



**PARTITION REQUEST #851-23-000147-PLNG
ZIEMECKI
ADMINISTRATIVE DECISION AND STAFF REPORT**

DECISION: Approved with Conditions

DECISION DATE: August 24, 2023

REPORT PREPARED BY: Angela Rimoldi, Planning Technician

I. GENERAL INFORMATION:

- Request:** A Partition request of a residential property to create two (2) residential parcels.
- Location:** The subject property is located within the City of Nehalem’s Urban Growth Boundary, and accessed via 13th Street, a city-maintained road. The subject property is designated as Tax Lot 1300 of Section 27, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.
- Zone:** Nehalem Medium Density Residential (NH-R2) Zone.
- Applicant:** Marie & Steven Ziemecki, P.O. Box 206, Nehalem, OR. 97131
- Property Owner:** Marie & Steven Ziemecki, P.O. Box 206, Nehalem, OR. 97131

Description of Site and Vicinity: The subject property is accessed via 13th Street, a city-maintained road, is rectangle in shape, approximately 4.17 acres (181,645 square feet) in size, currently improved with 2 single-family dwellings and an accessory structure, and is vegetated with grasses, trees, and bushes (Exhibit B). The subject property is located within the City of Nehalem’s Urban Growth Boundary and zoned Nehalem Medium Density Residential (NH-R2) (Exhibit A).

The subject property is located within an area of Geologic Hazard and contains no mapped wetlands as indicated on the State Wetlands Inventory map. The subject property is located within Zone X, an Area of Minimal Flood Hazard, per FEMA Flood Insurance Rate Map (FIRM) Panel #41057C0207F. (Exhibit A). An unnamed stream was identified on the State Wetlands Inventory map located in the northwest corner and 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 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 July 17, 2023. Three (3) comments were received: one from Tillamook County Public Works confirming jurisdiction responsibility, the second from Oregon Department of Transportation in relation to the existing road approach and future development requirements should access from the Highway be necessary, and third, from a neighboring property with concern to future development meeting necessary standards set by the City of Nehalem codes; a Condition of Approval has been noted for future development requirements (Exhibit C).

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.

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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 2 single-family dwellings and an accessory structure (Exhibit B). As proposed, Parcel 1 will obtain the existing accessory structure, and Parcel 2 will obtain the 2 existing single-family dwellings; review of the submitted site plan indicates the existing structures will continue to meet setback standards as proposed (Exhibit B). A Condition of Approval has been made requiring that, within 90-days of final recording, the accessory structure is to be removed - as an accessory structure may not be in use without the primary structure, or the necessary building permits be obtained to establish a primary use.

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).

**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 will maintain access from 13th Street, a city-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 City of Nehalem Public Works, Oregon Department of Transportation, Nehalem Bay Fire and Rescue Department and Tillamook People's Utility District.

As mentioned previously in this report, the subject property is located within an area of geologic hazard. Development of the proposed parcels is subject to development requirements outlined in Chapter 157.261 of the City of Nehalem Zoning Ordinance where slopes of a property are greater than 20%. A topographic survey is included in the Applicant's submittal and indicates the subject property before and after partition does not result in overall slopes of the property or subsequent parcels greater than 20% (Exhibit B). In review of the evidence contained in the Applicant's submittal in relation to the provisions of Chapter 157.261, it has been determined by the City of Nehalem that a Geologic Hazard Report is not required for minor partitioning of this property, however; a Condition of Approval has been made to require demonstration of compliance with the applicable provisions of Chapter 157.261 at the time of consolidated zoning and building permit application submittal.

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 September 5, 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. 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.
3. All easements necessary to serve the parcels for access and utilities shall be clearly identified on the final plat.
4. The applicant and property owner shall comply with all requirements of the Tillamook County Surveyor's Office.
5. 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.
6. The applicant and property owner shall record the Final Plat within ninety (90) days from the date of final signature of the partition plat.
7. The existing accessory structure being obtained into proposed Parcel 1 must, within 90-days of final recording, be removed or the necessary building permits be obtained to establish a primary use in compliance with The City of Nehalem Code Chapter 157.068: Medium Density Residential (NH-R2) Zone standards.
8. Future Development of Parcel 1 and Parcel 2 is subject to standards contained within the City of Nehalem Code Chapter 157.261: Geologic Investigation. Demonstration of compliance with Chapter 157.261 is required at the time of consolidated zoning and building permit application submittal.
9. Future Development is subject to standards contained within The City of Nehalem Code Chapter 157.068: Medium Density Residential (NH-R2) Zone.

