



Land of Cheese, Trees and Ocean Breeze

**NOTICE OF ADMINISTRATIVE REVIEW
PARTITION REQUEST #851-25-000224-PLNG:
KINGFISHER HOLDINGS / AKS ENGINEERING**

*NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER*

Date of Notice: June 12, 2025

Notice is hereby given that the Tillamook County Department of Community Development is considering the following:

#851-25-000224-PLNG: A partition request to create two (2) residential parcels. Located southeast of the Unincorporated Community of Pacific City, via Resort Drive, a county road. The subject property is designated as Tax Lot 202 of Section 32A, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County Oregon. The subject property is zoned Rural Residential (RR-2). The owner of the property is Kingfisher Holdings, and the applicant is KLS Engineering.

Written comments received by the Department of Community Development **prior to 4:00p.m. on June 26, 2025**, will be considered in rendering a decision. Comments should address the attached criteria upon which the Department must base its decision. Notice of the application, a map of the subject area, and the applicable criteria are mailed to all property owners within 250 feet of the exterior boundaries of the subject property for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request. The decision will be rendered no sooner than June 27, 2025.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website:
<https://www.tillamookcounty.gov/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

If you have any questions about this application, please call the Department of Community Development at 503-842-3408 or email at angela.rimoldi@tillamookcounty.gov

Sincerely,

Angela Rimoldi, Planning Permit Technician

Sarah Absher, CFM, Director

Enc. Vicinity, Assessor and Zoning Maps
Applicable Ordinance Criteria

REVIEW CRITERIA

TILLAMOOK COUNTY LAND DEVELOPMENT ORDINANCE

SECTION 3.010: RURAL RESIDENTIAL 2 ACRE AND 10 ACRE ZONE (RR-2) (RR-10)

4. **STANDARDS:** Land divisions and development in the RR-2 and RR-10 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

- (a) The minimum lot size is two acres for parcels zoned before October 4, 2000.
- (b) The minimum parcel/lot size is 10 acres for lots/parcels re-zoned Rural Residential on or after October 4, 2000.
- (c) Parcels less than two acres in size that were legally established prior to December 18, 2002 may be built upon provided that all other requirements of this Ordinance and other applicable development requirements are met.
- (d) Lots in an approved preliminary subdivision plat that is being maintained in an active status as of the date adopted of this Ordinance may be built upon after approval and recording of the final plat.
- (e) The minimum lot width and depth shall both be 100 feet.
- (f) The minimum front yard shall be 20 feet.
- (g) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.
- (h) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.

TILLAMOOK COUNTY LAND DIVISION ORDINANCE

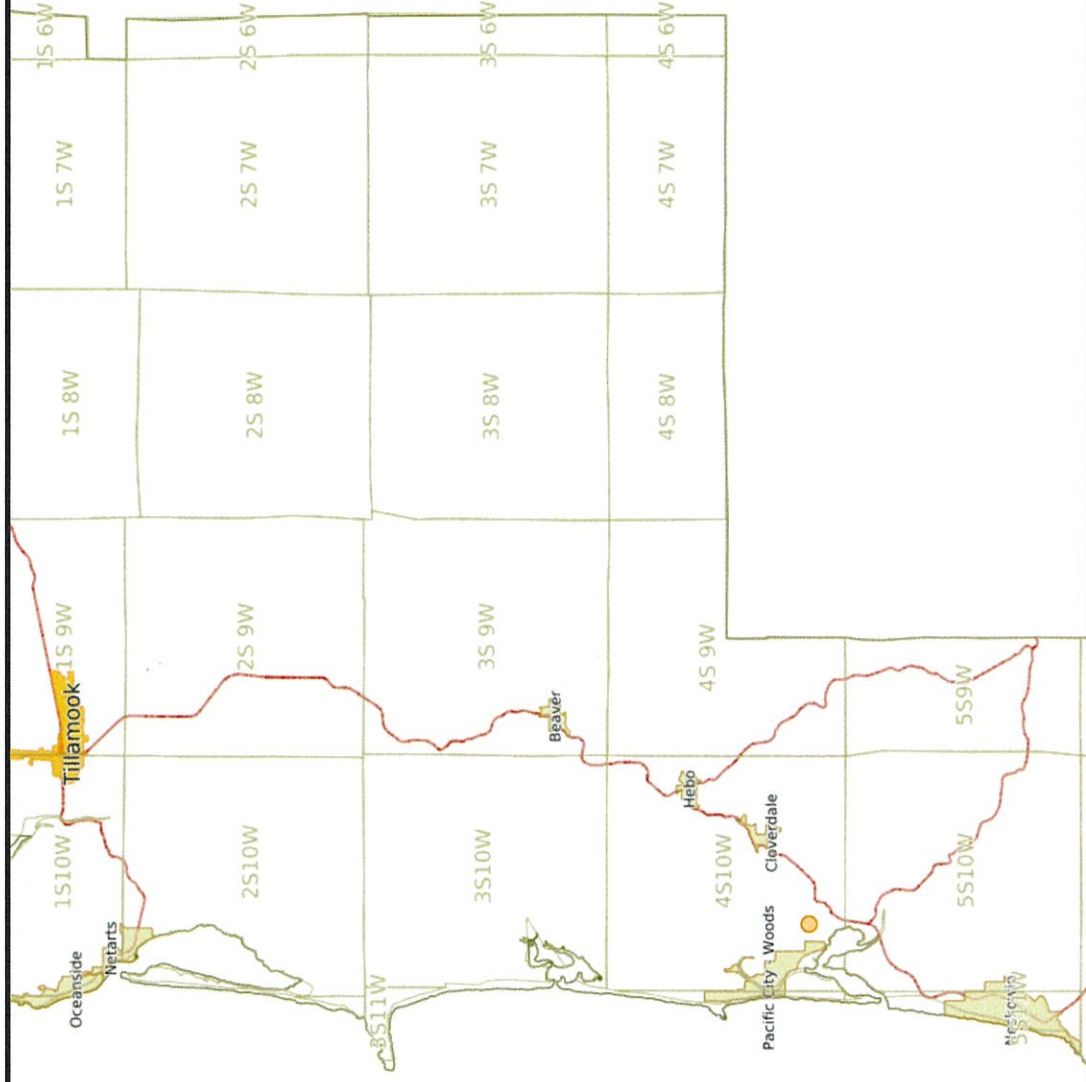
SECTION 070: PRELIMINARY PLAT APPROVAL CRITERIA

(1) **Approval Criteria.** The Approval Authority (Director for partitions and Planning Commission for subdivisions) may approve, approve with conditions or deny a preliminary plat. The Approval Authority decision shall be based on findings of compliance with all of the following approval criteria:

- (a) The land division application shall conform to the requirements of this ordinance;
- (b) All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of the Land Use Ordinance – Article 3 Zone Regulations and the standards in Section 150 of this ordinance;
- (c) Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer and streets, shall conform to the standards in Sections 150 and 160 of this ordinance;
- (d) The proposed plat name is not already recorded for another subdivision, does not bear a name similar to or pronounced the same as the name of any other subdivision within the County, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name;
- (e) The proposed streets, utilities, and surface water drainage facilities conform to Tillamook County's adopted master plans and applicable engineering standards and, within Unincorporated Community Boundaries, allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;
- (f) All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;
- (g) Provisions for access to and maintenance of off-right-of-way drainage, if any;
- (h) Evidence that any required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and
- (i) Evidence that improvements or conditions required by the road authority, Tillamook County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met, including but not limited to:
 - (i) Water Department/Utility District Letter which states that the partition or subdivision is either entirely excluded from the district or is included within the district for purposes of receiving services and subjecting the partition or subdivision to the fees and other charges of the district.
 - (ii) Subsurface sewage permit(s) or site evaluation approval(s) from the appropriate agency.



Tillamook County GIS



Created: Mon Jun 09 2025-11:28:36
Active Layers: County_Boundary, Fed_state_highways, citylimit, community_polygon, TaxlotOwner, Township_Range_Section, Road_Centerline
Extent: -13829055.043403, 5634887.8246287, -13706220.738965, 5696648.9434745

N.E.1/4 SEC.32 T.4S. R.10W. W.M.
Tillamook County

CANCELLED:
600
900





37140 Resort Drive Two-Parcel Partition

Date: April 2025

Submitted to: Tillamook County
Department of Community Development
1510-B Third Street
Tillamook, OR 97141

Applicant: Kingfisher Holdings, LLC
9005 Nestucca Ridge Road
Pacific City, OR 97135



12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151

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Exhibits

Exhibit A: Preliminary Plans

Exhibit B: Application Form

Exhibit C: Ownership Information

Exhibit D: Tillamook County Public Works Access Coordination

Exhibit E: Nestucca Rural Fire Protection District Review and Approval Form

Exhibit F: Access and Utility Easement No. 2022-06679

Exhibit G: Well Logs

Exhibit H: Septic Site Evaluation Results

37140 Resort Drive Two-Parcel Partition

Submitted to:	Tillamook County Department of Community Development 1510-B Third Street Tillamook, OR 97141
Applicant:	Kingfisher Holdings, LLC 9005 Nestucca Ridge Road Pacific City, OR 97135
Property Owners:	Kingfisher Holdings, LLC 9005 Nestucca Ridge Road Pacific City, OR 97135
Applicant's Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062
	Contact(s): Grace Wolff Email: wolffg@aks-eng.com Phone: (503) 563-6151
Site Location:	37140 Resort Drive Cloverdale, OR 97112
Tillamook County Assessor's Map:	04S10W32A; Tax Lot 202
Site Size:	±12 acres
Land Use Districts:	Rural Residential 2 Acre (RR-2)

I. Executive Summary

AKS Engineering & Forestry, LLC (AKS) seeks approval for a two-parcel Partition on behalf of our client, Kingfisher Holdings, LLC (Applicant). The subject property, located at 37140 Resort Drive in Cloverdale, Oregon, comprises an existing single-family home accessed by a gravel driveway. The purpose of this application is to partition the subject property into two parcels. Parcel 1 (± 2 acres) will include the existing single-family residence and will continue to receive access from the gravel driveway. Parcel 2 will include the remaining acreage (± 10 acres) and will receive access from an existing private access and utility easement on the north side of the property, shared with the abutting property to the north.

Development, as defined in Article 11 of the Tillamook County (County) Land Use Ordinance (LUO), is not planned with this application. The proposed Parcel 2 building location illustrated on the plans in Exhibit A is preliminary, shown to demonstrate that the new parcel can accommodate a homesite. The building and site development plans for Parcel 2 will be reviewed for conformance with the applicable standards at the time of building permit application.

This application includes the County application forms, written materials, and preliminary plans necessary for County staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the County's approval of the application.

II. Site Description/Setting

The subject property is ± 12 acres in total area and is located on Tax Lot 202 of Tillamook County Assessor's Map 04S10W32A (37140 Resort Drive). The property comprises an existing single-family homesite including a gravel driveway, on-site septic system, and two domestic water wells located on the flat/gradual sloping eastern portion of the property closest to Resort Drive as shown on the Preliminary Plans in Exhibit A. The topography rises sharply from the existing homesite to the western edge of the property, increasing in elevation from ± 30 feet to ± 420 feet, with interspersed areas of gentler slope. A partially culverted, intermittent natural drainage crosses through the south and eastern portions of the property. A shared access and utility easement is located along the northern edge of the property, which was established, in part, to provide access to the rear areas of the subject property (see Exhibit F). Please note that the Preliminary Plans in Exhibit A, intended to show the property's ability to accommodate a second home, are approximate and subject to change following survey fieldwork.

The property is within the County's Rural Residential 2 Acre (RR-2) zoning district. The abutting properties to the north and south are similarly within the RR-2 zoning district. The abutting property to the west is within the County's Small Farm and Woodlot – 10 Acre (SFW-10) zoning district. The properties across Resort Drive to the east are within the County's Farm (F-1) zoning district.

In 2021, the property was the subject of a four-lot Subdivision application, Variance request, and Geologic Hazard Report (County Permit ID No. 851-21-000293-PLNG, 851-21-000294-PLNG, and 851-21-000302-PLNG). According to the County's Community Development website,¹ a final decision was not issued. Unexpired relevant information from the Subdivision application, including the on-site septic system site evaluations and the Geologic Hazard Report, is referenced in this application.

¹ Tillamook County Community Development. (n.d.). 851-21-000293-PLNG. Retrieved from <https://www.tillamookcounty.gov/commdev/project/851-21-000293-plng>

III. Applicable Review Criteria

This application involves the development of land for housing. Oregon Revised Statutes (ORS) 197A.400(1) states that a local government may apply only clear and objective standards, conditions, and procedures regulating the provision of housing, and that such standards, conditions, and procedures cannot have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay. In addition, this application involves a “limited land use decision” as that term is defined in ORS 197.015(12). The significance of this statutory provision is also discussed below.

Oregon Courts and the Land Use Board of Appeals (LUBA) have generally held that an approval standard is not clear and objective if it imposes on an applicant “subjective, value-laden analyses that are designed to balance or mitigate impacts of the development” (*Rogue Valley Association of Realtors v. City of Ashland*, 35 OR LUBA 139, 158 [1998] *aff’d*, 158 OR App 1 [1999]). ORS 197.831 places the burden on local governments to demonstrate that the standards and conditions placed on housing applications can be imposed only in a clear and objective manner. While this application addresses all standards and conditions, the Applicant reserves the right to object to the enforcement of standards or conditions that are not clear and objective and does not waive its right to assert that the housing statutes apply to this application. (The exceptions in ORS 197A.400[2] do not apply to this application).

ORS 197.195(1) describes how certain standards can be applied as part of a limited land use application. The applicable land use regulations for this application are found in the Tillamook County LUO and Land Division Ordinance (LDO). Pursuant to ORS 197.195(1), comprehensive plan provisions (as well as goals, policies, etc. from within the adopted elements of the comprehensive plan) may not be used as a basis for a decision or an appeal of a decision unless they are specifically incorporated into the land use regulations. While this application may respond to comprehensive plan and/or related documents, such a response does not imply or concede that said provisions are applicable approval criteria. Similarly, the applicant does not waive its right to object to the attempted implementation of these provisions unless they are specifically listed in the applicable land use regulations, as is required by ORS 197.195(1).

Pursuant to ORS 197.522, if this application is found to be inconsistent with the applicable land use regulations, the applicant may offer an amendment or propose conditions of approval to make the application consistent with applicable regulations. In fact, the local government is obligated to consider and impose any conditions of approval proposed by the applicant if such conditions would allow the local government to approve an application that would not otherwise meet applicable approval criteria.

TILLAMOOK COUNTY LAND USE ORDINANCE (LUO) (ZONING ORDINANCE)

ARTICLE III – ZONE REGULATIONS

SECTION 3.010: RURAL RESIDENTIAL 2 ACRE AND 10 ACRE ZONE (RR-2) (RR-10)

- (1) **PURPOSE:** The purpose of the RR zone is to provide for the creation and use of small acreage residential homesites. Land that is suitable for Rural Residential use has limited value for farm or forest use; it is physically capable of having homesites on parcels of five acres or less; and it can be utilized for residential purposes without constraining the use of surrounding resource-zoned properties for resource-production purposes.

Response: The subject property currently comprises a single homesite on ±12 acres. This application is for a two-parcel Partition to allow for an additional homesite on the subject property. As detailed in this narrative, the subject property is physically capable of hosting the two

homesites without constraining resource-zoned properties. Therefore, the purpose of the RR-2 zoning district is met.

- (2) **USES PERMITTED OUTRIGHT:** In the RR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.
- (a) Single-family dwelling.
 - (b) Mobile or Manufactured Home.
 - (c) Recreational Vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
 - (d) Home occupations according to the provisions of Section 4.140 of this Ordinance.
 - (e) Farm uses, including aquaculture.
 - (f) Forest uses.
 - (g) Roadside stands for produce grown on the premises.
 - (h) Signs, subject to Section 4.020.
 - (i) Electrical distribution lines.
 - (j) Accessory Dwelling Unit as defined in ORS 215.495, subject to Section 3.010(5).
- (...)

Response: This application is for a two-parcel Partition and no new uses are proposed. This provision is not applicable.

- (4) **STANDARDS:** Land divisions and development in the RR-2 and RR-10 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size is two acres for parcels zoned before October 4, 2000.
 - (b) The minimum parcel/lot size is 10 acres for lots/parcels rezoned Rural Residential on or after October 4, 2000.

Response: The County confirmed that the subject property was zoned prior to October 4, 2000. Therefore, the minimum lot size is 2 acres. Parcel 1 is planned to be ±2 acres and Parcel 2 is planned to be ±10 acres. This standard is met.

- (c) Parcels less than two acres in size that were legally established prior to December 18, 2002 may be built upon provided that all other requirements of this Ordinance and other applicable development requirements are met.

Response: The subject property is ±12 acres. This standard is not applicable.

- (d) Lots in an approved preliminary subdivision plat that is being maintained in an active status as of the date of adoption of this Ordinance may be built upon after approval and recording of the final plat.

Response: The subject property is not a lot in an approved preliminary subdivision plat. This standard is not applicable.

- (e) The minimum lot width and depth shall both be 100 feet.

Response: Parcel 1 and Parcel 2 will each exceed the minimum lot width and depth requirement as shown on the Preliminary Plans in Exhibit A. This standard is met.

Due to the odd shape of the subject property, Parcel 2 will be less than 100 feet in width in one portion. However, per LUO 11.030, lot width is calculated as the average horizontal distance between side lot lines and the average horizontal distance of Parcel 2 exceeds 100 feet.

(f) The minimum front yard shall be 20 feet.

Response: Parcel 1 and Parcel 2 can accommodate a front yard of 20 feet as shown on the Preliminary Plans in Exhibit A. This standard is met.

(g) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.

Response: The subject property is not a corner lot. Both Parcel 1 and Parcel 2 can accommodate a side yard of 5 feet as shown on the Preliminary Plans in Exhibit A. This standard is met.

(h) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.

Response: Parcel 1 and Parcel 2 can accommodate a rear yard of 20 feet as shown on the Preliminary Plans in Exhibit A. This standard is met.

(i) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.

Response: This application is for a two-parcel Partition and no new buildings are proposed. This standard is not applicable.

(j) Livestock can be located closer than 100 feet to a nonfarm residential building on an adjacent lot only if one of the following conditions are met:

1. The location of the livestock is a nonconforming use according to the provisions of Article VII of this Ordinance.
2. The property has been taxed at the farm use rate during three of the past five year.
3. The location of the livestock has been reviewed and approved as a conditional use according to the provisions of Article VI of this Ordinance.

Response: This application is for a two-parcel Partition and no new uses, including farm uses/livestock, are proposed. This standard is not applicable.

(k) No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 Final 5/22/2024 Tillamook County Land Use Ordinance 3.010 (RR-2, RR-10) 4 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100-foot requirement. In either case, all yard requirements in this zone shall still apply

Response: The properties across Resort Drive to the east are within the F-1 zoning district. Parcel 1 and Parcel 2 can accommodate a 100-foot residential structure setback from these properties as shown on the Preliminary Plans in Exhibit A. This standard is met.

ARTICLE IV – DEVELOPMENT STANDARDS

SECTION 4.130: DEVELOPMENT REQUIREMENTS FOR GEOLOGIC HAZARD AREAS

[...]

(2) Applicability

The following areas are considered potentially geologically hazardous and are therefore subject to the requirements of Section 4.130:

- (a) All lands partially or completely within categories of “high” and “moderate” susceptibility to shallow landslides as mapped in Oregon Department of Geology and Mineral Industries (DOGAMI) Open File Report O-20-13, Landslide hazard and risk study of Tillamook County, Oregon;
- (b) All lands partially or completely within categories of “high” and “moderate” susceptibility to deep landslides as mapped in DOGAMI Open File Report O-20-13, Landslide hazard and risk study of Tillamook County, Oregon;
- (c) All lands partially or completely within a “debris flow fan” as mapped in DOGAMI Open File Report O-20-13, Landslide hazard and risk study of Tillamook County, Oregon;
- (d) All lands partially or completely within a rapidly moving landslide as mapped in DOGAMI IMS22, GIS Overview Map of Potential Rapidly Moving Landslide Hazards in Western Oregon, 2002.
- (e) All lands along the oceanfront. An oceanfront lot is a lot or parcel that abuts the ocean shore state recreation area (as defined in OAR 736-021-0010) or a lot or parcel where there is no portion of a buildable lot between it and the ocean shore state recreation area. Lots or parcels that are fronted by roads, parks, beach accesses, or other minimal improvements are also considered oceanfront.
- (f) Lots or parcels where the average existing slopes are equal to or greater than 19 percent within or adjacent to hazard risk zones described in 4.130(2)(a) through (d) for any lot or parcel less than or equal to 20,000 square feet or lots or parcels where the average existing slopes are equal to or greater than 29 percent within or adjacent to hazard risk zones described in 4.130(2)(a) through (d) for any lot or parcel greater than 20,000 square feet.
 - (1) For the purpose of this section, slopes are determined by:
 - Lots or parcels less than 20,000 square feet where the average existing slopes are equal to or greater than 19% measured from the highest to lowest point of the property.
 - The average existing slope of the building footprint or area to be disturbed measured from the highest to lowest point within the footprint or area to be disturbed is 29 percent or greater for properties 20,000 square feet or larger.
- (g) Any other documented geologic hazard area on file, at the time of inquiry, in the office of the Tillamook County Community Development Department. A “documented geologic hazard area” means an area of land that is shown by reasonable written evidence to contain geological characteristics or conditions which are hazardous or potentially hazardous for the improvement thereof.

