



Land of Cheese, Trees and Ocean Breeze

**PARTITION REQUEST #851-23-000452-PLNG  
JULIEN IRREVOCABLE TRUST, et al.  
TOGETHER WITH  
PROPERTY LINE ADJUSTMENT REQUEST #851-23-000451-PLNG  
GOBET-POMEROY, et al. & JULIEN IRREVOCABLE TRUST, et al.**

*NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:  
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,  
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER*

December 1, 2023

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited partition on December 1, 2023. A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website: <https://www.co.tillamook.or.us/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

**Appeal of this decision.** 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 **4:00pm on December 13, 2023**. This decision will become final on December 13, 2023, after 4:00pm unless an appeal is filed in accordance with Tillamook County Land Use Ordinance Article X.

**GENERAL INFORMATION CONDITIONS OF APPROVAL**

- Request:** A partition request to create a total of two (2) residential parcels located partially within and south of the Unincorporated Community of Neskowin. This partition proposal includes a property line adjustment of Tax Lot 00220 and 02200 as shown on the enclosed preliminary partition plat (Exhibit B). Upon completion of the proposed adjustment, the partition review is limited to Tax Lot 00220.
- Location:** Tax Lots 00220 and 02200 of Section 36BC, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County Oregon, and accessed via South Beach Road, a private road (Exhibit A).
- Zone:** Both Tax Lots fall within the Neskowin Low Density Residential (NeskR-1) zone; however, Tax Lot 220 holds a portion of zoning in the Small Farm Woodlot (SFW-20) zone (Exhibit A).
- Applicant:** Seabreeze Associates LP – Robert Fultz, General Partner
- Property Owner:** Jay I. Julien Irrevocable Trust, Sherry Kalish Irrevocable Trust, Seabreeze Associates LP, with Heather J. Gobet-Pomeroiy and Thomas A. Bates

*PARTITION #851-23-000452-PLNG together with PROPERTY LINE ADJUSTMENT #851-23-000451-PLNG / JULIEN IRREVOCABLE TRUST, et al. & GOBET-POMEROY, et al.*

**CONDITIONS OF APPROVAL:**

Failure to comply with the Conditions of Approval and Ordinance Standards could result in nullification of this approval. This approval is subject to the following conditions:

**PROPERTY LINE ADJUSTMENT CONDITIONS OF APPROVAL (#851-23-000451-PLNG)**

1. The existing zoning designations for all Units shall remain the same and the standards for each zone will continue to apply, following the proposed adjustment.
2. If the adjusted units of land are less than ten acres in size, a survey to monument the new common boundary is required and shall be filed with the Tillamook County Surveyor's Department.
3. The property owner(s) shall record all proper documents, including descriptions of all access and utility easements necessary to serve the properties, in the Tillamook County Clerk's Office. Copies of the recorded documents shall be submitted to this Department.
4. A copy of the filed survey identifying all easements for access and utilities shall be submitted to this Department.
5. The property owner(s) shall fulfill the requirements for recording and filing above and shall submit any required map and documents within one year of the date of this approval. An extension of tentative approval may be available.

**PARTITION CONDITIONS OF APPROVAL (#851-23-000452-PLNG)**

Failure to comply with the Conditions of Approval and Ordinance Standards could result in nullification of this approval. This approval is subject to the following conditions:

1. The applicant and property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant and property owner shall comply with all requirements of the Tillamook County Surveyor's Office.
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 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.
5. The applicant and property owner shall record the Final Plat within ninety (90) days from the date of final signature of the partition plat.
6. Future development of the parcels shall comply with the development standards required by TCLUO Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone
7. Future development of the parcels is subject to the standards required by TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.

Sincerely,  
Tillamook County Department of Community Development



Angela Rimoldi, Planning Permit Technician

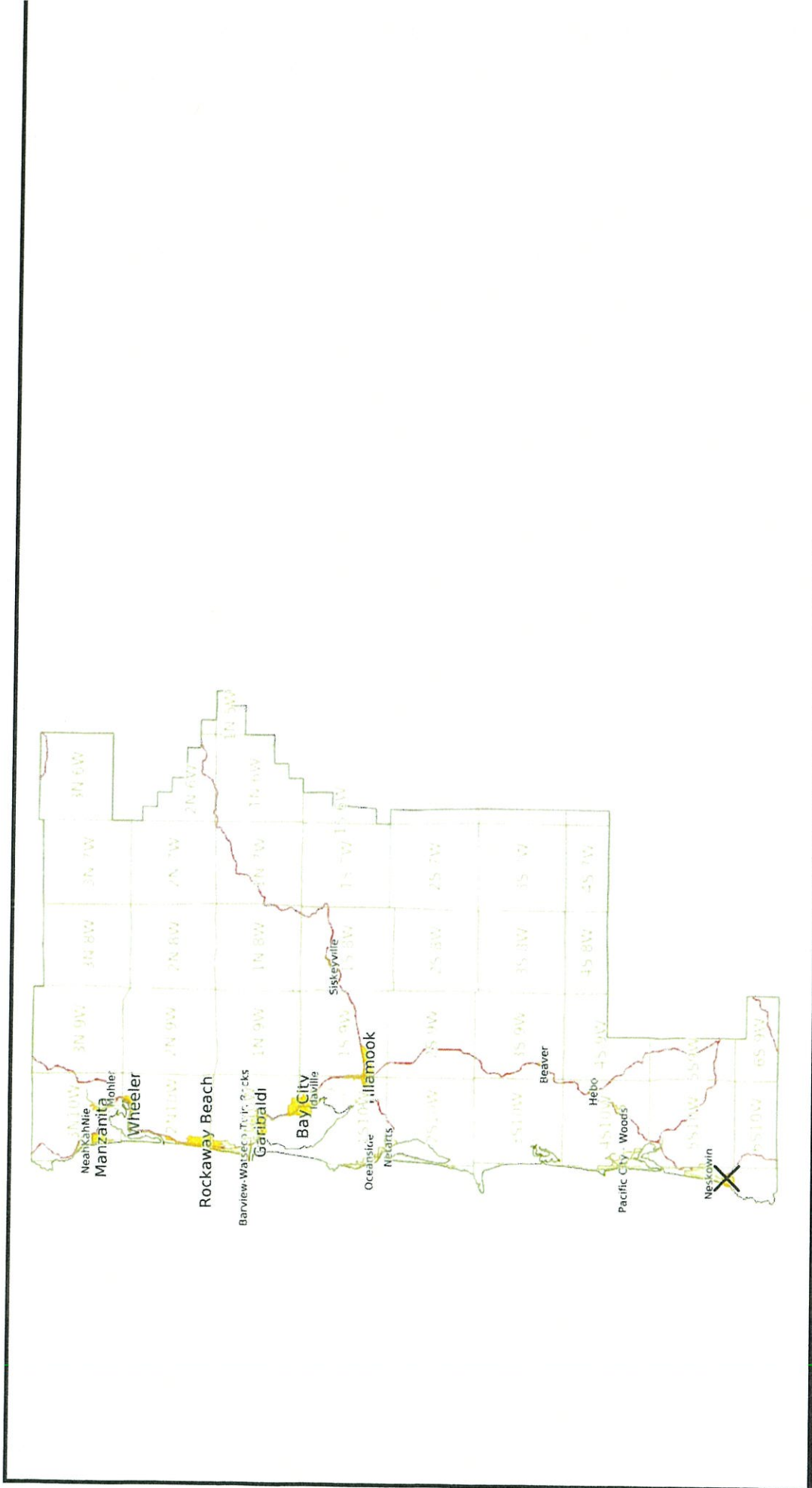


Sarah Absher, CFM, Director

Encl.: Applicable Maps  
Preliminary Partition Plat



# Tillamook County GIS



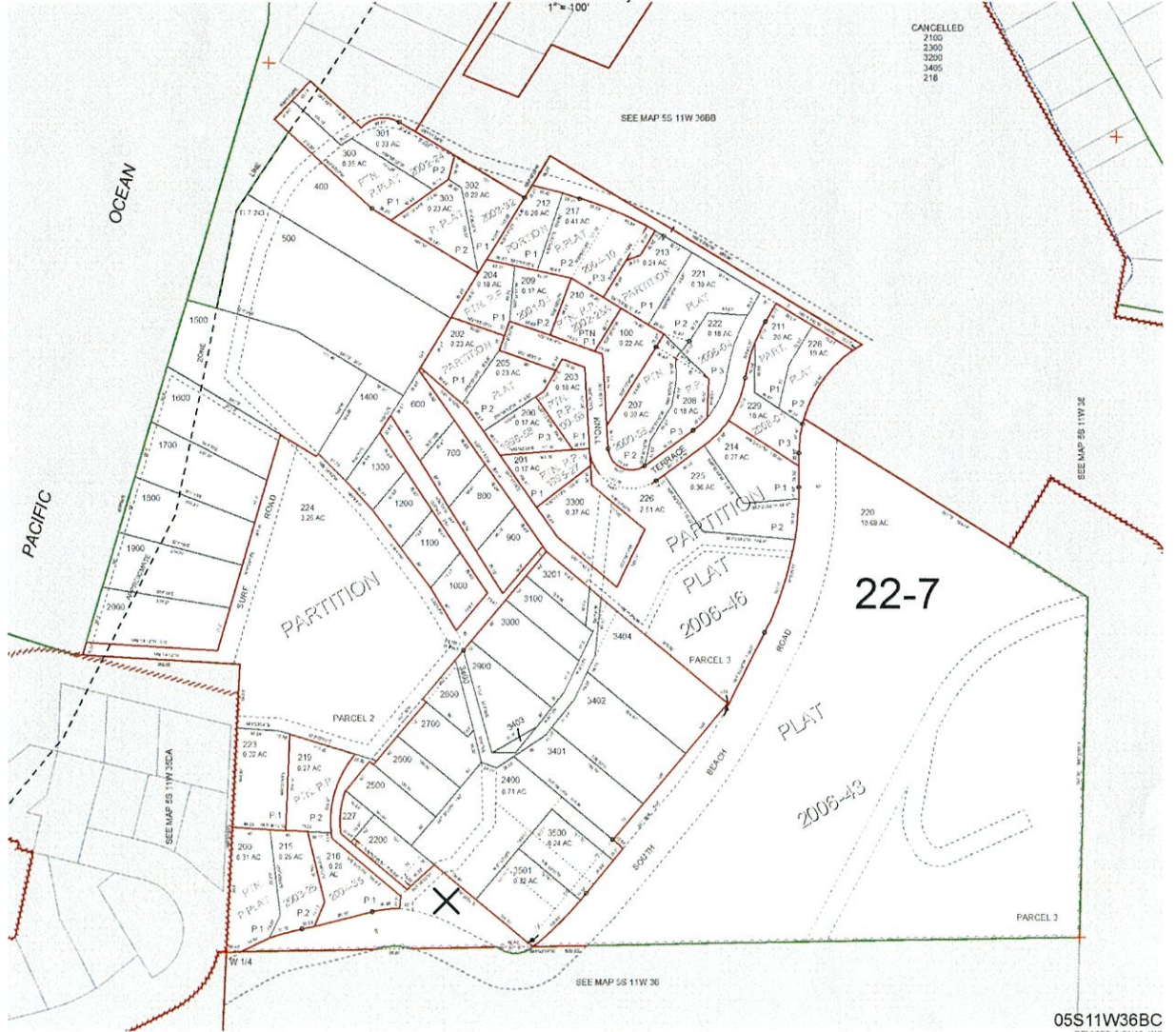
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FOR ASSESSMENT AND TAXATION ONLY NOT SUITABLE FOR  
LEGAL ENGINEERING, OR SURVEY PURPOSES

S.W.1/4 N.W.1/4 SEC.36 T.5S. R.11W. W.M.  
Tillamook County  
1"=100'

05S11W36BC

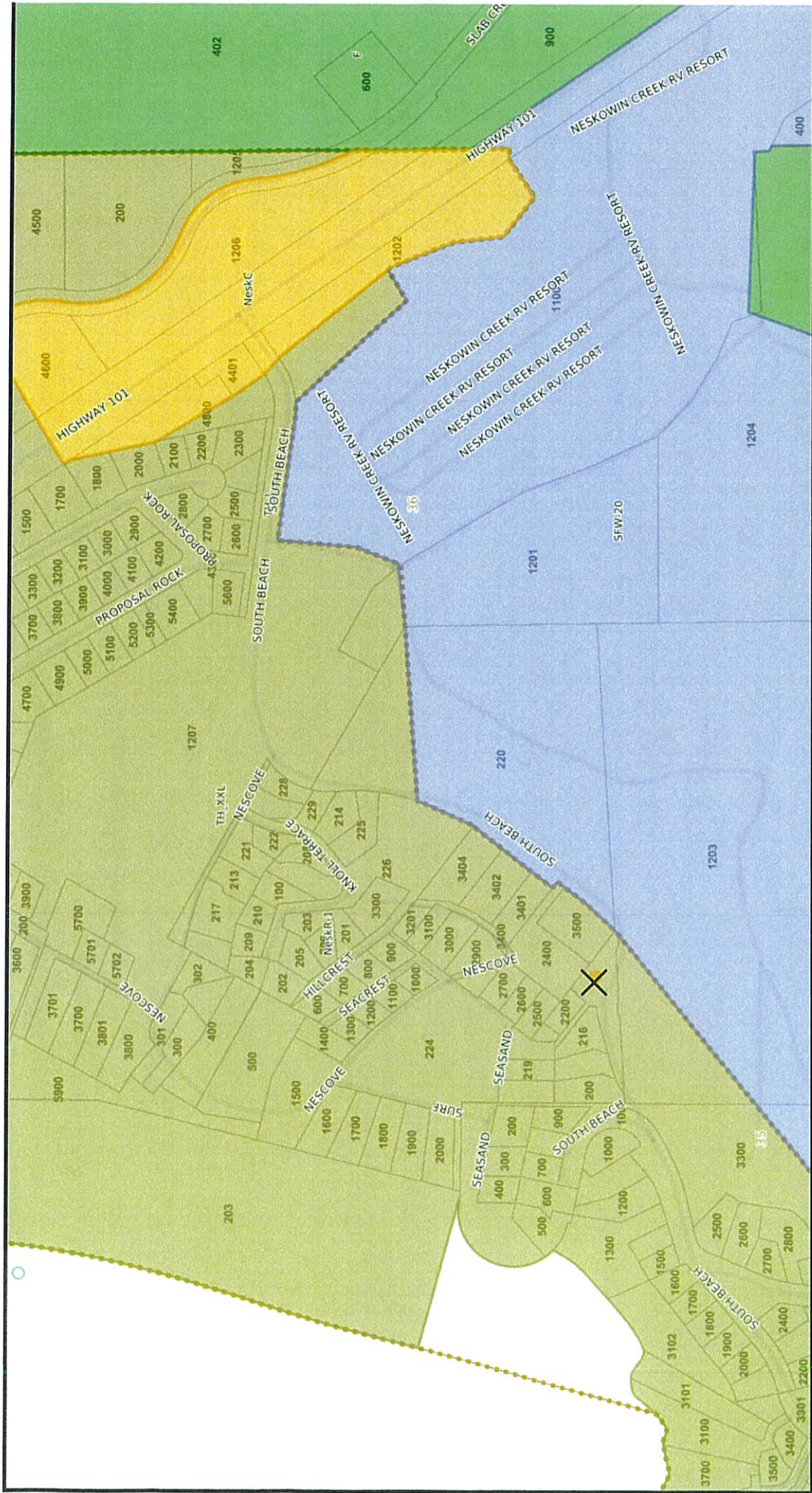
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REVISED 5/2016, WS



# Tillamook County GIS



Created: Wed Oct 18 2023-12:13:55  
Active Layers:County Boundary, Fed state highways, citylimit, community\_polygon, TaxlotOwner, Tillamook\_County\_Zoning, Township\_Range\_Section, Road\_Centerline  
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GOBET-POMEROY, *et al.* & JULIEN IRREVOCABLE TRUST, *et al.***

**ADMINISTRATIVE DECISION AND STAFF REPORT**

**DECISION: Approved with Conditions**

**DECISION DATE:** December 1, 2023

**REPORT PREPARED BY:** Angela Rimoldi, Planning Permit Technician

**I. GENERAL INFORMATION:**

**Request:** A partition request to create a total of two (2) residential parcels located partially within and south of the Unincorporated Community of Neskowin. This partition proposal includes a property line adjustment of Tax Lot 00220 and 02200 as shown on the enclosed preliminary partition plat (Exhibit B). Upon completion of the proposed adjustment, the partition review is limited to Tax Lot 00220.

