



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 #851-23-000083-PLNG:
CARVER & ESPLIN
ADMINISTRATIVE DECISION & STAFF REPORT**

Decision: Approved with Conditions
Decision Date: May 25, 2023
Report Prepared By: Angela Rimoldi, Planning Technician

I. GENERAL INFORMATION:

- Request:** Partition request to create two (2) residential parcels.
- Location:** Located southeast of the City of Tillamook, accessed via Chance Road, a county-maintained road; the subject property is designated as Tax Lot 500 of Section 3A, Township 2 South, Range 09 West of the Willamette Meridian, Tillamook County Oregon.
- Zone:** Rural Residential 2-Acre (RR-2) Zone
- Applicant:** Dallas Esplin, P.O. Box 880, Tillamook, OR. 97141
- Property Owner:** Lloyd and Sandra Carver, 9710 Chance Road, Tillamook, OR. 97141

Description of Site and Vicinity: The subject property is accessed via Chance Road, a county-maintained road, is irregular shaped, approximately 6+ acres in size, holds a single-family dwelling and accessory structures, is vegetated with grasses, bushes, and trees (Exhibit A). The topography of the subject property is generally flat (Exhibit A). The subject property is zoned Rural Residential (RR-2) with surrounding properties facing southwest, south, and east also zoned Rural Residential (RR-2), a property zoned Small Farm and Woodlot (SFW-20) facing northwest, and properties zoned Farm (F-1) to the north (Exhibit A).

The subject property is located within an area of geologic hazard, contains no 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 41057C0595F) (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 April 21, 2023. One comment was received from a neighboring property concerning a shared fence line (Exhibit C). Owner/Applicant response to the public comment may be found in Exhibit B.

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 Chance Road, a county-maintained 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 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 proposed parcels are served by Long Prairie Water District; a service notification was provided from the district (Exhibit B). Proposed parcel 1 is vacant of an on-site 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 parcels if the site evaluation approval has not yet been obtained; proposed parcel 2 is serviced with an existing on-site wastewater system (Exhibit B).

The subject property is served by the Tillamook Fire District, Tillamook County Public Works Department, and the Tillamook County Sheriff's Office. Given the location of the property, and the availability of public services existing in the area, staff concludes these criteria have been met or can be met through 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).

Parcel 1 will maintain the location of an existing accessory structure on the subject property. The structure will maintain conformance with setback requirements of the Rural Residential 2-Acre (RR-2) zone after the proposed partition (Exhibit B). The RR-2 zone does not allow outright for detached accessory structures without an on-site primary structure. Staff find development standards can be met through compliance with the Conditions of Approval.

Parcel 2 will maintain the location of the existing single-family dwelling and an accessory structure on the subject property (Exhibit B). The structures will maintain conformance with setbacks and development standards of the Rural Residential 2-Acre (RR-2) zone after the proposed partition (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:*
 - (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 June 6, 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 is subject to standards required by TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone.
7. Future development is subject to standards required by TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.
8. A Restrictive Covenant, as identified in 'Exhibit D', is required for detached accessory structures on Proposed Parcel 1 to confirm they are accessory to the primary dwelling on Proposed Parcel 2. If Proposed Parcel 1 and Proposed Parcel 2 are retained by separate property owners, the property owner of Parcel 1 must convert or demolish the accessory structures to allowable uses within 90-days of transfer of ownership of the real property.

VI. EXHIBITS:

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

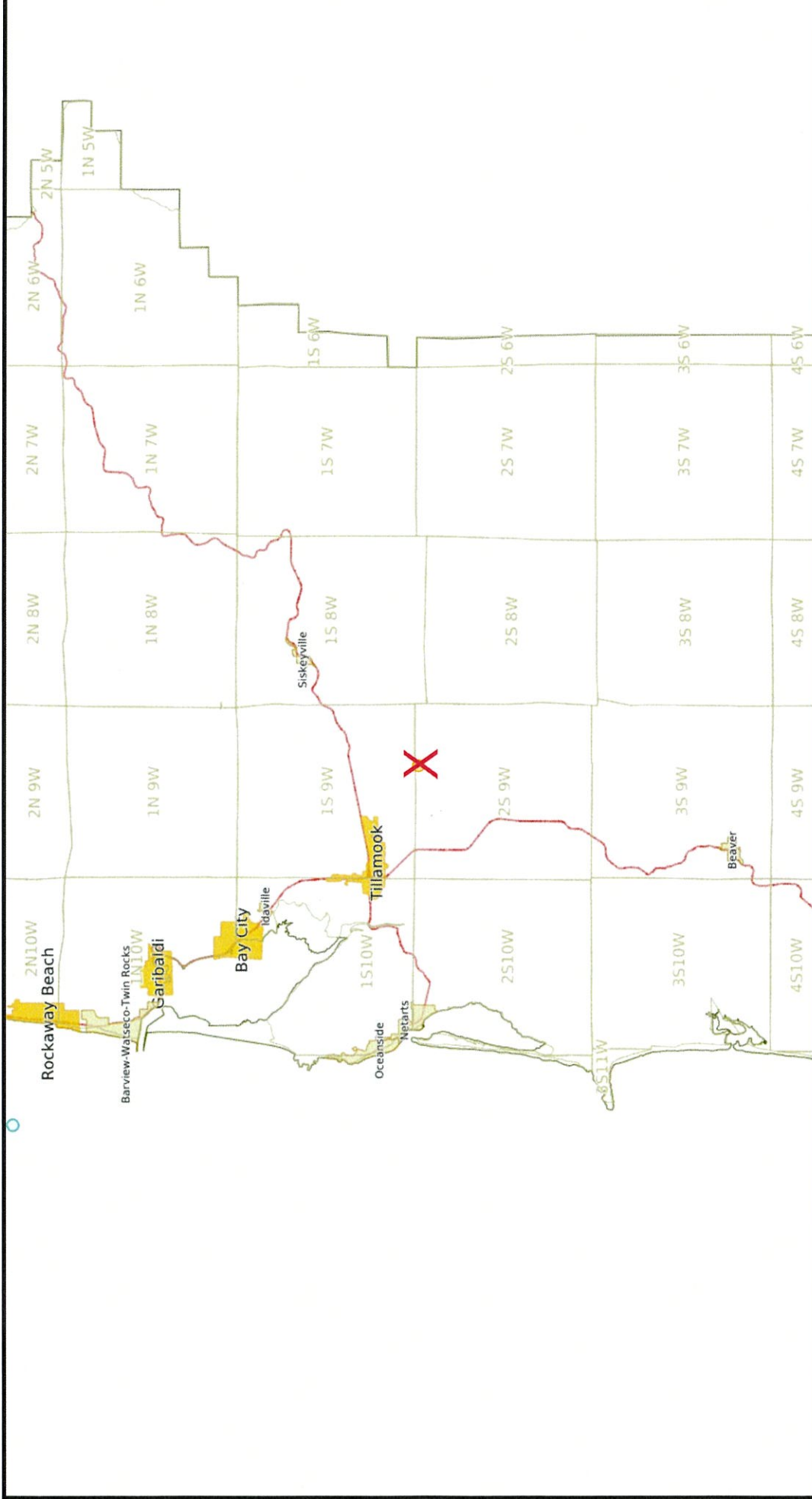
- A. Property identification maps and Assessor's Summary Report
- B. Applicant's submittal
- C. Public Comments
- D. Restrictive Covenant

