



Clatsop County

Community Development – Planning

800 Exchange St., Suite 100
Astoria, OR 97103
(503) 325-8611 phone
(503) 338-3606 fax
www.co.clatsop.or.us

NOTICE OF DECISION

PARTITION APPLICATION #186-23-000568-PLNG

DATE: November 22, 2023
APPLICANT/OWNER: James Benson Revocable Living Trust
34998 HWY 101 Business, Astoria, OR 97103
PROPERTY DESCRIPTION: T8N, R09W, Section 30AA, Tax Lot 00104
ACTION: **APPROVAL – WITH CONDITIONS**

To whom it may concern,

The Community Development Department has completed review of the request cited above. This decision includes **abbreviated** findings, **per Section 2.1160**, and conditions of approval, attached.

If you, or a party with standing, wish to appeal this decision, you may do so, up to the date and time appearing at the bottom of this letter. The appeal must comply with Section 2.2190 of the Clatsop County Land and Water Development and Use Code #20-03 (procedure for an appeal). This department will not issue development permits for any activities or structures until the 12-day appeal period has expired.

If you have any questions regarding this decision, appeal procedures or any of the conditions of approval, please contact me at (503) 325-8611.

Sincerely,

Gail Henrikson, Director
Community Development Department

Attachments: Staff Report and Exhibits

DEADLINE TO APPEAL: 4:00 PM, December 4, 2023



Clatsop County

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STAFF REPORT

PARTITION APPLICATION #186-23-000568-PLNG

STAFF REPORT DATE: November 22, 2023

REQUEST: Major Partition

APPLICANT/OWNER: James Benson Revocable Living Trust
34998 HWY 101 Business, Astoria, OR 97103

PROPERTY DESCRIPTION: T8N, R09W, Section 30AA, Tax Lot 00104

ZONING: Rural Community Light Industrial Zone (RCI)

OVERLAYS: Flood Hazard Overlay (FHO) – AE-100-year zone.

PROPOSED PARCEL SIZES: Parcel 1: ***1.58 acre***
Parcel 2: ***1.92 acres***

COUNTY STAFF REVIEWER: Jason Pollack, Planner

DATE SUBMITTED: October 13, 2023

DEEMED COMPLETE: November 2, 2023 (150 days: April 1, 2024)

STAFF RECOMMENDATION: **APPROVAL– WITH CONDITIONS**

EXHIBITS: A. Location Map
B. Zoning Map
C. Tentative Partition Plan
D. Public Notice and Comments

PUBLIC/AGENCY COMMENTS: Oregon Department of Transportation (ODOT)

APPLICATION SUMMARY AND PROPERTY STATUS

PROPERTY LOCATION

The subject property is on the eastside of Hwy 101 Business in the unincorporated area of Miles Crossing. Currently, Bee-Line Lane is used for access to Highway 101 Business. See location map below.

PROPERTY STATUS

Tax Lot 104:

Tax Lot 104 (TL 104), was split off from Tax Lot (TL 100) when a real estate contract was recorded with the Clatsop County Clerk on September 23, 1982 (Clatsop County Book of Deeds, Book 585, Page 747); Carl D. Utzinger, entered into contract to purchase the property from Darrell Davis and Evelyn M. Davis.

Then a Bargain and Sale Deed for Tax Lot 104 was recorded with the Clatsop County Clerk on September 4, 1985 (Clatsop County Book of Deeds, Book 643, Page 422-423), when Mary Stoner, sold the property to Darrell Davis and Evelyn M. Davis.

This was then followed by a Fulfillment Deed for Tax Lot 104, which was recorded with the Clatsop County Clerk on May 7, 1992 (Clatsop County Book of Deeds, Book 784, Page 634), when Darrell Davis and Evelyn M. Davis sold the property to Carl D. Ultzinger.

Tax Lot 104 does not meet the county's definition of "lot of record" (LAWDUC Section 1.0500).

Clatsop County Ordinance #80-14 became effective on September 30, 1980. This ordinance established partitioning requirements that allow for the creation of new parcels by partition or subdivision. Prior to September 30, 1980, a parcel could have been divided via deed or land sale contract. TL104 was created by deed after the September 30, 1980 date and not by partition or subdivision.

Tax Lot 100:

TL 104 was created out of TL 100 [80930AA00100], which was originally a 23.99-acre parcel. TL 100 was created when a Deed was recorded with the Clatsop County Clerk on June 17, 1952 (Clatsop County Book of Deeds, Book 217, Page 701-702), when Lloyd Stoner and Anne T. Stoner sold the property to Charles Stoner.

Then a contract was recorded with the Clatsop County Clerk on July 3, 1973 (Clatsop County Book of Deeds, Book 380, Page 550-552) and then rerecorded on July 3, 1973 (Clatsop County Book of Deeds, Book 380, Page 730-733), when Charles B. Stoner and Mary Louise Stoner entered into contract with Darrell Davis and Evelyn M. Davis.

APPLICABLE CRITERIA

The applicable criteria for this land use application are listed below:

Clatsop County Land and Water Development and Use Code 20-03 (LAWDUC)

- 1.0500 Definitions
- 2.1020 Type II procedure
- 2.2040 Mailed Notice for a Type II Procedure
- 2.2050 Procedure for Mailed Notice
- 2.9000 Subdivisions, Partitions and Property Line Adjustments
- 3.9500 Vehicle Access Control and Circulation
- 3.9800 Transportation Improvements and Road Standard Specifications for Design and Construction
- 4.1500 Rural Community Light Industrial Zone

