

## Tina Ting RDF 22-04 Comments

M. TITUS <CHINOOK360@msn.com>

Tue 1/17/2023 4:36 PM

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

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Please enter into the record for Tina King RDF 22-04

Thank you,

Melody

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BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of an Appeal )  
of an Application by Dave )  
Caulpetzer for a determination ) ORDER NO. 38-96  
of a non-conforming use and )  
approving an expansion )  
\_\_\_\_\_ )

THIS MATTER came before the Board of County Commissioners for Columbia County, Oregon, for hearing and review on January 31, 1996 and February 14, 1996; and

WHEREAS, on April 26, 1994, Don Caulpetzer applied for a determination of non-conforming use and an expansion of the non-conforming mobile home park to include 75 new spaces; and

WHEREAS, he later amended the application to request an expansion to 60 spaces; and

WHEREAS, the Planning Commission held a hearing on the application on December 4, 1995; and

WHEREAS, the Planning Commission approved an expansion of the mobile home park to 46 spaces, based on a 33 space base number, on December 4, 1995, and adopted the Planning Department's proposed findings of fact, conclusions of law and recommendations; and

WHEREAS, the Chairman of the Planning Commission signed Final Order NCU 3-94 on December 11, 1995; and

WHEREAS, Dave Caulpetzer filed an appeal of the Planning Commission decision on December 20, 1995, with the proper fee and within the designated appeal period; and

WHEREAS, the Board of County Commissioners held a hearing on

the application on January 31, 1996 and continued the hearing to February 14, 1996; and

WHEREAS, Anne Corcoran Briggs read the statement required by ORS 197.763(5) at the commencement of the hearing; and

WHEREAS, Glen Higgins of the Planning Department read the Department's staff report into the record which lists the criteria to be considered and contains the Department's proposed findings, conclusions and recommendations; and

WHEREAS, a copy of Planning Department's Staff Report dated January 12, 1996 is attached hereto, labeled Attachment "A", and incorporated herein by this reference; and

WHEREAS, Don Caulpetzer and Dave Caulpetzer testified in favor of the application and Mike Holman, Commonwealth Realty; L. Burton and Beverly Zurcher; and Jeanyse Snow, attorney for the Zurchers submitted written testimony in favor of the application; and

WHEREAS, Tom Barnes, Marvella Lannan, William Lannan, Robert Ramey, Robert Weeks, and Mark Edington testified or submitted information opposing the application; and

WHEREAS, a list of exhibits is attached hereto, labeled Attachment "B", and is incorporated herein into the record by this reference; and

WHEREAS, on February 14, 1996, the Board then closed the public hearing, deliberated on the matter and made a tentative decision to deny the appeal of Don Caulpetzer, and affirm the decision of the Planning Commission to grant an expansion of the mobile home park from the originally permitted 33 units to 46 units.

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board of County Commissioners adopts Findings No. 1 through 5 in the Planning Department's January 12, 1996 Staff Report (Attachment "A"), with the following modifications:

- a. The application is to consider the expansion of mobile home spaces on Tax Lot 1900 only. There is only one dwelling permitted on Tax Lot 2501; all other mobile homes or RVs on Tax Lot 2501 must be removed.
- b. The Board of County Commissioners finds that 33 spaces comprise the extent of the non-conforming use on Tax Lot 1900. The applicant submitted information which showed that there have been up to 43 units located on the Tax Lot 1900, however, the lawful existence of these additional units has not been proven.

One of the requirements to establish a non-conforming use is a showing that the use lawfully existed at the time the land use code which made the use non-conforming is applied. Tykla v. Clackamas County, 28 Or LUBA 417, 429 (1994). Staff research indicates that 33 units were approved for septic connections. At the time the park was established, the only local regulation regarding the siting of mobile home parks was that the spaces be approved to be connected to a septic system. There is no information in the files that additional connections were permitted after the County was delegated the authority by the state to regulate mobile home parks in 1980.

The applicant/appellant supplied sales documents and photographs documenting the additional units. The existence of those units on the property over a period of time do not make their placement legal. Indeed, the sales documents themselves differentiate between the 33 permitted and the additional units located on the property. [See, Exhibit 1, Item i, October 1984 Listing for property; and August 1990 Listing for property.]

- c. The Board of County Commissioners determines the amount of allowable expansion on Tax Lot 1900 to be 46 spaces (33 units x 40% = 46 units) based on the criteria articulated in CCZO 1506.9
2. The Board reaches the following ultimate conclusion:

The applicant is allowed a one time expansion of the 33 space mobile home park to 46 spaces. The expansion of spaces shall occur on Tax Lot 1900 only. This determination of non-conforming use and expansion complies with Oregon Revised Statutes, Oregon Administrative Rules, and the Columbia County Comprehensive Plan and Zoning Ordinance.

3. The appeal of Dave Caulpetzer is denied. The Board of County Commissioners affirms the decision of the Planning Commission, subject to conditions 1 through 8 of the Planning Department Staff Report as modified below:

a. The applicant must remove all excess RVs and mobile homes on both Tax Lots 1900 and 2501 within 180 days of the adoption of this order. Only 46 units are allowed on Tax Lot 1900; only 1 dwelling is approved for Tax Lot 2501.

b. The applicant must repair any failing septic systems on the property within 90 days of the adoption of this order. The systems must be certified operational by letters from the Oregon Department of Environmental Quality (DEQ). The applicant has the opportunity to request that the Board extend the deadline if the Department of Environmental Quality is not able to process the application and approve the repair or replacement within the 90 day period.

DATED THIS 21st DAY OF February, 1996.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: William B. McDaniel  
Chairman

By: Carolee Smith  
Commissioner

Approved as to form

By: Alu Corcoran Briggs  
Office of County Counsel

By: Paul A. Jacobson  
Commissioner

ACB:S:\LDS\APPEALS\CAULPETZ.ORD

Columbia County Board of County Commissioners

**Staff Report**

JAN 22



Expansion of a Non-conforming Use - RR-5 Zone

FILE NUMBER: NCU 3-94

APPLICANT/OWNER: Don Caulpetzer  
75556 Home Away Road  
Rainier, OR 97048

PROPERTY LOCATION: Same

REQUEST: To expand a non-conforming mobile home park by 40% in an RR-5 zone.

TAX ACCT. NUMBERS: 7315-020-01900 (10.26 acres) and 02501 (2.50 acres)

ZONING: Rural Residential RR-5

**BACKGROUND:**

The applicant requests approval to expand the Homeaway Mobile Home Park from the present 28 mobile home spaces and 23 recreational vehicle spaces, in a Rural Residential RR-5 zone. The application proposes to add about 75 new spaces initially and another 75 spaces later. The mobile home park is a non-conforming use in the RR-5 zone.

The number of units on tax lot 1900 as of November 2, 1995 (drive-through count) appears to be 45 (27 mobile homes and 18 RVs). Tax lot 2501 has one mobile home and 5 RVs, for a total on both parcels of 51 units.

A history of County septic system records prepared by Roy Eastwood, County Sanitarian (letter, 8-4-93) shows a total of 33 spaces and a washroom authorized on tax lot 1900 (the mobile home park), and one 3-bedroom mobile home authorized on tax lot 2501, separate from the park.

A list of "Licensed Mobile Home Parks" supplied to the County by the State and dated March, 1980 includes "Hallaran's Homeaway Mobile Home Park...32 Units"; this list was prepared when the licensing of parks was transferred to the County by the State.

A 40% expansion of the Non-conforming Use (Zoning Ordinance Section 1506.9) would increase the number of legal spaces from 33 to a total of 46 mobile home/trailer/RV spaces (140% of 33 = 46.2), all on Tax lot 1900 in the MH Park. Tax lot 2501 contains one legal mobile home (septic

permit issued March, 1979), and 5 illegal trailer/RV pads. A total of 35 addresses have been assigned to tax lot 1900; no addresses are shown on tax lot 2501.

The access road from Price Road to the park ("Home Away Road") is a 20' wide easement (or two 20' wide easements, according to applicant) of unknown character and legal status.

Water is provided by wells. Sewage is treated by 3 subsurface septic systems and a DEQ permit is pending for the repair of one of these systems. The property is within the Clatskanie Rural Fire Protection District, but is not within an Urban Growth Boundary.

