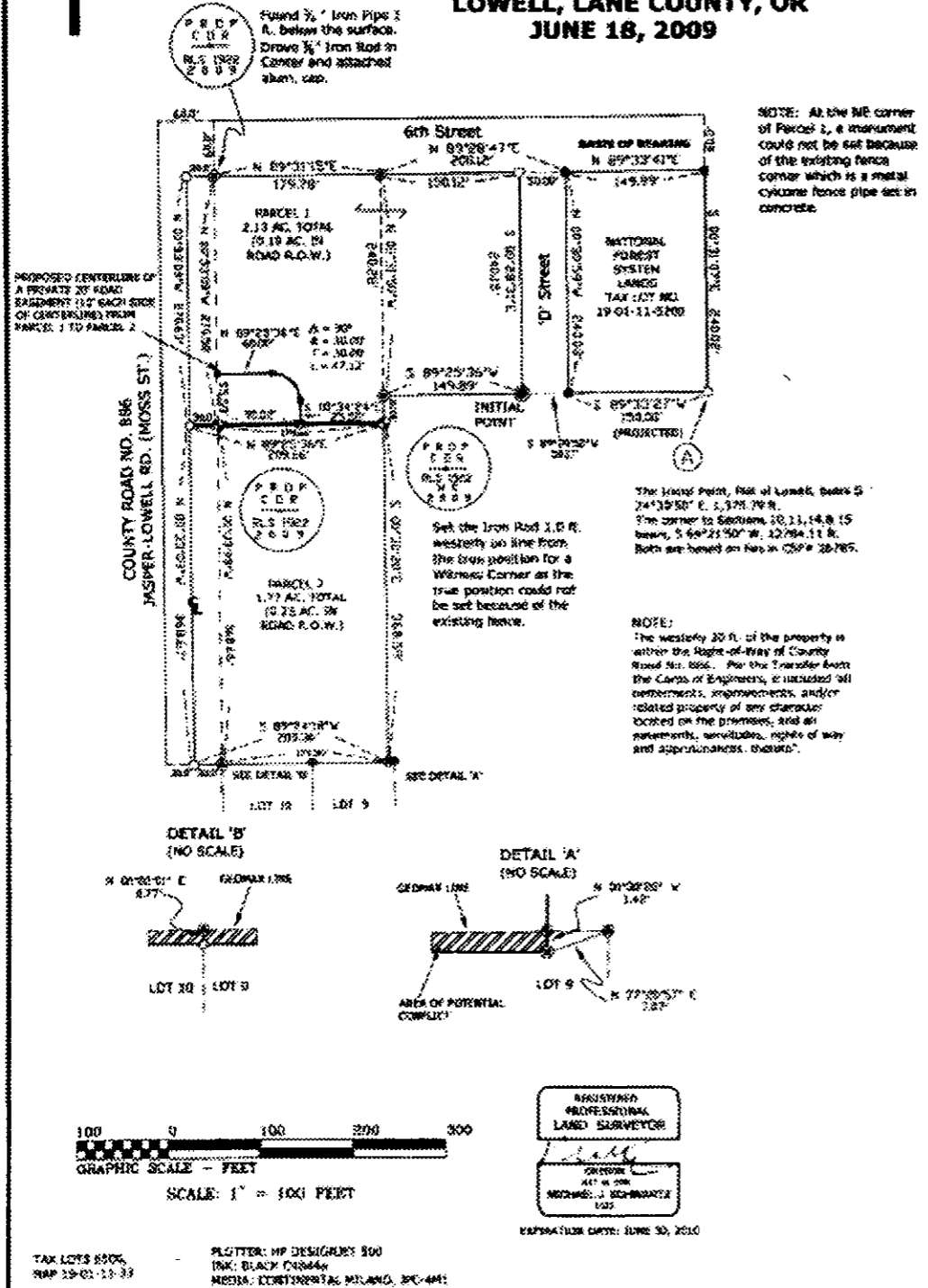
GENERAL NOTES:

1) The minimum setback requirements for development adjoining Moss Street (County Road No. 856) shall be five(5) feet greater than established by the Lowell Development Code in the event the County would need to acquire an additional five (5) feet of right-of-way.

2) For future development or redevelopment of the property, this may require off-site public improvements to be constructed or a waiver of reimbursement to construction of public improvements, including but not limited to curbs, gutters, sidewalks, and storm drains, within the 'D' Street, 6th Street, and/or Moss Street rights-of-way adjoining the property.

Division of Chief Deputy Clerk
Lane County Deeds and Records
2009-041677
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840.00 \$10.00 \$15.00

SHEET 1 OF 2



Page 8 of 10

EXHIBIT B

The following describes a reserved perpetual 20 foot Road Easement (10 feet each side of the described centerline) over Parcel 1, to allow for access to Parcel 2, as depicted on Land Partition Plat No. 2009-P2377, recorded on July 20, 2009, Lane County Surveyor Records.

Beginning at the Initial Point as denoted on the Partition survey under CSF No. 41561, THENCE,
 South 89°25'36" West, a distance of 149.89 feet, THENCE,
 South 00°30'20" East, a distance of 30.00 feet, THENCE,
 South 89°25'36" West, a distance of 179.66 feet to a point on the right-of-way line for County Road No. 886, THENCE,
 North 00°33'09" West, along the right-of-way line for County Road No. 886 a distance of 55.58 feet to the TRUE POINT OF BEGINNING and the centerline of said Easement THENCE,
 North 89°25'36" East, a distance of 60.00 feet to a point, THENCE,
 Along a curve to the right, a distance of 47.12 feet, with a Radius of 30.00 feet, and a Central Angle of 90°00'00", THENCE,
 South 00°34'24 East, a distance of 25.58 feet to the south line of Parcel 1 and north line of Parcel 2 of said Partition.

The United States and its assigns shall have all rights of ingress and egress to and from the real estate, that being Parcel 2 of the Partition Plat No. 2009-P2377, (including the right from time to time, except as herein provided, to cut, trim and remove trees, brush, overhanging branches and other obstructions) necessary for the its use, enjoyment, operation and maintenance of the easement hereby reserved and all rights and privileges incident thereto.

Except as to the rights herein reserved, the State of Oregon, acting by and through its Oregon Parks and Recreation Commission on behalf of the Oregon Parks and Recreation Department shall have the full use and control of the lands described as Parcel 1 of the Partition Plat No. 2009-P2377.

The United States shall receive and consider any third party claims arising from its use of the easement reserved under the Federal Tort Claims Act. Provided, however, should Parcel 2 of the Partition Plat No. 2009-P2377 be conveyed out of Federal ownership "together with" the reserved easement, the assignee of the easement agrees to save and hold the State of Oregon harmless from any and all claims of third parties arising from the assignee's use of the easement reserved herein.

During the existence of this easement, maintenance of the easement and costs of repair of the easement, if damaged by natural disasters or other events for which all holders of an interest in the easement are blameless, shall be that of both parties commensurate with use.

WIL#158 - Lowell Vacant Lot


During the existence of this easement, holders of an interest in the easement who are responsible for damage to the easement because of negligence or abnormal use shall repair the damage at their sole expense.

This easement reservation shall bind and inure to the benefit, as the circumstances may require, not only the parties hereto but also their respective heirs, executors, administrators, assigns, and successors in interest.

PLAT DOCUMENT

Division of Chief Deputy Clerk
Lane County Deeds and Records

2009-041672



\$61.00

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RPR-PART Cnt=1 Stn=1 CASHIER 05
\$40.00 \$10.00 \$11.00

This document is
Land Partition Plat No.
2009-P2377

Owner: USDA Forest Service

Dedicatee: City of Lowell
Twn. 19S Rng. 1W Sec. 11

LANE COUNTY DEEDS & RECORDS

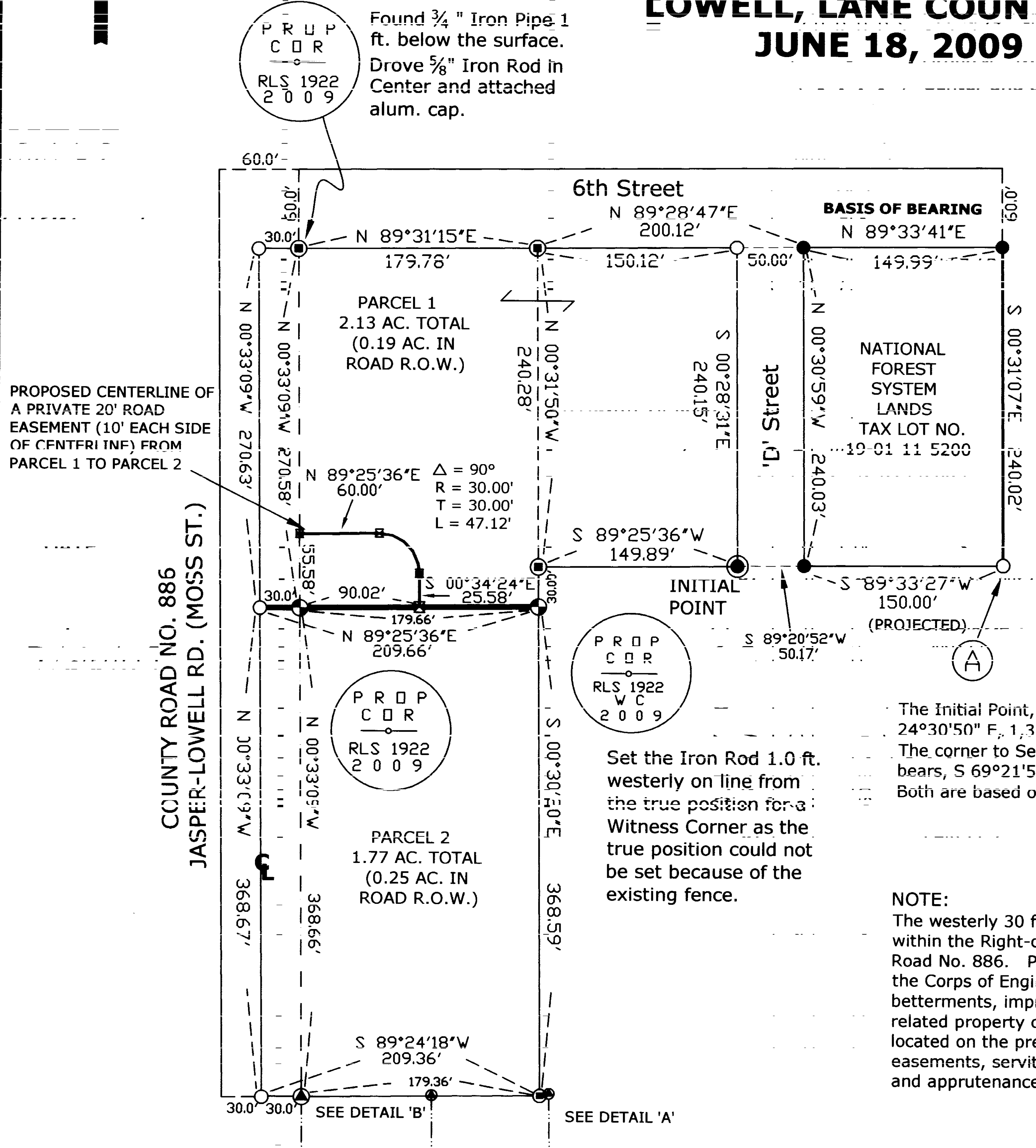
- 2 - Parcels
- 2 - Stickers
- 1 - Res. Numbers

AFTER RECORDING RETURN TO:
Lane County Surveyor's Office

**PARTITION PLAT
FOR THE
WILLAMETTE NATIONAL FOREST
IN THE SW¹/₄SW¹/₄, SEC. 11
T.19 S., R.1 W., W.M.
LOWELL, LANE COUNTY, OR
JUNE 18, 2009**

LAND PARTITION PLAT NO. **2009-P2377**

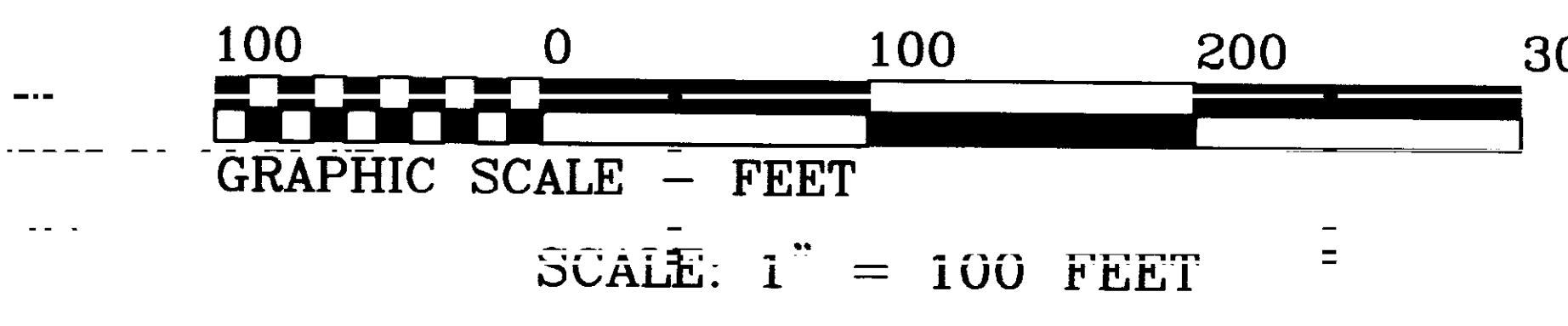
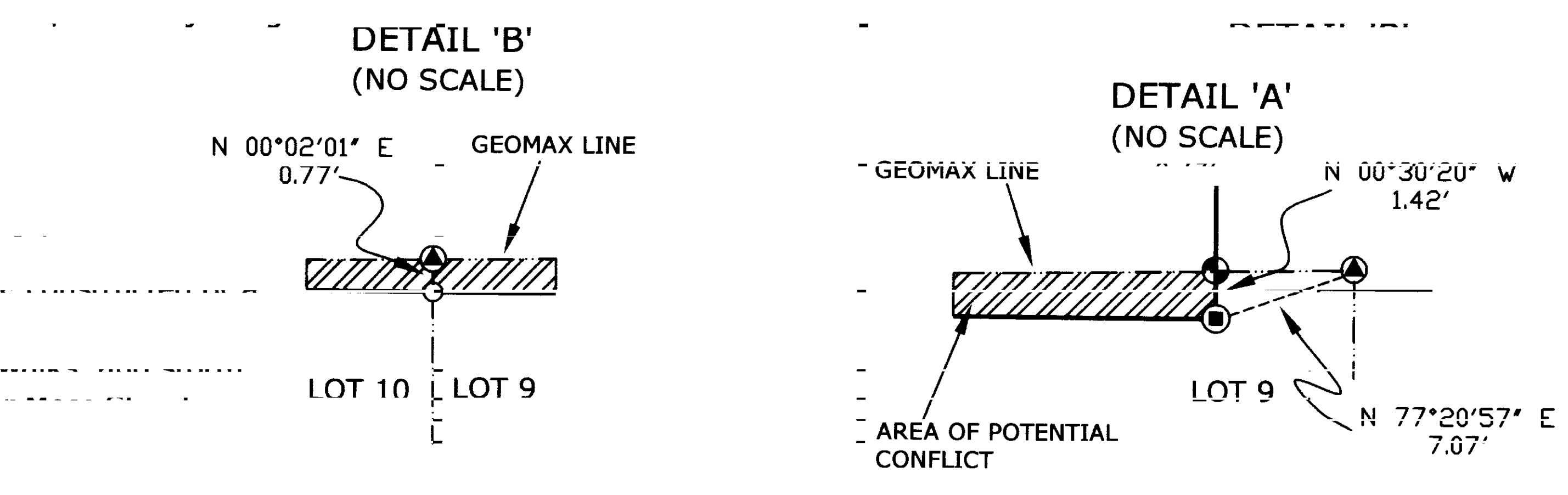
LANE COUNTY SURVEYORS OFFICE	
CSF#	
FILE DATE	



NOTE: At the NE corner of Parcel 1, a monument could not be set because of the existing fence corner which is a metal cyclone fence pipe set in concrete.

The Initial Point, Plat of Lowell, bears S 24°30'50" E, 1,370.79 ft.
The corner to Sections 10,11,14, & 15 bears, S 69°21'50" W, 12784.11 ft.
Both are based on ties in CSF# 26785.

NOTE:
The westerly 30 ft. of the property is within the Right-of-Way of County Road No. 886. Per the Transfer from the Corps of Engineers, it included "all betterments, improvements, and/or related property of any character located on the premises, and all easements, servitudes, rights of way and appurtenances, thereto".



REGISTERED
PROFESSIONAL
LAND SURVEYOR
Michael J. Schwartz
OREGON
JULY 18, 1980
MICHAEL J. SCHWARTZ
1922

EXPIRATION DATE: JUNE 30, 2010

TAX LOTS 6500, MAP 19-01-11-33
PLOTTER: HP DESIGNJET 500
INK: BLACK C4844a
MEDIA: CONTINENTAL MILANO, JPC-4M1

LEGEND

- FOUND IRON PIPE AND EITHER ALUMINUM OR BRASS CAP PER CSF #26785
- ⊙ FOUND IRON PIPE PER CSF# 26785 (CORPS OF ENGINEERS)
- ⊙ FOUND IRON ROD AND RED PLASTIC CAP PER CSF# 40086 (APPLE CREEK 1 SUBDIVISION)
- ⊙ SET A 5/8"x30" IRON ROD WITH A 1 1/2" ALUMINUM CAP MARKED AS SHOWN.
- COMPUTED POSITION
- EXISTING PROPERTY LINES
- PARTITION LINE BETWEEN PARCELS 1 & 2
- RIGHT-OF-WAY LINE FOR MOSS STREET
- - - APPROXIMATE LOT LINES APPLE CREEK 1 (SHOWN IN DETAILS)

RECORDED
DATE: 20 Jul '09
COUNTY CLERK
BY: *Alm Omerick*

APPROVALS

LANE COUNTY

[Signature] 7-20-09
MICHAEL JACKSON
LANE COUNTY SURVEYOR
DATE

[Signature] 7/20/09
LANE COUNTY ASSESSOR
DATE

OWNER'S DECLARATION

KNOW ALL PEOPLE THAT THE WILLAMETTE NATIONAL FOREST BY THE FOREST SUPERVISOR IS THE OWNER OF THE LAND HEREON DESCRIBED AND DID CAUSE THE SAME TO BE PARTITIONED AND PLATTED ACCORDING TO THE PROVISIONS OF THE OREGON REVISED STATUTES, CHAPTER 92.

THE OWNER WILL CREATE A PRIVATE ROAD EASEMENT FROM PARCEL 1 TO PARCEL 2 UPON THE SALE OF SAID PARCELS. THE OWNER ALSO ACKNOWLEDGES ANY EXISTING EASEMENTS FOR LANE COUNTY OR THE CITY OF LOWELL.

[Signature]
SCOTT G. FITZWILLIAMS
ACTING FOREST SUPERVISOR
WILLAMETTE NATIONAL FOREST

CITY OF LOWELL

[Signature] 7/15/09
CHARLES F. SPIES
CITY ADMINISTRATOR
DATE

GENERAL NOTES:

- 1) The minimum setback requirements for development adjoining Moss Street (County Road No. 886) shall be five(5) foot greater than established by the Lowell Development Code in the event the County would need to acquire an additional five (5) foot of right-of-way.
- 2) For future development or redevelopment of the property, this may require off-site public improvements to be constructed or a waiver of remonstrance to construction of public improvements, including but not limited to curbs, gutter, sidewalks, and storm drains, within the 'D' Street, 6th Street, and/or Moss Street rights-of-way adjoining the property.

ACKNOWLEDGMENT

STATE OF OREGON
COUNTY OF LANE

THERE PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED SCOTT G. FITZWILLIAMS, WILLAMETTE NATIONAL FOREST, ACTING FOREST SUPERVISOR, WHO IS KNOWN TO ME TO BE THE INDIVIDUAL WHO EXECUTED THE ABOVE INSTRUMENT AND HAVE ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED

ADKNOWLEDGED BEFORE ME ON THIS 15th DAY OF July, 2009.

[Signature]
KIMBERLY A. WILLIAMS
NOTARY PUBLIC FOR OREGON
COMMISSION NO. 426719
MY COMMISSION EXPIRES: MARCH 9, 2012

Division of Chief Deputy Clerk
Lane County Deeds and Records
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\$40.00 \$10.00 \$11.00

**PARTITION PLAT
FOR THE
WILLAMETTE NATIONAL FOREST
IN THE SW¹/₄SW¹/₄, SEC. 11
T.19 S., R.1 W., W.M.
LOWELL, LANE COUNTY, OR**

LAND PARTITION PLAT NO. 2009-P2377

RECORDED
DATE: 20 Jul '09
COUNTY CLERK
BY: *Alma C. Meind*

LANE COUNTY SURVEYORS OFFICE	
C.S. FILE NO. _____	C
FILING DATE _____	

Division of Chief Deputy Clerk
Lane County Deeds and Records 2009-041672
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\$40.00 \$10.00 \$11.00

NARRATIVE

PROCEDURES

THE BASIS OF BEARING IS THE NORTH LINE OF TAX LOT 5200 FROM CS# 26785.

ALL MONUMENTS FOUND RELATE TO THE SURVEYS BY AL REID (CS# 26785) AND DENNIS CROWE, GEOMAX, INC. (APPLE CREEK 'I' SUBDIVISION, CS# 40088).

IN THE '1957 PROPERTY TRANSFER', THE CASE FILE HAS THE DEED DESCRIPTIONS AS WELL AS A DRAWING DENOTING THE 'POINT OF BEGINNING' FOR THE PARCELS WITH A TIE TO THE 'NE CORNER OF THE ORIGINAL TOWNSHIP OF LOWELL'. THE CALL FOR THE P.O.B. WAS "1257.1 FEET NORTH & 546.6 FEET WEST OF THE INITIAL POINT (N 22°30'00" W, 1370.79 FEET)

THE DESCRIPTIONS AND DRAWINGS ALSO RELATE TO 'D STREET' AS WELL AS COUNTY ROAD #886.

IN THE HUTCHISON SURVEY, HE NOTED THAT HE FOUND THE P.O.B. POINT AS WELL AS OTHER "GOV'T CORNERS" HE SHOWED THE CALL PER THE DEED FOR HIS SUBDIVISION ON HIS PLAT. HE DID NOT SHOW THAT HE TIED TO THE 'INITIAL POINT OF LOWELL', BUT IS VERY APPARENT THAT FROM HIS TIES TO THE OTHER "GOV'T CORNERS" THAT HE ACCEPTED THEM AS THE CONTROLLING CORNERS FOR THE PROPERTY HE WAS SUBDIVIDING.

IN THE REID SURVEY, HE ALSO FOUND IRON PIPES THAT HAD BEEN SET OR PERPETUATED BY THE CORPS OF ENGINEERS FOR THE PROPERTY AND NOTED THAT SOME WERE OUT OF POSITION.

IN MY SURVEY, I FOUND THOSE PIPES AS WELL AS THE MONUMENTS HE SET AND HAVE ACCEPTED THEM ALL AS THE CONTROLLING CORNERS FOR THE PROPERTY. THEY ARE ALL WITHIN AN ACCEPTABLE TOLERANCE FOR THE TIME OF THE SURVEYS AS WELL AS WHAT THEY WERE INTENDED TO CONTROL.

ALSO, AS PART OF REID'S SURVEY, HE SHOWED HIS TIE TO THE "INITIAL POINT OF LOWELL". HIS RETURN WAS, N 24°30'50" W, 1370.31 FT. FROM THE "POINT".

*** THIS IS A 2° DIFFERENT FROM THE DEED CALL, AND ALTHOUGH THIS MAY BE CONSTRUED AS A CONFLICT, THE MONUMENTS STILL HOLD AS CONTROL FOR THE PROPERTIES AND IN MY DETERMINATION THE ERROR IN THE DEED(S) WOULD BE THE CALL FROM THE "INITIAL POINT OF LOWELL".

IN THE 2006 CROWE(GEOMAX) APPLE CREEK 'I' SURVEY, HE TIED TO THE "INITIAL POINT OF LOWELL" AND APPARENTLY FOLLOWED THE "LITERAL DESCRIPTION" OF THE PROPERTY HE WAS SUBDIVIDING, I.E., NOT TAKING INTO ACCOUNT THE PAST SURVEYS.

FROM HIS SURVEY, HE CREATED POSITIONS FOR THE LOT CORNERS AND WHAT WOULD BE THE SOUTH PROPERTY LINE FOR THE FOREST SERVICE. THIS CREATED AN OVERLAP BETWEEN THE SURVEYS AND THE ADJACENT PROPERTIES TO THE NORTH AND EAST. FURTHER RESEARCH FOUND THAT QUITCLAIM DEEDS WERE CREATED WITH THE LANDOWNERS TO THE EAST OF THE SUBDIVISION, BUT NO DISCUSSIONS WERE HELD WITH THE FOREST SERVICE.

AFTER UNCOVERING THIS INFORMATION, DISCUSSIONS WITH REPRESENTATIVES OF GEOMAX, INC., WERE CONDUCTED. NO FINAL DECISIONS WERE MADE, BUT THERE WAS A THOUGHT THAT POSSIBLY REID DID NOT HAVE THE "TRUE INITIAL POINT". AFTER MAKING TIES TO THE CORNERS AND COMPLETING MY COMPUTATIONS, I FOUND THAT BOTH REID AND CROWE WERE USING THE SAME MONUMENT FOR THE "INITIAL POINT".

THIS LEFT THE FOREST SERVICE WITH AN OVERLAP BETWEEN THE MONUMENTS THAT CONTROLLED THE SOUTH LINE OF THEIR PROPERTY WITH LOTS 9 & 10 OF THE APPLE CREEK I SUBDIVISION. AFTER CONSULTATION, IT WAS DETERMINED THAT THE LINE THAT REID HAD RESURVEYED IS THE PROPER LINE.

AFTER MAKING TIES TO ALL THE CORNERS, I ALSO DETERMINED THAT THE SOUTHWEST CORNER OF THE FOREST SERVICE PROPERTY (AND NORTHWEST CORNER OF THE SUBDIVISION) WERE APPROX. 0.5 FEET DIFFERENT IN POSITION. AFTER ALSO REVIEWING THE TRANSFER DEED AND WHAT REID FOUND FOR THIS POSITION, I FEEL THAT THE GEOMAX MONUMENT IS ACCEPTABLE AND CONTROLLING OF BOTH PROPERTIES.

PRIOR TO SALE OF PARCEL 2, THE FOREST SERVICE WILL RESOLVE THE OVERLAP SITUATION WITH THE APPLE CREEK 'I' SUBDIVISION LOT OWNERS.

SURVEYOR'S CERTIFICATE

I, MICHAEL J. SCHWARTZ, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I PERFORMED THE SURVEY OF THE HEREIN DESCRIBED PARCELS OF LAND AND PLATTED THE SAME AS SHOWN HEREON PURSUANT TO ORS CHAPTERS 92 AND 209, AND THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

Michael J. Schwartz
Michael J. Schwartz
4077 SW Research Way
Corvallis, OR 97339
Phone: 541-750-7175

THE LANDS THAT ARE PART OF THIS PARTITION WERE TRANSFERRED FROM THE U.S. ARMY CORPS OF ENGINEERS TO THE U.S. DEPARTMENT OF AGRICULTURE UNDER THE AUTHORITY OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949. THE TRANSFER INCLUDED THREE(3) PARCELS WITH THE BOUNDARIES BEING SURVEYED IN 1984 AS LANE COUNTY SURVEY NO. 26785. THE DESCRIPTIONS FOR THE PARCELS UNDER THIS PARTITION ARE AS FOLLOWS:

PARCEL 1 OF PARTITION:

COMMENCING AT A POINT WHICH WAS THE FORMER NORTHEAST CORNER OF THE TOWN OF LOWELL AS THE SAME PLATTED AND RECORDED IN VOLUME 4, PAGE 357, LANE COUNTY OREGON PLAT RECORDS, THENCE, N 24°30'50" W, 1370.31 FEET, TO THE SOUTHEAST CORNER OF THE PARCEL FROM THE PROPERTY TRANSFER, THENCE, S 89°33'27" W, 150.00 FEET, TO THE SOUTHWEST CORNER OF THE PARCEL FROM THE PROPERTY TRANSFER, THENCE, S 89°20'52" W, 50.17 FEET, TO THE INITIAL POINT AND THE TRUE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF PARCEL 1 OF THIS PARTITION SAID POINT BEING MONUMENTED BY AN ALUMINUM CAP AND ROD, THENCE, S 89°25'36" W, 149.89 FEET, TO A 1/2" IRON PIPE SET BY THE CORPS OF ENGINEERS, THENCE, S 00°30'20" E, 30.00 FEET, TO A POINT, THENCE, S 89°25'36" W, 1.00 FEET TO A 5/8"X30" IRON ROD WITH AN ALUMINUM CAP FOR A WITNESS CORNER TO THE TRUE CORNER POINT, THENCE, S 89°25'36" W, 178.66 FEET, TO A 5/8"X30" IRON ROD WITH AN ALUMINUM CAP, THENCE, S 89°25'36" W, 30.00 FEET, TO A POINT AND THE CENTERLINE OF COUNTY ROAD NO. 886, THENCE, N 00°33'09" W, 270.63 FEET, TO A POINT AND THE CENTERLINE OF COUNTY ROAD NO. 886, THENCE, N 89°31'15" E, 30.00 FEET, TO A 3/4" IRON PIPE SET BY THE CORPS OF ENGINEERS, THENCE, N 89°31'15" E, 179.78 FEET, TO A 3/4" IRON PIPE SET BY THE CORPS OF ENGINEERS, THENCE, N 89°28'47" E, 150.12 FEET, TO A POINT AND THE NORTHEAST CORNER OF SAID PARCEL, THENCE, S 00°28'13" E, 240.15 FEET, TO THE POINT OF BEGINNING.

