



BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON

Wednesday, December 5, 2018
10:00 a.m. - Room 308

BOARD MEETING AGENDA

CALL TO ORDER/FLAG SALUTE

MINUTES:

Minutes, November 28, 2018 Board meeting.
Minutes, November 28, 2018 Work Session

VISITOR COMMENTS - 5 MINUTE LIMIT

HEARING(S):

- 1) Public Hearing on the Supplemental FY2019 Columbia County Budget

- 2) Public Hearing, "In the Matter of the Application of Scott Winegar for a Comprehensive Plan and Zoning Map Amendment from rural Residential (RR-2) to Community Service Institutional (CS-1)".

CONSENT AGENDA:

- (A) Ratify the Select to Pay for the week of 11.26.18.

- (B) Ratify Partition Plat for Durell & Gail Kearsley.

- (C) Order No. 43-2018, "In the Matter of Conveying Certain Real Property in Goble and Rainier Oregon, to Woodburn Industrial Capital Group, LLC; Tax Map ID No. 6N2W11-AA-00500, 6N2W12-00-00900, and 6N2W11-AA-00400 and Tax Account Nos. 19315, 19330 and 19314

- (D) Quitclaim Deed to Woodburn Industrial Capital Group, LLC Tax Map ID No. 6N2W11-AA-00500, 6N2W12-00-00900, and 6N2W11-AA-00400 and Tax Account Nos. 19315, 19330 and 19314.

- (E) Resolution No. 53-2018, "In the Matter of Authorizing Supplemental Budget Appropriations, Contingency Transfer and Fund Renaming for Fiscal Year 2018-2019".

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (F) C101-2018 Purchase and Sales Agreement between Columbia County and Woodburn Industrial Capital Group, LLC and authorize the Chair to sign.

DISCUSSION ITEMS:

COMMISSIONER HEIMULLER COMMENTS:

COMMISSIONER MAGRUDER COMMENTS:

COMMISSIONER TARDIF COMMENTS:

EXECUTIVE SESSION:

Pursuant to ORS 192.640(1), the Board of County Commissioners reserves the right to consider and discuss, in either open session or Executive Session, additional subjects which may arise after the agenda is published.

NOTICE OF SUPPLEMENTAL BUDGET HEARING

For supplemental budgets proposing a change in any fund's expenditures by more than 10 percent or adding an appropriation category

A public hearing on a proposed supplemental budget for Columbia County for the current fiscal year will be held at 230 Strand Street, St Helens, OR in room 308. The hearing will take place on Dec 5, 2018 at 10:00 am. The purpose of the hearing is to discuss the supplemental budget with interested persons. A copy of the supplemental budget document may be inspected or obtained on or after Nov 28, 2018 at 230 Strand Street, St Helens, OR at the Finance Counter between 8:30 am and 5pm Monday through Friday.

SUMMARY OF PROPOSED BUDGET CHANGES

AMOUNTS SHOWN ARE REVISED TOTALS IN THOSE FUNDS BEING MODIFIED

FUND: Transfer Station Supplemental Budget impact

<u>Resource</u>	<u>Amount</u>	<u>Requirement</u>	<u>Amount</u>
1 Beginning Fund Balance/Net Working Capital - increase	2,296,000	1 Program - increase	3,773,425
2 All Other Resources unchanged	3,195,000	2 Debt - decrease	323,660
3		3 Transfers - increase	46,473
		4 Contingency - decrease	1,347,442
Revised Total Fund Resources	5,491,000	Revised Total Fund Requirements	5,491,000

Comments:

The Transfer Station has experienced the unanticipated event of needing to replace a key piece of heavy machinery: the site's compactor. Equipment replacement reserves will be utilized to make the purchase but additional cash will be raised by foregoing an excess debt service payment of \$100,000 and utilizing over \$500,000 in contingency funds. Finally, the FY18 beginning balance is higher than anticipated and these unplanned revenues will be added to the resource budget.

BOARD COMMUNICATION

FROM THE LAND DEVELOPMENT SERVICES DEPARTMENT

HEARING DATE: Wednesday December 5, 2018

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Todd Dugdale, Director of Land Development Services

SUBJECT: PUBLIC HEARING-PLAN/ZONE REQUEST ON 7/25/18 AGENDA
File Numbers: PA 18-01 & ZC 18-02
Applicant: Scott Winegar, Columbia County Christian School
Property Owner: Warren Community Fellowship (WCF)
Comprehensive Plan Amendment: Rural Residential (RR) to Community Service (CS)
Rezoning: Rural Residential-2 Acre (RR-2) To Community Service Institutional (CS-I)
Location: For a 7.4-Acre Site on Church Road Adjacent to the Warren Community Fellowship Church.

DATE: November 28, 2018

SUMMARY:

On July 25, 2018 the Columbia County Board of Commissioners heard the Staff Report dated July 18, 2018 as well as testimony from the applicant and neighbors for and against the proposed Comprehensive Plan Map Amendment. Additional information was submitted into the record by the applicant, which included a preliminary septic report prepared by Environmental Management Systems, Inc. The Board voted to postpone the hearing until August 29, 2018 so that staff could analyze the submitted EMS study to determine if it adequately addressed the facilities criteria. In an attached letter (Attachment 3), dated August 1, 2018, the Planning Manager contacted the applicant and stated that the submitted EMS Report was inadequate and did not address the feasibility of an on-site septic system. On August 22, 2018, the applicant requested a postponement to allow more time to gather the necessary information for the septic lot evaluation. On August 29, 2018, the Board granted a continuance of the hearing until December 5, 2018 to allow adequate time for the applicant to take the necessary steps to prove that an on-site wastewater disposal system is feasible for the subject property with the intended use as a school.

One of the three major criteria for approving the zone change is that adequate facilities are present or planned to be provided to support the proposed use. Water from Warren Community Water is available and Church Road and Highway 30 provide adequate site access. However, there is no public sewer system available in the area to serve the proposed school use. As demonstrated in the Supplemental Staff Report, dated November 28, 2018 (Attachment 1), the applicant has an approved Septic Lot Evaluation (192-18-000301-EVAL – Attachment 2) which shows that the proposed use can be supported by an approved on-site septic system.

RECOMMENDATION:

Based on the supplemental findings and additional information that the applicant has submitted, staff has found that the applicant has adequately demonstrated that the proposed use of a school can be supported by existing and/or future public facilities on the subject property. Staff recommends that the Board of County Commissioners APPROVE the request for a Comprehensive Plan Map Amendment and Zone Change (PA 18-01 & ZC 18-01) to amend the County's Comprehensive Plan map from Rural Residential to Community Service and the County's Zoning map from Rural Residential – 2 (RR-2) to Community Service-Institutional (CS-I) with the conditions listed in the November 28, 2018 Supplemental Staff Report.

ATTACHMENTS:

1. November 28, 2018 Supplemental Staff Report
2. 192-18-000301-EVAL Application and Determination
3. August 1, 2018 Letter from Glen Higgins

COLUMBIA COUNTY BOARD OF COMMISSIONERS

SUPPLEMENTAL STAFF REPORT

November 28, 2018

Zone Change and Comprehensive Plan Map Amendment

HEARING DATE: December 5, 2018

FILE NUMBER: PA 18-01 & ZC 18-02

APPLICANT: Scott Winegar, 56523 Columbia River Highway, St. Helens, OR 97051

OWNER: Warren Community Fellowship Church, 56523 Columbia River Highway, St. Helens, OR 97051

SITE LOCATION: The site is located on Church Road, bordering the Warren Community Fellowship Church property in back, to the west.

TAX MAP NO: 4119-AC-00700

PRESENT COMPREHENSIVE PLAN DESIGNATION: Rural Residential

PROPOSED COMPREHENSIVE PLAN DESIGNATION: Community Service

PRESENT ZONING: Rural Residential - 2 (RR-2)

PROPOSED ZONING: Community Service-Institutional (CS-I)

SITE SIZE: ± 7.4 Acres

REQUEST: To amend the County's Comprehensive Plan Map from Rural Residential to Community Service and the County's Zoning Map from Rural Residential-2 (RR-2) to Community Service-Institutional (CS-I) to allow for the relocation of the Columbia County Christian School (CCCS)

SUMMARY:

On April 12, 2018, the application for a Comprehensive Plan Map Amendment and Zone Change was accepted as complete from Scott Winegar, who represents the Columbia County Christian School. This Comprehensive Plan Map Amendment proposes to change the zoning designation of a 7.4 acre parcel that is currently zoned Rural Residential, to Community Service Institutional in order to relocate the existing Columbia County Christian School from the Warren Community Fellowship property to the south.

The Columbia County Planning Commission heard this proposal on June 4, 2018 along with the

Staff Report dated May 25, 2018 and testimony for and against from neighboring property owners. The Planning Commission recommended that the Board of County Commissioners deny the request for a Comprehensive Plan Map Amendment based on the findings that the subject parcel did not have a proven method of waste water disposal.

