



1510 - B Third Street  
Tillamook, Oregon 97141  
www.tillamook.or.us

Building (503) 842-3407  
Planning (503) 842-3408  
On-Site Sanitation (503) 842-3409  
FAX (503) 842-1819  
Toll Free 1 (800) 488-8280

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*Land of Cheese, Trees and Ocean Breeze*

**RESOURCE ZONE EXCEPTION #851-21-000151-PLNG:  
BOCKO/HERBER/CREEKSIDE HOMES**

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

September 13, 2021

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Resource Zone Exception Request on September 13, 2021.

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

**Appeal of this decision.** This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00 PM on September 27, 2021.**

**Request:** An exception request to reduce the required 100-foot resource zone setback from Forest (F) zone boundary by 80-feet to establish a 20-foot resource zone setback (rear yard southerly setback line) to allow the construction of a single-family dwelling.

**Location:** The subject property is located within the Neskowin Unincorporated Community, is accessed from Hilltop Lane, a local access road, and is designated as Tax Lot 3700 in Section 36AB of Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon.

**Zone:** Neskowin Low Density Residential (NeskR-1)

**Applicant:** Creekside Homes, P.O. Box 315, McMinville, OR 97128

**Property Owner:** Teri Bocko & Dan Heber, 4300 Colfax Ave 16, Studio City, CA 91604

### CONDITIONS OF APPROVAL

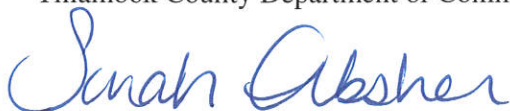
Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Residential development shall maintain a 20-foot setback from the southerly (rear) property line and the Forest (F) resource zone boundary as shown on the site plan included in "Exhibit B". Development shall otherwise comply with the applicable standards and requirements of TCLUO Section 3.322: [Neskowin Low Density Residential \(NeskR-1\) Zone](#).
3. The applicant/property owner shall obtain an approved consolidated Building/Zoning Permit from the Tillamook County Department of Community Development prior to development of the subject property.
4. The applicant/property owner shall submit a site plan, drawn to scale confirming all setbacks, including the 20-foot resource zone setback are met at the time of consolidated Building/Zoning Permit application submittal.
5. Development shall comply with the applicable standards and requirements of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. A Geologic Hazard Report prepared in accordance with the standards outlined in TCLUO Section 4.130 shall be submitted to the Department prior to or in conjunction with the consolidated Building/Zoning Permit if slopes on the property exceed 19%.
6. In accepting this approval, the property owner understands intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use. The property owner hereby acknowledges that practices may involve but are not limited to the application of herbicides or fertilizers (including aerial spraying), road construction, changes in view, noise, dust, odor, traffic, and other impacts related to a farm zone. The property owner acknowledges the residential use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, the property owner understands preference will be given to farm and forest practices.

A covenant to the deed shall be required, informing that intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use and limiting pursuance of a claim for relief or cause of action of alleging injury from farming or forest practices. A copy of the recorded covenant included as 'Exhibit C' shall be provided at the time of applying for Building and Zoning Permits.

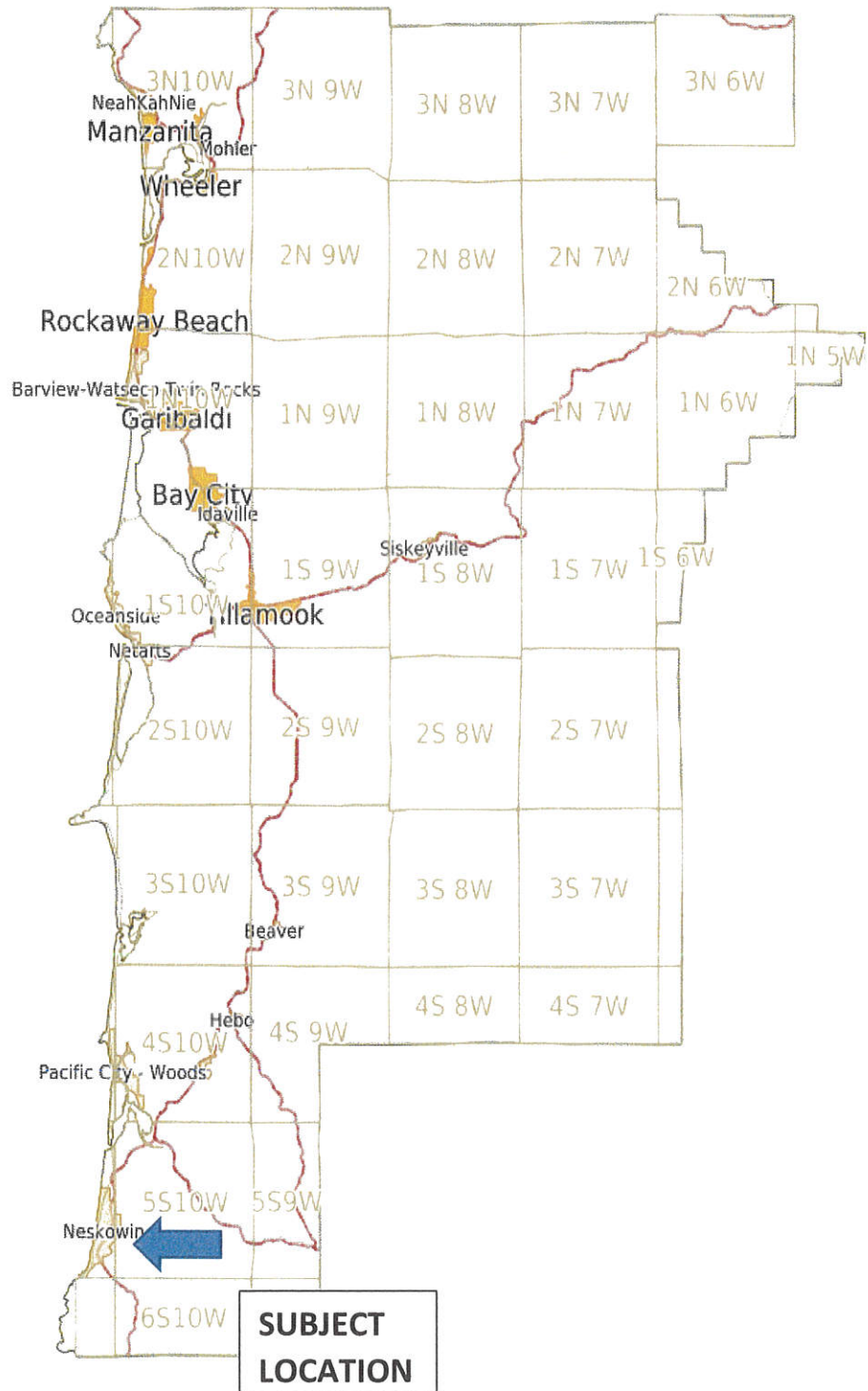
7. This approval expires if a Building Permit is not applied for within two (2) years of issuance of this approval.