PARCEL 1 ACRES: 2.13

PARCEL 2 OF PARTITION:

COMMENCING AT A POINT WHICH WAS THE FORMER NORTHEAST CORNER OF THE TOWN OF LOWELL AS THE SAME PLATTED AND RECORDED IN VOLUME 4, PAGE 357, LANE COUNTY OREGON PLAT RECORDS, THENCE, N 24°30'50" W, 1370.31 FEET, TO THE SOUTHEAST CORNER OF THE PARCEL FROM THE PROPERTY TRANSFER, THENCE, S 89°33'27" W, 150.00 FEET, TO THE SOUTHWEST CORNER OF THE PARCEL FROM THE PROPERTY TRANSFER, THENCE, S 89°20'52" W, 50.17 FEET, TO THE SOUTHEAST CORNER OF PARCEL 1 OF THIS PARTITION SAID POINT BEING MONUMENTED BY AN ALUMINUM CAP AND ROD, THENCE, S 89°25'36" W, 149.89 FEET, TO A 1/2" IRON PIPE SET BY THE CORPS OF ENGINEERS, THENCE, S 00°30'20" E, 30.00 FEET, TO A POINT AND THE TRUE POINT OF BEGINNING OF PARCEL WHICH IS REFERENCED BY A 5/8"X30" IRON ROD WITH AN ALUMINUM CAP FOR A WITNESS CORNER, 1 FOOT WESTERLY ON LINE, THENCE, S 00°30'20" E, 368.59 FEET, TO A 1/2" IRON PIPE SET BY THE CORPS OF ENGINEERS, THENCE, S 89°24'18" W, 179.36 FEET, TO A 5/8" IRON ROD WITH A RED PLASTIC CAP SET IN CS# 40088, THENCE, S 89°24'18" W, 30.00 FEET, TO A POINT AND THE CENTERLINE OF COUNTY ROAD NO. 886, THENCE, N 00°33'09" W, 368.67 FEET, TO A POINT AND THE CENTERLINE OF COUNTY ROAD NO. 886, THENCE, N 89°25'36" E, 30.00 FEET, TO A 5/8"X30" IRON ROD WITH AN ALUMINUM CAP, THENCE, N 89°25'36" E, 178.66 FEET TO A 5/8"X30" IRON ROD WITH AN ALUMINUM CAP FOR A WITNESS CORNER TO THE POINT OF BEGINNING, THENCE, N 89°25'36" E, 1.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2 ACRES: 1.77

NARRATIVE

PURPOSE

THE PURPOSE OF THIS SURVEY IS TO CREATE '2' PARCELS OF LAND FROM THE PRIMARY PARCEL, AS REQUESTED BY THE FOREST SUPERVISOR FOR THE WILLAMETTE NATIONAL FOREST.

PERTINENT SURVEY / DEED HISTORY

1950's - The Corps of Engineers surveyed the property and set iron pipes at the corners

1957 - The Corps of Engineers transferred three (3) parcels of land to the U.S Forest Service. (These transfers were not filed in the County)

1959 - William Hutchison in CS# 11106 completed a subdivision survey to the south and east of the Forest Service properties in which he made ties to the "MONUMENTS SET BY U.S GOV'T SURVEYORS."

1984 - Al Reid(RLS 959) in CS# 26785 found and set corners to define the U.S. Forest Service property

2006 - Dennis Crowe(RLS 845) in CS# 40088 platted the Apple Creek I subdivision. (working for GEOMAX, Engineering)

REVIEWED BY	
<i>John Ransom</i>	7/15/09
SIGNATURE	DATE
I CERTIFY THAT THIS SURVEY WAS PERFORMED AT THE REQUEST OF THE WILLAMETTE NATIONAL FOREST SUPERVISOR	
<i>Scott J. Huidt</i>	7/15/09
SIGNATURE	DATE

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 18, 1980
MICHAEL J. SCHWARTZ
1922

EXPIRATION DATE: JUNE 30, 2010

TAX LOTS 6500,
MAP 19-01-11-33

PLOTTER: HP DESIGNJET 500
INK: BLACK C4844a
MEDIA: CONTINENTAL MILANO, JPC-4M1

Lane County Clerk
Lane County Deeds and Records

2011-037361



\$112.00

01239308201100373610110119

08/18/2011 10:57:03 AM

RPR-DEED Cnt=1 Stn=8 CASHIER 02
\$55.00 \$20.00 \$11.00 \$16.00 \$10.00

WIL#158 - Lowell Vacant Lot

When Recorded Mail To:
BJ Real Properties, L.L.C.
38015 Wheeler RD
Dexter, OR 97431

Send Tax Statement To:
BJ Real Properties, L.L.C.
38015 Wheeler RD
Dexter, OR 97431

7194-1740349

After Recording Return To
First American Title
PO Box 10146
Eugene, OR 97440

QUITCLAIM DEED

THIS DEED, made this 10TH day of AUGUST, 2011, between the **UNITED STATES OF AMERICA**, acting through the Forest Service, Department of Agriculture, hereinafter called Grantor, and **BJ Real Properties, L.L.C., an Oregon Limited Liability Company**, hereinafter called Grantee.

WITNESSETH: The Grantor, as authorized by the Forest Service Facility Realignment and Enhancement Act of 2005 as amended (Title V, P.L. 109-54), the provisions of which have been met, has determined that the conveyance is in the public interest.

NOW THEREFORE, the Grantor, for and in consideration of **SEVENTY FIVE THOUSAND DOLLARS (\$ 75,000.00)**, the receipt whereof is hereby duly acknowledged, does hereby remise, release, and quitclaim unto the Grantee, its successors and assigns, all right, title, interest, and claim in and to the real property situated in the County of Lane, State of Oregon, a parcel more particularly described as follows:

A portion of those lands transferred by the U.S. Army Corps Of Engineers(COE) to the U.S. Department of Agriculture under the authority of the Federal Property and Administrative Services Act of 1949 in a letter of acceptance dated November 6, 1957, being a portion of those lands that the United States of America acquired from E.C. and Cora Hayes, husband and wife, and C.M. Hayes and Anna Hayes, husband and wife, dated, August 5, 1947, as recorded in Lane County Deed Records, Book 355, Page 9. The boundaries of these parcels were surveyed in 1984 in Lane County Survey No. 26785 and subsequently surveyed in Lane County Survey File No. 41561 as part of Land Partition Plat No. 2009-P2377, and designated as Parcel 2 of said Partition.

PARCEL 2 OF PARTITION

T.19 S., R.1 W., W.M.

A portion of Section 11, more particularly described as follows per County Survey File No. 41561

COMMENCING at a point which was the former northeast corner of the Town of Lowell as the same platted and recorded in Volume 4, page 357, Lane County Oregon Plat records, THENCE,
North 24°30'50" West 1,370.31 feet, to the southeast corner of the parcel from the COE, THENCE,
South 89°33'27" West, 150.00 feet, to the southwest corner of the same parcel, THENCE,

Approved as to description, consideration, reservations or conditions, and form.
Name: *[Signature]* Date: 8/2/11

WIL#158 - Lowell Vacant Lot

South 89°20'52" West, 50.17 feet, to an aluminum post and cap set in CSF# 26785,
 THENCE,
 South 89°25'36" West, 149.89 feet to a ½" iron pipe set by the COE, THENCE,
 South 00°30'20" East, 30.00 feet, to a point and the TRUE POINT OF BEGINNING for
 this parcel, THENCE,
 South 00°30'20" East, 368.59 feet, to a 1/2" iron pipe set by the COE, THENCE,
 South 89°24'18" West, 179.36 feet, to a 5/8" iron rod with a red plastic cap set in CSF
 No. 40088, THENCE,
 South 89°24'18" West, 30.00 feet, to a point and the centerline of County Road No. 886,
 THENCE,
 North 00°33'09" West, 368.67 feet, to a point and the centerline of County Road No. 886,
 THENCE,
 North 89°25'36" East, 30.00 feet, to a 5/8"x30" iron rod with an aluminum cap,
 THENCE,
 North 89°25'36" East, 178.66 feet, to a 5/8"x30" iron rod with an aluminum cap for a
 Witness Corner to the true corner point, THENCE,
 North 89°25'36" East, 1.0 feet, to the Point of Beginning.

Said Parcel containing 1.77 acres, more or less. (0.25 acres in County Road ROW)

TOGETHER WITH, an appurtenant easement for a perpetual 20 foot road easement
 (10 feet each side of the described centerline) as reserved by the United States in a Quit
 Claim Deed to the State of Oregon recorded March 9, 2011 in the Lane County Deeds
 and Records as File No. 2011-011645. and as depicted on Land Partition Plat No.
 2009-P2377, recorded on July 20, 2009, Lane County Survey Records. The referenced
 Partition Plat, location description and terms are contained in Exhibit A and B attached
 to this deed.

SUBJECT TO:

- A.** Subject to County Road No. 886 over the western 30 feet of the property.
- B.** CERCLA Notice and Covenant Regarding Hazardous Substances. The notice and
 covenants contained in this Clause are required under the authority of regulations
 promulgated under section 120(h) of the Comprehensive Environmental Response,
 Compensation, and Liability Act, 42 U.S.C. 9620(h). The **GRANTOR** has completed a
 a Phase 1 Environmental Site Assessment (ESA) and Update, and has furnished the
GRANTEE with the following reports on the property: All Appropriate Inquiry, Lowell
 Warehouse, May 15, 2006, and Pre-Conveyance Environmental Site Assessment Update,
 Lowell Warehouse, June 30, 2010, both by Douglas C. Shank, Forest Geologist and
 Environmental Professional.

Pursuant to Section 120(h)(3)(A)(ii) of the Comprehensive Environmental Response,
 Compensation, and Liability Act, 42 U.S.C. § 9620(h)(3)(A)(ii), the United States warrants
 that:

- (1) All response action necessary to protect human health and the environment with
 respect to any hazardous substance remaining on the Property has been taken before the
 date of this conveyance; and

(2) it shall take any additional response action found to be necessary after the date of this conveyance regarding hazardous substances located on the Property on the date of the conveyance.

This covenant shall not apply in any case in which **GRANTEE**, its heir(s), successor(s) or assign(s), or any successor in interest to the Property or part thereof is a Potentially Responsible Party (PRP) with respect to the Property immediately prior to the date of this conveyance; **OR** to the extent but only to the extent that such additional response action or part thereof found to be necessary is the result of an act or failure to act of the **GRANTEE**, its successor(s) or assign(s), or any party in possession after the date of this conveyance that either:

- i. results in a release or threatened release of a hazardous substance that was not located on the Property on the date of this conveyance; **OR**
- ii. causes or exacerbates the release or threatened release of a hazardous substance the existence and location of which was known and identified to the **GRANTEE** as of the date of this conveyance.

In the event **GRANTEE**, its heir(s), successor(s) or assign(s) seeks to have **GRANTOR** conduct or pay for any additional response action, and, as a condition precedent to **GRANTOR** incurring any additional cleanup obligation or related expenses, the **GRANTEE**, its heir(s), successor(s) or assign(s), shall provide **GRANTOR** at least 45 days written notice of such a claim and provide credible evidence that the associated contamination existed prior to the date of this conveyance; and the need to conduct any additional response action or part thereof was not the result of any act or failure to act by the **GRANTEE**, its heir(s), successor(s) or assign(s), or any party in possession.

GRANTOR reserves a right of access to all portions of the Property for environmental investigation, remediation removal or other corrective action. This reservation includes the right of access to and use of available utilities at reasonable cost to **GRANTOR**. These rights shall be exercisable in any case in which a remedial action, removal action or corrective action is found to be necessary after the date of this conveyance, or in which access is necessary to carry out a remedial action, removal action, or corrective action on adjoining property. Pursuant to this reservation, the United States of America, and its respective officers, agents, employees, contractors and subcontractors shall have the right (upon reasonable advance written notice to the record title owner) to enter upon the Property and conduct investigations and surveys, to include drilling, test-pitting, borings, data and records compilation and other activities related to environmental investigation, and to carry out corrective, remedial or removal actions as required or necessary, including but not limited to the installation and operation of monitoring wells, pumping wells, and treatment facilities. Any such entry, including such activities or actions, shall be coordinated with the record title owner and shall be performed in a manner that minimizes interruption with activities of authorized occupants.

C. The **GRANTEE**, its heir(s), successor(s) or assign(s) hereby agrees to comply with any and all applicable Federal, State, and local laws relating to the management of lead-based paint and asbestos-containing building material associated with the property, including but

not limited to, any such laws relating to the mitigation, abatement, remediation, cleanup, renovation, demolition, and disposal of lead-based paint and asbestos-containing building material. **THE GRANTEE** further acknowledges that **THE UNITED STATES OF AMERICA** has taken all actions required under all Federal and State laws and regulations which are now in effect and which pertain to the investigation, assessment, and disclosure of lead-based paint or lead-based paint hazards.

D. The **GRANTEE**, its heir(s), successor(s), and assign(s) hereby agrees to indemnify, release, defend, and hold harmless the United States, its agencies, employees, agents, assigns, and successors from and against any liability, judgment, claim, penalty, fine, or other adverse action (whether legal or equitable in nature, and including without limitation, court costs and attorneys' fees) brought against the United States after the date of this agreement by any person or entity under any Federal, State, or local law, including but not limited to environmental and tort laws, with respect to; (a) any lead-based paint and/or asbestos-containing building material associated with the property; (b) violations of Federal, State, and local laws and regulations which are now or may in the future become applicable to the property, subject to the remedial action, covenant, and warranty provided above by **THE UNITED STATES OF AMERICA** in accordance with 42 U.S.C § 9620(h); and (c) releases or threatened releases on the property, or into the environment, of solid or hazardous waste, hazardous substances, or oil or petroleum products or their derivatives, after the date of this Deed.

This covenant to indemnify, release, defend, and hold harmless the United States shall survive the subsequent conveyance of all or any portion of the property to any person and shall be construed as running with the real property, and may be enforced by the United States in a court of competent jurisdiction.

The above covenants by the **GRANTEE** shall be construed as running with the land and may be enforced by the **GRANTOR** in a court of competent jurisdiction.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

WIL#158 - Lowell Vacant Lot

BY MY SIGNATURE I agree to be bound by the requirements of Clause B, C, and D above.

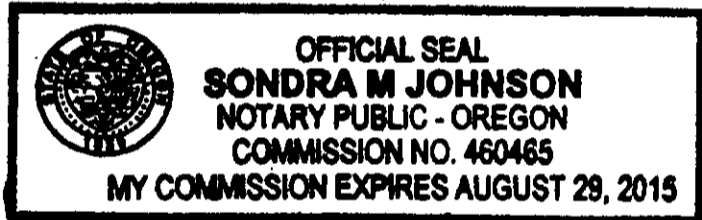
By: Joseph Eisel
Joseph Eisel
Title: Member and Manager

ACKNOWLEDGMENT

STATE OF OREGON)
County of Lane)ss.

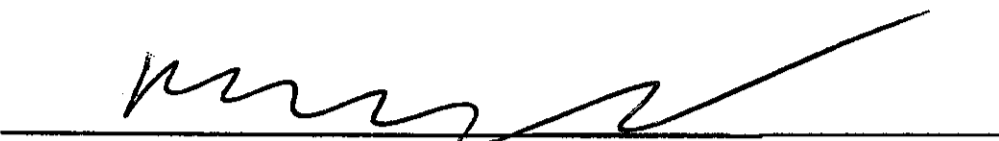
On this 5 day of August, 2011, before me, the undersigned, a Notary Public in and for said State personally appeared Joseph Eisel, known/proved to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Sondra Johnson
Signature
Name (Printed) Sondra Johnson
Notary Public for the State of OR
Residing at _____
My commission expires 8/29/2015

BY MY SIGNATURE I agree to be bound by the requirements of Clause B, C, and D above.

By: 
Brian Way
Title: Member and Manager

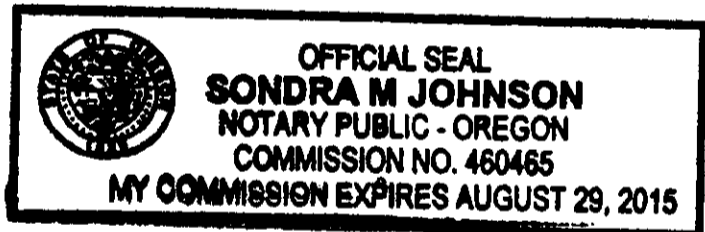
ACKNOWLEDGMENT

STATE OF OREGON)
County of Lane)ss.

On this 5 day of August, 2011, before me, the undersigned, a Notary Public in and for said State personally appeared Brian Way, known/proved to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

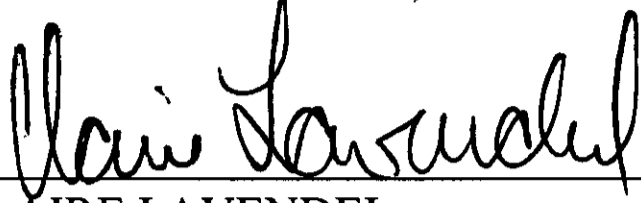

Signature



Name (Printed) Sondra Johnson
Notary Public for the State of OR
Residing at _____
My commission expires 8/29/2015

IN WITNESS WHEREOF, the **GRANTOR**, by its duly authorized representative has executed this deed pursuant to the delegation of authority promulgated in Title 7 CFR 2.60, and 49 F.R. 34283, published August 29, 1984, on the day and year first above written.

UNITED STATES OF AMERICA



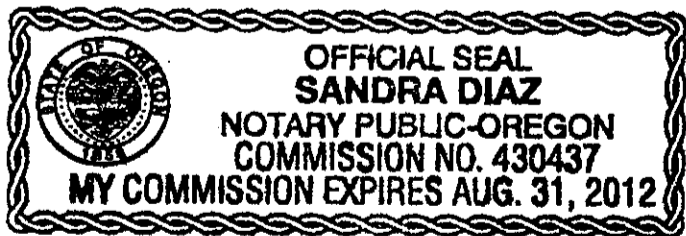
 CLAIRE LAVENDEL
 Director, Recreation, Lands, Minerals, Heritage, and
 Wilderness Resources
 Pacific Northwest Region
 USDA Forest Service


ACKNOWLEDGMENT

STATE OF OREGON)
) ss.
 County of MULTNOMAH

On this 10TH day of AUGUST, 2011, before me, a Notary Public within and for said State, personally appeared Claire Lavendel, Director, Recreation, Lands, Minerals, Heritage and Wilderness Resources, Pacific Northwest Region, Forest Service, Department of Agriculture, and the same person who executed the within and foregoing instrument, who, being by me duly sworn according to law, did say that she is the Director, Recreation, Lands, Minerals, Heritage, and Wilderness Resources, Pacific Northwest Region, Forest Service, Department of Agriculture, and that said instrument was signed on behalf of the United States of America by its authority duly given and by her delivered as and for its act and deed. And she did further acknowledge that she executed said instrument as the free act and deed of the United States of America, for the purposes and consideration herein mentioned and set forth, and I do hereby so certify.

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





 Signature
 Name (Printed) SANDRA DIAZ
 Notary Public for the State of Oregon
 Residing at BEAVERTON OR
 My commission expires 8/31/2012

EXHIBIT A

WIL#158 - Lowell Vacant Lot

**PARTITION PLAT
FOR THE
WILLAMETTE NATIONAL FOREST
IN THE SW¹/₄SW¹/₄, SEC. 11
T.19 S., R.1 W., W.M.
LOWELL, LANE COUNTY, OR
JUNE 18, 2009**

LAND PARTITION PLAT NO. **2009-P2377**

LANE COUNTY SURVEYORS OFFICE
CSP# NO. 41561
FILE DATE 20 Jul '09 C

LEGEND

- FOUND IRON PIPE AND EITHER ALUMINUM OR BRASS CAP PER CSP #28785
- FOUND IRON PIPE PER CSP# 28785 (CORPS OF ENGINEERS)
- FOUND IRON ROD AND RED PLASTIC CAP PER CSP# 40080 (APPLE CREEK T/SUBDIVISION)
- SET A 1/2" X 1/2" IRON ROD WITH A 1/2" ALUMINUM CAP MARKED AS SHOWN.
- EXISTING PROPERTY LINES
- PARTITION LINE BETWEEN PARCELS 1 & 2
- RIGHT-OF-WAY LINE FOR MOSS STREET
- - - APPROXIMATE LOT LINES APPLE CREEK (SHOWN IN DETAILS)

RECORDED
DATE: 20 Jul '09
COUNTY CLERK
BY: John O'Connell

APPROVALS

LANE COUNTY
[Signature] 7-20-09
MICHAEL JACKSON DATE
LANE COUNTY SURVEYOR

[Signature] 7/20/09
LANE COUNTY ASSESSOR DATE

CITY OF LOWELL
[Signature] 7/15/09
CHARLES F. SPRES DATE
CITY ADMINISTRATOR

OWNER'S DECLARATION

KNOW ALL PEOPLE THAT THE WILLAMETTE NATIONAL FOREST BY THE FOREST SUPERVISOR IS THE OWNER OF THE LAND HEREIN DESCRIBED AND WHO CAUSE THE SAME TO BE PARTITIONED AND PLATTED ACCORDING TO THE PROVISIONS OF THE OREGON REVISED STATUTES, CHAPTER 92.

THE OWNER WILL CREATE A PRIVATE ROAD EASEMENT FROM PARCEL 1 TO PARCEL 2 UPON THE SALE OF SAID PARCELS. THE OWNER ALSO ACKNOWLEDGES ANY EXISTING EASEMENTS FOR LANE COUNTY OR THE CITY OF LOWELL.

[Signature]
SCOTT G. FITZWILLIAMS
ACTING FOREST SUPERVISOR
WILLAMETTE NATIONAL FOREST

ACKNOWLEDGMENT

STATE OF OREGON
COUNTY OF LANE

THERE PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED SCOTT G. FITZWILLIAMS, WILLAMETTE NATIONAL FOREST, ACTING FOREST SUPERVISOR, WHO IS KNOWN TO ME TO BE THE INDIVIDUAL WHO EXECUTED THE ABOVE INSTRUMENT AND HAVE ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED

ACKNOWLEDGED BEFORE ME ON THIS 15th DAY OF July, 2009

[Signature]
KIMBERLY A. WILLIAMS
NOTARY PUBLIC FOR OREGON
COMMISSION NO. 426719
MY COMMISSION EXPIRES: MARCH 9, 2012

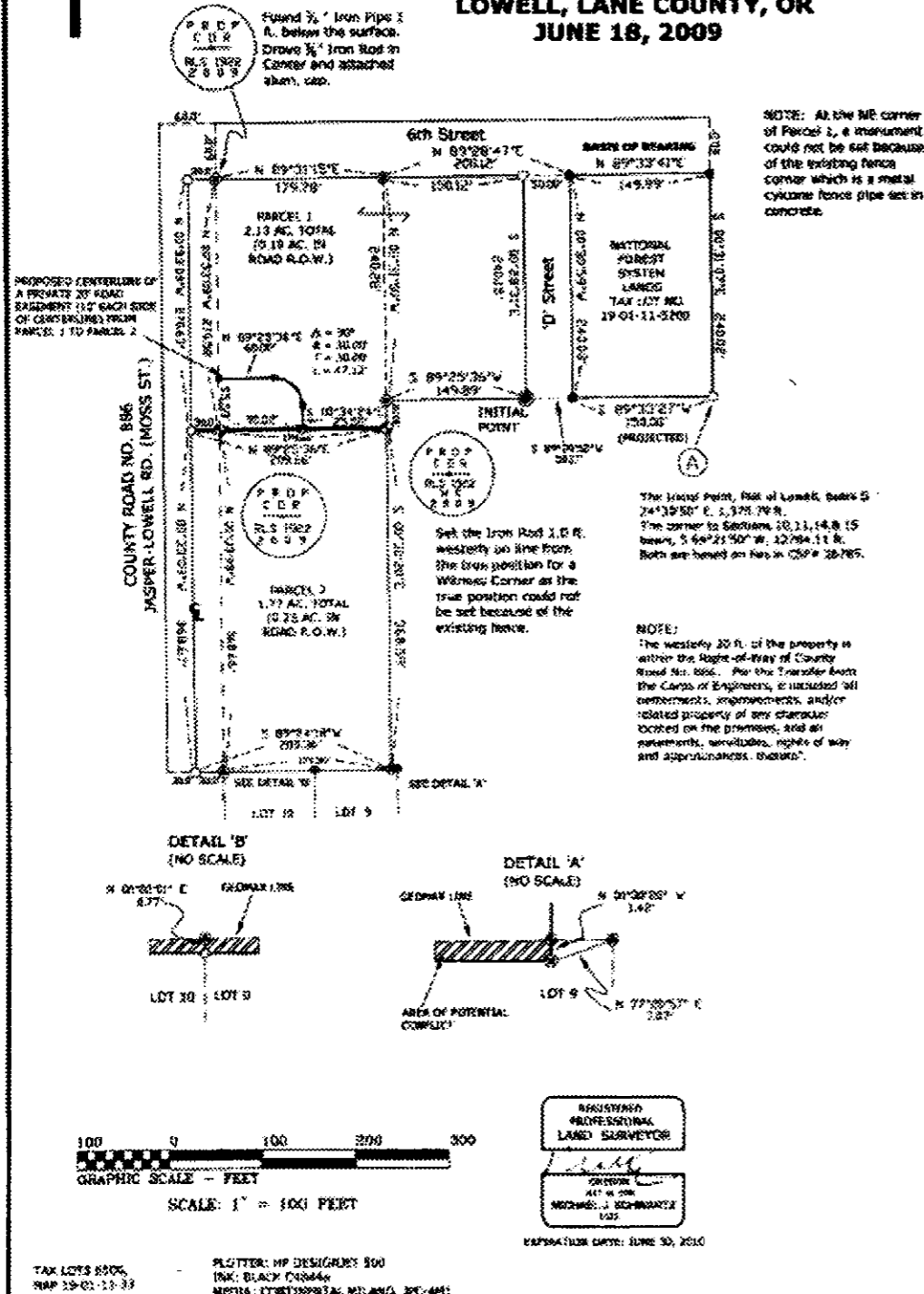
GENERAL NOTES:

1) The minimum setback requirements for development adjoining Moss Street (County Road No. 856) shall be five(5) feet greater than established by the Lowell Development Code in the event the County would need to acquire an additional five (5) feet of right-of-way.

2) For future development or redevelopment of the property, this may require off-site public improvements to be constructed or a waiver of reimbursement to construction of public improvements, including but not limited to curbs, gutters, sidewalks, and storm drains, within the 'D' Street, 6th Street, and/or Moss Street rights-of-way adjoining the property.

Division of Chief Deputy Clerk
Lane County Deeds and Records
2009-041677
\$51.00
07/20/2009 01:14:25 PM
RFB-PWT Ocas: Sanel CRONER OS
840.00 \$10.00 \$11.00

SHEET 1 OF 2



Page 8 of 10

EXHIBIT B

The following describes a reserved perpetual 20 foot Road Easement (10 feet each side of the described centerline) over Parcel 1, to allow for access to Parcel 2, as depicted on Land Partition Plat No. 2009-P2377, recorded on July 20, 2009, Lane County Surveyor Records.

Beginning at the Initial Point as denoted on the Partition survey under CSF No. 41561, THENCE,
 South 89°25'36" West, a distance of 149.89 feet, THENCE,
 South 00°30'20" East, a distance of 30.00 feet, THENCE,
 South 89°25'36" West, a distance of 179.66 feet to a point on the right-of-way line for County Road No. 886, THENCE,
 North 00°33'09" West, along the right-of-way line for County Road No. 886 a distance of 55.58 feet to the TRUE POINT OF BEGINNING and the centerline of said Easement THENCE,
 North 89°25'36" East, a distance of 60.00 feet to a point, THENCE,
 Along a curve to the right, a distance of 47.12 feet, with a Radius of 30.00 feet, and a Central Angle of 90°00'00", THENCE,
 South 00°34'24 East, a distance of 25.58 feet to the south line of Parcel 1 and north line of Parcel 2 of said Partition.

The United States and its assigns shall have all rights of ingress and egress to and from the real estate, that being Parcel 2 of the Partition Plat No. 2009-P2377, (including the right from time to time, except as herein provided, to cut, trim and remove trees, brush, overhanging branches and other obstructions) necessary for the its use, enjoyment, operation and maintenance of the easement hereby reserved and all rights and privileges incident thereto.

