

Lupine Meadow

Development Based on Measure 49 Home Site Authorizations

**APPLICANT:** John Allan Petersen and Agnes Marie Petersen, by Agnes Marie Petersen on her own behalf and as Personal Representative of the Estate of John Allan Petersen

**TAX MAP/ACRES:** Township 6N, Range 2W, Section 25, Tax Lot 400, +/- 48 acres

**LOCATION:** The approximate 48-acre property is located 1.5 miles from Highway 30 up and on the north side of Tide Creek Road.

**ZONING:** FA-80, overridden by M49 Final Orders and Home Site Authorizations.

**REQUEST:** Approval of LUPINE MEADOW, an eight-lot development as allowed under Measure 49, OAR 660-041-0180, and Final Order and Home Site Authorization State Election No. E132340, including "clustering" (transfer) of five dwellings from Final Order and Home Site Authorization State Election Nos E132337 (Tax Lot 5205-00-00200) ("Partial" Transfer – transferring two of three approved dwellings), and E132342 (Parcel 1, Tax Lot 6236-00-00500) ("Full" Transfer – transfer of all three approved dwellings), as allowed in Final Order on State Election No. E132340, Item No. 11.

**I. SUMMARY OF PROPOSED ACTION**

Applicant seeks approval of "Lupine Meadow," an eight-lot development, implementing previously-approved Measure 49 Final Order and Home Site Authorizations ("Final Orders"), clustering a total of eight dwellings onto Tax Lot 6225-00-00400 ("Tax Lot 400"). Submitted herewith as Attachment 1 are copies of the relevant Final Orders, including Final Order E132340 (Att. 1, pp. 1-8), Final Order E132337 (Att. 1, pp. 9-16), and Final Order E132342 (Att. 1, pp. 17-25).

The property to be developed with dwellings per these prior Measure 49 Final Orders is located approximately 1.5 miles up Tide Creek Road from Columbia River Highway, in Deer Island, Oregon, Township 6N, Range 2W, Section 25, Tax Lot 400, Columbia County, Oregon. In Final Order E132340, the Oregon Department of Land Conservation and Development ("DLCD") approved three dwellings on Tax Lot 400. Under Final Order E132340, p. 7, item 11, "Measure 49 requires new home

sites to be clustered so as to maximize suitability of the remnant lot or parcel for farm and forest use.”

Final Order E132340 additionally provides:

[I]f an owner of the property is authorized by other home site authorizations to subdivide, partition, or establish dwellings on other Measure 37 claim properties, Measure 49 authorizes the owner to cluster some or all of the authorized lots, parcels or dwellings that would otherwise be located on land in an exclusive farm use zone, a forest zone, or a mixed farm and forest zone on a single Measure 37 claim property that is zoned residential use or is located in an exclusive farm use zone, a forest zone or a mixed farm and forest zone but is less suitable for farm or forest use than the other Measure 37 claim properties.

*Id.*

Under Measure 49, both the lots that Applicant seeks to create and the dwellings Applicant seeks to site are legally permitted uses. Moreover, prior DLCD interpretation of the clustering provisions reveal that Applicant is allowed to create on Tax Lot 400 as many lots as necessary to site on an individual lot each dwelling clustered onto Tax Lot 400 (the “receiving” property) from other Measure 49 Claim Properties (the “sending” properties). The County is expressly prohibited from interpreting its development standards to prohibit Applicant’s request, absent a standard that is reasonably necessary to avoid or abate a nuisance, to protect the public health or safety or carry out federal law. No such issue is implicated by Applicant’s request.

Applicant will cluster (transfer) a total of five dwellings, including two new dwellings approved in Final Order E132337<sup>1</sup> and three new dwellings approved in Final Order E132342,<sup>2</sup> onto Tax Lot 400.

<sup>1</sup> In Final Order E132337 (page 5), DLCD authorized the siting of two new dwellings. Applicant will transfer these two dwellings to Tax Lot 400, leaving undisturbed the existing dwelling (*i.e.* one home site, with a residence addressed at 66020 Bishop Creek Road) on Tax Lot 5205-00-00200.

<sup>2</sup> In Final Order E132342, DLCD approved three new dwellings on Tax Lot 6236-00-00500. DLCD recognized that only “Parcel 1” (*i.e.* the westerly ~35-acre portion of Tax Lot 6236-00-00500) is available to site the dwellings due to the surface mining designation of the remaining portions (two parcels) and specified that the property that is the subject of the home site authorization “is located in a forest zone.” Final Order E132342, pp. 5, 7; *see also* Lot-of-Record Determination LRD 17-03, p. 5 (2017 determination identifying three discreet lots of record). Absent clustering, the three dwellings approved in Final Order E132342 would be located in the PF-80 zone on Parcel 1, Tax Lot 500. With the approval of Lupine Meadow, all three dwellings approved in Final Order E132342 will be “clustered” (transferred) from Parcel 1, Tax Lot 500 to Tax Lot 400. This will result in a “Full Transfer” of the development rights granted in Final Order E132342 to Tax Lot 400 and result in the preservation of an isolated, heavily timbered property in favor of residential development in an already-developed area.

Upon approval, as allowed in OAR 660-041-0180(3), Applicant will execute Declaration of Use Restrictions, which will prohibit further Measure 49 development of the claim properties in Final Order Nos. E132337 and E132342.<sup>3</sup>

The five clustered dwellings transferred from the approvals in Final Order and Home Site Authorizations State Election Nos. E132337 and E132342, when combined with the three new dwellings independently authorized on Tax Lot 400 in Final Order E132340, will result in a total of eight home sites, including seven size-restricted lots ranging in size from 2.0 to 2.65 acres, one "remnant" lot totaling approximately 31 acres, and a total of eight dwellings on Tax Lot 400. To maximize the suitability of the remnant lot for farm use, the new lots created for transfer of the dwellings will be no more than five acres in size (see Final Order E132340, p. 10, item 10) and will be situated along Tide Creek Road and the westerly property line of Tax Lot 400, furthest from existing agricultural operations.

## **II. REVIEW CRITERIA**

### **A. Columbia County Zoning Ordinance ("CCZO")**

Section 400 - Forest Agriculture Zone (FA-80) the present zoning on the property; Columbia County Subdivision and Partitioning Ordinance applies to land divisions in the FA-80 zone.

Section 402 – Predominant Use Test (OAR 660-06-0050(2))

Article III, Section 308 – Standards in PA-80 Zone  
(applied after Predominant Use Test of § 402)

(All other sections of CCZO, Article III are overridden by M49)

Section 1180 – Wetlands Area Overlay

### **B. Measure 49 Final Order E132340 Terms**

Final Order and Home Site Authorization Terms

---

<sup>3</sup> The Declaration of Use Restriction related to Final Order E132337 will be a "Partial Transfer" which leaves the existing home site on Tax Lot 5205-00-00200, while the Declaration of Use Restriction related to Final Order E132342 will be a Declaration of Use Restriction evidencing a "Full Transfer" of development rights to Tax Lot 400.

**C. Columbia County Subdivision and Partitioning Ordinance**

Article I – Administration and General Provisions

Section 103 – Construction and Definitions

Section 105 – Land Division Approval Delegated

Article II – Administration and General Provisions

Section 201 – Compliance with the Oregon Law of Subdivisions and Partitions

Section 202 – Authority

Section 203 – Interpretation

Section 204 – Conflict with Public/Private Provisions

Section 205 – Tentative Plan

Section 214 – Distribution of Subdivision Plans

Article IV – Preliminary Plat for Subdivision

Section 401 – Filing Procedure

Section 402 – Form and Scale of Preliminary Plat

Section 403 – Information on Preliminary Plat

Section 404 – Statement to Accompany Preliminary Plat

Article V – Final Subdivision Plat Procedure

Article X – Subdivision and Partition Requirements

**D. Columbia County Stormwater & Erosion Control Ordinance**

**III. APPLICATION TO LUPINE MEADOW**

**A. Columbia County Zoning Ordinance**

One issue that must first be addressed is the legal relationship between the CCZO and

Applicant's request for divisions of and establishment of dwellings on Measure 49 Claim Properties.

Measure 49 and the resulting Measure 49 Final Orders and Home Site Authorizations grant important

property rights to Measure 49 Claimants and the County is not free to encumber those property rights with zoning-based restrictions found in CCZO Article III which have been overridden by Measure 49. Imposing inapplicable criteria on a land use approval is reversible error. *Beaver State Sand & Gravel, Inc. v. Douglas County*, 43 Or LUBA 140, 165 (2002).

Lots created and dwellings sited under approved Measure 49 claims are treated as “permitted uses.” Measure 49 Claimants (such as Applicant) enjoy property rights that persons not holding Measure 49 Final Order and Home Site Authorizations do not enjoy. Measure 49 Final Order and Home Site Authorizations authorize the division of Claim Properties and the establishment of authorized Measure 49 dwellings on Claim Properties irrespective of the present zoning rules that otherwise would apply to those properties.

As relevant here, Tax Lot 400 is presently zoned FA-80. Because the County may legitimately apply current development standards to Applicant’s proposal, a determination must be made as to which standards apply to an FA-80 property that has historically been in agricultural use. However, except for these development standards (minimum lot sizes, setbacks and the like), Applicant is entitled to develop Tax Lot 400 free from the burdens imposed by the present zoning-based restrictions and evidentiary standards found in CCZO Article III. Applicant does not need to prove that she meets any of the possible ways to site a dwelling in a PA-80 zone found in Article III, § 305, nor does she need to satisfy any of the provisions allowing a conditional use found in CCZO Article III, § 306. **Because it renders both the division of Tax Lot 400 and the establishment of Applicant’s authorized new dwellings “permitted uses,” Final Order E132340 provides the only authorization necessary for Applicant to divide Tax Lot 400 and to establish all eight of the approved Measure 49 dwellings.** As explained in more detail below, this narrows the field of applicable provisions in Article III of the CCZO to exactly one: Section 308 contains development standards and each one of those is satisfied by Applicant’s

Lupine Meadow proposal. Subject only to the requirements set by the terms of Final Order E132340, all other provisions of CCZO Article III are overridden.

1. **Present Zoning and Predominate Use Test**

The present zoning of Tax lot 400 is Forest Agriculture (FA-80). Under CCZO § 402, development in the FA-80 zone is based on a determination of the “predominant use” of Tax Lot 400 as of January 1, 1993. Tax Lot 400 has been in farm use for well over five decades. Tax Lot 400 consists of a large field used to grow grass to produce hay. In short, the “predominate use” of Tax Lot 400 on January 1, 1993 (and for decades prior to and after that date) was as farm land. Thus, the development of Tax Lot 400 is considered under the development standards of the Primary Agriculture (PA-80) zone.

2. **CCZO Art. III; No Agricultural Resource Dwelling Permit Required**

The standards governing the PA-80 Zone are found in CCZO, Article III (Resource Districts), Sections 301-313. However, Measure 49 overrides zoning-based restrictions on the development of Claim Property (here, Tax Lot 400). Moreover, the Columbia County Subdivision and Partitioning Ordinance (“CCSPO”) specifies that conditions of preliminary subdivision approval “shall only relate to the authority granted to the [Planning] Commission by the [CCSPO].” CCSPO, § 406(B). The County may, therefore, apply only the development standards to Applicant’s proposal. Review of CCZO Article III reveals that, in the PA-80 zone, only CCZO § 308 applies to Applicant’s development proposal.

Any development undertaken pursuant to Measure 49 is a “permitted use.” In guidance issued on the legal status of a Measure 49 home site, DLCD answers this question: “What is the legal status of a Measure 49 home site?” as follows: “**New parcels and dwellings approved under Measure 49 are treated as permitted uses even if they would not otherwise be allowed under the zoning for the property.**” M49 Frequently Asked Questions (emphasis added), available at:

[https://www.oregon.gov/lcd/Measure49/SupportingDocuments/M49\\_FAQ\\_2018.1.pdf](https://www.oregon.gov/lcd/Measure49/SupportingDocuments/M49_FAQ_2018.1.pdf)

As explained by DLCD, the new lots and dwellings Applicant seeks to develop in this application are permitted uses.<sup>4</sup> As permitted uses, Applicant's Measure 49 dwellings do not require any other zoning-based approvals – and, as relevant here, do not require Agricultural Resource Dwelling Permits prior to construction. Applicant is not required to justify the land division or the siting of the authorized Measure 49 dwellings under CCZO Sections 305 or 306 by submitting Agricultural Resource Dwelling Permit Applications or requests for conditional use approval. Instead, by previously going to the considerable expense and effort of obtaining Measure 49 Final Order and Home Site Authorizations (Final Orders), Applicant is exempt from the PA-80 (CCZO Article III) zoning restrictions on the division of her Claim Property and siting of the authorized Measure 49 dwellings on the Claim Property. Indeed, prior county proceedings expressly recognize that Measure 49 dwellings are in fact exempt from provisions of Article III of the CCZO. Columbia County Land Development Services Staff Report dated August 11, 2002, File No. RDA22-06, Finding 4 (noting with regard to a request to site a dwelling on FA-80 property with an approved Measure 49 Final Order, “RDA 22-06’s authorized single family residential development is exempt from the “Non-Farm Dwelling” criteria in Section 305.7 of the Zoning Ordinance; **its residential development is authorized with the Final Order and Home Site Approval of Ballot Measure 49 Claim E132086.**”). Both this prior finding, and the County’s own restriction on the types of conditions which may be placed on preliminary approval of this development,

---

<sup>4</sup> CCZO § 304 sets forth 14 other uses permitted in the PA-80 zone. However, **Measure 49 development is independently treated as a permitted use pursuant to state law (Measure 49) and the Measure 49 Final Order and Home Site Authorizations.** To the degree CCZO Article III purports to limit the placement of a dwelling on Applicant’s Claim Property, those zoning-based restrictions are expressly overridden by Measure 49. Only the “development standards” section (CCZO § 308) applies to set minimal land division parameters. Under Measure 49, the County is precluded from imposing the other zoning-based restrictions found in the PA-80 zone that are applicable to properties not covered by a Measure 49 Final Order. In particular, there is no legal basis for the County to impose a requirement that Applicant seek or obtain approval to site her Measure 49 dwellings on the Claim Property. That is an approval already granted by the Measure 49 Final Order and Home Site Authorizations. The Agricultural Dwelling Permit process is applicable to landowners without Measure 49 Final Order and Home Site Authorizations, not to holders of Measure 49 Final Orders and Home Site Authorizations. Applicant is entitled to rely solely on her Measure 49 Final Order and Home Site Authorizations as the basis both for the land division and the placement of the approved dwellings on her Claim Property, subject only to complying with the development standards and the terms of the Measure 49 Final Orders and Home Site Authorizations, and other non-zoning-based permitting requirements such as obtaining building permits.

found in CCSPO § 406(B), preclude imposition of a future condition that Applicant apply for or obtain an Agricultural Resource Dwelling Permit before dividing or establishing dwellings and home sites on the Claim Property (Tax Lot 400).

There is no legal basis for the County engrafting onto Applicant's development request a requirement that Applicant apply for an "Agricultural Resource Dwelling Permit" under Article III of the CCZO (including under CCZO § 305 or § 306) to site these Measure 49 approved dwellings, because the dwellings are already "permitted uses," independent of CCZO Article III (§§ 304-06). Similarly, there is no legal basis for engrafting the requirements of CCZO § 307, which by its terms is inapplicable (since it applies to those persons seeking approval pursuant to CCZO §§ 305 (administrative review standards and criteria for placing *non-Measure 49* single-family dwellings in PA-80 zone) and 306 (conditional use process for placing various other *non-Measure 49* uses in PA-80 zone)).<sup>5</sup> Likewise, there is no basis for imposing the land division provisions of CCZO § 309 because the land division proposed in this application is pursuant to Measure 49 Final Order and Home Site Approvals, which expressly permit the proposed land division and treats it as permitted development activity irrespective of the County's PA-80 zoning restrictions. Any requirements in CCZO § 309 to the contrary have been overridden by Measure 49 and are instead evaluated pursuant to the relevant Measure 49 Final Order and Home Site Authorization.

Thus, *the only applicable criteria found in Article III of the CCZO are the development standards of the PA-80 zone in CCZO, Section 308.* Applicant's proposal complies with each of those standards, as shown on Attachment 11, Lupine Meadow Preliminary Plat. The minimum average lot width is at least 100 feet. CCZO § 308.1. The minimum average lot depth is at least 100 feet. CCZO § 308.2. Under CCZO 308.3, all "newly created lots . . . shall have a minimum of 50-foot frontage on a

---

<sup>5</sup> Final Order E132340, Term 10, includes a requirement that, before beginning construction, Applicant must comply with ORS 215.293, which requirement is also found in CCZO § 307.3. However, it is the Final Order and Home Site Authorization that sets the applicable requirement, not the inapplicable provisions of the CCZO.

public or private right-of-way.” Access will be via driveways fronting on a 40-foot wide private right-of-way from an existing public road (Lots 2-7), or via direct access to an existing public road (Lots 1 and 8), as permitted under CCZO § 308.3. The newly-proposed road will comply with Columbia County Road Standards and named via a separate Application to Name a Road. Lots are sized and configured to allow structures to comply with the setback requirements of CCZO § 308.4. Nothing about the proposed lot configuration precludes compliance with the height restrictions or sign and siting requirements of CCZO § 308.5-.8. Accordingly, as proposed, Lupine Meadow meets all relevant development standards in CCZO Article III and no Agricultural Resource Dwelling Permit may be required by the County.

### **3. Wetland Areas Overlay, CCZO § 1180**

Article VI of the CCZO sets forth various special districts, overlay zones, and other special provisions. CCZO § 1180 sets forth the County Wetland Area Overlay provisions. Compliance with this section requires identification of wetlands on the subject site.

On October 28, 2021, Oregon Department of State Lands (“DSL”) approved a Wetland Delineation on the subject site, WD #2021-0400. In the approval letter, DSL concurred with the boundaries of the wetlands identified in a delineation report prepared by Schott & Associates, covering those portions of Tax Lot 400 which contain the building sites proposed in the Lupine Meadow project. A roadside ditch and five wetlands are identified in the report. The wetland area(s) comprise 5.72 acres and are mapped on Attachment 11, Lupine Meadow Preliminary Plat.

On November 17, 2021, the U.S. Army Corps of Engineers, Portland District, issued an Approved Jurisdictional Determination, determining that three of the wetland areas (Wetland 1, Wetland 2, and Wetland 3) are waters of the United States. The Corps further determined that two of the wetland areas (Wetland 4 and Wetland 5) and the roadside ditch (Ditch 1) are not waters of the United States.

Despite the presence of identified wetlands, however, Lupine Meadow, as proposed, presents no unsurmountable development obstacles.

The proposed roadway is in an area comprised entirely of uplands. Similarly, all of the lots are configured in a way and of a sufficient size to mitigate or avoid the necessity of disturbing wetlands. Lot 1 is situated entirely on uplands and Lot 2 contains only a small wetland area in its northeastern corner. Although portions of the remaining lots contain wetlands, the development is designed in such a manner as to situate the houses and septic systems along the roadway well away from the wetland borders, and outside of all applicable setbacks. Should incursion into wetlands be necessitated by development of the proposed lots, the state Removal-Fill Law would be triggered. This issue can readily be addressed by conditioning approval upon compliance with the state Removal-Fill Law with regard to any disturbance within the boundaries of the wetlands identified in DSL's October 28, 2021, Approval WD # 2021-0400.

**B. Measure 49 Final Order E132340 Home Site Authorization Terms**

As discussed above, the terms of the Measure 49 Final Order and Home Site Authorizations – and not those portions of the CCZO Article III that are overridden by Measure 49 – set the standards applicable to Applicant's land division and dwelling siting proposal. Applicant's Measure 49 Claims allow Applicant to cluster all approved new dwellings from multiple Measure 49 Final Order and Home Site Approvals (here, E132340, E132337, and E132342) onto a single Measure 49 Claim Property (here, Tax Lot 400, per Final Order E132340). Review of the terms imposed on the Home Site Authorization in Final Order E132340 reveals that this application satisfies every term, as follows:

**Term 1:** Each dwelling will be on a separate lot and will be contained on the Measure 49 Claim Property identified in Final Order 132340 (i.e. Tax Lot 6225-00-00400). The development is authorized by Final Order Nos. E132340, 132337, and 132342. The preliminary plat proposes the creation of eight lots, all of which are within the boundary of the Measure 49 Claim Property (Tax Lot 6225-00-00400).

As discussed below, the proposal satisfies all requirements of the County's Zoning and Subdivision and Partitioning Ordinances, and Applicant has completed a wetland delineation to further satisfy Term 1 of Final Order E132340. As proposed, the Lupine Meadow Preliminary Plat satisfies all applicable size and siting standards and setbacks.

**Term 2:** This proposal does not violate any local, state, or federal land use regulations, or any other law necessary to protect the public's welfare, health or safety. Applicant has completed a wetland delineation to further satisfy Term 2 of Final Order E132340.

**Term 3:** Applicant has not yet developed any Measure 49 home site approvals, nor will this proposal result in the development of more than 20 Measure 49 home site approvals.

**Term 4:** Tax Lot 400 currently contains no developed home sites and there is no contiguous property in the same ownership. Term 4 neither requires nor allows any reduction in the number of allowed lots, parcels or dwellings. Tax Lot 400 is approved for three new dwellings, and Final Orders E132337 and 132342 collectively allow five new dwellings, all five of which are eligible for "clustering" (transfer) onto Tax Lot 400. Thus, the total number of home sites available for Applicant to develop on Tax Lot 400 based on Final Orders E132340, 132337, and 132342 is eight. As verified following the Pre-Application Conference, Applicant is permitted to create as many lots as are necessary to site all approved dwellings (including "clustered" (transferred) dwellings) on one lot each on the "receiving" property. No reduction in the number of lots is authorized under Term 4, and prior DLCD interpretation establishes that the number of new parcels listed in the Measure 49 final order for the sending property does not limit the number of new parcels that may be created on the receiving property.

**Term 5:** No temporary dwellings exist on any affected property.

**Term 6:** The development is sited entirely on the Claim Property associated with Final Order E132340 (Tax Lot 6225-00-00400). Each of the requested eight lots will be established pursuant to a

home site approval as the site of a dwelling that is authorized pursuant to the eight new home site approvals collectively authorized in Final Orders E132340, E132337, and E132342.

**Term 7:** No dwellings currently exist on the Measure 49 Claim Property of Final Order E132340 (Tax Lot 6225-00-00400). The property currently consists of only one parcel and will be divided into a total of eight lots, so that the number of lots is equivalent to the number of authorized new dwellings and home site approvals for all affected properties.

**Term 8:** Term 8 relates to determinations of vested rights to a use described in a Measure 37 waiver. Term 8 is inapplicable.

**Term 9:** Tax Lot 400 does not contain any dwellings. This proposal will site the eight new approved dwellings from three Final Orders on Tax Lot 400, each on a separate lot, per DLCD's prior interpretation that creation of the new lots is permitted to site all approved dwellings, including clustered (transferred) dwellings, on one lot each.

**Term 10:** Final Order E132340 restricts the maximum allowed lot sizes to preserve resource lands. The Lupine Meadow proposal complies with those requirements as only the proposed "remnant" lot exceeds five acres in size. Seven of the new lots will be size-restricted to fewer than five acres each, as Tax Lot 400 is not high value farmland and is not in a groundwater restricted area. See Attachment 3, Tax Lot 6225-00-00400 Soils Survey and Attachment 4, Groundwater Restricted Areas Map. The remnant lot will be 31 acres. As shown in the Lupine Meadow Preliminary Plat (Attachment 11), no variance to the lot size requirements is needed, and each lot is capable of meeting all applicable setbacks, including those necessitated by the presence of wetlands. Approval may be conditioned upon recording a Waiver of Remonstrance regarding farming or forestry practices, satisfying Term 10.

**Term 11:** Final Order and Home Site Authorization E132340 verifies that Applicant qualified for and was approved for three home sites and three dwellings on Tax Lot 400 on the subject FA-80 zoned property along Tide Creek Road. In addition, Applicant qualified for and was approved for a total

of five additional dwellings on two other PF-80 properties (Tax Lot 5205-00-00200 (~62 acres) and Parcel 1, Tax Lot 6236-00-00500 (~35 acres)) through Final Order Nos. E132337 and E132342. In all, the Measure 49 Final Order E132340, E132337, and E132342 authorize Applicant to establish a total of nine (9) dwellings and nine (9) home sites on the three Claim Properties that are the subject of this Application. One home site is already established on the property that is the subject of Final Order and Home Site Authorization E132337, leaving a total of eight (8) home sites and eight (8) dwellings available to site on Tax Lot 400 pursuant to the authorization in Final Order E132340.

