



Land of Cheese, Trees and Ocean Breeze

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

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

**PARTITION #851-21-000209-PLNG: AGUIAR
Administrative Decision & Staff Report**

Decision: Approved with Conditions
Decision Date: **September 10, 2021**
Report Prepared By: **Angela Rimoldi, Planning Permit Technician**

I. GENERAL INFORMATION:

- Request:** Partition request to create two (2) parcels (Exhibit B).
- Location:** Located east of the City of Garibaldi via Miami River Road, a County road and accessed on S. Moss Creek Road, also a County road. The subject property is designated as Tax Lot 300 of Section 14, Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County Oregon. (Exhibit A).
- Zone:** Farm (F-1) Zone
- Applicant:** Manuel & Catherine Aguiar, 15555 S. Moss Creek Road, Bay City OR 97107
- Property Owner:** Manuel & Catherine Aguiar, 15555 S. Moss Creek Road, Bay City OR 97107

Description of Site and Vicinity: The subject property runs alongside Miami Foley Road. and is accessed via S. Moss Creek Road., is irregular in shape, approximately 106 acres in size, improved with 2 residential structures, various farming, and accessory structures, and is vegetated with open field areas and trees (Exhibit A). Topography of the subject property may vary but is generally flat in most areas. The subject property is located within an area primarily devoted to farm use. The subject property is surround by properties also zoned Farm (F-1) to the north, east and west, but abuts the Forest Zone (F) to the south, with Rural Residential (RR-2) zoned properties to the east and west of certain boundary lines. (Exhibit A).

Applicant is requesting to partition the subject property into a total of two (2) properties (Exhibit B).

The subject property is within an area of geologic hazard and contains some mapped wetlands or natural features as indicated on the NWI map and is located within an Area of Special Flood Hazard as depicted on FEMA Flood Insurance Rate Map (FIRM 41057C0403F) (Exhibit A).

Given the size and topography of the subject property and subsequent parcels, Staff finds that the standards of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas 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 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 3.002: Farm (F-1) Zone

III. ANALYSIS:

Notice of the request was mailed to property owners within 750 feet of the subject property and agencies on July 30, 2021. Two comments were received from the Oregon Department of State Lands (Exhibit C).

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

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

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

Findings: The applicability of the F-1 zone is addressed below. Plat confirms the criteria above are met (Exhibit B).

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

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

Findings: The preliminary plat confirms access to the subject property and subsequent parcels remains via S. Moss Creek Road., a County road, with access and utility easement along all roads for the benefit of proposed Parcel 1 and 2. Overhead powerlines across the subject property for the benefit of proposed Parcel 1 and 2 are depicted on the preliminary plat (Exhibit B).

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

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

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

Findings: The subject property is served by the City of Garibaldi for water and existing on-site wastewater systems. A water availability letter from the City of Garibaldi, located in the property file, has been included (Exhibit B). On-site system locations are notated on the preliminary plat map (Exhibit B).

The subject property is also served by the Nehalem Fire and Rescue, Garibaldi Rural Fire Protection District, Tillamook County Sheriff's Office, and the Tillamook County Public Works Department. Given the location of the property, availability of public services existing in the area and appearance of natural features on the subject property, staff concludes these criteria have been met or can be met through compliance with the Conditions of Approval.

B. TCLUO Section 3.002: Farm (F-1) Zone

(14) LAND DIVISION

- (a) *Minimum Parcel Size. The minimum parcel size for creation of a new parcel shall be 80 acres.*

.....

Findings: Applicant has provided a preliminary plat confirming the two (2) parcels created by the partition meet the minimum requirements for lot size and dimensions as outlined above (Exhibit B). Staff finds these standards have been met.

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 September 22, 2021**.

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. The applicant shall obtain a letter from the Tillamook County Public Works Department confirming either the existing Road Approach via S. Moss Creek Road is adequate or that the necessary improvements to the Road Approach have been completed. The letter shall be provided to the Department prior to or at the time of consolidated Zoning and Building Permit application submittal.
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 3.002: Farm (F-1) Zone and TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.

VI. EXHIBITS:

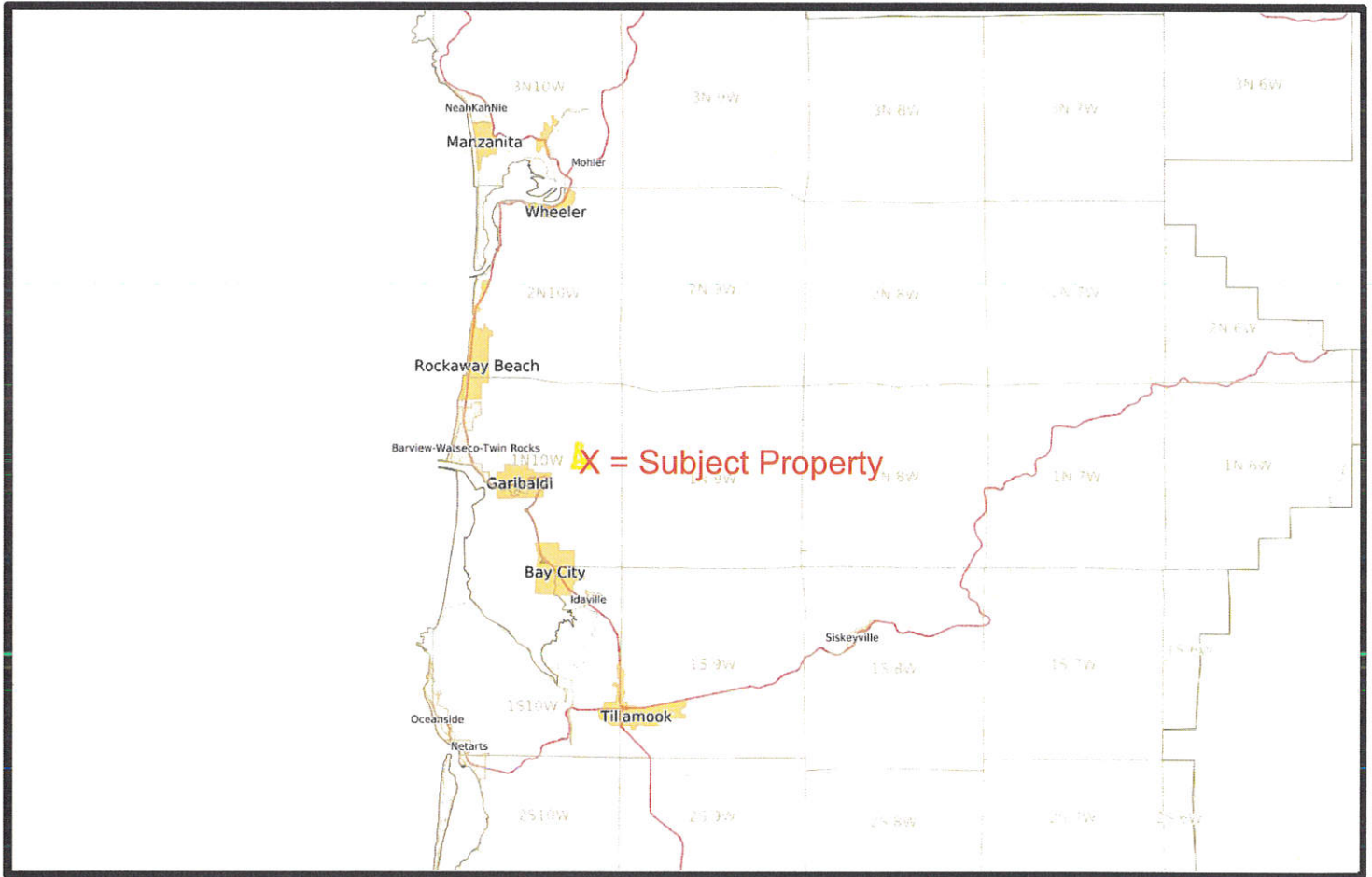
All Exhibits referenced herein are, by this reference, made a part hereof:

- A. Property Identification Maps, Water Availability Letter, Assessor Summary Report & Warranty Deed
- B. Applicant's Submittal
- C. Agency Comments

EXHIBIT A

Map

VICINITY MAP

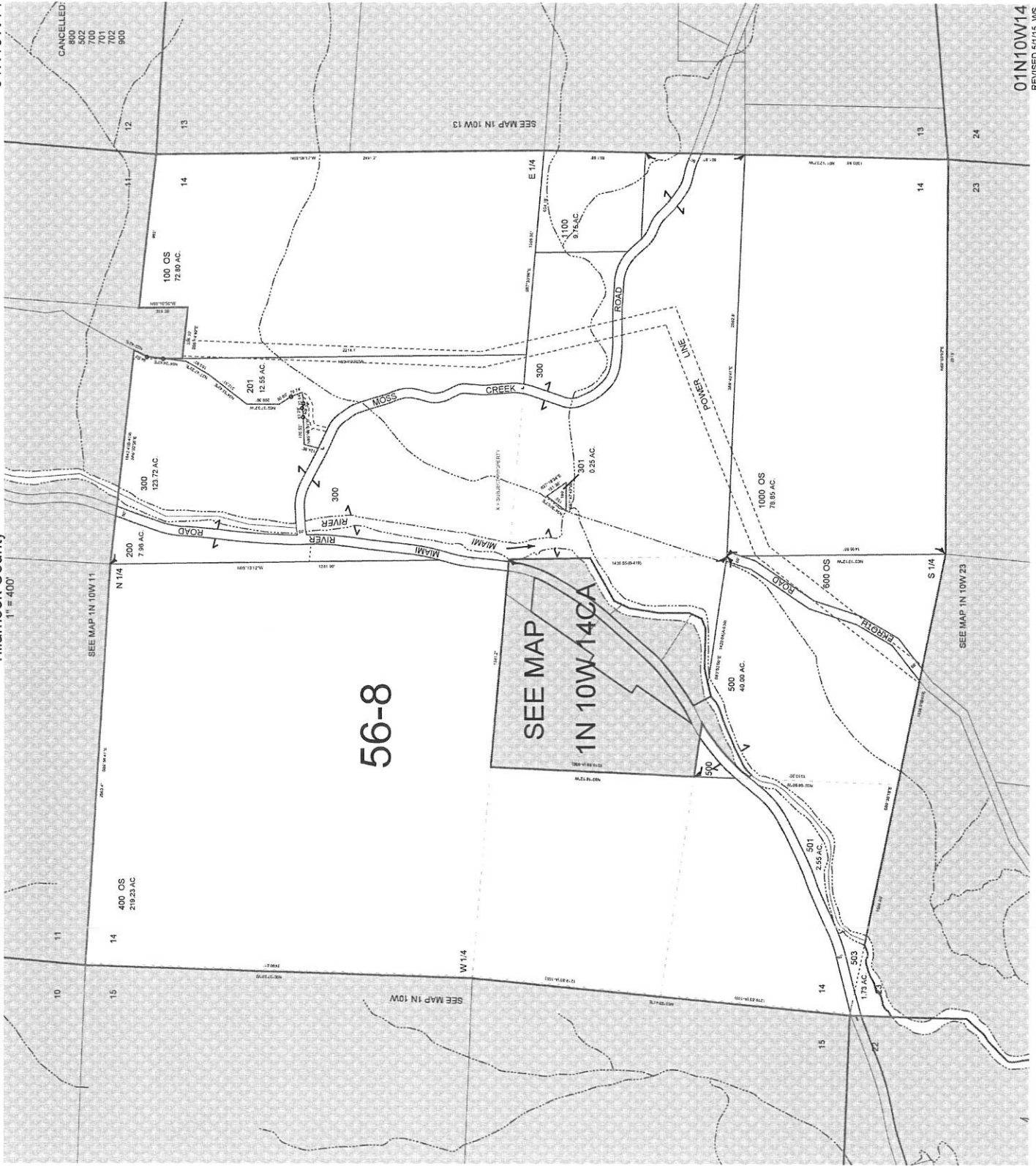


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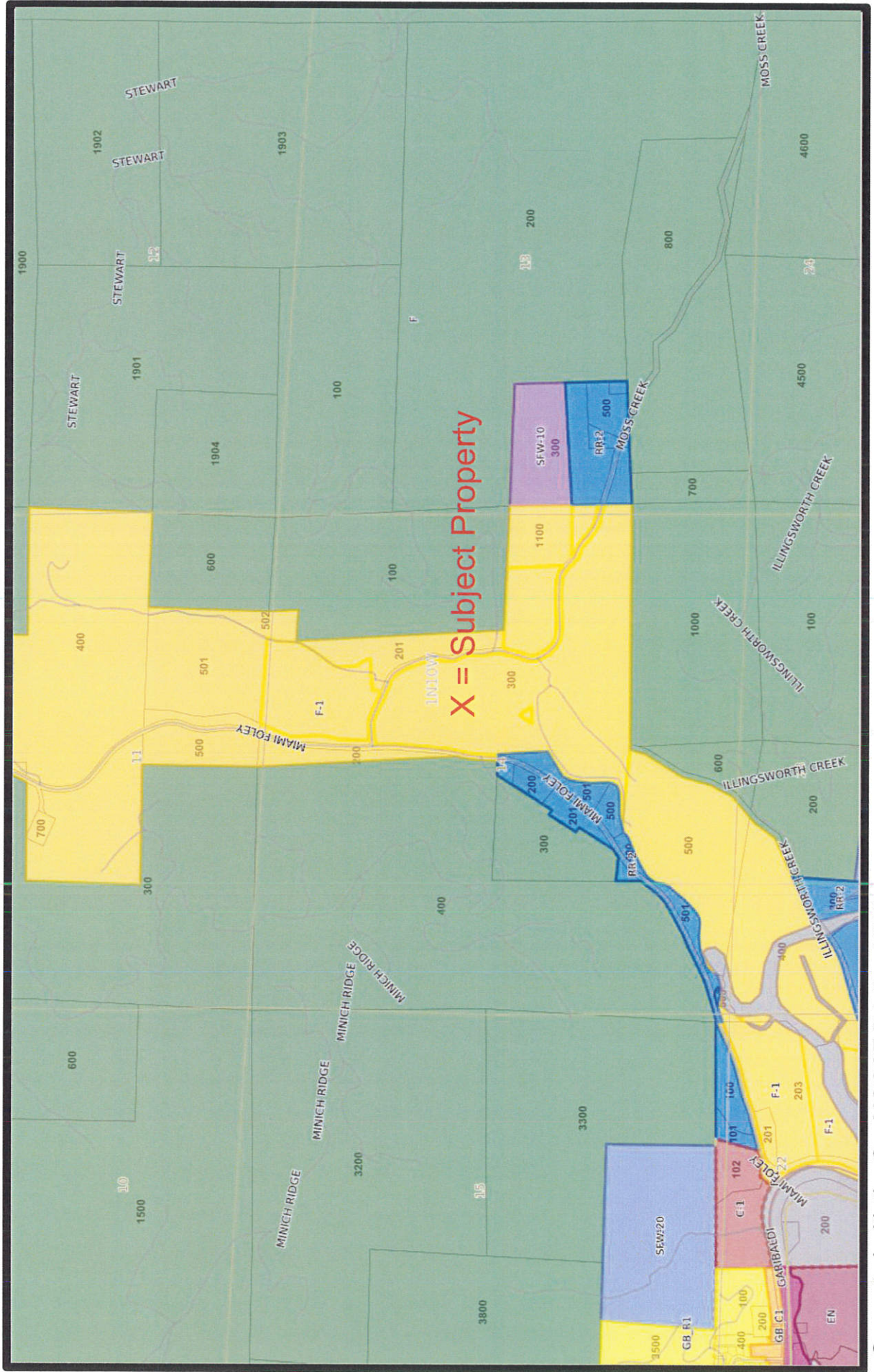
SECTION 14 T. 1N. R. 10W. W.M.
Tillamook County