Except as to the rights herein reserved, the State of Oregon, acting by and through its Oregon Parks and Recreation Commission on behalf of the Oregon Parks and Recreation Department shall have the full use and control of the lands described as Parcel 1 of the Partition Plat No. 2009-P2377.

The United States shall receive and consider any third party claims arising from its use of the easement reserved under the Federal Tort Claims Act. Provided, however, should Parcel 2 of the Partition Plat No. 2009-P2377 be conveyed out of Federal ownership "together with" the reserved easement, the assignee of the easement agrees to save and hold the State of Oregon harmless from any and all claims of third parties arising from the assignee's use of the easement reserved herein.

During the existence of this easement, maintenance of the easement and costs of repair of the easement, if damaged by natural disasters or other events for which all holders of an interest in the easement are blameless, shall be that of both parties commensurate with use.

WIL#158 - Lowell Vacant Lot

During the existence of this easement, holders of an interest in the easement who are responsible for damage to the easement because of negligence or abnormal use shall repair the damage at their sole expense.

This easement reservation shall bind and inure to the benefit, as the circumstances may require, not only the parties hereto but also their respective heirs, executors, administrators, assigns, and successors in interest.

Lane County Property Taxes Due Report

Tax Account # 1835931
Alternate Property # (maplot) 19-01-11-33-06502
Tax Code Area (TCA) 07107
Location
Taxpayer BJ REAL PROPERTIES LLC
 38015 WHEELER RD
 DEXTER, OR 97431

Property Values & Taxes

Real Market Value (RMV)

	Land	Improvement	Total	Total Assessed Value	Tax
2021	96,034	0	96,034	94,835	1,255.35
2020	97,220	0	97,220	92,073	1,235.94

Current Year Assessed Value 94,835.00
Less Exemption Amount (0.00)
Taxable Value 94,835.00
Frozen Assessed Value 0.00

Exemption Type

Account Status

Account Status **Account Status Notes**

- Active Account Current Tax Year

Remarks none

Taxes Due for Account # 1835931

Delinquent Interest (if applicable) Computed Through: 11/25/2021

The tax shown is the amount certified in October unless a value change has been processed on the property, resulting in a tax correction. Value changes typically occur as a result of appeals, clerical errors and omitted property.

Year	Description	Tax	Min. Due	Bal. Due	Due Date
2021	Property Tax Principal	1,255.35	0.00	0.00	11/15/2021

Taxes & Assessments due for Account Number 1835931: \$0.00

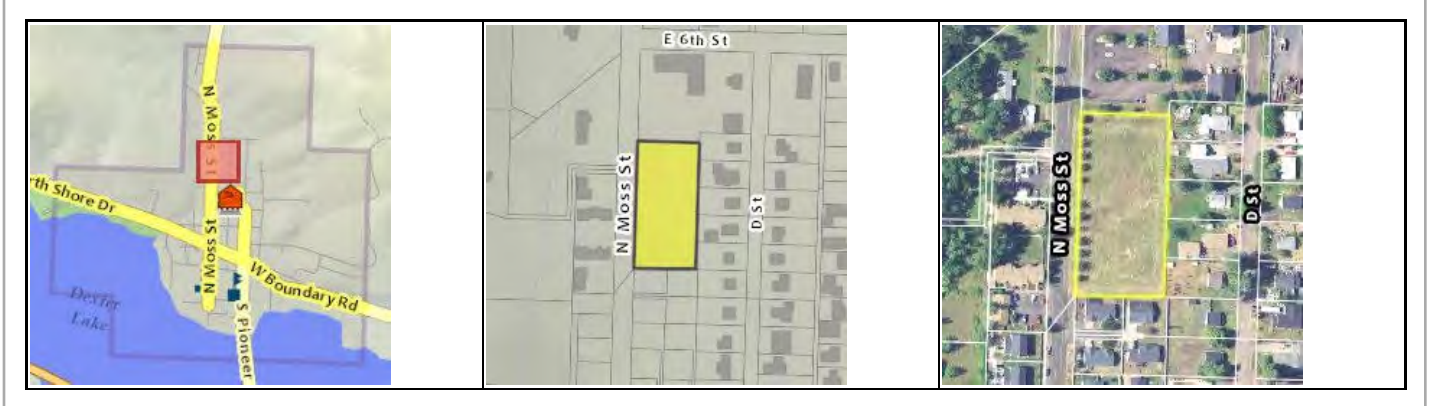
Detailed Property Report

Site Address N/A
Map & Taxlot# 19-01-11-33-06502
SIC N/A
Tax Account# 1835931

Property Owner 1
 BJ Real Properties LLC
 38015 Wheeler Rd
 Dexter, OR 97431
 Tax account acreage 1.52
 Mapped taxlot acreage† 1.53

† Mapped Taxlot Acreage is the estimated size of a taxlot as derived from the county GIS taxlot layer, and is not to be used for legal purposes.

Map & Taxlot # 19-01-11-33-06502



Business Information

RLID does not contain any business data for this address

Improvements

No assessor photos, assessor sketches or building characteristic information is available for this tax account.

Site Address Information

No site address associated with this tax account number

General Taxlot Characteristics

Geographic Coordinates
 X 4319894 Y 831124 (State Plane X,Y)
Latitude 43.9246 **Longitude** -122.7827

Zoning
Zoning Jurisdiction Lowell
 Lowell
Parent Zone PL Public Land

Land Use
General Land Use

Code	Description
data not available	data not available

Detailed Land Use

Code	Description
data not available	data not available

Taxlot Characteristics
 Incorporated City Limits Lowell
 Urban Growth Boundary Lowell
 Year Annexed 1954
 Annexation # Unknown/No ID
 Approximate Taxlot Acreage 1.53
 Approx Taxlot Sq Footage 66,647
 Plan Designation Public Land
 Eugene Neighborhood N/A
 Metro Area Nodal Dev Area No
 Septic data not available
 Well data not available
 Landscaping Quality Average
 Historic Property Name N/A
 City Historic Landmark? No
 National Historical Register? No

Service Providers

Fire Protection Provider Lowell Rural Fire Protection District
 Ambulance Provider Eugene Springfield Fire
 Ambulance District EC
 Ambulance Service Area East/Central
 LTD Service Area? Yes
 LTD Ride Source? Yes

Environmental Data

FEMA Flood Hazard Zone

Code Description

X Areas determined to be outside of 500-year flood.

FIRM Map Number 41039C1695F
 Community Number 039C
 Post-FIRM Date data not available
 Panel Printed? Yes

Soils

Soil Map Unit#	Soil Type Description	% of Taxlot	Ag Class	Hydric %
52B	Hazelair Silty Clay Loam, 2 to 7 Percent Slopes	100%	3	4

Schools

	Code	Name
School District	71	Lowell
Elementary School	598	Lundy
Middle School	599	Lowell
High School	599	Lowell

Political Districts

Election Precinct	764	State Representative District 7	Emerald PUD Board Zone	N/A
City Council Ward	N/A	State Representative Cedric Hayden	Heceta PUD Board Zone	N/A
City Councilor	N/A	State Senate District 4	Central Lincoln PUD Board Zone	N/A
County Commissioner District 5 (East Lane)		State Senator Floyd Prozanski	Soil Water Cons. Dist/Zone	Upper Willamette / 5
County Commissioner	Heather Buch		Creswell Water Control District	data not available
EWEB Commissioner	N/A			
LCC Board Zone	4			

Census Information

The information provided below is only a small sampling of the information available from the US Census Bureau. The links at the end of each section below will take you to source tables at American Fact Finder, with additional details. Those links will take you to the most current estimates, but estimates for several previous years will also be available.

To view more Census detail about this tract, visit [Census Reporter](#).

Demographic Characteristics	Tract 1600		Lowell		Lane County		Oregon	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Total Population	4,991	+/-490	1,240	+/-292	363,471	*****	4,025,127	*****
Percent age 5 and Under	4.7%	+/-1.9	7.7%	+/-4.0	5.0%	*****	5.8%	+/-0.1
Percent Age 18 and Over	81.3%	+/-3.5	70.9%	+/-7.7	81.0%	*****	78.5%	+/-0.1
Percent Age 65 and Over	19.7%	+/-3.7	16.2%	+/-7.0	17.7%	+/-0.1	16.3%	+/-0.1
Median Age	48.7	+/-3.3	39.8	+/-7.2	39.4	+/-0.2	39.2	+/-0.2

For a complete breakdown of population by age, gender, race, ethnicity and more, visit [American Fact Finder](#).

Housing Characteristics	Tract 1600		Lowell		Lane County		Oregon	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Occupied Housing Units	1,909	+/-142	445	+/-79	148,752	+/-787	1,571,631	+/-4,213
Vacant Housing Units	313	+/-125	14	+/-19	11,688	+/-774	161,410	+/-3,975
Percent Owner Occupied Housing Units	85.2%	+/-4.9	88.8%	+/-6.4	58.8%	+/-0.7	61.7%	+/-0.3
Percent Renter Occupied Housing Units	14.8%	+/-4.9	11.2%	+/-6.4	41.2%	+/-0.7	38.3%	+/-0.3
Homeowner Vacancy Rate	0.0%	+/-1.9	0.0%	+/-7.9	1.3%	+/-0.3	1.5%	+/-0.1
Rental Vacancy Rate	0.0%	+/-10.9	0.0%	+/-41.9	3.9%	+/-0.7	3.7%	+/-0.2
Median House Value (dollars)	241,400	+/-40,807	172,400	+/-20,089	232,800	+/-2,334	265,700	+/-1,159
Median Monthly Mortgage (dollars)	1,218	+/-107	1,103	+/-80	1,454	+/-16	1,594	+/-6
Median Monthly Rent (dollars)	854	+/-78	1,021	+/-265	921	+/-11	988	+/-4

For a complete breakdown of housing by tenure, number of bedrooms, year built and more, visit [American Fact Finder](#).

Economic Characteristics	Tract 1600		Lowell		Lane County		Oregon	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Median Household Income (dollars)	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Unemployment Rate	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Poverty Rate	13.4%	+/-4.4	6.4%	+/-3.5	18.8%	+/-0.7	14.9%	+/-0.3

For a complete breakdown of incomes, poverty, employment, commute patterns and more, visit [American Fact Finder](#).

Social Characteristics	Tract 1600		Lowell		Lane County		Oregon	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Percent Bachelor Degree or Higher	23.4%	+/-4.5	22.9%	+/-7.4	29.6%	+/-0.6	32.3%	+/-0.2
Percent High School Graduate or Higher	89.8%	+/-4.5	91.1%	+/-4.7	91.5%	+/-0.5	90.2%	+/-0.2

For a complete breakdown of educational attainment, school enrollment, marital status, ancestry and more, visit [American Fact Finder](#).

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

Explanation of Symbols:

An '*****' entry in the margin of error column indicates that the estimate is controlled, and a margin of error is not provided.

Liens

None. RLID displays liens issued by Cottage Grove, Florence, the City of Springfield and Springfield Utility Board. Additional liens can be found in Deeds and Records.

Building Permits

RLID does not contain any building permit data for this jurisdiction

Land Use Applications

RLID does not contain any landuse application data for this jurisdiction

Petitions

RLID does not contain any petition data for this jurisdiction

Tax Statements & Tax Receipts

Account#: 1835931

View tax statement(s) for: [2021 2020](#)

Tax Receipts

Receipt Date	Amount Received	Tax	Discount	Interest	Applied Amount
11/02/2021	\$1,217.69	\$1,217.69	\$37.66	\$0.00	\$1,255.35
10/27/2020	\$1,198.86	\$1,198.86	\$37.08	\$0.00	\$1,235.94
11/12/2019	\$1,177.84	\$1,177.84	\$36.43	\$0.00	\$1,214.27
11/06/2018	\$1,132.53	\$1,132.53	\$35.03	\$0.00	\$1,167.56
11/07/2017	\$983.78	\$983.78	\$30.43	\$0.00	\$1,014.21
11/08/2016	\$932.83	\$932.83	\$28.85	\$0.00	\$961.68

Data source: Lane County Assessment and Taxation

Owner/Taxpayer

Owners

Owner	Address	City/State/Zip
BJ Real Properties LLC	38015 Wheeler Rd	Dexter, OR 97431

Taxpayer

Party Name	Address	City/State/Zip
BJ Real Properties LLC	38015 Wheeler Rd	Dexter, OR 97431

Data source: Lane County Assessment and Taxation

Account Status

Status Active Account Current Tax Year

Account Status	none
Remarks	none
Special Assessment Program	N/A

Data source: Lane County Assessment and Taxation

General Tax Account Information

Tax Account Acreage	1.52
Fire Acres	N/A
Property Class	100 - Residential, vacant
Statistical Class	N/A
Neighborhood	711500 - Lowell Urban Mixed Grade
Category	Land and Improvements

Data source: Lane County Assessment and Taxation

Township-Range-Section / Subdivision Data

Subdivision Type	Partition Plat	Subdivision Name	2009-P2377	Subdivision Number	N/A
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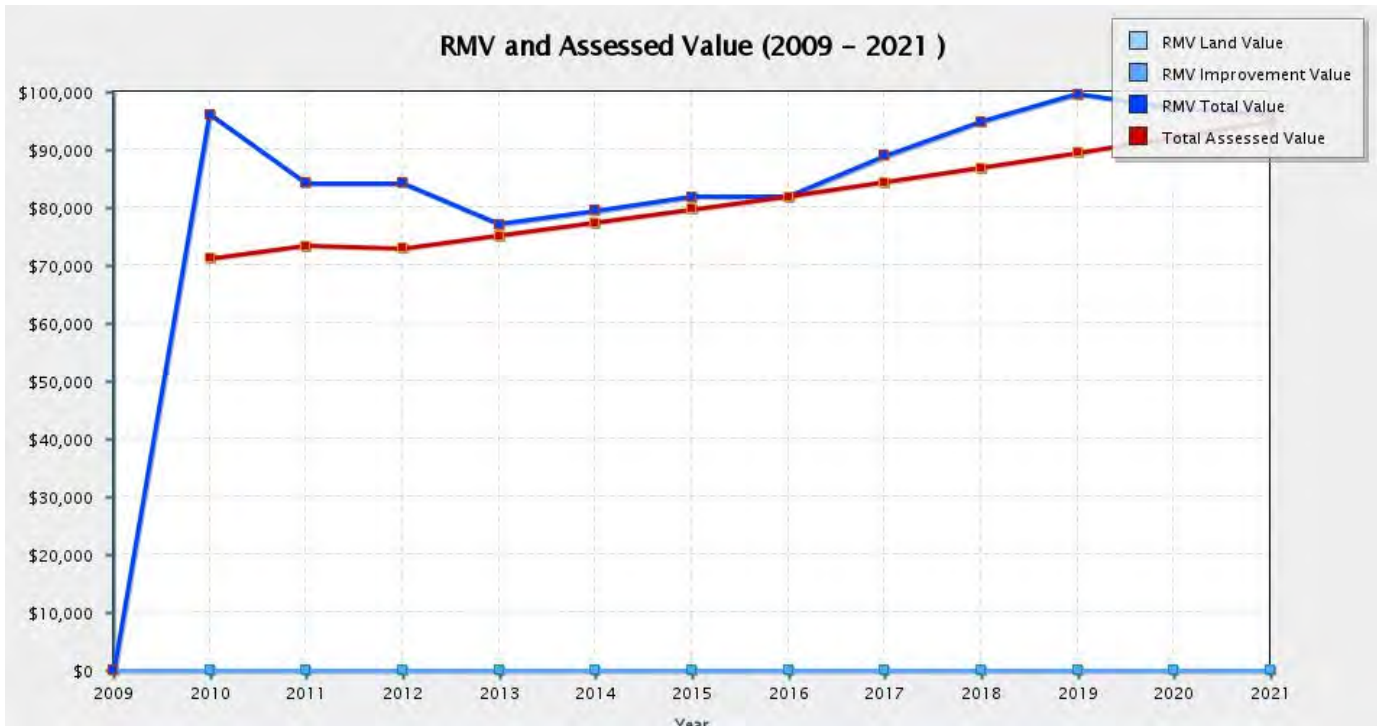
Phase N/A Lot/Tract/Unit # Parcel 2 TL 06502 Recording Number 2009-041672

Data source: Lane County Assessment and Taxation

Property Values & Taxes

The values shown are the values certified in October unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The tax shown is the amount certified in October. This is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing or previous years owing. It also does not reflect any value changes.

Year	Real Market Value (RMV)			Total Assessed Value	Tax
	Land	Improvement	Total		
2021	\$96,034	\$0	\$96,034	\$94,835	\$1,255.35
2020	\$97,220	\$0	\$97,220	\$92,073	\$1,235.94
2019	\$99,591	\$0	\$99,591	\$89,392	\$1,214.27
2018	\$94,849	\$0	\$94,849	\$86,789	\$1,167.56
2017	\$88,921	\$0	\$88,921	\$84,261	\$1,014.21
2016	\$81,807	\$0	\$81,807	\$81,807	\$ 961.68
2015	\$81,807	\$0	\$81,807	\$79,667	\$ 957.81
2014	\$79,436	\$0	\$79,436	\$77,347	\$ 941.34
2013	\$77,065	\$0	\$77,065	\$75,094	\$ 914.10
2012	\$84,178	\$0	\$84,178	\$72,907	\$ 894.34
2011	\$84,178	\$0	\$84,178	\$73,296	\$ 0.00
2010	\$96,034	\$0	\$96,034	\$71,161	\$ 0.00
2009	\$0	\$0	\$0	\$0	\$ 0.00



Current Year Assessed Value \$94,835
 Less Exemption Amount * N/A
 Taxable Value **\$94,835**
 * Frozen Assessed Value

Data source: Lane County Assessment and Taxation


Tax Code Area & Taxing Districts

Tax Code Area (Levy Code) for current tax year 07107
 Taxing Districts for TCA 07107
 City of Lowell
 Lane Community College
 Lane County
 Lane Education Service District
 Lowell Rural Fire Protection District
 Lowell School District 71
 Upper Willamette Soil & Water

****NOTE** Lane County Assessment and Taxation Tax Code Area & Taxing Districts reflect the current certified year. The **Billing Rate Document** may still reference the prior year's rates and details until we receive the current report from Lane County.

Data source: Lane County Assessment and Taxation

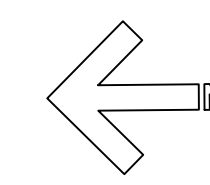
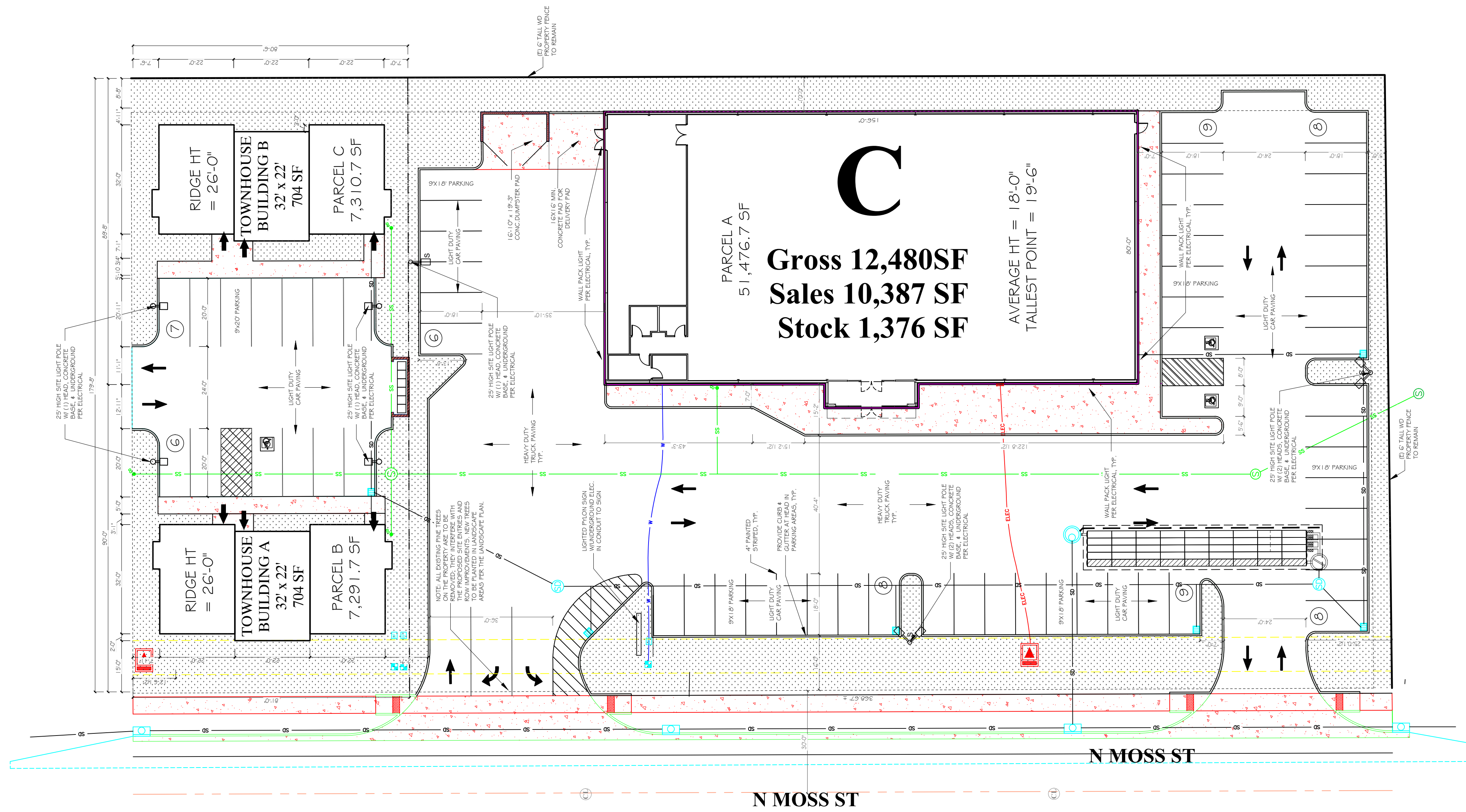
Sales & Ownership Changes

Sale Date	Sale Price	Doc #	Image	Analysis Code	Multiple Accts?	Grantor(s)	Grantee(s)
08/05/2011	\$75,000	2011-37361		8	No	U S Government	BJ Real Properties LLC

Data source: Lane County Assessment and Taxation

SITE PLAN
SCALE : 1" = 20'-0"

TO VERIFY SCALES 0" 1" BAR SHOULD MEASURE ONE INCH BY ONE SIXTEENTH INCH



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CAPITAL GROWTH BUCHALTER
205-263-4589 | Kirk Farrelly, P. E.
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PH. 541 772-4372 | OREGONARCHITECTURE.BIZ

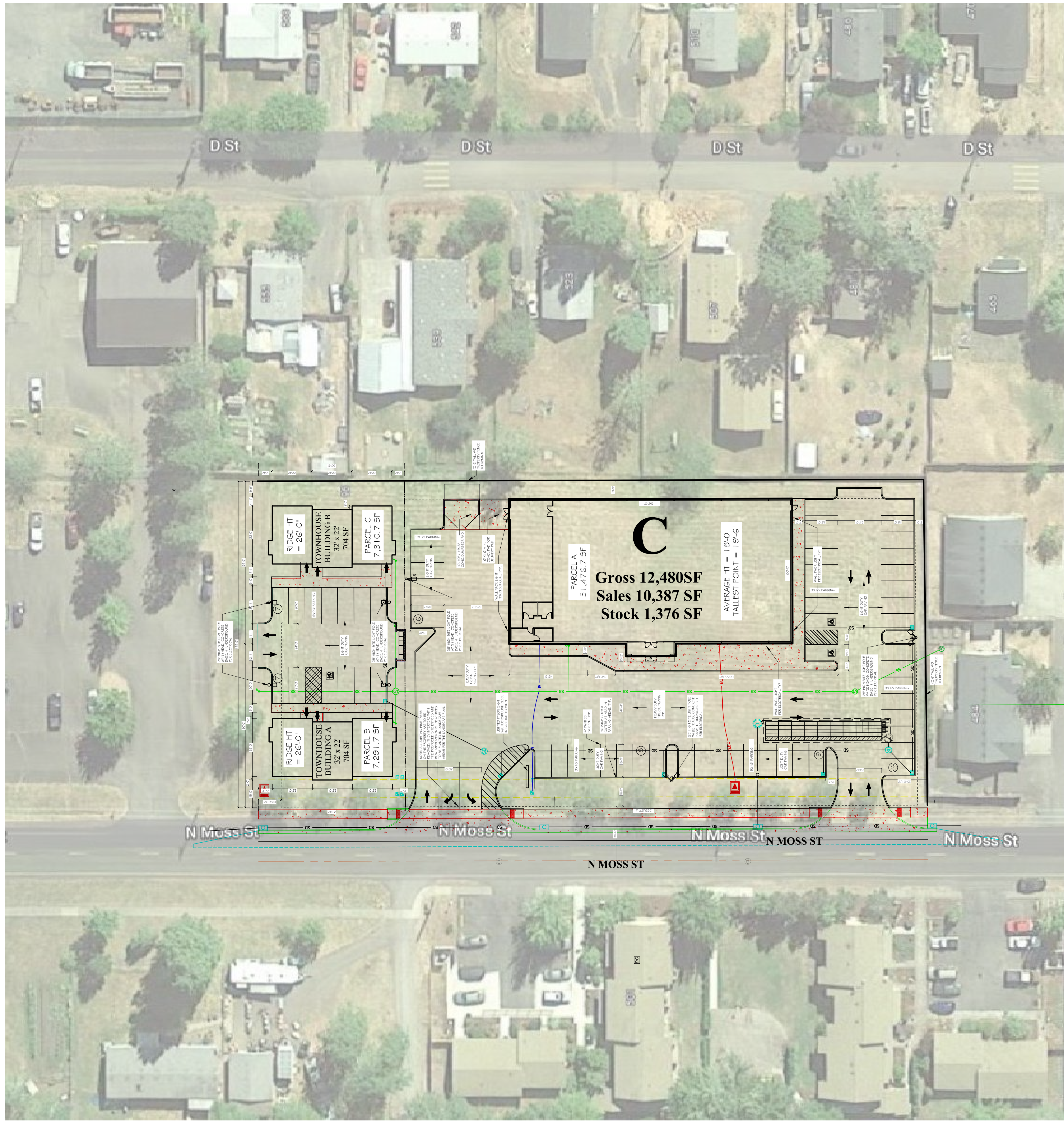
DOLLAR GENERAL LOWELL OREGON
PROJECT LOCATION:
484570 N Moss St, Lowell, OR 97452
PARCEL:

REVISIONS	BY

Approved for the Owner By: _____ Date: _____

PLOT DATE: 8/10/23
ISSUE DATE:
DRAWN BY:
JOB NO.:
SHEET

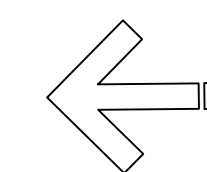
A0.1
SITE PLAN



AERIAL PLAN

SCALE : 1" = 30'-0"

TO VERIFY SCALES 0" 1" BAR SHOULD MEASURE ONE INCH BY ONE SIXTEENTH INCH



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PROJECT DESCRIPTION:

**DOLLAR GENERAL
LOWELL OREGON**

PROJECT LOCATION:
484/570 N Moss St, Lowell, OR 97452
PARCEL:

REVISIONS	
BY	DATE

PLOT DATE: 9/12/23
ISSUE DATE:
DRAWN BY:
JOB NO.:
SHEET

A0.2
AERIAL PLAN

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kfarrelly@cgpre.com

REGISTERED ARCHITECT
Mark McKechnie
Mark McKechnie
Medford, Oregon
4666
STATE OF OREGON



(541) 772-4372

132 WEST MAIN STREET, SUITE 101

MEDFORD, OREGON 97501

www.oregonarchitecture.biz

September 29, 2023**NARRATIVE:**

The Contract owners of Tax Lot 1901113306502 are seeking to change the town of Lowell's General Use Plan for this site from public lands to commercial and residential use, and a zone change from PL (Public Lands) to C-1 (General Commercial) and R-3 (Multi-Family Residential) through the amendment process of the Comprehensive Plan.

Several years ago the Forest Service decided this parcel was excess property and no longer needed for the mission of the Service, and so sold it through a duly authorized procedure. The Contract Purchasers are seeking to subdivide this parcel into three separate lots, to rezone each lot appropriate to its use and to develop a tri-plex on each residential lot and a 12,480 square foot Dollar General on the commercial lot.

SECTION 9.253 AMENDMENT OF THE COMPREHENSIVE PLAN**DECISION CRITERIA*****1. The proposed amendment does not conflict with the intent of the Comprehensive Plan.***

RESPONSE: The Comprehensive Plan is meant to be a living document that reflects the goals and aspirations of the citizens of Lowell. One of the City's Goals is to maintain its viability as an attractive residential community with a local employment base. This particular parcel had been owned by the Forest Service and was once intended to be a location for an office for the Service (a commercial use, as defined by the Code). Times change, the US federal government's plans changed and the Forest Service found it no longer needed this parcel to accomplish their mission in the Lowell area. The property was subsequently put up for sale in a public auction and a local Developer purchased the property.

That Developer has now partnered with another development entity to fully develop the parcel in a mixed-use configuration, with a commercial venture that will meet the City's continued local employment goals and also support much needed housing within the City.