This application would normally be decided administratively by the Planning Director under Section 1506.5 of the Zoning Ordinance. However, any notified party may request a public hearing by the Planning Commission under Zoning Ordinance Section 1601.2. A request was received from a neighboring property owner within the required period, a hearing was held by the Planning Commission on December 4, 1995, and the request was approved with conditions.

An appeal of the Planning Commission's decision was received in the County Clerk's office on December 20, 1995, with the required fee and within the appeal period.

## FINDINGS:

### Section 1506.9 of the Columbia County Zoning Ordinance provides as follows:

".9 Expansion: A Non-conforming Use may be expanded 1 time only. This expansion shall not exceed 40% of the square footage on the ground level of the existing structure, pursuant to Section 1506.5."

Finding 1: It will have to be assumed that the average size of any new mobile homes will be about the same as the existing ones, so that "40% of the square footage on the ground level" can be translated as 40% of the living units (mobile homes, trailers or RVs) in the existing park.

According to a letter dated August 4, 1993 from Roy Eastwood, County Sanitarian to Don Caulpetzer, "The park was designed for a total of 33 mobile home connections plus the laundry room." Jim McIntyre, Chief Planner, reiterated this in a letter dated December 29, 1993 to Mr. Caulpetzer, adding that a 40% expansion would add 13 spaces for a total of 46 mobile homes. The present number of units in the park appears to be 45 (27 mobile home spaces and 18 RV spaces), plus the legal mobile home and 5 illegal RVs on tax lot 2501, for a total of 51 units.

The total number of mobile homes and RVs on tax lot 1900 may not exceed 46: the 33 original authorized spaces plus the 40% expansion. The septic systems, which were designed for only 33 units, will need to be upgraded to current standards for 46 units.

Tax lot 2501 has a single septic system which was approved for one 3-bedroom mobile home. There does not appear to be an established pre-existing non-conforming use for more than one mobile home on Tax Lot 2501; all five illegal RVs on this parcel must be removed.

Section 1506.5 of the Zoning Ordinance provides as follows:

“.5 Rebuilding, Change, Moving, or Use Expansion: A Non-Conforming building or use may be rebuilt, moved, or changed in use to a use of the same restrictive classification or expanded, subject to the provisions outlined herein, if upon review in accordance with Section 1601 the Director finds all the following to exist:

A. That such modifications are necessary because of practical difficulties or public need;”

Finding 2: The practical difficulties in this case are that Caulpetzers purchased the mobile home park in the belief that there were at least 40 spaces (sale from Hallaran to Zurchers in 1984: 25 M.H., 15 R.V.) and maybe as many as 43 (sale from Zurchers to Caulpetzers in 1990: 27 M.H., 16 R.V.). The price paid by Caulpetzers for the park was apparently based on these figures.

Continuing with Section 1506.5 of the Zoning Ordinance:

“B. That such modifications are not greater than are necessary to overcome the practical difficulties or meet the public need;”

Finding 3: Permitting an expansion of the permitted units in the park to a maximum of 46 will more than overcome the difference between the 33 authorized spaces and the 43 spaces the Caulpetzers thought they were legally acquiring in 1990.

Continuing with Section 1506.5 of the Zoning Ordinance:

“C. That such modifications will not significantly interfere with the use and enjoyment of other land in the vicinity, nor detract from the property value thereof; and”

Finding 4: The mobile home park has existed since 1965. The only problems to arise so far are due to the failure of septic system drainfields. The septic systems for the park were designed for 33 units and are now treating the effluent from at least 45 units (not counting the 6 units on tax lot 2501 which are using a septic system designed for 1 mobile home). The number of units in the park does not appear to be a problem; the failure of the septic systems is a serious, ongoing problem. Neighboring residents have also complained of the volume of traffic to and from the park; improving the access road should cure this problem.

Continuing with Section 1506.5 of the Zoning Ordinance:

- "D. That such modifications will not endanger the public health, safety, and general welfare."

**Finding 5:** There is no doubt that the failing septic systems in the park endanger the public health, safety and general welfare (drainfield effluent is apparently flowing over the ground surface onto neighboring properties). This is a direct result of there being more than the authorized 33 units in the mobile home park. Hence, increasing the number of authorized units in the park must be contingent on upgrading the septic systems to current standards for the entire park (46 units) and removing the 5 illegal units from Tax Lot 2501, and on applicants not permitting more than the authorized number of units to connect to the systems.

The access road is narrow and carries considerable traffic. It should be improved to an acceptable standard as determined by the County Roadmaster.

**COMMENTS:**

1. William and Marvella Lannan are concerned about the "...over 20 illegal trailers..." in the park and the failure of drainfield No.3 which abuts their property. Other concerns include the possible contamination of ground water in the area, and the inadequate road to the park.
2. Robert J. Ramey opposes the expansion of the park, citing the failing drainfield, the unmaintained road to the park, and the excessive number of existing mobile homes on the property.
3. Twila M. Lange is concerned about traffic safety on the inadequate road, additional wells impacting her well, and the possibility of contaminated ground water.
4. Donald D. Lange opposes the expansion, citing the narrow access road, the possible drawdown of the water table if additional wells are drilled, the failing septic system and the existing illegal mobile homes on the property.
5. Frank Childers mentions the contamination of wells in the area from the failing septic system drainfield, the ongoing violations of state laws, and the marshy condition of one of Childers' farm fields due to the failing drainfield.
6. Ralph Moore objects to the expansion, citing the ongoing violations, the failing septic system, the sewage draining onto adjacent properties, the inadequate access road, the insufficient water supply for the existing mobile homes, and the possible contamination of other wells in the area.

7. Louis and Ruth Elbert are opposed to the expansion, citing the possible pollution of their well, the inadequate road, the additional air pollution which would be caused by more traffic on the road, and the possibility of disease from the contaminated well on the property,
8. Walter Krause opposes the expansion because of the present drainage of water from the mobile home park onto his property.
9. Greg Beaman, District 1 Watermaster, notes that the park has no water rights. Domestic water use up to 15,000 gallons per day does not require a water right, but a park of 54 units would exceed this consumption and be required to apply to the Oregon Water Resources Department for a water right. He requests that this be a condition of approval.
10. Anne Cox, Oregon Department of Environmental Quality, recommends that "the septic system violation" on tax lot 2501 "be resolved prior to any expansion of the park." She notes that the Water Pollution Control Facility septic permit for the park (pending at DEQ) only authorizes the repair of the northernmost septic drainfield and does not include any expansion of the park. She notes that "Available area for disposal is limited and soils in the area are poorly drained" and recommends that Mr. Caulpetzer work with a consultant regarding sewage disposal for the existing park as well as any expansion.
11. Burt and Beverly Zurcher, former owners of the park, sent documentation of their assertion that there were 43 spaces in the park in 1984 and this is the base number which should be permitted to be grandfathered in by the Commission. Attached is a letter from Anne Cox, former County Sanitarian, that the septic systems were functioning satisfactorily in November, 1984.
12. "Homeaway Mobile Park Repair Supplemental Specifications & Parts List" from Smits & Associates, Inc. for repair of a septic system on the property to serve 13 spaces.
13. Pamela J. Beery, of Odonnell Ramis Crew Corrigan & Bachrach, Attorneys representing Don and Dave Caulpetzer, submitted a letter asserting that the number of units in the park in 1984 was 47 (43 on Tax Lot 1900, 4 on Tax Lot 2501), and this is the "...base from which this one-time expansion must be measured." Attached are a June, 1995 letter from County Commissioner McDonald to Bert Zurcher, a May, 1995 County Counsel opinion, and 3 documents related to the sale of the property in 1984 and 1990.
14. Dave Hill, County Public Works Director, testified at the December 4, 1995 Planning Commission hearing that the road to and through the park needs to be improved to 20' wide, that there are legal questions about the status of the easement, and that there needs to be provision for adequate drainage along the roads throughout the park.

15. Staff received a copy of a letter dated November 29, 1995 to Don Caulpetzer from Greg Beaman, Watermaster, Oregon Water Resources Department, requiring the installation of a totalizing water meter on the well, and daily readings to be taken.

No other comments were received from nearby or adjacent property owners or government agencies as of the date of this staff report (January 12, 1996).

