



**PARTITION REQUEST #851-23-000186-PLNG
HAYES & LOUIE WITH ONION PEAK DESIGN**

ADMINISTRATIVE DECISION AND STAFF REPORT

DECISION: Approved with Conditions

DECISION DATE: September 18, 2023

REPORT PREPARED BY: Angela Rimoldi, Planning Technician

I. GENERAL INFORMATION:

- Request:** A Partition request of a residential property to create two (2) residential parcels.
- Location:** The subject property is located within the City of Nehalem’s Urban Growth Boundary, accessed from Highway 101 N., a state highway. The subject property is designated as Tax Lot 2700 of Section 28DB, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.
- Zone:** Nehalem Medium Density Residential (NH-R3) Zone.
- Applicant:** Onion Peak Design, 11460 Evergreen Way, Nehalem, OR. 97131
- Property Owner:** William Louie and Sharon Hayes, P.O. Box 83, Nehalem, OR. 97131

Description of Site and Vicinity: The subject property is accessed from Highway 101 N., a state highway, is irregularly shaped, approximately 1.5 acres in size, currently improved with a single-family dwelling and accessory structures, and is vegetated with grasses, trees, and bushes. The subject property is located within the City of Nehalem’s Urban Growth Boundary. The subject property is zoned Nehalem Medium Density Residential (NH-R3) (Exhibit A).

The subject property is located within an area of Geologic Hazard, contains no mapped wetlands or natural features as indicated on the Statewide Wetlands Inventory map and is located within an Area of Minimal Flood Hazard, Zone X, per FEMA Flood Insurance Rate Map (FIRM) Panel #41057C0208F. (Exhibit A). Given the size and topography of the subject property staff finds that the standards of the City of Nehalem Zoning Ordinance Section 157.261 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 desired use is governed through the following sections of the City of Nehalem Geologic Investigation Section 157.261. The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. City of Nehalem Zoning Ordinance 157.098: Medium Density Residential (NH-R3) Zone Standards

B. City of Nehalem Subdivision Ordinance Chapter 156

III. **ANALYSIS:**

Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on August 14, 2023. One (1) comment was received from Oregon Department of State Lands in relation to wetland locations and the absence of impacts.

A. City of Nehalem Zoning Ordinance 157.098: Medium Density Residential (NH-R3) Zone Standards

- (a) *The minimum lot size for a single-family dwelling and mobile home shall be 5,000 square feet. For multiple-family dwellings (duplexes and larger), the minimum lot size shall be 5,000 square feet for the first dwelling and 2,500 square feet for each additional dwelling.*
- (b) *The minimum lot width shall be 40 feet; except on a corner lot, it shall be 60 feet.*
- (c) *The minimum lot depth shall be 85 feet.*
- (d) *The minimum front yard shall be 20 feet.*
- (e) *The minimum side yard shall be five feet; except on the street side of a corner lot, it shall be 15 feet.*
- (f) *The minimum rear yard shall be 20 feet; except on a corner lot, it may be five feet.*

.....

Findings: Each proposed parcel meets the minimum lot size requirement of 5,000 square feet, the minimum lot width requirement of 40-feet, and the minimum lot depth requirement of 85-feet set by the Nehalem Medium Density Residential (NH-R3) zone standard (Exhibit B). The subject property is improved with a single-family dwelling and accessory structures (Exhibit B).

Proposed, Parcel 1 will obtain the existing single-family dwelling and an accessory structure; review of the submitted site plan indicates all structures will continue to meet setback standards as proposed (Exhibit B).

Proposed Parcel 2 will obtain the remaining accessory structure A Condition of Approval has been made requiring that, within 90-days of final recording, the accessory structure shall be removed or that a primary use (structure) be established on the parcel as an accessory structure independent of an established primary use is not allowed in the NH-R3 zone.

Staff concludes relevant standards of the NH-R3 zone have been met or can be met through compliance with the Conditions of Approval.

B. City of Nehalem Subdivision Ordinance Chapter 156

Minor Partitioning Standards 156.065-156.068

156.065 Minimum Standards

156.065(A) The minimum standards for design and improvements in a minor land partitioning shall conform to §§ 156.080 through 156.085 of this chapter.

156.065(B) The city may impose all or any of the requirements of § 156.086 of this chapter upon a minor land partitioning.

156.066: Initial Submission. *Submittal requirements and payment of fees.*

156.067: Information on a map. *A tentative sketch map, drawn to scale, shall indicate the following:*

- (A) *The location of existing and proposed boundaries and acreage of parcels in the proposed partition with the location, width, name and purpose of all adjacent streets or easements and the location and outline of existing buildings, etc.*

156.068 Review and Approval. *City of Nehalem review and approval process, including appeal process.*

Findings: Preliminary Plat(s) submitted confirm the standards above are met or can be met through compliance of the Conditions of Approval (Exhibit B).

City of Nehalem Subdivision Ordinance Chapter 156, Design Standards 156.080, 156.082--156.083

156.080 General Requirements

(A) Before the City Council or staff approval under expedited land division, approval of a final plat of a subdivision, or the final map of a major partition, the subdivider shall install required public facilities and/or

repair damaged public facilities damaged in the development of the property or execute and file with the City Manager/Recorder an agreement between himself or herself and the city specifying the period within which required improvements and repairs shall be completed; and, providing that, if the work is not completed within that period specified, the city may complete the work and recover the full cost and expense together with court costs and attorney fees necessary to collect said amounts from the land developer.

(B) The agreement shall also provide the reimbursement to the city for the cost of inspection by the city of the improvements to be installed.

(C) The agreement may also provide for the construction and improvements to be completed in units and for an extension of time under the conditions therein specified.

156.082 Utility Easements

Easements for sewers, drainage, water mains, public utility installations including overhead or underground systems, and other like public purposes shall be dedicated, reserved or granted by the land divider in widths not less than five feet on each side of rear lots or parcel lines alongside lots or parcel lines and in planting strips whenever necessary, of lesser width as approved by the city.

