

## Comments for Continued Hearing in RDF 22-04

Devin Kesner <devin@friends.org>

Tue 1/17/2023 4:28 PM

To: Board of Commissioners Office <BoardofCommissionersOffice@columbiacountyor.gov>

Cc: Deborah Jacob <Deborah.Jacob@columbiacountyor.gov>; Andrew Mulkey <andrew@friends.org>

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Hello,

Please find attached comments for the record in the following forest template dwelling application:  
RDF 22-04 (Tax Map ID 7315-B0-02500).

Please confirm receipt of these comments, and notify me of any future hearings, opportunities to comment, or decisions on this application.

Best,

Devin Kesner  
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Phone: 971.420.0922

[she/her/hers](#)



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January 17, 2023

*By electronic mail*

Columbia County Board of Commissioners  
c/o Deborah S. Jacob  
230 Strand St.  
County Courthouse Room 338  
St. Helens, OR 97051  
Deborah.jacob@columbiacountyor.gov

Re: Comments for Continued Hearing on Carleton Application for a Forest Template,  
Dwelling, RDF 22-04, Tax Map Identification Number 7315-B0-02500

Dear Commissioners:

On behalf of 1000 Friends of Oregon, please accept the comments below for the record in the following forest template dwelling application: RDF 22-04 (Tax Map Identification Number 7315-B0-02500). The property owner and applicant for the application are Timothy and Tamara Carleton (“applicant”). **Please confirm receipt of these comments, and please notify me of any future hearings, opportunities to comment, or decisions on this application.**

1000 Friends requests that the Board of Commissioners deny the application. Despite supplemental findings provided by planning staff, the findings are still not adequate to establish that a sufficient number of lawfully established properties are captured within the template test. The applicant still has not met their burden to establish compliance with all applicable criteria required for the application for a number of reasons.

As previously detailed, an applicant must demonstrate that all properties counted in the template test, including the subject property, are lawfully established units of land or “parcels” created in compliance with all applicable planning, zoning, and partitioning ordinances and regulations. ORS 215.010(1)(a); ORS 92.010(3)(a); *Friends of Yamhill County v. Yamhill County*, 229 Or App 188, 198, 211 P3d 297 (2009). Only if no other planning, zoning, or partitioning laws applied at the time the property was created can the applicant rely on a deed to demonstrate that a property within the template qualifies as a lawfully established “parcel.” *Id.* Even then, the applicant must provide evidence of creation and that no other relevant laws applied at that time. ORS 215.010(1)(a)(C).

The supplemental findings still do not meet the standard for adequate findings related to lawful establishment of the properties included in the template test. *See Heiller v. Josephine County*, 23 Or LUBA 551, 556 (1992) (establishing criteria for adequate findings). Adequate

findings must (1) identify the relevant approval standards, (2) set out the facts which are believed and relied upon, and (3) explain how those facts lead to the decision on compliance with the approval standards. *Id.* As relevant to this forest template dwelling application, this would require a demonstration of (1) evidence of how and when the property was created; (2) the relevant criteria from the applicable planning, zoning, and land division laws or such laws that would have applied on that creation date; and (3) an explanation for why the division that created the property complied with applicable planning, zoning, and land division laws or such laws did not apply yet. While the supplemental findings include more details for the properties included in the template test than was previously provided, they do not include enough information to explain why the division creating the property complied with applicable laws. The supplemental findings simply list properties counted for the template test without copies of applicable laws or evidence of lawful creation.

According to the supplemental findings, prior to January 10, 1975, the April 8, 1963 Ordinance “addressed the subdivision of land into four or more lots and was limited in nature.” The supplemental findings did not provide a copy of the 1963 ordinance, but it is included as **Attachment A**. The 1963 ordinance required approval by the planning commission and other design standards for divisions of land into four or more parcels of less than five acres each. *See* Attachment A (April 8, 1963 Ordinance Section 1(14); Section 2). Neither the supplemental findings nor the broader record contain substantial evidence to determine whether any of the properties with creation dates prior to January 10, 1975 would have qualified as a subdivision requiring planning commission approval under the 1963 Ordinance.

The supplemental findings do not provide enough information about the relevant properties to determine their lawfulness. The legality of properties included in the template test is a criteria central to whether this application can be approved, and the public is not required to just take the county’s or applicant’s word for it that those properties were lawfully established. *See* ORS 197.797(3)(b), (h); ORS 197.797(5) (county must make available the applicable approval criteria for a permit).

The importance of providing information required to evaluate the applicable criteria is highlighted by the fact that, after conducting additional research on the properties included in the template test, the template test was revised down from 30 qualifying properties to 18 qualifying properties, and from 12 qualifying dwellings to 6 qualifying dwellings because more information was required to evaluate those properties’ legality. The supplemental findings do not indicate what sets the remaining properties apart from those that were removed for requiring additional information. If the properties excised from the template test required more information to reach

conclusions about the criteria set forth in ORS 215.010(1) and ORS 92.010(3)(a), then those remaining as a part of the template test would require the same analysis.

Reviewing information regarding property creation referenced by deed book page but not included in the supplemental findings does not provide enough information to evaluate the properties under the applicable criteria. Deed book information for the properties listed in the chart “Updated List of Properties & 1993 Dwellings for TT 21-06” are included as **Attachment B**. Even with the additional information included as Attachments A and B, it is impossible to determine whether the properties were lawfully established.

All but three of the properties counted for the template test were listed with dates of creation prior to January 10, 1975 (when Columbia County’s Subdivision and Partitioning Ordinance came into effect), yet the supplemental findings do not provide enough information to confirm those creation dates or assess the legality of properties created prior to that date. These records do not provide substantial evidence of the properties’ lawful creation for several reasons.

First, the “date of creation” listed in the table does not accurately describe when the property was created. Referring to the records included in Attachment A, the 1/15/1974 date used for a large portion of the properties was the “Date of Entry on This Card” on the Official Records of Descriptions of Real Properties, and not the creation date of those properties. *See* Attachment A. For example, the chart entry provided for Tax Lot 7315-B0-01200 indicates that it was created on January 15, 1974, when the deed book reference includes an “Agreement and Amendment” dated August 18, 1966. It is not clear from the evidence in the record what occurred on January 15, 1974, and why the county treats that as the date of creation for the property. If additional properties were partitioned or subdivided on January 15, 1974, they would need to comply with the 1963 Ordinance and the version of ORS Chapter 92 in effect at the time.

Second, the meaning of the categorization of six properties included in the template test as “one property” is unclear. *See* Supplemental Findings Attachment 3 (listing TL parcel numbers 1000, 1100, 1200, 1400, 1500, and 1600 as “one property”). Under what criteria, and for what purpose, is the county considering those properties as a single property? If these properties originated from a single property through a subdivision or partition, they would need to be demonstrated to comply with the applicable laws at the time of the subdivision or partition.

Finally, many of the records in the deed book do not actually demonstrate lawful creation. In the supplemental records, planning staff stated that “Columbia County acknowledges property created before January 10, 1975 as a lot of record if: (1) It was created by a legal plat (i.e. subdivision); or (2) It was conveyed separately from all other property by deed for the purpose of

the buyer’s enjoyment and development. Many of the referenced deed book pages for the properties do not contain deeds but rather undated legal descriptions of the property. *See, e.g.* Attachment A (records for TL parcel numbers 1100, 1000, 1100, 1300, 1400). These properties have not been shown to comply with the criteria the county uses to acknowledge lots of records, let alone the criteria for lawful establishment under ORS 92.010(3)(a) and ORS 215.010(1). This does not constitute substantial evidence that the properties were lawfully created by deed on the date indicated in the supplemental findings.

The applicant has not met their burden to demonstrate that the properties included in the template test were lawfully established as required by ORS 215.010(1) and ORS 92.010(3)(a). As such, the Board should deny the application for failing to demonstrate that at least 11 *lawfully established* parcels exist within the 160-acre rectangular template.

Sincerely,

A handwritten signature in black ink, appearing to read "Devin Kesner".

Devin Kesner  
Associate Attorney  
1000 Friends of Oregon  
(971) 420-0922  
devin@friends.org

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1000 Friends of Oregon is a 501(c)(3) non-profit organization founded by Governor Tom McCall shortly after the Legislature passed Senate Bill 100, which created the land use planning rules that shape Oregon’s communities. Since its founding in 1974, 1000 Friends has served Oregon by defending Oregon’s land use system—a system of rules that creates livable communities, protects family farms and forestlands, and conserves the natural resources and scenic areas that make Oregon such an extraordinary place to live. 1000 Friends accomplishes this mission by monitoring local and statewide land use issues, enforcing state land use laws, and working with state agencies and the Legislature to uphold the integrity of the land use system.

# ATTACHMENT A

*File Copy*

**SUBDIVISION REGULATIONS**

**For**

**Columbia County, Oregon**

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SUBDIVISION REGULATIONS

For

COLUMBIA COUNTY, OREGON

REGULATIONS PROVIDING SUBDIVISION AND OTHER LAND PARTITIONING  
STANDARDS AND PROCEDURES, ADOPTED BY THE COLUMBIA COUNTY COURT.

Section 1. Definitions. As used in these regulations the masculine includes the feminine and neuter and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

- (1) Building line. A line on a plat indicating the limit beyond which buildings or structures may not be erected.
- (2) Development plan. A plan adopted by the planning commission for the guidance of growth and improvement of the county, including modifications or refinements which may be made from time to time.
- (3) Easement. A grant of the right to use a strip of land for specific purposes.
- (4) Lot. A parcel of land intended as a unit for transfer of ownership or for development.  
  
Through lot. A lot having frontage on two parallel or approximately parallel streets other than alleys.
- (5) Pedestrian way. A right of way for pedestrian traffic.
- (6) Person. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.
- (7) Planning commission. The planning commission of the county.
- (8) Plat. The map or drawing on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record.
- (9) Right of way. The area between boundary lines of a street or other easement.

(10) Roadway. The portion or portions of a street right of way developed for vehicular traffic.

