



Land of Cheese, Trees and Ocean Breeze

1510 Third Street Suite B
Tillamook, Oregon 97141
www.tillamook.or.us

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 REQUEST #851-23-000034-PLNG
BURT / JONES**

Administrative Decision & Staff Report

Decision: Approved with Conditions

Decision Date: May 5, 2023

Report Prepared By: Angela Rimoldi, Planning Permit Technician

I. GENERAL INFORMATION:

- Request:** Partition request to create two (2) parcels.
- Location:** Located south of the Incorporated City of Tillamook at South Prairie Road, a county-maintained road, and Highway 101 S. a state highway. The subject property is designated as Tax Lot 1200 of Section 8C, Township 2 South, Range 9 West of the Willamette Meridian, Tillamook County Oregon.
- Zone:** The subject property is zoned Rural Commercial (RC).
- Applicant:** Terry Jones, 11765 Hwy 101. S., Tillamook, OR. 97141
- Property Owner:** David & Jenny Burt, 6990 Bewley Creek Road, Tillamook, OR. 97141

Description of Site and Vicinity: The subject property located at South Prairie Road, a county-maintained road, and Highway 101 S., a state highway, is irregular in shape, approximately 1.47 acres in size, holds a single-family dwelling, general store, various storage units onsite, and is slightly vegetated with grass and trees (Exhibit A). The topography of the subject property is flat. The subject property is located within an area primarily devoted to Farm use, with surrounding commercial and residential use. Properties immediately to the north, east and one to the west are zoned Rural Commercial (RC), properties primarily to the south, west and southeast are zoned Farm (F-1), and properties to the northeast are zoned Rural Residential (RR-2) (Exhibit A).

The subject property is within an area of geologic hazard, does not contain any mapped wetlands or natural features as indicated on the NWI map, and is located within Zone X, an Area of Minimal Flood Hazard, as depicted on FEMA Flood Insurance Rate Map (FIRM 41057C0587F) (Exhibit A).

Given the size and topography of the subject property and subsequent parcels, Staff finds that the standards of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas are not applicable at this time however a Condition of Approval has been made to require relevant standards of this section be adhered to for any 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 3.020: Rural Commercial (RC) 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 agencies on March 22, 2023. Three (3) comments were received: comments received are from Oregon Department of State Lands, Oregon Department of Transportation (ODOT) and Tillamook County's Environmental Program Manager for onsite wastewater management (Exhibit C).

Comments received are in relation to unapparent jurisdictional wetlands or waters within the property boundaries, access rights from the highway, and ambiguous depiction of the existing drain field location being under a foundation and/or encroaching onto the proposed property line. Conditions of Approval have been included in Section V to confirm applicable local and state requirements are met or can be met through the Conditions of Approval (Exhibit C).

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

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

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

Findings: The Preliminary Plat Map proposes the creation of two (2) parcels (Exhibit B). The applicability of the Rural Commercial (RC) Zone is addressed below. The Preliminary Plat Map and the submitted supplemental information confirm the criteria above are met or can be met through the Conditions of Approval (Exhibit B).

- (c) Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer and streets, shall conform to the standards in Sections 150 and 160 of this ordinance;*
- (d) The proposed plat name is not already recorded for another subdivision, does not bear a name similar to or pronounced the same as the name of any other subdivision within the County, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name;*
- (e) The proposed streets, utilities, and surface water drainage facilities conform to Tillamook County's adopted master plans and applicable engineering standards and, within Unincorporated*

Community Boundaries, allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;

- (f) All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;*
- (g) Provisions for access to and maintenance of off-right-of-way drainage, if any;*

Findings: The preliminary plat confirms access to the subject property and subsequent parcels remains via South Prairie Road, a county-maintained road (Exhibit B). The subject property is adjacent to State Highway 101 S., however, the property holds no existing or proposed highway approach (Exhibit B & C).

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 criteria 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 subject property is currently served by South Prairie Water Association. A water availability letter is included in the Applicants submittal (Exhibit B). Proposed Parcel 1 is served by an existing on-site wastewater system (Exhibit B). Proposed parcel is not improved with a wastewater system; therefore, 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 parcel if site evaluation approval has not yet been obtained.

The subject property is also served by the Tillamook Fire District, 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 and natural features on the subject property, staff concludes these criteria have been met or can be met through compliance with the Conditions of Approval.

B. TCLUO Section 3.020: Rural Commercial (RC) Zone

(4) STANDARDS: Land divisions and development in the RC zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

- (a) The minimum lot dimensions, yard setbacks, and building height restrictions for structures containing only residential use shall be the same as in the RR zone.*
- (b) Minimum yards for any structure on a lot or parcel adjacent to a residential zone shall be 5 feet on the side adjacent to the residential zone, and 10 feet in the front yard. No rear yard is required.*
- (c) For commercial or combined commercial-residential structures, structures shall be either constructed on the property line or setback at least 3 feet or as required in Section 3.020 (4) (b).*

.....

Findings: The applicant has provided a preliminary plat confirming the two (2) parcels created by the proposed partition meet relevant standards or that relevant standards can be met through the Conditions of Approval upon any, and all, future improvement requests (Exhibit B).

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;*

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

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 May 17, 2022**.

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. Prior to Final Plat recording the existing drain field on proposed Parcel 1 must be located and a true and accurate site plan submitted for review to the Tillamook County Environmental Manager. If any of the existing drain field extends beyond the proposed new property line, the lines must be cut, capped and a reciprocal amount of drain field must be added to the existing system, while maintaining all setback requirements for drain field locations.

3. All easements necessary to serve the parcels for access and utilities shall be clearly identified on the Final Plat.
4. The applicant shall comply with all requirements of the Tillamook County Surveyor's Office.
5. 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.
6. The applicant shall record the Final Plat within ninety (90) days from the date of final signature of the partition plat.
7. Future development is subject to standards required by TCLUO Section 3.020: Rural Commercial (RC) 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
- C. Public Comments