#### CONCLUSION AND RECOMMENDATION:

Based on the above findings, the Planning Commission recommends APPROVAL of the one-time expansion of an existing non-conforming mobile home park on a 12.76 acre parcel in a Rural Residential RR-5 zone from 33 to 46 mobile home/trailer/RV units, with the following conditions:

1. The maximum number of units, including mobile homes, travel trailers and recreational vehicles, shall not exceed 46 at any time in the park on tax lot 1900. If there are more than 46 units now on tax lot 1900, the excess units must be removed within 3 months of the final date of approval of this application.
2. The five illegal RVs on Tax lot 2501 must be removed within 4 months of the final date of approval of this application.
3. Any failing septic systems on the property must be repaired and certified operational by letters from the Oregon Department of Environmental Quality (DEQ) (contact Anne Cox, Environmental Specialist) and the County Sanitarian. Any Water Pollution Control Facility required by the state must be installed and approved in writing by DEQ.
4. All existing wells in use on the property must be tested and the park water system certified in writing by the Oregon Health Department and/or the County Sanitarian that it is up to state standards.
5. No further expansion of the mobile home park may be approved under these sections of the Zoning Ordinance. In addition, no further development of either tax lot 1900 or 2501 (a total of 12.76 acres) may occur under the present zoning of the parcels.
6. The ownership, legal status and characteristics of the easement(s) being used for access to the property from Price Road must be provided to the Land Development Services department for evaluation by County Counsel. This Non-Conforming Use expansion shall be contingent on applicants having sufficient legal access as approved by County Counsel.

7. Applicant must provide a letter from the Watermaster, District 1, that either a water right is not required for the proposed 46 unit park or a water right has been issued by the Oregon Water Resources Department.
8. The access road to the mobile home park from Price Road shall be improved to the satisfaction of the County Public Works Director and approved in writing.

COLUMBIA COUNTY  
LAND DEVELOPMENT SERVICES

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

*Kell Wilson*  
95 DEC 20 AM 10:21

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
ELIZABETH HUSER, CO. CLK

A P P E A L O F L A N D U S E D E C I S I O N *Jordan DEP*

NOTE: first read "STANDING" on the back of this sheet.

YOUR NAME: DAVE CAULPETER Phone: 556-0433  
Address: 75546 HOMEAWAY RD RAINIER OR 97048

ORIGINAL APPLICATION:

Name: DON CAULPETER File No. NCU 3-94  
Request: NCU MOBILE HOME - RV PARK FROM 33 SPACES TO 43  
PLUS EXPANTION

Original Request was:  Approved  Denied

Appeal Deadline Date: DEC. 23, 19 95

APPEAL BODY:

       The decision being appealed was made by the planning staff, so this appeal is to the Planning Commission. File this appeal in the Office of Land Development Services, with the proper fee.

  X   The decision being appealed was made by the Planning Commission, so this appeal is to the County Commissioners. File this appeal in the County Clerk's office, with the proper fee.

REASONS FOR APPEAL: (attach additional pages if necessary)

THE MOBILE HOME PARK WAS PURCHASED AS A 43 SPACE PARK IN 1991.  
WE WOULD LIKE TO EXPAND THE PARK TO 51 SPACES USE THE 40%  
RULE. THE PLANNING COMMISSION IS ASKING FOR 5 RESIDENT TO  
MOVE FROM THE PARK, THIS IS QUITE A HARSHIP ON OUR  
TENANTS SINCE THERE ARE FEW OR NO MOBILE HOME SPACES  
AVAILABLE IN THE RAINIER AREA

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

Signed: [Signature] Date: DEC 20, 1995

\*\*\*\*\* Office Use Only \*\*\*\*\*

Date Received: December 20, 1995 Fee: \$ 200.00 Receipt No. 72120

ELIZABETH E. HUSER, COUNTY CLERK

By: [Signature] Appeal No.: \_\_\_\_\_

\*\*\*\*\*

COLUMBIA COUNTY  
LAND DEVELOPMENT SERVICES

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

FINAL ORDER and APPEAL INFORMATION

Applicant: Don Caulpetzer File Number: NCU 3-94

Planner: Pete Watson Notice Date: December 13, 1995

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;
- [ X ] Board of County Commissioners, for appeal of a Planning Commission decision; file this appeal in the Office of the County Clerk, Second Floor, Courthouse Annex, St. Helens, OR 97051.

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. An appeal must be filed within 10 calendar days of the above Notice Date, the date this notice was mailed to the applicant and other persons entitled to notice.

If an appeal is filed, and after notice is given according to state and county laws, a de novo public hearing will be held by the Appeal Body at their earliest available regular meeting. All interested parties will have an opportunity to appear and be heard.

If an appeal is not filed, this decision will become final 10 days after the above Notice Date.

PLEASE NOTE: An appeal may be filed only by persons who have legal "standing." Please see Columbia County Zoning Ordinance Section 1700, ORS §197.763, and/or consult your attorney to be sure you have standing before appealing this decision. We regret we cannot give you a definition of "standing" since it is a legal matter which changes from time to time.

If you wish, you may file an appeal now and determine later 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.

Until the appeal period expires, the applicant may not take action on the application.

If any of the above is not clear, or you have questions or require additional information, please contact the Planner listed above at (503) 397-1501, or FAX to their attention at 503/397/7243.

BEFORE THE PLANNING COMMISSION  
COLUMBIA COUNTY, STATE OF OREGON

Non-conforming Use Expansion NCU 3-94

In the Matter of the Application of Don Caulpetzer)  
for an expansion of a Non-conforming Use )  
in the Rural Residential RR-5 Zone )

**Final Order NCU 3-94**

This matter came before the Columbia County Planning Commission on the application of Don Caulpetzer for an expansion of a Non-conforming Use to allow the placement of more mobile homes or travel trailers or recreational vehicles on a total of 12.76 acres in the Rural Residential RR-5 zone.

The subject property is located off Price Road and is described on the Assessor's records as Tax Account Numbers 7315-020-01900 (10.26 acres) and 7315-020-02501 (2.50 acres).

The hearing was held on December 4, 1995. The Planning Commission heard testimony from the applicant's attorney and all interested parties, and considered all written materials submitted and the Planning Commission staff report.

Planning Commission hereby orders this application for a Conditional Use Permit APPROVED with the following conditions:

1. The maximum number of units, including mobile homes, travel trailers and recreational vehicles, shall not exceed 46 at any time in the park on tax lot 1900. If there are more than 46 units now on tax lot 1900, the excess units must be removed within 3 months of the final date of approval of this application.
2. The five illegal RVs on Tax lot 2501 must be removed within 4 months of the final date of approval of this application.
3. Any failing septic systems on the property must be repaired and certified operational by letters from the Oregon Department of Environmental Quality (DEQ) (contact Anne Cox, Environmental Specialist) and the County Sanitarian. Any Water Pollution Control Facility required by the state must be installed and approved in writing by DEQ.
4. All existing wells in use on the property must be tested and the park water system certified in writing by the Oregon Health Department and/or the County Sanitarian that it is up to state standards.
5. No further expansion of the mobile home park may be approved under these sections of the Zoning Ordinance. In addition, no further development of either tax lot 1900 or 2501 (a total of 12.76 acres) may occur under the present zoning of the parcels.

6. The ownership, legal status and characteristics of the easement(s) being used for access to the property from Price Road must be provided to the Land Development Services department for evaluation by County Counsel. This Non-Conforming Use expansion shall be contingent on applicants having sufficient legal access as approved by County Counsel.
7. Applicant must provide a letter from the Watermaster, District 1, that either a water right is not required for the proposed 46 unit park or a water right has been issued by the Oregon Water Resources Department.
8. The access road to the mobile home park from Price Road shall be improved to the satisfaction of the County Public Works Director and approved in writing.