Under DLCD's prior interpretation of the clustering provisions, each of the eight approved new dwellings may be established on separate lots on Tax Lot 400. This follows from DLCD's finding that the number of new parcels listed in a Measure 49 final order for the "sending" property does not limit the number of new parcels that may be created on the "receiving" property. Here, the "receiving property" is Tax Lot 400, independently authorized for three new dwellings/home sites. The two "sending" properties are authorized for a total of five new dwellings/home sites. To maximize the forest suitability of the "sending" properties (Tax Lot 5205-00-00200 and Parcel 1, Tax Lot 6236-00-00500), Applicant is permitted to "cluster" (transfer) each of those five dwellings to the "receiving" property (Tax Lot 6225-00-00400) and create a new lot to site each of those dwellings.<sup>6</sup> Clustering the smaller acreage Lots 1, 2, 3, 4, 6, 7, and 8 along Tide Creek Road and the western border of Tax Lot 400 will allow the remaining 31-acre Lot 5 to maintain its historical agricultural uses concurrent with its authorized new residential use.

**Term 12:** No transfer of the Claim Properties has taken place since issuance of the Measure 49 Final Orders in 2010. John Allan and Agnes Marie Petersen remain the record owners of Tax Lot 6225-

---

<sup>6</sup> Tax lot 400 is closer to town, situated on a considerably more traveled, improved county road close to Highway 30, and is in an already developed area, within 1,000 feet of a dozen existing homes. The properties from which home sites are proposed to be transferred are significantly more isolated, surrounded by large forested tracts already in timber production, well away from any reasonable means of access or existing utility lines. They are exactly the types of properties that the clustering provisions applicable to approved Measure 49 home sites were meant to protect from residential incursion.

00-00400. See Attachment 6, County Real Property Records, Tax Lot 6225-00-00400. The home site approvals remain valid and run with and transfer with the property. Applicant is authorized to develop the eight lots and establish the eight dwellings without any time restrictions. If a newly-created lot is subsequently transferred to a party other than Applicant's spouse or the trustee of a revocable trust in which Applicant is the settlor, the subsequent owner(s) must establish the authorized dwelling within 10 years of the conveyance(s). Conditions of approval regarding future transfers will satisfy Term 12.

**Term 13:** All necessary land use authorizations will be completed through this application. No private party restrictions apply. Final authorization of new home sites and construction of the approved dwellings will require issuance of building permits based on the Measure 49 Final Order and Home Site Authorizations.

**C. Columbia County Subdivision and Partitioning Ordinance ("CCSPO")**

**1. Article I – Introductory Provisions**

a. Section 103 – Construction and Definitions

CCSPO § 103 sets forth the constructions and definitions of terms in the CCSPO. Those constructions and definitions are used in this application.

b. Section 105 – Land Division Approval Delegated

CCSPO § 105, subsection B. delegates to the Planning Commission the authority to approve subdivisions and to grant any variance from the standards set for a major or minor partition and subdivision. Applicant does not seek any variances in the present application. The application is addressed to the Planning Commission pursuant to this delegation of authority.

**2. Article II – Administration and General Provisions**

a. Section 201 – Oregon Law of Subdivisions and Partitions

CCSPO § 201 incorporates by reference the requirements of ORS 92.010 to 92.190. The land division proposed in this application complies with those provisions. Under ORS 92.040(1), an

applicant seeking to create a subdivision must first make an application to the county or city having jurisdiction for approval and submit a tentative plan showing the general design of the subdivision. This application and Lupine Meadow Preliminary Plat, directed to the Columbia County Planning Commission as Columbia County's delegated approval authority, complies with those initial requirements. Applicant's further submittals, including the final plat, can and will comply with the remaining requirements.

b. Section 202 – Authority

The Columbia County Board of Commissioners has elected to exercise control of the subdividing of land within the boundaries of Columbia County (CCSPO § 202) and has delegated to the Columbia County Planning Commission the authority to approve subdivisions (CCSPO § 105).

c. Section 203 – Interpretation

CCSPO § 203 requires interpretation and application of the CCSPO to uphold the minimum requirements for the promotion of public health, safety, and general welfare. This is consistent with Measure 49, which overrides otherwise applicable (i.e. for those landowners not holding Measure 49 Final Order and Home Site Authorizations) zoning regulations such as all but Section 308 of Article III of the CCZO. The proposed subdivision has no foreseeable adverse effects on public health or safety. The subdivision promotes the general welfare of County residents by increasing the number of buildable lots in a county where the number of such lots is woefully inadequate and becoming more so as Columbia County increasingly becomes a commuter community for those who work in the Portland and Longview metropolitan areas.

d. Section 204 – Conflict with Public and Private Provisions

CCSPO § 204 sets forth interpretive rules governing conflicts between its provisions and other public and private provisions. No such conflict exists.

e. Section 205 – Tentative Plan

As required by CCSPO § 205, on May 22, 2023, Applicant and applicant's representatives met with Columbia County Land Development Services representative Deborah Jacobs, several other County representatives, and a representative from Oregon Department of State Lands ("DSL") to discuss relevant development standards based on a tentative nine-lot development. LDS Senior Planner Deborah Jacobs reiterated application of the predominate use test of CCZO § 402, and the resulting applicability of the development standards of the PA-80 zone, CCZO § 308. Based on discussions clarifying and expounding on certain standards, Applicant amended the proposed site plan, reduced the total number of requested dwellings to be sited on Tax Lot 400 to eight, and determined lot-specific configurations that would satisfy all applicable constraints. That exercise revealed no special problems with regard to development of Tax Lot 400.

f. Section 214 – Distribution of Plans

Applicant has provided 20 copies of this application to Columbia County Land Development Services, for distribution in accordance with CCSPO § 214.

**3. Article IV – Preliminary Plat for Subdivision**

a. Sections 401, 402, and 403, Requirements of Preliminary Plat

The Preliminary Plat accompanying this application complies with the procedural and substantive requirements of the CCSPO §§ 401, 402, and 403. *See Attachment 11, Lupine Meadow Preliminary Plat.*

b. Section 404 – Statement to Accompany Preliminary Plat

This narrative provides the necessary written statement giving information on the matters set forth in CCSPO § 404, as applicable. The land proposed to be subdivided is Township 6N, Range 2W, Section 25, Tax Lot 400, Columbia County, Oregon. The record owners of Tax Lot 400 are John Allan

and Agnes Marie Petersen. John Allan Petersen is deceased. Agnes M. Petersen is his sole heir and the Personal Representative of his estate. See Attachment 2, Letters Testamentary. Applicant is Agnes Marie Petersen, on her own behalf and as personal representative of the Estate of John Allan Petersen. See Attachment 6, County Real Property Records, Tax Lot 6225-00-00400).

Water will be provided by private wells and sewage disposal will be accomplished by installation of septic systems on individual lots. See narrative regarding CCPSO § 1013, below. Applicant estimates that improvements needed to approve the final plat will be installed within the year allowed under CCPSO § 208. Columbia River PUD will provide electricity to the subdivision. See Attachment 5, Letter from Columbia River PUD.

The proposed development is served by Columbia River Fire and Rescue. Applicant is aware of no particular concerns by the Fire Marshall. The newly-proposed road meets all relevant roadway access requirements. See <https://www.ccfiremarshal.com/driveway-address>. None of the individual homes located on the eight lots will have a driveway longer than 150 feet in length, nor are any homes exceeding 3,600 square feet in livable area contemplated. All homes will comply with the applicable fire code standards. See <https://www.ccfiremarshal.com/property-development>.

#### **4. Article X – Subdivision and Partition Requirements**

CCPSO Article X sets out various requirements which are, as applicable, addressed here.

##### **a. Section 1003 - Lots**

The proposed lots meet the requirements for minimum lot area (at least 7,000 SF), width (at least 70 feet), depth (at least 80 feet), frontage (at least 50 feet), and building setback (at least 20 feet). The lot arrangement creates no foreseeable difficulties, due to topography or other conditions, in securing building permits to build on all lots. The lot arrangement is designed to preserve the remaining resource lands. No double frontage lots or lots with driveway access to an arterial street are proposed. No hazardous conditions exist in the area. No new lot will be divided by the boundary line of a county, city,

school district or other taxing district, or by the right-of-way line of a street, utility transmission line, or major drainage way.

b. Section 1005 – Streets

In compliance with CCSP0 § 1005, the proposed subdivision has at least 50 feet of frontage on an existing public street and will comply with County Road Standards and Specifications. Attachment 11, Lupine Meadow Preliminary Plat.

The proposed access also meets all requirements of the CCZO. As discussed above, under the predominate use test of CCZO § 402, the development of Tax Lot 400 is considered under the applicable regulatory standards of the Primary Agriculture (PA-80) zone. In the PA-80 zone, all “newly created lots . . . shall have a minimum of 50-foot frontage on a public or private right-of-way and an approved access in accordance with [the CCZO], the Columbia County Road Standards and the Rural Transportation System Plan.” CCZO § 308.3. “Up to six lots or parcels may be accessed by a private road or easement.” Columbia County Road Standards, p. 20.

As proposed, the new road complies with Columbia County’s Road Standards by directly accessing a public road (Tide Creek Road), serving no more than six lots, including a private right-of-way, and being privately maintained via a road maintenance agreement that will be in place before any development permit will be issued. *See* Columbia County Road Standards, pp. 13, 16, 20, 23. Two of the lots (Lots 1, and 8) will have frontage on Tide Creek Road, while the remaining six lots (Lots 2, 3, 4, 5, 6, and 7) will front onto a private roadway via a private non-exclusive easement. Attachment 11, Lupine Meadow Preliminary Plat. The remnant lot will have additional frontage onto Tide Creek Road along the southeastern corner of Tax Lot 400.

The property is outside of any city and any urban growth boundaries. The layout of the new road preserves the remaining resource land and access thereto, conforms to the topography, permits efficient drainage and utility systems, requires the minimum number of roads necessary to provide convenient

and safe access, and allows for southern exposure of homes. The new road intersects at a right angle with Tide Creek Road and will comply with applicable Columbia County Road Standards. Current zoning regulations do not permit future subdivision on adjoining lands.

c. Section 1012 – Drainageways

Stormwater issues are addressed in the Preliminary Stormwater Report for Lupine Meadow prepared on behalf of Applicant by Registered Professional Engineer, Ryan B. Sheean, PE, which by this reference is incorporated herein as if fully set forth. See Attachment 10, Preliminary Stormwater Management Plan.

d. Section 1013 – Utilities

Sewage disposal will be accomplished by installation of septic systems on individual lots. In April 2019, Applicant dug multiple test holes for septic systems on Tax Lot 400. Three of the proposed lots (Lots 1, 2, and 7) identified in the Lupine Meadow Preliminary Plat (Attachment 11) have been approved for either a standard sewage disposal system or a sandfilter sewage disposal system or an ATT system (Treatment Standard 1). See Attachment 7, Evaluation Reports for On-Site Sewage Disposal Systems, dated April 30, 2019.<sup>7</sup>

<sup>7</sup> The test pit numbers shown on the Lupine Meadow Preliminary Plat correspond to the parcel and test pit numbers of these prior evaluation reports. For ease of reference, the following lists the Lupine Meadow lot numbers and the corresponding test pits identified on each “parcel” in the April 30, 2019 evaluation reports:

Lupine Meadow Preliminary Plat Lot No.      Septic Test Pit(s) on 4/30/2019 Eval. Reports

Prelim. Plat Map Lot No. 1	Eval Report “Parcel 1” (both test pits, P1-TP-1 and P1-TP-2)
Prelim. Plat Map Lot No. 2	Eval Report “Parcel 2” (both test pits, P2-TP-1 and P2-TP-2)
Prelim. Plat Map Lot No. 3	N/A
Prelim. Plat Map Lot No. 4	N/A
Prelim. Plat Map Lot No. 5	N/A
Prelim. Plat Map Lot No. 6	N/A
Prelim. Plat Map Lot No. 7	Eval Report “Parcel 4” (both test pits, P4-TP-1 and P4-TP-2)
Prelim. Plat Map Lot No. 8	N/A

Water: The proposed lots will be served by private domestic wells. Three of the eight proposed lots already have wells within their boundaries, each of which is capable of producing more than adequate water for domestic use. Applicant may show "adequate potential for water at the site" by drilling test wells or by submitting well drilling logs from the area. CCSPO § 1013(D). The following chart contains data from the Oregon Water Resources Department ("OWRD") Well Report Query from three private wells drilled on site on Tax Lot 400<sup>8</sup> (Lots 1, 2, and 8) in September and October 2020:

**WELL LOG DATA (See also Attachment 8, Well Logs)**

Well Log #	Date	Tax Lot No.	Yield (gal/min)
COLU 55654	9/8/2020	6225-00-00400	20.0
COLU 55655	9/7/2020	6225-00-00400	25.0
COLU 55656	10/20/2020	6225-00-00400	25.0

These OWRD well logs clearly establish adequate potential for water for the proposed lots. The data establishes a yield for wells already drilled on site in Lupine Meadow lots 1, 2, and 8 ranging from 20 to 25 gallons per minute. In addition, local well driller Art McMullen previously opined that other recorded well logs show adequate water flow in wells in the surrounding area. Attachment 9, Water Availability Report. This is consistent with the wells drilled on site and satisfies the requirements of CCSPO relating to the availability of water at the proposed site.

**D. Columbia County Stormwater & Erosion Control Ordinance**

Stormwater issues are addressed in the Preliminary Stormwater Report for Lupine Meadow.

See Attachment 10, Preliminary Stormwater Management Plan.

<sup>8</sup> A private well was drilled near the southeastern corner of Tax Lot 400 in 2015. That well yielded 10 gallons per minute (Well Log COLU 55121) and is listed on ODWD's web page as being located on Tax Lot 400. However, detailed on-site data has since revealed that well is in fact located on the adjoining property, Tax Lot 6225-00-00401. Applicant, therefore, does not rely on that well to establish adequate potential for water at the site.

**IV. CONCLUSION**

Based on the above, Lupine Meadow, as proposed, meets all applicable legal and regulatory provisions. Applicant's request for an eight-lot Measure 49 development on Tax Lot No. 6225-00-00400, as allowed in Final Order and Home Authorizations, State Election Nos. E132340, E132337, and E132342 should be approved forthwith.

Respectfully submitted this 21<sup>st</sup> day of June, 2023.

Applicant:

/s/ Agnes Marie Petersen

---

Agnes Marie Petersen  
Individually,  
and as Personal Representative of the  
Estate of John Allan Petersen  
P.O. Box 748  
St. Helens, Oregon 97051

Attorney / Contact:

/s/ Mary Anne Anderson

---

Mary Anne Anderson  
VanNatta, Petersen & Anderson  
P.O. Box 748  
St. Helens, Oregon 97051  
Phone: 503.397.4091

Architect / Contact:

/s/ Al Petersen

---

Al Petersen  
AKAAN architecture and design llc  
101 St. Helens Street  
St. Helens, Oregon 97051  
Phone: 503.366.3050

## Attachments

<b>Attachment Number</b>	<b>Description</b>
<b>1</b>	<b>Oregon DLCD Final Order and Home Site Authorizations Measure 49 Final Orders E132340, E132337, and E132342</b>
<b>2</b>	<b>Letters Testamentary naming Agnes Marie Petersen Personal Representative of the Estate of John Allan Petersen</b>
<b>3</b>	<b>Tax Lot 6225-00-00400 Soils Survey</b>
<b>4</b>	<b>Groundwater Restricted Areas Map</b>
<b>5</b>	<b>Letter from Columbia River PUD</b>
<b>6</b>	<b>County Real Property Records, Tax Lot 6225-00-00400</b>
<b>7</b>	<b>Evaluation Reports for On-Site Sewage Disposal Systems dated April 30, 2019.</b>
<b>8</b>	<b>Copies of Well Logs</b>
<b>9</b>	<b>Water Availability Report from McMullen Well Drilling Corp.</b>
<b>10</b>	<b>Preliminary Stormwater Management Plan dated June 16, 2023 from Registered Professional Engineer, Ryan B. Sheean, PE</b>
<b>11</b>	<b>Lupine Meadow Preliminary Plat</b>

**ATTACHMENT 1**

**Oregon Dept. of Land Conservation and Development**

**M49 Final Order and Home Site Authorizations**

**State Election Nos.**

**E132340**

**(Att. 1, pp. 1-8)**

**E132337**

**(Att. 1, pp. 9-16)**

**E132342**

**(Att. 1, pp. 17-25)**



OREGON DEPARTMENT OF LAND CONSERVATION AND  
DEVELOPMENT

ORS 195.300 to ORS 195.336 (MEASURE 49) SUPPLEMENTAL REVIEW  
OF MEASURE 37 CLAIM  
Final Order and Home Site Authorization

**STATE ELECTION NUMBER:** E132340<sup>1</sup>

**CLAIMANTS:** John A. and Agnes M. Petersen  
33625 Tide Creek Road  
Deer Island, OR 97054

**MEASURE 37 PROPERTY IDENTIFICATION:** Township 6N, Range 2W, Section 25  
Tax lot 400  
Columbia County

**AGENT CONTACT INFORMATION:** Agnes M. Petersen  
PO Box 748  
St. Helens, OR 97051

The claimants, John and Agnes Petersen, filed a claim with the state under ORS 197.352 (2005) (Measure 37) on November 30, 2006, for property located on the north side of Butler Road, east of Columbia River Highway, near the community of Deer Island, in Columbia County. ORS 195.300 to ORS 195.336 (Measure 49) entitles claimants who filed Measure 37 claims to elect supplemental review of their claims. The claimants have elected supplemental review of their Measure 37 claim under Section 6 of Measure 49, which allows the Department of Land Conservation and Development (the department) to authorize up to three home site approvals to qualified claimants.

This Final Order and Home Site Authorization is the conclusion of the supplemental review of this claim.

## I. ANALYSIS OF CLAIM

### A. Maximum Number of Home Sites for Which the Claimants May Qualify

Under Section 6 of Measure 49, the number of home site approvals authorized by the department cannot exceed the lesser of the following: three; the number stated by the claimant in the election

<sup>1</sup> Claimant John Petersen also has claims E132329, E132330, E132331, E132332, E132333, E132334, E132335, E132336 and E132337; claimants John and Agnes Petersen also have claims E132338, E132339, E132341 and E132342; and claimant Agnes Petersen also has a claim E132343, for property that is either not contiguous to or in the same ownership as tax lot 400.

materials; or the number described in a Measure 37 waiver issued by the state, or if no waiver was issued, the number of home sites described in the Measure 37 claim filed with the state. The claimants have requested three home site approvals in the election material. No waiver was issued for this claim. The Measure 37 claim filed with the state describes non-residential development, and more than three home sites. Therefore, the claimants may qualify for a maximum of three home site approvals under Section 6 of Measure 49.

## **B. Qualification Requirements**

To qualify for a home site approval under Section 6 of Measure 49, the claimants must meet each of the following requirements:

### **1. Timeliness of Claim**

A claimant must have filed a Measure 37 claim for the property with either the state or the county in which the property is located on or before June 28, 2007, and must have filed a Measure 37 claim with both the state and the county before Measure 49 became effective on December 6, 2007. If the state Measure 37 claim was filed after December 4, 2006, the claim must also have been filed in compliance with the provisions of OAR 660-041-0020 then in effect.

### **Findings of Fact and Conclusions**

The claimants, John and Agnes Petersen, filed a Measure 37 claim, M132340, with the state on November 30, 2006. The claimants filed a Measure 37 claim, CL07-57, with Columbia County on November 30, 2006. The state claim was filed prior to December 4, 2006.

The claimants timely filed a Measure 37 claim with both the state and Columbia County.

### **2. The Claimant Is an Owner of the Property**

Measure 49 defines "Owner" as: "(a) The owner of fee title to the property as shown in the deed records of the county where the property is located; (b) The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or (c) If the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner."

### **Findings of Fact and Conclusions:**

According to the deed submitted by the claimants, John and Agnes Petersen are the owners of fee title to the property as shown in the Columbia County deed records and, therefore, are owners of the property under Measure 49.

Columbia County has confirmed that the claimants are the current owners of the property.

**3. All Owners of the Property Have Consented in Writing to the Claim**

All owners of the property must consent to the claim in writing.

**Findings of Fact and Conclusions:**

All owners of the property have consented to the claim in writing.

**4. The Property Is Located Entirely Outside Any Urban Growth Boundary and Entirely Outside the Boundaries of Any City**

The Measure 37 claim property must be located entirely outside any urban growth boundary and entirely outside the boundaries of any city.

**Findings of Fact and Conclusions:**

The Measure 37 claim property is located in Columbia County, outside any urban growth boundary and outside any city limits, near the community of Deer Island.

**5. One or More Land Use Regulations Prohibit Establishing the Lot, Parcel or Dwelling**

One or more land use regulations must prohibit establishing the requested lot, parcel or dwelling.

**Findings of Fact and Conclusions:**

The property is currently Forest Agriculture (FA-19) by Columbia County, in accordance with Goals 3 and 4, as implemented by OAR 660-006-0050. State land use regulations, including applicable provisions of ORS chapter 215 and OAR 660, divisions 6 and 33, generally prohibit the establishment of a lot or parcel less than 80 acres in size in a mixed farm/forest zone and regulate the establishment of dwellings on new or existing lots or parcels.

The claimants' property consists of 44.96 acres. Therefore, state land use regulations prohibit the claimants from establishing on the Measure 37 claim property the three home sites the claimants may qualify for under Section 6 of Measure 49.

**6. The Establishment of the Lot, Parcel or Dwelling Is Not Prohibited by a Land Use Regulation Described in ORS 195.305(3)**

ORS 195.305(3) exempts from claims under Measure 49 land use regulations:

- (a) Restricting or prohibiting activities commonly and historically recognized as public nuisances under common law;
- (b) Restricting or prohibiting activities for the protection of public health and safety;
- (c) To the extent the land use regulation is required to comply with federal law; or

(d) Restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing.

### **Findings of Fact and Conclusions**

Based on the documentation submitted by the claimants, it does not appear that the establishment of the three home sites for which the claimants may qualify on the property is prohibited by land use regulations described in ORS 195.305(3).

### **7. On the Claimant's Acquisition Date, the Claimant Lawfully Was Permitted to Establish at Least the Number of Lots, Parcels or Dwellings on the Property That Are Authorized Under Section 6 of Measure 49**

A claimant's acquisition date is "the date the claimant became the owner of the property as shown in the deed records of the county in which the property is located. If there is more than one claimant for the same property under the same claim and the claimants have different acquisition dates, the acquisition date is the earliest of those dates."

### **Findings of Fact and Conclusions**

Columbia County deed records indicate that the claimants acquired the property on October 6, 1965.

On October 6, 1965, the Measure 37 claim property was not subject to any local or state laws that would have prohibited the claimants from establishing at least three lots or parcels and at least three dwellings. Therefore, the claimants lawfully could have established the three home sites the claimants qualify for under Section 6 of Measure 49.

## **II. COMMENTS ON THE PRELIMINARY EVALUATION**

The department issued its Preliminary Evaluation for this claim on December 29, 2009. Pursuant to OAR 660-041-0090, the department provided written notice to the owners of surrounding properties. Comments received have been taken into account by the department in the issuance of this Final Order and Home Site Authorization.

## **III. CONCLUSION**

Based on the analysis above, the claimants qualify for up to three home sites. However, the number of lots, parcels or dwellings that a claimant may establish pursuant to a home site authorization is reduced by the number of lots, parcels or dwellings currently in existence on the Measure 37 claim property and any contiguous property under the same ownership according to the methodology stated in Section 6(2)(b) and 6(3) of Measure 49.

Based on the documentation provided by the claimants and information from Columbia County, the Measure 37 claim property includes one lot or parcel and no dwellings. There is no contiguous property under the same ownership. Therefore, the three home site approvals the

claimants qualify for under Section 6 of Measure 49 will authorize the claimants to establish up to two additional lots or parcels and three dwellings on the Measure 37 claim property.