EXHIBIT A

PARTITION #851-23-000034-PLNG



April 24, 2023





U.S. Fish and Wildlife Service

National Wetlands Inventory

PARTITION #851-23-000034-PLNG



April 24, 2023

Wetlands

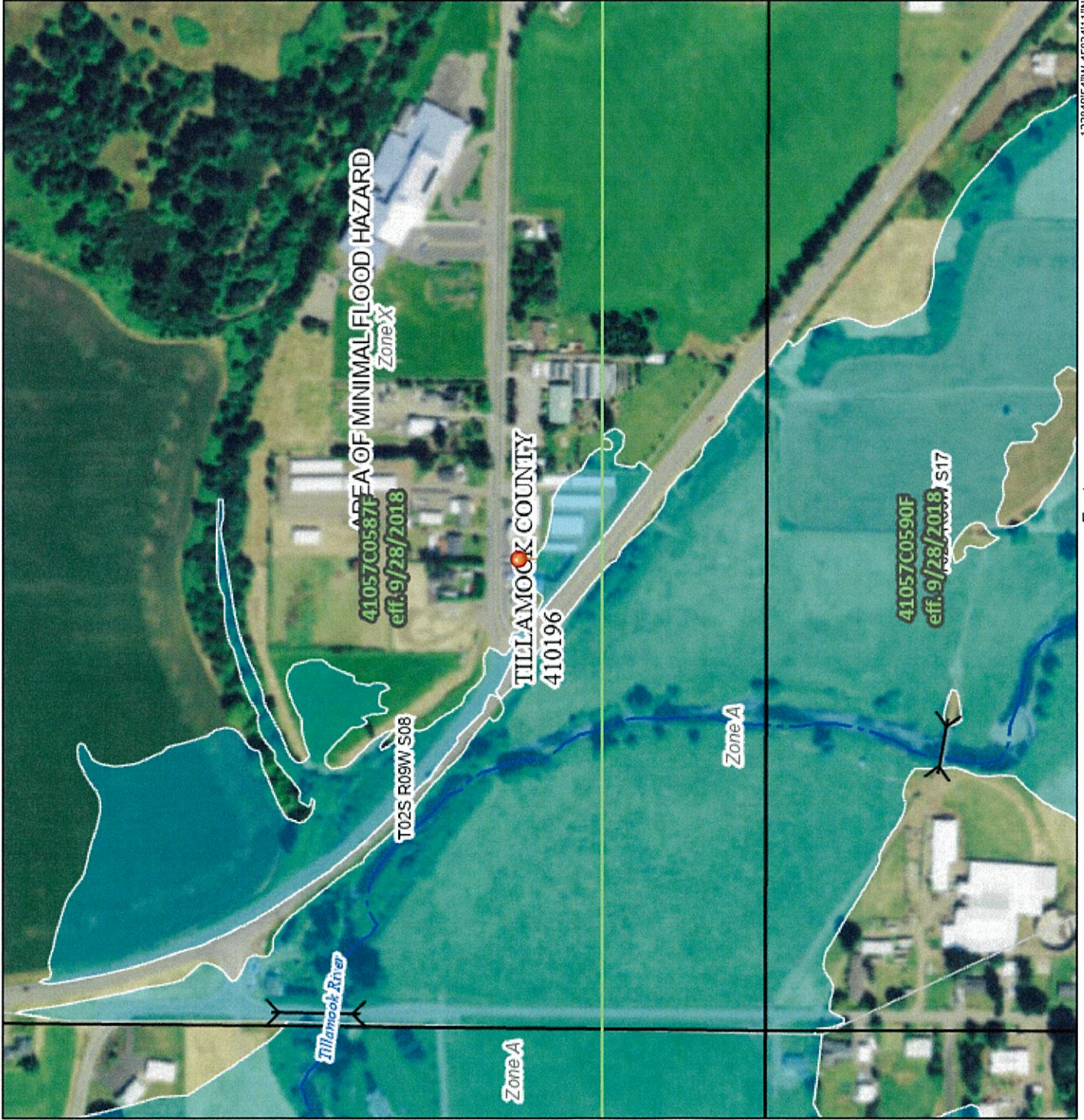
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

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°49'32"W 45°24'37"N



Legend

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

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area 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 Zone X
- Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone

GENERAL STRUCTURES

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

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
 - 20.2
 - 17.5
 - 8
- 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.

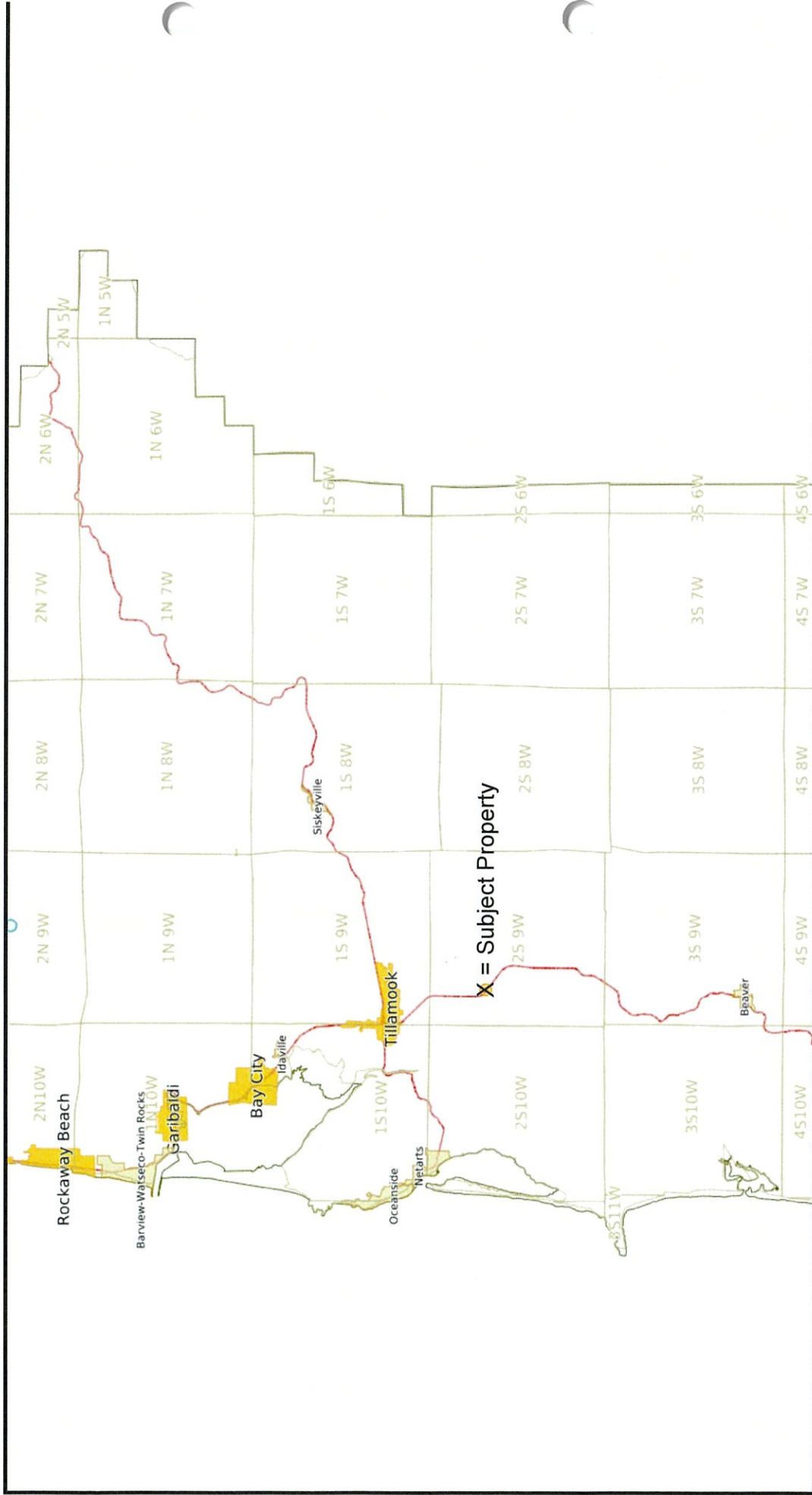
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 4/24/2023 at 4:55 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.