COLUMBIA COUNTY PLANNING COMMISSION

  
\_\_\_\_\_  
JEFFREY VANNATTA, CHAIRMAN

12/11/95  
\_\_\_\_\_  
DATE

225

NCU 3-94

COLUMBIA COUNTY LAND DEVELOPMENT SERVICES  
Planning Division  
Courthouse, St. Helens, Oregon 97051

397-1501

- Zone Change
- Conditional Use Permit
- Planned Development
- Willamette River Greenway Permit
- Exception
- Special Review Permit

- Non-Conforming Use
- Variance
- Temporary Use Permit
- \_\_\_\_\_

Name of applicant or agent: DON CAULPETZER

Mailing Address: 75556 HOME AWAY RD Phone: Office 503-556-0433  
RAINIER, OR 97048  
Home \_\_\_\_\_

Location or County Road PRICE RD. ALSTON CORNER Total Acreage 20.07

Tax Account Number 7315-020-1900 Township 7 Range 3 Section 15  
7315-020-2501

List other contiguous property under your ownership: TAA LOT 1900 -  
2400 - 2100 - 2501

1. Proposed use(s), sequence of construction, anticipated timetable for project, and specific reason for the request:  
Proposed use is a continuation of the mobile home RV Park. This project changes to the park will be to install a sewer system. I plan at a rate of ten spaces at a time, install approximately 75 new <sup>MH</sup> spaces. Anticipated time schedule would be to start in 1995. If we should expand the RV spaces then the number could be 150.

2. Present use of the property: MOBILE HOME AND RV PARK

3. Method of sewage disposal: Sand Filter

4. Water Supply: Well X Community \_\_\_\_\_ Other \_\_\_\_\_

5. Has Subsurface Sewage Department approved this request? Yes \_\_\_\_\_ No X  
Not Consulted \_\_\_\_\_

6. Total employees and/or occupants: Present 2 Proposed 6

7. Present Zoning RR-5

I hereby certify the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge and belief.

11-1-93  
Date

[Signature]  
Applicant or Agent

For Office Use Only

Receipt No. 7068 Fee 225

Date Received 4/20/94  
Staff Member [Signature]

Hearing Date \_\_\_\_\_  
Present Zoning RR-5

NOTE: Attach accurate and detailed plot plan indicating such items as property lines, dimensions, and all existing and proposed facilities, etc.

COLUMBIA COUNTY  
LAND DEVELOPMENT SERVICES  
Planning Commission  
Courthouse, St. Helens, OR 97051  
Phone: 397-1501

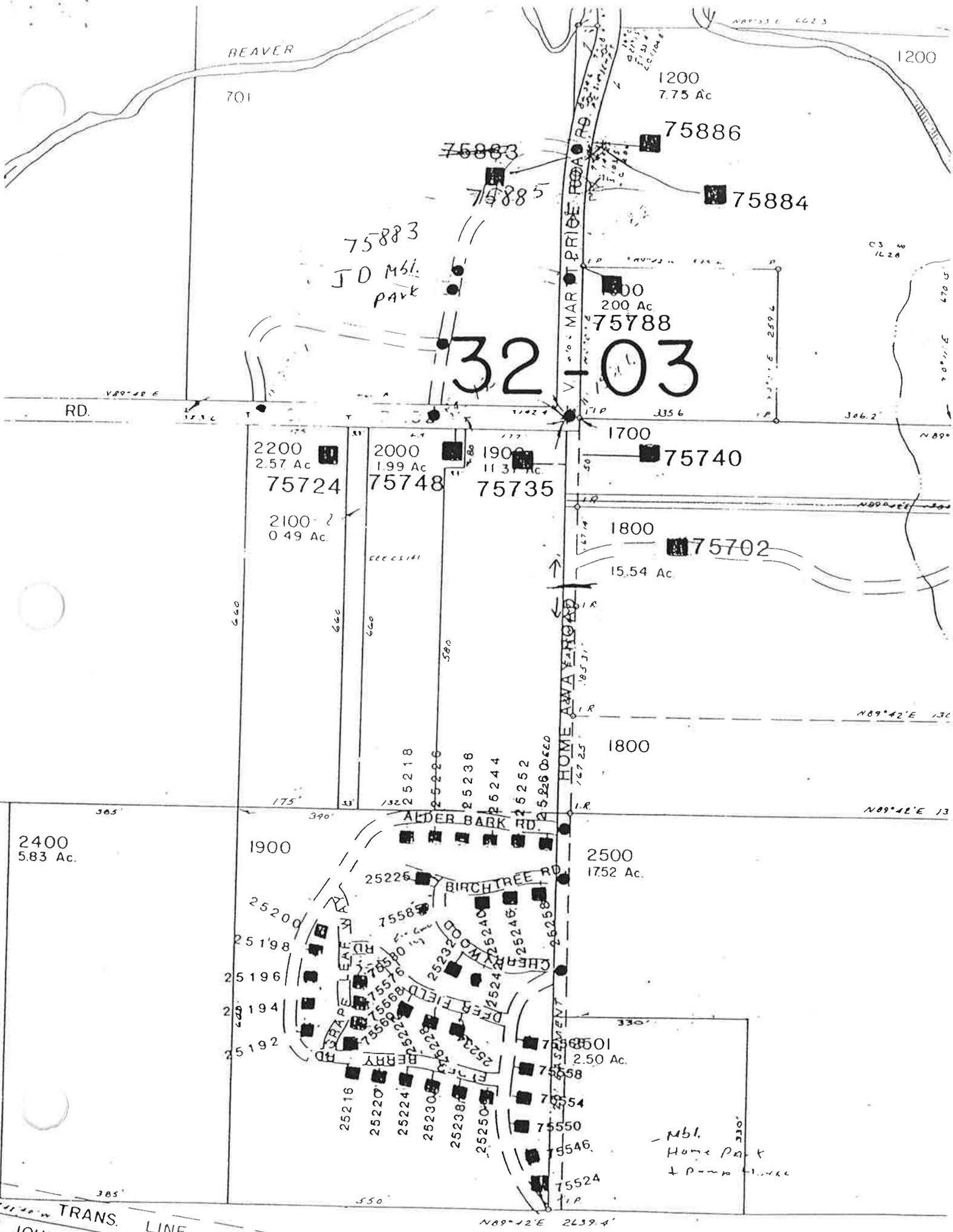
NON-CONFORMING USE FACT SHEET

Please complete the following:

- 1. What is the current use of the subject property and/or buildings? Mobile Home / RV Park
- 2. What is the size of the building(s)? 2 pump houses 4x8  
25x20 laundry - 10x30 Shed - 15x25 tank  
trailer
- 3. Date this use was established: 1965
4. Total <sup>M.H. Spaces</sup> current employees: 28 Proposed employees:       
<sub>RV Spaces</sub> 22
5. Total square feet of existing building(s):      Total land area utilized:
6. Square feet of proposed building(s):      Square feet of additional land:
7. Detail the proposal: County records show 33 mobile spaces  
being approved, however when park was  
purchased it was a 43 spaces. We wish to  
bring the records in agreement with spaces in the Pa
8. State the practical difficulty or unnecessary hardship this proposal will alleviate:
9. If this is an expansion of an existing structure, how will it benefit the community?

1. Answers to the above questions.
2. An accurate and detailed plot plan indicating such items as property lines, dimensions, and all existing and proposed facilities, etc.
3. Vicinity map.
4. \$225.00 Application fee.





REAVER

701

1200  
7.75 Ac

1200

75886

75883

75885

75884

75883  
JD Mbl.  
Park

200  
200 Ac

75788

32-03

RD.

V89°42'E

1700

75740

2200  
2.57 Ac

75724

2000  
1.99 Ac

75748

1900  
11.31 Ac

75735

2100  
0.49 Ac

1800

75702

15.54 Ac

HOME AWAY ROAD

1800

2400  
5.83 Ac.

1900

2500  
17.52 Ac.

25225

25226

25227

25228

25229

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75501  
2.50 Ac.

