

## RDF 22-04 comments

M. TITUS <CHINOOK360@msn.com>

Tue 1/17/2023 5:00 PM

To: Jacyn Normine <Jacyn.Normine@columbiacountyor.gov>

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Exhibit A  
ACCESS APPROACH ROAD CONSTRUCTION APPLICATION AND PERMIT

COLUMBIA COUNTY ROAD DEPARTMENT  
1054 OREGON STREET, ST. HELENS, OR 97051  
PHONE: (503)397-5090 FAX: (503)397-7215

A. APPLICATION

PERMIT NUMBER: RAP 2017-00103

Permit Fee: \$50.00

Receipt #: 1022

Permit Expires: 4/27/19

cash

Extended

Applicant Name (please print) Tim Carleton

declares that he/she is the owner or sanctioned by owner of the real property adjoining the public road, private road or driveway at the location described herein and has the lawful authority to apply for this Permit. When approved, a Permit is subject to the terms and provisions of Columbia County Ordinance No. 2006-4, and Exhibit B Specifications.

NOTE: Access permit must be issued prior to obtaining a building permit. Access construction must be completed to specified standards within the time period allowed before a building inspector can approve the final inspection for occupancy or issue a Certificate of Occupancy. If access construction cannot be completed and the applicant is otherwise eligible for a final inspection and/or Certificate of Occupancy, a deposit of \$2,000 may be made as security for future construction. The deposit will be forfeited if the access is not completed within the required time. Applicant must notify County Road Department of any change in address to insure return of deposit.

Access Required is:  Permanent  Temporary  Low Usage

Road Name: Price Rd. 12-digit Property Tax Account No. 7315-020-02500  
Township, Range, Section, Parcel

Side of Road:  North  South  East  West

Between/Near Landmarks (attach map or sketch): adjacent + east of home away Rd.

Property Owner's Signature: [Signature] Date: 4-27-17

Mailing Address: 74340 Elk creek Rd.

City: Rainier State: OR Zip: 97048 Phone: 503-556-2001

B. PERMIT: Location must be approved prior to beginning construction.

THIS SECTION TO BE COMPLETED BY COLUMBIA COUNTY ROAD DEPARTMENT

Insurance required? Yes  No

Sight distance adequate? Yes  No  If no, explain: \_\_\_\_\_

Culvert required? Yes  No  Size: \_\_\_\_\_ Length: \_\_\_\_\_ Distance from edge of road: \_\_\_\_\_

Dimensions of access apron if different than standard (Section IV & E): \_\_\_\_\_

Paving to a distance of 20' from edge of public/private road or driveway required? Yes  No

Water diversion required on access apron? Yes  No

Special comments: Will need to provide copy of easement for access - Attached 5/31/17

ACCESS LOCATION APPROVED BY: Jon RWilts Date: 5/3/17 Title: Transportation Planner

Copy mailed to applicant on 5/4/17  Faxed to LDS on 5/4/17  Faxed to District Supervisor on 5/4/17

CONSTRUCTION APPROVED BY: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

Copy mailed to applicant on \_\_\_\_\_  Faxed to LDS on \_\_\_\_\_  Faxed to Finance Dept (if necessary) on \_\_\_\_\_

Courtesy sent 3/15/19

Final Inspection authorized with \$2,000 deposit on (Date): \_\_\_\_\_ by (Signature of Road Dept. Official): \_\_\_\_\_

Faxed to LDS on \_\_\_\_\_  Faxed to Finance on \_\_\_\_\_

Extension of time granted to (Date): 6/3/19 on (Date): 4/4/19 by (Signature of Road Dept. Official): [Signature]

Faxed to LDS on \_\_\_\_\_

PERMIT #: \_\_\_\_\_

Expiration date: \_\_\_\_\_ Extended to: \_\_\_\_\_

\*\*\*\*\*

Deposit made by Applicant?:  Yes  No

Deposit amount: \$ \_\_\_\_\_

Deposit date: \_\_\_\_\_ Treasurer's Receipt #: \_\_\_\_\_

Permit signed off prior to expiration?:  Yes  No

Date deposit refunded to Applicant: \_\_\_\_\_ Refund check #: \_\_\_\_\_

\*\*\*\*\*

1<sup>st</sup> Pending Permit Expiration Notice sent (at 22 months) on: \_\_\_\_\_

2<sup>nd</sup> Pending Permit Expiration Notice sent (at 23 months) on: \_\_\_\_\_