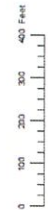


Tillamook County GIS



Created: Mon Mar 20 2023-11:23:6
Active Layers: County_Boundary, Fed_state_highways, citylimit, community_polygon, TaxlotOwner, Township_Range_Section, Road_Centerline
Extent: -13822781.249387, 5660094.142976, -13703692.359335, 5723154.6913024

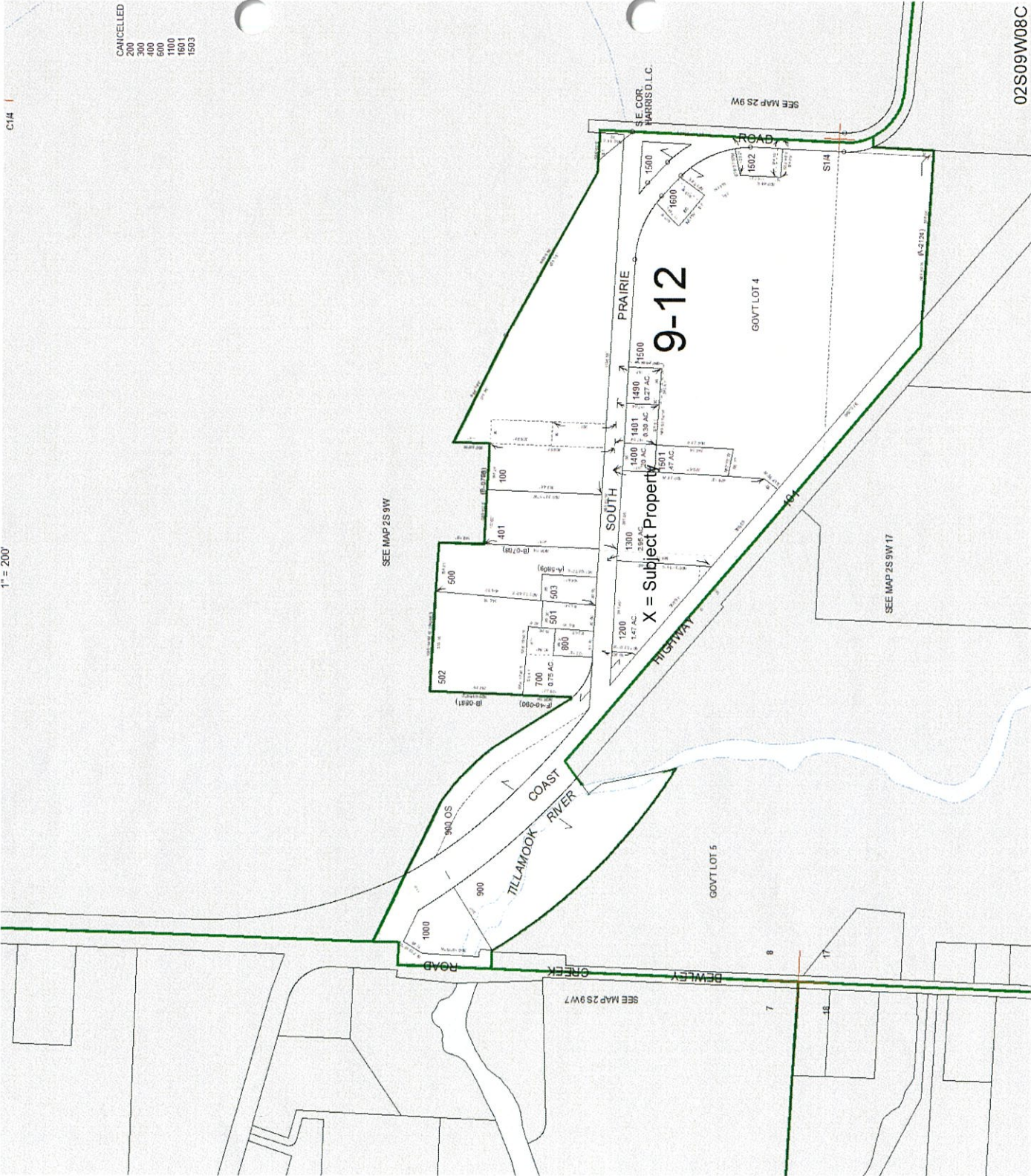
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



S.W. 1/4 SEC. 8 T.2S. R.9W. W.M.
TILLAMOOK COUNTY

1" = 200'

02S09W08C

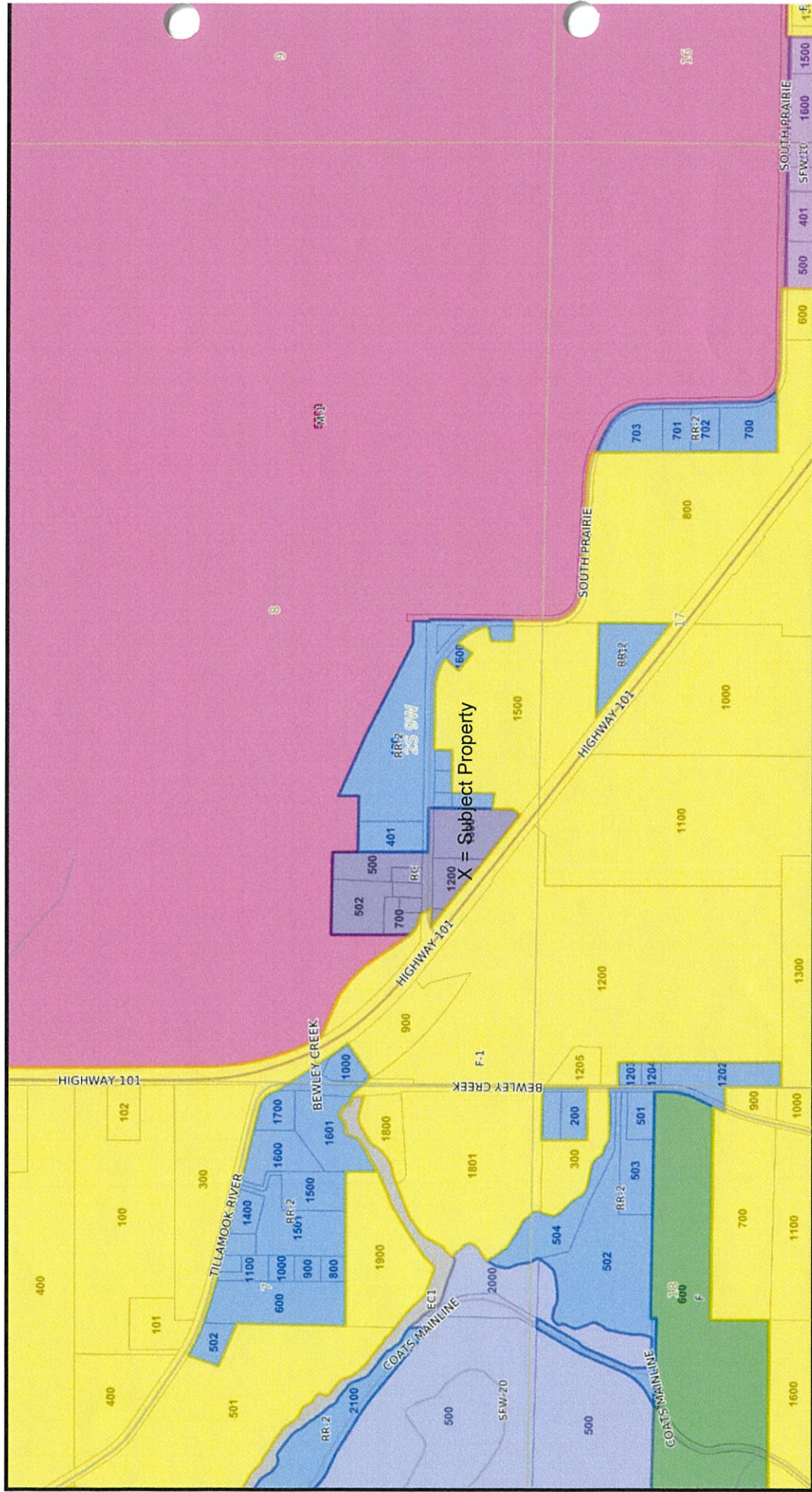


02S09W08C

Revised 2/25/22, WS



Tillamook County GIS



Created: Mon Mar 20 2023-11:26:17
Active Layers: County_Boundary, Fed_state_highways, citylimit, community_polygon, TaxlotOwner, Tillamook_County_Zoning, Township_Range_Section, Road_Centerline
Extent: -13785066.750272, 5684871.6917894, -13781345.222458, 5686842.3339246

