



**PARTITION REQUEST #851-23-000017-PLNG
FERN ONE, LLC & ONION PEAK DESIGN**

ADMINISTRATIVE DECISION AND STAFF REPORT

DECISION: Approved with Conditions

DECISION DATE: May 5, 2023

REPORT PREPARED BY: Angela Rimoldi, Planning Technician

I. GENERAL INFORMATION:

Request: A Partition request of a residential property to create three (3) residential parcels.

Location: The subject property is located within the City of Nehalem’s Urban Growth Boundary, accessed via Fern Way, a county-maintained road. The subject property is designated as Tax Lot 2200 of Section 28DD, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Nehalem Medium Density Residential (NH-R2) Zone.

Applicant: Onion Peak Design, 11460 Evergreen Way, Nehalem, OR. 97131

Property Owner: Fern One, LLC, 12405 SE 18th Ave., Milwaukie, OR. 97222

Description of Site and Vicinity: The subject property is accessed off Fern Way, a county-maintained road, is square shaped, approximately 43,493 square feet in size (approximately 0.99 acres), currently improved with a single-family dwelling and accessory structure, and is vegetated with grasses, trees, and bushes. The subject property is located within the City of Nehalem’s Urban Growth Boundary. The subject property is zoned Nehalem Medium Density Residential (NH-R2) (Exhibit A).

The subject property is located within an area of Geologic Hazard, contains no mapped wetlands or natural features as indicated on the NWI map and is located within an Area of Minimal Flood Hazard, Zone X, per FEMA Flood Insurance Rate Map (FIRM) Panel #41057C0208F. (Exhibit A). Given the size and topography of the subject property staff finds that the standards of The City of Nehalem Zoning Ordinance Section 157.261 are not applicable at this time, however a Condition of Approval has been made to require relevant standards of this section be adhered to for any future development.

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

The desired use is governed through the following sections of The City of Nehalem Geologic Investigation Section 157.261. The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. City of Nehalem Zoning Ordinance 157.083: Medium Density Residential (NH-R2) Zone Standards
- B. City of Nehalem Subdivision Ordinance Chapter 156

III. ANALYSIS:

Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on February 17, 2023. Two (2) comments were received: one from Tillamook County Public Works in relation to the existing road approach and future development requirements, the second from Oregon Department of State Lands in relation to fill removal or other ground alterations in wetlands; a Condition of Approval has been noted for future development requirements.

A. City of Nehalem Zoning Ordinance 157.083: Medium Density Residential (NH-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.

.....

Findings: Each proposed parcel meets the minimum lot size requirement of 5,000 square feet, the minimum lot width requirement of 40-feet and the minimum lot depth requirement of 85-feet set by the Nehalem Medium Density Residential (NH-R2) zone standard (Exhibit B). The property is currently improved with a single-family dwelling and accessory structures. Review of the submitted site plan indicates structures will not meet setback standards if the subject property is divided, as each proposed parcel would hold a portion of the single-family dwelling and/or accessory structures within them. A Condition of Approval has been made requiring any structure that will not meet required setbacks be removed prior to the Final Plat being Recorded (Exhibit B).

Staff concludes relevant standards of the NH-R2 zone have been met or can be met through compliance with the Conditions of Approval.

**B. City of Nehalem Subdivision Ordinance Chapter 156
Minor Partitioning Standards 156.065-156.068**

156.065 Minimum Standards

156.065(A) The minimum standards for design and improvements in a minor land partitioning shall conform to §§ 156.080 through 156.085 of this chapter.

156.065(B) The city may impose all or any of the requirements of § 156.086 of this chapter upon a minor land partitioning.

156.066: Initial Submission. *Submittal requirements and payment of fees.*

156.067: Information on a map. *A tentative sketch map, drawn to scale, shall indicate the following:*

(A) The location of existing and proposed boundaries and acreage of parcels in the proposed partition with the location, width, name and purpose of all adjacent streets or easements and the location and outline of existing buildings, etc.

156.068 Review and Approval. *City of Nehalem review and approval process, including appeal process.*

Findings: Preliminary Plat(s) submitted confirm the standards above are met or can be met through compliance of the Conditions of Approval (Exhibit B). A Preliminary Plot Map, dated March 6, 2023, was submitted after the Administrative Review Notice was issued; an adjustment to move the proposed parcel 1 and 2 shared boundary line over 12' to the east to accommodate an existing tree (Exhibit B).

**City of Nehalem Subdivision Ordinance Chapter 156, Design Standards 156.080, 156.082--156.083
156.080 General Requirements**

(A) Before the City Council or staff approval under expedited land division, approval of a final plat of a subdivision, or the final map of a major partition, the subdivider shall install required public facilities and/or repair damaged public facilities damaged in the development of the property or execute and file with the City Manager/Recorder an agreement between himself or herself and the city specifying the period within which required improvements and repairs shall be completed; and, providing that, if the work is not completed

within that period specified, the city may complete the work and recover the full cost and expense together with court costs and attorney fees necessary to collect said amounts from the land developer.

