



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

**PARTITION REQUEST #851-23-000017-PLNG:
FERN ONE, LLC / 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*

**NOTICE OF ADMINISTRATIVE REVIEW
Date of Notice: February 17, 2023**

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

#851-23-000017-PLNG: A Partition request to create three (3) parcels. Located at Tax Lot 2200 of Section 28DD, Township 3 North, Range 10 West on a property zoned Nehalem Medium Density Residential (NH-R2). The subject property is accessed via Fern Way, a county-maintained road. The owner is Fern One, LLC and the applicant is Onion Peak Design.

Written comments received by the Department of Community Development **prior to 4:00p.m. on March 3, 2023**, 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 parcel 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. A decision will be rendered no sooner than March 6, 2023.

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 or email: arimoldi@co.tillamook.or.us

Sincerely,

Angela Rimoldi, Planning Permit Technician

Sarah Absher, CFM, Director

Included: Applicable Ordinance Criteria
Vicinity, Assessor and Zoning Maps

REVIEW CRITERIA

NEHALEM, OR - CODE OF ORDINANCES

CHAPTER 157 ZONING

City of Nehalem Zoning Ordinance 157.080 Medium Density Residential -R2 Zone Standards:

- (a) The minimum lot size shall be 5,000 square feet for a single-family dwelling, plus 2,500 square feet for each additional dwelling unit.
- (b) The minimum lot width shall be 40 feet; except on a corner lot, it shall be 60 feet.
- (c) The minimum lot depth shall be 85 feet.
- (d) The minimum front yard shall be 20 feet.
- (e) The minimum side yard shall be 5 feet; except on the street side of a corner lot, it shall be 15 feet.
- (f) The minimum rear yard shall be 20 feet; except on a corner lot, it may be 5 feet.

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CHAPTER 156 SUBDIVISIONS

MINOR LAND PARTITION

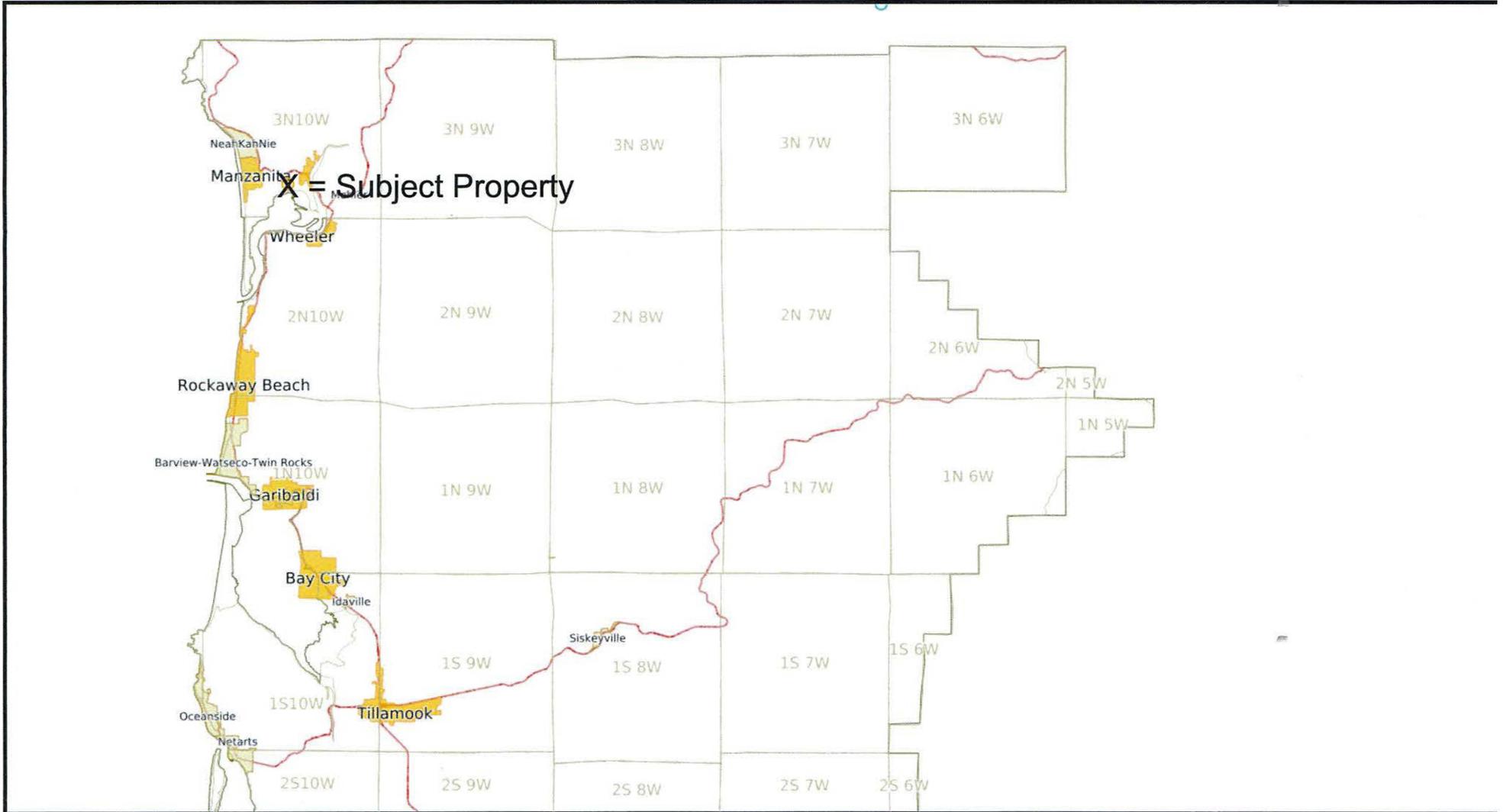
- 156.065 MINIMUM STANDARDS
- 156.066 INITIAL SUBMISSION
- 156.067 INFORMATION ON MAP
- 156.068 REVIEW AND APPROVAL

