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Tillamook, Oregon 97141
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Land of Cheese, Trees and Ocean Breeze

CONDITIONAL USE REQUEST #851-21-000213-PLNG: AGUIAR

*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: September 15, 2021

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

#851-21-000213-PLNG: A Conditional Use request for the placement of a dwelling not in conjunction with a farm use. Accessed via Moss Creek Road, a County road, the subject property is designated as Tax Lot 300 of Section 14, Township 1 North, Range 10 West, W.M., Tillamook County, Oregon. The subject property is zoned Farm (F-1). The Applicant and Property Owner is Manuel Aguiar.

Written comments received by the Department of Community Development prior to 4:00 p.m. on September 29, 2021, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision.

Notice of the application, a map of the subject area, and the applicable criteria are being mailed to all property owners within 750-feet of the exterior boundaries of the subject property 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 decision will be made on or after September 30, 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.

If you have any questions about this application, please call the Department of Community Development at 503-842-3408 x 3317 or sabsher@co.tillamook.or.us.

Sincerely,

Sarah Absher, CFM, Director

Enc. Maps
Applicable Ordinance Criteria

REVIEW CRITERIA

SECTION 3.002: FARM ZONE (F-1)

SECTION 3.002(5) CONDITIONAL USE REVIEW CRITERIA

An applicant for a use permitted in Table 1 must demonstrate compliance with the following criteria and with the Conditional Use Criteria in Article 6 Subsection 040.

- (a) The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- (b) The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

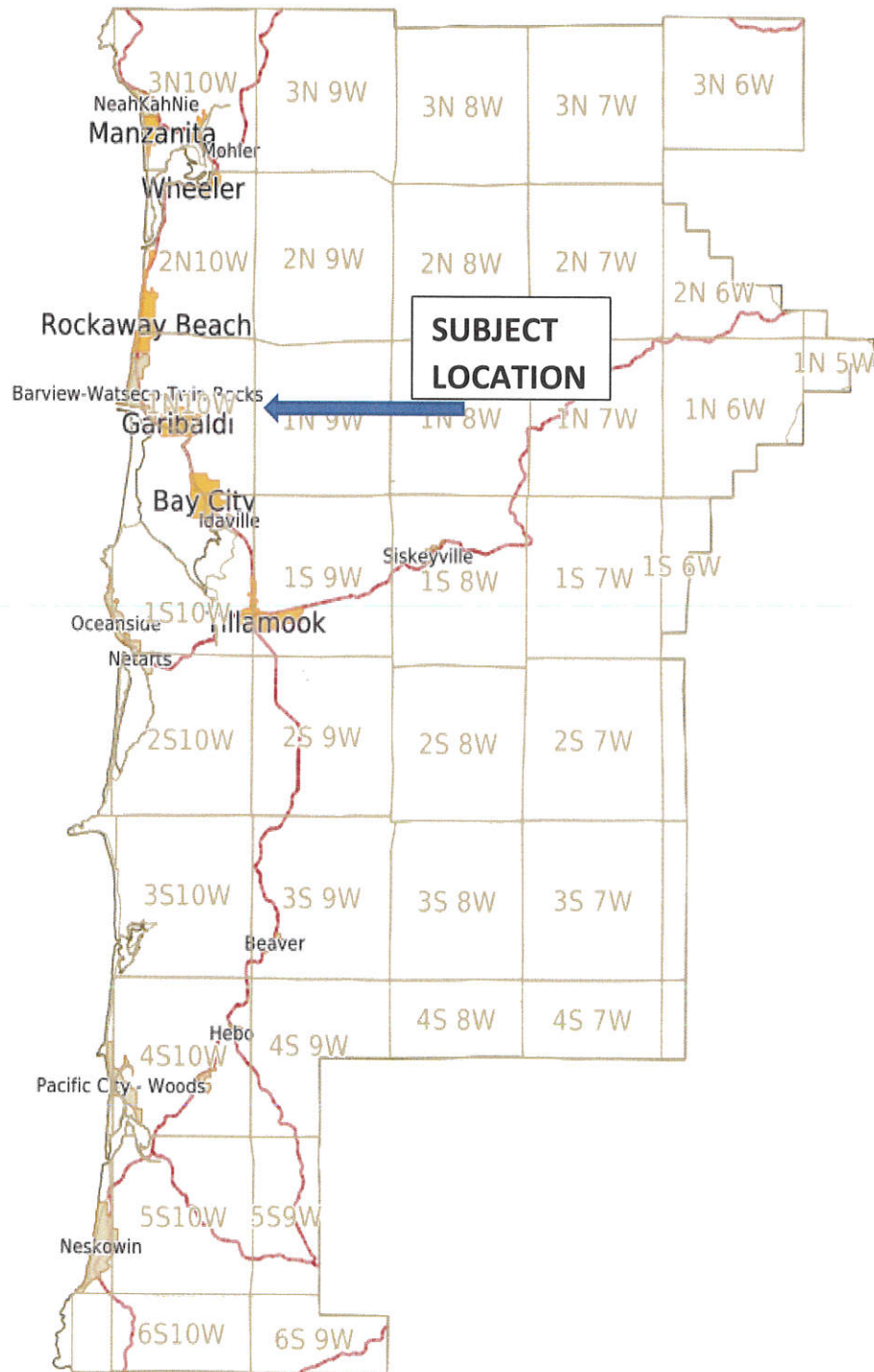
ARTICLE VI CONDITIONAL USE PROCEDURES AND CRITERIA

SECTION 6.040: REVIEW CRITERIA

Any CONDITIONAL USE authorized according to this Article shall be subject to the following criteria, where applicable:

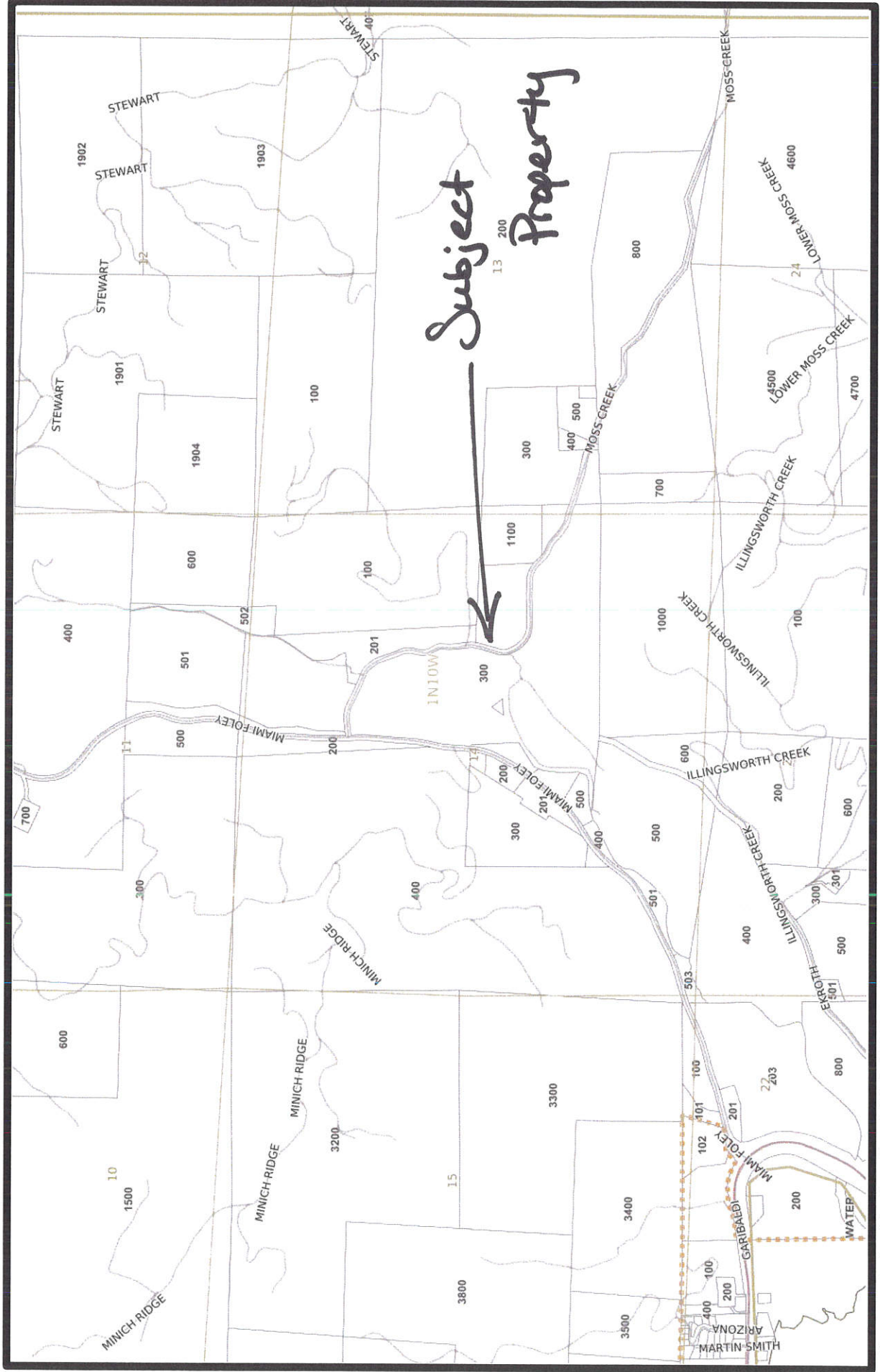
- (1) The use is listed as a CONDITIONAL USE in the underlying zone, or in an applicable overlying zone.
- (2) The use is consistent with the applicable goals and policies of the Comprehensive Plan.
- (3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.
- (4) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.
- (5) The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.
- (6) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

VICINITY MAP

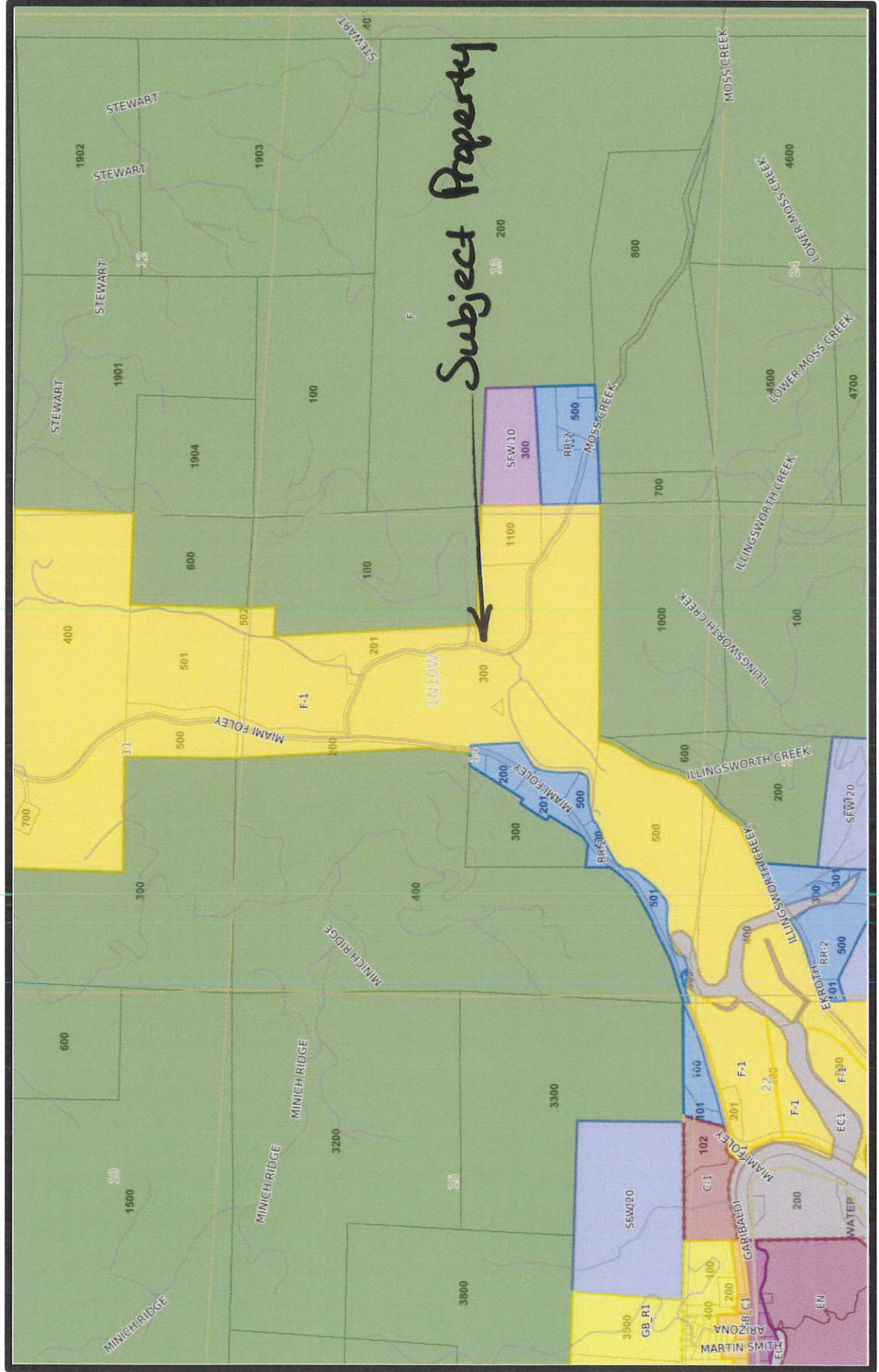


#851-21-000213-PLNG: AGUIAR NON-FARM DWELLING

Map



Map





Tillamook County Department of Community Development
 1510-B Third Street, Tillamook, OR 97141 | Tel: 503-842-3408 Fax: 503-842-1819
www.co.tillamook.or.us

PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: Manuel Aguiar Jr. * Phone: 530-321-3961
 Address: 15555 Moss Creek Road
 City: Bay City State: OR Zip: 97107
 Email: aguiardairy@gmail.com

Property Owner

Name: Phone:
 Address:
 City: State: Zip:
 Email:

OFFICE USE ONLY	
Date Stamp	RECEIVED JUN 07 2021 BY: <i>Manuel Aguiar</i>
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	<i>SS</i>
Receipt #:	<i>120440 + 120439</i>
Fees:	<i>1743.00</i>
Permit No:	851-21-00213-PLNG

Request: Nonfarm dwelling

* and Catherine Aguiar

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
- Fore-dune 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:

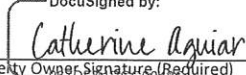
Site Address: 15595 Moss Creek Road, Bay City, OR 97107

Map Number:	1N	10	14	300
	Township	Range	Section	Tax Lot(s)

Clerk's Instrument #: 2014-005412

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.

DocuSigned by:

 Catherine Aguiar
 Property Owner Signature (Required) _____ Date 5/11/2021

Applicant Signature _____ Date _____



Advising Tillamook County for over 40 years

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✉ michael@albrightkittell.com

🌐 www.albrightkittell.com

May 10, 2021

Attn: Sarah Absher, Director
Tillamook County Dept. of Comm. Dev.
1510-B Third Street
Tillamook, OR 97141

PERSONAL DELIVERY

Re: *Aguiar Applications*

Dear Ms. Absher:

Please find enclosed the Planning Application for a Dwelling Not in Conjunction with Farm Use, and an Application for Primary Farm Dwelling. Also enclosed are the following checks for your office's processing of these applications: (1) \$1,637.00, (2) \$737.00, and (2) \$212.00 for Tillamook County Public Works.

The application to partition will be filed separately.

I request that you please process these applications as quickly as possible. Please let me know if you have any questions or concerns.

Sincerely,

ALBRIGHT KITTELL PC

MICHAEL KITTELL*

Encls.

Cc: Cathy & Manual Aguiar (w/ encls.)

* Licensed in Oregon and Washington

APPLICATION STATEMENT

(Application for Nonfarm Dwelling)
(Application for Accessory Farm Dwelling)
(Application to Partition Farmland)

Part 1 GENERAL INFORMATION

Applicants and Owner:

Catherine Aguiar and Manuel Aguiar, Jr. are the applicants and owners of the Subject Property (defined below) (together, "Applicants" or "Owners"). The Applicants are the owners and operators of the Aguiar dairy farm.

Subject Property:

The Subject Property is located along and between Moss Creek Road and Miami Foley Road, about 1.8 miles from the intersection of Miami Foley Road and Hwy 101, in Tillamook County, OR. The Subject Property is identified as map and tax lot 1N1014-00-00300 ("Subject Property"). According to the Tillamook County Assessor, the Subject Property is 123.72 acres in size and is primarily under farmland assessment; 32 acres are under forest assessment, which areas are shown in the map provided by the Tillamook County Assessor's Office, attached as Exhibit A. The Subject Property is zoned entirely Farm (F-1), is located directly next to and east of Miami River, and directly south of the intersection of Miami Foley Road and Moss Creek Road. The Subject Property abuts a Forest (F) and Farm (F-1) zones to the south, Woodlot 10-Acre (SFW-10) and Rural Residential 2-acre (RR-2), and F zones to the east, RR-2 and F zones to the west, and F-1 and F zones to the north.

The Applicants have owned the Subject Property since 2014. The Subject Property has been used for farming purposes for decades, and the Applicants have used the Subject Property for the operation of their farm since 2014.

The Subject Property is improved with two residential structures as well as farm-related structures and improvements. This Application concerns the existing single-family dwelling located at 15595 Moss Creek Rd in Tillamook County, Oregon ("15595 Dwelling"). Upon information and belief, it has been used for residential purposes (both farm and nonfarm related) since its original construction. It is currently used for non-farm residential purposes and has been for many years. Attached as Exhibit B is a Google Earth image of the Subject Property, and attached as Exhibit C is a Google Earth image of the 15595 Dwelling and

immediate surroundings. Photographs of the 15595 Dwelling and immediate surroundings, as well as of Moss Creek Road near the 15595 Dwelling, are attached as Exhibit D.

The Subject Property also contains a second single-family dwelling located at 15555 Moss Creek Rd. ("15555 Dwelling"). The Applicants currently reside in the 15555 Dwelling.

With the exception of the 15595 Dwelling, the Subject Property is currently employed for farming purposes. The Applicants have operated the onsite farm since on or about 2014. However, the 15595 Dwelling and adjacent areas have not been used for farming purposes, as these areas – including any areas east of 15595 Dwelling – are poor for farming primarily because the soils are unsuitable, any potential area that could be used as a field in that area is too steep for productive farming, is too small in size, and is disconnected from the rest of the farm (reachable only after a long walk for the cows), there is little sun exposure, and Moss Creek has eroded in that area which makes livestock access dangerous.

Attached as Exhibit E is a USDA Web Soil Survey image of the 15595 Dwelling and the area surrounding it. The soils on or around the 15595 Dwelling are poor for farming. The 15595 Dwelling sits mostly upon Klootchie-Necanicum complex soils (symbol 20D), with a land capability classification of 6e. A small portion of the 15595 Dwelling sits upon Klootchie-Necanicum complex soils (symbol 20E), which has a land capability classification of 6e.

Regarding the remainder of the Subject Property, Exhibit F shows the applicable soil designations. Essentially, there are two predominant soil sections. The first area is comprised of the southeast region of the Subject Property. This area is at the edge of the Miami River Valley, abutting and including forestland sloping upwards towards the south. This area is comprised primarily of the following four soils: 1) Klootchie-Necanicum complex soils (symbol 20E), which has a land capability classification of 6e; 2) Necanicum-Ascar-Klootchie complex soils (symbol 21F), which has a land capability classification of 7e; 3) Klootchie Necanicum complex soils (symbol 20D), which has a land classification of 6e; and 4) Wolfer medial silt loam soils (56B), which has a land capability classification of 3e.

The second section is comprised of the north and west region of the Subject Property. This area is within the Miami River Valley. It is composed of predominately of Gauldy Complex complex soils (symbol 93B), Logsdon Silt Loam complex soils (symbol 170A), which has a land capability classification of 2c, Nestucca-Brenner Silt Loams (symbol 77A), which has a land capability classification of 4w, and Nehalem Silt Loam (symbol 74A) soils, which has a land capability classification of 2w.

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Requests:

This Application Statement is submitted as support for three separate land use requests:

1. Designation of the 15595 Dwelling as a dwelling not in conjunction with farm use pursuant to Tillamook County Land Use Ordinance ("TCLUO") 3.002(9);
2. Designation of the 15555 Dwelling as a Primary Farm Dwelling under TCLUO Section 3.002(6)(d); and,
3. To partition the area around the 15595 Dwelling from the Subject Property, pursuant to TCLUO Section 3.002(14)(c).

The applications for these requests are filed simultaneously. This Application Statement will address each request in turn.

APPLICATION FOR NONFARM DWELLING

Applicable Ordinance and Comprehensive Plan Provisions

TCLUO § 3.002(9)

TCLUO § 3.002(9) permits the placement of a dwelling not in conjunction with farm use (*i.e.* a nonfarm dwelling) if the elements described in this Section are satisfied.

o TCLUO 3.002(9)(a)(1)

The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.

Upon information and belief, the 15595 Dwelling has been used for nonfarm residential purposes for the past many years, if not decades; consequently, the continued use of the 15595 Dwelling for nonfarm residential purposes will not "force a significant change in or increase the costs of accepted farming . . . practices on nearby lands" because there will be no change whatsoever in the use of this dwelling as a result of this application.

Additionally, the Applicants are the owners of the nearby farming land and are therefore the farming operators who would most impacted by the "dwelling or activities

associated with the dwelling” that result from this application (of course, as discussed above, there will be no impact or change in impact as a result of this application). The Applicants hereby assert that this application for a nonfarm dwelling designation will not “force a significant change in or significantly increase the cost” of farming in the area; indeed, no change will occur.

o TCLUO 3.002(9)(a)(2):

- a. *The dwelling is situated upon a new parcel, or a portion of an existing lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A new parcel or portion of an existing lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and*
- b. *A new parcel or portion of an existing lot or parcel is not “generally unsuitable” simply because it is too small to be farmed profitably by itself. If a new parcel or portion of an existing lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then the new parcel or portion of the existing lot or parcel is not “generally unsuitable”. A new parcel or portion of an existing lot or parcel is presumed to be suitable if is composed predominantly of Class I-IV soils. Just because a new parcel or portion of an existing lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use;*

The area immediately surrounding the 15595 Dwelling is comprised entirely of soils identified by the Natural Resources Conservation Service Web Soil Survey as Klootchie Necanicum complex (symbols 20D and 20E), both of which have a land capability classification of 6e. These soils are a Class VI soil and cover approximately 12.1 acres of area around which the 15595 Dwelling is located. The 15595 Dwelling is therefore not presumed to be suitable for farming; in fact, according to the Natural Resources Conservation Service Soils Classification, Class VI soils “have severe limitations that make them generally unsuited to cultivation and that limit their use mainly to pasture, range, forestland, or wildlife food and cover.” E.g. <https://www.ars.u-sda.gov/ARUserFiles/np215/Food%20security%20talk%20inputs%20Lunch%203-15-11.pdf> (last visited on March 24, 2021).

In addition to poor soil cover for the production of farm crops and livestock, the 15595 Dwelling is also subject to significant natural and practical barriers for usage with an on-site or off-site commercial farming operation, summarized as the following:

- Most obviously, the 15595 Dwelling already exists in fact, and conversion of the area on which the 15595 Dwelling is located for farming purposes would cause immense waste and require significant expense.
- Satellite images attached as Exhibit G show that use of the 15595 Dwelling and surrounding areas has been consistent for at least the past 25 years, and that this area has not been used for farming purposes. If the 15595 Dwelling and immediate surroundings were suitable for farming purposes, then those areas would have inevitably been used for farming purposes in the past 25 years given the adjacent farm (under the same ownership).
- The areas immediately surrounding the 15595 Dwelling are separated from both the main farm area and Moss Creek Road by significant increase in elevation, as shown in the topographic maps attached as Exhibit H.
- Immediately south of the 15595 Dwelling is a large expanse of land zoned F that rises up in elevation; the land to the south is owned by the State of Oregon and is sloped northward at a severe angle. The area immediately surrounding the 15595 Dwelling is not forested, and so has no apparent forestry resource value.
- The 15595 Dwelling is located close to developed RR-2 and SFW-10 land (to the east), Miami Foley Rd and Miami River (to the west), freshwater emergent wetland to the south and west, flood hazard area to the southeast, east, and north, and additional developed RR-2 land to the west, all of which present significant barriers to effective integration or use of the area on which the 15595 Dwelling in conjunction with an onsite or offsite farming operation.
- The area immediately east of 15595 Dwelling is poor for farming primarily because the soils are unsuitable, any potential area that could be used as a field in that area is too steep for productive farming, is too small in size, and is disconnected from the rest of the farm (reachable only after a long walk for the cows), there is little sun exposure, and Moss Creek has eroded in that area which makes livestock access dangerous.

