



**PARTITION REQUEST #851-23-000185-PLNG:  
HOLM / ONION PEAK DESIGN**

**ADMINISTRATIVE DECISION AND STAFF REPORT**

**DECISION: Approved with Conditions**

**DECISION DATE:** September 12, 2023

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

**I. GENERAL INFORMATION:**

**Request:** A Partition request to create two (2) residential parcels on a property located within the Unincorporated Community of Neahkahnie (Exhibit B).

**Location:** The subject property is accessed via Nehalem Road, a County Road, and is designated as Tax Lot 9400 of Section 20CD in Township 3 North, Range 10 West, W.M., Oregon (Exhibit A).

**Zone:** Neahkahnie Urban Residential (NK-7.5) Zone (Exhibit A).

**Applicant:** Onion Peak Design, 11460 Evergreen Way, Nehalem, OR. 97131

**Property Owner:** Jennifer & Martin Holm, 8905 Nehalem Road, Nehalem, OR. 97131

**Description of Site and Vicinity:** The subject property is rectangular in shape, improved with an existing dwelling and is vegetated with shrubs, grasses, and trees (Exhibits A and B). The subject property maintains access via Nehalem Road, a county road (Exhibits A and B). The subject property is within an area primarily devoted to residential use, is located within the unincorporated community of Neahkahnie, zoned Neahkahnie Urban Residential (NK-7.5), and sits north of the City of Manzanita (Exhibit A). Surrounding areas to the north, east, and west are also zoned Neahkahnie Urban Residential (NK-7.5) zone and the area to the south is zoned Neahkahnie Urban Residential (NK-15) zone (Exhibit A). Topography of the subject property varies but is generally flat (Exhibit B).

The subject property is located within an area of Geologic Hazard, does contain mapped wetlands and natural features as indicated on the Statewide Wetlands Inventory Map, and is located within Zone X an Area of Minimal Flood Hazard as depicted on FEMA Flood Insurance Rate Map (FIRM) Panel #41057C0206F (Exhibit A).

Staff finds that the standards of TCLUO Section 4.130: Development Requirements for Geological Hazard Areas may be applicable to future development of the properties and a Condition of Approval has been made to require relevant standards of this section be adhered to at the time of development.

## II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

The desired use is governed through the following sections of the Tillamook County Land Use Ordinance (TCLUO) and Land Division Ordinance (TCLDO). The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. Land Division Ordinance Section 070: Preliminary Plat Approval Criteria
- B. Land Use Ordinance Section 3.300: Neahkahnie Urban Residential (NK-7.5) Zone
- C. Land Use Ordinance Section 4.130: Development Requirements for Geologic Hazard Areas

## III. ANALYSIS:

Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on July 28, 2023. One comment was received from a neighboring property in respect to the location of the proposed parcel 1 and setback standards (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:** Applicability of the Neahkahnie Urban Residential (NK-7.5) Zone is addressed below. Plat and submitted supplemental information confirm the criteria above are met (Exhibit B).

Neighboring property noted objection to the placement of proposed parcel, the lot area and setbacks; proposed parcel 1 meets the minimum lot size requirement of 7, 500 set by the NK-7.5 zone, setbacks do not currently apply as proposed parcel 1 holds no improvements (Exhibit C).

- (c) Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer and streets, shall conform to the standards in Sections 150 and 160 of this ordinance;*
- (d) The proposed plat name is not already recorded for another subdivision, does not bear a name similar to or pronounced the same as the name of any other subdivision within the County, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name;*
- (e) The proposed streets, utilities, and surface water drainage facilities conform to Tillamook County's adopted master plans and applicable engineering standards and, within Unincorporated Community Boundaries, allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;*
- (f) All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;*
- (g) Provisions for access to and maintenance of off-right-of-way drainage, if any;*

**Findings:** Staff finds that the proposed partition maintains access from Nehalem Road, a county road (Exhibit B).

Land Division Ordinance Section 150 outlines development standards for partitions. Standards within this section either do not apply, evidence submitted by the Applicant confirms the standards are met, or that the standards can be met through compliance with the Conditions of Approval.

Staff concludes the above standards and the standards in Section 150 and 160 of the Land Division Ordinance have been met or can be met through the Conditions of Approval.

- (h) Evidence that any required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and*

- (i) Evidence that improvements or conditions required by the road authority, Tillamook County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met, including but not limited to:
  - (i) Water Department/Utility District Letter which states that the partition or subdivision is either entirely excluded from the district or is included within the district for purposes of receiving services and subjecting the partition or subdivision to the fees and other charges of the district.
  - (ii) Subsurface sewage permit(s) or site evaluation approval(s) from the appropriate agency.

