



**PARTITION REQUEST #851-24-000257-PLNG:
IMHOLT & ONION PEAK DESIGN
ADMINISTRATIVE DECISION AND STAFF REPORT**

Decision: Approved with Conditions

Decision Date: July 17, 2024

Report Prepared By: Angela Rimoldi, Planning Technician

I. GENERAL INFORMATION:

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

Location: The subject property is located within the City of Nehalem Urban Growth Boundary and is accessed via Bayside Gardens Road, a county road, located at Tax Lot 800 of Section 28DC, Township 3 North, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon.

Zone: The subject property is zoned Nehalem Mixed Density Residential (RM) zone.

Applicant: Onion Peak Design, 11460 Evergreen Way, Nehalem, OR. 97131.

Property Owner: David Scott Imholt, 16600 Vermilyea Road, Nehalem, OR. 97131

Description of Site and Vicinity: The subject property is accessed via Bayside Gardens Road, a county road, is rectangle shaped, approximately 0.46 acres in size, and is vegetated with grasses, trees, and bushes (Exhibit A). The subject property is located within The City of Nehalem Urban Growth Boundary, inside the unincorporated community of Bayside Gardens (Exhibit A). The subject property is zoned The City of Nehalem Mixed Density Residential (RM) zone (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 41057C0208F) (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 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. City of Nehalem Development Ordinance Section 157.205 Mixed Density Residential - RM Zone
- B. City of Nehalem Development Ordinance Section 157.440 Geological Hazards
- C. City of Nehalem Development Ordinance Section 157.404 Land Divisions
- D. 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 May 31, 2024. One (1) comment was received from a neighboring property concerning road traffic in the area (Exhibit C). A Condition of Approval has been outlined below in Section V for future development to comply with Tillamook County Public Works Department for all applicable regulations related to Road Approach permitting for the proposed parcels.

A. City of Nehalem Development Ordinance 157.205: Mixed Density Residential (RM) Zone Standards
Unless otherwise required by this Chapter, the following minimum dimensional standards shall be required for all development in the RM zone:

(A) *Minimum lot size*

1. *Single Family Home*
 - (a) *Attached – 4,000 square feet.*
 - (b) *Detached - 5,000 square feet.*

...
(B) *Minimum Lot Dimensions*

1. *Lot Width – 40 feet; corner lot – 60 feet along each street frontage.*
2. *Lot Depth – 85 feet.*

(C) *Minimum Setback (Residential)*

1. *Front Yard – 15 feet.*
2. *Street Side Yard – 15 feet.*
3. *Side Yard – 5 feet minimum; 12 feet both sides combined.*
4. *Rear Yard – 15-feet; corner lot may be 10-feet.*

...

Findings: The preliminary plat confirms the three (3) parcels created by the partition meet the minimum requirements for lot size and dimension standards as outlined above (Exhibit B). Proposed parcel 1 is improved with a single-family dwelling; while proposed parcels 2 and 3 hold no improvements (Exhibit B). Setbacks for proposed parcel 1 will be reduced while continuing to maintain all setback standards; proposed parcels 2 and 3 setback standards do not currently apply (Exhibit B).

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

B. 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: Identified above in Subsection A, 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 City of Nehalem Development Ordinance 157.440 Geological Hazards. A Condition of Approval has been outlined below in Section V.

C. 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 The City of Nehalem Mixed Density Residential (RM zone) in this report, Subsection B. The proposed parcels exceed the minimum 20-foot frontage along Bayside Gardens Road, a county road. The proposed side lot lines run at approximately right angles to the county road, Bayside Gardens Road (Exhibit A).

Staff find these standards have been met or can be met through compliance with conditions of approval.

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 subject property is served by Tillamook County Public Works Department; a Condition of Approval has been outlined below in Section V for the applicant/owner to comply with all necessary Road Approach improvements serving each proposed parcel. The applicant has provided a water availability letter from the City of Nehalem and sewer availability letter from the Nehalem Bay Wastewater Agency (Exhibit B).

Staff find these standards have been met or 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.

D. 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 a 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 standards for the Nehalem RM zone are discussed above in this report, Subsection B.

Staff find this criterion is met or can be met through compliance with conditions of approval.

- (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, Subsection D.

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: The applicant/owners preliminary plat map depicts the existing improvements on the subject property (Exhibit B). The applicability to the Nehalem RM zone is discussed above in this report, Subsection B.

Staff find this criterion is met or can be met through compliance with conditions of approval.

- (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 is met or 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 July 29, 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. The applicant and property owner shall comply with all requirements of the Tillamook County Surveyor's Office.
3. The applicant/owner shall obtain a letter from the Tillamook County Public Works Department confirming either the existing Road Approach via Bayside Gardens Road is adequate or that necessary improvements to the Road Approach have been completed. The letter shall be provided to the Community Development Department at time of consolidated building/zoning submittal for each parcel.
4. Development of each parcel is subject to applicable standards contained in the City of Nehalem Development Ordinance Section 157.205 Mixed Density Residential (RM) zone standards, City of Nehalem Development Ordinance 157.440 Geological Hazards, and City of Nehalem Development Ordinance 157.404 Land Divisions.
5. The applicant and property owner shall record the Final Plat within two (2) years from the approval date of the Preliminary Plat or apply for an extension of time from this Department prior to expiration of tentative plat approval.
6. The applicant and property owner shall record the Final Plat within ninety (90) days from the date of final signature of the partition plat.

