



Land of Cheese, Trees and Ocean Breeze

PARTITION REQUEST #851-21-000300-PLNG: MACDONALD & ESPLIN

ADMINISTRATIVE DECISION AND STAFF REPORT

DECISION: Approved with Conditions

DECISION DATE: November 4, 2021

REPORT PREPARED BY: Angela Rimoldi, Planning Permit Technician

I. GENERAL INFORMATION:

Request: A Partition request to create two (2) residential parcels on a property located within the unincorporated community of Pacific City / Woods (Exhibit B).

Location: The subject properties abut Ridge Road and Park Lane, both County local access roads, and are designated as Tax Lots 5200 and 5300 of Section 13D in Township 4 South, Range 11 West, W.M., Oregon (Exhibit A).

Zone: Pacific City / Woods Low Density Residential (PCW-R1) zone (Exhibit A).

Applicant: Dallas Esplin, 11765 HWY 101 S., Tillamook, OR. 97141

Property Owner: Shawn MacDonald, 3200 NW Jenna Terrace, Portland, OR. 97229

Description of Site and Vicinity: The subject properties are rectangle in shape, no structural improvements currently sit onsite, and are vegetated with shrubs, grasses, and trees (Exhibit B). Properties abut Ridge Road to the west and Park Lane to the east, both County local access roads (Exhibit B). The subject properties are within an area primarily devoted to residential use, within the community boundary of Pacific City / Woods, zoned Low Density Residential (PCW-R1), and the surrounding areas south, east, and west are also zoned Low Density Residential (PCW-R1). Area to the north, far east, and south are zoned Pacific City / Woods Park (PCW-P) and area to the west is zoned Recreational Management (RM) (Exhibit A). Topography of the subject property varies but is generally sloped downwards from Ridge Road towards Park Lane (Exhibit B).

The subject properties are located within an area of Geologic Hazard, do not contain any mapped wetlands or natural features as indicated on the NWI map, and are not located within an Area of Special Flood Hazard as depicted on FEMA Flood Insurance Rate Map (FIRM) Panel #41057C0855F (Exhibit A).

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

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

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

- A. Land Division Ordinance Section 070: Preliminary Plat Approval Criteria
- B. Land Use Ordinance Section 3.332: Pacific City / Woods Low Density Residential (PCW-R1) Zone
- C. Land Use Ordinance Section 4.130: Development Requirements for Geologic Hazard Areas

III. ANALYSIS:

Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on September 3, 2021. Various comments were received by Department of State Lands, Tillamook County Public Works, Nestucca Rural Fire Protection District and neighboring property owners (Exhibit C).

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

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

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

Findings: Applicability of the Pacific City / Woods Low Density Residential (PCW-R1) Zone is addressed below. Plat and submitted supplemental information confirm 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: Staff finds that the proposed partition maintains frontage on the existing County local access roads, Ridge Road and Park Lane (Exhibit B). A Condition of Approval has been set for the Applicant to continue establishing an approved road approach with the Tillamook County Public Works Department.

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

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

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

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

Findings: The subject properties are served by the Pacific City Joint Water-Sanitary Authority. Service letters were provided in the Applicant's submittal, confirming service availability to the areas (Exhibit B).

The subject properties are served by the Nestucca Rural Fire Protection District, Tillamook County Public Works, and Tillamook People's Utility District.

Staff finds that the criteria above are met or can be met through the Conditions of Approval which also requires the property owner to obtain all Federal, State, and Local permits, as applicable prior to development.

B. Land Use Ordinance Section 3.332: Pacific City / Woods Low Density Residential (PCW-R1) Zone

(4) STANDARDS: Land divisions and development in the PCW-R1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

(a) The minimum lot size for permitted uses shall be 7,500 square feet, except that the minimum lot size for a two-family dwelling shall be 10,000 square feet. Where public sewers are not available, the County Sanitarian may require lot sizes greater than the minimum if necessary for the installation of adequate on-site subsurface sewage disposal systems.

.....

(c) The minimum lot width shall be 60 feet.

(d) The minimum lot depth shall be 75 feet.

.....

(j) Creation of new lots or parcels, and construction on existing lots or parcels, shall only be allowed if water availability and sewer service or adequate on-site sanitation are provided, as follows:

1. Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.
2. If sewer service is available, as defined in OAR 340-071-061(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
3. If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for:
 - (i) each lot or parcel prior to lot or parcel creation through partition or subdivision process: in some cases, on-site sanitation may require larger lot sizes than the minimum allowed by the zone:
 - (ii) building permit approval for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.

.....

Findings: The Preliminary Plat depicts the size, lot width and lot depth of the proposed partition (Exhibit B). Lot width and depth minimums conform to the PCW-R1 standards (Exhibit B).

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

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

...

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

...

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

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

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

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 Tillamook County Land Use Ordinance and Tillamook County Land Division Ordinance. The Preliminary Partition Plat is hereby **APPROVED**, subject to the Conditions of Approval listed below.

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

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. In such cases, forms and fees must be filed in the office of this Department before **4:00 PM on November 16, 2021**.