75508

75554

75550

75546

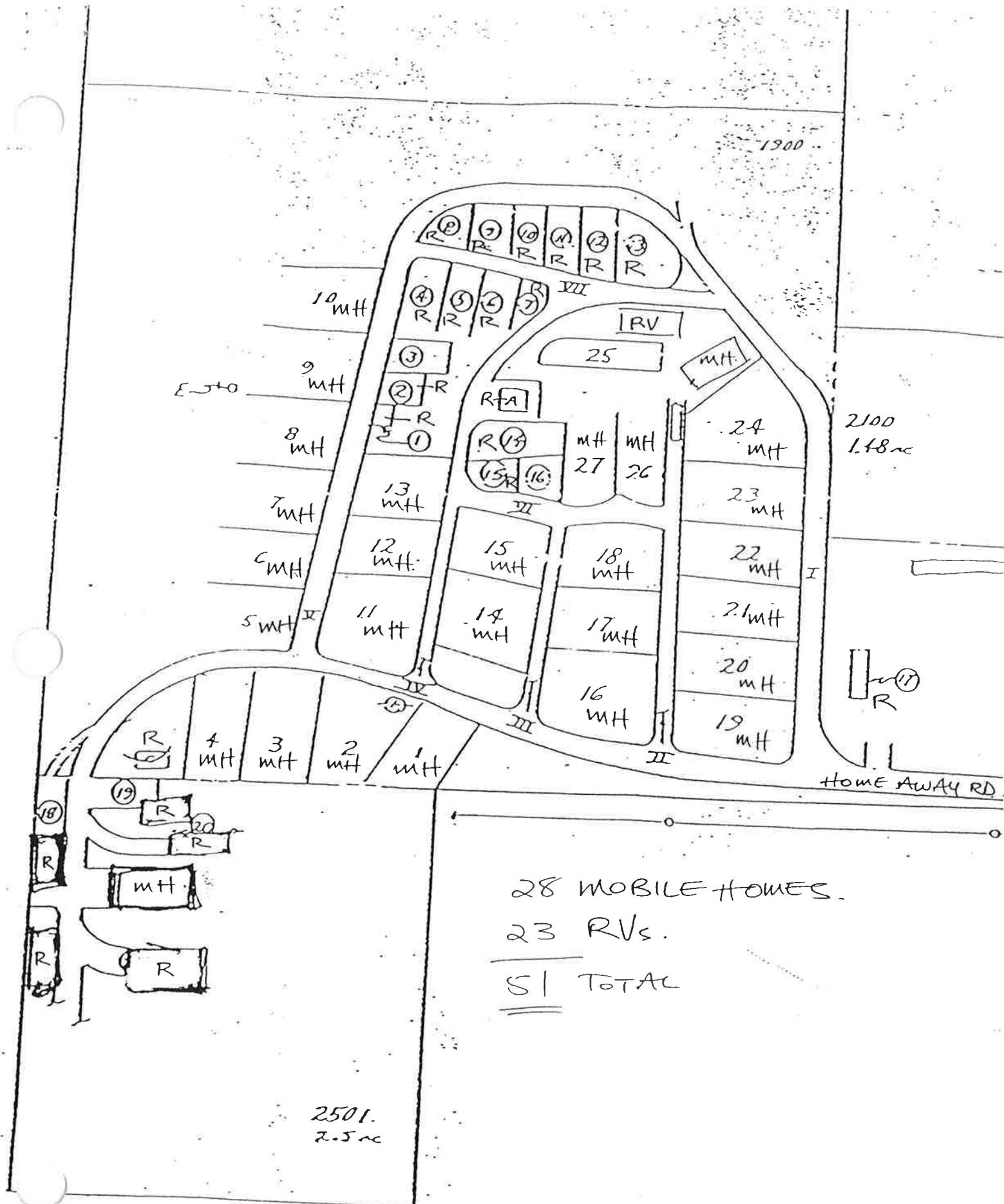
7552A

Mbl.  
Home Park  
+ Pump

TRANS. LINE FASC  
JOHNS

N89°42'E 2639.4'





28 MOBILE HOMES.  
 23 RVs.  
 -----  
 51 TOTAL  
 -----

**ATTACHMENT "B"**  
**Exhibits for Dave Caulpetzer Appeal**

These items were placed before the Columbia County Board of County Commissioners and were not rejected:

Exhibit 1.      Contents of County Counsel File

- a. Appeal of Land Use Decision by Dave Caulpetzer, with documentation of appeal fee paid
- b. Notice of public hearing--notice to neighbors and publication notice
- c. Final Order NCU 3-94, signed by Jeff VanNatta, Planning Commission Chair, dated December 11, 1995
- d. Columbia County Planning Commission staff report, dated November 7, 1995
- e. Application for expansion of non-conforming use, dated November 1, 1993
- f. Referral and Acknowledgment from Columbia County Road Department, dated November 13, 1995
- g. Letter from Beverly and Burt Zurcher, requesting that the Planning Commission approve expansion of the mobile home park, dated November 10, 1995
- h. Columbia County Board of Commissioners' staff report, dated January 12, 1996
- i. Letter and exhibit attachments (5) submitted by Pamela Beery, attorney for applicant, to Planning Commission, dated November 20, 1995
- j. Letter from the Oregon Department of Environmental Quality to Don Caulpetzer, regarding water pollution control facility (WPCF) requirements, dated January 27, 1995
- k. Letter from John L. Smits, Smits and Associates, to Anne Cox, Environmental Specialist, DEQ, regarding improvements needed for sewage disposal at the Homeaway Mobile Park, dated October 25, 1995
- l. Letter from Stephen Peterson, attorney, to Mr. and Mrs. Robert Ramey, regarding surface drainage problems on property adjacent to Homeaway Mobile Park, dated March 14, 1994
- m. Hand drawn map of Homeaway Mobile Home Park layout, date stamped "received" on November 20, 1995
- n. List of DEQ violations, handwritten, unsigned, date stamped "received" on November 20, 1995

- o. Written copy of oral presentation to the Planning Commission by Tom Barnes, son of adjacent property owners, regarding land use and sewage disposal problems occurring at Homeaway Mobile Home Park, date stamp "received" November 20, 1995
- p. Record of Survey for Don and Jo Caulpetzer, to monument the west line of a 20 foot easement, dated August 11, 1993
- q. Letter from Mike Holman, real estate broker regarding Homeaway Mobile Home Park, dated January 25, 1996
- r. Letter from Burt and Beverly Zurcher, former owners of Homeaway Mobile Home Park, dated January 22, 1996
- s. Minutes from November 20, 1995 Planning Commission regarding Caulpetzer application
- t. Letter from Jeanyse Snow, attorney for Mr. and Mrs. Zurcher, regarding lack of findings attached to Planning Commission order, dated January 29, 1996
- u. Memo from Dave Hill, Public Works Director, regarding road standards for Home Away Park, dated January 30, 1996

Exhibit 2. Written copy of oral presentation to the Planning Commission by Tom Barnes, son of adjacent property owners, regarding land use and sewage disposal problems occurring at Homeaway Mobile Home Park, received by Board of Commissioners January 31, 1996

Exhibit 3. Copy of warranty deed from Arthur Lewis and Mildred Lewis conveying property to Charles Holden and Mary Holden, Deed records 138, page 795, dated January 16, 1959

Exhibit 4. Color copy of an aerial photograph, showing Homeaway Mobile Home Park

Exhibit 5. Copy of cover letter from Mike Holman, Commonwealth Commercial Brokerage Company, to Don and Jo Caulpetzer, dated October 12, 1990

Exhibit 6. Copy of Complaint of Donald and Joretta Caulpetzer v. William and Marvella Lannan, for trespass damages, dated October 8, 1993

Exhibit 7. Microbiological Analyses completed by WFR Lab, Inc. testing a public water system located in the

laundry room of the Homeaway Mobile Home Park,  
dated May 11, 1995, March 16, 1995 and November 9,  
1995

Exhibit 8. Plot plan for proposed subsurface sewage disposal  
system, dated March 28, 1979

Exhibit 9. "Pro Forma of Income and Expenses, Homeaway Mobile  
Home Park, Rainier, Oregon," dated August 1990

Exhibit 10. Notice of Non-compliance from the Oregon  
Department of Environmental Quality to Don  
Caulpetzer, (1st page only), dated April 14, 1995

Exhibit 11. Plans for On-Site Sewage Disposal System, Homeaway  
Mobile Park Repair, dated September 28, 1995

Exhibit 12. Copy of warranty deed from Lois J. Hallaran to L.  
Burton Zurcher and Beverly L. Zurcher, Deed  
records 255, page 29, dated November 30, 1984

By: Tina King 1/17/2023

Appeal of RDF 22-04 Columbia County

## **Columbia County's own actions further verify that Homeaway RD/ST. does not exist.**

On or about January 20<sup>th</sup> 2021 Columbia County Public Works (CC Road Department) in direct response to the grossly delayed emergency services received for my daughter, Amber King, December 1<sup>st</sup>, 2020 solely due to the illegal addressed fictitious subdivision beyond our property and adjacent to tax lots 1800 and 1901 and 2500, show up onsite near the areas that Columbia County and Columbia County 911 have previously and continue to "penciled in" for Homeaway Rd/ST at it various "penciled in" locations on different sides of the fences throughout history, and stabs a sign, custom ordered by Columbia County and paid for by Columbia County tax payers monies, a reflective green and white address direction directing sign, complete with reflective arrows in the respective directions of the only 4 lawfully assigned and lawfully established addresses north of tax lot 2500 access easement, because they refuse and continue to refuse, to properly address and correct the illegal fictitious subdivision they created within a landlocked Non-Conforming Commercial Use Mobile Home/RV park on tax lot 1900.