The publications referenced above are not intended to be used as a site-specific analysis tool. The County will use these publications to identify when a Geologic Hazard Assessment Review is needed on a property prior to development.

(3) **Geologic Hazard Assessment Review**

- (a) Except for activities identified in Subsection 4.130(3)(b) as exempt, any new development or substantial improvement (as defined in Article 11) in an area subject to the provisions of this section shall require a Geologic Hazard Assessment Review.

[...]

Response: The subject property is characterized with steep slopes and is mapped with potentially geologically hazardous areas as defined in this section. However, this application does not involve development or substantial improvements, as defined in LUO Article 11. The provisions of this section are not applicable. Nevertheless, per LUO 4.130(4)(e), Geologic Hazard Reports are valid for the purpose of meeting LUO Section 4.130 for a period of five years from the date of preparation. A report was completed in September 2021, less than five years ago, for a proposed Subdivision of the subject property (County Permit ID No. 851-21-000302-PLNG). While this application is different from the Subdivision proposal, the County can find that the recommendations in the report substantiate that the planned Parcel 2 homesite is buildable. A site-specific Geological Hazard Report can be completed, as necessary, at the time that Parcel 2 development is proposed.

SECTION 4.140: REQUIREMENTS FOR PROTECTION OF WATER QUALITY AND STREAMBANK STABILIZATION

- (1) The following areas of riparian vegetation are defined:

- (a) Fifty (50) feet from lakes and reservoirs of one acre or more, estuaries, and the main stems of the following rivers where the river channel is more than 15 feet in width; Nestucca, Little Nestucca, Three Rivers, Tillamook, Trask, Wilson, Kilchis, Miami, Nehalem and North and South Fork Nehalem River.
- (b) Twenty-five (25) feet from all other rivers and streams where the river or stream channel is greater than 15 feet in width.
- (c) Fifteen (15) feet from all perennial rivers and streams where the river or stream channel is 15 feet in width or less.

[...]

Response: A partially culverted, intermittent natural drainage crosses through the south and eastern portions of the subject property. Intermittent drainages do not qualify as one of the areas subject to this section of the LUO. These provisions are not applicable.

ARTICLE X – DEVELOPMENT APPROVAL PROCEDURES

SECTION 10.020: APPLICATIONS

[...]

- (6) Application forms and checklists. Application forms provided by the County must be used for all applications. The County shall supply application forms pursuant to the standards contained in applicable State laws, Comprehensive Plan policies, and Ordinance provisions. The County shall also supply checklists or information sheets that specify the information that must be contained in the application, including format and number of copies.

Response: The County's Land Division Application form is completed and included in Exhibit B. This provision is met.

- (a) Application types. Table 10.1 below provides a list of all application types and their associated review procedure, review authority and appeal authority.

Type I= Ministerial Review

Type II= Administrative Review

Type III= Quasi-judicial Review

Type IV= Legislative Review

TABLE 10.1: REVIEW PROCEDURES SUMMARY			
Permit/Application	Procedure Type	Review Authority	
		Decision	Appeal
Preliminary Plats - Partitions	Type II	Director	Planning Commission

Response:

This application is for a two-parcel Partition, which is reviewed under the County's Type II Administrative Review procedure.

- (b) Application submittal requirements. An application shall be considered complete when it is submitted in accordance with the format and upon such forms as may be established by the Director. In addition to required hard copies, all materials must be submitted electronically or in a format that does not exceed 11 inches by 17 inches in size. A complete application is one which contains the information required to address the relevant standards of this ordinance and the applicable standards and requirements of the Comprehensive Plan as specified by this ordinance. At a minimum, a complete application must contain the following items:

- i. Application form with applicable signatures.
- ii. Payment of applicable review fees.
- iii. Deed, title or other proof of ownership.
- iv. Detailed description of all existing and proposed uses and structures, including a summary of all information contained in any site plans. The description may need to include both a written and graphic component such as elevation drawings or 3-D models.
- v. Detailed statement that demonstrates how the proposal meets all applicable approval criteria, zoning and land use regulations, and development standards.
- vi. Site plan(s), preliminary plat, or final plat as applicable.
- vii. Information demonstrating compliance with prior decisions(s) and conditions of approval for the subject site, as applicable.
- viii. Any other items identified on the specific application form or submittal checklist.
- ix. Copy of the pre-application summary, if applicable.

Response:

The applicable items listed above are provided in this narrative and accompanying exhibits and the applicable review fee has been paid. These requirements are met.

TILLAMOOK COUNTY LAND DIVISION ORDINANCE (LDO)

DEVELOPMENT APPROVAL PROCEDURES

SECTION 030: GENERAL PROVISIONS

- (1) Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation according to the following two steps:

-
- (a) The preliminary plat shall be approved, by the Tillamook County Planning Commission, before the final plat can be submitted for approval consideration; and
 - (b) Compliance with all conditions of approval of the preliminary plat shall be demonstrated prior to final plat approval.

Response: As specified in the County's Zoning Ordinance (LUO 10.020[6][a], Table 10.1) and LDO Section 040 below, Preliminary Partition Plats are approved by the Director through the Type II Administrative Review procedure and are not required to receive approval from the Tillamook County Planning Commission (unless appealed). The Applicant understands that the preliminary plat must be approved before the final plat can be submitted. Compliance with conditions of approval from this application will be demonstrated at the time final plat is submitted.

- (2) All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and partitions.

Response: This application conforms to the state regulations for partitions in ORS 92, as demonstrated in the responses to the applicable sections of the LUO and LDO, which are the County's provisions adopted to implement ORS 92. This provision is met.

- (3) No deed for a parcel created through a Partition shall be filed in the office of the County Clerk without the prior approval, by the Department, of the Partition.

Response: This provision is understood. No deed will be filed prior to approval of this two-parcel Partition application.

- (4) No Subdivision shall be filed in the office of the County Clerk without the signature of the Chair of the Planning Commission and all other signatures required by law.

Response: This application is for a two-parcel Partition, not a Subdivision. This provision is not applicable.

- (5) Approval of a final plat shall be void 30 days after the final approving signature is made thereon, unless the plat has been recorded in the office of the County Clerk.

Response: This provision is understood.

- (6) All lots created through land division shall have adequate public utilities and facilities such as streets, water, sewer, gas, and electrical systems, pursuant with Section 150. These systems shall be located and constructed underground where feasible.
- (7) All partition and subdivision proposals shall demonstrate that lots have adequate surface water drainage facilities or that these will be provided in order to reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required, pursuant with Section 150.
- (8) All lots created or reconfigured shall have adequate vehicle access and parking, as may be required, pursuant with Section 150

Response: Evidence of compliance with the development standards for land divisions in LDO Section 150 is provided in this narrative and the Preliminary Plans in Exhibit A. These provisions are met.

SECTION 040: PRELIMINARY PLAT APPROVAL PROCESS

- (1) Review Procedures. Preliminary plats for partitions shall be processed using the Type II procedure under Article 10 Section 070. Preliminary plats for subdivisions shall be processed using the Type III procedure under Article 10 Section 080. All preliminary plats are subject to the approval criteria in Section 070 of this ordinance.

[...]

Response: This application is for a two-parcel Partition, which is reviewed under the County's Type II Administrative Review procedure. The approval criteria in LDO Section 070 are addressed in this narrative below.

SECTION 050: PRE-PLANNING FOR LARGE SITES

- (1) Pre-planning of large sites is required within Unincorporated Community Boundaries as designated in the Land Use Ordinance, or that are within one mile of either Urban or Unincorporated Community Boundaries in conjunction with applications for partitions or phased subdivisions, the purpose of which is to avoid piecemeal development with inadequate public facilities.
- (2) This section applies to land use applications affecting more than 11,000 square feet in size of land under the same contiguous ownership, even where only a portion of the site is proposed for subdividing. For the purposes of this Section, the same contiguous ownership means the same individual, or group of individuals, corporations, or other entities, controls a majority share of ownership.
- (3) Prior to submittal of a land division application for an area subject to this Section, a conceptual master plan shall be submitted to the Director with the required pre-application materials for the project or proposal. The conceptual master plan shall illustrate the type and location of planned streets, utility corridors, open spaces, and land uses for the ultimate buildout of the subject property and all lands under contiguous ownership and demonstrate that the following design guidelines can be met:
 - (a) Streets are interconnected and are shown with logical extensions to neighboring parcels and to the planned transportation system.
 - (b) Water, sewer and storm drainage facilities logically extend to serve the site at buildout, consistent with adopted public facility plans. Where a public facility plan identifies a need for new capacity-related improvements (e.g., water storage, sewage treatment, pump stations, etc.) in the future, the plan shall describe conceptually how such improvements can be accommodated.
 - (c) Within Unincorporated Community Boundaries, the plan demonstrates that housing densities and urban uses can be accommodated, consistent with the Comprehensive Plan and Tillamook County Land Use Ordinance.

Response: The subject property is ±12 acres, which is a "large site" per subsection (2) above. The property is not within an Unincorporated Community Boundary but is a quarter mile east from the Pacific City/Woods Unincorporated Community Boundary measured as a straight line distance, or ±1.75 miles measured as driving distance. The lot is not served by public utilities and is not planned to be as a part of this application. The closest utilities are within the Pacific City Joint Water-Sanitary Authority's (PCJWSA) service area, which does not extend to or near the subject property. The PCJWSA 2022 Water Master Plan and Wastewater Master Plan do not indicate any plans to extend service to the subject property. Additionally, in response to a request for a pre-application meeting, the County determined that a pre-application meeting was not required. Therefore, these provisions

are not applicable. Nevertheless, the former Subdivision application for the subject property (County Permit ID No. 851-21-000293-PLNG) may be reviewed as a conceptual master plan for how the property may accommodate more lots.

SECTION 060: PRELIMINARY PLAT SUBMISSION REQUIREMENTS

- (1) Applications for Preliminary Plat approval shall contain the following information:
- (a) General Preliminary Plat Requirements. Information required for a Type II Review (for partitions) or Type III Review (for subdivisions), pursuant to Article 10 Section 070 and Section 080, respectively.

Response: This application is for a two-parcel Partition. The applicable information for a Type II review is provided in this narrative and accompanying exhibits. This requirement is met.

- (b) Preliminary Plat Information. In addition to the general information described in Subsection (a) above, the Preliminary Plat application shall consist of drawings and supplementary material adequate to provide the following information, in quantities determined by the County Surveyor and Tillamook County Planning Commission.

i. General Information.

1. For subdivisions, the proposed name shall not duplicate or resemble the name of another land division in the County, and shall be approved by the County Surveyor.
2. Date, north arrow, scale of drawing.
3. Location of the development sufficient to define its location, boundaries, and a legal description of the site.
4. Zoning of parcel to be divided, including any overlay zones.
5. A title block including the names, addresses, and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey.
6. Clear identification of the drawing as a "Preliminary Plat" and date of preparation.
7. Name and addresses of the owner(s), developer, and the engineer or surveyor.

ii. Existing Conditions. Except where the Director deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on existing conditions:

1. Existing streets or roads (public or private), including location, names, right-of-way and pavement widths on and abutting the site; and location of existing access point
2. Width, location and purpose of all existing easements of record on and abutting the site;
3. The location and present use of all structures on the site and indication of which, if any structures are to remain after platting;
4. Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;

5. Location of all existing subsurface sewerage systems, including drainfields and associated easements on the site.
6. Ground elevations shown by contour lines at 2-foot vertical interval. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor; the Director may waive this standard for partitions when grades, on average, are less than 10 percent;
7. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
8. Natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes and tide flats;
9. Any plat that is five (5) acres or larger, or proposes 50 lots or greater, shall include the Base Flood Elevation, per FEMA Flood Insurance Rate Maps,
10. North arrow and scale; and
11. Other information, as deemed necessary by the Planning Director for review of the application. The County may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

Response: The applicable information above is provided on the Preliminary Plans in Exhibit A. These requirements are met.

- iii. Proposed Development. Except where the Director deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on the proposed development:
 1. Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
 2. City boundary lines when crossing or adjoining the subdivision;
 3. Easements: location, width and purpose of all proposed easements;
 4. Proposed deed restrictions, if any, in outline form.
 5. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;
 6. Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use;
 7. On slopes exceeding an average grade of 10%, as shown on a submitted topographic survey, the preliminary location of

development on lots (e.g., building envelopes), demonstrating that future development can meet minimum required setbacks and applicable engineering design standards;

8. Preliminary utility plans for sewer, water and storm drainage when these utilities are to be provided. This information may be included on the preliminary plat map provided all information is legible.
9. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;

Response: The applicable information above for the planned two-parcel Partition is provided on the Preliminary Plans in Exhibit A. These requirements are met.

10. Evidence of compliance with applicable overlay zones, including but not limited to the Flood Hazard Overlay (FH) zone;

Response: The subject property is not located within an overlay zone. This requirement is not applicable.

11. Evidence of contact with the applicable road authority for proposed new street connections; and

Response: New street connections are not included with this application. Parcel 1 will receive access from Resort Drive through the existing gravel driveway on the subject property. Parcel 2 will receive access from the existing access easement shared with the property to the north as shown on the Preliminary Plans in Exhibit A. Email correspondence with the County Public Works department confirming these access points are adequate is provided in Exhibit D. This requirement is met.

12. Certificates or letters from utility companies or districts stating that they are capable of providing service to the proposed development.

Response: The subject property is not served with water, sewer, or storm utilities. On-site wells, septic systems, and storm management systems will be provided as shown on the Preliminary Plans in Exhibit A. This requirement is not applicable.

(c) Any of the following information may be required by the Department to supplement a proposed subdivision plan:

- i. If the Subdivision plat occupies only part of a tract owned or controlled by a developer, a sketch of preliminary street layout in the undivided portion.
- ii. Special studies of areas which appear to be hazardous due to local geologic conditions.
- iii. Where the plat includes natural features subject to the conditions or requirements contained in the County's Land Use Ordinance, materials shall be provided to demonstrate that those conditions and/or requirements can be met.
- iv. Approximate center line profiles of streets, including extensions for a reasonable distance beyond the limits of the proposed Subdivision,

showing the proposed finished grades and the nature and extent of construction.

- v. Profiles of proposed drainage ways.
- vi. In areas subject to flooding, materials shall be submitted to demonstrate that the requirements of the Flood Hazard Overlay (FHO) zone of the County's Land Use Ordinance will be met.
- vii. If lot areas are to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil.
- viii. Proposed method of financing the construction of common improvements such as street, drainage ways, sewer lines and water supply lines.

Response: This application is for a two-parcel Partition, not a Subdivision. This requirement is not applicable.

- (d) Fifteen (15) legible "to scale" hard copies, or a lesser amount as deemed necessary by the Director, and one digital copy of the preliminary plat and all supplementary materials shall be submitted to the Department.
- (e) Upon receipt of the preliminary plat and supplementary material, the Department shall furnish one copy each to the County Surveyor, the County Health Department, the County Sanitarian, the County Public Works Department, the County Assessor, and the appropriate school and fire districts. If the proposed Subdivision lies within one mile of the city limits of an incorporated city, or within the Urban Growth Boundary of a city, the Department shall furnish one copy to the City. If the proposed Subdivision is within 500 feet of a state highway, one copy shall be furnished to the Oregon Department of Transportation. Where the Department determines that it is necessary to do so, it shall furnish a copy of the plans to the Tillamook County Soil and Water Conservation District (SWCD), the appropriate water and sewer districts, the telephone service and electric service companies, and appropriate state or federal resource protection agencies.

Response: These provisions are understood.

SECTION 070: PRELIMINARY PLAT APPROVAL CRITERIA

- (1) Approval Criteria. The Approval Authority (Director for partitions and Planning Commission for subdivisions) may approve, approve with conditions or deny a preliminary plat. The Approval Authority decision shall be based on findings of compliance with all of the following approval criteria:

- (a) The land division application shall conform to the requirements of this ordinance;

Response: This Partition application conforms to the applicable requirements of this ordinance, the LDO, as detailed in this written narrative. This criterion is met.

- (b) All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of the Land Use Ordinance – Article 3 Zone Regulations and the standards in Section 150 of this ordinance;

Response: This Partition application conforms to the applicable requirements of the LUO, as detailed in this written narrative above, and the standards of LDO Section 150 detailed below. This criterion is met.

-
- (c) Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer and streets, shall conform to the standards in Sections 150 and 160 of this ordinance;

Response: Both Parcel 1 and Parcel 2 have existing private access to Resort Drive, a County road, that abuts the subject property's eastern boundary as shown on the Preliminary Plans in Exhibit A. Parcel 1 will utilize the existing private driveway on the property, a portion of which is located within planned Parcel 2. A private access easement over the existing driveway will be provided. Parcel 2 is planned to utilize the existing private access and utility easement shared with the abutting property to the north, which has been approved by County Public Works staff (Exhibit D) and the Nestucca Rural Fire Protection District (NRFPD; Exhibit E). As shown in Exhibit A and further elaborated below, both parcels are served by existing wells and have adequate space allocated for on-site septic systems and stormwater management, eliminating the need for public improvements. This criterion is met.

- (d) The proposed plat name is not already recorded for another subdivision, does not bear a name similar to or pronounced the same as the name of any other subdivision within the County, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name;

Response: This application is for a Partition, not a Subdivision. This criterion is not applicable.

- (e) The proposed streets, utilities, and surface water drainage facilities conform to Tillamook County's adopted master plans and applicable engineering standards and, within Unincorporated Community Boundaries, allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;

Response: The existing private access points for Parcel 1 and Parcel 2 have been reviewed and approved by County staff for conformance with applicable standards as shown in the correspondence provided in Exhibit D. On-site wells, septic systems, and stormwater management will be provided that conform to the County's standards. The subject property is not within an Unincorporated Community Boundary. This criterion is met.

- (f) All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;

Response: This application does not include any private common areas. Parcel 2 will share an existing access and utility easement with the abutting property to the north. The easement document, shown in Exhibit F, details the maintenance responsibilities for this area. An access easement will be recorded to benefit Parcel 1, establishing legal access over the existing driveway segment located within planned Parcel 2. This criterion is met.

- (g) Provisions for access to and maintenance of off-right-of-way drainage, if any;

Response: This application does not involve off-right-of-way drainage. This criterion is not applicable.

- (h) Evidence that any required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and

Response: Applicable state and/or federal permits will be obtained prior to development of Parcel 2.

- (i) Evidence that improvements or conditions required by the road authority, Tillamook County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met, including but not limited to:

- (i) Water Department/Utility District Letter which states that the partition or subdivision is either entirely excluded from the district or is included within the district for purposes of receiving services and subjecting the partition or subdivision to the fees and other charges of the district.
- (ii) Subsurface sewage permit(s) or site evaluation approval(s) from the appropriate agency.

Response: The subject property is located outside the jurisdiction of the nearest water department/utility district (PCJWSA), and water service is provided by existing wells. Well logs for the existing wells shown on the Preliminary Plans in Exhibit A are included in Exhibit G. Four site evaluation approvals for on-site sewage disposal systems were received in 2020 for the previous Subdivision application submitted for the subject property (Exhibit H). One system has since been constructed. Correspondence with the County's Environmental Program Manager confirmed that the remaining evaluations are still accurate and valid. This criterion is met.

- (2) Conditions of Approval. The Approval Authority may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations.

Response: This provision is understood.

SECTION 140: IMPROVEMENT PROCEDURES

- (1) Before final approval of any land division action, the developer shall install all improvements required by this Ordinance, and shall repair existing streets and other public facilities damaged in the process of development, or shall provide assurance of completion as provided in this Section.

[...]

Response: Public improvements are not planned with this application. The provisions of this section are not applicable.

SECTION 150: DEVELOPMENT STANDARDS FOR LAND DIVISIONS

The following requirements and standards shall apply to all land divisions:

- (1) **WATER SUPPLY:** All lots or parcels shall either be served by a public domestic water supply system conforming to State of Oregon specifications, or the lot size shall be increased to provide such separation of water sources and sewage disposal facilities as the Sanitarian considers adequate for soil and water conditions. Lot sizes in areas without public water supplies shall be adequate to maintain a separation of at least 100 feet between each well and sewage disposal facility, and shall be at least 100 feet wide and 20,000 square feet in area.

Response: Parcel 1 and Parcel 2 will be served by the two existing wells on the subject property as shown on the Preliminary Plans in Exhibit A. The existing well and septic drain field on Parcel 1 exceed the 100-foot separation standard. As shown on the Preliminary Grading and Utility Plan in Exhibit A, Parcel 2 can accommodate at least 100 feet in separation between the existing well and a future septic drain field. This provision is met.

- (2) **SEWAGE:** All lots or parcels shall either be served by a public or community sewage disposal system conforming to state specifications and the policies and intent of the Comprehensive Plan, or the lot size shall be increased to provide sufficient area for an individual subsurface sewage disposal system. Such systems shall be approved by the County Sanitarian, considering soil and water conditions and the nature of the water supply.

Response: Both Parcel 1 and Parcel 2 are of sufficient size to accommodate an on-site individual subsurface sewage disposal system that meets applicable separation requirements as shown on the Preliminary Plans in Exhibit A. Additionally, four site evaluation approvals for on-site sewage disposal systems on the subject property are provided in Exhibit H. Although received in 2020, recent coordination with the County's Environmental Program Manager confirmed that the evaluations are still accurate and valid. This provision is met.

