

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Appeal of the Approval of the)
Application by Timothy and Tamara Carleton for) FINAL ORDER NO. 8-2023
a Single-Family Forest Template Dwelling in the)
Primary Forest (PF-80) Zone)

WHEREAS, on July 14, 2021, Timothy and Tamara Carleton, (hereinafter, the “Applicant”), submitted an application to Columbia County proposing a Resource Dwelling in the Primary Forest (PF-80) Zone on an approximately 17.52 acre lot identified as Tax Map No. 7315-BO-02500, Acct. No. 20776 (hereinafter the “Property”), pursuant to Columbia County Zoning Ordinance (“CCZO”) Sections 506.4 and 1601.2 (File No. RDF 22-04, referred to herein as the “Application”); and

WHEREAS, after deeming it complete on July 26, 2021, notice of the Application was duly sent to the Applicant and interested parties in accordance with CCZO 1601.2 on August 4, 2021; and

WHEREAS, on August 13, 2021, Tina King submitted a request referring the Application to the Planning Commission pursuant CCZO 1601.2; and

WHEREAS, a hearing was scheduled for December 6, 2021 before the Planning Commission but, at the request of the Applicant and accompanied by a waiver of the ORS 215.427 150 Day Rule, was postponed to allow the Oregon Department of State Lands (“DSL”) an opportunity to review and approve a Wetland Delineation related to the Application; and

WHEREAS, on May 9, 2022, the Applicant submitted a Revised Site Plan for RDF 22-04 relocating the proposed home site at least 125 feet from the updated Wetlands Delineation that had been approved by DSL on May 3, 2022; and

WHEREAS, notice of the revisions to the Application and of a rescheduled hearing set for August 1, 2022 was sent to the Applicant and other interested parties; and

WHEREAS, on August 1, 2022, the Planning Commission held a hearing on the Application, received evidence and testimony into the record, closed the hearing to additional oral testimony but left the record open for additional written evidence and testimony in accordance with ORS 197.797(6), and continued the matter to September 12, 2022; and

WHEREAS, on September 12, 2022, the Planning Commission received the additional written evidence and testimony submitted into the record, deliberated on the matter, and voted to approve RDF 22-04 subject to nine (9) conditions of approval as recommended in the Staff Report; and

WHEREAS, notice of the Planning Commission decision was duly mailed to the Applicant and other interested parties on September 21, 2022; and

WHEREAS, on September 26, 2022, an appeal was filed by Tina King, and Robert and Kathy Ramey, to the Columbia County Board of Commissioners (“Board”) pursuant to CCZO 1703; and

WHEREAS, a hearing on the matter was scheduled before the Board for December 21, 2022; and

WHEREAS, notice of the hearing before the Board was duly provided to the Applicant and other interested parties on November 22, 2022; and

WHEREAS, on December 21, 2022, the Board held a hearing on the Application, received evidence and testimony into the record, and continued the hearing the matter to January 18, 2023 for additional testimony, and leaving the record open for additional written evidence and testimony; and

WHEREAS, on January 18, 2023, the Board reopened the continued hearing on the Application, received additional evidence and testimony into the record, closed the record to additional oral testimony but left the record open for additional written evidence and testimony as prescribed by ORS 197.797(6)(c); and

WHEREAS, on February 22, 2023, the Board received all additional written evidence and testimony submitted into the record except a letter attached to the Applicant's final argument that was excluded for exceeding the scope of ORS 197.797(6)(e); and

WHEREAS, after closing the record to additional evidence and testimony, the Board deliberated on the matter and voted to tentatively approve RDF 22-04 subject to the nine (9) conditions of approval adopted by the Planning Commission;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

A. The Board of County Commissioners adopts the following as findings in support of its decision:

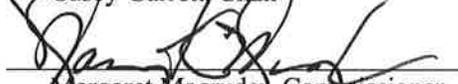
1. The above recitals.
2. The Board's own Supplemental Findings, attached hereto as Exhibit A.
3. The findings and conclusions in the LDS document titled "Supplemental Findings" dated January 25, 2023 (but excluding Attachment 1 thereto), attached hereto as Exhibit B and incorporated herein by this reference, to the extent those findings and conclusions are consistent with the Board's decision.
4. The findings and conclusions in the LDS document titled "Supplemental Findings" dated December 20, 2022 (but excluding Attachment 1 thereto), attached hereto as Exhibit C and incorporated herein by this reference, to the extent those findings and conclusions are consistent with the Board's decision.
5. The findings and conclusions in the LDS Staff Report dated December 14, 2022 (including Attachment 1 and its Attachment 5, but excluding all other attachments to Attachment 1, and excluding Attachments 2, 3, 4, and 5 to the December 14, 2022 Staff Report), attached hereto as Exhibit D and incorporated herein by this reference, to the extent those findings and conclusions are consistent with the Board's decision.

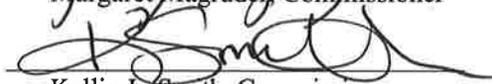
B. Based on the foregoing and the whole record on this matter, the Board of County Commissioners upholds the decision of the Planning Commission and hereby APPROVES File No. RDF 22-04 for a Resource Dwelling in the Primary Forest (PF-80) Zone on an approximately 17.52 acre lot identified as Tax Map No. 7315-BO-02500, Acct. No. 20776, subject to the nine (9) conditions of approval as recommended by Staff.

DATED this 22 day of March, 2023.

BOARD OF COUNTY COMMISSIONERS FOR
COLUMBIA COUNTY, OREGON

By: 
Casey Garrett, Chair

By: 
Margaret Magruden, Commissioner

By: 
Kellie Jo Smith, Commissioner

Approved as to form

By: 
Office of County Counsel

Exhibit A

Columbia County Board of Commissioners Supplemental Findings, Final Order No. 8-2023

1. The Board received testimony that the record lacks adequate evidence that the parcels relied on by Staff in its findings are “lawfully established unit of land” as defined by ORS 92.010(3) (hereinafter referred to as “lawful units”). In response to that contention, Staff submitted evidence into the record establishing conclusively that the parcels did indeed qualify as lawful units. The Board rejects continued assertions that Staff’s findings do not constitute adequate findings to support its decision. Indeed, the Board notes that Staff thoroughly and methodically went through each of the parcels relied on to support the applicant’s application, making individualized findings addressing each ultimately relied upon and why each qualified as a lawful unit. The Board finds that Staff’s findings are the opposite of “[i]ncomplete and overly conclusory findings.” As to the evidence supporting those findings, the Board finds there is clearly substantial evidence in the record that supports those findings, not least of which are the actual deeds themselves. Although assertions have been made that the findings are inadequate and the record does not support those findings, the Board humbly disagrees and rejects those assertions.
2. The Board also received testimony that the County “has not listed or made available the applicable laws that determine whether the properties shown within the template were lawfully created” and that “[s]tatute requires planning staff to provide notice and make available the applicable approval criteria for a permit” citing ORS 197.797(3)(b), 3(h) and (5). The Board rejects that contention. The problem with the argument that “the applicable laws that determine whether the properties shown with the template were lawfully created” is that they are not “applicable criteria” as pertains to the application *presently* before the Board. Although they presumably *were* applicable criteria for the establishment of the subject parcels, they are not applicable criteria here or, in the language of the statute cited, they are not “applicable criteria for [the] permit” for the forest template dwelling. Nevertheless, those regulations are all addressed in Staff’s findings adopted by the Board. Further, the inclusion of the deeds of the lawful units has been submitted and accepted into the record, together with an opportunity for the public to review and comment on those deeds, which adequately addresses concerns raised regarding the public’s opportunity to comment on the deeds relied on by the Board in approving File No. RDF 22-04.¹

¹ One 1966 deed was inadvertently not included in the record. That deed is attached hereto at Attachment 1. This is the deed that relates to Finding 9 in Exhibit B. ORS 40.070/OEC 201 (c-d), authorizes taking notice, whether requested or not, of facts that are “[c]apable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably be questioned.” As the Oregon Federal District Court explained in *Medici v. JP Morgan Chase Bank, N.A.*, 2012 WL 929785, “Federal Rules of Evidence (FRE 201) gives the court the power to take judicial notice of facts that are not subject to reasonable dispute because they ‘can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.’ Public records are appropriate subjects for judicial notice.” *Id.*, at *2 (citations omitted). The court goes on to explain that the record at issue in that matter “is a public record. It was recorded in Washington County on February 25, 2011 with recording number 2011-016646. As a recorded document, it is easily verifiable and its accuracy cannot reasonably be questioned. Accordingly, [the] Request for Judicial Notice is granted over plaintiff’s objection.” The language in FRE 201 is

3. Regarding the argument that the record lacks evidence establishing the legality of *other* possible conveyances of *different* parcels from a shared “parent” parcels of properties utilized in the template analysis in this matter, the Board finds that that is an irrelevant consideration. Whether other conveyances of a parent parcel of one or more of the parcels used in the template analysis here may or may not have bearing on the legality of those *subsequently created* parcels. However, such conveyances would have no bearing on the legality of previously created parcels relied on by the Applicant and Staff.

4. Finally, the Board finds that the record contains substantial evidence that the parcels utilized in the template analysis in this matter are lawful units, and that the record lacks substantial evidence to the contrary. The Board received testimony objecting to Staff’s determination that “there is no evidence that [the creation of the property] was associated with the creation of three or more other parcels” and an assertion that “[t]he findings rely on conclusory statements unsupported by substantial evidence regarding the properties’ conveyance history that fail to meet these standards.” We disagree both with that interpretation of Staff’s findings, and that the findings are conclusory in nature. The record clearly indicates that Staff undertook an exhaustive analysis of the recorded documents related to the properties relied on in the Application’s template analysis. That is beyond question at this point, with multiple open record continuances granted to supplement the record with those additional documents, with Staff analysis accompanying each of them. It is in that light that the Board understands Staff’s conclusion that “there is no evidence” that any of the parcels utilized in the template analysis in this matter are not lawful units – in the record or otherwise. “Substantial evidence” is evidence a reasonable person would rely on in reaching a decision. *City of Portland v. Bureau of Labor and Industries*, 298 Or 104, 119 (1984). Reviewing bodies of land use decisions of the Board do not reweigh the evidence or substitute their own judgment for that of the decision-maker; rather they limit their review to whether substantial evidence in the record supports the decision made by the Board in the particular matter. *Younger v. City of Portland*, 305 Or 346, 358-360 (1988). Accordingly, the Board rejects the contention that Staff’s statement indicates a lack of adequate research by staff in undertaking its analysis of the legality of parcels utilized in the template analysis in this matter, and indeed concludes, based on the substantial evidence in the record, that the parcels utilized are lawful units.

substantially similar to the language contained in ORS 40.070/OEC 201. The deed in the present case was recorded in Columbia County, its accuracy cannot reasonably be questioned, and is easily accessible and verifiable (indeed, Staff located the deed when its absence was raised). Accordingly, the Board takes official notice of the subject 1966 deed in Attachment 1, and incorporates it herein by this reference to its findings (in reference to Finding 9 of Exhibit B) in support of the Board’s decision.

FORM No. 633-WARRANTY DEED

BOOK 162 PAGE 460

KNOW ALL MEN BY THESE PRESENTS, That We, James C. Gooden and Rachel A. Gooden, husband and wife

hereinafter called the grantor, in consideration of Ten Dollars and other valuable consideration

to grantor paid by Warren E. Wollitz and Zita Wollitz, husband and wife

hereinafter called the grantee, does 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: Beginning at a point where the North and South center line of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, intersects the South line of the right of way of the old Columbia River Highway; thence South to the center of Beaver Creek; thence following the center of Beaver Creek Westerly to a point 208.7 feet East of the West line of the Southeast quarter of Northeast quarter of Northwest quarter of said Section 15; thence North to the North line of said Southeast quarter of Northeast quarter of the Northwest quarter of Section 15; thence East 250 feet; thence North to the South line of the old Columbia River Highway; thence Southeasterly along the South line of said highway to the place of beginning. Subject to: Easement granted to Inland Power and Light Company by instrument recorded February 10, 1931 in Book 52, page 316, Deed Records; except public roads and highways,

To Have and to Hold the above described and granted premises 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 save and except 1966-1967 taxes

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, save as above set forth.

In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantor's hand and seal this 5th day of August 1966



James C. Gooden (SEAL)

Rachel A. Gooden (SEAL)

(SEAL)

(SEAL)

STATE OF OREGON, County of Columbia) ss. August 5th 1966

Personally appeared the above named James C. Gooden and

Rachel A. Gooden

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Marie Keller Hoff Notary Public for Oregon My commission expires 11-4-1968

(OFFICIAL SEAL)

WARRANTY DEED

TO

AFTER RECORDING RETURN TO Warren E. Wollitz 19935 Covello St., Conaga Park, California

STATE OF OREGON,) ss.

County of Columbia

I certify that the within instrument was received for record on the 9th day of August, 1966, at 10:50 o'clock A.M., and recorded in book 162 on page 460 Record of Deeds of said County. Witness my hand and seal of County attized.

Roy A. Nelson County Clerk-Recorder. By Deputy.

DO NOT USE THIS SPACE RESERVED FOR RECORDING LABEL IN COUNTY WHERE USED.

No.

LAND SALE CONTRACT

BOOK 107 PAGE 22

THIS CONTRACT between Riley O. Gaisinger and Elsie L. Gaisinger, husband and wife, of Route 1, Box 130, Rainier, Oregon, as Sellers, and Warren E. Wollitz and Lita Wollitz, husband and wife, of 19935 Covello Street, Canoga Park, California, as Buyers.

WITNESSETH: Sellers agree to sell to Buyers, and Buyers agree to buy from Sellers the following described real property, with tenements, hereditaments and appurtenances, located in Columbia County, Oregon, to-wit:

The legal description of the land is hereto attached, marked, 'EXHIBIT "A"', and by this reference incorporated herein and made a part hereof.

PRICE AND TERMS. The price which the Buyers will pay for said real property is the sum of One Thousand Five Hundred and no/100 (\$1,500.00) Dollars, on account of which they have paid Two Hundred Fifty and no/100 (\$250.00) Dollars, receipt of which is hereby acknowledged, leaving a balance of One Thousand Two Hundred Fifty and no/100 (\$1,250.00) Dollars. Said balance will be paid as follows: Two Hundred Fifty and no/100 (\$250.00) Dollars, plus accrued interest, on or before December 15, 1967, and thereafter at least Five Hundred and no/100 (\$500.00) per year, plus accrued interest, with the first (1st) payment to be made on January 5, 1968 and a like payment on the fifth (5th) day of January annually each year thereafter until the purchase price and interest are paid in full.

EXPENSES OF THIS TRANSACTION. The parties hereto agree that they will pay the cost of the title insurance policy and the legal fees involved in this transaction, and they will pay said expenses equally.

POSSESSION OF PROPERTY. Buyers are entitled to possession of the property at once.

PAYMENT OF TAXES AND ASSESSMENTS. Taxes for the tax year 1967-68 will be pre-paid to-----September 20, 1967. The Buyers will pay their share of said taxes and all other taxes and assessments hereafter levied against said property promptly and before any part thereof is past due.

IMPROVEMENTS, ALTERATIONS AND REPAIRS. Buyers will not commit or allow any waste of the premises. The Buyers will keep the premises free of any mechanic's or other liens and will hold the Sellers forever harmless from any and all costs, including attorneys' fees in defending against any such liens.

FIRE INSURANCE. There are no insurable buildings on the property at this time. Any buildings hereafter placed on the property will be insured against loss or damage by fire, with extended coverage, with loss payable to the parties as their interests appear for their reasonable insurable value in a company or companies agreeable to the Sellers, and all policies of insurance shall be delivered to the Sellers as soon as issued.

DEED AND TITLE INSURANCE. When the Buyers have paid the purchase price in full, plus interest, and have otherwise performed this contract, Sellers will deliver to the Buyers a warranty deed conveying them title to said property in fee simple, free of encumbrances, subject to the matters herein set forth, and subject to any encumbrances suffered or created by the Buyers. Sellers will also within thirty (30) days from the date hereof furnish the Buyers a Purchasers' Title Insurance Policy in the amount of \$1,500.00, insuring marketable title in the Sellers, subject to the aforesaid matters and subject to the usual printed exceptions in such title insurance policies.

REMEDIES OF THE SELLERS. If the Buyers fail to make any payments provided in this contract other than the payments on the purchase price, the Sellers may make such payments and apply the sums so expended to the balance owing on the purchase price, and the same shall bear interest at the rate provided for herein, all without prejudice to any other remedies available to the Sellers. Time is of the essence of this contract. If Buyers fail to make any of the payments on the purchase price or interest provided for herein within thirty (30) days of the time limited therefor, or if they fail to perform any other condition or covenant by them to be performed as provided herein, then in any of such events the Sellers shall at their option have the following rights: (1) to declare this contract null and void, (2) to declare the whole unpaid principal balance of said purchase price with interest thereon at once due and payable and/or (3) to foreclose this contract by suit in equity, and in any of such cases possession of the premises above described and all other rights acquired by the Buyers hereunder shall cease and determine completely, and the right to the possession of the premises and all other rights acquired by Buyers hereunder shall revert to and revert in the Sellers, without the right of Buyers for any reason whatsoever for payments made, improvements made or for any other reason. In the event of such suit to foreclose this contract, the Sellers shall have the right to immediate possession of the premises upon filing their complaint; in the event of a declaration of forfeiture the right to possession of the premises vests in Sellers when the declaration is made. Provided that Buyers shall not be deemed in default for failure to perform any covenant or condition of this contract other than failure to make payments on the purchase price as provided for herein until notice of said default has been given by the Sellers to the Buyers, and Buyers have failed to remedy said default within ten (10) days after the giving of the notice. Notice for this purpose shall be deemed to have been given by the deposit in the mail of a letter containing said notice and addressed to either of the Buyers or to both of them at their last known address. In the event of suit to foreclose this contract, clear the title of any cloud created hereby, to collect any part of the purchase price, or for

BOOK 167 PAGE 24

any reason, the Buyers promise and agree to pay a reasonable sum for attorneys' fees to be fixed by the trial court in addition to costs and disbursements provided by statute, and if any appeal is taken from any decision of the trial court, such further sum as may be fixed by the appellate court as reasonable attorneys' fees in the appellate court.

WAIVER. Failure by Sellers at any time to require performance by Buyers of any of the provisions hereof shall in no way affect Sellers' right hereunder to enforce the same, nor shall any waiver by Sellers of any breach hereof be held to be a waiver of any succeeding breach, or a waiver of this non-waiver clause.

SUCCESSOR INTERESTS. The covenants, conditions and terms of this agreement shall extend to and be binding upon and inure to the benefit of the heirs, administrators, executors and assigns of the parties hereto.

PERSONAL PROPERTY. No personal property is included in this contract.

SURVIVOR RIGHTS. The interest of Sellers in this contract and the payments to be made and the land is with the right of survivorship; that is, on the death of either of them the survivor of them is the sole owner of their interests therein, and the interest of the Buyers is as tenants by the entirety; that is, on the death of either of them, the survivor of them shall be the sole owner of their interests therein.

REPRESENTATIONS. Buyers certify that this contract of purchase is accepted and executed on the basis of their own examination and personal knowledge of the premises and opinion of the value thereof; that no attempt has been made to influence their judgment; that no representations as to the condition or repair of said premises have been made by Sellers or by any agent of Sellers; that no agreement or promise to alter, repair or improve said premises has been made by Sellers or by any agent of Sellers; and that Buyers take said property and the improvements thereon in the condition existing at the time of this agreement.

BOOK **167** PAGE **25**

Witness our hands and seals on this 10 day of October, 1967.

Riley G. Gulsinger (SEAL)

Elsie L. Gulsinger (SEAL)
Sellers

Walter Wallitz (SEAL)

Lyta Wallitz (SEAL)
Buyers

STATE OF OREGON)
County of Columbia) SS.

October 10, 1967. Personally appeared the within named Riley G. Gulsinger and Elsie L. Gulsinger, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

Paul J. Jones
Notary Public for Oregon
My Commission expires: 4/4/1967

STATE OF CALIFORNIA)
County of Los Angeles) SS.

October 10, 1967. Personally appeared the within named Walter Wallitz and Lyta Wallitz, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

Jennie Stable
Notary Public for California
My Commission expires:

JENNIE STABLE - Notary Public - Cal.
1964 - Exp. NOV. 3, 1970 - LOS ANGELES CO.
1115 Sherman Way, Chatsworth Park, Calif. 91303

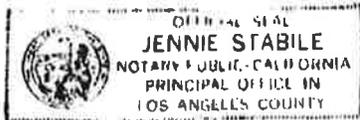


EXHIBIT "A"BOOK **167** PAGE **26**

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

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

SUBJECT TO:

1. Easement for electric transmission line etc. as granted by F. E. Sator to Inland Power & Light Company by instrument recorded February 10, 1931 in book 52, page 316, deed records.
2. Perpetual easement for public utilities as granted by H. H. Riggs to The Pacific Telephone and Telegraph Company by instrument recorded September 28, 1920 in book 66, page 620, deed records. (Affects NE 1/4 of NE 1/4 of NW 1/4)
3. Easements of record.
4. Mineral reservations in deed from Columbia County to Benjamin H. Sator and Lola B. Sator recorded July 27, 1927 in Book 70, page 484, deed records. (affects land in SE 1/4 of NE 1/4 of NW 1/4).
5. There is no access from said property to the State Highway or any public road.

5572

STATE OF OREGON
COLUMBIA COUNTY
RECORDED OR FILED

OCT 23 3 10 PM '67

BOOK *167* PAGE *26*
ROY A. NELSON CO. CLK
BY *[Signature]* DEP.

**COLUMBIA COUNTY BOARD OF COMMISSIONERS
SUPPLEMENTAL FINDINGS**

January 25, 2023

Supplemental Findings in Response to Comments Received

BOC HEARING DATE: February 22, 2023

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: Supplemental findings in response to a letter dated January 17,
2023 (Attachment 1) submitted by Devin Kesner of 1000 Friends
of Oregon.