156.083 Building Sites

(A) Size and shape. The size, shape, width and orientation of building sites shall be appropriate for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of Ch. 157 of this code of ordinances.

(B) Access. Each lot and parcel shall abut upon a street other than an alley for a width of at least 20 feet.

(C) Through lots and parcels. Through lots and parcels shall be avoided, except where they are essential to provide separation of residential development from major arterials or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation.

(D) Lot and parcel lines. The lines of lots and parcels, as far as practicable, shall run at right angles to the street upon which they face; except that, on curved streets they shall radial to the curve.

.....

Findings: Staff finds that the proposed partition maintains access off Highway 101 N., a state highway (Exhibit B). Conditions of Approval can be made to require all easements be identified on the final plat.

The subject property is served by the City of Nehalem for water and the Nehalem Bay Wastewater Agency for sewer and service provider letters are included with the Applicant's submittal (Exhibit B). The subject property is served by the Nehalem Bay Fire and Rescue Department, Tillamook County Sherriff Department and Tillamook People's Utility District.

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

IV. DECISION: APPROVED WITH CONDITIONS:

Staff concludes that the applicant and property owner have satisfied the minimum application requirements and can satisfy all applicable requirements outlined in the City of Nehalem Zoning Ordinance, the City of Nehalem Subdivision Ordinance and ORS Chapter 92. The Preliminary Partition Plat is hereby tentatively **APPROVED with CONDITIONS**, subject to the conditions listed in Section V 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 approved subject to this approval. The applicant and property owners shall obtain all necessary local, state, and federal permits and comply with all applicable regulations for the proposed Partition and building 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 **4:00pm on October 2, 2023.**

V. CONDITIONS OF APPROVAL:

This approval is subject to the following conditions:

1. The property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Future development shall adhere to the uses and development standards set forth in the applicable zoning standards, including all other applicable supplemental ordinance requirements of the City of Nehalem Zoning Ordinance.
3. All easements necessary to serve the parcels for access and utilities shall be clearly identified on the final plat.
4. The applicant and property owner shall comply with all requirements of the Tillamook County Surveyor's Office.
5. 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.
6. The applicant and property owner shall record the Final Plat within ninety (90) days from the date of final signature of the partition plat.
7. Future development of Parcel 1 and Parcel 2 is subject to standards contained within the City of Nehalem 157.098: Medium Density Residential (NH-R3) Zone.
8. Within 90-days of final recording, the existing accessory structure located on Parcel 2 shall be removed or the necessary building permits shall be obtained to establish a primary use in compliance with the City of Nehalem Code Chapter 157.098: Medium Density Residential (NH-R3) Zone standards.
9. Future development of Parcel 1 and Parcel 2 is subject to standards contained within the City of Nehalem Code Chapter 157.261: Geologic Investigation. Demonstration of compliance with Chapter 157.261 is required at the time of consolidated zoning and building permit application submittal.

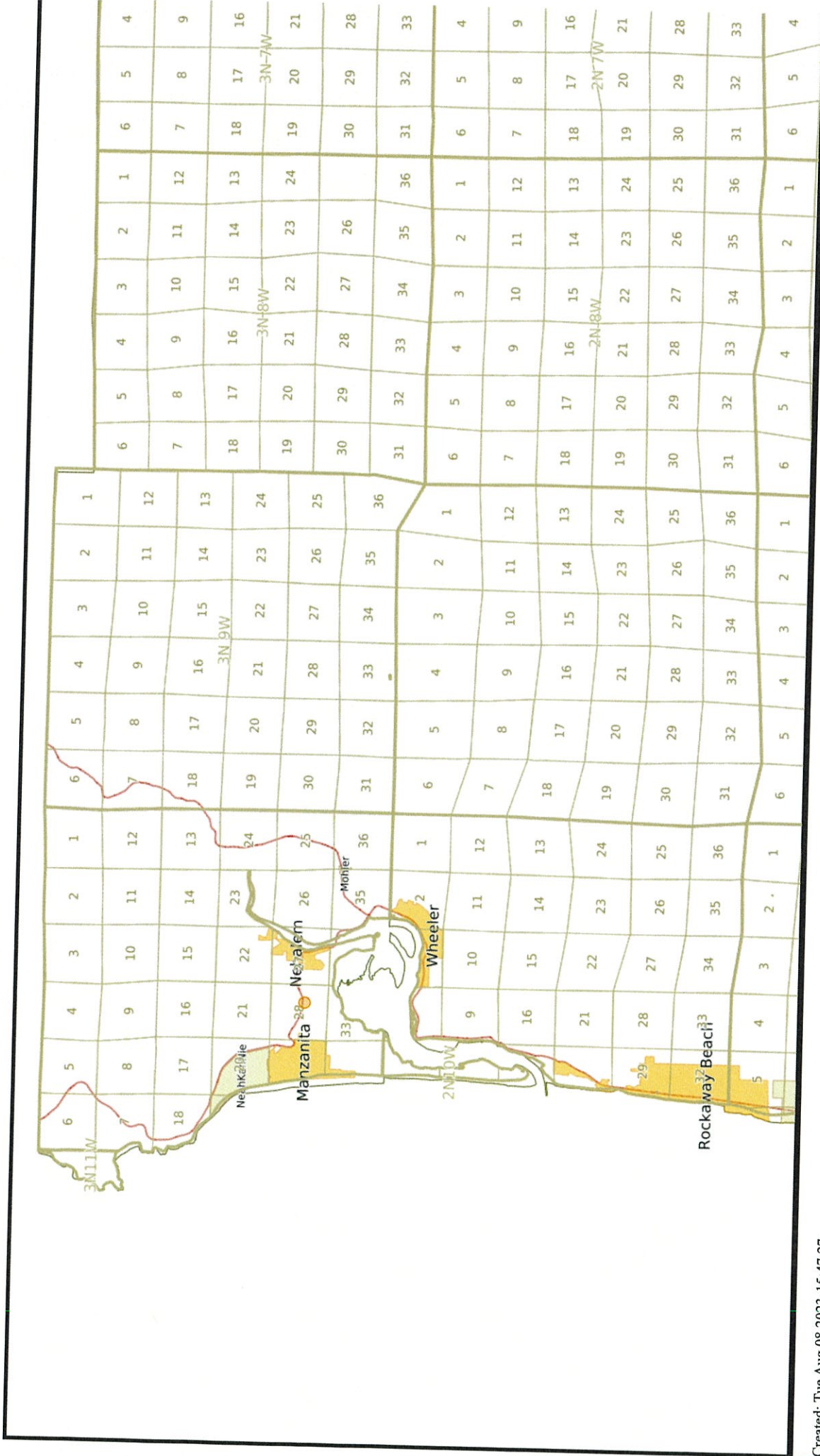
VI. EXHIBITS

- A. Property Identification Maps and Summary Report
- B. Applicant's Submittal
- C. Public Comments