**Location:** Tax Lots 00220 and 02200 of Section 36BC, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County Oregon, and accessed via South Beach Road, a private road (Exhibit A).

**Zone:** Both Tax Lots fall within the Neskowin Low Density Residential (NeskR-1) zone; however, Tax Lot 220 holds a portion of zoning in the Small Farm Woodlot (SFW-20) zone (Exhibit A).

**Applicant:** Seabreeze Associates LP – Robert Fultz, General Partner

**Property Owners:** Jay I. Julien Irrevocable Trust, Sherry Kalish Irrevocable Trust, Seabreeze Associates LP, with Heather J. Gobet-Pomeroy and Thomas A. Bates

**Description of Site and Vicinity:** The subject properties are irregular in shape, tax lot 00220 holds no improvements, tax lot 02200 is improved with a single-family dwelling, and are vegetated with shrubs, grasses, and trees (Exhibit A). The properties are accessed via South Beach Road, a private road within a gated community (Exhibit A). The subject properties are within an area primarily devoted to residential use, located south of the Unincorporated Community of Neskowin, zoned Neskowin Low Density Residential (NeskR-1) however, Tax Lot 220 holds a portion of Zoning under the Small Farm Woodlot (SFW-20) zone (Exhibit A). Surrounding property areas to the north, south and west are also zoned Neskowin Low Density Residential (NeskR-1), and area to the

south and east are zoned the Small Farm Woodlot (SFW-20) (Exhibit A). Topography of the subject property varies but is generally sloped with some flat areas (Exhibit B).

The subject property is located within an area of Geologic Hazard, contains mapped wetlands or natural features as indicated on the Statewide Wetlands Inventory map and is located within Zone X an Area of Minimal Flood Hazard as depicted on FEMA Flood Insurance Rate Map (FIRM) Panel #41057C1005F (Exhibit A).

Staff finds that the standards of TCLUO Section 4.130: Development Requirements for Geological Hazard Areas is applicable to future development of the properties and a Condition of Approval has been made to require relevant standards of this section be adhered to at the time of development.

**II. PROPERTY LINE ADJUSTMENT CRITERIA AND FINDINGS (#851-23-000451-PLNG)**

EXISTING PROPERTIES							
Unit A				Unit B			
Township	Range	Section	Tax Lot	Township	Range	Section	Tax Lot
5S	11W	36BC	00220	5S	11W	36BC	02200
<b>Owner:</b> Julien Irrevocable Trust, et al.				<b>Owner:</b> Gobet-Pomeroy, et al.			
<b>Property Address:</b> Vacant				<b>Property Address:</b> 49995 S Beach Road, Neskowin, OR. 97149			
<b>Mailing Address (Street or PO Box):</b> 17029 Brookwood Drive, Boca Raton, FL. 33496				<b>Mailing Address (Street or PO Box):</b> 22011 South Penman Road, Oregon City, OR. 97045			
<b>Zone:</b> Neskowin Low Density Residential (NeskR-1) and Small Farm Woodlot (SFW-20)				<b>Zone:</b> Neskowin Low Density Residential (NeskR-1)			

Proposed Unit	Existing Area	Proposed Area
A (Tax Lot 00220)	10.6 Acres	10.05 Acres
B (Tax Lot 02200)	7,105.4 sq. ft.	9,307.2 sq. ft.

i. *Parcel Creation. No additional parcel or lot is created by the lot line adjustment.*

**Findings:**

- A partition is being reviewed for consideration. The lot line adjustment must be recorded prior to the partition.

ii. *Lot standards.*

1. *All lots and parcels conform to the applicable lot standards of the zone including lot area, dimensions, setbacks, and coverage, except where 2. or 3. applies.*
2. *For properties entirely outside an Unincorporated Community Boundary, where one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment, one property shall be as large or larger than the minimum lot or parcel size for the applicable zone after the adjustment.*
3. *For properties entirely outside an Unincorporated Community Boundary, both abutting properties are smaller than the minimum lot size for the applicable zone before and after property line adjustment.*

**Findings:**

- Staff finds that Unit A is zoned Neskowin Low Density Residential (NeskR-1) and Small Farm Woodlot (SFW-20) (Exhibit B). The property line adjustment is isolated to the zoning area for the Neskowin Low Density Residential (NeskR-1) zone which does meet the minimum lot size standard of 7,500 square feet requirement, both before and after the proposed property line adjustment; however, does not meet the minimum lot size standard for the Small



Farm Woodlot (SFW-20) zone, respectively both before and after the proposed adjustment; maintaining its non-conforming lot size standard for the SFW-20 zone (Exhibit B).

- Staff finds that Unit B does not meet the minimum lot size standard of 7,500 square feet set by the Neskowin Low Density Residential (NeskR-1) zone before the proposed property line adjustment; however, will meet size requirements after the proposed property line adjustment (Exhibit B).
- Staff finds that Unit A meets the minimum 60-foot lot width and 75-foot lot depth required by the Neskowin Low Density Residential (NeskR1) zone, respectively both before and after the proposed adjustment (Exhibit B).
- Staff finds that Unit B does not meet the minimum 60-foot lot width but does meet the 75-foot lot depth required by the Neskowin Low Density Residential (NeskR1) zone before the proposed adjustment; however, after the proposed property line adjustment will meet both the lot width and depth requirements set by the Neskowin Low Density Residential (NeskR1) zone (Exhibit B).
- Staff finds that Unit A has no improvements, therefore, setback standards do not apply (Exhibit B).
- Staff finds that Unit B is improved with a single-family dwelling; the proposed property line adjustment will increase the side yard setback, maintaining compliance, all other setbacks remain untouched (Exhibit B).
- Staff concludes that this criterion has been met.

**4. As applicable, all lots and parcels shall conform to the Tillamook County Flood Hazard Overlay Zone.**

**Findings:**

- Staff finds that both Units are located within Zone X an Area of Minimal Flood Hazard as depicted on FEMA FIRM 41057C1005F dated September 28, 2018 (Exhibit A).
- Staff concludes that this criterion has been met.

**iii. Access and Road Authority Standards. All lots and parcels conform to the standards or requirements of Section 150: Development Standards for Land Divisions and all applicable road authority requirements are met. If a lot is nonconforming to any road authority standard, it shall not be made less conforming by the property line adjustment.**

**Findings:**

- Staff finds that Unit A and B front South Beach Road, a private road, both before and after the proposed adjustment (Exhibit B).
- Staff concludes this criterion has been met.

**CONDITIONS OF APPROVAL:**

1. The existing zoning designations for all Units shall remain the same and the standards for each zone will continue to apply, following the proposed adjustment.
2. If the adjusted units of land are less than ten acres in size, a survey to monument the new common boundary is required and shall be filed with the Tillamook County Surveyor's Department.
3. The property owner(s) shall record all proper documents, including descriptions of all access and utility easements necessary to serve the properties, in the Tillamook County Clerk's Office. Copies of the recorded documents shall be submitted to this Department.

4. A copy of the filed survey identifying all easements for access and utilities shall be submitted to this Department.
5. The property owner(s) shall fulfill the requirements for recording and filing above and shall submit any required map and documents within one year of the date of this approval. An extension of tentative approval may be available.

**III. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS FOR PARTITION #851-23-000452-PLNG ON TAX LOT 00220:**

The desired use is governed through the following sections of the Tillamook County Land Use Ordinance (TCLUO) and Land Division Ordinance (TCLDO). 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. Land Use Ordinance Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone
- C. Land Use Ordinance Section 4.130: Development Requirements for Geologic Hazard Areas

**IV. ANALYSIS:**

Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on October 20, 2023. Two comments were received: One from Tillamook County, Public Works, confirming the properties are within private roads; and the second from Oregon Department of State Lands confirming that permitting is not required for the proposed Partition, but that future development may require further permitting, specifically proposed Parcel 3 (Exhibit C). A condition of approval has been outlined that any future development shall obtain all Federal, State, and Local permits, as applicable.

**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:** Staff finds that the applicability of the Neskowin Low Density Residential (NeskR-1) zone is addressed below. Plat and submitted supplemental information confirm the criteria above are met (Exhibit B).

- (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:** Staff finds that the proposed partition maintains frontage on the existing private road, South Beach Road (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 standards and the standards in Section 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:** Staff finds that the subject property is served by the Neskowin Regional Water District and the Neskowin Regional Sanitary Authority. Service letters were provided in the Applicant’s submittal, confirming service availability to the areas (Exhibit B).

The subject property is served by the Nestucca Rural Fire Protection District and Tillamook People’s Utility District. Given the location of the property, availability of public services existing in the area, and natural features on the subject property, staff concludes these criteria have been met, or can be met through compliance of the Conditions of Approval.

**B. Land Use Ordinance Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone**

(4) Standards: Land divisions and development in the NeskR-1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

- (a) The minimum lot size for permitted uses shall be 7,500 square feet, except that the minimum lot size for a two-family dwelling shall be 10,000 square feet. Where public sewers are not available, the County Sanitarian may require lot sizes greater than the minimum if necessary for the installation of adequate on-site subsurface sewage disposal systems, or for adequate protection of public health or sensitive water bodies.
- (b) The minimum lot width shall be 60 feet.
- (c) The minimum lot depth shall be 75 feet.

.....

**Findings:** Staff finds that the associated maps depict the size, lot width and lot depth of the proposed partition where minimums for each conform to the NeskR-1 zone standards; there are no improvements onsite therefore, setback requirements do not apply currently (Exhibit B). Future Development will be subject to the Developmental standards for the Neskowin Low Density Residential (NeskR-1) zone.

**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:*

.....

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

.....

(3) *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:** Staff finds the proposed partition is located within a geologic hazard area (Exhibit A). Future development of the subject property will be subject to development standards of the TCLUO Section 4.130.

## **V. DECISION: APPROVED WITH CONDITIONS:**

Staff concludes, based on the findings of fact and other relevant information in the record, that the applicant and property owner have satisfied the minimum application requirements and can satisfy all applicable requirements outlined in the Tillamook County Land Use Ordinance and Tillamook County Land Division Ordinance. The Preliminary Partition Plat is hereby **APPROVED**, subject to the Conditions of Approval listed 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. The applicant and property owner shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed Partition and building site or 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 **4:00 PM on December 13, 2023**.

## **VI. CONDITIONS OF APPROVAL:**

Failure to comply with the Conditions of Approval and Ordinance Standards could result in nullification of this approval. This approval is subject to the following conditions:

1. The applicant and property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant and property owner shall comply with all requirements of the Tillamook County Surveyor's Office.
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 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.
5. The applicant and property owner shall record the Final Plat within ninety (90) days from the date of final signature of the partition plat.
6. Future development of the parcels shall comply with the development standards required by TCLUO Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone
7. Future development of the parcels is subject to the standards required by TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.
8. Future development of the parcels is subject to the standards required by TCLUO Section 3.570: Development Requirements for Neskowin Coastal Hazards Overlay Zone, where applicable.

## **VII. EXHIBITS**

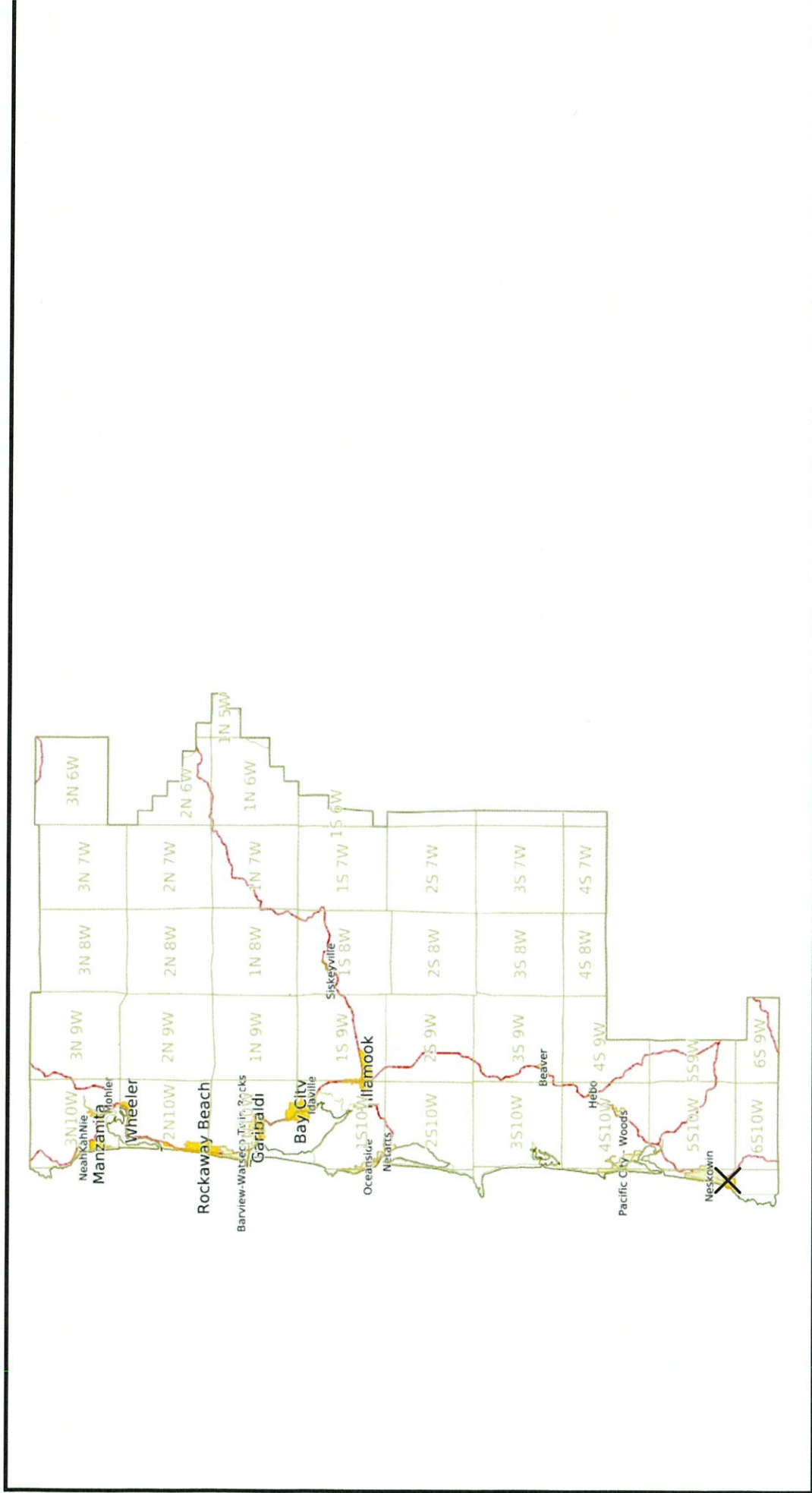
- A. Property Identification Maps
- B. Applicant's Submittal
- C. Public Comments

PARTITION #851-23-000452-PLNG together with PROPERTY LINE ADJUSTMENT #851-23-000451-PLNG / JULIEN IRREVOCABLE TRUST, *et al.* & GOBET-POMEROY, *et al.*

# EXHIBIT A



# Tillamook County GIS



Created: Wed Oct 18 2023-12:14:58  
Active Layers: County\_Boundary, Fed\_state\_highways, citylimit, community\_polygon, TaxlotOwner, Township\_Range\_Section, Road\_Centerline  
Extent: -13850252.609072, 5623487.9835598, -13610698.96246, 5748844.70993

