



1510 Third Street Suite B  
Tillamook, Oregon 97141  
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Planning (503) 842-3408  
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Fax (503) 842-1819  
Toll Free +1 (800) 488-8280

**PARTITION #851-24-000019-PLNG:  
STRAUSS / BAYSIDE SURVEYING  
Administrative Decision & Staff Report**

**Decision:** Approved with Conditions  
**Decision Date:** April 19, 2024  
**Report Prepared By:** Angela Rimoldi, Planning Permit Technician

**I. GENERAL INFORMATION:**

- Request:** Partition request to create two (2) residential parcels.
- Location:** Located north of the Unincorporated Community of Neskowin, accessed from a private easement off Windy Lane, a private road. The subject property is designated as Tax Lot 900 of Section 18, Township 5 South, Range 10 West of the Willamette Meridian, Tillamook County Oregon.
- Zone:** The subject property is zoned Rural Residential 2-Acre (RR-2) Zone.
- Applicant:** Bayside Surveying, P.O. Box 880, Tillamook, OR. 97141
- Property Owner:** Joshua Strauss, 1223 Oak Street, Santa Monica, CA. 90405

**Description of Site and Vicinity:** The subject property is accessed from a private easement off Windy Lane, a private road, irregular in shape, approximately 5 acres in size, is improved with a single-family dwelling and is vegetated with grasses, bushes, and trees (Exhibit A). The topography of the subject property is generally sloped with some flat area. The subject property is located within an area primarily devoted to residential and farm use. The subject property is surrounded by properties zoned Rural Residential (RR-2) to the south, east, and west, in addition to properties zoned Farm (F-1) to the north (Exhibit A).

The subject property is within an area of geologic hazard, contains no 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 the FEMA Flood Insurance Rate Map (FIRM 41057C0865F) (Exhibit A).

Given the size and topography of the subject property and subsequent parcels, Staff finds that the standards of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas are not applicable at this time, however a Condition of Approval has been made to require relevant standards of this section be adhered to at the time of development.

## II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

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

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

## III. ANALYSIS:

Notice of the request was mailed to property owners within 250 feet of the subject property and agencies on March 8, 2024. Once comment was received from Oregon Department of State Lands noting the unlikelihood of wetlands or waterways (Exhibit C).

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

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

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

**Findings:** The applicability of the RR-2 Zone is addressed below. Plat and the submitted supplemental information confirm the criteria above are met.

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

**Findings:** The preliminary plat outlines access to the subject property and subsequent parcels remains from a private easement off Windy Lane, a private 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 Sections 150 and 160 of the Land Division Ordinance have been met or can be met through the Conditions of Approval.

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

**Findings:** The subject property is served by the Oregon Water Resources Department; a water availability letter is included with submittal (Exhibit B). Proposed parcel 1 is serviced by an existing onsite wastewater system (Exhibit B). For proposed parcel 2 a notation can be placed on the plat stating that the allowance of the partition does not warrant that site evaluation approval is or will be available to the approved parcels if site evaluation approval has not yet been obtained.

The subject property is also served by the Nestucca Rural Fire Protection District and Tillamook County Sheriff's Office. Given the location of the property, availability of public services existing in the area and absence of natural features on the subject property, staff conclude these criteria have been met or can be met through compliance with the Conditions of Approval.

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

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

- (a) The minimum lot size is two acres for parcels zoned before October 4, 2000.*
- (b) The minimum parcel/lot size is 10 acres for lots/parcels re-zoned Rural Residential on or after October 4, 2000.*
- (c) Parcels less than two acres in size that were legally established prior to December 18, 2002 may be built upon provided that all other requirements of this Ordinance and other applicable development requirements are met.*
- (d) Lots in an approved preliminary subdivision plat that is being maintained in an active status as of the date adopted of this Ordinance may be built upon after approval and recording of the final plat.*
- (e) The minimum lot width and depth shall both be 100 feet.*
- (f) The minimum front yard shall be 20 feet.*
- (g) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.*
- (h) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.*

**Findings:** The preliminary plat confirms the two (2) parcels created by the partition meet the minimum requirements for lot size and dimension standards as outlined above (Exhibit B). Proposed parcel 1 holds

the existing single-family dwelling, continuing to maintain all setback standards; while proposed parcel 2 holds no existing improvements (Exhibit B). Staff finds these standards have been met.

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

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

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

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

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

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

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

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

**IV. DECISION: APPROVED WITH CONDITIONS**

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

By accepting this approval, the applicants/property owners agree to indemnify, defend, save and hold harmless Tillamook County, and its office, agents, and employees from any claim, suit, action or activity undertaken under this approval, including construction under a Building Permit approved subject to this approval. The applicants/property owners shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed building site.