EXHIBIT A



Tillamook County GIS

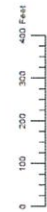
X = Subject Property



Created: Tue Apr 18 2023-15:54:34
Active Layers: County_Boundary, Fed_state_highways, citylimit, community_polygon, TaxlotOwner, Township_Range_Section, Road_Centerline
Extent: -13834379.382464, 5658918.9320331, -13715290.492412, 5721979.4803595

X = Subject Property

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



N.E. 1/4 SEC. 3 T.2S. R.9W. W.M.
TILLAMOOK COUNTY

1" = 200'

02S09W03A



02S09W03A
Revised 1/18/19 WS

9710 Chance Rd, Tillamook, OR, X

Layers Currently Showing

Earthquake Hazard

Active Faults

Expected Earthquake Shaking

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

Landslide Hazard

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

Landslide Inventory

Scarp

Head Scarp

Deposits

- Talus-Colluvium
- Fan
- Landslide





U.S. Fish and Wildlife Service
National Wetlands Inventory

PARTITION #851-23-000083-PLNG



May 19, 2023

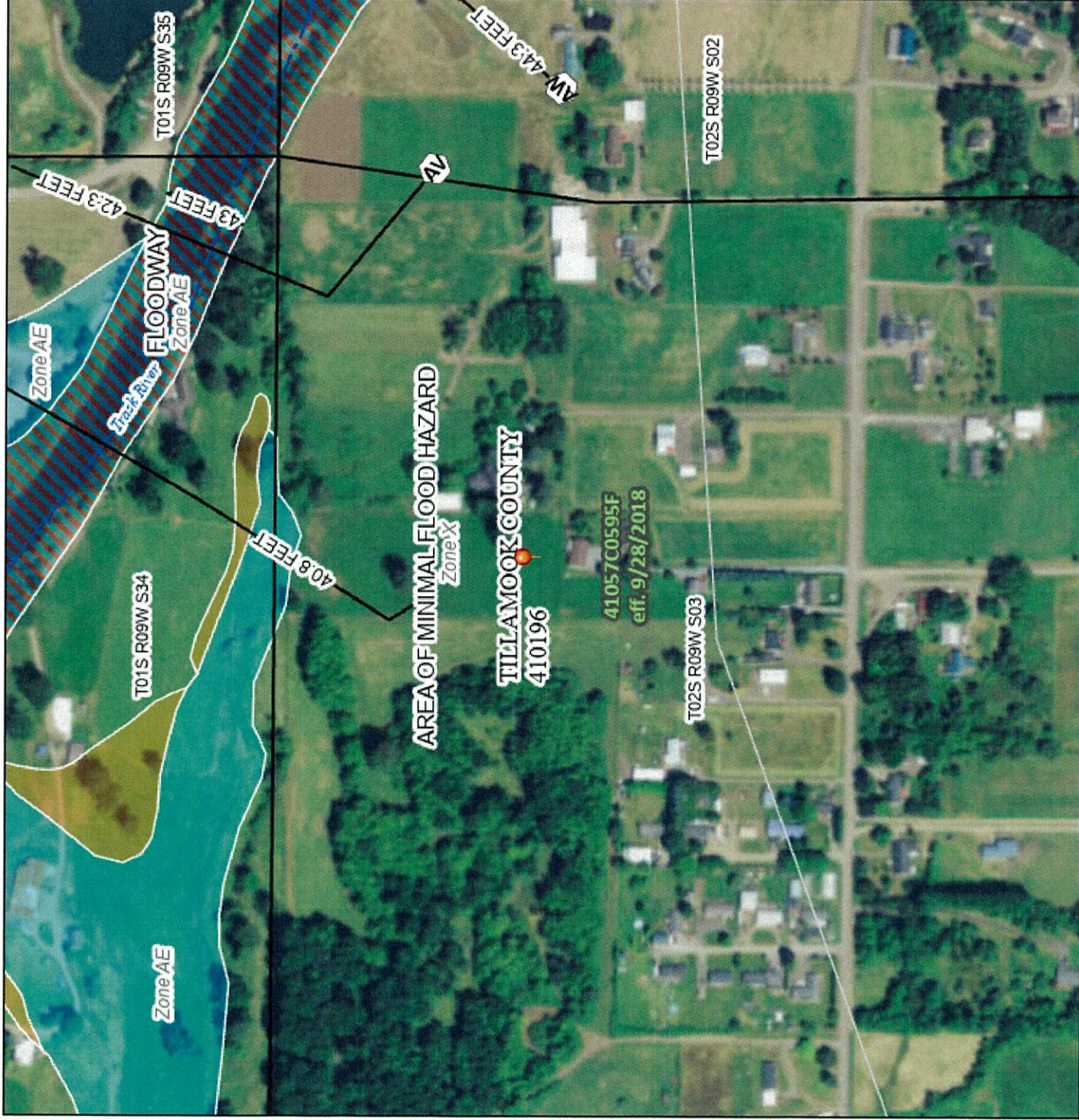
Wetlands

- 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°46'15"W 45°26'9"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
- 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
- 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 5/19/2023 at 2:42 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.

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: DALLAS ESPLIN Phone: 503-842-5551

Address: P.O. BOX 880

City: TILLAMOOK State: OR Zip: 97141

Email: BAYSIDESURVEYING@GMAIL.COM

Property Owner

Name: LLOYD CARVER Phone: 503-812-9069

Address: 9710 CHANCE ROAD

City: TILLAMOOK State: OREGON Zip: 97141

Email: KRISTYCARVER@GMAIL.COM

Location:

Site Address: 9710 CHANCE ROAD

Map Number: 2S-9-3-A-500

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
RECEIVED
MAR 20 2023
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by:
Receipt #:
Fees: 1150.-
Permit No: 851-23-060088-PLNG

- 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 Development

- 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.

David L. Cannon
 Property Owner (*Required)
Dallas Esplin
 Applicant Signature

2/9/23
 Date
 2/7/2023
 Date



PARTITION PLAT 2023-

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT I, THE OWNER OF THE LAND REPRESENTED ON THE ATTACHED PARTITION PLAT, HAVE CAUSED ACCOMPANYING SURVEYOR'S CERTIFICATE, AND HAS CAUSED THE SAME TO BE SURVEYED AND PARTITIONED INTO TWO (2) PARCELS AND DOES HEREBY CREATE A 25' WIDE ACCESS EASEMENT TO BE SHOWN AS INDICATED ON THE ATTACHED MAP, AS SHOWN ON THE ANNEKED MAP.

