



1510 – B Third Street  
Tillamook, Oregon 97141  
[www.tillamook.or.us](http://www.tillamook.or.us)  
Building (503) 842-3407  
Planning (503) 842-3408  
Sanitation (503) 842-3409  
FAX (503) 842-1819  
Toll Free 1(800) 488-8280

*Land of Cheese, Trees and Ocean Breeze*

**PARTITION REQUEST #851-22-000374-PLNG:  
MCCANN / ONION PEAK DESIGN**

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

**NOTICE OF ADMINISTRATIVE REVIEW  
Date of Notice: November 4, 2022**

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

**#851-22-000374-PLNG:** A Partition request to create two (2) parcels. Located at Tax Lot 2900 of Section 28, Township 3 North, Range 10 West on a property zoned Nehalem Medium Density Residential (NH-R1). The subject property is accessed via Highway 101 North, a state highway. The owner is William and Barbara McCann. The applicant is Onion Peak Design.

Written comments received by the Department of Community Development **prior to 4:00p.m. on November 18, 2022**, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than November 21, 2022.

Notice of the application, a map of the subject area, and the applicable criteria are being mailed to all property owners within 250-feet of the exterior boundaries of the subject parcel for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

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

If you have any questions about this application, please call the Department of Community Development at: 503-842-3408 or email: [arimoldi@co.tillamook.or.us](mailto:arimoldi@co.tillamook.or.us)

Sincerely,

A handwritten signature in blue ink that reads "Angela Rimoldi".

Angela Rimoldi, Planning Permit Technician

A handwritten signature in blue ink that reads "Sarah Absher".

Sarah Absher, CFM, Director

Included: Applicable Ordinance Criteria  
Vicinity, Assessor and Zoning Maps

# REVIEW CRITERIA

## NEHALEM, OR - CODE OF ORDINANCES

### CHAPTER 157 ZONING

City of Nehalem Zoning Ordinance 157.068 Medium Density Residential -R1 Zone Standards:

- (a) The minimum lot size shall be. Where public sewers are not available the County Sanitation may establish a minimum lot size greater than 7,500 square feet.
- (b) The minimum lot width shall be 75 feet.
- (c) The minimum lot depth shall be 85 feet.
- (d) The minimum front yard shall be 20 feet.
- (e) The minimum side yard shall be 5 feet; except on the street side of a corner lot, it shall be 15 feet.
- (f) The minimum rear yard shall be 20 feet; except on a corner lot, it may be 5 feet.

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### CHAPTER 156 SUBDIVISIONS