#### IV. HOME SITE AUTHORIZATION

Based on the analysis set forth above, this claim is approved, and the claimants qualify for three home site approvals. As explained in section III above, after taking into account the number of existing lots, parcels or dwellings, the claimants are authorized for two additional lots or parcels and three dwellings on the property on which the claimants are eligible for Measure 49 relief, subject to the following terms:

1. Each dwelling must be on a separate lot or parcel, and must be contained within the property on which the claimants are eligible for Measure 49 relief. The establishment of a land division or dwelling based on this home site authorization must comply with all applicable standards governing the siting or development of the land division or dwelling. However, those standards must not be applied in a manner that prohibits the establishment of the land division or dwelling, unless the standards are reasonably necessary to avoid or abate a nuisance, to protect public health or safety, or to carry out federal law.
2. This home site authorization will not authorize the establishment of a land division or dwelling in violation of a land use regulation described in ORS 195.305(3) or in violation of any other law that is not a land use regulation as defined by ORS 195.300(14).
3. A claimant is not eligible for more than 20 home site approvals under Sections 5 to 11 of Measure 49 regardless of how many properties a claimant owns or how many claims a claimant filed. If the claimants have developed the limit of twenty home sites under Measure 49, the claimants are no longer eligible for the home site approvals that are the subject of this order.
4. The number of lots, parcels or dwellings a claimant may establish under this home site authorization is reduced by the number of lots, parcels and dwellings currently in existence on the Measure 37 claim property and contiguous property in the same ownership, regardless of whether evidence of their existence has been provided to the department. If, based on the information available to the department, the department has calculated the number of currently existing lots, parcels or dwellings to be either greater than or less than the number of lots, parcels or dwellings actually in existence on the Measure 37 claim property or contiguous property under the same ownership, then the number of additional lots, parcels or dwellings a claimant may establish pursuant to this home site authorization must be adjusted according to the methodology stated in Section 6(2)(b) and 6(3) of Measure 49. Statements in this final order regarding the number of lots, parcels or dwellings currently existing on the Measure 37 claim property and contiguous property are not a determination on the current legal status of those lots, parcels or dwellings.
5. Temporary dwellings are not considered in determining the number of existing dwellings currently on the property. The claimants may choose to convert any temporary dwelling currently located on the property on which the claimants are eligible for Measure 49 relief to an authorized home site pursuant to a home site approval. Otherwise, any temporary dwelling

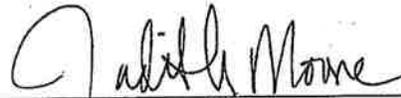
is subject to the terms of the local permit requirements under which it was approved, and is subject to removal at the end of the term for which it is allowed.

6. A home site approval only authorizes the establishment of a new lot, parcel or dwelling on the property on which the claimants are eligible for Measure 49 relief. No additional development is authorized on contiguous property for which no Measure 37 claim was filed or on Measure 37 claim property on which the claimants are not eligible for Measure 49 relief. A lot or parcel established pursuant to a home site approval must either be the site of a dwelling that is currently in existence or be the site of a dwelling that may be established pursuant to the home site approval.
7. The claimants may use a home site approval to convert a lot, parcel or dwelling currently located on the property on which the claimants are eligible for Measure 49 relief to an authorized home site. If the number of lots, parcels or dwellings existing on the property on which the claimants are eligible for Measure 49 relief exceeds the number of home site approvals the claimants qualify for under a home site authorization, the claimants may select which existing lots, parcels or dwellings to convert to authorized home sites; or may reconfigure existing lots, parcels or dwellings so that the number is equivalent to the number of home site approvals.
8. The claimants may not implement the relief described in this Measure 49 home site authorization if a claimant has been determined to have a common law vested right to a use described in a Measure 37 waiver for the property. Therefore, if a claimant has been determined in a final judgment or final order that is not subject to further appeal to have a common law vested right as described in Section 5(3) of Measure 49 to any use on the Measure 37 claim property, then this Measure 49 Home Site Authorization is void. However, so long as no claimant has been determined in such a final judgment or final order to have a common law vested right to a use described in a Measure 37 waiver for the property, a use that has been completed on the property pursuant to a Measure 37 waiver may be converted to an authorized home site.
9. A home site approval does not authorize the establishment of a new dwelling on a lot or parcel that already contains one or more dwellings. The claimants may be required to alter the configuration of the lots or parcels currently in existence on the Measure 37 claim property and contiguous property so that each additional dwelling established on the property on which the claimants are eligible for Measure 49 relief, pursuant to this home site authorization, is sited on a separate lot or parcel.
10. Because the property is located in a mixed farm and forest zone, the home site authorization does not authorize new lots or parcels that exceed five acres. However, existing or remnant lots or parcels may exceed five acres. Before beginning construction, the owner must comply with the requirements of ORS 215.293. Further, the home site authorization will not authorize new lots or parcels that exceed two acres if the new lots or parcels are located on high-value farmland, on high-value forestland or on land within a ground water restricted area. However, existing or remnant lots or parcels may exceed two acres.

11. Because the property is located in a mixed farm and forest zone, Measure 49 requires new home sites to be clustered so as to maximize suitability of the remnant lot or parcel for farm or forest use. Further, if an owner of the property is authorized by other home site authorizations to subdivide, partition, or establish dwellings on other Measure 37 claim properties, Measure 49 authorizes the owner to cluster some or all of the authorized lots, parcels or dwellings that would otherwise be located on land in an exclusive farm use zone, a forest zone or a mixed farm and forest zone on a single Measure 37 claim property that is zoned residential use or is located in an exclusive farm use zone, a forest zone or a mixed farm and forest zone but is less suitable for farm or forest use than the other Measure 37 claim properties.
12. If the claimants transferred ownership interest in the Measure 37 claim property prior to the date of this order, this order is rendered invalid and authorizes no home site approvals. Provided this order is valid when issued, a home site approval authorized under this order runs with the property and transfers with the property. A home site approval will not expire, except that if a claimant who received this home site authorization later conveys the property to a party other than the claimant's spouse or the trustee of a revocable trust in which the claimant is the settlor, the subsequent owner of the property must establish the authorized lots, parcels and dwellings within 10 years of the conveyance. A lot or parcel lawfully created based on this home site authorization will remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law. A dwelling lawfully created based on a home site approval is a permitted use.
13. To the extent that any law, order, deed, agreement or other legally enforceable public or private requirement provides that the subject property may not be used without a permit, license or other form of authorization or consent, this home site authorization will not authorize the use of the property unless the claimants first obtain that permit, license or other form of authorization or consent. Such requirements may include, but are not limited to: a building permit, a land use decision, a permit as defined in ORS 215.402 or 227.160, other permits or authorizations from local, state or federal agencies, and restrictions on the use of the subject property imposed by private parties.

IT IS HEREBY ORDERED that this Final Order and Home Site Authorization is entered by the Director of the Department of Land Conservation and Development as a final order of the department and the Land Conservation and Development Commission under ORS 197.300 to ORS 195.336 and OAR 660-041-0000 to 660-041-0160.

FOR THE DEPARTMENT AND THE LAND  
CONSERVATION AND DEVELOPMENT  
COMMISSION:



Judith Moore, Division Manager  
Dept. of Land Conservation and Development  
Dated this 8<sup>th</sup> day of February 2010

#### NOTICE OF RIGHT TO APPEAL OR OTHER JUDICIAL RELIEF

You are entitled, or may be entitled, to judicial remedies including the following:

1. Judicial review is available to anyone who is an owner of the property as defined in Measure 49 that is the subject of this final determination, or a person who timely submitted written evidence or comments to the department concerning this final determination.
2. Judicial review under ORS 183.484 may be obtained by filing a petition for review within 60 days from the service of this order. A petition for judicial review under ORS 183.484 must be filed in the Circuit Court in the county in which the affected property is located. Upon motion of any party to the proceedings, the proceedings may be transferred to any other county with jurisdiction under ORS 183.484 in the manner provided by law for change of venue.
3. Judicial review of this final determination is limited to the evidence in the record of the department at the time of its final determination. Copies of the documents that comprise the record are available for review at the department's office at 635 Capitol St. NE, Suite 150, Salem, OR 97301-2540. Judicial review is only available for issues that were raised before the department with sufficient specificity to afford the department an opportunity to respond.



OREGON DEPARTMENT OF LAND CONSERVATION AND  
DEVELOPMENT

ORS 195.300 to ORS 195.336 (MEASURE 49) SUPPLEMENTAL REVIEW  
OF MEASURE 37 CLAIM

Final Order and Home Site Authorization

**STATE ELECTION NUMBER:** E132337

**CLAIMANT:** John Allan Petersen<sup>1, 2</sup>  
33625 Tide Creek Road  
Deer Island, OR 97054

**MEASURE 37 PROPERTY IDENTIFICATION:** Township 5N, Range 2W, Section 5  
Tax lot 200  
Columbia County

**PRIMARY CONTACT INFORMATION:** Agnes Marie Petersen  
PO Box 748  
St. Helens, OR 97051

The claimant, John Petersen, filed a claim with the state under ORS 197.352 (2005) (Measure 37) on November 30, 2006, for property located at 66020 Bishop Creek Road, near Deer Island, in Columbia County. ORS 195.300 to ORS 195.336 (Measure 49) entitles claimants who filed Measure 37 claims to elect supplemental review of their claims. The claimant has elected supplemental review of his Measure 37 claim under Section 6 of Measure 49, which allows the Department of Land Conservation and Development (the department) to authorize up to three home site approvals to qualified claimants.

This Final Order and Home Site Authorization is the conclusion of the supplemental review of this claim.

**I. ANALYSIS OF CLAIM**

**A. Maximum Number of Home Sites for Which the Claimant May Qualify**

Under Section 6 of Measure 49, the number of home site approvals authorized by the department cannot exceed the lesser of the following: three; the number stated by the claimant in the election materials; or the number described in a Measure 37 waiver issued by the state, or if no waiver

<sup>1</sup> Agnes Marie Petersen is listed as a claimant on the election form, but she was not a claimant under Measure 37 and, therefore, is not eligible for relief under Measure 49.

<sup>2</sup> The claimant also has claims, E132329-E132336 and E132340-E132342, for property that is not contiguous to tax lot 200, and claims E132338 and E132339 for property that is not under the same ownership.

was issued, the number of home sites described in the Measure 37 claim filed with the state. The claimant has requested three home site approvals in the election material. No waiver was issued for this claim. The Measure 37 claim filed with the state describes 12 home sites. Therefore, the claimant may qualify for a maximum of three home site approvals under Section 6 of Measure 49.

## **B. Qualification Requirements**

To qualify for a home site approval under Section 6 of Measure 49, the claimant must meet each of the following requirements:

### **1. Timeliness of Claim**

A claimant must have filed a Measure 37 claim for the property with either the state or the county in which the property is located on or before June 28, 2007, and must have filed a Measure 37 claim with both the state and the county before Measure 49 became effective on December 6, 2007. If the state Measure 37 claim was filed after December 4, 2006, the claim must also have been filed in compliance with the provisions of OAR 660-041-0020 then in effect.

### **Findings of Fact and Conclusions**

The claimant, John Petersen, filed a Measure 37 claim, M132337, with the state on November 30, 2006. The claimant filed a Measure 37 claim, CL 07-54, with Columbia County on November 30, 2006. The state claim was filed prior to December 4, 2006.

The claimant timely filed a Measure 37 claim with both the state and Columbia County.

### **2. The Claimant Is an Owner of the Property**

Measure 49 defines "Owner" as: "(a) The owner of fee title to the property as shown in the deed records of the county where the property is located; (b) The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or (c) If the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner."

### **Findings of Fact and Conclusions:**

According to the deed, submitted by the claimants, John Petersen is the owner of fee title to the property as shown in the Columbia County deed records and, therefore, is an owner of the property under Measure 49.

Columbia County has confirmed that the claimant is the current owner of the property.

**3. All Owners of the Property Have Consented in Writing to the Claim**

All owners of the property must consent to the claim in writing.

**Findings of Fact and Conclusions:**

All owners of the property have consented to the claim in writing.

**4. The Property Is Located Entirely Outside Any Urban Growth Boundary and Entirely Outside the Boundaries of Any City**

The Measure 37 claim property must be located entirely outside any urban growth boundary and entirely outside the boundaries of any city.

**Findings of Fact and Conclusions:**

The Measure 37 claim property is located in Columbia County, outside the urban growth boundary and outside the city limits of the nearest city, Columbia City.

**5. One or More Land Use Regulations Prohibit Establishing the Lot, Parcel or Dwelling**

One or more land use regulations must prohibit establishing the requested lot, parcel or dwelling.

**Findings of Fact and Conclusions:**

The property is currently zoned Primary Forest (PF-76) by Columbia County, in accordance with ORS chapter 215 and OAR 660, division 6, because the property is "forest land" under Goal 4. Applicable provisions of ORS chapter 215 and OAR 660 division 6, enacted or adopted pursuant to Goal 4, generally prohibit the establishment of a lot or parcel less than 80 acres in size in a forest zone and regulate the establishment of dwellings on new or existing lots or parcels.

The claimant's property consists of 62.51 acres. Therefore, state land use regulations prohibit the claimant from establishing on the Measure 37 claim property the three home sites the claimant may qualify for under Section 6 of Measure 49.

**6. The Establishment of the Lot, Parcel or Dwelling Is Not Prohibited by a Land Use Regulation Described in ORS 195.305(3)**

ORS 195.305(3) exempts from claims under Measure 49 land use regulations:

- (a) Restricting or prohibiting activities commonly and historically recognized as public nuisances under common law;
- (b) Restricting or prohibiting activities for the protection of public health and safety;
- (c) To the extent the land use regulation is required to comply with federal law; or

(d) Restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing.

### **Findings of Fact and Conclusions**

Based on the documentation submitted by the claimant, it does not appear that the establishment of the three home sites for which the claimant may qualify on the property is prohibited by land use regulations described in ORS 195.305(3).

### **7. On the Claimant's Acquisition Date, the Claimant Lawfully Was Permitted to Establish at Least the Number of Lots, Parcels or Dwellings on the Property That Are Authorized Under Section 6 of Measure 49**

A claimant's acquisition date is "the date the claimant became the owner of the property as shown in the deed records of the county in which the property is located. If there is more than one claimant for the same property under the same claim and the claimants have different acquisition dates, the acquisition date is the earliest of those dates."

### **Findings of Fact and Conclusions**

Columbia County deed records indicate that the claimant acquired the property on November 17, 1967.

On November 17, 1967, the Measure 37 claim property was not subject to any local or state laws that would have prohibited the claimant from establishing at least three lots or parcels and at least three dwellings. Therefore, the claimant lawfully could have established the three home sites the claimant qualifies for under Section 6 of Measure 49.

## **II. COMMENTS ON THE PRELIMINARY EVALUATION**

The department issued its Preliminary Evaluation for this claim on December 21, 2009. Pursuant to OAR 660-041-0090, the department provided written notice to the owners of surrounding properties. No written comments were received in response to the 28-day notice.

## **III. CONCLUSION**

Based on the analysis above, the claimant qualifies for up to three home sites. However, the number of lots, parcels or dwellings that a claimant may establish pursuant to a home site authorization is reduced by the number of lots, parcels or dwellings currently in existence on the Measure 37 claim property and any contiguous property under the same ownership according to the methodology stated in Section 6(2)(b) and 6(3) of Measure 49.

Based on the documentation provided by the claimant and information from Columbia County, the Measure 37 claim property appears to currently include one lot or parcel and one dwelling. There is no contiguous property under the same ownership. Therefore, the three home site approvals the claimant appears to qualify for under Section 6 of Measure 49 will authorize the

claimant to establish up to two additional lots or parcels and two additional dwellings on the Measure 37 claim property.

#### IV. HOME SITE AUTHORIZATION

Based on the analysis set forth above, this claim is approved, and the claimant qualifies for three home site approvals. As explained in section III above, after taking into account the number of existing lots, parcels or dwellings, the claimant is authorized for two additional lots or parcels and two additional dwellings on the property on which the claimant is eligible for Measure 49 relief, subject to the following terms:

1. Each dwelling must be on a separate lot or parcel, and must be contained within the property on which the claimant is eligible for Measure 49 relief. The establishment of a land division or dwelling based on this home site authorization must comply with all applicable standards governing the siting or development of the land division or dwelling. However, those standards must not be applied in a manner that prohibits the establishment of the land division or dwelling, unless the standards are reasonably necessary to avoid or abate a nuisance, to protect public health or safety, or to carry out federal law.
2. This home site authorization will not authorize the establishment of a land division or dwelling in violation of a land use regulation described in ORS 195.305(3) or in violation of any other law that is not a land use regulation as defined by ORS 195.300(14).
3. A claimant is not eligible for more than 20 home site approvals under Sections 5 to 11 of Measure 49 regardless of how many properties a claimant owns or how many claims a claimant filed. If the claimant has developed the limit of twenty home sites under Measure 49, the claimant is no longer eligible for the home site approvals that are the subject of this order.
4. The number of lots, parcels or dwellings a claimant may establish under this home site authorization is reduced by the number of lots, parcels and dwellings currently in existence on the Measure 37 claim property and contiguous property in the same ownership, regardless of whether evidence of their existence has been provided to the department. If, based on the information available to the department, the department has calculated the number of currently existing lots, parcels or dwellings to be either greater than or less than the number of lots, parcels or dwellings actually in existence on the Measure 37 claim property or contiguous property under the same ownership, then the number of additional lots, parcels or dwellings a claimant may establish pursuant to this home site authorization must be adjusted according to the methodology stated in Section 6(2)(b) and 6(3) of Measure 49. Statements in this final order regarding the number of lots, parcels or dwellings currently existing on the Measure 37 claim property and contiguous property are not a determination on the current legal status of those lots, parcels or dwellings.
5. Temporary dwellings are not considered in determining the number of existing dwellings currently on the property. The claimant may choose to convert any temporary dwelling currently located on the property on which the claimant is eligible for Measure 49 relief to an authorized home site pursuant to a home site approval. Otherwise, any temporary dwelling is

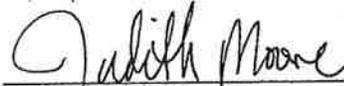
subject to the terms of the local permit requirements under which it was approved, and is subject to removal at the end of the term for which it is allowed.

6. A home site approval only authorizes the establishment of a new lot, parcel or dwelling on the property on which the claimant is eligible for Measure 49 relief. No additional development is authorized on contiguous property for which no Measure 37 claim was filed or on Measure 37 claim property on which the claimant is not eligible for Measure 49 relief. A lot or parcel established pursuant to a home site approval must either be the site of a dwelling that is currently in existence or be the site of a dwelling that may be established pursuant to the home site approval.
7. The claimant may use a home site approval to convert a lot, parcel or dwelling currently located on the property on which the claimant is eligible for Measure 49 relief to an authorized home site. If the number of lots, parcels or dwellings existing on the property on which the claimant is eligible for Measure 49 relief exceeds the number of home site approvals the claimant qualifies for under a home site authorization, the claimant may select which existing lots, parcels or dwellings to convert to authorized home sites; or may reconfigure existing lots, parcels or dwellings so that the number is equivalent to the number of home site approvals.
8. The claimant may not implement the relief described in this Measure 49 home site authorization if a claimant has been determined to have a common law vested right to a use described in a Measure 37 waiver for the property. Therefore, if a claimant has been determined in a final judgment or final order that is not subject to further appeal to have a common law vested right as described in Section 5(3) of Measure 49 to any use on the Measure 37 claim property, then this Measure 49 Home Site Authorization is void. However, so long as no claimant has been determined in such a final judgment or final order to have a common law vested right to a use described in a Measure 37 waiver for the property, a use that has been completed on the property pursuant to a Measure 37 waiver may be converted to an authorized home site.
9. A home site approval does not authorize the establishment of a new dwelling on a lot or parcel that already contains one or more dwellings. The claimant may be required to alter the configuration of the lots or parcels currently in existence on the Measure 37 claim property and contiguous property so that each additional dwelling established on the property on which the claimant is eligible for Measure 49 relief, pursuant to this home site authorization, is sited on a separate lot or parcel.
10. Because the property is located in a forest zone, the home site authorization does not authorize new lots or parcels that exceed five acres. However, existing or remnant lots or parcels may exceed five acres. Before beginning construction, the owner must comply with the requirements of ORS 215.293. Further, the home site authorization will not authorize new lots or parcels that exceed two acres if the new lots or parcels are located on high-value farmland, on high-value forestland or on land within a ground water restricted area. However, existing or remnant lots or parcels may exceed two acres.

11. Because the property is located in a forest zone, Measure 49 requires new home sites to be clustered so as to maximize suitability of the remnant lot or parcel for farm or forest use. Further, if an owner of the property is authorized by other home site authorizations to subdivide, partition, or establish dwellings on other Measure 37 claim properties, Measure 49 authorizes the owner to cluster some or all of the authorized lots, parcels or dwellings that would otherwise be located on land in an exclusive farm use zone, a forest zone or a mixed farm and forest zone on a single Measure 37 claim property that is zoned residential use or is located in an exclusive farm use zone, a forest zone or a mixed farm and forest zone but is less suitable for farm or forest use than the other Measure 37 claim properties.
12. If the claimant transferred ownership interest in the Measure 37 claim property prior to the date of this order, this order is rendered invalid and authorizes no home site approvals. Provided this order is valid when issued, a home site approval authorized under this order runs with the property and transfers with the property. A home site approval will not expire, except that if a claimant who received this home site authorization later conveys the property to a party other than the claimant's spouse or the trustee of a revocable trust in which the claimant is the settlor, the subsequent owner of the property must establish the authorized lots, parcels and dwellings within 10 years of the conveyance. A lot or parcel lawfully created based on this home site authorization will remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law. A dwelling lawfully created based on a home site approval is a permitted use.
13. To the extent that any law, order, deed, agreement or other legally enforceable public or private requirement provides that the subject property may not be used without a permit, license or other form of authorization or consent, this home site authorization will not authorize the use of the property unless the claimant first obtains that permit, license or other form of authorization or consent. Such requirements may include, but are not limited to: a building permit, a land use decision, a permit as defined in ORS 215.402 or 227.160, other permits or authorizations from local, state or federal agencies, and restrictions on the use of the subject property imposed by private parties.

IT IS HEREBY ORDERED that this Final Order and Home Site Authorization is entered by the Director of the Department of Land Conservation and Development as a final order of the department and the Land Conservation and Development Commission under ORS 197.300 to ORS 195.336 and OAR 660-041-0000 to 660-041-0160.

FOR THE DEPARTMENT AND THE LAND  
CONSERVATION AND DEVELOPMENT  
COMMISSION:



Judith Moore, Division Manager  
Dept. of Land Conservation and Development  
Dated this 4<sup>th</sup> day of February 2010

#### NOTICE OF RIGHT TO APPEAL OR OTHER JUDICIAL RELIEF

You are entitled, or may be entitled, to judicial remedies including the following:

1. Judicial review is available to anyone who is an owner of the property as defined in Measure 49 that it the subject of this final determination, or a person who timely submitted written evidence or comments to the department concerning this final determination.
2. Judicial review under ORS 183.484 may be obtained by filing a petition for review within 60 days from the service of this order. A petition for judicial review under ORS 183.484 must be filed in the Circuit Court in the county in which the affected property is located. Upon motion of any party to the proceedings, the proceedings may be transferred to any other county with jurisdiction under ORS 183.484 in the manner provided by law for change of venue.
3. Judicial review of this final determination is limited to the evidence in the record of the department at the time of its final determination. Copies of the documents that comprise the record are available for review at the department's office at 635 Capitol St. NE, Suite 150, Salem, OR 97301-2540. Judicial review is only available for issues that were raised before the department with sufficient specificity to afford the department an opportunity to respond.