VI. EXHIBITS

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

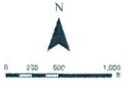
EXHIBIT A

NEHALEM, OREGON

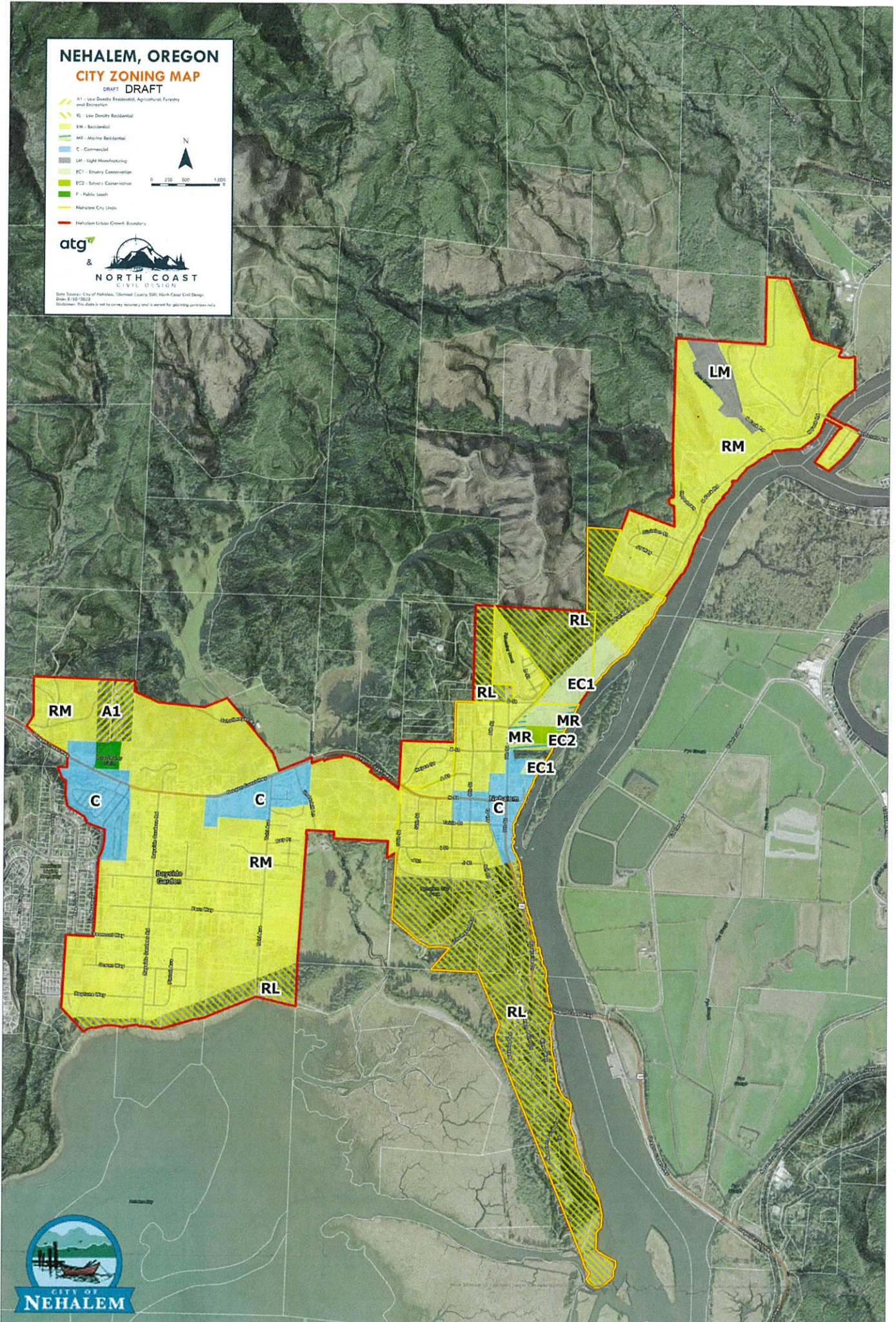
CITY ZONING MAP

DRAFT

- A1 - Low Density Residential, Agricultural, Forestry and Recreation
- RL - Low Density Residential
- RM - Residential
- MR - Medium Residential
- C - Commercial
- LM - Light Manufacturing
- EC1 - Estuary Conservation
- EC2 - Estuary Conservation
- F - Public Lands
- Unlabeled City Limits
- Red line - Neilsen Urban Growth Boundary

