



1510 – B Third Street  
Tillamook, Oregon 97141  
[www.tillamook.or.us](http://www.tillamook.or.us)  
Building (503) 842-3407  
Planning (503) 842-3408  
Sanitation (503) 842-3409  
FAX (503) 842-1819  
Toll Free 1(800) 488-8280

Land of Cheese, Trees and Ocean Breeze

**NOTICE OF ADMINISTRATIVE REVIEW  
PARTITION REQUEST #851-21-000209-PLNG:  
AGUIAR**

*NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:  
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,  
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER*

**Date of Notice: July, 30 2021**

Notice is hereby given that the Tillamook County Department of Community Development is considering the following:

**#851-21-000209-PLNG:** A partition request to create two (2) residential parcels. Located east of the Incorporated Community of Garibaldi via Miami River Road, 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. The subject property is zoned Farm (F-1). Property owners are Manuel & Catherine Aguiar.

Written comments received by the Department of Community Development **prior to 4:00p.m. on August 13, 2021**, will be considered in rendering a decision. Comments should address the attached criteria upon which the Department must base its decision. Notice of the application, a map of the subject area, and the applicable criteria are being mailed to all property owners within 750 feet of the exterior boundaries of the subject property for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request. The decision will be rendered no sooner than August 16, 2021.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website: <https://www.co.tillamook.or.us/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

If you have any questions about this application, please call the Department of Community Development at 503-842-3408 x 3315 or [arimoldi@co.tillamook.or.us](mailto:arimoldi@co.tillamook.or.us).

Sincerely,

Angela Rimoldi, Planning Permit Technician

Sarah Absher, CFM, Director

Enc. Vicinity, Assessor Maps & Zoning  
Applicable Ordinance Criteria

**REVIEW CRITERIA**

**TILLAMOOK COUNTY LAND DEVELOPMENT ORDINANCE**

**SECTION 3.002: FARM ZONE (F-1)**

**(14) LAND DIVISION**

- (a) Minimum Parcel Size. The minimum parcel size for creation of a new parcel shall be 80 acres.
- (b) A division of land to accommodate a conditional use, except a residential use, smaller than the minimum parcel size provided in Subsection (a) may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
- (c) A division of land to create up to two new parcels smaller than the minimum size established under Subsection (a), each to contain a dwelling not provided in conjunction with farm use, may be permitted if:
  - 1. The nonfarm dwellings have been approved under paragraph (9);
  - 2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2021;
  - 3. The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum size in Subsection (a);
  - 4. The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size established under Subsection (a); and
  - 5. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

.....  
(g) This section does not allow division of a lot or parcel identified in Table 1 as a family farm help dwelling or health hardship dwelling or non-farm dwelling.

- .....
- (i) A division of land may be permitted to create a parcel with an existing dwelling to be used:
    - 1. As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved under Section (9) and
    - 2. For historic property that meets the requirements of a historic replacement dwelling

.....