The new commercial venture will add 16 new jobs to the local economy. In addition, the commercial venture will be able to shoulder the lion's share of the development costs for the parcel, making the 6 new attached residential units (townhouses, specifically) possible in a market where it is nearly impossible to produce living units that can meet local market conditions.

2. *There is a need for the proposed amendment to comply with changing conditions, new⁸⁷ laws or to correct deficiencies.*

RESPONSE: The Forest Service has greatly reduced its presence in Lowell in recent years, making this particular site surplus and no longer necessary for its ongoing operations. As part of the determination of this parcel as surplus, it was offered to other governmental agencies, including the State of Oregon, Lane County and the City of Lowell. All declined to accept the property.

The proposed amendment to the Comprehensive Plan seeks to modify the Plan to address this change in reality. As this site is within the town proper, repurposing this site will help address statewide planning goals 3 and 4, which seek to preserve agricultural and forest lands. It is also worth mentioning that the Developer purchased this property several years ago and has not been able to develop housing on it for economic reasons.

3. *The amendment will not have a significant adverse impact on adjacent properties.*

RESPONSE: The properties on all sides of this parcel are developed, so adding low density development within the town proper will have no negative impact on adjacent properties. The parcel is located on the main north/south roadway through the town, which has a mix of residential and commercial uses. The mix of proposed development on this parcel will mirror surrounding development. As access for this development will be from the main travel route, the additional development will not impact any other travel ways. A traffic study has been completed and submitted showing no additional mitigation is required for this development.

Further, this development will provide additional retail opportunities in the town for everyday necessities. That will reduce the need to drive to Eugene or Springfield to shop for those necessities.

4. *The amendment will not have a significant adverse impact on the air, water and land resources of the City.*

RESPONSE: The amendment will have no significant adverse impact on the air, water and land resources of the City. This particular site is not impacted by wetlands or flood plains. It has a gentle slope, so it will not impact any areas with steep slopes. Delivery truck traffic is regulated to a few trips per week, and drivers are instructed to shut down their engines while the trucks are stationary.

5. *The amendment will not have a significant adverse impact on public facilities, transportation, the economy, and the housing needs of the City.*

RESPONSE: This parcel was declared surplus by the federal government and not needed for its mission to serve the public in or near the town of Lowell. The land was first offered to other government agencies and bodies, all of whom declined to accept the property, which ultimately left it available for private development. The land has current zoning of PL, so a rezone is required no matter what the use.

This proposed change will not have a significant adverse impact on public facilities within the town of Lowell or Lane County. The County and the City already have adequate land for their purposes. The Traffic Study provided shows this development will not have a significant adverse impact on the local transportation system. This proposed change will, however, have a positive impact on both the economy of Lowell, where the proposed use will be providing 16

additional employment opportunities and additional local retail opportunities, and on available⁸⁸ housing, where 6 new housing units are proposed. The developed sites will also provide additional property tax revenue to the City and the County.

6. *The amendment does not conflict with the intent of Statewide Planning Goals.*

RESPONSE: The following are the statewide planning goals and how this proposed change addresses them.

Goal 1 - Citizen Involvement: This change is proposed through citizen involvement in the land use process. The change has been proposed by citizens, and citizens have been given the opportunity to comment on this proposed change in zoning. This goal is met.

Goal 2 - Land Use Planning: This change is to the most appropriate use for this site. The site was previously offered to all government bodies at the federal, state and local level, and all declined an offer to accept the parcel, which leaves the only option as private development. The site is within the urbanized area of Lowell, so it makes perfect sense to have the site developed, rather than lie fallow. This goal is met.

Goal 3 - Agricultural Lands: This parcel is not currently cultivated. This goal is not applicable.

Goal 4 - Forest Lands: This parcel is not currently forested. This goal is not applicable.

Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces: This site had previously been reserved for development for a public agency. That agency no longer needed the property, and other government agencies declined to accept the site for their own purposes or open space. There are no scenic or historic areas within the site boundaries, and no significant natural resources. Developing this parcel will take pressure off developing other sites with more in the way of scenic or historic resources. This goal is met.

Goal 6 - Air, Water and Land Resources Quality: This parcel is within the urbanized area of the town of Lowell and fronts on the major traffic route through the area. It makes sense to develop or redevelop an existing parcel within the urbanized area to preserve land and water resources in other adjacent undeveloped areas. The parcel fronts a transportation route, so the additional development is mitigated by minimizing the distance to connect to an existing transportation route. This goal is met.

Goal 7 - Areas Subject to Natural Hazards: This area is not subject to natural hazards. This goal is not applicable.

Goal 8 - Recreational Needs: The recreational needs of the community are addressed and satisfied elsewhere. This goal is not applicable.

Goal 9 - Economic Development: This zone change will increase the available commercial area of the town, while at the same time buying down the land cost for needed housing on a portion of the site. The proposed development of the site will add additional retail opportunities in the community, as well as new employment within the community. This goal is met.

Goal 10 – Housing: This zone change, coming hand-in-hand with new commercial development, will make it possible to provide six units of much needed housing in this community. This goal is met.

Goal 11 - Public Facilities and Services: This change will allow the development of a parcel that is already served by public facilities, providing greater utilization of scarce public resources that are already in place, adequately sized and in good condition. It will maximize the efficiencies of existing public facilities. This goal is met.

Goal 12 – Transportation: This site abuts the major transit corridor through the community, and will take its access from it. A connection to existing infrastructure will be simple and direct, so no minor roads will be impacted by this development. This goal is met.

Goal 13 - Energy Conservation: Utilizing existing vacant land within the developed limits of the town conserves energy in construction and in transportation to and from the site. The commercial building will be constructed to meet the current Oregon Energy Codes, and the housing to meet the Residential Reach Code, so there will be efficiency in the buildings' construction and the day-to-day operations of the proposed business. This goal is met.

Goal 14 – Urbanization: The proposed zone change will put to good use currently vacant land within the urbanized area of the town of Lowell. This utilization will reduce the need to provide other commercial area elsewhere in the community, and will provide the opportunity to provide much needed housing, thereby increasing urbanization. This goal is met.

Goal 15 - Willamette River Greenway: This goal is not applicable.

Goal 16 - Estuarine Resources: This goal is not applicable.

Goal 17 - Coastal Shorelands: This goal is not applicable.

Goal 18 - Beaches and Dunes: This goal is not applicable.

Goal 19 - Ocean Resources: This goal is not applicable.

Technical Memorandum

September 22, 2022

Project# 27926.0

To: Shashi Bajracharya, Lane County Traffic Engineer
Lane County
3050 N Delta Highway
Eugene, OR 97408

From: Matt Bell, Matt Bell, Wayne Kittelson, P.E.

CC: Mark McKechnie, Oregon Architecture

RE: Lowell Dollar General - Traffic Impact Analysis

INTRODUCTION

Capital Growth Buchalter, Inc. is proposing to develop the 1.53-acre site located on the east side N Moss Street in Lowell, Oregon. Figure 1 illustrates the site vicinity map. The proposed develop plan includes a 12,480 square foot Dollar General and six multi-family residential homes. Access to the Dollar General will be provided by two new driveways on the east side of N Moss Street and access to the multi-family homes will be provided by an existing driveway to the north. Figure 2 illustrates the conceptual site plan. Construction of the proposed development is expected to occur in two phases. The phase 1 Dollar General is expected to begin in 2022 with full build-out and occupancy in 2023. The build-out year for the phase 2 multi-family homes is not known at this time but for the purposes of the study, will be assumed to occur in 2023 as well.

The results of this study indicate that the proposed development can be constructed while maintaining acceptable traffic operations at the site driveways, assuming provision of the recommended mitigation measures. The recommended mitigation measures include:

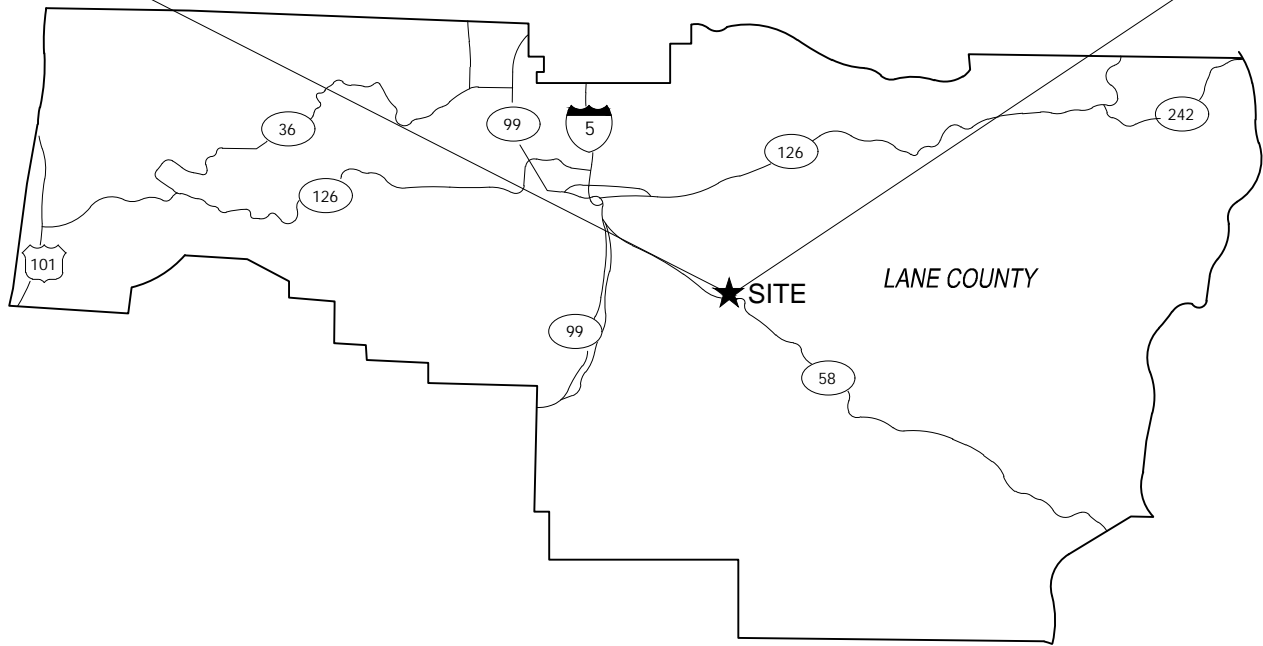
- Landscaping, above ground utilities, and signing should be located and maintained along the site frontage in a manner that preserves adequate intersection sight distance for turning movements onto N Moss Street.
- Provide sufficient right-of-way along the site frontage to accommodate the optimum pavement width per Lane County Road Standards.

Additional details of the study methodology, findings, and recommendations are provided herein.

Scope of the Report

This report documents the transportation-related impacts associated with the proposed development. The scope of this report was developed based on guidance provided by Lane County staff in their letter dated March 29, 2022. Per the letter, operational analyses were performed at the following site driveways:

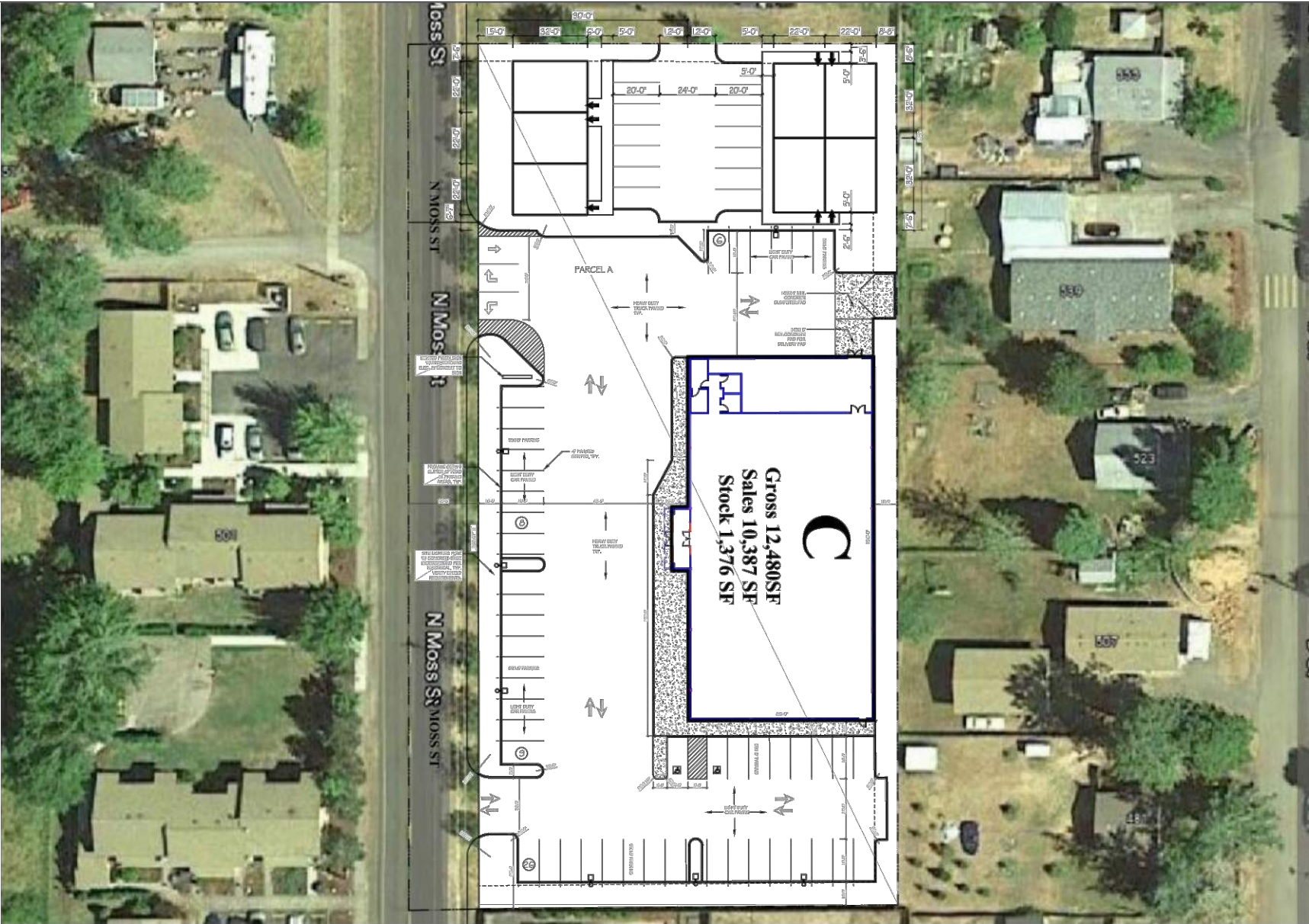
1. N Moss Street/North Driveway
2. N Moss Street/South Driveway



Site Vicinity Map
Lowell, Oregon

Figure
1

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Preliminary Site Plan
 Lowell, Oregon

Figure
 2

This report evaluates these transportation issues:

- Existing land-use and transportation-system conditions within the site vicinity during the weekday AM and PM peak hours;
- Year 2023 background traffic conditions within the site vicinity during the weekday AM and PM peak hours;
- Trip generation and distribution estimates for the proposed development;
- Year 2023 total traffic conditions (with full build-out of the proposed development) at the site driveways during the weekday AM and PM peak hours;
- Horizon year 2028 total traffic conditions (with full build-out of the proposed development) at the site driveways during the weekday AM and PM peak hours, and;
- On-site access and circulation

Operational Standards

Traffic operations at the site driveways were evaluated based on the operational standards identified in the Lane County Transportation System Plan (TSP, Reference 1). Per Table 6-6 of the TSP, two-way stop and yield controlled intersections inside the urban growth boundary (UGB) of an incorporated city must operate at level of service (LOS) E or better with a volume-to-capacity (v/c) ratio of 0.95 or lower during the average weekday peak hour.

Analysis Tools and Methodology

All analyses described in this report were performed in accordance with the procedures stated in the *Highway Capacity Manual, 6th Edition* (HCM, Reference 2). Synchro was used to conduct the analysis. Synchro is a software tool that provides operational analysis in accordance with HCM methodologies.

All analyses used the peak 15-minute flow rates that occurred during the weekday morning and evening peak hours. Using the peak 15-minute flow rates ensures that this analysis is based on a reasonable worst-case scenario.

EXISTING CONDITIONS

The existing conditions analysis identifies the site conditions and current physical and operational characteristics of roadways within the study area. These conditions will be compared with future conditions later in this report.

Site Conditions and Adjacent Land Uses

The proposed development site is located within the Lowell city limits and UGB, it is zoned Public Lands (PL), and it is undeveloped. Adjacent land uses include additional Public Lands (PL) to the north, Single-Family Residential (R1) to the east, and Multi-Family Residential (R3) to the south and west per the *City of Lowell Zoning District Map* (Reference 3).

Development of the proposed Dollar General and multi-family residential homes will require a zone change and comprehensive plan amendment from Public Lands (PL) to Commercial District (C1) and Multi-Family Residential (R-3). Per discussions with County staff, the traffic impact analysis does NOT need to address state or local approval criteria for the zone change or comprehensive plan amendment.

Transportation Facilities

Table 1 summarizes the characteristics of roadways within the site vicinity.

Table 1: Existing Transportation Facilities

Roadway	Functional Classification ¹	Number of Lanes	Posted Speed (mph)	Sidewalks	Bicycle Lanes	On-Street Parking
N Moss Street	Major Collector	2	35	Partial	No	No

¹ Per the Lane County Transportation System Plan (TSP – Reference 1)

Roadway Facilities

N Moss Street is located on the west side of the proposed development site. N Moss Street connects the site to N Shore Drive to the south and Place Road to the north. N Shore Drive connects N Moss Street to Pioneer Street which connects with OR 58 (Willamette Highway) to the south. OR 58 connects the site to several nearby communities including the City of Eugene to the northwest. Figure 3 illustrates the existing lane configurations and traffic control devices at the site driveways.

Pedestrian and Bicycle Facilities

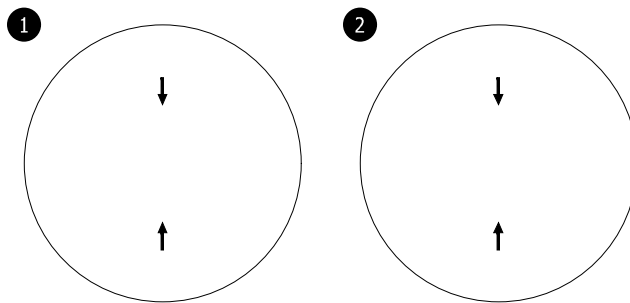
Continuous sidewalks are provided on the west side of N Moss Street and on the north and/or south sides of several side streets. Continuous shoulders are also provided on both sides of N Moss Street.

Transit Facilities

Local transit service is provided in the site vicinity by Lane Transit District (LTD). Route 92 – Lowell/LCC provides service between Eugene Station and Lowell via OR-58. Service is provided Monday through Saturday with one morning and evening trip departing from Eugene Station and two morning and one evening trip departing from Lowell. No service is provided on Sunday. The closest stop is located approximately ½ mile from the site at S Moss Street between Shore Line Drive and Main Street.

Traffic Volumes

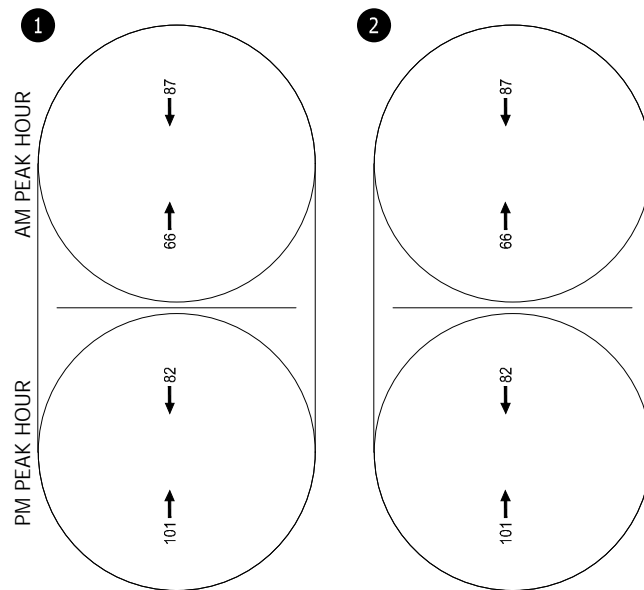
Traffic counts were conducted on N Moss Street over a 24-hour period in June 2022. The counts were conducted on a typical mid-week day while local schools were in session. The morning and evening peak hours were found to occur from 7:15 to 8:15 AM and 3:00 to 4:00 PM, respectively. Figure 4 shows the existing traffic volumes at the site driveways during the weekday AM and PM peak hours. Appendix “A” contains the traffic count worksheets.



STOP SIGN - EXISTING LANE CONFIGURATION

Existing Lane Configurations & Traffic Control Devices Lowell, Oregon

Figure 3



Existing Traffic Conditions
Weekday AM & PM Peak Hours
Lowell, Oregon

Figure
4

Traffic Safety

The crash history of N Moss Street was reviewed to identify potential safety issues that could impact access to the proposed development. Based on data obtained from the Oregon Department of Transportation (ODOT) for the five-year period from January 1, 2016 through December 31, 2020, no crashes were reported on N Moss Street between 4th Street and 6th Street over the five-year period.

TRAFFIC IMPACT ANALYSIS

The traffic impact analysis identifies how the site driveways will operate in the year the proposed development is expected to be fully built, 2023. The impact of traffic generated by the proposed development was examined as follows:

- Developments and transportation improvements planned in the site vicinity were identified and reviewed in coordination with County staff.
- Year 2023 background traffic conditions were analyzed at the site driveways during weekday AM and PM peak hours.
- Site-generated trips were estimated for the proposed development.
- A trip distribution pattern was developed for the proposed development, and the site-generated trips were distributed to the study area roadways and assigned to the site driveways.
- Year 2023 total traffic conditions were analyzed at the site driveways during the weekday AM and PM peak hours, assuming full build-out and occupancy of the proposed development.
- Horizon year 2028 total traffic conditions were analyzed at the site driveways during the weekday AM and PM peak hours, assuming full build-out and occupancy of the proposed development.
- On-site circulation issues and site-access operations were evaluated.

Year 2023 Background Traffic Conditions

The year 2023 background traffic conditions analysis identifies how the site driveways will operate in the year the proposed development is expected to be complete. This analysis includes traffic attributed to planned developments and general growth in the region but does not include traffic from the proposed development.

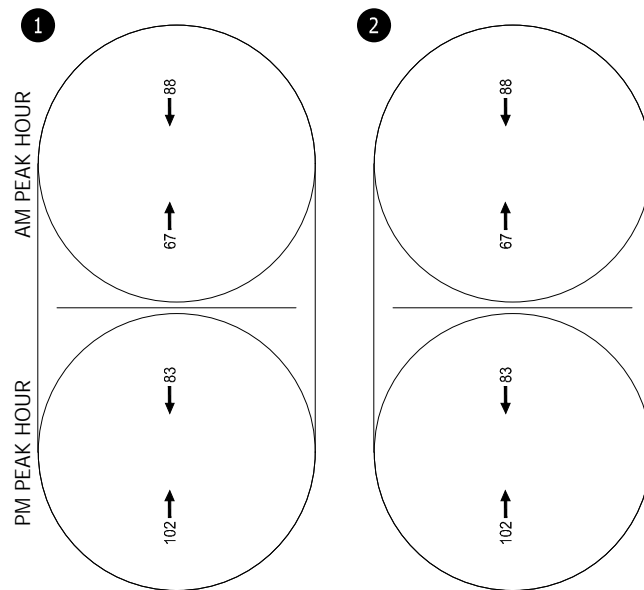
Planned Developments and Transportation Improvements

No planned developments or transportation improvements are expected to be complete within the site vicinity prior to full build-out and occupancy of the proposed development. However, sufficient right-of-way should be provided along the site frontage to accommodate the optimum pavement width per Lane County Road Standards.

Traffic Volumes

The growth rate used in this analysis was determined based on information provide in the Lane County TSP. Per the TSP, traffic volumes in Lowell are expected to increase by less than 1% per year throughout the planning horizon. Therefore, a 1% annual growth rate was used to provide a conservative analysis.

Ultimately, the year 2023 background traffic volumes were developed for N Moss Street by applying a 1% growth rate (1% per year for 1 year) to the existing traffic volumes shown in Figure 4. Figure 5 illustrates the year 2023 background traffic volumes during the weekday AM and PM peak hours.



Year 2023 Background Traffic Conditions
Weekday AM & PM Peak Hours
Lowell, Oregon

Figure
5

Proposed Development Plan

The proposed development plan includes a 12,480 square-foot Dollar General and six multi-family residential homes. Access to the Dollar General will be provided by two new driveways on the east side of N Moss Street and access to the multi-family homes will be provided by an existing driveway to the north. Figure 6 illustrates the proposed lane configurations and traffic control devices at the site driveways. Construction of the proposed development is expected to occur in two phases. The phase 1 Dollar General is expected to begin in 2022 with full build-out and occupancy in 2023. The build-out year for the phase 2 multi-family homes is not known at this time but for the purposes of the study, will be assumed to occur in 2023 as well.

Trip Generation

A trip generation estimate was prepared for the proposed development based on information provided in the standard reference, *Trip General Manual, 11th Edition*, published by the Institute of Transportation Engineers (ITE, Reference 4). ITE land use code 814 (Variety Store) was used to represent the Dollar General and ITE land use code 215 (single-family attached housing) was used to represent the multi-family homes. Table 2 summarizes the estimates for the daily, weekday AM and weekday PM peak hours.

Table 2: Trip Generation Estimate

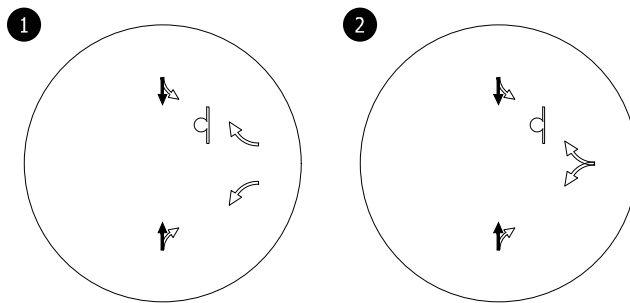
Land Use	ITE Code	Size	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total	In	Out	Total	In	Out
Dollar General	814	12,480 sq ft	794	38	21	17	84	43	41
Multi-Family Homes	215	6 units	43	3	1	2	3	2	1
Total			837	41	22	19	87	45	42




Site Trip Distribution/Trip Assignment

The site-generated trips shown in Table 2 were distributed onto the study area roadways based on a review of existing traffic patterns and the location of major trip origins and destinations in the Lowell area. Figure 7 illustrates the estimated trip distribution pattern within the site vicinity and the assignment of site-generated trips at the site driveways.