DESIGN STANDARDS

- 156.080 GENERAL REQUIREMENTS
- 156.081 STREETS
- 156.082 UTILITY EASEMENTS
- 156.083 BUILDING SITES



Tillamook County GIS



Created: Tue Feb 14 2023-16:21:12

Active Layers: County_Boundary, Fed_state_highways, citylimit, community_polygon, TaxlotOwner, Township_Range_Section, Road_Centerline

Extent: -13815415.855792, 5685458.1294277, -13695562.595458, 5748518.6777541

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

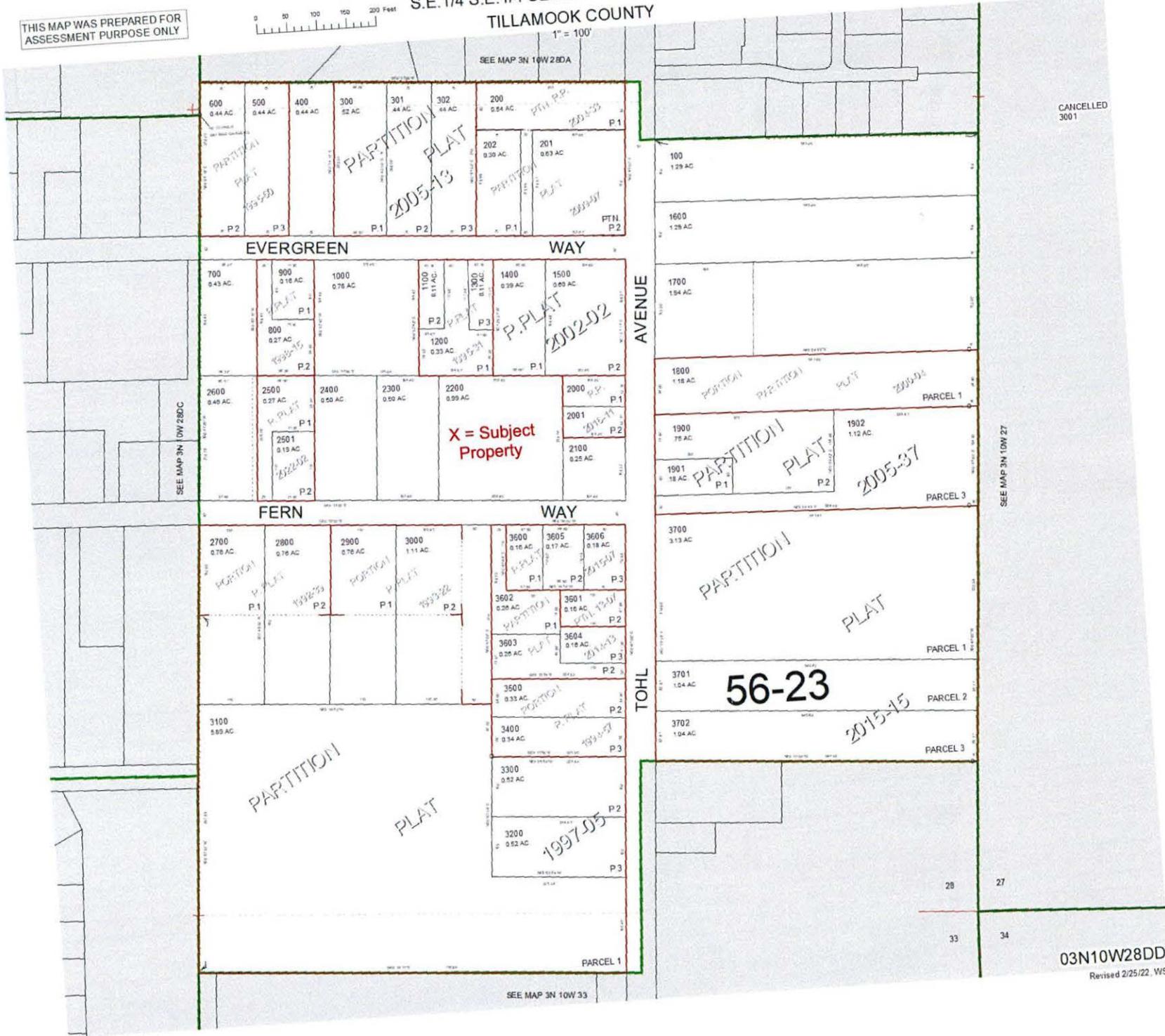


S.E. 1/4 S.E. 1/4 SEC. 28 T.3N. R. 10W. W.M.

TILLAMOOK COUNTY

1" = 100'

