



**PARTITION REQUEST #851-22-000046-PLNG:  
RUSTH / ONION PEAK DESIGN**

**ADMINISTRATIVE DECISION AND STAFF REPORT**

**DECISION: Approved with Conditions**

**DECISION DATE:** April 18, 2022

**REPORT PREPARED BY:** Angela Rimoldi, Planning Permit Technician

**I. GENERAL INFORMATION:**

- Request:** A Partition request to create two (2) residential parcels on a property located within the Unincorporated Community of Neahkahnie (Exhibit B).
- Location:** The subject property is accessed via Nehalem Road, a County Road, and is designated as Tax Lot 600 of Section 20DC in Township 3 North, Range 10 West, W.M., Oregon (Exhibit A).
- Zone:** Neahkahnie Urban Residential (NK-7.5) Zone (Exhibit A).
- Applicant:** Onion Peak Design, 11460 Evergreen Way, Nehalem, OR. 97131
- Property Owner:** Miles D. Rusth, P.O. Box 19914, Portland, OR. 97280

**Description of Site and Vicinity:** The subject property is square in shape with an existing dwelling and accessory structure, is vegetated with shrubs, grasses, and trees (Exhibits A and B). The property maintains access via Nehalem Road, a County Road (Exhibits A and B). The subject property is within an area primarily devoted to residential use, located within the community of Neahkahnie, zoned Neahkahnie Urban Residential (NK-7.5), which sits north of the City of Manzanita's boundaries (Exhibit A). Surrounding property areas to the south, east, and west are also zoned Neahkahnie Urban Residential Zones (NK-7.5) and the area to the north is zoned Neahkahnie Urban Residential (NK-30) (Exhibit A). Topography of the subject property varies but is gentle in slope with some flat areas (Exhibit B).

The subject property is located within an area of Geologic Hazard, does not contain any mapped wetlands or natural features as indicated on the NWI map, and is in Zone X within an Area of Minimal Flood Hazard as depicted on FEMA Flood Insurance Rate Map (FIRM) Panel #41057C0206F (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 properties and a Condition of Approval has been made to require relevant standards of this section be adhered to at the time of development.

## II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

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 3.300: Neahkahnie Urban Residential (NK-7.5) Zone
- C. Land Use Ordinance Section 4.130: Development Requirements for Geologic Hazard Areas

## III. ANALYSIS:

Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on March 23, 2022. No comments were received.

### 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:** Applicability of the Neahkahnie Urban Residential (NK-7.5) 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:** Staff finds that the proposed partition maintains frontage on the existing County Road, Nehalem Road (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 property is served by the Neahkahn Water District and the Nehalem Bay Wastewater Agency. Service letters were provided in the Applicant’s submittal, confirming service availability to the areas (Exhibit B).

The subject property is served by the Nehalem Fire and Rescue Department, 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 absence of natural features on the subject property, staff concludes these criteria have been met, or can be met through compliance of the Conditions of Approval.

**B. Land Use Ordinance Section 3.300: Neahkahn Urban Residential (NK-7.5) Zone**

(4) Standards: Land divisions in the NK-7.5, NK-15 and NK-30 zones shall conform to the following standards, unless more restrictive supplementary regulations apply:

- (a) The minimum size for the creation of new lots or parcels shall be 7,500 square feet in the NK-7.5 zone; 15,000 square feet in the NK-15 zone and 30,000 square feet in the NK-30 zone with the following exceptions:
    - 1. The provisions of the cluster subdivision section of the Land Division Ordinance or of the PD Overlay zone in the Land Use Ordinance may be used to concentrate development on a portion of a contiguous ownership except that no lots shall be created that are less than 7,500 square feet.
    - 2. In the Neahkahn Special Hazard Area, the minimum lot size shall be determined in accord with the requirements of Section 4.070 of the Land Use Ordinance, but such lots shall not be smaller than the minimums provided in the NK-7.5, NK-15 and NK-30 zones.
  - (b) The minimum lot width shall be 60 feet.
  - (c) The minimum lot depth shall be 75 feet.
  - (d) The minimum front yard setback shall be 20 feet.
  - (e) The minimum side yard setback shall be 5 feet, except on the street side of a corner lot where it shall be 15 feet.
  - (f) The minimum rear yard shall be 20 feet, except on a street corner lot where it shall be 5 feet
- .....