EXHIBIT B



LAND DIVISION APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: Terry Jones Consulting Phone: 503-801-0967
 Address: 11765 Hwy. 101 South
 City: Tillamook State: OR Zip: 97141
 Email: terryleejones1956@gmail.com

Property Owner

Name: David & Jenny Burt Phone: 503-812-9548
 Address: 6990 Bewley Creek Road
 City: Tillamook State: OR Zip: 97141
 Email:

OFFICE USE ONLY	
Date Stamp RECEIVED FEB 08 2023 BY: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by: _____	
Receipt #: 130513	
Fees: 1100.-	
Permit No: 851- 23-000094 PLNG	

Location:

Site Address: 6730 South Prarie Road

Map Number:	2S	9	8C	1200
	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:

Zoning RC

- 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


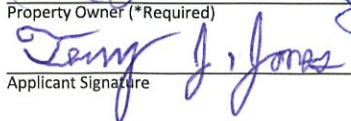
Certificates:

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

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
	1/31/23
Applicant Signature	Date

PARTITION PLAT 2023 -

APPROVALS

APPROVED MONTH, 20____ AS PARTITION, 881-20-000473-PLA.

TILLAMOOK COUNTY DEPT. OF COMMUNITY DEVELOPMENT _____ DATE _____

NOTE: THE ABOVE SIGNATURE DOES NOT WARRANT THAT SETBACK OR SITE EVALUATION APPROVAL IS OR WILL BE AVAILABLE TO PARCEL 2.

APPROVED THIS _____ DAY OF _____, 20____.

TILLAMOOK COUNTY SURVEYOR _____

TAXES HAVE BEEN PAID IN FULL TO JUNE 30, 202____.

TILLAMOOK COUNTY TAX COLLECTOR _____

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT DAVID L. BURT AND JENNY L. BURT, ARE THE OWNERS OF THE LAND REPRESENTED ON THE ANNEXED MAP AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE AND HAS HEREBY AGREED TO THE ANNEXMENT OF PARCELS 1 AND 2 TO BENEFIT PARCEL 3. I, TERRY L. JONES, DO HEREBY CERTIFY THAT I AM THE QUALIFIED CLERK OF TILLAMOOK COUNTY, OREGON AND THAT THIS COPY OF THE ORIGINAL PLAT OF SAME, AS RECORDED IN PLAT CABINET B _____, AT _____ O'CLOCK, AND RECORDED AS RECORDS AS INSTRUMENT NO. _____.

DAVID L. BURT _____ JENNY L. BURT _____

ACKNOWLEDGMENT

STATE OF OREGON > S.S.
COUNTY OF TILLAMOOK >

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____, 2023 BY DAVID L. BURT AND JENNY L. BURT.

(SIGN) _____ (PRINT)

NOTARY PUBLIC - OREGON

COMMISSION NO. _____

MY COMMISSION EXPIRES _____ DAY OF _____, 20____.

NARRATIVE

THIS IS A DEPENDENT SURVEY OF THE BURT TRACT DESCRIBED IN INSTRUMENT 2006-4596 AND INSTRUMENT 2019-7588, TILLAMOOK COUNTY DEED RECORDS. THE PURPOSE OF THIS SURVEY IS TO PARTITION THE SUBJECT TRACT INTO 2 PARCELS AS SHOWN HEREON. THE BOUNDARY WAS Laid OUT FROM THE INITIAL POINT, USING RECORD VALUES FROM MAP A-8817, NOTATED 01'12" CLOCKWISE TO MY BASIS OF BEARINGS.

BASIS OF BEARINGS

THE BASIS OF BEARINGS IS NORTH, AS DETERMINED BY G.P.S. OBSERVATIONS USING A TOTAL STATION. THE INITIAL POINT AND THE SOUTHEAST CORNER OF THE SUBJECT PROPERTY.

THIS IS A NOTATION OF 01'12" CLOCKWISE FROM MAP A-8817.

OREGON COORDINATE REFERENCE SYSTEM OREGON COAST ZONE

CENTRALE MERCATOR PROJECTION
NORTH AMERICAN DATUM OF 1983

LATITUDE OF LOCAL ORIGIN: 44°45'00" N
LONGITUDE OF LOCAL ORIGIN: 124°03'00" W
FALSE EASTING: 300000.00 METERS
FALSE NORTING: 0.00 METERS
SKEW AXIS SCALE: 1:000 000 (EXACT)
SKEW AXIS AZIMUTH AT LOCAL ORIGIN: +87°00'00"

(THE ABOVE INFORMATION IS RECORDED FROM OREGON COORDINATE REFERENCE SYSTEM HANDBOOK AND MAP A-8817, APPENDIX A, PAGE A-82. SEE GOVT RECORDS)

SURVEYOR'S CERTIFICATE

I, TERRY L. JONES, CERTIFY THAT: I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS (PARCELS 1 AND 2), THE LAND REPRESENTED ON THE ATTACHED PARTITION PLAT, BEING THE LANDS DESCRIBED IN INSTRUMENT 2006-4596 AND INSTRUMENT 2019-7588, TILLAMOOK COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, WHICH IS A 6/8" REBAR WITH PLASTIC CAP "C", WYVNE COOK PLS 1006P THAT IS S 89°28'20" W 133.82' FROM THE SOUTHEAST CORNER OF THE HARRIS DLG SECTION 8, T2S, R12W, RANGE 6 WEST, TELLAMETTE MERIDIAN, SEE MAP A-8817 AND BEARING BOOK 7, PAGE 691;

THENCE S 04°44'47" W 281.20';

THENCE N 82°16'44" W 388.91';

THENCE N 24°09'05" E 15.53';

THENCE N 27°09'05" E 93.870';

THENCE S 89°16'55" E 287.00';

THENCE S 04°37'49" W 19.58' TO THE INITIAL POINT.

CERTIFICATE OF COUNTY CLERK

STATE OF OREGON > S.S.
COUNTY OF TILLAMOOK >
I, TERRY L. JONES, DO HEREBY CERTIFY THAT I AM THE QUALIFIED CLERK OF TILLAMOOK COUNTY AND THAT THIS PARTITION PLAT WAS RECEIVED FOR RECORD ON THE _____ DAY OF _____, _____ AT _____ O'CLOCK, AND RECORDED AS RECORDS AS INSTRUMENT NO. _____ IN PLAT CABINET B-_____, TILLAMOOK COUNTY.

BY: TERRY L. JONES, COUNTY CLERK

CERTIFICATE OF COUNTY CLERK

STATE OF OREGON > S.S.
COUNTY OF TILLAMOOK >
I, TERRY L. JONES, DO HEREBY CERTIFY THAT I AM THE QUALIFIED CLERK OF TILLAMOOK COUNTY, OREGON AND THAT THIS COPY OF THE ORIGINAL PLAT OF SAME, AS RECORDED IN PLAT CABINET B _____, AT _____ O'CLOCK, AND RECORDED AS RECORDS AS INSTRUMENT NO. _____ OF PARTITION PLAT RECORDS OF TILLAMOOK COUNTY, OREGON.

TERRY L. JONES

I, TERRY L. JONES, DO HEREBY CERTIFY THAT THIS IS A FULL, COMPLETE AND TRUE COPY OF THE ORIGINAL PLAT AS REFERENCED ABOVE.