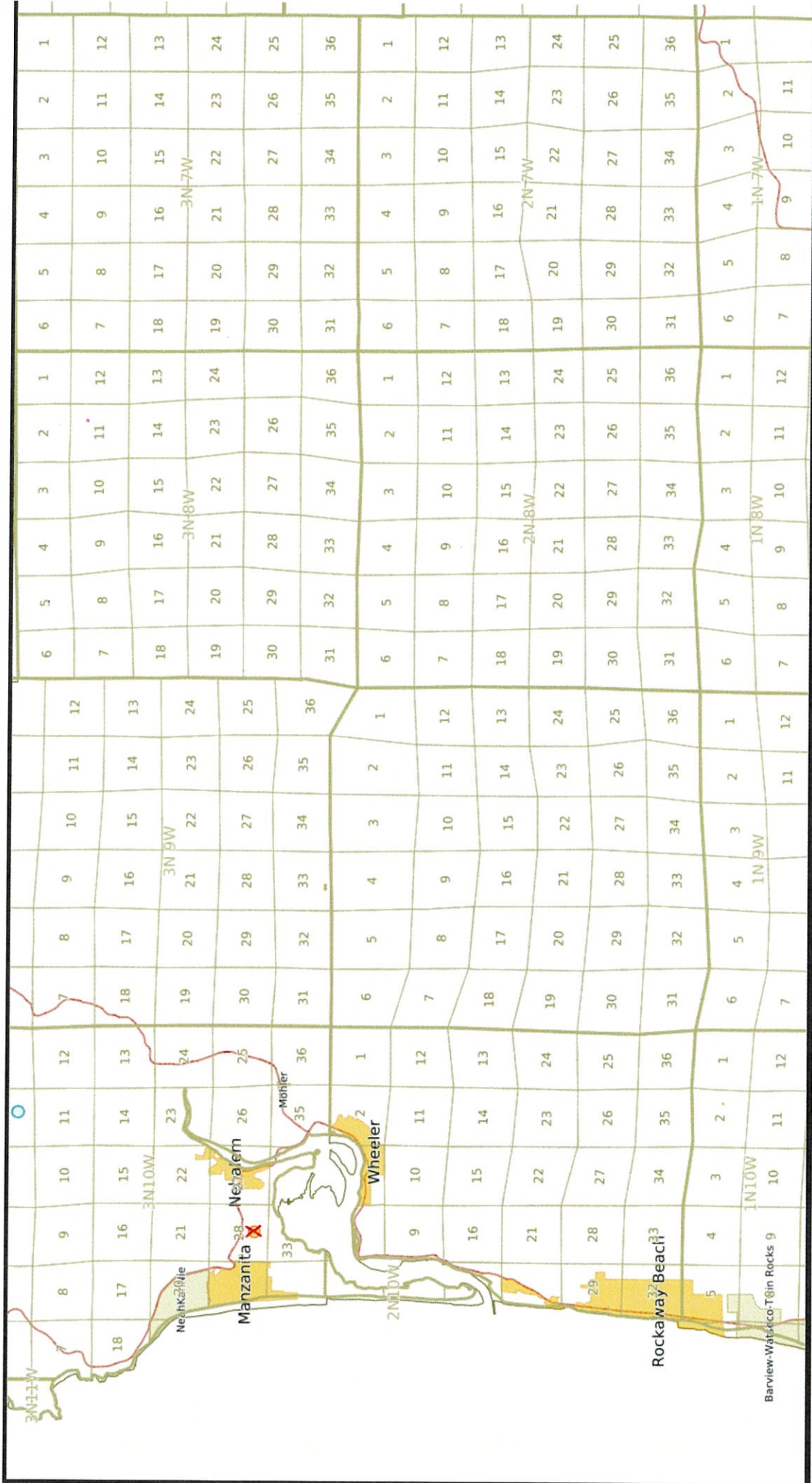


Date Issued: City of Nehalem, Tillamook County, OR; North Coast Civil Design; Date: 8/10/2023
Disclaimer: This data is not to survey accuracy and is meant for planning purposes only.





Tillamook County GIS



Created: Tue May 28 2024-11:40:22
 Active Layers: County Boundary, Fed_state_highways, citylimit, community_polygon, TaxlotOwner, Township_Range_Section, Road_Centerline
 Extent: -13804026.699535, 5713004.084446, -13744138.287881, 5744343.2660386

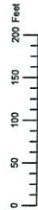
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

S.W.1/4 S.E.1/4 SEC.28 T.3N. R.10W. W.M.

TILLAMOOK COUNTY

03N10W28DC

1" = 100'



03N10W28DC

Revised 09/07/20, WS

Oregon HazVu: Statewide Geohazards Viewer

Oregon Department of Geology and Mineral Industries | Help | More Information

Layers Currently Showing

Earthquake Hazard

Earthquake_Epicenter_1841_2022

- 0 - 1
- 1 - 2
- 2 - 3
- 3 - 4
- 4 - 5
- 5 - 6
- 6 - 7

Active Faults

P2475_Instrumental_Intensity_Map

- Moderate (V)
- Strong (VI)
- Very Strong (VII)
- Severe (VIII)
- Violent (IX)
- Extreme (X)