APPLICABLE DISCUSSION CRITERIA:

Columbia County Regulations

1963 Subdivision Regulations for Columbia County, Oregon

Oregon Revised Statutes (ORS)

ORS Chapter 92 – Subdivisions & Partitions

SUMMARY

On January 17, 2023, Devin Kesner of 1000 Friends of Oregon, submitted a letter in response to Supplemental Findings dated December 20, 2022. In this letter, Ms. Kesner stated, in part, that previous supplemental findings, drafted by county planning staff, do not adequately address the requirements or provide enough information to conclude that each parcel counted in the template test were lawfully created units of land.

The following deed research was provided by the Columbia County Clerk's Office based on the conveyances as listed in the Columbia County Assessor's Official Records of Descriptions of Real Property. The following findings will address to what extent each parcel counted in the attached "Updated List of Properties & 1993 Dwellings or TT 21-06" meet applicable criteria that may have applied at the time of conveyance. Also included with this submission are copies of the actual deeds for the properties considered as required under ORS 215.750.

DISCUSSION CRITERIA

Oregon Revised Statutes (ORS) Chapter 92 - Subdivisions & Partitions

92.010 Definitions for ORS 92.010 to 92.192.

(3)(a) "Lawfully established unit of land" means:

- (A) A lot or parcel created pursuant to ORS 92.010 to 92.192; or
- (B) Another unit of land created:
 - (i) In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or
 - (ii) By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.

Columbia County Subdivision & Partitioning Ordinances Summary

April 8, 1963 Ordinance: Columbia County's first subdivision ordinance addressed the subdivision of land into four or more lots and was limited in nature. Section 2 of this Ordinance describes the "Scope of Regulations" as *"All subdivision plats and all streets or ways created for the purpose of partitioning land shall be approved by the planning commission in accordance with these regulations. A person desiring to partition land by creation of a street or way shall submit preliminary plans and final documents for approval as provided in these regulations and the state law."*

Section 1. Definitions

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

Discussion: On April 8, 1963, Columbia County adopted the first "Subdivision Regulations for Columbia County" which addressed the requirements and procedures of subdividing land. Prior to this date, Columbia County did not have any planning, zoning and/or subdivision or partition ordinances and regulations that would be applicable when "creating" parcels. The 1963 Subdivision Regulations for Columbia County established a definition and procedure for subdividing land and any property created which met the definition of a subdivision, required approval from the Columbia County Planning Commission in order to be created legally at that time. These regulations were repealed on December 11, 1974 during the process of adopting the

Columbia County Subdivision and Partitioning Ordinance which went in to effect on January 10, 1975. Columbia County acknowledges property created before January 10, 1975 as a lot of record if it was created by a legal subdivision plat or if it was conveyed by deed or land sales contract for the purpose of the buyer's enjoyment and development.

The following findings will address each parcel counted in the updated list of properties & 1993 dwellings for TT 21-06 based on the earliest available conveyance.

Finding 1: Tax Lot 7315-00-00300 was conveyed in Deed Book 113 Page 251 from Roger C. Fox and Darliss L. Fox to Charles R. Holden and Mary F. Holden on December 8, 1951. This conveyance occurred prior to the 1963 Subdivision Regulations for Columbia County therefore meets the definition of a lawfully established unit of land in ORS 92.010(3).

Finding 2: Tax Lot 7315-B0-02500, the subject parcel, was conveyed in Deed Book 138 Page 795 from Arthur H. Lewis and Mildred A. Lewis to Charles R. Holden and Mary F. Holden on January 16, 1959. This conveyance occurred prior to the 1963 Subdivision Regulations for Columbia County therefore meets the definition of a lawfully established unit of land in ORS 92.010(3).

Finding 3: Tax Lot 7315-B0-01800 was conveyed in Deed Book 165 Page 503 from Louie Mosdahl and Elva H. Mosdahl to Ray A. Gates and Mary M. Gates on July 7, 1967. This conveyance occurred after the 1963 adoption of the Subdivision Regulations of Columbia County, however the parcel was not under 5-acres in size and there is no evidence that it was associated with the creation of three or more other parcels. Therefore, Staff finds that this conveyance did not meet the definition of the term "Subdivide land" as defined in the 1963 Subdivision Regulations of Columbia County. Staff finds that this parcel meets the definition of a lawfully established unit of land in ORS 92.010(3).

Finding 4: Tax Lots 7315-A0-00302, 7315-A0-00303, and 7315-A0-00301 were created via Partition Plat 1992-31 which was recorded by the Columbia County Clerk's Office on October 22, 1992. Pete Watson of the Columbia County Planning Department signed and approved this partition plat on September 15, 1992. With this approval, Staff finds that these three tax lots were created legally and found to meet all applicable planning, zoning, subdivision and partitioning requirement there were in effect at that time. Staff finds that these three parcels each meet the definition of a lawfully established unit of land in ORS 92.010(3).

Finding 5: Tax Lot 7315-B0-01700 was conveyed in Deed Book 165 Page 503 from Louie Mosdahl and Elva H. Mosdahl to Ray A. Gates and Mary M. Gates on July 7, 1967. This conveyance occurred after the 1963 adoption of the Subdivision Regulations of Columbia County, however the parcel was not under 5-acres in size and there is no evidence that it was associated with the creation of three or more other parcels. Therefore, Staff finds that this conveyance did not meet the definition of the term "Subdivide land" as defined in the 1963 Subdivision Regulations of Columbia County. Staff finds that this parcel meets the definition of a lawfully established unit of land in ORS 92.010(3).

Finding 6: Tax Lot 7315-B0-01300 was conveyed in Deed Book 165 Page 503 from Louie Mosdahl and Elva H. Mosdahl to Ray A. Gates and Mary M. Gates on July 7, 1967. This conveyance occurred after the 1963 adoption of the Subdivision Regulations of Columbia County. Although this parcel was under 5-acres in size, there is no evidence that it was associated with the creation of three or more other parcels all of which were also under 5-acres in size. Therefore, Staff finds that this conveyance did not meet the definition of the term "Subdivide land" as defined in the 1963 Subdivision Regulations of Columbia County. Staff finds that this parcel meets the definition of a lawfully established unit of land in ORS 92.010(3).

Finding 7: Tax Lot 7315-B0-01600 was conveyed in Deed Book 158 Page 416 from William George Saunders and Emily M. Saunders to Ralph Moore and Linda R. Moore on May 11, 1965. This conveyance occurred after the 1963 adoption of the Subdivision Regulations of Columbia County. Although this parcel was under 5-acres in size, there is no evidence that it was associated with the creation of three or more other parcels all of which were also under 5-acres in size. Therefore, Staff finds that this conveyance did not meet the definition of the term "Subdivide land" as defined in the 1963 Subdivision Regulations of Columbia County. Staff finds that this parcel meets the definition of a lawfully established unit of land in ORS 92.010(3).

Tax Lot 7315-B0-01200 was conveyed in Deed Book 162 Page 573 from William George Saunders to Ralph Moore and Linda R. Moore on August 18, 1966. This Agreement and Amendment referenced the above May 11, 1965 conveyance recorded in Deed Book 158 Page 416 and clarified that "*said description did not provide for all of the real property that was encompassed by the said agreement of the parties therein and that the said description should include additional real property as follows:*

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

Both of these conveyances occurred after the 1963 adoption of the Subdivision Regulations of Columbia County, and there is no evidence that they were associated with the creation of three or more other parcels. Therefore, Staff finds that these conveyances did not meet the definition of the term "Subdivide land" as defined in the 1963 Subdivision Regulations of Columbia County. Staff finds that this parcel meets the definition of a lawfully established unit of land in ORS 92.010(3).

Finding 8: Tax Lot 7315-A0-00300 was conveyed in Deed Book 181 Page 498 from Dora Counts to Frank Counts and Barbara J. Counts on May 11, 1971. This conveyance occurred after the 1963 adoption of the Subdivision Regulations of Columbia County, however the parcel was not under 5-acres in size and there is no evidence that it was associated with the creation of three or more other parcels. Therefore, Staff finds that this conveyance did not meet the definition of the term "Subdivide land" as defined in the 1963 Subdivision Regulations of Columbia County. Staff finds that this parcel meets the definition of a lawfully established unit of land in ORS 92.010(3).

Finding 9: Tax Lot 7315-B0-01500 was conveyed in Deed Book 162 Page 460 from James C. Gooden and Rachel A. Gooden to Warren E. Wollitz and Eita Wollitz on August 5, 1966. This conveyance occurred after the 1963 adoption of the Subdivision Regulations of Columbia County. Although this parcel was under 5-acres in size, there is no evidence that it was associated with the

creation of three or more other parcels all of which were also under 5-acres in size. Therefore, Staff finds that this conveyance did not meet the definition of the term "Subdivide land" as defined in the 1963 Subdivision Regulations of Columbia County. Staff finds that this parcel meets the definition of a lawfully established unit of land in ORS 92.010(3).

Tax Lot 7315-B0-01400 was conveyed in Deed Book 167 Page 22 from Riley O Guisinger and Elsie L Guisinger to Warren E Wollitz and Eita Wollitz on October 23, 1967. This conveyance occurred after the 1963 adoption of the Subdivision Regulations of Columbia County. Although this parcel was under 5-acres in size, there is no evidence that it was associated with the creation of three or more other parcels all of which were also under 5-acres in size. Therefore, Staff finds that this conveyance did not meet the definition of the term "Subdivide land" as defined in the 1963 Subdivision Regulations of Columbia County. Staff finds that this parcel meets the definition of a lawfully established unit of land in ORS 92.010(3).

Finding 10: Tax Lot 7315-B0-01000 was conveyed in Deed Book 1449 Page 206 from Emil J Oelke and Florence M Oelke to Donald R Clark and Clara F Clark on June 13, 1962. This conveyance occurred prior to the 1963 Subdivision Regulations for Columbia County and therefore meets the definition of a lawfully established unit of land in ORS 92.010(3).

Tax Lot 7315-B0-01100 was conveyed in Deed Book 176 Page 178 from Alston's Corner Assembly of God Church to Edwin Roberts and Lillian A. Roberts on February 9, 1970. This conveyance occurred after the 1963 adoption of the Subdivision Regulations of Columbia County. Although this parcel was under 5-acres in size, there is no evidence that it was associated with the creation of three or more other parcels all of which were also under 5-acres in size. Therefore, Staff finds that this conveyance did not meet the definition of the term "Subdivide land" as defined in the 1963 Subdivision Regulations of Columbia County. Staff finds that this parcel meets the definition of a lawfully established unit of land in ORS 92.010(3).

Finding 11: Tax Lot 7315-A0-00200 was conveyed in Deed Book 185 Page 428 from Roy R Ferguson and Ice V Ferguson to Leo B Hamm and Ednamae Hamm on July 12, 1967. This conveyance occurred after the 1963 adoption of the Subdivision Regulations of Columbia County, however the parcel was not under 5-acres in size and there is no evidence that it was associated with the creation of three or more other parcels. Therefore, Staff finds that this conveyance did not meet the definition of the term "Subdivide land" as defined in the 1963 Subdivision Regulations of Columbia County. Staff finds that this parcel meets the definition of a lawfully established unit of land in ORS 92.010(3).

Finding 12: Tax Lot 7315-B0-00300 was conveyed in Deed Book 162 Page 615 from Donald R Clark and Clara F Clark to Jack Anderson on August 26, 1966. This conveyance occurred after the 1963 adoption of the Subdivision Regulations of Columbia County. Although this parcel was under 5-acres in size, there is no evidence that it was associated with the creation of three or more other parcels all of which were also under 5-acres in size. Therefore, Staff finds that this conveyance did not meet the definition of the term "Subdivide land" as defined in the 1963 Subdivision Regulations of Columbia County. Staff finds that this parcel meets the definition of a lawfully established unit of land in ORS 92.010(3).

Finding 13: Tax Lot 7315-B0-00100 was conveyed in Deed Book 191 Page 944 from Thomas D Burchett and Naomi L Burchett to Everett Hayslip and Jean Hayslip on June 21, 1973. This conveyance occurred after the 1963 adoption of the Subdivision Regulations of Columbia County. Although this parcel was under 5-acres in size, there is no evidence that it was associated with the creation of three or more other parcels all of which were also under 5-acres in size. Therefore, Staff finds that this conveyance did not meet the definition of the term "Subdivide land" as defined in the 1963 Subdivision Regulations of Columbia County. Staff finds that this parcel meets the definition of a lawfully established unit of land in ORS 92.010(3).

Finding 14: Tax Lot 7315-B0-00200 was conveyed in Deed Book 177 Page 730 from Irene B Haugen and Oscar Haugen to the Rainier Congregation of Jehovah's Witnesses on June 30, 1970. This conveyance occurred after the 1963 adoption of the Subdivision Regulations of Columbia County. Although this parcel was under 5-acres in size, there is no evidence that it was associated with the creation of three or more other parcels all of which were also under 5-acres in size. Therefore, Staff finds that this conveyance did not meet the definition of the term "Subdivide land" as defined in the 1963 Subdivision Regulations of Columbia County. Staff finds that this parcel meets the definition of a lawfully established unit of land in ORS 92.010(3).

Finding 15: Tax Lot 7315-B0-00400 was conveyed in Deed Book 136 Page 69 from Church Extension Plan to Assemblies of God, Oregon District on April 21, 1968. This conveyance occurred after the 1963 adoption of the Subdivision Regulations of Columbia County. Although this parcel was under 5-acres in size, there is no evidence that it was associated with the creation of three or more other parcels all of which were also under 5-acres in size. Therefore, Staff finds that this conveyance did not meet the definition of the term "Subdivide land" as defined in the 1963 Subdivision Regulations of Columbia County. Staff finds that this parcel meets the definition of a lawfully established unit of land in ORS 92.010(3).

Finding 16: Tax Lot 7310-C0-01100 was conveyed in Deed Book 187 Page 125 from William L Frame and Tesha M Frame to James Richie and Coralee Richie on June 9, 1972. This conveyance occurred after the 1963 adoption of the Subdivision Regulations of Columbia County. Although this parcel was under 5-acres in size, there is no evidence that it was associated with the creation of three or more other parcels all of which were also under 5-acres in size. Therefore, Staff finds that this conveyance did not meet the definition of the term "Subdivide land" as defined in the 1963 Subdivision Regulations of Columbia County. Staff finds that this parcel meets the definition of a lawfully established unit of land in ORS 92.010(3).

Finding 17: Tax Lot 7310-C0-01000 as conveyed in Deed Book 112 Page 92 from M H Marlow and Ruth Marlow to William Frame and Nesha E Frame on September 4, 1951. This conveyance occurred prior to the 1963 Subdivision Regulations for Columbia County therefore meets the definition of a lawfully established unit of land in ORS 92.010(3).

CONCLUSION AND RECOMMENDATION

Based upon the deed records and staff analysis of the subject parcel and parcels counted in the Template Test, Staff believes that the record adequately addresses the concerns as stated by the January 17, 2023 letter from Devin Kesner and should not change the decision as recommended by Staff in the Board of Commissioners Appeal Staff Report dated December 14, 2022.

Supplemental Findings Attachments:

Attachment 1: Letter dated January 17, 2023 from Devin Kesner

Attachment 2: Columbia County Clerk's Deed Records

KNOW ALL MEN BY THESE PRESENTS, That we, ROGER C. FOX and DARLISA L. FOX, husband and wife,

in consideration of Ten and 00/100 Dollars,

to us paid by CHARLES R. HOLDEN and MARY F. HOLDEN, husband and wife,

do hereby grant, bargain, sell and convey unto said CHARLES R. HOLDEN and MARY F. HOLDEN, husband and wife,

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

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



To Have and to Hold the above described and granted premises unto the said CHARLES R. HOLDEN and MARY F. HOLDEN, husband and wife,

and to their heirs and assigns forever.

And we, ROGER C. FOX and DARLISA L. FOX, husband and wife,

the grantors above named do covenant to and with the above named grantees and their heirs and assigns that the above lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances, Excepting reservations for 10 foot roadway as contained in deed recorded November 20, 1917, Book 25, page 459, Deed Records; reservations for 10 foot roadway as contained in deed recorded November 20, 1917, Book 25, page 462, Deed Records and Reservation for Columbia County, Oregon as contained in instrument recorded October 1, 1940, in Book 64, page 632, Deed Records of Columbia County, Oregon.

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

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

Executed in the Presence of

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

Until a change is requested tax statements shall be sent to the following address:
SAME AS ABOVE

BOOK _____ PAGE _____

**WARRANTY DEED -- STATUTORY FORM
(INDIVIDUAL or CORPORATION)**

THEVIN BROS. LAND & TIMBER CO., INC., an Oregon Corporation Grantor,
conveys and warrants to:

LONGVIEW FIBRE COMPANY, A WASHINGTON CORPORATION, Grantee,

the following described real property free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

SUBJECT TO:

1. Taxes for the fiscal year 1998-99, a lien in an amount to be determined, but not yet payable.
Account No. 03-08-2-7315-000-00300 and 03-17-2-7322-000-00600

2. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the previous years in which the land was subject to the special land use assessment.

3. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.

4. The following matters are excluded from the coverage of the policy based on the proximity of the property to unnamed creek.

- 1) Rights and easement of the public and governmental bodies for commerce, navigation and fishing in and to the waters of unnamed creek.
- 2) Any adverse claim based upon the assertion that the unnamed creek has changed its location.

5. The right of access to and from said land has not been determined, therefore such right is excluded from the policy.

6. Easements, if any, for existing roadway as disclosed by the Columbia County Department of Assessment and Taxation maps.

7. Easements, including the terms and provisions thereof, as recorded in deed dated: December 22, 1997
 recorded by: [unclear]
 book/page: 31215
 reserved by: John A. Miller et al
 affected: East 20 feet of the Northwest quarter of the Northwest quarter of Section 3.

8. Easements, including the terms and provisions thereof, as recorded in deed dated: December 22, 1997
 recorded by: [unclear]
 book/page: 31215
 reserved by: John A. Miller et al
 affected: East 15 feet of the Northwest quarter of the Northwest quarter of Section 3.

9. An easement created by [unclear], including the terms and provisions thereof, dated: September 14, 1998
 recorded by: [unclear]
 book/page: 31215

07-16762
COLUMBIA

The true consideration for this conveyance is EXCHANGE FOR OTHER REAL PROPERTY. & ***
However, if the actual consideration consists of or includes other ^{BOOK} ^{PAGE} property
or other value given or promised, such other property or value was part of
the/the whole of the (indicate which) consideration.

** the remaining portion to be paid to an accommodator as part of an IRC 1031 exchange.
If grantor is a corporation, this has been signed by authority of the Board of
Directors.

Dated this 24 day of Sept, 1998.

GRANTOR(S):

TRIVIN BROS. LAND & TIMBER CO., INC.
BY [Signature] PRESIDENT
SHAMI TRIVIN



STATE OF OREGON, County of Columbia) ss.

This instrument was acknowledged before me on 9/24, 1998,
by TRIVIN BROS. LAND & TIMBER CO., INC.

[Signature]
Notary Public for Oregon

My commission expires: 2/11/2002

Parcel 2: Government Lots 3 and 4, (sometimes also described as the North half of the Northwest quarter) of Section 22, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon. BOOK PAGE
EXCEPTING THEREFROM any portion lying within Solari & Atkins County Road No. 34 right of way.

Reference to State ownership in the
proceedings herein is made for the purpose
of identifying the land.

STATE OF OREGON

By _____
County Clerk, Columbia County, Oregon

KNOW ALL MEN BY THESE PRESENTS, That Mr. ARTHUR H. LEWIS & MILBURN A. LEWIS, husband and wife, Grantors,
 in consideration of Ten \$, 00/100 Dollars,
 to us paid by CHARLES B. HOLDEN & MARY V. HOLDEN, husband and wife

do hereby grant, bargain, sell and convey unto the said grantee, us, 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, East of Willamette Meridian, Columbia County, Oregon.

To Have and to hold the above described real granted premises unto the said grantee, us, their heirs and assigns forever.
 And us, the grantors do covenant that us, our heirs and assigns shall defend the above granted premises free from all encumbrances.

and that us, our heirs and assigns shall maintain and defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whatsoever.

Witness our hands and seal of the County of Columbia, State of Oregon, this 16 day of January, 1959.

Arthur H. Lewis (Grantor)
Milburn A. Lewis (Grantor)

STATE OF OREGON,
 County of Columbia }
 On this 16 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 Milburn A. Lewis who

know 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 official seal of my office and the day and year last above written.

Joe Hall
 Notary Public for Oregon
 My commission expires 12-18-60



WARRANTY DEED

Arthur H. Lewis, GRANTOR
 TO
Charles B. Holden, GRANTEE

OFFER BEARING DATE OF

Joe D. Hall
Notary Pub.

STATE OF OREGON,
 County of Columbia }

I certify that the within instrument was recorded in and for said County and State, on the 19th day of January, 1959, at 11:30 o'clock AM, and registered in book 138-795, page 197.
 Given at Columbia, Oregon, this 16 day of January, 1959.

Joe Hall
 Notary Public for Oregon
 My commission expires 12-18-60

GRANTOR AND GRANTEE SHALL SIGN AND DELIVER THIS INSTRUMENT TOGETHER TO OBTAIN THIS WARRANTY DEED.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That we, Louie Mosdahl and Elva H. Mosdahl, husband and wife, GRANTORS, in consideration of Ten Dollars and other good and valuable consideration to us paid by Ray A. Gates and Mary M. Gates, husband and wife, GRANTEES, do hereby grant, bargain, sell and convey unto said GRANTEES, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of Columbia and State of Oregon, bounded and described as follows, to-wit:

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, 1962, in Book 151, page 134, Deed Records of Columbia County, Oregon.

Parcel 2: North half of Southeast quarter of Northwest quarter of Section 15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon.

