

**Tillamook County**



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

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*Land of Cheese, Trees and Ocean Breeze*

# **MEMO**

**Date:** November 23, 2021  
**To:** Tillamook County Planning Commission  
**From:** Melissa Jenck, CFM, Land Use Planner II  
**Subject:** Subdivision Request #851-21-000293-PLNG “Fern Hill”, together with Variance #851-21-000294-PLNG and Geologic Hazard Report #851-21-000302-PLNG

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Included is the staff report and associated exhibits for the above-mentioned Subdivision request. Enclosed is a copy of all materials related to the “Fern Hill” subdivision proposal. Variance request #851-21-000294-PLNG and Geologic Hazard Report review, #851-21-000302-PLNG, are also part of this subdivision review process. This request is to establish a 4-lot subdivision with Tract A. The Variance request is an exception to road paving requirements for road grades which exceed 12-percent.

Chris Laity, Tillamook County Public Works Director, will be joining staff for the hearing on December 2, 2021 to discuss County road construction and stormwater management standards, and to answer any questions you may have during the hearing process.

This is the first hearing and will take place on Thursday, December 2, 2021, at 7:00pm. The hearing process will be conducted in virtual hearing/teleconference format.

The hearing can be accessed via teleconference and live video. To access the live video or virtual meeting, please visit the Tillamook County Planning Commission homepage for meeting options: <https://www.co.tillamook.or.us/bc-pc>. For teleconference access the evening of the hearing, please call 971-254-3149. Conference ID: 162 123 896#.

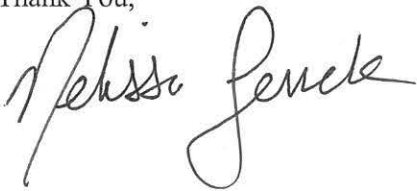
**Oral Testimony Procedure:** Oral testimony will be heard at the hearing. If you wish to provide oral testimony at the hearing during the public comment period, please email Lynn Tone, DCD Office Specialist at [ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us) prior to 6:00pm on the date of the hearing to make arrangements to speak. Ms. Jenck

will call upon those wishing to provide oral testimony at the hearing once the public comment portion of the hearing is opened by the Planning Commission Chair. The order of comments will be announced at the beginning of the public comment period.

**Written Testimony:** Written testimony may be submitted to the Tillamook County Department of Community Development, 1510-B Third Street, Tillamook, Oregon, 97141 prior to 4:00 p.m. on the date of the hearing. Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue. Please contact Melissa Jenck, CFM, Land Use Planner II, Tillamook County Department of Community Development, [mjenck@co.tillamook.or.us](mailto:mjenck@co.tillamook.or.us) as soon as possible if you wish to have your comments provided to the Planning Commission at the December 2, 2021 hearing.

Please do not hesitate to contact me if you have any questions.

Thank You,

A handwritten signature in black ink that reads "Melissa Jenck". The signature is written in a cursive style with a large, looping initial "M".



**PRELIMINARY SUBDIVISION PLAT REVIEW REQUEST**  
**“FERN HILL SUBDIVISION”**  
**#851-21-000293-PLNG**  
**TOGETHER WITH**  
**Variance Request #851-21-000294-PLNG**  
**Geologic Hazard Report Review #851-21-000302-PLNG**

**Planning Commission Hearing Date: December 2, 2021**  
**Staff Report Date: November 23, 2021**

**Staff Report Prepared by: Melissa Jenck, CFM, Land Use Planner II**

**I. GENERAL INFORMATION:**

**Request:** A request for preliminary subdivision plat approval of a 4-lot subdivision with Tract A identified as “Fern Hill” located southeast of the Unincorporated Community of Pacific City/Woods, together with Variance request #851-21-000294-PLNG and Geologic Hazard Report #851-21-000302-PLNG (Exhibit B).

**Location:** The subject property is located southeast the Pacific City/Woods Unincorporated Community boundary and accessed via Resort Drive, a County road, and is designated as Tax Lot 202 of Section 32A, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).

**Zone:** Rural Residential 2-Acre (RR-2) zone

**Applicant:** Mary Jones, PO Box 189, Pacific City, OR 97135

**Property Owner:** Kingfisher Holdings, LLC, PO Box 189, Pacific City, OR 97135

**II. Description of Site and Vicinity**

The subject property is located southeast of the Pacific City/Woods Unincorporated Community, accessed via Resort Drive, a County road (Exhibit A).

The subject property is bordered by Small Farm and Woodlot (SFW-20) zoned parcels to the west, Rural Residential 2-acre (RR-2) zoned parcels to the north and south, and Farm (F-1) zoned properties to the east (Exhibit A).

The subject property is rectangular in shape and approximately 12 acres (Exhibit A). Resort Drive, a County road, abuts along the easterly boundary of the subject property (Exhibits B). There is two existing private easements that runs north/south within the westerly portion of the subject property (Exhibit B).

There are privately owned properties abutting the northerly and southerly boundary of the subject property, most of which are residentially improved and are also zoned Rural Residential 2-Acre (RR-2). The property to west is improved with timber stands and maintains a forest land deferral with the Tillamook County Assessors (Exhibit A).

Service providers include the Oregon Water Resource, Tillamook County Onsite Wastewater Division, Nestucca Rural Fire Protection District, Tillamook PUD, Nestucca School District, and the Tillamook County Sheriff's Office. Responses to notice of this proposal from service providers and public agencies are included in "Exhibit B" and "Exhibit C" of this report.

Applicant states the request is for a 4-lot subdivision, with "Proposed Tract A" retained for future development, for single-family dwellings (Exhibit B). Applicant is also requesting an exception to the paving requirement made for roads when exceeding 12-percent, as the proposed road is to be graveled (Exhibit B).

## A. Natural Features

1. **Topography:** The Geologic Hazard Report (GHR) dated September 7, 2021, prepared by R. Warren Krager, CEG, (Exhibit B) states that elevations of the subject property range from approximately 130 to 45 feet above sea level (Exhibit B). The steepest homesite proposed would maintain a natural slope of approximately 28-percent (Exhibit B).

2. **Soils:** Geology of the site is discussed in the Geologic Hazard Report (GHR) dated September 7, 2021, prepared by R. Warren Krager, CEG (Exhibit B).

Soils identified by the Natural Resources Conservation Service (NCRS) include: the Knappa medial silt loam, 3 to 15 percent slopes, Munsoncreek-Flowerpot complex, 5 to 30 percent slopes, and Salander-Necanicum complex, 30 to 60 percent slopes. The soils are derived from mixed alluvium, sedimentary rock, colluvium, and/or residuum derived from igneous rock (Exhibit B). Examination of the soil auger areas and available exposures of soils confirm these soils (Exhibit B).

3. **Vegetation:** The subject property is detailed to be vegetated by tall grasses and blackberry brambles (Exhibit B).

4. **Water Features:** The National Wetland Inventory Mapper (NWI) does not identify any wetlands on the subject property and identifies riverine features throughout (Exhibit A). A creek is described within the GHR which includes drainage ways on the subject property (Exhibit B). Drainage ways identified on the subject property are also depicted on the preliminary plats (Exhibit B).

The subject property is identified on Flood Insurance Rate Maps #41057C0855F dated September 28, 2018 and is located within the 'Zone X' flood zone, outside of the Special Flood Hazard Area (Exhibit A).

## **B. Comprehensive Plan Policies**

The natural features identified on the subject property are not included in the list of inventoried protected natural features in the Goal 5: Natural Resources element of the Tillamook County Comprehensive Plan. Development of the subject property shall be done in accordance with the development standards of Section 4.130: Development Requirements for Geologic Hazard Areas, consistent with the policies outlined in the Goal 7: Hazards element of the Tillamook County Comprehensive Plan.

## **III. APPLICABLE ORDINANCE PROVISIONS & ANALYSIS:**

### **A. Tillamook County Land Use Ordinance (TCLUO)**

- 1. Section 3.010: Rural Residential (RR-2) Zone, Subsection 4: Development Standards.** The minimum lot size for permitted uses shall be 2-Acres, minimum lot width and depth shall be 100-feet, and a 100-foot resource zone setback is required from a resource zone boundary (Farm (F-1), Forest (F) or Small Farm and Woodlot 20 Acre (SFW-20)) for the siting of residential structures.

**Findings:** The proposed development is a subdivision within the Rural Residential 2-acre (RR-2) zone. The preliminary plat confirms the proposed lots meet the minimum lot width and depth requirements for new lots/parcels located within the RR-2 zone and meet or exceed the minimum lot size requirement (Exhibit B).

The resource zone setback standard outlined in TCLUO Section 3.010(4)(k) continues to apply to residential development. The preliminary plat includes potential building sites and confirms the 100-foot resource zone setback requirement along the easterly and westerly property boundaries of the subject property can be maintained as required for future residential development (Exhibit B).

An existing approved building permit, #851-21-001099-MD, for the placement of a manufactured dwelling which would be contained within Proposed Lot 1 maintains a minimum 100-foot setback from the Farm (F-1) zone boundary (Exhibit A).

- 2. 4.130: Development Requirements for Geologic Hazard Areas.** The subject property is located within an area of geologic hazard (landslide topography) and a Geologic Hazard Report (GHR) is required as part of this development review process. As mentioned previously in this report, a GHR has been prepared and included in the application submittal and is comprised of a report prepared by R. Warren Krager, CEG, dated September 7, 2021 (Exhibit B).

**Findings:** The Geologic Hazard Report (GHR) includes an analysis of soils and bedrock types, slopes, soil depth, other relevant soils engineering data, water drainage patterns and a discussion of landslide activity in the recent area. The main geologic hazard identified include potential strong earthquake shaking and seismically induced slope instability; the hazard is further discussed in the GHR (Exhibit B).

Recommended development standards for design/construction of roads, locations of structures, land grading practices, and foundation design both during subdivision construction as well as when lots are developed are also included in the GHR (Exhibit B). The GHR states the proposed locations for

placement of dwellings as indicated on the plat maps would be located in areas not steep in slopes or slide-prone areas (Exhibit B). The GHR prepared by R. Warren Krager concludes that the proposed roadway and residential lot development is feasible, subject to individual grading and design for the roadway and homesites (Exhibit B).

Given the hazards of the site as described in the GHR, the proximity of steep slopes of the subject property and proposed lots, a Condition of Approval is recommended to require site-specific Geologic Hazard Reports in accordance with TCLUO Section 4.130 at time of individual lot development if the proposed building envelope is sited in an area that has pre-existing slopes greater than 29%. This requirement ensures that continued development of the site is appropriately addressed in accordance with TCLUO Section 4.130 at the time of individual lot construction.

## **B. Tillamook County Land Division Ordinance (TCLDO)**

### **1. Section 60: Preliminary Plat Submission Requirements.**

This section specifies what general information is required on a preliminary plat, information about existing conditions of the site, information about the proposed development allows the Department to require certain additional information to supplement the proposed plan of the subdivision.

**Findings:** Staff confirmed with County Surveyor Michael Rice, PLS, that the proposed name, "Fern Hill" does not duplicate the name of any other subdivision in the County, but that a name has not been requested for approval by the Applicants at time of Staff Report. All of the other information required under this section is included on the preliminary plat or as supplemental information including a Geologic Hazard Report, service availability letters, existing and proposed streets, existing and proposed easements and locations of natural features (Exhibit B).

### **2. Section 70: 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;*

**Findings:** The proposed lots depicted on the preliminary plats meet the applicable development standards of the Rural Residential 2-Acre (RR-2) zone (Exhibit B). All proposed lots abut a proposed private street identified as "Fern Hill Road" for at least 25-feet.

*(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;*

**Findings:** Resort Drive, a County road, abuts the subject property along its easterly boundary (Exhibit B). Existing private access easements are detailed within the westerly portion of the subject property, to be located on the "Proposed Tract A" (Exhibit B). The Applicant is proposing

one additional private roadway identified as “Fern Hill Road”, which would run from the connection off Resort Drive on the westerly boundary running west to service the proposed four lots (Exhibit B). The proposed “Fern Hill Road” is not indicated to connect to “Proposed Tract A” as part of the proposed subdivision and will maintain access through existing private easements maintained on the westerly portion of the subject property (Exhibit B).

Any improvements necessary to serve the proposed development are discussed in letters provided by the Tillamook County Public Works Department and Nestucca Rural Fire Protection District contained within ‘Exhibit C’. made part of this report. Comments were received from the Nestucca Rural Fire Protection District that a turnaround will need to be placed at the end of the proposed private road (Exhibit C). Tillamook County Public Works Director Chris Laity detailed easements will need to be detailed on the proposed plats between the individual property owners for access (Exhibit C).

Road grades proposed appear to be as steep as 20-percent in some areas of the private road identified as “Fern Hill Road” (Exhibit B). Section 160 requires roadways with profile grades in excess of 12-percent be paved. The Applicant has requested a variance to this standard to allow for the proposed “Fern Hill Road” to be gravel. The variance process is explored further in Section B(4) of this report.

*(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;*

**Findings:** The County Surveyor Michael Rice has confirmed that the proposed name, “Fern Hill” is not already recorded and is not similar to the name of any other subdivision within the County (Exhibit B). County Surveyor Rice has indicated that the name has not requested approval from the County Surveyors at time of this Staff Report.

*(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;*

**Findings:** The County Engineer (Tillamook County Public Works Director) is charged with the authority to review proposed streets, utilities and surface water drainage facilities, ensuring conformance with master plans and applicable engineering standards. Applicant has provided road-grade profiles and are included in “Exhibit B”. Tillamook County Public Works (TCPW) has review underway of this subdivision proposal. Director Chris Laity of TCPW will present their findings at the December 2, 2021 Planning Commission hearing. Initial comments by Director Laity identify the requirement for access easements to be established on the plat (Exhibit C).

*(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; and*

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

**Findings:** Proposed drainage ditches are identified on the preliminary plat (Exhibit B). Staff recommends a Condition of Approval be made to require all improvements and easements be recorded and clearly identified on the final plat.

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

**Findings:** Staff recommends that a Condition of Approval be made requiring all local, state and federal permits be obtained and that copies of permits be submitted to the Department of Community Development prior to development of the subject property. Department of State Lands, Oregon Department of Fish and Wildlife and Oregon Department of Transportation were notified of this request. No comments were received.

*(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.*

**Findings:** A service letter was provided by Oregon Water Resources to confirm two (2) wells are available to service the four (4) proposed lots (Exhibit B). The County Onsite Wastewater division has approved site evaluations for all proposed five (5) lots for on-site sanitation systems to serve a single-family dwelling, and is included in the Applicants submission materials (Exhibit B). A fire service letter was provided by Nestucca Rural Fire Protection District, stating the district had no issues with the layout for the homes and roads (Exhibit B).

*(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.*

**Findings:** A list of recommended Conditions of Approval have been included in Section VI of this report should the Planning Commission approve this preliminary plat.

### **3. 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.

**Findings:** One private road identified as “Fern Hill Road” is proposed and the location of which is depicted on the preliminary plat (Exhibit B). Applicant provided that the existing easement roads located in the westerly portion of the subject property may serve as access for future development of “Proposed Tract A”. Construction details for the private road, cut & grading plans, retaining wall design and hammerheads are included in the application (Exhibit B).



Applicant has requested exception to the road standard maintained in TCLDO Section 160(2)(d): *All roadways with a profile grade in excess of 12% shall be paved, including the exceptions listed.* Applicant has stated that proposed road grades will be up to 20-percent within the proposed private road identified as “Fern Hill Road” (Exhibit B). Applicant has requested that the proposed “Fern Hill Road” remain gravel and not be required to be paved (Exhibit B). The Variance process and review of the criteria are included in Section (B)(4) of this report.

Stormwater management, drainage and grading plans are also subject to review and final approval by the Tillamook County Public Works Department at the time of construction plan review. A recommended Condition of Approval has been made to reflect requirements established by the Tillamook County Public Works.

#### 4. Section 080: Land Division Related Variances

- (1) Variances shall be processed in accordance with Article 8 of the Land Use Ordinance.*
- (2) Applications for variances shall be submitted at the same time an application for land division or property line adjustment is submitted; when practical the applications shall be reviewed concurrently.*

**Findings:** The Applicant has submitted a Variance application in accordance with the provisions outlined above and this request is being reviewed concurrently with preliminary subdivision plat review for “Fern Hill” (Exhibit B). This Variance application has been publicly noticed as part of the Type III land use review process for “Fern Hill”. The procedures and criteria are addressed in this report.

##### Tillamook County Land Use Ordinance Article VIII: Variance Procedures and Criteria.

Applicant has proposed a variance to the requirement that road profiles in excess of 12-percent are required to be paved (Exhibit B). Applicant is proposing to maintain gravel road surface on the proposed private road identified as “Fern Hill Road” on the proposed plats (Exhibit B). Variances are subject to the criteria contained within Article VIII and are discussed within this report.

##### TCLUO Section 8.030: Review Criteria

*A VARIANCE shall be granted, according to the procedures set forth in Section 8.020, if the applicant adequately demonstrates that the proposed VARIANCE satisfies all of the following criteria:*

- (1) Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.*

**Findings:** Applicant states subject site ranges in elevations from 30 to 400-feet, with slopes ranging from 3 to 25-percent. Applicant states that the presence of an intermittent stream reduces availability of the site for a roadway to utilize switchbacks.

The subject property is approximately 12-acres in size, rectangular in shape and currently vacant of improvements (Exhibit A). Resort Drive, a County road, abuts along the easterly boundary of the subject property (Exhibits B). There is two existing private easements that runs north/south within the westerly portion of the subject property (Exhibit B).

An approved building permit has been issued by Tillamook County Community Development for the siting of a proposed manufactured dwelling to be placed within the boundaries of Proposed Lot 1 (Exhibit A & B).

A private easement is currently maintained on the westerly portion of the subject property, which is to be sited within “Proposed Tract A” (Exhibit B). An intermittent drainage/creek is currently maintained on the subject property running east/west along the southerly portion of the property (Exhibit B).

*(2) A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.*

**Findings:** Applicant provides residential development is expected within the Rural Residential 2-acre (RR-2) zone which is consistent with the uses and zoning within the vicinity (Exhibit B). Applicant states that granting variances to the road paving requirement for roads exceeding 12-percent would not allow for a use that is otherwise prohibited in the zone or vicinity (Exhibit B).

There are privately owned properties abutting the northerly and southerly boundary of the subject property, most of which are residentially improved and are also zoned Rural Residential 2-Acre (RR-2). The property to west is improved with timber stands and maintains a forest land deferral with the Tillamook County Assessors (Exhibit A).

The subject property is bordered by Small Farm and Woodlot (SFW-20) zoned parcels to the west, Rural Residential 2-acre (RR-2) zoned parcels to the north and south, and Farm (F-1) zoned properties to the east (Exhibit A).

*(3) The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.*

*Section 4.005: Residential and Commercial Zone Standards*

- (1) To ensure the availability of private open space;*
- (2) To ensure that adequate light and air are available to residential and commercial structures;*
- (3) To adequately separate structures for emergency access;*
- (4) To enhance privacy for occupants of residences;*

**Findings:** Applicant is proposing lots at 2-acres in size (Exhibit B). A proposed private road identified as “Fern Hill Road” is to meander through the proposed subdivision and be maintained within the boundaries of the subdivision (Exhibit B). Applicant describes that adequate open space and area is available due to the proposed lot sizes of 2-acres (Exhibit B). Applicant stated that the proposed road design for emergency access was reviewed, and the design supported by the servicing fire district (Exhibit B).

Staff find the proposed lot design, width, depth and size all meet minimum requirements for the RR-2 zone. A letter was provided in the Applicants submittal from the Nestucca Rural Fire Protection District that the layout of the homes had no issues (Exhibit B).

*(5) To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops,*

*garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;*

**Findings:** Applicant states that the proposed road and homesites are to be located on the same lot as development and that no other properties will be impacted (Exhibit B). Building footprints of potential locations for the placement of dwellings on the site were included in the Applicants submittal, detailing the location of on-site sanitation, driveway locations, and parking areas (Exhibit B).

- (6) To ensure that driver visibility on adjacent roads will not be obstructed;*
- (7) To ensure safe access to and from common roads;*

**Findings:** The Applicant has proposed a new private road identified as “Fern Hill Road” to service the four (4) proposed lots. Applicant provided that the existing easement roads located in the westerly portion of the subject property may serve as access for future development of “Proposed Tract A”. The proposed private road will intersect with Resort Drive, a County road. Applicant states the road design has been reviewed and discussed with the Nestucca Rural Fire Protection District to confirm suitability of access as designed (Exhibit B). A letter from the Nestucca Rural Fire Protection District within the Applicants submittal details that the proposed road had no issues and will need to follow Oregon Fire Code and Tillamook Fire Defense adoption of Chapter 5 and appendix D (Exhibit B).

- (8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;*

**Findings:** Applicant states the subject property and adjacent properties are located within heavily treed lots. The proposed access is to be at ground-level and is not proposed to include features which would impact views (Exhibit B).

- (9) To separate potentially incompatible land uses;*

**Findings:** Applicant states that proposed use of the properties is for single-family residential use, along with the private access road to service the proposed four (4) lots.

Staff find the property is located in the Rural Residential 2-Acre (RR-2) zone, located within an area of RR-2 zoned properties that are generally improved with residential uses (Exhibit A). The property abuts resource zoned land along its easterly and westerly property boundaries, with the RR-2 zone requiring separation between residential and farm/forest uses. Applicant has provided a site plan indicating that the proposed homesite locations will maintain the minimum 100-foot separation between the proposed residential structure and the resource zone boundary (Exhibit B).

- (10) To ensure access to solar radiation for the purpose of alternative energy production.*

**Findings:** Applicant provides that the proposed private gravel drive would serve the proposed development and will not impact adjoining property owners to solar radiation.

- (4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.*

**Findings:** The Applicant’s Variance application submittal is included in “Exhibit B. Applicant states the following regarding the proposal and the need for the exception:

- The existing topography and grades range from 3-percent to 25-percent.
- There is no reasonable way to construct a road with a grade less than 12-percent that would be able to service the proposed development.
- Applicant states the proposed subdivision is to generate affordable housing and allowing the proposed private road to remain gravel will allow for more affordable construction and maintenance.

**V. PUBLIC TESTIMONY:**

Comments were received from Tillamook County Public Works Department and Nestucca Rural Fire Protection District. These comments were included in “Exhibit C” of this report. Comments provided addressed the proposed private road identified as “Fern Hill Road” and the requirement for a hammerhead turn-around, identified of easements on plats, and general comments of the design (Exhibit C). No comments were received from neighboring property owners within the vicinity.

**VI. RECOMMENDED CONDITIONS OF APPROVAL FOR “FERN HILL” PRELIMINARY PLAT, VARIANCE REQUEST & GEOLOGIC HAZARD REVIEW**

Tillamook County Land Division Ordinance Section 090 requires the applicant to file a Final Plat within 24 months of approval of the Preliminary Plat, unless an extension is granted as provided by Section 040. A request for an extension must be submitted prior to the expiration of 24 months. Section 8.060: COMPLIANCE WITH CONDITIONS, and 8.070: TIME LIMIT requires compliance with approved plans and Conditions of this Variance decision, and all other ordinance provisions, and allows 24 months for compliance with Conditions and start of construction.

1. The applicant/owner shall conform to all Federal, State and local regulations, and shall obtain all required permits prior to construction and/or development.
2. All taxes owed shall be paid in full prior to recording of the final plat.
3. All easements shall be identified on the final plat. Easements shall have an indicated recorded reference and/or reference the owner’s certification of dedication on the final plat.
4. The applicant/owner shall meet the requirements of Oregon Water Resources for the water supply system design & construction. A letter of final approval is required from the Oregon Water Resources confirming all facility improvements have been satisfactorily constructed prior to Final Plat approval. Letters of water availability are required for the development of individual lots and shall be submitted to Community Development at the time of consolidated zoning and building permit submittal.
5. The applicant/owner shall obtain necessary permits and authorizations from the Tillamook County Public Works Department, and shall comply with any recommendations of this agency for road construction/design, utilities and stormwater facility improvements necessary to serve the development. A letter of final approval from the Tillamook County Public Works Department confirming all facility improvements have been inspected and satisfactorily constructed, and confirmation of an agreement for maintenance of stormwater management facilities, is required for Final Plat approval.
6. Development of each lot shall conform to the development standards outlined in TCLUO Section 3.010 Rural Residential 2-Acre (RR-2) zone as applicable.

7. The applicant/property owner shall measure the height of all structures from the existing grade prior to development. A topographic survey of the pre-existing conditions prior to subdivision development construction of the site shall be required for the area proposed for development at time of consolidated zoning and building permit submittal. Building permit applications shall include elevations of the site, defining existing grade (pre-development), and confirm that the overall height of the structure is in accordance with the development standards outlined in TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) zone.
8. Site specific Geologic Hazard Reports are required for the development of each lot in accordance with TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas for where development is located on slopes exceeding of 29-percent.
9. In accepting this approval, the property owner understands intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use. The property owner hereby acknowledges that practices may involve but are not limited to the application of herbicides or fertilizers (including aerial spraying), road construction, changes in view, noise, dust, odor, traffic, and other impacts related to a farm zone. The property owner acknowledges the residential use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, the property owner understands preference will be given to farm and forest practices.

No residential structure shall be sited within 100-feet of a Farm, Forest or SFW-20 zoned boundary.

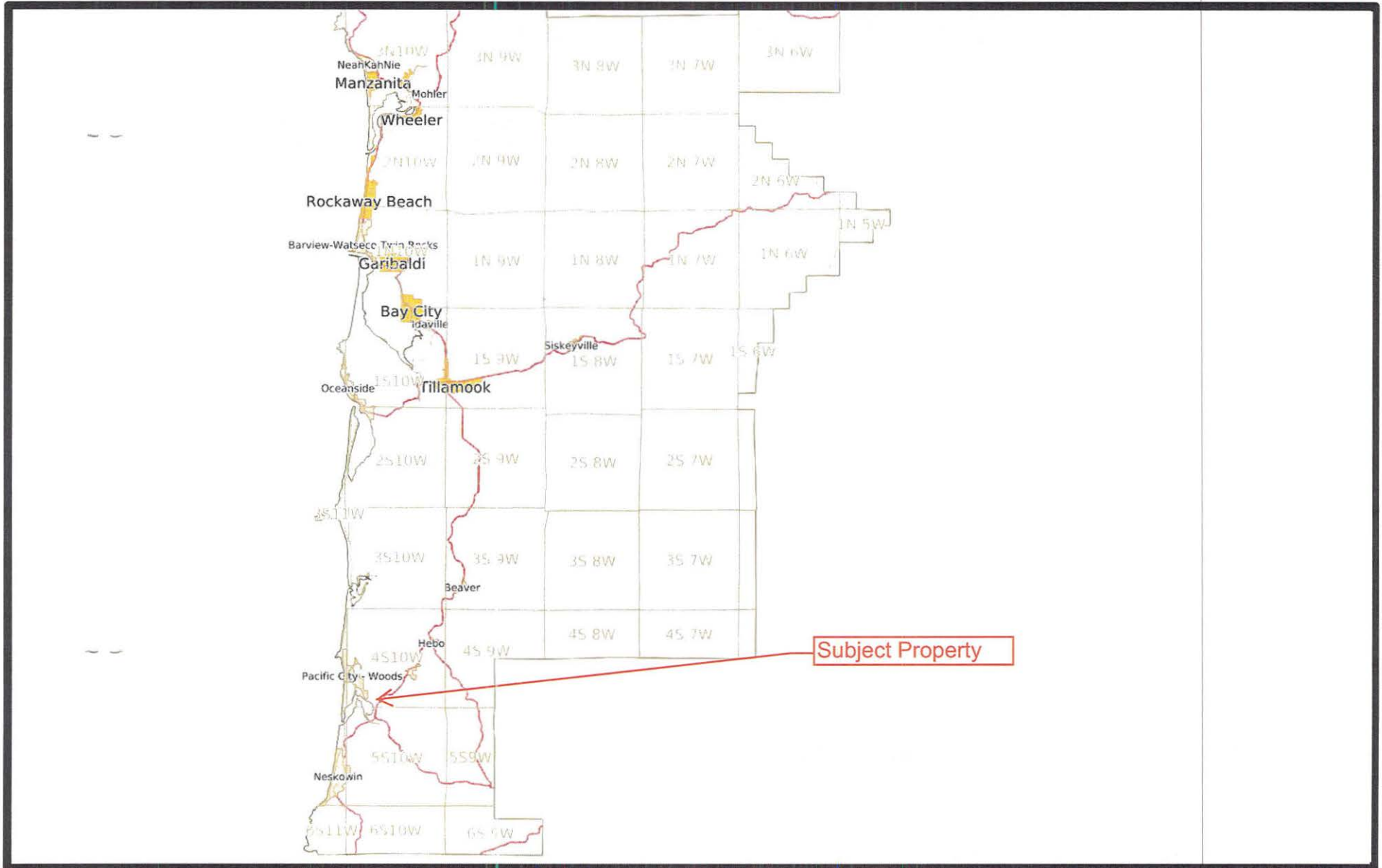
10. The applicant/property owner shall meet the requirements set forth by the Nestucca Rural Fire Protection District. A letter from Nestucca Rural Fire Protection District will be required confirming all facility improvements have been satisfactorily constructed prior to Final Plat approval.
11. Prior to final plat approval, any significant modifications made to the preliminary plat, such as density, lot alignment, and lot size, shall require approval from the Tillamook County Planning Commission for those adjustments.

## **VII. EXHIBITS**

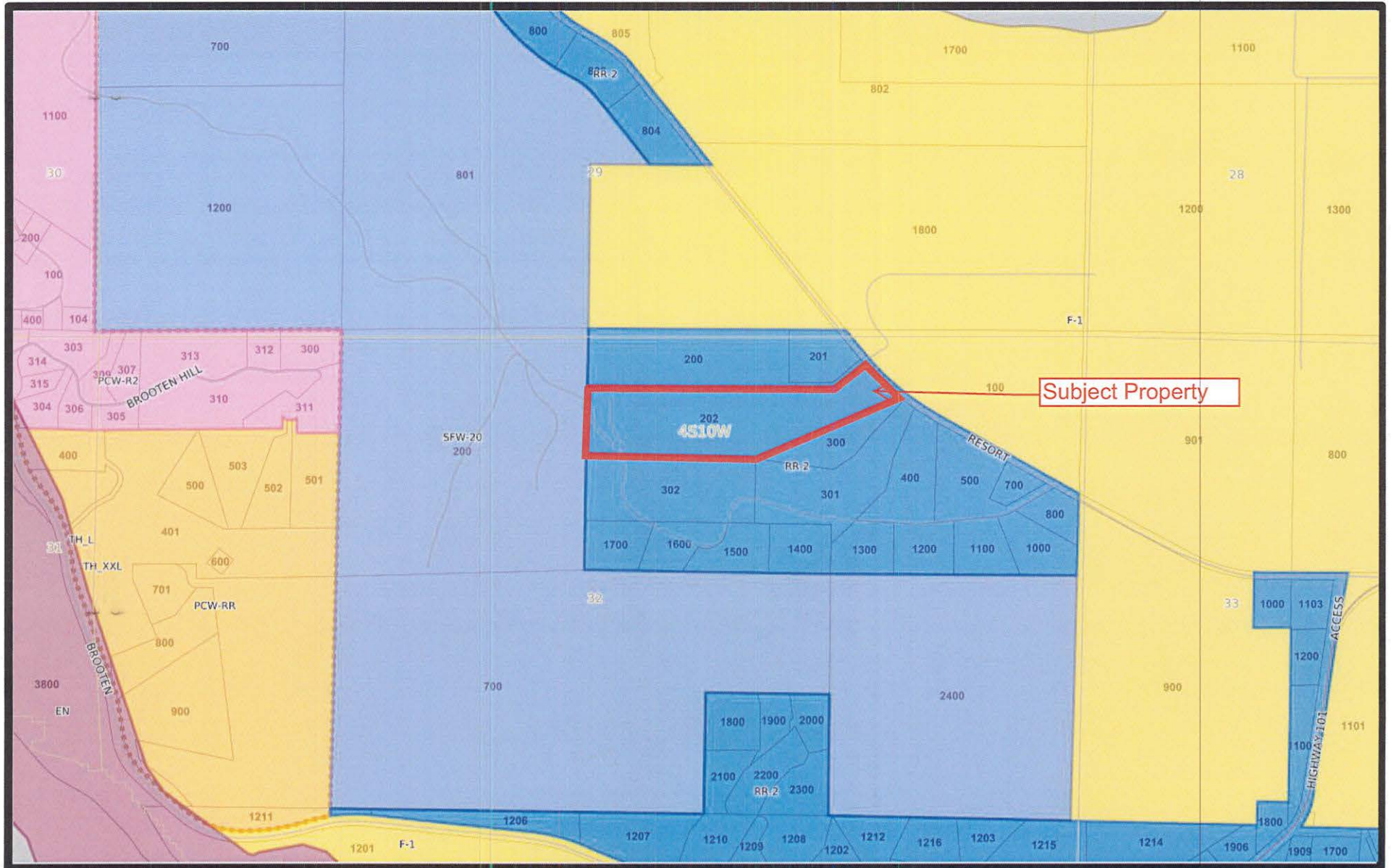
- A. Assessor and Location Maps
- B. Subdivision Application, Preliminary Plat, and Supplemental Information
- C. Public Comments

# EXHIBIT A

# Vicinity Map



# Zoning Map



Generated with the GeoMOOSE Printing Utilities

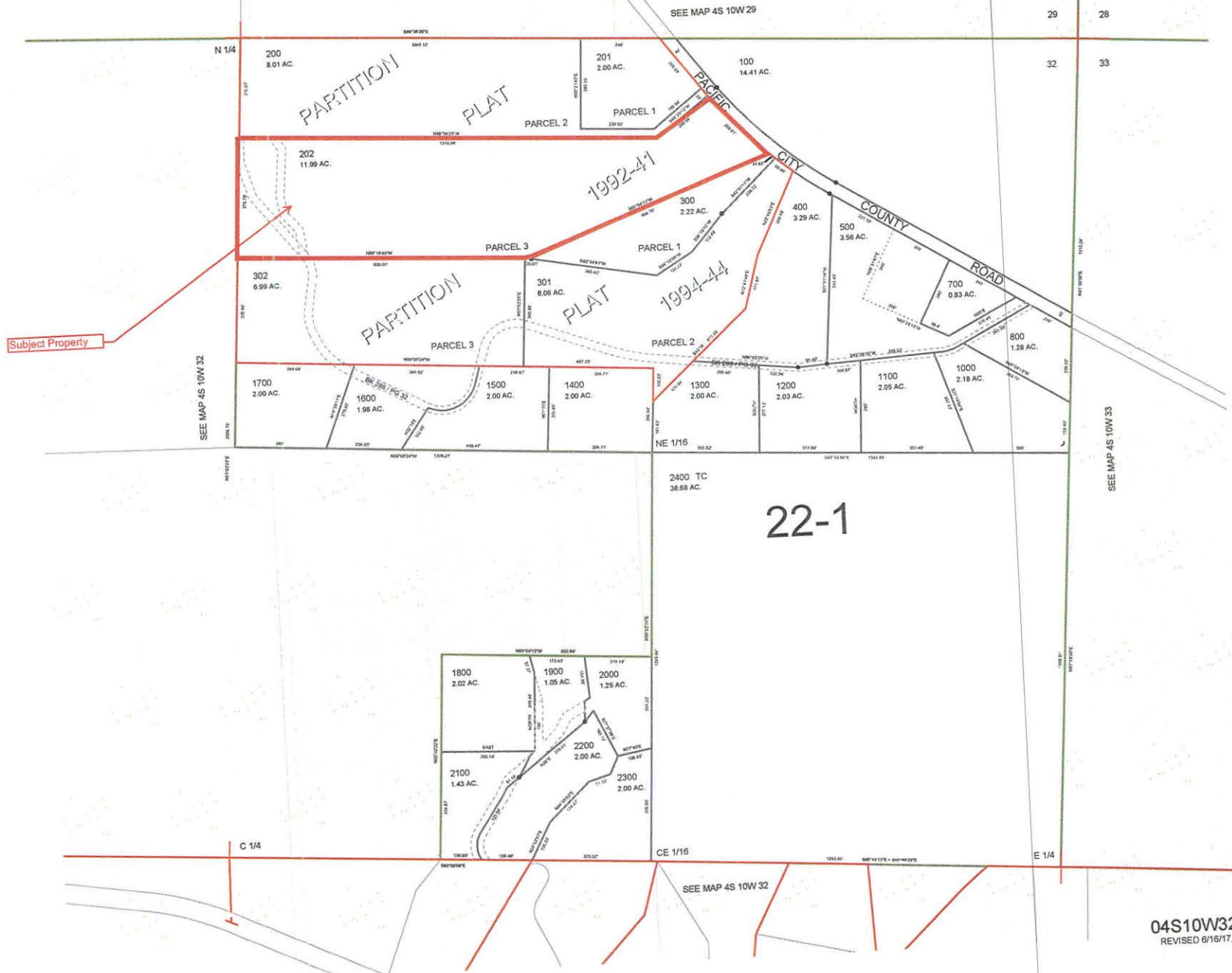


FOR ASSESSMENT AND TAXATION ONLY, NOT SUITABLE FOR LEGAL, ENGINEERING, OR SURVEY PURPOSES

N.E. 1/4 SEC. 32 T. 4S. R. 10W. W.M.  
Tillamook County  
1" = 200'

04S10W32A

CANCELLED:  
600  
900



22-1

04S10W32A  
REVISED 6/16/17, WS

# TILLAMOOK County Assessor's Summary Report

## Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

November 3, 2021 9:49:24 am

|                          |                       |
|--------------------------|-----------------------|
| Account # 393180         | Tax Status ASSESSABLE |
| Map # 4S1032A000202      | Acct Status ACTIVE    |
| Code - Tax # 2201-393180 | Subtype NORMAL        |

Legal Descr PARTITION PLAT 1992-41  
Lot - PARCEL 3

|  |  |
|--|--|
| Mailing Name KINGFISHER HOLDINGS LLC                 | Deed Reference # 2005-4097                 |
| Agent  | Sales Date/Price 05-06-2005 / \$216,000.00 |
| In Care Of % MARY J JONES                            | Appraiser RANDY WILSON                     |
| Mailing Address PO BOX 189<br>PACIFIC CITY, OR 97135 |  |

|                |    |    |     |        |
|----------------|----|----|-----|--------|
| Prop Class 400 | MA | SA | NH  | Unit   |
| RMV Class 400  | 06 | SV | 604 | 2183-1 |

|                     |            |
|---------------------|------------|
| Situs Address(s)    | Situs City |
| ID# 37140 RESORT DR | COUNTY     |

| Code Area              | RMV            | MAV           | Value Summary AV | RMV Exception | CPR %    |
|------------------------|----------------|---------------|------------------|---------------|----------|
| 2201 Land              | 164,250        |               |                  | Land          | 0        |
| Impr.                  | 0              |               |                  | Impr.         | 0        |
| <b>Code Area Total</b> | <b>164,250</b> | <b>68,040</b> | <b>68,040</b>    |               | <b>0</b> |
| <b>Grand Total</b>     | <b>164,250</b> | <b>68,040</b> | <b>68,040</b>    |               | <b>0</b> |

| Code Area          | ID# | RFPD | Ex                       | Plan Zone | Value Source | Land Breakdown |    |              | Trended RMV    |
|--------------------|-----|------|--------------------------|-----------|--------------|----------------|----|--------------|----------------|
|                    |     |      |                          |           |              | TD%            | LS | Size         |                |
| 2201               | 0   |      | <input type="checkbox"/> | RR-2      | Market       | 100            | A  | 11.99        | 164,250        |
| <b>Grand Total</b> |     |      |                          |           |              |                |    | <b>11.99</b> | <b>164,250</b> |

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

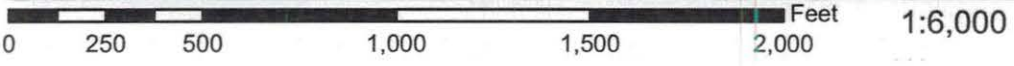
| Code Area | Type                    | Exemptions/Special Assessments/Potential Liability |       |       |       |      |      |  |  |  |
|-----------|-------------------------|--|-------|-------|-------|------|------|--|--|--|
| 2201      | FIRE PATROL:            |  |       |       |       |      |      |  |  |  |
|           | ■ FIRE PATROL NORTHWEST | Amount   | 18.75 | Acres | 11.99 | Year | 2021 |  |  |  |

Comments: 6/2017 Reapp. of land w/abled values. RCW

# National Flood Hazard Layer FIRMette



123°56'13"W 45°11'25"N

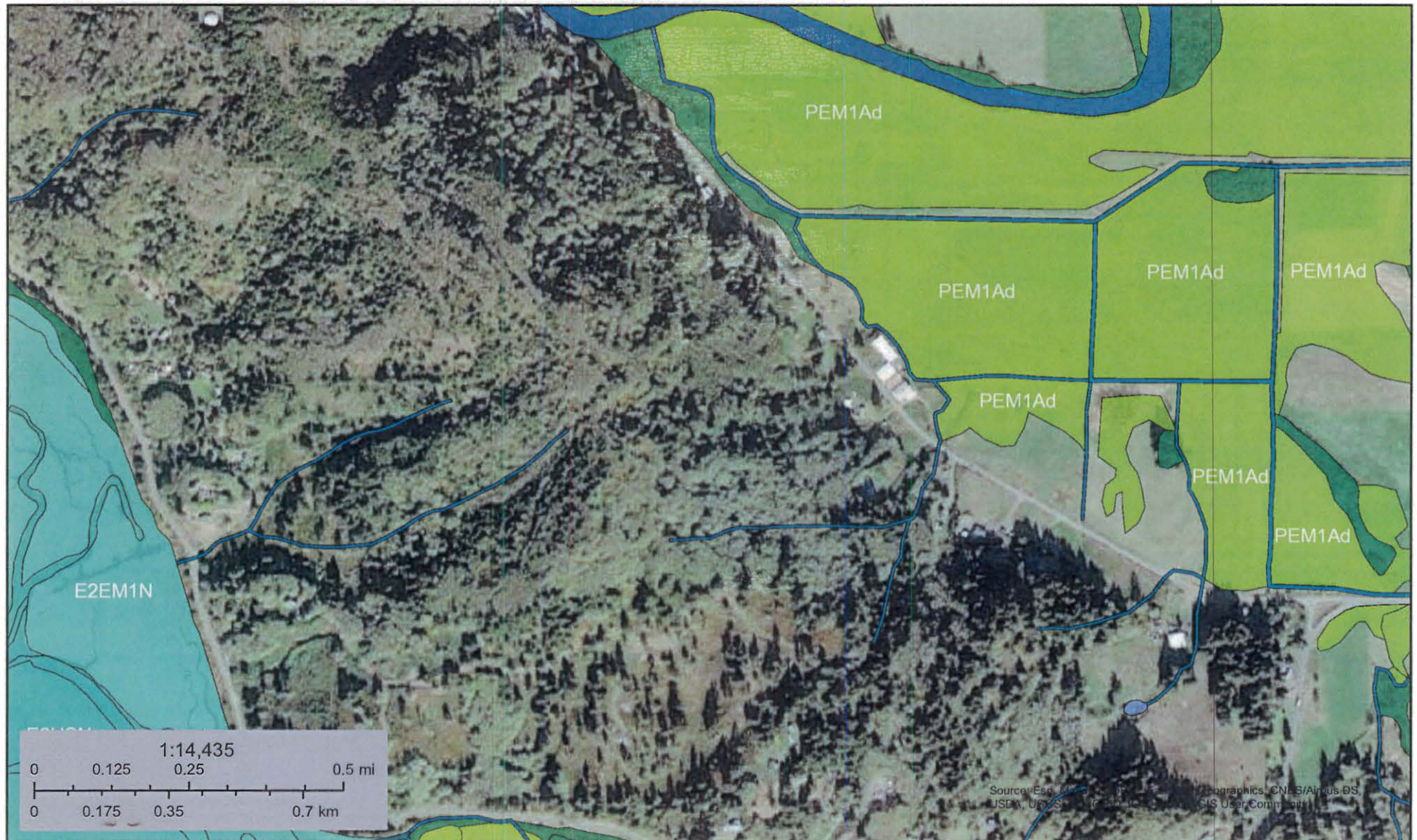


| Legend   |  |
|--|--|
| SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT |  |
| SPECIAL FLOOD HAZARD AREAS   | Without Base Flood Elevation (BFE)<br>Zone A, V, A99   |
|  | With BFE or Depth Zone AE, AO, AH, VE, AR  |
|  | Regulatory Floodway  |
| OTHER AREAS OF FLOOD HAZARD  | 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone D |
|  | Future Conditions 1% Annual Chance Flood Hazard Zone X   |
|  | Area with Reduced Flood Risk due to Levee. See Notes. Zone X   |
|  | Area with Flood Risk due to Levee Zone D   |
| OTHER AREAS  | NO SCREEN Area of Minimal Flood Hazard Zone X  |
|  | Effective LOMRs  |
| GENERAL STRUCTURES   | Area of Undetermined Flood Hazard Zone   |
|  | Channel, Culvert, or Storm Sewer   |
|  | Levee, Dike, or Floodwall  |
| OTHER FEATURES   | 20.2<br>17.5 Cross Sections with 1% Annual Chance Water Surface Elevation  |
|  | Coastal Transect   |
|  | Base Flood Elevation Line (BFE)  |
|  | Limit of Study   |
|  | Jurisdiction Boundary  |
| MAP PANELS   | Coastal Transect Baseline  |
|  | Profile Baseline   |
|  | Hydrographic Feature   |
| MAP PANELS   | Digital Data Available   |
|  | No Digital Data Available  |
|  | Unmapped   |
|  | The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.                             |

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards



The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **11/3/2021 at 12:53 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



November 3, 2021

**Wetlands**

-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland

-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond

-  Lake
-  Other
-  Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

# EXHIBIT B

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# ORIGINAL SUBMITTAL



## PLANNING APPLICATION

| OFFICE USE ONLY                          |                                 |
|--|---------------------------------|
| Date Stamp                               |                                 |
| <b>RECEIVED</b>                          |                                 |
| JUL 26 2021                              |                                 |
| BY: .....                                |                                 |
| <input type="checkbox"/> Approved        | <input type="checkbox"/> Denied |
| Received by: <i>SJ</i>                   |                                 |
| Receipt #: <i>51694</i>                  |                                 |
| Fees: <i>2,046.25</i>                    |                                 |
| Permit No:<br>851-21- <i>00294</i> -PLNG |                                 |

**Applicant**  (Check Box if Same as Property Owner)

Name: *Mary Jones* ~~Peter Sabonis~~ Phone: 503-550-~~6040~~ *7194*  
 Address: PO Box 189  
 City: Pacific City State: OR Zip: 97135  
 Email: peter@trimtab.consulting

**Property Owner**

Name: Kingfisher Holdings, LLC Phone: 503-550-6040  
 Address: PO Box 189  
 City: Pacific City State: OR Zip: 97135  
 Email: peter@trimtab.consulting

Request: Applicant proposes a 4-lot subdivision on 12.01 acres and a variance to the county road standards for a proposed private road.

