



**PARTITION REQUEST #851-23-000183-PLNG:  
WILLIS & ONION PEAK DESIGN  
ADMINISTRATIVE DECISION & STAFF REPORT**

**Decision:** Approved with Conditions  
**Decision Date:** August 31, 2023  
**Report Prepared By:** Angela Rimoldi, Planning Technician

**I. GENERAL INFORMATION:**

- Request:** Partition request to create two (2) residential parcels.
- Location:** Located east of the City of Nehalem, accessed from Highway 53, a state highway; the subject property is designated as Tax Lot 1100 of Section 25, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County Oregon.
- Zone:** Rural Residential 2-Acre (RR-2) Zone
- Applicant:** Onion Peak Design, 11460 Evergreen Way, Nehalem, OR. 97131
- Property Owner:** Diane Willis, 35755 Highway 53, Nehalem, OR. 97131

**Description of Site and Vicinity:** The subject property is accessed from Highway 53, a state highway, is irregular in shape, approximately 8+ acres in size, improved with a single-family dwelling and accessory structures, is vegetated with grasses, bushes, and trees, with a generally flat topography (Exhibit A). The subject property is zoned Rural Residential (RR-2) with surrounding properties facing north, south, east, and west also zoned Rural Residential (RR-2), and properties to the northwest zoned Farm (F-1) (Exhibit A).

The subject property is located within an area of geologic hazard, contains no mapped wetlands as indicated on the Statewide Wetland Inventory map, and is largely located in Zone X, an area of Minimal Flood Hazard, with a slight portion to the west of the property located in Zone AE, an area of Special Flood Hazard, as depicted on FEMA Flood Insurance Rate Map (FIRM 41057C0230F) (Exhibit A). An unnamed stream was identified on the State Wetlands Inventory map located in the center of the property, and given the size and topography of the subject property and subsequent parcels, Staff finds that the standards of TCLUO Section 4.130: Developmental Requirements for Geological Hazard Areas are not applicable at

this time, however a Condition of Approval has been made to require relevant standards of this section be adhered to at the time of future development.

**II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:**

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

- A. Land Division Ordinance Section 070: Preliminary Plat Approval Criteria
- B. TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone
- C. TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas

**III. ANALYSIS:**

Notice of the request was mailed to property owners within 250 feet of the subject property and agencies on July 28, 2023. One (1) comment was received from the Oregon Department of Transportation (ODOT) in the matter of access location(s) and easement recordings to maintain a legally established approach (Exhibit C).

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

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

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

**Findings:** The preliminary Partition Plat proposes the creation of two (2) parcels (Exhibit B). The applicability of the RR-2 zone is addressed below. Plat and submitted supplemental information confirm the criteria above are met.

- (c) Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer and streets, shall conform to the standards in Sections 150 and 160 of this ordinance;*
- (d) The proposed plat name is not already recorded for another subdivision, does not bear a name similar to or pronounced the same as the name of any other subdivision within the County, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name;*
- (e) The proposed streets, utilities, and surface water drainage facilities conform to Tillamook County’s adopted master plans and applicable engineering standards and, within Unincorporated Community Boundaries, allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;*
- (f) All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;*
- (g) Provisions for access to and maintenance of off-right-of-way drainage, if any;*

**Findings:** The preliminary plat confirms access to the subject property and subsequent parcels remains via Highway 53, a state highway (Exhibit B).

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

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

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

**Findings:** The subject property is served by a well, a Water Availability Letter from Oregon Water Resources Department is provided in the application submittal (Exhibit B). Proposed parcel 1 is improved with an existing on-site wastewater system (Exhibit B). Proposed parcel 2 is not improved with an existing system, however, has an approved site evaluation for installation of an onsite system (Exhibit B).

The subject property is served by Nehalem Bay Fire Rescue, the Tillamook County Sheriff’s Office, and Oregon Department of Transportation (ODOT). Given the location of the property, and the availability of public services existing in the area, staff concludes these criteria have been met or can be met through the Conditions of Approval.

**B. TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone**

*STANDARDS: Land divisions and development in the RR-2 and RR-10 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:*

- (a) The minimum lot size is two acres for parcels zoned before October 4, 2000.
- ...
- (e) The minimum lot width and depth shall both be 100 feet.
- (f) The minimum front yard shall be 20 feet.
- (g) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.
- (h) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.

**Findings:** The applicant has provided a preliminary plat confirming the two (2) parcels to be created by the proposed partition meet the 2-acre minimum requirements for lot size, as well as the 100-foot lot width and depth standards set by the Rural Residential 2-Acre (RR-2) zone, respectively both before and after the proposed partition (Exhibit B).

Proposed parcel 1 will maintain the location of the existing single-family dwelling and an accessory structure (Exhibit B). The structures maintain conformance with the setback standards set by the Rural Residential 2-Acre (RR-2) zone, respectively both before and after the proposed partition (Exhibit B).

Proposed parcel 2 will maintain the remaining existing accessory structures that also maintain conformance with the setback standards set by the Rural Residential 2-Acre (RR-2) zone, respectively both before and after the proposed partition (Exhibit B). The RR-2 zone does not allow outright for detached accessory

structures without an on-site primary structure. Staff find development standards can be met through compliance with the Conditions of Approval.

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

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

*(a) Active landslides identified in Oregon Department of Geology and Mineral Industries (DOGMI) Bulletins 74 and 79;*

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

*.....*

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

*(a) For building or mobile home or manufactured home permits in areas identified in (1)*

*(b), reports are needed for lots 20,000 square feet or larger only where the proposed structure is to be situated on slopes greater than 29 percent or if (1) (f) applies*

**Findings:** The subject property is within an area of geologic hazard (Exhibit A). Future development of the subject property will be subject to development standards of the TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. A Condition of Approval has been outlined below in Section V.

