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**PARTITION REQUEST #851-24-000046-PLNG:  
NEHALEM POINT, INC.  
ADMINISTRATIVE DECISION AND STAFF REPORT**

**Decision: Approved with Conditions**

**Decision Date: May 24, 2024**

**Report Prepared By: Angela Rimoldi, Planning Technician**

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**I. GENERAL INFORMATION:**

**Request:** Plat approval to partition the subject property into three (3) parcels.

**Location:** Accessed via River View Drive, a private road, the subject property is located at Tax Lot 202 of Section 34, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

**Zone:** Nehalem Low Density Residential (NH\_RL), Recreation Management (RM), Estuary Natural (EN).

**Applicant/**

**Property Owner:** Nehalem Point Inc., P.O. Box 86, Manzanita, OR 97130

**Description of Site and Vicinity:** The subject property is accessed via River View Drive, a private road, is irregularly shaped, approximately 26+ acres in size, and is vegetated with grasses, trees, and wetlands. The subject property is located south of the City of Nehalem, between Nehalem Bay and the Nehalem River. The subject property is primarily located within the City of Nehalem Urban Growth Boundary. The subject property is primarily zoned inside the City of Nehalem Low Density Residential (RL) zone with some area in the Estuary Natural (EN) zone and the Recreation Management (RM) zone (Exhibit A).

Applicant/Owner is requesting to partition the subject property into a total of three (3) parcels (Exhibit B).

The subject property is located within Flood Zone AE per FEMA Flood Insurance Rate Map (FIRM) Panel #41057C0209F (Exhibit A). Mapped wetlands are located on the property according to the Statewide Wetlands Inventory (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 and City of Nehalem Development Ordinance Section 157.440 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 desired use is governed through the following sections of the Tillamook County Land Use Ordinance (TCLUO), Land Division Ordinance (TCLDO) and City of Nehalem Development Ordinance. The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. TCLDO Section 060: Preliminary Plat Submission Requirements
- B. TCLDO Section 070: Preliminary Plat Approval Criteria
- C. TCLUO Section 3.040: Recreation Management Zone (RM)

- D. TCLUO Section 3.102: Estuary Natural Zone (EN)
- E. TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas
- F. TCLUO Section 3.510: Flood Hazard (FH) Overlay
- G. City of Nehalem Development Ordinance Section 157.204.05 Low-Density Residential - RL Zone Standards
- H. City of Nehalem Development Ordinance Section 157.440 Geological Hazards
- I. City of Nehalem Development Ordinance Section 157.404 Land Divisions
- J. City of Nehalem Development Ordinance Section 157.503 Partitions

**III. ANALYSIS:**

Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on March 29, 2024. One (1) comment was received from the Oregon Department of State Lands confirming the presence of wetlands, waterways, or other water features; however, for the proposed partition a state permit will not be required at this time (Exhibit C). A Condition of Approval has been made for future development to comply with applicable regulations from the Oregon Department of State Lands.

**A. Tillamook County Land Division Ordinance Section 060: Preliminary Plat Submission Requirements**

This section specifies what general information is required on a preliminary plat, information about existing conditions of the site, information about the proposed development, and allows the Department to require certain additional information to supplement the proposed plan of the land division.

**Findings:** Information required under this section is included on the preliminary plat or as supplemental information including service availability letters, existing and proposed easements, and locations of natural features (Exhibit B).

Staff finds that the submitted plat meets the requirements of TCLDO Section 060 and is subject to the following approval criteria in Section 070.

**B. Tillamook County 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 “Partition Plat for Nehalem Point Inc. Darryl Carter - President” prepared by S&F Land Services dated January 17, 2024, proposes three (3) parcels: (2) Residential Single-Family and (1) residual (Exhibit B). Proposed Parcel 1 is approximately 10,003 square feet, proposed Parcel 2 is approximately 11,740 square feet and proposed Parcel 3 is approximately 25-acres (Exhibit B). Proposed Parcel 1 and 2 are subject to the Nehalem RL Zone, which is later discussed in this report. Proposed Parcel 3 remains split zoned Nehalem RL and Tillamook County RM and EN (Exhibit A & B).

The eastern portion of the subject property is mapped in an ‘AE’ Flood zone as indicated on the FEMA Flood Insurance Rate Map (FIRM) dated September 28, 2018 (Exhibit A). A portion of the subject property within the mapped Special Flood Hazard Area is located within the Tillamook County zoned Recreation Management (RM) zone and Estuary Natural (EN) zone. Staff find development within the area of the FEMA SFHA may be subject to the Tillamook County Flood Hazard (FH) Overlay. Staff find the location of proposed residentially zoned parcels are primarily located outside the FEMA SFHA.

Staff finds that the requirements of TCLDO Section 70 are addressed in the findings below.

- (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;*
- (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 applicant's submittal included as "Exhibit B" of this report demonstrates that the above criteria are satisfied. Staff finds that the subject property and proposed parcels maintain frontage on the existing private roadway identified as River View Drive, a private road (Exhibit B). Utilities are discussed under criterion (i).

Staff find that these criteria 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*

**Findings:** All utilities and roadways necessary to serve the proposed partition have been installed and approved by the appropriate permitting agencies through previous Tillamook County review. The Oregon Department of State Lands confirmed the presence of wetlands, waterways, or other water features; however, for the proposed partition a state permit will not be required at this time. A Condition of Approval has been made to require any additional state and federal permits be obtained prior to development of the proposed parcels.

- (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 applicant has provided a water availability letter from the City of Nehalem and sewer availability from the Nehalem Bay Wastewater Agency (Exhibit B).

Staff find these criteria are met or can be met through the Conditions of Approval.

### **C. Tillamook County Land Use Ordinance Section 3.040: Recreation Management Zone (RM)**

*(4) STANDARDS: Land divisions and development in the RM zone shall conform to the following standards, unless more restrictive supplemental regulations apply:*

- (a) Recreational developments shall retain substantial open space on the property.*
- (b) Master plans for improvements in the RM zone may include any of the permitted or Conditional Uses listed in this zone. The Planning Department or Commission may approve such plans for a recreation area, according to the provisions of this Section, that plan for a period not to exceed ten years. Such approvals would allow all uses provided in the plan except those that require further information or review due either to lack of plan detail or the applicability of additional Ordinance criteria or standards. Any changes to the plan which would not affect visitor capacity or increase off-site impacts may be approved by the Director. All other changes or amendments shall be reviewed as required by this Section.*
- (c) The minimum lot size shall be 40 acres. The Director may approve a smaller lot size according to the provisions of Article VI, provided that forest resource values are maintained in the vicinity.*

**Findings:** The subject property is split zoned (Exhibit B). Proposed Parcel 3 holds area in the Recreation Management Zone (RM); that area does not meet the minimum 40-acre parcel size requirement respectively both before and after the proposed partition maintaining non-conformity in the lot size standard (Exhibit B).

Staff find these development standards have been met or can be met through the Conditions of Approval.

**D. Tillamook County Land Use Ordinance Section 3.102: Estuary Natural Zone (EN)**

(1) **PURPOSE AND AREAS INCLUDED:** *The purpose of the EN Zone is to provide for preservation and protection of significant fish and wildlife habitats and other areas which make an essential contribution to estuarine productivity or fulfill scientific, research or educational needs. Except where a goal exception has been taken in the Tillamook County Comprehensive Plan, the EN Zone includes the following areas:*

- (a) *Development and Conservation Estuaries: Major tracts of tidal marsh, intertidal flats and seagrass and algae beds. The "major tract" determination is made through a consideration of all of the following four criteria: Size; habitat value; scarcity and degree of alteration.*
- (b) *Natural Estuaries: The EN Zone includes all estuarine waters, intertidal areas, submerged or submersible lands and tidal wetland areas.*

**Findings:** There are no minimum lot size standards for the Estuary Natural (EN) zone. Staff find compliance with Estuary standards shall be made as a Condition of Approval for future development.