- | Type II  | Type III   | Type IV  |
|--|--|--|
| <input type="checkbox"/> Farm/Forest Review<br><input type="checkbox"/> Conditional Use Review<br><input checked="" type="checkbox"/> Variance<br><input type="checkbox"/> Exception to Resource or Riparian Setback<br><input type="checkbox"/> Nonconforming Review (Major or Minor)<br><input type="checkbox"/> Development Permit Review for Estuary Development<br><input type="checkbox"/> Non-farm dwelling in Farm Zone<br><input type="checkbox"/> Foredune Grading Permit Review<br><input type="checkbox"/> Neskowin Coastal Hazards Area | <input type="checkbox"/> Appeal of Director's Decision<br><input type="checkbox"/> Extension of Time<br><input type="checkbox"/> Detailed Hazard Report<br><input type="checkbox"/> Conditional Use (As deemed by Director)<br><input type="checkbox"/> Ordinance Amendment<br><input type="checkbox"/> Map Amendment<br><input type="checkbox"/> Goal Exception | <input type="checkbox"/> Appeal of Planning Commission Decision<br><input type="checkbox"/> Ordinance Amendment<br><input type="checkbox"/> Large-Scale Zoning Map Amendment<br><input type="checkbox"/> Plan and/or Code Text Amendment |

**Location:**

Site Address: No Address (Located on Resort Drive and North of Hwy 101)

|             |          |       |         |            |
|-------------|----------|-------|---------|------------|
| Map Number: | 4S       | 10    | 32A     | 00202      |
|             | Township | Range | Section | Tax Lot(s) |

Clerk's Instrument #: \_\_\_\_\_

**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. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

|                                     |                      |                |
|-------------------------------------|----------------------|----------------|
| Property Owner Signature (Required) | <i>Mary Jones</i>    | <i>7-26-21</i> |
|                                     |                      | Date           |
| Applicant Signature                 | <i>Peter Sabonis</i> | <i>7-26-21</i> |
|                                     |                      | Date           |



## LAND DIVISION APPLICATION

|   |
|---|
| <b>OFFICE USE ONLY</b>  |
| Date Stamp<br><b>RECEIVED</b><br><b>JUL 26 2021</b><br>BY: .....  |
| <input type="checkbox"/> Approved <input type="checkbox"/> Denied |
| Received by: <i>SS</i>  |
| Receipt #: <i>51694</i>   |
| Fees: <i>2876.00</i>  |
| Permit No:<br><i>85121-00293</i> -PLNG                            |

**Applicant**  (Check Box if Same as Property Owner)

Name: *Mary Jones* / *Peter Schone* Phone: *503-550-7194*  
 Address: PO Box 189  
 City: Pacific City State: OR Zip: 97135  
 Email: peter@trimtab.consulting

**Property Owner**

Name: Kingfisher Holdings, LLC Phone: 503-550-6040  
 Address: PO Box 189  
 City: Pacific City State: OR Zip: 97135  
 Email: Peter@trimtab.consulting

**Location:**

Site Address: No Address (Located on Resort Drive and north of Hwy 101)  
 Map Number: 4S1032A 00202

| 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))**

- 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.

**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

- Fifteen (15) legible "to scale" hard copies
- One digital copy

- 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

**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:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



### 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
- 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

- Preliminary street layout of undivided portion of lot
- Special studies of areas which appear to be hazardous due to local geologic conditions
- 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
- 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
- Profiles of proposed drainage ways
- 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
- If lot areas are to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil
- 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
- Water
- Dedication for public use
- Public Works
- Engineering/Survey

Additional Information:

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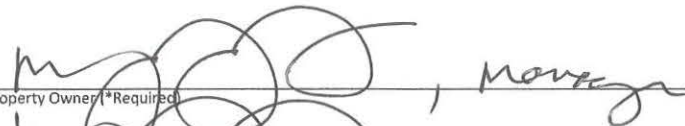

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**Authorization**

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) \_\_\_\_\_ Date 7-26-21
  

  
 Applicant Signature \_\_\_\_\_ Date 7-26-21

## Fern Hill Subdivision

---

**Owner:** Kingfisher Holdings, LLC

**Applicant:** Nestucca Ridge Development, Inc.  
PO Box 189  
Pacific City, OR 97135  
[peter@trintab.consulting](mailto:peter@trintab.consulting)  
(503) 550-6040

**Primary Contact:** Harper Houf Peterson Righellis, Inc.  
205 SE Spokane Street, Suite 200  
Portland, OR 97202

**Planner/Contact:** Brad Kilby, AICP  
[bradk@hhpr.com](mailto:bradk@hhpr.com)  
(503) 221-1131

**Engineer:** Dan Houf, PE  
[Dan@hhpr.com](mailto:Dan@hhpr.com)  
(503) 221-1131

**Site Address:** Resort Drive (No Address)

**Tax Lots:** Tax Map 4S10W32A, Tax Lot 000202

**Parcel Size:** 12.01 acres

**Zoning:** Rural Residential 2 (RR-2)

**Summary of Request:** Applicant proposes a 4-lot subdivision on 12.01 acres. In addition to the land division, the applicant is requesting a Variance (Article 8) to the Tillamook County road standards to allow the proposed private road to be gravel and exceed the maximum 12% grade.

**Report Date:** July 19, 2021

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### PLAN SET

#### **C0.0 - Coversheet**

**(C1.0 – C1.1) – Existing Conditions Plans**

**(C2.0 – C2.1) – Preliminary Subdivision Plans**

**(C3.0 – C3.1) – Preliminary Utility Plans**

**(C4.0 – C4.1) – Preliminary Grading Plans**

### ATTACHMENTS



## I. DESCRIPTION OF PROPOSAL

### Proposal

The subject site is located just outside of Pacific City on Resort Drive. There is currently no street address for the property, but the tax lot number is 4S10W32A000202. The applicant proposes to divide the 12.01 acre parcel into four (2-acre) lots and one tract (for future development) for the placement of manufactured homes. The property owner has identified a need for more affordable homes in the area and proposes to build a small rural neighborhood on the 12 acres. The homes selected for the site will be smaller with a goal of affordability and home ownership. The eventual owners will share private drive access. Water to the homes will be provided by two shared wells located on proposed lot 1, and sewer service will be provided to each lot via individual septic systems.

Along with the subdivision request, this proposal includes consideration of a Variance to the Land Use Ordinance as it applies to the road standards.

## II. RESPONSE TO APPLICABLE POLICIES IN THE TILLAMOOK COUNTY COMPREHENSIVE PLAN

### Article 3: 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:** As mentioned, the applicant is proposing a four-lot subdivision on 12.01 acres. The proposed development is intended to provide an affordable alternative to existing housing in the area. Manufactured Homes and their accessory structures are permitted outright in the RR-2 zoning district per Section 3.010(3)(2)(a) and (b). The site has varying topography, an intermittent drainageway that bisects the property. The only opportunity to provide access to the site is from Resort Drive. These characteristics make a rural large lot development the most appropriate tool to develop the property in a manner to other similarly zoned properties.

- 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.*

**Response:** The applicant is proposing four 2-acre lots and one 4-acre tract to be set aside for future development.

- b) *The minimum parcel/lot size is 10 acres for lots/parcels rezoned Rural Residential on or after October 4, 2000.*

**Response:** According to staff and the property owner, this property was zoned Rural Residential well before October 4, 2000. Therefore, this standard is not applicable.

- 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 larger than two acres in size. Therefore, this standard does not apply.

- 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:** Noted. This site was not part of an approved preliminary subdivision at the time of filing. Therefore, this standard does not apply.

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

**Response:** All four lots and the tract within the project site exceed these dimensional standards. Please refer to see sheets C2.0 – C2.1 for dimensions and more details.

- 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.*

**Response:** Dwelling units will be located centrally on each of the four lots and are intended to be located over 20 feet from the front and rear property lines and over 5 feet from the side property lines. Please see the sheets C2.0 – C2.1 for specific setbacks and proposed positioning of dwelling units.

- 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:** The project meets this standard. Each lot will have a manufactured home with an attached or detached carport or garage constructed on the property. The homes are expected to be one level or two levels and 20 to 28 feet in height.

- 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:** The applicant is not proposing to raise livestock as part of this project. Therefore, this standard does not apply.

- k) *No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 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 property is not located within 100 feet of properties zoned F-1, F, or SFW-20. The nearest farmed property is located on the east side of Resort Drive and will be more than 100 feet from the nearest residential structure. Therefore, this standard does not apply.

#### Section 3.500 Overlay Zones

*An Overlay Zone is a supplementary zoning designation placing special restrictions or allowing special uses of land beyond those required or allowed in the Base Zone. The Tillamook County Land Use Ordinance contains the following Overlay Zones.*

**Response:** The flood overlay zone is located on the property directly east of the site and Resort Drive, but this property falls outside of that zone and therefore it does not apply to this project.

## **Article 4: Development Standards**

#### Section 4.000: General Requirements

*No lot or parcel area, dimension, required setback or yard, or off-street parking or loading area that exists on or is created after the effective date of this Ordinance shall be reduced below the applicable standards required by this Ordinance.*

**Response:** Acknowledged. The applicant is not requested a reduction of area, dimension, setback, parking, or loading for the proposed development. Therefore, this standard is met.

#### Section 4.005: Residential and Commercial Zone Standards

*PURPOSE: In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards are the following:*

- 1) *To ensure the availability of private open space;*
- 2) *To ensure that adequate light and air are available to residential and commercial structures;*
- 3) *To adequately separate structures for emergency access;*
- 4) *To enhance privacy for occupants of residences;*
- 5) *To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;*
- 6) *To ensure that driver visibility on adjacent roads will not be obstructed;*

- 7) *To ensure safe access to and from common roads;*
- 8) *To ensure that pleasing views are neither unreasonably obstructed nor obtained;*
- 9) *To separate potentially incompatible land uses;*
- 10) *To ensure access to solar radiation for the purpose of alternative energy production.*

**Response:** Acknowledged by the applicant. As a residentially zoned property, the proposed development will comply with the land use standards in Section 4.005.

**Section 4.010: Clear-Vision Areas**

- 1) *PURPOSE: The purpose of a CLEAR-VISION AREA is to ensure safe sight distance for drivers approaching street intersections.*
- 2) *A CLEAR-VISION AREA shall be maintained on the corners of all properties located at the intersection of two streets or private ways or a street or private way and a railroad.*
- 3) *A CLEAR-VISION AREA is a triangular area consisting of two equidistant sides which are lot lines measured from the point of intersection of the lot lines abutting streets; or, where the lot lines have rounded corners, such lines extended straight to their point of intersection, and then so measured; and a line joining the two non-intersecting ends at a distance from their intersection specified in Subsection (5) below.*
- 4) *A CLEAR-VISION AREA shall contain no planting, fence, wall, structure, parked cars, or other temporary or permanent obstructions exceeding thirty inches in height, measured from the top of the highest curb in the CLEAR-VISION AREA or, where no curb exists, from the highest established street center line grade adjacent to the CLEAR-VISION AREA. Trees exceeding this height may be located in this area, provided that all branches and foliage are removed to a height of eight feet above the specified grade.*
- 5) *The following measurements shall establish CLEAR-VISION AREAS:*
  - a) *In agricultural or residential zones, the minimum distance shall be 25 feet or, at intersections including an alley, 10 feet.*
  - b) *In all other zones, the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet. When the angle of intersection between streets is 30 degrees or less, the distance shall be 25 feet.*

**Response:** The project meets the Clear-Vision Area standards. The only intersection in the development is where the private drive meets Resort Drive. As a residentially zoned property, a minimum distance of 10 feet is required according to Section 4.010(5)(a) above. There is no proposed planting, fencing, or other structures exceeding thirty inches in height in this Clear-Vision Area.

**Section 4.030: Off-Street Parking and Off-Street Loading Requirements**

- 13) *PARKING SPACE REQUIREMENTS: Requirements for types of building and uses not specifically listed herein shall be determined by the Department, based upon the requirements for comparable uses either listed below or active elsewhere in the county.*
  - a) *RESIDENTIAL: Two spaces for the first dwelling unit, and one space for each additional dwelling unit.*

**Response:** The project meets this standard. Each dwelling unit in the subdivision will have two parking spaces each: one space under an attached carport or garage and one space uncovered in the driveway. Compliance with this standard can be verified at the time of building permit submittal.



Section 4.060: Access

*Every lot and parcel shall abut a street other than an alley, an approved private way, or an approved private ACCESS easement, for at least 25 feet.*

**Response:** The subdivision abuts Resort Drive for approximately 290 feet. The applicant is requesting a Variance to allow the construction of a private drive off of Resort Drive to provide access to all four of the lots in the subdivision. The tract set aside for future development will obtain access through two existing logging road easements. No development is proposed on the tract. All four lots within the subdivision will abut the private drive for a minimum distance of 25 feet. Please see the attached plans C2.0 – C2.1 for more details.

Section 4.080: Distance between Buildings

*A minimum distance of six feet shall be maintained between a building designed for dwelling purposes and any other freestanding buildings located on the same property.*

**Response:** There are no proposed detached or freestanding buildings located on the properties beside the primary dwelling units. Any detached carports will be located such that this standard is satisfied. Compliance with this standard can be demonstrated with construction of the buildings.

Section 4.130: Development Requirements for Geologic Hazard Areas

- 1) *The following are GEOLOGIC HAZARD AREAS to which the standards of this Section apply:*
  - a) *Active landslides identified in Oregon Department of Geology and Mineral Industries (DOGMI) Bulletins 74 and 79;*
  - b) *Inactive landslides, landslide topography and mass movement topography identified in DOGMI bulletins 74 and 79 where slopes are greater than 19 percent;*
  - c) *Areas prone to mudflows identified in DOGMI Bulletin 79;*
  - d) *Brallier Peat soils identified in Soil Survey, Tillamook Area, Oregon (USDA, Soil Conservation Service, 1964) and the unpublished Soil Conservation Service soils survey for coastal Tillamook County;*
  - e) *Ocean front lots on bluffs in areas where erosion and sliding are identified as problems in the Goal 18 element of the Comprehensive Plan;*
  - f) *Other locally known areas of GEOLOGIC HAZARD based on evidence of past occurrences.*
  - g) *As required for development.*

**Response:** A Geologic Hazard Report has been prepared by R. Warren Krager, R.G., C.E.G., a Consulting Engineering Geologist in Oregon and Washington. Although Mr. Krager's report recognizes that there are steep slopes on site, he has indicated that he did not observe any excessively steep, severely eroded, or unstable slopes during the site reconnaissance. Mr. Krager's report is included with this application as attachment 005.

- 2) *All development within GEOLOGIC HAZARD areas shall comply with the following standards:*
  - a) *Vegetation removal shall be the minimum necessary to accommodate the use.*
  - b) *Temporary measures shall be taken to control runoff and erosion of soils during construction. Such measures include temporary stabilization (mulching or sodding) sediment basins or other performance equivalent structures required by the Planning Department.*

- c) *Exposed areas shall be planted in permanent cover as soon as possible after construction.*
- d) *Storm water shall be directed into drainages with adequate capacity so as not to flood adjacent or downstream properties. Finished grades should preferably be designed to direct water flows along natural drainage courses.*
- e) *Additional requirements contained in a Geologic report required by this Section shall be followed.*

**Response:** Noted. There will be a need to strip topsoil and loose soils for construction of the private drive and individual home sites of up to three feet deep to find soils that will support structural fills for the foundations. The developer and project engineer will work closely with the geotechnical engineer to identify best practices during construction to ensure that all improvements are designed and structurally supported to ensure that the integrity of the slopes are not compromised.

- 3) *A GEOLOGIC HAZARD report is required prior to approval of planned developments, coast resorts, subdivisions and partitions governed by the Land Division Ordinance, building permits, mobile home permits, sand mining, occurring in areas identified in (1) with the following exception:*
  - a) *For building or mobile home or manufactured home permits in areas identified in (1) (b), reports are needed for lots 20,000 square feet or larger only where the proposed structure is to be situated on slopes greater than 29 percent or if (1) (f) applies.*

**Response:** A Geologic Hazard Report has been prepared by R. Warren Krager, R.G., C.E.G., a Consulting Engineering Geologist in Oregon and Washington. Mr. Krager's report is included with this application as attachment 005.

- 4) *A report prepared for a subdivision, planned development or partition pursuant to the requirements of this Section, may be used to satisfy these requirements for subsequent building, mobile home or manufactured home permits providing that the original report provided recommendations on building placement and construction and that these recommendations are followed.*

**Response:** The project civil engineer and developer have read the report and are prepared to abide by the conclusions and recommendations of the report in completing the design and construction of the project.

- 5) *The GEOLOGIC HAZARD report shall be prepared, stamped and signed by both an Oregon Registered Geologist and a qualified Oregon Registered Engineer or by an Oregon Certified Engineering Geologist. Structural recommendations shall be prepared, stamped and signed by an Oregon Registered Engineer trained and proficient in preparing structural calculations and diagrams. The Planning Director or his designee shall determine the boundary limits of the study area. The GEOLOGIC HAZARD report shall be prepared and submitted on forms deemed acceptable by the County and shall include plan and sectional diagrams of the area showing property boundaries and the geographic information required by (6) below.*

**Response:** As stated previously, a Geologic Hazard Report has been prepared by R. Warren Krager, R.G., C.E.G., a Consulting Engineering Geologist in Oregon and Washington. Mr. Krager's report included a literature review and on-site visit to complete his assessment. His

report covers all of the areas planned to be developed and is included with this application as attachment 005.

- 6) *The GEOLOGIC HAZARD analysis shall include the following:*
- a) *In landslide areas [(1) (a) and (1) (b)];*
    - i. *Soils and bedrock types,*
    - ii. *Slope,*
    - iii. *Orientation of bedding planes in relation to the dip of the surface slope,*
    - iv. *Soil depth,*
    - v. *Other relevant soils engineering data,*
    - vi. *Water drainage patterns, and*
    - vii. *Identification of visible landslide activity in the immediate area.*
  - b) *In areas prone to mudflow [(1) (c)];*
    - i. *History of mud or debris flow, and*
    - ii. *Areas likely to be affected by future mudflow.*
  - c) *In Brallier peat soils [(1) (d)];*
    - i. *Boring log,*
    - ii. *Bearing capacity, and*
    - iii. *Drainage patterns.*
  - d) *Ocean front bluffs subject to coastal erosion and sliding [(1) (e)];*
    - i. *Information required by (6) (a) above, and*
    - ii. *History of coastal erosion in the area.*

**Response:** Mr. Krager's report includes the information requested above.

- 7) *The GEOLOGIC HAZARDS report shall recommend development standards that will protect development on the property and surrounding properties. These should include standards for:*
- a) *Development density (when more than one use is possible),*
  - b) *Locations for structures and roads,*
  - c) *Land grading practices, including standards for cuts and fills,*
  - d) *Vegetation removal and re-vegetation practices,*
  - e) *Foundation design (if special design is necessary),*
  - f) *Road design (if applicable), and*
  - g) *Management of storm water runoff during and after construction.*

**Response:** Noted. The report prepared by Mr. Krager includes recommended practices as it applies to the proposed development. The project civil engineer and developer are prepared to comply with the recommendations made by Mr. Krager.

- 8) *The GEOLOGIC HAZARD report shall include the following summary findings and conclusions:*
- a) *The type of use proposed and the adverse effects it might have on adjacent areas;*
  - b) *Hazards to life, public and private property, and the natural environment which may be caused by the proposed use;*
  - c) *Methods for protecting the surrounding area from any adverse effects of the development;*
  - d) *Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;*

- e) *The proposed development is adequately protected from any reasonably foreseeable hazards including but not limited to GEOLOGIC HAZARDS, wind erosion, undercutting, ocean flooding and storm waves; and*
- f) *The proposed development is designed to minimize adverse environmental effects.*

**Response:** Mr. Krager's report anticipates the potential adverse effects of the development, speaks to best practices for construction design, and indicates that the proposed development is feasible provided it meets the identified recommendations within the report.

**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:** The project meets this standard. There is no development proposed in any of the riparian vegetation areas listed in (a) through (c) above. The only "stream" on the subject site is a seasonal drainageway which bisects the property on the western side where development will not be occurring. All setback requirements from riparian areas are met.

- 2) *All development shall be located outside of areas listed in (1) above, unless:*
  - a) *For a bridge crossing; or*
  - b) *Direct water access is required in conjunction with a water dependent use; or*
  - c) *Because of natural features such as topography, a narrower riparian area protects equivalent habitat values; or*
  - d) *A minimal amount of riparian vegetation is present and dense development in the general vicinity significantly degrades riparian habitat values.*

**Response:** All development is located outside of the areas listed in Standard (1). Therefore, this standard does not apply.

- 3) *Exemptions from (2) above and from the applicable setback requirement for the front or rear yard that is opposite the riparian area may be granted without a variance for uses on: [...]*

**Response:** The applicant does not request any exemptions to Standard (2). Therefore, this standard does not apply.

- 4) *All trees and at least 50 percent of the understory vegetation shall be retained within areas listed in (1) above, with the following exceptions:*
  - a) *Removal of trees that pose an erosion or safety hazard to existing uses allowed by the underlying zone.*
  - b) *The mowing, planting, or maintenance of existing lawn and pasture, including the control of noxious weeds.*

- c) *Vegetation removal necessary in conjunction with an approved in-water project or to provide direct access for a water-dependent use.*
- d) *Structural shoreland stabilization subject to the shoreline stabilization standards in Section 3.140.*
- e) *Vegetation removal for new bridge construction or routine repair, operation, or maintenance of bridges and highways.*
- f) *Vegetation removal necessary for maintenance of clear vision areas and the removal of roadside hazards.*
- g) *Vegetation removal necessary for construction of a minor highway improvement within an existing right-of-way.*

**Response:** Acknowledged by the applicant. There is no plan to remove trees or understory vegetation from the western portion of the project site (see Tract A on the attached subdivision plan C2.1).

*Forest operations for which notification is required by ORS 527.670 (2) shall be governed by the Oregon Forest Practices Act.*

**Response:** Acknowledged by the applicant.

## **Article 8: Variance Procedures and Criteria**

### Section 8.010: Purpose

*The purpose of a VARIANCE is to provide relief when a strict application of the dimensional requirements for lots or structures would cause an undue or unnecessary hardship by rendering the parcel incapable of reasonable economic use. No VARIANCE shall be granted to allow a use of property not authorized by this Ordinance.*

**Response:** The applicant is requesting a Variance to allow for a gravel private drive that exceeds the maximum grade standards in the County code. The grade of the property averages 5% with intermittent pitches reaching approximately 17-20%% in the central area of the lot (Sheet C4.2). The requested variance is to allow the private drive to remain gravel. Please see the attached grading plan for existing and proposed grade on the road. The topography, shape of the property, and the intermittent drainages place an undue hardship on the applicant to require any road with a grade greater than 12% to be paved as it is not possible to have any road that is less than 12% grade on this specific site while meeting the density targets. Therefore, a Variance is requested to allow the private drive to remain gravel. Please see the attached grading plan for existing and proposed grades for the proposed private drive. Finally, one of the primary goals of this project is to provide affordable housing. The costs and physical impacts to the construct a paved street that met the standards on the site would place an undue hardship on the applicant and be detrimental to the affordability of the property.

### Section 8.020: Procedure

*The following procedure shall be observed in applying for and acting on a VARIANCE request:*

- 1) *A request may be initiated for a VARIANCE, or the modification of an approved VARIANCE, by filing an application with the Department. The Department may require any information necessary for a complete understanding of the proposed VARIANCE and its relationship to surrounding properties.*

- 2) *The Director shall act administratively according to the procedure set forth in Article 10, or shall refer the application to the Commission for a public hearing and decision. The application shall be referred to the Commission if the Director determines that the proposed use would have significant impacts that extend beyond the abutting properties, and that those impacts are not likely to be adequately addressed by response to public notice required by Section 10.070. If the Director elects to refer the application to the Commission, it shall be heard at the next available Commission hearing, unless the applicant requests otherwise.*
- 3) *No approved VARIANCE request shall be invalidated because of failure to receive the notice provided for in Section 10.070.*

**Response:** Acknowledged. The procedures in Section 8.020 will be complied with by the applicant.

**Section 8.030: Review Criteria**

*A VARIANCE shall be granted, according to the procedures set forth in Section 8.020, if the applicant adequately demonstrates that the proposed VARIANCE satisfies all of the following criteria:*

- 1) *Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.*

**Response:** As seen on the attached existing conditions plans C1.0 – C1.1, the subject site has an elevation ranging from approximately 30 feet to over 400 feet, and slopes that range from 3% to 25% in grade. As mentioned above, due to this topography the applicant is requesting a Variance in the pavement requirements for the private road and allow for it to remain gravel.

- 2) *A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.*

**Response:** The project meets this standard. The subject property and surrounding properties are zoned Rural Residential (RR-2). A four-lot subdivision meeting the density requirements of the base zone is a reasonable use expected to occur in this zone and is compatible with the development patterns of the area.

- 3) *The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.*

**Response:** The development standards in Section 4.005 are met by the project. The construction of a gravel private drive will not have a significantly different impact on the adjoining properties than the construction of a paved private drive. All rights of adjoining property owners will be preserved, as the variance will only have an impact on the subject property.

- 4) *There are no reasonable alternatives requiring either a lesser or no VARIANCE.*

**Response:** As previously mentioned, the existing topography and grade ranges from 3% to 25% and there is no reasonable way to construct a road with a grade less than 12% grade that would service the subject property. The applicant is developing a subdivision that can fulfill a need for additional affordable housing in Tillamook County and allowing the private drive to remain gravel will allow for more affordable construction and maintenance of the development.

### III. RESPONSE TO APPLICABLE POLICIES IN THE LAND DIVISION ORDINANCE

#### Section 030: General Provisions

1. *Applications for subdivisions or partitions 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:** Acknowledged by the applicant. A preliminary plat will be evaluated and if approved, all conditions of approval will be complied with prior to the submission of a final plat.

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

**Response:** Tillamook County Land Use Ordinance and Land Division Ordinance currently conform to all state regulations. Therefore, all regulations in Chapter 92 of the Oregon Revised Statute are complied with by the applicant.

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 project does not propose a partition. Therefore, this standard does not apply.

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:** All required signatures, including that of the Chair of the Planning Commission, will be acquired prior to the filing.

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:** Acknowledged by the applicant.

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.*

**Response:** The subject site is designed to be served with adequate utilities, including streets, water, septic, and electrical. Please see response to standards in Section 150 for details on each utility, as well as the attached site plan and utility plan (C2.0, C2.1, C3.0 and C3.1).

- 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.*

**Response:** The project complies with this standard. The top of a drainage way currently runs along the southern property line of the site and runs into Resort Drive. The subdivision development will utilize this drainage way and upsize a culvert under the proposed gravel private drive. Please see the attached plans C2.0, C2.1) for more details.

- 8. All lots created or reconfigured shall have adequate vehicle access and parking as may be required pursuant with Section 150.*

**Response:** All proposed lots in the subdivision have vehicle access via a private road off of Resort Drive. Additionally, the subdivision meets all minimum parking requirements required in Section 150 of the Tillamook County Land Division Ordinance. Please see the response to Section 150 in this narrative and the attached site plan for more details.

## 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:** The project is a subdivision and therefore will be processed using a Type III procedure. The standards and procedures for a subdivision will be followed, as laid out in Article 10 and Section 080 of the Tillamook County Comprehensive Plan.

- 2. Approval Period. Preliminary plat approval shall be effective for a period of two (2) years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted or other assurance provided within the two-year period. The Planning Commission may approve phased subdivisions with an overall time frame of more than two (2) years between preliminary and final plat approvals pursuant to Subsection 040(4).*

**Response:** Acknowledged by the applicant. If a final plat has not been submitted within two years from the preliminary plat date of approval, the approval will lapse.

- 3. Extensions. The County may, upon written request by the applicant and payment of the required fee, grant written extensions of the approval period provided that all of the following criteria are met: [...]*

**Response:** The applicant is not requesting an extension to the preliminary plat at this time. Therefore, this standard does not apply.



4. *Phased Subdivisions. The Planning Commission may approve plans for phasing a subdivision, and changes to approved phasing plans, provided applicant's proposal meets all of the following criteria: [...]*

**Response:** The applicant is not requesting a phased subdivision. Therefore, this standard does not apply.

### **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.*

**Response:** The applicant is proposing four lots on the site and preserving the large tract at the top of the site for two future lots. This would maximize the density allowed on the project site in the RR-2 zone by providing for six home lots, four now, and two more in the future, on the 12.01-acre property.

### **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.*
  - 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.*

**Response:** Acknowledged by the applicant. All submission requirements will comply with Section 060 of the Land Division Ordinance and Article 10 and Section 080 (Subdivisions) of the Tillamook County Comprehensive Plan.

### **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:** All requirements of this ordinance will be complied with by the applicant.

- 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:** All standards in Article 3 and Section 150 are complied with by the applicant. Please see response in the respected sections of this narrative for details.

- 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:** Acknowledged by the applicant. As mentioned previously, the proposed development provides all necessary services to the four lots, including water (wells), sewer (septic), and access via a private drive from Resort Drive. Please see the responses in Section 150 and 160 for details, as well as the attached subdivision plans. Well approvals are provided as attachment 7.

- 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:** The proposed plat name for the project is Fern Hill Subdivision. According to the County surveyor, this is not already recorded for another subdivision, nor does it have a similar pronunciation. Therefore, this standard is met by the proposed development.

- 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:** This project complies with this standard. Utilities and surface water drainage facilities have been designed to conform to Tillamook County's adopted master plans and engineering standards. Each lot in the subdivision will be utilizing a septic system, and water service coming from the two wells on site. Surface water drainage will involve the improvement of culverts to connect to the existing water drainage along Resort Drive. As mentioned previously, a variance to the road standards is requested by the applicant to construct a gravel private drive. Please see responses to the Article 8 of this section for more details. The preliminary septic site approvals are provided as attachments 9-13 and the well approvals are attached in attachment 7.

- 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:** Each lot is at least two acres. The only common area will be the shared driveway. Easements will be provided where necessary to construct and maintain the proposed private drive and the wells.

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

**Response:** The project complies with this standard. The proposed gravel private drive will provide access to the drainage ways on the subject site.

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

**Response:** The project does not require any state or federal permits at this time. Therefore, this standard does not apply.

- 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.*

**Response:** Improvements and conditions required of the development will be met by the applicant. Attachment 7 is provided to show that wells are feasible to serve the lots.

- 1) *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:** Acknowledged by the applicant.

## **Section 080: Land Division-Related Variances**

- 1) *Variances shall be processed in accordance with Article 8 of the Land Use Ordinance.*

**Response:** Acknowledged. Article 8 of the Land Use Ordinance was addressed earlier in this narrative. Please see that section for details.

- 2) *Applications for variances shall be submitted at the same time an application for land division or property line adjustment is submitted; when practical the applications shall be reviewed concurrently.*

**Response:** This standard is met. The variance application is being submitted with the subdivision application.

*A VARIANCE shall be granted, according to the procedures set forth in Section 8.020, if the applicant adequately*

*demonstrates that the proposed VARIANCE satisfies all of the following criteria:*

- (1) *Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such*
- (2) *circumstances may not be self-created.*

**Response:** The proposed subdivision is located on a steep lot which makes it difficult to balance the density and development standards. Because of the linear shape and size of the

lot, and the presence of an intermittent stream, there is not enough room on the site to construct a driveway/private street that could utilize switchbacks to meet the maximum grade standards of the facility. Although this may apply on other RR-2 zoned properties, it is circumstances that are particularly unique to this site and entirely out of the control of the owner.

(3) *A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.*

**Response:** A variance to the standard is necessary to allow the owner to realize the maximum development potential on the site. The proposed development would allow for four individual home sites now, and two more in the future, consistent with the underlying zoning and granting the variance does not allow for a use that would otherwise be prohibited or unexpected within the zone or surrounding area.

(4) *The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.*

**Response:** The proposed variance will not preclude surrounding property owners from their ability to use and enjoy their land. As discussed in this narrative and the supporting documentation, the development can feasibly satisfy the remaining requirements of the Tillamook County Code.

(5) *There are no reasonable alternatives requiring either a lesser or no VARIANCE.*

**Response:** The proposed variance is the minimum relief necessary to allow the property owner to develop the property as zoned.

## **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:** The project meets these standards. All four lots will be served by two shared wells located on the lower portion of the property away from any septic system. The distance between the wells and the western most septic tank on Lot 1 is over 100 feet. These wells conform to dimensional standards above and the specifications to the State of Oregon. Please see the attached site plan (C2.0 and C2.1) for more details.

- 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:** The project complies with this standard. Each dwelling unit within the subdivision will be served with an individual septic system, including a concrete septic tank and septic leach lines. More details can be seen on the attached site plan. The applicant acknowledges that the final systems must be approved by the County Sanitarian. Preliminary septic site approvals are provided in attachments 9-13.

- 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:** The applicant proposes the development of a gravel private drive (Fern Hill Road) off of Resort Drive to serve all four lots. As mentioned previously, a variance is requested to allow a gravel road on a grade steeper than 12% due to the topography of the site. Please see Article 8 for more details on the variance. Any improvements the Public Works Department considers essential on Resort Drive will be complied with by the applicant.

- 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.*
- b) *All parcels or lots created by a subdivision shall abut a street or private road, other than an alley, for at least 25 feet at a point which can be developed for safe access*

**Response:** The project complies with this standard. Each parcel created in the subdivision abuts the private drive for at least 25 feet. Please see the attached site plan (C2.0 and C2.1) for details.

- 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:** The project complies with this standard. The top of a drainage way currently runs along the southern property line of the site and runs into Resort Drive. The subdivision

development will utilize this drainage way for conveyance. There is an existing culvert crossing the drainageway that will extend under the proposed gravel private drive. Please see the attached plans for more details.

- 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:** Acknowledged by the applicant. At this time, no exception to the standards in this section are requested.

- 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 subject site is located in the RR-2 zoning district and the subdivision provides four lots now and a tract that could accommodate up to two more lots once services are available. This would meet the maximum density allowed in the zone. Future division of the proposed tract will only occur once services are available.

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 project does not propose the construction of blocks, and surrounding development patterns do not support a typical grid pattern that would be expected in order to form blocks.

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:** There are no special building setbacks proposed with this project. All setbacks within the underlying zone can be complied with during future development of the individual lots. Therefore, this standard does not apply.

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:** Acknowledged by the applicant.

- 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:** As currently proposed, there are no public rights of way proposed within the subdivision.

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:** Acknowledged. There is currently an existing electrical easement on the subject site off of Resort Drive with utility lines. Any additional easements required will be complied with by the applicant.

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.*

**Response:** Lot size standards of the RR-2 zoning district are satisfied by the proposed subdivision. This standard is satisfied.

- 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:** Noted. Each lot will be served by a septic system and well onsite for the subdivisions water supply and sewage disposal that meets the standards of this section and the County Health Department.

- 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:** Acknowledged by the applicant. Each lot abuts the proposed private drive for at least 25 feet. Please see the attached site plan (C2.0 and C2.1) for more details.

- 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:** The project complies with this standard. None of the proposed lots are through lots.

- 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 side lot lines of the subdivision lots run at right angles to the private drive being constructed on site whenever possible. Please see the attached site plan for details of lot configuration.

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

**Response:** Acknowledged. The applicant will ensure grading conforms to a plan approved by the County Public Works Director. Please see the preliminary grading plan for details.

## **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.*

### **1) STREETS – GENERAL**

- a) *The design of improvements governed by these standards shall, in general, conform to policies set forth in the current editions of the following publications by the American Association of State Highway and Transportation Officials (AASHTO):*
  - i. *“A Policy on Geometric Design on Highways and Streets”.*
  - ii. *“Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400)”*
- b) *Standards in Section 160 apply to both public and private streets.*
- c) *These standards apply to improvements required within the land division and for any street improvements required to access the land division.*
- d) *Except for design exceptions to standards as provided in Section 150, deviations from the standards may only be approved through the Variance procedures in Article 8.*

**Response:** As previously mentioned, the applicant is requesting a variance to the street standards to allow for a gravel private drive to be constructed on site with a grade steeper than 12%. The project complies with all other street standards within this section.

### **2) ROADWAY WIDTH AND ALIGNMENT STANDARDS**

- a) *The design, improvement, and construction of all streets resulting from the division of land or creation of an access easement shall comply with the County Public Road Improvement Ordinance design standards, as well as the following standards and requirements.*



**Response:** Acknowledged. As mentioned previously, the applicant is requesting a variance to allow for the private driveway to be gravel and exceed 12% grade. More information on this variance can be found in the response to Article 9 of this narrative. All other County Public Road Improvement Ordinance standards will be complied with by the applicant.

- b) *Average Daily Traffic (ADT) for design is to be determined based on the anticipated future usage of the roadway based on maximum density allowed by the zoning. For residential developments the ADT is assumed to be 10 vehicles per day per residence.*

**Response:** When all four lots are built and occupied, there is an ADT estimate of 40 vehicle trips per day.

- c) *The traveled way shall be paved except for:*
  - i. *Minimum Local Streets, and*
  - ii. *Minor Local Streets in zones with minimum lot sizes of greater than ten (10) acres.*

**Response:** The private drive (Fern Hill Road) is proposed to be gravel on the property through a variance. Please see Article 9 of this narrative for details.

- d) *All roadways with a profile grade in excess of 12% shall be paved, including the exceptions listed.*

**Response:** As mentioned, the applicant is requesting a variance to allow for the private roadway to be gravel with a grade that exceeds 12%. Please see details in Article 9 of this narrative.

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

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

| <i>Functional Classification</i> | <i>Width</i>   |
|----------------------------------|----------------|
| <i>Arterial &amp; Collectors</i> | <i>60 feet</i> |
| <i>Major Local</i>               | <i>60 feet</i> |
| <i>Minor Local</i>               | <i>50 feet</i> |
| <i>Minimum Local</i>             | <i>30 feet</i> |

- 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.*

**Response:** The road being constructed on the project site is a private drive and therefore does not have a functional classification. The proposed width of the gravel private drive is approximately 15 feet wide.

4) **DEAD END STREETS**

- a) *A dead end street is allowed if all of the following conditions exist:*

- i. *The street is a Minor Local Street or a Minimum Local Street, and*
- ii. *The street is not more than 2000 feet in length, and*
- iii. *The street serves no more than 18 dwellings*

**Response:** The street on site does not have a functional classification because it is a private drive, is approximately 850 feet in length, and serves four dwellings. Therefore, the dead end proposed on the subject site complies with the above standards.

- b) *A dead end street shall terminate with a turnaround adequate for emergency vehicle turnaround. Temporary dead end streets shall have temporary turnarounds within temporary easements which may expire upon the extension of the street into adjacent land.*

**Response:** The project meets this standard. The proposed private drive has a fire access hammerhead turn around to allow for emergency vehicles to access the subdivision. Please see the attached plans (C2.0 and C2.1) for location and details.

#### 5) FUTURE EXTENSION OF STREETS

- a) *Streets shall be extended to the parcel boundary where they are necessary to serve adjoining properties or to improve traffic circulation in and around the tract.*
- b) *Public streets may be required through the subdivisions when it is necessary to:*
  - i. *Provide for continuation, through projection, of an existing principal street in the surrounding areas; or*
  - ii. *Permit future subdivision of adjoining land.*

**Response:** The proposed street will not serve any adjacent or adjoining properties, and it is unlikely that it will be extended in the future. Therefore, this standard does not apply.

#### 6) INTERSECTIONS

- a) *Streets shall be in alignment with existing streets by continuations of the centerlines thereof. Staggered street alignment resulting in T-intersections shall, wherever practical, leave a minimum distance of 250 feet between the center lines of intersecting. Such intersections shall not be less than 125 feet apart.*

**Response:** The project complies with this standard. There are no existing streets to align the private drive with on Resort Drive, and the positioning of the private drive will not create a staggered street alignment.

- b) *Streets shall be laid out to intersect as near to right angles as practical. In no case shall the angle be less than 60 degrees unless there is a special intersection design.*

**Response:** The project complies with this standard. The intersection of the private drive that serves the subdivision is aligned at a right angle with Resort Drive. This can be seen on the attached site plan (C2.0).

- c) *Arterial or collector streets shall have at least 100 feet of tangent adjacent to any intersection. Local streets shall have at least 50 feet of tangent adjacent to any intersection.*

**Response:** Resort Drive is designated as a Major Collector by the County and therefore requires a 100 foot tangent adjacent to the intersection with the private drive. Resort Drive is straight in front of this property and has well over 100-feet of tangent prior to any curve.

- 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:** Acknowledged by the applicant.

- 8) *STREET NAMES: Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets.*

**Response:** Acknowledged by the applicant. The new proposed private drive will be selected so as not to duplicate any existing street names. Therefore, this standard can be met in the final plat review.

- 9) *FRONTAGE STREETS: Where a Subdivision abuts or contains an existing or proposed arterial, the County may require limited access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation, or other treatment necessary to afford separation of through and local traffic and incompatible land uses.*

**Response:** Resort Drive is designated as a Major Collector by the County, and the project does not abut or contain any arterials. Therefore, this standard does not apply.

- 10) *ALLEYS: Alleys shall be provided in commercial and industrial zones, unless other permanent provisions for access to utilities and off-street parking and loading facilities are approved by the Commission.*

**Response:** This project is not within a commercial or industrial zone. Therefore, this standard does not apply.

- 11) *FEATURES PROHIBITED IN PUBLIC STREETS: Roadway gates, parking lots and islands are not allowed in public street rights-of-way.*

**Response:** None of the prohibited features above are proposed with this project.

## IV. CONCLUSION

This narrative along with the exhibits submitted with this application demonstrates that it is feasible for the proposed development to comply with the Tillamook County Land Use Ordinance and Land Division Ordinance. The applicant respectfully requests that the County approve the requested subdivision and variance based on the information and findings provided with this application.

*R. Warren Krager, R.G., C.E.G.  
Consulting Engineering Geologist  
Oregon CEG #E957  
Washington LEG #314*

March 5, 2020

Peter J. Schons  
Trimtab Consulting  
503-550-6040  
peter@trimtab.consulting

**Subject:      Engineering Geologic Site Reconnaissance  
                 and Geologic Hazard Report  
                 Proposed Land Division for Residential Development  
                 Map 4S 10W 32A Tax Lot 202  
                 Tillamook County, Oregon**

Dear Mr. Schons:

As you requested, I am pleased to submit my engineering geologic reconnaissance and geologic hazard report for the above referenced property and proposed residential land division.

