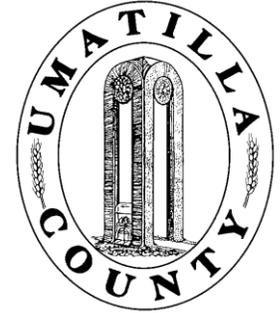


Umatilla County

Department of Land Use Planning



AGENDA

**Umatilla County Planning Commission
Public Hearing
Thursday, January 22, 2015, 6:30 p.m.
Justice Center Media Room
Pendleton, OR**

Members of Planning Commission

Randy Randall, Chair
Gary Rhinhart, Vice-Chair
John Standley
Tammie Williams
Don Wysocki
David Lee
Don Marlatt
Suni Danforth
Cecil Thorne

Members of Planning Staff

Tamra Mabbott, Planning Director
Carol Johnson, Senior Planner
Shane Finck, Planner

1. Call to Order

2. Approval of Minutes:

Minutes from December 11, 2014.

3. New Hearing:

ZONE MAP AMENDMENT #Z-304-14. Richard and Tiah Devin, Applicant. The amendment includes a zone map amendment from F-1 Exclusive Farm Use Zone (19 Acre minimum), City of Hermiston urban growth area, to future Urban -10. The property is described as tax lots 1300 and 1800 of Assessor's Map 4N 28 15. The property is located on the south side of Gettman Road, approximately ¼ mile west of the Hermiston city limits.

4. New Hearing:

VARIANCE REQUEST, #V-339-14 application submitted by BRADLEY and LAURA MCMINN. The applicants have purchased and installed a 20' X 50' carport structure on the southeast corner of their property to be used for a hay cover and farm equipment storage. The structure is currently located less than two (2) feet from the road that lies in a 30 foot access easement that runs along the east property line. The side yard setback standard in the Rural Residential - 2 (RR-2) Zone is 20 feet. The McMinn's request is for a variance to the setback standard from the 30 foot access easement that lies across the eastern side of the property, to allow the existing carport to remain in its current location, which is in 30 foot access easement. The property is located on Gateway Avenue, off of Highway 395 S, approximately two and one half (2 1/2) miles south of Southgate Place in Pendleton, Oregon and is described as Township 2 North, Range 32 East, Section 34 BA, Tax Lot 902.

5. Status of Appeals or Board actions.

Next Scheduled Meeting:

Thursday, February 26, 2015, 6:30 p.m., Justice Center Media Room, Pendleton, OR

5. Status of Appeals or Board actions.

Next Scheduled Meeting:

Thursday, February 26, 2015, 6:30 p.m., Justice Center Media Room, Pendleton, OR

Umatilla County

Department of Land Use Planning



January 12, 2015

**DIRECTOR
TAMRA MABBOTT**

**LAND USE
PLANNING,
ZONING AND
PERMITTING**

**CODE
ENFORCEMENT**

**SOLID WASTE
COMMITTEE**

**SMOKE
MANAGEMENT**

**GIS AND
MAPPING**

**RURAL
ADDRESSING**

**LIAISON, NATURAL
RESOURCES &
ENVIRONMENT**

MEMO

TO: Planning Commission

FROM: Tamra Mabbott *Tamra*

RE: Devin Zone Change Z-304-14

The first item on the agenda for Thursday, January 22nd is the Devin Zone Change. Relative to other legislative actions, this is a straightforward application. The underlying comprehensive plan designation is "urbanizable" and that will not change. The property is located within the Hermiston Urban Growth Area. Only the zoning is proposed to change.

The action is to make a recommendation to the Board of Commissioners.

The end result, if approved, would allow the landowners to complete a boundary line adjustment application, creating two approximately 10-acre parcels. And then, ultimately, a new dwelling could be permitted on the vacant 10-acre parcel, for a total of two dwellings on the 20-acre tract.

ATTACHMENTS: Public Notice

Draft Findings

Maps

Umatilla County

Department of Land Use Planning



NOTICE OF PUBLIC HEARING
UMATILLA COUNTY PLANNING COMMISSION
And UMATILLA COUNTY BOARD OF COMMISSIONERS

**DIRECTOR
TAMRA MABBOTT**

**LAND USE
PLANNING,
ZONING AND
PERMITTING**

**CODE
ENFORCEMENT**

**SOLID WASTE
COMMITTEE**

**SMOKE
MANAGEMENT**

**GIS AND
MAPPING**

**RURAL
ADDRESSING**

**LIAISON, NATURAL
RESOURCES &
ENVIRONMENT**

YOU ARE HEREBY NOTIFIED as the applicant, adjacent property owner or affected governmental agency of a Public Hearing to be held before the Umatilla County Planning Commission on **Thursday, January 22, 2015 at 6:30 PM** in the Justice Center Media Room, 4700 Pioneer Place, Pendleton, OR. A subsequent Public Hearing before the Umatilla County Board of Commissioners is scheduled for **Wednesday, February 18, 2015 at 9:00 AM** in Room 130 of the Umatilla County Courthouse 216 SE Fourth Street, Pendleton, OR.

ZONE MAP AMENDMENT #Z-304-14. Richard and Tiah Devin, Applicant. The amendment includes a zone map amendment from F-1 Exclusive Farm Use Zone (19 Acre minimum), City of Hermiston urban growth area, to future Urban -10. The property is described as tax lots 1300 and 1800 of Assessor's Map 4N 28 15. The property is located on the south side of Gettman Road, approximately ¼ mile west of the Hermiston city limits.

The standards for approving this request are found in Oregon Administrative Rules 660-004-0015(1), the Umatilla County Development Code Section 152.751-753, the City-County Joint Management Agreement and the Hermiston Comprehensive Plan.

For further information concerning the application, please contact Tamra Mabbott at the Umatilla County Planning Department, 216 SE 4th Street, Courthouse, Pendleton, Oregon 97801; telephone 541-278-6246; email tamra.mabbott@umatillacounty.net.

Opportunity to voice support or opposition to the above proposals, or to ask questions, will be provided. Failure to raise an issue in a hearing, either in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to that issue, precludes appeal to the Land Use Board of Appeals based on that issue.

Copies of applications, documents and evidence pertaining to the hearing listed above, and all relevant criteria are available for inspection at no cost and will be duplicated at printing cost. A copy of the staff report will be available for inspection or duplicated at least seven days before the hearing and will also be posted on our website at www.umatillacounty.net. Hearings shall

be governed by Section 152.772 of the Umatilla County Land Development Code.

DATED THIS 9th day of January 2015
UMATILLA COUNTY DEPARTMENT OF LAND USE PLANNING

DRAFT FINDINGS OF FACT
DEVIN ZONING MAP AMENDMENT REQUEST, #Z-304-14, and
TYPE V BOUNDARY LINE ADJUSTMENT REQUEST, #LD-4N-4N-977-14
ASSESSOR'S MAP # 4N 28 15, TAX LOTS # 1300 & 1800
ACCOUNTS # 117236 & 117235

1. **APPLICANT:** Richard G. Devin and Tiah B. Devin.
2. **PROPERTY OWNER:** Same as above.
3. **PROPERTY LOCATION:** The Devin property is located on the south side of Gettman Road, approximately ¼ mile west of the intersection of Hinkle Road and Gettman Road south of the city limits. The applicant's property and the surrounding properties to the north, east, and west are located within the City of Hermiston Urban Growth Boundary (UGB).
4. **REQUEST/PROCESS:** The Devin land use request consists of the following two parts:
 1. A zone change from the 1972 F-1, Exclusive Farm Use Zone (19 acre minimum parcel size), to the FU-10 Future Urban Zone.
 2. A Type V Boundary Line Adjustment to create two 10± acre parcels one of which includes the dwelling located on the property. The two 10± acre parcels will conform to the current comprehensive plan designation of Future Urban 10 acre minimum.

Zoning applied to the City of Hermiston UGB lands are from the 1972 Umatilla County Zoning Ordinance. Rezoning of land within Hermiston's UGB is subject to the Joint Management Agreement (JMA) between the City of Hermiston and Umatilla County. The JMA provides the procedures for processing amendments to comprehensive plans, zoning maps and land use regulations. In addition to the JMA, the Devin zone change is also subject to policies in the City of Hermiston's Comprehensive Plan and the applicable Oregon Statewide Planning Goals.

Under the JMA, amendments to zoning maps are processed by application to the County with notification to the City. The County Planning Commission provides a recommendation to the Board of Commissioners based on the facts provided in the record and the testimony provided at the public hearing. The Board of County Commissioners also conducts a hearing and makes the final decision on whether the zone change request complies with applicable standards. If someone testifying does not agree with the Board's Final decision, the decision may be appealed to the State Land Use Board of Appeals (LUBA).

The change in zoning would allow the applicant to reconfigure two tax lots one of which includes the existing dwelling on the property (Tax Lot 1300) and provide an opportunity to construct a dwelling on the other 13.93 acre parcel. The applicant resides in the existing home. Therefore, the applicant is requesting approval of a Type V Boundary Line Adjustment to create the proposed parcels as set forth below. The land use decision on the Devin Type V Boundary Line Adjustment is made by the Planning Department.

5. **PARCEL SIZE:**
 - Tax Lot 1300 = 20.03 acres
 - Tax Lot 1800 = 1.95 acre
6. **PROPOSED PARCELS:**
 - Tax Lot 1300 = 10.00 acres
 - Tax Lot 1800 = 13.93 acres
7. **COMPREHENSIVE PLAN:** City of Hermiston Comprehensive Plan Designation is Future Residential; no change to the Comprehensive Plan Designation is proposed or necessary for approval of the proposed Devin rezone.
8. **CURRENT ZONING:** Umatilla County 1972 Zoning Ordinance, F-1 (Exclusive Farm Use – 19 acre minimum parcel size). *Note:* Currently the F-1 farm zone is in conflict with the City Comprehensive Plan Designation of FU-10.
9. **PROPOSED ZONING:** Umatilla County 1984 Zoning Ordinance, FU-10, Future Urban Residential Zone as amended by Umatilla County Ordinance No. 89-02. Application of future urban zone to the applicant’s property would resolve the conflict between the Comprehensive Plan Urbanizable Designation and the current farm zoning of the property.
10. **ACCESS:** Tax Lot 1300 has direct access to Gettman Road. The current dwelling is currently served by an access driveway. Tax Lot 1800, to the south, will be served by two newly created 30 feet access easements along the east and west side of Tax Lot 1300. Gettman Road is a graveled county road and is maintained by the County.
11. **EASEMENTS:** An easement was granted to Eastern Oregon Natural Gas Company now Cascade Natural Gas for a pipeline installed south of the Gettman Road, off-site and south of the A-Line Canal, in Section 15 (Book 257, Page 102, Deed Records). Additionally, a Blanket Easement (no defined location) was granted to Umatilla Electric Cooperative in 1944, Book 170, Page 245, Deed Records.

12. **STRUCTURES & LAND USE:** The property (Tax Lot 1300) is developed with a dwelling and a garage near Gettman Road. The remainder is used for irrigated pasture and crops. Tax Lot 1800 is unimproved but with approximately 1 acres of irrigated crop land.
13. **ADJACENT LAND USE:** The applicant's property and all of the adjacent properties are located within the City of Hermiston Urban Growth Boundary (UGB) excepting lands south of the USBR A-Line Canal right-of-way which is zoned EFU. The subject property adjoins parcels currently zoned FU-10 on the west and Low Density Residential to the north. Gettman Road abuts the property along the north property line. The Hermiston Irrigation District A-Line Canal abuts the property to the south. The City of Hermiston designates all lands to the north between Hermiston Hinkle Road and Highway 207 as Low Residential Density.
14. **LANDFORM:** Columbia Basin.
15. **UTILITIES:** Umatilla Electric Cooperative is the area electrical provider and phone service is provided by Century Link and Eastern Oregon Telecom.
16. **WATER/SEPTIC:** There is a domestic well and onsite septic system for the existing dwelling. Development is dependent on domestic wells and individual onsite septic systems since there are no present extended urban water and sewer facilities servicing the area.