V. CONDITIONS OF APPROVAL:

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

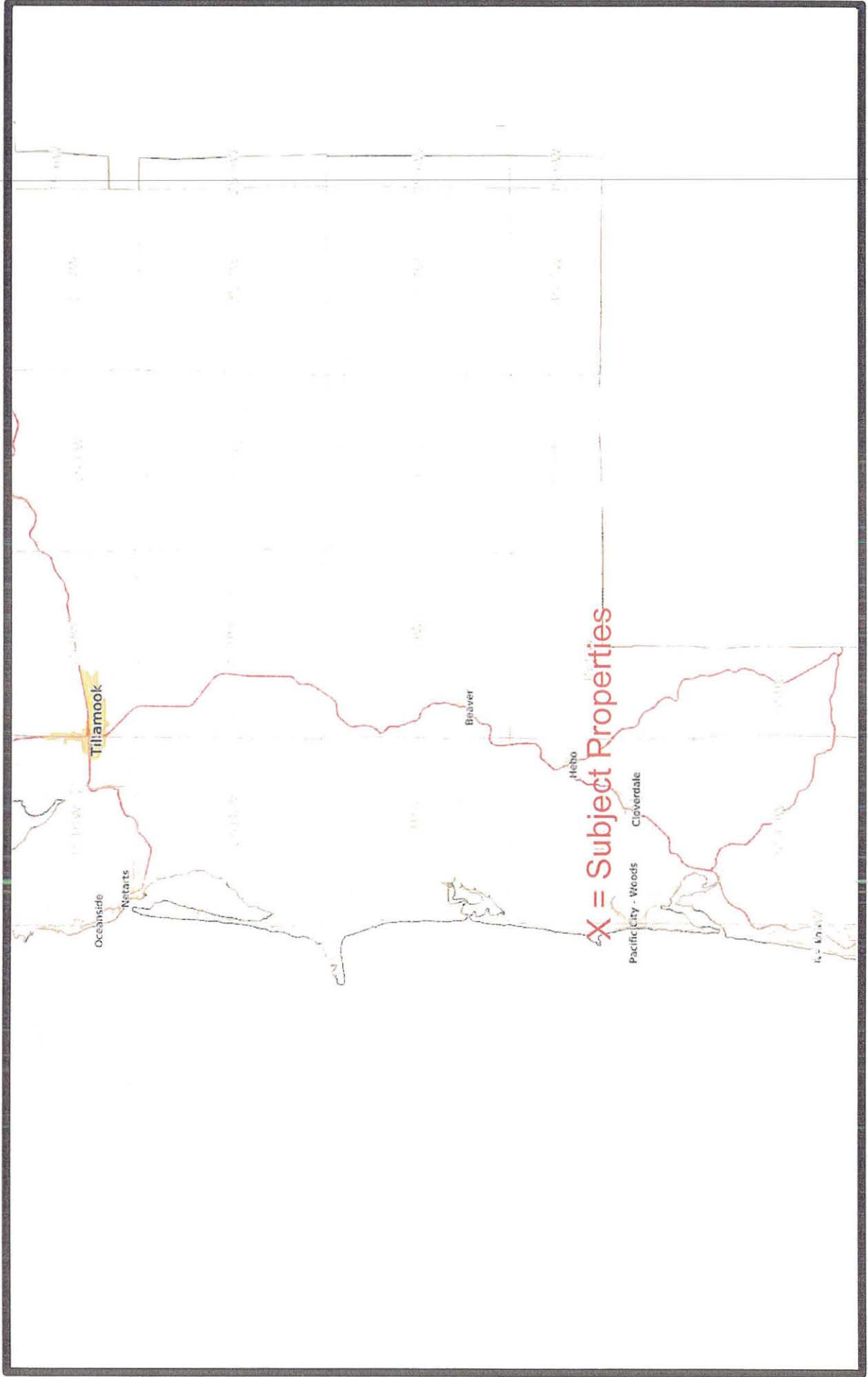
1. The applicant and property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant and property owner shall obtain a letter from the Tillamook County Public Works Department confirming an approved Road Approach via Ridge Road, or Park Lane, is adequate and that all necessary improvements have been completed. The letter shall be provided to the Department of Community Development at the time of future development.
3. The applicant and property owner shall comply with all requirements of the Tillamook County Surveyor's Office.
4. 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.
5. The applicant and property owner shall record the Final Plat within ninety (90) days from the date of final signature of the partition plat.
6. Future development of the subject property shall comply with the development standards required by TCLUO Section 3.332: Pacific City / Woods Low Density Residential (PCW-R1) Zone.
7. Future development of the subject property is subject to the standards required by TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.

VI. EXHIBITS

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

EXHIBIT A

VICINITY Map

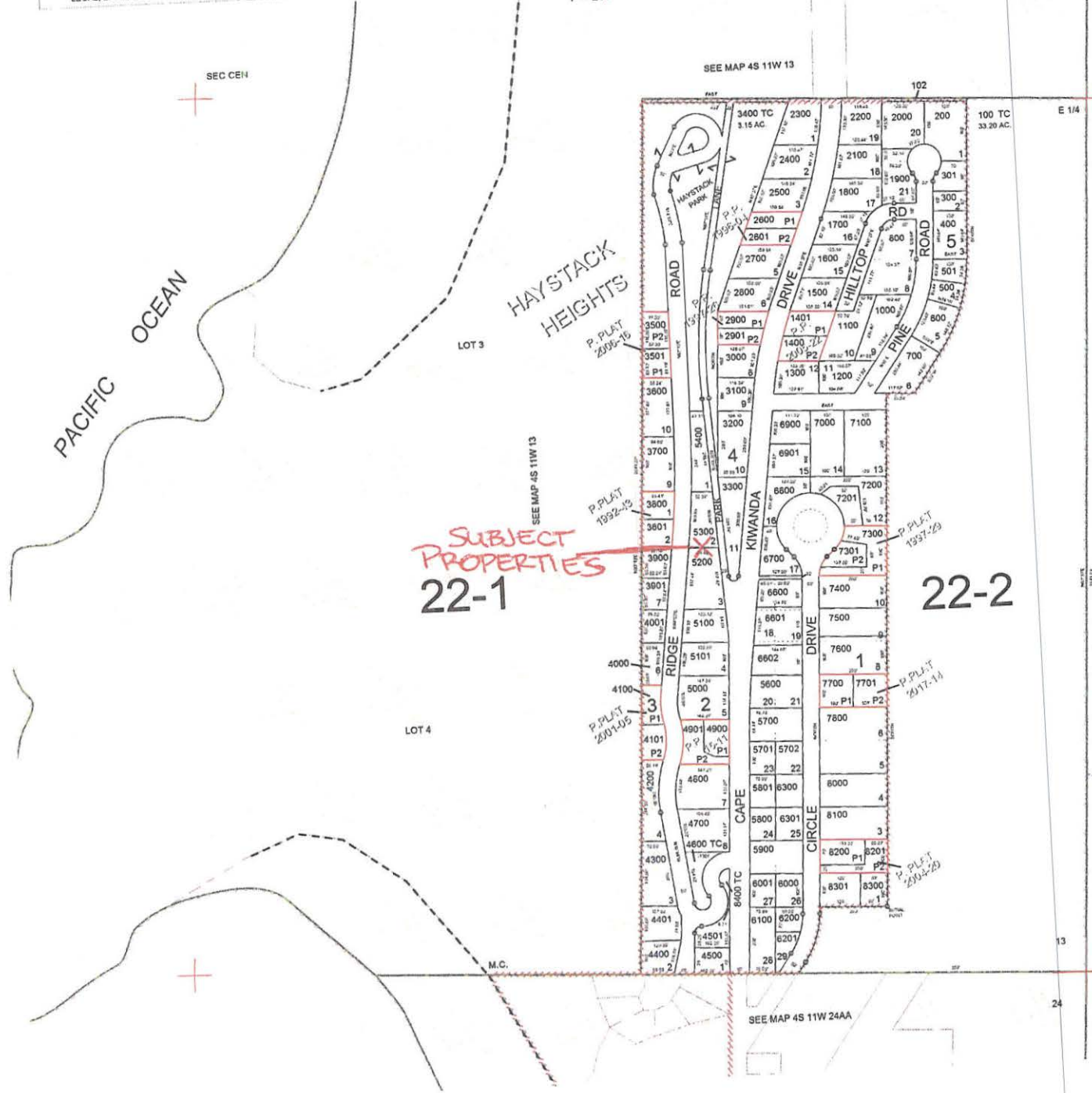


FOR ASSESSMENT AND TAXATION ONLY. NOT SUITABLE FOR LEGAL, ENGINEERING, OR SURVEY PURPOSES

S.E. 1/4 SEC. 13 T.4S. R. 11W. W.M.
Tillamook County
1" = 200'