#### MINOR LAND PARTITION

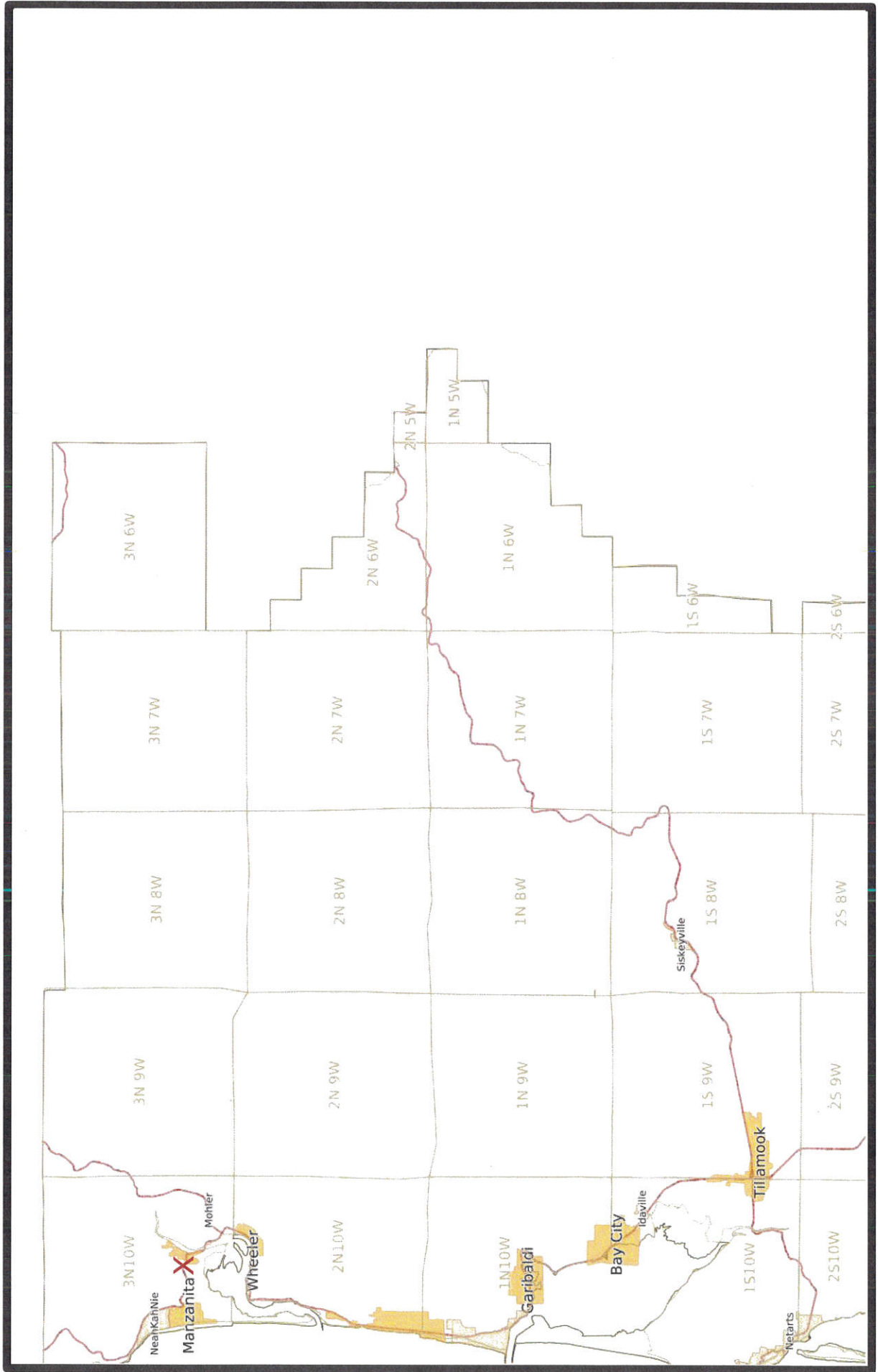
- 156.065 MINIMUM STANDARDS
- 156.066 INITIAL SUBMISSION
- 156.067 INFORMATION ON MAP
- 156.068 REVIEW AND APPROVAL