On July 25, 2018 the Columbia County Board of Commissioners heard the Staff Report dated July 18, 2018 as well as testimony from the applicant and neighbors for and against the proposed Comprehensive Plan Map Amendment. The Board voted to postpone the hearing until August 29, 2018 so that Staff would have adequate time to review the recently submitted "Preliminary Site Evaluation", prepared by Environmental management Systems, Inc. (EMS). Both the State DEQ and Columbia County Sanitarian determined that the EMS report was not adequate to determine if the site is suitable for a septic system which would support a design flow of 2,725 gallons per day. Staff recommended that the applicant apply for a septic lot evaluation through either DEQ or the county to demonstrate that a suitable area is available, including test pits for localized soil evaluations.

On August 22, 2018, the applicant requested a postponement to allow for more time to gather the necessary information for the septic lot evaluation. On August 29, 2018, the Board granted a continuance of the hearing until December 5, 2018 to allow adequate time for the applicant to prepare the necessary measures to prove that an on-site waste water disposal system is feasible for the subject property with the intended use as a school.

Through communications between the Department of Environmental Quality and the Columbia County Sanitarian, DEQ made the determination that the daily flow rate can be based on historical water usage data for the existing school. This authorized the county to review the proposal of a septic lot evaluation rather than seeking approval of a Water Pollution Control Facility (See attached communications). On October 16, 2018, the applicant submitted a septic lot evaluation (192-18-00301-EVAL) to the county which included a staked out plan of how the septic drainfield would be laid out. The County Sanitarian reviewed the drainfield layout as well as test holes on the subject property and concluded that a septic system could be approved for the proposed use.

The remainder of this report will amend affected findings in the July 18, 2018 Board of County Commissioners Staff Report based on supplemental information received from the applicant, addressing the feasibility of on-site waste water disposal for the proposed school.

Finding 1:

Columbia County Comprehensive Plan Part XIV (Public Facilities & Services) & Statewide Planning Goal 11 (Public Facilities and Services): The goal of Part XIV is to plan and develop a timely, orderly, and efficient arrangement of public services as a framework for urban and rural development. Policy 2 of the Public Facilities and Services section states, "Require that the level of facilities and provided be appropriate for, but limited to, the needs and requirements of the area(s) to be served. The types and level of public facilities allowed within Rural Residential, Rural Center, Existing Commercial, and Rural Industrial areas are: A. Public or community

water systems. B. Public or community sewage systems. C. Collector and/or arterial street systems. D. Fire protection by a rural fire protection district, or an equivalent level of service”. Also, Goal 11 requires local governments “to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” While this area is not a part of any incorporated city or within an urban growth boundary, it does provide some types of public facilities and services.

The subject property is approximately 7.4 acres and located in an area of relatively high density rural, single-family developments. The area is served by Warren Water Association and the applicants propose to utilize their services for future development. The applicant has not submitted any documentation stating that Warren Water is willing and able to serve this intended new use, however on May 18, 2018 Warren Water submitted comments stating that they have reviewed the requested Zone Change and Comprehensive Plan Map Amendment and have no objections to its approval as submitted.

There are no public stormwater facilities in the vicinity. The subject property is within a natural drainage area including Warren Creek basin. Staff notes that a private engineered stormwater and erosion control plan will be required at the time of Site Design Review.

The subject property is served by the Columbia County Sheriff as well as Columbia River Fire and Rescue. No comments were received by either as part of this proposal, however prior to the approval of the Site Design Review, setbacks, access and fire flow for the planned school shall be reviewed and approved by Columbia River Fire and Rescue.

There are no public sewage disposal facilities located within the vicinity of this site. However, since the initial Board of Commissioners hearing (July 25, 2018), the applicant has submitted an approved Septic Lot Evaluation (192-18-00301-EVAL) that shows the proposed school can be supported by an approved on-site septic system based on the historic water usage data provided to the county.

With this new information and an approved septic lot evaluation for the subject property, Staff finds that Part XIV of the Comprehensive Plan as well as Goal 11 of the Statewide Planning Goals have been satisfied.

Columbia County Zoning Ordinance:

Section 1502.1(A)(3) Adequate Facilities, Services and Transportation Networks

3. The property and affected area are presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.

Finding 2: The subject property is currently provided with adequate facilities in terms of water, transportation networks, and emergency services to support the proposed map amendment and zone change for the relocation of the private Christian School. Neither the County Road

Department nor Oregon Department of Transportation requested a transportation impact analysis because the use is already existing and the access will not change with this proposal. On-site wastewater facilities have been proven to be feasible based on the septic lot evaluation 192-18-000301-EVAL which takes into account the historic water usage data of the existing school with extrapolation for higher usage in the future. Staff finds that with this approved lot evaluation, the applicant has shown that the proposed use of the property can be properly supported by an authorized wastewater disposal system. With this documentation, staff finds that this criteria is met.

CONCLUSION, & RECOMMENDED DECISION & CONDITIONS:

Based on the facts, findings and comments herein, of the original staff report dated July 18, 2018 and the supplemental staff report dated November 28, 2018, the Planning Director recommends **APPROVAL** of this Major Map Amendment (PA 18-01 & ZC 18-02) to change the Comprehensive Plan Map designation from Rural Residential to Community Service and the Zoning Map designation from Rural Residential-2 (RR-2) to Community Service-Institutional (CS-I) for the ± 7.4 acre subject property, identified by tax map # 4119-AC-00700, subject to the following condition:

1. Prior to obtaining any development permits, the applicant shall apply for Site Design Review in accordance with the Columbia County Zoning Ordinance.

Attachment: September 18, 2018 Communication between sanitarian and DEQ



November 26, 2018

Warren Community Fellowship Church
56523 Columbia River Highway
St. Helens, OR 97051

EVALUATION REPORT FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM

4119-AC-00700

Subject: Construction of Private School Facility

Receipt: 386693

Acreage: 7.4

File #: 192-18-000301-EVAL

I have made an evaluation of a proposed sewage disposal system construction site to support a Private Commercial School Facility on the above described property.

Background:

Originally based on the proposed future occupancy of 100 students and 15 total staff, the projected daily flow was determined to be 2,725 gallons per day. The Oregon Department of Environmental Quality (DEQ) Onsite-wastewater system rules require systems with a projected flow greater than 2,500 gallons per day be permitted under a Water Pollution Control Facility (WPCF) Permit issued by the DEQ. Since then, actual water use flow data has been obtained for the existing facility and data indicated that the average daily flow will be 600 gallons per day. Taking into consideration the DEQ design flow requirements would double the daily flow for design flow of 1,200 gallons per day. Further taking into consideration future expanded student enrollment would allow the system to be designed to accommodate 2,500 gallons per day and be permitted at Columbia County Land Development Services (LDS).

Based on the results of this study, sewage disposal appears feasible. Site conditions will require the use of a SAND FILTER SYSTEM for the original system, as described in the attached construction detail and site drawing reports. For the replacement area a SAND FILTER SYSTEM will be required. Note: Installation of an ATT SYSTEM (Treatment Standard 1) is applicable.

Before construction of a subsurface sewage disposal system can take place, A PERMIT MUST BE PURCHASED FROM COLUMBIA COUNTY LAND DEVELOPMENT SERVICES. Only the property owner or a licensed installer can construct a subsurface sewage disposal system or part thereof. A detailed, to-scale plot plan of the proposed development and list of construction materials must be submitted with the permit application.

Only a limited area of your property appears suitable for this type of system. Please refer to the approved stakeout plot plan (dated 10/23/18), for specifics concerning dimensions and/or special conditions of the approved site.

Please note that this approval is site specific to the area tested and does not address the feasibility of locating the system elsewhere on the property. Should you wish to relocate the disposal system, a new evaluation (with appropriate fees as per OAR (340-071-0140)) will be required.

This study was done on Map/Tax Lot 4N-1W-AC-00700. This approval is limited to a private school facility, cited at a maximum occupancy of 115 students and staff, with a maximum design flow of 2,500 gallons per day.

This approval will remain valid until the system is installed and approved. Conditions on this property or adjacent properties are not to be changed in any manner conflicting with applicable State rules which would prohibit issuance of a permit. Partitioning or subdivision of this property, alteration of the natural conditions in the area of approval and/or water well development on this or adjacent properties may void this approval.

Technical rule changes which take place after the date of this report will not invalidate this approval, except that construction standards may be changed to meet codes applicable at the time of permit issuance.

The approval of this property and the conditions set forth in this letter in no way waive requirements as may be set by the zoning of the area. A permit to construct a system on this property will be subject to the review and approval of Columbia County Land Development Services.

You are cautioned not to place commercial, or other septic system cleaners or additives in your disposal system; doing so could increase the drainfield clogging potential, as well as kill the internal organisms necessary for proper operation. This warning is given with full knowledge of product statements to the contrary.

To prevent accidental injuries, this office recommends the test hole be filled.

If you have any questions, feel free to call.

Sincerely,



Larry Olander, WWS

Environmental Services Specialist

Cc: Scott Winegar

SAND FILTER SYSTEM
CONSTRUCTION DETAIL REPORT
(THIS IS NOT A CONSTRUCTION PERMIT)

November 26, 2018

Applicant: Scott Winegar

Subject: Construction of Private School Facility

Acres: 7.4

Receipt: 386693

File #: 192-18-000301-EVAL

Your site has been found suitable for a SAND FILTER SYSTEM. The following construction specifications shall apply. **Note: installation of an ATT SYSTEM (Treatment Standard 1) is also applicable. Installation in accordance with manufacturer installation methods and OAR 340, Division 71 required.