**IV. DECISION: APPROVED WITH CONDITIONS**

Staff concludes, based on the findings of fact and other relevant information in the record, the Applicant has satisfied or is able to satisfy the applicable ordinance requirements through the Conditions of Approval, and therefore, approves the request subject to the provisions in Section V below.

By accepting this approval, the applicants/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 applicants/property owners shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed building site.

This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00 PM on September 12, 2023**.

**V. CONDITIONS OF APPROVAL:**

Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant shall obtain all Federal, State, and Local permits, as applicable.
2. All easements necessary to serve the parcels for access and utilities shall be clearly identified on the final plat.
3. The applicant shall comply with all requirements of the Tillamook County Surveyor's Office.

4. The applicant 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 Preliminary Plat approval.
5. The applicant shall record the Final Plat within ninety (90) days from the date of final signature of the partition plat.
6. Future changes of use or new access from Highway 53, a state highway, will require review and written approval from the Oregon Department of Transportation (ODOT) prior to development.
7. Future development is subject to standards required by TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone.
8. Future development is subject to standards required by TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.
9. A Restrictive Covenant, as identified in 'Exhibit D', is required for detached accessory structures on Proposed Parcel 2 to confirm they are accessory to the primary dwelling on Proposed Parcel 1. If Proposed Parcel 1 and Proposed Parcel 2 are retained by separate property owners, the property owner of Parcel 2 must convert or demolish the accessory structures to allowable uses within 90-days of transfer of ownership of the real property.

**VI. EXHIBITS:**

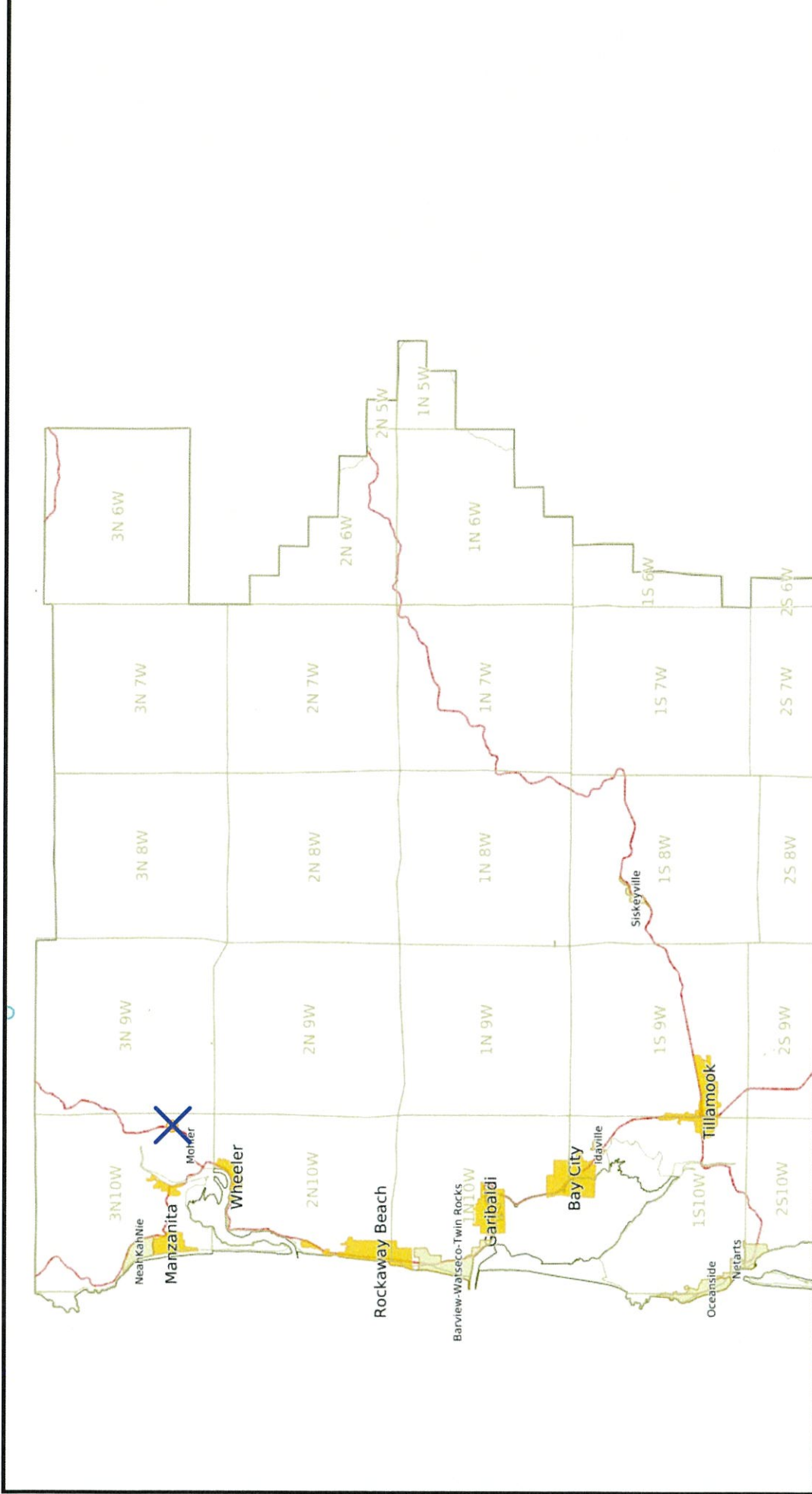
All Exhibits referenced herein are, by this reference, made a part hereof:

- A. Property identification maps and Assessor's Summary Report
- B. Applicant's submittal
- C. Public Comments
- D. Restrictive Covenant