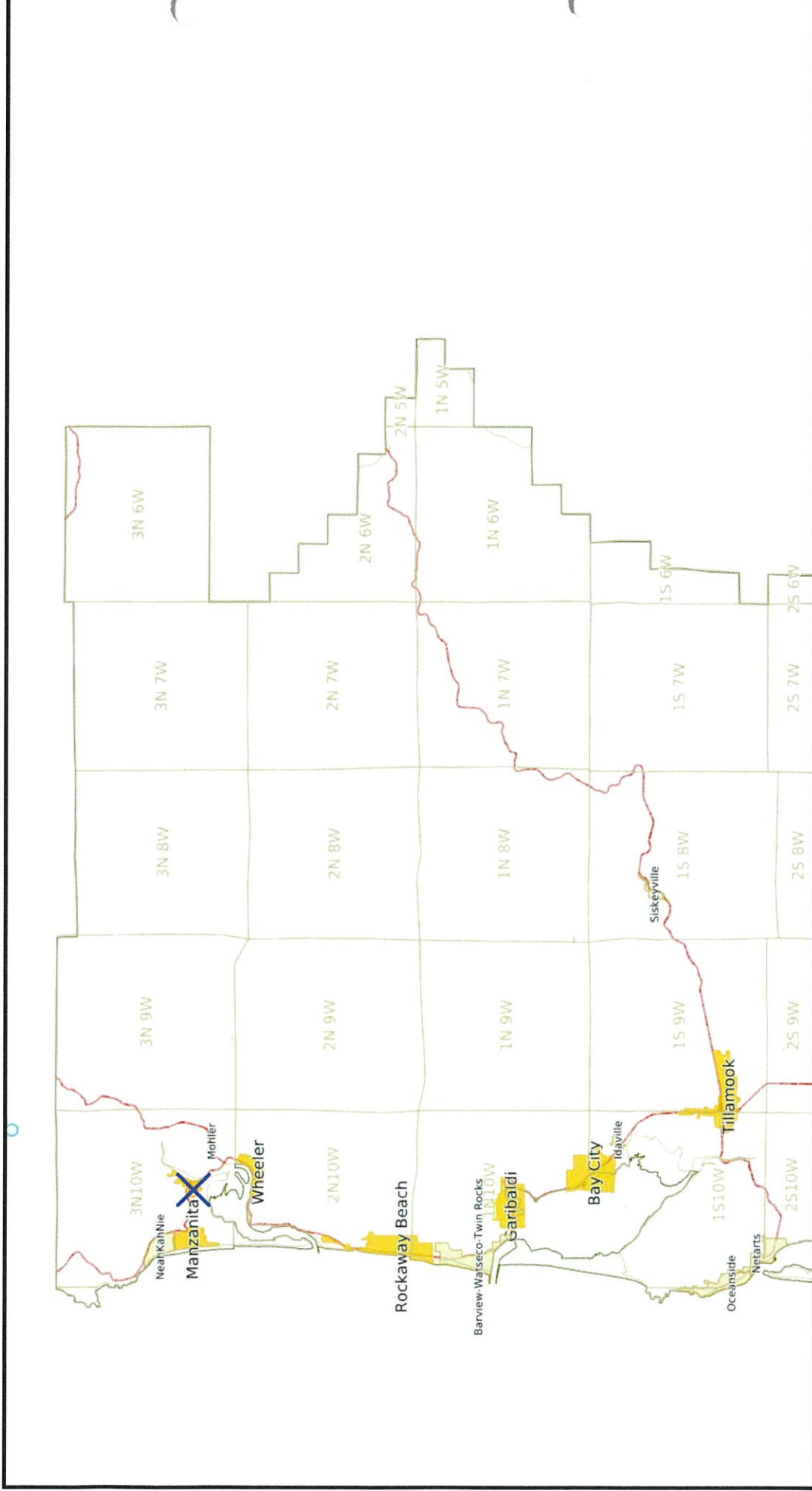
VI. EXHIBITS

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

EXHIBIT A



Tillamook County GIS



Created: Fri Jul 07 2023-10:33:28
Active Layers: County_Boundary, Fed_state_highways, citylimit, community_polygon, TaxlotOwner, Township_Range_Section, Road_Centerline
Extent: -13815623.627128, 5686495.9591172, -13696381.86302, 5749556.5074436

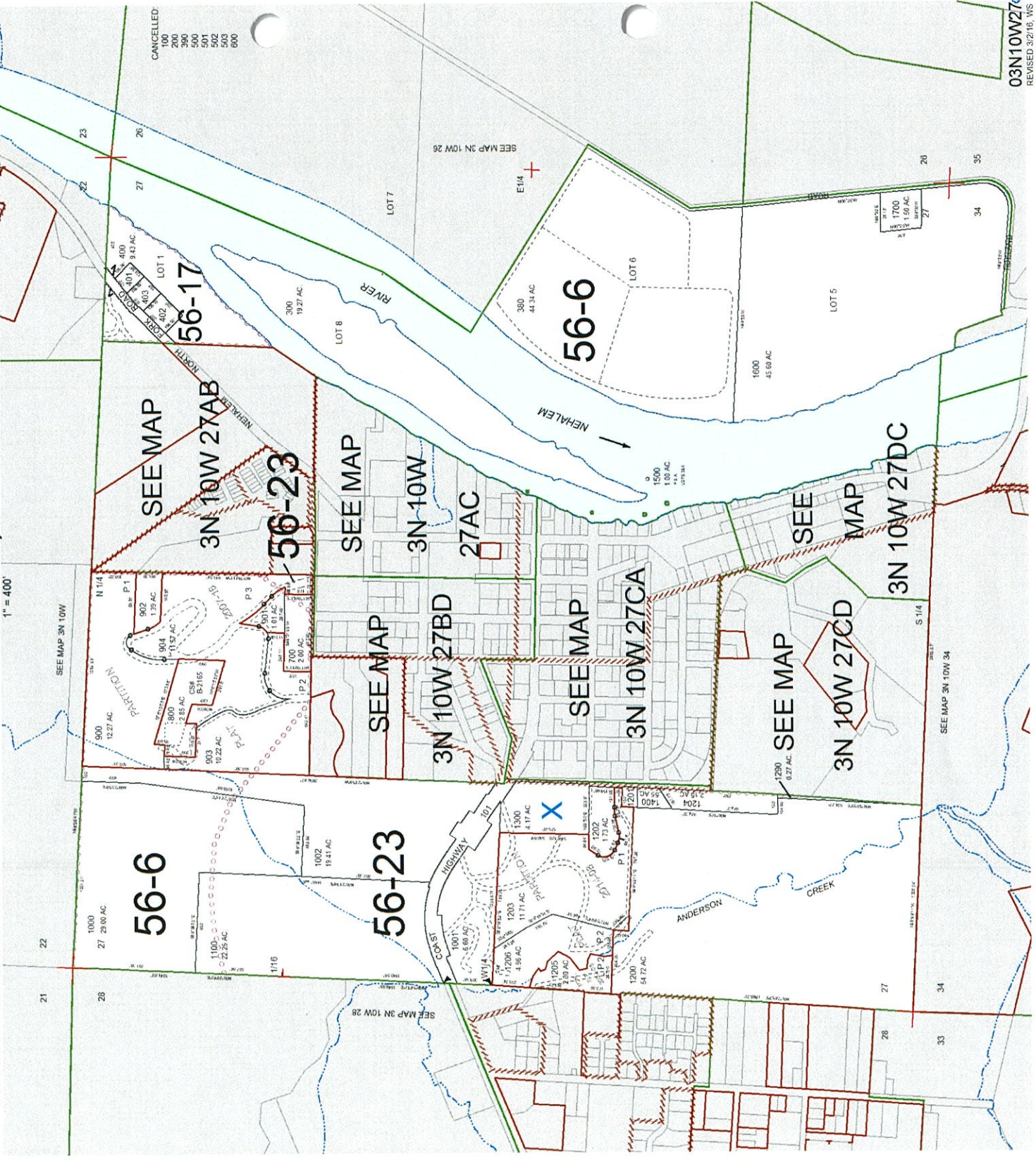
SECTION 27 T.3N. R.10W. W.M.
Tillamook County

03N10W27

03N10W27

REVISED 3/2/16, W.S.