- (3) **STREETS, GENERAL:** The developer shall grade and improve all streets in the subdivision or partition, and shall extend such streets to the paving line of existing streets, in conformance with standards contained in this Ordinance. Street improvements shall be provided consistent with the standards in Sections 150 and 160, and shall include curbs and shoulders to the extent that they are required by the density or character of development. Improvements may be required by the Public Works Department on streets serving, but not within the boundaries of, the Subdivision or through the Partition of a parcel with a buildout potential of 5 or more parcels. Such improvements which are required in areas not within the plat perimeter shall be limited to the extent required to serve the proposed Subdivision or Partition.

Response: New streets are not planned with this application. The subject property receives access from, and has frontage along, Resort Drive, a County road. This application is for a two-parcel Partition of a ±12-acre property. While LUO 3.010(4)(a) allows for a potential buildout of five or more parcels due to the 2-acre minimum lot size, site topography constraints make this unlikely. While Resort Drive improvements are not anticipated for this application, the Applicant can comply with such a request if deemed necessary by the Public Works Department to serve the additional parcel.

- (4) **ACCESS:**
- (a) All parcels created by a partition shall abut a public road or a private easement for at least 25 feet for access. All private easements serving four or fewer lots shall be at least 25 feet wide, unless a lesser width is approved by the Public Works Department.

[...]

Response: Parcel 1 and Parcel 2 each abut Resort Drive, a County road, for a length greater than 25 feet as shown on the Preliminary Plans in Exhibit A. This provision is met.

- (5) **STORM DRAINAGE SYSTEMS:** Such grading shall be performed and drainage facilities installed conforming to Tillamook County Public Works Department specifications as are necessary to provide proper drainage within the development and other affected areas in order to secure safe, healthful and convenient conditions for the residents of the Subdivision and the general public. When feasible, and when such off-site drainage facilities have the capacity to carry the increased drainage flow, drainage facilities in the development shall be connected to drainage facilities outside the development. Areas subject to inundation shall comply with the applicable provisions of the Tillamook County Land Use Ordinance. Provisions for the access and maintenance of storm drainage facilities that are not located in a public right of way shall be provided as required in accordance with adopted County standards. An easement or tract with adequate width for access and maintenance of drainage facilities shall be provided.

Response: This application is for a two-parcel Partition. Development of Parcel 2 will be reviewed at the time of building permit submittal, including the provision of drainage facilities. A conceptual plan for storm drainage is shown on the Preliminary Grading and Utility Plan in Exhibit A, including a roof and foundation drain conveyance system.

- (a) Design exceptions to these standards may be approved by the Tillamook County Public Works Director. For subdivisions, such approval is subject to approval ratification by the Planning Commission. The County Engineer may, in concurrence with the Community Development Department, approve design exceptions to these standards for partitions. Design exceptions may only be approved if the provisions of Section 110: Minor Revisions to Preliminary Approved Land Divisions are met

Response: Design exceptions to the County's Public Works Department specifications for storm drainage are not requested with this application. This provision is not applicable.

- (b) When lot sizes are increased to provide separation of water sources and sewage disposal systems, but are likely to be capable of further division as described in Section 050 of this Ordinance, the requirements of Section 050 must be met.

Response: The requirements of LDO Section 050 are addressed in this written narrative.

(6) **BLOCKS:**

- (a) **GENERAL:** The length, width and shape of blocks shall take into account the need for adequate lot size and street width, and shall recognize the limitations of the topography.
- (b) **SIZE:** No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street or unless topography or the location of adjoining streets requires otherwise. The recommended minimum length of blocks along an arterial is 2,000 feet.

Response: This application is for a two-parcel Partition, not a Subdivision. New streets and blocks are not planned. These provisions are not applicable.

(7) **BUILDING LINES**

- (a) If special building setback lines are to be established in the Subdivision, they shall be shown on the preliminary Subdivision plat. If setbacks are proposed which are less than the minimum requirements contained either in the Land Use Ordinance or in Section 100 of this Ordinance, the Planning Commission may approve such special setbacks only in accordance with the requirements of Section 080 of this Ordinance. Special setback lines shall not be established

which would preclude the use of insolation for alternative energy production on adjacent lots.

Response: This application is for a two-parcel Partition, not a Subdivision, and no special building setback lines are proposed. Building setbacks meeting the standards in the LUO are shown on the Preliminary Site and Access Plan in Exhibit A. This provision is not applicable.

(8) LAND FOR PUBLIC PURPOSES

- (a) If the County has an interest in acquiring any portion, besides dedicated roads, of any proposed Subdivision for a public purpose, or if the County has been advised of such interest by a school district or other public agency, and there is written notification to the developer from the County that steps will be taken to acquire the land, then the Commission may require that those portions of the Subdivision be reserved, for a period not to exceed one year, for public acquisition at a cost not to exceed the value of the land.

Response: This provision is understood.

- (9) DEDICATIONS. The Commission may require as a condition of approval the dedication to the public of rights-of-way for public purposes. All dedications must appear on the final plat, and be approved by the County prior to recording.

Response: This provision is understood.

(10) EASEMENTS

- (a) UTILITY LINES: Easements for utilities shall be dedicated whenever necessary.
- (b) PEDESTRIAN WAYS: When desirable for public convenience, pedestrian ways may be required to connect cul-de-sacs or to pass through unusually long or oddly-shaped blocks.

Response: This application does not involve new utility lines or pedestrian ways. These provisions are not applicable. A new access easement over the existing driveway within planned Parcel 2, for the benefit of Parcel 1, is shown on the Preliminary Partition Plat in Exhibit A.

(11) LOTS

- (a) SIZE: Lot sizes shall conform to standards contained in the Tillamook County Land Use Ordinance. Lots reserved for commercial or industrial purposes shall be adequate to provide off-street parking and service facilities required by the type of use proposed.
- (b) In areas that will not be served by a public water supply or a public sewer, minimum lot sizes shall conform to the requirements of the County Health Department and shall take into consideration requirements for water supply and sewage disposal.

Response: This application is for a partition, which creates parcels, not lots. The planned parcels conform to the lot sizes within the LUO as detailed in this written narrative and are of sufficient size to meet County Health Department requirements for water supply and sewage disposal. These provisions are met.

- (c) **ACCESS:** Each lot shall abut upon a street or private road, other than an alley, for a width of at least 25 feet.

Response: Parcel 1 and Parcel 2 abut Resort Drive, a County road, for a length greater than 25 feet, as shown on the Preliminary Plans in Exhibit A. This provision is met.

- (d) **THROUGH LOTS:** Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation.

Response: Through lots are not planned with this application. This provision is not applicable.

- (e) **LOT SIDE LINES:** Where possible, the side lines of lots shall run at right angles to the street upon which the lots face, unless a different angle is required to provide optimum solar orientation, or is necessary to conform to topography or road orientation.

Response: The new side line between Parcel 1 and Parcel 2 is not at a right angle to Resort Drive, but rather, is arranged to align with the existing driveway orientation and to constrain the existing well on Parcel 2. This provision is met. However, as this application pertains to housing development, ORS 197A.400(1) mandates that the County apply only clear and objective standards, conditions, and procedures. This standard relies on subjective and value-laden assessments such as determining whether lot side line orientation provides "optimum solar orientation" and is not clear and objective. Therefore, this subjective standard cannot be applied to this application.

- (f) **GRADING:** Grading shall conform to a plan approved by the County Public Works Director.

Response: Grading is not planned with this application. This provision is not applicable.

SECTION 160: STREET IMPROVEMENTS

The design, improvement, and construction of all roads and streets resulting from the division of land shall comply with the following standards and requirements, to the extent possible given topography, aesthetics, safety, or other design considerations.

[...]

(3) **MINIMUM RIGHT-OF-WAY WIDTHS:**

- (a) The minimum Right-of-Way width for roadways shall be based on their functional classification as follows:

Functional Classification	Width
Arterial & Collectors	60 ft.
Major Local	60 ft.
Minor Local	50 ft.
Minimum Local	30 ft.

- (b) Side slope easements are required whenever roadway cuts or fills extend beyond the right-of-way.
- (c) Additional right-of-way may be required when features such as left turn refuges or deceleration tapers are needed.
- (d) Any right-of-way less than 50 feet wide shall be a private street and be dedicated as an easement.

[...]

-
- (7) **IMPROVEMENTS TO EXISTING STREETS:** Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way and surfacing shall be provided by the applicant as part of the Subdivision or Partition.

Response: The design, improvement, or construction of roads is not planned with this application. The subject property has frontage along Resort Drive, a County road, noted as a Major Collector on the Tillamook County Geographic Information Systems (GIS) Maps. Resort Drive's right-of-way width fronting the subject property is ± 40 feet. Resort Drive continues with a 40-foot right-of-way for over 3,000 linear feet northwest of the subject property where it then widens to 60 feet, and for $\pm 2,800$ linear feet southwest of the subject property until its intersection with US Route 101 (US 101). Additional right-of-way can be provided if deemed necessary.

IV. Conclusion

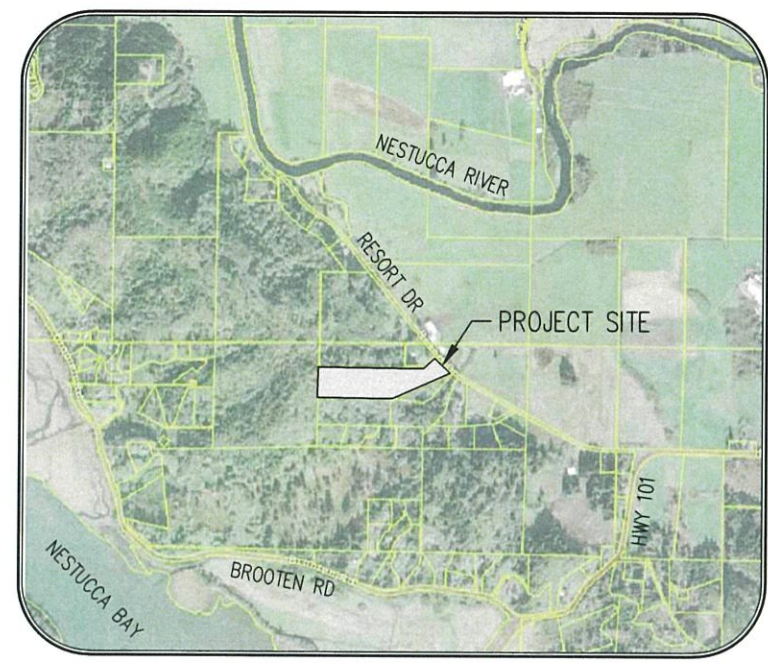
The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the LUO and LDO. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the County approve this two-parcel Partition application.

Exhibit A: Preliminary Plans

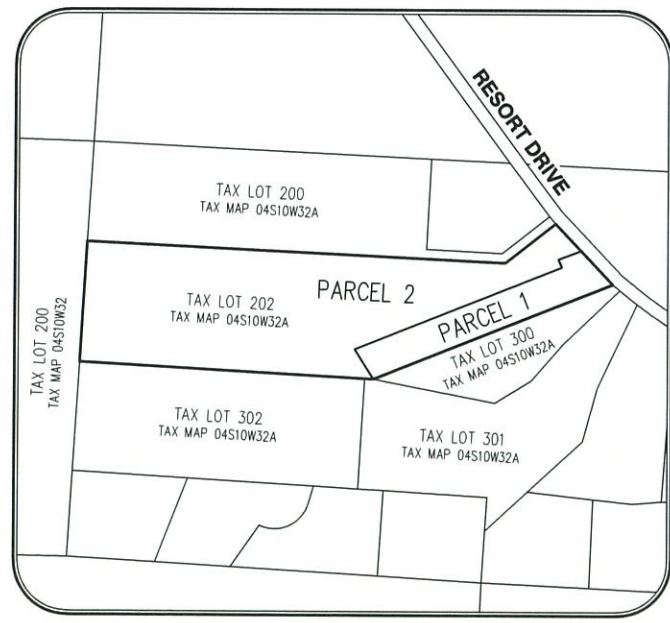
RESORT DRIVE

PLANNING APPLICATION PARTITION PLANS

LOCATED IN THE NORTHEAST 1/4 OF SECTION 32,
TOWNSHIP 4 SOUTH, RANGE 10 WEST, WILLAMETTE MERIDIAN,
TILLAMOOK COUNTY, OREGON



VICINITY MAP
NOT TO SCALE



SITE MAP
NOT TO SCALE



APPLICANT/OWNER
KINGFISHER HOLDINGS, LLC
9005 NESTUCCA RIDGE ROAD
PACIFIC CITY, OR 97135

APPLICANT'S CONSULTANT
AKS ENGINEERING & FORESTRY, LLC.
12965 SW HERMAN ROAD, SUITE 100
TUALATIN, OR 97062
PHONE: (503) 563-6151
EMAIL: WOLFFG@AKS-ENG.COM
CONTACT: GRACE WOLFF

PROJECT LOCATION: 37140 RESORT DRIVE, CLOVERDALE, OR 97112

ZONING DISTRICT: RURAL RESIDENTIAL (RR-2)

WATER DISTRICT: N/A

SEWER DISTRICT: N/A

PROPERTY DESCRIPTIONS: TAX LOT 202, TILLAMOOK COUNTY ASSESSORS MAP 4S10W32A
EXISTING AREA: 12 ACRES±

PROPERTY AREAS: PARCEL 1 AREA: 2 ACRES±
PARCEL 2 AREA: 10 ACRES±

PROJECT PURPOSE: TWO - PARCEL PARTITION

SHEET INDEX:

- 01 COVER SHEET WITH VICINITY MAP
- 02 EXISTING CONDITIONS PLAN (EAST)
- 03 EXISTING CONDITIONS PLAN (WEST)
- 04 PRELIMINARY PARTITION PLAT (EAST)
- 05 PRELIMINARY PARTITION PLAT (WEST)
- 06 PRELIMINARY PARTITION PLAT WITH AERIAL PHOTO (EAST)
- 07 PRELIMINARY PARTITION PLAT WITH AERIAL PHOTO (WEST)
- 08 PRELIMINARY SITE & ACCESS PLAN
- 09 PRELIMINARY GRADING & UTILITY PLAN

LEGEND

DECIDUOUS TREE		STORM SEWER CLEAN OUT	
CONIFEROUS TREE		STORM SEWER CATCH BASIN	
FIRE HYDRANT		STORM SEWER MANHOLE	
WATER BLOWOFF		GAS METER	
WATER METER		GAS VALVE	
WATER VALVE		GUY WIRE ANCHOR	
DOUBLE CHECK VALVE		POWER POLE	
AIR RELEASE VALVE		POWER VAULT	
SANITARY SEWER CLEAN OUT		POWER JUNCTION BOX	
SANITARY SEWER MANHOLE		POWER PEDESTAL	
SIGN		COMMUNICATIONS VAULT	
STREET LIGHT		COMMUNICATIONS JUNCTION BOX	
MAILBOX		COMMUNICATIONS RISER	
RIGHT-OF-WAY LINE			
BOUNDARY LINE			
PROPERTY LINE			
CENTERLINE			
CREEK			
CURB			
EDGE OF PAVEMENT			
EASEMENT			
FENCE LINE			
GRAVEL EDGE			
POWER LINE			
OVERHEAD WIRE			
COMMUNICATIONS LINE			
FIBER OPTIC LINE			
GAS LINE			
STORM SEWER LINE			
SANITARY SEWER LINE			
WATER LINE			

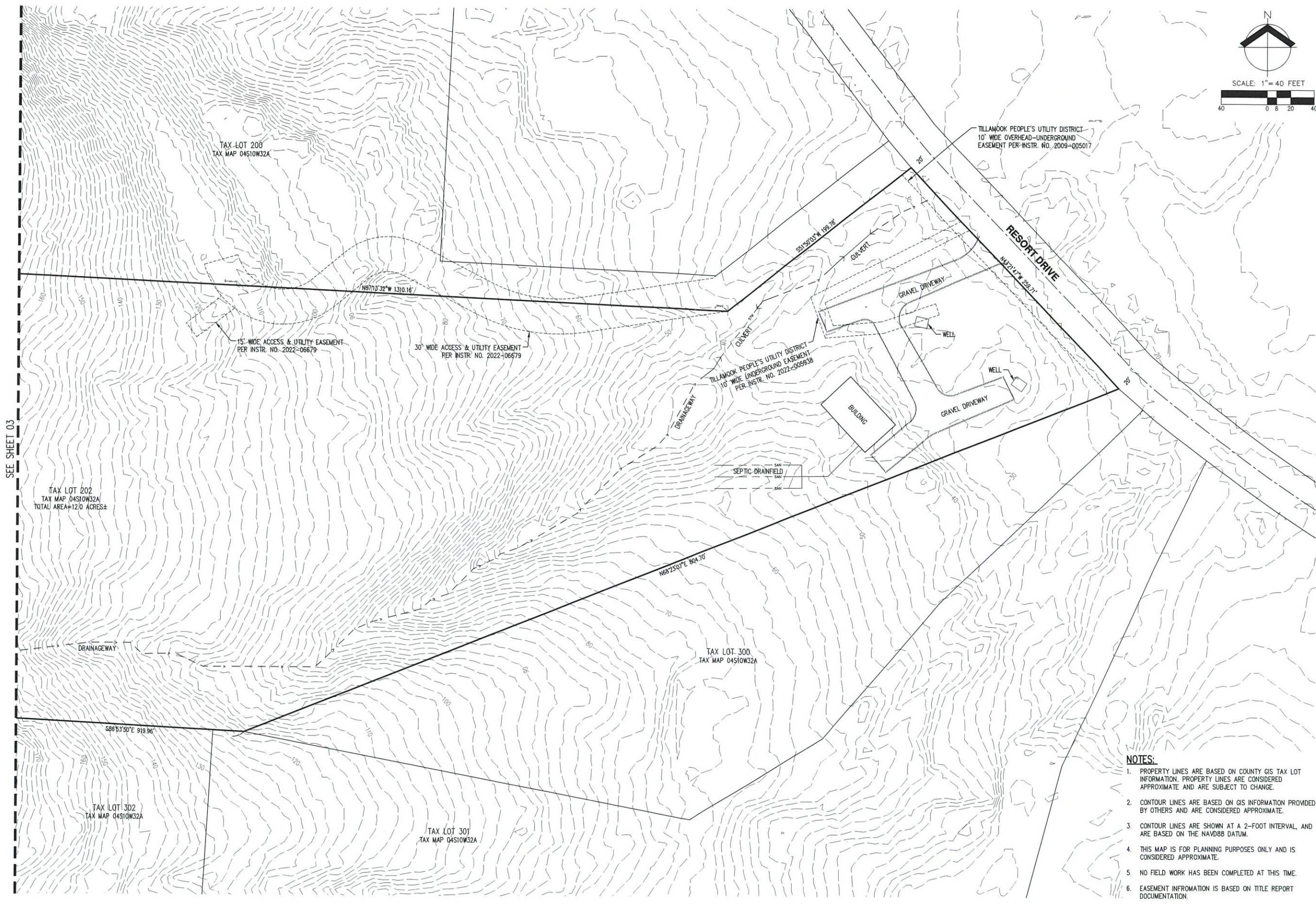
COVER SHEET WITH VICINITY MAP

RESORT DRIVE
TILLAMOOK COUNTY, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

RENEWED COPY
JANUARY 9, 2007
NICK WHITE
70652LS
RENEWS: 6/30/26
JOB NUMBER: 11610
DATE: 4/21/2025
DESIGNED BY:
DRAWN BY: WCB
CHECKED BY: NSW

AKS DRAWING FILE: 11610 PRELIM PLATING | LAYOUT: 02



SEE SHEET 03

- NOTES:**
1. PROPERTY LINES ARE BASED ON COUNTY GIS TAX LOT INFORMATION. PROPERTY LINES ARE CONSIDERED APPROXIMATE AND ARE SUBJECT TO CHANGE.
 2. CONTOUR LINES ARE BASED ON GIS INFORMATION PROVIDED BY OTHERS AND ARE CONSIDERED APPROXIMATE.
 3. CONTOUR LINES ARE SHOWN AT A 2-FOOT INTERVAL, AND ARE BASED ON THE NAVD88 DATUM.
 4. THIS MAP IS FOR PLANNING PURPOSES ONLY AND IS CONSIDERED APPROXIMATE.
 5. NO FIELD WORK HAS BEEN COMPLETED AT THIS TIME.
 6. EASEMENT INFORMATION IS BASED ON TITLE REPORT DOCUMENTATION.

