

#192-23-000108PLNG

\$1669.74

File No. RDF 23-10

**FOREST DWELLING PERMIT APPLICATION**

TYPE:  Lot of Record  Template  Large/Multi Tract  Other

**APPLICANT**

NAME: TRISHA BARNETT and DOUGLAS MCGILVRA

Mailing address: PO BOX 701

SALEM City OR State 97308 Zip Code

Phone No.: Office N/A Home: 503.999.3448

Email: barnett.trisha@gmail.com

Are you the  property owner?  owner's agent?

PROPERTY OWNER:  same as above, OR:

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_ City State Zip Code

Phone No.: Office \_\_\_\_\_ Home \_\_\_\_\_

PROPERTY ADDRESS (if assigned): # not assigned, Rays Way, St. Helens, OR  
97051

TAX MAP NO.: 5131-00-00201 Acres: 15.22 Zoning: PF-80

\_\_\_\_\_ Acres: \_\_\_\_\_ Zoning: \_\_\_\_\_

\_\_\_\_\_ Acres: \_\_\_\_\_ Zoning: \_\_\_\_\_

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

Use: \_\_\_\_\_ Approx. Acres

Forest 15.22

\_\_\_\_\_

File No. RDF 23-10

**WATER SUPPLY:**  Private well. Is the well installed? \_\_\_ Yes  No  
\_\_\_ Community system. Name \_\_\_\_\_

**METHOD OF SEWAGE DISPOSAL:** \_\_\_ Community Sewer. Name \_\_\_\_\_  
\_\_\_ Not applicable.  
 Septic System.

If Septic, does the subject property already have a system? \_\_\_ Yes  No  
If no, is the property approved for a Septic System? \_\_\_ Yes  No

**ELECTRICITY SUPPLIER:** Columbia River PUD

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

Tax Map No.	Acres	Co-owners (if any)
<u>none</u>		

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

Fire Official's Signature:  Date: 03/15/2023

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

Date: 3-13-2023 Property Owner(s) Signature: 

+++++

Planning Department Use Only

Date Rec'd: 3/30/23 Hearing Date: \_\_\_\_\_

Receipt No: 400981 Or: Administrative

Zoning: FA-50 Staff Member: 

Previous Land Use Actions: \_\_\_\_\_





# RDF 23-10 FA-80 Zoning Map



5131-D0-01000  
 U.S. Fish and Wildlife Service, National Wetland Inventory Support Team,  
 wetlands\_team@fws.gov, Oregon Department of Forestry