SURVEYOR'S CERTIFICATE

I, DALLAS W. ESPLIN, CERTIFY THAT:

I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS (PARCEL 1, 2), THE LAND REPRESENTED ON THE ATTACHED PARTITION PLAT, BEING THE LANDS DESCRIBED IN INSTRUMENT # _____, TILLAMOOK COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, WHICH IS A 2" IRON PIPE WHICH IS NORTH 89°49'19" WEST 493.77 FEET AND NORTH 89°51'37" WEST 246.53 FEET FROM THE NORTHEAST CORNER OF SECTION 3:

THENCE SOUTH 00°12'10" EAST 540.97 FEET;

THENCE SOUTH 00°09'31" EAST 543.87 FEET;

THENCE SOUTH 00°09'31" EAST 254.89 FEET;

THENCE NORTH 89°26'12" WEST 148.20 FEET;

THENCE NORTH 00°06'19" WEST 325.08 FEET;

THENCE NORTH 89°21'30" WEST 98.81 FEET;

THENCE NORTH 00°10'26" WEST 1012.69 FEET;

THENCE SOUTH 89°51'37" EAST 246.53 FEET TO THE INITIAL POINT.

ACKNOWLEDGMENT

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

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____, 2023 BY _____

(SIGN) _____ (PRINT)

NOTARY PUBLIC - OREGON _____

COMMISSION NO. _____

MY COMMISSION EXPIRES: _____ DAY OF _____, 20_____

APPROVALS

APPROVED, 2023 AS PARTITION, 851- _____ -PLNG.

TILLAMOOK COUNTY DEPT. OF COMMUNITY DEVELOPMENT _____ DATE _____

NOTE: THE ABOVE SIGNATURE DOES NOT WARRANT THAT SEWER OR SITE EVALUATION APPROVAL IS OR WILL BE AVAILABLE TO PARCEL 1.

APPROVED THIS _____ DAY OF _____, 2023.

TILLAMOOK COUNTY SURVEYOR _____

TAXES HAVE BEEN PAID IN FULL TO JUNE 30, 2024.

TILLAMOOK COUNTY TAX COLLECTOR _____

CERTIFICATE OF COUNTY CLERK

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

I HEREBY CERTIFY THAT I AM THE QUALIFIED CLERK OF TILLAMOOK COUNTY AND THAT THIS PARTITION PLAT WAS RECEIVED FOR RECORD ON THE _____ DAY OF _____, 2023 AT _____ O'CLOCK, AND RECORDED AS PARTITION PLAT NO. _____ IN PLAT CABINET B- _____, TILLAMOOK COUNTY RECORDS AS INSTRUMENT NO. _____

BY: _____ TASSI O'NEIL, COUNTY CLERK

CERTIFICATE OF COUNTY CLERK

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

I, TASSI O'NEIL, DO HEREBY CERTIFY THAT I AM THE QUALIFIED CLERK OF TILLAMOOK COUNTY, OREGON AND THAT THIS COPY OF PARTITION PLAT NO. _____ IS THE FULL, COMPLETE AND TRUE COPY OF THE ORIGINAL PLAT OF SAME, AS RECORDED IN PLAT CABINET B - _____ OF PARTITION PLAT RECORDS OF TILLAMOOK COUNTY, OREGON. RECORDED _____, 2023 AT _____ O'CLOCK, AS INSTRUMENT NO. _____