#### DESIGN STANDARDS

- 156.080 GENERAL REQUIREMENTS
- 156.081 STREETS
- 156.082 UTILITY EASEMENTS
- 156.083 BUILDING SITES

# Map - vicinity

X = Subject Property

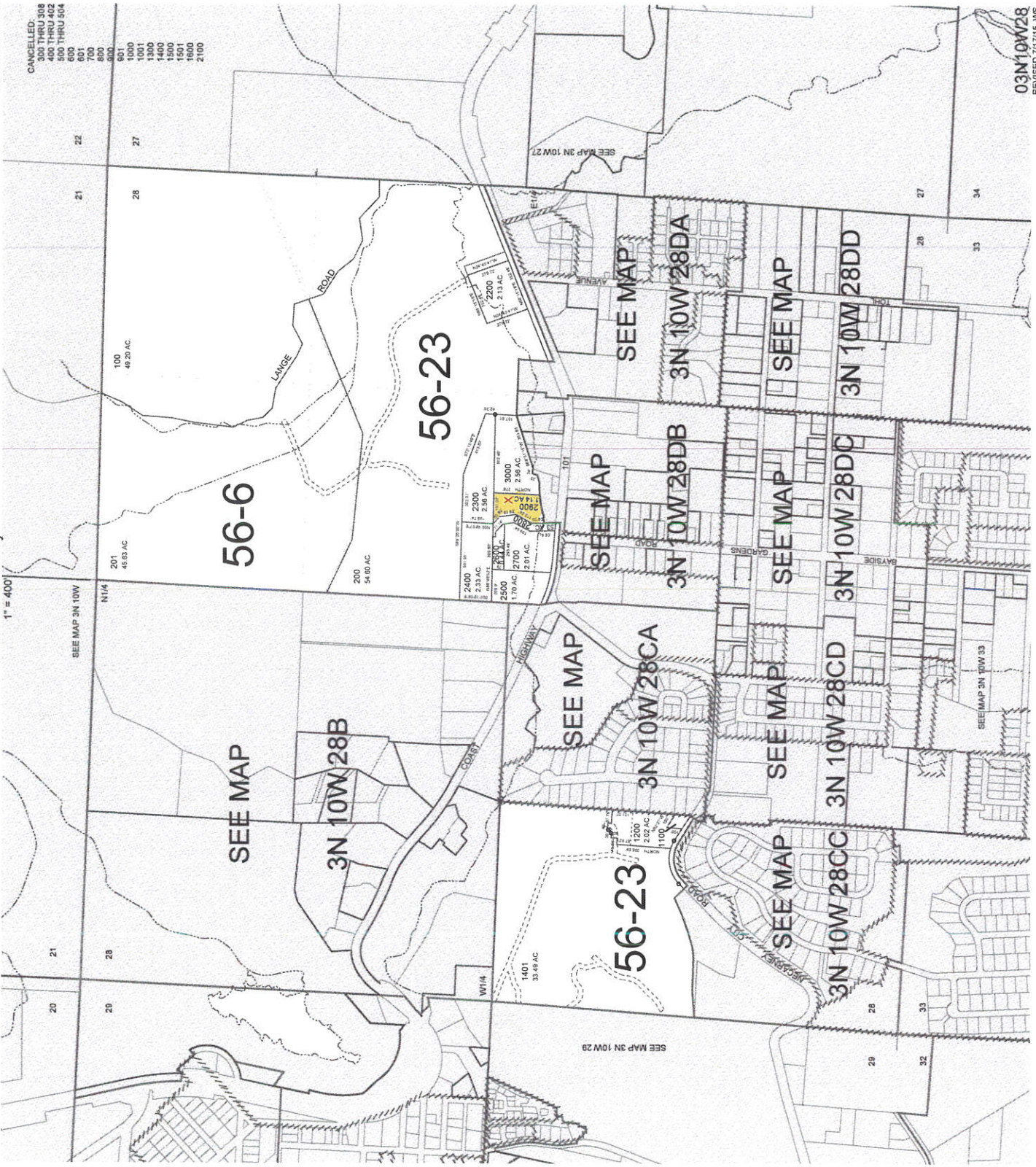


X = Subject Property  
FOR ASSESSMENT AND TAXATION ONLY, NOT SUITABLE FOR  
LEGAL, ENGINEERING, OR SURVEY PURPOSES

SECTION 28 T.3N. R.10W. W.M.  
Tillamook County

03N10W28

CANCELLED:  
100 THRU 200  
400 THRU 800  
500 THRU 900  
600  
700  
800  
900  
1000  
1001  
1300  
1400  
1500  
1600  
1800  
2100



03N10W28  
REVISED 7/17/15, WS





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

Fax: 503-842-1819

## 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: William D & Barbara J McCann Phone: 5038016877  
 Address: PO Box 524  
 City: Nehalem State: OR Zip: 97131  
 Email: scubasky52@gmail.com

