



1510 – B Third Street
Tillamook, Oregon 97141
www.tillamook.or.us
Building (503) 842-3407
Planning (503) 842-3408
Sanitation (503) 842-3409
FAX (503) 842-1819
Toll Free 1(800) 488-8280

Land of Cheese, Trees and Ocean Breeze

**PARTITION REQUEST #851-24-000257-PLNG:
ONION PEAK / IMHOLT**

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

**NOTICE OF ADMINISTRATIVE REVIEW
Date of Notice: May 31, 2024**

Notice is hereby given that the Tillamook County Department of Community Development is considering the following:

#851-24-000257-PLNG: A Partition request to create three (3) residential parcels. Located within the UGB of the City of Nehalem, accessed via Bayside Gardens Road, a county road. The subject property is designated as Tax Lot 800 of Section 28DC, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County Oregon. The subject property is zoned City of Nehalem Mixed Density Residential (RM) zone. The property owner is David Imholt, and the applicant is Onion Peak Design.

Written comments received by the Department of Community Development **prior to 4:00p.m. on June 14, 2024**, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than June 17, 2024.

Notice of the application, a map of the subject area, and the applicable criteria are being mailed to all property owners within 250-feet of the exterior boundaries of the subject parcel for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County website under The Department of Community Development: <https://www.tillamookcounty.gov/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at: 1510-B Third Street, Tillamook, Oregon 97141.

If you have any questions about this application, please call the Department of Community Development at: 503-842-3408 or email: angela.rimoldi@tillamookcounty.gov

Sincerely,

Angela Rimoldi, Planning Permit Technician

Sarah Absher, CFM, Director

Included: Applicable Ordinance Criteria
Vicinity, Assessor and Zoning Maps

Partition Request: 851-24-000257-PLNG / Onion Peak & Imholt

REVIEW CRITERIA

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;
- (c) Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer and streets, shall conform to the standards in Sections 150 and 160 of this ordinance;
- (d) The proposed plat name is not already recorded for another subdivision, does not bear a name similar to or pronounced the same as the name of any other subdivision within the County, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name;
- (e) The proposed streets, utilities, and surface water drainage facilities conform to Tillamook County’s adopted master plans and applicable engineering standards and, within Unincorporated Community Boundaries, allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;
- (f) All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;
- (g) Provisions for access to and maintenance of off-right-of-way drainage, if any;
- (h) Evidence that any required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and
- (i) Evidence that improvements or conditions required by the road authority, Tillamook County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met, including but not limited to:
 - (i) Water Department/Utility District Letter which states that the partition or subdivision is either entirely excluded from the district or is included within the district for purposes of receiving services and subjecting the partition or subdivision to the fees and other charges of the district.
 - (ii) Subsurface sewage permit(s) or site evaluation approval(s) from the appropriate agency.

CITY OF NEHALEM DEVELOPMENT ORDINANCE

City of Nehalem Development Ordinance 157.205 Mixed Density Residential – RM Zone:

Section 157.205.05 Dimensional 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.
- ...