Sincerely,  
Tillamook County Department of Community Development



Sarah Absher, CFM, Director  
Enc.: Vicinity, Assessor's and Zoning maps

# VICINITY MAP



**#851-21-000151-PLNG: BOCKO & HEBER  
RESOURCE ZONE EXCEPTION**



THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

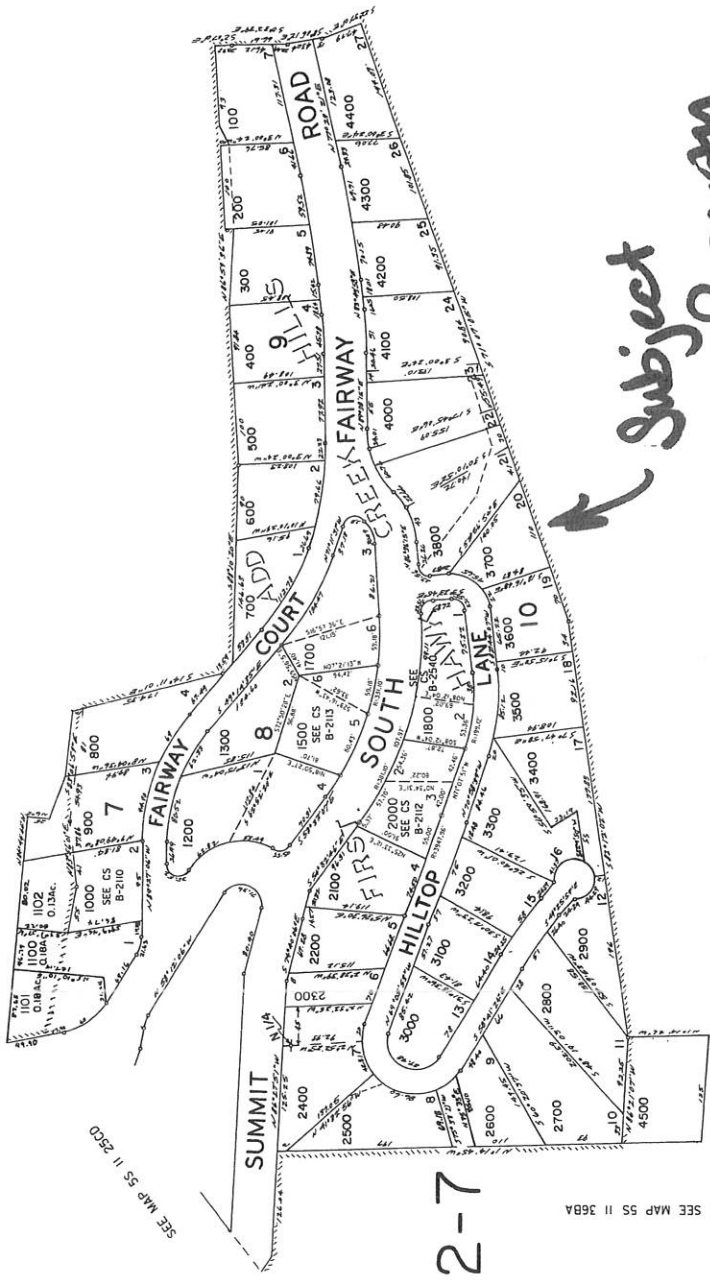
NW1/4 NE1/4 SEC. 36 T.5S. R.11W. W.M.  
TILLAMOOK COUNTY

5S 11 36AB  
HAWK CREEK  
HILLS

1" = 100'