**E. Tillamook County Land Use Ordinance Section 4.130: Development Requirements for Geologic Hazard Areas**

(2) **Applicability**

*The following areas are considered potentially geologically hazardous and are therefore subject to the requirements of Section 4.130:*

- a) *All lands partially or completely within categories of "high" and "moderate" susceptibility to shallow landslides as mapped in Oregon Department of Geology and Mineral Industries (DOGAMI) Open File Report O-20-13, Landslide hazard and risk study of Tillamook County, Oregon;*
- b) *All lands partially or completely within categories of "high" and "moderate" susceptibility to deep landslides as mapped in DOGAMI Open File Report O-20-13, Landslide hazard and risk study of Tillamook County, Oregon;*
- ...
- c) *Lots or parcels where the average existing slopes are equal to or greater than 19 percent within or adjacent to hazard risk zones described in 4.130(2)(a) through (d) for any lot or parcel less than or equal to 20,000 square feet or lots or parcels where the average existing slopes are equal to or greater than 29 percent within or adjacent to hazard risk zones described in 4.130(2)(a) through (d) for any lot or parcel greater than 20,000 square feet.*

**Findings:** The subject property is within an area of geologic hazard per DOGAMI Open File Report 0-20-13 (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.

**F. Tillamook County Land Use Ordinance Section 3.510: Flood Hazard (FH) Overlay**

(5) **GENERAL STANDARDS:** *In all areas of special flood hazards the following standards are required:*

...  
**SUBDIVISION AND PARTITION PROPOSALS**

- (j) *All subdivision and partition proposals governed by the Land Division Ordinance shall be consistent with the need to minimize flood damage.*
- (k) *All subdivision and partition proposals governed by the Land Division Ordinance shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.*
- (l) *All subdivisions and partition proposals governed by the Land Division Ordinance shall have adequate drainage provided to reduce exposure to flood damage.*
- (m) *Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision and partition proposals governed by the Land Division Ordinance and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).*

...  
**Findings:** Staff finds the subject properties are located within Flood Zone AE per FEMA Flood Insurance Rate Map (FIRM) Panel #41057C0209F (Exhibit A). Base flood elevation data has already been generated for the

subject property through FEMA's mapping. Future development of the subject property may be subject to the standards of TCLUO Section 3.510: Flood Hazard Overlay Zone. A Condition of Approval has been outlined below in Section V.

**G. City of Nehalem Development Ordinance 157.204.05: Low-Density Residential (RL) Zone Standards**  
*Unless otherwise required by this Chapter, the following minimum dimensional standards shall be required for all development in the RL zone:*

- (A) The minimum lot size shall be 10,000 square feet for a single-family home and duplex. Each additional unit shall require 5,000 square feet for an additional unit.*
- (B) The minimum lot width shall be 60 feet; except on a corner lot, it shall be 75 feet.*

...

**Findings:** The subject property is split zoned; proposed parcels 1 and 2 are zoned Nehalem Low Density Residential (RL) and meet the minimum parcel size requirements of 10,000 square feet: along with the minimum lot depth requirement of 100-feet and the minimum lot width requirement of 75-feet (Exhibit B). Proposed Parcels 1 and 2 do not fall into additional zone requirements for the Tillamook County RM and EN zones as the proposed boundaries remain in the Nehalem RL zone (Exhibit B).

Staff find these development standards have been met or can be met through the Conditions of Approval.

**H. City of Nehalem Development Ordinance 157.440 Geological Hazards**  
**157.440.02 Development Standards**

*All development within geologic hazard areas shall comply with the following standards.*

- (A) Vegetation removal shall be the minimum necessary to accommodate the use.*
- (B) Temporary measures shall be taken to control runoff and erosion of soils during construction. Such measures include temporary stabilization (mulching or sodding), sediment basins or other performance equivalent structures required by the city.*
- (C) Exposed areas shall be planted in permanent cover as soon as possible after construction.*
- (D) Storm water shall be directed into drainages with adequate capacity so as not to flood adjacent downstream properties. Finished grades should preferably be designed to direct water flows along natural drainage courses.*
- (E) Additional requirements contained in a geologic report required by this section shall be followed.*

**Findings:** The subject property is within an area of geologic hazard, as identified above in Subsection E (Exhibit A). Future development of the subject property may be subject to development standards of the City of Nehalem Development Ordinance 157.440 Geological Hazards. A Condition of Approval has been outlined below in Section V.

**I. City of Nehalem Development Ordinance 157.404 Land Divisions**  
**157.404.03 Standards for Lots or Parcels**

*The following standards shall apply to all Partitions and Subdivisions.*

- (A) Minimum Lot Area. The minimum lot area shall conform to the requirements of the applicable zone in which the parcel is located. Access easements, or the access strip to a flag lot, shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Chapter.*
- (B) Minimum frontage. Every lot shall abut a street, other than an alley, for at least 20- feet.*

...

- (H) Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the public street, private street, or private access easement upon which the lot or parcel faces.*

**Findings:** Staff reviewed minimum lot sizes in accordance with Nehalem RL zones in this report, in Subsection G, above. Proposed Parcel 1 and 2 exceed the minimum 20-foot frontage along River View Drive, a private road. Proposed side lot lines run at approximately right angles to the private street, River View Drive (Exhibit A). Staff find these standards have been met.

**157.404.05 Improvement Requirements - Partition**

*During the review of Partition proposals, the City shall require, as a condition of approval, the following improvements:*

*(A) Private Access. Where included, private driveways serving flag lots or private easements shall be surfaced per the requirements of this Chapter.*

...

*(C) Public Facilities. Sewer, water, and storm drainage facilities may be required on and adjacent to the project. The developer shall submit engineering plans or facility improvement plans for water and storm sewer to the City for review. Sanitary sewer plans shall be submitted to the Nehalem Bay Water Agency. The plans shall address the required improvements contained in this Article, and any conditions of approval, and shall conform with applicable engineering requirements. Improvement work shall not commence until plans are approved by the City and/or Nehalem Bay Water Agency.*

*(D) Completion Requirements. All required improvements shall be completed prior to recording the final partition plat and the issuance of any building permits for the subject property. Alternatively, improvements required under this Section may be assured through a performance bond or other instrument acceptable to the City (or Nehalem Bay Water Agency) prior to the approval of the final plat of the Partition.*

**Findings:** The applicant has provided a water availability letter from the City of Nehalem and sewer availability from the Nehalem Bay Wastewater Agency (Exhibit B). Staff find these standards can be met through compliance with conditions of approval.

**157.404.07 Improvement Procedures**

*In addition to the requirements of the City Public Works Department and City Engineer, improvements installed by a developer for any land division, either as a requirement of these regulations or the developer's option, shall conform to the requirements of this Chapter, the improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedures:*

*(A) Approval Required. Improvement work shall not begin until plans are approved by the City and/or the Nehalem Bay Water Agency. All plans shall be prepared in accordance with requirements of the City and Agency.*

*(B) Notification. Improvement work shall not begin until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified.*

*(C) Inspections. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer or his/her designee. The City may require changes in typical street sections and improvements if unusual conditions arise during construction to warrant such changes. Nehalem Bay Water Agency shall conduct inspections of sanitary sewer improvements, in coordination with the City.*

*(D) Installation of Utilities. All underground utilities, sanitary sewers, and storm drains installed by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.*

*(E) As-Built Drawings. A map or plan showing all public improvements as built shall be filed with the City of Nehalem upon completion of the improvements.*

**Findings:** Staff find these standards can be met through compliance with conditions of approval.

**J. City of Nehalem Development Ordinance Section 157.503 Partitions**

...

**Section 157.503.02 Process**

...

*(B) For property outside the City Limits, and within the Urban Growth Boundary, preliminary plats for a Partition application shall be reviewed by Tillamook County, in accordance to provisions in the Intergovernmental Agreement, and subject to the decision criteria in Section 157.504.05.*

**Section 157.503.03 Application**

An application for a Partition shall be filed with the City (or County as applicable) and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section. Notice shall be subject to the provisions in Section 157.521.

**Section 157.503.04 Submittal Requirements**

(A) The applicant shall prepare and submit a preliminary plan and other supplemental information as may be required by City staff to indicate the intent of the development. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria. The preliminary plan should show pertinent information to scale to facilitate the review of the proposed development.

1. *General Information.* The following general information shall be shown on the tentative plan:
    - (a) Vicinity map showing all streets, property lines, streams, and other pertinent data to locate the proposal.
    - (b) North arrow and scale of drawing.
    - (c) Tax map and tax lot number or tax account of the subject property.
    - (d) Dimensions and size in square feet or acres of the subject property and of all proposed parcels.
  2. *Existing Conditions:*
    - (a) Location of all existing easements within the property.
    - (b) Location of City utilities (water and storm drainage) and sanitary sewer (Nehalem Bay Wastewater Agency) within or adjacent to the property proposed for use to serve the development.
    - (c) The location and direction of water courses or drainage swales on the subject property.
    - (d) Existing use of the property, including location of existing structures with dimensions of the structures and distances from property lines. It shall be noted whether the existing structures are to remain or be removed from the property.
  3. *Proposed Plan:*
    - (a) Locations, approximate dimensions, and area in square feet of all proposed parcels. All parcels shall be numbered consecutively.
    - (b) Location, width and purpose of any proposed easements.
- (B) At the discretion of the City Planner the previous requirements may be waived, in part, provided there is sufficient information to allow processing of an application.