Year 2023 Total Traffic Conditions

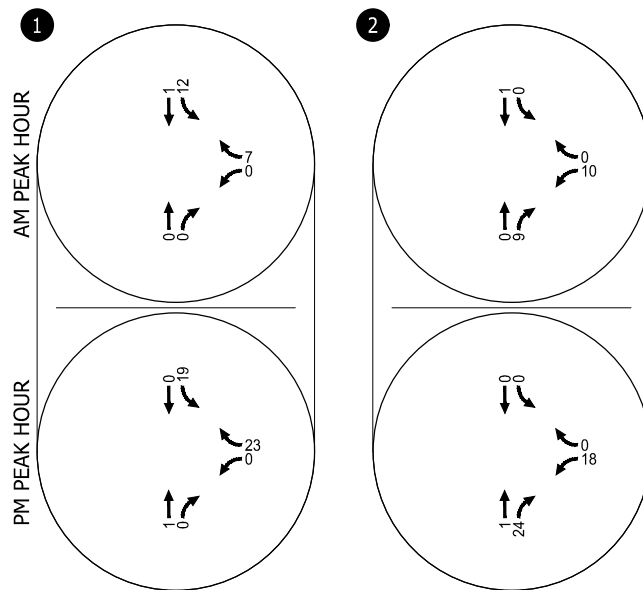
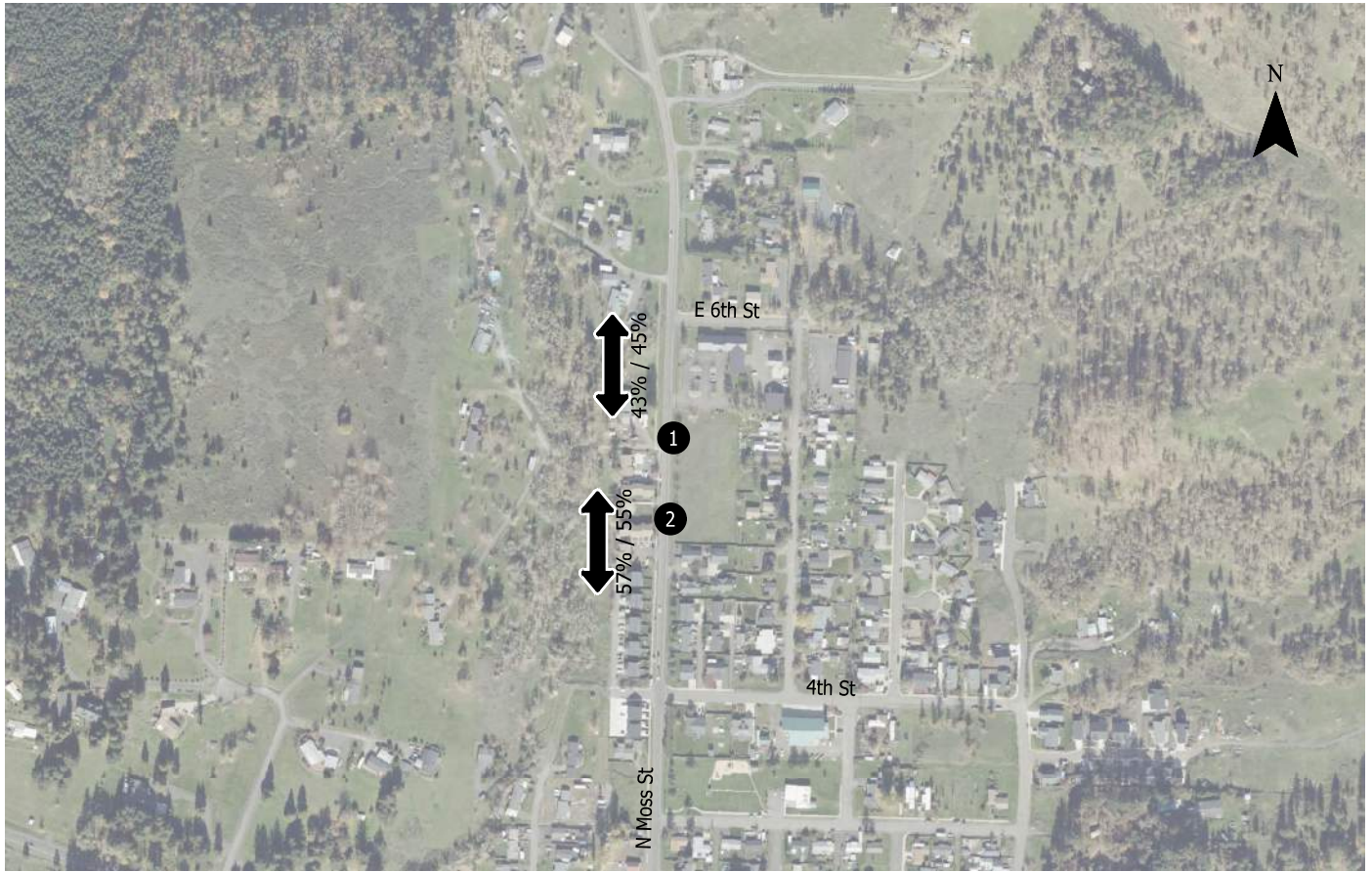
The year 2023 total traffic conditions analysis forecasts how the site driveways will operate with traffic generated by full build-out and occupancy of the proposed development. The year 2023 background traffic volumes shown in Figure 5 were added to the site-generated traffic shown in Figure 7 to arrive at the year 2023 total traffic volumes that are shown in Figure 8.



-  - EXISTING LANE CONFIGURATION
-  - PROPOSED LANE CONFIGURATION
-  - PROPOSED STOP SIGN

Proposed Lane Configurations
& Traffic Control Devices
Lowell, Oregon

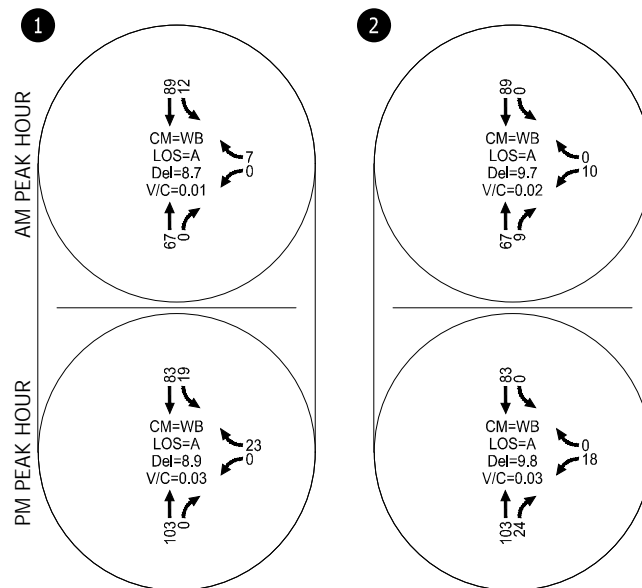
Figure
6



↔ - TRIP DISTRIBUTION (AM/PM)
XX%

Estimated Trip Distribution Pattern and Site-Generated Trips
Weekday AM & PM Peak Hours
Lowell, Oregon

Figure
7



CM = CRITICAL MOVEMENT
 LOS = CRITICAL MOVEMENT LEVEL OF SERVICE
 Del = CRITICAL MOVEMENT CONTROL DELAY
 V/C = CRITICAL MOVEMENT VOLUME-TO-CAPACITY RATIO

Year 2023 Total Traffic Conditions
 Weekday AM & PM Peak Hours
 Lowell, Oregon

Figure
 8

Traffic Operations

The weekday AM and PM peak hour turning movement volumes shown in Figure 8 were used to conduct an operational analysis at the site driveways. Figure 8 summarizes the results of the year 2023 total traffic conditions analysis for the weekday AM and PM peak hours, respectively. As shown, the site driveways are expected to operate acceptably during the weekday AM and PM peak hours. *Appendix "B" contains the year 2023 total traffic conditions worksheets.*

Horizon Year 2028 Total Traffic Conditions

The horizon year 2028 total traffic conditions analysis forecasts how the study area's transportation system will operation five years beyond full build-out and occupancy of the proposed development. The horizon year 2028 total traffic volumes were developed by applying a 5% growth rate (1% per year for 5 years) to the existing traffic volumes shown in Figure 4 and by adding the site-generated traffic shown in Figure 7 to arrive at the horizon year 2028 total traffic volumes that are shown in Figure 9.

Traffic Operations

The weekday AM and PM peak hour turning movement volumes shown in Figure 9 were used to conduct an operational analysis at the site driveways. Figure 9 summarizes the results of the horizon year 2028 total traffic conditions analysis. As shown, the site driveways are forecast to operate acceptably during the weekday AM and PM peak hours. *Appendix "C" contains the horizon year 2028 total traffic conditions worksheets.*

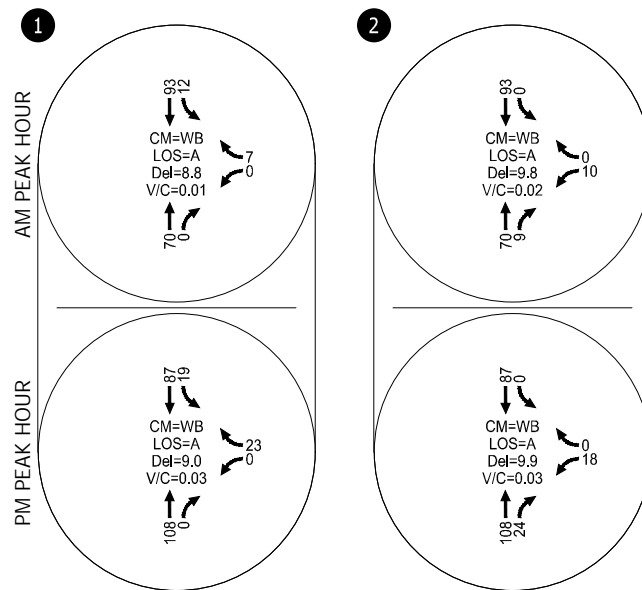
SITE-ACCESS OPERATIONS

As indicated above, access to the proposed Dollar General will be provided by two new driveways on the east side of N Moss Street and access to the proposed multi-family homes will be provided by an existing driveway to the north. Also indicated above, the two new driveways are expected to operate acceptably under year 2023 and horizon year 2028 total traffic conditions. The following summarizes additional information on site-access operations at the two new driveways.

Motor Vehicle Access

Motor vehicles are expected to use the two new driveways to access the site. The northernmost driveway is expected to be the primary point of access for vehicles traveling to/from the north, as well as for heavy vehicles (i.e., delivery trucks)¹. The southernmost driveway is expected to be the primary point of access for vehicles traveling to/from the south. The southernmost driveway will also serve to separate vehicle traffic from heavy vehicle traffic during deliveries, as well as improve access and circulation throughout the site. Based on the proposed configuration of the two new driveways, turning movement conflicts are expected to be minimal.

¹ Additional information on heavy vehicle traffic (i.e., delivery trucks), including the frequency of deliveries, the types of delivery trucks, truck turning templates at the northernmost driveway, and potential strategies to ensure safe delivery operations is provided under separate cover.



CM = CRITICAL MOVEMENT
 LOS = CRITICAL MOVEMENT LEVEL OF SERVICE
 Del = CRITICAL MOVEMENT CONTROL DELAY
 V/C = CRITICAL MOVEMENT VOLUME-TO-CAPACITY RATIO

Horizon Year 2028 Total Traffic Conditions
 Weekday AM & PM Peak Hours
 Lowell, Oregon

Figure 9

Queuing Analysis

A queuing analysis was conducted at the site driveways under year 2023 and horizon year 2028 total traffic conditions. Table 3 summarizes the results of the analysis and identifies 95th percentile queues for each movement. The 95th percentile queues are rounded to the nearest 25-feet, or one vehicle length. As shown below, motor vehicle queues are not expected to occur on N Moss Street.

Table 3: Queuing Analysis

Driveway	Approach	Movement	Year 2023 Total Traffic Conditions		Year 2028 Total Traffic Conditions	
			AM	PM	AM	PM
N Moss Street/ North Driveway	Northbound	Thru/Right	0	0	0	0
	Southbound	Thru/Left	0	0	0	0
	Westbound	Right	<25 ft	<25 ft	<25 ft	<25 ft
		Left	<25 ft	<25 ft	<25 ft	<25 ft
N Moss Street/ South Driveway	Northbound	Thru/Right	0	0	0	0
	Southbound	Thru/Left	0	0	0	0
	Westbound	Left/Right	<25 ft	<25 ft	<25 ft	<25 ft

Turn Lane Analysis

The need for southbound left-turn and northbound right-turn lanes was evaluated at the site driveways based on the turn lane criteria provided in the ODOT analysis procedures manual (APM, Reference 5). Based on the criteria, year 2023 and horizon year 2028 total traffic volumes are not expected to meet the minimum thresholds to require separate left- or right-turn lanes at the site driveways. Appendix "D" contains the left- and right-turn lane warrant worksheets.

Sight-Distance Evaluation

Sight distance requirements were determined for the site driveways based on 85th percentile speeds along N Moss Street and information in the American Association of State Highway and Transportation Officials (AASHTO) publication, *A Policy on the Geometric Design of Highways and Streets* (a.k.a. "The Greenbook"). The traffic counts indicate that the 85th percentile speed along N Moss Street is approximately 44 miles per hour (mph). According to AASHTO, the minimum intersection site distance at the site driveways is approximately 485 feet and the minimum stopping site distance along N Moss Street is 347 feet.

N Moss Street is relatively flat and straight with the site vicinity and there are no vertical or horizontal curves, vegetation, or other impediments that limit sight distance. Therefore, sight distance at the proposed driveways is expected to be sufficient. Landscaping, above ground utilities, and signing should be located and maintained along the site frontage in a manner that preserves adequate sight distance for turning movements onto N Moss Street.

Access Spacing

Per the Lane County TSP, the minimum private access spacing standards on N Moss Street (a major collector with a posted speed limit of 35 mph) is 220 feet. As indicated by the preliminary site plan shown in Figure 2, the proposed site driveways are spaced at approximately 225 feet (measured centerline to centerline). Therefore, the site driveways meet Lane County access spacing standards.

Based on the site-access operations information provided above, the two new driveways are expected to operate safely and efficiently. Therefore, no further mitigation measures are recommended in conjunction with the proposed Dollar general.

PEDESTRIAN ACCESS

National Cooperative Highway Research Program (NCHRP) Report 562 *Improving Pedestrian Safety at Unsignalized Crossings* (Reference 6) provides a methodology for determining the need for enhanced pedestrian crossings² based on a variety of factors, including traffic volumes, travel speeds, and pedestrian crossing activity. According to the methodology, a minimum of 14 pedestrian crossings are needed during the peak hour to support an enhanced pedestrian crossing along a facility with either a posted speed or an 85th percentile speed equal to or above 35 mph, such as N Moss Street.

Pedestrian crossing counts were conducted along N Moss Street adjacent to the proposed development site to assess the need for an enhanced pedestrian crossing. The counts were conducted on a typical midweek day in September 2022 during the morning (7:00 to 9:00 AM) and evening (4:00 to 6:00 PM) peak time periods. No pedestrians were observed to cross N Moss Street during any of the four hours when data was collected. Therefore, an enhanced pedestrian crossing is not supported by the NCHRP methodology under existing conditions.

Pedestrian crossings may increase within the site vicinity over time as development occurs and as additional pedestrian infrastructure is constructed (for example, sidewalks on the east side of Moss Street, crosswalks at the intersections with 2nd and 4th, etc.). Today, however, there are relatively few existing land uses on the west side of N Moss Street within the site vicinity as compared to the east side, and the few that do exist are not expected to generate enough pedestrian crossings during the peak hour to support an enhanced pedestrian crossing in the immediate vicinity of the proposed Dollar General store; this is because approximately half of the homes on the west side of N Moss Street would need to generate a pedestrian trip during the same peak hour on a day-after-day basis to establish the need for such a crossing).

Based on the pedestrian counts and an assessment of existing land uses within the site vicinity, an enhanced pedestrian crossing is not recommended on conjunction with the proposed Dollar General store. However, the County should continue to monitor pedestrian crossing activity and consider installing an enhanced pedestrian crossing when additional connecting pedestrian infrastructure has been installed nearby and when pedestrian activity in the immediate vicinity increases to a level necessary to support one.

² An example of an enhanced pedestrian crossing is a crossing with high visibility crosswalk pavement markings and signs with flashing beacons.

FINDINGS AND RECOMMENDATIONS

The results of this study indicate that the proposed development can be constructed while maintaining acceptable traffic operations at the site driveways. Key findings of this analysis and our recommendations are discussed below.

Findings

- The site driveways are expected to operate acceptably with the proposed development.
- A review of historical crash data did not reveal any trends or patterns in the site vicinity.
- Vehicle queues are expected to be less than one vehicle entering and exiting the site.
- Separate left and right turn lanes are not warranted at the site driveways.
- Site distance is expected to be sufficient at the site driveways.
- The site driveways meet Lane County's access spacing standards.
- The provision of two driveways will separate vehicle traffic from heavy vehicle traffic and improve access and circulation throughout the site.
- Based on the proposed configuration of the two driveways, turning movement conflicts are expected to be minimal.

Recommendations

- Landscaping, above ground utilities, and signing should be located and maintained along the site frontage in a manner that preserves adequate intersection sight distance for turning movements onto N Moss Street.
- Provide sufficient right-of-way along the site frontage to accommodate the optimum pavement width per Lane County Road Standards.

REFERENCES

1. Lane County. *Lane County Transportation System Plan*.
2. Transportation Research Board. *Highway Capacity Manual*, 6th Edition. 2016.
3. City of Lowell. *City of Lowell Zoning District Map*. 2012.
4. Institute of Transportation Engineers. *Trip Generation Manual*, 11th Edition. September 2017.
5. Oregon Department of Transportation (ODOT). *Analysis Procedures Manual, Version 2*. June 2022.
6. The National Cooperative Highway Research Program (NCHRP). *Report 562 Improving Pedestrian Safety at Unsignalized Crossings*. 2006.

APPENDIX

- A. Traffic Counts
- B. Year 2023 Total Traffic Conditions Worksheets
- C. Horizon Year 2028 Total Traffic Conditions Worksheets
- D. Turn Lane Warrants

Appendix A Traffic Counts

Type of report: Tube Count - Volume Data

LOCATION: N Moss Street south of E 6th St SPECIFIC LOCATION: CITY/STATE: Lowell, OR							QC JOB #: 15840001 DIRECTION: NB, SB DATE: Jun 9 2022 - Jun 9 2022			
Start Time	Mon	Tue	Wed	Thu 9 Jun 22	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				7		7			7	
01:00 AM				2		2			2	
02:00 AM				2		2			2	
03:00 AM				8		8			8	
04:00 AM				13		13			13	
05:00 AM				29		29			29	
06:00 AM				58		58			58	
07:00 AM				123		123			123	
08:00 AM				92		92			92	
09:00 AM				75		75			75	
10:00 AM				71		71			71	
11:00 AM				103		103			103	
12:00 PM				153		153			153	
01:00 PM				98		98			98	
02:00 PM				116		116			116	
03:00 PM				183		183			183	
04:00 PM				148		148			148	
05:00 PM				114		114			114	
06:00 PM				108		108			108	
07:00 PM				65		65			65	
08:00 PM				87		87			87	
09:00 PM				34		34			34	
10:00 PM				15		15			15	
11:00 PM				12		12			12	
Day Total				1716		1716			1716	
% Weekday Average				100%						
% Week Average				100%		100%				
AM Peak Volume				7:00 AM 123		7:00 AM 123			7:00 AM 123	
PM Peak Volume				3:00 PM 183		3:00 PM 183			3:00 PM 183	

Comments:

Report generated on 6/13/2022 4:23 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Speed Data

LOCATION: N Moss Street south of E 6th St															QC JOB #: 15840001		
SPECIFIC LOCATION:															DIRECTION: NB, SB		
CITY/STATE: Lowell, OR															DATE: Jun 9 2022		
Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
12:00 AM	0	0	0	0	3	3	1	0	0	0	0	0	0	0	7	31-40	6
01:00 AM	0	0	0	0	1	1	0	0	0	0	0	0	0	0	2	31-40	2
02:00 AM	0	0	0	0	1	0	1	0	0	0	0	0	0	0	2	26-35	1
03:00 AM	0	1	2	0	1	1	1	2	0	0	0	0	0	0	8	16-25	3
04:00 AM	0	0	0	1	3	1	0	3	4	1	0	0	0	0	13	46-55	7
05:00 AM	0	0	1	4	7	8	6	1	2	0	0	0	0	0	29	31-40	15
06:00 AM	2	2	4	6	12	14	9	6	3	0	0	0	0	0	58	31-40	26
07:00 AM	1	1	5	8	24	47	26	7	4	0	0	0	0	0	123	36-45	73
08:00 AM	3	1	1	2	24	33	18	7	2	1	0	0	0	0	92	31-40	57
09:00 AM	2	1	5	8	20	22	12	3	2	0	0	0	0	0	75	31-40	42
10:00 AM	1	2	2	6	24	14	15	6	1	0	0	0	0	0	71	31-40	38
11:00 AM	5	1	3	9	25	34	19	6	1	0	0	0	0	0	103	31-40	59
12:00 PM	4	3	3	12	46	42	25	18	0	0	0	0	0	0	153	31-40	88
01:00 PM	2	2	3	13	26	34	12	5	0	1	0	0	0	0	98	31-40	60
02:00 PM	4	5	2	6	30	37	22	6	2	1	1	0	0	0	116	31-40	67
03:00 PM	11	7	15	23	40	47	31	8	1	0	0	0	0	0	183	31-40	87
04:00 PM	5	0	0	5	28	50	34	18	3	4	1	0	0	0	148	36-45	84
05:00 PM	2	1	3	7	25	38	15	15	6	2	0	0	0	0	114	31-40	63
06:00 PM	3	1	3	8	24	33	22	7	2	5	0	0	0	0	108	31-40	57
07:00 PM	2	0	1	3	14	25	10	4	1	2	2	0	1	0	65	31-40	39
08:00 PM	4	0	6	6	24	25	15	6	0	1	0	0	0	0	87	31-40	49
09:00 PM	1	1	0	5	11	3	2	3	4	0	3	0	1	0	34	26-35	16
10:00 PM	0	0	1	1	3	3	3	4	0	0	0	0	0	0	15	41-50	7
11:00 PM	1	0	0	2	2	1	2	0	2	2	0	0	0	0	12	26-35	4
Day Total	53	29	60	135	418	516	301	135	40	20	7	0	2	0	1716	31-40	934
Percent	3.1%	1.7%	3.5%	7.9%	24.4%	30.1%	17.5%	7.9%	2.3%	1.2%	0.4%	0%	0.1%	0%			
AM Peak Volume	11:00 AM	6:00 AM	7:00 AM	11:00 AM	11:00 AM	7:00 AM	7:00 AM	7:00 AM	4:00 AM	4:00 AM	12:00 AM	12:00 AM	12:00 AM	12:00 AM	7:00 AM		
	5	2	5	9	25	47	26	7	4	1	0	0	0	0	123		
PM Peak Volume	3:00 PM	3:00 PM	3:00 PM	3:00 PM	12:00 PM	4:00 PM	4:00 PM	12:00 PM	5:00 PM	6:00 PM	9:00 PM	12:00 PM	7:00 PM	12:00 PM	3:00 PM		
	11	7	15	23	46	50	34	18	6	5	3	0	1	0	183		
<i>Comments:</i>																	

Report generated on 6/13/2022 4:23 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

LOCATION: N Moss Street south of E 6th St														QC JOB #: 15840001			
SPECIFIC LOCATION:														DIRECTION: NB, SB			
CITY/STATE: Lowell, OR														DATE: Jun 9 2022			
Speed Range	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	53	29	60	135	418	516	301	135	40	20	7	0	2	0	1716	31-40	934
Percent	3.1%	1.7%	3.5%	7.9%	24.4%	30.1%	17.5%	7.9%	2.3%	1.2%	0.4%	0%	0.1%	0%			
Cumulative Percent	3.1%	4.8%	8.3%	16.1%	40.5%	70.6%	88.1%	96%	98.3%	99.5%	99.9%	99.9%	100%	100%			
ADT 1716															85th Percentile: 44 MPH Mean Speed(Average): 36 MPH Median: 36 MPH Mode: 38 MPH		
<i>Comments:</i>																	

Report generated on 6/13/2022 4:23 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)



Type of report: Tube Count - Vehicle Classification Data

LOCATION: N Moss Street south of E 6th St **QC JOB #:** 15840001
SPECIFIC LOCATION: **DIRECTION:** NB, SB
CITY/STATE: Lowell, OR **DATE:** Jun 9 2022

Start Time	Motorcycles	Cars & Trailer	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axle Double	5 Axle Double	>6 Axle Double	<6 Axle Multi	6 Axle Multi	>6 Axle Multi	Not Classified	Total
12:00 AM	0	4	1	0	2	0	0	0	0	0	0	0	0	0	7
01:00 AM	0	1	0	0	1	0	0	0	0	0	0	0	0	0	2
02:00 AM	0	1	0	0	1	0	0	0	0	0	0	0	0	0	2
03:00 AM	0	3	3	1	1	0	0	0	0	0	0	0	0	0	8
04:00 AM	0	5	2	0	6	0	0	0	0	0	0	0	0	0	13
05:00 AM	0	16	8	0	4	0	0	1	0	0	0	0	0	0	29
06:00 AM	0	23	16	1	12	0	1	3	0	0	0	0	0	2	58
07:00 AM	0	70	30	3	13	1	0	5	0	1	0	0	0	0	123
08:00 AM	0	48	24	0	7	4	0	6	0	0	0	0	0	3	92
09:00 AM	0	37	24	0	5	0	1	7	0	0	0	0	0	1	75
10:00 AM	0	34	20	0	15	0	0	2	0	0	0	0	0	0	71
11:00 AM	0	51	23	0	19	2	0	5	0	0	0	0	0	3	103
12:00 PM	2	78	41	0	20	1	0	7	1	0	0	0	0	3	153
01:00 PM	0	48	31	1	7	2	0	8	0	0	0	0	0	1	98
02:00 PM	0	59	33	1	13	0	0	6	0	1	0	0	0	3	116
03:00 PM	2	89	47	5	22	3	0	6	1	0	0	0	1	7	183
04:00 PM	2	93	36	0	8	0	0	4	0	0	0	0	0	5	148
05:00 PM	1	74	26	0	10	0	0	1	0	0	0	0	0	2	114
06:00 PM	2	72	21	0	7	0	0	3	0	0	0	0	0	3	108
07:00 PM	1	40	21	0	1	0	0	0	0	0	0	0	0	2	65
08:00 PM	0	60	16	0	6	0	0	1	0	0	0	0	0	4	87
09:00 PM	0	23	9	0	1	0	0	0	0	0	0	0	0	1	34
10:00 PM	0	11	2	0	2	0	0	0	0	0	0	0	0	0	15
11:00 PM	0	8	2	0	1	0	0	0	0	0	0	0	0	1	12
Day Total	10	948	436	12	184	13	2	65	2	2	0	0	1	41	1716
Percent	0.6%	55.2%	25.4%	0.7%	10.7%	0.8%	0.1%	3.8%	0.1%	0.1%	0%	0%	0.1%	2.4%	
ADT 1716															
AM Peak Volume	12:00 AM	7:00 AM	7:00 AM	7:00 AM	11:00 AM	8:00 AM	6:00 AM	9:00 AM	12:00 AM	7:00 AM	12:00 AM	12:00 AM	12:00 AM	8:00 AM	7:00 AM
	0	70	30	3	19	4	1	7	0	1	0	0	0	3	123
PM Peak Volume	12:00 PM	4:00 PM	3:00 PM	3:00 PM	3:00 PM	3:00 PM	12:00 PM	1:00 PM	12:00 PM	2:00 PM	12:00 PM	12:00 PM	3:00 PM	3:00 PM	3:00 PM
	2	93	47	5	22	3	0	8	1	1	0	0	1	7	183

Comments:

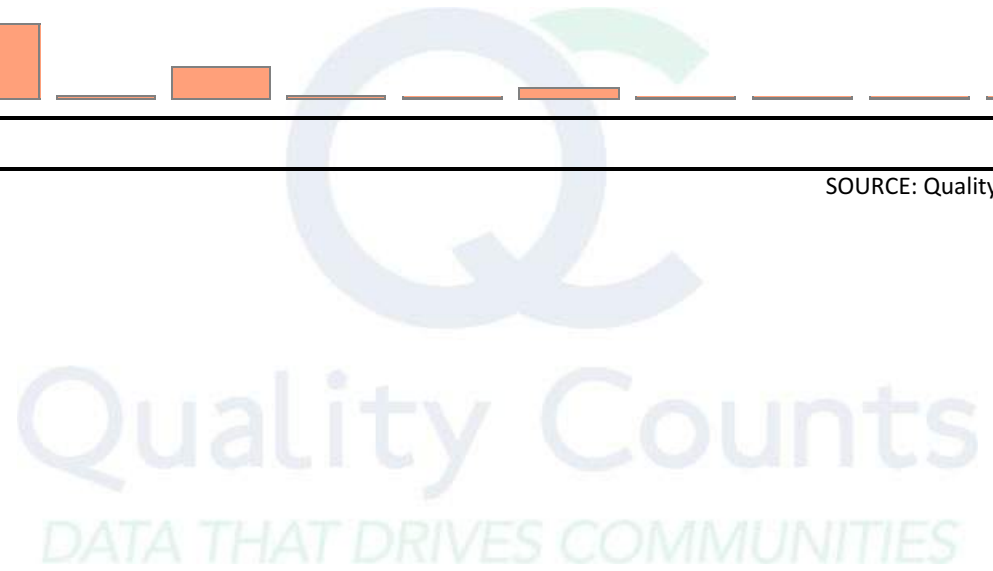
Report generated on 6/13/2022 4:23 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

LOCATION: N Moss Street south of E 6th St **QC JOB #:** 15840001
SPECIFIC LOCATION: **DIRECTION:** NB, SB
CITY/STATE: Lowell, OR **DATE:** Jun 9 2022

	Motorcycles	Cars & Trailer	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axle Double	5 Axle Double	>6 Axle Double	<6 Axle Multi	6 Axle Multi	>6 Axle Multi	Not Classified	Total
Grand Total	10	948	436	12	184	13	2	65	2	2	0	0	1	41	1716
Percent	0.6%	55.2%	25.4%	0.7%	10.7%	0.8%	0.1%	3.8%	0.1%	0.1%	0%	0%	0.1%	2.4%	
ADT 1716															

Comments:



Appendix B
Year 2023 Total Traffic Conditions
Worksheets

HCM 6th TWSC
1: N Moss Street & Driveway 1

06/16/2022

Intersection						
Int Delay, s/veh	0.9					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	↵	↵	↵			↵
Traffic Vol, veh/h	0	7	67	0	12	89
Future Vol, veh/h	0	7	67	0	12	89
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	0	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	74	74	74	74	74	74
Heavy Vehicles, %	0	0	50	0	0	39
Mvmt Flow	0	9	91	0	16	120

Major/Minor	Minor1	Major1	Major2		
Conflicting Flow All	243	91	0	0	91
Stage 1	91	-	-	-	-
Stage 2	152	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1
Critical Hdwy Stg 1	5.4	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2
Pot Cap-1 Maneuver	750	972	-	-	1517
Stage 1	938	-	-	-	-
Stage 2	881	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	742	972	-	-	1517
Mov Cap-2 Maneuver	742	-	-	-	-
Stage 1	938	-	-	-	-
Stage 2	871	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	8.7	0	0.9
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	-	972	1517
HCM Lane V/C Ratio	-	-	-	0.01	0.011
HCM Control Delay (s)	-	-	0	8.7	7.4
HCM Lane LOS	-	-	A	A	A
HCM 95th %tile Q(veh)	-	-	-	0	0