(11) Sidewalk. A pedestrian walkway with permanent surfacing to county standards.

(12) Street. The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the terms "road", "highway", "lane", "place", "avenue", "alley", or other similar designations.

(a) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

(b) Arterial. A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.

(c) Collector. A street supplementary to the arterial street system for intercommunication between the arterial street system and small areas; a collector is used to some extent for through traffic and to some extent for access to abutting properties.

(d) Cul-de-sac (dead-end street). A short street having one end open to traffic and being terminated by a vehicular turn-around.

(e) Half street. A portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.

(f) Marginal access street. A street that is parallel and adjacent to an arterial street and that provides access to abutting properties and protection from through traffic.

(g) Minor street. A street intended exclusively for access to abutting properties.

(13) Subdivide land. To partition a parcel of land into four or more parcels of less than five acres each for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the partitioning.

(14) Subdivision. Either an act of subdividing land or a tract of land subdivided as defined in this section.

Section 2. Scope of Regulations. All subdivision plats and all streets or ways created for the purpose of partitioning land shall be



approved by the planning commission in accordance with these regulations. A person desiring to subdivide land or desiring to partition land by creation of a street or way shall submit preliminary plans and final documents for approval as provided in these regulations and the state law.

### Pre-Application

Section 3. Tentative Subdivision Sketch. A subdivider shall submit a sketch to the county surveyor of a tentative scheme for the layout of property to be subdivided. Following preliminary consultation and discussion, the subdivider may proceed to prepare a preliminary plat for submission to the planning commission.

### Preliminary Plat

Section 4. Submission of Preliminary Plat. The subdivider shall prepare a preliminary plat together with improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project, and shall submit five copies of the preliminary plat to the county surveyor's office at least ten days prior to the planning commission meeting at which consideration of the plat is desired.

Section 5. Scale. The preliminary plat shall be drawn on a sheet 18 by 24 inches in size or a multiple thereof at a scale of one inch equals 100 feet or, for areas over 100 acres, one inch equals 200 feet.

Section 6. General Information. The following general information shall be shown on the preliminary plat:

- (1) Proposed name of the subdivision. This name must not duplicate nor resemble the name of another subdivision in the county and shall be approved by the planning commission.
- (2) Date, northpoint, and scale of drawing.
- (3) Appropriate identification clearly stating the map is a preliminary plat.
- (4) Location of the subdivision sufficient to define the location and boundaries of the proposed tract.
- (5) Names and addresses of the owner, subdivider, and engineer or surveyor.

Section 7. Existing Conditions. The following existing conditions shall be shown on the preliminary plat:

- (1) The location, width, and names of all existing or platted streets within or adjacent to the tract, together with easements, railroad right of way; and other important features, such as section lines and corners, city boundary lines, and monuments.
- (2) Contour lines related to some established bench mark or other datum as approved by the county surveyor when the county surveyor determines that the nature of the topography or the size of the subdivision requires such data. Contour lines shall have intervals of five feet or less.
- (3) Location and direction of all water courses and areas subject to flooding.
- (4) Natural features such as rock outcroppings and marshes.
- (5) Existing uses of the property, including location of all existing structures to remain on the property after platting.
- (6) The location within the subdivision and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes, and electric lines proposed to service the property to be subdivided.
- (7) Zoning on and adjacent to the tract.

Section 8. Proposed Plan of Land Partitioning. The following information shall be included on the preliminary plat:

- (1) Streets showing location, width, names, and approximate grades. The relationship of all streets to any projected streets as shown on any development plan, or, if there is no complete development plan, as suggested by the county surveyor to assure adequate area traffic circulation.
- (2) Easements, showing width and purpose.
- (3) Lots, showing approximate dimensions, minimum lot sizes, and proposed lot and block numbers.
- (4) Sites, if any, allocated for purposes other than single-family dwellings.

Section 9. Partial Development. Where the plat to be subdivided contains only part of the tract owned or controlled by the subdivider, the planning commission may require a sketch of a tentative layout for streets in the unsubdivided portion.

Section 10. Explanatory Information with Preliminary Plat. The following information shall be submitted in separate statements accompanying the preliminary plat or, if practicable, shall be shown on the preliminary plat:

(1) A vicinity map, showing existing subdivisions, streets, and un-subdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets may be extended to connect to existing streets.

(2) Proposed deed restrictions in outline form.

(3) Improvements to be requested of the county and the approximate time such request will be made.

(4) Improvements to be made by the developer and the approximate times such improvements are to be completed. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of this ordinance, state laws, and other applicable county standards. If, however, the nature of the improvements is such that it is impractical to prepare all necessary details prior to approval of the preliminary plat, the additional details shall be submitted at least 30 days prior to the time of requesting approval of the final plat. Agreements on any recommended changes shall be obtained prior to approval of the final plat.

Section 11. Preliminary Review of Proposal. Within two days after being submitted by the subdivider, the county surveyor shall furnish one copy of the preliminary plat and supplemental material to the county health department, one copy to the nearest city if within one mile of the city limits, and one copy to the state highway department provided development is adjacent to a state highway. These agencies will be given at least five days to review the plan, suggest revisions, and return the plans to the county surveyor's office.

Section 12. Tentative Approval of Preliminary Plat. Within 40 days from the first regular planning commission meeting following submission of the plat, the planning commission will review the plan and the reports of the agencies listed above and may give tentative approval of the preliminary plat as submitted or as it may be modified or, if disapproved, shall express its disapproval and its reasons therefor. Approval of the preliminary plat shall indicate the planning commission's approval of the final plat provided there is no change in the plan of subdivision as shown on the preliminary plat and there is full compliance with all requirements of these regulations. The action of the planning commission shall be noted on two copies of the preliminary plat, including reference to any attached documents describing any conditions. One copy shall be returned to the subdivider and the other retained by the planning commission.

#### Final Plat

Section 13. Submission of Final Plat. Within six months after tentative approval of the preliminary plat, the subdivider shall cause the subdivision or any part thereof to be surveyed and a final plat

prepared in conformance with the preliminary plat as tentatively approved. The subdivider shall submit the original drawing and any supplementary information to the county surveyor. If the subdivider wishes to proceed with the subdivision after the expiration of the six-month period following the tentative approval of the preliminary plat by the planning commission, he must resubmit his preliminary plat to the planning commission and made any revision considered necessary to meet changed conditions.

Section 14. Information on Final Plat. In addition to that otherwise specified by law, the following information shall be shown on the final plat:

- (1) The date, scale, northpoint (generally pointing to the top of the drawing), legend, and controlling topography such as creeks, highways, and railroads.
- (2) Legal description of the tract boundaries.
- (3) Name and address of the owner, subdivider, and engineer or surveyor.
- (4) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
  - (a) Stakes, monuments, or other evidence found on the ground used to determine the boundaries of the subdivision.
  - (b) Adjoining corners of adjoining subdivisions.
  - (c) Whenever the city or county has established the center line of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset.
  - (d) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of these regulations.
- (5) The exact location and width of streets and easements intersecting the boundary of the tract.
- (6) Lines with dimensions, bearings or deflection angles, radii, arcs, points of curvature, and tangent bearings for tract, lot and block boundaries, and street right of way and center lines. Tract boundaries and street bearings shall be shown to the nearest 15 seconds with basis of bearings. All distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.
- (7) The width of the portion of streets being dedicated, the width of any existing right of way, and the width each side of the center line.



For streets on curvature, curve data shall be based on the street center line and, in addition to center line dimensions, the radius and central angle shall be indicated.

(8) Easements denoted by fine dotted lines, clearly identified and, if already of record, its recorded reference. If any easement is not definitely located of record, a statement of the easement. The width of the easement, its length and bearing and sufficient ties to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

(9) Lot numbers beginning with the number "1" and numbered consecutively in each block.

(10) Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

(11) Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots intended for sale.

(12) Building setback lines, if any, are to be made a part of the subdivision restrictions.

(13) The following certificates which may be combined where appropriate:

(a) A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of said map.

(b) A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map and intended for public use, except those parcels which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants, and servants.

(c) A certificate signed by the engineer or the surveyor responsible for the survey and final map, the signature of the engineer or surveyor to be accompanied by his seal.

(d) Provisions for all other certifications now or hereafter required by law.

Section 15. Supplemental Information with Final Plat. The following data shall accompany the final plat:

- (1) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
- (2) Sheets and drawings showing the following:
  - (a) Traverse data including the coordinates of the boundary of the subdivision and showing the error of closure, if any.
  - (b) The computation of all distances, angles, and courses shown on the final map.
  - (c) Ties to existing monuments, proposed monuments, adjacent subdivisions, and street corners.
- (3) A copy of any deed restrictions applicable to the subdivision.
- (4) A certificate by the county engineer certifying that the subdivider has complied with one of the following alternatives:
  - (a) All improvements have been installed in accordance with the requirements of these regulations and with the action of the planning commission giving conditional approval of the preliminary plat.
  - (b) An agreement has been executed as provided in Sections 18 and 19 to assure completion of all required improvements.

**Section 16. Technical Review.** Upon receipt by the county, the final map and other data shall be reviewed by the county surveyor who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved preliminary plat and that there has been compliance with provisions of the law and of these regulations. The county may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground, and county representatives may enter the property for this purpose. If the county surveyor determines that full conformity has not been made, he shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.

**Section 17. Approval of Final Plat.** Upon receipt of the final plat with the approval of the county surveyor, the planning commission shall determine whether the final plat conforms with the approved preliminary plat and with these regulations. If the planning commission does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the planning commission determines that the plat conforms to all requirements, it shall approve the plat provided supplementary documents and provisions for required improvements are satisfactory. Approval shall be indicated by the signature of the chairman of

the planning commission. The approval of the final plat by the planning commission does not constitute or effect an acceptance by the public of the dedication of any street or other easement or way shown on the plat.