# EXHIBIT A



# Tillamook County GIS



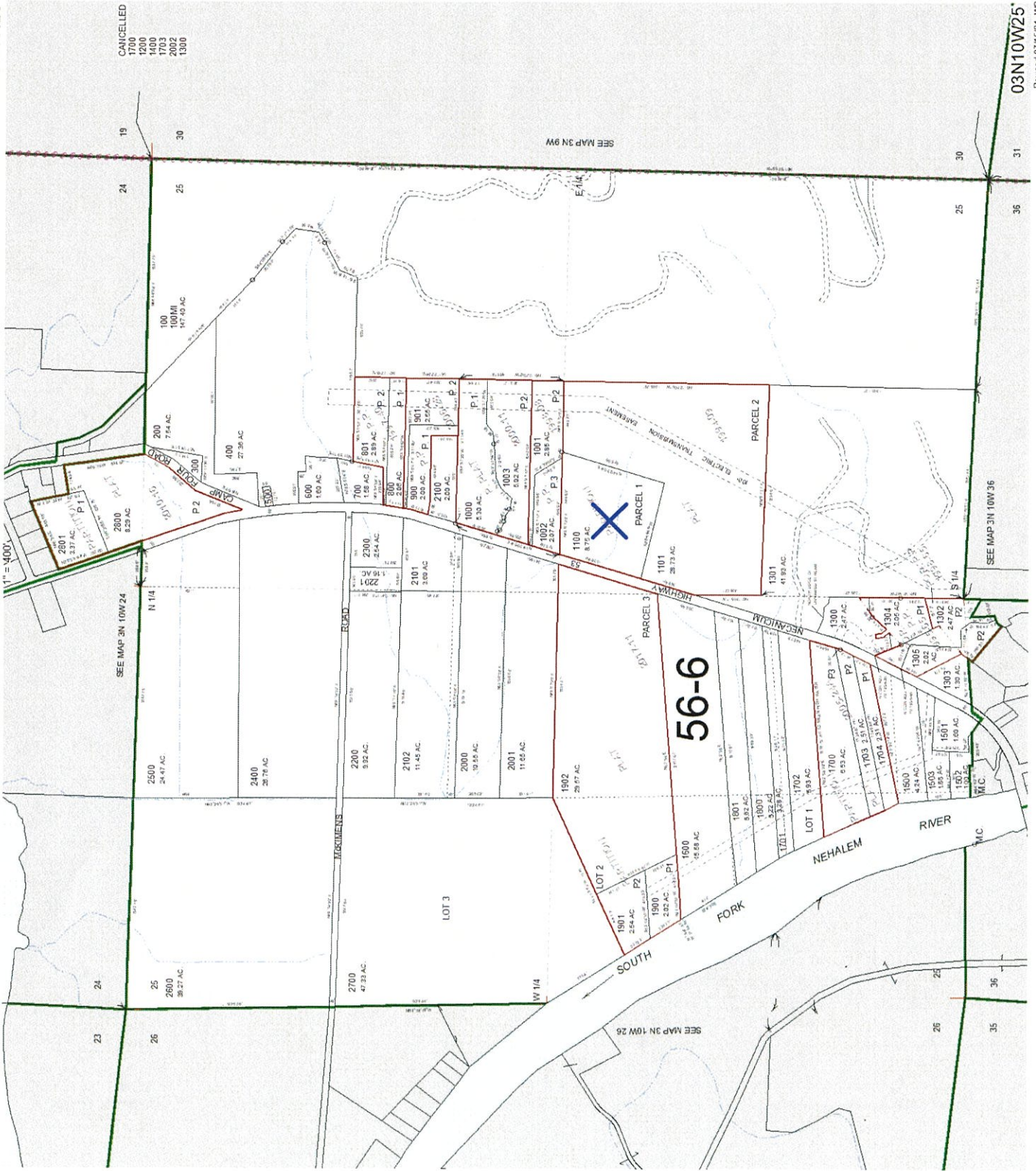
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THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SECTION 25 T.3N. R.10W. W.M.  
TILLAMOOK COUNTY

03N10W25



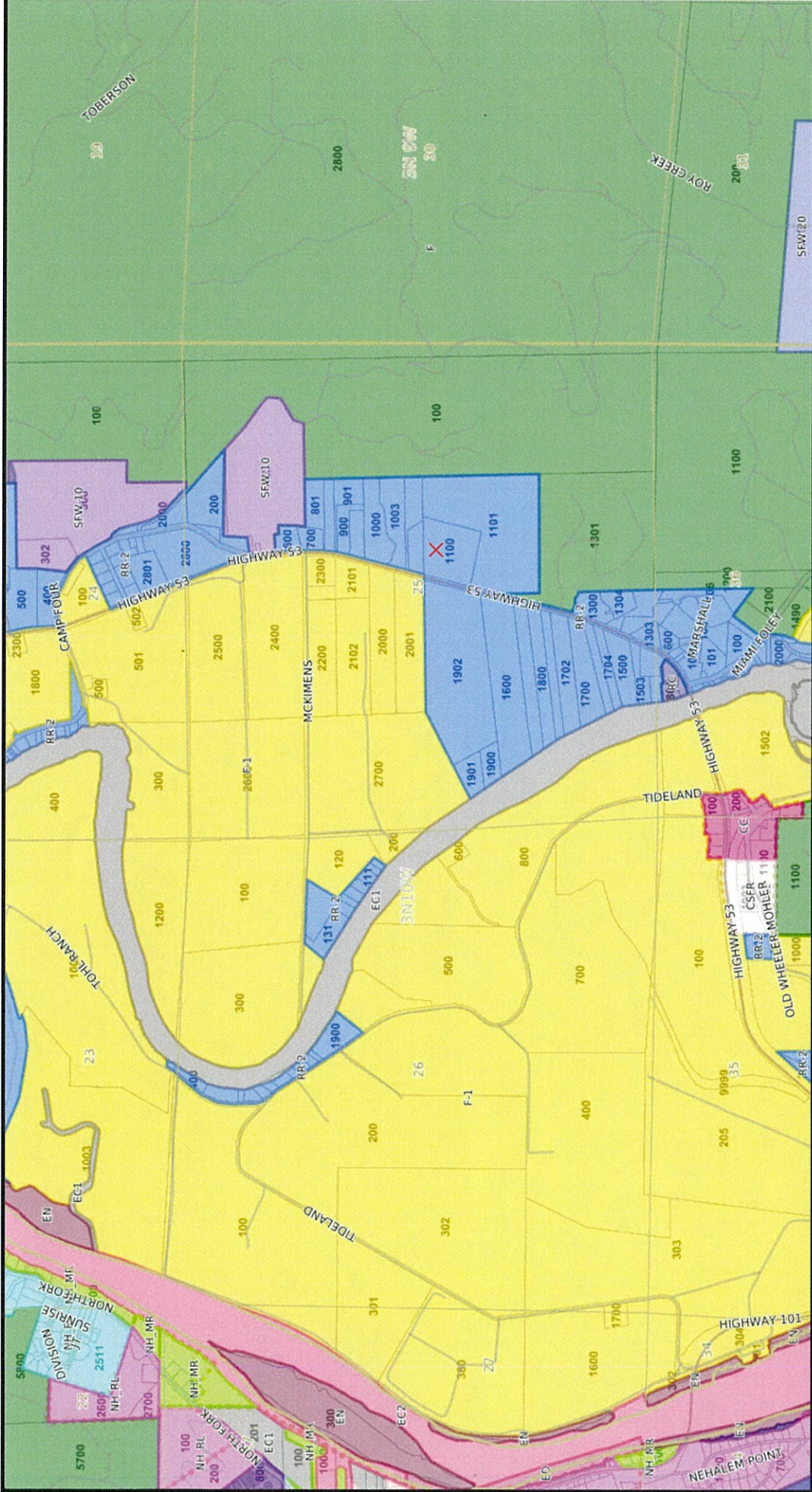
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1700  
1200  
1400  
1703  
2002  
1300