**Findings:** Subject property is located within the Urban Growth Boundary of the City of Nehalem (Exhibit B). Tillamook County is performing review of the City of Nehalem provisions through this report. Information required under this section is included on the preliminary plat or as supplemental information including service availability letters, existing and proposed easements, and locations of natural features (Exhibit B).

**Section 157.503.05 Decision Criteria**

Approval of a partition shall be subject to the following decision criteria:

- (A) Each parcel shall satisfy the dimensional standards of the applicable zone, unless a variance from these standards is approved.

**Findings:** Dimensions starts of the Nehalem RL zone are discussed above in this report, in Subsection G. Staff find this criterion is met.

- (B) The parcels shall meet the Development Standards for Land Division of Section 157.404.

**Findings:** Staff reviewed requirements contained in Section 157.404 above in this report, in Subsection I. Staff find this criterion is met or can be met through compliance with conditions of approval.

- (C) Existing dwellings and accessory structures shall comply with the setback requirements of the applicable zone, including accessory structures which have a setback established by the building size, unless a variance from the requirements is approved.

**Findings:** Applicants site plan does not indicate existing structures on the subject property. Tillamook County Assessor's records indicate that properties are currently vacant. Staff find this criterion is met.

*(D) Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. The applicant shall design and install a water system to serve all lots or parcels within a development in accordance with Nehalem City Code Section 51.09 and shall connect those lots or parcels to the city's water system. Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. If adjacent properties are undeveloped, not developed to their maximum density, or landlocked, consideration will be given to extending appropriate access to those properties in accordance with provisions in Section 157.402.*

**Findings:** The applicant has provided a water availability letter from the City of Nehalem and sewer availability from the Nehalem Bay Wastewater Agency (Exhibit B). Staff find this criterion can be met through compliance with conditions of approval.

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

Staff concludes that the applicant and property owner have satisfied the minimum application requirements and can satisfy all applicable requirements outlined in the Tillamook County Land Use Ordinance, Tillamook County Land Division Ordinance, the City of Nehalem Development Ordinance and ORS Chapter 92. The Preliminary Partition Plat is hereby tentatively **APPROVED with CONDITIONS**, subject to the conditions listed in Section V below.

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

**Appeal of this decision.** This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. In such cases, forms and fees must be filed in the office of this Department before **4:00 PM on June 5, 2024**.

#### **V. CONDITIONS OF APPROVAL:**

This approval is subject to the following conditions:

1. The property owners shall obtain all Federal, State, and Local permits, as applicable.
2. All easements necessary to serve the parcels for access and utilities shall be clearly identified on the final plat.
3. The applicant and property owner shall comply with all requirements of the Tillamook County Surveyor's Office.
4. Future Development is subject to standards required by each applicable zone requirements, TCLUO Section 4.130: Development Requirements for Geological Hazard Areas, TCLUO Section 3.040: Recreation Management Zone (RM) and TCLUO Section 3.102: Estuary Natural Zone (EN).
5. Future development in areas of special Flood Hazards is subject to the standards and requirements maintained in TCLUO Section 3.510: Flood Hazard (FH) Overlay.
6. Future Development is subject to standards required by each applicable zone requirements, City of Nehalem Development Ordinance Section 157.204.05 Low-Density Residential (RL) Zone standards, City of Nehalem Development Ordinance 157.440 Geological Hazards, and City of Nehalem Development Ordinance 157.404 Land Divisions.



7. 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.
8. The applicant and property owner shall record the Final Plat within ninety (90) days from the date of final signature of the partition plat.

**VI. EXHIBITS**

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

# EXHIBIT A

# NEHALEM, OREGON

## CITY ZONING MAP

DRAFT DRAFT

- A1 - Use District Residential, Agricultural, Forestry and Recreation
- R - Low Density Residential
- RM - Residential
- MR - Marine Residential
- C - Commercial
- LM - Light Manufacturing
- EC1 - Embury Conservation
- EC2 - Embury Conservation
- F - Public Launch
- Neahalem City Limits
- Neahalem Urban Growth Boundary

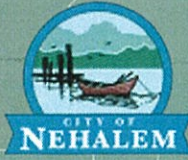
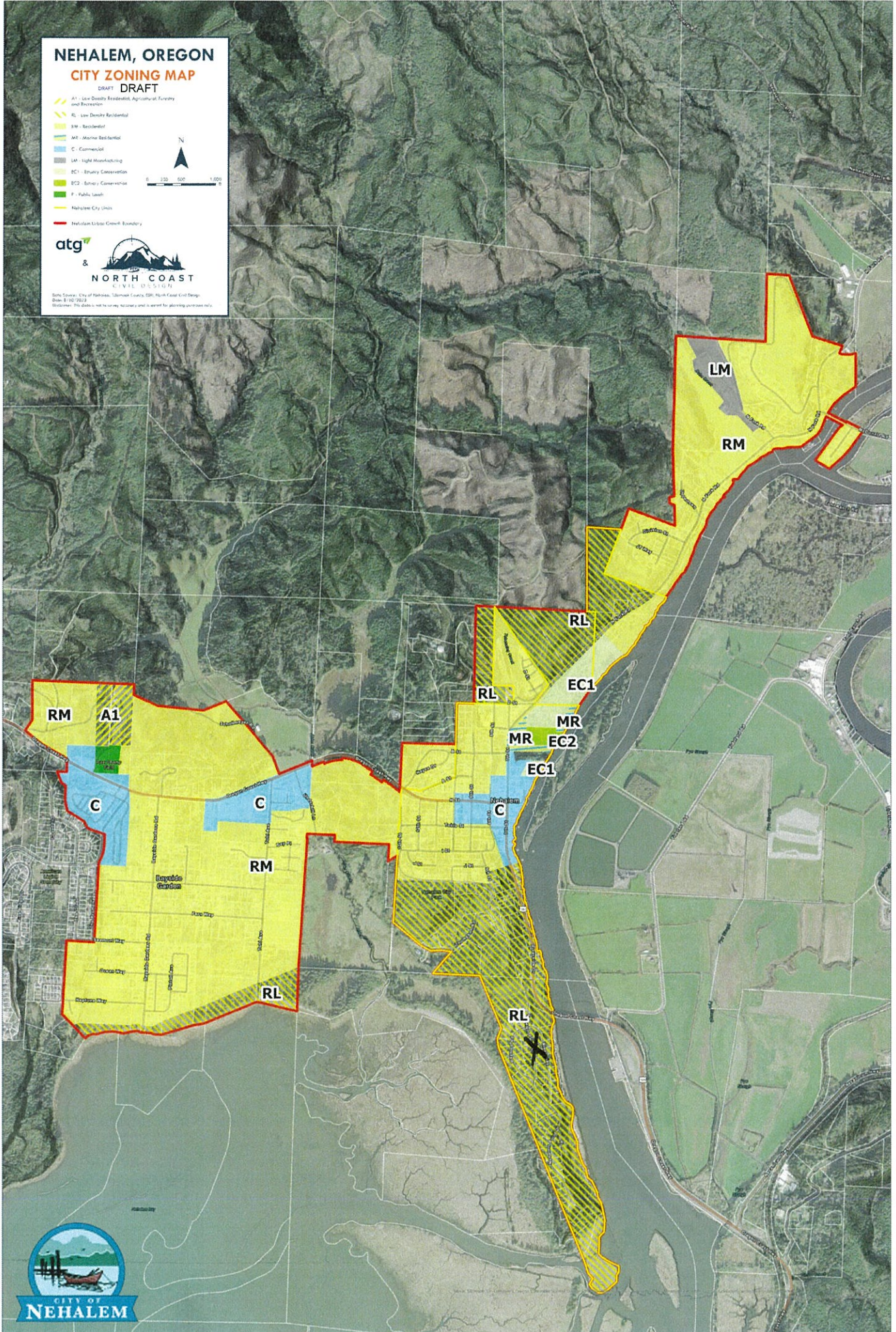
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Scale Source: City of Neahalem, Tillamook County, OR; North Coast Civil Design, June 11, 2024.  
Disclaimer: This data is not to be used, copied or altered for planning purposes only.



THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

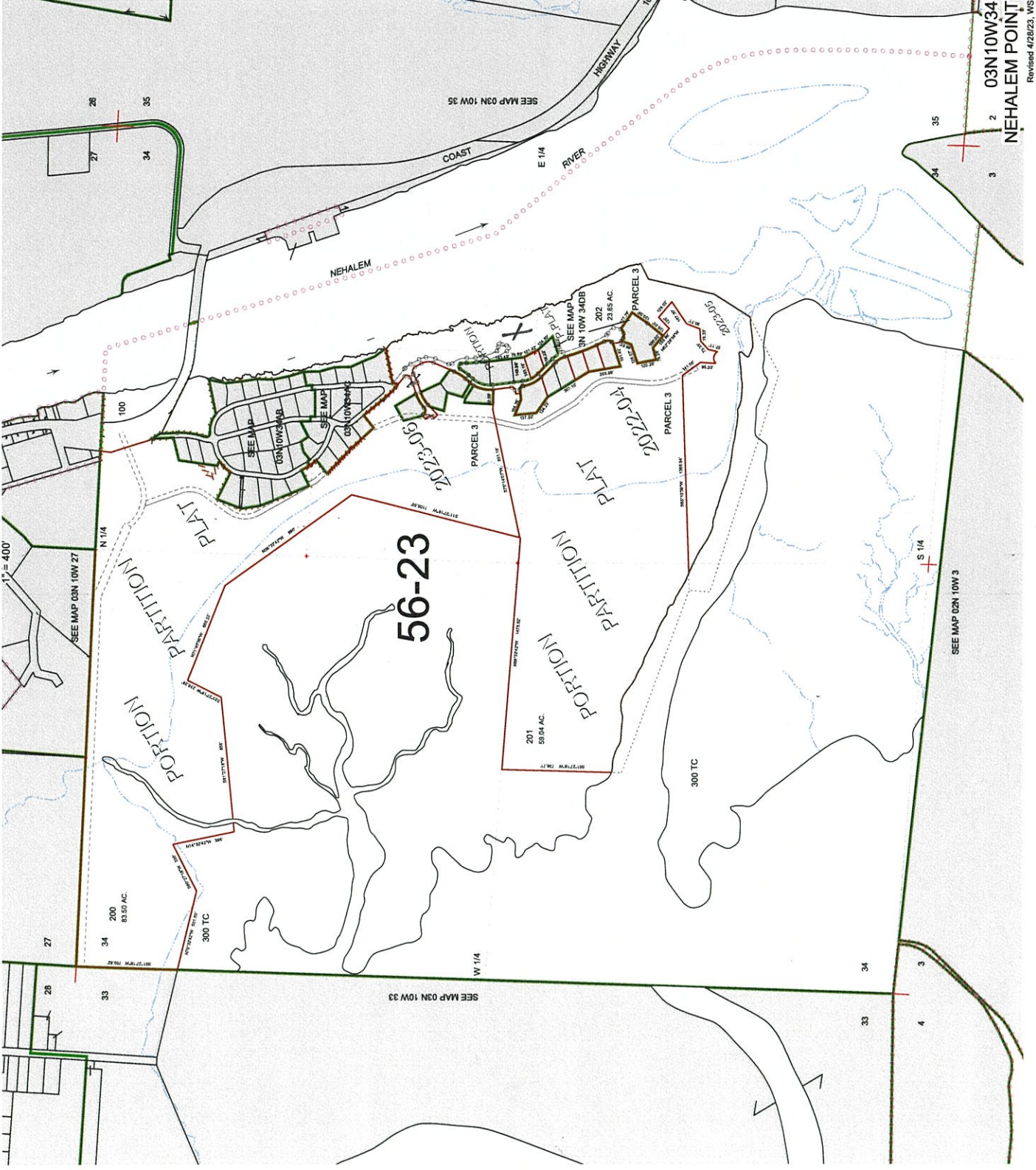
SECTION 34 T.3N. R.10W. W.M.

TILLAMOOK COUNTY

03N10W34  
NEHALEM POINT

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NEHALEM POINT

Revised 4/28/23, WS



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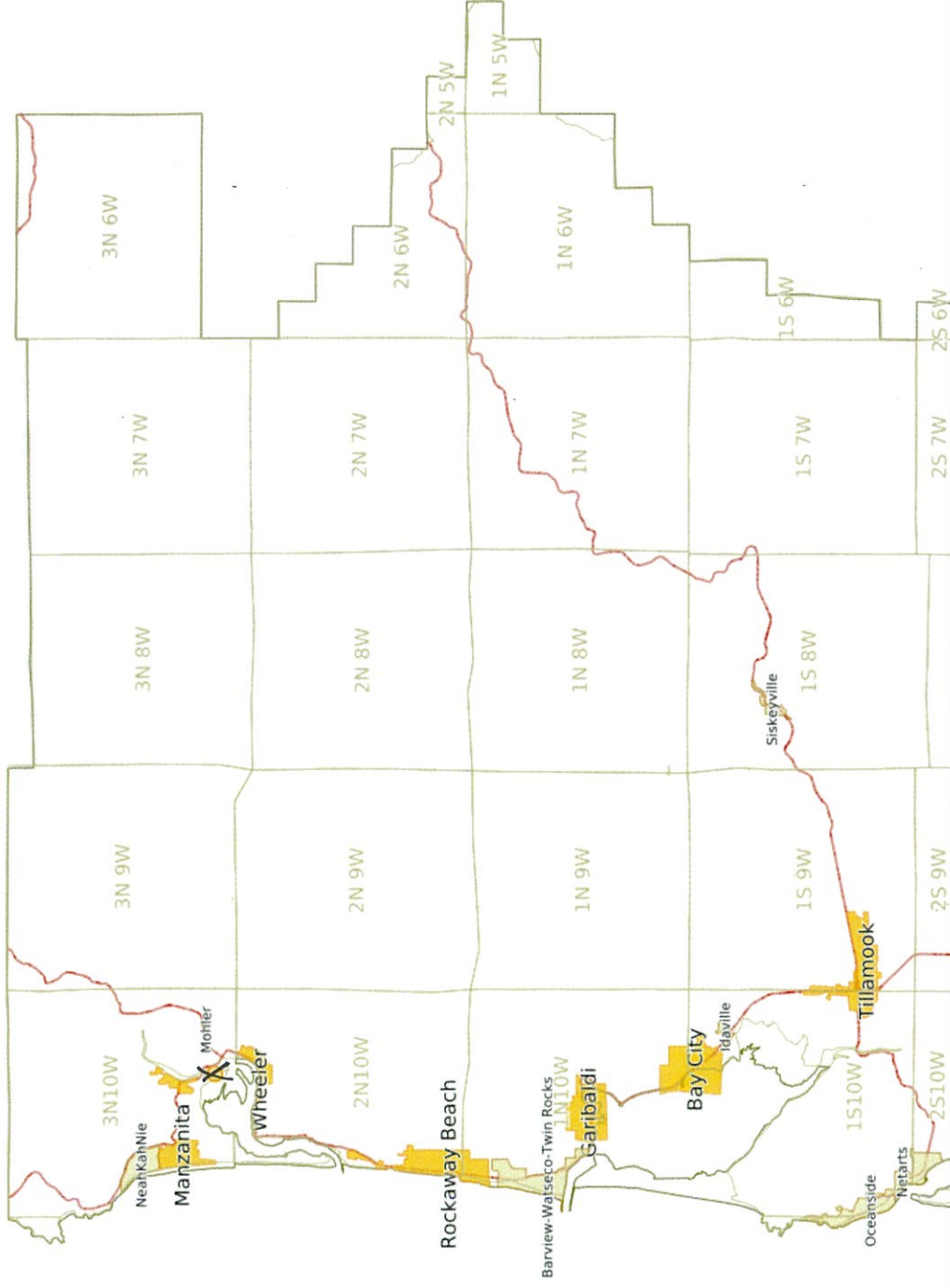
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SEE MAP 03N 10W 33