**TILLAMOOK COUNTY 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:

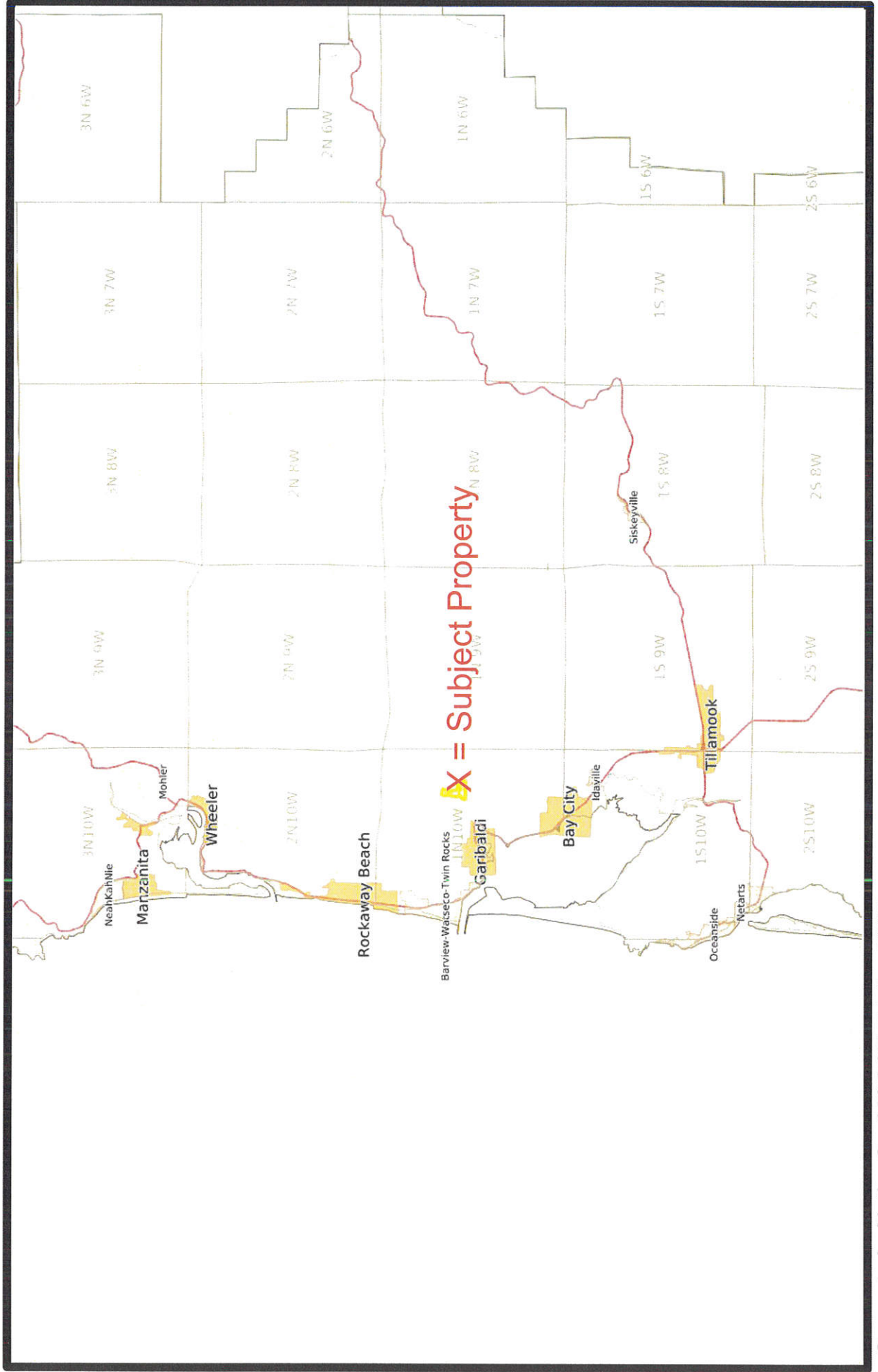
- (a) The land division application shall conform to the requirements of this ordinance;
- (b) All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of the Land Use Ordinance – Article 3 Zone Regulations and the standards in Section 150 of this ordinance;
- (c)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

