



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

**PARTITION #851-22-000419-PLNG:
WALD & WALLACE
ADMINISTRATIVE DECISION & STAFF REPORT**

Decision: Approved with Conditions
Decision Date: March 17, 2023
Report Prepared By: Angela Rimoldi, Planning Technician

I. GENERAL INFORMATION:

- Request:** Partition request to create two (2) residential parcels (Exhibit B).
- Location:** Located northeast of the Incorporated City of Garibaldi, via New Miami River Road, a county road. The subject property is designated as Tax Lot 100 of Section 02, Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County Oregon (Exhibit A).
- Zone:** Rural Residential 2-Acre (RR-2) Zone
- Applicant:** Don Wallace, 1224 Alder Street, Vernonia, OR. 97064
- Property Owner:** Richard Wald, 36987 S., Stoney Cliff Drive, Tucson, Az. 85739

Description of Site and Vicinity: This property is comprised of one (1) tax lot, consisting of a historical boundary line which follows the Miami River separating the 2 parcels; this tax lot consists of two (2) zones, Farm (F-1) and Rural Residential (RR-2), the parcel proposed for partition falls on the east side of the boundary line, zoned (RR-2), while the parcel on the west side of the boundary line, zoned primarily (F-1) with some (RR-2), will remain unaffected by the proposed partition (Exhibit A). The following information in this Staff Report will pertain to the parcel solely zoned RR-2.

This property is accessed via New Miami River Road, a county road, is irregular shaped, approximately 20+ acres in size, holds a single-family dwelling and accessory structure onsite, and is vegetated with grasses, bushes, and trees (Exhibit A). Topography of the subject property varies between some sloped and flat areas. The subject property is located within an area primarily devoted to forest, farm, and residential use (Exhibit A). The subject property is surrounded by properties zoned Forest (F) to the east and west,

Farm (F-1) to the north and south, with some properties zoned Rural Residential (RR-2) to the south (Exhibit A).

The subject property is located within an area of geologic hazard, contains mapped wetlands or natural features as indicated on the NWI map, and is located within Zone AE an Area of Special Flood Hazard and Zone X an Area of Minimal Flood Hazard as depicted on FEMA Flood Insurance Rate Map (FIRM 41057C0401F) (Exhibit A).

Given the size and topography of the subject property and subsequent parcels, Staff finds that the standards of TCLUO Section 4.130: Developmental Requirements for Geological Hazard Areas is not applicable at this time, however a Condition of Approval has been made to require relevant standards of this section be adhered to at the time of future development.

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

The request is governed through the following Sections of the Tillamook County Land Use Ordinance (TCLUO). 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. TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone
- C. TCLUO 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 agencies on February 17, 2023. 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: The preliminary Partition Plat proposes the creation of two (2) parcels (Exhibit B). The applicability of the RR-2 zone is addressed below. Plat and submitted supplemental information confirm the criteria above are met.

- (c) Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer and streets, shall conform to the standards in Sections 150 and 160 of this ordinance;*
- (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 subsequent parcels remains via New Miami River Road, a county 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 Sections 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 proposed parcels shall be served by a well as the water source. An email from the Oregon Water Resources Department confirms a well can be drilled for use, up to three (3) home domestic uses (Exhibit B). A Condition of Approval has been placed for a Water Verification Letter to be required prior to any development.

For proposed parcel 1 on-site wastewater system, a notation can be placed on the 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 site evaluation approval has not yet been obtained. Proposed parcel 2 is currently serviced with an existing on-site wastewater system.

The subject property may be served by the Bay City Fire Department and/or the Garibaldi Rural Fire Protection District, the Tillamook County Sheriff's Office, and the Tillamook County Public Works Department. Given the location of the property, availability of public services existing in the area staff concludes these criteria have been met or can be met through compliance with the Conditions of Approval.

B. TCLUO 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.*
- ...*
- (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.*

.....

Findings: The applicant has provided a preliminary plat confirming the two (2) parcels to be created by the proposed partition meet the 2-acre minimum requirements for lot size, as well as the 100-foot lot width and depth dimensions as outlined above (Exhibit B). Proposed parcel 1 currently holds no improvements therefore setback requirements do not apply (Exhibit B). Proposed parcel 2 is developed with a single-family dwelling and accessory structure, therefore, set back standards will decrease while maintaining standard after the proposed partition (Exhibit B). Staff finds these standards 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:*

(a) *Active landslides identified in Oregon Department of Geology and Mineral Industries (DOGMI) Bulletins 74 and 79;*

(b) *Inactive landslides, landslide topography and mass movement topography identified in DOGMI bulletins 74 and 79 where slopes are greater than 19 percent;*

.....

(2) *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 subject property is within an area of geologic hazard (Exhibit A). Future development of the subject property will be subject to development standards of the TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. A Condition of Approval has been outlined below in Section V.

IV. DECISION: APPROVED WITH CONDITIONS

Staff concludes, based on the findings of fact and other relevant information in the record, the Applicant has satisfied or is able to satisfy the applicable ordinance requirements through the Conditions of Approval, and therefore, approves the request subject to the provisions in Section V below.

By accepting this approval, the applicants/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 approved subject to this approval. The applicants/property owners shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed building site.

This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00 PM on March 29, 2023**.

V. CONDITIONS OF APPROVAL:

Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant 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 shall comply with all requirements of the Tillamook County Surveyor's Office.
4. The applicant 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 Preliminary Plat approval.
5. The applicant shall record the Final Plat within ninety (90) days from the date of final signature of the partition plat.
6. Future development requires a Water Verification Letter, from the Oregon Water Resources Department, be obtained prior to any development.
7. Future development is subject to standards required by TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone.
8. Future development is subject to standards required by TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.