City of Nehalem Development Ordinance 157.404 Land Divisions

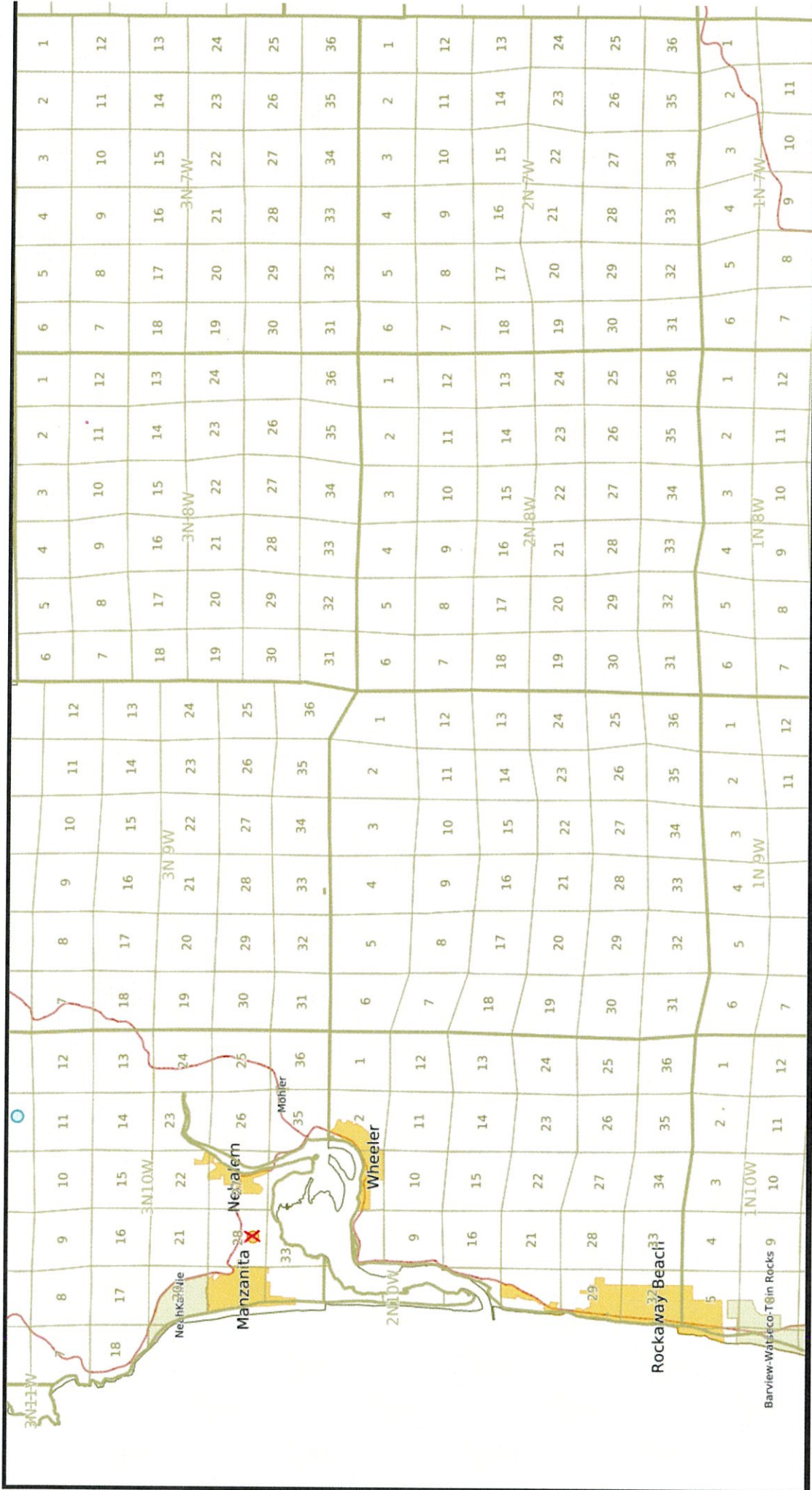
Section .03 Standards for Lots and Parcels

Section .05 Improvement Requirements – Partition

Section .07 Improvement Procedures



Tillamook County GIS



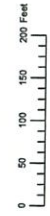
Created: Tue May 28 2024-11:40:22
 Active Layers: County_Boundary, Fed_state_highways, city/limit, community_polygon, TaxlotOwner, Township_Range_Section, Road_Centerline
 Extent: -13804026.699535, 5713004.084446, -13744138.287881, 5744343.2660386

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

1" = 100'