# EXHIBIT A

# Map

## VICINITY MAP

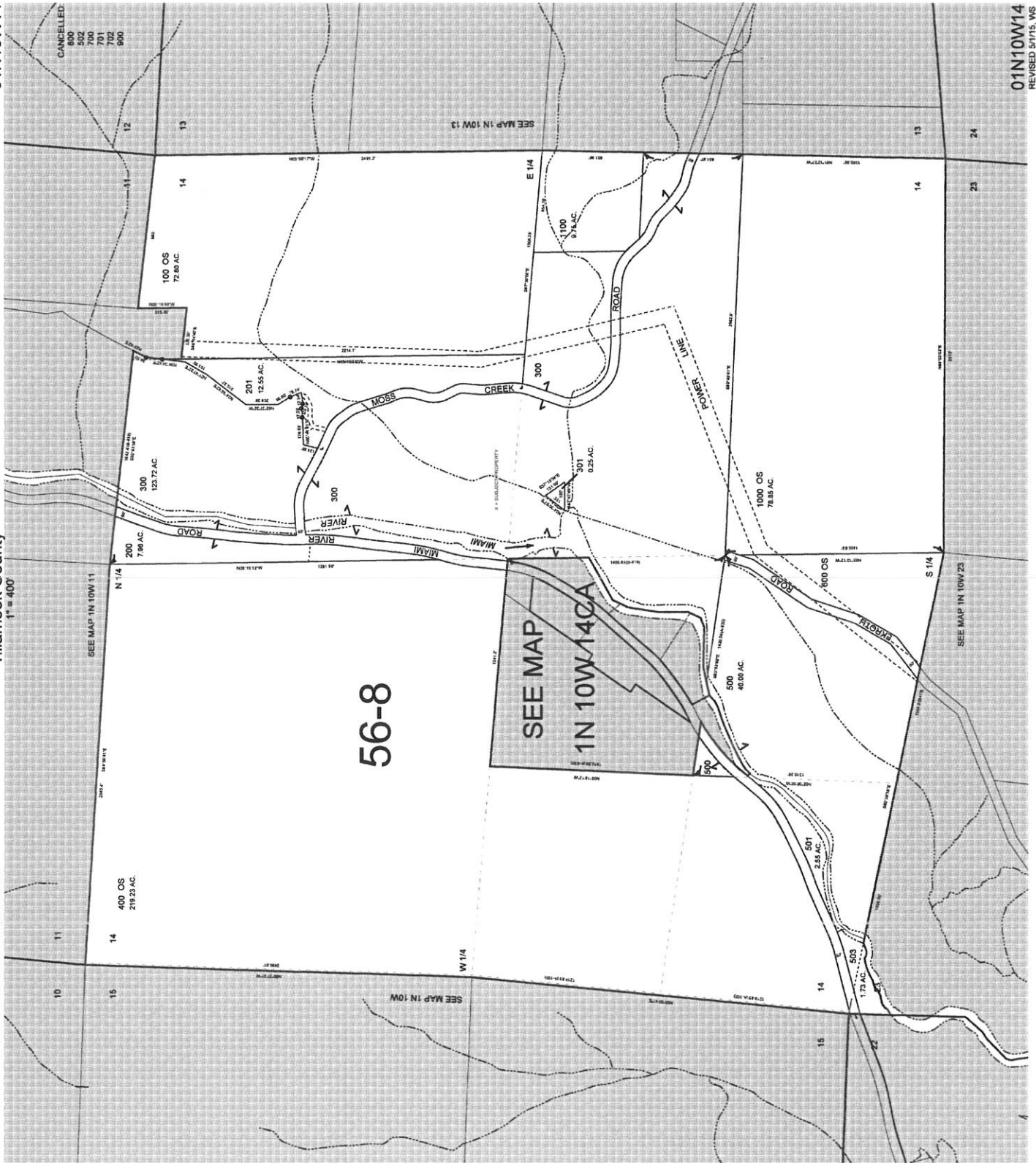


FOR ASSESSMENT AND TAXATION ONLY, NOT SUITABLE FOR  