Prior to the installation of the disposal system, a sewage disposal construction permit must be obtained from the department of Land Development Services. Included in this permit process is to be a to-scale plot plan of system placement and a complete materials inventory of proposed system components.

The sand filter shall be designed and operated as per OAR 340-71-290 through 340-71-305. Detailed plans for the filter must be presented prior to permit issuance. Depending on design, a separate building permit may also be required.

The septic tank shall have a minimum liquid capacity of 5,000 gallons. Garbage disposal use is not recommended.

For your proposed development, a minimum of 832 linear feet of disposal trench is required. Disposal trenches shall be constructed 2 feet wide on 10 foot minimum centers with no line exceeding 150 feet in length. The trenches and perforated pipe shall be installed within one inch of level and contoured to the natural ground surface.

The drainfield shall be constructed in equal distribution with a hydrosplitter with a maximum trench depth of 18 inches and a minimum trench depth of 18 inches. There must be at least 6 inches of backfill over the top of the gravel, measured from natural ground surface.

This system requires use of an effluent lift pump placed in the septic tank. Should you elect to place the sand filter below ground, an additional pump will be necessary and requires an electrical control panel which includes an automatic shutoff feature of the septic tank pump, which would activate should a high water alarm condition occur in the sand filter pump basin. This prevents an overflow of the sand filter.

It is necessary that the electrical components of this system be inspected and approved before a certificate of satisfactory completion can be issued. This action requires that you secure an

Electrical Permit from Land Development Services. **Note- The Electrical Permit will need to be obtained at the time of Septic Permit issuance.

For the above described system, adequate area must be available for the original system and a complete replacement system. The replacement system is to be used if the original system fails for some non-repairable reason.

The disposal site must be protected from livestock, vehicular traffic, or other damaging encroachments.

A minimum separation distance of 100 linear feet is to be maintained between the disposal system and any water well.

A minimum separation distance of 50 linear feet is to be maintained between the disposal system and any surface waters such as creeks, bogs, lakes or ponds.

The owner of any conventional and other sand filter systems must ensure that the sand filter and all other components of the system are continuously operated and timely maintained in accordance with the requirements of the Certificate of Satisfactory Completion and including but not limited to the following provisions:

Per OAR 340-071-0290(7) Operation and Maintenance:

(a) Owners of conventional and other sand filter systems must comply with the operation and maintenance requirements in this section. The owner of a sand filter system must inspect the septic tank and other components of the system at least annually for sludge accumulation, pump calibration, and cleaning of the laterals. Tanks must be pumped when there is an accumulation of floating scum less than 3 inches above the bottom of the outlet tee fitting, holes or ports, or an accumulation of sludge less than 6 inches below the bottom of the outlet tee fitting, holes or ports. Pump calibration, cleaning of the laterals, and other maintenance must be completed as necessary.

(b) Service Contracts, the owner of a Sand Filter system must maintain a contract, in accordance with OAR 340-071-0130(23), with a maintenance provider to serve, maintain, and adjust the onsite system. A service contract must be entered into before the system is installed and must be maintained until the system is decommissioned.

For an evaluation fee, (as per OAR (340-071-0140)) and at this agencies discretion, agents may perform periodic inspections of alternative systems for necessary corrective maintenance. System owners shall be required to incur all such maintenance expenses.

4119-AC-00700

ORIGINAL

L. Olander

Warren Community Fellowship church 10-23-18

192-18-00301-EVAL

Stake out

LAND DEVELOPMENT SERVICES

ON-SITE DISPOSAL SYSTEM

APPROVED DENIED

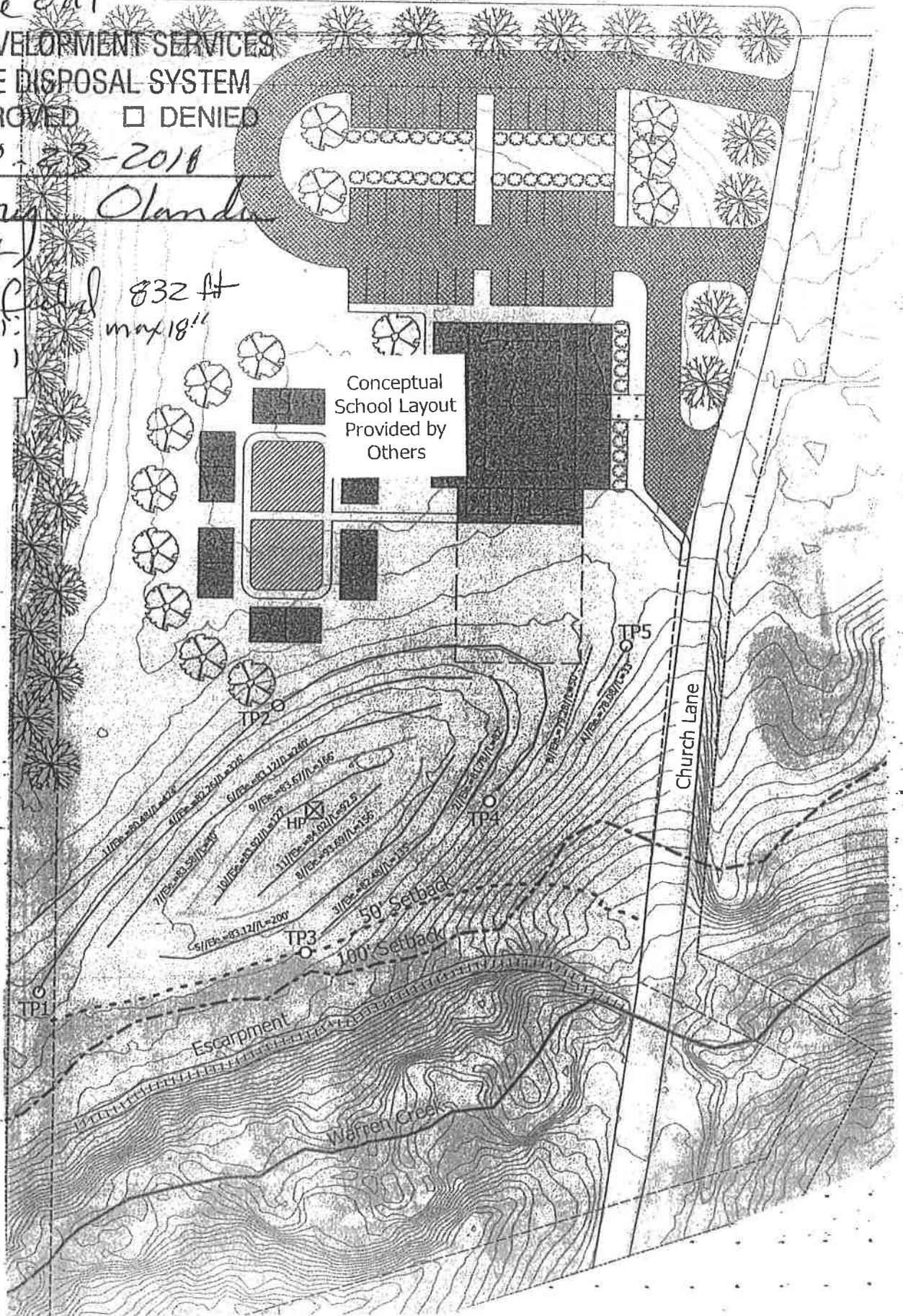
DATE 10-23-2018

BY Larry Olander

SF/AT

drain field 832 ft
min 18" max 18"

N
1" = 80'



Thursday, September 13th, 2018:

Good Afternoon Erin,

I am following up on a voicemail I left earlier this week. We received the water records for the current facility (church with school) for the past two and a half years. Their water usage is very low, averaging only 509 gallons per day over that time period. The average is slightly higher for 2018 thus far (through July) at 586 gpd (round up to 600 gpd). If we increase the student population by 60 percent, as they are forecasting for the future, the anticipated average flow would increase to 960 gpd (this is conservative since this includes the church flows and there is no increase expected in the size of the congregation and, regardless, those flow will actually remain in the existing system). Doubling that value results in an equivalent design flow of 1,920 gpd, which would be less than the 2,500 gpd threshold for a WPCF permit. The flow analysis would support keeping this at the county level and waste strength is expected to be within the range of residential concentrations.

Since the prescriptive approvals for ATT systems are at 1,500 and 2,500 gpd, we would conservatively size and design the system for 2,500 gpd all the way through (tanks, treatment, and drainfield). We are being asked to provide a proposal to move forward with this project and it is important for us to know if we will be working with you through the construction-installation permit process or with DEQ through the WPCF permit process. Please consider and advise. Thanks.

Brian T. Rabe, CPSS, WWS | Managing Soil Scientist
Cascade Earth Sciences | [3511 Pacific Blvd SW | Albany, OR 97321](https://www.cascade-earth.com)
Phone (541) 812-6639 | Fax (541) 967-7619
brian.rabe@cascade-earth.com | www.cascade-earth.com

Friday, September 14th, 2018:

Hi Brian,

Starting from Table 2, which is typical, the numbers provided for the proposal initially put this above the 2,500 gpd limit. While an agent can consider other reliable information to better gauge actual flows, I personally would not as general practice consider other information on a new construction site. I typically reserve that tool for repairs, Authorizations, etc. I would feel more comfortable in this instance if DEQ would make the call. At face value, it is designated as a WPCF proposal. If Dan and Jessica are amenable to considering the other information you are providing to kick this back down to County and they provide that direction in writing, then we will relook at it.