The area on which the Existing Dwelling is located is also a poor candidate for the cultivation of merchantable tree species given the soil limitations, but also due to the same limitations described in the preceding bullet-points. The nearest Forest-zoned property is nearly 600 feet to the south.

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o TCLUO 3.002(9)(a)(3):

The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in subparagraphs 3.a through c. If the application involves the creation of a new parcel for the nonfarm dwelling, a county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in subparagraphs 3.a through c.

- a. *Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;*

The study area identified by the Applicants is shown on Exhibit I and includes an area of roughly 1,046 acres according to the Tillamook County Assessment and Taxation ("Study Area").¹ This Study Area was chosen because it largely encompasses the Miami River valley in which the Subject Property is situated: a distinct and geographically low-lying agricultural area flanked on all sides by forested hills. Any additional areas included in a study area affecting the Subject Property would be not part of the same distinct agricultural area. The Study Area is primarily zoned F-1, with some F, EC1, and SFW-20 land, and therefore approximates the zones surrounding the Subject Property. Lands zoned RR-2 or other urban or non-resource uses are not included in the Study Area.

The Study Area includes thirty-three (33) separate properties, five (5) of which are owned by the State of Oregon or the City of Garibaldi. The remaining twenty-eight (28) properties in the Study Area are privately owned. Nineteen (19) of the properties are vacant (four (4) of which are owned by the state or city government). Twenty-one (21) of the properties are zoned entirely F-1, five (5) are zoned SFW-20, one (1) is split-zoned between the

¹ The acreage shown in this Exhibit I indicates 1,102 acres, but this could be slightly off due to inaccuracies with employment of the GIS measuring tool. The acreage of 1,046 acres is the sum total of all parcels in the Study Area as determined by the Tillamook County Assessor, and so is likely the more reliable acreage figure.

F-1 and SFW-20 zones, two (2) are split-zoned between the F-1 and EC1 zones, and four (4) are zoned entirely F zone. The average size of all properties in the Study Area is 31.7 acres. Three of the properties in the area are large enough to be partitioned.

Nine (9) of the properties in the Study Area are improved with a single-family residence. According to the Tillamook County Department of Assessment and Taxation, all of the single-family residences were constructed prior to 1993, except four residences, and only two of those were constructed as the sole dwelling on a property (a one-story home on 2N1035-00-00201 and a one and one-half story home on 2N1035-00-00700). Three (3) of the residences do not appear to be currently used in conjunction with an active farm by virtue of ownership, and the remaining six (6) residences appear to be associated with an active farm.

Attached as Exhibit J is the Natural Resources Conservation Service Web Soil Survey's Soil Map for the Study Area (and the areas adjacent to the Study Area). The low-lying areas in the Study Area are primarily comprised of 170B, 170A, 74A, and 77A soils, all of which are Class I-IV soils. Many of the areas immediately adjacent to and uphill from the low-lying agricultural areas are comprised of 20E and 29E soils, which are Class VI(e) soils, and 21F which is a Class VII(s) soil. As shown in Exhibit J, the split between Class I-IV soils and Class VI soils roughly follows the pastureland/forestland divide.

There appear to be four active farms in the Study Area:

1. Aguiar farm (123.72 acres);
2. Mary & Douglas Lee farm (30.1 acres);
3. Waldron farm (66.43 acres); and,
4. Seable Farm (43.2 acres);

The land use pattern in the Study Area appears to be relatively stable, with most of the properties dedicated to conservation or farm use, and some properties apparently used exclusively for nonconforming residential purposes. Four single-family residences not in conjunction with farm use appear to have been constructed since 1993, which indicates that the Study Area is not subjected to rapid change or non-farm development. The land use pattern also closely follows the soil divide between Class I-IV and Class VI soils, with the former used for agricultural or conservation purposes, and the latter comprised of forestland.

Attached as Exhibit K is the Applicants' Cumulative Impacts Spreadsheet, which provides in Excel format the findings with respect to the Study Area.

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o TCLUO 3.002(9)(a)(3)(b):

Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under Subsections A and Section 2.11, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph;

The section immediately above (along with Exhibit K) describes the broad types of farm uses, as well as the number, location and type of existing dwellings, the size of parcels, and dwelling development trends since 1993 in the Study Area.

As indicated above, the Study Area includes 33 properties in total.² Five (5) of these properties are owned by the State of Oregon or the City of Garibaldi, and are therefore not reasonably subject to non-farm or lot-of-record dwellings. Fifteen (15) additional properties in the Study Area are currently improved with a single-family residence, and are therefore not subject to the construction of nonfarm or lot-of-record dwellings. One (1) property is the Subject Property.

Consequently, twelve (12) properties³ require additional analysis to determine whether they potentially qualify for placement of a non-farm or lot-of-record dwelling.

1. Analysis for potential non-farm dwellings.

Five (5) of the twelve (12) properties in the Study Area are comprised entirely of Class I-IV soils (and are assessed as farmland), and are therefore presumed to be generally suitable for the production of farm crops and livestock, and are therefore likely ineligible for the placement of a nonfarm dwelling. Consequently, only seven (7) properties remain for potential non-farm dwellings:

² Of the thirty-three (33) properties in the Study Area, only four were created after January 1, 1993 (1N1014-00-00201, 1N1011-00-00501, 1N1011-00-00502, and 1N1011-00-00201).

³ These twelve (12) properties are: 1N1014-00-00500; 1N1014-00-00200; 1N1011-00-00501; 1N1011-00-00502; 2N1035-00-00202; 2N1035-00-00200; 1N1011-00-00500; 1N1011-00-00700; 1N1022-A0-00203; 1N1002-00-00800, 2N1035-00-00300; and 1N1002-00-00401.

- Map and tax lot 1N1011-00-00502
- Map and tax lot 1N1011-00-00700
- Map and tax lot 1N1022-A0-00203
- Map and tax lot 2N1035-00-00202
- Map and tax lot 1N1011-00-00500
- Map and tax lot 1N1002-00-00401
- Map and tax lot 2N1035-00-00200

One property (1N1022-A0-00203) is composed almost entirely of freshwater emergent wetland, is located entirely in the AE flood zone, and is owned by the Nature Conservancy – all of which strongly indicates that no nonfarm dwelling could be constructed thereon. One property (1N1002-00-00401) is zoned entirely SFW-20 and appears its primary use has been forest since 1993; it is therefore ineligible for a non-farm dwelling under TCLUO 3.006. Three properties are entirely under forest assessment/classified forest land and comprised entirely of soils capable of producing 50 cubic feet of wood fiber per acre per year (1N1011-00-00700, 1N1011-00-00500 and 1N1011-00-00502), and are therefore presumed to be suitable for the production of merchantable tree species under TCLUO 3.002(9)(a)(2)(c). There are two properties that could conceivably qualify for the placement of a non-farm dwelling under TCLUO 3.002(9).

- Map and tax lot 2N1035-00-00202
- Map and tax lot 2N1035-00-00200

These two properties (2N1035-00-00202, 2N1035-00-00200) have a majority of their soils classified as Class I-IV and therefore majority of the property would be presumed to be general suitable for the production of farm crops and livestock and therefore likely ineligible for the placement of a nonfarm dwelling. These properties also lie on the periphery of the study area, on the northern edge of the area with F-1 zones surrounding it and RR-2 zones in the proximity.

2. Analysis for potential lot-of-record dwellings.

Of the twelve (12) remaining properties, five (5) properties (1N1002-00-00401, 1N1022-A0-00203, 1N1011-00-00501, 1N1011-00-00502, and 1N1014-00-00500) were acquired by the present owner (as that term is defined in TCLUO 3.002(8)(A)(5)) after January 1, 1985, and are therefore ineligible for a lot-of-record dwelling under TCLUO 3.002(8)(A)(1)(a). One property (2N1035-00-00200) appears to have a dwelling according to satellite imagery and is therefore ineligible for a lot-of-record dwelling under TCLUO 3.002(8)(A)(1)(b). 1N1011-00-00700 is on the same tract as 1N1011-00-00400 which has a dwelling and is therefore ineligible for a lot-of-record dwelling under TCLUO 3.002(8)(A)(1)(b). 1N1002-00-00800 is on the same tract as 1N1011-00-00201 which has a dwelling and is therefore ineligible for a lot-of-record dwelling

under TCLUO 3.002(8)(A)(1)(b). 2N1035-00-00202 and 2N1035-00-00300 are on the same tract as 2N1035-00-00200 which has a dwelling per satellite imagery and are therefore ineligible for a lot-of-record dwelling under TCLUO 3.002(8)(A)(1)(b).

Consequently, only one (1) of two properties remains and potentially qualifies for placement of a lot-of-record dwelling:

Map and tax lot 1N1014-00-00200 (7.96 acres) OR map and tax lot 1N1011-00-00500 (13.6 acres).

Note that 1N1014-00-00200 and 1N1011-00-00500 are part of the same tract and thus only one or the other may qualify for a dwelling under TCLUO 3.002(8)(A)(1)(b). This leaves three total properties that can be developed of the four properties shown on the map attached as Exhibit G. There are only 3 properties in total that qualify for *either* a lot-of-record dwelling or nonfarm dwelling. These properties are delineated on the Exhibit L map.

3. Existing and Possible Land Use Pattern

The existing land use pattern is predominately agricultural and conservation-based in character, with most of the Miami River valley dedicated to farm uses. Residences are limited to dwellings in conjunction with farm use and a few dwellings apparently unrelated to farm use are located on the periphery of the valley. The Study Area is traversed by Miami Foley Road and Moss Creek Road. The Applicant is not aware of any traffic congestion on these roads in the Study Area.

The two properties (only one of which that may qualify) identified in Exhibit L that possibly qualify for a lot-of-record dwelling are generally in forested areas. One property (1N1014-00-00200) is classified entirely as forestland and one property (1N1011-00-00500) is in the floodway with freshwater forested/shrubland.

o TCLUO 3.002(9)(a)(3)(c):

Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

As indicated in the response to TCLUO 3.002(9)(a)(3)(b), and for purposes of this cumulative impacts analysis, the full development of three of the four properties identified in Exhibit G would result in a single-family dwelling on three properties. Assuming one-acre homesteads, only three acres out of the entire Study Area would be removed from possible agricultural or conservation-based use, and dedicated to residential use. The existing farms in the area would therefore only lose the potential of applying one acre to agricultural use in the entire Study Area, and would otherwise retain all present options to expand, purchase, or lease farmland. Consequently, there would be no material diminution of opportunities to expand, purchase, or lease farmland, and there would be no material diminution in the number of tracts or acreage in farm use, such that there would be a destabilization of the overall character of the Study Area. Therefore, the possible land use pattern (assuming full development of one of the two properties) would not materially change or alter the existing land use pattern.

o TCLUO 3.002(9)(a)(4):

If a single-family dwelling is established on a lot of record as set forth in this ordinance, no additional dwelling may later be sited under the provisions of this section.

The Applicants do not seek to add or site another dwelling to the Subject Property, so this criterion is inapplicable. Stated differently, there is no "additional dwelling" that is sought to be "sited" on the Subject Property. Rather, the Applicants wish to continue to use their single-family dwelling, such that only the dwelling already in place will be sited on the Subject Property.

In any event, this criterion will be satisfied with the partition described herein, the approval of which could be a condition of approval of the Nonfarm Dwelling application.