VI. EXHIBITS:

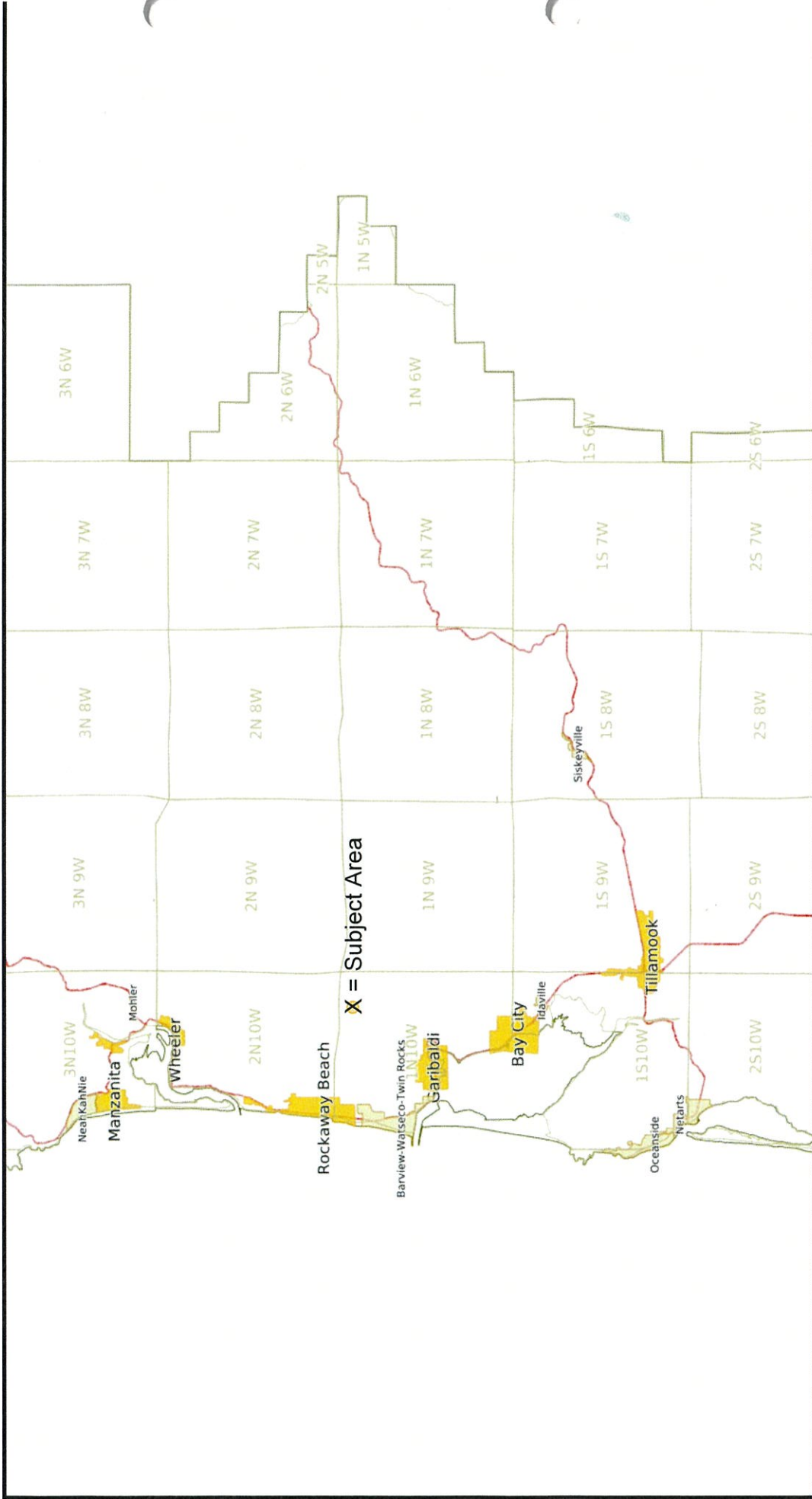
All Exhibits referenced herein are, by this reference, made a part hereof:

- A. Property identification maps and Assessor's Summary Report
- B. Applicant's submittal

EXHIBIT A



Tillamook County GIS



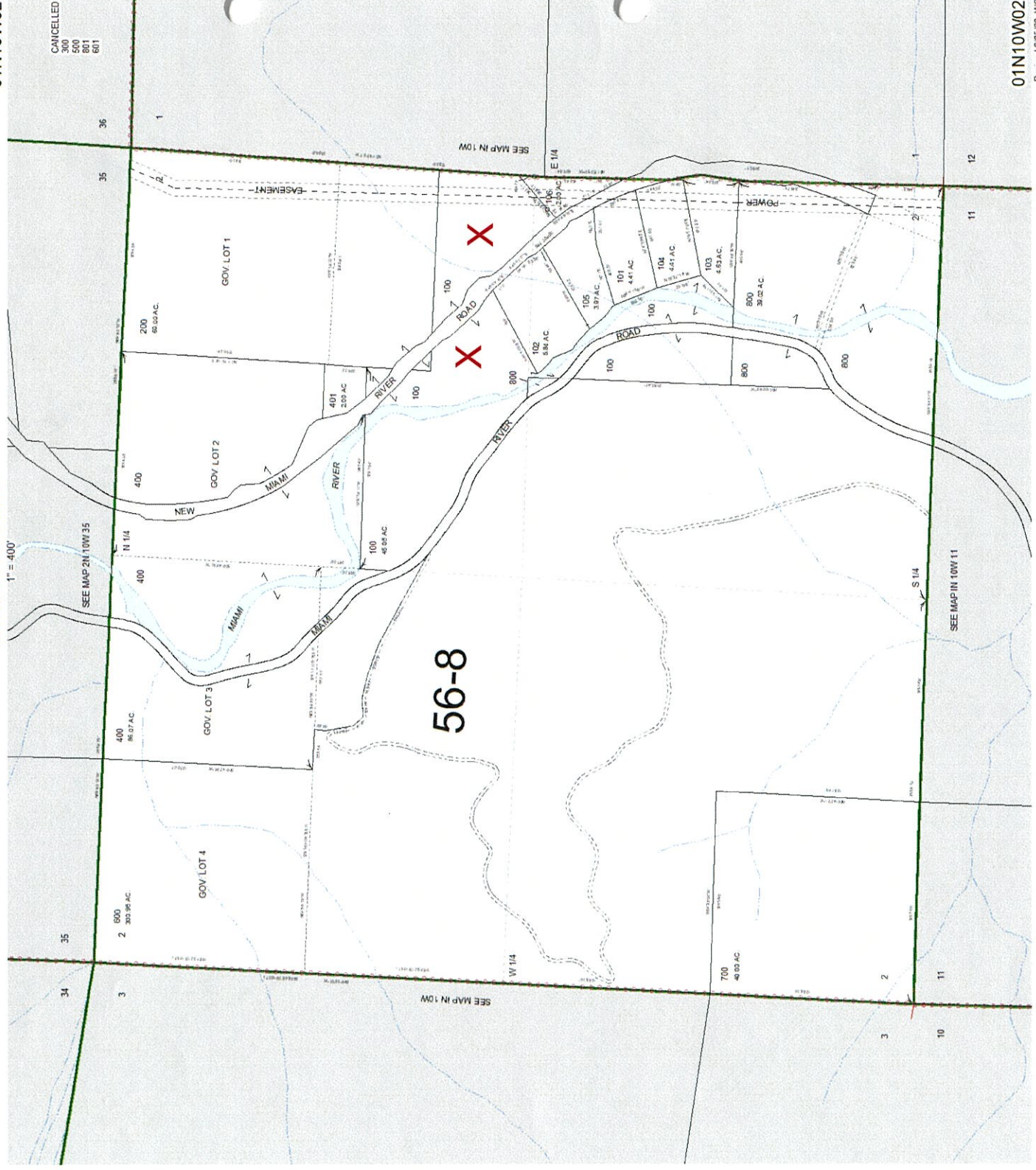
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X = Subject Area
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 2 T.1N. R.10W. W.M.
TILLAMOOK COUNTY