CANCELLED NO.  
1400  
1600  
1900  
3900

SEE MAP 5S 11 25



22-7

SEE MAP 5S 11 36A

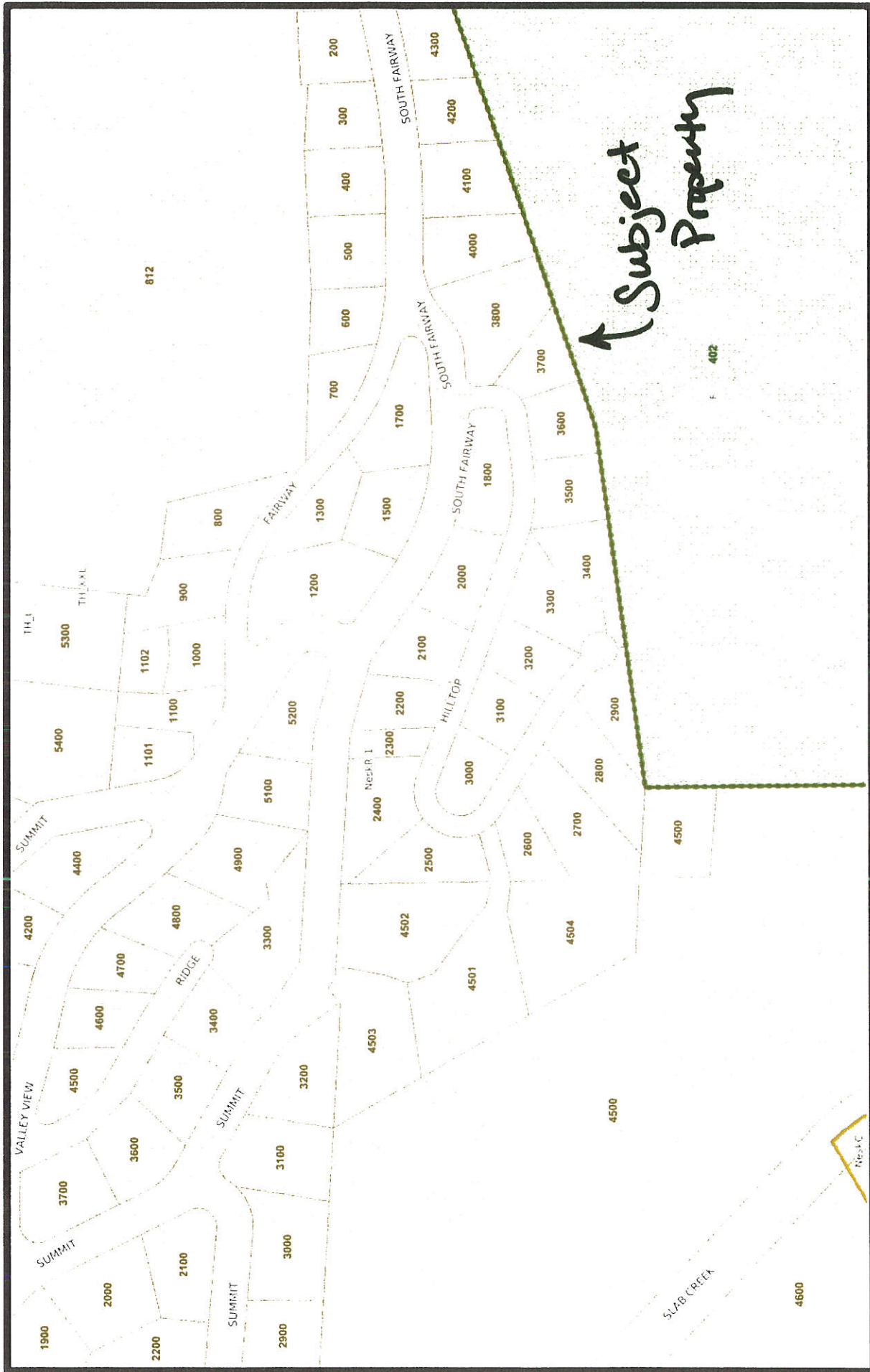
SEE MAP 5S 11 36

SEE MAP 5S 11 36

5S 11 36AB  
HAWK CREEK  
HILLS  
REVISED 01/06/05, KA



# Map





1510 Third Street Suite B  
Tillamook, Oregon 97141  
www.tillamook.or.us  
503-842-3408

*Land of Cheese, Trees and Ocean Breeze*

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**Resource Zone Exception #851-21-000151-PLNG: BOCKO/HERBER/CREEKSIDE HOMES  
Administrative Decision & Staff Report**

**Decision:** Approved with Conditions

**Decision Date:** September 13, 2021

**Report Prepared By:** Sarah Absher, CFM, Director

A handwritten signature in blue ink, appearing to read 'S Absher', is written over the printed name 'Sarah Absher, CFM, Director'.

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**I. GENERAL INFORMATION:**

**Request:** An exception request to reduce the required 100-foot resource zone setback from Forest (F) zone boundary by 80-feet to establish a 20-foot resource zone setback (rear yard southerly setback line) to allow the construction of a single-family dwelling.

**Location:** The subject property is located within the Neskowin Unincorporated Community, is accessed from Hilltop Lane, a local access road, and is designated as Tax Lot 3700 in Section 36AB of Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon.

**Zone:** Neskowin Low Density Residential (NeskR-1)

**Applicant:** Creekside Homes, P.O. Box 315, McMinville, OR 97128

**Property Owner:** Teri Bocko & Dan Heber, 4300 Colfax Ave 16, Studio City, CA 91604

**Description of Site and Vicinity:** County records indicate the subject property is irregular in shape, encompasses approximately 0.17 acres, consists of moderate and steep slopes in a downward south/southeasterly direction from Hilltop Lane, is vegetated and is unimproved (Exhibit A). There are no mapped wetlands and riparian features (Exhibit A). The subject property is accessed via Hilltop Lane, a local access road, and is within an area of geologic hazard (Exhibit A).

Properties to the north, west and east are also zoned Neskowin Low Density Residential (NeskR-1) and are generally developed with single family dwellings and accessory structures (Exhibit A). The property to the south is zoned Forest (F) and appears to be in Forest use (Exhibit A). FEMA Flood Insurance Rate Map 41057C1005F dated September 28, 2018, confirms the subject property is not located within an Area of Special Flood Hazard (Exhibit A).

## II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

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

- A. TCLUO Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone
- B. TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas

## III. ANALYSIS:

Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on July 12, 2021. No comments were received.

### A. **Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone**

**Section 3.322(4) Standards:** *Land divisions and development in the CSFR zone shall conform to the following standards, unless more restrictive supplemental regulations apply:*

*... No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100-foot requirement. In either case, all yard requirements in this zone.*

**Findings:** The subject property abuts Forest (F) zone boundary and Forest (F) zoned property to the south as depicted on the zoning map included in “Exhibit A”. The subject property is irregular in shape and has an average depth of 112-feet. Application of the 100-foot setback and the required 20-foot front yard setback results in no buildable depth for a residential structure on the subject property (Exhibit A).

Applicant provides a detailed analysis of the Variance criteria outlined in Section 8.030 of the TCLUO and a site plan (Exhibit B). The Applicant’s submittal confirms a dwelling could not otherwise be placed on the property without a Variance, the criteria responses further support that granting an Exception (or a Variance) is the only way the subject property can be developed with a residential structure, i.e. a single-family dwelling (Exhibit B).

Staff finds that a residential structure could not otherwise be placed on the subject property without requiring a variance to the 100-ft setback due to the location of the Forest (F) zone boundary and the depth of the subject property and that an exception to the 100-foot resource zone setback must be granted to allow construction of a residential structure on the subject property (Exhibit B). Staff also finds that the Applicant’s submittal demonstrates that applicable criteria to provide relief to the resource setback requirement have been met (Exhibit B).