EXISTING CONDITIONS PLAN (EAST)

**RESORT DRIVE
TILLAMOOK COUNTY, OREGON**

REGISTERED
PROFESSIONAL
LAND SURVEYOR

REVIEW COPY

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS
RENEWS: 6/30/26

JOB NUMBER: 11610
DATE: 4/21/2025
DESIGNED BY:
DRAWN BY: WCB
CHECKED BY: NSW

AKS

AKS ENGINEERING & FORESTRY, LLC
12055 SW HERMAN RD., STE 100
TILLAMOOK, OR 97122
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE



NOTES:

1. PROPERTY LINES ARE BASED ON COUNTY GIS TAX LOT INFORMATION. PROPERTY LINES ARE CONSIDERED APPROXIMATE AND ARE SUBJECT TO CHANGE.
2. CONTOUR LINES ARE BASED ON GIS INFORMATION PROVIDED BY OTHERS AND ARE CONSIDERED APPROXIMATE.
3. CONTOUR LINES ARE SHOWN AT A 2-FOOT INTERVAL, AND ARE BASED ON THE NAVD88 DATUM.
4. THIS MAP IS FOR PLANNING PURPOSES ONLY AND IS CONSIDERED APPROXIMATE.
5. NO FIELD WORK HAS BEEN COMPLETED AT THIS TIME.
6. EASEMENT INFORMATION IS BASED ON TITLE REPORT DOCUMENTATION.

**PRELIMINARY PARTITION PLAT WITH
AERIAL PHOTO (EAST)
RESORT DRIVE
TILLAMOOK COUNTY, OREGON**

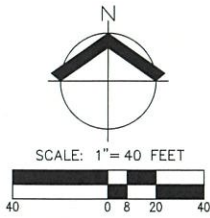
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White
REVIEW COPY
OREGON
JANUARY 9, 2007
NICK WHITE
7065215
RENEWS: 6/30/26

JOB NUMBER: 11610
DATE: 4/21/2025
DESIGNED BY:
DRAWN BY: WCB
CHECKED BY: NSW

NOTES:

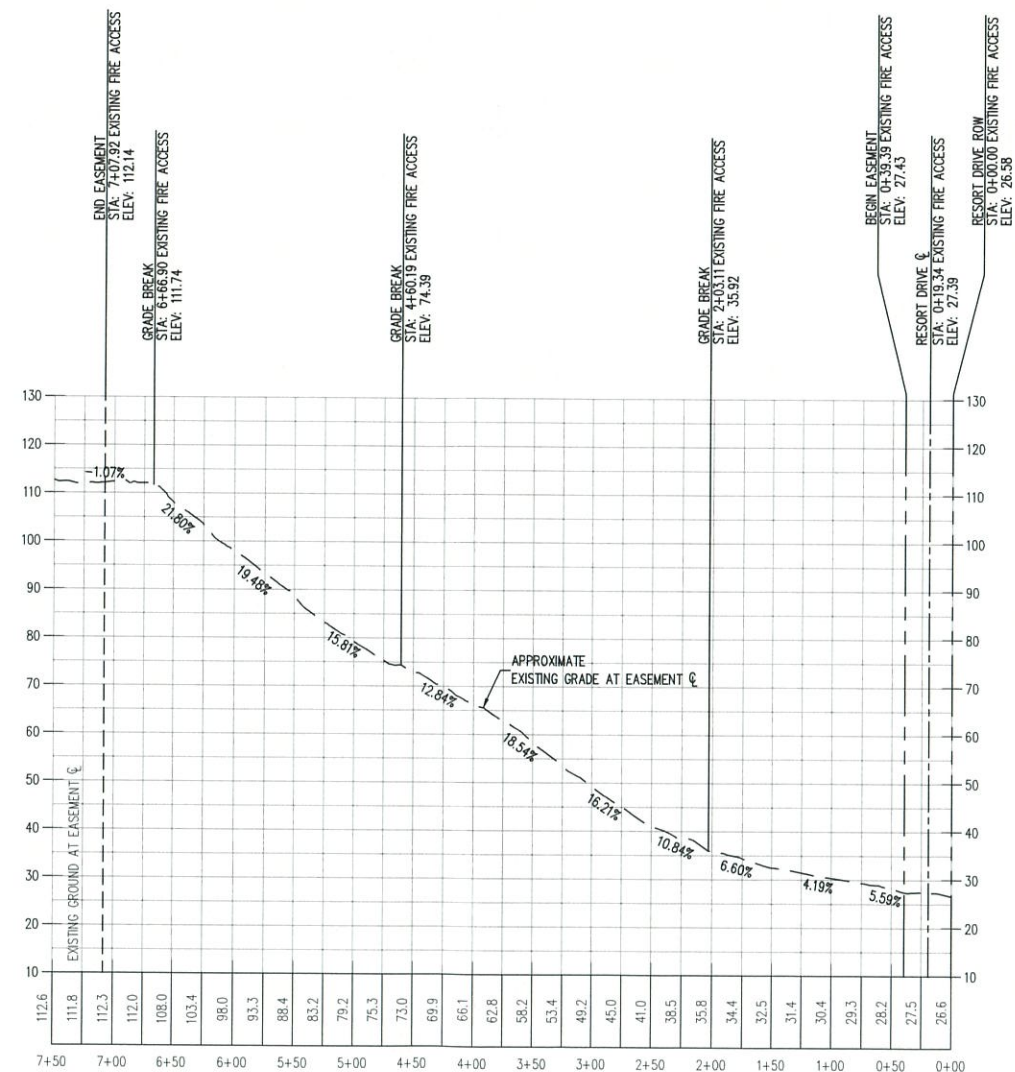
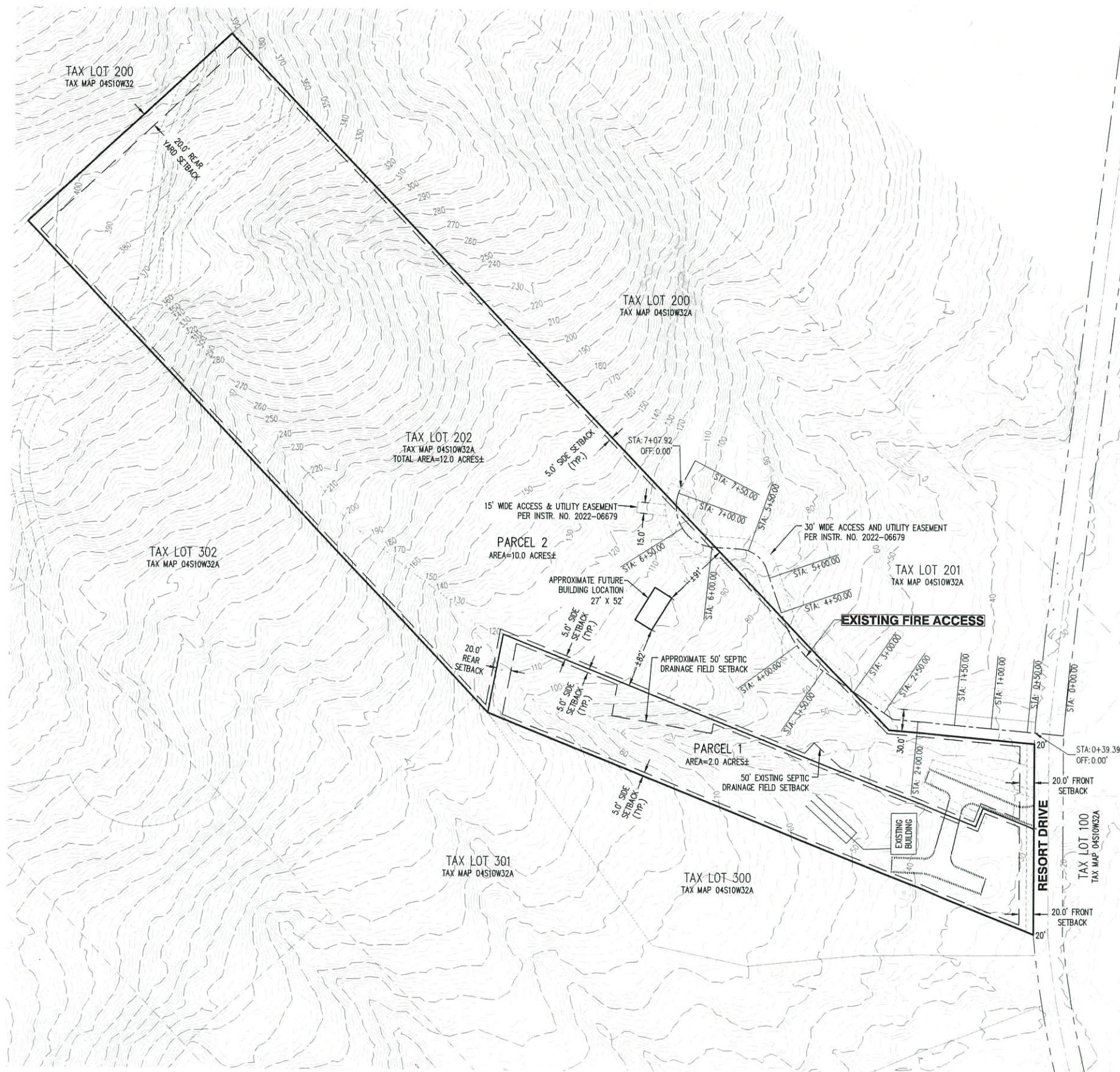
1. PROPERTY LINES ARE BASED ON COUNTY GIS TAX LOT INFORMATION. PROPERTY LINES ARE CONSIDERED APPROXIMATE AND ARE SUBJECT TO CHANGE.
2. CONTOUR LINES ARE BASED ON GIS INFORMATION PROVIDED BY OTHERS AND ARE CONSIDERED APPROXIMATE.
3. CONTOUR LINES ARE SHOWN AT A 2-FOOT INTERVAL, AND ARE BASED ON THE NAVD88 DATUM.
4. THIS MAP IS FOR PLANNING PURPOSES ONLY AND IS CONSIDERED APPROXIMATE.
5. NO FIELD WORK HAS BEEN COMPLETED AT THIS TIME.
6. EASEMENT INFORMATION IS BASED ON TITLE REPORT DOCUMENTATION.



SEE SHEET 06

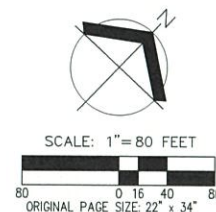
**PRELIMINARY PARTITION PLAT WITH
AERIAL PHOTO (WEST)
RESORT DRIVE
TILLAMOOK COUNTY, OREGON**

REGISTERED PROFESSIONAL LAND SURVEYOR	
REVIEW COPY	
OREGON JANUARY 9, 2007 NICK WHITE 70652LS RENEWS: 6/30/26	
JOB NUMBER:	11610
DATE:	4/21/2025
DESIGNED BY:	
DRAWN BY:	WCB
CHECKED BY:	NSW



EXISTING FIRE ACCESS PROFILE

HORIZ: 1"=80'
VERT: 1"=20'
ALL PROFILE ELEVATIONS BASED ON
EASEMENT CENTERLINE UNLESS NOTED OTHERWISE



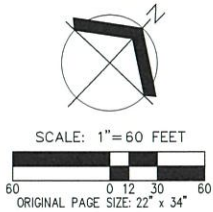
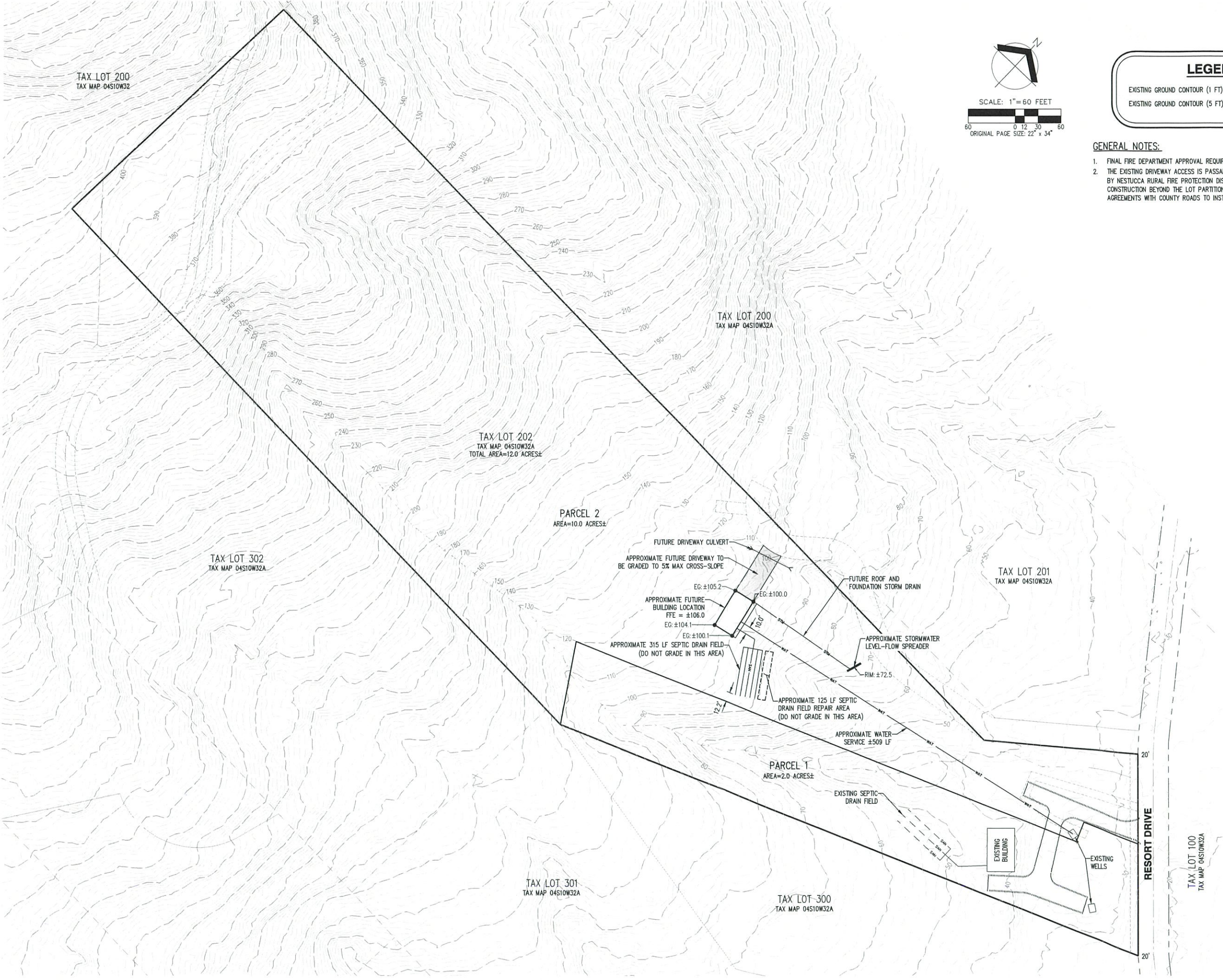
LEGEND

EXISTING GROUND CONTOUR (1 FT)
EXISTING GROUND CONTOUR (5 FT)

GENERAL NOTES:

1. FINAL FIRE DEPARTMENT APPROVAL REQUIRED AT THE TIME OF BUILDING PERMIT.
2. THE EXISTING DRIVEWAY ACCESS IS PASSABLE FOR EMERGENCY VEHICLES AS DETERMINED BY NESTUCCA RURAL FIRE PROTECTION DISTRICT (NRFPD) ON 3/26/2025. FURTHER CONSTRUCTION BEYOND THE LOT PARTITION WILL NEED TO BE REVIEWED BY NRFPD AND AGREEMENTS WITH COUNTY ROADS TO INSTALL PULLOUTS WILL NEED TO BE CHECKED.

AKS DRAWING FILE: 11610 PRELIM GRAD UTILITY LAYOUT: 09



LEGEND

EXISTING GROUND CONTOUR (1 FT)

EXISTING GROUND CONTOUR (5 FT)

- GENERAL NOTES:
1. FINAL FIRE DEPARTMENT APPROVAL REQUIRED AT THE TIME OF BUILDING PERMIT.
 2. THE EXISTING DRIVEWAY ACCESS IS PASSABLE FOR EMERGENCY VEHICLES AS DETERMINED BY NESTUCCA RURAL FIRE PROTECTION DISTRICT (NRFPD) ON 3/26/2025. FURTHER CONSTRUCTION BEYOND THE LOT PARTITION WILL NEED TO BE REVIEWED BY NRFPD AND AGREEMENTS WITH COUNTY ROADS TO INSTALL PULLOUTS WILL NEED TO BE CHECKED.

PRELIMINARY GRADING & UTILITY PLAN

RESORT DRIVE
TILLAMOOK COUNTY, OREGON

AKS

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TILLAMOOK, OR 97142
503.363.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 9, 2007
NICK WHITE
7065215
RENEWS: 6/30/26

JOB NUMBER: 11610

DATE: 4/21/2025

DESIGNED BY: TI

DRAWN BY: AMJ

CHECKED BY: NSW



Exhibit B: Application Form





Tillamook County Department of Community Development
1510-B Third Street. Tillamook, OR 97141 | Tel: 503-842-3408
www.co.tillamook.or.us

Fax: 503-842-1819

LAND DIVISION APPLICATION

Applicant ☒ (Check Box if Same as Property Owner)

Name:

Address:

City:

Email:

APPLICANT'S CONSULTANT

AKS ENGINEERING & FORESTRY, LLC.
12965 SW HERMAN ROAD, SUITE 100
TUALATIN, OR 97062
PHONE: (503) 563-6151
EMAIL: WOLFF@AKS-ENG.COM
CONTACT: GRACE WOLFF

Zip:

Property Owner

Name: Kingfisher Holdings, LLC

Phone: Contact Applicant's Consultant

Address: 9005 Nestucca Ridge Road

City: Pacific City

State: OR

Zip: 97135

Email: Contact Applicant's Consultant

Location:

Site Address: 37140 Resort Drive Cloverdale, OR 97112

Map Number:

4S

10W

32A

202

Township

Range

Section

Tax Lot(s)

Land Division Type: ☒ Partition (Two or Three Lots, Type II) ☐ Subdivision (Four or More Lots, Type III)
☐ Preliminary Plat (Pages 1-2) ☐ Final Plat (Page 3)

☒ PRELIMINARY PLAT (LDO 060(1)(B))

N/A For subdivisions, the proposed name.

- ☒ Date, north arrow, scale of drawing.
- ☒ Location of the development sufficient to development sufficient to define its location, boundaries, and a legal description of the site.

- ☒ Existing streets with names, right-of-way, pavement widths, access points.
- ☒ Width, location and purpose of existing easements
- ☒ The location and present use of all structures, and indication of any that will remain after platting.
- ☒ Location and identity of all utilities on and abutting the site. If water mains and sewers are not on site, show distance to the nearest one and how they will be brought to standards
- ☒ Location of all existing subsurface sewerage systems, including drainfields and associated easements

General Information

- ☒ Parcel zoning and overlays
- ☒ Title Block
- ☒ Clear identification of the drawing as "Preliminary Plat" and date of preparation
- ☒ Name and addresses of owner(s), developer, and engineer or surveyor

Existing Conditions

- ☒ Ground elevations shown by contour lines at 2-foot vertical interval. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor
- ☒ The location and elevation of the closest benchmark(s) within or adjacent to the site
- ☒ Natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes and tide flats
- ☒ For any plat that is 5 acres or larger, the Base Flood Elevation, per FEMA Flood Insurance Rate Maps

☐ Other information:

OFFICE USE ONLY	
Date Stamp	RECEIVED
	MAY 02 2025
	<i>AW MAIL</i>
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by:	
Receipt #:	
Fees:	
Permit No: 851-25-000224-PLNG	

Proposed Development

- Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to private tracts identified
- Location, width and purpose of all proposed easements
- N/A Proposed deed restrictions, if any, in outline form
- Approximate dimensions, area calculation (in square feet), and identification numbers for all proposed lots and tracts
- Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space
- On slopes exceeding an average grade of 10%, as shown on a submitted topographic survey, the preliminary location of development on lots demonstrating that future development can meet minimum required setbacks and applicable engineering design standards
- Preliminary utility plans for sewer, water and storm drainage when these utilities are to be provided
- The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable
- Evidence of compliance with: applicable overlay zones, including but not limited to the Flood Hazard Overlay (FH) zone
- Evidence of contact with the applicable road authority for proposed new street connections
- Certificates or letters from utility companies or districts stating that they are capable of providing service to the proposed development

Additional Information Required for Subdivisions

- N/A Preliminary street layout of undivided portion of lot
- N/A Special studies of areas which appear to be hazardous due to local geologic conditions
- N/A Where the plat includes natural features subject to the conditions or requirements contained in the County's Land Use Ordinance, materials shall be provided to demonstrate that those conditions and/or requirements can be met
- N/A Approximate center line profiles of streets, including extensions for a reasonable distance beyond the limits of the proposed Subdivision, showing the proposed finished grades and the nature and extent of construction
- N/A Profiles of proposed drainage ways
- N/A In areas subject to flooding, materials shall be submitted to demonstrate that the requirements of the Flood Hazard Overlay (FHO) zone of the County's Land Use Ordinance will be met
- N/A If lot areas are to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil
- N/A Proposed method of financing the construction of common improvements such as street, drainage ways, sewer lines and water supply lines

- ☐ **FINAL PLAT (LDO 090(1))**
- ☐ Date, scale, north arrow, legend, highways, and railroads contiguous to the plat perimeter
- ☐ Description of the plat perimeter
- ☐ The names and signatures of all interest holders in the land being platted, and the surveyor
- ☐ Monuments of existing surveys identified, related to the plat by distances and bearings, and referenced to a document of record
- ☐ Exact location and width of all streets, pedestrian ways, easements, and any other rights-of-way
- ☐ Easements shall be denoted by fine dotted lines, and clearly identified as to their purpose
- ☐ Provisions for access to and maintenance of off-right-of-way drainage
- ☐ Block and lot boundary lines, their bearings and lengths
- ☐ Block numbers
- ☐ Lot numbers
- ☐ The area, to the nearest hundredth of an acre, of each lot which is larger than one acre
- ☐ Identification of land parcels to be dedicated for any purpose, public or private, so as to be distinguishable from lots intended for sale

Certificates:

- ☐ Title interest & consent
- ☐ Dedication for public use
- ☐ Engineering/Survey
- ☐ Water
- ☐ Public Works

☐ Additional Information:

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. Within two (2) years of final review and approval, all final plats for land divisions shall be filed and recorded with the County Clerk, except as required otherwise for the filing of a plat to lawfully establish an unlawfully created unit of land. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.