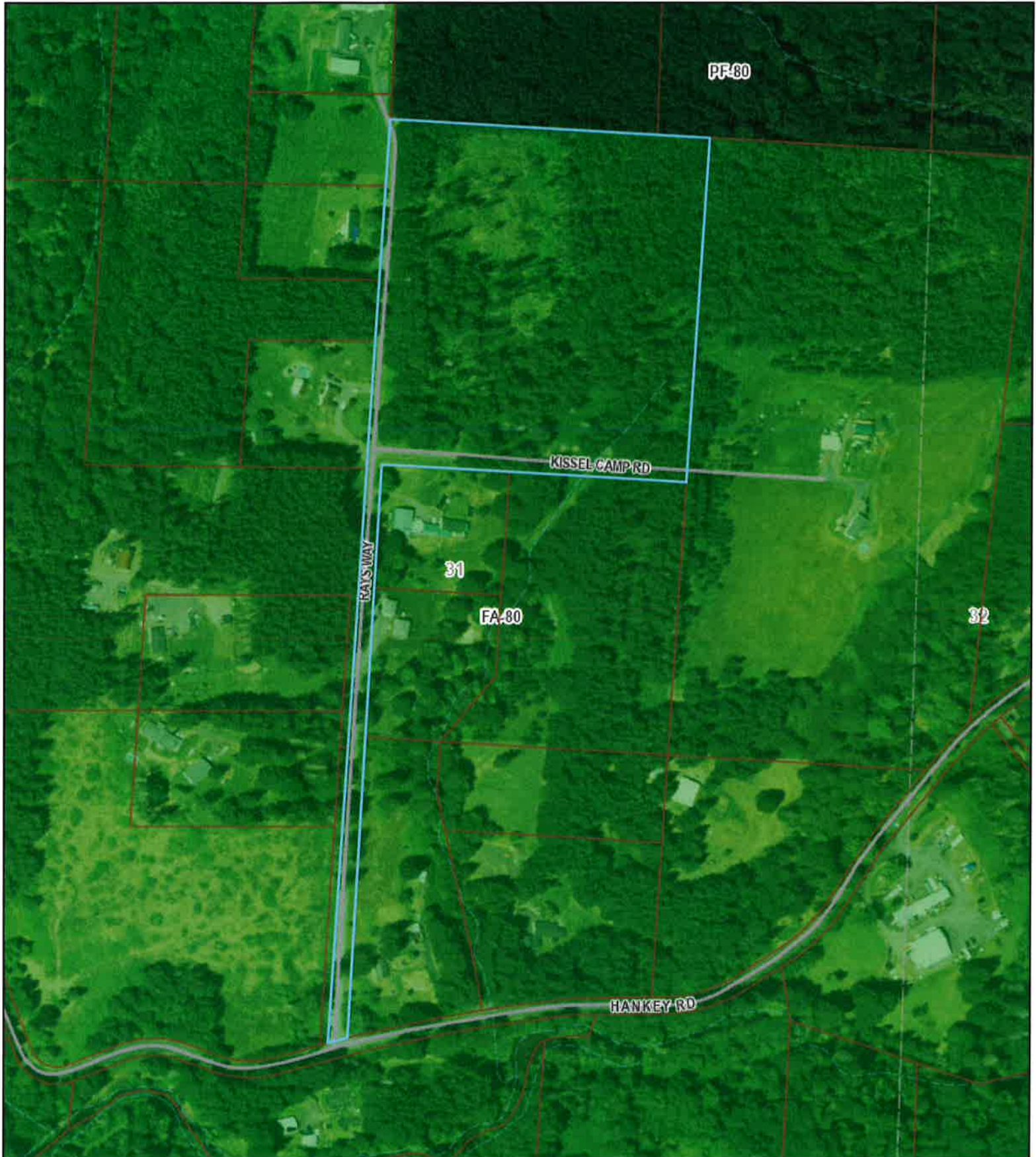
3/30/2023 4:25 PM

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





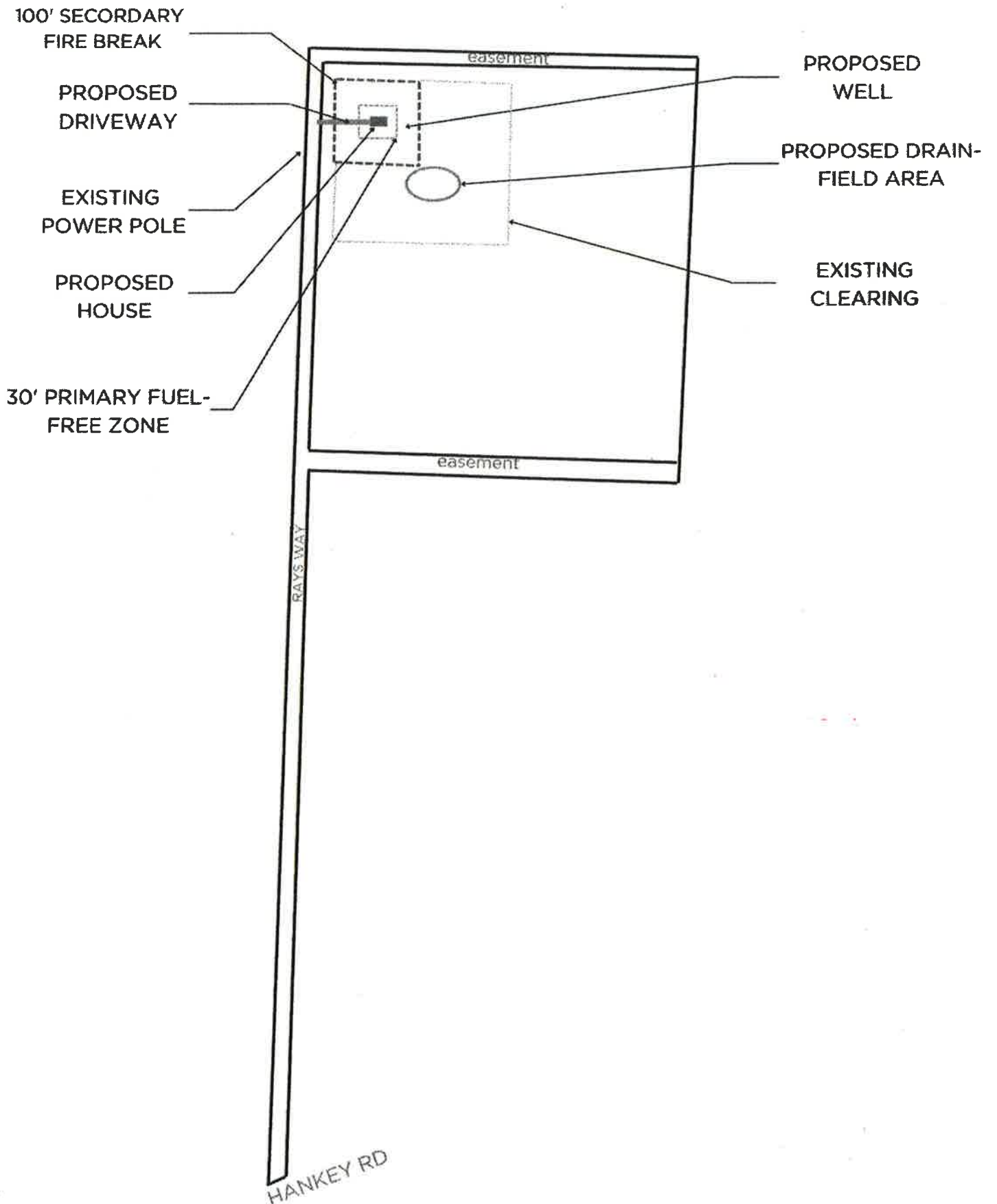
# RDF 23-10 FA-80 Zoning Map



3/30/2023 4:13 PM

# SITE PLAN

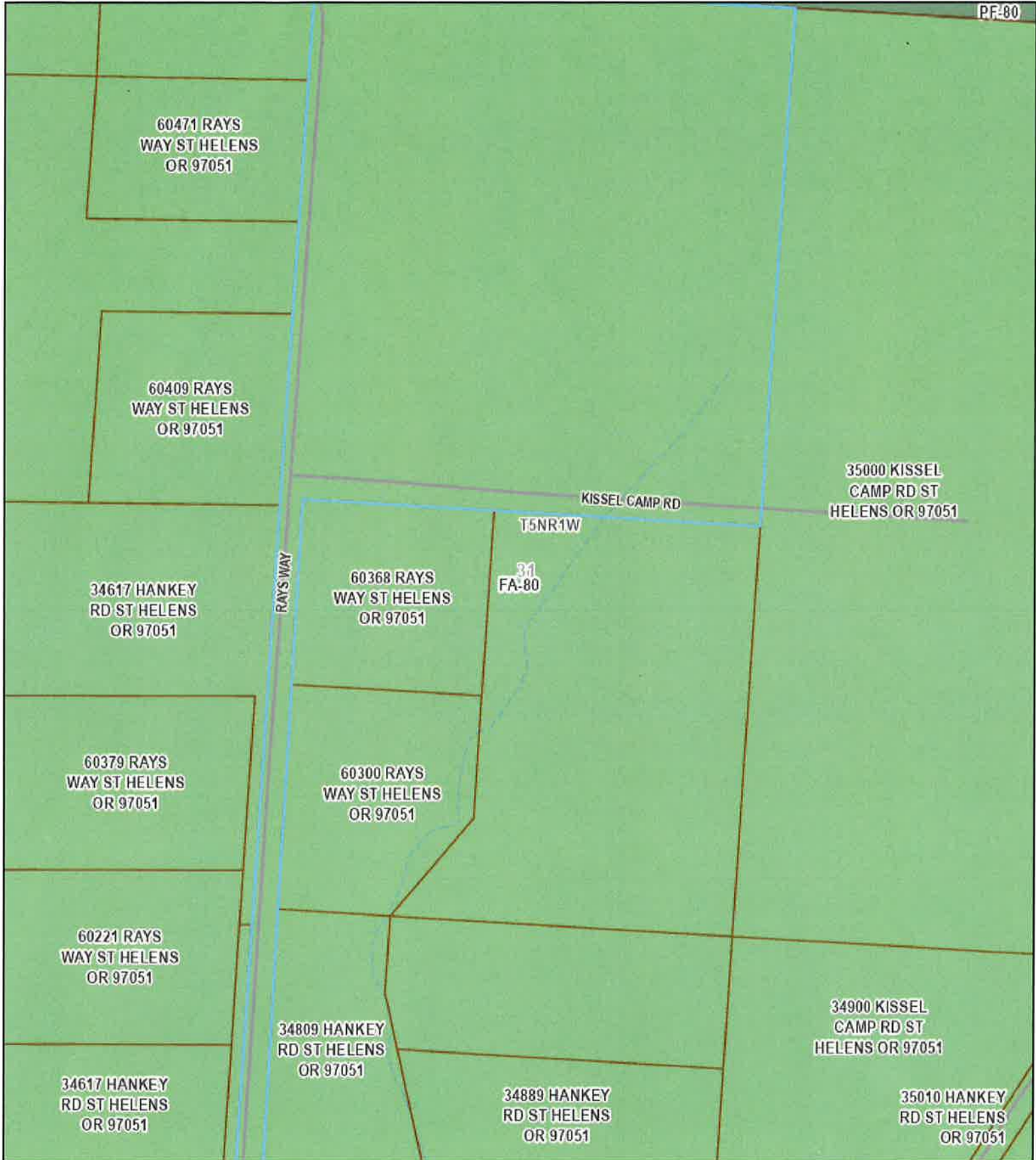
RDF 23-10







# Columbia County Web Map



10/3/2023 2:46 PM

### **Siting of Dwellings & Structures in Forest Zones**

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

\*Please attach extra pages if necessary.

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

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

*see attached*

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

*See attached*

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

*See attached*

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

*See attached*



## RBF 23-40 Responses

1. The proposed forest dwelling would be located in the existing clearing on the property. Placement of a dwelling in this location would not impact the nearby or adjacent forest or agricultural lands in a manner consistent with their zoning. The dwelling siting will not limit or change access to adjacent parcels. Placement of this one dwelling should not significantly increase land value of similarly zoned, nearby forest and agricultural lands; hence, there should not be an associated significant increase in the cost of farming or forest practices.
2. The proposed forest dwelling location is in the existing clearing on the property. The existing clearing is large enough for the dwelling to be positioned so that the required firebreaks and setbacks are met. Forest operations and/or farming practices will not be impeded by the proposed dwelling, since the proposed dwelling siting does not block access to any areas of the property.
3. The property is immediately adjacent to Rays Way and a driveway will be built consistent with the other nearby by forest dwelling driveways on Rays Way. Electric service and telephone service utilities are nearby and service other forest dwellings on Rays Way. Any extension needed by utility providers should be minimal.