Parcel 3: Beginning at a point that is North 89°42' East 20.0 feet from the Southwest corner of the Northeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; said point being on the Easterly right of way line of a County Road; thence along the South line of said Northeast quarter of the Northwest quarter North 89°42' East a distance of 335.6 feet; thence North 0°07' East a distance of 259.6 feet; thence South 89°42' West a distance of 335.6 feet to the said Easterly right of way line of a County Road; thence South 0°07' West a distance of 259.6 feet to the point of beginning.-----

SUBJECT TO:

1. Rights of the public in roads and highways.
2. Reservation of minerals and roads as contained in Deed from Columbia County to Benjamin H. Sater et ux., recorded July 27, 1942, in Book 70, page 454, Deed Records of Columbia County, Oregon. (affects Parcel 1).
3. Easement for electric transmission line etc., as granted by F. E. Sater to Inland Power & Light Company by instrument recorded February 10, 1931 in Book 52, page 316, Deed Records of Columbia County, Oregon. (affects Parcel 1).
4. Easement for right of way over and across the West 20 feet of the North half of Southeast quarter of Northwest quarter as granted to Charles R. Holden and Mary F. Holden by Arthur H. Lewis and Mildred A. Lewis in Deed recorded February 19, 1959 in Book 138, page 795, Deed Records of Columbia County, Oregon.



- 5. Easement for water right, including the terms and provisions thereof given by Louie Mosdahl et ux., to William George Saunders et ux., as disclosed by instrument recorded October 11, 1961 in Book 146, page 844, Deed Records of Columbia County, Oregon. (affects Northwest quarter of Southeast quarter of Northwest quarter of Section 15).
- 6. Reservation in Deed from Columbia County to Maxine C. Massey, recorded December 9, 1957 in Book 134, page 508, Deed Records of Columbia County, Oregon, as follows: "and except existing county roads, forest roads or CCC roads, minerals or mineral rights, ore, metals, metallic clay, oil, gas and all hydrocarbon substances in, on or under said property if any, including the use of such water from springs, creeks, or wells to be drilled or dug upon the premises as may be necessary in such exploration or mining operations which are hereby reserved for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby reserved and retained." (affects Parcel 3).

To Have and to Hold, the above described and granted premises unto the said Ray A. Gates and Mary M. Gates, husband and wife, GRANTEES, their heirs and assigns, forever.

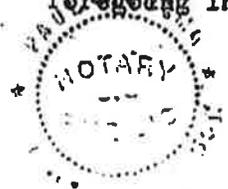
And we, Louie Mosdahl and Elva H. Mosdahl, husband and wife, the GRANTORS above named, do covenant to and with the above named GRANTEES, their heirs and assigns, that we are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances, except as noted hereinbefore, and that we will and our heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomssoever.

Witness our hands and seals this 7 day of July, 1967.

Louie Mosdahl (SEAL)
Elva H. Mosdahl (SEAL)

STATE OF OREGON)
County of Columbia) SS.

July 7, 1967. Personally appeared the within named Louie Mosdahl and Elva H. Mosdahl, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:



Paul J. Johns
Notary Public for Oregon
My Commission expires: 11/4/1967

**First American Title Company
of Columbia County**

STATUTORY WARRANTY DEED
(Individual or Corporate)

Charles David Wolske and Joyce M. Wolske, husband and wife

grantor, conveys and warrants to

Robert J. Ramey and Kathryn L. Ramey, husband and wife

granted, the following described real property, free and clear of encumbrances except as specifically set forth herein, situated in the county of Columbia, State of Oregon, to wit:

(see reverse)

Subject to and excepting: property assessed for farm use, rights of the public in and to that portion of the herein described property lying within the limits of roads and highways and easement recorded FEB. 19, 1959 in Book 138, page 745, Columbia County records.

THIS INSTRUMENT WILL 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.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$ 74,000.00

(See ORS 93.030)

Dated this 20th day of October, 1989.

Charles David Wolske
Charles David Wolske
Joyce M. Wolske
Joyce M. Wolske

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,
County of Columbia } ss.
Oct. 20, 1989.
Personally appeared the above named Charles David Wolske and Joyce M. Wolske

STATE OF OREGON, County of _____ } ss.
Personally appeared _____, 19____, who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of _____, a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me: _____
Notary Public for Oregon
My commission expires: _____

(OFFICIAL SEAL)

FIRST AMERICAN TITLE COMPANY ORDER NO. 15613



A Charles David Wolske, et ux

GRANTOR'S NAME AND ADDRESS

Robert J. Ramey, et ux

GRANTEE'S NAME AND ADDRESS

Robert J. Ramey
74853 Doan Road
Rainier, Oregon 97048

Until a change is requested all fee statements shall be sent to the following address.

Robert J. Ramey
75702 Price Road
Rainier, Oregon 97048

633/5N 3-88 NAME, ADDRESS, ZIP

STATE OF OREGON
I hereby certify that the within instrument was received for record and recorded in the County of Columbia, State of Oregon.
6180 89 OCT 23 MC 28
Instrument # 89-6180
Page 2
ELIZABETH HUNTER, County Clerk
By: _____ Deputy
Record # 92120

EXHIBIT "A"**PARCEL 1:**

North half of Southeast quarter of 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.



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

NARRATIVE:

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

20736

SURVEYOR'S CERTIFICATE PAGE 6/28/92

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

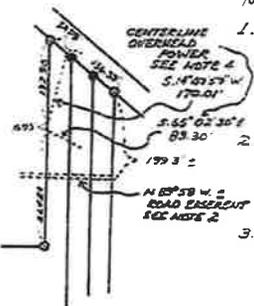
BEGINNING AT THE CENTER OF SECTION 15, TOWNSHIP 7 NORTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON; THENCE NORTH 0°15'00" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 15 A DISTANCE OF 1170.00 FEET; THENCE NORTH 89°16'51" EAST A DISTANCE OF 310.93 FEET; THENCE NORTH 0°19'14" EAST A DISTANCE OF 473.67 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE OLD COLUMBIA RIVER HIGHWAY; THENCE SOUTH 51°35'26" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 130.41 FEET TO THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 15; THENCE SOUTH 0°19'14" WEST A DISTANCE OF 1525.63 FEET TO THE SOUTHEAST CORNER OF SAID WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 15; THENCE SOUTH 89°16'51" WEST A DISTANCE OF 659.57 FEET TO THE POINT OF BEGINNING.

LEGEND:

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

NOTES:

1. SEE DEED BOOK 42, PAGE 106. A BLANKET EASEMENT OVER THE N.E. 1/4 OF SEC. 15 FOR RIGHT-OF-WAY FOR DITCHES CANALS AND RESERVOIR SITES FOR IRRIGATION PURPOSES
2. SEE DEED BOOK 43, PAGE 322. A 10' WIDE EASEMENT ALONG THE SOUTH LINE OF THE SW 1/4 OF THE NW 1/4 OF THE N.E. 1/4 OF SEC. 15 FOR ROAD PURPOSES
3. SEE DEED BOOK 73, PAGE 96. MINERAL RIGHTS RESERVED BY COLUMBIA COUNTY IN THE W. 1/2 OF THE S.W. 1/4 OF THE N.E. 1/4 OF SEC. 15.
4. SEE DEED BOOK 135, PAGE 490. ELECTRIC POWER LINES AND APPURTENANCES EASEMENT OVER THE S.W. 1/4 OF THE NW 1/4 OF THE N.E. 1/4 OF SEC. 15.
5. AN ADEQUATE SUPPLY OF WATER HAS NOT BEEN PROVEN AND SEPTIC APPROVAL HAS NOT BEEN GRANTED FOR PARCELS 1, 2 AND 3.



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

5. AN ADEQUATE SUPPLY OF WATER HAS NOT BEEN PROVEN AND SEPTIC APPROVAL HAS NOT BEEN GRANTED FOR PARCELS 1, 2 AND 3.

BRADY LAND SURVEYING
 257 SOUTH 1ST STREET
 ST. HELENS OR. 97051

REGISTERED PROFESSIONAL LAND SURVEYOR

Jerry Cornwall-Brady

DELICOR HISTORICAL 1879 JERRY CORNWALL-BRADY 1860

APPROVALS:

APPROVED THIS 15th DAY OF September, 1992

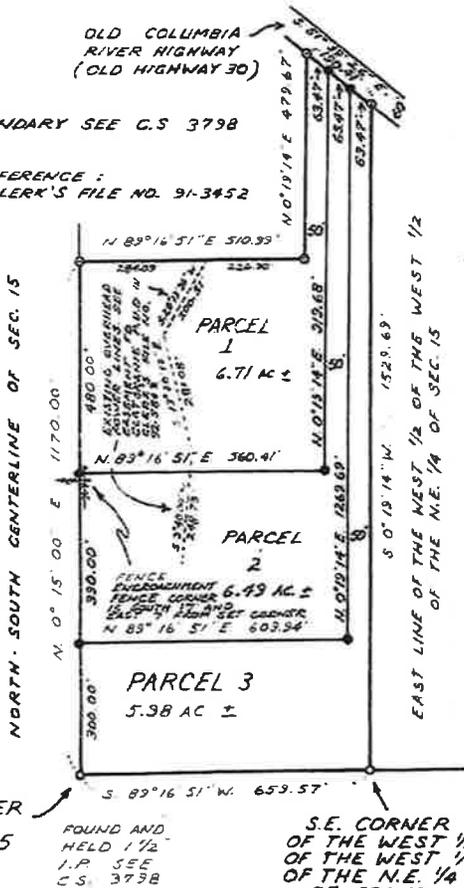
COLUMBIA COUNTY PLANNING

APPROVED THIS 20th DAY OF October, 1992

COLUMBIA COUNTY SURVEYOR

FOR BOUNDARY SEE C.S. 3798

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



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

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

NORTH

SCALE
 1" = 200'

DECLARATION:

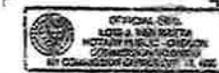
KNOW ALL PEOPLE BY THESE PRESENTS THAT I, JUNE M. ROANE, AM THE SOLE OWNER OF THE LAND REPRESENTED ON THE ANNEXED MAP AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND HAVE CAUSED THE SAME TO BE PARTITIONED AND SURVEYED INTO PARCELS AS SHOWN ON THE ANNEXED MAP. THERE ARE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

June M. Roane

ACKNOWLEDGEMENT:

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

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



Notary

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

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD ON THE 20th DAY OF October, 1992, AT 3:13 O' CLOCK P.M.

FEE NO. 92-7560
 AND RECORDED AS PARTITION PLAT NO. 1992-31

COLUMBIA COUNTY RECORDS,
 COLUMBIA COUNTY CLERK,
 BY P. Bannam, deputy



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That we, Louie Mosdahl and Elva H. Mosdahl, husband and wife, GRANTORS, in consideration of Ten Dollars and other good and valuable consideration to us paid by Ray A. Gates and Mary M. Gates, husband and wife, GRANTEES, do hereby grant, bargain, sell and convey unto said GRANTEES, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of Columbia and State of Oregon, bounded and described as follows, to-wit:

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, 1962, in Book 151, page 134, Deed Records of Columbia County, Oregon.

Parcel 2: North half of Southeast quarter of Northwest quarter of Section 15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon.

Parcel 3: Beginning at a point that is North 89°42' East 20.0 feet from the Southwest corner of the Northeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; said point being on the Easterly right of way line of a County Road; thence along the South line of said Northeast quarter of the Northwest quarter North 89°42' East a distance of 335.6 feet; thence North 0°07' East a distance of 259.6 feet; thence South 89°42' West a distance of 335.6 feet to the said Easterly right of way line of a County Road; thence South 0°07' West a distance of 259.6 feet to the point of beginning.-----

SUBJECT TO:

1. Rights of the public in roads and highways.
2. Reservation of minerals and roads as contained in Deed from Columbia County to Benjamin H. Sater et ux., recorded July 27, 1942, in Book 70, page 454, Deed Records of Columbia County, Oregon. (affects Parcel 1).
3. Easement for electric transmission line etc., as granted by F. E. Sater to Inland Power & Light Company by instrument recorded February 10, 1931 in Book 52, page 316, Deed Records of Columbia County, Oregon. (affects Parcel 1).
4. Easement for right of way over and across the West 20 feet of the North half of Southeast quarter of Northwest quarter as granted to Charles R. Holden and Mary F. Holden by Arthur H. Lewis and Mildred A. Lewis in Deed recorded February 19, 1959 in Book 138, page 795, Deed Records of Columbia County, Oregon.



- 5. Easement for water right, including the terms and provisions thereof given by Louie Mosdahl et ux., to William George Saunders et ux., as disclosed by instrument recorded October 11, 1961 in Book 116, page 844, Deed Records of Columbia County, Oregon. (affects Northwest quarter of Southeast quarter of Northwest quarter of Section 15).
- 6. Reservation in Deed from Columbia County to Maxine C. Massey, recorded December 9, 1957 in Book 134, page 508, Deed Records of Columbia County, Oregon, as follows: "and except existing county roads, forest roads or CCC roads, minerals or mineral rights, ore, metals, metallic clay, oil, gas and all hydro-carbon substances in, on or under said property if any, including the use of such water from springs, creeks, or wells to be drilled or dug upon the premises as may be necessary in such exploration or mining operations which are hereby reserved for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby reserved and retained." (affects Parcel 3).

To Have and to Hold, the above described and granted premises unto the said Ray A. Gates and Mary M. Gates, husband and wife, GRANTEES, their heirs and assigns, forever.

And we, Louie Mosdahl and Elva H. Mosdahl, husband and wife, the GRANTORS above named, do covenant to and with the above named GRANTEES, their heirs and assigns, that we are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances, except as noted hereinbefore, and that we will and our heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hands and seals this 7 day of July, 1967.

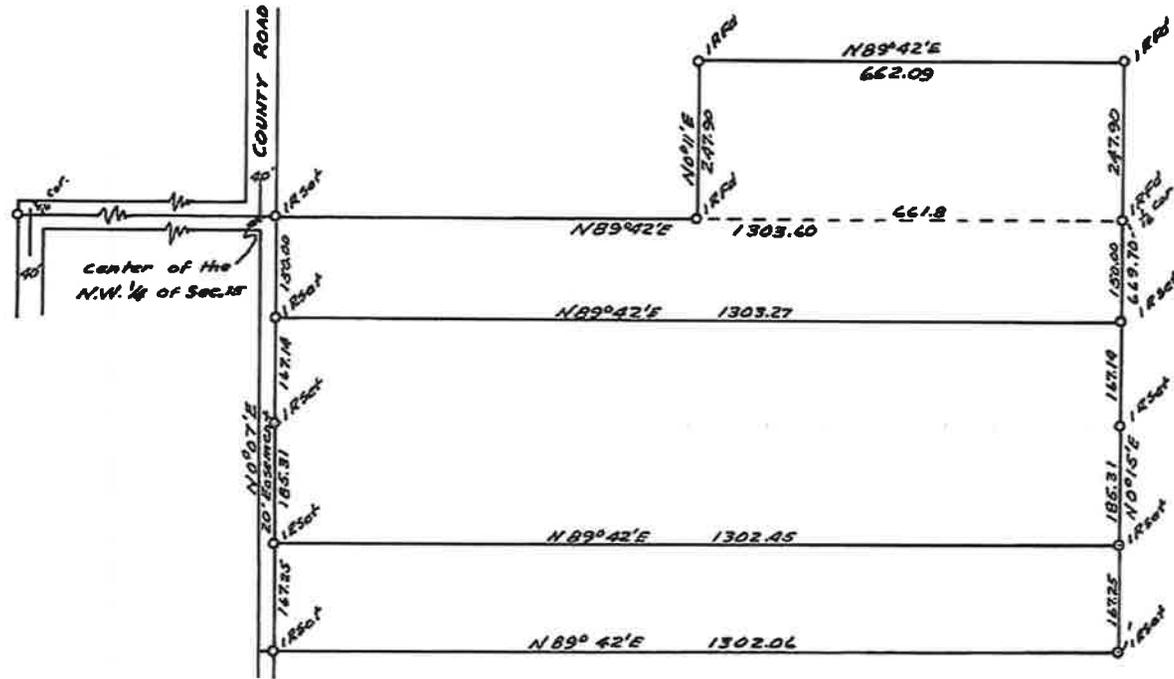
Louie Mosdahl (SEAL)
Elva H. Mosdahl (SEAL)

STATE OF OREGON }
County of Columbia } SS.
July 7, 1967. Personally appeared the within named Louie Mosdahl and Elva H. Mosdahl, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:



Paul J. John
Notary Public for Oregon
My Commission expires: 11/9/1967

L-412



REGISTERED
PROFESSIONAL
LAND SURVEYOR
Philip Dewey
OREGON
JULY 12, 1968
PHILIP DEWEY
847

SURVEY FOR
RAY GATES
SECTION 15, T.7N, R.3W, W.M.
COLUMBIA COUNTY, OREGON
SEPT. 14, 1972

RECORDING REQUESTED BY:



2534 Sykas Road, Ste C
St Helena, OR 97051

GRANTOR'S NAME:
Donald D. Lange and Sherrie E. Lange

GRANTEE'S NAME:
Michelle M. Chamblee and James M. Chamblee

AFTER RECORDING RETURN TO:
Order No.: 473817001567-RB
Michelle M. Chamblee and James M. Chamblee
75740 Price Road
Rainier, OR 97048

SEND TAX STATEMENTS TO:
Michelle M. Chamblee and James M. Chamblee
75740 Price Road
Rainier, OR 97048

APN: 20788
Map: 7315-B0-01700
75740 Price Road, Rainier, OR 97048

TICOR 473817001567

COLUMBIA COUNTY, OREGON		2017-09424
DEED-D		
Cnt=1 Pgs=3 HUSERB	10/10/2017 03:28:00 PM	
\$15.00 \$11.00 \$10.00 \$20.00 \$5.00	\$61.00	
<small>I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.</small>		
Elizabeth E. Huser - County Clerk		

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Donald D. Lange and Sherrie E. Lange, Grantor, conveys and warrants to Michelle M. Chamblee and James M. Chamblee, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Columbia, State of Oregon:

Beginning at the Southwest corner of the Northeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon; thence along the South line of said Northeast quarter of the Northwest quarter, North 89°42' East a distance of 661.8 feet to the Southwest corner of the Southeast quarter of the Northwest quarter of said Section 15; thence North 0°11' East along the West line of said Southeast quarter of the Northeast quarter of the Northwest quarter of said Section 15, a distance of 247.9 feet to the Southwest corner of the William George Saunders et ux tract as described in deed recorded February 27, 1963 in Book 151, page 134, Deed Records of Columbia County, Oregon; thence North 89°42' East along the South line of said Saunders tract, a distance of 137.09 feet to a point; thence South 0°11' West a distance of 377.9 feet, more or less, to a point which is North 0°11' East 20 feet from the South line of the Harold B. McCorkle tract as described in parcel 2 in deed recorded September 6, 1972 in Book 188, page 256, Deed Records of Columbia County, Oregon; thence South 89°42' West, parallel to and 20 feet distant from the South line of said McCorkle tract 798.27 feet to the West line of the Southeast quarter of the Northwest quarter of said Section 15; thence North 0°07' East along the West line of said Southeast quarter of the Northwest quarter a distance of 130.0 feet to the point of beginning. EXCEPTING THEREFROM that portion lying within the County Road.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED FORTY-SIX THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$146,250.00). (See ORS 93.030).

Subject to:

Rights of the public to any portion of the Land lying within the area commonly known as Price Road.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Inland Power & Light Company
Purpose: transmission line
Recording Date: February 19, 1931
Recording No: Book 62, Page 316
Affects: Exact location not disclosed

Reservation, exception or other severance of minerals, together with the implied or express appurtenant rights to use the surface of the land for the development or extraction of such minerals, contained in or disclosed by instrument,

In favor of: Columbia County, Oregon
Reservation of: minerals etc.
Recording Date: July 27, 1942
Recording No.: Book 70, Page 464

The Company makes no representation as to the present ownership of this interest or its encumbrances.

STATUTORY WARRANTY DEED

(continued)

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Charles R. Holden et ux
 Purpose: 20 foot right of way
 Recording Date: February 19, 1959
 Recording No: Book 138, Page 795
 Affects: Westerly 20 feet

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Ray A. Gates and Mary M. Gates, husband and wife
 Purpose: road purposes
 Recording Date: August 31, 1972
 Recording No: Book 188, Page 256
 Affects: West 20 feet

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: David H. Lange and Twila M. Lange, husband and wife
 Purpose: construction, maintenance and repair of road
 Recording Date: April 19, 1978
 Recording No: Book 217, Page 266

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Clatskanie Peoples' Utility District
 Purpose: electric transmission line
 Recording Date: April 11, 1983
 Recording No: Book 246, Page 683

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Donald D. Lange
 Purpose: ingress and egress
 Recording Date: January 5, 2007
 Recording No: 2007-000174

Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document:

Reserved by: Randy and Darlene Medford, husband and wife
 Purpose: ingress and egress for access
 Recording Date: July 16, 2010
 Recording No: 2010-005834

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Clatskanie Peoples' Utility District
 Purpose: right of way for electric power
 Recording Date: April 25, 2012
 Recording No: 2012-002905
 Affects: Portion of Northerly line

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.338 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.338 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

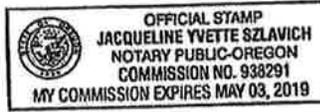
STATUTORY WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 10/05/17

Donald D. Lange
Donald D. Lange

Sherrie E. Lange
Sherrie E. Lange



State of OREGON
County of COLUMBIA

This instrument was acknowledged before me on 10/05/17 by Donald D. Lange and Sherrie E. Lange.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 05 03 19

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That we, Louie Mosdahl and Elva H. Mosdahl, husband and wife, GRANTORS, in consideration of Ten Dollars and other good and valuable consideration to us paid by Ray A. Gates and Mary M. Gates, husband and wife, GRANTEES, do hereby grant, bargain, sell and convey unto said GRANTEES, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of Columbia and State of Oregon, bounded and described as follows, to-wit:

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, 1962, in Book 151, page 134, Deed Records of Columbia County, Oregon.

Parcel 2: North half of Southeast quarter of Northwest quarter of Section 15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon.