**Findings:** The subject property is served by the Neahkahnie Water District and the Nehalem Bay Wastewater Agency. Service letters were provided in the Applicant’s submittal, confirming service availability to the areas (Exhibit B).

The subject property is served by the Nehalem Bay Fire and Rescue Department, Tillamook County Public Works, and Tillamook People’s Utility District. Given the location of the property, availability of public services existing in the area, and absence of natural features on the subject property, staff concludes these criteria have been met, or can be met through compliance of the Conditions of Approval.

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

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

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

**Findings:** The Preliminary Plat confirms the lot size, lot width and lot depth minimums of the proposed partition shall conform to the Neahkahnie Urban Residential (NK-7.5) zone standards (Exhibit B).

Staff finds that proposed Parcel 1 is undeveloped; therefore, setbacks standards do not currently apply (Exhibit B).

Staff finds that proposed Parcel 2 is developed with an existing dwelling and shall maintain all setback standards set by the Neahkahnie Urban Residential (NK-7.5) zone, respectively both before and after the proposed Partition (Exhibit B).

Staff concludes these criteria have been met or can be met through compliance of the Conditions of Approval.

**C. Land Use Ordinance Section 4.130: Development Requirements for Geologic Hazard Areas**

(1) The following are GEOLOGIC HAZARD AREAS to which the standards of this Section apply:

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

...

(3) A *GEOLOGIC HAZARD* report is required prior to approval of planned developments, coast resorts, subdivisions and partitions governed by the Land Division Ordinance, building permits, mobile home permits, sand mining, occurring in areas identified in (1) with the following exception:

(a) For building or mobile home or manufactured home permits in areas identified in (1) (b), reports are needed for lots 20,000 square feet or larger only where the proposed structure is to be situated on slopes greater than 29 percent or if (1) (f) applies.

**Findings:** The subject property is located within a geologic hazard area. Future development of the subject property may be subject to the development standards of the TCLUO Section 4.130.

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

Staff concludes, based on the findings of fact and other relevant information in the record, that the applicant and property owner have satisfied the minimum application requirements and can satisfy all applicable requirements outlined in the Tillamook County Land Use Ordinance and Tillamook County Land Division Ordinance. The Preliminary Partition Plat is hereby **APPROVED**, subject to the Conditions of Approval listed below.

By accepting this approval, the applicant and property owners agree to indemnify, defend, save and hold harmless Tillamook County, and its officers, agents, and employees from any claim, suit, action or activity undertaken under this approval, including construction under a Building Permit. The applicant and property owner shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed Partition and building site or sites.

**Appeal of this decision.** This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. In such cases, forms and fees must be filed in the office of this Department before **4:00 PM on September 25, 2023**.

**V. CONDITIONS OF APPROVAL:**

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

1. The applicant and property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant and property owner shall comply with all requirements of the Tillamook County Surveyor's Office.
3. The applicant and property owner shall record the Final Plat within two (2) years from the approval date of the Preliminary Plat or apply for an extension of time from this Department prior to expiration of tentative plat approval.
4. The applicant and property owner shall record the Final Plat within ninety (90) days from the date of final signature of the partition plat.
5. Future development of the subject property shall comply with the development standards required by TCLUO Section 3.300: Neahkahnie Urban Residential (NK-7.5) Zone.
6. Future development of the subject property is subject to the standards required by TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.