Final Notice sent (Permit **Expired/No Deposit**) on: \_\_\_\_\_

Final Notice sent (Permit **Expired/With Deposit**) on: \_\_\_\_\_

\*\*\*\*\*

Deposit Forfeited?:  Yes  No

Deposit Appealed?:  Yes  No

Board Order #: \_\_\_\_\_ Board Order Date: \_\_\_\_\_

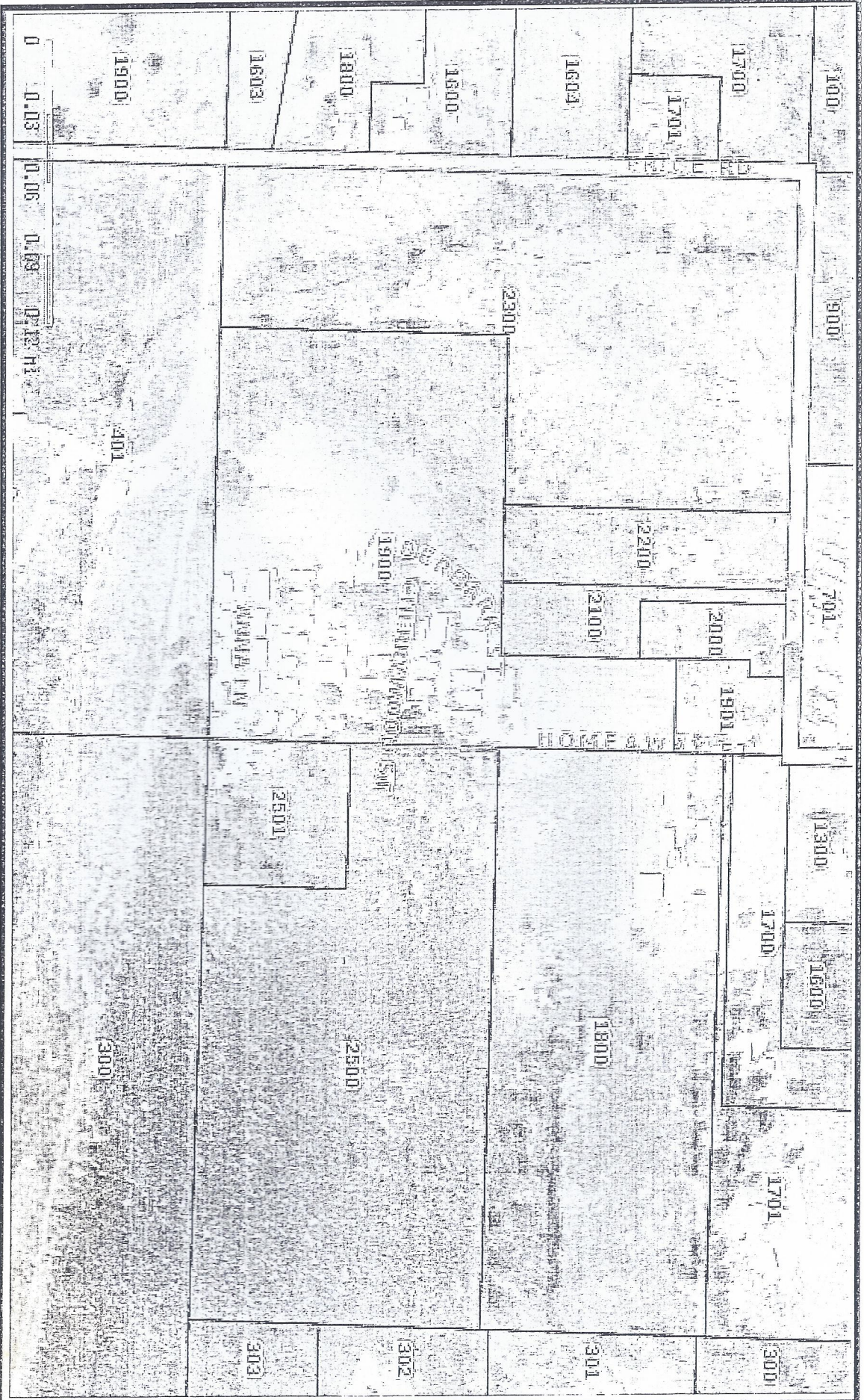
Board Order decision?:  Refund to Applicant  Forfeit to Road Department

Date deposit refunded to Applicant: \_\_\_\_\_ Refund check #: \_\_\_\_\_

Date deposit transferred to Road Department: \_\_\_\_\_

# Map

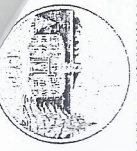
338-340'



Columbia County

## Columbia County Web Maps

Disclaimer: This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard to the selection, performance or use of information on this map.