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



CANCELLED:
100
200
300
400
500
501
502
503
600

56-6

56-23

56-6

SEE MAP
3N 10W 27AB

SEE MAP
3N 10W 27BD

SEE MAP
3N 10W 27AC

SEE MAP
3N 10W 27CA

SEE MAP
3N 10W 27CD

SEE MAP
3N 10W 27DC

21

22

28

27

1116

1002

19.41 AC

1300

4.17 AC

1203

4.95 AC

11205

2.89 AC

1000

27

23.00 AC

1100

22.25 AC

1001

6.60 AC

1202

4.73 AC

1204

2.12 AC

1200

54.72 AC

900

12.27 AC

902

2.31 AC

904

0.37 AC

700

2.00 AC

701

0.81 AC

702

0.11 AC

703

500

19.27 AC

300

44.34 AC

1500

1.00 AC

1600

45.69 AC

1700

1.50 AC

1800

1.50 AC

1900

400

9.43 AC

300

19.27 AC

380

44.34 AC

1500

1.00 AC

1600

45.69 AC

1700

1.50 AC

1800

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19.27 AC

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9.43 AC

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3.31 AC

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6.60 AC

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19.27 AC

400

9.43 AC

500

19.27 AC

600

29.43 AC

700

35990 13th St, Nehalem, OR, 97 X

Layers Currently Showing

Earthquake Hazard

Active Faults

- Expected Earthquake Shaking
 - Violent
 - Severe
 - Very Strong
 - Strong
 - Moderate
 - Light

Landslide Hazard

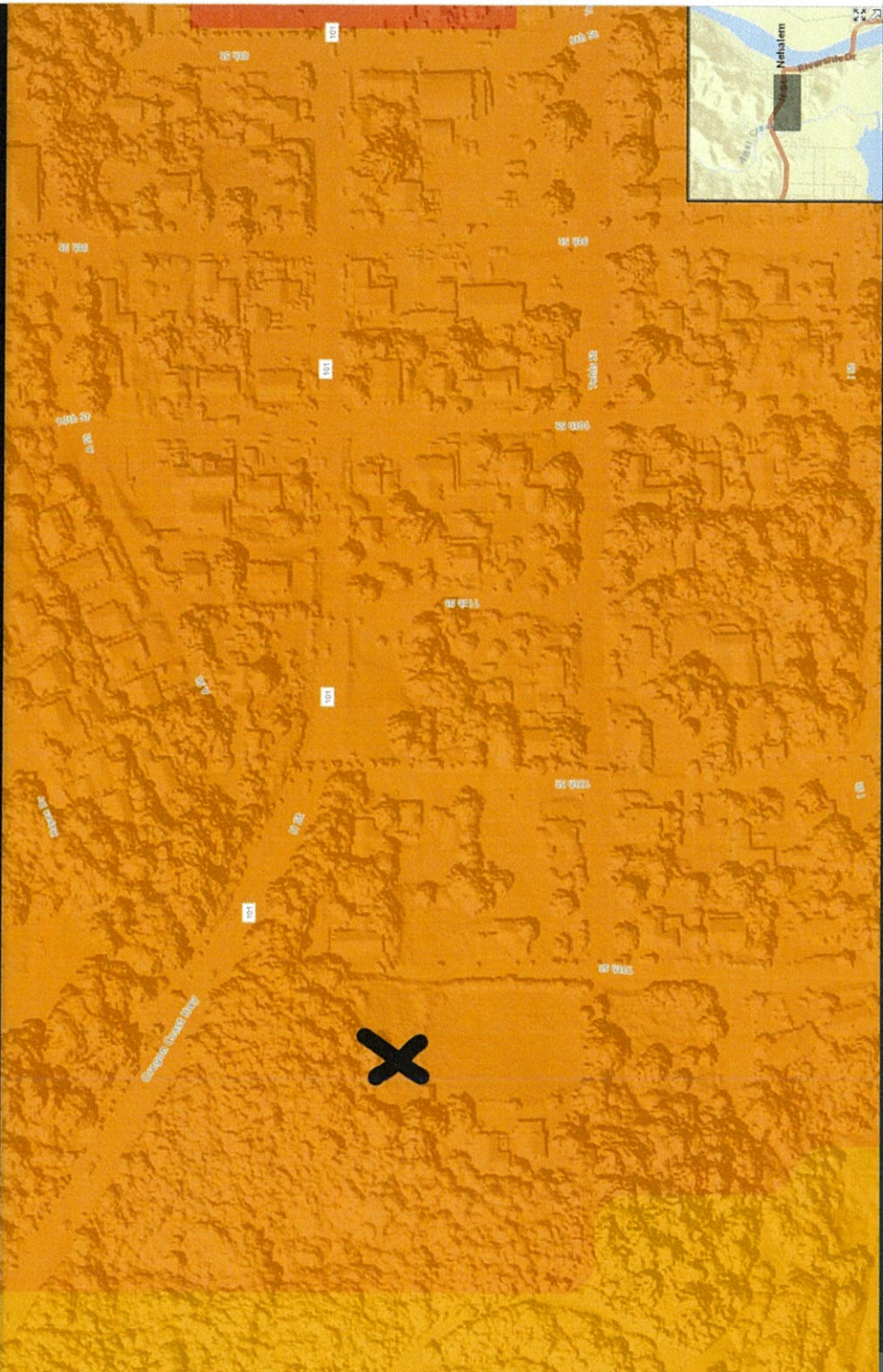
- Low - Landsliding Unlikely
- Moderate - Landsliding Possible
- High - Landsliding Likely
- Very High - Existing Landslide