03N10W28DC



03N10W28DC

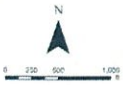
Revised 09/07/20, WS

NEHALEM, OREGON

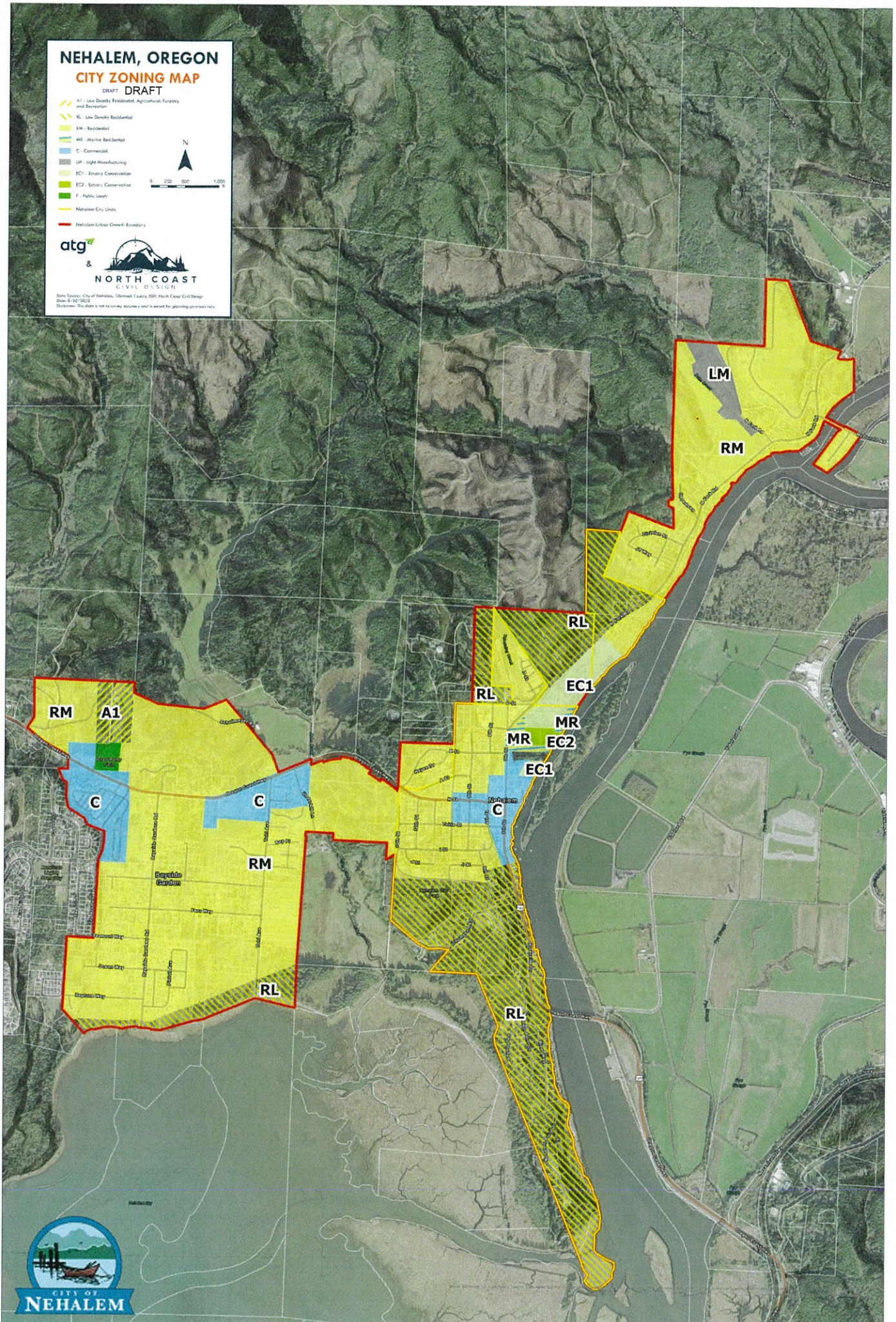
CITY ZONING MAP

DRAFT DRAFT

- A1 - Low Density Residential, Agricultural, Farmity and Recreation
- RL - Low Density Residential
- RM - Residential
- ML - Medium Residential
- C - Commercial
- LM - Light Manufacturing
- EC1 - Emory Conservation
- EC2 - Emory Conservation
- P - Public Land
- Nehelem City Limits
- Nehelem Urban Growth Boundary



Base Source: City of Nehalem, Clatsop County, OR; North Coast Civil Design
Date: 8/16/2023
Disclaimer: This does not constitute a survey, engineering or other professional services.





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))

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

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

General Information

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

Existing Conditions

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

OFFICE USE ONLY

Date Stamp

RECEIVED
 MAY 07 2024

Approved Denied

Received by:

Receipt #:

Fees: 1155.-

Permit No:

851-21-00257-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

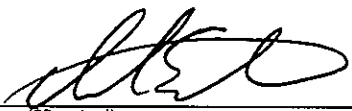
Certificates:

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

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.