(B) The agreement shall also provide the reimbursement to the city for the cost of inspection by the city of the improvements to be installed.

(C) The agreement may also provide for the construction and improvements to be completed in units and for an extension of time under the conditions therein specified. (Ord. 80-3, passed 04/12/2004)

156.082 Utility Easements

Easements for sewers, drainage, water mains, public utility installations including overhead or underground systems, and other like public purposes shall be dedicated, reserved or granted by the land divider in widths not less than five feet on each side of rear lots or parcel lines alongside lots or parcel lines and in planting strips whenever necessary, of lesser width as approved by the city.

156.083 Building Sites

(A) Size and shape. The size, shape, width and orientation of building sites shall be appropriate for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of Ch. 157 of this code of ordinances.

(B) Access. Each lot and parcel shall abut upon a street other than an alley for a width of at least 20 feet.

(C) Through lots and parcels. Through lots and parcels shall be avoided, except where they are essential to provide separation of residential development from major arterials or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation.

(D) Lot and parcel lines. The lines of lots and parcels, as far as practicable, shall run at right angles to the street upon which they face; except that, on curved streets they shall radial to the curve.

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Findings: Staff finds that the proposed partition maintains frontage from Fern Way, a county-maintained road (Exhibit B). Conditions of Approval can be made to require all easements be identified on the final plat.

The subject property is served by the City of Nehalem for water and the Nehalem Bay Wastewater District Agency; service letters are provided in the Applicant’s submittal (Exhibit B). The subject property is served by the Nehalem Fire and Rescue Department and Tillamook People’s Utility District.

Staff concludes these standards have been met or can be met through compliance of the Conditions of Approval.

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 City of Nehalem Zoning Ordinance, the City of Nehalem Subdivision Ordinance and ORS Chapter 92. The Preliminary Partition Plat is hereby tentatively **APPROVED with CONDITIONS**, subject to the conditions listed in Section V 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 approved subject to this approval. The applicant and property owners shall obtain all necessary local, state, and federal permits and comply with all applicable regulations for the proposed Partition and building 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 **4:00pm on May 17, 2023**.

V. CONDITIONS OF APPROVAL:

This approval is subject to the following conditions:

1. The property owners shall obtain all Federal, State, and Local permits, as applicable.

2. Existing structures that will not comply with NH-R2 relevant standards must be removed prior to Recording of the final plat.
3. Future development shall adhere to the uses and development standards set forth in the applicable zoning standards, including all other applicable supplemental ordinance requirements of the City of Nehalem Zoning Ordinance.
4. All easements necessary to serve the parcels for access and utilities shall be clearly identified on the final plat.
5. The applicant and property owner shall comply with all requirements of the Tillamook County Surveyor's Office.
6. 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.
7. The applicant and property owner shall record the Final Plat within ninety (90) days from the date of final signature of the partition plat.
8. Future Development is subject to standards contained within the City of Nehalem Geologic Investigation Section 157.261 and The City of Nehalem 157.068: Medium Density Residential (NH-R2) Zone.

VI. EXHIBITS

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

EXHIBIT A

National Flood Hazard Layer FIRMette

123°54'51"W 45°42'59"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, AB9
- 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 drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- Area of Minimal Flood Hazard *Zone X*
- Effective LOMR
- Area of Undetermined Flood Hazard *Zone*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