Highest Hit Lidar Hillshade

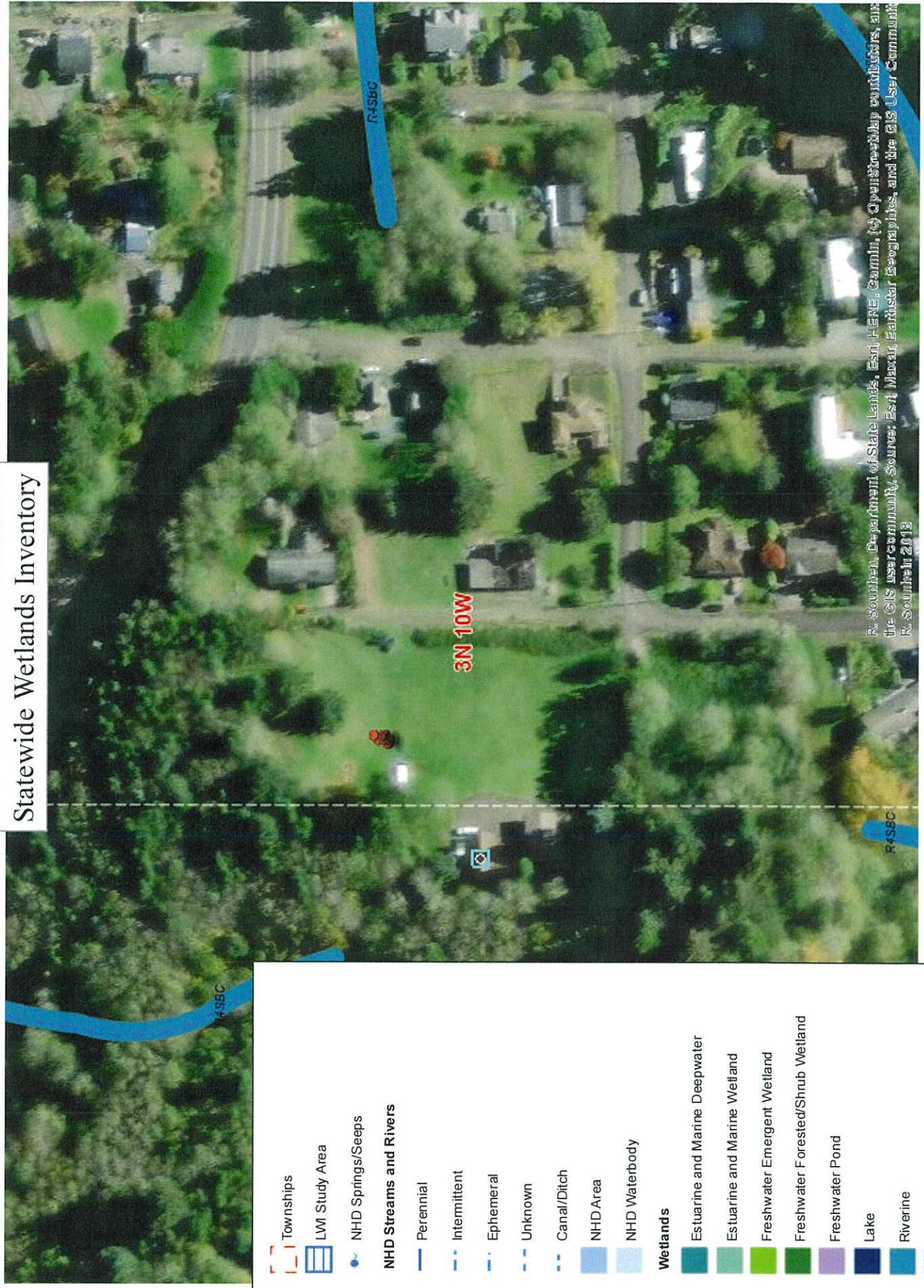
- High: 11244
- Low: -21

Bare Earth Lidar Hillshade

- High: 11243
- Low: -22



Statewide Wetlands Inventory



- Townships
- LMI Study Area
- NHD Springs/Seeps
- NHD Streams and Rivers**
 - Perennial
 - Intermittent
 - Ephemeral
 - Unknown
 - Canal/Ditch
 - NHD Area
 - NHD Waterbody
- Wetlands**
 - Estuarine and Marine Deepwater
 - Estuarine and Marine Wetland
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Lake
 - Riverine
 - SWI Predominantly Hydric Soil Map Units

R. Sounthel, Department of State Lands, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community
R. Sounthel 2013

National Flood Hazard Layer FIRMette

123°54'22"W 45°43'13"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

- 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 OF FLOOD HAZARD

- NO SCREEN
- Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone*

OTHER AREAS

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

GENERAL STRUCTURES

- 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
- 17.5 Coastal Transect
- 8 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

OTHER FEATURES

- Digital Data Available
- No Digital Data Available
- Unmapped

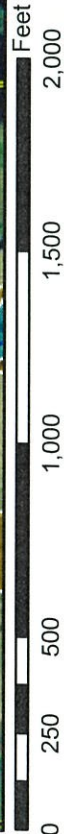
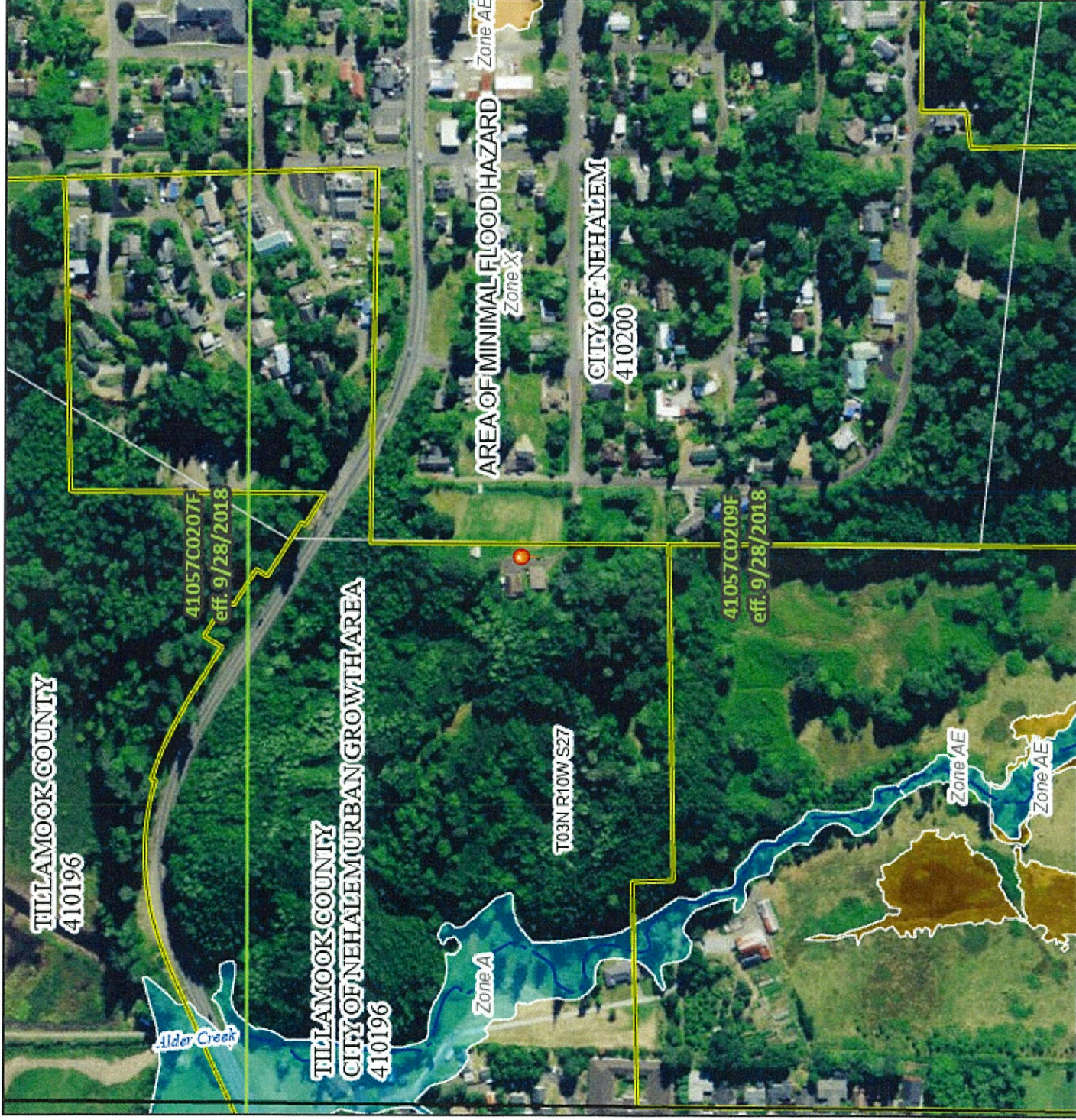
MAP PANELS

