

**COLUMBIA COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

December 14, 2022

Appeal of Planning Commission's Approval of a Resource Dwelling in the Forest Zone

BOC HEARING DATE: December 21, 2022

FILE NUMBER: RDF 22-04

**PROPERTY OWNER/
APPLICANT:** Timothy and Tamara Carleton, 74340 Elk Creek Rd., Rainer, OR
97048

PROPERTY LOCATION: The subject property is located off of Price Road near Rainer,
Oregon.

TAX MAP ID/ACCT: 7315-B0-02500/20776

ZONING: Primary Forest (PF-80)

SIZE: Approximately 17.52 acres

REQUEST: To site a single-family forest dwelling in the PF-80 zone using
the Template Test option provided for in Section 506.4 of the
Columbia County Zoning Ordinance and in OAR 660-06-
027(1)(f).

APPLICABLE REVIEW CRITERIA:

<u>Columbia County Zoning Ordinance (CCZO)</u>	<u>Page</u>
Section 506.4 Standards for Template Dwellings	6
Section 507.3 Forest Dwellings utilizing private accesses	8
Section 510 Fire Siting Standards for Dwellings	12
 <u>Oregon Revised Statues (ORS)</u>	
ORS 192.610 Public Meetings	15

Pursuant to the November 1, 2021 effective date of Oregon Senate Bill 2225, the 2019 Tract provisions in the Oregon Revised Statues (ORS) 215.750.5(h) do not apply to the Template Forest Dwelling requested for RDF 22 -04 which Land Development Services Deemed Complete on August 20, 2021.

SUMMARY OF LAND USE ACTIONS FOR RDF 22-04:

This matter came before the Columbia County Planning Commission on the application of Tim and Tami Carleton (applicants) for a Resource Dwelling (RDF 22-04) in the Primary Forest (PF-80) Zone pursuant to the provisions in Sections 506.4 and 1601.2 of the Columbia County Zoning Ordinance. The subject property is approximately 17.52 acres and is further described per the County Assessor's records as Tax Map Identification Number 7315-B0-02500.

Pursuant to the notification requirements in Section 1601.2 of the Columbia County Zoning Ordinance, on August 4, 2021 adjacent property owners were notified of the proposal requested for RDF 22-04 and were given ten (10) calendar days in which to request a public hearing be held for RDF 22-04 before the Columbia County Planning Commission. On August 13, 2021 Tina Louse King timely submitted with fees the REFERRAL of RDF 22-04 to the Planning Commission for a public hearing.

Although this application was scheduled for the December 6, 2021 Planning Commission public hearing, on November 12, 2021 the applicants requested Columbia County Land Development Services delay this scheduled public hearing until the Oregon Department of State Lands (DSL) would be able to review and approve a Wetlands Delineation they were conducting on the subject property. The applicants also submitted a signed Waiver of the 150 Day rule in Oregon Revised Statutes (ORS) 215.427 requiring Columbia County to make a final decision on RDF 22-04 within 150 days of deeming the RDF 22-04 application complete.

On May 9, 2022 the applicants submitted a Revised Site Plan for RDF 22-04 that replaced the Site Plan submitted July 14, 2021. This revised Site Plan relocated the intended home site to the highest elevation on the property in its southwest corner and at least 125 feet away from the subject property's Wetlands Delineation (WD # 2022-0400) that was approved by the Oregon DSL on May 3, 2022.

Notification of the subsequent May 9, 2022 Revisions to RDF 22-04 REFERRAL was sent to the surrounding property owners, affected agencies, and the Rainier CPAC and a public hearing was held on August 1, 2022 where the Planning Commission heard testimony from the applicant and interested parties and considered written materials including the Staff Report dated July 22, 2022(Attachment 1-Part 1).

Pursuant to the provisions in ORS 197.79 (6) the Planning Commission voted to continue the initial evidentiary public hearing for RDF 22-04 to the September 12, 2022 public hearing and left the record open for the submittal of additional written evidence only. On September 2, 2022 and pursuant to the provisions in ORS 197.797(6), Planning Staff provided the Planning Commission with all written evidence submitted by the identified participants and the applicants between August 2, 2022 through August 22, 2022(Attachment 1 – Part 2).

At the September 12, 2022 continuance of the August 1, 2022 public hearing for RDF 22-04 the Columbia County Planning Commission considered the additional written evidence and adopted the Findings, Conclusions and Conditions as stated in the July 22, 2022 Staff Report and **APPROVED** the Resource Dwelling Permit proposed for **RDF 22-04** subject to nine (9) Conditions of Approval.

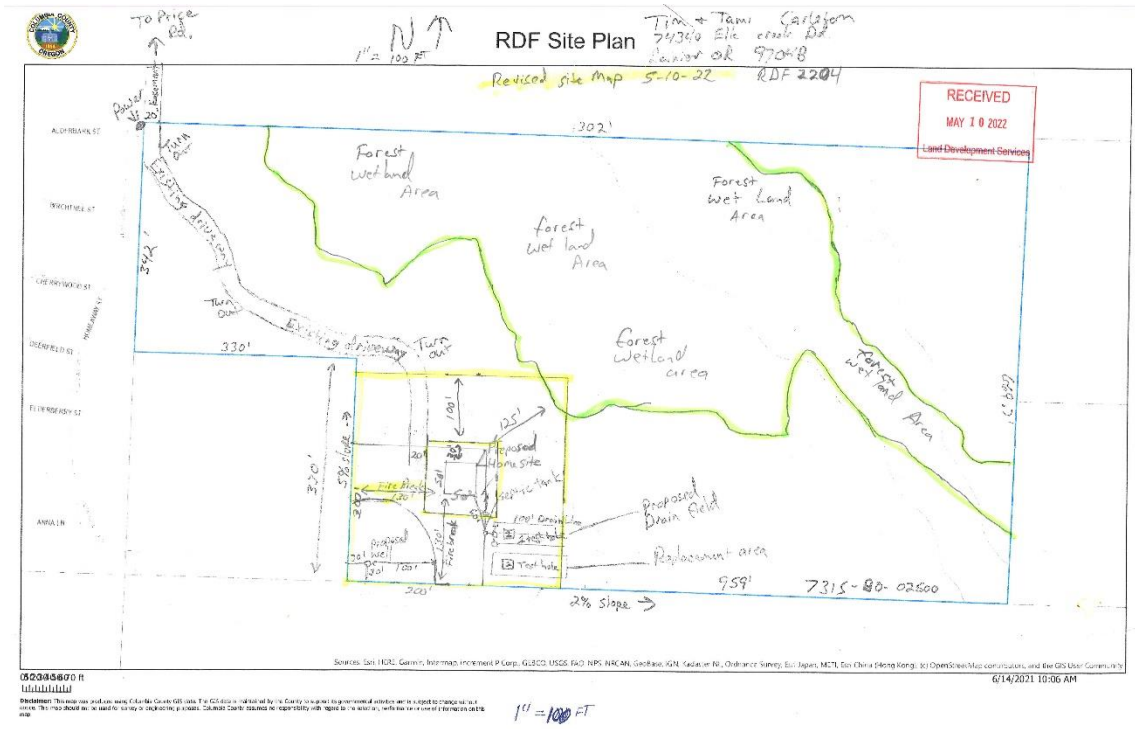
Notice of the Planning Commission's Final Decision of RDF 22-04 was mailed to the applicants and to other persons entitled to notice on September 21, 2022 (Attachment 2).

On September 26, 2022, Land Development Services received Robert and Kathy Ramey and Tina L. King's APPEAL (with fee) of the Planning Commission's Final Decision for RDF 22-04 (Attachment 3) to the Board of Commissioners pursuant to the provisions in Section 1703 of the Zoning Ordinance.

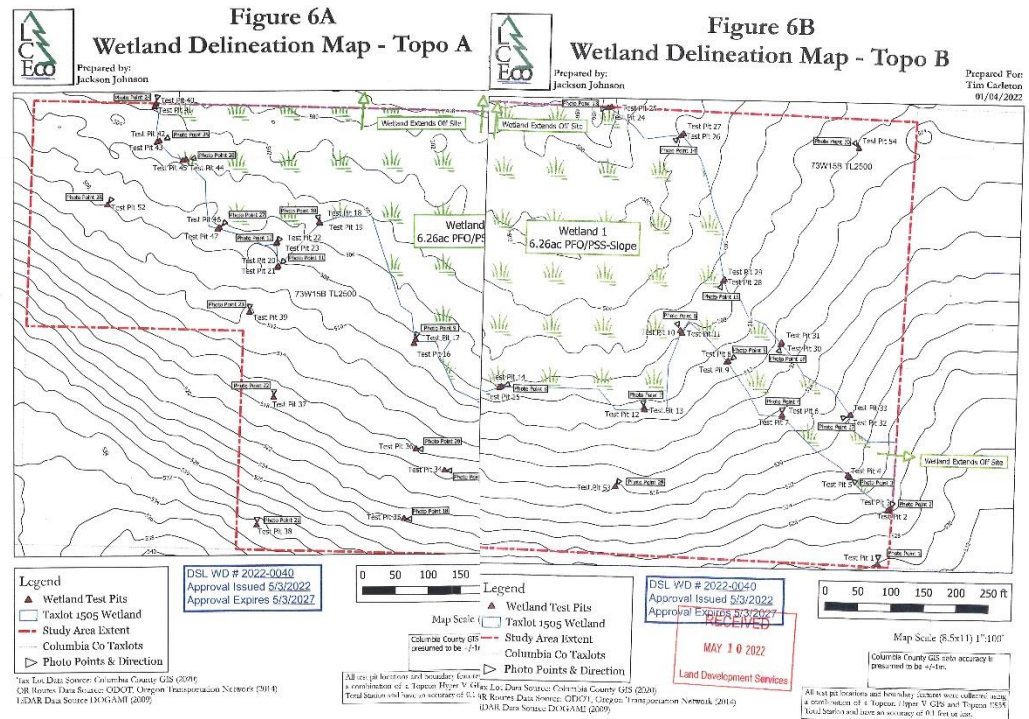
The Board of Commissioners scheduled a public hearing for December 21, 2022 to consider the Appellants APPEAL. Notification of this Public Hearing was sent to the surrounding property owners, affected agencies, the Rainier CPAC on November 22, 2022 and to the Chronicle for publication in their November 30, 2022 edition (Attachment 4). The Oregon Department of State Lands (DSL) responded to the November 22, 2022 Notification on November 28, 2022 confirming they have already reviewed and approved the Applicant's Wetland Delineation (WD #2022-00400) (Attachment 5).

The remainder of this report will address, evaluate and make Findings pertaining only to the Appellants Issues identified in their September 26, 2022 APPEAL of the Planning Commission's September 21, 2022 Final Decision. Issues not identified in this APPEAL will not be addressed in this Staff Report but are available for the Board to review in the Planning Commission's July 22, 2022 Staff Report, Findings and Conditions of Approval in Attachment 1.

Revised Site Plan dated May 10, 2022



Wetlands Delineation (WD 2022-0400) Approved by OR DSL



REVIEW CRITERIA, FACTS, ANALYSIS & FINDINGS:

Beginning with the applicable Primary Forest (PF-80) provisions of the Columbia County Zoning Ordinance (CCZO):

Section 500 PRIMARY FOREST ZONE - 80 PF-80

Beginning with the applicable provisions of the Section 506 of the CCZO - Standards for Template Forest Dwellings:

- 506 Standards for Dwellings. Dwellings are authorized in the Primary Forest Zone subject to standards found in Sections 507, 508, 509, 510 and documentation of meeting either the Small Tract, Large/Multi-Tract, or Template Dwelling criteria as follows.
- .4 Template Dwelling for Tracts Smaller than 80 Acres. A dwelling may be authorized on a tract that satisfies and meets all the following criteria:
- A. The tract is composed of soils that meets one of the following:
 - 1. Soils that are capable of annually producing more than 85 cubic feet per acre of wood fiber if:
 - a. All or part of at least 11 other lots or parcels that existed on January 1, 1993 and are not within an Urban Growth Area are within a 160 acre square centered on the center of the subject tract and
 - b. At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels;
 - B. If the tract under subsection (A) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
 - H. Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section.

APPELLANTS' FIRST CONCERN: The Appellants' 9/26/2022 Appeal first concern has two parts as follows:

Part 1 "Template Test was done incorrectly. The rectangle used as per CCZO 506.4(B) is improper. Tax Lot 2500 does not abut a road that existed on January 1, 1993. The road the county used to qualify TT 21-06 does not exist or has ever been lawfully established, created or otherwise.

Part 2 *“TT 21-06 also fails to meet the 11 required parcels to qualify several lot line adjustments with “rectangle” disqualified counts towards the 11 required.”*

Discussion: According to the Soil Survey of Columbia County, the subject property’s soils consist of Goble silt loam, Soil Types 23C. This soil type has an annual growth rate of greater than 85 cubic feet per acre for 60 year old trees.

The Template Test (TT 21-06) for the subject property determined that within a 160-acre rectangular template area, 12 dwellings and 30 parcels were in existence on January 1, 1993. These parcels have retained their configuration and the homes have not been removed, demolished or converted to nonresidential uses as required by OAR 660-06-0027 (1)(f) and OAR 660-006-0005(4).

The review criteria related to **Part 1** are identified in Section 506.4(B) of the Zoning Ordinance and were also addressed in Finding 2 of the July 22, 2022 Planning Commission’s Staff Report (Attachment 1). Planning Staff verified that the Columbia County Public Works Department’s December 2021 update of the *Official Names of Roads in Columbia County* lists Homeaway Road as an existing private road. Section 506.4(B) does not specify if the road is a public or private road; it only specifies that the road must have existed on January 1, 1993. The official Columbia County Address Maps also verify that Homeaway Road was in existence in July 1984 when the Columbia County Board of Commissioners adopted the first County Zoning Ordinance.

Consequently, Staff finds that the rectangular 160-acre template conducted for TT 21-06 is consistent with the dimensional template test requirements in Section 506.4(B) for proposed forest dwellings on tracts that not only abut roads that existed on January 1, 1993 but also contain soils that are capable of producing more than 85 cubic feet per acre of wood fiber. These official County records contradict the Appellants assertion that *“Tax Lot 2500 does not abut a road that existed on January 1, 1993. The road the county used to qualify TT 21-06 does not exist or has ever been lawfully established, created or otherwise.”*

The review criteria addressed in **Part 2** are identified in Section 506.4(H) of the Zoning Ordinance. Planning Staff’s research of Columbia County surveys revealed that there have not been any property line adjustments surveyed on the subject property which qualified the subject property for the proposed template forest dwelling. Without any additional evidence of surveyed property line adjustments referenced in Section 506.4(H), Staff finds that the Appellants’ claim that *“several lot line adjustments with “rectangle” disqualified counts towards the 11 (parcels) required”* is not supported by any recorded property line adjustments required pursuant to the definitions in Section 506.4(H) of the Zoning Ordinance.

Finding 1: Consequently, Staff finds that Homeaway Road existed on January 1, 1993 as a lawfully established private road and that there have not been any surveyed property line adjustments on the subject property that qualified the subject property for a template forest dwelling as asserted by the Appellants in their 9/26/2022 Appeal of RDF 22-04. For these reasons, Staff finds that the proposal requested and approved for RDF 22-04 is consistent with the minimum requirements in Section 506.4 (A, B and H) of the Zoning Ordinance and that there is no evidence

validating the Appellants first concern. Staff also finds that this first concern does not modify the analysis and Findings of the July 22, 2022 Planning Commission Staff Report.

Continuing with CCZO Section 507.3 - Standards for Dwellings and Section 510.4 – Fire Siting Standards for Dwellings and Structures:

507 Siting of Dwellings and Structures

- .3 As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry or the U.S. Bureau of Land management, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

510 Fire Siting Standards for Dwellings, Structures and Roads:

- .4 All roads in this zone, except private roads and bridges for commercial forest uses, shall be constructed so as to provide adequate access for firefighting equipment according to the standards provided by the local rural fire protection district, the County Road Department, or the State Department of Forestry

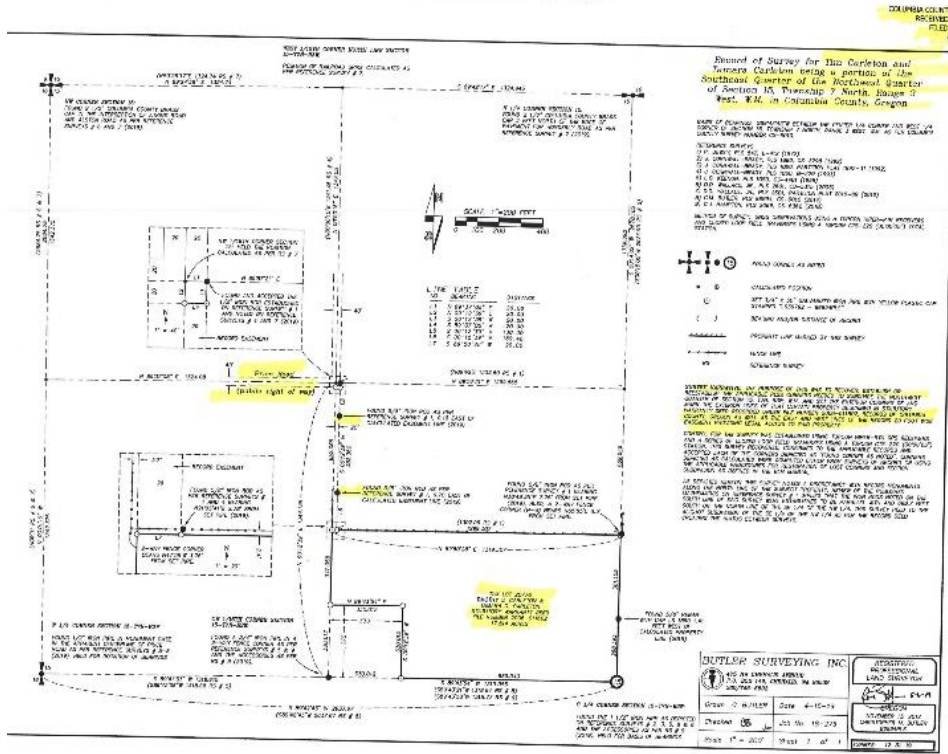
APPELLANTS’ SECOND CONCERN: The Appellants’ 9/26/2022 Appeal second concern is related to the subject property’s private access to Price Road and is related to this criteria in Sections 507.3 and 510.4 of the CCZO pertaining to forest dwellings that utilize private, rather than public, accesses and the minimum improvements to these private accesses serving forest dwellings. These issues were evaluated for Findings 9, 10 and 26 of the July 22, 2022 Planning Commission’s Report and were also required as Conditions 6, 7(c), 7(e) and 9 of Approval for RDF 22-04.

Nevertheless, the Appellants’ Second Concern states:

“Tax Lot 2500 access RDF 22-04 requires it to have a private road. Columbia County Road Department (CCRD) has previously issued an access road permit prior to RDF 22-04 where one could not be lawfully issued or protected. A forestry uses does not require an access approach permit. CCRD is intentionally refusing to acknowledge real property owners/easement holders to determine user counts of the same location of land as RDF 22-04 access easement area. RDF 22-04 access is 20 feet back from the right-of-way. CCRD has created a dangerous intersection to a right-of-way. CCRD intentionally deemed RDF 22-04 easement/access a “driveway” solely to thwart private road standards, fire apparatus roads and current fire codes that apply to RDF 22-04.

RDF 22-04 has a PUD pole located approximately 4 feet within the 20 foot easement area, this pole cannot be relocated, thus cannot comply with any current applicable codes. RDF 22-04 easement/access width, length, and current obstructions do not and cannot support any development”.

County Survey# 6518 filed 5/28/2019 identifying the East and West Lines of the recorded 20 foot wide easement providing legal access from Price Road to the 17.52 acre subject property



Location of surveyed 20' access easement to Price Road that runs parallel to Homeaway Road



Views of 20' Easement south and north that runs parallel to improved Homeaway Road



Discussion: The Appellants second concern is related to actions/approvals that the applicants will be required to obtain from the Columbia County Road Department (a.k.a. Columbia County Public Works Department) and the Clatskanie Rural Fire District prior to the issuance of any building permits for the template forest dwelling. The applicants have demonstrated they have a surveyed 20' legal easement/access to Price Road with County Survey # 6518 (shown on Page 9) that is partially improved and runs parallel and adjacent to Homeaway Road as shown in the pictures above and on Page 9.

The County Road Standards Ordinance applicable definitions pertaining to RDF 22-04 include:

“Roads are classified in several categories:

1) *Driveway: The most basic road is a driveway from a public road which serves as an access to a residence, business, or property. A driveway may serve up to two lots or parcels. Driveways are inspected for compliance by the local fire district. The section of a driveway that intersects with a private or public road is defined as the access approach. An access approach permit is required from the Road Department prior to obtaining a building or siting permit from the Land Development Services office.*

2) *Private Road: A private road is privately maintained and may have controlled access if approved by the local fire authority. Up to six parcels may be served by a private road. Private roads must access directly to a public road and are often referred to as common driveways.*

Maintenance agreements and easements are required for new private roads before any development permits can be processed or issued.”

In response to these concerns to the subject property’s legal private access to Price Road, Staff finds that Finding 9 of the July 22, 2022 Planning Commission’s Staff Report demonstrates that not only do the applicants have legal access to their property with the existence of County Survey 6518, but they have also obtained a Road Access Permit (RAP 2017-00103) from the Columbia County Public Works Department.

Pertaining to the minimum improvements that the Public Works Department and Clatskanie Fire Department will require the applicants to install for their private access, Finding 10 of the July 22, 2022 Planning Commission’s Staff Report specifically states (***emphasis added***):

*“...Comments from Steve Sharek, Clatskanie Fire Marshall also state that this driveway has only been approved for removal of logging debris and that the applicant has not completed or made residential improvements to this driveway in compliance with the County Road Standards Ordinance's minimum fire apparatus access standards. These improvements include, but are not limited to, a 12' driving surface supporting 75,000 pound vehicle weight loads with 4' clearance on each side for a 20' right-of-way, pull outs every 400 feet and an approved turnaround at the end of the driveway. In addition, the Clatskanie Fire Marshall states that "this driveway is in an area of address confusion" and that if the approval of RDF 22-04 results in 3 or more residences being served by this unnamed driveway, it will require this driveway to be named as a private road and the necessary readdressing of all affected residences in order to help ensure emergency vehicles have timely access to these properties. **Consequently, one condition of building permit issuance will require the applicant to submit documentation from the Clatskanie Fire District confirming that he has improved the 20' private access to either private road standards or private driveway standards in compliance with the applicable provisions of the County Road Standards Ordinance.** “*

The Appellants concerns related to the improvements to the subject property’s access and the location of the PUD utility pole (that was constructed within this 20’ surveyed easement) will be addressed prior to the Clatskanie Rural Fire District’s final approval of the applicants’ proposed forest dwelling’s fire apparatus access to Price Road. Whether or not this PUD utility pole needs to be moved will be determined by the Clatskanie Fire Marshall before this access is approved for fire apparatus access standards. Specifically, Conditions 7 (c), 7 (e) and 9 will ensure that this private access is suitable for fire service equipment prior to occupancy of the proposed forest dwelling and that all dwellings utilizing this private access to Price Road are accurately addressed prior to the issuance of any building permit issuance.

Condition 6 If the subject tract's access to Price Road meets the County Road Standards Ordinance's definition of a Private Road, the applicant and all affected property owners shall be required to submit a New Private Road Naming application with fees to Land Development Services for the Board of Commissioners.

Condition 7. The following shall be completed prior to issuance of any Building Permits:

c. The private access to Price Road shall comply with the applicable provisions of Sections II, III, and IV of the County Road Standards Ordinance related to Fire Service Requirements, Access Approach, and Private Roads and shall be approved by the Clatskanie Fire District and the County Public Works Department.

e. The applicant shall provide documentation to LDS from the Clatskanie Fire District confirming that the proposed private access to Price Road is adequate for temporary access by Fire Service equipment.

Condition 9 Prior to Final Occupancy: Documentation shall be submitted to LDS confirming that the proposed access road/driveway has final Clatskanie Fire District approval and is suitable for fire service equipment.

Finding 2: For these reasons and with these existing conditions of approval for RDF 22-04, Staff finds that the proposal requested and approved for RDF 22-04 is consistent with the minimum private access/road improvement requirements in Section 507.3 and 510.4 of the Zoning Ordinance and that the Appellants Second Concern does not require any modifications to the analysis, Findings and Conditions of Approval of the July 22, 2022 Planning Commission Staff Report.

Continuing with the applicable provisions in Section 510 of the Zoning Ordinance- Fire Siting Standards for Dwellings, Structures and Roads:

510 Fire Siting Standards for Dwellings, Structures and Roads:

The following fire siting standards or their equivalent shall apply to new dwellings in this zone:

- .2 The owner of the dwelling shall establish and maintain a primary fuel-free fire break surrounding the dwelling and accessory structure(s) no less than 30 feet wide in accordance with the provisions in "Protecting Your Home From Wildfire" published by the National Fire Protection Association. The owner may be required to increase the primary fuel-free fire break if the dwelling or structure is located on a 10% or greater slope. The primary fuel-free fire break could include a lawn, low ornamental shrubbery less than 24" in height and/or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All existing tree limbs shall be pruned from the base to at least eight feet in height. Dead fuels shall also be removed.
- .3 A secondary fire break of 100 feet outside the primary fuel-free fire break, or its equivalent allowed by Columbia County Board Order No. 239-97 Firebreak Equivalents, shall also be provided and maintained for the dwelling in accordance with the provisions in "Protecting Your Home From Wildfire" published by the National Fire Protection Association. All existing trees shall be pruned from the base to at least 8 feet in height. Dead fuels shall be

removed from the secondary fire break area. If the placement of the proposed dwelling cannot meet the secondary fire break due to physical constraints of the land or parcel size, the applicant may apply to obtain a secondary fire break easement from a neighbor or build the structure to a Class 1 or 2 Ignition Resistance Construction as allowed by Board Order No. 239-97, Firebreak Equivalents.

- .4 All roads in this zone, except private roads and bridges for commercial forest uses, shall be constructed so as to provide adequate access for firefighting equipment according to the standards provided by the local rural fire protection district, the County Road Department, or the State Department of Forestry

APPELLANTS' THIRD CONCERN: The Appellants third concern states:

“The approval of RDF 22-04 adversely and negatively affects our land, increases the neighborhoods fire prevention deficiencies and will put local residences and timberlands at great risk (fire).”

Discussion: The Appellants’ 9/26/2022 Appeal third concern is that one more dwelling will reduce the value of their property by increasing not only the risk of forest fires but also emergency vehicles’ response time. Section 510 of the Zoning Ordinance is titled Fire Siting Standards for Dwellings, Structures and Road and identifies mandatory Primary and Secondary Firebreaks standards in Sections 510.2 and 510.3 while Section 510.4’s mandatory fire apparatus access standards have been covered for Finding 2 of this Report. A summary of Findings 14 and 25 of the July 22, 2022 Planning Commission’s Report follows which were also the basis for Condition 3 of Approval for RDF 22-04.

The County Building Official will ensure the proposed forest dwelling complies with the minimum requirements of the Oregon Structural Specialty and Fire Codes prior to building permit issuance. Since no portions of the secondary firebreak are located on adjacent properties, the applicant will be able to establish and maintain these areas in accordance with the fire siting standards for dwellings and structures in the PF-80 Zone. Road and driveway slopes will be installed at or below the 12% threshold which provides good access for fire protection and emergency vehicles. Also, a condition of approval shall require road and driveway to be improved to fire apparatus access standards and approved by the Clatskanie Fire District and County Public Works prior to permit issuance.

The Oregon Department of Forestry’s March 1991 Recommended Fire Siting Standards for Dwellings & Structures & Fire Safety Design Standards for Roads requires property owners in forest zones to “maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area; and maintain adequate access to the dwelling for firefighting equipment vehicles in accordance with the provisions in *Protecting Your Home from Wildfire* (National Fire Protection Association).” If at the time of development, the property owner cannot establish and maintain a full 100' secondary firebreak on their own, there is the option of reducing it per Equivalent Fire Buffers adopted through Board Order No. 239-97 which requires forest dwellings to be constructed to Class I or Class II Ignition Resistant Standards.

As indicated on the submitted May 10, 2022 Revised Site Plan, the proposed location of the forest dwelling will be at least 130' from all property lines which will allow the applicants to establish and maintain the full 130' fire safety area on all sides of the forest dwelling. In addition, the County Building Official will review all building plans to ensure the applicable provisions of the Oregon Fire Code will be met.

The discussion for Finding 2 of this Report demonstrated that Conditions 7 (c), 7 (e) and 9 of RDF 22-04 will ensure that the subject property's private access is suitable for fire service equipment prior to occupancy of the proposed forest dwelling and that all dwellings utilizing this private access to Price Road will be accurately addressed prior to the issuance of any building permit issuance. These required improvements will be reviewed and approved by the Clatskanie Fire Marshall and the County Public Works Department for compliance with both agencies' determination that this access meets the Road Standards Ordinance's definitions of *private driveways* or *private roads* as applicable.

The County Building Official's requirement that RDF 22-04 authorized residential development must comply with the applicable provisions of the County Zoning Ordinance and the Oregon Fire Code will help to ensure that the single dwelling will not increase the risk of forest fires in this rural area of Columbia County. Likewise, the Clatskanie Fire Marshall and the County Public Works Department requirement that the site's private access is improved to fire apparatus access standards and all residences using this access are accurately addressed will also help to alleviate the Appellants' concerns related to emergency vehicular response time to the affected properties.

Finding 3: With these conditions of building permit issuance for RDF 22-04, Staff finds that the proposal requested and approved for RDF 22-04 is consistent with the applicable provisions of Section 510 of the Zoning Ordinance related to Fire Siting Standards for Dwellings, Structures and Roads. Staff also finds that these conditions of building permit issuance will address the Appellants concerns about emergency vehicular response to this rural area should be alleviated by requiring all residences using the private driveway/private road to be accurately addressed prior to the issuance of any building permits. Finally, Staff finds that potential impacts to the value of neighboring property is not an applicable criterion for consideration when evaluating the application.

For these reasons, Staff finds that the Appellants Third Concern does not require any modifications to the analysis, Findings and Conditions of Approval of the July 22, 2022 Planning Commission Staff Report.

APPELLANTS’ FOURTH CONCERN: The Appellants’ 9/26/2022 Appellants fourth concern is related to the Planning Commission’s deliberations at their public hearing.

The Appellants fourth concern states:

“RDF 22-04 was approved by the Planning Commission without deliberation all of the concerns for RDF 22-04 were not even acknowledged.”

Discussion: Pursuant to the provisions in ORS 197.797 (6) the Planning Commission voted to continue the initial evidentiary public hearing for RDF 22-04 to the September 12, 2022 public hearing and left the record open for the submittal of additional written evidence. On September 2, 2022 and pursuant to the provisions in ORS 197.797(6), Planning Staff provided the Planning Commission with all written evidence submitted by the identified participants and the applicants between August 2, 2022 through August 22, 2022(Attachment 1 – Part 2).

At the September 12, 2022 continuance of the August 1, 2022 public hearing for RDF 22-04 the Columbia County Planning Commission considered the additional written evidence that was sent to them September 2, 2022 and adopted the Findings, Conclusions and Conditions as stated in the July 22, 2022 Staff Report and **APPROVED** the Resource Dwelling Permit proposed for **RDF 22-04** subject to nine (9) Conditions of Approval.

Finding 4: This fourth concern regarding the sufficiency of the Planning Commission’s verbal deliberations at the continued public hearing, however is not an applicable approval criterion, nor is the sufficiency of the Planning Commission’s deliberations an issue that subject to review by the Board. The focus on the Planning Commission’s verbal deliberations, and not on the final written decision, is misplaced. Under ORS 197.797(9) requires that the decision be in writing “accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.” Accordingly, it is the written findings of the Planning Commission that are relevant for purposes of the Board’s review, not the statements made (or lack thereof) made by the Planning Commission during its deliberations. “

Accordingly, Staff finds that the Appellants’ final concern is not appropriate for the Board of Commissioner’s review on appeal. Review of the findings and conclusions is limited to those findings and conclusions in writing that are adopted in support of the decision ultimately rendered.

APPEAL COMMENTS:

Oregon Department of State Lands (DSL): On November 28, 2022 Jevra Brown from the Oregon DSL submitted comments that they have already approved the applicants’ Wetlands Delineation.

No other comments were received by the date of this Appeal Staff Report, December 14, 2022.

CONCLUSION AND RECOMMENDATION

Based upon the December 14, 2022 Planning Staff Report's research, analysis and evaluations of the Appellant's four (4) concerns identified in the APPEAL of the Planning Commission's Final Decision of **RDF 22-04**, Staff recommends the Board of Commissioners **DENY** the appellant's appeal of RDF 22-04 and **UPHOLD** the original Planning Commission's approval of the applicants' request to site a single family dwelling on the subject 17.52-acre PF-80 zoned tract, subject to the original Conditions of Approval identified in the Planning Commission's September 21, 2022 Final Decision.

Attachments:

- Attachment 1: - July 22, 2022 Planning Commission Staff Report including Attachments/Waiver of 150 Day rule in ORS 215.427(1)
- September 2, 2022 Written evidence submitted between August 2, 2022 through August 22, 2022 for the September 12, 2022 Continued public hearing per ORS 197.797(6)
- Attachment 2: September 21, 2022 Affidavit of Mailing and Appeal Information for Final Order RDF 22-04
- Attachment 3: September 26, 2022 Robert and Kathy Ramey and Tina L. King's APPEAL (with fee) of the Planning Commission's Final Decision for RDF 22-04
- Attachment 4: November 22, 2022 Notification of the Board of Commissioners 12/21 2022 Public Hearing
- Attachment 5: November 28, 2022 Response from Oregon DSL

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Robert and Kathy Ramey, 75702 Price Road, Rainier, OR 97048
Steve Sharek, Clatskanie Fire Department ssharek@clatskaniefire.org
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**COLUMBIA COUNTY LAND DEVELOPMENT SERVICES
STAFF REPORT**

July 22, 2022

Resource Dwelling in the Forest Zone

FILE NUMBER: \ RDF 22-04

**PROPERTY OWNER/
APPLICANT:** Timothy and Tamara Carleton, 74340 Elk Creek Rd., Rainer, OR
97048

PROPERTY LOCATION: The subject property is located off of Price Road near Rainer,
Oregon.

TAX MAP ID NO: 7315-B0-02500

TAX ACCT. NO: 20776

ZONING: Primary Forest (PF-80)

SIZE: Approximately 17.52 acres

REQUEST: To site a single-family forest dwelling in the PF-80 zone using
the Template Test option provided for in Section 506.4 of the
Columbia County Zoning Ordinance and in OAR 660-06-
027(1)(f).

APPLICATION COMPLETE: 07/26/21

***150 DAY DEADLINE:** 12/23/21

Pursuant to the November 1, 2021 effective date of Oregon Senate Bill 2225, the 2019 Tract provisions in the Oregon Revised Statutes (ORS) 215.750.5(h) do not apply to the Template Forest Dwelling requested for RDF 22 -04 which Land Development Services Deemed Complete on August 20, 2021.

REFERRED TO PLANNING COMMISSION: On August 13, 2021, the resident of 75702 Price Road, Tina Louise King, paid the fee and REFERRED this RDF application to the Planning Commission for a public hearing.

*On November 12, 2021, the applicants signed a Waiver of the requirement in ORS 215.427(1) that Columbia County must take final action on RDF 22-03 within 150 days of deeming this RDF application complete.

APPLICABLE REVIEW CRITERIA:

<u>Columbia County Zoning Ordinance (CCZO)</u>		<u>Page</u>
Section 500	Primary Forest (PF-80)	6
Section 506	Standards for Dwellings	7
Section 507	Siting of Dwellings	8
Section 508	General Review Standards	17
Section 509	Standards of Development	18
Section 510	Fire Siting Standards for Dwellings	21
Section 516	Notification of State Agencies	24
Section 1190	Big Game Habitat Overlay	24

SUMMARY:

The applicants, Timothy and Tamara Carlton, are requesting approval to site a single-family dwelling in the Primary Forest Zone on an approximate 17.52 acre parcel per the provisions in CCZO 506.4. The submitted site plan and narrative identifies that the applicant intends to develop a new single-family dwelling and associated structures including a private well and a septic system on the property that since has legal access to Price Road, an existing county road. The home site is located on highest elevation on the parcel in its southwest corner and at least 125' from the site's delineated Wetlands identified in the Wetlands Delineation (WD# 2002-0400) Approved by the Oregon Department of State Lands (DSL) on May 3, 2022 (attached).

The home site is located where the slopes are under 5% and will remove approximately 1.5 acres from forest use. The Revised Site Plan dated May 10, 2022 shows the proposed home site will be at least 130' feet from all property lines which will allow the applicant/resident to establish both the full 30' Primary Firebreak and 100' Secondary Firebreak on the subject property without needing to acquire Secondary firebreak easements from adjacent property owners. The home site is placed near an existing gravel driveway located in the western portion of the 17.52 subject property.

The future residence will access Price Road via an existing 20' wide private easement to Price Road that was recorded in 1959 in Deed Book 138 Page 795 and conveyed simultaneously with the subject property. This easement currently is located over the northern three adjacent properties addressed at 75702, 75722 and 75040 Price Road and is reflected in the Titles of all three properties. The applicants also submitted a copy of County Survey # 6518 dated 5/28/2019 (attached and shown on Page 11) that identified the East and West boundaries of this 20' easement that has always provided local access to the subject property from Price Road. On June 9, 2022, the County Public Works Department submitted comments and documentation (attached) that they approved a Road Access Construction Permit (RAP 2017-00103) in 2017.

The submitted documentation states that the applicant will utilize a private well for the potable water source which has yet to be drilled. Prior to the issuance of a building permit, the applicant shall submit a recorded well log from the Oregon Water Resources Department. Likewise, the applicant will be utilizing an on-site septic system for sewage disposal. The County Sanitarian has conducted a lot evaluation on the subject property and approved a Capping Fill onsite sewage disposal system for the proposed forest dwelling with the issuance of 192-22-000324-

EVAL. The County Sanitarian's attached comments dated 7/12/22 confirm that the approved Lot Evaluation followed the wetlands delineation. At time of building permit submittal for the proposed forest dwelling, the applicant will be required to submit a Septic Construction Permit in order to actually construct the system to support this residential use. Electrical, utility and communication lines can be extended to the subject property from Price Road. Emergency services are provided to the subject site by Clatskanie Rural Fire District and the County Sheriff.

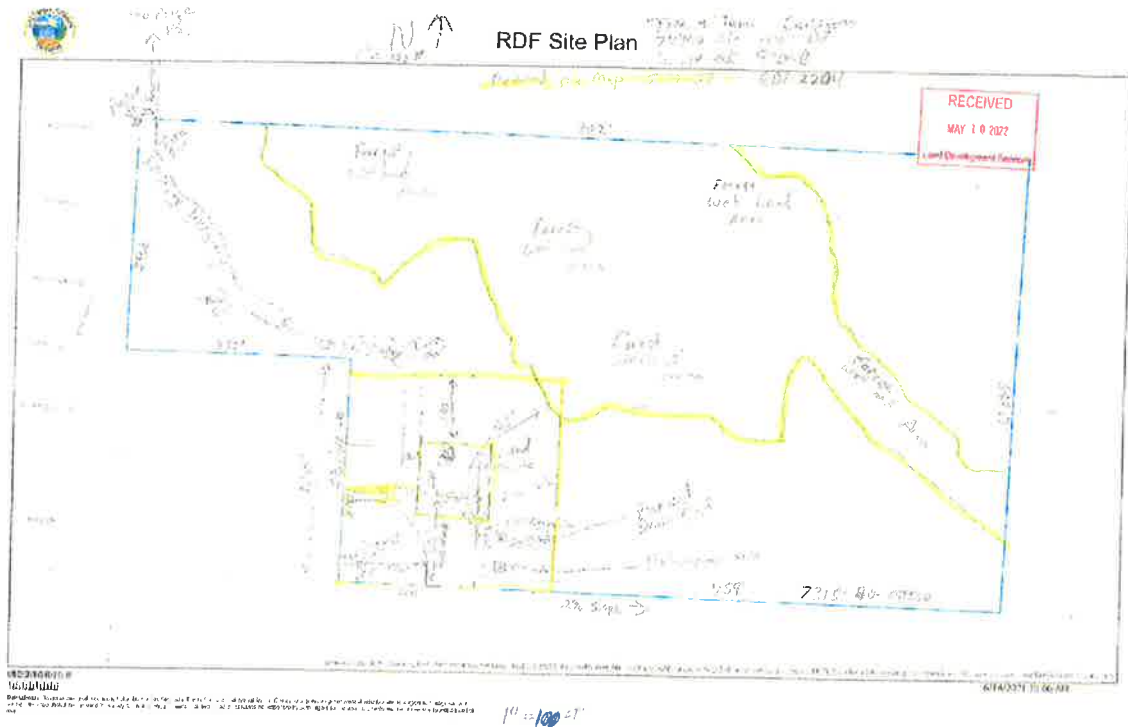
Natural characteristics of the site are as follows. According to the FEMA FIRM, there are no flood hazard areas onsite. The BEAK Maps of the Rainier-Fern Hill Area shows that this property is located in an area that is designated as Peripheral Big Game Habitat, but does not contain any threatened, endangered, or sensitive wildlife, plant, or animal species. The applicant submitted a copy of Wetlands Delineation(WD# 2022-0400) prepared by LC Eco to the Oregon DSL which was reviewed and then approved on May 3, 2022.

This attached Wetlands Delineation is accurately reflected on the Revised Site Plan for RDF 22-04 dated May 10, 2022 and demonstrates the delineated 6.26-acres of *PFO/PSS Slope Wetlands I* is at least 125' away from the proposed home site and at least 100' away from the existing driveway to Price Road. All future development on the subject property will be required to protect and not compromise these identified wetlands. The portion of the property in the southwest corner, where the applicant intends to build, is the highest location on the property. The home is proposed where the slopes are less than 5%. These slopes do not limit development in this identified area.

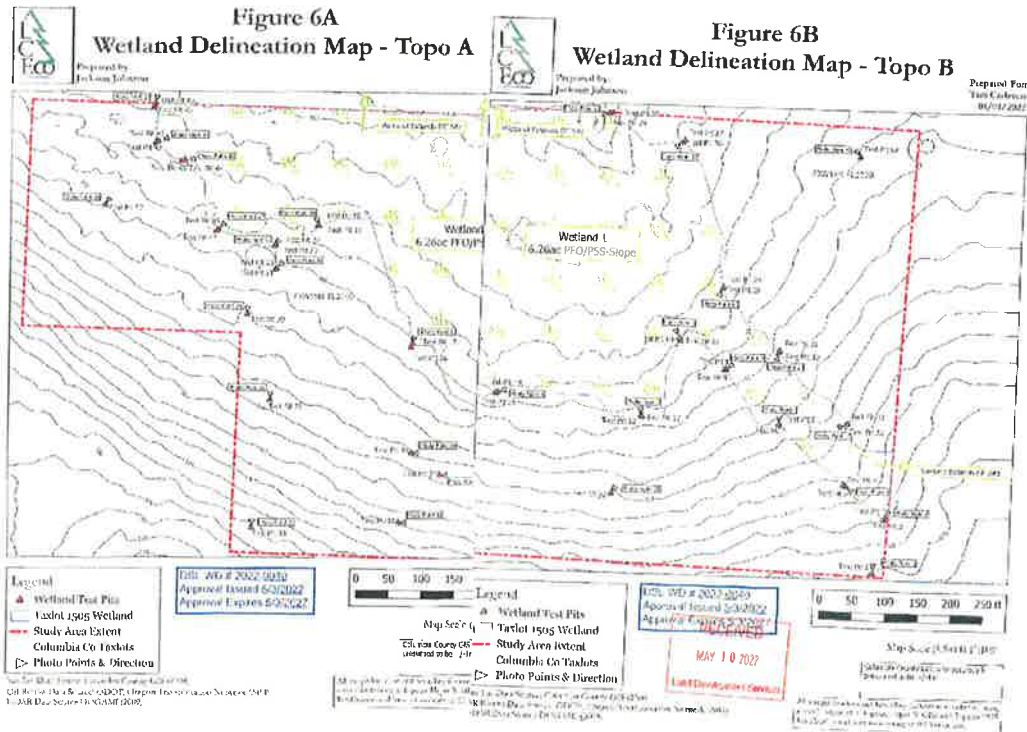
On August 13, 2022 Tina Louise King who resides at 75702 Price Road, paid the fee and REFERRED the authorized Administrative Review of RDF22-04 to be heard by the Planning Commission at a public hearing that is scheduled for August 1, 2022. The expressed reasons for this Referral concern the applicant's ability to use this existing 20' wide easement as the proposed forest dwelling's primary access to Price Road and the potential increase in fire risks resulting from one more residence in this rural area. As already stated, this existing 20' easement to Price Road was initially conveyed simultaneously with the subject property and was recorded with the County Clerk on January 1959 in Deed Book 138 Page 795. In addition, this 20' easement was also accurately located via County Survey 6518 conducted by Butler Surveying Inc. on 5/28/2019 shown on Page 11. The Discussion pertaining to Finding 10 of this Report will cover and evaluate Ms. King's concerns in greater detail.

The remainder of this report will address the extent to which the proposed resource dwelling meets the applicable standards of the Columbia County Zoning Ordinance including Ms. King's concerns related to her Referral of RDF 22-04 to the Planning Commission.

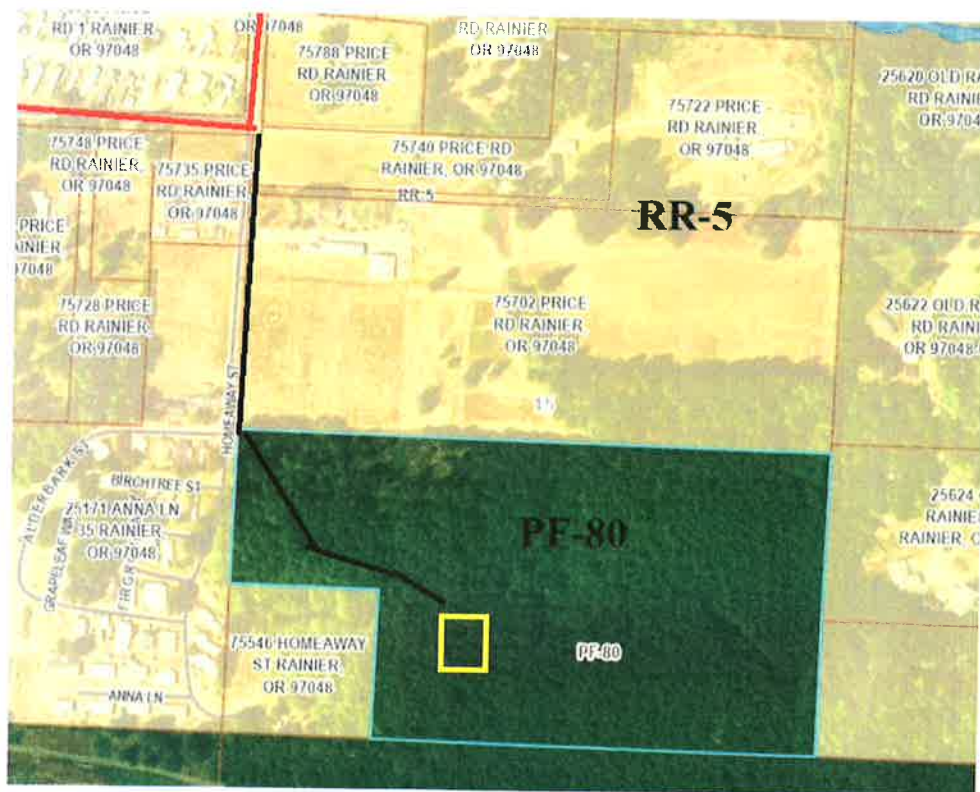
Revised Site Plan dated May 10, 2022



Wetlands Delineation (WD 2022-0400) Approved by OR DSL



2018 Aerial & Current Zoning Maps of property



REVIEW CRITERIA, FACTS, ANALYSIS & FINDINGS:

Beginning with the applicable Primary Forest (PF-80) provisions of the Columbia County Zoning Ordinance (CCZO):

Section 500 PRIMARY FOREST ZONE - 80 PF-80

501 .1 Purpose. The purpose of this zone is to retain forest land for forest use and to encourage the management of forest land for the growing, harvesting, and processing of forest crops consistent with the Oregon Forest Practices Act. Uses in this zone will also provide for other forest uses including watershed protection, soil protection, maintenance of clean air and water, wildlife and fisheries habitat, outdoor recreation activities, open space and scenic preservation, and agricultural activities free from the encroachment of conflicting non-forest uses and influences.

502 Table of Authorized Uses & Development.

SINGLE-FAMILY RESIDENCES	AUTHORIZATION	PF - 80 SECTION
"Template" Forest Land Dwelling	AR	504.1, 506.4, 506.5, 507- 510

504 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process contained in Section 1601. All authorized dwellings and permanent structures shall meet the standards listed in Sections 506, 507, 508, 509 and 510 of this Ordinance.

.1 Single-family dwelling, as authorized under Section 506 of this Ordinance and such accessory buildings and uses as are normally associated with a single-family dwelling.

Finding 1: Staff finds that the August 28, 2020 Template Test (TT 21-06) conducted for the subject site authorizes the applicant's proposed Forest Dwelling Permit requested for RDF 22-04. If the RDF is approved, the applicant will be able to develop the southwestern portion of the property for residential use, as described in the submitted site plan. The site's proposed residential use is consistent with the various authorized resource and non-resource related uses identified as Purposes of the Primary Forest Zone.

The remainder of this report will evaluate the submitted application according to the provisions in Sections 506-510 of the Zoning Ordinance. If the research and subsequent Findings determine the proposed Template Test Forest Dwelling complies with the necessary provisions of Sections 506 through 510, Staff finds the Planning Manager will be able to conditionally approve this requested forest dwelling permit.