4. There is not a fire protection water supply available, so Section 510.1 of the zoning ordinance does not apply to this proposal. The proposed dwelling siting within the existing clearing allows for compliance with the 30' primary fuel-free zone. The dwelling would not be located on a 10% or greater slope so an increase of the 30' zone is not required. The 100' secondary firebreak, outside the 30' primary fuel-free break, is located entirely within the subject property's boundaries (see attached site plan); therefore, a firebreak easement is not required from neighboring properties. The pruning of existing tree limbs to a height of 8' and removal of dead fuels within the secondary firebreak is easily achievable. All dwelling road construction requirements of section 510 are obtainable and will be adhered to when applying for relevant permits.

The construction of a small dwelling should not significantly increase fire hazard, fire suppression costs, or fire personnel risk. The presence of people on the property would reduce reporting time of an observed fire compared to the existing condition of an uninhabited property.

5. The property is not located in and/or does not contain a flood hazard area, the Willamette River Greenway, a designated big game habitat area, riparian corridor, wetland, or slide prone area. No development is proposed in a steeply sloped area.

**Columbia County**



**Oregon**

**DEPARTMENT OF LAND DEVELOPMENT  
SERVICES PLANNING DIVISION**

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

**MAY 9, 2022**

Trisha Barnett & Douglas McGilvra  
27070 Irish Bend Loop  
Halsey, OR 97348  
[Dougarwen@gmail.com](mailto:Dougarwen@gmail.com)

RE: Template Test (TT 22-45) for the approximate 15.22 acre property currently associated with Tax Map ID Number 5131-D0-00201 Account Number 15742

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

According to the Soil Survey of Columbia County, Oregon, the soil on the subject tract consists of Braun-Cascade Silt Loam (Types 10B and 10C). The growth at the culmination of the mean annual increment (CMAI) for this soil type is greater than 85 cubic feet per acre. A forest dwelling on these soil types requires all or part of at least eleven (11) other lots of parcels and three (3) dwellings that existed on January 1, 1993 to be within a 160 acre template centered on the subject tract.