CROSS SECTIONS WITH 1% ANNUAL CHANCE WATER SURFACE ELEVATION

- 20.2
- 17.5
- 8
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

OTHER FEATURES

- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

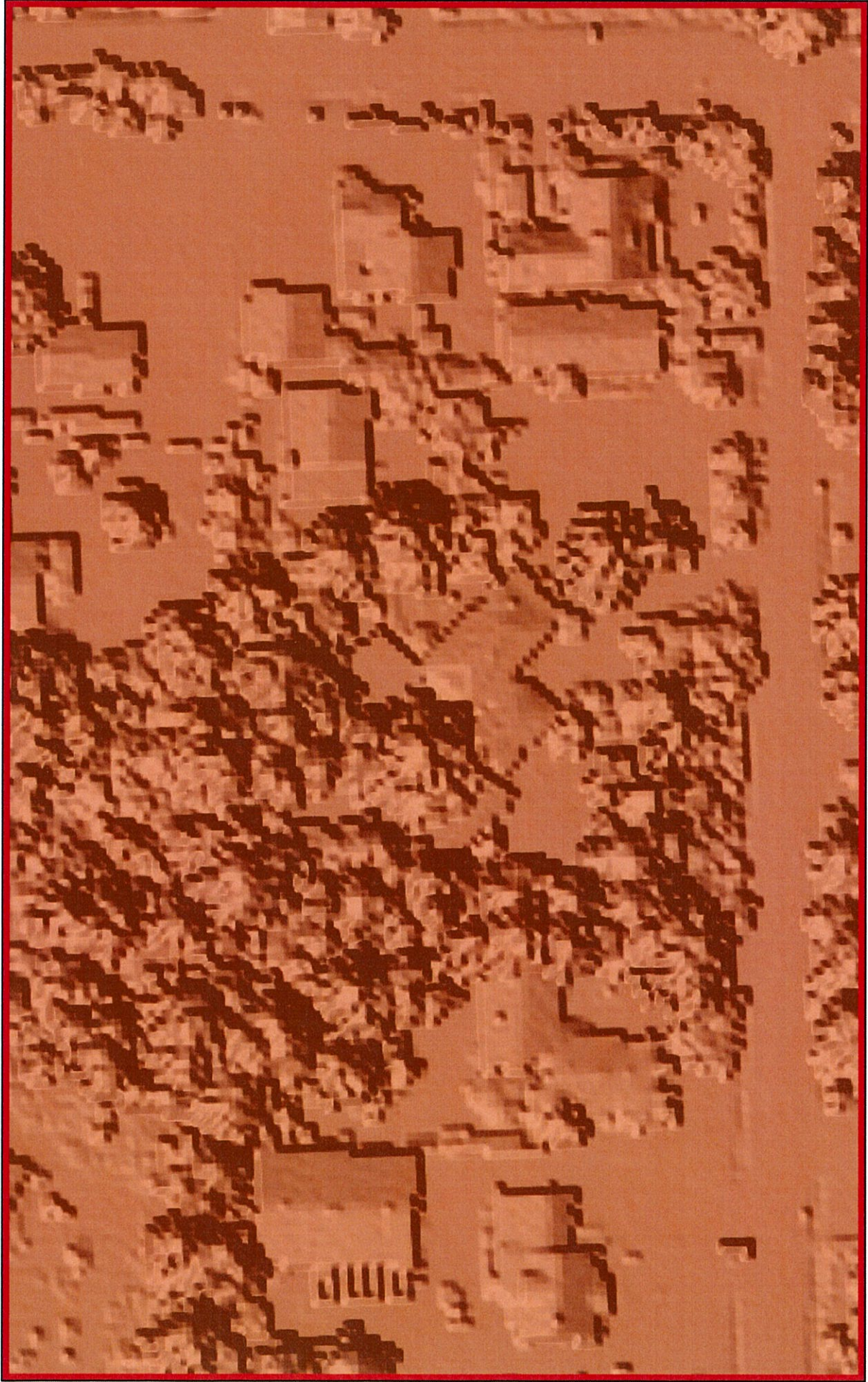
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 4/14/2023 at 4:43 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.

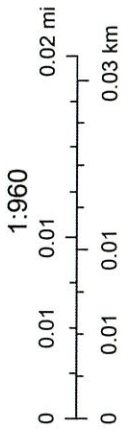


PARTITION #851-23-000017-PLNG



April 14, 2023

- Active Faults
- Expected Earthquake Shaking
 - Severe
 - Very Strong
 - Strong
- Moderate Landslide Hazard
- Light
- Low - Landsliding Unlikely
- Moderate - Landsliding Possible
- High - Landsliding Likely