Continuing with the CCZO, Section 506- Standards for Dwellings:

506 Standards for Dwellings. Dwellings are authorized in the Primary Forest Zone subject to standards found in Sections 507, 508, 509, 510 and documentation of meeting either the Small Tract, Large/Multi-Tract, or Template Dwelling criteria as follows.

.4 Template Dwelling for Tracts Smaller than 80 Acres. A dwelling may be authorized on a tract that satisfies and meets all the following criteria:

A. The tract is composed of soils that meets one of the following:

1. Soils that are capable of annually producing more than 85 cubic feet per acre of wood fiber if:
 - a. All or part of at least 11 other lots or parcels that existed on January 1, 1993 and are not within an Urban Growth Area are within a 160 acre square centered on the center of the subject tract. (Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible); and
 - b. At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels; or

Finding 2: According to the Soil Survey of Columbia County, the subject property's soils consists of Goble silt loam, Soil Types 23C. This soil type has an annual growth rate of greater than 85 cubic feet per acre for 60 year old trees.

The Template Test (TT 21-06) for the subject property determined that within a 160-acre rectangular template area, 12 dwellings and 30 parcels were in existence on January 1, 1993. These parcels have retained their configuration and the homes have not been removed, demolished or converted to nonresidential uses years as required by OAR 660-06-0027 (1)(f) and OAR 660-006-0005(4).

On 8/12/21 Donald Campbell the resident at 75735 Price Road submitted comments (attached) recommending Denial of RDF 22-04 because *"TT 21-06 was incorrectly done. Homeaway Road/Street does not and has never lawfully existed or been established per public record. Tax Lot 2500 (subject property) does not abut any road, private or otherwise, therefore a square template should be used."*

In light of Mr. Campbell's concerns, Planning Staff verified that the Columbia County Public Works Department's December 2021 update of the *Official Names of Roads in Columbia County* lists Homeaway Road as an existing private road. The official Columbia County Address Maps

also verify that Homeaway Road was in existence in July 1984 when the Columbia County Board of Commissioners adopted the first County Zoning Ordinance. Consequently, Staff finds that the rectangular 160-acre template conducted for TT 21-06 is consistent with the dimensional template test requirements in Section 506.4(A)(1) for proposed forest dwellings on tracts with soils that are capable of producing more than 85 cubic feet per acre of wood fiber.

For these reasons, Staff finds the submitted forest dwelling request has satisfied the criteria in Section 506.4(A) and address Mr. Campbell's concerns.

Continuing with Section 506 of the Zoning Ordinance - Standards for Dwellings:

- B. The tract contains no dwellings on other lots or parcels that make up the tract;
- C. No dwellings are allowed on other lots or parcels that make up the tract consistent with the recorded covenants, conditions and deed restrictions established under in Subsection 506.3; and

Finding 3: According to records of the County Assessor and Land Development Services (LDS) and the submitted application, the subject tract does not contain any other dwellings. In addition, Staff finds the subject property consists of only one tract of Primary Forest zoned land. For these reasons, Staff finds the requested forest dwelling satisfies the criterion in Section 506.4(B&C).

- D. Parcels 10 acres or greater in size shall be required to submit and obtain approval of a Forest Land Assessment and Stocking Compliance application prior to receiving a permit for the dwelling as authorized by this subsection.

Finding 4: The subject parcel is 17.52 acres and is greater than 10 acres, therefore a Timber Stocking Survey & Assessment with Land Development Services (LDS) is required. A condition of approval will require the applicant to provide a Timber Stocking Survey and Assessment with Land Development Services (LDS) prior to issuance of any building permits.

CCZO Section 507:

507 Siting of Dwellings and Structures

- .1 All new dwellings and structures are subject to the siting standards in this section. Relevant physical and locational factors including, but not limited to, topography, prevailing winds, proximity to existing roads, access, surrounding land use and source of domestic water shall be used to identify a site which:
 - A. Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;
 - B. Ensures that forest operations and accepted farming practices on the tract will not be curtailed or impeded by locating dwellings and structures as near to each other and to existing developed areas as possible considering topography, water features, required setbacks and firebreaks;

C. Minimizes the amount of forest lands used for building sites, road access and service corridors;

Building Site in SW Portion—will need to establish 30' Primary and 100' Secondary Firebreaks on all sides



View of 20 Easement connected to subject property's driveway to Price Road



Finding 5: As demonstrated in the pictures on Page 9, the home area has been situated on the southwest corner of the property as to minimize impacts to resources. The subject property only borders forest property to the south. To the north, east and west the property borders rural residential (RR-5) zoned and developed properties. The proposed home site is on the southwest portion of the property with the highest elevation and is located near an existing driveway in order to avoid any impacts to and preserve buffers to the delineated wetlands on the northern portion of the property consistent with the criterion in Section 507.1(A). All future site development will be required to comply with the applicable provisions of the *Wetland Delineation WD 2022-0400* approved by the Oregon DSL. The Columbia County Soil & Water Conservation District submitted the attached comments dated October 10, 2021 stating that the property owners should be conducted prior to construction to ensure this significant environmental resource is not compromised with the approval of RDF 22-04. The approved Wetland Delineation addresses these concerns.

Improving this existing driveway to minimum fire apparatus access standards will also avoid having to create a new driveway that would disturb forest and wetlands resources on the property. The proposed home site will be at least 130' away from all property lines that will allow the residents to establish and maintain full fire safety areas surrounding their residential development without obtaining any secondary firebreak easements from adjacent property owners. Staff finds that impacts to the subject and adjacent properties' natural resources can be minimized by establishing and maintaining fire breaks and by improving the entire existing access to fire apparatus access standards from the home site to Price Road prior to building permit issuance.

It is important to note that these requirements for all proposed forest dwellings are intended to minimize the potential impact they have on adjacent forest and agricultural operations by clustering onsite development within fire safety areas that will not only minimize disturbance of this area's existing forest and agricultural practices/operations, but will also help to minimize the amount of forest lands used for building sites road access and utility corridors. Staff finds that Ms. King's Referral of RDF 22-04 concerns (see Discussion pertaining to Finding 10) are similar to these existing requirements of the Zoning Ordinance and must be satisfied as Conditions of Approval for all proposed forest dwellings whether or not they are reviewed and approved by the Planning Manager or the Planning Commission.

To satisfy 507.1(A), A *Waiver of Remonstrance* regarding past, current or future accepted farm or forest operations of adjacent and nearby lands will be required prior to the issuance of a building permit.

To satisfy 507.1(B) and (C), a condition of approval shall state that all development, proposed and future, on the property should be clustered together to minimize the impacts on the site's remaining natural areas, and all utilities should be clustered within the driveway corridor. With these conditions of final approval, Staff finds that the county will require these criteria to be met prior to building permit issuance in order for RDF 22-04 to comply with these provisions Section 507.1(A, B and C) of the Zoning Ordinance that coincide with Ms. King's expressed concerns in the Referral of RDF 22-04 to the Planning Commission.

D. Is consistent with the provisions of Section 510 related to Fire Siting Standards and minimizes the risk associated with wildfire; and

Finding 6: The proposed home site will be located on the southwest corner of the property at least 130' from all property lines. A comprehensive analysis will be conducted later in this report (Findings 24- 28) to evaluate the extent to which the submitted forest dwelling complies with the regulatory requirements of Section 510 that are necessary to minimize the proposed forest dwelling's increased wildfire risk. This criterion will be satisfied with conditions that will be discussed later in this report.

E. Is consistent with other requirements contained in the Comprehensive Plan or implementing ordinances, including, but not limited to, regulations which apply to flood, steep slopes, and landslide hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource and natural areas, such as wetland riparian and slide-prone areas.

Finding 7: The submitted Site Plan shows the applicant intends to limit site development to the southwest corner of the subject property over 130' from property lines and at least 125' from the delineated wetlands located in the site's northern portion. Staff finds that the subject proposal is consistent with requirements contained in the Comprehensive Plan and implementing ordinances as well as with the May 3, 2022 Wetlands Delineation approved by the Oregon DSL. Although the property is adjacent to forest resource lands to the south and to RR-5 lands on all other sides, mitigating impacts to natural resources are addressed throughout this report. Staff finds that with conditions herein, the subject proposal complies with the provisions in CCZO 507.1E.

Continuing with Section 507 - Siting of Dwellings and Structures:

- .2 The applicant shall provide evidence consistent with OAR 660-006-0029(3) that domestic water supply is from a source authorized in accordance with the Department of Water Resources' administrative rules for the appropriation of ground water or surface water in OAR Chapter 690 and not from a Class II stream as defined in the Forest Practices Rule in OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the subject property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

Finding 8: In the submitted forest dwelling application, the applicant stated that a private well is proposed on the subject property. Prior to the issuance of a building permit, the applicant shall drill a well, record a well log with the Oregon Water Resources Department and submit a copy to LDS proving that there is adequate domestic water to support the proposed residential use of the property. With this condition of approval, Staff finds the applicant can satisfy this criterion in Section 507.2.

- .3 As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry or the U.S.

Views of 20' Easement south and north that runs parallel to improved Homeway Road



Finding 9: In compliance with the minimum private access requirements in Section 507.3, the applicant has demonstrated they have legal access to Price Road via the 20' easement described in County Survey # 6518 that is currently located in the far western portions of the three adjacent properties to the north. This 20' Easement was originally created in 1959 (Deed Book 138 Page 795) and was described as *"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."* Moreover, this easement was conveyed simultaneously with the conveyance of the ~17.52 –acre subject property that was described as *the "South half of the Southeast quarter of the Northwest quarter of Section 15, Township 3 North Range 7 West of the Willamette Meridian"*

When the applicants purchased the property in 2006 as demonstrated with the attached Statutory Warranty Deed recorded via Instrument No. 2006-011602, the subject ~17.52 acre property was referred to as Parcel 1 and was described as the *"South half of the Southeast quarter of the Northwest quarter of Section 15, Township 3 North Range 7 West of the Willamette Meridian"*. Parcel 2 was described as *"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 Section 15, Township 7 North Range 3 West of the Willamette Meridian."*

Finally the County Public Works Department submitted comments that they have already issued a Road Access Permit Number RAP 2017-00103 confirming the subject property's has an

approved access to Price Road; this paved apron is shown above. Before the issuance of final occupancy for the forest dwelling, the Clatskanie Fire District will be required to submit confirmation to LDS that the full length of this 20' access (from Price Road to the home site) is improved for fire apparatus/emergency vehicle access. With these conditions of building permit issuance, Staff finds that the criterion in Section 507.3 will be met.

Discussion related to the subject property's access as stated in the neighbor's Planning Commission Referral of RDF 22-04: The resident of the adjacent northern property addressed at 75702 Price Road, Tina Louise King, Referred RDF 22-04 (Attached) to the Planning Commission and expressed the following concerns which revolve around the applicant's intended use of this 20' easement and the potential for one more forest dwelling to increase fire risks in this rural area of the county. Planning Staff notes that the 20' Easement to the subject property is located along the western boundary of the property on which Ms. King lives. Staff's summary of these concerns include:

1. The residential development proposed for RDF 22-04 imposes and increases fire risk to all nearby homes and forest lands because this easement was recently developed for forest use purpose only;
2. Because this access is over 600', the applicant is trying to manipulate his forest use within the easement into a private driveway/road without complying with Columbia County Road Standards Ordinance, the uniform fire code or fire apparatus access roads.
3. This easement consists of 3 closed agricultural gates that are locked at all times and he should be required to obtain a new access approach permit that complies with all applicable laws and standards.
4. This parcel development does not comply with all PF-80 Columbia County Zoning Ordinance. The secondary firebreak is not on or within the tax lot and is entirely located on an adjacent property without any easement.
5. The template test was performed incorrectly and should be conducted off of Price Road, not Homeway Road. (Staff has addressed this for Finding 2).
6. The neighbor is requesting the record kept open.

Finding 10: Staff will first address concern numbers **1, 2 and 4** related to fire siting standards and the potential for authorized residential development in the PF-80 zone to increase fire risks in rural areas.

As already discussed for Finding 5, all portions of Section 500 of the Zoning Ordinance contain a variety of development provisions that must be in place before LDS can issue any building permits for proposed forest dwellings. Specifically, the various provisions in Sections 507, 508 509 and 510 all have siting criteria which require the applicant/future resident to demonstrate how the new forest dwelling will not significantly increases in fire hazards and/or fire suppression costs for the county and property owners. This Referral submitted August 13, 2021

begins with the statement that *"I object to this decision..."* after Ms. King received only a Referral and Acknowledgement of the proposal requested for RDF 22-04; this Referral preempted the County's preparation of the Staff Report and its Conditions of Approval as well as the subsequent Final Order/Final Decision.

Nevertheless, the submitted Revised May 10, 2022 Site Plan shows the proposed forest dwelling will be surrounded by full 30' Primary and 100' Secondary firebreak on all sides on the authorized forest dwelling. In addition, the applicant will be required to improve the full length (~1,200 feet) of this 20' private access from Price Road to the home site which the Clatskanie Fire District will need to inspect and approve to minimum fire apparatus access standards of the County Road Standards Ordinance.

The June 30, 2022 attached comments from Steve Sharek, Clatskanie Fire Marshall also state that this driveway has only been approved for removal of logging debris and that the applicant has not completed or made residential improvements to this driveway in compliance with the County Road Standards Ordinance's minimum fire apparatus access standards. These improvements include, but are not limited to, a 12' driving surface supporting 75,000 pound vehicle weight loads with 4' clearance on each side for a 20' right-of-way, pull outs every 400 feet and an approved turnaround at the end of the driveway. In addition, the Clatskanie Fire Marshall states that *"this driveway is in an area of address confusion"* and that if the approval of RDF 22-04 results in 3 or more residences being served by this unnamed driveway, it will require this driveway to be named as a private road and the necessary readdressing of all affected residences in order to help ensure emergency vehicles have timely access to these properties. Consequently, one condition of building permit issuance will require the applicant to submit documentation from the Clatskanie Fire District confirming that he has improved the 20' private access to either private road standards or private driveway standards in compliance with the applicable provisions of the County Road Standards Ordinance.

The June 30, 2022 letter from Steve Sharek also states that forestry defensible space setbacks will need to be followed as well as the Oregon Fire Code for access and water supply all of which will also be required for RDF 22-04. The County Building Official's attached comments dated October 7, 2022 also state that the following requirements of the Oregon Fire Code will apply to RDF 22-04 prior to building permit issuance:

- Primary and secondary firebreaks,
- Ignition Resistant construction features,
- Spark arrestors for any wood or pellet stoves and indoor or outdoor fireplaces,
- Possible sprinkler systems for fire flow, and
- Access approval from the Clatskanie Fire District and from the County Public Works

For these reasons, Staff finds that Ms. King's first, second and fourth concerns related to increase fire risks have been addressed and will be required prior to building permit issuance for the forest dwelling proposed for RDF 22-04.

Ms. King's **5th concern** about the validity of the 160-acre rectangular Template Test conducted for RDF 22-04 has been addressed for Finding 2 of this Staff Report.

Ms. King's **3rd concern** that the 20' access easement also contains 3 locked agricultural gates will be addressed by the Clatskanie Rural Fire District when they review and approve this private access for compliance with fire apparatus access roads. Typically, fire departments require property owners to provide them with the necessary means (i.e. keys) that will allow them to have safe and timely access to all properties. Staff finds that unless the Clatskanie Fire District does not have the means to access the subject property, they will not be able to approve this access to fire apparatus access standards.

Although Ms. King's **6th and final concern** that the record for RDF 22-04 remain open is a valid concern, it does not apply until the County/Planning Commission begins its review of the proposal at their public hearing scheduled for August 1, 2022.

With this analysis, clarification and the identified various conditions of building permit issuance, Staff finds that Ms. King's expressed concerns have been addressed and also comply with these siting criteria for the forest dwelling proposed for RDF 22-04.

Continuing with Section 507 - Siting of Dwellings and Structures:

- .4 Pursuant to OAR 660-006-0029 (5), approval of a dwelling shall be subject to the following requirements:
 - A. The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in the Department of Forestry administrative rules;
 - B. Land Development Services shall notify the Columbia County Assessor of the above condition at the time the dwelling is approved;
 - C. If the property is over 10 acres the owner shall submit a stocking survey report or a Forest Land Assessment and Stocking Compliance Application to the Columbia County Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required by the Department of Forestry administrative rules;
 - D. Upon notification by the Assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department determines that the tract does not meet those requirements, the Department shall notify the owner and the Assessor that the land is not being managed as forest land. The Assessor shall then

remove the forest land designation pursuant to ORS 321.359 and impose additional tax pursuant to ORS 321.372; and

- E. A waiver of remonstrance shall be recorded with the County Clerk certifying that the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any farm and forest lands to modify the conduct of legal and accepted farm and forest operations.

Finding 11: The property's current tax assessment confirms that the subject tract is in forest tax deferral and does not contain any other dwelling. The County Assessor was sent a Referral and Acknowledgement of the proposed forest dwelling and has not submitted any comments to LDS. The property is greater than 10 acres and the property owner will be required to submit a stocking survey or a Forest Land Assessment and Compliance Application prior to issuance of building permits. The Department of Forestry submitted comments that firebreaks should be located entirely on the subject property without easements on adjacent resource lands. The applicant will be required to submit a notarized *Waiver of Remonstrance* with the County Clerk against taking legal actions against accepted ongoing farm and forest operations occurring on adjacent resource zoned properties. With these conditions of building permit issuance, Staff finds that all criteria in 507.4 will be met.

- .5 Dwellings and other structures to be located on a parcel within designated Big Game Habitat areas pursuant to the provisions of Section 1190 are subject to the additional siting criteria contained in Section 1190.

Finding 12: The subject property is within a Peripheral Big Game Habitat area, therefore the provisions in Section 1190 will be reviewed in this report for Finding 29.

Continuing with Section 508 of the Zoning Ordinance - General Review Standards:

- 508 General Review Standards the Planning Director or hearings body shall determine that a use authorized by Sections 504 and 505 meets all of the following requirements:
 - .1 The proposed use will not force significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

Finding 13: As shown on the Aerial and Zoning maps, the subject tract is surrounded by Rural Residential-5 zoned properties with one PF-80 zoned parcel to the south. The area of resource zoned properties consists of forestry uses and the area of rural residential consists of single family homes and mobile home parks. The historical development of this section, south of Price Road confirms this area consists of both resource related and rural residential development and uses. To further ensure protection of forestry and agricultural operations, the applicant will sign a *Waiver of Remonstrance* against ongoing accepted forest and agricultural practices on adjacent properties and record this notarized document with the County Clerk. Also, the submitted site

plan shows that the proposed setbacks will ensure that the applicant will be able to maintain the full primary and secondary fire breaks on the subject property without needing to obtain secondary firebreaks from any neighbors. For these reasons, Staff finds the criterion in Section 508.1 will be met with conditions of building permit issuance already covered in this report.

- .2 The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression

Finding 14: The County Building Official's comments dated October 7, 2021 (See Finding 10) will ensure the proposed home complies with the minimum requirements of the Oregon Structural Specialty and Fire Codes prior to building permit issuance. Since no portions of the secondary firebreak are located on adjacent properties, the applicant will be able to establish and maintain these areas in accordance to the fire siting standards for dwellings and structures in the PF-80 Zone. Road and driveway slopes will be installed at or below the 12% threshold which provides good access for fire protection and emergency vehicles. Also, a condition of approval shall require road and driveway to be improved to fire apparatus access standards and approved by the Clatskanie Fire District and County Public Works prior to permit issuance. Staff finds that this criterion will be satisfied by these imposed conditions of building permit issuance.

- .3 A waiver of remonstrance shall be recorded with the County Clerk certifying that the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any farm or forest lands to modify the conduct of legal and accepted farm or forest operations: and
- .4 The proposed use is consistent with requirements contained in the Comprehensive Plan or implementing ordinances, including, but not limited to, regulations which apply to flood hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource areas, such as riparian, wetlands or slide-prone areas.

Finding 15: These two requirements of Section 508.3 & 508.4 are the same respective criteria in Section 507.1(E) (Consistency with Overlay Zones (See Finding 7) and Section 507.4(E) (Waiver of Remonstrance (See Findings 5 and 11). These criteria will be met with conditions already covered.

Continuing with Section 509 of the Zoning Ordinance- Standards of Development:

509 Standards of Development

- .1 The minimum average lot or parcel width and minimum average lot or parcel depth shall be 100 feet for all activities except farming or forestry.

Finding 16: The average width of the subject property is approximately 1300' and the average depth is approximately 660' both of which far exceed the 100' minimum dimensions required for the PF-80 zoned property. Staff finds that this criterion has been satisfied.

- .2 Access to parcels in this zone shall meet Fire Safety Design Standards for Roads in the County Road Standards and access standards found in Section 510 of the Zoning Ordinance.

Finding 17: The pertinent site access issues related to Fire Safety Standards have been addressed in Findings 4, 5, 9 and 10, will be covered for Findings 24-29 and will be required to be met prior to the issuance of any building permits for the proposed forest dwelling on the subject tract.

- .3 There shall be no height limitation for forest operation and management-related structures unless otherwise permitted in the Primary Forest Zone. The maximum building height for all non-farm, non-forest structures shall be 50 feet or 2 ½ stories, whichever is less.
- .4 The standards and requirements described in Section 1300 of the Zoning Ordinance shall apply to all signs and name plates in the Primary Forest Zone.

Finding 18: No building plans or onsite signs were submitted with this forest dwelling permit application. All non-resource structure's maximum height limitation (the lesser of 50 feet or 2 ½ stories), as well as any onsite signs will be reviewed and required to comply with the applicable provisions of the Zoning Ordinance at time of building permit issuance. These criteria can be satisfied prior to release of building permit.

Continuing with Section 509 of the Zoning Ordinance- Standards of Development:

- .6 Setbacks:
 - A. There shall be a minimum setback of 50' for front, side, and rear yards for all development in the Primary Forest Zone.
 - B. When this Ordinance or any other ordinance requires a greater or lesser setback than is required by this subsection, the greater setback shall apply.
 - C. All structures are subject to any special setbacks when adjacent to arterial or collector streets designated in the County Transportation Systems Plan.

Finding 19: The submitted site plan indicates the future dwelling will be at least 130' from all property lines and confirmed at building permit submittal. There are no other provisions in the Zoning Ordinance that require different setbacks, nor has the Department of County Public Works identified any special setbacks for this new forest dwelling that has a legal access to Price Road. For these reasons, Staff finds that these criteria can be met at the time of building permit issuance.

- D. No structure or use shall be established in a manner likely to cause contamination of a stream, lake or other body of

water. Riparian and natural hazard setbacks set forth in Sections 1170 and 1180 of the Zoning Ordinance shall apply.

Finding 20: Staff finds that the Revised May 10, 2022 Site Plan for RDF 22-04 accurately identifies the location of all requested site development (driveway, septic system, residence) in relation to the identified ~6.26 acres of PFO/PSS-Slope Wetlands 1 in the Wetlands Delineation Number WD 2022-0400 approved by the Oregon DSL. Separating these Wetlands from the driveway and proposed home site by at least 100' and 125' respectively, demonstrates the applicant has designed RDF 22-04 so that this site's critical environmental resource will not be compromised, nor will its ecological role be impeded. The County Sanitation's comments also state that the approved locations of the septic system follow the minimum siting setbacks from these delineated wetlands. Furthermore, Section 1170 does not apply to RDF 22-04 since these wetlands are not associated with fish-bearing lakes, water, streams or sloughs and there are no riparian corridors for wetlands not associated with streams, rivers, sloughs, or fish-bearing lakes according to the definitions in Section 1184.(A)(5) of the Zoning Ordinance. For these reasons, and without any additional evidence, Staff finds the applicant's proposal complies with these criteria for home sites on PF-80 zoned properties containing delineated wetlands.

- E. When land divisions create parcels of less than 40 acres for uses listed in Subsection 511.2A., provided those uses have been approved pursuant to this Ordinance, required building setbacks for these parcels will be determined on a case-by-case basis by the Director or the hearings body.

Finding 21: This criterion does not apply to the requested forest dwelling since the applicant is not dividing the subject forest tract.

- F. The owner shall provide and maintain primary fuel-free fire break and secondary fire break areas on land surrounding the dwelling and primary fuel-free break areas surrounding accessory structures in the Primary Forest Zone pursuant to the provisions in Subsections 510.2 and .3.

Finding 22: These provisions will be discussed and evaluated in-depth later in this report (see Findings 24 - 28). Staff finds this criterion will be satisfied with conditions that will be discussed later.

Continuing with Section 509 of the Zoning Ordinance- Standards of Development:

- .7 Approval Period for Use Permits. For all uses approved under sections 504 and 505, the approval period shall be valid for four (4) years. At a minimum, a development construction permit must be issued by the Land Development Services within the approval period. If a construction permit is not issued within the approval period, the land use permit expires. An extension of two years on the approval period may be granted by the Director if a written request is received prior to its expiration and the reason for the delay is beyond the control of the owner.

Finding 23: This Resource Forest Dwelling Permit shall remain valid for four (4) years from the date of the final decision and shall become void unless the proposal has commenced in conformance with all conditions and restrictions established herein within the four-year validity period. A 2-year extension may be granted, if requested in writing with the appropriate fee before the expiration date, given the applicant is not responsible for failure to develop. Staff finds this criterion will be satisfied with these conditions of approval.

Continuing with Section 510 of the Zoning Ordinance- Fire Siting Standards for Dwellings, Structures and Roads:

510 Fire Siting Standards for Dwellings, Structures and Roads:

The following fire siting standards or their equivalent shall apply to new dwellings in this zone:

- .1 If a water supply is available, suitable and acceptable for fire protection by the fire protection district, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access to the dwelling and access to the on-site water supply shall accommodate the turnaround of firefighting equipment during the fire season. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

Finding 24: Staff finds that there are no suitable waterways that would qualify for fire suppression purposes located on the subject property. Staff finds this criterion does not apply to the requested forest dwelling.

- .2 The owner of the dwelling shall establish and maintain a primary fuel-free fire break surrounding the dwelling and accessory structure(s) no less than 30 feet wide in accordance with the provisions in "Protecting Your Home From Wildfire" published by the National Fire Protection Association. The owner may be required to increase the primary fuel-free fire break if the dwelling or structure is located on a 10% or greater slope. The primary fuel-free fire break could include a lawn, low ornamental shrubbery less than 24" in height and/or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All existing tree limbs shall be pruned from the base to at least eight feet in height. Dead fuels shall also be removed.
- .3 A secondary fire break of 100 feet outside the primary fuel-free fire break, or its equivalent allowed by Columbia County Board Order No. 239-97 Firebreak Equivalents, shall also be provided and maintained for the dwelling in accordance with the provisions in "Protecting Your Home From Wildfire" published by the National Fire Protection Association. All existing trees shall be pruned from the base to at least 8 feet in height. Dead fuels shall be

removed from the secondary fire break area. If the placement of the proposed dwelling cannot meet the secondary fire break due to physical constraints of the land or parcel size, the applicant may apply to obtain a secondary fire break easement from a neighbor or build the structure to a Class 1 or 2 Ignition Resistance Construction as allowed by Board Order No. 239-97, Firebreak Equivalents.

Finding 25: The Oregon Department of Forestry’s March 1991 Recommended Fire Siting Standards for Dwellings & Structures & Fire Safety Design Standards for Roads (attached) requires property owners in forest zones to “maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area; and maintain adequate access to the dwelling for firefighting equipment vehicles in accordance with the provisions in *Protecting Your Home from Wildfire* (National Fire Protection Association).” The pictures on Page 9 show these fuel-free firebreak areas and the site's intended access. If at the time of development, the property owner cannot establish and maintain a full 100' secondary firebreak on their own, there is the option of reducing it per Equivalent Fire Buffers adopted through Board Order No. 239-97 which requires forest dwellings to be constructed to Class I or Class II Ignition Resistant Standards.

As indicated on the submitted May 10, 2022 Revised Site Plan, the proposed location of the new forest dwelling will be at least 130' from all property lines which will allow the applicant to establish and maintain the full 130' fire safety area on all sides of the forest dwelling. In addition, the County Building Official will review all building plans to ensure the applicable provisions of the Oregon Fire Code will be met. Without any additional evidence, Staff finds these criteria can be satisfied with these conditions of building permit approval.

Continuing with Section 510 of the Zoning Ordinance- Fire Siting Standards for Dwellings, Structures and Roads:

- .4 All roads in this zone, except private roads and bridges for commercial forest uses, shall be constructed so as to provide adequate access for firefighting equipment according to the standards provided by the local rural fire protection district, the County Road Department, or the State Department of Forestry

Finding 26: As already evaluated and addressed in Finding 10, the subject tract will use the existing 20' wide legal easement/driveway located over the three adjacent northern properties as its access to Price Road. This easement was originally created and conveyed with the subject property in 1959 as recorded in Deed Book 138 Page 795. The applicant has an approved Access Approach Road Construction Permit (RAP 2017-00103) to access Price Road.

As covered for Finding 10, the Clatskanie Fire Marshall stated that if the approval of RDF 22-04 results in 3 or more residences being served by this unnamed driveway, it will require this driveway to be named as a private road and the necessary readdressing of all affected residences in order to help ensure emergency vehicles have timely access to these properties.

Consequently, one condition of building permit issuance will require the applicant to submit documentation from the Clatskanie Fire District confirming that he has improved the 20' private access to either private road standards or private driveway standards in compliance with the applicable provisions of the County Road Standards Ordinance.

All new or existing private access easements will need to be improved to the applicable provisions in Sections II, III and IV of the County Road Standards Ordinance and approved by the Clatskanie Fire District and/or the County Public Works Department before the county can authorize any building permits on the subject property. Specifically, prior to the issuance of building permits, the applicant shall submit documentation to Land Development Services that Clatskanie Fire District has granted Temporary Access to the property. Finally, and prior to the occupancy of the new forest dwelling, the applicant will be required to submit documentation to LDS that the Clatskanie Fire District has inspected the private access road(s) and easement(s) confirming they are suitable for fire service equipment. With these conditions of building permit issuance, Staff finds that these criteria can be met.

- .5 No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stove pipe or chimney.
- .6 A dwelling shall meet all of the following requirements:
 - A. The dwelling shall have a fire retardant roof;
 - B. The dwelling shall not be sited on a slope of greater than 40 percent;
 - C. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester; and
 - D. The dwelling shall be located upon a parcel within a fire protection district unless the applicant meets the criteria of subsection 510.7.

Finding 27: The subject tract is located within Clatskanie Fire District service area. To be consistent with 510.6(A-D), a condition of approval shall require the authorized forest dwelling to have a fire retardant roof, not be sited on a slope greater than 40 percent, and all chimneys to have spark arrestor(s). Staff finds these criteria can be met with these conditions of building permit issuance.

- .7 If the dwelling is not within a fire protection district, the applicant shall provide written documentation to the County of residential fire protection. The applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the County determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the County and fire protection district may provide an alternative means for protecting the dwelling from fire hazards which may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable given the site conditions.

Finding 28: This criterion does not apply to this proposed forest dwelling since it is within Clatskanie Fire District's service area.

CCZO Section 516- Notification of State Agencies:

- 516 **Notification of State Agencies.** The Oregon Department of Forestry's Columbia Unit Office and The Oregon Department of Fish and Wildlife's Forest Grove Office shall be notified and requested to comment on all conditional use requests filed under Section 503 of this Zone and all building or placement permit applications filed under the Primary Forest Zone. Responses should be received within 10 days of the date of mailing to be assured consideration.

Finding 29: The applicant's submitted forest dwelling is authorized and will be reviewed and approved by the Planning Commission at their public hearing scheduled for August 1, 2022 with the Referral submitted by Tina Louse King to LDS on August 13, 2021. The Oregon Department of Fish & Wildlife (ODFW) and the Oregon Department of Forestry (ODF) were notified of the submitted proposal. Staff received ODF attached comments dated 9/27/2021 stating that the full fire safety area surrounding the home should be in control of the property owner; the Revised May 10, 2022 Site Plan specifically addresses these concerns. As of the date of this Report, ODFW has not submitted any comments. Staff finds this criterion has been met.

Section 1190 BIG GAME HABITAT OVERLAY BGR

[Amended by Ordinance 2003-06, eff. 7/30/03].

- 1191 **Purpose:** To protect sensitive habitat areas for the Columbian white-tailed deer and other Big Game by limiting uses and development activities that conflict with maintenance of the areas. This section shall apply to all areas identified in the Comprehensive Plan as a major and peripheral big game range or Columbian white-tailed deer range, as shown on the 1995 Beak Consultant's map, entitled "Wild Game Habitat" in the Comprehensive Plan in Appendix Part XVI, Article VIII (A). *[Amended by Ordinance 2003-06, eff. 7/30/03].*
- 1192 **Permitted Uses:** All uses permitted in the underlying zone either outright or conditionally shall be permitted IN THE Big Game Range Overlay provided that such use or development is consistent with the maintenance of Big Game and Columbian White-tailed Deer Habitat identified in the Comprehensive Plan. *[Amended by Ordinance 2003-06, eff. 7/30/03].*
- 1193 **Development Siting Standards:** *[Amended by Ordinance 2003-06, eff. 7/30/03].* All new residential development and uses located in Major and Peripheral Big Game or Columbian White-tailed Deer Habitat shall be subject to following siting standards:
- A. Dwellings and structures shall be located as near each other and existing developed areas as possible considering topography, water features, required setbacks, and firebreaks.
 - B. Dwellings and structures shall be located to avoid habitat conflicts

and utilize least valuable habitat areas.

- C. Road development shall be minimized to that which is necessary to support the proposed use and the applicant shall utilize existing roads as much as possible.
 - D. The owner/occupant of the resource parcel shall assume responsibility for protection from damage by wildlife.
 - E. Riparian and Wetland areas shall be protected in accordance with Sections 1170 and 1180.
1194. The County shall notify the Oregon Department of Fish and Wildlife (ODFW) of all proposed uses or development activities which require a permit and are located in Major or Peripheral Big Game Habitat. The County will consider the comments and recommendations of ODFW, if any, before making a decision concerning the requested use or activity. *[Added by Ordinance 2003-06, eff. 7/30/03].*
1195. The County shall notify the Oregon Department of Fish and Wildlife (ODFW) and the U.S. Fish and Wildlife (USFW) of all proposed uses or development activities which require a permit and are located in Columbian White-tailed Deer Habitat. The County will consider the comments and recommendations of ODFW and USFW, if any, before making a decision concerning the requested use or activity. *[Added by Ordinance 2003-06, eff. 7/30/03].*

Finding 30: The BEAK Maps of the Rainier-Fern Hill Area shows that this property is located in an area that is designated as Peripheral Big Game Habitat, but does not contain any threatened, endangered, or sensitive wildlife, plant, or animal species. As discussed previously in this report, the development of the subject forest tract will be concentrated on the southwest portion of the site which is the highest level of the property. The Oregon Department of Fish and Wildlife (ODFW) was notified of this request and as of the date of this report, has not submitted any comments. To satisfy 1193(D), a condition of approval shall require the owner to assume responsibility for protection from damage by wildlife. With this condition, Staff finds that the subject tract's proposed forest dwelling is consistent with the applicable criteria in CCZO 1190.

COMMENTS:

Clatskanie Rural Fire Protection District: The attached comments dated June 30, 2022 have been incorporated into the Discussion related to Finding 10 as well as numerous other Findings throughout this Report.

Clatskanie PUD: Has reviewed the proposal and has no objections to its approval as presented.

County Assessor: No comments have been received.

County Building Official: Obtain all permits necessary for construction including electrical, plumbing, and mechanical for all strictures. Maintain all Fire breaks and setbacks; if setbacks are not met, IR-1 and IR-2 construction standards will be required by the Planning and Building Departments; a sprinkler system may apply. If slopes are steep, additional fire breaks are required and tree limbs may need to be cut. If having a wood stove. Fireplace, pellet stove or outdoor fireplace a spark arrestor is required. Obtain Fire Department driveway access and approval for temporary driveway construction and final driveway access. If access or water flow is an issue, the Fire Marshal may request a sprinkler system, however the Building Official can determine alternate methods. Obtain Public Works Road Access Permit and approval for temporary road access and final access.

County Sanitarian: Site evaluation is approved and it followed the Wetlands Delineation approved by Oregon DSL.

Columbia County Public Works Department: Applicant already has an approved access permit from the Public Works Department.

Don Campbell member of the Rainer-Fernhill CPAC: Mr. Campbell's comments dated 8/12/2021 have been addressed and incorporated into Finding 2 of this Staff Report.

District 18 Watermaster: No comments have been received.

Oregon Department of Forestry: My main concern is that the required fire breaks around any new house is within the landowner's control. If the home site can be adjusted so that the fire breaks are solely on the landowner's property than I have no issues.

OR Department of Fish & Wildlife: No comments have been received.

Soil & Water Conservation District: Building site falls within NWI mapped wetlands area. Lower Columbia Engineering (LCE) has performed an initial evaluation of the site and suggest that it is likely not to affect the wetlands. However, a formal wetlands delineation should be conducted prior to building to ensure that is the case. If wetlands are adjacent to the building site, care should be taken to not impact them during construction and OR Forest Practices Act should be followed with regards to buffer sizes and harvest restrictions. No fill or removal should take place in a wetland without a permit from the Oregon Department of State Lands.

CONCLUSION, RECOMMENDATION, & CONDITIONS:

Based upon research about the property and findings of the Staff Report for **RDF 22-04** Staff recommends the Planning Commission **APPROVE** this request to site a single family dwelling on the subject 17.52-acre PF-80 zoned tract, subject to the following conditions:

CONDITIONS OF APPROVAL:

1. **This Forest Dwelling Permit shall remain valid for four (4) years from the date of the final decision.** This permit shall become void unless the proposal has commenced in conformance with all conditions and restrictions established herein within the four-year validity period. One 2-year extension may be granted by the Planning Director if requested in writing with the appropriate fee before the expiration date, given the applicant is not responsible for failure to develop.
2. This Forest Dwelling Permit allows a non-resource related dwelling on the subject property, which, in turn, enables the applicant(s) to apply for Building Permits (including septic) and other permits necessary for development. This Forest Dwelling Permit addresses and allows this land use only and does not guarantee approval of any other permits necessary for the future development of the subject property.
3. Primary and secondary fuel-free fire breaks shall be established and maintained for the dwelling allowed by this Forest Dwelling Permit and all accessory structures pursuant to OAR 660-006-0035 and the March 1991 Recommended Fire Siting Standards for Dwellings & Structures & Fire Safety Design Standards for Roads, published by the Oregon Department of Forestry (or) Equivalent Fire Buffers approved by Columbia County Board Order No. 239-97. If at the time of development, the property owner cannot establish and maintain a full 100' secondary firebreak on the subject property, there is the option of reducing it per Equivalent Fire Buffers adopted through Board Order No. 239-97 which requires forest dwellings to be constructed to Class I or Class II Ignition Resistant Standards.
4. The dwelling allowed by this Forest Dwelling Permit and all accessory structures shall: 1) have a fire-retardant roof, 2) not be sited on a slope greater than 40 percent, and 3) have a spark arrester for any and all chimney, wood stove, fireplace, pellet stove or outdoor fireplace.
5. The responsibility for protection from wildlife damage on the property shall be assumed by the dwelling's owner and/or occupant.
6. If the subject tract's access to Price Road meets the County Road Standards Ordinance's definition of a Private Road, the applicant and all affected property owners shall be required to submit a New Private Road Naming application with fees to Land Development Services for the Board of Commissioners.
7. The following shall be completed prior to issuance of any Building Permits:
 - a. All future site development shall comply with the Wetlands Delineation (WD 2022-0400) approved by the Oregon Department of State Lands on May 3, 2022 and may include approved mitigation measures to reduce or eliminate detrimental impacts to the site's delineated wetlands.

- b. The applicant shall submit a Septic Construction Permit to Land Development Services (LDS) concurrent with the building plans for the forest dwelling.
 - c. The private access to Price Road shall comply with the applicable provisions of Sections II, III, and IV of the County Road Standards Ordinance related to Fire Service Requirements, Access Approach, and Private Roads and shall be approved by the Clatskanie Fire District and the County Public Works Department.
 - d. The applicant shall file and record a well log with the State of Oregon Water Resources Department documenting the proposed forest dwelling is utilizing an approved domestic water supply per the provisions in OAR 660-006-0029(3). A copy of this recorded well log shall be submitted to LDS
 - e. The applicant shall provide documentation to LDS from the Clatskanie Fire District confirming that the proposed private access to Price Road is adequate for temporary access by Fire Service equipment.
 - f. The property owner shall sign and record in the deed records of Columbia County a *Waiver of Remonstrance* regarding past, current or future accepted farm or forest operations of adjacent and nearby lands. A copy of this recorded document shall be submitted to LDS.
 - g. The applicant shall provide a Timber Stocking Survey & Assessment with Land Development Services (LDS) pursuant to the provisions in Section 507.4 of the Columbia County Zoning Ordinance.
8. All future site development on the 17.52-acre tract shall be clustered together with the home site and shall be reviewed for consistency with the applicable provisions in Section 500 and 1190 of the Zoning Ordinance related to development of PF-80 zoned properties containing identified as Peripheral Big Game Habitat areas.
9. Prior to Final Occupancy: Documentation shall be submitted to LDS confirming that the proposed access road/driveways has final Clatskanie Fire District approval and are suitable for fire service equipment.

Attachments:

- Attachment 1 - RDF 22-04 submitted application & Revised May 10, 2022 Site Plan including Address, Zoning and Vicinity Maps
- Attachment 2 – Wetlands Delineation # 2022-0400 approved by Oregon DSL on May 3, 2022
- Attachment 3 – Tina Louise King's Referral of RDF 22-04 to Planning Commission
- Attachment 4 – Signed Waiver of 150 Day Rule requirement in ORS 215.427(1)
- Attachment 5 – Original Subject Tract and 20' Easement Conveyance recorded in Deed Book 138 Page 795 and the Applicant's Proof of Ownership recorded in Instrument No 2006-011602.
- Attachment 6 – Comments from: Don Campbell Rainier-Fernhill CPAC
Columbia County Public Works
Clatskanie Fire District

Columbia County Sanitarian
Columbia County Building Official
Columbia County Soil & Water Conservation District
Oregon Department of Forestry

cc: Don Campbell, P.O. Box 1375 Rainier, OR 97048
Tina Louise King, 75702 Price Road, Rainier, OR 97048
Steve Sharek, Clatskanie Fire Department

FOREST DWELLING PERMIT APPLICATION

TYPE: Lot of Record Template Large/Multi Tract Other

APPLICANT

NAME: Tim + Tami Carleton

Mailing address: 74340 Elk creek rd
Rainier Oregon 97048
City State Zip Code

Phone No.: Office 503 410 1564 Home: 503 556 2001

Email: carletonkids@gmail.com

Are you the property owner? owner's agent?

PROPERTY OWNER: same as above, OR:

Name:

Mailing Address:

City State Zip Code

Phone No.: Office Home

PROPERTY ADDRESS (if assigned):

TAX MAP NO.: 7315-80-02500 Acres: 17.5 Zoning: PF-40

Acct. # 20776 Acres: Zoning:

Acres: Zoning:

PRESENT USES: (farm pasture, forest, residential, etc.)

Use: Forest Approx. Acres 17.5

Total acres (must agree with above):

WATER SUPPLY: Private well. Is the well installed? Yes No
 Community system. Name _____

METHOD OF SEWAGE DISPOSAL: Community Sewer. Name _____
 Not applicable.
 Septic System.
If Septic, does the subject property already have a system? Yes No
If no, is the property approved for a Septic System? Yes No

ELECTRICITY SUPPLIER: Clatskanie PUD

CONTIGUOUS PROPERTY: List all other properties you own which have boundary lines touching this property:

<u>Tax Map No.</u>	<u>Acres</u>	<u>Co-owners (if any)</u>
<u>NA</u>		

ACCESS CONSULTATION: The applicant has consulted with the local Rural Fire Protection District regarding emergency apparatus access. Must follow driveway standards 12' drive 20' R/W
Must have future consultation w/ Co & FD.

Fire Official's Signature: Steven E. Shantz Date: 7-6-21

CERTIFICATION:

I hereby certify that all of the above statements, and all other documents submitted, are accurate and true to the best of my belief and knowledge.

Date: 6-20-21 Property Owner(s) Signature: [Signature]

Planning Department Use Only

Date Rec'd: 07/14/2021 Hearing Date: _____
Or: Administrative _____

Receipt No: _____

Zoning: PF-40 Staff Member: [Signature]

Previous Land Use Actions: TT 21-06

Siting of Dwellings & Structures in Forest Zones

All new dwellings and structures in the forest zones are subject to siting criteria designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks, and to conserve values found on forest lands. Addressing relevant physical and locational factors, including, but not limited to, topography, prevailing winds, proximity to existing roads, access, surrounding land uses and source of domestic water, explain how the proposal is consistent with the following criteria:

*Please attach extra pages if necessary.

1. Explain how this proposal has the least impact on nearby or adjacent lands zoned for forest or agricultural use, and how the proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

This proposed site is in south west corner of property. It only borders forest property to the south. The north, east & west borders are all residential properties. This site will not force a significant change in the forest.

2. Explain how this proposal ensures that forest operations and accepted farming practices on the tract will not be curtailed or impeded by locating dwellings and structures as near to each other and to existing developed areas as possible considering topography, water features, required setbacks and firebreaks;

Proposed site in SW corner of property will ensure that rest of forest is growing and thriving. SW corner is the highest elevation on property and will be the farthest away from wet areas.

3. Explain how this proposal minimizes the amount of forest lands used for building sites, road access and service corridors;

Proposed building site is serviced by existing driveway and is highest elevation on property. It borders to the west another 2 1/2 ac Property that is residential.

4. Explain how this proposal is consistent with the provisions of Section 510 of the Columbia County Zoning Ordinance related to Fire Siting Standards and how the proposed use will not significantly increase fire hazard, significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel;

Proposal has 130'+80' Fire breaks from adjacent Properties. Proposal will increase access to property and adjacent forest property on south border

5. Explain how this proposal is consistent with other requirements contained in the Comprehensive Plan or implementing ordinances, including, but not limited to, regulations which apply to flood hazard areas, development within the Willamette River Greenway, big game habitat areas, development in forested areas or development in significant resource areas, such as protected riparian corridors, wetlands, steeply sloped, or slide prone areas.

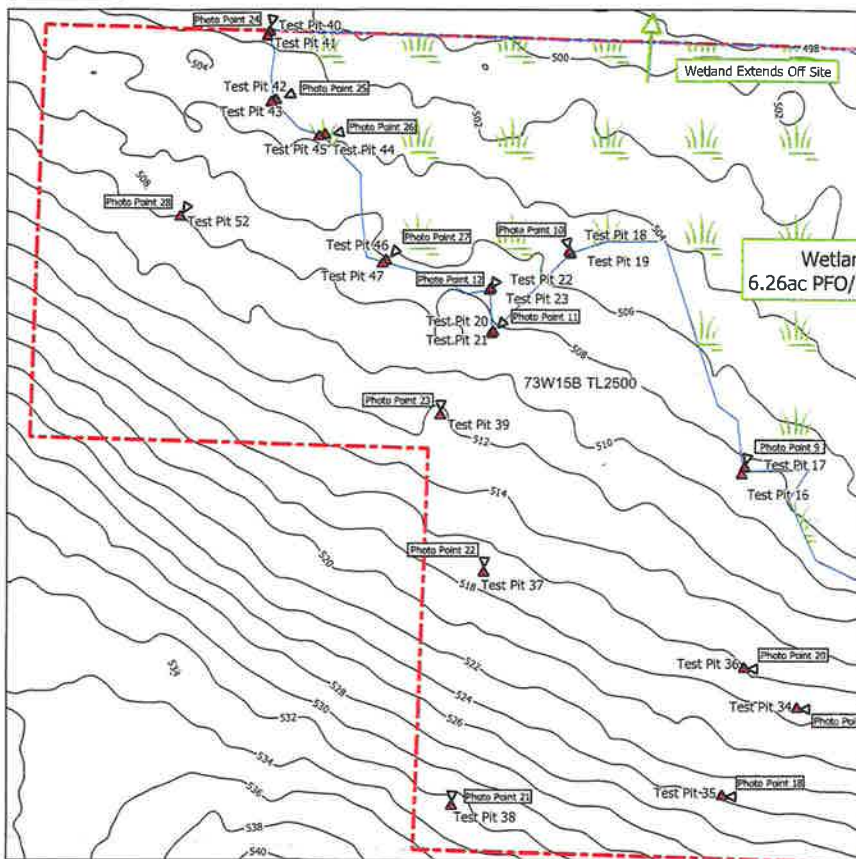
Proposal is highest point on property and has been checked with state Forester in relation to any wetlands on property. Proposal has no infringements on any forested wetlands.



Figure 6A

Wetland Delineation Map - Topo A

Prepared by:
Jackson Johnson



- Legend**
- ▲ Wetland Test Pits
 - Taxlot 1505 Wetland
 - - - Study Area Extent
 - - - Columbia Co Taxlots
 - ▷ Photo Points & Direction

DSL WD # 2022-0040
Approval Issued 5/3/2022
Approval Expires 5/3/2027



- Legend**
- ▲ Wetland Test Pits
 - Taxlot 1505 Wetland
 - - - Study Area Extent
 - - - Columbia Co Taxlots
 - ▷ Photo Points & Direction

All test pit locations and boundary features are a combination of a Topcon Hyper V GPS Total Station and have an accuracy of 0.1 feet or less.