03N10W25  
Revised 07/15/21, WS





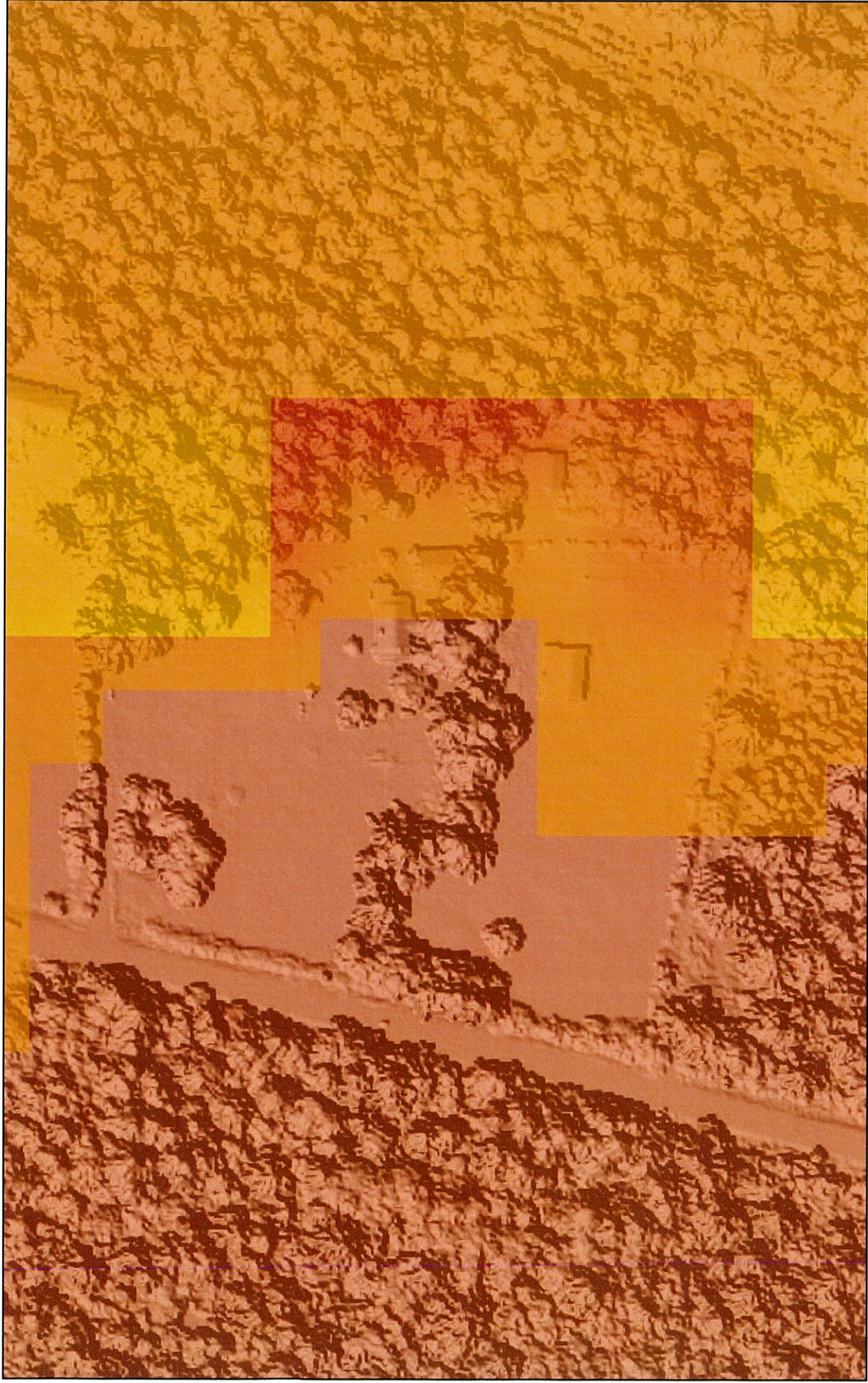
# Tillamook County GIS



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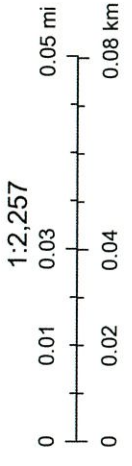