TASSI O'NEIL _____

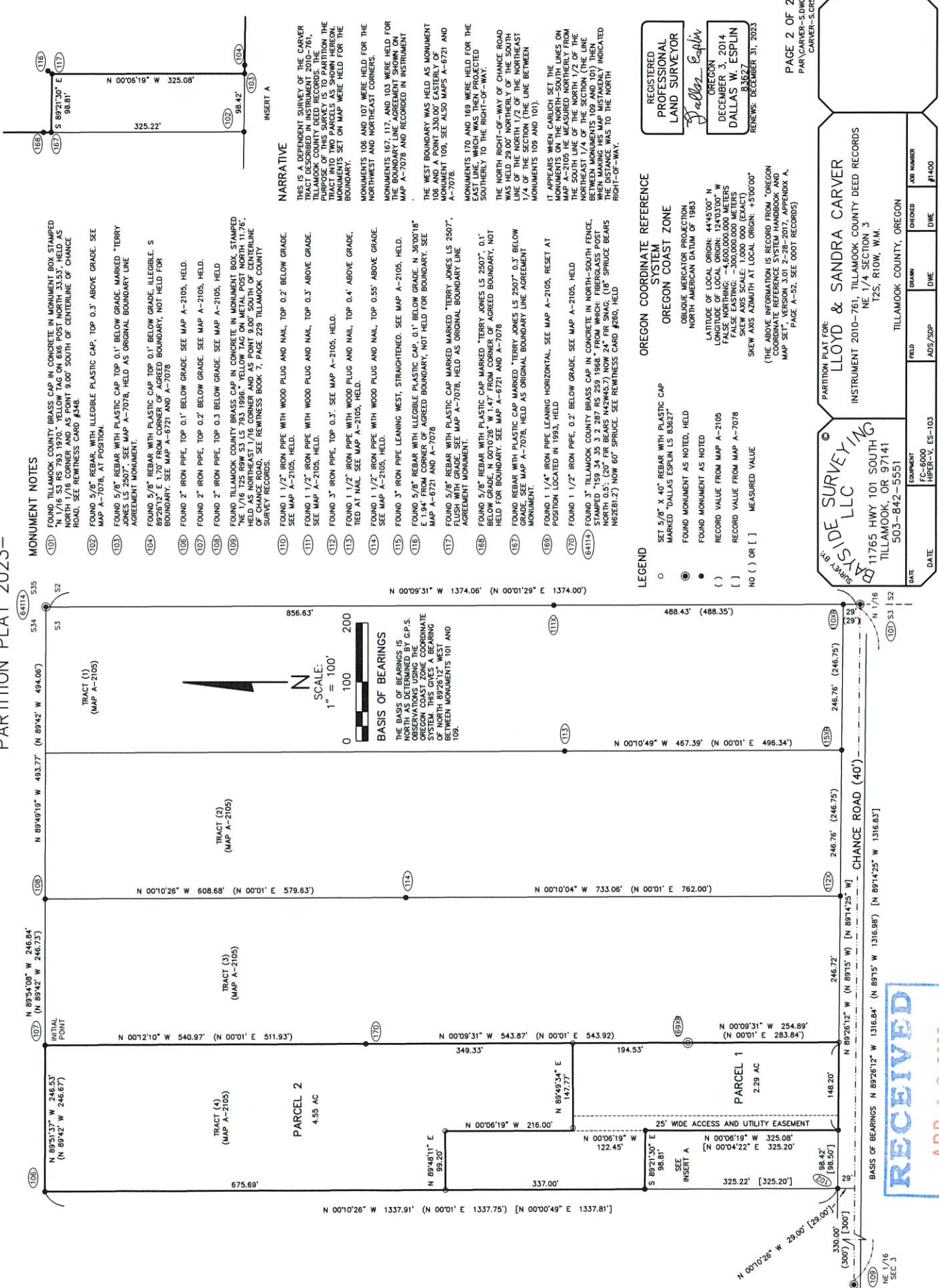
I, DALLAS W. ESPLIN, DO HEREBY CERTIFY THAT THIS IS A FULL, COMPLETE AND TRUE COPY OF THE ORIGINAL PLAT AS REFERENCED ABOVE.

DALLAS W. ESPLIN, PLS 83627 _____



Professional information block including: BATESIDE SURVEYING LLC, 11765 HWY 101 SOUTH TILLAMOOK, OR 97141; PARTITION PLAT FOR: LLOYD & SANDRA CARVER; INSTRUMENT 2010-761, TILLAMOOK COUNTY DEED RECORDS NE 1/4 SECTION 3 T2S, R10W, W.M.; and a table with columns for DATE, FIELD, AS5/SOP, DRAWN, DWE, CHECKED, DWE, JOB NUMBER, #1400.