Tax Lot Data Source: Columbia County GIS (2020)
OR Routes Data Source: ODOT, Oregon Transportation Network (2014)
LiDAR Data Source DOGAMI (2009)

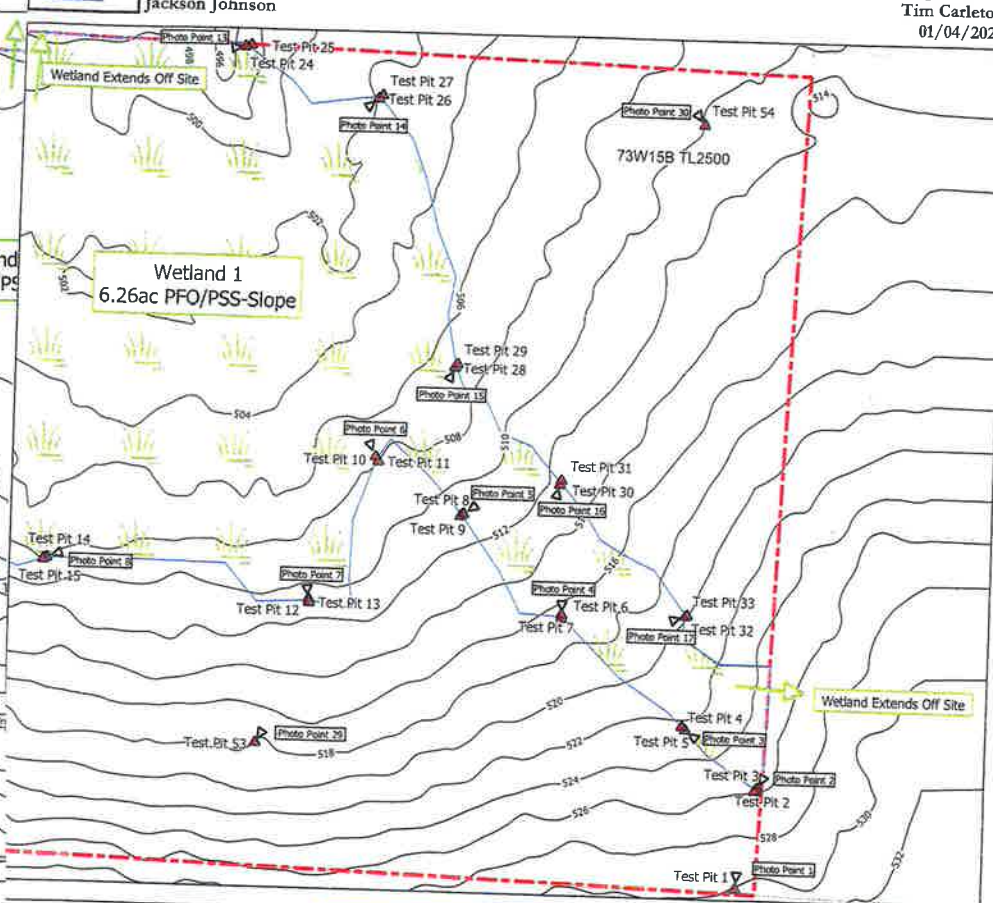


Figure 6B

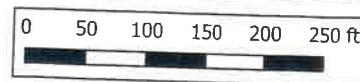
Wetland Delineation Map - Topo B

Prepared by:
Jackson Johnson

Prepared For:
Tim Carleton
01/04/2022



DSL WD # 2022-0040
Approval Issued 5/3/2022
Approval Expires 5/3/2027



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MAY 10 2022
Land Development Services

Map Scale (8.5x11) 1"=100'

Columbia County GIS data accuracy is presumed to be +/-1m.

All test pit locations and boundary features were collected using a combination of a Topcon Hyper V GPS and Topcon ES55 Total Station and have an accuracy of 0.1 feet or less.



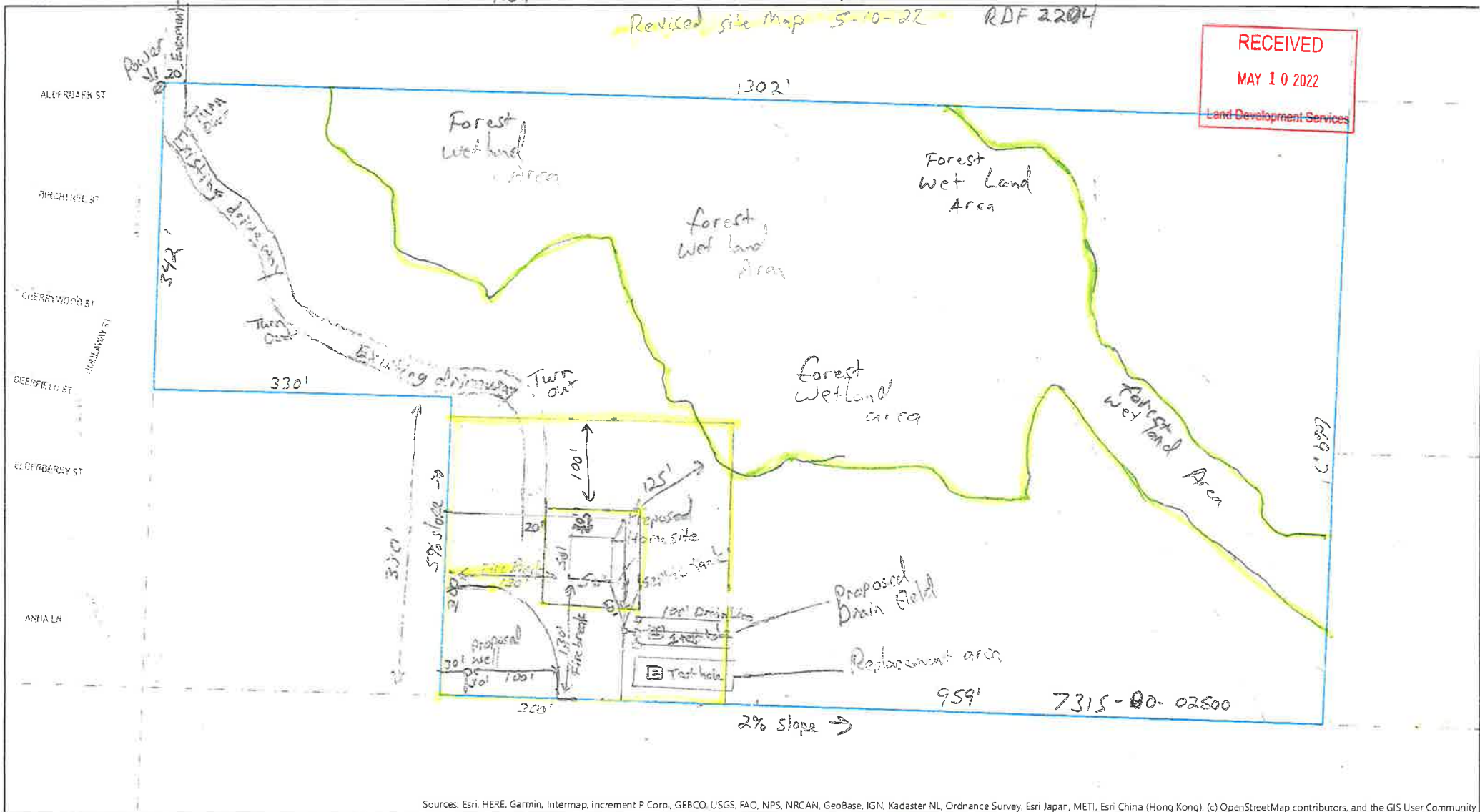
1" = 100 FT

RDF Site Plan

1100' x 1100' approx
7430' Elk creek Rd.
Center of 970'±

Revised site map 5-10-22 RDF 2204

RECEIVED
MAY 10 2022
Land Development Services



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

6/14/2021 10:06 AM

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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.

1" = 100 FT

2018 Air Photo



Columbia County



Columbia County Web Maps

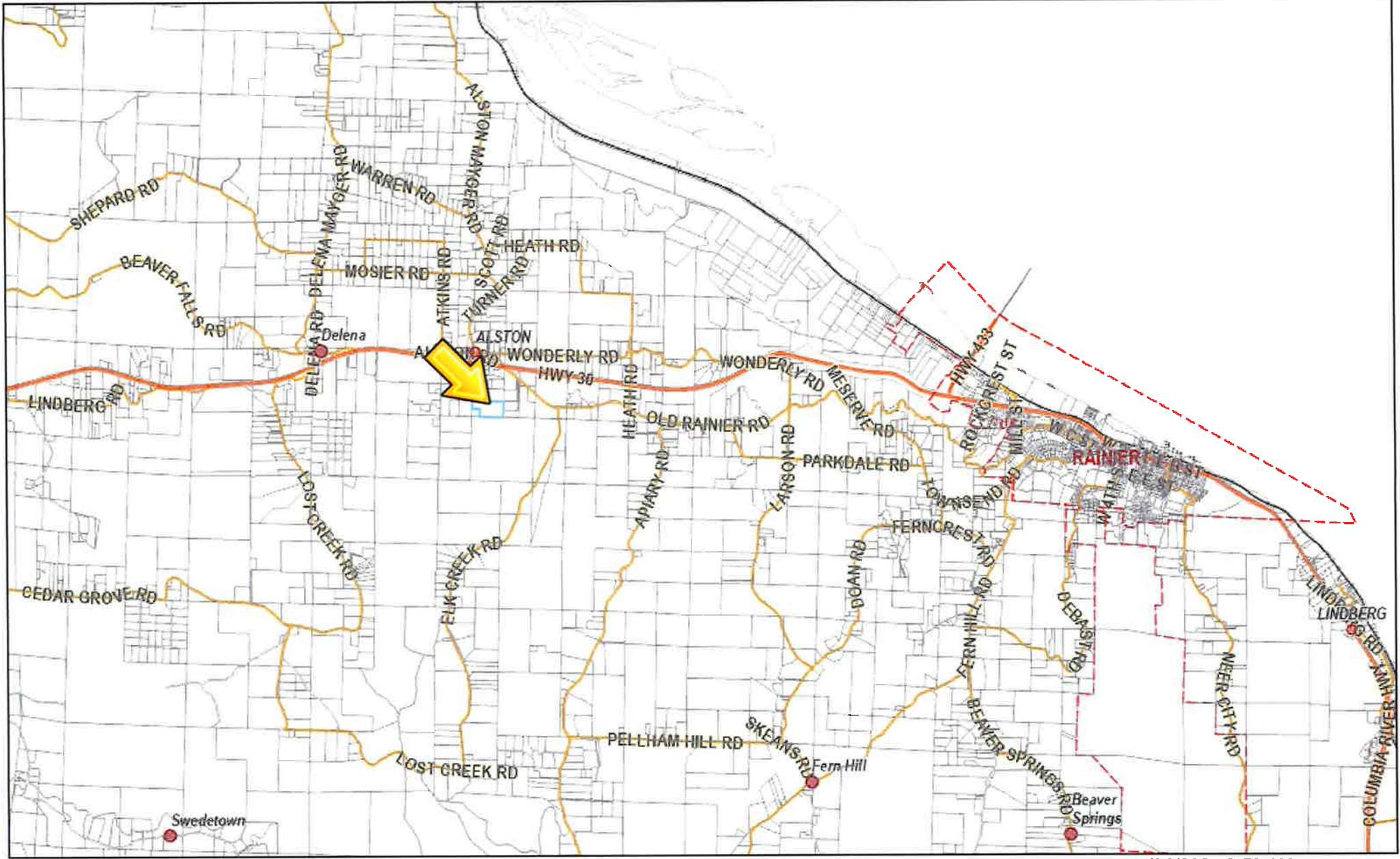
Disclaimer: This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard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

GeoMoore

Printed 07/14/2021



Vicinity Map



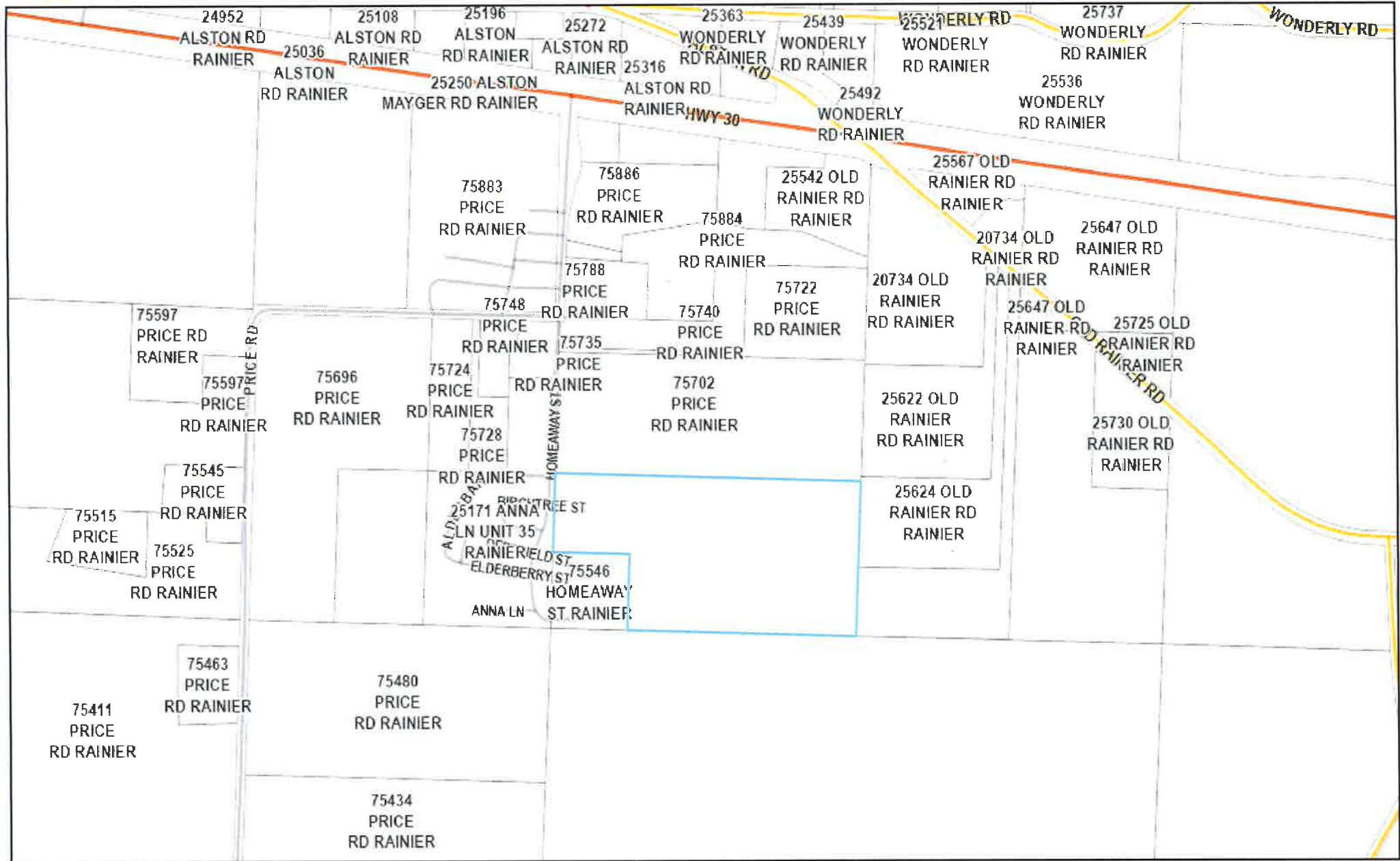
100 ft

7/26/2021 8:59 AM

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



Address Map



7/26/2021 9:01 AM

ft

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



Zoning Map



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

0 100 200 ft

7/26/2021 8:55 AM

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

Columbia County



**DEPARTMENT OF LAND DEVELOPMENT
SERVICES PLANNING DIVISION**

Columbia County Courthouse, St. Helens, OR 97051
Phone: (503)397-1501 www.co.columbia.or.us

August 28, 2020

Tim Carleton
74340 Elkcreek Road
Rainier, OR 97058
carletonkids@q.com

RE: Template Test (TT 21-06) for an approximate 17.52-acre property owned by Timothy and Tamara Carleton and currently associated with Tax Map ID Number 7315-B0-02500.

The template test you requested for the referenced Primary Forest (PF-80) zoned property identified as Tax Id map Number 7315-B0-02500 has been completed. According to the attached Template Test map, this property meets the minimum requirements of Oregon Administrative Rule 660-006-0027(1) (f) and Section 506.4(A) of the Columbia County Zoning Ordinance (CCZO).

According to the Soil Survey of Columbia County, Oregon, the soil on the approximate 17.52-acre tract consists of Goble silt loam (Type 23C). The growth at the culmination of the mean annual increment (CMAI) for this soil type is greater than 85 cubic feet per acre. A forest dwelling on these soil types requires all or part of at least eleven (11) other lots of parcels and three (3) dwellings that existed on January 1, 1993 to be within a 160 acre template centered on the subject tract.

The attached Template Test dated 10/21/20 revealed the following:

<u>Tax Lot</u>	<u>Parcels prior to Jan. 1, 1993</u>	<u>Dwellings prior to 1/1/93</u>
7315-B0-02500	30	12

This Template Test Approval does not constitute an approval for a forest dwelling. A Columbia County Forest Dwelling Permit is required to be submitted to Land Development Services in order to site a forest dwelling (RDF) on the subject property. This Template Test map must be submitted with the future Forest Dwelling Permit application. This approval is specific to the facts presented as part of this Template Test application. Staff will reexamine the template area at the time of an application for a Forest Dwelling Permit, and will review the application with criteria B, C & D of 506.4.

If you have further questions, contact me at 503-397-7221.

Sincerely,

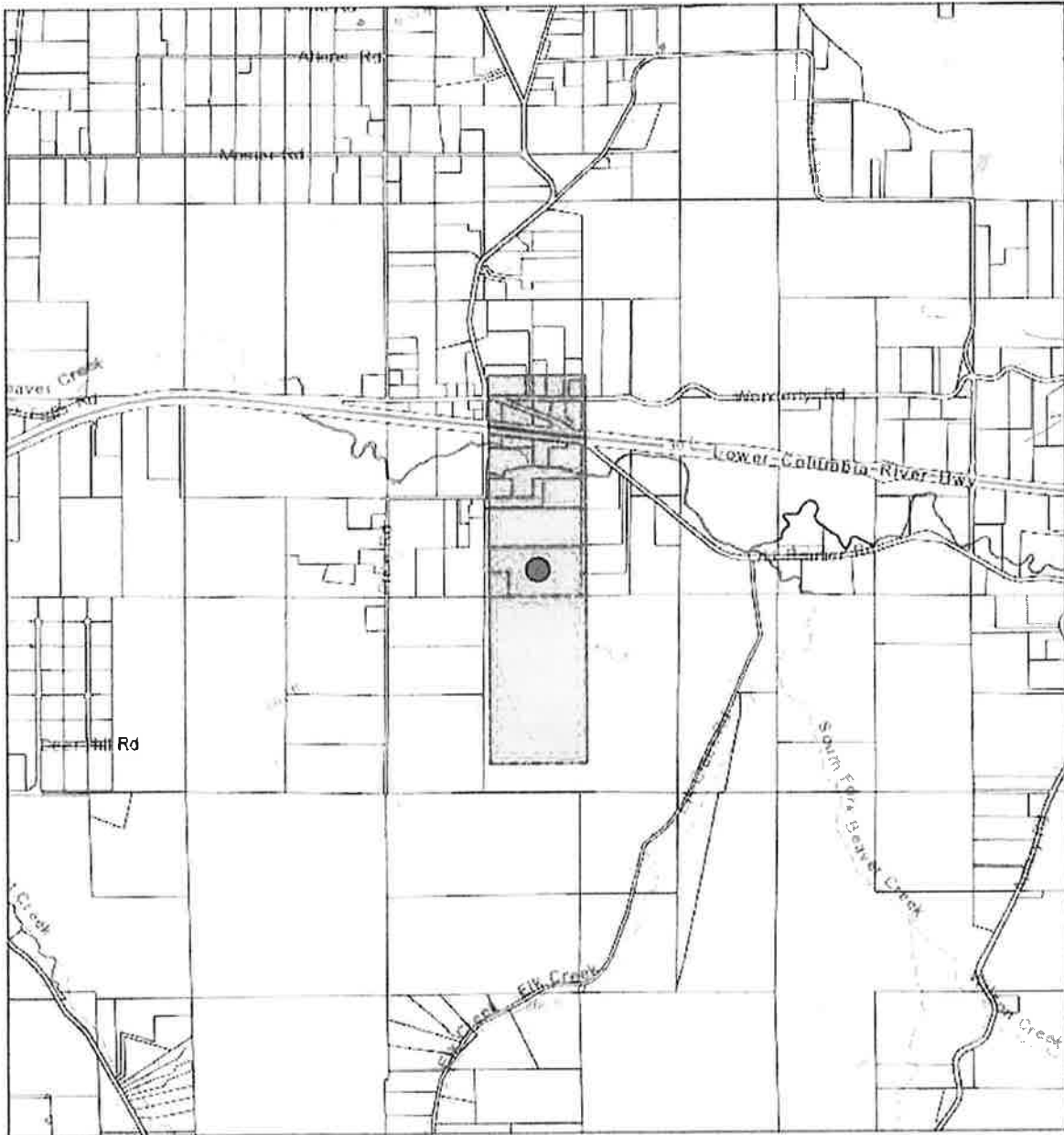
Ginger Davidson
Planner II

Attachment: Template Test 21-06



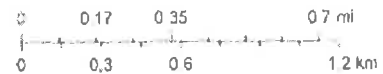
Template Test Report

TT 21-06



October 21 2020

1:33,002



Sources Esri, HERE, Garmin, Intermap, increment P Corp, GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, the GIS User Community

COLUMBIA County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

June 9, 2022 6:55:02 am

Account # 20776
 Map # 7N3W15-B0-02500
 Code - Tax # 0306-20776

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr See Record

Mailing Name CARLETON TIMOTHY SCOTT & TAMARA D

Deed Reference # 2006-11602 (SOURCE ID: F06 11602)

Agent

Sales Date/Price 08-30-2006 / \$110,000.00

In Care Of

Appraiser NANCY SULLIVAN

Mailing Address 74340 ELK CREEK RD
 RAINIER, OR 97048

Prop Class 640 MA SA NH Unit
 RMV Class 400 05 51 000 34371-1

Situs Address(s) Situs City

Code Area		RMV	MAV	Value Summary AV	RMV Exception	CPR %
0306	Land	128,690	0	10,646	Land	0
	Impr.	0	0	0	Impr.	0
Code Area Total		128,690	0	10,646		0
Grand Total		128,690	0	10,646		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
0306	1		<input type="checkbox"/>	CO:PF-80	Designated Forest Land	106	A	17.52	FB	006*	128,690
Grand Total								17.52			128,690

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
Grand Total									0

Exemptions / Special Assessments / Potential Liability

NOTATIONS:

- FIRE PATROL ADDED 2006
- FOREST POT'L ADD'L TAX LIABILITY ADDED 2007

Code Area 0306

FIRE PATROL:

- FIRE PATROL

Amount	20.91	Acres	17.52	Year	2021
--------	-------	-------	-------	------	------



NOTICE OF PUBLIC HEARING (Remote Access Available)

Date: June 9, 2022
File # RDF 22-04
Owner/Applicant: Tim & Tami Carleton
Map/Taxlot: 7315-B0-02500
Site Address: TBD
Zone: Primary Forest (PF-80)
Size: 17.5

NOTICE IS HEREBY GIVEN that Tim & Tami Carleton have submitted an application for a dwelling in the Primary Forest (PF-80) zone. This property can be identified by map number 7315-B0-02500, is approximately 17.5 acres and located off of Price Rd.

SAID PUBLIC HEARING will be held before the Columbia County Planning Commission on **Monday, August 1, 2022**, starting at **6:30 p.m.**

During the COVID-19 global pandemic, the Columbia County Planning Commission will be hosting their public hearing via online webinar. Please use the links below if you wish to participate in the public meeting.

Planning Commission August 2022 Meeting
Mon, Aug 1, 2022 6:00 PM - 9:00 PM (PDT)

Please join my meeting from your computer, tablet or smartphone.
<https://meet.goto.com/961812629>

You can also dial in using your phone.
United States (Toll Free): [1 877 309 2073](tel:18773092073)
United States: [+1 \(571\) 317-3129](tel:+15713173129)

Access Code: 961-812-629

Get the app now and be ready when your first meeting starts: <https://meet.goto.com/install>

If you have any questions or concerns regarding access to the meeting or need accommodation, please call the Land Development Services office at (503) 397-1501.

The criteria to be used in deciding the request will be found in the following, but not limited to these documents and laws as revised from time to time: ORS 197.763; Columbia County Zoning Ordinance Sections 1550 and 1603. The specific criteria applicable to this request are listed and evaluated in the staff report.

A copy of the application, all documents and evidence provided by the applicant, and the staff report are available for inspection at no cost and will be provided at reasonable cost at least seven days prior to the Planning Commission hearing from Land Development Services, County Courthouse Annex, St. Helens, OR 97051.

You received this notice because you own property located near the property that is the subject of this notice. Columbia County is required to notify you of the appeal of the above-cited decision so that you have the opportunity to comment and/or participate in the De Novo public hearing for the appeal. Columbia County is required only to notify the applicant, owner, owners of record of property of adjacent properties per the most recent property tax assessment roll, and other persons identified. You may want to share this notice with others in your neighborhood as some may not be aware of the proposal.

Notice to mortgagee, lien holder, vendor or seller: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

Failure to raise an issue in a hearing, in person or by writing, or failure to provide statements or evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

The application, all documents and evidence relied upon by the applicant, and the applicable criteria are available for inspection at no cost at the Land Development Service Department. A copy of the staff report will be available for inspection at no cost at least one week prior to the public hearing. Copies of these materials will be provided at a reasonable cost upon request.

The representative of the Columbia County Land Development Services Planning Division to contact regarding this application and hearing is **Deborah Jacob**.

Written materials may be submitted prior to, or during the public hearing. Please submit written materials to **Deborah** or by email at Deborah.Jacob@Columbiacountyor.gov

You can also send written materials via US Mail to:

Columbia County
Land Development Services
Attn: **Deborah Jacob**
230 Strand Street
St. Helens, OR 97051



Oregon

Kate Brown, Governor

Department of State Lands

775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200
FAX (503) 378-4844
www.oregon.gov/dsl

State Land Board

Kate Brown
Governor

Shemia Fagan
Secretary of State

Tobias Read
State Treasurer

May 3, 2022

Tim Carleton
74340 Elk Creek Rd.
Rainier, OR 97048

RECEIVED

MAY - 9 2022

Land Development Services

Re: **WD # 2022-0400 Approved**
Wetland Delineation Report for 3241 Delineation
Columbia County; T7N R3W S15B TL2500

Dear Tim Carleton:

The Department of State Lands has reviewed the wetland delineation report prepared by LC Eco for the site referenced above. Based upon the information presented in the report, and additional information submitted upon request, we concur with the wetland boundaries as mapped in Figure 6, 6A and 6B of the report. Please replace all copies of the preliminary wetland map with these final Department-approved maps.

Within the study area, one wetland (Wetland 1, totaling approximately 6.26 acres) was identified. It is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Jurisdiction Coordinator for Columbia County, Daniel Evans, PWS at (503) 986-5271.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Ryan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: Geoff McMullen, LC Eco
Columbia County Planning Department
Caila Heintz, Corps of Engineers
Dan Cary, SPWS, DSL

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

A complete report and signed report cover form, along with applicable review fee, are required before a report review timeline can be initiated by the Department of State Lands. All applicants will receive an emailed confirmation that includes the report's unique file number and other information.

Ways to submit report:

- ❖ **Under 50MB** - A single unlocked PDF can be emailed to: wetland_delineation@dsl.oregon.gov.
- ❖ **50MB or larger** - A single unlocked PDF can be uploaded to DSL's Box.com website. After upload notify DSL by email at: wetland_delineation@dsl.oregon.gov.
- ❖ **OR** a hard copy of the unbound report and signed cover form can be mailed to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.

Ways to pay review fee:

- ❖ By credit card on DSL's epayment portal after receiving the unique file number from DSL's emailed confirmation.
- ❖ By check payable to the Oregon Department of State Lands attached to the unbound mailed hardcopy **OR** attached to the complete signed cover form if report submitted electronically.

Contact and Authorization Information	
<input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner Name, Firm and Address: Tim Carleton 74340 Elk Creek Rd. Rainier, Or 97048	Business phone # (503) 410-1564 Mobile phone # (optional) E-mail: carletonkids@q.com
<input type="checkbox"/> Authorized Legal Agent, Name and Address (if different):	Business phone # Mobile phone # (optional) E-mail:
I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.	
Typed/Printed Name: <u>Tim Carleton</u> Signature: Date: <u>01/19/2022</u> Special instructions regarding site access: _____	
Project and Site Information	
Project Name: 3241 Delineation	Latitude: 46.093051 Longitude: -123.045575 decimal degree - centroid of site or start & end points of linear project
Proposed Use: Potential Home Site	Tax Map # 7315-B0-02500 Tax Lot(s) 2500 Tax Map # _____ Tax Lot(s) _____
Project Street Address (or other descriptive location): Hwy 30 to Price Rd., Price Rd to Homeaway St. entrance, Driveway is adjacent to Homeaway St. to the east.	Township 7N Range 3W Section 15 QQ SE/NW Use separate sheet for additional tax and location information
City: Rainier County: Columbia	Waterway: _____ River Mile: _____
Wetland Delineation Information	
Wetland Consultant Name, Firm and Address: Geoff McMullen LC Eco A Division of Lower Columbia Engineering 58640 McNulty Way, St. Helens, OR 97051	Phone # (503) 366-0399 Mobile phone # (if applicable) E-mail: geoff@lowercolumbiaenr.com
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.	
Consultant Signature:	Date: <u>01/19/2022</u>
Primary Contact for report review and site access is <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Applicant/Owner <input type="checkbox"/> Authorized Agent	
Wetland/Waters Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Study Area size: 17.52 Total Wetland Acreage: 6.2600	
Check Applicable Boxes Below	
<input type="checkbox"/> R-F permit application submitted <input type="checkbox"/> Mitigation bank site <input type="checkbox"/> EFSC/ODOE Proj. Mgr: _____ <input type="checkbox"/> Wetland restoration/enhancement project (not mitigation) <input type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # _____	<input checked="" type="checkbox"/> Fee payment submitted \$ <u>500.00</u> <input type="checkbox"/> Resubmittal of rejected report (\$100) <input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee) DSL # _____ Expiration date _____ <input type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code _____
For Office Use Only	
DSL Reviewer: <u>DE</u>	Fee Paid Date: <u>1 / 28 / 22</u>
Date Delineation Received: <u>1 / 20 / 22</u>	DSL WD # <u>DE</u> DSL App.# _____

RECEIVED
MAY - 9 2022
Land Development Services

Figure 1 Vicinity Map



Prepared by:
Jackson Johnson

Prepared For:
Tim Carleton
01/04/2022



Legend

- Study Area Extent
- Columbia Co Taxlots
- OR Signed Routes



Map Scale (8.5x11) 1":2000'

Tax Lot Data Source: Columbia County GIS (2020)
OR Routes Data Source: ODOT, Oregon Transportation Network (2014)
Aerial Image Data: Oregon Statewide Imagery Program (2020)

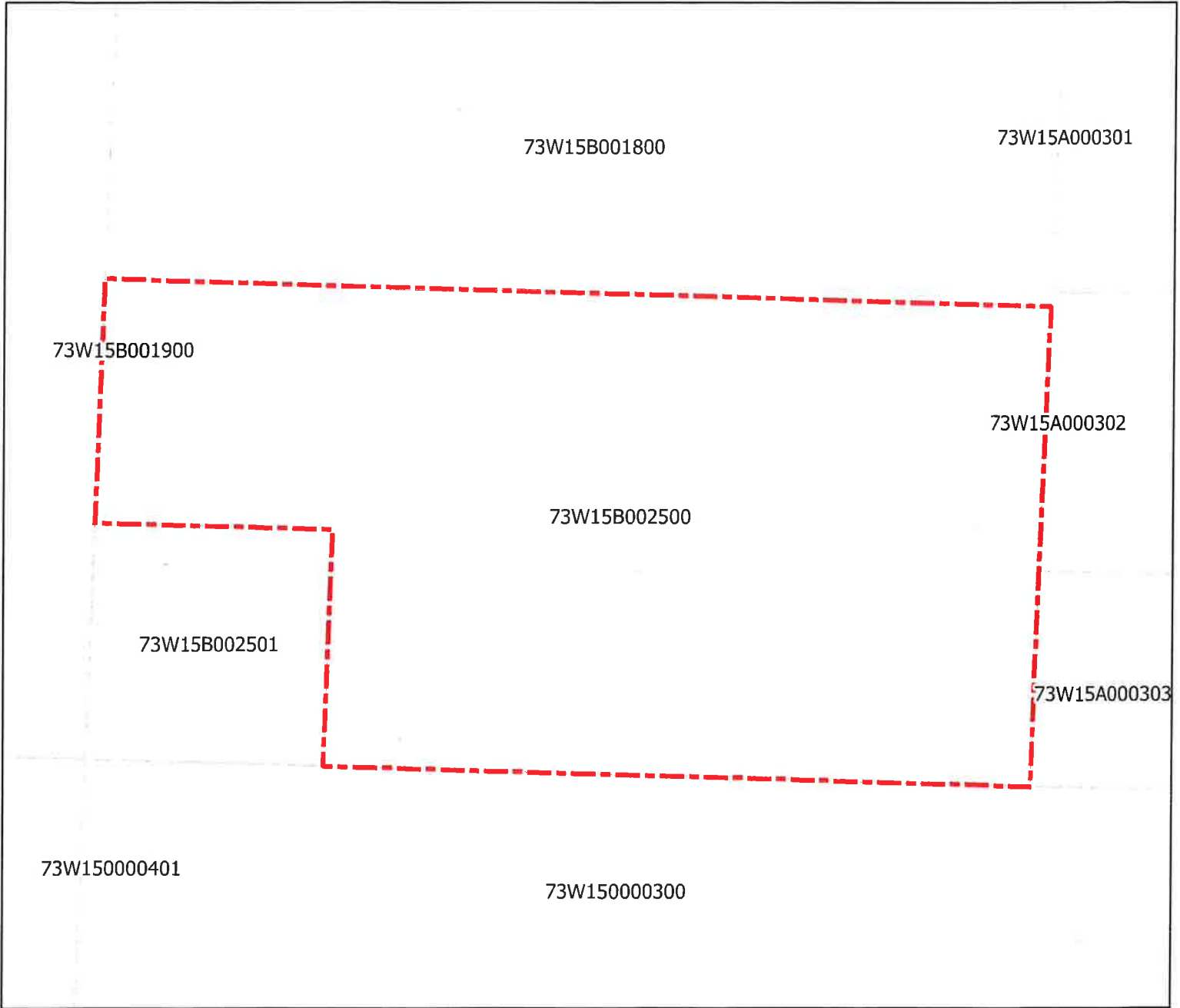
Columbia County GIS data accuracy is presumed to be +/-1m.

Figure 2 Taxlot Map



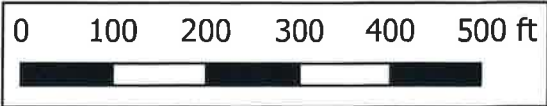
Prepared by:
Jackson Johnson

Prepared For:
Tim Carleton
01/04/2022



Legend

- Study Area Extent
- Columbia Co Taxlots



Map Scale (8.5x11) 1":200'

Tax Lot Data Source: Columbia County GIS (2020)
OR Routes Data Source: ODOT, Oregon Transportation Network (2014)
Aerial Image Data: Oregon Statewide Imagery Program (2020)

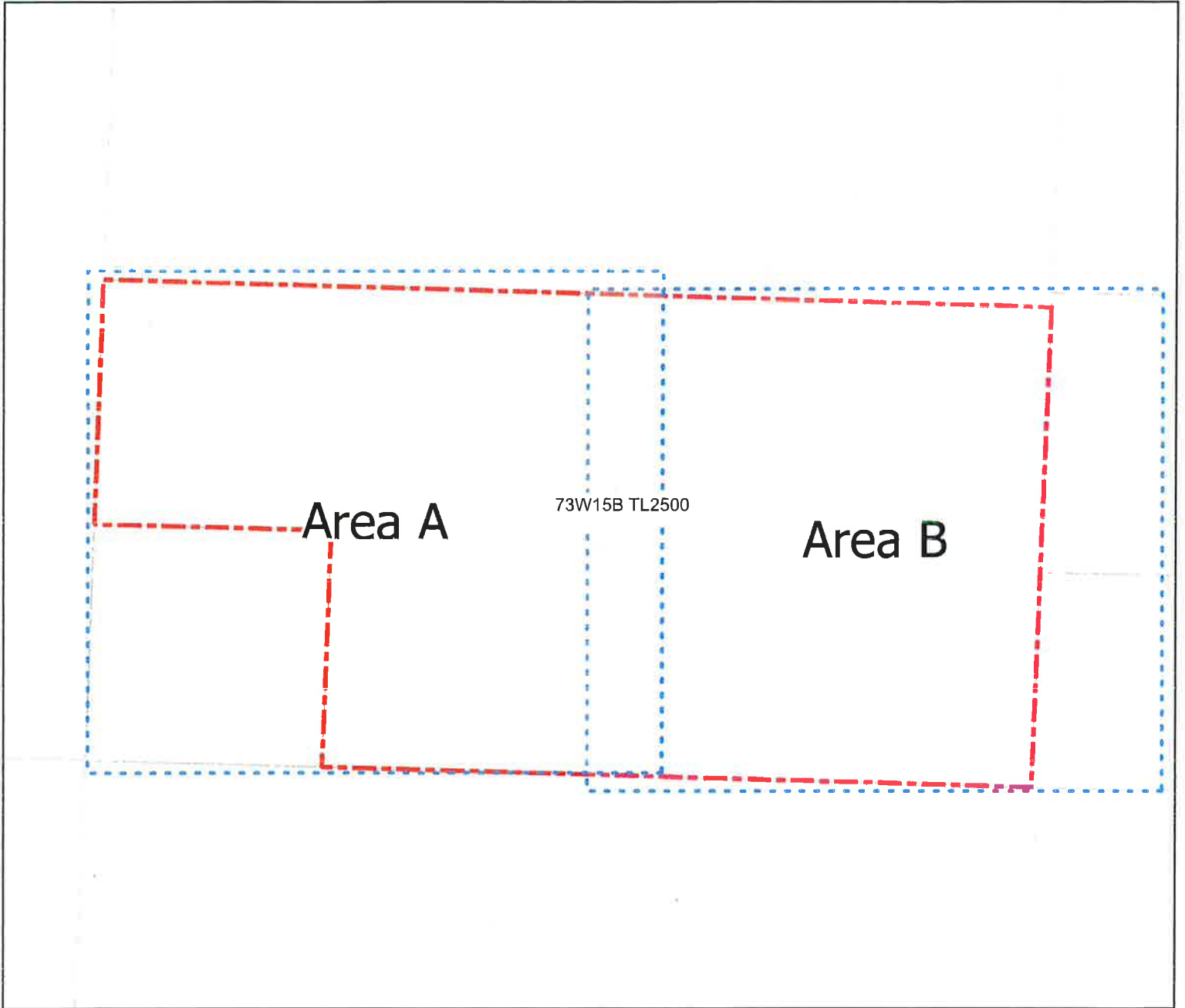
Columbia County GIS data accuracy is presumed to be +/-1m.



Prepared by:
Jackson Johnson

Figure 6 Wetland Sheet Index

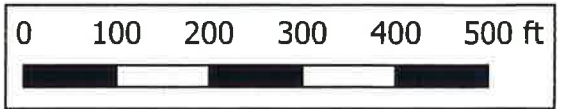
Prepared For:
Tim Carleton
01/04/2022



Legend

- Study Area Extent
- Columbia Co Taxlots
- Area A
- Area B

DSL WD # 2022-0040
Approval Issued 5/3/2022
Approval Expires 5/3/2027



Map Scale (8.5x11) 1":200'

Tax Lot Data Source: Columbia County GIS (2020)
OR Routes Data Source: ODOT, Oregon Transportation Network (2014)
Aerial Image Data: Oregon Statewide Imagery Program (2020)

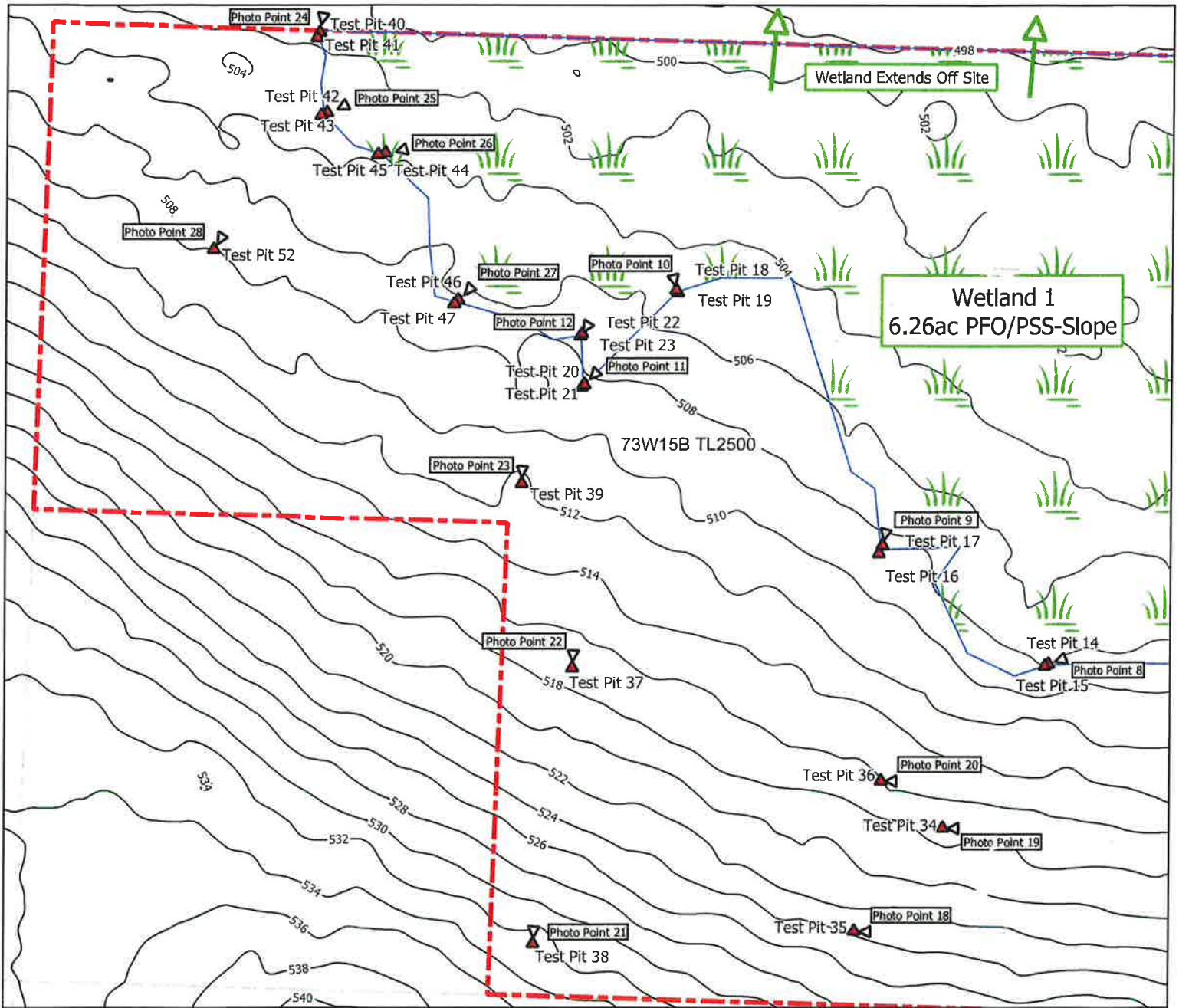
Columbia County GIS data accuracy is presumed to be +/-1m.



Figure 6A Wetland Delineation Map - Topo A

Prepared by:
Jackson Johnson

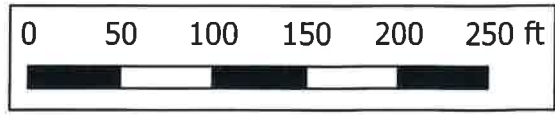
Prepared For:
Tim Carleton
01/04/2022



Legend

- Wetland Test Pits
- Taxlot 1505 Wetland
- Study Area Extent
- Columbia Co Taxlots
- Photo Points & Direction

DSL WD # 2022-0040
Approval Issued 5/3/2022
Approval Expires 5/3/2027



Map Scale (8.5x11) 1":100'

Columbia County GIS data accuracy is presumed to be +/-1m.

Tax Lot Data Source: Columbia County GIS (2020)
OR Routes Data Source: ODOT, Oregon Transportation Network (2014)
LiDAR Data Source DOGAMI (2009)

All test pit locations and boundary features were collected using a combination of a Topcon Hyper V GPS and Topcon ES55 Total Station and have an accuracy of 0.1 feet or less.

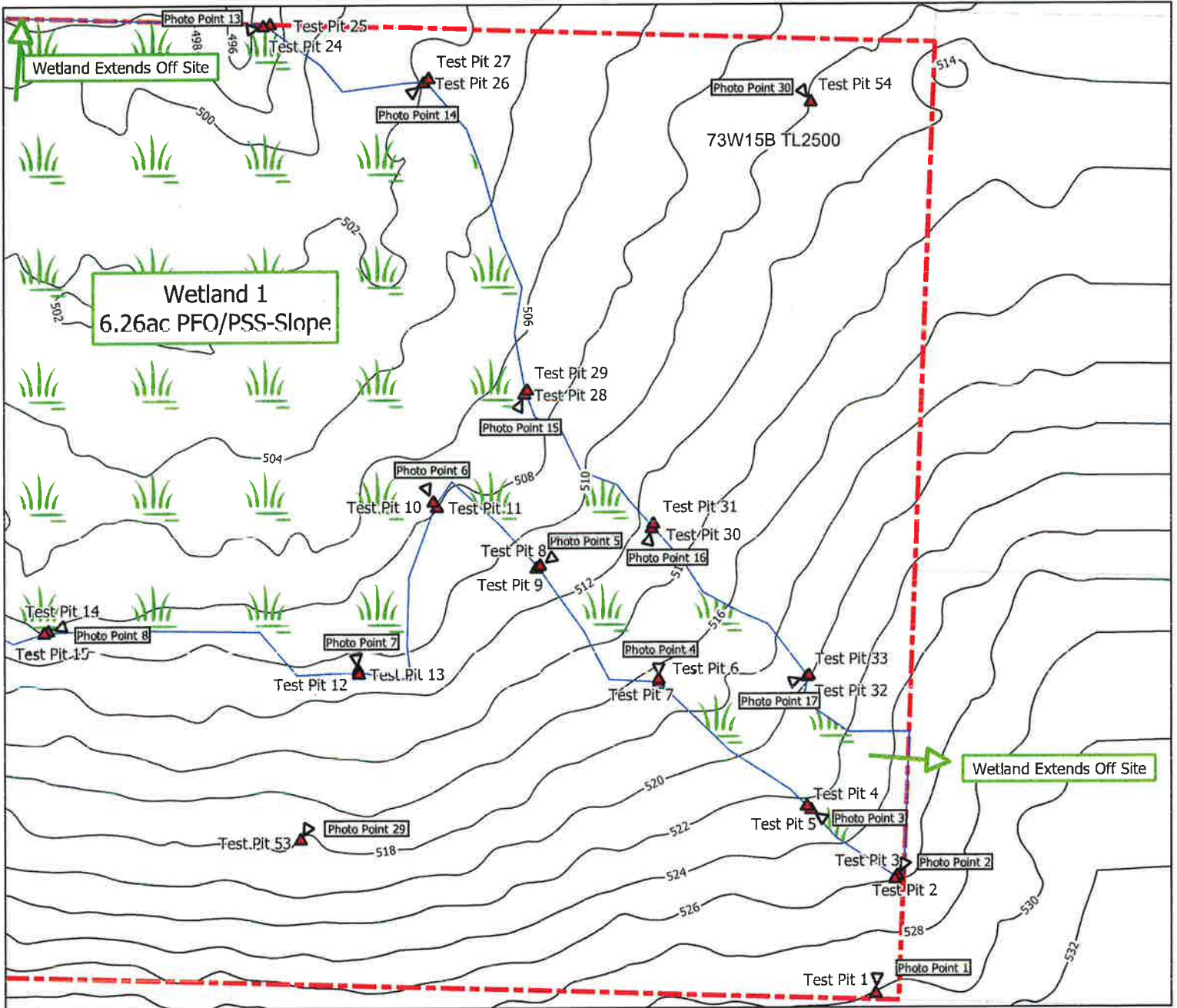


Figure 6B

Wetland Delineation Map - Topo B

Prepared by:
Jackson Johnson

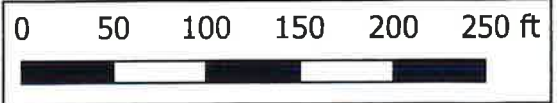
Prepared For:
Tim Carleton
01/04/2022



Legend

- Wetland Test Pits
- Taxlot 1505 Wetland
- Study Area Extent
- Columbia Co Taxlots
- Photo Points & Direction

DSL WD # 2022-0040
Approval Issued 5/3/2022
Approval Expires 5/3/2027



Map Scale (8.5x11) 1":100'

Columbia County GIS data accuracy is presumed to be +/-1m.

Tax Lot Data Source: Columbia County GIS (2020)
OR Routes Data Source: ODOT, Oregon Transportation Network (2014)
LiDAR Data Source DOGAMI (2009)

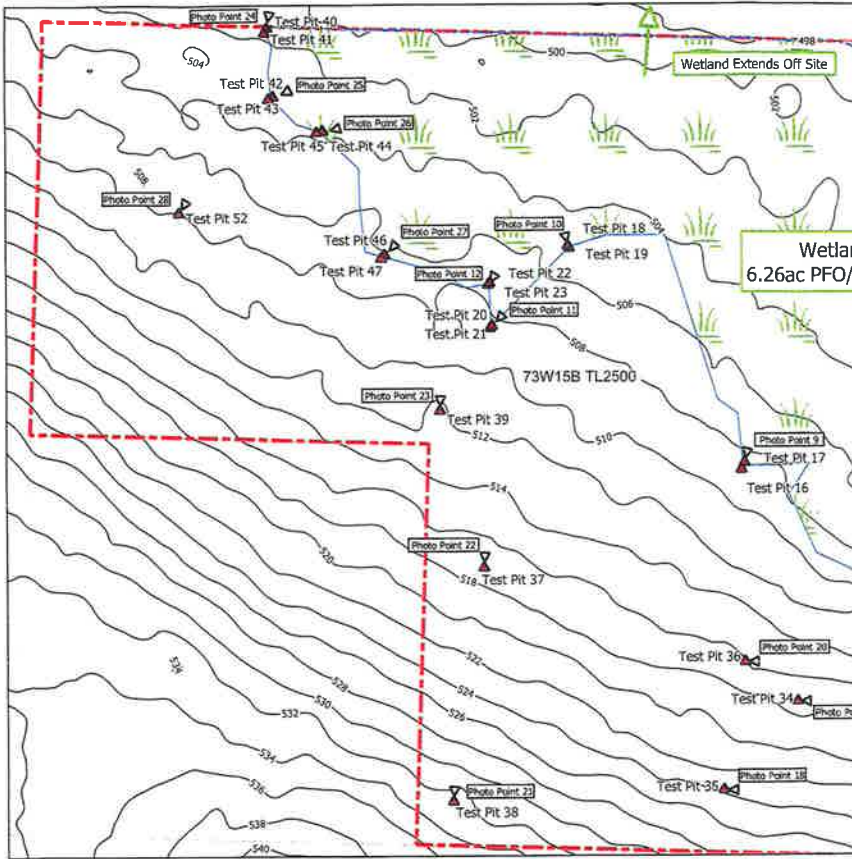
All test pit locations and boundary features were collected using a combination of a Topcon Hyper V GPS and Topcon ES55 Total Station and have an accuracy of 0.1 feet or less.