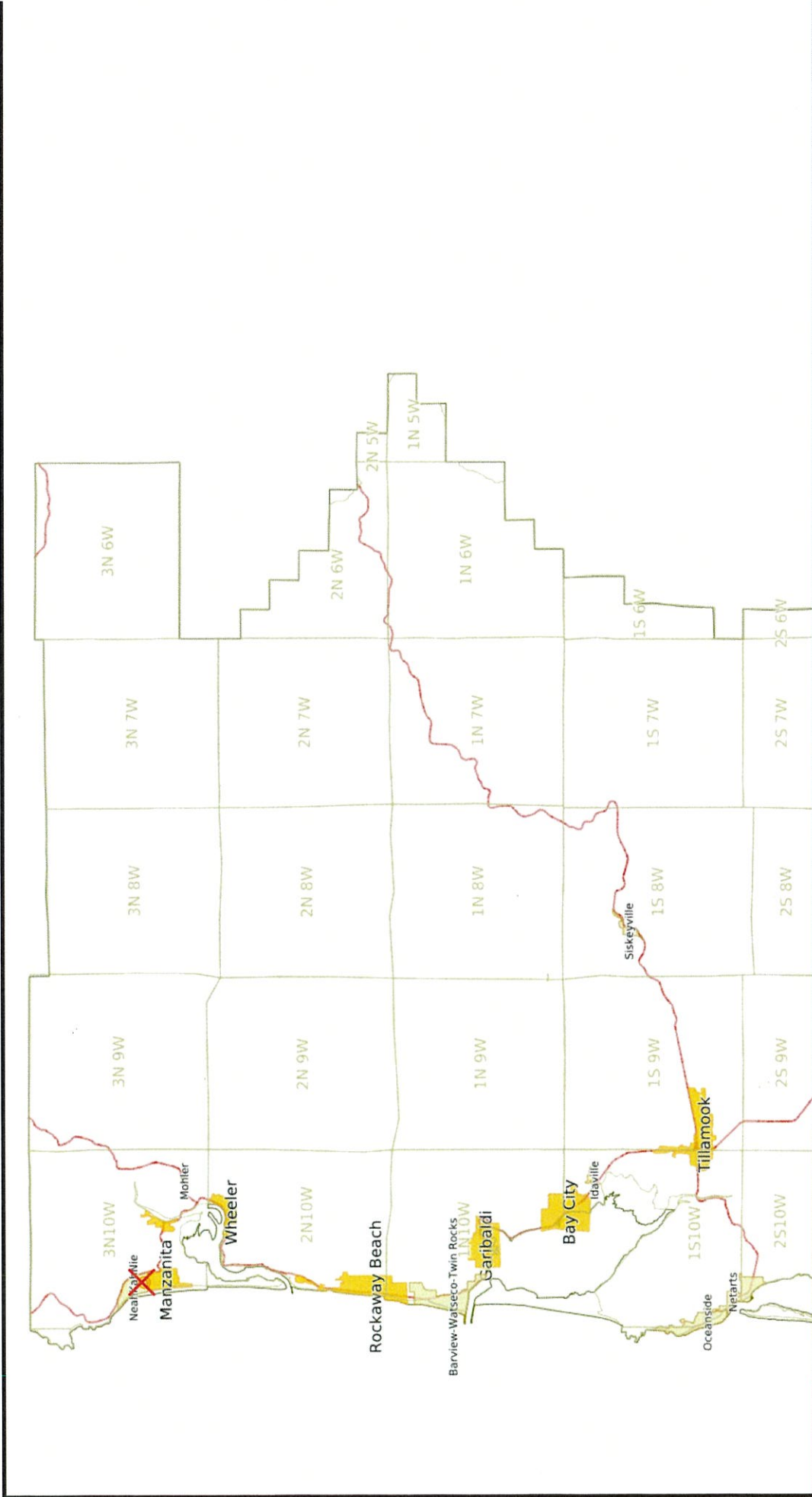
**VI. EXHIBITS**

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

# EXHIBIT A



# Tillamook County GIS



Created: Thu Jul 27 2023-10:37:53  