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 8/16/2023 at 4:17 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, FIRW panel number, and FIRW effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



123°53'45"W 45°42'48"N

EXHIBIT B



LAND DIVISION APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: Marie & Steven Ziemecki Phone: 503-440-3516
 Address: PO Box 206
 City: Nehalem State: OR Zip: 97131
 Email: ziemecki@nehalem.tel.net

Property Owner

Name: Phone:
 Address:
 City: State: Zip:
 Email:

Location:

Site Address: 35990 13th St, Nehalem, OR 97131

Map Number: 3N10270001300

Township Range Section Tax Lot(s)

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

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

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

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

General Information

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

Existing Conditions

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

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

Other information:

OFFICE USE ONLY	
Date Stamp	RECEIVED MAY 15 2023 BY:
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #: 131831	
Fees: 1100-	
Permit No: 851-23-00047-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

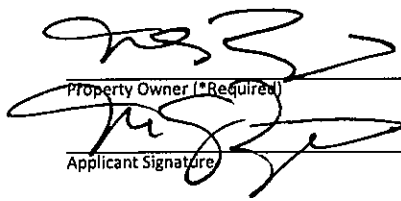
Certificates:

- Title interest & consent 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.



Property Owner (*Required)

Date

Applicant Signature

Date

PRELIMINARY PARTITION

INSTRUMENT NUMBER 2014-004538
 NORTH 1/2 OF THE SOUTHWEST 1/4, SECTION 27
 TOWNSHIP 3 NORTH, RANGE 10 WEST,
 WILLAMETTE MERIDIAN,
 TILLAMOOK COUNTY, OREGON

NARRATIVE:
 THE PURPOSE OF THIS EXHIBIT IS TO DEPICT A PROPOSED PARTITION THAT WOULD CREATE 2 PARCELS FROM THE EXISTING PROPERTY DESCRIBED IN INSTRUMENT NUMBER 2014-004538.

LEGAL DESCRIPTION:
 BEGINNING AT THE NORTHWEST CORNER OF BLOCK 30, TCHLS SECOND ADDITION TO WPALEA CITY, IN SECTION 27, TOWNSHIP 3 NORTH, RANGE 10 WEST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF TILLAMOOK, STATE OF OREGON;

THENCE NORTH 112° WEST 25 FEET;
 THENCE SOUTH 88°48' WEST ALONG A LINE THAT IS PARALLEL WITH THE WESTERLY EXTENSION OF THE NORTH BOUNDARY OF SECTION 27 AND THE FULL POINT OF BEGINNING OF THE WESTERLY EXTENSION OF THE NORTH BOUNDARY OF SAID BLOCK 30 A DISTANCE OF 323.9 FEET;
 SAID BLOCK 30 A DISTANCE OF 323.9 FEET;
 SECTION 27, TOWNSHIP 3 NORTH, RANGE 10 WEST, OF THE WILLAMETTE MERIDIAN; TO THE NORTHWEST CORNER OF SAID SECTION 27;

THENCE SOUTH TO THE POINT OF BEGINNING.
 EXCEPTING THEREFROM THAT PORTION OF SAID PREMISES CONVEYED TO THE STATE OF OREGON BY AND THROUGH ITS STATE HIGHWAY COMMISSION BY DEED RECORDED AUGUST 28, 1950 IN BOOK 124, PAGE 389, TILLAMOOK COUNTY RECORD, DESCRIBED AS FOLLOWS:

THAT PORTION OF SAID WEST 1/2 OF THE SOUTHWEST QUARTER OF SECTION 27 LYING NORTH AND EAST OF A LINE WHICH IS PARALLEL TO AND 60 FEET SOUTHWESTERLY OF THE CENTERLINE OF THE OREGON COAST HIGHWAY AS SAID LINE IS PARALLEL TO AND 60 FEET SOUTHWESTERLY OF THE CENTERLINE OF THE OREGON COAST HIGHWAY AS SAID SECTION 27, WHICH CENTERLINE IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHERE A SUBMERGED CENTERLINE SECTION 42-27-103 OPPOSITE AND 82 FEET DISTANT FROM WHICH FOOT OF THE SOUTH BOUNDARY OF SECTION 27, TOWNSHIP 3 NORTH, RANGE 10 WEST, OF THE WILLAMETTE MERIDIAN, INTERSECTS THE WESTERLY EXTENSION OF THE NORTH BOUNDARY OF SECTION 27, TOWNSHIP 3 NORTH, RANGE 10 WEST, OF THE WILLAMETTE MERIDIAN; TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 NORTH, RANGE 10 WEST, OF THE WILLAMETTE MERIDIAN; TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 NORTH, RANGE 10 WEST, OF THE WILLAMETTE MERIDIAN; CROSSING THE NORTH LINE OF THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 NORTH, RANGE 10 WEST, OF THE WILLAMETTE MERIDIAN AT STATION 45-35.

OWNER:
 STEVEN ZIEMECKI
 25290 N. HUNTER
 TILLAMOOK, OREGON 97141
 503-440-3517

PARCEL ACERAGE:
 THE PURPOSE OF THIS PRELIMINARY PARTITION PLAN IS TO CREATE TWO (2) PARCELS FROM TAX LOT 2N10272001J00, INSTRUMENT NUMBER 2014-004538
 TOTAL AREA: 4 ACRES +/-

PROPOSED PARCEL 1: 2.57 ACRES +/-
 PROPOSED PARCEL 2: 1.43 ACRES +/-

ZONING:
 R2 - MEDIUM RESIDENTIAL

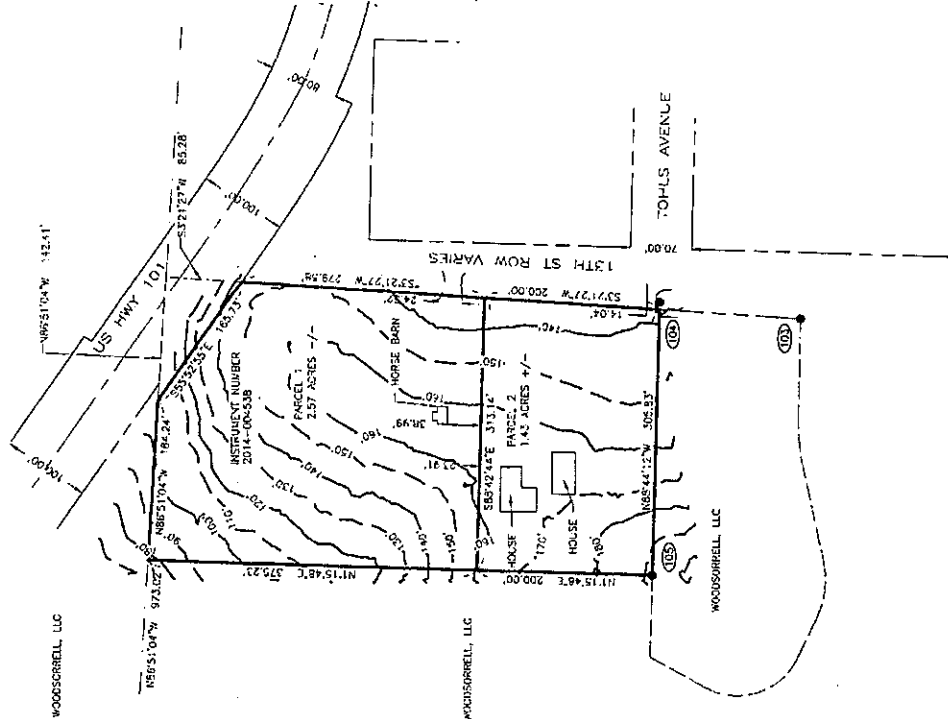
BASIS OF BRAEINGS:
 THE BASIS OF BRIDGE BETWEEN FOUND MONUMENTS
 104 AND 105 BEARS N 86°44'12" W