# PARTITION #851-23-000183-PLNG



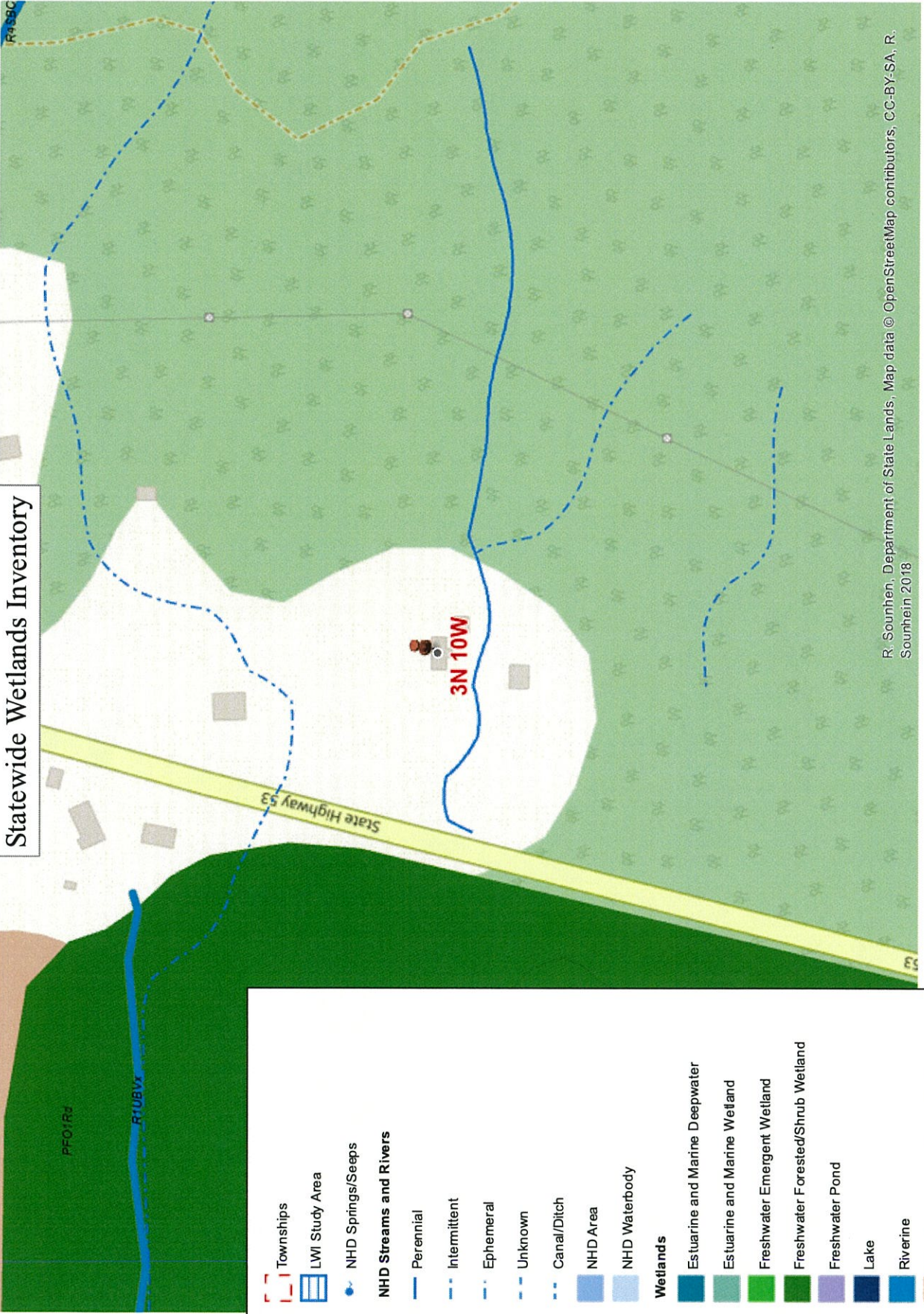
August 25, 2023

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





# Statewide Wetlands Inventory



R. Sounhein, Department of State Lands, Map data © OpenStreetMap contributors, CC-BY-SA, R. Sounhein 2018

	Townships
	LWI Study Area
	NHD Springs/Seeps
<b>NHD Streams and Rivers</b>	
	Perennial
	Intermittent
	Ephemeral
	Unknown
	Canal/Ditch
	NHD Area
	NHD Waterbody
<b>Wetlands</b>	
	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
	SWI Agate-Winlo Soils

1 inch = 0.07 miles  
 0 0.0275 0.055 0.11 0.165 0.22  
 mi  
 The Statewide Wetlands Inventory (SWI) represents the best data available at the time the map was published and is updated as new data becomes available. In all cases, actual field conditions determine the presence, absence and boundaries of wetlands and waters (such as creeks and ponds). An onsite investigation by a wetland professional can verify actual field conditions.