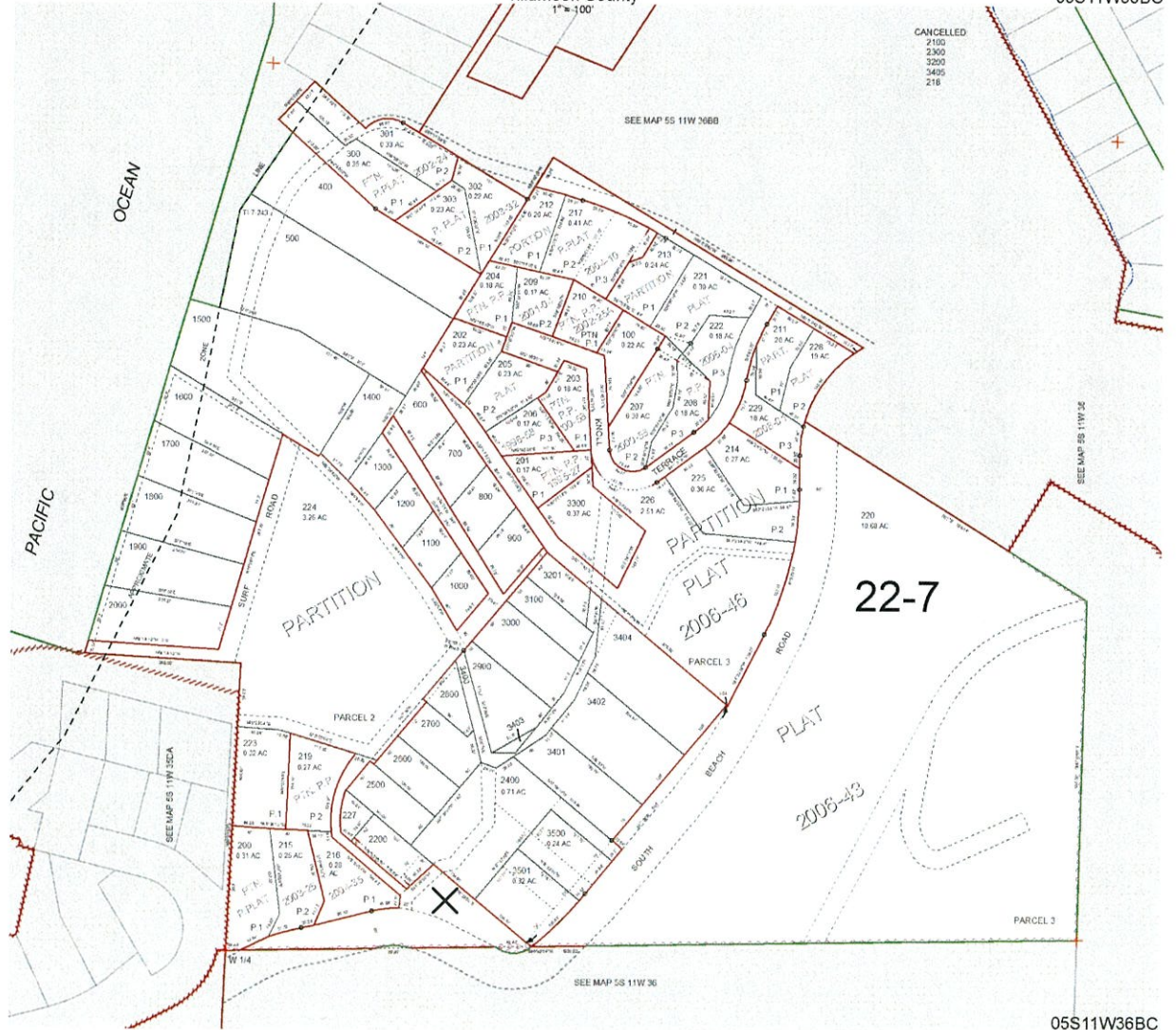
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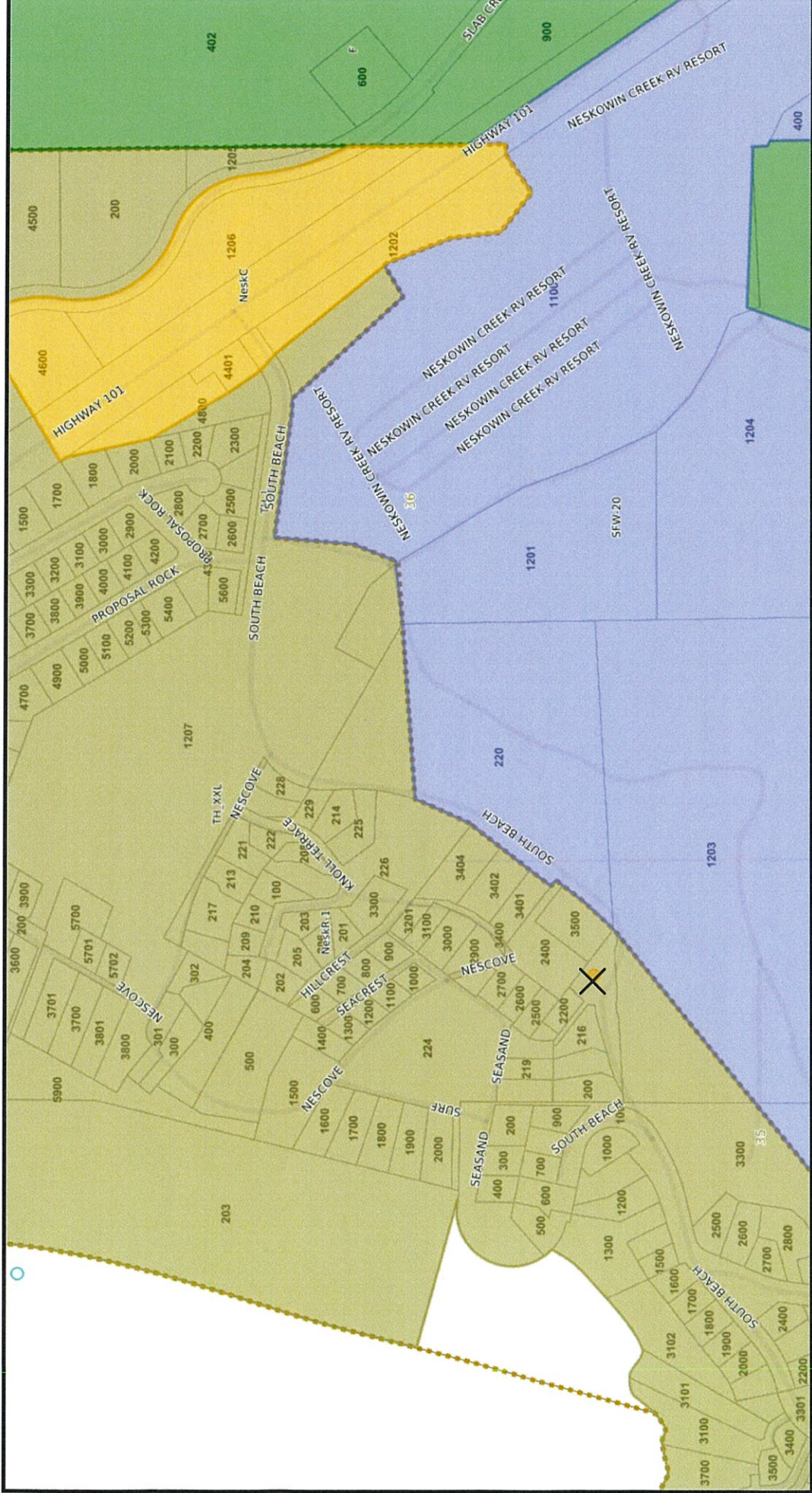
CANCELLED  
2100  
2300  
3200  
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218



05S11W36BC  
REVISED 5/26/10, WS



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Active Layers: County\_Boundary, Fed\_state\_highways, citylimit, community\_polygon, TaxlotOwner, Tillamook\_County\_Zoning, Township\_Range\_Section, Road\_Centerline  
Extent: -13802650.833027, 5636069.0211592, -13800779.320163, 5637048.370584



**Tillamook County**  
**2023 Real Property Assessment Report**  
 Account 258063

Map	5S1136BC02200	Tax Status	Assessable
Code - Tax ID	2207 - 258063	Account Status	Active
		Subtype	NORMAL
Legal Descr	See Record		
Mailing	BATES, THOMAS A & GOBET-POMEROY, HEATHER J 22011 S PENMAN RD OREGON CITY OR 97045	Deed Reference #	2020-1245
		Sales Date/Price	02-24-2020 / \$685,000
		Appraiser	ELIZABETH LOFTIS
Property Class	101 MA SA NH		
RMV Class	101 09 OV 985		

Site	Situs Address	City
1	49995 SOUTH BEACH RD	COUNTY

Value Summary					
Code Area	RMV	MAV	AV	RMV Exception	CPR %
2207	Land 225,290		Land	0	
	Impr 797,010		Impr	0	
<b>Code Area Total</b>	<b>1,022,300</b>	<b>552,530</b>	<b>552,530</b>	<b>0</b>	
<b>Grand Total</b>	<b>1,022,300</b>	<b>552,530</b>	<b>552,530</b>	<b>0</b>	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2207					LANDSCAPE - AVERAGE	100			1,500
	1	<input checked="" type="checkbox"/>		NESKR-1	Market	114	0.16 AC		199,390
					OSD - AVERAGE	100			24,400
<b>Code Area Total</b>							<b>0.16 AC</b>		<b>225,290</b>

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2207	1	2003	155	Two story or more	127	2,442			797,010
<b>Code Area Total</b>							<b>2,442</b>		<b>797,010</b>

Exemptions / Special Assessments / Notations				
Code Area	2207	Special Assessments	Amount	Year Used
		■ SOLID WASTE	12.00	2023
		<b>Fire Patrol</b>	<b>Amount</b>	<b>Acres</b>
		■ FIRE PATROL SURCHARGE	47.50	2023
		■ FIRE PATROL NORTHWEST	18.75	2023
				0.16

**Comments** 3/4/04 Old house removed. New house 100% complete. dv. 4/11/06 Acreage change only after lot line adjustment from tax lot 220. dv 04/18/14 Reappraised land;tabled values. RBB

**Tillamook County**  
**2023 Real Property Assessment Report**  
 Account 410233

Map 5S1136BC00220  
 Code - Tax ID 2207 - 410233

Tax Status Assessable  
 Account Status Active  
 Subtype NORMAL

Legal Descr PARTITION PLAT 2006-43  
 Lot - PARCEL 3 PT

Mailing JULIEN, ANN C TRUSTEE &  
 KALISH, LAWRENCE J TRUSTEE &  
 9 SOUTH RD  
 CHEBEAGUE ISLAND ME 04017-3000

Deed Reference # 2012-7263  
 Sales Date/Price 12-20-2012 / \$0  
 Appraiser KARI FLEISHER

Property Class 010 MA SA NH  
 RMV Class 010 09 UB UBL

<b>Site Situs Address</b>	<b>City</b>
---------------------------	-------------

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2207	Land	18,990		Land	0	
	Impr	0		Impr	0	
<b>Code Area Total</b>		18,990	142,100	18,990	0	
<b>Grand Total</b>		18,990	142,100	18,990	0	

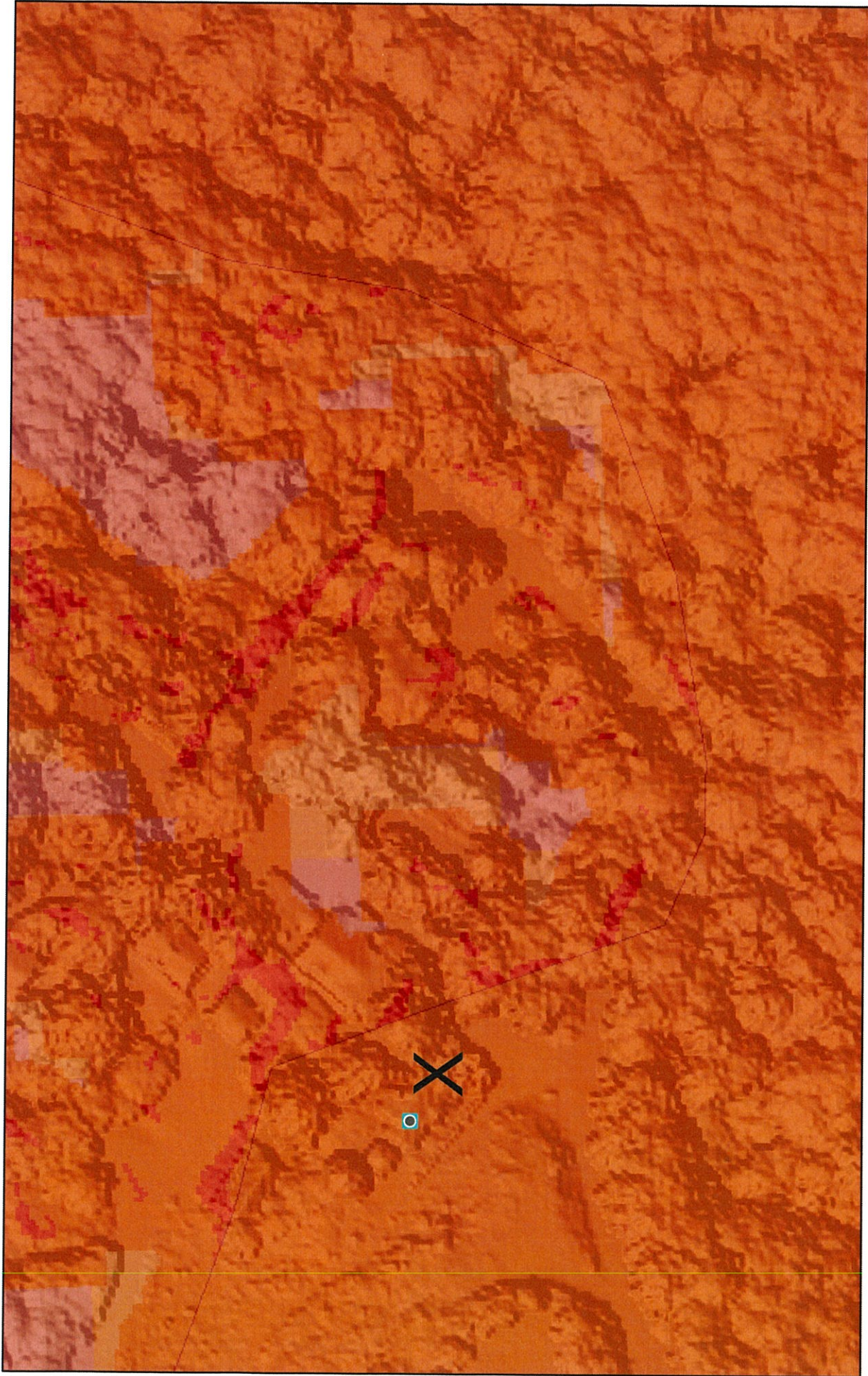
Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2207		<input checked="" type="checkbox"/>		NESKR-1	Market	100	1.61 AC		2,880
				SFW20	Market	100	5.05 AC		9,030
	1	<input checked="" type="checkbox"/>		SFW20	Market	100	3.96 AC		7,080
<b>Code Area Total</b>							10.62 AC		18,990

Improvement Breakdown									
Code Area	Year ID #	Stat Built	Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV

Exemptions / Special Assessments / Notations									
<b>Notations</b>									
■ ADJUDICATION - 5 YEARS EXPIRED 309.115 ADDED 2015									
<b>Fire Patrol</b>						<b>Amount</b>	<b>Acres</b>	<b>Year</b>	
■ FIRE PATROL SURCHARGE						0.00		2023	
<b>Code Area 2207</b>									
<b>Fire Patrol</b>						<b>Amount</b>	<b>Acres</b>	<b>Year</b>	
■ FIRE PATROL NORTHWEST						18.75	5.05	2023	

**Comments** 4/29/05 Land to market after Partition Plat 2004-35 from Tax lot 216. dv. 4/11/06 Acreage change only after lot line adjustment to tax lot 2200. dv. 6/29/07 Land to market after Partition to tax lots 223 & 224. dv. 8/31/07 Seg. by deed to Tax Lot 227. Apportioned value is market value. dv. 3/8/10 BOPTA petition 2009 #30, Board reduced RMV to \$1000 per acre due to SFW zoning and wetlands. Changed to unbuildable hood. Carried values forward. dv. 04/15/14 Reappraised land; apportioned values between each fragment and applied the overrides due to BOPTA's adjudicated values in 2009. RBB 5/2015 Chkd. zoning and wetland area/Removed notation for 2009 BOPTA and input 5 yr. notation/RMV will reflect UBL status due to above factors. RCW 8/7/23 Due to a LLA, a portion of this TL is now carried in TL 219. No change in value. acreage adjustment only. KF