TERRY L. JONES, PLS 2687



NAME/DWG: _____
PAR/SP-STOR/DWG: _____
SP-PAR/SP: _____

PARTITION PLAT FOR: **DAVID & JENNY BURT**
INSTRUMENT 2006-4596
AND
INSTRUMENT 2019-7588
SW 1/4 SECTION 8, T2S, R12W, W.M.
TILLAMOOK COUNTY, OREGON

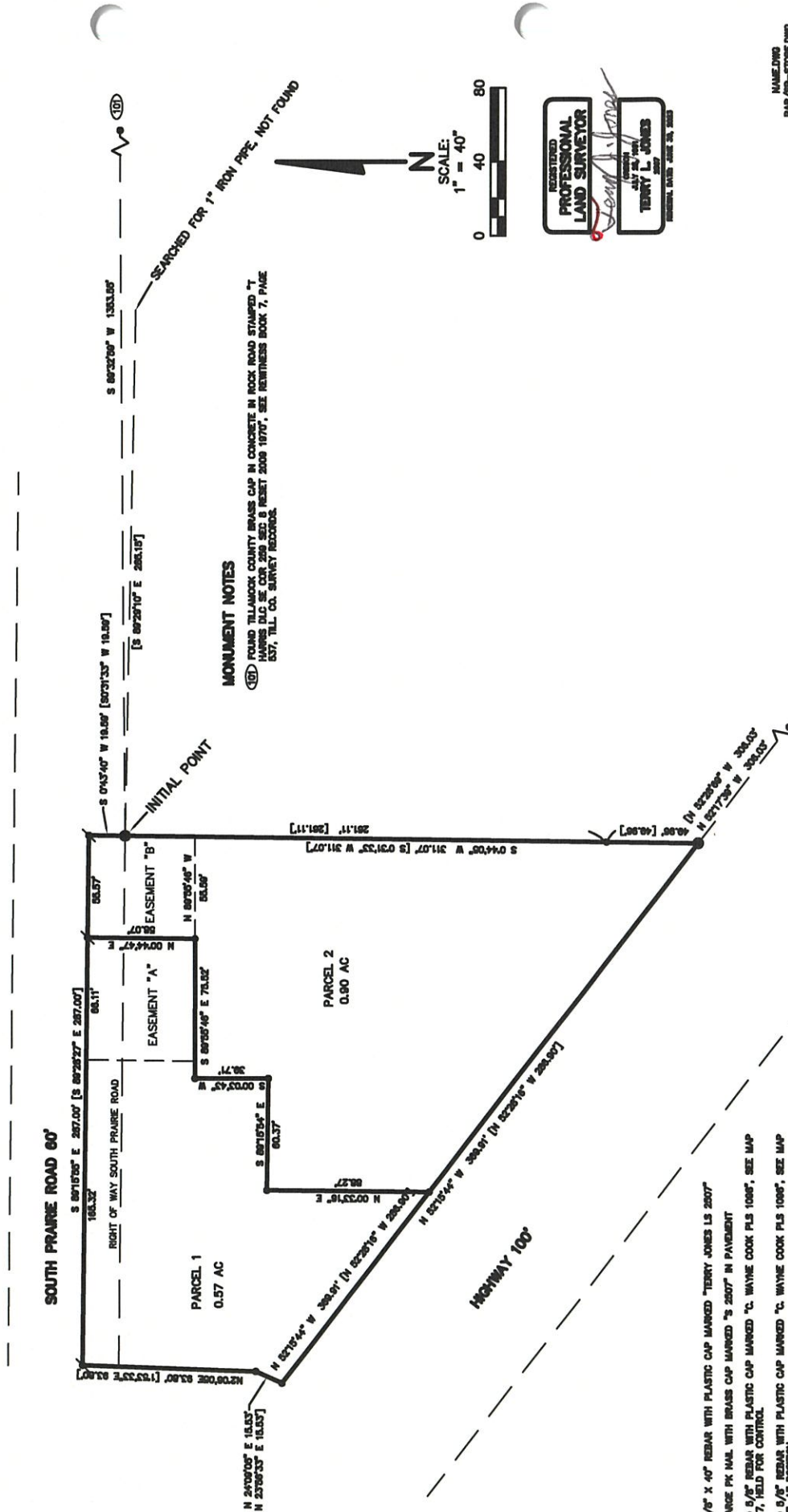
TERRY JONES
11765 HWY 101 SOUTH
TILLAMOOK, OR. 97141
(503) 801-0987

DATE: _____ TIME: _____
TOPCON ES-103
FD-5000

TLLJ TLLJ TLLJ TLLJ TLLJ TLLJ TLLJ TLLJ TLLJ TLLJ

PARTITION PLAT 2023 -

RECEIVED
 FEB 08 2023
 BY:



SCALE:
 1" = 40'
 0 40 80

REGISTERED
**PROFESSIONAL
 LAND SURVEYOR**
 TERRY L. JONES
 JULY 24, 1964
 LICENSE NO. 1007
 EXPIRES DATE: JUNE 28, 2025

NAME/DPO
 PAR/SP—STORE/DPO
 SP—FRAME/LOG

TERRY JONES
 11785 HWY 101 SOUTH
 TILLAMOOK, OR. 97141
 (503) 801-0967

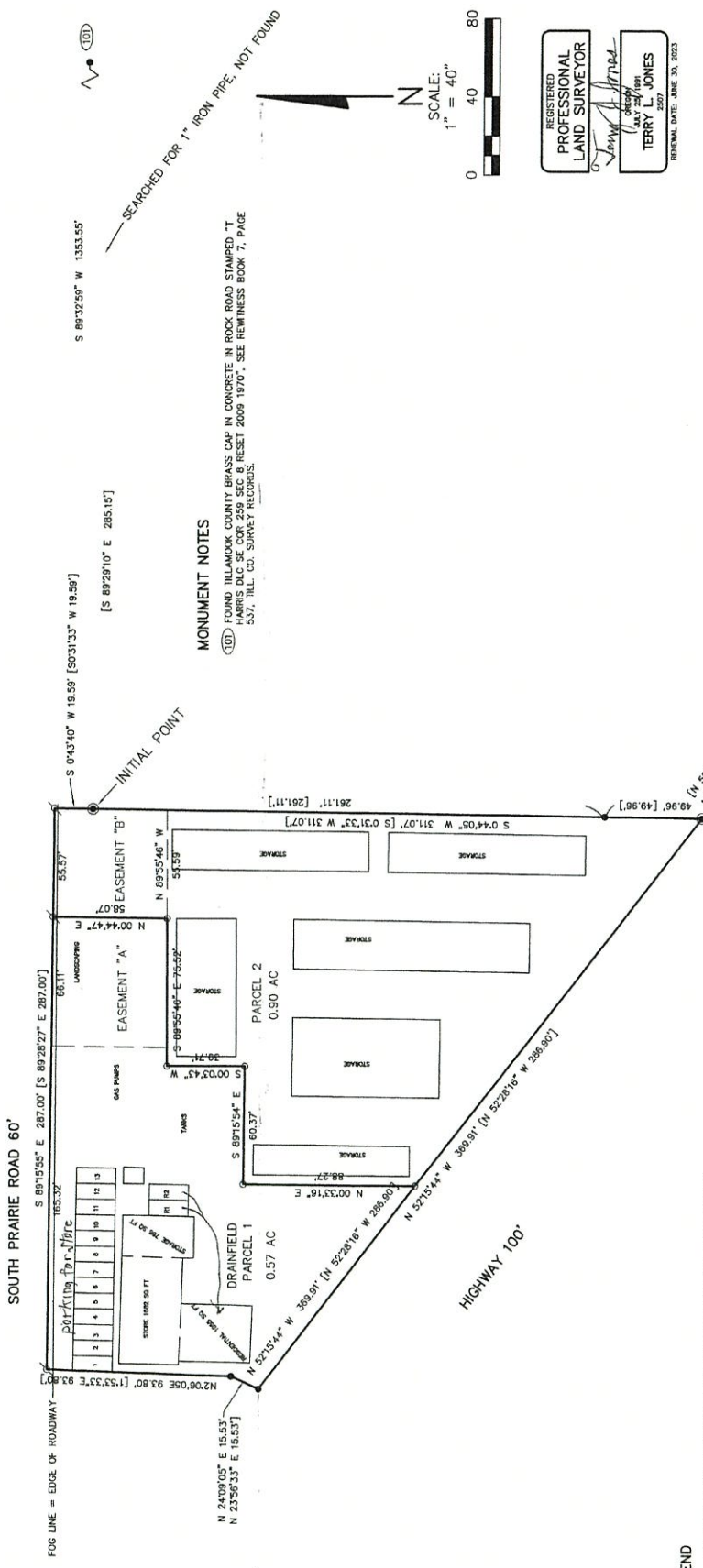
DAVID & JENNY BURT
 INSTRUMENT 2006-4596
 AND
 INSTRUMENT 2018-7556
 SW 1/4 SECTION 6, T2S, R9W, W.M.
 TILLAMOOK COUNTY, OREGON