The revised Tax Lot 1800, at 13.93 acres, will be adequate in size to accommodate an onsite septic system when the lot is developed with a dwelling.

With respect to a domestic water supply, the subject property is located within the Stage Gulch Critical Groundwater Area, an area designated by Oregon Water Resource Department (OWRD) as having declining basalt aquifer groundwater levels. OWRD does not however require a permit for a domestic well, an exempt water use. The southerly 13.93 acre parcel would be serviced by a new domestic well.

Devin Zoning Amendment, #Z-304-14, and
Type V Boundary Line Adjustment, #LD-4N-977-14
Draft Findings of Fact

The subject property area is also located within the Department of Environmental Quality (DEQ) designated Lower Umatilla Basin Groundwater Management Area (LUBGWMA) due to groundwater quality. Some wells within the management area are monitored and have tested higher than the Federal Drinking Water Standard for

nitrate. The management of the LUBGWMA Action Plan continues to be managed by DEQ.

17. **IRRIGATION:** Hermiston Irrigation District provides the Devin property from the A-Line Canal with a total of 19.2-acres of surface water rights. These water rights will be reallocated by the District according to District policies and state law.

18. **ZONING MAP AMENDMENT REVIEW PROCESS:** The following criteria apply from the Joint Management Agreement approved April 5, 2004 between the County and City of Hermiston for lands within the Urban Growth Area (UGA). Applicable criteria are underlined, while responses are provided in standard text.

E. AREAS WITHIN THE UGB, OVERALL PROVISIONS

E.1. The County shall adopt by ordinance as an amendment to the County Comprehensive Plan, the City's Comprehensive Plan including the Urban Growth Boundary, Plan Map, and Plan Policies to apply to land within the UGB. The County received an amendment application for rezoning land within the UGA from applicant and property owners, Richard and Tiah Devin.

E.4. All applications for land use actions within the Urbanizable Area shall be made through the County's Planning Department. Land use actions within Urbanizable areas shall be reviewed according to the procedures described in sections E-5 through E-8. The County shall be responsible for planning and zoning code enforcement in the Urbanizable Areas. Note: Land use actions include amendments to the zoning map – JMA C.5. The Devin application for the zone change within the Urbanizable Area has been made to Umatilla County's Planning Department. The applicant has coordinated with the City of Hermiston in the pre-application process for initial review or comment by the City.

E.5. The County Planning Department will refer to the City Planning Department for review and comment all land use requests within the Urbanizable area for which a public hearing is required. Such notice shall be sent at least ten (10) days prior to the date of the first public hearing on each request. The County shall send the City the staff reports on such requests at least one week prior to the first public hearing. Notification has been made to the City of Hermiston on December 24, 2014 of the proposed zone request and Planning Commission public hearing date. In

addition, a copy of the Amendment Findings will be sent to the City for review and approval.

E.6. If adequate time is available, the City Planning Department will review and comment on each such UGB land use action notice; otherwise the City Manager, or designee, will review and comment on the behalf of the City Planning Commission, and will so notify them at the next City Planning Commission meeting. The City will relay to the County comments on each such request by the date of the first public hearing or at said public hearing, even if the City's response is "no comment." The County will receive comment from the City of Hermiston with respect to consent and approval of the Devin proposed rezone.

E.7. The County Planning Department will refer back to the City prior to final action any such land use action request in the Urbanizable area for which amendments by the applicant or County were made subsequent to the first or additional public hearing together with relevant new staff comments. The same ten-day notice period will apply. The County will notify the City as required of any amendments to the proposed Findings and Conclusions as well as the Planning Commission's recommendation to the Board of Commissioners.

E.8. The County Planning Department will notify the City Planning Department in writing of all actions on such requests as well as all staff permit approvals within the UGB, within seven days of such action or approval. The County will provide in writing notice to the City Planning Department of approval by the Board of Commissioners and shall further notify the City Planning Department of the Board of Commissioners final decision regarding the City's opportunity to appeal the Board of Commissioners' final decision according to the requirements of state statutes and administrative rules.

Approval of applicant's rezone amendment will not amend the FU-10 designation of City of Hermiston Comprehensive Plan map. The County maintains zoning maps reviewed and amended by the County to change the zoning on lands located with the UGA. Approval of the applicant's rezone request would result in the County's FU-10 zoning of the property and in conformance with the City's Comprehensive Plan designation of FU-10.

E.10. The Amendments to the Comprehensive Plan and sections fo then implementing ordinances applicable t the UGA may be initiated by the City, the County or an affected person. Such amendments shall be

processed by the City and will be referred to the County by the City for review and comment at least ten (10) days prior to the City Planning Commission public hearing. The City will refer back to the County for review and comment any changes proposed in such amendments at least ten (10) days prior to adoption. The amendments will be adopted by ordinance by the City prior to referral to the County for co-adoption review, via the County Planning Commission.

The County Planning Commission and Board of Commissioners will hold public hearings on all proposed amendments following receipt of City recommendations or co-adoption referrals. The County will take final action on all proposed amendments within 120 days after the application is received by the County, unless the applicant allows this time limit to be waived, or in accordance with applicable future changes in Oregon Revised Statutes. If approved, the amendments will be co-adopted by ordinance into the County Comprehensive Plan and land use regulations, for application only within the UGB, following formal amendment by the City of its Comprehensive Plan and implementing ordinances.

Because this application was initiated through the County, following adoption by the Board of Commissioners, the amendment will be forwarded to the City of Hermiston for co-adoption.

19. STATEWIDE PLANNING GOALS:

1. Citizen Involvement (Goal 1): The applicant's zone change proposal is processed through a public hearing and notice procedure. This process allows for citizen involvement and provides a forum for citizen testimony and input on the applicant's proposal.
2. Land Use Planning (Goal 2): City and County actions on land use requests must be consistent with acknowledged local comprehensive plans. The Devin proposal to zone this land FU-10 is consistent with the City of Hermiston Comprehensive Plan Urbanizable designation. Approval of the rezone would resolve the conflict between the Comprehensive Plan Designation and the current non-residential zoning of the property.
3. Agricultural Lands (Goal 3): Statewide Planning Goal 3 is not applicable to lands within the Urban Growth Boundary. The subject properties are designated for residential use by the City of Hermiston Comprehensive Plan.

4. Open Spaces Scenic and Historic Areas and Natural Resources Goal (Goal 5): The subject property is located within the Stage Gulch Groundwater Area. This Critical Groundwater designation applies to the basalt aquifer. Goal 5 directs that local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. Among the specific resources to be protected are groundwater resources. The purpose and intent as defined in the Administrative Rules establishes procedures and criteria for inventorying and evaluating Goal 5 resources and for developing land use programs to conserve and protect significant Goal 5 resources.

5. Groundwater Resources: “Protect significant groundwater resources” means to adopt land use “programs” to help insure that reliable groundwater is available to areas planned for development and to provide a reasonable level of certainty of the carrying capacity of groundwater resources will not be exceeded. (OAR 660-023-0140(1)(c). Critical groundwater areas (CGWA’s) are considered to be a significant Goal 5 resource. The OAR implies that local governments shall develop programs developed to protect the significant Goal 5 groundwater resource. Further programs developed by local government are to be adopted as part of the Comprehensive Plan. Local plans require that such areas that are significant groundwater resources shall develop “programs” to protect the significant groundwater resource.

There is no indication that the Devin application has not complied with Goal 5 provisions. Impacts, if any, are diminimus and because proposed water development is expressly allowed by law, the application is in compliance with Goal 5. The Basin Rules adopted and implemented by the OWRD, are in effect, and exempt wells are expressly provided for in the rules. The County has a Goal 5 Program to protect the groundwater resource and the Devin zone change application complies with the Goal 5 Program and is consistent with current County policy as set forth in Exempt Well Resolution BCC 2007-17.

6. Air, Water and Land Resources Quality (Goal 6): The subject property and surrounding area is within the Oregon Department of Environmental Quality (DEQ) designated Lower Umatilla Basin Groundwater Management Area (LUBGWMA) due to high nitrate levels in groundwater. Some wells within this management area are monitored and have, in the past, tested higher than the Federal Drinking Water Standard for nitrates. However, this designation has not resulted in limitations on development or farming and continues to be managed through the LUBGWMA Action Plan. DEQ is the lead state agency overseeing implementation of the Action Plan and has jurisdiction in permitting onsite septic

systems. Because DEQ oversees management of the LUBGWMA Action Plan, the County may find the Devin zone change application complies with Goal 6.

7. Public Facilities and Service (Goal 11): Orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The City of Hermiston's nearest water and sewer service is approximately ¼-miles east and ¼-miles south of the subject property. This goal requires the orderly arrangement for public facilities and the County has been informed that there is no immediate plan by the City to extend services to this area.

The proposal to change the zoning on the property would allow development of the property with one additional single-family dwelling on a 13.93 acre parcel. Since the City has no plans to extend services to the area, and the proposed zoning density of the Devin property, the County may find the Devin zone change application is compliant and not interfere with future public facilities and services.

8. Transportation (Goal 12): Safe, convenient and economic transportation system. The City of Hermiston has an adopted Transportation System Plan (TSP), co-adopted by the county for application within the City's UGB.

Currently, the applicant has one county road approach permit off West Gettman Road to the existing dwelling on the property. The applicant has acquired two additional approach permits to enter either the east and west sides of the Devin property for access to the south parcel and Devin lands on the north parcel. The eastern most access will serve as the primary driveway and location for an address marker. The access to the west is a secondary access primarily for use by farm equipment. If the southerly parcel is developed there is potential for one single-family dwelling. If fully developed, one additional single-family dwelling would result in a total of 9.50 Average Daily Trips (weekdays), well under the 250 ADT required to activate a Traffic Impact Analysis.

Gettman Road is a two lane County road. Surface of the roadway is dirt. There is no immediate plan of the County for further improvements. The County believes, by adding one dwelling under a zone change to FU-10 would not cause significant impact to access and transportation facilities. However, Gettman Road has only a dirt surface and road improvements are warranted. As a condition of approval, it is recommended that the landowner sign and record an Irrevocable Consent Agreement to participate in future road improvements. That assures that at least for the subject property, the

landowners will participate in their proportionate share of future road improvements.

9. Urbanization (Goal 14): Orderly and efficient transition from rural to urban land use. The subject property is located within the UGB. The area is designated residential by the City Comprehensive Plan. A rezone from the 1972 F-1 farm zone to the FU-10 zone complies with the City's Comprehensive Plan designation and provides consistency in the zoning of the area.

20. **CITY OF HERMISTON COMPREHENSIVE PLAN POLICIES:** The City's Comprehensive Plan sets forth the goals and policies that guide the City's land use actions which closely follow the Statewide Planning Goals reviewed above. The most significantly applicable policy that was adopted by the City and co-adopted by the County includes the following policy:

The rezoning of the applicant's property from farm to Future Urban zoning would also result in resolving a "conflict" between the current farm zoning and the City's Urbanizable Plan Designation. Application of the FU-10 zone likewise would be consistent with the FU-10 zoning applied to properties on one side of the applicant's parcel and the City's Low Density Zone to the north.

4. THE CITY OF HERMISTON WILL PROMOTE COMPACT URBAN DEVELOPMENT WITHIN AND ADJACENT TO EXISTING URBAN AREAS TO INSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND FACILITATE ECONOMIC PROVISION OF URBAN FACILITIES AND SERVICES.

Implementing Actions in the City's Comprehensive Plan reflect the Joint Management Agreement of Umatilla County delineating Urban and Urbanizable Areas within the UGB. Further, Umatilla County Ordinance 83-07 both co-adopts the City of Hermiston's Comprehensive Plan including zone designations and establishes a future urban 10-acres (FU-10) zone. The City's Comprehensive Plan map reflects the Devin property with the FU-10 zoning. Ordinance 83-07 as well as the City's Comprehensive Plan excepted those properties within the Urban Growth Area zoned F-1 or F-2 which were not rezoned at the time but provided that property owners with that zoning may retain that status if requested in writing. By virtue of the Devin application, the Devins are requesting to be rezoned from exclusive farm use to FU-10.