The attached Template Test dated 05/06/22 revealed the following:

<u>Tax Lot</u>	<u>Parcels prior to Jan. 1, 1993</u>	<u>Dwellings prior to 1/1/93</u>
5131-D0-00201	17	12

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

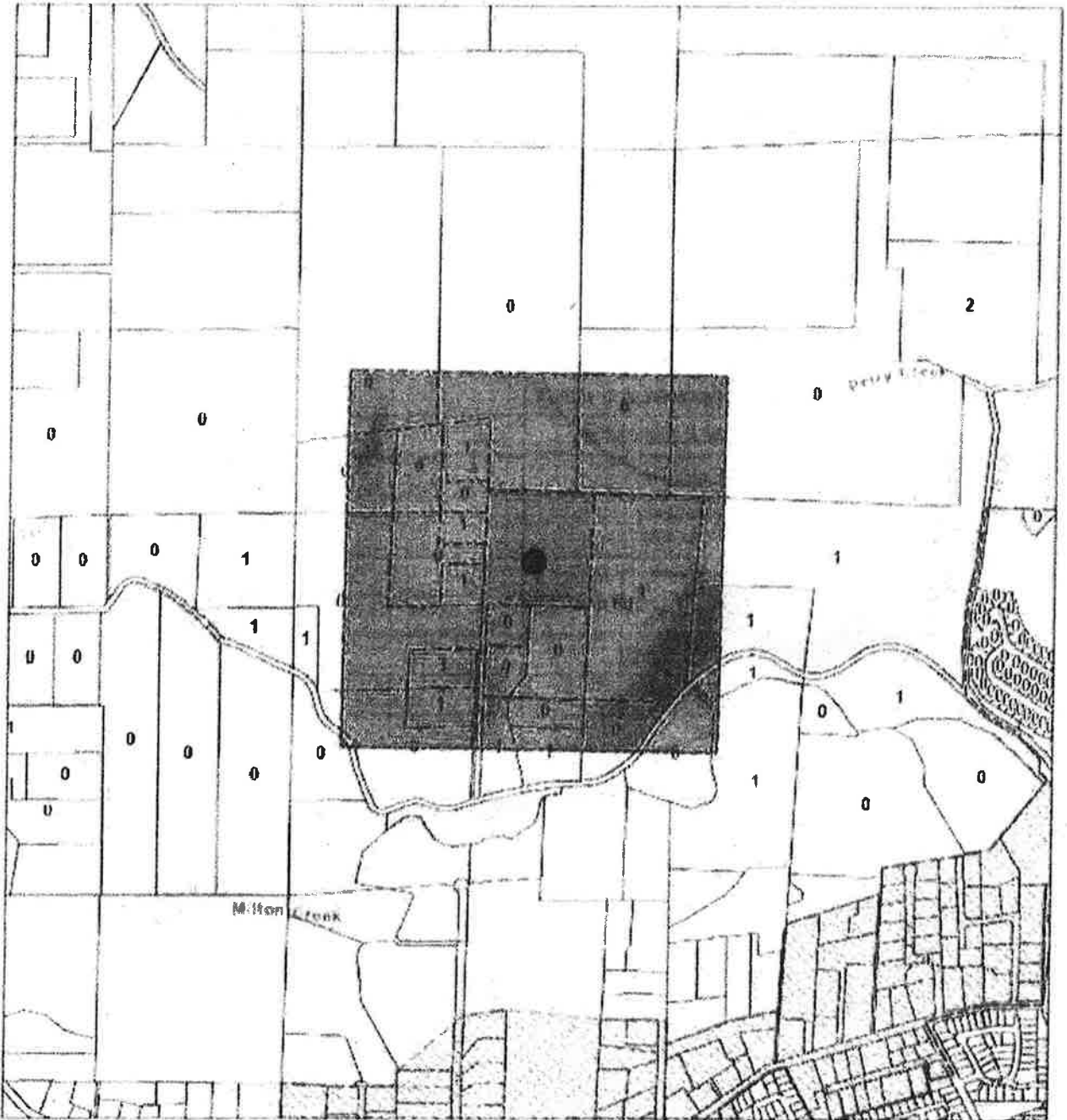
If you have further questions, contact me at 503-397-7260.

Sincerely,

Deborah S. Jacob  
Senior Planner

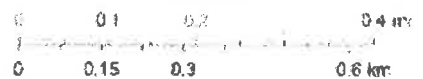


# Tax Map ID # 5131-DO-00201 Template Test 22-45



May 6, 2022

1:16,852





**COLUMBIA County Assessor's Summary Report**  
**Real Property Assessment Report**  
 FOR ASSESSMENT YEAR 2022

March 30, 2023 4:03:51 pm

Account # 15742  
 Map # 5N1W31-D0-00201  
 Code - Tax # 0208-15742

Tax Status ASSESSABLE  
 Acct Status ACTIVE  
 Subtype NORMAL

Legal Descr See Record

Mailing Name BARNETT TRISHA K B & MCGILVRA DOUGLAS J

Deed Reference # 2022-435

Agent

Sales Date/Price 01-13-2022 / \$0.00

In Care Of BARNETT TRISHA K B

Appraiser DAVID LEADER

Mailing Address PO BOX 701  
 SALEM, OR 97308

Prop Class 640 MA SA NH Unit  
 RMV Class 400 06 61 000 34684-1

Situs Address(s) Situs City

Code Area		RMV	MAV	Value Summary AV	RMV Exception	CPR %
0208	Land	252,830	0	7,978	Land	0
	Impr.	0	0	0	Impr.	0
<b>Code Area Total</b>		252,830	0	7,978		0
<b>Grand Total</b>		252,830	0	7,978		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
0208	1		<input type="checkbox"/>	CO:FA-80	Designated Forest Land	106	A	15.22	FC	006*	252,830
<b>Grand Total</b>								15.22			252,830

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

**Exemptions / Special Assessments / Potential Liability**

**NOTATIONS:**

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

Code Area 0208

**FIRE PATROL:**

- FIRE PATROL

Amount	23.36	Acres	15.22	Year	2022
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Comments: 2022 > No longer ptu'd with adjacent acc# 15740 due to ownership change. DL  
 2013 - Re-Appraisal. PTA with 15740. ms



# **DWELLINGS ON FOREST LAND**

## **FOREST LAND ASSESSMENTS TIMBER STOCKING SURVEY REPORTS REFORESTATION PLANS**

In accordance with State Law, Columbia County places a condition on all conditional use permits for dwellings and structures in Forest Zones requiring that the owner meet the timber stocking requirements of the Oregon Forest Practices Act. This condition must be met prior to applying for a building permit for your forest dwelling.