TCLUO § 3.002(4) & (5)

o TCLUO 3.002(4)(w) ("General Standards")

The Applicant agrees to sign and record in the deed records for Tillamook County the document described in TCLUO 3.002(4)(w)(2). TCLUO 3.002(4)(w)(1) and (3) do not apply.

o TCLUO 3.002(5):

An application for a use permitted in Table 1 must demonstrate compliance with the following criteria and with the Conditional Use Criteria in Article 6 Subsection 040, or in Article 6 Subsection 060 if the proposed use is for the restoration, enhancement or creation of a wetland as defined in 3.002(2).

(a) *The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and*

(b) *The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.*

In this case, the requested use is for a nonfarm single-family dwelling, which is the same use to which the 15595 Dwelling has been put for many years. All practical aspects of the requested use are identical to the current use; indeed, *there is no objective change* – i.e. the purpose of this application is to “check the box” for the associated application to partition the Subject Property. Perhaps there may be a change in who resides at the property; however, the identity of the resident in the house cannot conceivably “force a significant change in,” or “significantly increase the cost of,” “accepted farm or forest practices on surrounding lands devoted to farm or forest use.”

See below for analysis with respect to the Conditional Use Criteria in Article 6 Subsection 040. The criteria in Article 6 Subsection 060 does not apply because the proposed use is not for the restoration, enhancement or creation of a wetland.

TCLUO § 6.040

TCLUO § 6.040 provides: *Any CONDITIONAL USE authorized according to this Article shall be subject to the following criteria, where applicable:*

- **TCLUO 6.040(1):** *The use is listed as a CONDITIONAL USE in the underlying zone, or in an applicable overlying.*

TCLUO 3.002(5) provides that a “use permitted in Table 1 must demonstrate compliance with . . . the Conditional Use Criteria in Article 6 Subsection 040.” Table 1 includes Dwellings Not in Conjunction with Farm Use.

- **TCLUO 6.040(2):** *The use is consistent with the applicable goals and policies of the Comprehensive Plan.*

The Goal 3 Element of the Tillamook County Comprehensive Plan discusses in significant detail the importance of agricultural land to Tillamook County, and the need to protect such land. Importantly, the requested use will not change the zoning designation of the Subject Property, and therefore will not reduce the available EFU land available in the county. It also does not result in the urbanization of farm land.

The protection of EFU land for farm uses is the primary reason for the extensive analysis required to obtain approval for a dwelling not in conjunction with farm use under TCLUO 3.002(9). The goal, of course, is to ensure that the surrounding agricultural areas are not threatened or substantially affected by the placement of a nonfarm dwelling. The analysis provided above demonstrates that the placement of a nonfarm dwelling on the Property will not threaten or substantially affect the use of surrounding agricultural, and that it therefore accords with the Goal 3 Element of the Tillamook County Comprehensive Plan.

This application also preserves the housing available in Tillamook County and therefore accords with the Goal 10 Element of the Tillamook County Comprehensive Plan. Further, no public facilities (Goal 11 Element) or transportation facilities (Goal 12) will be changed or affected by this application, and no urbanization will occur (Goal 14). All other Goal Elements in the Tillamook County Comprehensive Plan are not directly applicable to this application.

- o **TCLUO 6.030(3):** *The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.*

The suitability of the Subject Property for the placement of a (nonfarm) single-family dwelling is apparent due to the existence of a single-family dwelling on the Subject Property and the poor farm suitability of this area. The 15595 Dwelling nor the areas immediately adjacent thereto are subject to any unique geologic or natural hazards.

- o **TCLUO 6.030(4):** *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.*

The continued use of the 15595 Dwelling for nonfarm purposes will not alter the character of the surrounding area because there will be no *alteration* of character whatsoever, and no on-the-ground change will result due to the approval of this application.

The analysis under TCLUO 3.002(9) fully demonstrates that the permitting of the 15595 Dwelling will not alter the character of the surrounding area *even if* all other qualified properties in a 1000+ acre area were similarly allowed non-farm or lot of record dwellings

- o **TCLUO 6.030(5):** *The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.*

The continued use of the 15595 Dwelling for nonfarm residential purposes will have no impact on existing solar energy systems, wind energy conversion systems or wind mills because no such systems or improvements are located on or near the Subject Property

- o **TCLUO 6.030(6):** *The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.*

This element is not relevant because the proposed use will not affect public facilities or services.

APPLICATION FOR PRIMARY FARM DWELLING

The Applicants' Application for an Accessory Farm Dwelling under TCLUO Section 3.002(7)(d) is contingent on County approval of the Applicants' Application for Nonfarm Dwelling with respect to the 15595 Dwelling. The area under and around the 15555 Dwelling is high-value farmland.

Applicable Criteria **TCLUO § 3.002(6) & (4)(w)**

TCLUO 3.002(6)(f)(1). *Commercial Dairy Farm Standards. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm as defined in subparagraph g if: (1) The subject tract will be employed as a commercial dairy as defined in subparagraph g;*

(g) As used in this section, "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by Paragraph © or (d), whichever is applicable, from the sale of fluid milk.

The 15595 Dwelling is and will continue to be used in conjunction with the onsite dairy farm operation. The Applicants, as the farm operators, have earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years, proof of which is attached as Exhibit M.

TCLUO 3.002(6)(f)(2). *The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;*

The 15595 Dwelling is sited on the same parcel as the dairy farm buildings, including barn and related structures.

TCLUO 3.002(6)(f)(3). *Except for an accessory dwelling, there is no other dwelling on the subject tract;*

The only other dwelling on the current tract is the 15595 Dwelling. Assuming approval of the application to designate the 15595 Dwelling as a Nonfarm Dwelling, the Applicants agree to a condition of approval that requires them to provide the County with proof of compliance

with this criteria, which would be a copy of a deed showing the retitling of the partitioned area of the 15595 Dwelling to different ownership, so it is not of the same "tract" as the parcel on which the 15555 Dwelling is located.

TCLUO 3.002(6)(f)(4). The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;

The Applicants covenant that the 15555 Dwelling will be occupied persons in compliance with this criteria, and agree to execute and record a declaratory statement or restrictive covenant to that effect.

TCLUO 3.002(6)(f)(5): The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and,

This criteria is inapplicable. All such buildings and facilities already exist.

TCLUO 3.002(6)(f)(6): The Oregon Department of Agriculture has approved the following: a. A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and b. A Producer License for the sale of dairy products under ORS 621.072.

See the documents demonstrating satisfaction of this criteria attached as Exhibit N.

TCLUO 3.002(4)(w) ("General Standards")

The Applicant agrees to sign and record in the deed records for Tillamook County the document described in TCLUO 3.002(4)(w)(2). TCLUO 3.002(4)(w)(1) and (3) do not apply.

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APPLICATION TO PARTITION

The Applicants' Application to Partition filed under TCLUO Section 3.002(14)(c) is contingent on County approval of the Applicants' Application for Nonfarm Dwelling with respect to the 15595 Dwelling. The area under and around the 15555 Dwelling is high-value farmland.

Applicable Criteria TCLUO § 3.002(14)(c)

TCLUO 3.002(14)(c)(1): A division of land to create up to two new parcels smaller than the minimum size established under Subsection (a), each to contain a dwelling not provided in conjunction with farm use, may be permitted if: 1. The nonfarm dwellings have been approved under paragraph (9);

This Application to partition seeks to create one new parcel of 4.0 acres ("Partition Area"), as shown in partition application filed herewith, which acreage is smaller than the minimum size allowed under TCLUO 3.002(14)(a). This Application is contingent on approval of the designation of the 15595 Dwelling as a nonfarm dwelling.

TCLUO 3.002(14)(c)(2): The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001.

Attached as Exhibit O is the chain of title for the Subject Property from 1998 to the present, which demonstrates that the Subject Property was lawfully created at some time prior to July 1, 2001. The Subject Property was adjusted by a property line adjustment on or about 2005, but pre-existed that adjustment.

TCLUO 3.002(14)(c)(3). The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum size in Subsection (a);

The Subject Property is over 123 acres in size and therefore is significantly larger than the minimum size required under TCLUO 3.002(14)(a).

TCLUO 3.002(14)(c)(4). The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size established under Subsection (a); and

As shown in the partition application, the remainder of the original lot or parcel that does not contain the 15595 Dwelling will be 4.0 acres, which exceeds the minimum size required under TCLUO 3.002(14)(a).

TCLUO 3.002(14)(c)(5). The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

The Partition Area is comprised entirely of Class 6 soils and is therefore poorly suited for farming purposes. Please refer to the above discussion with respect to the portion of the Partition Area immediately surrounding the 15595 Dwelling. The small field on the eastern edge of the Partition Area is not actively or regularly used for farming because of a number of deficiencies, including but not limited to:

- (a) Poor soils and unproductive grass.
- (b) Steep east-facing slope, which renders the field difficult or even dangerous for equipment and livestock.
- (c) Poor sun exposure, which results in frequently wet and muddy ground on steep slopes.
- (d) This small area is disconnected from the rest of the farm (reachable only after a long walk for the cows).
- (e) Access is only Moss Creek Road, which runs adjacent to Moss Creek. The Creek has eroded, making a steep drop-off, which is dangerous for livestock. Consequently, access – already poor and difficult – is also dangerous. See responses in the portion of this Application Statement applicable to the Application for Nonfarm Dwelling.

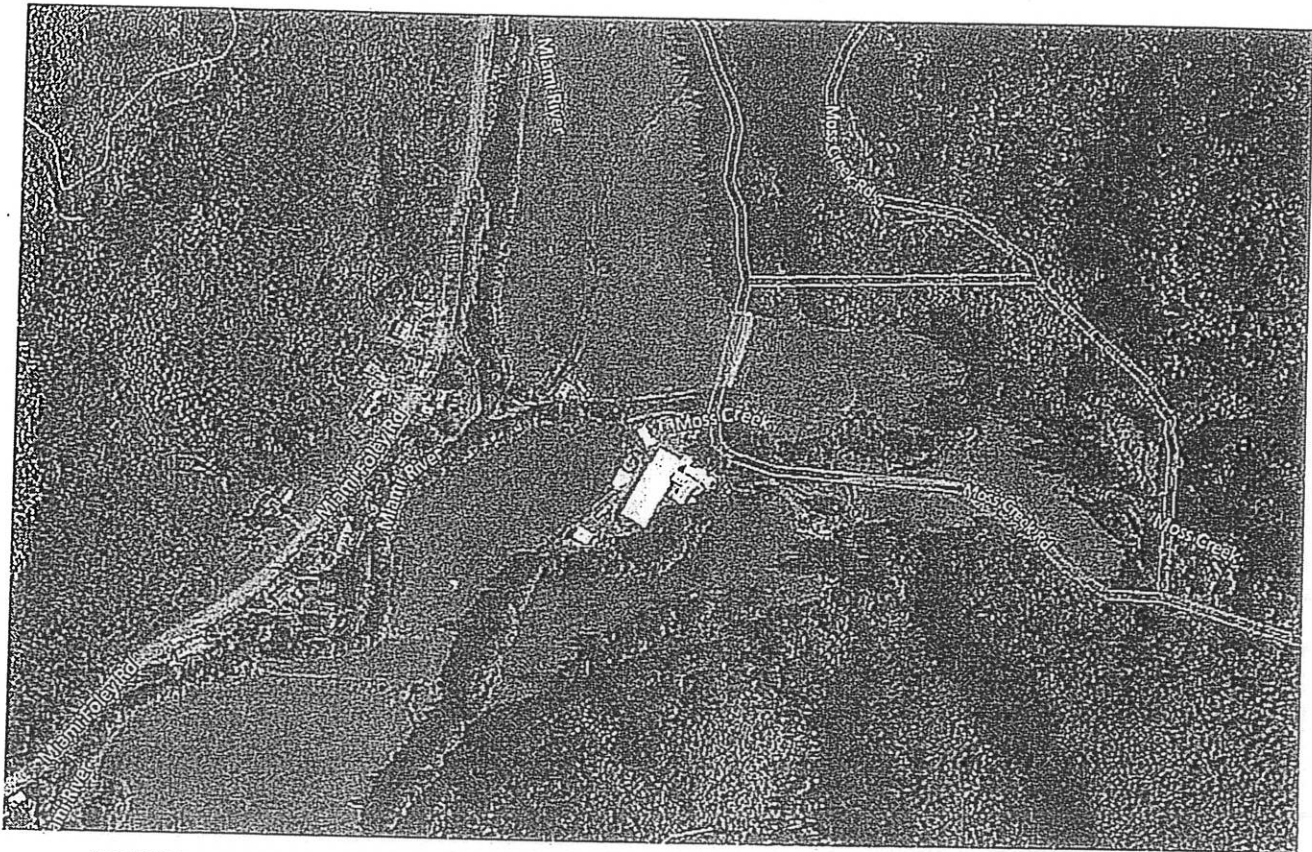
The entire Partition Area is unsuitable for farming purposes, which is why the Applicants – as the farm operators – wish to partition this area from the rest of the farm property.