 _____ Property Owner (Required)	, Manager Date 4/25/25
 _____ Applicant Signature	, Manager Date 4/25/25

Exhibit C: Ownership Information

Title No. 29-69973

Escrow No. 29-69973



Tillamook County, Oregon 2005-004097
05/16/2005 11:06:46 AM

DEED-DWARR
\$10.00 \$11.00 \$10.00 - Total = \$31.00



00032708200500040970020022

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

Tassi O'Neil, Tillamook County Clerk



After Recording Return To:

Kingfisher Holdings, LLC
Mary J. Jones
PO Box 189
Pacific City OR 97135

Send Tax Statements To:

Kingfisher Holdings, LLC
Mary J. Jones
PO Box 189
Pacific City OR 97135

Title Order No. 29-69973

Escrow No. 29-69973

Tax Account No. 2201 4S10 32A

00202 ACCT ID# 393180

WARRANTY DEED

(ORS 93.850)

Donald H. Buford and Patricia L. Buford, as tenants by the entirety, as to an undivided one half interest and Stephen R. Buford and Elisida M. Buford, as tenants by the entirety, as to an undivided one half, Grantor, conveys and warrants to Kingfisher Holdings, LLC, an Oregon Limited Liability Company, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit 'A' attached hereto and by reference made a part hereof.

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$216,000.00.

Dated this 6th day of May, 2005.

Donald H. Buford
Donald H. Buford

Patricia L. Buford
Patricia L. Buford

Stephen R. Buford
Stephen R. Buford

Elisida M. Buford
Elisida M. Buford

State of Oregon, County of Tillamook)ss.

This instrument was acknowledged before me on May 6, 2005
by Donald H. Buford and Patricia L. Buford.

Elaine Mallett
Notary Public

My commission expires: 1-5-2008



Recorded by TICOR
Title Ins. Co. 29-69973

Title No. 29-69973 Escrow No. 29-69973
State of Oregon, County of Tillamook)ss.

This instrument was acknowledged before me on May 6, 2005
by Stephen R. Buford and Elisida M. Buford.

Elaine Mallett
Notary Public

My commission expires: 1-5-2008



EXHIBIT 'A'

Legal Description:

Parcel 3 of PARTITION PLAT NO. 1992-041, situated in the Northwest quarter of the Northeast quarter, and the Northeast quarter of the Northeast quarter in Section 32, Township 4 South, Range 10 West, Willamette Meridian, Tillamook County, Oregon, as recorded December 15, 1992 in Plat Cabinet B359-1, in Partition Plat Records in Tillamook County, Oregon.

Subject to:

The said property is free from encumbrances except:
COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, SET BACK LINES,
POWERS OF SPECIAL DISTRICTS AND EASEMENTS OF RECORD, IF ANY.

**Exhibit D: Tillamook County Public Works
Access Coordination**

From: [Jasper Lind](#)
To: [Taylor Ireland](#)
Subject: RE: EXTERNAL: RE: EXTERNAL: [Jasper Lind] Existing Road Improvements - Resort Drive
Date: Wednesday, March 5, 2025 9:38:58 AM
Attachments: [image002.png](#)

Hello Taylor,

This easement appears to cover the necessary access to public right of way we discussed over the phone a few days ago. If DCD requires further input from our department regarding this proposed partition, please let me know.

Thank you,



Jasper Lind | Engineering Technician
TILLAMOOK COUNTY | Public Works
503 Marolf Loop
Tillamook, OR 97141
Phone (503)842-2032 ext. 3104
Jasper.Lind@tillamookcounty.gov

From: Taylor Ireland <irelandt@aks-eng.com>
Sent: Tuesday, March 4, 2025 10:44 AM
To: Jasper Lind <jlind@co.tillamook.or.us>
Subject: EXTERNAL: RE: EXTERNAL: [Jasper Lind] Existing Road Improvements - Resort Drive

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hi Jasper,

Thank you for the time on the phone yesterday to discuss the potential partition of 37140 Resort Drive. Attached is the recorded access easement for Tax Lot 200. Per the statement shown in the screenshot below, the easement benefits any future parcel that may be created from a partition. Please let me know if this suffices for public works approval.

Kingfisher is the owner of a certain parcel of real property commonly addressed as 37140 Resort Drive, more specifically as follows: **Parcel 3 of Partition Plat No. 1992-41, Tillamook County, Oregon** (the "Kingfisher Parcel"). The Smith Parcel and Kingfisher Parcel shall together be referred to as the "Parcels" or, in the singular, "Parcel". **In the event of partition of either or both the Smith Parcel or Kingfisher Parcel, the term "Parcels" shall collectively refer to all relevant legal lots of record and the term "Parcel" shall refer to any single legal lot of record.**

Thank you,

Taylor Ireland, EIT

AKS ENGINEERING & FORESTRY, LLC

12965 SW Herman Road, Suite 100 | Tualatin, OR 97062

P: 503.563.6151 Ext. 129 | www.aks-eng.com | irelandt@aks-eng.com

From: Jasper Lind <jlind@co.tillamook.or.us>

Sent: Thursday, February 27, 2025 3:41 PM

To: Lucas Salazar-Kruse <lucas.salazar-kruse@aks-eng.com>

Cc: Sheila Shoemaker <Sheila.Shoemaker@tillamookcounty.gov>

Subject: FW: EXTERNAL: [Jasper Lind] Existing Road Improvements - Resort Drive



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender jlind@co.tillamook.or.us

Proceed with caution: This email hails from an external source. Unverified emails may lead to phishing attacks or malware infiltration. Always exercise due diligence.

Hello Lucas,

Property 4S1032A000202 has an existing road approach permit associated with it. (see attached document) Public Works primary concern regarding potential partition of this property is the preservation of vehicular access to the public right of way. This likely means either a flag lot with a new road approach, or some sort of access easement for shared use of the same existing road approach. Please note that construction of a second home using the same approach *may* require a new permit (change of use due to change in volume). If so, this would probably require some paving on the first 20 feet of the approach.

Public works has no objection to this partition so long as the resulting properties all have legal access to the Resort Drive public right of way.

Thank you,



Jasper Lind | Engineering Technician

TILLAMOOK COUNTY | Public Works

503 Marolf Loop

Tillamook, OR 97141

Phone (503)842-2032 ext. 3104

Jasper.Lind@tillamookcounty.gov

From: Tillamook County OR <tillamookcounty-or@municodeweb.com>
Sent: Wednesday, February 26, 2025 12:56 PM
To: Jasper Lind <jlind@co.tillamook.or.us>
Subject: EXTERNAL: [Jasper Lind] Existing Road Improvements - Resort Drive

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Lucas Salazar-Kruse (lucas.salazar-kruse@aks-eng.com) sent a message using the contact form at <https://www.tillamookcounty.gov/>.

Hi Jasper,

I believe I spoke with you over the phone regarding Tillamook County Public Works' requirements for a lot partition off Resort Drive, south of Pacific City. During our conversation, you mentioned that the only requirement from Public Works was that the road approach easement met certain criteria, and that you would be sending me a document outlining the existing road improvement approach easement completed by the county.

I just wanted to confirm that it was you that I spoke with and to check on the status of receiving that document.

If you are not the person I spoke with, I apologize for the mix-up, and I would greatly appreciate any assistance you can provide.

Thank you!

Best regards,
Lucas Salazar-Kruse

PUBLIC WORKS DEPARTMENT



503 Marolf Loop Road
Tillamook, Oregon 97141
Roads (503) 842-3419
Solid Waste (503) 815-3975
FAX (503) 842-6473
Email: pubwks@co.tillamook.or.us
TTY Oregon Relay Service

Land of Cheese, Trees and Ocean Breeze

August 6th, 2020

Kingfisher Holdings LLC
PO Box 189
Pacific City, OR 97135

RE: Road Approach Permit #6325
Resort Drive - Cloverdale; Tillamook County Maintained Road #887
T04S R10W Sec. 32A, Tax Lot #00202

Dear Peter:

Tillamook County Engineering staff review of your Road Approach Permit Application and a field site evaluation is complete with the following conclusion.

This permit is issued to authorize the construction of one new road approach to access the tax lot as identified on the above noted Tillamook County Assessor's map, a copy of which is marked up and included as part of this permit. The road approach approved under this permit is a preliminary to any permanent construction or installation which will be required to be reviewed and appropriate land use and development permits issued by the Tillamook County Department of Community Development.

No portion of the right of way of Resort Drive is to be used for over night or weekend storage of materials, equipment or extended daytime staging. Any material staged is required to be processed onto the subject parcel in a timely manner subject to condition #2 below.

By this reference, your signed application and proposed road approach plan are incorporated into this permit.

Road Approach permit #6325 is **Approved** with the following conditions:

1. With the issuance of this Road Approach Permit it is the sole responsibility of the applicant to verify and comply with all local, state, and federal land use regulations and related permit requirements. The issuing of this Road Approach Permit in no way relieves the applicant from applicable land use laws or regulations that may pertain to the lands accessed by the construction of the herein approved road approach.
2. Blocking any road under Tillamook County Jurisdiction for more than 30 minutes is considered a road closure that must be authorized by the Public Works Department preceded by appropriate residential and emergency service notification. As the permit holder you are required to receive prior authorization from public works for any road closure.
3. A pre-construction site meeting is required to be scheduled between myself and the contractor to finalize driveway grade and alignment.
4. Road Approach construction materials and geometry are defined on the attached specification sheet and should be followed carefully. Storm water control as depicted on the submitted site plan is approved by the public works department for construction.

5. FINISHED grade of the approach from the existing edge of the County Road to the Right of Way line is to be -2%.
6. No concrete work or landscaping is allowed in the county right of way without prior approval.

IT IS THE RESPONSIBILITY OF THE PERMIT HOLDER TO ARRANGE FOR ANY NECESSARY UTILITY LOCATES PRIOR TO EXCAVATION.

ATTENTION: 2007 Oregon Revised Statutes Chapter 757, requires you to follow rules adopted by the Oregon Utility Notification Center (OUNC). Those rules are set forth in Oregon Administration Rules Chapter 952, Division 1. You may obtain copies of the rules by calling 811 or logging on to the O.U.N.C. website at <http://www.digsafelyoregon.com/>

Before commercial use of the road approach, all improvements of the road approach shall be completed, except paving. [As stated in Ordinance #44 on page 6 & 7, Section V-E.]

Applicant or their contractor shall contact this office with a 48-hour advance notice for inspections as required prior to accessing the structure.

- A. Phase I inspection is for sub-grade prior to rock base and verification of the sight distance.
- B. Phase II inspection of completed rock base and approach grade.
- C. Final Completion of all requirements by 18 months from date of issue.

No structures, fencing, concrete, masonry, brickwork, landscaping, nor roadside hazards are permitted within the road right-of-way. All mailboxes must meet approved "break-a-way" standards for impact by vehicles.

If you have any questions, please feel free to contact or leave a message for Tillamook County Public Works at the above number between the hours of 8:00 a.m. and 4:30 p.m. Monday thru Thursday.

Sincerely,



Jasper J. Lind
Engineering Technician

Cc: Sheila Shoemaker, Department of Community Development, by email
James Aman, Matt Andrus, Jeanette Arnold, & Zachary Hudspeth, TPUD, by email
Chet Parker, CenturyLink, by email
Bryant Sheldon, Christopher Palmer, Charter, by email

The road approach covered by this permit shall be built in accordance with Tillamook County Ordinance #44 & constructed with the following dimensions and specifications

Public Road Resort Drive
 Road Number 887
 Paved Rocked X
 Mile Post n/a Eng. Station n/a
 Side of Road South
 Ditch Flow: Ahead N/A Back N/A

Ordinance #44 Plan View Dimensions

W = <25' R1 = 15'
 A = 90° Dd = N/A
 Drw = ± 15' R2 = 15'

Public Right of Way Width = 40'

Posted Traffic Speed B.R. MPH
 Intersection Distance 110' East
 Required Sight Distance N/A FEET
 Observed Sight Distances

Right N/A Left N/A

Culvert Exst'g / Req'd Yes

Culvert: N/A Concrete
N/A Corrugated Galvanized Metal
N/A Corrugated HDPE Dual Wall

Length N/A Diameter N/A

Applicant Kingfisher Holdings LLC
 Contractor OWNER'S CHOICE
 T = 4S R = 10W
 Section = 32A
 Tax Lot = 202

PHASE INSPECTION (subgrade)

Date _____ BY _____

FINAL INSPECTION (culvert & rock placement)

Date _____ BY _____

PAVING INSPECTION (if required)

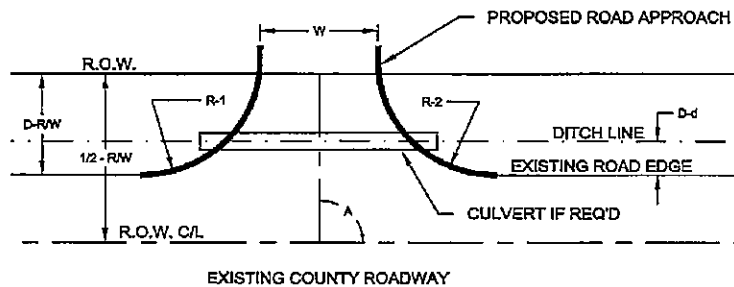
Date _____ BY _____

Base Fabric Required Yes (Y / N)
 ROCK BASE: Size & Type 3" - 0"
 Compacted Depth 9"
 FINISH ROCK: Size & Type 3/4"-0"
 Compacted Depth 3"

ASPHALT CEMENT PAVEMENT
 Compacted Depth N/A
 Number of Lifts N/A

NOTE: All placed aggregates are to be free of bio-mass and compacted to 95% Dry Density

ROAD APPROACH PLAN VIEW



Application Permit No. 6325

Road No. 887

ROAD APPROACH APPLICATION AND CONSTRUCTION PERMIT

NOTICE

Applicant must be the person, representative of the firm or corporation having the legal ownership of the property to apply for a Road Approach Permit. Such legal right is vested only in the owner of the property abutting the highway or the holder of an easement or similar right to construct and use an approach road upon the abutting property.

PROPOSED USE: **SINGLE FAMILY RESIDENCE** X **COMMERCIAL** _____

TOWNSHIP 4S RANGE 10 WEST, W.M. SECTION 32 TAX LOT NO. 202

Kingfisher Holdings LLC
(NAME OF APPLICANT/PROPERTY OWNER)

PO Box 189, Pacific City, OR 97135 503-965-7779
(MAILING ADDRESS AND PHONE NUMBER)

Peter@trintab.consulting
(EMAIL ADDRESS)

Resort Drive
(NAME OF STREET OR ROAD TO BE ACCESSED)

NO CONSTRUCTION SHALL BE ALLOWED ON THE APPROACH ROAD UNTIL THIS APPLICATION HAS BEEN ISSUED BY THE DEPARTMENT OF PUBLIC WORKS.

This application is made pursuant to O.R.S. Chapter 374 and Tillamook County Ordinance #44 (see Ordinance #44 for detailed information).

The **APPLICANT SHALL PROVIDE A MAP** accompanying this application showing the following information:

- X The road right-of-way lines;
- X The location of the traveled road in the road right-of-way;
- X All existing and proposed road approaches;
- X All existing and proposed structures;
- X The existing and proposed drainage ditching and culverts
- X The distance from the center of the road approach to the nearest property corner.

THE PROPOSED APPROACH ROAD LOCATION MUST BE STAKED AND FLAGGED ON THE SITE. A \$583.00 fee will be required at the time of application. **DOUBLE FEES SHALL BE ASSESSED FOR ANY APPLICATION RECEIVED AFTER CONSTRUCTION HAS ALREADY STARTED.** If additional trips are required because the site is not staked or flagged an additional fee of \$25.00 for each trip can be assessed.

PRIOR TO ISSUING THE PERMIT THE PUBLIC WORKS DEPARTMENT OF THE COUNTY WILL INSPECT THE SITE for proper drainage, traffic hazards and general acceptability.

REVISED 01/2017

RECEIVED

AUG 03 2020

TILLAMOOK COUNTY ROAD DEPT

Handwritten: Road #5831

THE APPROACH ROAD CONSTRUCTION SHALL COMMENCE BY THE APPLICANT AS DIRECTED BY THE COUNTY AND INSPECTED FOR COMPLETION IN THE FOLLOWING PHASES:

PHASE I: Clearing of the site, ditch excavation and subgrade of the approach. The applicant shall request an inspection for approval, prior to proceeding with Phase II construction.

PHASE II: Installing the culvert, placing all rock base. The applicant shall request an inspection for approval. PHASE II MUST BE COMPLETED PRIOR TO CONSTRUCTION ACCESS.

FINAL PHASE: Paving. After the paving, the applicant shall request a final inspection for approval.

In consideration of the applicant's agreement to comply in all respects with the regulation of Tillamook County, permission is hereby granted for construction described in the above application and in the instructions attached hereto and by this reference made a part hereof to same extent as if set forth in full. The applicant shall make all corrections as directed. Applicant agrees to save and hold harmless the County from any and all liability of whatever kind or nature arising or to arise by reason of issuance of this construction permit, the issuance thereof being for the sole benefit of applicant. Applicant is responsible to obtain all approvals or permits from other government agencies having jurisdiction affected by the proposed road approach construction site, i.e., wetlands; urban growth; riparian areas; access to county road within city.

The entire expense of maintaining said approach road shall be borne by applicant. If in the event of the reconstruction or widening of any highway, it becomes necessary to remove, alter or reconstruct the approach road constructed under authority of this permit, the cost of such removal or replacement to a like width and condition will be borne by the County. Any widening or other improvement of the approach road at the applicant's request shall be done only under authority of a new permit and at the expense of the applicant.