This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00 PM on May 1, 2024**.

**V. CONDITIONS OF APPROVAL:**

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

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

4. The applicant shall record the Final Plat within two (2) years from the approval date of the Preliminary Plat or apply for an extension of time from this Department prior to expiration of Preliminary Plat approval.
5. The applicant shall record the Final Plat within ninety (90) days from the date of final signature of the partition plat.
6. Future development is subject to standards required by TCLUO Section 3.010: Rural Residential 2-Acre zone and TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.

**VI. EXHIBITS:**

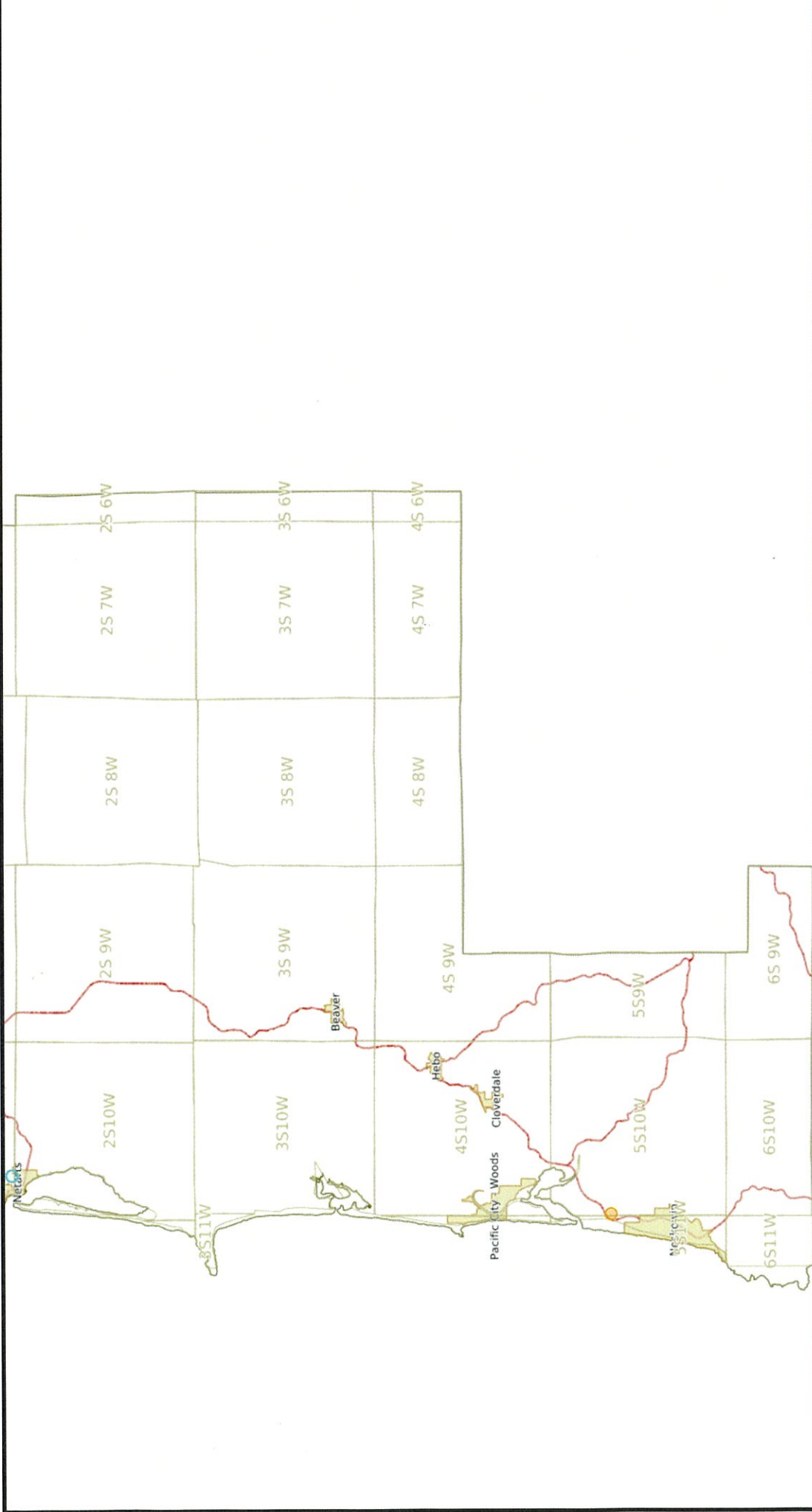
All Exhibits referenced herein are, by this reference, made a part hereof:

- A. Property Identification Maps and Assessor's Summary Report
- B. Applicant's Submittal
- C. Comment

# EXHIBIT A



# Tillamook County GIS



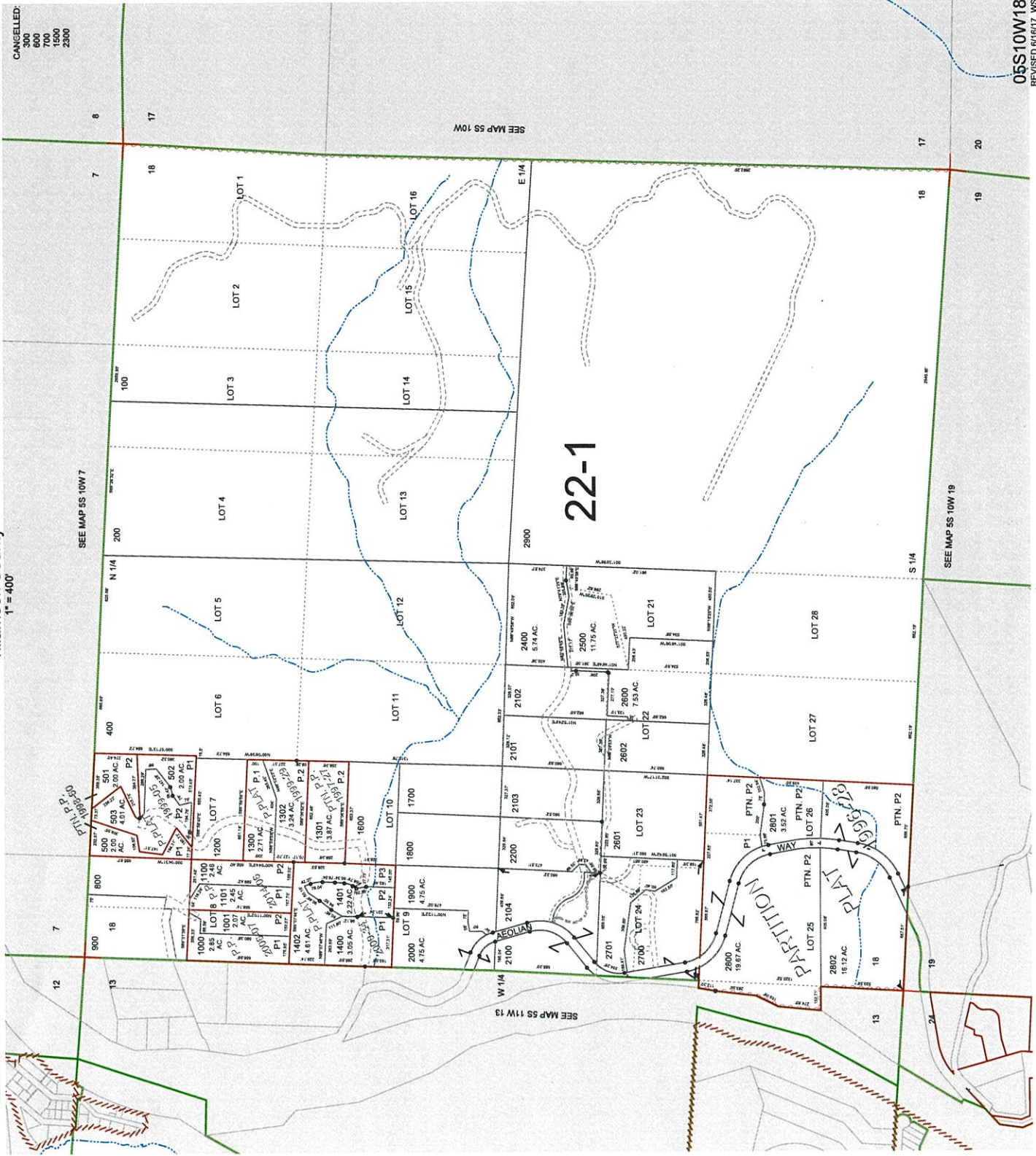
Created: Thu Mar 07 2024 14:5:58  
Active Layers: County\_Boundary, Fed\_state\_highways, citylimit, community\_polygon, TaxlotOwner, Township\_Range\_Section, Road\_Centerline  
Extent: -13822362.631646, 5628390.6855923, -13702585.80834, 5691069.048775