The placement of this glorious, tried our best but you are sacrificial, address sign, compliments of Columbia County tax payers, also further creates severe location confusion for the 2 homes, 75735 Price Rd- tax lot 1901 and 75702 Price Rd -tax lot 1800, with the arrows pointing to the south- one of which is my residence 75702- it effectively is "take a pick" of which path to take and 50/50 chance of getting it right.

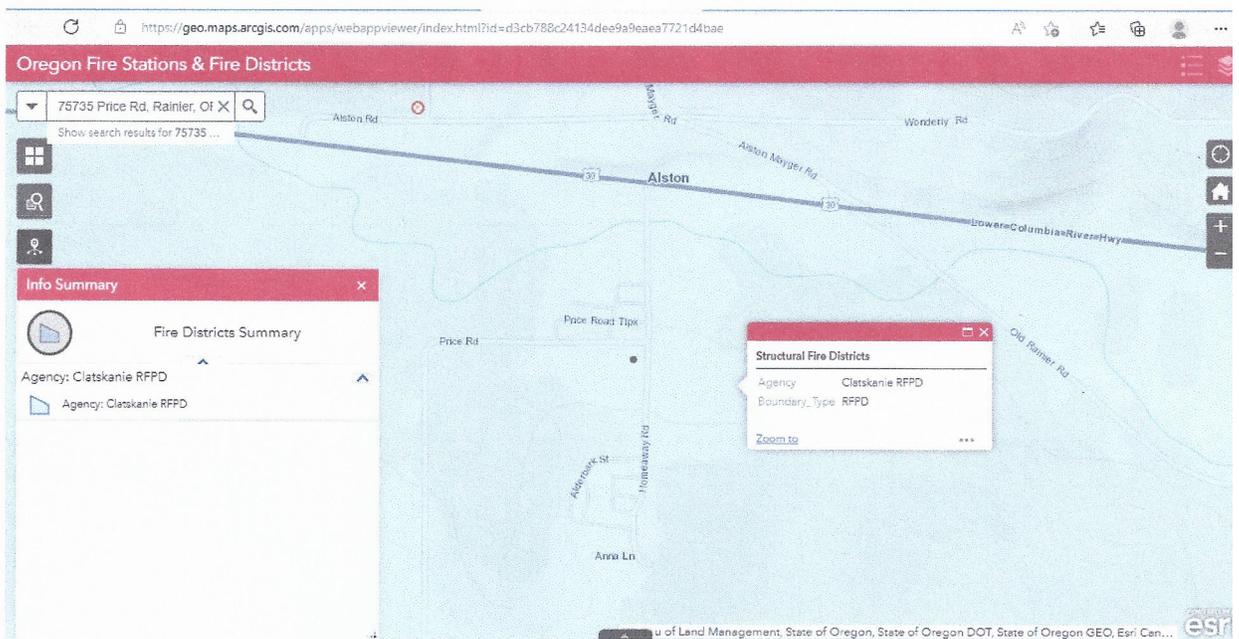


Page 1

Columbia County's continued refusal to address anyone's issues raised about Homeaway Rd or Homeaway St lawful creation, lawful establishment, or lawful existence is of a matter of facts, and to seek the answers as to why, one must look at the history of RDF 22-04's neighbors on tax lot 1900.

It is of well-known and documented facts that the neighboring Non-Conforming Commercial Use MH/RV Park on tax lot 1900 that directly abuts with Tax lot 2500- the subject property of RDF 22-04 - has absolutely no compliance related to Columbia County Road Standards, the Uniform Fire Code, or Fire Access Apparatus Roads, Oregon Structural Specialty Code or ORS 446 since its creation in 1965 or to current day.

RDF 22-04 Tax lot 2500 and all the surrounding properties are located in the Clatskanie Rural Fire District.



The Clatskanie Fire Chiefs name is Mr. Steve Sharek. Mr. Sharek has personally and previously acknowledged, documented, and written as to most of the known, at the time, non-compliance to fire deficiencies on tax lot 1900.

Attachment # 1

page 2

Mr. Sharek along with the Oregon State Fire Marshall Jason Cane refuse to, even to current day, enforce All applicable fire codes, Columbia County Road Standards, the Uniform Fire Code, or Fire Access Apparatus Roads, Oregon. Specialty Structure Codes or ORS 446 and any other relevant applicable state laws and rules upon and within tax lot 1900 and its Non-Conforming Commercial Use upon that tax lot. Board Order 38-96 (the appeal of NCU 3-94) a Non-Conforming Use determination and expansion as identified on tax lot 1900 only. Attachment#4

In March of 2021 the "easement" as described in Deed book 244 pgs 12 & 13 on tax lot 1901 was improved via a legal out of court settlement by the then owner of tax lot 1900. As documented by Mr. Sharek himself, those improvements did not meet even minimum required codes for a driveway, let alone a private or public road. The improvements were and are currently absent any permits, a valid Access Approach Construction Permit for the Non-Conforming Commercial Use on tax lot 1900. A driveway, let alone a private road cannot support commercial uses as per CCRS

If "Homeaway Rd/St" was in fact a lawfully established private road or street it would conformed to all current codes at the time of the so-called improvements were preformed, and if it were in fact a public ROW, the county would have sustained the cost of developing and maintaining.

The then owner "sells" tax lots 1900, 1902, and 2501 (not part of the park as per board order 38-96) in July 2021 to a Non-Profit Cooperative named Deer View Cooperative. Deer View Cooperative received, amongst other benefits of low interest loans, and tax credits for being a "non-profit organization" grant funds of over 2 Million Seventy Thousand Dollars for the purchase of land and the Non-Conforming Commercial Use MH/RV park upon the land of tax lot 1900 and 1902- which houses MH/RV parks associated failing subsurface sewage disposal systems. Again, tax lot 2501 is not part of the park (as per board order 38-96) and it has since been discovered by neighbors during the RDF 22-04 appeals to of been an "illegal partition" in 1978.

It is of documented facts that the paprworks used to qualify the properties above for the Deer View Coop purchase were a collaborative effort of all parties involved, which consisted of falsified documents and misrepresented facts as to acquire funds to a property that should have never been qualified to receive such

page 3

funds and tax credits. Tax lots 1900, 1902, are not located within a municipality nor does it have any compliance with just about any aspect of ORS 446, which it needed to have at a minimum, even qualify for such funding.

Columbia County has expanded off of their fictitious non-existent "Homeaway RD/ST" and have penciled in 6 other fictitiously created illusions of public right-of-ways (absent lawful recorded documentation of public ROWs and dedications to any of) now named Homeaway St, Firgrove Way, Elderberry St, Deerfield St., Birchtree St, Cherry Wood St, Anna Ln, and Alderbark St.. Land Development is diligently working on creating the illusion of those ROWs as of last week. Attachment# 2. According to the tax assessor changes of some form are being made by Land Development Services last week. All points are proven as to the fictitious subdivision created for tax lot 1900.

Furthermore, there is currently a documented inter-office, inter agency, collaborative fraud scheme involving the State Fire Marshall Tad Pederson, Clatskanie Fire Chief Mr. Steve Sharek, Columbia County Land Development services, Casa of Oregon, and Deer View Coop to feed off of the fictitious "Homeaway RD/ST", that doesn't exist, and a newer addition of the fictitious "Aldbark ST." - that also doesn't exist, in an documented attempt to singlehandedly thwart all applicable codes and standards that apply to tax lot 1900. They are effectively falsely identifying presenting Streets 260 feet from a lawfully established ROW and have devised a plan of development of a "thoroughfare" on the fictitious "Aldbark St" Attachment#3, because tax lot 1900 simply cannot comply with any of the applicable codes that are required to be fully enforced, and offer no variances to.