EXHIBIT A



Tillamook County GIS



Created: Tue Aug 08 2023-15:47:27
 Active Layers: County Boundary, Fed state highways, citylimit, community_polygon, TaxlotOwner, Township_Range_Section, Road_Centerline
 Extent: -13811677.579491, 5715167.6218009, -13752056.697437, 5746697.8959641

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

N.W. 1/4 S.E. 1/4 SEC. 28 T.3N. R.10W. W.M.
TILLAMOOK COUNTY

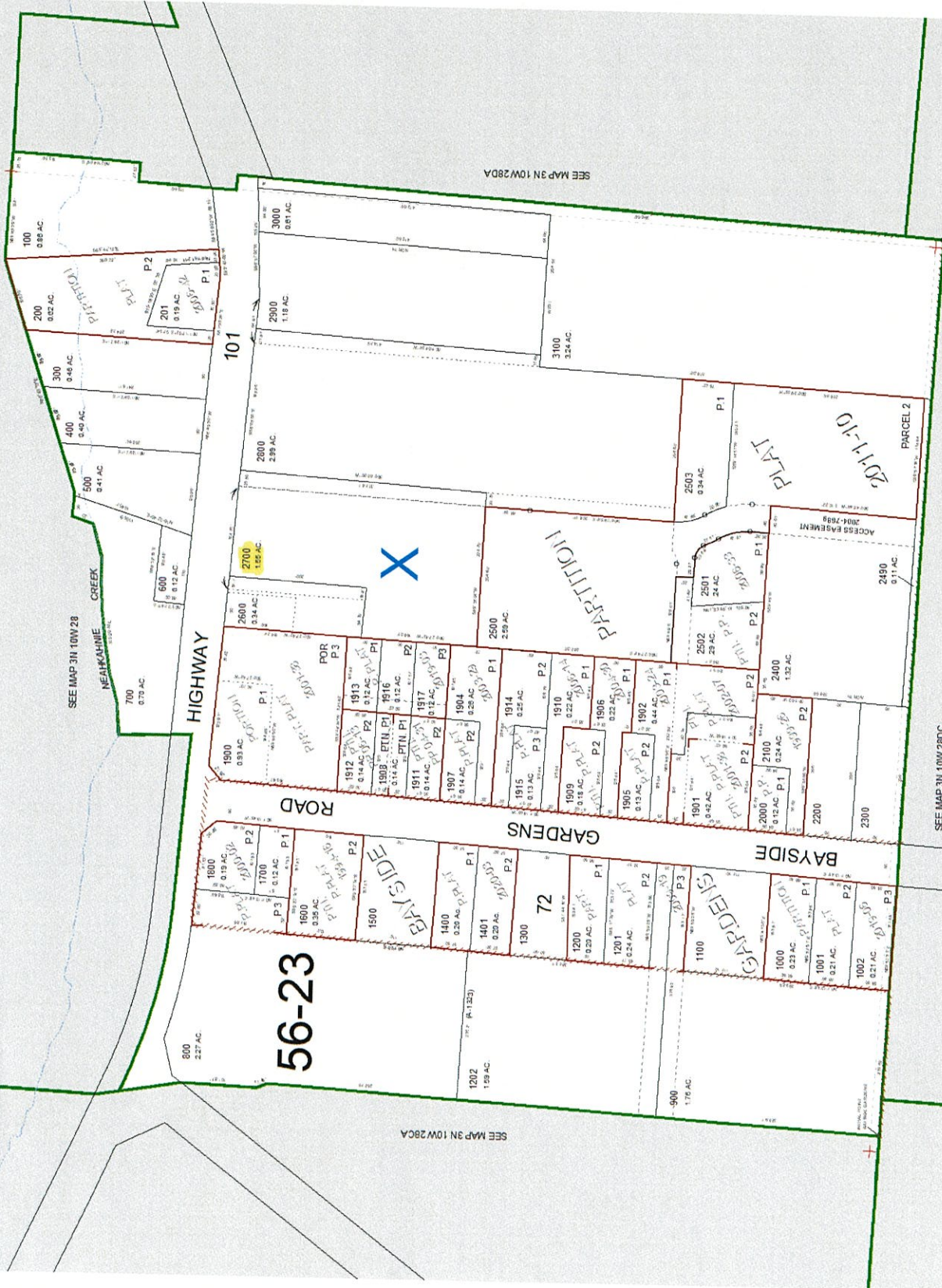
1" = 100'