01N10W02

01N10W02
Revised 2/25/22, WS

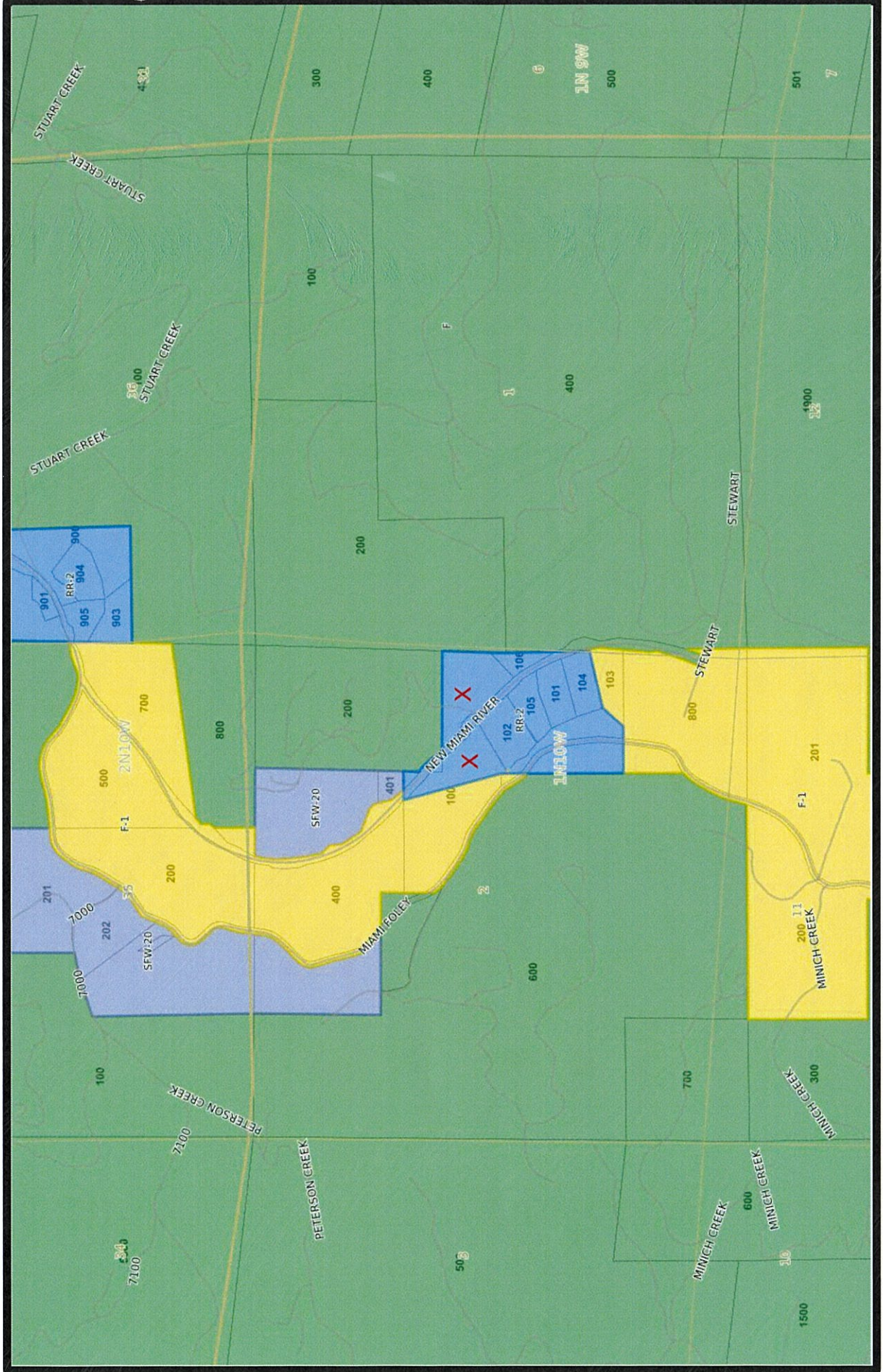


CANCELLED
300
500
801
801

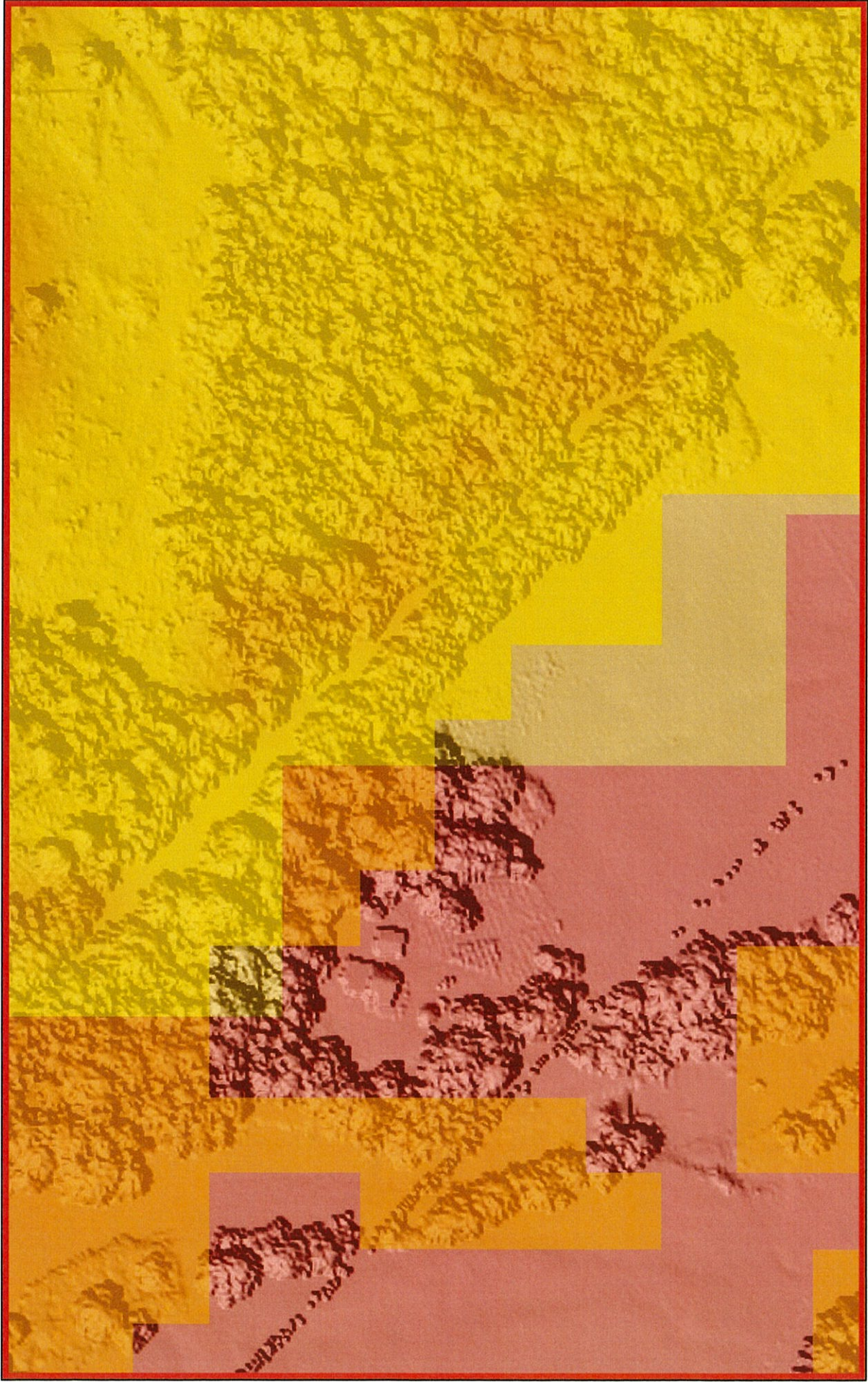
56-8

Map - Zoning

X = Subject Area

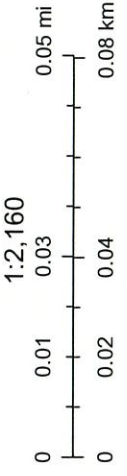


PARTITION 851-22-000419-PLNG



March 10, 2023

- Active Faults
- Expected Earthquake Shaking
 - Violent
 - Severe
 - Very Strong
 - Strong
 - Light
- Landslide Hazard
 - Low - Landsliding Unlikely
 - Moderate - Landsliding Possible
 - Moderate Landslide Hazard
 - High - Landsliding Likely





U.S. Fish and Wildlife Service

National Wetlands Inventory

PARTITION #851-22-000419-PLNG



U.S. Fish and Wildlife Service, National Standards and Support Team
wetlands_team@fws.gov

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.

March 13, 2023

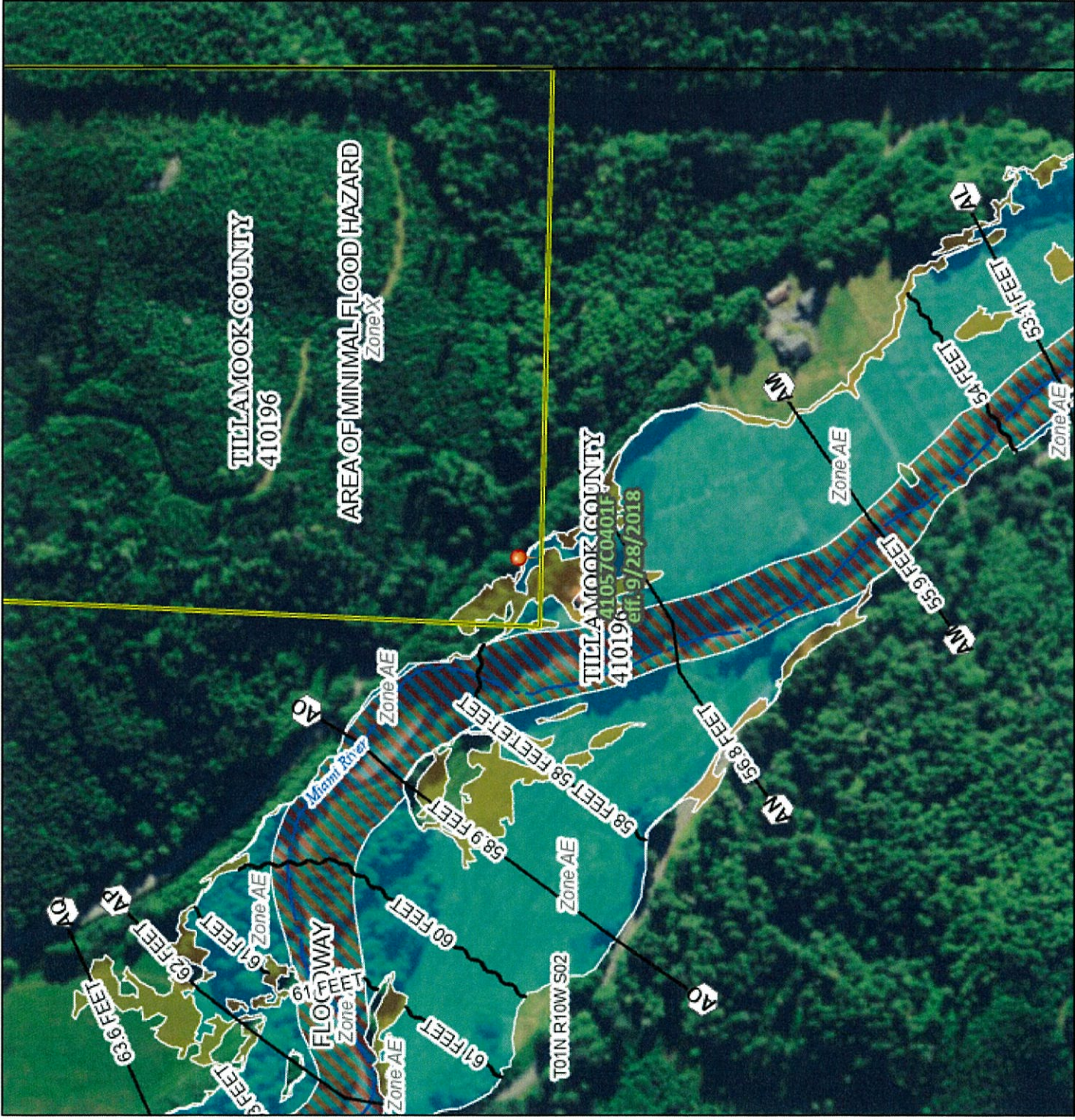
Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Lake
- Other
- Riverine
- Freshwater Pond

National Flood Hazard Layer FIRMette



123°52'29"W 45°36'15"N



123°51'51"W 45°35'50"N

Legend

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

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
	With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
	Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
	Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
	Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
	Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS	Area of Minimal Flood Hazard <i>Zone X</i>
	Effective LOMRS
	Area of Undetermined Flood Hazard <i>Zone</i>
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 **3/13/2023 at 2:24 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 identifiers for unmapped and unmodernized areas cannot be used for regulatory purposes.

