



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

1510 - B Third Street
Tillamook, Oregon 97141
www.tillamook.or.us
503-842-3408

Land of Cheese, Trees and Ocean Breeze

**PARTITION REQUEST #851-22-000021-PLNG TOGETHER WITH PROPERTY LINE
ADJUSTMENT REQUEST #851-22-000022-PLNG
SCHMITZ AND ESPLIN**

ADMINISTRATIVE DECISION AND STAFF REPORT

DECISION: Approved with Conditions

DECISION DATE: March 14, 2022

REPORT PREPARED BY: Angela Rimoldi, Planning Permit Technician

I. GENERAL INFORMATION:

Request: A partition request to create a total of two (2) residential parcels. This partition proposal includes a property line adjustment of Tax Lot 00700 and 00701 as shown on the enclosed preliminary partition plat (Exhibit B). Upon completion of adjustment, the partition review is limited to Tax Lot 00700.

Location: The subject properties are located southeast of the Incorporated City of Tillamook, accessed via Trask River Road, a County Road, and are designated as Tax Lots 700 and 701 of Section 36D in Township 1 South, Range 09 West, W.M., Oregon (Exhibit A).

Zone: Rural Residential (RR-2)

Applicant: Dallas Esplin, 11765 Highway 101 South, Tillamook, OR. 97141

Property Owner: Denis Schmitz, 14000 Trask River Road, Tillamook, OR. 97141

Description of Site and Vicinity: The subject properties identified as tax lot 00700 (approximately 1.05 acres) and tax lot 00701 (approximately 5.47 acres) are irregular in shape (Exhibit B). Tax lot 00700 has no improvements and tax lot 00701 is improved with a dwelling and an accessory structure (Exhibit B). Properties are primarily vegetated with grasses, with some shrubs and trees. Properties hold access via Trask River Road, a County Road (Exhibit B). The subject properties are within an area devoted to residential use, within the Tillamook County's boundary zoned Rural Residential (RR-2), and the surrounding areas are zoned Farm (F-1) and Forest (F) (Exhibit A). Topography of the subject property varies but is primarily flat in area, with some slopes (Exhibit B).

The subject properties are located within an area of Geologic Hazard, do not contain any mapped wetlands or natural features as indicated on the NWI map, and are located within an Area of Minimal Flood Hazard as depicted on FEMA Flood Insurance Rate Map (FIRM) Panel #41057C0615F (Exhibit A).

Staff finds that the standards of TCLUO Section 4.130: Development Requirements for Geological Hazard Areas is applicable to future development of the proposed parcels and a Condition of Approval has been made to require relevant standards of this section be adhered to at the time of development.

II. PROPERTY LINE ADJUSTMENT CRITERIA AND FINDINGS (#851-22-00022-PLNG)

EXISTING PROPERTIES							
Unit A				Unit B			
Township	Range	Section	Tax Lot	Township	Range	Section	Tax Lot
1S	09W	36D	00700	1S	09W	36D	00701
Owner: Denis Schmitz				Owner: Denis Schmitz			
Property Address: Vacant				Property Address: 13200 Trask River Road, Tillamook, OR. 97141			
Mailing Address (Street or PO Box): 14000 Trask River Road, Tillamook, OR. 97141				Mailing Address (Street or PO Box): 14000 Trask River Road, Tillamook, OR. 97141			
Zone: Rural Residential (RR-2)				Zone: Rural Residential (RR-2)			

Proposed Unit	Existing Area	Proposed Area
A (Tax Lot 00700)	1.05 acres	4.97 acres
B (Tax Lot 00701)	5.47 acres	1.56 acres

i. Parcel Creation. No additional parcel or lot is created by the lot line adjustment.

Findings:

- Staff concludes that no new parcels are being created as a result of the property line adjustment (Exhibit B).
- A partition is being reviewed for consideration. The lot line adjustment must be recorded prior to the partition.

ii. Lot standards.

1. All lots and parcels conform to the applicable lot standards of the zone including lot area, dimensions, setbacks, and coverage, except where 2. or 3. applies.
2. For properties entirely outside an Unincorporated Community Boundary, where one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment, one property shall be as large or larger than the minimum lot or parcel size for the applicable zone after the adjustment.
3. For properties entirely outside an Unincorporated Community Boundary, both abutting properties are smaller than the minimum lot size for the applicable zone before and after property line adjustment.

Findings:

- Staff finds that Unit A is non-conforming in lot size and that Unit B meets the minimum lot size of 2-acres for parcels zoned before October 4, 2000, before the proposed property line adjustment; however, after the proposed

property line adjustment Unit A will meet the minimum lot size of 2-acres and Unit B will maintain the non-conforming status for lot size requirements (Exhibit B).

- Staff finds that Unit A does not meet the minimum 100-foot lot width but does meet the minimum 100-foot lot depth required by the Rural Residential (RR-2) zone before the proposed property line adjustment; however, will meet both lot width and depth requirements after the proposed property line adjustment (Exhibit B).
- Staff finds that Unit B meets the minimum 100-foot lot width and depth requirements by the Rural Residential (RR-2) zone both before and after the proposed property line adjustment (Exhibit B)
- Staff finds that Unit A has no improvements, and that Unit B is improved with a single-family dwelling and accessory structure (Exhibit B). The proposed adjustment will remove the accessory structure from Unit B and place it into Unit A, while maintaining all set back requirements for the Rural Residential (RR-2) Zone (Exhibit B).
- TCLUO Section 3.010: Rural Residential (RR-2) Zone, allows for the placement of an accessory structure without a primary structure as a use permitted conditionally in the RR-2 zone. Additionally, an accessory structure can be located on a contiguous property adjacent to the property where the primary dwelling is established through an Affidavit for Contiguous Ownership- and can remain on the contiguous property as an accessory structure absent a primary dwelling and without Conditional Use approval provided ownership of the two properties (Unit A and B) remains the same.
- Staff concludes that this criterion has been met.

4. *As applicable, all lots and parcels shall conform to the Tillamook County Flood Hazard Overlay Zone.*

Findings:

- Unit A and B are located within Zone X an Area of Minimal Flood Hazard as depicted on FEMA FIRM 41057C0615F dated September 28, 2018 (Exhibit A).
- Staff concludes that this criterion has been met.

iii. *Access and Road Authority Standards. All lots and parcels conform to the standards or requirements of Section 150: Development Standards for Land Divisions and all applicable road authority requirements are met. If a lot is nonconforming to any road authority standard, it shall not be made less conforming by the property line adjustment.*

Findings:

- Staff finds that Unit A and B front Trask River Road, a County Road, before and after the proposed adjustment (Exhibit B).
- Staff concludes this criterion has been met.

CONDITIONS OF APPROVAL:

1. The existing zoning designations for all Units shall remain the same and the standards for each zone will continue to apply, following the proposed adjustment.
2. Existing development on Unit A shall comply with the relevant development standards of the Rural Residential (RR-2) zone, TCLUO Section 3.010. Compliance shall include one or more of the following within the specified timelines to ensure continued compliance of the existing accessory structure: the Affidavit for Contiguous Properties shall be recorded in the Tillamook County Clerk's Office for proposed Units A and B at the time of survey filing in the Tillamook County Clerk's Office; the existing accessory structure shall be demolished or

converted into an allowable primary use within 90 days of filing of the survey or permits shall be submitted to the Department for the placement of a dwelling on Unit A within 90 days of filing of the survey.

3. If the adjusted units of land are less than ten acres in size, a survey to monument the new common boundary is required and shall be filed with the Tillamook County Surveyor's Department.
4. The property owner(s) shall record all proper documents, including descriptions of all access and utility easements necessary to serve the properties, in the Tillamook County Clerk's Office. Copies of the recorded documents shall be submitted to this Department.
5. A copy of the filed survey identifying all easements for access and utilities shall be submitted to this Department.
6. The property owner(s) shall fulfill the requirements for recording and filing above and shall submit any required map and documents within one year of the date of this approval. An extension of tentative approval may be available.

III. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS FOR PARTITION #851-22-000021-PLNG

The desired use is governed through the following sections of the Tillamook County Land Use Ordinance (TCLUO) and Land Division Ordinance (TCLDO). The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. Land Division Ordinance Section 070: Preliminary Plat Approval Criteria
- B. Land Use Ordinance Section 3.010: Rural Residential (RR-2) Zone
- C. Land Use Ordinance Section 4.130: Development Requirements for Geologic Hazard Areas

IV. ANALYSIS:

Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on February 15, 2022. One (1) comment received from The Oregon Water Resources Department confirming water availability, however noting concern with the low yield on the well (Exhibit C).

A. Land Division Ordinance Section 070: Preliminary Plat Approval Criteria

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

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

Findings: The Preliminary Partition Plat proposes creation of two (2) parcels (Exhibit B). Applicability of the Rural Residential (RR-2) Zone is addressed below. Plat and submitted supplemental information confirm the criteria above are met (Exhibit B).

- (c) Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer and streets, shall conform to the standards in Sections 150 and 160 of this ordinance;*
- (d) The proposed plat name is not already recorded for another subdivision, does not bear a name similar to or pronounced the same as the name of any other subdivision within the County, unless the land platted is*

contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name;

- (e) The proposed streets, utilities, and surface water drainage facilities conform to Tillamook County's adopted master plans and applicable engineering standards and, within Unincorporated Community Boundaries, allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;*
- (f) All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;*
- (g) Provisions for access to and maintenance of off-right-of-way drainage, if any;*

Findings: The preliminary plat confirms access to the subject property and proposed parcels remains via Trask River Road (Exhibit B). Utilities for the benefit of the proposed parcels are identified on the preliminary plat map and application submittal documents (Exhibit B).