I also want to address that you talk about allowing for a future increase of up to 60%, which I agree needs to be part of this. The church however has consistently said to me, and as far as I know for the proposal in general, that they were only sizing the new system and the site for the number of students they have now or very similar. I have encouraged them more than once to consider future growth, but they have never changed the numbers and the last thing I saw on this (the EMS feasibility report) the numbers were in the ballpark of existing. Increasing that number by 60% would put them even further into WPCF territory? I find it interesting that this is coming up now along with the request to not be on a WPCF. One of the largest concerns of neighbors to

this proposal is that the site is already questionable whether it can support the use as it exists now with the church now. I think everyone can realize that future growth is a real potential, so the applicant really needs to acknowledge this across the board on the proposal because I don't believe that has really happened and this is the first time a 60% forecast increase has come up. If it comes up in relation to the septic but not elsewhere in their proposal for rezoning, then that could be an issue.

Thanks for your email and I will wait to see what Dan and Jessica think.

Erin O'Connell
Environmental Services Specialist
Columbia County
503-397-7222

Wednesday 9/26/2018:

Good morning Brian and Erin,

Dan and I are comfortable with using the water use data that was collected from the church. Since the design flow is projected to be below 2500 gpd a WPCF permit will not be required and the proposed expansion can be evaluated and permitted through Columbia County.

If you have any further questions, please don't hesitate to contact me.

Sincerely,
Jessica Joye
NWR Onsite Wastewater Management Specialist
Oregon DEQ
4026 Fairview Industrial Drive SE
Salem, OR 97302
503.378.5033
Joye.jessica@deq.state.or.us

192-18-000301-EVAL

Date Test Holes Ready:

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
ST. HELENS, OREGON 97051
PHONE (503) 397-1501

FOR OFFICE USE ONLY:

Date Received: 10/16/2018
Fee: \$813.00 / 5350
Receipt No.: 386693

SEPTIC APPLICATION
COMMERCIAL/INDUSTRIAL

PROPOSAL: Site evaluation for private school

APPLICANT / INSTALLER:

~~Site evaluation only~~ Scott Winegar
Name
33916 EKADLER Rd
Mailing Address
St Helens, OR 97051
City/Zip
503310 3330
Phone

PROPERTY LOCATION:

Church Road at Church Lane (south of Morse Rd)
Road Name (or address if assigned)
Warren, Or
City
MAP NUMBER:
4119-AC-00700

PROPERTY OWNER:

Warren Community Fellowship Church
Name
56523 Columbia River Hwy
Mailing Address
St. Helens, Or 97051 503-397-4387
City/Zip Phone

LOT SIZE: 7.4 Ac

WATER SOURCES: (Locate on map)

Present(circle one): (well) (community)

Proposed(circle one): (well) (community)

DIRECTIONS TO PROPERTY: (Please be very specific) SW corner of Church Road and Church Ln, south of intersection with Morse Rd.

By my signature, I certify that the information I have furnished is correct, and hereby grant the Department of Land Development Services and its authorized agent permission to enter into the above described property.

 (Owner / Licensed Installer / Authorized Agent) DATE 10-15-18

Submit the following checked items and applicable fees with this application:

- Vicinity or Tax Lot Map
- Plot Plan
- Septic System Plan and Materials List
- # Of Test Holes Required
- Land Use Proposal
- Map Locating Test Holes
- Fee (evaluation) (new construction permit) (minor repair) (major repair) (authorization) (alteration)

NOTE: If this system requires a pump, a separate electrical permit is required prior to issuance of construction permit.

FOR OFFICE USE ONLY:

USE	#'S	FLOW	TOTAL	QUESTIONS
School: ^{Students} 60 current	60			Ag Tile: Y- Known drainage file
100 future	100	25	2,500	Easements: for low area - No
Staff: 12 current	12			Wells: N Conflict w/ approval area
15 future	15	15	225	Existing Septic: N
				Chemical Processes: N

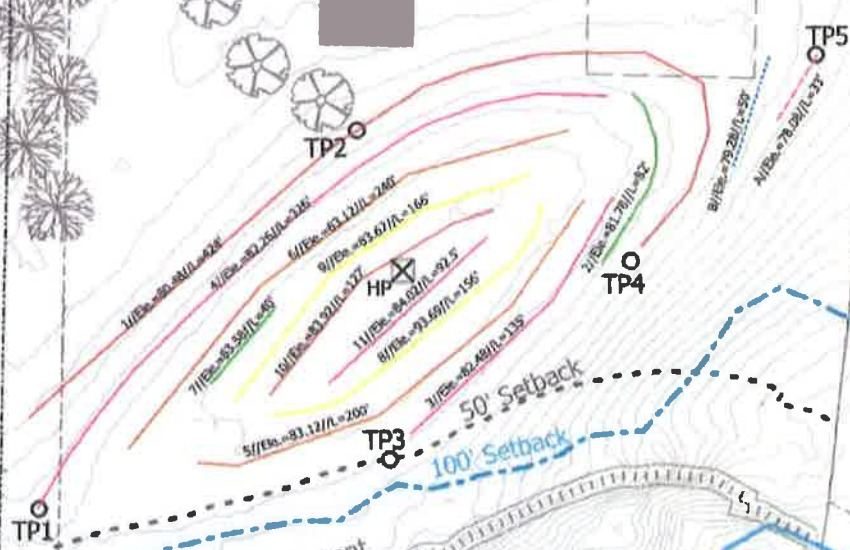
TOTALS: 2,725 gal/day

Church Road

Township: 1N
Range: 4W
Section: 19AC
Tax Lot: 0700

Conceptual
School Layout
Provided by
Others

Church Lane



0 40 80 120 160 ft



Field Elevations (Existing Ground Surface)

Contour I.D.	General Description	Instrument Reading (ft)	Relative Elevation (ft)	Length (ft)
TMB	*White paint 'tee 168' south of north speed bump on Church Ln	10.52	75.00	--
	<i>*Elevation assumed from Google earth (5/22/2017 image)</i>			
A	Pink Paint (East)	7.44	78.08	33.00
B	Blue Paint (East)	6.24	79.28	50.00
1	Red (Low, Longest Line)	5.04	80.48	424.00
2	Green (South East)	3.81	81.71	82.00
3	Pink (South)	3.04	82.48	135.00
4	Pink (North)	3.26	82.26	326.00
5	Orange (South)	2.4	83.12	200.00
6	Orange (North)	2.4	83.12	240.00
7	Green (West)	1.94	83.58	40.00
8	Yellow (South)	1.83	83.69	156.00
9	Yellow (North)	1.85	83.67	166.00
10	Red (North)	1.6	83.92	127.00
11	Pink (Top)	1.5	84.02	92.50
HP	High Point	1.1	84.42	--

Conceptual Drainfield Layout

	Line Number	Contour I.D.	General Descriptions	Length (ft)
Initial Area	1	1	Red (Low, Longest Line)	50
	2	1	Red (Low, Longest Line)	150
	3	4	Pink (North)	60
	4	4	Pink (North)	150
	5	6	Orange (North)	30
	6	6	Orange (North)	150
	7	7	Green (West)	40
	8	9	Yellow (North)	150
	9	10	Red (North)	120
Total Length, Σ			900	

	Line Number	Contour I.D.	General Descriptions	Length (ft)
Repair Area	1	11	Pink (Top)	90
	2	8	Yellow (South)	150
	3	5	Orange (South)	100
	4	5	Orange (South)	100
	5	3	Pink (South)	130
	6	2	Green (South East)	80
	7	1	Red (Long, Lowest Line)	150
	8	1	Red (Long, Lowest Line)	40
Total Length, Σ			840	

COLUMBIA COUNTY



OREGON

**DEPARTMENT OF
LAND DEVELOPMENT SERVICES
PLANNING DIVISION**

Columbia County Courthouse, St. Helens, Oregon 97051
Phone: (503)397-1501 x 7217 Fax: (503)366-3902
glen.higgins@co.columbia.or.us

August 1, 2018

Columbia County Christian School
c/o Scott Winegar
56523 Columbia River Hwy
Warren, OR. 97053

via: runswithscissors12791@yahoo.com

Warren Community Fellowship Church
c/o Bob Kunders
56523 Columbia River Hwy
Warren, OR. 97053

via: Bob@wcf-ministries.com

RE: Staff Review of On-site Septic Feasibility
Comprehensive Plan Amendment and Zone Change, PA 18-01, ZC 18-02
Subject Site - 4N01W19-AC-00700, containing 7.4 acres

Dear Applicant:

At the Board of Commissioners public hearing on July 25, 2018, the Board asked staff to review the submitted "Preliminary Site Evaluation", prepared on your behalf by Environmental Management Systems, Inc. (EMS).