DATE _____ DATE _____
 TOP-CORN ES-103 _____
 PD-8000 _____

DATE _____ DATE _____
 DATE _____ DATE _____

PARTITION PLAT 2023 -

RECEIVED
FEB 08 2023
 BY:



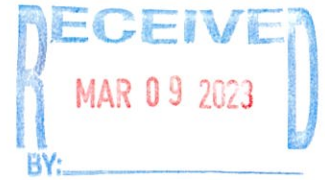
LEGEND

- SET 5/8" X 40" REBAR WITH PLASTIC CAP MARKED "TERRY JONES LS 2507"
- ⊗ SET LARGE PK NAIL WITH BRASS CAP MARKED "S 2507" IN PAVEMENT
- FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "C. WAYNE COOK PLS 1098". SEE MAP A-8817, HELD FOR CONTROL.
- FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "C. WAYNE COOK PLS 1098". SEE MAP A-8817, AT POSITION
- () RECORD VALUE FROM MAP
- [] RECORD VALUE FROM MAP A-8817
- NO () OR [] MEASURED VALUE

Parking Plan

TERRY JONES 11765 HWY 101 SOUTH TILLAMOOK, OR. 97141 (503) 801-0967		PARTITION PLAT FOR: DAVID & JENNY BURT AND INSTRUMENT 2018-4596 INSTRUMENT 2018-7556 SW 1/4 SECTION 8, T2S, R3W, W.M. TILLAMOOK COUNTY, OREGON	
DATE	DATE	DATE	DATE
EQUIPMENT	FIELD	STATION	JOB NO.
TOPCON ES-103	FC-5000	TLJ	TLJ
TERRY JONES REGISTERED PROFESSIONAL LAND SURVEYOR		TERRY L. JONES 2507 RENEWAL DATE: JUNE 30, 2022	
NAMED/DWG PARS-PLATE/PLAT SP-FRAME/PLAT			

SOUTH PRAIRIE WATER ASSOCIATION
8460 BEWLEY CREEK ROAD
TILLAMOOK, OREGON 97141
503-842-6872



March 8, 2023

LETTER OF WATER AVAILABILITY

The Storage Units owned by David and Jenny Burt at 6730 South Prairie Road adjacent to South Prairie Store are within the service area of South Prairie Water Association. Water service would be available to this property... *as well as the Store.*

If you have any questions please call Sue Rieger at 503-843-6872

7051-771431

TL 120

Tillamook County, Oregon 2006-004596
06/01/2006 03:01:29 PM

DEED-DWARR
\$20.00 \$11.00 \$10.00 - Total = \$41.00



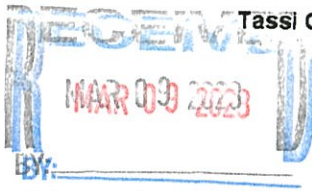
I hereby certify that the within
Instrument was received for record and
recorded in the County of Tillamook,
State of Oregon.



Tassi O'Neil, Tillamook County Clerk

After recording return to and
until a change is requested, send
all tax statements to:

David L. Burt and Jenny L. Burt
6990 Bewley Creek Road
Tillamook, OR 97141



Statutory Warranty Deed

David R. Wilks and Tamera J. Wilks, husband and wife, as tenants by the
entirety, Grantor, conveys and warrants to David L. Burt and Jenny L. Burt,
husband and wife, as tenants by the entirety, Grantee, the real property
described in Exhibit A, attached hereto, free of liens and encumbrances, except
as specifically set forth in Exhibit B, attached hereto.

The true and actual consideration for this conveyance, stated in terms of
dollars, is \$900,000.00.

Before signing or accepting this instrument, the person transferring fee
title should inquire about the person's rights, if any, under ORS 197.352. 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 approved uses and 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 197.352.

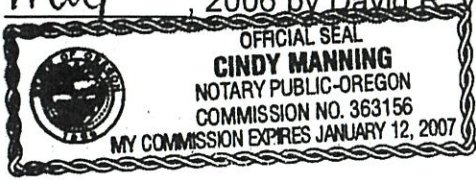
This instrument will not allow use of the property described in this
instrument in violation of applicable land use laws and regulations. Before
signing or accepting this instrument, the person acquiring fee title to the property
should check with the appropriate city or county planning department to verify
approved uses and to determine any limits on lawsuits against farming or forest
practices as defined in ORS 30.930.

DATED this 31st day of May, 2006.

David R. Wilks
David R. Wilks
Tamera J. Wilks
Tamera J. Wilks

STATE OF OREGON)
)ss.
County of Tillamook)

This instrument was acknowledged before me on this 31st day of may, 2006 by David R. Wilks.



Cindy Manning
NOTARY PUBLIC FOR OREGON
My Commission Expires: 1-12-2007

STATE OF OREGON)
)ss.
County of Tillamook)

This instrument was acknowledged before me on this 31st day of may, 2006 by Tamera J. Wilks.



Cindy Manning
NOTARY PUBLIC FOR OREGON
My Commission Expires: _

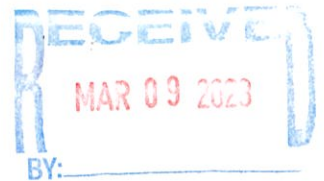


Exhibit "A"

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

Beginning at a point 498.1 feet North and 932.8 feet East from the Section corner common to Sections 7, 8, 17 and 18, Township 2 South, Range 9 West of the Willamette Meridian, in Tillamook County, Oregon; thence South 20° 18' East 56.0 feet; thence South 46° 49' East 84.8 feet; thence East 277.7 feet; thence North 280.7 feet to the center of the Old State Highway; thence West 287.0 feet; thence South 1° 22' West 93.8 feet; thence South 23° 25' West 64.7 feet; thence South 68° 30' West 47.4 feet to the point of beginning, being situated in Section 8, Township 2 South, Range 9 West of the Willamette Meridian, in Tillamook County, Oregon.

EXCEPTING THEREFROM all that portion of the foregoing described property included in a strip of land of variable width to the property line on the Southwesterly side and 50 feet on the Northeasterly side of the centerline of the Oregon Coast Highway; the location of said strip of land (insofar as it encroaches upon said property) being determined by the centerline described as follows: Beginning at a point which is Engineer's centerline station 199+77.63 opposite and 50 feet distant from which point the Northeasterly line of said strip of land intersects the Southerly line of said property; said point being 343.3 feet North and 1167.0 feet East of the Southwest corner of Section 8, Township 2 South, Range 9 West of the Willamette Meridian; thence North 52° 07' West a distance of 279.91 feet to a point which is Engineer's centerline Station 202+57.54 opposite and 21.59 feet distance Westerly from which point lies the Northwesterly corner of said property.