CS# 1628  
CS# 3791

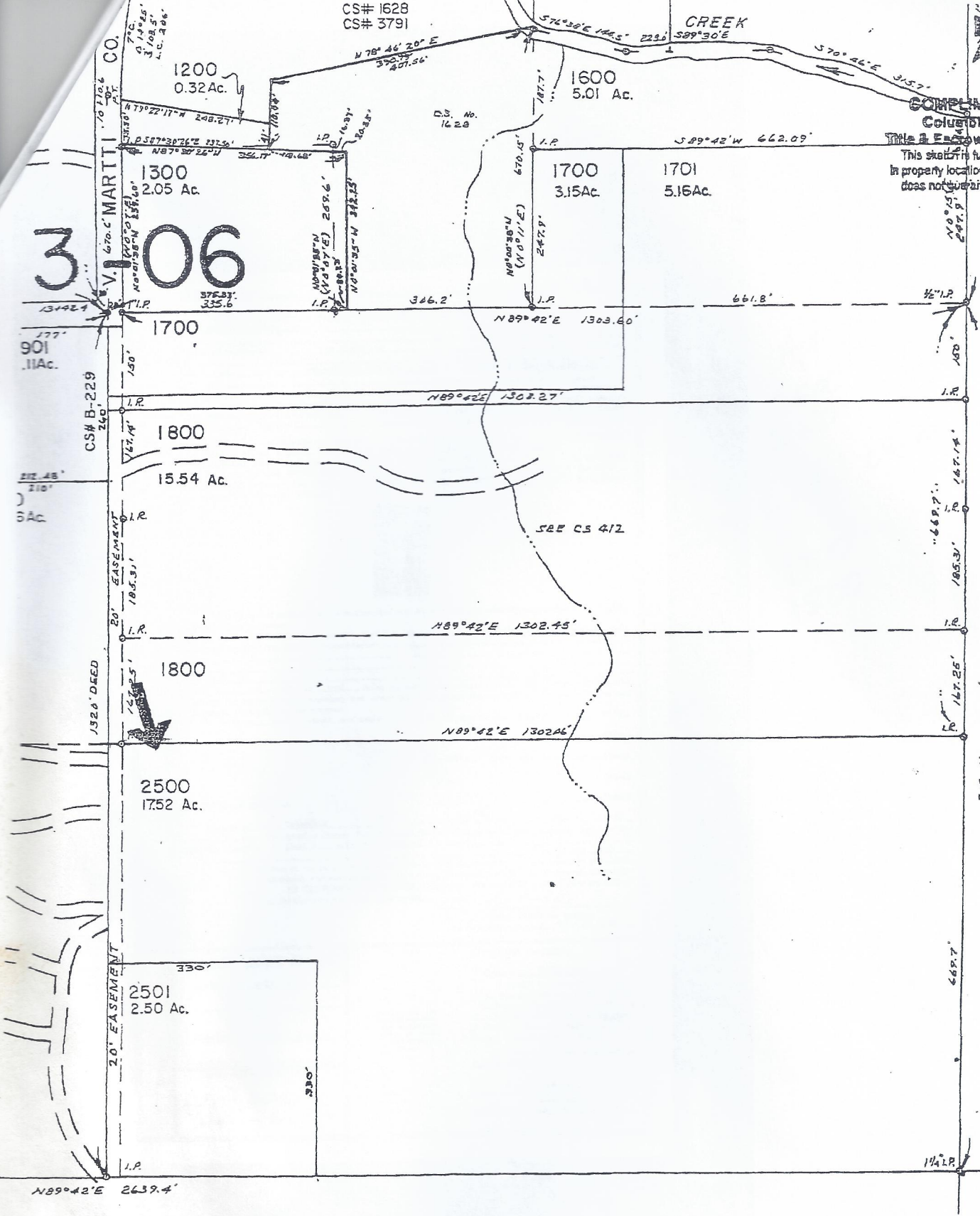
CREEK



COMPLIMENTS OF  
Columbia County  
Title & Escrow Services, Inc.  
This sketch is furnished to assist  
in property location and the company  
does not guarantee its accuracy.

3.06

SEE MAP 7 3 15



CENTE  
SEC.

SEE MAP 7 3 15

KNOW ALL MEN BY THESE PRESENTS, That, We, ARTHUR H. LEWIS & MILDRED A. LEWIS, husband and wife, grantors, in consideration of TEN & 10/100 Dollars, to ME paid by CHARLES R. HOLDEN & MARY E. HOLDEN, husband and wife, grantees,

do hereby grant, bargain, sell and convey unto the said grantees, 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:

South half of Southeast quarter of Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon. Together with an Easement for a 20' foot right-of-way over and across the West 20 Feet of the North half of the Southeast quarter of the Northwest quarter of said Section 15, Township 7 North of Range 3, West of Willamette Meridian, Columbia County, Oregon.



To Have and to Hold the above described and granted premises unto the said grantees, their heirs and assigns forever. And we, the grantors do covenant that we are lawfully seized in fee simple of the above granted premises free from all encumbrances.