Oregon Revised Statutes

ORS 92.176 – Validation of a Unit of Land

APPLICATION EVALUATION

The following section examines the application versus the applicable criteria

ORS 92.176 - Validation of a Unit of Land

1) A county or city may approve an application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land if the unit of land: <ul style="list-style-type: none"> a) Is not a lawfully established unit of land; and b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold. 	<ul style="list-style-type: none"> a) Tax Lot 104, is not a lawfully established unit of land because the property was split off from Tax Lot 100 in 1982 by deed. Clatsop County Ordinance #80-14 became effective on September 30, 1980. This ordinance established partitioning requirements that allow for the creation of new parcels. Prior to September 30, 1980, a parcel could have been divided via deed or land sale contract. After this date a new parcel can only be created by partition or subdivision. b) In 1982 the parcel was zoned Light Industrial (LI), with a minimum lot area of 10,000 square feet and minimum lot width of 75 feet. Tax Lot 104 exceeds this lot size requirement at 3.5 acres in size (see Exhibit C). The parcel is now zoned Rural Community Light Industrial (RCI), with a minimum lot width of 75 feet. The property was zoned RCI with the adoption of Ordinance 03-10, on September 10, 2003, and effective on October 10, 2003.
5) A unit of land becomes a lawfully established parcel when the county or city validates the unit of land under this section if the owner of the unit of land causes a partition plat to be recorded within 365 days after the date the county or city validates the unit of land.	Per ORS 92.176 (5), to lawfully establish a land use parcel, the owner of the unit of land must record a partition plat within 365 days from the date when the county validates the unit of land. Recording this partition within 365 days from the date of the notice of decision will accomplish this.

The application meets the criteria of ORS 92.176. The partition shall be recorded within 365 days of the notice of this decision to lawfully establish the parcels per 92.176(5) (Validation Partition, Condition of Approval 1).

APPLICABLE STANDARD	REQUIRED	PROPOSED	STANDARD MET (Y/N)	CODE CITATION
PARCEL DIMENSIONS				
Minimum Lot Width:				4.1550(1)(A)
Parcel 1	75 ft.	191.44 ft.	Yes	
Parcel 2	75 ft.	250.30 ft.	Yes	
Existing structures meet setbacks from new property lines?	Yes, all structures on proposed Parcel #1 and proposed Parcel #2 meet setbacks requirements for the RCI zone.			
APPLICABILITY:				
Maximum 3 parcels/calendar year			Meets the requirements.	2.9020
Any parcel < 25' frontage	No		Yes	
Requires creation of state, county, public or private road	No			
REQUIRED ROAD IMPROVEMENTS:				
Road Standard – Bee Line Lane		A-20	Bee-Line Lane currently meets the A-20 standard and is paved.	2.9080 and Table 3.2

Road Type:	Proposed Parcel #1 and proposed Parcel #2 will have direct access to Bee-Line Lane, which has access to HYW 101 Business.
Minimum ROW width:	50ft.
Minimum travel surface width:	20ft.
Road surface material	A.C. <i>(currently paved)</i>
Road maintenance agreement required?	Yes, an updated road maintenance agreement shall be required for use of the Bee-Line Lane (private access easement) for proposed Parcel #1 and proposed Parcel #2.
Road approach approval required?	No, if the applicant uses Bee-Line Lane for access. Yes, if HWY 101 Business is used, road approach approval would be required from the Oregon Department of Transportation (ODOT) for proposed Parcel #2.
OTHER CONSIDERATIONS	
Water Availability:	Youngs River Lewis & Clark Water District <i>Water availability has not been considered in the approval of this partition. Proof of a water source by one of the methods specified in Section 3.0040, LAWDUC, is required BEFORE a building permit for a use requiring water (e.g. single-family dwelling or mobile home, commercial use) will be issued.</i>
Sewage Disposal:	Miles Crossing Sewer District
Fire Protection:	Lewis and Clark RFPD
Wetlands:	State of Oregon, Department of State Lands – <i>no wetlands onsite, site features Hydric Soils.</i>
Geologic Hazards:	N/A
Flood Hazard:	AE-100-year zone
Shorelands Overlay:	N/A
Active Dune Overlay:	N/A
Beaches and Dune Overlay:	N/A
Other Overlays:	N/A

PUBLIC & AGENCY COMMENTS

Oregon Department of Transportation (ODOT) Via e-mail (Exhibit D), Zdenek "Z" Vymazal, Development Review Coordinator, confirmed ODOT does not have objections to the proposed partition and requests notification when the decision document is sent out.

Staff Response: No response required.

OVERALL CONCLUSION

Based on the findings presented in this report, staff recommends APPROVAL of the partition request, SUBJECT TO THE FOLLOWING CONDITIONS:

Validation of TL104:

1. The validation partition must be recorded within 365 days of the notice of this decision to lawfully establish the parcel per ORS 92.176.
(A) If the Validation of a Unit of Land (ORS 92.176) is not complete within this 365-day timeframe, the two-parcel partition will be invalid.

Two Parcel Partition:

1. The sale of lots described in this tentative approval is prohibited until final partition approval, including the conditions of approval, is met (ORS 92.016) and the final partition plat has been recorded.
2. Community Development must authorize any change from the submitted and conditionally approved partition plan. Significant changes may require resubmission of the partition application.
3. The boundaries of the proposed parcels shall be surveyed and monumented and depicted on the final partition plat.
4. If recording of the Validation Partition does occur within 365 days of the approval date, but the Two Parcel Partition is not recorded, the Two Parcel Partition shall be valid for two years from the date of recording of the conditional approval. The applicant shall meet the conditions of approval prior to expiration of the conditional approval. If the conditions of approval are not met within the two years the partition expires, and a new partition application is required. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to one year upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refile of the tentative plan and after finding no other development approval would be affected. Any partition not completed prior to expiration of the tentative plan shall be considered void.
5. Access to Parcel #1 and Parcel #2 shall be subject to the following:
 - (A) An updated road maintenance agreement shall be signed and recorded with the County Clerk, and noted on the final plat, outlining the responsibilities of the private parties maintaining the private road improvements for use of Bee-Line Lane. These maintenance responsibilities shall be enforced by the individual parties and not the County.
 - (B) Updated easement documents allowing the use of Bee-Line Lane for Parcel #1 and Parcel #2.
6. If the applicant chooses to use Bee-Line Lane for Proposed Parcel #2 and does not have documentation for the access to HWY 101 Business:
 - (A) The driveway openings to HWY 101 Business shall be closed and proof submitted to Clatsop County Community Development.
7. If the applicant chooses to use HWY 101 Business as the main access or as a secondary access for Proposed Parcel #2:
 - (A) Road approach approval would be required from the Oregon Department of Transportation (ODOT) for access. ODOT documentation shall be submitted to Clatsop County Community Development.