HCM 6th TWSC

2: N Moss Street & Driveway 2

06/16/2022

Intersection						
Int Delay, s/veh	0.6					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	10	0	67	9	0	89
Future Vol, veh/h	10	0	67	9	0	89
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	74	74	74	74	74	74
Heavy Vehicles, %	0	0	50	0	0	39
Mvmt Flow	14	0	91	12	0	120
Major/Minor	Minor1	Major1	Major2			
Conflicting Flow All	217	97	0	0	103	0
Stage 1	97	-	-	-	-	-
Stage 2	120	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	776	965	-	-	1502	-
Stage 1	932	-	-	-	-	-
Stage 2	910	-	-	-	-	-
Platoon blocked, %			-	-	-	-
Mov Cap-1 Maneuver	776	965	-	-	1502	-
Mov Cap-2 Maneuver	776	-	-	-	-	-
Stage 1	932	-	-	-	-	-
Stage 2	910	-	-	-	-	-
Approach	WB	NB	SB			
HCM Control Delay, s	9.7	0	0			
HCM LOS	A					
Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT		
Capacity (veh/h)	-	-	776	1502	-	
HCM Lane V/C Ratio	-	-	0.017	-	-	
HCM Control Delay (s)	-	-	9.7	0	-	
HCM Lane LOS	-	-	A	A	-	
HCM 95th %tile Q(veh)	-	-	0.1	0	-	

HCM 6th TWSC

1: N Moss Street & Driveway 1

06/16/2022

Intersection						
Int Delay, s/veh	1.5					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	0	23	103	0	19	83
Future Vol, veh/h	0	23	103	0	19	83
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	0	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	88	88	88	88	88	88
Heavy Vehicles, %	0	0	36	0	0	60
Mvmt Flow	0	26	117	0	22	94
Major/Minor	Minor1	Major1	Major2			
Conflicting Flow All	255	117	0	0	117	0
Stage 1	117	-	-	-	-	-
Stage 2	138	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	738	941	-	-	1484	-
Stage 1	913	-	-	-	-	-
Stage 2	894	-	-	-	-	-
Platoon blocked, %			-	-	-	-
Mov Cap-1 Maneuver	726	941	-	-	1484	-
Mov Cap-2 Maneuver	726	-	-	-	-	-
Stage 1	913	-	-	-	-	-
Stage 2	880	-	-	-	-	-
Approach	WB	NB	SB			
HCM Control Delay, s	8.9	0	1.4			
HCM LOS	A					
Minor Lane/Major Mvmt	NBT	NBRWBLn1	WBLn2	SBL	SBT	
Capacity (veh/h)	-	-	-	941	1484	-
HCM Lane V/C Ratio	-	-	-	0.028	0.015	-
HCM Control Delay (s)	-	-	0	8.9	7.5	0
HCM Lane LOS	-	-	A	A	A	A
HCM 95th %tile Q(veh)	-	-	-	0.1	0	-

HCM 6th TWSC

2: N Moss Street & Driveway 2

06/16/2022

Intersection						
Int Delay, s/veh	0.8					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	TT		TT			TT
Traffic Vol, veh/h	18	0	103	24	0	83
Future Vol, veh/h	18	0	103	24	0	83
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	88	88	88	88	88	88
Heavy Vehicles, %	0	0	36	0	0	60
Mvmt Flow	20	0	117	27	0	94
Major/Minor	Minor1	Major1	Major2			
Conflicting Flow All	225	131	0	0	144	0
Stage 1	131	-	-	-	-	-
Stage 2	94	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	768	924	-	-	1451	-
Stage 1	900	-	-	-	-	-
Stage 2	935	-	-	-	-	-
Platoon blocked, %			-	-		
Mov Cap-1 Maneuver	768	924	-	-	1451	-
Mov Cap-2 Maneuver	768	-	-	-	-	-
Stage 1	900	-	-	-	-	-
Stage 2	935	-	-	-	-	-
Approach	WB	NB	SB			
HCM Control Delay, s	9.8	0	0			
HCM LOS	A					
Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT		
Capacity (veh/h)	-	-	768	1451	-	
HCM Lane V/C Ratio	-	-	0.027	-	-	
HCM Control Delay (s)	-	-	9.8	0	-	
HCM Lane LOS	-	-	A	A	-	
HCM 95th %tile Q(veh)	-	-	0.1	0	-	

Appendix C
Horizon Year 2028 Total Traffic Conditions
Worksheets

HCM 6th TWSC

1: N Moss Street & Driveway 1

06/16/2022

Intersection						
Int Delay, s/veh	0.8					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	0	7	70	0	12	93
Future Vol, veh/h	0	7	70	0	12	93
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	0	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	74	74	74	74	74	74
Heavy Vehicles, %	0	0	50	0	0	39
Mvmt Flow	0	9	95	0	16	126

Major/Minor	Minor1	Major1	Major2		
Conflicting Flow All	253	95	0	0	95
Stage 1	95	-	-	-	-
Stage 2	158	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1
Critical Hdwy Stg 1	5.4	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2
Pot Cap-1 Maneuver	740	967	-	-	1512
Stage 1	934	-	-	-	-
Stage 2	875	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	732	967	-	-	1512
Mov Cap-2 Maneuver	732	-	-	-	-
Stage 1	934	-	-	-	-
Stage 2	865	-	-	-	-




Approach	WB	NB	SB
HCM Control Delay, s	8.8	0	0.8
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	-	967	1512
HCM Lane V/C Ratio	-	-	-	0.01	0.011
HCM Control Delay (s)	-	-	0	8.8	7.4
HCM Lane LOS	-	-	A	A	A
HCM 95th %tile Q(veh)	-	-	-	0	0

HCM 6th TWSC

2: N Moss Street & Driveway 2

06/16/2022

Intersection						
Int Delay, s/veh	0.5					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	10	0	70	9	0	93
Future Vol, veh/h	10	0	70	9	0	93
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	74	74	74	74	74	74
Heavy Vehicles, %	0	0	50	0	0	39
Mvmt Flow	14	0	95	12	0	126

Major/Minor	Minor1	Major1	Major2		
Conflicting Flow All	227	101	0	0	107
Stage 1	101	-	-	-	-
Stage 2	126	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1
Critical Hdwy Stg 1	5.4	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2
Pot Cap-1 Maneuver	766	960	-	-	1497
Stage 1	928	-	-	-	-
Stage 2	905	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	766	960	-	-	1497
Mov Cap-2 Maneuver	766	-	-	-	-
Stage 1	928	-	-	-	-
Stage 2	905	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9.8	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	766	1497
HCM Lane V/C Ratio	-	-	0.018	-
HCM Control Delay (s)	-	-	9.8	0
HCM Lane LOS	-	-	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0

HCM 6th TWSC

1: N Moss Street & Driveway 2

06/16/2022

Intersection						
Int Delay, s/veh	1.5					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	0	23	108	0	19	87
Future Vol, veh/h	0	23	108	0	19	87
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	0	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	88	88	88	88	88	88
Heavy Vehicles, %	0	0	36	0	0	60
Mvmt Flow	0	26	123	0	22	99

Major/Minor	Minor1	Major1	Major2			
Conflicting Flow All	266	123	0	0	123	0
Stage 1	123	-	-	-	-	-
Stage 2	143	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	727	933	-	-	1477	-
Stage 1	907	-	-	-	-	-
Stage 2	889	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	715	933	-	-	1477	-
Mov Cap-2 Maneuver	715	-	-	-	-	-
Stage 1	907	-	-	-	-	-
Stage 2	875	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9	0	1.3
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1WBLn2	SBL	SBT
Capacity (veh/h)	-	-	933	1477
HCM Lane V/C Ratio	-	-	0.028	0.015
HCM Control Delay (s)	-	-	0	9
HCM Lane LOS	-	-	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0

HCM 6th TWSC

2: N Moss Street & Driveway 3

06/16/2022

Intersection						
Int Delay, s/veh	0.8					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	TT		TT			TT
Traffic Vol, veh/h	18	0	108	24	0	87
Future Vol, veh/h	18	0	108	24	0	87
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	88	88	88	88	88	88
Heavy Vehicles, %	0	0	36	0	0	60
Mvmt Flow	20	0	123	27	0	99

Major/Minor	Minor1	Major1	Major2		
Conflicting Flow All	236	137	0	0	150
Stage 1	137	-	-	-	-
Stage 2	99	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1
Critical Hdwy Stg 1	5.4	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2
Pot Cap-1 Maneuver	757	917	-	-	1444
Stage 1	895	-	-	-	-
Stage 2	930	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	757	917	-	-	1444
Mov Cap-2 Maneuver	757	-	-	-	-
Stage 1	895	-	-	-	-
Stage 2	930	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9.9	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	757	1444
HCM Lane V/C Ratio	-	-	0.027	-
HCM Control Delay (s)	-	-	9.9	0
HCM Lane LOS	-	-	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0

Appendix D
Turn Lane Warrants

Left Turn Lane Evaluation Process

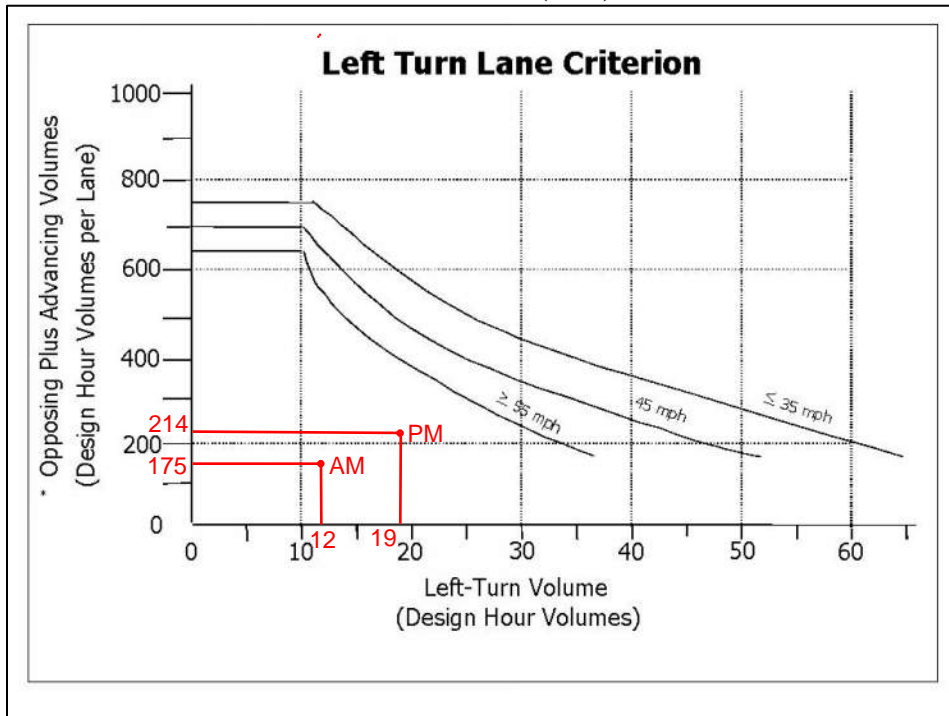
- A left turn lane should be installed, if criterion 1 (Volume) or 2 (Crash) or 3 (Special Cases) are met, unless a subsequent evaluation eliminate it as an option; and
- The Region Traffic Engineer must approve all proposed left turn lanes on state highways, regardless of funding source; and
- Left turn lane complies with Access Management Spacing Standards; and
- Left turn lane conforms to applicable local, regional and state plans.

Criterion 1: Vehicular Volume

The vehicular volume criterion is intended for application where the volume of intersecting traffic is the principal reason for considering installation of a left turn lane. The volume criterion is determined by the Texas Transportation Institute (TTI) curves in Exhibit 12-1.

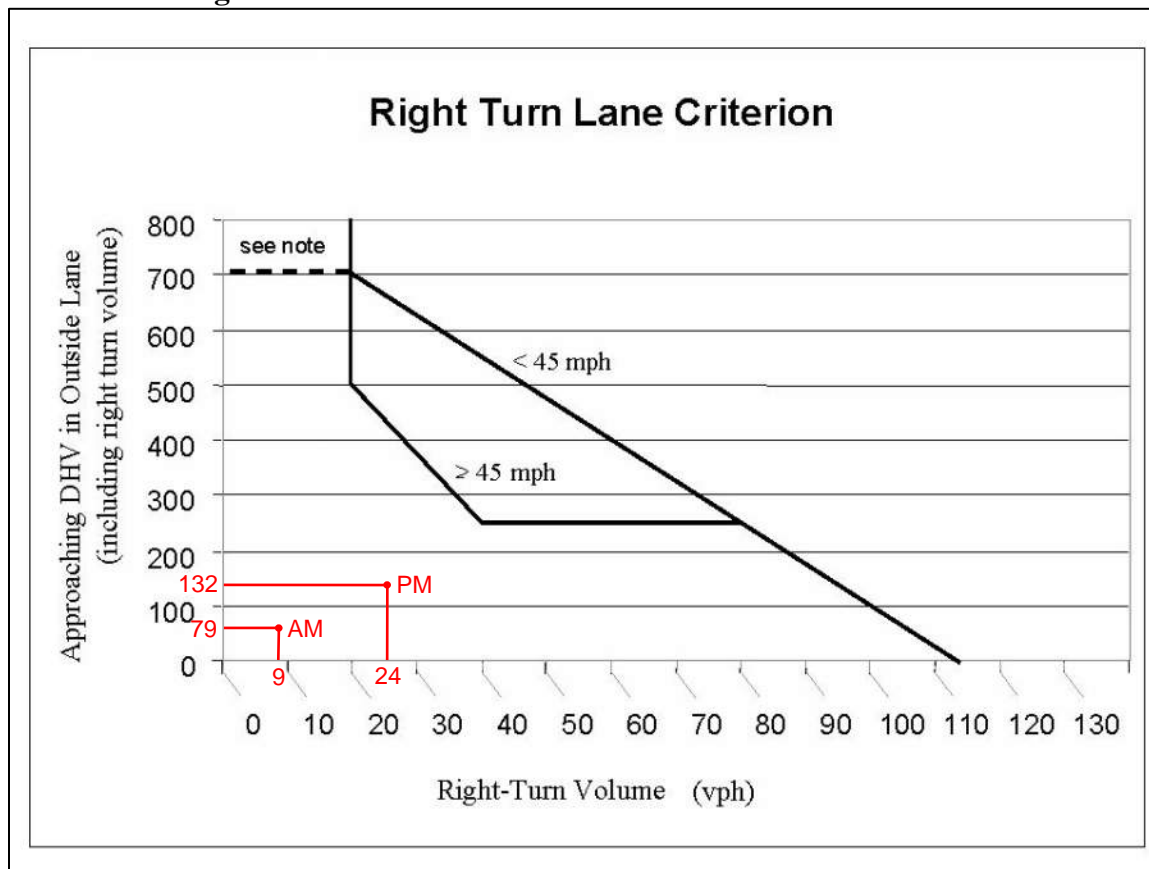
The criterion is not met from zero to ten left turn vehicles per hour, but indicates that careful consideration be given to installing a left turn lane due to the increased potential for rear-end collisions in the through lanes. While the turn volumes are low, the adverse safety and operations impacts may require installation of a left turn. The final determination will be based on a field study.

Exhibit 12-1 Left Turn Lane Criterion (TTI)



* $(\text{Advancing Volume} / \text{Number of Advancing Through Lanes}) + (\text{Opposing Volume} / \text{Number of Opposing Through Lanes})$
 Opposing left turns are not counted as opposing volumes

Exhibit 12-2 Right Turn Lane Criterion



Note: If there is no right turn lane, a shoulder needs to be provided. If this intersection is in a rural area and is a connection to a public street, a right turn lane is needed.

Criterion 2: Crash Experience

The crash experience criterion is satisfied when:

1. Adequate trial of other remedies with satisfactory observance and enforcement has failed to reduce the accident frequency; **and**
2. A history of crashes of the type susceptible to correction by a right turn lane; **and**
3. The safety benefits outweigh the associated improvements costs; **and**
4. The installation of the right turn lane minimizes impacts to the safety of vehicles, bicycles or pedestrians along the roadway.

Criterion 3: Special Cases

1. **Railroad Crossings:** If a railroad is parallel to the roadway and adversely affects right turns, a worst case scenario should be used in determining the storage requirements for the right turn lane design. The right turn lane storage length depends on the amount of time the roadway is closed, the expected number of vehicle arrivals and the location of the crossing or other obstruction. The analysis should consider all of the variables influencing the design of the right turn lane and may allow a design for conditions other than the worst case storage requirements, providing safety is not

Dear Planning Commission,

Over the past several years Lowell has been taking great strides towards creating a community that holds to its small town feel and at the same time polishing itself into the jewel that we all know Lowell is. In 2017, Lowell developed a Strategic Plan that encompasses ideas such as “Positively plan, develop, and coordinate economic and population growth consistent with community values” and a Mission stating “A historical rural city surrounded by nature’s beauty on the north side of Dexter Lake where all people are valued, encouraged, and appreciated for their diversity. We desire to maintain the rural and historical character of the city, while striving to be a city where people want to live, work, and enjoy the outdoors...”. Based on this Strategic Plan, the city, along with community members and stakeholders, developed a Downtown Master Plan with a vision that states “A quaint downtown with a central park, multi-story mixed use buildings, a variety of homes, and wide sidewalks connecting to Dexter Lake’s recreational opportunities.” The Downtown Master Plan reflects what the residents of Lowell desire for their community. Your decision to rezone the lot in question should consider the overall direction Lowell and its residents wish to go. Below are just a few highlights of corporate Dollar General:

- Their headquarters are in Tennessee
- Their annual sales exceed \$34B
- The CEO earns \$16 million per year
- The next 4 execs each earn over \$3 million per year
- In 2004 they opened a sourcing office in Hong Kong
- In 2021 CNN Business said “Dollar General has become a retail empire by building small stores in rural towns across America to attract mainly low-income shoppers.”

Do these characteristics ring true to our vision as a community?

I know the site Dollar General is currently looking at is outside of the Downtown Master Plan, however, their impact will impair future development in our downtown. Our ability to draw retail to Lowell will be greatly diminished, if not eliminated, and they will have a material impact on our local store, Bridge Town Market.

- In August of 2020 a local Denver station published an article titled “Dollar stores driving out local businesses in many small towns”.
- In July of 2019 article CNN published that “the big chains intentionally cluster multiple stores in low-income areas. That strategy discourages supermarkets from opening and it threatens existing mom-and-pop grocers...”

Aside from the concerns above we also need to consider that Oregon is facing a housing crisis. Affordable housing in our state is mostly non existent and if anyone has tried to buy or rent in Lowell this fact hits home. Our local housing market is tough to get into. Dollar General's placement of a few residences is a nice gesture; however, do we know where we stand with the future housing needs in Lowell? What does eliminating 1.5 acres of prime residential real estate due to future housing within our existing Urban Growth Boundary? Expanding the Urban Growth Boundary might be an option, however, it is a very expensive option. Do we want to use our limited resources to expand the Urban Growth Boundary simply to allow Dollar General to build or do we want to use those resources for law enforcement or something else that benefits our community as a whole?

It does not seem logical to give up this lot to commercial until we know what our local housing needs are. And it is not logical to give up this lot to commercial only then to spend hard fought resources on expanding the Urban Growth Boundary instead of a service or services that benefits the whole, such as law enforcement.

In addition, the majority of us residents are in the Eugene/Springfield area at least once a week where the majority of our needs can be met. Dollar General does not offer something new to our community.

I can appreciate the decision placed before the planning commission here and whichever direction the City decides to go it will shape the future of Lowell.

Jimmy and Mindy Martini
149 W Main
Lowell, Oregon

February 5, 2024

To: Lowell City Counselors, City Administrator, and Planning Commission Members

Re: Dollar General, Dollar Store Retail Use

A Dollar General (Dollar Store, Family Dollar) retail store absolutely does not fit with my vision for a quaint rural town that the community has envisioned through the development of the most recent downtown master plan. Over the past 20 years I've watched the City of Lowell struggle to develop and grow. We've waited 20 years for increased commercial development, we can wait a few years longer. Dollar General will not benefit our community.

As a former commercial property appraiser, I've seen several issues that are of concern regarding having this type of use in our City.

- First, the construction design and details of their buildings are cheap. They tend to build the most inexpensive and architecturally void buildings possible. Is this the type of commercial development we want to encourage?
- Second, these type of retail chains tend to locate in low income areas. Having a Dollar General in our town would be like having a billboard saying, "low income neighborhoods here!" While we have a wide range of household incomes in our communities, which is valuable for our community in a number of ways, we don't necessarily need to promote this economic reality if we are trying to market our community to new developers and businesses.
- Third, these stores can create "food deserts" in the communities they arrive in. Low quality products, lack of variety, and reduced fresh food options are not always the best options for any community.

As a community member, our local Bridgetown Market, has over the years has been improved and developed and is a wonderful example of a clean, well-stocked, locally-owned business. They would be negatively impacted by the competition from the Dollar General. As a community we need to protect and treasure the Bridgetown Market.

This is a critical decision: to allow national chains to lay claim to our wonderful rural community, or not. **Please do NOT allow this national retail chain to change the character of our small town. I am not in favor of rezoning land to pave the way for this type of commercial development.**

Regards,

Lisa Bee-Wilson
Resident, PO Box 101, Lowell, OR 97452

A new Dollar General store has not always been the best news for the town

New Dollar General store opening

Dollar General has often been blamed for the closure of local businesses in towns that they emerge in. When a local grocery store closes, as a report by Institute for Local Self Reliance suggests, it creates cascading negative effects in the town — an important one being decline in employment as dollar stores employ fewer (around nine) staff than a grocery store that often employs around 14.

In Merville, Iowa, for example, a local grocer complained of a decrease of 15 to 20 percent of his sales after a Dollar General store opened next door; similarly, in Haven, Kansas, a local mom-and-pop store had to shut its doors after a Dollar General came to town. These small towns, which already have a scarcity of stores that sell fresh produce, now have to rely on Dollar General stores for their nutritional intake. As of 2019, only three percent of all Dollar General stores had fresh produce, according to CNN. So when they chase out grocery stores, those living nearby have fewer options for healthy food choices.

Over the past few years, many towns have set policies to control the expansion of dollar stores like Dollar General. For example, Tulsa, Oklahoma, created a new policy that bans a new dollar store from opening within a mile of an existing one, reports BisNow. Similar policies were laid out in Wyandotte County, Kansas, and Mesquite County, Texas.

Read More: https://www.mashed.com/216286/the-untold-truth-of-dollar-general/?utm_campaign=clip

Dollar stores are everywhere. That's a problem for poor Americans

By [Nathaniel Meyersohn](#), [CNN Business](#)

Updated 9:43 AM ET, Fri July 19, 2019

*New York (CNN Business)*As dollar stores [sweep across America](#), they are facing growing scrutiny from opponents who argue that discount chains stifle local competition and limit poor communities' access to healthy food.

Dollar stores have never been more popular. Yet a wave of cities and towns have passed laws curbing the expansion of Dollar General ([DG](#)) and Dollar Tree ([DLTR](#)), which [bought Family Dollar](#) in 2015. The companies are the two largest dollar store operators in the country, combining for more than 30,000 stores throughout the United States, up from under 20,000 a decade ago. By comparison, Walmart ([WMT](#)), America's largest retailer, has 4,700 US stores.

Advocates of tighter controls on dollar stores say the big chains intentionally cluster multiple stores in low-income areas. That strategy discourages supermarkets from opening and it threatens existing mom-and-pop grocers, critics say.

"Our core customer continues to struggle," Dollar General's CEO said last year. Dollar General has more than 15,000 stores in the United States.

"The business model for these stores is built on saturation," said Julia McCarthy, senior policy associate at the nonprofit Center for Science in the Public Interest and a critic of dollar stores. "When you have so many dollar stores in one neighborhood, there's no incentive for a full-service grocery store to come in."

Opponents also express concerns that dollar stores don't offer fresh produce. Dollar General and its dollar store rivals mostly sell snacks, drinks, canned foods and vegetables, household supplies and personal care products at rock-bottom prices.

However, Dollar General and Dollar Tree argue that they benefit communities by offering shoppers convenient places to grab food and essentials at low prices.

"In rural places without existing grocery stores, having a Dollar General might be viewed as an asset," said Christopher Merrett, director of the Illinois Institute for Rural Affairs at Western Illinois University. Dollar stores bring in new sales and property tax revenue for cities, create jobs and expand shopping options for customers, he added.

Dollar stores see an opportunity to grow even more in America. Dollar General and Dollar Tree have plans to open a combined additional 24,000 locations.

But lawmakers around the country are pushing back.

Last week, the city council in Birmingham, Alabama, unanimously approved [legislation](#) that would prohibit new dollar stores from opening within a mile of their existing locations.

Birmingham Mayor Randall Woodfin has been a critic of dollar stores.

"While dollar stores proliferated across our community, healthy food options dried up," Birmingham Mayor Randall Woodfin told CNN Business. The new measure will help Birmingham attract and retain grocers in the city's food deserts, he said.

[Oklahoma City](#), [Tulsa](#), Oklahoma, and [Mesquite, Texas](#), have also passed legislation limiting new dollar store openings. And officials in New Orleans, Cleveland and [Fort Worth, Texas](#), are exploring plans to restrict dollar stores in their cities.

"We are disappointed that a small number of policymakers have chosen to limit our ability to serve their communities," said Crystal Ghassemi, spokesperson for Dollar General. "We believe the addition of each new Dollar General store represents positive economic growth for the communities we serve."

Dollar store growth

Dollar stores have been around for decades. But they have flourished in the United States since the 2008 recession as more Americans were forced to tighten up their spending.

Although the US economy has strengthened in recent years, dollar stores' popularity has endured. Wages for a vast number of Americans have grown only modestly. People living paycheck to paycheck have been a boon for dollar stores, and the chains have also reached higher-income shoppers looking for discounts.

"While the economy is doing very well, our core customer continues to struggle," Dollar General chief executive Todd Vasos told analysts last year. The company's core customers earn around \$40,000 a year or below, \$20,000 below the median income.

Dollar General caters mainly to low-and-middle-income customers in rural and suburban areas. Dollar Tree targets suburban, middle-income shoppers, while Family Dollar focuses on lower-income urban and rural customers.

Dollar General looks to build stores in rural areas where a big box retailer or grocery store is not within 15 or 20 miles. Around 75% of Dollar General stores are in towns with 20,000 or fewer people, and the chain has its biggest footprint in southern states. (Dollar General has more stores in Texas alone than Costco and Whole Foods do combined nationwide.)

Dollar Tree targets suburban, middle-income shoppers.

"Dollar General stores often choose to locate at the edge of a rural town, away from the traditional downtown" to draw customers, said Merrett from Western Illinois University. "This is not very different from what Walmart did 30 years ago."

Dollar stores can open quickly in new areas because they are small and have lower operating costs than grocery stores. Dollar General stores are 7,400 square feet on average, compared to 40,000 square-foot supermarkets. And stores, which employ just a handful of workers to stock aisles, are cheap to run.

Mounting opposition

However, critics say that dollar stores' unchecked growth harms local communities.

"Some communities see that dollar stores are very serious competitor to their local retail and grocery," said David Procter, director of the Rural Grocery Initiative at Kansas State University. Family-owned grocery stores operate at razor-thin profit margins and dollar stores can pressure them with lower prices, experts say. Although most dollar stores don't sell fresh groceries, they offer many of the same household products and daily essentials as grocers. Those goods are often the highest-margin items and grocery owners can't afford to lose them, Procter noted. "When the dollar stores take the bulk of that business, it really is hurting their bottom line pretty significantly," he said.

Cleveland Councilman Blaine Griffin has introduced a moratorium on new dollar store openings in the city.

Burnell Cotlon, owner of the Lower 9th Ward Market in New Orleans, said his grocery store suffered when Family Dollar opened up in the neighborhood. Cotlon lost valuable detergent, toothpaste and toiletry sales.

"I had to push harder on other items to stay afloat," said Cotlon, who has [gained national recognition](#) for opening one of the only grocery stores in New Orleans' Lower 9th Ward, which was devastated by Hurricane Katrina in 2005.

But the Family Dollar recently closed, which drove customers back to Cotlon's store. "As soon as they closed down, my toiletry items jumped back up."

Other local residents and business leaders worry that dollar stores' concentration in urban areas deter grocery stores, which offer a wide range of produce and healthy options, from opening.

"There are almost 100 dollar-type stores in a ten-mile radius," said Fort Worth Councilwoman Kelly Allen Gray. "They are heavily located in low-to-moderate-income neighborhoods, which makes their presence feel predatory."

And Cleveland Councilman Blaine Griffin, who has introduced a moratorium on new dollar store openings, expressed concern that dollar stores do not offer fresh fruits or vegetables.

"A lot of the people that live in our communities live in food deserts," Griffin said. Dollar stores "drive out chains that actually offer good, healthy food options."