#### **Introduction**

This geologic hazard report has been prepared in general accordance with the Tillamook County Land Use Ordinance (TCLUO) Section 4.130 Development Requirements for Geologic Hazard Areas for the proposed residential development. The subject property contains steep slopes, ancient landslide topography and potential seismic slope instability geologic hazards.

R. Warren Krager, R.G., C.E.G. (Oregon Licensed Engineering Geologist E-957) conducted the surficial reconnaissance of the property with you on March 2, 2020. About 2 hours was spent walking and observing portions of the property considered for roadway and homesite development. We observed the general building areas, adjacent slopes, locally graded or filled areas, springs and drainages, and nearby existing residential and road construction.

I conducted three hand auger soil borings at upper, middle, and lower site elevations to evaluate the near-surface soil profile for grading, drainage, and shallow foundation support considerations. This engineering geologic evaluation did not include project specific subsurface explorations in accurately located project development features, geotechnical engineering foundation design services or slope stability analyses.

The conclusions and recommendations of this report are based on our reconnaissance observations, review of project concept plans and background geologic literature, and general familiarity with geologic and soil conditions in the area.

In preparing this report, available geologic hazard maps and reports, topographic data and concept site plans were reviewed for detailed information pertinent to the subject site and local vicinity. The following geologic reports, maps, aerial photos and other information were reviewed and used in preparation this report:

- Environmental Geology of the Coastal Region of Tillamook and Clatsop Counties, Oregon, Oregon Department of Geology and Mineral Industries (DOGAMI), Bulletin 74, 1972.
- Preliminary Geologic Map of the Nestucca Bay Quadrangle, Tillamook County, Oregon, United States Geologic Survey (USGS), Open File Report 90-202, 1990.
- DOGAMI LIDAR Viewer, accessed online March 3, 2020, (<http://www.oregongeology.org/sub/lidardataviewer/index.htm>),
- United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), Web Soil Survey: <http://websoilsurvey.nrcs.usda.gov/>.accessed online March 3, 2020.
- Google Earth Aerial images of the eastern Pacific City-Broton Mountain area, Oregon, image dates: May 6, 1994, August 15, 2000, November 14, 2002. June 15, 2003, June 29, 2005, August 1, 2011, July 6, 2012, July 30, 2014, August 23, 2016, and June 22, 2017.
- Tillamook County Land Use Ordinance (TCLUO) Section 4.130 Development Requirements for Geologic Hazard Areas.
- Harper Houf Peterson Righellis Inc. (HHPR) concept site plan Tax Lot 4S10W32A #202, 20-0213\_EA Concept Exhibit.pdf, dated February 13, 2020.

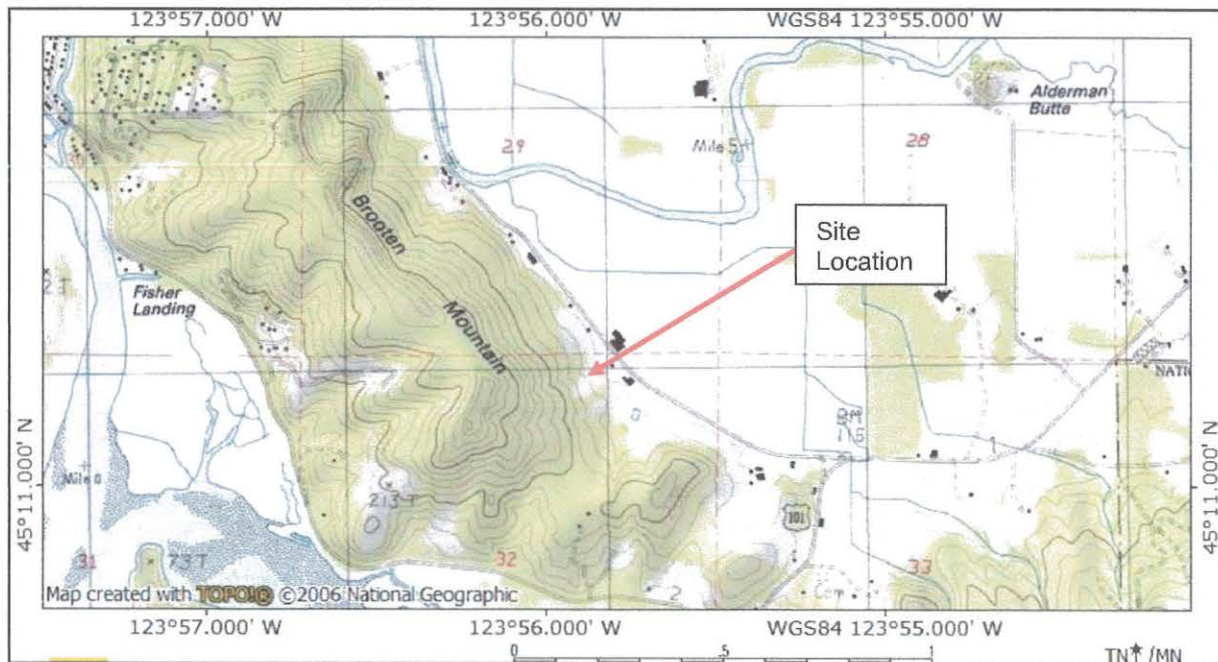


Figure 1- Site Location Plan

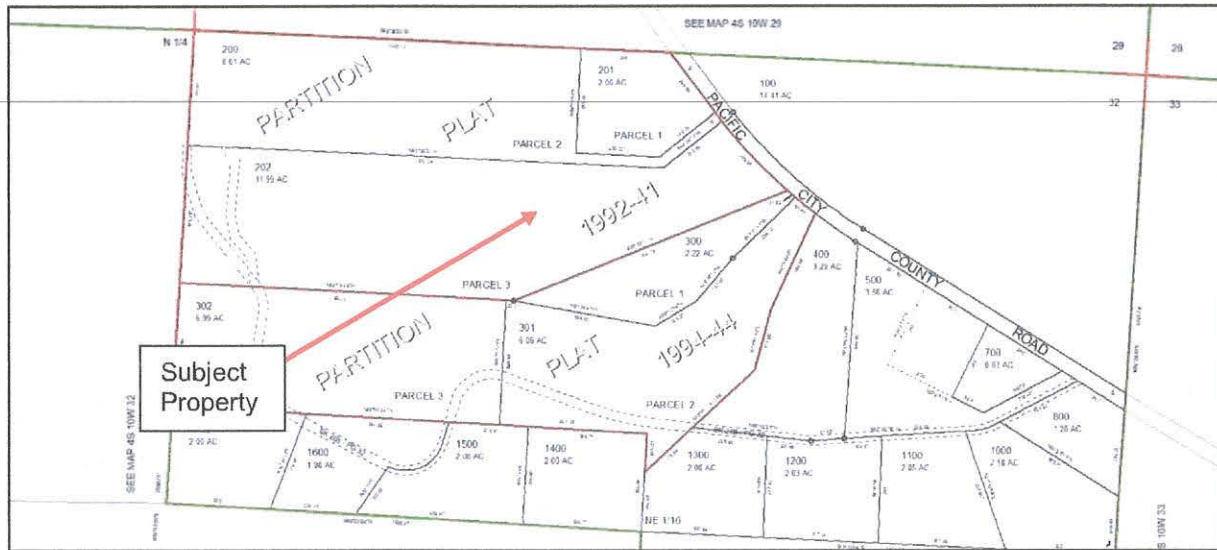


Figure 2- Portion of Tillamook County Tax Map 4S1032A

### Site Location and Description

The general location of the project is on the eastern end of the north flank of Brooten Mountain, east of Pacific City, in Tillamook County, Oregon, as shown in Figure 1. The subject property consists of Tillamook County Tax Lot 202, of Map 4S 10W 32A. Tax Lot 202 comprises about 12 acres in area and has a generally rectangular shaped plan as shown in Figure 2. The parcel is accessible from Resort Drive about 2 miles East of Pacific City, Oregon. The parcel is not currently developed or served by septic system, sewer, or water, but based on available aerial photographs appears to have had a farm shed and driveway near the eastern end of the property until about 2002. Currently, the eastern end of the property is vegetated by tall grasses and blackberry brambles with no visible structure remaining.



Photo 1- View to east toward Resort Drive and dairy barn on east side of Resort Drive. Orange flagging, at right of center in photo, marks the centerline of proposed access roadway onto TL 202.



**Photo 2-** View to south, parallel to slope contour, on the mildly sloped middle-elevation development portion of TL 202. Center line survey and staking had not been completed beyond the eastern end of the property at the time of the reconnaissance.



**Photo 3-** View of small creek flowing from spring along the approximate northern boundary of TL 202. Steeper slopes near mid-point of TL 202 are vegetated with a mix of larger alder and spruce with open understory of sword fern, berry vines, some grasses and other native forest plants.

### Proposed Construction

The proposed land division and residential development concept site plan for TL 202 is shown in Figure 3. It is my understanding that the eastern approximately 2/3 of the property will be divided into six individual single-family residential building lots of variable size. Manufactured homes of a typical 18-foot by 80-foot rectangular plan footprint (1,280 square feet) with detached garages are shown on the client provided concept site plan. Attached carports may be used alternatively. There are three separate common tracts planned as part of the land division; Tract A, planned for community garden area on the east end; and Tract B and Tract C, up slope on the western approximately 1/3 of the property, for public forest access and community water wells. Tract B and Tract C also contain access easements for existing timber harvest haul roads that cross the upper elevations of the property.

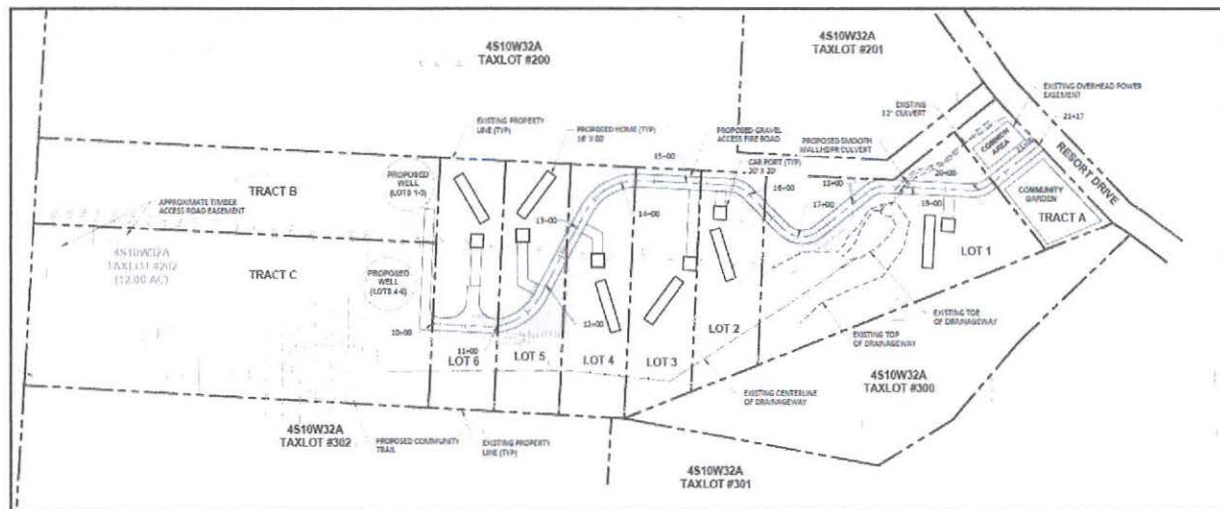


Figure 3 – Concept site plan prepared by HHPR Civil Engineers.

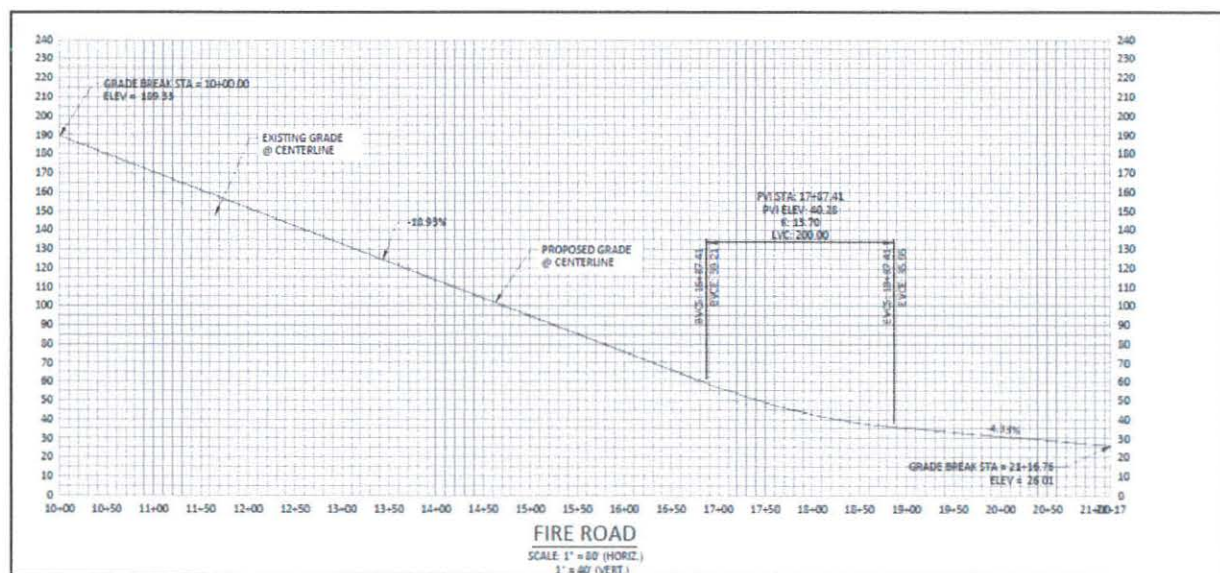


Figure 4 – Concept elevation profile of proposed 19 percent fire road grade.



I also understand that about 1,400 lineal feet of fire access roadway is planned to serve the lots and common tracts. The proposed graveled, all weather roadway will have a uniform, approximately 19 percent grade to the west and up slope of Lot 1. The proposed fire and lot access roadway concept design profile is shown in Figure 4. Most of the roadway traverses the naturally sloped hillside topography with relatively little mass grading required. However, the road profile suggests that up to about 5 feet of cut and 10 feet of embankment fill will be needed as the roadway gains elevation through Lot 5 and Lot 6 to reach a grade break at the western margin of Lot 6. At this point, at about elevation 190 feet above sea level, the access roadway turns north and parallel to the slope contour for a relatively level, final approximately 200 feet to the water well location on Tract B.

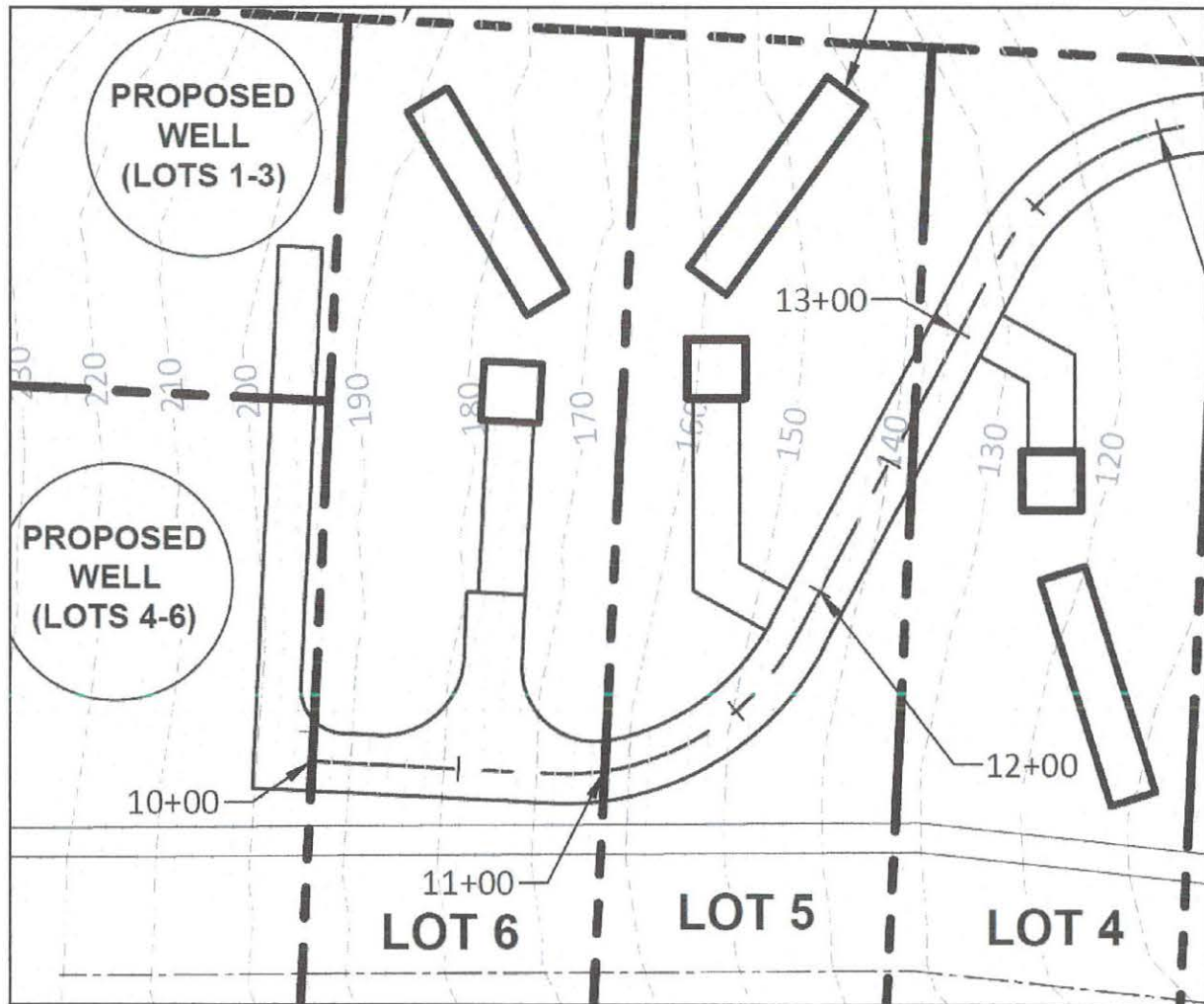
### **Slopes and Grading Discussion**

Figure 5 shows a topographic approximation of the steeper sloped central portion of the property based on DOGAMI LIDAR (Light Detection and Ranging) electronic elevation data provided by HHPR. The steeper natural slopes on Lot 2, Lot 4, Lot 5, and Lot 6 are inclined up to about 30 percent. Lot 3 occupies a bench with milder existing slope gradients to about 20 percent in the tentatively proposed development area. Some locally steeper slopes are present in a drainage gully on the south ends of these lots. Proposed Lot 1 appears to have natural slope less than 19 percent. Our reconnaissance did not continue up slope into the steeper areas of Tract B and Tract C or the upper existing timber access roads. We did not observe excessively steep, severely eroded, or unstable slopes during the site reconnaissance of areas expected for roadway and home sites.

In the hand auger borings, located in steeper sloped roadway or homesite areas of proposed Lots 3-6, the near surface soils, to about 3 feet deep, contained organic material and relatively loose to soft, damp, medium to low plasticity clayey silt with sand, grit and trace decomposed volcanic gravel. Medium dense soil was noted in the upper auger borings from 3 to 5 feet below the ground surface. The loose and organic near-surface soil on the steeper slopes are considered in a near-constant state of slow seasonal soil creep that occurs naturally on such slopes during wetting, drying and occasional freezing and thawing seasonal cycles. The hand auger boring conducted in the Tract A community garden area was advanced to about 2 feet below the ground surface in moist to wet silt and clayey silt of low strength and moderate plasticity.

The existing natural slope gradients are not particularly steep in the proposed development areas. However, mass grading and earthwork construction for the steeper sloped roadways, homesites and garages is expected to require stripping of topsoil and loose soil up to 3 feet deep, to reach firm, consolidated mineral soil suitable for structural fill or foundation subgrade. This will create significant stripping and earthmoving volumes to prepare firm undisturbed soil subgrade for placement and compaction of structural fill. Use of retaining walls or other engineered earth structures should probably be considered to the limit mass grading volume on the steeper slopes.

The orientation of some of the home footprints shown in the concept site plan have the 80-foot long dimension lying across slope contours with as much as 22 feet of elevation difference within the footprint of the home. This may not be feasible for conventional manufactured homes that require a generally level building pad. It may be more practical to orient the long dimension of the home footprints parallel to the local slope contours (such as shown on Lot 3) to reduce the potential need for cut and fill grading on the moderately steep slopes. Alternative home designs with day-light basements and embedded foundation retaining walls or exterior engineered terraced retaining walls supporting slope cuts and fills may reduce slope grading volume.



**Figure 5** – Detail view of existing topographic contours shown in HHPR concept site plan. Lots are 100 feet wide for scale.

### Mapped Soils and Geology

Surface soils in the project area are mapped by the USDA NRCS Web Soil Survey of Tillamook County, Oregon as Knappa medial silt loam, 3 to 15 percent slopes, Munsoncreek-Flowerpot complex, 5 to 30 percent slopes, and Salander-Necanicum complex, 30 to 60 percent slopes.

The mapped soil units are distributed on the subject property from east to west with the steeper sloped soil units to the west. The Knappa soils at lower elevations near Resort Drive on the east consist of soft moist to wet silt loam and silty clay derived from mixed alluvium and/or fluvio-marine sedimentary rock. The Munsoncreek-Flowerpot soil is a silty clay loam formed in colluvium and residuum derived from sedimentary rock, with extremely paragravelly silty clay loam at 41- 58 inches and weathered bedrock logged at 58 to 68 inches below the ground surface in a typical profile. The Salander-Necanicum complex soils are well drained medial silt soil derived from colluvium and residuum derived from igneous rock.

The three hand-auger borings conducted on the property encountered shallow soil conditions considered generally consistent with the USDA mapped distribution of soils.

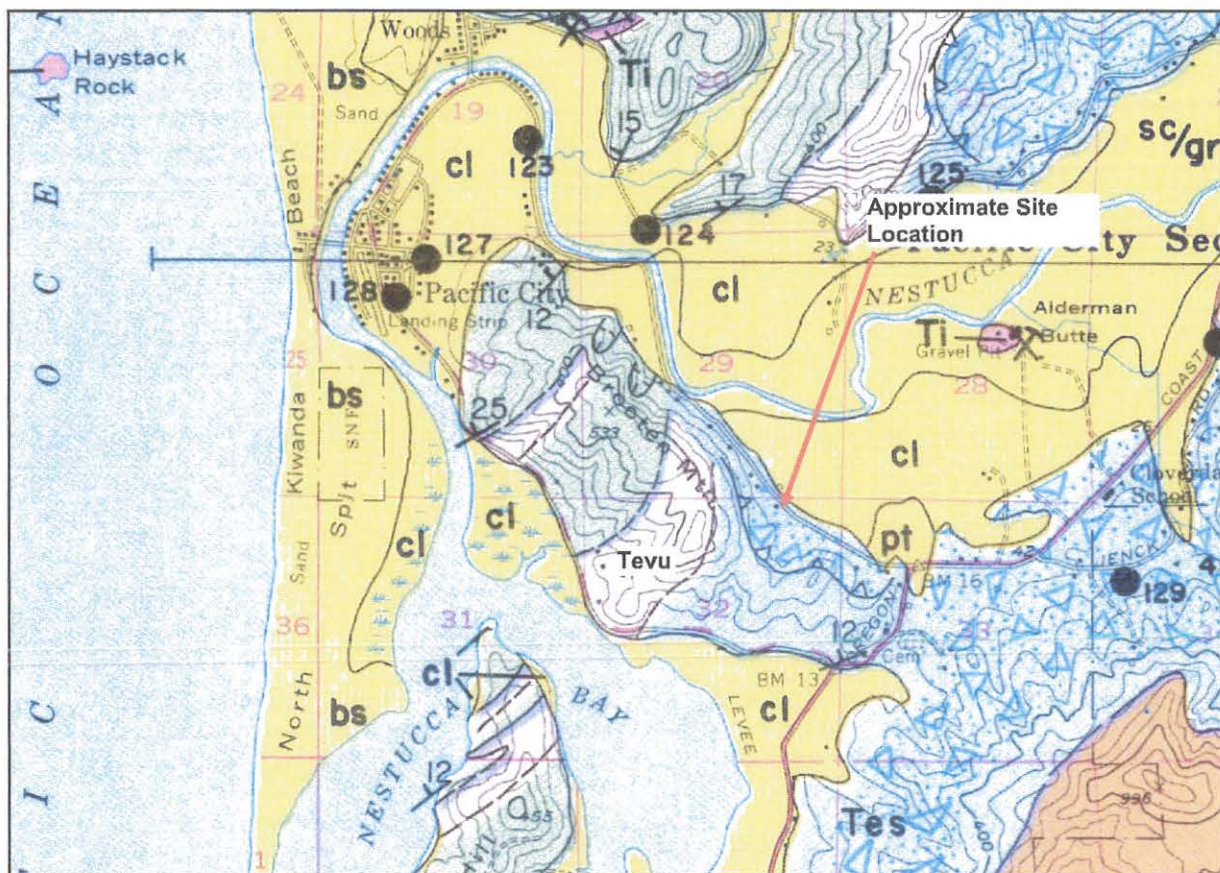
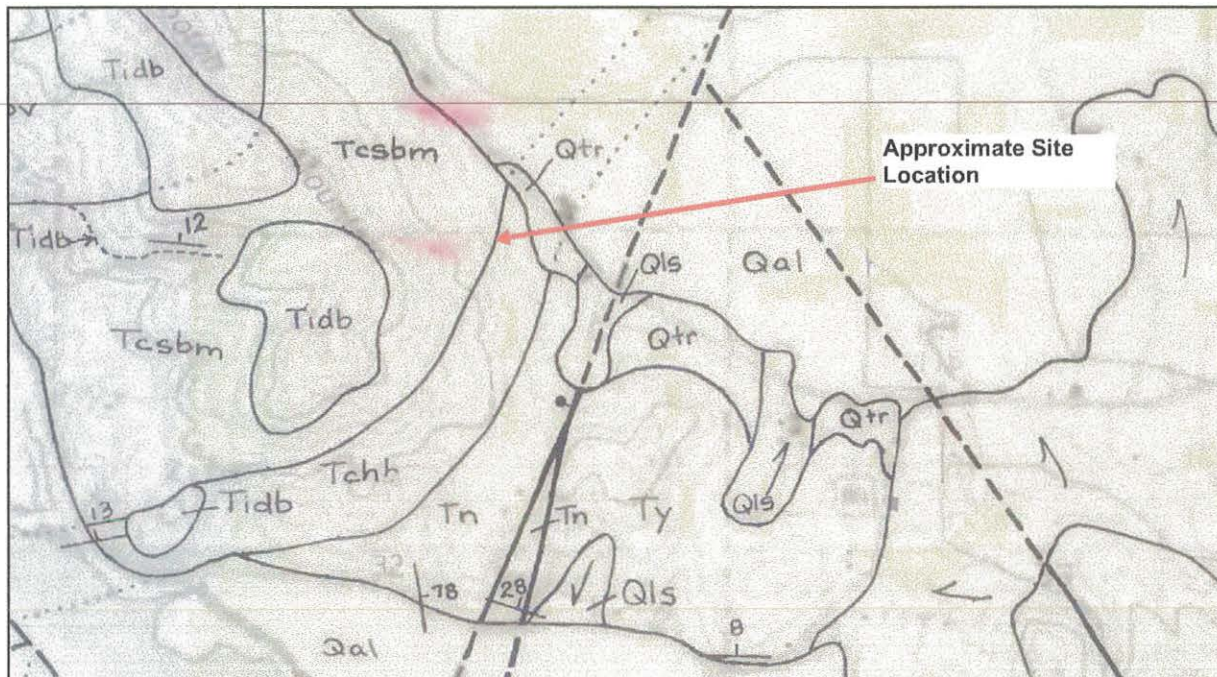


Figure 6- Portion of Geologic Map of Hebo Quadrangle, DOGAMI Bulletin 74 (1972).

The bedrock of the project area mapped by DOGAMI in Figure 6 consists of Tertiary, Eocene age (40 Ma to 33 Ma before present) sedimentary marine tuffaceous siltstone, and mudstone and lesser sandstone and claystone (map unit **Tes**). The blue stippled and triangular overprint pattern shown on most of the **Tes** geologic map unit in Figure 7 indicates ancient landslide topography. Tertiary Eocene age undifferentiated volcanic rock (map unit **Tevu**) is also mapped in a northeast trending band that runs through Broton Mountain.



**Figure 7-** Portion of Preliminary Geologic Map of the Nestucca Bay Quadrangle, Tillamook County, Oregon, United States Geological Survey (USGS), Open File Report 90-202, 1990

In Figure 7, the USGS maps Upper Eocene sedimentary rock of the area as the Nestucca Formation (**Tn**) and basalt flows of Cascade Head (**Tchb**). The USGS describes the Nestucca Formation as medium- to thin-bedded tuffaceous siltstone with interbeds of fine- to coarse-grained arkosic and basaltic sandstone. The upper Eocene Cascade Head basalt flows are described as subaerial massive to platy porphyritic olvine-augite basalt, plagioclase-phyric basalt and aphanitic (without visible mineral crystals) basalt, commonly with red scoriaceous flow tops. The basalt flows are commonly interbedded with flow breccias and feeder dikes. The basalt of Cascade Head thins to north and grades laterally into marine tuffaceous siltstone assigned to the Nestucca Formation. The summit capping geologic unit on Brooten Mountain is mapped as mudstone and siltstone of latest Eocene or early Oligocene age (**Tcsbm**). This unit is described as a massive siliceous mudstone and siltstone with channel fill deposits of basaltic sandstone. This unit contains numerous light gray siliceous concretions up to 1.5 meters in diameter. Possible decomposed sedimentary bedrock was noted near the creek level in the drainage gully along the southern margin of Lot and Lot 2. Bedrock was not observed within the five foot maximum depth of the hand auger borings in approximate development areas.

### Seismic Hazard Discussion

The principal geologic hazard concern at this are of the coast and throughout western Oregon is the Cascadia Subduction Zone, CSZ. This is a thrust fault zone of tectonic convergence between the North American plate and the ocean floor Juan de Fuca Plate, located about 50 to 60 miles off the northern Oregon coast. This active fault zone is now becoming the public's focus for design safety and emergency preparedness planning for much of the western Pacific Northwest region. This fault interface between the tectonic plates is considered locked and

building pressure and strain for the next big release. A strong CSZ earthquake is expected to occur when this subduction thrust fault shifts and simultaneously releases the accumulated energy. The CSZ can produce massive global scale earthquakes that will cause violent ground shaking and destruction region wide. Geologic and geophysical research over the past few decades has established that the CSZ has repeatedly produced large earthquakes on an approximately 300- to 700-year recurrence interval with some lesser or greater time intervals in the geologic record. A recurrence interval of about 350 years is supported by core sample data for undersea landslide deposits formed by previous CSZ earthquakes. Historic Japanese tsunami records and modern tree ring dating techniques have been used to calculate that the most recent CSZ Zone earthquake occurred in January of 1700 AD.

The next CSZ earthquake is widely expected to occur within many of our lifetimes. In 2008 the United States Geologic Survey (USGS) released results of research that estimated 10% probability that a Cascadia Subduction Zone earthquake would occur within 30 years. Scientists and engineers generally agree that the intensity of the next CSZ earthquake could potentially exceed magnitude 8.5. The duration of strong ground shaking could exceed several minutes and may be followed by days or weeks of strong aftershocks.

During a CSZ earthquake, the subject property will very likely experience a few minutes of very intense ground shaking. Many steep soil slopes in ancient landslide areas, logged or disturbed areas may fail by sudden earth slide or debris flow. Large trees could topple or slide as soil gives way. Homes built on poor fill or steep slopes without proper foundation design and construction could suffer a similar fate.

The CSZ undersea thrust fault displacement will cause an abrupt shift in the ocean floor of several vertical feet. This thrust will initiate a tsunami that will arrive at the Oregon coast within about within about 15 to 30 minutes of the strong earthquake. Vertical tsunami run-up in coastal bays may exceed 50 feet above sea level. Resort Drive and potentially Lot 1 may be within the estimated tsunami inundation zone resulting from a CSZ earthquake.

Other earthquake sources do occur in this region. These include fault ruptures deep within the subducting oceanic plates and within the overlying continental crustal tectonic plate. However, the CSZ thrust fault earthquake mechanism is considered the greatest seismic hazard to the region and that which dictates seismic design requirements for structures.

### **Conclusions and Recommendations**

The primary engineering geologic hazard concern for the subject property and proposed development home site would be potential for strong earthquake ground shaking and seismically induced slope instability on steep natural slopes or poorly constructed fills. Seismically induced ground effects such as soil liquefaction, ground surface rupture, lateral spreading, and broad areas of coastal subsidence that may occur locally at lower elevation would not likely impact the proposed development of Tax Lot 202.

From an engineering geologic hazards standpoint, it is my opinion that the proposed roadway and residential lot development concept for Tax Lot 202 are generally feasible, subject to individual grading and design for roadway and home sites in accordance with the 2014 Oregon Residential Specialty Code, and other applicable local building code requirements. Note that there may be no complete engineering mitigation available for seismically induced landslide hazard risk.

For general roadway and home site mass grading design, it is my recommendation that structural fill slope grading be limited to criteria allowed in the 2014 edition of the Oregon Structural Specialty Code, (OSSC), Chapter 18 Soils and Foundations and Appendix J-Grading.

New structural fills required for roadway embankment and structural fill for foundation support should only be placed over a stripped, level benched soil subgrade approved by the Engineer or Engineering Geologist. Fill material should be approved in advance by the Engineer or Engineering Geologist. Fill should be placed, moisture-conditioned and mechanically compacted in individual loose lifts or layers not greater than 18 inches in the thickness. Natural, on-site silty soil, compacted to no less than 90 percent of maximum dry density per ASTM D1557, may be graded to maximum finished slope gradient of 50 percent (2-horizontal to 1-vertical). The fill slopes should be overbuilt at steeper slope angle then cut back and track walked to final slope of 2-horizontal to 1-vertical such that the exposed face of the slope fill consists of thoroughly compacted soil. Imported coarse-grained aggregate fill may be placed at steeper final fill slope gradient, subject to individual design and review.

Residential structure and retaining wall foundations may be designed prescriptively according to Chapter 16 of the 2014 Oregon Structural Special Code (OSSC). Seismic site class D would be considered appropriate for structural design for the anticipated soil/geologic profile at this location. An allowable soil bearing capacity of 1,500 pounds per square foot would be appropriate for conventional spread foundations bearing on native, undisturbed, silt soil underlying the loose organic silt near surface soil.

Final homesite, garage and landscape grading and structures on individual lots with slopes steeper than 19 percent in building areas should be designed by a registered professional Civil Engineer and registered professional Structural Engineer.

I would be happy to discuss this report, or site grading, earthwork or foundation questions or options you may be considering. I recommend that this report be limited in application to the preliminary design concept site plans and roadway section shown in Figures 3 ,5 and 5 of this report. I would be happy to review and comment further on final roadway plans and grading and site plans for individual building lots and structure location.

### Limitations

The engineering geologic reconnaissance and geologic hazard review services performed for this project have been conducted with that level of care and skill ordinarily exercised by members of the profession currently practicing in this discipline and area under similar budget and time constraints. No warranty, expressed or implied, is made regarding the interpretations and conclusions of this report.

If you have any questions regarding the information presented in this report, please do not hesitate to contact me at 360-903-4861 or warrenkrager@gmail.com.

Sincerely,



R. Warren Krager, R.G., C.E.G.  
Oregon Licensed Engineering Geologist E-957

**STATEMENT OF TAX ACCOUNT**  
**TILLAMOOK COUNTY TAX COLLECTOR**  
**TILLAMOOK COUNTY COURTHOUSE**  
**TILLAMOOK, OREGON 97141**

1-800-488-8280 X4002

(503) 842-3400

21-Jun-2021

KINGFISHER HOLDINGS LLC  
 % MARY J JONES  
 PO BOX 189  
 PACIFIC CITY OR 97135

|                |        |             |           |
|----------------|--------|-------------|-----------|
| Tax Account #  | 393180 | Lender Name |           |
| Account Status | A      | Loan Number |           |
| Roll Type      | Real   | Property ID | 2201      |
| Situs Address  |        | Interest To | 7/15/2021 |

**Tax Summary**

| Tax Year     | Tax Type  | Total Due | Current Due | Interest Due | Discount Available | Original Due | Due Date     |
|--------------|-----------|-----------|-------------|--------------|--------------------|--------------|--------------|
| 2020         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$677.82     | Nov 15, 2020 |
| 2019         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$746.71     | Nov 15, 2019 |
| 2018         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$684.71     | Nov 15, 2018 |
| 2017         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$610.91     | Nov 15, 2017 |
| 2016         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$593.47     | Nov 15, 2016 |
| 2015         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$581.57     | Nov 15, 2015 |
| 2014         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$567.42     | Nov 15, 2014 |
| 2013         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$553.73     | Nov 15, 2013 |
| 2012         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$528.32     | Nov 15, 2012 |
| 2011         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$516.84     | Nov 15, 2011 |
| 2010         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$503.05     | Nov 15, 2010 |
| 2009         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$491.58     | Nov 15, 2009 |
| 2008         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$479.64     | Nov 15, 2008 |
| 2007         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$468.14     | Nov 15, 2007 |
| 2006         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$441.75     | Nov 15, 2006 |
| 2005         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$427.68     | Nov 15, 2005 |
| 2004         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$388.14     | Nov 15, 2004 |
| 2003         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$368.83     | Nov 15, 2003 |
| 2002         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$367.93     | Nov 15, 2002 |
| 2001         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$349.98     | Nov 15, 2001 |
| 2000         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$342.17     | Nov 15, 2000 |
| 1999         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$326.45     | Nov 15, 1999 |
| 1998         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$306.77     | Nov 15, 1998 |
| 1997         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$304.57     | Dec 15, 1997 |
| 1996         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$305.57     | Nov 15, 1996 |
| 1995         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$293.59     | Nov 15, 1995 |
| 1994         | ADVALOREM | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$287.46     | Nov 15, 1994 |
| <b>Total</b> |           | \$0.00    | \$0.00      | \$0.00       | \$0.00             | \$12,514.80  |              |



# TILLAMOOK County Assessor's Summary Report

## Real Property Assessment Report

FOR ASSESSMENT YEAR 2020

June 21, 2021 6:22:10 am

Account # 393180  
 Map # 4S1032A000202  
 Code - Tax # 2201-393180

Tax Status ASSESSABLE  
 Acct Status ACTIVE  
 Subtype NORMAL

Legal Descr PARTITION PLAT 1992-41  
 Lot - PARCEL 3

Mailing Name KINGFISHER HOLDINGS LLC  
 Agent  
 In Care Of % MARY J JONES  
 Mailing Address PO BOX 189  
 PACIFIC CITY, OR 97135

Deed Reference # 2005-4097  
 Sales Date/Price 05-06-2005 / \$216,000.00  
 Appraiser RANDY WILSON

Prop Class 400 MA SA NH Unit  
 RMV Class 400 06 SV 604 2183-1

Situs Address(s) Situs City

| Code Area              |       | RMV     | MAV    | Value Summary<br>AV | RMV Exception | CPR % |
|------------------------|-------|---------|--------|---------------------|---------------|-------|
| 2201                   | Land  | 164,250 |        |                     | Land          | 0     |
|                        | Impr. | 0       |        |                     | Impr.         | 0     |
| <b>Code Area Total</b> |       | 164,250 | 66,060 | 66,060              |               | 0     |
| <b>Grand Total</b>     |       | 164,250 | 66,060 | 66,060              |               | 0     |

| Code Area          | ID# | RFPD | Ex                       | Plan Zone | Value Source | Land Breakdown |    | Size  | Land Class | Trended RMV |
|--------------------|-----|------|--------------------------|-----------|--------------|----------------|----|-------|------------|-------------|
|                    |     |      |                          |           |              | TD%            | LS |       |            |             |
| 2201               | 0   |      | <input type="checkbox"/> | RR-2      | Market       | 112            | A  | 11.99 |            | 164,250     |
| <b>Grand Total</b> |     |      |                          |           |              |                |    | 11.99 |            | 164,250     |

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

| Code Area | Type                    | Exemptions/Special Assessments/Potential Liability |       |       |       |      |      |  |  |  |
|-----------|-------------------------|--|-------|-------|-------|------|------|--|--|--|
| 2201      | FIRE PATROL:            |  |       |       |       |      |      |  |  |  |
|           | ■ FIRE PATROL NORTHWEST | Amount   | 18.75 | Acres | 11.99 | Year | 2020 |  |  |  |

Comments: 6/2017 Reapp. of land w/taled values. RCW



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

1510 B Third St  
Tillamook, Oregon 97141

Building (503)842-3400  
Planning (503)842-3400  
On-Site Sanitation (503)842-3400  
FAX (503)842-1811  
Toll Free 1 (800)488-828

VERIFICATION of WATER SOURCE  
WITHIN TILLAMOOK COUNTY

DATE: 7/13/21

TO: TILLAMOOK COUNTY, DEPARTMENT OF COMMUNITY DEVELOPMENT  
201 LAUREL AVENUE, TILLAMOOK, OR 97141  
FAX: 503-842-1819

RE: WATER SOURCE REVIEW This letter is valid for one year from the date of issue.

The water source identified below can be used under Oregon Water Law to supply the following lot(s) within Tillamook County:

Township: 4S Range: 10 West Section: 32 Tax Lot(s): 202

Situs address (if known): \_\_\_\_\_

According to records, the legal owner is/are: Kingfisher Holdings LLC and/or \_\_\_\_\_

Contact telephone #: 503-550-6040

Water source:  Well # 1 Lots 1-3; Well # 2 Lot 4

Comments: Well # 1 I.D. Label 133935; Well # 2 I.D. Label 133938

Building permit applicants who will be using a private water source will be required to have the District 1 Watermaster verify proof of a legal water source and sign below. An order adopted by the Tillamook County Board of Commissioners on September 1, 2009 states that a fee of \$75.00 shall be collected when a private water source verification is required. This fee is collected by the Department of Community Development.

Landowners are responsible for maintaining water sources, waterline easements, water rights, and wells. The information provided in this form does not guarantee that a water source will be available forever. Due to climatic conditions water sources can decline and wells can go dry. The information provided by the District 1 Watermaster is the result of a search of OWRD records and field inspections. Although a property may have water rights of record, if the water right has undergone five successive years of non-use it may be subject to cancellation under ORS 540.610. The official water right of record is kept in Salem at OWRD. Owners of wells constructed after July 1, 2009 must submit a one-time fee of \$300 to record the exempt use with OWRD in Salem.

Building permit applicants who will be connecting to a local water district will be required to have the water district provide verify proof of service from the water district.

Nikki Hendricks  
Nikki Hendricks

Oregon Water Resources Department  
Watermaster, District 1  
4000 Blimp Blvd, Ste 400  
Tillamook, OR 97141-9680  
(503) 815-1967 Fax (503) 815-1968  
Email: Nikki.M.Hendricks@wrds.state.or.us

Revised 09/24/2015

\*\*\*\*\*FOR OFFICE USE ONLY\*\*\*\*\*

Date: 7/19/21 Received by: AS Fee Paid: 75- Receipt #: 1712526

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

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

(1) LAND OWNER Owner Well I.D. NW  
 First Name \_\_\_\_\_ Last Name \_\_\_\_\_  
 Company Kingfisher Holdings L.L.C.  
 Address P.O. Box 189  
 City Pacific City State Or Zip 97135

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

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

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

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

(5) BORE HOLE CONSTRUCTION Special Standard  (Attach copy)  
 Depth of Completed Well 68 ft.

| BORE HOLE |      |    |                 | SEAL |    |            |           |
|-----------|------|----|-----------------|------|----|------------|-----------|
| Dia       | From | To | Material        | From | To | Amt        | sacks/lbs |
| 10        | 0    | 30 | Bentonite Chips | 0    | 30 | 15.5       | S         |
| 8         | 30   | 68 |                 |      |    | Calculated | 12.5      |
|           |      |    |                 |      |    | Calculated | 12.5      |

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 \_\_\_\_\_

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

(6) CASING/LINER  
 Casing Liner Dia + From To Gauge Stl Plstc Wld Thrld  
 Shoe  Inside  Outside  Other Location of shoe(s) 68  
 Temp casing  Yes Dia \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

(7) PERFORATIONS/SCREENS  
 Perforations Method milled  
 Screens Type \_\_\_\_\_ Material steel  
 Perf/S Casing/ Screen Scrm/slot Slot # of Tvc/  
 creen Liner Dia From To width length slots pipe size  
 Perf Casing 6 54 64 .09 3 380

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

(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  
 Existing Well / Pre-Alteration Date SWL(psi) + SWL(ft)  
 Completed Well 01-16-2021 \_\_\_\_\_ 14  
 Flowing Artesian?  Dry Hole?