Figure 6A

Wetland Delineation Map - Topo A

Prepared by:
Jackson Johnson



Legend

- ▲ Wetland Test Pits
- Taxlot 1505 Wetland
- - - Study Area Extent
- Columbia Co Taxlots
- ▷ Photo Points & Direction

Tax Lot Data Source: Columbia County GIS (2020)
 OR Routes Data Source: ODOT, Oregon Transportation Network (2014)
 LiDAR Data Source: DOGAMI (2009)

DSL WD # 2022-0040
 Approval Issued 5/3/2022
 Approval Expires 5/3/2027

0 50 100 150

Map Scale (

Columbia County GIS
 presumed to be +/-1m

All test pit locations and boundary features
 a combination of a Topcon Hyper V GPS
 Total Station and have an accuracy of 0.1

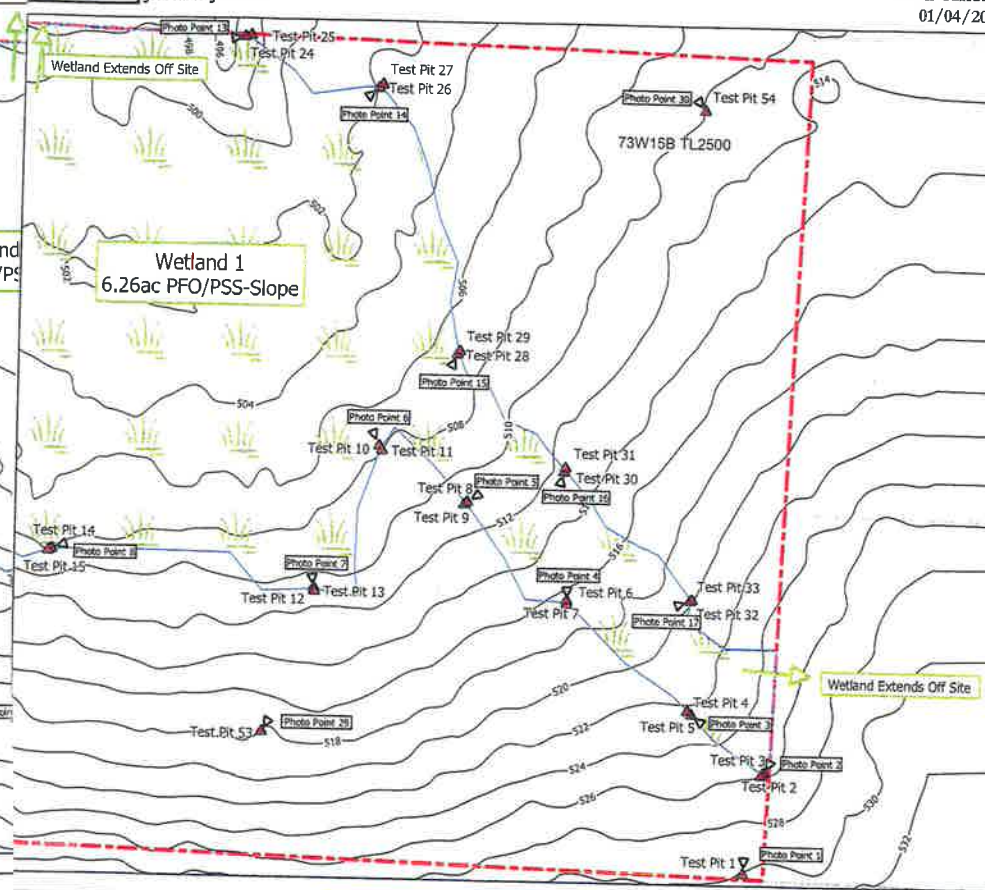


Figure 6B

Wetland Delineation Map - Topo B

Prepared by:
Jackson Johnson

Prepared For:
Tim Carleton
01/04/2022



Legend

- ▲ Wetland Test Pits
- Taxlot 1505 Wetland
- - - Study Area Extent
- Columbia Co Taxlots
- ▷ Photo Points & Direction

Tax Lot Data Source: Columbia County GIS (2020)
 OR Routes Data Source: ODOT, Oregon Transportation Network (2014)
 LiDAR Data Source: DOGAMI (2009)

DSL WD # 2022-0040
 Approval Issued 5/3/2022
 Approval Expires 5/3/2027

RECEIVED
 MAY 10 2022
 Land Development Services

0 50 100 150 200 250 ft

Map Scale (8.5x11) 1":100'

Columbia County GIS data accuracy
 is presumed to be +/-1m.

All test pit locations and boundary features were collected using
 a combination of a Topcon Hyper V GPS and Topcon ES55
 Total Station and have an accuracy of 0.1 feet or less.

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
Planning Division
COURTHOUSE
230 STRAND
ST. HELENS, OREGON 97051
PHONE: (503) 397-1501 FAX: (503) 366-3902

RECEIVED
AUG 13 2021

Attachment 3

APPEAL / REFERRAL

NOTE: If this is an appeal, please read the back of this form to determine if you have "Standing"
CIRCLE ONE OF THE FOLLOWING

APPEAL or REFERRAL

YOUR NAME: Tina Louise King Phone: 503 410 6439
Address: 75702 Price Rd City: Rainier Zip: 97048

ORIGINAL APPLICATION: Name: Tim and Taming Carleton
File #: RDF 22-04 Request: admin notice tax map id^t
7315-BO-02500 - public hearing.

APPEAL Fee: \$250.00

File in the County Clerk's Office

Please check one of the following:

- I wish to appeal the decision made by the Land Development Services Department. This appeal is to the Columbia County Planning Commission. (CCZO Section 1702); or
- I wish to appeal the decision made by the Columbia County Planning Commission. This appeal is to the Columbia County Board of Commissioners. (CCZO Section 1703)

Original request was: Approved or Denied; Decision Date: _____
Appeal Deadline: _____

Reason for appeal (attach additional pages if necessary): _____

REFERRAL Fee: \$250.00

File in the Land Development Services Office

The application is reviewed Administratively without a public hearing, and I wish to refer this application to the Columbia County Planning Commission for a public hearing.
Reason for referral (attach additional pages if necessary): See attached letter and maps.

The foregoing statements are in all respects true and correct to the best of my knowledge and belief:

Date: August 13, 2021 Signed: Tina Louise King

FOR CLERK'S OFFICE USE ONLY

Received: 8 13 21 Received by: KC Receipt # 396020 Check# EASK

Please route copies of this form to: Board of Commissioners (4 copies), Land Development Services (1 copy) and County Counsel (1 copy). Thank you.

RDF 22-04 page 1

El Tur King reside at 75702 Buck Rd
Rainier, Oregon

El live directly adjacent to an administrative
notice we recieved RDF. 22-04.

El object to this decision for this land
it imposes and increases fire risk to all
nearby homes and forest land the
proposed plan does not show nor include
this tax lots sole access by means of
easement. This easement was recently developed
for forest use purpose only. In the plot
plan he does not include overall distance of
the only access (by means of easement) to show
that it is in excess of aprox. 600 plus feet long.
He is trying to manipulate his forest use within
the easement into a private Driveway/Road without
Complying with Columbia County Road Standards,
Uniform fire code, or fire apparatus access Roads.

The access Road permit he obtained does not
Comply to the above laws and codes. His easement
also consists of 3 closed and locked at all times,
agricultural cattle gates, which are required to be locked
and shut at all times. He should be required to obtain
a new access approach permit that complies with
all applicable law and standards and is not
he needs to have another primary access means.

This Parcel development does not comply with
all P.F. 80 Columbia County Zoning Ordinances
his secondary fire break is not on or within
his taxlot and is entirely located on an adjacent

RDF 22-04 Page 2

property land and is absent any type easement.

The template test was performed incorrectly it identifies the nearest road to his property as Homeaway Street/Road. What was historically known as "Homeaway Street/Road" is not and has never been lawfully established nor developed to be considered a road. It is and always has been a PRIVATE DRIVEWAY, thus the closest lawfully established road is Price Rd.

I am requesting a referral for a public hearing in front of the Planning Commission and am attaching survey maps to show his true lot configuration to include access (easement) I am requesting to keep the record open.

Thank You

Tina L. King

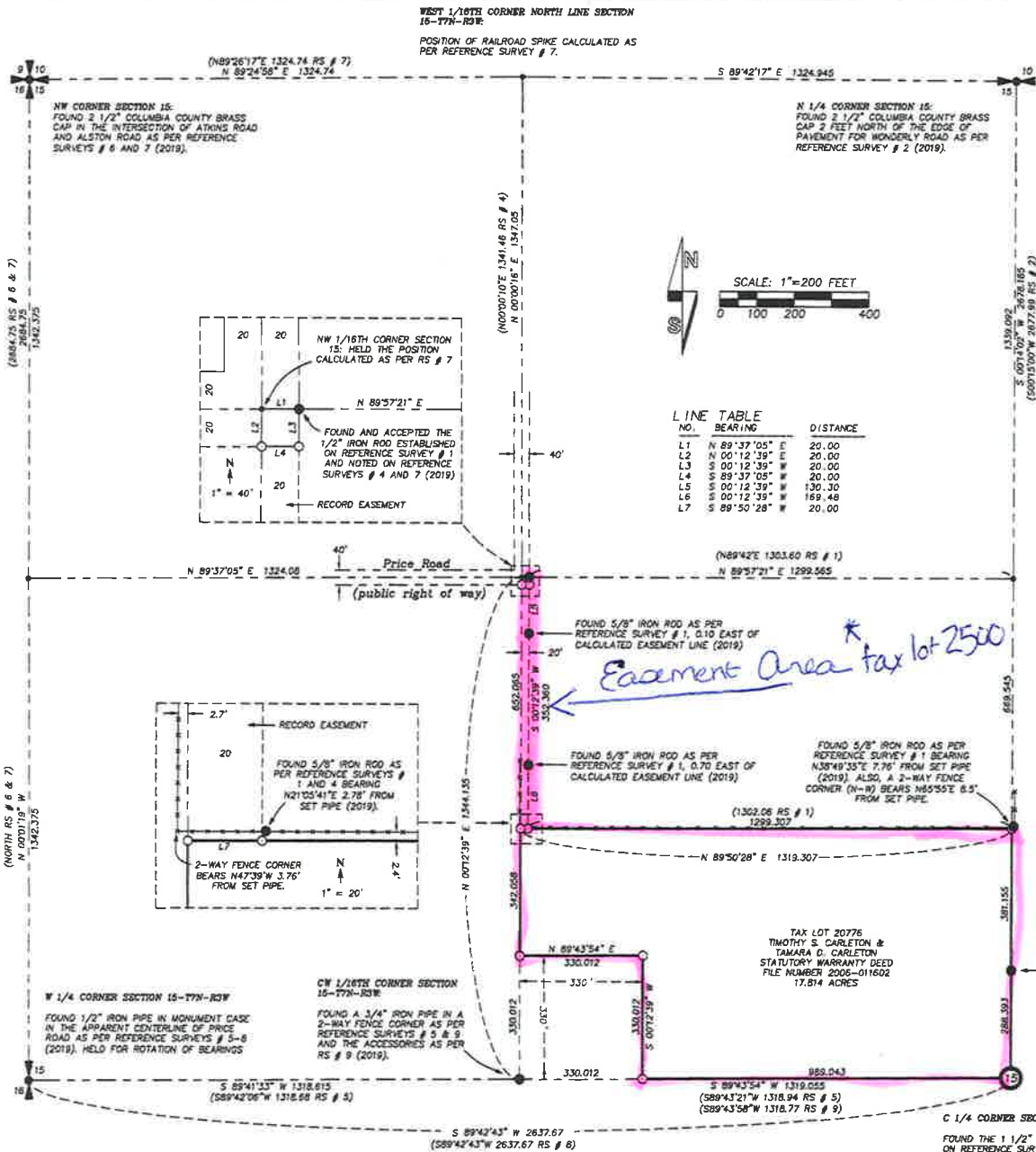
75702 Price Rd.

Rainier, Ore 97048

503-410-6439 cell #

RDF 22-04 page 3

Tina King



Record of Survey for Tim Carleton and Tamara Carleton being a portion of the Southeast Quarter of the Northwest Quarter of Section 15, Township 7 North, Range 3 West, W.M. in Columbia County, Oregon

BASIS OF BEARINGS: S89°42'43"W BETWEEN THE CENTER 1/4 CORNER AND WEST 1/4 CORNER OF SECTION 15, TOWNSHIP 7 NORTH, RANGE 3 WEST, W.M. AS PER COLUMBIA COUNTY SURVEY NUMBER CS-8010.

- REFERENCE SURVEYS**
- 1) P. DEMEY, PLS 847, L-412 (1972)
 - 2) J. CORNWALL-BRADY, PLS 1860, CS-3798 (1992)
 - 3) J. CORNWALL-BRADY, PLS 1860, PARTITION PLAT 1992-31 (1992)
 - 4) J. CORNWALL-BRADY, PLS 1860, B-229 (1993)
 - 5) L.G. KEENON, PLS 1080, CS-4491 (1998)
 - 6) D.D. WALLACE, JR., PLS 2601, CS-5215 (2005)
 - 7) D.D. WALLACE, JR., PLS 2601, PARTITION PLAT 2010-09 (2010)
 - 8) C.M. BUTLER, PLS 8684, CS-6010 (2014)
 - 9) C.J. HAMPTON, PLS 2063, CS-6362 (2018)

METHOD OF SURVEY: GNSS OBSERVATIONS USING A TOPCON HIPER-RTK RECEIVERS AND CLOSED LOOP FIELD TRAVERSES USING A TOPCON GTS-220 (00'00'05") TOTAL STATION.

- FOUND CORNER AS NOTED
- CALCULATED POSITION
- SET 3/4" x 30" GALVANIZED IRON PIPE WITH YELLOW PLASTIC CAP STAMPED "LS36792 - 86894PLS"
- BEARING AND/OR DISTANCE OF RECORD
- PROPERTY LINE MARKED BY THIS SURVEY
- FENCE LINE
- REFERENCE SURVEY

SURVEY NARRATIVE: THE PURPOSE OF THIS WAS TO RECOVER, ESTABLISH OR REESTABLISH THE APPLICABLE PLS CORNERS NEEDED TO SUBDIVIDE THE NORTHWEST QUARTER OF SECTION 15, T7N, R3W, W.M. AND SET THE EXTERIOR CORNERS OF AND MARK THE EXTERIOR LINES OF THAT CERTAIN PROPERTY DESCRIBED IN STATUTORY WARRANTY DEED RECORDED UNDER FILE NUMBER 2006-011602, RECORDS OF COLUMBIA COUNTY, OREGON AS WELL AS THE EAST AND WEST LINES OF THE RECORD 20 FOOT WIDE EASEMENT PROVIDING LEGAL ACCESS TO SAID PROPERTY.

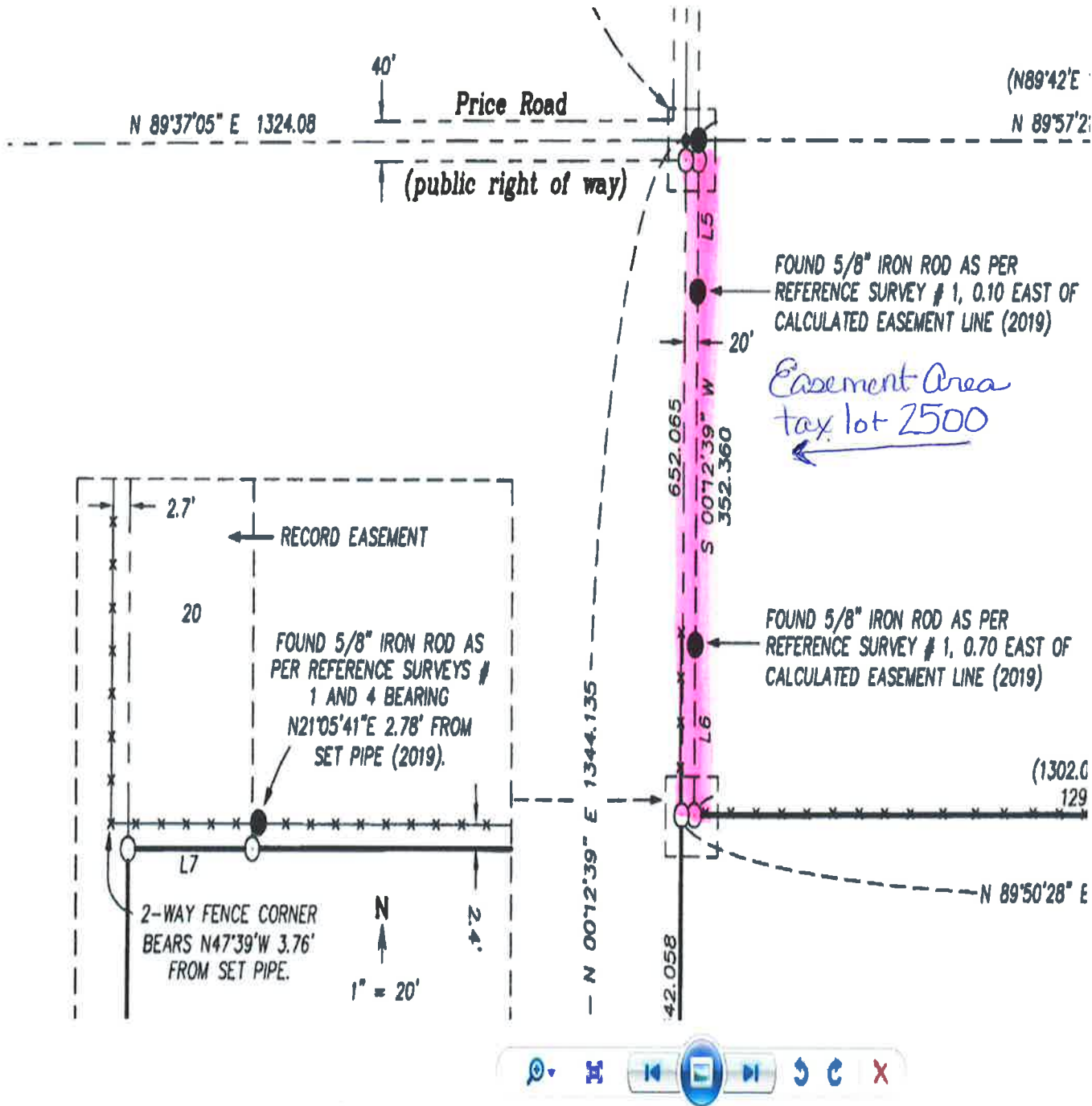
CONTROL FOR THE SURVEY WAS ESTABLISHED USING TOPCON HIPER-RTK GPS RECEIVERS AND A SERIES OF CLOSED LOOP FIELD TRAVERSES USING A TOPCON GTS-220 (00'00'05") STATION. THIS SURVEY RECOVERED, CONFIRMED TO THE APPLICABLE RECORDS AND ACCEPTED EACH OF THE CORNERS DEPICTED AS "FOUND CORNER AS NOTED". CORNERS AS CALCULATED WERE COMPUTED EITHER FROM SURVEYS OF RECORD OR USING THE APPLICABLE PROCEDURES FOR RESTORATION OF LOST CORNERS AND SECTION SUBDIVISION AS DEFINED IN THE SLM MANUAL.

AS DEPICTED HEREON THIS SURVEY NOTES A DISCREPANCY WITH RECORD MONUMENTS ALONG THE NORTH LINE OF THE SUBJECT PROPERTY. REVIEW OF THE PUBLISHED MATHEMATICS ON REFERENCE SURVEY # 1 IMPLIES THAT THE IRON RODS NOTED ON THE SOUTH LINE OF SAID SURVEY WERE ESTABLISHED TO BE PARALLEL WITH AND 668.7 FEET SOUTH ON THE NORTH LINE OF THE SE 1/4 OF THE NW 1/4. THIS SURVEY HELD TO THE ALIQUOT SUBDIVISION OF THE SE 1/4 OF THE NW 1/4 AS PER THE RECORD DEED CREATING THE HAIJUS BETWEEN SURVEYS.

BUTLER SURVEYING INC.
 476 NW CHERIALS AVENUE
 P.O. BOX 144, CHERIALS WA 98832
 360/748-2809

REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 NOVEMBER 13, 2012
 CHRISTOPHER M. BUTLER
 86894PLS
 EXPIRES: 12-31-19

Drawn C. BUTLER Date 4-15-19
 Checked *CB* Job No. 18-275
 Scale 1" = 200' Sheet 1 of 1



622-B

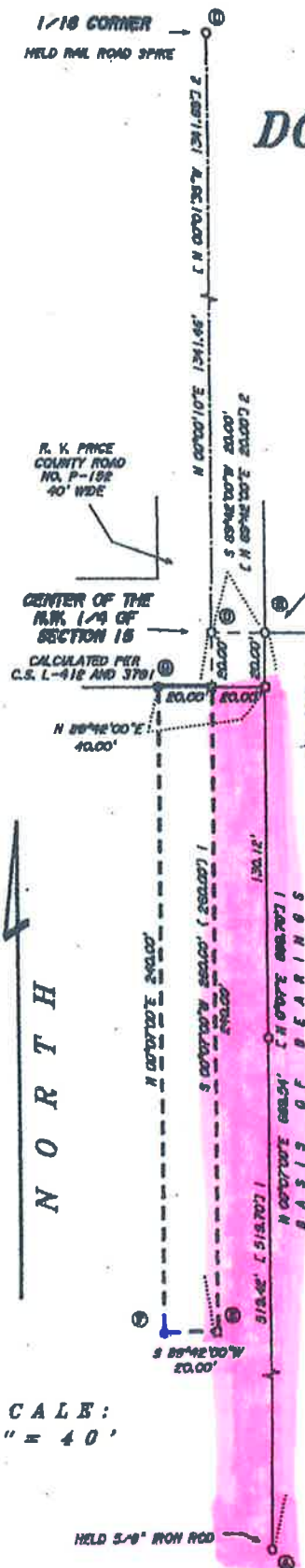
**RECORD OF SURVEY FOR
DON AND JO CAULPETZER
IN THE N.W. 1/4 OF SECTION 15,
T. 7 N., R. 3 W., W. M.
COLUMBIA COUNTY, OREGON
AUGUST 11, 1993**

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jerry Cornwall-Brady

OREGON
DECEMBER 14, 1970
JERRY CORNWALL-BRADY
1980

RENEWAL DATE: 12-31-93



*Easement Area
tax lot 2500*

**JERRY CORNWALL-BRADY
LAND SURVEYING**
287 SOUTH 1ST STREET
ST. HELENS, OREGON 97061
(503) 397-4115

5/8" IRON ROD BEAMS
S 88°43'00" E 0.05'
FROM POSITION AS SHOWN

SURVEY REFERENCES:
1. C.S. L-412
2. C.S. 3791

DEED REFERENCES:
1. DEED BOOK 244,
PAGE 12

LEGEND:

- DENOTES SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "BRADY L.S. 1990"
- DENOTES FOUND MONUMENT AS NOTED
- DENOTES MONUMENT NEITHER SET NOR FOUND
- [] DENOTES RECORD DATA PER SURVEY AS DESIGNATED PER NUMBER
- () DENOTES RECORD DATA PER DEED AS DESIGNATED PER NUMBER

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE WEST LINE OF A 20' WIDE EASEMENT AS DESCRIBED IN COUNTY DEED BOOK 244, AT PAGE 12. MONUMENTS WERE FOUND AND HELD AT POINTS "A" AND "B" PER C.S. L-412 AS SHOWN HEREON. A MONUMENT WAS FOUND AND HELD AT POINT "C" PER C.S. 3791 AS SHOWN HEREON. POINT "D" WAS ESTABLISHED PER SAID C.S. L-412 AND C.S. 3791, BY HOLDING A RECORD BEARING AND DISTANCE PER SAID SURVEYS FROM POINT "B". POINT "E" WAS ESTABLISHED BY HOLDING LINE "D"- "E" PARALLEL TO LINE "B"- "A" AND HOLDING A DEED DISTANCE PER DEED NO. 1 ALONG SAID LINE. POINT "F" WAS ESTABLISHED BY HOLDING LINE "E"- "F" PARALLEL TO LINE "D"- "D'" AND HOLDING A DEED DISTANCE PER DEED NO. 1 ALONG SAID LINE. POINT "G" WAS ESTABLISHED BY HOLDING LINE "F"- "G" PARALLEL TO LINE "A"- "B" AND INTERSECTING SAID LINE WITH THE SOUTH RIGHT OF WAY LINE OF PRICE ROAD, WHICH WAS ESTABLISHED PER SAID C.S. L-412.

SCALE:
1" = 40'

N
O
R
T
H

8-22

COUNTY SURVEYOR
RECEIVED 10-5-93



Transaction Receipt
Record ID: 192-21-000338-PLNG
IVR Number: 192032931412

Receipt Number: 396020

Receipt Date: 8/13/21

www.co.columbia.or.us

Parcel: 7315-B0-02500

Fees Paid

Transaction date	Units	Description	Account code	Fee amount	Paid amount
8/13/21	1.00 Ea	Appeal - Administrative Decision Planning Commission Decision	100-449.00-316.51-000-0 0	\$250.00	\$250.00

Payment Method: Cash Payer: Tina King Payment Amount: \$250.00
Transaction Comment: referral to PC

Cashier: Kay Clay

Receipt Total: \$250.00

**COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES**

COURTHOUSE
ST. HELENS, OREGON 97051
PHONE (503) 397-1501

RECEIVED
NOV 16 2021
Land Development Services

WAIVER OF 120 AND 150 DAY RULE

The undersigned hereby waives the requirement in ORS 215.427(1) that Columbia County must take final action on the application described below within 120 days (*inside urban growth boundary*) or 150 days (*all other applications*) of the application being deemed complete.


File Number: ROF 22-04

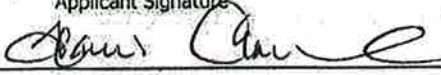
Applicant Name(s) *please print*: Tim & Tami Carleton

Date Application Deemed Complete: 07-26-21

Tax Account Number: 7315-BO-02500

Purpose: Application for a resource dwelling

Signed:  Date Signed: 11-14-21
Applicant Signature

Signed:  Date Signed: 11-14-21
Applicant Signature

Signed: _____ Date Signed: _____
Applicant Signature

ORS 215.427 provides that, outside Urban Growth Boundaries (UGBs), the governing body of a county or its designate shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals, within 150 days after the application is deemed complete. Land use decisions within UGBs must be completed, including resolution of all appeals, within 120 days.

Access Easement

Attachment 5

APN
2500
2501
R/W OVER

1700
1800

KNOW ALL MEN BY THESE PRESENTS, That Mr. ARTHUR H. LEWIS & MILDRED A. LEWIS, husband and wife

grantors, in consideration of \$100.00 Dollars,

to ME, paid by CHARLES R. HOLDEN & MARY E. HOLDEN, husband and wife

do hereby grant, bargain, sell and convey unto the said grantee, and 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 grantee and their heirs and assigns forever.

And ME, the grantors do covenant that ME, A.R. & M.A. lawfully seized in fee simple of the above granted premises free from all encumbrances,

and that ME, will and ME, 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 ME, hands, and seal this 16th day of JANUARY, 1959.

X Arthur H. Lewis (SEAL)

X Mildred A. Lewis (SEAL)

STATE OF OREGON,

County of Columbia On this 16th 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

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.

James R. Johnson
Notary Public for Oregon
My commission expires 12-31-60



7.50
668
Deed No.

WARRANTY DEED

Arthur H. Lewis, et ux

TO

Charles R. Holden, et ux

AFTER RECORDING RETURN TO

James R. Johnson
Notary Public

STATE OF OREGON,

County of Columbia

I certify that the within instrument was received for record on the 17th day of February, 1959 at 1:30 o'clock P.M., and recorded in book 138 on page 795 Record of Deeds of said County.

Witness my hand and seal of County aforesaid.

James R. Johnson

James R. Johnson
Deputy

Title Order No. 06/00843
Escrow No. 10-0607304

COLUMBIA COUNTY, OREGON **2006-011602**
DEED-D
Cnt=1 Stn=8 HUSERB **09/01/2006 11:29:48 AM**
\$10.00 \$11.00 \$10.00 **Total:\$31.00**



I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon
certify that the instrument identified herein was recorded in the Clerk
records.
Elizabeth E. Huser - County Clerk

After recording return to:
Timothy Scott Carleton & Tamara D. Carleton
74340 Elk Creek Road
Rainier OR 97048

NAME, ADDRESS, ZIP

Timothy Scott Carleton & Tamara D. Carleton
Until a change is requested tax statements
shall be sent to the following address.
74340 Elk Creek Road
Rainier OR 97048

NAME, ADDRESS, ZIP

STATUTORY WARRANTY DEED

MIKE PIHL LOGGING CO., INC., an Oregon Corporation, Grantor, conveys and warrants to TIMOTHY SCOTT CARLETON and TAMARA D. CARLETON, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See EXHIBIT A

TAX ACCOUNT #03-06 7315-020-02500

This property is free of liens and encumbrances, EXCEPT:

EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD, IF ANY.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

The true consideration for this conveyance is \$ 110,000.00
(Here comply with the requirements of ORS 93.030)

DATED this 30th day of Aug, 2006.

MIKE PIHL LOGGING CO., INC.

By: Michael D. Pihl PRESIDENT
MICHAEL D. PIHL

CORPORATE ACKNOWLEDGMENT

STATE OF OREGON, COUNTY OF Columbia ss. STATE OF OREGON, COUNTY OF _____) ss.

The foregoing instrument was acknowledged before me this 30th day of August, 2006.

The foregoing instrument was acknowledged before me this ___ day of _____, 2006.

by Michael D. Pihl
as President
of Mike Pihl Logging Co, Inc

by _____, and
by _____
of _____,
a corporation, on behalf of the corporation.

Sy L Singelstad

Notary Public for Oregon
My commission expires: 03/30/10

Notary Public for Oregon
My commission expires: _____

SEAL

SEAL



COLUMBIA COUNTY TITLE 06/00843

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.

2

COLUMBIA COUNTY
 LAND DEVELOPMENT SERVICES
 Planning Division
 COURTHOUSE
 ST. HELENS, OREGON 97051
 Phone: (503) 397-1501 Fax: (503) 366-3902

Attachment 6

August 4, 2021

REFERRAL AND ACKNOWLEDGMENT



To: Rainier CPAC

NOTICE IS HEREBY GIVEN that **Tim & Tami Carleton** have submitted an application for a **Dwelling in a Forest Designated Area**. The subject property is zoned for **Primary Forest (PF-80)** uses and associated with **Tax Map ID No. 7315-B0-02500**. The subject property is **17-5 acres** and is located off **Homeaway St. RDF 22-04**

THIS APPLICATION IS FOR: (X) Administrative Review; () Planning Commission, Hearing Date:

PLEASE RETURN BY: August 16, 2021

Planner: Hayden Richardson

The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

1. _____ We have reviewed the enclosed application and have no objection to its approval as submitted.
2. _____ Please see attached letter or notes below for our comments.
3. _____ We are considering the proposal further, and will have comments to you by _____.
4. _____ Our board must meet to consider this; we will return their comments to you by _____.
5. _____ Please contact our office so we may discuss this.
6. We recommend denial of the application, for the reasons below:

COMMENTS: See attached

Signed: Donald Campbell Printed Name: Donald Campbell
 Title: CPAC Date: 08/12/21

CPAC

Re: RDF 22-04



Template test : Incorrectly done

Homeaway St/Rd. does not and has never lawfully existed or been established as per public record. Tax lot 2500 does not abut any road, private or otherwise, therefore a square template should be used.

This proposed does not comply with PF-80 requirements in the Columbia County Zoning Ordinance.

Within the Proposed plans submitted, the sole and only means of access is an easement of over 650+ feet in length x 20ft wide, recently developed within the last approx. 4 years or less. There are 4 closed and locked gates and a power pole located within easement. The 20ft width x 650+ foot length easement is not currently developed nor approved to any requirements of Columbia County Road Standards, Oregon Forestry Standards, Uniform Fire Code, or Fire Apparatus and Access Roads criteria. This proposal does not comply with PF-80 requirements in the Columbia County Zoning ordinance. There are 3 other tax lots with established dwellings with rights to utilize this easement. Grantors of easements have a lawful right to utilize their property, and development of easement should reflect as well. This proposal significantly increases fire, fire suppression cost, as well increases risk to fire suppression personal and the community. Proposed power utility location does not have a nonexclusive easement to support expanding service, as proposed, to supply power tax lot 2500.

Donal Lynn
CPAC Reg Division
8/12/21

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
Planning Division
COURTHOUSE
ST. HELENS, OREGON 97051
Phone: (503) 397-1501 Fax: (503) 366-3902

June 9, 2022

REFERRAL AND ACKNOWLEDGMENT

Responding Agency: *Columbia County Public Works*

NOTICE IS HEREBY GIVEN that Tim & Tami Carleton have submitted an application for a dwelling in the Primary Forest (PF-80) zone. This property can be identified by map number 7315-B0-02500, is approximately 17.5 acres and located off of Price Rd. Referral to Planning Commission RDF 22-04

SAID PUBLIC HEARING will be held before the Columbia County Planning Commission on **Monday, August 1, 2022**, starting at **6:30 p.m.**

During the COVID-19 global pandemic, the Columbia County Planning Commission will be hosting their public hearing via online webinar. Please use the links below if you wish to participate in the public meeting.

Planning Commission August 2022 Meeting
Mon, Aug 1, 2022 6:00 PM - 9:00 PM (PDT)

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/961812629>

You can also dial in using your phone.

United States (Toll Free): 1 877 309 2073

United States: +1 (571) 317-3129

Access Code: 961-812-629

Get the app now and be ready when your first meeting starts: <https://meet.goto.com/install>

THIS APPLICATION IS FOR: () Administrative Review; (X) Planning Commission, Hearing Date: **August 1, 2022**

PLEASE RETURN BY: June 21, 2022

Planner: **Deborah Jacob**

The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

1. We have reviewed the enclosed application and have no objection to its approval as submitted.
2. Please see attached letter or notes below for our comments.
3. We are considering the proposal further, and will have comments to you by _____.

4. _____ Our board must meet to consider this; we will return their comments to you by _____.
5. _____ Please contact our office so we may discuss this.
6. _____ We recommend denial of the application, for the reasons below:

COMMENTS: _____

Signed: Scott Toenjes Printed Name: Scott Toenjes
Title: Engineering Technician I Date: 6/10/2022

Deborah Jacob

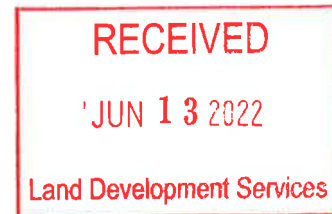
From: Scott Toenjes
Sent: Friday, June 10, 2022 3:37 PM
To: ePermits - Planning
Subject: Price Road, Tim & Tami Carleton, RDF 22-04
Attachments: 1349_001.pdf; 1351_001.pdf

The Public Works Department does not have any comments or concerns with this RDF Application. The applicant already has an access permit.

Thank you.

Scott Toenjes | Engineering Technician | Columbia County Public Works
1054 Oregon Street, St Helens, OR 97051
503-366-3963 | F 503-397-7215 | scott.toenjes@columbiacountyor.gov

Service ~ Engagement ~ Connection ~ Innovation



RECEIVED

AUG 13 2021

Land Development Services

Exhibit A

ACCESS APPROACH ROAD CONSTRUCTION APPLICATION AND PERMIT

Ready for Final 8/20/19

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

A. APPLICATION

Permit Fee: \$50.00

Receipt #: 1022

PERMIT NUMBER: RAP 2017-00103

Permit Expires: 4/27/19

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: [X] Permanent [] Temporary [] Low Usage

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

Side of Road: [] North [X] 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 [X]
Sight distance adequate? Yes [X] No [] If no, explain:
Culvert required? Yes [] No [X] 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 [X] No []
Water diversion required on access apron? Yes [] No [X]
Special comments: Will need to provide copy of easement for access - Attached 5/30/17
ACCESS LOCATION APPROVED BY: Jon R. Walter Date: 5/3/17 Title: Transportation Planner
CONSTRUCTION APPROVED BY: [Signature] Date: 8/21/19 Title:
Approved Final pending future drainage issues

* 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
[X] Extension of time granted to (Date): 6/3/19 on (Date): 4/1/19 by (Signature of Road Dept. Official) [Signature]
[] Faxed to LDS on



Clatskanie Rural Fire Protection District

PO Box 807 / 280 SE Third St. Clatskanie, OR 97016
Phone (503) 728-2025 Fax (503) 728-4388 Email ssharek@clatskaniefire.org

RECEIVED

JUN 29 2022

30

Land Development Services

June 16, 2022

To: Columbia County Land Development Services

Re: NOTICE IS HEREBY GMN that Tim & Tami Carleton have submitted an application for a dwelling in the Primary Forest (PF-80) zone. This property can be identified by map number 7315-80-02500, is approximately 17.5 acres and located off of Price Rd. Referral to Planning Commission F.DF 22-04

Currently the Carleton's have only completed their access consultation and have not completed or complied with the Columbia County Driveway or Private Road Standard. To this point the driveway did not require the sign off from the fire district because it was only to be used for removal of logging debris with no structure.

If a structure is to be sited on the property a fire district sign off shall be required which means that the Columbia County Fire Services Fire Apparatus Roads and Driveway Standard will need to be followed in its entirety. This includes but not limited to a 12-foot driving surface supporting 75,000 pound vehicle weight loads with 4 feet clearance on each side for a 20 foot right of way. Pull outs every 400 feet, and an approved turn a round at the end of the driveway.

This driveway is in an area of address confusion. The driveway does not come off Price Road but a driveway that comes off of Price Road, this residence would be the third residence coming off this unnamed road. The approval of this driveway would require the naming of this road and a number change for all three residences.

Forestry defensible space setbacks will need to be followed.

As always Oregon Fire Code for access and water supply apply.

Thank You,

Steven Sharek
Clatskanie Fire District

COLUMBIA COUNTY
 LAND DEVELOPMENT SERVICES
 Planning Division
 COURTHOUSE
 ST. HELENS, OREGON 97051
 Phone: (503) 397-1501 Fax: (503) 366-3902



June 9, 2022

REFERRAL AND ACKNOWLEDGMENT

Responding Agency:

NOTICE IS HEREBY GIVEN that Tim & Tami Carleton have submitted an application for a dwelling in the Primary Forest (PF-80) zone. This property can be identified by map number 7315-B0-02500, is approximately 17.5 acres and located off of Price Rd. Referral to Planning Commission RDF 22-04

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During the COVID-19 global pandemic, the Columbia County Planning Commission will be hosting their public hearing via online webinar. Please use the links below if you wish to participate in the public meeting.

Planning Commission August 2022 Meeting
 Mon, Aug 1, 2022 6:00 PM - 9:00 PM (PDT)

Please join my meeting from your computer, tablet or smartphone.
<https://meet.goto.com/961812629>

You can also dial in using your phone.
 United States (Toll Free): 1 877 309 2073
 United States: +1 (571) 317-3129

Access Code: 961-812-629

Get the app now and be ready when your first meeting starts: <https://meet.goto.com/install>

THIS APPLICATION IS FOR: Administrative Review; Planning Commission, Hearing Date: August 1, 2022

PLEASE RETURN BY: June 21, 2022

Planner: Deborah Jacob

The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

1. We have reviewed the enclosed application and have no objection to its approval as submitted.
2. Please see attached letter or notes below for our comments.
3. We are considering the proposal further, and will have comments to you by _____.

4. _____ Our board must meet to consider this; we will return their comments to you by _____.

5. _____ Please contact our office so we may discuss this.

6. _____ We recommend denial of the application, for the reasons below:

COMMENTS: _____

Signed: Steven Sharok Printed Name: STEVEN Sharok

Title: Fire Chief Clatskanie Date: 6-16-22

Attachment 6

June 9, 2022

REFERRAL AND ACKNOWLEDGMENT

Responding Agency: *Sanitation*

NOTICE IS HEREBY GIVEN that Tim & Tami Carleton have submitted an application for a dwelling in the Primary Forest (PF-80) zone. This property can be identified by map number 7315-B0-02500, is approximately 17.5 acres and located off of Price Rd. Referral to Planning Commission RDF 22-04

SAID PUBLIC HEARING will be held before the Columbia County Planning Commission on **Monday, August 1, 2022**, starting at **6:30 p.m.**

During the COVID-19 global pandemic, the Columbia County Planning Commission will be hosting their public hearing via online webinar. Please use the links below if you wish to participate in the public meeting.

Planning Commission August 2022 Meeting
Mon, Aug 1, 2022 6:00 PM - 9:00 PM (PDT)

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/961812629>

You can also dial in using your phone.

United States (Toll Free): 1 877 309 2073

United States: +1 (571) 317-3129

Access Code: 961-812-629

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THIS APPLICATION IS FOR: Administrative Review; Planning Commission, Hearing Date: **August 1, 2022**

PLEASE RETURN BY: June 21, 2022

Planner: Deborah Jacob

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3. We are considering the proposal further, and will have comments to you by _____.

4. _____ Our board must meet to consider this; we will return their comments to you by _____.
5. _____ Please contact our office so we may discuss this.
6. _____ We recommend denial of the application, for the reasons below:

COMMENTS: Site evaluation - approved followed
wetland delineation

Signed: E O'Connell Printed Name: Erin O'Connell
Title: REHS Date: 7/12/22



BUILDING OFFICIAL COMMENTS

File #: RDF 22-04



Obtain all permits necessary for construction including electrical, plumbing and mechanical for all structures.

Maintain all Fire breaks and setbacks; if setbacks are not met, IR-1 and IR-2 construction standards will be required by the Planning and Building Departments; a sprinkler systems may apply. If slopes are steep, additional fire breaks are required and tree limbs may need to be cut.

If having a wood stove, fire place, pellet stove or outdoor fireplace a spark arrestor is required.

Obtain Fire Department driveway access and approval for temporary driveway construction and final driveway access. If access or water flow is an issue, the Fire Marshal may request a sprinkler system, however the Building Official can determine alternate methods.

Obtain Public Works road access permit and approval for temporary road access and final access.

Suzie Dahl

Columbia County Building Official
10/6/21

September 24, 2021

REFERRAL AND ACKNOWLEDGMENT

To: Building Official

NOTICE IS HEREBY GIVEN that the application for Tim & Tami Carleton to site a dwelling in a forest designated zone, has been referred to the Planning Commission for review, rather than an administrative decision.

SAID PUBLIC HEARING will be held before the Columbia County Planning Commission on **Monday, December 6, 2021**, starting at **6:30 p.m.**

During the COVID-19 global pandemic, the Columbia County Planning Commission will be hosting their public hearing via online webinar. Please use the links below if you wish to participate in the public meeting.

Columbia County Planning Commission
Mon, Dec 6, 2021 6:00 PM - 9:00 PM (PST)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/197099373>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(571\) 317-3116](tel:+15713173116)

Access Code: 197-099-373

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/197099373>

THIS APPLICATION IS FOR () Administrative Review; (X) Planning Commission, Hearing Date: **December 6, 2021**

PLEASE RETURN BY: October 6, 2021

Planner: **Deborah Jacob**

The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

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2. Please see attached letter or notes below for our comments.

3. _____ We are considering the proposal further, and will have comments to you by _____.
4. _____ Our board must meet to consider this; we will return their comments to you by _____.
5. _____ Please contact our office so we may discuss this.
6. _____ We recommend denial of the application, for the reasons below:

COMMENTS: _____

Signed: S Dahl Printed Name: Suzie Dahl
Title: Building Official Date: 10/10/24



September 24, 2021

REFERRAL AND ACKNOWLEDGMENT

To: Soil & Water Conservation District

NOTICE IS HEREBY GIVEN that the application for Tim & Tami Carleton to site a dwelling in a forest designated zone, has been referred to the Planning Commission for review, rather than an administrative decision.

SAID PUBLIC HEARING will be held before the Columbia County Planning Commission on **Monday, December 6, 2021, starting at 6:30 p.m.**

During the COVID-19 global pandemic, the Columbia County Planning Commission will be hosting their public hearing via online webinar. Please use the links below if you wish to participate in the public meeting.

Columbia County Planning Commission
Mon, Dec 6, 2021 6:00 PM - 9:00 PM (PST)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/197099373>

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United States (Toll Free): [1 866 899 4679](tel:18668994679)

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Access Code: 197-099-373

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<https://global.gotomeeting.com/install/197099373>

THIS APPLICATION IS FOR Administrative Review; Planning Commission, Hearing Date: **December 6, 2021**

PLEASE RETURN BY: October 6, 2021

Planner: **Deborah Jacob**

The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

1. We have reviewed the enclosed application and have no objection to its approval as submitted.
2. Please see attached letter or notes below for our comments.

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
Planning Division
 COURTHOUSE
 ST. HELENS, OREGON 97051
 Phone: (503) 397-1501 Fax: (503) 366-3902

September 24, 2021

REFERRAL AND ACKNOWLEDGMENT

To: ODF

NOTICE IS HEREBY GIVEN that the application for Tim & Tami Carleton to site a dwelling in a forest designated zone, has been referred to the Planning Commission for review, rather than an administrative decision.

SAID PUBLIC HEARING will be held before the Columbia County Planning Commission on **Monday, December 6, 2021**, starting at **6:30 p.m.**

During the COVID-19 global pandemic, the Columbia County Planning Commission will be hosting their public hearing via online webinar. Please use the links below if you wish to participate in the public meeting.

Columbia County Planning Commission
 Mon, Dec 6, 2021 6:00 PM - 9:00 PM (PST)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/197099373>

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<https://global.gotomeeting.com/install/197099373>

THIS APPLICATION IS FOR () Administrative Review; (X) Planning Commission, Hearing Date: **December 6, 2021**

PLEASE RETURN BY: October 6, 2021

Planner: **Deborah Jacob**

The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

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2. Please see attached letter or notes below for our comments.

- 3. _____ We are considering the proposal further, and will have comments to you by _____.
- 4. _____ Our board must meet to consider this; we will return their comments to you by _____.
- 5. _____ Please contact our office so we may discuss this.
- 6. _____ We recommend denial of the application, for the reasons below:

COMMENTS: My main concern is that the required fire breaks
around any new house is within the landowners control. If the homesite
be adjusted so that the fire breaks are solely
the landowners property then I have no issues.

Signed: Malcolm E. Hatt Printed Name: Malcolm E. Hatt
 Title: Protection Unit Forester Date: 9-27-21

COLUMBIA COUNTY
Land Development Services



ST. HELENS, OR 97051

230 Strand St.
Direct 503 397-1501
www.co.columbia.or.us

DATE: September 2, 2022
TO: Columbia County Planning Commission
FROM: Deborah S. Jacob, Senior Planner *Deborah S. Jacob*
RE: Continuation of the August 1, 2022 Initial Evidentiary Hearing for **RDF 22-04** to the public hearing scheduled for September 12, 2022 pursuant to the provisions in Oregon Revised Statutes (ORS) 197.797(6)

Pursuant to the provisions in ORS 197.797(6 (a) and (b), related to the continuation of the August 1, 2022 initial evidentiary public hearing for RDF 22-04 to September 12, 2022 and leaving the record open for at least seven days for the submittal of additional written evidence, on **August 8, 2022** Land Development Services received one (1) email from *Tim and Tami Carleton* and six (6) emails from *Dawn and Donald Campbell* including one (1) email from *Robert and Kathryn Ramey*. **These are labeled Attachment 1.**

Pursuant to the subsequent provisions in ORS 197.797(6) (c) these *identified participants* had another seven (7) days to respond to the additional written evidence. On **August 15, 2022** Land Development Services received three (3) emails from *Don and Dawn Campbell* the first of which was from *Robert Ramey*. **These are labeled Attachment 2.**

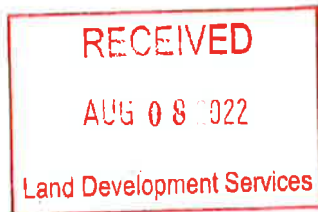
Pursuant to the subsequent provisions in ORS 197.797(6)(e) Land Development Services allowed *only the applicant (Tim and Tami Carleton)* were given seven (7) days after the record is closed to all other parties to submit their final written arguments in support of the application presented for RDF 22-04. On **August 22, 2022** Land Development Services received one (1) email from *Tim and Tami Carleton*. **This is labeled Attachment 3.**

ATTACHMENT 1

Deborah Jacob

From: Tami Carleton <tcarleton@lclfcu.org>
Sent: Monday, August 8, 2022 1:25 PM
To: Deborah Jacob
Subject: FW: Carleton Forest Dwelling Permit
Attachments: Carleton Map 2.pdf; Carleton Map.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.