The City acknowledged that "newly created lots of 10-acres are of sufficient size so that construction of a single unit will not preclude future development."

The FU-10 Future Urban Zone description and purpose expressly provides that it is designed to implement the growth management policies within the Hermiston UGB. The FU-10 zone provides for interim uses consistent with the Plan policies until conversion to more intense urban uses. It provides for the retention of lands suitable for future urban development in large parcels which will enable more cost effective urban redevelopment of the land. Lots are kept large as urban services are not yet available to these areas and development is limited to the land capability of accepting septic systems and drain fields while still providing safe drinking water.

21. **NOTIFIED AGENCIES:** Department of Land Conservation and Development, Oregon Department of Water Resources, Oregon Department of Environmental Quality, City of Hermiston, Hermiston Rural Fire District, Umatilla County Public Works, Umatilla County Assessor, Hermiston Irrigation District, Umatilla Electric Cooperative, and Cascade Natural Gas.

20. **THE UMATILLA COUNTY DEVELOPMENT CODE STANDARDS FOR LAND DIVISION. Type V approval criteria, found in UCDC Section 152.722 are reviewed below.** The following standards of approval are underlined followed by Findings in standard text.

§ 152.722 STANDARDS FOR APPROVAL.

In granting approval fo a Type V Land Division (Property Line Adjustment), the Planning Director shall find that the Type V Application and required supplementary material comply with the following relevant provisions:

1. The application is complete and all required letters of approval are submitted: The Devin property line adjustment application is complete and approvals for the reallocation of water rights have been received from the Hermiston Irrigation District. In addition, access permits have been approved by Umatilla County.

2. The request meets the definition of a property line adjustment per the definitions contained in § 152.003: The Devin boundary line adjustment complies with the definition as it results in the relocation of a common boundary conforming to the zones of the FU-10 zoning designation.

3. All existing buildings located on the properties are a sufficient distance from the proposed relocated property boundary to comply with the setback requirements for the zone in which the properties are located: The existing buildings and improvements conform with all setback requirements as shown on the Devin's site plan.

4. Legal access in conformance with the standards of this chapter is provided and/or maintained to all parcels. If necessary to comply with this standard, an easement

Devin Zone Change #Z-304-14
and Boundary Line Adjustment #LD-4N-977-14

in conformance with county standards shall be recorded in the county deed records, and a copy of the dedication document and proof of recording shall be provided prior to approval: Access to the north parcel is directly off Gettman Road. Access and utility easements will be created for access to the back parcel.

5. The request will not result in the reduction of lots or parcels below the minimum lot or parcel size for the underlying zone: Each lot is 10 acres or greater.

The boundary line adjustment application will be completed pursuant to a final decision to rezone the property. The boundary line adjustment application is not a part of this decision.

DECISION: Umatilla County Board of Commissioners finds that the proposed Zone Change complies with the county Comprehensive Plan. The Board approves the Zone Change subject to the following conditions.

1. Sign and record an Irrevocable Consent Agreement for future road improvements to Gettman Road.
2. Complete the boundary line adjustment application.

Dated this _____ day of February, 2015.

UMATILLA COUNTY Board of Commissioners

George L. Murdock, Chair

W. Lawrence Givens, Commissioner

William J. Elfering, Commissioner

/tamra/amendments/devin zone change

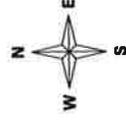
PROPERTY OWNERS WITHIN 100'
NOTICE AREA OF SUBJECT PARCEL

MAP 4N2815
 300 LEE LARRY D & DONNA D
 1100 MCAHREN NANCY M
 1200 WINEBARGER GREG C
 1300 DEVIN RICHARD G & TIAH B
 1400 COOK IVAN J & COLLEEN
 1500 ALTENBERGER THOMAS J & CHERYL M
 1800 DEVIN RICHARD G & TIAH B

MAP 4N2815DA
 700 BURKE DENNIS E & CONNIE R

MAP 4N28D
 1000 UNION PACIFIC RR CO
 1100 STATE OF OREGON

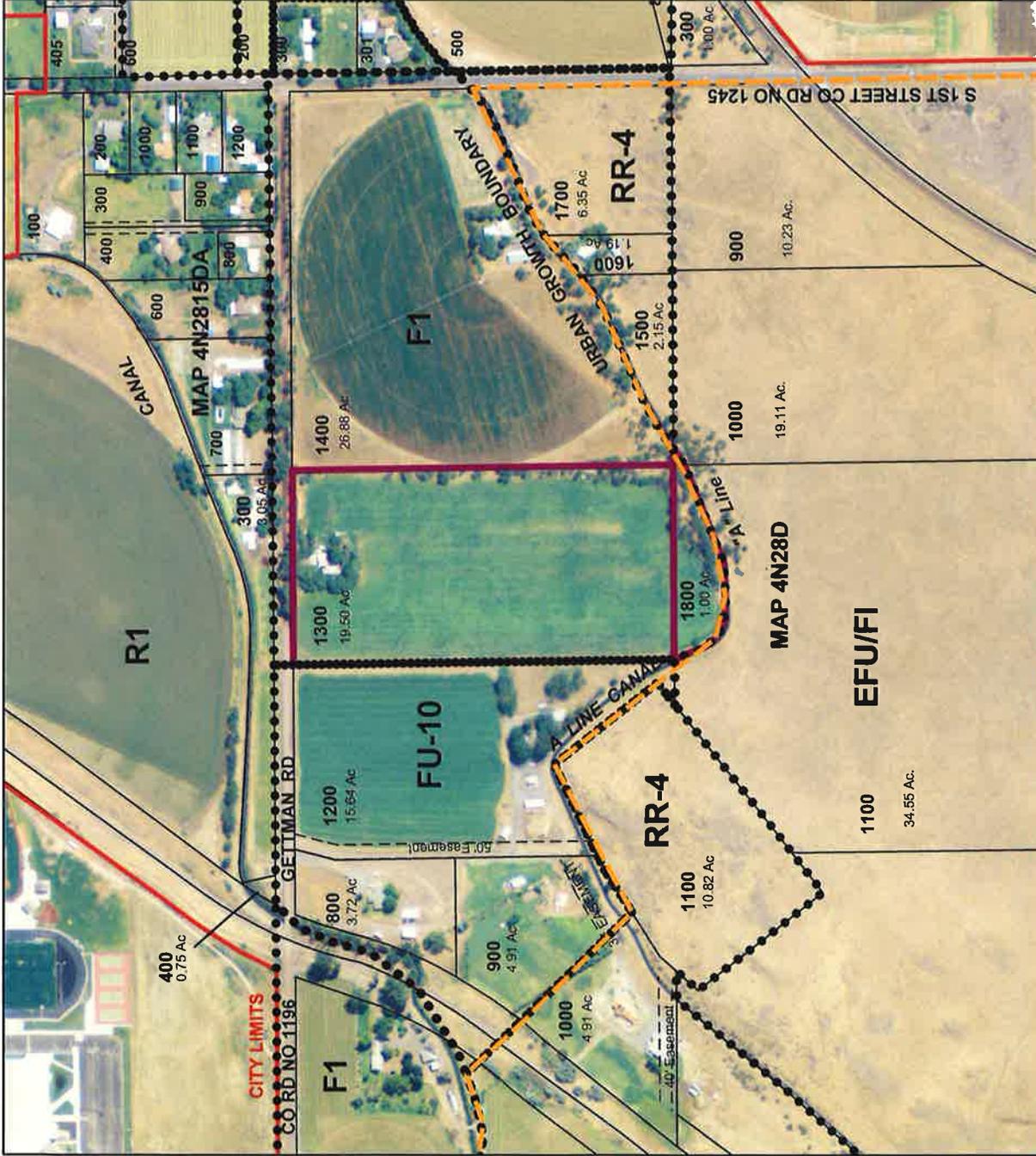
2012 AERIAL PHOTO



DATE: 11/20/14

MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Not intended for legal use. Created by J.Alford Umatilla County Planning Department 11/20/14

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ZONE MAP AMENDMENT #Z-304-14 & BOUNDARY ADJUSTMENT #LD-4N-977-14
 RICHARD & TIAH DEVIN, APPLICANT/OWNERS
 MAP 4N2815, TAX LOTS 1300 & 1800

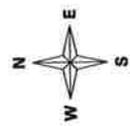
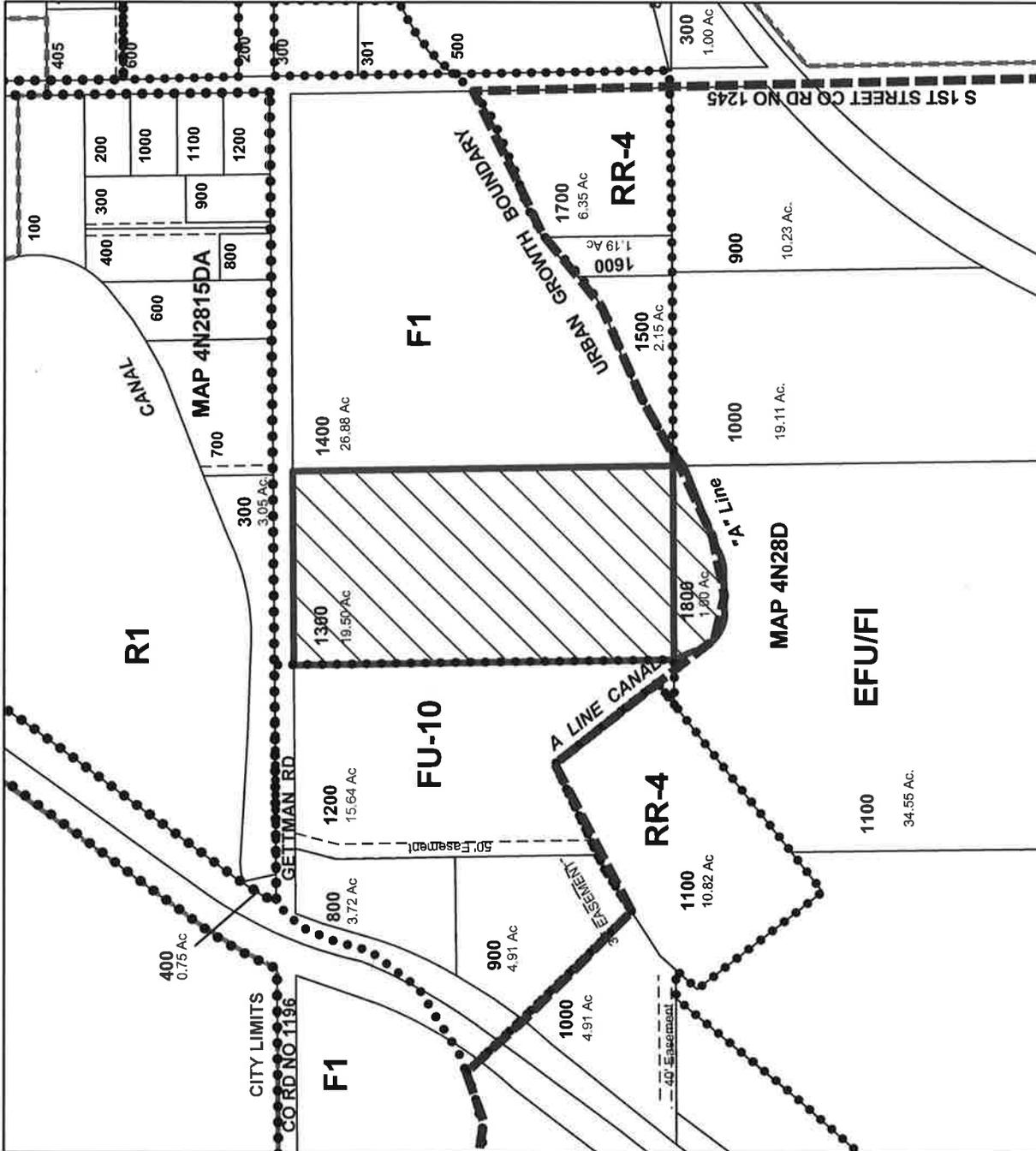
 SUBJECT PARCELS