WATER BEARING ZONES Depth water was first found 20

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

(11) WELL LOG Ground Elevation \_\_\_\_\_

| 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 *Karl E. Uhdy*

(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. Harv*  
 Contact Info (optional) \_\_\_\_\_

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

WELL I.D. LABEL# L133938  
 START CARD # 1051782  
 ORIGINAL LOG # \_\_\_\_\_

(1) LAND OWNER Owner Well I.D. NW  
 First Name \_\_\_\_\_ Last Name \_\_\_\_\_  
 Company Kingfisher Holdings L.L.C.  
 Address P.O. box 189  
 City Pacific City State Or Zip 97135

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

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

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

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

(5) BORE HOLE CONSTRUCTION Special Standard  (Attach copy)  
 Depth of Completed Well 69 ft.  
 BORE HOLE  

| Dia | From | To | Material        | From | To | Amt        | sacks/lbs |
|-----|------|----|-----------------|------|----|------------|-----------|
| 10  | 0    | 40 | Bentonite Chips | 0    | 40 | 25         | S         |
| 8   | 40   | 69 |                 |      |    | Calculated | 16.6      |
|     |      |    |                 |      |    | Calculated | 16.6      |

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 \_\_\_\_\_

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

(6) CASING/LINER  

| Casing/ Liner                       | Dia | From | To | Gauge | Stl                                 | Plstc                               | Wld                                 | Thrd                                |
|-------------------------------------|-----|------|----|-------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> | 6   | 1    | 69 | .250  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

  
 Shoe  Inside  Outside  Other Location of shoe(s) 69  
 Temp casing  Yes Dia \_\_\_\_\_ From + \_\_\_\_\_ To \_\_\_\_\_

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

| Perf/S | Casing/ Screen | Perf | Casing | Dia | From | To | Scr/slot width | Slot length | # of slots | Tele/ pipe size |
|--------|----------------|------|--------|-----|------|----|----------------|-------------|------------|-----------------|
|        |                |      |        | 6   | 53   | 65 | .125           | 6           | 72         |                 |

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

| Yield gal/min | Drawdown | Drill stem/Pump depth | Duration (hr) |
|---------------|----------|-----------------------|---------------|
| 45            |          | 69                    | 4             |

  
 Temperature 52 °F Lab analysis  Yes By \_\_\_\_\_  
 Water quality concerns?  Yes (describe below) TDS amount 95 ppm  

| From | To | Description | Amount | Units |
|------|----|-------------|--------|-------|
|      |    |             |        |       |

(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 SE 1/4 Tax Lot 02  
 Tax Map Number \_\_\_\_\_ Lot \_\_\_\_\_  
 Lat \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD  
 Long \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD  
 Street address of well  Nearest address

next to 36890 Resort Dr. Cloverdale, Or 95425

(10) STATIC WATER LEVEL  

| Existing Well / Pre-Alteration | Date       | SWL(psi) | + SWL(ft) |
|--------------------------------|------------|----------|-----------|
| Completed Well                 | 05-03-2021 |          | 19        |

  
 Flowing Artesian?  Dry Hole?   
 WATER BEARING ZONES Depth water was first found 53

| SWL Date   | From | To | Est Flow | SWL(psi) | + SWL(ft) |
|------------|------|----|----------|----------|-----------|
| 05-03-2021 | 53   | 67 | 45       |          | 19        |

(11) WELL LOG Ground Elevation \_\_\_\_\_  

| Material  | From | To |
|---|------|----|
| topsoil   | 0    | 2  |
| clay, tan                                       | 2    | 7  |
| clay, light grey w/wood                         | 7    | 15 |
| claystone, grey w/sandstone seams               | 15   | 28 |
| sandstone, grey/black wgrey clay seams (broken) | 28   | 53 |
| gravel, black                                   | 53   | 67 |
| sandstone, green, hard                          | 67   | 69 |

  
 Dickerson Well Drilling, Inc.  
 (503) 623-2664

Date Started 04-30-2021 Completed 05-03-2021

(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 1574 Date 05-04-2021  
 Signed [Signature]

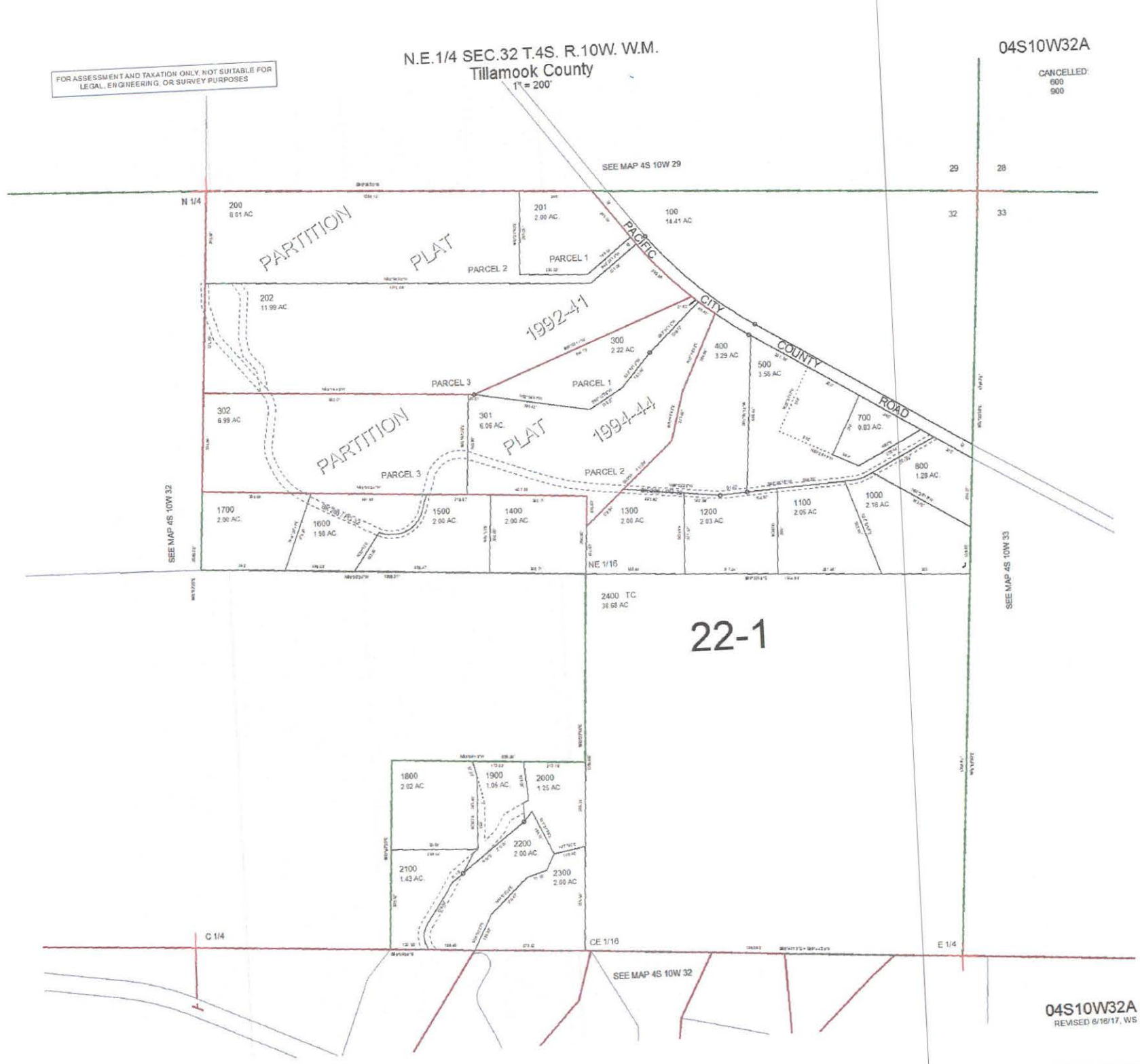
(bonded) Water Well Constructor Certification  
 I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
 License Number 1571 Date 05-04-2021  
 Signed [Signature]  
 Contact Info (optional) \_\_\_\_\_

FOR ASSESSMENT AND TAXATION ONLY, NOT SUITABLE FOR  
LEGAL, ENGINEERING, OR SURVEY PURPOSES

N.E. 1/4 SEC. 32 T. 4S. R. 10W. W.M.  
Tillamook County  
1" = 200'

04S10W32A

CANCELLED  
600  
900



22-1

04S10W32A  
REVISED 8/18/17, WS



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](mailto: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:                    | <b>Standard</b>     |
| Minimum Septic Tank Size:       | <b>1000 gallons</b> |
| Linear Feet of Absorption Area: | <b>315</b>          |
| Distribution Method:            | <b>Serial</b>       |
| Maximum Trench Depth:           | <b>36 inches</b>    |
| Minimum Trench Depth:           | <b>24 inches</b>    |
| Other Requirements:             | <b>None</b>         |

## Replacement System:

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

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.tillmook.or.us](mailto:cchiola@co.tillmook.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

*Land of Cheese, Trees and Ocean Breeze*

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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 #20-0034-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](mailto: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:                    | <b>Standard</b>     |
| Minimum Septic Tank Size:       | <b>1000 gallons</b> |
| Linear Feet of Absorption Area: | <b>315</b>          |
| Distribution Method:            | <b>Serial</b>       |
| Maximum Trench Depth:           | <b>36 inches</b>    |
| Minimum Trench Depth:           | <b>24 inches</b>    |
| Other Requirements:             | <b>None</b>         |

## Replacement System:

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

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.
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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](mailto: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

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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.

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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](mailto: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.

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- 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:                    | <b>Standard</b>     |
| Minimum Septic Tank Size:       | <b>1000 gallons</b> |
| Linear Feet of Absorption Area: | <b>315</b>          |
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| Minimum Trench Depth:           | <b>24 inches</b>    |
| Other Requirements:             | <b>None</b>         |

## Replacement System:

|                                 |  |
|---------------------------------|--|
| System Type:                    | <b>ATT with Absorption Trenches</b>                  |
| Minimum Septic Tank Size:       | <b>1000 gallons</b>                                  |
| Linear Feet of Absorption Area: | <b>125</b>   |
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Attached is the Site Evaluation Field Worksheet, which shows the approved areas and other details of the field investigation.

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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

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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:

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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**

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- Other site features that could affect the placement of the on-site system.

**Approved Systems**

**Initial System:**

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



**Replacement System:**

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

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](mailto: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

*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 #20-0037-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.

**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](mailto: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:                    | <b>Standard</b>     |
| Minimum Septic Tank Size:       | <b>1000 gallons</b> |
| Linear Feet of Absorption Area: | <b>315</b>          |
| Distribution Method:            | <b>Serial</b>       |
| Maximum Trench Depth:           | <b>36 inches</b>    |
| Minimum Trench Depth:           | <b>24 inches</b>    |
| Other Requirements:             | <b>None</b>         |

## Replacement System:

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

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](mailto: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



## NESTUCCA RURAL FIRE PROTECTION DISTRICT

30710 Highway 101 S

Cloverdale, Oregon

503-392-3313

To Community Development

Subject: Proposed Subdivision Resort Dr.

After reviewing the site and proposed layout for the homes and the road we see no issues. The access road will need to follow Oregon Fire Code and Tillamook Fire Defense adoption of Chapter 5 and appendix D.

Any further questions please let me know.

James Oeder  
Fire Chief  
Nestucca Fire and Rescue  
503-812-2422 cell  
503-392-3313 office  
joeder@nrfpd.com

"PASSION to be the best you can be every day you come to work~and~the COURAGE to do the right thing. (Bob Hoff)  
Together, we make a difference."



## PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Ticor Title Company of Oregon hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company, a/an Florida corporation.

**Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.**

**It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.**

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

*Countersigned*

A handwritten signature in black ink that reads 'Sara Waterman'. The signature is written in a cursive style and is positioned above a horizontal line.



802 Main Ave., Tillamook, OR 97141  
(503)842-5533 FAX (855)394-1486

**PRELIMINARY REPORT**

**TITLE OFFICER:** Nathan Hobbs  
nathan.hobbs@titlegroup.fntg.com

**ORDER NO.:** 360421004432  
**CUSTOMER NO.:** 60222106490

**TO:** Fidelity National Title Company of Oregon  
Deone Wilson  
500 Liberty Street SE, Suite 200  
Salem, OR 97301

**OWNER/SELLER:** Kingfisher Holdings LLC, an Oregon limited liability company

**BUYER/BORROWER:** TBD

**PROPERTY ADDRESS:** Parcel 3, Partition Plat 1992-41, Pacific City, OR 97135

**EFFECTIVE DATE:** June 17, 2021, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

|  | <u>AMOUNT</u> | <u>PREMIUM</u> |
|--|---------------|----------------|
| ALTA Owner's Policy 2006<br>Owner's Standard (Short Term Rate)                                 | \$ TBD        | \$ TBD         |
| ALTA Loan Policy 2006<br>Extended Lender's   | \$ TBD        | \$ TBD         |
| OTIRO 209.10-06 - Restrictions, Encroachments, Minerals - Current<br>Violations (ALTA 9.10-06) |               | \$ 100.00      |
| OTIRO 222-06 - Location (ALTA 22-06)   |               | \$ 0.00        |
| OTIRO 208.1-06 - Environmental Protection Lien (ALTA 8.1-06)                                   |               | \$ 0.00        |

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Kingfisher Holdings, LLC, an Oregon Limited Liability Company

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF TILLAMOOK, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**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 of Section 32, Township 4 South, Range 10 West, Willamette Meridian, County of Tillamook, State of Oregon, recorded December 15, 1992 in Partition Plat Cabinet B359-1, Tillamook County Records.



**AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:**

**GENERAL EXCEPTIONS:**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

**SPECIFIC ITEMS AND EXCEPTIONS:**

6. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Oregon Pulp and Paper Company  
Purpose: Right of way  
Recording Date: January 19, 1956  
Recording No: Book 151, page 274  
Affects: Reference is hereby made to said document for full particulars

7. Easement(s) and rights incidental thereto, as granted in a document:

Granted to: Boise Cascade Realty Corporation  
Recording Date: July 12, 1962  
Recording No: Book 181, page 359  
Affects: Reference is hereby made to said document for full particulars

8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Robert Caley and Mary Caley  
Purpose: Roadway  
Recording Date: July 13, 1983  
Recording No: Book 288, page 31  
Affects: Reference is hereby made to said document for full particulars

9. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Publishers Paper Co.  
Purpose: Right of way  
Recording Date: July 13, 1983  
Recording No: Book 288, page 32  
Affects: Reference is hereby made to said document for full particulars

10. Easement(s) and rights incidental thereto as delineated or as offered for dedication, on Partition Plat No. 1992-041;

Recording Date: December 15, 1992  
Recording No: Partition Plat Cabinet B359-1 1992319447  
Affects: Reference is hereby made to said document for full particulars

11. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook People's Utility District  
Purpose: Public utilities  
Recording Date: July 13, 2009  
Recording No: 2009-005017  
Affects: Reference is hereby made to said document for full particulars

12. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$162,000.00  
Dated: May 2005  
Trustor/Grantor: Kingfisher Holdings, LLC, an Oregon limited liability company  
Trustee: Ticor Title Insurance Company  
Beneficiary: 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 interest  
Recording Date: May 16, 2005  
Recording No.: 2005-004098

A collateral assignment of one-half of the beneficial interest, which names:

Assignor: Stephen R. Buford and Elisida M. Buford  
Assignee: John L. Shama and Patricia L. Shama, Trustees of the Shama Family Trust utd 7/25/96  
Amount: \$30,000.00 (per instructions from Evergreen Land Title Company, Eugene, OR)  
Recording Date: August 11, 2009  
Recording No.: 2009-005791

A collateral re-assignment of the beneficial interest under said deed of trust which names:

Assignee: Stephen R. Buford and Elisida M. Buford  
Loan No.: Not disclosed  
Recording Date: March 22, 2021  
Recording No.: 2021-02454

## 13. A mortgage to secure an indebtedness as shown below

Amount: \$1,410,000.00  
 Dated: July 12, 2018  
 Mortgagor: Kingfisher Holdings, LLC  
 Mortgagee: Pioneer Trust Bank, N.A.  
 Loan No.: Not disclosed  
 Recording Date: July 13, 2018  
 Recording No: 2018-04142  
 Affects subject and additional property

An assignment of all moneys due, or to become due as rental or otherwise from said Land, to secure payment of an indebtedness, shown below and upon the terms and conditions therein

Assigned to: Pioneer Trust Bank, N.A.  
 Assigned By: Kingfisher Holdings, LLC  
 Recording Date: July 13, 2018  
 Recording No: 2018-04143

## 14. The Company has on file a copy of the Operating Agreement for Kingfisher Holdings, LLC, dated March 31, 2005. A copy of any amendments subsequent to the date of said Operating Agreement should be furnished for review prior to closing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

The Oregon Corporation Commission records show that as of June 21, 2021, Kingfisher Holdings, LLC is an active Oregon limited liability company and is currently in good standing.

## 15. Note: We find no Notice of Completion recorded on said Land.

**ADDITIONAL REQUIREMENTS/NOTES:**

## A. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2020-2021  
 Amount: \$677.82  
 Levy Code: 2201  
 Account No.: 393180  
 Map No.: 4S1032A000202  
 Vacant land

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

## B. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA Policy unless removed prior to issuance.

- C. Note: The name(s) of the proposed insured(s) furnished with this application for title insurance is/are:  
No names were furnished with the application. Please provide the name(s) of the buyers as soon as possible.
- D. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
- E. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.
- F. Note: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.
- G. Note: Effective January 1, 2008, Oregon law (ORS 314.258) mandates withholding of Oregon income taxes from sellers who do not continue to be Oregon residents or qualify for an exemption. Please contact your Escrow Closer for further information.
- H. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

I. Recording Charge (Per Document) is the following:

| County    | First Page | Each Additional Page |
|-----------|------------|----------------------|
| Tillamook | \$87.00    | \$5.00               |

Note: When possible the company will record electronically. An additional charge of \$5.00 applies to each document that is recorded electronically.

RECORDING CHARGES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

ANY ADDITIONAL FEES CHARGED BY THE TILLAMOOK COUNTY RECORDING CLERK FOR NONCONFORMING DOCUMENTS WILL BE BILLED SEPARATE FROM THE ABOVE DESCRIBED RECORDING FEES.

DOCUMENTS IN WHICH REAL PROPERTY IS TRANSFERRED OR CONVEYED MUST HAVE NOTED ON SAID DOCUMENTS THE TILLAMOOK COUNTY ASSESSOR'S ACCOUNT NUMBER, I.D. NUMBER AND SITUS ADDRESS OF THE SUBJECT PROPERTY. FAILURE TO COMPLY WILL INCUR AN ADDITIONAL \$20.00 RECORDING FEE.

All recording packets for Tillamook County property should be sent to:  
Ticor Title Company  
Attn: Recorder  
1433 SW 6th Ave.  
Portland, OR. 97201

J. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

K. NOTE: IMPORTANT INFORMATION REGARDING PROPERTY TAX PAYMENTS:

|  |                            |
|--|----------------------------|
| Fiscal Year:   | July 1st through June 30th |
| Taxes become a lien on real property, but are not yet payable:   | July 1st                   |
| Taxes become certified and payable (approximately on this date): | October 15th               |
| First one third payment of taxes is due:                         | November 15th              |
| Second one third payment of taxes is due:                        | February 15th              |
| Final payment of taxes is due:                                   | May 15th                   |

Discounts: If two thirds are paid by November 15th, a 2% discount will apply. If the full amount of the taxes are paid by November 15th, a 3% discount will apply.

Interest: Interest accrues as of the 15th of each month based on any amount that is unpaid by the due date. No interest is charged if the minimum amount is paid according to the above mentioned payment schedule.

## EXHIBIT ONE

### 2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
  - the occupancy, use, or enjoyment of the Land;
  - the character, dimensions or location of any improvement erected on the land;
  - the subdivision of land; or
  - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
  - created, suffered, assumed or agreed to by the Insured Claimant;
  - not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- resulting in no loss or damage to the Insured Claimant;
  - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
  - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
- Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
  - Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
  - Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
    - a fraudulent conveyance or fraudulent transfer, or
    - a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
  - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

#### SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

### 2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
  - the occupancy, use, or enjoyment of the Land;
  - the character, dimensions or location of any improvement erected on the land;
  - the subdivision of land; or
  - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
  - created, suffered, assumed or agreed to by the Insured Claimant;

- not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - resulting in no loss or damage to the Insured Claimant;
  - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
  - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
- Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
    - a fraudulent conveyance or fraudulent transfer, or
    - a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
  - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

#### SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.



Inquire before you wire!

## WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.  
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

**Federal Bureau of Investigation:**

<http://www.fbi.gov>

**Internet Crime Complaint Center:**

<http://www.ic3.gov>

## FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE

Effective January 1, 2021

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

### **Collection of Personal Information**

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

### **Collection of Browsing Information**

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

### **Other Online Specifics**

**Cookies.** When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

**Web Beacons.** We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

**Do Not Track.** Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.



Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

### **Use of Personal Information**

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

### **When Information Is Disclosed**

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

### **Security of Your Information**

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

### **Choices With Your Information**

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: [BCPINFO@ag.state.nv.us](mailto:BCPINFO@ag.state.nv.us).

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

### **Information From Children**

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

### **International Users**

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

### **FNF Website Services for Mortgage Loans**

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

### **Your Consent To This Privacy Notice; Notice Changes; Use of Comments or Feedback**

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

### **Accessing and Correcting Information; Contact Us**

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, visit FNF's [Opt Out Page](#) or contact us by phone at (888) 934-3354 or by mail to:

Fidelity National Financial, Inc.  
601 Riverside Avenue,  
Jacksonville, Florida 32204  
Attn: Chief Privacy Officer

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 6<sup>th</sup> 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.

# PARTITION PLAT NO. 1992-41

LOCATION: IN THE NW 1/4 NE 1/4 AND THE NE 1/4 NE 1/4 SEC. 32, T. 4 S., R. 10 W. W.M., TILLAMOOK CO., OR.

### SURVEYOR'S CERTIFICATE:

I, Douglas H. Kellow, a Registered Professional Land Surveyor for Oregon, hereby certify that I have correctly surveyed and marked with proper monuments the lands represented on the within Partition Plat. The boundary of said lands being described as follows:

Beginning at an iron rod which marks the Northeast corner of the Northeast Quarter of the Northeast Quarter of Section 32, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, said iron rod also being in the apparent Southerly right-of-way line of Pacific City County Road, and running thence North 89°38'20" West, along the North line of the aforesaid Northeast Quarter of the Northeast Quarter of Section 32, a distance of 1311.12 feet to the Northwest corner thereof; thence South 0°02'25" West, along the West line of the aforesaid Quarter-Quarter Section, a distance of 690.66 feet to an iron rod at the Northwest corner of that certain tract of land conveyed to Robert J. Coley and Mary T. Coley, husband and wife, by instrument recorded in Book 289, Page 251, Dead Records for Tillamook County, Oregon; thence South 89°18'49" East, along the Northerly line of said Coley tract, a distance of 920.01 feet to an iron rod at an angle point thereon, thence North 65°50'11" East, continuing along said Northerly line of the Coley tract, a distance of 804.75 feet to an iron rod in the aforesaid apparent Southerly line of the County Road; thence Northwesterly, along said apparent Southerly line of the County Road, 495 feet, more or less, to the point of beginning.

SURVEY BY: KELLOW LAND SURVEYING  
P.O. BOX 74  
BEAVER, OR 97108

REFERENCE SURVEYS: B-965, A-4575

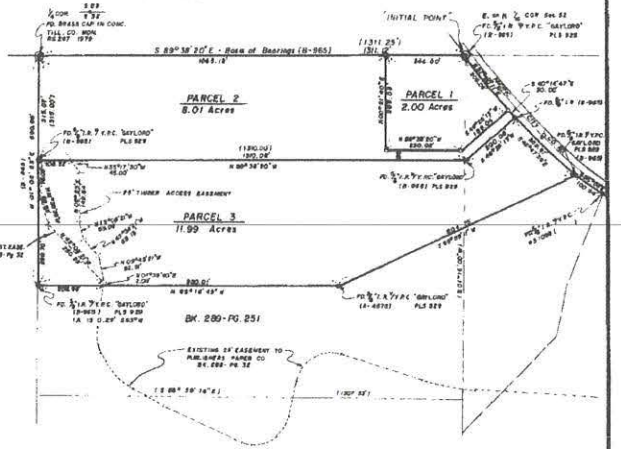
MONUMENTS: (S) - FOUND (As Named)

(S) - SET 3/4" x 3/4" IRON ROD  
" Yellow Plastic Cap marked:  
" KELLOW  
" PLS 2027  
" (---) - RECORD DATA

DATE: SEPT. 22, 1992 SCALE: 1" = 200'

### APPROVALS:

*Allyn E. Duncan*  
Tillamook County Surveyor  
DATE: 11 DEC. 1992



*Douglas H. Kellow*  
Registered Professional Land Surveyor for Oregon No. 2027



### NARRATIVE:

The purpose of this Survey was to establish the boundary lines and corners necessary to complete the proposed Partitioning of the balance of that certain tract of land conveyed to Donald H. Buford and Patricia L. Buford, husband and wife, and Stephen R. Buford and Patricia L. Buford, husband and wife, by deed recorded in Book 281, Page 645, Tillamook County Dead Records. The Basis of Bearings for this Survey was derived from existing monuments of record as shown on C.S. Map B-965. There is an existing easement to Publishers Paper Co. by instrument recorded in Book 286, Page 32, Tillamook County Dead Records. Portions of said easement follow the same route as described in a grant of easement to Oregon Pulp and Paper Co. recorded in Book 151, Page 274, T.C.D.R. (also see Bk. 181, Pg. 439, Parcel No. 0008, T.C.D.R.).

### ACKNOWLEDGEMENT:

STATE OF OREGON SS  
County of TILLAMOOK  
On this 11th day of December, 1992, personally appeared before me, a Notary Public for Oregon, the within named Donald H. Buford and Patricia L. Buford known to me to be the identical persons described in the foregoing instrument and acknowledged the same to be their voluntary act and deed.

*Joseph M. McFarland*  
Notary Public for Oregon



### DECLARATION:

KNOW ALL PERSONS BY THESE PRESENTS:

That we, Donald H. Buford, Patricia L. Buford, Stephen R. Buford, and Patricia L. Buford, being the owners of the land described in the Surveyor's Certificate hereon have caused the same to be surveyed and partitioned into parcels as shown hereon. There are no Water Rights appurtenant to said lands.

*Donald H. Buford*  
Donald H. Buford  
*Patricia L. Buford*  
Patricia L. Buford  
*Stephen R. Buford*  
Stephen R. Buford  
*Patricia L. Buford*  
Patricia L. Buford

STATE OF OREGON SS  
County of Tillamook

On this 11th day of December, 1992, personally appeared before me, a Notary Public for Oregon, the within named Stephen R. Buford and Patricia L. Buford known to me to be the identical persons described in the foregoing instrument and acknowledged the same to be their voluntary act and deed.

*Joseph M. McFarland*  
Notary Public for Oregon



### CERTIFICATE OF THE COUNTY CLERK:

STATE OF OREGON SS  
County of TILLAMOOK  
I, Josephine Valtri, do hereby certify that I am the Qualified Clerk of Tillamook County, Oregon, and that this copy of Partition Plat No. 1992-41 is the full, complete, and true copy of the original plat of same, as recorded in Plat Cabinet B-357-1 of Partition Plat Records for Tillamook County, Oregon recorded December 15, 1992, at 11:44 o'clock P.M., as instrument No. 319449

*Josephine Valtri*  
Josephine Valtri



I, Douglas H. Kellow, do hereby certify that this is a full, complete, and true copy of the original plat as referenced hereon.

*Douglas H. Kellow*  
Douglas H. Kellow PLS 2027  
1992-41  
Partition Plat No.



DEED-ESMAT  
\$5.00 \$11.00 \$10.00 - Total = \$26.00



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

Return to: TILLAMOOK PEOPLE'S UTILITY DISTRICT  
P. O. Box 433  
Tillamook, OR 97141

W/O No.: 7952  
GRANTOR: KINGFISHER HOLDINGS, LLC

## TILLAMOOK PEOPLE'S UTILITY DISTRICT OVERHEAD -- UNDERGROUND EASEMENT

For true and actual consideration, in the amount of one (\$1.00) dollar, the receipt of which is hereby acknowledged, and in consideration of the mutual benefit hereby gained, the Grantor does hereby grant unto the Tillamook People's Utility District (District), a perpetual non-exclusive (non-exclusive as to parties other than Grantor) easement over, under and across the following described real property:

PARCEL 3, PARTITION PLAT 1992-041, Situated in Township 4 South, Range 10 West, Section, 32A, Known as Tax Lot 202, in Tillamook County, Oregon, as disclosed by Warranty Deed recorded as Instrument No. 2005-004097, in T.C.D.R., for the placement of electrical facilities on the 10 feet fronting of said property on Resort Drive.

The Grantor hereby grants and conveys to the District the right, privilege and authority to, without further consideration, use the space above, below or on the surface thereof to place, construct, reconstruct, alter, protect, repair, maintain, inspect, replace overhead facilities with underground facilities, operate and remove the District's overhead or underground electrical primary, secondary and service facilities and any and all necessary or desirable appurtenances, attachments or other District equipment as may be permitted by law (District Facilities).

The Grantor further grants unto the District the right of ingress and egress over and upon any portion of the property of Grantor adjoining the Described Property which the District determines is necessary or desirable to use in order to exercise the rights granted in this Easement, as well as the right, on the Described Property or adjoining property of Grantor, to remove natural or man-made obstructions which the District determines will interfere with the District's exercise of the rights granted in this Easement.

The Grantor reserves the right to use the Described Property in any manner the District determines does not interfere with the District's rights under this Easement, and District shall always have the sole right to license, permit or otherwise agree to the installation of facilities by other parties within the easement to use or allow occupancy of the District Facilities by any other party other than the Grantor. The District hereby reserves the right to approve or disapprove of any request to relocate the District Facilities or those of its Licensees on the Described Property, and, if approved, it will be the responsibility of the requesting party to compensate the District and its Licensees for the associated costs.

Any flowers, trees, shrubbery, vegetation or fences placed in or on the Described Property shall be done so at the sole risk of Grantor. District or its Licensees will not be held responsible for damages done to any such flowers, trees, shrubbery, vegetation or fences, resulting from the District exercising any of the rights granted in the Easement. At all times, District or its Licensees shall have the right to keep the Described Property clear of all flowers, trees, shrubbery, vegetation, fences, undergrowth, materials, substances or roots that are over, on, and/or under the Described Property and to cut, trim and control the growth by chemical means, machinery or otherwise and to remove and dispose of the same without liability and to remove all fire hazards.

The rights, duties, privileges and immunities created under this Easement shall inure to the benefit of and be binding upon the heirs, successors, assigns, and licensees of the respective parties hereto.

The Grantor covenants that he/she/they is/are the sole owner(s) of the Described Property and that the Described Property is free and clear of all encumbrances and liens of whatsoever character except those held by the following persons.

IN WITNESS WHEREOF, the undersigned executes this instrument this 1<sup>st</sup> day of July, 2009.

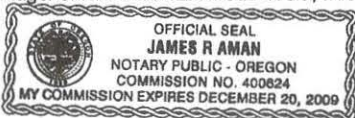
KINGFISHER HOLDINGS, LLC

By: [Signature] Manager

STATE OF OREGON )  
County of Tillamook

SS:

On this 1 day of July, 2009, personally appeared the above-named Mary Jones, as Manager of KINGFISHER HOLDINGS, LLC and acknowledged the foregoing instrument to their voluntary act and deed.



[Signature]  
Notary Public for Oregon  
My Commission Expires Dec 20 09

BOOK 151 PAGE 274

139122

KNOW ALL MEN BY THESE PRESENTS, That Ingolf E. Royland and Mable L. Royland, husband and wife

in consideration of Ten and no/100 Dollars, to them paid by Oregon Pulp and Paper Company, an Oregon corporation, do hereby grant, bargain, sell and convey unto said Oregon Pulp and Paper Company,

its successors, heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Tillamook and State of Oregon, bounded and described as follows, to-wit:

The Northeast Quarter of the Northwest Quarter (NE1/4NW1/4) of Section 32, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

ALSO a permanent easement and right-of-way over and across the North Half of the Northeast Quarter (N1/2NE1/4) of Section 32, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, on the existing road which road is more particularly described as follows: Beginning at a point 632 feet south of the quarter corner common to Sections 29 and 32, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, thence

|                |          |
|----------------|----------|
| South 45° East | 213 Feet |
| South 10° East | 178 Feet |
| South 17° East | 00 Feet  |
| South 47° East | 158 Feet |
| South 60° East | 326 Feet |
| North 55° East | 118 Feet |
| North 12° East | 207 Feet |
| North 70° East | 00 Feet  |
| North 00° East | 307 Feet |
| North 62° East | 100 Feet |
| North 42° East | 450 Feet |

To a point on the center line of Market Road No. 16, all in Section 32, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

To Have and to Hold the above described and granted premises unto the said Oregon Pulp and Paper Company, an Oregon corporation, its successors

heirs and assigns forever.

And Ingolf E. Royland and Mable L. Royland, husband and wife the grantors

above named do covenant to and with the above named grantee its successors, heirs and assigns that they are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances,

and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever,

Witness our hands and seals this 10 day of January, 1955.

Executed in the Presence of

Ingolf E. Royland (SEAL)
Mable L. Royland (SEAL)
(SEAL)
(SEAL)



STATE OF OREGON,

County of Tillamook } ss.

BE IT REMEMBERED, That on this 18th day of January, 1956, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Ingolf E. Royland and Mable L. Royland, husband and wife

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

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

*[Signature]*

Notary Public for Oregon.

My Commission expires April 30, 1957



INDEXED

139122

WARRANTY DEED

(FORM No. 3)

Ingolf E. Royland and Mable L. Royland

TO

Oregon Pulp and Paper Company

STATE OF OREGON, County of Tillamook } ss.

I certify that the within instrument was received for record on the 19th day of January, 1956, at 1:24 o'clock P.M., and recorded in book 151 on page 274. Record of Deeds of said County.

Witness my hand and seal of County aforesaid.

By *[Signature]* Deputy



*[Signature]*  
Pt. 2, Box 6  
Coville, Oregon

150



GRANT OF ROADWAY EASEMENT AND RELINQUISHMENT OF FORMER EASEMENTS

THIS AGREEMENT is made and entered into this 23 day of May, 1983, by and between DONALD H. BUFORD and PATRICIA L. BUFORD, STEPHEN R. BUFORD and ELISIDA M. BUFORD, referred to as First Party; ROBERT CALEY and MARY CALEY, referred to as Second Party ~~and PERRY PORTWOOD and MARY PORTWOOD~~, referred to as Third Party. *Nancy Hopkins* *RM* *(MC)*

WITNESSETH:

WHEREAS, First Party Donald H. Buford and Patricia L. Buford are fee simple owners of an undivided one-half interest in the following described real property and Stephen R. Buford and Elisida M. Buford are fee simple owners of an undivided one-half interest in the following described real property located in Tillamook County, State of Oregon:

A tract of land in the North Half of the Northeast Quarter of Section 32, Township 4 South, Range 10 West, of the Willamette Meridian in Tillamook County, Oregon:

Parcel I: That portion of the Northwest Quarter of the Northeast Quarter of said Section 32 South of the County Road, except the South 8.0 acres, the East, West and South boundaries of said 8.00 acre tract being the East, West and South lines of said Northwest quarter of the Northeast Quarter of said Section 32. The North and South boundaries of said 8.00 acre tract being parallel.

Parcel II: Beginning at the Southwest corner of the Northeast Quarter of the Northeast Quarter of said Section 32; thence Northerly along the line between the Northeast Quarter of the Northeast Quarter and the Northwest Quarter of the Northeast Quarter of said Section 32 163.89 feet more or less to the true point of beginning; thence North 45°0'00" East 409.24 feet more or less to an iron rod; thence North 12°40'53" East 171.45 feet to an iron rod; thence North 22°46'34" East 289.06 feet to an iron rod on the Southerly right of way boundary of the county road, said iron rod being North 896.81 feet and West 360.94 feet from the Southeast corner of the Northeast Quarter of the Northeast Quarter of said Section 32; thence Westerly along said right of way boundary to the line between the Northeast Quarter of Northeast Quarter and Northwest Quarter of the Northeast Quarter of said Section 32; thence Southerly along said line to the true point of beginning, and

WHEREAS, Second Party, Robert Caley and Mary Caley are the equitable owners of the following described parcel of real property located in Tillamook County, State of Oregon; purchasing said property from First Party, and recorded in Book 281, page 477, Tillamook County Deed Records:

15.3 acres more or less all in the N 1/2 NE 1/4 Section 32 T4S, R10W W.M., and

WHEREAS, Third party, ~~Perry Portwood and Mary Portwood~~ *Nancy Hopkins* *RM* *(MC)* are the fee simple owners of the following described parcel of real property recorded at Book 247, page 718, of the Tillamook County

260290  
588/31  
7-13-83

Deed Records and located in Tillamook County, State of Oregon:

The North half of the Northeast Quarter of Section 32, Township 4 South, Range 10 West of the Willamette Meridian in Tillamook County, Oregon, and

WHEREAS, Third Party, ~~Terry Portwood and Nancy Portwood~~ <sup>Nancy Hopkins</sup> <sup>(MK)</sup>

an existing right of way easement across the above described properties owned by the First and Second parties, said easement recorded January 9, 1979 in Book 260, page 953, of Tillamook County Official Records and described as follows.

Together with an easement and right of way being thirty (30) feet in width, fifteen (15) feet on each side of the centerline, with additional width as required for necessary curves, cuts, fills, culverts, drainage ditches and turnouts, the boundaries of said right of way being extended or shortened at angle points and property lines to form a continuous boundary, said centerline being more particularly described as follows:

BEGINNING AT a point on the Southerly right of way boundary of the Pacific City County Road, said point being North 905.66 feet and West 873.49 feet for the Southeast corner of the Northeast quarter of the Northeast quarter of Section 32, Township 4 South, Range 10 West, of the Willamette Meridian in Tillamook County, Oregon; thence South 30°56'57" West 381.37 feet, thence South 61°53'23" West 172.70 feet; thence South 17°00'00" West 258.01 feet more or less to a point on the East line of the Northwest quarter of the Northeast quarter of said Section 32, and

WHEREAS, the parties have the unrestricted right to grant and relinquish hereinafter described relative to said real properties, and

WHEREAS all the above named parties are desirous of obtaining a non-exclusive roadway easement twenty-five (25) feet in width, which said easements, as below described, runs from Resort Drive, over and across the real property owned by the First, Second, and Third parties, and

WHEREAS the three parties agree, in exchange for said 25 foot roadway easement, to give up, terminate and relinquish any and all rights which each of the parties may have had for previous access agreements, or easements, written or otherwise, across the above described property owned by the First, Second and Third parties.

NOW THEREFORE, the parties agree as follows;

1) The First, Second and Third parties hereby grant, convey and set over unto each other, a permanent, non-exclusive access and utility easement, in common with others, of twenty-five (25) feet in width and including additional width as necessary to provide slope easement for cuts and fills to maintain said 25 feet width, along the following described centerline which is located in the

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7-13-83

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north half of the northeast quarter of Section 32, Township 4 South,  
Range 10 West of the Willamette Meridian, in Tillamook County,  
Oregon, the said centerline being described as:

Beginning at a point in the Pacific City County Road, said point being North 486.75 feet and West 108.80 feet from the southeast corner of the Northeast quarter of the Northeast quarter of said Section 32; thence South 58°28'15" West 272.11 feet; thence along the arc of a 200 foot radius curve right, through a central angle of 25°00'00", the chord of which bears South 70°58'15" West 86.58 feet, an arc distance of 87.27 feet; thence South 83°28'15" West 335.33 feet, thence along the arc of a 500 foot radius curve right, through a central angle of 10°29'18", the chord of which bears South 88°42'53" West 91.40 feet, an arc distance of 91.53 feet; thence North 86°02'28" West 445.62 feet; thence along the arc of a 700 foot radius curve right, through a central angle of 13°11'15", the chord of which bears North 78°26'50" West 160.76 feet, an arc distance of 161.12 feet; thence North 72°51'12" West 261.93 feet; thence along the arc of a 105 foot radius curve left, through a central angle of 94°08'48", the chord of which bears South 60°04'24" West 153.77 feet, an arc distance of 172.53 feet; thence South 13°00'00" West 113.03 feet; thence along the arc of a 107.81 foot radius curve right, through a central angle of 96°21'27", the chord of which bears South 61°10'43" West 160.68 feet, an arc distance of 181.31 feet to a point which is North 149.17 feet and West 1999.48 feet from the southeast corner of the Northeast quarter of the Northeast quarter of said Section 32; thence North 65°16' West 260.76 feet; thence North 60°45'37" West 118.04 feet; thence along the arc of a 200 foot radius curve right, through a central angle of 22°47'13", the chord of which bears North 39°22'00" West 79.02 feet, an arc distance of 79.54 feet; thence North 27°58'24" West 28.09 feet; thence along the arc of a 130 foot radius curve right, through a central angle of 34°16', the chord of which bears North 10°50'24" West 76.60 feet, an arc distance of 77.75 feet, thence North 6°17'36" East 89.85 feet, thence along the arc of a 100 foot radius curve left, through a central angle of 46°00'45" the chord of which bears North 16°42'47" West 78.17 feet, an arc distance of 80.31 feet; thence North 39°43'09" West 205.72 feet; thence North 24° West 112.00 feet, more or less, to the West line of the Northwest quarter of the Northeast quarter of said Section 32.

SUBJECT TO rights of the public to portions laying in road, streets and highways.

Bearings used in the above description are based upon true meridian, derived from solar observation.

- 2) The easements herein granted are to be held by the respective parties, their heirs and successors in interest, as appurtenances to their respective parcels, said easements to run with the land; the parties further agree that the same said easements may not be assigned separate and apart from the parcels herein above described as being owned by the Three Parties, their heirs and successors in interest, said easement to benefit the real property owned by the Three Parties.
- 3) This easement shall bind and inure to the benefit of all the parties, their respective assigns and successors in interest.
- 4) The Three Parties shall contribute to the reasonable and necessary costs of maintaining the easement roadway, described in Section 1, their payments to be in proportion to their use of said roadway and in proportion to the damage said use causes. Said maintenance does not include the original cost of the road.

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5) The Third party, ~~Terry Portwood and Nancy Portwood~~ <sup>NANCY HOPKINS</sup> does <sup>TMK</sup> <sup>MC</sup> hereby relinquish, release and forever give up their easement recorded at Book 260, page 953 of Tillamook County Official records and described as follows:

Together with an easement and right of way being thirty (30) feet in width, fifteen (15) feet on each side of the centerline, with additional width as required for necessary curves, cuts, fills, culverts, drainage ditches and turnouts, the boundaries of said right of way being extended or shortened at angle points and property lines to form a continuous boundary, said centerline being more particularly described as follows:

BEGINNING AT a point on the Southerly right of way boundary of the Pacific City County Road, said point being North 905.66 feet and West 873.49 feet for the Southeast corner of the Northeast quarter of the Northeast quarter of Section 32, Township 4 South, Range 10 West of the Willamette Meridian in Tillamook County, Oregon; thence South 30°56'57" West 381.37 feet; thence South 61°53'23" West 172.70 feet; thence South 17°00'00" West 258.01 feet more or less to a point on the East line of the Northwest quarter of the Northeast quarter of said Section 32.

IN WITNESS WHEREOF: the Three Parties herein have signed this instrument on this 10 day of June, 1983.

Donald H. Buford  
DONALD H. BUFORD

Stephen R. Buford  
STEPHEN R. BUFORD

Patricia L. Buford  
PATRICIA L. BUFORD

Elisida M. Buford  
ELISIDA M. BUFORD

Robert Caley  
ROBERT CALEY

~~TERRY PORTWOOD~~

Mary Caley  
MARY CALEY

Nancy Hopkins  
NANCY HOPKINS

360290  
588/31  
7-13-83

37 B.H. 69

STATE OF OREGON )  
 ) ss.  
County of Tillamook)

May 23, 1983.

Personally appeared the above named Donald H. Buford and Patricia L. Buford, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Joe A. Conner  
Notary Public for Oregon  
My Commission Expires: 3/2/84

STATE OF OREGON )  
 ) ss.  
County of Tillamook)

May 23, 1983.