Oregon

Tina Kotek, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD

February 14, 2024

Henry Hearley, Associate Planner
City of Lowell
70 Pioneer Street
Lowell, OR 97452



Delivered via email to: HHearley@lcoq.org

RE: Proposed Zone Change and Comprehensive Plan Map Amendment. City File No.: LU 2023-03. DLCDC PAPA File No.: 001-23.

Dear Henry,

Thank you for providing timely notice to the department on this proposed comprehensive plan map and zoning map amendment. We have concerns about the application.

The subject property is 1.53-acres in size and located inside the Lowell city limits and urban growth boundary (UGB). The property fronts onto N. Moss Street and is located outside of the Lowell Downtown District.

The applicant proposes to amend the property's plan designation from Public Land to Commercial/Residential and amend the property's zoning from Public Land to General Commercial (C-1) and R-3 (Multi-Family Residential).

In reviewing the application, the city needs to determine if the request is consistent with applicable provisions of the Comprehensive Plan. The application appears to contradict the following Lowell Comprehensive Plan policies:

- Economy Policy 5 – The City shall continue to actively encourage industrial and business developments that can help improve the economy of the Lowell area which are compatible with maintaining the area's environmental assets and the livability of the community.
- Economy Policy 7 – The City recognizes the need to create a centralized downtown business district in Lowell and shall encourage new retail, office and service commercial developments to locate there.

In 2023, the Lowell City Council adopted Ordinance #309 which integrated the city's 2019 Downtown Master Plan into the Lowell Land Development Code. This land use action advanced Economy Policy 5 and implemented Economy Policy 7. The applicant proposes to establish new commercial zoning outside the city's designated Downtown District. This action would not improve the economy of the Lowell area per Policy 5. This action is discouraged per Policy 7.

Lowell LU 2023-03; DLCDC PAPA 001-23
February 14, 2024
Page 2 of 2

Please enter this letter into the record of proceedings for this case. If you have questions, please contact me anytime at patrick.wingard@dlcd.oregon.gov or 541-393-7675.

Best regards,

Patrick Wingard

Patrick Wingard

Southern Willamette Valley Regional Representative

Jeremy Caudle

From: Megan Moerdyk-Schauwecker <[REDACTED]>
Sent: Sunday, February 18, 2024 8:00 PM
To: Jeremy Caudle
Subject: Comments of proposed zoning changes

To whom it may concern:

I am a resident of Lowell and have seen the signs announcing the proposed zoning change for the property next to the State Parks Office and have subsequently looked up the proposed changes for this property. While I recognize that this comment will be arriving too late to be included in the staff report, I still would like to share my thoughts on the proposed changes.

I agree that this property is no longer needed as public land. I further am in full agreement with the rezoning of a portion of this land as R3-Multifamily. This is consistent with current land use, as there are several other multifamily dwellings right across the street. It will also benefit Lowell and the region by providing additional, (hopefully) affordable housing within existing growth boundaries and is consistent with goals set out by the state for increasing such opportunities.

However, I am concerned about the rezoning of the remainder of the property as commercial in general and more specifically, about the proposed building of a Dollar General. While there is still buildable land within the proposed downtown area and within the industrial park, I am generally opposed to the rezoning of other land as commercial as I feel it would take away from the ambiance of Lowell and remove opportunities for building housing.

I also have several specific objections in this specific case. (1) While there is other commercial property in the same and adjoining blocks, none of that commercial use is retail. Retail brings a level of disruption (traffic, noise, light etc.) that is generally in excess of other non-industrial commercial uses. In addition, with extended operating hours seven days a week, the disruptions will occur over a greater period of time than is seen from existing commercial sources in the immediate vicinity. (2) The proposed rezoning is in an area with a number of multifamily dwellings (with more proposed), which means the number of residences experiencing this disruption would be disproportionately high. (3) By not placing the proposed commercial property immediately adjacent to the State Park offices (which I would also find objectionable, just less so), the developers are maximizing rather than minimizing the number of residential properties sharing a direct border with the proposed commercial property, which to mean speaks of a lack of care in planning.

Thank you for your consideration.

Regards,

Megan Moerdyk-Schauwecker



Virus-free. www.avg.com

To: Jeremy Caudle
From: Alan Evans, 40198 Little Fall Creek
Re: Zone change hearing 2/21/24

Jeremy,

I would like to take this opportunity to once again state my opposition to the proposed zone change that you are considering for a developer for Dollar General. The business model of Dollar General is certainly good for the company and the developers that it works with. But that is about as far as it goes. The developers are intent on building the least expensive building possible as the rent that Dollar General will pay them is fixed. They won't pay more for a nicer building that has some character. Thus, that is what we see in small town America, cheap metal buildings that have proliferated over the years.

The developer cares not one bit about the community that they will build in. They care only about the 15 year lease that they invariably will flip to a passive investor who will probably live hundreds or thousands of miles away and may well never even see their investment.

Meanwhile the community is stuck with an ugly building selling made in China goods galore. Lowell does not need this. It has its own Bridgetown Market which is locally owned and operated and is an integral part of the community that it serves. Please reject this application. Thank you.

Jeremy Caudle

From: joyce weaver <montjoyce@yahoo.com>
Sent: Tuesday, February 20, 2024 6:23 PM
To: Jeremy Caudle
Subject: Public input

As the city administrator, I am hoping that you will direct my concerns to the planning commission as well as the city council in regards to the issue of the rezoning of the public use lands. As a frequent visitor and user of Lowell's existing commercial resources, I am NOT in favor rezoning.

Thank You,
Joyce Weaver
80445 Lost Creek Road
Dexter, Oregon 97431

HEARLEY Henry O

From: TAYLOR Becky <becky.taylor@lanecountyor.gov>
Sent: Monday, December 18, 2023 1:59 PM
To: HEARLEY Henry O
Cc: LCTPReferrals; VARTANIAN Sasha
Subject: FW: Lowell Zone Change Additional Traffic Report
Attachments: 27926_Final TIA Report_Rev.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

WARNING: This is NOT an internal sender. Please review this message carefully before responding or interacting. If you have any concerns, contact the SERVICE DESK.

Hi Henry,

I have reviewed the attached TIA and concur with the applicant's conclusion that the net increase of approximately 59 PM peak trips does not generate a significant effect on the transportation system that would otherwise require mitigation for zone change approval. As an informational item, a development-specific TIA will be required prior to development to evaluate multi-modal safety.

Thanks,

Becky Taylor (she/her)
Senior Transportation Planner
Lane County Public Works
Becky.taylor@lanecountyor.gov
541-682=6932

From: HEARLEY Henry O <HHEARLEY@Lcog.org>
Sent: Monday, December 18, 2023 7:50 AM
To: TAYLOR Becky <becky.taylor@lanecountyor.gov>; LCTPReferrals <lcpwtpreferrals@lanecountyor.gov>; VARTANIAN Sasha L <sasha.vartanian@lanecountyor.gov>
Cc: CAUDLE Jeremy <JCaudle@ci.lowell.or.us>
Subject: FW: Lowell Zone Change Additional Traffic Report

[EXTERNAL ⚠]

Becky and Sasha:

Hot off the presses. Attached is the revised TIA for Dollar General development in Lowell. Please take a look and let me know your comments and if the revision addresses your comments.

Henry

From: Mark McKechnie <mark@oregonarchitecture.biz>

Sent: Thursday, December 14, 2023 1:41 PM

To: HEARLEY Henry O <HHEARLEY@Lcog.org>

Subject: Lowell Zone Change Additional Traffic Report

WARNING: This is NOT an internal sender. Please review this message carefully before responding or interacting. If you have any concerns, contact the SERVICE DESK.

Hi Henry,

Attached is the additional traffic analysis requested by Lane County Public Works, prepared by Kittelson & Associates.

Will resend on Monday, since you are away until Dec 18.

Mark

HEARLEY Henry O

From: Matt Wadlington <Mwadlington@civilwest.net>
Sent: Monday, October 9, 2023 9:58 AM
To: HEARLEY Henry O; LCTPReferrals; ODOTR2PLANMGR@odot.state.or.us; BAKER Max
Cc: DARNIELLE Gary L; CAUDLE Jeremy; CALLISTER Jacob (LCOG)
Subject: RE: Referral Comment Requested for Zone Change Application in Lowell, OR - Dollar General

WARNING: This is NOT an internal sender. Please review this message carefully before responding or interacting. If you have any concerns, contact the SERVICE DESK.

Hi Henry,

I have no concerns from a City Engineer perspective about a zone change. I'll have comments on the construction drawings, but nothing now.

--

Matt Wadlington, PE, Principal
 Willamette Valley Regional Manager
 Licensed in OR, WA, CA, AK
 d 541.982.4373 | c 520.444.4220



Civil West Engineering Services, Inc.
 200 Ferry St. SW, Albany, OR 97321
 p 541.266.8601
www.civilwest.com

From: HEARLEY Henry O <HHEARLEY@Lcog.org>
Sent: Wednesday, October 4, 2023 8:21 AM
To: LCTPReferrals <lcpwtpreferrals@lanecountyor.gov>; Matt Wadlington <Mwadlington@civilwest.net>; ODOTR2PLANMGR@odot.state.or.us; BAKER Max <mbaker@ci.lowell.or.us>
Cc: DARNIELLE Gary L <GDARNIELLE@lcog.org>; CAUDLE Jeremy <Jcaudle@ci.lowell.or.us>; CALLISTER Jacob (LCOG) <jcallister@lcog.org>
Subject: Referral Comment Requested for Zone Change Application in Lowell, OR - Dollar General
Importance: High

All:

Please see the attached materials for a zone change application in Lowell, OR. You may recall this application – it's the Dollar General zone change. The previous applications were withdrawn. At this time, they are only seeking zone change approval.

I am particularly interested in hearing from Lane County and ODOT about the Transportation Planning Rule and a review of the applicant's traffic study.

Please return your comments to me by **Oct 18**.

Let me know if you need anything else.

Respectfully,

Henry O. Hearley

Associate Planner, MCRP

Lane Council of Governments | 859 Willamette Street, Suite 500 | Eugene, OR 97401

Ph: 541-682-3089 | F: 541-682-4099

www.lcog.org | hhearley@lcog.org



Technical Memorandum

December 12, 2023

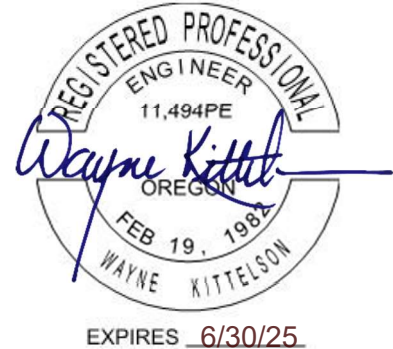
Project# 27926.0

To: Becky Taylor, Lane County Traffic Engineer
Lane County
3050 N Delta Highway
Eugene, OR 97408

From: Erika Adams, Matt Bell, and Wayne Kittelson, P.E.

CC: Mark McKechnie, Oregon Architecture

RE: Lowell Zone Change



INTRODUCTION

Oregon Architecture, Inc. is proposing to change the zoning of the 1.52-acre site located on the east side of N Moss Street in Lowell, Oregon. Figure 1 illustrates the site vicinity map. The site is currently zoned Public Lands (PL) and is proposed to be zoned a combination of Multi-Family Residential (R3) and General Commercial District (C-1). The proposed zone change is intended to allow development of multi-family residential homes on the northern portion of the site and a commercial business on the southern portion of the site in accordance with the proposed zoning.

The results of this study indicate that the proposed zone change is expected to result in a net decrease in the trip generation potential of the site during the weekday AM peak hour and a net increase during the weekday PM peak hour. The results also show that the net increase in weekday PM peak hour trips is not expected to have a significant effect on the transportation system. Therefore, no mitigation measures are recommended in conjunction with the proposed zone change. Additional information of the study methodology and findings is provided below.

Scope of the Report

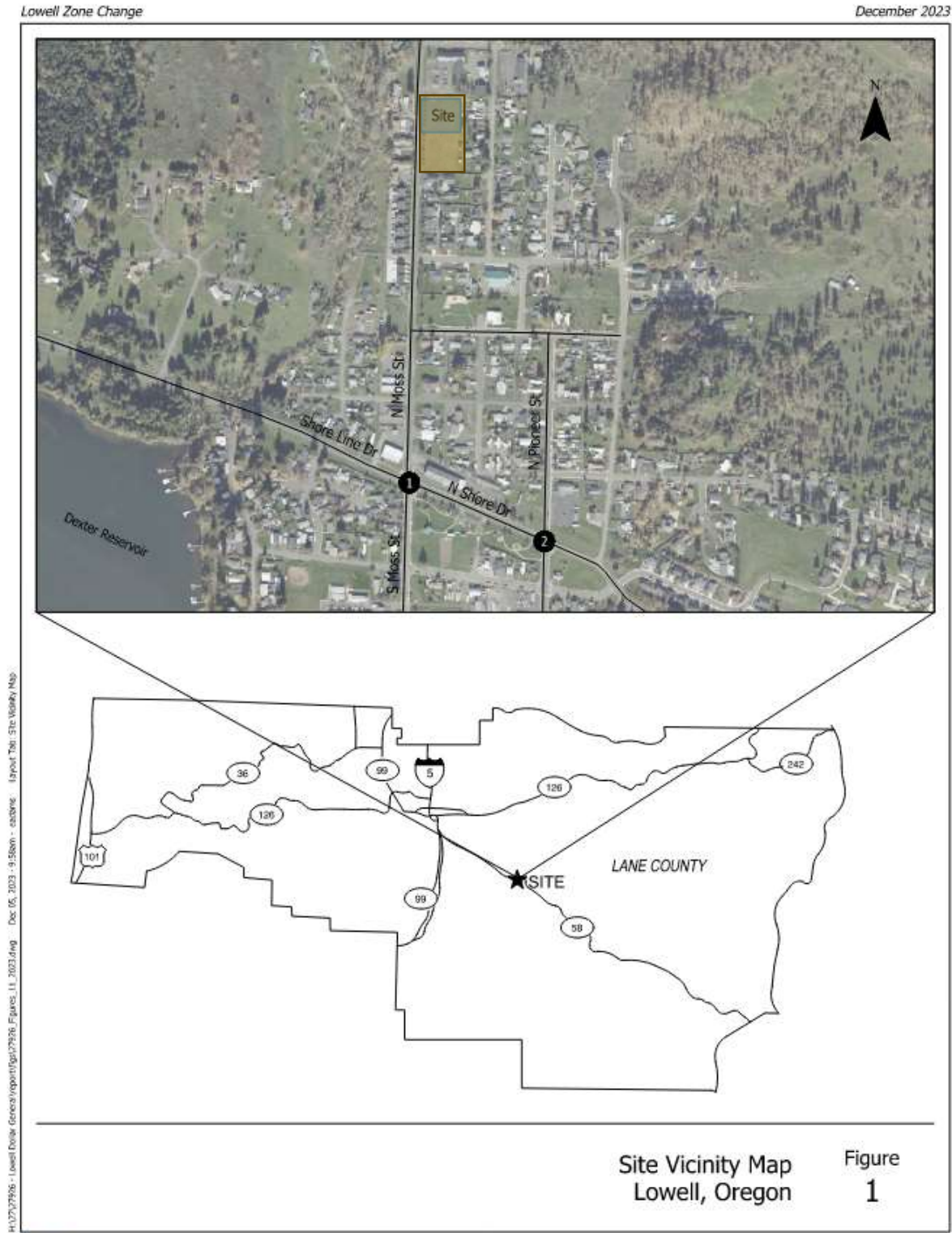
This report documents the transportation-related impacts associated with the proposed zone change. The scope of this report was developed based on guidance provided by Lane County (County) and Lane Council of Governments (LCOG) staff. Per their guidance, operational analyses were performed at the following study intersections:

1. Shore Line Drive/N Moss Street
2. N Shore Drive/N Pioneer Street

This report evaluates these transportation issues:

- Existing land-use and transportation-system conditions within the site vicinity during the weekday PM peak hour – all analyses focus on the weekday PM peak hour given the potential increase trips;
- Horizon year 2038 background traffic conditions (without the proposed zone change) at the study intersections during the weekday PM peak hour;
- Trip generation and distribution estimates for reasonable worst-case development scenarios under the existing and proposed zoning designations, and;
- Horizon year 2038 total traffic conditions (with the incremental increase in trips associated with the proposed zone change) at the study intersections during the weekday PM peak hours.

Figure 1: Site Vicinity Map



Operational Standards

Traffic operations at the study intersections were evaluated based on the operational standards identified in the Lane County Transportation System Plan (TSP, Reference 1). Per Table 6-6 of the TSP, two-way stop and yield controlled intersections inside the urban growth boundary (UGB) of an incorporated city must operate at level of service (LOS) E or better with a volume-to-capacity (v/c) ratio of 0.95 or lower during the average weekday peak hour.

Analysis Tools and Methodology

All analyses described in this report were performed in accordance with the procedures stated in the *Highway Capacity Manual, 6th Edition* (HCM, Reference 2). PTV Vistro 2022 was used to conduct the analyses. Vistro is a software tool that aids operational analyses in accordance with HCM methodologies. All analyses used the peak 15-minute flow rate that occurred during the weekday PM peak hour. Using the peak 15-minute flow rate ensures that the analyses are based on a reasonable worst-case scenario.

EXISTING CONDITIONS

The existing conditions analysis identifies the site conditions and current physical and operational characteristics of roadways within the study area. These conditions will be compared with future conditions later in this report.

Site Conditions and Adjacent Land Uses

The site is located within the Lowell city limits, it is zoned Public Lands (PL), and it is undeveloped. Adjacent land uses include additional Public Lands (PL) to the north, Single-Family Residential (R1) to the east, and Multi-Family Residential (R3) to the south and west per the *City of Lowell Zoning District Map* (Reference 3).

Transportation Facilities

Table 1 summarizes the characteristics of existing transportation facilities within the site vicinity.

Table 1: Existing Transportation Facilities

Roadway	Functional Classification ¹	Number of Lanes	Posted Speed (mph)	Sidewalks	Bicycle Lanes	On-Street Parking
Shore Line Dr	Major Collector	2	30	No	No	No
N Shore Drive	Major Collector	2	30	Partial ²	No	No
W Boundary Road	Minor Collector	2	30	Yes	No	No
S Moss Street	Major Collector	2	35	Partial ³	No	Partial ⁴
Pioneer Street	Major Collector	2	25	Partial ⁵	No	Yes
N Moss Street	Major Collector	2	35	Partial ⁶	No	No

¹ Per the Lane County Transportation System Plan (TSP – Reference 1)

² A sidewalk is available on the north side of N Shore Drive, a sidewalk removed from the road on the south side is available through Rolling Rock Park.

³ A sidewalk is available continuously on the west side Moss Street, an east side sidewalk is available starting approximately 100 feet north of the intersection with Shore Line Drive and continues south along Moss Street.

⁴ A few on-street parking spots are available along the west side of S Moss Street by Bridge Town Market.

⁵ Sidewalks are available on both sides of Pioneer Street south of the intersection with N Shore Drive, the eastside sidewalk continues north of the intersection.

⁶ N Moss Street has sidewalk on the side opposite of the site

Roadway Facilities

N Moss Street is located on the west side of the site. N Moss Street connects the site to Shore Line Drive and N Shore Drive to the south and Place Road to the north. N Shore Drive connects N Moss Street to Pioneer Street which connects with OR 58 (Willamette Highway) to the south. OR 58 connects the site to several nearby communities including the City of Eugene to the northwest. Figure 2 illustrates the existing lane configurations and traffic control devices at the study intersections.

Pedestrian and Bicycle Facilities

Continuous sidewalks are provided on the west side of N Moss Street and on the north and/or south sides of several side streets. Continuous paved shoulders are also provided on both sides of N Moss Street.

Transit Facilities

Local transit service is provided in the site vicinity by Lane Transit District (LTD). Route 92 – Lowell/LCC provides service between Eugene Station and Lowell via OR-58. Service is provided Monday through Saturday with one morning trip and one evening trip departing from Eugene Station and two morning trips and one evening trip departing from Lowell. No service is provided on Sunday. The closest stop is located approximately ½ mile from the site at S Moss Street between Shore Line Drive and Main Street.

Traffic Volumes

Traffic counts were conducted on study intersections in November 2023 while local schools were in session and there was no inclement weather. The counts were conducted on a typical mid-week day during the evening (4:00 to 6:00 PM) peak periods. The evening peak hour was found to occur from 4:45 to 5:45 PM. Figure 3 shows the existing traffic volumes at the study intersections during the weekday PM peak hour. *Appendix "A" contains the traffic count worksheets.*

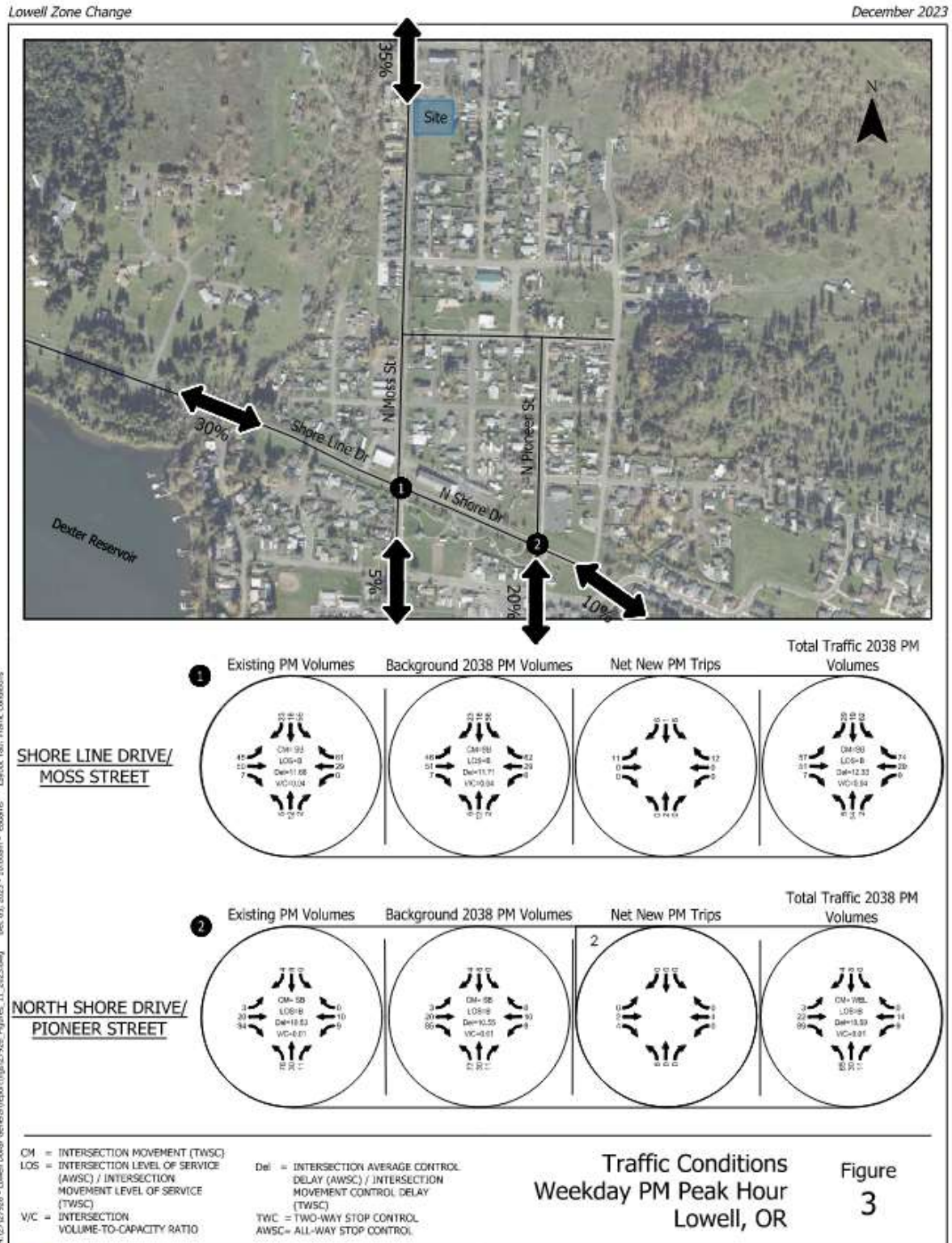
Traffic Operations

Figure 3 also shows the results of the existing traffic conditions analysis at the study intersections. As shown, the study intersections currently meet their operating standards during the weekday PM peak hour. *Appendix "B" contains the existing traffic conditions worksheets.*

Figure 2: Existing Lane Configurations and Traffic Control Devices



Figure 3: Traffic Conditions, Weekday PM Peak Hour



H:\12\127826 - Lowell (Dexter Reservoir)\report\figs\27935.Figures_11_2023.dwg Dec-05-2023 10:00am - esdavis Layout Tab: Traffic Conditions



ZONE CHANGE ANALYSIS

The zone change analysis identifies how the study intersections will operate in the horizon year, 2038. The impact of the proposed zone change was examined as follows:

- Horizon year 2038 background traffic conditions (without the proposed zone change) were analyzed at the study intersections during the weekday PM peak hour.
- Trip generation estimates were prepared for the site assuming reasonable worst-case development scenarios under the existing and proposed zoning designations.
- A trip distribution pattern was developed for the site, and the incremental increase in site-generated trips was distributed to the study area roadways and assigned to the study intersections.
- Horizon year 2038 total traffic conditions (with the proposed zone change) were analyzed at the study intersections during the weekday PM peak hour.

Horizon Year 2038 Background Traffic Conditions

The horizon year 2038 background traffic conditions analysis identifies how the study intersections will operate in 2038 under the existing zoning. This analysis includes traffic attributed to anticipated growth in the region but does not include traffic from the proposed zone change.

Traffic Volumes

The growth rate used in this analysis was determined based on information provided in the Lane County TSP. Per the TSP, traffic volumes in the Lowell area are expected to increase by 0.1% per year throughout the planning horizon. Therefore, a 1.5% growth rate was applied to the existing traffic volumes to develop the year 2038 background traffic volumes shown in Figure 4.

Traffic Operations

Figure 3 summarizes the results of the horizon year 2038 background traffic conditions analysis. As shown, the study intersections are forecast to meet their operating standards during the weekday PM peak hour. *Appendix "C" contains the horizon year 2038 background traffic conditions worksheets.*

Potential Development Scenarios

As indicated above, Oregon Architecture, Inc. is proposing the change the zoning of the 1.52-acre site from Public Lands (PL) to 0.38-acres of Multi-Family Residential (R3) and 1.14-acres of General Commercial District (C-1). Per Oregon Administrative Rule 660-012, also known as the Transportation Planning Rule (TPR), a zone change must not create an unmitigated significant effect on an existing or planned transportation system. If a significant effect is expected to occur, it must be mitigated within the planning horizon of the local TSP or 15 years in the future, whichever is greater. To determine whether a significant effect will occur, the trip generation associated with land uses allowed under the existing zoning was compared to those allowed under the proposed zoning as described below.

Development Scenarios

Development scenarios were prepared for the site based on information provided in the Lowell Land Development Code (LDC). Per the LDC, the existing Public Lands (PL) zoning designation allows for uses generally associated with public functions whereas the proposed Multi-Family Residential (R3) allows for multi-family residential and General Commercial District (C-1) allows for commercial uses. The following summarizes reasonable worst-case development scenarios for the site under the existing and proposed zoning designations.

- **Existing Public Lands (PL) Zoning** – Permitted uses under the existing PL zoning designation include uses generally associated with public functions. Based on an assessment of permitted uses and development standards, a reasonable worst-case development scenario under the existing PL zoning includes a 16,553 square-foot government office building (1.52 acres x 43,560 square-feet per acre x 0.25 for site development).
- **Proposed Multi-Family Residential (R3) Zoning** – Permitted uses under the proposed R3 zoning designation include duplexes, apartments, and other multiple-family dwellings, including triplexes and quadplexes. Based on an assessment of permitted uses and development standards, a reasonable worst-case development scenario under the proposed R3 zoning is six single-family attached homes.
- **Proposed General Commercial District (C-1) Zoning** – Permitted uses under the proposed C1 zoning designation include retail stores or shops, personal or business services, repair shops, eating or drinking establishments, etc. Based on an assessment of permitted uses and development standards, a reasonable worst-case development scenario under the proposed C-1 zoning is a 12,415 square-foot retail/commercial building (1.14 acres x 43,560 square-feet per acre x 0.25 for site development).

It should be noted that the reasonable worst-case development scenario described above for the proposed zoning designation is generally consistent with a recent land development application for a residential/commercial development on the site. The development consisted of six single-family attached homes and a 12,480 square-foot Free-Standing Discount Store (Dollar General).

Trip Generation

Trip generation estimates were prepared for the development scenarios described above based on information provided in the standard reference *Trip Generation, 11th Edition*, published by the Institute of Transportation Engineers (ITE – Reference 4). Table 2 summarizes the daily, weekday AM and weekday PM peak hour trips associated with the existing and proposed zoning designations.