Land Division Ordinance Section 150 outlines development standards for partitions. Standards within this section either do not apply, evidence submitted by the Applicant confirms the standards are met, or that the standards can be met through compliance with the Conditions of Approval.

Staff concludes the above standards and the standards in Section 150 and 160 of the Land Division Ordinance have been met or can be met through the Conditions of Approval.

- (h) Evidence that any required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and*
- (i) Evidence that improvements or conditions required by the road authority, Tillamook County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met, including but not limited to:
 - (i) Water Department/Utility District Letter which states that the partition or subdivision is either entirely excluded from the district or is included within the district for purposes of receiving services and subjecting the partition or subdivision to the fees and other charges of the district.*
 - (ii) Subsurface sewage permit(s) or site evaluation approval(s) from the appropriate agency.**

Findings: The subject properties are serviced by wells and a spring, service documents were provided in the Applicant's submittal (Exhibit B), and the Oregon Water Resources Department confirmed service availability to the area (Exhibit C).

The subject property is served by an onsite system (Exhibit B), however, for the proposed parcels which do not currently hold an onsite system, a notation can be placed on the Final Plat stating that the allowance of the partition does not warrant that site evaluation approval is or will be available to the approved parcels if the site evaluation approval has not yet been obtained for the proposed parcels.

The subject properties are served by the Tillamook Fire District, Tillamook County Public Works, and Tillamook People's Utility District. Given the location of the property, availability of public services existing in the area and natural features on the subject property, staff concludes these criteria have been met, or can be met through compliance of the Conditions of Approval.

Staff finds that the criteria above are met or can be met through the Conditions of Approval which also requires the property owner to obtain all Federal, State, and Local permits, as applicable prior to development.

B. Land Use Ordinance Section 3.010: Rural Residential 2-Acre (RR-2) Zone

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.
... ..
- (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.
... ..
- (e) The minimum lot width and depth shall both be 100 feet.
- (f) The minimum front yard shall be 20 feet.
- (g) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.
- (h) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.
... ..

General Findings: Applicant has provided a preliminary plat confirming the two (2) parcels created by the partition request meet the minimum requirements for lot size and dimensions outlined above (Exhibit B).

Proposed Parcel 1 Findings: Staff finds that setback requirements for the accessory structure will maintain standards for the RR-2 zone (Exhibit B).

Proposed Parcel 2 Findings: Staff finds that set back requirements do not apply as there is no current development on the proposed parcel (Exhibit B).

Staff finds that a Condition of Approval can be made to require compliance with the Rural Residential (RR-2) Zone provisions to be met at the time of future development.

Staff concludes these standards have been met and can be met through the Conditions of Approval.

C. Land Use Ordinance Section 4.130: Development Requirements for Geologic Hazard Areas

- (1) *The following are GEOLOGIC HAZARD AREAS to which the standards of this Section apply:*
...
(b) Inactive landslides, landslide topography and mass movement topography identified in DOGMI bulletins 74 and 79 where slopes are greater than 19 percent;
...
(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.

Findings: The proposed partition is located within a geologic hazard area. Future development of the subject property will be subject to development standards of the TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.

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V. DECISION: APPROVED WITH CONDITIONS:

Staff concludes that the applicant and property owner have satisfied the minimum application requirements and can satisfy all applicable requirements outlined in the Tillamook County Land Use Ordinance and Tillamook County Land Division Ordinance. The Preliminary Partition Plat is hereby **APPROVED**, subject to the Conditions of Approval listed below.

By accepting this approval, the applicant and property owners agree to indemnify, defend, save and hold harmless Tillamook County, and its officers, agents, and employees from any claim, suit, action or activity undertaken under this approval, including construction under a Building Permit. The applicant and property owner shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed Partition and building site or sites.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. In such cases, forms and fees must be filed in the office of this Department before **4:00 PM on March 28, 2022**.

VI. CONDITIONS OF APPROVAL:

This approval is subject to the following conditions:

1. The property owner shall obtain all Federal, State, and Local permits, as applicable.
2. All easements necessary to serve the parcels for access and utilities shall be clearly identified on the final plat.
3. The applicant and property owner shall comply with all requirements of the Tillamook County Surveyor’s Office.
4. The applicant and property owner shall record the Final Plat within two (2) years from the approval date of the Preliminary Plat or apply for an extension of time from this Department prior to expiration of tentative plat approval.
5. The applicant and property owner shall record the Final Plat within ninety (90) days from the date of final signature of the partition plat.
6. Future development of the Parcels shall comply with the development standards required by TCLUO Section 3.010: Rural Residential (RR-2) Zone.
7. Future development of the Parcels is subject to the standards required by TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.

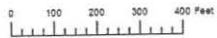
VII. EXHIBITS

- A. Property Identification Maps
- B. Applicant’s Submittal
- C. Public Comments

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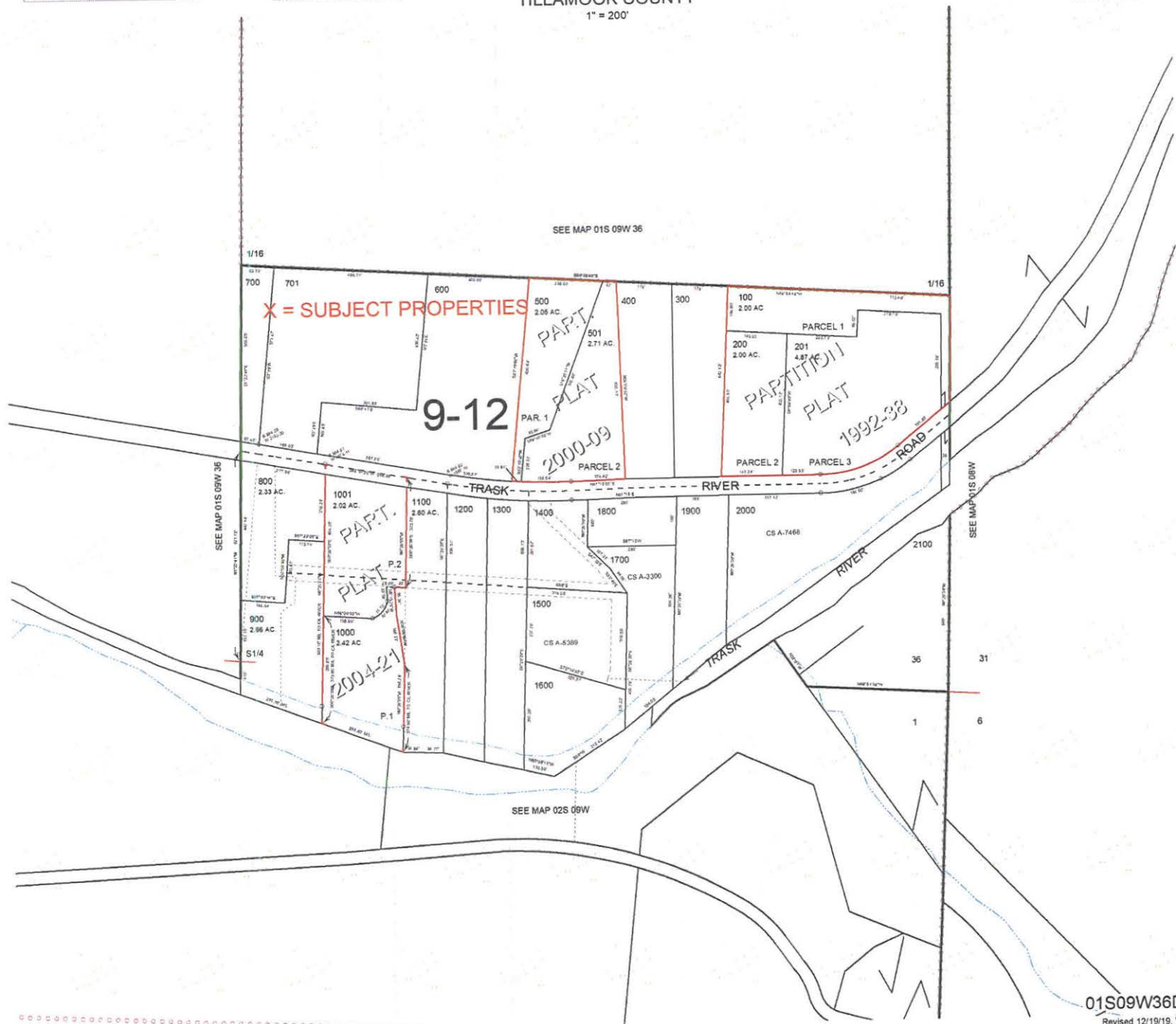
EXHIBIT A