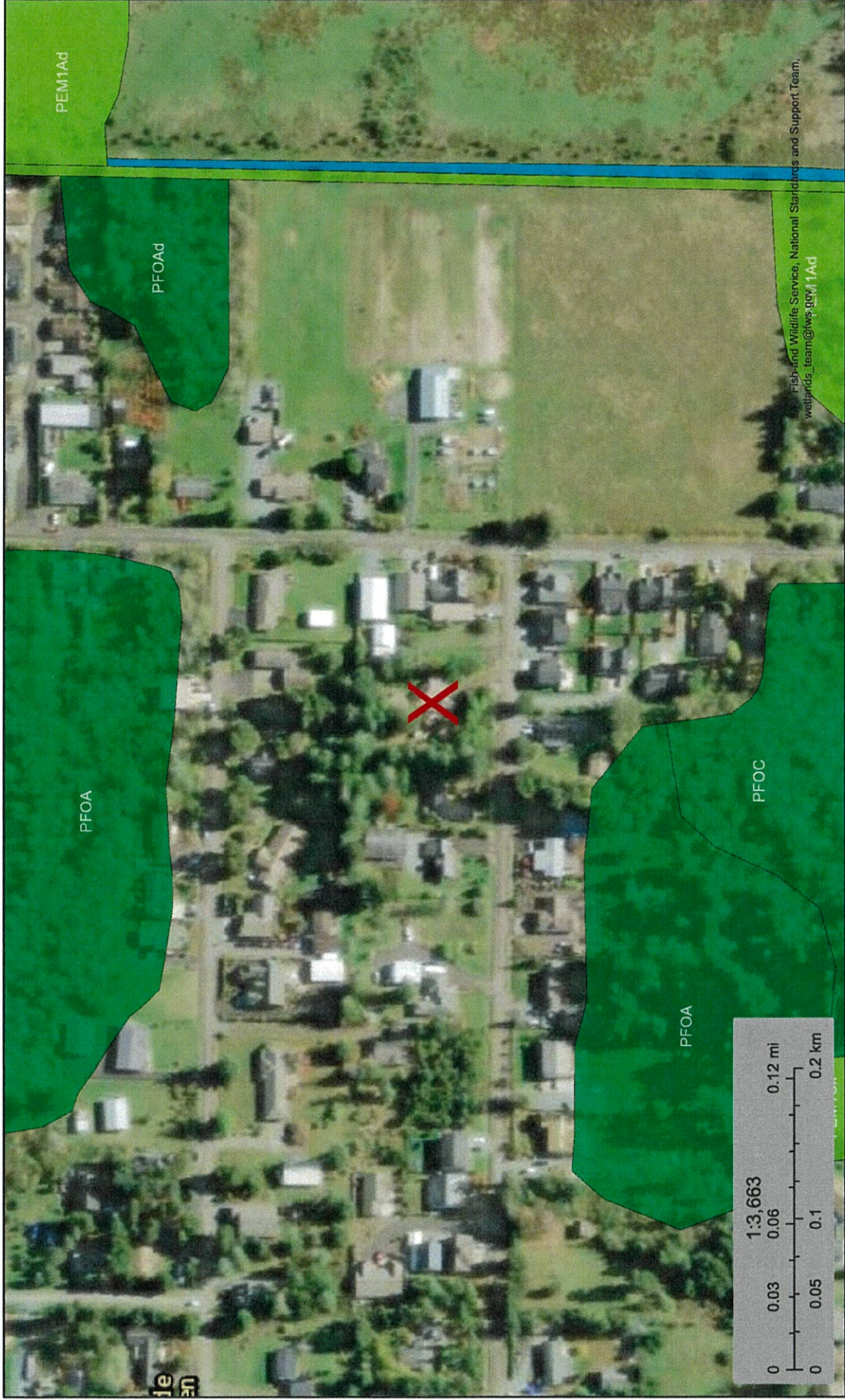


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U.S. Fish and Wildlife Service
National Wetlands Inventory