**OREGON DEPARTMENT OF LAND CONSERVATION AND  
DEVELOPMENT**

**ORS 195.300 to ORS 195.336 (MEASURE 49) SUPPLEMENTAL REVIEW  
OF MEASURE 37 CLAIM  
Final Order and Home Site Authorization**

**STATE ELECTION NUMBER:** E132342<sup>1</sup>

**CLAIMANTS:** John A. and Agnes M. Petersen  
33625 Tide Creek Road  
Deer Island, OR 97054

**MEASURE 37 PROPERTY  
IDENTIFICATION:** Township 6N, Range 2W, Section 36  
Tax lot 500  
Columbia County

**PRIMARY CONTACT INFORMATION:** Agnes Marie Petersen  
PO Box 748  
St. Helens, OR 97051

The claimants, John and Agnes Petersen, filed a claim with the state under ORS 197.352 (2005) (Measure 37) on November 30, 2006, for property located at 33636 Tide Creek Road, near Deer Island, in Columbia County. ORS 195.300 to ORS 195.336 (Measure 49) entitles claimants who filed Measure 37 claims to elect supplemental review of their claims. The claimants have elected supplemental review of their Measure 37 claim under Section 6 of Measure 49, which allows the Department of Land Conservation and Development (the department) to authorize up to three home site approvals to qualified claimants.

This Final Order and Home Site Authorization is the conclusion of the supplemental review of this claim.

**I. ANALYSIS OF CLAIM**

**A. Maximum Number of Home Sites for Which the Claimants May Qualify**

Under Section 6 of Measure 49, the number of home site approvals authorized by the department cannot exceed the lesser of the following: three; the number stated by the claimant in the election materials; or the number described in a Measure 37 waiver issued by the state, or if no waiver

---

<sup>1</sup> Claimant John Petersen also has claims identified as E132329-E132337. Claimants John and Agnes Petersen also have claims E132338 through E132341 for properties that are not contiguous to tax lot 500. Claimant Agnes Petersen also has claim E132343.

was issued, the number of home sites described in the Measure 37 claim filed with the state. The claimants have requested three home site approvals in the election material. No waiver was issued for this claim. The Measure 37 claim filed with the state describes 14 home sites. Therefore, the claimants may qualify for a maximum of three home site approvals under Section 6 of Measure 49.

## **B. Qualification Requirements**

To qualify for a home site approval under Section 6 of Measure 49, the claimants must meet each of the following requirements:

### **1. Timeliness of Claim**

A claimant must have filed a Measure 37 claim for the property with either the state or the county in which the property is located on or before June 28, 2007, and must have filed a Measure 37 claim with both the state and the county before Measure 49 became effective on December 6, 2007. If the state Measure 37 claim was filed after December 4, 2006, the claim must also have been filed in compliance with the provisions of OAR 660-041-0020 then in effect.

### **Findings of Fact and Conclusions**

The claimants, John and Agnes Petersen, filed a Measure 37 claim, M132342, with the state on November 30, 2006. The claimants filed a Measure 37 claim, CL 07-59, with Columbia County on November 30, 2006. The state claim was filed prior to December 4, 2006.

The claimants timely filed a Measure 37 claim with both the state and Columbia County.

### **2. The Claimant Is an Owner of the Property**

Measure 49 defines "Owner" as: "(a) The owner of fee title to the property as shown in the deed records of the county where the property is located; (b) The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or (c) If the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner."

### **Findings of Fact and Conclusions:**

According to the deeds submitted by the claimants, John and Agnes Petersen are the owners of fee title to the property as shown in the Columbia County deed records and, therefore, are owners of the property under Measure 49.

Columbia County has confirmed that the claimants are the current owners of the property.

**3. All Owners of the Property Have Consented in Writing to the Claim**

All owners of the property must consent to the claim in writing.

**Findings of Fact and Conclusions:**

All owners of the property have consented to the claim in writing.

**4. The Property Is Located Entirely Outside Any Urban Growth Boundary and Entirely Outside the Boundaries of Any City**

The Measure 37 claim property must be located entirely outside any urban growth boundary and entirely outside the boundaries of any city.

**Findings of Fact and Conclusions:**

The Measure 37 claim property is located in Columbia County, outside the urban growth boundary and outside the city limits of the nearest city, Columbia City.

**5. One or More Land Use Regulations Prohibit Establishing the Lot, Parcel or Dwelling**

One or more land use regulations must prohibit establishing the requested lot, parcel or dwelling.

**Findings of Fact and Conclusions:**

The westerly half of the property is currently zoned Primary Forest (PF-76) by Columbia County, in accordance with ORS chapter 215 and OAR 660, division 6, because the property is "forest land" under Goal 4. Applicable provisions of ORS chapter 215 and OAR 660 division 6, enacted or adopted pursuant to Goal 4, generally prohibit the establishment of a lot or parcel less than 80 acres in size in a forest zone and regulate the establishment of dwellings on new or existing lots or parcels.

This portion of the claimant's property consists of approximately 35.70 acres. Therefore, state land use regulations prohibit the claimants from establishing on the PF zoned portion of the Measure 37 claim property, the three home sites the claimants may otherwise qualify for under Section 6 of Measure 49.

The easterly half of the property is currently zoned Surface Mining (SM) by Columbia County, in accordance with Goal 5 and OAR 660, divisions 16 and 23, because the property contains "mineral and aggregate resources" as defined by Goal 5. The SM zone prohibits dwellings except as approved by the county as a conditional use provided such dwellings will be in conformance with ORS 215.283 and otherwise comply with the Statewide Planning Goals.

This portion of the claimants' property consists of approximately 35.70 acres. Therefore, state and local land use regulations prohibit the claimants from establishing on SM zoned portion of

the Measure 37 claim property, the three home sites the claimants may qualify for under Section 6 of Measure 49.

**6. The Establishment of the Lot, Parcel or Dwelling Is Not Prohibited by a Land Use Regulation Described in ORS 195.305(3)**

ORS 195.305(3) exempts from claims under Measure 49 land use regulations:

- (a) Restricting or prohibiting activities commonly and historically recognized as public nuisances under common law;
- (b) Restricting or prohibiting activities for the protection of public health and safety;
- (c) To the extent the land use regulation is required to comply with federal law; or
- (d) Restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing.

**Findings of Fact and Conclusions**

Based on the documentation submitted by the claimants, it does not appear that the establishment of the three home sites for which the claimants may qualify on the property is prohibited by land use regulations described in ORS 195.305(3).

**7. On the Claimant's Acquisition Date, the Claimant Lawfully Was Permitted to Establish at Least the Number of Lots, Parcels or Dwellings on the Property That Are Authorized Under Section 6 of Measure 49**

A claimant's acquisition date is "the date the claimant became the owner of the property as shown in the deed records of the county in which the property is located. If there is more than one claimant for the same property under the same claim and the claimants have different acquisition dates, the acquisition date is the earliest of those dates."

**Findings of Fact and Conclusions**

Columbia County deed records indicate that the claimants acquired all of tax lot 500 as of May 9, 1969.<sup>2</sup>

On May 9, 1969, the Measure 37 claim property was not subject to any local or state laws that would have prohibited the claimants from establishing at least three lots or parcels and at least three dwellings. Therefore, the claimants lawfully could have established the three home sites the claimants qualify for under Section 6 of Measure 49.

---

<sup>2</sup> Although the claimants acquired portions of tax lot 500 on earlier dates, the department has omitted the lawfully permitted analyses based on the earlier acquisition dates because the claimants were lawfully permitted to establish on the Measure 37 claim property the maximum number of home sites for which they may qualify based on the latest acquisition date.

## **II. COMMENTS ON THE PRELIMINARY EVALUATION**

The department issued its Preliminary Evaluation for this claim on January 6, 2010. Pursuant to OAR 660-041-0090, the department provided written notice to the owners of surrounding properties. No written comments were received in response to the 28-day notice.

## **III. CONCLUSION**

Based on the analysis above, the claimants qualify for up to three home sites. However, the number of lots, parcels or dwellings that a claimant may establish pursuant to a home site authorization is reduced by the number of lots, parcels or dwellings currently in existence on the Measure 37 claim property and any contiguous property under the same ownership according to the methodology stated in Section 6(2)(b) and 6(3) of Measure 49.

Based on the documentation provided by the claimants and information from Columbia County, the Measure 37 claim property include one lot or parcel and no dwellings. There is no contiguous property under the same ownership. Therefore, the three home site approvals the claimants qualify for under Section 6 of Measure 49 will authorize the claimants to establish up to two additional lots or parcels and three dwellings on the Measure 37 claim property.

## **IV. HOME SITE AUTHORIZATION**

Based on the analysis set forth above, this claim is approved, and the claimants qualify for three home site approvals. As explained in section III above, after taking into account the number of existing lots, parcels or dwellings, the claimants are authorized for two additional lots or parcels and three dwellings on the property on which the claimants are eligible for Measure 49 relief, subject to the following terms:

1. Each dwelling must be on a separate lot or parcel, and must be contained within the property on which the claimants are eligible for Measure 49 relief. The establishment of a land division or dwelling based on this home site authorization must comply with all applicable standards governing the siting or development of the land division or dwelling. However, those standards must not be applied in a manner that prohibits the establishment of the land division or dwelling, unless the standards are reasonably necessary to avoid or abate a nuisance, to protect public health or safety, or to carry out federal law.
2. This home site authorization will not authorize the establishment of a land division or dwelling in violation of a land use regulation described in ORS 195.305(3) or in violation of any other law that is not a land use regulation as defined by ORS 195.300(14).
3. A claimant is not eligible for more than 20 home site approvals under Sections 5 to 11 of Measure 49 regardless of how many properties a claimant owns or how many claims a claimant filed. If the claimants have developed the limit of twenty home sites under Measure 49, the claimants are no longer eligible for the home site approvals that are the subject of this order.

4. The number of lots, parcels or dwellings a claimant may establish under this home site authorization is reduced by the number of lots, parcels and dwellings currently in existence on the Measure 37 claim property and contiguous property in the same ownership, regardless of whether evidence of their existence has been provided to the department. If, based on the information available to the department, the department has calculated the number of currently existing lots, parcels or dwellings to be either greater than or less than the number of lots, parcels or dwellings actually in existence on the Measure 37 claim property or contiguous property under the same ownership, then the number of additional lots, parcels or dwellings a claimant may establish pursuant to this home site authorization must be adjusted according to the methodology stated in Section 6(2)(b) and 6(3) of Measure 49. Statements in this final order regarding the number of lots, parcels or dwellings currently existing on the Measure 37 claim property and contiguous property are not a determination on the current legal status of those lots, parcels or dwellings.
5. Temporary dwellings are not considered in determining the number of existing dwellings currently on the property. The claimants may choose to convert any temporary dwelling currently located on the property on which the claimants are eligible for Measure 49 relief to an authorized home site pursuant to a home site approval. Otherwise, any temporary dwelling is subject to the terms of the local permit requirements under which it was approved, and is subject to removal at the end of the term for which it is allowed.
6. A home site approval only authorizes the establishment of a new lot, parcel or dwelling on the property on which the claimants are eligible for Measure 49 relief. No additional development is authorized on contiguous property for which no Measure 37 claim was filed or on Measure 37 claim property on which the claimants are not eligible for Measure 49 relief. A lot or parcel established pursuant to a home site approval must either be the site of a dwelling that is currently in existence or be the site of a dwelling that may be established pursuant to the home site approval.
7. The claimants may use a home site approval to convert a lot, parcel or dwelling currently located on the property on which the claimants are eligible for Measure 49 relief to an authorized home site. If the number of lots, parcels or dwellings existing on the property on which the claimants are eligible for Measure 49 relief exceeds the number of home site approvals the claimants qualify for under a home site authorization, the claimants may select which existing lots, parcels or dwellings to convert to authorized home sites; or may reconfigure existing lots, parcels or dwellings so that the number is equivalent to the number of home site approvals.
8. The claimants may not implement the relief described in this Measure 49 home site authorization if a claimant has been determined to have a common law vested right to a use described in a Measure 37 waiver for the property. Therefore, if a claimant has been determined in a final judgment or final order that is not subject to further appeal to have a common law vested right as described in Section 5(3) of Measure 49 to any use on the Measure 37 claim property, then this Measure 49 Home Site Authorization is void. However, so long as no claimant has been determined in such a final judgment or final order to have a common law vested right to a use described in a Measure 37 waiver for the property, a use

that has been completed on the property pursuant to a Measure 37 waiver may be converted to an authorized home site.

9. A home site approval does not authorize the establishment of a new dwelling on a lot or parcel that already contains one or more dwellings. The claimants may be required to alter the configuration of the lots or parcels currently in existence on the Measure 37 claim property and contiguous property so that each additional dwelling established on the property on which the claimants are eligible for Measure 49 relief, pursuant to this home site authorization, is sited on a separate lot or parcel.
10. Because the property is located in a forest zone, the home site authorization does not authorize new lots or parcels that exceed five acres. However, existing or remnant lots or parcels may exceed five acres. Before beginning construction, the owner must comply with the requirements of ORS 215.293. Further, the home site authorization will not authorize new lots or parcels that exceed two acres if the new lots or parcels are located on high-value farmland, on high-value forestland or on land within a ground water restricted area. However, existing or remnant lots or parcels may exceed two acres.
11. Because the property is located in a forest zone, Measure 49 requires new home sites to be clustered so as to maximize suitability of the remnant lot or parcel for farm or forest use. Further, if an owner of the property is authorized by other home site authorizations to subdivide, partition, or establish dwellings on other Measure 37 claim properties, Measure 49 authorizes the owner to cluster some or all of the authorized lots, parcels or dwellings that would otherwise be located on land in an exclusive farm use zone, a forest zone or a mixed farm and forest zone on a single Measure 37 claim property that is zoned residential use or is located in an exclusive farm use zone, a forest zone or a mixed farm and forest zone but is less suitable for farm or forest use than the other Measure 37 claim properties.
12. If the claimants transferred ownership interest in the Measure 37 claim property prior to the date of this order, this order is rendered invalid and authorizes no home site approvals. Provided this order is valid when issued, a home site approval authorized under this order runs with the property and transfers with the property. A home site approval will not expire, except that if a claimant who received this home site authorization later conveys the property to a party other than the claimant's spouse or the trustee of a revocable trust in which the claimant is the settlor, the subsequent owner of the property must establish the authorized lots, parcels and dwellings within 10 years of the conveyance. A lot or parcel lawfully created based on this home site authorization will remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law. A dwelling lawfully created based on a home site approval is a permitted use.

13. To the extent that any law, order, deed, agreement or other legally enforceable public or private requirement provides that the subject property may not be used without a permit, license or other form of authorization or consent, this home site authorization will not authorize the use of the property unless the claimants first obtain that permit, license or other form of authorization or consent. Such requirements may include, but are not limited to: a building permit, a land use decision, a permit as defined in ORS 215.402 or 227.160, other permits or authorizations from local, state or federal agencies, and restrictions on the use of the subject property imposed by private parties.

IT IS HEREBY ORDERED that this Final Order and Home Site Authorization is entered by the Director of the Department of Land Conservation and Development as a final order of the department and the Land Conservation and Development Commission under ORS 197.300 to ORS 195.336 and OAR 660-041-0000 to 660-041-0160.

FOR THE DEPARTMENT AND THE LAND  
CONSERVATION AND DEVELOPMENT  
COMMISSION:



Judith Moore, Division Manager  
Dept. of Land Conservation and Development  
Dated this 24<sup>th</sup> day of March 2010

#### **NOTICE OF RIGHT TO APPEAL OR OTHER JUDICIAL RELIEF**

You are entitled, or may be entitled, to judicial remedies including the following:

1. Judicial review is available to anyone who is an owner of the property as defined in Measure 49 that is the subject of this final determination, or a person who timely submitted written evidence or comments to the department concerning this final determination.
2. Judicial review under ORS 183.484 may be obtained by filing a petition for review within 60 days from the service of this order. A petition for judicial review under ORS 183.484 must be filed in the Circuit Court in the county in which the affected property is located. Upon motion of any party to the proceedings, the proceedings may be transferred to any other county with jurisdiction under ORS 183.484 in the manner provided by law for change of venue.
3. Judicial review of this final determination is limited to the evidence in the record of the department at the time of its final determination. Copies of the documents that comprise the record are available for review at the department's office at 635 Capitol St. NE, Suite 150, Salem, OR 97301-2540. Judicial review is only available for issues that were raised before the department with sufficient specificity to afford the department an opportunity to respond.

**ATTACHMENT 2**

**Letters Testamentary**

**Naming Agnes M. Petersen**

**Personal Representative of the Estate of John Allan Petersen**

Verified Correct Copy of Original 6/20/2018.

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF COLUMBIA  
230 Strand St. St. Helens Oregon 97051

FILED  
STATE OF OREGON  
COLUMBIA COUNTY COURTS  
DATE 6-19-18 AM/PM  
BY JAA  
TRIAL COURT ADMINISTRATOR

In the Matter of:

Case No: 18PB04736

John Allan Petersen

Deceased

LETTERS TESTAMENTARY

The court certifies that:

The will of John Allan Petersen, deceased, has been proved.

Agnes Marie Petersen has been appointed Personal Representative of the will and estate of the decedent.

6/19/2018

Date

*Ashley Aklin*  
Court Clerk, (signature)

Ashley Aklin

Print Name



I certify that the Letters Testamentary in this case are still in full force and effect and have not been revoked or set aside. I certify that this is a true, complete, and accurate copy of the original Letters Testamentary filed in this case.

6/7/23

Date

*Anika Todd*  
Court Clerk, (signature)

ANIKA TODD

Print Name



18PB04736  
LTTM  
Letter - Testamentary  
9416173



7 Verified Correct Copy of Original 6/20/2018.

STATE OF OREGON  
COLUMBIA COUNTY COURTS  
DATE: 6-18-18 TIME:  
BY: *WJM* IN COURT FILING

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF COLUMBIA  
PROBATE DEPARTMENT

In the Matter of the Estate of ) No. 18-PB04736  
JOHN ALLAN PETERSEN, )  
Deceased. ) ORDER ADMITTING WILL TO  
PROBATE AND APPOINTING  
PERSONAL REPRESENTATIVE

Upon the petition of Agnes Marie Petersen for the probate of  
the Will of John Allan Petersen, and the Court being fully  
advised,

IT IS THEREFORE ORDERED:

(1) The Will dated February 1, 1963, is the Last Will  
of John Allan Petersen, the same is hereby admitted to probate.

(2) Agnes Marie Petersen is appointed personal  
representative, to serve without bond.

(3) Letters shall issue forthwith in the manner pro-  
vided by law.

6-18-18 *L Kathleen B Callahan*

Submitted By:

*[Signature]*

OSB #70155-8

Robert P. VanNatta  
VanNatta & Petersen  
P.O. Box 748  
St. Helens, Oregon 97051



CERTIFIED TO BE A TRUE AND CORRECT  
COPY OF THE ORIGINAL DOCUMENT  
TRIAL COURT ADMINISTRATOR  
COLUMBIA COUNTY, OREGON

BY: *[Signature]*  
DATED: 6/17/18

18PB04736  
ORWL  
Order - Admitting Will to Probate  
9415036



5 ORDER - JOHN ALLAN PETERSEN

S:\RI\PROBATE\1SEP11\PETERSEN.PET

VAN NATTA & PETERSEN  
ATTORNEYS AT LAW  
PO BOX 748  
ST HELENS OREGON  
PHONE (503)397-4081

**ATTACHMENT 3**

**Tax Lot 6225-00-00400 Soils Survey**



Soil Map—Columbia County, Oregon  
(Petersen M49 Soils Survey)

**MAP LEGEND**

<b>Area of Interest (AOI)</b>			Spoil Area
	Area of Interest (AOI)		Stony Spot
<b>Soils</b>			Very Stony Spot
	Soil Map Unit Polygons		Wet Spot
	Soil Map Unit Lines		Other
	Soil Map Unit Points		Special Line Features
<b>Special Point Features</b>			
	Blowout	<b>Water Features</b>	
	Borrow Pit		Streams and Canals
	Clay Spot	<b>Transportation</b>	
	Closed Depression		Rails
	Gravel Pit		Interstate Highways
	Gravelly Spot		US Routes
	Landfill		Major Roads
	Lava Flow		Local Roads
	Marsh or swamp	<b>Background</b>	
	Mine or Quarry		Aerial Photography
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

**MAP INFORMATION**

The soil surveys that comprise your AOI were mapped at 1:20,000.

**Warning:** Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Columbia County, Oregon  
Survey Area Data: Version 16, Sep 10, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 29, 2015—Sep 13, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

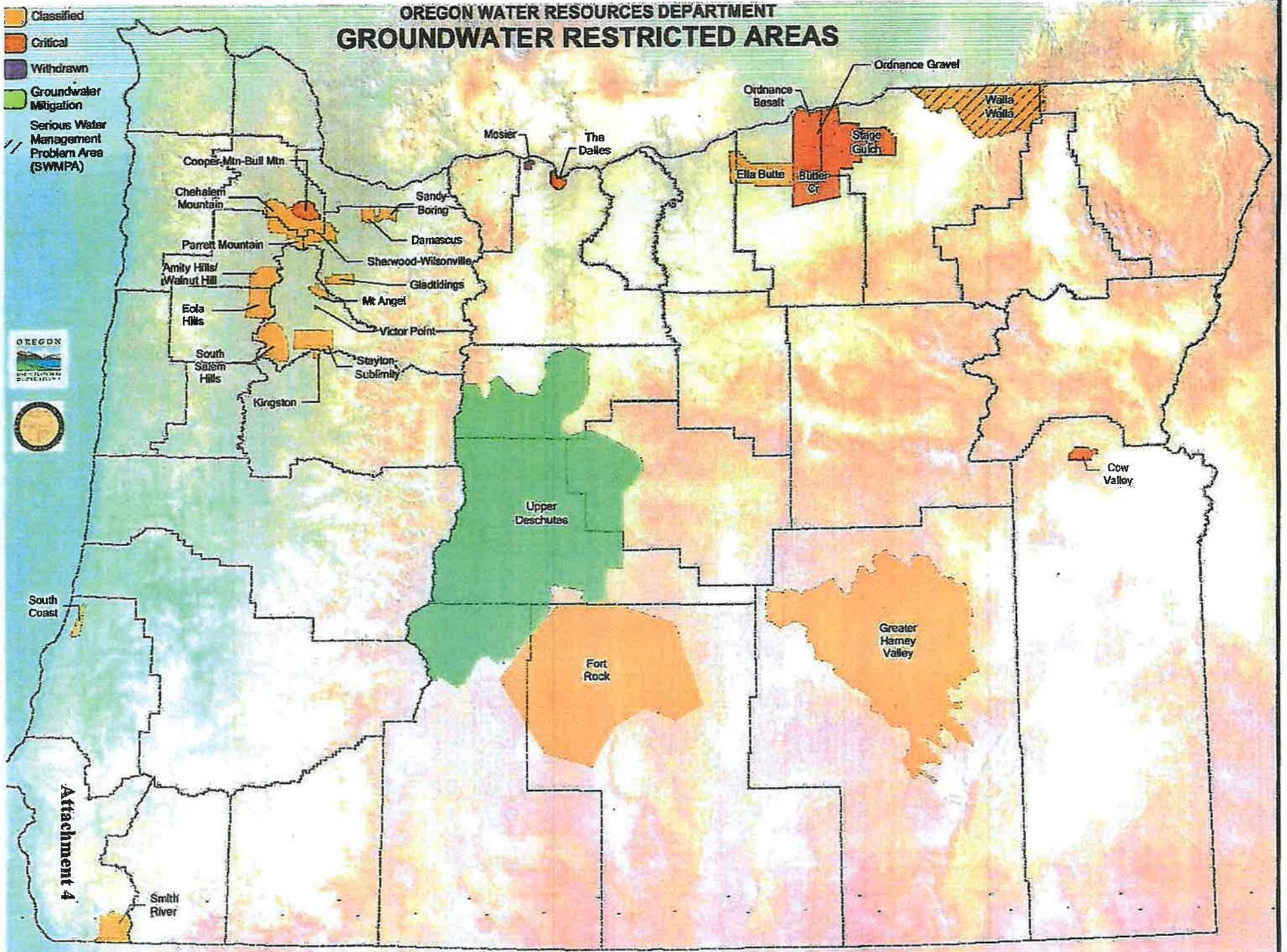
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
17C	Delena silt loam, 3 to 12 percent slopes	31.0	71.1%
19E	Dowde silt loam, 30 to 60 percent south slopes	5.8	13.3%
23C	Goble silt loam, warm, 3 to 15 percent slopes	0.2	0.4%
23D	Goble silt loam, warm, 15 to 30 percent slopes	6.8	15.1%
<b>Totals for Area of Interest</b>		<b>43.7</b>	<b>100.0%</b>

**ATTACHMENT 4**

**Groundwater Restricted Areas Map**

# OREGON WATER RESOURCES DEPARTMENT GROUNDWATER RESTRICTED AREAS

- Classified
- Critical
- Withdrawn
- Groundwater Mitigation
- Serious Water Management Problem Area (SWMPA)



Attachment 4

**ATTACHMENT 5**

**Letter from Columbia River PUD**



64001 Columbia River Highway  
Deer Island, OR 97054

Post Office Box 1193  
St. Helens, OR 97051

(503) 397-1844 Phone  
(503) 397-5215 Fax

[www.crpud.net](http://www.crpud.net)  
[facebook.com/crpud](https://facebook.com/crpud)  
[twitter.com/crpudUtility](https://twitter.com/crpudUtility)

June 6, 2023

Agnes M Petersen  
PO Box 748  
St Helens, OR 97051

Re: Tax Lot Number 6225-00-00400; Measure 49 Subdivision

Dear Agnes,

The property located at 33625 Tide Creek Rd, Map Tax Lot Number 6225-00-00400, in Deer Island, OR is within the boundaries established for Columbia River People's Utility District (PUD). The PUD will provide electric service to the proposed lots in accordance with our General Terms, Conditions, Rules and Regulation for Electric Service.