Parcel 3: Beginning at a point that is North 89°42' East 20.0 feet from the Southwest corner of the Northeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; said point being on the Easterly right of way line of a County Road; thence along the South line of said Northeast quarter of the Northwest quarter North 89°42' East a distance of 335.6 feet; thence North 0°07' East a distance of 259.6 feet; thence South 89°42' West a distance of 335.6 feet to the said Easterly right of way line of a County Road; thence South 0°07' West a distance of 259.6 feet to the point of beginning.-----

SUBJECT TO:

1. Rights of the public in roads and highways.
2. Reservation of minerals and roads as contained in Deed from Columbia County to Benjamin H. Sater et ux., recorded July 21, 1942, in Book 70, page 464, Deed Records of Columbia County, Oregon. (affects Parcel 1).
3. Easement for electric transmission line etc., as granted by F. E. Sater to Inland Power & Light Company by instrument recorded February 10, 1931 in Book 52, page 316, Deed Records of Columbia County, Oregon. (affects Parcel 1).
4. Easement for right of way over and across the West 20 feet of the North half of Southeast quarter of Northwest quarter as granted to Charles R. Holden and Mary F. Holden by Arthur H. Lewis and Mildred A. Lewis in Deed recorded February 19, 1959 in Book 138, page 795, Deed Records of Columbia County, Oregon.



5. Easement for water right, including the terms and provisions thereof given by Louie Mosdahl et ux., to William George Saunders et ux., as disclosed by instrument recorded October 11, 1961 in Book 116, page 844, Deed Records of Columbia County, Oregon. (affects Northwest quarter of Southeast quarter of Northwest quarter of Section 15).
6. Reservation in Deed from Columbia County to Maxine C. Massey, recorded December 9, 1957 in Book 134, page 508, Deed Records of Columbia County, Oregon, as follows: "and except existing county roads, forest roads or CCC roads, minerals or mineral rights, ore, metals, metallic clay, oil, gas and all hydro-carbon substances in, on or under said property if any, including the use of such water from springs, creeks, or wells to be drilled or dug upon the premises as may be necessary in such exploration or mining operations which are hereby reserved for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby reserved and retained." (affects Parcel 3).

To Have and to Hold, the above described and granted premises unto the said Ray A. Gates and Mary M. Gates, husband and wife, GRANTEES, their heirs and assigns, forever.

And we, Louie Mosdahl and Elva H. Mosdahl, husband and wife, the GRANTORS above named, do covenant to and with the above named GRANTEES, their heirs and assigns, that we are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances, except as noted hereinbefore, and that we will and our heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hands and seals this 7 day of July, 1967.

Louie Mosdahl (SEAL)

Elva H. Mosdahl (SEAL)

STATE OF OREGON }
County of Columbia } SS.

July 7, 1967. Personally appeared the within named Louie Mosdahl and Elva H. Mosdahl, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:



Paul J. Jones
Notary Public for Oregon

My Commission expires: 11/4/1967

RECORDING REQUESTED BY:



2534 Sykes Road, Ste C
St Helens, OR 97051

GRANTOR'S NAME:
Thor F. Ware

GRANTEE'S NAME:
Victoria Lee Davis

AFTER RECORDING RETURN TO:
Order No.: 380422004900-JS
Victoria Lee Davis
75788 Price Road
Rainier, OR 97048

SEND TAX STATEMENTS TO:
Victoria Lee Davis
75788 Price Road
Rainier, OR 97048

APN: 20782
Map: 7N3W15-B0-01300
75788 Price Road, Rainier, OR 97048

COLUMBIA COUNTY, OREGON **2022-08319**
DEED-D 10/14/2022 02:18:00 PM
Cnt=1 Pgs=4 MILLERS \$20.00 \$11.00 \$10.00 \$80.00 \$5.00 **\$106.00**

I, Debbie Klug, County Clerk for Columbia County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Debbie Klug - County Clerk

2022-08319-00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Thor F. Ware, Grantor, conveys and warrants to Victoria Lee Davis, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Columbia, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THREE HUNDRED THIRTY-FOUR THOUSAND AND NO/100 DOLLARS (\$334,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATUTORY WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: October 14th, 2022

[Signature]
Thor F. Ware

State of Alaska
County of 3rd Judicial District

This instrument was acknowledged before me on October 14th, 2022 by Thor F. Ware.

[Signature]
Notary Public - State of ~~Oregon~~ Alaska

My Commission Expires: 6/1/2025

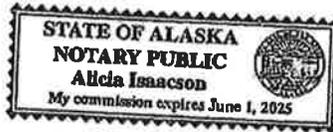


EXHIBIT "A"
Legal Description**PARCEL 1:**

Beginning at a point that is North 89°42' East 20.0 feet from the Southwest corner of the Northeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; said point being on the Easterly right-of-way line of a County Road; thence along the South line of said Northeast quarter of the Northwest quarter North 89°42' East a distance of 335.6 feet; thence North 0°07' East a distance of 259.6 feet; thence South 89°42' West a distance of 335.6 feet to the said Easterly right-of-way line of a County Road; thence South 0°07' West a distance of 259.6 feet to the point of beginning.

EXCEPTING THEREFROM that portion beginning at a point which is North 89°42'00" East 20.00 feet from the Southwest corner of the Northeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, said point being on the Easterly right-of-way line of a County Road, said point also being the Southwest corner of the Ralph Moore, et ux tract as described in Deed Book 188 at page 254, records of Columbia County, Oregon; thence North 89°42'00" East along the South line of said Moore tract 335.60 feet to the Southeast corner thereof; thence North 0°01'35" West along the East line of said Moore tract, 259.60 feet to the Northeast corner of said Moore tract and the TRUE POINT OF BEGINNING of the parcel herein described; thence South 89°42'00" West along the North line of said Moore tract a distance of 335.60 feet to the Northwest corner thereof, said point being on the Easterly right-of-way line of a County Road; thence South 87°30'26" East a distance of 335.92 feet to a point on the East line of said Moore tract; thence North 0°01'35" West along the East line of said Moore tract a distance of 18.37 feet to the true point of beginning.

PARCEL 2:

Beginning at a point which is North 89°42'00" East 20.00 feet from the Southwest corner of the Northeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, said point being on the Easterly right-of-way line of a county road, said point also being the Southwest corner of the Ralph Moore, et ux, tract as described in Deed Book 188, page 254, records of Columbia County, Oregon; thence North 89°42'00" East along the South line of said Moore tract 335.60 feet to the Southeast corner of said Moore tract and the TRUE POINT OF BEGINNING of the parcel herein described; thence North 0°01'35" West, along the East line of said Moore tract, a distance of 243.23 feet; thence South 87°30'26" East a distance of 20.25 feet; thence South 0°01'35" East a distance of 242.25 feet to the South line of said Northeast quarter of the Northwest quarter; thence South 89°42'00" West, along said South line of said Northeast quarter of the Northwest quarter a distance of 20.23 feet to the true point of beginning.

EXHIBIT "B"
Exceptions

Subject to:

Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2022-2023.

Reservation, exception or other severance of minerals, together with the implied or express appurtenant rights to use the surface of the land for the development or extraction of such minerals, contained in or disclosed by instrument.

Reserved by: Columbia County, Oregon
 Reservation of: Mineral Reservation
 Recording Date: December 8, 1957
 Recording No.: Book 134, page 568

The Company makes no representation as to the present ownership of this interest or its encumbrances.

Domestic Water Supply Agreement, including the terms and provisions thereof,

Recording Date: April 10, 1978
 Recording No.: Book 217, page 126

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Pacific Northwest Bell Telephone Company
 Purpose: Right-of-way
 Recording Date: November 15, 1979
 Recording No.: Book 227, page 773
 Affects: Reference is hereby made to said document for full particulars.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Clatskanie People's Utility District
 Purpose: Right-of-way
 Recording Date: December 8, 2001
 Recording No: 01-13564
 Affects: Reference is hereby made to said document for full particulars.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Clatskanie People's Utility District
 Purpose: Right-of-way
 Recording Date: May 7, 2012
 Recording No: 2012-003210
 Affects: Reference is hereby made to said document for full particulars.

AGREEMENT AND AMENDMENT

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

M I N E R A L S :

That pursuant to an agreement dated the 10th day of April 1963, the vendor agreed to sell and purchasers agreed to buy certain real property described in said agreement recorded in Columbia County, State of Oregon, deed records, on May 11, 1963, in Book 138 at Page 416, and that the said description contained therein did not provide for all of the real property that was encompassed by the said agreement of the parties thereto, and that the said description should include additional real property as follows:

Southwest quarter of Northeast quarter of Northwest quarter of Section 15, Township 7 North of Range 3 West Willamette Meridian Columbia County, Oregon,
excepting the public roads and highways, together with and inclusive of all vendor's right, title and interest in and to the water and water rights appertaining to or appurtenant to said above described premises and excepting that portion of the above described premises located in the Southwest corner of the said described property consisting of approximately two acres conveyed by William George Saunders and Emily M. Saunders to Louis Moudahl and Eiva Moudahl, husband and wife, which deed is recorded in Deed Records of Columbia County, State of Oregon.



STATUTORY BARGAIN AND SALE DEED

RALPH MOORE

_____ , Grantor,
conveys to LUCYD ROLF SAW AND SANDRA J. COURSAW, HUSBAND AND WIFE
_____ , Grantee,
the following described real property:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.

THIS INSTRUMENT WILL 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.

The true consideration for this conveyance is \$ THIS DEED IS GIVEN IN FULL PAYMENT OF THAT CERTAIN REAL ESTATE CONTRACT OF SALE WHICH A MEMORANDUM WAS RECORDED ON JUNE 23, 1991, INSTRUMENT 92-44C OF COLUMBIA COUNTY RECORDS.

DATE: 7 day of JUN, 1994
Ralph Moore
RALPH MOORE

STATE OF OREGON, County of COLUMBIA IS STATE OF OREGON, County of _____ IS.

The foregoing instrument was acknowledged before me this 7 day of JUNE, 1994 by R. LUCYD ROLF SAW and S. SANDRA J. COURSAW of _____ a corporation, on behalf of the corporation.

[Signature]
Notary Public for Oregon
My commission expires: 11-10-96
SEAL

THIS SPACE RESERVED FOR RECORDER'S USE

Title Order # 01-94000422
Escrow No 94000422

LUCYD ROLF SAW AND SANDRA J. COURSAW
75834 RICE ROAD
RAVINE, OR 97048
NAME, ADDRESS, ZIP
LUCYD ROLF SAW AND SANDRA J. COURSAW
75834 RICE ROAD
RAVINE, OR 97048
NAME, ADDRESS, ZIP

I hereby certify that the within instrument was received for record and recorded in the County of Columbia, State of Oregon
65553 794 81-8 P 116

CHARLOTTE HENDERSON, County Clerk
Deputy
Receipt # 601225
[Signature]

EXHIBIT "A"

LEGAL DESCRIPTION

Order No.: 94000422

PARCEL 1: Beginning at a point on the East line of the Northeast quarter of the Northwest quarter that is North 0 Degree 15' East 247.9 feet from the Southeast corner of the Northeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; thence South 88 degrees 42' West a distance of 662.8 feet to the East line of the Southwest quarter of the Northeast quarter of the Northwest quarter of said Section 15; thence North 6 degree 11' East a distance of 137.7 feet to the center of Beaver Creek; thence along the center of said Beaver Creek South 76 degrees 33' East a distance of 144.5 feet; thence South 89 degrees 30' East a distance of 223.0 feet; thence South 71 degrees 46' East a distance of 315.7 feet to the East line of the said Northeast quarter of the Northwest quarter; thence South 0 degree 15' West a distance of 44.8 feet to the point of beginning.

PARCEL 2: Southwest quarter of the Northeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon.

EXCEPTING that portion R.V. Price Road No. P-152; ALSO EXCEPTING that portion in Bargain and Sale Deed recorded February 27, 1963 in Book 151, Page 133, Deed Records of Columbia County, Oregon.

FURTHER EXCEPTING that portion in Quitclaim Deed recorded November 27, 1979 in Book 127, Page 978, Deed Records of Columbia County, Oregon.

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

NARRATIVE:
 THE PURPOSE OF THIS SURVEY IS TO PARTITION A TRACT OF LAND AS DESCRIBED IN COUNTY CLERK'S FILE NO. 31-3452, THE BOUNDARY AND THE BASIS OF EVIDENCE FOR THIS PLAT IS MY RECENT C.S. 3798 - 2 OUTPOLE PER SAID SURVEY WAS USED TO SET PARTITION CORNERS AS SHOWN HEREON.

SURVEYOR'S CERTIFICATE: H 264
 I, JERRY CORNWALL BRADY, A LAND SURVEYOR REGISTERED IN THE STATE OF OREGON, DO HEREBY CERTIFY AND SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED PARTITION MAP, THE BOUNDARIES BEING DESCRIBED AS FOLLOWS:

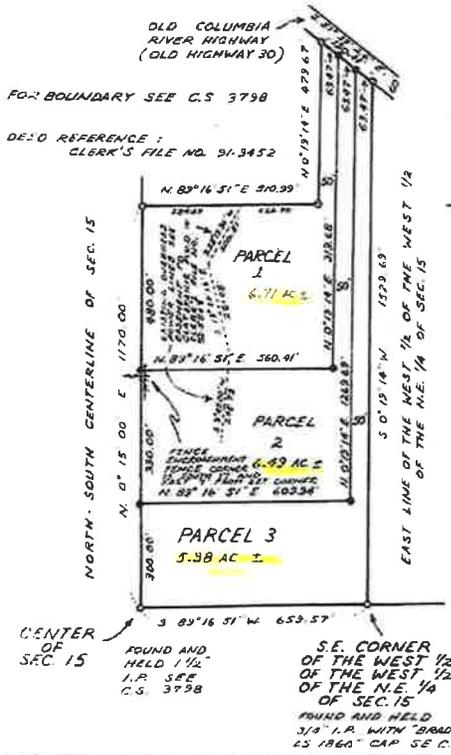
- LEGEND:**
- DENOTES SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "BRADY LS 1860"
 - DENOTES FOUND 5/8" IRON ROD WITH CAP MARKED "BRADY LS 1860". SEE C.S. 3798.
 - DENOTES FOUND MONUMENT AS NOTED SEE C.S. 3798.

- NOTES:**
1. SEE DEED BOOK 42, PAGE 184 - A BLANKET EASEMENT OVER THE N.E. 1/4 OF SEC. 15 FOR RIGHT-OF-WAY FOR DITCHES, CANALS AND RESERVOIR SITES FOR IRRIGATION PURPOSES
 2. SEE DEED BOOK 43, PAGE 322 - A 10' WIDE EASEMENT ALONG THE SOUTH LINE OF THE S.W. 1/4 OF THE N.W. 1/4 OF THE N.E. 1/4 OF SEC. 15 FOR ROAD PURPOSES
 3. SEE DEED BOOK 73, PAGE 36 - MINERAL RIGHTS RESERVED BY COLUMBIA COUNTY IN THE W. 1/2 OF THE S.W. 1/4 OF THE N.E. 1/4 OF SEC. 15.
 4. SEE DEED BOOK 125, PAGE 490 - ELECTRIC POWER LINES AND APPURTENANCES EASEMENT OVER THE S.W. 1/4 OF THE N.W. 1/4 OF THE N.E. 1/4 OF SEC. 15.
 5. AN ADEQUATE SUPPLY OF WATER HAS NOT BEEN PROVEN AND SEWAGE APPROVAL HAS NOT BEEN GRANTED FOR PARCELS 1, 2 AND 3.

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

ACKNOWLEDGEMENT:
 STATE OF OREGON } S.S.
 COUNTY OF COLUMBIA }
 I, JUNE M. ROANE, DO HEREBY CERTIFY AND SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED PARTITION MAP, THE BOUNDARIES BEING DESCRIBED AS FOLLOWS:

STATE OF OREGON } S.S.
COUNTY OF COLUMBIA } S.S.
 I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD ON THE 20th DAY OF October, 1992, AT 3:10 O'CLOCK P. M. FOR NO. 92-7360 AND RECORDED AS PARTITION PLAT NO. 1992-31
 COLUMBIA COUNTY RECORDS,
 COLUMBIA COUNTY CLERK,
 BY P. Barham deputy



GRANTOR:
Robert E. Parks and Debra Parks
25620 Old Columbia River Hwy
Rainier, OR 97048

GRANTEE:
Larry C. Gaffaney and Gayle M. Gaffaney
Husband and Wife
14725 SW Catalina Drive
Tigard, OR 97223

SEND TAX STATEMENTS TO:
Larry C. Gaffaney and Gayle M. Gaffaney
25620 Old Columbia River Hwy
Rainier, OR 97048

AFTER RECORDING RETURN TO:
Larry C. Gaffaney and Gayle M. Gaffaney
25620 Old Columbia River Hwy
Rainier, OR 97048

Escrow No: 73814010406-TTCOL38

7315-A0-00300
20734
25620 Old Columbia River Hwy
Rainier, OR 97048

COLUMBIA COUNTY, OREGON 2014-005593
DEED-D
Cnt=1 Pgs=4 HUSERB 08/21/2014 03:43:21 PM
\$20.00 \$11.00 \$20.00 \$5.00 \$10.00 =\$66.00



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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

73814010406

TICOR TITLE

STATUTORY WARRANTY DEED

Robert E. Parks and Debra Parks, Grantor, conveys and warrants to

Larry C. Gaffaney and Gayle M. Gaffaney Husband and Wife, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Columbia, State of Oregon:

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

PARCEL 2:
Beginning at the Southwest corner of the Northwest quarter of the Northeast quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; thence East along the South line of the Southwest quarter of Northwest quarter of Northeast quarter of said Section 15 to the Southeast corner of said Southwest quarter of Northwest quarter of Northeast quarter; thence North along the East line thereof to the center line of Beaver Creek; thence Westerly along the creek to the Southerly line of the Columbia River Highway; thence Northerly along the said South line to the North line of the Southwest quarter of Northwest quarter of Northeast quarter of said Section; thence West along said North line to the West line of the Southwest quarter of Northwest quarter of Northeast quarter; thence South along said West line to the point of beginning. EXCEPTING therefrom any portion of the herein described property lying within the Columbia River Highway.

ALSO EXCEPTING THEREFROM Parcel 1 and 2 that portion now within the boundaries of the Columbia County Partition Plat No. 1992-31, recorded October 22, 1992, in Instrument No. 92-7560, Columbia County.

TOGETHER WITH the right to use existing driveway for a non-exclusive easement as conveyed to Mitch Travis and Susan Travis on January 14, 2002, in Fee Number 02-00500, Columbia County, Deed Records, and re-recorded August 13, 2004 in Fee Number 2004-010590, Records of Columbia County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$239,000.00. (See ORS 93.030)

73814010406-TTCOL38
Deed (Warranty-Statutory)

Subject to and excepting:

See Attached Exhibit "A"

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: 8/20/14

[Signature]
Robert E. Parks
[Signature]
Debra Parks

State of OREGON

COUNTY of Columbia

This instrument was acknowledged before me on 8/20, 2014

by Robert E. Parks & Debra Parks

[Signature]
Rene M. Leland Notary Public - State of Oregon
My commission expires: 8/9/17



Exhibit "A"

Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2014/2015.

Rights of the public to any portion of the Land lying within the area commonly known as Old Columbia River Highway.

The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the Land herein described, lying below the high water line of the Beaver Creek. The right, title and interest of the State of Oregon in and to any portion lying below the high water line of Beaver Creek.

Any adverse claim based upon the assertion that:

- a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Beaver Creek in the event the boundary of said Beaver Creek has been artificially raised or is now or at any time has been below the high watermark, if said Beaver Creek is in its natural state.
- b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.
- c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Beaver Creek, or has been formed by accretion to any such portion.

Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of Beaver Creek.

Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;

Reserved by: State of Oregon
Purpose: ditches, canals and reservoirs for irrigation purposes
Recording Date: September 17, 1926
Recording No: Book 42, page 186
Affects: Exact location not disclosed

Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;

Reserved by: John A. Bailey et ux
Purpose: roadway
Recording Date: November 13, 1929
Recording No: Book 49, page 322
Affects: Exact location not disclosed

Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;

Reserved by: Columbia County, Oregon
Purpose: ingress and egress above and below the surface of the land as implied by reservation of mineral deed
Recording Date: September 20, 1943
Recording No: Book 73, page 96
Affects: Exact location not disclosed

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Clatskanie People's Utility District
Purpose: right of way
Recording Date: March 17, 1958

Recording No: Book 136, page 490
Affects: see partition plat for location

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: State Highway Commission
Purpose: Channel Change
Recording Date: September 17, 1965
Recording No: Book 159, Page 805

Limited access to and from the Land as set forth in Deed shown below, which provides that there shall be no right of easement or right of access to, from or across the State Highway other than as expressly provided for in said Deed:

Grantor:
Grantee: State of Oregon, by and through its State Highway Commission
Recording Date: September 27, 1965
Recording No.: Book 159, Page 677

~~Maintenance Agreement, including the terms and provisions thereof,
Between: June M. Struzan, Larry S. Struzan, Mitchell D. Travis and Susan
N. Travis
For: Well equipment and pipe
Recording Date: January 14, 2002
Recording No.: 02-00499~~

**Easement and maintenance agreement, including the terms and provisions thereof,
Between: June M. Struzan, Larry S. Struzan, Mitchell D. Travis and Susan
N. Travis
For: road purposes
Recording Date: January 14, 2002
Recording No.: 02-00500
Re-Recording Date: August 13, 2004
Re-Recording No.: 2004-010590**

Any question as to the exact location and dimensions of the easement described in the legal description in Exhibit "A". We are unable to determine the exact location of the easement without an accurate survey.

FORM No. 612—WARRANTY DEED.

165

149 206

KNOW ALL MEN BY THESE PRESENTS, That We, EMIL J. OELKE & FLORENCE M. OELKE, husband and wife,

in consideration of Ten and 00/100 Dollars,

to us paid by DONALD R. CLARK & CLARA F. CLARK, husband and wife,

do hereby grant, bargain, sell and convey unto the said grantees, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Columbia and State of Oregon, bounded and described as follows, to-wit:

Beginning at the Southeast corner of the Northwest quarter of the Northeast quarter of Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; thence North 441 feet, more or less, to the Columbia Highway; thence North 68°30' West along the South boundary of said highway 460 feet; thence South 630 feet, more or less, to the South boundary of the Northwest quarter of Northeast quarter of Northwest quarter of Section 15, Township 7 North, Range 3 West, Willamette Meridian; thence East 440 feet, more or less, to the place of beginning.