03N10W28DB

CANCELLED
1993

SEC. CEN



SEE MAP 3N 10W 28CA

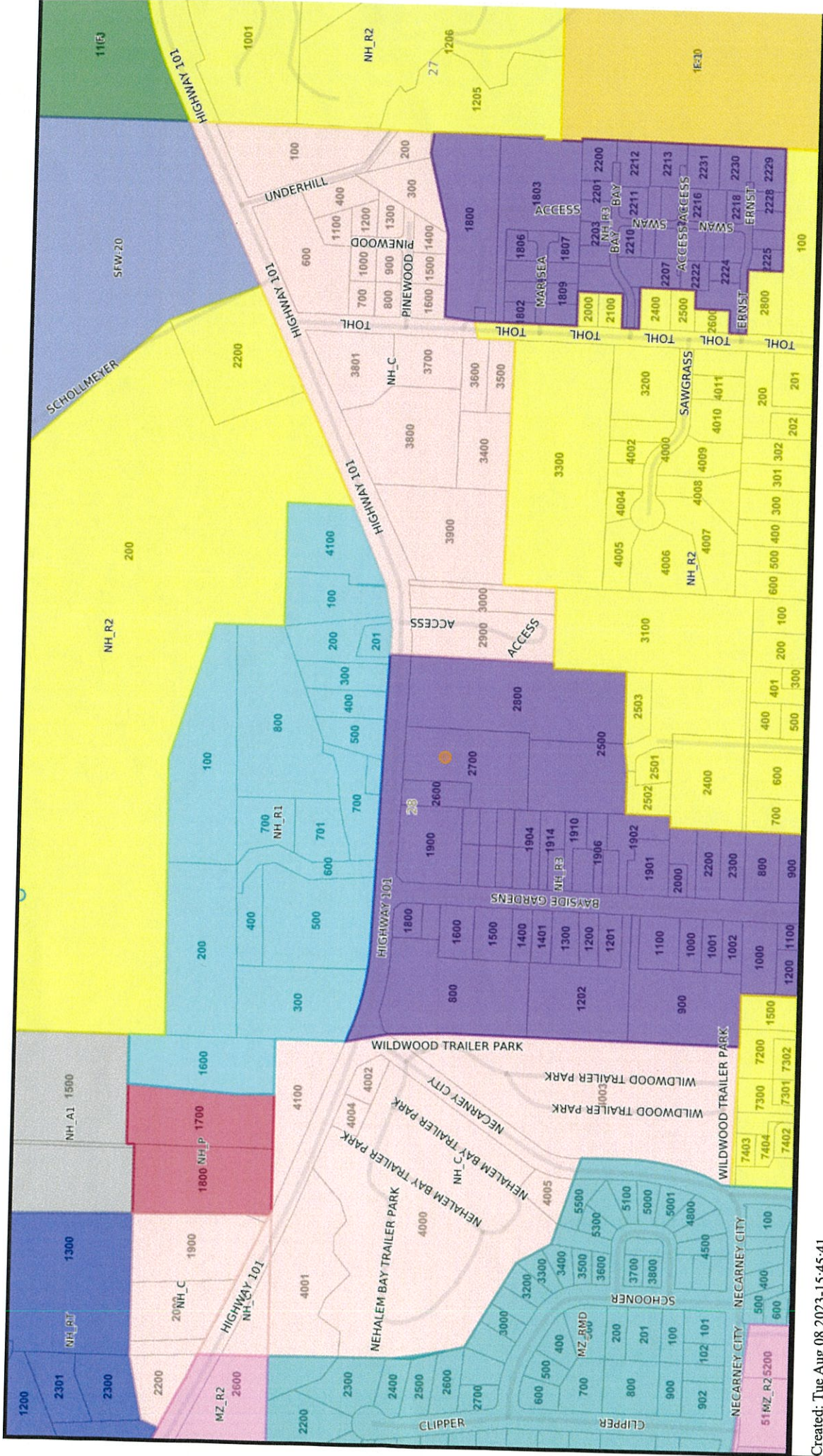
SEE MAP 3N 10W 28DA

SEE MAP 3N 10W 28DC

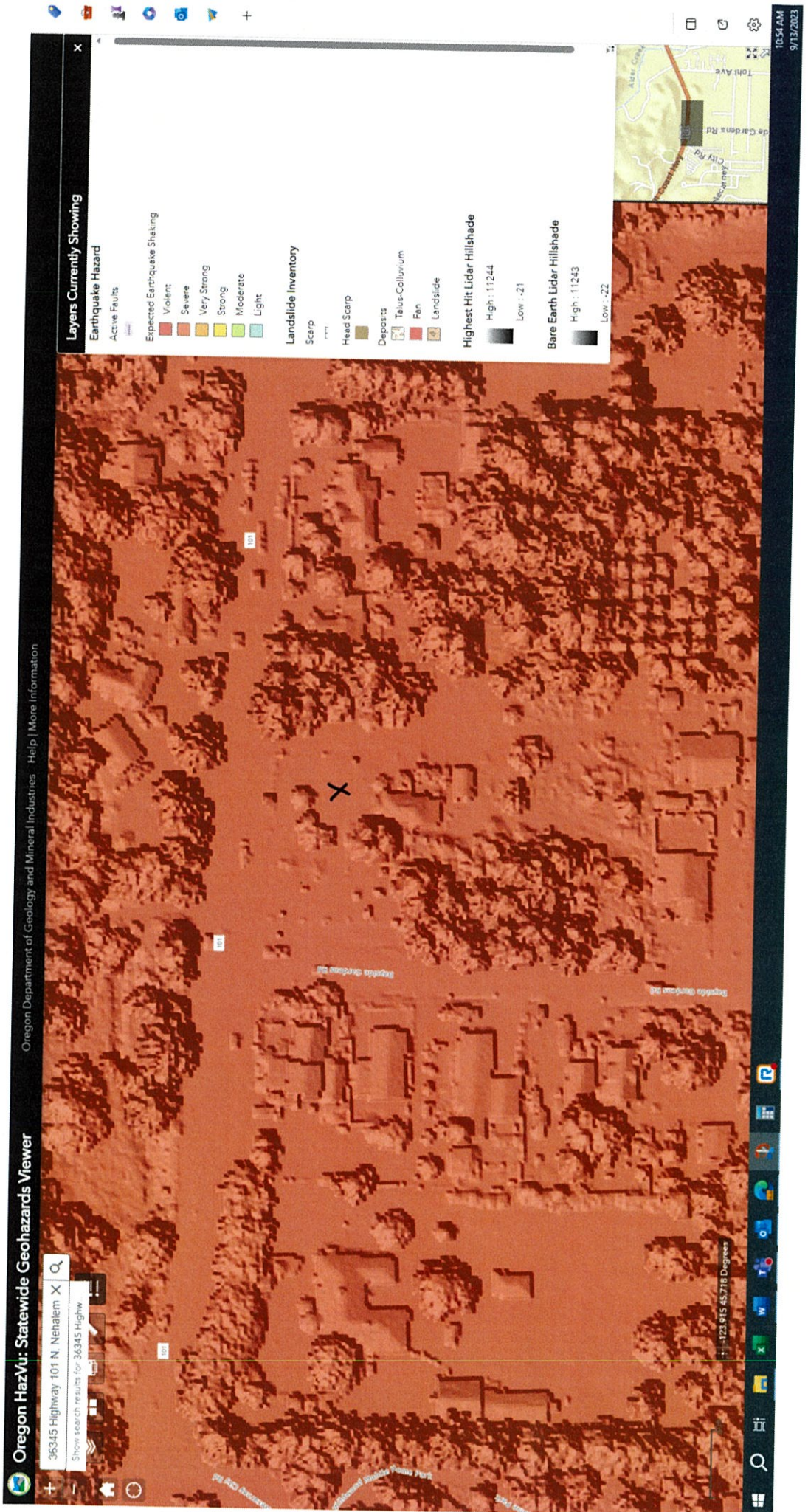
03N10W28DB
Revised 03/08/21, WS



Tillamook County GIS



Created: Tue Aug 08 2023-15:45:41
 Active Layers: County_Boundary, Fed_state_highways, citylimit, community_polygon, TaxlotOwner, Tillamook_County_Zoning, Township_Range_Section, Road_Centerline
 Extent: -13794761.090147, 5734644.1153808, -13792897.937583, 5735629.4364484



Oregon HazVu: Statewide Geohazards Viewer

Oregon Department of Geology and Mineral Industries | Help | More Information

36345 Highway 101 N, Nehalem X
Show search results for 36345 Highw

Layers Currently Showing

Earthquake Hazard

- Active Faults
- Expected Earthquake Shaking
 - Violent
 - Severe
 - Very Strong