Landslide Hazard

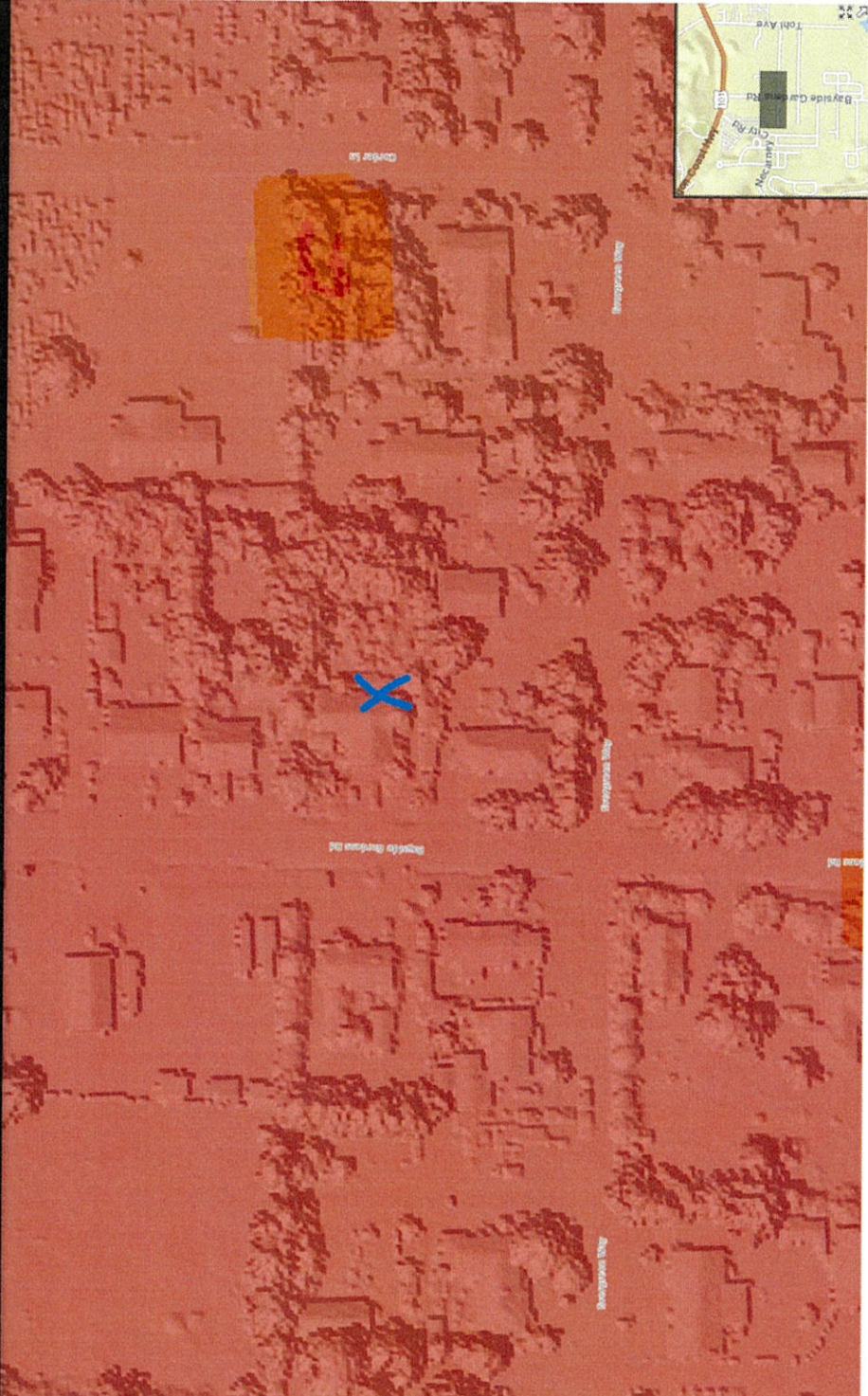
Detailed Susceptibility Reference Maps

- Deep Susceptibility
 - Low susceptibility to deep landslides
 - Moderate susceptibility to deep landslides
 - High susceptibility to deep landslides

- Shallow Susceptibility
 - Low susceptibility to shallow landslides
 - Moderate susceptibility to shallow landslides
 - High susceptibility to shallow landslides