If you have any questions, please contact our Engineering Department at (503) 397-0760.

Thank you,

*B Staehely*

Branden Staehely  
Engineering Manager

**Board of  
Directors**

Russell Hubbard  
Craig Melton  
Debbie Reed  
Neal Sheppard  
Garratt Tayler

**General Manager**  
Michael J. Sykes

**ATTACHMENT 6**

**Ownership Records re: Tax Lot 6225-00-00400**

**COLUMBIA COUNTY ASSESSOR  
REAL PROPERTY ACCOUNT NAMES**

6/17/2023 8:27:32 PM

**Account #** 16380  
**Map** 6N2W25-00-00400  
**Owner** PETERSEN JOHN A & AGNES M  
33625 TIDE CREEK RD  
DEER ISLAND OR 97054

---

<b>Name Type</b>	<b>Name</b>	<b>Ownership Type</b>	<b>Own Pct</b>
OWNER	PETERSEN, JOHN A	OWNER	
OWNER	PETERSEN, AGNES M	OWNER	



**Deschutes Title**  
**240 South First Street**  
**St. Helens, OR 97051**  
**Phone: (503) 397-2587**

To Whom it May Concern:

Attached is the last recorded Deed on the Tax Parcel Account #16380. Based on this, the Owners of Record appear to be: John A. Petersen and Agnes Marie Petersen, husband and wife.

In order to guarantee accuracy, a complete examination of subject property will need to be completed.

Debbie Read, Title Officer  
debbier@deschutestitle.com

# COLUMBIA County Assessor's Summary Report

## Real Property Assessment Report

FOR ASSESSMENT YEAR 2022

June 6, 2023 8:57:19 am

Account # 16380  
 Map # 6N2W25-00-00400  
 Code - Tax # 0209-16380

Tax Status ASSESSABLE  
 Acct Status ACTIVE  
 Subtype NORMAL

Legal Descr See Record

Mailing Name PETERSEN JOHN A & AGNES M

Deed Reference # 163-802 (SOURCE ID: 163 802)

Agent

Sales Date/Price 01-01-1973 / \$0

In Care Of

Appraiser MELINDA GARTMAN

Mailing Address 33625 TIDE CREEK RD  
 DEER ISLAND, OR 97054

Prop Class 541 MA SA NH Unit  
 RMV Class 401 04 41 000 26068-1

Situs Address(s)	Situs City
ID# 33625 TIDE CREEK RD	DEER ISLAND

Code Area		RMV	MAV	Value Summary AV	RMV Exception	CPR %
0209	Land	368,120			Land	0
	Impr.	3,040			Impr.	0
<b>Code Area Total</b>		<b>371,160</b>	<b>8,500</b>	<b>11,894</b>		<b>0</b>
<b>Grand Total</b>		<b>371,160</b>	<b>8,500</b>	<b>11,894</b>		<b>0</b>

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown				Trended RMV	
						TD%	LS	Size	Land Class		LUC
0209	1	<input checked="" type="checkbox"/>		CO:FA-80	Farm Use Unzoned	106	A	2.00	3H4	006*	16,380
0209	3	<input checked="" type="checkbox"/>		CO:FA-80	Farm Use Unzoned	106	A	2.00	3H4	006*	16,380
0209	5	<input checked="" type="checkbox"/>		CO:FA-80	Farm Use Unzoned	106	A	10.40	3H4	006*	85,150
0209	4	<input type="checkbox"/>		CO:FA-80	Farm Use Unzoned	106	A	6.60	3H5	006*	54,040
0209	2	<input type="checkbox"/>		CO:FA-80	Farm Use Unzoned	106	A	23.96	3H6	006*	196,170
<b>Grand Total</b>								<b>44.96</b>			<b>368,120</b>

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Trended RMV
					TD%	Total Sq. Ft.	Ex% MS Acct #	
0209	2		335	HAY COVER	99	2,400	3,040	
<b>Grand Total</b>						<b>2,400</b>	<b>3,040</b>	

### Exemptions / Special Assessments / Potential Liability

**NOTATIONS:**

- FARM POT'L ADD'L TAX LIABILITY ADDED 2011  
 2011 Rollover DL 14 Acres insufficiently stocked, to FU. rg
- FIRE PATROL ADDED 2006
- FARM POT'L ADD'L TAX LIABILITY ADDED 2007
- FOREST POT'L ADD'L TAX LIABILITY ADDED 2007

Amount 14.00

Code Area 0209

**FIRE PATROL:**

- FIRE PATROL SURCHARGE
- FIRE PATROL

Amount 47.50 Year 2022  
 Amount 46.91 Acres 30.56 Year 2022

Appr Maint: 2023 - NEW CONSTRUCTION - OTHER (RESIDENTIAL NEW CONSTRUCTION)  
 Comments: 2019: RA - Desk review. MG  
 2013 RA> DL

**STATEMENT OF TAX ACCOUNT**  
**COLUMBIA COUNTY TAX COLLECTOR**  
**230 STRAND STREET**  
**ST. HELENS, OR 97051**  
**(503) 397-0060**

6-Jun-2023

PETERSEN JOHN A & AGNES M  
 33625 TIDE CREEK RD  
 DEER ISLAND OR 97054

Tax Account #	16380	Lender Name	
Account Status	A	Loan Number	
Roll Type	Real	Property ID	0209
Situs Address	33625 TIDE CREEK RD DEER ISLAND OR 97054	Interest To	Jun 15, 2023

**Tax Summary**

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date	Prev Disc
2022	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$246.62	Nov 15, 2022	\$7.40
2021	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$233.14	Nov 15, 2021	\$6.99
2020	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$207.18	Nov 15, 2020	\$6.22
2019	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$207.64	Nov 15, 2019	\$6.23
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$200.68	Nov 15, 2018	\$6.02
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$222.84	Nov 15, 2017	\$6.69
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$210.88	Nov 15, 2016	\$0.00
2016	FEE	\$0.00	\$0.00	\$0.00	\$0.00	\$35.00	Nov 15, 2016	\$0.00
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$203.66	Nov 15, 2015	\$6.11
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$198.31	Nov 15, 2014	\$5.95
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$193.02	Nov 15, 2013	\$5.79
2013	FEE	\$0.00	\$0.00	\$0.00	\$0.00	\$20.00	Nov 15, 2013	\$0.00
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$240.72	Nov 15, 2012	\$0.00
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$248.71	Nov 15, 2011	\$0.00
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$292.16	Nov 15, 2010	\$0.00
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$285.17	Nov 15, 2009	\$0.00
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$299.92	Nov 15, 2008	\$0.00
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$256.19	Nov 15, 2007	\$0.00
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$258.11	Nov 15, 2006	\$7.74
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$254.68	Nov 15, 2005	\$7.64
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$250.19	Nov 15, 2004	\$0.00
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$215.06	Nov 15, 2003	\$0.00
2002	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$204.10	Nov 15, 2002	\$0.00
2001	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$194.97	Nov 15, 2001	\$5.85
<b>Total</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$5,178.95</b>		

KNOW ALL MEN BY THESE PRESENTS, That we, John A. Petersen and Agnes Marie Petersen, husband and wife

in consideration of TEN DOLLARS and other valuable consideration

to us paid by Agnes Jane Thompson, a single person

Dollars,

do hereby grant, bargain, sell and convey unto said Agnes Jane Thompson, her

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 Northwest quarter of the Southeast quarter of Section 25, and that part of the Southwest quarter of the Southeast quarter of Section 25, described as follows:

Beginning at a point 357 feet East of the South quarter section corner; thence North 12°24' East 35.3 feet; thence North 7°05' West 39 feet; thence North 33°49' West 51.6 feet; thence North 32°34' West 76.3 feet; thence North 12°10' West 137.2 feet; thence North 6°16' West 264.6 feet; thence North 32°49' West 367.7 feet; thence North 72°22' West 1430 feet to a point on the West line of the North half of the Southeast quarter of the Southwest quarter; thence North to the Northwest corner thereof; thence East to the Northeast corner of the Southwest quarter of the Southeast quarter; thence South to the Southeast corner of said Southwest quarter of the Southeast quarter; thence West to the point of beginning, all in Township 6 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon.

To Have and to Hold, the above described and granted premises unto the said Agnes Jane Thompson a single person, her

heirs and assigns forever.

And we, John Allen Petersen and Agnes Marie Petersen

above named do covenant to and with the above named grantee, her 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,

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, save as above set forth.

Witness our hands and seals this 29 day of December, 1966.

John A. Petersen (SEAL)
Agnes Marie Petersen (SEAL)
(SEAL)
(SEAL)

STATE OF OREGON,

BOOK 163 PAGE 803

County of Columbia }

BE IT REMEMBERED, That on this 29 day of December, 1966, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named John Allan Peterson and Agnes Marie Peterson known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that executed the same freely and voluntarily.

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

Johanna M. Peltie  
Notary Public for Oregon.  
My Commission expires 10-4-68

96

STATE OF OREGON  
COLUMBIA COUNTY  
RECORDED OR FILED

JAN 6 4 36 PM '67  
1308 163 PAGE 803  
ROY A. NELSON CO CLK  
BY [Signature] DEP.

WARRANTY DEED

FORM No. 170  
PUBLISHED BY THE OREGON LAW BOOK CO., PORTLAND, ORE.

STATE OF OREGON,

County of \_\_\_\_\_

I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., on \_\_\_\_\_ page \_\_\_\_\_, Record of Deeds of said County. Witness my hand and seal of \_\_\_\_\_ County aforesaid.

County Clerk—Recorder.

Deputy.

WHEN RECORDED RETURN TO  
Agnes Marie Peterson  
Box 1254 Station A  
St. Helens, Oregon

**REAL PROPERTY TAX STATEMENT  
JULY 1, 2022 TO JUNE 30, 2023  
COLUMBIA COUNTY, OREGON  
230 STRAND STREET  
ST. HELENS, OR 97051**

16380 -

**ACCOUNT NO:  
16380**

**PROPERTY DESCRIPTION**

**CODE:** 0209  
**MAP:** 6N2W25-00-00400  
**ACRES:** 44.96  
**SITUS:** 33625 TIDE CREEK RD DEER ISLAND

**16380 - - 002873 - 23922**  
PETERSEN JOHN A & AGNES M  
33625 TIDE CREEK RD  
DEER ISLAND OR 97054

NW REGIONAL ESD	1.83
ST HELENS 502 SCHOOL	59.82
PORTLAND COMM COLLEGE	3.36
<b>EDUCATION TOTAL:</b>	<b>65.01</b>

COLUMBIA COUNTY	16.58
JAIL OPERATIONS - LOCAL OPTION	6.89
COLUMBIA 4H & EXTENSION	0.68
COL 9-1-1 COMM DISTR	6.48
COLUMBIA VECTOR	1.52
GTR ST HELENS AQUATIC DISTRICT	2.79
RAINIER CEMETERY	1.43
PORT OF COLUMBIA COUNTY	0.00
COLUMBIA SWCD	1.19
COLUMBIA RIVER FIRE	17.91
CCDA - COLCO DEV AGENCY	0.03
<b>GENERAL GOVT TOTAL:</b>	<b>55.50</b>

ST HELENS 502 SCHOOL BOND	27.10
PORTLAND COMM COLLEGE	4.60
FIRE PATROL	46.91
<b>FIRE PATROL SURCHARGE</b>	<b>47.50</b>
<b>BONDS - OTHER TOTAL:</b>	<b>126.11</b>

VALUES	LAST YEAR	THIS YEAR
<b>REAL MARKET</b>		
LAND	21,892	21,006
STRUCTURES	3,880	3,040
<b>TOTAL RMV</b>	<b>25,772</b>	<b>24,046</b>
<b>TOTAL ASSESSED VALUE</b>	<b>12,477</b>	<b>11,894</b>
<b>EXEMPTIONS</b>		
<b>NET TAXABLE:</b>	<b>12,477</b>	<b>11,894</b>
<b>TOTAL PROPERTY TAX:</b>	<b>233.14</b>	<b>246.62</b>

POTENTIAL ADDITIONAL TAX LIABILITY

COURTESY STATEMENT IF LENDER IS SCHEDULED TO PAY

**Please use Drop Box for Tax Payments**

Questions: VALUATION (503) 397-2240 TAX PAYMENT (503) 397-0060

**2022 - 2023 TAX ( Before Discount ) 246.62**

PAYMENT OPTIONS			
Date Due	3% Option	2% Option	Trimester Option
11/15/22	239.22	161.12	82.21
02/15/23			82.21
05/15/23		82.21	82.20
<b>Total</b>	<b>239.22</b>	<b>243.33</b>	<b>246.62</b>

**TOTAL DUE (After Discount and Pre-payments) 239.22**

↑ Tear Here **2022 - 2023 PROPERTY TAXES** PLEASE RETURN THIS PORTION WITH YOUR PAYMENT **COLUMBIA COUNTY REAL** Tear Here ↑ **ACCOUNT NO. 16380**

PAYMENT OPTIONS	Discount	Date Due	Amount	Date Due	Amount	Date Due	Amount
Full Payment Enclosed	3%	11/15/22	239.22				
or 2/3 Payment Enclosed	2%	11/15/22	161.12			05/15/23	82.21
or 1/3 Payment Enclosed	0%	11/15/22	82.21	02/15/23	82.21	05/15/23	82.20

**DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATE (UNPAID DELINQUENT TAX INCLUDED IN PAYMENT)**

Mailing address change on back

Enter Payment Amount  
\$

**16380 - - 002873 - 23922**  
PETERSEN JOHN A & AGNES M  
33625 TIDE CREEK RD  
DEER ISLAND OR 97054

**MAKE PAYMENT TO:**  
COLUMBIA COUNTY TAX COLLECTOR  
230 STRAND STREET  
ST. HELENS, OR 97051

051000016380000008221000001611200000239228

## **ATTACHMENT 7**

### **Evaluation Reports for On-Site Sewage Disposal Systems**

#### **Preliminary Plat Location of test pits on Evaluation Reports**

**Preliminary Plat Lot No.                      Septic Test Pit(s) on 4/30/2019  
Eval. Reports**

<b>Prelim. Plat Map Lot No. 1</b>	<b>Eval Report "Parcel 1" (both test pits, P1-TP-1 and P1-TP-2)</b>
<b>Prelim. Plat Map Lot No. 2</b>	<b>Eval Report "Parcel 2" (both test pits, P2-TP-1 and P2-TP-2)</b>
<b>Prelim. Plat Map Lot No. 3</b>	<b>N/A</b>
<b>Prelim. Plat Map Lot No. 4</b>	<b>N/A</b>
<b>Prelim. Plat Map Lot No. 5</b>	<b>N/A</b>
<b>Prelim. Plat Map Lot No. 6</b>	<b>N/A</b>
<b>Prelim. Plat Map Lot No. 7</b>	<b>Eval Report "Parcel 4" (both test pits, P4-TP-1 and P4-TP-2)</b>
<b>Prelim. Plat Map Lot No. 8</b>	<b>N/A</b>



April 30, 2019

John and Agnes Peterson  
33625 Tide Creek Rd.  
Deer Island, OR 97054

**EVALUATION REPORT FOR AN ON-SITE  
SEWAGE DISPOSAL SYSTEM**

Subject: 6225-00-00400  
Receipt: 34012

Acreage: 2.0  
File #: 192-19-000052-EVAL, Parcel 1

I have made an evaluation of a proposed sewage disposal system construction site to support a single family residence on the above described property.

Based on the results of this study, sewage disposal appears feasible through the construction of a SANDFILTER SEWAGE DISPOSAL SYSTEM, as described in the attached site drawing and construction detail reports. **\*\*Note: Installation of an ATT SYSTEM (Treatment Standard 1) is also applicable.**

Before construction of a subsurface sewage disposal system can take place, A PERMIT MUST BE PURCHASED FROM COLUMBIA COUNTY LAND DEVELOPMENT SERVICES. Only the property owner or a licensed installer can construct a subsurface sewage disposal system or part thereof. A detailed, to-scale plot plan of the proposed development and list of construction materials must be submitted with the permit application.

Only a limited area of your property appears suitable for this type of system. Please refer to the enclosed diagram for specifics concerning dimensions and/or special conditions of the approved site. Installation shall take place in the area of pit 2. Drainlines installed downslope of pit 2 will also be allowed. No install is allowed in the area of pit 1.

A building envelope will have to be established for the construction of a dwelling. A stake-out may be required to determine if siting criteria can be met prior to permit issuance.

Please note that this approval is site specific to the area tested and does not address the feasibility of locating the system elsewhere on the property. Should you wish to relocate the disposal system, a new evaluation (with appropriate fees as per OAR (340-071-0140)) will be required.

This approval is limited to a dwelling of FOUR (4) bedrooms maximum. The definition of "bedroom" means any room within a dwelling which is accepted as such by the local authorized building official.

This approval will remain valid until the system is installed and approved. Conditions on this property or adjacent properties are not to be changed in any manner conflicting with applicable State rules which would prohibit issuance of a permit. Partitioning or subdivision of this property, alteration of the natural conditions in the area of approval and/or water well development on this or adjacent properties may void this approval.

Technical rule changes which take place after the date of this report will not invalidate this approval, except that construction standards may be changed to meet codes applicable at the time of permit issuance.

The approval of this property and the conditions set forth in this letter in no way waive requirements as may be set by the zoning of the area. A permit to construct a system on this property will be subject to the review and approval of Columbia County Land Development Services.

You are cautioned not to place commercial, or other septic system cleaners or additives in your disposal system; doing so could increase the drainfield clogging potential, as well as kill the internal organisms necessary for proper operation. This warning is given with full knowledge of product statements to the contrary.

To prevent accidental injuries, this office recommends the test hole be filled.

If you have any questions, feel free to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Hesson", with a long horizontal flourish extending to the right.

Kevin Hesson, MS

Environmental Services Specialist

**SAND FILTER SYSTEM**  
**CONSTRUCTION DETAIL REPORT**  
**(THIS IS NOT A CONSTRUCTION PERMIT)**

April 30, 2019

John and Agnes Peterson  
33625 Tide Creek Rd.  
Deer Island, OR 97054

Subject: 6225-00-00400  
Receipt: 34012

Acreage: 2.0  
File #: 192-19-000052-EVAL

Your site has been found suitable for a SAND FILTER SYSTEM. The following construction specifications shall apply. \*\*Note: Installation of an ATT SYSTEM (Treatment Standard 1) is also applicable. Installation in accordance with manufacturer installation methods and OAR 340, Division 71 required.

Prior to the installation of the disposal system, a sewage disposal construction permit must be obtained from the department of Land Development Services. Included in this permit process is to be a to-scale plot plan of system placement and a complete materials inventory of proposed system components.

The sand filter shall be designed and operated as per OAR 340-71-290 through 340-71-305. Detailed plans for the filter must be presented prior to permit issuance. Depending on design, a separate building permit may also be required.

The septic tank shall have a minimum liquid capacity of 1500 gallons. The septic tank must have two compartments. Garbage disposal use is not recommended.

For your proposed development, a minimum of 150 linear feet of disposal trench is required. Disposal trenches shall be constructed 2 feet wide on 10 foot minimum centers with no line exceeding 150 feet in length. The trenches and perforated pipe shall be installed within one inch of level and contoured to the natural ground surface.

The drainfield shall be constructed in equal distribution via a hydrosplitter with a maximum trench depth of 18 inches and a minimum trench depth of 18 inches. There must be at least 6 inches of backfill over the top of the gravel, measured from natural ground surface.

A groundwater interceptor is required as part of this system. This interceptor must be constructed 12 inches wide by 42 inches deep with 34 inches of clean gravel placed over a 4 inch perforated pipe. A PVC plastic liner shall be placed against the down sidewall area of the trench to eliminate additional seepage. Filter fabric shall be placed over the drain media prior to backfilling. A minimum 10 foot upslope setback must be maintained from the drainfield and be exhausted by a non-perforated line below and away from the entire system.

This system requires use of an effluent lift pump placed in the septic tank. Should you elect to place the sand filter below ground, an additional pump will be necessary and requires an electrical control panel which includes an automatic shutoff feature of the septic tank pump, which would activate should a high water alarm condition occur in the sand filter pump basin. This prevents an overflow of the sand filter.

It is necessary that the electrical components of this system be inspected and approved before a certificate of satisfactory completion can be issued. This action requires that you secure an Electrical Permit from Land Development Services. \*\*Note- The Electrical Permit will need to be obtained at the time of Septic Permit Issuance.

For the above described system, adequate area must be available for the original system and a complete replacement system. The replacement system is to be used if the original system fails for some non-repairable reason.

The disposal site must be protected from livestock, vehicular traffic, or other damaging encroachments.

A minimum separation distance of 100 linear feet is to be maintained between the disposal system and any water well.

The owner of any conventional and other sand filter systems must ensure that the sand filter and all other components of the system are continuously operated and timely maintained in accordance with the requirements of the Certificate of Satisfactory Completion and including but not limited to the following provisions:

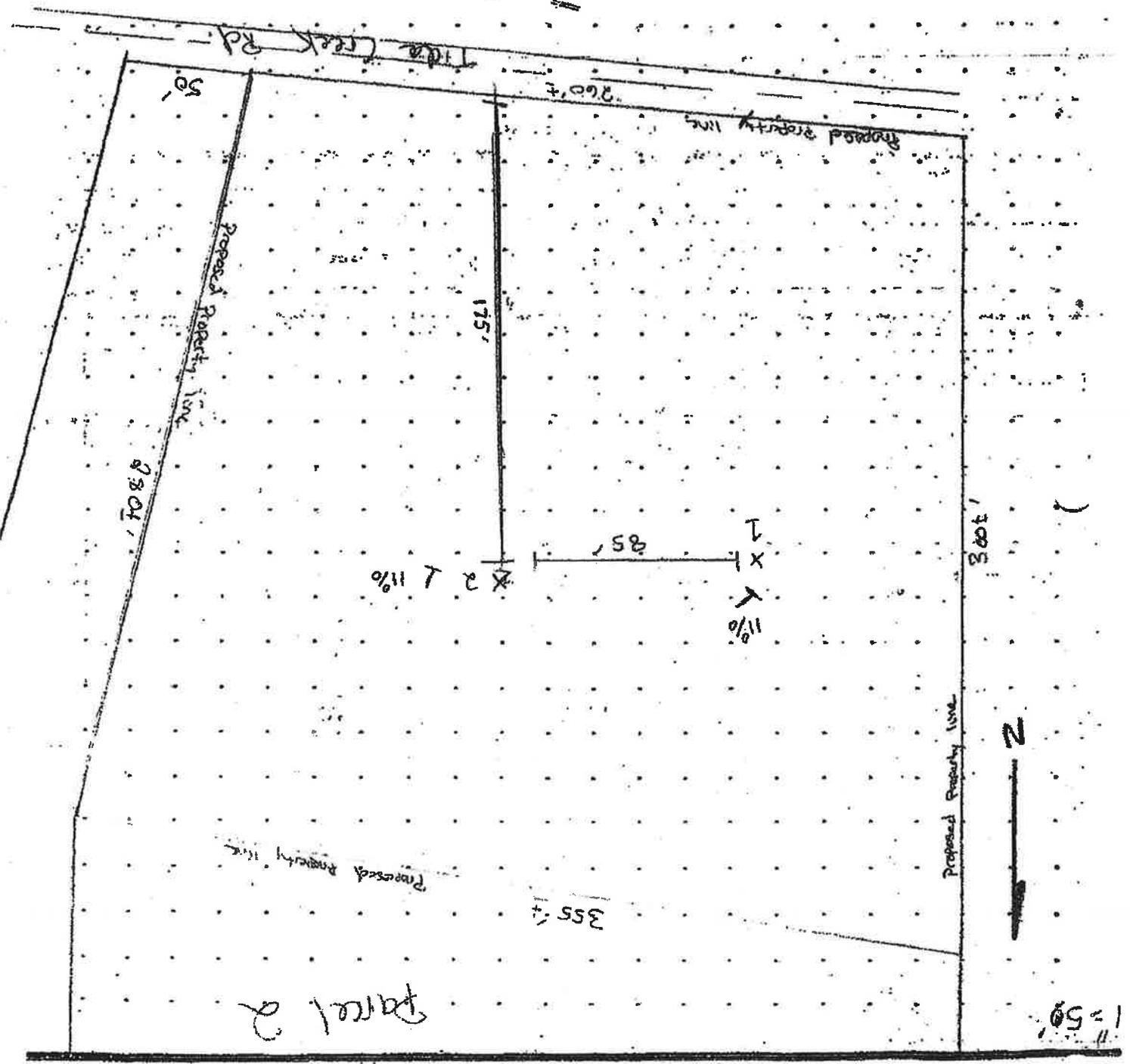
Preservation of the installation, as near as practical, in its "as built" state. The responsibility includes the control of erosion of any "mound", the control and removal of large perennial plants, the fencing out of livestock and the control of burrowing animals.