**Section 18. Agreement for Improvement.** Before planning commission approval is certified on the final plat the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision or execute and file with the county court an agreement between himself and the county specifying the period within which required improvements and repairs shall be completed, and providing that, if the work is not completed within the period specified, the county may complete the work and recover the full cost and expense from the subdivider. The agreement shall also provide for reimbursement of the county for the cost of inspection by the county, which cost shall not exceed five per cent of the cost of the improvements to be installed.

**Section 19. Bond.**

(1) The subdivider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

(a) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the district attorney.

(b) Cash.

(c) A personal bond in a form approved by the district attorney cosigned by at least one additional person. The subdivider and the cosigners shall submit evidence of financial responsibility and financial resources and shall provide reasonable assurance of the ability of the subdivider to proceed in accordance with the agreement.

(2) Such assurance of full and faithful performance shall be for a sum approved by the county court as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of county inspection.

(3) In the event the subdivider fails to carry out provisions of the agreement and the county has unreimbursed costs or expenses resulting from such failure, the bond or cash deposit shall be forfeited and the money shall be paid to the county to defray its costs. If the amount of the bond or cash deposit exceeds the cost and the expense incurred by the county, the county shall release the remainder and, if the amount of the bond or cash deposit is less than the cost and expense incurred by the county, the subdivider shall be liable to the county for the difference.

Section 20. Filing of Final Plat. The subdivider shall, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 30 days after the date the last required approving signature has been obtained.

Approval of Streets and Ways

Section 21. Creation of Streets.

(1) The creation of streets shall be in conformance with requirements for subdivision except, however, the planning commission shall approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:

(a) The establishment of the street is initiated by the county court and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street

(b) The tract in which the street is to be dedicated is an isolated ownership with special existing physical conditions making it impractical to develop more than three lots.

(c) The tract in which the street is to be dedicated is an isolated ownership of one acre or less.

(2) In those cases where approval of a street is to be without full compliance with the regulations applicable to subdivision, a copy of the proposed deed shall be submitted to the county surveyor at least five days prior to the planning commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the planning commission and, if not in conflict with the standards of Sections 23 to 28 of these regulations, shall be approved with conditions necessary to preserve these standards.

Section 22. Creation of Ways. Any easement of way providing access to property created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street either in a subdivision or as provided in Section 21 of these regulations, except that a private easement of way to be established by deed without full compliance with these regulations may be approved by the planning commission provided it is the only reasonable method by which the rear portion of an unusually deep lot large enough to warrant partitioning into no more than two parcels may be provided with access, or it is in a rural area and is related to farm or forest land uses in which no land parcel is of less than five acres.

Design Standards

**Section 23. Principles of Acceptability.** The subdivision shall be in conformity with any development plans and shall take into consideration any preliminary plans made in anticipation thereof. The subdivision shall conform with the requirements of state laws and the standards established by these regulations.

**Section 24. Streets.**

(1) **General.** The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in the development plan, the arrangement of streets in a subdivision shall either:

(a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(b) Conform to a plan for the neighborhood approved or adopted by the planning commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

(2) **Minimum right of way.** Unless otherwise indicated on the development plan, the width of streets in feet shall not be less than the following:

<u>Type of Street</u>	<u>Minimum Right of Way</u>
Arterials	80
Commercial and industrial streets	80
Collector streets and continuing minor streets	60
Minor streets not exceeding 1,800 feet in length	60
Marginal access streets (frontage roads)	40
Radius for turn-around at end of cul-de-sacs	50
Alleys	20

Where conditions, particularly topography or the size and shape of land parcels, make it impractical to provide standard street widths, narrower right of way may be accepted provided the purpose of the street can be accomplished. If necessary, slope easements may be required.

(3) **Reserve strips.** Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the

protection of public welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land composing such strips shall be placed within the jurisdiction of the county under conditions approved by the planning commission.

(4) Alignment. All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuations of the center lines thereof. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet.

(5) Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, street shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

(6) Intersection angles. Streets shall be laid out to intersect at an angle as near to a right angle as practical, except where topography requires a lesser angle, but in no case less than 60 degrees, unless there is special intersection design. Streets shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which are not at right angles shall have minimum corner radii of 15 feet along the right of way lines of the acute angle. Right of way lines at intersections with arterial streets shall have minimum corner radii of 15 feet.

(7) Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right of way shall be provided at the time of subdivision.

(8) Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the planning commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

(9) Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet. All cul-de-sacs shall terminate with a circular turn-around.

(10) Street names. No street names shall be used which will duplicate or be confused with the names of existing streets or roads anywhere in the same general area of the county except for extensions of existing streets or roads. Street names and numbers shall conform to the estab-



ished pattern in the county, and shall be subject to the approval of the planning commission.

(11) Grades and curves. Grades shall not exceed seven per cent on arterials, 10 per cent on collector streets, or 15 per cent on any other street. In flat areas allowance shall be made for finished street grades having a minimum slope of 0.5 per cent. Center line radii of curves shall not be less than 300 feet on arterials, or 100 feet on other streets, and shall be to an even 10 feet. On arterials there shall be a tangent of not less than 100 feet between reversed curves.

(12) Streets adjacent to railroad right of way. Wherever the proposed subdivision contains or is adjacent to a railroad right of way, provision may be required for a street approximately parallel to and on each side of such right of way at a distance suitable for the appropriate use of land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right of way.

(13) Marginal access streets and street access control. Where a subdivision abuts or contains an existing or proposed arterial street, the planning commission may require marginal access streets, reverse frontage lots with suitable depth, non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(14) Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the planning commission. Although alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have radii of not less than 10 feet.

#### Section 25. Blocks.

(1) General. The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography.

(2) Sizes. Blocks shall not exceed 1,000 feet in length between street lines, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1,800 feet.

(3) Easements.

(a) Utility lines. Easements for sewers, drainage, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The easements shall be a minimum of 12 feet in width and centered on rear or side lot lines except for guy wire tie-back easements which shall be six feet wide by 20 feet long along lot lines at change of direction points of easements.

(b) Water courses. Where a subdivision is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.

(c) Pedestrian ways. In blocks over 800 feet in length pedestrian ways with a minimum width of 10 feet may be required through the middle of the block when desirable for public convenience. If unusual conditions require blocks longer than 1,200 feet, two pedestrian ways may be required. When desirable for public convenience, pedestrian ways may be required to connect to cul-da-sacs or to pass through unusually shaped blocks.

Section 26. Lots.

(1) Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The width of every lot shall be at least 75 feet except that corner lots shall have a width of at least 80 feet to permit appropriate building setback from both streets. In the case of irregular lots, the width shall be measured along the front building line. Where possible, lots shall have an average depth of not less than 100 feet and not more than two and a half times the width. In no case shall a lot be less than 7,500 square feet in area. These minimum standards shall apply with the following exceptions:

(a) In areas that will not be served by a public sewer or water supply, minimum lot sizes shall conform to the requirements of the county health department and shall take into consideration problems of water supply and sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.

(b) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the planning commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.



(2) Access. - Each lot shall abut upon a street other than an alley.

(3) Through lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A reserve strip across which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other disadvantageous use.

(4) Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

Section 27. Large Lot Subdivision. In subdividing tracts into large lots which at some future time are likely to be resubdivided, the planning commission may require that the blocks and lots shall be of a size and shape and contain building site restrictions to provide for extensions and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

Section 28. Building Lines. If special building setback lines are to be established in the subdivision, they should be shown on the subdivision plan or included in the deed restrictions.

#### Improvements

Section 29. Improvement Procedures. In addition to other requirements, improvements installed by the subdivider either as a requirement of these regulations or at his own option shall conform to the requirements of this ordinance and improvement standards and specifications adopted by the county and shall be installed in accordance with the following procedure:

(1) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the county court. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the final map. Plans shall be prepared on tracing cloth in accordance with requirements of the county court.

(2) Improvement work shall not be commenced until the county court has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the county court has been notified.

(3) Improvements shall be constructed under the inspection and to the satisfaction of the county court. The county court may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

(4) Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the

surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length so that service connections can be made without disturbing the street improvements.

(5) A map showing all public improvements as built shall be filed with the county surveyor upon completion of the improvements.

Section 30. Improvement Requirements. Improvements to be installed at the expense of the subdivider are as follows:

(1) Streets. All streets including alleys within the subdivision, streets adjacent but only partially within the subdivision, and the extension of subdivision streets to the intercepting paving line of existing streets with which the subdivision streets intersect shall be graded for the full right of way width and roadways surfaced to the county's standards and specifications.

(a) Compliance with this section shall not mean that the county will accept such streets for maintenance as a part of the county road system. In the event the county takes a subdivision street into the county road system and maintains it as such and such subdivision is later annexed to a city, the street shall forthwith cease to be a county road and maintained as such.

(b) The improvement cost of any road or street subsequently taken into the county road system shall be paid for by either the subdivider or the adjacent property owners to the street or road improved.

(2) Monuments. Upon completion of street improvements, monuments shall be re-established and protected at every street intersection and all points of curvature and points of tangency of street center lines. Elevation bench marks shall be established at each street intersection monument.

(3) Surface drainage and storm sewer system. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.

(4) Sanitary sewers. If sanitary sewers are installed to serve the subdivision they shall be in accordance with plans approved by the state board of health and the county court. In the event it is impractical to connect the subdivision to a sewage disposal system, the planning commission may authorize the use of septic tanks if lot areas are adequate, as required by Section 26 (1)(a).

(5) Water system. Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to a water system shall be installed in accordance with plans approved by the state board of health and the county court. In the event it is impractical to connect the subdivision to a community water system, the planning commission may authorize the use of individual wells if lot areas are adequate, as required by Section 26(1)(a).

**Section 31. Exceptions in Case of Large Scale Development.** The standards and requirements of these regulations may be modified by the planning commission in the case of a plan and program for a complete community, a neighborhood unit, a large-scale shopping center, or large industrial area development providing the modifications are not detrimental to the public health, safety, and welfare and providing the planning commission determines there is provision for adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the developed tract and its relation to adjacent areas and for such covenants or other legal provisions as will assure conformity to and achievement of the plan.