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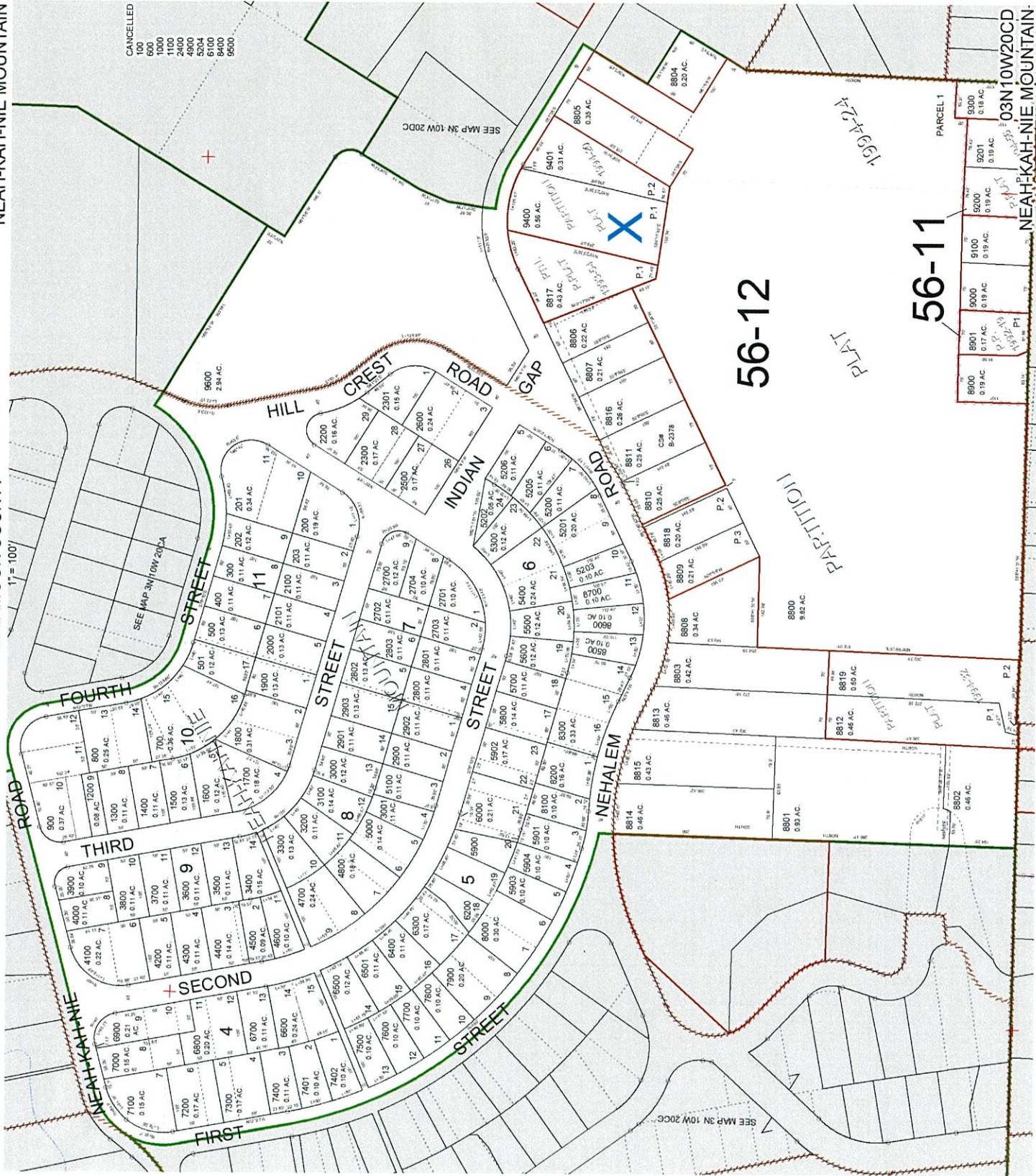
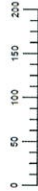
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