CONCLUSION

All exhibits cited herein will be emailed to the Planning Department.

The Applicants respectfully request that the County approve the Applicants' requests herein. Any questions or concerns regarding this application should be addressed to Michael Kittell, PO Box 939, Tillamook, OR 97141 or via email at michael@albrightkittell.com.

EXHIBIT A



TILLAMOOK County Assessor's Summary Report
Real Property Assessment Report
 FOR ASSESSMENT YEAR 2020

February 23, 2021 4:23:08 pm

Account#	6317	Tax Status	ASSESSABLE
Map#	11110140000300	Acct Status	ACTIVE
Code - Tax#	5608-6317	Subtype	NORMAL
Legal Descr	See Record		
Mailing Name	AGUIAR, MANUEL A JR & CATHERINE S	Deed Reference#	2014-5412
Agent		Sales Date/Price	10-29-2014/\$1,250,000.00
In Care Of		Appraiser	ELIZABETH JEFFRIES
Mailing Address	15555 MOSS CREEK RD BAY CITY, OR 97107		

Prop Class	58j	MA	SA	NH	Unit
RMV Class	501	02	01	500	15968-1

Situation Address(es)		Situs City
ID#	15555 MOSS CREEK RD	COUNTY
ID#	15595 MOSS CREEK RD	COUNTY

Code Area	RMV	MVV	Value Summary		RMV Exception	CPR %
			AV			
5608	Land 742,580				Land 0	
	Impr. 1,256,530				Impr. 0	
Code Area Total	1,999,110	1,023,300	943,543		0	
Grand Total	1,999,110	1,023,300	943,543		0	

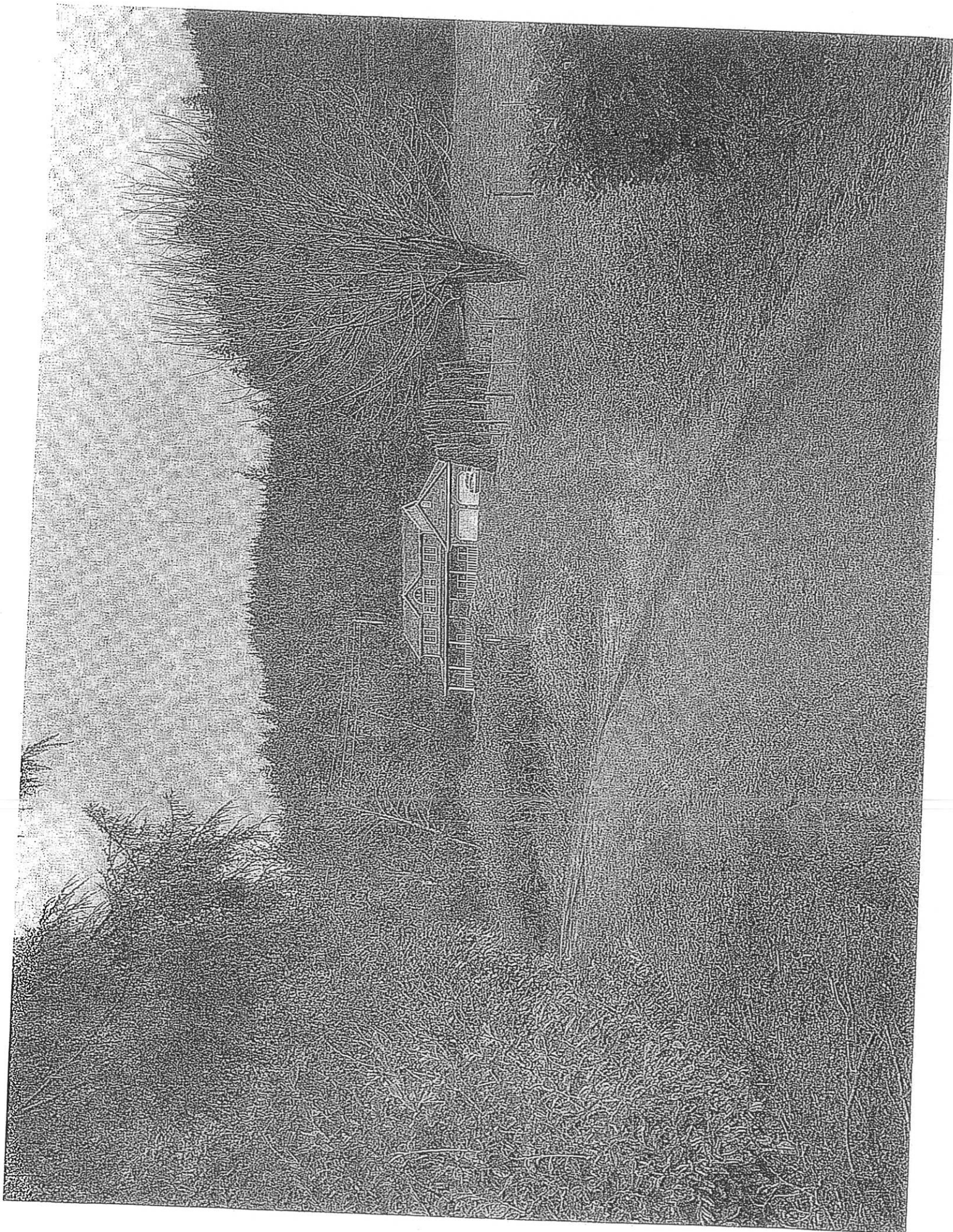
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown		Size	Land Class	Trended RMV
						TD%	LS			
5608			<input type="checkbox"/>	F-1	Designated Forest Land	100	A	22.00	OC	127,600
5608	2		<input checked="" type="checkbox"/>	F-1	Designated Forest Land	100	A	4.00	OC	23,200
5608	1		<input checked="" type="checkbox"/>	F-1	Farm Site	100	A	2.00	SFM	11,600
5608			<input checked="" type="checkbox"/>	F-1	Farm Use Zoned	100	A	8.00	SP1	46,400
5608			<input checked="" type="checkbox"/>	F-1	Farm Use Zoned	100	A	28.50	SP1	165,300
5608			<input checked="" type="checkbox"/>	F-1	Farm Use Zoned	100	A	7.50	SP2	43,500
5608			<input checked="" type="checkbox"/>	F-1	Farm Use Zoned	100	A	27.50	SP3	159,500
5608			<input checked="" type="checkbox"/>	F-1	Farm Use Zoned	100	A	24.22	SP4	140,480
5608					SA OSD	100				12,500
5608					SA OSD	100				12,500
Grand Total										742,580