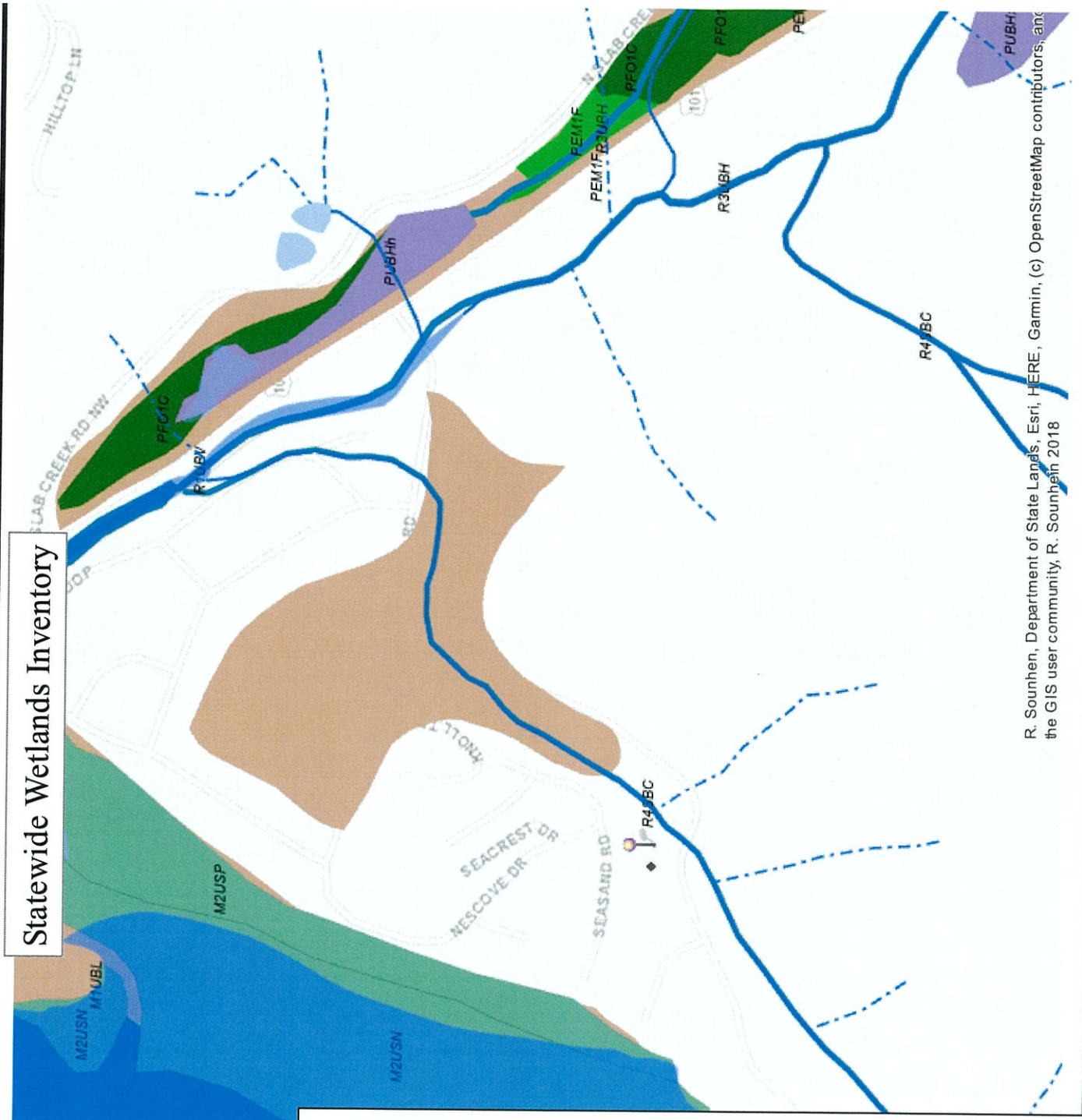
# PAR 23-452 together with PLA 23-451



November 17, 2023



# Statewide Wetlands Inventory

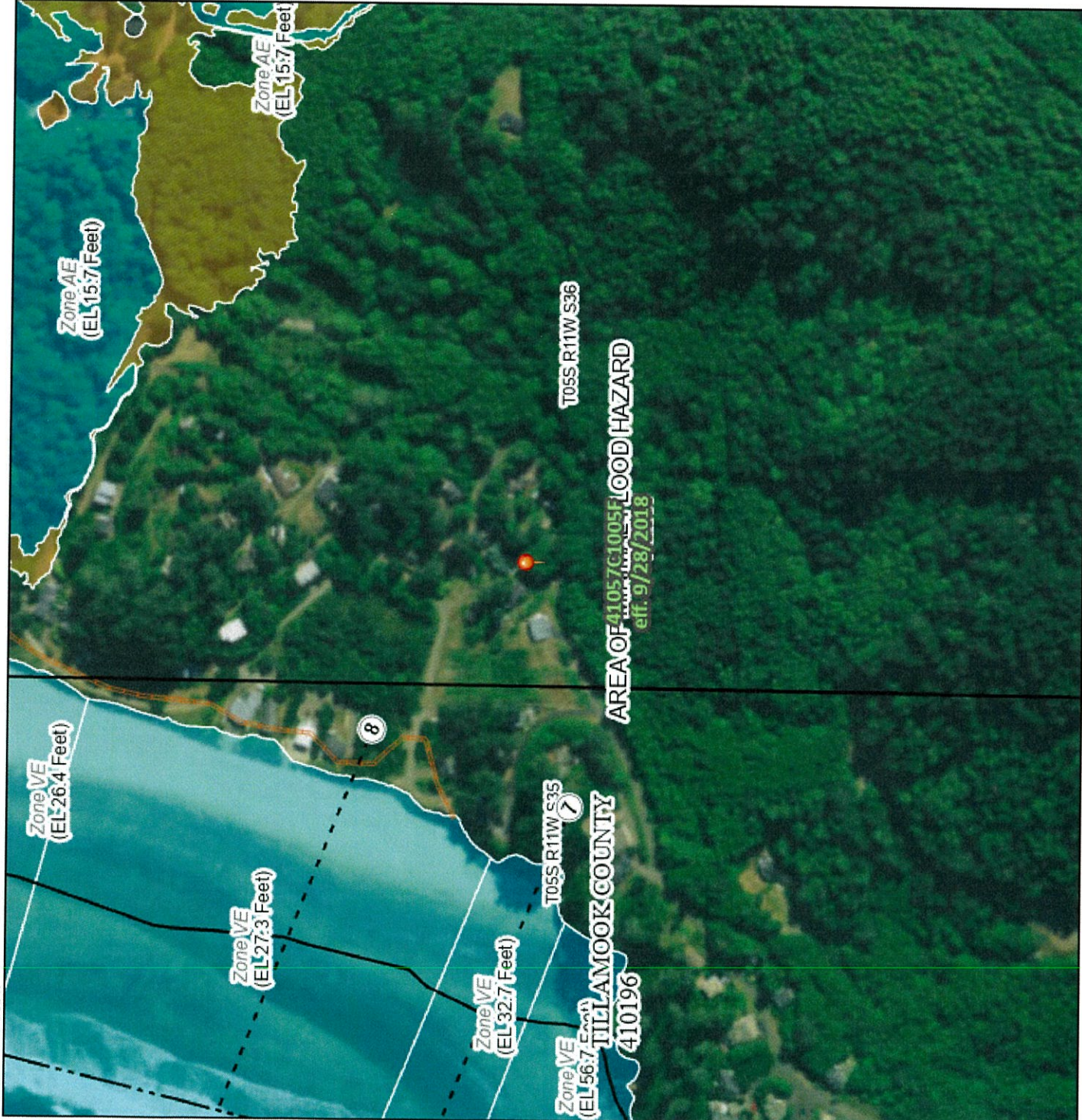


- Townships
- LWI Study Area
- NHD Springs/Seeps
- NHD Streams and Rivers**
- Perennial
- Intermittent
- Ephemeral
- Unknown
- Canal/Ditch
- NHD Area
- NHD Waterbody
- Wetlands**
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub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

# National Flood Hazard Layer FIRMette



123°59'28"W 45°5'51"N



123°58'50"W 45°5'26"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

**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**

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

**GENERAL STRUCTURES**

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

**OTHER FEATURES**

- 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

**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 11/17/2023 at 6:51 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.

# EXHIBIT B



Tillamook County Department of Community Development  
 1510-B Third Street, Tillamook, OR 97141 | Tel: 503-842-3408  
[www.co.tillamook.or.us](http://www.co.tillamook.or.us)

Fax: 503-842-1819

# LAND DIVISION APPLICATION

Seabreeze Associates LP

**Applicant**  (Check Box if Same as Property Owner)

Name: Robert B. Fultz, General Partner Phone: 415-778-8700 x212

Address: 865 Highland Drive

City: Boulder Creek State: CA Zip: 95006

Email: neskowin@pacbell.net

**Property Owner** Sherry Kalish Irrevocable Trust

Name: Jay I. Julien Irrevocable Trust & Phone:

Address: 17029 Brookwood Drive (for both)

City: Boca Raton State: FL Zip: 33496

Email:

**Location:**

Site Address: No address

Map Number:	5S	11W	36BC	00220
	Township	Range	Section	Tax Lot(s)

Only 1 new parcel created

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

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

**General Information**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> For subdivisions, the proposed name.   | <input checked="" type="checkbox"/> Parcel zoning and overlays  | <input checked="" type="checkbox"/> Fifteen (15) legible "to scale" hard copies |
| <input checked="" type="checkbox"/> Date, north arrow, scale of drawing.  | <input checked="" type="checkbox"/> Title Block   | <input checked="" type="checkbox"/> One digital copy                            |
| <input checked="" type="checkbox"/> Location of the development sufficient to development sufficient to define its location, boundaries, and a legal description of the site. | <input checked="" type="checkbox"/> Clear identification of the drawing as "Preliminary Plat" and date of preparation |   |
|   | <input checked="" type="checkbox"/> Name and addresses of owner(s), developer, and engineer or surveyor               |   |

**Existing Conditions**

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

There are 3 property owners.

N/A

No structures

All utilities in South Beach Road (adjacent)

Sewerage in South Beach Road (adjacent)

Creek

N/A

<b>OFFICE USE ONLY</b>
Date Stamp
<b>RECEIVED</b>
<b>OCT 02 2023</b>
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by:
Receipt #:
Fees: 1155.-
Permit No: 851-23-000452-PLNG

**Proposed Development**

- |                 |   |   |   |                        |
|-----------------|---|---|---|------------------------|
| None<br>Created | <input type="checkbox"/> 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 | <input checked="" type="checkbox"/> Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space<br><input checked="" type="checkbox"/> 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<br><input type="checkbox"/> Preliminary utility plans for sewer, water and storm drainage when these utilities are to be provided | <input type="checkbox"/> The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable<br><input checked="" type="checkbox"/> Evidence of compliance with applicable overlay zones, including but not limited to the Flood Hazard Overlay (FH) zone<br><input type="checkbox"/> Evidence of contact with the applicable road authority for proposed new street connections<br><input checked="" type="checkbox"/> Certificates or letters from utility companies or districts stating that they are capable of providing service to the proposed development | N/A<br><br><br><br>N/A |
| None<br>Created | <input type="checkbox"/> Location, width and purpose of all proposed easements  | <input type="checkbox"/> Preliminary utility plans for sewer, water and storm drainage when these utilities are to be provided<br>In street   |   |                        |
| None<br>Created | <input type="checkbox"/> Proposed deed restrictions, if any, in outline form<br><input checked="" type="checkbox"/> Approximate dimensions, area calculation (in square feet), and identification numbers for all proposed lots and tracts  |   |   |                        |

**Additional Information Required for Subdivisions**

- |  |   |
|--|---|
| <input type="checkbox"/> Preliminary street layout of undivided portion of lot<br><input type="checkbox"/> Special studies of areas which appear to be hazardous due to local geologic conditions<br><input type="checkbox"/> 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<br><input type="checkbox"/> 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 | <input type="checkbox"/> Profiles of proposed drainage ways<br><input type="checkbox"/> 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<br><input type="checkbox"/> If lot areas are to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil<br><input type="checkbox"/> 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.

	Robert B. Fultz General Partner, Seabreeze Associates LP	Date: <u>9/26/2023</u>
Property Owner (*Required)	Lawrence Kalish Trustee, Jay I. Julien Irrevocable Trust	Date: <u>9/26/2023</u>
Applicant Signature	Aaron Julien Trustee, Jay I. Julien Irrevocable Trust	Date: <u>9/26/2023</u>
Signature: _____	Lawrence Kalish Trustee, Sherry Kalish Irrevocable Trust	Date: <u>9/26/2023</u>

- FINAL PLAT (LDO 090(1))**
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	Robert B. Fultz	
Property Owner (*Required)	General Partner, Seabreeze Associates LP	9/26/2023
	Lawrence Kalish	Date
Applicant Signature	Trustee, Jay I. Julien Irrevocable Trust	9/26/2023
Signature: _____	Aaron Julien	Date
Signature: _____	Trustee, Jay I. Julien Irrevocable Trust	Date: 9/26/2023
Signature: _____	Lawrence Kalish	Date: 9/26/2023
Signature: _____	Trustee, Sherry Kalish Irrevocable Trust	Date: 9/26/2023

- FINAL PLAT (LDO 090(1))
- Date, scale, north arrow, legend, highways, and railroads contiguous to the plat perimeter
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- The names and signatures of all interest holders in the land being platted, and the surveyor
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- The area, to the nearest hundredth of an acre, of each lot which is larger than one acre
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**Certificates:**

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

Additional Information:

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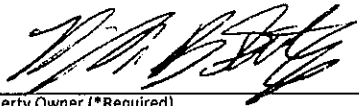
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Applicant Signature	Aaron Julien Trustee, Jay I. Julien Irrevocable Trust	Date: <u>9/26/2023</u>
Signature: _____	Lawrence Kalish Trustee, Sherry Kalish Irrevocable Trust	Date: <u>9/26/2023</u>

SEPTEMBER 21, 2023  
 SCALE 1"=50'  
 SHEET 1 OF 3

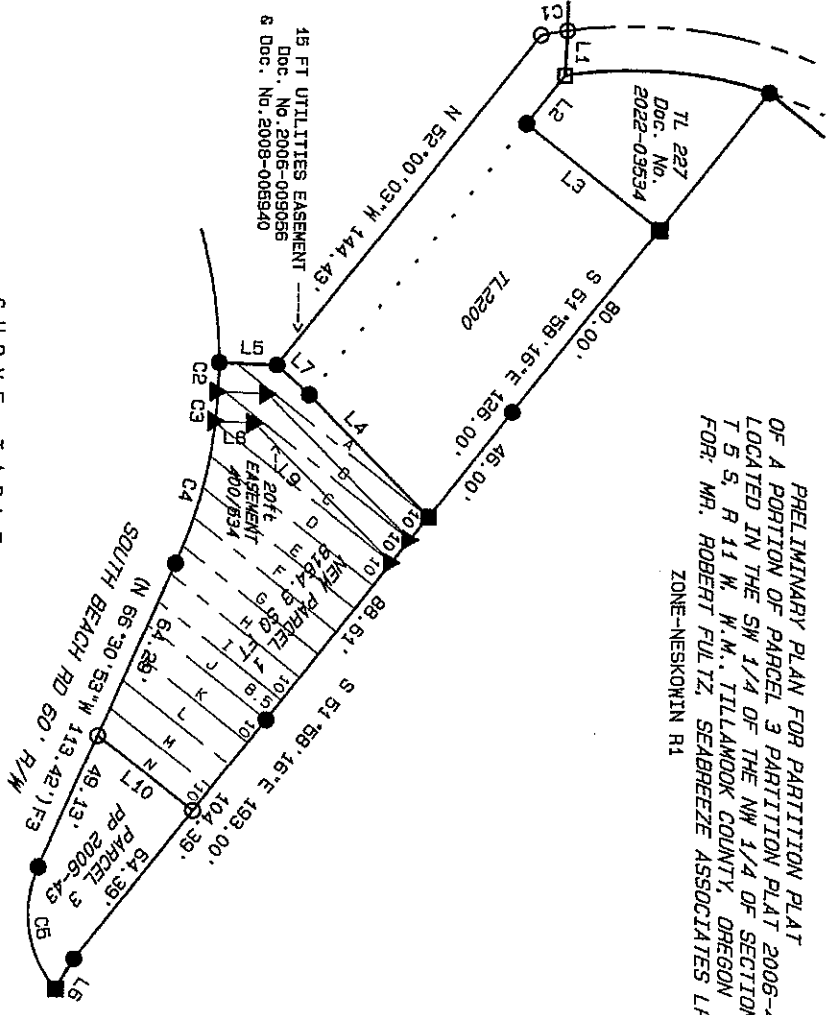


PREPARED BY  
 DARIUS K. FERGUSSON P.L.S.  
 LAND SURVEYING  
 6062 S.E. HWY. 101, SUITE B  
 LINCOLN CITY, OR, 97367  
 PH: (541) 994-8864  
 DFERGUSSONSURVEYING@GMAIL