**Findings:** The Preliminary Plat depicts the size, lot width and lot depth of the proposed partition (Exhibit B). Lot size, width and depth minimums conform to the NK-7.35 zone standards (Exhibit B).

Staff finds that proposed Parcel 1 is developed with an accessory structure and will not maintain set back requirements after the proposed Partition (Exhibit B). A Condition of Approval has been placed to require the accessory structure be removed prior to filing the final Plat.

Staff finds that proposed Parcel 2 is developed with an existing dwelling and maintains all set back requirements, both before and after the proposed Partition (Exhibit B).

Staff concludes these criteria have been met.

**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.

#### **IV. DECISION: APPROVED WITH CONDITIONS:**

Staff concludes, based on the findings of fact and other relevant information in the record, 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 May 2, 2022**.

#### **V. CONDITIONS OF APPROVAL:**

**Failure to comply with the Conditions of Approval and Ordinance Standards could result in nullification of this approval. This approval is subject to the following conditions:**

1. The applicant and property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Prior to final plat approval, the accessory structure shall be demolished. Confirmation of demolition of the structure shall be provided to the Department of Community Development prior to final plat approval.
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 subject property shall comply with the development standards required by TCLUO Section 3.300: Neahkahnie Urban Residential (NK-7.5) Zone.
7. Future development of the subject property is subject to the standards required by TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.