PARTITION #851-23-000017-PLNG



April 14, 2023

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

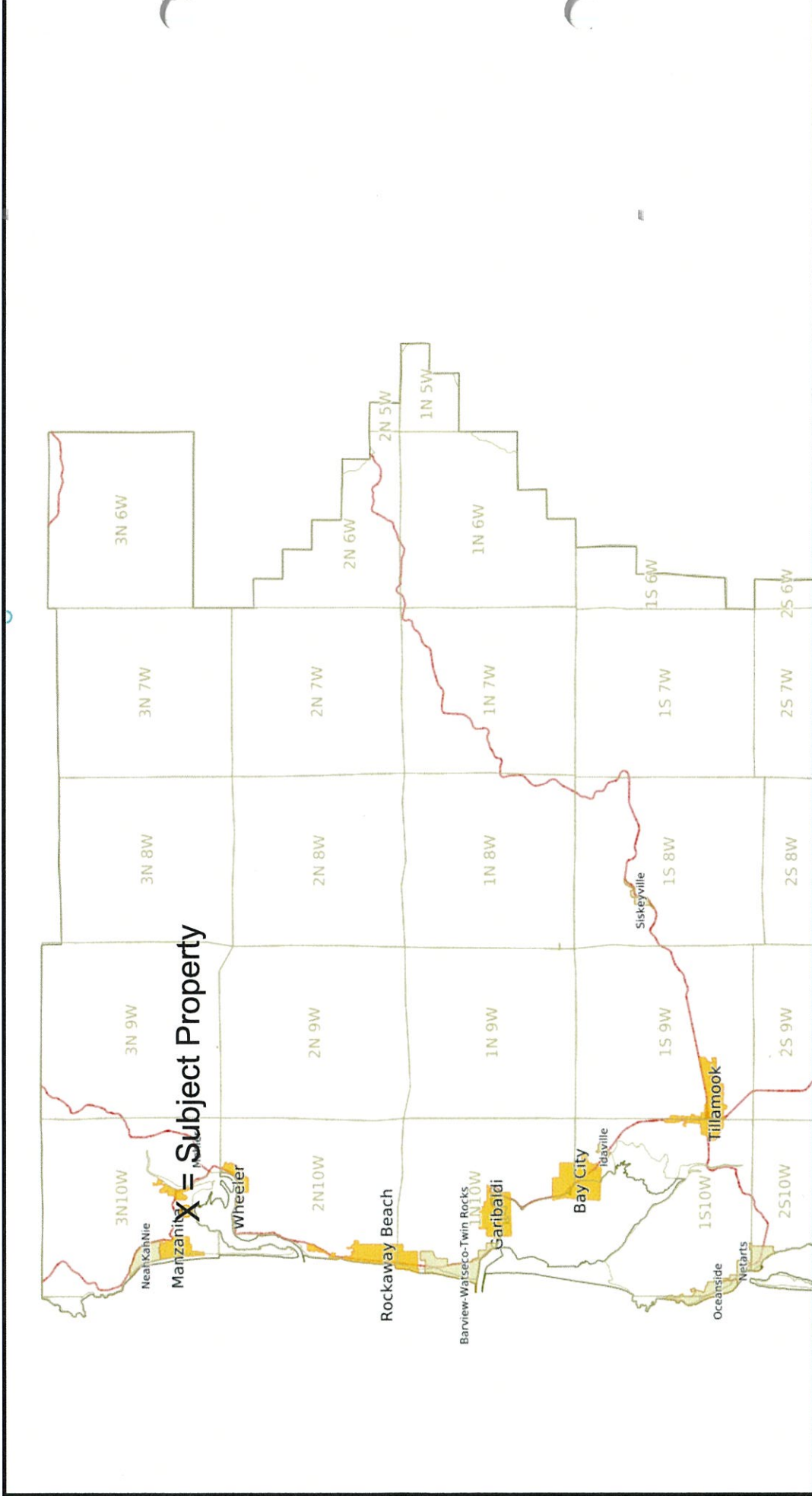
- Lake
- Other
- Riverine

X = Subject Property

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.

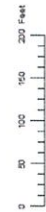


Tillamook County GIS



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

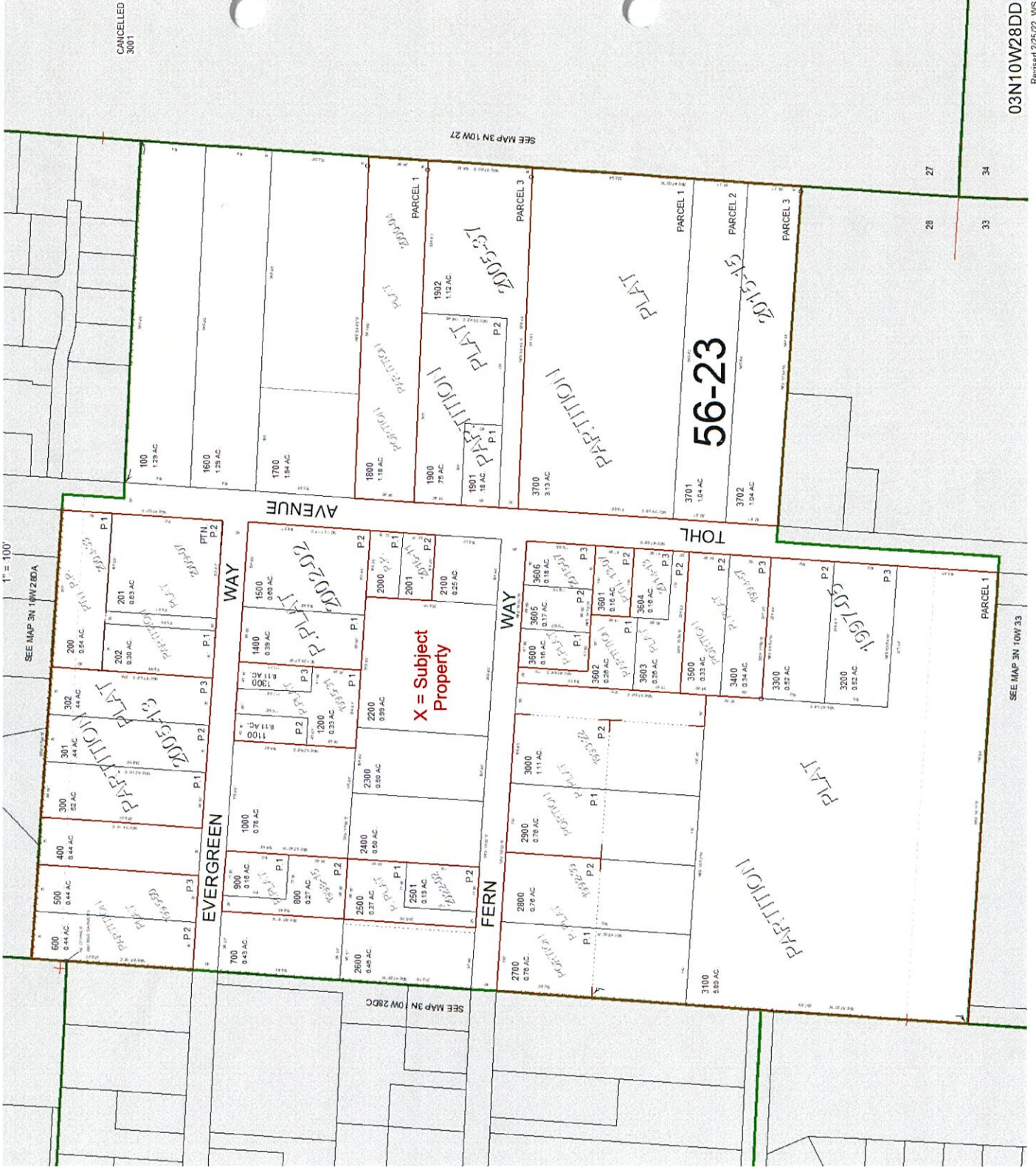
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



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

TILLAMOOK COUNTY

03N10W28DD



CANCELLED 3001

SEE MAP 3N 10W 27

03N10W28DD

SEE MAP 3N 10W 33

Revised 2/25/22, VS

EXHIBIT B



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: feronellc@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.