03N10W28DD



X = Subject Property

CANCELLED 3001

SEE MAP 3N 10W 27

SEE MAP 3N 10W 28DC

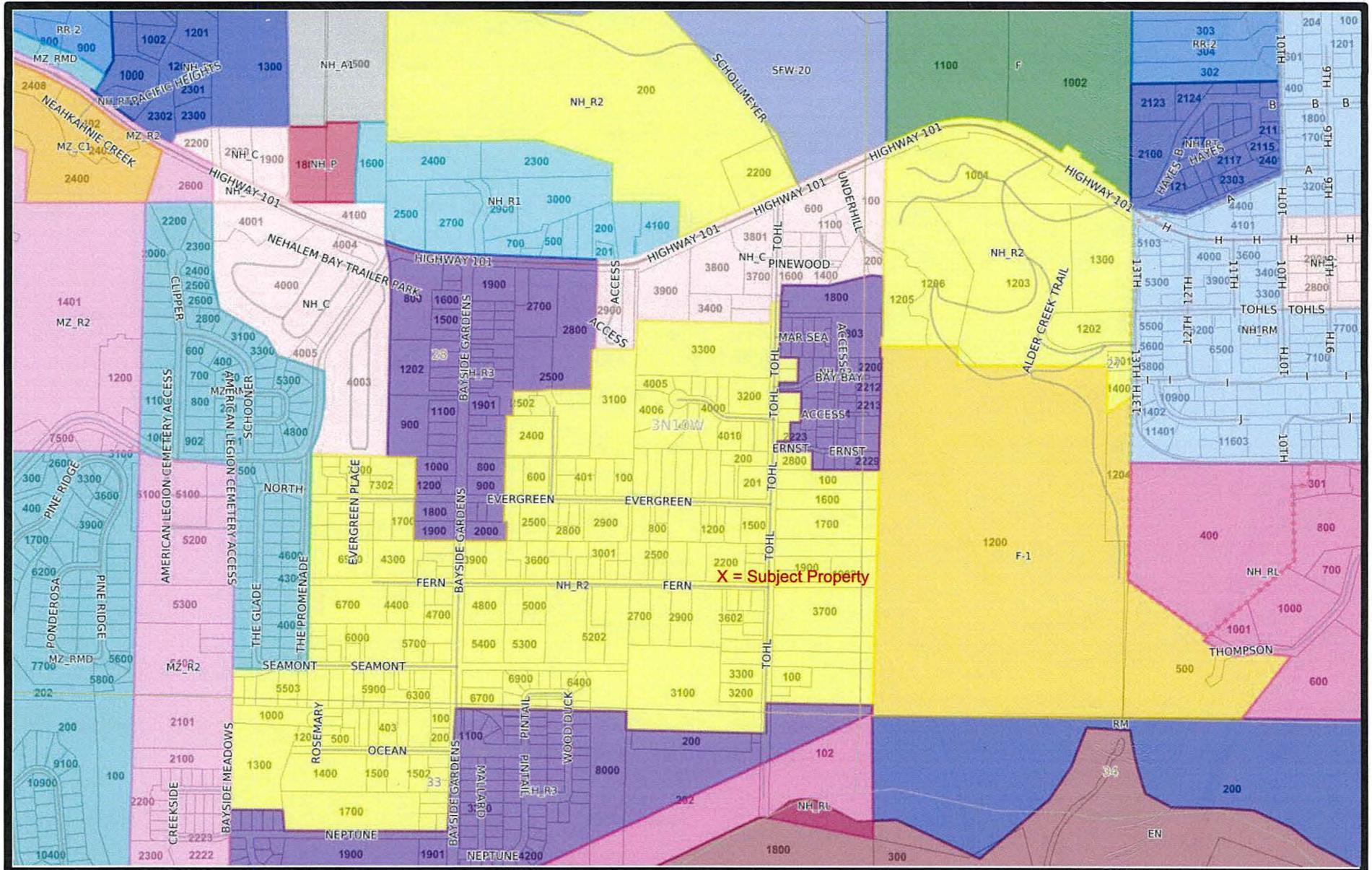
SEE MAP 3N 10W 28DA

SEE MAP 3N 10W 33

56-23

03N10W28DD
Revised 2/25/22, WS

Map - Zoning



X = Subject Property



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: Fern One, LLC Phone: 503-758-7532
 Address: 12405 SE 18th Ave
 City: Milwaukie State: OR Zip: 97222
 Email: fernonellc@gmail.com

Location:

Site Address: 11460 Fern Way, Nehalem, OR 97131

Map Number:	3N	10W	28DD	2200
	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

OFFICE USE ONLY
Date Stamp RECEIVED JAN 18 2023 BY:
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by:
Receipt #:
Fees: 1100.5
Permit No: 851-26-000017-PLNG

- 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 Development

- 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
- Dedication for public use
- Engineering/Survey
- Water
- Public Works

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.

Calvin P. Nohring	Donna J. Nohring	1/2/2023
Property Owner (*Required)		Date
Calvin P. Nohring	Donna J. Nohring	1/2/2023
Applicant Signature		Date
Carl Nohring	Onion Peak Design	1/7/23

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 IN ACCORDANCE WITH CITY OF NEHALEM LAND USE ORDINANCE. PUBLIC WATER AND SEWER ARE AVAILABLE THROUGH PUBLIC SYSTEMS LOCATED WITHIN FERN WAY. E-1 IS A 20' ACCESS AND UTILITY EASEMENT OVER PARCEL 3 FOR THE BENEFIT OF PARCELS 1 & 2. T.B.R. = TO BE REMOVED.