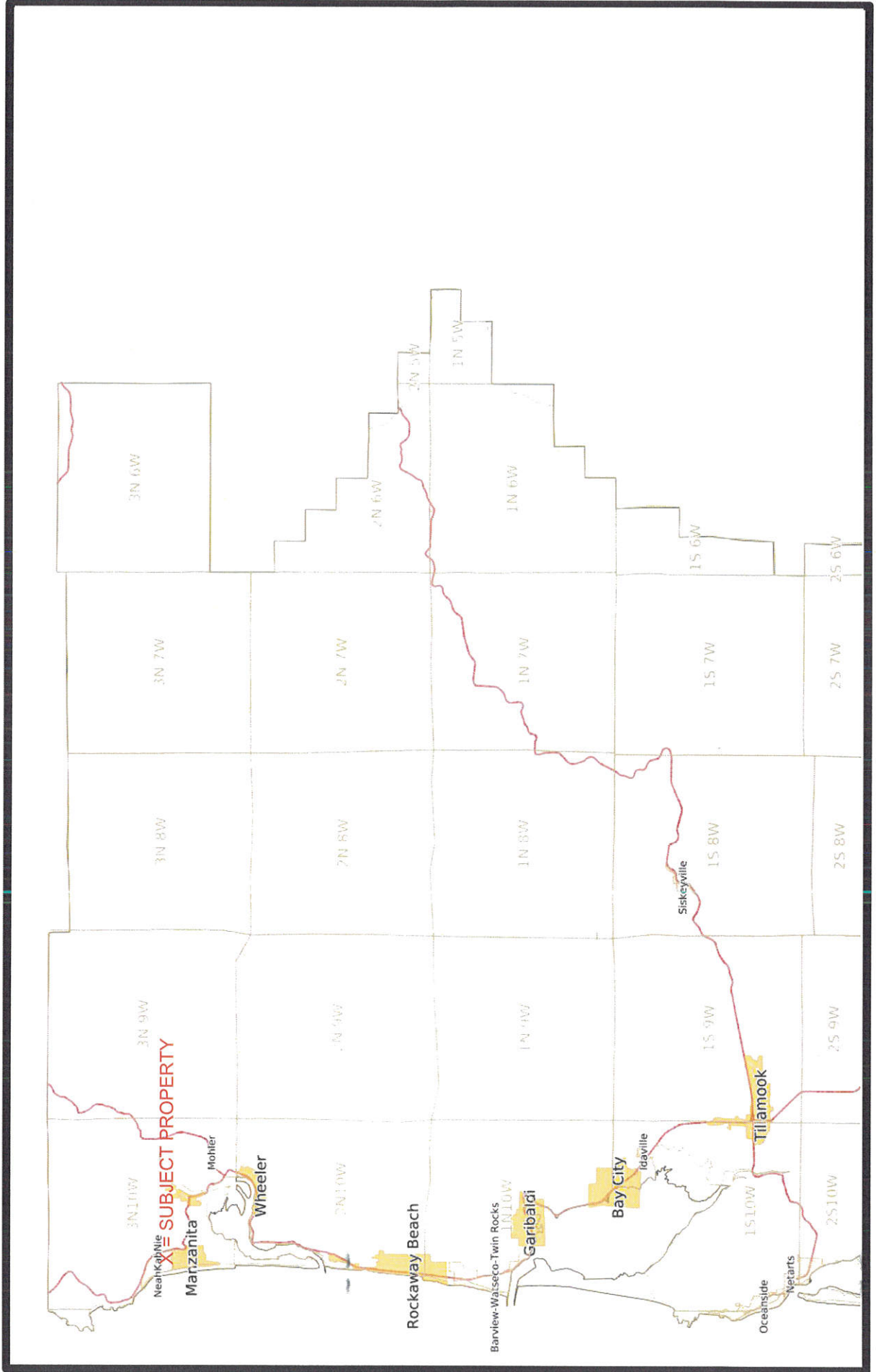
#### **VI. EXHIBITS**

- A. Property Identification Maps
- B. Applicant's Submittal

# EXHIBIT A



# Map



THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

0 50 100 150 200 Feet

S.W. 1/4 S.E. 1/4 SEC. 20 T.3N. R. 10W. W.M.  
TILLAMOOK COUNTY  
1" = 100'