Table 2. Trip Generation Estimate

Land Use	ITE Code	Size	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total	In	Out	Total	In	Out
Existing Zoning – PL- Public Lands									
Government Office	730	16,553 SF	374	55	41	14	28	7	21
Proposed Zoning – C1-R3 – General Commercial and Multiple-Family Residential									
Single-Family Attached Homes	215	6 Units	43	3	1	2	3	2	1
Free-Standing Discount Store (Dollar General)	814	12,480 SF	794	38	21	17	84	43	41
		<i>Subtotal</i>	838	41	22	19	87	45	42
Net New Trips (Proposed – Existing)			464	(14)	(20)	5	59	38	21

As shown in Table 2, the proposed zone change is expected to result in a net decrease in the trip generation potential of the site during the weekday AM peak hour and a net increase during the weekday PM peak hour.

Site Trip Distribution/Trip Assignment

The net new trips shown in Table 2 were distributed onto the study area roadways and assigned to the study intersection based on a review of existing traffic patterns and the location of major trip origins and destinations in the Lowell area. Figure 3 illustrates the estimated trip distribution pattern within the site vicinity and the assignment of site-generated trips at the study intersections.

Horizon Year 2038 Total Traffic Conditions

The horizon year 2038 total traffic conditions analysis forecasts how the study intersections will operate with the proposed zone change. The net new trips were added to the horizon year 2038 background traffic volumes to arrive at the horizon year 2038 total traffic volumes also shown in Figure 3.

Traffic Operations

Figure 3 summarizes the results of the horizon year 2038 total traffic conditions analysis. As shown, the study intersections are forecast to continue to meet their operating standards during the weekday PM peak hour. *Appendix "D" contains the horizon year 2038 total traffic conditions worksheets.*

Policy Review

Approval of the proposed zone change is dependent in part upon meeting the criteria outlined in the TPR. Table 2 summarizes the criteria identified in the TPR and their applicability to the proposed zone change.

Table 3: TPR Criteria & Applicability Assessment

Section	Criteria	Applicable?
1	Describes how to determine if a proposed land use action results in a significant impact.	Yes
2	Describes measures for complying with Criteria #1 where a significant impact is determined.	No
3	Describes measures for complying with Criteria #1 and #2 without assuring that the allowed land uses are consistent with the function, capacity, and performance standards of the facility.	No
4	Determinations under Criteria #1, #2, and #3 are coordinated with other local agencies.	No
5	Indicates that the presence of a transportation facility shall not be the basis for an exception to allow development on rural lands.	No
6	Indicates that local agencies should credit developments that provide a reduction in trips.	No
7	Outlines requirements for a local street plan, access management plan, or future street plan.	No
8	Defines a mixed-use, pedestrian-friendly neighborhood	No

9	Indicates that there is not a significant affect if the proposed zoning is consistent with existing plans	No
10	Defines a multi-modal mixed-use area (MMA) and the requirements that support it.	No
11	Encourages establishment of traded-sector jobs	No

As noted in Table 3, there are three criteria that apply to the proposed zone change. The criteria are provided below in italics with our response shown in standard font.

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection. If a local government is evaluating a performance standard based on projected levels of motor vehicle traffic, then the results must be based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Response: Per the analysis described above, the proposed zone change is expected to result in a net decrease in the trip generation potential of the site during the weekday AM peak hour and a net increase during the weekday PM peak hour. The results also show that the net increase in weekday PM peak hour trips is not expected to have a significant effect on the transportation system. Therefore, no mitigation measures are recommended in conjunction with the proposed zone change. Also, no changes to the City's functional classifications or street design standards are warranted by the change and the adjacent facilities are appropriate to support the proposed R3 and C-1 zoning designations.

FINDINGS AND RECOMMENDATIONS

The results of this study indicate that the proposed zone change is expected to result in a net decrease in the trip generation potential of the site during the weekday AM peak hour and a net increase during the weekday PM peak hour. The results also show that the net increase in weekday PM peak hour trips is not expected to have a significant effect on the transportation system. Therefore, no mitigation measures are

recommended in conjunction with the proposed zone change. Key findings of this analysis are discussed below.

Findings

- The study intersections currently meet their operating standards during the weekday PM peak hour.
- Per the TSP, traffic volumes in the Lowell area are expected to increase by 0.1% per year throughout the planning horizon.
- The study intersections are forecast to meet their operating standards under horizon year 2038 background traffic conditions (without the proposed zone change) during the weekday PM peak hour.
- The study intersections are forecast to continue to meet their operating standards under horizon year 2038 total traffic conditions (with the proposed zone change) during the weekday PM peak hour.
- Per the analysis described above, the proposed zone change is expected to result in a net decrease in the trip generation potential of the site during the weekday AM peak hour and a net increase during the weekday PM peak hour. The results also show that the net increase in weekday PM peak hour trips is not expected to have a significant effect on the transportation system. Therefore, no mitigation measures are recommended in conjunction with the proposed zone change.

REFERENCES

1. Lane County. *Lane County Transportation System Plan*.
2. Transportation Research Board. *Highway Capacity Manual*, 6th Edition. 2016.
3. City of Lowell. *City of Lowell Zoning District Map*. 2012.
4. Institute of Transportation Engineers. *Trip Generation Manual*, 11th Edition. September 2017.

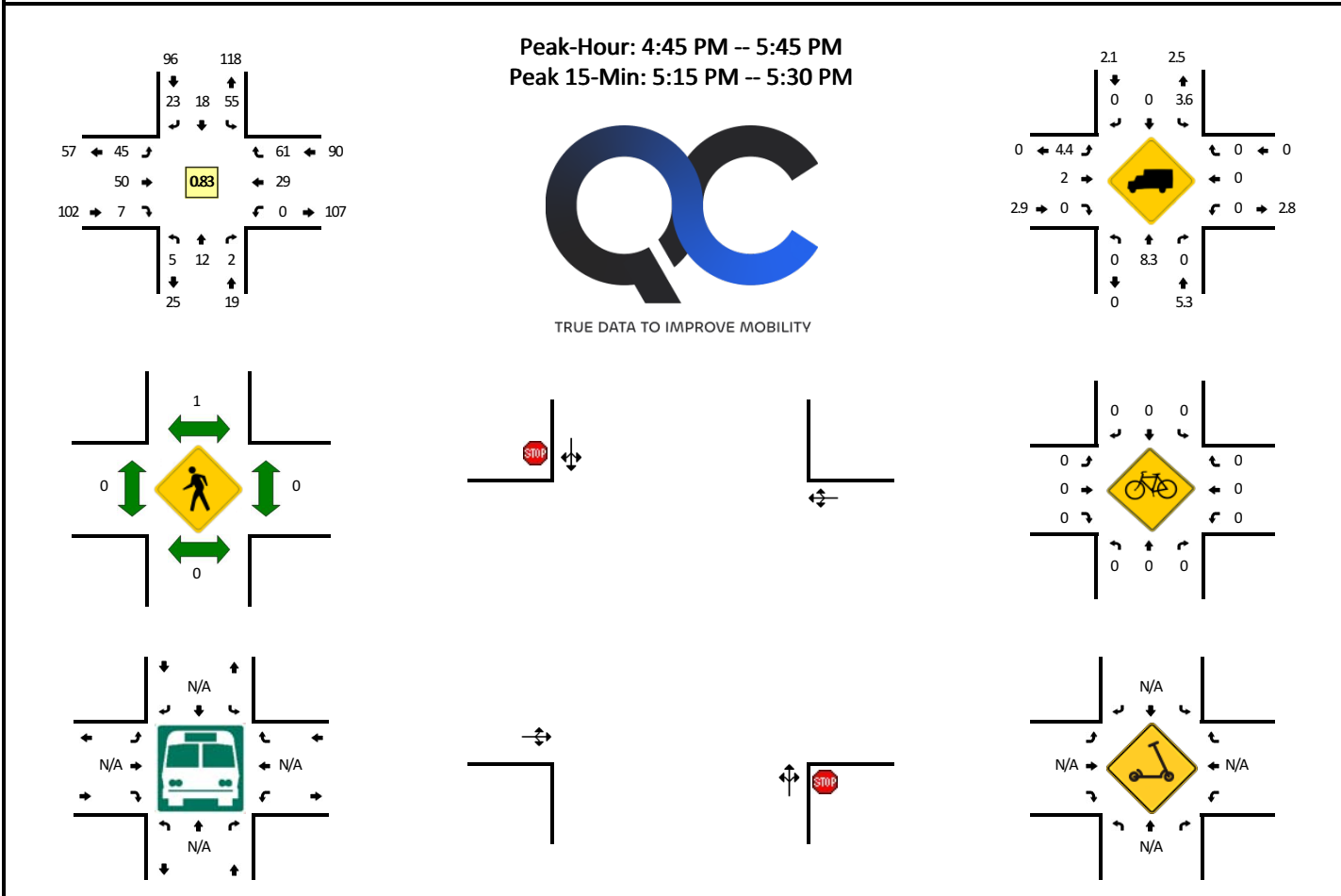
APPENDIX

- A. Traffic Counts
- B. Existing Traffic Conditions Worksheets
- C. Horizon Year 2038 Background Traffic Conditions Worksheets
- D. Horizon Year 2038 Total Traffic Conditions Worksheets

Appendix A Traffic Counts

LOCATION: N Moss St -- N Shore Dr
CITY/STATE: Lowell, OR

QC JOB #: 16385301
DATE: Thu, Nov 9 2023

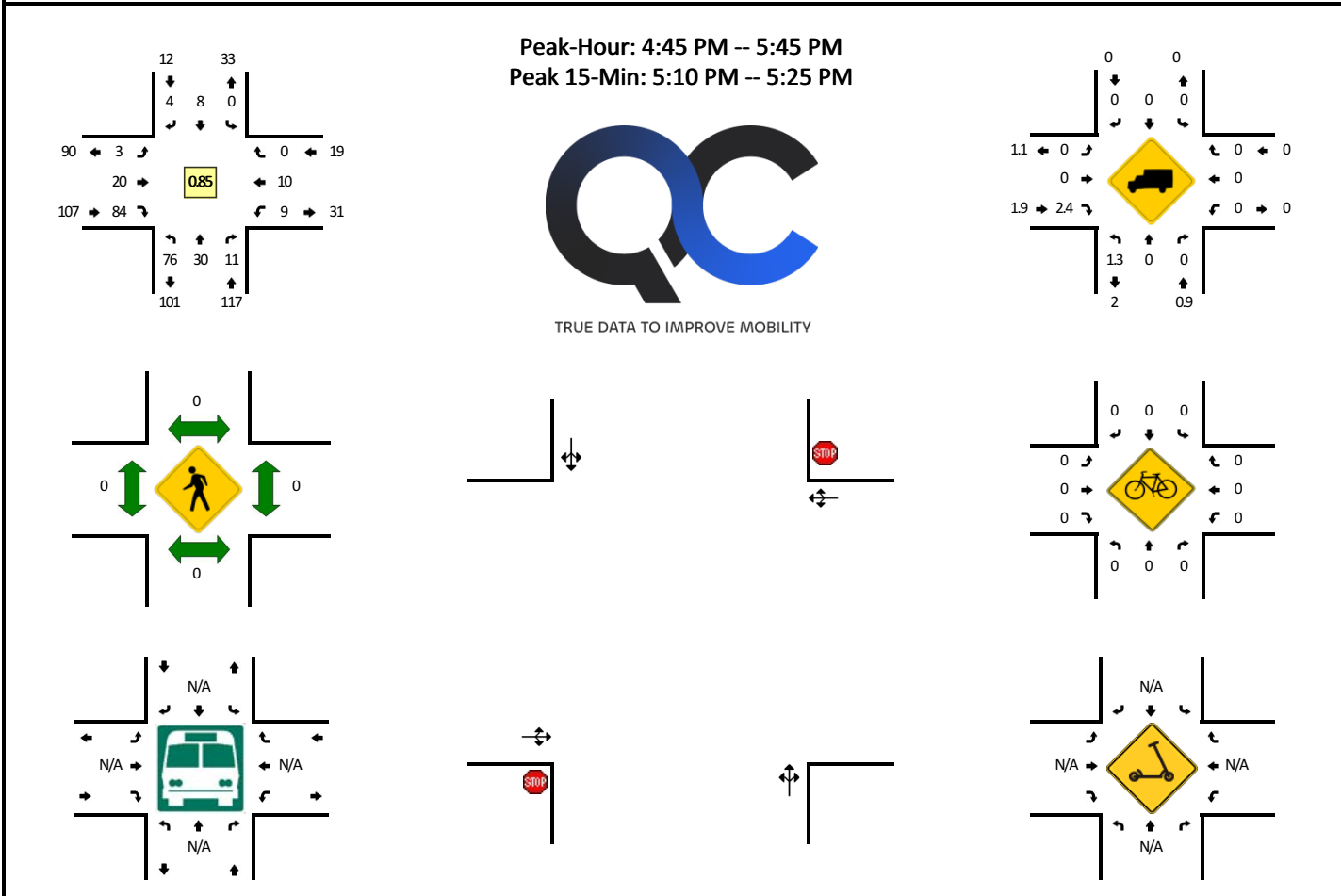


5-Min Count Period Beginning At	N Moss St (Northbound)				N Moss St (Southbound)				N Shore Dr (Eastbound)				N Shore Dr (Westbound)				Total	Hourly Totals	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U			
4:00 PM	1	1	0	0	5	4	4	0	3	5	1	0	0	6	7	0	37		
4:05 PM	2	2	0	0	3	0	0	0	3	9	1	0	0	0	3	8	0	31	
4:10 PM	1	2	0	0	4	0	2	0	3	4	0	0	0	0	6	2	0	24	
4:15 PM	2	3	0	0	2	3	2	0	3	3	0	0	0	0	6	4	0	28	
4:20 PM	0	2	0	0	2	2	1	0	2	5	1	0	0	0	6	6	0	27	
4:25 PM	0	0	0	0	5	0	1	0	4	4	0	0	0	0	5	1	0	20	
4:30 PM	0	0	1	0	2	1	0	0	2	7	1	0	1	4	4	0	23		
4:35 PM	0	0	0	0	5	1	5	0	2	4	1	0	0	0	1	2	0	21	
4:40 PM	0	2	0	0	1	0	1	0	6	3	0	0	0	0	1	3	0	17	
4:45 PM	0	0	0	0	6	0	2	0	4	3	0	0	0	0	4	5	0	24	
4:50 PM	0	0	0	0	4	2	3	0	3	4	2	0	0	0	1	6	0	25	
4:55 PM	1	0	0	0	4	4	2	0	8	2	1	0	0	0	2	3	0	27	304
5:00 PM	0	4	0	0	3	2	1	0	4	4	2	0	0	0	2	5	0	27	294
5:05 PM	1	3	0	0	0	3	1	0	5	5	0	0	0	0	3	7	0	28	291
5:10 PM	0	0	1	0	3	1	1	0	1	5	1	0	0	0	1	2	0	16	283
5:15 PM	1	1	0	0	8	1	1	0	6	8	0	0	0	0	1	5	0	32	287
5:20 PM	0	1	1	0	9	3	1	0	2	3	1	0	0	0	3	4	0	28	288
5:25 PM	1	3	0	0	7	0	4	0	6	2	0	0	0	0	2	8	0	33	301
5:30 PM	0	0	0	0	2	0	0	0	1	4	0	0	0	0	6	6	0	19	297
5:35 PM	0	0	0	0	7	0	3	0	4	5	0	0	0	0	3	4	0	26	302
5:40 PM	1	0	0	0	2	2	4	0	1	5	0	0	0	0	1	6	0	22	307
5:45 PM	0	0	1	0	1	2	0	0	2	4	0	0	0	0	1	7	0	18	301
5:50 PM	0	1	0	0	3	0	3	0	3	4	0	0	0	0	1	4	0	19	295
5:55 PM	1	0	0	0	0	0	1	0	4	1	0	0	0	0	2	5	0	14	282
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total		
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U			
All Vehicles	8	20	4	0	96	16	24	0	56	52	4	0	0	24	68	0	372		
Heavy Trucks	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4		
Buses																			
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Scoters																			

Comments:

LOCATION: S Pioneer St -- N Shore Line Dr/W Boundary Rd
CITY/STATE: Lowell, OR

QC JOB #: 16385302
DATE: Thu, Nov 9 2023



5-Min Count Period Beginning At	S Pioneer St (Northbound)				S Pioneer St (Southbound)				N Shore Line Dr/W Boundary Rd (Eastbound)				N Shore Line Dr/W Boundary Rd (Westbound)				Total	Hourly Totals	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U			
4:00 PM	14	1	0	0	0	2	0	0	0	0	3	8	0	0	0	0	0	28	
4:05 PM	7	3	1	0	0	1	1	0	0	1	2	10	0	0	1	0	0	27	
4:10 PM	7	1	0	0	0	1	1	0	0	0	3	5	0	3	0	0	0	21	
4:15 PM	3	0	1	0	0	0	0	0	0	0	0	4	0	0	6	0	0	14	
4:20 PM	8	0	1	0	0	0	1	0	0	0	1	6	0	0	4	0	0	21	
4:25 PM	7	0	1	0	0	1	0	0	0	0	1	8	0	1	2	0	0	21	
4:30 PM	6	1	0	0	0	3	0	0	0	0	2	10	0	0	1	0	0	23	
4:35 PM	4	1	1	0	0	0	0	0	0	0	0	9	0	0	0	0	0	15	
4:40 PM	4	1	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	8	
4:45 PM	7	0	2	0	0	1	1	0	0	1	2	4	0	0	1	0	0	19	
4:50 PM	7	1	0	0	0	1	0	0	0	1	2	6	0	1	0	0	0	19	
4:55 PM	5	0	1	0	0	0	0	0	0	0	1	5	0	0	0	0	0	12	228
5:00 PM	5	3	0	0	0	3	0	0	0	0	1	6	0	1	1	0	0	20	220
5:05 PM	11	5	1	0	0	0	0	0	0	0	1	4	0	0	0	0	0	22	215
5:10 PM	2	4	3	0	0	1	0	0	0	1	2	8	0	1	0	0	0	22	216
5:15 PM	5	3	0	0	0	0	0	0	0	0	3	11	0	1	0	0	0	23	225
5:20 PM	7	2	0	0	0	1	1	0	0	0	3	13	0	1	2	0	0	30	234
5:25 PM	6	2	0	0	0	0	0	0	0	0	2	6	0	2	3	0	0	21	234
5:30 PM	8	6	1	0	0	0	0	0	0	0	0	4	0	2	2	0	0	23	234
5:35 PM	7	1	3	0	0	1	0	0	0	0	3	10	0	0	0	0	0	25	244
5:40 PM	6	3	0	0	0	0	2	0	0	0	0	7	0	0	1	0	0	19	255
5:45 PM	4	3	1	0	0	2	1	0	0	0	0	5	0	2	1	0	0	19	255
5:50 PM	3	1	0	0	0	1	1	0	0	1	0	5	0	0	0	0	0	12	248
5:55 PM	6	1	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	9	245
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total		
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U			
All Vehicles	56	36	12	0	0	8	4	0	4	32	128	0	12	8	0	0	300		
Heavy Trucks	0	0	0		0	0	0		0	0	4		0	0	0		4		
Buses																			
Pedestrians		0				0				0				0			0		
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0		
Scoters																			

Comments:

Appendix B

Existing Traffic Conditions Worksheets

Intersection Level Of Service Report
Intersection 1: Shore Line Drive & S Moss Street

Control Type:	Two-way stop	Delay (sec / veh):	11.7
Analysis Method:	HCM 6th Edition	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.035

Intersection Setup

Name	Northbound			Southbound			Eastbound			Westbound		
Approach												
Lane Configuration	+			+			+			+		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	35.00			25.00			30.00			30.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	No			No			Yes			No		

Volumes

Name												
Base Volume Input [veh/h]	5	12	2	55	18	23	45	50	7	0	29	61
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	0.00	8.00	0.00	4.00	0.00	0.00	4.00	2.00	0.00	0.00	0.00	0.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	5	12	2	55	18	23	45	50	7	0	29	61
Peak Hour Factor	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	2	4	1	17	5	7	14	15	2	0	9	18
Total Analysis Volume [veh/h]	6	14	2	66	22	28	54	60	8	0	35	73
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Stop	Stop	Free	Free
Flared Lane	No	No		
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance	No	No		
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.01	0.02	0.00	0.10	0.03	0.03	0.04	0.00	0.00	0.00	0.00	0.00
d_M, Delay for Movement [s/veh]	10.90	11.26	8.79	11.39	11.66	9.59	7.54	0.00	0.00	7.33	0.00	0.00
Movement LOS	B	B	A	B	B	A	A	A	A	A	A	A
95th-Percentile Queue Length [veh/ln]	0.11	0.11	0.11	0.58	0.58	0.58	0.11	0.11	0.11	0.00	0.00	0.00
95th-Percentile Queue Length [ft/ln]	2.72	2.72	2.72	14.41	14.41	14.41	2.86	2.86	2.86	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	10.94			11.01			3.34			0.00		
Approach LOS	B			B			A			A		
d_I, Intersection Delay [s/veh]	5.23											
Intersection LOS	B											

Intersection Level Of Service Report
Intersection 2: N Shore Drive & Pioneer Street

Control Type:	Two-way stop	Delay (sec / veh):	10.5
Analysis Method:	HCM 6th Edition	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.014

Intersection Setup

Name	Northbound			Southbound			Eastbound			Westbound		
Approach												
Lane Configuration	⊕			⊕			⊕			⊕		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00			25.00			30.00			30.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Northbound			Southbound			Eastbound			Westbound		
Base Volume Input [veh/h]	76	30	11	0	8	4	3	20	84	9	10	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.00	0.00	0.00	0.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	76	30	11	0	8	4	3	20	84	9	10	0
Peak Hour Factor	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	22	9	3	0	2	1	1	6	25	3	3	0
Total Analysis Volume [veh/h]	89	35	13	0	9	5	4	24	99	11	12	0
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Free	Stop	Free	Stop
Flared Lane		No		No
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance		No		No
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.01	0.01	0.00	0.02	0.00	0.02	0.02	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	0.00	9.93	10.53	8.90	7.50	7.51	0.00	10.40	10.08	8.94
Movement LOS	A	A	A	A	B	A	A	A	A	B	B	A
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.00	0.06	0.06	0.06	0.01	0.01	0.01	0.10	0.10	0.10
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.00	1.44	1.44	1.44	0.21	0.21	0.21	2.51	2.51	2.51
d_A, Approach Delay [s/veh]	0.00			9.95			1.66			10.23		
Approach LOS	A			A			A			B		
d_I, Intersection Delay [s/veh]	1.94											
Intersection LOS	B											

Appendix C
Horizon Year 2038 Background Traffic
Conditions Worksheets

Intersection Level Of Service Report
Intersection 1: Shore Line Drive & S Moss Street

Control Type:	Two-way stop	Delay (sec / veh):	11.7
Analysis Method:	HCM 6th Edition	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.035

Intersection Setup

Name	Northbound			Southbound			Eastbound			Westbound		
Approach												
Lane Configuration	+			+			+			+		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	35.00			25.00			30.00			30.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	No			No			Yes			No		

Volumes

Name	Northbound			Southbound			Eastbound			Westbound		
Base Volume Input [veh/h]	5	12	2	56	18	23	46	51	7	0	29	62
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	0.00	8.00	0.00	4.00	0.00	0.00	4.00	2.00	0.00	0.00	0.00	0.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	5	12	2	56	18	23	46	51	7	0	29	62
Peak Hour Factor	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	2	4	1	17	5	7	14	15	2	0	9	19
Total Analysis Volume [veh/h]	6	14	2	67	22	28	55	61	8	0	35	75
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Stop	Stop	Free	Free
Flared Lane	No	No		
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance	No	No		
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.01	0.02	0.00	0.10	0.03	0.03	0.04	0.00	0.00	0.00	0.00	0.00
d_M, Delay for Movement [s/veh]	10.94	11.31	8.79	11.46	11.71	9.61	7.55	0.00	0.00	7.33	0.00	0.00
Movement LOS	B	B	A	B	B	A	A	A	A	A	A	A
95th-Percentile Queue Length [veh/ln]	0.11	0.11	0.11	0.59	0.59	0.59	0.12	0.12	0.12	0.00	0.00	0.00
95th-Percentile Queue Length [ft/ln]	2.74	2.74	2.74	14.67	14.67	14.67	2.92	2.92	2.92	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	10.98			11.06			3.35			0.00		
Approach LOS	B			B			A			A		
d_I, Intersection Delay [s/veh]	5.23											
Intersection LOS	B											

Intersection Level Of Service Report
Intersection 2: N Shore Drive & Pioneer Street

Control Type:	Two-way stop	Delay (sec / veh):	10.6
Analysis Method:	HCM 6th Edition	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.014

Intersection Setup

Name	Northbound			Southbound			Eastbound			Westbound		
Approach												
Lane Configuration	+			+			+			+		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00			25.00			30.00			30.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Northbound			Southbound			Eastbound			Westbound		
Base Volume Input [veh/h]	77	30	11	0	8	4	3	20	85	9	10	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.00	0.00	0.00	0.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	77	30	11	0	8	4	3	20	85	9	10	0
Peak Hour Factor	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	23	9	3	0	2	1	1	6	25	3	3	0
Total Analysis Volume [veh/h]	91	35	13	0	9	5	4	24	100	11	12	0
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Free	Stop	Free	Stop
Flared Lane		No		No
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance		No		No
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.01	0.01	0.00	0.02	0.00	0.02	0.02	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	0.00	9.95	10.55	8.91	7.51	7.52	0.00	10.43	10.09	8.95
Movement LOS	A	A	A	A	B	A	A	A	A	B	B	A
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.00	0.06	0.06	0.06	0.01	0.01	0.01	0.10	0.10	0.10
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.00	1.45	1.45	1.45	0.21	0.21	0.21	2.51	2.51	2.51
d_A, Approach Delay [s/veh]	0.00			9.97			1.64			10.25		
Approach LOS	A			A			A			B		
d_I, Intersection Delay [s/veh]	1.93											
Intersection LOS	B											

Appendix D
Horizon Year 2038 Total Traffic Conditions
Worksheets

Intersection Level Of Service Report
Intersection 1: Shore Line Drive & S Moss Street

Control Type:	Two-way stop	Delay (sec / veh):	12.3
Analysis Method:	HCM 6th Edition	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.039

Intersection Setup

Name	Northbound			Southbound			Eastbound			Westbound		
Approach												
Lane Configuration	⊕			⊕			⊕			⊕		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	35.00			25.00			30.00			30.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	No			No			Yes			No		

Volumes

Name	Northbound			Southbound			Eastbound			Westbound		
Base Volume Input [veh/h]	5	14	2	62	19	29	57	51	7	0	29	74
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	0.00	8.00	0.00	4.00	0.00	0.00	4.00	2.00	0.00	0.00	0.00	0.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	5	14	2	62	19	29	57	51	7	0	29	74
Peak Hour Factor	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	2	4	1	19	6	9	17	15	2	0	9	22
Total Analysis Volume [veh/h]	6	17	2	75	23	35	69	61	8	0	35	89
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Stop	Stop	Free	Free
Flared Lane	No	No		
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance	No	No		
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.01	0.03	0.00	0.12	0.04	0.04	0.05	0.00	0.00	0.00	0.00	0.00
d_M, Delay for Movement [s/veh]	11.47	11.79	8.86	12.14	12.33	9.94	7.61	0.00	0.00	7.33	0.00	0.00
Movement LOS	B	B	A	B	B	A	A	A	A	A	A	A
95th-Percentile Queue Length [veh/ln]	0.13	0.13	0.13	0.72	0.72	0.72	0.15	0.15	0.15	0.00	0.00	0.00
95th-Percentile Queue Length [ft/ln]	3.37	3.37	3.37	18.09	18.09	18.09	3.74	3.74	3.74	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	11.48			11.59			3.80			0.00		
Approach LOS	B			B			A			A		
d_I, Intersection Delay [s/veh]	5.60											
Intersection LOS	B											

Intersection Level Of Service Report
Intersection 2: N Shore Drive & Pioneer Street

Control Type:	Two-way stop	Delay (sec / veh):	10.7
Analysis Method:	HCM 6th Edition	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.014

Intersection Setup

Name	Northbound			Southbound			Eastbound			Westbound		
Approach												
Lane Configuration	+			+			+			+		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00			25.00			30.00			30.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Northbound			Southbound			Eastbound			Westbound		
Base Volume Input [veh/h]	85	30	11	0	8	4	3	22	89	9	14	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.00	0.00	0.00	0.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	85	30	11	0	8	4	3	22	89	9	14	0
Peak Hour Factor	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500	0.8500
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	25	9	3	0	2	1	1	6	26	3	4	0
Total Analysis Volume [veh/h]	100	35	13	0	9	5	4	26	105	11	16	0
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Free	Stop	Free	Stop
Flared Lane		No		No
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance		No		No
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.01	0.01	0.00	0.02	0.00	0.02	0.02	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	0.00	10.06	10.67	8.96	7.53	7.54	0.00	10.59	10.19	9.01
Movement LOS	A	A	A	B	B	A	A	A	A	B	B	A
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.00	0.06	0.06	0.06	0.01	0.01	0.01	0.12	0.12	0.12
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.00	1.47	1.47	1.47	0.21	0.21	0.21	3.01	3.01	3.01
d_A, Approach Delay [s/veh]	0.00			10.06			1.68			10.36		
Approach LOS	A			B			A			B		
d_I, Intersection Delay [s/veh]	2.00											
Intersection LOS	B											