**Section 32. Variance Application.** When necessary, the planning commission may authorize conditional variances to requirements of these regulations. Application for a variance shall be made by a petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the tentative map of the subdivision. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary that the planning commission shall find the following facts with respect thereto:

- (1) That there are special circumstances or conditions affecting the property that are not common to all property in the area.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner and extraordinary hardship would result from strict compliance with these regulations because of the special circumstances or conditions affecting the property.
- (3) That the granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the vicinity of the property involved.

**Section 33. Planning Commission Action on Variances.**

- (1) In granting necessary variances the planning commission shall secure substantially the objectives of the regulations to which variances are granted in order to preserve the public health, safety, convenience, and general welfare. Conditions necessary for this purpose shall be specified in granting the variance.
- (2) In granting the variance, the planning commission shall make a written record of its findings and the facts in connection therewith, and shall specifically and fully set forth the variance granted and the conditions designated. The county shall keep the findings on file as a matter of public record.

Section 34. Appeal.

(1) Appeal may be made to the county court from any decision, determination or requirement of the planning commission by filing notice in writing with the county within 10 days after the decision or determination or requirement is made. The notice shall set forth in detail the action and the grounds upon which the subdivider deems himself aggrieved.

(2) The county court, following the filing of an appeal, shall set a time for a hearing on the appeal to be held within 40 days thereafter, and the hearing may, for good cause, be continued by order of the county court. Upon the hearing of the appeal, the county court may overrule or modify the decision, determination or requirement appealed from and enter an order in harmony with the spirit and purpose of these regulations and this disposition of the appeal shall be final.

Section 35. Validity. If a provision of these regulations shall be held invalid or unconstitutional by a court of competent jurisdiction, the judgment shall not affect the validity of the remaining portion.

Section 36. Penalties For Violation. This ordinance may be enforced in any manner now or hereafter authorized by state law, including ORS Chapters 92 and 215.

IN THE COUNTY COURT  
OF THE STATE OF OREGON, FOR COLUMBIA COUNTY

In The Matter of the Adoption)  
of a Subdivision Order for )  
Columbia County, Oregon. )

ORDER

This matter comes on to be heard on this the 8th day of April 1963, on the recommendation of the Columbia County Planning Commission for an Order adopting the above and foregoing rules and regulations for a subdivision order, and being well and fully advised in the premises and on consideration thereof, it is hereby

ORDERED that the above and foregoing rules and regulations governing subdivisions for Columbia County, Oregon, be and the same is hereby adopted.

Done in open court at St. Helens, Oregon, this the day and year first above written.

COLUMBIA COUNTY COURT

By: [Signature] County Judge

[Signature] Commissioner

[Signature] Commissioner

IN THE MATTER OF THE ESTABLISHMENT OF REGULATIONS, )  
RULES, TERMS, CONDITIONS AND REQUIREMENTS GOVERNING )  
THE LAYING OF PIPE LINES OVER, UPON OR ACROSS ROADS )  
IN COLUMBIA COUNTY, OREGON. )

ORDER

On this day, it is ORDERED by this Court that all permits granted by this Court to lay pipe lines over, upon, or across Roads in Columbia County, Oregon be subject to the following general regulations, and

That hereafter when general regulations governing the laying of pipe lines over, upon or across roads are referred to, it shall be understood to refer to the following regulations, rules, terms, conditions and requirements.

GENERAL REGULATIONS

1. The word "Engineer" as used herein shall mean the County Engineer or his duly authorized representative, and the words "County Court" shall mean the County Court of Columbia County, Oregon.
2. The applicant shall employ any and all methods in the construction of a pipe line which the Engineer may require in order to properly protect the road from damage, both during the construction of the pipe line and subsequent to its completion.
3. During the installation or construction of the pipe line, and/or during the repair of the pipe line, the applicant shall at all times maintain such watchman or watchmen and/or barricades and/or other safety devices as may be necessary to properly protect traffic upon the road, and to warn and safeguard the public against injury or damage resulting from the operations of the applicant in the construction and/or maintenance of a pipe line.
4. A permit is granted under the specific understanding that the applicant shall be responsible and liable for all accidents, damage or injury to persons or property resulting from the construction, installation, maintenance or repair of a pipe line legally chargeable to said applicant, and shall hold the County, the County Court and all of the officers or agents of the County or the County Court blameless, and the applicant shall indemnify them against any loss, injury or damage which they or any of them may sustain by reason of the acts, conduct or operations of the applicant, his agents or employees in connection with the construction, maintenance or repair of the pipe line.
5. The applicant shall so conduct his construction operations that there shall be no interference or interruption of traffic upon and along the road. The engineer may specify details in connection with the handling of traffic and such specifications shall be complied with by the applicant.
6. The Installation, construction and maintenance of a pipe line is subject to the paramount control of the County Court over said roads and no right or privilege herein shall be deemed or construed to go beyond the reach or authority of the County Court to control any roads, and the applicant, in accepting the permit, accepts it knowing that the rights and privileges herein granted may at any time be defeated and abrogated by County Court action.



...the right of way of the said road is detrimental to the interests of said road or to the proper repair, maintenance or reconstruction of the same, the County Court may give notice of such fact to said applicant, and upon receipt of such notice, the applicant agrees to conform promptly to the requirements of the County Court with respect thereto, and in the event that said applicant fails for a period of ten (10) days to so conform to such requirements and orders, then, and in that event, the County Court may cause said pipe line to be removed from said road and may charge the cost of such removal to the said applicant.

8. The said applicant shall at all times keep the pipe line free from leaks and in a good state of repair so that no damage or injury will be done to the road.

9. The entire cost of installing the pipe line, including the cost of materials, trenching, laying backfilling, supervision and inspection, and any other expense whatsoever incident thereto, is to be paid for by the applicant. The applicant shall reimburse the County Court for any and all expenses incurred by the County in connection with the installation, and such reimbursement shall be made by the applicant within ten (10) days after being billed therefor by the County Clerk.

10. Any supervision and/or control exercised by the Engineer shall in no way relieve the applicant of any duty or responsibility to the general public nor shall supervision or control relieve the applicant of any liability for loss damage or injury to persons or property contained by reason of the installation, maintenance or repair of the pipe line, nor of applicant's liability for damage to the road.

11. If for any reason it becomes necessary, in the judgment of the County Court or its engineer, to disconnect the pipe line or any section thereof for the purpose of repair of the road or any work or improvement thereon, or if a road is being damaged or injured by reason of the presence of a pipe line or the seepage of water therefrom, the County Court may give the applicant thirty (30) days written notice to turn off the water and should the applicant fail and neglect to do so then the County Court and/or its Engineer may disconnect said pipe line and/or turn off the water, and by doing so, neither the County, the County Court, nor its Engineer or other officer or employee shall be liable either officially or personally for any damage or injury sustained thereby, either by the applicant, consumers or patrons, or persons to whom it owes a responsibility or liability.

12. It is understood and agreed that the County Court shall not be held responsible or liable for injury or damage that may occur to a pipe line and/or the connection or connections thereto by reason of any construction or maintenance operation that may be carried on by or under the direction of either the County Court or any duly authorized representative of the County Court.

13. Trenching or tunneling nearer than four (4) feet from either edge of the surfaced portion of the roadway and the cutting and digging up of the pavement or macadamized portion will not be permitted except when special permission is first obtained from the Engineer. No trench shall be excavated, the top width of which exceeds eighteen (18) inches more than the outside diameter of the pipe to be installed, without special permission.

14. The backfilling of all trenches and tunnels must be accomplished immediately after the pipe line has been placed therein and must be well tamped and compacted so as to allow the least possible amount of subsequent settlement. All debris, refuse and waste of all kinds which may have accumulated upon the highway right of way by reason of the operations of the applicant must be removed immediately upon completion of said operations, and the highway right of way must be restored to at least as good condition as it was prior to such operations. All work in connection with the pipe line construction must be done in a neat and workmanlike manner and under the general supervision of the Engineer whose decision shall be final with respect to any of the conditions, terms, stipulations and provisions of this permit and must meet with his approval.

15. Under and across the surfaced portion of the roadway a pipe line shall either be driven or placed in a hole bored for the purpose, the diameter of which shall not exceed the outside diameter of the pipe to be placed therein.

16. At no point shall the top of a pipe line be less than eighteen (18) inches below the grade of the highway or beneath the surface of the ground at that point, if the ground be lower than the grade of the road.

17. The permit may be revoked by mutual consent or by order of the County Court or by operation of the law, provided, however, that this permit shall not be effective unless accompanied in writing within thirty (30) days of the date of the order granting the permit.

18. The County Clerk shall collect a fee of \$2.50 at the time application is made for the issuance of a permit.

19. An application for a permit shall be accompanied by a plat, blue print, or drawing showing clearly the location of the proposed pipe line.

20. The application for a permit must state whether the road on which it is proposed to locate the pipe line is a public (dedicated) road or a county road.

Dated at St. Helens, Oregon this 5 day of April, 1967.

COLUMBIA COUNTY COURT

/s/ Earl N. Seawright  
County Judge

/s/ Robert L. Glosenger  
Commissioner

/s/ G. A. Violette  
Commissioner

POLICY STATEMENT TO GUIDE COUNTY  
ENGINEER'S OFFICE REGARDING THE ACQUISITION OF  
ADDITIONAL RIGHTS-OF-WAY ON COUNTY AND MARKET ROADS

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A. Graveled Roads Coming under the Road Rating Program.