 - Strong
 - Moderate
 - Light

Landslide Inventory

- Scarp
- Head Scarp
- Deposits
 - Talus-Colluvium
 - Fan
 - Landslide

Highest Hit Lidar Hillshade

High : 11244
Low : 21

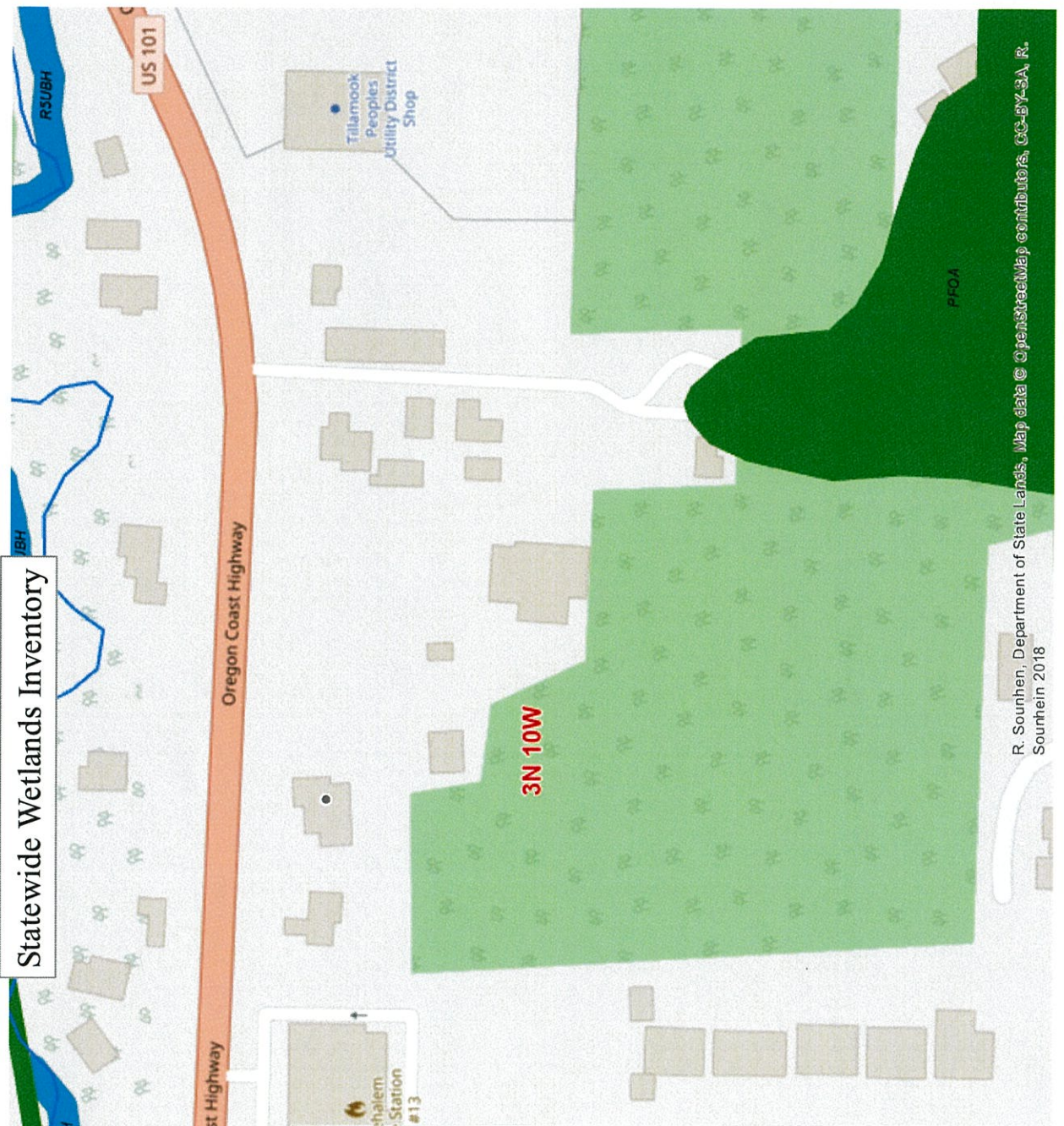
Bare Earth Lidar Hillshade

High : 11243
Low : 22

123.815 45.718 Degrees

10:54 AM
9/13/2023

Statewide Wetlands Inventory



	Townships
	LWI Study Area
	NHD Streams/Seeps
NHD Streams and Rivers	
	Perennial
	Intermittent
	Ephemeral
	Unknown
	Canal/Ditch
	NHD Area
	NHD Waterbody
Wetlands	
	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-Winlo Soils

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



The Statewide Wetlands Inventory (SWI) represents the best data available at the time the map was published and is updated as new data become 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.