S.E. 1/4 S.W. 1/4 SEC. 20 T.3N. R.10W. W.M.

TILLAMOOK COUNTY

NEAH-KAH-NIE MOUNTAIN

03N10W20CD



CANCELLED  
5900  
6000  
1000  
2400  
4900  
5204  
6100  
9500

SEE MAP 3N 10W 20CD

SEE MAP 3N 10W 20CD

56-12

56-11

1994-24

PLAT

PARTITION

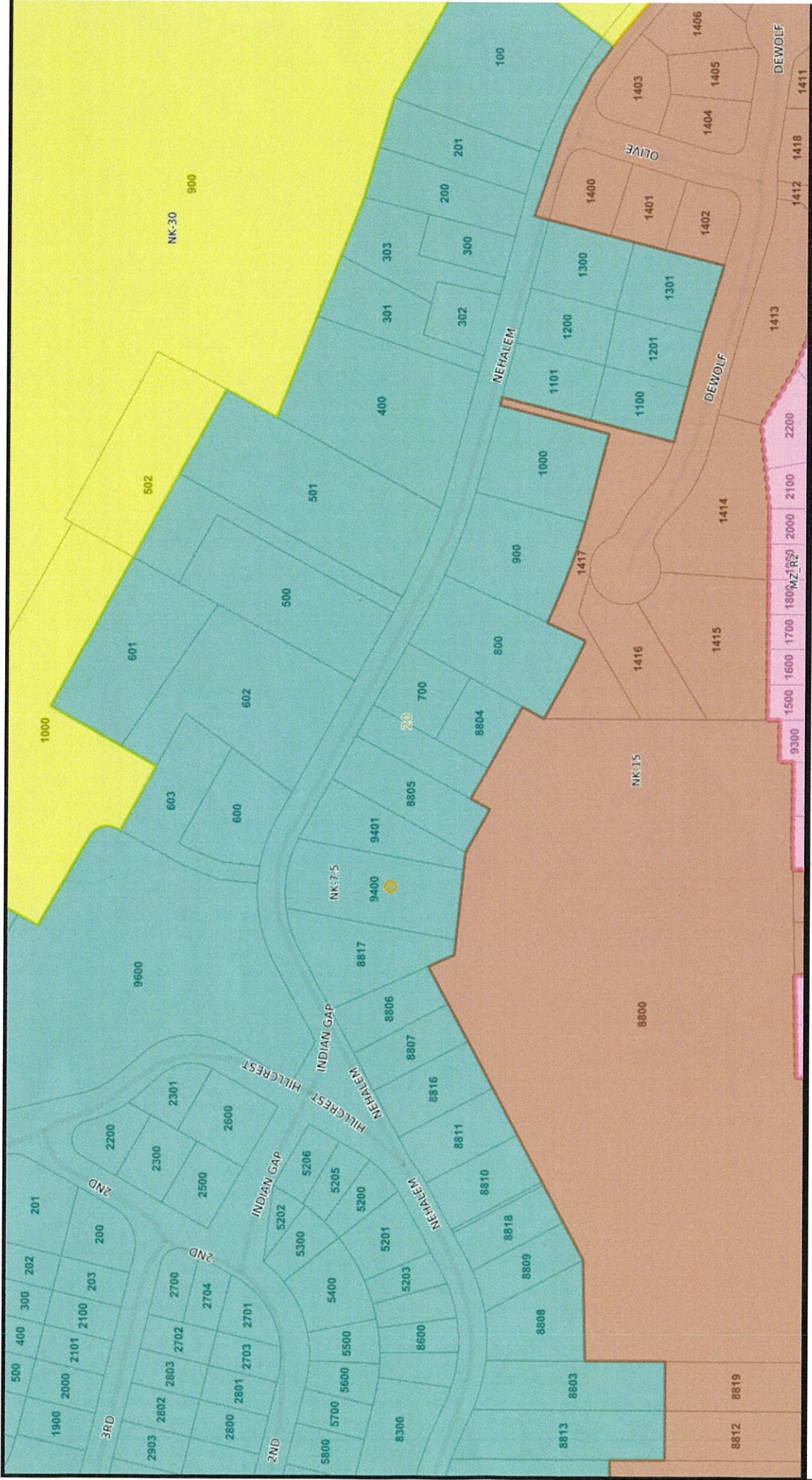
PARCEL 1

NEAH-KAH-NIE MOUNTAIN  
03N10W20CD

Revised 8/22/19, WS



# Tillamook County GIS



Created: Thu Jul 27 2023-10:34:46  
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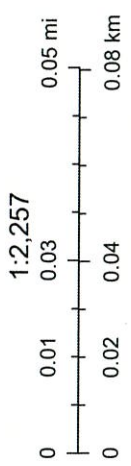