# National Flood Hazard Layer FIRMette

123°51'27"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, AB9
- 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

### GENERAL STRUCTURES

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

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- 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

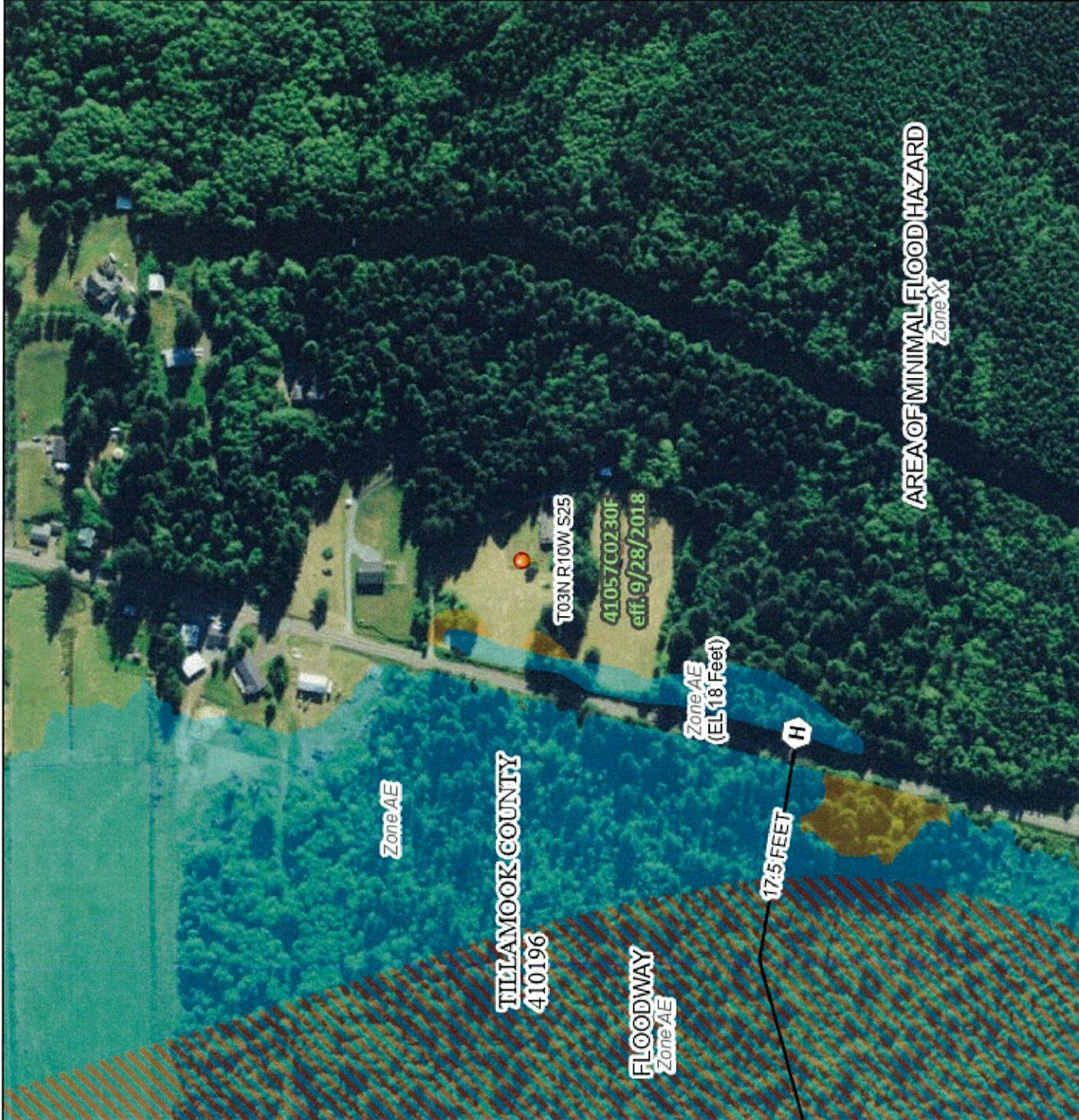
- MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

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 8/25/2023 at 5:41 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



123°50'49"W 45°42'47"N

0 250 500 1,000 1,500 2,000 Feet

1:6,000



# 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: Diane L. Lorette Willis Phone: 503-368-3155  
 Address: 35755 Highway 53  
 City: Nehalem State: OR Zip: 97131  
 Email: dllwillis@gmail.com

**Location:**

Site Address: 35755 Highway 53, Nehalem, OR 97131

Map Number:	3N	10W	25	1100
	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

JUN 20 2023

Approved  Denied

Received by:

Receipt #:

Fees: 1100-

Permit No:

851-23-000183 -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:

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**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.

<p style="font-size: 2em; font-family: cursive;">Diane L. Lorith Willis</p> <p style="font-size: 0.8em; margin-top: 5px;">Property Owner (*Required)</p>	<p style="font-size: 1.2em;">6/14/23</p> <p style="font-size: 0.8em; margin-top: 5px;">Date</p>
<p style="font-size: 1.5em; font-family: cursive;">EW</p> <p style="font-size: 0.8em; margin-top: 5px;">Applicant Signature</p>	<p style="font-size: 1.2em;">6-14-23</p> <p style="font-size: 0.8em; margin-top: 5px;">Date</p>