Per OAR 340-071-0290(7) Operation and Maintenance:

(a) Owners of conventional and other sand filter systems must comply with the operation and maintenance requirements in this section. The owner of a sand filter system must inspect the septic tank and other components of the system at least annually for sludge accumulation, pump calibration, and cleaning of the laterals. Tanks must be pumped when there is an accumulation of floating scum less than 3 inches above the bottom of the outlet tee fitting, holes or ports, or an accumulation of sludge less than 6 inches below the bottom of the outlet tee fitting, holes or ports. Pump calibration, cleaning of the laterals, and other maintenance must be completed as necessary.

(b) Service Contracts, the owner of a Sand Filter system must maintain a contract, in accordance with OAR 340-071-0130(23), with a maintenance provider to serve, maintain, and adjust the onsite system. A service contract must be entered into before the system is installed and must be maintained until the system is decommissioned.

For an evaluation fee, (as per OAR (340-071-0140)) and at this agencies discretion, agents may perform periodic inspections of alternative systems for necessary corrective maintenance. System owners shall be required to incur all such maintenance expenses.



6225-00-0040 (Parcel 2) 4/19/19 DATE: EVALUATOR: Jesse Hesson

Tax Reference 6225-00-400 (Parcel 1) Evaluator KEVIN HESSON  
 Applicant Peterson Date 4/9/19 Parcel Size 2.0 ac. Proposed

11% N 30° E  
 Depth Texture

Soil Matrix Color and Mottling (Notation), % Coarse Fragments, Roots, Structure, Layer Limiting Effective Soil Depth, etc.

Pit 2	0-9"	Sil	10YR 2/1	3 G2	3vf 3f 2m
	9-22"	Sil	10YR 3/3	1F SBK	3vf 3vf (10YR 5/3) <sup>pink</sup>
	22-46"	Sil	10YR 4/2	3M ABK	1vf (7.5YR 5/8) <sup>pink</sup>

ISSUANCE @ 30" H2O @ 46" RMFS @ 19" ESD @ 35"

Pit 1	0-5"				
	5-9"		<u>11% N 60° E</u>		
	9-40"				

ISSUANCE @ 30" H2O = 40" RMFS @ 11" ESD @ 15"

Pit 3					

Pit 4					

Landscape Notes Gentle bank slope / waterline

Slope \_\_\_\_\_ Aspect \_\_\_\_\_ Groundwater Type Temp

Other Site Notes significant movement of water through the parcel (subsurface)

Weather \_\_\_\_\_

SYSTEM SPECIFICATIONS

Type System: ATT/SF Design Flow 450 gpd Disposal Field Size 150 Linear  
 Infiltrator ATT/SF System Sizing 50 / 150 g. Max. Depth Absorption Facility (in) 18" / 18" min  
 Replacement ATT/SF System Sizing 50 / 150 g. Max. Depth Absorption Facility (in) 18" / 18" min

Special Conditions 18" / 18" w/ equal distribution via hydrosplitter. Install in the area of pit of down slope from pit 2. no install at pit 1.  
GWZ install to 40", media to 8 inches below ground surface. (34 inches of media)



April 30, 2019

John and Agnes Peterson  
33625 Tide Creek Rd.  
Deer Island, OR 97054

**EVALUATION REPORT FOR AN ON-SITE  
SEWAGE DISPOSAL SYSTEM**

Subject: 6225-00-00400  
Receipt: 34012

Acreage: 2.0 (Parcel 2)  
File #: 192-19-000053-EVAL

I have made an evaluation of a proposed sewage disposal system construction site to support a single family residence on the above described property.

Based on the results of this study, sewage disposal appears feasible through the construction of a SANDFILTER SEWAGE DISPOSAL SYSTEM, as described in the attached site drawing and construction detail reports. \*\*Note: Installation of an ATT SYSTEM (Treatment Standard 1) is also applicable.

Before construction of a subsurface sewage disposal system can take place, A PERMIT MUST BE PURCHASED FROM COLUMBIA COUNTY LAND DEVELOPMENT SERVICES. Only the property owner or a licensed installer can construct a subsurface sewage disposal system or part thereof. A detailed, to-scale plot plan of the proposed development and list of construction materials must be submitted with the permit application.

Only a limited area of your property appears suitable for this type of system. Please refer to the enclosed diagram for specifics concerning dimensions and/or special conditions of the approved site. Installation shall take place in the area of pits 1 and 2.

A building envelope will have to be established for the construction of a dwelling. A stake-out may be required to determine if siting criteria can be met prior to permit issuance.

Please note that this approval is site specific to the area tested and does not address the feasibility of locating the system elsewhere on the property. Should you wish to relocate the disposal system, a new evaluation (with appropriate fees as per OAR (340-071-0140)) will be required.

This approval is limited to a dwelling of FOUR (4) bedrooms maximum. The definition of "bedroom" means any room within a dwelling which is accepted as such by the local authorized building official.

This approval will remain valid until the system is installed and approved. Conditions on this property or adjacent properties are not to be changed in any manner conflicting with applicable State rules which would prohibit issuance of a permit. Partitioning or subdivision of this property, alteration of the natural conditions in the area of approval and/or water well development on this or adjacent properties may void this approval.

Technical rule changes which take place after the date of this report will not invalidate this approval, except that construction standards may be changed to meet codes applicable at the time of permit issuance.

The approval of this property and the conditions set forth in this letter in no way waive requirements as may be set by the zoning of the area. A permit to construct a system on this property will be subject to the review and approval of Columbia County Land Development Services.

You are cautioned not to place commercial, or other septic system cleaners or additives in your disposal system; doing so could increase the drainfield clogging potential, as well as kill the internal organisms necessary for proper operation. This warning is given with full knowledge of product statements to the contrary.

To prevent accidental injuries, this office recommends the test hole be filled.

If you have any questions, feel free to call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin Hesson".

Kevin Hesson, MS

Environmental Services Specialist

**SAND FILTER SYSTEM**  
**CONSTRUCTION DETAIL REPORT**  
**(THIS IS NOT A CONSTRUCTION PERMIT)**

April 30, 2019

John and Agnes Peterson  
33625 Tide Creek Rd.  
Deer Island, OR 97054

Subject: 6225-00-00400  
Receipt: 34012

Acreage: 2.0  
File #: 192-19-000053-EVAL

Your site has been found suitable for a SAND FILTER SYSTEM. The following construction specifications shall apply. \*\*Note: installation of an ATT SYSTEM (Treatment Standard 1) is also applicable. Installation in accordance with manufacturer installation methods and OAR 340, Division 71 required.

Prior to the installation of the disposal system, a sewage disposal construction permit must be obtained from the department of Land Development Services. Included in this permit process is to be a to-scale plot plan of system placement and a complete materials inventory of proposed system components.

The sand filter shall be designed and operated as per OAR 340-71-290 through 340-71-305. Detailed plans for the filter must be presented prior to permit issuance. Depending on design, a separate building permit may also be required.

The septic tank shall have a minimum liquid capacity of 1500 gallons. The septic tank must have two compartments. Garbage disposal use is not recommended.

For your proposed development, a minimum of 150 linear feet of disposal trench is required. Disposal trenches shall be constructed 2 feet wide on 10 foot minimum centers with no line exceeding 150 feet in length. The trenches and perforated pipe shall be installed within one inch of level and contoured to the natural ground surface.

The drainfield shall be constructed in equal distribution via a hydrosplitter with a maximum trench depth of 18 inches and a minimum trench depth of 18 inches. There must be at least 6 inches of backfill over the top of the gravel, measured from natural ground surface.

A groundwater interceptor is required as part of this system. This interceptor must be constructed 12 inches wide by 36 inches deep with 28 inches of clean gravel placed over a 4 inch perforated pipe. A PVC plastic liner shall be placed against the down sidewall area of the trench to eliminate additional seepage. Filter fabric shall be placed over the drain media prior to backfilling. A minimum 10 foot upslope setback must be maintained from the drainfield and be exhausted by a non-perforated line below and away from the entire system.

This system requires use of an effluent lift pump placed in the septic tank. Should you elect to place the sand filter below ground, an additional pump will be necessary and requires an electrical control panel which includes an automatic shutoff feature of the septic tank pump, which would activate should a high water alarm condition occur in the sand filter pump basin. This prevents an overflow of the sand filter.

It is necessary that the electrical components of this system be inspected and approved before a certificate of satisfactory completion can be issued. This action requires that you secure an Electrical Permit from Land Development Services. \*\*Note- The Electrical Permit will need to be obtained at the time of Septic Permit issuance.

For the above described system, adequate area must be available for the original system and a complete replacement system. The replacement system is to be used if the original system falls for some non-repairable reason.

The disposal site must be protected from livestock, vehicular traffic, or other damaging encroachments.

A minimum separation distance of 100 linear feet is to be maintained between the disposal system and any water well.

The owner of any conventional and other sand filter systems must ensure that the sand filter and all other components of the system are continuously operated and timely maintained in accordance with the requirements of the Certificate of Satisfactory Completion and including but not limited to the following provisions:

Preservation of the installation, as near as practical, in its "as built" state. The responsibility includes the control of erosion of any "mound", the control and removal of large perennial plants, the fencing out of livestock and the control of burrowing animals.

Per OAR 340-071-0290(7) Operation and Maintenance:

(a) Owners of conventional and other sand filter systems must comply with the operation and maintenance requirements in this section. The owner of a sand filter system must inspect the septic tank and other components of the system at least annually for sludge accumulation, pump calibration, and cleaning of the laterals. Tanks must be pumped when there is an accumulation of floating scum less than 3 inches above the bottom of the outlet tee fitting, holes or ports, or an accumulation of sludge less than 6 inches below the bottom of the outlet tee fitting, holes or ports. Pump calibration, cleaning of the laterals, and other maintenance must be completed as necessary.

(b) Service Contracts, the owner of a Sand Filter system must maintain a contract, in accordance with OAR 340-071-0130(23), with a maintenance provider to serve, maintain, and adjust the onsite system. A service contract must be entered into before the system is installed and must be maintained until the system is decommissioned.

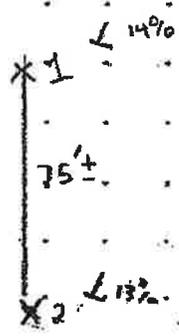
For an evaluation fee, (as per OAR (340-071-0140)) and at this agencies discretion, agents may perform periodic inspections of alternative systems for necessary corrective maintenance. System owners shall be required to incur all such maintenance expenses.

Case Reference: 6225-00-00400 (Parcel 2)      Evaluator: Kevin Hesson  
Applicant: Peterson      Date: 4/9/19

1" = 50'

Parcel 3

335±



180±

295±

355±

Parcel 1

**SYSTEM SPECIFICATIONS**

Type System: SF/AT	Design Flow: 450	and Disposal Field Size: 150	Linear Feet
Initial SF/AT	System Sizing: 50	Max. Depth Absorption Facility (in): 18" / 18" mm	
Replacement SF/AT	System Sizing: 50	Max. Depth Absorption Facility (in): 18" / 18" mm	

Special Conditions: GWS MB#11 to 36" w/ 20" of media below. Equal distribution  
 Note: Hydrophobic

Weather: \_\_\_\_\_  
 Other Site Notes: \_\_\_\_\_  
 Slope: \_\_\_\_\_ Aspect: \_\_\_\_\_  
 Landscaping: Interflow / backflow  
 Groundwater type: Temporary

FIG 4			

FIG 3			

18" 18-52"	SIL	SY 6/1	MASSIVE	IF	(7.5% 5/6)
15" 5-18"	SIL	104233	2MSBK	3UF3F	
15" 0-5"	SIL	104221	3GR	3UF3F	2M
15" ISSUMED 28"	HD @ 53"	RMS @ 21"	ESD @ 22"		
15" 18-52"					
15" 7-22"					
15" 0-7"					

Depth: \_\_\_\_\_ Texture: \_\_\_\_\_ Slope: \_\_\_\_\_  
 Soil Matrix Color and Mottling (Hocaction), % Coarse Fragments, Roots, etc.  
 Structure, Layer Limiting Effective Soil Depth, etc.

Applicant: Peterson  
 Date: 4/19/19  
 Parcel Size: 3.0 Acre  
 Tax Reference: 6225-00-00400  
 Evaluator: Kevin Hesson  
 Title: (copy 2)



April 30, 2019

John and Agnes Peterson  
33625 Tide Creek Rd.  
Deer Island, OR 97054

**EVALUATION REPORT FOR AN ON-SITE  
SEWAGE DISPOSAL SYSTEM**

Subject: 6225-00-00400  
Receipt: 34012

Acreage: 2.0 (Parcel 4)  
File #: 192-19-000055-EVAL

I have made an evaluation of a proposed sewage disposal system construction site to support a single family residence on the above described property.

Based on the results of this study, sewage disposal appears feasible. Site conditions will require the use of a STANDARD SYSTEM for the original system, as described in the attached construction detail and site drawing reports. For the replacement area a CAPPING FILL SYSTEM will be required.

Before construction of a subsurface sewage disposal system can take place, A PERMIT MUST BE PURCHASED FROM COLUMBIA COUNTY LAND DEVELOPMENT SERVICES. Only the property owner or a licensed installer can construct a subsurface sewage disposal system or part thereof. A detailed, to-scale plot plan of the proposed development and list of construction materials must be submitted with the permit application.

Only a limited area of your property appears suitable for this type of system. Please refer to the enclosed diagram for specifics concerning dimensions and/or special conditions of the approved site. Installation shall take place in the area of pit 1 on slopes of 12% or less as long as setbacks from the property lines can be met. Otherwise, a capping fill system is applicable. A replacement system in the area of pit 2 will require a capping fill system with installation taking place on slopes of 12% or less.

A building envelope will have to be established for the construction of a dwelling. A stake-out may be required to determine if siting criteria can be met prior to permit issuance.

Please note that this approval is site specific to the area tested and does not address the feasibility of locating the system elsewhere on the property. Should you wish to relocate the disposal system, a new evaluation (with appropriate fees as per OAR (340-071-0140)) will be required.

This approval is limited to a dwelling of FOUR bedrooms maximum. The definition of "bedroom" means any room within a dwelling which is accepted as such by the local authorized building official.

This approval will remain valid until the system is installed and approved. Conditions on this property or adjacent properties are not to be changed in any manner conflicting with applicable State rules which would prohibit issuance of a permit. Partitioning or subdivision of this property, alteration of the natural conditions in the area of approval and/or water well development on this or adjacent properties may void this approval.

Technical rule changes which take place after the date of this report will not invalidate this approval, except that construction standards may be changed to meet codes applicable at the time of permit issuance.

The approval of this property and the conditions set forth in this letter in no way waive requirements as may be set by the zoning of the area. A permit to construct a system on this property will be subject to the review and approval of Columbia County Land Development Services.

You are cautioned not to place commercial, or other septic system cleaners or additives in your disposal system; doing so could increase the drainfield clogging potential, as well as kill the internal organisms necessary for proper operation. This warning is given with full knowledge of product statements to the contrary.

To prevent accidental injuries, this office recommends the test holes be filled.

If you have any questions, feel free to call.

Sincerely,



Kevin Hesson, MS

Environmental Services Specialist

## **STANDARD SYSTEM CONSTRUCTION DETAIL REPORT**

**(This is not a Construction Permit.)**

**April 30, 2019**

**John and Agnes Peterson  
33625 Tide Creek Rd.  
Deer Island, OR 97054**

**Subject: 6225-00-00400  
Receipt: 34012**

**Acreage: 2.0  
File #: 192-19-000055-EVAL**

Your site has been found suitable for a **STANDARD ON-SITE SEWAGE DISPOSAL SYSTEM**. The following construction specifications shall apply.

Prior to the installation of the disposal system, a sewage disposal construction permit must be obtained from the department of Land Development Services. Included in this permit process is to be a to-scale plot plan of system placement and a complete materials inventory of proposed system components.

The septic tank shall have a minimum liquid capacity of 1000 gallons. A 1500 gallon tank is recommended. Garbage disposal use is not recommended.

For your proposed development, a minimum of 450 linear feet of disposal trench is required. Disposal trenches shall be constructed 2 feet wide on 10 foot minimum centers with no line exceeding 150 feet in length. The trenches and perforated pipe shall be installed within one inch of level and contoured to the natural ground surface.

The drainfield shall be constructed in equal distribution via a hydrosplitter with a maximum trench depth of 18 inches and a minimum trench depth of 18 inches. There must be at least 6 inches of backfill over the top of the drain media, measured from the ground surface.

A groundwater interceptor is required as part of this system. This interceptor must be constructed 12 inches wide by 36 inches deep with 24 inches of clean gravel placed over a 4 inch perforated pipe with filter fabric covering the gravel. A PVC sheet shall be placed against the lower sidewall trench area to eliminate infiltration of water. A minimum 10 foot setback must be maintained from the drainfield and be exhausted by a non-perforated line below and away from the entire system.

An effluent pump may be a necessary component of this system in order to construct the drainfield in the approved area and at the correct depth. An electrical permit is required to insure correct installation of the pump, alarm & electrical components.

For the above described system, adequate area must be available for the original, as well as a complete replacement system. The replacement system is to be constructed in the replacement area if the original system fails and cannot be repaired.

**A minimum separation distance of 100 linear feet is to be maintained between the disposal area and any wells and/or surface waters such as creeks, bogs, lakes or ponds.**

**The disposal site must be protected from livestock, vehicular traffic and/or other damaging encroachments.**

**Sewage disposal will not be permitted on slopes in excess of 12 percent.**

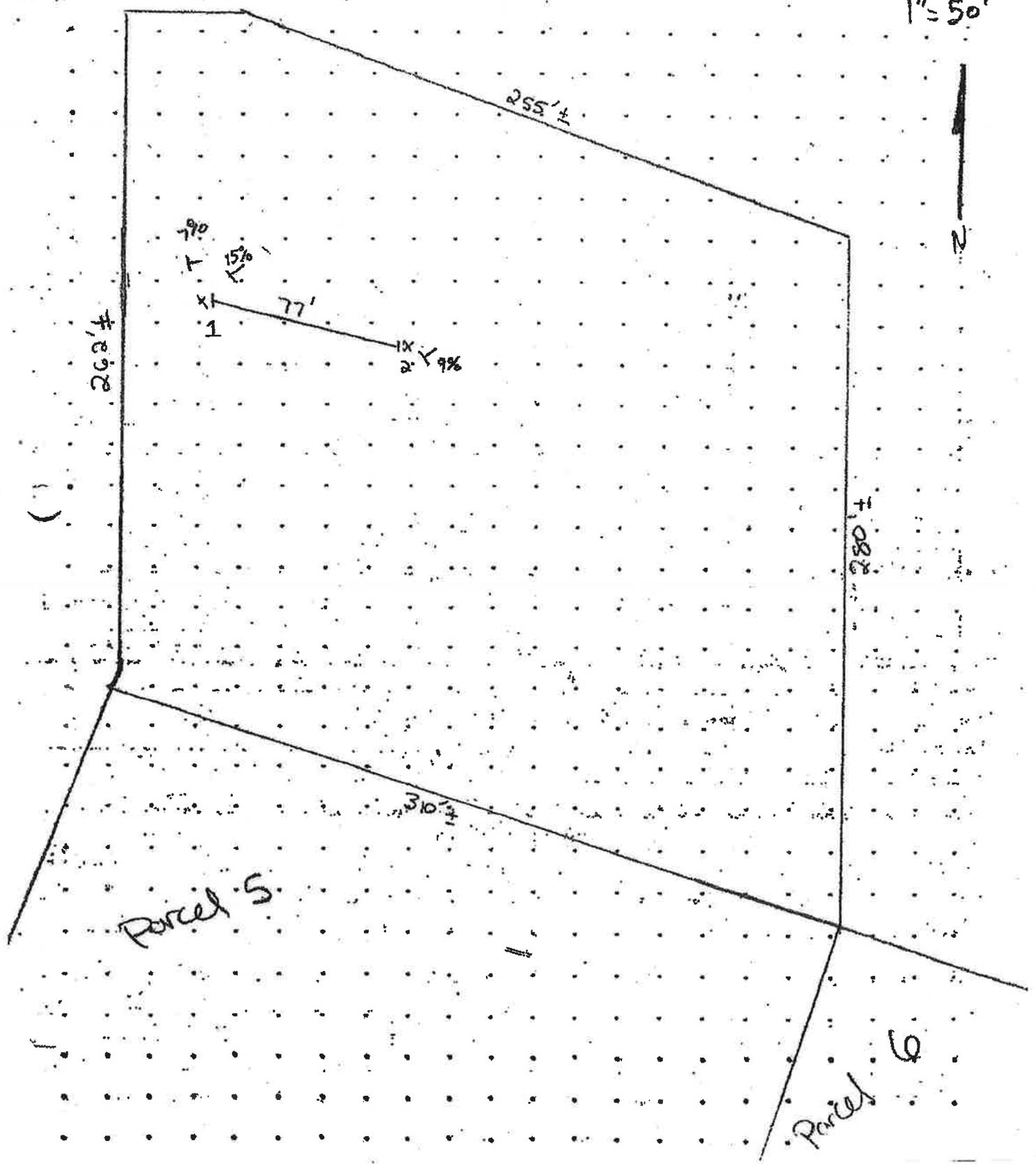
File Reference: 6225-00-00420 (Parcel 4)

Evaluator: Kevin Hesson

Applicant: Peterson

Date:

1" = 50'



Tax Reference 6225-00-00400 Evaluator Kevin Hessen  
 Applicant Peterson Date \_\_\_\_\_ Parcel Size 2.0 acres proposed

Depth	Texture	Soil Matrix Color and Mottling (Notation), % Coarse Fragments, Roots, Structure, Layer Limiting Effective Soil Depth, etc.
<i>N60°</i>	0-3"	
Pit 1	3-24"	
<i>15°</i>	24-43"	
<i>ISSUANCE @ 30" H2O @ 43" DMFS @ 23" ESD @ 30"</i>		
<i>56°</i>	0-12"	
Pit 2	12-24"	
<i>10°</i>	24-44"	
<i>ISSUANCE @ 32" H2O @ 44" DMFS @ 23" ESD @ 28"</i>		
Pit 3		
Pit 4		

Landscape Notes Intensive / back slope

Slope \_\_\_\_\_ Aspect \_\_\_\_\_ Groundwater Type Temporary

Other Site Notes \_\_\_\_\_

Weather \_\_\_\_\_

SYSTEM SPECIFICATIONS

Type System: Standard Design Flow 450 gpd Disposal Field Size 450 Linear Feet  
 Initial Standard System Sizing 125 /150 g. Max. Depth Absorption Facility (in) 18"/18" min equ  
 Replacement Capping fill System Sizing 125 /150 g. Max. Depth Absorption Facility (in) 12"/18" min S