03N10W20DC

CANCELLED  
1419

SEE MAP 3N 10W 20

SEE MAP 3N 10W 20DC

SEE MAP 3N 10W 20

03N10W20DC  
Revised 2/25/22, WS



X = SUBJECT PROPERTY

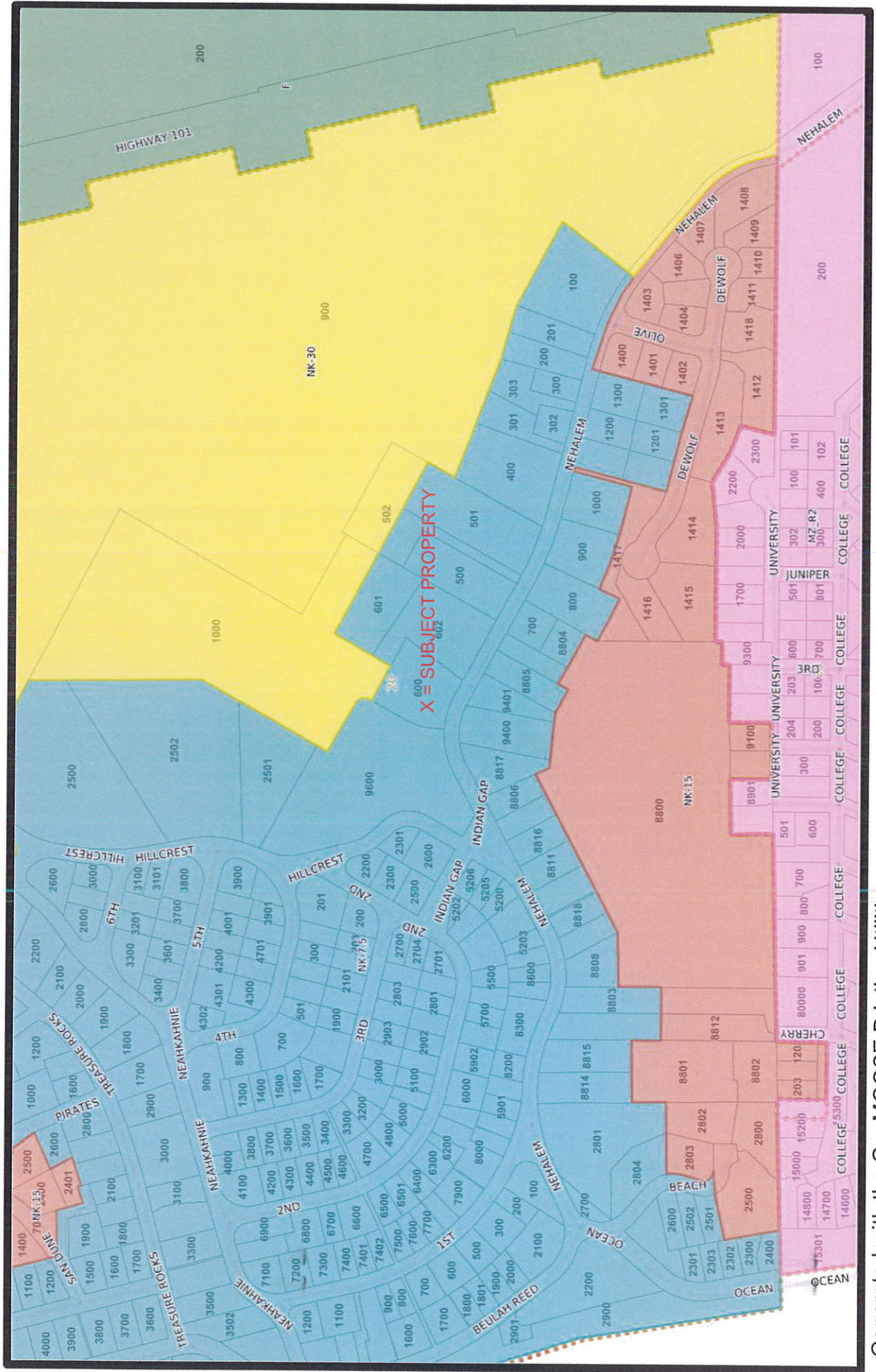
56-12

56-11

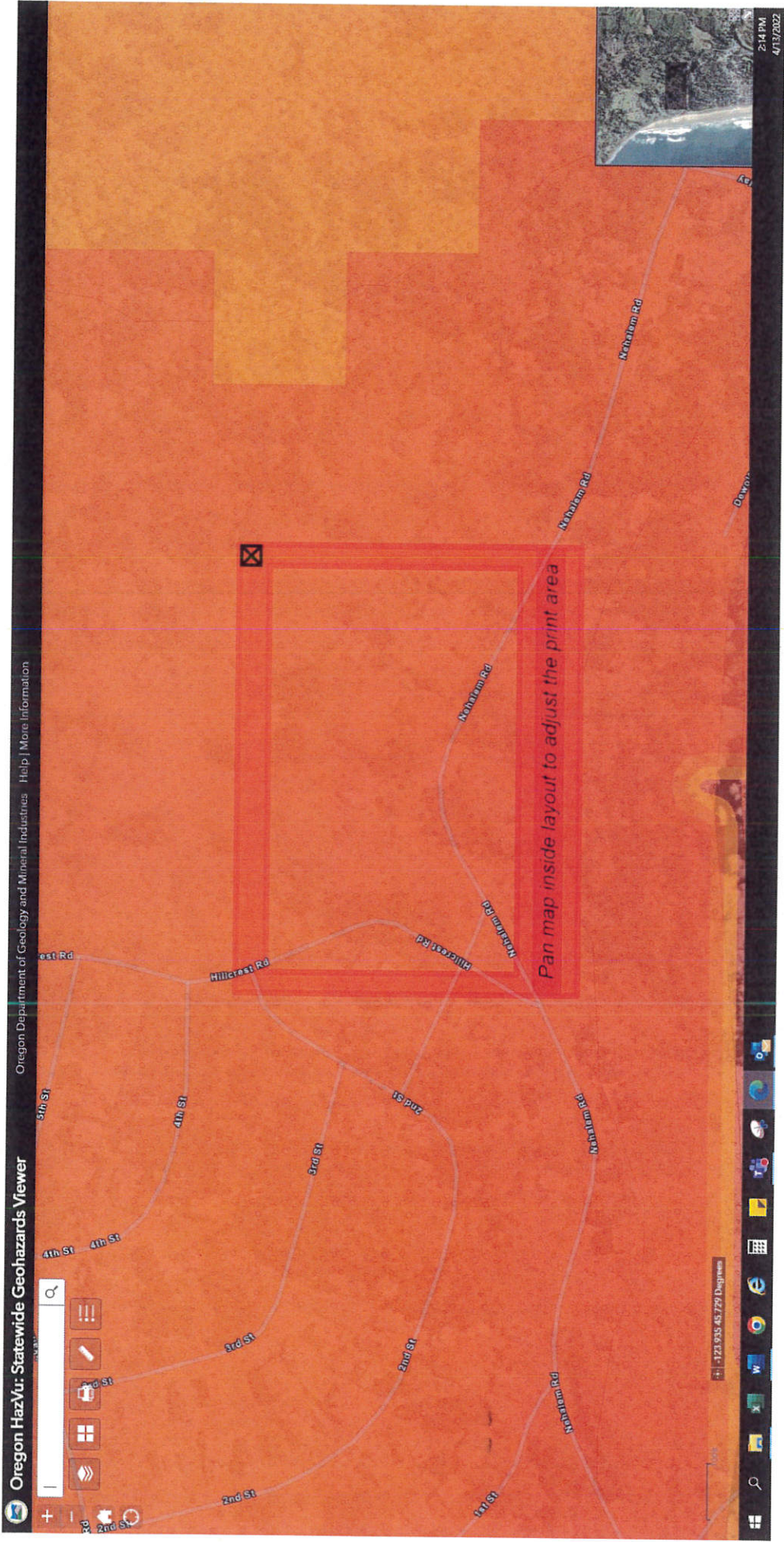


# Map

MOOSEMAPPING











U.S. Fish and Wildlife Service  
National Wetlands Inventory

PARTITION #851-22-000046-STVR



April 13, 2022

**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.



# National Flood Hazard Layer FIRMette

123°56'28"W 45°43'53"N



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

## Legend

**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
- Area of Undetermined Flood Hazard Zone D

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- 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 4/13/2022 at 5:20 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.



0 250 500 1,000 1,500 2,000 Feet 1:6,000  
 Baseemap: USGS National Map: Orthoimagery: Data refreshed October, 2020  
 123°55'51"W 45°43'28"N



# EXHIBIT B



## LAND DIVISION APPLICATION

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

Name: Onion Peak Design Phone: 503-440-4403  
 Address: 11460 Evergreen Way  
 City: Nehalem State: OR Zip: 97131  
 Email: erick.opd@gmail.com

**Property Owner**

Name: Miles D Rusth Phone: 503-546-1270  