**NOTES**

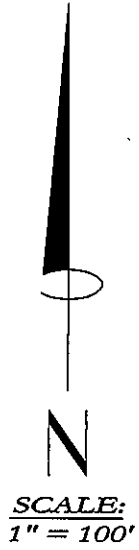
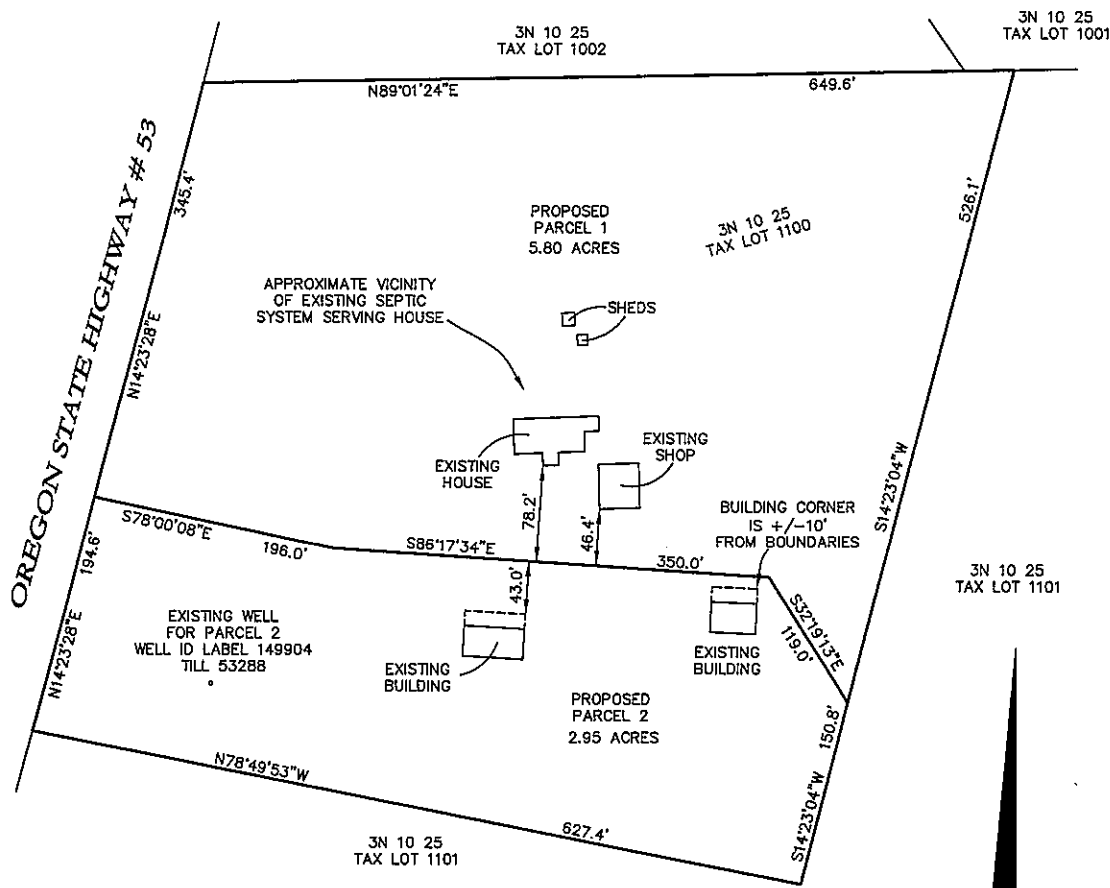
THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE SUBJECT PROPERTY. THE PURPOSE OF THIS MAP IS TO SHOW THE PROPOSED PARTITION AS PER TILLAMOOK COUNTY PLANNING DEPARTMENT PROCEDURES.  
 PARCEL 1 HAS AN EXISTING SEPTIC SYSTEM AND WATER RIGHTS TO THE CREEK THAT SERVE THE EXISTING HOME.  
 PARCEL 2 HAS BEEN APPROVED FOR SEPTIC AND RECENTLY HAD A NEW WELL INSTALLED AS SHOWN HEREON.

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Erick M. White*

OREGON  
 APRIL 28, 2014  
 ERICK M. WHITE  
 78572  
 RENEWS 6/30/2024

**OWNER**  
 DIANE L. LORETTE-WILLIS  
 35755 HIGHWAY 53  
 NEHALEM, OR 97131



**ONION PEAK  
 DESIGN**

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

WILLIS2306EX.DWG

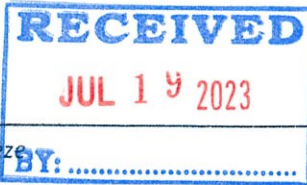
PROPOSED PARTITION FOR:  
**LORETTE-WILLIS**  
 3N 10 25  
 TAX LOT  
 1100  
 SE 1/4, SECTION 25, T3N, R10W, W.M.  
 TILLAMOOK COUNTY  
 JUNE 14, 2023





Land of Cheese, Trees and Ocean Breeze

1510 Third St. Suite B  
Tillamook, Oregon 97141  
(503) 842-3408



**VERIFICATION OF WATER SOURCE WITHIN TILLAMOOK COUNTY**

T0: TILLAMOOK COUNTY DCD, 1510-B THIRD ST, TILLAMOOK, OR 97141  
RE: WATER SOURCE REVIEW

**This letter is valid for one (1) year from the date of issue.**

The water source identified below can be used under Oregon Water Law to supply the following lot(s) within Tillamook County:

Township: 3N Range: 10 West Section: 2S Tax Lot(s): 1100

Situs address (if known): 35755 Hwy 53, Nehalem OR 97131

According to records, the legal owner is/are: Diane L Lorette Willis

Contact telephone number: 503-368-3155

Water Source: New Well # 149904

Comments: Tax lot 1100 to be partitioned into 2 parcels. Well to serve new Parcel

Building permit applicants who will be using a private water source will be required to have District 1 Watermaster verify proof of a legal water source and sign below. An order adopted by the Tillamook County Board of Commissioners on September 1, 2009 states that a fee of \$75 shall be collected when a private water source verification is required. This fee is collected by Community Development.

Landowners are responsible for maintaining water sources, waterline easements, water rights, and wells. The information provided in this form does not guarantee that a water source will be available forever. Due to climatic conditions water sources can decline and wells can go dry. The information provided by the District 1 Watermaster is the result of a search of OWRD records and field inspections. Although a property may have water rights of record, if the water right has undergone five successive years of non-use it may be subject to cancellation under ORS 540.610. The official water right of record is kept in Salem at OWRD.

Building permit applicants who will be connecting to a local water district will be required to have the water district provider verify proof of service from the water district.

Nikki Hendricks

Issue Date: 7/19/2023

Nikki Hendricks

Oregon Water resources Department (OWRD)

District 1 Watermaster

4000 Blimp Blvd Ste 400, Tillamook, OR 97141

Phone: (503) 815-1967 Email: [Nikki.M.Hendricks@water.oregon.gov](mailto:Nikki.M.Hendricks@water.oregon.gov)

Revised 2/22/2023

\*\*\*\*\*FOR OFFICE USE ONLY\*\*\*\*\*

DATE: \_\_\_\_\_ RECEIVED BY: \_\_\_\_\_ FEE PAID: \$ \_\_\_\_\_ RECEIPT: \_\_\_\_\_







Date Recd: 12/09/2022  
 Application Status: Site Evaluation Approved  
 Work Description: SITE EVALUATION

THIS IS NOT YOUR PERMIT. A Construction/Installation permit is required before you construct your system. Please contact this office when you are ready to apply for a construction/installation permit. We cannot sign off on any Building Codes forms until we issue your permit.