# PARTITION #851-23-000185-PLNG

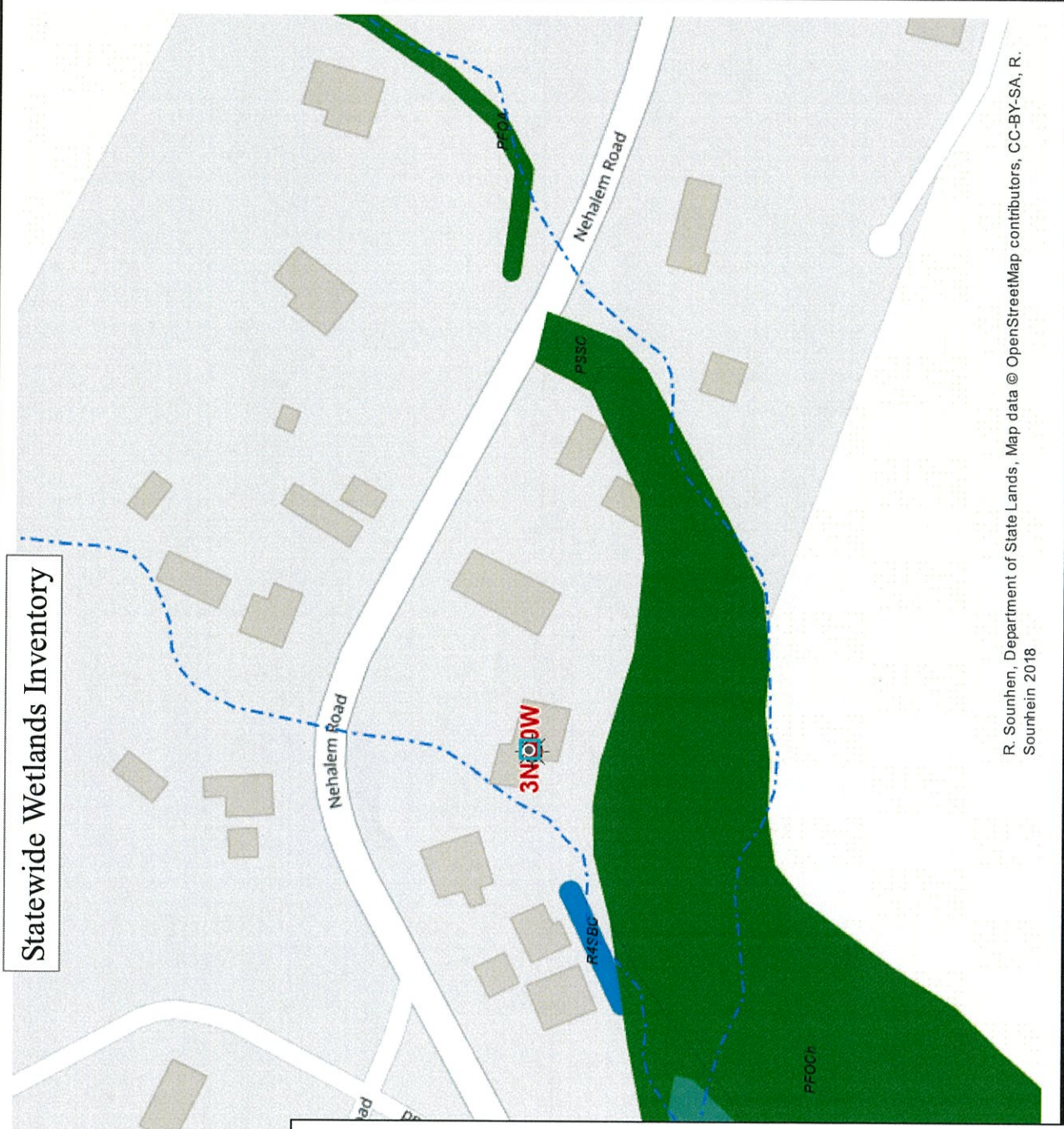


September 6, 2023

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



# Statewide Wetlands Inventory



R. Sounhein, Department of State Lands, Map data © OpenStreetMap contributors, CC-BY-SA, R. Sounhein 2018

	Townships
	LWI Study Area
	NHD Springs/Seeps
<b>NHD Streams and Rivers</b>	
	Perennial
	Intermittent
	Ephemeral
	Unknown
	Canal/Ditch
	NHD Area
	NHD Waterbody
<b>Wetlands</b>	
	Estuarine and Marine Deepwater
	Estuarine and Marine Wetland
	Freshwater Emergent Wetland
	Freshwater Forested/Shrub Wetland
	Freshwater Pond
	Lake
	Riverine
	SWI Predominantly Hydric Soil Map Units
	SWI Agate-Wimlo Soils



The Statewide Wetlands Inventory (SWI) represents the best data available at the time this map was published and is updated as new data becomes available. In all cases, actual field conditions determine the presence, absence and boundaries of wetlands and waters (such as creeks and ponds). An onsite investigation by a wetland professional can verify actual field conditions.

# National Flood Hazard Layer FIRMette



123°56'30"W 45°43'51"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 9/6/2023 at 5:04 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



## LAND DIVISION APPLICATION

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

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

### Property Owner

Name: Martin H & Jennifer A Holm Phone: 503-801-8311  
 Address: 8905 Nehalem Road  
 City: Nehalem State: OR Zip: 97131  
 Email: martyholm@gmail.com

### Location:

Site Address: 8905 Nehalem Road, Nehalem, OR 97131

Map Number:	3N	10W	20CD	9400
	Township	Range	Section	Tax Lot(s)

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

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

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

- Existing streets with names, right-of-way, pavement widths, access points.
- Width, location and purpose of existing easements
- The location and present use of all structures, and indication of any that will remain after platting.
- Location and identity of all utilities on and abutting the site. If water mains and sewers are not on site, show distance to the nearest one and how they will be brought to standards
- Location of all existing subsurface sewerage systems, including drainfields and associated easements

### General Information

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

### Existing Conditions

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

### OFFICE USE ONLY

Date Stamp

RECEIVED  
 JUN 20 2023

Approved  Denied

Received by:

Receipt #:

Fees: 1100.-

Permit No:  
 85123-000185-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:

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**Authorization**

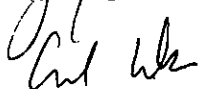
This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. Within two (2) years of final review and approval, all final plats for land divisions shall be filed and recorded with 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)

6/2/2023  
 Date

  
 Applicant Signature

6-2-2023  
 Date

 (Onion Peak Design)