FOUND MONUMENT NOTES:

- 101 5/8" DIA. ROD, 300' WITH A YELLOW PLASTIC CAP STAMPED, "TERRACE JONES 25200' TULLOH WITH SURVEY, SET FOR CORNER SURVEY P-104-1.
- 102 5/8" DIA. ROD, 300' WITH A YELLOW PLASTIC CAP, STAMPED "TULLOH 1200' OZ BELOW SURFACE, ON THE SOUTH SIDE OF TCHLS STREET, SET PER SURVEY B-1133
- 103 1/2" DIA. PIPE AT SURFACE, SET PER SURVEY F-46-176

LEGEND:

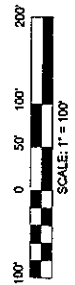
- 104 FOUND MONUMENT NUMBER
- 105 FOUND MONUMENT - SEE MONUMENT NOTES
- 106 SET MONUMENT-307X 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED, "S&F LAND SERVICES"
- 107 CENTERLINE
- 108 RIGHT OF WAY
- 109 NEW PROPERTY LINE
- 110 LOT/PARCEL LINE
- 111 GRAVEL ENTRANCE
- 112 ASPHALT ENTRANCE
- 113 MASON CONTOUR
- 114 WYONK CONTOUR



S&F Land Services
 PORTLAND, OREGON, BEASLEY, OREGON
 STEVE ZIEMECKI, SURVEYOR
 25290 N. HUNTER, TILLAMOOK, OREGON 97141
 (503) 738-3517

PRELIMINARY PARTITION FOR:
MARIE G. AND STEVEN B. ZIEMECKI
 INSTRUMENT NUMBER 2014-004538
 N 1/2 OF THE SW 1/4,
 SECTION 27, T3N, R10W, W1M,
 TILLAMOOK COUNTY, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR
 Steve Ziemecki
 SEPTEMBER 24, 2019
 JACK L. WHITE, C.E.
 915372-3
 EXPIRES 6/30/24



WOODSORRELL, LLC
 04/15/2023
 225681-1
 FILED
 4/22/2023
 TILLAMOOK COUNTY, OREGON
 CLERK

225681-01-040



Date: 05/12/2023

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 27 TAX LOT(S) 1300

SITUS ADDRESS: 35990 13th Street

NAME: Marie & Steven Ziemecki PHONE: (503) 440-3516

MAILING ADDRESS: PO Box 206

Nehalem, OR 97131

Single Family Duplex/Multi-Family Other

Comments: Partition plat to create 2 parcels

Signed: Melissa Thompson-Kuiper City Manager
Name Title



Date: 05/12/2023

To: TILLAMOOK COUNTY DEPT. OF COMMUNITY DEVELOPMENT

Attn: Building Department

Re: CITY ZONING APPROVAL FOR BUILDING PERMIT

This is to certify only that the proposed structure is allowed in the zone in which it is proposed to be built.

Situs Address: 35990 13th Street

Map Number /Tax Lot(s): 3N10270001300

Applicant/Property Owner:

Name: Marie & Steven Ziemecki Phone: 503-440-3516

Mailing Address: PO Box 206 Email: ziemecki@nehalem.tel.net

City: Nehalem State: OR Zip Code: 97131

Proposed Structure: Partition plat to create 2 parcels.

Conditions or Comments: _____

Melissa Thompson-Kuzy
Signature of Zoning Authority

City Manager
Title

RECEIVED
JUN 08 2023
BY:

RECORDING REQUESTED BY:

Ticor Title Company
507 Laneda Ave.
Manzanita, OR 97130

GRANTOR:
Roland Alexander Thompson
6897 Milner Mountain Ranch Rd
Fort Collins, CO 80526

GRANTEE:
Marie G. Ziemecki and Steven B. Ziemecki, as
tenants by the entirety
P.O. Box 206
Nehalem, OR 97131

SEND TAX STATEMENTS TO:
Marie G. Ziemecki and Steven B. Ziemecki
P.O. Box 206
Nehalem, OR 97131

AFTER RECORDING RETURN TO:
Marie G. Ziemecki and Steven B. Ziemecki
P.O. Box 206
Nehalem, OR 97131

Escrow No: 360414015394-TTAST02

3N10 27 01300 #57379

35990 Thirteenth Street
Nehalem, OR 97131

Tillamook County, Oregon
09/11/2014 02:06:30 PM
DEED-DWARR
515 00 511 00 521 00 \$10 00 - Total = \$57 00

2014-004538



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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED – STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Roland Alexander Thompson

Grantor, conveys and warrants to

Marie G. Ziemecki and Steven B. Ziemecki, as tenants by the entirety

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

SEE LEGAL DESCRIPTION ATTACHED HERETO

The true consideration for this conveyance is \$201,000.00.

ENCUMBRANCES: Covenants, Conditions, Restrictions, Reservations, set back lines, Power of Special Districts, and easements of Record, if any.

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,

360414015394-TTAST02
Deed (Warranty – Statutory (Individual or Corporation))

CHAPTER 8, OREGON LAWS 2010.

Dated 9-9-14; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

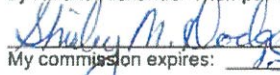

Roland Alexander Thompson

State of Colorado

COUNTY of Sumner

This instrument was acknowledged before me on September 9, 2014

by Roland Alexander Thompson.

 Notary Public - State of Oregon

My commission expires: 12/16/17



LEGAL DESCRIPTION

Beginning at the Northwest corner of Block 30, Tohl's Second Addition to Nehalem City, in Section 27, Township 3 North, Range 10 West of the Willamette Meridian, in the County of Tillamook, State of Oregon;

thence North 1° 12' West 25 feet;

thence South 88° 48' West along a line that is parallel with the Westerly extension of the North boundary of said Block 30 to the East line of the Northwest quarter of the Southwest quarter of said Section 27 and the true point of beginning of the herein described tract;

thence continuing South 88° 48' West parallel with the Westerly extension of the North boundary of said Block 30 a distance of 323.9 feet;

thence North 1° 12' West to the North line of the Northwest quarter of the Southwest quarter of said Section 27;

thence East to the Northeast corner of the Northwest quarter of the Southwest quarter of said Section 27;

thence South to the point of beginning.