Both the State DEQ and Columbia County Sanitarian has determined that the above mentioned EMS report is not adequate to determine if the site is suitable for a septic system supporting a design flow of 2,725 gpd. It appears that a suitable drainfield area is limited, and thus the proposed drainfield areas should be specific to the proposed use, staked out to demonstrate a suitable area is available, including test pits for localized soil evaluations. You need to apply for a new site evaluation through either Columbia County or DEQ.

Attached is information and forms for a new site evaluation supplied by Erin O'Connell.

Sincerely,

A handwritten signature in black ink, appearing to read 'Glen C. Higgins'.

Glen C. Higgins, Planning Manager

Attachments:

CCCS proposal septic requirements, Erin O'Connell
Septic Application Commercial/Industrial
Authorizing Representative
Fee Schedule
Stakeout Procedure

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON**

In the Matter of Conveying Certain Real Property)
in Rainier, Oregon, to Woodburn Industrial)
Capital Group, LLC;) ORDER NO. 43-2018
Tax Map ID Nos. 6N2W11-AA-00500,)
6N2W12-00-00900, and 6N2W11-AA-00400 and)
Tax Account Nos. 19315, 19330, and 19314)

WHEREAS, on January 29, 2015, *nunc pro tunc* October 2, 2014, the Circuit Court of the State of Oregon for the County of Columbia entered of record the General Judgment in *Bahl, James L. & Freida M., et. al.*, Case No. 14-CV12025; and

WHEREAS, on October 12, 2016, pursuant to that General Judgment, Seller acquired certain foreclosed real property, including certain parcels of land situated in Rainier, Oregon; and

WHEREAS, said foreclosed properties are currently assigned Tax Map ID Nos. 6N2W11-AA-00500, 6N2W12-00-00900, and 6N2W11-AA-00400 and Tax Account Nos. 19315, 19330, and 19314, respectively (collectively, the “Property”); and

WHEREAS, the Property is depicted on Exhibit A hereto, and is more specifically described in the draft quitclaim deed attached as Exhibit B hereto (the “Quitclaim Deed”), which is incorporated by reference herein; and

WHEREAS, the County offered Tax Account Nos. 19314 and 19315 for sale at auction on August 16, 2017, with a minimum bid of \$187,790.001; and

WHEREAS, the County offered Tax Account No. 19330 for sale at auction on August 16, 2017, with a minimum bid of \$85,890.00; and

WHEREAS, pursuant to ORS 275.200(2), the County may sell and convey the Property without further public notice for not less than 15% of the minimum bid at auction; and

WHEREAS, the Buyer offered to purchase the Property on September 7, 2018, for \$103,621.27, exceeding 15% of the minimum bid at auction (2); and

WHEREAS, County policy provides that a buyer of tax foreclosed properties shall pay a \$145.00 administrative fee (the “Administrative Fee”) in addition to the agreed upon purchase price; and

WHEREAS, Seller intends to sell the Property to Buyer on the terms and conditions set forth herein.

1 Tax Account Nos. 91314 and 91315 were bundled with a third parcel for auction.

2 The offered purchase price exceeds 15% of the minimum bid at the auction notwithstanding the fact that the minimum bid for Tax Account Nos. 91314 and 91315 included the value of a third parcel unrelated to this transaction. (\$187,790+\$85,890=\$273,680@15%=\$41,052)

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Pursuant to ORS 275.200(2), the Board of County Commissioners authorizes the sale of the above-described Property to Woodburn Industrial Capital Group, LLC, for \$103,621.27, plus an administrative fee in the amount of \$145.00.
2. The Board of County Commissioners will convey the Property by Quitclaim Deed in a form substantially the same as Exhibit B.
3. The fully-executed Quitclaim Deed shall be recorded in the County Clerk deed records by Columbia County.

DATED this ____ day of _____, 2018.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Margaret Magruder, Chair

Approved as to form:

By: _____
Henry Heimuller, Vice Chair

By: _____
Office of County Counsel

By: _____
Alex Tardif, Commissioner

EXHIBIT A

Tax Account Nos. 19315, 19330, 19314

Map

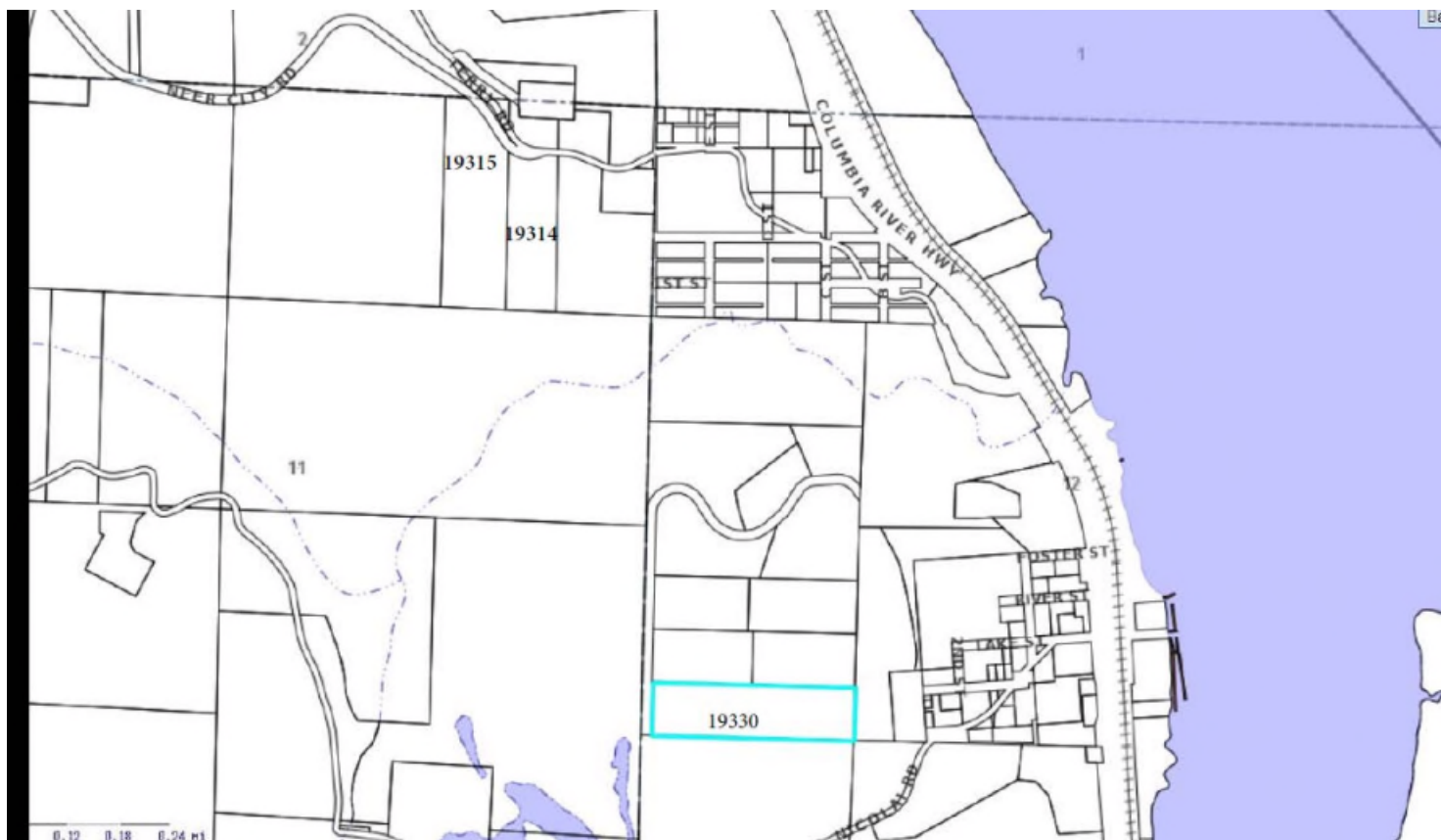


EXHIBIT B

AFTER RECORDING, RETURN TO GRANTEE:

Woodburn Industrial Capital Group, LLC
395 Shenandoah Ln NE
Woodburn, OR 97071

Until a change is requested, all tax statements shall be sent to Grantee at the above address.

QUITCLAIM DEED

The **COUNTY OF COLUMBIA**, a political subdivision of the State of Oregon, hereinafter called Grantor, for the consideration hereinafter stated, does hereby release and quitclaim unto Woodburn Industrial Capital Group, LLC, an Oregon limited liability company, Grantee, all right, title and interest in and to those certain parcels of real property identified in Columbia County records as Tax Map ID Nos. 6N2W11-AA-00500, 6N2W12-00-00900, and 6N2W11-AA-00400 and Tax Account Nos. 19315, 19330, and 19314 and more particularly described on Exhibit A hereto:

The true and actual consideration for this conveyance is \$103,766.27.

This conveyance is subject to the following exceptions, reservations and conditions:

- 1) This property is conveyed AS-IS without covenants or warranties, subject to any municipal liens, easements and encumbrances of record.
- 2) All rights to any County, public, forest or Civilian Conservation Corps roads are hereby reserved for the benefit of Columbia County, Oregon.
- 3) All rights to any minerals, mineral rights, ore, metals, metallic clay, aggregate, oil, gas or hydrocarbon substances in, on or under said property, if any, including underground storage rights, surface mining, and also including the use of such water from springs, creeks, lakes or wells to be drilled or dug upon the premises as may be necessary or convenient for such exploration or mining operations, as well as the conducting of operations related to underground storage and production of gaseous substances on the property, are specifically excepted, reserved and retained for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby excepted, reserved and retained.