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 hands and seals this 16<sup>th</sup> day of JANUARY, 1959.  
 X Arthur H. Lewis (SEAL)  
 X Mildred A. Lewis (SEAL)

STATE OF OREGON, ss. County of Columbia. On this 16<sup>th</sup> day of JANUARY, 1959, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Arthur H. Lewis and Mildred A. Lewis who are

known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Joe D. Walker  
 Notary Public for Oregon.  
 My commission expires 7/1/60

633 1.50 638

Docket No. <u>638</u> AFTER RECORDING RETURN TO <u>Joe D. Walker</u> <u>Notary Pub.</u>	<b>WARRANTY DEED</b> <u>Arthur H. Lewis, et ux.</u> TO <u>Charles R. Holden, et ux.</u>	DON'T USE THIS SPACE, RESERVED FOR RECORDING LABEL IN COUNTY WHERE USED.	STATE OF OREGON, ss. County of <u>Columbia</u> . I certify that the within instrument was received for record on the <u>19th</u> day of <u>February</u> , 19 <u>59</u> at <u>3:30</u> o'clock <u>P.</u> M., and recorded in book <u>188</u> on page <u>795</u> . Record of Deeds of said County. Witness my hand and seal of County aforesaid. <u>H. R. Jensen</u> County Clerk—Recorder. <u>Deputy</u>
	1700 1800		

APN  
 2500  
 2501  
 R/W OVER

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



N.W.1/4 SEC. 15 T.7N. R.3W. W.M. COLUMBIA COUNTY

1" = 200'

07 03 15 B0



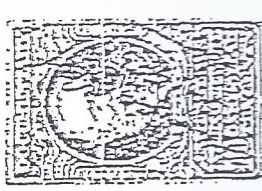
Last Revised: 01-13-17

CANCELLED 2000

07 03 15 B0

KNOW ALL MEN BY THESE PRESENTS, That WE, ARTHUR J. LEWIS & MELBREN A. LEWIS, husband and wife, grantors, in consideration of \$500.00 (Five Hundred Dollars), paid by CHARLES R. HOLDEN & MAUV E. HOLDEN, husband and wife, do hereby grant, bargain, sell and convey unto the said grantee, Charles R. Holden & Mauv E. Holden, 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:

South half of Southeast quarter of Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, Together with an Easement for a 20 foot right-of-way over and across the West 20 feet of the North half of the Southeast quarter of the Northwest quarter of said Section 15, Township 7 North of Range 3, West of Willamette Meridian, Columbia County, Oregon.



To Have and to Hold the above described and granted premises unto the said grantee, heirs and assigns forever,  
 And we, the grantors do covenant that we, 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 whatsoever.  
 Witness our hands, and seals, this 16th day of January, 1959.

Arthur J. Lewis & Melbren A. Lewis (SEAL)  
 Charles R. Holden & Mauv E. Holden (SEAL)

Notary Public, State of Oregon (SEAL)  
 STATE OF OREGON.

1700  
 1930



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

The South half of the Southeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon;

EXCEPT the West 330 feet of the South 330 feet of the South half of the Southeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon.

PARCEL 2:

An easement for a 20 foot right of way over and across the West 20 feet of the North half of the Southeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West, of the Willamette Meridian, Columbia County, Oregon.

OWNER SCHEDULE A

Order No.: L-06/0843

Policy No.: O-7801-47376

Date of Policy: September 1, 2006 at 11:29 A.M.

Amount of Insurance: \$110,000.00

Premium: \$475.00

1. Name of Insured:

TIMOTHY SCOTT CARLETON AND TAMARA D. CARLETON

2. The estate or interest in the land which is covered by this policy is:

an estate in fee simple

3. Title to the estate or interest in the land is vested in:

TIMOTHY SCOTT CARLETON AND TAMARA D. CARLETON  
in fee simple estate

4. The land referred to in this policy is described as follows:

AS FULLY SET FORTH ON EXHIBIT A, HEREIN.



March 15, 2019

## COURTESY NOTICE

Tim Carleton  
74340 Elk Creek Road  
Rainier, OR 97048

### NOTICE OF PENDING PERMIT EXPIRATION

**Access Permit #:** 2017-00103  
**Date Issued:** April 27, 2017  
**Date Expires:** April 27, 2019  
**Tax Account #:** 7315-020-02500

Dear Applicant,

Upon review, it has come to our attention that your **Columbia County Access Approach Road Permit No. 2017-00103 will expire on April 27, 2019.**

Upon the expiration of your permit, you will forfeit any security deposit you may have with the County. If you have a security deposit, it will be transferred to the Columbia County Road Department for use on the County Roads per the Columbia County Access Road Permit Ordinance #2006-4.

You have two options: 1) Complete the required construction per your permit requirements and call 503-397-5090 for a final inspection, or 2) Request an extension based upon proof of progress (current building permits, property improvements, etc.).

Once the permit has expired, including any extensions, the permit is no longer valid, all deposits are forfeited, and a new permit is required.

If you have any questions please call me at 503-366-3963.