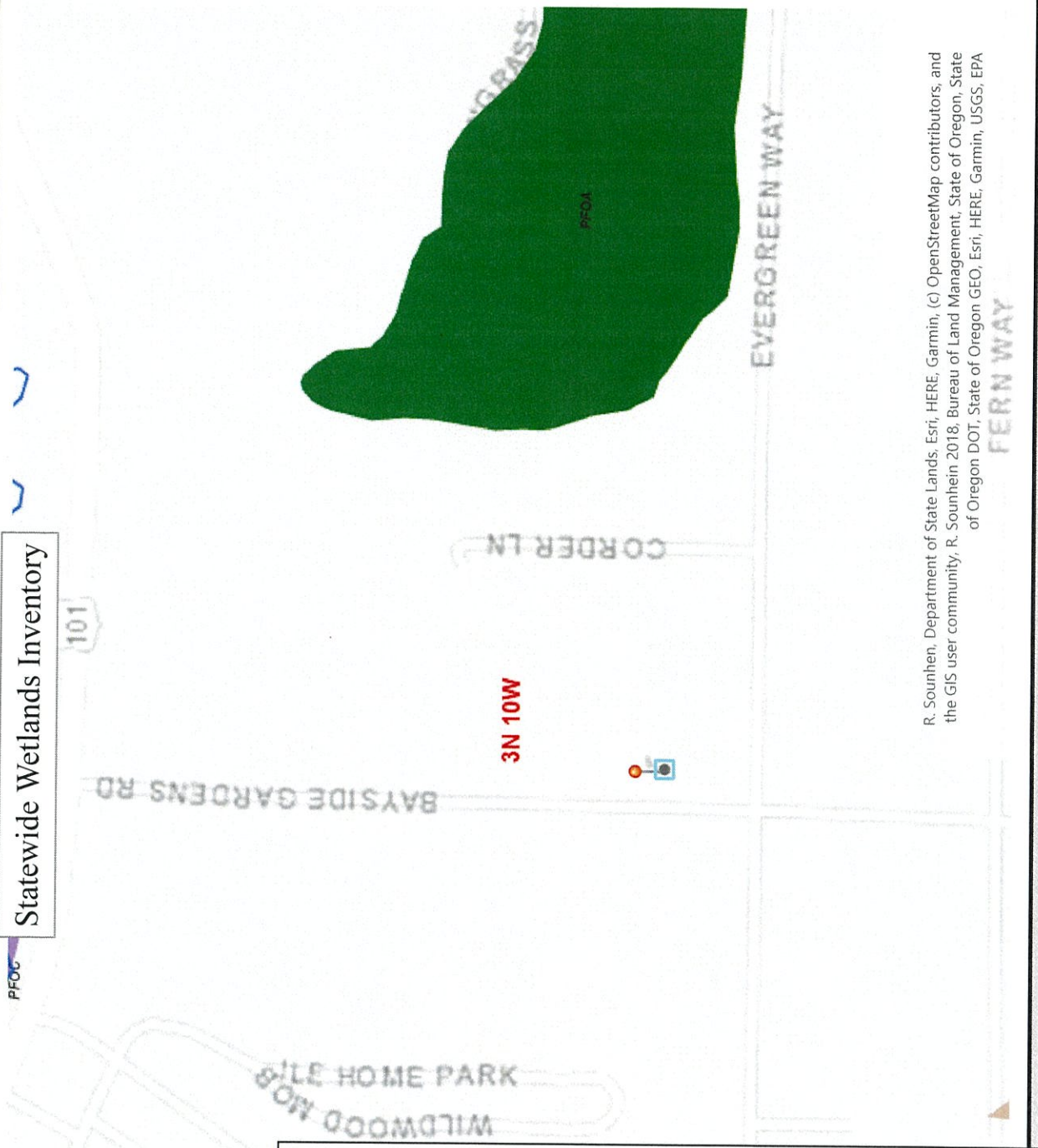
Statewide Landslide Susceptibility Overview Map

- Low
- Moderate
- High
- Very High



-123.91645714 Degrees

Statewide Wetlands Inventory



	Townships
	LWI Study Area
	BASEDAT.DBO.NHDWaterbody
	BASEDAT.DBO.NHDArea
BASEDAT.DBO.NHDFlowline	
	Perennial
	Intermittent
	Ephemeral
	Unknown
	Canal/Ditch
	Canal/Ditch
	Canal/Ditch
	BASEDAT.DBO.NHDPPoint
Wetlands	
	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. In all cases, the presence, absence and boundaries of wetlands and waters (such as creeks and ponds) are determined by a wetland professional on the ground. An onsite investigation by a wetland professional can verify actual field conditions.



Date: 7/2/2024



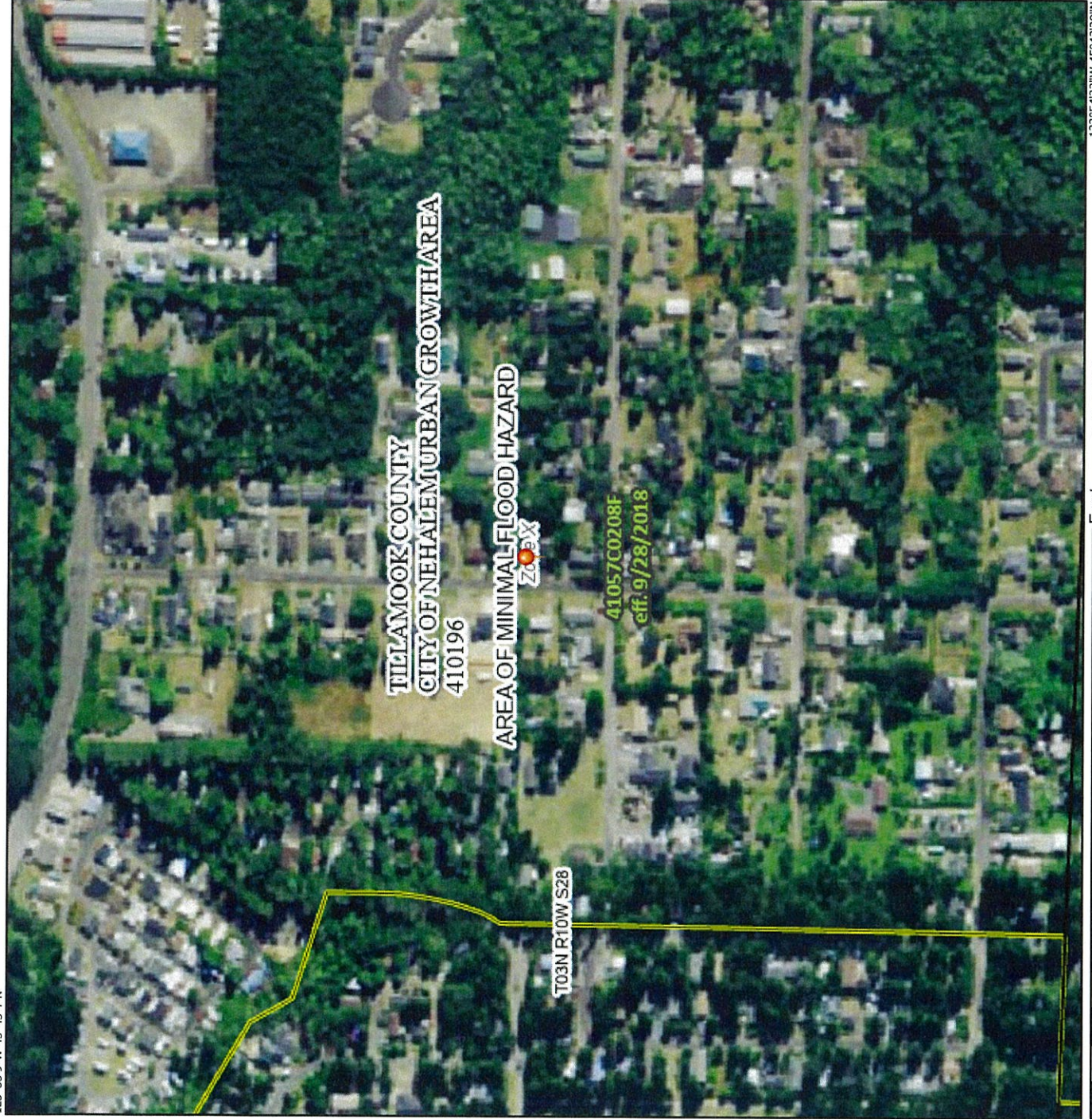
State of Oregon
Department of State Lands
775 Summer Street, NE, Ste 100
Salem, OR 97301-1279

R. Sounhen, Department of State Lands, Esri, HERE, Garmin, (C) OpenStreetMap contributors, and the GIS user community, R. Sounhein 2018, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri, HERE, Garmin, USGS, EPA

National Flood Hazard Layer FIRMette



123°55'9"W 45°43'4"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap Imagery Source: USGS National Map 2023

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, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee, See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

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

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 7/2/2024 at 5:06 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: Onion Peak Design Phone: 503-440-4403
 Address: 11460 Evergreen Way
 City: Nehalem State: OR Zip: 97131
 Email: erick.opd@gmail.com

Property Owner

Name: David Scott Imholt Phone: 503-351-4444
 Address: 16600 Vermilyea Road
 City: Nehalem State: OR Zip: 97131
 Email: scottimholt@gmail.com

Location:

Site Address: 35235 Bayside Gardens Road, Nehalem, OR 97131

Map Number:	3N	10W	28 DC	800
	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))

General Information

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

Existing Conditions

- | | | |
|---|---|---|
| <input type="checkbox"/> Existing streets with names, right-of-way, pavement widths, access points. | <input type="checkbox"/> Ground elevations shown by contour lines at 2-foot vertical interval. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor | <input type="checkbox"/> Other information:

_____ |
| <input type="checkbox"/> Width, location and purpose of existing easements | <input type="checkbox"/> The location and elevation of the closest benchmark(s) within or adjacent to the site | |
| <input type="checkbox"/> The location and present use of all structures, and indication of any that will remain after platting. | <input type="checkbox"/> Natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes and tide flats | |
| <input type="checkbox"/> Location and identity of all utilities on and abutting the site. If water mains and sewers are not on site, show distance to the nearest one and how they will be brought to standards | <input type="checkbox"/> For any plat that is 5 acres or larger, the Base Flood Elevation, per FEMA Flood Insurance Rate Maps | |
| <input type="checkbox"/> Location of all existing subsurface sewerage systems, including drainfields and associated easements | | |

OFFICE USE ONLY
Date Stamp RECEIVED MAY 07 2024
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by:
Receipt #:
Fees: 1155.-
Permit No: 851-24-00257-PLNG

Proposed Development

- 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 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:

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. Within two (2) years of final review and approval, all final plats for land divisions shall be filed and recorded with the County Clerk, except as required otherwise for the filing of a plat to lawfully establish an unlawfully created unit of land. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

	<p>4-3-24</p>
<p>Property Owner (*Required)</p>	<p>Date</p>
<p>W M Wz (Union Peak)</p>	<p>4-3-24</p>
<p>Applicant Signature</p>	<p>Date</p>

NOTES

THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE SUBJECT PROPERTY. THE PURPOSE OF THIS MAP IS TO SHOW THE PROPOSED PARTITION AS PER TILLAMOOK COUNTY PLANNING DEPARTMENT PROCEDURES IN ACCORDANCE WITH CITY OF NEHALEM LAND USE ORDINANCE. PUBLIC WATER AND SEWER ARE AVAILABLE THROUGH PUBLIC SYSTEMS LOCATED WITHIN BAYSIDE GARDENS ROAD.