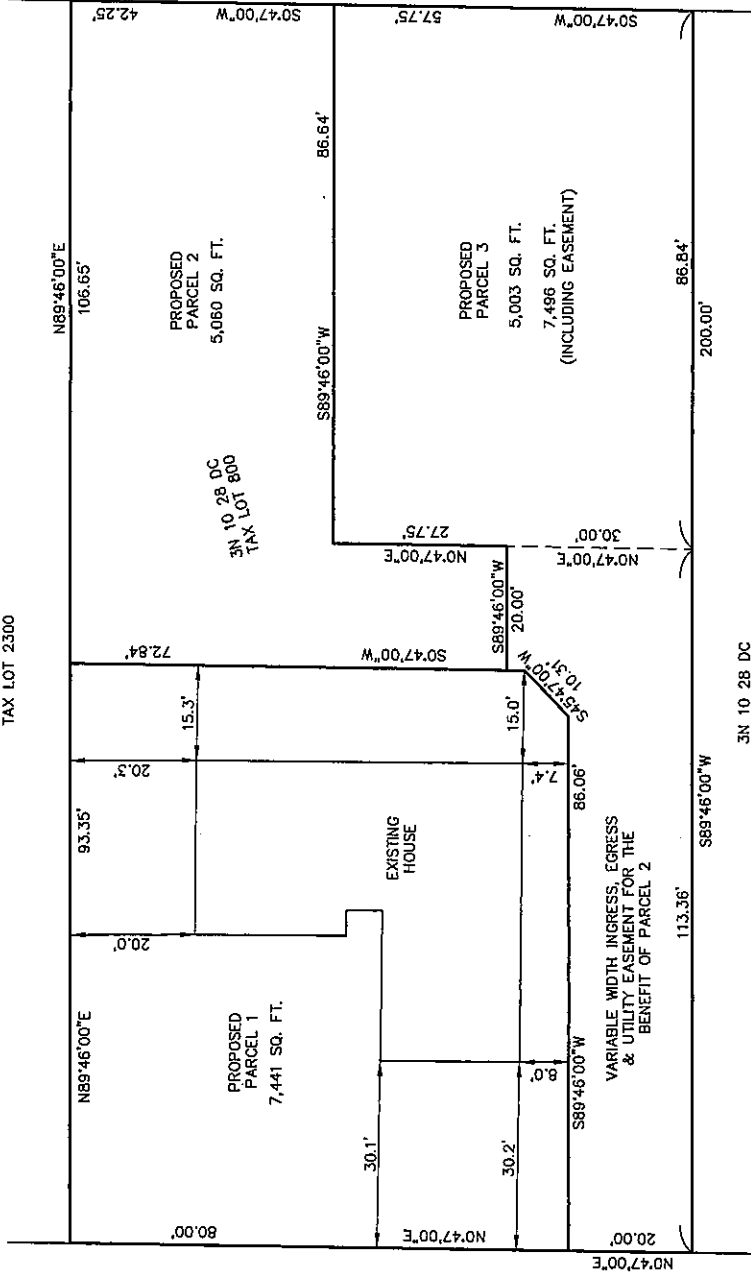
OWNER

DAVID SCOTT IMHOLT
16600 VERMILYEA ROAD
NEHALEM, OR 97131



SCALE:
1" = 20'

BAYSIDE GARDENS ROAD



REGISTERED PROFESSIONAL LAND SURVEYOR

Carl M. White

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

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

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

IMHOLT2312-EX.DWG



Nehalem Bay Wastewater Agency
SEWER AVAILABILITY

Date: 4/23/2024
To: Tillamook County Building Department (Fax#503-842-1819)

From: Nehalem Bay Wastewater Agency
RE: Sewer Availability

As an Agent of Nehalem Bay Wastewater Agency, I confirm that sewer is available to the following lot within our service area boundary:

3N10 28DC TL 800

Owner of Record: David Scott Imholt
Project Information: Partition

This letter shall not create a liability on the part of Nehalem Bay Wastewater Agency, or by an agent, or employee thereof, for the services described above.

Ashley Myers, Office Assistant
Nehalem Bay Wastewater Agency



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-DSHER \$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