Staff concludes the relevant criteria have been met and can be met through the Conditions of Approval. Staff also concludes all other applicable development standards of the NeskR-1 Zone outlined in TCLUO Section 3.322(4) including side and front yard setbacks can be maintained can be met.



**B. TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas**

TCLUO Section 4.130(1)(b) identifies landslide topography identified in DOGMI bulletins 74 and 79 where slopes are greater than 19 percent as a Geologic Hazard Area subject to the standards of TCLUO Section 4.130.

Staff finds that as a Condition of Approval, a Geologic Hazard Report prepared in conformance with the standards of TCLUO 4.130 shall be submitted to this Department for review and approval prior to applying for Zoning and Building Permits if property slopes exceed 19%.

Staff finds that the compliance can be met through Conditions of Approval.

**IV. DECISION: APPROVED WITH CONDITIONS**

Staff concludes that the applicant has satisfied the review criteria and can meet all applicable ordinance requirements at the time of application. Therefore, Staff approves this request for an exception to the Forest (F) zone setback requirement subject to the Conditions of Approval in Section V of this report. This approval does not address any additional development of the subject property.

By accepting this approval, the applicant and property owner agrees 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 /property owner shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed construction.

**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 September 27, 2021.**

**V. CONDITIONS OF APPROVAL:**

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

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Residential development shall maintain a 20-foot setback from the southerly (rear) property line and the Forest (F) resource zone boundary as shown on the site plan included in "Exhibit B". Development shall otherwise comply with the applicable standards and requirements of TCLUO Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone.
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A covenant to the deed shall be required, informing that intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use and limiting pursuance of a claim for relief or cause of action of alleging injury from farming or forest practices. A copy of the recorded covenant included as 'Exhibit C' shall be provided at the time of applying for Building and Zoning Permits.

7. This approval expires if a Building Permit is not applied for within two (2) years of issuance of this approval.

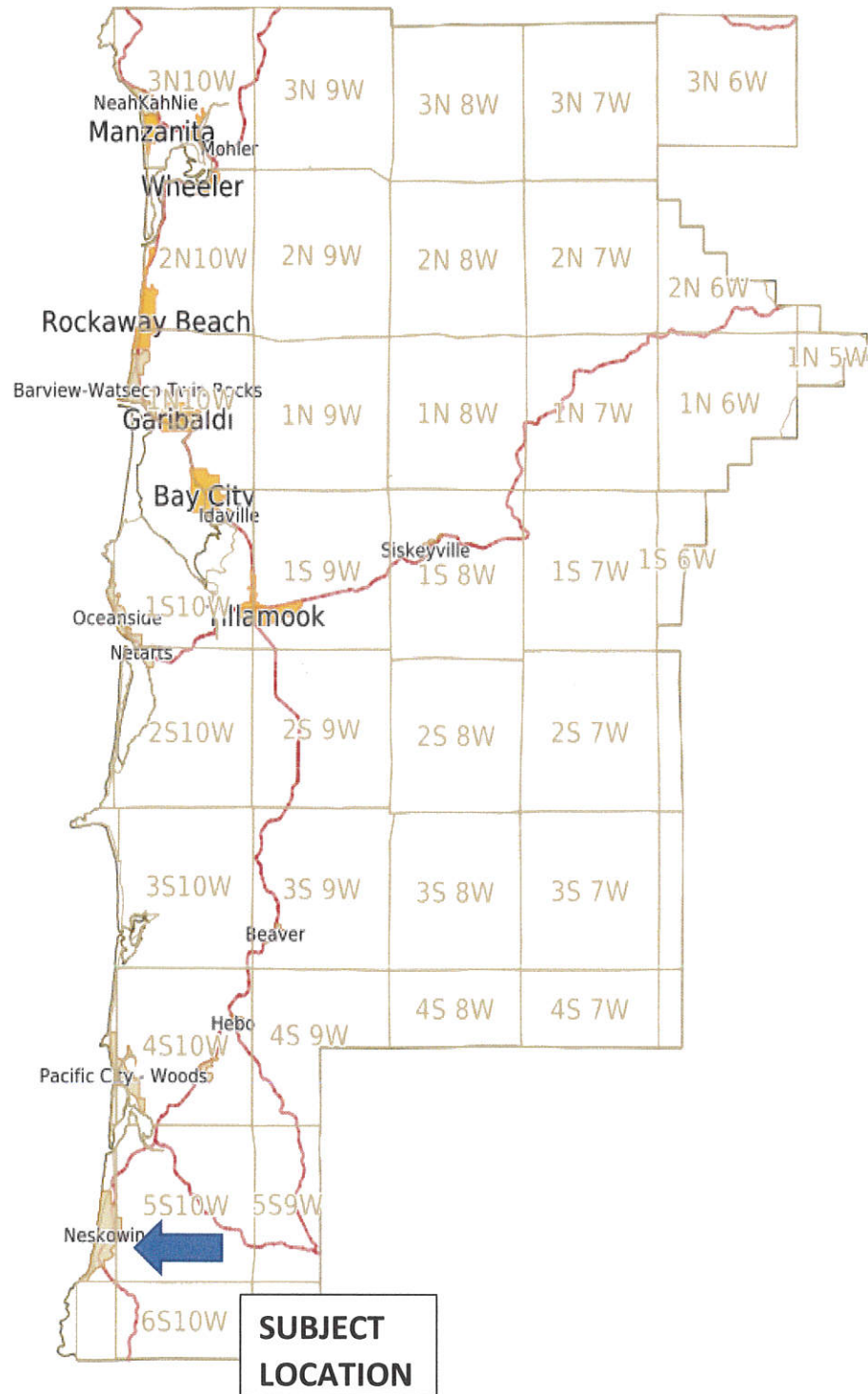
## **VI. EXHIBITS**

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

- A. Vicinity map, Assessor map, Zoning map, Assessor's Summary Report
- B. Applicant's submittal
- C. Required Restrictive Covenant: Farm Forest Practices