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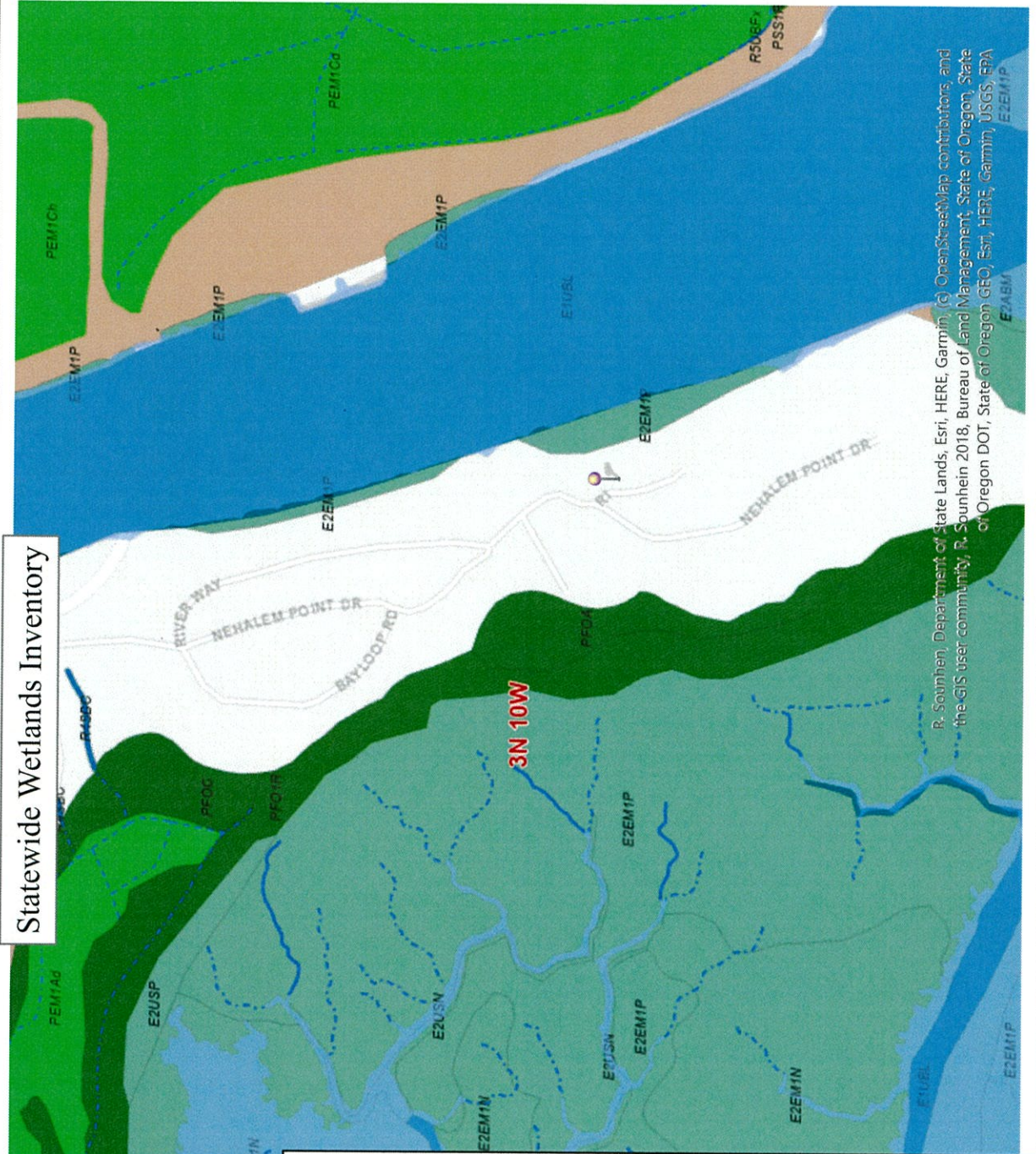


# Tillamook County GIS



Created: Mon Mar 18 2024-15:19:10  
Active Layers: County\_Boundary, Fed\_state\_highways, citylimit, community\_polygon, TaxlotOwner, Township\_Range\_Section, Road\_Centerline  
Extent: -13810320.813872, -13690543.990566, 5750398.5146612

# Statewide Wetlands Inventory



	Townships
	LWI Study Area
	BASEDAT.DBO.NHDWaterbody
	BASEDAT.DBO.NHDArea
<b>BASEDAT.DBO.NHDFlowline</b>	
	Perennial
	Intermittent
	Ephemeral
	Unknown
	Canal/Ditch
	Canal/Ditch
	Canal/Ditch
	BASEDAT.DBO.NHDPoint
<b>Wetlands</b>	
	Estuarine and Marine Deepwater
	Estuarine and Marine Wetland
	Freshwater Emergent Wetland
	Freshwater Forested/Shrub Wetland
	Freshwater Pond
	Lake
	Riverine
	SWI Agate-Wimlo Soils
	SWI Predominantly Hydric Soil Map Units



The Statewide Wetlands Inventory (SWI) represents the best data available at the time this map was published and is updated as new data becomes available. It is not intended to be used for legal purposes. The presence, absence and boundaries of wetlands and waters (such as creeks and ponds) An onsite investigation by a wetland professional can verify actual field conditions.



Date: 5/20/2024



State of Oregon  
Department of State Lands  
779 Summer Street, NE, Ste 100  
Salem, OR 97301-1279

<https://www.oregon.gov/dsl/WWW/Pages/SWI.aspx>

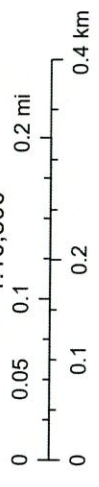
# PARTITION #851-24-000046-PLNG (NEHALEM POINT)



May 20, 2024



1:10,800



PARTITION #851-24-000046-PLNG (NEHALEM POINT)