Tax Parcel Number: 177356

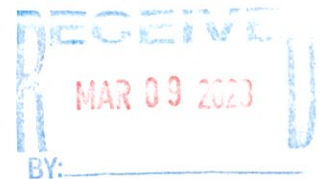


Exhibit B

Exceptions to title:

1. Mortgage and the terms and conditions thereof

Grantor/Trustor: David L. Burt and Jenny L. Burt

Grantee/Beneficiary: Sterling Savings Bank

Trustee: First American Title Insurance Company of Oregon

Amount \$160,000.00

Dated: May 31, 2006

Recorded: June 1, 2006

Recording Information: 2006-004597

2. Easement recorded November 15, 1982 in Book 284, Page 473, Records of Tillamook County in favor of the Tillamook People's Utility District for utilities.
3. Easement recorded February 5, 1985 in Book 296, Page 961, Records of Tillamook County in favor of the Tillamook People's Utility District for utilities.
4. Rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
5. Limited access provisions in favor of the State of Oregon, by and through its State Highway Commission as contained in Decree of Condemnation entered April 30, 1949 in Suit No. 8147, in the Circuit Court for Tillamook County, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.

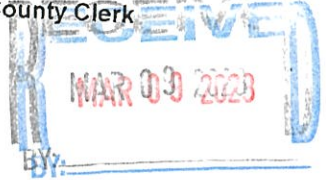
RECEIVED
MAR 03 2007
BY: _____

DEED-DBS
\$15.00 \$11.00 \$61.00 \$10.00 - 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



AFTER RECORDING RETURN TO:
SEND TAX STATEMENTS TO:

GRANTORS/GRANTEES:
DALE A. SMITH, ET UX
9500 South Prairie Rd.
TILLAMOOK, OR 97141

BARGAIN AND SALE DEED

DALE A. SMITH and DEBRA D. SMITH, husband and wife, hereinafter called Grantor, does hereby grant, bargain, sell and convey unto **DAVID L. BURT and JENNY L. BURT, husband and wife**, hereinafter called Grantees, all that certain property more particularly described as follows and situated in Tillamook County, Oregon.

See attached for legal description.

The true and actual consideration paid for this conveyance is \$ -0- . This Deed is being given as a Lot Line Adjustment and not to create a separate and distinct parcel.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

Dated: November 27, 2018

DALE A. SMITH

DEBRA D. SMITH

STATE OF OREGON

County of Tillamook

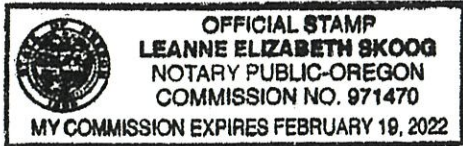
)
) ss.

Before me personally appeared DALE A. SMITH and DEBRA D. SMITH this 27th day of November, 2018, and acknowledged the foregoing instrument to be their voluntary act and deed.


Notary Public for Oregon
My Commission Expires:

STATE OF OREGON)
County of Deschutes) ss.

Before me personally appeared DALE A. SMITH this 10th day of December, 2018,
and acknowledged the foregoing instrument to be his voluntary act and deed.



Leanne Elizabeth Skoog
Notary Public for Oregon
My Commission Expires: 02/19/2022

RECEIVED
MAR 09 2023
BY: _____

PHONE 503*842-8380
IF NO ANSWER 503*842-4787
FAX 503*842-1761

SERVING THE COMMUNITY
SINCE 1977



MEMBER

C. WAYNE COOK LAND SURVEYING

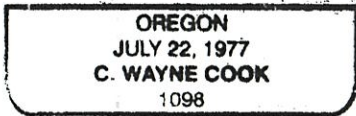
3180 ALDERCREST, TILLAMOOK, OREGON 97141

BOUNDARY ADJUSTMENT OF TRACT OF LAND DESCRIBED DEED TO BURT, DOCUMENT 2006-004596, TILLAMOOK CO. DEED RECORDS

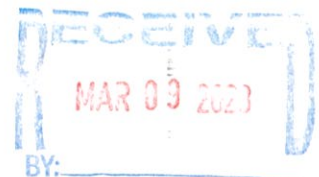
A tract of land in the Southwest quarter of Section 8, T. 2 S. R.9 W. of the Willamette Meridian in Tillamook County, Oregon. said tract being described as follows: Commencing at a point which is North 498.1 feet and East 932.8 feet from the Southwest corner of said Section 8, T. 2 S. R.9 W. of the Willamette Meridian; thence N 69°24'14" E 47.18 feet and N 23°56'33" E 49.17 feet to a point on the Northeasterly right of way boundary of CSH #101, said point being the Point of Beginning of the tract to be described; thence N 23°56'33" E 15.53 feet; thence N 1°53'33" E 93.80 feet; thence S 89°28'27" E 287.80 feet; thence S 0°31'33" W 330.66 feet to a point on the Northeasterly right of way boundary of OSH #101; thence N 52°28'16" W 369.91 feet to the point of beginning.

SUBJECT TO: Easements and conditions defined in Document 2006-004596, Tillamook Co. Deed Records.

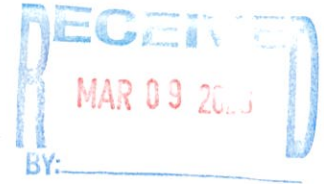
NOTE: See survey A-8617, Tillamook County Surveyor's Records, for basis of bearing and monumentation data.



Renewal date 12/31/2019



Enclosed: Incomplete Application Response Form and 150 Day Waiver



Date: March 3, 2023

RE: Incomplete application for Partition Application #851-23-000034-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 (**February 8, 2023**) 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 ^{inclosed} 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.

Jimmy J. Jones
Signed and Acknowledged (Applicant)

3-9-23
Date

EXHIBIT C



Response Page

Department of State Lands (DSL) WN#*

WN2023-0222

Responsible Jurisdiction

Staff Contact

Lynn Tone

Jurisdiction Type

County

Municipality

Tillamook

Local case file #

851-23-000034-PLNG

County

Tillamook

Activity Location

Township

02S

Range

09W

Section

08

QQ section

C

Tax Lot(s)

1200

Street Address

6730 S Prairie Rd

Address Line 2

City

Tillamook

State / Province / Region

OR

Postal / Zip Code

97141

Country

Tillamook

Latitude

45.406629

Longitude

-123.897797

Wetland/Waterway/Other Water Features



It is unlikely that there are jurisdictional wetlands or waterways on the property based upon a review of wetland maps, the county soil survey and other available information.

Closing Information



Additional Comments

The Department has no issue with the proposed partition. It does not appear that there are jurisdictional wetlands or waters onsite.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

3/28/2023

Response by:

Chris Stevenson

Response Phone:

503-986-5246

Angela Rimoldi

From: Lynn Tone
Sent: Friday, April 7, 2023 9:16 AM
To: Angela Rimoldi
Subject: FW: EXTERNAL: ODOT Comments for Tillamook County File 851-23-000034-PLNG

From: VYMAZAL Zdenek G <Zdenek.G.VYMAZAL@odot.oregon.gov>
Sent: Wednesday, April 5, 2023 12:15 PM
To: Lynn Tone <ltone@co.tillamook.or.us>
Cc: KEARNS Richard A <Richard.A.KEARNS@odot.oregon.gov>; WILLIAMS Virginia L <Virginia.L.WILLIAMS@odot.oregon.gov>; NELSON Scott <Scott.NELSON@odot.oregon.gov>
Subject: EXTERNAL: ODOT Comments for Tillamook County File 851-23-000034-PLNG

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

Lynn,

Thank you for notifying ODOT of the proposed partition at 6730 South Prairie Road near Tillamook. Please include these comments in the public record and notify ODOT of the decision by sending a copy to odotr2planmgr@odot.state.or.us when available.