To Have and to Hold the above described and granted premises unto the said grantees, their heirs and assigns forever.

And we the grantors do covenant that we lawfully seized in fee simple of the above granted premises free from all encumbrances,

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

Witness our hand and seal this 13 day of June, 1962.

Emil J. Oelke (SEAL)
Florence M. Oelke (SEAL)

STATE OF OREGON,

County of Columbia On this 13 day of June, 1962, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Emil J. Oelke & Florence M. Oelke,

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 affixed my official seal the day and year last above written.

Essie Judd, Notary Public for Oregon. My commission expires Oct 31st 62



WARRANTY DEED

TO

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

AFTER RECORDING RETURN TO

State Bank of Rainier, Rainier, Ore.

STATE OF OREGON Columbia County

I certify that the within instrument of writing was received for record on the 13th day of June, 1962 at 3:00 PM and recorded in Book 149 Page 206 Records of Deeds of said County.

Witness my hand and seal of County affixed

H. F. Jensen County Clerk

152 3740 633

1816

COLUMBIA COUNTY, OREGON 2019-001555
DEED-D
Cnt=1 Pgs=3 HUSERS 03/05/2019 03:38:07 PM
\$15.00 \$11.00 \$60.00 \$5.00 \$10.00 = \$101.00



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:
Brian H. Wolfe, P.C.
900 Washington Street, Suite 1010
Vancouver, WA 98660

QUIT CLAIM DEED

Chris D. Blair, Grantor, conveys and quit claims to Rainier Properties, an Oregon Limited Liability Company, the Grantee, the following described real property situated in the County of Columbia, State of Oregon:

The North half of Lot 7, and the South 4 feet of Lot 6, Block 33, MOECK'S ADDITION to the City of Rainier, Columbia County, Oregon.

Tax Account No. 17985

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$0. Transfer to Limited Liability Company.

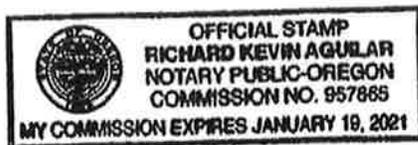
Chris D. Blair

STATE OF OREGON)
County of Multnomah) : ss.

I certify that I know or have satisfactory evidence that Chris D. Blair is the person who appeared before me, and said person acknowledged that he/she/they signed this instrument and acknowledged it to be his/her/their free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 10/10/2017

Notary Public
My Appointment Expires: 1/19/2021



After recording return to:
Brian H. Wolfe, P.C.
900 Washington Street, Suite 1010
Vancouver, WA 98660

QUIT CLAIM DEED

Chris Blair, Grantor, conveys and quit claims to Rainier Properties, an Oregon Limited Liability Company, the Grantee, the following described real property situated in the County of Columbia, State of Oregon:

Parcel 1: The Northwest quarter of the Northeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon, lying Southerly of the Southerly right of way line of the relocated Columbia River Highway as said Highway is described in deed recorded November 22, 1965 in Book 160, page 238, Deed Records of Columbia County, Oregon. EXCEPTING THEREFROM that part thereof conveyed by W.L. Scott and Sarah F. Scott, husband and wife to C. Henry Vandermost by deed recorded August 20, 1924 in Book 37, page 424, Deed Records of Columbia County, Oregon; ALSO EXCEPTING THEREFROM the West 20 feet and ALSO EXCEPTING a strip of land 40 feet wide conveyed to Columbia County by A.H. McKay and Josie A. McKay in deed recorded September 7, 1929 in Book 48, page 615, Deed Records of Columbia County, Oregon. ALSO EXCEPTING portion conveyed to Columbia County for road recorded November 27, 1979 in Book 227, page 980, Deed Records of Columbia County, Oregon.

Parcel 2: Beginning at the Southeast 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 441 feet, more or less, to the Old Columbia River Highway; thence North 68°30' West along the South boundary of said highway 460 feet; thence South 630 feet, more or less, to the South boundary of the Northwest quarter of the Northeast quarter of the Northwest quarter of said Section 15; thence East 440 feet, more or less, to the place of beginning. EXCEPTING THEREFROM al that portion lying North of the South right of way line of the relocated Columbia River Highway as set forth in Final Judgment, entered January 27, 1967 in State Circuit Court Condemnation Suit #16628.

Tax Account Nos. 20759 & 20758

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$0. Transfer to Limited Liability Company.



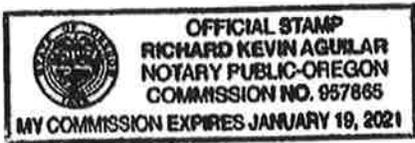
Chris Blair

STATE OF OREGON)
County of Multnomah)
: ss.

I certify that I know or have satisfactory evidence that Chris Blair is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 10/10/2017

[Signature]
Notary Public
My Appointment Expires: 1/19/2021



FORM No. 751—WARRANTY DEED—CORPORATION.

STEVENS-HOBBS LAW FIRM CO., PORTLAND, ORE.

KNOW ALL MEN BY THESE PRESENTS, That ALSTON'S CORNER ASSEMBLY OF GOD CHURCH

a corporation duly organized and existing under the laws of the State of Oregon, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto C. Edwin Roberts and Lillian A. Roberts, husband and wife

, hereinafter called grantees and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances therunto belonging or appertaining, situated in the County of Columbia, and State of Oregon, described as follows, to-wit:

The Northwest quarter of the Northeast quarter of the Northwest quarter of Section 15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon, lying Southerly of the Southerly right of way line of the relocated Columbia River Highway as said Highway is described in deed recorded November 22, 1965 in Book 160, page 238, Deed Records of Columbia County, Oregon, EXCEPTING THEREFROM that part thereof conveyed by W. L. Scott and Sarah F. Scott, husband and wife to C. Henry Vandermost by deed recorded August 20, 1924 in Book 37, page 424, Deed Records of Columbia County, Oregon; Also EXCEPTING THEREFROM the West 20 feet and Also EXCEPTING a strip 40 feet wide conveyed to Columbia County by A. H. McKay and Josie A. McKay in deed recorded September 7, 1929 in Book 48, page 615, Deed Records of Columbia County, Oregon.

To Have and to Hold the same unto the said grantees 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 premiss, free from all encumbrances

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 \$ 1,100.00 However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which).

In construing this deed and where the context so requires, the singular includes the plural.

Done by order of the grantor's board of directors, with its corporate seal affixed, this 9th day of February, 1970.

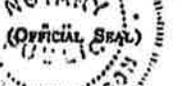


ALSTON'S CORNER ASSEMBLY OF GOD CHURCH

By *Ronald L. Rider* Chairman of the Board
By *Joyce E. Carr* Secretary

STATE OF OREGON, County of Columbia) ss: February 9, 1970
Personally appeared Ronald L. Rider and Joyce E. Carr
who, being duly sworn, each for himself and not one for the other, did say that the former is the Chairman of the Board and that the latter is the Secretary of

ALSTON'S CORNER ASSEMBLY OF GOD CHURCH, a corporation, and that the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.



Before me, *[Signature]*
Notary Public for Oregon
My commission expires: July 12, 1972

NOTE—The difference between the symbols (®) (if not applicable, should be deleted) See Chapter 463, Oregon laws 1967, as amended by the 1967 Special Session.

WARRANTY DEED CORPORATION

ALSTON'S CORNER ASSEMBLY OF GOD CHURCH

TO
C. EDWIN ROBERTS AND
LILLIAN A. ROBERTS

AFTER RECORDING RETURN TO

C. E. Roberts
P.O. Box 426
Rainier, Oregon 97048

STATE OF OREGON,

County of Columbia

I certify that the within instrument was recorded for record on the 13 day of February, 1970 at 2:24 o'clock P.M. and recorded in book 176 on page 178. Record of Deeds of said County. Witness my hand and seal of County Clerk.

Roy A. McInnis

County Clerk Title
By *[Signature]* Deputy

DON'T USE THIS SPACE RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED

185-428

WARRANTY DEED

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

1573-5
32AP
N.C.

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

SUBJECT TO:

1. Rights of the public in roads and highways.
2. Right of way for electrical transmission lines with a right to fall and trim trees, including the terms and provisions thereof, as granted by Barbara Walters to Circuit Court of Columbia County, District by Instrument recorded March 1, 1953 in Book 115, page 49, Deed Records of Columbia County, Oregon.
3. Reservation of oil and mineral rights contained in deed from Barbara Walters to Leo B. Hamm and Edna Mae Hamm, recorded May 16, 1963 in Book 152, page 15, Deed Records of Columbia County, Oregon.
4. Access restrictions, including the terms and provisions thereof as contained within final Judgment entered November 22, 1953 in Condemnation Suit #16627.

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

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

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

WARRANTY DEED
Page One

*Just the same,
Pt. 1 Box 249
Received*

*Agri - 7-12-67
Rec. 2-1-72*

TICOR TITLE INSURANCE

STATUTORY WARRANTY DEED

Scotty L. Davidson, who took title as Scotty N. Davidson and Toni M. Davidson, who **Grantor,**
took title as Toni M. Massey
conveys and warrants to Toby G. Vilhauer

Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in
Columbia
County, Oregon, to wit:

That portion of the north half of the northwest quarter of northeast quarter of Section
15, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon,
lying northerly of the northerly right of way line of the relocated Columbia River High-
way, as same was relocated on Nov. 1966, excepting therefrom that portion of the northeast
quarter of Northwest quarter of northeast quarter lying northerly of the O.E. Wonderly
County Road No. 125 as located and existing in January, 1953.---

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLI-
CABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIR-
ING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT
TO VERIFY APPROVED USES. The said property is free from encumbrances except property classified as forest

lands, rights of the public in streets, roads and highways, easements, conditions and
restrictions of record.

The true consideration for this conveyance is \$ **55,000.00**

(Here comply with the requirements of ORS 93.030)

Dated this 14 day of August, 1986

Scotty L. Davidson

Scotty L. Davidson

Toni M. Davidson

Toni M. Davidson

State of Oregon, County of Columbia

State of Oregon, County of _____

The foregoing instrument was acknowledged before me this
14 day of August, 1986 by

The foregoing instrument was acknowledged before me this
____ day of _____, 19____ by

Scotty L. Davidson and Toni M. Davidson

Secretary of

a

corporation.

on behalf of the corporation.

Notary Public for Oregon
My commission expires: Aug. 14, 1988

Notary Public for Oregon
My commission expires:

Notary Public for Oregon
My commission expires:

WARRANTY DEED

Scotty Davidson
Toby Vilhauer

GRANTOR
GRANTEE

This Space Reserved for Recorder's Use

4052

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

Toby Vilhauer
25536 Wonderly Road
Rainier, Oregon 97048
Escrow No. 5-65177 Title No. _____

After recording return to:

Toby Vilhauer
P. O. Box 665
Rainier, Oregon 97048



Recorded By
6517

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

in consideration of Ten and 00/100 Dollars,

to us paid by JACK ANDERSON

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

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

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

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

and unto his heirs and assigns forever.

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

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

and that MR. ANDERSON, his heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness OUR hand & seal on and at 26th day of AUGUST, 1955.

Executed in the Presence of

Signature lines for witnesses and parties, including a handwritten signature 'Donald R. Clark'.

BOOK _____ PAGE _____
COLUMBIA COUNTY, OREGON DEED-D 2022-008939
Cn=1 Pgs=2 FAILB 11/16/2022 03:14:38 PM
\$10.00 \$11.00 \$60.00 \$5.00 \$10.00 = \$88.00



I, Debbie Klug, County Clerk for Columbia County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Debbie Klug - County Clerk

Until a change is requested,
MAIL TAX STATEMENTS TO:
Colleen and Jonny Erickson
78718 Quincy Mayger Rd
Clatskanie, OR 97016

After recording, RETURN TO:
Haley Dorton, Attorney
Dorton Law LLC
239 S 1st Street
St. Helens, OR 97051

BARGAIN AND SALE DEED

Jon Erickson and Colleen Erickson, Grantor, convey and warrant to **JONNY ERVIN ERICKSON and COLLEEN JOYCE ERICKSON, Trustees of the ERICKSON LIVING TRUST UDT 11/1/2022**, and any amendments thereto, Grantees, the following described real property in Columbia County, State of Oregon:

Account No: 20744
Legal Description: SEE EXHIBIT A

Account No: 20747
Legal Description: SEE EXHIBIT B

Account No: 20748
Legal Description: SEE EXHIBIT C

Subject to and excepting: All taxes, covenants, conditions, restrictions, easements, rights of way, homeowners association assessments, if any, and other matters now of record.

The true and actual consideration paid for this conveyance, is \$0, however, it is being done for estate planning purposes. The ERICKSON LIVING TRUST UDT 11/1/2022 is for the benefit of Colleen Joyce Erickson and Jonny Ervin Erickson.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTION 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the Grantor has duly executed this instrument this 1st day of November, 2022.

Colleen Erickson
COLLEEN ERICKSON, Grantor

Jon Erickson
JON ERICKSON, Grantor

STATE OF OREGON)
) ss.
County of Columbia)

On this 1st day of November, 2022, personally appeared before me the above-named Colleen Erickson and Jon Erickson, and acknowledged the foregoing instrument to be their voluntary act and deed.



Holly Marie McAnelly
Notary Public for Oregon

Exhibit A

Beginning at a point which is North 89°58'15" West 662.16 feet and South 00°00'38" East 220.97 feet from the North quarter corner of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon. Said point being on the Southerly right-of-way line of O.E. Wenderly County Road No 125 and the TRUE POINT OF BEGINNING of the parcel herein described; thence South 00°00'38" East a distance of 126.90 feet to the Northerly right-of-way line of the Old Columbia River Highway, thence South 69°28'37" East, along the Northerly right-of-way line of the Old Columbia River Highway, a distance of 23.05 feet, thence South 68°23'13" East a distance of 234.93 feet, thence leaving said right-of-way North 03°24'14" East a distance of 221.76 feet to the Southerly right-of-way line of said O.E. Wenderly County Road, thence North 89°58'15" West, along said Southerly right-of-way line of O.E. Wenderly County Road, a distance of 253.21 feet to the point of beginning

Containing 0.99 Acres, more or less

Exhibit B

Beginning at a point which is North 89°58'15" West 662.16 feet and South 00°00'38" East 220.97 feet from the North quarter corner of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon. Said point being on the Southerly right-of-way line of the Old Columbia River Highway and the TRUE POINT OF BEGINNING of the parcel herein described, thence North 69°28'38" West, along said Southerly right-of-way, a distance of 460.00 feet, thence leaving said right-of-way South 00°00'38" East a distance of 260.75 feet to the Northerly right-of-way line of Columbia River Highway (U.S. Highway 30), thence along said Northerly right-of-way line of Columbia River Highway South 83°28'21" East a distance of 670.81 feet to an angle point in the Northerly right-of-way line of Columbia River Highway, thence North 06°31'39" East a distance of 79.30 feet to the intersection of the Northerly right-of-way line of the Columbia River Highway and the Southerly right-of-way line of the Old Columbia River Highway, thence North 68°23'13" West along said Southerly right-of-way line of the Old Columbia River Highway a distance of 263.23 feet to the point of beginning

Containing 2.66 Acres, more or less

Exhibit C

Beginning at a point which is North 89 degrees 58' 15" West 662.16 feet and South 00 degrees 00' 38" East 220.97 feet from the North quarter corner of Section 15, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon. Said point being on the Southerly right-of-way line of the Old Columbia River Highway and the TRUE POINT OF BEGINNING of the parcel herein described; thence North 69 degrees 28' 38" West, along said Southerly right-of-way, a distance of 460.00 feet, thence leaving said right-of-way South 00 degrees 00' 38" East a distance of 260.75 feet to the Northerly right-of-way line of Columbia River Highway (U.S. Highway 30), thence along said Northerly right-of-way line of Columbia River Highway South 83 degrees 28' 21" East a distance of 670.81 feet to an angle point in the Northerly right-of-way line of Columbia River Highway, thence North 06 degrees 31' 39" East a distance of 79.30 feet to the intersection of the Northerly right-of-way line of the Columbia River Highway and the Southerly right-of-way line of the Old Columbia River Highway, thence North 68 degrees 23' 13" West along said Southerly right-of-way line of the Old Columbia River Highway a distance of 263.23 feet to the point of beginning.-----

The true and actual consideration for this conveyance is to clear title.

This instrument will not allow use of the property described in

1 BARGAIN AND SALE DEED
KORNBADIAJIAJIKUSKESON.D88

WMS HATTA & PETERSON
ATTORNEYS AT LAW
P.O. BOX 104

KNOW ALL MEN BY THESE PRESENTS, That Thomas D. Burchett and Naomi L. Burchett, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Everett Hayslip and Jeanne M. Hayslip, husband and wife, hereinafter called the grantee, does 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 thereto belonging or appertaining, situated in the County of Columbia and State of Oregon, described as follows, to-wit:

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

SUBJECT TO:

1. Rights of the public in roads and highways.
2. Easements of record.
3. Access restrictions, including the terms and provisions thereof contained in deed from Riley O. Guisinger and Elsie L. Guisinger, husband and wife, to State of Oregon, by and through its State Highway Commission, dated September 3, 1965, recorded September 8, 1965 in Book 159, page 492, Deed Records of Columbia County, Oregon.
4. Mortgage, including the terms and provisions thereof, executed by Thomas D. Burchett and Naomi L. Burchett, husband and wife, to First National Bank of Oregon, a corporation, dated April 14, 1972, recorded April 14, 1972 in Book 119, page 610, Mortgage Records of Columbia County, Oregon, given to secure the payment of a note for \$13,600.00.

The balance owing on this mortgage is approximately the sum of \$ 13,391.61. Grantees assume this mortgage and agree to pay the same according to the tenor thereof and to hold the Grantors forever harmless from any liability therefor.

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 noted hereinbefore,

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 \$21,500.00.

In construing this deed and where the context so requires, the singular includes the plural.
WITNESS grantor's hand this 21 day of June, 1973.

Thomas D. Burchett
Naomi L. Burchett

Witnessed By
Procter National
Title Insurance Company

STATE OF OREGON,

County of Columbia

BE IT REMEMBERED, that on the 21 day of June 19 73, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Thomas D. Burchett and Naomi L. Burchette, husband and wife, known to me to be the identical individual as 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 official my official seal the day and year last above written.
Margaret M. Zimmerman
Notary Public for Oregon.
My Commission expires 5-4-77



STATE OF OREGON
COLUMBIA COUNTY
RECORDED OR FILED
JUN 26 2 57 PM '73
BY R. L. NELSON CO. CLK.
BY Columbia County DEP.

412 4707

WARRANTY DEED

FORM No. 103

STEVENS-HESS LAW FIRM, P.C., PORTLAND, ORE.

Thomas D. Burchett
et ux
to
Everett Hayslip
et ux

STATE OF OREGON, }
County of _____ } ss.

I certify that the within instrument was received for record on the day of _____ 19 _____ at _____ o'clock _____ M., and recorded in book _____ on page _____ Record of Deeds of said County.

Witness my hand and seal of County aforesaid.

Title.
By _____ Deputy.

AFTER RECORDING RETURN TO
Everett Hayslip
Route 2 - Box 474
Clatskanie, Oregon
97016

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In Re: Application of Everett H. Hayslip

for a partition of two tax lots, Tax Lot 100 & 101
T7N, R3W, Section 15.

FINDINGS OF FACT

The Board of County Commissioners hereby adopts the following findings of fact this 15th day of July, 19 80, and has determined and concluded that the action requested (is) (is not) in violation of Ordinance 80-8 which provides Criteria for Review of Land Use Actions on Agricultural Land Under Statewide Goal 3, and is in Compliance with the Statewide Planning Goals, and Procedures:

1. Property is located at the junction of Columbia River Highway and Old Columbia River Highway on the south side of Wonderly Road on the north.
2. Applicant has evidence to show the parcel is committed to non-farm use.
3. Does have an approved septic evaluation.
4. Site contains a pump house and a foundation for a new house.
5. Surrounding uses are rural centered, few houses, 2 churches, store and other commercial uses.
6. Has a private well.
7. Type of crops grown in area, strawberries. In order to gross \$5,000 per year, the parcel would need to be 12.50 acres according to the County Extension Office.
8. This is a lot line adjustment rather than a minor partition.
9. Purpose of the lot line adjustment is to include the septic tank field drain on to the proper lot, Tax Lot 100.

MOTION was made by Commissioner Sahagian and seconded by Commissioner Ahlborn to approve the application of Mr. Hayslip for a lot line adjustment and is found not to be in violation of Ordinance 80-8. Motion carried.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Barclay M. Beard Chairman

Marion Sahagian Commissioner

J. Ahlborn Commissioner

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In Re: Application of Everett H. Hayslip

for a partition of two tax lots, Tax Lot 100 & 101)
T7N, R3W, Section 15.

FINDINGS OF FACT

The Board of County Commissioners hereby adopts the following findings of fact this 15th day of July, 19 80, and has determined and concluded that the action requested (is) (is not) in violation of Ordinance 80-8 which provides Criteria for Review of Land Use Actions on Agricultural Land Under Statewide Goal 3, and is in Compliance with the Statewide Planning Goals, and Procedures:

1. Property is located at the junction of Columbia River Highway and Old Columbia River Highway on the south side of Wonderly Road on the north.
2. Applicant has evidence to show the parcel is committed to non-farm use.
3. Does have an approved septic evaluation.
4. Site contains a pump house and a foundation for a new house.
5. Surrounding uses are rural centered, few houses, 2 churches, store and other commercial uses.
6. Has a private well.
7. Type of crops grown in area, strawberries. In order to gross \$5,000 per year, the parcel would need to be 12.50 acres according to the County Extension Office.
8. This is a lot line adjustment rather than a minor partition.
9. Purpose of the lot line adjustment is to include the septic tank field drain on to the proper lot, Tax Lot 100.