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JULY 16, 1987  
 DARIUS K. FERGUSSON  
 2279  
 RENEWS 12-31-23

PRELIMINARY PLAN FOR PARTITION PLAT  
 OF A PORTION OF PARCEL 3 PARTITION PLAT 2006-43  
 LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 36,  
 T 5 S, R 11 W, H.M., TILLAMOOK COUNTY, OREGON  
 FOR: MR. ROBERT FULLTZ, SEABREEZE ASSOCIATES LP  
 ZONE-NESKOMIN R1



CURVE TABLE

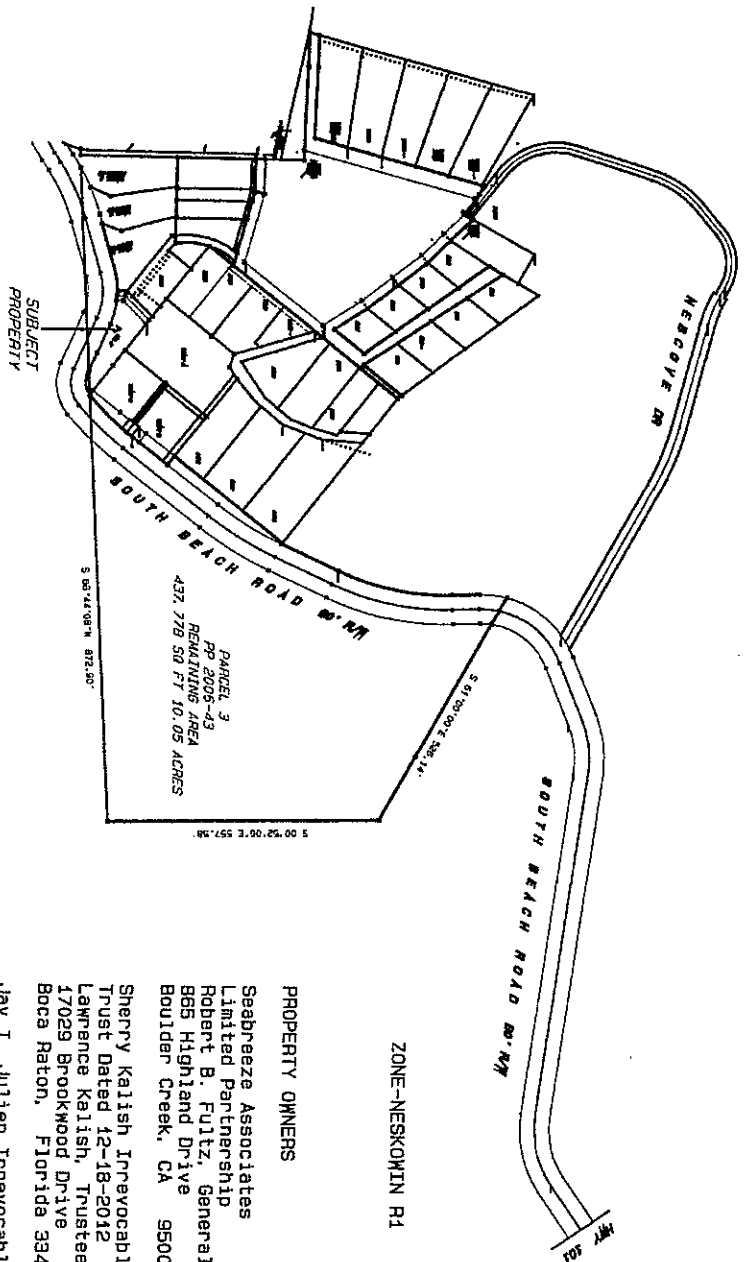
CURVE#	RADIUS	DELTA	ARC LENGTH	CHORD
C1	(165.00'	03°40'17"	9.13'	N 09°57'42"W 9.13')F5
C2	(167.88'	03°24'50"	10.00'	N 88°59'17"W 10.00')F3
C3	(167.88'	03°25'00"	10.01'	N 85°34'19"W 10.01')F3
C4	(167.88'	17°20'59"	50.83'	N 75°11'22"W 50.84')F3
C5	(39.95'	64°16'17"	44.14'	S 81°20'58"W 41.86')F3

PROPOSED NEW  
 AVERAGE LOT WIDTHS

- L4+L7=73.47'
  - A=84.17'
  - B=83.93'
  - C=77.18'
  - D=71.46'
  - E=66.60'
  - F=62.52'
  - G=59.17'
  - H=56.44'
  - I=53.95'
  - J=51.66'
  - K=49.06'
  - L=46.47'
  - M=43.88'
  - N=41.28'
- SUM=921.14'/15=61.4'

LINE TABLE

- L1 = S 87°29'42"E 15.30'
- L2 = S 52°00'03"E 20.88'
- L3 = N 37°59'10"E 58.07'
- L4 = S 45°01'44"W 58.44'
- L5 = (S 01°56'34"W 19.74')F5
- L6 = S 41°40'27"W 15.03'
- L7 = N 01°56'34"E 13.39'
- L8 = N 45°01'44"E 67.07'
- L9 = S 37°59'10"W 41.89'
- L10 =



PRELIMINARY PLAN FOR PARTITION PLAT  
 OF A PORTION OF PARCEL 3 PARTITION PLAT 2006-43  
 LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 36,  
 T 5 S, R 11 W, W.M., TILLAMOOK COUNTY, OREGON  
 FOR: MR. ROBERT FULTZ, SEABREEZE ASSOCIATES LP

PARCEL 3  
 PP 2006-43  
 REMAINING AREA  
 437,778 SQ FT 10.05 ACRES

ZONE-NESKOMIN R1

PROPERTY OWNERS

- Seabreeze Associates Limited Partnership
- Robert B. Fultz, General Partner
- 885 Highland Drive
- Boulder Creek, CA 95006
- Sherry Kalish Irrevocable Trust Dated 12-18-2012
- Lawrence Kalish, Trustee
- 17029 Brookwood Drive
- Boca Raton, Florida 33496
- Jay I. Julien Irrevocable Trust, Dated December 14, 2012
- Lawrence J. Kalish, Trustee
- 17029 Brookwood Drive
- Boca Raton, Florida 33496
- OWNER TL 2200
- Heather Gobet-Pomeroy
- 22011 S. Penman Rd
- Oregon City, Or. 97045



SEPTEMBER 21, 2023  
 SCALE 1"=300'  
 SHEET 3 OF 3

PREPARED BY  
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*Darius K. Ferguson*

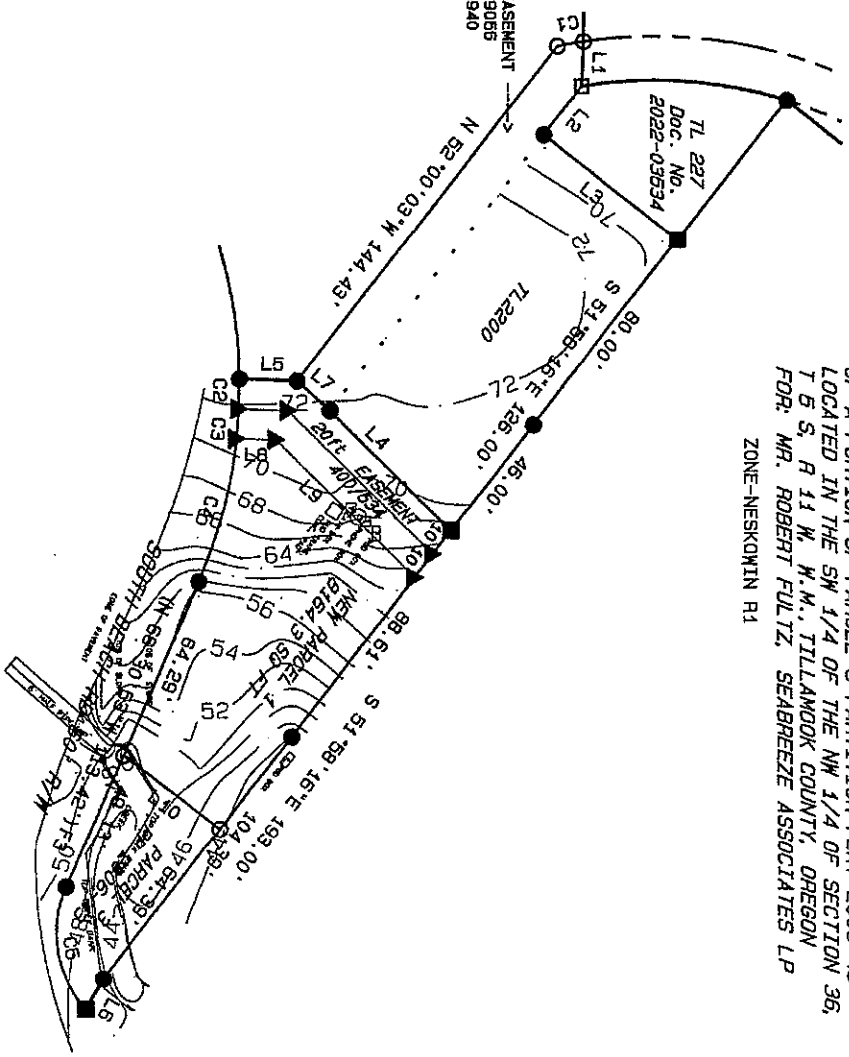
OREGON  
 JULY 16, 1987  
 DARIUS K. FERGUSON  
 2279

RENEWS 12-31-23



SEPTEMBER 21, 2023  
SCALE 1"=50'  
CONTOUR INTERVAL = 2 FT  
SHEET 2 OF 3

15 FT UTILITIES EASEMENT  
Doc. No. 2005-009065  
& Doc. No. 2008-005940



PRELIMINARY PLAN FOR PARTITION PLAT  
OF A PORTION OF PARCEL 3 PARTITION PLAT 2006-43  
LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 36,  
T 6 S, R 11 W, N.M., TILLAMOOK COUNTY, OREGON  
FOR: MR. ROBERT FULTZ, SEABREEZE ASSOCIATES LP  
ZONE-NESKOMIN R1

PREPARED BY  
DARIUS K. FERGUSON P.L.S.  
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REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Darius K. Ferguson*

OREGON  
JULY 16, 1987  
DARIUS K. FERGUSON  
2279

RENEWMS 12-31-23

---

**From:** Troy N. Trute <tnt@neskowinwater.com>  
**To:** 'Robert Fultz' <neskowin@pacbell.net>  
**Sent:** Tuesday, September 5, 2023 at 09:54:40 AM PDT  
**Subject:** RE: Water "will serve" letter

The creation of these lots from the single tax lot 220 will not be an issue with the Neskowin Regional Water District. The District currently has enough capacity and enough infrastructure to supply these new lots, as proposed by Robert Fultz.



Troy N. Trute

General Manager

Neskowin Regional Water District

P.O Box 823, Neskowin, Oregon, 97149

503-392-3966 Office

541-992-1655 Cell

[tnt@neskowinwater.com](mailto:tnt@neskowinwater.com)



**Neskowin Regional Sanitary Authority**



P O Box 383, Neskowin, Oregon 97149

(503) 392-3404 (TTY 1-800-735-2900)

Date: August 30, 2023

To: Tillamook County One-Stop Permit Counter

From: Neskowin Regional Sanitary Authority

Re: Sewer Availability

I confirm that sewer is available to the following lot(s) within our District:

Township: 5S Range: 11 Section: 36 BC Tax Lot: 00220

According to our records, the legal owner is:

Jay Julien 2012 Irrevocable Trust, Sherry Kalish Irrevocable Trust & Seabreeze Associates Limited Partnership

Comments: Letter is issued for the purpose of proposed lot partition.

**Additional reviews, easements and conditions may be required. This letter becomes void after 12 months from the date of issuance.**

The current System Development Charge will be due to NRSA Sanitary District upon issuance of a building permit by the Tillamook County Department of Community Development. The District requires a copy of the approved building permit be sent to NRSA.

This letter shall not create a liability on the part of the Neskowin Regional Sanitary Authority, or by any officer, employee thereof, for the services described above.

\_\_\_\_\_  
Signature of Authorized NRSA Representative

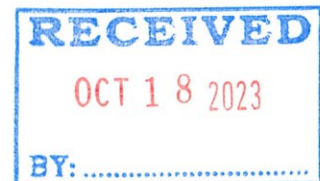
\_\_\_\_\_  
NRSA Office Mgr.

Title

Telephone No: (503) 392-3404

Fax No: (503) 392-3477

E-mail Address: annisl@neskowinsanitary.com





**PROPERTY LINE ADJUSTMENT APPLICATION**

OFFICE USE ONLY	
Date Stamp	
<b>RECEIVED</b>	
OCT 02 2023	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees: 514.50	
Permit No: 851-23-00451 -PLNG	

**Applicant/Representative** Seabreeze Associates LP

Name: Robert B. Fultz, General Partner, Phone: 415 778 8700 x212  
 Address: 865 Highland Drive  
 City: Boulder Creek State: CA Zip: 95006  
 Email: neskowin@pacbell.net

**Property Owner (Unit A)**

Name: Sherry Kalish Irrevocable Trust Phone:  
 Address: 17029 Brookwood Drive  
 City: Boca Raton State: FL Zip: 33496  
 Email:

**Property Owner (Unit B) A**

Name: Jay I. Julien 2012 Irrevocable Trust Phone:  
 Address: 17029 Brookwood Drive  
 City: Boca Raton State: FL Zip: 33496  
 Email:

**Property Owner (Unit C) B**

Name: Heather J. Gobet-Pomeroy Phone:  
 Address: 22011 South Penman Road  
 City: Oregon City State: OR Zip: 97045  
 Email:

All three are property owners of T5S R11W 36BC-00220

Ms. Gobet is the property owner of T5S R11W 36BC-02200

**Describe the purpose of the proposed property line adjustment(s)**

Adding a 15 foot strip of land from part of the parcel, T5S R11W 36BC-00220, to Ms. Gobet's property, which is T5S R11W 36BC-02200.

**Unit A Location:**

Site Address: No address  
 Map Number: 5S 11W 36BC 00220  
Township Range Section Tax Lot(s)

Zoning: Nesk-R1

Existing Use of Sites: Bare land with sewer and power line utilities in the portion being added to T5S R11W 36BC-02200.