From: Tami Carleton [mailto:tcarleton@lclfcu.org]
Sent: Monday, August 08, 2022 12:22 PM
To: 'deborah.jacob@columbiacountyor.gov' <deborah.jacob@columbiacountyor.gov>
Subject: Carleton Forest Dwelling Permit

Columbia County Planning Commission:

We, Tim and Tami Carleton are writing this statement to help clarify some of the confusion and misconception of our easement; namely, how many neighbors use our easement and the power pole that is in our easement.

We are the only landowners that use our easement through 75702, 75722 and 75740 Price Road. To our knowledge 75546 Home away Rd. is the only other property that has legal access to use our easement which is the 2 ½ acres on the south west corner of our property however they choose not to use it. 75546 Home away Road shown in green uses Home away Rd for its access currently. 75702 Price Road which is the Ramey property uses Home away Road for its access shown in green as well. 75740 and 75722 both share a driveway and it is accessed directly off the first corner of Price Road. That driveway is at a 90 degree angle to our drive way at the first corner of Price Road, both drive ways are shown in the picture provided in Orange. Our drive way to our piece of property in shown in yellow. Price Road is shown in Pink and Home away Road is shown in Green.

To clarify the power pole which is located in our easement on the property of 75740 Price Road. The power pole used to be located right in the middle of our 20 foot easement. After working with the Clatskanie PUD, they were able to move the pole approximately 5 or 6 feet to the west towards Home away Road to allow us to get our Road access built with more than enough room to build a 12 foot Road. The PUD could not move it any closer to Home

away Road without re-engineering the whole power line to Home away Mobile Park. We had to pay approximately 2/3 of the cost to move the pole. If the Clatskanic Fire Department has an issue with the poles location and needs more room, it can be addressed at the home building stage. We feel that the pole is out of the way far enough for any emergency vehicle to pass by without any issue. We have had many dump trucks of rock delivered and have had 2 loads of logs on a loaded self-loading Log truck pass this same pole without any problems. Steve Sharek said in our Monday 8/1/2022 meeting that the power pole will be looked at which he has seen already when we have me him at our easement during the permit application stage. Steve also said that the pole is one of those obstacles that can be worked around if need be. Which has been done for other properties and ours if no different than their circumstances. None of the previous items should have anything to do with our forest dwelling permit application. We have done everything required by the State and County to make this legal and approved. We've done the permit and approval for the driveway with the County Road Department. We have had a Wetland delineation done. We have had a survey done on our property and easement. We have had a perk test done and approved. The template test was done and approved.

Thank you,

Tim & Tami Carleton

75788 PRICE
RD RAINIER
OR 97048

75884 PRICE
RD RAINIER
OR 97048

75727 PRICE
RD RAINIER
OR 97048

75740 PRICE
RD RAINIER
OR 97048

75735 PRICE
RD RAINIER
OR 97048

RECEIVED
AUG 08 2022
Land Development Services

75702 PRICE
RD RAINIER
OR 97048

75546 HOMEAWAY
ST RAINIER

CHTREET ST

ST

758

RAI

Kay Clay

From: M. TITUS <CHINOOK360@msn.com>
Sent: Monday, August 8, 2022 5:00 PM
To: ePermits - Planning
Subject: Rdf 22-04 Dawn Campbell
Attachments: This is not Careltons Driveway.docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Sent from [Mail](#) for Windows

RDF 22-04 submittial

This is not Careltons "private driveway"

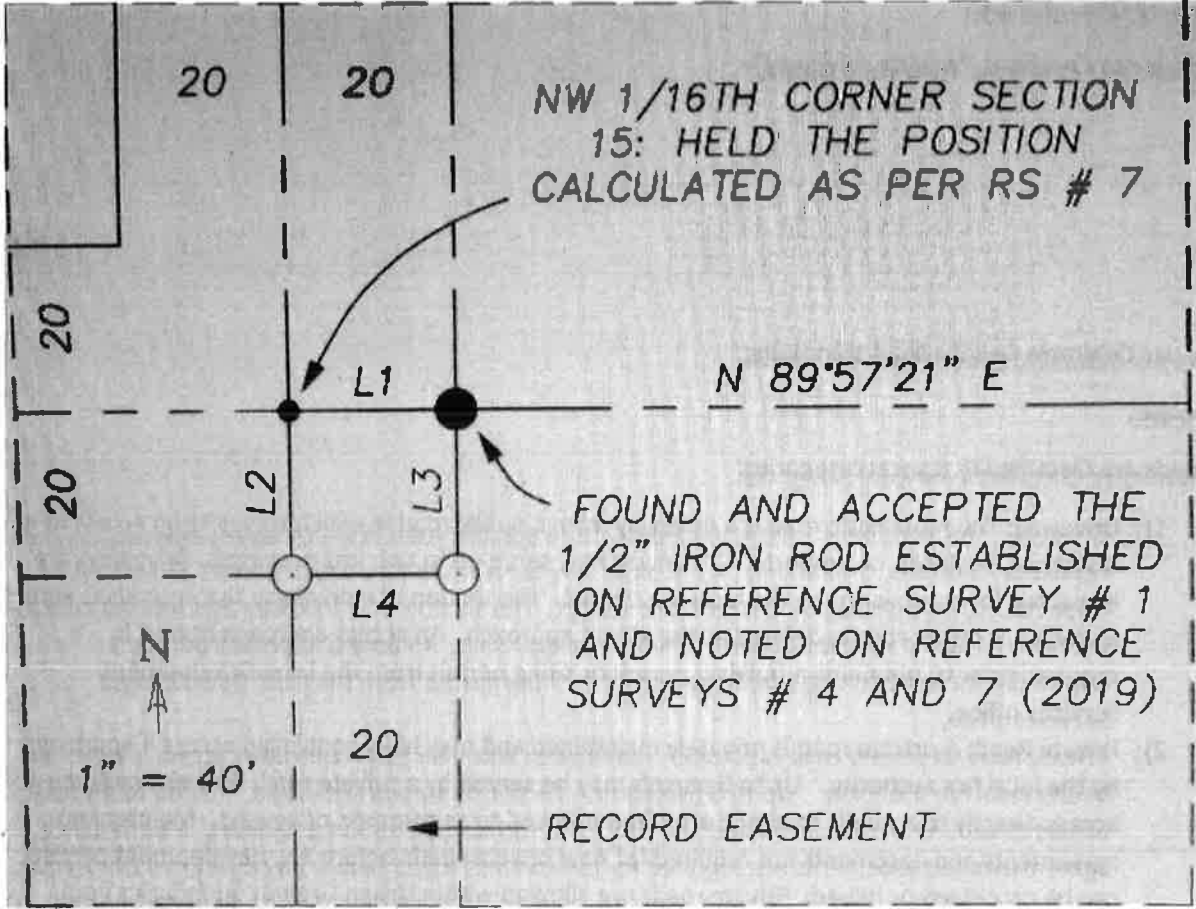
As per Columbia County Road standards:

Scope

Roads are Classified in several categories:

- 1) **Driveway:** The most basic road is a driveway from a public road in which serves as an access to a residence, business, or property. A driveway may serve up to two lots or parcels. Driveways are inspected for compliance by the local fire district. The section of a driveway that intersects with a private or public road is defined as the access approach. An access approach permit is required prior to obtaining a building permit or siting permit from the Land Development Services office.
- 2) **Private Road:** A private road is privately maintained and may have controlled access if approved by the local fire authority. Up to 6 parcels may be served by a private road. Private roads must access directly to a public road and are often referred to as common driveways. Maintenance agreements and easements are required for new private roads before any development permits can be processed or issued. Private roads are allowed within Urban Growth Boundaries upon concurrence with the city.

With a right of way being radiused as described in the county road jacket P-152 (Price Rd.) deeds of record – (the dedication of county right-of-way) Carletons access approach permit/ apron on the east side of his easement is approximately 20 feet south from the edge of Right-of-way. Given the fact that the right of way is not squared off the first 2 lots/parcels must be included in the count. Illustrated below with a blow up section of Careltons survey and an ariel photo with white- paint, for reference, to demonstrate the radius of the county right of way.





Both tax lots 1700 & 1701 access is thru this described easement area. Columbia county public works director also verifies this. Tax lot 1701 has 2 means of access because the only way to access a portion of that property, due to obstacles, is by use of the easement area access. Tax lot 1800 also has 2 means of access. They have and use daily the easement that came with the purchase of their property, which shares Carelton's location. Tax lot 1800 primary reason for the secondary access easement thru tax lot 1901 is to comply with fire access requirements, given that the original easement that came with their property, has the same obstructions with the 20 foot that disqualify it for residential fire access purposes. Easement grantors are not excluded from their real property.

The current user count, and Carelton's intended use brings the lot/parcel count to 4 and triggers Private Road standards and applicable criteria that can not be supported by a 20 ft easement. Private roads require 40 ft of right of way.



To clarify a inaccurate statements and answer questions asked of the board - at appeal hearing for RDF 22-04 on Aug 1st 2022- in regards to a Utility Pole located within Careltons easement.

This Utility pole **Never** left "another easement area" and placed into Careltons easement area.

A survey from Compass Surveying dated 8/9/2016 (attached) shows the location of the Utility Pole that was almost centered placed within Careltons 20 ft easement area where It resided for many many years prior to Jan, 22 2019. At the request of Carelton the pole was relocated from an area within Careltons easement to another area within Careltons easement area by the Clatskanie PUD on Jan 22, 2019. It is understood that Carelton paid to have the pole relocated where it is located at today, Approximately located 4 feet inside his 20 foot easement. There are also numerous fence post located entirely within Carelton easement area. Carelton does not govern those property owners fences. These are his current obstacles in his easement area. Picture view below from 8/8/2022.



In regards to template test RDF-22-04 as per 506.4.a This tract does not abut road to use a triangle for a template test.

LDS can not provide the documents that lawfully establishes "Homeaway Road" or "Homeaway St." . Note: that a Street identifies a public -right- of- way. This does not exist and is reflected on everyone title report. Staff can only reference a "list" . This "list" was "updated December 15, 2021". This list is merely a "spreadsheet" of Officially named roads in Columbia County. It has no legal standing and is for visual, and informational purposes only , it aids as to not to duplicate or have similar road names in the county when an road name is issued . It is used in conjunction with administration of road naming – ordinance 81-6 and its amendments. Columbia County Ordinance 81-6 was in effect in 1981.

Also see attachment of an email from Mike Russell Columbia county Public work Department on Dec 22, 2021 which clarifies the easements.

There is no homeaway Rd.

209 Dwellings in Conjunction with Farm or Forest Uses in the Agriculture, Forest, or Forest Agriculture Districts: All requests for dwellings on resource land shall be reviewed in accordance with the provisions established for each district.

506 Standards for Dwellings. Dwellings are authorized in the Primary Forest Zone subject to standards found in Sections 507, 508, 509, 510 and documentation of meeting either the Small Tract, Large/Multi-Tract, or Template Dwelling criteria as follows.

.4 Template Dwelling for Tracts Smaller than 80 Acres. A dwelling may be authorized on a tract that satisfies and meets all the following criteria:

A. The tract is composed of soils that meets one of the following:

1. Soils that are capable of annually producing more than 85 cubic feet per acre of wood fibre if:

- a. All or part of at least 11 other lots or parcels that existed on January 1, 1993 and are not within an Urban Growth Area are within a 160-acre square centered on the center of the subject tract. (Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible); and***

- b. At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels; or***



Kay Clay

From: M. TITUS <CHINOOK360@msn.com>
Sent: Monday, August 8, 2022 5:04 PM
To: ePermits - Planning
Subject: RDF 22-04
Attachments: RDF 22 templat test parcel qualifications.docx

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RDF 22-04 Template Test fails to meet the 11 required parcels

7315-B0-1200 & 7315-B0-1600 counted as (1) qualifying parcel towards Template Test RDF-22-04

7315-BO-1201 Also counted as (1) qualifying parcel towards Template Test RDF 22-04

Due to PLA 98-18 (attached) 1200 & 1600 and 1201 do not count towards qualify to count towards template test for RDF 22-04

Originally 1200 a 7.68 acres conforming parcel, reduced in size to 4.60 to nonconforming thru line adjustment with 1600 - a landlocked parcel-undeveloped which, thereafter 1600 was used as hardship.

A 1996 PLA-98-18 - unlawful partition/subdivision- Creation of tax lot 1201 with an approx. size of 4.30.. 1200s current configuration is currently approx .32 acres. Tax lots 1200 current configuration was for the sole benefit of making 1600 buildable An RR-5 zone needs 50 foot of frontage.

ORS 215.750(1)(c)(c) and OAR 660-006-0027(3) authorize local governments to approve forest template dwellings if at least 11 lots or parcels "existed" on January 1, 1993. In exercising the authority granted by ORS 215.750(1), a county may not apply a county definition of "lot" to recognize lots that could not be recognized under ORS 215.750(1). The county may not set a lower standard for approving forest template dwellings under county legislation than the standard that is set by ORS 215.750. *Reeves v. Yamhill County*, 53 Or LUBA 4 (2006).

As defined in ORS 215.010(1), the word "parcel" includes units of land that have been "lawfully established." When the word "parcel" is used elsewhere in ORS Chapter 215, it means that in order for a unit of land to qualify as a "parcel" it must have been created in compliance with applicable partitioning laws or created prior to the enactment of those laws. *Friends of Yamhill County v. Yamhill County*, 58 Or LUBA 315 (2009), *aff'd*, 229 Or App 188, 211 P3d 297 (2009).

The County has previously taken the position that a new "date of existence" occurs when a parcel is reconfigured via a property line adjustment. As we understand the facts, the County may have based its reasoning on the definition of "Date of Creation and Existence" found in OAR 660-006-0005(5):

(5) "Date of Creation and Existence." When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.

Columbia County Final Order 50-2014 (TT-13-12) (approving a Template test, but concluding that “two lots were reconfigured through property line adjustments after January 1, 1993, and thus did not “exist” on January 1, 1993.”).

However, in *Landwatch Lane County v. Lane County*, 75 Or LUBA 151 (LUBA No. 2016-082, Feb. 15, 2017), LUBA concluded that an applicant can rely on the Pre-1993 configuration of a parcel. In *Landwatch*, the Petitioner appealed a county decision which approved a forest template dwelling. Petitioner contended that multiple parcels may not be counted towards the minimum eleven parcel count, as required by ORS 215.750(1)(c), since none of those parcels currently exist in the configuration ‘that existed on January 1, 1993.’ Specifically, petitioner argued that the term “are” in ORS 215.750(1)(c)(A) showed that it was the legislature’s intent to count parcels in the present tense, and that the legislature would have used the term “were” if it intended an applicant to “turn the clock back” and rely on the pre-January 1, 1993 lot configuration. The petitioner also relied on Lane County Development Code’s (I.C.D.C) definition of “date of creation and existence” at OAR 660-006-0005(5) (enacted in response to the enactment of ORS 215.750).

LUBA disagreed with petitioner that the statute’s use of the word “are” prohibited the applicant from relying on the January 1, 1993 configuration. LUBA further determined that the administrative rule history of OAR 660-006-0005(5) showed the purpose of adopting the rule was to create an approach that allows “an applicant to rely on the January 1, 1993 configuration of a parcel that was later adjusted by a property line adjustment,” for parcel counting purposes, so long as ““the effect of” that properly line adjustment was not ‘to qualify a lot, parcel or tract for the sitting of a dwelling.’”

000000

Deborah Jacob

From: M. TITUS <CHINOOK360@msn.com>
Sent: Monday, August 15, 2022 5:05 PM
To: ePermits - Planning
Subject: Rdf 22-04
Attachments: response.docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

See attached responses
Thanks Dawn Campbell
Dawn Campbell

Sent from [Mail](#) for Windows





Below is in response to Carleton letter into the record Dated 8/8/2022. Facts are presented to support their fantasy assertions.

Carleton's would like for you to believe their "easement" is their "personal driveway" and that they and tax lot 2501 are the only properties that have LEGAL ACCESS to use the exact same easement area, but the fact of the matter is they are a user of an easement that has 4-5 other easement holders/properties (tax lots 1700, 1701, 1800 & 2501) that have lawful access to utilize the same easement location. Carleton are intentionally trying to limit the scope of facts to dupe/thwart the required standards and requirements for the dwelling approval they are seeking with RDF 22-04

Tax lot 1700 has 130 feet of real property. Tax lot 1700 does not require any easements from anyone. They are free to use their real property in whatever manner they choose so long as they don't restrict or block easements. Tax lot 1700 also access price road on the North end of Carleton easement area. See attachment 1

Tax Lot 1701 has 2 easements over tax lot 1700 (2 means of access) one of which is 50 foot easement to the county right-of-way / Price Road. This 50 foot is located on the North end of Carleton's easement area of 50 feet. The second easement encompasses Carleton's easement from the right of way to the edge of their real property that is 20 foot wide. See attachment 2

Tax lot 1800 has an 150 foot easement over tax lots 1701 and 1700. This 20ft easement is entirely located within the same easement/ location of Carleton's from North to south to the county right of way. Tax lot 1800 also has a auxiliary secondary means of access thru tax lot 1901. They use both easements at any given time they choose past and present. There is a gate that is chained and locked at Ramey's property line that has lock for each property behind the gate-tax lot 1800 & Carleton tax lot 2500

See attachment 3

Carleton also take the stance to add another tax lot (2501) to the user count. Tax lot 2501 was a part of tax lot 2500 when the 1959 easement was granted. Therefore when 2501 was partitioned in 1979 that easement runs with the land. Tax lot 2501 is zoned RR-5 and already has an approval for a dwelling. 2501's access is not located across tax lot 1901. At the time an easement for 2501 was reserved in 1984 between tax lot 1900 and 2501 tax lot 1901 was not co-owned therefore that easement does not apply to, or include, or convey thru tax lot 1901. Tax lot 2501 has no legal access thru 1901. This fact is also verified in the Public works directors e-mail.

See attachment 4

Carleton is attempting to consolidate the first 2 driveways into 20 feet and ignore the fact that there is a 50ft wide easement on tax lot 1701, as well as ignore the real property on tax lot 1700, and completely ignore tax lot 1800s easement altogether and mislead the location of the right of way to manipulate his needs. The angle or location of the easement is irrelevant given the fact that all of the easement areas overlap with Carleton easement and count as lawful users . A Daily usage is not required to be maintained to calculate the user count to be established. A perfect example of that is Carleton's easement from 1959 not being developed for agricultural use until 2019, some 60 years later. The actual configuration of the other property owners - Tax lots 1700, 1701,1800, 2501, and 2500 are the only factors that are relevant to determining the applicable Private Road Standards and Fire Apparatus and Access Standards that apply to Carleton's Application RDF 22-04. Of these lawful and current users it triggers Private Road Standards, all of which his easement can not support. Carltons use is not grandfathered, its has no protections for restrictions or limitations for a dwelling and therefore must meet all current private road criteria and fire Apparatus and Access requirements

Carleton's survey begins at the north property line at tax lot 1700 and not 20 feet south of that as he has tried to have illustrated. Carleton's also would like believe that the Price Rd right- of- way is squared , but it is in fact a rounded corner on a 20 foot radius which is a matter of deed records for Price rd. Which is consistent of a 40ft right away on center. His theory that his easement area gets him to the county right of way is wholly incorrect of about 20 feet.

Carleton also verify they "paid" to have utility pole as much as possible. They also verified that their current access approach permit is valid for nothing more than agricultural use of 12 feet by their own admissions. Carleton's stated they "feel that the pole is out of the way far enough for any emergency vehicle to pass without any issue" is sheer incompetence and ignorance to the applicable rules, codes and regulations that they are seeking with their application and approval of RDF 22-04. In their own response the Carltons have personal described and verified the utility pole is still physically placed in their 20 foot easement and verified the PUD can not relocate it any further, which means its there to stay. Carleton's so much as go out of their way to demonstrate they can not meet the minimum basic criteria required for the RDF 22-04 dwelling, and as a matter of fact believe they should get approval and deal with issues later.

Clatskanie Fire chief did not state a work around was available to Carletons. The Clatskanie Fire chief stated that if you go by the book, that utility pole is a problem. A "work around" the Clatskanie Fire Chief was referring to is for someone who has sufficient area to work around an issue within a designated area , and the Carleton do not have a workaround area in their limited 20 foot easement area to comply with Private Road Standards, Fire Codes and Fire Access Apparatus or the 20 foot unobstructed Requirements.

As stated previously not complying with the fire code in, its entirety, is the increased fire risk the appellant spoke of as well as others spoke of

Carleton's template test fails on a couple of issues, and is attackable when combined with the RDF 22-04.

This RDF 22-04 application needs denied.

Kay Clay

From: M. TITUS <CHINOOK360@msn.com>
Sent: Monday, August 8, 2022 5:07 PM
To: ePermits - Planning
Subject: RDF 22-04
Attachments: scan0006.pdf; scan0007.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Sent from [Mail](#) for Windows

August 8-2022

DEPT OF LAND SERVICES

Robert & Kathryn Ramey
75702 Price Rd
Rainier Oregon
97048

I Reviewed some of your documents and found to be some serious discrepancies in your paper work! for being legal findings it shows short comings!!

We live on Tax Lot 1800 and we
RUB TO Tax lot 2500. THATS A FACT.

BUT your wet land shows Figure 6
WETLAND SHEET INDEX but shows NO
Legend Columbia Co Tax lots Area A Area B
Then on figure 6 A WETLAND DELINEATION
MAP Tопо A The legend shows Tax lot
1505 WETLAND and on Figure 6 B IT ALSO
SHOWS Tax lot 1505 WETLANDS on The
Legend!

I find This Troubling when This is
supposed to be Tax lot 2500!

Our Address has Always been 75702
Price Rd Rainier Ore 97048 (NEVER)
Homeaway Rd. As my DEED STATES.

There is a power pole within The
EASEMENT but NOT on our property but
Adjacent property That was moved

from the center of the EASEMENT (10 foot)
Toward the west but still 4 feet
within the EASEMENT! moved approximately
6 feet.

The CLATSkanie PUD moved the
power pole

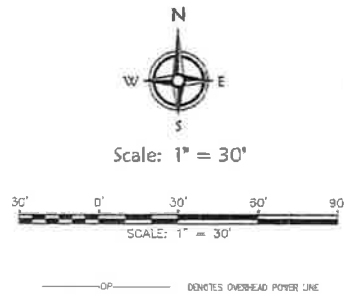
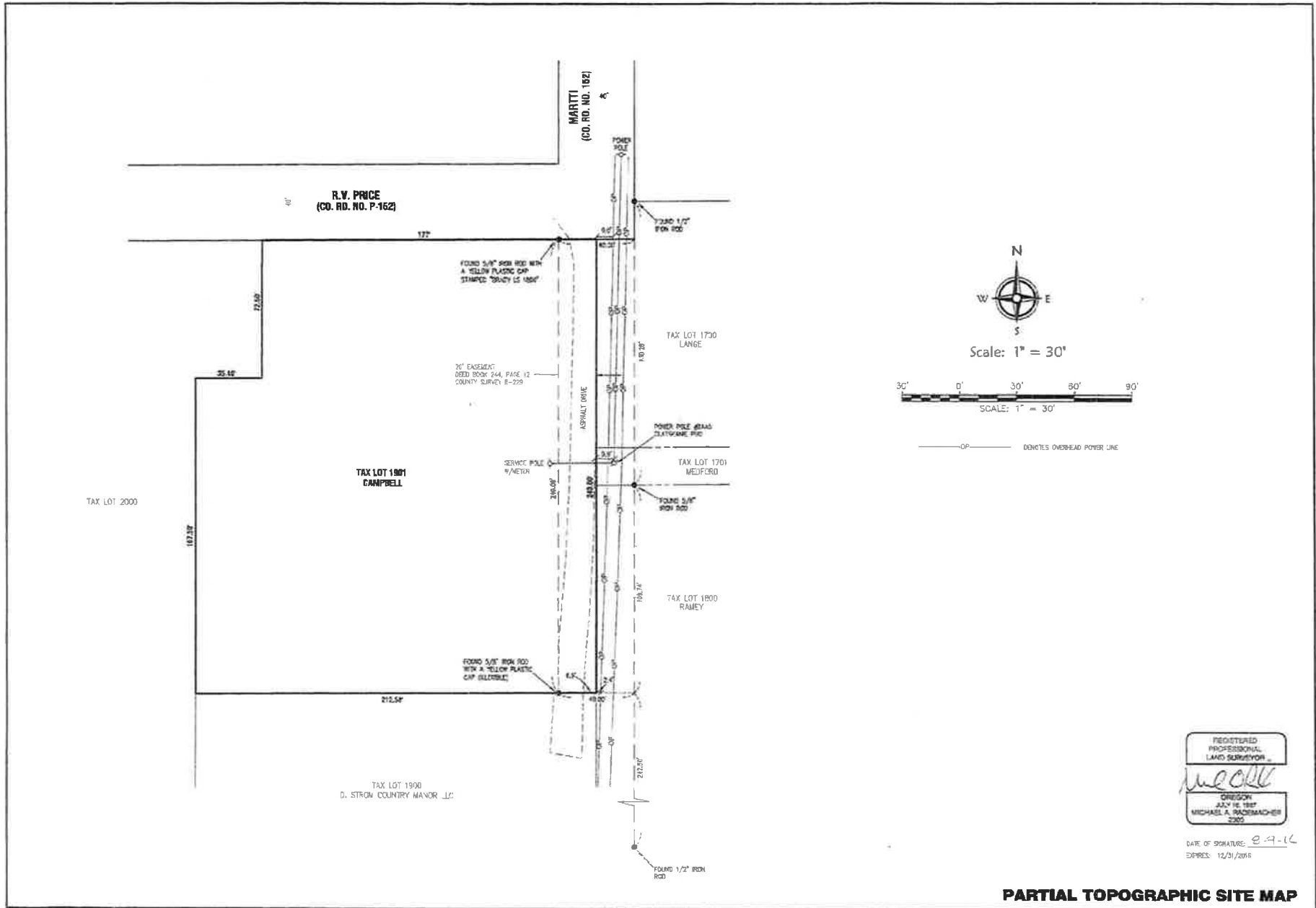
Sincerely

Robert & Kathryn Ramsey



Kathryn Ramsey

RDR 22-04



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael A. Rademacher

OREGON
JULY 16, 1987
MICHAEL A. RADMACHER
2300

DATE OF SIGNATURE: 8-9-16
EXPIRES: 12/31/2015

PARTIAL TOPOGRAPHIC SITE MAP

<table border="1"> <tr> <td>DRAWN</td> <td>MMM</td> <td>CHECKED</td> <td>MMR</td> </tr> <tr> <td>SCALE</td> <td>1" = 30'</td> <td>DATE</td> <td>08/03/2016</td> </tr> <tr> <td>REVISIONS</td> <td colspan="3">7770 Eickling</td> </tr> </table>	DRAWN	MMM	CHECKED	MMR	SCALE	1" = 30'	DATE	08/03/2016	REVISIONS	7770 Eickling			<p>COMPASS Land Surveyors 4107 SE International Way, Suite 706 Milwaukie, Oregon 97222 503-653-9093</p>	<p>MR. DON CAMPBELL 75735 PRICE ROAD RAINIER, OREGON 97048</p>	<p>TAX LOT 1901, ACCOUNT #7N3W158D COLUMBIA COUNTY, OREGON</p>
DRAWN	MMM	CHECKED	MMR												
SCALE	1" = 30'	DATE	08/03/2016												
REVISIONS	7770 Eickling														

NOT TO SCALE UNLESS OTHERWISE NOTED



Easement Questions

2 messages

Michael Russell

<Michael.Russell@columbiacountyor.gov>

To: donalddcampbell15150@gmail.com <donalddcampbell15150@gmail.com>

Wed, Dec 22, 2021 at 3:37 PM

Dear Don,

You asked for information on three questions:

1. What is the standard used for calculating vehicle trips per day from a residential use?

a. The most accurate way to estimate trips is to do a trip study and actually count trips per day over a period of time for a specific development. As a rule of thumb, Public Works has used **10 trips per day** for a typical single family dwelling. This is based off of national study averages used to determine trip generation. While the average home may generate more than 10 trips per day, studies reveal wide variations in the actual number of trips. Homes in senior citizen housing developments can average as low as three trips per day, while residences in active family neighborhoods can generate as many as 20 trips per day. We stick with 10 trips per day as a conservative quick estimate. If a development is required to do a traffic impact analysis, they will typically refer to the *Institute of Transportation Engineers Trip Generation Manual* as a trusted source for nationally recognized trip estimates by type of development.

2. Is there any record of the naming of Homeaway Road?

a. I do not see any referral from Land Development Services (LDS) for the naming of the easement across your property as Homeaway Road in our files. Typically, we would have record of a referral for this type of action as LDS works closely with us on road naming. Since LDS handles the administration of road naming in Columbia County,

you will need to verify with them if there has been an application for this, but as I said, I do not see any record of it in our files.

Having said that, I do see references to "Homeaway Road" on documents as far back as 1984 in a Warranty Deed (Book 255, Page 30), but it seems to only refer to property within the mobile home park for the easement (Tax Lots 1900 and 2501). I also see that the mobile home park has used an address of 75556 Homeaway Road in the past.

3. Have there been any other driveway access permits off of Price Road?

a. I am assuming you mean specifically using the 20' easement along the frontage of your property. I took a quick look at our driveway permit file for Price Road (there is not one for Homeaway Road) and found a few that use a connection right at Price Road where it turns east-west. I believe you are already aware of these. They are for tax lots 7315-B0-1700, 1701, and 2500. These do not necessarily use the easement along the frontage of your property though.

For the permits that might use your easement, I see the one we issued to you for your tax lot 7315-B0-1901. I also see one issued in 1987 for "75558 Homeaway Road". I am unsure where that might be, but believe it is probably in the mobile home park. It looks like it required 16-foot wide asphalt concrete pavement approach, 2 1/2" thick. There is not much detail or a drawing associated with this permit so it is hard to tell exactly where the approach was being proposed/built or if it involved the easement along your property.

Mike Russell | Director | Columbia County Public Works |

1054 Oregon Street, St Helens, OR 97051

503-397-5090 | F 503-397-7215 | [Michael.](mailto:Michael.russell@columbiacountyor.gov)

russell@columbiacountyor.gov

Service ~ Engagement ~ Connection ~ Innovation

RDF 22-04 Template Test fails to meet the 11 required parcels

7315-B0-1200 & 7315-B0-1600 counted as (1) qualifying parcel towards Template Test RDF-22-04

7315-BO-1201 Also counted as (1) qualifying parcel towards Template Test RDF 22-04

Due to PLA 98-18 (attached) 1200 & 1600 and 1201 do not count towards qualify to count towards template test for RDF 22-04

Originally 1200 a 7.68 acres conforming parcel, reduced in size to 4.60 to nonconforming thru line adjustment with 1600 - a landlocked parcel-undeveloped which, thenafter 1600 was used as hardship.

A 1996 PLA-98-18 - unlawful partition/subdivision- Creation of tax lot 1201with an approx. size of 4.30.. 1200s current configuration is currently approx .32acres. Tax lots 1200 current configuration was for the sole benefit of making 1600 buildable An RR-5 zone needs 50 foot of frontage.

ORS 215.750(1)(c)(c) and OAR 660-006-0027(3) authorize local governments to approve forest template dwellings if at least 11 lots or parcels "existed" on January 1, 1993. In exercising the authority granted by ORS 215.750(1), a county may not apply a county definition of "lot" to recognize lots that could not be recognized under ORS 215.750(1). The county may not set a lower standard for approving forest template dwellings under county legislation than the standard that is set by ORS 215.750. *Reeves v. Yamhill County*, 53 Or LUBA 4 (2006).

As defined in ORS 215.010(1), the word "parcel" includes units of land that have been "lawfully established." When the word "parcel" is used elsewhere in ORS Chapter 215, it means that in order for a unit of land to qualify as a "parcel" it must have been created in compliance with applicable partitioning laws or created prior to the enactment of those laws. *Friends of Yamhill County v. Yamhill County*, 58 Or LUBA 315 (2009), *aff'd*, 229 Or App 188, 211 P3d 297 (2009).

The County has previously taken the position that a new "date of existence" occurs when a parcel is reconfigured via a property line adjustment. As we understand the facts, the County may have based its reasoning on the definition of "Date of Creation and Existence" found in OAR 660-006-0005(5):

(5) "Date of Creation and Existence." When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.

Kay Clay

From: M. TITUS <CHINOOK360@msn.com>
Sent: Monday, August 8, 2022 5:58 PM
To: ePermits - Planning
Subject: FW: RDF 22-04
Attachments: P152.zip

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Submitted by
Dawn Campbell
75735 Price Rd
Rainier Oregon

Sent from [Mail](#) for Windows

From: [M. TITUS](#)
Sent: Monday, August 8, 2022 5:09 PM
To: planning@columbiacountyor.gov
Subject: RDF 22-04

Sent from [Mail](#) for Windows

From: [Dawn Titus](#)
Sent: Monday, August 8, 2022 4:11 PM
To: chinook360@msn.com
Subject: Fw: PRICE RD

[Sent from Yahoo Mail on Android](#)

----- Forwarded Message -----

From: "Robert Johnson" <Robert.Johnson@columbiacountyor.gov>
To: "chewy15150@yahoo.com" <chewy15150@yahoo.com>
Cc: "Nathan Woodward" <Nathan.Woodward@columbiacountyor.gov>
Sent: Thu, Aug 4, 2022 at 11:32 AM
Subject: PRICE RD

Don,

The Price road information you requested.

Robert L Johnson

Columbia County Surveyors Office

Robert.Johnson@columbiacountyor.gov
(503) 397-2322

In the County Court

of the State of Oregon

For _____ County.

In the matter of the

ROAD

Bond of Road Petitioners.

135427D

Approved *Dec 2nd* 192*4*

John P. Miller
County Judge.

Filed *Dec. 2nd* 192*4*

J. W. Hunt
County Clerk.

By *H. E. Seay*
Deputy.

STATE OF OREGON,

County of COLUMBIA

SS.

I P. V. Price

being first duly sworn, on oath, say that I posted 5 notice (a copy of which is hereunto annexed)

of the proposed road, in the following public places, to-wit: One notice at the Northwest corner of the Northeast quarter of the N. 1/4, Sec. 16, T. 7 N., R. 3 W., 21st. One notice at our local subdivision line, north of N. 1341, 2 feet; thence from this point one block S. 89° 41' E. 1305, 3 feet; one notice at the S.W. corner of the N. 1/4, 1/2 of the S.E. 1/4 Section 16, T. 7 N., R. 3 W., W.M., one notice on the S.W. corner of the N.E. 1/4 of the S.W. 1/4 of Sec. 16 T. 7 N., R. 3 W., W.M. one notice on the Court House Door at St. Helens, Oregon. and one notice accompanied this affidavit and petition.

and one at the Court House door in St. Helens in said Columbia County and State of Oregon, thirty days prior to the presentation of petition herein, and that all of said petitioners are free holders residing in the vicinity of said proposed road, in said Columbia County and State of Oregon. That all of said notices were posted in conspicuous places where they could be seen by the general public.

Said notices were posted on the third day of November, 19 24

P. V. Price.

Subscribed and sworn to before me this third day of November A. D. 19 24

H. A. Childs

NOTARY PUBLIC FOR OREGON

MY COMMISSION EXPIRES SEPT. 30, 1928

Notary Public for Oregon.

my commission expires

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR
COLUMBIA COUNTY, OREGON

BOOK 9 PAGE 191

In the Matter of the Acceptance of a Deed from)
Charles D. Barker, granting to Columbia County)
Certain Property for County Road Purposes. }

ORDER ACCEPTING DEEDS
TO PROPERTY
FOR COUNTY ROAD
No. 130-80

WHEREAS because of the replacement of a bridge on Price Road No. P-152
it was necessary for additional right of way to be obtained, and


WHEREAS Charles D. Barker has conveyed to Columbia County the following
described real property, to-wit:

SEE ATTACHED EXHIBIT A.

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached deed be accepted
by the county and placed of record in the County of Columbia, State of Oregon; and
that the same be established and maintained as a county road.

Dated at St. Helens, Oregon this 26th day of November, 1980.

COLUMBIA COUNTY BOARD OF COMMISSIONERS

 Chairman

 Commissioner

 Commissioner

STATUTORY BARGAIN AND SALE DEED

CHARLES D. BARKER, Grantor, conveys and dedicates to public use, for public roads, to COLUMBIA COUNTY, a political subdivision of the State of Oregon, Grantee, the following described property:

Parcel 1: A strip of land 60 feet wide, described as follows:

Beginning at the intersection of the South line of the NE 1/4 of Section 17, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, with the Easterly line of Ira Parcher County Road #P-7, also known as Lost Creek County Road; thence Northerly along the Easterly line of said County Road to a point which is 60.0 feet North of the South line of said NE 1/4 when measured at right angles; thence East 366.29 feet parallel to the South line of the said NE 1/4; thence South 66°08' East 148.30 feet to the South line of said NE 1/4; thence West along the South line of said NE 1/4 to the point of beginning.

Parcel 2: A parcel of land located in the NE 1/4 of SE 1/4 of Section 17, Township 7 North, Range 3 West of Willamette Meridian, Columbia County, Oregon described as follows:

Beginning at a point on the Northerly line of the SE 1/4 of said Section 17, 959.02 feet West of a 1" iron pipe marking the E 1/4 corner of said Section 17, for the true point of beginning; thence West along the Northerly line of said SE 1/4 of said Section 17, 148.30 feet; thence South 66°08' East 225.05 feet; thence South 2°13' West parallel to the Easterly line of said Section 17, 166.30 feet to the Southeast corner of tract conveyed to William K. Bird et ux, recorded March 13, 1969, in Book 172, page 600 Deed Records of Columbia County, Oregon; thence East parallel to the Northerly line of said SE 1/4 of said Section 17, 60 feet; thence North 2°13' East parallel to the Easterly line of said SE 1/4 of said Section 17, 204.71 feet to a point that is South 66°08' East, 130.16 feet from the true point of beginning; thence North 66°08' West, 130.16 feet to the true point of beginning.

Parcel 3: A strip of land 60 feet wide across a portion of the NE 1/4 of the SE 1/4 of the SE 1/4 of Section 17, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon described as follows:

Beginning at the Southwest corner of tract conveyed to Fred M. Koski et ux, described as Parcel 1 in deed recorded June 30, 1969 in Book 173, page 740, Deed Records of Columbia County, Oregon; thence West 60 feet to a boundary line agreement between George Bunker et ux and Charles D. Barker et ux as described by instrument recorded June 30, 1969 in Book 173, page 742, Deed Records of Columbia County, Oregon; thence North 2°13' East, along said boundary line to the Southeast corner of the William K. Bird et ux tract described in deed recorded March 13, 1969 in Book 172, page 600, Deed Records of Columbia County, Oregon; thence East 60 feet to the West line of said Koski et ux tract; thence South 2°13' West, along the West line of said Koski et ux tract to the point of beginning.

The true and actual consideration for this conveyance is: DEEDED FOR ROAD PURPOSES.

Until a change is requested, all tax statements are to be sent to the following address: _____

Dated this 25 day of November, 1980.


Grantor

STATE OF OREGON


County of Columbia

November 25 1980.

Personally appeared the above named Charles D. Barker, and acknowledged the foregoing instrument to be his voluntary act.


Notary Public for Oregon

My Commission Expires: 6/26/84

STATE OF OREGON
COLUMBIA COUNTY
RECORDED OR FILED
Conn. Jull
DEC 3 4 56 PM '80
BOOK 9 PAGE 191
RETA C. KERRY, CO. CLK.
BY  DEP.

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR
COLUMBIA COUNTY, OREGON

In the Matter of the Acceptance of Deeds from)
Ralph Moore, Inda Moore, Charles D. Barker and)
John Drake, granting to Columbia County Certain)
Property for County Road Purposes.)

ORDER ACCEPTING DEEDS
TO PROPERTY
FOR COUNTY ROAD
No. 131-80

WHEREAS because of the replacement of a bridge on Price Road No.P-152 it was necessary for additional right of way to be obtained, and

WHEREAS Ralph Moore and Inda Moore have conveyed to Columbia County the following described real property, to-wit:

Beginning at the Northwest corner of the Southwest quarter of the North-East quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; thence South 0°01'35" East along the West line of said Southwest quarter of the Northeast quarter of the Northwest quarter a distance of 149.07 feet to the Westerly right-of-way line of the R.V. Price County Road #P-152; thence, along said Westerly right-of-way line, along the arc of an 838.51 foot radius curve to the right (the long chord bears North 13°27'05" East 27.48 feet) a distance of 27.48 feet; thence North 14°23'25" East a distance of 86.19 feet; thence along the arc of a 200.37 foot radius curve to the left (the long chord bears North 8°56'29" East 38.05 feet) a distance of 38.11 feet to the North line of the Southwest quarter of the Northeast quarter of the Northwest quarter of said Section 15; thence leaving said Westerly right-of-way line South 89°42' West, along the North line of said Southwest quarter of the Northeast quarter of the Northwest quarter, a distance of 34.86 feet to the Point of Beginning.

said deed having been recorded on November 27, 1979 in Book 227, Page 978 Columbia County Deed records, and

WHEREAS Charles D. Barker has conveyed to Columbia County the following described real property, to-wit:

Beginning at the Southwest corner of the Northwest quarter of the Northeast quarter of the Northwest quarter of Section 15, Township 7 North Range 3 West, Willamette Meridian, Columbia County, Oregon; thence North 0°01'35" West along the West line of said Northwest quarter of the Northeast quarter of the Northwest quarter a distance of 186.59 feet to the Westerly right-of-way line of the R. V. Price County Road #P-152; thence along said Westerly right-of-way line, along the arc of a 974.93 foot radius curve to the left (the long chord bears South 12°15'21" East 20.55 feet) a distance of 20.55 feet; thence South 12°51'35" East a distance of 111.81 feet; thence along the arc of a 200.37 foot radius curve to the right (the long chord bears South 4°41'01" East 56.99 feet (a distance of 57.19 feet to the South line of the Northwest quarter of the Northeast quarter of the Northwest quarter of said Section 15; thence leaving said Westerly right-of-way line, South 89°42' West along the South line of said Northwest quarter of the Northeast quarter of the Northwest quarter, a distance of 34.86 feet to the Point of Beginning.

EXCEPT that part lying within the Columbia River Highway.

said deed having been recorded on November 27, 1979 in Book 227, Page 980 Columbia County Deed records, and

WHEREAS John Drake has conveyed to Columbia County the following described real property, to-wit:

Beginning at a point which is South 0°01'35" East 484.36 feet from the Northeast corner of the Northwest quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, said point being at the intersection of the East line of said Northwest quarter of the Northwest quarter and the Westerly right-of-way line of R. V. Price County Road #P-152; thence South 0°01'35" East along the East line of said Northwest quarter of the Northwest quarter a distance of 335.66 feet to the Westerly right-of-way line of said Price County Road; thence along said Westerly right-of-way line, along the arc of an 838.51 foot radius curve to the left, (the long chord bears South 6°14'35" West 183.14 feet) a distance of 183.51 feet; thence North 0°01'35" West, parallel to and 20 feet West of the East line of said Northwest quarter of the Northwest quarter, a distance of 114.17 feet to the Westerly right-of-way line of said Price County Road; thence along said Westerly right-of-way line, along the arc of a 974.93 foot radius curve to the left, (the long chord bears South 5°50'21" East 197.48 feet) a distance of 197.82 feet to the Point of Beginning.

EXCEPT that part lying within the Columbia River Highway.

said deed having been recorded on November 27, 1979 in Book 227, Page 982 Columbia County Deed records, and

WHEREAS John Drake also has conveyed to Columbia County the following described real property, to-wit:

Beginning at a point which is South 0°01'35" East 940.07 feet and North 88°39'22" West 20.00 feet from the Northeast corner of the Northwest quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; thence North 38°39'22" West a distance of 1.94 feet; thence North 6°15'06" West a distance of 151.34 feet; thence North 1°20'38" East a distance of 100.00 feet; thence North 4°22'18" West a distance of 50.25 feet; thence North 23°09'24" East a distance of 26.93 feet; thence North 1°20'38" East a distance of 75.00 feet; thence South 88°39'22" East a distance of 7.37 feet; thence South 0°01'35" East a distance of 400.12 feet to the Point of Beginning.

EXCEPT that part lying within the right-of-way of the Columbia River Highway.

said deed having been recorded on November 27, 1979 in Book 227, Page 991 Columbia County Deed records,

NOW, THEREFORE, IT IS HEREBY ORDERED that the foregoing deeds be accepted by the county and placed of record in the County of Columbia, State of Oregon; and that the same be established and maintained as a county road.

Dated at St. Helens, Oregon this 26th day of November, 1980.

RECORDED
Com. 3rd
DEC 3 4 37 PM '80
BOOK 9 PAGE 194
RETA C. KERBY, CO. CLK.
BY [Signature] DEP.

COLUMBIA COUNTY BOARD OF COMMISSIONERS

[Signature] Chairman

[Signature] Commissioner

[Signature] Commissioner

COLUMBIA COUNTY OREGON

LOCATED LINE

R. V. PRICE ROAD CHANGE

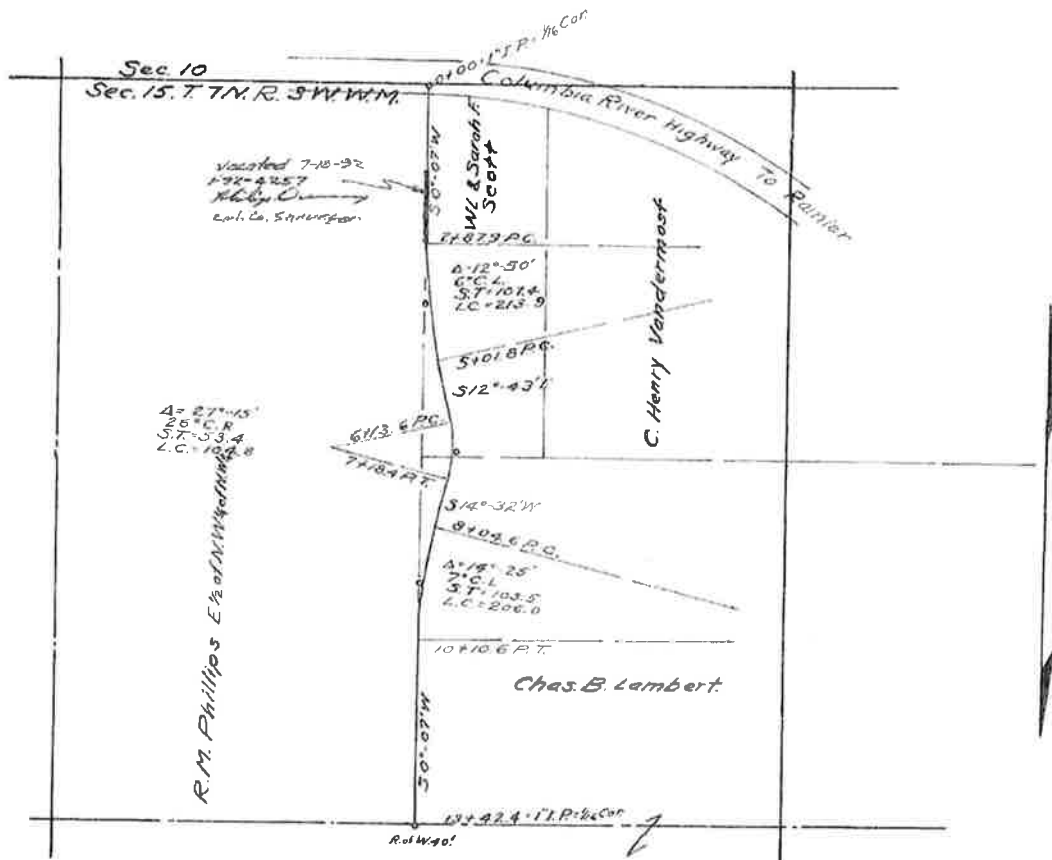
Section: 15 T 7 N R 3 W W M

September 1929

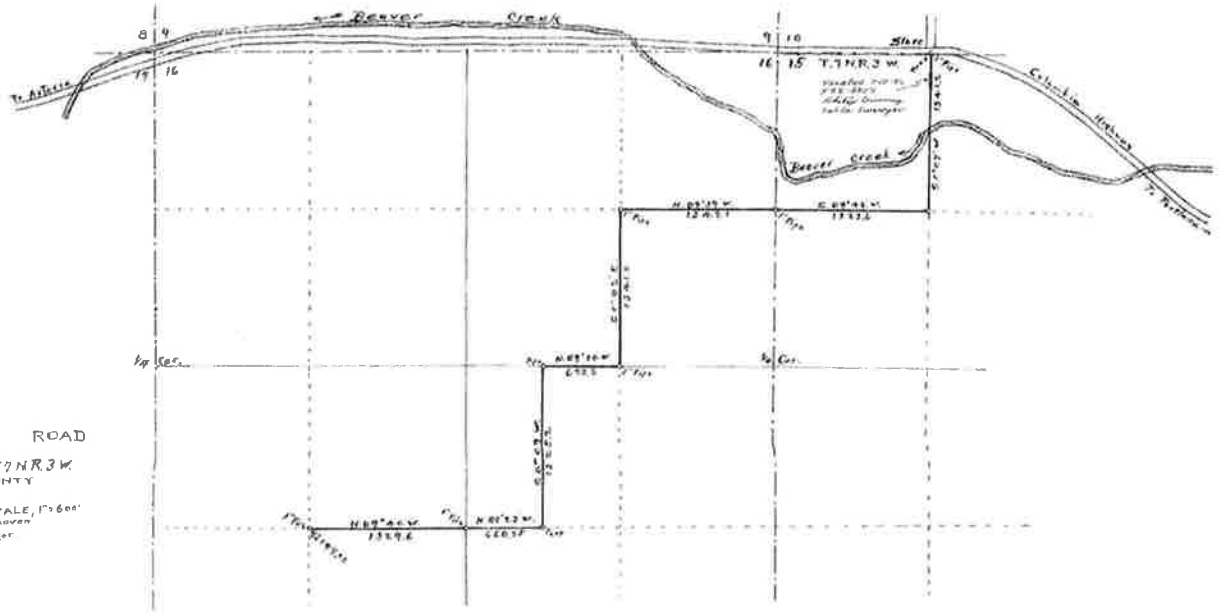
Scale 1" = 400'

Road District No 6

Roadmaster



MAP
 OF
R.V. PRICE ROAD
 In
SEC 6 15 T 14 N R 3 W
COLUMBIA COUNTY
ORE.
 DEC 1924 SCALE 1" = 600'
 L. J. Van Orsloven
 Co. Surveyor



cc

STATE OF OREGON
COLUMBIA COUNTY
RECORDED & INDEXED

BEFORE THE BOARD OF COUNTY COMMISSIONERS 1992 JUN 12 PM 3: 25

FOR COLUMBIA COUNTY, OREGON

BOOK _____ PAGE _____
CLERK OF THE SUPERIOR COURT
BY Robert Ham DEPT

In the Matter of Vacating)
a Portion of Price Rd., P-152,) ORDER NO. 167-92
in Columbia County, Oregon.) (Initiating Road Vacation)
_____)

WHEREAS, pursuant to ORS 368.326 et seq., the Board of County Commissioners for Columbia County, Oregon may initiate proceedings to vacate a public road once a person holding title to property abutting that road files a petition with the Board meets the requirements of ORS 368.341 and that requests vacation of that road; and

WHEREAS, Alston's Corner Assembly of God, by and through the Rev. Steve Berry, has filed a petition (a copy of which being attached hereto, labeled Exhibit "A" and incorporated herein by this reference) to vacate a portion of Price Road, P-152; and

WHEREAS, Price Road, P-152, is a public road, forty feet in width, having been established on February 6, 1925 by order of the Columbia County Court, said order being recorded in Book "I", Page 173 of the Commissioners Journal; and

WHEREAS, the petitioner proposes to vacate the portion of Price Road that begins at the northern right of way of U.S. Highway 30 and extends north 180 feet, more or less, to the northern line of a parcel known as Tax Lot 600; and

WHEREAS, the petitioner holds title to the properties abutting both sides of the portion of Price Road proposed for vacation; and

WHEREAS, it appears to the Board that portion of Price Road may no longer be useful as a public road; and

WHEREAS, pursuant to ORS 368.351, the Board may not make final determination on the matter until the County Roadmaster prepares and files a report with the Board stating whether, in his assessment, vacating that portion of the public road is in the public interest;

NOW, THEREFORE, IT IS HEREBY ORDERED, as follows:

1. The proceedings to vacate Price Road, P-152, from the northern right of way of U.S. Highway 30 north 180 feet more or less to the northern line of Tax Lot 600 are hereby initiated.