The site is adjacent to Highway US 101, (No. 009), and is subject to state laws administered by ODOT. The site has no existing or proposed highway approach.

ODOT research has determined that this section of highway is access controlled and the subject property does not have access rights to the highway.

The proposed partition will not affect highway operations. ODOT has no objections to the proposal.

If the applicant needs to occupy state highway right-of-way for utility work, they can contact the ODOT District 1 Permits office at 503-325-7222.

*Zdenek "Z" Vymazal, PE, PLS
Development Review Coordinator (Area 1)
ODOT – Region 2
455 Airport Rd. SE, Bldg. B
Salem, OR 97301
(971)-345-1318 Cell/Office
zdenek.g.vymazal@odot.oregon.gov
Hours: 6:30 AM to 3:00 PM Monday – Friday*



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

1510-B Third St.
Tillamook, Oregon 97141


Land of Cheese, Trees and Ocean Breeze

(503) 842-3408
FAX (503) 842-1819
Toll Free 1 (800) 488-8280

MEMO

Date: March 30, 2023

To: Angela Rimoldi, Planning Permit Tech

From: Chris Chiola, Environmental Program Manager 
Tillamook County On-Site Wastewater

Re: Partition Request
851-23-0034 Burt & Jones

In reviewing the partition request, the original documents show that the existing system for South Prairie store extend under the existing storage unit and into the proposed partition parcel. Per DEQ Onsite Wastewater Treatment System Rules, drain fields cannot be under a foundation or cross property lines without meeting setbacks or having the appropriate easements in place.

The east ends of the existing drainfield must be located and if any extend beyond the proposed new property line those lines must be cut and capped and a reciprocal amount of drainfield must be added to the existing system that meets all setback requirements.

Please see attached documentation.



Tillamook County GIS



Created: Fri Mar 31 2023-8:36:35

Active Layers:ags, County_Boundary, Fed_state_highways, MapIndex, citylimit, community_polygon, TaxlotOwner, Township_Range_Section, Road_Centerline

Extent:-13783743.732801, 5685640.242222, -13783278.541825, 5685886.5724891



July 24, 2018

David and Jenny Burt
6990 Bewley Creek Store
Tillamook, OR 97141

RE: 6730 South Prairie Rd

Dear Property Owner;

I recently noticed that your storage shed project may be impacting your drain field. I compared the drawing that was submitted with your building plans and the as-built of the system that is on file- they do not compare. And onsite I can see that drain rock has been exposed where one of the units is going.

This project may seriously compromise your septic system and cause it to fail and/or cause structural issues with the storage units that are going over the drain lines.

If the system were to fail, there is no available area on the property for a replacement system. These issues must be addressed before you continue with this project.

If you have any questions or concerns, please free to contact me at the above phone numbers, address or by e-mail at cchiola@co.tillmook.or.us.

Sincerely,

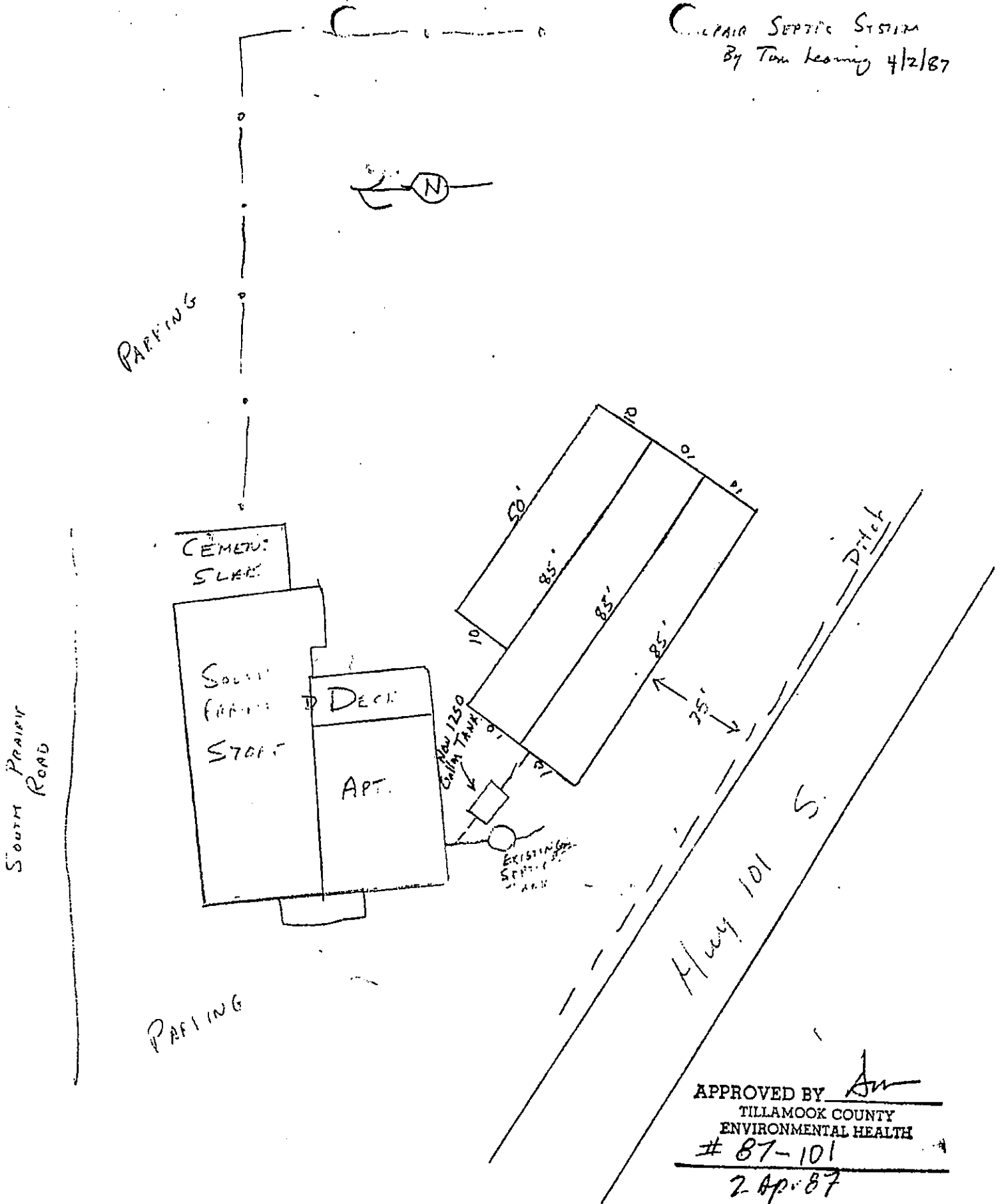
A handwritten signature in blue ink that reads "Chris Chiola".

Chris Chiola, Environmental Program Manager
Tillamook County Department of Community Development
Onsite Sanitation Division

20. TRAIL STORE

REPAIR SEPTIC SYSTEM

By Tom Leaning 4/2/87



APPROVED BY
 TILLAMOOK COUNTY
 ENVIRONMENTAL HEALTH

87-101

2 Apr 87