APPLICANT (PROPERTY OWNER ONLY)

7-28-2020
DATE

FOR DEPARTMENT USE ONLY

APPLICATION APPROVED: 

PUBLIC WORKS DEPARTMENT

08/06/2020

DATE

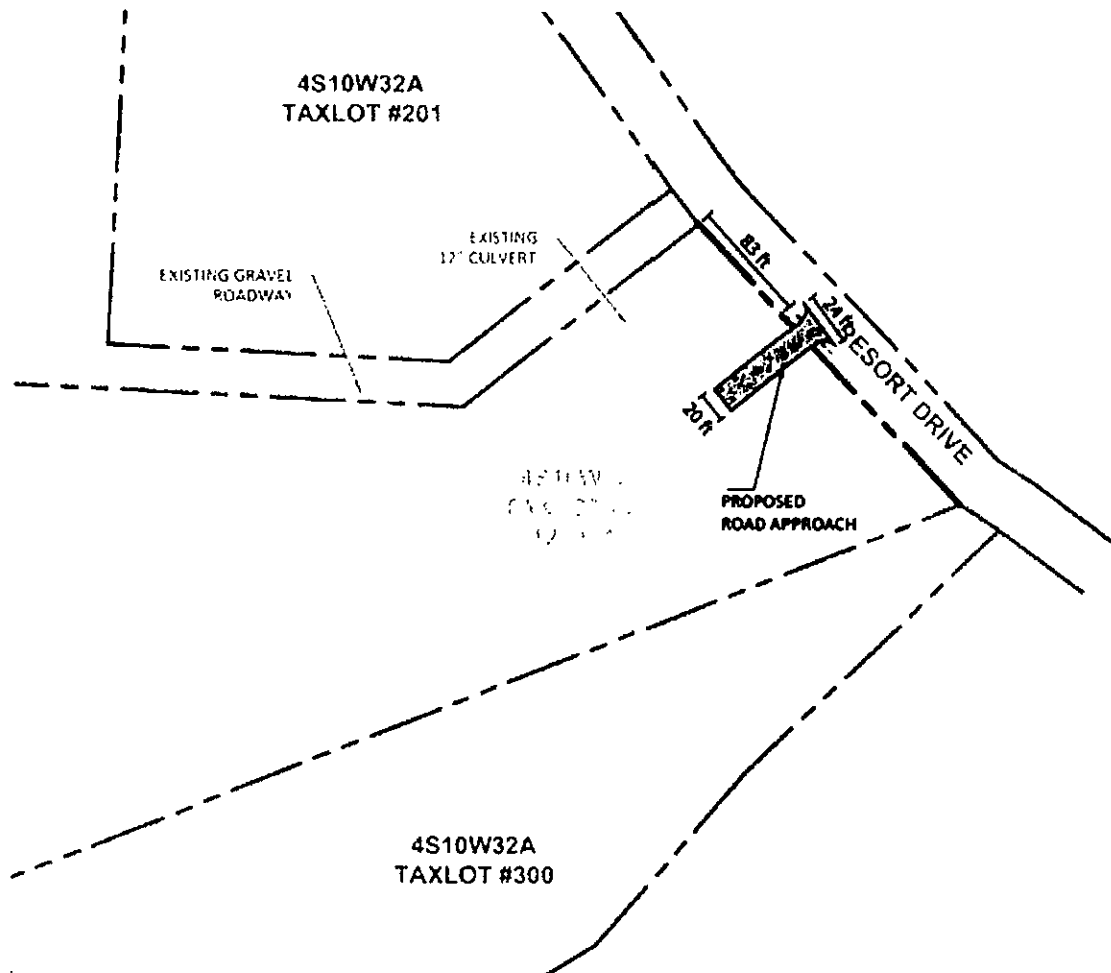
PHASE II COMPLETION REQUIRED BY: _____ COMPLETED: _____

(Phase II must be completed prior to construction access)

FINAL COMPLETION REQUIRED BY: _____

PERMIT NUMBER: 6325 _____

FINAL COMPLETION INSPECTED AND APPROVED: _____

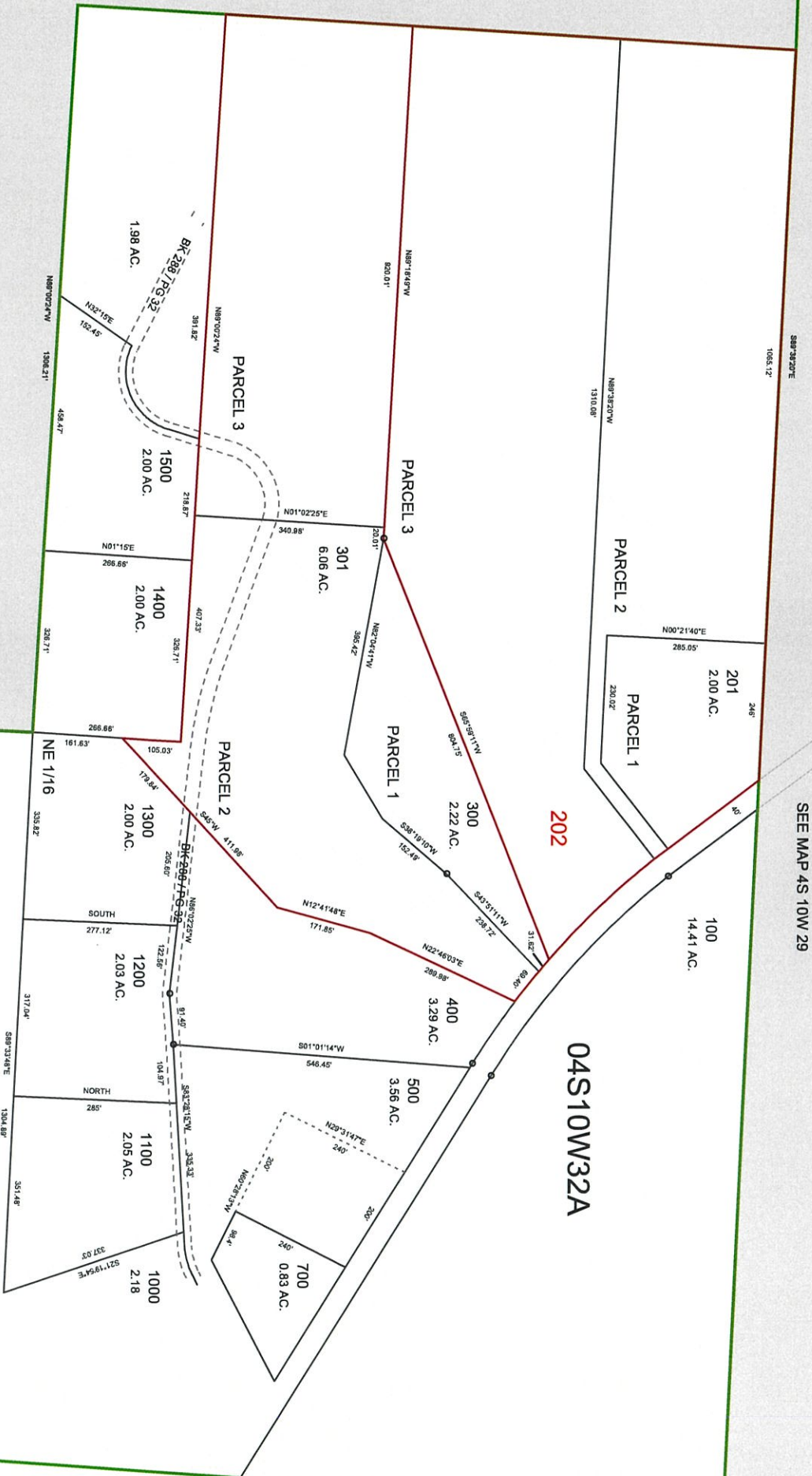


SEE MAP 4S 10W 29

04S10W32A

22-1

2400 TC
38.68 AC.



Facing West

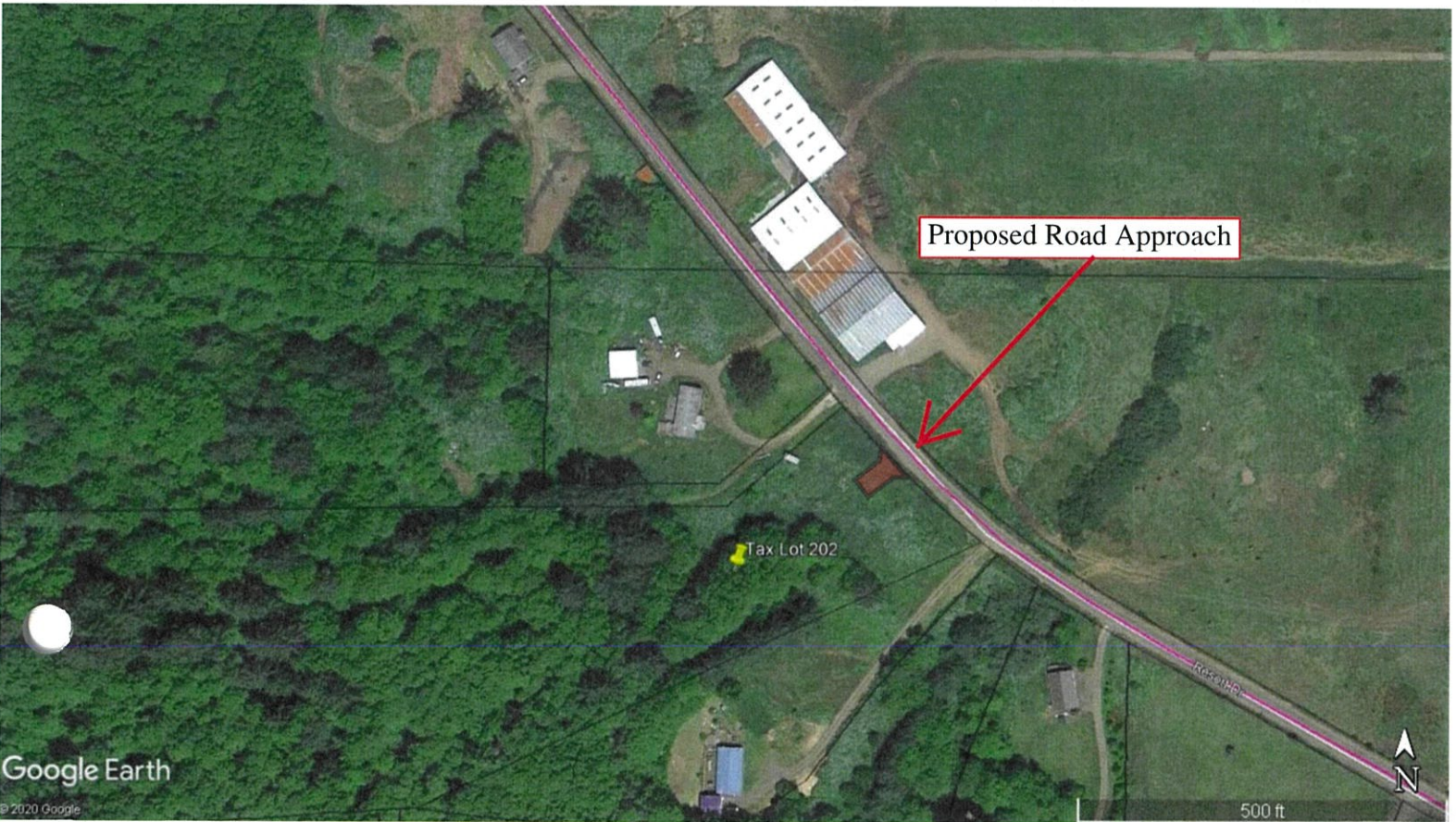


Resort Drive

Facing East



Facing South



**Exhibit E: Nestucca Rural Fire Protection District
Review and Approval Form**



NESTUCCA RURAL FIRE PROTECTION DISTRICT
30710 Highway 101 South
Cloverdale, Oregon 97112

Fire District Review & Approval Form

This form must be completed and signed by the local Fire Protection District prior to applying for a Building Permit or Manufactured Dwelling Placement Permit.

Proposed Development/Construction/Location 4S 10W 32 202

Water Source: ☐ Water District
 x Well * ☐ Creek * ☐ Spring *

* You will need to provide documentation from the Water Resources Department showing the gallons per minute (GPM) available to your property and a copy of your Well Report or Residential Water Right to your water source. **No hydrant GPM information provided**

***** **Fire District to complete information below** *****

1. Review of road access for fire district use to the property resulted in the following:

- ☒ The road access is passable for Emergency Vehicles
 ☐ Road Gradient is less than 10% ☐ Road width clearance of 20'
 ☒ Road Gradient is between 10-15% ☐ Road height clearance of 13'6"
☐ The road access is not passable for Emergency Vehicles
 ☐ Road Gradient is greater than 15% ☐ Private Bridge does not meet GVW
 ☐ Road does not have required turnarounds or pullouts

Recommendations: **Community Development will determine needs**

Further construction beyond this will need to be reviewed and the agreements with county roads to install pullouts will need to be checked.

2. Review of water supply for fire district use to the property resulted in the following:

- ☒ There is adequate water available to the property for Fire Suppression
 ☐ Residence is within 1,000' of hydrant ☐ Available water per NFPA 1142
 ☐ Sprinkler system installation ☐ Fire wall installation to reduce size
☐ There is not adequate water available to the property for Fire Suppression
☐ Square footage of residence exceeds available water for both NFPA 1142 and/or 2004 OFC, Appendix B

Recommendations: **Follow All IBC & OFC Codes as determined by TCCD**

3. Action Taken:

☒ I have reviewed the information regarding the property listed above. Ensure the road finish meets road width.

*****Failure to follow codes may inhibit the ability to provide suppression*****

Printed Name: James Oeder

Title: Fire Chief

Signature *James Oeder*

Date: 03/26/2025

Exhibit F: Access and Utility Easement
No. 2022-06679

WHEN RECORDED RETURN TO:
Smith Living Trust
Attn: Daniel and Laurel Smith, Trustees
5720 Windy Lane
Neskowin, Oregon 97149

Taxes: No Change

RECIPROCAL GRANT OF ACCESS & UTILITY EASEMENT

THIS RECIPROCAL GRANT OF ACCESS AND UTILITY EASEMENT ("Easement") is made as of the 31st day of October, 2022 by Daniel M. Smith and Laurel Smith, Trustees of the Smith Living Trust under agreement dated February 5, 2019 ("Smith") and Kingfisher Holdings, LLC an Oregon limited liability company ("Kingfisher"). Smith and Kingfisher may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS:

Smith is the owner of a certain parcel of real property commonly addressed as 37120 Resort Drive, more specifically described as follows: **Parcel 2 of Partition Plat No. 1992-41, Tillamook County, Oregon** (the "Smith Parcel").

Kingfisher is the owner of a certain parcel of real property commonly addressed as 37140 Resort Drive, more specifically as follows: **Parcel 3 of Partition Plat No. 1992-41, Tillamook County, Oregon** (the "Kingfisher Parcel"). The Smith Parcel and Kingfisher Parcel shall together be referred to as the "Parcels" or, in the singular, "Parcel". In the event of partition of either or both the Smith Parcel or Kingfisher Parcel, the term "Parcels" shall collectively refer to all relevant legal lots of record and the term "Parcel" shall refer to any single legal lot of record.

There is an existing gravel roadway running over and across the Parcels. The Parties intend to improve this roadway as provided herein and shown in Exhibit 1, and further desire to provide for a permanent, reciprocal, non-exclusive access easement for the purpose of facilitating vehicular and pedestrian access, ingress and egress to and through the Parcels, in contemplation of future residential development if the Kingfisher Parcel.

The consideration for this Easement is \$0.00 but consists of the reciprocal grant of rights and benefits provided herein.

NOW THEREFORE, in consideration of the mutual benefits the Parties will derive from this Easement, the Parties agree as follows:

1. Recitals. The Recitals provided above are incorporated herein as terms of this Easement, to the extent that they do not conflict with the below terms.

2. Improvement of Existing Road. The Parties agree that the existing roadway shall be improved, and utilities installed, as shown in Exhibit 1. Once construction on the roadway begins,

it shall proceed as quickly and without delay or interruption as reasonably possible. The Parties shall divide all costs associated with the improvement of the roadway and installation of utilities equally, except as follows: (i) all improvement costs for portions of the roadway that benefit only one Parcel shall be reasonably allocated to and be the responsibility of the owner of the benefited Parcel, and (ii) any utilities associated with or benefiting only one of the Parcels shall be the responsibility of the owner of the benefited Parcel. The Parties acknowledge that the Smith Parcel is already benefited by utilities and will not need any improvement to the same, so all utility costs are expected to be borne by Kingfisher. The Parties shall allocate costs for which any Party is not solely responsible. The roadway, after improvement in accordance with this section, shall be referred to as the "Access Road".

3. Grant of Reciprocal Access Easements. Smith grants to Kingfisher and Kingfisher grants to Smith, their successors and assigns, an appurtenant nonexclusive perpetual access easement on, over, and across the respective Parcels for uninhibited access, ingress and egress, to and from each Parcel, together with the right to install, maintain and repair underground utilities that are or may be desirable to benefit either Parcel (the "Easement"). The location of the Easement shall be the Access Road is delineated in Exhibit 1 and defined in Exhibit 2.

4. Restrictions. No above ground structures, barriers, fences, buildings, or other improvements of any kind will be installed in the Easement other than roadway surfaces and improvements (e.g. asphalt paving, ditching, sidewalk). Except for emergencies, neither party will obstruct the Easement area or any part thereof.

5. Maintenance and Repair of Access Road. The Parties agree to maintain the Access Road in a good and serviceable condition at all times. Repairs and maintenance shall be done on an as-needed basis. Ordinary maintenance and repair costs shall be shared equally between Kingfisher and Smith, except as follows: (i) maintenance and repair costs associated with portions of the Access Road that benefit only one Parcel shall be the responsibility of the owner of the benefited Parcel; (ii) maintenance and repair costs associated with the abnormal or negligent use of any Party, or such Party's guests, licensees or invitees, shall be the sole responsibility of the damaging Party; and (iii) subject to (i) and (ii) above, if the Kingfisher Parcel is developed with three (3) or more single family residences using the Access Road, then the owner of each unit of land accessed by the Access Road shall pay for an equal share of the cost. For purposes of this provision, the phrase "single family residence" shall be interpreted to not include accessory structures or dwellings.

6. Hold Harmless & Assumption of Risk. Smith will indemnify and hold Kingfisher harmless from any and all claims arising out of the use of the Easement area by Smith or any of Smith's guests, licensees, or invitees. Kingfisher will indemnify and hold Smith harmless from any and all claims arising out of the use of the Easement area by Kingfisher or any of Kingfisher's guests, licensees, or invitees.

7. Work Notice & Reimbursement. Should any Party desire to perform work within the Easement area as authorized by this Agreement, the Party shall provide ten (10) business days' prior written notice to all other Parties subject to this Easement. In an emergency, no advance written notice will be required, however, the Party performing the work shall take reasonable efforts to promptly notify the other Party or Parties. A Party who has incurred expenses hereunder

to which another Party is required to contribute, shall notify said Party of the amount of the contribution based on said Party's share in proportion to all Parties subject to this Easement and others who may have voluntarily agreed to participate. The contributing Party shall then reimburse the Party who has incurred said expenses within 10-days of said notice. Any Party who does not reimburse the amount requested within 10-days shall, in addition to all other remedies allowed hereunder or by statute, pay interest at the rate of 18% per annum on the original amount required to be paid.

8. Binding Effect. The covenants contained in this Easement shall run with the land and shall inure to the benefit of and be binding upon the Parties' heirs, personal representatives, transferees and/or successors in interest.

10. Attorney Fees & Disputes. In the event a suit or action is filed to enforce this Easement or to construe or interpret this Easement, the prevailing party shall be entitled to recover the reasonable costs and expenses of the suit or action, at trial or upon appeal, including reasonable attorney fees.

121. Recording and Expenses. The parties shall be equally responsible for the recording fee to record this Easement in the public record and for all surveyor costs associated with this Easement.

IN WITNESS WHEREOF, the Parties executed this Easement on day and year last written below.

Smith Family Trust Dated 2-05-2022

Daniel M. Smith TTEE

By: Daniel M. Smith, Trustee
Trustee of the Smith Living Trust
under agreement dated February 5, 2019
Date: 10/31/22

Laurel A. Smith TTEE

By: Laurel Smith, Trustee
Trustee of the Smith Living Trust
under agreement dated February 5, 2019
Date: 10/31/22

Kingfisher Holdings, LLC

By: Mary J. Jones, Manager
Date: _____

//

//

to which another Party is required to contribute, shall notify said Party of the amount of the contribution based on said Party's share in proportion to all Parties subject to this Easement and others who may have voluntarily agreed to participate. The contributing Party shall then reimburse the Party who has incurred said expenses within 10-days of said notice. Any Party who does not reimburse the amount requested within 10-days shall, in addition to all other remedies allowed hereunder or by statute, pay interest at the rate of 18% per annum on the original amount required to be paid.

8. Binding Effect. The covenants contained in this Easement shall run with the land and shall inure to the benefit of and be binding upon the Parties' heirs, personal representatives, transferees and/or successors in interest.

10. Attorney Fees & Disputes. In the event a suit or action is filed to enforce this Easement or to construe or interpret this Easement, the prevailing party shall be entitled to recover the reasonable costs and expenses of the suit or action, at trial or upon appeal, including reasonable attorney fees.

121. Recording and Expenses. The parties shall be equally responsible for the recording fee to record this Easement in the public record and for all surveyor costs associated with this Easement.


IN WITNESS WHEREOF, the Parties executed this Easement on day and year last written below.

Smith Family Trust Dated 2-05-2022

By: Daniel M. Smith, Trustee
Trustee of the Smith Living Trust
under agreement dated February 5, 2019
Date: _____

By: Laurel Smith, Trustee
Trustee of the Smith Living Trust
under agreement dated February 5, 2019
Date: _____

Kingfisher Holdings, LLC



By: Mary J. Jones, Manager
Date: 10-31-22

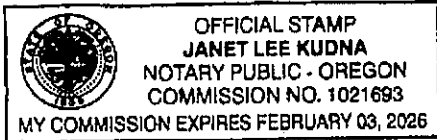
//

//

STATE OF OREGON)

County of Marion) ss.

On this 7th day of October, 2022, Daniel M. Smith, Trustee of the Smith Living Trust under agreement dated February 5, 2019, personally appeared before me and acknowledged the foregoing instrument to be his voluntary act and deed.



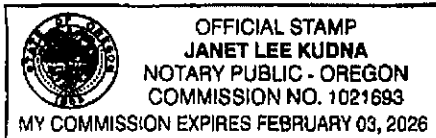
Notary Public for Oregon: [Signature]

My commission expires: 2/3/26

STATE OF OREGON)

County of Marion) ss.

On this 7th day of October, 2022, Laurel Smith, Trustee of the Smith Living Trust under agreement dated February 5, 2019, personally appeared before me and acknowledged the foregoing instrument to be her voluntary act and deed.



Notary Public for Oregon: [Signature]

My commission expires: 2/3/26

STATE OF OREGON)

County of _____) ss.

On this _____ day _____, 2022, Mary Jones, Manager of Kingfisher Holdings, LLC, personally appeared before me and acknowledged the foregoing instrument to be her voluntary act and deed.

Notary Public for Oregon: _____

My commission expires: _____

STATE OF OREGON)
) ss.
County of _____)

On this _____ day of _____, 2022, Daniel M. Smith, Trustee of the Smith Living Trust under agreement dated February 5, 2019, personally appeared before me and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon: _____
My commission expires: _____

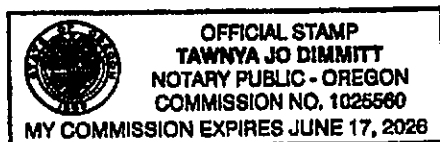
STATE OF OREGON)
) ss.
County of _____)

On this _____ day of _____, 2022, Laurel Smith, Trustee of the Smith Living Trust under agreement dated February 5, 2019, personally appeared before me and acknowledged the foregoing instrument to be her voluntary act and deed.