2. The Board's intent to vacate that portion of Price Road is hereby declared.

3. The County Roadmaster is directed to prepare and file with the Board a report containing the following information:

- (a) A description of the ownership and uses of the property proposed to be vacated;
- (b) An assessment whether the road vacation would be in the public interest; and
- (c) Any other information the Board may require.

DATED this 10th day of June, 1992.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: Thomas A. Cunningham
Office of County Counsel

By: Michael J. Sibley
Chairman

By: Ed Hamilton
Commissioner

By: Joseph R. Peterson
Commissioner

EXHIBIT "A"

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Vacation) INSTRUMENT
of Certain Property Located) NO. _____
in Columbia County, Oregon)
_____) PETITION FOR VACATION

I, (we) by Rev. Steve Berry, petition the Board of County
(Petitioner's or Petitioners' Name(s))

Commissioners for the vacation of the following property:

A. Description of property proposed for vacation (attach additional sheets if necessary):

1. General Description: R.V. Price Rd. No. 152 between Lots 400 and 600 only. Located south of the intersection of Alston Rd. and Price Rd. The church owned house is on the west and the church is on the east.

2. Legal Description:

That portion of Price Road beginning at the northern right of way of Columbia River Highway (U.S. 30) and extending north 180 feet, more or less, to the northern property line of Tax Lot 600.

B. Petitioner's(s') property interest(s) in area proposed for vacation (attach additional sheets if necessary):

1. Type of property interest:

Alston's Corner Assembly of God holds title interest to all property abutting this road, both on the east and west sides. Lot 600 is being purchased on contract from J. and R. Walker, 146 SW Willow Lane, Astoria, OR 97103. Alston's Corner Assembly of God also holds title to Tax Lot 400.

2. Legal description of property:

See B.1.

C. Statement of reasons for vacation (attach additional sheets if necessary):

So that vacated property can be used for church parking lot. These parking spaces are needed to meet code requirements on parking spaces for a new sanctuary.

D. Names and addresses of all persons holding any recorded interest in the property proposed to be vacated (attach additional sheets if necessary):

E. Names and addresses of all persons owning any improvements constructed on property proposed to be vacated (attach additional sheets if necessary):

Not Applicable.

F. Names and addresses of all persons owning any real property abutting the property proposed to be vacated (attach additional sheets if necessary):

Alston's Corner Assembly of God
25272 Alston Road
Rainier, Oregon 97048

G. The signature(s), acknowledged before a notary or other person authorized to take acknowledgements of deeds, of either 1) owners of sixty (60) percent of the land abutting the property proposed to be vacated or 2) sixty (60) percent of the owners of land abutting the property proposed to be vacated are attached (attach signature sheets).

H. If the petition is for the vacation of property that will be redivided in any manner, a subdivision plan or partitioning plan showing the proposed redivision is attached.

Not Applicable.

I. A true and accurate map of the proposed vacation is attached.

J. I verify that I have flagged all corners of the area proposed to be vacated and that the flags are reliably and accurately located and are easily visible.

K. The filing fee of \$53.50 is attached. Dated and sent to Columbia County on May 20, 1992.

L. Signature(s): Rm. Steve Berry 6-4-92
(Petitioner's Name) (Date)

NA
(Co-Petitioner's Name (if any)) (Date)

NA
(Co-Petitioner's Name (if any)) (Date)

M. Verification(s):

STATE OF OREGON)
) ss.
County of Columbia)

I, (we) Alston's Corner Assembly of God, am (are) the petitioner(s)
by Rev. Steve Berry
(Petitioner's or Petitioners' Names)

herein and hereby swear, under penalties of perjury, that the statements made in this petition, and the attachments hereto, are true to the best of my (our) knowledge.

Rev. Steve Berry
(Petitioner's Name)

N/A
(Co-Petitioner's Name (if any))

N/A
(Co-Petitioner's Name (if any))

Subscribed and sworn to before me this 4 day of June, 1992.

Marchella R. Holly
Notary Public for Oregon
My Commission Expires: 10/18/92

SIGNATURE SHEETS OF ABUTTING PROPERTY OWNER(S)
(Each co-owner of abutting property must sign)

- Name of Abutting Property Owner(s): Alston's Corner Assembly of God
by Rev. Steve Berry
- Mailing Address of Abutting Property Owner(s): 25272 Alston Road
Rainier, Oregon 97048
- Legal Description of Abutting Property (attach additional sheets if necessary):

. Tax Lot No. 400 and 600
- Legal Description of Property Proposed for Vacation (attach additional sheets if necessary): That portion of Price Rd. beginning at the northern right of way of Columbia River Highway (U.S. 30) and extending north 180 feet, more or less, to the northern property line of Tax Lot 600.
- I (we) am (are) the owner(s) of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation.

Alston's Corner Assembly of God
by Rev. Steve Berry
Rev. Steve Berry 6-5-92
(Property Owner's Signature) Date

(Co-Property Owner's Signature (if any)) Date

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this 5 day of June, 1991 by Rev Steve Berry.

(SEAL)

Marcella K Holly
Notary Public for Oregon
My Commission Expires: 10/18/92

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Vacating
a Portion of Price Rd., P-152
in Columbia County, Oregon)

ORDER NO. 179-92
(Finalizing Road Vacation)

WHEREAS, pursuant to ORS 368.326 et seq., the Board of County Commissioners for Columbia County, Oregon may initiate proceedings to vacate a public road once a person files an appropriate petition, but, pursuant to ORS 368.351, the Board may not make final determination on the matter until the County Roadmaster files a report stating whether the road vacation would be in the public interest; and

WHEREAS, Alston's Corner Assembly of God, by and through the Rev. Steve Berry, has filed a petition to vacate the portion of Price Road (P-152) that extends about 180 feet north from the northerly right of way of U.S. Highway 30; and

WHEREAS, by Order No. 167-92, the Board initiated the road vacation proceedings to vacate that portion of Price Road, directing the County Roadmaster to file the report prescribed by ORS 368.351; and

WHEREAS, Mr. McBride has filed a report stating that in his assessment vacating that portion of Price Road would be in the public interest; a copy of his report is attached hereto, labeled Exhibit "1" and incorporated herein by reference;

NOW, THEREFORE, IT IS HEREBY ORDERED, as follows:

1. It is in the public interest to vacate that portion of Price Road (P-152) that is generally described as the 180 feet, more or less, of roadway extending north from the northern right of way of U.S. Highway 30, and that is more particularly described in the petition for road vacation submitted by Alston's Corner Assembly of God, a copy of said petition being attached to Order No. 167-92 as Exhibit "A" and incorporated therein by reference.

2. That portion of Price Road (P-152), as petitioned for vacation, is hereby vacated.

3. The vacated property shall vest in the rightful owner holding title according to law.

4. The County Clerk is requested to record this Order.

5. A copy of this Order shall be filed with the County Surveyor and with the County Assessor.

6. No additional costs will result from the approved vacation.

DATED at St. Helens, Oregon this 10th day of June, 1992.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form
By: Thomas A. Blanton
Office of County Counsel

By: Michael J. [Signature]
Chairman

By: [Signature]
Commissioner

By: [Signature]
Commissioner



Columbia County Road Dept.

P.O. Box 366 1004 Oregon Street
St. Helens, Oregon 97051
Phone: (503) 397-5090

MEMORANDUM

June 10, 1992

TO: Columbia County Board of Commissioners
FROM: Jim McBride, Director of Public Works/Roadmaster
RE: Petition for vacation of portion of Price Road

Handwritten signature/initials

This report is written in connection with the proposed vacation of a portion of Price Road described as follows:

That portion of Price Road beginning at the northerly right-of-way of Columbia River Highway(U.S.30) and extending North 180 feet, more or less, to the northerly property line of tax lot 600.

This department has examined said road and reports as follows:

- 1) This proceeding involves the proposed vacation of a portion of a county road.
2) In my opinion, the vacation of a portion of Price Road should be allowed.
3) Said road is not now in use and has not been used for road purposes for many years.
4) It is not advisable or necessary to preserve the road for the general road system in the future as it is not needed now nor is it contemplated to be utilized in the future.
5) The vacation of this road is in the public interest.

cc: John K. Knight, County Counsel

I hereby certify that the within instrument was received for record and recorded in the County of Columbia, State of Oregon.

4257 '92 JUN 19 AM 0:21

Instrument # 92-4257
Pages 3



ELIZABETH HUSER, County Clerk
By: Elizabeth Huser Deputy

Receipt # Fees \$

STATE OF OREGON
COLUMBIA COUNTY
RECORDED OR FILED

1992 JUN 19 AM 8:52
BOOK 36 PAGE 547
ELIZABETH HUSER, CO. CLERK

BY: [Signature] DEPT.

Return to Pam for filing in
Counmgl

STATE OF OREGON
COLUMBIA COUNTY
RECORDED OR FILED

1992 JUN 12 PM 3:19

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

BOOK _____ PAGE _____
ELIZABETH HUSER, CO. CLK

BY Benham DEF.

In the Matter of the Vacation)
of Certain Property Located) INSTRUMENT
in Columbia County, Oregon) NO. _____
_____) PETITION FOR VACATION

I, (we) by Rev. Steve Berry, petition the Board of County
(Petitioner's or Petitioners' Name(s))

Commissioners for the vacation of the following property:

A. Description of property proposed for vacation (attach additional sheets if necessary):

1. General Description: R.V. Price Rd. No. 152
between Lots 400 and 600 only. Located south of the
intersection of Alston Rd. and Price Rd. The church
owned house is on the west and the church is on the
east.

2. Legal Description:

That portion of Price Road beginning at the northern right of way of
Columbia River Highway (U.S. 30) and extending north 180 feet, more
or less, to the northern property line of Tax Lot 600.

B. Petitioner's(s') property interest(s) in area proposed for vacation
(attach additional sheets if necessary):

1. Type of property interest:

Alston's Corner Assembly of God holds title interest to all
property abutting this road, both on the east and west sides.
Lot 600 is being purchased on contract from J. and R. Walker,
146 SW Willow Lane, Astoria, OR 97103. Alston's Corner Assembly
of God also holds title to Tax Lot 400.

2. Legal description of property:

See B.1.

C. Statement of reasons for vacation (attach additional sheets if necessary):

So that vacated property can be used for church parking lot. These
parking spaces are needed to meet code requirements on parking spaces
for a new sanctuary.

D. Names and addresses of all persons holding any recorded interest in the property proposed to be vacated (attach additional sheets if necessary):

E. Names and addresses of all persons owning any improvements constructed on property proposed to be vacated (attach additional sheets if necessary):

Not Applicable.

F. Names and addresses of all persons owning any real property abutting the property proposed to be vacated (attach additional sheets if necessary):

Alston's Corner Assembly of God
25272 Alston Road
Rainier, Oregon 97048

G. The signature(s), acknowledged before a notary or other person authorized to take acknowledgements of deeds, of either 1) owners of sixty (60) percent of the land abutting the property proposed to be vacated or 2) sixty (60) percent of the owners of land abutting the property proposed to be vacated are attached (attach signature sheets).

H. If the petition is for the vacation of property that will be redivided in any manner, a subdivision plan or partitioning plan showing the proposed redivision is attached.

Not Applicable.

I. A true and accurate map of the proposed vacation is attached.

J. I verify that I have flagged all corners of the area proposed to be vacated and that the flags are reliably and accurately located and are easily visible.

K. The filing fee of \$53.50 is attached. Dated and sent to Columbia County on May 20, 1992.

L. Signature(s): *Ron Elmo Berry* *6-4-92*
(Petitioner's Name) (Date)

NA _____
(Co-Petitioner's Name (if any)) (Date)

NA _____
(Co-Petitioner's Name (if any)) (Date)

M. Verification(s):

STATE OF OREGON)
) ss.
County of Columbia)

I, (we) Alston's Corner Assembly of God
by Rev. Steve Berry, am (are) the petitioner(s)
(Petitioner's or Petitioners' Names)

herein and hereby swear, under penalties of perjury, that the statements made in this petition, and the attachments hereto, are true to the best of my (our) knowledge.

Rev. Steve Berry
(Petitioner's Name)

N/A
(Co-Petitioner's Name (if any))

N/A
(Co-Petitioner's Name (if any))

Subscribed and sworn to before me this 4 day of June, 1992.

Marchella R. Holly
Notary Public for Oregon
My Commission Expires: 10/18/92

SIGNATURE SHEETS OF ABUTTING PROPERTY OWNER(S)
(Each co-owner of abutting property must sign)

1. Name of Abutting Property Owner(s): Alston's Corner Assembly of God
by Rev. Steve Berry .
2. Mailing Address of Abutting Property Owner(s): 25272 Alston Road
Rainier, Oregon 97048 .
3. Legal Description of Abutting Property (attach additional sheets if necessary): _____

_____ . Tax Lot No. 400 and 600 .
4. Legal Description of Property Proposed for Vacation (attach additional sheets if necessary): That portion of Price Rd. beginning at the northern
right of way of Columbia River Highway (U.S. 30) and extending north
180 feet, more or less, to the northern property line of Tax Lot 600.
5. I (we) am (are) the owner(s) of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation.

Alston's Corner Assembly of God
by Rev. Steve Berry

Rev. Steve Berry
(Property Owner's Signature)

6-5-92
Date

(Co-Property Owner's Signature (if any)) Date

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this 5 day of

June, 1991 by Rev Steve Berry .

(SEAL)

Marshall R. Holly
Notary Public for Oregon
My Commission Expires: 10/18/92

STATE OF OREGON, } ss.
County of Columbia }

I, P. V. Price being first duly sworn, on oath say, that I posted five notices (a copy of which is hereunto annexed) of the proposed road, in the following public places, to-wit: One notice at the Northwest-corner of the North-east quarter of the S.W. 1/4 of Sec. 15, T. 7 N., R. 3 W., W.M. One notice along legal subdivision lines south of T. 7 N. 1341.2 feet; thence fra: this point one notice S. 89° 42' W. 1328.5 feet; one notice of the S.E. corner of the N.E. 1/4 of the E.E. 1/4 Section 16 T. 7 N. R. 3 W. W.M. One notice on the S.W. corner of the N.E. 1/4 of the S.W. 1/4 of Sec. 16 T. 7 N. R. 3 W. W.M. and also one notice on the Court House door at St. Helens, Oregon and one notice accompanied this affidavit and petition.

and one at the Court House door in _____ in said county and State of Oregon, thirty days prior to the presentation of petition herein, to-wit: on the third day of November 1924, and that all of said petitioners are freeholders residing in the vicinity of said proposed road, in said Columbia County and State of Oregon. That all of said notices were posted in public places in the vicinity of said proposed road where they could be seen by the general public.

P. V. Price

Subscribed and sworn to before me this third day of November A. D. 1924.

W. A. Schilder
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES SEP. 30, 1925

In the County Court,

Petition

FOR THE ESTABLISHMENT OF A COUNTY ROAD

Price
ET AL

In the Matter of

Road.
Filed Nov 2nd 1924

W. A. Schilder
Clerk.
W. A. Schilder
Deputy.

File & Return
Nov 2nd 1924

Petition.

To the Honorable the County Court of COLUMBIA County,
State of Oregon.

We, the undersigned, freeholders of the County of Columbia State of Oregon,
residing in the Road District or Districts where said road is to be located as hereinafter
described, respectfully petition your Honorable Body to establish a County Road as
follows, to-wit: Beginning at the northwest corner of the N.E. $\frac{1}{4}$ of the
N.W. $\frac{1}{4}$ of section 15, T.7 N.R.3 W. of W.M., thence along legal sub-
division lines, S.0°07'W.--1341.2 feet; thence S.89°42'W.--1323.6
feet; thence N.89°39'W.--1347.1 feet; thence S.0°02'E.--1341.0 feet;
thence N.89°34'W.--673.3 feet; thence S.0°09'W.--1325.2 feet; thence
N.89°23'W.--668.75 feet; thence N.89°40'W.--1329.6 feet to the end
of said proposed road, said ending point being at the northwest
corner of the S.E. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of section 16, T.7 N.R.3 W. of W.M.

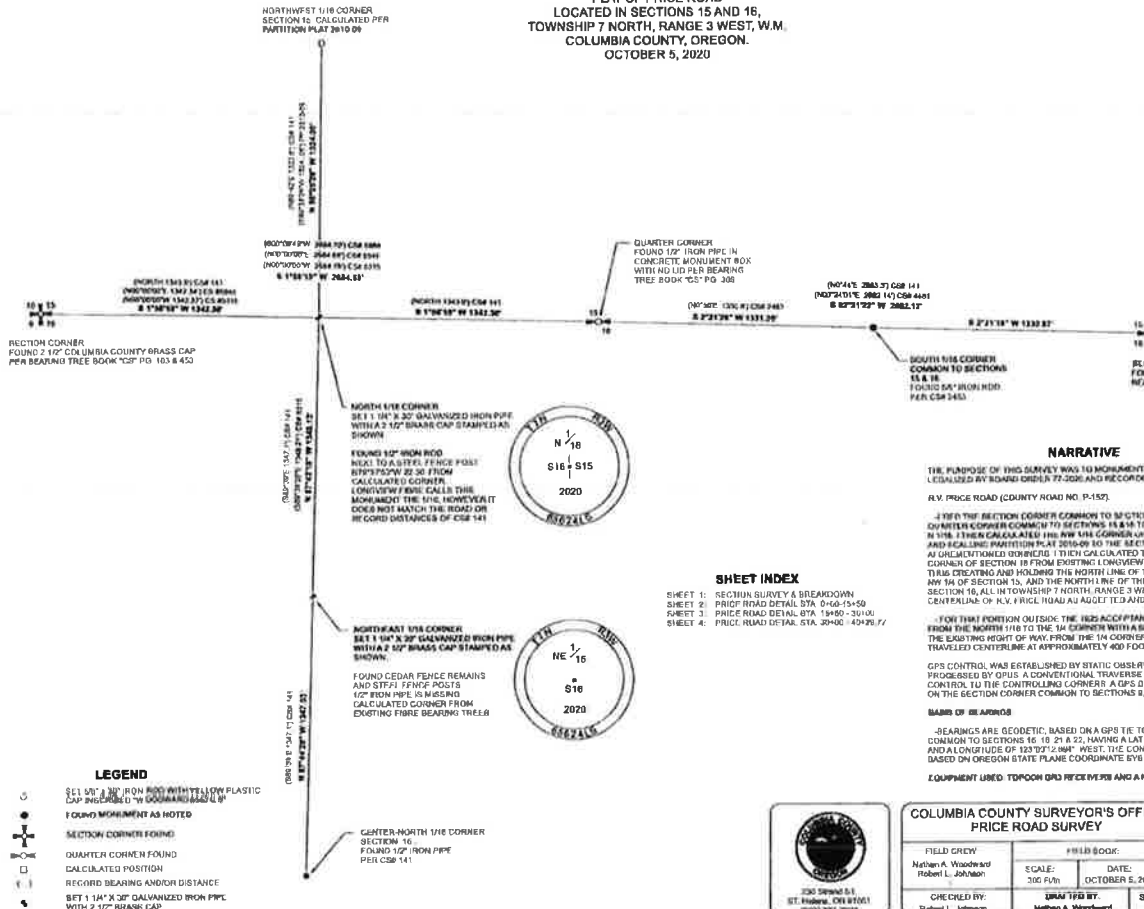
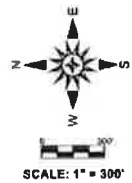
The public necessity for such road being as follows: To provide a legal out-let to
settlers who are making homes on the land adjacent to the road.

Width of said road to be Forty feet. feet.

NAMES	NAMES
<p>P. V. Price J. C. Price W. D. Havett Wood Goodwell T. B. Saffir Lola Sater A. W. Lee L. C. Hampton C. R. Stillion V. Sirt J. Sirt J. S. Soffman E. Sirt D. S. Sirt H. S. Sirt C. H. Sirt C. Sirt</p>	<p>J. Balga J. W. Johnston D. Johnston M. G. S. Sirt M. S. Sirt J. S. Sirt W. S. Sirt Ray S. Sirt C. Sirt E. Sirt M. Sirt W. Sirt C. Sirt H. Sirt C. Sirt</p>

RECORD OF SURVEY FOR COLUMBIA COUNTY, OREGON
 PLAT OF PRICE ROAD
 LOCATED IN SECTIONS 15 AND 16,
 TOWNSHIP 7 NORTH, RANGE 3 WEST, W.M.,
 COLUMBIA COUNTY, OREGON.
 OCTOBER 5, 2020

SHEET 1 OF 4



NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO MONUMENT THAT PORTION OF PRICE ROAD LEGALIZED BY BOARD ORDER 72-026 AND RECORDED IN INSTRUMENT NO. 2010-0564, R.V. PRICE ROAD (COUNTY ROAD NO. P-157).

FOR THE SECTION CORNER COMMON TO SECTIONS 8, 10, 14 & 16 AND THE QUARTER CORNER COMMON TO SECTIONS 8 & 10 TO CALCULATE AND SET THE NORTH LINE. THEN CALCULATE THE NEW LINE CORNER OF SECTION 15 BY ROTATING AND RECALLING PARTITION PLAT 2010-09 TO THE SECTION LINE BETWEEN THE AS MENTIONED CORNERS. THEN CALCULATE THE LOCATION OF THE NE 1/4 CORNER OF SECTION 16 FROM EXISTING LONGVIEW FENCE BEARING (DEED) THIS CREATING AND HOLDING THE NORTH LINE OF THE SW 1/4 OF THE NW 1/4 OF SECTION 15, AND THE NORTH LINE OF THE SE 1/4 OF THE NE 1/4 OF SECTION 16, ALL IN TOWNSHIP 7 NORTH, RANGE 3 WEST, W.M. AS THE CENTERLINE OF R.V. PRICE ROAD AS ADJUSTED AND DEDICATED IN 1925.

FOR THAT PORTION OUTSIDE THE 165' ACCEPTANCE, FIELD THE SECTION LINE FROM THE NORTH 1/4 TO THE SW CORNER WITH A BEST FIT CURVE TO THE INTERSECTION POINT OF PRICE FROM THE SW CORNER SOUTH LINE TO THE ADJUSTED CENTERLINE AT APPROXIMATELY 400 FOOT INTERVALS.

GPS CONTROL WAS ESTABLISHED BY STATIC OBSERVATION AND PROCEEDED BY OPUS A CONVENTIONAL TRAVERSE WAS THEN RUN FROM SAID CONTROL TO THE CONTROLLING CORNER. A GPS DIRECT 1D WAS PERFORMED ON THE SECTION CORNER COMMON TO SECTIONS 8, 10, 14 & 16.

BASED ON BEARINGS

BEARINGS ARE GEODETIC, BASED ON A GPS TIE TO THE SECTION CORNER COMMON TO SECTIONS 16, 18, 21 & 22, HAVING A LATITUDE OF 46°08' 11" NORTH AND A LONGITUDE OF 123°27' 58" WEST. THE CONVERGENCE ANGLE = -1' 00" BASED ON OREGON STATE PLANE COORDINATE SYSTEM, OR-CON NORTH ZONE.

EQUIPMENT USED: TOPCON DHD RECEIVER AND A RIMON HVD TOTAL STATION

SHEET INDEX

- SHEET 1: SECTION SURVEY & BREAKDOWN
- SHEET 2: PRICE ROAD DETAIL STA. 0+60-15+50
- SHEET 3: PRICE ROAD DETAIL STA. 15+00-30+00
- SHEET 4: PRICE ROAD DETAIL STA. 30+00-49+26.77

- LEGEND**
- SET 1 1/4" X 3/8" IRON PIPE WITH YELLOW PLASTIC CAP IN PLACE TO BE MONUMENTED AS SHOWN
 - FOUND MONUMENT AS NOTED
 - ⊕ SECTION CORNER FOUND
 - ⊙ QUARTER CORNER FOUND
 - CALCULATED POSITION
 - () RECORD BEARING AND/OR DISTANCE
 - SET 1 1/4" X 3/8" GALVANIZED IRON PIPE WITH 2 1/2" BRASS CAP



COLUMBIA COUNTY SURVEYOR'S OFFICE		PRICE ROAD SURVEY	
FIELD CREW: Nathan A. Woodard Robert L. Johnson	FIELD BOOK: SCALE: 300 FT = 1"	DATE: OCTOBER 5, 2020	SHEET 1A
CHECKED BY: Robert L. Johnson	DRAWN BY: Nathan A. Woodard		

REGISTERED PROFESSIONAL LAND SURVEYOR
 Nathan A. Woodard
 EXPIRES 06/30/2022

RECORD OF SURVEY FOR COLUMBIA COUNTY, OREGON

PLAT OF PRICE ROAD
 LOCATED IN SECTION 15 AND 16,
 TOWNSHIP 7 NORTH, RANGE 3 WEST, W.M.
 COLUMBIA COUNTY, OREGON,
 OCTOBER 5, 2020

SHEET 3 OF 4



OWNER: BLEESOE
 TAX LOT NO.: 7315-00-00401
 SITE ADDRESS: 76460 PRICE RD

OWNER: PRICE
 TAX LOT NO.: 7315-00-00400
 SITE ADDRESS: 75434 PRICE RD

OWNER: EVENSON
 TAX LOT NO.: 7315-00-00500
 SITE ADDRESS: NO SITE ADDRESS

OWNER: PROUTY
 TAX LOT NO.: 7316-00-01003
 SITE ADDRESS: 75463 PRICE RD

OWNER: FENG
 TAX LOT NO.: 7316-00-01800
 SITE ADDRESS: 75411 PRICE RD

OWNER: REIGEL
 TAX LOT NO.: 7316-00-01801
 SITE ADDRESS: 75201 PRICE RD

LEGEND

- D SET 50" x 50" IRON ROD WITH YELLOW PLASTIC CAP RECESSED "WOODWARD" SIGNATURE
- FOUND MONUMENT AS NOTED
- ✓ SET 50" x 30" IRON ROD WITH 2" ALUM CAP MARKED "C.O. SURVEYOR"
- OPC ORANGE PLASTIC CAP
- YPC YELLOW PLASTIC CAP



**COLUMBIA COUNTY SURVEYOR'S OFFICE
 PRICE ROAD SURVEY**

FIELD CREW
 Nathan A. Woodward
 Robert L. Johnson

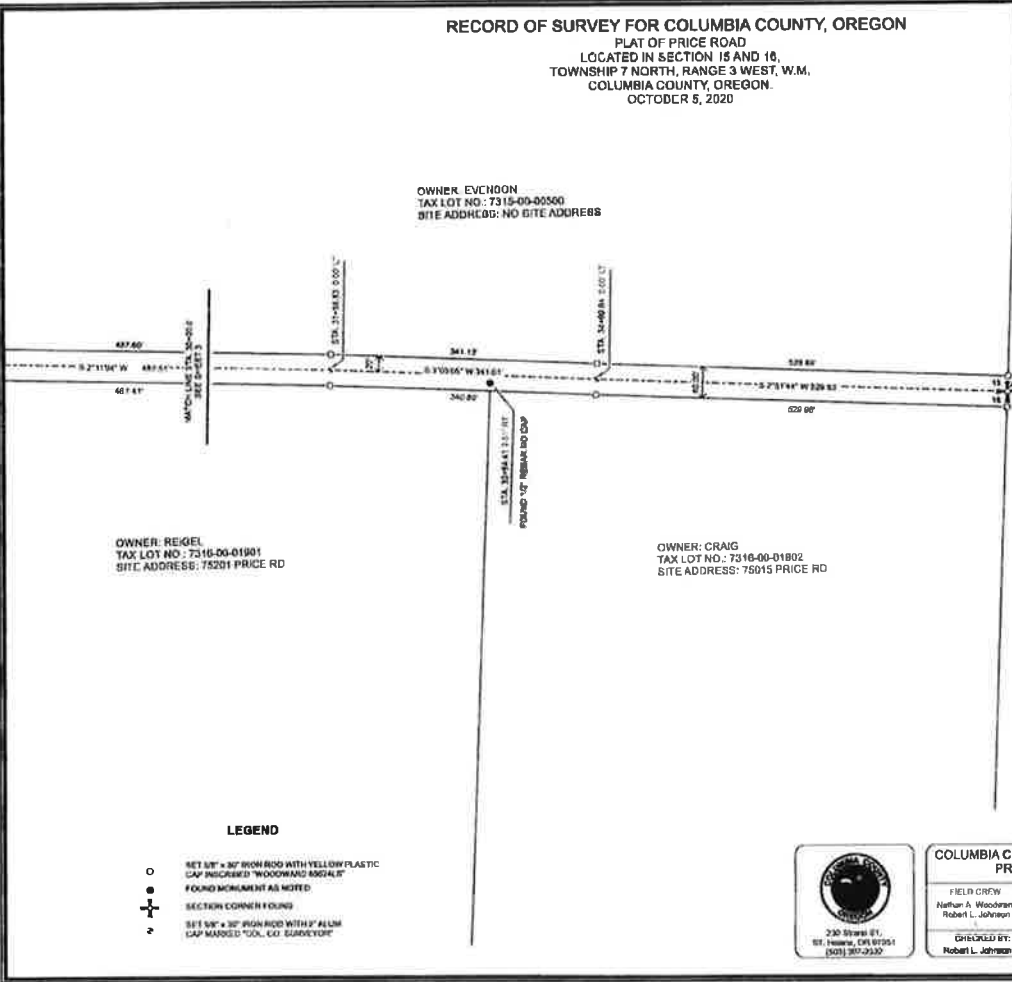
FIELD BOOK:
 SCALE: 80 Feet
 DATE: OCTOBER 5, 2020

REGISTERED PROFESSIONAL LAND SURVEYOR
 NATHAN A. WOODWARD
 JUNE 12, 2000
 LICENSE # 1111

APPREB. 10/05/2022

RECORD OF SURVEY FOR COLUMBIA COUNTY, OREGON
 PLAT OF PRICE ROAD
 LOCATED IN SECTION 15 AND 16,
 TOWNSHIP 7 NORTH, RANGE 3 WEST, W.M.,
 COLUMBIA COUNTY, OREGON.
 OCTOBER 5, 2020

SHEET 4 OF 4



OWNER: EVCHOON
 TAX LOT NO.: 7315-00-00500
 SITE ADDRESS: NO SITE ADDRESS

OWNER: WEYERHAEUSER
 TAX LOT NO.: 7321-00-01100
 SITE ADDRESS: NO SITE ADDRESS

OWNER: REIGEL
 TAX LOT NO.: 7316-00-01901
 SITE ADDRESS: 75201 PRICE RD

OWNER: CRAIG
 TAX LOT NO.: 7316-00-01802
 SITE ADDRESS: 75015 PRICE RD

LEGEND

- SET 3/8\"/>
- FOUND MONUMENT AS NOTED
- ⊕ SECTION CORNER FOUND
- ⊕ SET 3/8\"/>
- ⊕ CAP MARKED 'COL. CO. SURVEYOR'



COLUMBIA COUNTY SURVEYOR'S OFFICE PRICE ROAD SURVEY			
FIELD CREW Nathan A. Woodward Robert L. Johnson		FIELD BOOK	
SCALE 80 FT=1\"/>			
DATE OCTOBER 5, 2020	DESIGNED BY Nathan A. Woodward	CHECKED BY Robert L. Johnson	SHEET 44

REGISTERED PROFESSIONAL LAND SURVEYOR
Nathan A. Woodward
 NATHAN A. WOODWARD
 09-16-2020
 63404
 EXPIRES 12/31/2022

Washington
STATE OF OREGON } ss.
County of Clatsop

BE IT REMEMBERED, That on this 12th day of August A.D. 1929
before me, the undersigned, a Notary Public
in and for said County and State, personally appeared the within named
A. H. McKay and Josie A. McKay, *husband and wife* who are known
to me to be the identical individual 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
seal the day and year last above written.

Harold H. Chapman
Notary Public for Oregon, Washington
My Commission Expires *Mar 28 - 1930*

Quitclaim Deed

*A. H. McKay and Josie
A. McKay to
Columbia County*

STATE OF OREGON,
County of Columbia } ss.

I certify that the within instru-
ment was received for record on
the 7th. day of September
A. D. 1929 at 3 o'clock P.
M., and recorded in book 48
on page 615 Record of
Deeds of said County.

Witness my hand and seal of
County affixed.

J. W. HUNT,
Recorder of Conveyances.
B. H. H. Hunt
Deputy.

FROM THE OFFICE OF

KNOW ALL MEN BY THESE PRESENTS, That *one, A. H. McKay*
and Josie A. McKay
in consideration of one Dollars

to us paid by Columbia County, a municipal corporation

do hereby remise, release and forever QUITCLAIM unto the said Columbia County
and unto its ~~successors~~ ~~heirs~~ and assigns

all right, title and interest in and to the following described parcel of real estate, together with the tenements, hereditaments and appurtenances, situate in

County of Columbia State of Oregon, to-wit:

A strip of land 40 feet wide being 20 feet on each side of the centerline described as follows:-

Beginning at a point on the north and south line through the center of the northwest (1/4) quarter of section 15, T.7 N.R.3 W. of the Willamette Meridian, said point being S0°07'W a distance of 287.9 feet from the northeast corner of the northwest (1/4) quarter of the northwest (1/4) quarter of said section 15; thence running on a 955.0 feet radius curve left a distance of 213.9 feet; thence running S12°43'E a distance of 111.8 feet; thence running on a 220.4 feet radius curve right a distance of 64.8 feet to a point on the south boundary line of the northeast (1/4) quarter of the northwest (1/4) quarter of said section 15, said point being 673.64 feet south and 62.33 feet east from the northeast corner of the northwest (1/4) quarter of the northwest (1/4) quarter of section 15, T.7 N.R.3 W. of the Willamette Meridian, containing 0.37 acres more or less.

TO HAVE AND TO HOLD the same to the said -----

----- Columbia County ----- and to its ~~heirs~~ assigns forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this
12th day of August A. D. 1929

EXECUTED IN THE PRESENCE OF:

Harold H. [unclear]

E. P. [unclear]

A. H. McKay (SEAL)

Josie A. McKay (SEAL)

..... (SEAL)

..... (SEAL)

VIEWERS REPORT P152

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

In the matter of the Petition of
R. V. Price, and others for the
establishment of a County road.

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF ABOVE NAMED COUNTY:

We the undersigned Board of County Road Viewers, appointed by the Honorable Board to survey, view, lay out, and establish monuments of a County road as prayed for in the petition of R. V. Price and others, beg to report:

That pursuant to said order we met at the beginning point of said road on the 18th day of December, 1924, at the hour of 10:00 o'clock A. M. of said day, as provided in said order for the meeting of the undersigned Viewers and L. J. Van Orshoven, Surveyor, appointed to Survey said road, and after first taking an oath before L. J. Van Orshove, faithfully and impartially to discharge the duties of our appointment, we took to our assistance and as chainbearers, and as axemen, and proceeded to survey, view, lay out and establish monuments of said road as prayed for in said petition and recommend that said road be made forty feet wide.

The said L. J. Van Orshoven, Surveyor, Surveyed Said road under our direction. The beginning and termination of said road and the termination of each mile and intermediate points have been marked in the manner provided by law, as will more fully appear by the certified return of the said Surveyor of said road, which is hereunto attached and made a part of this report. We report the lands of the following named persons, through whose lands said road is located, to be rendered less valuable by reason of the location of said road in the amounts set opposite their respective names:

No damages \$

That in our opinion said road should be established for the following reasons;
A convenient outlet is provided for settlers going into the country.

DateD this 15th day of January 1925.

L. J. Van Orshoven)
S. Saulser) Board of
G. W. Mills) County Road
Viewers

Filed January 23rd, 1925
J. W. Hunt, Clerk.

\$ _____
\$ _____
\$ _____
\$ _____
\$ _____
\$ _____

That in our opinion said road should.....be established for the following reasons:
..... A convenient outlet is provided for settlers going into
the country

Dated this 15th day of January 1926

H. J. Cary
Ed. J. ...
W. M. Mills

Board of
County
Road
Viewers.

No. _____

In the County Court,
OF THE
STATE OF OREGON.

For the County of _____

Road Viewers' Report.

In the Matter of the Petition of
_____ et al.

For the _____
_____ Road.

Filed this 23rd day of
January 1926
J. ...
Clerk.

By _____
Deputy.

121146D

In the County Court of the State of Oregon,

For the County of Columbia

In the matter of the Petition of

R. V. Price

and others for

the establishment of a

County Road.

To the Honorable Board of County Commissioners of above named County:

We the undersigned Board of County Road Viewers, appointed by the Honorable Board to survey, view, lay out, ~~and establish~~ and re-establish monuments of a County road as prayed for in the petition of R. V. Price and others, beg to report:

That pursuant to said order we met at the beginning point of said road on the 18th day of December 1924, at the hour of 10:00 o'clock, A. M. of said day, as provided in said order for the meeting of the undersigned Viewers and L. J. Van Orshoven Surveyor, appointed to survey said road, and after first taking an oath before L. J. Van Orshoven faithfully and impartially to discharge the duties of our appointment, we took to our assistance

and

as chainbearers, and and and as axemen, and proceeded to survey, view, lay out, ~~and establish~~ and re-establish monuments of said road as prayed for in said petition, and recommend that said road be made forty feet wide,

The said L. J. Van Orshoven Surveyor, surveyed said road under our direction. The beginning and termination of said road and the termination of each mile and intermediate points have been marked in the manner provided by law, as will more fully appear by the certified return of the said Surveyor of said road, which is hereunto attached and made a part of this report. We report the lands of the following named persons, through whose lands said road is located, to be rendered less valuable by reason of the location of said road in the amounts set opposite their respective names:

No. damages,	\$
	\$
	\$
	\$

OFFICE OF
L. J. VAN ORSHOVEN
COUNTY SURVEYOR
COLUMBIA COUNTY, STATE OF OREGON

MEMBER
AMERICAN ASSOCIATION OF ENGINEERS

R. O. Price Rd.

ST. HELENS, OREGON

STATE OF OREGON }
COUNTY OF COLUMBIA } ss.

We, S. Sauls and G. W. Mills
viewers, appointed by the Court of Columbia County, Oregon, to view,
locate and mark out the proposed County Road as described in the
within order of the Court, do solemnly swear that we will honestly
and faithfully discharge the duties of viewers on the within
described road and perform all the duties required of us by the
within order, to the best of our ability, so help us God.

S. Sauls G. W. Mills
Subscribed and sworn to before me this 18 day of December 1924.
L. J. Van Orshoven
County Surveyor.

ATTACHMENT 2

Deborah Jacob

From: M. TITUS <CHINOOK360@msn.com>
Sent: Monday, August 15, 2022 5:07 PM
To: ePermits - Planning
Subject: RDF- 22-04
Attachments: scan0008.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Robert Ramey response

Sent from [Mail](#) for Windows



Aug 15, 22

Columbia County
Lewis and Clark National

Trust for easements as needed?

Robert J. Berry
LEI

RECEIVED

AUG 15 2022

Land Development Services

Deborah Jacob

From: M. TITUS <CHINOOK360@msn.com>
Sent: Monday, August 15, 2022 5:11 PM
To: ePermits - Planning
Subject: RDF 22-04
Attachments: Attachment 1.pdf; attachment #2.pdf; attachment # 3.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.



From Dawn Campbell RDF 22-04 response attachments
Sent from [Mail](#) for Windows

RECEIVED
AUG 15 2022
Land Development Services



THX LOT 1700
REAL LAND



RESERVED
AVE. 11.5.7172
Land Development Services

75740 Price Rd



Untitled Map
Tax Lot 1700 Real Property

Legend
75735 Price Rd



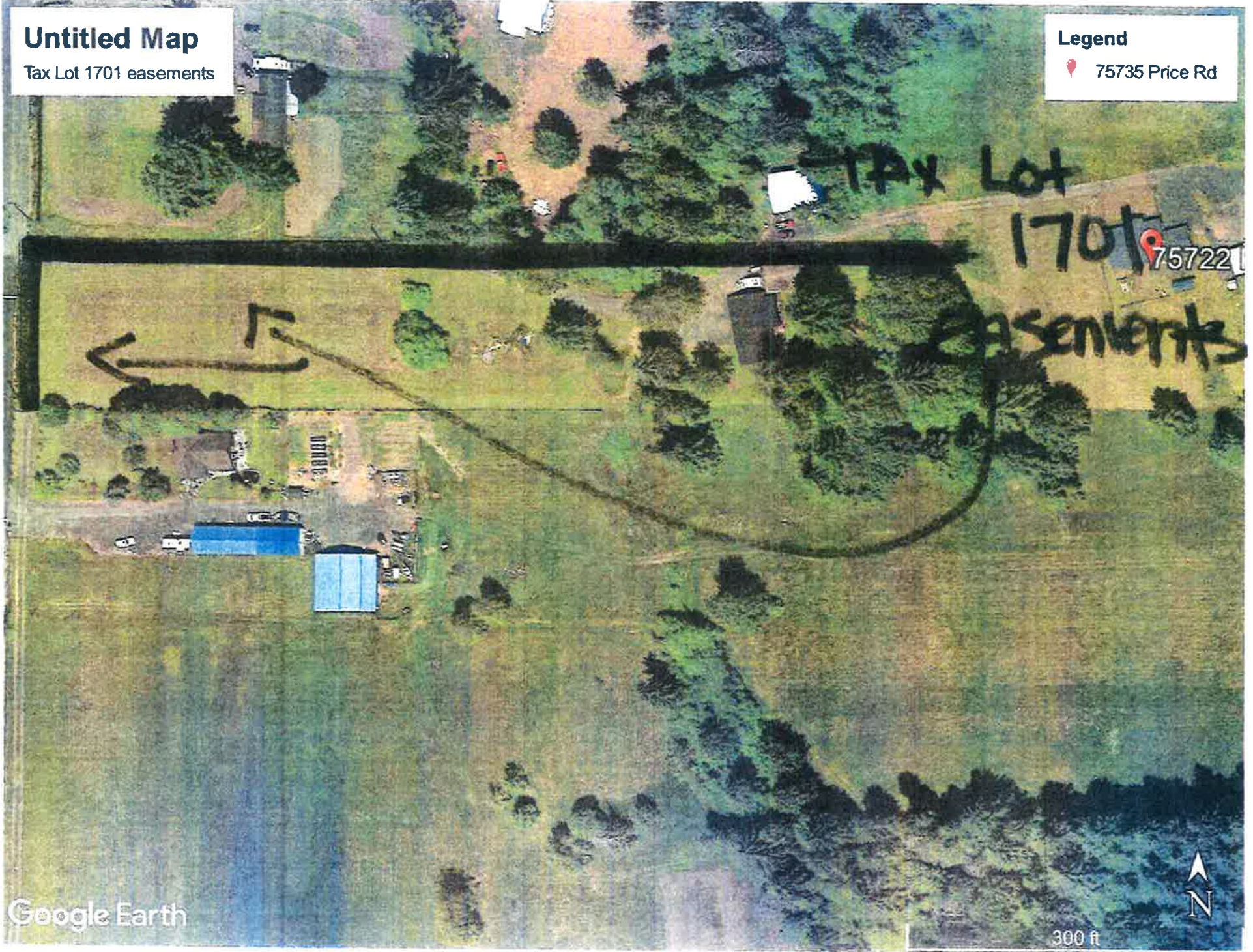
75735 Price Rd

Untitled Map

Tax Lot 1701 easements

Legend

 75735 Price Rd



Google Earth

300 ft



KNOW ALL MEN BY THESE PRESENTS, That Ray A. Gates and Mary M. Gates,

husband and wife, hereinafter called the grantor, for the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Columbia and State of Oregon, described as follows, to-wit:

Parcel 1: That portion of the Southeast quarter of Northeast quarter of Northwest quarter of Section 15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon, lying South of the center line of Beaver Creek, EXCEPT that portion conveyed to William George Saunders et ux., by Deed recorded February 27, 1963 in Book 151, page 134, Deed Records of Columbia County, Oregon.

Parcel 2: The North 150 feet of even width of the North half of the Southeast quarter of the Northwest quarter, Section 15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon.

Subject to: 1. Reservation of minerals and roads as contained in deed from Columbia County to Benjamin H. Sator et ux., recorded July 27, 1942 in Book 70, page 464, Deed Records of Columbia County, Oregon.

2. Easement for electric transmission line etc., as granted by F.E. Sator to Inland Power & Light Company by instrument recorded February 10, 1931 in Book 52, page 316, Deed Records of Columbia County, Oregon.

3. Easement for right of way over and across the West 20 feet of the North half of S.E. Quarter of N.W. Quarter as granted to Charles K. Holden et ux by Arthur H. Lewis et ux in deed recorded February 19, 1959 in Book 138 page 795 of deed records, which affects parcel 2 herein.

RESERVING TO GRANTORS as appurtenant to their remaining lands a non-exclusive easement of right of way for road purposes over the west 20 feet of Parcel 2 above described.

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances, except as herein set forth.

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 8000.00

In witnessing this deed and where the context so requires, the singular includes the plural.

WITNESS grantor's hand this 31st day of August 1972.

Ray A. Gates
Mary M. Gates

EASEMENT AGREEMENT

BOOK 217 PAGE 200

THIS AGREEMENT made this 18th day of April, 1978, by and between JOHN C. TRISDALE and JUDITH S. TRISDALE, husband and wife, Grantors, and DAVID H. LANGE and TWILA M. LANGE, husband and wife, Grantees;

WHEREAS, grantees are the owners of the real property recorded in Deed Book 216, page 986, Columbia County, Oregon.

The Grantors, in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant and convey to the grantees, their heirs, successors and assigns, a non exclusive easement for road purposes to be used by the grantors and grantees in the following described real property situated in Columbia County, Oregon, to-wit:

An easement for a 30 foot right of way over and across the West 30 feet of the North 150 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, provided no road construction on West 10 feet of said easement. TOGETHER WITH an easement:

Beginning at a point on the South right of way line of the County Road which is South 0°07' West 20 feet from the Northwest corner of the Southeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon; thence South 0°07' West along the West line of said Southeast quarter of the Northwest quarter a distance of 110 feet to the true point of beginning; thence North 89°42' East a distance of 798.27 feet; thence North 0°11' East 40 feet; thence South 89°42' West a distance of 798.27 feet; thence South 0°07' West 40 feet to the true point of beginning. EXCEPT, that this portion of the easement shall not be used for road purposes unless and until public sewers and public water is available for household use to the tract;

for the construction, maintenance and repair of a road to be used by the grantors and grantees and maintained by the parties in proportion to their use.

Grantors, for themselves and their heirs, successors and assigns, covenant and agree to and with the grantees, their heirs, successors and assigns, that the above described property of grantors shall not be used for any purpose

detrimental to said system or contrary to laws and rules of governmental agencies applicable or related to said system.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date first hereinabove written.

John C. Trisdale
Judith S. Trisdale
Grantors

David H. Lange
Twila M. Lange
Grantees

STATE OF OREGON

County of Columbia

April 18 1978. Personally appeared the above named John C. Trisdale and Judith S. Trisdale, husband and wife, and David H. Lange and Twila M. Lange, husband and wife, and acknowledged the foregoing instrument to be their voluntary act.

2936

Ronald M. George
Notary Public for Oregon

My Commission Expires:

9/24/78

STATE OF OREGON
COLUMBIA COUNTY
RECORDED OR FILED

APR 19 10 15 AM '78

BOOK 217 PAGE 266
ROY H. NELSON, CLERK
BY M. Miller DEP.

Return
David Lange
217-2114

Untitled Map

Tax Lot 1800 easement

Legend

Ranney Easement
← 1800



200 ft

Google Earth

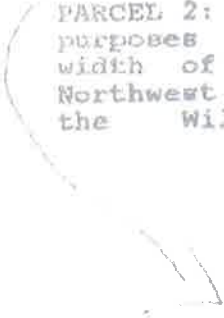


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AUG 15 2022
Land Development Services

PARCEL 1: 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.

EXCEPTING THEREFROM the North 150 feet of even width of the North half of the Southeast quarter of the Northwest quarter, Section 15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon.