EXHIBIT B



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: Don Wallace Phone: 503-429-6115
 Address: 1224 Alder Street
 City: Vernonia State: OR Zip: 97064
 Email: don@kissurveying.com

Property Owner

Name: Dick Wald Phone: 503-310-8654
 Address: 36987 S. Stoney cliff Drive
 City: Tuscon State: AZ Zip: 85739
 Email: wald65@msn.com

Location:

Site Address: 19905 New Miami Road
 Map Number: 1N 10W 02 100

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

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

Other information:

OFFICE USE ONLY
Date Stamp
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by:
Receipt #:
Fees: 1100
Permit No: 851-22-000419-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

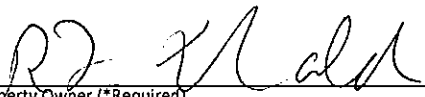
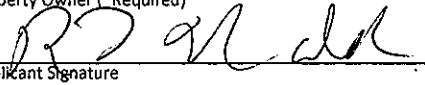
Certificates:

- 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) _____ Date 11-7-22

 Applicant Signature _____ Date 11-1-22

PRELIMINARY PARTITION PLAT
 IN THE NE 1/4 AND SW 1/4 OF SECTION 2,
 T1N, R10W, W.M.,
 TILLAMOOK COUNTY, OREGON
 FEBRUARY 3, 2023


ZONING: RR-2
 FLOOD ZONE: AE & X

OWNER:
 RICHARD AND ROBERTA WALD
 10000 WILKINSON DRIVE
 TUSCOON, AZ 85739
 PH: 503-322-3378
 CELL: 503-310-8654
 EMAIL: rwald65@man.com

SURVEYOR:
 KLS SURVEYING INC
 DON WALLACE
 1224 ALDER STREET
 VERNONIA, OR 97064

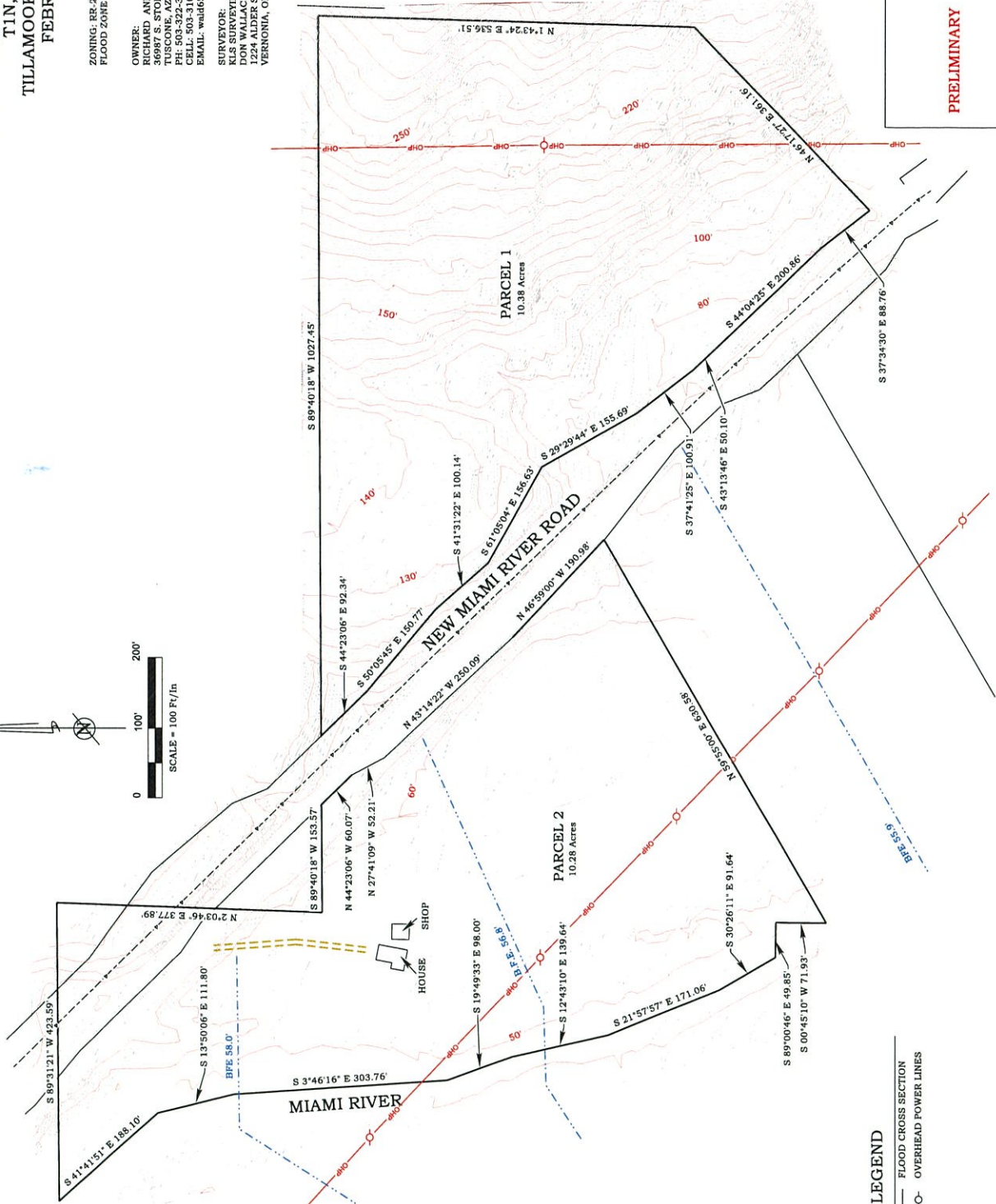
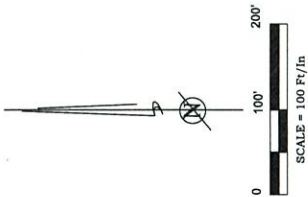
RECEIVED
 FEB 06 2023
 BY:

PRELIMINARY



K.L.S. SURVEYING INC.
 1224 ALDER STREET
 VERNONIA, OREGON 97064
 (503) 428-4118

JOB No. 20-317
DRAWING NAME: 20-317 PP 81
DRAWN BY: DOW
FIELD: SWALJR/BTD
EQUIPMENT: NOMAD/NIKON
REVISED: 2-3-2023



LEGEND
 — FLOOD CROSS SECTION
 -O- OVERHEAD POWER LINES



Tillamook People's Utility District

Directors
David L. Burt
Valerie S. Folkema
Harry E. Hewitt
Douglas S. Olson
Barbara A. Trout

A Customer-Owned Electric Utility

Office: 503.842.2535 • Toll-free: 800.422.2535 • Fax: 503.842.4161

www.tpud.org

Todd Simmons
GENERAL MANAGER

November 28, 2022

Dick Wald
36987 S. Stoney Cliff DR
Tucson, AZ 85739

RE: Work Order No. 171115
Property Located at 19905 Mew Miami River RD, Tax Lot 100

Dear Dick:

This letter is to certify that the Tillamook People's Utility District will extend electrical service to the above referenced facility in accordance with PUD Policy 4-2 which is in effect at the time service is extended.

Sincerely,

TILLAMOOK PEOPLE'S UTILITY DISTRICT

Amanda Hinkle
Engineering Field Representative
503-815-8629

AHjb

Enclosure

CC: Don Wallace

Angela Rimoldi

From: HENDRICKS Nikki M * WRD <Nikki.M.HENDRICKS@water.oregon.gov>
Sent: Monday, February 6, 2023 5:05 PM
To: Angela Rimoldi; Don Wallace
Cc: The Walds
Subject: RE: EXTERNAL: Fw: TILLAMOOK COUNTY: INCOMPLETE PARTITION APPLICATION FOR FILE #851-22-000419-PLNG / WALD
Attachments: Water Rights Handout.docx; TEMPLATE-war form.pdf

The property can have a well drilled for up to three homes before needing water rights. At the time of building permits the well will need to be installed for the verification form to be signed. No well needs to be placed during the partitioning approval.