This conveyance is made pursuant to Board of County Commissioners Order No. 43-2018 adopted on the ____ day of _____, 2018, and filed in Commissioners Journal at Book ____, Page ____.

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the Grantor has executed this instrument this ____ day of _____, 2018.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: _____
Margaret Magruder, Chair

By: _____
Office of County Counsel

STATE OF OREGON)
) ss.
County of Columbia)

ACKNOWLEDGMENT

This instrument was acknowledged before me on the ____ day of _____, 2018, by Margaret Magruder, Chair, Board of County Commissioners of Columbia County, Oregon, on behalf of which the instrument was executed.

Notary Public for Oregon

LEGAL DESCRIPTION

Parcel 1 (19315)

A Tract of land commencing at the Northwest corner of the Northeast quarter of the Northeast quarter of Section 11, Township 6 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon; thence South 80 rods; thence East 25 rods; thence North 80 rods; thence West 25 rods to the point of beginning.

EXCEPTING from the above that strip of land conveyed by A. Neer and Laurinda, his wife, to Columbia County, Oregon by deed recorded in Book 16, Page 110, Deed Records of Columbia County, Oregon; ALSO EXCEPTING THEREFROM that tract of land conveyed by Joseph Nelson and Hazel B. Nelson, his wife, to Columbia County, Oregon, by deed recorded in Book 33, Page 65, Deed Records of Columbia County, Oregon; ALSO EXCEPTING THEREFROM that tract of land platted as Nelson's Addition to Neer City Cemetery by dedication filed July 5, 1923 in Book 2, Page 37, Plat Records of Columbia County, Oregon.

Parcel 2 (19330)

A tract of land in Section 12 Township 6 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, being more particularly described as follows:

The South half of the South half of the Northwest quarter of the Southwest quarter of Section 12, Township 6 North, Range 2 West, Willamette Meridian, Columbia County, State of Oregon.

EXCEPTING: rights of the public in roads and highways.

Also EXCEPTING: easements and restrictions of record;

Also EXCEPTING: a 5 foot protection area plus a 60 foot road right of way along the full length of the Westerly Property Line which is for the roadway constructed by Purchasers with the understanding that when said road is improved to County standards it will be turned over to the County as a residential road.

Parcel 3 (19314)

A tract of land in the Northeast quarter of the Northeast quarter of Section 11 Township 6 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, being more particularly described as follows:

Beginning at the Northeast corner of the second tract conveyed to Joseph Nelson by deed recorded February 8, 1922, in Book 32, Page 422, Deed Records of Columbia County, Oregon, said point being on the North line of said Section 11 and 25 rods East of the Northwest corner of the Northeast quarter of the Northeast quarter of said Section 11; thence South along the East line of said Nelson tract, 80 rods to the South line of the Northeast quarter of the Northeast quarter of said Section 11 and the Southeast corner of said Nelson Tract; thence East, along the South line of the Northeast quarter of the Northeast quarter of said Section 11, to the Southwest corner of that tract conveyed to Michael Deen Neer by deed recorded August 13, 1914, in Book 20, Page 547, Deed Records of Columbia County, Oregon; thence North, along the West line of said Neer Tract and parallel to the East line of said Section 11, a distance of 1216 feet to the Southeast corner of the Neer City Graveyard as described in instrument recorded July 3, 1888, in Book J, Page 122, Deed Records of Columbia County, Oregon; thence West, along the South line of said Graveyard Tract and that tract conveyed to Columbia County by deed recorded June 21, 1912, in Book 16, Page 298, Deed Records of Columbia County, Oregon, 238 feet to the Southwest corner of said county tract; thence North, along West line of said county tract 40 feet to the South line of Nelson Addition to Neer City Cemetery as described in instrument filed July 5, 1923 in Book 2, Page 37, Plat Records of Columbia County, Oregon; thence West along the South line of said last mentioned tract to the Southwest corner of said tract; thence North, along the West line of said tract to the North line of Section 11, Township 6 North, Range 2 West, Willamette Meridian, Columbia County, Oregon; thence West, along the North line said Ssection 11 to the point of beginning.

EXCEPTING THEREFROM that part lying within J.F. Terry Road No. P-143 and Neer City Cemetery Roads

AFTER RECORDING, RETURN TO GRANTEE:

Woodburn Industrial Capital Group, LLC
395 Shenandoah Ln NE
Woodburn, OR 97071

Until a change is requested, all tax statements shall be sent to Grantee at the above address.

QUITCLAIM DEED

The **COUNTY OF COLUMBIA**, a political subdivision of the State of Oregon, hereinafter called Grantor, for the consideration hereinafter stated, does hereby release and quitclaim unto Woodburn Industrial Capital Group, LLC, an Oregon limited liability company, Grantee, all right, title and interest in and to those certain parcels of real property identified in Columbia County records as Tax Map ID Nos. 6N2W11-AA-00500, 6N2W12-00-00900, and 6N2W11-AA-00400 and Tax Account Nos. 19315, 19330, and 19314 and more particularly described on Exhibit A hereto:

The true and actual consideration for this conveyance is \$103,766.27.

This conveyance is subject to the following exceptions, reservations and conditions:

- 1) This property is conveyed AS-IS without covenants or warranties, subject to any municipal liens, easements and encumbrances of record.
- 2) All rights to any County, public, forest or Civilian Conservation Corps roads are hereby reserved for the benefit of Columbia County, Oregon.
- 3) All rights to any minerals, mineral rights, ore, metals, metallic clay, aggregate, oil, gas or hydrocarbon substances in, on or under said property, if any, including underground storage rights, surface mining, and also including the use of such water from springs, creeks, lakes or wells to be drilled or dug upon the premises as may be necessary or convenient for such exploration or mining operations, as well as the conducting of operations related to underground storage and production of gaseous substances on the property, are specifically excepted, reserved and retained for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby excepted, reserved and retained.

This conveyance is made pursuant to Board of County Commissioners Order No. 43-2018 adopted on the ____ day of _____, 2018, and filed in Commissioners Journal at Book ____, Page ____.

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the Grantor has executed this instrument this _____ day of _____, 2018.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: _____
Margaret Magruder, Chair

By: _____
Office of County Counsel

STATE OF OREGON)
) ss.
County of Columbia)

ACKNOWLEDGMENT

This instrument was acknowledged before me on the _____ day of _____, 2018, by Margaret Magruder, Chair, Board of County Commissioners of Columbia County, Oregon, on behalf of which the instrument was executed.

Notary Public for Oregon

LEGAL DESCRIPTION

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EXCEPTING from the above that strip of land conveyed by A. Neer and Laurinda, his wife, to Columbia County, Oregon by deed recorded in Book 16, Page 110, Deed Records of Columbia County, Oregon; ALSO EXCEPTING THEREFROM that tract of land conveyed by Joseph Nelson and Hazel B. Nelson, his wife, to Columbia County, Oregon, by deed recorded in Book 33, Page 65, Deed Records of Columbia County, Oregon; ALSO EXCEPTING THEREFROM that tract of land platted as Nelson's Addition to Neer City Cemetery by dedication filed July 5, 1923 in Book 2, Page 37, Plat Records of Columbia County, Oregon.

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EXCEPTING: rights of the public in roads and highways.

Also EXCEPTING: easements and restrictions of record;

Also EXCEPTING: a 5 foot protection area plus a 60 foot road right of way along the full length of the Westerly Property Line which is for the roadway constructed by Purchasers with the understanding that when said road is improved to County standards it will be turned over to the County as a residential road.

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A tract of land in the Northeast quarter of the Northeast quarter of Section 11 Township 6 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, being more particularly described as follows:

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EXCEPTING THEREFROM that part lying within J.F. Terry Road No. P-143 and Neer City Cemetery Roads

PURCHASE AND SALE AGREEMENT

Dated: _____, 2018

BETWEEN **COLUMBIA COUNTY**, a political subdivision
of the State of Oregon ("Seller")

AND **Woodburn Industrial Capital Group, LLC** ("Buyer")
an Oregon limited liability company

Collectively, "the Parties."