EXHIBIT B

EXHIBIT C

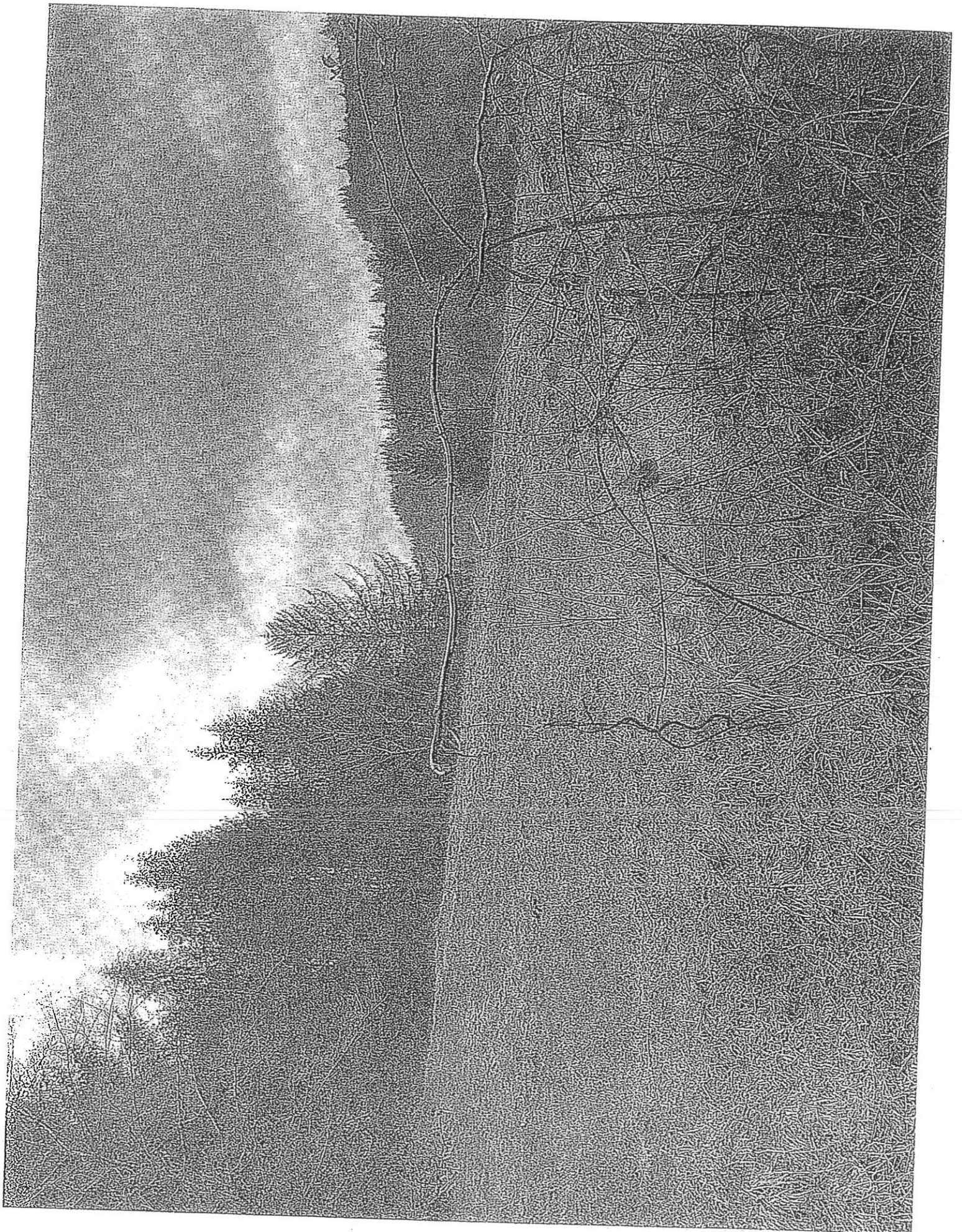


EXHIBIT D















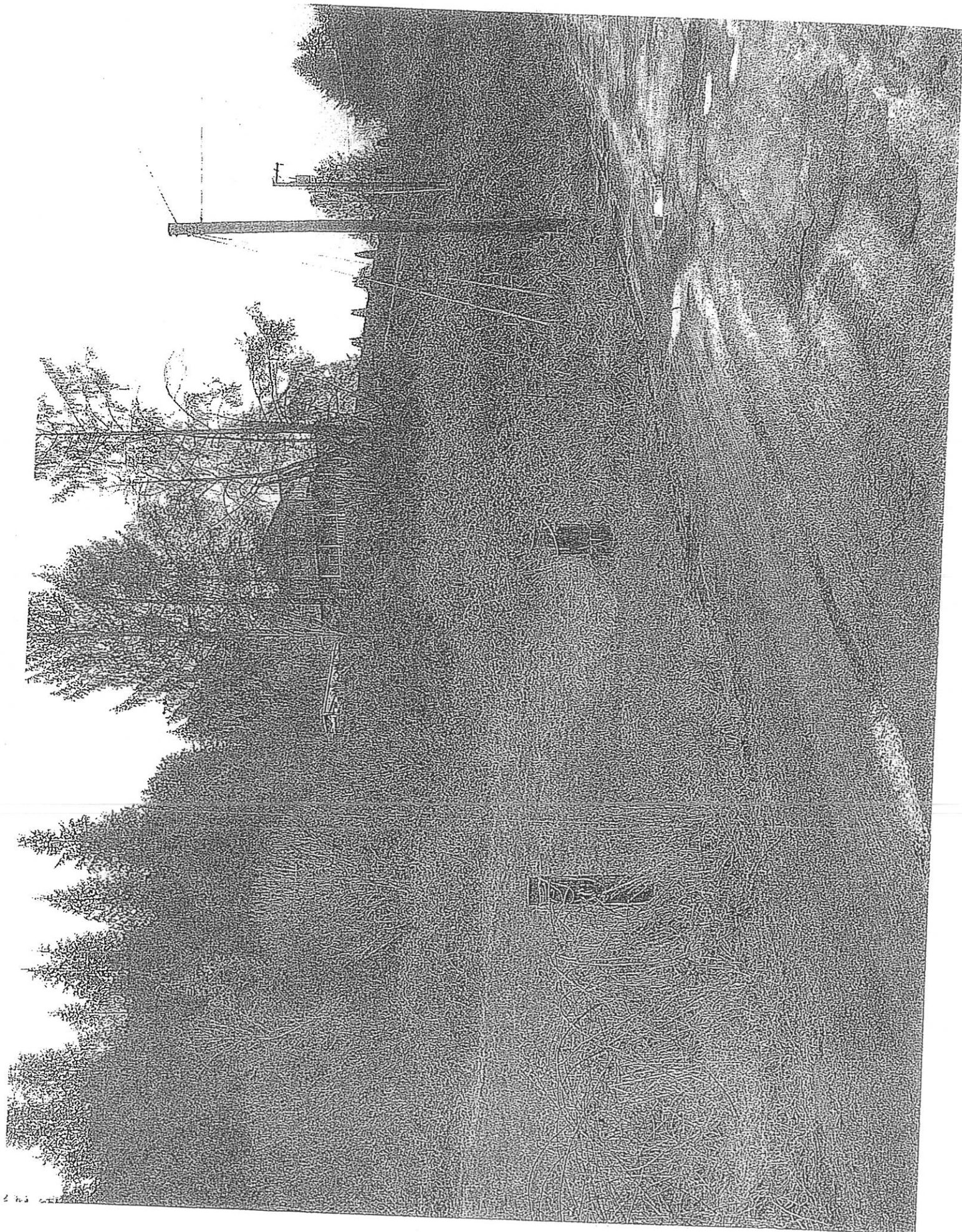
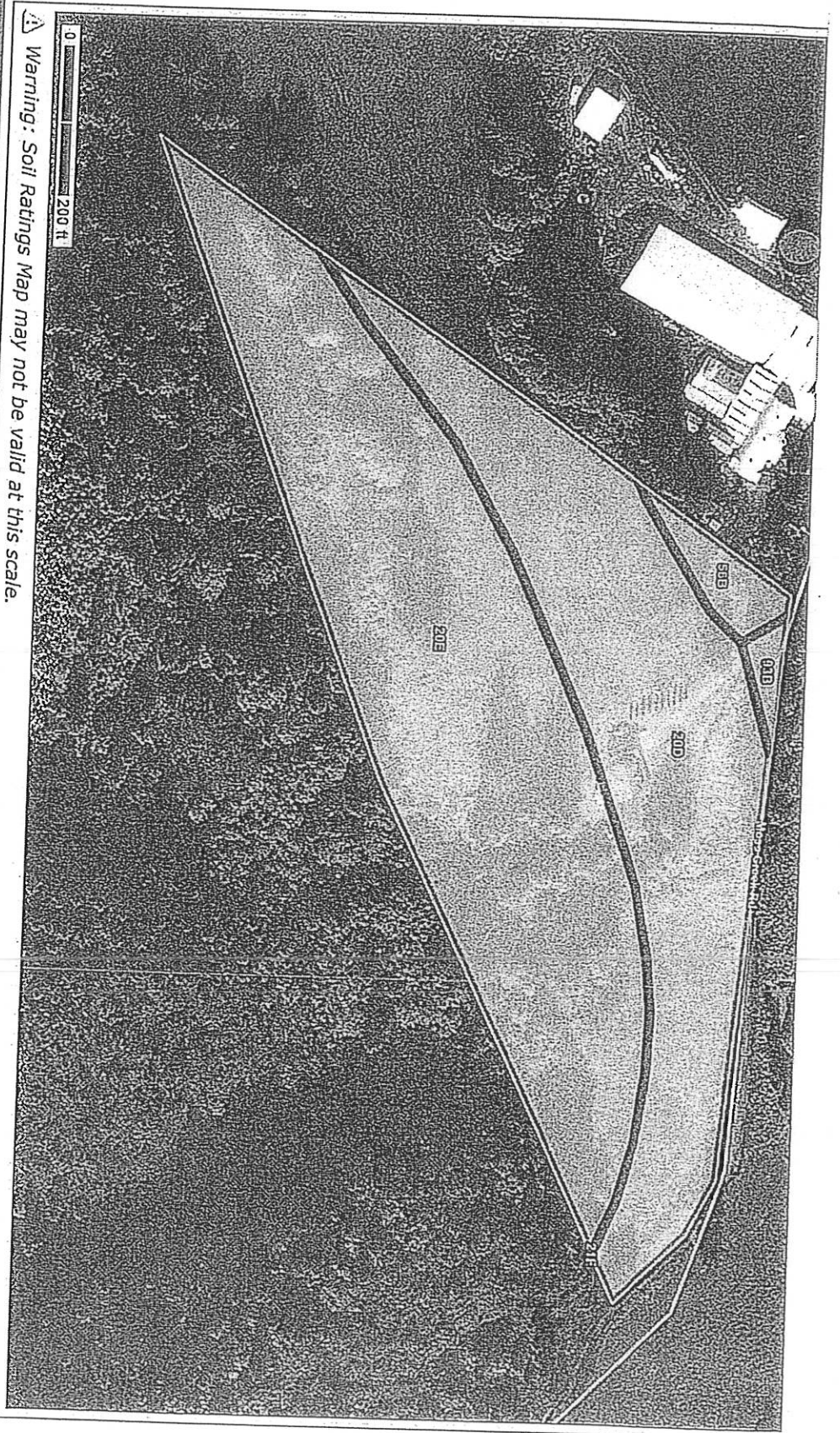




EXHIBIT E

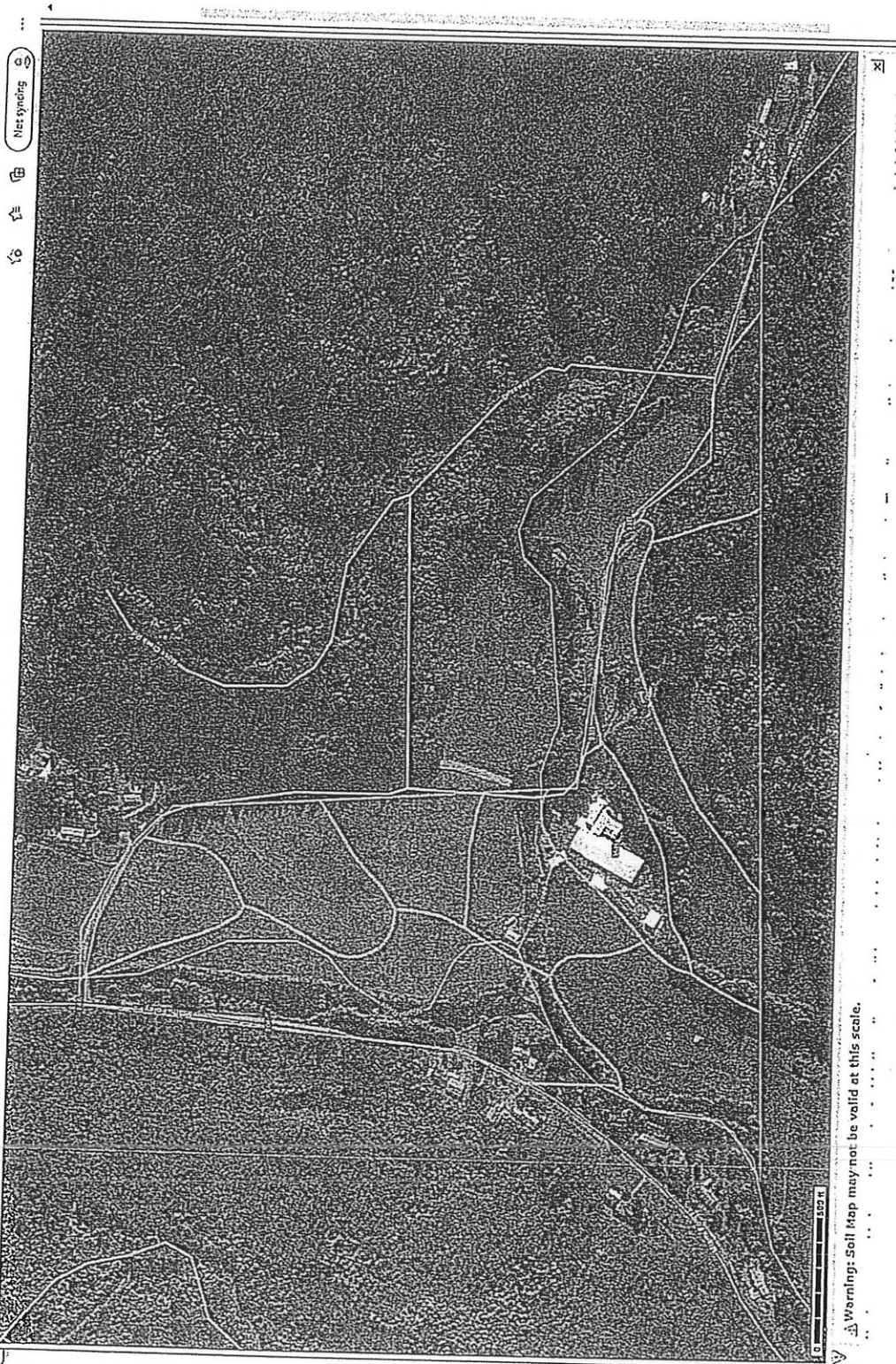


Tables — Nonirrigated Capability Class — Summary By Map Unit

Summary by Map Unit — Tillamook County, Oregon (OR057)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
20D	Klootchie-Necanicum complex, 5 to 30 percent slopes	6	4.9	39.4%
20E	Klootchie-Necanicum complex, 30 to 60 percent slopes	6	7.2	57.0%
21F	Necanicum-Ascar-Klootchie complex, 60 to 90 percent slopes	7	0.0	0.0%
56B	Wolfer medial silt loam, 0 to 5 percent slopes	3	0.3	2.6%
93B	Gaudy complex, 0 to 5 percent slopes	4	0.1	1.0%
Totals for Area of Interest			12.5	100.0%