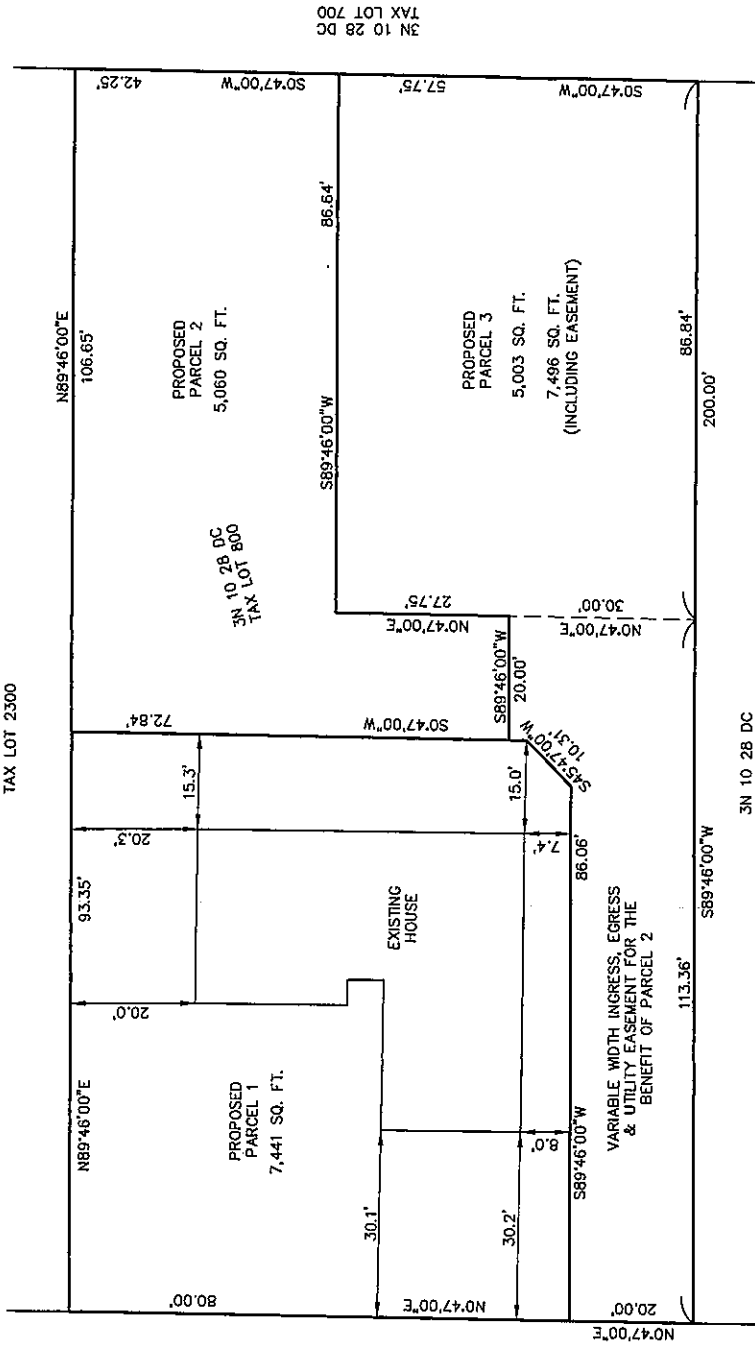
OWNER

DAVID SCOTT IMHOLT
16600 VERMILITEA ROAD
NEHALEM, OR 97131



SCALE:
1" = 20'

BAYSIDE GARDENS ROAD



3N 10 28 DC
TAX LOT 900

PROPOSED PARTITION FOR:
DAVID SCOTT IMHOLT
3N 10 28 DC
TAX LOT
800

SW 1/4, SE 1/4, SECTION 28, T3N, R10W, W.M.
TILLAMOOK COUNTY
APRIL 23, 2024

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Carl M White
OREGON
APRIL 28, 2014
ERICK M. WHITE
78572
RENEWS 6/30/2024

**ONION PEAK
DESIGN**

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

IMHOLT2312-EX.DWG

3N 10 28 DC
TAX LOT 700



Date: April 24, 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 3N10 RANGE 28 SECTION DC TAX LOT(S) 00800

SITUS ADDRESS: 35235 Bayside Gardens Road, Nehalem, OR 97131

NAME: Scott Imholt PHONE: _____

MAILING ADDRESS: 16600 Vermilyea Road

Nehalem, OR 97131


Single Family Duplex/Multi-Family Other

Comments: Water is available w/ the understanding the applicant will have additional costs/labor for utility hook-up as the water line will have to go across a street.