1. When an existing gravelled county road has sufficient priority for improvement, then the property owners should be willing to deed to Columbia County an equal additional amount of right-of-way on each side of the existing right-of-way, or sufficient footage to either side of the right of way to effectively make use of the natural terrain, to make it a minimum of 60 feet in width.
2. Any additional right-of-way over the 60-foot dedication should be paid for by Columbia County where necessary to realign or to provide cut and fill slopes.
3. Columbia County should pay all reasonable damages incurred in such a widening or realignment; for example, undue encroachment on existing homes or buildings.
4. If it is necessary for Columbia County to establish a new centerline to avoid excessive damages from an adjacent owner, then the extra land required from the owners across the road, over and above that which they would have been expected to donate, should be purchased by Columbia County.
5. Existing fences will be moved by the road department crews where it is economically feasible to do so. Where the fence is in such bad repair (posts are rotted or wire is down) or where brush has grown up in the fence row so as to make it impractical to move, then Columbia County will not move the existing fence. However, if the owner of such fencing desires to supply new fencing material, posts, wire, etc., then the Columbia County road department will install this new fence, provided the existing fence was on or inside the property owner's boundary line.
6. Where existing property adjacent to the road does not have a fence, then Columbia County will not install any new fencing, even though the owner may furnish materials.
7. Many of the above items could be varied if they were taken care of in lieu of possible damage for excess right-of-way acquisition.

B. Existing Paved County Roads and Market Roads.

1. When road widening projects on market roads or county roads receive priority, either as an overall project or a betterment project) and additional right-of-way is necessary for the acquisition of a minimum of 60 feet of right-of-way width, then the policy to govern this acquisition shall be as follows:
  - (a) Acquisition can be affected either through donation or by purchase.
  - (b) When purchase is involved, Columbia County should pay for all land at a reasonable cost per acre.
  - (c) Columbia County should pay all reasonable damages incurred in such widening or realignment.
  - (d) Fences shall be constructed or reconstructed or moved as shall be determined by the right-of-way department with recognition as to other claims by the property owner for land purchase or damages, provided said fences were not on the public right-of-way.



2. Whenever it appears that a reasonable settlement cannot be reached with an owner, then the matter shall be held in abeyance until the County Court can review same and decide whether to:

- (a) Appoint two competent appraisers to estimate land value and possible damages.
- (b) Resort to condemnation proceedings if there is an urgency involved.
- (c) Hold the entire project in abeyance.

This policy statement adopted and effective this 5th day of April, 1967.

BY ORDER OF THE COLUMBIA COUNTY COURT

/s/ Earl N. Seawright  
County Judge

/s/ Robert L. Glosenger  
Commissioner

/s/ G. A. Violette  
Commissioner

# ATTACHMENT B



BOOK 171 PAGE 189

Know All Men By These Presents, That

Assemblies of God, Oregon District a non-profit

a corporation duly organized and incorporated under the laws of the State of Oregon

in consideration of Ten and no/100 Dollars,

to them paid by Alston's Corner Assembly of God church

do hereby remise, release and forever QUITCLAIM unto the said

Alston's Corner Assembly of God Church and unto their heirs and assigns

all its right, title and interest in and to the following described parcel of real estate, situate

in Columbia County of Columbia State of Oregon, to-wit:

The Northwest quarter of the Northeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon, excepting therefrom all that part thereof lying North of Columbia River Highway; also excepting therefrom that part thereof conveyed by W. L. Scott and Sarah F. Scott, husband and wife to C. Henry Vandermost by deed recorded August 20, 1924, in Book "37" page 424, deeds; also excepting therefrom the West twenty feet thereof, and also excepting therefrom that part thereof embraced within the limits of Columbia River Highway and also excepting a strip of land 40 feet wide conveyed to Columbia County by A. H. McKay and Josie A. McKay, in deed recorded September 7, 1929, in Book 48, page 615, deed records of Columbia County, Oregon. Also excepting therefrom that part conveyed to State of Oregon by and through its State Highway Commission by Deed recorded November 22, 1965 in Book 160, page 238, Deed Records of Columbia County, Oregon.

To Have and to Hold the same, together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining to the said

Assemblies of God, Oregon District

and to its heirs and assigns forever.

IN WITNESS WHEREOF, Assemblies of God, Oregon District pursuant

to a resolution of its Board of Directors, duly and legally adopted, has caused these presents to be signed by its President and Secretary, and its corporate seal to be hereunto affixed this 20th day of August A. D. 19 68



ASSEMBLIES OF GOD, OREGON DISTRICT

By [Signature] President

ASSEMBLIES OF GOD, OREGON DISTRICT

By [Signature] Secretary

1573-19  
-20-1 ?  
-21-1

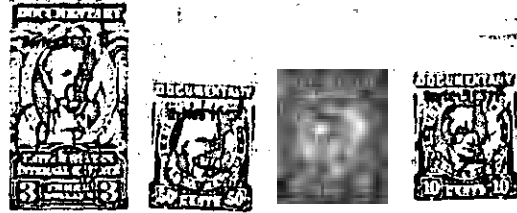


That part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec 15, T7N R3W WM, Columbia Co, Oregon, ly Nly and Ely of the Old Columbia River Hy as now laid out and traveled on March 30, 1050, Excepting that portion ly in O E Wonderly Rd No. 125



KNOW ALL MEN BY THESE PRESENTS, That we, Roger C. Fox and Darliss L. Fox, husband and wife, in consideration of Ten and 00/100 Dollars, to us paid by Charles R. Holden and Mary F. Holden, husband and wife, do hereby grant, bargain, sell and convey unto said Charles R. Holden and Mary F. Holden, husband and wife, and to their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Columbia and State of Oregon, bounded and described as follows, to-wit:

The East half of the Southwest quarter and the West half of the Southeast quarter of Section 15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon.



To Have and to Hold the above described and granted premises unto the said Charles R. Holden and Mary F. Holden, husband and wife, and to their heirs and assigns forever.

And we, Roger C. Fox and Darliss L. Fox, husband and wife, the grantors above named do covenant to and with the above named grantees and their heirs and assigns that we are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances, Excepting reservations for 10 foot roadway as contained in deed recorded November 30, 1917, Book 25, page 459, Deed Records; reservations for 10 foot roadway as contained in deed recorded November 30, 1917, Book 25, page 462, Deed Records and Easement from Columbia County, Oregon as contained in instrument recorded October 1, 1940, in Book 69, page 632, Deed Records of Columbia County, Oregon.

and that we will and our heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever,

Witness our hand, S. and seal, S. this 8th day of December, 1951.

Executed in the Presence of

Roger C. Fox (SEAL)  
 Darliss L. Fox (SEAL)  
 (SEAL)  
 (SEAL)





Parcel 1:  $N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$  of Sec 15, T7N R3W WM, Columbia Co, Oregon.  
Excepting therefrom the N 150 ft of even width of the  $N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$   
Sec 15, T7N R3W WM, Columbia Co, Oregon.

Parcel 2: a non-exclusive easement and R/W for rd purposes over  
the W 20 ft of the N 150 ft of even width of the  $N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ , Sec 15,  
T7N R3W WM, Columbia Co, Oregon.



Parcel 1: That portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec 15, T7N R3W WM, Columbia Co, Oregon, ly S of the c/l of Beaver Creek, except that portion conveyed to William George Saunders et ux, by Deed recorded Feb 27, 1963 in Bk 151, pg 134, Deed Records of Columbia Co, Oregon.

Parcel 2: The N 150 ft of even width of the N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  Sec 15, T7N R3W WM, Columbia Co, Oregon.



CONTRACT

TR 158 MR416

THIS AGREEMENT, made this 16th day of April, 1966, by WILLIAM GEORGE SAUNDERS and EMILY M. SAUNDERS, brother and sister, residing at [redacted], and RALPH MOORE and L. DA P. MOORE, husband and wife, residing at [redacted],

WITNESSETH:

Vendor hereby sells, purchases, and assigns to purchaser the property described hereinafter, situated in Lewis County, State of Oregon, described as follows:

Beginning at a point on the East line of the Northwest quarter of Section 15, Township 36 North, Range 3 West, Willamette Meridian, Colville County, Oregon; thence S. 89° 22' W. a distance of 662.0 feet to the East line of the Southwest quarter of the Northwest quarter of the East 1/4 quarter of said Section 15; thence N. 81° 11' E. a distance of 115.7 feet to the center of a creek; thence along the center of said creek S. 70° 34' E. a distance of 115.7 feet; thence S. 77° 03' E. a distance of 235.0 feet; thence S. 77° 03' E. a distance of 115.7 feet to the East line of the Northwest quarter of the Northwest quarter of the East 1/4 quarter of said Section 15 to the point of beginning.

The purchase price of the property, which is \$4,000.00, shall be paid to the vendor at the time of this agreement in cash. The balance of the purchase price, including interest, shall be paid to the vendor in monthly installments of \$100.00, beginning on the 1st day of April, 1966, and continuing until the balance is paid in full. The first payment shall be made on or before the 20th day of April, 1966, and thereafter on the same day of each month thereafter until the principal and interest is paid in full.

Interest on all unpaid balances shall be computed on the date of each payment at the rate of 6% per annum.

The purchaser hereby agrees to pay the entire balance of the money remaining due, including interest, at the time due to the date of payment.

All taxes levied against the property and the property for the current year shall be paid by the vendor and purchaser as of April 15, 1966. Purchaser shall pay when due all taxes which are levied against the property and all public, municipal and other assessments which may be hereinafter lawfully imposed upon the property.

Purchaser agrees to keep the building on said premises insured against loss by fire or other casualty in amount not less than \$3,000.00 with loss payable to the parties hereto as their interest appears at the time of loss with priority in payment to the vendor. Any amount received by vendor under the insurance payment or a loss shall be applied upon the unpaid balance of the purchase price and shall reduce said unpaid balance to the extent of the amount of insurance payment received by vendor. All uninsured losses shall be borne by purchaser, and after the date purchaser becomes entitled to possession.

g  
C





Begin where the N and S center line of Sec 15, T7N R3W WM, Columbia Co Oregon, intersects the S line of the r/w of the old Columbia River Hwy;

th S to the center of Beaver Creek;  
th following the center of Beaver Creek Wly to a pt 208.7 ft E of the W line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  of sd sec 15;  
th N to the N line of sd SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  of sec 15;  
th E 250 ft;  
th N to the S line of the old Columbia River Hwy;  
th SEly alg the S line of sd hwy to the pob.