THE FINAL PARTITION PLAT WILL BE SIGNED BY THE DIRECTOR OF COMMUNITY DEVELOPMENT ONLY AFTER ALL OF THE DOCUMENTATION NOTED ABOVE IS RECEIVED BY THE COMMUNITY DEVELOPMENT DEPARTMENT AND PLACED IN THIS PARTITION FILE.

EXHIBIT A: LOCATION MAP (Bing Aerial)

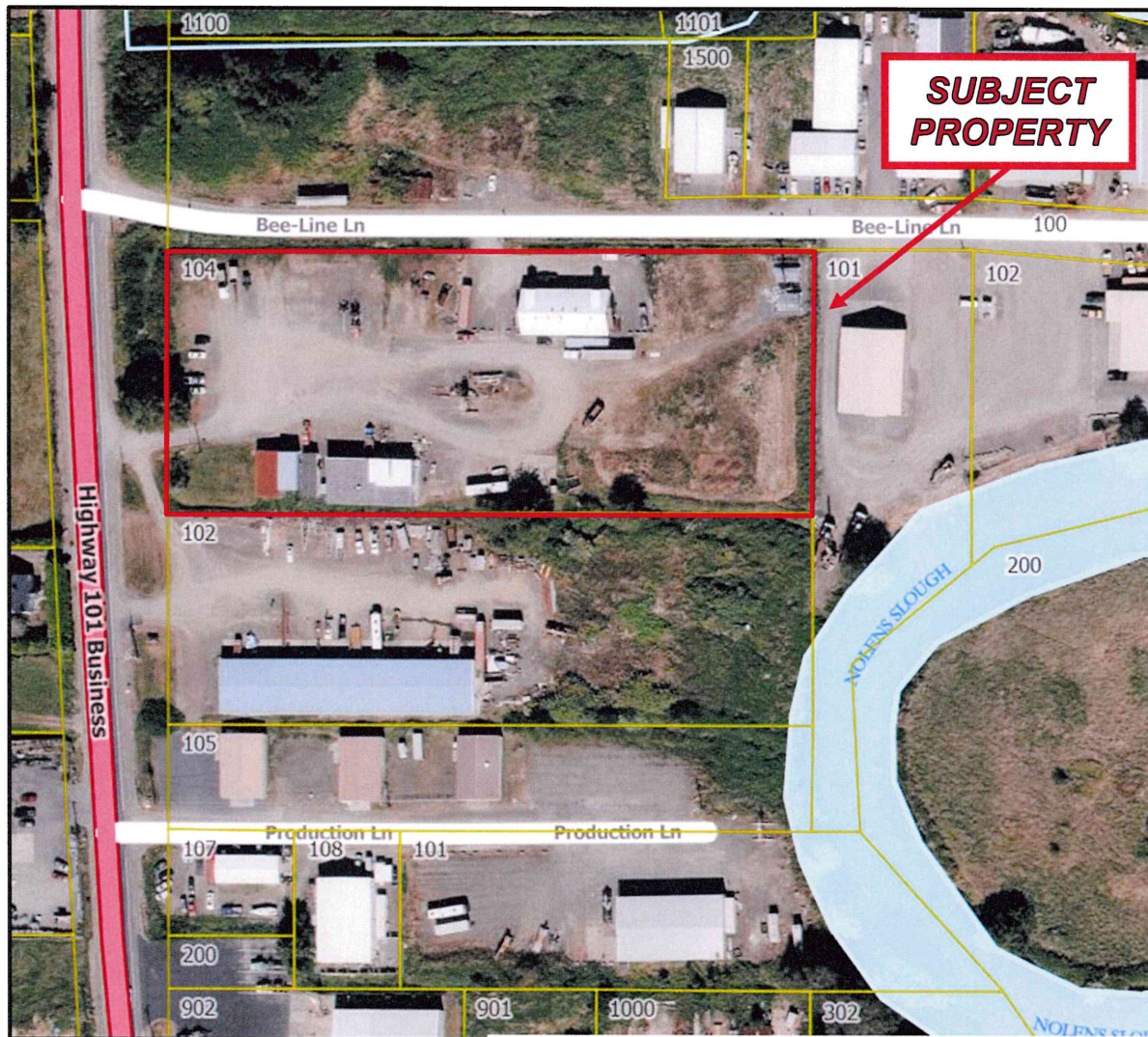


EXHIBIT B: ZONING MAP

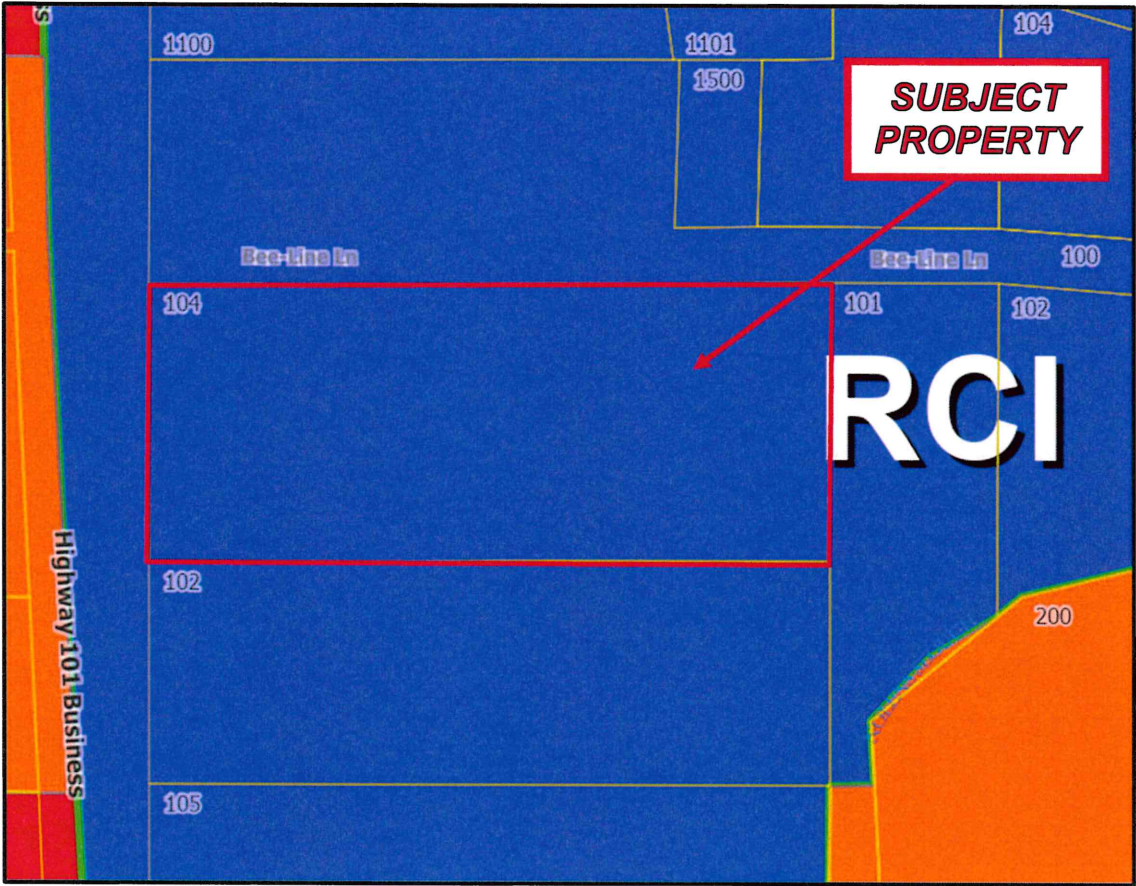
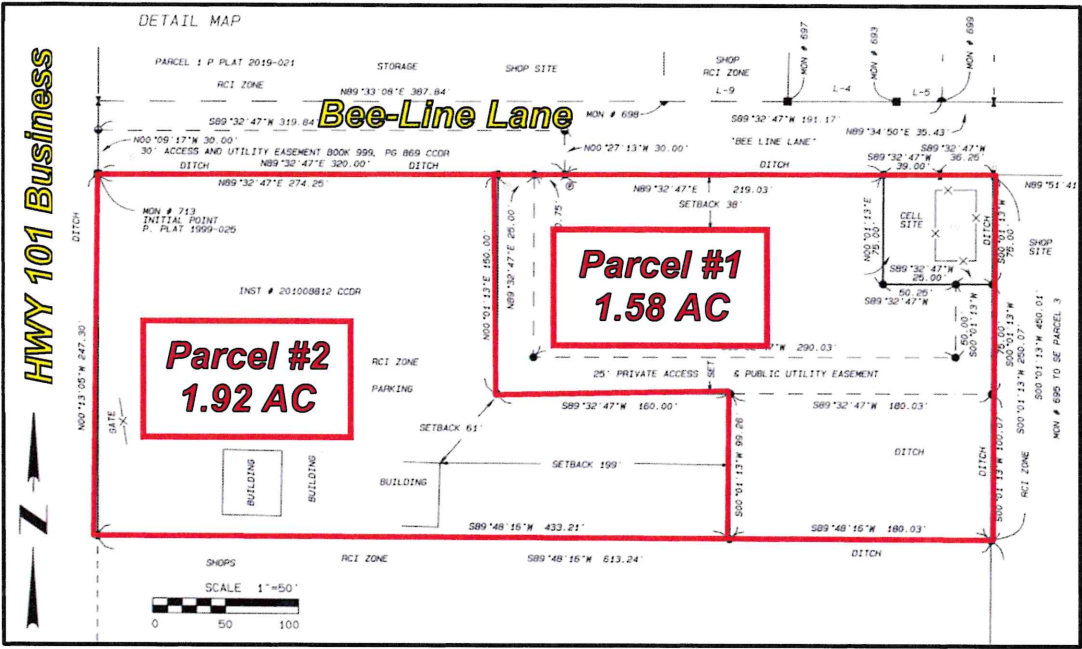
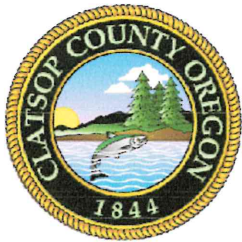


EXHIBIT C: TENTATIVE PARTITION PLAN





Clatsop County
Community Development
800 Exchange Street, Suite 100
Astoria, Oregon 97103
Phone 503 325-8611 Fax 503 338-3606
comdev@co.clatsop.or.us www.co.clatsop.or.us

Paid
1073

PARTITION

23-000568

Fee: \$1,000 (required with application)

Extension: 50% of Original Fee (icbii)

OWNER: JAMES BENSON Rev. Living Trust Email: icbii@CHARTER.NET
Address: 34998 Hwy 101 Business City/State/Zip: _____
Phone: Astoria, OR 97138 Phone: 503-791-2106

OWNER: _____ Email: _____
Address: _____ City/State/Zip: _____
Phone: _____ Phone: _____

OTHER: _____ Email: _____
Address: _____ City/State/Zip: _____
Phone: _____ Phone: _____

Contiguous property description (if any): NONE

Number of parcels to be created: THREE Parcel Sizes: 0.13ac, 1.45ac, 1.92ac

Will access be provided by an easement? YES

Present Zoning: RCI

Property Description - Map ID: 80930AA00104 Acres 3.50

Partition Map. Sketch proposed Partition (see section on **Tentative Partition Plan Submission Requirements** attached)
OR sketch the requirements on an Assessor's map and attach.

SIGNATURES: I have read and understand the statements on the back of this form and agree to abide by them. **All owners of record**, per Clatsop County Assessment records, **must sign the application**. Representatives of public agencies, corporations, trusts, etc. must provide documentation of signing authority.