### Location:

Site Address: 36380 Hwy 101 N., Nehalem, OR 97131

Map Number:	3N	10W	28	2900
	Township	Range	Section	Tax Lot(s)

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

### PRELIMINARY PLAT (LDO 060(1)(B))

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

#### General Information

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

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

#### Existing Conditions

- 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

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

Other information:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

OFFICE USE ONLY	
Date Stamp	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by:	
Receipt #: 128690	
Fees: 1100.5	
Permit No:	
851-22-000374PLNG	

- 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





**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 PRIVATE 50' WIDE NON-EXCLUSIVE EASEMENT.

**OWNER**

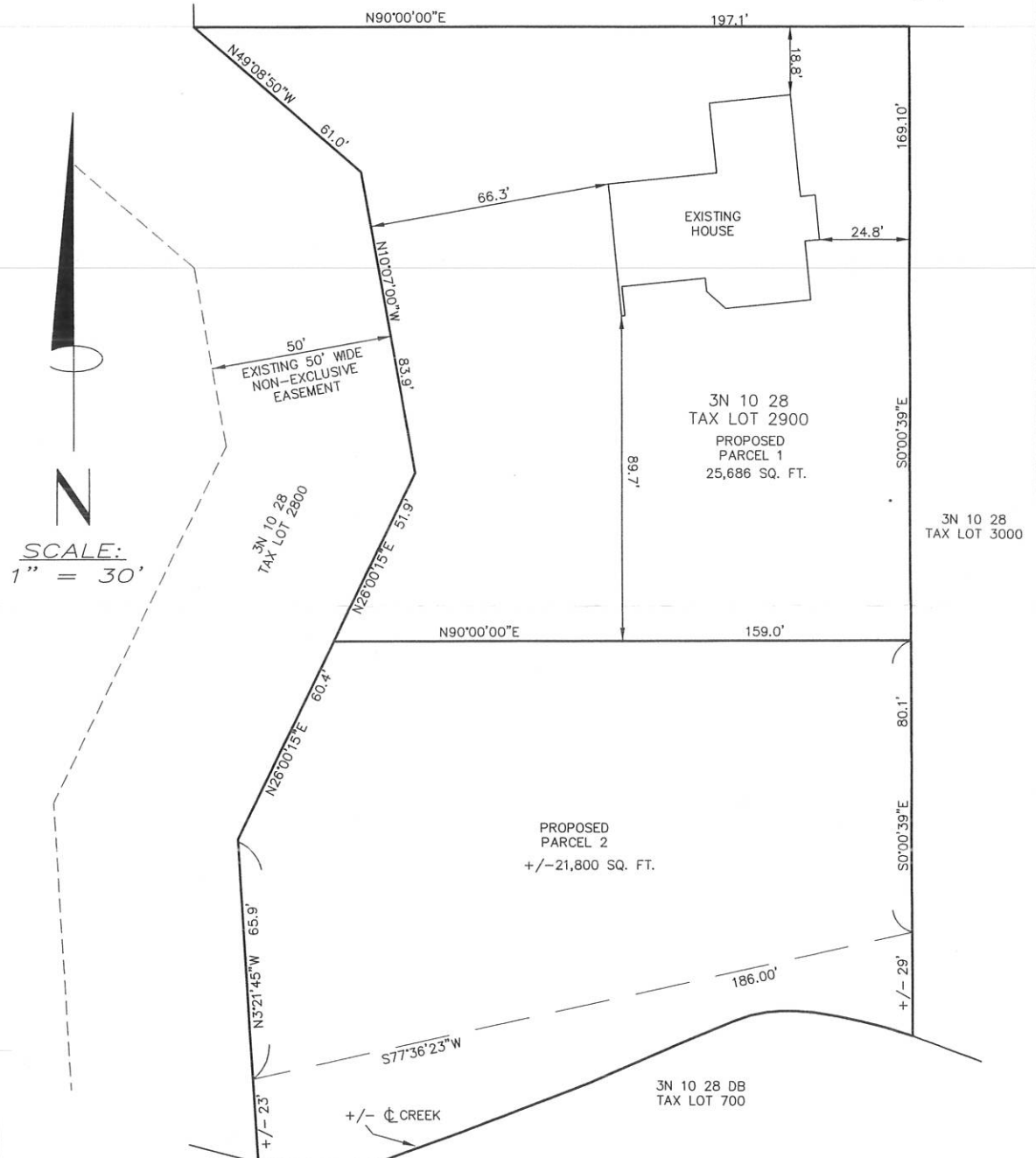
WILLIAM D & BARBARA J MCCANN  
PO BOX 524  
NEHALEM, OR 97131

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Erick M White*

OREGON  
APRIL 28, 2014  
ERICK M. WHITE  
78572

RENEWS 6/30/2024



**ONION PEAK  
DESIGN**

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

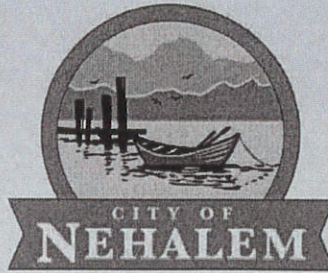
MCCANN2209-EX.DWG

PROPOSED PARTITION FOR:  
**WILLIAM D MCCANN**

3N 10W 28  
TAX LOT  
2900

NE 1/4 & SE 1/4, SECTION 28, T3N, R10W, W.M.  
TILLAMOOK COUNTY  
SEPTEMBER 27, 2022





Date: 08/3/2022

To: TILLAMOOK COUNTY BUILDING DEPARTMENT

Re: WATER SERVICE AVAILABILITY

Attn: Building Department

I confirm that the property listed below is within the City's water service area, and may be served water through the City's Water System under the Terms and Conditions governed by the latest version of the City's Water Ordinance. Please note: This Water Service Availability letter does not certify, approve or