**NOTES**

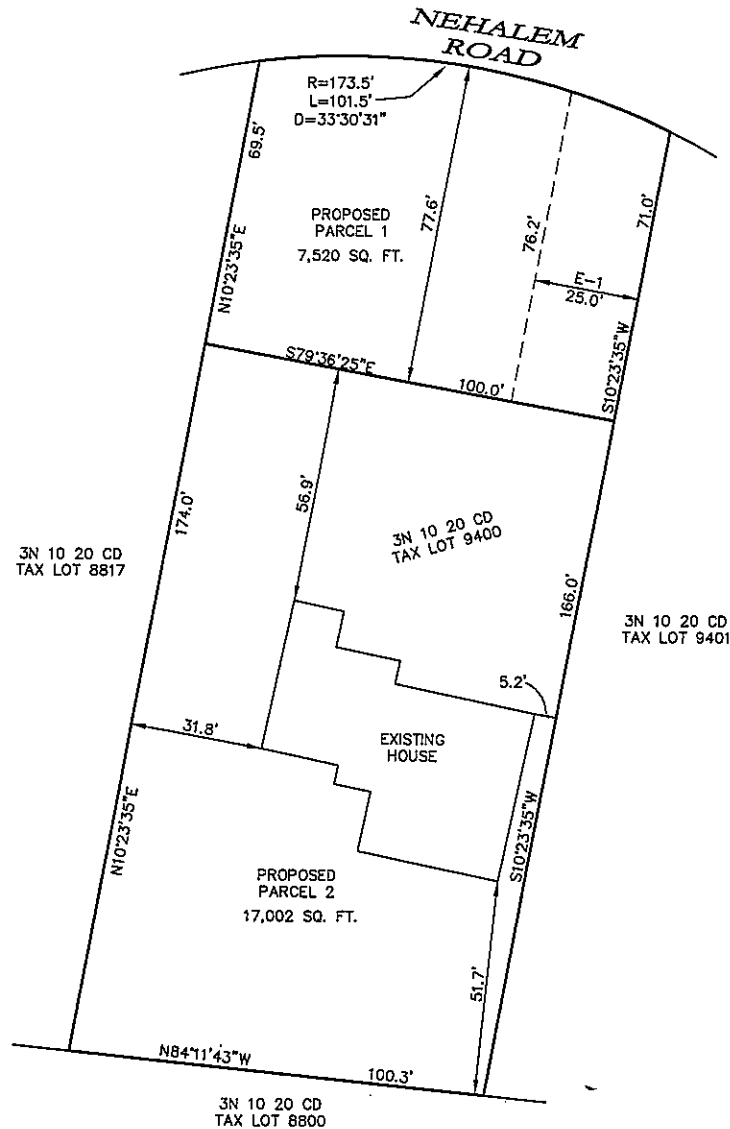
THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE SUBJECT PROPERTY. THE PURPOSE OF THIS MAP IS TO SHOW THE PROPOSED PARTITION AS PER TILLAMOOK COUNTY PLANNING DEPARTMENT PROCEDURES. PUBLIC WATER AND SEWER ARE AVAILABLE THROUGH PUBLIC SYSTEMS LOCATED WITHIN NEHALEM ROAD. E-1 IS A 25' ACCESS AND UTILITY EASEMENT OVER PARCEL 1 FOR THE BENEFIT OF PARCEL 2.

**OWNER**

JENNIFER A & MARTIN H HOLM  
8905 NEHALEM ROAD  
NEHALEM, OR 97131



**SCALE:**  
1" = 30'



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Erick M. White*

OREGON  
APRIL 28, 2014  
ERICK M. WHITE  
78572  
RENEWS 8/30/2024

**ONION PEAK  
DESIGN**

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

HOLM2305-EX.DWG

PROPOSED PARTITION FOR:  
**MARTIN HOLM**  
3N 10 20 CD  
TAX LOT  
9400

SE 1/4, SW 1/4, SECTION 20, T3N, R10W, W.M.  
TILLAMOOK COUNTY  
JUNE 13, 2023





Nehalem Bay Wastewater Agency  
SEWER AVAILABILITY

Date: June 8, 2023  
To: Tillamook County Building Department (Fax#503-842-1819)  
  
From: Nehalem Bay Wastewater Agency  
RE: Sewer Availability

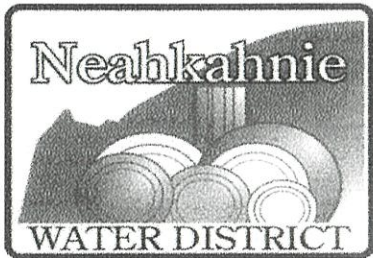
As an Agent of Nehalem Bay Wastewater Agency, I confirm that sewer is available to the following lot within our service area boundary:

3N 10 20CD TL 9400

Owner of Record: Martin & Jennifer Holm  
Project Information: Partitioning Lot 9400

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

Keri Scott, Executive Assistant  
Nehalem Bay Wastewater Agency



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

DATE: June 13, 2023

TO: Tillamook County One-Stop Permit Counter

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

FROM: Neahkahnie Water District

Re: Water Availability Letter – Erik White

Dear Sir/Madame,

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

Township: 03N Range: 10W Section: 20CD Tax lot(s): 9400

According to our records, the legal owner is: Martin & Jennifer Holm  
8905 Nehalem Road, Nehalem, OR 97131 (503)801-8311

COMMENTS: Street number not yet assigned.