In order to meet this condition on your forest dwelling conditional use permit, you must complete the following steps:

**Step 1:** Complete the attached Forest Land Assessment/Timber Stocking Compliance Application. This application will contain the information necessary to determine specific timber stocking requirements for your forest land and what you must submit in order to comply with these requirements.

**Step 2:** Submit the completed Forest Land Assessment/Timber Stocking Compliance Application and, as applicable, a Timber Stocking Survey Report and Reforestation Plan to Columbia County Land Development Services.

WHEN COMPLETED SUBMIT TO  
**COLUMBIA COUNTY LAND DEVELOPMENT SERVICES**  
COUNTY COURTHOUSE, ST. HELENS, OREGON 97051  
PHONE (503) 397-1501 FAX (503) 366-3902

**FOREST LAND ASSESSMENT AND TIMBER  
STOCKING COMPLIANCE APPLICATION**

**SECTION 1 APPLICANT/OWNER INFORMATION**

APPLICANT: Name: \_\_\_\_\_

Mailing address: \_\_\_\_\_  
Street City State Zip

Phone No.: Office: \_\_\_\_\_ Home: \_\_\_\_\_

Email: \_\_\_\_\_

Are you the property owner? \_\_\_\_\_ OR: owner's agent \_\_\_\_\_

PROPERTY OWNER: Same as above \_\_\_\_\_ OR: (Name): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street City State Zip

LOCATION ADDRESS: \_\_\_\_\_  
Street City State Zip

TAX ACCOUNT NO.: \_\_\_\_\_ Total Acres: \_\_\_\_\_  
# of Acres Forested: \_\_\_\_\_  
# of Acres Farmed: \_\_\_\_\_

**SECTION 2 FOREST LAND ASSESSMENT**

Note: Information you provide in this section will determine what specific timber stocking requirements you must meet to satisfy the condition on your Forest Dwelling Conditional Use Permit.

**1. SITE USE MAP:**

Please attach an 8½ x 11 inch map clearly indicating approximate area locations and acreages for the following uses of the property. Place the letter listed below which corresponds to the type of use listed on the map. Example:

“B” refers to areas of clear-cut harvest activity within the last 7 years which has not been replanted. If there is more than one area in a use category refer to these areas as “B1, B2” etc.

**Area Map Designation**

**Mapped Area Description**

- |    |   |
|----|---|
| A. | Areas of existing forest more than 7 years old.   |
| B. | Areas of clear-cut harvest activity within the last 7 years which have not been replanted.<br>Indicate the approximate year of harvest, if known                              |
| C. | Areas of clear-cut harvest activity within the last 7 years which have been replanted. Indicate the approximate year of harvest and the year in which the area was replanted. |
| D. | Areas of brush, non-productive for forest uses.   |
| E. | Areas in agricultural use.  |
| F. | Areas of existing and proposed buildings.   |



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### SECTION 3 REFORESTATION REQUIREMENTS

Based on your site use map, complete the following information to determine specific reforestation requirements which you must meet as a condition of your Forest Dwelling Conditional Use Permit.

#### A. Timber Stocking Survey Report

A Timber Stocking Survey Report is required when any clear-cut harvest activity has taken place on the property within the last seven (7) years.

If you have any such areas on your property, a Timber Stocking Survey Report must be submitted with this application. **The Timber Stocking Survey Report should be prepared by a qualified forester or person qualified by training and/or experience to prepare the survey report.** The Report shall include the following as a minimum:

- 1) Sampling Technique
- 2) Tree Species and Age
- 3) Number of Trees per Acre
- 4) Stand Condition and Health
- 5) Free-to-Grow Status i.e. Tree Establishment Relative to Competing Vegetation

If do not have any areas of your property which have been clear-cut harvested within the last 7 years, complete Section 4 below and submit the application to the County Assessor's Office.

#### B. Reforestation Plan

A Reforestation Plan is required whenever the Timber Stocking Survey indicates that the tree cover is not adequate or may not be adequate in the future to meet the Oregon Forest Practices Act. In NW Oregon, a minimum of 200 trees per acre must become established over time and be free-to-grow. A Reforestation Plan is required when any of the following conditions apply:

1. Clear-cut harvesting has occurred within the last seven (7) years and has not been replanted.
2. The Timber Stocking Survey Report indicates the plantation has failed and does not meet State forest practice standards.
3. Areas that, due to stand condition, are unlikely to become established, i.e. free-to-grow.

If any of the above conditions apply to your property, a Reforestation Plan must be submitted with this application. **The Reforestation Plan should be prepared by a qualified forester or person qualified by training and/or experience to prepare the survey report.**

The Report shall include the following as a minimum:

1. Description of the area and number of acres.
2. A map identifying the area subject to the Reforestation Plan
3. Type of site preparation and timeframe to accomplish it. \*\*
4. The tree species to be planted and type of nursery stock.
5. The number of trees per acre to be planted.
6. Identify the contractor who will be planting.
7. The time of year planting will take place.
8. Methods of stand maintenance to assure establishment over time.

\*\*Note: Site Preparation and the use of chemicals requires a permit from your local Department of Forestry Office.