MOTION was made by Commissioner Sahagian and seconded by Commissioner Ahlborn to approve the application of Mr. Hayslip for a lot line adjustment and is found not to be in violation of Ordinance 80-8. Motion carried.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Barclay M. Hunt Chairman

Marion Sahagian Commissioner

J. Ahlborn Commissioner

First National Bank of Oregon and
The Department of Veterans Affairs

Dear Sir,

The Columbia County Board of Commissioners, on July 15, 1980 approved the minor partition issuance for Mr. Everett H. Hayslip on two (2) tax lots he now owns (Tax Lot 100 & 101) in Township 7 North, Range 3 West, Section 15, which includes lot line adjustments.

Sincerely,

Robert M. Hunt

COLUMBIA COUNTY
PLANNING & BUILDING DEPARTMENT

BOOK _____ PAGE _____

COURTHOUSE
ST. HELENS, OREGON 97081
PHONE 397-1901

July 7, 1980

TO: Board of Commissioners

FROM: Planning Department

SUBJECT: Everett H. Hayslip requests approval to partition the two
(2) tax lots he now owns (Tax Lot 100 & 101) in Township
7 North, Range 3 West, Section 15.

The parcel, less than 2 acres, lies at the junction of Columbia River Highway and Old Columbia River Highway on the southside of Wonderly Road on the north. The applicant has evidence to show the parcel is committed to non-farm use.

cc: Everett H. Hayslip
11:40 a.m. - July 15, 1980
Room 308, Third Floor
Courthouse

COLUMBIA COUNTY
BOARD OF COMMISSIONERS

331 Courthouse, St. Helens, Oregon 97051
TELEPHONE (503) 397-4322

JULY 2, 1980

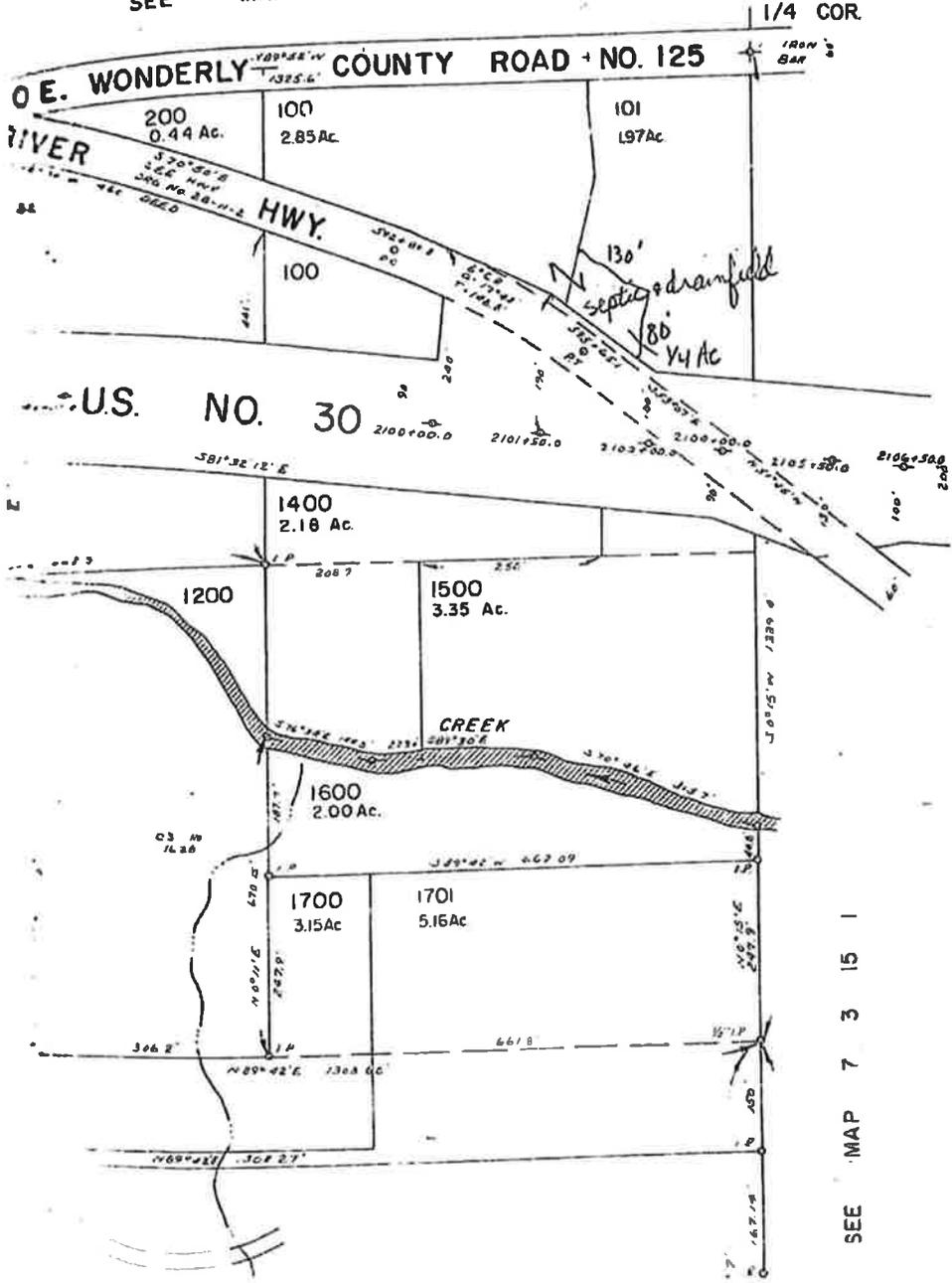
DEAR PROPERTY OWNER:

NOTICE IS HEREBY GIVEN THAT THE COLUMBIA COUNTY BOARD OF COMMISSIONERS HAS FIXED THE 15TH DAY OF JULY 1980 AT 11:40 A.M. IN ROOM 308, COLUMBIA COUNTY COURTHOUSE, THIRD FLOOR, ST. HELENS, OREGON AS THE TIME AND PLACE FOR A PUBLIC HEARING AT THE REQUEST OF EVERETT HAYSLIP FOR A MINOR PARTITION ON PROPERTY LOCATED IN TOWNSHIP 7 NORTH, RANGE 3 WEST, SECTION 15 AND IDENTIFIED AS TAX LOT #101 AS REQUIRED UNDER ORDINANCE 80-8. A MAP OF THE AREA IS ATTACHED FOR YOUR REFERENCE AND YOU ARE INVITED TO ATTEND THE HEARING AND TESTIFY IF YOU SO DESIRE.

FOR FURTHER INFORMATION CONTACT THE PLANNING & BUILDING DEPARTMENT, COURTHOUSE, ST. HELENS, OREGON OR CALL 397-1501.

V. 191.
Y

SEE MAP 7 3 10



WARRANTY DEED

Irene B. Haugen, husband and wife,
OSCAR HAUGEN, her husband, hereinafter called grantor, conveys
to THE RAINTER CONGREGATION OF JEHOVAH'S WITNESSES, an Oregon
corporation, all that real property situated in Columbia County,
State of Oregon, described as:

That part of the Northwest quarter of the Northeast
quarter of the Northwest quarter of Section 15,
Township 7 North, Range 3 West of the Willamette
Meridian, Columbia County, Oregon, lying Northerly
and Easterly of the Old Columbia River Highway as now
laid out and traveled on March 30, 1950,
EXCEPTING that portion lying in O. E. Wonderly Road
No. 125.

and covenants that grantor is the owner of the above described
property free of all encumbrances and will warrant and defend the
same against all persons who may lawfully claim the same.

The true and actual consideration for this transfer is \$1,000.00.

Dated this 30th day of June, 1970.

Oscar Haugen
Irene B. Haugen

State of Washington,

County of CLATSOP

June 30, 1970.

and Irene B. Haugen, husband and wife
Personally appeared the above-named Oscar Haugen, and acknowledged
their
the foregoing instrument to be ~~his~~ voluntary act. Before me:

3487

Robert McMillan
Notary Public for ~~Oregon~~ Washington

My Commission expires: 4-15-71

Approved by
The Insurance Company



KNOW ALL MEN BY THESE PRESENTS, That

CHURCH EXTENSION PLAN, a non-profit Oregon

corporation, organized under the laws of the State of Oregon In consideration of the sum of Ten and No/100 Dollars,

And other valuable consideration.

to it paid by ASSEMBLIES OF GOD, OREGON DISTRICT, a non-profit church corporation duly organized and operating under the laws of the State of Oregon

of the County of Marion State of Oregon, has bargained and sold, and by these presents does grant, bargain, sell and convey unto the said

ASSEMBLIES OF GOD, OREGON DISTRICT, Successors- and assigns,

all the following bounded and described real property, situated in the County of Columbia

State of Oregon to-wit:

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

(No taxable consideration)

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all right, title and interest in and to the same.

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

ASSEMBLIES OF GOD, OREGON DISTRICT- and assigns forever.

Done by order of the Board of Directors, with the seal of said corporation,

this 11th day of March, 1968

Executed in the presence of

CHURCH EXTENSION PLAN

By Charles Foster, President.

CHURCH EXTENSION PLAN

Ray [Signature] Asst. Secy.

STATE OF OREGON,

County of Marion

before me appeared Roy O. Ferguson, Atwood Foster,

fully sworn, did say that he, the said Roy O. Ferguson,

is the Asst. President, and he, the said Atwood Foster,

is the Secretary of CHURCH EXTENSION PLAN

of the within named Corporation, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and Atwood Foster, Roy O. Ferguson,

acknowledged said instrument to be the free act and deed of said Corporation.

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

On this 21st day of March 19 38

both to me personally known, who being

William H. Smith

Notary Public for Oregon

MY Commission expires NOTARY PUBLIC FOR OREGON MY COMMISSION EXPIRES MAY 12, 1939

Aston's Corner 250
Church and Parsonage

DEED Bargain and Sale

Corporation
(FORM No. 113)

CHURCH EXTENSION PLAN

TO
ASSEMBLIES OF GOD,
OREGON DISTRICT

STATE OF OREGON,

County of Columbia

I certify that the within instrument was received for record on the 21st day of April 19 38 at 3:00 o'clock P. M. and recorded in book 136 on page 69 of said County.

Witness my hand and seal of County affixed.

By H. F. Jensen
County Clerk-Recorder.
By Jannie R. Price
Deputy.

Return to:
Assemblies of God, Oregon Dist.
P. O. Box 38
Brooks, Oregon

STEVENS-DESS LAY PUB. CO., PORTLAND

BOOK 171 PAGE 169

Know All Men By These Presents, That

Assemblies of God, Oregon District, a non-profit

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

in consideration of Ten and 00/100 Dollars,

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

do hereby remise, release and forever QUITCLAIM unto the said

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

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

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

The Northwest quarter of the Northeast quarter of the Northwest quarter of Section 19, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon, excepting therefrom all that part thereof lying North of Columbia River Highway; also excepting therefrom that part thereof conveyed by W. L. Scott and Sarah F. Scott, husband and wife to C. Henry Vandermost by deed recorded August 20, 1924, in Book "37" page 424, deeds; also excepting therefrom the West twenty feet thereof, and also excepting therefrom that part thereof embraced within the limits of Columbia River Highway and also excepting a strip of land 40 feet wide conveyed to Columbia County by A. B. McKay and Josie A. McKay, in deed recorded September 7, 1929, in Book 42, page 615, deed records of Columbia County, Oregon. Also excepting therefrom that part conveyed to State of Oregon by and through its State Highway Commission by Deed recorded November 22, 1965 in Book 160, page 238, Deed Records of Columbia County, Oregon.

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

Assemblies of God, Oregon District

and to its heirs and assigns forever.

IN WITNESS WHEREOF, Assemblies of God, Oregon District pursuant

to a resolution of its Board of Directors, duly and legally adopted, has

caused these presents to be signed by its President and

Secretary, and its corporate seal to be hereunto affixed this 20th

day of August A. D. 19 68



ASSEMBLIES OF GOD, OREGON DISTRICT

By [Signature] President

ASSEMBLIES OF GOD, OREGON DISTRICT

By [Signature] Secretary

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

FORM No. 752—BARGAIN AND SALE DEED.

KNOW ALL MEN BY THESE PRESENTS, That William L. Frame and Nesha M. Frame, husband and wife, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto James Richie and Coralea Richie, husband and wife, hereinafter called grantees, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Columbia, State of Oregon, described as follows, to-wit:

Beginning at the Southeast corner of the Southeast quarter of the Southwest quarter of Section 10, Township 7 North, Range 3 West of the Willamette Meridian; running thence north along the East line of said Southwest quarter of Section 10 a distance of 241.0 feet; thence West 180.0 feet; thence South 241.0 feet to the South line of said Southwest quarter of Section 10; thence East along the South line of said Southwest quarter 180.0 feet to the point of beginning.-----

SUBJECT TO: Rights of the public in roads and highways.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantees and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$1.00

This conveyance is a gift. In construing this deed the singular includes the plural as the circumstances may require.

Witness grantor's hand this 2 day of June, 1972

William L. Frame
Nesha M. Frame

STATE OF OREGON, County of Columbia) ss. June 2, 1972.
Personally appeared the above named William L. Frame and Nesha M. Frame, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: Paul J. Solne
Notary Public for Oregon
My commission expires 11/4/1975

Bargain and Sale Deed

William L. Frame
et ux
TO
James Richie
et ux

AFTER RECORDING RETURN TO
James Richie
Route 1
Ruinier, Oregon 97048

STATE OF OREGON

County of Columbia
I certify that the within instrument was received for record on the 9th day of June, 1972, at 12:18 o'clock P.M. and recorded in book 187 on page 125 or as filing fee number...
Roy A. [Signature]
Clerk
Title
Deputy

DON'T USE THIS SPACE. RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.

6889

After Recording Return to:
Peterson & Herr
P.O. Box 459
Rainier, OR 97048

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS that Larry D. Trotter and Gloria Trotter, husband and wife, hereinafter called Grantors, for the consideration hereinafter stated, to Grantors paid by Tony C. Vilhauer and Sue Ann Vilhauer, husband and wife, hereinafter called Grantees, do hereby grant, bargain, sell and convey unto said Grantees, and Grantees' heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Columbia, State of Oregon, described as follows:

Beginning at the Southeast corner of the Southeast quarter of the Southwest quarter of Section 10, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon; running thence North along the East line of said Southwest quarter of Section 10, a distance of 240.0 feet; thence West 180.0 feet; thence South 240.0 feet, more or less, to the South line of said Southwest quarter of Section 10; thence East along the South line of said Southwest quarter 180.0 feet to the point of beginning.

To Have and To Hold the same unto said Grantees and Grantees' heirs, successors and assigns forever.

Said Grantors hereby covenant to and with said Grantees, and Grantees' heirs, successors and assigns, that Grantors are lawfully seized in fee simple of the above-granted premises, free from all encumbrances, except:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.

2. An easement created by instrument, including the terms and provision thereof:

Recorded:	August 7, 1929
Book/Page:	48/487
In favor of:	Northwestern Electric Co
For:	right of way
Affects:	exact location not disclosed

07-17586



3. An easement created by instrument, including the terms and provisions thereof,

Recorded: May 28, 1930
Book/Page: 50/567
In favor of: Inland Power & Light Company
For: right of way
Affects: exact location not disclosed

Said easement was assigned to Portland General Electric company by instrument recorded December 6, 1973 in Book 194, page 28, Deed Records of Columbia County, Oregon

4. An easement created in instrument, including the terms and provisions thereof,

Recorded: June 26, 1930
Book/Page: 51/77
In favor of: Inland Power & Light Company
For: right of way
Affects: exact location not disclosed

Said easement was assigned to Portland General Electric Company by instrument recorded December 6, 1973 in Book 194, page 28, Deed Records of Columbia County, Oregon.

5. An easement created by instrument, including the terms and provisions thereof,

Dated: February 27, 1952
Recorded: March 28, 1952
Book/Page: 114/252
In favor of: The Pacific Telephone and Telegraph Company
For: 30 foot right of way 20 feet in width
Affects: exact location not disclosed

Grantors will warrant and forever defend said 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 is \$35,000.00.

Until further notice all tax statements shall be sent to:

Tony C. and Sue Ann Vilhauer
25521 Wonderly Road
Rainier OR 97048

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO

LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. 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 EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

In Witness Whereof, Grantors have executed this instrument this 9th day of December, 1998.

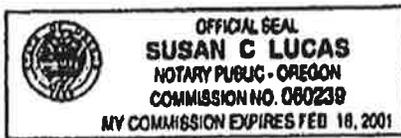
Larry D. Trotter
Larry D. Trotter

Gloria Trotter
Gloria Trotter

STATE OF OREGON)
) ss.
County of Columbia)

December 9, 1998.

Before me personally appeared the above-named Larry D. Trotter and Gloria Trotter, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.



Susan C. Lucas
Notary Public for Oregon
My commission expires: 02-18-2001

PAGE 1 - WARRANTY DEED

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

5202 '98 FEB 31 12:12

ELIZABETH HUNTER, County Clerk
By: _____ Deputy
Received # _____ of Pages _____
PPS \$ 1.00



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

Know all men by these presents, that we, M. H. Harlow and Ruth Harlow, husband and wife, in consideration of the sum of \$100.00 and other valuable considerations to us paid by William Frame, do hereby grant, bargain, sell and convey unto said William Frame and his heirs and assigns, all the following real property, with the tenements, improvements and appurtenances, situated in the County of Columbia County, Oregon, bounded and described as follows, to-wit:

RECORDED SEP 5 1951 4:30 PM - C. W. KIRKMAN, CLERK



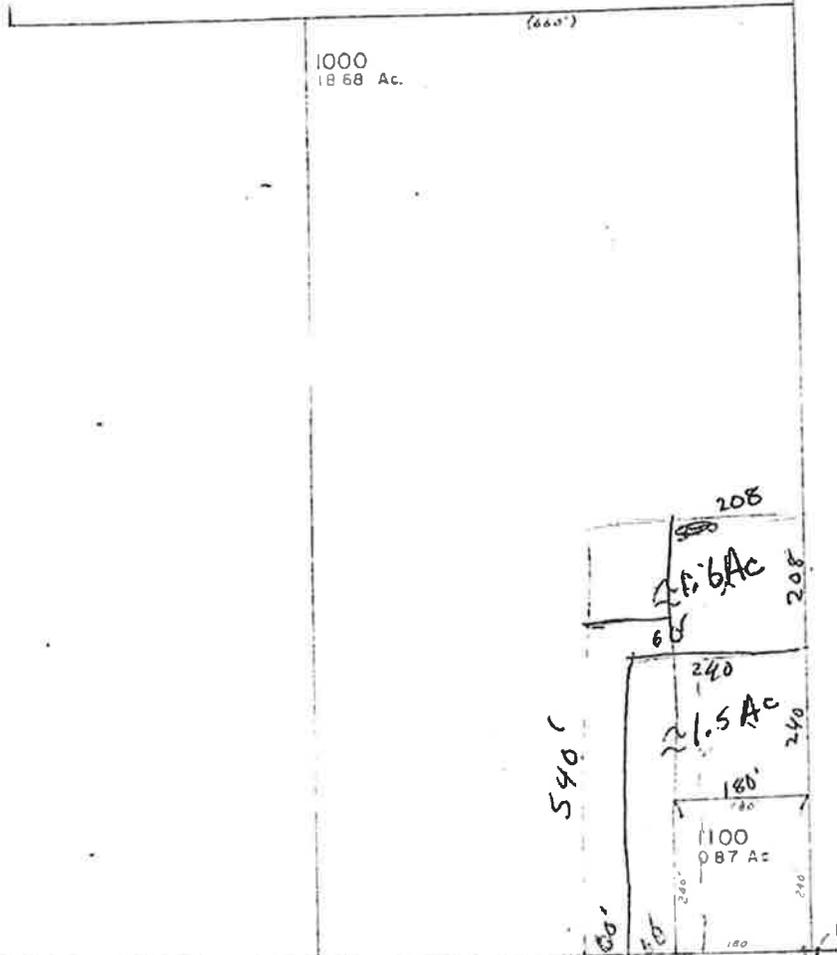
My Commission Expires June 4, 1952
County Public for Oregon

BE IT REMEMBERED, That on this 4th day of September, A. D. 1951 before me, the undersigned, a Notary Public, in and for said County and State, personally appeared the within named, Florence B. Rotger and E. A. Rotger, her husband, and Amy Elizabeth George, unmarried, who is each known to me to be the identical individual described to and who executed the within instrument, and acknowledged to me that they each executed the same freely and voluntarily.