PROPERTY OWNERS WITHIN 100'
NOTICE AREA OF SUBJECT PARCEL

MAP 4N2815
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 1400 COOK IVAN J & COLLEEN
 1500 ALTENBERGER THOMAS J & CHERYL M
 1800 DEVIN RICHARD G & TIAH B

MAP 4N2815DA
 700 BURKE DENNIS E & CONNIE R

MAP 4N28D
 1000 UNION PACIFIC RR CO
 1100 STATE OF OREGON



ZONE MAP AMENDMENT #Z-304-14 & BOUNDARY ADJUSTMENT #LD-4N-977-14
 RICHARD & TIAH DEVIN, APPLICANT/OWNERS
 MAP 4N2815, TAX LOTS 1300 & 1800



SUBJECT PARCELS

DATE: 11/20/14

MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Not intended for legal use. Created by J.Alford Umatilla County Planning Department 11/20/14
 y:\workspace\planning\vicinity maps\A-D\DevinZ_304_14.gws

**UMATILLA COUNTY PLANNING COMMISSION
JANUARY 22, 2015 HEARING
McMINN VARIANCE REQUEST, #V-339-14
LIST OF INCLUDED DOCUMENTS**

1. Memorandum to the Planning Commission providing background information about the McMinn Variance Request (2 pages).
2. Planning Commission Preliminary Findings and Conclusions, similar to the Planning Department's Findings and Conclusions (6 pages).
3. Comments from Mr. Terry Wanous (1 page).
4. Comments from Mr. Mike Olson (2 pages).
5. Steven Haddock survey of the north end of the access easement (1 page).
6. McMinn Warranty Deed, Instrument number 2013-607-0428 (2 pages).

The following included documents are referenced in the McMinn's Deed and may be helpful in identifying the access easement and established property lines.

7. Irrevocable Consent Agreement recorded on March 8, 1990, Reel 190 Page 128 (6 pages).
8. Warranty Deed recorded on March 8, 1990, Reel 190 Page 142, and describes the non-exclusive access easement (3 pages).
9. Individual Right-Of-Way Easement to Pacific Power and Light, Co. Recorded on August 22, 1995 (2 pages).
10. Partition Plat No. 1999-28, partition that created Tax Lot 902 (2 pages)

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

MEMO

To: Umatilla County Planning Commission

From: Shane Finck, Planner

cc: Tama Mabbott, Planning Director

Date: January 7, 2015

Re: January 22, 2015 Planning Commission Hearing
Bradley and Laura McMinn, Applicants/Owners
Variance Request V-339-14

Request:

The Applicants/Owners, Bradley and Laura McMinn, purchased a 20' X 50' carport and had it installed without obtaining a zoning permit or a floodplain development permit. The matter was brought to the attention of County Code Enforcement, which prompted the applicants to come to County Planning to get the required permits. It was learned that the structure likely did not meet the 20 foot setback to the 60 foot access easement and the applicants applied for a variance to the setback standards. The variance was denied by the Planning Department for two reasons. First, the structure was too close to the easement, even according to measurements provided by the property owner, and second, the application failed to provide sufficient justification as to why a variance was warranted. Upon receiving the Staff Report, the applicants requested a Public Hearing to determine if a variance can be granted, and if not, what needs to be done for them to be compliant with County Standards.

Location:

The property is located south of the city of Pendleton off of Highway 395 S, approximately two and one half mile south of Southgate Place.

Standards:

The Standards of Approval for a variance are found in section 152.627 of the Umatilla County Development Code. Standards for setbacks in an RR-2 Zone are found in the Umatilla County Development Code, Section 152.134.

Considerations:

Encroachment issues into this part of the access easement began long ago with the previous property owner. Some of those issues are again resurfacing with the current property owners in addition to the location of the new carport. A nearby neighbor to the applicants hired Steve Haddock to survey the northern end of the access easement. Your package includes an annotated copy of this survey.

Decision:

The decision made by the Planning Commission will be to approve or deny the applicant's variance request. In either case, the applicant will be required to move the structure.

- Approval would require the applicant to relocate the structure in order to meet the minimum allowed variance distance of 5 feet from the access easement and south property line.
- Denial would require the applicant to relocate the structure to meet the 20 foot setback requirement to the access easement and south property line.

**UMATILLA COUNTY PLANNING COMMISSION
PRELIMINARY FINDINGS AND CONCLUSIONS
McMINN VARIANCE REQUEST, #V-339-14
MAP #2N 32 34BA, TAX LOT # 902, ACCOUNT #148198**

- 1. APPLICANT:** Laura and Bradley McMinn, 43124 SW Gateway Ave., Pendleton, Oregon 97801.
- 2. OWNER:** Same as above.
- 3. LOCATION:** The subject property is located south of the city of Pendleton off of Highway 395 S, approximately two and one half mile south of Southgate Place.
- 4. REQUEST:** The applicants have purchased and placed a 20' X 50' carport structure on the southeast corner of their property. The carport will be used as a hay cover and farm equipment storage. The structure is currently located less than the minimum allowed setback from the access easement line along the east property line. Setback is defined as the open yard space between any building and a lot line or a line defining an access easement or road right-of-way. Requirements in a Rural Residential (RR-2) – 2 Zone, in accordance with the Umatilla County Development Code (UCDC) §152.134(B) is 20 feet. Therefore, the McMinn's are requesting a variance to the setback from the access easement across the eastern 30 feet of the property. 5 feet is the minimum variance allowed by UCDC 152.627. Approval of the variance would allow the existing carport to be located no closer than 5 feet to the west line of the 30 foot access easement instead of the standard 20-feet.
- 5. SITUS ADDRESS:** The situs address is: 43124 SW. Gateway Ave., Pendleton, Oregon 97801.
- 6. ACREAGE:** Tax Lot #902 = 2.54 acres.
- 7. COMP PLAN:** Rural Residential Plan Designation
- 8. ZONING:** Rural Residential (RR-2), 2-acre parcel minimum
- 9. ACCESS:** The property has access from SW Gateway Avenue, a paved two lane street, via US Highway 395 S, a paved, two lane highway.
- 10. EASEMENTS:** There is a 30 foot access easement across the eastern side of the property. There is a 10 foot right of way easement for Pacific Power along the eastern side of the property within the 30 foot access easement.

- 11. LAND USE:** The property is zoned for rural development and used for residential use.
- 12. ADJACENT USE:** Properties adjacent to the parcel are also zoned and used for rural residential use.
- 13. LAND FORM:** Columbia Plateau
- 14. BUILDINGS:** There is one dwelling, a barn, and two carports located on the property.
- 15. UTILITIES:** The property and area are served by Pacific Power and Pendleton Sanitary Service.
- 16. WATER/SEWER:** A domestic well and septic system are developed on the property.
- 17. FIRE SERVICE:** The property is within the Pendleton Fire District and served by Lower McKay Creek RFPD.
- 18. IRRIGATION:** The property is in the Marion Jack Ditch District.
- 19. NOTICES SENT:** Property owners and agencies notified, January 10, 2015
- 20. HEARING DATE:** The public hearing before the Umatilla County Planning Commission for this application will be held on Thursday, January 22, 2015.
- 21. AGENCIES:** County Assessor, County Public Works, County Code Enforcement, City of Pendleton, Pendleton Fire District, Marion Jack Ditch Co., Pacific Power and Light Co..
- 22. COMMENTS:** The applicants requested a public hearing for this variance request.
- 23. STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR VARIANCES, Section 152.627, Circumstances for Granting a Variance,** contains the criteria of approval for reviewing a variance. The standards of approval are underlined, the responses and findings are provided in standard text.

§ 152.627 CIRCUMSTANCES FOR GRANTING A VARIANCE.

A variance may be granted under *some or all* of the following circumstances:

- (A) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this chapter have had no control; The applicant has indicated that the current location of the carport is the only suitable location on the property. The applicant states that the exceptional adversity of moving the carport will increase difficulties of loading and unloading hay from the fields. Also significantly increase the difficulty of consumers to access or load their vehicles. The carport is used solely for farm equipment and hay.

The Planning Commission finds that the applicant is requesting a variance to the setback requirement. A setback is the open yard space on a lot between any building and a lot line or a line defining an access easement or road right-of-way. Tax lot 902 is a 2.54 acre parcel that is generally rectangular in shape with largely level ground that is used for growing hay. The parcel does not have any exceptional or extraordinary shape, size, topographical, or other circumstances which are beyond the control of the property owners. The easements, dwelling, and other structures are situated on approximately .75 acres leaving approximately 1.75 acres used for growing hay.

(B) The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by the owner of other property in the same zone or vicinity; The applicant has submitted that the variance is necessary and that several homes along Gateway have similar designs and should be allowed the same variance. The location of the applicant's home and several other homes makes it difficult to successfully set up and maximize their use of the rural environment in which they live.

The Planning Commission finds that there are nearby properties to the south that are used as pasture land and for growing hay. Properties to the north are higher density residential use with smaller parcel sizes. The Planning Commission was unable to identify any property rights possessed by neighboring property owners that would be lost to the applicant if the variance were not granted.

(C) The variance would not be materially detrimental to the purposes of this chapter, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county plan or policy. The applicant has indicated the variance is not materially detrimental to the property or other property in the same zone. There has been nothing on the applicant's property that needs moved or replaced with the carport installed. Furthermore, the location of the carport is located along a private road and currently the county does not have any plans or objectives pending or in place that may be a conflict of interest for the parties involved.

The Planning Commission finds that the variance is not likely to be materially detrimental to neighboring properties as the conditions currently are. The location of the carport does conflict with the minimum setback requirements to an easement as allowed by the development code.

(D) The variance requested is the minimum variance which would alleviate the hardship.

(E) At no time shall a setback from a property line or access easement be decreased below 5 feet in any zone.

The applicant states the carport is located 31 feet 2 inches from the center of the of the main road easement, in other words, it runs just inside the utility easement. The variance requested is 18 feet 10 inches as documented with all the county records.

The Planning Commission finds that the setback requirement in an RR-2 zone is 20 feet. The recorded access easement along the east side of the property is 30 feet from the property line.

Pacific Power & Light (PP&L) also has a 10 foot underground utility easement as recorded in 1995 on Reel 276 Page 092, Instrument Number 1995-209497, along the southern part of property within and along the west side of the access easement. The setback requirement is to the easement. A survey was presented to the Department that was conducted by a professional surveyor of the access easement. The survey indicated that the carport is located approximately 16 feet from the east property line and thus is 14 feet in the easement. In order to meet the 20 foot setback, the carport must be moved 34 feet to the west. If, as it appears, the carport is located on top of the PP&L R-O-W it would also have to be moved outside of the PP&L R-O-W.

PRELIMINARY DECISION: Based upon the above Findings of Fact and Conclusions of Law, deduced from the available information submitted, where the McMinn's Variance Request, #V-339-14, does not meet the requirements of a minimum variance or exceptional or extraordinary circumstance standards, this variance request is denied.