 Address: PO Box 19914  
 City: Portland State: OR Zip: 97280  
 Email: milesr@go-summit.com

**Location:**

Site Address: 9000 Nehalem Road, Nehalem, OR 97131

Map Number: 3N 10W 20 DC 600  
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**

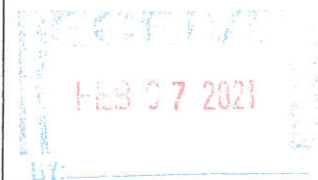
- Parcel zoning and overlays
- Title Block
- Clear identification of the drawing as "Preliminary Plat" and date of preparation
- Name and addresses of owner(s), developer, and engineer or surveyor

**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



Approved  Denied

Received by:

Receipt #: 124242

Fees: 409.-

Permit No:

851-22-000046-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:

---

---

---

---

---

---

---

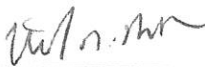

---

---

---

**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.

	02/03/2022
Property Owner (*Required)	Date
	2-4-22
Applicant Signature	Date

**NOTES**

THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE SUBJECT PROPERTY. THE PURPOSE OF THIS MAP IS TO SHOW THE PROPOSED PARTITION AS PER TILLAMOOK COUNTY PLANNING DEPARTMENT PROCEDURES. PUBLIC WATER AND SEWER ARE AVAILABLE THROUGH PUBLIC SYSTEMS LOCATED WITHIN FERN WAY. THE EXISTING SHOP ON PROPOSED PARCEL 1 WILL BE REMOVED PRIOR TO FILING OF THE FINAL PLAT (T.B.R.).