General Information

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

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

Existing Conditions

- Existing streets with names, right-of-way, pavement widths, access points.
- Width, location and purpose of existing easements
- The location and present use of all structures, and indication of any that will remain after platting.
- Location and identity of all utilities on and abutting the site. If water mains and sewers are not on site, show distance to the nearest one and how they will be brought to standards
- Location of all existing subsurface sewerage systems, including drainfields and associated easements
- Ground elevations shown by contour lines at 2-foot vertical interval. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor
- The location and elevation of the closest benchmark(s) within or adjacent to the site
- Natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes and tide flats
- For any plat that is 5 acres or larger, the Base Flood Elevation, per FEMA Flood Insurance Rate Maps

Other information:

OFFICE USE ONLY
Date Stamp <div style="border: 2px solid blue; padding: 5px; text-align: center;"> RECEIVED JAN 18 2023 BY: _____ </div>
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by:
Receipt #:
Fees: 1100.5
Permit No: 851-23-000017-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.

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

NOTES

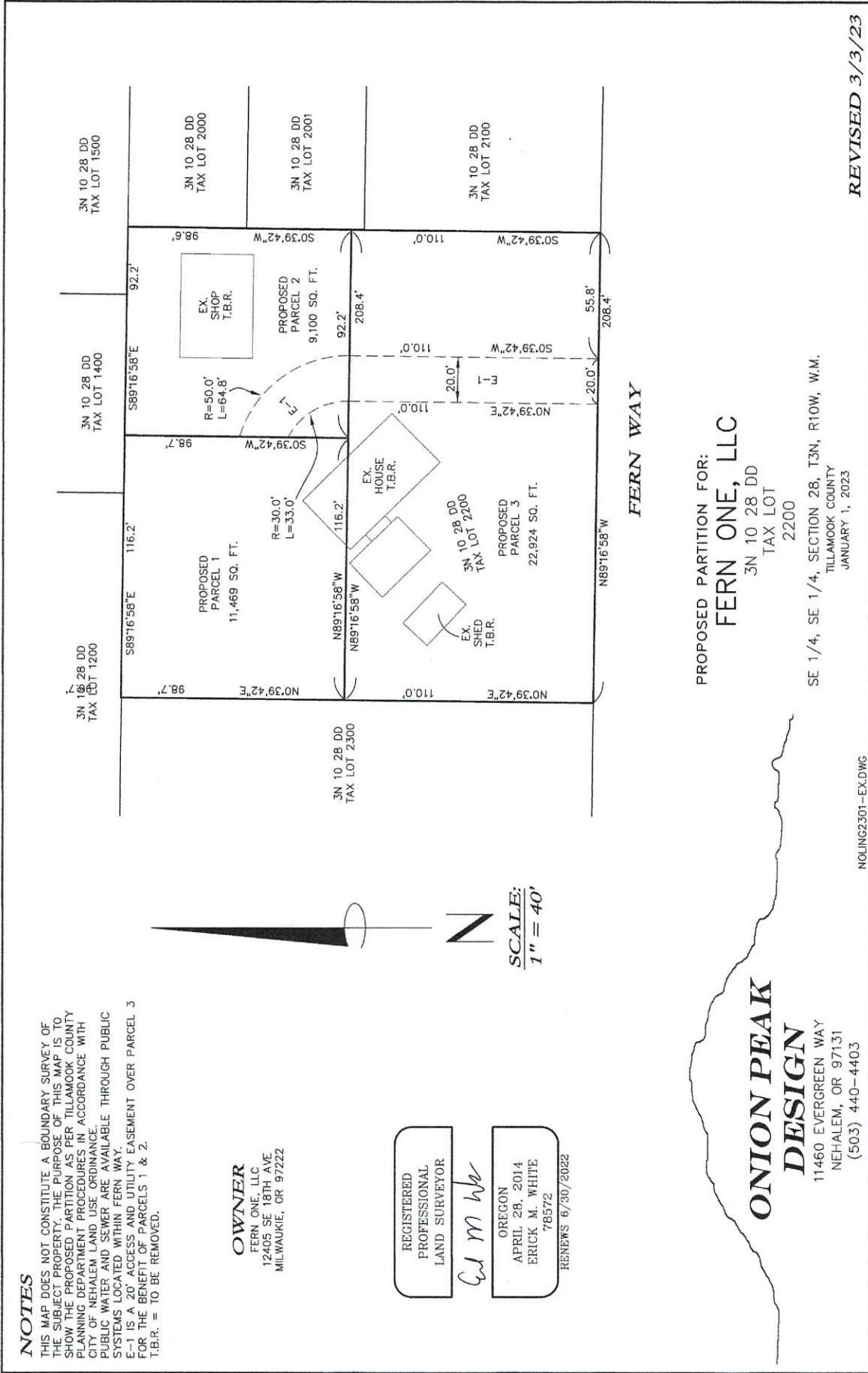
THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE SUBJECT PROPERTY. THE PURPOSE OF THIS MAP IS TO SHOW THE PROPOSED PARTITION AS PER TILLAMOOK COUNTY PLANNING DEPARTMENT PROCEDURES IN ACCORDANCE WITH CITY OF NEHALEM LAND USE ORDINANCE. PUBLIC WATER AND SEWER ARE AVAILABLE THROUGH PUBLIC SYSTEMS LOCATED 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