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

32-03

10
3
7



APPROVED
 Minor partition
 Tax account # :
 S 7310 - 630 - 01000
 William Frame
 Rt 1 Box 194
 Rainier Oregon
 97048
 Decket #

O.E. WONDERLY RD. NO. 125

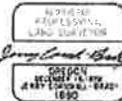
7 3 10 3

**PROPERTY LINE ADJUSTMENT
SURVEY FOR
GARY VIGOREN
IN THE S.W. 1/4 OF SEC. 10
T.7 N., R.3 W., W. M.
COLUMBIA COUNTY, OREGON
APRIL 15, 1993**

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

N
O
R
T
H

SCALE:
1" = 200'



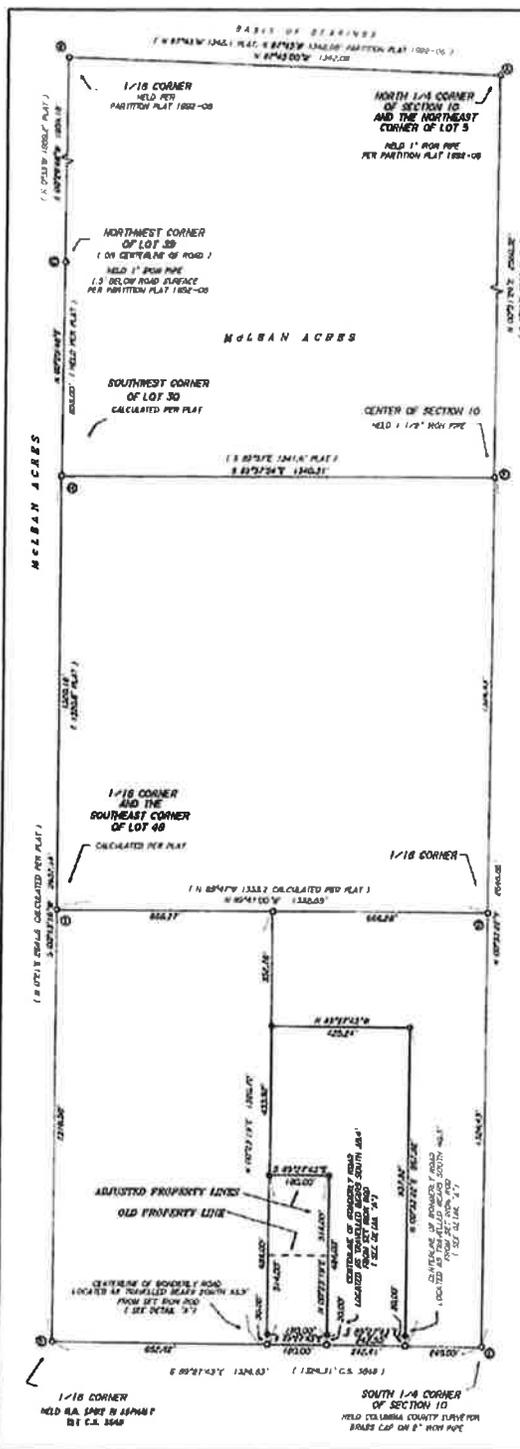
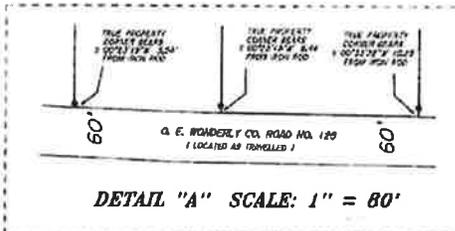
DATE: 5/14/93
5/18/93

LEGEND:

- DEAKITS SET 3" x 1/2" IRON PIPE WITH YELLOW PLASTIC CAP MARKED "BRADY 18 1890"
- DEAKITS FOUND MONUMENT AS NOTED
- DEAKITS MONUMENT NEITHER SET NOR FOUND
- PLAT DENOTES THE PLAT OF McLEAN ACRES

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO ADJUST A TRACT OF LAND AS DESCRIBED IN COUNTY DEED BOOK 247, AT PAGE 354, AND TO ADJUST THE PROPERTY LINE BETWEEN SAID TRACT AND THE TRACT OF LAND AS DESCRIBED IN COUNTY DEED'S RECORDS BY 18-1424, PLATS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 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976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



5/18/93

3848

COLUMBIA COUNTY, OREGON **2018-00533**
 DEED-D **01/19/2018 12:46:22 PM**
 Cnt=1 Pgs=3 KLUGD \$15.00 \$11.00 \$10.00 \$20.00 \$5.00 **\$61.00**
 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

GRANTOR'S NAME:
Jonathan C. Vigoren

GRANTEE'S NAME:
Christopher J. Fisher

AFTER RECORDING RETURN TO:
Order No.: 473817002146-JS
Christopher J. Fisher
25409 Wonderly Road
Rainier, OR 97048

SEND TAX STATEMENTS TO:
Christopher J. Fisher
25409 Wonderly Road
Rainier, OR 97048

APN: 20714
Map: 7310-C0-01000
25409 Wonderly Road, Rainier, OR 97048

11 Col
47381700 2146

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Jonathan C. Vigoren, Grantor, conveys and warrants to Christopher J. Fisher, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Columbia, State of Oregon:

Beginning at the Southwest corner of the East half of the Southeast quarter of the Southwest quarter of Section 10, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; thence Easterly along the South line of the East half of the Southeast quarter of the Southwest quarter of said Section 10 a distance of 180 feet to the true point of beginning; thence continuing Easterly along the South line of said East half of the Southeast quarter of the Southwest quarter a distance of 240 feet to the Southwest corner of the Coralee Richie tract as described in Instrument recorded September 5, 1979 in Book 226, page 354, Deed Records of Columbia County, Oregon; thence North along the West line of said Richie tract and Northerly extension thereof a distance of 987.92 feet to a point; thence Westerly parallel with the South line of said Section 10 a distance of 420 feet, more or less, to the West line of said East half of the Southeast quarter of the Southwest quarter; thence Southerly along said West line a distance of 695.92 feet to a point which is 272 feet to the Northerly line of when measured along said West line from the South line of said Section 10; thence Easterly parallel with said South line a distance of 180 feet to a point; thence Southerly parallel with the West line of said East half of the Southeast quarter of the Southwest quarter a distance of 272 feet to the true point of beginning. EXCEPTING THEREFROM any portion that may be in O.E. Wonderly Road No. 125; ALSO EXCEPTING THEREFROM the following described property:
 Beginning at the Southwest corner of the East half of the Southeast quarter of the Southwest quarter of Section 10, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; thence South 89° 27' 43" East along the South line of said East half of the Southeast quarter of the Southwest quarter a distance of 180.00 feet; thence North 0° 23' 19" East parallel with the West line of said East half of the Southeast quarter of the Southwest quarter a distance of 272.00 feet to the Northeast corner of the Larry Joseph Ellison tract, as described in County Clerk's Instrument No. 88-2432, and the true point of beginning of the parcel herein described; thence continuing North 0° 23' 19" East a distance of 242.00 feet; thence North 89° 27' 43" West a distance of 180.00 feet to the West line of said East half of the Southeast quarter of the Southwest quarter; thence South 0° 23' 19" West along said East line a distance of 242.00 feet to the Northwest corner of said Ellison tract; thence South 89° 27' 43" East a distance of 180.00 feet to the true point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THREE HUNDRED THIRTY-SIX THOUSAND AND NO/100 DOLLARS (\$336,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE

EXHIBIT "A"
Exceptions

Subject to:

Rights of the public to any portion of the Land lying within the area commonly known as Wonderly Road.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Pacific Telephone and Telegraph Co.
Purpose: utility purposes
Recording Date: March 28, 1952
Recording No: Book 114, Page 252

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Clatskanie Peoples' Utility District
Purpose: utilities
Recording Date: April 30, 2002
Recording No: 02-05935

**COLUMBIA COUNTY BOARD OF COMMISSIONERS
SUPPLEMENTAL FINDINGS
December 20, 2022
Supplemental Findings in Response to Comments Received**

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: Supplemental findings in response to a letter dated December 16,
2022 (Attachment 1) submitted by Andrew Mulkey of 1000
Friends of Oregon.

APPLICABLE DISCUSSION CRITERIA:

Columbia County Zoning Ordinance (CCZO)

Section 509 Standards of Development
Section 510 Fire Siting Standards for Dwellings, Structures, and Roads

Oregon Revised Statues (ORS)

ORS Chapter 92 – Subdivisions & Partitions

SUMMARY

On December 16, 2022, Andrew Mulkey of 1000 Friends of Oregon, submitted a letter in response to the timely appeal of RDF 22-04 included as Attachment 1. A summary of Mr. Mulkey's assertions of the County's and applicants' errors are summarized below and are evaluated for this Report's Findings:

The application and Findings did not include documentation confirming that both the subject parcel and the other parcels relied on for determining the results of the template test were lawfully established units of land on January 1, 1993 as required in the ORS 215.750(2)(c) and the Applicant has not demonstrated that the private access for the subject property is capable of meeting the Private Road Standards and Fire Safety Design Standards for Road in the County Road Standards Ordinance.

The following includes Supplemental Staff Findings to the Board of Commissioner's Appeal Staff Report dated December 14, 2022.

DISCUSSION CRITERIA

Oregon Revised Statutes (ORS) Chapter 92 - Subdivisions & Partitions

92.010 Definitions for ORS 92.010 to 92.192.

(3)(a) "Lawfully established unit of land" means:

- (A) A lot or parcel created pursuant to ORS 92.010 to 92.192; or
- (B) Another unit of land created:
 - (i) In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or
 - (ii) By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.

Columbia County Subdivision & Partitioning Ordinances Summary

April 8, 1963 Ordinance: Columbia County's first subdivision ordinance addressed the subdivision of land into four or more lots and was limited in nature.

December 11, 1974 Subdivision and Partitioning Ordinance: Repealed the previous subdivision ordinance. This ordinance included provisions for the partitioning of land (dividing into two or three parcels) and subdividing of land (dividing into four or more lots). This ordinance required County approval for all land divisions regardless of the size or number of proposed lots/parcels. This ordinance became effective on January 10, 1975.

1982 & 1990 Ordinances: Amended certain provisions of previous ordinances, but maintained the requirement that land be divided by partition or subdivision.

1984 Columbia County Zoning Ordinance: Columbia County's First Zoning Ordinance is adopted regulating lot sizes and land uses.

Discussion: As of January 10, 1975, all land divisions within Columbia County, regardless of how many lots or parcels are involved and the size of those lots or parcels, require that the County approve a partition or subdivision. Any other means of land division after this date without partition or subdivision approval is unlawful and the property does not constitute a lot of record.

Columbia County acknowledges property created before January 10, 1975 as a lot of record if:

- (1) It was created by a legal plat (i.e. subdivision); or
- (2) It was conveyed separately from all other property by deed for the purpose of the buyer's enjoyment and development.

Mr. Mulkey first assertion on Page 3 that "*The record does not contain substantial evidence that the properties shown in the template (including the subject property) are lawfully established units of land as required in ORS 215.750(2)(c).*"

215.750 Alternative forestland dwelling; criteria.

(1) As used in this section, "center of the subject tract" means the mathematical centroid of the tract.

(2) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

[...]

(c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:

(A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.

Finding 1: Mr. Mulkey's first assertion is that "*the record does not contain substantial evidence that the subject property is a lawfully established unit of land.*" According to the County Clerk's records, on January 15, 1974 a Warranty Deed shown as Attachment 2 was recorded in Deed Book 138 Page 795 describing the land conveyance of the subject property (Tax Map ID # 7315-B0-02500) from Arthur and Mildred Lewis to Charles and Mary Holden. A copy of the deed is included in the record of this proceeding and can be found as Attachment 2 to these materials. Because the January 15, 1974 Warranty Deed pre-dates the January 10, 1975 effective date of the Columbia County Subdivision and Partitioning Ordinance, Staff finds the subject property is a lawfully established unit of land, contrary to Mr. Mulkey's assertion, and that the record contains substantial evidence of such.

Finding 2: The second part of this assertion is that "*the record does not contain substantial evidence that the properties shown in the template are lawfully established units of land.*" Attachment 3 titled "**Updated List of Properties and 1993 Dwellings For TT 21-06**" lists 18 properties of the *original 30 properties* and 6 of the *original 12 dwellings* that were included in the original 8/28/2020 Template Test 21-06 Approval Letter.

Staff conducted additional research on the 30 original properties and 12 dwellings and eliminated the properties that were conveyed after January 10, 1975 without recorded Partition Plat or Subdivision for consistency with the minimum statutory requirements for Template Test Dwellings. Any parcels that required more information in order to be counted in the Template Test count have been eliminated from the count for clarity in evaluating the application. Also, any dwellings on these properties were also eliminated.

The County's **Updated List of Properties and 1993 Dwellings** clarifies and confirms that the proposal requested for RDF 22-04 meets the minimum criteria in ORS 215.750(2)(c) and in Section 506.4(A) of the Zoning Ordinance for properties with soils that are capable of annually producing more than 85 cubic feet per acre of wood fiber. Specifically, these revisions confirm that the subject property's Revised Template Test includes 18 other lots/parcels/properties and 6 dwellings that existed on January 1, 1993 both of which well exceed the minimum 11 other lots/parcels and 3 dwelling requirements in the ORS and County Zoning Ordinance.

Staff further finds that Mr. Mulkey's concerns about the legality of other properties identified in the original 8/28/2020 Template Test have been addressed with this simplified and updated list confirming that 18 other properties and 6 dwellings were in existence on January 1, 1993 and continue to exist. Based on this record evidence, Staff finds that the requirements of ORS 215.750(2)(c) are met.

Continuing with the referenced Section 509 of the Zoning Ordinance – Standards of Development and Section 510 – Fire Siting Standards for Dwellings, Structures, and Roads:

509 Standards of Development

- .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.

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

Finding 3: The submitted comments from Mr. Mulkey state, in part, that Clatskanie Fire Chief, Steve Sharek, commented on the proposal and stated that this approval will result in the third dwelling on a shared access, and thus private road standards must apply to the development. Furthermore, Mr. Mulkey states that the current 20' easement does not meet the typical standard of a 40' easement for private roads and cannot accommodate a 20' travel surface with a 4' wide "clear zone" outside of the travel surface on each side. The comments state that "Neither the application nor the County's findings address how the current 20-foot access easement will satisfy this requirement."

In response to this issue raised by Mr. Mulkey, staff would like to direct the Board of Commissioners to Section I(A) of the Columbia County Road Standards. This section describes the standards and process of "*Development of one existing parcel of land by construction of a*

home or business not in conjunction with a partition or subdivision". Subsection 2, in its entirety, states (emphasis added):

2) Private or nonexclusive access easement. Access to the property may also be partially located on a private or nonexclusive easement. The access on such easement must be constructed according to "Private Road Standards" (Section IV) to the extent feasible within the limits of the easement. Improvements to roads on easements currently in use by other residents shall be apportioned such that the cost of the necessary improvements to construct the road within the easement will be divided between the potential undeveloped lots and parcels along the easement. Owners of undeveloped properties shall be required to pay or make improvements to the road only after making application to the Land Development Services Office of the County for development of the property. Therefore, it is the intent that the road will be in compliance with the standards to the extent feasible (as determined by the Public Works Director) upon development of all the properties along the easement. Property owners along such easement will be required to construct such improvements up to a maximum expense of \$3,000, in conjunction with development of the property.

Staff finds that the Columbia County Road Standards specifically delegate to the Public Works Director the authority to make such a determination of "*compliance to the extent feasible within the limits of the easement*" for a private or nonexclusive access easement. The Planning Commission is not delegated the authority to make such a determination or use the discretion reserved for the Public Works Director when determining if an access meets the standards of Section I(A)2 of the County Road Standards. With this information, Staff finds that Condition 7.c. of the original Planning Commission approval will ensure that the proposed access meets the applicable standards required in the Columbia County Road Standards as well as providing the Public Works Director the necessary authority based on the specific proposal as provided in these Road Standards.

In addition to this, Mr. Mulkey states that the "Columbia County Fire Services Fire Apparatus Access Roads & Driveways Standard require that access roads used for fire apparatus be at least 20 feet wide." Again, Staff would like to point out that Condition 7.c. of the original Planning Commission approval requires the access road to be reviewed and approved by the Clatskanie Fire District prior to building permit issuance of the proposed dwelling. In the Planning Commission meeting held on August 1, 2022, Clatskanie Fire Chief, Steve Sharek, stated that there are "exceptions" to the access standards in some circumstances. Due to these exceptions, the Planning Commission does not have the authority to make the conclusion that the proposed access can never meet the required Fire Apparatus and Access Standards. Staff finds that this condition of approval as originally imposed will satisfy Sections 509.2 and 510.4 of the Columbia County Zoning Ordinance, while not denying the authoritative entities the ability to exercise discretion as reserved to them in the applicable codes.

CONCLUSION AND RECOMMENDATION

Based upon the Staff analysis and Supplemental Findings as stated above, the three points of issue as stated in the December 16, 2022 letter from Andrew Mulkey do not change Staff's recommendation, and should not change the final decision of the Board of Commissioners, as originally discussed in the Appeal Staff Report dated December 14, 2022.

Supplemental Findings Attachments:

Attachment 1: Letter dated December 16, 2022 from Andrew Mulkey

Attachment 2: Subject Parcel's Original Deed Conveyance

Attachment 3: Updated List of Properties and 1993 Dwellings For TT 21-06

KNOW ALL MEN BY THESE PRESENTS, That Mr. ARTHUR H. LEWIS & MILDRED A. LEWIS, husband and wife, grantors in consideration of Ten & 00/100 Dollars to be paid by CHARLES B. HOLDEN & MARY V. HOLDEN, husband and wife

do hereby grant, bargain, sell and convey unto the said grantee, 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, East of Willamette Meridian, Columbia County, Oregon.

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

And that the grantors will and they their executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whatsoever. Witness my hand and seal this 16th day of January, 1952.

Arthur H. Lewis (Sgd.)
Mildred A. Lewis (Sgd.)

STATE OF OREGON, County of Columbia. On this 16th day of January, 1952, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Arthur H. Lewis and Mildred A. Lewis who are

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

Notary Public for Oregon. My commission expires 12-18-52



WARRANTY DEED

Arthur H. Lewis, GRANTOR
to
Charles B. Holden, GRANTEE

AFTER RECORDING RETURN TO
Joe D. Hall
Notary, Ore.

NOTE: THIS DEED MUST BE RECORDED WITHIN 90 DAYS OF DATE OF EXECUTION.

STATE OF OREGON, County of Columbia

I certify that the within instrument was received for record on the 19th day of February, 1952 at 1:30 p.m. and was recorded in Book 1387, page 197.

Notary Public for Oregon. My commission expires 12-18-52

Updated List of Properties & 1993 Dwellings For TT 21-06

TAX LOT	Tax Account #	Date of Creation	Zoning	1993 Dwelling	Deed Book & Page/Instrument
7315-00-00300	20996	1/6/1974	PF-80	0	DB 109 Page 227
7315-B0-02500	20776	1/16/1974	PF-80	n/a	DB 109 Page 227
7315-B0-01800	20768	1/15/1974	RR-5	1	DB 165 Page 503
7315-A0-00302	20737	10/2/1992	RR-5	0	Partition Plat (PP) 1992-31
7315-A0-00303	20736	10/2/1992	RR-5	0	PP 1992-31
7315-B0-01700	20766	1/15/1974	RR-5	1	DB 165 Page 503
7315-A0-00301	20735	10/2/1992	RR-5	0	PP1992-31
7315-B0-01300	20762	1/15/1974	RR-5	1	DB 165 page 503
7315-B0-01200	20760	1/15/1974	RR-5	0	DB 162 Page 573
7315-B0-01600	20765	1/15/1974	RR-5	1	DB 151 Page 134
7315-A0-00300	20734	1/11/1974	RR-5	0	DB 181 Page 498
7315-B0-01500	20763	1/15/1974	RR-5	1	DB 157 Page 22
7315-B0-01400	20764	1/15/1974	RR-5	0	DB 162 Page 460
7315-B0-01100	20759	1/15/1974	RR-5	0	DB 149 Page 206
7315-B0-01000	20758	1/15/1974	RR-5	0	DB 176 Page 178
7315-A0-00200	20733	1/11/1974	RR-5	1	DB 181 Page 960
7315-B0-00300	20748	1/15/1974	Rural Community (RC)	0	DB 162 Page 615
7315-B0-00100	20744	1/15/1974	RR-5	0	DB 191 Page 944
7315-B0-00200	29399	1/15/1974	RC	0	DB 177 Page 730
7315-B0-00400	29400	1/15/1974	RC	0	DB 136 Page 69
7310-C0-01100	20718	12/21/1973	RR-5	0	DB 187 Page 125
7310-C0-01000	20714	12/21/1973	RR-5	0	DB 112 Page 92
Totals	18 Properties			6 Dwellings	

KEY Subject Property One Property

**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 Statutes (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 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.

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 Louise 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 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(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.

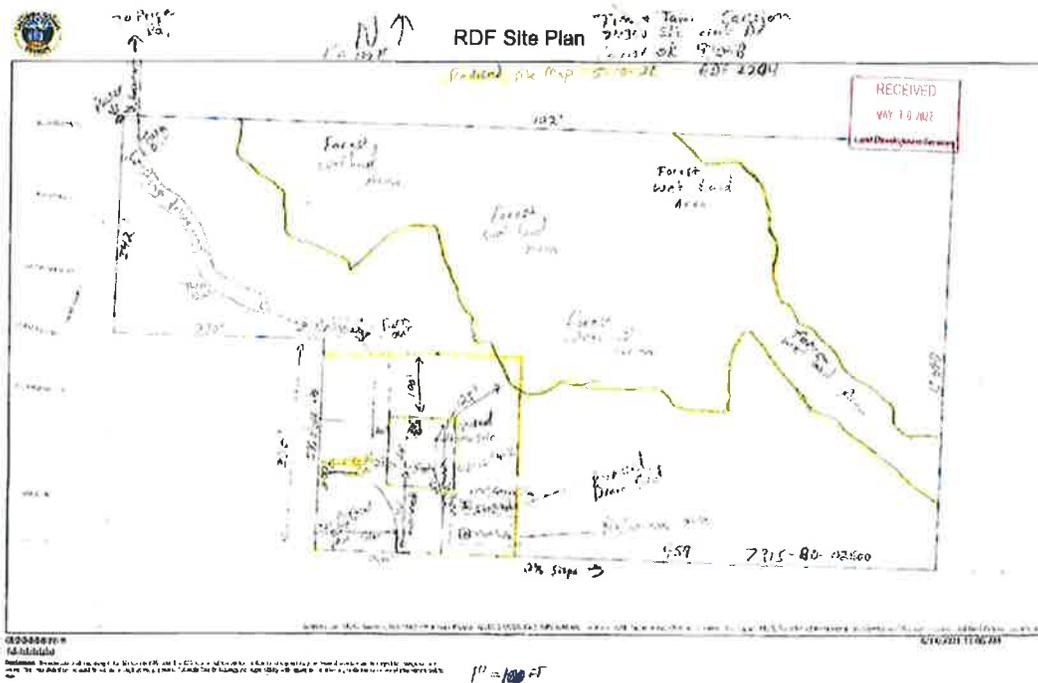
Notice of the Planning Commission's Final Decision of RDF 22-04 was mailed to the applicants and to other persons entitled to notice on September 21, 2022 (Attachment 2).

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.