Special Conditions Standard approved in the area of pit 1. Replacement area will be capping fill if installed in the area of pit 2. NO install over 12% for Standard System NO install over 12% for capping fill. GWT install to 30" w/ 24" of media. Std equal distribution achieved via hydrosplitter

**ATTACHMENT 8**

**Copies of Well Logs**

***WELL LOG DATA***

<b>Well Log #</b>	<b>Date</b>	<b>Tax Lot No.</b>	<b>Yield (gal/min)</b>
<b>COLU 55654</b>	<b>9/8/2020</b>	<b>6225-00-00400</b>	<b>20.0</b>
<b>COLU 55655</b>	<b>9/7/2020</b>	<b>6225-00-00400</b>	<b>25.0</b>
<b>COLU 55656</b>	<b>10/20/2020</b>	<b>6225-00-00400</b>	<b>25.0</b>

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

COLU 55654
10/20/2020

WELL I.D. LABEL# L 139456
START CARD # 1048875
ORIGINAL LOG #

(1) LAND OWNER
Owner Well I.D. #4
First Name AGNES Last Name PETERSEN
Company
Address 33625 TIDE CREEK ROAD
City DEER ISLAND State OR Zip 97054

(2) TYPE OF WORK
[X] New Well [ ] Deepening [ ] Conversion
[ ] Alteration (complete 2a & 10) [ ] Abandonment (complete 5a)

(2a) PRE-ALTERATION
Casing: Dia + From To Gauge Stl Plstc Wld Thrld
Material From To Amt sacks/lbs
Seal:

(3) DRILL METHOD
[X] Rotary Air [ ] Rotary Mud [ ] Cable [ ] Auger [ ] Cable Mud
[ ] Reverse Rotary [ ] Other

(4) PROPOSED USE
[X] Domestic [ ] Irrigation [ ] Community
[ ] Industrial/ Commercial [ ] Livestock [ ] Dewatering
[ ] Thermal [ ] Injection [ ] Other

(5) BORE HOLE CONSTRUCTION
Special Standard [ ] (Attach copy)
Depth of Completed Well 303.00 ft.
BORE HOLE SEAL sacks/lbs
Dia From To Material From To Amt lbs

How was seal placed: Method [ ] A [ ] B [ ] C [ ] D [ ] E
[X] Other POUR
Backfill placed from 65 ft. to 218.5 ft. Material BENTONITE CHIPS
Filter pack from ft. to ft. Material Size
Explosives used: [ ] Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE
Proposed Amount Actual Amount

(6) CASING/LINER
Casing Liner Dia + From To Gauge Stl Plstc Wld Thrld
Shoe [ ] Inside [X] Outside [ ] Other Location of shoe(s) 218.5
Temp casing [ ] Yes Dia From + To

(7) PERFORATIONS/SCREENS
Perforations Method saw cut
Screens Type Material
Perf/ Casing/ Screen Screen Liner Dia From To Scrn/slot width Slot length # of slots Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour
[ ] Pump [ ] Bailer [X] Air [ ] Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)
Temperature 48 °F Lab analysis [ ] Yes By
Water quality concerns? [ ] Yes (describe below) TDS amount 149 ppm
From To Description Amount Units

(9) LOCATION OF WELL (legal description)
County COLUMBIA Twp 6.00 N N/S Range 2.00 W E/W WM
Sec 25 NE 1/4 of the SW 1/4 Tax Lot 400
Tax Map Number Lot
Lat " or 45.97107443 DMS or DD
Long " or -122.87933728 DMS or DD
[ ] Street address of well [X] Nearest address
33625 TIDE CREEK ROAD, DEER ISLAND, OR 97054

(10) STATIC WATER LEVEL
Date SWL(psi) + SWL(ft)
Existing Well / Pre-Alteration
Completed Well 9/11/2020 162
Flowing Artesian? [ ] Dry Hole? [ ]
WATER BEARING ZONES Depth water was first found 265.00
SWL Date From To Est Flow SWL(psi) + SWL(ft)

Table with 6 columns: SWL Date, From, To, Est Flow, SWL(psi), + SWL(ft). Row 1: 9/16/2020, 265, 290, 20, 162.

(11) WELL LOG
Ground Elevation
Material From To
tan clay 0 60
brn clay stone 60 110
gray clay stone 110 150
cemented gravel 150 155
gray basalt 155 170
blue clay stone 170 180
gray sandstone 180 255
gray sandstone / seams gray silt stone 255 303

Date Started 9/2/2020 Completed 9/8/2020

(unbonded) Water Well Constructor Certification
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
License Number Date
Signed

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
License Number 1480 Date 10/20/2020
Signed ARTHUR MCMULLEN (E-filed)
Contact Info (optional) 503 397 2356

STATE OF OREGON  
WATER SUPPLY WELL REPORT  
(as required by ORS 537.765 & OAR 690-205-0210)

COLU 55655  
10/20/2020

WELL I.D. LABEL# L 139454  
START CARD # 1048646  
ORIGINAL LOG #

(1) LAND OWNER Owner Well I.D. #2  
First Name AGNES Last Name PETERSEN  
Company  
Address 33625 TIDE CREEK ROAD  
City DEER ISLAND State OR Zip 97054

(2) TYPE OF WORK  New Well  Deepening  Conversion  
 Alteration (complete 2a & 10)  Abandonment (complete 5a)

(2a) PRE-ALTERATION  
Dia + From To Gauge Std Plstc Wld Thrd  
Casing: 

--	--	--	--	--	--	--	--

  
Material From To Amt sacks/lbs  
Seal: 

--	--	--	--

(3) DRILL METHOD  
 Rotary Air  Rotary Mud  Cable  Auger  Cable Mud  
 Reverse Rotary  Other

(4) PROPOSED USE  Domestic  Irrigation  Community  
 Industrial/ Commercial  Livestock  Dewatering  
 Thermal  Injection  Other

(5) BORE HOLE CONSTRUCTION Special Standard  (Attach copy)  
Depth of Completed Well 305.00 ft.

BORE HOLE SEAL

Dia	From	To	Material	From	To	Amt	lbs
10	0	138.5	Bentonite	0	45	25	S
6	138.5	305				Calculated	20
						Calculated	

How was seal placed: Method  A  B  C  D  E  
 Other POUR  
Backfill placed from 45 ft. to 138.5 ft. Material BENTONITE CHIPS  
Filter pack from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_ Size \_\_\_\_\_  
Explosives used:  Yes Type \_\_\_\_\_ Amount \_\_\_\_\_

(5a) ABANDONMENT USING UNHYDRATED BENTONITE  
Proposed Amount \_\_\_\_\_ Actual Amount \_\_\_\_\_

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Std	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6		2	138.5	250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	4		5	305	40	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Shoe  Inside  Outside  Other Location of shoe(s) 138.5  
Temp casing  Yes Dia \_\_\_\_\_ From + \_\_\_\_\_ To \_\_\_\_\_

(7) PERFORATIONS/SCREENS  
Perforations Method saw cut  
Screens Type \_\_\_\_\_ Material \_\_\_\_\_

Perf	Casing/Screen	Dia	From	To	Scrns/slot width	Slot length	# of slots	Tele/pipe size
Perf	Liner	4	220	240	.25	6	80	
Perf	Liner	4	260	300	.25	6	80	

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
25		300	1

Temperature 48 °F Lab analysis  Yes By \_\_\_\_\_  
Water quality concerns?  Yes (describe below) TDS amount 150 ppm  
From \_\_\_\_\_ To \_\_\_\_\_ Description \_\_\_\_\_ Amount \_\_\_\_\_ Units \_\_\_\_\_

(9) LOCATION OF WELL (legal description)  
County COLUMBIA Twp 6.00 N N/S Range 2.00 W E/W WM  
Sec 25 NE 1/4 of the SW 1/4 Tax Lot 400  
Tax Map Number \_\_\_\_\_ Lot \_\_\_\_\_  
Lat \_\_\_\_\_ " or 45.97176358 DMS or DD  
Long \_\_\_\_\_ " or -122.88139870 DMS or DD  
 Street address of well  Nearest address

33625 TIDE CREEK ROAD, DEER ISLAND, OR 97054

(10) STATIC WATER LEVEL

Existing Well / Pre-Alteration	Date	SWL(psi)	+ SWL(ft)
Completed Well	9/7/2020		187

Flowing Artesian?  Dry Hole?

WATER BEARING ZONES Depth water was first found 240.00

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
9/7/2020	240	280	25		187

(11) WELL LOG

Material	From	To
tan clay	0	40
brn claystone w/ basalt thin seams	40	100
brn claystone soft	100	125
brn claystone w/ yellow soapstone	125	130
blue gray sandstone	130	170
brn sandstone	170	200
biue sandstone	200	305

Date Started 8/20/2020 Completed 9/7/2020

(unbonded) Water Well Constructor Certification  
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.  
License Number 1975 Date 10/19/2020  
Signed AARON MORLEY (E-filed)

(bonded) Water Well Constructor Certification  
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
License Number 1480 Date 10/20/2020  
Signed ARTHUR MCMULLEN (E-filed)  
Contact Info (optional) 503 397 2356

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

COLU 55656
10/20/2020

WELL I.D. LABEL# L 139455
START CARD # 1048763
ORIGINAL LOG #

(1) LAND OWNER
Owner Well I.D. #3
First Name AGNES Last Name PETERSEN
Company
Address 33625 TIDE CREEK ROAD
City DEER ISLAND State OR Zip 97054

(2) TYPE OF WORK
[X] New Well [ ] Deepening [ ] Conversion
[ ] Alteration (complete 2a & 10) [ ] Abandonment (complete 5a)

(2a) PRE-ALTERATION
Dia + From To Gauge Stl Plstc Wld Thrd
Casing:
Material From To Amt sacks/lbs
Seal:

(3) DRILL METHOD
[X] Rotary Air [ ] Rotary Mud [ ] Cable [ ] Auger [ ] Cable Mud
[ ] Reverse Rotary [ ] Other

(4) PROPOSED USE
[X] Domestic [ ] Irrigation [ ] Community
[ ] Industrial/ Commercial [ ] Livestock [ ] Dewatering
[ ] Thermal [ ] Injection [ ] Other

(5) BORE HOLE CONSTRUCTION
Depth of Completed Well 324.00 ft.
Special Standard [ ] (Attach copy)
BORE HOLE SEAL sacks/lbs
Dia From To Material From To Amt lbs

How was seal placed: Method [ ] A [ ] B [ ] C [ ] D [ ] E
[X] Other POUR
Backfill placed from 45 ft. to 163.5 ft. Material BENTONITE CHIPS
Filter pack from ft. to ft. Material Size
Explosives used: [ ] Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE
Proposed Amount Actual Amount

(6) CASING/LINER
Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd
Shoe [ ] Inside [X] Outside [ ] Other Location of shoe(s) 136.5
Temp casing [ ] Yes Dia From + To

(7) PERFORATIONS/SCREENS
Perforations Method saw cut
Screens Type Material
Perf/ Casing/ Screen Scrn/slot Slot # of Tele/
Screen Liner Dia From To width length slots pipe size

(8) WELL TESTS: Minimum testing time is 1 hour
[ ] Pump [ ] Bailer [X] Air [ ] Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)

(9) LOCATION OF WELL (legal description)
County COLUMBIA Twp 6.00 N N/S Range 2.00 W E/W WM
Sec 25 NE 1/4 of the SW 1/4 Tax Lot 400
Tax Map Number Lot
Lat " or 45.97241427 DMS or DD
Long " or -122.88124774 DMS or DD
[ ] Street address of well [X] Nearest address
33625 TIDE CREEK ROAD, DEER ISLAND, OR 97054

(10) STATIC WATER LEVEL
Date SWL(psi) + SWL(ft)
Existing Well / Pre-Alteration
Completed Well 10/1/2020 157
Flowing Artesian? [ ] Dry Hole? [ ]

WATER BEARING ZONES
Depth water was first found 294.00
SWL Date From To Est Flow SWL(psi) + SWL(ft)
9/10/2020 294 305 25 157

(11) WELL LOG
Ground Elevation
Material From To
brn clay 0 40
tan clay stone 40 80
brn clay stone 80 110
gray clay stone 110 140
gravel in sandstone 140 157
gray sand stone w/blue seams 157 250
redish brn sandstone 250 251
gray sandstone w/ blue seams 251 294
light gray sandstone w/ hard layers 294 324

Date Started 9/30/2020 Completed 10/5/2020

(unbonded) Water Well Constructor Certification
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
License Number 1975 Date 10/19/2020
Signed AARON MORLEY (E-filed)

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
License Number 1480 Date 10/20/2020
Signed ARTHUR MCMULLEN (E-filed)
Contact Info (optional) 503 397 2356

**ATTACHMENT 9**

**Water Availability Report**

**From McMullen Well Drilling Corp.**

# McMullen Well Drilling Corp

36061 Construction Way / PO Box 283 St. Helens, Oregon 97051

503-397-2356

mcmullenwelldrilling@gmail.com



## WATER AVAILABILITY REPORT

**Property Situs:** Tax Acct. No. 6225-00-00400  
47.9 ac parcel / Tide Creek Road

**Proposal:** Lupine Meadow Subdivision

Current recorded well records show that this project, adding additional residential lots, can be successfully completed.

Well logs from the surrounding area include Columbia County well log numbers:

COLU 1704	COLU 52001
COLU 1706	COLU 52165
COLU 50307	COLU 55121
COLU 50308	COLU 55494

Well logs show that wells drilled in this area have a

- 1) typical depth of 200' to 300' and
- 2) typical water flow of 10 gpm to 60 gpm.

**Dated: May 11, 2020**

  
\_\_\_\_\_  
Art McMullen  
McMullen Well Drilling Corp.

**NO PROMISE OR GUARENTEE OF OBTAINING WATER IS BEING MADE, and any estimate of probable required depth of well to produce water previously, concurrently, or subsequently make is merely an estimate and not a guarantee or warrant by contractor.**



**ATTACHMENT 10**

**Preliminary Stormwater Report**

**Lupine Meadow**

**from**

**Registered Professional Engineer**

**Ryan B. Sheean, PE**

# Preliminary Stormwater Management Plan

## Lupine Meadow Project

*Tide Creek Road, Deer Island, OR*

June 16, 2023

### Site Location

Tide Creek Road  
1.3 Miles West of US Hwy 30  
Deer Island, OR 97054

### Taxlot Information

Columbia County  
Account 16380  
Taxlot 6N2W-2500-400  
Property Size 45 acres  
Property Zoning FA-80

### Applicant:

Agnes Marie Petersen  
PO Box 748  
St. Helens, OR 97051

### Architect/ Project Contact:

AI Petersen RA, LEED AP  
AKAAN Architecture & Design LLC  
101 St. Helens Street  
St. Helens, OR 97051  
503-336-3050

### Engineer/ Report Prepared By:

Ryan Sheean PE  
622 SE 18<sup>th</sup> Ave  
Portland OR 97214  
541-221-7926



EXPIRES: 6/30/2024

## Contents

1	Introduction.....	2
2	Existing Conditions.....	2
3	Design Standards.....	3
4	Hydrology.....	3
5	Stormwater Management.....	5
6	Maintenance.....	5
7	Erosion and Sediment Control.....	5

## Tables

Table 3-1. Design Rainfall Depth.....	3
Table 4-1. Basin Curvey Numbers & Impervious Areas.....	3
Table 4-2. Pre and Post Development Peak Flows.....	3
Table 5-1. Bioswale Summary.....	5

## Appendices

Appendix A. [NRCS Soil Survey]	
Appendix B. [HydroCAD Calculations]	
Appendix C. [Stormwater & Erosion Control Plan]	

# 1 Introduction

The Lupine Meadow Project is located on Tide Creek Road, approximately 1.3 miles west of Highway 30 in Columbia County, Oregon. The Lupine Meadow Project proposes to establish a total of eight Measure 49 residential home sites on a 45-acre property under Measure 49 clustering provisions. Each lot will be accessed via private driveway: two directly from Tide Creek Road and six from a new private roadway which is accessed from Tide Creek Road.

Development will include private wells and on-site septic systems. Stormwater mitigation consists of roadside bioswales and flow dispersion/ infiltration. The proposed lots and private driveway total approximately 15 acres. Approximately 30 acres will remain undisturbed.

The project is within the jurisdiction of Columbia County. Design standards used include Columbia County Roadway Standards and Columbia County Stormwater and Erosion Control Ordinance. This preliminary stormwater plan identifies how runoff from the site is controlled and supports the associated preliminary plans.

# 2 Existing Conditions

The existing site is characterized by open grassland. The site slopes to the northeast with slopes varying from 3% to 12%. A drainageway is located to the northeast of the property. This drainageway continues for approximately 2 miles off-site and discharges to the Columbia River. An existing roadside ditch along Tide Creek Road is owned and maintained by Columbia County. Flow from the roadside ditch does not enter the subject property.

A wetland delineation was performed by Schott & Associates in 2021. Wetlands were found on the property totaling approximately 5.7 acres. The wetland delineation has been approved for concurrence with the Department of State Lands. The U.S. Army Corps of Engineers has made an Approved Jurisdictional Determination (AJD) of the wetlands and waters on the site. The wetlands are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or excavation of 50 cubic yards or more in wetlands. The roadside ditch is exempt per OAR-141-085-0515(10). The project proposes no grading activity within the documented jurisdictional wetlands.

A Natural Resources Conservation Service (NRCS) Web Soil Survey was performed to support site hydrologic analysis. The Soil Survey indicates a majority of the site consists of Delena silt loam (hydrologic soil group D), with some Dowde silt loam (hydrologic soil group B) and Goble silt loam (hydrologic soil group C). Saturated hydraulic conductivity of Delena silt loam is estimated at 3.56 micrometers per second (0.50 inches per hour) according to the NRCS Soil Survey. The NRCS Soil Survey is provided in Appendix A

According to FEMA FIRM 41009C0325D, there are no flood hazard areas associated with the property.

### 3 Design Standards

The stormwater design follows Columbia County Stormwater & Erosion Control Ordinance No 2001-10. The project includes a subdivision application and will result in the disturbance of more than 2,000 square feet, triggering stormwater controls. These standards are summarized below:

- Conveyance – systems designed to convey runoff from the 25-year storm where contributing area is less than 40 acres.
- Water Quality – Runoff from driveways to be treated with biofiltration swales, vegetative filter strips, or alternative treatment methods.
- Flow Control – Runoff from the development site to be controlled such that peak flows from the 10-year and 100-year design storm does not exceed respective pre-development peak flows.

Design rainfall depths used in analysis are presented below. These are taken from Appendix E of Columbia County Stormwater & Erosion Control Ordinance No 2001-10.

**Table 3-1. Design Rainfall Depth**

Return Interval	Rainfall Depth (inches)
Water Quality	0.67
2 year	2.00
10 year	3.00
25 year	3.40
100 year	4.00

Source: Columbia County Stormwater & Erosion Control Ordinance No 2001-10, Appendix E

### 4 Hydrology

A pre-development and post-development hydrologic analysis was performed for the project. The hydrologic analysis was performed using the Santa Barbara Urban Hydrograph (SBUH) Method. The SBUH method incorporates a NRCS Type 1A storm distribution and NRCS Curve Number methodology. The Curve Numbers and impervious areas used in analysis are presented in Table 4-1. HydroCAD software was used for calculations. Calculation results from HydroCAD are presented in Appendix B.

**Table 4-1: Basin Curve Numbers & Impervious Areas**

Summary for Existing Site					
Area (ac)	CN	Description			
45.000	80	Pasture/grassland/range, Good, HSG D			
45.000	80	100.00% Pervious Area			
Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
12.0	1,245	0.1000	1.73		Lag/CN Method
Summary for Proposed Site					
Area (ac)	CN	Description			
44.100	80	Pasture/grassland/range, Good, HSG D			
0.320	98	Paved parking, HSG D			
0.120	96	Gravel surface, HSG D			
0.460	98	Unconnected roofs, HSG D			
45.000	80	Weighted Average			
44.220	80	98.27% Pervious Area			
0.780	98	1.73% Impervious Area			
Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
12.0	1,245	0.1000	1.73		Lag/CN Method

Pre-development and post-development peak runoff flows are presented in Table 4-1. Peak flows increase approximately 1% for the 100-year, 24-hour design storm, from pre to post development conditions.

**Table 4-2: Pre and Post Development Peak Flows**

	Pre-Development	Post-Development
2-Year, 24-Hour Peak Flow	3.62 cfs	3.88 cfs
10-Year, 24-Hour Peak Flow	10.91 cfs	11.22 cfs
25-Year, 24-Hour Peak Flow	14.27 cfs	14.60 cfs
100-Year, 24-Hour Peak Flow	19.65 cfs	19.98 cfs

cfs (cubic feet per second)

## 5 Stormwater Management

The site hydrologic analysis shows an insignificant increase in peak runoff from pre to post developed conditions. Generally the existing drainage patterns are maintained, where runoff will sheet flow to undeveloped grassland for infiltration and dispersal. Therefore no flow control is proposed for this project.

Biofiltration swales are proposed for conveyance and treatment on each side of the crowned driveway. The proposed swale geometry is 2 feet bottom width, 1 foot depth, and 4:1 side slopes. The swales will be planted with an appropriate grass seed mix.

The swales will convey driveway runoff north, where they will discharge into undeveloped grassland area for infiltration and dispersal. Level spreader trenches or berms will be graded at the swale outfalls to ensure sheet flow is maintained.

**Table 5-1. Bioswale Summary**

	Water Quality Storm	25-yr Conveyance Storm
Peak Flow to Swale	0.03 cfs	0.21 cfs
Water Depth	0.7 inch	2.2 inch
Maximum Velocity	0.23 ft/sec	0.42 ft/sec
Swale Length	750 ft	-
Residence Time	54 min	-

## 6 Maintenance

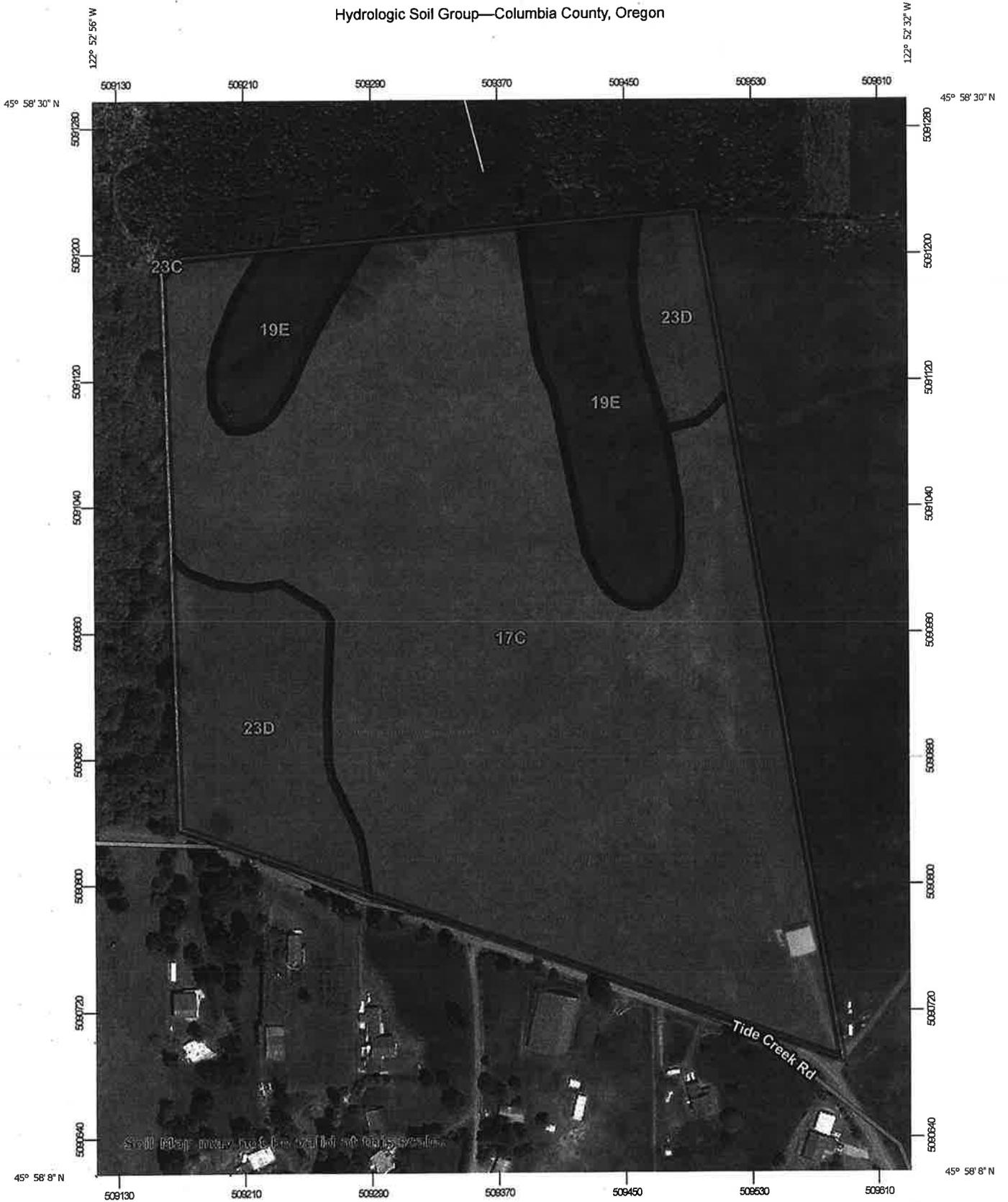
Stormwater facilities serving the development will be maintained by owners of the new lots. The existing ditch along Tide Creek Road is owned and maintained by Columbia County.