Sincerely,

Lonny Welter  
Transportation Planner  
Columbia County Road Department

Page 10

10/21/2019  
10/21/2019  
10/21/2019

CO

10/21/2019

Johnston  
10/21/2019

STATE OF NEW YORK

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10/21/2019

**Instead of acknowledging and addressing issues raised specifically for the purposes of TT-21-06 Columbia County Staff take the position to manifest falsified assertions: that they have addressed all opponents/appellants concerns of RDF 22-06 and TT 21-06. CC staff identify that there is/was some form of confusion as to whether “Homeaway” needed to be public or There has never been an issue raised by opponents or appellants that Homeaway Rd/St need to be public or private. The only issue raised was that a road public or private does not exist. CC staff whole heartedly refuse to address issues raised, and then have to audacity revise/redo TT 21-06 for the purposes of RDF 22-06 approval using the rectangle again.**

**Homeaway Road/Street used for TT 21-06 has already been proven by, substantial evidence into the record: Price Rd (P-152 road jacket), by deeds,surveys, verification by Columbia Countys’ surveyor, verification by Columbia County Road Department and verification by Columbia County GIS department to have not only never existed publicly or privately, it has never been lawfully created, established or otherwise in any point in time or history.**

**Homeaway Rd/ST was initially penciled by Columbia County to be across taxlots (7N-3W-B0-1500 ---1700, 1701, 1800, 2500. Any approved Road or Street would be reflected within all of the deeds upon which said road or street was located. This is not the case nor has it ever been.**

**At some point, Columbia County figures out that is was physically impossibe to “pencil” in Homeaway RD/ST upon those tax**

lots (1700, 1701 1800, 2500,) due to placements of utility poles, fences, and wetlands upon and within the above identified tax lots.

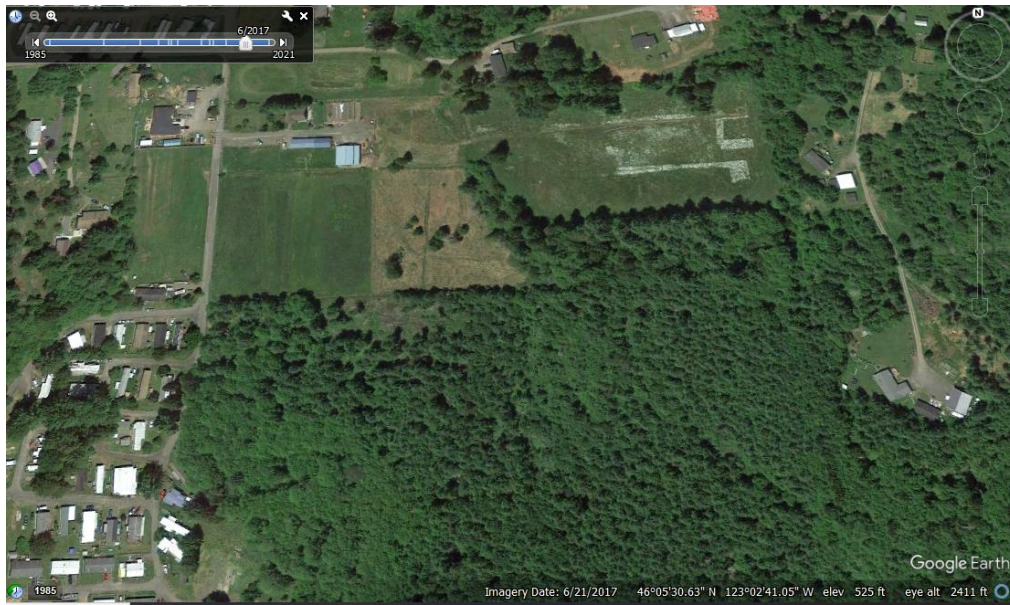
Columbia County then “moves” and pencils its new location to be across tax lots 1901, and 1900. The easement area located on tax lot 1901 as described in deed book 244 pg 12 is an in-gross easement to a “Lois Hallaran” an deceased individual. There were no heirs successors or assigners to that easement and it in no way shape or form establishes a private rd or public right-of-way. For the simplicity of argument that easement most certianlly died when Lois Hallaran died.

From 2006 to mid 2014 – 7N3WB0 tax lot 2500- land mostly sat undisturbed by Mr Carleton. Picture below is Google ariel photo imageary date 7/14/2014



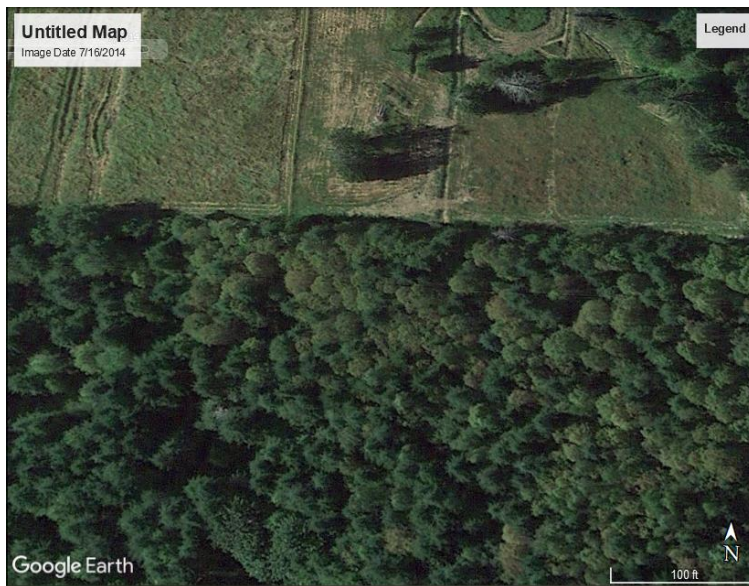
Google Earth Image Date 7/16/2014

Between Mid 2014 and early 2015 Mr. Carelton spent a great deal of time clearing a “homesite” In NORTHWEST section of tax lot 2500.