If "Homeaway St." let alone "Aldbark St." were lawful created or otherwise, there would be ROW dedications to the county/ public and those dedications of not less than 50ft recorded on all affected deeds starting from another previously dedicated right-of-way point. If such right of ways were in fact dedicated the county/public, the county would create and maintain the ROWs at the counties expense. This is not the case, and Deer View Coop is funding this, but it "looks good on paper". The collaborative fraud scheme intent is to create some bullshit "illusion" of compliance that never achieves any compliance. The "looks good on paper" is to dupe the current lenders who may not be aware of the non-

compliances, investors, insurers, perspective future insurers and any other non-profits of interest. They are trying to salvage an abortion, bend the laws and rules, most of which were written in blood, around Deer View Coops limited budget because they knowingly bought into a bill of goods, and cannot fund or achieve total compliance.

The current documented plan to thwart all appliance codes and laws, documents clear cut dereliction of duties, willful misconduct, and gross negligence on the part of our wonderful local Clatskanie Fire Chief Mr. Steve Sharek and the State Fire Marshall Tad Peterson. Every resident, that resides within or near Deer View Coop, their lives and homes are in grave danger thanks to our fine collaborative group efforts of people who are supposed to protect and serve our community.

For the reasons above and as one of my several initial unaddressed concerns in the hearing request the planning commission hearing, and the current commission appeal hearing, RDF 22-04 increases fire risk in the immediate locals and neighborhoods because he cannot demonstrate total compliance of all appliance codes and RDF 22-04 increases fire suppression cost, because firefighters would have no choice but to sit back and watch it burn because of his impeded ability to comply fully to fire codes moreover so in a neighborhood that is already and forever will be fire non-compliant. RDF 22-04 must demonstrate total compliance of all applicable codes and laws prior to the approval of RDF 22-04 and not as conditions of approval that leaves discretion with agencies where there is no discretion that lawfully exist. RDF 22-04 needs denied.

Thank You,

**TINA KING**

A handwritten signature in blue ink that reads "Tina h. King". The signature is written in a cursive, flowing style.

**75702 Price Rd. Rainier, Or 97048**

Page 5

Attachment #1



*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](mailto:ssharek@clatskaniefire.org)

Date: 1-14-2019

This response is in regards to complaints raised by Don Campbell Dec 15<sup>th</sup> 2018.

Re: Deer Point Manufacture Park

To: Whom It May Concern,

It is my understanding that the Fire Service is responsible for access and water supply under Oregon Fire Code. It is also understood that in 1992 Columbia County Fire Services Fire Apparatus Access Roads and Driveway Standard Ordinance was in effect. Columbia County Land Development Services and County Co. Roads regulate approving Fire Access Roads and Private Roads and Fire Departments assist them in approving driveways.

It is also my understanding that the Oregon Unified Fire Code existing at the time of construction stands until improvements are instated requiring additional permitting.

Therefore all other minor improvements would fall under existing terms. I also understand that the local fire authority cannot authorize any variance that does not meet the Oregon Uniform Fire Code Standard; also pertaining is an existing Col. Co. Ordinance.

It is not always clear at what level of improvement would require upgrading to a more current code standard. Occupancy change, establishing additional residences or replacement of current residents with larger manufactured homes within the Park would constitute bringing the Park up to a current standard. This was established by the non-conforming use law as a 40% or greater one time increase. It does appear that the Park did do major expansion in 1994-1996 as well as other expansions (2000) over the years that thru the permitting process required a 20 foot wide paved all weather surface road acceptable to Columbia County Road Department Standards for private roads. This was also an ORS 446.095 requirement since 1959. When 25 or more residences were established a second egress was also required as stated in Oregon Unified Fire Code of 1997. This egress was proposed and plotted to run thru tax lot 2100 to the Park from Price Road. This proposed egress road was never constructed as required. At a minimum also absent is the proposed water control ditching with turn-a-rounds at the end of each dead-end street. There is now only one access from Price Road to the Park. The current access road into the Park is not up to the width, weight, and surface proposed in permit application or Columbia County Fire Services Fire Apparatus Access Road Standards. I am not aware of what the standard was when the Park was constructed. My understanding depending on if or when the Columbia County Land Development documents an expansion or that major improvements were made to the Park, the Oregon Fire Code or Ordinance in effect at the time would apply in regards to those improvements.

I am proposing that the Oregon State Fire Marshal's Office, Fire District, Columbia County Land Development Department, Columbia County Road Department all meet with the Park Owner to look into resolutions to these issues of access and egress.

If you have any further questions please contact me at 503-728-2025.

Thank You,

Steven E. Sharek

Fire Chief Clatskanie

RDF 22-04  
44. #1



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](mailto:ssharek@clatskaniefire.org)

August 20, 2019

Re: Driveway requirement access easement East 20 foot of Campbell property for an approximate 260 feet

To: To Whom It May Concern

To meet fire standards the driveway is to be 20 wide unobstructed driving surface for the total distance of access required. No variance allowed per applicable fire code.

Please call if you have any questions.

Thank You,

Steven Sharek  
Clatskanie Fire Chief

RDF 22-04  
att #1  
~~att #1~~



# Clatskanie Rural Fire Protection District

PO Box 807 / 280 SE Third St. Clatskanie, OR 97016

Phone (503) 728-2025 / Fax (503) 728-4388

Date: 3-16-2021

Applicant Name: Deane Point Meadows Michel Home Park

Address: Pine Road 25231 Alzarbark ST

Property location: Brimmer, Oregon 97048

## Access Consultation:

The applicant has consulted with the local Rural Fire Protection District regarding emergency apparatus access.

Applicant has been provided with the  
Columbia County Fire Services  
Fire Apparatus Access Roads and Driveway Standard.

The roadway may be constructed as per standard.

## Comments:

Road excavation started,  
Roaded initial construction consult: Dale Strom-  
Provided Columbia County Fire Access Road Standard.  
20' wide, 75K weight;  
Dale to provide engineering paperwork confirming construction  
methods meet Fire Access Road Standards or exceeds.  
Roadway must remain open to Fire + Medical Apparatus in Emergency  
Dale provided me emergency phone number to call in event of emergency  
Columbia County to provide Apian requirements

Fire Official's Signature: Steve Strout  
Clatskanie Rural Fire Protection District

RDF-22-04  
JH # 1



*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](mailto:ssharek@clatskaniefire.org)

Date: July 18, 2021

RE: Deere Point Meadows Mobil home Park  
25231 Alderbark St,  
Rainier, Oregon 97048

To: Dale Strom (Deere Point Meadows Mobil Home Park)  
Columbia County Land Development Services, Columbia County Roads,  
Rose Ojeda Casa of Oregon.  
Jason Cane OSFM  
Park Owner

I believe that the Deere Point Meadows Mobil Home Park did not follow the requirements of the Columbia County Fire and Life Safety Review Process for their most recent access and egress road construction. This is mainly referring to addressing the Oregon Fire Code Access and Water Supply Section along with the Columbia County Fire Access Road Standards.

Deere Point Meadows started road construction of 260 feet of road on March 17<sup>th</sup>, 2021. I understand that this construction was done without a permit from Columbia County. There was no preconstruction meeting with the Fire District requested by the owner. The Fire District was notified by neighboring homeowners that this construction was underway. I arrived at the location and provided Mr. Strom, the owner of Deere Point Meadows Mobil Home Park with the Columbia County Fire Access Road Standards. Mr. Strom verbally agreed to follow the standards and proceeded with construction. On April 8<sup>th</sup> 2021. I returned to the Deere Point Meadows Park to find that the roadway was not constructed to the standard. The roadway measures 16-18 feet wide instead of the required 20 feet. Columbia Engineering was contacted by Mr. Strom, but they currently will not certify that the roadway will sustain the 75,000-pound load requirement. The Roadway does not align with the existing roadway into the park. The Park does not have a required secondary egress as outlined in the Oregon Fire Codes and the Columbia County Private Road Standards. Prior to this, on August 31<sup>st</sup>. 2020 a meeting was held at the Park at which time the fire and life safety needs were identified. These issues have not yet been addressed. Those in attendance at this meeting included Park owner Dale Strom, Casa Representative Rose Ojeda, Jason Cane Oregon State Fire Marshal's Office, and other Park Resident Representatives.