01N10W14



01N10W14
REVISED 5/1/15, LWS

Map



Tillamook County Oregon

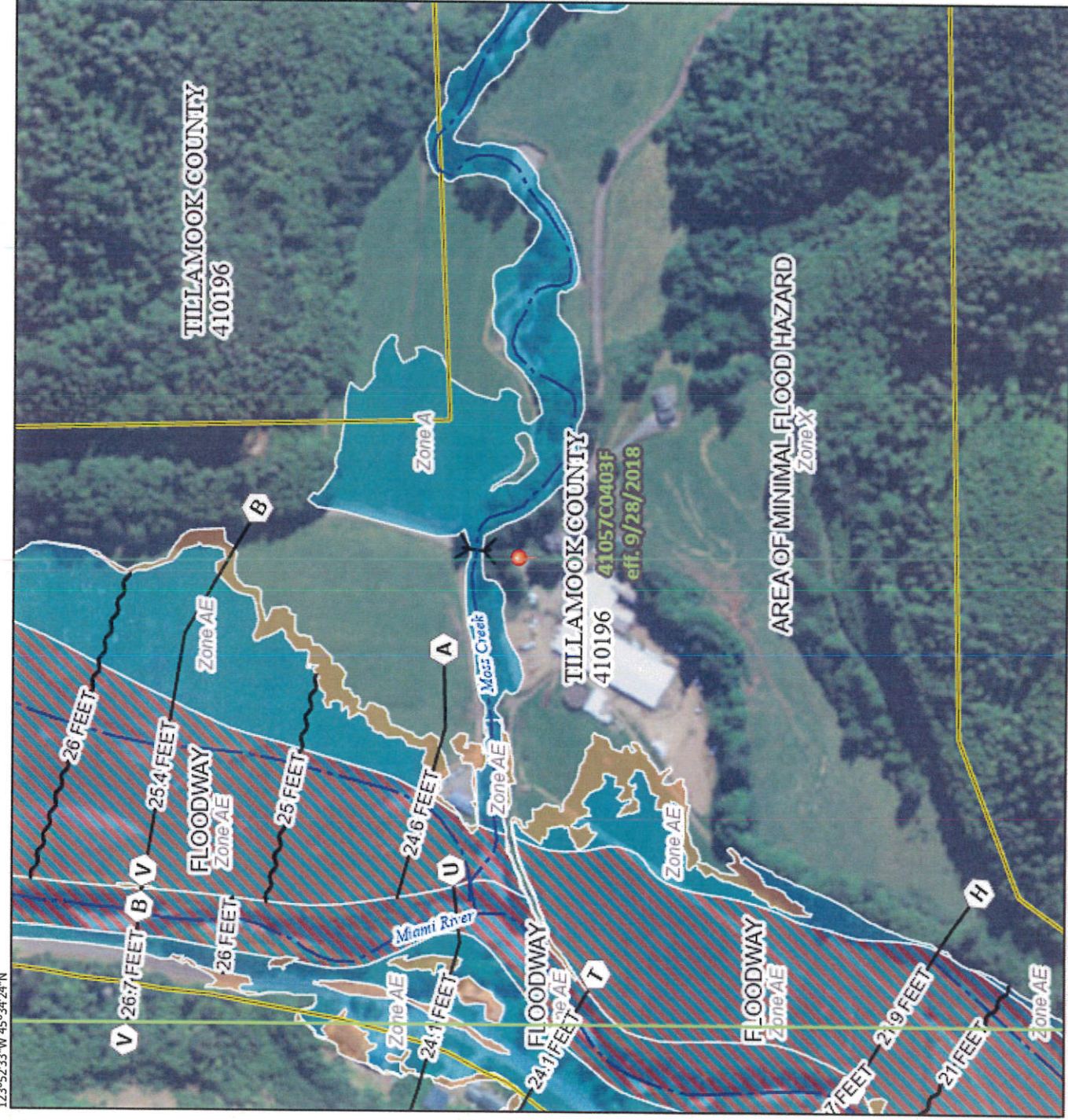


- Jump To:
- Catalog
- Drawing and Markup
 - Overlays
 - Land / Cultural
 - Marine / Estuary
 - Emergency Management
 - Community Development
 - Zoning
 - Tsunami Hazard Overlay Zone
 - Active Land Use Decisions
 - Floodway
 - National Wetlands Inventory
 - Neskowin Coastal Hazard Overlay Zone
 - Silo Landslide Deposits
 - Silo Historic Landslide Points
 - FEMA FIRIM Panel Index
 - ALL_CAV_Sites
 - 100yr Nestucca Special Flood Hazard Area
 - Nenalem Cross Section
 - 2015 Nenalem BFES
 - Nenalem SFHA
 - Proposed SFHA

National Flood Hazard Layer FIRMette



123°52'33"W 45°34'24"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, AB, S
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas 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 LOMIRS
- Area of Undetermined Flood Hazard Zone D

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 9/8/2021 at 2:45 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

TILLAMOOK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2020

July 26, 2021 9:23:46 am

Account # 6317
 Map # 1N10140000300
 Code - Tax # 5608-6317

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr See Record

Mailing Name AGUIAR, MANUEL A JR & CATHERINE S

Deed Reference # 2014-5412
 Sales Date/Price 10-29-2014 / \$1,250,000.00
 Appraiser ELIZABETH JEFFRIES

Agent

In Care Of

Mailing Address 15555 MOSS CREEK RD
 BAY CITY, OR 97107

Prop Class 581 MA SA NH Unit
 RMV Class 501 02 01 500 15988-1

Situs Address(s)		Situs City
ID#	15555 MOSS CREEK RD	COUNTY
ID#	15595 MOSS CREEK RD	COUNTY

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
5608	Land 742,580			Land 0	
	Impr. 1,256,530			Impr. 0	
Code Area Total	1,999,110	1,023,300	943,543	0	
Grand Total	1,999,110	1,023,300	943,543	0	

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
5608				F-1	Designated Forest Land	100	A	22.00	OC	127,600
5608	2	<input checked="" type="checkbox"/>		F-1	Designated Forest Land	100	A	4.00	OC	23,200
5608	1	<input checked="" type="checkbox"/>		F-1	Farm Site	100	A	2.00	SFM	11,600
5608		<input checked="" type="checkbox"/>		F-1	Farm Use Zoned	100	A	8.00	SP1	46,400
5608		<input checked="" type="checkbox"/>		F-1	Farm Use Zoned	100	A	28.50	SP1	165,300
5608		<input checked="" type="checkbox"/>		F-1	Farm Use Zoned	100	A	7.50	SP2	43,500
5608		<input checked="" type="checkbox"/>		F-1	Farm Use Zoned	100	A	27.50	SP3	159,500
5608		<input checked="" type="checkbox"/>		F-1	Farm Use Zoned	100	A	24.22	SP4	140,480
5608					SA OSD	100				12,500
5608					SA OSD	100				12,500
Grand Total								123.72		742,580

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV
5608	12	1960	382	MULTI-PURPOSE SHED	100	198			660
5608	9	1988	345	GENERAL PURPOSE BUILDING	100	120			2,950
5608	6	1948	333	BUNKER SILO 2009 FFB	100	1,440			4,860
5608	4	1960	339	FREE STALL BARN	100	3,000			10,110
5608	7	1992	354	HAY COVER	100	3,888			9,840
5608	11	1960	386	UTILITY BUILDING	100	4,200			21,460
5608	8	1997	354	HAY COVER	100	5,670			32,320
5608	3	1948	369	LOFT BARN	100	5,094			42,820
5608	5	1991	339	FREE STALL BARN	100	9,600			99,730
5608	10	2004	388	WASTE TANK	100	452			87,150
5608	1	1940	145	Two story or more	120	3,079			351,330
5608	13	2015	339	FREE STALL BARN	100	11,520			189,430
5608	2	2000	145	Two story or more	120	2,670			403,870
Grand Total						50,931			1,256,530

Code Area	Type	Exemptions/Special Assessments/Potential Liability
5608		SPECIAL ASSESSMENT:

Account # 6317

■ SOLID WASTE	Amount	24.00	Acres	0	Year	2020
NOTATION(S):						
■ FOREST LAND - POTENTIAL ADDITIONAL TAX LIABILITY 321.362						
■ FARMLAND - POTENTIAL ADDITIONAL TAX LIABILITY 308A.083						
5608						
FIRE PATROL:						
■ FIRE PATROL SURCHARGE	Amount	47.50			Year	2020
■ FIRE PATROL NORTHWEST	Amount	22.92	Acres	22	Year	2020

Comments: 6/05 Account has forestland in it-S1 carries farmland /Value reflects. RCW
4/7/15 Farm re-appraisal. Combined S1 into parent account, cancelled S1 account. Tabled land using Farm Values. Updated inventory. Increased effective year built on Residence 1 to 1980 - RMV changes only. EJ.
1/12/16 - Increased effective year built on Free Stall Barn 1 to 2004 - RMV change only. New Free Stall Barn 3 is 75% complete - applied exception. EJ.
1/24/17 - Free Stall Barn 100% complete - applied exception. EJ.
1/27/17 Updated inventory for Property Appraisal conversion. LM
7/22/20 Reduced FP to 22 acres per ODF. LM

Tillamook County



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

201 Laurel Avenue
Tillamook, Oregon 97141

Land of Cheese, Trees and Ocean Breeze

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

DATE: 7-17-2000

TO: Tillamook County One-Stop Permit Counter

FROM: City of Garibaldi Public Works Dept

RE: Sewer/water Availability (CIRCLE)

Dear Sir:

I confirm that sewer/water is available to the following lot(s) within our district: T 1N R 10 SEC 14 TL# 300

According to our records, the legal owner is _____
Daren E. and Terri A. Filosi

COMMENTS: _____

This letter shall not create a liability on the part of Tillamook County, or by an officer, or employee thereof, for the services described above.

Dennis R. Sheldon
Signature of Authorized Representative

Sept Public Works
Title

503-322-3327
Phone #

RECEIVED
JUL 18 2000

cc: Property Owner

COMMUNITY DEVELOPMENT

DEED-DWARR
\$20.00 \$11.00 \$21.00 \$10.00 - Total = \$62.00



00140769201400054120040042

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

RECORDING REQUESTED BY:

Ticor Title Company
2211 3rd Street
Tillamook, OR 97141

GRANTOR:

Daren E. Filosi and Terri A. Filosi, as tenants by the entirety
15595 Moss Creek Road
Bay City, Oregon 97107-9710

GRANTEE:

Manuel A. Aguiar, Jr and Catherine S. Aguiar
15555 Moss Creek Road
Bay City, OR 97107

SEND TAX STATEMENTS TO:

Manuel A. Aguiar, Jr and Catherine S. Aguiar
15555 Moss Creek Road
Bay City, OR 97107

AFTER RECORDING RETURN TO:

Manuel A. Aguiar, Jr and Catherine S. Aguiar
15555 Moss Creek Road
Bay City, OR 97107

Escrow No: 360414014717-TTAST29

6317/336425/410415
15595 Moss Creek Road
Bay City, OR 97107

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED – STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Daren E. Filosi and Terri A. Filosi, as tenants by the entirety

Grantor, conveys and warrants to

Manuel A. Aguiar, Jr and Catherine S. Aguiar, as tenants by the entirety

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Attached Exhibit "A"

The true consideration for this conveyance is \$ 1,250,000.00.

ENCUMBRANCES: Covenants, Conditions, Restrictions, Reservations, set back lines, Power of Special Districts, and easements of Record, if Any

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,

ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated 10/29/14; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Daren E. Filosi
Daren E. Filosi

Terri A. Filosi
Terri A. Filosi

State of OREGON

COUNTY of Tillamook

This instrument was acknowledged before me on October 29, 2014

by Daren E. Filosi and

Terri A. Filosi

[Signature] Notary Public - State of Oregon
My commission expires: January 31, 2017



LEGAL DESCRIPTION

PARCEL NO. 1:

A tract of land lying in the South one-half of the Southeast quarter of Section 11, Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, said tract being more particularly described as follows:

Beginning at an iron rod in the North line of the Southwest quarter of the Southeast quarter of Section 11, Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, said iron rod being 654.49 feet South 87 ° 55' 05" East from the Northwest corner of the aforesaid quarter-quarter Section;

thence South 87 ° 55' 05" East along the North line of the South one-half of the aforesaid Section 11 a distance of 916.04 feet to an iron rod;

thence South 10 ° 26' 54" East 314.66 feet to an iron rod;

thence South 20 ° 43' 00" West 112.61 feet to an iron rod;

thence South 05 ° 13' 59" West 270.65 feet to an iron rod;

thence South 10 ° 49' 57" East 108.36 feet to an iron rod;

thence South 32 ° 40' 50" West 84.87 feet to an iron rod;

thence South 24 ° 24' 14" West 88.03 feet to an iron rod;

thence South 26 ° 27' 05" West 195.11 feet to an iron rod;

thence South 23 ° 42' 00" West 155.24 feet to a point of intersection with the South line of the aforesaid Section 11;

thence North 86 ° 03' 44" West along said South line of Section 11 a distance of 974.00 feet, more or less, to a point in the centerline of the Miami River;

thence Northerly and upstream along said centerline of the Miami River a distance of 1249.0 feet, more or less, to a point of intersection with the aforesaid North line of the Southwest quarter of the Southeast quarter of Section 11;

thence South 87 ° 55' 05" East along said North line of the quarter-quarter Section a distance of 75.25 feet to the point of beginning.