Personally appeared the above named Robert Caley and Mary Caley and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Joe A. Conner  
Notary Public for Oregon  
My Commission Expires: 3/2/84

STATE OF OREGON )  
 ) ss.  
County of CANE

June 10, 1983

Personally appeared the above named Stephen R. Buford and Elisida M. Buford, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Charles R. Johnson  
Notary Public for Oregon  
My Commission Expires: 5-5-84

STATE OF HAWAII )  
 ) ss.  
City of Honolulu )

June 27, 1983

Personally appeared the above named ~~Terry Portwood and Nancy Horkstas~~ and acknowledged the foregoing instrument to be their voluntary act and deed. NA ME  
HER MC

Before me:

M. Conner  
Notary Public for Hawaii  
My Commission Expires: 7/21/86

Rtr. Donald Buford  
37100 Kestrel Blvd  
Clatskanie, OR 97112

L.S.  
260289  
588/31  
7-13-83

Blair  
Blair  
Tillamook County Official Records  
Where there are more than one pages, the number of pages and serial number shall be stated.  
COUNTY CLERK

BORN 288 PAGE 31

JUL 13 11 05 AM '83

State of Oregon, County of Tillamook  
I hereby certify that the within instrument was received for record at:

260289

DONALD H. BUFORD, PATRICIA L. BUFORD, STEPHEN R. BUFORD, ELISIDA M. BUFORD, ROBERT CALEY, MARY CALEY, ~~EDDY~~ ~~DORRIS~~ ~~AND~~ ~~WILLIAM~~ ~~FORWOOD~~, hereinafter called Grantors, ~~AND~~ ~~WILLIAM~~ ~~FORWOOD~~, hereinafter called Grantee, a permanent, nonexclusive easement for right-of-way purposes on all that real property situated in the north half of the northeast quarter of Section 32, Township 4 South, Range 10 West, W.M., Tillamook County, State of Oregon, described more particularly as follows:

Being a strip of land 25 feet in width, (with such additional width as may be reasonably necessary for cuts, fills, curves, turnouts and culverts), 12-1/2 feet (or more) on each side of the center line described in Exhibit "A" attached hereto and incorporated herein by this reference.

This easement is granted subject to the following terms and conditions:

1. Said easement is appurtenant to and shall run with each and every portion of Grantee's real property described as parcels "26," "27" and "28" in that certain warranty deed from Boise Cascade to Grantee dated March 28, 1972 and recorded in Book 226, page 660, Tillamook County, Oregon official records, consisting of 134 acres, more or less.
2. Grantee, its agents, independent contractors and invitees shall have the right to use, construct, reconstruct and maintain the road located upon the easement strip, together with such bridges, culverts and ramps as are necessary, for ordinary purposes of ingress to and egress from Grantee's above-described appurtenant real property including, but not limited to forest management and heavy hauling of timber, rock or equipment.

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7-13-83

3. Grantors and Grantee shall cooperate during periods of joint use so that each party's use shall cause a minimum of interference to the other.

4. The parties using the road shall contribute to the reasonable and necessary cost of maintaining same on the basis of their use of the road, and Grantors covenant with Grantee that Grantors shall require all other easement grantees to likewise share said cost.

5. Grantee may cut, trim and clear any trees or brush which might extend over the road or which might otherwise be hazardous to Grantee's use of said road.

6. This easement is granted subject to all prior easements or encumbrances of record.

7. By accepting this grant of easement, Grantee hereby releases all other easements which it may have previously acquired over Grantors' property in the north half of the northeast quarter of Section 32, T. 4 S., R. 10 W., W.M., in Tillamook County, Oregon.

DATED this 10 day of June 1983.

Grantee accepts the above grant this 29<sup>th</sup> day of March 1983.

PUBLISHERS PAPER CO.

By Raymond M. Suthy,

APPROVED

|           |  |  |
|-----------|--|--|
| <u>MS</u> |  |  |
|-----------|--|--|

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Donald H. Buford  
Donald H. Buford

Patricia L. Buford  
Patricia L. Buford

Stephen R. Buford  
Stephen R. Buford

Elisida M. Buford  
Elisida M. Buford

Robert Caley  
Robert Caley

Mary Caley  
Mary Caley

~~erry Buford~~ MK  
*Danny Hopkins*  
~~erry Buford~~  
NANCY HOPKINS

STATE OF OREGON )  
County of TILLAMOOK ) ss.

May 23, 1983

Personally appeared the above-named Donald H. Buford and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

*Don A. Avery*  
Notary Public for Oregon  
My Commission Expires: 3/2/84

STATE OF OREGON )  
County of TILLAMOOK ) ss.

May 23, 1983

Personally appeared the above-named Patricia L. Buford and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

*Don A. Avery*  
Notary Public for Oregon  
My Commission Expires: 3/2/84

STATE OF OREGON )  
County of LAINE ) ss.

6-10, 1983

Personally appeared the above-named Stephen R. Buford and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

*Cheryl R. Johnson*  
Notary Public for Oregon  
My Commission Expires: 5-584


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288/32  
7-13-83



STATE OF OREGON )  
 ) ss.  
County of LAINE )  
10-10, 1983

Personally appeared the above-named Elisida M. Buford and acknowledged the foregoing instrument to be her voluntary act and deed.

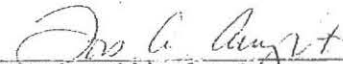
Before me:

  
Notary Public for Oregon  
My Commission Expires: 5-5-84

STATE OF OREGON )  
 ) ss.  
County of TILLAMOOK )  
Aug 23, 1983

Personally appeared the above-named Robert Caley and acknowledged the foregoing instrument to be his voluntary act and deed.

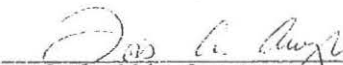
Before me:

  
Notary Public for Oregon  
My Commission Expires: 3/2/84

STATE OF OREGON )  
 ) ss.  
County of TILLAMOOK )  
Aug 23, 1983

Personally appeared the above-named Mary Caley and acknowledged the foregoing instrument to be her voluntary act and deed.

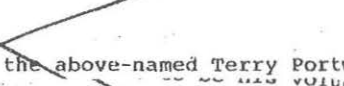
Before me:

  
Notary Public for Oregon  
My Commission Expires: 3/2/84

~~STATE OF <sup>HAWAII</sup> OREGON- )  
 ) ss.  
County of \_\_\_\_\_ )  
\_\_\_\_\_, 1983~~

~~Personally appeared the above-named Terry Portwood and acknowledged the foregoing instrument to be his voluntary act and deed.~~

~~Before me:~~

~~  
Notary Public for Oregon Hawaii  
My Commission Expires: \_\_\_\_\_~~

~~266291  
288/32  
7-13-83~~

CITY :  
STATE OF <sup>HAWAII</sup> OREGON )  
County of Honolulu ) ss.  
June 27, 1983

Personally appeared the above-named Nancy Hopkins and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

L.S.

M. Connel  
Notary Public for Oregon <sup>Hawaii</sup>  
My Commission Expires: 7/21/86

STATE OF OREGON )  
County of Clackamas ) ss.  
March 29, 1983

Personally appeared Raymond M. Luthy who, being duly sworn did say that he is the Timberlands Manager of Publishers Paper Co. and that the foregoing instrument was signed on behalf of said corporation by authority of its board of directors and he acknowledged said instrument to be its voluntary act and deed.

Before me:

Leslie Wilkin  
Notary Public for Oregon  
My Commission Expires: 4/27/86

Return to: Publishers Paper Co.  
4000 Kruse Way Place  
Lake Oswego, Oregon 97034

260291  
288/32  
7-13-83

EXHIBIT "A"

Beginning at a point in the Pacific City County Road, said point being North 486.75 feet and West 108.80 feet from the southeast corner of the northeast quarter of the northeast quarter of said Section 32; thence South 50°28'15" West 272.11 feet; thence along the arc of a 200 foot radius curve right, through a central angle of 25°00'00", the chord of which bears South 70°58'15" West 86.58 feet, an arc distance of 87.27 feet; thence South 83°28'15" West 335.33 feet; thence along the arc of a 500 foot radius curve right, through a central angle of 10°29'18", the chord of which bears South 88°42'53" West 91.40 feet, an arc distance of 91.53 feet; thence North 86°02'28" West 445.62 feet; thence along the arc of a 700 foot radius curve right, through a central angle of 13°11'15", the chord of which bears North 78°26'50" West 160.76 feet, an arc distance of 161.12 feet; thence North 72°51'12" West 261.93 feet; thence along the arc of a 105 foot radius curve left, through a central angle of 94°08'48", the chord of which bears South 60°04'24" West 153.77 feet, an arc distance of 172.53 feet; thence South 13°00'00" West 113.03 feet; thence along the arc of a 107.81 foot radius curve right, through a central angle of 96°21'27", the chord of which bears South 61°10'43" West 160.68 feet, an arc distance of 181.31 feet to a point which is North 149.17 feet and West 1999.48 feet from the southeast corner of the northeast quarter of the northeast quarter of said Section 32; thence North 65°16' West 260.76 feet; thence North 60°45'37" West 118.04 feet; thence along the arc of a 200 foot radius curve right, through a central angle of 22°47'13", the chord of which bears North 39°22'00" West 79.02 feet, an arc distance of 79.54 feet; thence North 27°58'24" West 28.09 feet; thence along the arc of a 130 foot radius curve right, through a central angle of 34°16', the chord of which bears North 10°50'24" West 76.60 feet, an arc distance of 77.75 feet; thence North 6°17'36" East 89.85 feet; thence along the arc of a 100 foot radius curve left, through a central angle of 46°00'45", the chord of which bears North 16°42'47" West 78.17 feet, an arc distance of 80.31 feet; thence North 39°43'09" West 205.72 feet; thence North 24° West 112.00 feet, more or less, to the west line of the northwest quarter of the northeast quarter of said Section 32.

Bearings used in the above description are based upon true meridian, derived from solar observation."

260290

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

JUL 13 11 08 AM '83

BOOK 288 PAGE 32

260291  
288/32  
7-13-83

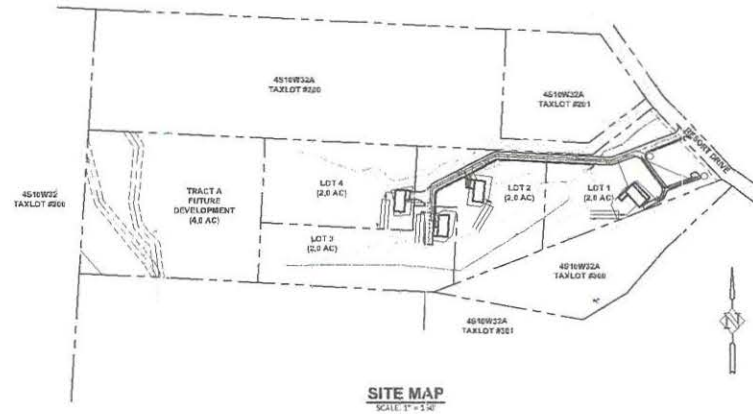
Tillamook County OFFICIAL Records.  
Witness my hand and seal affixed.  
JUNE WAGNER, County Clerk.

*Blacks* Deputy  
26.01

FERN HILL

# SCHON'S SUBDIVISION - PRELIMINARY PLAT

PACIFIC CITY, OREGON



**OWNER:**  
NESTUCCA DEVELOPMENT  
PO BOX 189  
PACIFIC CITY, OREGON 97137  
PETER@TRIMTAL.COM  
(503) 348-0048

**ENGINEER:**  
HARPER HOUF PETERSON RIGHELLIS INC.  
205 SE SPOKANE STREET, SUITE 200  
PORTLAND, OREGON 97202  
(503) 223-1131

CONTACT: DAN HOUF, P.E.  
DAN@HHP.COM

**SURVEYOR:**  
HARPER HOUF PETERSON RIGHELLIS INC.  
205 SE SPOKANE STREET, SUITE 200  
PORTLAND, OREGON 97202  
(503) 223-1131

CONTACT: JOHN CAMPBELL, P.L.S.  
JOHN@HHP.COM

**DRAWING INDEX:**

|      |                                  |
|------|----------------------------------|
| C0.0 | COVER SHEET                      |
| C1.0 | EXISTING CONDITIONS PLAN         |
| C1.1 | EXISTING CONDITIONS PLAN         |
| C2.0 | PRELIMINARY SUBDIVISION PLAN     |
| C2.1 | PRELIMINARY SUBDIVISION PLAN     |
| C3.0 | PRELIMINARY UTILITY PLAN         |
| C3.1 | PRELIMINARY UTILITY PLAN         |
| C4.0 | PRELIMINARY GRADING PLAN         |
| C4.1 | PRELIMINARY GRADING PLAN         |
| C4.2 | PRELIMINARY PRIVATE ROAD PROFILE |

**SITE INFORMATION:**

MAP NUMBER 4510W23A 00200  
NE 1/4 SECTION 22, TOWNSHIP 45 RANGE 10W,  
TILLAMOOK COUNTY, WILLAMETTE METROPOLIS

**HORIZONTAL DATUM**

HORIZONTAL COORDINATES ARE LOCAL DATUM; PLANE GROUND  
COORDINATES BASED ON THE OREGON STATE PLANNED COORDINATE  
SYSTEM - NORTH ZONE, NAD83(2011) UTM ZONE 18Q UTM  
INTERNATIONAL FEET PER NETWORK GPS OBSERVATIONS

**VERTICAL DATUM**

ELEVATIONS SHOWN ARE BASED ON NAVD83 PER  
NETWORK GPS OBSERVATIONS

COVER SHEET  
SCHON'S SUBDIVISION  
PACIFIC CITY, OR

**HHP**  
Harper Houf Peterson  
Righellis Inc.

205 SE SPOKANE STREET, SUITE 200, PORTLAND, OREGON 97202  
PHONE: (503) 223-1131, WWW.HHP.COM, FAX: (503) 223-1131

| REVISED | BY  | DATE     | DESCRIPTION |
|---------|-----|----------|-------------|
|         | HHP | 06/11/23 |             |
|         | HHP |          |             |
|         | HHP |          |             |
|         | HHP |          |             |

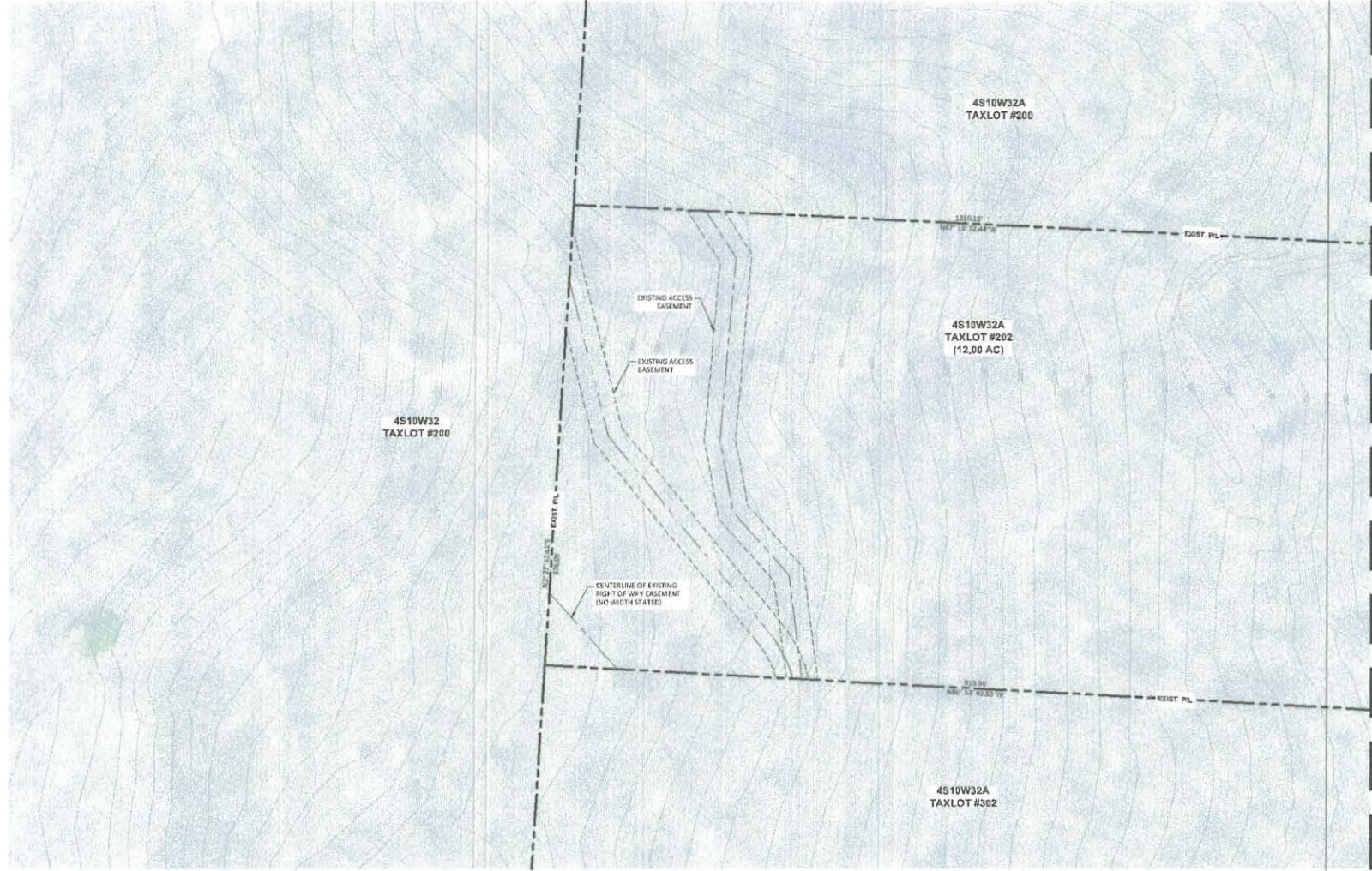
SHEET NO.  
**C0.0**

JOB NO. NES-17

HARPER HOUF PETERSON RIGHELLIS INC. 205 SE SPOKANE STREET, SUITE 200, PORTLAND, OREGON 97202

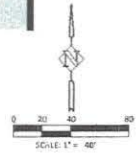


P:\SES-C1.1-Sub-A-Plan-140619-11\Sub-A-140619-11-CONSTR.CONDITIO PLAN.dwg



**GENERAL NOTES:**

- CONTRACTOR TO VERIFY LIMITS AND QUANTITIES OF DEMOLITION; DEMOLITION INFORMATION PROVIDED AS REFERENCE ONLY.
- DETAILED TREE REMOVAL NOT SHOWN. CONTRACTOR TO OBTAIN ALL APPLICABLE TREE REMOVAL PERMITS PRIOR TO CONSTRUCTION.
- EXISTING CONTOURS ARE BASED ON FIELD FLOW DATA AND ARE APPROXIMATE IN NATURE. CONTRACTOR TO FIELD VERIFY GRADES PRIOR TO CONSTRUCTION.



EXISTING CONDITIONS PLAN  
**FEAN HILL**  
**SCHEON'S SUBDIVISION**  
 PACIFIC CITY, OR

**HHP** Harper  
 Houf Peterson  
 Rightellis Inc.  
HPRightellis.com | 503.838.7100 | 3030 NE Columbia Way, Suite 200, Portland, OR 97218 | www.HP.com | Lic. No. 59828

| REVISED | HHP      |
|---------|----------|
| DRAWN   | HHP      |
| CHECKED | HHP      |
| DATE    | 06/11/23 |
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 JOB NO. NES-17

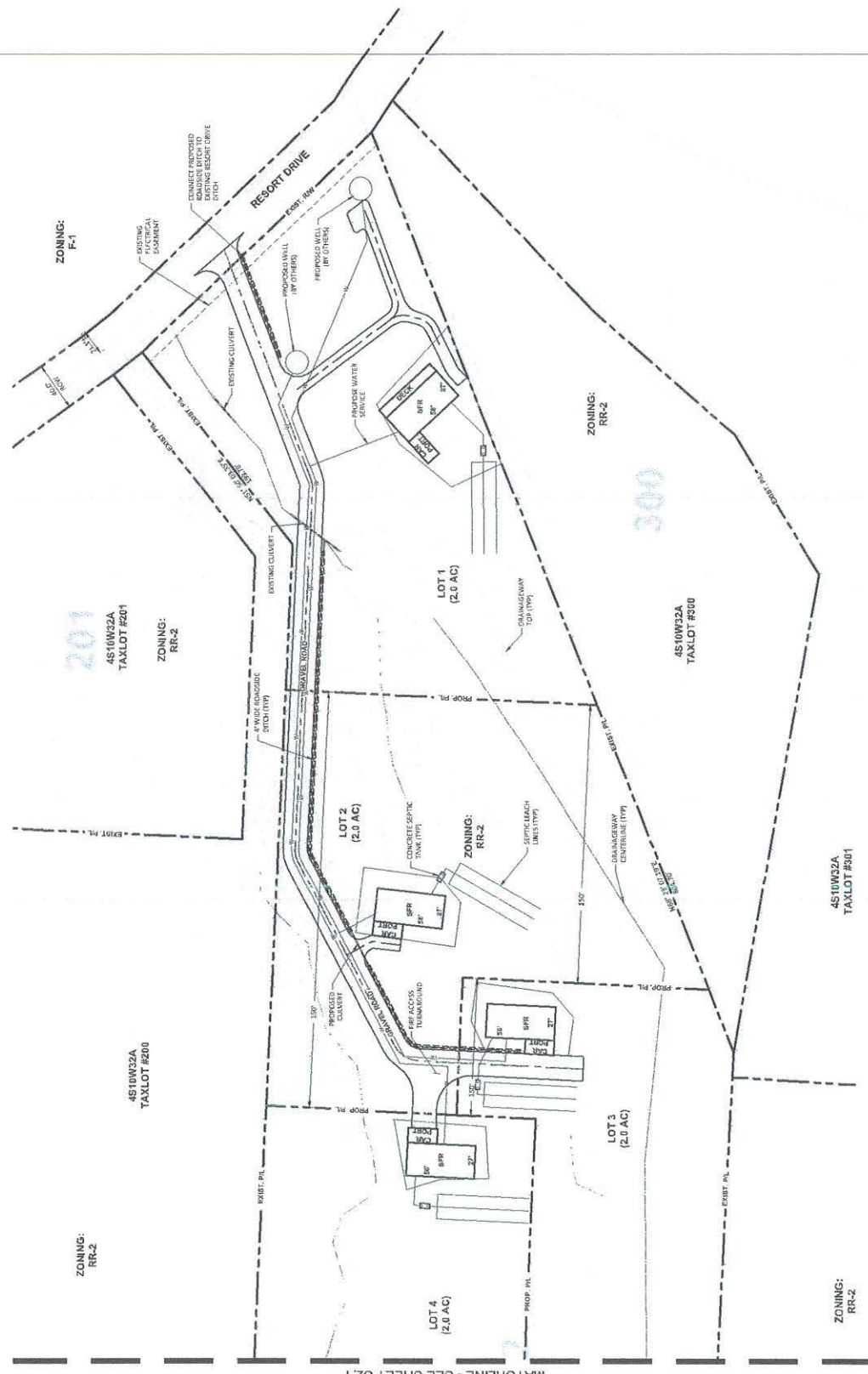
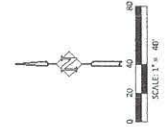
PACIFIC CITY, OR  
 SCHONS SUBDIVISION  
 PRELIMINARY SUBDIVISION PLAN

Harper Houff Peterson  
 Rightell's Inc.

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SHEET NO. C2.0  
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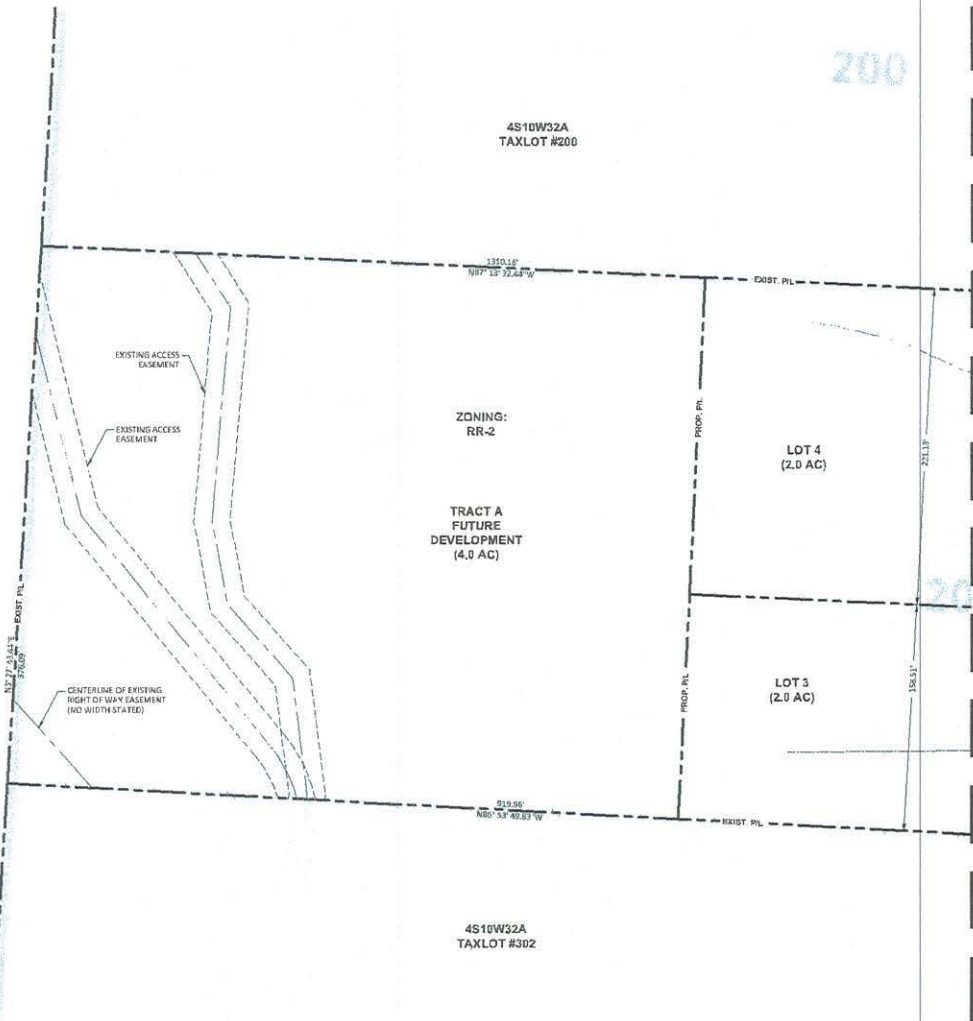
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MATCHLINE - SEE SHEET C2.1

LEGAL DESCRIPTION  
 LOCATED IN THE NORTHEAST ONE-QUARTER OF THE  
 NORTHWEST ONE-QUARTER OF SECTION 32,  
 T31N R12E W3E, CLATSOP COUNTY, OREGON

ZONING:  
SFW-20

4S10W32  
TAXLOT #200



#### LEGAL DESCRIPTION

LOCATED IN THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 10 WEST, WILLAMETTE MERIDIAN TILLAMOOK COUNTY, OREGON

4S10W32A  
TAXLOT #302

4S10W32A  
TAXLOT #200

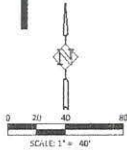
ZONING:  
RR-2

TRACT A  
FUTURE  
DEVELOPMENT  
(4.0 AC)

LOT 4  
(2.0 AC)

LOT 3  
(2.0 AC)

MATCHLINE - SEE SHEET C2.0



# PRELIMINARY SUBDIVISION PLAN **SEHONS SUBDIVISION** PACIFIC CITY, OR

**Harper**  
**HHPR** Houff Peterson  
**Righellis Inc.**

www.houffpeterson.com  
www.righellis.com

| REVISED: | HHPR   | HHPR | HHPR     |
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|          | DATE   |      | 06/11/21 |

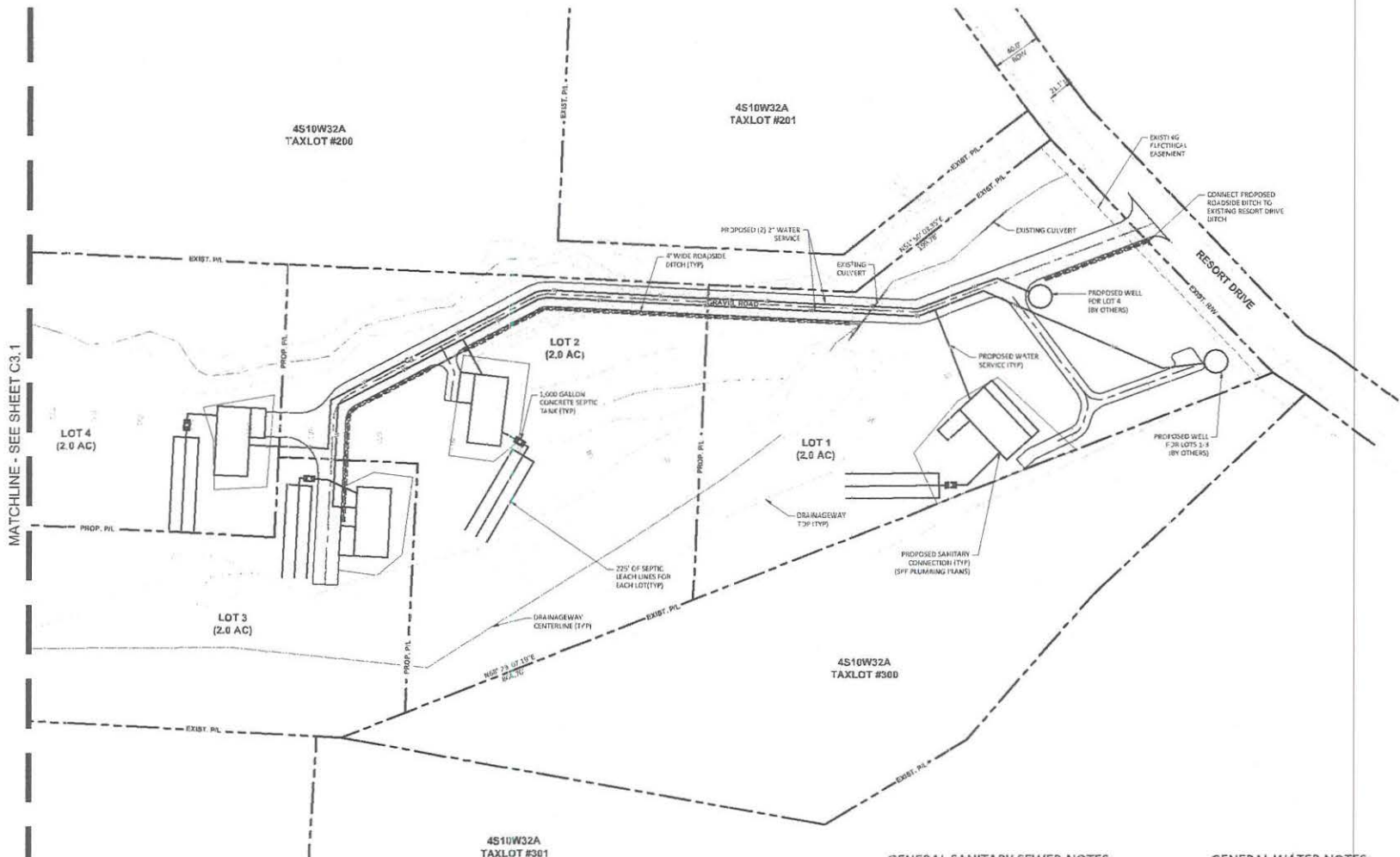
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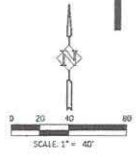
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MATCHLINE - SEE SHEET C3.1



- GENERAL SANITARY SEWER NOTES:**
1. PVC PIPE TO BE SCH20, ASTM D-3054 UNLESS OTHERWISE NOTED. PIPE BEDDING AND BACKFILL PER LOG STD. DWG. 214.
  2. PIPE LENGTHS ARE MEASURED FROM EDGE OF STRUCTURE TO EDGE OF STRUCTURE OR TO THE CENTER OF EACH CLEANOUT.
  3. ALL PIPE LENGTHS SHOWN HEREON ARE APPROXIMATE ONLY. CONTRACTOR RESPONSIBLE FOR ALL QUANTITY TAKEOFFS TO CONSTRUCT THE DESIGN SHOWN ON THESE PLANS.
  4. SEPTIC AND LEACH LINE DESIGN AND INSTALLATION DETAILS TO BE BY OTHERS.

- GENERAL WATER NOTES:**
1. WATER PIPE TO BE SCH 40 PVC, UNLESS OTHERWISE NOTED.
  2. PROVIDE A MINIMUM OF 3' OF COVER FROM FINISHED GRADE TO TOP OF PIPE.
  3. ALL PIPE LENGTHS SHOWN HEREON ARE APPROXIMATE ONLY. CONTRACTOR IS RESPONSIBLE FOR ALL QUANTITY TAKEOFFS TO CONSTRUCT THE DESIGN ON THESE PLANS.
  4. TRACER WIRE SHALL BE INSTALLED OVER ALL WATER PIPE.
  5. PRESSURE REDUCING VALVES ARE REQUIRED AT EACH HOME. SEE PLUMBING PLANS FOR DESIGN.
  6. WELL AND RESERVOIR DESIGN AND INSTALLATION DETAILS TO BE BY OTHERS.

PRELIMINARY UTILITY PLAN  
**SEHON'S SUBDIVISION**  
PACIFIC CITY, OR

Harper  
**HPH** Houf Peterson  
Rightellis Inc.  
3100 Pacific City Blvd. Pacific City, OR 97139  
Phone: 503.325.1212 Fax: 503.325.1213

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| 06/11/21 |     |             |    |

SHEET NO.  
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JOB NO. NES-17

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**GENERAL SANITARY SEWER NOTES:**

1. PVC PIPE TO BE SDR35, ASTM D-3034 UNLESS OTHERWISE NOTED. PIPE BEDDING AND BACKFILL PER CGS STD. C646. 224.
2. PIPE LENGTHS ARE MEASURED FROM EDGE OF STRUCTURE TO EDGE OF STRUCTURE OR TO THE CENTER OF EACH CLEANOUT.
3. ALL PIPE LENGTHS SHOWN HEREON ARE APPROXIMATE ONLY. CONTRACTOR RESPONSIBLE FOR ALL QUANTITY TAKEOFFS TO CONSTRUCT THE DESIGN SHOWN ON THESE PLANS.
4. SEPTIC AND LEACH LINE DESIGN AND INSTALLATION DETAILS TO BE BY OTHERS.

**GENERAL WATER NOTES:**

1. WATER PIPE TO BE SCH 40 PVC, UNLESS OTHERWISE NOTED.
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3. ALL PIPE LENGTHS SHOWN HEREON ARE APPROXIMATE ONLY. CONTRACTOR IS RESPONSIBLE FOR ALL QUANTITY TAKEOFFS TO CONSTRUCT THE DESIGN SHOWN ON THESE PLANS.
4. WATER WIRE SHALL BE INSTALLED OVER ALL WATER PIPE.
5. PRESSURE REDUCING VALVES ARE REQUIRED AT EACH HOME. SEE PLUMBING PLANS FOR DESIGN.
6. WELL AND RESERVOIR DESIGN AND INSTALLATION DETAILS TO BE BY OTHERS.

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TAXLOT #200

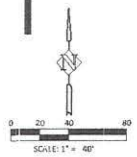
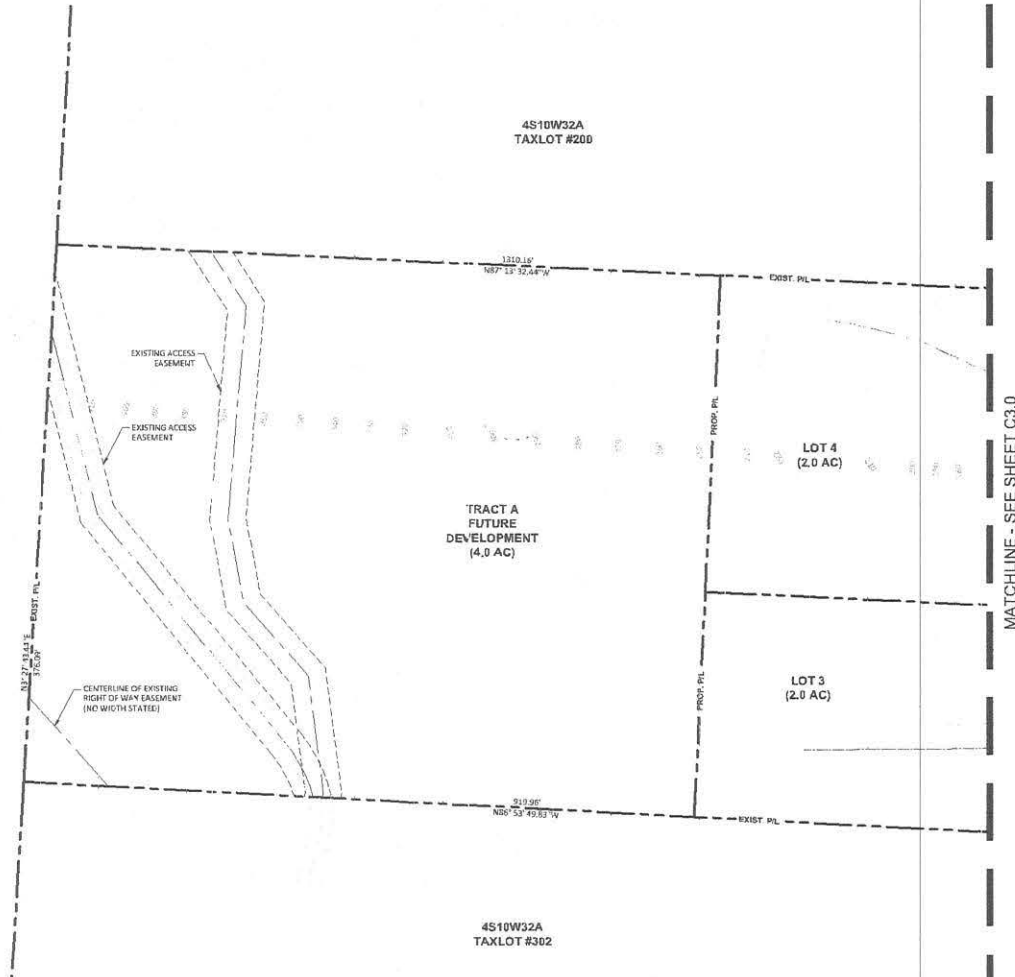
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TAXLOT #200

TRACT A  
FUTURE  
DEVELOPMENT  
(4.0 AC)

LOT 4  
(2.0 AC)

LOT 3  
(2.0 AC)

4S10W32A  
TAXLOT #302



PRELIMINARY UTILITY PLAN  
**Harper Hoult Peterson Righellis Inc.**  
PACIFIC CITY, OR

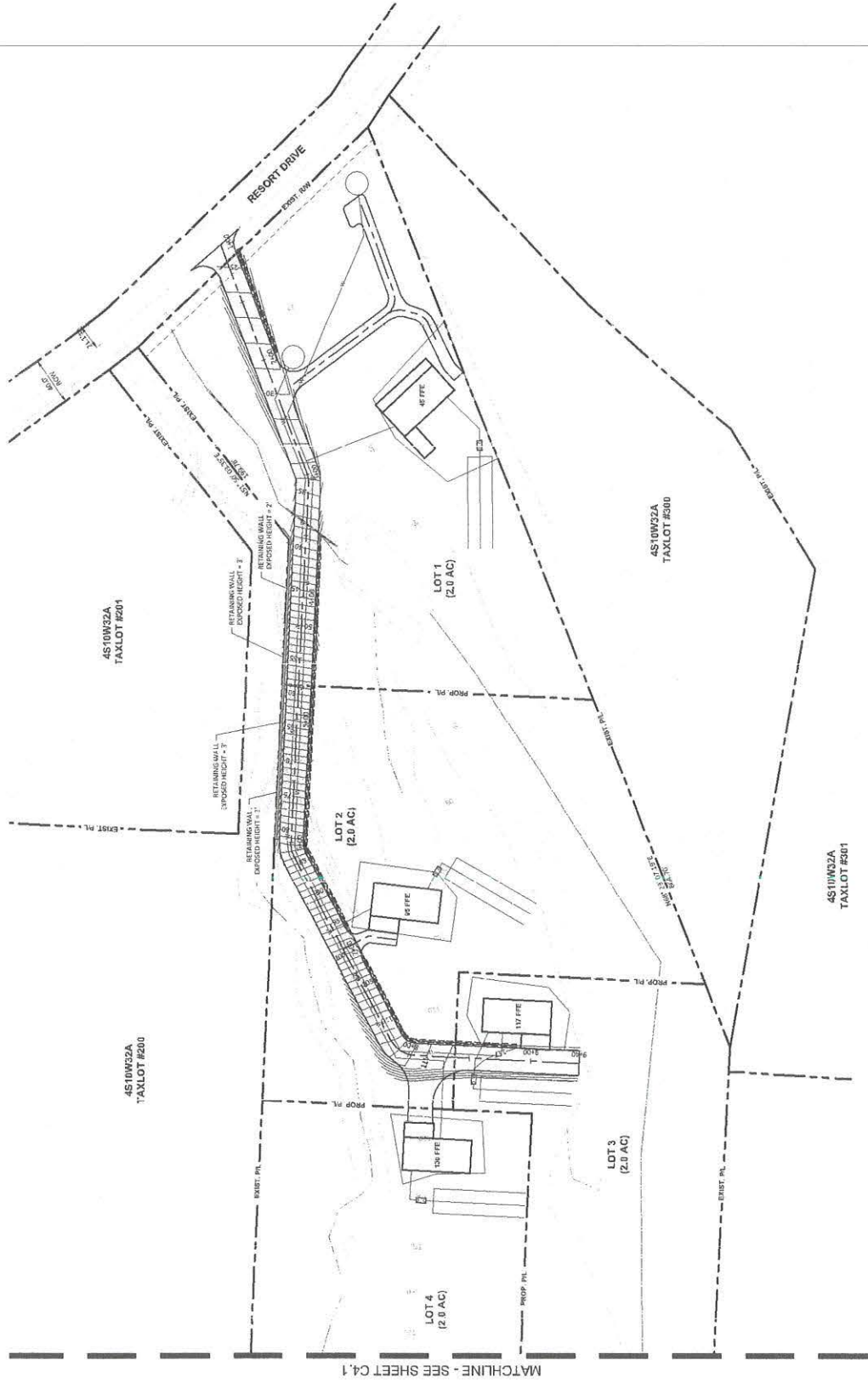
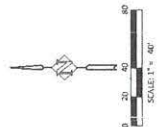
Harper Hoult Peterson Righellis Inc.  
1001 11th Street, Pacific City, OR 97137  
Phone: 503.738.8188 www.HHPRI.com Fax: 503.738.8188

| DESIGNED | HPRI | HPRI        | HPRI     | HPRI |
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**GRADING NOTES:**

- EXISTING CONDITIONS ARE BASED ON FIELD SURVEY DATA AND ARE SUBJECT TO VERIFICATION BY THE CONTRACTOR TO FIELD VERIFY GRADES PRIOR TO CONSTRUCTION.
- PROPOSED GRADES ARE BASED ON AVAILABLE SUPPLEMENTAL TOPOGRAPHY WITHIN THE LOCATION OF PROPOSED IMPROVEMENTS.