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



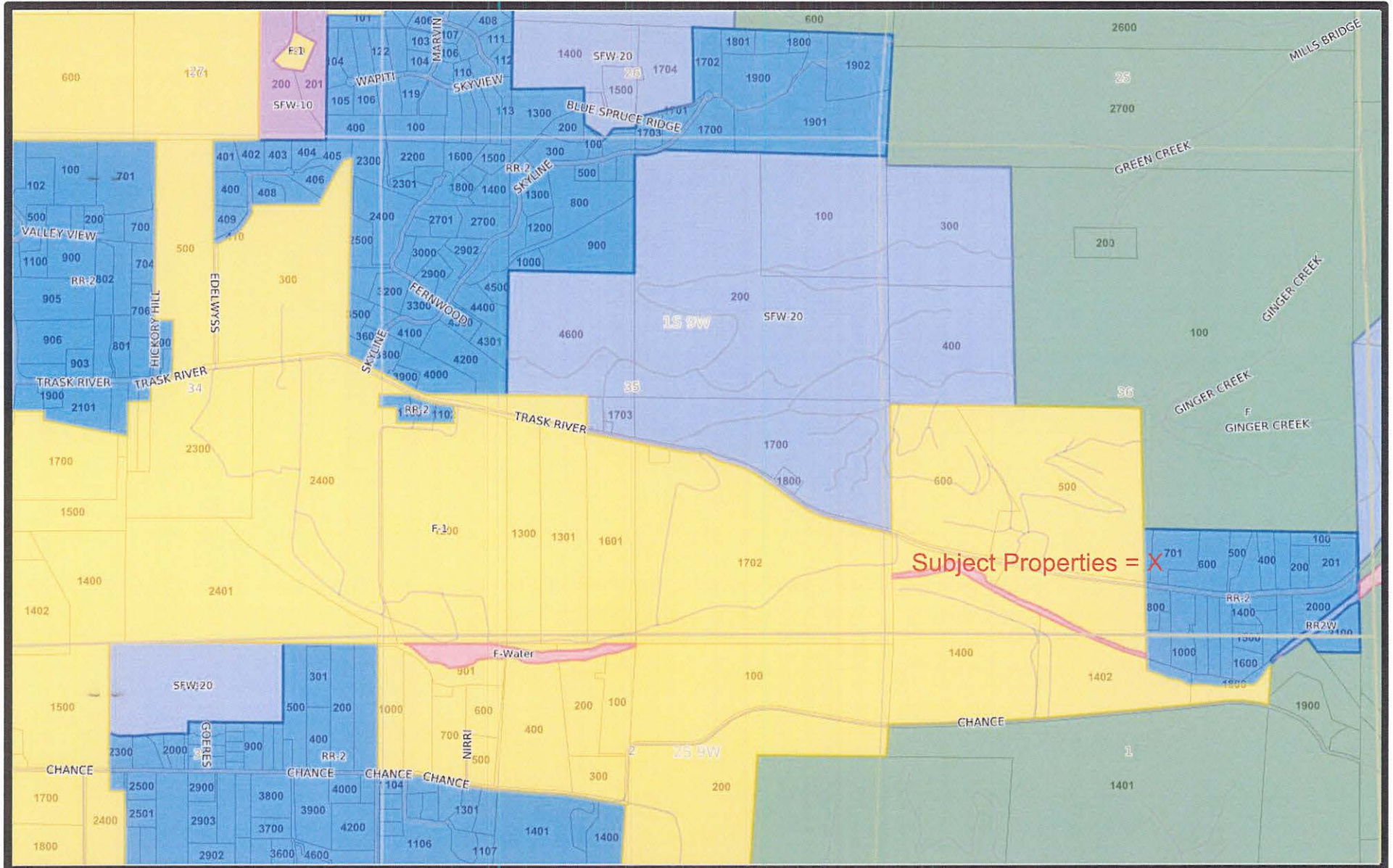
S.E. 1/4 SEC. 36 T.1S. R.9W. W.M.
TILLAMOOK COUNTY
1" = 200'

01S09W36D



01S09W36D
Revised 12/19/19, WS

Map



National Flood Hazard Layer FIRMette



123°44'9"W 45°26'24"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000
 Basemap: USGS National Map: Orthoimagery; Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | | |
|------------------------------------|--|---|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
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, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
| | | 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 D |
| | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |
| OTHER FEATURES | | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation |
| | | 17.5 Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| 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 3/9/2022 at 2:03 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.



March 9, 2022

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.

13200 Trask River Rd, Tillamook X

Show search results for 13200 Trask R



Layers Currently Showing

Earthquake Hazard

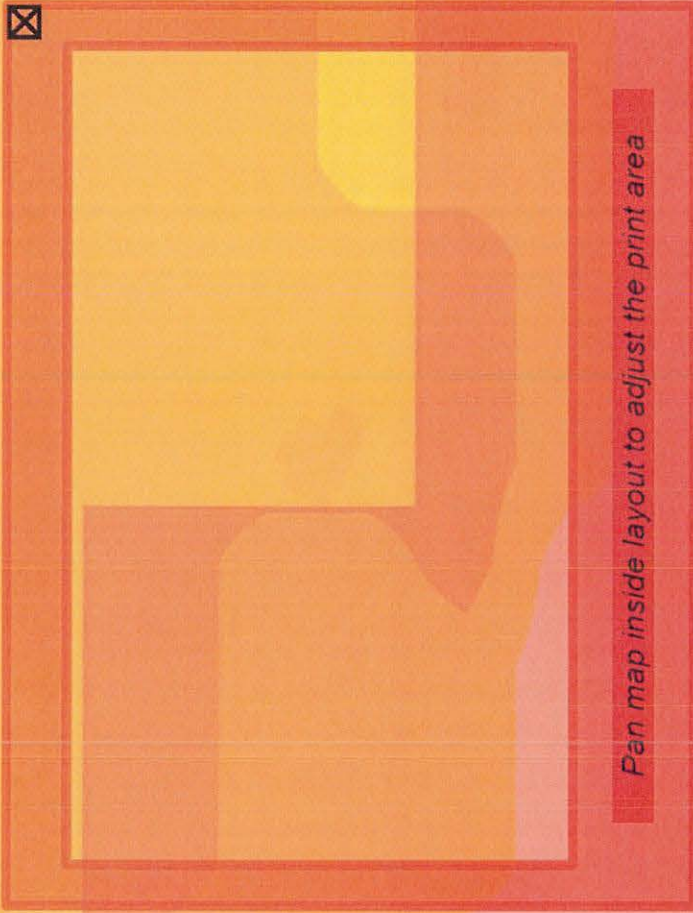
Active Fault

Expected Earthquake Shaking

- Violent
- Severe
- Very Strong
- Strong
- Moderate
- Light

Landslide Hazard

- Low - Landsliding Unlikely
- Moderate - Landsliding Possible
- High - Landsliding Likely
- Very High - Existing Landslide



125.720 45.438 Degrees



EXHIBIT B



PROPERTY LINE ADJUSTMENT APPLICATION

Applicant/Representative

Name: DALLAS ESPLIN Phone: 503-842-5551
 Address: 11765 HWY 101 SOUTH
 City: TILLAMOOK State: OR Zip: 97141
 Email: BAYSIDESURVEYING@GMAIL.COM

Property Owner (Unit A)

Name: Denis Schmitz Phone: 5038425726
 Address: 14000 Trask River RD
 City: Tillamook State: OR Zip: 97141
 Email: cedarmagot@gmail.com

Property Owner (Unit B)

Name: Denis Schmitz Phone: 5038425726
 Address: 14000 Trask river rd
 City: Tillamook State: OR Zip: 97141
 Email: cedarmagot@gmail.com

Property Owner (Unit C)

Name: Phone:
 Address:
 City: State: Zip:
 Email:

Describe the purpose of the proposed property line adjustment(s)

Adjust the boundary between tax lot 700 and 701 as shown on the attached map.

Unit A Location:

Site Address: NONE
 Map Number: 1S-09-36-D-000700
 Township Range Section Tax Lot(s)

Zoning: RR-2

Existing Use of Sites: vacant

Unit B Location:

Site Address: 13200 Trask River Rd
 Map Number: 1S-09-36-D-0000701
 Township Range Section Tax Lot(s)

Zoning: RR-2

Existing Use of Sites: HOUSE

OFFICE USE ONLY	
Date Stamp	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees: 409.5	
Permit No: 851-2-00002-PLNG	

Unit C Location:

Site Address: _____

Map Number: _____

Township

Range

Section

Tax Lot(s)

Zoning: _____

Existing Use of Sites: _____

Taxlot (Units)	Existing Size	New Size
1S0936D000700	(1.05 ac)	4.97 ac
1S0936D000701	(5.47 ac)	1.56 ac
_____	_____	_____
_____	_____	_____

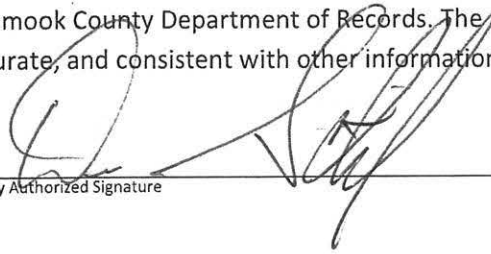
Preliminary Property Line Map Checklist

- Identification of all existing and proposed lot lines and dimensions
- Other information: _____
- Footprints and dimensions of existing structures (including accessory structures)
- Location and dimensions of driveways and streets
- Location of lands subject to the Tillamook County Flood Hazard Overlay
- Existing fences and walls
- Sewage Disposal System

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 approval, all deeds necessary to execute a property line adjustment shall be filed and recorded with the Tillamook County Department of Records. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

Legally Authorized Signature



Date

1-13-2022

Legally Authorized Signature

Date

Legally Authorized Signature

Date

APPROVAL STANDARDS:

1. All property sizes, setbacks and other dimensional attributes resulting from a property line adjustment shall conform to the provisions of the Tillamook County Land Use Ordinance and the Tillamook County Land Division Ordinance.
2. A property line adjustment shall not result in the creation of a new lot or a replat of an existing subdivision or partition.
3. When one or more of the properties is larger than the minimum lot size in the zone, the same number of properties shall be as large or larger than the minimum lot size after the adjustment. When all properties are as large or larger than the minimum property size prior to the adjustment, no adjusted properties shall be reduced below the minimum lot size.