RECITALS

WHEREAS, on January 29, 2015, *nunc pro tunc* October 2, 2014, the Circuit Court of the State of Oregon for the County of Columbia entered of record the General Judgment in *Bahl, James L. & Freida M., et. al.*, Case No. 14-CV12025; and

WHEREAS, on October 12, 2016, pursuant to that General Judgment, Seller acquired certain foreclosed real property, including certain parcels of land situated in Rainier, Oregon; and

WHEREAS, said foreclosed properties are currently assigned Tax Map ID Nos. 6N2W11-AA-00500, 6N2W12-00-00900, and 6N2W11-AA-00400 and Tax Account Nos. 19315, 19330, and 19314, respectively (collectively, the "Property"); and

WHEREAS, the Property is depicted on Exhibit A hereto, and is more specifically described in the draft quitclaim deed attached as Exhibit B hereto (the "Quitclaim Deed"), which is incorporated by reference herein; and

WHEREAS, the County offered Tax Account Nos. 19314 and 19315 for sale at auction on August 16, 2017, with a minimum bid of \$187,790.001; and

WHEREAS, the County offered Tax Account No. 19330 for sale at auction on August 16, 2017, with a minimum bid of \$85,890.00; and

WHEREAS, pursuant to ORS 275.200(2), the County may sell and convey the Property without further public notice for not less than 15% of the minimum bid at auction; and

WHEREAS, the Buyer offered to purchase the Property on September 7, 2018, for \$103,621.27, exceeding 15% of the minimum bid at auction (2); and

1 Tax Account Nos. 91314 and 91315 were bundled with a third parcel for auction.

2 The offered purchase price exceeds 15% of the minimum bid at the auction notwithstanding the fact that the minimum bid for Tax Account Nos. 91314 and 91315 included the value of a third parcel unrelated to this transaction. (\$187,790+\$85,890=\$273,680@15%=\$41,052)

WHEREAS, County policy provides that a buyer of tax foreclosed properties shall pay a \$145.00 administrative fee (the "Administrative Fee") in addition to the agreed upon purchase price; and

WHEREAS, Seller intends to sell the Property to Buyer on the terms and conditions set forth herein.

AGREEMENT

In consideration of the terms and conditions hereinafter stated, Buyer agrees to buy, and Seller agrees to sell, the Property on the following terms.

1. Purchase Price. The total purchase price shall be \$103,766.27, which includes the \$145.00 administrative fee required by the County.
2. Purchase Deposit. Buyer will deliver a check in the amount of \$10,376.63 (the "Deposit"), along with the signed original of this Agreement, to the County at the address provided herein. The Deposit shall be in the form of cash, cashier's check or money order.
3. Condition of Property and Title.
 - A. Buyer shall acquire the Property "AS IS" with all faults.
 - B. Seller shall convey the Property without warranty through a quitclaim deed in the form substantially the same as Exhibit B (the Quitclaim Deed), which is incorporated by reference herein.
 - C. The sale of the Property is subject to any municipal liens, easements and encumbrances of record.
 - D. The Quitclaim Deed will reserve to Seller:
 - i. The mineral and associated rights specifically provided for in Exhibit B; and, if applicable;
 - ii. All rights to any County, public, forest C.C.C. roads; and
 - E. Buyer shall rely on the results of inspections and investigations completed by Buyer, and not upon any representation made by the Seller. This condition shall survive closing and shall not merge with the deed.
4. Seller's Conditions to Closing. Seller's obligation to sell the Property is conditioned upon the following occurring not later than the Closing Date defined herein, unless otherwise specified or waived by Seller:
 - A. The County Board of Commissioners will adopt an Order authorizing the sale of the Property to Buyer in accordance with terms and conditions substantially the same as those provided for in this Agreement.
 - B. BUYER AGREES TO RELEASE, DEFEND, INDEMNIFY AND HOLD HARMLESS SELLER, ITS OFFICERS, AGENTS AND EMPLOYEES, SUCCESSORS AND ASSIGNS FROM ALL CLAIMS, SUITS, ACTIONS, LIABILITY, DAMAGE, LOSS, COST OR EXPENSE, INCLUDING ATTORNEY FEES, ARISING OUT OF OR RELATING TO THIS AGREEMENT AND THE PROPERTY, INCLUDING ENVIRONMENTAL LIABILITY ARISING FROM THE PROPERTY. THIS

CONDITION SHALL SURVIVE CLOSING AND SHALL NOT MERGE WITH THE DEED.

These conditions are solely for Seller’s benefit and may be waived only by Seller in its sole discretion.

5. Failure of Conditions at Closing. In the event that any of the conditions set forth in Section 4 above are not timely satisfied or waived by the Closing Date, for a reason other than the default of the Buyer or the Seller under this Agreement, this Agreement and the rights and obligations of the Buyer and the Seller shall terminate. In the event of said termination, Buyer’s agreements provided for in Section 4.B. above shall survive termination.

6. Default; Remedies.

A. Nothing in this Agreement is intended to require Seller to close the sale. Seller shall be entitled to decline to close at any time before the closing documents are signed. In the event that Seller elects to not sell the Property to Buyer’s through no fault of Buyer, the Deposit shall be returned to Buyer in its entirety.

B. In the event that Buyer elect not to purchase the Property for any reason other than default by Seller, Buyer will forfeit the Deposit and Seller shall have no further obligations to Buyer.

7. Closing of Sale. Buyer and Seller intend to close the sale on or before December 5, 2018, with the actual time and date of closing (the “Closing”) to be set by Seller at its sole discretion. The sale shall be “Closed” when the Deposit is accepted as full consideration for the Property and the Quitclaim Deed is recorded by the County.

8. Closing Costs; Prorates. Reserved.

9. Possession. Buyer shall be entitled to exclusive possession of the Property at the time the sale is Closed in accordance with Section 7 above.

10. General Provisions.

A. Notices. Unless otherwise specified, any notice required or permitted in, or related to, this Agreement must be in writing and signed by the party to be bound. Any notice or payment will be deemed given when personally delivered or delivered by facsimile transmission with electronic confirmation of delivery, or will be deemed given on the day following delivery of the notice by reputable overnight courier or though mailing in the U.S. mail, postage prepaid, by the applicable party to the address of the other party shown in this Agreement, unless that day is a Saturday, Sunday, or legal holiday, in which event it will be deemed delivered on the next following business day. If the deadline under this Agreement for delivery of a notice or payment is a Saturday, Sunday, or legal holiday, such last day will be deemed extended to the next following business day.

The notice addresses are as follows:

FOR SELLER:
Board of County Commissioners
c/o Board Office Administrator

FOR BUYER:
Woodburn Industrial Capital Group, LLC
Attn: Brent Kerr

230 Strand, Room 338
St. Helens, OR 97051

395 Shenandoah Ln. NE
Woodburn, OR 97071

- B. Assignment. This Agreement is not assignable by the Parties.
- C. Attorneys' Fees. In the event a suit, action, arbitration, other proceeding of any nature whatsoever to enforce or interpret this Agreement, the Parties shall be responsible for their respective costs and expenses, including attorney's fees. This paragraph shall survive Closing and shall not merge with the deed.
- D. Exhibits. The following Exhibits are attached to this Agreement and incorporated within this Agreement: Exhibit A, Map; and Exhibit B, Quitclaim Deed.
- E. Buyer's Representations and Warranties. Buyer's representations and warranties shall survive Closing and shall not merge with the deed.
- i. The Buyer has the legal power, right, and authority to enter into this Agreement and the instruments referred to herein and to consummate the transactions contemplated herein.
 - ii. All requisite action (corporate, trust, partnership, or otherwise) have been taken by the Buyer in connection with entering into this Agreement and the instruments referred to herein and the consummation of the transactions contemplated herein. No further consent of any partner, shareholder, creditor, investor, judicial or administrative body, governmental authority, or other party is required.
 - iii. The person(s) executing this Agreement and the instruments referred to herein on behalf of the Buyer has the legal power, right, and actual authority to bind the Buyer in accordance with their terms.
 - iv. Neither the execution and delivery of this Agreement and the documents referred to herein, nor the incurring of the obligations set forth herein, nor the consummation of the transactions contemplated, nor compliance with the terms of this Agreement and the documents referred to herein conflicts with or results in the material breach of any terms, conditions, or provisions of or constitute a default under any bond, note or other evidence of indebtedness, or any contract, indenture, mortgage, deed of trust, loan, partnership agreement, lease, or other agreements or instruments to which the Buyer are a party.
- F. Governing Law. This Agreement is made and executed under, and in all respects shall be governed and construed by the laws of the State of Oregon.
- G. Venue. Venue related to this Agreement shall be in the Circuit Court of the State of Oregon for Columbia County, located in St. Helens, Oregon.

- H. No Third Party Rights. This Agreement is solely for the benefit of the Parties to this Agreement. Rights and obligations established under this Agreement are not intended to benefit any person or entity not a signatory hereto.
- I. Miscellaneous. Time is of the essence of this Agreement. The facsimile transmission of any signed document including this Agreement shall be the same as delivery of an original. At the request of either party, the party delivering a document by facsimile will confirm facsimile transmission by signing and delivering a duplicate original document. This Agreement may be executed in two or more counterparts, each of which shall constitute an original and all of which together shall constitute one and the same Agreement. This Agreement shall be binding upon and shall inure to the benefit of the Parties and their respective successor and assigns. The Parties represent, covenant and warrant that the person signing this Agreement on their behalf has full right and authority to bind the party for whom such person signs to the terms and provisions of this Agreement. Furthermore, the Parties represent and warrant that they have taken all steps necessary to bind themselves to this Agreement.
- J. INTEGRATION, MODIFICATION, OR AMENDMENTS. THIS AGREEMENT, INCLUDING ITS EXHIBITS, CONTAINS THE ENTIRE AGREEMENT OF THE PARTIES WITH RESPECT TO THE PROPERTY AND SUPERSEDES ALL PRIOR WRITTEN AND ORAL NEGOTIATIONS AND AGREEMENTS WITH RESPECT TO THE PROPERTY. THE PARTIES TO THE AGREEMENT MUST APPROVE ANY MODIFICATIONS, CHANGES, ADDITIONS, OR DELETIONS TO THE AGREEMENT IN WRITING.
- K. STATUTORY DISCLAIMERS. "THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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 VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

“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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.”