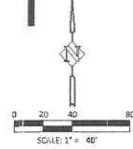
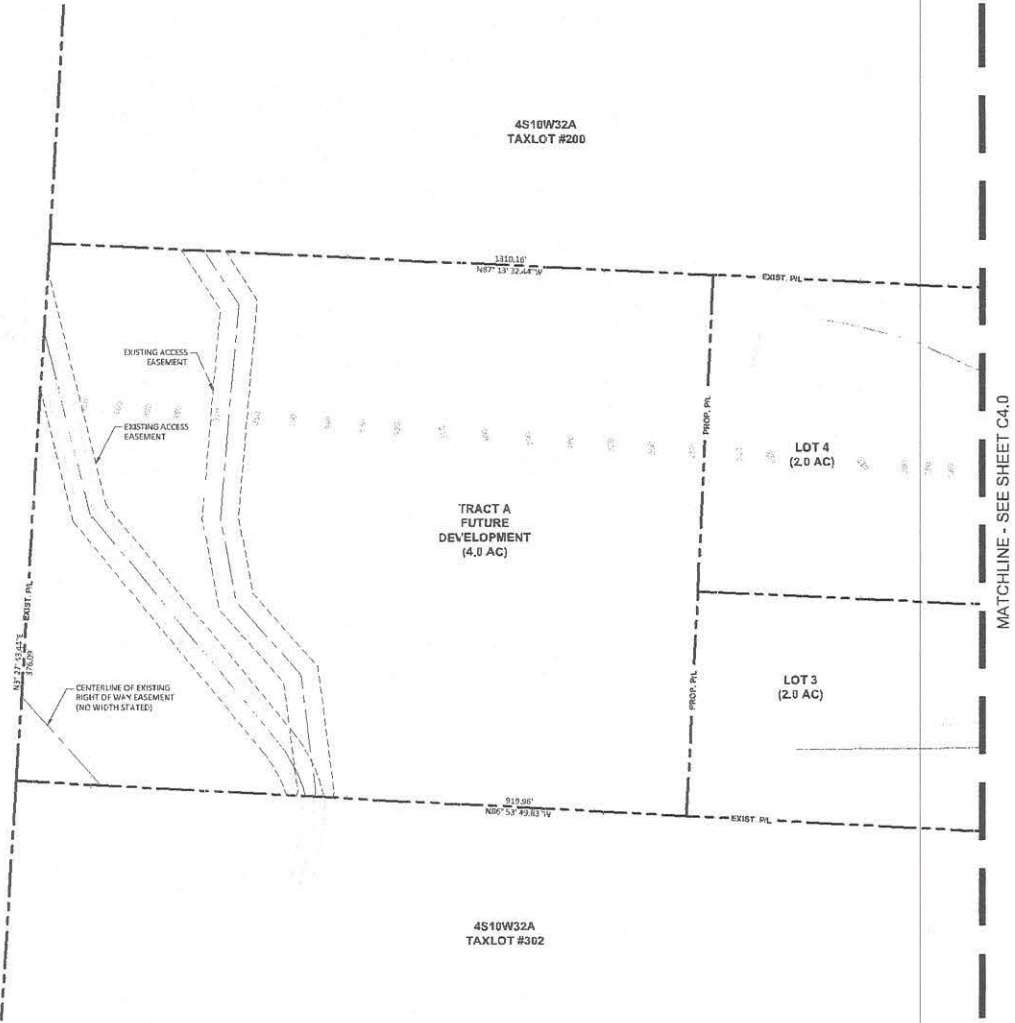
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**GRADING NOTES:**

1. EXISTING CONTOURS ARE BASED ON FIELD FLOW DATA AND ARE APPROXIMATE IN NATURE. CONTRACTOR TO FIELD VERIFY GRADES PRIOR TO CONSTRUCTION.
2. PROPOSED GRADES ARE BASED ON AVAILABLE SUPPLEMENTAL TOPOGRAPHY WITHIN THE LOCATION OF PROPOSED IMPROVEMENTS.

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TAXLOT #200

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TAXLOT #200

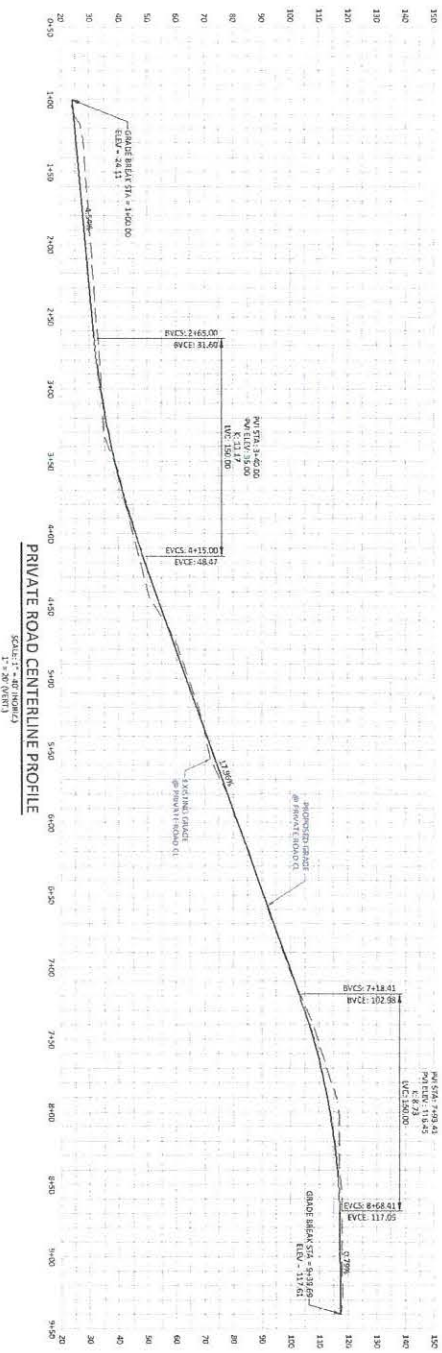


**PRELIMINARY GRADING PLAN**  
**FERN HILL**  
**SCHON'S SUBDIVISION**  
PACIFIC CITY, OR

**Harper Houf Peterson**  
**Righellis Inc.**

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**C4.1**  
JOB NO.  
NES-17



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| SHEET NO.<br><b>C4.2</b> | DESIGNED | HHPR     |
|                          | FRASIN   | HHPR     |
|                          | CHECKED  | HHPR     |
|                          | DATE     | 06/11/21 |

| DATE              | NO. | DESCRIPTION |
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| R E V I S I O N S |     |             |

**HHPR**  
 Harper  
 Houf Peterson  
 Righellis Inc.

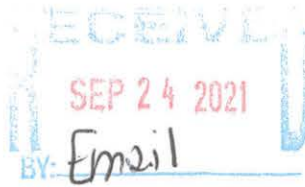
3100 NE Pacific Street, Suite 200, Portland, OR 97232  
 Phone: 503.255.0300 www.harperson.com

**PRELIMINARY PRIVATE ROAD PROFILE**  
**SCHON'S SUBDIVISION**  
 PACIFIC CITY, OR

*Fern Hill*

# SUPPLEMENTARY SUBMITTAL

August 30, 2021



Tillamook County Department of Community Development  
Attn: Sarah Absher, Director  
1510-B Third Street  
Tillamook, OR 97141

**RE: Fern Hill Subdivision – Pacific City- Tillamook County**

Dear Sarah:

This letter is in response to your letter of incompleteness for the four lot Fern Hill Subdivision identified as Application #851-21-000293-PLNG and Variance Request #851-21-000294-PLNG that was sent to Mary Jones. With this letter we are providing:

- A revised narrative
- A revised plan set, and
- A revised geohazard report

Specific responses to the additional information requested is provided in the following:

Section 060:

*The location and elevation of the closest benchmark(s) within or adjacent to the site were unable to be located on the preliminary plat and within the narrative.*

*Fifteen (15) legible "to scale" hard copies and one digital copy of the preliminary plat remain to be submitted to the department.*

**Response:** The nearest benchmark data is now provided on C0.0 and added to sheet C2.0 the preliminary subdivision plan. I'm sorry, I advised the owner to only take in a couple copies and to provide all 15 copies and the electronic copy once the application has been deemed complete so that the reviewers would have plans that were revised based on the completeness comments. An electronic copy and 15 full size sets are provided with this submittal.

Section 150:

*Preliminary construction plans for design, improvement and construction for proposed private road is missing from submittal.*

*Preliminary construction plans for stormwater drainage system is missing from submittal.*

*Grading plan (private road construction and lot preparation) is missing from submittal.*

**Response:** The coversheet C0.0 has been revised to include the typical road section proposed with the application. As proposed, the road would be constructed so that it was a 20-wide all weather, gravel road that is composed of a geofabric base and 8-inches of gravel with a roadside ditch. Sheet C4.2 includes the preliminary private road profile. A preliminary utility plan that

includes a note about the design of individual stormwater drainage facilities is provided in exhibits C3.0 and C3.1 and the preliminary grading plans sheets C4.0 and C4.2 which includes erosion control.

Section 160: Street Improvements.

*Preliminary construction plans for design, improvement and construction for proposed private road is missing from submittal.*

**Response:** As stated above, the coversheet C0.0 has been revised to include the typical road section proposed with the application. As proposed, the road would be constructed so that it was a 20-wide all weather, gravel road that is composed of a geofabric base and 8-inches of gravel with a roadside ditch. Sheet C4.2 includes the preliminary private road profile.

TCLUO Section 4.130:Development Requirements for Geologic Hazard Areas:

*Submitted Geologic Hazard Report prepared by Warren Krager, R.G., C.E.G. is missing the summary findings and conclusions, TCLUO Section 4.130(8) as well as any specific findings, recommendations or conclusions that confirm the grading plan identifying cuts and fills for the subdivision is consistent with recommendations provided in the GHR, private road design recommendations have been met, and that stormwater management facilities as proposed to be constructed are adequate for the site.*

*Recommendations for erosion control and vegetation management during subdivision construction and lot preparation are also missing from the GHR.*

TCLUO Section 8.030:Variance Review Criteria

*The response to Criterion #3 is general and does not specifically address the various development standards enumerated in TCLUO Section 4.005.*

**Response:** The land use narrative has been updated to include the criteria listed in TCLUO Section 4.005.

Thank you for your review. Please let me know if you have any questions or would like to discuss the information we have provided in this response. I can be reached at (503) 221-1131, on my cell at (503)866-9845 or by e-mail me at Bradk@hhpr.com.

Sincerely,

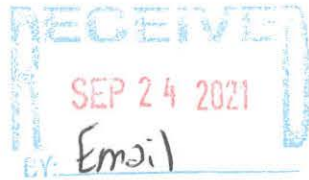
HARPER HOUF PETERSON RIGHELLIS INC.

Brad Kilby, AICP  
Planning Manager

**Attachments:**  
Revised Narrative; Revised Plan Set; and Revised Geotechnical report







*R. Warren Krager, R.G., C.E.G.  
Consulting Engineering Geologist  
Oregon CEG #E957*

September 7, 2021

Peter J. Schons  
Trimtab Consulting  
503-550-6040  
peter@trimtab.consulting

**Subject:       Engineering Geologic Site Reconnaissance  
                  and Geologic Hazard Report  
                  Proposed Fern Hill Subdivision and Planned Residential Development  
                  Map 4S 10W 32A Tax Lot 202  
                  Tillamook County, Oregon**

Dear Mr. Schons:

As you requested, I am pleased to submit my engineering geologic reconnaissance and geologic hazard report for the above referenced property and proposed residential land division.

**Introduction**

This geologic hazard report has been prepared in general accordance with the Tillamook County Land Use Ordinance (TCLUO) Section 4.130 Development Requirements for Geologic Hazard Areas for the proposed residential development. The subject property has geologic hazards related to steep slopes, ancient landslide topography and potential seismic slope instability.

R. Warren Krager, R.G., C.E.G. (Oregon Licensed Engineering Geologist E-957) conducted the surficial reconnaissance of the property with you on March 2, 2020. About 2 hours were spent with Peter Schons walking, observing site conditions, and discussing portions of the property considered for roadway and homesite development. We observed the general building areas, adjacent slopes, locally graded or filled areas, springs and drainages, and nearby existing residential and road construction. We also walked and looked over steeper slopes and drainage gulch areas that would not be considered for development.

While on site, I conducted three hand auger soil borings at upper, middle, and lower site elevations to evaluate the near-surface soil profile for grading, drainage, and shallow foundation support preliminary design considerations. This engineering geologic evaluation did not include project specific subsurface explorations in accurately located project development features, geotechnical engineering foundation design services or slope stability analyses.

The conclusions and recommendations of this report are based on our reconnaissance observations, review of project concept plans and background geologic literature, and general familiarity with geologic and soil conditions in the area.

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In preparing this report, available geologic hazard maps and reports, topographic data and concept site plans were reviewed for detailed information pertinent to the subject site and local vicinity. The following geologic reports, maps, aerial photos and other information were reviewed and used in preparation this report:

- Environmental Geology of the Coastal Region of Tillamook and Clatsop Counties, Oregon, Oregon Department of Geology and Mineral Industries (DOGAMI), Bulletin 74, 1972.
- Preliminary Geologic Map of the Nestucca Bay Quadrangle, Tillamook County, Oregon, United States Geological Survey (USGS), Open File Report 90-202, 1990.
- DOGAMI LIDAR Viewer, accessed online March 3, 2020, (<http://www.oregongeology.org/sub/lidardataviewer/index.htm>),
- United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), Web Soil Survey: <http://websoilsurvey.nrcs.usda.gov/>.accessed online March 3, 2020.
- Google Earth Aerial images of the eastern Pacific City-Broton Mountain area, Oregon, image dates: May 6, 1994, August 15, 2000, November 14, 2002. June 15, 2003, June 29, 2005, August 1, 2011, July 6, 2012, July 30, 2014, August 23, 2016, and June 22, 2017.
- Tillamook County Land Use Ordinance (TCLUO) Section 4.130 Development Requirements for Geologic Hazard Areas.
- Preliminary Plat Fern Hill Subdivision, Pacific City, Oregon, civil engineering design plans, Lot 202 4S10W32A, prepared by Harper Houf Peterson Righellis Inc. (HHPR), dated August 31, 2021.

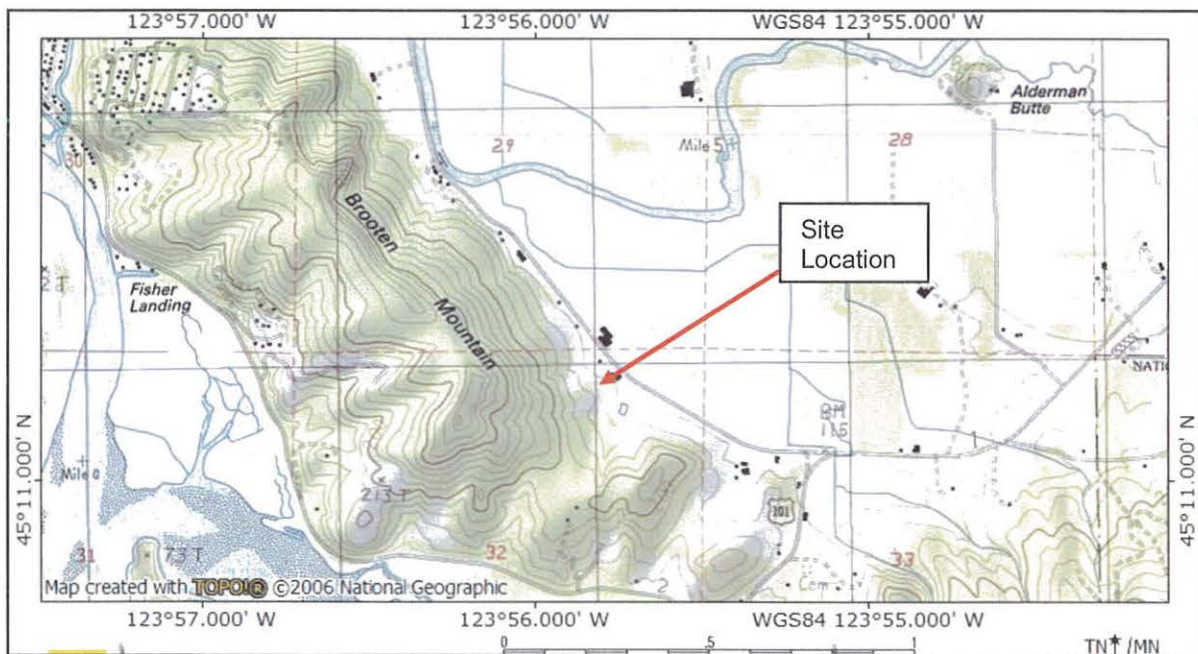


Figure 1, Site Location Plan



Figure 2- Portion of Tillamook County Tax Map 4S1032A

### Site Location and Description

The general location of the project is on the eastern end of the north flank of Brooten Mountain, east of Pacific City, in Tillamook County, Oregon, as shown in Figure 1. The subject property consists of Tillamook County Tax Lot 202, of Map 4S 10W 32A. Tax Lot 202 comprises about 12 acres in area and has a generally rectangular shaped plan as shown in Figure 2. The parcel is accessible from Resort Drive about 2 miles East of Pacific City, Oregon. The parcel is not currently developed or served by septic system, sewer, or water, but based on available aerial photographs appears to have had a farm shed and driveway near the eastern end of the property until about 2002. Currently, the eastern end of the property is vegetated by tall grasses and blackberry brambles with no visible structure remaining.



Photo 1- View to east toward Resort Drive and dairy barn on east side of Resort Drive. Orange flagging, at right of center in photo, marks the centerline of proposed access roadway onto TL 202.



**Photo 2-** View to south, parallel to slope contour, on the mildly sloped middle-elevation development portion of TL 202. Center line survey and staking had not been completed beyond the eastern end of the property at the time of the reconnaissance.



**Photo 3-** View of head of small creek flowing along the approximate northern boundary of TL 202. Steeper slopes near mid-point of TL 202 are vegetated with a mix of larger alder and spruce with open understory of sword fern, berry vines, some grasses and other native forest plants.

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### Proposed Construction

The preliminary proposed land division and residential development concept site plan for TL 202 is shown in Figure 3. It is my understanding that the eastern approximately 2/3 of the property will be divided into four single-family residential building lots of 2.0 acres each. A separate 4.0-acre tract will remain on the west end of the original Tax Lot 202 parcel for future unspecified development. The preliminary site plan shows four residential building lots each with septic drain field area, private roadway, driveway, home footprints of approximately 1,500 square feet with attached carports, and the proposed home on Lot 1 shows an attached a deck extension on the northeast side. The proposed homes have preliminarily planned finished floor elevations descending from 130 feet above mean sea level for the home on Lot 4, to 45 feet above sea level for Lot 1. The existing natural slope gradients are not particularly steep in the proposed homesites shown in Figure 3. The highest elevation home site on Lot 4 is also the steepest at about 25 percent.

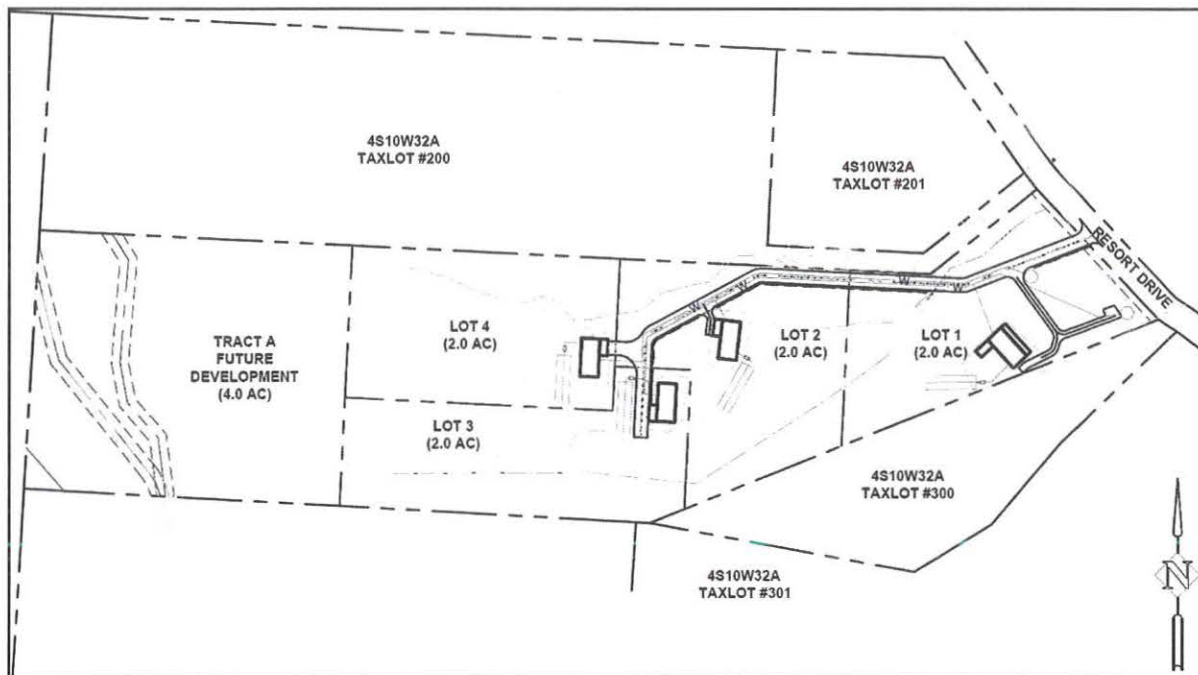


Figure 3 – Concept site plan prepared by HHPR Civil Engineers.

Figure 4 shows the engineered design profile of the proposed private roadway that will extend about 940 lineal feet from Resort Drive upslope to its end on proposed Lot 3, at 117.61 feet above mean sea level. The middle approximately 250 feet of the roadway will have a 2- to 3-foot-high filled retaining wall on the north property boundary. The proposed roadway will have a maximum 18 percent grade. I estimate roadway centerline cut and fill thickness of less than five relative to existing ground surface. Final cut and fill slopes will be graded to final slopes of 50 percent or less.

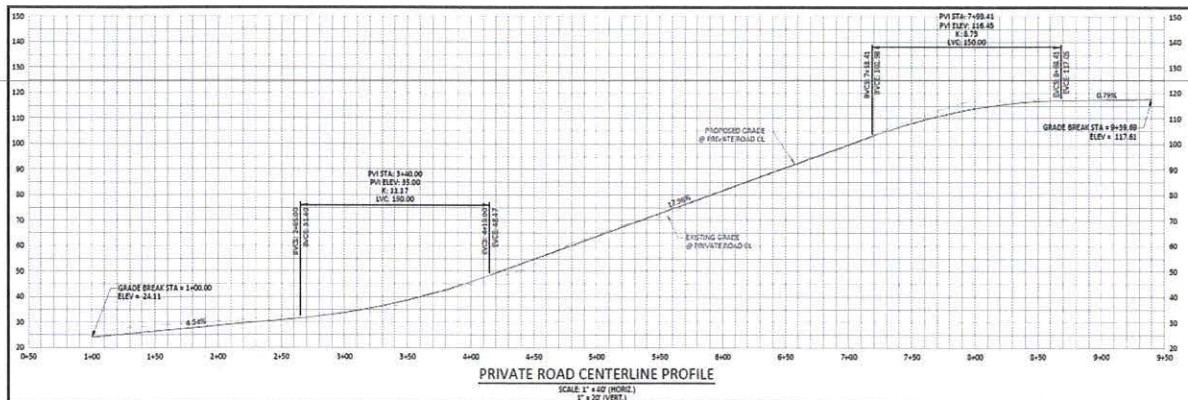


Figure 4 – Concept elevation profile of proposed maximum 18 percent grade private road.

### Mapped Soils and Geology

Surface soils in the project area are mapped by the USDA NRCS Web Soil Survey of Tillamook County, Oregon as Knappa medial silt loam, 3 to 15 percent slopes, Munsoncreek-Flowerpot complex, 5 to 30 percent slopes, and Salander-Necanicum complex, 30 to 60 percent slopes. The mapped soil units are distributed on the subject property from east to west with the steeper sloped soil units to the west. The Knappa soils at lower elevations near Resort Drive on the east consist of soft moist to wet silt loam and silty clay derived from mixed alluvium and/or fluvio-marine sedimentary rock. The Munsoncreek-Flowerpot soil is a silty clay loam formed in colluvium and residuum derived from sedimentary rock, with extremely paragravelly silty clay loam at 41- 58 inches and weathered bedrock 58 to 68 inches below ground surface in a typical profile. The Salander-Necanicum complex soils are well drained medial silt soil derived from colluvium and residuum derived from igneous rock. The three hand-auger borings conducted on the property encountered shallow silt and clay soil with possible deposited volcanic sediment; conditions considered generally consistent with the USDA mapped soils.

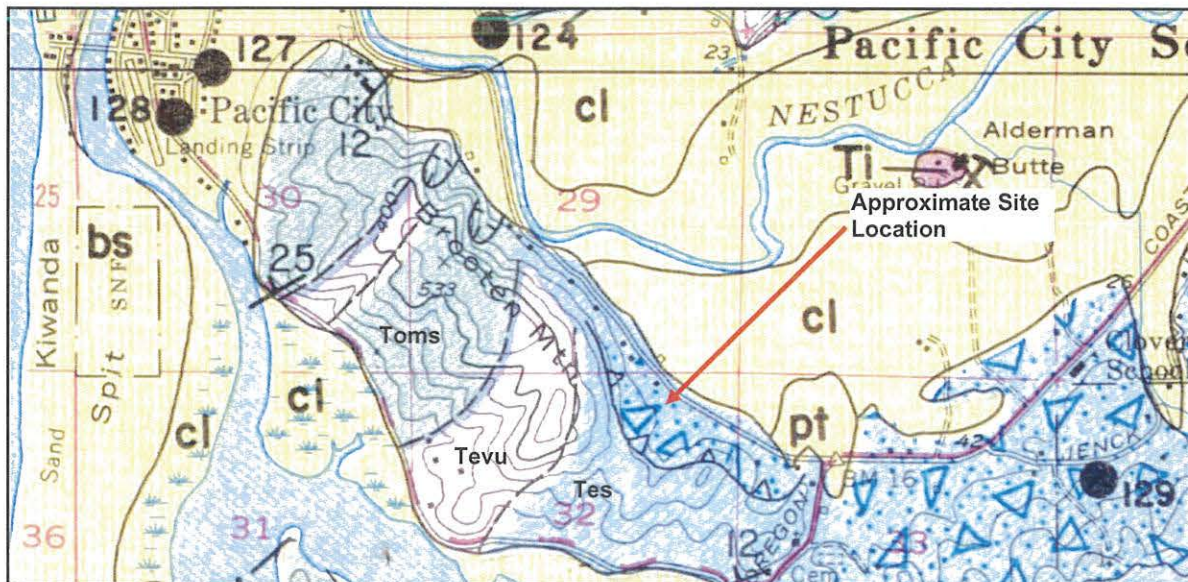
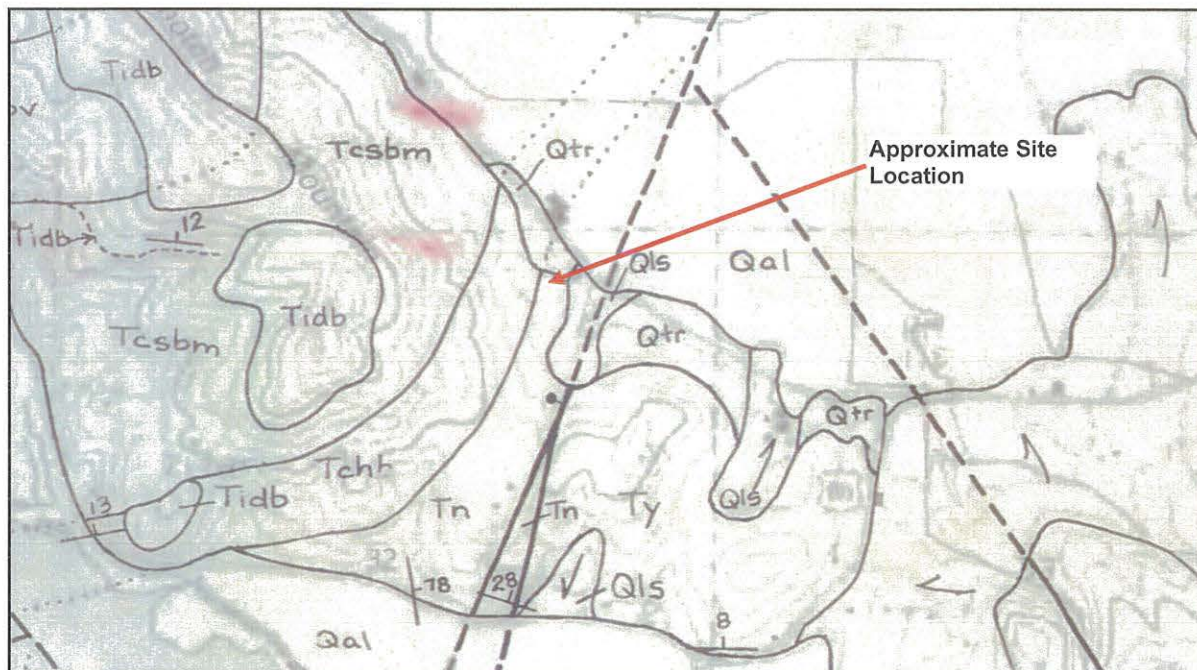


Figure 5- Portion of Geologic Map of Hebo Quadrangle, DOGAMI Bulletin 74 (1972).  
 10655 S.W. Park Street • Tigard, Oregon 97223 • Phone 360-903-4861 • Email warrenkrager@gmail.com

The bedrock of the project area mapped by DOGAMI in Figure 5 consists of Tertiary, Eocene age (40M to 33M years before present) sedimentary marine tuffaceous siltstone, mudstone, and lesser sandstone (map unit **Tes**). The blue stippled and triangular overprint pattern shown on in the **Tes** geologic map unit in Figure 5 shows mapped area of ancient landslide topography. Tertiary Eocene age undifferentiated volcanic rock (map unit **Tevu**) is also mapped in a northeast trending band that runs through Brooten Mountain and potentially the project area. The subject property is mapped by DOGAMI in an area of ancient landslide topography over Eocene siltstone or mudstone.



**Figure 6-** Portion of Preliminary Geologic Map of the Nestucca Bay Quadrangle, Tillamook County, Oregon, United States Geological Survey (USGS), Open File Report 90-202, 1990

In more recent, more detailed geologic mapping the USGS, in Figure 6 shows the geologic unit in the project area as Upper Eocene sedimentary rock of the area as the Nestucca Formation (**Tn**) with a small mapped Quaternary landslide (**Qls**). The USGS describes the Nestucca Formation as medium- to thin-bedded tuffaceous siltstone with interbeds of fine- to coarse-grained arkosic and basaltic sandstone. Undifferentiated Eocene age flows of Cascade Head basalt (**Tchb**) lies in a swath that crosses Brooten Mountain slightly north and west of the TL 202. The Cascade Head basalt flows are described as subaerial, massive to platy porphyritic olivine-augite basalt; plagioclase-phyric basalt (with visible mineral crystals); and aphanitic basalt (without visible mineral crystals). The basalt flows commonly occur with red scoriaceous flow tops. The basalt flows are commonly interbedded with flow breccias and feeder dikes.

During our site reconnaissance, possible decomposed sedimentary bedrock was noted near the creek level in the drainage gully within proposed Lot 2 or Lot 3. Bedrock was not observed within the five-foot maximum depth of the hand auger borings in approximate development

areas. Possible slope wash sediment eroded from decomposed volcanic rock was noted in the soil sampled in the auger borings.

### **Seismic Hazard Discussion**

There are geologic faults mapped maps in the project area. However, the displaced geologic units are covered by more than 10,000-year-old Quaternary alluvium deposits, and faults are not considered active or capable of producing earthquakes. The principal seismic hazard in this area of the coast and throughout western Oregon is the active seismo-genic fault system known as Cascadia Subduction Zone, CSZ. This is a thrust fault in a zone of tectonic convergence between the North American plate and the ocean floor Juan de Fuca Plate, located about 50 to 60 miles off the northern Oregon coast. This active fault zone is now becoming the public's focus for design safety and emergency preparedness planning for much of the western Pacific Northwest region. This fault interface between the tectonic plates is considered locked and building pressure and strain for the next big release. A strong CSZ earthquake is expected to occur when this subduction thrust fault shifts and simultaneously releases the accumulated energy. The CSZ can produce massive global scale earthquakes that will cause violent ground shaking and destruction region wide. Geologic and geophysical research over the past few decades has established that the CSZ has repeatedly produced large earthquakes on an approximately 300- to 700-year recurrence interval with some lesser or greater time intervals in the geologic record. A recurrence interval of about 350 years is supported by core sample data for undersea landslide deposits formed by previous CSZ earthquakes. Historic Japanese tsunami records and modern tree ring dating techniques have been used to calculate that the most recent CSZ Zone earthquake occurred in January of 1700 AD.

In 2008 the United States Geologic Survey (USGS) released results of research that estimated 10% probability that a Cascadia Subduction Zone earthquake would occur within 30 years. Scientists and engineers generally agree that the intensity of the next CSZ earthquake could potentially exceed magnitude 8.5. The duration of strong ground shaking could exceed several minutes and may be followed by days or weeks of strong aftershocks.

During a CSZ earthquake, the subject property will very likely experience a few minutes of very intense ground shaking. Many steep soil slopes in ancient landslide areas, logged or disturbed soil areas may fail by sudden earth slide or debris flow. Large trees could topple or slide as soil gives way. Homes built on poor fill or steep slopes without proper foundation design and construction could suffer a similar fate.

The CSZ undersea thrust fault displacement will cause an abrupt shift in the ocean floor of several vertical feet. This thrust will initiate a tsunami that will arrive at the Oregon coast within about within about 15 to 30 minutes of the strong earthquake. Vertical tsunami run-up in coastal bays may exceed 50 feet above sea level. Resort Drive and potentially Lot 1 may be within the estimated tsunami inundation zone resulting from a CSZ earthquake. Other earthquake sources do occur in this region. These include fault ruptures deep within the subducting oceanic plates and within the overlying continental crustal tectonic plate. However, the CSZ thrust fault



earthquake mechanism is considered the greatest seismic hazard to the region and that which dictates seismic design requirements for structures.

### **Conclusions and Recommendations**

Tax Lot 202 is mapped in ancient landslide topography. Very steep slopes and recent slope colluvium debris are present in mapped creek drainages on the property. I did not observe active, large-scale landslide or erosion areas. Proposed home sites on Tax Lot 202, as shown in Figure 3, are not located in steep or slide prone areas. The steepest home site is planned for area of natural slope gradient of about 28 percent. In my opinion, the primary engineering geologic hazard concern for the subject property and proposed development of home sites would be potential for strong earthquake ground shaking and seismically induced slope instability on steep natural slopes or poorly constructed fills. Seismically induced ground effects such as soil liquefaction, ground surface rupture, lateral spreading, and broad areas of coastal subsidence would not likely impact the proposed development of Tax Lot 202 as shown in Figure 3.

From an engineering geologic hazards standpoint, it is my opinion that the proposed roadway and proposed four home site locations as shown for Tax Lot 202 are generally feasible and will not influence or increase geologic hazards on site or elsewhere. In my opinion, the proposed street development and homes can be conducted in accordance with the Oregon Residential Specialty Code, and other applicable local building code requirements. Note that there may be no complete engineering mitigation available for seismically induced landslide hazard risk.

For general roadway and home site mass grading design, it is my recommendation that structural fill slope grading be limited to criteria allowed in the Oregon Structural Specialty Code, (OSSC), Chapter 18 Soils and Foundations, Section 1804, Excavation, Grading, Fill and OSSC Appendix J- Grading section.

It appears that planned Residential structure and retaining wall foundations may be designed prescriptively according to Chapter 16 of the 2014 Oregon Structural Special Code (OSSC). Seismic site class D would be considered appropriate for structural design for the anticipated soil/geologic profile at this location. An allowable soil bearing capacity of 1,500 pounds per square foot would be appropriate for conventional spread foundations bearing on native, undisturbed, silt soil.

The engineering geologic services for this report did not include subsurface exploration and providing geotechnical engineering or soil design recommendations for individual site conditions. I would be happy to review final grading and foundation plans, observe and document foundation subgrade preparation, or discuss other engineering geologic services you may need.

### Limitations

The engineering geologic reconnaissance and geologic hazard review services performed for this project have been conducted with that level of care and skill ordinarily exercised by members of the profession currently practicing in this discipline and area under similar budget and time constraints. No warranty, expressed or implied, is made regarding the interpretations and conclusions of this report.

If you have any questions regarding the information presented in this report, please do not hesitate to contact me at 360-903-4861 or warrenkrager@gmail.com.

Sincerely,



R. Warren Krager, R.G., C.E.G.  
Oregon Licensed Engineering Geologist E-957



## Fern Hill Subdivision

---

**Owner:** Kingfisher Holdings, LLC

**Applicant:** Nestucca Ridge Development, Inc.  
PO Box 189  
Pacific City, OR 97135  
[peter@trimtab.consulting](mailto:peter@trimtab.consulting)  
(503) 550-6040

**Primary Contact:** Harper Houf Peterson Righellis, Inc.  
205 SE Spokane Street, Suite 200  
Portland, OR 97202

**Planner/Contact:** Brad Kilby, AICP  
[bradk@hhpr.com](mailto:bradk@hhpr.com)  
(503) 221-1131

**Engineer:** Dan Houf, PE  
[Dan@hhpr.com](mailto:Dan@hhpr.com)  
(503) 221-1131

**Site Address:** Resort Drive (No Address)

**Tax Lots:** Tax Map 4S10W32A, Tax Lot 000202

**Parcel Size:** 12.01 acres

**Zoning:** Rural Residential 2 (RR-2)

**Summary of Request:** Applicant proposes a 4-lot subdivision on 12.01 acres. In addition to the land division, the applicant is requesting a Variance (Article 8) to the Tillamook County road standards to allow the proposed private road to be gravel and exceed the maximum 12% grade.

**Report Date:** July 19, 2021 (revised August, 2021)

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### PLAN SET

#### C0.0 - Coversheet

(C1.0 – C1.1) – Existing Conditions Plans

(C2.0 – C2.1) – Preliminary Subdivision Plans

(C3.0 – C3.1) – Preliminary Utility Plans

(C4.0 – C4.1) – Preliminary Grading Plans

### ATTACHMENTS

## I. DESCRIPTION OF PROPOSAL

### Proposal

The subject site is located just outside of Pacific City on Resort Drive. There is currently no street address for the property, but the tax lot number is 4S10W32A000202. The applicant proposes to divide the 12.01 acre parcel into four (2-acre) lots and one tract (for future development) for the placement of manufactured homes. The property owner has identified a need for more affordable homes in the area and proposes to build a small rural neighborhood on the 12 acres. The homes selected for the site will be smaller with a goal of affordability and home ownership. The eventual owners will share private drive access. Water to the homes will be provided by two shared wells located on proposed lot 1, and sewer service will be provided to each lot via individual septic systems.

Along with the subdivision request, this proposal includes consideration of a Variance to the Land Use Ordinance as it applies to the road standards.

## II. RESPONSE TO APPLICABLE POLICIES IN THE TILLAMOOK COUNTY COMPREHENSIVE PLAN

### Article 3: 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:** As mentioned, the applicant is proposing a four-lot subdivision on 12.01 acres. The proposed development is intended to provide an affordable alternative to existing housing in the area. Manufactured Homes and their accessory structures are permitted outright in the RR-2 zoning district per Section 3.010(3)(2)(a) and (b). The site has varying topography, an intermittent drainageway that bisects the property. The only opportunity to provide access to the site is from Resort Drive. These characteristics make a rural large lot development the most appropriate tool to develop the property in a manner to other similarly zoned properties.

- 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.*

**Response:** The applicant is proposing four 2-acre lots and one 4-acre tract to be set aside for future development.

- b) *The minimum parcel/lot size is 10 acres for lots/parcels rezoned Rural Residential on or after October 4, 2000.*

**Response:** According to staff and the property owner, this property was zoned Rural Residential well before October 4, 2000. Therefore, this standard is not applicable.

- 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 larger than two acres in size. Therefore, this standard does not apply.

- 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:** Noted. This site was not part of an approved preliminary subdivision at the time of filing. Therefore, this standard does not apply.

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

**Response:** All four lots and the tract within the project site exceed these dimensional standards. Please refer to see sheets C2.0 – C2.1 for dimensions and more details.

- 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.*

**Response:** Dwelling units will be located centrally on each of the four lots and are intended to be located over 20 feet from the front and rear property lines and over 5 feet from the side property lines. Please see the sheets C2.0 – C2.1 for specific setbacks and proposed positioning of dwelling units.

- 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:** The project meets this standard. Each lot will have a manufactured home with an attached or detached carport or garage constructed on the property. The homes are expected to be one level or two levels and 20 to 28 feet in height.

- 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:** The applicant is not proposing to raise livestock as part of this project. Therefore, this standard does not apply.

- k) *No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 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 property is not located within 100 feet of properties zoned F-1, F, or SFW-20. The nearest farmed property is located on the east side of Resort Drive and will be more than 100 feet from the nearest residential structure. Therefore, this standard does not apply.

#### Section 3.500 Overlay Zones

*An Overlay Zone is a supplementary zoning designation placing special restrictions or allowing special uses of land beyond those required or allowed in the Base Zone. The Tillamook County Land Use Ordinance contains the following Overlay Zones.*

**Response:** The flood overlay zone is located on the property directly east of the site and Resort Drive, but this property falls outside of that zone and therefore it does not apply to this project.

## **Article 4: Development Standards**

#### Section 4.000: General Requirements

*No lot or parcel area, dimension, required setback or yard, or off-street parking or loading area that exists on or is created after the effective date of this Ordinance shall be reduced below the applicable standards required by this Ordinance.*

**Response:** Acknowledged. The applicant is not requested a reduction of area, dimension, setback, parking, or loading for the proposed development. Therefore, this standard is met.

#### Section 4.005: Residential and Commercial Zone Standards

*PURPOSE: In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards are the following:*

- 1) *To ensure the availability of private open space;*
- 2) *To ensure that adequate light and air are available to residential and commercial structures;*
- 3) *To adequately separate structures for emergency access;*
- 4) *To enhance privacy for occupants of residences;*
- 5) *To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;*
- 6) *To ensure that driver visibility on adjacent roads will not be obstructed;*

- 7) *To ensure safe access to and from common roads;*
- 8) *To ensure that pleasing views are neither unreasonably obstructed nor obtained;*
- 9) *To separate potentially incompatible land uses;*
- 10) *To ensure access to solar radiation for the purpose of alternative energy production.*

**Response:** Acknowledged by the applicant. As a residentially zoned property, the proposed development will comply with the land use standards in Section 4.005.

**Section 4.010: Clear-Vision Areas**

- 1) *PURPOSE: The purpose of a CLEAR-VISION AREA is to ensure safe sight distance for drivers approaching street intersections.*
- 2) *A CLEAR-VISION AREA shall be maintained on the corners of all properties located at the intersection of two streets or private ways or a street or private way and a railroad.*
- 3) *A CLEAR-VISION AREA is a triangular area consisting of two equidistant sides which are lot lines measured from the point of intersection of the lot lines abutting streets; or, where the lot lines have rounded corners, such lines extended straight to their point of intersection, and then so measured; and a line joining the two non-intersecting ends at a distance from their intersection specified in Subsection (5) below.*
- 4) *A CLEAR-VISION AREA shall contain no planting, fence, wall, structure, parked cars, or other temporary or permanent obstructions exceeding thirty inches in height, measured from the top of the highest curb in the CLEAR-VISION AREA or, where no curb exists, from the highest established street center line grade adjacent to the CLEAR-VISION AREA. Trees exceeding this height may be located in this area, provided that all branches and foliage are removed to a height of eight feet above the specified grade.*
- 5) *The following measurements shall establish CLEAR-VISION AREAS:*
  - a) *In agricultural or residential zones, the minimum distance shall be 25 feet or, at intersections including an alley, 10 feet.*
  - b) *In all other zones, the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet. When the angle of intersection between streets is 30 degrees or less, the distance shall be 25 feet.*

**Response:** The project meets the Clear-Vision Area standards. The only intersection in the development is where the private drive meets Resort Drive. As a residentially zoned property, a minimum distance of 10 feet is required according to Section 4.010(5)(a) above. There is no proposed planting, fencing, or other structures exceeding thirty inches in height in this Clear-Vision Area.

**Section 4.030: Off-Street Parking and Off-Street Loading Requirements**

- 13) *PARKING SPACE REQUIREMENTS: Requirements for types of building and uses not specifically listed herein shall be determined by the Department, based upon the requirements for comparable uses either listed below or active elsewhere in the county.*
  - a) *RESIDENTIAL: Two spaces for the first dwelling unit, and one space for each additional dwelling unit.*

**Response:** The project meets this standard. Each dwelling unit in the subdivision will have two parking spaces each: one space under an attached carport or garage and one space uncovered in the driveway. Compliance with this standard can be verified at the time of building permit submittal.





**Section 4.060: Access**

*Every lot and parcel shall abut a street other than an alley, an approved private way, or an approved private ACCESS easement, for at least 25 feet.*

**Response:** The subdivision abuts Resort Drive for approximately 290 feet. The applicant is requesting a Variance to allow the construction of a private drive off of Resort Drive to provide access to all four of the lots in the subdivision. The tract set aside for future development will obtain access through two existing logging road easements. No development is proposed on the tract. All four lots within the subdivision will abut the private drive for a minimum distance of 25 feet. Please see the attached plans C2.0 – C2.1 for more details.

**Section 4.080: Distance between Buildings**

*A minimum distance of six feet shall be maintained between a building designed for dwelling purposes and any other freestanding buildings located on the same property.*

**Response:** There are no proposed detached or freestanding buildings located on the properties beside the primary dwelling units. Any detached carports will be located such that this standard is satisfied. Compliance with this standard can be demonstrated with construction of the buildings.