UMATILLA COUNTY PLANNING COMMISSION

Gary Rhinhart, *Planning Commission Co-Chair*

Dated _____, 2015



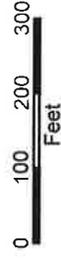
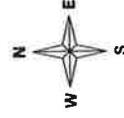
PROPERTY OWNERS WITHIN NOTICE
AREA OF SUBJECT PARCEL

MAP 2N3227CC
601 PRIMUS DANIEL R & JODIA

MAP 2N3227CD
3400 GARD JOHN W & L MARIE
3500 COOK DONNIE R & ELISE M
3600 JOHNSON JEREMY A & JACQUELYN C
3700 OVERTREET CHARLES J & KAREN K
3800 KELLY JOHN M & TERESA D
3900 STANSBURY MARK D & APRIL D
4000 BAEHMANN JAMES D
4100 GERATHS NELSON E & NANCY
4300 BARILETTI MARGARET
4400 BARILETTI MARGARET
4500 HAGUEWOOD KIMEE L
4600 WALLIS MARGARET A
4700 MILTENBERGER EDWARD J
4800 GASTIN JOHN E & HEATHER L
4900 VAN DORN LYNNETTE
5000 ~~PITNER~~ RICHMOND ISREAL & JEANANN
5100 ~~PITNER~~ RICHMOND ISREAL & JEANANN

MAP 2N3234
205 MAYER MICHAEL LEE
207 SEAMANS STEPHANIE M

MAP 2N3234BA
900 LILLIE LANCE S & ANGELA M
901 PICKERD JACKSON & SHARON
902 **MCMINN BRADLEY G & LAURA J**
903 MILLER RICHARD H & MELINDA K
904 SMITH MICHAEL T & JOANNE L
905 OLSON WILLARD M & GARNET R
906 THOMPSON BRENT D & TERESA A
907 LILLIE LANCE & ANGELA
908 WANOUS TERRY E
909 GARCIA ROSEMARY



DATE: 12/11/14

MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Created by J. Alford Umatilla County Planning Dept.

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2012 AERIAL PHOTO

VARIANCE REQUEST #V-339-14
BRAD & LAURA MCMINN, APPLICANT/OWNER
MAP 2N3234BA, TAX LOT 902

 SUBJECT PARCEL

McMinns
43124 SW Gateway AV
Pendleton, OR
97801





Welcome to
Umatilla County

Shane Finck <shane.finck@umatillacounty.net>

Easement issues on tax lot #902.

1 message

Terry Wanous <wanous2@gmail.com>
To: shane.finck@umatillacounty.net

Wed, Dec 24, 2014 at 4:36 PM

Dear Mr. Finck,

My name is Terry Wanous, and I am the lot owner adjacent to Mike Olson's property on the north side. This letter regards the public notice for variance request #V-339-14.

First, I would like to establish that I mean no ill-will towards Mr. Brad McMinn. He seems to be a very friendly and congenial gentleman, who initiates or returns a friendly wave each time I drive by his house on my way home.

My simple request of this letter is for Mr. McMinn to adhere to the right-of-way easement statutes applied to the concerned driveway and property. I understand that if a variance is granted, it may never be reversed, if needed in the future. I believe that if we all just adhere to the previously established easement boundaries, potential neighbor-feuds and conflicts can be avoided in the future.

Sincerely,

Terry Wanous
(541-379-2853)

Dear Mr. Finck,

I'm emailing the let you know people are working on providing responses to the Public Notice for Variance Request #V-339-14.

In the meantime, to give you some background on easement issues and Tax Lot #902:

When my wife and I bought our Lot (#905), we had seen on the plats for this area that there was a 60' easement for ingress and egress, utilities, etc. for all owners along the easement.

However, the couple who owned the two lots abutting Gateway Ave (#s 902 and 901), Mark Wentz and his wife, had fences and trees well into the easement area. I talked with Mark about opening up that area so we could have our manufactured home delivered (year 2008). But I got nowhere with him. I talked with county planning and was told it was a civil matter, not one they deal with.

We had no time or money for a civil suit, and ended up having the house delivered through the south end of the easement area, removing and replacing neighbor's fences at our cost.

Once we had a moving truck come to make a delivery, but the driver couldn't come down the easement. We had to take our flatbed trailer out to Gateway Ave. to get the items and bring them to our property.

UPS and other delivery people have mentioned they may have to stop delivery at sometime (and have us pick up our items at their locations) in the future due to the constricted access off of Gateway Ave.

The prior owner, Mark, did eventually let some of us other owners trim the trees for RVs to go thru without damage. Mark would have understood about the easement and the rights of others as his wife worked for a local attorney for many years. I feel he was taking advantage of all the other owners along the easement for his personal wants.

The new owner who bought Tax Lot #902, Brad McMinn, gets upset when tree topics are brought up. Several trees died in his easement area soon after he and his family moved in. Brad thought someone purposefully poisoned his trees and Brad was vocal about this. But, Mark, doing a quick fix to sell his property, had sprayed weed killer multiple times around the tree area, per my wife who saw him do it.

The new trees Brad planted in the same area survived last winter, but withered over the summer. Brad recently told me someone poisoned these new trees. The McMinn's had extra family responsibilities in the summer and my wife says she never saw the new trees get watered.

I have asked Brad multiple times, and his wife once, in neighborly and matter-of-fact ways, about

trimming the trees in the easement to allow RV passage without damage, to no avail. The roofs of RVs have been scratched by Brad's easement trees.

The new owner of Tax Lot #901 (purchased a few years ago), Jack, has been working to remove the trees on his easement side. One tree is very large, and he said he would have to wait awhile, and need help, to tackle that one. My neighbor Terry and I have offered to help.

In 2014 I asked questions again at county planning about the trees. Again, I was told the problem would require civil action.

Then the McMinns put up a structure in the easement area. It is evident they don't understand that, Yes, they own the east 30' of their property, but that other people/entities have permanent rights in that area, and the McMinns cannot impede or infringe upon those rights.

The McMinns were unfortunate to buy from a previous owner who had fences and trees well into the easement area. And it is unfortunate they didn't/don't understand what an easement is.

The McMinns have worked very hard to develop their property and create safe places for their animals. They have had to tackle other problems left by the previous owner, i.e. irrigation pipe and well water pipe problems. Roaming dogs killed off their chickens multiple times. They've had a lot to deal with, but we can't let the impediments and infringements to the easement go unchallenged.

We respectfully just want the easement to be honored: the corner and driving area to be opened up as it should be per the legal easement.

Thank you for your time.

Sincerely,

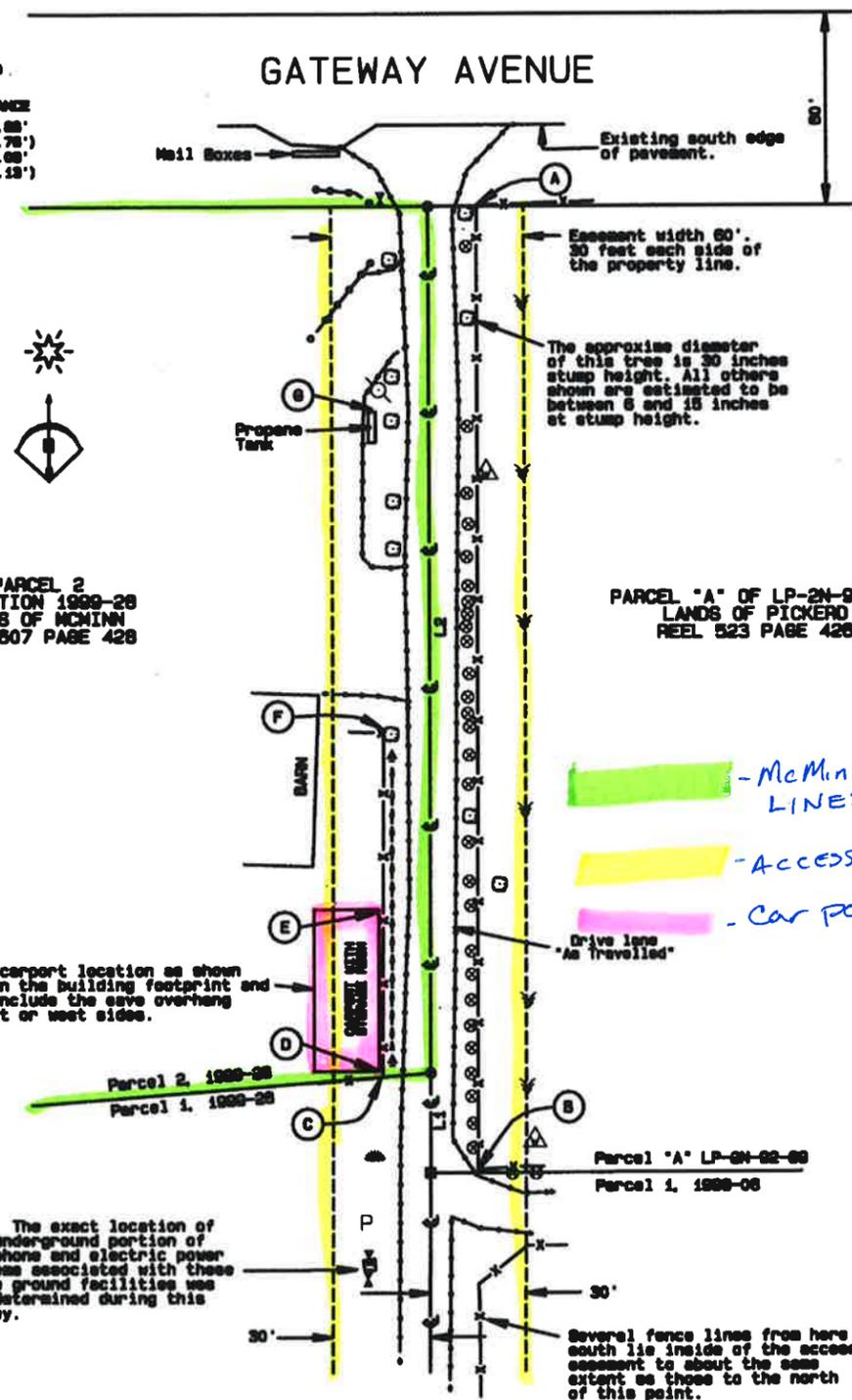
Willard M. (Mike) Olson

LOCATED IN THE NW1/4, S34, T2N, R32E,
W.M., UMATILLA COUNTY, OREGON

LINE TABLE

Note: Record data shown below are from Partition Plat 1999-29.

LINE No.	BEARINGS	DISTANCE
L1	N00°00'00"E	30.00'
(L1)	S00°00'00"W	(30.70')
L2	N00°00'00"W	200.00'
(L2)	S00°00'00"E	(200.13')



FEATURE LISTING

- (A) FENCE LINE LIES 14.8 FEET INSIDE OF THE EASEMENT
- (B) FENCE CORNER LIES 15.0 FEET INSIDE OF THE EASEMENT
- (C) FENCE CORNER LIES 15.3 FEET INSIDE OF THE EASEMENT
- (D) SE CARPORT CORNER LIES 14.0 FEET INSIDE OF THE EASEMENT
- (E) NE CARPORT CORNER LIES 14.1 FEET INSIDE OF THE EASEMENT
- (F) FENCE CORNER LIES 15.8 FEET INSIDE OF THE EASEMENT
- (S) PROPANE TANK LIES 13.6 FEET INSIDE OF THE EASEMENT

LEGEND

- FOUND 5/8" IRON REBAR WITH RED PLASTIC CAP FROM PARTITION 1999-29
- FOUND 5/8" IRON REBAR WITH 2" ALUMINUM CAP FROM SURVEY 92-71-A.
- I TELEPHONE JUNCTION BOX
- ∇ IRRIGATION SPREADER
- △ IRRIGATION CONTROL VALVE
- ⊙ BURNED OR SALON DRUM RECENTLY CONTAINS IRRIGATION VALVES
- ⊙ TREE STUMPS
- ⊙ DECIDUOUS TREES
- ⊙ POWER METER STAND
- ⊙ ORNAMENTAL BUSH
- PARCEL BOUNDARY / EASEMENT CENTERLINE
- - - EASEMENT BOUNDARY LINE
- · - · - EDGE OF GRAVEL SURFACING
- · - · - EXISTING FENCE LINES
- · - · - STACKABLE DECORATIVE BRICKS
- · - · - ROW OF DEAD ARBORIZA STARTS

NARRATIVE OF SURVEY

This survey was performed at the request of Mr. Mike Olson. The purpose of the survey was to map the location of the access easement as shown and all of the physical features within that easement that may have an effect on the use for access of that easement by the properties to the south that have common rights in the easement.