Date: 9/13/2023



National Flood Hazard Layer FIRMette

123°55'4"W 45°43'14"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

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 OF FLOOD HAZARD

- NO SCREEN
- Area of Minimal Flood Hazard *Zone X*
- Effective LOMFRs

OTHER AREAS

- Area of Undetermined Flood Hazard *Zone*
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

GENERAL STRUCTURES

- 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

OTHER FEATURES

- Digital Data Available
- No Digital Data Available
- Unmapped

MAP PANELS



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 9/13/2023 at 2:05 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.



123°54'27"W 45°42'49"N



1:6,000

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: William G Louie & Sharon F Hayes Phone: 80-910-5024
 Address: PO Box 83
 City: Nehalem State: OR Zip: 97131
 Email: wgl323@msn.com

Location:

Site Address: 36345 Highway 101, Nehalem, OR 97131

Map Number:	3N	10W	28DB	2700
	Township	Range	Section	Tax Lot(s)

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

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

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

General Information

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

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

Existing Conditions

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

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

Other information:

OFFICE USE ONLY
Date Stamp RECEIVED JUN 20 2023
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by:
Receipt #:
Fees: 1100-
Permit No: 851-23-00182-PLNG

Proposed Development

- Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to private tracts identified
- Location, width and purpose of all proposed easements
- Proposed deed restrictions, if any, in outline form
- Approximate dimensions, area calculation (in square feet), and identification numbers for all proposed lots and tracts
- Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space
- On slopes exceeding an average grade of 10%, as shown on a submitted topographic survey, the preliminary location of development on lots demonstrating that future development can meet minimum required setbacks and applicable engineering design standards
- Preliminary utility plans for sewer, water and storm drainage when these utilities are to be provided
- The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable
- Evidence of compliance with applicable overlay zones, including but not limited to the Flood Hazard Overlay (FH) zone
- Evidence of contact with the applicable road authority for proposed new street connections
- Certificates or letters from utility companies or districts stating that they are capable of providing service to the proposed development

Additional Information Required for Subdivisions

- Preliminary street layout of undivided portion of lot
- Special studies of areas which appear to be hazardous due to local geologic conditions
- Where the plat includes natural features subject to the conditions or requirements contained in the County's Land Use Ordinance, materials shall be provided to demonstrate that those conditions and/or requirements can be met
- Approximate center line profiles of streets, including extensions for a reasonable distance beyond the limits of the proposed Subdivision, showing the proposed finished grades and the nature and extent of construction
- Profiles of proposed drainage ways
- In areas subject to flooding, materials shall be submitted to demonstrate that the requirements of the Flood Hazard Overlay (FHO) zone of the County's Land Use Ordinance will be met
- If lot areas are to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil
- Proposed method of financing the construction of common improvements such as street, drainage ways, sewer lines and water supply lines

- FINAL PLAT (LDO 090(1))
- Date, scale, north arrow, legend, highways, and railroads contiguous to the plat perimeter
- Description of the plat perimeter
- The names and signatures of all interest holders in the land being platted, and the surveyor
- Monuments of existing surveys identified, related to the plat by distances and bearings, and referenced to a document of record
- Exact location and width of all streets, pedestrian ways, easements, and any other rights-of-way
- Easements shall be denoted by fine dotted lines, and clearly identified as to their purpose
- Provisions for access to and maintenance of off-right-of-way drainage
- Block and lot boundary lines, their bearings and lengths
- Block numbers
- Lot numbers
- The area, to the nearest hundredth of an acre, of each lot which is larger than one acre
- Identification of land parcels to be dedicated for any purpose, public or private, so as to be distinguishable from lots intended for sale

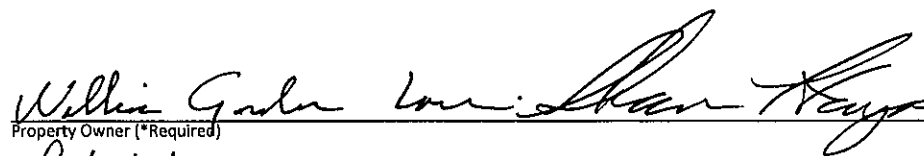
Certificates:

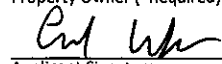
- Title interest & consent Water
- Dedication for public use Public Works
- Engineering/Survey

Additional Information:

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. Within two (2) years of final review and approval, all final plats for land divisions shall be filed and recorded with the County Clerk, except as required otherwise for the filing of a plat to lawfully establish an unlawfully created unit of land. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.