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

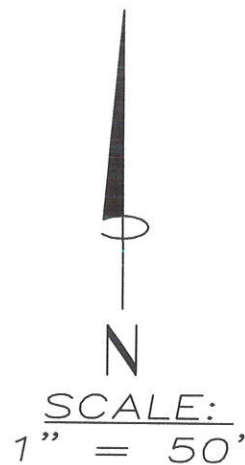
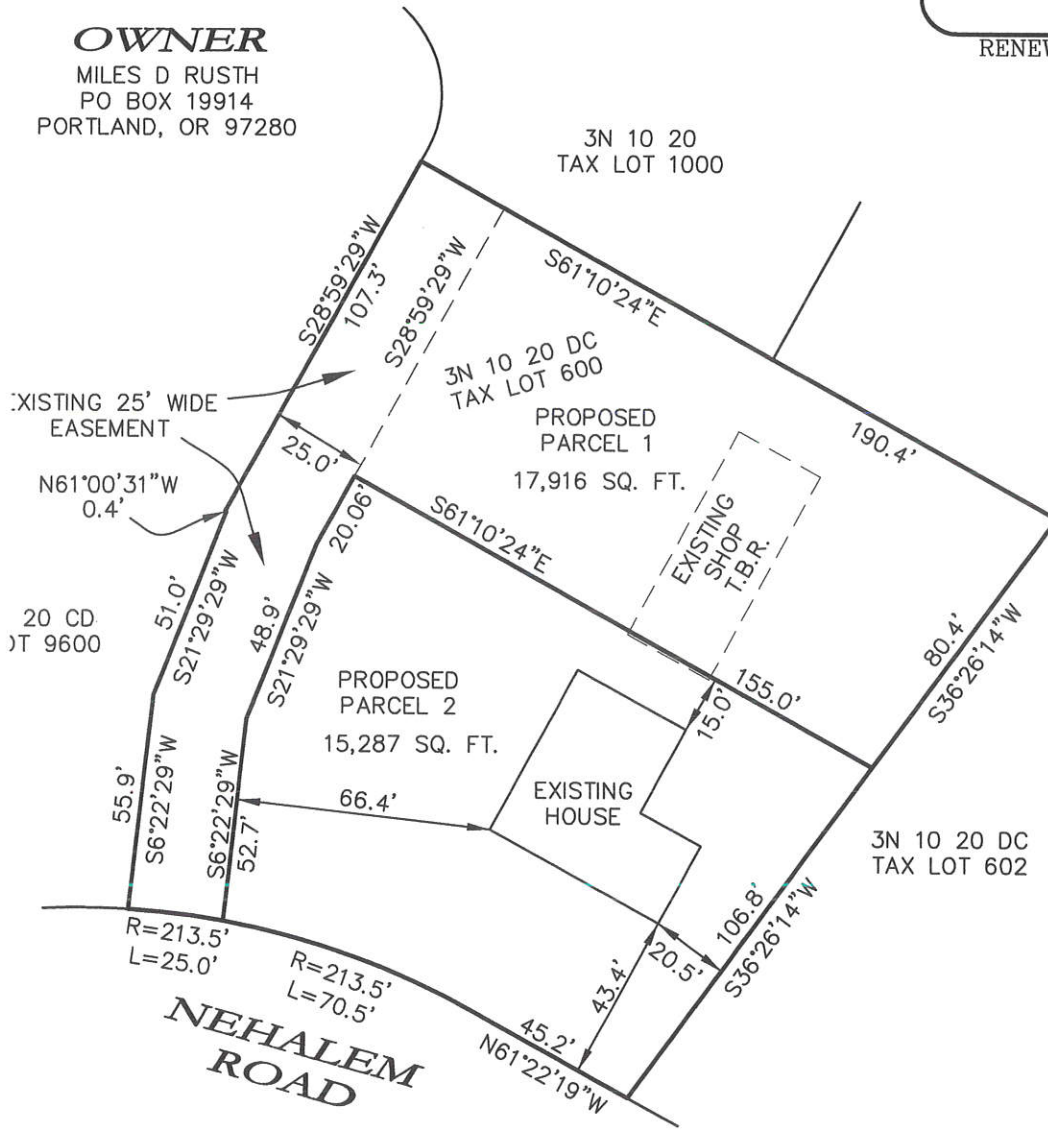
*Erick M. White*