APPROVAL-CRITERIA FOR ADJUSTMENTS IN RESOURCE AND COMMERCIAL ZONES:

In addition to the approval standards listed above, property line adjustments in resource zones (Farm and Forest) must comply with the following criteria. Please use a separate sheet of paper to explain how the proposed adjustment complies with these criteria. Other information such as air photos (available through the GIS database) that would help to show how the adjustment complies with the criteria may also be submitted.

1. In commercial zones, properties to be adjusted shall be shown to be of a size that is at least as appropriate to maintain the existing commercial enterprise and remain in compliance with Section 4.030: Off-Street Parking & Off-Street Loading Requirements of the Tillamook County Land Use Ordinance.
2. If the proposed adjustment involves the transfer of a dwelling from one property to another, the property that will acquire the dwelling must either receive land use approval for the dwelling, or a deed affidavit shall be recorded by the owner of the property where the dwelling was originally located, prohibiting the establishment of any new principal dwellings on that property.
3. On land zoned for exclusive farm use, forest use or mixed farm and forest use, a property line adjustment may not be used to:
 - a. Decrease the size of a tract that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;
 - b. Decrease the size of a tract that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or
 - c. Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify.

THE APPLICATION MUST INCLUDE:

1. Completed application form, signed by the applicant and all property owners.
2. Application Fee.
3. Completed preliminary map/survey.
4. Written explanation of how the adjustment complies with the standards for a property line adjustment in a resource zone.
5. Copy of most recent deed or contract for each parcel involved.



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

Fax: 503-842-1819

LAND DIVISION APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: DALLAS ESPLIN Phone: 503-842-5551
 Address: 11765 HWY 101 SOUTH
 City: TILLAMOOK State: OR Zip: 97141
 Email: BAYSIDESURVEYING@GMAIL.COM

Property Owner

Name: DENIS SCHMITZ Phone: 5038425726
 Address: 14000 TRASK RIVER RD
 City: TILLAMOOK State: OR Zip: 97141
 Email: CEDARMAGOT@GMAIL.COM

Location:

Site Address: 13200 TRASK RIVER RD TILLAMOOK OR 97141
 Map Number: 1S0936D000701 1S0936D000700

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.

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

General Information

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

Existing Conditions

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

OFFICE USE ONLY	
Date Stamp	
RECEIVED	
JAN 19 2022	
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #: 123854	
Fees: 409	
Permit No:	
851-22-000021-PLNG	

- Proposed Development**
- Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to private tracts identified
 - Location, width and purpose of all proposed easements
 - 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

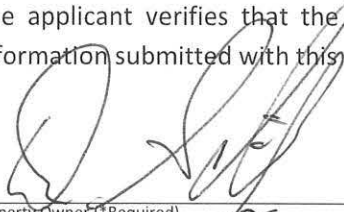
Certificates:

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

Additional Information:

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.



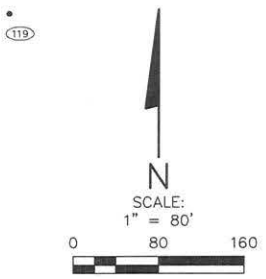
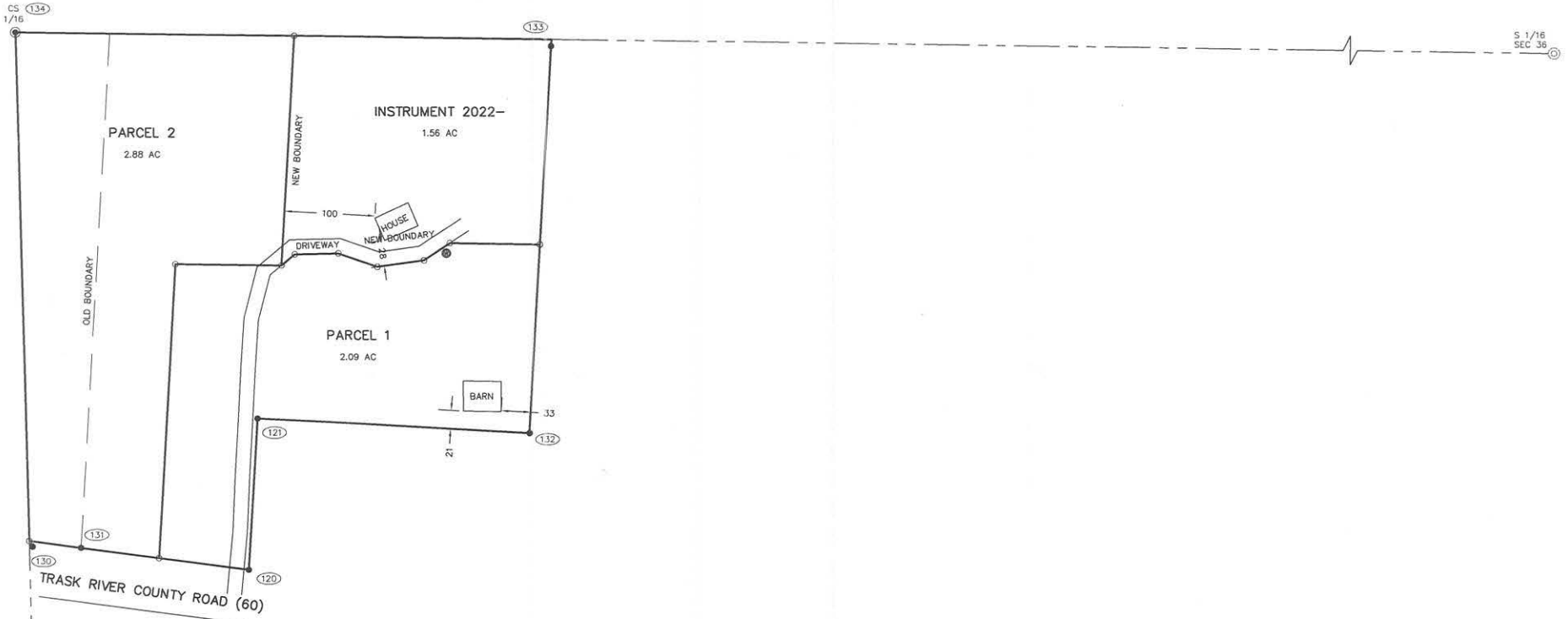
 Property Owner (*Required) *Dallas Esplin*

1-13-2022

 Date
 1/12/22

 Date

PARTITION PLAT 2022-



LEGAL.DOC
 PAR\SCHMITZ-22.DWG
 SCHMITZ-PAR-21.CR5

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Dallas W. Esplin
 OREGON
 DECEMBER 3, 2014
 DALLAS W. ESPLIN
 83627
 RENEWS: DECEMBER 31, 2023

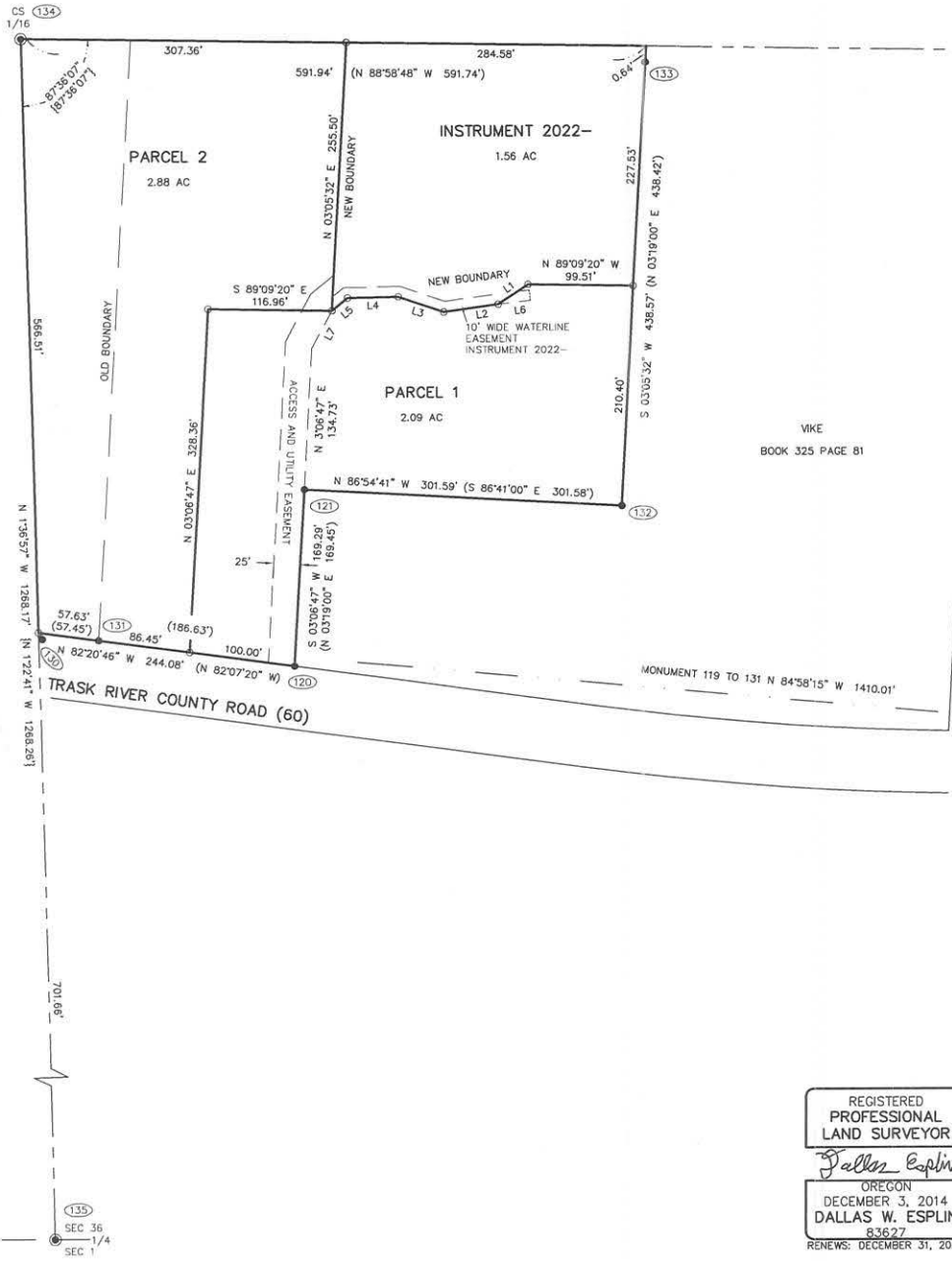
SURVEY BY:
BAYSIDE SURVEYING
 LLC
 11765 HWY 101 SOUTH
 TILLAMOOK, OR 97141
 503-842-5551