**Section 4.130: Development Requirements for Geologic Hazard Areas**

- 1) *The following are GEOLOGIC HAZARD AREAS to which the standards of this Section apply:*
  - a) *Active landslides identified in Oregon Department of Geology and Mineral Industries (DOGMI) Bulletins 74 and 79;*
  - b) *Inactive landslides, landslide topography and mass movement topography identified in DOGMI bulletins 74 and 79 where slopes are greater than 19 percent;*
  - c) *Areas prone to mudflows identified in DOGMI Bulletin 79;*
  - d) *Brallier Peat soils identified in Soil Survey, Tillamook Area, Oregon (USDA, Soil Conservation Service, 1964) and the unpublished Soil Conservation Service soils survey for coastal Tillamook County;*
  - e) *Ocean front lots on bluffs in areas where erosion and sliding are identified as problems in the Goal 18 element of the Comprehensive Plan;*
  - f) *Other locally known areas of GEOLOGIC HAZARD based on evidence of past occurrences.*
  - g) *As required for development.*

**Response:** A Geologic Hazard Report has been prepared by R. Warren Krager, R.G., C.E.G., a Consulting Engineering Geologist in Oregon and Washington. Although Mr. Krager's report recognizes that there are steep slopes on site, he has indicated that he did not observe any excessively steep, severely eroded, or unstable slopes during the site reconnaissance. Mr. Krager's report is included with this application as attachment 005.

- 2) *All development within GEOLOGIC HAZARD areas shall comply with the following standards:*
  - a) *Vegetation removal shall be the minimum necessary to accommodate the use.*
  - b) *Temporary measures shall be taken to control runoff and erosion of soils during construction. Such measures include temporary stabilization (mulching or sodding) sediment basins or other performance equivalent structures required by the Planning Department.*

- c) *Exposed areas shall be planted in permanent cover as soon as possible after construction.*
- d) *Storm water shall be directed into drainages with adequate capacity so as not to flood adjacent or downstream properties. Finished grades should preferably be designed to direct water flows along natural drainage courses.*
- e) *Additional requirements contained in a Geologic report required by this Section shall be followed.*

**Response:** Noted. There will be a need to strip topsoil and loose soils for construction of the private drive and individual home sites of up to three feet deep to find soils that will support structural fills for the foundations. The developer and project engineer will work closely with the geotechnical engineer to identify best practices during construction to ensure that all improvements are designed and structurally supported to ensure that the integrity of the slopes are not compromised.

- 3) *A GEOLOGIC HAZARD report is required prior to approval of planned developments, coast resorts, subdivisions and partitions governed by the Land Division Ordinance, building permits, mobile home permits, sand mining, occurring in areas identified in (1) with the following exception:*
  - a) *For building or mobile home or manufactured home permits in areas identified in (1) (b), reports are needed for lots 20,000 square feet or larger only where the proposed structure is to be situated on slopes greater than 29 percent or if (1) (f) applies.*

**Response:** A Geologic Hazard Report has been prepared by R. Warren Krager, R.G., C.E.G., a Consulting Engineering Geologist in Oregon and Washington. Mr. Krager's report is included with this application as attachment 005.

- 4) *A report prepared for a subdivision, planned development or partition pursuant to the requirements of this Section, may be used to satisfy these requirements for subsequent building, mobile home or manufactured home permits providing that the original report provided recommendations on building placement and construction and that these recommendations are followed.*

**Response:** The project civil engineer and developer have read the report and are prepared to abide by the conclusions and recommendations of the report in completing the design and construction of the project.

- 5) *The GEOLOGIC HAZARD report shall be prepared, stamped and signed by both an Oregon Registered Geologist and a qualified Oregon Registered Engineer or by an Oregon Certified Engineering Geologist. Structural recommendations shall be prepared, stamped and signed by an Oregon Registered Engineer trained and proficient in preparing structural calculations and diagrams. The Planning Director or his designee shall determine the boundary limits of the study area. The GEOLOGIC HAZARD report shall be prepared and submitted on forms deemed acceptable by the County and shall include plan and sectional diagrams of the area showing property boundaries and the geographic information required by (6) below.*

**Response:** As stated previously, a Geologic Hazard Report has been prepared by R. Warren Krager, R.G., C.E.G., a Consulting Engineering Geologist in Oregon and Washington. Mr. Krager's report included a literature review and on-site visit to complete his assessment. His

report covers all of the areas planned to be developed and is included with this application as attachment 005.

- 6) *The GEOLOGIC HAZARD analysis shall include the following:*
- a) *In landslide areas [(1) (a) and (1) (b)];*
    - i. *Soils and bedrock types,*
    - ii. *Slope,*
    - iii. *Orientation of bedding planes in relation to the dip of the surface slope,*
    - iv. *Soil depth,*
    - v. *Other relevant soils engineering data,*
    - vi. *Water drainage patterns, and*
    - vii. *Identification of visible landslide activity in the immediate area.*
  - b) *In areas prone to mudflow [(1) (c)];*
    - i. *History of mud or debris flow, and*
    - ii. *Areas likely to be affected by future mudflow.*
  - c) *In Brallier peat soils [(1) (d)];*
    - i. *Boring log,*
    - ii. *Bearing capacity, and*
    - iii. *Drainage patterns.*
  - d) *Ocean front bluffs subject to coastal erosion and sliding [(1) (e)];*
    - i. *Information required by (6) (a) above, and*
    - ii. *History of coastal erosion in the area.*

**Response:** Mr. Krager's report includes the information requested above.

- 7) *The GEOLOGIC HAZARDS report shall recommend development standards that will protect development on the property and surrounding properties. These should include standards for:*
- a) *Development density (when more than one use is possible),*
  - b) *Locations for structures and roads,*
  - c) *Land grading practices, including standards for cuts and fills,*
  - d) *Vegetation removal and re-vegetation practices,*
  - e) *Foundation design (if special design is necessary),*
  - f) *Road design (if applicable), and*
  - g) *Management of storm water runoff during and after construction.*

**Response:** Noted. The report prepared by Mr. Krager includes recommended practices as it applies to the proposed development. The project civil engineer and developer are prepared to comply with the recommendations made by Mr. Krager.

- 8) *The GEOLOGIC HAZARD report shall include the following summary findings and conclusions:*
- a) *The type of use proposed and the adverse effects it might have on adjacent areas;*
  - b) *Hazards to life, public and private property, and the natural environment which may be caused by the proposed use;*
  - c) *Methods for protecting the surrounding area from any adverse effects of the development;*
  - d) *Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;*

- e) *The proposed development is adequately protected from any reasonably foreseeable hazards including but not limited to GEOLOGIC HAZARDS, wind erosion, undercutting, ocean flooding and storm waves; and*
- f) *The proposed development is designed to minimize adverse environmental effects.*

**Response:** Mr. Krager's report anticipates the potential adverse effects of the development, speaks to best practices for construction design, and indicates that the proposed development is feasible provided it meets the identified recommendations within the report.

**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:** The project meets this standard. There is no development proposed in any of the riparian vegetation areas listed in (a) through (c) above. The only "stream" on the subject site is a seasonal drainageway which bisects the property on the western side where development will not be occurring. All setback requirements from riparian areas are met.

- 2) *All development shall be located outside of areas listed in (1) above, unless:*
  - a) *For a bridge crossing; or*
  - b) *Direct water access is required in conjunction with a water dependent use; or*
  - c) *Because of natural features such as topography, a narrower riparian area protects equivalent habitat values; or*
  - d) *A minimal amount of riparian vegetation is present and dense development in the general vicinity significantly degrades riparian habitat values.*

**Response:** All development is located outside of the areas listed in Standard (1). Therefore, this standard does not apply.

- 3) *Exemptions from (2) above and from the applicable setback requirement for the front or rear yard that is opposite the riparian area may be granted without a variance for uses on: [...]*

**Response:** The applicant does not request any exemptions to Standard (2). Therefore, this standard does not apply.

- 4) *All trees and at least 50 percent of the understory vegetation shall be retained within areas listed in (1) above, with the following exceptions:*
  - a) *Removal of trees that pose an erosion or safety hazard to existing uses allowed by the underlying zone.*
  - b) *The mowing, planting, or maintenance of existing lawn and pasture, including the control of noxious weeds.*

- c) *Vegetation removal necessary in conjunction with an approved in-water project or to provide direct access for a water-dependent use.*
- d) *Structural shoreland stabilization subject to the shoreline stabilization standards in Section 3.140.*
- e) *Vegetation removal for new bridge construction or routine repair, operation, or maintenance of bridges and highways.*
- f) *Vegetation removal necessary for maintenance of clear vision areas and the removal of roadside hazards.*
- g) *Vegetation removal necessary for construction of a minor highway improvement within an existing right-of-way.*

**Response:** Acknowledged by the applicant. There is no plan to remove trees or understory vegetation from the western portion of the project site (see Tract A on the attached subdivision plan C2.1).

*Forest operations for which notification is required by ORS 527.670 (2) shall be governed by the Oregon Forest Practices Act.*

**Response:** Acknowledged by the applicant.

## **Article 8: Variance Procedures and Criteria**

### Section 8.010: Purpose

*The purpose of a VARIANCE is to provide relief when a strict application of the dimensional requirements for lots or structures would cause an undue or unnecessary hardship by rendering the parcel incapable of reasonable economic use. No VARIANCE shall be granted to allow a use of property not authorized by this Ordinance.*

**Response:** The applicant is requesting a Variance to allow for a gravel private drive that exceeds the maximum grade standards in the County code. The grade of the property averages 5% with intermittent pitches reaching approximately 17-20%% in the central area of the lot (Sheet C4.2). The requested variance is to allow the private drive to remain gravel. Please see the attached grading plan for existing and proposed grade on the road. The topography, shape of the property, and the intermittent drainages place an undue hardship on the applicant to require any road with a grade greater than 12% to be paved as it is not possible to have any road that is less than 12% grade on this specific site while meeting the density targets. Therefore, a Variance is requested to allow the private drive to remain gravel. Please see the attached grading plan for existing and proposed grades for the proposed private drive. Finally, one of the primary goals of this project is to provide affordable housing. The costs and physical impacts to the construct a paved street that met the standards on the site would place an undue hardship on the applicant and be detrimental to the affordability of the property.

### Section 8.020: Procedure

*The following procedure shall be observed in applying for and acting on a VARIANCE request:*

- 1) *A request may be initiated for a VARIANCE, or the modification of an approved VARIANCE, by filing an application with the Department. The Department may require any information necessary for a complete understanding of the proposed VARIANCE and its relationship to surrounding properties.*

- 2) *The Director shall act administratively according to the procedure set forth in Article 10, or shall refer the application to the Commission for a public hearing and decision. The application shall be referred to the Commission if the Director determines that the proposed use would have significant impacts that extend beyond the abutting properties, and that those impacts are not likely to be adequately addressed by response to public notice required by Section 10.070. If the Director elects to refer the application to the Commission, it shall be heard at the next available Commission hearing, unless the applicant requests otherwise.*
- 3) *No approved VARIANCE request shall be invalidated because of failure to receive the notice provided for in Section 10.070.*

**Response:** Acknowledged. The procedures in Section 8.020 will be complied with by the applicant.

**Section 8.030: Review Criteria**

*A VARIANCE shall be granted, according to the procedures set forth in Section 8.020, if the applicant adequately demonstrates that the proposed VARIANCE satisfies all of the following criteria:*

- 1) *Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.*

**Response:** As seen on the attached existing conditions plans C1.0 – C1.1, the subject site has an elevation ranging from approximately 30 feet to over 400 feet, and slopes that range from 3% to 25% in grade. As mentioned above, due to this topography the applicant is requesting a Variance in the pavement requirements for the private road and allow for it to remain gravel.

- 2) *A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.*

**Response:** The project meets this standard. The subject property and surrounding properties are zoned Rural Residential (RR-2). A four-lot subdivision meeting the density requirements of the base zone is a reasonable use expected to occur in this zone and is compatible with the development patterns of the area.

- 3) *The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.*

**Response:** The applicable development standards in Section 4.005 are met by the proposed variance as discussed below:

- 1) *To ensure the availability of private open space; -*

**Response:** The proposed driveway does not include any structures, is meandering, and entirely on the subject property. Private Open space is provided on the individual lots and each lot is a minimum of 2-acres.

- 2) *To ensure that adequate light and air are available to residential and commercial structures;*

**Response:** Adequate light and air availability is not compromised by the placement or grade of the road. Each lot is a minimum of 2 acres in size which affords the subject property and surrounding properties with large lots. The setbacks can be satisfied by the proposed future development as well.

- 3) *To adequately separate structures for emergency access;*

**Response:** Each home will be located on an individual lot and will be located in compliance with the underlying zone setbacks and placement. The proposed private drive has been reviewed and as designed is supported by the fire district. The width of the road is not compromised by this variance request. It's the grade of the road.

- 4) *To enhance privacy for occupants of residences;*

**Response:** The proposed road is located entirely on the subject property and does not include any features that would be expected to impact privacy for any of the existing or future residents as driveways/access roads are an expected feature within a residential neighborhood. The traffic will travel perpendicular to Resort Drive into the development.

- 5) *To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;*

**Response:** The proposed access way and home sites are all proposed to be located on the same lot as the development. No other properties are impacted by this proposal.

- 6) *To ensure that driver visibility on adjacent roads will not be obstructed;*

**Response:** The proposed access road intersects Resort Drive at a 90-degree intersection. There is no evidence in the record to suggest that driver visibility on that road would be impacted by the proposed private access. Further, the road does not obstruct any nearby road.

- 7) *To ensure safe access to and from common roads;*

**Response:** The private road has been designed to intersect with Resort Drive. If a stop sign is warranted at the intersection, the developer is willing to provide it. The location of the driveway exceeds the minimum spacing standards, and as suggested earlier, the private road does not include any improvements that would be expected to impact visibility at the intersection. Emergency access has been previously discussed and as proposed, is supported by the fire district.

- 8) *To ensure that pleasing views are neither unreasonably obstructed nor obtained;*

**Response:** Proposed homes on this property as well as existing homes on the surrounding properties are generally located on larger, heavily treed lots or in open farm land. The access drive is at ground level and does not include any features that would be expected to impact any nearby views.

- 9) *To separate potentially incompatible land uses;*

**Response:** The proposed private access road is on land zoned for rural residential, surrounded by rural residential uses. Homes and associated outbuildings at low densities and on larger lots are generally accepted uses in lands designated for farm and forest production. Nothing being proposed with this development would be incompatible with surrounding uses.

- 10) *To ensure access to solar radiation for the purpose of alternative energy production. The construction of a gravel private drive will not have a significantly different impact on the adjoining properties than the construction of a paved private drive. All rights of adjoining property owners will be preserved, as the variance will only have an impact on the subject property.*

**Response:** The proposed private drive only serves and impacts homes that are being proposed to be developed on the subject property. Because of the size of the lots and the ability of each home to be sited on a pad that can meet the underlying zone setbacks, solar access is not really impacted.

- 4) *There are no reasonable alternatives requiring either a lesser or no VARIANCE.*

**Response:** As previously mentioned, the existing topography and grade ranges from 3% to 25% and there is no reasonable way to construct a road with a grade less than 12% grade that would service the subject property. The applicant is developing a subdivision that can fulfill a need for additional affordable housing in Tillamook County and allowing the private drive to remain gravel will allow for more affordable construction and maintenance of the development.

### III. RESPONSE TO APPLICABLE POLICIES IN THE LAND DIVISION ORDINANCE

#### Section 030: General Provisions

1. *Applications for subdivisions or partitions 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:** Acknowledged by the applicant. A preliminary plat will be evaluated and if approved, all conditions of approval will be complied with prior to the submission of a final plat.

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

**Response:** Tillamook County Land Use Ordinance and Land Division Ordinance currently conform to all state regulations. Therefore, all regulations in Chapter 92 of the Oregon Revised Statute are complied with by the applicant.

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 project does not propose a partition. Therefore, this standard does not apply.

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:** All required signatures, including that of the Chair of the Planning Commission, will be acquired prior to the filing.

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:** Acknowledged by the applicant.

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.*

**Response:** The subject site is designed to be served with adequate utilities, including streets, water, septic, and electrical. Please see response to standards in Section 150 for details on each utility, as well as the attached site plan and utility plan (C2.0, C2.1, C3.0 and C3.1).

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.*

**Response:** The project complies with this standard. The top of a drainage way currently runs along the southern property line of the site and runs into Resort Drive. The subdivision development will utilize this drainage way and upsize a culvert under the proposed gravel private drive. Please see the attached plans (C2.0, C2.1) for more details.

8. *All lots created or reconfigured shall have adequate vehicle access and parking as may be required pursuant with Section 150.*

**Response:** All proposed lots in the subdivision have vehicle access via a private road off of Resort Drive. Additionally, the subdivision meets all minimum parking requirements required in

Section 150 of the Tillamook County Land Division Ordinance. Please see the response to Section 150 in this narrative and the attached site plan for more details.

## 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:** The project is a subdivision and therefore will be processed using a Type III procedure. The standards and procedures for a subdivision will be followed, as laid out in Article 10 and Section 080 of the Tillamook County Comprehensive Plan.

2. *Approval Period. Preliminary plat approval shall be effective for a period of two (2) years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted or other assurance provided within the two-year period. The Planning Commission may approve phased subdivisions with an overall time frame of more than two (2) years between preliminary and final plat approvals pursuant to Subsection 040(4).*

**Response:** Acknowledged by the applicant. If a final plat has not been submitted within two years from the preliminary plat date of approval, the approval will lapse.

3. *Extensions. The County may, upon written request by the applicant and payment of the required fee, grant written extensions of the approval period provided that all of the following criteria are met: [...]*

**Response:** The applicant is not requesting an extension to the preliminary plat at this time. Therefore, this standard does not apply.

4. *Phased Subdivisions. The Planning Commission may approve plans for phasing a subdivision, and changes to approved phasing plans, provided applicant's proposal meets all of the following criteria: [...]*

**Response:** The applicant is not requesting a phased subdivision. Therefore, this standard does not apply.

## 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.*

**Response:** The applicant is proposing four lots on the site and preserving the large tract at the top of the site for two future lots. This would maximize the density allowed on the project site in the RR-2 zone by providing for six home lots, four now, and two more in the future, on the 12.01-acre property.

## 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.*
  - 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.*

**Response:** Acknowledged by the applicant. All submission requirements will comply with Section 060 of the Land Division Ordinance and Article 10 and Section 080 (Subdivisions) of the Tillamook County Comprehensive Plan.

## 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:** All requirements of this ordinance will be complied with by the applicant.

- 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:** All standards in Article 3 and Section 150 are complied with by the applicant. Please see response in the respected sections of this narrative for details.

- 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:** Acknowledged by the applicant. As mentioned previously, the proposed development provides all necessary services to the four lots, including water (wells), sewer (septic), and access via a private drive from Resort Drive. Please see the responses in Section 150 and 160 for details, as well as the attached subdivision plans. Well approvals are provided as attachment 7.

- 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:** The proposed plat name for the project is Fern Hill Subdivision. According to the County surveyor, this is not already recorded for another subdivision, nor does it have a similar pronunciation. Therefore, this standard is met by the proposed development.

- 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:** This project complies with this standard. Utilities and surface water drainage facilities have been designed to conform to Tillamook County's adopted master plans and engineering standards. Each lot in the subdivision will be utilizing a septic system, and water service coming from the two wells on site. Surface water drainage will involve the improvement of culverts to connect to the existing water drainage along Resort Drive. As mentioned previously, a variance to the road standards is requested by the applicant to construct a gravel private drive. Please see responses to the Article 8 of this section for more details. The preliminary septic site approvals are provided as attachments 9-13 and the well approvals are attached in attachment 7.

- 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:** Each lot is at least two acres. The only common area will be the shared driveway. Easements will be provided where necessary to construct and maintain the proposed private drive and the wells.

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

**Response:** The project complies with this standard. The proposed gravel private drive will provide access to the drainage ways on the subject site.

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

**Response:** The project does not require any state or federal permits at this time. Therefore, this standard does not apply.

- 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.*

**Response:** Improvements and conditions required of the development will be met by the applicant. Attachment 7 is provided to show that wells are feasible to serve the lots.

- 1) *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:** Acknowledged by the applicant.

## Section 080: Land Division-Related Variances

- 1) *Variances shall be processed in accordance with Article 8 of the Land Use Ordinance.*

**Response:** Acknowledged. Article 8 of the Land Use Ordinance was addressed earlier in this narrative. Please see that section for details.

- 2) *Applications for variances shall be submitted at the same time an application for land division or property line adjustment is submitted; when practical the applications shall be reviewed concurrently.*

**Response:** This standard is met. The variance application is being submitted with the subdivision application.

*A VARIANCE shall be granted, according to the procedures set forth in Section 8.020, if the applicant adequately demonstrates that the proposed VARIANCE satisfies all of the following criteria:*

- (1) *Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such*
- (2) *circumstances may not be self-created.*

**Response:** The proposed subdivision is located on a steep lot which makes it difficult to balance the density and development standards. Because of the linear shape and size of the lot, and the presence of an intermittent stream, there is not enough room on the site to construct a driveway/private street that could utilize switchbacks to meet the maximum grade standards of the facility. Although this may apply on other RR-2 zoned properties, it is circumstances that are particularly unique to this site and entirely out of the control of the owner.

- (3) *A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.*

**Response:** A variance to the standard is necessary to allow the owner to realize the maximum development potential on the site. The proposed development would allow for four individual home sites now, and two more in the future, consistent with the underlying zoning and granting the variance does not allow for a use that would otherwise be prohibited or unexpected within the zone or surrounding area.

- (4) *The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.*

**Response:** The proposed variance will not preclude surrounding property owners from their ability to use and enjoy their land. As discussed in this narrative and the supporting documentation, the development can feasibly satisfy the remaining requirements of the Tillamook County Code.

*(5) There are no reasonable alternatives requiring either a lesser or no VARIANCE.*

**Response:** The proposed variance is the minimum relief necessary to allow the property owner to develop the property as zoned.

## **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:** The project meets these standards. All four lots will be served by two shared wells located on the lower portion of the property away from any septic system. The distance between the wells and the western most septic tank on Lot 1 is over 100 feet. These wells conform to dimensional standards above and the specifications to the State of Oregon. Please see the attached site plan (C2.0 and C2.1) for more details.

- 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:** The project complies with this standard. Each dwelling unit within the subdivision will be served with an individual septic system, including a concrete septic tank and septic leach lines. More details can be seen on the attached site plan. The applicant acknowledges that the final systems must be approved by the County Sanitarian. Preliminary septic site approvals are provided in attachments 9-13.

- 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:** The applicant proposes the development of a gravel private drive (Fern Hill Road) off of Resort Drive to serve all four lots. As mentioned previously, a variance is requested to allow a gravel road on a grade steeper than 12% due to the topography of the site. Please see Article 8 for more details on the variance. Any improvements the Public Works Department considers essential on Resort Drive will be complied with by the applicant.

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.*
- b) *All parcels or lots created by a subdivision shall abut a street or private road, other than an alley, for at least 25 feet at a point which can be developed for safe access*

**Response:** The project complies with this standard. Each parcel created in the subdivision abuts the private drive for at least 25 feet. Please see the attached site plan (C2.0 and C2.1) for details.

- 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:** The project complies with this standard. The top of a drainage way currently runs along the southern property line of the site and runs into Resort Drive. The subdivision development will utilize this drainage way for conveyance. There is an existing culvert crossing the drainageway that will extend under the proposed gravel private drive. Please see the attached plans for more details.

- 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:** Acknowledged by the applicant. At this time, no exception to the standards in this section are requested.

- 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 subject site is located in the RR-2 zoning district and the subdivision provides four lots now and a tract that could accommodate up to two more lots once services are available. This would meet the maximum density allowed in the zone. Future division of the proposed tract will only occur once services are available.

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 project does not propose the construction of blocks, and surrounding development patterns do not support a typical grid pattern that would be expected in order to form blocks.

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:** There are no special building setbacks proposed with this project. All setbacks within the underlying zone can be complied with during future development of the individual lots. Therefore, this standard does not apply.

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:** Acknowledged by the applicant.

- 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:** As currently proposed, there are no public rights of way proposed within the subdivision.



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:** Acknowledged. There is currently an existing electrical easement on the subject site off of Resort Drive with utility lines. Any additional easements required will be complied with by the applicant.

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.*

**Response:** Lot size standards of the RR-2 zoning district are satisfied by the proposed subdivision. This standard is satisfied.

- 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:** Noted. Each lot will be served by a septic system and well onsite for the subdivisions water supply and sewage disposal that meets the standards of this section and the County Health Department.

- 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:** Acknowledged by the applicant. Each lot abuts the proposed private drive for at least 25 feet. Please see the attached site plan (C2.0 and C2.1) for more details.

- 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:** The project complies with this standard. None of the proposed lots are through lots.

- 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 side lot lines of the subdivision lots run at right angles to the private drive being constructed on site whenever possible. Please see the attached site plan for details of lot configuration.

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

**Response:** Acknowledged. The applicant will ensure grading conforms to a plan approved by the County Public Works Director. Please see the preliminary grading plan for details.

## **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.*

### 1) *STREETS – GENERAL*

- a) *The design of improvements governed by these standards shall, in general, conform to policies set forth in the current editions of the following publications by the American Association of State Highway and Transportation Officials (AASHTO):*
  - i. *“A Policy on Geometric Design on Highways and Streets”.*
  - ii. *“Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400)”*
- b) *Standards in Section 160 apply to both public and private streets.*
- c) *These standards apply to improvements required within the land division and for any street improvements required to access the land division.*
- d) *Except for design exceptions to standards as provided in Section 150, deviations from the standards may only be approved through the Variance procedures in Article 8.*

**Response:** As previously mentioned, the applicant is requesting a variance to the street standards to allow for a gravel private drive to be constructed on site with a grade steeper than 12%. The project complies with all other street standards within this section.

### 2) *ROADWAY WIDTH AND ALIGNMENT STANDARDS*

- a) *The design, improvement, and construction of all streets resulting from the division of land or creation of an access easement shall comply with the County Public Road Improvement Ordinance design standards, as well as the following standards and requirements.*

**Response:** Acknowledged. As mentioned previously, the applicant is requesting a variance to allow for the private driveway to be gravel and exceed 12% grade. More information on this variance can be found in the response to Article 9 of this narrative. All other County Public Road Improvement Ordinance standards will be complied with by the applicant.

- b) *Average Daily Traffic (ADT) for design is to be determined based on the anticipated future usage of the roadway based on maximum density allowed by the zoning. For residential developments the ADT is assumed to be 10 vehicles per day per residence.*

**Response:** When all four lots are built and occupied, there is an ADT estimate of 40 vehicle trips per day.

- c) *The traveled way shall be paved except for:*
  - i. *Minimum Local Streets, and*

- ii. *Minor Local Streets in zones with minimum lot sizes of greater than ten (10) acres.*

**Response:** The private drive (Fern Hill Road) is proposed to be gravel on the property through a variance. Please see Article 9 of this narrative for details.

- d) *All roadways with a profile grade in excess of 12% shall be paved, including the exceptions listed.*

**Response:** As mentioned, the applicant is requesting a variance to allow for the private roadway to be gravel with a grade that exceeds 12%. Please see details in Article 9 of this narrative.

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

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

| <i>Functional Classification</i> | <i>Width</i>   |
|----------------------------------|----------------|
| <i>Arterial &amp; Collectors</i> | <i>60 feet</i> |
| <i>Major Local</i>               | <i>60 feet</i> |
| <i>Minor Local</i>               | <i>50 feet</i> |
| <i>Minimum Local</i>             | <i>30 feet</i> |

- 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.*

**Response:** The road being constructed on the project site is a private drive and therefore does not have a functional classification. The proposed width of the gravel private drive is approximately 15 feet wide.

4) **DEAD END STREETS**

- a) *A dead end street is allowed if all of the following conditions exist:*
  - i. *The street is a Minor Local Street or a Minimum Local Street, and*
  - ii. *The street is not more than 2000 feet in length, and*
  - iii. *The street serves no more than 18 dwellings*

**Response:** The street on site does not have a functional classification because it is a private drive, is approximately 850 feet in length, and serves four dwellings. Therefore, the dead end proposed on the subject site complies with the above standards.

- b) *A dead end street shall terminate with a turnaround adequate for emergency vehicle turnaround. Temporary dead end streets shall have temporary turnarounds within temporary easements which may expire upon the extension of the street into adjacent land.*



**Response:** The project meets this standard. The proposed private drive has a fire access hammerhead turn around to allow for emergency vehicles to access the subdivision. Please see the attached plans (C2.0 and C2.1) for location and details.

5) *FUTURE EXTENSION OF STREETS*

- a) *Streets shall be extended to the parcel boundary where they are necessary to serve adjoining properties or to improve traffic circulation in and around the tract.*
- b) *Public streets may be required through the subdivisions when it is necessary to:*
  - i. *Provide for continuation, through projection, of an existing principal street in the surrounding areas; or*
  - ii. *Permit future subdivision of adjoining land.*

**Response:** The proposed street will not serve any adjacent or adjoining properties, and it is unlikely that it will be extended in the future. Therefore, this standard does not apply.

6) *INTERSECTIONS*

- a) *Streets shall be in alignment with existing streets by continuations of the centerlines thereof. Staggered street alignment resulting in T-intersections shall, wherever practical, leave a minimum distance of 250 feet between the center lines of intersecting. Such intersections shall not be less than 125 feet apart.*

**Response:** The project complies with this standard. There are no existing streets to align the private drive with on Resort Drive, and the positioning of the private drive will not create a staggered street alignment.

- b) *Streets shall be laid out to intersect as near to right angles as practical. In no case shall the angle be less than 60 degrees unless there is a special intersection design.*

**Response:** The project complies with this standard. The intersection of the private drive that serves the subdivision is aligned at a right angle with Resort Drive. This can be seen on the attached site plan (C2.0).

- c) *Arterial or collector streets shall have at least 100 feet of tangent adjacent to any intersection. Local streets shall have at least 50 feet of tangent adjacent to any intersection.*

**Response:** Resort Drive is designated as a Major Collector by the County and therefore requires a 100 foot tangent adjacent to the intersection with the private drive. Resort Drive is straight in front of this property and has well over 100-feet of tangent prior to any curve.

- 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:** Acknowledged by the applicant.

- 8) *STREET NAMES: Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets.*

**Response:** Acknowledged by the applicant. The new proposed private drive will be selected so as not to duplicate any existing street names. Therefore, this standard can be met in the final plat review.

- 9) *FRONTAGE STREETS: Where a Subdivision abuts or contains an existing or proposed arterial, the County may require limited access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation, or other treatment necessary to afford separation of through and local traffic and incompatible land uses.*

**Response:** Resort Drive is designated as a Major Collector by the County, and the project does not abut or contain any arterials. Therefore, this standard does not apply.

- 10) *ALLEYS: Alleys shall be provided in commercial and industrial zones, unless other permanent provisions for access to utilities and off-street parking and loading facilities are approved by the Commission.*

**Response:** This project is not within a commercial or industrial zone. Therefore, this standard does not apply.

- 11) *FEATURES PROHIBITED IN PUBLIC STREETS: Roadway gates, parking lots and islands are not allowed in public street rights-of-way.*

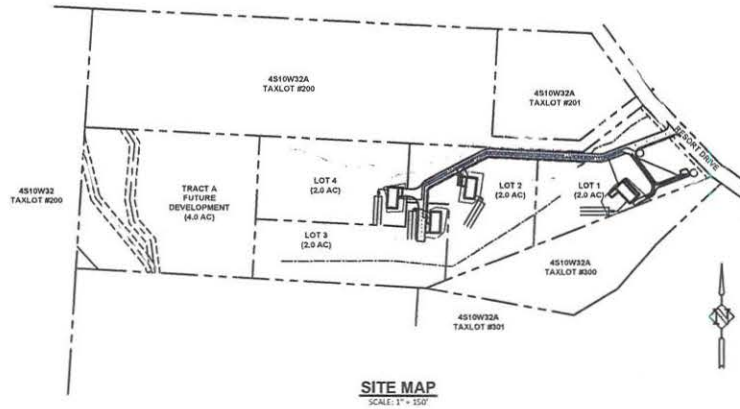
**Response:** None of the prohibited features above are proposed with this project.

## IV. CONCLUSION

This narrative along with the exhibits submitted with this application demonstrates that it is feasible for the proposed development to comply with the Tillamook County Land Use Ordinance and Land Division Ordinance. The applicant respectfully requests that the County approve the requested subdivision and variance based on the information and findings provided with this application.

# FERN HILL SUBDIVISION - PRELIMINARY PLAT

PACIFIC CITY, OREGON



**SITE MAP**  
SCALE: 1" = 100'

**OWNER:**

NESTUCCA DEVELOPMENT  
PO BOX 189  
PACIFIC CITY, OREGON 97135  
PETER@TRIMTAB.COM  
(503) 550-6040

**ENGINEER:**

HARPER HOUFF PETERSON RIGHELLIS INC.  
205 SE SPOKANE STREET, SUITE 200  
PORTLAND, OREGON 97202

(503) 221-1131

CONTACT: DAN HOUFF, P.E.  
DAN@HHPR.COM

**SURVEYOR:**

HARPER HOUFF PETERSON RIGHELLIS INC.  
205 SE SPOKANE STREET, SUITE 200  
PORTLAND, OREGON 97202

(503) 221-1131

CONTACT: JOHN CAMPBELL, P.L.S.  
JOHN@HHPR.COM

**DRAWING INDEX:**

- C0.0 COVER SHEET
- C1.0 EXISTING CONDITIONS PLAN
- C1.1 EXISTING CONDITIONS PLAN
- C2.0 PRELIMINARY SUBDIVISION PLAN
- C2.1 PRELIMINARY SUBDIVISION PLAN
- C3.0 PRELIMINARY UTILITY PLAN
- C3.1 PRELIMINARY UTILITY PLAN
- C4.0 PRELIMINARY GRADING PLAN
- C4.1 PRELIMINARY GRADING PLAN
- C4.2 PRELIMINARY PRIVATE ROAD PROFILE

**SITE INFORMATION:**

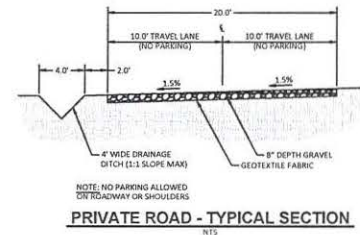
MAP NUMBER 4510W32A 00202  
NE 1/4 SECTION 32 TOWNSHIP 45 RANGE 10W,  
TILLAMOOK COUNTY, WILLAMETTE MERIDIAN

**HORIZONTAL DATUM**

HORIZONTAL COORDINATES ARE LOCAL DATUM PLANE GROUND  
COORDINATES BASED ON THE OREGON STATE PLANE COORDINATE  
SYSTEM - NORTH ZONE, NAD83 (GDA111983) IN  
INTERNATIONAL FEET PER NETWORK GPS OBSERVATIONS

**VERTICAL DATUM**

ELEVATIONS SHOWN ARE BASED ON NAVD83 PER  
NETWORK GPS OBSERVATIONS  
BENCHMARK  
CONTROL POINT 11  
ELEVATION=26.78 (NAVD83)  
MAGNAIL WITH WASHER MARKED "HHPR CONTROL"



**PRIVATE ROAD - TYPICAL SECTION**  
N15

**RECEIVED**  
 NOV 03 2021  
 By: *Gmail*

COVER SHEET  
**FERN HILL SUBDIVISION**  
PACIFIC CITY, OR

Harper  
Houff Peterson  
Righellis Inc.



205 SE Spokane Street, Suite 200, Portland, OR 97202  
Phone: 503.221.1131 www.houffpeterson.com Fax: 503.221.1131

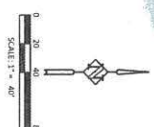
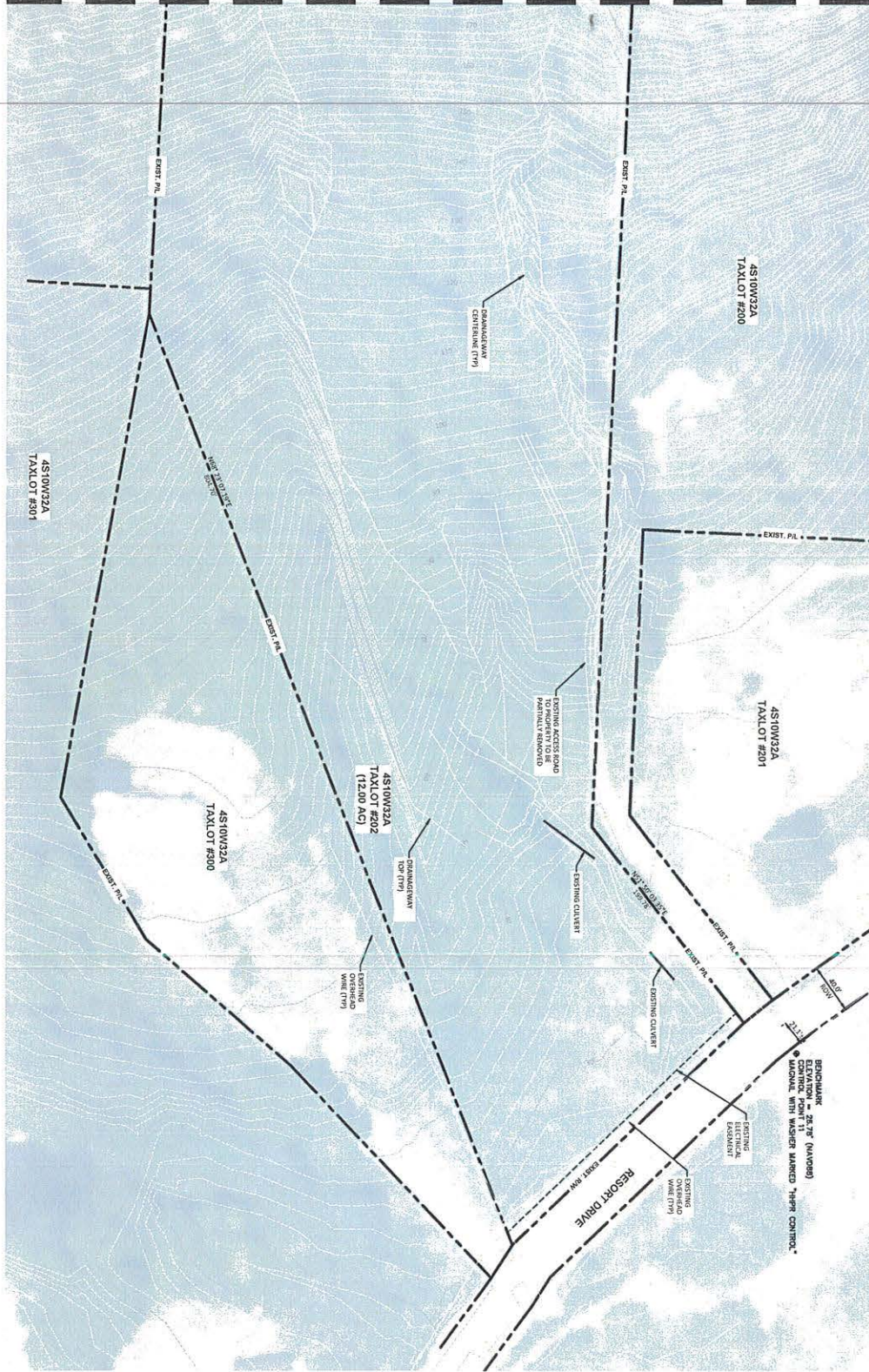
|              |                      |
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| OWNER:       | NESTUCCA DEVELOPMENT |
| DESIGNED:    | HHPR                 |
| DRAWN:       | HHPR                 |
| CHECKED:     | HHPR                 |
| DATE:        | 08/20/21             |
| SURVEYOR:    | HHPR                 |
| SURVEY DATE: | 01/11/2021           |
| DESCRIPTION: |                      |
| NO.          |                      |
| DATE         |                      |

SHEET NO.  
**C0.0**

JOB NO. NES-17

MATCHLINE - SEE SHEET C1.1

- GENERAL NOTES:**
1. CONTRACTOR TO VERIFY LAYOUT AND QUANTITIES OF EXISTING UTILITIES AND INFORMATION PROVIDED AS REFERENCE ONLY.
  2. DETAIL THE REPAIR AND REPAIR CONTRACTOR TO OBTAIN ALL APPLICABLE TREE REMOVAL PERMITS PRIOR TO CONSTRUCTION.
  3. EXISTING UTILITIES ARE BASED ON FIELD SURVEY DATA AND ARE CONSIDERED AS REFERENCE ONLY. CONTRACTOR TO FIELD VERIFY LOCATIONS PRIOR TO CONSTRUCTION.



100  
NES-17

**C1.0**

| NO.               | DATE | DESCRIPTION |
|-------------------|------|-------------|
|                   |      |             |
|                   |      |             |
|                   |      |             |
| R E V I S I O N S |      |             |

DESIGNED: HHPR  
 DRAWN: HHPR  
 CHECKED: HHPR  
 DATE: 08/30/21

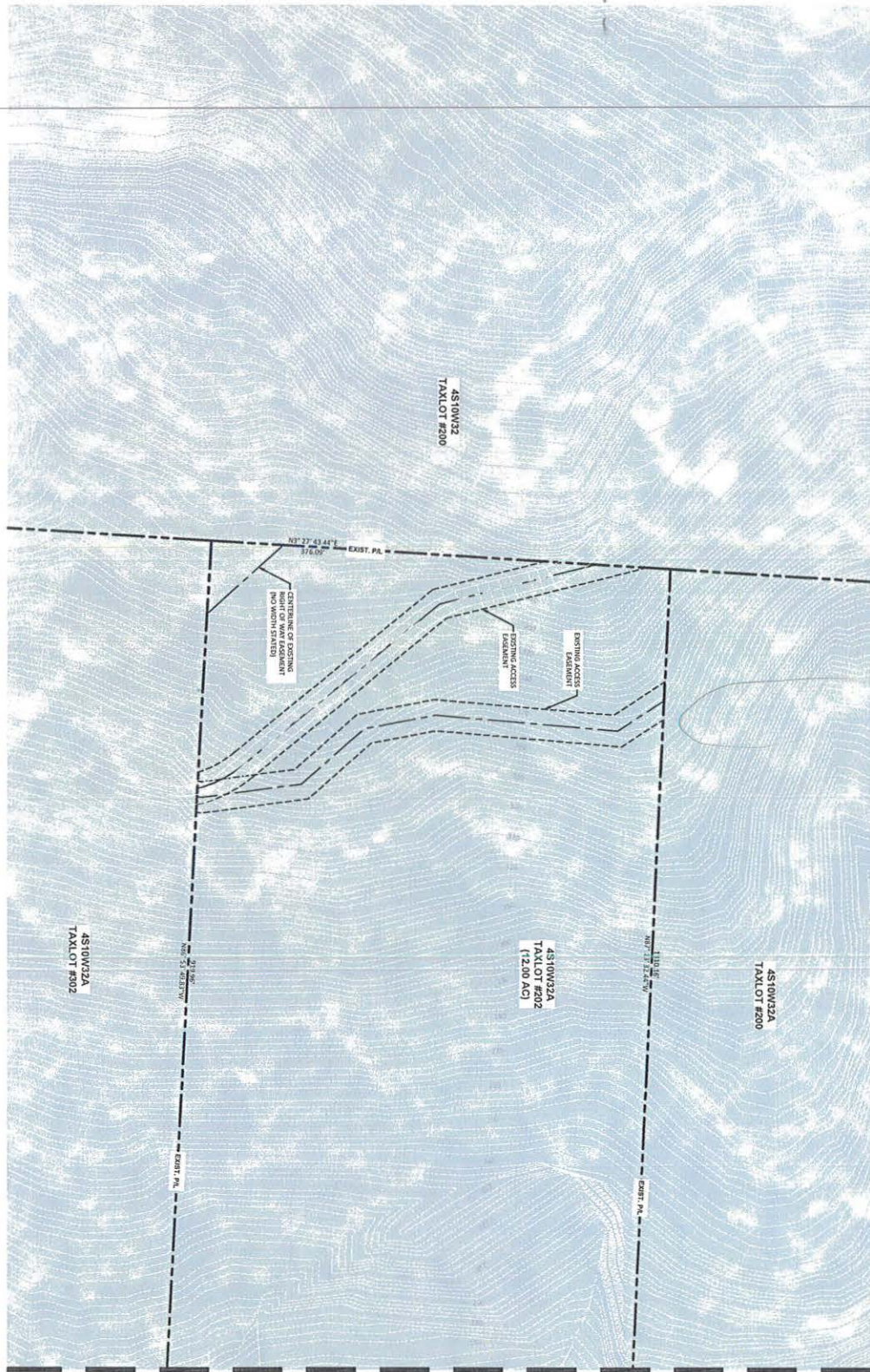
OWNER: NESTUCCA DEVELOPMENT  
 183 BOB LEE  
 PACIFIC CITY, OREGON 97133  
 (503) 550-6040  
 SURVEY DATE: 03/11/2020

**Harper  
Houf Peterson  
Righellis Inc.**

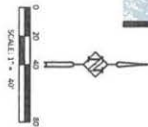
365 SE Spokane Street, Suite 200, Portland, OR 97202  
 phone 503.221.1131 www.hhp.com fax 503.221.1171

EXISTING CONDITIONS PLAN  
**FERN HILL SUBDIVISION**  
 PACIFIC CITY, OR

- GENERAL NOTES:**
1. CONTRACTOR TO VERIFY LIMITS AND QUANTITIES OF REMOVAL. QUANTITY INFORMATION PROVIDED AS REFERENCE ONLY.
  2. DETAILED TREE REMOVAL NOT SHOWN. CONTRACTOR TO OBTAIN ALL APPLICABLE TREE REMOVAL PERMITS PRIOR TO CONSTRUCTION.
  3. EXISTING CONDITIONS ARE BASED ON FIELD SURVEY DATA AND ARE NOT GUARANTEED. CONTRACTOR TO VERIFY SURVEY DATA PRIOR TO CONSTRUCTION.