acknowledge any specific development plans, water or other utility installations that may be necessary for the subject property to actually physically connect to the City's water system to receive service. This letter only certifies that the subject property may receive (or may already receive) water from the City's Water System.

TOWNSHIP 3N RANGE 10 SECTION 28 TAX LOT(S) 02900

SITUS ADDRESS: 36380 Highway 101 N

NAME: McCann, William D & Barbara J PHONE: 503-801-6877

MAILING ADDRESS: PO Box 524

Manzanita, OR 97130

Single Family  Duplex/Multi-Family  Other

Comments: \_\_\_\_\_

Signed: Melissa Thompson Kufner City Manager  
Name Title

SPECIAL WARRANTY DEED

KATHLEEN A. HARWOOD, Grantor conveys and specially warrants to WILLIAM D. McCANN and BARBARA J. McCANN, husband and wife, Grantees, the following described real property free of encumbrances created or suffered by Grantors except as specifically set forth herein:

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

Tax Identification No.: Code 56-23 3N1028D-802 Key #65538

This deed is given in fulfillment of that certain Real Estate Contract between the parties hereto, dated November 5, 1991, and recorded November 5, 1991, in Book 338, Page 373, and the covenants of warranty herein contained shall not apply to any title, interest or encumbrance subsequent to said date whether arising by, through or under the Buyers in said contract or otherwise and shall not apply to any taxes, assessments or other charges levied, assessed or becoming due subsequent to the date of said contract.

The true and actual consideration for this transfer is \$25,000.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this 5th day of Oct, 1993.

Kathleen A. Harwood  
GRANTOR

STATE OF OREGON, County of Tillamook ss. OCT 5, 1993.

Personally appeared the above named KATHLEEN A. HARWOOD, Grantor, and acknowledged the foregoing instrument to be her voluntary act.