LEGAL, ENGINEERING, OR SURVEY PURPOSES

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

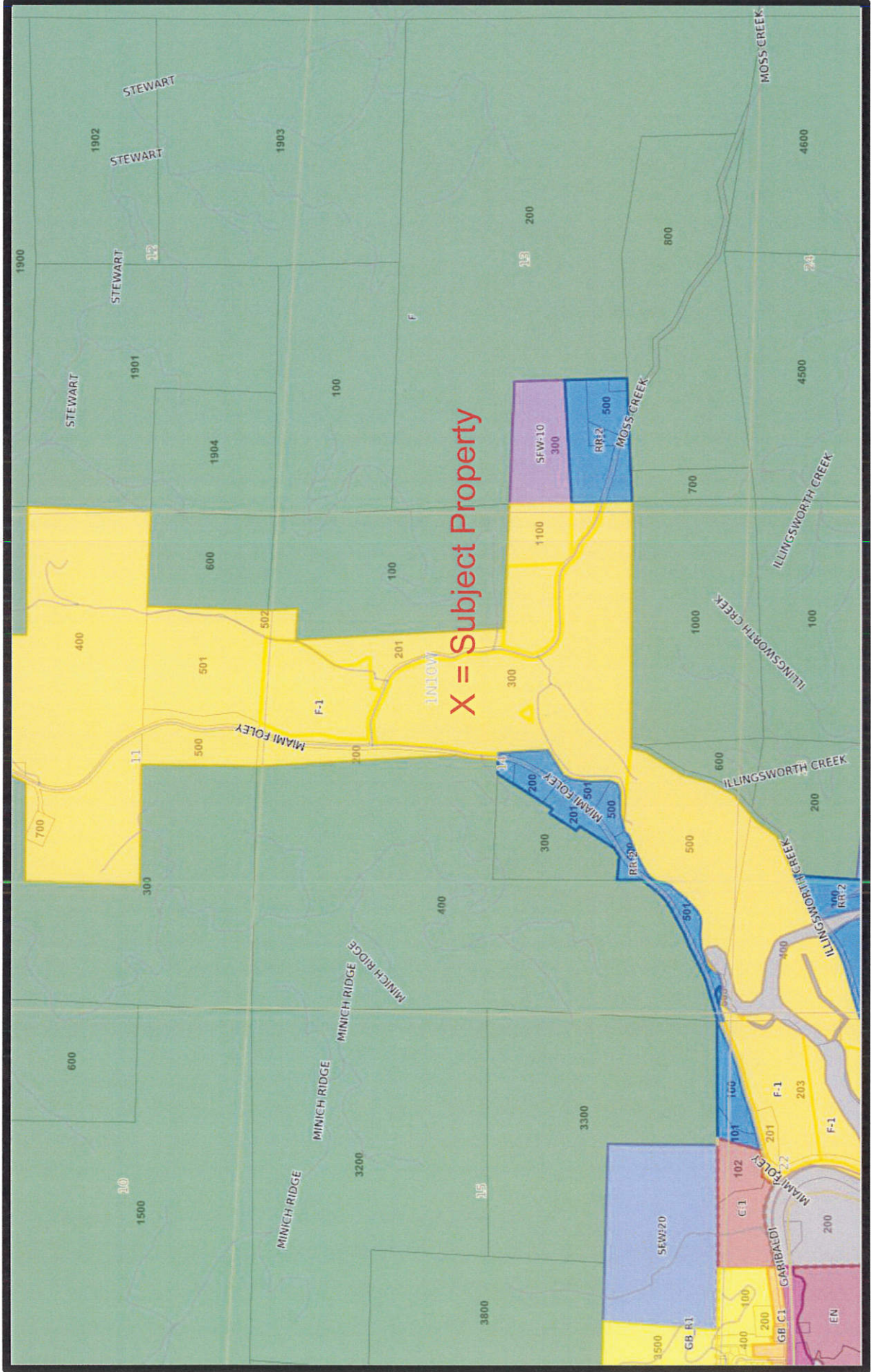
1" = 400'