“IF THE PROPERTY IS SUBJECT TO ORS 358.505 THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS SUBJECT TO SPECIAL ASSESSMENT UNDER ORS 358.505.”

APPROVALS

FOR BUYER:

WOODBURN INDUSTRIAL CAPITAL GROUP, LLC

By: _____
Its: _____

Date: _____

Approved as to form:

By: _____
Office of County Counsel

FOR COUNTY:

BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON

By: _____
Margaret Magruder, Chair

Date: _____

**EXHIBIT A
MAP OF PROPERTY**

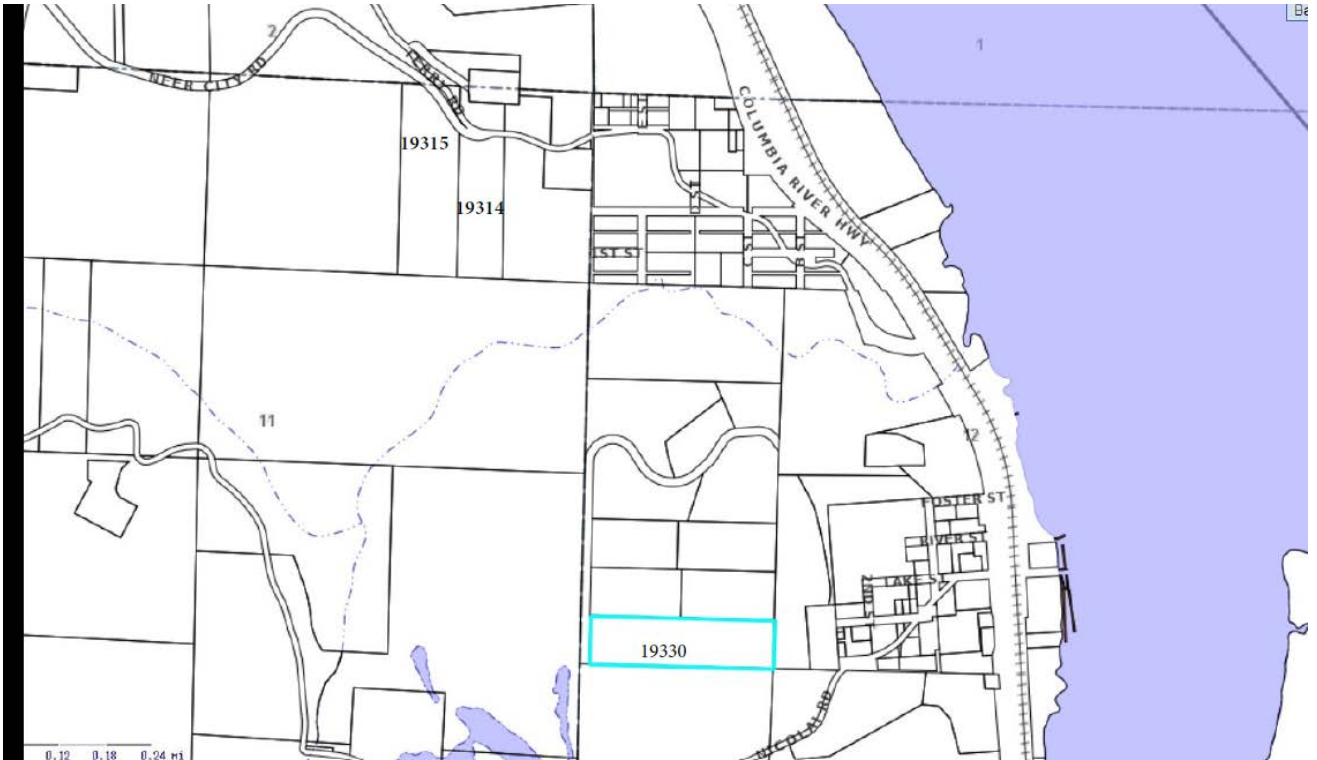


EXHIBIT B

AFTER RECORDING, RETURN TO GRANTEE:

Woodburn Industrial Capital Group, LLC
395 Shenandoah Ln NE
Woodburn, OR 97071

Until a change is requested, all tax statements shall be sent to Grantee at the above address.

QUITCLAIM DEED

The **COUNTY OF COLUMBIA**, a political subdivision of the State of Oregon, hereinafter called Grantor, for the consideration hereinafter stated, does hereby release and quitclaim unto Woodburn Industrial Capital Group, LLC, an Oregon limited liability company, Grantee, all right, title and interest in and to those certain parcels of real property identified in Columbia County records as Tax Map ID Nos. 6N2W11-AA-00500, 6N2W12-00-00900, and 6N2W11-AA-00400 and Tax Account Nos. 19315, 19330, and 19314 and more particularly described on Exhibit A hereto:

The true and actual consideration for this conveyance is \$103,766.27.

This conveyance is subject to the following exceptions, reservations and conditions:

- 1) This property is conveyed AS-IS without covenants or warranties, subject to any municipal liens, easements and encumbrances of record.
- 2) All rights to any County, public, forest or Civilian Conservation Corps roads are hereby reserved for the benefit of Columbia County, Oregon.
- 3) All rights to any minerals, mineral rights, ore, metals, metallic clay, aggregate, oil, gas or hydrocarbon substances in, on or under said property, if any, including underground storage rights, surface mining, and also including the use of such water from springs, creeks, lakes or wells to be drilled or dug upon the premises as may be necessary or convenient for such exploration or mining operations, as well as the conducting of operations related to underground storage and production of gaseous substances on the property, are specifically excepted, reserved and retained for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby excepted, reserved and retained.

**EXHIBIT A
LEGAL DESCRIPTION**

Parcel 1 (19315)

A Tract of land commencing at the Northwest corner of the Northeast quarter of the Northeast quarter of Section 11, Township 6 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon; thence South 80 rods; thence East 25 rods; thence North 80 rods; thence West 25 rods to the point of beginning.

EXCEPTING from the above that strip of land conveyed by A. Neer and Laurinda, his wife, to Columbia County, Oregon by deed recorded in Book 16, Page 110, Deed Records of Columbia County, Oregon; ALSO EXCEPTING THEREFROM that tract of land conveyed by Joseph Nelson and Hazel B. Nelson, his wife, to Columbia County, Oregon, by deed recorded in Book 33, Page 65, Deed Records of Columbia County, Oregon; ALSO EXCEPTING THEREFROM that tract of land platted as Nelson's Addition to Neer City Cemetery by dedication filed July 5, 1923 in Book 2, Page 37, Plat Records of Columbia County, Oregon.

Parcel 2 (19330)

A tract of land in Section 12 Township 6 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, being more particularly described as follows:

The South half of the South half of the Northwest quarter of the Southwest quarter of Section 12, Township 6 North, Range 2 West, Willamette Meridian, Columbia County, State of Oregon.

EXCEPTING: rights of the public in roads and highways.

Also EXCEPTING: easements and restrictions of record;

Also EXCEPTING: a 5 foot protection area plus a 60 foot road right of way along the full length of the Westerly Property Line which is for the roadway constructed by Purchasers with the understanding that when said road is improved to County standards it will be turned over to the County as a residential road.

Parcel 3 (19314)

A tract of land in the Northeast quarter of the Northeast quarter of Section 11 Township 6 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, being more particularly described as follows:

Beginning at the Northeast corner of the second tract conveyed to Joseph Nelson by deed recorded February 8, 1922, in Book 32, Page 422, Deed Records of Columbia County, Oregon, said point being on the North line of said Section 11 and 25 rods East of the Northwest corner of the Northeast quarter of the Northeast quarter of said Section 11; thence South along the East line of said Nelson tract, 80 rods to the South line of the Northeast quarter of the Northeast quarter of said Section 11 and the Southeast corner of said Nelson Tract; thence East, along the South line of the Northeast quarter of the Northeast quarter of said Section 11, to the Southwest corner of that tract conveyed to Michael Deen Neer by deed recorded August 13, 1914, in Book 20, Page 547, Deed Records of Columbia County, Oregon; thence North, along the West line of said Neer Tract and parallel to the East line of said Section 11, a distance of 1216 feet to the Southeast corner of the Neer City Graveyard as described in instrument recorded July 3, 1888, in Book J, Page 122, Deed Records of Columbia County, Oregon; thence West, along the South line of said Graveyard Tract and that tract conveyed to Columbia County by deed recorded June 21, 1912, in Book 16, Page 298, Deed Records of Columbia County, Oregon, 238 feet to the Southwest corner of said county tract; thence North, along West line of said county tract 40 feet to the South line of Nelson Addition to Neer City Cemetery as described in instrument filed July 5, 1923 in Book 2, Page 37, Plat Records of Columbia County, Oregon; thence West along the South line of said last mentioned tract to the Southwest corner of said tract; thence North, along the West line of said tract to the North line of Section 11, Township 6 North, Range 2 West, Willamette Meridian, Columbia County, Oregon; thence West, along the North line said Ssection 11 to the point of beginning.

EXCEPTING THEREFROM that part lying within J.F. Terry Road No. P-143 and Neer City Cemetery Roads