This site approval runs with the land and will automatically benefit subsequent owners. This site approval is valid until the approved system is constructed under a DEQ construction permit or unless the site is altered without approval from this office. Alterations/excavations/lot line adjustments made to the site, or placement of wells or utilities, etc., may invalidate this approval.

If you disagree with the decision of this report, you may apply for a site evaluation report review. The application for a site evaluation report review must be submitted to DEQ in writing within 60 days after the site evaluation report issue date and must include the site evaluation review fee in OAR 340-071-0140 Table 9A. A senior DEQ staff person will be assigned the site evaluation report review application.

You may apply for a variance to the onsite wastewater treatment system rules. The variance application must include a copy of the site evaluation report, plans and specifications for the proposed system, specify the rule(s) to which a variance is being requested, demonstrate the variance is warranted, and include the variance fee in OAR 340-071-140 Table 9C. A variance may only be granted if the variance officer determines that strict compliance with a rule is inappropriate or special physical conditions render strict compliance unreasonable, burdensome or impractical. A senior DEQ variance officer will be assigned the variance application.

12/9/22

**CALL BEFORE YOU DIG...IT'S THE LAW**

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth by Oregon Administration Rules. You may obtain copies of the rules by calling the center. (Note: The telephone number for the Oregon Utility Notification Center is 1-800-332-2344.)



## Chris Chiola

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**From:** Chris Chiola  
**Sent:** Friday, December 9, 2022 11:14 AM  
**To:** Chris Chiola  
**Subject:** Willis 112922























Sent from my iPhone



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

After Recording Return to: John H. Tuthill, Attorney P.O. Box 544 Tillamook OR 97141

Send Tax Statements to: Diane L. Lorette-Willis 35755 Hwy 53 Nehalem OR 97131 Tax Acct Nos 89184 & 407903

BARGAIN AND SALE DEED

STEPHEN E. WILLIS, hereinafter called Grantor, conveys to DIANE L. LORETTE-WILLIS, fka Diane L. Willis, hereinafter called Grantee, all of his right, title and interest in that real property situated in Tillamook County, State of Oregon, more particularly described as:

Parcel 1, of Partition Plat 1994-9, as recorded March 14, 1994, in Tillamook County Plan Records, as instrument No. 331304, in Plat Cabinet B-187-2.

TOGETHER with an easement for egress and ingress for maintenance of the water system for repairs and upgrades as described in water application #73729. (see attached Exhibit "A").

The true and actual consideration of this conveyance being pursuant to the terms of the Stipulated General Judgment of Dissolution of Marriage and Satisfaction entered in Tillamook Circuit Court Case No. 07-3098, and this deed is being recorded to release all of Grantor's interest in the identified property to the Grantee.

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, 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 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 FERT PRACTICES, AS DEFINED IN ORS 30.920, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER ORS 195.300, 195.201 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

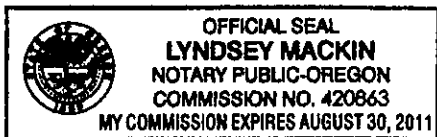
DATED: 5-26-08, 2008.

Stephen E. Willis STEPHEN E. WILLIS

STATE OF OREGON ) ) ss. County of Tillamook )

This instrument was acknowledged before me on May 20, 2008, by Stephen E. Willis.

Lyndsey Mackin Notary Public - State of Oregon







# EXHIBIT C

## Angela Rimoldi

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**From:** ODOT Reg 2 Planning Manager <ODOTR2PLANMGR@odot.oregon.gov>  
**Sent:** Tuesday, August 8, 2023 10:45 AM  
**To:** Lynn Tone; Angela Rimoldi  
**Cc:** KNECHT Casey  
**Subject:** EXTERNAL: 851-23-000183-PLNG | Tillamook County OR

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

Good Morning,

Thank you for notifying the Oregon Department of Transportation (ODOT) of the partition proposal on the 35755 Highway 53, Nehalem, OR 97131. Please include these comments in the public record and notify ODOT of the decision by sending a copy to [odotr2planmgr@odot.state.or.us](mailto:odotr2planmgr@odot.state.or.us) when available.

The site is adjacent to Necanicum Highway, No. 46 (OR-53), and is subject to state laws administered by ODOT. The site currently has an existing highway approach presumed to be permitted at MP 17.08. The southern parcel will need an easement through the northern parcel to share access at that approach or create a new common approach on a new proposed property line serving both parcels (Note: The existing approach will need to be closed). Please ensure that the appropriate easements are recorded so that access to/from OR-53 is legally allowed for both parcels.

Otherwise, ODOT has no objections to the proposal.

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](mailto:zdenek.g.vymazal@odot.oregon.gov)  
Hours: 6:30 AM to 3:00 PM Monday – Friday

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**From:** Lynn Tone <ltone@co.tillamook.or.us>  
**Sent:** Friday, July 28, 2023 4:05 PM  
**To:** Angela Rimoldi <arimoldi@co.tillamook.or.us>  
**Subject:** YesDRS\_Willis

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 link for Notice of Administrative Review  
[851-23-000183-PLNG | Tillamook County OR](#)

Thank you



**Lynn Tone** | Office Specialist II

**TILLAMOOK COUNTY** | Surveyor's Office/Community Development

1510 3<sup>rd</sup> Street Ste C

Tillamook, OR 97141

Phone (503) 842-3423

[Lynn.Tone@tillamookcounty.gov](mailto:Lynn.Tone@tillamookcounty.gov)

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.