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

  
Carrie Mock

General Manager  
Signature and Title of Authorized Representative

503-368-7309  
Phone

Tillamook County, Oregon 2003-427906  
11/18/2003 11:17:36 AM  
DEED-DWA Cnt=1 SIn=1 CCOUNTER  
\$10.00 \$11.00 \$10.00 - Total = \$31.00



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



After Recording Return To:  
Martin H. Holm  
Jennifer A. Holm  
8205 Nehalem Road  
Nehalem OR 97131

Send Tax Statements To:  
Martin H. Holm  
Jennifer A. Holm  
8205 Nehalem Road  
Nehalem OR 97131

Title Order No. 29-68371  
Escrow No. 29-68371  
Tax Account No. CODE# 5612  
3N10 20CD 09400 KEY# 120728

**WARRANTY DEED**  
(ORS 93.850)

Anita L. England, Trustee(s) of the Anita England, Trustee, dated April 15, 1993, Grantor, conveys and warrants to Martin H. Holm and Jennifer A. Holm, as tenants by the entirety, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

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

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.

The true consideration for this conveyance is \$200,000.00.

Dated this 17 day of November, 2003.

ANITA ENGLAND, TRUSTEE

Anita L. England, Trustee  
By: Anita L. England, Trustee

State of OR, County of Tillamook )ss.

This instrument was acknowledged before me on Nov. 17, 2003  
by Anita L. England, as Trustee, of the Albert R. and Anita L. England trust dated April 15, 1993.

Michelle M. Pettit  
Notary Public

My commission expires: 11.03.04



Recorded by Ticor  
Title Ins. Co. 29-68371

**EXHIBIT 'A'**Legal Description:

Parcel 1 of PARTITION PLAT NO. 1994-020, situated in the Southeast quarter of the Southwest quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian in Tillamook County, Oregon, as recorded May 25, 1994 in Plat Cabinet B-383-2 of Partition Plat Records of Tillamook County, Oregon.

Subject to:

The premises herein described lie within and are subject to the statutory powers, including the power of assessment of Nehalem Bay Wastewater Agency.

The premises herein described lie within and are subject to the statutory powers, including the power of assessment of North County Recreational District.

The premises herein described are subject to the statutory powers, including the power of assessment, of Neah-Kah-Nie Water District.

Rights of the public in and to that portion lying within Nehalem Road.

An easement, including the terms and provisions thereof,  
From: S.G. Reed and Beula H.K. Reed  
To: Mountain States Power Company  
Recorded: June 3, 1929  
Book: 61 Page: 71  
in Tillamook County, Oregon.

Note: Said easement does not contain a centerline description, therefore we are unable to determine the exact location of said easement.

An easement, including the terms and provisions thereof,  
From: John Prentiss and Jean Reed Prentiss, et ux  
To: Pacific Power & Light Company, a corporation  
Dated: April 10, 1957  
Recorded: May 16, 1957  
Book: 157 Page: 466  
in Tillamook County, Oregon.

Note: Said easement does not contain a centerline description, therefore we are unable to determine the exact location of said easement.

An easement, including the terms and provisions thereof,  
From: Pacific States Inv. Corp.  
To: North Tillamook County Sanitary Authority  
Dated: November 29, 1972  
Recorded: December 27, 1972  
Book: 230 Page: 201  
in Tillamook County, Oregon.

Note: Said easement does not contain a centerline description, therefore we are unable to determine the exact location of said easement.

# EXHIBIT C

## Angela Rimoldi

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**From:** CAROLE ROGERS <OKIEIII@msn.com>  
**Sent:** Thursday, August 3, 2023 1:51 PM  
**To:** Angela Rimoldi  
**Subject:** Partition Request #851-23-000185-PLNG: HOLM/ONION PEAK DESIGN

8-3-23

Angela, as per our conversation on 8-2-23 I object to the lot (Parcel 1) in the front being 7,500 sq feet. I find that it is too close to my property which has a larger setback from the property line. I am concerned about erosion affecting both my lot and their lot (Parcel 1). I am against the 5 foot setback for the reasons mentioned above.

Per parcel #2, I hope they are aware of the wetlands and creek on my tax lot 8800. I don't want any runoff to my property where I am having to control the wetlands.

As far as I know there is a 15 foot setback from the property line.

I realize that there was another request in March of 2022 by Onion Peak Design/Miles D, Rusth. In my review of that request I saw that both parcels were over 15,000 sq. feet. At that time, I felt that those were standard size lots so I did not object to that request.

Sent from [Mail](#) for Windows

Thank you for your attention to this matter.

Carole L. Tinkey,  
trustee of the Albert R. and Anita L. England trust

My computer is being worked on, so my neighbor let me use hers.