 OREGON
 APRIL 28, 2014
 ERICK M. WHITE
 76572
 RENEWS 6/30/2022

SCALE:
 1" = 40'



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

NOLING2301-EX.DWG

REVISED 3/3/23

**ONION PEAK
 DESIGN**

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

RECEIVED

MAR 06 2023

BY:

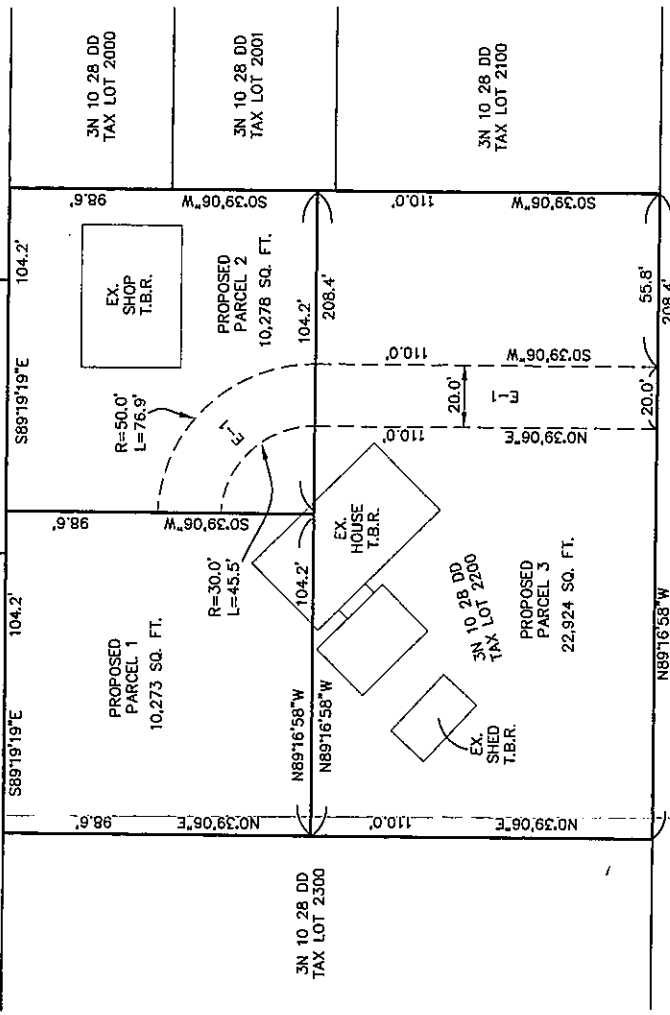
NOTES

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

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
C.M.W.
 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



Nehalem Bay Wastewater Agency
SEWER AVAILABILITY

Date: January 10, 2023
To: Tillamook County Building Department (Fax#503-842-1819)

From: Nehalem Bay Wastewater Agency
RE: Sewer Availability

As an Agent of Nehalem Bay Wastewater Agency, I confirm that sewer is available to the following lot within our service area boundary:

3N 10 28DD TL2200

Owner of Record: Fern One, LLC
Project Information: Partition into 3 parcels

This letter shall not create a liability on the part of Nehalem Bay Wastewater Agency, or by an agent, or employee thereof, for the services described above.

Keri Scott, Executive Assistant
Nehalem Bay Wastewater Agency

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
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

2021-03484

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.

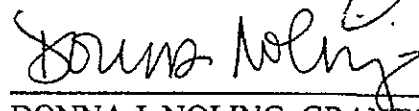
The liability and obligations of the Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantor under a standard policy of title insurance. The limitations contained 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.

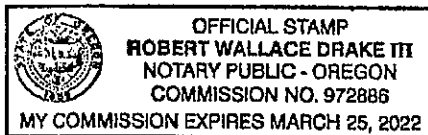
Dated this 15 day of April, 2021.


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.