Signature: [Signature] Date: 10/13/23

Signature: _____ Date: _____

Signature: _____ Date: _____

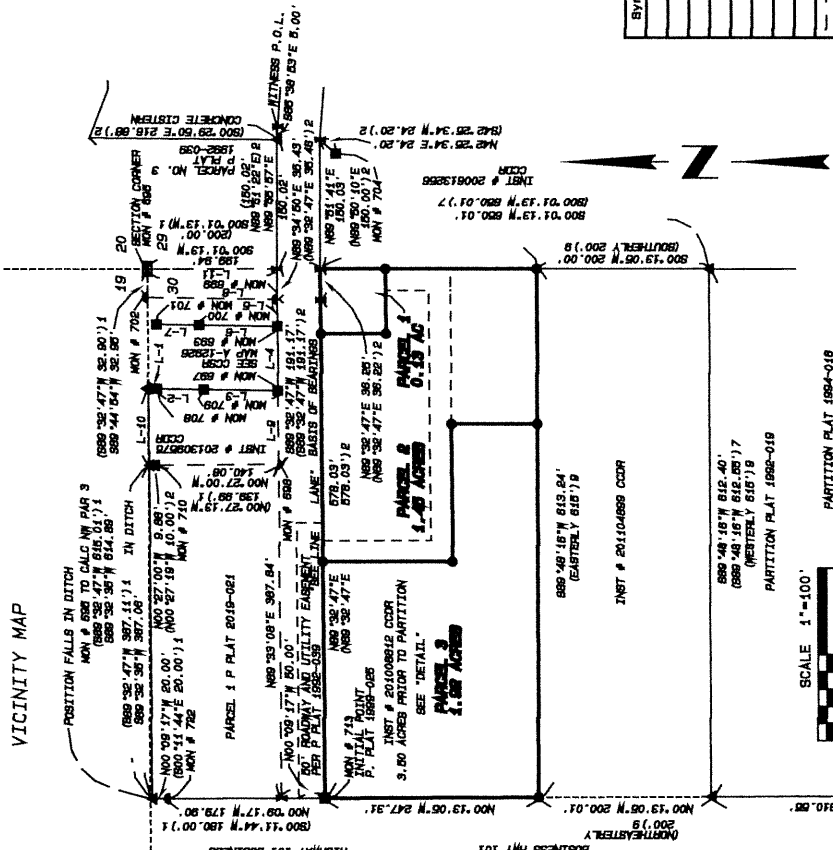
Surveyor MENDENHALL & ASSOC 503-738-6363
mendenhall2025@gmail.com

PURPOSE:
THE PURPOSE OF THIS SURVEY IS TO SURVEY THAT PROPERTY DESCRIBED IN INSTRUMENT # 2011008812 CLATSOP COUNTY DEED RECORDED INTO THREE PARCELS.

MONUMENT NOTES

THE BASIS OF BEARING FOR THIS SURVEY IS THE RECORD BEARING FROM MON # 699 TO MON # 698 PER CCR MAP A-12928. THIS SAME BEARING BEING 899° 32' 47" N.

VICINITY MAP



Symbol	Description
■	FOUND 3 1/4" ALUMINUM CAP STAMPED "CLATSOP COUNTY SURVEYOR"; HELD AS SECTION CORNER
▲	FOUND 5/8" REBAR WITH PLASTIC RED CAP STAMPED "CRITES LB 1987"; HELD PER P PLAT 1992-039
▼	FOUND 5/8" REBAR WITH PLASTIC YELLOW CAP STAMPED "K FOEBTE LB 849"; HELD PER P PLAT 1999-025
⌵	FOUND 5/8" REBAR WITH POC OR 1 1/2" WASHER STAMPED "MENDENHALL LB 2001"; ORIGIN P PLAT 2018-021
■	OTHER FOUND MONUMENT - SEE MONUMENT NOTES
●	SET 5/8" REBAR WITH PLASTIC ORANGE CAP STAMPED "MENDENHALL LB 2001"
●	SET MAG NAIL WITH 1 1/2" STAINLESS STEEL WASHER STAMPED "MENDENHALL LB 2001"
▲	CALCULATED POSITION ONLY
CLATSOP COUNTY	2018-021

MONUMENT NOTED CONTINUED ON SHEET 2
COORDINATES ARE LOCAL ASSUMED

INDEX

SHEET 1	VICINITY MAP, BASIS OF BEARING, PURPOSE, MONUMENT NOTES, LEGEND
SHEET 2	DETAIL MAP, LINE TABLE, ADDITIONAL MONUMENT NOTES
SHEET 3	ACKNOWLEDGEMENT, APPROVALS, CERTIFICATE OF COUNTY CLERK, SURVEYOR'S CERTIFICATE, EASEMENTS, NARRATIVE
SHEET 4	DECLARATION

OTHER REFERENCE DEEDS
BOOK 942, PAGE 695 CCDF
INST # 200619266 CCDF

OTHER REFERENCE SURVEYS
CCSR MAP B-7806
CCSR MAP A-8864
CCSR MAP B-12660
P PLAT 2010-17
P PLAT 2018-20

CALC = CALCULATED
 CCSR = CLATROP COUNTY DEED RECORDS
 CCSR = CLATROP COUNTY SURVEYOR'S RECORDS
 NON = NONUMENT
 P.O.L = POINT ON LINE
 PRC = PLASTIC RED CAP
 PYC = PLASTIC YELLOW CAP

[illegible]

I, NEIL A. MENDENHALL JR, PLB 2001, DO HEREBY CERTIFY THAT THIS IS A FULL, COMPLETE, AND TRUE COPY OF THE ORIGINAL PLAT AS REFERENCED ABOVE.