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### SECTION 4 CERTIFICATION:

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

#### Inspection to Verify Forest Land Status:

I understand that an inspection may be made of my property to verify forest land status.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Day Phone: \_\_\_\_\_



## Deborah Jacob

---

**From:** Colleen DeShazer <deshazerfarm@msn.com>  
**Sent:** Friday, October 13, 2023 11:47 AM  
**To:** Paul Deshazer; Deborah Jacob  
**Subject:** RDF 23-10 Trisha Barnett



You don't often get email from deshazerfarm@msn.com. [Learn why this is important](#)


Ms. Jacob:

Please accept this email notification regarding the above referenced application as formal notification that we request a review by the planning commission of this application. My son came to your office today and was advised that the notification that was mailed to neighboring landowners dated October 3, 2023 and mailed October 4, 2023 (stating there was a ten (10) day window to request review) by the planning commission versus the director was not accurate and should have stated 150 days not ten. Notwithstanding the fact that the notice was not mailed out on the date it was drafted reducing the response days to less than ten, if it is accurate that the notice should have stated 150 days. Thus the notice is not valid for decision making or appeal deadlines. The notice needs to be reissued to reflect the accurate information.

With that aside, I would like to understand the information that was provided to my son Paul DeShazer in person by you when he requested copies of the complete application. He was advised that the only information that existed was the one page site plan (limited) drawing included in the notification. Where is the application? How can a determination be made by the director or planning commission or neighboring landowner without the supporting documents? We have concerns regarding safety, fire access and the notation of the power pole on the limited drawing as that power pole (light pole) was paid for by my mother.

With the limited information provided it is not possible to make a full evaluation as to whether or not our concerns will be fully addressed through this process. The issue of limited access was to be addressed years ago when additional home sites over six were added. Fire trucks cannot even make it up the road and the last time one attempted it had to be pulled up the road with a tow truck.

I have other concerns about this application but without the full detail it is not possible to do so. I find it unfathomable that this is the only document in the file.

 Please contact Paul DeShazer at 503-396-1333 for payment.





**Transaction Receipt**  
**Record ID: 192-23-000108-PLNG**  
**IVR Number: 192092929305**

Office: LDS  
445 Port Avenue  
St. Helens, OR 97051  
503-397-1501 x 2  
Fax: 503-366-3902  
planning@columbiacountyor.gov

**Receipt Number: 402687**

**Receipt Date: 10/13/23**

www.co.columbia.or.us

Parcel: 5131-D0-00201

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**Fees Paid**

Transaction date	Units	Description	Account code	Fee amount	Paid amount
10/13/23	1.00 Ea	Referral of administrative action	100-449.00-316.51-000-0 0	\$250.00	\$250.00

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Payment Method: Credit card      Payer: Paul DeShazer      Payment Amount: \$250.00  
authorization: 440382

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Cashier: Teresa Golson      **Receipt Total: \$250.00**



July 20, 2023

**COPY** - PLA 23-15

Trisha Barnett & Douglas McGilvra  
P.O. Box 701  
Salem, OR 97308  
[Barnett.trisha@gmail.com](mailto:Barnett.trisha@gmail.com)

Dennis McGilvra  
35000 Kissel Camp Road  
St. Helens, OR 97051

**RE: Property Line Adjustment Application**  
**FILE No. /Tax Lots: PLA 23-15 / 5131-D0-00201, 5131-D0-00104 & 5131-D0-00101**  
**Tax Accounts: 15742, 15740 & 15737**  
**Zone: PF -80**

Dear Trisha, Douglas and Dennis,

This letter signifies the County Planning Division's APPROVAL of the Property Line Adjustment within the tax map lots referenced above. This certification affirms that this Property Line Adjustment complies with all applicable County and State regulations pertaining to the relocation of the common boundary lines between said properties as indicated and approved by LDS in file number PLA 23-15.

**To complete this process the land described in the attached legal descriptions as reflected in the attached Nathan James McGilvra Estate Probate Document Case No. 21PB01514 and in this PLA submittal documents, must be conveyed to the property owner(s) through a Declaration of Property Line Adjustment Deed. This Deed must be recorded with the Columbia County Clerk's Office. For this property line adjustment to be finalized by Land Development Services (LDS), the Clerks recording number and the recorded County Survey Number must be provided to Land Development Services for PLA 23-08.**

Please note that no new lots or parcels shall be created by this Property Line Adjustment. The Approval of this Property Line Adjustment does not indicate or imply that any future development of the affected properties can be accomplished consistent with the applicable regulations of the County and other agencies.

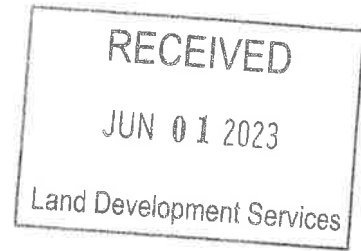
If you have any questions with regards to this matter, please contact me via phone or email.

Sincerely,

A handwritten signature in cursive script that reads "Deborah S. Jacob".

Deborah S. Jacob  
Senior Planner  
503-397-7260  
[Deborah.Jacob@columbiacountyor.gov](mailto:Deborah.Jacob@columbiacountyor.gov)

**Attachment:** Legal Descriptions included in the Estate of Nathan James McGilvra Probate Document Case No. 21PB015142  
**cc:** RDF 23-10 File



IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF COLUMBIA  
Probate Department

**COPY**

In the Matter of the Estate of  
**NATHAN JAMES MCGILVRA,**  
Deceased.

Case No. 21PB01514

**GENERAL JUDGMENT  
APPROVING FINAL  
ACCOUNTING AND  
AUTHORIZING FINAL  
DISTRIBUTION**

Upon motion of Dennis Paul McGilvra, Personal Representative of the above Estate, the Personal Representative having filed the Final Accounting and Petition for General Judgment of Final Distribution on November 9, 2021, and the time for filing objections having passed with no objections filed, the Court finds that:

1.