## 7 Erosion and Sediment Control

An erosion and sediment control plan (ESC) is included with the preliminary plan submittal. Typical erosion and sediment control details anticipated for site work include temporary silt fences, temporary construction entrance, and check dams to control and level flows in the roadside bioswales.

# Appendix A. [NRCS Soil Survey]

Hydrologic Soil Group—Columbia County, Oregon



Map Scale: 1:3,310 if printed on A portrait (8.5" x 11") sheet.

0 45 90 180 270 Meters

0 150 300 600 900 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84



Natural Resources  
Conservation Service

Web Soil Survey  
National Cooperative Soil Survey

## Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
17C	Delena silt loam, 3 to 12 percent slopes	D	30.1	72.8%
19E	Dowde silt loam, 30 to 60 percent south slopes	B	5.4	13.1%
23C	Goble silt loam, warm, 3 to 15 percent slopes	C	0.0	0.0%
23D	Goble silt loam, warm, 15 to 30 percent slopes	C	5.8	14.0%
<b>Totals for Area of Interest</b>			<b>41.3</b>	<b>100.0%</b>

## Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

**Group A.** Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

**Group B.** Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

**Group C.** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

**Group D.** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

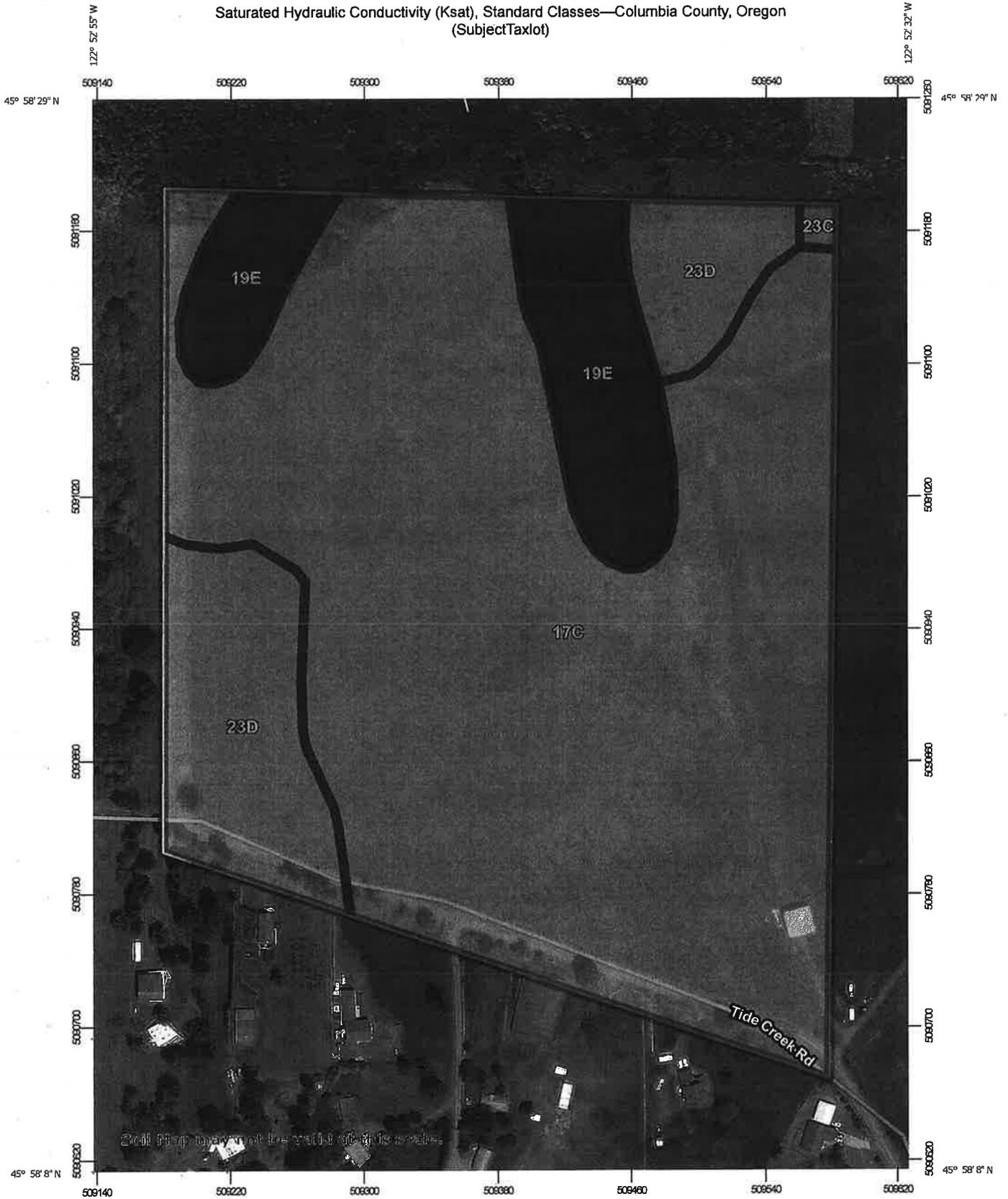
## Rating Options

*Aggregation Method:* Dominant Condition

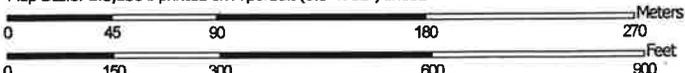
*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Higher

Saturated Hydraulic Conductivity (Ksat), Standard Classes—Columbia County, Oregon  
(Subject Taxlot)



Map Scale: 1:3,150 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84



Natural Resources  
Conservation Service

Web Soil Survey  
National Cooperative Soil Survey

## Saturated Hydraulic Conductivity (Ksat), Standard Classes

Map unit symbol	Map unit name	Rating (micrometers per second)	Acres in AOI	Percent of AOI
17C	Delena silt loam, 3 to 12 percent slopes	9.0000	34.5	74.8%
19E	Dowde silt loam, 30 to 60 percent south slopes	373.0000	5.0	10.9%
23C	Goble silt loam, warm, 3 to 15 percent slopes	9.0000	0.2	0.3%
23D	Goble silt loam, warm, 15 to 30 percent slopes	9.0000	6.4	14.0%
<b>Totals for Area of Interest</b>			<b>46.1</b>	<b>100.0%</b>

### Description

Saturated hydraulic conductivity (Ksat) refers to the ease with which pores in a saturated soil transmit water. The estimates are expressed in terms of micrometers per second. They are based on soil characteristics observed in the field, particularly structure, porosity, and texture. Saturated hydraulic conductivity is considered in the design of soil drainage systems and septic tank absorption fields.

For each soil layer, this attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this soil property, only the representative value is used.

The numeric Ksat values have been grouped according to standard Ksat class limits. The classes are:

Very low: 0.00 to 0.01

Low: 0.01 to 0.1

Moderately low: 0.1 to 1.0

Moderately high: 1 to 10

High: 10 to 100

Very high: 100 to 705

## Appendix B. [HydroCAD Calculations]

**Rainfall Events Listing (selected events)**

Event#	Event Name	Storm Type	Curve	Mode	Duration (hours)	B/B	Depth (inches)	AMC
1	2YR	Type IA 24-hr		Default	24.00	1	2.00	2
2	10YR	Type IA 24-hr		Default	24.00	1	3.00	2
3	25YR	Type IA 24-hr		Default	24.00	1	3.40	2
4	100YR	Type IA 24-hr		Default	24.00	1	4.00	2
5	WQ	Type IA 24-hr		Default	24.00	1	0.67	2

**Lupine Meadows**

Type IA 24-hr 2YR Rainfall=2.00"

Printed 5/9/2023

**Summary for Subcatchment 01: Existing Site**

Runoff = 3.62 cfs @ 8.04 hrs, Volume= 2.109 af, Depth= 0.56"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-96.00 hrs, dt= 0.05 hrs  
Type IA 24-hr 2YR Rainfall=2.00"

Area (ac)	CN	Description
45.000	80	Pasture/grassland/range, Good, HSG D
45.000	80	100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
12.0	1,245	0.1000	1.73		Lag/CN Method,

**Summary for Subcatchment 2S: Proposed Site**

Runoff = 3.88 cfs @ 8.04 hrs, Volume= 2.188 af, Depth= 0.58"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-96.00 hrs, dt= 0.05 hrs  
Type IA 24-hr 2YR Rainfall=2.00"

Area (ac)	CN	Description
44.100	80	Pasture/grassland/range, Good, HSG D
0.320	98	Paved parking, HSG D
0.120	96	Gravel surface, HSG D
0.460	98	Unconnected roofs, HSG D

45.000	80	Weighted Average
44.220	80	98.27% Pervious Area
0.780	98	1.73% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
12.0	1,245	0.1000	1.73		Lag/CN Method,

**Summary for Subcatchment 01: Existing Site**

Runoff = 10.91 cfs @ 8.02 hrs, Volume= 4.688 af, Depth= 1.25"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-96.00 hrs, dt= 0.05 hrs  
Type IA 24-hr 10YR Rainfall=3.00"

Area (ac)	CN	Description
45.000	80	Pasture/grassland/range, Good, HSG D
45.000	80	100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
12.0	1,245	0.1000	1.73		Lag/CN Method,

**Summary for Subcatchment 2S: Proposed Site**

Runoff = 11.22 cfs @ 8.01 hrs, Volume= 4.786 af, Depth= 1.28"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-96.00 hrs, dt= 0.05 hrs  
Type IA 24-hr 10YR Rainfall=3.00"

Area (ac)	CN	Description
44.100	80	Pasture/grassland/range, Good, HSG D
0.320	98	Paved parking, HSG D
0.120	96	Gravel surface, HSG D
0.460	98	Unconnected roofs, HSG D

45.000	80	Weighted Average
44.220	80	98.27% Pervious Area
0.780	98	1.73% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
12.0	1,245	0.1000	1.73		Lag/CN Method,

**Summary for Subcatchment 01: Existing Site**

Runoff = 14.27 cfs @ 8.01 hrs, Volume= 5.840 af, Depth= 1.56"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-96.00 hrs, dt= 0.05 hrs  
Type IA 24-hr 25YR Rainfall=3.40"

Area (ac)	CN	Description
45.000	80	Pasture/grassland/range, Good, HSG D
45.000	80	100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
12.0	1,245	0.1000	1.73		Lag/CN Method,

**Summary for Subcatchment 2S: Proposed Site**

Runoff = 14.60 cfs @ 8.01 hrs, Volume= 5.945 af, Depth= 1.59"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-96.00 hrs, dt= 0.05 hrs  
Type IA 24-hr 25YR Rainfall=3.40"

Area (ac)	CN	Description
44.100	80	Pasture/grassland/range, Good, HSG D
0.320	98	Paved parking, HSG D
0.120	96	Gravel surface, HSG D
0.460	98	Unconnected roofs, HSG D
45.000	80	Weighted Average
44.220	80	98.27% Pervious Area
0.780	98	1.73% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
12.0	1,245	0.1000	1.73		Lag/CN Method,

**Summary for Subcatchment 01: Existing Site**

Runoff = 19.65 cfs @ 8.01 hrs, Volume= 7.656 af, Depth= 2.04"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-96.00 hrs, dt= 0.05 hrs  
Type IA 24-hr 100YR Rainfall=4.00"

Area (ac)	CN	Description
45.000	80	Pasture/grassland/range, Good, HSG D
45.000	80	100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
12.0	1,245	0.1000	1.73		Lag/CN Method,

**Summary for Subcatchment 2S: Proposed Site**

Runoff = 19.98 cfs @ 8.01 hrs, Volume= 7.768 af, Depth= 2.07"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-96.00 hrs, dt= 0.05 hrs  
Type IA 24-hr 100YR Rainfall=4.00"

Area (ac)	CN	Description
44.100	80	Pasture/grassland/range, Good, HSG D
0.320	98	Paved parking, HSG D
0.120	96	Gravel surface, HSG D
0.460	98	Unconnected roofs, HSG D
45.000	80	Weighted Average
44.220	80	98.27% Pervious Area
0.780	98	1.73% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
12.0	1,245	0.1000	1.73		Lag/CN Method,

**Lupine Meadows**

Type IA 24-hr WQ Rainfall=0.67"

Printed 5/9/2023

**Summary for Subcatchment 01: Existing Site**

Runoff = 0.07 cfs @ 23.46 hrs, Volume= 0.041 af, Depth= 0.01"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-96.00 hrs, dt= 0.05 hrs  
Type IA 24-hr WQ Rainfall=0.67"

Area (ac)	CN	Description
45.000	80	Pasture/grassland/range, Good, HSG D
45.000	80	100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
12.0	1,245	0.1000	1.73		Lag/CN Method,

**Summary for Subcatchment 2S: Proposed Site**

Runoff = 0.09 cfs @ 7.99 hrs, Volume= 0.071 af, Depth= 0.02"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-96.00 hrs, dt= 0.05 hrs  
Type IA 24-hr WQ Rainfall=0.67"

Area (ac)	CN	Description
44.100	80	Pasture/grassland/range, Good, HSG D
0.320	98	Paved parking, HSG D
0.120	96	Gravel surface, HSG D
0.460	98	Unconnected roofs, HSG D
45.000	80	Weighted Average
44.220	80	98.27% Pervious Area
0.780	98	1.73% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
12.0	1,245	0.1000	1.73		Lag/CN Method,

**Summary for Subcatchment 7S: 1/2 Driveway**

Runoff = 0.21 cfs @ 7.91 hrs, Volume= 0.069 af, Depth= 3.17"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-96.00 hrs, dt= 0.05 hrs  
Type IA 24-hr 25YR Rainfall=3.40"

Area (ac)	CN	Description
0.260	98	Paved parking, HSG D
0.260	98	100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.7	1,245	0.1000	3.66		Lag/CN Method,

**Summary for Reach 8R: Bioswale**

Inflow Area = 0.260 ac, 100.00% Impervious, Inflow Depth = 3.17" for 25YR event  
Inflow = 0.21 cfs @ 7.91 hrs, Volume= 0.069 af  
Outflow = 0.20 cfs @ 8.02 hrs, Volume= 0.069 af, Atten= 1%, Lag= 6.8 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs  
Max. Velocity= 0.42 fps, Min. Travel Time= 3.9 min  
Avg. Velocity= 0.21 fps, Avg. Travel Time= 7.9 min

Peak Storage= 48 cf @ 7.96 hrs  
Average Depth at Peak Storage= 0.18', Surface Width= 3.43'  
Bank-Full Depth= 1.00' Flow Area= 6.0 sf, Capacity= 6.60 cfs

2.00' x 1.00' deep channel, n= 0.250  
Side Slope Z-value= 4.0 '/' Top Width= 10.00'  
Length= 100.0' Slope= 0.0700 '/'  
Inlet Invert= 0.00', Outlet Invert= -7.00'



**Summary for Subcatchment 7S: 1/2 Driveway**

Runoff = 0.03 cfs @ 7.95 hrs, Volume= 0.010 af, Depth= 0.48"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-96.00 hrs, dt= 0.05 hrs  
Type IA 24-hr WQ Rainfall=0.67"

Area (ac)	CN	Description
0.260	98	Paved parking, HSG D
0.260	98	100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.7	1,245	0.1000	3.66		Lag/CN Method,

**Summary for Reach 8R: Bioswale**

Inflow Area = 0.260 ac, 100.00% Impervious, Inflow Depth = 0.48" for WQ event  
Inflow = 0.03 cfs @ 7.95 hrs, Volume= 0.010 af  
Outflow = 0.03 cfs @ 8.13 hrs, Volume= 0.010 af, Atten= 2%, Lag= 10.8 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs  
Max. Velocity= 0.23 fps, Min. Travel Time= 7.4 min  
Avg. Velocity = 0.11 fps, Avg. Travel Time= 14.7 min

Peak Storage= 14 cf @ 8.01 hrs  
Average Depth at Peak Storage= 0.06' , Surface Width= 2.49'  
Bank-Full Depth= 1.00' Flow Area= 6.0 sf, Capacity= 6.60 cfs

2.00' x 1.00' deep channel, n= 0.250  
Side Slope Z-value= 4.0 ' / ' Top Width= 10.00'  
Length= 100.0' Slope= 0.0700 ' / '  
Inlet Invert= 0.00', Outlet Invert= -7.00'



## Appendix C. [Stormwater & Erosion Control Plan]



PROJECT FOR

AGNES PETERSEN  
PO BOX 748  
ST HELENS, OR 97051

**LUPINE MEADOW  
PROJECT**

TIDE CREEK ROAD  
DEER ISLAND, OR 97054

MARK DATE DESCRIPTION

PROJECT NUMBER ORIGINAL ISSUE 06/16/2023

PROJECT MANAGER AL PETERSEN  
PROJECT DESIGNER AL PETERSEN  
CIVIL ENGINEER RYAN SHEWAN  
DRAWN BY RYAN SHEWAN



SHEET NAME

STORMWATER &  
EROSION  
CONTROL DETAILS

SCALE 1" = 8'

SHEET NUMBER

PP-3.2

FILE NAME

**CONSTRUCTION ENTRANCE - TYPE 1**  
NOT TO SCALE

**CONSTRUCTION ENTRANCE - TYPE 2**  
NOT TO SCALE

**CONSTRUCTION ENTRANCE - TYPE 3**  
(TYPE 1 ON 2 WITH EXISTING CURB)  
NOT TO SCALE

**WOODEN CURB RAMP SECTION D-D**  
NOT TO SCALE

**CONSTRUCTION ENTRANCE TABLE**

Length (ft)	Width (ft)
10	8.0
15	8.0
20	8.0

Effective Dates: December 1, 2022 - May 31, 2023 RD1000

**SEDIMENT FENCE AND GEOTEXTILE BURY DETAIL - TYPE 1**  
NOT TO SCALE

**ALTERNATE SEDIMENT FENCE WITHOUT TRENCHING - TYPE 2**  
NOT TO SCALE

**GEOTEXTILE END CONNECTIONS**  
NOT TO SCALE

**POST SPACING OVERLAP CONNECTION**

**POST SPACING TABLE**

Post Spacing (ft)	Post Spacing (ft)
10	10
15	15
20	20

Effective Dates: December 1, 2022 - May 31, 2023 RD1040

**TYPICAL PROFILE SECTION CHECK DAMS**  
(SHOWN WITH AGGREGATE)  
NOT TO SCALE

**AGGREGATE CHECK DAM - TYPE 1**  
NOT TO SCALE

**SANDBAG CHECK DAM - TYPE 4**  
NOT TO SCALE

**BIOFILTER BAG CHECK DAM - TYPE 3**  
NOT TO SCALE

**MAXIMUM CHECK DAM SPACING TABLE**

Check Dam Type	Maximum Spacing (ft)
Aggregate	100
Sandbag	100
Biofilter Bag	100

Effective Dates: December 1, 2022 - May 31, 2023 RD1006

**ATTACHMENT 11**

**Lupine Meadow**

**Preliminary Plat**

**GENERAL NOTES**

ALL PROPOSED LOT DIMENSIONS ARE APPROXIMATE SUBJECT TO FINAL PLAT PREPARED BY PROFESSIONAL LAND SURVEYOR.

TOPOGRAPHY IS BASED ON COUNTY G.I.S. AND USGS TOPOGRAPHIC MAPS. FINAL TOPOGRAPHY WILL DOCUMENTED BY PROFESSIONAL LAND SURVEYOR AT FINAL PLAT.

FINAL ROAD DESIGN, GRADES, CROWN, CURVE RADII, STORMWATER AND EROSION CONTROL WILL BE DESIGNED BY A LICENSED DESIGN PROFESSIONAL.

**LOT NOTES:**

PARCEL #400 APPROXIMATE AREA BEFORE AND AFTER DEVELOPMENT  
 ORIGINAL PARCEL = ± 48 AC.  
 REMNANT PARCEL AFTER M49 DEVELOPMENT = ± 31 AC.  
 REMNANT PARCEL HAS ± 709' ROAD FRONTAGE ON TIDE CREEK ROAD

PRIVATE R.O.W. = ± 35,600 sq. ft. OR +/- 0.8 AC.

**DEVELOPMENT FRONTAGE: 1250 ft.**

**SEPTIC INFORMATION:**

SEPTIC TEST PITS ARE LABELED BASED ON THE TEST PIT EVALUATION REPORTS FROM APRIL 30, 2019. SEE NARRATIVE, ATTACHMENT #7.

EACH PROPOSED SEPTIC DRAINFIELD AREA MEASURES ± 30'x100' AND IS SITED A MINIMUM OF:

- 100' FROM ANY WETLAND (OR WETLAND STUDY AREA BORDER)
- 100' FROM ANY WELL
- 10' FROM ANY PROPERTY LINE
- 50' FROM ANY DOWN-SLOPE STRUCTURE

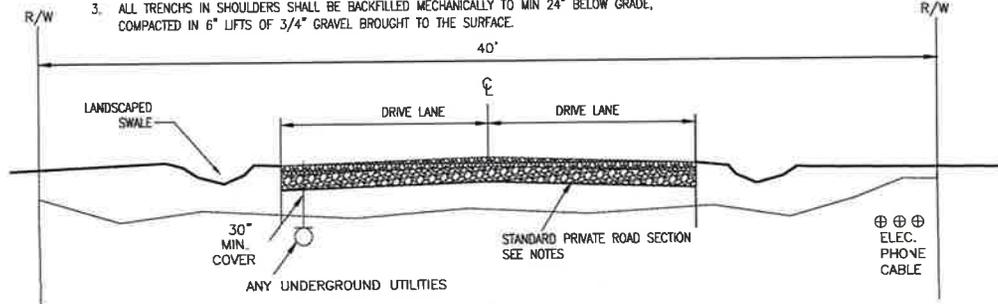
**STREET SECTION NOTES:**

1. PER COLUMBIA COUNTY ROAD STANDARDS PRIVATE ROAD SHALL BE AS FOLLOWS:

- BASE: 8" OF 1-1/2"-0 COMPACTED GRAVEL
- LEVELING COURSE: 2" MIN OF 3/4"-0 COMPACTED GRAVEL

2. ALL TRENCH CROSSINGS OR UNDERGROUND UTILITIES SHALL BE BACKFILLED MECHANICALLY TO MIN 30" BELOW GRADE, COMPACTED IN 6" LIFTS OF 3/4" GRAVEL BROUGHT TO THE SURFACE OF THE STREET AGG. ALL PATCHES SHALL BE OF LIKE MATERIAL AS ORIGINAL SURFACE.

3. ALL TRENCHES IN SHOULDERS SHALL BE BACKFILLED MECHANICALLY TO MIN 24" BELOW GRADE, COMPACTED IN 6" LIFTS OF 3/4" GRAVEL BROUGHT TO THE SURFACE.



PER COLUMBIA COUNTY ROAD STANDARDS, PART 2, PP. 23-26, A 40' WIDE PRIVATE R.O.W. MAY BE USED TO SERVE UP TO SIX HOMES. THIS CONFIGURATION OF THE PRIVATE R.O.W. / ROAD MEETS ALL APPLICABLE COUNTY STANDARDS.

2 TYPICAL ROAD SECTION  
 PP-1