May 20, 2024

Highest Hit Lidar Hillshade Bare Earth Lidar Hillshade

11244 255

-21 0

Fan

Landslide

Scarp

Head Scarp

Deposits

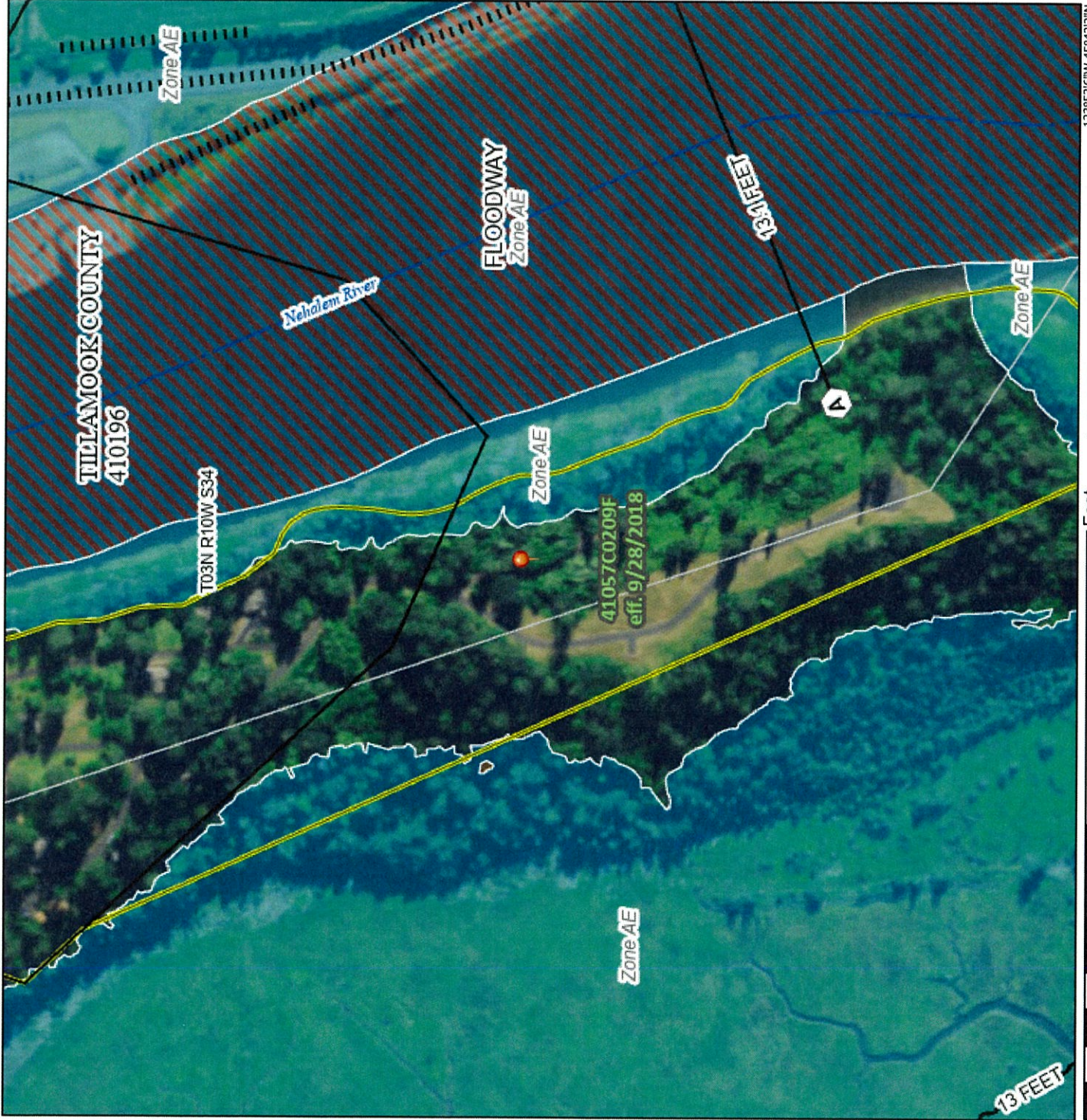
Talus-Colluvium



# National Flood Hazard Layer FIRMette



123°53'43"W 45°42'27"N



123°53'6"W 45°42'2"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**

- 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
  - 20.2
  - 17.5
- 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 5/20/2024 at 6:35 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: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Email: \_\_\_\_\_

### Property Owner

Name: Nehalem Point, Inc Phone: 503-368-6363  
 Address: P.O. Box 86  
 City: Nehalem State: OR Zip: 97130  
 Email: pacprop@nehalem.tel.net

OFFICE USE ONLY
Date Stamp
<b>RECEIVED</b> JAN 23 2024
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by: _____
Receipt #: _____
Fees:
Permit No: 851-24-000416 PLNG

### Location:

Site Address: Vacant Land - Nehalem Point Drive, partition plat 2023-05

Map Number:	3N	10W	34	202
	Township	Range	Section	Tax Lot(s)

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

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

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

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

### General Information

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

### Existing Conditions

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

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

Other information:

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- 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
- Dedication for public use
- Engineering/Survey
- Water
- Public Works

Additional Information:

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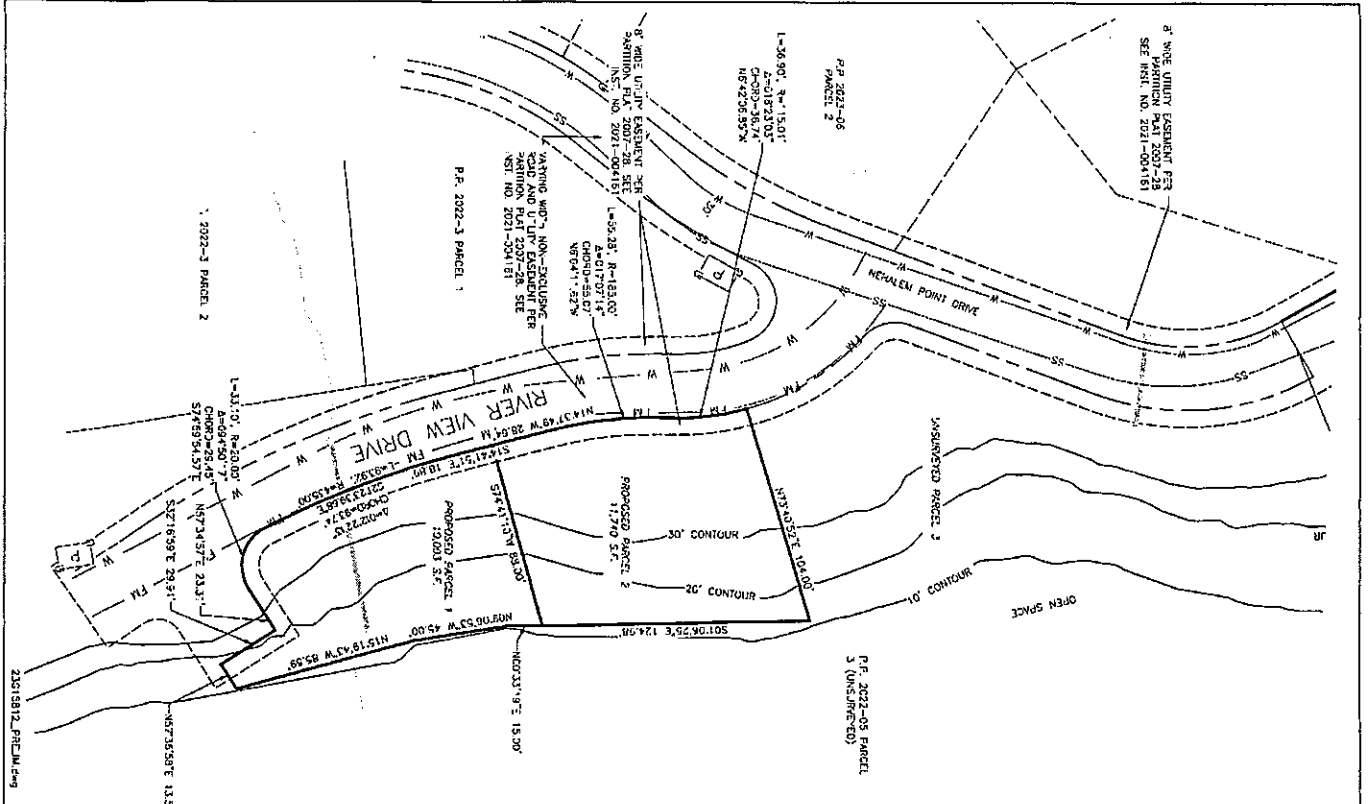
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**Authorization**

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.

Nehalem Point, Inc. 1/18/24  
Date  
Property Owner (\*Required)

By: Daniel Carter - President. Date  
Applicant Signature



**S&F Land Services**

PORTLAND, VANCOUVER, BEND, SEASIDE

1775 NE STANTON ST. SUITE 200  
 PORTLAND, OREGON 97114  
 (503) 738-3442

PAUL W. STANTON, LICENSED SURVEYOR  
 NO. 10000  
 01/17/2024 2023-0158-12

PRELIMINARY PARTITION PLAY FOR:

**NEHALEM POINT, INC.**  
**DARRYL CARTER, PRESIDENT**

PARCEL 3, P.P. 2022-05  
 INSTRUMENT NO. 2022-007125  
 TILLAMOOK COUNTY CLERK'S RECORDS  
 NW 1/4, & NE 1/4, SEC. 34, T3N, R12W, W1M  
 CITY OF NEHALEM, TILLAMOOK COUNTY, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR  
 SEPTEMBER 12, 2015  
 JACK L. WHITE II  
 51898285  
 CELEST  
 REEVES 6/20/22

**LEGEND**

- NEW PARCEL LINE AS NOTED
- EXISTING EASEMENT LINE AS NOTED
- SAWYER SEWER LINE
- SHAPIRO FORCE MAIN
- STORM DRAIN LINE
- VAULT LINE
- P.P. PARTITION PLAY
- POWER WALL
- CATCH BASIN
- TRANSFORMER

SECTION CORNER (NOT LOCATED THIS SURVEY)

**NARRATIVE**

THE PURPOSE OF THIS PRELIMINARY PARTITION PLAY IS TO CREATE THREE (3) NEW PARCELS FROM PARCEL 3 OF PARTITION PLAY NO. 2022-05. THE NEW PARCELS WILL BE CREATED AS A PART OF THIS PARTITION PLAY. THE NEW PARCELS WILL BE CREATED AS A PART OF THIS PARTITION PLAY. THE NEW PARCELS WILL BE CREATED AS A PART OF THIS PARTITION PLAY.

**LEGAL DESCRIPTION**

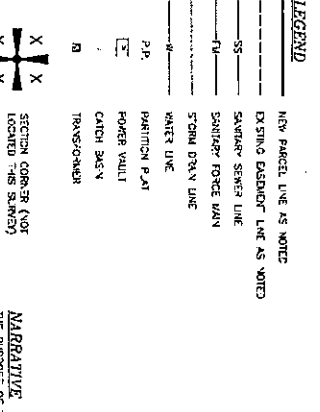
PARCEL 3, PARTITION PLAY 2022-05, TILLAMOOK COUNTY, OREGON.