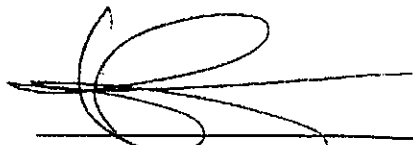

Notary Public for Oregon

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 548.6 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' East 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.

EXHIBIT C

Angela Rimoldi

From: Lynn Tone
Sent: Wednesday, February 22, 2023 10:28 AM
To: Angela Rimoldi
Subject: FW: 851-23-000017-PLNG Partition Fern One LLC & Onion Peak Design

From: Ron Newton <rnewton@co.tillamook.or.us>
Sent: Wednesday, February 22, 2023 7:42 AM
To: Lynn Tone <ltone@co.tillamook.or.us>
Cc: Jasper Lind <jlind@co.tillamook.or.us>
Subject: Re: 851-23-000017-PLNG Partition Fern One LLC & Onion Peak Design

Lynn

Tillamook County Public Works has no objection to the proposed Partition. The Owner/Applicant should be directed to contact Public Works Engineering staff to verify the existing road approach. Any future development on the parcels created by this partition will require Ordinance 44 review of the existing approach as a change of use condition.

Ron Newton
Engineering Tech. III
Tillamook County Public Works
503 Marolf Loop
Tillamook OR 97141
Working Remote
Until Further Notice
Cell - (503) 812-1441

So, It's Three Parts Water



From: Lynn Tone <ltone@co.tillamook.or.us>
Sent: Friday, February 17, 2023 2:44 PM
To: Angela Rimoldi <arimoldi@co.tillamook.or.us>
Subject: 851-23-000017-PLNG Partition Fern One LLC & Onion Peak Design

Please see link for Notice of Administrative Review.

<https://www.co.tillamook.or.us/commdev/project/851-23-000017-plng>

Thank you



Lynn Tone | Office Specialist II
TILLAMOOK COUNTY | Surveyor's Office/Community Development
1510 3rd Street Ste C
Tillamook, OR 97141
Phone (503) 842-3423
ltone@co.tillamook.or.us

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Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*

WN2023-0125

Responsible Jurisdiction

Staff Contact Lynn Tone	Jurisdiction Type County	Municipality Tillamook
Local case file # 851-23-000017-PLNG	County Tillamook	

Activity Location

Township 03N	Range 10W	Section 28	QQ section DD	Tax Lot(s) 2200
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Street Address

Fern Way near Tohl Ave

Address Line 2

City

Nehalem

Postal / Zip Code

97131

State / Province / Region

OR

Country

Tillamook

Latitude

45.713141

Longitude

-123.909096

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.

Your Activity

- A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

Applicable Oregon Removal-Fill Permit Requirement(s)

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information

Additional Comments

Since a subdivision does not involve removal and fill of material and wetlands/waters do not appear to be on the site, no state removal/fill permit is needed.

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

3/16/2023

Response by:

Matthew Unitis

Response Phone:

503-986-5262



Wetland Land Use Notification

OREGON DEPARTMENT OF STATE LANDS

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

Phone: (503) 986-5200

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

* Required Field (?) Tool Tips

Responsible Jurisdiction

* City of County of **Municipality*** Tillamook **Date*** 2/17/2023

Staff Contact

First Name* Lynn **Last Name*** Tone
Phone* 15038423423 **Email*** ltone@co.tillamook.or.us

Applicant

First Name* Onion Peak **Last Name*** Design

Applicant Organization Name

(if applicable)

Mailing Address*

Street Address
11460 Evergreen Way
Address Line 2
City
Nehalem
Postal / Zip Code
97131

State
OR
Country
US

Phone 503-440-4403 **Email (?)** erick.opd@gmail.com

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

No Yes

Property Owner

First Name* Fern One **Last Name*** LLC

Property Owner Organization Name

(if applicable)

Mailing Address (If different than Applicant Address)

Street Address

12405 SE 18th Ave

Address Line 2

City

Milwaukie

Postal / Zip Code

97222

State

OR

Country

US

Phone

503-758-7532

Email (?)

fernonellc@gmail.com

Activity Location



Township* (?)

03N

Range* (?)

10W

Section* (?)

28

Quarter-quarter Section (?)

DD

Tax Lot(s)*

2200

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

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

Address

Street Address

Fern Way near Tohl Ave

Address Line 2

City

Nehalem

Postal / Zip Code

97131

State

OR

Country

US

County*

Tillamook

Adjacent Waterbody

Proposed Activity



Prior to submitting, please ensure proposed activity will involve physical alterations to the land and/or new construction or expansion of footprint of existing structures.

Local Case File #* (?)

851-23-000017-PLNG

Zoning

Proposed

Building Permit (new structures)

Grading Permit

Site Plan Approval

Other (please describe)

partition request

Conditional use Permit

Planned Unit Development

Subdivision

Applicant's Project Description and Planner's Comments:*

partition request

Required attachments with site marked: Tax map and legible, scaled site plan map. (?)

DOC125.PDF

3.04MB

Additional Attachments

Date