WILLIAM A. MENDENHALL JR. FLS 2001

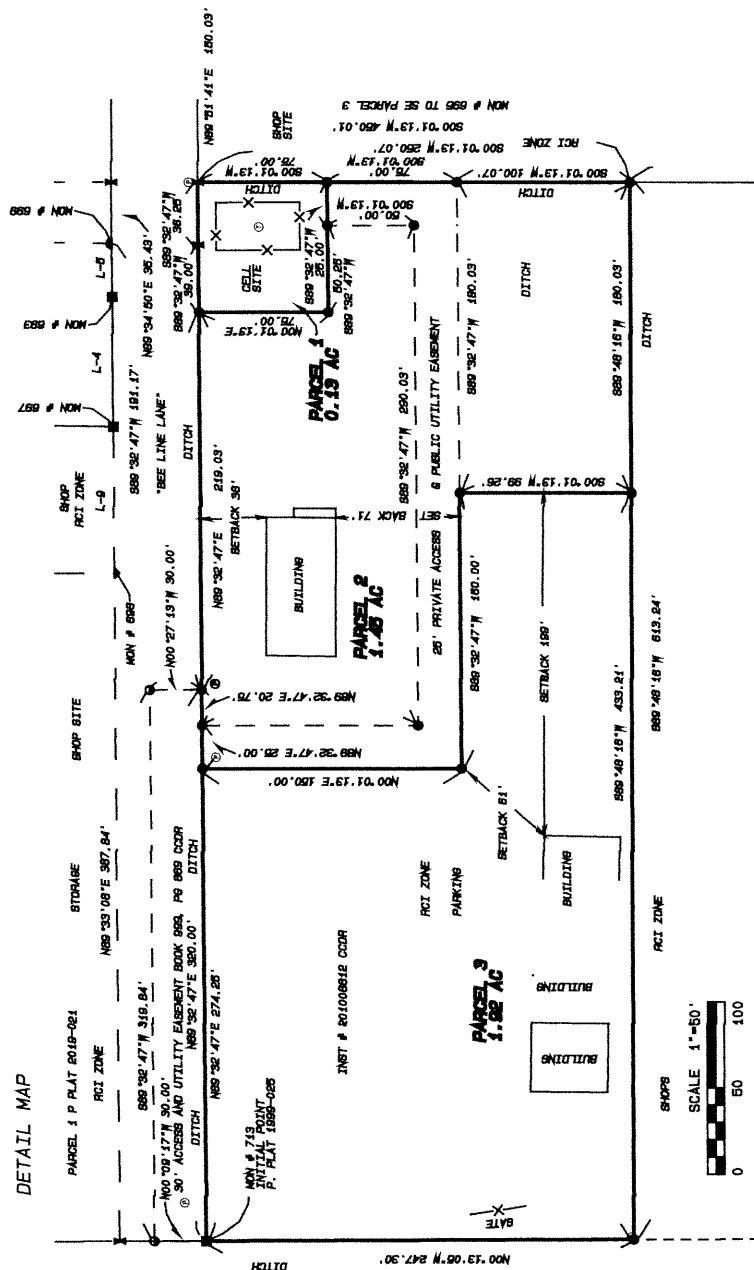
I DO HEREBY CERTIFY THAT THIS IS A FULL, COMPLETE, AND TRUE COPY OF THE ORIGINAL PLAT AS REFERENCED ABOVE.

BY: CLAYTON COUNTY CLERK

SURVEY FOR :
JAMES BENSON REVOCABLE LIVING TRUST
34928 HWY 101 BUSINESS
ASTORIA, OR 97103
(503) 325-1111

LINE TABLE

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100



ADDITIONAL MONUMENT NOTES

MON # 722 FOUND 5/8" REBAR WITH PRC STAMPED "ORTIS L9 1987". 0.8' BELOW THE SURFACE OF SUBJECT CSDR MAP B-2094. PLAT. MON P. PLAT 1989-439. HELD AS POINT ON LINE IN BOUNDARY OF ADJACENT PARCEL. S: T 186.69, E 6040.71 (MON)

MON # 957 FOUND 5/8" REBAR WITH PRC STAMPED "L9 954". 0.8' BELOW THE SURFACE. ORIGIN CSDR MAP B-7352. HELD AS A POINT ON THE EASTERLY RIGHT OF HWY. LINE ALTERNATE HIGHWAY 101. S: T 6031.90, E 6993.27 (MON)

COORDINATES ARE LOCAL ASSUMED

I, NEIL A. MENDENHALL JR, FLB 2004, DO HEREBY CERTIFY THAT THIS IS A FULL, COMPLETE, AND TRUE COPY OF THE ORIGINAL PLAT AS REFERENCED ABOVE.

2008-2009 ANNUAL REPORT

I DO HEREBY CERTIFY THAT THIS IS A FULL, COMPLETE, AND TRUE COPY OF THE ORIGINAL PLAT AS REFERENCED ABOVE.

BY: CLATSOP COUNTY CLERK

SURVEY BY:
NATE A. MENDEHALL JR.,
1001 W. MENDEHALL S A880C
PO BOX 2028
SEASIDE, OR 97138
(503) 738-6363
mendenhall1205@gmail.com
file: benson cert part.ora

SURVEY FOR :
JAMES BENSON REVOCABLE LIVING TRUST
34008 HWY 101 BUSINESS
ASTORIA, OR 97103

EQUIPMENT:
SOKKIA SET
CHIEF NAIL DIAL NO-H

PARTITION PLAT NO.

A PARTITION OF THAT PROPERTY DESCRIBED IN INSTRUMENT # 201008812 CLATSOP COUNTY DEED RECORDS
SITUATED IN THE NE 1/4 SECTION 30, T8N, R9W, W.M., CLATSOP COUNTY, OREGON

APPROVALS

APPROVED THIS _____ DAY OF _____ 2023

CLATSOP COUNTY COMMUNITY DEVELOPMENT DIRECTOR

APPROVED THIS _____ DAY OF _____, 2029

CLAYSON COUNTY SURVEYOR

ALL TAXES, FEES, ASSIGNMENTS, OR OTHER CHARGES AS PROVIDED
BY O.R.S. 92.006 HAVE BEEN PAID AS OF _____ DAY OF _____ 2023

CLATSOP COUNTY TAX COLLECTOR

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT JAMES BENSON RETIRED A LIVING TRUST AGREEMENT ONLY DESCRIBED AND REFERRED TO IN SURVEYOR'S CERTIFICATE NO. 1, HAS HEREIN GRANTED, SELLING, CONVEYED, TRANSFERRED, RELEASED, RELEASED AND HAS CAUSED THE SAME TO BE PARTITIONED INTO THREE PARCELS AS SHOWN ON THE ANNEXED MAP IN ACCORDANCE WITH THE PROVISIONS OF O.R.S. CHAPTER 330, DECLARANT GRANTS A NON-EXCLUSIVE PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT 20 FEET IN WIDTH THROUGH PARCEL NO. 2 FOR THE BENEFIT OF PARCEL NO. 3.