**PARCEL ACREAGE**

PROPOSED PARCEL 1: 11,770 S.F. (0.27 ACRES)  
 PROPOSED PARCEL 2: 10,000 S.F. (0.23 ACRES)  
 PROPOSED PARCEL 3: APPROXIMATELY 23 ACRES

**OWNER**

NEHALEM POINT, INC.  
 DARRYL CARTER, PRESIDENT  
 PO BOX 89  
 SEASIDE, OREGON 97138  
 PHONE: (503) 528-4363



**ZONING**

SUBJECT PROPERTY LOCATED IN THE FOLLOWING LAND USE ZONE:

LOW-DENSITY RESIDENTIAL ZONE (LDZ) - THIS ZONE IS DEFINED AS "ALL AREAS ABOVE THE 10' WVD 20' ELEVATION LIMIT."

EXCEPT WHERE SHOWN OTHERWISE THE ZONE IS DEFINED AS "ALL AREAS ABOVE THE LINE OF ADJACENT VEGETATION OR WVD, HIGHER HIGH WATER, WHICH EVER IS LANDWARD, AND BELOW 10' WVD 20' ELEVATION LIMIT."

ESTABLISHED MAPS, 2004 (BN) - THIS ZONE IS ALSO DEFINED AS "ALL AREAS ABOVE THE LINE OF ADJACENT VEGETATION OR WVD, HIGHER HIGH WATER, WHICH EVER IS LANDWARD, AND BELOW 10' WVD 20' ELEVATION LIMIT."

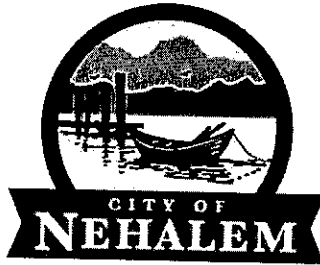
EXISTING PARCEL 3 IS ZONED LDZ. THE SUBJECT PROPERTY IS ZONED LDZ. THE SUBJECT PROPERTY IS ZONED LDZ. THE SUBJECT PROPERTY IS ZONED LDZ.

**NEHALEM POINT PHASE**

PROPOSED PARCEL 1  
 PROPOSED PARCEL 2  
 PROPOSED PARCEL 3

EXISTING PARCEL 3  
 P.P. 2022-05

NEHALEM BAY  
 HWY 101  
 T3N, R10W, SEC34, W1M  
 T2N, R10W, SEC3, W1M



Date: January 30, 2024

To: TILLAMOOK COUNTY BUILDING DEPARTMENT

Re: WATER SERVICE AVAILABILITY

Attn: Building Department

I confirm that the property listed below is within the City's water service area, and may be served water through the City's Water System under the Terms and Conditions governed by the latest version of the City's Water Ordinance. Please note: This Water Service Availability letter does not certify, approve or acknowledge any specific development plans, water or other utility installations that may be necessary for the subject property to actually physically connect to the City's water system to receive service. This letter only certifies that the subject property may receive (or may already receive) water from the City's Water System.

TOWNSHIP 3N RANGE 10 SECTION 34 TAX LOT(S) 00202

SITUS ADDRESS: Vacant Land

NAME: Nehalem Point, Inc. PHONE: \_\_\_\_\_

MAILING ADDRESS: P.O. Box 86  
Manzanita, OR 97130

Single Family  Duplex/Multi-Family  Other

Comments: \_\_\_\_\_

Signed: Lori Longfellow City Manager  
Name Title

City of Nehalem • 35900 8th Street • PO Box 143 • Nehalem, Oregon 97131 • (503) 368-5627





NEHalem point

PP 2023-05 parcel 3



**PUBLIC RECORD REPORT  
FOR NEW SUBDIVISION  
OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF THE FOLLOWING CUSTOMER:

Pacific Properties  
Phone No.: (999)999-9999

Date Prepared: November 20, 2023  
Effective Date: November 13, 2023 / 12:00 AM  
Charge: \$300.00  
Order No.: 360423004007  
Reference:

The information contained in this report is furnished to the Customer by Ticor Title Company of Oregon (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report ("the Report"). Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

**REPORT**

- A. The Land referred to in this report is located in the County of Tillamook, State of Oregon, and is described as follows:  
As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.
- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:  
As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof.
- C. As of the Effective Date and according to the Public Records, we find title to the land apparently [vested in](#):  
As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.
- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:  
As fully set forth on Exhibit "D" attached hereto and by this reference made a part hereof.

Ticor Title Company of Oregon  
Public Record Report for New Subdivision or Land Partition  
Order No. 360423004007

**EXHIBIT "A"**  
**(Land Description)**

For **APN/Parcel ID(s): 417121**  
For **Tax Map ID(s): 3N10 34 00202**

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Parcel 3 of PARTITION PLAT NO., 2023-005, situated in Section 34, Township 3 North, Range 10 West, Willamette Meridian, County of Tillamook, State of Oregon, recorded April 4, 2023 as Instrument No. 2023-001362, Tillamook County Records; together with that non-exclusive roadway easement as delineated on [Partition Plat No. 2007-028](#), Tillamook County Records.

Ticor Title Company of Oregon  
Public Record Report for New Subdivision or Land Partition  
Order No. 360423004007

**EXHIBIT "B"**  
**(Tax Account and Map)**

[APN/Parcel ID\(s\) 417121 as well as Tax/Map ID\(s\) 3N10 34 00202](#)

Ticor Title Company of Oregon  
Public Record Report for New Subdivision or Land Partition  
Order No. 360423004007

**EXHIBIT "C"**  
**(Vesting)**

Nehalem Point, Inc., an Oregon corporation

**EXHIBIT "D"**  
**(Liens and Encumbrances)**

1. Unpaid Property Taxes are as follows:

Fiscal Year: 2023/24  
Amount: \$2,054.90, plus interest, if any  
Levy Code: 5623  
Account No.: [417121](#)  
Map No.: 3N10 34 00202

Please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

2. Regulations, levies, liens, assessments, rights of way and easements of Nehalem Bay Wastewater Agency.

3. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads, and highways.

4. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Nehalem River.

Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Nehalem River.

Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Nehalem River.

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

Granted to: State of Oregon, for the use and benefit of its Board of Forestry  
Purpose: Telephone line  
Recording Date: July 20, 1937  
Recording No: [Book 74, page 226](#)  
Affects: Reference is hereby made to said document for full particulars

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

Granted to: Tillamook Peoples' Utility District  
Purpose: Public utilities  
Recording Date: May 26, 1964  
Recording No: [Book 191, page 555](#)  
Affects: Reference is hereby made to said document for full particulars

**EXHIBIT "D"**  
**(Liens and Encumbrances)**  
(continued)

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

Granted to: Owners of adjoining property  
Purpose: Access roadway and utilities  
Recording Date: November 21, 1985  
Recording No: [Book 301, page 405](#)  
Affects: Reference is hereby made to said document for full particulars

Said Easement was corrected by instrument, including the terms and provisions thereof,

Recording Date: May 19, 1986  
Recording No.: [Book 303, page 872](#)

8. 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: June 12, 1998  
Recording No: [Book 397, page 351](#)

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: May 24, 2007  
[Recording No: 2007-004330](#)

9. Liens and assessments, if any, by the Nehalem Point Homeowners Association.
10. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on [Partition Plat No. 2007-028](#);

Purpose: Roadway, utilities, and drainage  
Recording Date: August 17, 2007  
Recording No: 2007-006988  
Affects: Reference is hereby made to said document for full particulars

11. Roadway Easement Agreement, including the terms and provisions thereof,

Executed by: Nehalem Point Homeowners Association; and Nehalem Point, Inc.  
Recording Date: August 23, 2016  
[Recording No.: 2016-004705](#)  
Affects: Reference is hereby made to said document for full particulars

**EXHIBIT "D"**  
**(Liens and Encumbrances)**  
(continued)

12. Roadway Easement Agreement, including the terms and provisions thereof,
- Executed by: Nehalem Point Homeowners Association; and Nehalem Point, Inc.  
Recording Date: August 30, 2016  
[Recording No.:](#) [2016-004861](#)  
Affects: Reference is hereby made to said document for full particulars
13. 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: May 4, 2018  
[Recording No.:](#) [2018-002524](#)
14. 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: January 24, 2020  
[Recording No.:](#) [2020-000448](#)
15. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- Granted to: Tillamook People's Utility District  
Purpose: Public utilities  
Recording Date: May 11, 2021  
[Recording No.:](#) [2021-004161](#)  
Affects: Reference is hereby made to said document for full particulars
16. 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: December 16, 2021  
[Recording No.:](#) [2021-010292](#)

**EXHIBIT "D"**  
**(Liens and Encumbrances)**  
(continued)

17. 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: February 9, 2022  
[Recording No: 2022-000975](#)

18. Please be advised that our search did not disclose any open Deeds of Trust of record.
19. Terms and provisions of the governing documents under which the Vestee herein holds title.