PARCEL 2: A non-exclusive easement and right of way for road purposes over the West 20 feet of the North 150 feet of even width of the North half of the Southeast quarter of the Northwest quarter, Section 15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon.



THX LOT 1800
easement

Deborah Jacob

From: M. TITUS <CHINOOK360@msn.com>
Sent: Monday, August 15, 2022 5:17 PM
To: ePermits - Planning
Subject: RDF 22-04
Attachments: attachment #4.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Sent from [Mail](#) for Windows



Untitled Map

Legend

75735 Price Rd

75722

RECEIVED

AUG 15 2022

Land Development Services

CARELTONS
EASEMENT
TAX LOT 2500.

Google Earth

300 ft



ATTACHMENT 3

Deborah Jacob

From: Deborah Jacob
Sent: Tuesday, August 23, 2022 12:03 PM
To: Tami Carleton; M. TITUS
Cc: Hayden Richardson; Suzie Dahl; Kay Clay; Spencer Parsons
Subject: FW:
Attachments: 20220822083755.pdf

Tim and Tami Carleton, Dawn and Don Campbell, Robert and Kathryn Ramey and Tina King,

In compliance with the provisions in ORS 197.797(6) for the continuance of the initial evidentiary hearing from August 1, 2022 to September 12, 2022 and leaving the record open for additional written evidence with the provision that allows only the applicant (Carletons) at least seven days after the record was closed to all other parties, on August 22, 2022 Land Development Services received one email with one attachment addressed to the Columbia County Planning Commission that was submitted as their final written arguments in support of the application proposed for RDF 22-04.

The email was received at 9:06 a.m. on August 22, 2022 and the attachment is referred to as the "Summary of Staff Report for RDF 22-04 with attention brought to highlighted areas."

The applicant's final submittal shall be considered part of the record but shall not include any new evidence.

Deborah S. Jacob
Senior Planner
503-397-7260
Deborah.Jacob@columbiacountyor.gov

Effective January 2022 Land Development Services office has moved to a new location at 445 Port Avenue, St. Helens.

From: Tami Carleton <tcarleton@lclfcu.org>
Sent: Tuesday, August 23, 2022 9:45 AM
To: Deborah Jacob <Deborah.Jacob@columbiacountyor.gov>
Cc: carletonkids@q.com
Subject: FW:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

See below, email submitted 8/22/2022 at 9:06AM
Tami

From: Tami Carleton [<mailto:tcarleton@lclfcu.org>]
Sent: Monday, August 22, 2022 9:06 AM

To: 'Deborah Jacob' <Deborah.Jacob@columbiacountyor.gov>

Subject:

Columbia County Planning Commission:

Please see attached the Summary of Staff Report for RDF 22-04 bringing your attention to the highlighted areas. All neighbors' concerns have been addressed satisfactorily and all county government respondents have no objections to its approval as presented. I would like to reiterate, we have done everything required by the State and County to make this legal and to get it approved. We've done the permit and approval for the driveway with the County Road Department, we have had a Wetland delineation done. We have had a survey done on our property and easement. We have had a perk test done and approved and the template test was done correctly and was approved.

We want to remind our concerned neighbors that we are aware of fire code standards and at the actual time of home construction, all other requirements will be addressed, met and approved. It is unfortunate that the neighbors to our property have made this process very difficult for years and continue to do so. Thankfully the neighbors are not in charge of this decision on approving our forest dwelling permit. The skilled, trained and knowledgeable planning commission is.

Sincerely,

Tim & Tami Carleton

Deborah Jacob

From: Tami Carleton <tcarleton@lclfcu.org>
Sent: Tuesday, August 23, 2022 9:45 AM
To: Deborah Jacob
Cc: carletonkids@q.com
Subject: FW:
Attachments: 20220822083755.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

See below, email submitted 8/22/2022 at 9:06AM
Tami

From: Tami Carleton [mailto:tcarleton@lclfcu.org]
Sent: Monday, August 22, 2022 9:06 AM
To: 'Deborah Jacob' <Deborah.Jacob@columbiacountyor.gov>
Subject:



Columbia County Planning Commission:

Please see attached the Summary of Staff Report for RDF 22-04 bringing your attention to the highlighted areas. All neighbors' concerns have been addressed satisfactorily and all county government respondents have no objections to its approval as presented. I would like to reiterate, we have done everything required by the State and County to make this legal and to get it approved. We've done the permit and approval for the driveway with the County Road Department, we have had a Wetland delineation done. We have had a survey done on our property and easement. We have had a perk test done and approved and the template test was done correctly and was approved.

We want to remind our concerned neighbors that we are aware of fire code standards and at the actual time of home construction, all other requirements will be addressed, met and approved. It is unfortunate that the neighbors to our property have made this process very difficult for years and continue to do so. Thankfully the neighbors are not in charge of this decision on approving our forest dwelling permit. The skilled, trained and knowledgeable planning commission is.

Sincerely,

Tim & Tami Carleton

**COLUMBIA COUNTY LAND DEVELOPMENT SERVICES
STAFF REPORT**

July 22, 2022

Resource Dwelling in the Forest Zone

FILE NUMBER: RDF 22-04

**PROPERTY OWNER/
APPLICANT:** Timothy and Tamara Carleton, 74340 Elk Creek Rd., Rainer, OR
97048

PROPERTY LOCATION: The subject property is located off of Price Road near Rainer,
Oregon.

TAX MAP ID NO: 7315-B0-02500

TAX ACCT. NO: 20776

ZONING: Primary Forest (PF-80)

SIZE: Approximately 17.52 acres

REQUEST: To site a single-family forest dwelling in the PF-80 zone using
the Template Test option provided for in Section 506.4 of the
Columbia County Zoning Ordinance and in OAR 660-06-
027(1)(f).



APPLICATION COMPLETE: 07/26/21

***150 DAY DEADLINE:** 12/23/21

Pursuant to the November 1, 2021 effective date of Oregon Senate Bill 2225, the 2019 Tract provisions in the Oregon Revised Statutes (ORS) 215.750.5(h) do not apply to the Template Forest Dwelling requested for RDF 22 -04 which Land Development Services Deemed Complete on August 20, 2021.

REFERRED TO PLANNING COMMISSION: On August 13, 2021, the resident of 75702 Price Road, Tina Louise King, paid the fee and REFERRED this RDF application to the Planning Commission for a public hearing.

*On November 12, 2021, the applicants signed a Waiver of the requirement in ORS 215.427(1) that Columbia County must take final action on RDF 22-03 within 150 days of deeming this RDF application complete.

APPLICABLE REVIEW CRITERIA:

<u>Columbia County Zoning Ordinance (CCZO)</u>		<u>Page</u>
Section 500	Primary Forest (PF-80)	6
Section 506	Standards for Dwellings	7
Section 507	Siting of Dwellings	8
Section 508	General Review Standards	17
Section 509	Standards of Development	18
Section 510	Fire Siting Standards for Dwellings	21
Section 516	Notification of State Agencies	24
Section 1190	Big Game Habitat Overlay	24

SUMMARY:

The applicants, Timothy and Tamara Carlton, are requesting approval to site a single-family dwelling in the Primary Forest Zone on an approximate 17.52 acre parcel per the provisions in CCZO 506.4. The submitted site plan and narrative identifies that the applicant intends to develop a new single-family dwelling and associated structures including a private well and a septic system on the property that since has legal access to Price Road, an existing county road. The home site is located on highest elevation on the parcel in its southwest corner and at least 125' from the site's delineated Wetlands identified in the Wetlands Delineation (WD# 2002-0400) Approved by the Oregon Department of State Lands (OSL) on May 3, 2022 (attached).

The home site is located where the slopes are under 5% and will remove approximately 1.5 acres from forest use. The Revised Site Plan dated May 10, 2022 shows the proposed home site will be at least 130' feet from all property lines which will allow the applicant/resident to establish both the full 30' Primary Firebreak and 100' Secondary Firebreak on the subject property without needing to acquire Secondary firebreak easements from adjacent property owners. The home site is placed near an existing gravel driveway located in the western portion of the 17.52 subject property.

The future residence will access Price Road via an existing 20' wide private easement to Price Road that was recorded in 1959 in Deed Book 138 Page 795 and conveyed simultaneously with the subject property. This easement currently is located over the northern three adjacent properties addressed at 75702, 75722 and 75040 Price Road and is reflected in the Titles of all three properties. The applicants also submitted a copy of County Survey # 6518 dated 5/28/2019 (attached and shown on Page 11) that identified the East and West boundaries of this 20' easement that has always provided local access to the subject property from Price Road. On June 9, 2022, the County Public Works Department submitted comments and documentation (attached) that they approved a Road Access Construction Permit (RAP 2017-00103) in 2017.

The submitted documentation states that the applicant will utilize a private well for the potable water source which has yet to be drilled. Prior to the issuance of a building permit, the applicant shall submit a recorded well log from the Oregon Water Resources Department. Likewise, the applicant will be utilizing an on-site septic system for sewage disposal. The County Sanitarian has conducted a lot evaluation on the subject property and approved a Capping Fill onsite sewage disposal system for the proposed forest dwelling with the issuance of 192-22-000324-

EVAL. The County Sanitarian's attached comments dated 7/12/22 confirm that the approved Lot Evaluation followed the wetlands delineation. At time of building permit submittal for the proposed forest dwelling, the applicant will be required to submit a Septic Construction Permit in order to actually construct the system to support this residential use. Electrical, utility and communication lines can be extended to the subject property from Price Road. Emergency services are provided to the subject site by Clatskanie Rural Fire District and the County Sheriff.

Natural characteristics of the site are as follows. According to the FEMA FIRM, there are no flood hazard areas onsite. The BEAK Maps of the Rainier-Fern Hill Area shows that this property is located in an area that is designated as Peripheral Big Game Habitat, but does not contain any threatened, endangered, or sensitive wildlife, plant, or animal species. The applicant submitted a copy of Wetlands Delineation(WD# 2022-0400) prepared by I.C Eco to the Oregon DSL which was reviewed and then approved on May 3, 2022.

This attached Wetlands Delineation is accurately reflected on the Revised Site Plan for RDF 22-04 dated May 10, 2022 and demonstrates the delineated 6.26-acres of PFO/PSS Slope Wetlands / is at least 125' away from the proposed home site and at least 100' away from the existing driveway to Price Road. All future development on the subject property will be required to protect and not compromise these identified wetlands. The portion of the property in the southwest corner, where the applicant intends to build, is the highest location on the property. The home is proposed where the slopes are less than 5%. These slopes do not limit development in this identified area.

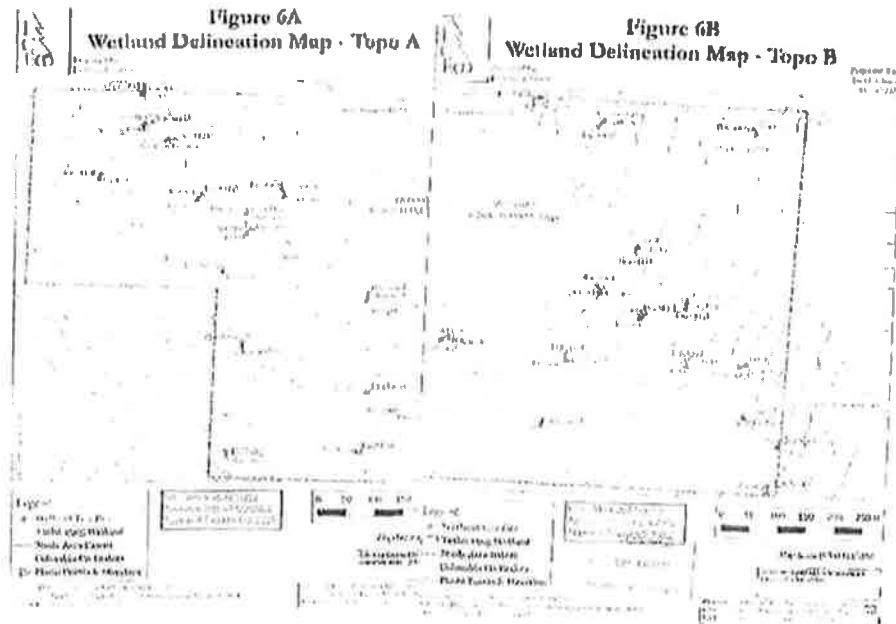
On August 13, 2022 Tina Louise King who resides at 75702 Price Road, paid the fee and REFERRED the authorized Administrative Review of RDF22-04 to be heard by the Planning Commission at a public hearing that is scheduled for August 1, 2022. The expressed reasons for this Referral concern the applicant's ability to use this existing 20' wide easement as the proposed forest dwelling's primary access to Price Road and the potential increase in fire risks resulting from one more residence in this rural area. As already stated, this existing 20' easement to Price Road was initially conveyed simultaneously with the subject property and was recorded with the County Clerk on January 1959 in Deed Book 138 Page 795. In addition, this 20' easement was also accurately located via County Survey 6518 conducted by Butler Surveying Inc. on 5/28/2019 shown on Page 11. The Discussion pertaining to Finding 10 of this Report will cover and evaluate Ms. King's concerns in greater detail.

The remainder of this report will address the extent to which the proposed resource dwelling meets the applicable standards of the Columbia County Zoning Ordinance including Ms. King's concerns related to her Referral of RDF 22-04 to the Planning Commission.

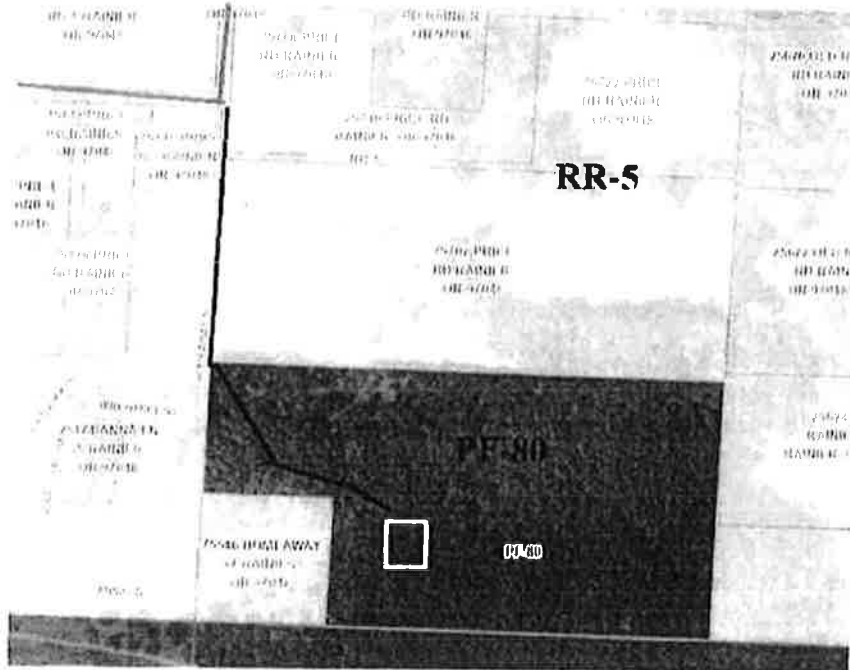
Revised Site Plan dated May 10, 2022



Wetlands Delineation (WD 2022-0400) Approved by OR DSL



2018 Aerial & Current Zoning Maps of property



REVIEW CRITERIA, FACTS, ANALYSIS & FINDINGS:

Beginning with the applicable Primary Forest (PF-80) provisions of the Columbia County Zoning Ordinance (CCZO):

Section 500 PRIMARY FOREST ZONE - 80 PF-80

501 .1 Purpose. The purpose of this zone is to retain forest land for forest use and to encourage the management of forest land for the growing, harvesting, and processing of forest crops consistent with the Oregon Forest Practices Act. Uses in this zone will also provide for other forest uses including watershed protection, soil protection, maintenance of clean air and water, wildlife and fisheries habitat, outdoor recreation activities, open space and scenic preservation, and agricultural activities free from the encroachment of conflicting non-forest uses and influences.

502 Table of Authorized Uses & Development.

SINGLE-FAMILY RESIDENCES	AUTHORIZATION	PF - 80 SECTION
"Template" Forest Land Dwelling	AR	504.1, 506.4, 506.5, 507- 510

504 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process contained in Section 1601. All authorized dwellings and permanent structures shall meet the standards listed in Sections 506, 507, 508, 509 and 510 of this Ordinance.

.1 Single-family dwelling, as authorized under Section 506 of this Ordinance and such accessory buildings and uses as are normally associated with a single-family dwelling.

Finding 1: Staff finds that the August 28, 2020 Template Test (TT 21-06) conducted for the subject site authorizes the applicant's proposed Forest Dwelling Permit requested for RDF 22-04. If the RDF is approved, the applicant will be able to develop the southwestern portion of the property for residential use, as described in the submitted site plan. The site's proposed residential use is consistent with the various authorized resource and non-resource related uses identified as Purposes of the Primary Forest Zone.

The remainder of this report will evaluate the submitted application according to the provisions in Sections 506-510 of the Zoning Ordinance. If the research and subsequent Findings determine the proposed Template Test Forest Dwelling complies with the necessary provisions of Sections 506 through 510, Staff finds the Planning Manager will be able to conditionally approve this requested forest dwelling permit.

Continuing with the CCZO, Section 506- Standards for Dwellings:

506 Standards for Dwellings. Dwellings are authorized in the Primary Forest Zone subject to standards found in Sections 507, 508, 509, 510 and documentation of meeting either the Small Tract, Large/Multi-Tract, or Template Dwelling criteria as follows.

4 Template Dwelling for Tracts Smaller than 80 Acres. A dwelling may be authorized on a tract that satisfies and meets all the following criteria:

A. The tract is composed of soils that meets one of the following:

1. Soils that are capable of annually producing more than 85 cubic feet per acre of wood fiber if:
 - a. All or part of at least 11 other lots or parcels that existed on January 1, 1993 and are not within an Urban Growth Area are within a 160 acre square centered on the center of the subject tract. (Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible); and
 - b. At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels; or

Finding 2: According to the Soil Survey of Columbia County, the subject property's soils consists of Goble silt loam, Soil Types 23C. This soil type has an annual growth rate of greater than 85 cubic feet per acre for 60 year old trees.

The Template Test (TT 21-06) for the subject property determined that within a 160-acre rectangular template area, 12 dwellings and 30 parcels were in existence on January 1, 1993. These parcels have retained their configuration and the homes have not been removed, demolished or converted to nonresidential uses years as required by OAR 660-06-0027 (1)(f) and OAR 660-006-0005(4).

On 8/12/21 Donald Campbell the resident at 75735 Price Road submitted comments (attached) recommending Denial of RDF 22-04 because *"TT 21-06 was incorrectly done. Homeaway Road/Street does not and has never lawfully existed or been established per public record. Tax Lot 2500 (subject property) does not abut any road, private or otherwise, therefore a square template should be used."*

In light of Mr. Campbell's concerns, Planning Staff verified that the Columbia County Public Works Department's December 2021 update of the *Official Names of Roads in Columbia County* lists Homeaway Road as an existing private road. The official Columbia County Address Maps

also verify that Homeaway Road was in existence in July 1984 when the Columbia County Board of Commissioners adopted the first County Zoning Ordinance. Consequently, Staff finds that the rectangular 160-acre template conducted for TT 21-06 is consistent with the dimensional template test requirements in Section 506.4(A)(1) for proposed forest dwellings on tracts with soils that are capable of producing more than 85 cubic feet per acre of wood fiber.

For these reasons, Staff finds the submitted forest dwelling request has satisfied the criteria in Section 506.4(A) and address Mr. Campbell's concerns.

Continuing with Section 506 of the Zoning Ordinance - Standards for Dwellings:

- B. The tract contains no dwellings on other lots or parcels that make up the tract;
- C. No dwellings are allowed on other lots or parcels that make up the tract consistent with the recorded covenants, conditions and deed restrictions established under in Subsection 506.3; and

Finding 3: According to records of the County Assessor and Land Development Services (LDS) and the submitted application, the subject tract does not contain any other dwellings. In addition, Staff finds the subject property consists of only one tract of Primary Forest zoned land. For these reasons, Staff finds the requested forest dwelling satisfies the criterion in Section 506.4(B&C).

- D. Parcels 10 acres or greater in size shall be required to submit and obtain approval of a Forest Land Assessment and Stocking Compliance application prior to receiving a permit for the dwelling as authorized by this subsection.

Finding 4: The subject parcel is 17.52 acres and is greater than 10 acres, therefore a Timber Stocking Survey & Assessment with Land Development Services (LDS) is required. A condition of approval will require the applicant to provide a Timber Stocking Survey and Assessment with Land Development Services (LDS) prior to issuance of any building permits.

CCZO Section 507:

507 Siting of Dwellings and Structures

- .1 All new dwellings and structures are subject to the siting standards in this section. Relevant physical and locational factors including, but not limited to, topography, prevailing winds, proximity to existing roads, access, surrounding land use and source of domestic water shall be used to identify a site which:
 - A. Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;
 - B. Ensures that forest operations and accepted farming practices on the tract will not be curtailed or impeded by locating dwellings and structures as near to each other and to existing developed areas as possible considering topography, water features, required setbacks and firebreaks;

C. Minimizes the amount of forest lands used for building sites, road access and service corridors;

Building Site in SW Portion—will need to establish 30' Primary and 100' Secondary Firebreaks on all sides



View of 20 Easement connected to subject property's driveway to Price Road



Finding 5: As demonstrated in the pictures on Page 9, the home area has been situated on the southwest corner of the property as to minimize impacts to resources. The subject property only borders forest property to the south. To the north, east and west the property borders rural residential (RR-5) zoned and developed properties. The proposed home site is on the southwest portion of the property with the highest elevation and is located near an existing driveway in order to avoid any impacts to and preserve buffers to the delineated wetlands on the northern portion of the property consistent with the criterion in Section 507.1(A). All future site development will be required to comply with the applicable provisions of the *Wetland Delineation WD 2022-0400* approved by the Oregon DSL. The Columbia County Soil & Water Conservation District submitted the attached comments dated October 10, 2021 stating that the property owners should be conducted prior to construction to ensure this significant environmental resource is not compromised with the approval of RDF 22-04. The approved Wetland Delineation addresses these concerns.

Improving this existing driveway to minimum fire apparatus access standards will also avoid having to create a new driveway that would disturb forest and wetlands resources on the property. The proposed home site will be at least 130' away from all property lines that will allow the residents to establish and maintain full fire safety areas surrounding their residential development without obtaining any secondary firebreak easements from adjacent property owners. Staff finds that impacts to the subject and adjacent properties' natural resources can be minimized by establishing and maintaining fire breaks and by improving the entire existing access to fire apparatus access standards from the home site to Price Road prior to building permit issuance.

It is important to note that these requirements for all proposed forest dwellings are intended to minimize the potential impact they have on adjacent forest and agricultural operations by clustering onsite development within fire safety areas that will not only minimize disturbance of this area's existing forest and agricultural practices/operations, but will also help to minimize the amount of forest lands used for building sites road access and utility corridors. Staff finds that Ms. King's Referral of RDF 22-04 concerns (see Discussion pertaining to Finding 10) are similar to these existing requirements of the Zoning Ordinance and must be satisfied as Conditions of Approval for all proposed forest dwellings whether or not they are reviewed and approved by the Planning Manager or the Planning Commission.

To satisfy 507.1(A), A *Waiver of Remonstrance* regarding past, current or future accepted farm or forest operations of adjacent and nearby lands will be required prior to the issuance of a building permit.

To satisfy 507.1(B) and (C), a condition of approval shall state that all development, proposed and future, on the property should be clustered together to minimize the impacts on the site's remaining natural areas, and all utilities should be clustered within the driveway corridor. With these conditions of final approval, Staff finds that the county will require these criteria to be met prior to building permit issuance in order for RDF 22-04 to comply with these provisions Section 507.1(A, B and C) of the Zoning Ordinance that coincide with Ms. King's expressed concerns in the Referral of RDF 22-04 to the Planning Commission.

D. Is consistent with the provisions of Section 510 related to Fire Siting Standards and minimizes the risk associated with wildfire; and

Finding 6: The proposed home site will be located on the southwest corner of the property at least 130' from all property lines. A comprehensive analysis will be conducted later in this report (Findings 24- 28) to evaluate the extent to which the submitted forest dwelling complies with the regulatory requirements of Section 510 that are necessary to minimize the proposed forest dwelling's increased wildfire risk. This criterion will be satisfied with conditions that will be discussed later in this report.

E. Is consistent with other requirements contained in the Comprehensive Plan or implementing ordinances, including, but not limited to, regulations which apply to flood, steep slopes, and landslide hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource and natural areas, such as wetland riparian and slide-prone areas.

Finding 7: The submitted Site Plan shows the applicant intends to limit site development to the southwest corner of the subject property over 130' from property lines and at least 125' from the delineated wetlands located in the site's northern portion. Staff finds that the subject proposal is consistent with requirements contained in the Comprehensive Plan and implementing ordinances as well as with the May 3, 2022 Wetlands Delineation approved by the Oregon DSL. Although the property is adjacent to forest resource lands to the south and to RR-5 lands on all other sides, mitigating impacts to natural resources are addressed throughout this report. Staff finds that with conditions herein, the subject proposal complies with the provisions in CCZO 507.1E.

Continuing with Section 507 - Siting of Dwellings and Structures:

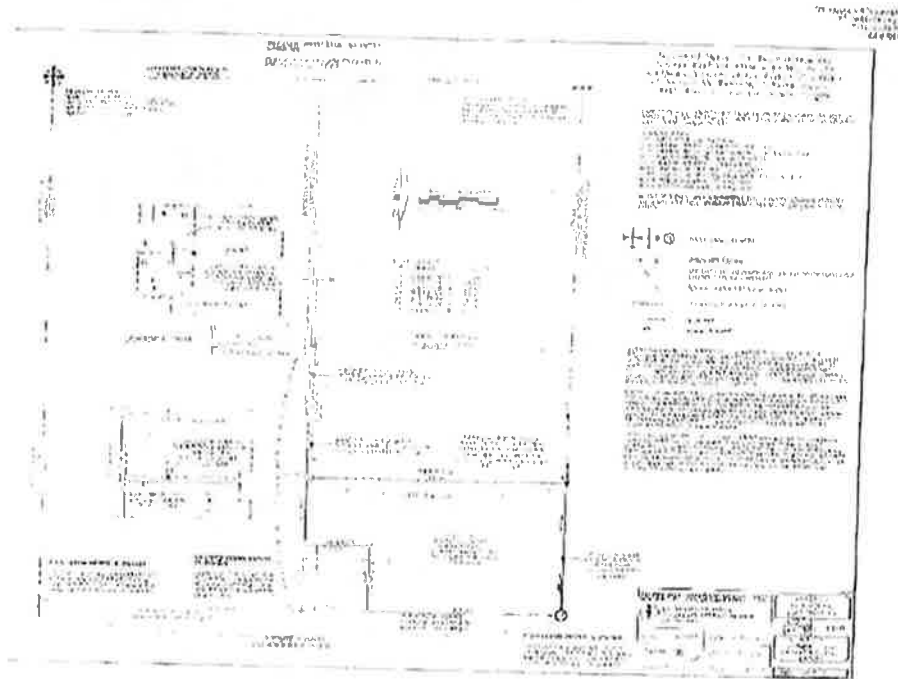
- .2 The applicant shall provide evidence consistent with OAR 660-006-0029(3) that domestic water supply is from a source authorized in accordance with the Department of Water Resources' administrative rules for the appropriation of ground water or surface water in OAR Chapter 690 and not from a Class II stream as defined in the Forest Practices Rule in OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the subject property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

Finding 8: In the submitted forest dwelling application, the applicant stated that a private well is proposed on the subject property. Prior to the issuance of a building permit, the applicant shall drill a well, record a well log with the Oregon Water Resources Department and submit a copy to LDS proving that there is adequate domestic water to support the proposed residential use of the property. With this condition of approval, Staff finds the applicant can satisfy this criterion in Section 507.2.

- .3 As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry or the U.S.

Bureau of Land management, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

County Survey # 6518 filed 5/28/2019 identifying the East and West Lines of the recorded 20 foot wide easement providing legal access from Price Road to the subject property



Location of surveyed 20' access easement to Price Road that runs parallel to Homeway Road



Views of 20' Easement south and north that runs parallel to improved Homeway Road



Finding 9: In compliance with the minimum private access requirements in Section 507.3, the applicant has demonstrated they have legal access to Price Road via the 20' easement described in County Survey # 6518 that is currently located in the far western portions of the three adjacent properties to the north. This 20' Easement was originally created in 1959 (Deed Book 138 Page 795) and was described as "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." Moreover, this easement was conveyed simultaneously with the conveyance of the ~17.52 -acre subject property that was described as the "South half of the Southeast quarter of the Northwest quarter of Section 15, Township 3 North Range 7 West of the Willamette Meridian"

When the applicants purchased the property in 2006 as demonstrated with the attached Statutory Warranty Deed recorded via Instrument No. 2006-011602, the subject ~17.52 acre property was referred to as Parcel 1 and was described as the "South half of the Southeast quarter of the Northwest quarter of Section 15, Township 3 North Range 7 West of the Willamette Meridian". Parcel 2 was described as "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 Section 15, Township 7 North Range 3 West of the Willamette Meridian."

Finally the County Public Works Department submitted comments that they have already issued a Road Access Permit Number RAP 2017-00103 confirming the subject property's has an

approved access to Price Road; this paved apron is shown above. Before the issuance of final occupancy for the forest dwelling, the Clatskanie Fire District will be required to submit confirmation to LDS that the full length of this 20' access (from Price Road to the home site) is improved for fire apparatus/emergency vehicle access. With these conditions of building permit issuance, Staff finds that the criterion in Section 507.3 will be met.

Discussion related to the subject property's access as stated in the neighbor's Planning Commission Referral of RDF 22-04: The resident of the adjacent northern property addressed at 75702 Price Road, Tina Louise King, Referred RDF 22-04 (Attached) to the Planning Commission and expressed the following concerns which revolve around the applicant's intended use of this 20' easement and the potential for one more forest dwelling to increase fire risks in this rural area of the county. Planning Staff notes that the 20' Easement to the subject property is located along the western boundary of the property on which Ms. King lives. Staff's summary of these concerns include:

1. The residential development proposed for RDF 22-04 imposes and increases fire risk to all nearby homes and forest lands because this easement was recently developed for forest use purpose only;
2. Because this access is over 600', the applicant is trying to manipulate his forest use within the easement into a private driveway/road without complying with Columbia County Road Standards Ordinance, the uniform fire code or fire apparatus access roads.
3. This easement consists of 3 closed agricultural gates that are locked at all times and he should be required to obtain a new access approach permit that complies with all applicable laws and standards.
4. This parcel development does not comply with all PF-80 Columbia County Zoning Ordinance. The secondary firebreak is not on or within the tax lot and is entirely located on an adjacent property without any easement.
5. The template test was performed incorrectly and should be conducted off of Price Road, not Homeway Road. (Staff has addressed this for Finding 2).
6. The neighbor is requesting the record kept open.

Finding 10: Staff will first address concern numbers 1, 2 and 4 related to fire siting standards and the potential for authorized residential development in the PF-80 zone to increase fire risks in rural areas.

As already discussed for Finding 5, all portions of Section 500 of the Zoning Ordinance contain a variety of development provisions that must be in place before LDS can issue any building permits for proposed forest dwellings. Specifically, the various provisions in Sections 507, 508 509 and 510 all have siting criteria which require the applicant/future resident to demonstrate how the new forest dwelling will not significantly increases in fire hazards and/or fire suppression costs for the county and property owners. This Referral submitted August 13, 2021

begins with the statement that "I object to this decision..." after Ms. King received only a Referral and Acknowledgement of the proposal requested for RDF 22-04; this Referral preempted the County's preparation of the Staff Report and its Conditions of Approval as well as the subsequent Final Order/Final Decision.

Nevertheless, the submitted Revised May 10, 2022 Site Plan shows the proposed forest dwelling will be surrounded by full 30' Primary and 100' Secondary firebreak on all sides on the authorized forest dwelling. In addition, the applicant will be required to improve the full length (~1,200 feet) of this 20' private access from Price Road to the home site which the Clatskanie Fire District will need to inspect and approve to minimum fire apparatus access standards of the County Road Standards Ordinance.

The June 30, 2022 attached comments from Steve Sharek, Clatskanie Fire Marshall also state that this driveway has only been approved for removal of logging debris and that the applicant has not completed or made residential improvements to this driveway in compliance with the County Road Standards Ordinance's minimum fire apparatus access standards. These improvements include, but are not limited to, a 12' driving surface supporting 75,000 pound vehicle weight loads with 4' clearance on each side for a 20' right-of-way, pull outs every 400 feet and an approved turnaround at the end of the driveway. In addition, the Clatskanie Fire Marshall states that "this driveway is in an area of address confusion" and that if the approval of RDF 22-04 results in 3 or more residences being served by this unnamed driveway, it will require this driveway to be named as a private road and the necessary readdressing of all affected residences in order to help ensure emergency vehicles have timely access to these properties. Consequently, one condition of building permit issuance will require the applicant to submit documentation from the Clatskanie Fire District confirming that he has improved the 20' private access to either private road standards or private driveway standards in compliance with the applicable provisions of the County Road Standards Ordinance.

The June 30, 2022 letter from Steve Sharek also states that forestry defensible space setbacks will need to be followed as well as the Oregon Fire Code for access and water supply all of which will also be required for RDF 22-04. The County Building Official's attached comments dated October 7, 2022 also state that the following requirements of the Oregon Fire Code will apply to RDF 22-04 prior to building permit issuance:

- Primary and secondary firebreaks,
- Ignition Resistant construction features,
- Spark arrestors for any wood or pellet stoves and indoor or outdoor fireplaces,
- Possible sprinkler systems for fire flow, and
- Access approval from the Clatskanie Fire District and from the County Public Works

For these reasons, Staff finds that Ms. King's first, second and fourth concerns related to increase fire risks have been addressed and will be required prior to building permit issuance for the forest dwelling proposed for RDF 22-04.

Ms. King's 5th concern about the validity of the 160-acre rectangular Template Test conducted for RDF 22-04 has been addressed for Finding 2 of this Staff Report.

Ms. King's 3rd concern that the 20' access easement also contains 3 locked agricultural gates will be addressed by the Clatskanie Rural Fire District when they review and approve this private access for compliance with fire apparatus access roads. Typically, fire departments require property owners to provide them with the necessary means (i.e. keys) that will allow them to have safe and timely access to all properties. Staff finds that unless the Clatskanie Fire District does not have the means to access the subject property, they will not be able to approve this access to fire apparatus access standards.

Although Ms. King's 6th and final concern that the record for RDF 22-04 remain open is a valid concern, it does not apply until the County/Planning Commission begins its review of the proposal at their public hearing scheduled for August 1, 2022.

With this analysis, clarification and the identified various conditions of building permit issuance, Staff finds that Ms. King's expressed concerns have been addressed and also comply with these siting criteria for the forest dwelling proposed for RDF 22-04.

Continuing with Section 507 - Siting of Dwellings and Structures:

- .4 Pursuant to OAR 660-006-0029 (5), approval of a dwelling shall be subject to the following requirements:
 - A. The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in the Department of Forestry administrative rules;
 - B. Land Development Services shall notify the Columbia County Assessor of the above condition at the time the dwelling is approved;
 - C. If the property is over 10 acres the owner shall submit a stocking survey report or a Forest Land Assessment and Stocking Compliance Application to the Columbia County Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required by the Department of Forestry administrative rules;
 - D. Upon notification by the Assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department determines that the tract does not meet those requirements, the Department shall notify the owner and the Assessor that the land is not being managed as forest land. The Assessor shall then

remove the forest land designation pursuant to ORS 321.359 and impose additional tax pursuant to ORS 321.372; and

- E. A waiver of remonstrance shall be recorded with the County Clerk certifying that the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any farm and forest lands to modify the conduct of legal and accepted farm and forest operations.

Finding 11: The property's current tax assessment confirms that the subject tract is in forest tax deferral and does not contain any other dwelling. The County Assessor was sent a Referral and Acknowledgement of the proposed forest dwelling and has not submitted any comments to LDS. The property is greater than 10 acres and the property owner will be required to submit a stocking survey or a Forest Land Assessment and Compliance Application prior to issuance of building permits. The Department of Forestry submitted comments that firebreaks should be located entirely on the subject property without easements on adjacent resource lands. The applicant will be required to submit a notarized *Waiver of Remonstrance* with the County Clerk against taking legal actions against accepted ongoing farm and forest operations occurring on adjacent resource zoned properties. With these conditions of building permit issuance, Staff finds that all criteria in 507.4 will be met.

- .5 Dwellings and other structures to be located on a parcel within designated Big Game Habitat areas pursuant to the provisions of Section 1190 are subject to the additional siting criteria contained in Section 1190.

Finding 12: The subject property is within a Peripheral Big Game Habitat area, therefore the provisions in Section 1190 will be reviewed in this report for Finding 29.

Continuing with Section 508 of the Zoning Ordinance - General Review Standards:

- 508 General Review Standards the Planning Director or hearings body shall determine that a use authorized by Sections 504 and 505 meets all of the following requirements:
- .1 The proposed use will not force significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

Finding 13: As shown on the Aerial and Zoning maps, the subject tract is surrounded by Rural Residential-5 zoned properties with one PF-80 zoned parcel to the south. The area of resource zoned properties consists of forestry uses and the area of rural residential consists of single family homes and mobile home parks. The historical development of this section, south of Price Road confirms this area consists of both resource related and rural residential development and uses. To further ensure protection of forestry and agricultural operations, the applicant will sign a *Waiver of Remonstrance* against ongoing accepted forest and agricultural practices on adjacent properties and record this notarized document with the County Clerk. Also, the submitted site

plan shows that the proposed setbacks will ensure that the applicant will be able to maintain the full primary and secondary fire breaks on the subject property without needing to obtain secondary firebreaks from any neighbors. For these reasons, Staff finds the criterion in Section 508.1 will be met with conditions of building permit issuance already covered in this report.

- .2 The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression

Finding 14: The County Building Official's comments dated October 7, 2021 (See Finding 10) will ensure the proposed home complies with the minimum requirements of the Oregon Structural Specialty and Fire Codes prior to building permit issuance. Since no portions of the secondary firebreak are located on adjacent properties, the applicant will be able to establish and maintain these areas in accordance to the fire siting standards for dwellings and structures in the PF-80 Zone. Road and driveway slopes will be installed at or below the 12% threshold which provides good access for fire protection and emergency vehicles. Also, a condition of approval shall require road and driveway to be improved to fire apparatus access standards and approved by the Clatskanie Fire District and County Public Works prior to permit issuance. Staff finds that this criterion will be satisfied by these imposed conditions of building permit issuance.

- .3 A waiver of remonstrance shall be recorded with the County Clerk certifying that the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any farm or forest lands to modify the conduct of legal and accepted farm or forest operations: and
- .4 The proposed use is consistent with requirements contained in the Comprehensive Plan or implementing ordinances, including, but not limited to, regulations which apply to flood hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource areas, such as riparian, wetlands or slide-prone areas.

Finding 15: These two requirements of Section 508.3 & 508.4 are the same respective criteria in Section 507.1(E) (Consistency with Overlay Zones (See Finding 7) and Section 507.4(E) (Waiver of Remonstrance (See Findings 5 and 11)). These criteria will be met with conditions already covered.

Continuing with Section 509 of the Zoning Ordinance- Standards of Development:

509 Standards of Development

- .1 The minimum average lot or parcel width and minimum average lot or parcel depth shall be 100 feet for all activities except farming or forestry.

Finding 16: The average width of the subject property is approximately 1300' and the average depth is approximately 660' both of which far exceed the 100' minimum dimensions required for the PF-80 zoned property. Staff finds that this criterion has been satisfied.

- .2 **Access** to parcels in this zone shall meet Fire Safety Design Standards for Roads in the County Road Standards and access standards found in Section 510 of the Zoning Ordinance.

Finding 17: The pertinent site access issues related to Fire Safety Standards have been addressed in Findings 4, 5, 9 and 10, will be covered for Findings 24-29 and will be required to be met prior to the issuance of any building permits for the proposed forest dwelling on the subject tract.

- .3 There shall be no height limitation for forest operation and management-related structures unless otherwise permitted in the Primary Forest Zone. The maximum building height for all non-farm, non-forest structures shall be 50 feet or 2 ½ stories, whichever is less.
- .4 The standards and requirements described in Section 1300 of the Zoning Ordinance shall apply to all signs and name plates in the Primary Forest Zone.

Finding 18: No building plans or onsite signs were submitted with this forest dwelling permit application. All non-resource structure's maximum height limitation (the lesser of 50 feet or 2 ½ stories), as well as any onsite signs will be reviewed and required to comply with the applicable provisions of the Zoning Ordinance at time of building permit issuance. These criteria can be satisfied prior to release of building permit.

Continuing with Section 509 of the Zoning Ordinance- Standards of Development:

- .6 **Setbacks:**
- A. There shall be a minimum setback of 50' for front, side, and rear yards for all development in the Primary Forest Zone.
- B. When this Ordinance or any other ordinance requires a greater or lesser setback than is required by this subsection, the greater setback shall apply.
- C. All structures are subject to any special setbacks when adjacent to arterial or collector streets designated in the County Transportation Systems Plan.

Finding 19: The submitted site plan indicates the future dwelling will be at least 130' from all property lines and confirmed at building permit submittal. There are no other provisions in the Zoning Ordinance that require different setbacks, nor has the Department of County Public Works identified any special setbacks for this new forest dwelling that has a legal access to Price Road. For these reasons, Staff finds that these criteria can be met at the time of building permit issuance.

- D. No structure or use shall be established in a manner likely to cause contamination of a stream, lake or other body of

water. Riparian and natural hazard setbacks set forth in Sections 1170 and 1180 of the Zoning Ordinance shall apply.

Finding 20: Staff finds that the Revised May 10, 2022 Site Plan for RDF 22-04 accurately identifies the location of all requested site development (driveway, septic system, residence) in relation to the identified ~6.26 acres of PFO/PSS-Slope Wetlands 1 in the Wetlands Delineation Number WD 2022-0400 approved by the Oregon DSL. Separating these Wetlands from the driveway and proposed home site by at least 100' and 125' respectively, demonstrates the applicant has designed RDF 22-04 so that this site's critical environmental resource will not be compromised, nor will its ecological role be impeded. The County Sanitation's comments also state that the approved locations of the septic system follow the minimum siting setbacks from these delineated wetlands. Furthermore, Section 1170 does not apply to RDF 22-04 since these wetlands are not associated with fish-bearing lakes, water, streams or sloughs and there are no riparian corridors for wetlands not associated with streams, rivers, sloughs, or fish-bearing lakes according to the definitions in Section 1184.(A)(5) of the Zoning Ordinance. For these reasons, and without any additional evidence, Staff finds the applicant's proposal complies with these criteria for home sites on PF-80 zoned properties containing delineated wetlands.

- E. When land divisions create parcels of less than 40 acres for uses listed in Subsection 511.2A., provided those uses have been approved pursuant to this Ordinance, required building setbacks for these parcels will be determined on a case-by-case basis by the Director or the hearings body.

Finding 21: This criterion does not apply to the requested forest dwelling since the applicant is not dividing the subject forest tract.

- F. The owner shall provide and maintain primary fuel-free fire break and secondary fire break areas on land surrounding the dwelling and primary fuel-free break areas surrounding accessory structures in the Primary Forest Zone pursuant to the provisions in Subsections 510.2 and .3.

Finding 22: These provisions will be discussed and evaluated in-depth later in this report (see Findings 24 - 28). Staff finds this criterion will be satisfied with conditions that will be discussed later.

Continuing with Section 509 of the Zoning Ordinance- Standards of Development:

- .7 Approval Period for Use Permits. For all uses approved under sections 504 and 505, the approval period shall be valid for four (4) years. At a minimum, a development construction permit must be issued by the Land Development Services within the approval period. If a construction permit is not issued within the approval period, the land use permit expires. An extension of two years on the approval period may be granted by the Director if a written request is received prior to its expiration and the reason for the delay is beyond the control of the owner.

Finding 23: This Resource Forest Dwelling Permit shall remain valid for four (4) years from the date of the final decision and shall become void unless the proposal has commenced in conformance with all conditions and restrictions established herein within the four-year validity period. A 2-year extension may be granted, if requested in writing with the appropriate fee before the expiration date, given the applicant is not responsible for failure to develop. Staff finds this criterion will be satisfied with these conditions of approval.

Continuing with Section 510 of the Zoning Ordinance- Fire Siting Standards for Dwellings, Structures and Roads:

510 Fire Siting Standards for Dwellings, Structures and Roads:

The following fire siting standards or their equivalent shall apply to new dwellings in this zone:

- .1 If a water supply is available, suitable and acceptable for fire protection by the fire protection district, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access to the dwelling and access to the on-site water supply shall accommodate the turnaround of firefighting equipment during the fire season. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

Finding 24: Staff finds that there are no suitable waterways that would qualify for fire suppression purposes located on the subject property. Staff finds this criterion does not apply to the requested forest dwelling.

- .2 The owner of the dwelling shall establish and maintain a primary fuel-free fire break surrounding the dwelling and accessory structure(s) no less than 30 feet wide in accordance with the provisions in "Protecting Your Home From Wildfire" published by the National Fire Protection Association. The owner may be required to increase the primary fuel-free fire break if the dwelling or structure is located on a 10% or greater slope. The primary fuel-free fire break could include a lawn, low ornamental shrubbery less than 24" in height and/or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All existing tree limbs shall be pruned from the base to at least eight feet in height. Dead fuels shall also be removed.
- .3 A secondary fire break of 100 feet outside the primary fuel-free fire break, or its equivalent allowed by Columbia County Board Order No. 239-97 Firebreak Equivalents, shall also be provided and maintained for the dwelling in accordance with the provisions in "Protecting Your Home From Wildfire" published by the National Fire Protection Association. All existing trees shall be pruned from the base to at least 8 feet in height. Dead fuels shall be

removed from the secondary fire break area. If the placement of the proposed dwelling cannot meet the secondary fire break due to physical constraints of the land or parcel size, the applicant may apply to obtain a secondary fire break easement from a neighbor or build the structure to a Class 1 or 2 Ignition Resistance Construction as allowed by Board Order No. 239-97, Firebreak Equivalents.

Finding 25: The Oregon Department of Forestry's March 1991 Recommended Fire Siting Standards for Dwellings & Structures & Fire Safety Design Standards for Roads (attached) requires property owners in forest zones to "maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area; and maintain adequate access to the dwelling for firefighting equipment vehicles in accordance with the provisions in *Protecting Your Home from Wildfire* (National Fire Protection Association)." The pictures on Page 9 show these fuel-free firebreak areas and the site's intended access. If at the time of development, the property owner cannot establish and maintain a full 100' secondary firebreak on their own, there is the option of reducing it per Equivalent Fire Buffers adopted through Board Order No. 239-97 which requires forest dwellings to be constructed to Class I or Class II Ignition Resistant Standards.

As indicated on the submitted May 10, 2022 Revised Site Plan, the proposed location of the new forest dwelling will be at least 130' from all property lines which will allow the applicant to establish and maintain the full 130' fire safety area on all sides of the forest dwelling. In addition, the County Building Official will review all building plans to ensure the applicable provisions of the Oregon Fire Code will be met. Without any additional evidence, Staff finds these criteria can be satisfied with these conditions of building permit approval.

Continuing with Section 510 of the Zoning Ordinance- Fire Siting Standards for Dwellings, Structures and Roads:

- 4 All roads in this zone, except private roads and bridges for commercial forest uses, shall be constructed so as to provide adequate access for firefighting equipment according to the standards provided by the local rural fire protection district, the County Road Department, or the State Department of Forestry

Finding 26: As already evaluated and addressed in Finding 10, the subject tract will use the existing 20' wide legal easement/driveway located over the three adjacent northern properties as its access to Price Road. This easement was originally created and conveyed with the subject property in 1959 as recorded in Deed Book 138 Page 795. The applicant has an approved Access Approach Road Construction Permit (RAP 2017-00103) to access Price Road.

As covered for Finding 10, the Clatskanie Fire Marshall stated that if the approval of RDF 22-04 results in 3 or more residences being served by this unnamed driveway, it will require this driveway to be named as a private road and the necessary readdressing of all affected residences in order to help ensure emergency vehicles have timely access to these properties.

Consequently, one condition of building permit issuance will require the applicant to submit documentation from the Clatskanie Fire District confirming that he has improved the 20' private access to either private road standards or private driveway standards in compliance with the applicable provisions of the County Road Standards Ordinance.

All new or existing private access easements will need to be improved to the applicable provisions in Sections II, III and IV of the County Road Standards Ordinance and approved by the Clatskanie Fire District and/or the County Public Works Department before the county can authorize any building permits on the subject property. Specifically, prior to the issuance of building permits, the applicant shall submit documentation to Land Development Services that Clatskanie Fire District has granted Temporary Access to the property. Finally, and prior to the occupancy of the new forest dwelling, the applicant will be required to submit documentation to LDS that the Clatskanie Fire District has inspected the private access road(s) and easement(s) confirming they are suitable for fire service equipment. With these conditions of building permit issuance, Staff finds that these criteria can be met.

- .5 No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stove pipe or chimney.
- .6 A dwelling shall meet all of the following requirements:
 - A. The dwelling shall have a fire retardant roof;
 - B. The dwelling shall not be sited on a slope of greater than 40 percent;
 - C. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester; and
 - D. The dwelling shall be located upon a parcel within a fire protection district unless the applicant meets the criteria of subsection 510.7.

Finding 27: The subject tract is located within Clatskanie Fire District service area. To be consistent with 510.6(A-D), a condition of approval shall require the authorized forest dwelling to have a fire retardant roof, not be sited on a slope greater than 40 percent, and all chimneys to have spark arrestor(s). Staff finds these criteria can be met with these conditions of building permit issuance.

- .7 If the dwelling is not within a fire protection district, the applicant shall provide written documentation to the County of residential fire protection. The applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the County determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the County and fire protection district may provide an alternative means for protecting the dwelling from fire hazards which may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable given the site conditions.

Finding 28: This criterion does not apply to this proposed forest dwelling since it is within Clatskanie Fire District's service area.