OWNER

FERN ONE, LLC
12405 SE 18TH AVE
MILWAUKIE, OR 97222

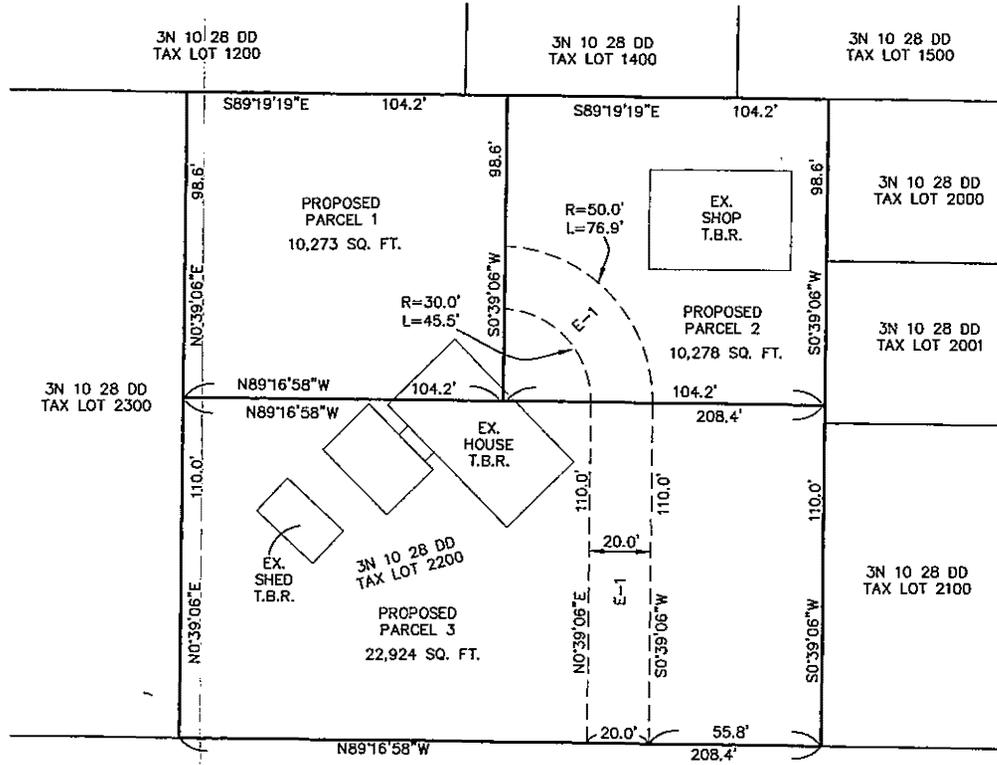
REGISTERED
PROFESSIONAL
LAND SURVEYOR

E. M. White

OREGON
APRIL 28, 2014
ERICK M. WHITE
78572

RENEWS 6/30/2022

SCALE:
1" = 40'



FERN WAY

PROPOSED PARTITION FOR:

FERN ONE, LLC

3N 10 28 DD
TAX LOT
2200

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

**ONION PEAK
DESIGN**

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

NOLING2301-EX.DWG



Date: 01/20/2023

To: TILLAMOOK COUNTY BUILDING DEPARTMENT

Re: WATER SERVICE AVAILABILITY

Attn: Building Department

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

TOWNSHIP 3N RANGE 10 SECTION 28 DD TAX LOT(S) 02200

SITUS ADDRESS: _____

NAME: Fern One, LLC (Noling) PHONE: _____

MAILING ADDRESS: 12405 SE 18th Ave
Milwaukie, OR 97222

Single Family Duplex/Multi-Family Other

Comments: Partition into 3 parcels.