The location of the easement shown hereon is based on the found monuments which were set under survey 92-71-A and Partition plat 1999-29. All three of these monuments are shown on Partition 1999-29. I last visited these monuments while making a flood elevation map for the Pickard property shown hereon in April of 2010. The measurements taken indicate that these monuments are in their original undisturbed locations.

Tree symbols shown hereon indicate the approximate center of the trunk at ground height and do not indicate lean, the spread of branches, the size of the tree or trees with multiple trunks.

Documents consulted concerning the establishment and width of this access easement are the findings and conclusions for Land Partition Request No. LP-2N-02-03, the Irrevocable Consent Agreements recorded in Umatilla County Microfilm Reel 190, Pages 128 and 134, Umatilla County Survey No. 92-71-A, Partition Plats 1999-43, 1999-46, 1999-06 and 1999-29 and the deeds recorded in the Umatilla County Records Reel 190, Page 142; Reel 523, Page 428; and Reel 607, Page 428. All documents indicate the easement width to be 60 feet.

This survey was performed with a Trimble R7/R8 RTK GPS system operated in kinematic mode.

Note: The carport location as shown is based on the building footprint and does not include the eave overhang on the east or west sides.

Note: The exact location of the underground portion of the phone and electric power systems associated with these above ground facilities was not determined during this survey.

McMinn Property LINES TL #902

ACCESS EASEMENT

Car port

REGISTERED PROFESSIONAL LAND SURVEYOR

Stephen K. Haddock

OREGON SURVEYORS BOARD

STEPHEN K. HADDOCK

60000 6-00-25

<p>SURVEY FOR</p> <p>Mr. Mike Olson 43066 SW Gateway Avenue Pendleton, OR 97801</p>	PROJECT DATE: December 19th, 2014	
	Project No. 14-20	SCALE: 1" = 30'
<p>LOCATION: NW1/4, S34, T2N, R32E, W.M., Umatilla County, Oregon</p>	<p>WITNESS TREE SURVEYING</p> <p>Stephen K. Haddock, P.L.S., C.FedS P.O. Box 6 Pilot Rock, Oregon 97868 (541) 443-1992</p>	

43124 SW GATEWAY AVENUE
PENDLETON, OR 97801

Office of County Records

GRANTOR'S NAME AND ADDRESS:
MARK A. AND ROSALYN J. WENTZ

Umatilla County
Received: 7/16/2013

Genna Marie Banica

Records Officer
1001695 P2

PO BOX 1981
PENDLETON, OR 97801



WARRANTY DEED -- STATUTORY FORM (INDIVIDUAL or CORPORATION)

MARK A. WENTZ and ROSALYN J. WENTZ, husband and wife, as tenants by the entirety Grantor, conveys and warrants to: **BRADLEY G. MCMINN and LAURA J. MCMINN, as tenants by the entirety, Grantee,** the following described real property free of encumbrances except as specifically set forth herein:

Parcel 2, PARTITION PLAT NO. 1999-28, (Instrument No. 1999-3530033), located in the Northwest Quarter of Section 34, Township 2 North, Range 32, East, Willamette Meridian, County of Umatilla, State of Oregon.

Encumbrances: SEE ATTACHED EXHIBIT 'A' FOR PERMITTED EXCEPTIONS

The true consideration for this conveyance is \$275,000.00. However, if the actual consideration consists of or includes other property or other value given or promised, such other property or value is the whole of the consideration.

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

If grantor is a corporation, this has been signed by authority of the Board of Directors.

Dated this ^{15th UNB} ~~16th~~ day of July, 2013.

GRANTOR(S):

Mark A. Wentz
MARK A. WENTZ

Rosalyn J. Wentz
ROSALYN J. WENTZ

State of Oregon
County of UMATILLA

This instrument was acknowledged before me on July ^{15th UNB} ~~16th~~, 2013 by MARK A. WENTZ and ROSALYN J. WENTZ.

Genna Marie Banica
(Notary Public for Oregon)



126-1
7801

EXHIBIT 'A'


2013-6070428 2 of 2

SUBJECT TO THE FOLLOWING PERMITTED EXCEPTIONS:

1. The premises herein described are within the boundaries of the Marion Jack Improvement District, and this property is therefore subject to all easements, levies and assessments thereof.
2. Irrevocable Consent Agreement, including the terms and provisions thereof, between,
First Party : Umatilla County
Second Party : Edward Bow Sewell
Recorded : March 8, 1990, Microfilm R-190, Page 128, Office of Umatilla County Records.
3. Easement over and across the Easterly 30 feet of said Parcel 2, as contained in Deed,
Grantee : Roy L. Golden, etux
Recorded : March 8, 1990, Microfilm R-190, Page 142 Office of Umatilla County Records.
4. Right of Way Easement, including the terms and provisions thereof,
Grantee : Pacificorp, dba Pacific Power & Light Company
Recorded : August 22, 1995, Microfilm R-276, Page 92, Office of Umatilla County Records.
5. Easements as shown on Partition Plat No. 1999-28
Recorded : June 17, 1999, Instrument No. 1999-3530033, Office of Umatilla County Records.
6. 2013-2014 Taxes, which are a lien on July 1, 2013, but not yet payable.
(First 1/3 due and payable November 15, 2013. Amounts not yet available)

1990 MAR -6 A 10:35

HST 0082P

UMATILLA COUNTY, OREGON
IRREVOCABLE CONSENT AGREEMENT

152778

THIS AGREEMENT, made and entered into this 6TH day of MARCH, 1990, by and between Umatilla County, hereinafter referred to as County, and Edward Bow Sewell, owner(s) of the property described below and hereinafter jointly or individually referred to as Owner.

Property Description:

(See attached legal descriptions of Parcel "A" and Parcel "B")

WHEREAS, Owner has applied to County for the following land use permit: Land Partition #LP-2N-92-89

WHEREAS, the appropriate county body or officer has agreed to grant the permit on the condition that the Owner consent to the following public improvements:

"Future improvements to the requested north-south easement and Gateway Avenue (a dedicated public Right-of-Way), including but not limited to resurfacing, widening, storm water control, and the provision of sidewalk and/or bike paths."

NOW THEREFORE, it is mutually agreed by the parties hereto that:

1. County or the appropriate body or officer did grant Application # LP-2N-92-89.

2. Owner irrevocably consents to pay to County a fair share of the above-stated public improvements, if made by County, the amount to be determined by the County Public Works Director.

3. Owner also hereby irrevocably consent to pay any assessments levied as a result of a petition or resolution filed to improve a dedicated public or county road or platted street pursuant to ORS 371.615, and further waives any and all rights under ORS 371.630 to object to the assessment recommended by the County Engineer pursuant to ORS 371.625.

4. Owner irrevocably consents to dedicated additional right-of-way required for improvements to Gateway Avenue (a dedicated public Right-of-Way), at no cost to the County, except for the costs of preparing and recording the dedication documents, in consideration of the benefits provided to the property by the improvement of said road(s).

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UMATILLA COUNTY/EDWARD BOW SEWELL
IRREVOCABLE CONSENT AGREEMENT A/B
PAGE 2

5. In the event that the owner fails to comply with the above conditions, County may pursue either or both of the following remedies:

- a. Initiate proceedings to revoke the land use permit described above and return the property to its original land use designation, and/or
- b. Institute suit to recover the amount required by County to make the above improvements.

In the event of the latter, it is agreed that the prevailing party shall recover, in addition to its costs in the proceeding, a sum which the court shall adjudge as reasonable attorney's fees.

6. The Agreement herein may be amended, terminated or otherwise modified only upon joint written agreement of both parties hereto, or their successors in interest, with the amendment incorporated by reference into this present Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals in execution of this Agreement as of the date first written.

OWNERS:



 Edward Bow Sewell

STATE OF OREGON) ss.
County of Umatilla)

ON the 27th day of February, 1990, personally appeared Edward Edw. Sewell, known to me to be the above-named owner of the property described above, who being duly sworn, acknowledge this instrument to be his voluntary act and deed.



Before me Lellie Sims
 Notary Public for Oregon
 My Commission Expires: 9/8/92

UMATILLA COUNTY/EDWARD BOW SEWELL
IRREVOCABLE CONSENT AGREEMENT A/B
PAGE 3

ATTEST:

UMATILLA COUNTY BOARD OF COMMISSIONERS

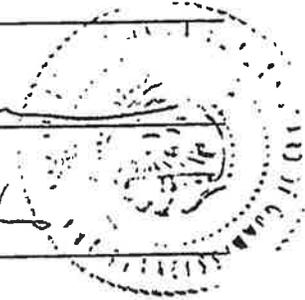
Rosea Beneshoter
Umatilla County Clerk



William S. Hansell

Glenn Youngman

Jeanne Hughes



STATE OF OREGON) ss.
County of Umatilla)

ON the 6th day of March, 1990, personally appeared Bill Hansell, Glenn Youngman, Jeanne Hughes, known to me to be the above-named County Commissioners, who being duly sworn, acknowledge this instrument to be their voluntary act and deed.



Before me Marc A. Dees
Notary Public for Oregon
My Commission Expires: 12.4.93

Attachments: Property Map
Legal Description of Parcel "A"
Legal Description of Parcel "B"

SEWELL LAND PARTITION #LP-2N-92-89
IRREVOCABLE CONSENT AGREEMENT

PARCEL "A"

Commencing at the Northwest corner of Section 34 and running; thence East along the North line of said Section 34 a distance of 1752.07 feet; thence South at right angles a distance of 60.00 feet to the true point beginning; thence continuing South a distance of 300.00 feet; thence East a distance of 415.31 feet; thence North $28^{\circ} 04' 30''$ West a distance of 169.66 feet; thence Northwesterly along a 160.00 feet radius curve to the right, the long chord bears North $14^{\circ} 02' 15''$ West a distance of 77.62 feet, a distance of 78.40 feet; thence North a distance of 55.00 feet; thence Northwesterly along a 20.00 feet radius curve to the left, the long chord bears North $45^{\circ} 00' 00''$ West a distance of 28.28 feet, a distance of 31.41 feet; thence West a distance of 296.64 feet to the point of beginning.

And including a non-exclusive easement 30.00 feet on either side of the following described centerline:

Commencing at the Northwest corner of Section 34 and running; thence East along the North line of said Section 34 a distance of 1752.07 feet; thence South at right angles a distance of 60.00 feet to the true point of beginning; thence continuing South a distance of 1125.25 feet.

All being in Section 34, Township 2 North, Range 32 East of the Willamette Meridian, County of Umatilla, State of Oregon.