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: Monday, February 6, 2023 9:50 AM
To: Don Wallace <don@klssurveying.com>
Cc: The Walds <wald65@msn.com>
Subject: FW: EXTERNAL: Fw: TILLAMOOK COUNTY: INCOMPLETE PARTITION APPLICATION FOR FILE #851-22-000419-PLNG / WALD

Hello Don,

Thank you for sending this over and providing an update on your movements with the Water Verification Letter still pending. As far as 1 well servicing both proposed Parcels, so long as that use and ability is verified with the Oregon Water Resources Department, Nikki Hendrix, there is no concern on our end with that direction. Please note, an easement will be required on proposed Parcel 2 allowing access for proposed Parcel 1. The easement requirement will be placed as a Condition of Approval on the Staff Report.

Mr. Wald did sign and return the Incomplete Application Response Form (180-day letter) and the 150-day waiver. This acknowledgment allows an extension of time for the application request to be deemed complete, therefore, 180-days from application submittal (December 2, 2022) provides the applicant and/or owner until May 31, 2023 (180 days), to provide the required item(s) to deem the application complete. So long as the application has been deemed complete, within that timeframe, staff may proceed with rendering a decision.

Should the application not be deemed complete within the 180-days the application will be void. Should you feel this extension of time is not adequate with your timeline to complete the well drilling and obtaining the Water Verification from Nikki, the ability to withdraw the application at any time is within you, or Mr. Walds discretion.

Best Regards,



Angela Rimoldi | Permit Technician: Onsite and Planning
TILLAMOOK COUNTY | Department of Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408
arimoldi@co.tillamook.or.us

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.co.tillamook.or.us/gov/ComDev/> to access the appointment scheduler portal.

From: Don Wallace <don@klssurveying.com>
Sent: Friday, February 3, 2023 9:50 AM
To: Angela Rimoldi <arimoldi@co.tillamook.or.us>
Subject: RE: EXTERNAL: Fw: TILLAMOOK COUNTY: INCOMPLETE PARTITION APPLICATION FOR FILE #851-22-000419-PLNG / WALD

Angela,

We met with Nikki Hendricks to check out the spring. She cannot certify it as their water source so Mr. Wald is going to need to drill a well.

He is going to change the layout of the partition and make 2 parcels, one on each side of New Miami River Road., see attached preliminary plat.

He plans on drilling a well near the house on parcel 2 to service both parcels. He wants to make sure there are no issues with servicing parcel 1 across New Miami River Road with the well he will drill on parcel 2.

Also, it is going to take a while to get the well drilled, do we need to sign the waiver to hold the application so we can get the well drilled?

Thanks,

Don Wallace, PLS
KLS Surveying Inc.
1224 Alder Street
Vernonia, OR 97064
503-429-6115
Don@klssurveying.com



00230247202200061560040045

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

GRANTOR:

RICHARD F. WALD and ROBERTA G. WALD
36987 S Stoney Cliff Dr
Saddlebrook, AZ 85739

AFTER RECORDING RETURN TO:

RICHARD FORREST WALD and ROBERTA GAIL WALD, Co-Trustees of the WALD TRUST, under Agreement dated May 18, 2018
36987 S Stoney Cliff Dr
Saddlebrook, AZ 85739

GRANTEES:

RICHARD FORREST WALD and ROBERTA GAIL WALD, Co-Trustees of the WALD TRUST, under Agreement dated May 18, 2018
36987 S Stoney Cliff Dr
Saddlebrook, AZ 85739

**UNITL A CHANGE IS REQUESTED
MAIL ALL FUTURE PROPERTY TAX
STATEMENTS TO:**
No Change

STATUTORY WARRANTY DEED

RICHARD F. WALD and ROBERTA G. WALD, husband and wife, Grantors convey and warrant to RICHARD FORREST WALD and ROBERTA GAIL WALD, Co-Trustees of the WALD TRUST, under Agreement dated May 18, 2018, all of the Grantors' interest in the following described real property, free of encumbrances except those of record and as specifically set forth herein, situated in Tillamook County, Oregon, and legally described as follows:

See "Exhibit A" attached.

Tax Lot 1N10020000100

The true and actual consideration for this transfer stated in terms of dollars is zero (\$0). This is a conveyance by Grantors to their trust.

The liability and obligations of the Grantor(s) to Grantees and Grantee's(s)' 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. 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, 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.

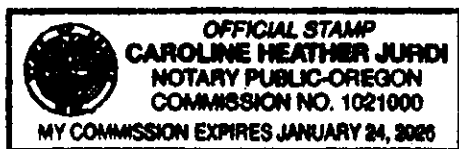
DATED: 9-30-22

Richard F. Wald
RICHARD F. WALD

Roberta G. Wald
ROBERTA G. WALD

STATE OF OREGON)
County of Clackamas) ss.

The foregoing instrument was acknowledged before me on September 30 of 2022, by RICHARD F. WALD and ROBERTA G. WALD.



[Signature]
Notary Public for Oregon

EXHIBIT A

Westerly Tract

Parcel 1

That portion of the following described tract lying West of the centerline of the Miami River.

Beginning at the Southeast corner of the Southwest one-quarter of the Northeast one-quarter of Section 2, in Township 1 North, Range 10 West of the Willamette Meridian, and running thence North 15.50 Chains; thence West 20 Chains; thence South to the County Road as same is now located and established over and across said Southwest one-quarter of the Northeast one-quarter; thence in a Southeasterly direction along the County Road to the South line of the Northeast one-quarter; thence East to the Point of beginning.

Parcel 2

That portion of the Northeast one-quarter of the Southeast one-quarter of Section 2, Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon lying West of the New Miami River County Road.

EXPTING THEREFROM Beginning at the Northeast corner of that tract of land Conveyed to James W. Rogers and Joah E. Rogers in Book 252, Page 766, Tillamook County Deed Records, being a point on the Westerly right of way line of the New Miami River County Road opposite centerline station 84+80.44, said point being North 1529.12 feet and West 751.37 feet from the Southeast corner of the Northeast one-quarter of the Southeast one-quarter of said Section 2; Thence South 60°00'00" West along the North line of said Rogers tract 600 feet more or less to the centerline of the Miami River; thence Southerly along said centerline to the South line of the Northeast one-quarter of the Southeast one-quarter of said Section 2; thence North 89°48'19" East along said South line 840 feet more or less to the West right of way line of the New Miami River County Road; thence Northerly along said West right or way line to the point of beginning.

Easterly Tract

Parcel 1

That portion of the following described tract lying East of the centerline of the Miami River.

Beginning at the Southeast corner of the Southwest one-quarter of the Northeast one-quarter of Section 2, in Township 1 North, Range 10 West of the Willamette Meridian, and running thence North 15.50 Chains; thence West 20 Chains; thence South to the County Road as same is now located and established over and across said Southwest one-quarter of the Northeast one-quarter; thence in a Southeasterly direction along the County Road to the South line of the Northeast one-quarter; thence East to the Point of beginning.