JAMES BENSON REVOCABLE LIVING TRUST

BY:

EASEMENTS

NARRATIVE

SURVEY BY:
NEIL A. MENDENHALL, JR., L.B. 2001
dba MENDENHALL & ASSOC
PO BOX 2025
GEARHART, OR 97138
(503) 736-6363
mendenhall12025@aol.com
file: benson part part, pno

SURVEY FOR :
JAMES BENSON REVOCABLE LIVING TRUST
34988 HWY 101 BUSINESS
ASTORIA, OR 97103
(503)

EQUIPMENT: SOKKIA SET
CREW: NAM DMM. ND-M

I I DO HEREBY CERTIFY THAT THIS IS A FULL, COMPLETE, AND TRUE COPY OF THE ORIGINAL PLAT AS REFERENCED ABOVE.

BY: CLARENCE GUNNY CLARK

I, NEIL A. MENDENHALL JR, PL# 2004, DO HEREBY CERTIFY THAT THIS IS A FULL, COMPLETE, AND TRUE COPY OF THE ORIGINAL PLAT AS REFERENCED ABOVE.

NEIL A. KENDRICK JR. PL8 2001

CERTIFICATE OF COUNTY CLERK

STATE OF OREGON > s. s.
COUNTY OF CLATSOP >

I DO HEREBY CERTIFY THAT THIS PARTITION PLAT _____ WAS
RECEIVED FOR RECORD ON THIS _____ DAY OF _____, 2023

AT _____ O'CLOCK _____, M., AND RECORDED AS
INSTRUMENT NUMBER _____, CLATSOP COUNTY RECORDS

BY: KEVIN J. GIBSON

SURVEYOR'S CERTIFICATE

I, NELL A. HENKENDALL JR., FILE 2003, CERTIFY THAT: I HAVE CORRECTLY SURVEYED AND MARKED THE LAND, POWER AND MINERALS THE LAND REPRESENTED IN THE ATTACHED PARTITION MAP IN ACCORDANCE WITH D.C.B.S. 92-000, THIS TRACT OF LAND IN THE COUNTY OF CLATSOP, STATE OF OREGON IS DESCRIBED AS FOLLOWS:

THE ABOVE DESCRIBED PROPERTY IS 3.50 ACRES IN SIZE.

Jason Pollack

From: Jim <jcbii@charter.net>
Sent: Tuesday, November 7, 2023 1:55 PM
To: Jason Pollack
Cc: Andy Mendenhall
Subject: Partition Application Tax lot 104

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jayson,

After our discussion this morning regarding the partition application I filed on Oct. 13, 2023 for tax lot 104, I would like to request removal of parcel #1 from the application.

I appreciate the information you shared with me regarding the process necessary to complete the partition I requested.

Thank you.

James C. Benson
34998 Hwy 101 Business
Astoria, Or. 97103

- A. Proposed parcel #2 would become parcel #1.
- B. Proposed parcel #3 would become parcel #2.
- C. The third parcel in a calendar year would be the Validation parcel using 92.176

EXHIBIT D: PUBLIC NOTICE/COMMENTS

Jacobson Robert C	Jacobson Nancy C
Big Chief LLC	
River Roots Design LLC	
Neikes James J	Browning Jay (c)
Benson James C	Benson James Revocable Living Trust
Raenas Farm & Garden Store Inc	
RB Business 101 LLC	
Astoria School Dist #1-C	
Jacobson Robert C/Nancy C	
Hourglass Investments LLC	
SMOR LLC	
Vey and Mey LLC	
Voicestream	
Neikes James J	
Water/Sewer District	Carl Gifford
Fire District	Jeff Golightly
DLCD	Brett Estes
Public Works	Dean Keranen
Public Works	Terry Hendryx
County Surveyor	Vance Swenson
Building Official	Van Wilfinger
Assessment & Taxation	Adam Niles
Assessment & Taxation	Heather Chapman
Assessment & Taxation	County Assessor
Owner/Applicants	Benson James Revocable Living Trust
ODOT	ODOT Rep

35021 Hwy 101 Business	Astoria, OR 97103
PO Box 204	Astoria, OR 97103
PO Box 748	Cannon Beach, OR 97110
41901 Old Highway 30	Astoria, OR 97103-8641
34998 Hwy 101 Business	Astoria, OR 97103
34963 Hwy 101 Business	Astoria, OR 97103
PO Box 147	Astoria, OR 97103
785 Alameda Ave	Astoria, OR 97103-5947
35021 Hwy 101 Business	Astoria, OR 97103
34988 Hwy 101 Business	Astoria, OR 97103
92778 Walluski Loop	Astoria, OR 97103-8520
91646 Lewis and Clark Rd	Astoria, OR 97103
34998 Hwy 101 Business	Astoria, OR 97103
34755 Hwy 101 Business	Astoria, OR 97103-6664

Carl@yrloffice.Org
lewisclarkfire@gmail.com
brett.estes@state.or.us
dkeranen@clatsopcounty.gov
thendryx@clatsopcounty.gov
vswenson@clatsopcounty.gov
vwilfinger@clatsopcounty.gov
aniles@clatsopcounty.gov
hchapman@clatsopcounty.gov
assessor@clatsopcounty.gov
icbij@charter.net
ODOTR2PLANMGR@ODOT.STATE.OR.US

CERTIFICATE OF MAILING

I hereby certify I served a copy of the attached public notice to those paid and deposited in the US Post Office, Astoria, Oregon, on said day or via email.