PARTITION PLAT 2023-



RECEIVED
 APR 12 2023
 BY: _____

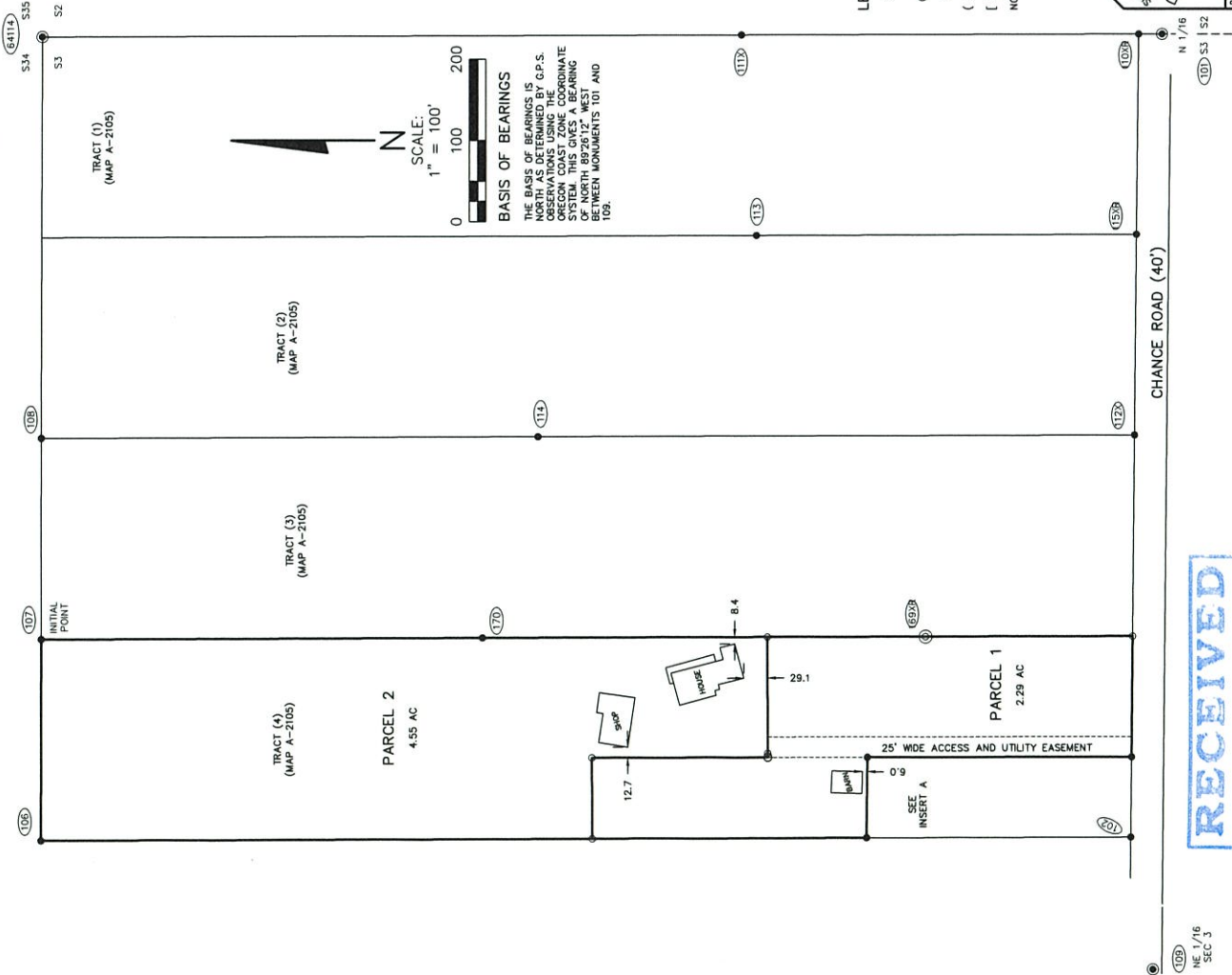
REGISTERED PROFESSIONAL LAND SURVEYOR
 Dallas Esplin
 OREGON
 DECEMBER 3, 2014
 DALLAS W. ESPLIN
 REWITNESS: DECEMBER 31, 2023

PARITION PLAT FOR:
LLOYD & SANDRA CARVER
 INSTRUMENT 2010-761, TILLAMOOK COUNTY DEED RECORDS
 NE 1/4 SECTION 3
 T2S, R10W, W1M.
 TILLAMOOK COUNTY, OREGON

DATE	EQUIPMENT	FIELD	DRAWN	CHECKED	JOB NUMBER
	FC-6000 HIPER-V, ES-103	AOS/SOP	DWE	DWE	#1400

BATESIDE SURVEYING LLC
 11765 HWY 101 SOUTH
 TILLAMOOK, OR 97141
 503-842-5551

PARTITION PLAT 2023-



MONUMENT NOTES

(101) FOUND TILLAMOOK COUNTY BRASS CAP IN CONCRETE IN MONUMENT BOX STAMPED N 1/16 S3 RS 793.1970" YELLOW TAG ON 636 POST NORTH 33.53", HELD AS NORTH 1/16 CORNER AND AS POINT 9.00' SOUTH OF CENTERLINE OF CHANCE ROAD. SEE REMITNESS CARD #348.

(102) FOUND 5/8" REBAR, WITH ILLEGIBLE PLASTIC CAP, TOP 0.3' ABOVE GRADE. SEE MAP A--7078, AT POSITION.

(103) FOUND 5/8" REBAR WITH PLASTIC CAP TOP 0.1' BELOW GRADE. MARKED "TERRY JONES LS 2507". SEE MAP A--7078, HELD AS ORIGINAL BOUNDARY LINE AGREEMENT MONUMENT.

(104) FOUND 5/8" REBAR WITH PLASTIC CAP TOP 0.1' BELOW GRADE, ILLEGIBLE. S 89°26'12" E 1.70' FROM CORNER OF AGREED BOUNDARY, NOT HELD FOR BOUNDARY. SEE MAP A--6721 AND A--7078

(105) FOUND 2" IRON PIPE, TOP 0.1' BELOW GRADE. SEE MAP A--2105, HELD.

(106) FOUND 2" IRON PIPE, TOP 0.2' BELOW GRADE. SEE MAP A--2105, HELD.

(107) FOUND 2" IRON PIPE, TOP 0.3 BELOW GRADE. SEE MAP A--2105, HELD.