Parcel 2

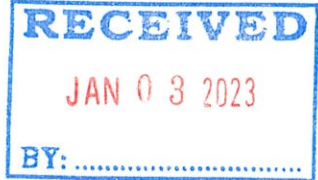
The South one-half of the Southeast one-quarter of the Northeast one-quarter and the Northeast one-quarter of the Southeast one-quarter of Section 2, Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

EXPTING THEREFROM Beginning at the Southeast corner of the Northeast one-quarter of said Section 2; thence North $01^{\circ}48'31''$ East along the East line of the Northeast one-quarter of said Section 2, 104.77 feet; thence South $46^{\circ}22'30''$ West 361.11 feet more or less to the Easterly right of way line of the New Miami River County Road; thence Southeasterly along said Easterly right of way line 488 feet more or less to the East line of said Section 2; thence North $1^{\circ}02'37''$ West along the East line of said Section 2, 620.88 feet more or less to the point of beginning.

ALSO EXCEPTING Beginning at a point on the Westerly right of way line of the New Miami River County Road opposite centerline station 84+80.44, said point being North 1529.12 feet and West 751.37 feet from the Southeast corner of the Northeast one-quarter of the Southeast one-quarter of Section 2; thence South $46^{\circ}02'37''$ East along said Westerly right of way line 170.00 feet to a point opposite centerline station 86+50.44; thence South $46^{\circ}02'37''$ East 99.38 feet to a point opposite centerline station 87+50; thence South $23^{\circ}41'20''$ East 53.56 feet to a point opposite centerline station 88+00; thence South $44^{\circ}30'40''$ East 60.44 feet to a point opposite centerline station 88+59.50; thence South $60^{\circ}00'00''$ West 615 feet more or less to the centerline of the Miami River; thence Northwesterly along said centerline of said river 390 feet more or less to a point which bears South $60^{\circ}00'00''$ West from the point of beginning; thence North $60^{\circ}00'00''$ East 600 feet more or less to the point of beginning.

FTER RECORDING RETURN TO:
amela E. Yee
8525 SW Vincent St
loha, OR 97078

END TAX STATEMENTS TO:
Richard and Roberta Wald
6987 S Stoney Cliff Dr
Saddlebrook, AZ 85739



Tillamook County, Oregon **2022-005465**
08/30/2022 08:37:04 AM
DEED-LLADJ
\$25.00 \$11.00 \$81.00 \$10.00 - Total = \$107.00

00229296202200054650050059

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

PROPERTY LINE ADJUSTMENT DEED

RICHARD F. WALD and ROBERTA G. WALD as Grantors and Grantees are the Owners of certain real property in Tillamook County, Oregon described as set forth on Exhibit A being Tax Lot 100 of Section 2 Township 1 North, Range 10 West of the Willamette Meridian and referred to herein as Tax Lot 1N10020000100. Whereas, Tax Lot 1N10020000100 is a lot consisting of two tracts with a historical boundary which creates two tracts of land that are legal lots of record as verified by Land Use Verification, 85-21-000105-PLNG; Lot Record: each lot being legally described as follows in Tillamook County Deed Book of Records and Official Record of Descriptions of Real Properties:

1. Book 109, Page 484 Tract 1, Book 132 Page 134 and Book 226, Page 44 Parcel 1.
2. Book 109, Page 484 Tract 2, Book 132 Page 134 and Book 226, Page 44 Parcel 2, NE 1/4 of the SE 1/4, Remainder.
3. Official Record of Descriptions of Real Properties Code No. 56-8.
 Less that portion conveyed by statutory Warranty Deed dated July 18, 2018, recorded August 9, 2018, in Tillamook County Deed Records Documents #2018-004696; and
 Less that portion conveyed by a Contract of Sale dated September 1, 1977, recorded September 16, 1977, in Tillamook County Deed Records at Book 252, Page 766; and
 Less that portion conveyed by a Contract - Real Estate dated May 1, 1977, recorded May 5, 1977, in Tillamook County Deed Records at Book 250, Page 370; and
 Less that portion conveyed by Statutory Warranty Deed dated September 18, 2018, recorded August 9, 2018, in Tillamook County Deed Records Document #2018-004699; and
 Less that portion conveyed by Contract-Real Estate dated December 5, 1985, recorded December 9, 1985, Tillamook County deed Records at Book 301, Page 573.
 Less that portion conveyed by Warranty Deed dated June 16, 1980, and recorded June 16, 1980, Tillamook County deed Records at Book 269, Page 966.

The two tracts of land are referred to as the Westerly Tract and the Easterly Tract. The Westerly Tract lies west of the historical boundary line and is improved with a single-family dwelling and accessory structures. The Easterly Tract lies east of the historical boundary line and contains no structures. The adjustment of the historic boundary line will result in the location of the structures being located on the Easterly Tract and no longer on the Westerly Tract. Grantors and Grantees desire to adjust the common historic boundary line on Tax Lot 1N10020000100 to conform to that certain Property Lot Line Adjustment Review, Tillamook County Case File No. 85-22-0000784-PLNG; WALD.

Therefore, RICHARD F. WALD and ROBERTA G. WALD, GRANTORS, convey a certain portion of the Easterly Tract to the Westerly Tract, resulting in the Westerly Tract now described in the attached Exhibit A Westerly Tract, and the resulting Easterly Tract now described in the attached Exhibit B Easterly Tract.

The said conveyances herein being made to relocate the historic boundary line in Tax Lot 1N10020000100, and maintaining two parcels which are now legally described as set forth in Exhibit A Westerly Tract and Exhibit B Easterly Tract and does not create any new parcels.

PURPOSE: This conveyance is made solely to relocate the common boundary line between the adjoining tracts. This conveyance is made solely as an adjustment of the historic boundary line located on Tax Lot 1N10020000100 such that the Westerly Tract shall contain 25.84 acres more or less, and Easterly Tract shall contain 19.22 acres more or less and does not create any new parcels. This deed is given in satisfaction of a condition of approval received from Tillamook County per File No. 85-22-0000784-PLNG; WALD. This boundary line adjustment deed is subject to the provisions of ORS 92.190.

Actual consideration for this conveyance is pursuant to the above-referenced Lot Line Adjustment and given for the benefit of Tillamook County.

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, 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, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

8-30-22

Date

R F Wald

RICHARD F. WALD

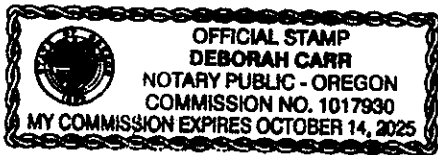
Roberta G Wald

ROBERTA G. WALD

STATE OF OREGON, County of ~~Washington~~ ^{Tillamook} ss.

Personally appeared the above named RICHARD F. WALD and ROBERTA G. WALD and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me this 30 day of August, 2022.



Deborah Carr
Notary Public for Oregon



KLS Surveying Inc.