PARTITION PLAT FOR:
DENIS & HELEN SCHMITZ
 INSTRUMENTS 2009-246, 2011-1289, & 2022-XXXXXX
 TILLAMOOK COUNTY DEED RECORDS
 SW 1/4 SE 1/4 SECTION 36
 T1S, R9W, W.M.
 TILLAMOOK COUNTY, OREGON

DATE	EQUIPMENT	FIELD	DRAWN	CHECKED	JOB NUMBER
DATE	FC-6000 HYPER-V, ES-103	DCA, JAD	DWE	DWE	#537

CS 1/16
 134
 133
 132
 131
 130
 120
 121
 TRASK RIVER COUNTY ROAD (60)
 135
 SEC 36
 1/4
 SEC 1

PARTITION PLAT 2022-



S 89°13'04" E 2263.66' [S 88°58'48" E 2263.66']

BASIS OF BEARINGS
 THE BASIS OF BEARINGS IS NORTH AS DETERMINED BY G.P.S. OBSERVATIONS USING THE OREGON COAST ZONE COORDINATE SYSTEM. THIS GIVES A BEARING OF NORTH 84°58'15" WEST BETWEEN MONUMENTS 119 AND 131.

OREGON COORDINATE REFERENCE SYSTEM OREGON COAST ZONE
 OBLIQUE MERCATOR PROJECTION
 NORTH AMERICAN DATUM OF 1983

LATITUDE OF LOCAL ORIGIN: 44°45'00" N
 LONGITUDE OF LOCAL ORIGIN: 124°03'00" W
 FALSE NORTHING: -4,600,000.000 METERS
 FALSE EASTING: -300,000.000 METERS
 SKEW AXIS SCALE: 1,000 000 (EXACT)
 SKEW AXIS AZIMUTH AT LOCAL ORIGIN: +5°00'00"

(THE ABOVE INFORMATION IS RECORDED FROM "OREGON COORDINATE REFERENCE SYSTEM HANDBOOK AND MAP SET", VERSION 3.01 2-28-2017, APPENDIX A, PAGE A-52, SEE ODOT RECORDS)

NARRATIVE
 THIS IS A DEPENDENT SURVEY OF THE SCHMITZ TRACTS DESCRIBED IN INSTRUMENTS 2009-246 AND 2011-1289, TILLAMOOK COUNTY DEED RECORDS. THE PURPOSE OF THIS SURVEY IS TO MONUMENT A BOUNDARY LINE ADJUSTMENT AND PARTITION THE REMAINDER INTO 2 (TWO) PARCELS AS SHOWN HEREON.

MONUMENTS 120, 121, 132, 133 WERE HELD FOR THE EAST LINE WITH THE NORTHEAST CORNER BEING EXTENDED TO THE EAST-WEST SIXTEENTH LINE.

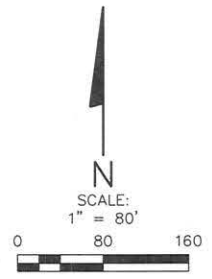
MONUMENTS 120 AND 131 AND A PROJECTION THEREOF WERE HELD FOR THE RIGHT-OF-WAY OF TRASK RIVER COUNTY ROAD.

MONUMENTS 134 AND 135 WERE HELD FOR THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER.

THE SOUTH 1/16TH CORNER ON THE EAST LINE OF SECTION 36 WAS SEARCHED FOR AND NOT FOUND. THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST QUARTER WAS CALCULATED BY HOLDING RECORD ANGLE OFF OF THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER USING MAP B-530

- LEGEND**
- SET 5/8" X 40' REBAR WITH PLASTIC CAP MARKED "DALLAS ESPLIN LS 83627"
 - FOUND MONUMENT AS NOTED, HELD
 - FOUND MONUMENT AS NOTED
 - ⊙ MONUMENT SEARCHED FOR NOT FOUND
 - () RECORD VALUE FROM MAP A-5158
 - { } RECORD OR CALCULATED VALUE FROM MAP B-530
 - NO () OR { } MEASURED VALUE

- LEGEND**
- Ⓜ FOUND 2" IRON PIPE, 0.3' BELOW GRADE, SEE MAP A-2227, HELD
 - Ⓜ FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "A DUNCAN LS 793" SEE MAP A-5158, HELD
 - Ⓜ FOUND 5/8" REBAR, SEE MAP A-5158, HELD
 - Ⓜ FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "A DUNCAN LS 793" ORIGIN UNKNOWN.



REGISTERED PROFESSIONAL LAND SURVEYOR
Dallas Esplin
 OREGON
 DECEMBER 3, 2014
 DALLAS W. ESPLIN
 83627
 RENEWS: DECEMBER 31, 2023

SURVEY BY:
BAYSIDE SURVEYING LLC
 11765 HWY 101 SOUTH
 TILLAMOOK, OR 97141
 503-842-5551

PARTITION PLAT FOR:
DENIS & HELEN SCHMITZ
 INSTRUMENTS 2009-246, 2011-1289, & 2022-XXXXX
 TILLAMOOK COUNTY DEED RECORDS
 SW 1/4 SE 1/4 SECTION 36
 T1S, R9W, W.M.
 TILLAMOOK COUNTY, OREGON

DATE	EQUIPMENT	FIELD	DRAWN	CHECKED	JOB NUMBER
DATE	FC-6000 HYPER-V, ES-103	DCA, JAD	DWE	DWE	#537

LEGAL.DOC
 PAR\SCHMITZ-22.DWG
 SCHMITZ-PAR-21.CR5

COMMUNITY DEVELOPMENT DEPARTMENT
COUNTY SANITARIAN'S OFFICE
AUTHORIZATION NOTICE

18936-703
13 JUL 87
#87-230
159-36D-702

LEGAL DESCRIPTION: T 1 S, R 9 W, SEC 36, TL# 703
6 ACRE PARCEL 701

PROPERTY OWNER: NANCY CARR
13200 TRASK RIVER RD
TILLAMOOK, OR 97141

TYPE OF NOTICE: CHANGE IN USE, AS PER OREGON ADMINISTRATIVE
RULE 340-71-205(5)

NO RECORD OF THE EXISTING SYSTEM IS ON FILE WITH THIS OFFICE, AND THE
SYSTEM LIKELY PREDATES THE COUNTY RECORDS. ON 10 JUL 87, I VISITED THE
LOT TO EVALUATE THE EXISTING SEWAGE DISPOSAL SYSTEM.

THE EXISTING MOBILE HOME IS LOCATED IN A CUT AND LEVELED AREA ON THE
FORESTED LOWER SLOPES OF THE COAST RANGE. SOILS IN THE AREA OF THE
DISPOSAL SYSTEM ARE TYPICAL OF THE HEMBRE SERIES, AS FOLLOWS:

- 0-10" DARK BROWN GRAVELLY LOAM
- 10-31 GRAVELLY DARK YELLOWISH-BROWN SILTY CLAY LOAM
WITH 20-50% SMALL COBBLES
- 31"+ UNABLE TO HAND AUGER DUE TO ROCK PRESENT

THE OWNER HAS SUPPLIED A ROUGH SKETCH OF THE EXISTING DISPOSAL SYSTEM
AND A RECENT PUMPING RECEIPT FOR THE SEPTIC TANK. THE SYSTEM CONSISTS
OF A 1000 GALLON STEEL SEPTIC TANK FOLLOWED BY APPROXIMATELY 100' OF
DISPOSAL TRENCH, IN TWO LATERALS. THIS SYSTEM IS UNDERSIZED BY CURRENT
RULES, HOWEVER IT APPEARED TO BE FUNCTIONING WITHOUT FAILURE.