(108) FOUND TILLAMOOK COUNTY BRASS CAP IN CONCRETE IN MONUMENT BOX, STAMPED N 1/16 S3 RS 793.1970" YELLOW TAG ON 636 POST NORTH 33.53", HELD AS NORTH EAST 1/16 CORNER AND AS POINT 9.00' SOUTH OF CENTERLINE OF CHANCE ROAD. SEE REMITNESS BOOK 7, PAGE 229 TILLAMOOK COUNTY SURVEY RECORDS.

(109) FOUND 1 1/2" IRON PIPE WITH WOOD PLUG AND NAIL, TOP 0.2' BELOW GRADE. SEE MAP A--2105, HELD.

(110) FOUND 1 1/2" IRON PIPE WITH WOOD PLUG AND NAIL, TOP 0.3' ABOVE GRADE. SEE MAP A--2105, HELD.

(111) FOUND 3" IRON PIPE, TOP 0.3'. SEE MAP A--2105, HELD.

(112) FOUND 3" IRON PIPE WITH WOOD PLUG AND NAIL, TOP 0.4' ABOVE GRADE. TIED AT NAIL. SEE MAP A--2105, HELD.

(113) FOUND 1 1/2" IRON PIPE WITH WOOD PLUG AND NAIL, TOP 0.55' ABOVE GRADE. SEE MAP A--2105, HELD.

(114) FOUND 5/8" REBAR WITH ILLEGIBLE PLASTIC CAP, 0.1' BELOW GRADE, HELD. E 1.94' FROM CORNER OF AGREED BOUNDARY, NOT HELD FOR BOUNDARY. SEE MAP A--6721 AND A--7078

(115) FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "TERRY JONES LS 2507". FLUSH WITH GRADE. SEE MAP A--7078, HELD AS ORIGINAL BOUNDARY LINE AGREEMENT MONUMENT.

(116) FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "TERRY JONES LS 2507". 0.1' BELOW GRADE. N 0°10'26" W 1.47' FROM CORNER OF AGREED BOUNDARY, NOT HELD FOR BOUNDARY. SEE MAP A--6721 AND A--7078

(117) FOUND REBAR WITH PLASTIC CAP MARKED "TERRY JONES LS 2507". 0.3' BELOW GRADE. SEE MAP A--7078, HELD AS ORIGINAL BOUNDARY LINE AGREEMENT MONUMENT.

(118) FOUND 1 1/4" IRON PIPE LEANING HORIZONTAL. SEE MAP A--2105, RESET AT POSITION LOCATED IN 1993, HELD

(119) FOUND 1 1/2" IRON PIPE, 0.2' BELOW GRADE. SEE MAP A--2105, HELD

(120) FOUND 3" TILLAMOOK COUNTY BRASS CAP IN CONCRETE IN NORTH-SOUTH FENCE. REBAR MARKED "TERRY JONES LS 2507". 0.3' BELOW GRADE. SEE MAP A--7078, HELD AS ORIGINAL BOUNDARY LINE AGREEMENT MONUMENT. N62E81°21' NOW 60° SPRUCE. SEE REMITNESS CARD #280, HELD

LEGEND

- SET 5/8" X 40" REBAR WITH PLASTIC CAP MARKED "DALLAS ESPLIN LS 83827"
- FOUND MONUMENT AS NOTED, HELD
- FOUND MONUMENT AS NOTED
- () RECORD VALUE FROM MAP A--2105
- [] RECORD VALUE FROM MAP A--7078
- NO () OR [] MEASURED VALUE

OREGON COAST ZONE

OBlique MERCATOR PROJECTION
NORTH AMERICAN DATUM OF 1983

LATITUDE OF LOCAL ORIGIN: 44°45'00" N
LONGITUDE OF LOCAL ORIGIN: 124°03'00" W
FALSE NORTHING: -4,600,000.000 METERS
FALSE EASTING: -300,000.000 METERS
SKEW AXIS ADJUSTMENT AT LOCAL ORIGIN: +330'00"

(THE ABOVE INFORMATION IS RECORD FROM "OREGON COAST ZONE COORDINATE REFERENCE SYSTEM HANDBOOK AND MAPS OF OREGON" PUBLISHED BY THE BUREAU OF LAND MANAGEMENT, PAGE A-52, SEE 0001 RECORDS)

OREGON COORDINATE REFERENCE SYSTEM

OREGON COAST ZONE

OBlique MERCATOR PROJECTION
NORTH AMERICAN DATUM OF 1983

LATITUDE OF LOCAL ORIGIN: 44°45'00" N
LONGITUDE OF LOCAL ORIGIN: 124°03'00" W
FALSE NORTHING: -4,600,000.000 METERS
FALSE EASTING: -300,000.000 METERS
SKEW AXIS ADJUSTMENT AT LOCAL ORIGIN: +330'00"

(THE ABOVE INFORMATION IS RECORD FROM "OREGON COORDINATE REFERENCE SYSTEM HANDBOOK AND MAPS OF OREGON" PUBLISHED BY THE BUREAU OF LAND MANAGEMENT, PAGE A-52, SEE 0001 RECORDS)

BASIS OF BEARINGS

THE BASIS OF BEARINGS IS NORTH AS DETERMINED BY G.P.S. OBSERVATIONS USING THE OREGON COAST ZONE COORDINATE REFERENCE SYSTEM. THE BEARING OF NORTH 89°26'12" WEST BETWEEN MONUMENTS 101 AND 109.

NARRATIVE

THIS IS A DEPENDENT SURVEY OF THE CARVER TILLAMOOK COUNTY DEED RECORDS, MAP A-7078, TILLAMOOK COUNTY DEED RECORDS. THE PURPOSE OF THIS SURVEY IS TO PARTITION THE MONUMENTS SET ON MAP A-7078 HELD FOR THE BOUNDARY. MONUMENTS 106 AND 107 WERE HELD FOR THE NORTHWEST AND NORTHEAST CORNERS. MONUMENTS 108, 117, AND 103 WERE HELD FOR THE BOUNDARY LINE AGREEMENT SHOWN ON MAP A--7078 AND RECORDED IN INSTRUMENT 106 AND A POINT 330.00' EASTERLY OF MONUMENT 109, SEE ALSO MAPS A--6721 AND A--7078.