SECTION 18 T.5S. R.10W. W.M.  
Tillamook County

05S10W18

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

CANCELLED:  
300  
600  
700  
1500  
2300



05S10W18  
REVISED 6/16/17, WS





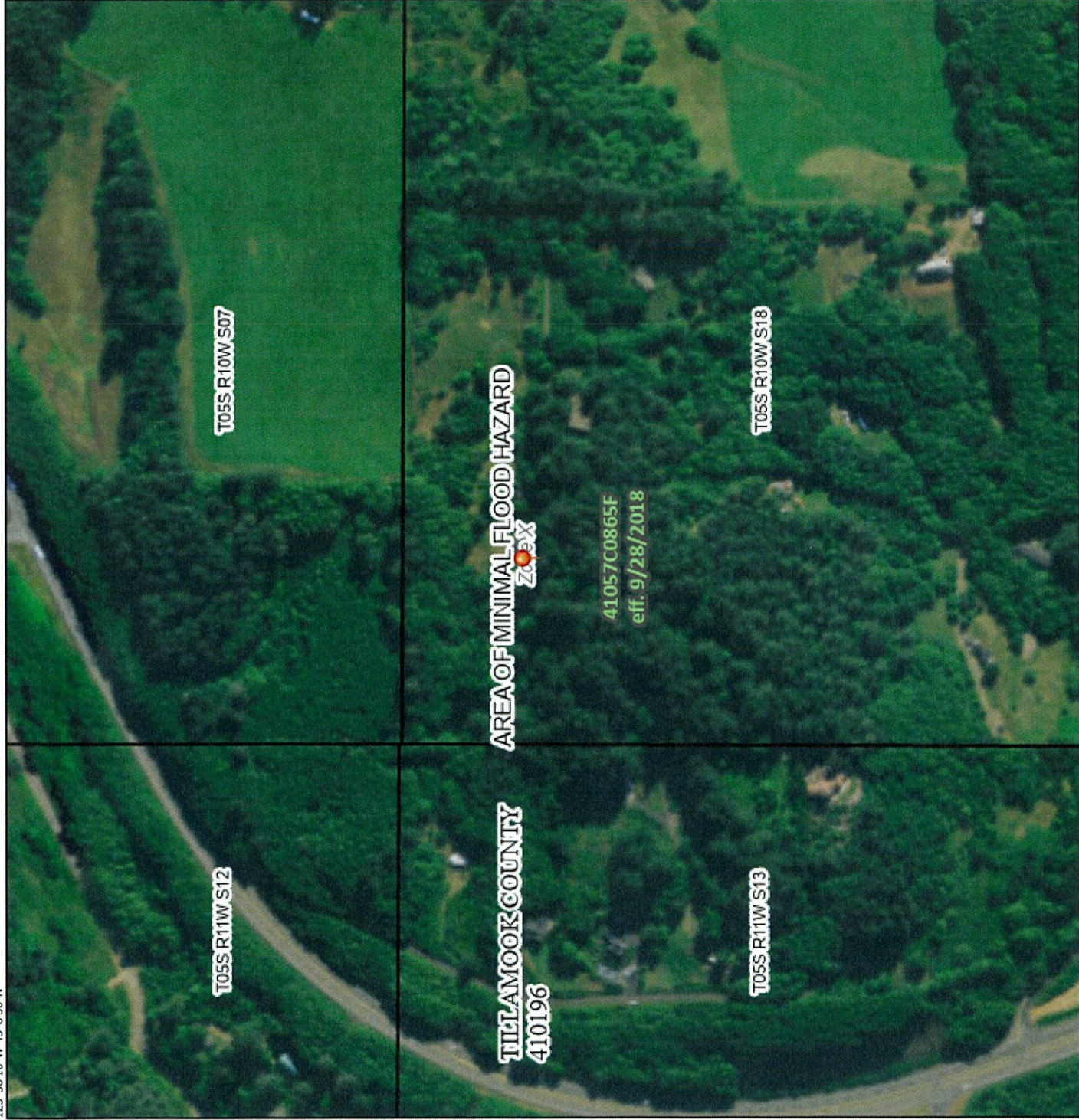




# National Flood Hazard Layer FIRMette



123°58'10"W 45°8'50"N



123°57'32"W 45°8'25"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 B*
- 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 **4/16/2024 at 7:20 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



## LAND DIVISION APPLICATION

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

Name: DALLAS ESPLIN Phone: 503-842-5551  
 Address: P.O. BOX 880  
 City: TILLAMOOK State: OR Zip: 97141  
 Email: BAYSIDESURVEYING@GMAIL.COM