The beneficiary correctly known as "Douglas J. McGilvra" was misidentified as "Douglas M. McGilvra" in the Decedent's Last Will. All assets gifted to "Douglas M. McGilvra" by Decedent should therefore be titled to "Douglas J. McGilvra."

2.

The bitcoin, precious metals, coin collections, firearms, antiques, shipping containers, and the contents thereof were either gifted or sold to the Personal Representative by the Decedent prior to his death, or were sold or given away by the

1 Decedent to other persons prior to his death in satisfaction of his financial and personal  
2 obligations. Because the above items cannot be located, or were given away or sold prior  
3 to death, they are not property of the Estate, and these specific gifts fail under the  
4 doctrine of ademption by extinction.

5 3.

6 All Oregon income, estate, and personal property taxes that have become due, if any,  
7 have been paid.

8 4.

9 The Attorney for the Personal Representative is entitled to compensation in the amount of  
10 \$4,847.00 for work already performed for the Estate.

11 5.

12 Decedent's Last Will made the specific gifts of the following generally described  
13 real property or real property interests:

- 14 a. To Dennis Paul, McGilvra, [Tax Lots 101 and 104] "and Kissel Camp  
15 Road, and the 20 foot road running along the North line of the Francis  
16 Perry Donation Land Claim from Ray's Way to Tax Lot 101"; and  
17 b. To Trisha K. B. Barnett and Douglas J. McGilvra, [Tax Lot 201] "together  
18 with an easement on Kissel Camp Road along the Southern boundary of  
19 Tax Lot 201."

20 However, the Decedent did not own the Kissel Camp Road and the second, unnamed  
21 road as legal lots of record. Therefore, these gifts of Roads cannot be given.

22 To effectuate the Decedent's intent that Dennis Paul McGilvra not be landlocked,  
23 and that he continue to enjoy the use of the Kissel Camp Road and the unnamed road to  
24 access the parcels specifically gifted to Dennis Paul McGilvra, the Personal  
25 Representative is authorized to memorialize easements for road purposes when deeding  
26 Decedent's real property to the beneficiaries.



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6.

Proof of Mailing the Notice for Filing Objections to the Final Accounting and Petition for General Judgment of Final Distribution has been filed, and no objections have been received within the time period proscribed by law.

7.

The Estate is ready for final settlement and distribution.

**IT IS THEREFORE ORDERED AND ADJUDGED:**

1. Approving the Final Account and Petition for General Judgment of Final Distribution;
2. Authorizing the Personal Representative to pay attorneys fees to Joanna M. Wagner in the amount of \$4,847.00;
3. Noting that there are no reserves and no cash assets of this Estate;
  - a. To Dennis Paul McGilvra, the specific gifts of the following personal property:
    - i. 1987 Skyline Woodbridge manufactured home, VIN 46910279XAB;
    - ii. Chevrolet LUV pickup truck, VIN CLN1488278683;
  - b. To Dennis Paul McGilvra, the residue of the Estate, consisting of:
    - iii. 2018 Kubota tractor, Serial No. 69656; and
    - iv. tools and yard/gardening equipment, clothing, books, and personal effects.
4. Distributing the real property of the Estate to the beneficiaries as follows:
  - c. To Dennis Paul McGilvra, the specific gift of real property commonly known as 35000 Kissel Camp Road, St. Helens, OR, 97051, Tax Lots 101 and 104, and further described in the attached Exhibits A and B, together with easements over both Kissel Camp Road, and the 20 foot road running

1 along the North line of the Francis Perry Donation Land Claim from Ray's  
2 Way to Tax Lot 101; and

3 d. To Trisha K. B. Barnett and Douglas J. McGilvra, the specific gift of a  
4 50% interest each in real property commonly known as Tax Lot 201, and  
5 further described in the attached Exhibit C, subject to an easement on  
6 Kissel Camp Road along the southern boundary of said Tax Lot 201 for  
7 road purposes for the benefit of Tax Lots 101 and 104, and subject to a 20  
8 foot easement running along the North line of the Francis Perry Donation  
9 Land Claim from Ray's Way to Tax Lot 101, also for road purposes for  
10 the benefit of Tax Lot 101.

11 5. And upon the filing of receipts for these distributions, the Personal Representative  
12 is authorized to submit a Supplemental Judgment to discharge the Personal  
13 Representative and close the Estate.

14  
15 12/8/2021 8:05:56 AM

16 

17  
18 **Circuit Court Judge Michael T. Clarke**

19 **Submitted by:**

20 **Personal Representative:**

21 Dennis Paul McGilvra  
22 35000 Kissel Camp Rd.  
23 St. Helens, OR 97051  
(360) 448-9561

24 **Attorney:**

25 Joanna M. Wagner, OSB #085005  
26 Attorney at Law  
27 P.O. Box 686  
28 33608 E. Columbia Ave. Ste .90  
Scappoose, OR 97056  
(971) 404-8174  
Fax: (888) 686-1837

attorneyjwagner@gmail.com  
Attorney for Personal Representative

**EXHIBIT A**

Commencing at the Northwest corner of the Francis Perry Donation Land Claim No. 57, Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon; thence South 02°10'00" West a distance of 1448.94 feet along the West line of the Francis Perry Donation Land Claim No. 57; thence South 87°50'27" East a distance of 215.88 feet along the South line of Instrument #F98-03323, Columbia County Deed Records; thence South 88°08'59" East a distance of 535.51 feet to the East line of Instrument No. F00-00831, Columbia County Deed Records, to the point of beginning; thence North 02°10'00" East a distance of 1450.10 feet to the North line of the Francis Perry Donation Land Claim No. 57; thence South 88°09'00" East a distance of 750.75 feet along the North line of the Francis Perry Donation Land Claim No. 57; thence South 02°46'00" West a distance of 1304.77 feet along the West Line of Deed Volume 5, Page 135, Columbia County Deed Records, to the Northerly right-of-way of A. Hankey County Road (County Road No. P-26); thence Southwesterly along the Northerly right-of-way of A. Hankey County Road (County Road No. P-26), a distance of 191.00 feet, more or less, to a point that is South 88°08'59" East a distance of 614.55 feet to the point of beginning; thence North 88°08'59" West a distance of 614.55 feet to the point of beginning.