Parcel "B"

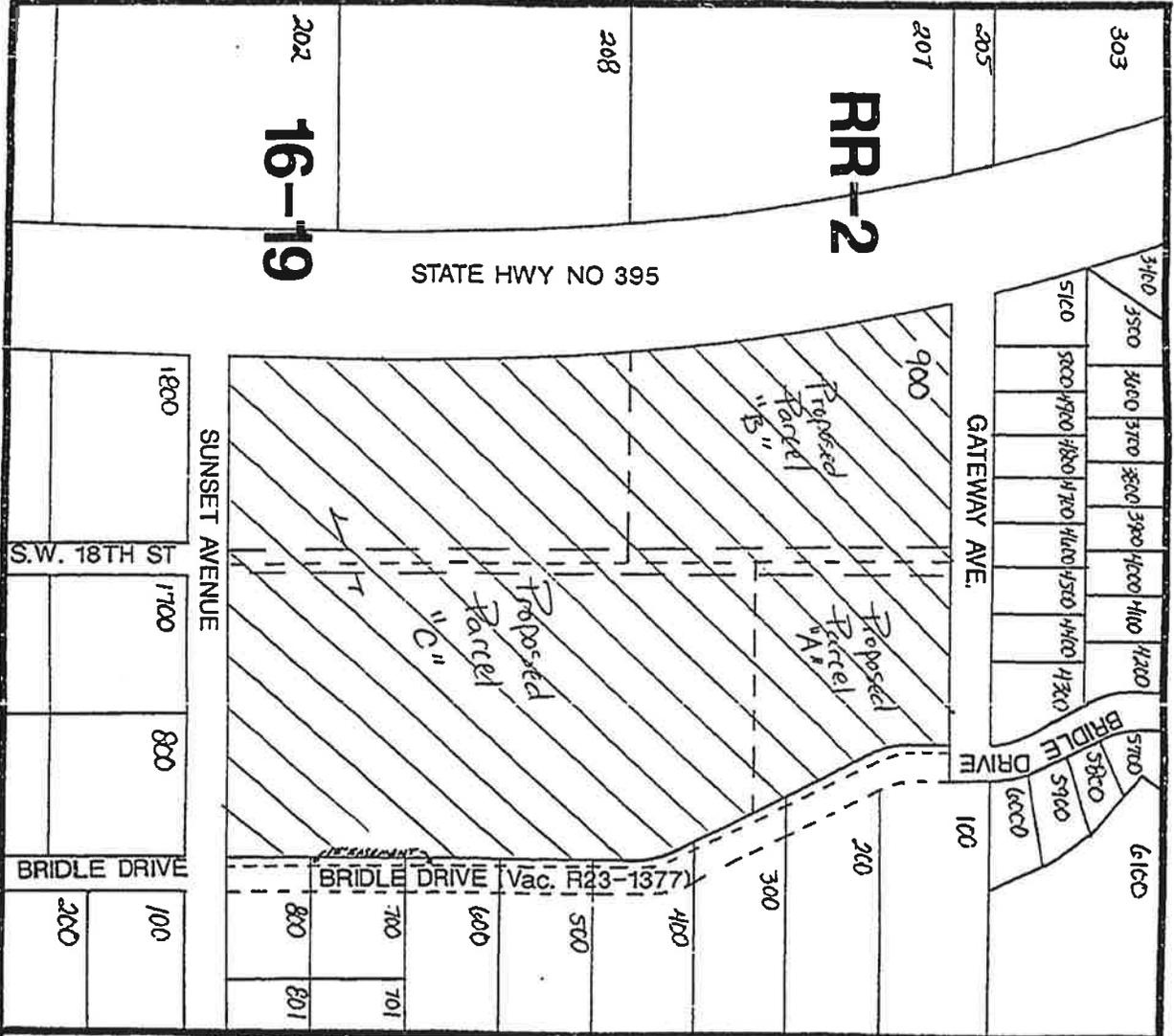
A parcel of land in the Northwest Quarter of Section 34, more particularly described as follows, to-wit:

Commencing at the Northwest corner of said Section 34, and running thence East along the North line of said Section 34 a distance of 1752.07 feet; thence South at right angles a distance of 60.00 feet to the true point of beginning; thence continuing South a distance of 500.00 feet; thence West a distance of 343.24 feet, more or less, to the point of intersection with the Easterly right of way line of U.S. Highway 395; thence Northwesterly along said right of way line, the chord bears North $7^{\circ} 40' 09''$ West, 504.51 feet, a distance of 504.60 feet; thence East a distance of 410.56 feet to the point of beginning.

And including a non-exclusive easement 30.00 feet on either side of the following described centerline:

Commencing at the Northwest corner of Section 34 and running thence East along the North line of said Section 34 a distance of 1752.07 feet; thence South at right angles a distance of 60.00 feet to the true point of beginning; thence continuing South a distance of 1125.25 feet.

All being in Township 2 North, Range 32 East of the Willamette Meridian, County of Umatilla, State of Oregon.



- 2N 32 34 BA
- 100-Donald & Harry Michael
 - 200-Donald & Harry Michael
 - 300-Collin & Millie White
 - 400-Dennis Gaylord
 - 500-Fredrick & Karen Licurse
 - 600-Fredrick & Karen Licurse
 - 700-Leroy & Patricia Springer
 - 800-Keth & Sharon Blanchard
 - 801-Keth & Sharon Blanchard
- 2N 32 27 CD
- 5100-David & Bobbie Plmer
 - 5000-David & Bobbie Plmer
 - 4900-Lowell Vandorn
 - 4800-Robert Lanman
 - 4700-Edward & L. Miltenberger
 - 4600-Tom & Joni Broker
 - 4500-Tracy & Lisa Harris
 - 4400-Hargaret Bariletti
 - 4300-Hargaret Bariletti
 - 5800-Lilly Gillerre
 - 5900-L. & Michelle Peltjohn
 - 6000-Donald & Lenora Curtis
 - 3400-John Gard
 - 3500-Domnie & Elise Cook
 - 3600-Hary Griffith
 - 3700-Charles & Karen Overstreet
 - 3800-John & Teresa Kelly
 - 3900-Bruce & Annalee Gultvics
 - 4000-Fred Horse
 - 4100-Nelson & Nancy Geraths
 - 4200-Gregory & Darlene Smlch
 - 6100-Alton & Ila Ree White
 - 5700-~~Alton & Ila Ree White~~
- 2N 32 34
- 207-Terry Pilmer
 - 208-Gary & Kathy Ward
 - 202-Robert & Ruth Collins
 - 203-~~Robert & Ruth Collins~~
- 2N 32 34 BD
- 880-Harold & Helen Graymer
 - 1700-Harold & Helen Graymer
 - 1800-Harold & Helen Graymer
 - 200-Donna Peterson
 - 100-Donna Peterson
- 2N 32 27
- 303-Hargaret Bariletti
- SEWELL LAND PARTITION**
#LP-2N-92-89
SUBJECT PARCEL
- DATE 10-23-89 SCALE 1" = 240'
Umatilla County Planning Dept.
MAP NO. 2N3234BA, BD, 2N3227C

1990 MAR -8 A 10:01

R 130 PAGE 133

STATE OF OREGON, } ss
COUNTY OF UMATILLA, }

I, [REDACTED] County Clerk,
certify that this instrument was received and
recorded

ON MAR -8, 1990

at 10:01 o'clock A.M. in the record
of DEEDS of said County in

Book Page
R 130 128

[REDACTED]
County Clerk
By Betty Brown Deputy
Fees \$55.00 No. 152778

HST
6

KNOW ALL MEN BY THESE PRESENTS, That EDWARD BOW SEWELL AND SHAUNNA L. SEWELL

Grantor s _____, Grantor s _____, in consideration of \$15,000.00***** Dollars, to them paid by the Grantee s herein, do hereby grant, bargain, sell and convey unto ROY L. GOLDEN AND ALICE E. GOLDEN, AS TENANTS BY THE ENTIRETY

Grantee s the following described real property, situate in the County of UMATILLA and State of Oregon, to wit:

PER LEGAL DESCRIPTION ON EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.

(2N 32 34 B A 900 16-19)

To Have and to Hold the granted premises unto the said Grantee s, their Heirs and Assigns forever. And the Grantors do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances,

SPECIAL ASSESSMENT OF FARM USE, REGULATIONS AND EASEMENTS OF THE MARION JACK IMPROVEMENT DISTRICT; IRREVOCABLE CONSENT AGREEMENT AS RECORDED ON REEL 190 PAGE 128 and on Reel 190, page 134.

and that they will and their heirs, executors and administrators, shall warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as above stated.

Witness our hand s and seal this 28 day of February, 19 90.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Edward Bow Sewell (SEAL) Shaunna L. Sewell (SEAL)

STATE OF OREGON County of UMATILLA } ss.

BE IT REMEMBERED, That on this 28 day of February, 19 90, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named EDWARD BOW SEWELL SHAUNNA L. SEWELL

known to me to be the identical individual s described in and who executed the within instrument and acknowledged to me that THEY executed the same freely and voluntarily.

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



Janice Hicks Notary Public for Oregon. My Commission expires 10/27/91

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

ROY L. GOLDEN 1610 S.W. GATEWAY DRIVE PENDLETON, OR 97801 Return to: ROY L. GOLDEN 1610 S.W. GATEWAY DRIVE PENDLETON, OR 97801

STATE OF OREGON County of _____ } ss.

I certify that the within instrument was received for record on _____ at _____ o'clock _____, and was recorded in Book _____ Page _____ Record of Deeds of said county.

Recorder of Conveyances

By _____

HOMESTEAD TITLE 21382P

Commencing at the Northwest corner of Section 34 and running; thence East along the North line of said Section 34 a distance of 1752.07 feet; thence South at right angles a distance of 60.00 feet to the true point of beginning; thence continuing South a distance of 300.00 feet; thence East a distance of 415.31 feet; thence North $28^{\circ} 04' 30''$ West a distance of 169.66 feet; thence Northwesterly along a 160.00 feet radius curve to the right, the long chord bears North $14^{\circ} 02' 15''$ West a distance of 77.62 feet, a distance of 78.40 feet; thence North a distance of 55.00 feet; thence Northwesterly along a 20.00 feet radius curve to the left, the long chord bears North $45^{\circ} 00' 00''$ West a distance of 28.28 feet, a distance of 31.41 feet; thence West a distance of 296.64 feet to the point of beginning;

TOGETHER WITH and subject to a non-exclusive easement 30.00 feet on either side of the following described centerline:

Commencing at the Northwest corner of Section 34 and running; thence East along the North line of said Section 34 a distance of 1752.07 feet; thence South at right angles a distance of 60.00 feet to the true point of beginning; thence continuing South a distance of 1125.25 feet;

All being in Section 34, Township 2 North, Range 32 East of the Willamette Meridian, County of Umatilla, State of Oregon.

1990 MAR -8 A 10:01

R 190 PAGE 144

STATE OF OREGON. }
COUNTY OF UMATILLA. } ss

I, [REDACTED] County Clerk,
certify that this instrument was received and
recorded

ON MAR -8. 1990

at 10:01 o'clock A.M. in the record
of UEDS of said County in

Book Page
R190 142

[REDACTED]
County Clerk

By Betty J. Brown Deputy
Fees \$ 40.00 No. 152780

AST 8

PACIFIC POWER

RC Name Pendleton

Return To: Pacific Power
Attn: Wayne Richards
PO Box 220
Pendleton, Oregon 97801

RC 41280 WO 01002440

209497

REEL 276 PAGE 92

RIGHT-OF-WAY EASEMENT
(Individual)

For value received the undersigned, (Grantor), (whether singular or plural), does hereby grant to PACIFICORP, a corporation, dba Pacific Power & Light Company, its successors and assigns, (Grantee), an easement and right-of-way, 10 feet in width, for an underground electric distribution line of one or more conductors and all necessary or desirable appurtenances (including but not limited to the right to install conduits, surface or subsurface mounted transformers, surface mounted connection boxes and meter cabinets) over, under, across and along the following described real property in Umatilla County, State of Oregon, to wit:

Northeast quarter of the Northwest quarter, of sec.34,
Township 2 North, Range 32 EWM.
TL. 902