04S11W13D
HAYSTACK HEIGHTS

CANCELLED:
900
2301
5500
6400
6500
7900
101

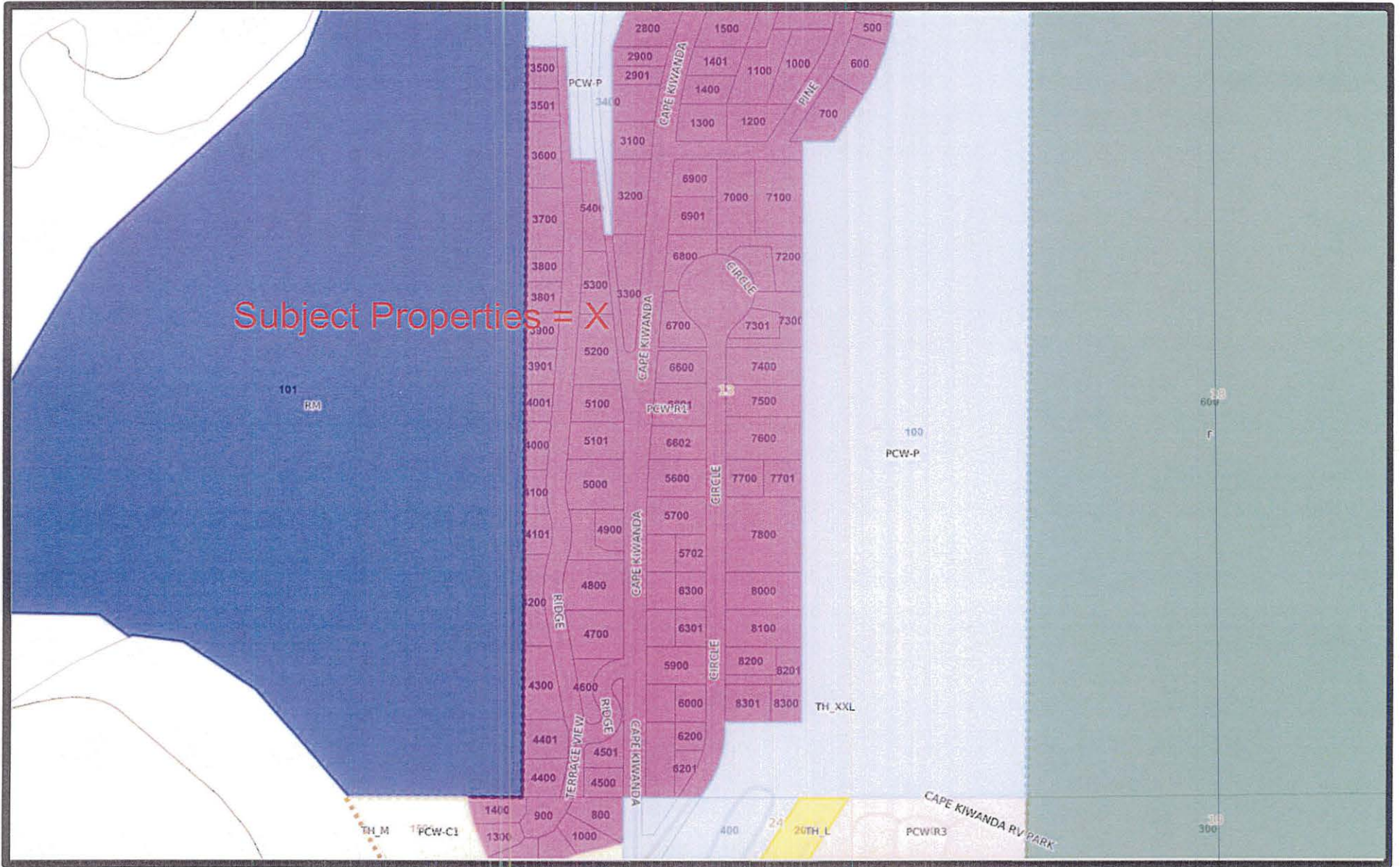


SUBJECT PROPERTIES
22-1

22-2

HAYSTACK HEIGHTS
04S11W13D
REVISED 08/17/16, WS

Map



Generated with the GeoMOOSE Printing Utilities

National Flood Hazard Layer FIRMette



123°58'33"W 45°13'30"N



Legend

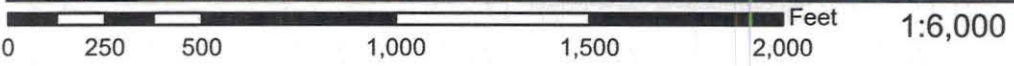
SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | | |
|------------------------------------|--|--|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
Zone A, V, A99 |
| | | With BFE or Depth Zone AE, AO, AH, VE, AR |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with draining areas of less than one square mile Zone I |
| | | Future Conditions 1% Annual Chance Flood Hazard Zone X |
| | | Area with Reduced Flood Risk due to Levee. See Notes. Zone X |
| | | Area with Flood Risk due to Levee Zone D |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard Zone X |
| | | Effective LOMRs |
| | | Area of Undetermined Flood Hazard Zone |
| GENERAL STRUCTURES | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |
| OTHER FEATURES | | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation |
| | | 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation |
| | | 8 Coastal Transect |
| | | 513 Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| 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.

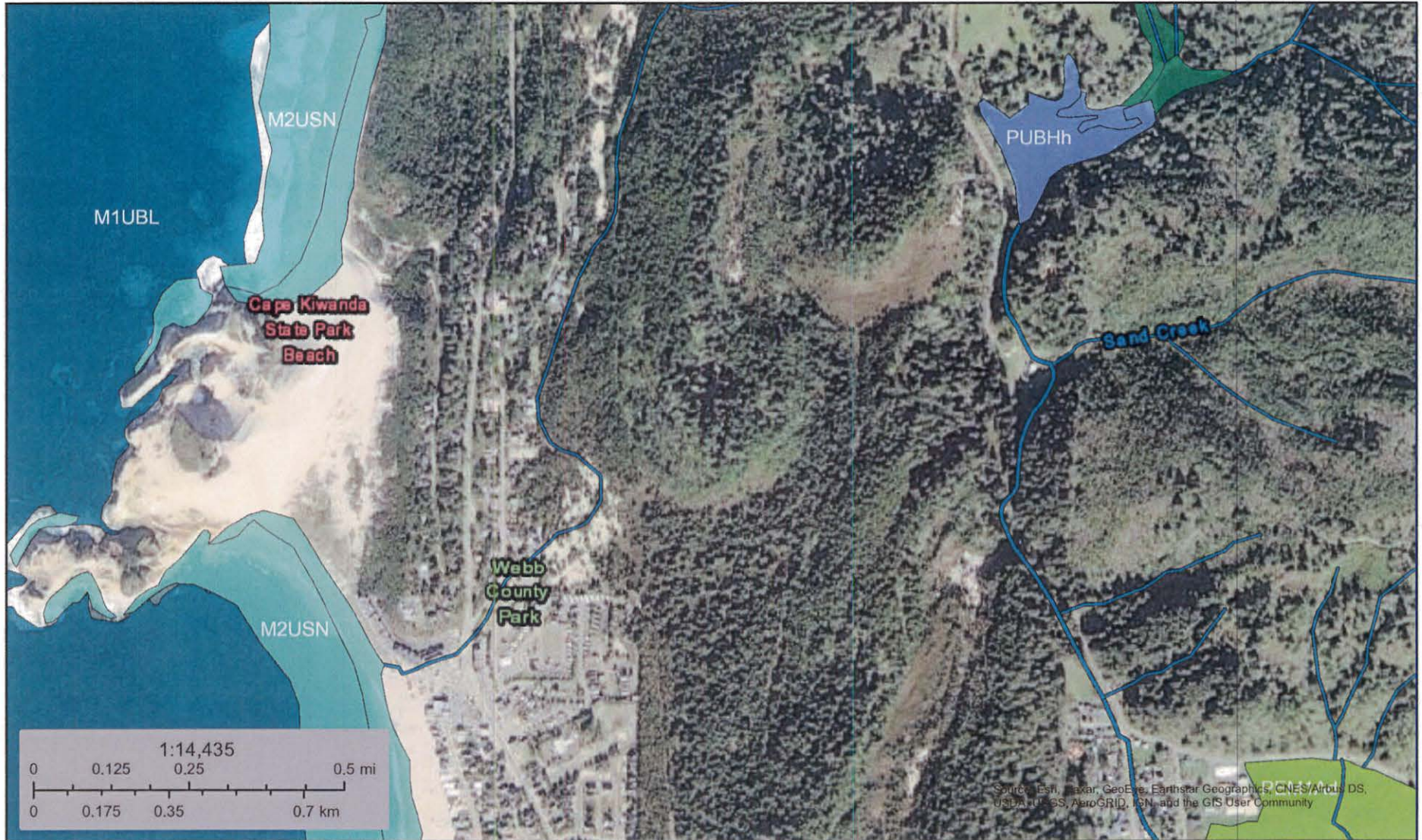
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/18/2021 at 5:08 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°57'55"W 45°13'4"N



October 18, 2021

Wetlands

- | | | | | | |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland |  | Lake |
|  | Estuarine and Marine Wetland |  | Freshwater Forested/Shrub Wetland |  | Other |
| | |  | Freshwater Pond |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

EXHIBIT B



LAND DIVISION APPLICATION

OFFICE USE ONLY
Date Stamp
RECEIVED
JUL 27 2021
BY: <u>Email</u>
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by: <u>ADA</u>
Receipt #:
Fees: <u>\$ 409.00</u>
Permit No: 851-21-000300-PLNG

Applicant (Check Box if Same as Property Owner)

Name: DALLAS ESPLIN Phone: 503-842-5551
 Address: 11765 HWY 101 SOUTH
 City: TILLAMOOK State: OR Zip: 97141
 Email: BAYSIDESURVEYING@GMAIL.COM

Property Owner

Name: SHAWN MACDONALD Phone: (503) 853-4144
 Address: 3200 NW Jenna Terrace
 City: Portland State: OR Zip: 97229
 Email: NWSTEELHEADER@HOTMAIL.COM

Location:

Site Address: N/A

Map Number: 4S 11 13-D 5200 & 5300
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))

General Information

- | | | |
|--|--|--|
| <input type="checkbox"/> For subdivisions, the proposed name. | <input type="checkbox"/> Parcel zoning and overlays | <input type="checkbox"/> Fifteen (15) legible "to scale" hard copies |
| <input type="checkbox"/> Date, north arrow, scale of drawing. | <input type="checkbox"/> Title Block | <input type="checkbox"/> One digital copy |
| <input type="checkbox"/> Location of the development sufficient to development sufficient to define its location, boundaries, and a legal description of the site. | <input type="checkbox"/> Clear identification of the drawing as "Preliminary Plat" and date of preparation | |
| | <input type="checkbox"/> Name and addresses of owner(s), developer, and engineer or surveyor | |

Existing Conditions

- | | | |
|---|---|--|
| <input type="checkbox"/> Existing streets with names, right-of-way, pavement widths, access points. | <input type="checkbox"/> 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 | <input type="checkbox"/> Other information:
_____ |
| <input type="checkbox"/> Width, location and purpose of existing easements | <input type="checkbox"/> The location and elevation of the closest benchmark(s) within or adjacent to the site | _____ |
| <input type="checkbox"/> The location and present use of all structures, and indication of any that will remain after platting. | <input type="checkbox"/> Natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes and tide flats | _____ |
| <input type="checkbox"/> 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 | <input type="checkbox"/> For any plat that is 5 acres or larger, the Base Flood Elevation, per FEMA Flood Insurance Rate Maps | _____ |
| <input type="checkbox"/> Location of all existing subsurface sewerage systems, including drainfields and associated easements | | _____ |

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

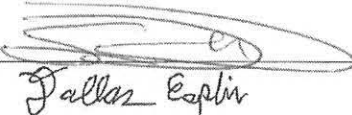
Certificates:

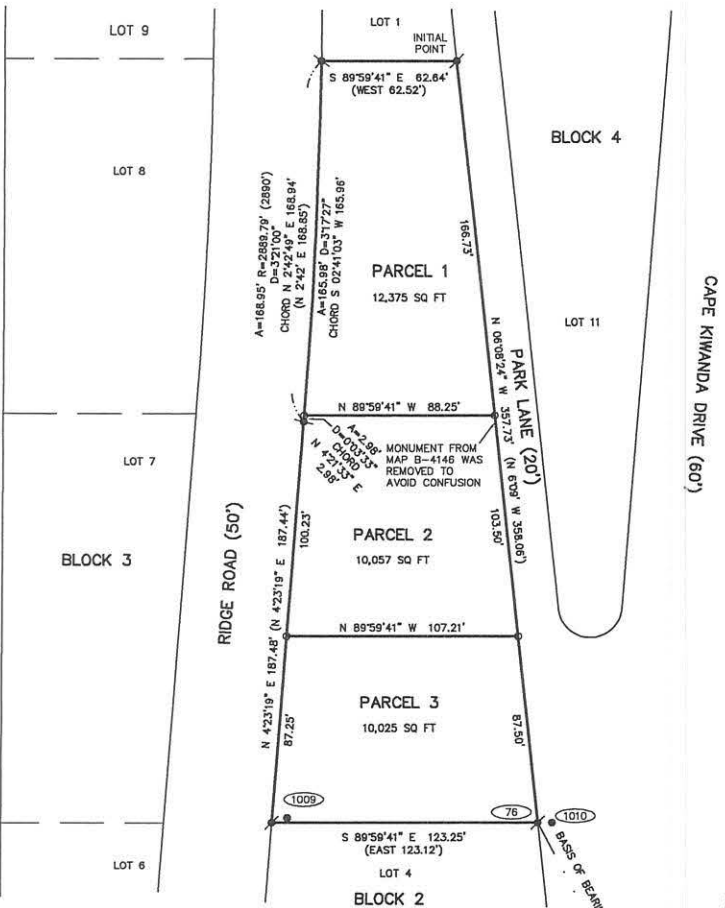
- Title interest & consent Water
- Dedication for public use Public Works
- Engineering/Survey

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.

 Applicant Signature	Date JULY 21, 21
Property Owner (*Required)	Date July 21, 2021



PARTITION PLAT 2022-

SURVEYOR'S CERTIFICATE

I, DALLAS W ESPLIN, CERTIFY THAT:

I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS (PARCEL 1, 2, AND 3), THE LAND REPRESENTED ON THE ATTACHED PARTITION PLAT, BEING LOTS 2 AND 3, BLOCK 2, HAYSTACK HEIGHTS, TILLAMOOK COUNTY PLAT RECORDS. THE INITIAL POINT OF WHICH IS A 5/8" REBAR AT THE NORTHEAST CORNER OF LOT 2.

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT SHAWN MACDONALD, IS THE OWNER OF THE LAND REPRESENTED ON THE ANNEXED MAP AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND HAS CAUSED THE SAME TO BE SURVEYED AND PARTITIONED INTO THREE (3) PARCELS AS SHOWN ON THE ANNEXED MAP.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Dallas Esplin
OREGON
DECEMBER 3, 2014
DALLAS W. ESPLIN
83627
RENEWS: DECEMBER 31, 2021

SHAWN MACDONALD

ACKNOWLEDGMENT

STATE OF OREGON v
COUNTY OF TILLAMOOK v s.s.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____, 2022 BY (SHAWN MACDONALD).

(SIGN) _____ (PRINT)

NOTARY PUBLIC - OREGON

COMMISSION NO. _____
MY COMMISSION EXPIRES: _____ DAY OF _____, 20____

APPROVALS

APPROVED AS PARTITION, 851

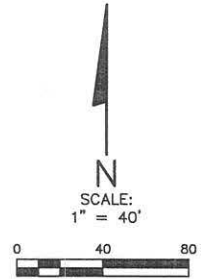
TILLAMOOK COUNTY DEPT. OF COMMUNITY DEVELOPMENT _____ DATE _____

APPROVED THIS _____ DAY OF _____, 2022.

TILLAMOOK COUNTY SURVEYOR

TAXES HAVE BEEN PAID IN FULL TO JUNE 30, 2022.

TILLAMOOK COUNTY TAX COLLECTOR



NARRATIVE

THIS IS A DEPENDENT SURVEY OF LOTS 2 AND 3, BLOCK 2, HAYSTACK HEIGHTS, TILLAMOOK COUNTY PLAT RECORDS, SEE MAP C-174, TILLAMOOK COUNTY SURVEY RECORDS. THE PURPOSE OF THIS SURVEY IS TO PARTITION THE TRACTS INTO THREE (3) PARCELS AS SHOWN HEREON. FOR BOUNDARY RESOLUTION SEE MAP B-4146, TILLAMOOK COUNTY SURVEY RECORDS.

BASIS OF BEARINGS

THE BASIS OF BEARINGS IS NORTH AS DETERMINED BY G.P.S. OBSERVATIONS USING THE OREGON COAST ZONE COORDINATE SYSTEM. THIS GIVES A BEARING OF NORTH 27°51'51" WEST BETWEEN MONUMENTS 18112 AND 76.

OREGON COORDINATE REFERENCE SYSTEM OREGON COAST ZONE

OBLOQUE MERCATOR PROJECTION
NORTH AMERICAN DATUM OF 1983
LATITUDE OF LOCAL ORIGIN: 44°45'00" N
LONGITUDE OF LOCAL ORIGIN: 124°03'00" W
FALSE NORTHING: -4,600,000.000 METERS
FALSE EASTING: -300,000.000 METERS
SKEW AXIS SCALE: 1,000 000 (EXACT)
SKEW AXIS AZIMUTH AT LOCAL ORIGIN: +5°00'00"
(THE ABOVE INFORMATION IS RECORD FROM "OREGON COORDINATE REFERENCE SYSTEM HANDBOOK AND MAP SET", VERSION 3.01 2-28-2017, APPENDIX A, PAGE A-52, SEE 000T RECORDS)

LEGEND

- SET 5/8" X 40" REBAR WITH PLASTIC CAP MARKED "DALLAS ESPLIN L2 83627"
- ⊗ FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "DALLAS ESPLIN L2 83627", SEE MAP B-4146, AT POSITION
- FOUND MONUMENT AS NOTED HEREON, HELD UNLESS NOTED OTHERWISE
- () RECORD VALUE FROM PLAT OF HAYSTACK HEIGHTS, MAP C-174
- NO () MEASURED VALUE

MONUMENT NOTES

- (1009) FOUND 5/8" X 40" REBAR WITH PLASTIC CAP MARKED "RLS 1285", FLUSH WITH GRADE, N 72°20'13" E 3.75' FROM POSITION, SEE MAP A-5656, NOT HELD
- (1010) FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "RLS 1285", FLUSH WITH GRADE, S 89°38'02" E 3.31' FROM POSITION, SEE MAP A-5656, NOT HELD
- (18112) FOUND TILLAMOOK COUNTY BRASS CAP IN CONCRETE, STAMPED "INT PT HAYSTACK HEIGHTS 1989", HAT SECTION SOUTH 1.65', SEE REWINNETH BOOK 6, PAGE 417, HELD FOR INITIAL POINT OF HAYSTACK HEIGHTS

CERTIFICATE OF COUNTY CLERK

STATE OF OREGON v
COUNTY OF TILLAMOOK v s.s.

I, TASSI O'NEIL, DO HEREBY CERTIFY THAT I AM THE QUALIFIED CLERK OF TILLAMOOK COUNTY, OREGON AND THAT THIS COPY OF PARTITION PLAT NO. _____ IS THE FULL, COMPLETE AND TRUE COPY OF THE ORIGINAL PLAT OF SAME, AS RECORDED IN PLAT CABINET B - _____ OF PARTITION PLAT RECORDS OF TILLAMOOK COUNTY, OREGON. RECORDED _____, 2022 AT _____ O'CLOCK, AS INSTRUMENT NO. _____.

TASSI O'NEIL

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

DALLAS W ESPLIN, PLS 83627

CERTIFICATE OF COUNTY CLERK

STATE OF OREGON v
COUNTY OF TILLAMOOK v s.s.

I HEREBY CERTIFY THAT I AM THE QUALIFIED CLERK OF TILLAMOOK COUNTY AND THAT THIS PARTITION PLAT WAS RECEIVED FOR RECORD ON THE _____ DAY OF _____, 2022 AT _____ O'CLOCK, AND RECORDED AS PARTITION PLAT NO. _____ IN PLAT CABINET B- _____, TILLAMOOK COUNTY RECORDS AS INSTRUMENT NO. _____.

BY: TASSI O'NEIL, COUNTY CLERK

SURVEY BY:
BAYSIDE SURVEYING LLC
11765 HWY 101 SOUTH
TILLAMOOK, OR 97141
503-842-5551

PARTITION PLAT FOR:
SHAWN MACDONALD
REPLAT OF LOTS 2-3, BLOCK 2,
HAYSTACK HEIGHTS,
TILLAMOOK COUNTY PLAT RECORDS
SE 1/4 SECTION 13, T4S, R11W, W.M.
TILLAMOOK COUNTY, OREGON

PAR\MACDONL.DWG
MCDONALD-SH.CR5

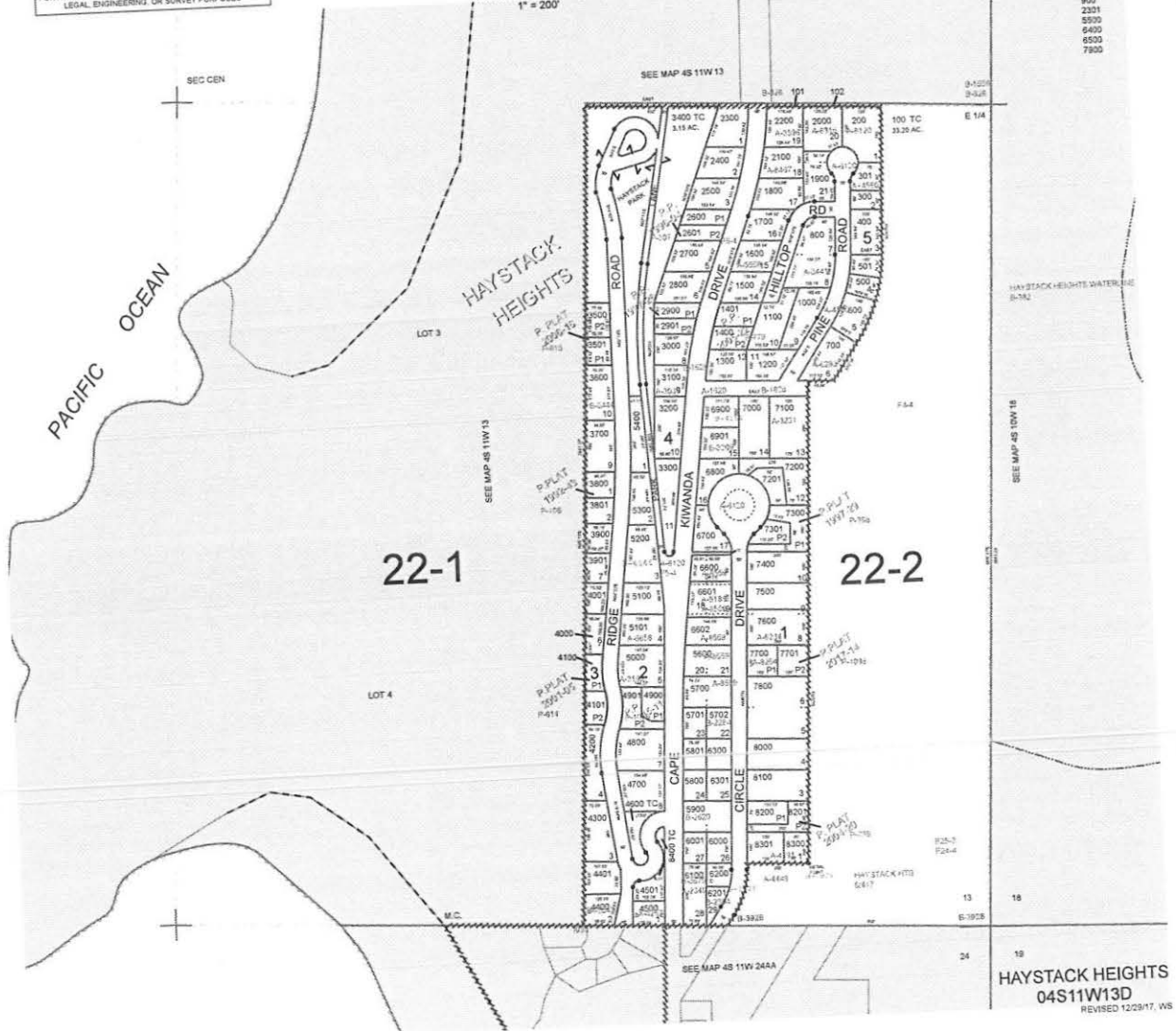
DATE	EQUIPMENT	FIELD	DRAWN	CHECKED	JOB NUMBER
DATE	FC-6000 HYPER-V, ES-103	DCA/	DWE	DWE	#223

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

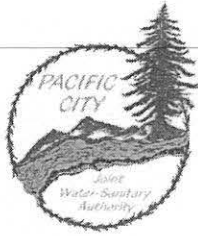
S.E.1/4 SEC.13 T.4S. R.11W. W.M.
Tillamook County
1" = 200'

04S11W13D
HAYSTACK HEIGHTS

CANCELLED
900
2301
5500
6400
6500
7800



HAYSTACK HEIGHTS
04S11W13D
REVISED 12/28/17, WS



Pacific City Joint Water-Sanitary Authority
PO Box 520, Pacific City, OR 97135
503-965-6636

Date: July 22, 2021

To: Tillamook County

RE: Water/Sewer Availability

I confirm that Water and Sewer are available to the following lot(s) within our District:

Township: 4S Range: 11 Section: 13D Tax Lot: 05200

According to our records, the legal owner is:

MACDONALD, SHAWN

Comments:

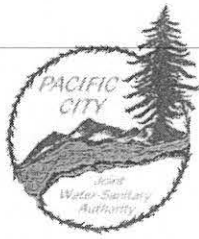
None

This letter is valid for two years from the date of issue.

Rachelle DeLoe

Rachelle DeLoe
Executive Assistant

Cc: Tax lot file



Pacific City Joint Water-Sanitary Authority
PO Box 520, Pacific City, OR 97135
503-965-6636

Date: July 22, 2021

To: Tillamook County

RE: Water/Sewer Availability

I confirm that Water and Sewer are available to the following lot(s) within our District:

Township: 4S Range: 11 Section: 13D Tax Lot: 05300

According to our records, the legal owner is:

MACDONALD, SHAWN

Comments:

None

This letter is valid for two years from the date of issue.

Rachelle DeLoe

Rachelle DeLoe
Executive Assistant

Cc: Tax lot file



FIRST AMERICAN 3284555

After recording return to:
Shawn MacDonald
3200 Northwest Jenna Terrace
Portland, OR 97229

Until a change is requested all tax
statements shall be sent to the
following address:
Shawn MacDonald
3200 Northwest Jenna Terrace
Portland, OR 97229

File No.: 7081-3284555 (DR)
Date: July 23, 2019

THIS SPACE RESERVED FOR RECORDER'S USE

Tillamook County, Oregon
08/07/2019 08:59:00 AM **2019-04633**
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

STATUTORY WARRANTY DEED

Richard E. Dahlin, Trustee for the Restated Richard E. Dahlin Trust dated March 17, 1997, restated October 13, 2003, who acquired title as Richard E. Dahlin, Trustee under the trust agreement dated March 17, 1997 and Phyllis J. Dahlin, trustee for the Restated Phyllis J. Dahlin Trust dated March 17, 1997, restated October 13, 2003, who acquired title as Phyllis J. Dahlin, Trustee under trust agreement dated March 17, 1997, each an undivided 50% interest, Grantor, conveys and warrants to Shawn MacDonald, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

Lots 2 and 3, Block 2, Haystack Heights, in Tillamook County, Oregon.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
2. The **2019-2020** Taxes, a lien not yet payable.

The true consideration for this conveyance is **\$65,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, 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.

Dated this 3rd day of August, 2019.

Richard E. Dahlin, Trustee of The Restated Richard E. Dahlin Trust dated March 17, 1997, restated October 13, 2003

Richard E. Dahlin, Trustee
Richard E. Dahlin, Trustee

Phyllis J. Dahlin, trustee of The Restated Phyllis J. Dahlin Trust dated March 17, 1997, restated October 13, 2003

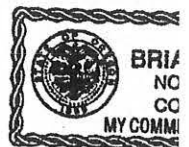
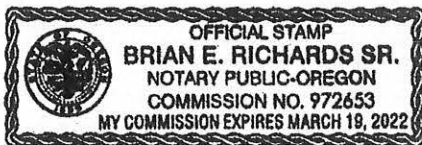
Phyllis J. Dahlin, Trustee
Phyllis J. Dahlin, Trustee

STATE OF Oregon)
County of Columbia)ss.

This instrument was acknowledged before me on this 3rd day of August, 2019 by Richard E. Dahlin as Trustee of Richard E. Dahlin, Trustee of The Restated Richard E. Dahlin Trust dated March 17, 1997, restated October 13, 2003, on behalf of the trust.

Brian E. Richards SR.

Notary Public for Oregon
My commission expires: 3/19/22



APN: 243800

Statutory Warranty Deed
- continued

File No.: 7081-3284555 (DR)

STATE OF Oregon)
County of Columbia)ss.

This instrument was acknowledged before me on this 3rd day of August, 2019
by Phyllis J. Dahlin as Trustee of the Phyllis J. Dahlin, trustee of The Restated Phyllis J. Dahlin Trust
dated March 17, 1997, restated October 13, 2003, on behalf of the trust.

Brian E. Richards SR.

Notary Public for Oregon
My commission expires: 3/19/22

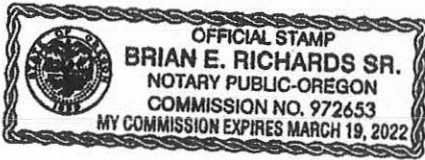


EXHIBIT C

Angela Rimoldi

From: Christoph Toth <christoph.toth@gmail.com>
Sent: Sunday, September 12, 2021 11:24 AM
To: Angela Rimoldi
Subject: EXTERNAL: Partition Request 851-21-000300_PLNG: Toth Response

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

Christoph & Michelle Toth
2326 229th Ave NE
Sammamish, 98074
WA

Planning Permit Technician, Angela Rimoldi
1510-B Third Street
Tillamook, 97141
OR

10-Sept-2021

Dear Planning Permit Technician, Angela Rimoldi

I received a notice that the Tillamook County Department of Community Development is considering a partition request to create three (3) residential parcels out of two existing parcels (Tax lots 5200 and 5300), which are directly across the street from our property on Ridge Road (our property is Tax lot 3901). The partition request has this identification: **#851-21-000300_PLNG**

Those parcels are bordered on their West side by Ridge Road, which runs North/South along their highest side, then they slope steeply downhill toward Cape Kiwanda Drive to the East. The lots occupy a steep slope. I am opposed to this action for several reasons that have to do with the topography of these lots and how it would negatively impact my property, which is directly across Ridge Road and directly up-slope.

Over the months spanning the Winter and early spring of 2021, fires were burned at the base of these properties by the developer. The smoke, would routinely flow up the hillside, then cross the road and flow directly at my property at head height. For several afternoons, we could not open doors or windows or enjoy our deck, because the smoke was wafting vigorously all around the house. I am very concerned that should those properties be developed with homes featuring wood burning fireplaces, stoves, or even if they make use of outdoor fire-pits, it would have a negative impact on the quality of our lifestyle and health. It would be made worse by the unavoidable fact that their

chimneys would likely reach their maximum height somewhere close to the top of the road, meaning right where we might be standing, sitting, walking, gardening, etc.

Furthermore, I am concerned about the potential of an uncontrolled fire, that would inevitably run up-slope directly to my property. This concern is born out of two hazards that are unique to this situation. First is the fact that we are practically physically stacked on top of each other. Any sort of unfortunate fire would unavoidably run up-slope directly toward my property. Secondly, there is the fact that water pressure on Ridge Road is notoriously low. Should a house fire or a brush fire break out, the Nestucca Rural fire department would be seriously handicapped, increasing the risks on the firefighters and calling into question whether they could deal with it effectively. I also think consideration needs to be taken of climate change and the fact that Summers are featuring more heat and less rainfall.

Lastly, I am concerned about erosion. The lots in question are very steep. The entire substrate of the ridge is sand, which has a high propensity to move. If the trees and other vegetation are removed or reduced, erosion from rain water or seismic activity could be catastrophic to the road or worse.

Sincerely,

Christoph & Michelle Toth
christoph.toth@gmail.com
(425) 941-3300

Angela Rimoldi

From: Angela Rimoldi
Sent: Friday, September 17, 2021 1:53 PM
To: Phyllis Thoreson
Subject: RE: EXTERNAL: #851-21-000300-PLNG

Hello Clifford,

Thank you for your comment submission. Your comment will be placed on record for staff to review.

Best regards,



Angela Rimoldi / Permit Technician

Tillamook County / Community Development

1510-B Third Street, Tillamook, OR. 97141

Phone (503) 842-3408 x3315

arimoldi@co.tillamook.or.us

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The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.co.tillamook.or.us/gov/ComDev/> to access the appointment scheduler portal.

From: Phyllis Thoreson <oceanfrontfun@gmail.com>
Sent: Friday, September 17, 2021 1:29 PM
To: Angela Rimoldi <arimoldi@co.tillamook.or.us>
Subject: EXTERNAL: #851-21-000300-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.]

If these lots are accessed via Ridge Road, the stability of the sand on the existing Ridge Road would be severely compromised. There were previous lots trying to be developed and they were turned down due to the accessibility for emergency vehicles and their ability to turn around. Also a study from a noted sand stabilizing professor from the University of Oregon submitted his findings on the matter (they should be in your files regarding Ridge Road).

Thank you for considering my comments.

Clifford Thoreson

Angela Rimoldi

From: Daniel.Evans@dsl.state.or.us
Sent: Wednesday, September 29, 2021 12:07 PM
To: Angela Rimoldi
Subject: EXTERNAL: WN2021-0980 Response to Local Case File #851-21-000300-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 Dallas Esplin - Shawn MacDonald. The WLUN form was submitted to the Department for review/response and given the file number WN2021-0980.

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 Notice Response

Response Page

Department of State Lands (DSL) WN# *

WN2021-0980

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Angela Rimoldi	County	Tillamook

Local case file #	County
851-21-000300-PLNG	Tillamook

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
04S	11W	13	D	5200,5300

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Tillamook

Latitude	Longitude
45.220567	-123.970257

Wetland/Waterway/Other Water Features

It is unlikely that there are jurisdictional wetlands or waterways on the property based upon a review of wetland maps, the county soil survey and other available information.

Closing Information

Additional Comments

The Statewide Wetland Inventory does not contain mapped resources on this parcel, therefore a Wetland Land Use Notification to DSL isn't required per ORS 215.418 (1).

Partition requests do not require a Wetland Land Use Notice submission to DSL per ORS 214.418 (1).

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

9/29/2021

Response by:

Daniel Evans

Response Phone:

503-986-5271

Angela Rimoldi

From: Jim Oeder <joeder@nrfpd.com>
Sent: Monday, October 25, 2021 1:59 PM
To: Angela Rimoldi
Subject: EXTERNAL: Re: Tillamook County: Partition Request / Decision (4S11-13DD-05200 + 05300)

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

I do not remember seeing this request. I would not be in favor of this without it meeting the road standards that has been presented to other applicants. Chris or Ron from public works can advise on this. If you need anything else let me know.

James Oeder
Fire Chief
Nestucca RFPD
503-392-3313 office
503-812-2422 cell
joeder@nrfpd.com

On Mon, Oct 25, 2021 at 1:48 PM Angela Rimoldi <arimoldi@co.tillamook.or.us> wrote:

Good afternoon,

I am working on the Decision for my staff report on Partition file [#851-21-000300-PLNG](#), noticed on September 3, 2021. It is to my understanding that there have been prior conversations about road access to the Ridge Rd improvements in this area. We did not receive any comments regarding this Partition request and want to circle back regarding any comments or conditions of approval we should reference; if any.

Thanks in advance,



Angela Rimoldi | Permit Technician

TILLAMOOK COUNTY | Department of Community Development

1510-B Third Street

Tillamook, OR 97141

Phone (503) 842-3408 x3315

arimoldi@co.tillamook.or.us

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Angela Rimoldi

From: Ron Newton
Sent: Tuesday, November 2, 2021 9:00 AM
To: Angela Rimoldi; Chris Laity
Subject: Re: Ridge Road Comments

Hello Angela

Sorry for the slow response, this one did get away from me.

The applicants on the subject Partition have been working with Public Works establishing approved Road Approaches to the parcels identified in the Partition.

The only requirement that Public Work would add to the work already complete would be that there will no further, or future division or development of the parcels identified in this partition.

Thank you.

Ron Newton
Engineering Tech. III
Tillamook County Public Works
Working from Home
Until Further Notice
Cell - (503) 812-1441

From: Angela Rimoldi <arimoldi@co.tillamook.or.us>
Sent: Monday, November 1, 2021 12:19 PM
To: Chris Laity <claity@co.tillamook.or.us>; Ron Newton <rnewton@co.tillamook.or.us>
Subject: Ridge Road Comments

Hello Chris and Ron,

Checking in about any comments Public Works may have in reference to the Partition file [#851-21-000300-PLNG](#)

When you get a moment, may you look into this and provide any feedback Staff would find useful prior to rendering their decision? We requested that Chief Oeder give a peak at this as well; his statement to staff was *"I would not be in favor of this without it meeting the road standards that has been presented to other applicants. Chris or Ron from public works can advise on this."*

Thanks in advance for checking this out.

Best Regards,

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)



Angela Rimoldi | Permit Technician
TILLAMOOK COUNTY | Department of Community Development
 1510-B Third Street
 Tillamook, OR 97141
 Phone (503) 842-3408 x3315
arimoldi@co.tillamook.or.us

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From: Angela Rimoldi
Sent: Monday, October 18, 2021 2:56 PM
To: Chris Laity <claity@co.tillamook.or.us>; Ron Newton <rnewton@co.tillamook.or.us>
Subject: Tillamook County: Partition Request / Decision (4S11-13DD-05200 + 05300)

Hello,

I am working on the Decision for my staff report on Partition file [#851-21-000300-PLNG](#), noticed on September 3, 2021. It is to my understanding that there have been prior conversations about road access to the Ridge Rd improvements in this area. We did not receive any comments regarding this Partition request and want to circle back with you all regarding any comments or conditions of approval we should reference; if any.

Thanks in advance,



Angela Rimoldi / Permit Technician
Tillamook County / Community Development
 1510-B Third Street
 Tillamook, OR 97141
 Phone (503) 842-3408 x3315
arimoldi@co.tillamook.or.us

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