01N10W14



01N10W14  
REVISED 3/11/15, WS

# Map



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

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

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

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

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

### General Information

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

### Existing Conditions

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

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

Other information:  
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 \_\_\_\_\_  
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 \_\_\_\_\_

<b>OFFICE USE ONLY</b>
Date Stamp
<b>RECEIVED</b>
<b>MAY 25 2021</b>
BY: <u>In person</u>
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by: <u>SS</u>
Receipt #:
Fees: <u>409.<sup>00</sup></u>
Permit No: 851- <u>21-209</u> -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:

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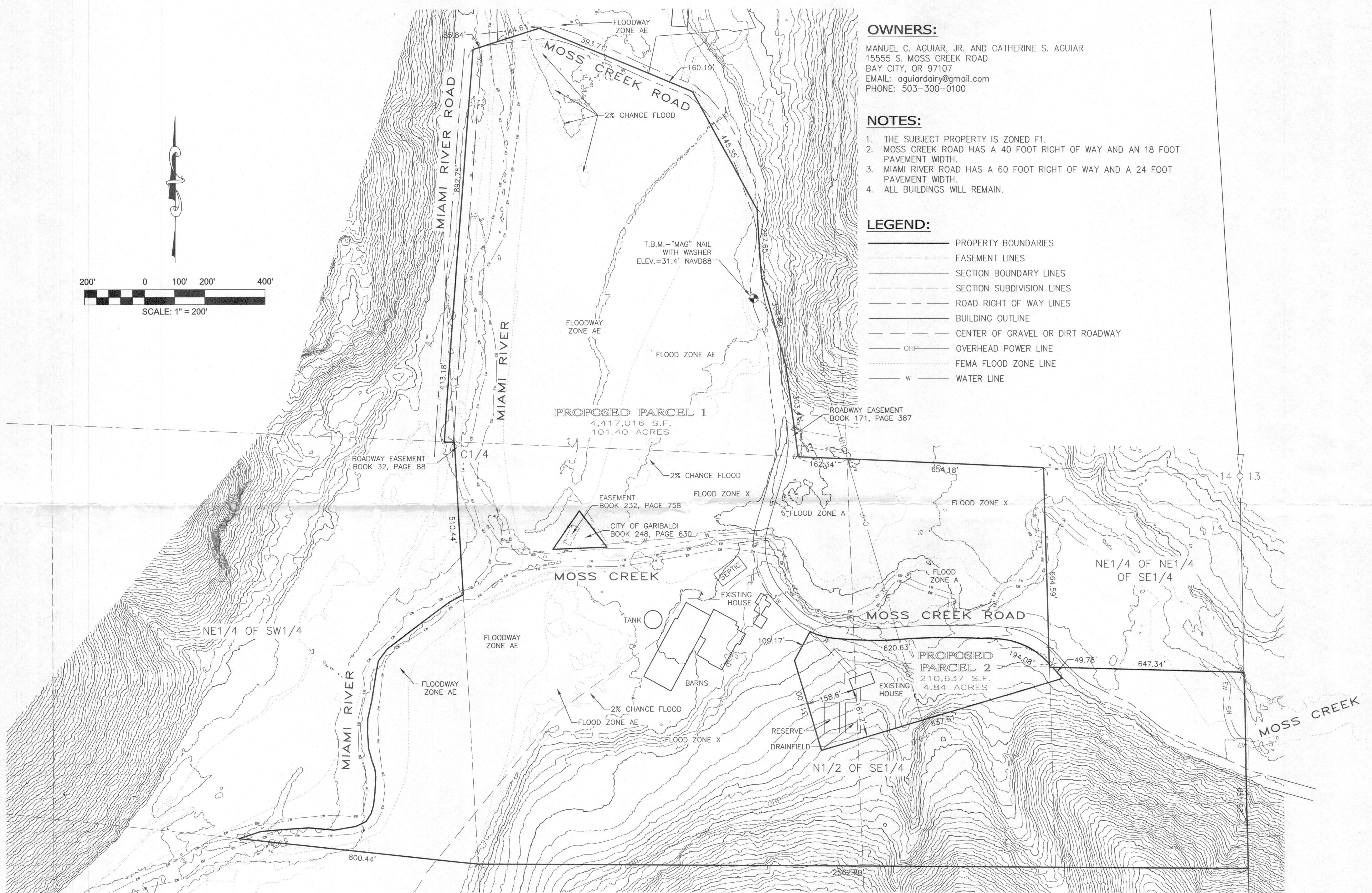
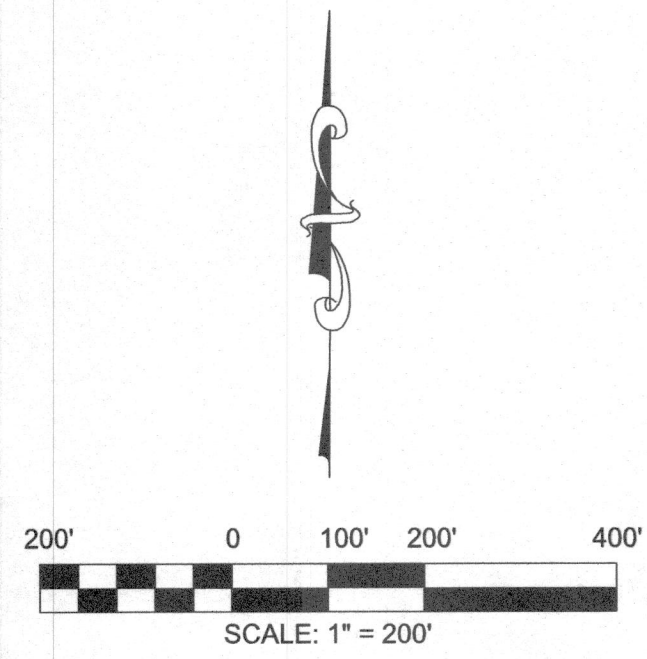
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**Authorization**

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.

Margaret & Catherine Aguiar  
Property Owner (\* Required)
5-12-2021  
Date

[Signature]
[Signature]  
Applicant Signature
5-12-2021  
Date



**OWNERS:**

MANUEL C. AGUIAR, JR. AND CATHERINE S. AGUIAR  
 15555 S. MOSS CREEK ROAD  
 BAY CITY, OR 97107  
 EMAIL: aguiardairy@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
- OHP — OVERHEAD POWER LINE
- FEMA FLOOD ZONE LINE
- W — 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 135, PAGE 416 – BLANKET EASEMENT FOR AN ELECTRIC TRANSMISSION LINE OR DISTRIBUTION SYSTEM.
3. BOOK 136, 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 268, 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.

21G34701 BNDY.dwg

**S&F Land Services**

PORTLAND, VANCOUVER, BEND, SEASIDE

1725 N ROOSEVELT DR,  
 STE B, SEASIDE, OR 97138  
 (503) 738-3425

WWW.SFLANDS.COM      EMAIL: JACK.WHITE@SFLANDS.COM

DATE	JOB NO.	FIELD	DRAWN	CHECKED
APR. 28 2021	2021-G347-01	TJW/JT	CC	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

*Jack L. White II*

OREGON  
 SEPTEMBER 10, 2019  
 JACK L WHITE II  
 91987PLS