It would be my determination that the Park Owner needs to follow all the Oregon Fire Codes and Columbia County Private Road Standards as they pertain to access and egress roads for Deere Point Meadows Mobil Home Park.

Please submit to me within 30 days, using one of the above addresses, a plan of how you are going to comply with the Oregon Fire Code and the Columbia County Private Road Standards.

Receptivity,

  
Steven Sharek  
Fire Chief  
Clatskanie Fire District

RDF 22-04  
JH # 1

A Attachment #2

Account ID 20769 Township 7N Range 3W Section 15 1/4 1/16 Taxlot 01900 Special Interest

Effective Date 09-Jul-2021 9:17 AM Transaction ID 1820743 Entry Date 06-Jul-2021 Recorded Date 02-Jul-2021 Sale Price \$2,125,000 Sale Date 25-Mar-2021

Seq Voucher ID 2218263 Tax Year 2021 Document Source CLERK - BOR Type WD ID #1 2021 ID #2 7933 PID 1 Source ID 1 PT NAME CHANGE Operation To/From Map

Name Changes Status Name

D DEER POINTE MEADOWS LLC  
A DEER VIEW COOPERATIVE  
OWNER OWNER  
OWNER OWNER

Size Totals Code 0306 Acres 10.39 Sqft Alternate Size

Effective Date 09-Jul-2021 4:21 PM Transaction ID 1820746 Entry Date 08-Jul-2021 Recorded Date 06-Jul-2021 Sale Price \$2,070,000 Sale Date

Seq Voucher ID 2218313 Tax Year 2021 Document Source CLERK - BOR Type RSTR ID #1 2021 ID #2 7938 PID 1 Source ID 1 PT TLC Operation To/From Map

STATE PAPERWORK REGARDING PROPERTY

Size Totals Code 0306 Acres 10.39 Sqft Alternate Size

Effective Date 11-Apr-2022 8:46 AM Transaction ID 1857476 Entry Date 08-Apr-2022 Recorded Date 07-Apr-2022 Sale Date

Seq Voucher ID 2259812 Tax Year 2022 Document Source CLERK - BOR Type EASE ID #1 2022 ID #2 3357 PID 1 Source ID 1 PT TLC Operation To/From Map

THEIR IS AN UTILITY EASEMENT AGREEMENT RECORDED ON THIS PROPERTY.

Size Totals Code 0306 Acres 10.39 Sqft Alternate Size

Effective Date 10-Jan-2023 11:20 AM Transaction ID 1893717 Entry Date 10-Jan-2023 Recorded Date 10-Jan-2023 Sale Date

Seq Voucher ID 2306243 Tax Year 2023 Document Source ASSESSORS FILE Type CORR ID #1 2023 ID #2 34 PID 1 Source ID 1 PT SITUS CHANGE Operation To/From Map

Size Totals Code 0306 Acres 10.39 Sqft Alternate Size

PDF 22-04  
44 # 2

Attachment #3



*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](mailto:ssharek@clatskaniefire.org)

**ACTION PLAN OF COMPLIANCE**

August 25, 2022

Meeting 5:00 pm

Deer View Cooperative Mobile Home Park  
75546 Homeaway Road  
P.O. Box 1562  
Rainier, OR 97048

RE: Action Plan of Compliance  
Subject Property -- Tax account # 20769 & 20775

The purpose of this action plan of compliance is to set forth corrective actions to be completed by specific dates. These corrective actions will bring the Deer View Cooperative Mobile Home Park back in compliance to when the Mobile Home Park was approved. This document was developed with assistance from Columbia County Land Development, Oregon State Fire Marshal's Office and Clatskanie Fire District. This plan of compliance is to be used to track the progress towards reaching full compliance. By entering into this plan, you are acknowledging that you understand and accept the requirements and schedule for completing the agreed upon tasks.

Please sign and return this Agreement to Steve Sharek, Clatskanie Fire Chief by October 6, 2022.

The bulleted list below describes the required compliance actions in detail. Listed are the actions required, the deadline by which they must be completed, and the necessary documentation needed to verify the action is completed. Deer View Cooperative Mobile Home Park must take the following corrective actions by the times and dates agreed upon below:

October 25, 2022

- o Provide defensible space around the Mobile Home Park following the OSFM Wildfire mitigation plan.
- o Install individual address signs at each mobile home site as per mobile home code requirements
- o Install main signage map board prior to Alderbark Street at park entrance
- o Identify one way street direction of travel, identify roadway obstructions such as barriers, trees and bushes to be removed to allow travel along roadways of between 16 and 20 foot in width.
- o Identify overflow parking area(s)

Documentation of Compliance: Fire Chief site visit and sign off approval  
Fire Chief \_\_\_\_\_ Date: \_\_\_\_\_

RDF 22-04  
AH #3

November 1, 2022

Remove all vehicles, equipment and solid waste from the areas identified as a no parking zone (two vehicles per space) and no parking on the sides of the street. Call for inspection by Fire Chief Sharek. Any vehicles and equipment to remain shall be stored in a neat and orderly fashion in an area within the park boundaries that is approved by the Fire Chief. Install directional signage for roads designated as one-way traffic and add no parking signage as approved by the Fire Chief.

Install and maintain the overflow parking area(s)

Documentation of Compliance: Fire Chief site visit and sign off approval

Fire Chief \_\_\_\_\_ Date: \_\_\_\_\_

June 30, 2023

Increase the width of Homeaway Road that is in control of the Deer View Mobile Home Park (i.e. past Don Campbell's property) to 20' in width. (i.e., 20 feet throughout Loop Road and Anna Lane access), and maintain same.

Improve the intersection at Anna Lane as a turn around and the roadway leading to Anna Lane is to be 20 feet in width to the end or within 50 feet of furthest back side of last Mobile Home.

Documentation of Compliance: Fire Chief site visit and sign off approval

Fire Chief \_\_\_\_\_ Date: \_\_\_\_\_

June 30, 2023

Enlarge main surrounding park road to 20 feet in width, one way crossroads to 16 feet in width with adequate turning radius at corners.

Documentation of Compliance: Fire Chief site visit and sign off approval

Fire Chief \_\_\_\_\_ Date: \_\_\_\_\_

Date to be determined

All parties acknowledge that Deer View Mobile Home Park has limited rights over its access across Homeaway Road for that portion of the roadway that is not owned in fee title by the Mobile Home Park. If not otherwise legally precluded for any reason, including, but not limited to, the outcome of the pending litigation related to Homeaway Road, complete the reconstruction of the 260 feet of Homeaway Roadway to meet the Columbia County Fire Apparatus and Access Road Standard.

Provide secondary access and egress as soon as contractually possible.

Documentation of Compliance: Fire Chief site visit and final sign off on Action Plan of Compliance

Fire Chief \_\_\_\_\_ Date: \_\_\_\_\_

RDF 22-04  
Att # 3

Remaining items to be addressed are:

Laundry Room occupancy change shall require permit process

Secondary Access (To be completed as soon as possible)

Water Supply tank (Not a requirement)

Final compliance shall consist of substantially demonstrating that all of the corrective actions listed above have been satisfied. If you are unable to complete a specific action on time, please submit a written request for that item, reasoning, and the additional time needed to complete the corrective action.

By signing this agreement, you acknowledge that you understand, accept, and agree to the terms described in this document. If you are unable to complete the corrective actions within the specified times and dates, you shall inform the Clatskanie Fire Chief promptly in writing. By signing this agreement, you hereby consent to and grant permission to Clatskanie Fire to enter the property indicated above during normal business hours for the sole purpose of performing site inspections on or after each of the dates specified in this agreement to track compliance progress.

You further understand that once these tasks have been completed and the property is brought into compliance, you must maintain the property to avoid further compliance issues.

Signature of responsible person(s)

Date: Glenda Muller 10-6-22

RDF 22-04  
Att # 3