MATCHLINE - SEE SHEET C1.0



SHEET NO. NES-17

**C1.1**

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|-------------------|-----|-------------|
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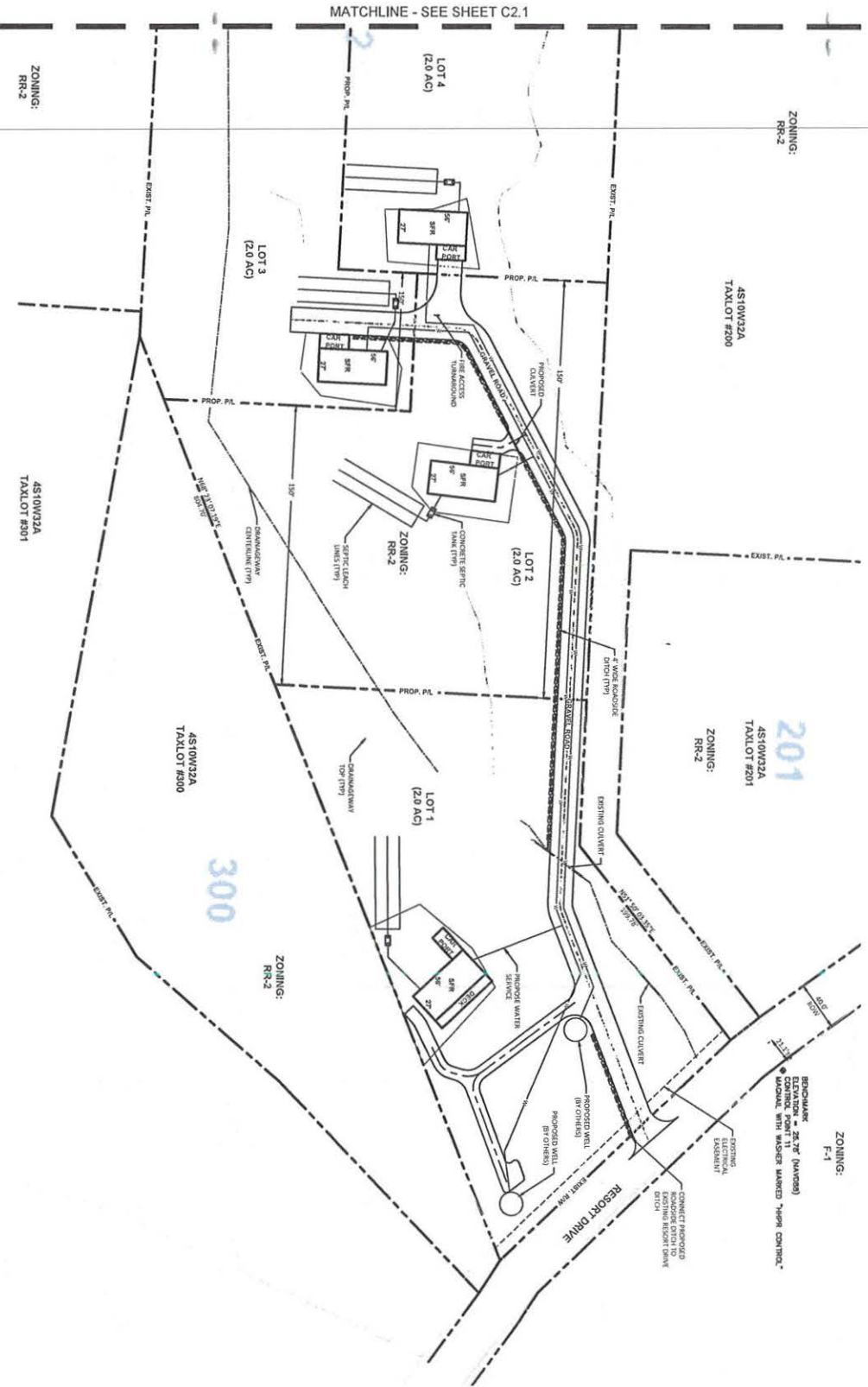
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|-----------|----------|--------------|--|
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| DRAWN:    | HHPR     | CHECKED:     | HHPR   |
| CHECKED:  | HHPR     | SURVEY DATE: | 03/11/2020   |
| DATE:     | 08/30/21 |              |  |

**Harper Houf Peterson Righellis Inc.**  
203 SE Spokane Street, Suite 206, Portland, OR, 97202  
Phone: 503.221.1130 www.hhpr.com Fax: 503.221.1171

EXISTING CONDITIONS PLAN  
**FERN HILL SUBDIVISION**  
PACIFIC CITY, OR



**LEGAL DESCRIPTION**  
LOCATED IN THE UNINCORPORATED QUARTERS OF THE  
SOUTHWEST CORNER OF SECTION 10,  
T41N R10E S17W, COUNTY OF WESL, WYOMING TERRITORY  
PLANNING COUNTY OFFICE



MATCHLINE - SEE SHEET C2.1

ZONING:  
RR-2

ZONING:  
RR-2

AS10W32A  
TAXLOT #200

AS10W32A  
TAXLOT #201

ZONING:  
RR-2

**201**  
AS10W32A  
TAXLOT #201  
ZONING:  
RR-2

AS10W32A  
TAXLOT #200

ZONING:  
RR-2

**300**

ZONING:  
F-1

BRICKLAYER  
ELEVATION = 26.7' (HANCED)  
CONTROL POINT 11  
MAYBE. THIS MASONRY MARKER "HANS CONTROL"

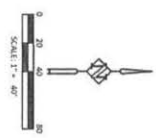
CONNECT PROPOSED  
ROADSIDE DITCH TO  
EXISTING DITCH

EXISTING  
ELECTRICAL  
EASEMENT

PROPOSED  
WELL  
(BY OTHERS)

PROPOSED  
WELL  
(BY OTHERS)

PROPOSED  
WELL  
(BY OTHERS)



|                   |  |                  |                         |
|-------------------|--|------------------|-------------------------|
| DESIGNED:<br>HHPR | OWNER:<br>NESTUCCA DEVELOPMENT<br>PO BOX 183<br>PACIFIC CITY, OREGON 97135<br>(503) 550-6040 | DATE:            | 08/30/21                |
|                   |  | CHECKED:<br>HHPR | SURVEY DATE: 03/11/2020 |
|                   |  | DATE:            |                         |
|                   |  | NO.              | DESCRIPTION             |
| REVISIONS         |  |                  |                         |

Harper  
Houf Peterson  
Righellis Inc.

361 SE Spokane Street, Suite 200, Portland, OR, 97202  
phone: 503.221.1131 www.hhp.com fax: 503.221.1171

PRELIMINARY SUBDIVISION PLAN  
**FERN HILL SUBDIVISION**  
PACIFIC CITY, OR

ENR: J. Harter, S. M. Jones, NES-17, 11/20/20, 3:40 PM, NES-17, 11/20/20, 3:40 PM, NES-17, 11/20/20, 3:40 PM

**LEGAL DESCRIPTION**

LOCATED IN THE NORTHEAST ONE-QUARTER OF THE  
NORTHWEST ONE-QUARTER OF SECTION 32,  
TOWNSHIP 4 SOUTH, RANGE 10 WEST, WILLAMETTE MERIDIAN  
TILLAMOOK COUNTY, OREGON

ZONING:  
SFW-20  
  
4S10W32  
TAXLOT #200

4S10W32A  
TAXLOT #200

ZONING:  
RR-2  
  
TRACT A  
FUTURE  
DEVELOPMENT  
(4.0 AC)

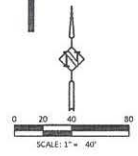
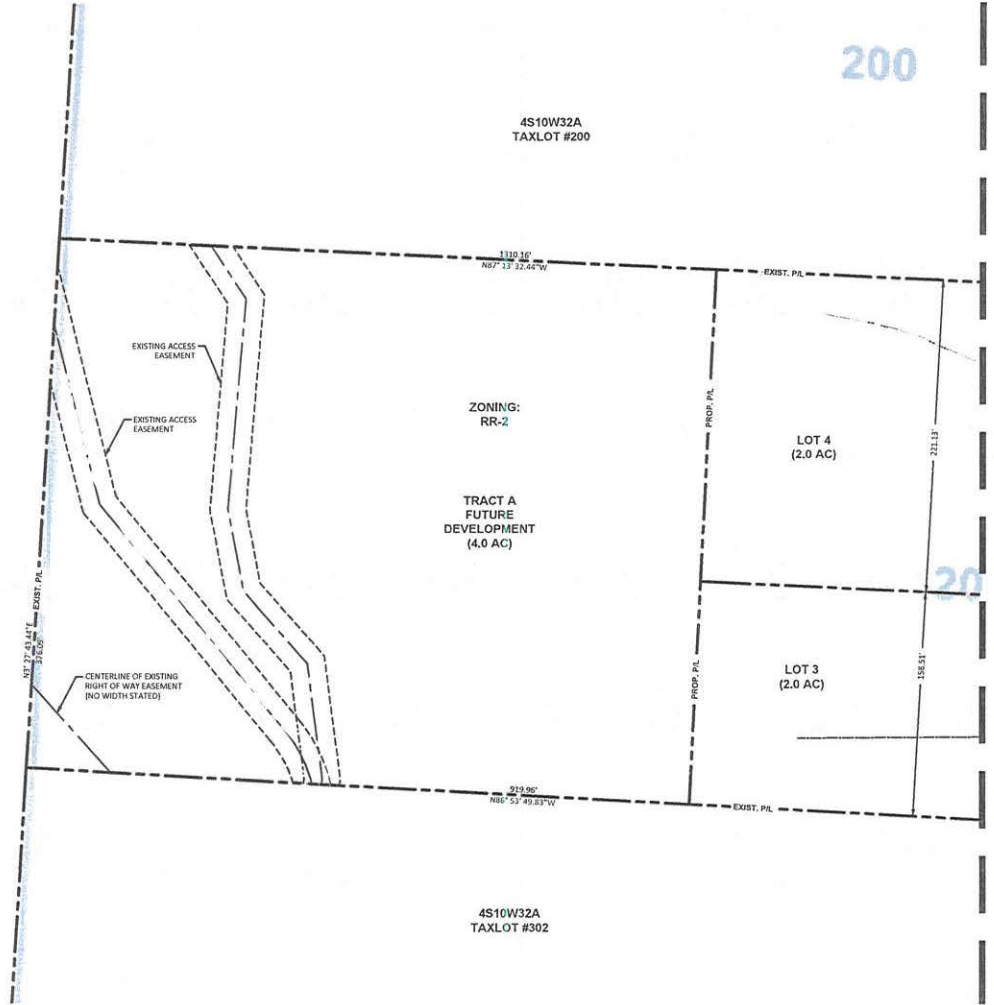
LOT 4  
(2.0 AC)

LOT 3  
(2.0 AC)

200

200

MATCHLINE - SEE SHEET C2.0



PRELIMINARY SUBDIVISION PLAN  
**FERN HILL SUBDIVISION**  
PACIFIC CITY, OR

Harper  
**HHPR**  
Houf Peterson  
Righellis Inc.

335 SE Spokane Street, Suite 200, Portland, OR 97202  
Phone: 503.221.1111, www.hhpr.com Fax: 503.221.1111

|                   |             |                            |
|-------------------|-------------|----------------------------|
| OWNER:            | HHPR        | NESTUCCA DEVELOPMENT       |
| DESIGNER:         | HHPR        | PACIFIC CITY, OREGON 97131 |
| DRAWN:            | HHPR        | (503) 555-6640             |
| CHECKED:          | HHPR        | SURVEY DATE 01/11/2020     |
| DATE:             | 08/30/21    |                            |
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| NO.               | DESCRIPTION |                            |
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SHEET NO.  
**C2.1**  
JOB NO.: NES-17

PRELIMINARY UTILITY PLAN  
**FERN HILL SUBDIVISION**  
 PACIFIC CITY, OR

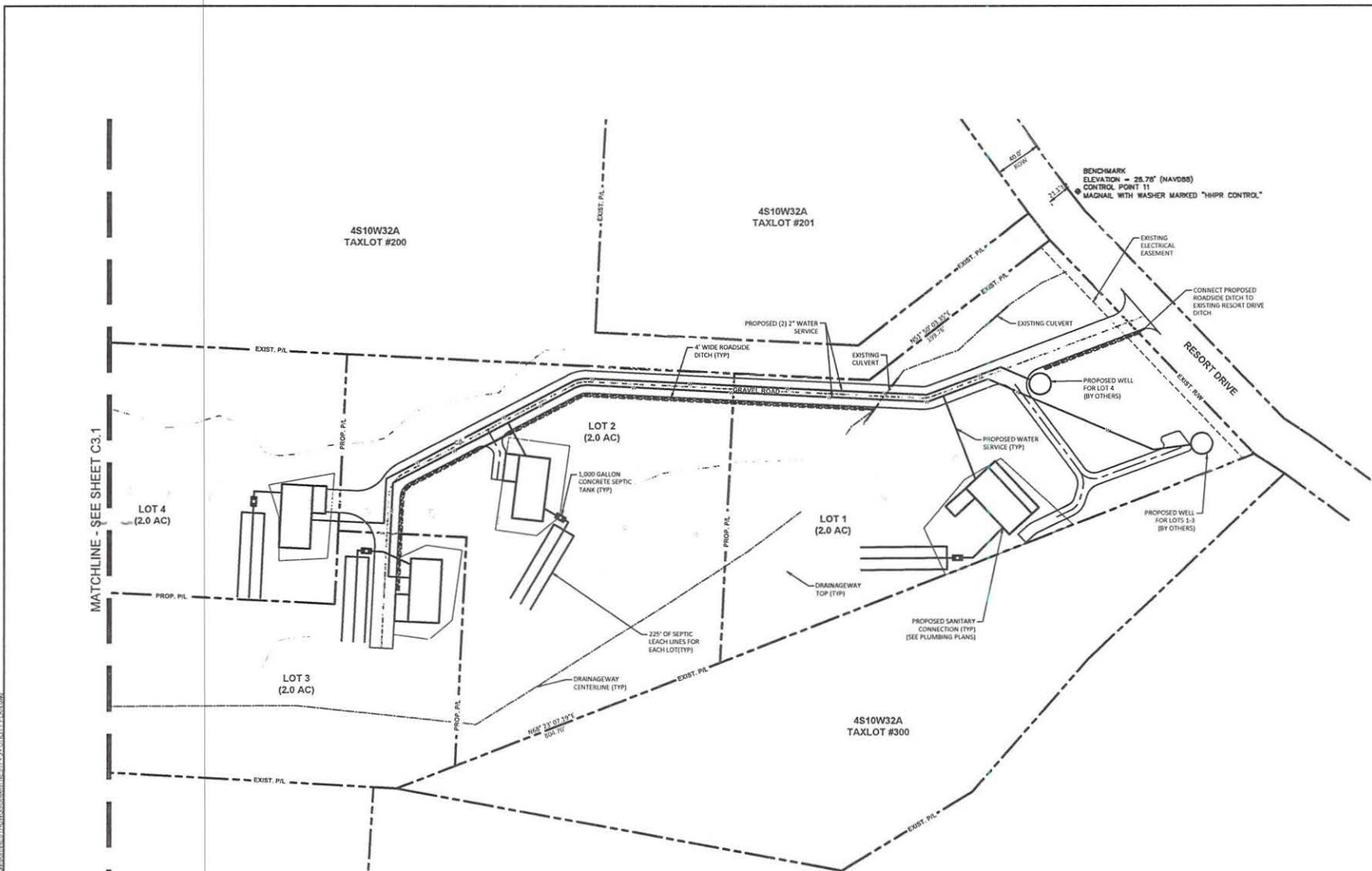
**Harper**  
**Houf Peterson**  
**Righellis Inc.**

**HPRI**  
 OWNER: METUCA DEVELOPMENT  
 PACIFIC CITY, OREGON #1313  
 (503) 555-6640  
 SURVEY DATE: 03/11/2020

RECORDED: HPRI  
 DRAWN: HPRI  
 CHECKED: HPRI  
 DATE: 08/30/21

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SHEET NO.  
**C3.0**  
 JOB NO. NES-17

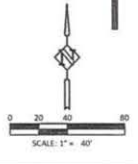


MATCHLINE - SEE SHEET C3.1

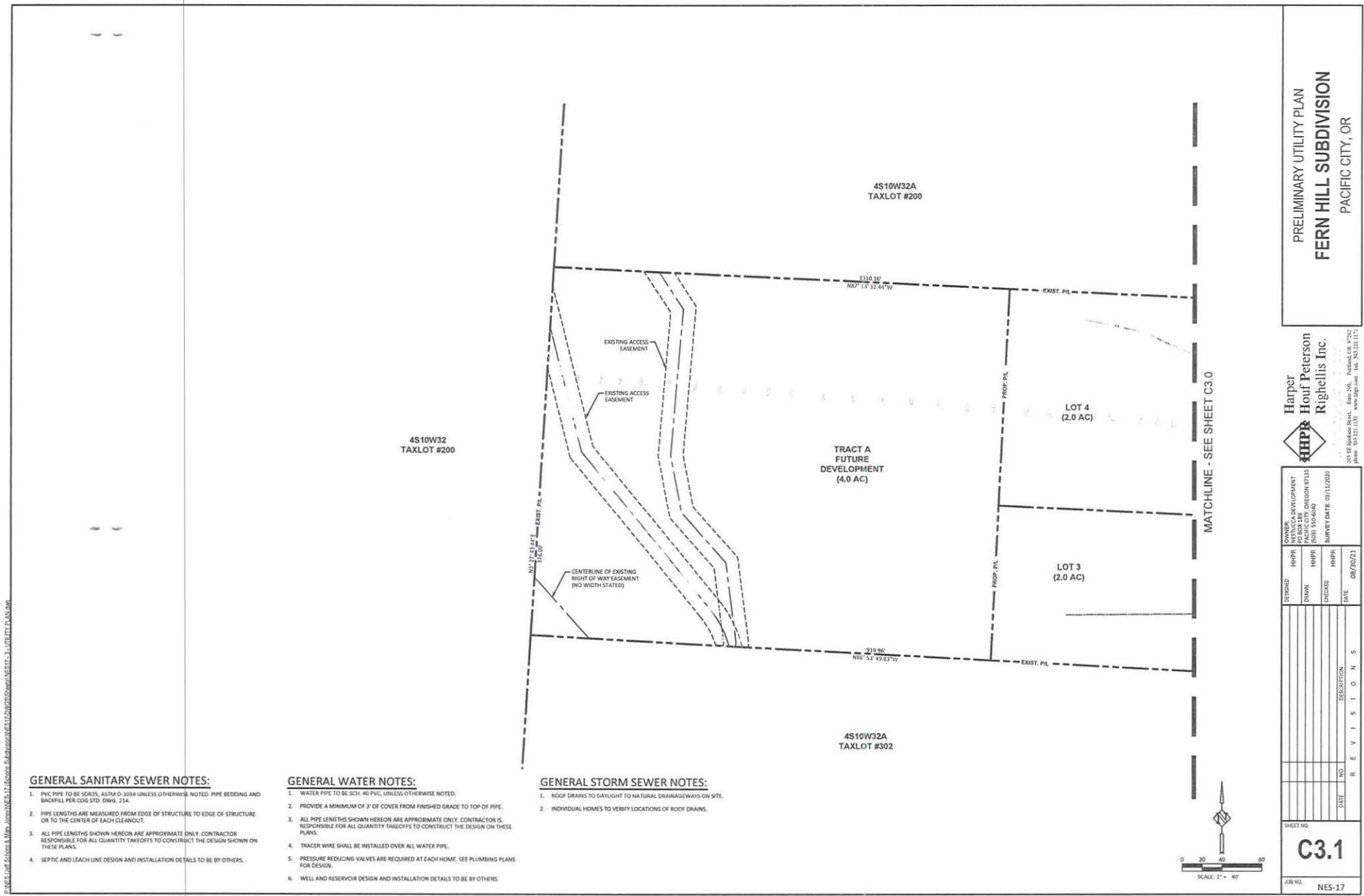
- GENERAL STORM SEWER NOTES:**
1. ROOF DRAINS TO DAYLIGHT TO NATURAL DRAINAGEWAYS ON SITE.
  2. INDIVIDUAL HOMES TO VERIFY LOCATIONS OF ROOF DRAINS.

- GENERAL SANITARY SEWER NOTES:**
1. PVC PIPE TO BE SDR35, ASTM D-3034 UNLESS OTHERWISE NOTED. PIPE BEDDING AND BACKFILL PER COS STD. DING. 214.
  2. PIPE LENGTHS ARE MEASURED FROM EDGE OF STRUCTURE TO EDGE OF STRUCTURE OR TO THE CENTER OF EACH CLEANOUT.
  3. ALL PIPE LENGTHS SHOWN HEREON ARE APPROXIMATE ONLY. CONTRACTOR RESPONSIBLE FOR ALL QUANTITY TAKEOFFS TO CONSTRUCT THE DESIGN SHOWN ON THESE PLANS.
  4. SEPTIC AND LEACH LINE DESIGN AND INSTALLATION DETAILS TO BE BY OTHERS.

- GENERAL WATER NOTES:**
1. WATER PIPE TO BE SCH. 40 PVC, UNLESS OTHERWISE NOTED.
  2. PROVIDE A MINIMUM OF 3' OF COVER FROM FINISHED GRADE TO TOP OF PIPE.
  3. ALL PIPE LENGTHS SHOWN HEREON ARE APPROXIMATE ONLY. CONTRACTOR IS RESPONSIBLE FOR ALL QUANTITY TAKEOFFS TO CONSTRUCT THE DESIGN ON THESE PLANS.
  4. TRACER WIRE SHALL BE INSTALLED OVER ALL WATER PIPE.
  5. PRESSURE REDUCING VALVES ARE REQUIRED AT EACH HOME. SEE PLUMBING PLANS FOR DESIGN.
  6. WELL AND RESERVOIR DESIGN AND INSTALLATION DETAILS TO BE BY OTHERS.



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**GENERAL SANITARY SEWER NOTES:**

1. PVC PIPE TO BE SDR35, 16.75" O.D. UNLESS OTHERWISE NOTED. PIPE BEDDING AND BACKFILL PER CGS STD. DWG. 234.
2. PIPE LENGTHS ARE MEASURED FROM EDGE OF STRUCTURE TO EDGE OF STRUCTURE OR TO THE CENTER OF EACH CLEANOUT.
3. ALL PIPE LENGTHS SHOWN HEREON ARE APPROXIMATE ONLY. CONTRACTOR RESPONSIBLE FOR ALL QUANTITY TAKEOFFS TO CONSTRUCT THE DESIGN SHOWN ON THESE PLANS.
4. SEPTIC AND LEACH LINE DESIGN AND INSTALLATION DETAILS TO BE BY OTHERS.

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5. PRESSURE REDUCING VALVES ARE REQUIRED AT EACH HOME. SEE PLUMBING PLANS FOR DESIGN.
6. WELL AND RESERVOIR DESIGN AND INSTALLATION DETAILS TO BE BY OTHERS.

**GENERAL STORM SEWER NOTES:**

1. ROOF DRAINS TO DAYLIGHT TO NATURAL DRAINAGEWAYS ON SITE.
2. INDIVIDUAL HOMES TO VERIFY LOCATIONS OF ROOF DRAINS.

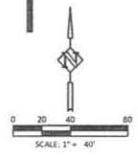
PRELIMINARY UTILITY PLAN  
**FERN HILL SUBDIVISION**  
 PACIFIC CITY, OR

Harper  
**HPH**  
 Houf Peterson  
 Rightellis Inc.

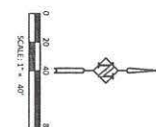
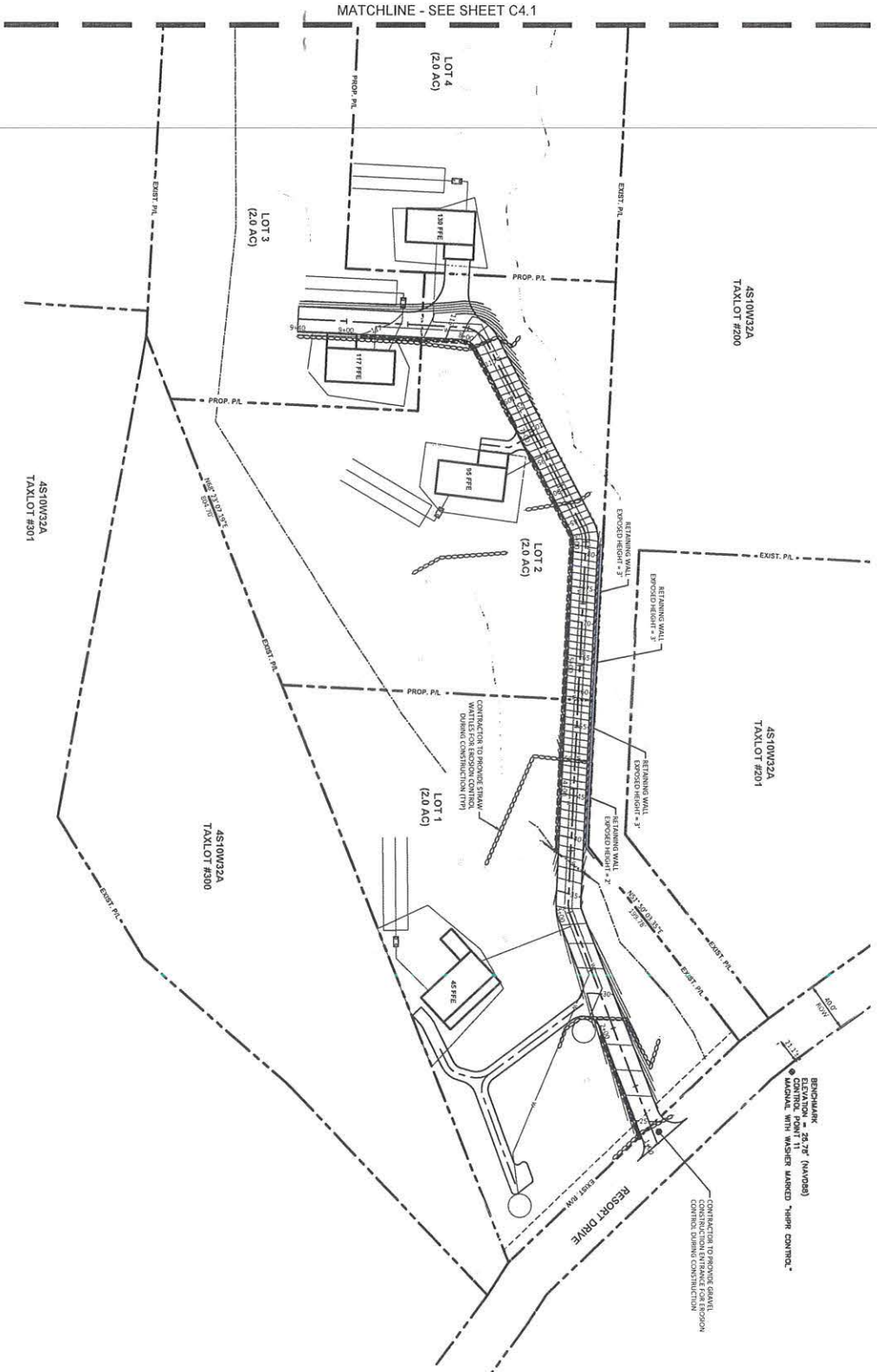
OWNER: NESTLECA DEVELOPMENT  
 PACIFIC CITY, OREGON 97131  
 (503) 350-6840  
 SURVEY DATE: 01/11/2021

| DESIGNED | DRAWN | CHECKED | DATE     |
|----------|-------|---------|----------|
| HPH      | HPH   | HPH     | 08/30/21 |
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|          |       |         |          |

SHEET NO.  
**C3.1**  
 JOB NO. NES-17



- GRADING NOTES:**
1. EXISTING CONTOURS ARE BASED ON FIELD DATA AND ARE APPROXIMATE IN NATURE. CONSTRUCTION TO FIELD VERIFY GRADES PRIOR TO PROCEEDING.
  2. PROPOSED GRADES ARE BASED ON AVAILABLE SURVEILLANT INFORMATION WITH THE UNDERSTANDING THAT GRADES MAY VARY FROM THE INFORMATION PROVIDED.
  3. RECONSTRUCTION OF EXISTING UTILITIES SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, 2008 EDITION, AS APPLICABLE TO TILLAMOOK COUNTY AND NEB STANDARDS.
  4. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, 2008 EDITION, AS APPLICABLE TO TILLAMOOK COUNTY AND NEB STANDARDS.



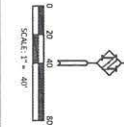
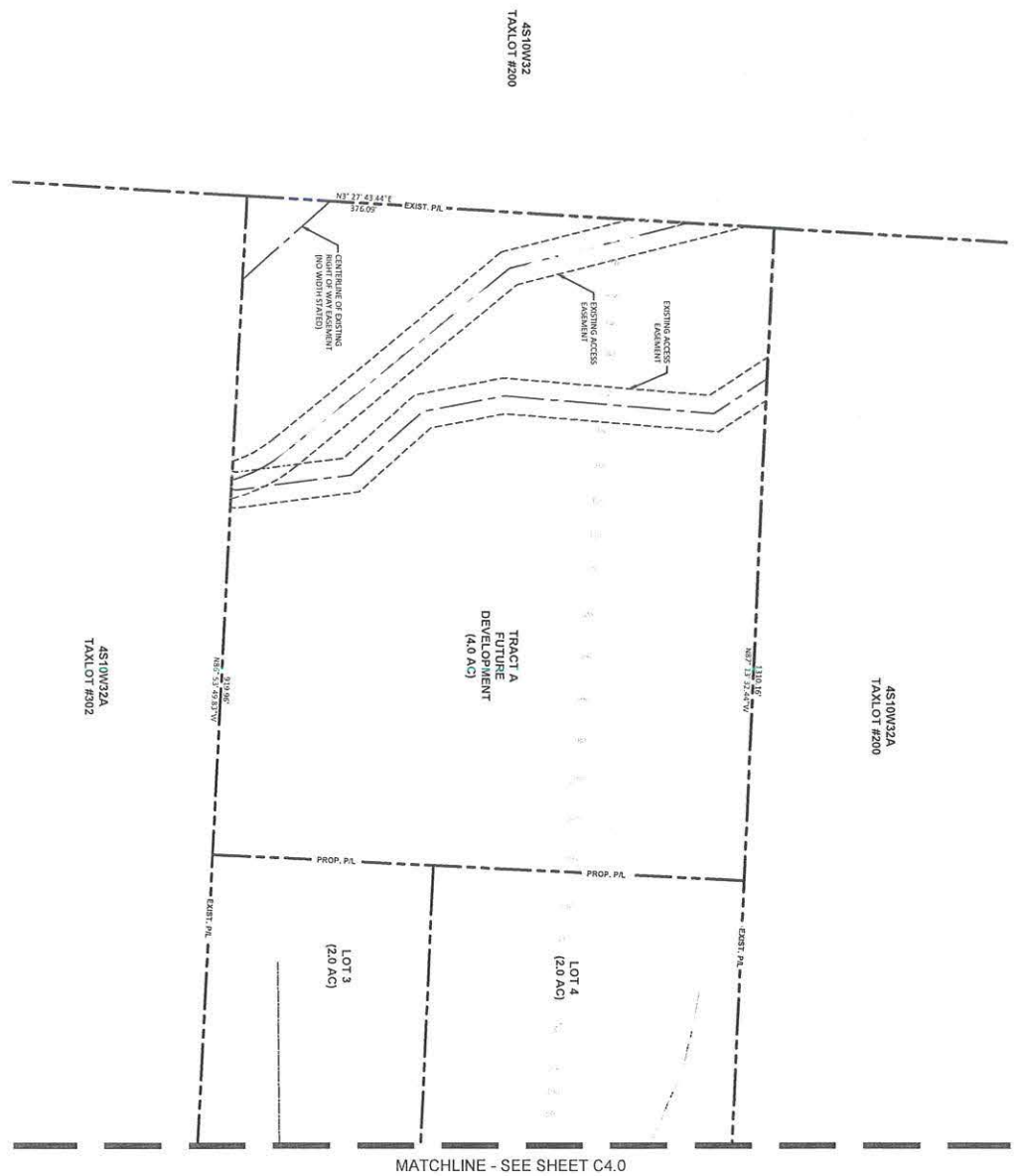
| SHEET NO.         |      | DESIGNED    |      | OWNER:                     |  |
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| C4.0              |      | HHPR        |      | NESTUCCA DEVELOPMENT       |  |
| NO.               |      | DRAWN       |      | PO BOX 185                 |  |
| 1                 |      | HHPR        |      | PACIFIC CITY, OREGON 97135 |  |
| DATE              |      | CHECKED     |      | (503) 550-6040             |  |
| 08/30/21          |      | HHPR        |      | SURVEY DATE: 03/11/2020    |  |
| NO.               | DATE | DESCRIPTION | DATE |                            |  |
| R E V I S I O N S |      |             |      |                            |  |

363 SE Spokane Street, Suite 206, Portland, OR, 97202  
 phone: 503 721 1130 www.hhp.com fax: 503 221 1173



PRELIMINARY GRADING PLAN  
**FERN HILL SUBDIVISION**  
 PACIFIC CITY, OR

- GRADING NOTES:**
1. EXISTING CONDITIONS ARE BASED ON FIELD FLOW DATA AND ARE APPROXIMATIVE IN NATURE. CONTRACTOR TO FIELD VERIFY GRADES PRIOR TO PROCEEDING WITH CONSTRUCTION.
  2. PROPOSED GRADES ARE BASED ON AVAILABLE SURVEY DATA. PROPOSED GRADES ARE BASED ON AVAILABLE SURVEY DATA. PROPOSED GRADES ARE BASED ON AVAILABLE SURVEY DATA.
  3. ALL FINISH GRADES ARE TO BE ACCORDING TO GEOTECHNICAL RECOMMENDATIONS. REVISIONS TO BE PROVIDED FOR CONSTRUCTION ACTIVITIES ACCORDING TO TELLAMOUNT COUNTY AND SD STANDARDS.



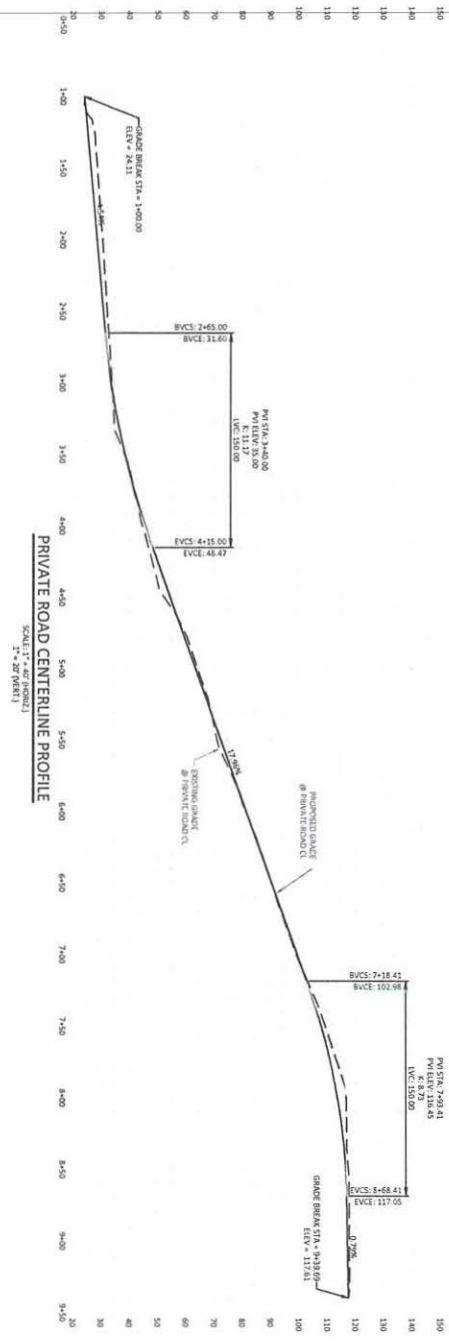
0 20 40 80  
SCALE: 1" = 40'

| NO. | DATE | NO. | DESCRIPTION |
|-----|------|-----|-------------|
|     |      |     |             |
|     |      |     |             |
|     |      |     |             |

|           |          |              |  |
|-----------|----------|--------------|--|
| DESIGNED: | HHPR     | OWNER:       | NESTUCCA DEVELOPMENT<br>PO BOX 859<br>PACIFIC CITY, OREGON 97135<br>(503) 550-6040 |
| DRAWN:    | HHPR     | CHECKED:     | HHPR   |
| CHECKED:  | HHPR     | DATE:        | 08/30/21   |
| DATE:     | 08/30/21 | SURVEY DATE: | 03/11/2020   |

**HHPR** Harper Houf Peterson Righellis Inc.  
205 SE Spokane Street, Suite 200, Portland, OR 97202  
Phone: 503.221.1131 www.hhpr.com Fax: 503.221.1171

PRELIMINARY GRADING PLAN  
**FERN HILL SUBDIVISION**  
PACIFIC CITY, OR



|              |     |             |
|--------------|-----|-------------|
| DESIGNED     |     | HHPR        |
| DRAWN        |     | HHPR        |
| CHECKED      |     | HHPR        |
| SURVEY DATE: |     | 03/11/2020  |
| DATE         | NO. | DESCRIPTION |
| REVISIONS    |     |             |

|              |                                |
|--------------|--------------------------------|
| OWNER:       | NESTUCCA DEVELOPMENT           |
| PROJECT:     | 818 PACIFIC CITY, OREGON 97133 |
| PHONE:       | (503) 550-6040                 |
| DESIGNED:    | HHPR                           |
| DRAWN:       | HHPR                           |
| CHECKED:     | HHPR                           |
| SURVEY DATE: | 03/11/2020                     |
| DATE:        | 08/30/21                       |

**HP** Harper Houf Peterson Righellis Inc.

305 SE Spokane Street, Suite 200, Portland, OR 97202  
 phone: 503.221.1131 www.hpinc.com fax: 503.221.1171

PRELIMINARY PRIVATE ROAD PROFILE  
**FERN HILL SUBDIVISION**  
 PACIFIC CITY, OR

C4.2

# EXHIBIT C



## Melissa Jenck

---

**From:** Jim Oeder <joeder@nrfd.com>  
**Sent:** Tuesday, November 23, 2021 9:46 AM  
**To:** Melissa Jenck  
**Subject:** Re: EXTERNAL: Re: Full Size Plats - Fern Hill Subdivision

Chris and I went down there yesterday. They will need a turnaround put in at the end of the road. The existing road also has some issues and Chris could talk better, it appears that it could have some areas that are failing.

James Oeder  
Fire Chief  
Nestucca RFPD  
503-392-3313 office  
503-812-2422 cell  
[joeder@nrfd.com](mailto:joeder@nrfd.com)

On Mon, Nov 22, 2021 at 2:25 PM Melissa Jenck <[mjenck@co.tillamook.or.us](mailto:mjenck@co.tillamook.or.us)> wrote:

Good afternoon Jim,

I just wanted to check in with you regarding this proposal. My Staff Report is due tomorrow afternoon. The Variance request included with this submission was requesting exception to road grades.

Did you have any comments you'd like to add to the record?



**Melissa Jenck** (she/her) | CFM, Land Use Planner II

TILLAMOOK COUNTY | Community Development

1510-B Third Street

Tillamook, OR 97141

Phone (503) 842-3408 x3301

[mjenck@co.tillamook.or.us](mailto:mjenck@co.tillamook.or.us)

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**From:** Jim Oeder <[joeder@nrfd.com](mailto:joeder@nrfd.com)>  
**Sent:** Friday, November 5, 2021 1:51 PM  
**To:** Chris Laity <[claity@co.tillamook.or.us](mailto:claity@co.tillamook.or.us)>  
**Cc:** Melissa Jenck <[mjenck@co.tillamook.or.us](mailto:mjenck@co.tillamook.or.us)>; Sarah Absher <[sabsher@co.tillamook.or.us](mailto:sabsher@co.tillamook.or.us)>  
**Subject:** EXTERNAL: Re: Full Size Plats - Fern Hill Subdivision

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

When I get back Monday I will review the document.

Sent from my iPad

On Nov 5, 2021, at 12:28 PM, Chris Laity <[claity@co.tillamook.or.us](mailto:claity@co.tillamook.or.us)> wrote:

Thanks Melissa,

I'll dig into the packet. My comment will be that access easements will need to be established between individual property owners and that the easements will need to be shown on the plans. I think this will cover it. I will have a few comments after giving it a quick review.

<image001.jpg>

**Chris Laity, P.E.** | Director

TILLAMOOK COUNTY | Public Works

503 Marolf Loop Road

Tillamook, OR 97141

Phone (503) 842-3419

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[claity@co.tillamook.or.us](mailto:claity@co.tillamook.or.us)

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**From:** Melissa Jenck <[mjenck@co.tillamook.or.us](mailto:mjenck@co.tillamook.or.us)>  
**Sent:** Friday, November 5, 2021 9:40 AM  
**To:** Chris Laity <[claity@co.tillamook.or.us](mailto:claity@co.tillamook.or.us)>; Jim Oeder <[joeder@nrfpd.com](mailto:joeder@nrfpd.com)>  
**Cc:** Sarah Absher <[sabsher@co.tillamook.or.us](mailto:sabsher@co.tillamook.or.us)>  
**Subject:** RE: Full Size Plats - Fern Hill Subdivision

Good morning Chris,

Community Development will review the submission as a subdivision as they are proposing a total of 5 created lots.

The did apply for a Variance to the 12% road grade, but I do not believe it had anything to do with road widths or other road matters. I do see in the Applicants narrative they describe that *"The road being constructed on the project site is a private drive and therefore does not have a functional classification. The proposed width of the gravel private drive is approximately 15 feet side."* (Page 25 of 27 in Fern Hill Subdivision document labeled Written Statement, or see PDF page 153 in the linked document).

Please let me know if you have additional questions or concerns.

Thank you,

<image001.jpg>

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**From:** Chris Laity <[claity@co.tillamook.or.us](mailto:claity@co.tillamook.or.us)>

**Sent:** Thursday, November 4, 2021 4:33 PM

**To:** Melissa Jenck <[mjenck@co.tillamook.or.us](mailto:mjenck@co.tillamook.or.us)>; Jim Oeder <[joeder@nrfpd.com](mailto:joeder@nrfpd.com)>

**Subject:** RE: Full Size Plats - Fern Hill Subdivision

This changed somewhat from prior discussions. I understood that this would be a shared use driveway and as such, the road standards did not apply. As a subdivision, even a private road, they would still need to meet road department standards including a 50-ft wide R/W, standard horizontal curves, location of the retaining walls, etc.

Applying these standards will directly impact their development. Am I reviewing this as subdivision roads? If so, my comments will be extensive.

<image001.jpg>

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**Subject:** Full Size Plats - Fern Hill Subdivision  
**Importance:** High

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I did re-attached a copy of the digital plats, for your convenience.

Thanks!

<image001.jpg>

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## Melissa Jenck

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**Sent:** Friday, November 5, 2021 12:14 PM  
**To:** Melissa Jenck; Jim Oeder  
**Cc:** Sarah Absher  
**Subject:** RE: Full Size Plats - Fern Hill Subdivision

Thanks Melissa,

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