**Property Owner**

Name: Joshua Strauss Phone: 213-840-3454  
 Address: 1223 Oak St  
 City: Santa Monica State: CA Zip: 90405  
 Email: showday@gmail.com

**Location:**

Site Address: 6000 Windy Lane Neskowin OR 97141

Map Number:	5S	10	18	0900
	Township	Range	Section	Tax Lot(s)

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

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

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

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

**General Information**

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

**Existing Conditions**

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

**OFFICE USE ONLY**

Date Stamp  
**RECEIVED**  
 DEC 18 2023

Approved  Denied

Received by:

Receipt #:

Fees: 1155.-

Permit No:  
 851-24-000019-PLNG

- Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to private tracts identified
- Location, width and purpose of all proposed easements
- Proposed deed restrictions, if any, in outline form
- Approximate dimensions, area calculation (in square feet), and identification numbers for all proposed lots and tracts

**Proposed Development**

- Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space
- On slopes exceeding an average grade of 10%, as shown on a submitted topographic survey, the preliminary location of development on lots demonstrating that future development can meet minimum required setbacks and applicable engineering design standards
- Preliminary utility plans for sewer, water and storm drainage when these utilities are to be provided
- The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable
- Evidence of compliance with applicable overlay zones, including but not limited to the Flood Hazard Overlay (FH) zone
- Evidence of contact with the applicable road authority for proposed new street connections
- Certificates or letters from utility companies or districts stating that they are capable of providing service to the proposed development

**Additional Information Required for Subdivisions**

- Preliminary street layout of undivided portion of lot
- Special studies of areas which appear to be hazardous due to local geologic conditions
- Where the plat includes natural features subject to the conditions or requirements contained in the County's Land Use Ordinance, materials shall be provided to demonstrate that those conditions and/or requirements can be met
- Approximate center line profiles of streets, including extensions for a reasonable distance beyond the limits of the proposed Subdivision, showing the proposed finished grades and the nature and extent of construction
- Profiles of proposed drainage ways
- In areas subject to flooding, materials shall be submitted to demonstrate that the requirements of the Flood Hazard Overlay (FHO) zone of the County's Land Use Ordinance will be met
- If lot areas are to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil
- Proposed method of financing the construction of common improvements such as street, drainage ways, sewer lines and water supply lines

- FINAL PLAT (LDO 090(1))
- Date, scale, north arrow, legend, highways, and railroads contiguous to the plat perimeter
- Description of the plat perimeter
- The names and signatures of all interest holders in the land being platted, and the surveyor
- Monuments of existing surveys identified, related to the plat by distances and bearings, and referenced to a document of record
- Exact location and width of all streets, pedestrian ways, easements, and any other rights-of-way
- Easements shall be denoted by fine dotted lines, and clearly identified as to their purpose
- Provisions for access to and maintenance of off-right-of-way drainage
- Block and lot boundary lines, their bearings and lengths
- Block numbers
- Lot numbers
- The area, to the nearest hundredth of an acre, of each lot which is larger than one acre
- Identification of land parcels to be dedicated for any purpose, public or private, so as to be distinguishable from lots intended for sale

**Certificates:**

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

Additional Information:

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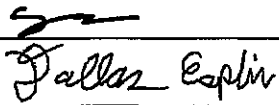
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**Authorization**