ALSO: A tract of land lying in the West one-half of the Northeast quarter of Section 14, Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, said tract being more particularly described as follows:

Beginning at a point in the North line of Section 14, Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, said point being 1370.53 South 86 ° 03' 44" East from the one-quarter corner common to Sections 11 and 14, Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon;

thence South 23 ° 42' 00" West a distance of 94.50 feet to an iron rod;

thence South 04 ° 24' 42" West 253.06 feet to an iron rod;

thence South 27 ° 47' 22" West 163.93 feet to an iron rod;

thence South 34 ° 55' 42" West 310.57 feet to an iron rod;

thence South 02 ° 37' 32" East 209.39 feet to an iron rod;

thence South 33 ° 56' 28" East 90.60 feet to an iron rod;

thence South 23 ° 55' 16" East 76.74 feet to an iron rod;

thence South 79 ° 27' 03" West 72.54 feet to an iron rod;

thence North 73 ° 24' 27" West 29.39 feet to an iron rod;

thence South 79 ° 55' 24" West 57.29 feet to an iron rod;

thence South 85 ° 41' 01" West 176.53 feet to an iron rod;

thence South 11 ° 46' 49" West 124.88 feet to a point in the centerline of Moss Creek County Road, said point also being in the North line of that certain tract of land conveyed to Daren E. Filosi and Terri A. Filos, husband and wife, by instrument recorded in Book 398, page 816, Tillamook County Records;

thence North 67 ° 37' 30" West along the North line of said Filosi tract a distance of 393.71 feet to an angle point therein;

thence South 72 ° 23' 00" West along said North line of the Filosi tract a distance of 142.41 feet to a point of intersection with the centerline of the Miami River;

LEGAL DESCRIPTION

(Continued)

thence Northerly and upstream along said centerline of the Miami River a distance of 1216.0 feet, more or less, to a point of intersection with the aforesaid North line of Section 14;

thence South 86 ° 03' 44" East along said North line of Section 14 a distance of 973.5 feet, more or less, to the point of beginning.

TOGETHER WITH a 25 foot wide easement for ingress and egress lying upon and across that certain tract of land conveyed to the McDonald Family Trust by Instrument recorded in Book 333, Page 425, Deed Records of Tillamook County, Oregon, said easement lying 12.5 feet on each side of the following described centerline:

Beginning at a point in the centerline of Moss Creek County Road, said point being 104.90 feet South and 832.81 feet East from the Northwest Corner of the Southwest Quarter of the Northeast Quarter of Section 14, Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon;

and running thence North 12 ° 44' 45" East 100.72 feet to a point of curve;

thence Northeasterly along the arc of a 32.50 foot radius curve to the right, (the chord of which bears North 28 ° 39' 41" East 17.82 feet), an arc distance of 18.06 feet to Point "A";

thence Northeasterly along the arc of a 32.50 foot radius curve to the right, (the chord of which bears North 62 ° 24' 08" East 19.90 feet), an arc distance of 20.22 feet to a point of reverse curve;

thence Northeasterly along the arc of a 47.77 foot radius curve to the left, (the chord of which bears North 69 ° 03' 48" East 18.50 feet), an arc distance of 18.62 feet to Point "B";

thence Northeasterly along the arc of a 47.77 foot radius curve to the left, (the chord of which bears North 45 ° 28' 43" East 20.55 feet), an arc distance of 20.71 feet to a point of tangent;

thence North 33 ° 02' 51" East 31.50 feet;

thence North 11 ° 30' 40" East 16.20 feet to the point of terminus of the herein described centerline.

ALSO beginning at the above described Point "A" in the centerline of the aforesaid 25 foot wide easement;

and running thence South 89 ° 46' 15" East 92.73 feet;

thence North 65 ° 23' 14" East 61.94 feet;

thence North 32 ° 40' 57" East 50.67 feet to the point of terminus of the herein described 25 foot wide easement centerline.

PARCEL NO. 2:

The following described real property in Tillamook County, Oregon, to-wit:

The Northeast quarter of the Southwest quarter East of the Miami River; and the North half of the Southeast quarter, excepting therefrom the Northeast quarter of the Northeast quarter of the Southeast quarter, all in Section 14, Township 1 North, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon.

ALSO: Beginning at the quarter Section corner in the center of said Section 14;

thence East along quarter Section line 1402.88 feet to the center of Moss Cree County Road;

thence along the centerline of said road North 7 ° 39'-1/2' West 271.65 feet;

thence North 15 ° 24'-1/2' West 303.8 feet;

thence North 4 ° 03' West 227.65 feet;

thence North 28 ° 42'-1/2' West 445.35 feet;

thence North 67 ° 37'-1/2' West 553.9 feet;

thence South 72 ° 23' West 230.45 feet to the centerline of Garibaldi-Nehalem County Road;

thence along the centerline of said road South 4 ° 20'-1/2' West 892.75 feet;

thence South 3 ° 50'-1/2' West 431.15 feet;

thence East and leaving said road 32 feet to the point of beginning, all in Township 1 North, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon.

EXCEPTING THEREFORM that tract conveyed to the City of Garibaldi by Deed recorded January 13, 1977 in Book 248, page 630, Tillamook County Records.

EXHIBIT B



LAND DIVISION APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: _____ Phone: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Email: _____

Property Owner

Name: Manuel & Catherine Aguiar Phone: 503-300-0100
 Address: 15555 S. Moss Creek Road
 City: Bay City State: Oregon Zip: 97107
 Email: aguiardairy@gmail.com

Location:

Site Address: 15555 S. Moss Creek Road

Map Number: 1N 10 14 300
Township Range Section Tax Lot(s)

OFFICE USE ONLY	
Date Stamp	
RECEIVED	
MAY 25 2021	
BY: <u>In person</u>	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: <u>SS</u>	
Receipt #:	
Fees: <u>409.⁰⁰</u>	
Permit No: 851- <u>21-109</u> -PLNG	

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:

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.

<i>Manuel & Catherine Aguiar</i> <small>Property Owner (* Required)</small>	<i>5-12-2021</i> <small>Date</small>	
 <small>Applicant Signature</small>	 <small>Date</small>	<i>5-12-2021</i> <small>Date</small>