Notary Public for Oregon: _____
My commission expires: _____

STATE OF OREGON)
) ss.
County of Tillamook)

On this 31st day of October, 2022, Mary Jones, Manager of Kingfisher Holdings, LLC, personally appeared before me and acknowledged the foregoing instrument to be her voluntary act and deed.



Notary Public for Oregon: Tawnya Jo Dimmitt
My commission expires: June 17, 2026

EXHIBIT 1

SURVEY FOR KINGFISHER HOLDINGS, LLC
IN TAX LOT 200, 201 & 202 4S-10-32-A
TILLAMOOK COUNTY, OREGON

NARRATIVE:
THE PURPOSE OF THIS SURVEY WAS TO SHOW
THE LOCATION OF THE EXISTING 12' WIDE ACCESS
ROAD AND HOW IT IMPACTS TAX LOTS 200 AND 202.
ALSO, TO SHOW THE LOCATION OF THE PROPOSED
30 FOOT WIDE ACCESS AND UTILITY EASEMENT FOR
BENEFIT OF PARCELS 2 & 3, PARTITION PLAT NO. 1992-41

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Douglas H. Kellow

OREGON
February 3, 1983
DOUGLAS H. KELLOW
2027
Renewal: 08/30/23

TAX LOT 200, 4S-10-32-A
PARCEL 2, PART. PLAT NO. 1992-41

BUFORD
TAX LOT 201, 4S-10-32-A
PARCEL 1, PART. PLAT NO. 1992-41

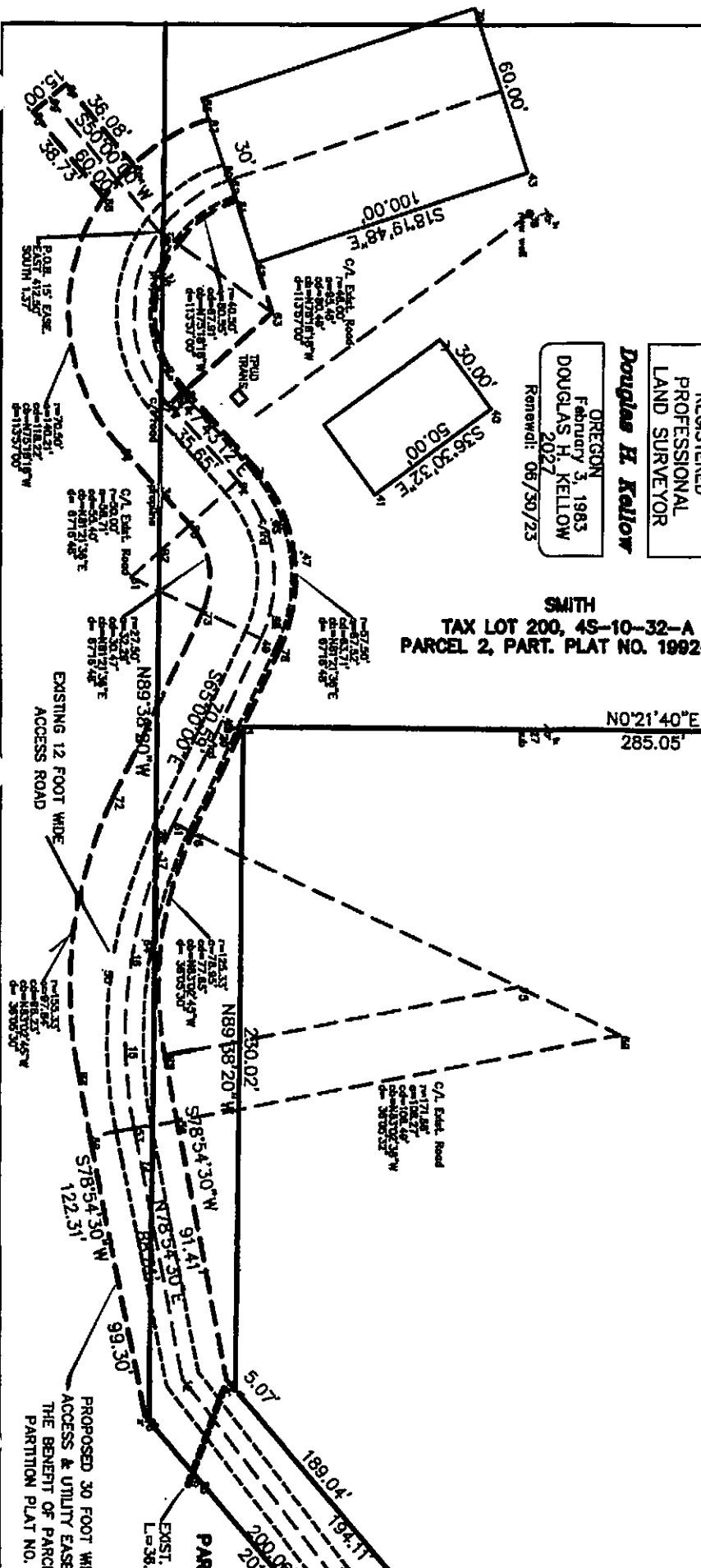


EXHIBIT 2

LEGAL DESCRIPTION FOR:

**A Common Driveway and Utility Easement for the Benefit of Parcels
2 & 3 of Partition Plat No. 1992-41, in Section 32, Township 4 South,
Range 10 West of the Willamette Meridian, Tillamook Co., Oregon**

May 28, 2022

A Common Driveway and Utility Easement for the Benefit of Parcels 2 and 3 of Partition Plat No. 1992-41 lying within Section 32, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, said Partition Plat No. 1992-41 is recorded in Plat Cabinet B-359-1 of Partition Plat Records for Tillamook County, Oregon recorded on December 15, 1992, as Instrument No. 315447, said Easement width is 30.00 feet and is described, as follows:

Beginning at the most Easterly common corner to Parcels 2 and 3 of Partition Plat No. 1992-41, said corner lies within the Westerly sideline of Pacific City County Road (Resort Drive); and running thence South $49^{\circ}25'13''$ West, along the common boundary between Parcels 2 and 3 of the aforesaid Partition Plat No. 1992-41 – and the Southwesterly extension thereof, a distance of 201.83 feet; thence South $78^{\circ}54'30''$ West a distance 122.31 feet to a point of curve; thence along the arc of a 155.33 foot radius to the right, (a chord bearing of North $83^{\circ}02'45''$ West a chord distance of 96.23 feet), an arc distance of 97.84 feet through a central angle of $36^{\circ}05'30''$ to a point of tangent; thence North $65^{\circ}00'00''$ West a distance of 70.59 feet to a point of curve; thence along the arc of a 27.50 foot radius curve to the left, (chord bearing South $81^{\circ}21'36''$ West a chord distance of 30.47 feet), an arc distance of 32.29 feet, through a central angle of $67^{\circ}16'48''$ to a point of tangent; thence South $47^{\circ}43'12''$ West a distance of 35.65 feet to a point of curve; thence along the arc of a 70.50 foot radius curve to the right, (a chord bearing of North $75^{\circ}18'18''$ West a chord distance of 118.22 feet), an arc distance of 140.21 feet, through a central angle of $113^{\circ}57'00''$; thence North $71^{\circ}40'12''$ East a distance of 30.00 feet; thence along the arc of a 40.50 foot radius curve to the left, (a chord bearing of South $75^{\circ}18'18''$ East a chord distance of 67.91 feet), an arc distance of 80.55 feet, through a central angle of $113^{\circ}57'00''$ to a point of tangent; thence North $47^{\circ}43'12''$ East a distance of 35.65 feet to a point of curve; thence along the arc of a 57.50 foot radius curve to the right, (a chord bearing of North $81^{\circ}21'36''$ East a chord distance of 63.71 feet), an arc distance of 67.52 feet, through a central angle of $67^{\circ}16'48''$ to a point of tangent; thence South $65^{\circ}00'00''$ East a distance of 70.59 feet to a point of curve; thence along the arc of a 125.33 foot radius curve to the left, (a chord bearing of South $83^{\circ}02'45''$ East a chord distance of 77.65 feet), an arc distance of 78.95 feet, through a central angle of $36^{\circ}05'30''$ to a point of tangent; thence North $78^{\circ}54'30''$ East a distance of 91.41 feet; thence North $49^{\circ}25'13''$ East, along the common boundary line between Parcels 1 and 2 of the aforesaid Partition Plat No. 1992-41, a distance of 194.11 feet to the most Easterly common corner thereof; thence South $40^{\circ}14'47''$ East, along the most Easterly boundary line of Parcel 2 of the aforesaid Parcel 2, a distance of 30.00 feet to the Point of Beginning.

ALSO: A 15.00 foot wide Common Driveway and Utility Easement, the centerline of which is described, as follows:

Beginning at the most Easterly common corner to Parcels 2 and 3 of the aforesaid Partition Plat No. 1992-41; thence South 49°25'13" West, along the common boundary line between Parcels 2 and 3, a distance of 200.06 feet to the angle corner; thence North 89°38'20" West, continuing along the common boundary line, a distance of 412.50 feet; thence South 00°21'40" West a distance of 1.37 feet to the point of beginning for the centerline of a 15.00 foot wide Common Driveway and Utility Easement for the Benefit of Parcels 2 and 3 of Partition Plat No. 1992-41; and running thence South 50°00'00" West a distance of 60.00 feet to the point of terminus of said easement.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Douglas H. Kellow

OREGON
February 3, 1983
DOUGLAS H. KELLOW
2027

Renewal: 06/30/23

Exhibit G: Well Logs

WELL I.D. LABEL#	133935	
START CARD #	1050496	
ORIGINAL LOG #		

(9) LOCATION OF WELL (legal description)
 County TILLAMOOK Twp 4 S N/S Range 10 W E/W WM
 Sec 32 NW 1/4 of the NE 1/4 Tax Lot 202
 Tax Map Number _____ Lot _____
 Lat _____ " or _____ DMS or DD
 Long _____ " or _____ DMS or DD
☐ Street address of well ☒ Nearest address

36890 Resort Dr. Cloverdale, Or 97112

(10) STATIC WATER LEVEL				
	Date	SWL(psi)	+	SWL(ft)
Existing Well / Pre-Alteration				
Completed Well	01-16-2021			14
Flowing Artesian?	<input type="checkbox"/>	Dry Hole?	<input type="checkbox"/>	

WATER BEARING ZONES			Depth water was first found <u>20</u>		
SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
	20	27	.5		
01-16-2021	53	67	40		14

(11) WELL LOG

How was seal placed. Method ☐ A ☐ B ☐ C ☐ D ☐ E
☒ Other poured dry _____
 Backfill placed from _____ ft. to _____ ft. Material _____
 Filter pack from _____ ft. to _____ ft. Material _____ Size _____
 Explosives used: ☐ Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
		6	<input checked="" type="checkbox"/>	1	68	.250			<input checked="" type="checkbox"/>	
			<input type="checkbox"/>						<input type="checkbox"/>	
			<input type="checkbox"/>						<input type="checkbox"/>	
			<input type="checkbox"/>						<input type="checkbox"/>	
			<input type="checkbox"/>						<input type="checkbox"/>	
			<input type="checkbox"/>						<input type="checkbox"/>	

Shoe ☒ Inside ☐ Outside ☐ Other Location of shoe(s) 68

Temp casing ☐ Yes Dia From + ☐ To

[illegible]

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
40		68	4

Temperature 51 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below) TDS amount 99 ppm

From	To	Description	Amount	Units

Material	From	To
Topsoil	0	2
broken rock w/clay	2	4
clay, brown	4	10
clay, orange, sticky	10	17
clay, grey w/wood	17	22
clay, light grey	22	53
gravel, black, med	53	68
Dickerson Well Drilling, Inc.		
503-623-2664		

Date Started 01-14-2021 Completed 01-16-2021

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

License Number 1474 Date 01-29-2021
Signed Rat E. Whitey

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1471 Date 01-29-2021
Signed William A. Law
Contact Info (optional)

Exhibit H: Septic Site Evaluation Results



DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

1510-B Third Street
Tillamook, Oregon 97141

Land of Cheese, Trees and Ocean Breeze

Building (503)842-3407
Planning (503)842-3408
On-Site Sanitation (503)842-3409
FAX (503)842-1819
Toll Free 1 (800)488-8280

June 4, 2020

Kingfisher Properties LLC
PO Box 189
Pacific City, OR 97135

RE: **Site Evaluation Results – Site Approval Permit #20-0033-EVAL
T4S, R10W, Sec. 32A, Tax Lot No. 202 (lot 1), Tillamook County**

Dear Owner:

The above-described property was evaluated for suitability of on-site sewage disposal systems on the following date(s): **05/28/20**. Based on this evaluation, the following on-site sewage disposal systems are approved:

Initial system: Standard System with 315 Lineal Feet of Absorption Trenches*
Repair system: same or ATT System w/ 125 Lineal Feet of Absorption Trenches *
*refer to the site evaluation report for detailed system specifications

Peak sewage flow is limited to a maximum of **375** gallons per day. This is normally sufficient to serve a single family dwelling of up to **three** bedrooms. The attached Site Evaluation Report includes more specific details and further conditions of the site approval.

This site evaluation is NOT a construction permit- When you are ready to proceed with system construction, contact this office for a permit to construct application package. The permit to construct must be issued before any construction can start on the property.

Request for Site Evaluation Report Review or Request for Variance- If you believe that an error was made in the evaluation of your property, you may apply for a Site Evaluation Report Review within 30 days of the site evaluation report issue date at a cost of \$659. If you would like to apply for a Variance from one or more of the On-Site Sewage Disposal rules, you may apply for a Variance at a cost of \$2142.

If you have any other questions about this report, please feel free to contact me at cchiola@co.tillamook.or.us or at (503) 842-3409.

Sincerely,

Chris Chiola, REHS
Environmental Program Manager
Tillamook County Onsite Sanitation

**Site Evaluation Report for
On-Site Sewage Disposal System Suitability**

Site Location: **T4S, R10W, Sec. 32A, Tax Lot No. 202 (lot 1), Tillamook County**
Applicant: **Kingfisher Properties LLC**
Date(s) of Site Evaluation: **05/28/2020**
On-site Specialist: **Chris Chiola**
Date of Report: **06/04/2020**

General Description of Site Evaluations

Sewage contains disease-causing organisms and other pollutants that can cause adverse impacts to human health and the environment. An on-site sewage disposal system must treat and dispose of sewage in a way that will not cause a public health hazard, contaminate drinking water supplies, or pollute public waters.

Proper treatment in an on-site system begins with primary treatment in the septic tank. The septic tank separates the solid particles in sewage from the liquid. The liquid that comes out of the septic tank is called effluent. The effluent may then be dispersed in the soil for further treatment or discharged into a secondary treatment device such as a sand filter or aerobic treatment unit prior to dispersal in the soil. For proper treatment, the effluent must slowly infiltrate into the underlying soil. Dissolved wastes and bacteria in the effluent are trapped or adsorbed to soil particles or decomposed by microorganisms. This process removes disease-causing organisms, organic matter, and most nutrients. Effluent that comes to the ground surface (through poor soils or other problems with the system) can be a possible health hazard because it may still contain some disease-causing organisms. Soil that drains too quickly may not give the effluent enough treatment and may result in groundwater contamination.

The purpose of the evaluation was to locate suitable soils in an area that is large enough for both the initial and the replacement disposal areas. The criteria used for this site evaluation can be found in Oregon Administrative Rules (OAR) 340-071.

Soil test pits and other site features were evaluated during the site visit on **05/28/20**. During the site inspection, the following features were evaluated:

- Soil types - how well they drain and evidence of good soil structure for treatment
- Depth to temporary and permanent groundwater tables
- Wells located on the site or adjacent sites.
- Slopes, escarpments, ground surface variations, topography
- Creeks or springs on the site or adjacent properties
- Whether the soils have been disturbed
- Setbacks from property lines, buildings, water lines, and other utilities
- Other site features that could affect the placement of the on-site system.

Approved Systems

Initial System:

System Type:	Standard
Minimum Septic Tank Size:	1000 gallons
Linear Feet of Absorption Area:	315
Distribution Method:	Serial
Maximum Trench Depth:	36 inches
Minimum Trench Depth:	24 inches
Other Requirements:	None

Replacement System:

System Type:	ATT with Absorption Trenches
Minimum Septic Tank Size:	1000 gallons
Linear Feet of Absorption Area:	125
Distribution Method:	Serial
Maximum Trench Depth:	36 inches
Minimum Trench Depth:	24 inches
Other Requirements:	A standard system can be used if space allows

Attached is the Site Evaluation Field Worksheet, which shows the approved areas and other details of the field investigation.

Additional Conditions of Site Approval

1. This site is approved for the type of on-site system described above. Peak sewage flow into the system is limited to a maximum of **375** gallons per day, with an average daily sewage flow of not more than approximately half of the peak sewage flow. This is normally sufficient to serve a single-family dwelling with a maximum of **four** bedrooms. Premature failure of the treatment system may occur if these flow quantities are exceeded. If for some reason it is expected that the domestic household water use may exceed these flows, it would be advisable to increase the size of the treatment system.
2. Any alteration of natural soil conditions (i.e. cutting or filling) in the acceptable area may void this approval.
3. Both the initial and replacement disposal areas are to be protected from traffic, cover, development or other potential disturbance of natural soil conditions.
4. The area must not be subjected to excessive saturation due to, but not limited to, artificial drainage of ground surfaces, roads, driveways and building down spouts.
5. This approval is given on the basis that the parcel described above will not be further partitioned or subdivided.
6. Placement of a well within 100 feet of the approved areas may invalidate this approval.
7. All setbacks required in the On-site Wastewater Treatment System Rules must be met for the proposed initial and repair systems.

This site approval is valid until the system approved above is constructed in accordance with a construction permit issued by Tillamook County. Technical rule changes shall not invalidate this approval but may require the use of a different kind of system. If there is a technical rule change affecting this site approval, the Department will attempt to notify in writing the current property owner as identified by the county assessor's records. The site approval runs with the land and will automatically benefit subsequent owners.

If you have any additional questions or concerns, please contact me at cchiola@co.tillamook.or.us or at (503) 842-3409.

Sincerely,

Chris Chiola, REHS
Environmental Program Manager
Tillamook County Onsite Sanitation

attached: Field Worksheet and Plot Plan
rev. 01/13/2020

DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

1510-B Third Street
Tillamook, Oregon 97141

Building (503)842-3407
Planning (503)842-3408
On-Site Sanitation (503)842-3409
FAX (503)842-1819
Toll Free 1 (800)488-8280

Land of Cheese, Trees and Ocean Breeze

June 4, 2020

Kingfisher Properties LLC
PO Box 189
Pacific City, OR 97135

RE: **Site Evaluation Results – Site Approval Permit #20-0034-EVAL
T4S, R10W, Sec. 32A, Tax Lot No. 202 (lot 2), Tillamook County**

Dear Owner:

The above-described property was evaluated for suitability of on-site sewage disposal systems on the following date(s): **05/28/20**. Based on this evaluation, the following on-site sewage disposal systems are approved:

Initial system: Standard System with 315 Lineal Feet of Absorption Trenches*
Repair system: same or ATT System w/ 125 Lineal Feet of Absorption Trenches *
***refer to the site evaluation report for detailed system specifications**

Peak sewage flow is limited to a maximum of **375** gallons per day. This is normally sufficient to serve a single family dwelling of up to **three** bedrooms. The attached Site Evaluation Report includes more specific details and further conditions of the site approval.

This site evaluation is NOT a construction permit- When you are ready to proceed with system construction, contact this office for a permit to construct application package. The permit to construct must be issued before any construction can start on the property.

Request for Site Evaluation Report Review or Request for Variance- If you believe that an error was made in the evaluation of your property, you may apply for a Site Evaluation Report Review within 30 days of the site evaluation report issue date at a cost of \$659. If you would like to apply for a Variance from one or more of the On-Site Sewage Disposal rules, you may apply for a Variance at a cost of \$2142.

If you have any other questions about this report, please feel free to contact me at cchiola@co.tillamook.or.us or at (503) 842-3409.

Sincerely,

Chris Chiola, REHS
Environmental Program Manager
Tillamook County Onsite Sanitation

**Site Evaluation Report for
On-Site Sewage Disposal System Suitability**

Site Location: **T4S, R10W, Sec. 32A, Tax Lot No. 202 (lot 2), Tillamook County**
Applicant: **Kingfisher Properties LLC**
Date(s) of Site Evaluation: **05/28/2020**
On-site Specialist: **Chris Chiola**
Date of Report: **06/04/2020**

General Description of Site Evaluations

Sewage contains disease-causing organisms and other pollutants that can cause adverse impacts to human health and the environment. An on-site sewage disposal system must treat and dispose of sewage in a way that will not cause a public health hazard, contaminate drinking water supplies, or pollute public waters.

Proper treatment in an on-site system begins with primary treatment in the septic tank. The septic tank separates the solid particles in sewage from the liquid. The liquid that comes out of the septic tank is called effluent. The effluent may then be dispersed in the soil for further treatment or discharged into a secondary treatment device such as a sand filter or aerobic treatment unit prior to dispersal in the soil. For proper treatment, the effluent must slowly infiltrate into the underlying soil. Dissolved wastes and bacteria in the effluent are trapped or adsorbed to soil particles or decomposed by microorganisms. This process removes disease-causing organisms, organic matter, and most nutrients. Effluent that comes to the ground surface (through poor soils or other problems with the system) can be a possible health hazard because it may still contain some disease-causing organisms. Soil that drains too quickly may not give the effluent enough treatment and may result in groundwater contamination.