6/13/2023
 Property Owner (*Required) Date


6-13-23
 Applicant Signature Date

OREGON COAST HIGHWAY # 101



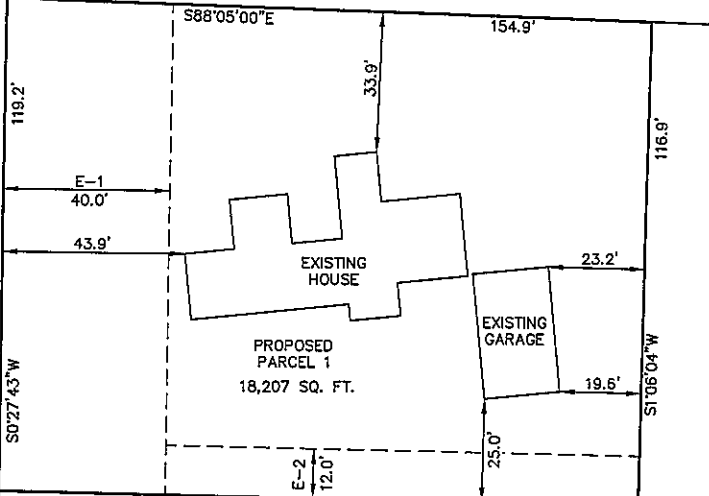
SCALE:
1" = 30'

3N 10 28 DB
TAX LOT 2600

REGISTERED
PROFESSIONAL
LAND SURVEYOR

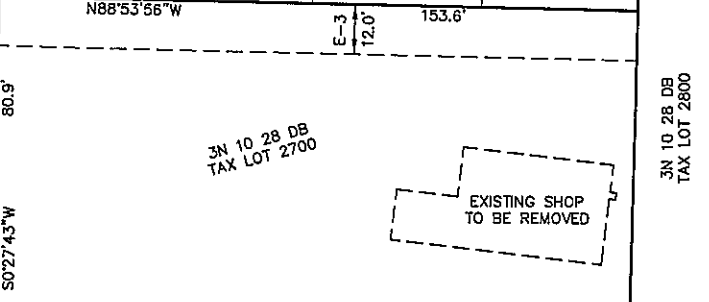
Erick M. White

OREGON
APRIL 28, 2014
ERICK M. WHITE
78572
RENEWS 6/30/2024



EXISTING HOUSE
PROPOSED
PARCEL 1
18,207 SQ. FT.

EXISTING GARAGE



3N 10 28 DB
TAX LOT 2700

EXISTING SHOP
TO BE REMOVED

PROPOSED
PARCEL 2
1.13 ACRES

3N 10 28 DB
TAX LOT 1913

S88°05'00"E 73.8'

3N 10 28 DB
TAX LOT 1916

168.0'

3N 10 28 DB
TAX LOT 1917

N0°27'43"E

3N 10 28 DB
TAX LOT 1904

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 40' WIDE ACCESS AND UTILITY EASEMENT OVER PARCEL 1 FOR THE BENEFIT OF PARCEL 2.
E-2 IS A 12' WIDE ACCESS AND UTILITY EASEMENT OVER PARCEL 1 FOR THE BENEFIT OF PARCEL 2.
E-3 IS A 12' WIDE ACCESS AND UTILITY EASEMENT OVER PARCEL 1 FOR THE BENEFIT OF PARCEL 1.

OWNER

WILLIAM G LOUIE & SHARON F HAYES
PO BOX 83
NEHALEM, OR 97131

S89°15'04"W 224.7'

3N 10 28 DB
TAX LOT 2500

**ONION PEAK
DESIGN**

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

LOUIE2306-EX.DWG

PROPOSED PARTITION FOR:
LOUIE & HAYES
3N 10 28 DB
TAX LOT
2700

SE 1/4, SECTION 28, T3N, R10W, W.M.
TILLAMOOK COUNTY
JUNE 13, 2023



Date: 7/13/2023

To: TILLAMOOK COUNTY BUILDING DEPARTMENT

Re: WATER SERVICE AVAILABILITY

Attn: Building Department

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

TOWNSHIP 3N RANGE 10 SECTION 28 DB TAX LOT(S) 02700

SITUS ADDRESS: _____

NAME: Erick White, surveyor PHONE: 503-440-4403

MAILING ADDRESS: Onion Peak Design

11460 Evergreen Way, Nehalem, OR 97131

Single Family Duplex/Multi-Family Other partition

Comments: _____

Signed: Jurij Nekhach Deputy City Recorder
Name Title



Nehalem Bay Wastewater Agency
 SEWER AVAILABILITY

Date: June 13, 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 28DB TL 2700

Owner of Record: Sharon Hayes & William Louie
 Project Information: Partitioning Lot 2700

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

RECORDING REQUESTED BY:



507 Laneda Ave, Ste 3, PO Box 1089
Manzanita, OR 97130

GRANTOR'S NAME:

Terri Maragos Living Trust U/A dated October 28, 2020

GRANTEE'S NAME:

William G. Louie and Sharon F. Hayes

AFTER RECORDING RETURN TO:

Order No.: 360423000323-JT
William G. Louie and Sharon F. Hayes, as tenants by the entirety
P.O. Box 83
Nehalem, OR 97131

SEND TAX STATEMENTS TO:

William G. Louie and Sharon F. Hayes
P.O. Box 83
Nehalem, OR 97131

APN: 69419

417408

Map: 3N10 28DB 02700

3N10 28DB 02700S1

36345 Highway 101 N, Nehalem, OR 97131

Tillamook County, Oregon

03/31/2023 10:28:02 AM

2023-01301

DEED-DWARR

\$15.00 \$11.00 \$10.00 \$61.00 - 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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Anne Terrill Tinker Maragos, Trustee of the Terri Maragos Living Trust U/A dated October 28, 2020, Grantor, conveys and warrants to William G. Louie and Sharon F. Hayes, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Tillamook, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FOUR HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$450,000.00). (See ORS 93.030).

Subject to:

Regulations, levies, liens, assessments, rights of way and easements of Nehalem Bay Wastewater Agency.

Purpose: not disclosed
Amount: \$54.00, plus interest and penalties, if any.
Reference No: 2842053

Rights of the public to any portion of the Land lying within the area commonly known as Highway 101N.