EXCEPTING THEREFROM that portion of said premises conveyed to the State of Oregon, by and through its State Highway Commission by Deed recorded August 28, 1950 in Book 124, page 309, Tillamook County Records, described as follows:

That portion of said West half of the Southwest quarter of Section 27 lying North and East of a line which is parallel to and 60 feet Southwesterly of the centerline of the Oregon Coast Highway as said highway has been relocated over and across or adjacent to the said West half of the Southwest quarter of Section 27, which centerline is described as follows:

Beginning at a point which is Engineer's centerline Station 42+71.03 opposite and 60 feet distant from which point the Southwesterly line of said parcel intersects the East line of said West half of the Southwest quarter of Section 27; said point being 131 feet South and 1342 feet East of the Northwest corner of the Southwest quarter of Section 27, Township 3 North, Range 10 West of the Willamette Meridian;

thence North 57° 58' West 621.98 feet to Station 48+93.01, said centerline crossing the North line of the West half of the Southwest quarter of Section 27 approximately at Station 43+35.

EXHIBIT C

Angela Rimoldi

From: Ron Newton
Sent: Monday, July 17, 2023 4:21 PM
To: Lynn Tone; Angela Rimoldi
Cc: Jasper Lind
Subject: Re: 851-23-000147-PLNG Partition Request

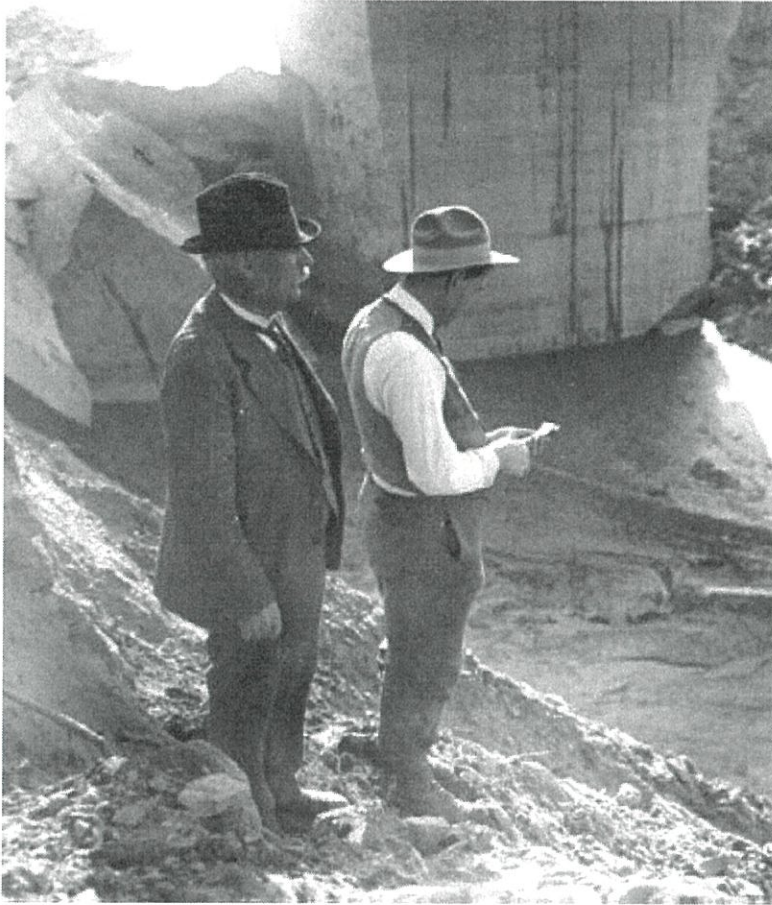
Lynn

The subject property fronts onto Hwy 101, a State Highway under ODOT jurisdiction, and onto 13th Street in Nehalem under the jurisdiction of The City of Nehalem.

Tillamook County Public Works has no comment on the subject Partition Request.

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: Monday, July 17, 2023 1:44 PM
To: Angela Rimoldi <arimoldi@co.tillamook.or.us>
Subject: 851-23-000147-PLNG Partition Request

Please see attached for Notice of Administrative Review. 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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Angela Rimoldi

From: ODOT Reg 2 Planning Manager <ODOTR2PLANMGR@odot.oregon.gov>
Sent: Wednesday, July 19, 2023 2:07 PM
To: Lynn Tone; Angela Rimoldi
Cc: KEARNS Richard A; WILLIAMS Virginia L
Subject: EXTERNAL: RE: 13043_Ziemecki

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

Lynn,

Thank you for notifying ODOT of the proposed partition. Please include these comments in the public record and notify ODOT of the decision by sending a copy to odotr2planmgr@odot.state.or.us when available.

The site is partly adjacent to Oregon Coast Highway, No. 101 (009), and is subject to state laws administered by ODOT. The site has no a highway approach. The proposed partition will not affect highway operations and ODOT has no objections to the proposal.

If the applicant needs to occupy state highway right-of-way for utility work, they can contact the ODOT District 1 Permits office at 503-325-7222.

Thank you

Zdenek "Z" Vymazal, PE, PLS
Development Review Coordinator (Area 1)
ODOT – Region 2
455 Airport Rd. SE, Bldg. B
Salem, OR 97301
(971)-345-1318 Cell/Office
zdenek.g.vymazal@odot.oregon.gov
Hours: 6:30 AM to 3:00 PM Monday – Friday

From: Lynn Tone <ltone@co.tillamook.or.us>
Sent: Monday, July 17, 2023 1:44 PM
To: Angela Rimoldi <arimoldi@co.tillamook.or.us>
Subject: 13043_Ziemecki

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Please see attached for Notice of Administrative Review. 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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Angela Rimoldi

From: Lydia O'Connor <mrsococonnororegon@gmail.com>
Sent: Monday, July 31, 2023 11:05 AM
To: Angela Rimoldi
Subject: EXTERNAL: Confirmation of receipt requested..... regarding partition request # 851-23-000147-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.]



7/31/2023 Ziemecki Partition 2023

NOTICE: Confirmation of receipt requested before 4 p.m. today 7/31/2023.

Attention: Angela Rimoldi and Sarah Absher
arimoldi@co.tillamook.or.us
503-842-3408

Per the Tillamook County Notice of Administrative Review,
in order for the
(Marie & Steven Ziemecki / Tax Lot 3n1027 01300) to be partitioned the lot must comply with criteria in NH-R2, Nehalem City Code 156 (Minor Land Partitions and Design Standards) and 157 (Zoning).