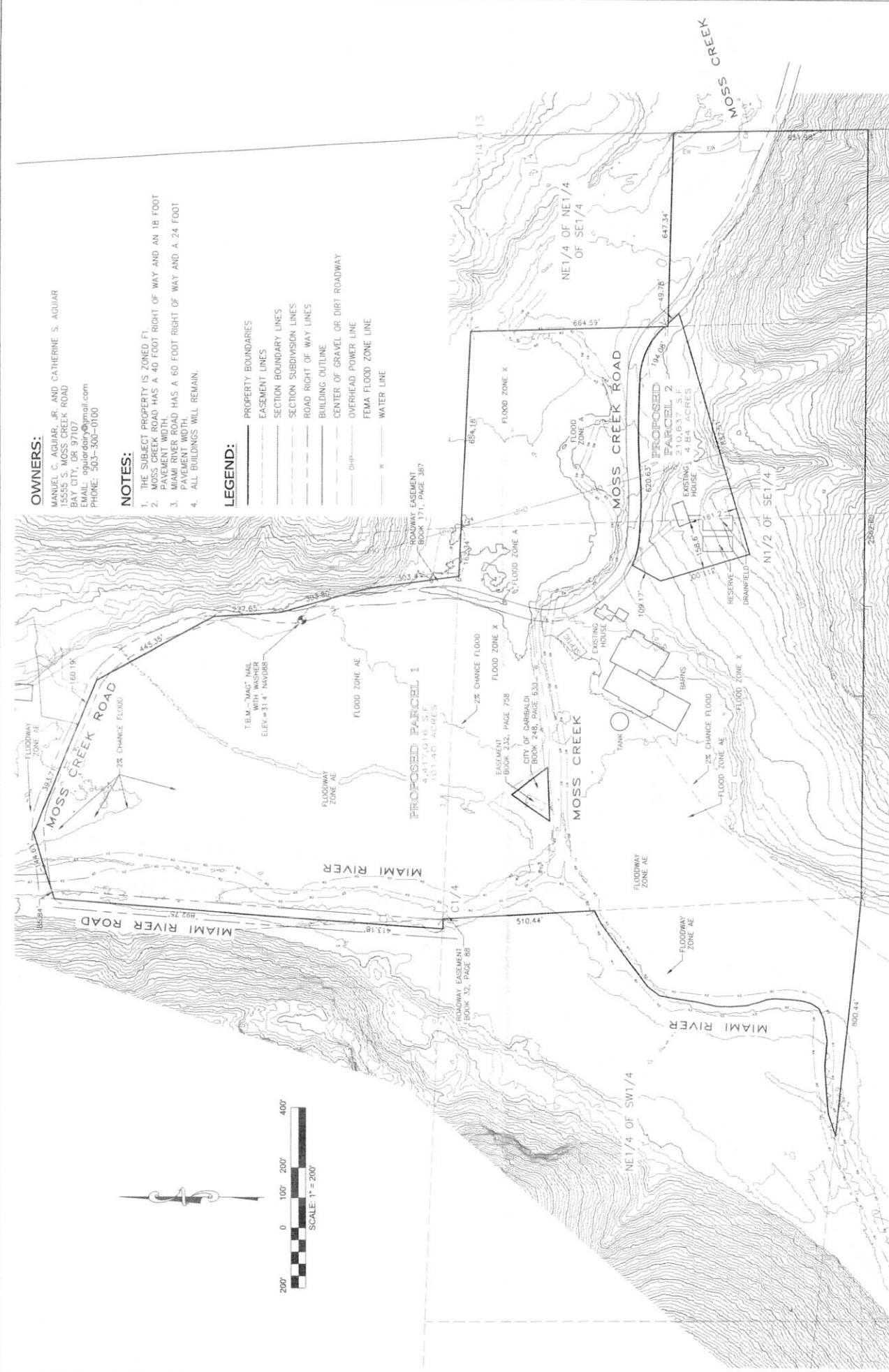
OWNERS:
 MANUEL C. AGUIAR, JR. AND CATHERINE S. AGUIAR
 15555 S. MOSS CREEK ROAD
 BAY CITY, OR 97107
 EMAIL: aguidairy@gmail.com
 PHONE: 503-300-0100

NOTES:

1. THE SUBJECT PROPERTY IS ZONED F1.
2. MOSS CREEK ROAD HAS A 40 FOOT RIGHT OF WAY AND AN 18 FOOT PAVEMENT WIDTH.
3. MIAMI RIVER ROAD HAS A 60 FOOT RIGHT OF WAY AND A 24 FOOT PAVEMENT WIDTH.
4. ALL BUILDINGS WILL REMAIN.

LEGEND:

- PROPERTY BOUNDARIES
- EASEMENT LINES
- SECTION BOUNDARY LINES
- SECTION SUBDIVISION LINES
- ROAD RIGHT OF WAY LINES
- BUILDING OUTLINE
- CENTER OF GRAVEL OR DIRT ROADWAY
- OVERHEAD POWER LINE
- FEMA FLOOD ZONE LINE
- WATER LINE



EASEMENT NOTES:

1. BOOK 32, PAGE 88 - EASEMENTS FOR FOUR ROADWAYS, WATER, AND WATER LINE. SPECIFIC LOCATION GIVEN ONLY ON ONE OF THE ROADWAYS.
2. BOOK 132, PAGE 88 - BLANKET EASEMENT FOR AN ELECTRIC TRANSMISSION LINE OR DISTRIBUTION SYSTEM.
3. BOOK 132, PAGE 342 - BLANKET EASEMENT FOR AN ELECTRIC TRANSMISSION LINE OR DISTRIBUTION SYSTEM.
4. BOOK 145, PAGE 557 - EASEMENT FOR UTILITIES OVER COURSE NOW LOCATED AND STAKED OUT. NO WIDTH GIVEN.
5. BOOK 264, PAGE 181 - EASEMENT FOR UTILITIES, 5' ALONG ALL ROADS, ALL ROADS, AND 5' WIDE ALONG FACILITIES.
6. BOOK 413, PAGE 814 - UTILITY EASEMENT. SPECIFIC LOCATION NOT GIVEN.