Subject to: Easement granted to Inland Power and Light Company by instrument recorded February 10, 1931 in DV 52/316 except public roads and hwys.



EXHIBIT "A"

BOOK 167 PAGE 26

All that part of the East half of the Northeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, lying North of the center of Beaver Creek and lying South of the South right of way line of U. S. Highway No. 30 as relocated.

EXCEPTING THEREFROM that portion thereof, if any, that lies within the bounds of the tract conveyed by Alma O. J. Lambert to H. C. Smelcer by deed recorded September 8, 1928 in Book 46, Page 204, Deed Records.

SUBJECT TO:

1. Easement for electric transmission line etc. as granted by F. E. Sater to Inland Power & Light Company by instrument recorded February 10, 1931 in book 52, page 316, deed records.
2. Perpetual easement for public utilities as granted by H. H. Riggs to The Pacific Telephone and Telegraph Company by instrument recorded September 28, 1940 in book 66, page 620, deed records. (Affects NE 1/4 of SE 1/4 of NW 1/4)
3. Easements of record.
4. Mineral reservations in deed from Columbia County to Benjamin H. Sater and Lola B. Sater recorded July 27, 1942 in Book 70, page 464, deed records. (affects land in SE 1/4 of NE 1/4 of NW 1/4).
5. There is no access from said property to the State Highway or any public road.

5532

STATE OF OREGON  
COLUMBIA COUNTY  
RECORDED OR FILED

OCT 23 3 10 PM '67

BOOK 167 PAGE 26  
ROY L. SMELCER TO OLE  
BY [Signature]



Baap that is N 89° 42'E 20 ft fm the SW cor of the NE $\frac{1}{4}$ NW $\frac{1}{4}$   
of Sec 15, T7N R3W WM, Columbia Co, Oregon; sd pt being on  
the Ely R/W line of a Co Rd;

th along the S line of sd NE $\frac{1}{4}$ NW $\frac{1}{4}$  N 89° 42'E a dist of  
335.6 ft;

th N 0° 07'E a dist of 259.6 ft;

th S 89° 42'W a dist of 335.6 ft to the sd Ely R/W line  
of a Co Rd;

th S 0° 07'W a dist of 259.6 ft to the POB

OFFICIAL RECORDS  
OF DESCRIPTIONS  
OF  
REAL PROPERTIES

COLUMBIA COUNTY ASSESSOR  
1573 - 34

32-03

7 3 15 2 1200

CODE AREA NUMBER	TWP	RGE	SEC	1/4	1/16	PARCEL	TYPE	NO
	MAP NUMBER					NUMBER	SPEC INT	
	TAX LOT NUMBER							

FORMERLY PART OF \_\_\_\_\_

Name and Tax Lot Information	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
		VOL	PAGE	
SAUNDERS, WILLIAM G. & EMILY M				
1/2 MOORE, RALPH & INDA R.	1-15-74	162	573	8.06
Exc: R.V. Price Co. Rd. No. P-152 0.31	1-15-74			7.75
Moore, Ralph & Inda R.	11-4-75	203	48	
		217	126	water agreement
		227	723	document
Exc: Pt To WIDEN Co. Road	12-10-81	227	978	7.68
Moore, Ralph & Inda R. <sup>Doc Not Requested</sup>	12-10-81	227	978	7.68
1/2 Boursaw, Lloyd & Sandra J.	6-30-92	F92	4408	7.68
	8-06-92	F92	5247	7.68
Exc: Pt To TL 1300 (-0.11ac)	11-27-92	F92	5957	7.57
ALSO Pt Fr TL 1300 (+0.06)	11-27-92	F92	5958	7.63
Exc: Pt To TL 1600 (-3.01ac)	11-27-92	ASF	4609	4.62
Ac. Cor (-0.02ac)	11-27-92	CS#	3791	4.60
Boursaw, Lloyd & Sandra J.	1-26-94	F94	0304	4.60
		F94	5653	
		F94	2409	2408
Note: B & S to Jamieson, Roy & Bernice		F97	108326	
Note: B & S from Jamieson's	9-27-97	F97	109955	4.60
Exc. TL 1201 -4.28	2-13-98	F97	12714	0.32

AGREEMENT AND AMENDMENT

THIS AGREEMENT, Made this 18 day of August 1966, by and between WILLIAM GEORGE SAUNDERS, hereinafter called vendor, and RALPH MOORE and INDA R. MOORE, husband and wife, hereinafter called purchasers,

W I T N E S S E T H:

That pursuant to an agreement dated the 16<sup>th</sup> day of April 1963, the vendor agreed to sell and purchasers agreed to buy certain real property described in said agreement recorded in Columbia County, State of Oregon, deed records, on May 11, 1963, in Book 138 at Page 416, and that the said description contained therein did not provide for all of the real property that was encompassed by the said agreement of the parties thereto, and that the said description should include additional real property as follows:

Southwest quarter of Northeast quarter of Northwest quarter of Section 15, Township 7 North of Range 3 West Willamette Meridian Columbia County, Oregon,

excepting the public roads and highways, together with and inclusive of all vendor's right, title and interest in and to the water and water rights appertaining to or appurtenant to said above described premises and excepting that portion of the above described premises located in the Southwest corner of the said described property consisting of approximately two acres conveyed by William George Saunders and Emily M. Saunders to Louie Mosdahl and Elva Mosdahl, husband and wife, which deed is recorded in Deed Records of Columbia County, State of Oregon.





Bg at the SE cor of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec 15, T7N R3W WM,  
Columbia Co, Oregon;

th N 441 ft m/1 to the Old Columbia River Hy;

th N 68° 30'W along the S bndry of sd hy 460 ft;

th S 630 ft m/1 to the S bndry of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  of  
Sec 15, T7N R3W WM, Columbia Co, Oregon;

th E 440 ft m/1 to the POB, Excepting therefm all that  
portion ly N of the S R/W line of the relocated Columbia River  
Hy as set forth in Final Judgement, entered Jan 27, 1967 in  
State Circuit Court Condemnation Suit #16628



The NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec 15, T7N R3W WM, Columbia Co, Oregon, ly  
Sly of the Sly R/W line of the relocated Columbia River Hy  
as sd Hy is des in deed recorded Nov 22, 1965 in Bk 160, pg  
238, Deed Records of Columbia Co, Oregon, Excepting therefm  
that part thereof conveyed by W L Scott and Sarah F Scott,  
husband and wife to C Henry Vandermost by deed recorded  
August 20, 1924, in Bk 37, pg 424, Deed Records of Columbia  
Co, Oregon; Also Excepting therefm the W 20 ft and Also  
Excepting a strip 40 ft wide conveyed to Columbia Co by A H  
McKay and Josie A McKay in deed recorded Sept 7, 1929 in Bk  
48, pg 615, Deed Records of Columbia Co, Oregon.



KNOW ALL MEN BY THESE PRESENTS, That We, DONALD R. CLARK & CLARA F. CLARK, husband and wife.

In consideration of Ten and 00/100 Dollars,

us paid by JACK ANDERSON

do hereby grant, bargain, sell and convey unto said Jack Anderson

and unto his heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Columbia and State of Oregon, bounded and described as follows, to-wit:

Beginning at the Southeast corner of the Northwest quarter of the Northeast quarter of Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; thence North 441 feet, more or less, to the Old Columbia River Highway; thence North 68°30' West along the South boundary of said highway 460 feet; thence South 630 feet, more or less, to the South boundary of the Northwest quarter of the Northeast quarter of Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; thence East 440 feet, more or less, to the place of beginning, EXCEPTING THEREFROM all that portion lying South of the North line of the relocated Columbia River Highway as set forth in Complaint for Condemnation in the case of State of Oregon vs. Donald R. Clark et ux., J.R. 16628, now pending in the Oregon Circuit Court for Columbia County.

To Have and to Hold the above described and granted premises unto the said Jack Anderson

and unto his heirs and assigns forever.

And We, Donald R. Clark and Clara F. Clark,

the grantor, do hereby covenant to and with the above named grantees and unto his heirs and assigns that we lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances.

and that we, our heirs and assigns, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness OUR hand and seal this 26th day of AUGUST, 1966.

Executed in the Presence of

Signature lines for witnesses and parties, including handwritten signatures of Donald R. Clark and Clara F. Clark.



## EXHIBIT "A"

That part of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 15, Township 7, Range 3 West, Willamette Meridian, Columbia County, Oregon, lying North of the North line of Columbia River Highway conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded September 8, 1965 in Book 159, page 492, Deed Records of Columbia County, Oregon.

EXCEPT that part which lies within the boundaries of Old Columbia River Highway.

Also saving and excepting the following described parcels:

A portion of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon; thence South along the West line of said Northeast quarter of the Northeast quarter of the Northwest quarter, 126 feet, more or less, to the Northerly right of way line of the Old Columbia River Highway; thence Southeasterly along the Northerly right of way line of said Old Columbia River Highway a distance of 258 feet; thence Northerly on a straight line of 218 feet, more or less, to a point on the North line of said Northeast quarter of the Northeast quarter of the Northwest quarter, which is 255 feet East (measured along the North line of said Northeast quarter of the Northeast quarter of quarter) of the point of beginning; thence West along the North line of said Northeast quarter of the Northeast quarter of the Northwest quarter, a distance of 255 feet to the point of beginning.

A portion of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon; thence South along the West line of said Northeast quarter of the Northeast quarter of the Northwest quarter to the Southerly right of way line of the Old Columbia River Highway and the true point of beginning of the following described tract; thence South along the West line of the Northeast quarter of the Northeast quarter of the Northwest quarter to the Northerly right of way line of the relocated Columbia River Highway; thence Easterly along the Northerly right of way line of said relocated Columbia River Highway to an angle corner therein, being opposite of and 90 feet from Engineers center line station 2100+00 of said relocated Columbia River Highway; thence Northerly along the Westerly of said relocated Columbia River Highway to the Southerly right of way line of the Old Columbia River Highway; thence Westerly along the Southerly right of way line of said Old Columbia River Highway to the true point of beginning.