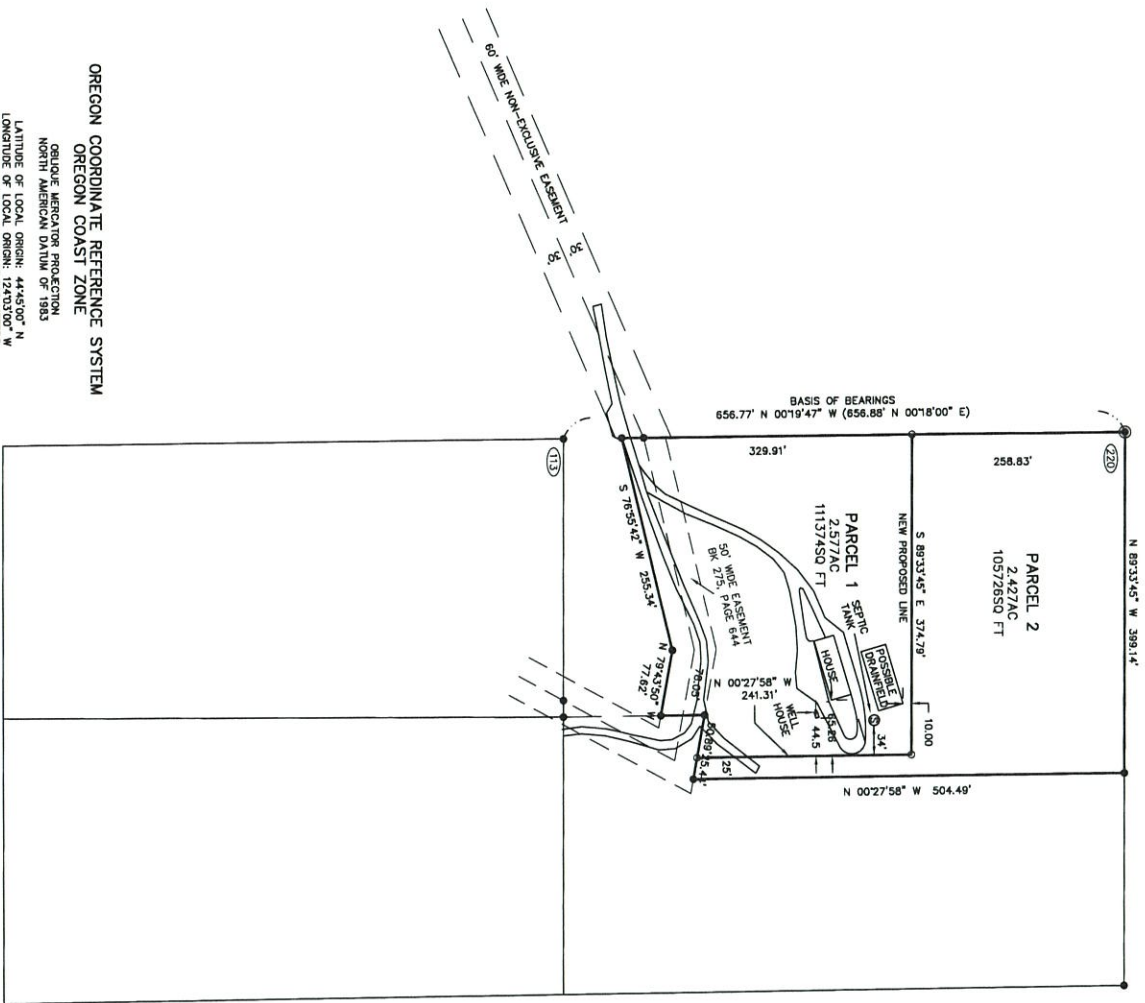
This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. Within two (2) years of final review and approval, all final plats for land divisions shall be filed and recorded with 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.

	12.18.2023 Date
Property Owner (*Required)	12.18.2023 Date
Applicant Signature	Date





PARTITION PLAT 2024-



LEGEND

- SET 5/8" X 40" REBAR WITH PLASTIC CAP MARKED "TALLAS ESPUN LS 83827"
- FOUND MONUMENT AS NOTED HEREON, FIELD
- FOUND MONUMENT AS NOTED
- ( ) RECORD VALUE FROM MAP X-XXXX
- [ ] RECORD VALUE FROM MAP X-XXXX
- NO ( ) OR [ ] MEASURED VALUE

BASIS OF BEARINGS

THE BASIS OF BEARINGS IS NORTH AS DETERMINED BY G.P.S. OBSERVATIONS USING THE OREGON COAST ZONE COORDINATE REFERENCE SYSTEM. THE BEARING OF NORTH 00°19'47" EAST BETWEEN MONUMENTS 113 AND 220

THIS IS A ROTATION OF 00°01'47" CLOCKWISE FROM MAP B-2708

NARRATIVE

THIS IS A DEPENDENT SURVEY OF THE STRAUSS TRACT DESCRIBED IN INSTRUMENT #2005-009131, TILLAMOOK COUNTY DEED RECORDS, PARCELS AS SHOWN HEREON. THE BOUNDARY WAS Laid OUT FROM MONUMENT XXX, USING RECORD VALUES FROM MAP X-###, ROTATED 0°00'00" COUNTERCLOCKWISE TO MY BASIS OF BEARINGS.