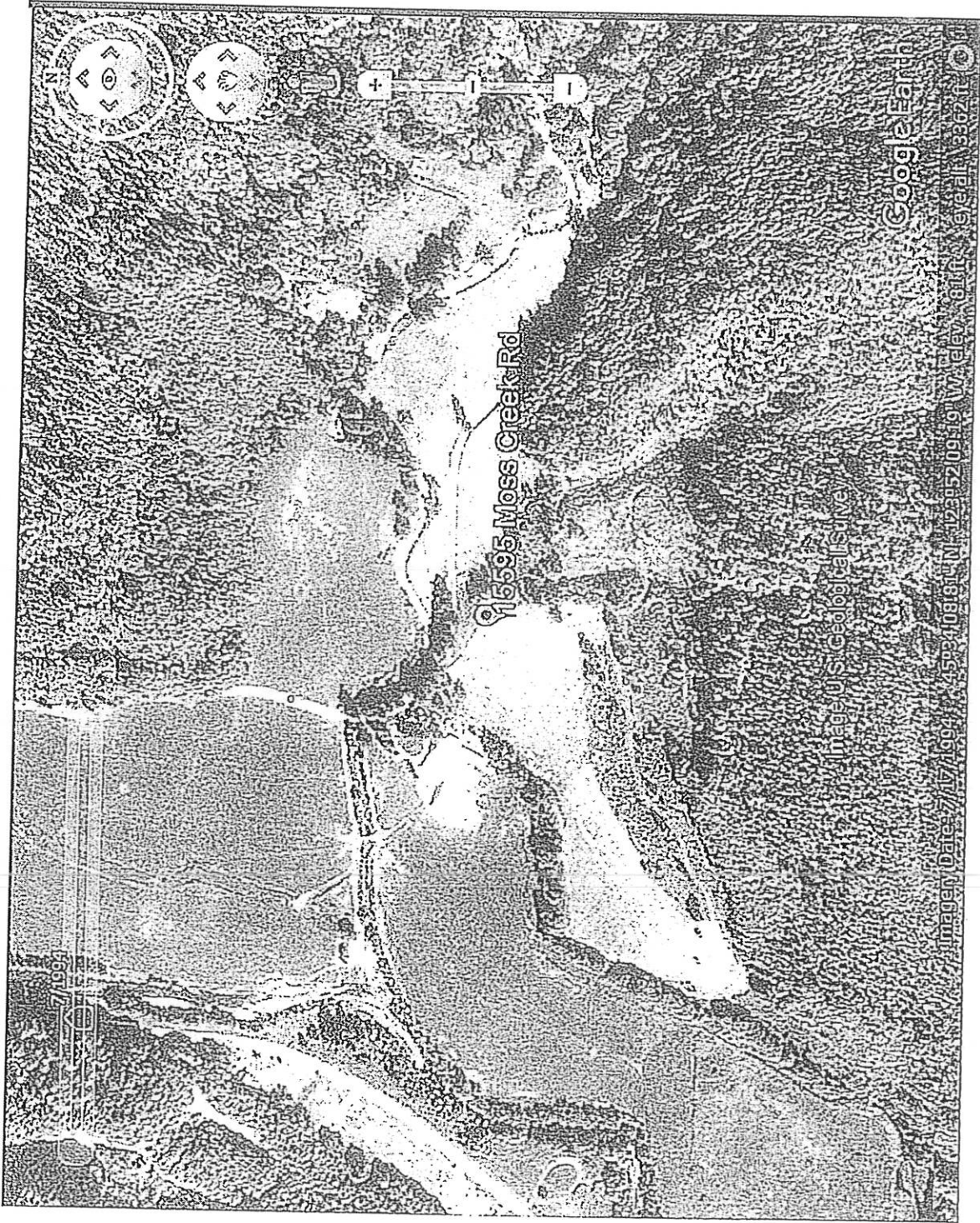
EXHIBIT F



Tillamook County, Oregon (OR057)			
Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
20D	Klootchle-Necanicum complex, 5 to 30 percent slopes	9.7	11.6%
20E	Klootchle-Necanicum complex, 30 to 60 percent slopes	12.4	14.8%
21F	Necanicum-Ascar-Klootchle complex, 60 to 90 percent slopes	4.3	5.1%
56B	Wolfer medial silt loam, 0 to 5 percent slopes	5.5	6.5%
74A	Nehalem silt loam, 0 to 3 percent slopes	14.2	17.1%
77A	Nesticca-Brenner silt loams, 0 to 3 percent slopes	7.5	9.0%
92A	Yachats-Gauldy complex, 0 to 3 percent slopes	17.3	20.7%
93B	Gauldy complex,	7.6	9.1%

Warning: Soil Map may not be valid at this scale.

EXHIBIT G

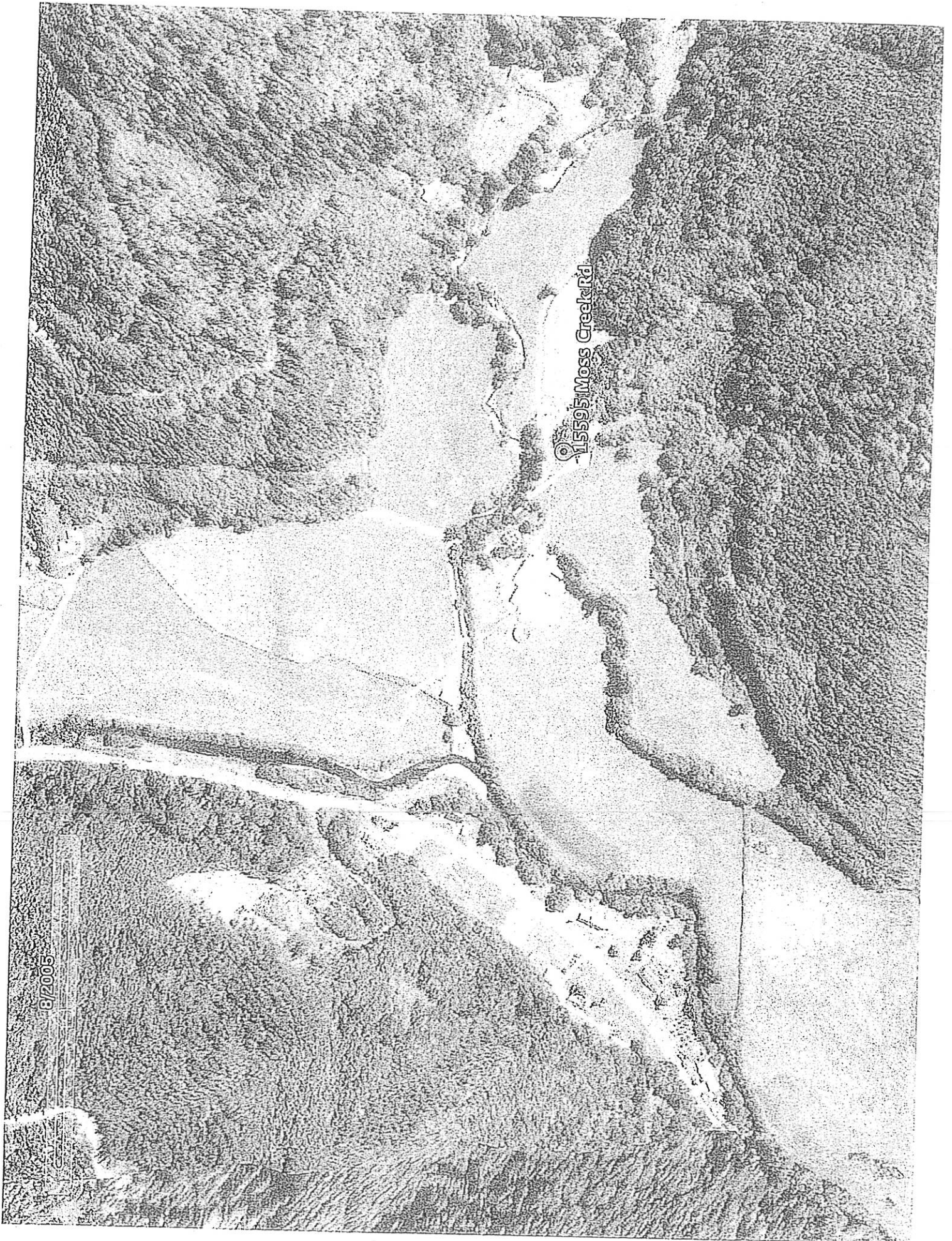


16595 Moss Creek Rd

Image © U.S. Geological Survey

Google Earth

Image Date: 7/17/1994 45°34'08.614"N 122°52'09.191"W, Elev: 81ft, Speed: 336ZT



15595 Moss Creek Rd

8/2005



15595 Moss Creek Rd

11/2011

Image: USDA Farm Service Agency

7/2014

1595 Moss Creek Rd





115595 Moss Creek Rd

8/2016

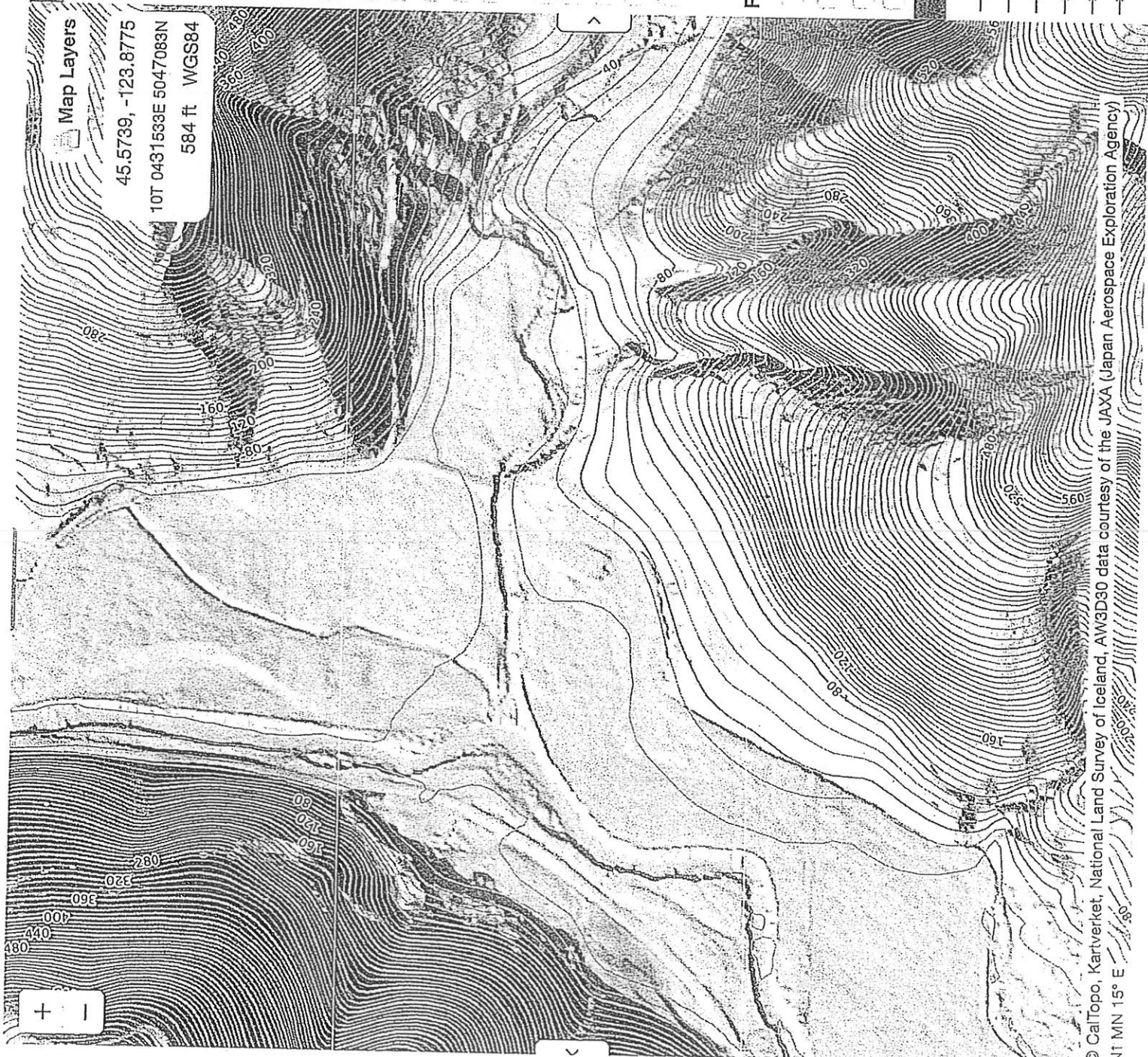
EXHIBIT H

Map Layers

45.5694, -123.8712
10T 0432019E 5046573N
35 ft WGS84



+ -



Map Layers

Base Layers

Normal

+ Stack Base Layer

Map Sheets

+ Stack Map Sheet

Map Overlays

Contours 10 Foot

MapBuilder Overlay

Slope Angle Shading

Geology

Public Lands

Parcel Data (pro)

Motor Vehicle MVUM

Fire History

Fire Activity

GOES 17 Live Fire Detection

Sun Exposure

Forecasts

Weather Shading

Wind Plot

Weather Grid

Avalanche

Preset Combinations

→ MapBuilder Topo

→ 7.5' Topo Maps

→ Forest Service

→ Aerial Topo Hybrid

→ Hybrid Satellite

→ Slope Angle Shading

© CalTopo, Kartverket, National Land Survey of Iceland, AW3D30 data courtesy of the JAXA (Japan Aerospace Exploration Agency)
 N1 MN 15° E