**Boundary Deeds:**



**EXHIBIT "D"**  
**(Liens and Encumbrances)**  
(continued)

Warranty Deed from Nehalem Point, Inc. to Timothy Liem and Sandra A. Antonovic recorded September 25, 2007 as [Instrument No. 2007-008136](#), Tillamook County Records.

Bargain and Sale Deed from Nehalem Point, Inc. to Nehalem Point, Inc. recorded March 19, 2018 as [Instrument No. 2018-001599](#), Tillamook County Records.

Warranty Deed from Nehalem Point, Inc. to Patricia Graham Collier recorded May 31, 2018 as [Instrument No. 2018-003122](#), Tillamook County Records.

Warranty Deed from Nehalem Point, Inc. to Andrew Montgomery recorded March 5, 2020 as [Instrument No. 2020-001474](#), Tillamook County Records.

Warranty Deed from Nehalem Point, Inc. to Michael McCulloch and Maryellen Hockensmith by Deed recorded September 9, 2021 as [Instrument No. 2021-007636](#), Tillamook County Records.

Warranty Deed from Lonny T. Hamic to Patricia McMahon-Fisher and Douglas H. Fisher recorded November 24, 2021 as [Instrument No. 2021-009769](#), Tillamook County Records.

Nehalem Point, Inc. to Wilfried Ernst Fleuthmann and Jadine Nell Starmer Fleuthmann recorded March 15, 2022 as [Instrument No. 2022-001776](#), Tillamook County Records.

Warranty Deed from Nehalem Point, Inc. to Sandra Sue Ozols and Andrew Kriss Ozols recorded April 29, 2022 as [Instrument No. 2022-002904](#), Tillamook County Records.

Warranty Deed from Nehalem Point, Inc. to Carr Onstott and Sarah Onstott recorded June 6, 2022 as [Instrument No. 2022-003598](#), Tillamook County Records.

Warranty Deed from Peter Grimm and Bryan Kolburn recorded Minglewood, LLC recorded February 13, 2023 as [Instrument No. 2023-000612](#), Tillamook County Records.

Warranty Deed from Michael Denis Reed and Carol Mayer-Reed to Michael D. Reed and Carol Mayer-Reed, Trustees of the Michael and Carol Mayer-Reed Trust recorded July 24, 2023 as [Instrument No. 2023-003237](#), Tillamook County Records.

January 18, 2024

Tillamook County Planning  
1510 3<sup>rd</sup> St. Suite B  
Tillamook, OR 97141

RE: Partition application – Darryl Carter Nehalem Point

Greetings,

I am submitting an application for a partition of parcel 3 of partition plat 2023-05 at Nehalem Point along with a title report, sewer availability letter, copies of the proposed partition and a check for \$1,100 to cover the application fee.

**Please note that the Water availability letter is pending and I will email it is soon as I get it (they are very slow to respond)**

If you have any questions, please call me at 503-738-3425 or email me at [jack.white@sflands.com](mailto:jack.white@sflands.com)

Sincerely,



Jack White, PLS  
S&F Land Services

# EXHIBIT C

## Angela Rimoldi

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**From:** Matthew.Unitis@dsl.oregon.gov  
**Sent:** Monday, April 29, 2024 10:36 AM  
**To:** Angela Rimoldi  
**Subject:** EXTERNAL: WN2024-0229 Response to Local Case File #851-24-000046-PLNG  
**Attachments:** Wetland Land Use Notice.pdf; Wetland Land Use Notice Response.pdf

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

Hi there,

Cities and Counties are required by statute (ORS 215.418 & 227.350) to submit notice to DSL of any projects that may impact wetlands and waterways, according to the Statewide Wetlands Inventory. DSL has completed review of the Wetland Land Use Notification that was prepared for Nehalem Point Inc (WN2024-0229).

Please see attached for the results and conclusions of this review. To request paper copies please contact support.services@dsl.oregon.gov. Otherwise, please review the attachments carefully and if you have questions regarding this response, contact Matthew Unitis, Matthew.Unitis@dsl.oregon.gov. Questions regarding the local permit should be directed to your Planner: Angela Rimoldi, angela.rimoldi@tillamookcounty.gov.

[Planning for Local Governments Page](#)  
[Removing or Filling Material Page](#)

Thank you,

Aquatic Resource Management Program  
Oregon Department of State Lands  
775 Summer St. NE, Ste. 100  
Salem, OR 97301-1279  
[www.oregon.gov/dsl](http://www.oregon.gov/dsl)



# Wetland Land Use Notice Response

## Response Page

Department of State Lands (DSL) WN#\*

WN2024-0229

### Responsible Jurisdiction

<b>Staff Contact</b> Angela Rimoldi	<b>Jurisdiction Type</b> County	<b>Municipality</b> Tillamook
<b>Local case file #</b> 851-24-000046-PLNG	<b>County</b> Tillamook	

### Activity Location

<b>Township</b> 03N	<b>Range</b> 10W	<b>Section</b> 34	<b>QQ section</b>	<b>Tax Lot(s)</b> 202
------------------------	---------------------	----------------------	-------------------	--------------------------

Street Address

Off of Nehalem Point Dr

Address Line 2

City

State / Province / Region

OR

Postal / Zip Code

Country

Tillamook

**Latitude**

45.703436

**Longitude**

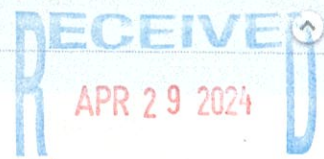
-123.889806

### 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 county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.
- The property includes or is adjacent to designated Essential Salmonid Habitat.
- The property includes or is adjacent to state-owned waters.

### Your Activity



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

## Applicable Oregon Removal-Fill Permit Requirement(s)

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

## Closing Information

### Additional Comments

Proposed partitions require no removal/fill disturbance themselves, so no state removal/fill permit is needed.

**This is a preliminary jurisdictional determination and is advisory only.**

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

### Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

### Response Date

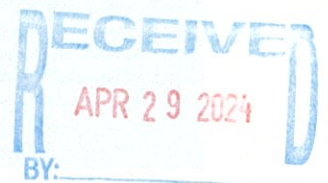
4/29/2024

### Response by:

Matthew Unitis

### Response Phone:

503-910-1559





# Wetland Land Use Notification

OREGON DEPARTMENT OF STATE LANDS

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

Phone: (503) 986-5200

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

\* Required Field (?) Tool Tips

## Responsible Jurisdiction

\*  City of  County of **Municipality\*** **Date\***

City of  County of Tillamook 3/29/2024

## Staff Contact

**First Name\*** **Last Name\***

Angela Rimoldi

**Phone\* (?)** **Email\***

503-842-3408 angela.rimoldi@tillamookcounty.gov

## Applicant

**First Name\*** **Last Name\***

Nehalem Point Inc

**Applicant Organization Name**

(if applicable)

### Mailing Address\*

Street Address

PO Box 86

Address Line 2

City State

Nehalem OR

Postal / Zip Code Country

97131 USA

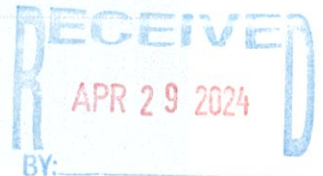
**Phone (?)** **Email (?)**

503-386-6363 pacprop@nehalem.tel.net

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

No  Yes

## Activity Location



Township\* (?)

03N

Range\* (?)

10W

Section\* (?)

34

Quarter-quarter Section (?)

Tax Lot(s)\*

202

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

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

Address

Street Address

Off of Nehalem Point Dr

Address Line 2

City

State

OR

Postal / Zip Code

Country

County\*

Tillamook

Adjacent Waterbody

Proposed Activity



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

Local Case File #\* (?)

851-24-000046-PLNG

Zoning

Proposed

- Building Permit (new structures)
- Grading Permit
- Site Plan Approval
- Other (please describe)

- Conditional use Permit
- Planned Unit Development
- Subdivision

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

Partition

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

ar\_notice\_24-46-plng.pdf

3.7MB

Additional Attachments

Date

3/29/2024