Google Earth Image Date 4/21/2017

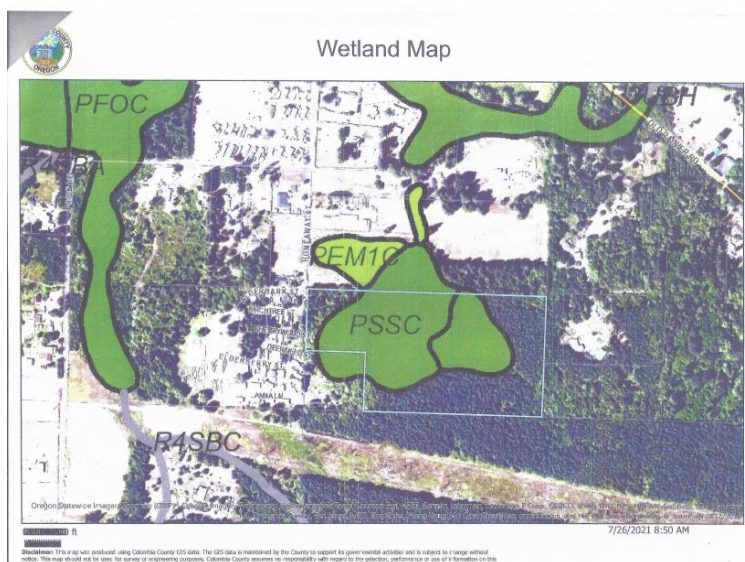
## Before: Closeup View



After: Closeup view



**A vast majority of tax lot 2500 is wetlands (PSSC) as illustrated below on a wetland map printed by Columbia County- GIS- on 7/26/2021. Tax lots 1800, 1701, 1700 also have wetlands located within and on the lots. Tax lot 2500 is also a Pheriferial Big Game Habitat area.**





**A for sale listing of tax lot 2500 for sale on Real Estate Listing: Realtor the advertised listing date of 4/01/2015. Within the overview section it states: "County says it fits template test for one residence."**

Photos below are from the Realtor listing Showing Mr Careltons unpermitted/unauthorized destruction of Wetlands

Unpermitted forestry activities



**Mr Carelton downed a large number of trees, destroyed wetlands, while never obtaining any applicape permits, or authorizations from Department of Forestry, Department of State Lands, CORE OF ENGINEERS or having preformed any wetland dellineations or obtaining any other required permits. Then Mr. Carelton list propery Tax lot 2500 online for sale whilst documenting all of the unpermitted/unauthorized activities.**

**While Mr. Carletons unpermitted/unauthorized activity was later discovered by Department of Forestry, well over a year after the fact, Department of Forestry had Mr. Carelton apply/obtain an permit.**

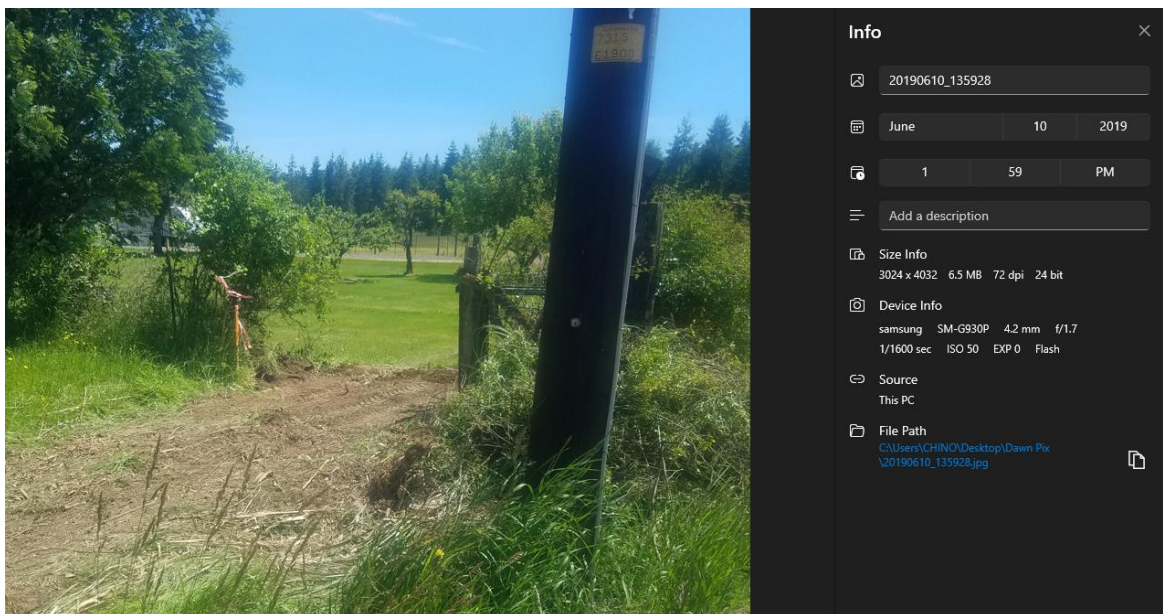
**On June 5, 2017 Mr. Carleton applies to Department of Forestry (Notification Of Opperations/Permit to Opperate Power-Driven Machinery) NOAP. Remarks within permit reads : salvage doug fir**