THE OWNER IS PROPOSING TO ADD A FAMILY ROOM, DEN, AND GARAGE TO THE
EXISTING DOUBLE-WIDE MOBILE HOME. A FLOOR PLAN OF THE ADDITION HAS
BEEN SUBMITTED. THE DEN MUST BE COUNTED AS A POTENTIAL BEDROOM WITH
A POSSIBLE INCREASE IN LOAD TO THE SEWAGE DISPOSAL SYSTEM.

THE MOBILE HOME AND ADDITION MEET ALL SETBACKS FROM THE DISPOSAL SYSTEM
AND THE LOAD INCREASE WILL BE LESS THAN 300 gpd. THIS ADDITION WILL NOT
CREATE A PUBLIC HEALTH HAZARD AND SHOULD NOT CAUSE THE SYSTEM TO FAIL.
AREA IS AVAILABLE FOR A COMPLETE REPAIR SYSTEM, WHEN IT IS NEEDED.

THIS AUTHORIZATION NOTICE DOES NOT GUARANTEE SATISFACTORY OR CONTINUOUS
OPERATION OF THE EXISTING SUBSURFACE SEWAGE DISPOSAL SYSTEM.

RESPECTFULLY,


DOUGLAS W. MARSHALL
SANITARIAN

*This 7-21-87 03:00
For Adding Family room
Den and Bathroom
we bought about 2000
Barrel to Ground 2009
System worked fine
was Ripped out
We are putting in
concrete tank*



Septic Authorization Approval

851-21-000201-AUTH

Residential Authorization

Tillamook County
1510 - B Third St
Tillamook, OR 97141
503-842-3408

Website: tillamook.or.us

Date Issued: 8/26/21 Date Expiring: 8/26/22
Work Description: AUTH NOTICE

Applicant: LEONNIG EXCAVATING INC Address: 5600 HWY 101 S TILLAMOOK OR 97141-9508 Phone: 5038428634 Email: tomleonnig@gmail.com	Primary Contractor: LEONNIG EXCAVATING INC CCB: 65569 Address: 5600 HWY 101 S TILLAMOOK OR 97141-9508 Phone: 5038428634 Email: tomleonnig@gmail.com
---	---

Owner: SCHMITZ, DENIS N CO-TRUSTEE 1/2 &
Address: 14000 TRASK RIVER RD
 TILLAMOOK OR 97141

Property Address: 13200 Trask River Rd, Tillamook County, OR

Parcel: 1S09 36D0 00701 - Primary **Township:** 1S **Range:** 09 **Section:** 06

Authorization Notice for: Replacing One Dwelling with Another
Authorization Resulted in: Repair - Minor

Lot Size: 5.47 acres **Water Supply:** Well
Zoning: Acre and 10 Acre (RR-2, RR-10) **City/County/UGB:** County

Category of Construction: Residential

	Existing	Proposed
Use of Structure:	N/A	single family home
Number of Bedrooms:	N/A	3

System Specifications:

Max Peak Design Flow: 375 gpd **Proposed Gallons per Day:** 375 gpd

Special Requirements:

Stake Out Required: No **Pump to Drainfield Required:** No

Conditions of Approval:

Note: This Notice does not guarantee satisfactory or continuous operation of the sewage system. Should the system fail, a repair permit from DEQ is required.

If you disagree with this report, you have the right to apply for an authorization notice denial review. The application for review must be submitted in writing within 45 days of the report issuance and be accompanied by the review fee in OAR 340-071-0140(3), Table 9C and any additional information DEQ needs to complete the review.

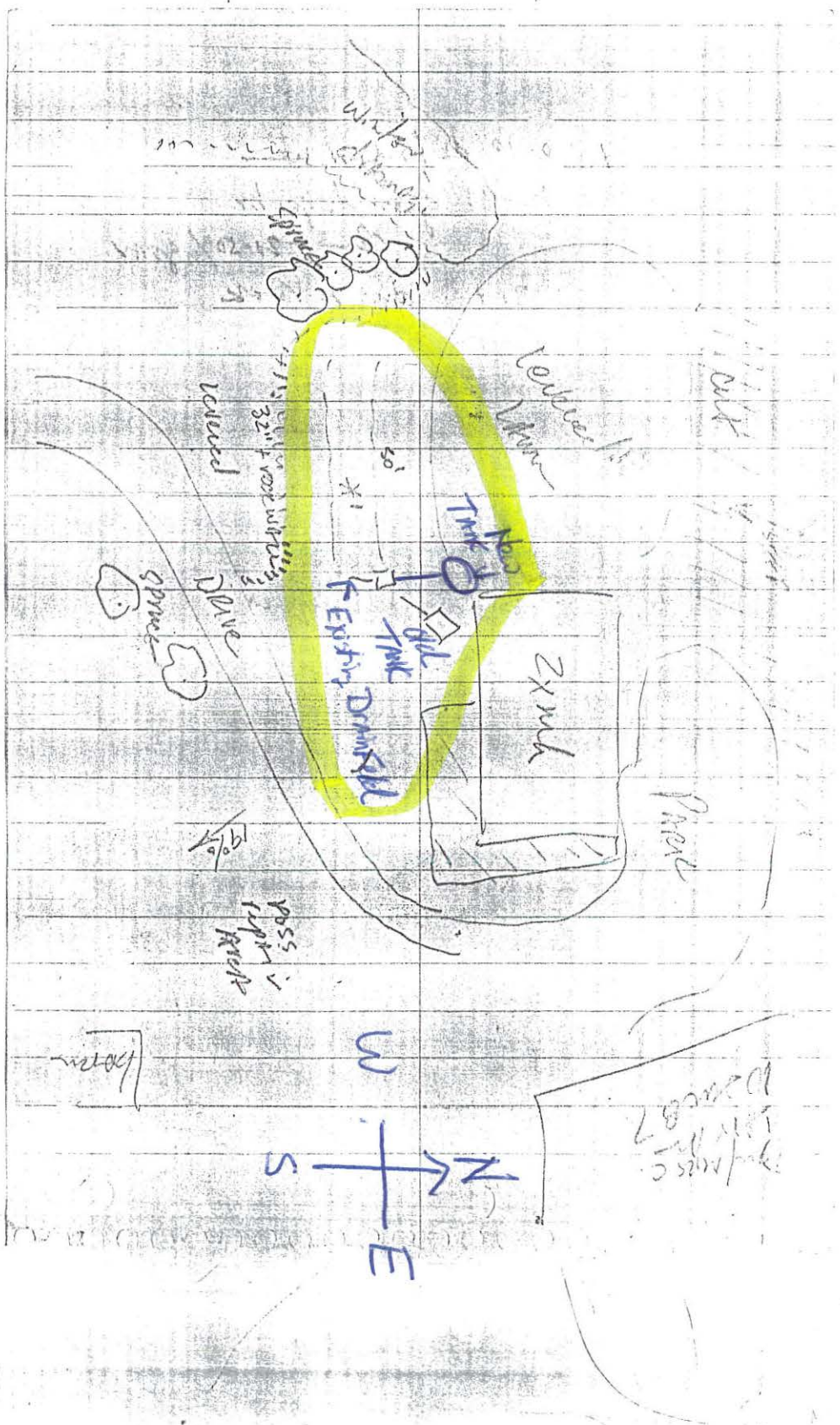
You may apply for a variance to the onsite wastewater treatment system rules. The variance application must include a copy of the site evaluation report, plans and specifications for the proposed system, specify the rule(s) to which a variance is being requested, demonstrate the variance is warranted, and include the variance fee in OAR 340-071-140 Table 9C. A variance may only be granted if the variance officer determines that strict compliance with a rule is inappropriate or special physical conditions render strict compliance unreasonable, burdensome or impractical. A senior DEQ variance officer will be assigned the variance application.

CALL BEFORE YOU DIG...IT'S THE LAW

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth by Oregon Administration Rules. You may obtain copies of the rules by calling the center. (Note: The telephone number for the Oregon Utility Notification Center is 1-800-332-2344.)