Unrecorded Lease as disclosed by Tillamook County Assessor Records, and right, title, and interest, if any, of Lessee:

Lessee: Hope Chest Thrift Shop
Account No.: 417408
Map No.: 3N10 28DB 02700S1

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Recorded By Ticor
Title Ins. Co. 20230331

EXHIBIT "A"
Legal Description

Beginning at a point on the Southerly right of way line of Oregon State Highway No. 101, said point being 1002.12 feet North and 428.87 feet West from the Southeast corner of the Northwest quarter of the Southeast quarter of Section 28, Township 3 North, Range 10 West, Willamette Meridian, County of Tillamook, State of Oregon;

thence North 87° 20' West along the Southerly boundary of said highway 154.7 feet to the Northeast corner of that tract conveyed to J. T. Riehl, et ux by Deed recorded November 3, 1975 in Book 242, page 698, Tillamook County Records;

thence South 200 feet along the East boundary of said Riehl tract to its Southeast corner;

thence North 87° 20' West 54.7 feet to the Southwest corner of said Riehl tract;

thence South 168.03 feet to the Northwest corner of that tract conveyed to Frank C. Corder, et ux by Deed recorded August 15, 1972 in Book 228, page 478, Tillamook County Records;

thence East along the North boundary of said Corner tract 204.75 feet;

thence North 358.5 feet to the point of beginning.

TOGETHER WITH that portion conveyed by Fern Nelson to Nikolaos Maragos and Terri Maragos by Bargain and Sale Deed recorded January 14, 1994 in Book 357, page 321, Tillamook County Records, described as follows:

Beginning at a point on the Southerly right of way line of the Oregon Coast Highway which is 989.98 feet North and 407.64 feet West of the Northeast corner of Lot 1, Bayside Gardens, said point being on the Northerly extension of a wood post and wire fenceline;

thence South 00° 55' 00" West along said fenceline 357.41 feet;

thence South 89° 15' 04" West 20.7 feet, more or less, to the Southeast corner of that parcel of land conveyed to Tinker and Maragos described in Book 247, page 305, Tillamook County Records;

thence North 00° 28' 14" East 358.44 feet (record value of North 358.5 feet) along the East line of said Tinker and Maragos parcel to said Southerly right of way line;

thence South 88° 05' 00" East 23.5 feet, more or less, along said Southerly right of way line to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to Mildred B. Ephgrave by Bargain and Sale Deed recorded April 11, 1995 in Book 368, page 816, Tillamook County Records, described as follows:

Beginning at a point on the Southerly right of way line of the Oregon Coast Highway which is 995.16 feet North and 562.22 feet West of the Northeast corner of Lot 1, Bayside Gardens, said point being on the Northerly extension of a wood post and wire fenceline;

thence South 00° 32' 14" West along said fenceline and Southerly extension thereof 199.99 feet to a point on the Easterly extension of the Southerly line of that parcel of land conveyed to Mildred B. Ephgrave described in Book 287, page 449, Tillamook County Records;

thence North 88° 05' 00" West parallel with the Southerly right of way line of said highway 18.8 feet, more or less, to the Southeast corner of said parcel;

thence North 00° 27' 43" East (record value of North) along the East line of said Ephgrave parcel 200.0 feet to the Northeast corner of said Ephgrave parcel on said Southerly right of way line;

thence South 88° 05' 00" East (record value of South 87° 20' East) along said Southerly right of way line 19.1 feet, more or less, to the point of beginning.



Date: July 10, 2023

RE: Incomplete application for a Partition Application #851-23-000186-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 (**June 20, 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 intend to provide the additional material identified in the attached correspondence from the Department of Community Development.
- I refuse to provide the additional material identified in the attached correspondence from the Department of Community Development.

Signed and Acknowledged (Applicant)

8-2-23

Date

150-DAY WAIVER



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

Application(s): #851-23-000186-PLNG / PARTITION

AGREED TO BY:

EJ White
APPLICANT SIGNATURE

8-2-23
DATE

Erick White
NAME (PLEASE PRINT)

EXHIBIT C

Angela Rimoldi

From: Lynn Tone
Sent: Tuesday, August 29, 2023 1:45 PM
To: Angela Rimoldi
Subject: FW: EXTERNAL: WN2023-0655 Response to Local Case File #851-23-000186-PLNG
Attachments: Wetland Land Use Notice.pdf; Wetland Land Use Notice Response.pdf

From: chris.stevenson@dsl.oregon.gov <chris.stevenson@dsl.oregon.gov>
Sent: Friday, August 25, 2023 9:00 AM
To: Lynn Tone <ltone@co.tillamook.or.us>
Subject: EXTERNAL: WN2023-0655 Response to Local Case File #851-23-000186-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.]

Hi there,

Cities and Counties are required by statute (ORS 215.418 & 227.350) to submit notice to DSL of any projects that may impact wetlands and waterways, according to the Statewide Wetlands Inventory. DSL has completed review of the Wetland Land Use Notification that was prepared for Onion Peak Design NA (WN2023-0655).

Please see attached for the results and conclusions of this review. To request paper copies please contact support.services@dsl.oregon.gov. Otherwise, please review the attachments carefully and if you have questions regarding this response, contact Chris Stevenson, chris.stevenson@dsl.oregon.gov. Questions regarding the local permit should be directed to your Planner: Lynn Tone, ltone@co.tillamook.or.us.

[Planning and Conservation Page](#)
[Permits and Authorization Page](#)

Thank you,

Aquatic Resource Management Program
Oregon Department of State Lands
775 Summer St. NE, Ste. 100
Salem, OR 97301-1279
www.oregon.gov/dsl



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*

WN2023-0655

Responsible Jurisdiction

Staff Contact Lynn Tone	Jurisdiction Type County	Municipality Tillamook
Local case file # 851-23-000186-PLNG	County Tillamook	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
03N	10W	28	DB	2700

Street Address

36345 Hwy 101

Address Line 2

City

Nehalem

Postal / Zip Code

97131

State / Province / Region

OR

Country

Tillamook

Latitude

45.716713

Longitude

-123.912915

Wetland/Waterway/Other Water Features

The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

Your Activity

A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

Closing Information

Additional Comments

Based on a review of the available information, the proposed partition does not impact jurisdictional wetlands or waters.

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

8/25/2023

Response by:

Chris Stevenson

Response Phone:

503-986-5246