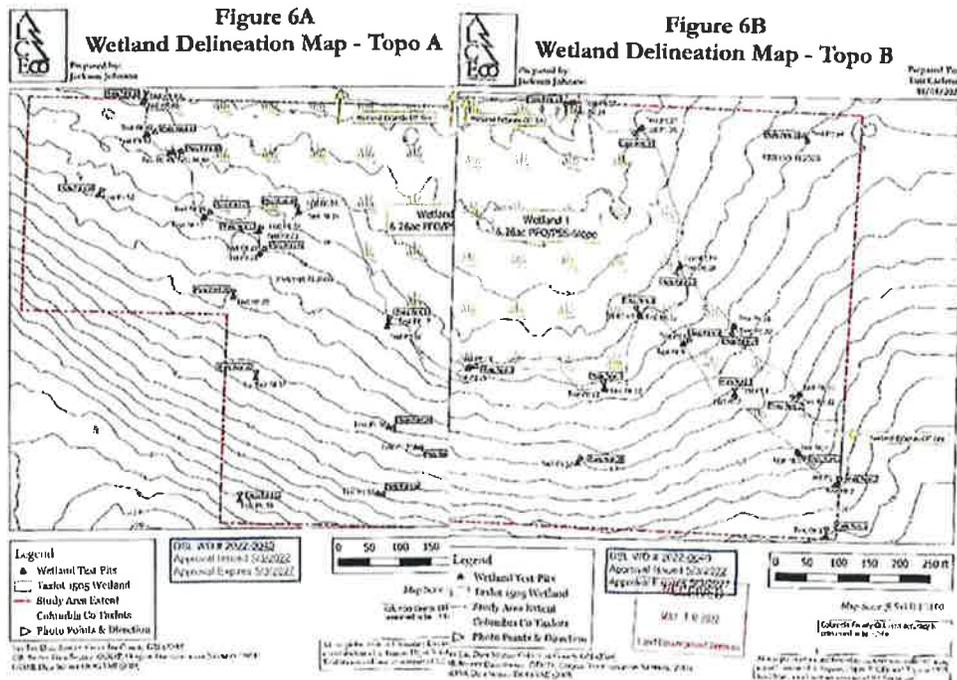
The Board of Commissioners scheduled a public hearing for December 21, 2022 to consider the Appellants APPEAL. Notification of this Public Hearing was sent to the surrounding property owners, affected agencies, the Rainier CPAC on November 22, 2022 and to the Chronicle for publication in their November 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.

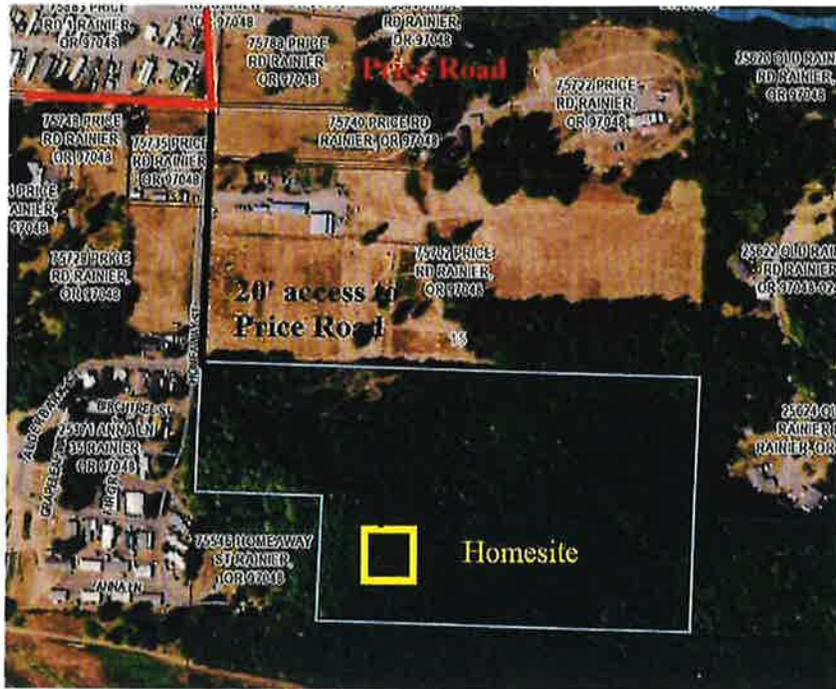
Revised Site Plan dated May 10, 2022



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



2020 Aerial and Zoning Maps of Subject 17.52-acre PF-80 zoned property that accesses Price Road via a 20' easement over the northern 3 adjacent properties



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 I "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

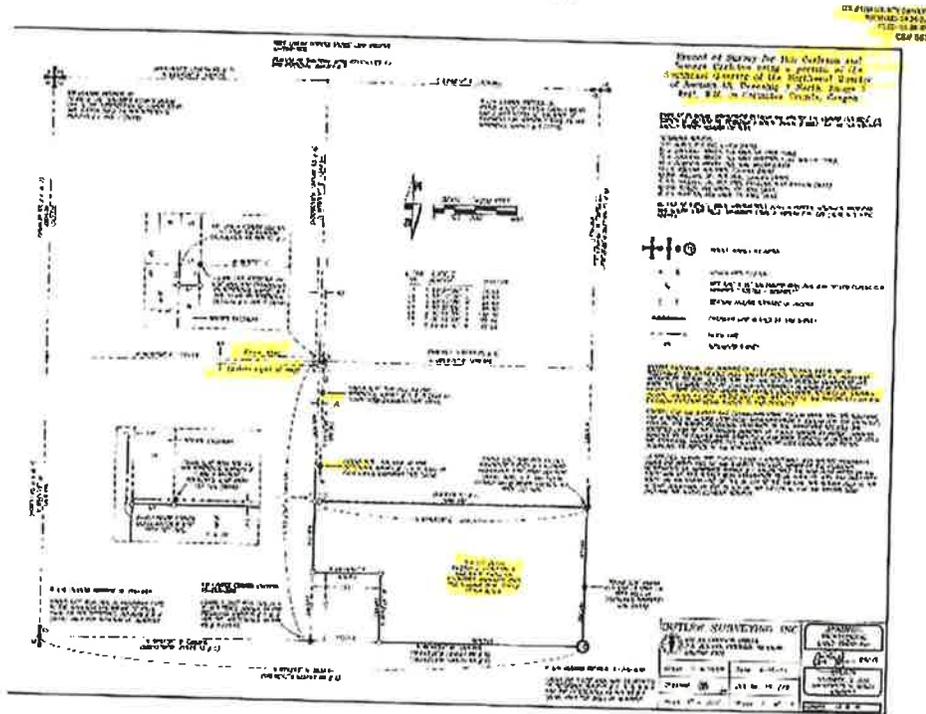
APPELLANTS' SECOND CONCERN: The Appellants' 9/26/2022 Appeal second concern is related to the subject property's private access to Price Road and is related to this criteria in Sections 507.3 and 510.4 of the CCZO pertaining to forest dwellings that utilize private, rather than public, accesses and the 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 Homeway 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

cc: Tim and Tami Carleton Tami Carleton, 74340 Elk Creek Rd., Rainier, OR 97048
tcarleton@lclfcu.org
Don and Dawn Campbell, P.O. Box 1375 Rainier, OR 97048: CHINOOK360@msn.com
Tina Louise King, 75702 Price Road, Rainier, OR 97048
Robert and Kathy Ramey, 75702 Price Road, Rainier, OR 97048
Steve Sharek, Clatskanie Fire Department ssharek@clatskaniefire.org
Mike Russel, County Public Works Department michael.russell@columbiacountyor.gov

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 form 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.

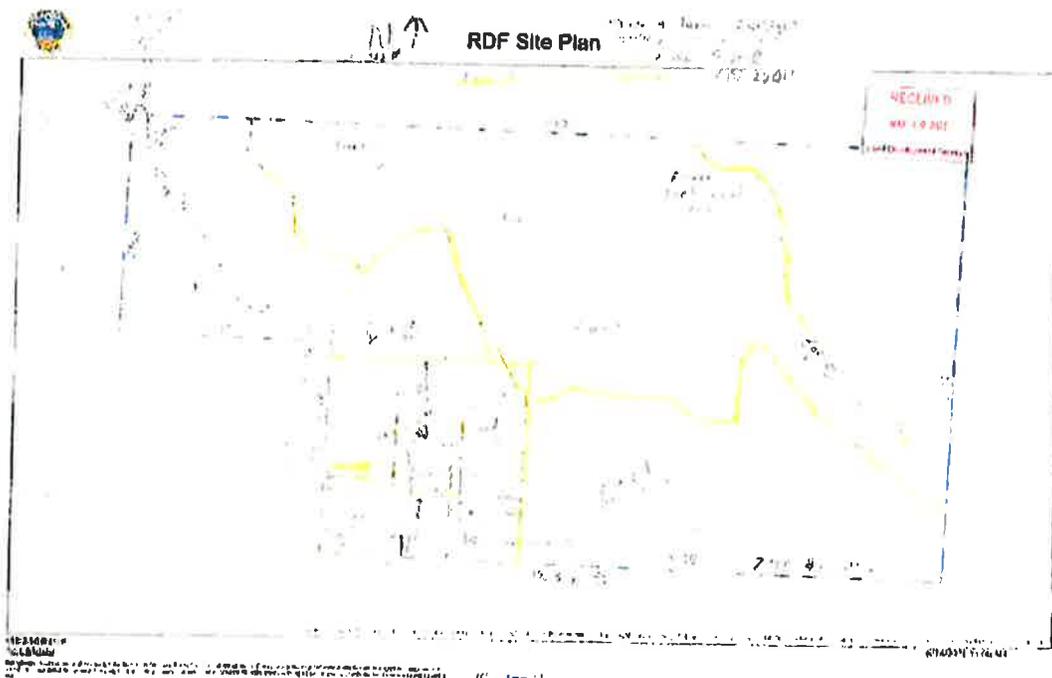
Natural characteristics of the site are as follows. According to the FEMA FIRM, there are no flood hazard areas onsite. The BEAK Maps of the Rainier-Fern Hill Area shows that this property is located in an area that is designated as Peripheral Big Game Habitat, but does not contain any threatened, endangered, 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 1* 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.

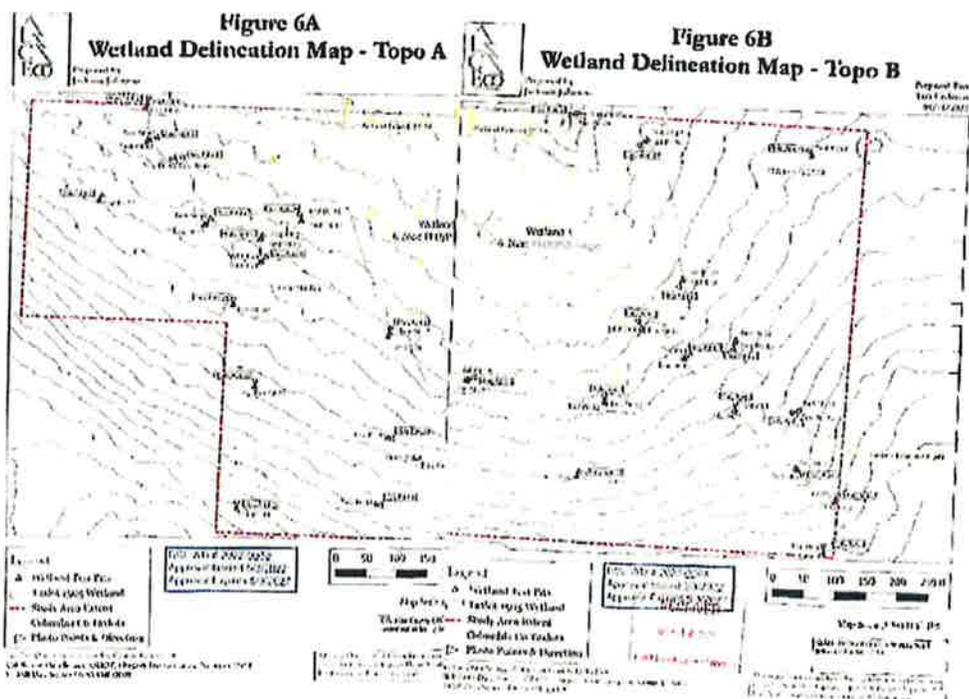
On August 13, 2022 Tina Louise King who resides at 75702 Price Road, paid the fee and REFERRED the authorized Administrative Review of RDF22-04 to be heard by the Planning Commission at a public hearing that is scheduled for August 1, 2022. The expressed reasons for this Referral concern the applicant's 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.

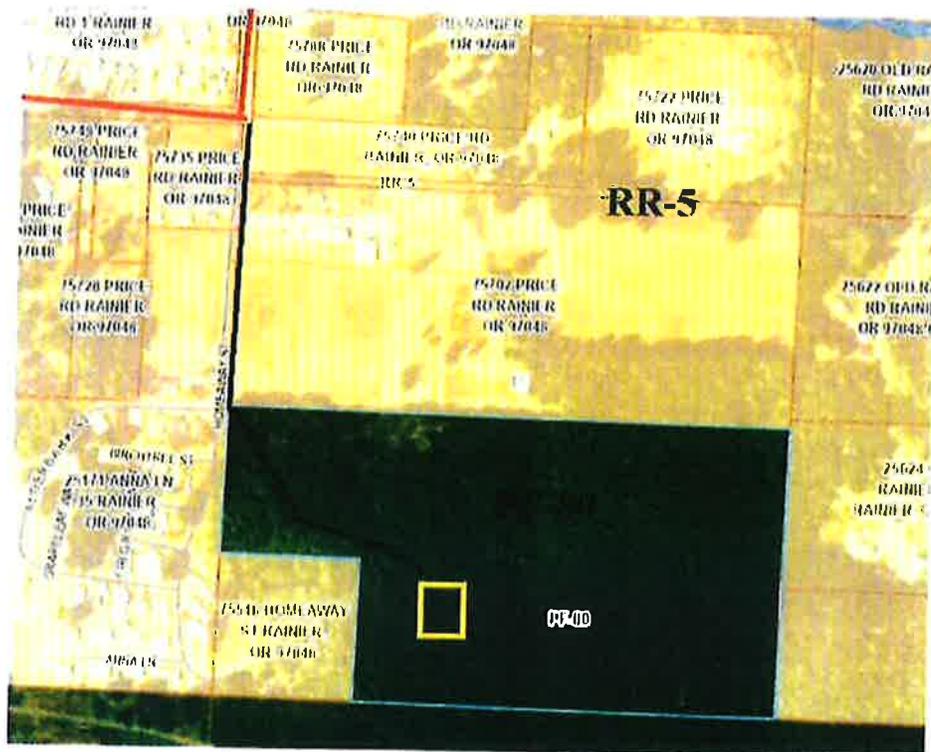
Revised Site Plan dated May 10, 2022



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

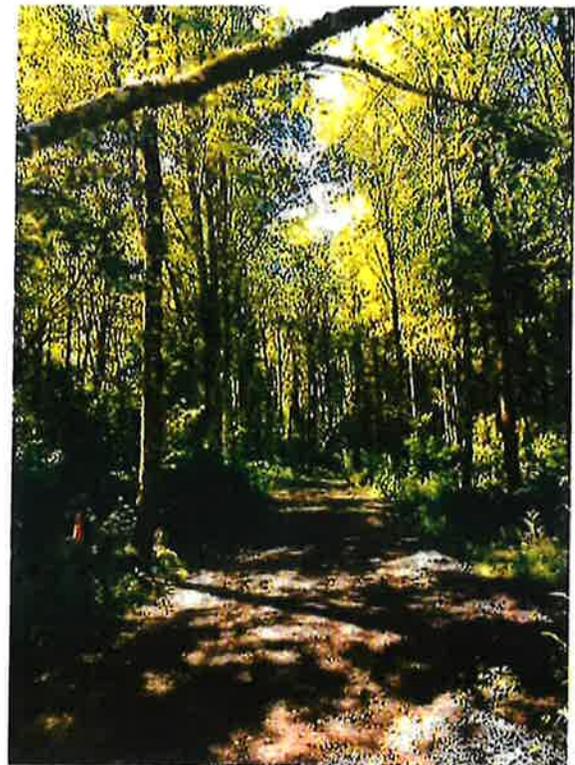
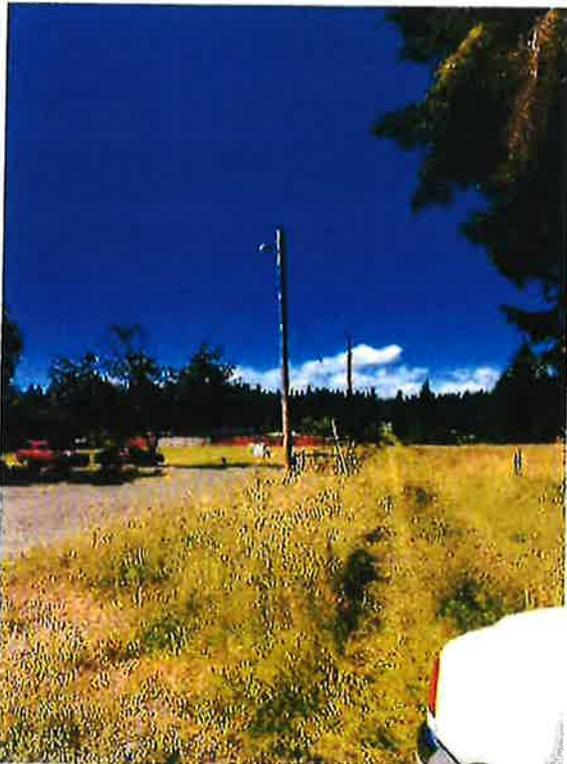
- .1 All new dwellings and structures are subject to the siting standards in this section. Relevant physical and locational factors including, but not limited to, topography, prevailing winds, proximity to existing roads, access, surrounding land use and source of domestic water shall be used to identify 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:

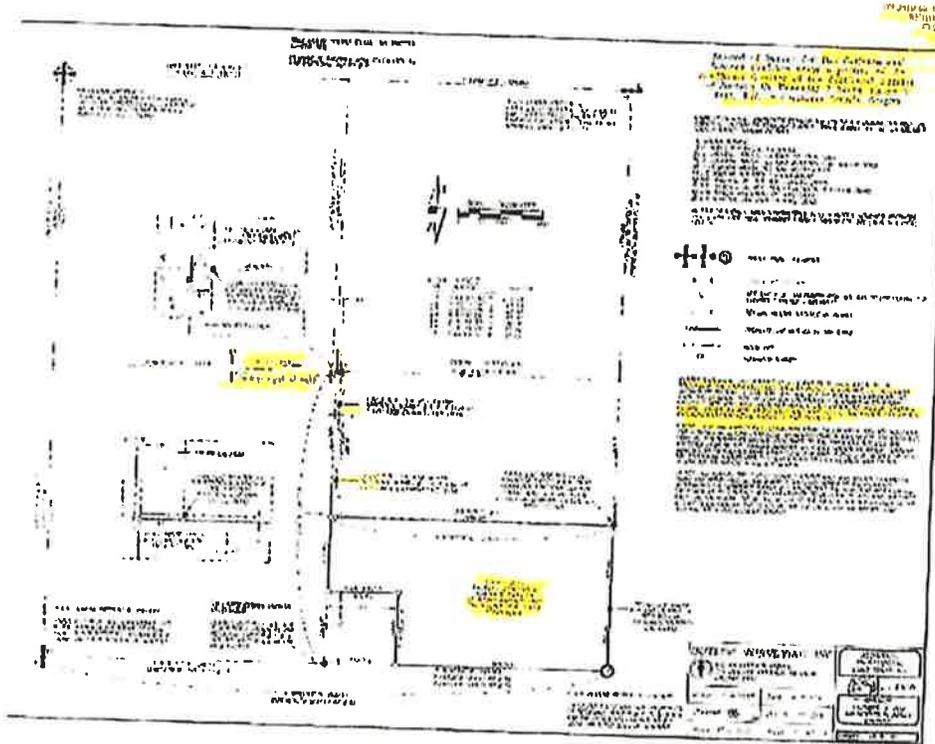
- .2 The applicant shall provide evidence consistent with OAR 660-006-0029(3) that domestic water supply is from a source authorized in accordance with the Department of Water Resources' administrative rules for the appropriation of ground water or surface water in OAR Chapter 690 and not from a Class 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.

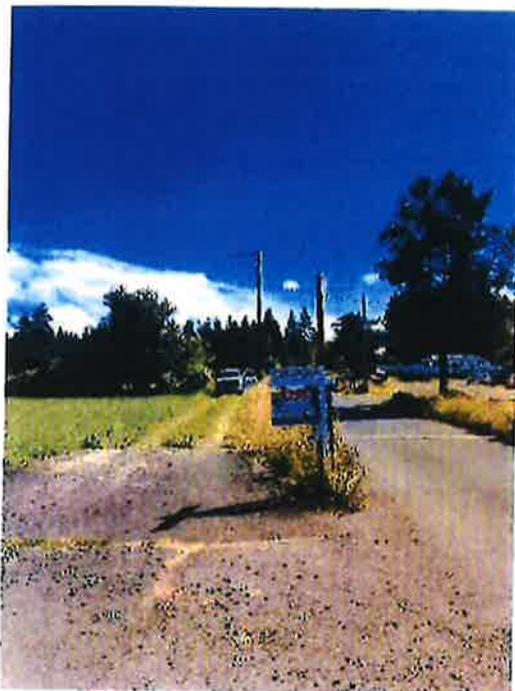
County Survey # 6518 filed 5/28/2019 identifying the East and West Lines of the recorded 20 foot wide easement providing legal access from Price Road to the subject property



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 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-Fernbill 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**

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

BOOK _____ PAGE _____

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

COLUMBIA COUNTY, OREGON **2006-011602**
DEED-D
Cnt=1 Str=8 HUSERB 09/01/2006 11:28:48 AM
\$10.00 \$11.00 \$10.00 Total: \$31.00



L. 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

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

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

The foregoing instrument was acknowledged before me this 30 day of August, 2006.
by Michael D. Pihl
as President
of Mike Pihl Logging Co, Inc

The foregoing instrument was acknowledged before me this ___ day of _____, 2006.
by _____, and
by _____,
of _____,
a corporation, on behalf of the corporation.

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.