MONUMENTS 170 AND 169 WERE HELD FOR THE SOUTHERLY TO THE RIGHT-OF-WAY. MONUMENT 170 WAS SELECTED SOUTHERLY TO THE RIGHT-OF-WAY.

THE NORTH RIGHT-OF-WAY OF CHANCE ROAD IS SHOWN ON MAP A--7078. THE LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE SECTION (THE LINE BETWEEN MONUMENTS 109 AND 101).

IT APPEARS WHEN CAROL SET THE MONUMENTS ON THE NORTH-SOUTH LINES ON MAP A--2105 HE MEASURED NORTHERLY FROM THE CORNER OF THE SECTION (THE LINE BETWEEN MONUMENTS 109 AND 101) THEN WHEN MAKING HIS MAP MISTAKENLY INDICATED THE RIGHT-OF-WAY.

REGISTERED PROFESSIONAL LAND SURVEYOR

Dallas Esplin

OREGON
DECEMBER 3, 2014
DALLAS W. ESPLIN
836277
RENEW: DECEMBER 31, 2023

PARITION PLAT FOR:
LLOYD & SANDRA CARVER
INSTRUMENT 2010-761, TILLAMOOK COUNTY DEED RECORDS
NE 1/4 SECTION 3
T2S, R10W, W.M.
TILLAMOOK COUNTY, OREGON

DATE	EQUIPMENT	FIELD	DRAWN	CHECKED	JOB NUMBER
	FC-5000 HIPER-V, ES-103	AUS/SOP	DWE	DWE	#1400

DATE

11765 HWY 101 SOUTH
TILLAMOOK, OR 97141
503-842-5551

RECEIVED

APR 12 2023

BY:

ME 1/16
SEC 3

PAGE 2 OF 2
PAR/CARVER-S.DWG
CARVER-S.ORG

From: Nonda Zwald
Sent: Wednesday, February 8, 2023 9:54 AM
To: Kristy Carver
Subject: RE: water letter Application

This letter is to confirm that new water service is available from Long Prairie Water District at Tillamook County tax lot 2S9 3A 00500, 9710 Chance Rd.
Thank you,

Nonda R. Zwald

WATER UTILITY
SERVICES

9980 South Prairie Road | Tillamook, OR 97141
tel (503) 842-1515 | mobile (503) 801-1607
fax (503) 842-1751
[email](#) | [website](#) | [map](#)

Confidentiality Note: This email may contain confidential and/or private information. If you received this email in error please delete and notify sender.

From: Kristy Carver <kristycarver@gmail.com>
Sent: Wednesday, February 8, 2023 9:42 AM
To: Nonda Zwald <nonda@zwald.org>
Subject: Fwd: water letter Application

See below

Sent from my iPhone

Begin forwarded message:

From: Bayside Surveying LLC <baysidesurveying@gmail.com>
Date: February 7, 2023 at 1:59:11 PM PST
To: Kristy Carver <kristycarver@gmail.com>
Subject: Application

Hi Kristy,
Attached is a map of your proposed partition for your review. Also attached is an application which will need to be signed and dated by one of the homeowners and then emailed back to us.
We will also need a letter of water availability from your water provider. After we receive the signed application and letter of water availability, we will turn the application in to the county.



After recording return to:
Lloyd C. Carver and Sandra L. Carver
14865 E. 53rd Street
Yuma, AZ 85367

Until a change is requested all tax statements
shall be sent to the following address:
Lloyd C. Carver and Sandra L. Carver
14865 E. 53rd Street
Yuma, AZ 85367

File No.: 7088-1517456 (DSS)
Date: January 27, 2010

THIS

Tillamook County, Oregon 2010-000761
02/05/2010 11:56:19 AM

DEED-DBS
\$15.00 \$11.00 \$16.00 \$10.00 - Total = \$52.00



00093001201000007610030033

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

Tassi O'Neil, Tillamook County Clerk



STATUTORY BARGAIN AND SALE DEED

Lloyd Carver and Sandra Carver, as tenants by the entirety, Grantor, conveys to **Lloyd C. Carver and Sandra L. Carver, as tenants by the entirety**, Grantee, the following described real property:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **\$1.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007.

Dated this 3rd day of February, 2010.

APN: 157494

Bargain and Sale Deed
- continued

File No.: 7088-1517456 (DSS)
Date: 01/27/2010

Lloyd Carver
Lloyd Carver

Sandra Carver
Sandra Carver

STATE OF Arizona)
)ss.
County of Yuma)



This instrument was acknowledged before me on this 3rd day of February, 2010
by **Lloyd Carver and Sandra Carver.**

Yvette Hendershot
Notary Public for Arizona
My commission expires: 12/18/11

EXHIBIT A

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

A tract of land in Section 3, Township 2 South, Range 9 West of the Willamette Meridian, in Tillamook County, Oregon, described as follows: Beginning at a point 330 feet East of the Northwest corner of the Northeast quarter of the Northeast quarter of Section 3, Township 2 South, Range 9 West of the Willamette Meridian; thence South 1337.75 feet to the North line of Chance County Road; thence East along the North line of Chance County Road 246.75 feet; thence North 1339.69 feet to the North line of said Section 3; thence West along said North Section line 246.67 feet to the point of beginning.