OREGON  
APRIL 28, 2014  
ERICK M. WHITE  
78572

RENEWS 6/30/2022

**OWNER**

MILES D RUSTH  
PO BOX 19914  
PORTLAND, OR 97280



TENTATIVE PARTITION FOR:  
**MILES D. RUSTH**

**ONION PEAK  
DESIGN**

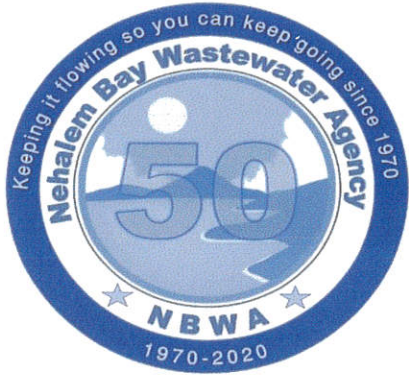
11460 EVERGREEN WAY  
NEHALEM, OR 97131  
(503) 440-4403

3N 10 20 DC  
TAX LOT 600

SE 1/4, SECTION 20, T3N, R10W, W.M.  
TILLAMOOK COUNTY  
FEBRUARY 4, 2022

PFEIFER2201-EX.DWG

**RECEIVED**  
 FEB 07 2022  
 BY: .....



Nehalem Bay Wastewater Agency  
SEWER AVAILABILITY

Date: February 3, 2022  
 To: Tillamook County Building Department (Fax#503-842-1819)  
 From: Nehalem Bay Wastewater Agency  
 RE: Sewer Availability

As an Agent of Nehalem Bay Wastewater Agency, I confirm that sewer is available to the following lot within our service area boundary:

3N 10 20 DC TL 600  
 Current Account#2043051 9000 Nehalem Rd

Owner of Record: Miles Rusth  
 Project Information: Partition to divide into two parcels  
Onion Peak Design

This letter shall not create a liability on the part of Nehalem Bay Wastewater Agency, or by an agent, or employee thereof, for the services described above.

A handwritten signature in black ink that reads "Keri Scott".

\_\_\_\_\_  
 Keri Scott, Executive Assistant  
 Nehalem Bay Wastewater Agency







9155 Nehalem Road a Nehalem Oregon 97131  
(503) 368-7309

DATE: March 3, 2022

TO: Tillamook County One-Stop Permit Counter

Tillamook County Department of Community Development  
1510 – B Third Street  
Tillamook, Oregon 97141

FROM: Neahkahnie Water District

Re: Water Availability Letter – Miles D. Rusth

Dear Sir/Madame,

The property identified in the above-captioned application is included within this District for purposes of receiving water services and is subject to the ordinances of this District:

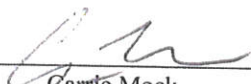
Township: 3N Range: 10 Section: 20DC Tax lot(s): 600

According to our records, the legal owner is: Miles D. Rusth

PO Box 19914 Portland, OR 97280

COMMENTS: Street number not yet assigned - pending

Per District Water Regulations (see current ordinance in force) this letter in and of itself does not guarantee water service connections for any home built on this (these) lots in the future. Each proposed residence shall have an approved building permit from the county. A water service connection will be allowed following submittal of a completed District water service application, payment of fees, and certification of compliance with any and all other District regulations in place at the time water service is requested.