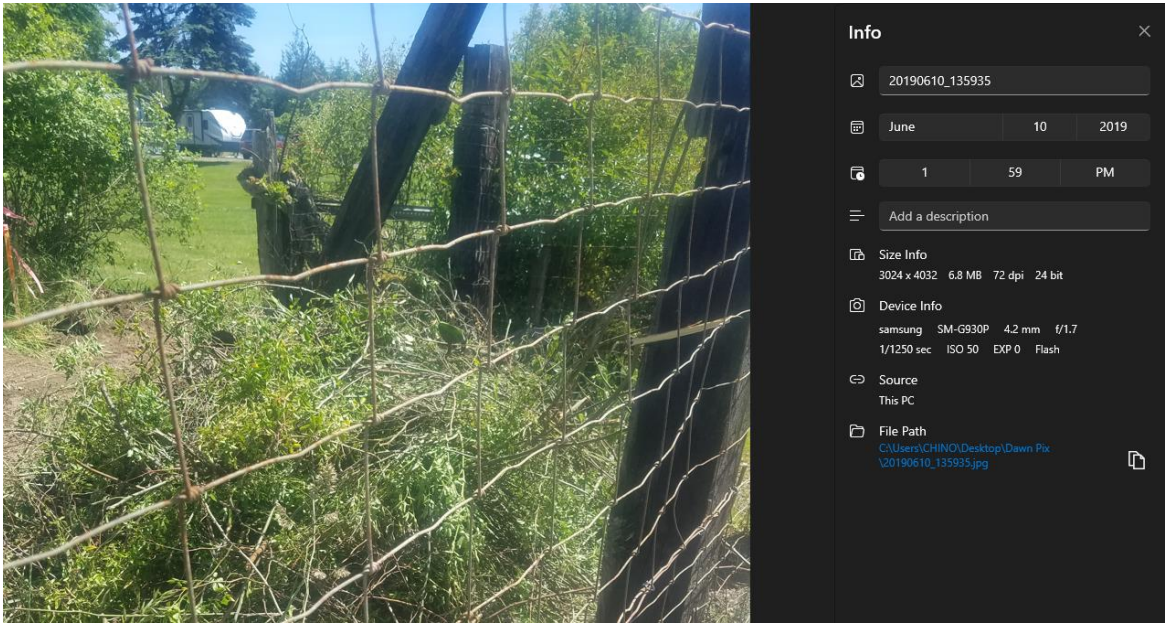
and pulp wood from wind storm. This permit NOAP is well after his documented activities. This was solely done in an attempt to cover up the unpermitted/ unauthorized activities, the blatant damage to wetlands, and to keep his tax deferment in place. This area of wetland has not been replanted to date.

The actions below are in 2 part:

Tim Carelton obtained an Columbia County access approach road Construction Application and Permit. Permit # **RAP2017-00103** Attachment # 1 on 4/27/2017. As referenced within, on 5/30/2017 a copy of easement was submitted to Columbia County. Permit was set to expire on 4/27/2019 but a courtesy letter (attachment# ) was sent on 3/15/2019. As noted on permit, this permit was extended on 4/1/2019 with a new expiration date of 6/3/2019.

As already entered into the record, On June 10, 2019 Mr. Carelton shows up and cuts his neighbors fences (Rameys') and begins to develop his access easement across tax lots 1700, 1701, and 1800 to tax lot 2500 .