EXCEPTING THEREFROM the following described tract: A tract of land in Section 3, Township 2 South, Range 9 West of the Willamette Meridian, in Tillamook County, Oregon, described as follows: Beginning at a point on the North line of said Section 3, which is 330 feet East of the Northwest corner of the Northeast quarter of the Northeast quarter of said Section 3; thence South 1337.75 feet to the North line of Chance County Road, and the true point of beginning of the herein described tract; thence North 326.7 feet; thence East 100 feet; thence South 326.7 feet to a point on the North line of Chance County Road which is East 100 feet from the true point of beginning; thence West along the North line of Chance County Road, 100 feet to the true point of beginning.

TOGETHER WITH that portion conveyed to Lloyd Carver and Sandra Carver as disclosed by instrument recorded December 5, 1995, Book 374, Page 450, Records of Tillamook County, Oregon.

NOTE: This legal description was created prior to January 1, 2008.

May 15, 2023



Department of Community Development
Tillamook County
1510-B Third St.
Tillamook, OR 97141

Dear Community Development:

This letter responds to Robert and Carmen Larson's letter dated 05/04/2023 "Response to: Partition Request #851-23-000083-PLNG" which we received on Saturday, May 6th.

The Larsons want to place a condition on our partition request. They want to hold us hostage for a problem which is not related to our partition request, a fence on our property interior to our northern, surveyed property boundary with the Larsons. We own our property by deed. The Larsons know this and Robert Larson has admitted to us as recently as last fall that this same fence is on our property, not his. The Larsons seem to claim the fence line now makes everything on their side somehow their property. A fence does not change a deed. Our property IS our property and they know it.

Our Partition as requested does not involve our boundary with Larson's property. Our Partition meets all criteria, even if the Larsons claim was involved. The Larsons letter places a condition on the Larsons not opposing our partition. They simply want to grab our property.

As for Larson's claiming the same issue is happening with our neighbors on our west property line, that is not true. Jimmy Farr and Bill Farr brought to our attention, that the fence between our two properties was on their property. They let us have a little time to consider this and we agreed with them. Their property IS their property. We made no claim to somehow own the Farr's property on our side of the fence. The fence will be moved and placed on our properties' boundary line. So, the west boundary line is not the same issue as the Larson's as we are not claiming property that we clearly do not own inside of a fence. Moving the fence is the right and neighborly way to fix a problem neither of us created.

Sincerely,

Two handwritten signatures in blue ink. The first signature is "Lloyd C. Carver" and the second is "Sandra L. Carver".

Lloyd C. Carver

Sandra L. Carver

EXHIBIT C



05/04/2023

Robert H.Larson
Carmen C. Larson
8635 Long Prairie Rd
Tillamook, Oregon 97141

Response to: Partition Request # 851-23-000083-PLNG

Robert/ Carmen Larson do not appose the partition request if a certain demand is met.

1. There has been an on going property line dispute for many years. Carver/Larson fence line was established in approx. 1942. Easy resolution is a simply property line adjustment/re-record the property line due to the fact that it has recently been surveyed. Oregon intimate domain laws and the fact we have maintained this disputed 1/8 acre (20 ft x 300ft) and fences for over 50 years. THE FENCE IS NOT MOVING.
2. It has also been brought to our attention that the West Carver property line has the same issue.

These property line issues must be resolved.

Robert H.Larson

A handwritten signature in black ink, appearing to read "Robert H. Larson", written over a horizontal line.

Carmen C.Larson

A handwritten signature in black ink, appearing to read "Carmen C. Larson", written over a horizontal line.

EXHIBIT D

**INSTRUCTIONS FOR FILING RESTRICTIVE COVENANT FOR THE PLACEMENT
OF AN
ACCESSORY STRUCTURE ON ADJACENT LAND**

1. This acknowledgment is required when the County permits the placement of an accessory structure on an adjacent parcel of the same ownership.
2. Obtain the legal description of the subject property as it's recorded in the Tillamook County Deed Records. This is what is referred to as Exhibit A and must accompany the affidavit/covenant.
3. The attached affidavit/covenant must be filled out (typewritten), showing the names of ALL current property owners who appear on the property deed or contract, and signed before a Notary Public. Community Development has Notaries that can provide the service for free.
4. Once the affidavit/covenant is signed and notarized with the attached legal description, bring these to the Tillamook County Clerk's office to be recorded. **The Clerk's will charge a recording fee.** Please contact the Clerk's office at (503)842-3402 for current fees.
5. **A copy of the recorded and notarized affidavit/covenant will be given to DCD to put on file.**
6. If you have any questions about the affidavit/covenant, or the recording procedure, please contact the DCD- Planning Staff at (503)842-3408.

RESTRICTIVE COVENANT

_____,
(GRANTORS) are the owners of real property described as follows:

Property Legal Description attached as Exhibit A hereto and incorporated by reference

Do hereby understand, promise and covenant as follows:

The accessory structure placed on this property, described in Exhibit A, is in conjunction with primary structure (dwelling) on the adjacent property described in the deed filed under Clerk Instrument #s _____ and _____, shall be removed prior to the subject property, described in Exhibit A, being conveyed separately to another party. If a primary structure is established on the subject property, described in Exhibit A, or a Conditional Use is granted for an accessory structure without a primary structure on the subject property, described in Exhibit A, then this covenant shall be deemed null and void.

This covenant shall run with the land and is intended to and hereby shall bind my/our heirs, assigns, lessees, and successors and it cannot be deleted or altered without approval by the Tillamook County Department of Community Development (GRANTEE) or its successor.

IN WITNESS WHEREOF, the said Party has executed this instrument this _____ day of _____, 20____,

Signature _____ Print Names _____

State of _____, County of _____

Subscribed and sworn to before me this _____ day of _____, 20____

SEAL

Notary Public of Oregon
My Commission Expires:
