



1510 – B Third Street
Tillamook, Oregon 97141
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 #851-22-000046-PLNG:
RUSTH / ONION PEAK DESIGN**

*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: March 23, 2022

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

#851-22-000046-PLNG: A partition request to create two (2) residential parcels. Located within the Unincorporated Community of Neah-Kah-Nie via Nehalem Road, a County road. The subject property is designated as Tax Lot 600 of Section 20DC, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County Oregon. The subject property is zoned Neahkahnne Urban Residential Zone (NK-7.5). Property owner is Miles D. Rusth. Applicant is Onion Peak Design.

Written comments received by the Department of Community Development **prior to 4:00p.m. on April 6, 2022**, 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 250 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 April 7, 2022.

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: 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.

Sincerely,

Angela Rimoldi, Planning Permit Technician

Sarah Absher, CFM, Director

Enc. Applicable Ordinance Criteria
Vicinity, Assessor and Zoning Maps

REVIEW CRITERIA

TILLAMOOK COUNTY LAND DEVELOPMENT ORDINANCE

SECTION 3.300: NEAHKAHNIE URBAN RESIDENTIAL ZONES (NK-7.5, NK-15, NK-30)

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

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

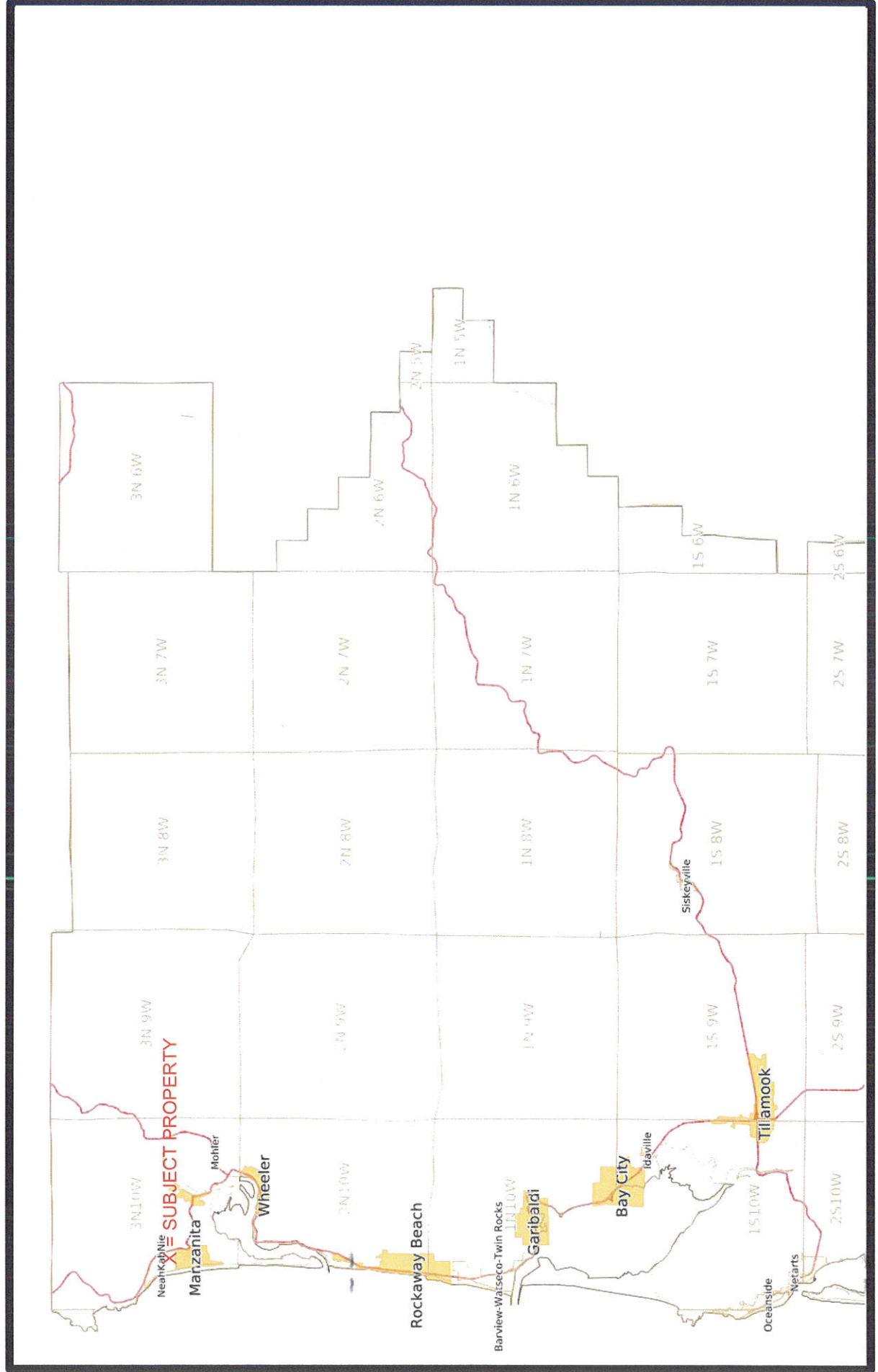
TILLAMOOK COUNTY LAND DIVISION ORDINANCE

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.

Map



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

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

TILLAMOOK COUNTY

1" = 100'



03N10W20DC

CANCELLED 1419



SEE MAP 3N 10W 20

SEE MAP 3N 10W 20DC

SEE MAP 3N 10W 20

03N10W20DC

Revised 2/25/22, WS



LAND DIVISION APPLICATION

Applicant (Check Box if Same as Property Owner)

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

Property Owner

Name: Miles D Rusth Phone: 503-546-1270
 Address: PO Box 19914
 City: Portland State: OR Zip: 97280
 Email: milesr@go-summit.com

Location:

Site Address: 9000 Nehalem Road, Nehalem, OR 97131

| | | | | |
|-------------|----------|-------|---------|------------|
| Map Number: | 3N | 10W | 20 DC | 600 |
| | 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 | | |

| OFFICE USE ONLY | |
|---|-------------------------|
| Date Stamp | RECEIVED FEB 07 2021 |
| <input type="checkbox"/> Approved <input type="checkbox"/> Denied | |
| Received by: | |
| Receipt #: | 124242 |
| Fees: | 409.- |
| Permit No: | 851-22-000046-PLNG |

Proposed Development

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

Additional Information Required for Subdivisions

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

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

Certificates:

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

Additional Information:

Authorization

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

| | |
|---|---------------------|
| <i>[Handwritten Signature]</i> | <i>02/03/2022</i> |
| <small>Property Owner (*Required)</small> | <small>Date</small> |
| <i>[Handwritten Signature] (Onion Peak)</i> | <i>2-4-22</i> |
| <small>Applicant Signature</small> | <small>Date</small> |

NOTES

THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE SUBJECT PROPERTY. THE PURPOSE OF THIS MAP IS TO SHOW THE PROPOSED PARTITION AS PER TILLAMOOK COUNTY PLANNING DEPARTMENT PROCEDURES. PUBLIC WATER AND SEWER ARE AVAILABLE THROUGH PUBLIC SYSTEMS LOCATED WITHIN FERN WAY. THE EXISTING SHOP ON PROPOSED PARCEL 1 WILL BE REMOVED PRIOR TO FILING OF THE FINAL PLAT (T.B.R.).