# EXHIBIT A

# VICINITY MAP



**#851-21-000151-PLNG: BOCKO & HEBER  
RESOURCE ZONE EXCEPTION**





**#851-21-000151-PLNG: BOCKO & HEBER  
RESOURCE ZONE EXCEPTION**



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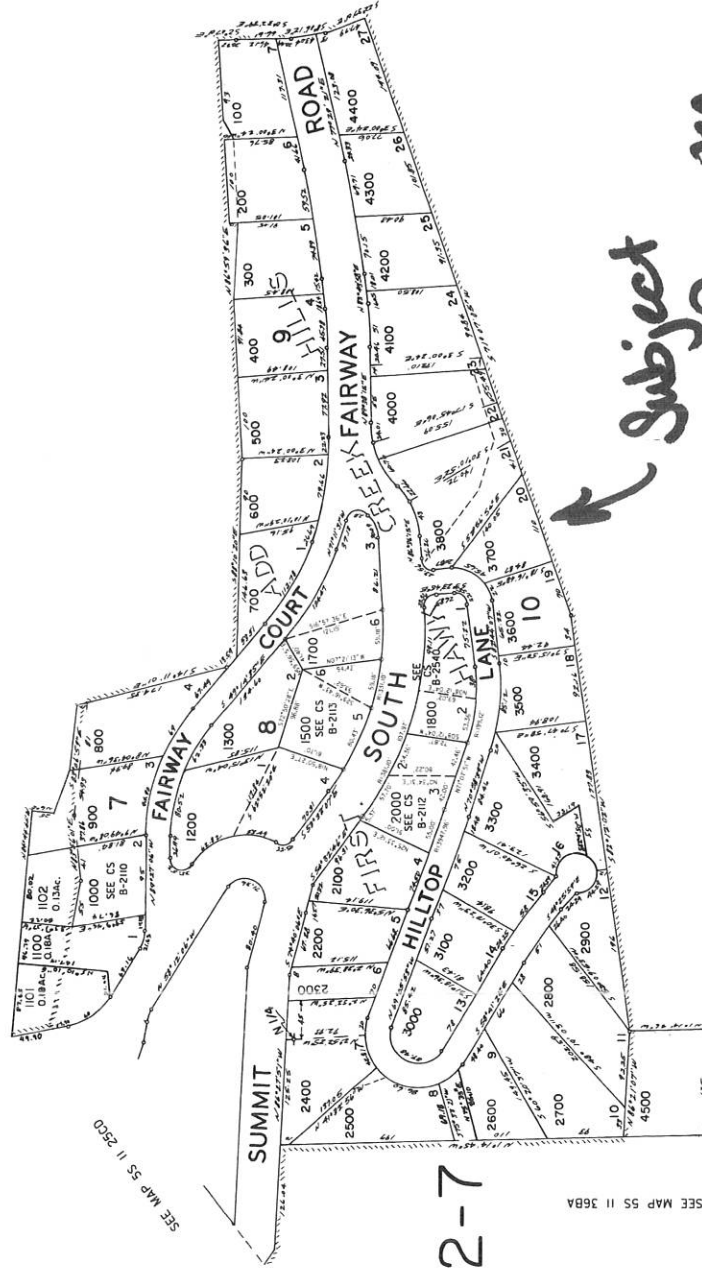
NW1/4 NE1/4 SEC. 36 T.5S. R.11W. W.M.  
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SEE MAP 55 II 25



SEE MAP 55 II 36

SEE MAP 55 II 36BA

22-7

SEE MAP 55 II 36

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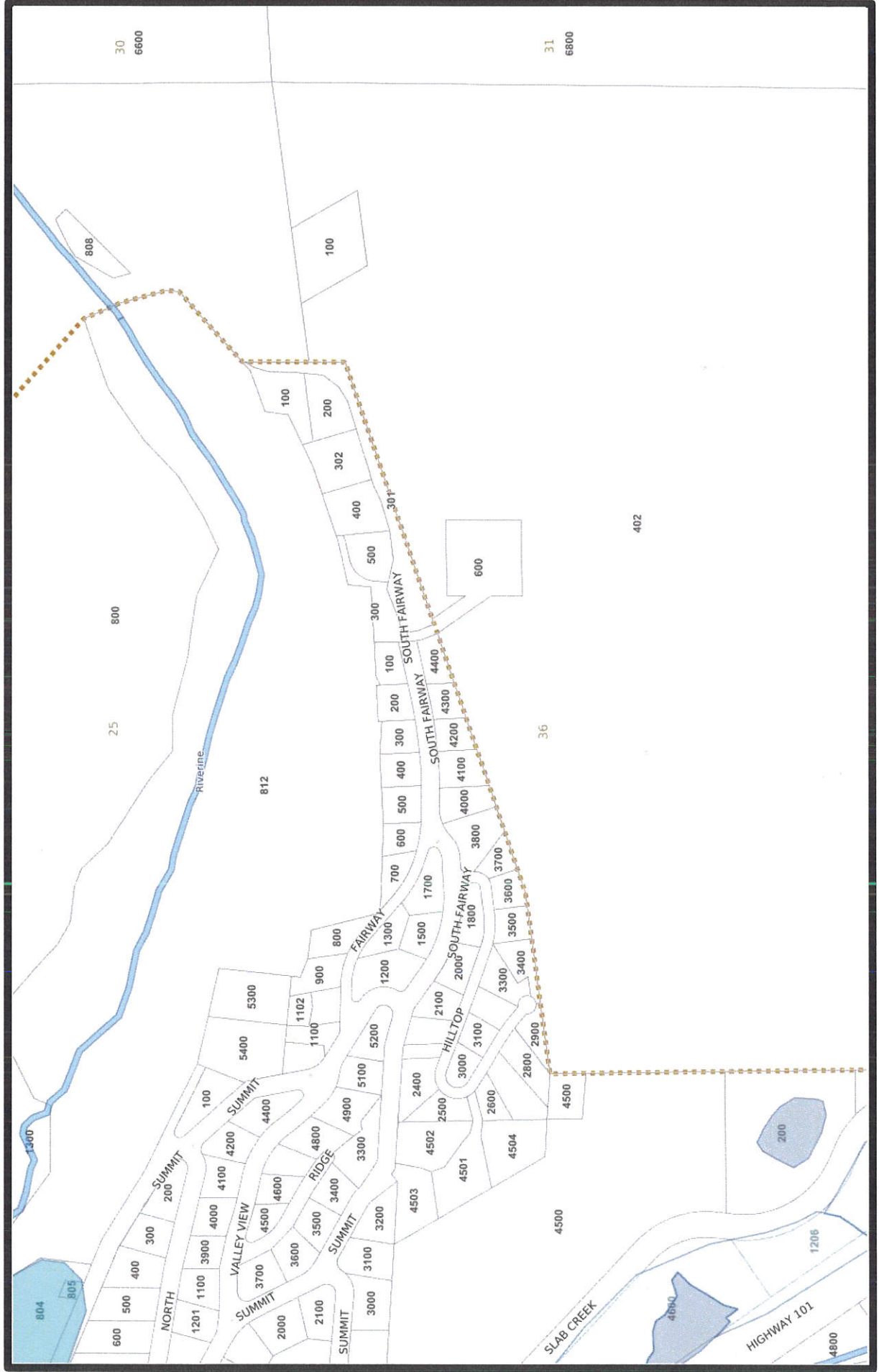
REVISED 01/06/05, KA