Signed: Melissa Thompson-Kuza City Manager
Name Title

After Recording Return to:
Fitzwater Law
6400 SE Lake Rd Ste 440
Portland, OR 97222

Tillamook County, Oregon
06/08/2021 12:16:01 PM **2021-04978**
DEED-RWARR
\$20.00 \$11.00 \$10.00 \$61.00 - Total =\$102.00
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:
CALVIN P. NOLING and
DONNA J. NOLING
12405 SE 18th Avenue
Milwaukie, OR 97222

Grantee/Send Tax Statements to:
FERN ONE, LLC
12405 SE 18th Avenue
Milwaukie, OR 97222

WARRANTY DEED - STATUTORY FORM

The true and actual consideration for this conveyance is \$0.00.

RERECORDED AT THE REQUEST OF CALVIN P. NOLING AND DONNA J. NOLING, AS TENANTS BY THE ENTIRETY, GRANTORS, TO CORRECT THE ADDRESSES FOR GRANTORS AND GRANTEE FROM 12405 SE 18th *Street*, Milwaukie, OR 97222 to 12405 SE 18th *Avenue*, Milwaukie, OR 97222. PREVIOUSLY RECORDED AS FEE NUMBER 2021-03484.

After Recording Return to:
Fitzwater Law
6400 SE Lake Rd Ste 440
Portland, OR 97222

Tillamook County, Oregon	2021-03484
04/21/2021 12:19:00 PM	
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	

Grantor:
CALVIN P. NOLING and
DONNA J. NOLING
12405 SE 18th Street
Milwaukie, OR 97222

Grantee/Send Tax Statements to:
FERN ONE, LLC
12405 SE 18th Street
Milwaukie, OR 97222

WARRANTY DEED - STATUTORY FORM

CALVIN P. NOLING and DONNA J. NOLING, as tenants by the entirety, GRANTORS, convey and warrant to FERN ONE, LLC, GRANTEE, the following described real property, free of encumbrances except as specifically set forth herein, situated in Tillamook County, Oregon:

See Exhibit "A" attached hereto and incorporated herein by this reference.

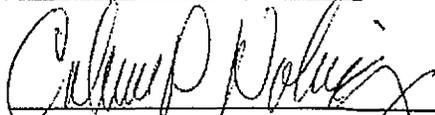
More commonly known as 11460 Fern Way, Nehalem, OR 97131.
Subject to encumbrances of record.
The true and actual consideration for this conveyance is \$0.00.

The liability and obligations of the Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantor under a standard policy of title insurance. The limitations contained herein expressly do not relieve Grantor of any liability or obligations under this instrument, but merely define the scope, nature, and amount of such liability or obligations.

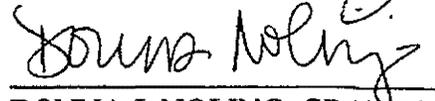
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND

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, SECTION 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 15 day of April, 2021.



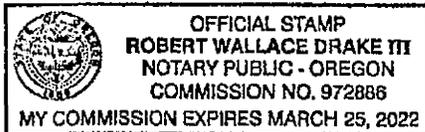
CALVIN P. NOLING, GRANTOR



DONNA J. NOLING, GRANTOR

STATE OF OREGON
County of Clackamas

The foregoing instrument was acknowledged before me this 15 day of April, 2021, by CALVIN P. NOLING and DONNA J. NOLING, GRANTORS.





Notary Public for Oregon

EXHIBIT "A"
Legal Description

Beginning at the Section corner common to Sections 27, 28, 33, and 34, Township 3 North, Range 10 West of the Willamette Meridian, in the County of Tillamook, State of Oregon;
thence South 0° 47' West 850 feet to the meander line of Nahalem Bay;
thence along said meander line North 81° 06' West 646.6 feet;
thence North 80° 13' West 50 feet;
thence North 0° 47' East 1260 feet;
thence North 89° 13' West 104.4 feet to the initial point and the Southeast corner of the tract hereby conveyed;
thence North 0° 47' East 208.7 feet;
thence North 89° 13' West 208.8 feet;
thence South 0° 47' West 208.7 feet;
thence South 89° 13' East 208.8 feet to the point of beginning, all situated in Section 28, Township 3 North, Range 10 West of the Willamette Meridian, in the County of Tillamook, State of Oregon.