OREGON COORDINATE REFERENCE SYSTEM

OREGON COAST ZONE

OBOLIDE MERCATOR PROJECTION  
 NORTH AMERICAN DATUM OF 1983  
 LATITUDE OF LOCAL ORIGIN: 44°45'00" N  
 LONGITUDE OF LOCAL ORIGIN: 124°03'00" W  
 FALSE NORTHING: -4,600,000.00 METERS  
 FALSE EASTING: 4,600,000.00 METERS  
 SKEW AXIS SCALE: 1,000,000 (EXACT)  
 SKEW AXIS AZIMUTH AT LOCAL ORIGIN: +5°00'00"

(THE ABOVE INFORMATION IS RECORD FROM "OREGON COORDINATE REFERENCE SYSTEM HANDBOOK AND MAP SET", VERSION 3.01 2-28-2017, APPENDIX A, PAGE A-52, SEE 0001 RECORDS)



DATE		COMPILED BY		JOB NUMBER	
JANUARY 6, 2023		FC-8000/ES103 TOPCON HIPER V		#1296	
SURVEY BY:		PARTITION PLAT FOR:		STRAUSS-LONG	
BAYSIDE SURVEYING		JOSHUA AND SHOSHANNAH STRAUSS		STRAUSS-LIXT	
11765 HWY 101 SOUTH TILLAMOOK, OR 97141 503-842-5551		TRACT DESCRIBED IN INSTRUMENT #2005-009131 TILLAMOOK COUNTY DEED RECORDS SECTION 18, T5S, R10W, W.M.			



*Land of Cheese, Trees and Ocean Breeze*

**VERIFICATION OF WATER SOURCE WITHIN TILLAMOOK COUNTY**

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

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

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

Township: Neskowin Range: West Section:            Tax Lot(s): 5S-10-18-00-900

Situs address (if known): 6000 Windy Lane

According to records, the legal owner is/are: Shoshannah and Joshua Strauss Trust

Contact telephone number: 213 840-3454

Water Source: Future Well

Comments: This is for a land parcel split. the well will need to be in place before a building permit is issued.

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

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

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

Nikki Hendricks

Issue Date: 11-30-2023

Nikki Hendricks  
Oregon Water resources Department (OWRD)  
District 1 Watermaster  
4000 Blimp Blvd Ste 400, Tillamook, OR 97141  
Phone: (503) 815-1967 Email: [Nikki.M.Hendricks@water.oregon.gov](mailto:Nikki.M.Hendricks@water.oregon.gov)

Revised 2/22/2023

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

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



I hereby certify that the within instrument was received for record and recorded in the County of Tillamook, State of Oregon.

Tassi O'Neill, Tillamook County Clerk



RECORDING REQUESTED BY  
Joshua & Shoshannah Strauss

AND WHEN RECORDED MAIL TO  
Joshua Strauss  
Shoshannah Strauss  
1223 Oak Street  
Santa Monica, CA 90405

WARRANTY DEED

Documentary transfer tax is NONE .

THIS CONVEYANCE TRANSFERS AN INTEREST INTO A REVOCABLE LIVING TRUST FOR THE BENEFIT OF THE GRANTORS.

Mail tax statements to: same address as above.

Joshua Strauss and Shoshannah Strauss, as Community Property, Grantors covey and warrant to Joshua Strauss and Shoshannah Strauss, trustees of the Strauss Revocable Trust dated August 22, 2005, Grantees, the following described real property, free of encumbrances except as specifically set forth herein, to wit:

EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Tax Account No(s): KEY #220558  
Map/Tax Lot No(s): 5S10 18 00900

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

THIS INSTRUMENT WILL 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, THEPERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated: August 22, 2005

Joshua Strauss  
  
Shoshannah Strauss

State of California )  
County of Los Angeles ) ss

On August 22, 2005 before me, Carol Caudill, a notary public in and for the State of California, personally appeared Joshua Strauss and Shoshannah Strauss, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument, the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Signature Carol Caudill (SEAL)



EXHIBIT "A"

PARCEL NO. 1:

The West half of the Northwest quarter of the Northwest quarter of the Northwest quarter of Section 18, Township 5 South, Range 10 West of the Willamette Meridian in Tillamook County, Oregon.

RESERVING an easement over a strip of land 50 feet in width, being 25 feet on each side of the following described centerline:

Beginning on the East line of Section 13, Township 5 South, Range 11 West of the Willamette Meridian, in Tillamook County, Oregon, 563.50 feet South 0° 18' West from the Northeast corner of said Section;

thence North 77° 33' East 254.86 feet;

thence South 79° 05' East 131.975 feet;

thence South 29° 26' 14" West 207.395 feet.