Date: 11/8/25

Roan Dickey, Permit Tech






Clatsop County

Community Development – Planning

800 Exchange St., Suite 100
Astoria, OR 97103
(503) 325-8611 phone
(503) 338-3606 fax
www.co.clatsop.or.us

PUBLIC NOTICE

MAJOR PARTITION APPLICATION

Permit #186-23-000568

COMMENT PERIOD ENDS:**4:00 p.m. on Monday, November 20, 2023****SEND COMMENTS TO:**

Community Development Department
800 Exchange Street, Suite 100
Astoria, Oregon 97103

CONTACT PERSON:

Jason Pollack, Planner

You are receiving this notice because you own property within 250 feet of the request listed below, or you are considered to be an affected state or federal agency, local government, or special district.

NOTICE IS HEREBY GIVEN that Clatsop County's Community Development Department, Land Use Planning Division has received the application described in this letter. Pursuant to *Section 2.2040* of the Clatsop County Land and Water Development and Use Code (LAWDUC), the Department Director has the authority to approve the request in accordance with the requirements as depicted in the County Ordinance 20-03.

The James Benson Revocable Living Trust submitted an application to divide property owned by the trust into two parcels. The subject property is located at Township 8N, Range 09W, Section 30AA, Tax Lot 00104 (80930AA00104) in the unincorporated area of Miles Crossing, approximately one mile south of Astoria, in the RCI Zone (Rural Community Light Industrial Zone) and is located in the Flood Hazard Overlay (AE 100-year zone). The subject property is 3.50 acres in size according to a survey submitted with the application.

A Validation Partition using ORS 92.176 and the proposed two parcel Partition are being pursued simultaneously. Both procedures will be processed on one plat.

As proposed, Parcel #1 would be 1.58 acres and Parcel #2 would be 1.92 acres. Access to Hwy 101 Business for Parcel #1 and Parcel #2 will be provided via Bee-Line Lane, using a private access easement.

See reverse side for vicinity map and diagram of the proposed Partition.

All interested persons are invited to submit written comments relevant to the proposed development and applicable standards to the Clatsop County Community Development Department (address above). Written comments may also be sent via FAX to 503-338-3606, or email to comdev@co.clatsop.or.us. Written comments must be received in this office no later than **4:00 p.m. on Monday, November 20, 2023**, in order to be considered in the review. Planning representative for the application is Jason Pollack, Planner, (503) 325-8611 or jpollack@co.clatsop.or.us

If written objections are received regarding how the request fails to meet the standards of the zone or other ordinance requirements on or before the date above, the Community Development Director may place the request on the next appropriate Planning Commission agenda for review. Failure to raise an issue in person or by letter precludes appeal; and in raising an issue, the relevant Zoning Ordinance or Comprehensive Plan criterion to which the issue is directed must be specified. The following criteria apply to the request: * All documents listed are available for review at the Clatsop County Community Development Department office, 800 Exchange Street, Suite 100, Astoria, Oregon, and on-line at the county's website, www.co.clatsop.or.us.

LAWDUC 20-03*

Article 1. Introductory Provisions
2.1020 Type II procedure
2.2040 Mailed Notice for a Type II Procedure
2.2050 Procedure for Mailed Notice
2.9000 Subdivisions, Partitions and Property Line Adjustments
3.9500 Vehicle Access Control and Circulation
3.9800 Transportation Improvements and Road Standard Specifications
for Design and Construction

4.000 Flood Hazard Overlay District (/FHO)
4.1500 Rural Community Light Industrial Zone

Comprehensive Plan

Goal 1 Citizen Involvement
Goal 2 Land Use Planning
Goal 11 Public Facilities and Services

Oregon Revised Statutes

ORS 92.176 – Validation of a Unit of Land

Notice to Mortgagee, Lien Holder, Vendor or Seller: ORS Chapter 215 requires that if you receive this notice it must promptly be forwarded to the purchaser.

Mailing Date: Wednesday, November 8, 2023

Jason Pollack

From: ODOT Reg 2 Planning Manager <ODOTR2PLANMGR@odot.oregon.gov>
Sent: Friday, November 17, 2023 8:30 AM
To: Roan Dickey; 'Carl@yrlcoffice.Org'; 'lewisclarkfire@gmail.com'; 'brett.estes@state.or.us'; Dean Keranen; Terry Hendryx; Vance Swenson; Van Wilfinger; Adam Niles; Heather Chapman; County Assessor; 'jcbii@charter.net'; ODOT Reg 2 Planning Manager; David Cook; Gail Henrikson; Ian Sisson; Jason Pollack; Julia Decker
Cc: WILLIAMS Virginia L; JONES Brent M; KEARNS Richard A
Subject: RE: Public Notice 186-23-000568

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Roan,

Thank you for notifying ODOT of the proposed partition located at Township 8N, Range 09W, Section 30AA, Tax Lot 104 near Astoria. Please include these comments in the public record and notify ODOT of the decision by sending a copy to odotr2planmgr@odot.state.or.us when available.

The site is adjacent to Warrenton-Astoria Highway, No. 105 (US 101B), and is subject to state laws administered by ODOT. The site currently has a direct highway approach at MP 5.89 R (right side) presumed to be permitted. As proposed, Parcel #1 and Parcel #2 will access the highway via Bee-Line Lane, using a 25 feet private access easement. The proposed partition, included the proposed easement, need to be properly recorded with the county. Otherwise, ODOT has no objections to the proposal. If the applicant needs to occupy state highway right-of-way for utility work, they can contact the ODOT District 1 Main office at 503-325-7222 for permit.

Thank you

Z

Zdenek "Z" Vymazal, PE, PLS
Development Review Coordinator (Area 1)
ODOT – Region 2
455 Airport Rd. SE, Bldg. B
Salem, OR 97301
(971)-345-1318 Cell/Office
zdenek.g.vymazal@odot.oregon.gov
Hours: 5:30 AM to 2:00 PM Monday – Friday

From: Roan Dickey <rdickey@clatsopcounty.gov>
Sent: Wednesday, November 8, 2023 9:16 AM
To: 'Carl@yrlcoffice.Org' <Carl@yrlcoffice.Org>; 'lewisclarkfire@gmail.com' <lewisclarkfire@gmail.com>; 'brett.estes@state.or.us' <brett.estes@state.or.us>; Dean Keranen <dkeranen@clatsopcounty.gov>; Terry Hendryx