Signed: Lori Longfellow City Manager
Name Title

SHERIFF'S DEED

 ORIGINAL

Grantor: TILLAMOOK COUNTY SHERIFF 5995 LONG PRAIRIE ROAD TILLAMOOK, OREGON 97141	Tillamook County, Oregon 2024-001201 03/27/2024 11:07:49 AM DEED-OSHER \$15 00 \$11 00 \$61 00 \$10 00 - Total = \$97 00
Grantee: DAVID SCOTT IMHOLT 16600 VERMILYEA RD Nehalem, OR 97131	 00242205202400012010030030
After recording return to: DAVID SCOTT IMHOLT 16600 VERMILYEA RD Nehalem, OR 97131	I hereby certify that the within instrument was received for record and recorded in the County of Tillamook, State of Oregon. Christy Nyseth, Tillamook County Clerk
Until requested otherwise send all tax statements to:	

THIS INDENTURE, Made this March 26, 2024, by and between Joshua R. Brown, Sheriff of Tillamook County, Oregon, hereinafter called the grantor, and **DAVID SCOTT IMHOLT**, hereinafter called the grantee; WITNESSETH:

RECITALS: In a suit in the Tillamook Circuit Court of the State of Oregon for Tillamook County, Court Case Number 23CV09356, Tillamook County Sheriff's Office Number 23000607, in which **WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR RELIANT TRUST, SERIES HPP**, its successors in interest and/or assigns was plaintiff(s) and **UNKNOWN HEIRS AND DEVISEES OF IMOGENE CAMELLI AKA IMOGENE LANE CAMELLI AKA IMOGENE L CAMELLI, JEFFREY HERR, CHRISTOPHER MOLINAR, UNITED STATES OF AMERICA, OCCUPANTS OF THE PROPERTY**, was defendant(s), in which a Writ of Execution in Foreclosure, General Judgment of Foreclosure, which was issued on July 3, 2023, directing the sale of that real property, pursuant to which, on September 26, 2023 the real property was sold, subject to redemption, in the manner provided by law, for the sum of \$ 317,900.00, to **DAVID SCOTT IMHOLT**, whose address is 16600 Vermilyea Rd. Nehalem, Or 97131, who was the highest and best bidder, that sum being the highest and best sum bid therefore. At the

time of the sale, the purchaser paid the amount bid for the property to the grantor or grantor's predecessor in office. After Grantor received funds in the amount bid at the sale, a certificate of sale, as required by law, was duly executed and delivered to the purchaser.

The real property has not been redeemed from the sale, and the time for so doing has now expired. The grantee herein is the owner and holder of the Certificate of Sale and has delivered the certificate to grantor.

NOW, THEREFORE, by virtue of said Writ of Execution in Foreclosure, General Judgment of Foreclosure, and in consideration of the sum paid for the real property at the sale, the grantor has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the grantee, grantee's heirs, successors, and assigns, that certain real property situated in Tillamook County, Oregon, described as follows, to-wit:

THE NORTH 1/2 OF LOT 4, BAYSIDE GARDENS, EXCEPT THE 18 FEET OF EVEN WIDTH OFF THE EAST SIDE OF SAID LOT 4, IN TILLAMOOK COUNTY, OR. AND HAVING APN/PARCEL NO. 68802, in Tillamook County, Oregon.

The property is commonly known as: **35235 BAYSIDE GARDENS ROAD, NEHALEM, OR 97131**

Together with all of the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all of the interest of the defendant(s) (and each of them) in and to the real property.

TO HAVE AND TO HOLD the same unto the grantee and grantee's heirs, successors, and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$66.00.

IN WITNESS WHEREOF, the grantor has executed this instrument.

THE PARTIES SIGNING THIS DOCUMENT REPRESENT EACH TO THE OTHER TO HAVE THE ACTUAL AND/OR APPARENT AUTHORITY TO BIND THEIR RESPECTIVE ORGANIZATIONS TO THE TERMS OF THIS DOCUMENT. EACH PARTY HAS READ THIS DOCUMENT AND AGREES TO ITS TERMS.

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

Joshua R. Brown, Sheriff of Tillamook County, Oregon

Jana Prock
Deputy Jana Prock

STATE OF OREGON)
) ss
County of Tillamook)

This instrument was acknowledged before me on <CurrentDate_11>,

by , Deputy for Joshua R. Brown, as Sheriff of Tillamook County.

Rhonda Lee Ann Silveira
Notary Public for the State of Oregon
My commission expires Oct 23, 2027

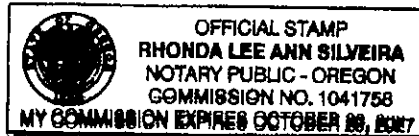


EXHIBIT C

6/10/24



Dept. of Community Development
1510-B Third St.
Tillamook, OR. 97141

To Whom It May Concern:

I am writing to object to the Partition
Request # 885-24000257 - PLNB Onion Peak -
Inholt.

This is 3 doors from my home at
35295 Bayside Gardens Rd, Nehalem.

We have enough traffic on Bayside
Gardens Rd. already. Several low-
income apt. buildings have been
constructed recently close to me.

This is going to be a traffic disaster.

How can you possibly squeeze 3 single
family dwellings on that property?

I highly object to this proposal.

If you have any questions, you may
call me on (503-812-0143).

Sincerely,
Nichole Wilkey

P.S. My printer just quit