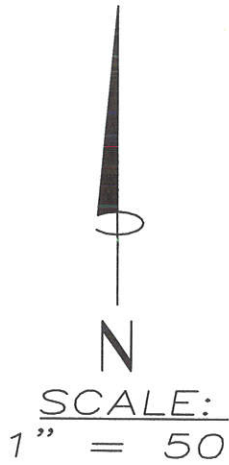
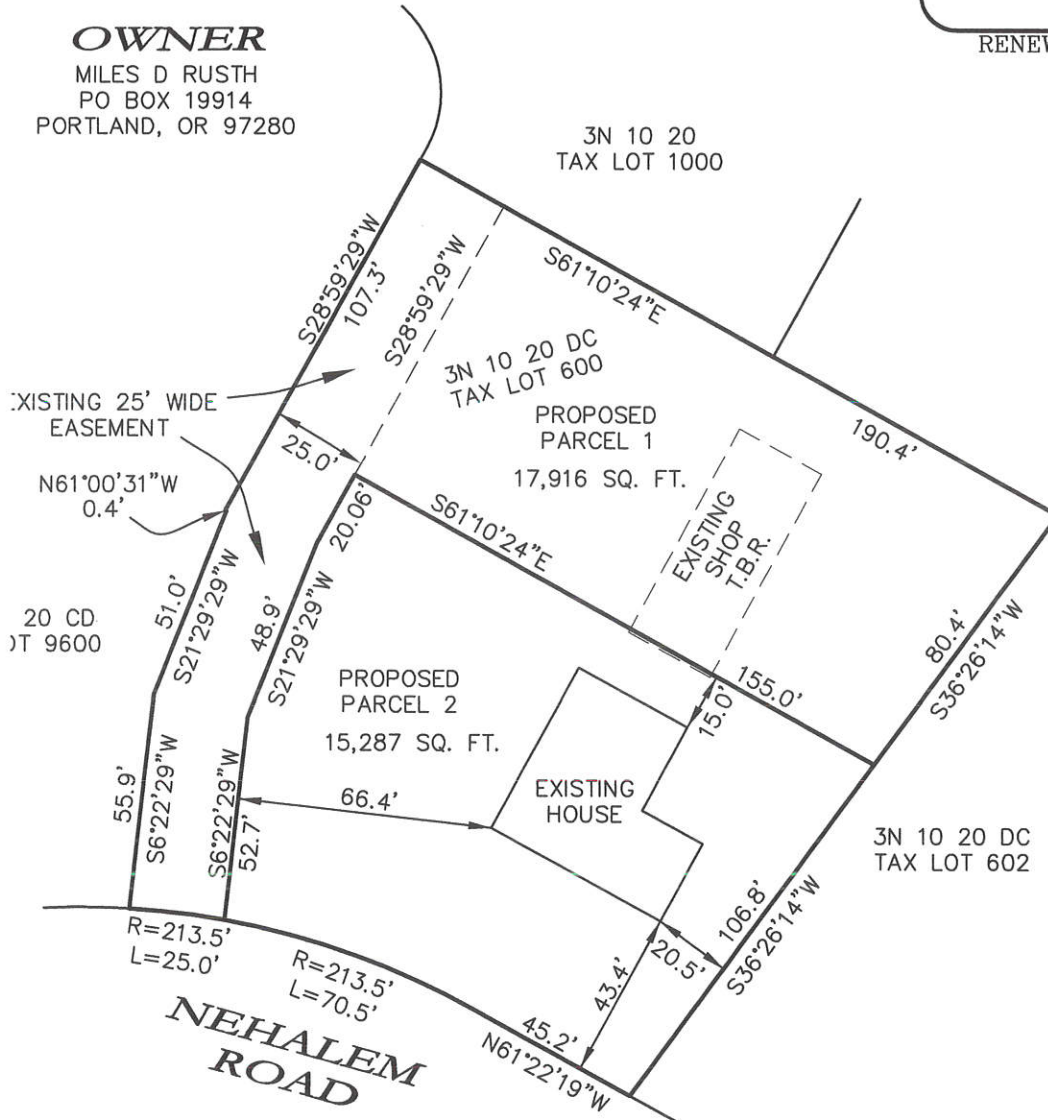
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Erick M. White

OREGON
APRIL 28, 2014
ERICK M. WHITE
78572

RENEWS 6/30/2022

OWNER
MILES D RUSTH
PO BOX 19914
PORTLAND, OR 97280



TENTATIVE PARTITION FOR:
MILES D. RUSTH

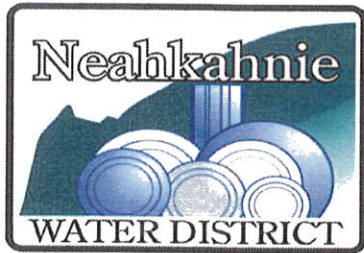
RECEIVED
FEB 07 2022
BY:

**ONION PEAK
DESIGN**
11460 EVERGREEN WAY
NEHALEM, OR 97131
(503) 440-4403

3N 10 20 DC
TAX LOT 600

SE 1/4, SECTION 20, T3N, R10W, W.M.
TILLAMOOK COUNTY
FEBRUARY 4, 2022

PFEIFER2201-EX.DWG



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

DATE: March 3, 2022

TO: Tillamook County One-Stop Permit Counter

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

FROM: Neahkahnie Water District

Re: Water Availability Letter – Miles D. Rusth

Dear Sir/Madame,

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

Township: 3N Range: 10 Section: 20DC Tax lot(s): 600

According to our records, the legal owner is: Miles D. Rusth

PO Box 19914 Portland, OR 97280

COMMENTS: Street number not yet assigned - pending

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


Carrie Mock

General Manager
Signature and Title of Authorized Representative

503-368-7309
Phone

C: property owner, and Architect

RECORDING REQUESTED BY:



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

Tillamook County, Oregon
10/20/2021 11:57:59 AM 2021-08793
DEED-DPERS
\$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

GRANTOR'S NAME:
Darren Stewart as Personal Representative for the Estate of Tedd
Michael Stewart

GRANTEE'S NAME:
Miles D. Rusth

AFTER RECORDING RETURN TO:
Miles D. Rusth
P.O. Box 19914
Portland, OR 97280

SEND TAX STATEMENTS TO:
Miles D. Rusth
P.O. Box 19914
Portland, OR 97280

121086 and 3N10 20DC 00800
9000 Nehalem Road, Nehalem, OR 97131

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PERSONAL REPRESENTATIVE'S DEED

Darren Stewart, the duly appointed, qualified and acting personal representative of the estate of Tedd Stewart, deceased, pursuant to proceedings filed in Circuit Court for Tillamook County, Oregon, Case No. 20PB07391, Grantor, conveys to Miles D. Rusth, Grantee, all the estate, right and interest of the above named deceased at the time of the deceased's death, and all the right, title and interest that the above named estate of the deceased by operation of law or otherwise may have acquired afterwards, in and to the following described real property:

Commencing at an iron pipe at the intersections of the centerline of Hillcrest Road and Nehalem Road in the Townsite of Neah-Kah-Nie Mountain, Tillamook County Plat Records;
thence North 61° 54' East (equals North 62° 09' East on the meridian of the Plat of Neah-Kah-Nie Mountain) 385.8 feet;
thence on a curve to the right 192.5 feet, with a radius of 193.5 feet (angle of 57° 00');
thence on a tangent South 61° 06' East 227.2 feet;
thence North 28° 54' East 20 feet to an iron pipe at the Southeast corner of a tract of land conveyed by S. G. Reed to Pleasant E. Allen recorded in Book 42, page 370, Tillamook County Records;
thence North 61° 06' West 182.00 feet to a 5/8" iron bar with plastic cap, which point is the true point of beginning of the tract to be described;
thence North 36° 30' East 187.23 feet to a 5/8" iron bar with plastic cap;
thence North 61° 06' West 190.57 feet to a point on the East line of that tract conveyed to Omer C. Bartholomew by Deed recorded November 26, 1948 in Book 116, page 50, Tillamook County Records;
thence South 28° 54' West along the East line of said Bartholomew tract 104.34 feet;
thence South 61° 06' East 0.37 feet to a 3/4" iron pipe;
thence South 21° 24' West 51.00 feet;
thence South 6° 17' West 55.87 feet to a point on the Northerly right of way line of Nehalem Road;
thence 95.22 feet along the arc of a 213.50 foot radius curve to the right, the chord of which bears South 73° 52' 39" East 94.44 feet;
thence South 61° 06' East 45.20 feet to the point of beginning.

The true consideration for this conveyance is No Dollars And No/100 Dollars (\$525,000.00).

Subject to:

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

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



RECORDED BY TICOR
TITLE INS. CO. 2/10/2021 10:31

PERSONAL REPRESENTATIVE'S DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Estate of Tedd Michael Stewart

By: *Darren Stewart*
Darren Stewart, Personal Representative

10/18/2021
Date

State of WA
County of King

This instrument was acknowledged before me on 10/18/2021 by Darren Stewart, as Personal Representative for the Estate of Tedd Michael Stewart.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 5/4/2024

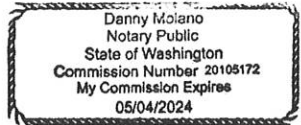


EXHIBIT "A"
Exceptions

Subject to:

Rights of the public to any portion of the Land lying within the area commonly known as Nehalem Road.

Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: December 3, 1920
Recording No: Book 42, page 370

Agreement for Easement, including the terms and provisions thereof,

Executed by: Charles L. Stewart and Lois R. Stewart; and Helen Patti
Recording Date: October 3, 1985
Recording No.: Book 300, page 732
Affects: Reference is hereby made to said document for full particulars

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in Deed:

Granted to: David G. Gillis and Jane L. Gillis
Purpose: Ingress and egress
Recording Date: October 19, 1988
Recording No: Book 318, page 302
Affects: Reference is hereby made to said document for full particulars