KNOW ALL MEN BY THESE PRESENTS, That I, Dora E. Counts, surviving spouse of Russell L. Counts, deceased, unmarried, hereinafter called Grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Frank Counts and Barbara J. Counts, husband and wife, hereinafter called grantees, and unto grantees' heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, situated in the County of Columbia, State of Oregon, described as follows, to-wit:

Parcel 1: The West half of the Southwest quarter of the Northeast quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon.

Parcel 2: Beginning at the Southwest corner of the Northwest quarter of the Northeast quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; thence East along the South line of the Southwest quarter of Northwest quarter of Northeast quarter of said Section 15 to the Southeast corner of said Southwest quarter of Northwest quarter of Northeast quarter; thence North along the East line thereof to the center line of Beaver Creek; thence Westerly along the creek to the Southerly line of the Columbia River Highway; thence Northerly along said South line to the North line of the Southwest quarter of Northwest quarter of Northeast quarter of said Section; thence West along said North line to the West line of the Southwest quarter of Northwest quarter of Northeast quarter; thence South along said West line to the point of beginning,

RESERVING UNTO GRANTOR, HOWEVER, the following described portion thereof, to-wit: Beginning at Southeast corner of Southwest quarter of Northwest quarter of Northeast quarter of Section 15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon; thence East along South line of said Southwest quarter of Northwest quarter of Northeast quarter 150 feet to a point; thence North parallel to the East line of said Southwest quarter of Northwest quarter of Northeast quarter to Southerly right of way line of Old Columbia River Highway; thence Southeasterly along the Southerly right of way line of said Highway to East line of said Southwest quarter of Northwest quarter of Northeast quarter; thence South along East line of said Southwest quarter of Northwest quarter of Northeast quarter to point of beginning, for so long as she may live.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ NONE

In construing this deed the singular includes the plural as the circumstances may require.  
Witness grantor's hand this 11th day of May, 1971.

Dora E. Counts

STATE OF OREGON, County of Columbia ) ss. May 11th, 1971

Personally appeared the above named Dora E. Counts and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me: Marie Walker Joffe  
Notary Public for Oregon  
My commission expires Nov 4, 1972

NOTE - The number between the symbols ( ), if not applicable, should be deleted. See Chapter 443, Oregon Laws 1967, as amended by the 1967 Special Session.

Bargain and Sale Deed

No. 2352

TO

AFTER RECORDING RETURN TO

Frank Counts  
3109 Kansas  
Langview, Wn

(DON'T USE THIS SPACE RESERVED FOR RECORDING LABEL IN COURTESY WHERE USED.)

STATE OF OREGON, County of Columbia } ss.

I certify that the within instrument was received for record on the 11th day of May, 1971, at 2:30 o'clock PM, and recorded in book 181 of the Record of Deeds of said County.

Witness my hand and seal of County attized.

Roy A. Nelson  
Clerk Title.  
By [Signature] Deputy.



185-428

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That we, Roy K. Ferguson and Ida V. Ferguson, husband and wife, GRANTORS, in consideration of Ten Dollars and other good and valuable consideration to us paid by Leo B. Hamm and Edna Mae Hamm, husband and wife, GRANTEEES, do hereby grant, bargain, sell and convey unto said GRANTEEES, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of Columbia and State of Oregon, bounded and described as follows, to-wit:

1573-5  
32AP  
N.C.

That portion of the North half of Northwest quarter of Northeast quarter of Section 15, Township 7 North, Range 3 West of Willamette Meridian, Columbia County, Oregon, lying northerly of the northerly right of way line of the relocated Columbia River Highway, as same was relocated on November, 1966, EXCEPTING THEREFROM that portion of the Northeast quarter of Northwest quarter of Northeast quarter lying northerly of the O. E. Underly County Road No. 125 as located and existing in January, 1953.-----

SUBJECT TO:

1. rights of the public in roads and highways.
2. Right of way for electrical transmission lines with a right to fall and trim trees, including the terms and provisions thereof, as granted by Barbara Walters to Clatsop County, Oregon, by District by instrument recorded March 1, 1953 in Book 135, page 49, Deed Records of Columbia County, Oregon.
3. Reservation of oil and mineral rights contained in deed from Barbara Walters to George W. Bell and Ellen M. Bell, recorded May 16, 1963 in Book 152, page 15, Deed Records of Columbia County, Oregon.
4. Access restrictions, including the terms and provisions thereof as contained within Final Judgment entered November 21, 1953 in Condemnation Suit #15629.

This deed is given pursuant to contracts between the parties dated June 29, 1967.

To have and to Hold, the above described and granted premises unto the said Leo B. Hamm and Edna Mae Hamm, husband and wife, GRANTEEES, their heirs and assigns forever.

And we, Roy K. Ferguson and Ida V. Ferguson, husband and wife, the GRANTORS above named, do covenant to and with the above named GRANTEEES, their heirs and assigns, that we are lawfully seized in fee simple of the above granted premises, that the above granted

Jacobson  
Pt. 1 Box 249  
Rainier

Sign - 7-12-67  
rec. 2-1-72



DV187p125:

Beg at SE cor of SE $\frac{1}{4}$ SW $\frac{1}{4}$  Sec 10, T7N R3W WM;

Th, N alg E ln of sd SW $\frac{1}{4}$  Sec 10 a dist of 240.0 ft

Th, W 180 ft

Th, S 240 ft to S ln of sd SW $\frac{1}{4}$  Sec 10

Th, E alg S ln of sd SW $\frac{1}{4}$  Sec 10, 180 ft to POB



STATE OF OREGON,

County of Columbia

ss.

BE IT REMEMBERED, That on this 4<sup>th</sup> day of September, A. D. 1951, before me, the undersigned, a Notary Public,

in and for said County and State, personally appeared the within named Florence E. Rotger and E. A. Rotger, her husband, and Amy Elizabeth George, unmarried,

whom each known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that they each executed the same freely and voluntarily.

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

*Charles Benge*  
Notary Public for Oregon  
My Commission Expires June 4, 1953



(SEAL) DOCUMENT 3733 RECORDED SEP 5 1951 4:35 PM - C. W. WICKMAN, COUNTY CLERK

FORM No. 2 - WARRANTY DEED.

KNOW ALL MEN BY THESE PRESENTS, That We, M. H. Marlow and Ruth Marlow, husband and wife

in consideration of Ten and no/100 Dollars, and other valuable considerations to us paid by William Frame

do hereby grant, bargain, sell and convey unto said William Frame and Nesha E. Frame, husband and wife

Their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Columbia and State of Oregon, bounded and described as follows, to-wit:

The east half of Southeast quarter of Southwest quarter of Section 10, Township 7, North of Range 3 West of Willamette Meridian, Columbia County, Oregon





**PARTITION PLAT**  
 NO. 1992-31  
**FOR JUNE ROANE**  
 IN THE N.E. 1/4 OF  
 SECTION 15, T. 7N., R. 3W., W.M.  
 COLUMBIA COUNTY, OR.  
 AUGUST 24, 1992

**NARRATIVE:**

THE PURPOSE OF THIS SURVEY IS TO PARTITION A PORTION OF A TRACT OF LAND AS DESCRIBED IN COUNTY CLERK'S FILE NO. 91-3452. THE BOUNDARY AND THE BASIS OF BEARINGS FOR THIS PLAT IS MY RECENT C.S. 3798, CONTROL PER SAID SURVEY WAS USED TO SET PARTITION CORNERS AS SHOWN HEREON.

**SURVEYOR'S CERTIFICATE:**

A-284

I, JERRY CORNWALL-BRADY, A LAND SURVEYOR REGISTERED IN THE STATE OF OREGON, DO HEREBY CERTIFY AND SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED PARTITION MAP, THE BOUNDARIES BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SECTION 15, TOWNSHIP 7 NORTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON; THENCE NORTH 0°15'00" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 15 A DISTANCE OF 1170.00 FEET; THENCE NORTH 89°16'51" EAST A DISTANCE OF 510.99 FEET; THENCE NORTH 0°19'14" EAST A DISTANCE OF 479.67 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE OLD COLUMBIA RIVER HIGHWAY; THENCE SOUTH 51°39'26" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 190.41 FEET TO THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 15; THENCE SOUTH 0°19'14" WEST A DISTANCE OF 1529.69 FEET TO THE SOUTHEAST CORNER OF SAID WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 15; THENCE SOUTH 89°16'51" WEST A DISTANCE OF 659.57 FEET TO THE POINT OF BEGINNING.

**LEGEND:**

- DENOTES SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "BRADY LS 1860"
- DENOTES FOUND 5/8" IRON ROD WITH CAP MARKED "BRADY LS 1860". SEE C.S. 3798.
- DENOTES FOUND MONUMENT AS NOTED SEE C.S. 3798.

**NOTES:**

1. SEE DEED BOOK 42, PAGE 186. A BLANKET EASEMENT OVER THE N.E. 1/4 OF SEC. 15 FOR RIGHT-OF-WAY FOR DITCHES CANALS AND RESERVOIR SITES FOR IRRIGATION PURPOSES.
2. SEE DEED BOOK 49, PAGE 322. A 10' WIDE EASEMENT ALONG THE SOUTH LINE OF THE S.W. 1/4 OF THE N.W. 1/4 OF THE N.E. 1/4 OF SEC. 15 FOR ROAD PURPOSES
3. SEE DEED BOOK 73, PAGE 96. MINERAL RIGHTS RESERVED BY COLUMBIA COUNTY IN THE W. 1/2 OF THE S.W. 1/4 OF THE N.E. 1/4 OF SEC. 15.
4. SEE DEED BOOK 135, PAGE 490. ELECTRIC POWER LINES AND APPURTENANCES EASEMENT OVER THE S.W. 1/4 OF THE N.W. 1/4 OF THE N.E. 1/4 OF SEC. 15.
5. AN ADEQUATE SUPPLY OF WATER HAS NOT BEEN PROVEN AND SEPTIC APPROVAL HAS NOT BEEN GRANTED FOR PARCELS 1, 2 AND 3.