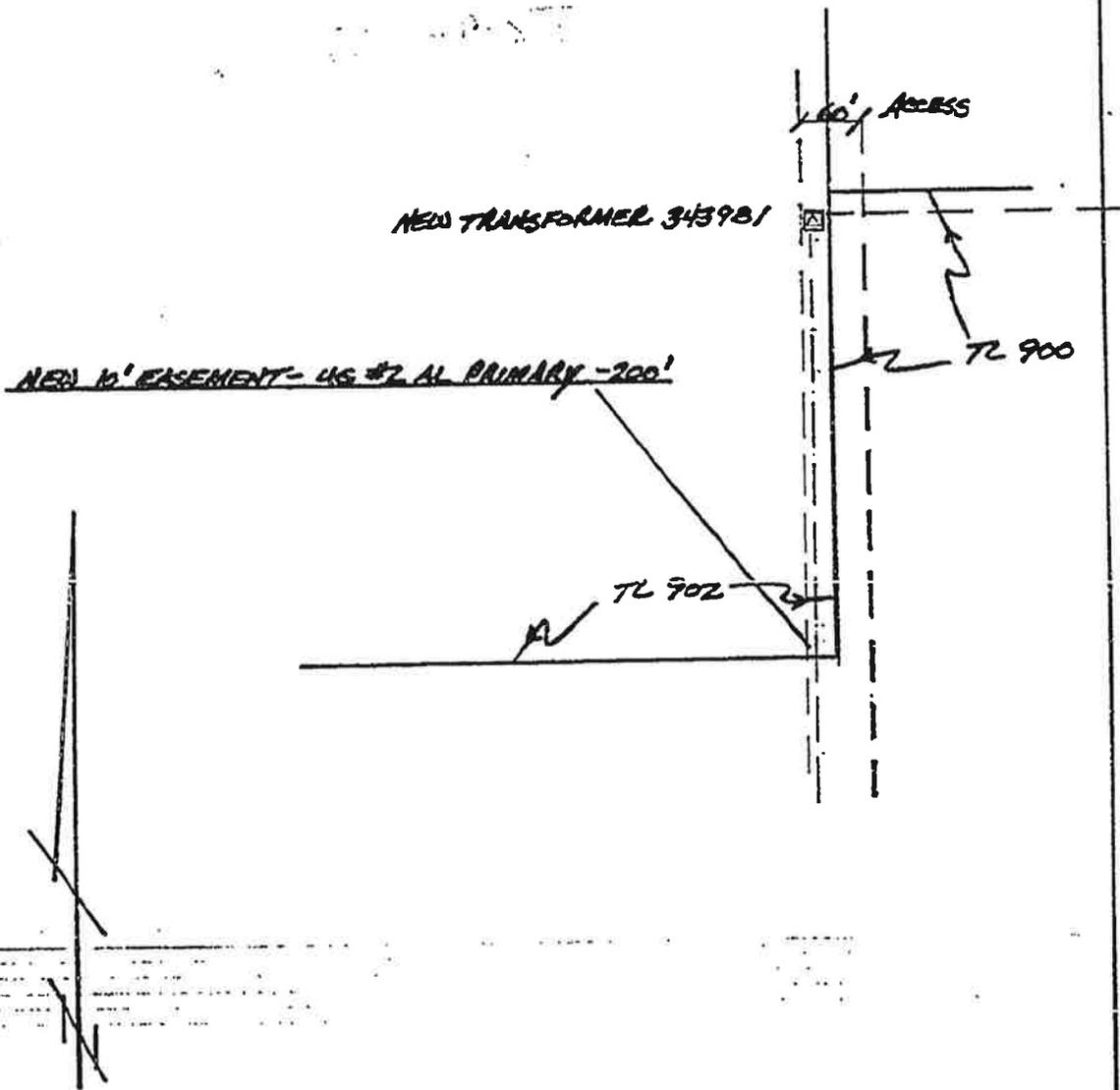
RECEIVED
CLERK OF COUNTY RECORDS
UMATILLA COUNTY
95 AUG 22 P 2:19

The location and course of said easement and right-of-way are approximately as shown on the sketch attached as Exhibit(s) A and by this reference made a part hereof.

Together with the right of ingress and egress over the adjacent lands of the Grantor in order to install, maintain, repair, replace, rebuild, operate and patrol the underground electric power lines and appurtenances, and to exercise all other rights herein granted.

Grantor shall have the right to use the lands subject to the above described easement and right-of-way for all purposes not inconsistent with the uses and purposes herein set forth; provided that Grantor shall not build or erect any structure upon said easement and right-of-way without the prior written consent of Grantee.

All rights hereunder shall cease if and when such line shall have been abandoned.



DISTRICT <u>PENDLETON</u>	
NAME <u>Sterry Schall</u>	
LOCATION <u>Alameda</u>	
MAP NO. <u>11-02-32-34 B</u>	E R NO. <u>611</u>
DRAWN <u>W.S.</u> <u>9/11 1934</u>	W.O. <u>01002440</u>

PACIFIC POWER & LIGHT COMPANY

E R SKETCH

SCALE NTS

FORM 2705 REV 8/27

1999-28 182

SHEET 1 OF 2

NW 1/4, T2N, R32E, S34, W.M.
UMATILLA COUNTY, OREGON

PARTITION PLAT

No. 1999-28



PARCEL 2
2.54 ACRES

R = 7739.44'
A = 300.94'
LC = 2°13'41"
LC = 300.92'
BRG = N07°56'55"W

CENTERLINE
(0°45' C.R.)
(TA = 22°43'55")
(Ts = 1723.32') R7

US HIGHWAY 395

R = 7739.44'
LC = 503.82'
LC = 503.82'
BRG = N07°11'51"W

PARCEL 1
1.78 ACRES

R = 7739.44'
A = 202.97'
LC = 1°30'09"
LC = 202.96'
BRG = N06°05'01"W

5/8" Iron Rebar, R4

N90°00'00"W
347.13'

R = 7739.44'
A = 281.28'
LC = 2°04'56"
LC = 281.26'
BRG = N04°17'28"W

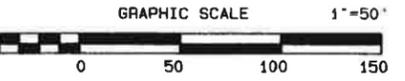
STA 169+75.30
P.C.S.

Found 1/2" Iron Pin on highway R/W. R7

David L. Haddock
This is a true and exact copy.

REGISTERED PROFESSIONAL LAND SURVEYOR
David L. Haddock
OREGON
JULY 12, 1968
DAVID L. HADDOCK
RENEWS 6-30-99

SURVEY FOR
JERRY AND VIRGINIA SCHOLL
43114 SW Gateway Avenue
Pendleton, Or. 97801



BASIS OF BEARINGS
Bearings are based on the north line of section 34 as per survey R6.

NOTE: These lands lie within the boundaries of the MARION JACK IMPROVEMENT DISTRICT and are subject to the levies, assessment and easements thereof, if any.

NOTE: These lands lie within Zone A in the 100 year flood plain as seen on FIEM map 410204 1085 B, Revised 3-4-87.

- LEGEND
- SET A 5/8" x 24" IRON REBAR W/ A 1 1/8" RED PLASTIC CAP STAMPED ORLS 852 AND WALS 13922
 - FOUND MONUMENT FROM RECORD SURVEY AS NOTED
 - FOUND 2 1/4" BRASS CAP FROM RECORD SURVEY 94-109-C
 - X COMPUTED POINT
 - R1 CS# Q-2055-B BY MALLUIS
 - R2 CS# 92-71-A BY HARRIS
 - R3 CS#94-109-C BY WELLS
 - R4 PARTITION PLAT No. 1995-43 BY HADDOCK
 - R5 PARTITION PLAT No. 1996-46 BY HADDOCK
 - R6 PARTITION PLAT No. 1998-06 BY HADDOCK
 - R7 ODOT R/W MAP No. 78-35-11

OFFICE OF COUNTY RECORDS

STATE OF OREGON,
COUNTY OF UMATILLA }
I certify that this instrument was received and recorded
ON June 17, 1999
at 3:10 o'clock P.m., in the record of
PLATS of said County.
YEAR NUMBER Slide
1999 28

OFFICE OF COUNTY RECORDS

By: GEORGIA DUNAWAY Records Officer
Fees \$ 25.00 No. 1999-3530033

MONUMENTS SET: June 1, 1999
PROJECT No. 98-46

David L. Haddock, Surveyor and Engineer
P.O. Box 1574
Pendleton, Oregon 97801
(541) 276-2174

HADDOCK SURVEYING
GPS
AND
TOTAL STATION

1999-28 282

SHEET 2 OF 2

PARTITION PLAT

No. 1999-28

OWNERS DECLARATION

We, Jerry C. Scholl and Virginia Scholl, owners, do hereby acknowledge that we have caused this plat to be prepared and this land to be partitioned in accordance with ORS Chapter 92 as revised. We do also dedicate the temporary easement for the fence as shown on this plat.

Signatures of Jerry C. Scholl and Virginia Scholl with names printed below.

On this 3rd Day of June, 1999, the above named individuals appeared personally before me and are known to me to be the identical individuals who executed the plat dedication and acknowledged that they did so freely and voluntarily.

Before me: Jean Hemphill, Notary Public for Oregon. My commission expires: 09-05-2002.



LEGAL DESCRIPTION

A parcel of land in the Northwest quarter of Section 34, Township 2 North, Range 32 East, Willamette Meridian, Umatilla County, Oregon, more particularly described as follows:

Commencing at the Northwest corner of said Section 34, thence along the North line of said Section 34 N89°59'54"E a distance of 1751.50 feet; thence to the Point of Beginning for this description S0°00'00"W a distance of 60.00 feet said point also being the northwest corner of that tract of land conveyed to Mark A. Wentz and Roz Jordan by deed recorded in Reel 252, Page 1433 of the Umatilla County, Oregon, deed records; thence to a 5/8" iron rebar at the southwest corner of said Wentz/Roz property, S0°00'00"W a distance of 299.91'; thence S0°02'21"E a distance of 200.00 feet; thence to a point on the East right of way line of US Highway 395, N90°00'00"W a distance of 347.13 feet; thence along said East right of way line 503.91 feet along a 7739.44 foot radius curve to the left having a central angle of 3°43'50", the long chord of which bears N7°11'51"W a distance of 503.82 feet; thence to the POINT OF BEGINNING, N89°59'31"E a distance of 410.12 feet.

SUBJECT TO AND TOGETHER WITH a non-exclusive easement as recorded in Reel 190 Page 142, of the Umatilla County deed records lying 30 feet on either side of the following described centerline:

Commencing at the Northwest corner of said Section 34, thence along the North line of said Section 34 N89°59'54"E a distance of 1751.50 feet; thence to the Point of Beginning for this description S0°00'00"W a distance of 60.00 feet; thence S0°00'00"W a distance of 299.91 feet; thence S0°02'21"E a distance of 625.31 feet.

SUBJECT TO an irrevocable consent agreement between Edward Bow Sewell and Umatilla County recorded in Reel 190, Page 128 of the Umatilla County deed records.

APPROVALS

UMATILLA COUNTY PLANNING DIRECTOR

This plat is approved this 17 day of June, 1999.

Signature of County Planning Director.

UMATILLA COUNTY TAX COLLECTOR

Taxes are paid in full this 7th day of June, 1999.

Signature of County Tax Collector.

COUNTY SURVEYOR

I, David H. Krumbein, Umatilla County Surveyor, do hereby certify that I have examined the accompanying plat and that it complies with the laws of the State of Oregon with reference to the filing and recording of such plats and I therefore approve said plat for filing in the records of Umatilla County, Oregon.

Signature of David H. Krumbein, Umatilla County Surveyor.

NARRATIVE OF SURVEY

This survey was performed at the request of Mr. Jerry Scholl. The purpose of the survey was to partition the tract of land as shown on this plat into two parcels. The boundaries of the tract were located based on the found monumentation as shown. The northeast corner of the property was located by projecting the line from the found pin from CS# 92-71-A due north as called for in the deed to the south line of Gateway Drive. The survey was performed by a two man crew using a Geodimeter System 600 Electronic total station. Monuments were set using radial methods.

REGISTERED PROFESSIONAL LAND SURVEYOR

Signature of David L. Haddock.

OREGON JULY 12, 1968 DAVID L. HADDOCK

RENEWS 8-30-99

Signature of David L. Haddock. This is a true and exact copy.

SURVEY FOR

JERRY AND VIRGINIA SCHOLL 43114 SW Gateway Avenue Pendleton, Or. 97801

OFFICE OF COUNTY RECORDS

STATE OF OREGON, COUNTY OF UMATILLA. I certify that this instrument was received and recorded.

ON June 17, 1999 at 3:10 o'clock P.m., in the record of PLATS of said County YEAR NUMBER Slide 1999 28

OFFICE OF COUNTY RECORDS

By: GEORGIA DUNAWAY Records Officer

Fees \$ 25.00 No. 1999-3530033

MONUMENTS SET: June 1, 1999 PROJECT No. 98-46

David L. Haddock, Surveyor and Engineer P.O. Box 1574 Pendleton, Oregon 97801 (541) 276-2174

HADDOCK SURVEYING



GPS AND TOTAL STATION