The lot to be partitioned currently has issues with:

#1 Nehalem City Code 156.067 (D) **Geo-tech** required due to slope greater than 20%

#2 Nehalem City Code 156.087 (B) (1) **Storm water and flood water runoff provisions**
Nehalem City Code 156.087 (B) (3) **Overloading existing drainage**

#3 Nehalem City Code 156.081 (B) **Street Minimum rights-of-way** (currently inadequate)
Nehalem City Code 156.087 Improvements at the time of partitioning to be done by partitioner
Nehalem City Code 156.087 (A) **Streets shall be improved.**

#4 Nehalem City Code 156.081 (C) (3) (d) **Culverts missing**
Nehalem City Code 156.081 (C) (3) (e) **Bank slope too steep**, max allowed is 1.5 to 1

#5 Notify the applicant: Nehalem has water pressure and flow issues; they created a water **connection priority schedule** NCC 51.04 (A) in 2022. Currently with the water moratorium, Ord. 2022-02 and the renewal of the moratorium Ord. 2023-04, 59 parcels within the city and in the UBG are unable to have water connections and are thus unbuildable. This new lot has lower priority. **This new lot, if created, will not be able to have water service at this time.** Also note the Nehalem planning commission is changing the code to allow fourplexes plus an auxiliary dwelling unit on every existing lot in Nehalem. This will mean that this newly partitioned lot will not be able to have water service until the water system can be fully upgraded as the priority schedule for water in Nehalem per Ord 2022-01 NCC 51.04 is to provide water to all existing lots in the city and UBG prior to providing water to new lots in the UBG.

****NOTE:** The surveyors were inaccurate when creating the map for your review. The surveyor map states Tohls Street is 70 feet wide. This is incorrect, Tohls Street is 50 feet wide at the intersection of Tohls Street and 13th Street. See map 3n1027ca. Also note they omitted the 130' topographical line which runs along the edge of the property in question to be partitioned on 13th Street.

#1 Nehalem City Code 156.067 (D) **Geo-tech** required due to slope greater than 20%

#1 - THE LOT BEING PARTITIONED, 3n1027 01300, CAUSES **FLOODING** ON 13TH STREET, IN MY HOUSE AND THE NEHALEM 13TH STREET WATER BOOSTER PUMP:

This lot has a 24% slope and at times the runoff is excessive and causes flooding on 13th Street and inside my house on 13th Street, tax map 3n1027ca 05300 and also floods the city of Nehalem water booster pump installed on 13th Street. The subject property has a **slope of approximately 24%** and you must **require it to have a geotechnical survey** prior to building per Nehalem City Code 156.067 (D)

“... a site investigation by a qualified geo-technical expert when the average slope of the lots created is greater than 20%. (Ord. 80-3, passed 04/12/2004)”

#2 Nehalem City Code 156.087 (B) (1) **Storm water and flood water runoff provisions**
Nehalem City Code 156.087 (B) (3) **Overloading existing drainage**

#2 - DUE TO THE STEEPNESS OF THE SUBJECT LOT AND **INADEQUATE RAINWATER COLLECTION**, THIS PROPERTY HAS CAUSED FLOODING INSIDE MY HOUSE.

The runoff from this lot flooded my home in 2019 and again in 2020. I own the property directly to the east of this property with 5 lots totalling 270 feet of frontage on 13th Street. My property is downhill from the lot being partitioned. Currently Steven Ziemecki has two locations where he drives vehicles onto his property, one at the intersection of Tohls Street and 13th Street and one directly east of his small barn on 13th Street. In October of 2019 and again in February of 2020 the rain was significant with more than 3" in a day. Due to the lack of proper drainage and the 24% slope, in these weather events the runoff from both of Mr. Ziemecki's access points funneled water onto 13th Street so rapidly that this water came into my house and flooded my hall, bedrooms and bathroom. **Adequate drainage and runoff catchments must be created prior to partitioning.**

Due to the situation created by the steep slope of the lot in question, 13th Street should not be paved as it will make it even more impervious and add further to flooding. The Nehalem planning commission has noted that gravel roads slow down flooding.

#3 Nehalem City Code 156.081 (B) **Street Minimum rights-of-way** (currently inadequate)
Nehalem City Code 156.087 Improvements at the time of partitioning to be done by partitioner
Nehalem City Code 156.087 (A) **Streets shall be improved.**

#3 - 13TH STREET IS A **SINGLE LANE** 11' WIDE GRAVEL DRIVEWAY:

13th Street is currently a single lane driveway serving two houses on 13th Street, not the property in question, with a total of 10 vehicles. The existing gravel driveway, 13th Street, is not wide enough for two vehicles and is even considered "difficult to drive down" by the Ziemeckis if any vehicles are parked along 13th on the east side. When cars have been parked on the east side, they have complained. Parking is impossible along the west side as it is a ditch. 13th street is platted at 25 to 29 feet, but only developed 11 feet wide. 13th Street should be widened to standard width to accommodate parking and two lanes of travel. 156.081 (B)(4) requires this residential street to have a 25' curb to curb pavement width and a 7' parking lane.

#4 Nehalem City Code 156.081 (C) (3) (d) **Culverts missing**

Nehalem City Code 156.081 (C) (3) (e) **Bank slope too steep**, max allowed is 1.5 to 1

#4 - CURRENT DRAINAGE DITCH FOR THE PROPERTY IS INADEQUATE AND IS LOCATED IN THE CENTER OF 13TH STREET

Interestingly, the **drainage ditch is in the center of 13th** Street and will need to be moved 15 feet to the west if the road is to be widened to allow for two cars to be able to drive on the road at the same time. **The drainage ditch will also need to be made significantly larger** as it is inadequate. **Perforated pipe or a ditch should be installed at both access points**, instead of nothing as they are now, which causes all of the water to miss the drainage ditch, it then pours onto 13th Street and contributes to flooding the city of Nehalem water pump that is installed in the street on a regular basis. Collection of runoff should be made at the two access points onto the property to avoid flooding on 13th Street, my house and the city water pump.

#5 - Per Ord. 2022-01 Nehalem City Code 51.04 New water connections, the city will not be able to grant a water connection to this new lot in the UBG per NCC 51.04(A)(4). The city already is not providing water to existing lots in the city and in the UBG (NCC 51.04 (A)(3)) and existing lots have priority over newly created lots in the UBG. See also the moratorium Ord. 2022-02 which put a moratorium on 59 buildable lots and the renewal of the moratorium Ord. 2023-04 which justifies this based on lack of adequate water service infrastructure for new development.

Currently the city of Nehalem has declared we are having a drought (see nehalem.gov) and, more importantly, the City of Nehalem and the urban growth boundary already have long-term issues delivering enough water to existing customers. It is not responsible to add more lots to our existing water system at this time.

Sincerely,

Mrs. O'Connor
MrsOConnorOregon@gmail.com