**NOTE 6.**  
 THERE IS NO KNOWN GEODETIC CONTROL MONUMENT WITHIN 1/2 MILE OF THIS PLAT.

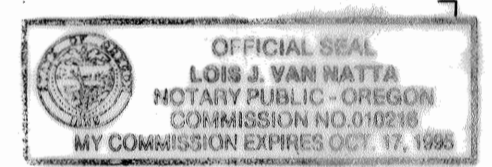
**DECLARATION:**

KNOW ALL PEOPLE BY THESE PRESENTS THAT I, JUNE M. ROANE, AM THE SOLE OWNER OF THE LAND REPRESENTED ON THE ANNEXED MAP AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND HAVE CAUSED THE SAME TO BE PARTITIONED AND SURVEYED INTO PARCELS AS SHOWN ON THE ANNEXED MAP. THERE ARE NO WATER RIGHTS APPURTENANT TO THIS PROPERTY.

*June M. Roane*  
 JUNE M. ROANE

**ACKNOWLEDGEMENT:**

STATE OF OREGON } S.S.  
 COUNTY OF COLUMBIA }

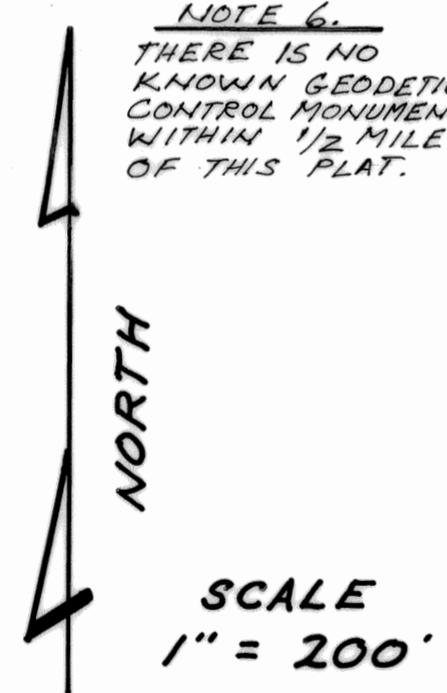
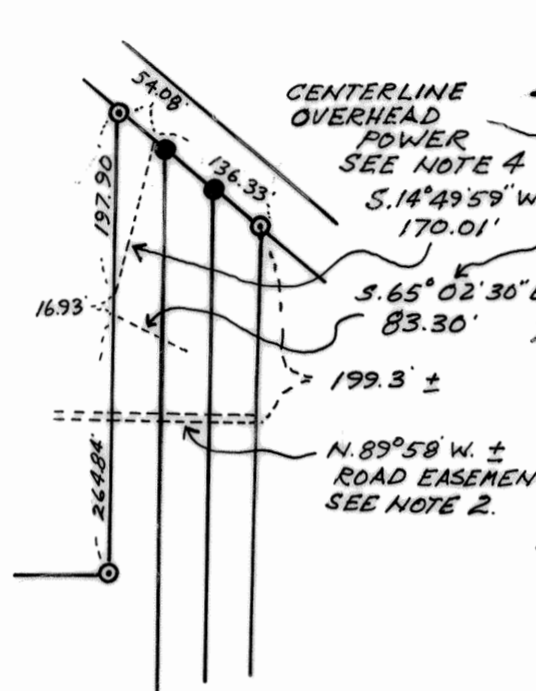
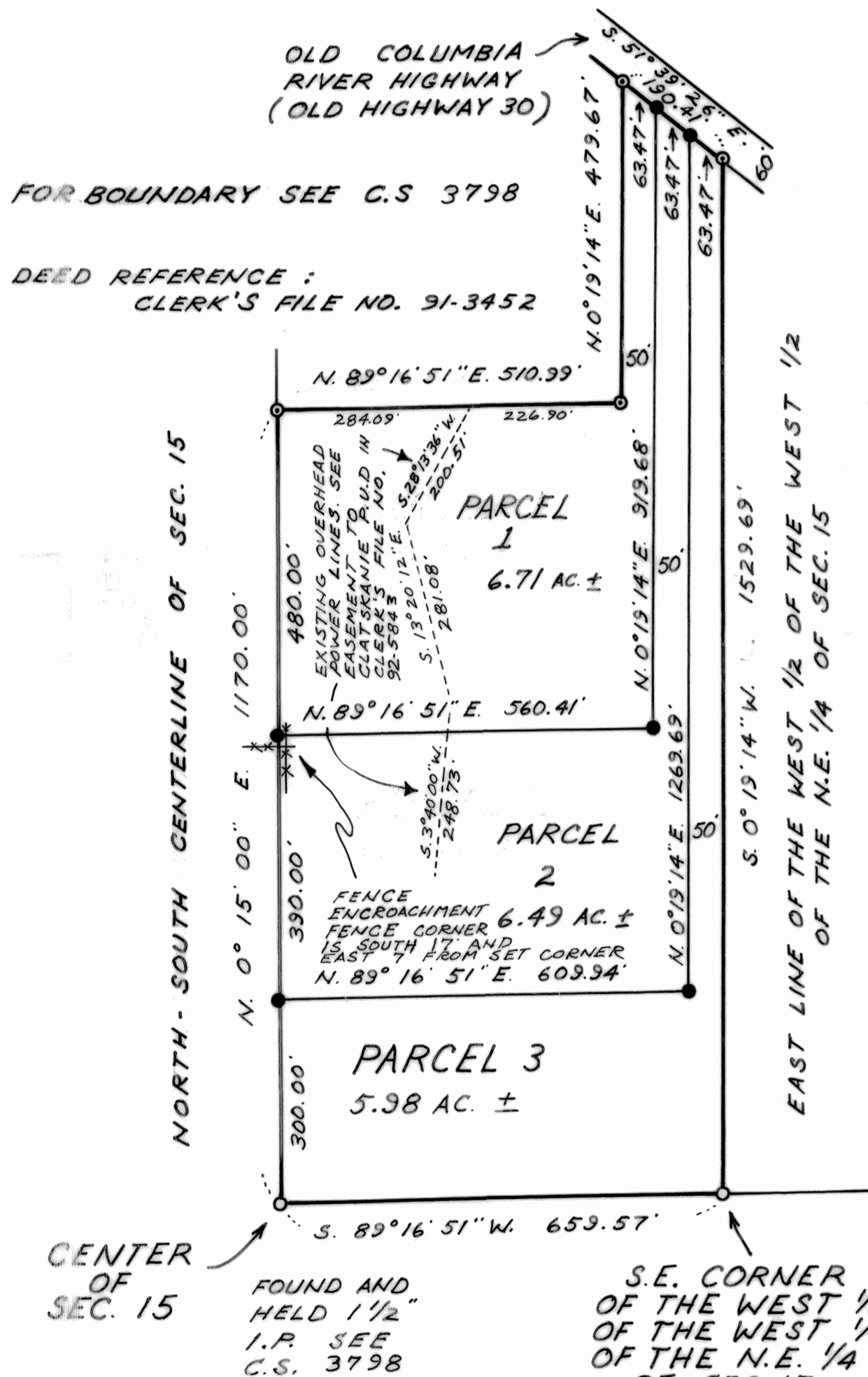
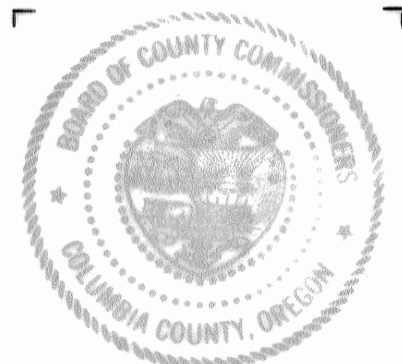


KNOW ALL PEOPLE BY THESE PRESENTS, ON THIS 15th DAY OF September, 1992, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED JUNE M. ROANE, TO ME KNOWN AS THE IDENTICAL PERSON NAMED IN AND WHO EXECUTED THE FOREGOING DECLARATION, AND SHE ACKNOWLEDGED TO ME THAT SHE EXECUTED SAID DECLARATION AS HERE FREE AND VOLUNTARY ACT AND DEED.

*Lois A. Van Natta*  
 NOTARY

STATE OF OREGON } S.S.  
 COUNTY OF COLUMBIA }

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD ON THE 22nd DAY OF October, 1992, AT 3:13 O' CLOCK P. M. FEE NO. 92-7560 AND RECORDED AS PARTITION PLAT NO. 1992-31 COLUMBIA COUNTY RECORDS, COLUMBIA COUNTY CLERK, BY P. Benham, deputy



**APPROVALS:**

APPROVED THIS 15th DAY OF September, 1992  
 COLUMBIA COUNTY PLANNING *[Signature]*  
 APPROVED THIS 20th DAY OF October, 1992  
 COLUMBIA COUNTY SURVEYOR *[Signature]*

S.E. CORNER OF THE WEST 1/2 OF THE WEST 1/2 OF THE N.E. 1/4 OF SEC. 15 FOUND AND HELD 3/4" I.P. WITH "BRADY LS 1860" CAP. SE C.S. 3798

CENTER OF SEC. 15 FOUND AND HELD 1 1/2" I.P. SEE C.S. 3798

FOR BOUNDARY SEE C.S. 3798

DEED REFERENCE:  
 CLERK'S FILE NO. 91-3452

NORTH-SOUTH CENTERLINE OF SEC. 15

EAST LINE OF THE WEST 1/2 OF THE WEST 1/2 OF THE N.E. 1/4 OF SEC. 15

PARCEL 1  
 6.71 AC. ±

PARCEL 2  
 6.49 AC. ±

PARCEL 3  
 5.98 AC. ±