# Map





# Map

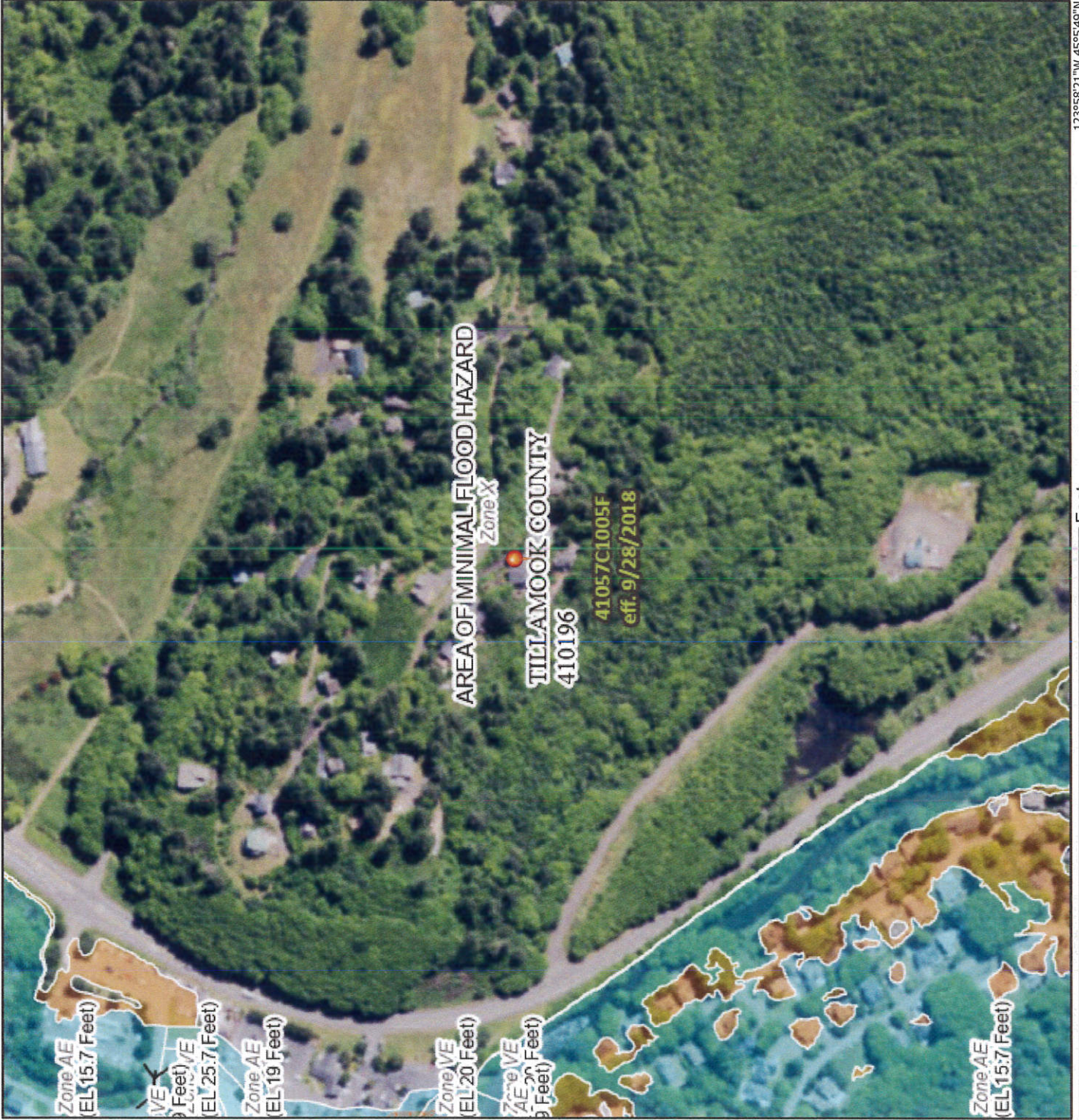




# National Flood Hazard Layer FIRMette



123°58'58"W 45°6'14"N



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

123°58'21"W 45°5'49"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, AP
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee, See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

**OTHER AREAS**

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

**GENERAL STRUCTURES**

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

**OTHER FEATURES**

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 9/13/2021 at 5:16 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



## PLANNING APPLICATION

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

Name: Creekside Homes Phone: 503-560-0915 503-389-6890

Address: PO Box 315

City: McMinnville State: OR Zip: 97128

Email: aburton@creeksidehomes.net; office@creeksidehomes.net

### Property Owner

Name: Teri Bocko & Dan Heber Phone:

Address:

City: State: Zip:

Email: teribocko@gmail.com; dheber86@gmail.com

OFFICE USE ONLY	
Date Stamp	<b>RECEIVED</b> MAY 05 2021 BY: .....
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: SS	
Receipt #:	
Fees: 615.00	
Permit No: 851-21-00251 -PLNG	

Request: new home construction

### Type II

- Farm/Forest Review
- Conditional Use Review
- Variance
- Exception to Resource or Riparian Setback
- Nonconforming Review (Major or Minor)
- Development Permit Review for Estuary Development
- Non-farm dwelling in Farm Zone
- Foredune Grading Permit Review
- Neskowin Coastal Hazards Area

### Type III

- Appeal of Director's Decision
- Extension of Time
- Detailed Hazard Report
- Conditional Use (As deemed by Director)
- Ordinance Amendment
- Map Amendment
- Goal Exception

### Type IV

- Appeal of Planning Commission Decision
- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

### Location:

Site Address: Hilltop Ln Neskowin, OR 97149

Map Number: 5S 11W 36AB 03700

Township

Range


Section

Tax Lot(s)

Clerk's Instrument #: \_\_\_\_\_

### 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. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

 Daniel C. Heber

05 / 05 / 2021

Property Owner Signature (Required)

Date

  
Andrew Burton

5/5/2021

Applicant Signature

Date



# Creekside Homes Inc.

*Build. Dream. Thrive*



## *Type II Variance applicant for Bocko-Heber Build*

APPLICANT: Creekside Homes  
OWNER: Teri Bocko and Dan Heber  
LOCATION: Hawk Creek Hills Hilltop Ln Neskowin, OR 97149, Tax Map #5S 11W 36AB 03700  
ZONING: Neskowin Low Density Residential Zone (NESK R-1)  
LAND USE: New Home Construction

### INTRODUCTION:

This is an application on behalf of Teri Bocko and Dan Heber, by Creekside Homes to allow a variance to reduce the required 100' setback from the Forest Zone Boundary. We propose a variance from the 100' setback to approximately 44' at the east corner of the property and approximately 20' at the south corner of the property.

The purpose of the variance is to allow construction of a new home on the property. The "building envelope" created by the current setback standards would only allow a structure less than 17' deep from Hilltop Rd to meet the 100' setback. However, in accordance with Section 4.110.4 Hawk Creek Hills: front yards in the Hawk Creek Hills and the First Addition to Hawk Creek Hills Subdivisions need to exceed 5 feet, this will limit the home to approximately 12' deep.

The proposed setback variance will not interfere with the rights of adjoining property owners, outlined in Section 4.005 Residential and Commercial Zone Standards:

1. To ensure the availability of private open space;
  - a. The proposed location of the home maximizes open space and preserving the surrounding vegetation.
2. To ensure that adequate light and air are available to residential and commercial structures;
  - a. The location of the proposed home location is positioned to maximize the slope and provide adequate light and air to the house.
3. To adequately separate structures for emergency access;
  - a. The location of the home and driveway has been reviewed by Nestucca Rural Fire Protection District and notates the road access is passable for Emergency Vehicles.
4. To enhance privacy for occupancy of residences;
  - a. The location of the proposed home enhances the privacy of neighbors, unlike if the 100' setback was enforced, the home would be extremely close to the road.
5. To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops,



# Creekside Homes Inc.

*Build. Dream. Thrive*

- garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;
- a. The proposed placement of the home takes advantage of the open space, while allowing for parking and emergency vehicle access.
6. To ensure that driver visibility on adjacent roads will not be obstructed;
    - a. The proposed location of the home will have the least impact on driver visibility. It would not be in the line of sight of any driver, is not located near an intersection and would not block the view of any driver.
  7. To ensure safe access to and from common roads;
    - a. The proposed location of the home will have the least impact on driver visibility.
  8. To ensure that pleasing views are neither unreasonably obstructed nor obtained;
    - a. The proposed location of the home would be as distant as possible from Hilltop Ln and would not interfere with neighboring views.
  9. To separate potentially incompatible land uses;
    - a. The proposed home is compatible with the development of the Hawk Creek Hills neighborhood.
  10. To ensure access to solar radiation for the purpose of alternative energy production;
    - a. Although currently not planned for, the proposed home location would take advantage of western sun exposure.

Section 8.030 Review Criteria, a variance shall be granted, according to the procedures set forth in Section 8.020, if the applicant adequately demonstrates that the proposed variance satisfies all of the following criteria:

1. Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.
  - a. Taking into consideration, the 100' setback would exclude the enjoyment of the property, which the majority of landowners within Hawk Creek Hills enjoy.
2. A variance is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.
  - a. We feel that a variance is necessary to accommodate the house, which is reasonable expectation for this property.
3. The proposed variance will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.
  - a. The proposed location of the home will preserve the rights of adjoining property owners to the expectation of privacy and enjoyment of their own land.