8/26/21: 8:33:31AM

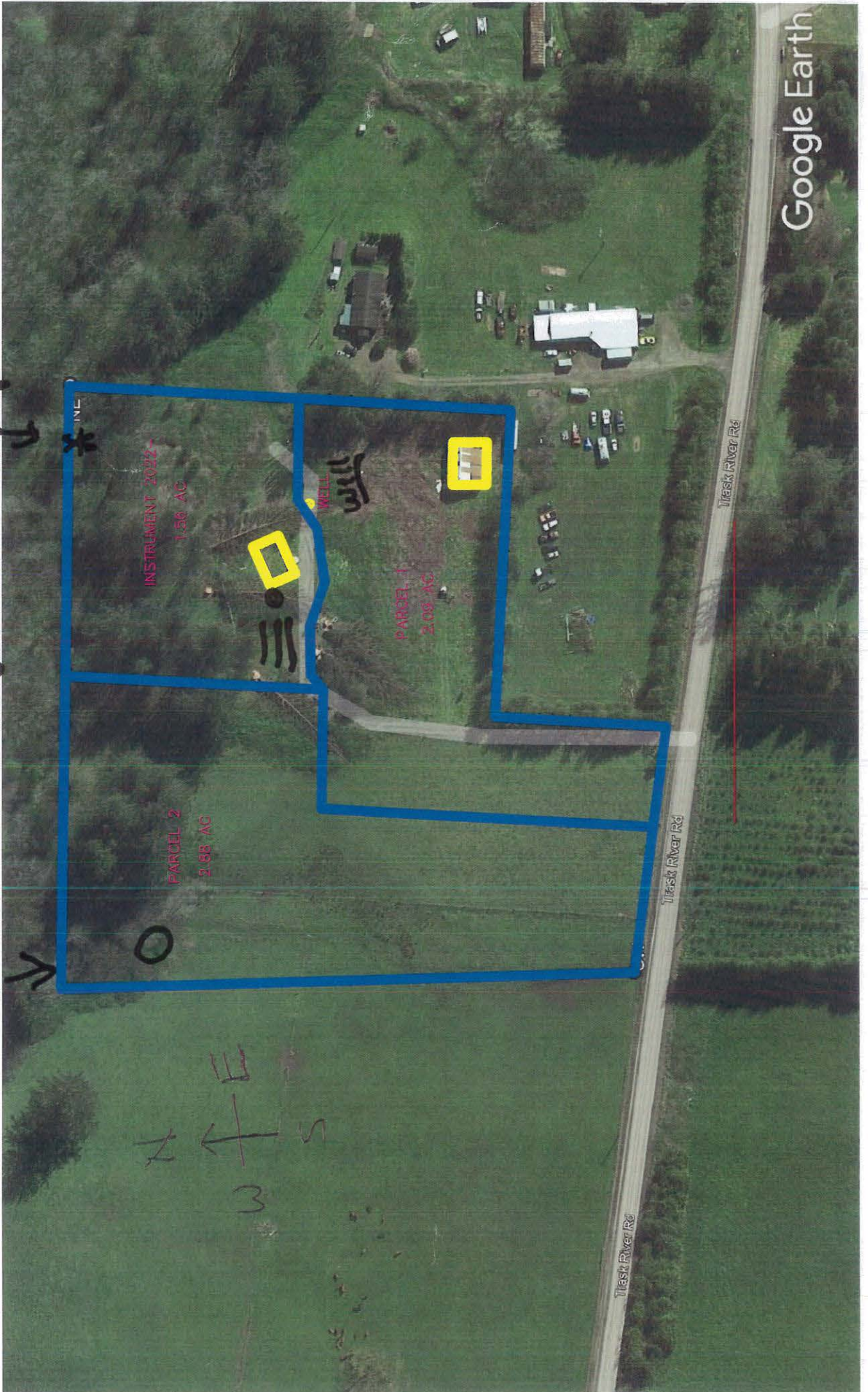
System
New main - Hand
SEP main - Hand
↓



New main Hand
SITS where old main Hand WAS
But Turned from S, to S.E.

New Siphonic Tank
w/ all Drain Field

Shallow Pond
Siphon



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

*Well 13200 Trask
 Drilled 7-11-2021*

WELL I.D. LABEL# L 133 00
 START CARD # 1052585
 ORIGINAL LOG # _____

(1) LAND OWNER Owner Well I.D. W
 First Name Denis & Helen Last Name Schmitz
 Company _____

Address 14000 Trask River Rd
 City Tillamook State Or Zip 97141

(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	Thrd
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

 Seal:

Material	From	To	Amt	sacks/lbs

(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 121 ft.

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		
10	0	19	Bentonite Chips	0	50	56	S
8	19	79			Calculated		
5.5	79	121			Calculated	20.83	S

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"/>	<input type="checkbox"/>	6	<input checked="" type="checkbox"/>	1	79	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

 Shoe Inside Outside Other Location of shoe(s) 79
 Temp casing Yes Dia 10 From 1 To 19

(7) PERFORATIONS/SCREENS
 Perforations Method _____
 Screens Type _____ Material _____

Perf/S	Casing/Screen	Screen Dia	From	To	Scr/slot width	Slot length	# of slots	Tele/ pipe size

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

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1.5		121	2

 Temperature 52 °F Lab analysis Yes By _____
 Water quality concerns? Yes (describe below) TDS amount 645 ppm

From	To	Description	Amount	Units
98	115	Salinity	645	ppm

(9) LOCATION OF WELL (legal description)
 County TILLAMOOK Twp 1 S N/S Range 1 E
 Sec 36 NE 1/4 of the SE 1/4 Tax Lot 701
 Tax Map Number _____ Lot _____
 Lat: _____ " or _____
 Long: _____ " or _____
 Street address of well Nearest address

13200 Trask River Rd. Tillamook, Or 97141

(10) STATIC WATER LEVEL

Existing Well / Pre-Alteration	Date	SWL (psf)	SWL (ft)
Completed Well	6-21-2021		47

 Flowing Artesian Dry Hole

WATER BEARING ZONES Depth water was first found _____

SWL Date	From	To	Est Flow	SWL (psf)	SWL (ft)
06-21-2021	96	121	1.5		47

(11) WELL LOG Ground Elevation _____

Material	From	To
fill	0	2
clay, w/broken rock	2	14
basalt, black	14	23
sandstone, brown, fractured	23	26
sandstone, brown fractured w/occ. grey/green	26	30
basalt, grey, lavender/brown	30	31
sandstone, brown	31	32
sandstone, grey	32	33
sandstone, brown	33	34
sandstone, grey, hard	34	35
basalt, black	35	38
sandstone, grey, hard	38	39
sandstone, grey/brown, weathered	39	40
sandstone, grey, hard	40	41

 Dickerson Well Drilling, Inc.
 503-623-2664

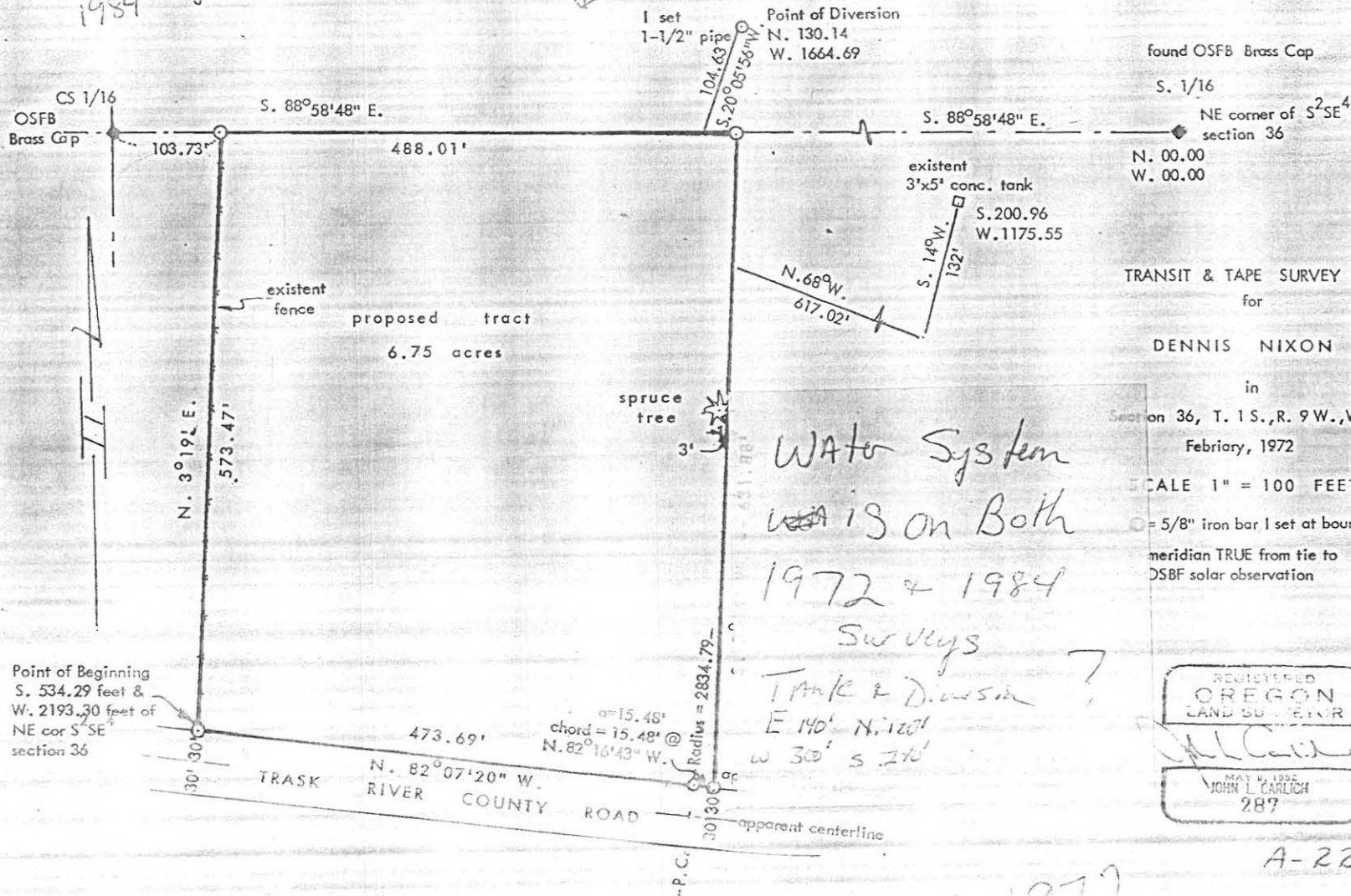
Date Started 06-17-2021 Completed 06-21-2021

(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 well construction standards. Materials used and information reported above are to the best of my knowledge and belief.
 License Number 1574 Date 07-11-2021
 Signed RT SW

(bonded) Water Well Constructor Certification
 I accept responsibility for the construction, deepening, alteration, or abandonment of work performed on this well during the construction dates _____ performed during this time is in compliance with Oregon water well construction standards. This report is true to the best of my knowledge and belief.
 License Number 1571 Date 07-11-2021
 Signed William B. ...
 Contact Info (optional) _____

1972 103.73'
1984 83.73' ?