The purpose of the evaluation was to locate suitable soils in an area that is large enough for both the initial and the replacement disposal areas. The criteria used for this site evaluation can be found in Oregon Administrative Rules (OAR) 340-071.

Soil test pits and other site features were evaluated during the site visit **on 05/28/20**. During the site inspection, the following features were evaluated:

- Soil types - how well they drain and evidence of good soil structure for treatment
- Depth to temporary and permanent groundwater tables
- Wells located on the site or adjacent sites.
- Slopes, escarpments, ground surface variations, topography
- Creeks or springs on the site or adjacent properties
- Whether the soils have been disturbed
- Setbacks from property lines, buildings, water lines, and other utilities
- Other site features that could affect the placement of the on-site system.

Approved Systems

Initial System:

System Type:	Standard
Minimum Septic Tank Size:	1000 gallons
Linear Feet of Absorption Area:	315
Distribution Method:	Serial
Maximum Trench Depth:	36 inches
Minimum Trench Depth:	24 inches
Other Requirements:	None

Replacement System:

System Type:	ATT with Absorption Trenches
Minimum Septic Tank Size:	1000 gallons
Linear Feet of Absorption Area:	125
Distribution Method:	Serial
Maximum Trench Depth:	36 inches
Minimum Trench Depth:	24 inches
Other Requirements:	A standard system can be used if space allows

Attached is the Site Evaluation Field Worksheet, which shows the approved areas and other details of the field investigation.

Additional Conditions of Site Approval

1. This site is approved for the type of on-site system described above. Peak sewage flow into the system is limited to a maximum of **375** gallons per day, with an average daily sewage flow of not more than approximately half of the peak sewage flow. This is normally sufficient to serve a single-family dwelling with a maximum of **four** bedrooms. Premature failure of the treatment system may occur if these flow quantities are exceeded. If for some reason it is expected that the domestic household water use may exceed these flows, it would be advisable to increase the size of the treatment system.
2. Any alteration of natural soil conditions (i.e. cutting or filling) in the acceptable area may void this approval.
3. Both the initial and replacement disposal areas are to be protected from traffic, cover, development or other potential disturbance of natural soil conditions.
4. The area must not be subjected to excessive saturation due to, but not limited to, artificial drainage of ground surfaces, roads, driveways and building down spouts.
5. This approval is given on the basis that the parcel described above will not be further partitioned or subdivided.
6. Placement of a well within 100 feet of the approved areas may invalidate this approval.
7. All setbacks required in the On-site Wastewater Treatment System Rules must be met for the proposed initial and repair systems.

This site approval is valid until the system approved above is constructed in accordance with a construction permit issued by Tillamook County. Technical rule changes shall not invalidate this approval but may require the use of a different kind of system. If there is a technical rule change affecting this site approval, the Department will attempt to notify in writing the current property owner as identified by the county assessor's records. The site approval runs with the land and will automatically benefit subsequent owners.

If you have any additional questions or concerns, please contact me at cchiola@co.tillamook.or.us or at (503) 842-3409.

Sincerely,

Chris Chiola, REHS
Environmental Program Manager
Tillamook County Onsite Sanitation

attached: Field Worksheet and Plot Plan
rev. 01/13/2020



DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

1510-B Third Street
Tillamook, Oregon 97141

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Planning (503)842-3408
On-Site Sanitation (503)842-3409
FAX (503)842-1819
Toll Free 1 (800)488-8280

June 4, 2020

Kingfisher Properties LLC
PO Box 189
Pacific City, OR 97135

RE: **Site Evaluation Results – Site Approval Permit #20-0035-EVAL**
T4S, R10W, Sec. 32A, Tax Lot No. 202 (lot 3), Tillamook County

Dear Owner:

The above-described property was evaluated for suitability of on-site sewage disposal systems on the following date(s): **05/28/20**. Based on this evaluation, the following on-site sewage disposal systems are approved:

Initial system: Standard System with 315 Lineal Feet of Absorption Trenches*
Repair system: same or ATT System w/ 125 Lineal Feet of Absorption Trenches *
***refer to the site evaluation report for detailed system specifications**

Peak sewage flow is limited to a maximum of **375** gallons per day. This is normally sufficient to serve a single family dwelling of up to **three** bedrooms. The attached Site Evaluation Report includes more specific details and further conditions of the site approval.

This site evaluation is NOT a construction permit- When you are ready to proceed with system construction, contact this office for a permit to construct application package. The permit to construct must be issued before any construction can start on the property.

Request for Site Evaluation Report Review or Request for Variance- If you believe that an error was made in the evaluation of your property, you may apply for a Site Evaluation Report Review within 30 days of the site evaluation report issue date at a cost of \$659. If you would like to apply for a Variance from one or more of the On-Site Sewage Disposal rules, you may apply for a Variance at a cost of \$2142.

If you have any other questions about this report, please feel free to contact me at cchiola@co.tillamook.or.us or at (503) 842-3409.

Sincerely,

Chris Chiola, REHS
Environmental Program Manager
Tillamook County Onsite Sanitation

**Site Evaluation Report for
On-Site Sewage Disposal System Suitability**

Site Location: **T4S, R10W, Sec. 32A, Tax Lot No. 202 (lot 3), Tillamook County**
Applicant: **Kingfisher Properties LLC**
Date(s) of Site Evaluation: **05/28/2020**
On-site Specialist: **Chris Chiola**
Date of Report: **06/04/2020**

General Description of Site Evaluations

Sewage contains disease-causing organisms and other pollutants that can cause adverse impacts to human health and the environment. An on-site sewage disposal system must treat and dispose of sewage in a way that will not cause a public health hazard, contaminate drinking water supplies, or pollute public waters.

Proper treatment in an on-site system begins with primary treatment in the septic tank. The septic tank separates the solid particles in sewage from the liquid. The liquid that comes out of the septic tank is called effluent. The effluent may then be dispersed in the soil for further treatment or discharged into a secondary treatment device such as a sand filter or aerobic treatment unit prior to dispersal in the soil. For proper treatment, the effluent must slowly infiltrate into the underlying soil. Dissolved wastes and bacteria in the effluent are trapped or adsorbed to soil particles or decomposed by microorganisms. This process removes disease-causing organisms, organic matter, and most nutrients. Effluent that comes to the ground surface (through poor soils or other problems with the system) can be a possible health hazard because it may still contain some disease-causing organisms. Soil that drains too quickly may not give the effluent enough treatment and may result in groundwater contamination.

The purpose of the evaluation was to locate suitable soils in an area that is large enough for both the initial and the replacement disposal areas. The criteria used for this site evaluation can be found in Oregon Administrative Rules (OAR) 340-071.

Soil test pits and other site features were evaluated during the site visit on **05/28/20**. During the site inspection, the following features were evaluated:

- Soil types - how well they drain and evidence of good soil structure for treatment
- Depth to temporary and permanent groundwater tables
- Wells located on the site or adjacent sites.
- Slopes, escarpments, ground surface variations, topography
- Creeks or springs on the site or adjacent properties
- Whether the soils have been disturbed
- Setbacks from property lines, buildings, water lines, and other utilities
- Other site features that could affect the placement of the on-site system.

Approved Systems

Initial System:

System Type:	Standard
Minimum Septic Tank Size:	1000 gallons
Linear Feet of Absorption Area:	315
Distribution Method:	Serial
Maximum Trench Depth:	36 inches
Minimum Trench Depth:	24 inches
Other Requirements:	None

Replacement System:

System Type:	ATT with Absorption Trenches
Minimum Septic Tank Size:	1000 gallons
Linear Feet of Absorption Area:	125
Distribution Method:	Serial
Maximum Trench Depth:	36 inches
Minimum Trench Depth:	24 inches
Other Requirements:	A standard system can be used if space allows

Attached is the Site Evaluation Field Worksheet, which shows the approved areas and other details of the field investigation.

Additional Conditions of Site Approval

1. This site is approved for the type of on-site system described above. Peak sewage flow into the system is limited to a maximum of **375** gallons per day, with an average daily sewage flow of not more than approximately half of the peak sewage flow. This is normally sufficient to serve a single-family dwelling with a maximum of **four** bedrooms. Premature failure of the treatment system may occur if these flow quantities are exceeded. If for some reason it is expected that the domestic household water use may exceed these flows, it would be advisable to increase the size of the treatment system.
2. Any alteration of natural soil conditions (i.e. cutting or filling) in the acceptable area may void this approval.
3. Both the initial and replacement disposal areas are to be protected from traffic, cover, development or other potential disturbance of natural soil conditions.
4. The area must not be subjected to excessive saturation due to, but not limited to, artificial drainage of ground surfaces, roads, driveways and building down spouts.
5. This approval is given on the basis that the parcel described above will not be further partitioned or subdivided.
6. Placement of a well within 100 feet of the approved areas may invalidate this approval.
7. All setbacks required in the On-site Wastewater Treatment System Rules must be met for the proposed initial and repair systems.

This site approval is valid until the system approved above is constructed in accordance with a construction permit issued by Tillamook County. Technical rule changes shall not invalidate this approval but may require the use of a different kind of system. If there is a technical rule change affecting this site approval, the Department will attempt to notify in writing the current property owner as identified by the county assessor's records. The site approval runs with the land and will automatically benefit subsequent owners.

If you have any additional questions or concerns, please contact me at cchiola@co.tillamook.or.us or at (503) 842-3409.

Sincerely,

Chris Chiola, REHS
Environmental Program Manager
Tillamook County Onsite Sanitation

attached: Field Worksheet and Plot Plan
rev. 01/13/2020



DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

1510-B Third Street
Tillamook, Oregon 97141

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Planning (503)842-3408
On-Site Sanitation (503)842-3409
FAX (503)842-1819
Toll Free 1 (800)488-8280

June 4, 2020

Kingfisher Properties LLC
PO Box 189
Pacific City, OR 97135

RE: **Site Evaluation Results – Site Approval Permit #20-0036-EVAL
T4S, R10W, Sec. 32A, Tax Lot No. 202 (lot 4), Tillamook County**

Dear Owner:

The above-described property was evaluated for suitability of on-site sewage disposal systems on the following date(s): **05/28/20**. Based on this evaluation, the following on-site sewage disposal systems are approved:

Initial system: Standard System with 315 Lineal Feet of Absorption Trenches*
Repair system: same or ATT System w/ 125 Lineal Feet of Absorption Trenches *
***refer to the site evaluation report for detailed system specifications**

Peak sewage flow is limited to a maximum of **375** gallons per day. This is normally sufficient to serve a single family dwelling of up to **three** bedrooms. The attached Site Evaluation Report includes more specific details and further conditions of the site approval.

This site evaluation is NOT a construction permit- When you are ready to proceed with system construction, contact this office for a permit to construct application package. The permit to construct must be issued before any construction can start on the property.

Request for Site Evaluation Report Review or Request for Variance- If you believe that an error was made in the evaluation of your property, you may apply for a Site Evaluation Report Review within 30 days of the site evaluation report issue date at a cost of \$659. If you would like to apply for a Variance from one or more of the On-Site Sewage Disposal rules, you may apply for a Variance at a cost of \$2142.

If you have any other questions about this report, please feel free to contact me at cchiola@co.tillamook.or.us or at (503) 842-3409.

Sincerely,

Chris Chiola, REHS
Environmental Program Manager
Tillamook County Onsite Sanitation

**Site Evaluation Report for
On-Site Sewage Disposal System Suitability**

Site Location: **T4S, R10W, Sec. 32A, Tax Lot No. 202 (lot 4), Tillamook County**
Applicant: **Kingfisher Properties LLC**
Date(s) of Site Evaluation: **05/28/2020**
On-site Specialist: **Chris Chiola**
Date of Report: **06/04/2020**

General Description of Site Evaluations

Sewage contains disease-causing organisms and other pollutants that can cause adverse impacts to human health and the environment. An on-site sewage disposal system must treat and dispose of sewage in a way that will not cause a public health hazard, contaminate drinking water supplies, or pollute public waters.

Proper treatment in an on-site system begins with primary treatment in the septic tank. The septic tank separates the solid particles in sewage from the liquid. The liquid that comes out of the septic tank is called effluent. The effluent may then be dispersed in the soil for further treatment or discharged into a secondary treatment device such as a sand filter or aerobic treatment unit prior to dispersal in the soil. For proper treatment, the effluent must slowly infiltrate into the underlying soil. Dissolved wastes and bacteria in the effluent are trapped or adsorbed to soil particles or decomposed by microorganisms. This process removes disease-causing organisms, organic matter, and most nutrients. Effluent that comes to the ground surface (through poor soils or other problems with the system) can be a possible health hazard because it may still contain some disease-causing organisms. Soil that drains too quickly may not give the effluent enough treatment and may result in groundwater contamination.

The purpose of the evaluation was to locate suitable soils in an area that is large enough for both the initial and the replacement disposal areas. The criteria used for this site evaluation can be found in Oregon Administrative Rules (OAR) 340-071.

Soil test pits and other site features were evaluated during the site visit on **05/28/20**. During the site inspection, the following features were evaluated:

- Soil types - how well they drain and evidence of good soil structure for treatment
- Depth to temporary and permanent groundwater tables
- Wells located on the site or adjacent sites.
- Slopes, escarpments, ground surface variations, topography
- Creeks or springs on the site or adjacent properties
- Whether the soils have been disturbed
- Setbacks from property lines, buildings, water lines, and other utilities
- Other site features that could affect the placement of the on-site system.

Approved Systems

Initial System:

System Type:	Standard
Minimum Septic Tank Size:	1000 gallons
Linear Feet of Absorption Area:	315
Distribution Method:	Serial
Maximum Trench Depth:	36 inches
Minimum Trench Depth:	24 inches
Other Requirements:	None

Replacement System:

System Type:	ATT with Absorption Trenches
Minimum Septic Tank Size:	1000 gallons
Linear Feet of Absorption Area:	125
Distribution Method:	Serial
Maximum Trench Depth:	36 inches
Minimum Trench Depth:	24 inches
Other Requirements:	A standard system can be used if space allows

Attached is the Site Evaluation Field Worksheet, which shows the approved areas and other details of the field investigation.

Additional Conditions of Site Approval

1. This site is approved for the type of on-site system described above. Peak sewage flow into the system is limited to a maximum of **375** gallons per day, with an average daily sewage flow of not more than approximately half of the peak sewage flow. This is normally sufficient to serve a single-family dwelling with a maximum of **four** bedrooms. Premature failure of the treatment system may occur if these flow quantities are exceeded. If for some reason it is expected that the domestic household water use may exceed these flows, it would be advisable to increase the size of the treatment system.
2. Any alteration of natural soil conditions (i.e. cutting or filling) in the acceptable area may void this approval.
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4. The area must not be subjected to excessive saturation due to, but not limited to, artificial drainage of ground surfaces, roads, driveways and building down spouts.
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7. All setbacks required in the On-site Wastewater Treatment System Rules must be met for the proposed initial and repair systems.

This site approval is valid until the system approved above is constructed in accordance with a construction permit issued by Tillamook County. Technical rule changes shall not invalidate this approval but may require the use of a different kind of system. If there is a technical rule change affecting this site approval, the Department will attempt to notify in writing the current property owner as identified by the county assessor's records. The site approval runs with the land and will automatically benefit subsequent owners.

If you have any additional questions or concerns, please contact me at cchiola@co.tillamook.or.us or at (503) 842-3409.

Sincerely,

Chris Chiola, REHS
Environmental Program Manager
Tillamook County Onsite Sanitation

attached: Field Worksheet and Plot Plan
rev. 01/13/2020



DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

1510-B Third Street
Tillamook, Oregon 97141

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On-Site Sanitation (503)842-3409
FAX (503)842-1819
Toll Free 1 (800)488-8280

June 4, 2020

Kingfisher Properties LLC
PO Box 189
Pacific City, OR 97135

RE: **Site Evaluation Results – Site Approval Permit #20-0037-EVAL**
T4S, R10W, Sec. 32A, Tax Lot No. 202 (lot 5), Tillamook County

Dear Owner:

The above-described property was evaluated for suitability of on-site sewage disposal systems on the following date(s): **05/28/20**. Based on this evaluation, the following on-site sewage disposal systems are approved:

Initial system: Standard System with 315 Lineal Feet of Absorption Trenches*
Repair system: same or ATT System w/ 125 Lineal Feet of Absorption Trenches *
*refer to the site evaluation report for detailed system specifications

Peak sewage flow is limited to a maximum of **375** gallons per day. This is normally sufficient to serve a single family dwelling of up to **three** bedrooms. The attached Site Evaluation Report includes more specific details and further conditions of the site approval.

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If you have any other questions about this report, please feel free to contact me at cchiola@co.tillamook.or.us or at (503) 842-3409.

Sincerely,

Chris Chiola, REHS
Environmental Program Manager
Tillamook County Onsite Sanitation

**Site Evaluation Report for
On-Site Sewage Disposal System Suitability**

Site Location: **T4S, R10W, Sec. 32A, Tax Lot No. 202 (lot 5), Tillamook County**
Applicant: **Kingfisher Properties LLC**
Date(s) of Site Evaluation: **05/28/2020**
On-site Specialist: **Chris Chiola**
Date of Report: **06/04/2020**

General Description of Site Evaluations

Sewage contains disease-causing organisms and other pollutants that can cause adverse impacts to human health and the environment. An on-site sewage disposal system must treat and dispose of sewage in a way that will not cause a public health hazard, contaminate drinking water supplies, or pollute public waters.

Proper treatment in an on-site system begins with primary treatment in the septic tank. The septic tank separates the solid particles in sewage from the liquid. The liquid that comes out of the septic tank is called effluent. The effluent may then be dispersed in the soil for further treatment or discharged into a secondary treatment device such as a sand filter or aerobic treatment unit prior to dispersal in the soil. For proper treatment, the effluent must slowly infiltrate into the underlying soil. Dissolved wastes and bacteria in the effluent are trapped or adsorbed to soil particles or decomposed by microorganisms. This process removes disease-causing organisms, organic matter, and most nutrients. Effluent that comes to the ground surface (through poor soils or other problems with the system) can be a possible health hazard because it may still contain some disease-causing organisms. Soil that drains too quickly may not give the effluent enough treatment and may result in groundwater contamination.

The purpose of the evaluation was to locate suitable soils in an area that is large enough for both the initial and the replacement disposal areas. The criteria used for this site evaluation can be found in Oregon Administrative Rules (OAR) 340-071.

Soil test pits and other site features were evaluated during the site visit on **05/28/20**. During the site inspection, the following features were evaluated:

- Soil types - how well they drain and evidence of good soil structure for treatment
- Depth to temporary and permanent groundwater tables
- Wells located on the site or adjacent sites.
- Slopes, escarpments, ground surface variations, topography
- Creeks or springs on the site or adjacent properties
- Whether the soils have been disturbed
- Setbacks from property lines, buildings, water lines, and other utilities
- Other site features that could affect the placement of the on-site system.

Approved Systems

Initial System:

System Type:	Standard
Minimum Septic Tank Size:	1000 gallons
Linear Feet of Absorption Area:	315
Distribution Method:	Serial
Maximum Trench Depth:	36 inches
Minimum Trench Depth:	24 inches
Other Requirements:	None

Replacement System:

System Type:	ATT with Absorption Trenches
Minimum Septic Tank Size:	1000 gallons
Linear Feet of Absorption Area:	125
Distribution Method:	Serial
Maximum Trench Depth:	36 inches
Minimum Trench Depth:	24 inches
Other Requirements:	A standard system can be used if space allows

Attached is the Site Evaluation Field Worksheet, which shows the approved areas and other details of the field investigation.

Additional Conditions of Site Approval

1. This site is approved for the type of on-site system described above. Peak sewage flow into the system is limited to a maximum of **375** gallons per day, with an average daily sewage flow of not more than approximately half of the peak sewage flow. This is normally sufficient to serve a single-family dwelling with a maximum of **four** bedrooms. Premature failure of the treatment system may occur if these flow quantities are exceeded. If for some reason it is expected that the domestic household water use may exceed these flows, it would be advisable to increase the size of the treatment system.
2. Any alteration of natural soil conditions (i.e. cutting or filling) in the acceptable area may void this approval.
3. Both the initial and replacement disposal areas are to be protected from traffic, cover, development or other potential disturbance of natural soil conditions.
4. The area must not be subjected to excessive saturation due to, but not limited to, artificial drainage of ground surfaces, roads, driveways and building down spouts.
5. This approval is given on the basis that the parcel described above will not be further partitioned or subdivided.
6. Placement of a well within 100 feet of the approved areas may invalidate this approval.
7. All setbacks required in the On-site Wastewater Treatment System Rules must be met for the proposed initial and repair systems.

This site approval is valid until the system approved above is constructed in accordance with a construction permit issued by Tillamook County. Technical rule changes shall not invalidate this approval but may require the use of a different kind of system. If there is a technical rule change affecting this site approval, the Department will attempt to notify in writing the current property owner as identified by the county assessor's records. The site approval runs with the land and will automatically benefit subsequent owners.

If you have any additional questions or concerns, please contact me at cchiola@co.tillamook.or.us or at (503) 842-3409.

Sincerely,

Chris Chiola, REHS
Environmental Program Manager
Tillamook County Onsite Sanitation

attached: Field Worksheet and Plot Plan
rev. 01/13/2020