TOGETHER WITH a permanent non-exclusive easement and right of way for the purpose of ingress and egress over a strip of land 60 feet in width, being 30 feet on each side of the following described centerline:

Beginning on the East line of Section 13, Township 5 South, Range 11 West of the Willamette Meridian, in Tillamook County, Oregon, at a point which is 563.50 feet South 0° 18' West from the Northeast corner of said Section;

thence South 67° 31' West 534.40 feet;

thence South 20° 14' West 144.00 feet;

thence West 30.00 feet;

thence North 34° 32' West 145.00 feet;

thence North 8° 14' West 273.80 feet;

thence North 10° 00' East 172.85 feet;

thence North 30° 52' East 385.97 feet;

thence South 85° 35' West 318.31 feet to a point on the East right of way line of the Coast Highway No. 101.

The easement reserved above shall be appurtenant to the real property known as Government Lot 8 for the purpose of constructing, reconstructing, maintaining, and using a roadway for ingress and egress. Said easement and all rights pertaining thereto shall remain appurtenant to all individual parcels created by subdivision or sale of the property referred to as Government Lot 8.

GRANTOR ALSO RESERVES to itself and its assigns an easement in gross across the easement reserved above, to use said roadway for ingress and egress, commercial or otherwise, to lands now or hereafter owned, sold, or subdivided by the Grantor or its assigns in Section 18, Township 5 South, Range 10 West of the Willamette Meridian.

EXCEPTING THEREFROM THAT PORTION described in Deed to Lynn M. Foussard recorded April 21, 1981 in Book 275, Book 644, Records of Tillamook County, Oregon.

PARCEL NO. 2:

A strip of land 75 feet of even width along the Westerly boundary of the East half of the North half of Government Lot 8 in Section 18, Township 5 South, Range 10 West of the Willamette Meridian in Tillamook County, Oregon, and lying Northerly of the Northerly boundary of an existing easement roadway, being more particularly described as follows:

Beginning at the Northwest corner of the East half of the North half of Government Lot 8 in Section 18, Township 5 South, Range 10 West of the Willamette Meridian in Tillamook County, Oregon;

thence Southerly along the Westerly boundary of the East half of the North half of said Government Lot 8 to a point on the Northerly boundary of the existing easement roadway described as follows:

A strip of land 50 feet in width, being 25 feet on each side of the following described centerline:

Beginning on the East line of Section 13, Township 5 South, Range 11 West of the Willamette Meridian in Tillamook County, Oregon, 563.50 feet South  $0^{\circ} 18'$  West from the Northeast corner of said Section;

thence North  $77^{\circ} 33'$  East 254.86 feet;

thence South  $79^{\circ} 05'$  East to a point on the boundary common to the East half of the North half of said Government Lot 8 and the West half of the Northwest quarter of the Northwest quarter of Section 18, Township 5 South, Range 10 West of the Willamette Meridian in Tillamook County, Oregon;

thence continuing along the Northerly boundary of the said roadway South  $79^{\circ} 05'$  East to a point on a line which is parallel to and 75 feet East of the West line of the East half of the North half of said Government Lot 8;

thence Northerly on a line which is parallel to and 75 feet East of the West line of said East half of the North half of Government Lot 8 to the North line of said Government Lot 8;

thence Westerly along the North boundary of said Government Lot 8, 75 feet to the point of beginning.

TOGETHER WITH a non-exclusive easement for the benefit of the property herein conveyed over the roadway herein described, and reserving a like easement to Grantor for the benefit of that portion of the East half of the North half of Government Lot 8 not hereby conveyed.

# EXHIBIT C



# Wetland Land Use Notice Response

## Response Page

Department of State Lands (DSL) WN#\*

WN2024-0164

### Responsible Jurisdiction

<b>Staff Contact</b> Angela Rimoldi	<b>Jurisdiction Type</b> County	<b>Municipality</b> Tillamook
<b>Local case file #</b> 851-24-000019-PLNG	<b>County</b> Tillamook	

### Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
05S	10W	18		900

Street Address

E of 5970 Windy Ln

Address Line 2

City

Neskowin

Postal / Zip Code

97149

State / Province / Region

OR

Country

Tillamook

**Latitude**

43.143865

**Longitude**

-123.965182

### Wetland/Waterway/Other Water Features

It is unlikely that there are jurisdictional wetlands or waterways on the property based upon a review of wetland maps, the county soil survey and other available information.

### Your Activity

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

### Closing Information



**Additional Comments**

Since nothing is mapped on the SWI for this site, a WLUN submission is not needed.

Based on the submitted site plan, the proposed project ("partition") does not appear to create "unbuildable" (mostly wetland) lots or proposed access issues with regard to wetlands or waters. A state Removal-Fill permit is not required for this activity.

**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**

4/3/2024

**Response by:**

Jessica Salgado

**Response Phone:**

541-408-1892