CCZO Section 516- Notification of State Agencies:

- 516 Notification of State Agencies. The Oregon Department of Forestry's Columbia Unit Office and The Oregon Department of Fish and Wildlife's Forest Grove Office shall be notified and requested to comment on all conditional use requests filed under Section 503 of this Zone and all building or placement permit applications filed under the Primary Forest Zone. Responses should be received within 10 days of the date of mailing to be assured consideration.

Finding 29: The applicant's submitted forest dwelling is authorized and will be reviewed and approved by the Planning Commission at their public hearing scheduled for August 1, 2022 with the Referral submitted by Tina Louise King to LDS on August 13, 2021. The Oregon Department of Fish & Wildlife (ODFW) and the Oregon Department of Forestry (ODF) were notified of the submitted proposal. Staff received ODF attached comments dated 9/27/2021 stating that the full fire safety area surrounding the home should be in control of the property owner; the Revised May 10, 2022 Site Plan specifically addresses these concerns. As of the date of this Report, ODFW has not submitted any comments. Staff finds this criterion has been met.

Section 1190 BIG GAME HABITAT OVERLAY BGR

[Amended by Ordinance 2003-06, eff. 7/30/03].

- 1191 Purpose: To protect sensitive habitat areas for the Columbian white-tailed deer and other Big Game by limiting uses and development activities that conflict with maintenance of the areas. This section shall apply to all areas identified in the Comprehensive Plan as a major and peripheral big game range or Columbian white-tailed deer range, as shown on the 1995 Beak Consultant's map, entitled "Wild Game Habitat" in the Comprehensive Plan in Appendix Part XVI, Article VIII (A). *[Amended by Ordinance 2003-06, eff. 7/30/03].*
- 1192 Permitted Uses: All uses permitted in the underlying zone either outright or conditionally shall be permitted IN THE Big Game Range Overlay provided that such use or development is consistent with the maintenance of Big Game and Columbian White-tailed Deer Habitat identified in the Comprehensive Plan. *[Amended by Ordinance 2003-06, eff. 7/30/03].*
- 1193 Development Siting Standards: *[Amended by Ordinance 2003-06, eff. 7/30/03].* All new residential development and uses located in Major and Peripheral Big Game or Columbian White-tailed Deer Habitat shall be subject to following siting standards:
- A. Dwellings and structures shall be located as near each other and existing developed areas as possible considering topography, water features, required setbacks, and firebreaks.
 - B. Dwellings and structures shall be located to avoid habitat conflicts

and utilize least valuable habitat areas.

- C. Road development shall be minimized to that which is necessary to support the proposed use and the applicant shall utilize existing roads as much as possible.
 - D. The owner/occupant of the resource parcel shall assume responsibility for protection from damage by wildlife.
 - E. Riparian and Wetland areas shall be protected in accordance with Sections 1170 and 1180.
1194. The County shall notify the Oregon Department of Fish and Wildlife (ODFW) of all proposed uses or development activities which require a permit and are located in Major or Peripheral Big Game Habitat. The County will consider the comments and recommendations of ODFW, if any, before making a decision concerning the requested use or activity. *[Added by Ordinance 2003-06, eff. 7/30/03].*
1195. The County shall notify the Oregon Department of Fish and Wildlife (ODFW) and the U.S. Fish and Wildlife (USFW) of all proposed uses or development activities which require a permit and are located in Columbian White-tailed Deer Habitat. The County will consider the comments and recommendations of ODFW and USFW, if any, before making a decision concerning the requested use or activity. *[Added by Ordinance 2003-06, eff. 7/30/03].*

Finding 30: The BEAK Maps of the Rainier-Fern Hill Area shows that this property is located in an area that is designated as Peripheral Big Game Habitat, but does not contain any threatened, endangered, or sensitive wildlife, plant, or animal species. As discussed previously in this report, the development of the subject forest tract will be concentrated on the southwest portion of the site which is the highest level of the property. The Oregon Department of Fish and Wildlife (ODFW) was notified of this request and as of the date of this report, has not submitted any comments. To satisfy 1193(D), a condition of approval shall require the owner to assume responsibility for protection from damage by wildlife. With this condition, Staff finds that the subject tract's proposed forest dwelling is consistent with the applicable criteria in CCZO 1190.

COMMENTS:

Clatskanie Rural Fire Protection District: The attached comments dated June 30, 2022 have been incorporated into the Discussion related to Finding 10 as well as numerous other Findings throughout this Report.

Clatskanie PUD: Has reviewed the proposal and has no objections to its approval as presented.

County Assessor: No comments have been received.

County Building Official: Obtain all permits necessary for construction including electrical, plumbing, and mechanical for all strictures. Maintain all Fire breaks and setbacks; if setbacks are not met, IR-1 and IR-2 construction standards will be required by the Planning and Building Departments; a sprinkler system may apply. If slopes are steep, additional fire breaks are required and tree limbs may need to be cut. If having a wood stove, Fireplace, pellet stove or outdoor fireplace a spark arrestor is required. Obtain Fire Department driveway access and approval for temporary driveway construction and final driveway access. If access or water flow is an issue, the Fire Marshal may request a sprinkler system, however the Building Official can determine alternate methods. Obtain Public Works Road Access Permit and approval for temporary road access and final access.

County Sanitarian: Site evaluation is approved and it followed the Wetlands Delineation approved by Oregon DSL.

Columbia County Public Works Department: Applicant already has an approved access permit from the Public Works Department.

Don Campbell member of the Rainer-Fernhill CPAC: Mr. Campbell's comments dated 8/12/2021 have been addressed and incorporated into Finding 2 of this Staff Report.

District 18 Watermaster: No comments have been received.

Oregon Department of Forestry: My main concern is that the required fire breaks around any new house is within the landowner's control. If the home site can be adjusted so that the fire breaks are solely on the landowner's property than I have no issues.

OR Department of Fish & Wildlife: No comments have been received.

Soil & Water Conservation District: Building site falls within NWI mapped wetlands area. Lower Columbia Engineering (LCE) has performed an initial evaluation of the site and suggest that it is likely not to affect the wetlands. However, a formal wetlands delineation should be conducted prior to building to ensure that is the case. If wetlands are adjacent to the building site, care should be taken to not impact them during construction and OR Forest Practices Act should be followed with regards to buffer sizes and harvest restrictions. No fill or removal should take place in a wetland without a permit from the Oregon Department of State Lands.

CONCLUSION, RECOMMENDATION, & CONDITIONS:

Based upon research about the property and findings of the Staff Report for **RDF 22-04** Staff recommends the Planning Commission **APPROVE** this request to site a single family dwelling on the subject 17.52-acre PF-80 zoned tract, subject to the following conditions:

CONDITIONS OF APPROVAL:

1. **This Forest Dwelling Permit shall remain valid for four (4) years from the date of the final decision.** This permit shall become void unless the proposal has commenced in conformance with all conditions and restrictions established herein within the four-year validity period. One 2-year extension may be granted by the Planning Director if requested in writing with the appropriate fee before the expiration date, given the applicant is not responsible for failure to develop.
2. This Forest Dwelling Permit allows a non-resource related dwelling on the subject property, which, in turn, enables the applicant(s) to apply for Building Permits (including septic) and other permits necessary for development. This Forest Dwelling Permit addresses and allows this land use only and does not guarantee approval of any other permits necessary for the future development of the subject property.
3. Primary and secondary fuel-free fire breaks shall be established and maintained for the dwelling allowed by this Forest Dwelling Permit and all accessory structures pursuant to OAR 660-006-0035 and the March 1991 Recommended Fire Siting Standards for Dwellings & Structures & Fire Safety Design Standards for Roads, published by the Oregon Department of Forestry (or) Equivalent Fire Buffers approved by Columbia County Board Order No. 239-97. If at the time of development, the property owner cannot establish and maintain a full 100' secondary firebreak on the subject property, there is the option of reducing it per Equivalent Fire Buffers adopted through Board Order No. 239-97 which requires forest dwellings to be constructed to Class I or Class II Ignition Resistant Standards.
4. The dwelling allowed by this Forest Dwelling Permit and all accessory structures shall: 1) have a fire-retardant roof, 2) not be sited on a slope greater than 40 percent, and 3) have a spark arrester for any and all chimney, wood stove, fireplace, pellet stove or outdoor fireplace.
5. The responsibility for protection from wildlife damage on the property shall be assumed by the dwelling's owner and/or occupant.
6. If the subject tract's access to Price Road meets the County Road Standards Ordinance's definition of a Private Road, the applicant and all affected property owners shall be required to submit a New Private Road Naming application with fees to Land Development Services for the Board of Commissioners.
7. The following shall be completed prior to issuance of any Building Permits:
 - a. All future site development shall comply with the Wetlands Delineation (WD 2022-0400) approved by the Oregon Department of State Lands on May 3, 2022 and may include approved mitigation measures to reduce or eliminate detrimental impacts to the site's delineated wetlands.

- b. The applicant shall submit a Septic Construction Permit to Land Development Services (LDS) concurrent with the building plans for the forest dwelling.
 - c. The private access to Price Road shall comply with the applicable provisions of Sections II, III, and IV of the County Road Standards Ordinance related to Fire Service Requirements, Access Approach, and Private Roads and shall be approved by the Clatskanie Fire District and the County Public Works Department.
 - d. The applicant shall file and record a well log with the State of Oregon Water Resources Department documenting the proposed forest dwelling is utilizing an approved domestic water supply per the provisions in OAR 660-006-0029(3). A copy of this recorded well log shall be submitted to LDS
 - e. The applicant shall provide documentation to LDS from the Clatskanie Fire District confirming that the proposed private access to Price Road is adequate for temporary access by Fire Service equipment.
 - f. The property owner shall sign and record in the deed records of Columbia County a *Waiver of Remonstrance* regarding past, current or future accepted farm or forest operations of adjacent and nearby lands. A copy of this recorded document shall be submitted to LDS.
 - g. The applicant shall provide a Timber Stocking Survey & Assessment with Land Development Services (LDS) pursuant to the provisions in Section 507.4 of the Columbia County Zoning Ordinance.
8. All future site development on the 17.52-acre tract shall be clustered together with the home site and shall be reviewed for consistency with the applicable provisions in Section 500 and 1190 of the Zoning Ordinance related to development of PF-80 zoned properties containing identified as Peripheral Big Game Habitat areas.
9. Prior to Final Occupancy: Documentation shall be submitted to LDS confirming that the proposed access road/driveways has final Clatskanie Fire District approval and are suitable for fire service equipment.

Attachments:

- Attachment 1 - RDF 22-04 submitted application & Revised May 10, 2022 Site Plan including Address, Zoning and Vicinity Maps
- Attachment 2 - Wetlands Delineation # 2022-0400 approved by Oregon DSL on May 3, 2022
- Attachment 3 - Tina Louise King's Referral of RDF 22-04 to Planning Commission
- Attachment 4 - Signed Waiver of 150 Day Rule requirement in ORS 215.427(1)
- Attachment 5 - Original Subject Tract and 20' Easement Conveyance recorded in Deed Book 138 Page 795 and the Applicant's Proof of Ownership recorded in Instrument No 2006-011602.
- Attachment 6 - Comments from: Don Campbell Rainier-Fernhill CPAC
Columbia County Public Works
Clatskanie Fire District

Columbia County Sanitarian
Columbia County Building Official
Columbia County Soil & Water Conservation District
Oregon Department of Forestry

cc: Don Campbell, P.O. Box 1375 Rainier, OR 97048
Tina Louise King, 75702 Price Road, Rainier, OR 97048
Steve Sharek, Clatskanie Fire Department



Tax Account: 7315-B0-02500
Case No.: RDF 22-04
Applicant: Tim & Tami Carleton
Application: Resource Dwelling
Zone: PF-80

Affidavit of Mailing

I, Kay Clay, being first duly sworn, depose and say, I am the Planning Secretary for Columbia County, and in that capacity I prepared the following mailing(s) and delivered the document(s) referenced therein:

On September 20, 2022, I e-mailed the following to Tim & Tami Carleton and Don Campbell and Dawn Titus Campbell:
Final Order dated September 16, 2022
Appeal dated September 21, 2022

On September 21, 2022, I mailed the following to Don Campbell and Dawn Titus Campbell:
Final Order dated September 16, 2022
Appeal dated September 21, 2022

On September 20, 2022 I emailed, Public Works, Building official, City of Rainier, Steve Sharek and the Assessor:
A copy of the final order

Dated this 21st day of September.



Kay Clay, Planning Secretary

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

**APPEAL INFORMATION for
FINAL ORDER RDF 22-04**

Applicant: Tim & Tami Carleton

Notice Date: 9/21/2022

Appeal Body:

- Planning Commission**, for appeal of an administrative decision; file this appeal in the Land Development Services office, ground floor, Courthouse Annex, St. Helens, OR 97051. The appeal must be filed within 12 calendar days of the above Notice Date, the date this notice was mailed to the applicant and to other persons entitled to notice. The appeal must be accompanied by the appropriate appeal fee.
- Board of County Commissioners**, for appeal of this Planning Commission decision; file this appeal in the Office of the County Clerk, second floor, Courthouse Annex, St. Helens, OR 97051. The appeal must be filed within 7 calendar days of the above Notice Date, the date this notice was mailed to the applicant and to other persons entitled to notice. The appeal must be accompanied by the appropriate appeal fee.
- Land Use Board of Appeals (LUBA)**, for appeal of this Planning Commission or Board of Commissioner decision. File a Notice of Appeal with the Land Use Board of Appeals; PUC Building, 550 Capitol Street NE, Salem, OR 97310. The appeal must be filed with the Land Use Board of Appeals within 21 calendar days of the above Notice Date, the date this notice was mailed to the applicant and to other persons entitled to notice.

Attached is the FINAL ORDER on the application listed above. This decision, or any part of it, or any condition attached to it, may be appealed to the **Appeal Body** noted above.

If a local appeal is filed, and after notice is given to those persons entitled to notice, a public hearing will be held by the Appeal Body at its earliest available regular meeting. At the hearing, all interested parties will have an opportunity to appear and be heard.

The applicant and other interested persons should contact the Planning Department after the applicable appeal period has run to determine whether an Appeal has been filed. Applicants are cautioned against beginning development if an Appeal has been filed.

PLEASE NOTE: An appeal may be filed only by persons who appeared in person or in writing before the Planning Department, the Planning Commission or the Board of County Commissioners. You have "appeared" if you supplied information or argument in favor of or opposed to the application listed above.

If any of the above is not clear, or you have questions or require additional information, please contact Deborah Jacob at (503) 397-7260.

**BEFORE THE COLUMBIA COUNTY
COLUMBIA COUNTY PLANNING COMMISSION
ST.HELENS, OREGON**

In the matter of an application of Tim and)
Tami Carleton for a Resource Dwelling)
(RDF 22-04) in the Primary Forest Zone)
that was referred to the Columbia County)
Planning Commission as provided for in)
Section 1601.2 of the Columbia County)
Zoning Ordinance.)

FINAL ORDER RDF 22-04

This matter came before the Columbia County Planning Commission on the application of Tim and Tami Carleton (applicants) for a Resource Dwelling (RDF 22-04) in the Primary Forest (PF-80) Zone pursuant to the provisions in Sections 506.4 and 1601.2 of the Columbia County Zoning Ordinance. The subject property is approximately 17.52 acres and is further described per the County Assessor's records as Tax Map Identification Number 7315-B0-02500.

Pursuant to the notification requirements in Section 1601.2 of the Columbia County Zoning Ordinance, on August 4, 2021 adjacent property owners were notified of the proposal requested for RDF 22-04 and were given ten (10) calendar days in which to request a public hearing be held for RDF 22-04 before the Columbia County Planning Commission. On August 13, 2021 Tina Louse King timely submitted with fees the REFERRAL of RDF 22-04 to the Planning Commission for a public hearing.

Although this application was scheduled for the December 6, 2021 Planning Commission public hearing, on November 12, 2021 the applicants requested Columbia County Land Development Services delay this scheduled public hearing until the Oregon Department of State Lands (DSL) was able to review and approve a Wetlands Delineation they conducted on the subject property. The applicants also submitted a signed Wavier of the 150 Day rule in Oregon Revised Statues (ORS) 215.427 requiring Columbia County to make a final decision on RDF 22-04 within 150 days of deeming the RDF 22-04 application complete.

On May 9, 2022 the applicants submitted a Revised Site Plan for RDF 22-04 that replaced the Site Plan submitted July 14, 2021. This revised Site Plan relocated the intended home site to the highest elevation on the property in its southwest corner and at least 125 feet away from the subject property's Wetlands Delineation (WD # 2022-0400) that was approved by the Oregon DSL on May 3, 2022.

Notification of the subsequent May 9, 2022 Revisions to RDF 22-04 REFERRAL was sent to the surrounding property owners, affected agencies, and the Rainier CPAC and a public hearing was held on August 1, 2022 where the Planning Commission heard testimony from the applicant and

interested parties and considered written materials including the Staff Report dated July 22, 2022. Pursuant to the provisions in ORS 197.79 (6) the Planning Commission voted to continue the initial evidentiary public hearing for RDF 22-04 to the September 12, 2022 public hearing and left the record open for the submittal of additional written evidence only. On September 2, 2022 and pursuant to the provisions in ORS 197.797(6), Planning Staff provided the Planning Commission with all written evidence submitted by the identified participants and the applicants between August 2, 2022 through August 22, 2022.

At the September 12, 2022 continuance of the August 1, 2022 public hearing for RDF 22-04 the Columbia County Planning Commission considered the additional written evidence and hereby adopts the Findings, Conclusions and Conditions as stated in the July 22, 2022 Staff Report and incorporates them herein by this reference and **APPROVES** the Resource Dwelling Permit proposed for **RDF 22-04** subject to the following conditions of approval:

CONDITIONS OF APPROVAL:

1. **This Forest Dwelling Permit shall remain valid for four (4) years from the date of the final decision.** This permit shall become void unless the proposal has commenced in conformance with all conditions and restrictions established herein within the four-year validity period. One 2-year extension may be granted by the Planning Director if requested in writing with the appropriate fee before the expiration date, given the applicant is not responsible for failure to develop.
2. This Forest Dwelling Permit allows a non-resource related dwelling on the subject property, which, in turn, enables the applicant(s) to apply for Building Permits (including septic) and other permits necessary for development. This Forest Dwelling Permit addresses and allows this land use only and does not guarantee approval of any other permits necessary for the future development of the subject property.
3. Primary and secondary fuel-free fire breaks shall be established and maintained for the dwelling allowed by this Forest Dwelling Permit and all accessory structures pursuant to OAR 660-006-0035 and the March 1991 Recommended Fire Siting Standards for Dwellings & Structures & Fire Safety Design Standards for Roads, published by the Oregon Department of Forestry (or) Equivalent Fire Buffers approved by Columbia County Board Order No. 239-97. If at the time of development, the property owner cannot establish and maintain a full 100' secondary firebreak on the subject property, there is the option of reducing it per Equivalent Fire Buffers adopted through Board Order No. 239-97 which requires forest dwellings to be constructed to Class I or Class II Ignition Resistant Standards.
4. The dwelling allowed by this Forest Dwelling Permit and all accessory structures shall: 1) have a fire-retardant roof, 2) not be sited on a slope greater than 40 percent, and 3) have a spark arrester for any and all chimney, wood stove, fireplace, pellet stove or outdoor fireplace.

5. The responsibility for protection from wildlife damage on the property shall be assumed by the dwelling's owner and/or occupant.
6. If the subject tract's access to Price Road meets the County Road Standards Ordinance's definition of a Private Road, the applicant and all affected property owners shall be required to submit a New Private Road Naming application with fees to Land Development Services for the Board of Commissioners.
7. The following shall be completed prior to issuance of any Building Permits:
 - a. All future site development shall comply with the Wetlands Delineation (WD 2022-0400) approved by the Oregon Department of State Lands on May 3, 2022 and may include approved mitigation measures to reduce or eliminate detrimental impacts to the site's delineated wetlands.
 - b. The applicant shall submit a Septic Construction Permit to Land Development Services (LDS) concurrent with the building plans for the forest dwelling.
 - c. The private access to Price Road shall comply with the applicable provisions of Sections II, III, and IV of the County Road Standards Ordinance related to Fire Service Requirements, Access Approach, and Private Roads and shall be approved by the Clatskanie Fire District and the County Public Works Department.
 - d. The applicant shall file and record a well log with the State of Oregon Water Resources Department documenting the proposed forest dwelling is utilizing an approved domestic water supply per the provisions in OAR 660-006-0029(3). A copy of this recorded well log shall be submitted to LDS
 - e. The applicant shall provide documentation to LDS from the Clatskanie Fire District confirming that the proposed private access to Price Road is adequate for temporary access by Fire Service equipment.
 - f. The property owner shall sign and record in the deed records of Columbia County a *Waiver of Remonstrance* regarding past, current or future accepted farm or forest operations of adjacent and nearby lands. A copy of this recorded document shall be submitted to LDS.
 - g. The applicant shall provide a Timber Stocking Survey & Assessment with Land Development Services (LDS) pursuant to the provisions in Section 507.4 of the Columbia County Zoning Ordinance.
8. All future site development on the 17.52-acre tract shall be clustered together with the home site and shall be reviewed for consistency with the applicable provisions in Section 500 and 1190 of the Zoning Ordinance related to development of PF-80 zoned properties

containing identified as Peripheral Big Game Habitat areas.

9. Prior to Final Occupancy: Documentation shall be submitted to LDS confirming that the proposed access road/driveways has final Clatskanie Fire District approval and are suitable for fire service equipment.

COLUMBIA COUNTY PLANNING COMMISSION



DAN MAGNIA, CHAIR

9/16/2022

DATE

cc Final Order: Steve Sharek, Clatskanie Fire District

Kay Clay

From: Kay Clay
Sent: Tuesday, September 20, 2022 9:19 AM
To: Suzie Dahl; Scott Toenjes; Assessor Columbia County; ssullivan@cityofrainier.com; 'Steve Sharek'
Subject: final order
Attachments: rdf 22-04_20220920080243.pdf

Attached is a copy of the final order for RDF 22-04 Carleton

Kay Clay
Permit Technician – Planning Secretary
Columbia County, Oregon
503-397-1501 ext 8483
Kay.clay@columbiacountyor.gov

Please note:

Land Development Services has moved to a temporary location at 445 Port Avenue, St. Helens.

We're available to assist you in person, by phone 503-397-1501 and email:

building@columbiacountyor.gov or planning@columbiacountyor.gov.

Kay Clay

From: Kay Clay
Sent: Tuesday, September 20, 2022 9:09 AM
To: Dawn Titus
Subject: final order for Carleton
Attachments: rdf 22-04_20220920080243.pdf

I am attaching a copy of the final order for Tim Carleton, RDF 22-04, the date on the appeal is dated for tomorrow and that is when the appeal period begins. The start date is tomorrow because that is the mailing date

Kay Clay
Permit Technician - Planning Secretary
Columbia County, Oregon
503-397-1501 ext 8483
Kay.clay@columbiacountyor.gov

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We're available to assist you in person, by phone 503-397-1501 and email:
building@columbiacountyor.gov or planning@columbiacountyor.gov.

Kay Clay

From: Kay Clay
Sent: Tuesday, September 20, 2022 9:36 AM
To: Tami Carleton
Subject: final order
Attachments: rdf 22-04_20220920080243.pdf

Attached is your copy of your final order. The appeal date starts tomorrow because we had to snail mail a couple out. The appeal deadline is 9/27/2022

Kay Clay
Permit Technician – Planning Secretary
Columbia County, Oregon
503-397-1501 ext 8483
Kay.clay@columbiacountyor.gov

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COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
Planning Division
COURTHOUSE
230 STRAND
ST. HELENS, OREGON 97051
PHONE: (503) 397-1601 FAX: (503) 368-3902

RECEIVED
SEP 26 2022
Land Development Services

APPEAL / REFERRAL

NOTE: If this is an appeal, please read the back of this form to determine if you have "Standing"

CIRCLE ONE OF THE FOLLOWING

APPEAL or **REFERRAL**

YOUR NAME: Robert + Kathy Ramey, Tina L. King Phone: 503-410-6439

Address: 75702 Price Rd city: Rainier Zip: 97048

ORIGINAL APPLICATION: Name: Tim and Tami Carleton

File #: RDF-22-04 Request: Resource dwelling Primary Forest Zone

APPEAL Fee required

File in the County Clerk's Office

Please check one of the following:

I wish to appeal the decision made by the Land Development Services Department. This appeal is to the Columbia County Planning Commission. (CCZO Section 1702); or

I wish to appeal the decision made by the Columbia County Planning Commission. This appeal is to the Columbia County Board of Commissioners. (CCZO Section 1703)

Original request was: Approved or Denied; Decision Date: 9-21-22
Appeal Deadline: 9-27-22

Reason for appeal (attach additional pages if necessary): See attached 2 page letter

REFERRAL Fee required

File in the Land Development Services Office

The application is reviewed Administratively without a public hearing, and I wish to refer this application to the Columbia County Planning Commission for a public hearing.

Reason for referral (attach additional pages if necessary): _____

The foregoing statements are in all respects true and correct to the best of my knowledge and belief:

Date: Sept 26, 22 Signed: Tina L. King

FOR CLERK'S OFFICE USE ONLY
Received: 9/26/22 Received by: DK Receipt # 199580 Check # 250⁰²
Please route copies of this form to: Board of Commissioners (2 copies), Land Development Services (1 copy) and County Counsel (1 copy). Thank you.

STANDING

An appeal may be made only if you have "standing" to appeal. Please see Section 1700 of the Columbia County Zoning Ordinance or Section 197.763 of Oregon Revised Statutes, and consult your attorney to be sure you have standing to appeal this decision.

If you wish, you may appeal now and check later to see if you have standing; however, your appeal fee might not be refunded if it is later determined that you did not have standing and your appeal is denied on those grounds.

S:\PLANNING DIVISION\FORMS\Application Forms\Appeal - Referral.wpd

9-26-2022

I/we Jim & King and Robert + Kathy Ramsey live directly adjacent ^{part of our parcel} and about the subject property identified in RDF 22-04 tax lot 2500. The current approval of RDF 22-04 needs reversed for the following reasons, including but not limited to:

Template test done incorrectly. The rectangle used as per CCZO 506.4.B is improper. Tax lot 2500 does not abut a road that existed on January 1, 1993. The "road" the County used to qualify TT-21-06 does not exist or has never been lawfully established. Created or otherwise, TT-21-06 also fails to meet the 11 required parcels to qualify, several lot line adjustments within "rectangle" disqualified counts towards the 11 required.

Tax lot 2500 access RDF-22-04 requires it to have a private road. Columbia County Road Department has previously issued an access road permit prior to RDF-22-04 where one could not be lawfully issued or protected. A forestry use does not require an access approach permit. CCRD is intentionally refusing to acknowledge real property owners/easement holders to determine user counts of the same location of land as RDF-22-04 access easement area. RDF-22-04 access is ~~back~~ 20 feet back from the right of way.

Page 1 of 2



CCRD has created a dangerous intersection to a right of way. CCRD intentionally deemed RDF-22-04 easement/access a "driveway" solely to thwart private road standards, fire apparatus roads and current fire codes that apply to RDF-22-04

RDF-22-04 has a PUD pole located approx. 4 feet within the 20 foot easement area, this pole can not be relocated, thus can not comply with any current applicable codes. RDF-22-04 easement/access width, length, and current obstructions do not and can not support any development.

The approval of RDF-22-04 adversely and negatively affects our land, increases the neighborhoods fire prevention deficiencies, and will put local residences and timberlands at greater risk (Fire).

RDF-22-04 was approved by the Planning Commission without deliberation. All of the concerns for RDF-22-04 were not even acknowledged.

Jina L. King
75702 Price Rd
Rainier, Oregon 97048
503-410-6439

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

In the Matter of Robert and Kathy Ramey and)
Tina L. King's Appeal of the Columbia County)
Planning Commission's September 21, 2022)
Decision to Approve Tim and Tami Carleton's)
Template Test Dwelling in the Primary Forest Zone)
(PF-80) off Price Road on the 17.52 acres associated)
With current Tax Map ID Number 7315-BO-02500)
Application File No. RDF 22-04)

NOTICE OF PUBLIC HEARING
(Publication)

STATE OF OREGON)
) SS.
COLUMBIA COUNTY)

I, Jacyn Normine, being first duly sworn, hereby depose and say the following is true as I verily believe:

I am the duly appointed Board Office Administrator to the Board of County Commissioners for Columbia County, Oregon; and


A copy of the attached Notice "In the Matter of Robert and Kathy Ramey and Tina L. King's Appeal of the Columbia County Planning Commission's September 21, 2022, Decision to Approve Tim and Tami Carleton's Template Test Dwelling in the Primary Forest Zone (PF-80) off Price Road on the 17.52 acres associated with current Tax Map ID Number 7315-BO-02500 Application File No. RDF 22-04", has been sent for publication in the Chronicles November 30, 2022, addition

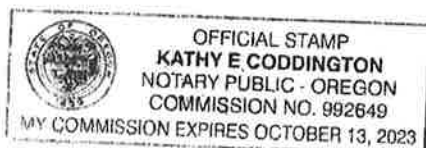
Dated this 22nd day of November 2022


Jacyn Normine, Board Office Administrator

Subscribed and sworn before me on this 22 day of November, 2022

(Seal)


Kathy E. Coddington
Notary Public for Oregon
My commission expires: 10/13/2023



For publication on 11/30/2022 (RDF22-04)

Jacyn Normine <Jacyn.Normine@columbiacountyor.gov>

Tue 11/22/2022 1:26 PM

To: Chronicle Classifieds <chronicleclassifieds@countrymedia.net>

Please publish in your 11/30/2022 addition.

Please forward affidavit of publication back to jacyn.normine@columbiacountyor.gov

Thank you

Jacyn Normine, Administrator
Board of Columbia County Commissioners
503-397-4322 Ext 8400



<https://www.columbiacountyor.gov/surplus-property>

<https://bit.ly/34YAVRu>

CONFIDENTIALITY NOTICE: *This email may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this email in error, please notify me immediately by reply email, keep the contents confidential, and immediately delete the message and any attachments from your system.*

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN The Columbia County Board of Commissioners will hold a public hearing on December 21, 2022, at or after 10:00 a.m. at the Courthouse Annex, 230 Strand Street, Room 310, St. Helens, Oregon 97051.

The purpose of this hearing is to consider Robert and Kathy Ramey and Tina L. King's APPEAL of the Columbia County Planning Commission's September 21, 2022 decision to APPROVE Tim and Tami Carleton's Template Test Dwelling in the Primary Forest (PF-80) Zone off Price Road on the 17.52 acres associated with current Tax Map ID Number 7315-B0-02500, Application File No. RDF 22-04.

This hearing is to afford interested parties an opportunity to appear and be heard on the above matter. Any comments you wish to provide will be appreciated; however, Oregon law requires that testimony and evidence must be directed toward the decision criteria. You may present testimony at the public hearing or provide written comments to the Board of County Commissioners to jacyn.normine@columbiacountyor.gov prior to 5:00 p.m. on December 20, 2022. Please reference RDF 22-04. The Columbia County Board of Commissioners is the final local decision-maker for all County Plan and Ordinance amendments.

Applicable decision criteria are contained in CCZO 500; the Oregon Statewide Planning Goals; the Comprehensive Plan; and any other statute or ordinance determined to apply. The specific criteria applicable to this request is listed and evaluated in the staff report. This hearing will be held in accordance with the provisions of the Zoning Ordinance. For more information contact Deborah.Jacob@columbiacountyor.gov or phone 503-397-1501.

A copy of the application, all documents and evidence relied upon by the applicant, and the staff report will be available for at <https://www.columbiacountyor.gov/Hearings> at least 7 days prior to this hearing.

Written comments on the issue can be submitted via email to Jacyn.normine@columbiacountyor.gov or you can send comments via U.S. Mail to Columbia County, Board of Commissioners c/o Jacyn Normine, 230 Strand Street, St. Helens, OR 97051. Please reference RDF 22-04.

You may participate in this hearing in person or virtually. To attend virtually go to <https://global.gotomeeting.com/join/357054141> United States (Toll Free) 1 866 899 4679. The meeting access code is: 357-054-141. The Board of Commissioners reserves the right to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided. .

Chronicle, please publish in your
November 30, 2022, edition

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

In the Matter of Robert and Kathy Ramey and)
Tina L. King's Appeal of the Columbia County) **NOTICE OF PUBLIC HEARING**
Planning Commission's September 21, 2022) **(MAILING)**
Decision to Approve Tim and Tami Carleton's)
Template Test Dwelling in the Primary Forest Zone)
(PF-80) off Price Road on the 17.52 acres associated)
With current Tax Map ID Number 7315-BO-02500)
Application File No. RDF 22-04)

STATE OF OREGON)
) SS.
COLUMBIA COUNTY)


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Mailing list attached.

Dated this 22nd day of November 2022



Jacyn Normine, Board Office Administrator

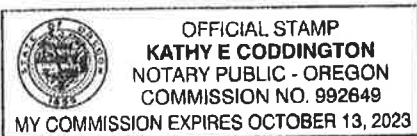
Subscribed and sworn before me on this 22 day of November, 2022

(Seal)



Notary Public for Oregon

My commission expires: 10/13/23



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FOR COLUMBIA COUNTY, OREGON
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November 30, 2022, edition

Tina King
75702 Price Rd
Rainier, OR. 97048

Longview Timberlands LLC
220 Occidental Ave. S.
Seattle, WA. 98104

Don Campbell
PO BOX 1375
Rainier, OR. 97048

Snodgrass, Steven & Rochelle
25624 Old Rainier Rd
Rainer, OR. 97048

Dubois, Ronald & Shirley
75724 Price Rd.
Rainier, OR. 97048

Warren, James & Johnson, Peggy
15748 Price Rd.
Rainier, OR. 97048

Deer Pointe Meadows LLC
13825 SW Weir Rd.
Beaverton, OR. 97008

Howe, Ronnie Sr. & Marilyn
PO Box 414
Rainier, OR. 97048

Carleton, Timmy & Tamara
74340 Elk Creek Rd.
Rainer, OR. 97048

Ramey, Robert & Kathryn
75702 Price Rd.
Rainier, OR. 97048

Bledsoe, Michael T. Sr. & Melissa
75480 Price Rd.
Rainier, OR. 97048

Mitchell, John & Laurel
75728 Price Rd.
Rainier, OR. 97048

Oregon Dept. of Fish & Wildlife (East)
Lower Columbia Wildlife District
18330 NW Sauvie Island Rd
Portland, OR. 97231

Oregon Dept. of State Lands
775 Summer Street NE.
Salem, OR. 97301

Oregon Dept. of Forestry
405 "E" Street
Columbia City, OR. 97018

Rainier-Fernhill CPAC
Don Campbell
PO Box 1375
Rainier, OR. 97048

Suzie.dahl@columbiacountyor.gov

Scott.toenjes@columbiacountyor.gov

Erin.oconnell@columbiacoutyor.gov

Chewy15150@yahoo.com
(Dawn Campbell)

customerservice@clatskaniepud.com

Malysa.legg@columbiaswcd.com

ssharek@clatskaniefire.org

andrew@friends.org

devin@friends.org

NOTICE OF PUBLIC HEARING

Jacyn Normine <Jacyn.Normine@columbiacountyor.gov>

Tue 11/22/2022 2:48 PM

To: Suzie Dahl <Suzie.Dahl@columbiacountyor.gov>; Scott Toenjes <Scott.Toenjes@columbiacountyor.gov>; Erin.oconnell@columbiacountyor.gov <Erin.oconnell@columbiacountyor.gov>; Chewy15150@yahoo.com <Chewy15150@yahoo.com>; customerservice@clatskaniepud.com <customerservice@clatskaniepud.com>; Malysa.legg@columbiaswcd.com <Malysa.legg@columbiaswcd.com>; ssharek@clatskaniefire.org <ssharek@clatskaniefire.org>; andrew@friends.org <andrew@friends.org>; devin@friends.org <devin@friends.org>

📎 1 attachments (91 KB)

Hearing Notice RDF 22-04 edits 11.10.pdf;

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Please see attached notice.

Jacyn Normine, Administrator
Board of Columbia County Commissioners
503-397-4322 Ext 8400



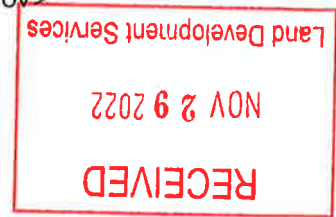
<https://www.columbiacountyor.gov/surplus-property>

<https://bit.ly/34YAVRu>

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Deborah Jacob

From: BROWN Jevra * DSL <Jevra.BROWN@dsl.oregon.gov>
Sent: Monday, November 28, 2022 5:51 PM
To: Deborah Jacob
Subject: FW: Columbia County General Notice
Attachments: columbia co public hearing.pdf



CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Hi Deborah,
FYI, Delineation WD2022-0040 was approved. Your office should have a copy of the approval letter. Also WLUN #WN2021-0892.
Thank you,
Jevra Brown, Aquatic Resource Planner
Department of State Lands
Cell 503-580-3172
NOTE NEW EMAIL ADDRESS: Jevra.Brown@DSL.Oregon.gov

Checking for wetlands and waters? - Use the STATEWIDE WETLANDS INVENTORY

-----Original Message-----

From: DSL Support Services * DSL <Support.SERVICES@dsl.oregon.gov>
Sent: Monday, November 28, 2022 2:30 PM
To: CARY Dan * DSL <Dan.CARY@dsl.oregon.gov>; PELTON Melissa * DSL <Melissa.PELTON@dsl.oregon.gov>; EVANS Daniel * DSL <Daniel.EVANS@dsl.oregon.gov>
Cc: SERRA Erin * DSL <Erin.SERRA@dsl.oregon.gov>; BROWN Jevra * DSL <Jevra.BROWN@dsl.oregon.gov>
Subject: Columbia County General Notice

Regards,

Kizzy Hatter
Support Services Specialist
Department of State Lands
775 Summer St NE STE 100 | Salem, OR 97301
503-986-5306 (desk)
Email: kizzy.hatter@dsl.oregon.gov

-----Original Message-----

From: Copycolofax@dsl.oregon.gov <Copycolofax@dsl.oregon.gov>
Sent: Monday, November 28, 2022 2:32 PM
To: DSL Support Services * DSL <Support.SERVICES@dsl.oregon.gov>
Subject: gen notice

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON
NOTICE OF PUBLIC HEARING**

RECEIVED

NOV 28 2022

DEPARTMENT OF STATE LANDS

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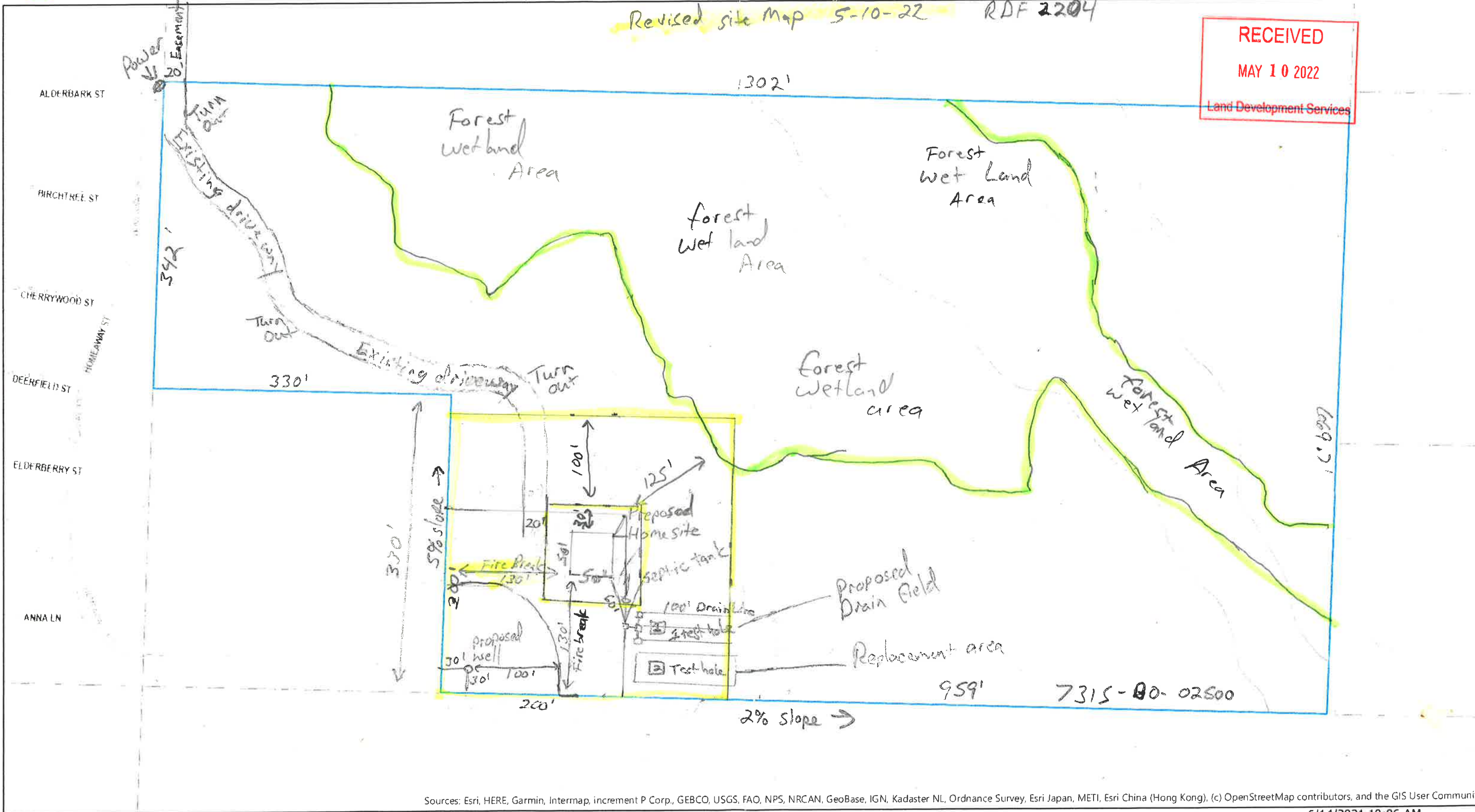


RDF Site Plan

74340 Elk creek Rd.
Seaside OR 97058

Revised site Map 5-10-22 RDF 2204

RECEIVED
MAY 10 2022
Land Development Services



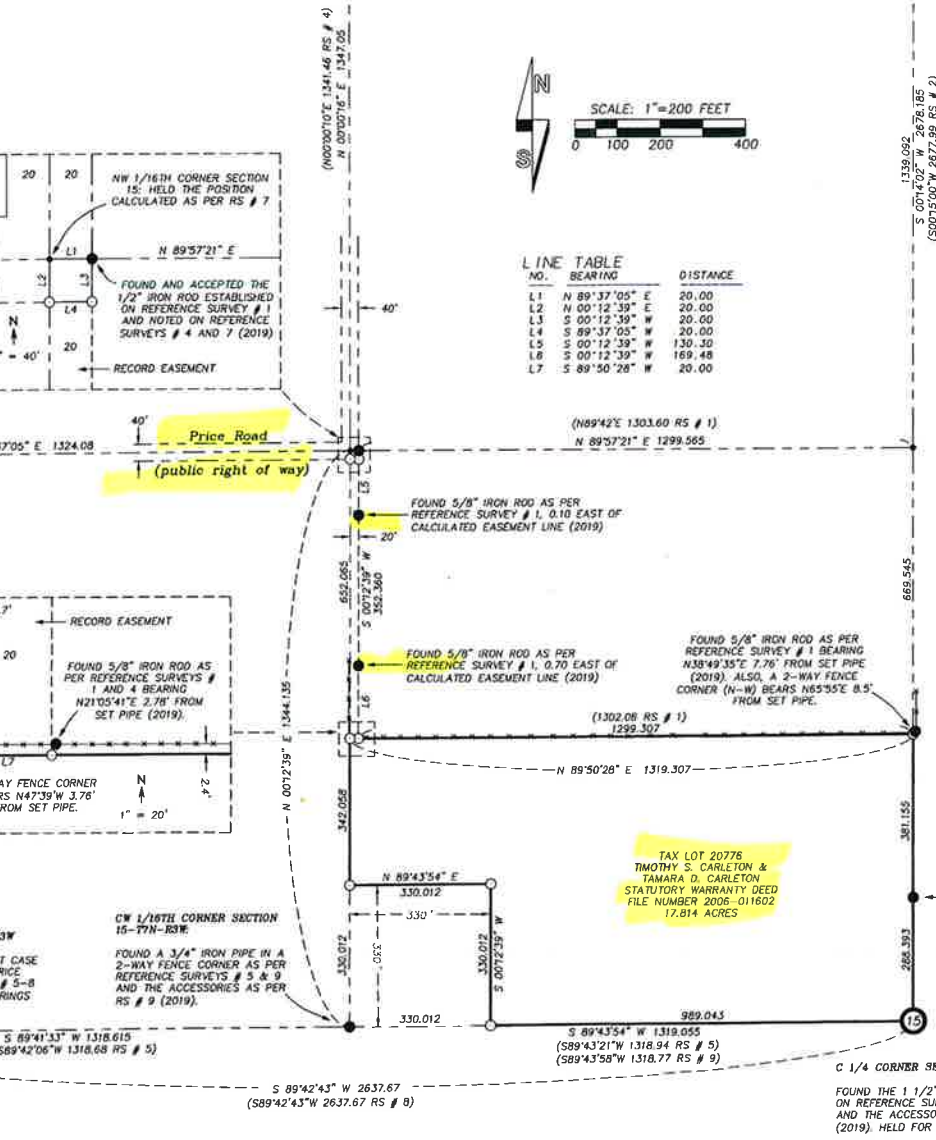
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

6/14/2021 10:06 AM

052305670 ft

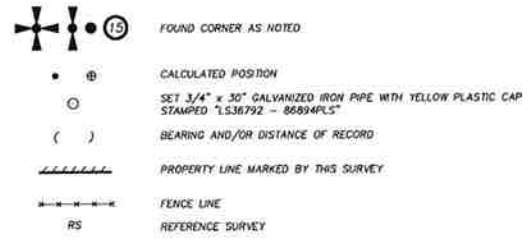
Disclaimer: This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard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

1" = 100 FT



- J. CORNWALL-BRADY, PLS 1860, PARTITION PLAT 1992-31 (1992)
- J. CORNWALL-BRADY, PLS 1860, 8-229 (1993)
- L.C. KEENON, PLS 1080, CS-4401 (1998)
- D.D. WALLACE, JR., PLS 2601, CS-5315 (2005)
- D.D. WALLACE, JR., PLS 2801, PARTITION PLAT 2010-09 (2010)
- C.M. BUTLER, PLS 88894, CS-8010 (2014)
- G.J. HAMPTON, PLS 2089, CS-6382 (2018)

METHOD OF SURVEY: GNSS OBSERVATIONS USING A TOPCON HIPER-RTK RECEIVERS AND CLOSED LOOP FIELD TRAVERSES USING A TOPCON GTS-220 (00°00'05") TOTAL STATION.



SURVEY NARRATIVE: THE PURPOSE OF THIS WAS TO RECOVER, ESTABLISH OR REESTABLISH THE APPLICABLE PLSS CORNERS NEEDED TO SUBDIVIDE THE NORTHWEST QUARTER OF SECTION 15, T1N, R1W, W.M. AND SET THE EXTERIOR CORNERS OF AND MARK THE EXTERIOR LINES OF THAT CERTAIN PROPERTY DESCRIBED IN STATUTORY WARRANTY DEED RECORDED UNDER FILE NUMBER 2006-011602, RECORDS OF COLUMBIA COUNTY, OREGON AS WELL AS THE EAST AND WEST LINES OF THE RECORD 20 FOOT WIDE EASEMENT PROVIDING LEGAL ACCESS TO SAID PROPERTY.

CONTROL FOR THE SURVEY WAS ESTABLISHED USING TOPCON HIPER-RTK GPS RECEIVERS AND A SERIES OF CLOSED LOOP FIELD TRAVERSES USING A TOPCON GTS-220 (00°00'05") TOTAL STATION. THIS SURVEY RECOVERED, CONFIRMED TO THE APPLICABLE RECORDS AND ACCEPTED EACH OF THE CORNERS DEPICTED AS "FOUND CORNER AS NOTED" CORNERS DEPICTED AS CALCULATED WERE COMPUTED EITHER FROM SURVEYS OF RECORD OR USING THE APPLICABLE PROCEDURES FOR RESTORATION OF LOST CORNERS AND SECTION SUBDIVISION AS DEFINED IN THE BLM MANUAL.

AS DEPICTED HEREON THIS SURVEY NOTES A DISCREPANCY WITH RECORD MONUMENTS ALONG THE NORTH LINE OF THE SUBJECT PROPERTY. REVIEW OF THE PUBLISHED MATHEMATICS ON REFERENCE SURVEY # 1 IMPLIES THAT THE IRON RODS NOTED ON THE SOUTH LINE OF SAID SURVEY WERE ESTABLISHED TO BE PARALLEL WITH AND 689.7 FEET SOUTH ON THE NORTH LINE OF THE SE 1/4 OF THE NW 1/4. THIS SURVEY HELD TO THE ALIQUOT SUBDIVISION OF THE SE 1/4 OF THE NW 1/4 AS PER THE RECORD DEED CREATING THE HAIATUS BETWEEN SURVEYS.

BUTLER SURVEYING INC. 475 NW CHEHALAS AVENUE P.O. BOX 149, CHEHALAS, WA 98532 360/748-8803		REGISTERED PROFESSIONAL LAND SURVEYOR
		OREGON NOVEMBER 13, 2012 CHRISTOPHER M. BUTLER 88894PL5
Drawn C. BUTLER	Date 4-15-19	5-6-9
Checked	Job No. 18-275	
Scale 1" = 200'	Sheet 1 of 1	
		EXPIRES: 12-31-19

FOUND THE 1 1/2" IRON PIPE AS DEPICTED ON REFERENCE SURVEYS # 2, 3, 5, 8 & 9 AND THE ACCESSORIES AS PER RS # 9 (2019). HELD FOR BASIS OF BEARINGS