~~**Unit B Location:**~~

Site Address: N/A  
 Map Number:  
Township Range Section Tax Lot(s)

Zoning:

Existing Use of Sites:

**Unit <sup>B</sup> Location:**

Site Address: 49995 S Beach Road Neskowin, OR

Map Number:	5S	11W	36BC	02200
	Township	Range	Section	Tax Lot(s)

Zoning: Nesk-R1

Existing Use of Sites: Residence

	Taxlot (Units)	Existing Size	New Size
A)	36BC-00220	10.6 ac	10.05 ac
B)	36BC-02200	7105.4 sq ft	9307.2 sq ft

**Preliminary Property Line Map Checklist**

- Darius  Identification of all existing and proposed lot lines and dimensions
  - Darius  Footprints and dimensions of existing structures (including accessory structures)
  - Darius  Location and dimensions of driveways and streets
  - None  Location of lands subject to the Tillamook County Flood Hazard Overlay
  - Darius  Existing fences and walls
  - Darius  Sewage Disposal System
- Date: 9/26/2023
- Aaron Julien  
Trustee, Jay I. Julien Irrevocable Trust
- Signature: \_\_\_\_\_

**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 approval, all deeds necessary to execute a property line adjustment shall be filed and recorded with the Tillamook County Department of Records. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

Robert B. Fultz  
General Partner, Seabreeze Associates LP 9/26/2023  
Date

Legally Authorized Signature \_\_\_\_\_

Lawrence Kalish  
Trustee, Jay I. Julien Irrevocable Trust 9/26/2023  
Date

Legally Authorized Signature \_\_\_\_\_

Lawrence Kalish  
Trustee, Sherry Kalish Irrevocable Trust 9/26/2023  
Date

Legally Authorized Signature \_\_\_\_\_

Heather J. Gobet-Pomeroy Date: 9/26/2023

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_ Thomas A Bates Date: 9/26/2023

**Unit C Location:**

Site Address: 49995 S Beach Road Neskowin, OR

Map Number:	5S	11W	36BC	02200
	Township	Range	Section	Tax Lot(s)

Zoning: Nesk-R1

Existing Use of Sites: Residence

Taxlot (Units)	Existing Size	New Size
36BC-00220	10.6 ac	10.05 ac
36BC-02200	7105.4 sq ft	9307.2 sq ft

**Preliminary Property Line Map Checklist**

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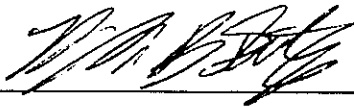
- Other information:
  - Easements affecting the parcel \_\_\_\_\_
  - Concurrent partition application \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_

Aaron Julien Date: 9/26/2023  
 Trustee, Jay I. Julien Irrevocable Trust

Signature: \_\_\_\_\_

**Authorization**

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Robert B. Fultz  
 General Partner, Seabreeze Associates LP 9/26/2023  
 Date

Legally Authorized Signature

Lawrence Kalish  
 Trustee, Jay I. Julien Irrevocable Trust 9/26/2023  
 Date

Legally Authorized Signature

Lawrence Kalish  
 Trustee, Sherry Kalish Irrevocable Trust 9/26/2023  
 Date

Legally Authorized Signature

Signature: \_\_\_\_\_ Heather J. Gobet-Pomeroy Date: 9/26/2023

Signature: \_\_\_\_\_ Thomas A Bates Date: 9/26/2023

**Unit C Location:**

Site Address: 49995 S Beach Road Neskowin, OR

Map Number:	5S	11W	36BC	02200
	Township	Range	Section	Tax Lot(s)

Zoning: Nesk-R1

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Taxlot (Units)	Existing Size	New Size
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  - Concurrent partition application \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
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- Darius  Location and dimensions of driveways and streets
- None  Location of lands subject to the Tillamook County Flood Hazard Overlay
- Darius  Existing fences and walls
- Darius  Sewage Disposal System

Signature: \_\_\_\_\_ Aaron Julien Date: 9/26/2023  
 Trustee, Jay I. Julien Irrevocable Trust

**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 approval, all deeds necessary to execute a property line adjustment shall be filed and recorded with the Tillamook County Department of Records. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

Robert B. Fultz  
 Legally Authorized Signature \_\_\_\_\_ General Partner, Seabreeze Associates LP Date: 9/26/2023

*Lawrence Kalish*  
 Legally Authorized Signature \_\_\_\_\_ Lawrence Kalish Date: 9/26/2023  
 Trustee, Jay I. Julien Irrevocable Trust

*Lawrence Kalish*  
 Legally Authorized Signature \_\_\_\_\_ Lawrence Kalish Date: 9/26/2023  
 Trustee, Sherry Kalish Irrevocable Trust

Signature: \_\_\_\_\_ Heather J. Gobet-Pomeroy Date: 9/26/2023

Signature: \_\_\_\_\_ Thomas A Bates Date: 9/26/2023

**Unit C Location:**

Site Address: 49995 S Beach Road Neskowin, OR

Map Number:	5S	11W	36BC	02200
	Township	Range	Section	Tax Lot(s)

Zoning: Nesk-R1

Existing Use of Sites: Residence

Taxlot (Units)	Existing Size	New Size
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**Preliminary Property Line Map Checklist**

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  - Concurrent partition application \_\_\_\_\_
- Darius  Footprints and dimensions of existing structures (including accessory structures) \_\_\_\_\_
- Darius  Location and dimensions of driveways and streets \_\_\_\_\_
- None  Location of lands subject to the Tillamook County Flood Hazard Overlay
- Darius  Existing fences and walls \_\_\_\_\_
- Darius  Sewage Disposal System \_\_\_\_\_

Aaron Julien Date: 9/26/2023  
Trustee, Jay I. Julien Irrevocable Trust

Signature: \_\_\_\_\_

**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 approval, all deeds necessary to execute a property line adjustment shall be filed and recorded with the Tillamook County Department of Records. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

Robert B. Fultz  
General Partner, Seabreeze Associates LP 9/26/2023

Legally Authorized Signature

Date

Lawrence Kalish  
Trustee, Jay I. Julien Irrevocable Trust 9/26/2023

Legally Authorized Signature

Date

Lawrence Kalish  
Trustee, Sherry Kalish Irrevocable Trust 9/26/2023

Legally Authorized Signature

Date

Signature: *Heather J. Gobet-Pomeroy* Heather J. Gobet-Pomeroy Date: 9/26/2023

Signature: *Thomas A Bates* Thomas A Bates Date: 9/26/2023

**APPROVAL STANDARDS:**

1. All property sizes, setbacks and other dimensional attributes resulting from a property line adjustment shall conform to the provisions of the Tillamook County Land Use Ordinance and the Tillamook County Land Division Ordinance.
2. A property line adjustment shall not result in the creation of a new lot or a replat of an existing subdivision or partition.
3. When one or more of the properties is larger than the minimum lot size in the zone, the same number of properties shall be as large or larger than the minimum lot size after the adjustment. When all properties are as large or larger than the minimum property size prior to the adjustment, no adjusted properties shall be reduced below the minimum lot size.

**APPROVAL-CRITERIA FOR ADJUSTMENTS IN RESOURCE AND COMMERCIAL ZONES:**

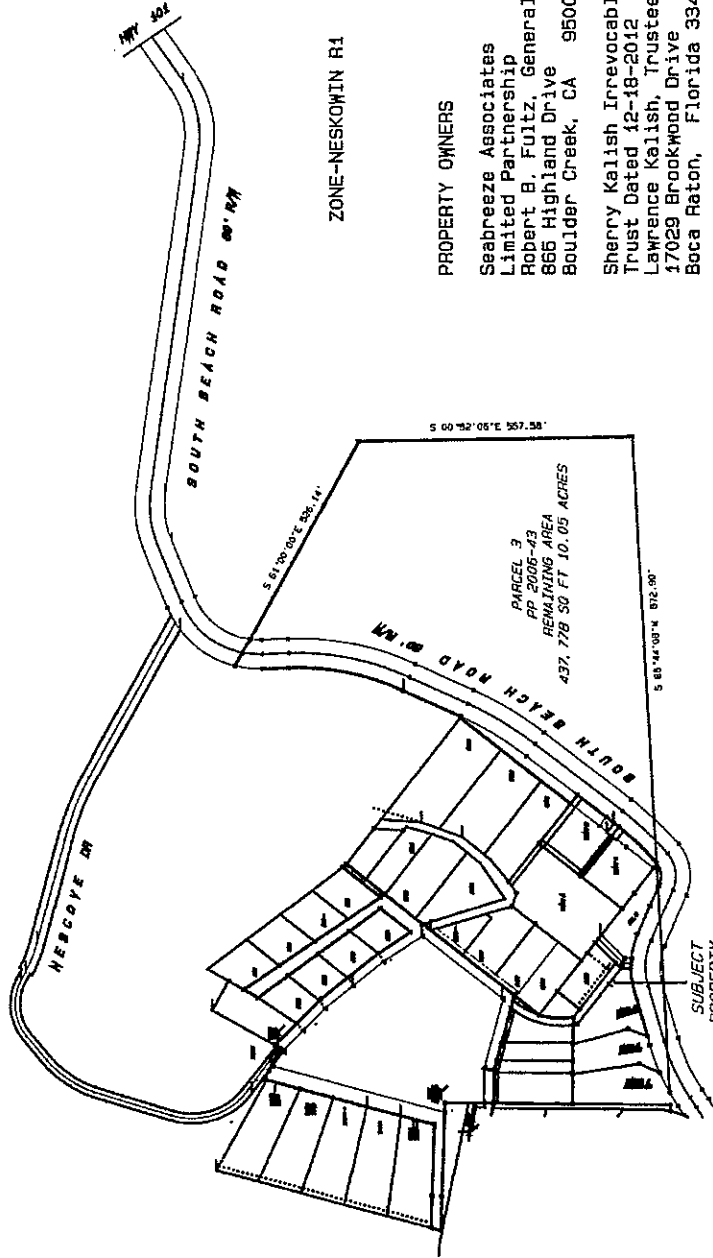
In addition to the approval standards listed above, property line adjustments in resource zones (Farm and Forest) must comply with the following criteria. Please use a separate sheet of paper to explain how the proposed adjustment complies with these criteria. Other information such as air photos (available through the GIS database) that would help to show how the adjustment complies with the criteria may also be submitted.

1. In commercial zones, properties to be adjusted shall be shown to be of a size that is at least as appropriate to maintain the existing commercial enterprise and remain in compliance with Section 4.030: Off-Street Parking & Off-Street Loading Requirements of the Tillamook County Land Use Ordinance.
2. If the proposed adjustment involves the transfer of a dwelling from one property to another, the property that will acquire the dwelling must either receive land use approval for the dwelling, or a deed affidavit shall be recorded by the owner of the property where the dwelling was originally located, prohibiting the establishment of any new principal dwellings on that property.
3. On land zoned for exclusive farm use, forest use or mixed farm and forest use, a property line adjustment may not be used to:
  - a. Decrease the size of a tract that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;
  - b. Decrease the size of a tract that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or
  - c. Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify.

**THE APPLICATION MUST INCLUDE:**

1. Completed application form, signed by the applicant and all property owners.
2. Application Fee.
3. Completed preliminary map/survey.
4. Written explanation of how the adjustment complies with the standards for a property line adjustment in a resource zone.
5. Copy of most recent deed or contract for each parcel involved.

SEPTEMBER 21, 2023  
 SCALE 1"=300'  
 SHEET 3 OF 3



ZONE-NESKOWIN R1

PROPERTY OWNERS

Seabreeze Associates  
 Limited Partnership  
 Robert B. Fultz, General Partner  
 866 Highland Drive  
 Boulder Creek, CA 95006

Sherry Kalish Irrevocable  
 Trust Dated 12-18-2012  
 Lawrence Kalish, Trustee  
 17029 Brookwood Drive  
 Boca Raton, Florida 33496

Jay I. Julien Irrevocable Trust,  
 Dated December 14, 2012  
 Lawrence J. Kalish, Trustee  
 17029 Brookwood Drive  
 Boca Raton, Florida 33496

OWNER TL 2200  
 Heather Gobet-Pomeroy  
 22011 S. Penman Rd  
 Oregon City, Or. 97045

PREPARED BY  
 DARIUS K. FERGUSON P.L.S.  
 LAND SURVEYING  
 6062 S.E. HWY. 101, SUITE B  
 LINCOLN CITY, OR. 97367  
 PH: (541) 994-5854  
 DFERGUSONSURVEYING@GMAIL

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Darius K. Ferguson*

OREGON  
 JULY 16, 1987  
 DARIUS K. FERGUSON  
 2279

RENEWS 12-31-23

PRELIMINARY PLAN FOR PROPERTY LINE ADJUSTMENT OF A TRACT  
 OF LAND A LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 36,  
 T 5 S, R 11 W, W.M., TILLAMOOK COUNTY, OREGON  
 FOR: SEABREEZE ASSOCIATES LP & HEATHER GOBET-POMEROY



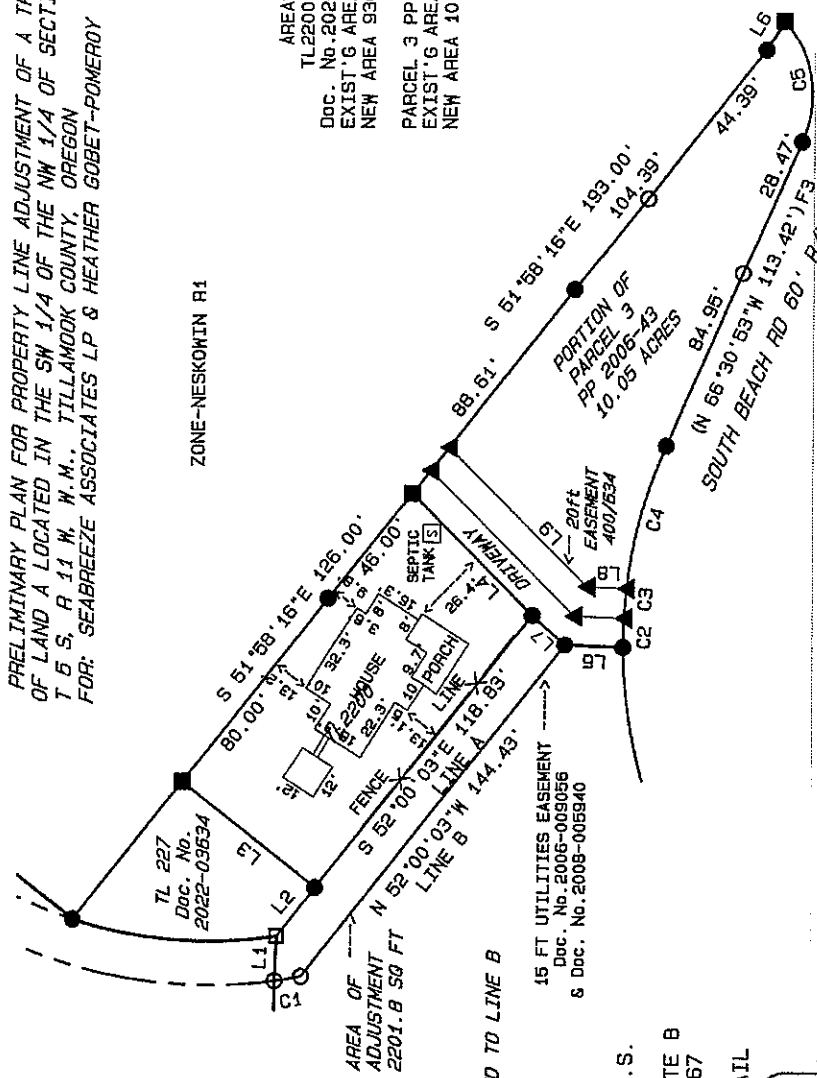


SEPTEMBER 21, 2023  
SCALE 1"=50'  
SHEET 1 OF 3

PRELIMINARY PLAN FOR PROPERTY LINE ADJUSTMENT OF A TRACT OF LAND A LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 36, T 6 S, R 11 W, W.M., TILLAMOOK COUNTY, OREGON FOR: SEABREEZE ASSOCIATES LP & HEATHER GOBET-POMEROY

ZONE-NESKOWIN R1

AREAS  
TL2200  
Doc. No. 202-01245  
EXIST'G AREA 7106.4 SQ FT  
NEW AREA 9307.2 SQ FT  
PARCEL 3 PP 2006-43  
EXIST'G AREA 10.6 AC  
NEW AREA 10.05 AC



NOTE:  
LINE A IS TO BE ADJUSTED TO LINE B

15 FT UTILITIES EASEMENT  
Doc. No. 2006-009056  
& Doc. No. 2008-005940

PREPARED BY  
DARIUS K. FERGUSON P.L.S.  
LAND SURVEYING  
6062 S.E. HWY. 101, SUITE B  
LINCOLN CITY, OR, 97367  
PH: (541) 994-5854  
DFERGUSONSURVEYING@GMAIL