Said parcel being 1,067,226 sq. ft. or 24.50 acres.

Account No.: 15737

**EXHIBIT B**

A parcel of land situated in the Southeast Quarter of Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, more particularly described as follows: Commencing at the Northwest Corner of the Francis Perry D.L.C., No. 57, in Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon; thence South 88°08'59" East a distance of 750.75 feet; thence South 02°10'00" West a distance of 810.54 feet to the true point of beginning; thence South 02°10'00" West a distance of 848.34 feet; thence North 88°08'59" West a distance of 510.38 feet; thence North 14°02'14" West a distance of 90.00 feet; thence North 02°09'33" East a distance of 120.00 feet; thence North 38°37'49" East a distance of 200.00 feet; thence North 02°10'00" East a distance of 482.28 feet; thence South 88°08'59" East a distance a 415.71 feet to the point of beginning. Said parcel being 8.86 acres more or less.

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**EXHIBIT C**

Beginning at a point on the West Boundary line of the Francis Perry D.L.C. which is 870.5 feet South of the Northwest corner of said D.L.C.; thence North 89°11' East 750.7 feet to a point thence South 310.7 feet; thence West 650.7 feet to a point; thence South and parallel with the West line of said D.L.C. 988.9 feet to the center of the county road; thence West 100 feet to the West Boundary line of said claim; thence North on said West Boundary line to the point of beginning. ALSO, the West Half of a tract of land which is described as follows: Beginning at the Northwest corner of the Perry Donation Land Claim; thence East on the North line of said Claim 22.75 chains to the Northwest corner of a tract of land conveyed to C.W. Emerson; thence South along the West boundary line of said Emerson Land 13.19 chains; thence West 22.75 chains to the West boundary line of said Claim; and thence North on said boundary line to the place of beginning, and all being in Section 31, Township 5 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon. EXCEPTING therefrom any portion thereof which may fall within the premises described in the following deeds:

(1) Oregon State University Foundation to John R. McGilvra and Katrina M. McGilvra recorded October 17, 1988 by Instrument #88-5357, deed records.

(2) John McGilvra to Lee A. Broadbent and Christina G. Broadbent recorded August 15, 1997 by Instrument #97-08825, deed records.

(3) John McGilvra to Nathan J. McGilvra recorded March 31, 1998 by Instrument #98-00000, deed records.

(4) Nathan McGilvra, John McGilvra and Katrina McGilvra to Nathan McGilvra recorded February 1, 2000 by Instrument #00-00831, deed records.



**Deborah Jacob**

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**From:** Scott Toenjes  
**Sent:** Wednesday, November 29, 2023 11:28 AM  
**To:** Deborah Jacob; Tad Pedersen - Fire Marshall; Sara Smith  
**Cc:** Grant DeJongh  
**Subject:** RE: Barnett RDF 23-10 off Rays Way referred to Planning Commission



Hi Deb,

I appreciate your patience on this, I had to do a lot of research on this road.

Grant and I took a look at the road and determined that it substantially meets private road standards as currently constructed. The County Public Works Department will not require additional road improvements beyond what we will require for improvement to the access point onto Hankey Road through the permitting process, which will include proper signage.

Let me know if you have any questions, thank you.

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

**Service ~ Engagement ~ Connection ~ Innovation**

**From:** Deborah Jacob <Deborah.Jacob@columbiacountyor.gov>  
**Sent:** Tuesday, November 14, 2023 2:14 PM  
**To:** Scott Toenjes <Scott.Toenjes@columbiacountyor.gov>; Tad Pedersen - Fire Marshall <pedersenr@crfr.com>; Sara Smith <Sara.Smith@columbiacountyor.gov>  
**Subject:** Barnett RDF 23-10 off Rays Way referred to Planning Commission

Scott, Sara, and Tad,

After we notified all of you October 3, 2023 with a Referral and Acknowledgement, Colleen DeShazier has referred this RDF to the Planning Commission hearing scheduled for January 8, 2024. I have attached her Referral and highlighted concerns that I am asking you to respond to within the next couple weeks if possible. These concerns are related to the adequacy of Rays Way and its ability to comply with minimum applicable provisions of the County Road Standards Ordinance for existing private roads including fire apparatus access.

I have attached this Referral and a few pages from the original RDF 23-10 proposal to refresh your memories.

This proposal will allow one more home to be established off Rays Way, which is an existing private road. This property is not being subdivided off Rays Way.

If you have any additional questions, please do not hesitate to contact me via phone or email.

Thank you in advance,

**Referral and Acknowledgement**  
**October 3, 2023**

**Responding Agency:**

NOTICE IS HEREBY GIVEN that **Trisha Barnett and Douglas McGilvra** have submitted an **application, for a Dwelling in a Forest Designated Area. The subject property is zoned for Primary Forest (PF-80) uses and associated with Tax Map ID No. 5131-D0-00201. The subject property is 15.22 acres. RDF 23-10**


**Planner: Debbie Jacob**

**Comment Due: October 13, 2023**

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

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

COMMENTS: Owner will be required to obtain all Building, Electrical, Plumbing and Mechanical Permits.

Signed:  Printed Name: Don Van Rometen  
Title: Building Official Date: 10-4-2023



**Referral and Acknowledgement  
October 3, 2023**

**Responding Agency:**

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

COMMENTS: Use erosion control measures during construction to prevent sediment from entering headwater stream in SE corner of property.

Signed: Crystyn Bush Printed Name: Crystyn Bush  
Title: Resource Conservationist Date: 10/5/2023