S&F Land Services

PORTLAND, VANCOUVER, BEND, SEASIDE
 1725 N. ROOSEVELT DR.
 STE. B, SEASIDE, OR 97138
 (503) 586-9445

WWW.SFLANDS.COM	JOB NO.	FIELD	EMAIL	JACK WHITE@SFLANDS.COM
DATE	APR. 28, 2021	2021-0347-01	TIM/JT	CC
			DRAWN	CHECKED
			JLW	JLW

PRELIMINARY PARTITION PLAT FOR:
MANUEL & CATHERINE AGUIAR
 PARCEL 2
 DOC. 2014-005412
 TILLAMOOK COUNTY CLERK'S RECORDS
 SECTION 14, T1N, R10W, W.M.
 TILLAMOOK COUNTY, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR
Paul L. White
 OREGON
 SEPTEMBER 10, 2019
 JAW
 91007PALS

21024701.BNDY.dwg

EXHIBIT C

Allison Hinderer

From: BROWN Jevra * DSL <jevra.brown@dsl.state.or.us>
Sent: Tuesday, August 3, 2021 1:28 PM
To: Allison Hinderer
Cc: EVANS Daniel * DSL
Subject: EXTERNAL: RE: Tillamook County: Administrative Review/ 851-21-000209-PLNG: Aguiar

[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 Alison,

We have quite a history on this site. Thank you for WLUN #WN2021-0847. Normally we don't need WLUN for partitions, but this may be a good exception to the rule. We also have these other files: 8039-ENF, 7381-ENF (both enforcement files), and the last has the same TL# but a different address: 15500 rather than 15555 = permit application 22300-RP from 2000.

You'll receive Daniel's response to the WLUN request as comment from the Removal-Fill program. The proprietary program will comment separately if needed.

Jevra Brown, Aquatic Resource Planner
Department of State Lands
Cell 503-580-3172

Checking for wetlands and waters? – Use the [STATEWIDE WETLANDS INVENTORY](#)

To help prevent the spread of COVID-19 many of the DSL staff are telecommuting.

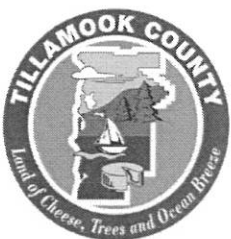
From: Allison Hinderer <ahindere@co.tillamook.or.us>
Sent: Friday, July 30, 2021 10:46 AM
To: Angela Rimoldi <arimoldi@co.tillamook.or.us>
Cc: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: Tillamook County: Administrative Review/ 851-21-000209-PLNG: Aguiar

Hello,

Please see link for Partition Request:

[851-21-000209-PLNG | Tillamook County OR](#)

Thanks!



Allison Hinderer | Office Specialist 2
TILLAMOOK COUNTY | Community Development | Surveyor's Office
1510-C Third Street
Tillamook, OR 97141
Phone (503)842-3423 ext. 3423
ahindere@co.tillamook.or.us

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

Angela Rimoldi

From: Daniel.Evans@dsl.state.or.us
Sent: Tuesday, August 17, 2021 2:09 PM
To: Angela Rimoldi
Subject: EXTERNAL: WN2021-0847 Response to Local Case File #851-21-000209-PLNG
Attachments: Wetland Land Use Notice.pdf; Wetland Land Use Notice Response.pdf

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

We have completed our review of the Wetland Land Use Notification that was prepared for Manuel Aguiar - Manuel Aguiar The WLUN form was submitted to the Department for review/response and given the file number WN2021-0847

The results and conclusions from that review are explained in the attached pdf documents. If the attached documents are illegible or difficult to open, you may contact the Department and request paper copies. Otherwise, please review the attachments carefully and direct any questions or comments to Jurisdiction Coordinator, Daniel Evans at 503-986-5271 or Daniel.Evans@dsl.state.or.us. Thank you for your interest in the project.

Additional resources that may be helpful:

[DSL Coordinator List](#)

[R/F Fee Schedule](#)

Aquatic Resource Management Program
Oregon Department of State Lands
775 Summer St. NE, Ste. 100
Salem, OR 97301-1279
Fax: (503) 378-4844
www.oregon.gov/dsl



Wetland Land Use Notification

OREGON DEPARTMENT OF STATE LANDS

775 Summer Street NE, Suite 100, Salem, OR 97301-1279

Phone: (503) 986-5200

This form is to be completed by planning department staff for mapped wetlands and waterways.

Responsible Jurisdiction

City of County of
 Municipality* Tillamook
 Date* 7/30/2021

Staff Contact

First Name* Angela
 Last Name* Rimoldi
 Phone* 5038423408
 Email* arimoldi@co.tillamook.or.us

Applicant

First Name* Manuel
 Last Name* Aguiar
 Mailing Address*
 Street Address
 15555 S Moss Creek Rd
 Address Line 2
 City Bay City State OR
 Postal / Zip Code 97107 Country US
 Phone 503-300-0100 Email (?) aguiardairy@gmail.com

Is the Property Owner name and address the same as the Applicant?*

No Yes

Activity Location

Township* (?) 01N
 Range* (?) 10W
 Section* (?) 14

Quarter-quarter Section (?)

Tax Lot(s)*

300

You can enter multiple tax lot numbers within this field. i.e. 100, 200, 300, etc.

To add additional tax map and lot information, please click the "add" button below.

Address

Street Address

15555 S Moss Creek Rd

Address Line 2

City

State

Postal / Zip Code

Country

County*

Tillamook

Adjacent Waterbody

Proposed Activity



Local Case File #*

851-21-000209-PLNG

Zoning

Proposed

Building Permit (new structures)

Conditional use Permit

Grading Permit

Planned Unit Development

Site Plan Approval

Subdivision

Other (please describe)

Partition Request

Project*

Partition Request to create two residential parcels.

Required attachments with site marked: Tax map and site plan(s). (?)

Additional Attachments

851-21-000209-PLNG.pdf

7.99MB

Date

7/30/2021



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*

WN2021-0847

Responsible Jurisdiction

Staff Contact

Angela Rimoldi

Jurisdiction Type

County

Municipality

Tillamook

Local case file #

851-21-000209-PLNG

County

Tillamook

Activity Location

Township

01N

Range

10W

Section

14

QQ section

Tax Lot(s)

300

Street Address

15555 S Moss Creek Rd

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Tillamook

Latitude

45.569053

Longitude

-123.869216

Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.
- The property includes or is adjacent to designated Essential Salmonid Habitat.

Closing Information

Additional Comments

A state permit or Wetland Land Use Notice review is not required for a partition. For future planning efforts, both proposed parcels have existing upland access. A wetland delineation may be recommended for future development in order to determine the extent of wetlands and other waters on the parcel

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

8/17/2021

Response by:

Daniel Evans

Response Phone:

503-986-5271