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Darius K. Ferguson*

OREGON  
JULY 15, 1987  
DARIUS K. FERGUSON  
2279

RENEWS 12-31-23

CURVE TABLE

CURVE#	RADIUS	DELTA	ARC LENGTH	CHORD
C1	(165.00')	03°10'17"	9.13'	N 09°57'42"W 9.13') F5
C2	(167.88')	03°24'50"	10.00'	N 88°59'17"W 10.00') F3
C3	(167.88')	03°25'00"	10.01'	N 85°34'49"W 10.01') F3
C4	(167.88')	17°20'59"	50.63'	N 75°11'22"W 50.64') F3
C5	(39.35')	64°16'17"	44.14'	S 81°20'56"W 41.86') F3

LINE TABLE

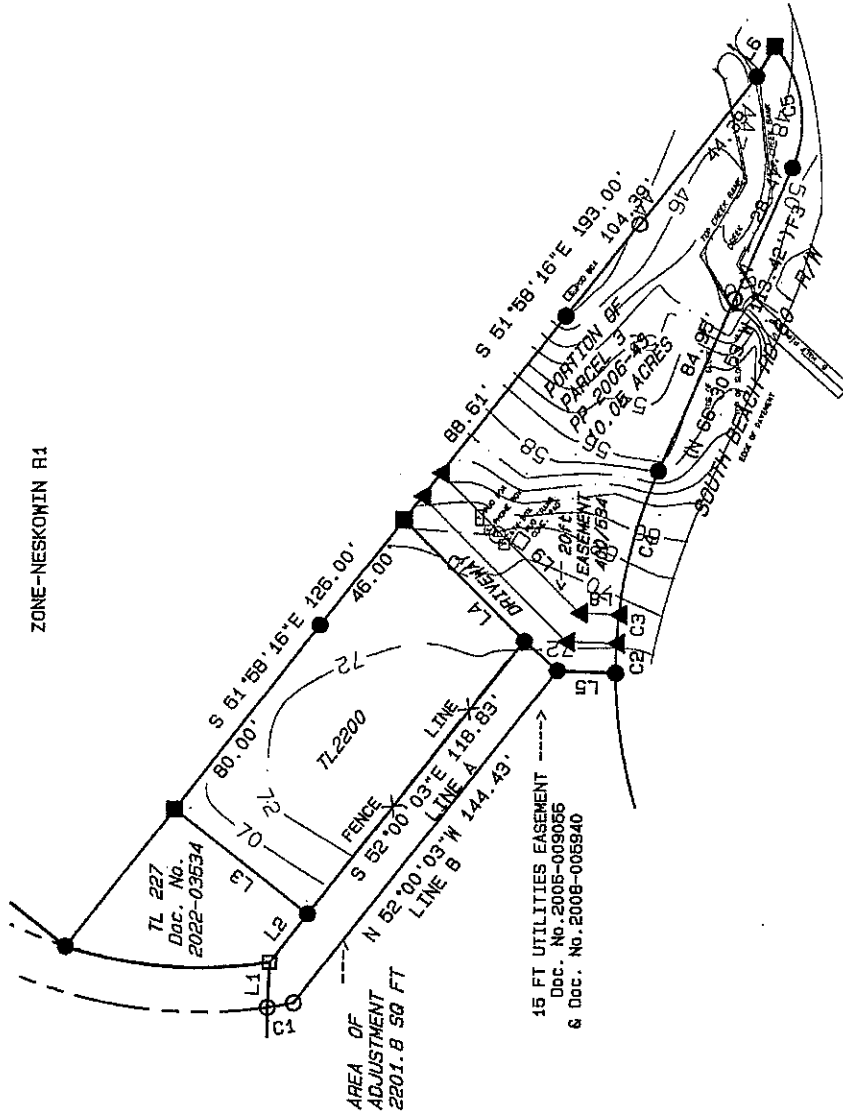
L1 =	S 87°29'42"E	15.30'
L2 =	S 52°00'03"E	20.88'
L3 =	N 37°59'10"E	58.07'
L4 =	S 45°01'44"W	58.44'
L5 =	(S 01°55'34"W 18.74') F5	
L6 =	(N 59°11'00"W 12.01') F3	
L7 =	S 41°40'27"W	15.03'
L8 =	N 01°55'34"E	13.39'
L9 =	N 45°01'44"E	67.07'



PRELIMINARY PLAN FOR PROPERTY LINE ADJUSTMENT OF A TRACT OF LAND A LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 36, T 5 S, R 11 W, M.M., TILLAMOOK COUNTY, OREGON FOR: SEABREEZE ASSOCIATES LP & HEATHER GOBET-POMEROY

SEPTEMBER 24, 2023  
SCALE: 1"=60'  
CONTOUR INTERVAL =2 FT  
SHEET 2 OF 3

ZONE-NESKOWIN R1



PREPARED BY  
DARIUS K. FERGUSON P.L.S.  
LAND SURVEYING  
6062 S.E. HWY. 101, SUITE B  
LINCOLN CITY, OR. 97367  
PH: (541) 994-5854  
DFERGUSONSURVEYING@GMAIL

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Darius K. Ferguson*

OREGON  
JULY 15, 1987  
DARIUS K. FERGUSON  
2279

RENEWS 12-31-23

TL# 220



Tillamook County, Oregon  
06/05/2023 11:31:01 AM **2023-02349**

DEED-DBS  
\$30.00 \$11.00 \$10.00 \$61.00 - Total = \$112.00  
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

**THIS SPACE PROVIDED FOR RECORDER'S USE**

After recording return to:  
First American Title  
405 NW 5th St. Suite A  
Corvallis, OR 97330

Until a change is requested all tax statements shall  
be sent to the following address: No change,,  
**NO CHANGE FROM CURRENT  
ADDRESS ON FILE**

FIRST AMERICAN 4063430

### **BARGAIN AND SALE DEED FOR PROPERTY LINE ADJUSTMENT**

Aaron Julien and Larry Kalish, Trustees of the Jay I. Julien 2012 Irrevocable Trust, Larry Kalish, Trustee of the Sherry Kalish Irrevocable Trust, and Seabreeze Associates Limited Partnership Grantors, convey to Aaron Julien and Larry Kalish, Trustee of the Jay I. Julien 2012 Irrevocable Trust, Larry Kalish, Trustee of the Sherry Kalish Irrevocable Trust, and Seabreeze Associates Limited Partnership Grantees the following described real property:

SEE EXHIBIT A FOR TRANSFER PARCEL LEGAL DESCRIPTION  
SEE EXHIBIT B FOR ADJUSTED GRANTEE'S LEGAL DESCRIPTION  
SEE EXHIBIT C FOR ADJUSTED GRANTORS LEGAL DESCRIPTION

Grantor is vested by Doc. No.s 2012-7263 (Sherry Kalish Trust), 2012-7117 (Jay I Julien Trust), and Book 320, Page 363 (Seabreeze Associates Limited Partnership), Tillamook County Deed Records

Grantee is vested by Doc. No. 2012-7263 (Sherry Kalish Trust), 2012-7117 (Jay I Julien Trust), and Book 320, Page 363 (Seabreeze Associates Limited Partnership), Tillamook County Deed Records

Grantor and Grantee execute this deed to facilitate an approved Property Line Adjustment per Case File No. #851-22-000379-PLNG and #851-22-000355-PLNG Unincorporated Community of Neskowin County of Tillamook

This property is free of liens and encumbrances, EXCEPT: THOSE OF PUBLIC RECORD, IF ANY.

True consideration for this conveyance is \$To effect property line adjustment (Here comply with the requirements of ORS 93.030)

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

TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 5 day of May, 2023

GRANTORS

[Signature]  
Robert B Fultz, General Partner  
Seabreeze Associates Limited Partnership

Aaron Julien  
Aaron Julien, Trustee

Larry Kalish  
Larry Kalish, Trustee

Larry Kalish  
Larry Kalish, Trustee

GRANTEES

[Signature]  
Robert B Fultz, General Partner  
Seabreeze Associates Limited Partnership

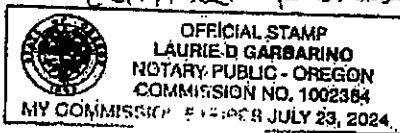
Aaron Julien  
Aaron Julien, Trustee

Larry Kalish  
Larry Kalish, Trustee

Larry Kalish  
Larry Kalish, Trustee

State of Oregon )  
County of Benton ) ss.

This instrument was acknowledged before me on May 26 2023, by  
Robert B Fultz, general Partner, Seabreeze Associates  
Limited Partnership



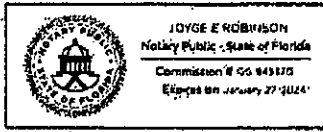
Laurie D Garbarino  
Notary Public - State of Oregon

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

Florida  
Marion

This instrument was acknowledged before me on 06/05/2023, by

Aaron Julien, trustee of the Jay I. Julien 2012 Irrevocable Trust



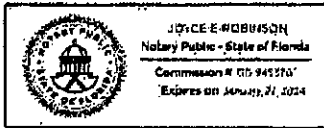
[Signature]  
Notary Public - State of Florida

Notarized online using audio-video communication

State of Florida )  
                  Marion      ) ss.  
County of \_\_\_\_\_ )

This instrument was acknowledged before me on 06/05/2023, by

Larry Kalish, trustee of the Jay I. Julien 2012 Irrevocable Trust and Larry Kalish, trustee of the Sherry Kalish Irrevocable Trust



[Signature]  
Notary Public - State of Florida

Notarized online using audio-video communication

## EXHIBIT "A"

### LEGAL DESCRIPTION OF TRANSFER PARCEL

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, TILLAMOOK COUNTY OREGON; BEING A PORTION OF PARCEL 3, PARTITION PLAT 2006-43 TILLAMOOK COUNTY PLAT RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD AT THE NORTHEAST CORNER OF PARCEL 2, PARTITION PLAT 2004-35, TILLAMOOK COUNTY PLAT RECORDS; THENCE SOUTH 75°03'04"EAST 26.52 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 37°56'57"WEST 64.37 FEET TO A 3/4 INCH IRON PIPE AT THE MOST NORTHERLY CORNER OF THAT TRACT OF LAND AS DESCRIBED IN Doc. No. 2022-03534, TILLAMOOK COUNTY DEED RECORD; THENCE ALONG THE WEST LINE OF SAID TRACT ON A 150.00 FOOT RADIUS CURVE LEFT (LONG CHORD BEARS SOUTH 04°01'30"WEST 70.06 FEET) AN ARC DISTANCE OF 70.71 FEET; THENCE NORTH 87°29'42"WEST 15.30 FEET TO A 5/8 INCH IRON ROD AT THE SOUTHEAST CORNER OF SAID PARCEL 2 PARTITION PLAT 2004-35; THENCE ALONG THE EAST LINE OF SAID PARCEL 2 ON A 165.00 FOOT RADIUS CURVE RIGHT (LONG CHORD BEARS NORTH 15°04'34"EAST 131.33 FEET TO THE POINT OF BEGINNING.

## EXHIBIT "B"

PARCEL 2, PARTITION PLAT 2004-35, TILLAMOOK COUNTY PLAT RECORDS,  
TOGETHER WITH A PORTION OF PARCEL 3 PARTITION PLAT 2006-43,  
TILLAMOOK COUNTY DEED RECORDS, MORE PARTICULARLY DESCRIBED AS  
FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD AT THE NORTHEAST CORNER OF  
PARCEL 2, PARTITION PLAT 2004-35, TILLAMOOK COUNTY PLAT RECORDS;  
THENCE SOUTH 75°03'04"EAST 26.52 FEET TO A 5/8 INCH IRON ROD; THENCE  
SOUTH 37°56'57"WEST 64.37 FEET TO A 3/4 INCH IRON PIPE AT THE MOST  
NORTHERLY CORNER OF THAT TRACT OF LAND AS DESCRIBED IN Doc. No.  
2022-03534, TILLAMOOK COUNTY DEED RECORD; THENCE ALONG THE WEST  
LINE OF SAID TRACT ON A 150.00 FOOT RADIUS CURVE LEFT (LONG CHORD  
BEARS SOUTH 04°01'30"WEST 70.06 FEET) AN ARC DISTANCE OF 70.71 FEET;  
THENCE NORTH 87°29'42"WEST 15.30 FEET TO A 5/8 INCH IRON ROD AT THE  
SOUTHEAST CORNER OF SAID PARCEL 2 PARTITION PLAT 2004-35; THENCE  
ALONG THE EAST LINE OF SAID PARCEL 2 ON A 165.00 FOOT RADIUS CURVE  
RIGHT (LONG CHORD BEARS NORTH 15°04'34"EAST 131.33 FEET TO THE POINT  
OF BEGINNING.

## EXHIBIT "C"

PARCEL 3, PARTITION PLAT 2006-43, TILLAMOOK COUNTY DEED RECORDS;  
EXCEPTING THEREFROM THAT TRACT OF LAND AS DESCRIBED IN Doc.  
No. 2022-03534, TILLAMOOK COUNTY DEED RECORDS; ALSO EXCEPTING  
THEREFROM THE FOLLOWING DESCRIBED TRACT OF LAND;

BEGINNING AT A 5/8 INCH IRON ROD AT THE NORTHEAST CORNER OF  
PARCEL 2, PARTITION PLAT 2004-35, TILLAMOOK COUNTY PLAT RECORDS;  
THENCE SOUTH 75°03'04" EAST 26.52 FEET TO A 5/8 INCH IRON ROD; THENCE  
SOUTH 37°56'57" WEST 64.32 FEET TO A 3/4 INCH IRON PIPE AT THE MOST  
NORTHERLY CORNER OF THAT TRACT OF LAND AS DESCRIBED IN Doc. No.  
2022-03534, TILLAMOOK COUNTY DEED RECORD; THENCE ALONG THE WEST  
LINE OF SAID TRACT ON A 150.00 FOOT RADIUS CURVE LEFT (LONG CHORD  
BEARS SOUTH 04°01'30" WEST 70.06 FEET) AN ARC DISTANCE OF 70.71 FEET;  
THENCE NORTH 87°29'42" WEST 15.30 FEET TO A 5/8 INCH IRON ROD AT THE  
SOUTHEAST CORNER OF SAID PARCEL 2 PARTITION PLAT 2004-35; THENCE  
ALONG THE EAST LINE OF SAID PARCEL 2 ON A 165.00 FOOT RADIUS CURVE  
RIGHT (LONG CHORD BEARS NORTH 15°04'34" EAST 131.33 FEET TO THE POINT  
OF BEGINNING.



RECORDING REQUESTED BY:

TICOR 360420000007

 **Western** Title & Escrow

3469 NW Highway 101  
Lincoln City, OR 97367

**AFTER RECORDING RETURN TO:**

**Order No.:** WT0183398-KB  
Thomas A. Bates and Heather J. Gobet-Pomeroy  
22011 S. Penman Rd.  
Oregon City, OR 97045

**SEND TAX STATEMENTS TO:**

Thomas A. Bates and Heather J. Gobet-Pomeroy  
22011 S. Penman Rd.  
Oregon City, OR 97045

APN: 258063  
Map: 5S1136BC02200

Tillamook County, Oregon  
02/26/2020 12:11:02 PM **2020-01245**  
DEED-DWARR  
\$30.00 \$11.00 \$10.00 \$61.00 - Total =\$112.00  
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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

**Elizabeth Duane Vergeer Crist and Tonie I. Tollen as Trustee of the Tonie I. Tollen Trust under agreement dated September 19, 2007, Grantor, conveys and warrants to Thomas A. Bates and Heather J. Gobet-Pomeroy, not as tenants in common, but with the rights of survivorship, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Tillamook, State of Oregon:**

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

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS SIX HUNDRED EIGHTY-FIVE THOUSAND AND NO/100 DOLLARS (**\$685,000.00**). (See ORS 93.030).

**Subject to:**

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

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

**STATUTORY WARRANTY DEED**

(continued)

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

Dated: 2/24/2020

Elizabeth Duane Vergeer Crist  
Elizabeth Duane Vergeer Crist

Tonie I. Tollen Trust under agreement dated September 19, 2007

BY: Tonie I. Tollen  
Trustee T. Tollen

State of OR  
County of Lincoln

This instrument was acknowledged before me on February 24, 2020 by Elizabeth Duane Vergeer Crist and \*  
Tonie I. Tollen Trust under agreement dated September 19, 2007.

K. Bighill  
Notary Public - State of Oregon  
My Commission Expires: 12/20/21



\*Tonie I. Tollen, as Trustee of the

**EXHIBIT "A"**  
Legal Description

PARCEL I:

Beginning at a point South 52° 22' 00" East 100 feet from the Southwest corner of the tract of land owned by Aletta M. Brigham in Section 36, Township 5 South, Range 11 West of the Willamette Meridian and recorded in Volume 43 at Page 453, Deed Records of Tillamook County, Oregon, said Southwest corner being South 37° 38' 00" West 300 feet from an iron pipe set 964.8 feet West and 2063.5 feet South of the Northeast corner of the Northwest Quarter of the Northwest Quarter of said Section 36 and 697 feet South and 192.4 feet East of the Northeast corner of a tract conveyed to Dan J. Fry and R.E.L. Steiner by deed recorded April 24, 1913, in Book 26, at Page 75, Deed Records of Tillamook County, Oregon; thence South 52° 22' 00" East 60 feet along the South line of the above mentioned tract; thence South 37° 38' 00" West 50 feet to a point; thence North 52° 22' 00" West 100 feet to a point; thence North 37° 38' 00" East 50 feet to a point; thence South 52° 22' 00" East 40 feet to the point of beginning.

PARCEL II:

Beginning at a point which is South 52° 22' 00" East 186 feet from the Southwest corner of the O.A. Place tract, which Southwest corner is South 37° 38' 00" West 300 feet from a point which is South 2063.5 feet, and West 964.8 feet, from the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 36, Township 5 South, Range 11 West of the Willamette Meridian; and running thence North 52° 22' 00" West, 26 feet to the Southeast corner of the tract presently owned by Bruce Nolf; thence South 37° 38' 00" West, along the Nolf Southerly line, 50 feet; thence South 52° 22' 00" East, to a point which is South 44° 38' 00" West, and on the line of the road across the O.A. Place property, if extended, from the point of beginning; and running thence North 44° 38' 00" East, to the point of beginning.

PARCEL III:

A tract of land lying in the Southwest Quarter of the Northwest Quarter of Section 36, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon, said tract being a portion of Parcel 3 of Partition Plat No. 2004-35 as recorded in Plat Cabinet B-864-0 of Partition Plat Records of Tillamook County, Oregon, recorded December 27, 2004, as Instrument No. 2004-010779, said portion of Parcel 3 being more particularly described as follows:

Beginning at the Southwesterly corner of that certain tract of land conveyed to Bruce Owen Nolf by deed recorded in Book 354, Page 608, Deed Records of Tillamook County, Oregon, said point also being an angle point in a Northerly line of the aforesaid Parcel 3; and running thence South 52° 22' 00" East, along that certain boundary line common to the aforesaid Parcel 3 and Nolf tract, a distance of 119.86 feet to an iron rod, said point also being the Southeasterly corner of that certain tract of land conveyed to Bruce Nolf by deed recorded in Book 216, Page 200, Deed Records of Tillamook County, Oregon; thence South 44° 38' 00" West a distance of 8.06 feet to an iron rod; thence North 52° 22' 00" West a distance of 118.88 feet to an iron rod; thence North 37° 38' 00" East a distance of 8.00 feet to the point of beginning.

TOGETHER WITH a perpetual, non-exclusive easement for ingress and egress over the following described tract:

A strip of land, 20 feet in width, lying 10.0 feet on either side of the centerline located in the Southwest One-Quarter of the Northwest One-Quarter of Section 36, Township 5 South, Range 11 West of the Willamette Meridian, in Tillamook County, Oregon, more particularly described as follows:

Commencing at the most Easterly corner of that tract of land conveyed to Bruce Nolf, by Instrument recorded July 2, 1969, in Book 216, Page 200, Tillamook County Deed Records; thence South 52° 22' 00" East 10.08 feet, along the South line of that tract of land conveyed to Ralph T. Dawson, et ux, by Instrument recorded February 27, 1980, in Book 268, Page 163, Tillamook County Deed Records, to the true point of beginning; thence South 44° 38' 00" West 69.79 feet, parallel to the Southeast line of that tract of land described to Bruce Nolf, by Instrument recorded in Book 216, Page 200, Tillamook County Deed Records; thence South 01° 31' 50" West 15 feet, more or less, to the Northerly right-of-way line of that private roadway commonly known as South Beach Road and more

**EXHIBIT "A"**  
Legal Description

particularly described as follows:

A strip of land 60.0 feet in width lying 30.0 feet on either side of the centerline described as: Beginning at Engineer's right-of-way station 267+20 on the Southerly right-of-way line of Relocated Oregon Coast Highway No. 101; thence South 55° 25' 00" West, 110.00 feet; thence on a 200 foot radius curve right (long chord bears South 76° 43' 10" West, 145.32 feet) an arc distance of 148.72 feet; thence North 81° 58' 40" West 705.43 feet; thence on a 222.96 foot radius curve left (long chord bears South 82° 57' 38" West, 115.88 feet) an arc distance of 117.22 feet; thence South 67° 53' 56" West, 125.68 feet; thence on a 171.52 foot radius curve to the left (the long chord bears South 32° 54' 58" West, 196.65 feet) an arc distance of 209.42 feet; thence South 2° 15' 11" East, 55.24 feet; thence on a 550.61 foot radius curve right (long chord bears South 11° 01'53" West, 253.04 feet) an arc distance of 255.32 feet; thence South 24° 18' 57" West, 130.79 feet; thence on a 702.11 foot radius curve right (long chord bears South 30° 48' 57" West, 158.93 feet) an arc distance of 159.30 feet; thence South 37° 18' 57" West 226.05 feet; thence on a 395.02 foot radius curve right (long chord bears South 42° 31'52" West, 133.31 feet) an arc distance of 134.33 feet; thence on a 74.10 foot radius curve right (long chord bears South 85° 37' 14" West, 70.40 feet) an arc distance of 73.36 feet; thence North 65° 50' 33" West, 111.46 feet; thence on a 138.31 foot radius curve left (long chord bears North 85° 50' 33" West, 94.04 feet) an arc distance of 95.96 feet; thence South 74° 16' 57" West, 116.77 feet; thence on a 409.28 foot radius curve left an arc distance of 125 feet, more or less, to the Easterly right-of-way line of the private roadway designated as Lot 99, NESKOWIN HEIGHTS, in Tillamook County, Oregon, according to the official plat thereof, recorded in Book 3, Page 13, Plat Records of Tillamook County, Oregon.

The side lines of the above 20 foot easement are to be extended or shortened to begin at the South line of that parcel described in Book 268, Page 163, Tillamook County Deed Records, and to terminate at the Northerly right-of-way line of that private roadway commonly known as South Beach Road and described above.

ALSO TOGETHER WITH a perpetual, non-exclusive easement for ingress and egress over the following described tract, more particularly described as follows:

A strip of land 60.0 feet in width lying 30.0 feet on either side of the centerline described as: Beginning at Engineer's right-of-way station 267+20 on the Southerly right-of-way line of Relocated Oregon Coast Highway No. 101; thence South 55° 25' 00" West, 110.00 feet; thence on a 200 foot radius curve right (long chord bears South 76° 43' 10" West, 145.32 feet) an arc distance of 148.72 feet; thence North 81° 58' 40" West 705.43 feet; thence on a 222.96 foot radius curve left (long chord bears South 82° 57' 38" West, 115.88 feet) an arc distance of 117.22 feet; thence South 67° 53' 56" West, 125.68 feet; thence on a 171.52 foot radius curve to the left (the long chord bears South 32° 54' 58" West, 196.65 feet) an arc distance of 209.42 feet; thence South 2° 15' 11" East, 55.24 feet; thence on a 550.61 foot radius curve right (long chord bears South 11° 01'53" West, 253.04 feet) an arc distance of 255.32 feet; thence South 24° 18' 57" West, 130.79 feet; thence on a 702.11 foot radius curve right (long chord bears South 30° 48' 57" West, 158.93 feet) an arc distance of 159.30 feet; thence South 37° 18' 57" West, 226.05 feet; thence on a 395.02 foot radius curve right (long chord bears South 42° 31'52" West, 133.31 feet) an arc distance of 134.33 feet; thence on a 74.10 foot radius curve right (long chord bears South 85° 37' 14" West, 70.40 feet) an arc distance of 73.36 feet; thence North 65° 50' 33" West, 111.46 feet; thence on a 138.31 foot radius curve left (long chord bears North 85° 50' 33" West, 94.04 feet) an arc distance of 95.96 feet; thence South 74° 16' 57" West, 116.77 feet; thence on a 409.28 foot radius curve left an arc distance of 125 feet, more or less, to the Easterly right-of-way line of the private roadway designated as Lot 99, NESKOWIN HEIGHTS, in Tillamook County, Oregon, according to the official plat thereof, recorded in Book 3, Page 13, Plat Records of Tillamook County, Oregon.

**EXHIBIT "B"**  
Exceptions

**Subject to:**

**SPECIFIC ITEMS AND EXCEPTIONS:**

1. Rights of the public to any portion of the Land lying within the limits of streets, roads and highways.
2. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: R. E. Lee Steiner  
Purpose: water pipe  
Recording Date: October 28, 1920  
Recording No: Book 3, Page 409 Miscellaneous Records  
  
An assignment of the easement rights we assigned by instrument:  
  
Assignee: South Neskowin Water Company  
Recording Date: December 3, 1924  
Recording No.: Book 52, Page 345
3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: E. C. Apperson and Alves N. Apperson, husband and wife  
Purpose: as mentioned in said easement  
Recording Date: September 10, 1917  
Recording No: Book 36, Page 238
4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Mrs. Nellie G. Rogers  
Purpose: as mentioned in said easement  
Recording Date: March 15, 1918  
Recording No: Book 37, Page 101
5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Lilly Litchfield Shirley  
Purpose: as mentioned in said easement  
Recording Date: August 30, 1920  
Recording No: Book 42, Page 25
6. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Alleta M. Brigham  
Purpose: as mentioned in said easement  
Recording Date: August 11, 1921  
Recording No: Book 43, Page 453
7. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Mary E. Webster  
Purpose: as mentioned in said easement  
Recording Date: July 21, 1922

**EXHIBIT "B"**  
Exceptions

Recording No: Book 44, Page 625

8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  

Granted to: The Pacific Telephone and Telegraph Company  
Purpose: as mentioned in said easement  
Recording Date: November 1, 1928  
Recording No: Book 59, Page 630
9. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  

Granted to: O. A. Place and Marjorie J. Place, husband and wife  
Purpose: as mentioned in said easement  
Recording Date: August 7, 1951  
Recording No: Book 129, Page 203
10. Agreement, including the terms and provisions thereof,  

Recording Date: March 31, 1965  
Recording No.: Book 196, Page 237
11. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;  

Reserved by: Peter O. Place and Phyllis Place, husband and wife  
Purpose: as stated in said document  
Recording Date: July 2, 1969  
Recording No: Book 216, Page 200
12. Terms, provisions and conditions, including, but not limited to, maintenance provisions, as contained in Agreement for Easement  

Recording Date: September 24, 1998  
Recording No.: Book 400, Page 534
13. Terms, provisions and conditions, including, but not limited to, maintenance provisions, as contained in Agreement for Easement  

Recording Date: September 24, 1998  
Recording No.: Book 400, Page 535
14. Terms, provisions and conditions, including, but not limited to, maintenance provisions, as contained in Warranty Deed  

Recording Date: September 24, 1998  
Recording No.: Book 400, Page 537
15. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document  

Recording Date: August 29, 2005  
Recording No: 2005-007708

Date: October 16, 2023

RE: Incomplete application for a Partition Application #851-23-000452-PLNG

To Whom It May Concern:

As indicated in the attached correspondence, your application has been deemed to be **incomplete**.

Please acknowledge, in writing, your intent to provide the material required to complete the application, as identified in the attached correspondence.

Tillamook County Department of Community Development  
Attn: Angela Rimoldi – Planning Technician  
1510 B Third Street  
Tillamook, OR 97141

If you indicate your intent to complete the application, you will have 180 days from the date the application was originally submitted (**October 2, 2023**) to submit the required material. If you fail to submit the material within 180 days, your application will be deemed void. The case file regarding the application will then be closed.

If you do not return this acknowledgment, by the above date, such action will be considered to be a refusal to complete the application under the meaning accorded in ORS 215.428. Your application will then be processed based upon the information you have previously submitted. Note that failure to submit sufficient evidence or material to demonstrate compliance with the applicable criteria is grounds for denial of the application.

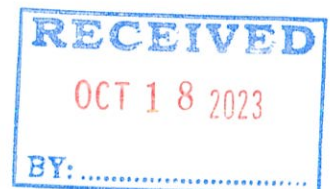
**ACKNOWLEDGMENT**

- I intend to provide the additional material identified in the attached correspondence from the Department of Community Development.
- I refuse to provide the additional material identified in the attached correspondence from the Department of Community Development.



\_\_\_\_\_  
Signed and Acknowledged (Applicant)

10/16/2023  
\_\_\_\_\_  
Date



# EXHIBIT C



## Angela Rimoldi

---

**From:** Ron Newton  
**Sent:** Monday, October 23, 2023 6:43 AM  
**To:** Lynn Tone; Angela Rimoldi  
**Cc:** Jasper Lind  
**Subject:** Re: Partition Request 851-23-000452-PLNG

Lynn

The land indicated in the subject Partition Request are all accessed by private roads. Tillamook County Public Works will have no comment.

Thank you.

**PLEASE NOTE: Tillamook County has updated our email domain to [\\*\\*\\*.gov](mailto:***@tillamookcounty.gov)  
My new email is: [Ron.Newton@tillamookcounty.gov](mailto:Ron.Newton@tillamookcounty.gov)**

Ron Newton, *LSI*  
Engineering Tech III  
Tillamook County Public Works  
503 Marolf Loop  
Tillamook, OR 97141  
Working From Home  
Cell – 503.812.1441



---

**From:** Lynn Tone <[ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us)>  
**Sent:** Friday, October 20, 2023 2:17 PM  
**To:** Angela Rimoldi <[arimoldi@co.tillamook.or.us](mailto:arimoldi@co.tillamook.or.us)>  
**Subject:** Partition Request 851-23-000452-PLNG

Please see link for Notice of Administrative Review.  
[851-23-000452-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.



## Response Page

Department of State Lands (DSL) WN#\*

WN2023-0843

## Responsible Jurisdiction

<b>Staff Contact</b>	<b>Jurisdiction Type</b>	<b>Municipality</b>
Lynn Tone	County	Tillamook
<b>Local case file #</b>	<b>County</b>	
851-23-000452-PLNG	Tillamook	

## Activity Location

<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>QQ section</b>	<b>Tax Lot(s)</b>
05S	11W	36	BC	220, 2200

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Tillamook

**Latitude**

45.094034

**Longitude**

-123.985666

## Wetland/Waterway/Other Water Features



- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- The property includes or is adjacent to designated Essential Salmonid Habitat.

## 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 any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

## Closing Information



### Additional Comments

Permitting is not needed for partitions because no ground disturbance is involved. As described in the submitted materials, this project is a partition. DSL does comment when partitions may result in parcels that are difficult to develop due to jurisdictional wetlands and/or waters that are difficult to avoid. Parcel 3 shows a mapped essential salmonid stream crossing southwest to northeast. It appears that this stream has been relocated from the middle of the lot to a position closer to the east/southeast boundary of the lot, in which case, development of the lot will not be a problem. It is difficult to determine with certainty whether the stream is moved to the east, but please note that if the stream is proposed for culverting or bridgework, any amount of removal/fill below the ordinary high water line of the stream or within any adjacent wetlands requires a permit. It appears that a road will be continued along the south side of Parcel 3, which may require a permit to cross this stream.

**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

11/20/2023

### Response by:

Lynne McAllister

### Response Phone:

503-986-5300