Below:

Mr. Carletons activities to his access easement July 17<sup>th</sup> 2019

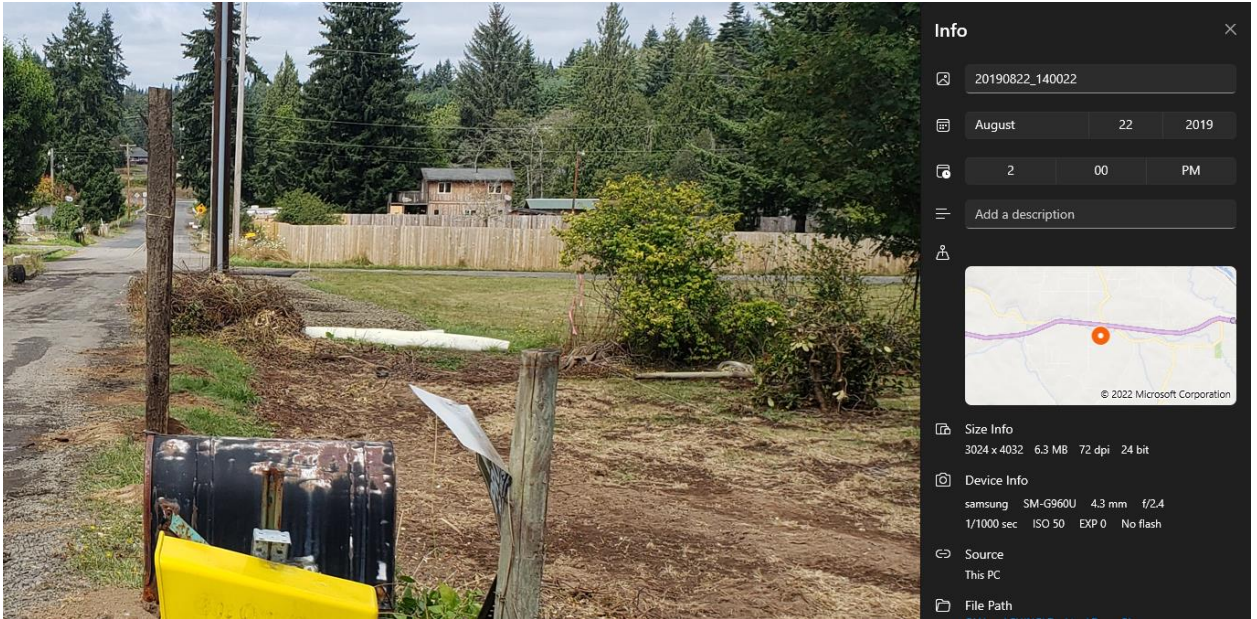


Below:

A picture taken August 20<sup>th</sup> 2019. 1 day before Columbia County- Lonney Welters- signs off on Permit # **RAP2017-00103**.



Below is a picture/view of Mr.&Mrs. Ramey's tax lot 1800 property after Mr. Careltons distruction to their front yard Aug 22, 2019, developing his access easement across tax lots 1700, 1701, and 1800 to tax lot 2500. Ironically, it is one day ***after*** Columbia Countys Road Department - Lonny Welters- signed off on Mr Careltons' Access Approach Road Construction Application Permit # **RAP2017-00103**.



Unfourtunately for Mr. Carelton his Access Approach Road Construction Application and Permit # **RAP2017-00103** had expired by approx. **72 days** by time Columbia Countys'- Lonny Welters- signed it off on 8/21/2019. It is simply amazing how a permit, that is documented expired, with incomplete construction, no compliance to Columbia County Road Standards, Stormwater and erosion ordinances no compliance with Fire Access and Apparatus Roads, no previous land use approvals aproving such any driveway/private rd, and creates a highly dangerous approach to county right of way somehow, magically, achieves an “pre-existing driveway” status of approval for the purposes of approval of RDF 22-04.

Furthermore, Mr Carelton knowing his Access Approach Road Construction Application and Permit # **RAP2017-00103** was expired and invalid, On August 25,2020 Mr. Carleton attempted to “guise/ Cloak” his illegal unpermitted development of his “access easement” over and upon tax lots 1700, 1701, and 1800 under his above previously identified forestry permits

First off, forestry practices outside of, in this case, Tax lot 2500 are NOT covered by any Forestry permits, let alone Mr Carletons after the fact-cover his ass- invalid activities- forestry permits. A violation of Goal 4

As already identified above, due to Tax lots 1700, 1701, 1800 having wetlands on and within the tax lots, Mr-Carelton was required by Department of State Lands to have wetland deleniations and midigation plan completed prior to and BERORE any work was to commence to his described "access easement area" to tax lot 2500. Gennerally forestry permits have a waiver to wetland requirements, but forestry permits only applies to the lands in which the applicant owns, it does not afford Mr. Carelton the right to destroy wetlands upon other peoples property, in this case, 3 other owners properties.

The Columbia County, Columbia County Road Department and the Department of Forestry attempt to hide, play smoking mirrors games, dupe the neighbores into believing his access easement was developed and covered under his foresty paractices permits- which is infact not covered. Mr carelton is required to delienate wetlands – to included the entire scope of his approval of his RDF-22-04 request.

Simply having an easement does not constitute a lawfull access, and most certainly dose not authorize distruction to neighbors properties and wetlands.

Thanks Dawn Campbell RDF 22-04

1/17/2021