1224 Alder Street
Vernonia, OR 97064

Phone: (503) 429-6115
Fax: (866) 297-1402
Email: don@klssurveying.com

Exhibit A Westerly Tract

Parcel 1

That portion of the following described tract lying West of the centerline of the Miami River.

Beginning at the Southeast corner of the Southwest one-quarter of the Northeast one-quarter of Section 2, in Township 1 North, Range 10 West of the Willamette Meridian, and running thence North 15.50 Chains; thence West 20 Chains; thence ~~South to the County Road as same is now located and established over and across said~~ Southwest one-quarter of the Northeast one-quarter; thence in a Southeasterly direction along the County Road to the South line of the Northeast one-quarter; thence East to the Point of beginning.

Parcel 2

That portion of the Northeast one-quarter of the Southeast one-quarter of Section 2, Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon lying West of the New Miami River County Road.

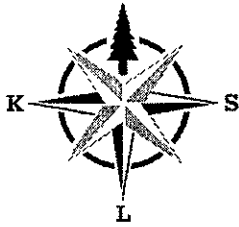
EXPTING THEREFROM Beginning at the Northeast corner of that tract of land Conveyed to James W. Rogers and Joan E. Rogers in Book 252, Page 766, Tillamook County Deed Records, being a point on the Westerly right of way line of the New Miami River County Road opposite centerline station 84+80.44, said point being North 1529.12 feet and West 751.37 feet from the Southeast corner of the Northeast one-quarter of the Southeast one-quarter of said Section 2; Thence South 60°00'00" West along the North line of said Rogers tract 600 feet more or less to the centerline of the Miami River; thence Southerly along said centerline to the South line of the Northeast one-quarter of the Southeast one-quarter of said Section 2; thence North 89°48'19" East along said South line 840 feet more or less to the West right of way line of the New Miami River County Road; thence Northerly along said West right or way line to the point of beginning.

This is a property line adjustment between tracts of land conveyed to Richard F. Wald and Roberta G. Wald, in Deed recorded as Book 226, Page 44, Tillamook County Deed Records. No new parcel is being created.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 19, 1993
DONALD D. WALLACE, JR.
2601

RENEWS 6/30/24



KLS Surveying Inc.

1224 Alder Street
Vernonia, OR 97064

Phone: (503) 429-6115
Fax: (866) 297-1402
Email: don@klssurveying.com

Exhibit B Easterly Tract

Parcel 1

That portion of the following described tract lying East of the centerline of the Miami River.

Beginning at the Southeast corner of the Southwest one-quarter of the Northeast one-quarter of Section 2, in Township 1 North, Range 10 West of the Willamette Meridian, and running thence North 15.50 Chains; thence West 20 Chains; thence South to the County Road as same is now located and established over and across said Southwest one-quarter of the Northeast one-quarter; thence in a Southeasterly direction along the County Road to the South line of the Northeast one-quarter; thence East to the Point of beginning.

Parcel 2

The South one-half of the Southeast one-quarter of the Northeast one-quarter and the Northeast one-quarter of the Southeast one-quarter of Section 2, Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

EXPTING THEREFROM Beginning at the Southeast corner of the Northeast one-quarter of said Section 2; thence North $01^{\circ}48'31''$ East along the East line of the Northeast one-quarter of said Section 2, 104.77 feet; thence South $46^{\circ}22'30''$ West 361.11 feet more or less to the Easterly right of way line of the New Miami River County Road; thence Southeasterly along said Easterly right of way line 488 feet more or less to the East line of said Section 2; thence North $1^{\circ}02'37''$ West along the East line of said Section 2, 620.88 feet more or less to the point of beginning.

ALSO EXCEPTING Beginning at a point on the Westerly right of way line of the New Miami River County Road opposite centerline station 84+80.44, said point being North 1529.12 feet and West 751.37 feet from the Southeast corner of the Northeast one-quarter of the Southeast one-quarter of Section 2; thence South $46^{\circ}02'37''$ East along said Westerly right of way line 170.00 feet to a point opposite centerline station 86+50.44; thence South $46^{\circ}02'37''$ East 99.38 feet to a point opposite centerline station 87+50; thence South $23^{\circ}41'20''$ East 53.56 feet to a point opposite centerline station 88+00; thence South $44^{\circ}30'40''$ East 60.44 feet to a point opposite centerline station 88+59.50; thence South $60^{\circ}00'00''$ West 615 feet more or less to the centerline of the Miami River; thence Northwesterly along said centerline of said river 390 feet more or



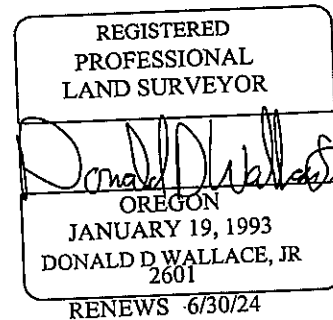
KLS Surveying Inc.

1224 Alder Street
Vernonia, OR 97064

Phone: (503) 429-6115
Fax: (866) 297-1402
Email: don@klssurveying.com

less to a point which bears South 60°00'00" West from the point of beginning; thence North 60°00'00" East 600 feet more or less to the point of beginning.

This is a property line adjustment between tracts of land conveyed to Richard F. Wald and Roberta G. Wald, in Deed recorded as Book 226, Page 44, Tillamook County Deed Records. No new parcel is being created.





Enclosed: Incomplete Application Response Form and 150 Day Waiver

Date: December 29, 2022

RE: Incomplete application for Partition Application #851-22-000419-PLNG

To Whom It May Concern:

As indicated in the attached correspondence, your application has been deemed to be incomplete.

Please acknowledge, in writing, your intent to provide the material required to complete the application, as identified in the attached correspondence.

Tillamook County Department of Community Development
Attn: Angela Rimoldi – Planning Technician
1510 B Third Street
Tillamook, OR 97141

If you indicate your intent to complete the application, you will have 180 days from the date the application was originally submitted (**December 2, 2022**) to submit the required material. If you fail to submit the material within 180 days, your application will be deemed void. The case file regarding the application will then be closed.

If you do not return this acknowledgment, by the above date, such action will be considered to be a refusal to complete the application under the meaning accorded in ORS 215.428. Your application will then be processed based upon the information you have previously submitted. Note that failure to submit sufficient evidence or material to demonstrate compliance with the applicable criteria is grounds for denial of the application.

ACKNOWLEDGMENT

I intend to provide the additional material identified in the attached correspondence from the Department of Community Development.

I refuse to provide the additional material identified in the attached correspondence from the Department of Community Development.

Signed and Acknowledged (Applicant)

12-30-22
Date



150-DAY WAIVER

By my signature below, I confirm my agreement to hold the decision on my application(s) deemed to be complete, listed below, and hereby waive the 150-day decision requirement as specified under ORS 215.427. With the exception of mediation, the total of all extensions may not exceed 215 days after the date the application(s) were deemed complete.

Application(s): #851-22-000419-PLNG / PARTITION

AGREED TO BY:

Richard Wald
APPLICANT SIGNATURE

12-30-22
DATE

Richard Wald
NAME (PLEASE PRINT)