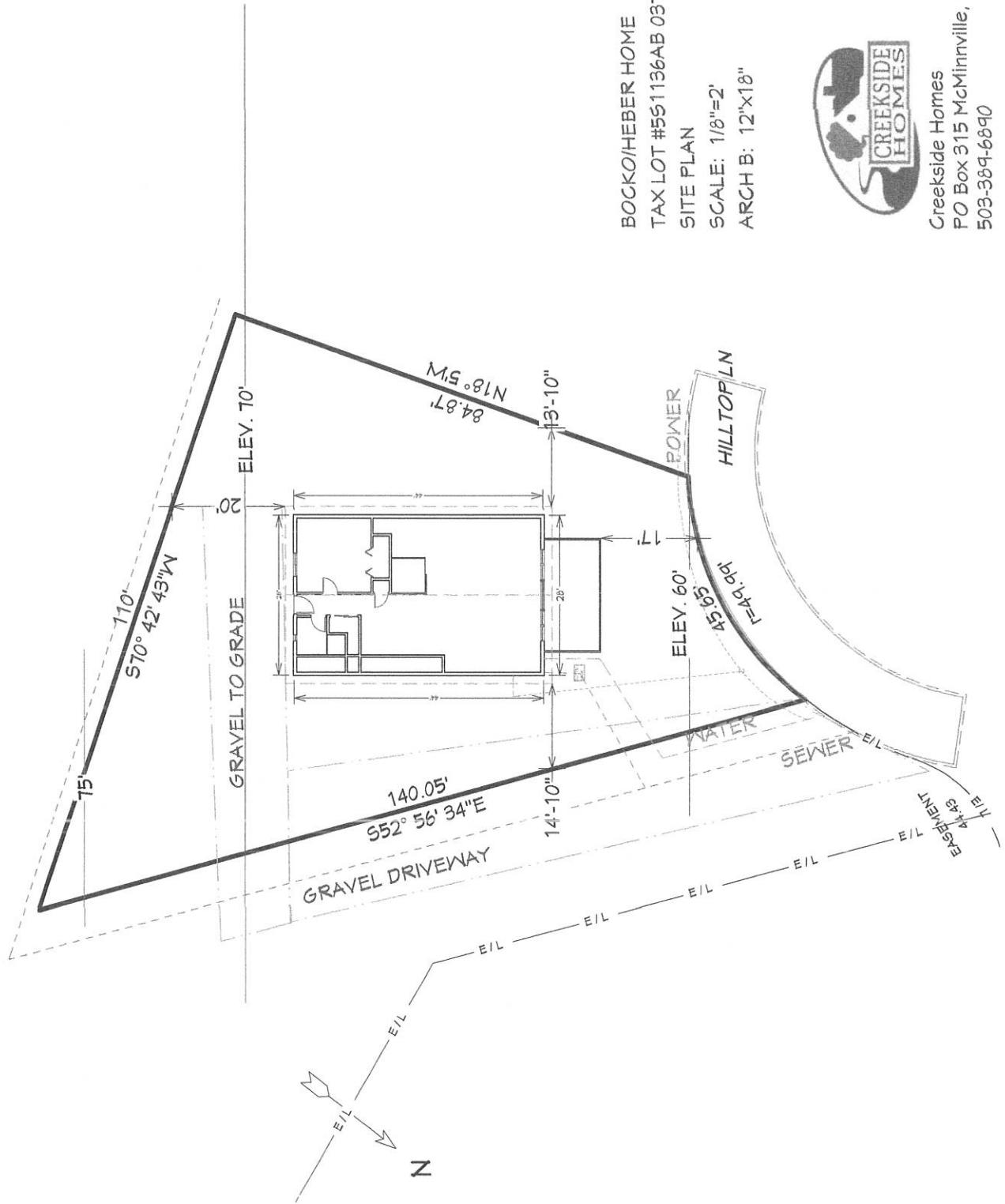
## **Creekside Homes Inc.**

*Build. Dream. Thrive*

4. There are no reasonable alternatives requiring either a lessor or no variance.
  - a. Due to the 100' setback requirement, this would limit the size of house considerably, placing it much closer to Hilltop Ln, and would limit the expectation of what the land was purchased for.

### SUMMARY:

We are requesting a variance of the 100' setback for our clients, as they have a reasonable expectation to be able to use the land they purchased as intended, to build a home. If the 100' setback is kept in place and no variance is permitted, this essentially renders the property useless for building any type of home, as it would limit the depth to approximately 12'. The proposed location is the best option and minimizes the need for other setbacks, while preserving greenery, open space, driver safety and minimizing public impact. We believe the variance is justified and we thank the County for their consideration of this matter.



BOCKO/HEBER HOME  
 TAX LOT #551136AB 03T00  
 SITE PLAN  
 SCALE: 1/8"=2'  
 ARCH B: 12"x18"



Creekside Homes  
 PO Box 315 McMinnville, OR 97128  
 503-384-6890

# EXHIBIT C



**INSTRUCTIONS FOR FILING RESTRICTIVE COVENANT  
FOR THE CREATION OF A PARCEL OR PLACEMENT OF A DWELLING  
ADJACENT TO LAND ZONED FOR FARM OR FOREST USE**

1. This acknowledgment is required when the County permits the creation of parcels or the location/placement of dwellings adjacent to an area designated by the County as farm or forest lands (F, F-1, SFW-20).
2. Obtain the legal description of the subject property as it's recorded in the Tillamook County Deed Records. This is what is referred to as Exhibit A and must accompany the affidavit/covenant.
3. The attached affidavit/covenant must be filled out showing the names of ALL current property owners who appear on the property deed or contract, and signed before a Notary Public. Community Development has Notaries that can provide the service for free.
4. Once the affidavit/covenant is signed and notarized with the attached legal description, bring these to the Tillamook County Clerk's office to be recorded. **The Clerk's will charge a recording fee.** Please contact the Clerk's office at (503)842-3402 for current fees.
5. **A copy of the recorded and notarized affidavit/covenant will be given to DCD to put on file.**
6. If you have any questions about the affidavit/covenant, or the recording procedure, please contact the Department of Community Development Staff at (503)842-3408 x3410.

After Recording Return To:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RESTRICTIVE COVENANT**

\_\_\_\_\_  
(GRANTORS) are the owners of real property described as follows:

**PROPERTY LEGAL DESCRIPTION attached as Exhibit A hereto and incorporated by reference**

Do hereby promise and covenant as follows:

The property herein described is situated adjacent to a Farm or Forest resource zone such as F, F-1, or SFW-20 zones in Tillamook County, Oregon where the intent is to encourage farm and forest use and minimize conflicts with those uses. The owners/residents of this parcel understand that on the adjacent land customary and accepted farm or forest management practices, conducted in accordance with federal and state laws, ordinarily and necessarily produce noise, dust, smoke, odors, the application of manure, fertilizers, or herbicides (including aerial spraying), road construction, changes in view, and other impacts related to a resource zone.

I/We do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a structure in this area and shall not pursue a claim for relief or cause of action of alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or ORS 30.937.

This covenant shall run with the land and is intended to and hereby shall bind my/our heirs, assigns, lessees, and successors and it can not be deleted or altered without prior contact and approval by the Tillamook County Department of Community Development (GRANTEE) or its successor.

IN WITNESS WHEREOF, the said Party has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Names

State of \_\_\_\_\_, County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_

SEAL

\_\_\_\_\_  
Notary Public of Oregon