BEFORE ME:



Dee Anne Stockton  
Notary Public for Oregon  
My Commission Expires: 5/11/96

AFTER RECORDING RETURN TO:

WILLIAM D. and BARBARA McCANN  
P.O. Box 524  
Manzanita, Oregon 97130

FUTURE TAX STATEMENTS  
SHOULD BE SENT TO:

WILLIAM D. and BARBARA McCANN  
P.O. Box 524  
Manzanita, Oregon 97130

HARWOOD TO MCCANN

Legal Description

Beginning to a point on the Easterly boundary of a 50 foot wide roadway, said point also being South 163.96 feet and East 519.71 feet from a 2 inch iron pipe set by Wm. E. Anderson, County Surveyor, to be the center of Section 28, Township 3 North, Range 10 West of the Willamette Meridian; thence North 3° 22' West along said Easterly boundary 65.83 feet; thence North 26° 00' East along said Easterly boundary 112.24 feet; thence North 10° 07' West along said Easterly boundary 83.82 feet; thence North 49° 09' West along said Easterly boundary 60.93 feet; thence East 197.07 feet; thence South 276 feet, more or less, to the center of a creek; thence Westerly along the centerline of said creek 180 feet, more or less, to a point on the Easterly boundary of said roadway which lies South 3° 22' East of the point of beginning; thence North 3° 22' West 23 feet, more or less, to the point of beginning; all lying in Section 28, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

TOGETHER WITH a perpetual non-exclusive roadway easement 50 feet in width abutting the Westerly line of the above described premises and generally described as follows (the intention being to afford access to Highway No. 101):

A strip of land 50 feet in width, being 25 feet on each side of the following described centerline, to-wit: Commencing at a 2 inch iron pipe set by W. E. Anderson, County Surveyor, as the center of Section 28, Township 3 North, Range 10 West of the Willamette Meridian in Tillamook County, Oregon, and running thence South 27.8 feet and East 123.0 feet and North 48° 30' East 115.6 feet to a point on the East line of the so called Alger East tract, the true point of beginning of the centerline of the right-of-way easement; and running thence North 48° 30' East 84.4 feet; thence North 63° 36' East 100 feet; thence South 75° 47' East 100 feet; thence South 49° 09' East 80 feet; thence South 10° 07' East 60 feet; thence South 26° 00' West 110 feet; thence South 03° 22' East 184.18 feet to the line of Highway No. 101.

**SUBJECT TO:**

1. The premises herein described are within and subject to the statutory powers, including the power of assessment of Nehalem Bay Wastewater Agency, formerly known as North Tillamook County Sanitary Authority.

2. Easement as reserved in Warranty Deed, including the terms and provisions thereof,

From: Eugene E. Stockton and Etta V. Stockton, his wife, and Herbert W. Alger

To: Leroy G. Harwood and Kathleen M. Harwood, his wife

Recorded: November 25, 1980, in Book 275, page 64, Records of Tillamook County, Oregon.

EXHIBIT "A"

3. Conditions and restrictions, as contained in Deed,  
Grantor: Eugene E. Stockton and Etta V. Stockton, his wife, and  
Herbert W. Alger  
Grantee: Leroy G. Harwood and Kathleen A. Harwood  
Recorded: November 25, 1980, in Book 273, page 84, Records of  
Tillamook County, Oregon.

4. Rights of the public and governmental bodies in and to any  
portion of the premises herein described lying below high water  
mark of the Neahkahnie Creek, including any ownership rights which  
may be claimed by the State of Oregon below the high water mark.

5. Any adverse claim based upon the assertion that:

Said land or any part thereof is now or at any time has been  
below the ordinary high water mark of the Neahkahnie Creek.

Some portion of said land has been created by artificial means  
or has accreted to such portion so created.

Some portion of said land has been brought within the  
boundaries thereof by an avulsive movement of the Neahkahnie Creek  
or has been formed by an accretion to any such portion.

327176

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



Witness my hand and seal of office.  
JOSEPHINE VELTPA, County Clerk

*Josephine Veltpa*

Deed  
Map  
Lien  
MS