  
Carrie Mock

General Manager  
Signature and Title of Authorized Representative

503-368-7309  
Phone

C: property owner, and Architect

RECORDING REQUESTED BY:



507 Lanada Ave, Ste 3, PO Box 1089  
Manzanita, OR 97130

GRANTOR'S NAME:

Darren Stewart as Personal Representative for the Estate of Tedd Michael Stewart

GRANTEE'S NAME:

Miles D. Rusth

AFTER RECORDING RETURN TO:

Miles D. Rusth  
P.O. Box 19914  
Portland, OR 97280

SEND TAX STATEMENTS TO:

Miles D. Rusth  
P.O. Box 19914  
Portland, OR 97280

121088 and 3N10 20DC 00800  
9000 Nehalem Road, Nehalem, OR 97131

Tillamook County, Oregon  
10/20/2021 11:57:59 AM 2021-08793

DEED-DPERS  
\$15.00 \$11.00 \$10.00 \$61.00 - Total = \$97.00  
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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PERSONAL REPRESENTATIVE'S DEED

Darren Stewart, the duly appointed, qualified and acting personal representative of the estate of Tedd Stewart, deceased, pursuant to proceedings filed in Circuit Court for Tillamook County, Oregon, Case No. 20PB07391, Grantor, conveys to Miles D. Rusth, Grantee, all the estate, right and interest of the above named deceased at the time of the deceased's death, and all the right, title and interest that the above named estate of the deceased by operation of law or otherwise may have acquired afterwards, in and to the following described real property:

Commencing at an iron pipe at the intersections of the centerline of Hillcrest Road and Nehalem Road in the Townsite of Neah-Kah-Nie Mountain, Tillamook County Plat Records;  
thence North 61° 54' East (equals North 62° 09' East on the meridian of the Plat of Neah-Kah-Nie Mountain) 385.8 feet;  
thence on a curve to the right 192.5 feet, with a radius of 193.5 feet (angle of 57° 00');  
thence on a tangent South 61° 06' East 227.2 feet;  
thence North 28° 54' East 20 feet to an iron pipe at the Southeast corner of a tract of land conveyed by S. G. Reed to Pleasant E. Allen recorded in Book 42, page 370, Tillamook County Records;  
thence North 61° 06' West 182.00 feet to a 5/8" iron bar with plastic cap, which point is the true point of beginning of the tract to be described;  
thence North 36° 30' East 187.23 feet to a 5/8" iron bar with plastic cap;  
thence North 61° 06' West 190.57 feet to a point on the East line of that tract conveyed to Omer C. Bartholomew by Deed recorded November 26, 1948 in Book 116, page 50, Tillamook County Records;  
thence South 28° 54' West along the East line of said Bartholomew tract 104.34 feet;  
thence South 61° 06' East 0.37 feet to a 3/4" iron pipe;  
thence South 21° 24' West 51.00 feet;  
thence South 6° 17' West 55.87 feet to a point on the Northerly right of way line of Nehalem Road;  
thence 95.22 feet along the arc of a 213.50 foot radius curve to the right, the chord of which bears South 73° 52' 39" East 94.44 feet;  
thence South 61° 06' East 45.20 feet to the point of beginning.

The true consideration for this conveyance is No Dollars And No/100 Dollars (\$525,000.00).

Subject to:

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

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



RECORDED BY TICOR  
TITLE INS. CO. 3/10/2021 11:58:23

**PERSONAL REPRESENTATIVE'S DEED**  
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Estate of Tedd Michael Stewart

By: *Darren Stewart*  
Darren Stewart, Personal Representative

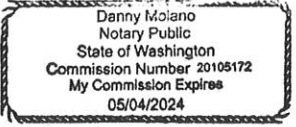
10/18/2021  
Date

State of WA  
County of King

This instrument was acknowledged before me on 10/18/2021 by Darren Stewart, as Personal Representative for the Estate of Tedd Michael Stewart.

*[Signature]*  
Notary Public - State of Oregon

My Commission Expires: 5/4/2024





**EXHIBIT "A"**  
Exceptions

**Subject to:**

Rights of the public to any portion of the Land lying within the area commonly known as Nehalem Road.

Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: December 3, 1920  
Recording No: Book 42, page 370

Agreement for Easement, including the terms and provisions thereof,

Executed by: Charles L. Stewart and Lois R. Stewart; and Helen Patti  
Recording Date: October 3, 1985  
Recording No.: Book 300, page 732  
Affects: Reference is hereby made to said document for full particulars

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in Deed:

Granted to: David G. Gillis and Jane L. Gillis  
Purpose: Ingress and egress  
Recording Date: October 19, 1988  
Recording No: Book 318, page 302  
Affects: Reference is hereby made to said document for full particulars