Spruce Tree
↓ Still there 7-21



REGISTERED
OREGON
LAND SURVEYOR
MAY 14, 1952
JOHN L. CARLICH
287

Feb 1972
Carllich

A-2244



After recording return to:
Denis N. Schmitz Revocable Living
Trust
14000 Trask River Road
Tillamook, OR 97141

Until a change is requested all tax statements
shall be sent to the following address:
Denis N. Schmitz Revocable Living
Trust
14000 Trask River Road
Tillamook, OR 97141
File No.: 7051-1688764 (CM)
Date: February 28, 2011

THIS SPACE RESERVED FOR RECORDER'S USE

Tillamook County, Oregon 2011-001289
03/03/2011 10:47:44 AM
DEED-DWARR
\$10.00 \$11.00 \$16.00 \$10.00 - Total = \$47.00



00104384201100012890020028

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



STATUTORY WARRANTY DEED

Rebecca Werst and John Werst, Grantor, conveys and warrants to **Denis N. Schmitz and Helen M. Schmitz, Co-Trustees or the successor Trustee under the Denis N. Schmitz Revocable Living Trust, dated December 11, 2008**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Tillamook, State of Oregon, described as follows:

All that portion of the Southwest quarter of the Southeast quarter of Section 36, Township 1 South, Range 9 West of the Willamette Meridian that lies Westerly of a line which begins in an existent fence line on the apparent Northerly sideline of the Trask River County Road, which point is South 534.29 feet and West 2193.30 feet from the Northeast corner of the South half of the Southeast quarter of Section 36, Township 1 South, Range 9 West of the Willamette Meridian in Tillamook County, Oregon; thence North 3°19' East 573.47 feet to the Northern boundary of said South half of Southeast quarter and which lies North of the Trask River County Road.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$25,000.00**. (Here comply with requirements of ORS 93.030)

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

Dated this 2nd day of march, 2011.

Rebecca Werst
Rebecca Werst

John Werst
John Werst

STATE OF Washington)
County of Cowlitz)ss.
)

This instrument was acknowledged before me on this 2 day of March, 2011
by **Rebecca Werst and John Werst.**

Kimberley M. Bopp

Notary Public for Washington
My commission expires: 06/14/2014



EXHIBIT A

LEGAL DESCRIPTION

A tract of land located in the Southwest quarter of the Southeast quarter of Section 36, Township 1 South, Range 9 West of the Willamette Meridian, Tillamook County, Oregon, the said tract being described as:

Beginning at a point in an existing fence line on the apparent Northerly sideline of the Trask River County Road, which point is South 534.29 feet and West 2193.30 feet from the Northeast corner of the South half of the Southeast quarter of said Section 36; thence along said County Road sideline South 82° 07' 20" East 186.63 feet to a 5/8" iron bar; thence North 3° 19' East 169.45 feet to a 5/8" iron bar; thence South 86° 41' East 301.58 feet to a 5/8" iron bar; thence North 3° 19' East 438.42 feet to the North line of the South half of the Southeast quarter of said Section 36; thence along the said North line North 88° 58' 48" West 488.01 feet to a point which is North 3° 19' East from the point of beginning; thence South 3° 19' West 573.47 feet to the point of beginning.

DEED EXCEPTIONS

Any improvements located upon the insured property which is described or defined as a mobile home under the provisions of Chapters 803 and 820, OREGON REVISED STATUTES and is subject to registration as provided therein.

Rights of the public in and to that portion lying within Trask River Road.

An easement, including the terms and provisions thereof,

From: W. N. Hulse
To: Tillamook People's Utility District
Recorded: October 21, 1947
Book: 109 Page: 120
Records of Tillamook County, Oregon.

Note: Said easement does not contain a centerline description, therefore we are unable to determine the exact location of said easement.

Easement, including the terms and provisions thereof,

From: Dennis E. Nixon and Nancy T. Nixon
To: Tillamook People's Utility District
Recorded: April 24, 1973
Book: 226 Page: 911
Records of Tillamook County, Oregon.

Tillamook County, Oregon 2009-000246
01/12/2009 03:04:43 PM
DEED-DWARR
\$15.00 \$11.00 \$10.00 - Total = \$36.00



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



AFTER RECORDING RETURN TO:
MOORE & BALLARD
2002 PACIFIC AVENUE
FOREST GROVE, OR 97116

SEND TAX STATEMENTS TO:
NO CHANGE

STATUTORY WARRANTY DEED

Denis N. Schmitz and Helen M. Schmitz, husband and wife, Grantors, hereby convey and warrant to Denis N. Schmitz and Helen M. Schmitz, Co-Trustees or the successor Trustee under the DENIS N. SCHMITZ REVOCABLE LIVING TRUST dated December 11, 2008, and any amendments thereto as to an undivided one-half interest as a tenant in common and unto Helen M. Schmitz and Denis N. Schmitz, Co-Trustees or the successor Trustee under the HELEN M. SCHMITZ REVOCABLE LIVING TRUST dated December 11, 2008, and any amendments thereto as to an undivided one-half interest as a tenant in common, Grantees, all of their right, title, and interest in and to the real property situated in Tillamook County, Oregon, more particularly described on Exhibit A attached hereto and incorporated herein by this reference.

The property is free of encumbrances except for all covenants, conditions, restrictions and easements of record and deed exceptions set out on Exhibit A attached hereto and by reference made a part hereof.

The true consideration for this conveyance is \$0. The purpose of this Statutory Warranty Deed is for estate planning purposes and to transfer all of Grantors' right, title, and interest in the property described above to each of their revocable living trusts.

THE LIABILITY AND OBLIGATIONS OF THE GRANTORS TO GRANTEES AND GRANTEES' HEIRS AND ASSIGNS UNDER THE WARRANTIES AND COVENANTS CONTAINED HEREIN OR PROVIDED BY LAW SHALL BE LIMITED TO THE EXTENT OF COVERAGE THAT WOULD BE AVAILABLE TO GRANTORS UNDER A STANDARD POLICY OF TITLE INSURANCE CONTAINING EXCEPTIONS FOR MATTERS OF PUBLIC RECORD EXTENDED. IT IS THE INTENTION OF THE GRANTORS TO PRESERVE ANY EXISTING TITLE INSURANCE COVERAGE. THE LIMITATIONS CONTAINED HEREIN EXPRESSLY DO NOT RELIEVE GRANTORS OF ANY LIABILITY OR OBLIGATIONS UNDER THIS INSTRUMENT, BUT MERELY DEFINE THE SCOPE, NATURE AND AMOUNT OF SUCH LIABILITY OR OBLIGATIONS.


BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS,

Page 1. STATUTORY WARRANTY DEED

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

Dated this 11 day of December 2008.

GRANTORS:



Denis N. Schmitz



Helen M. Schmitz

STATE OF OREGON)
) ss. December 11, 2008
County of Washington)

Personally appeared the above named, Denis N. Schmitz and Helen M. Schmitz, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: 
Notary Public for Oregon

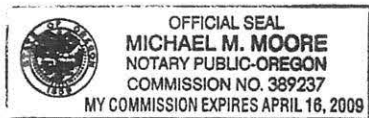


EXHIBIT C

Angela Rimoldi

From: HENDRICKS Nikki M * WRD <Nikki.M.HENDRICKS@water.oregon.gov>
Sent: Thursday, March 3, 2022 1:29 PM
To: Angela Rimoldi
Cc: Sarah Absher
Subject: EXTERNAL: RE: TILLAMOOK COUNTY: WATER AVAILABILITY FOR PARTITION REQUEST (TL 700 + 701)

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

A well can be shared with three homes before registration with OHA is required. The yield of the well log attached is 1.5 gallons per minute. That is a very low yield for a well and two homes may find it difficult to meet needs. An additional well can be installed on the newly partitioned taxlot if the amount of water becomes insufficient. Holding tanks are another viable solution for the low yielding shared well. As it stands, they have a legal source of water and I have no objections, just concerns regarding the yield.

Cheers,

Nikki Hendricks

District 1 Watermaster
4000 Blimp Blvd Ste 400
Tillamook, OR 97141
Office: 503-815-1967
Cell: 503-457-8989

Nikki.M.Hendricks@water.oregon.gov

"When the well is dry, we know the worth of water."-Benjamin Franklin

From: Angela Rimoldi <arimoldi@co.tillamook.or.us>
Sent: Wednesday, March 2, 2022 1:17 PM
To: HENDRICKS Nikki M * WRD <Nikki.M.HENDRICKS@water.oregon.gov>
Cc: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: FW: TILLAMOOK COUNTY: WATER AVAILABILITY FOR PARTITION REQUEST (TL 700 + 701)

Hi Nikki,

Checking in to see if you've had an opportunity to look over the documents attached. These were submitted with the application to justify water availability. Hoping to gain guidance the materials provided confirm water availability for the proposed partition. Should there not be a sufficient source of water to proceed with the proposal, what requirements would the property owner be required to meet to suffice the request?

Thanks for your help,