Map Layer

45.5686, -123.86

10T 0432331E 504648

155 ft WGS

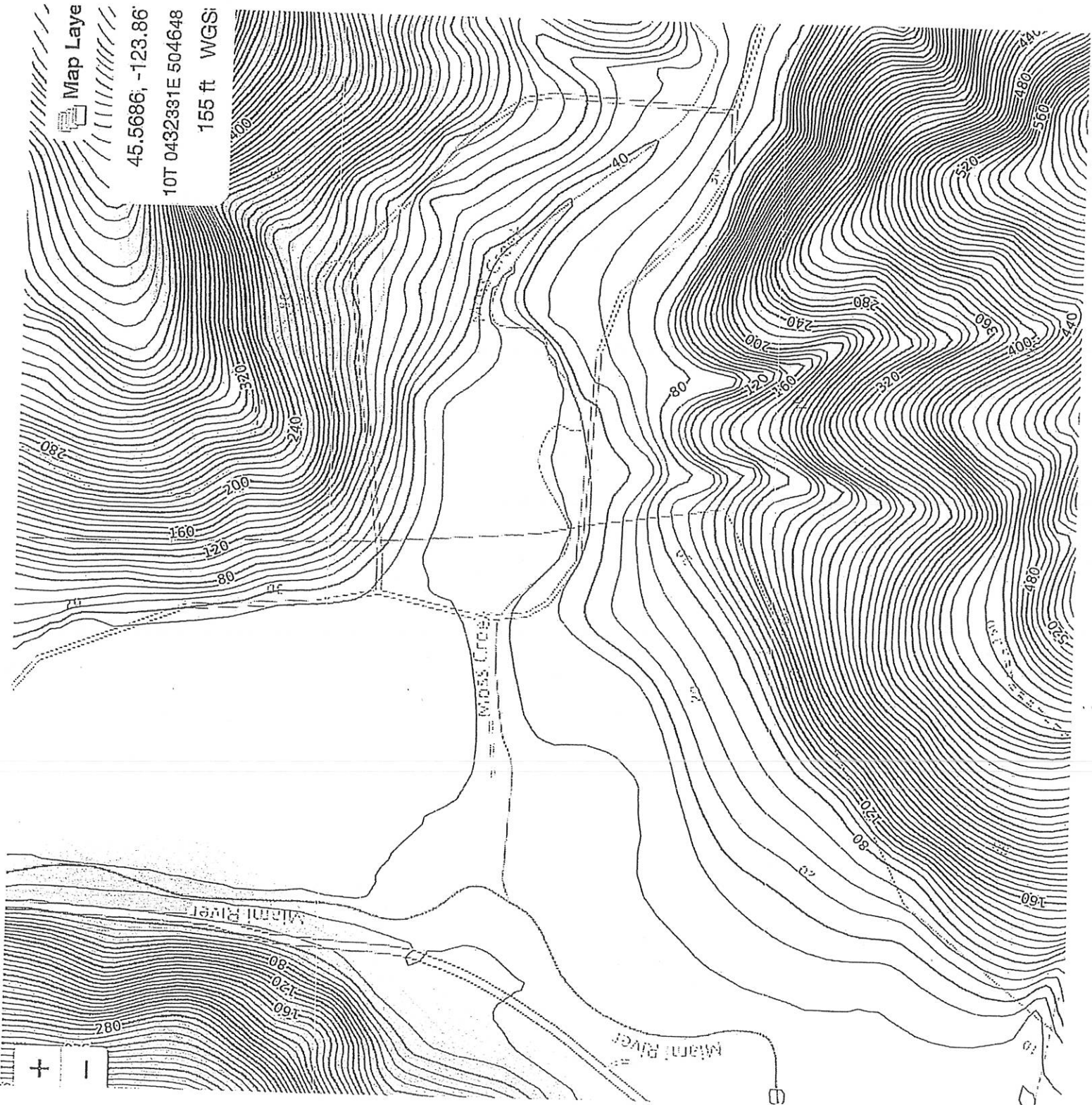


EXHIBIT I

p To:

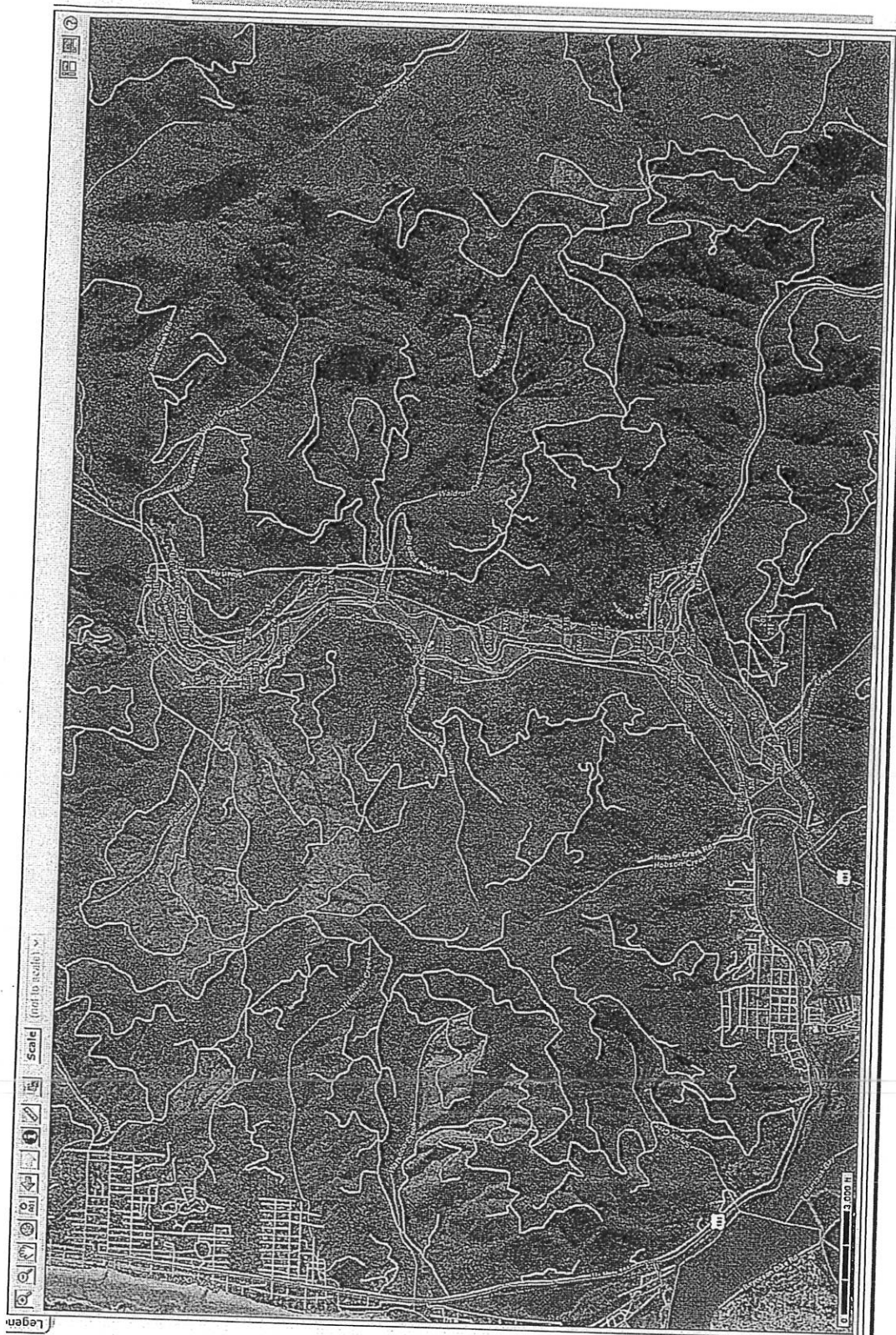
talog Measure Area

li:
s:

Click on the map to start measuring. Double-click to finish measuring.



EXHIBIT J



Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
1A	Brenner silt loam, 0 to 1 percent slopes	49.8	5.1%
3A	Coquille silt loam, 0 to 1 percent slopes	10.2	1.0%
20D	Klootchie-Necanicum complex, 5 to 30 percent slopes	15.2	1.6%
20E	Klootchie-Necanicum complex, 30 to 60 percent slopes	318.4	32.6%
21F	Necanicum-Ascar-Klootchie complex, 60 to 90 percent slopes	37.3	3.8%
29E	Templeton-Klootchie complex, 30 to 60 percent slopes	7.1	0.7%

EXHIBIT K

File Home Insert Page Layout Formulas Data Review View Help Acrobat

Normal Page Break: Page Custom Preview Layout Views

Zoom 100% Selection

Zoom 100% Selection

Window

Macros

Comments

Share

Stephen Murphy, SM

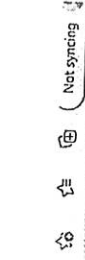
Cell	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y
E41																									
41	Aquatic Cumulative Impacts Study Area																								
	***Average indicated on summary report for each property user; not average on GIS system.																								
	The Lot																								
	2H1035-00-00301	Size (Acres)	Zone 1	Zone 2	Limitations	Other notes																			
	2H1035-00-00302	0.57	SH-20			Wetland, open and dense, owned prior to 1985																			
	2H1011-00-00300	29.35				Wetland, open and dense, owned prior to 1985																			
	2H1014-00-00300	17.8				Wetland, open and dense, owned prior to 1985																			
	2H1023-00-00300	33.82				Wetland, open and dense, owned prior to 1985																			
	2H1022-00-00300	28.15				Wetland, open and dense, owned prior to 1985																			
	2H1022-00-00301	29.46				Wetland, open and dense, owned prior to 1985																			
	2H1014-00-00301	30.65				Wetland, open and dense, owned prior to 1985																			
	2H1014-00-00302	9.25				Wetland, open and dense, owned prior to 1985																			
	2H1014-00-00303	7.86				Wetland, open and dense, owned prior to 1985																			
	2H1011-00-00301	12.55				Wetland, open and dense, owned prior to 1985																			
	2H1011-00-00302	22.02				Wetland, open and dense, owned prior to 1985																			
	2H1011-00-00303	23.77				Wetland, open and dense, owned prior to 1985																			
	2H1011-00-00304	13.65				Wetland, open and dense, owned prior to 1985																			
	2H1011-00-00305	28.02				Wetland, open and dense, owned prior to 1985																			
	2H1011-00-00306	15				Wetland, open and dense, owned prior to 1985																			
	2H1011-00-00307	80.28				Wetland, open and dense, owned prior to 1985																			
	2H1011-00-00308	31.27				Wetland, open and dense, owned prior to 1985																			
	2H1011-00-00309	4.63				Wetland, open and dense, owned prior to 1985																			
	2H1035-00-00300	31.47				Wetland, open and dense, owned prior to 1985																			
	2H1031-00-00300	20.1				Wetland, open and dense, owned prior to 1985																			
	2H1031-00-00301	21.35				Wetland, open and dense, owned prior to 1985																			
	2H1023-00-00300	7.84				Wetland, open and dense, owned prior to 1985																			
	2H1023-00-00301	3.93				Wetland, open and dense, owned prior to 1985																			
	2H1023-00-00302	6.08				Wetland, open and dense, owned prior to 1985																			
	2H1023-00-00303	32.49				Wetland, open and dense, owned prior to 1985																			
	2H1023-00-00304	8.77				Wetland, open and dense, owned prior to 1985																			
	2H1023-00-00305	9.37				Wetland, open and dense, owned prior to 1985																			
	2H1014-00-00300	13.24				Wetland, open and dense, owned prior to 1985																			
	2H1014-00-00301	12.72				Wetland, open and dense, owned prior to 1985																			
	2H1022-00-00300	30.26				Wetland, open and dense, owned prior to 1985																			
	2H1022-00-00301	39.02				Wetland, open and dense, owned prior to 1985																			
	2H1022-00-00302	30				Wetland, open and dense, owned prior to 1985																			
	Total Average	304.615																							

Chart 1 Sheet 1

75%

Count 4

EXHIBIT L



1 To:

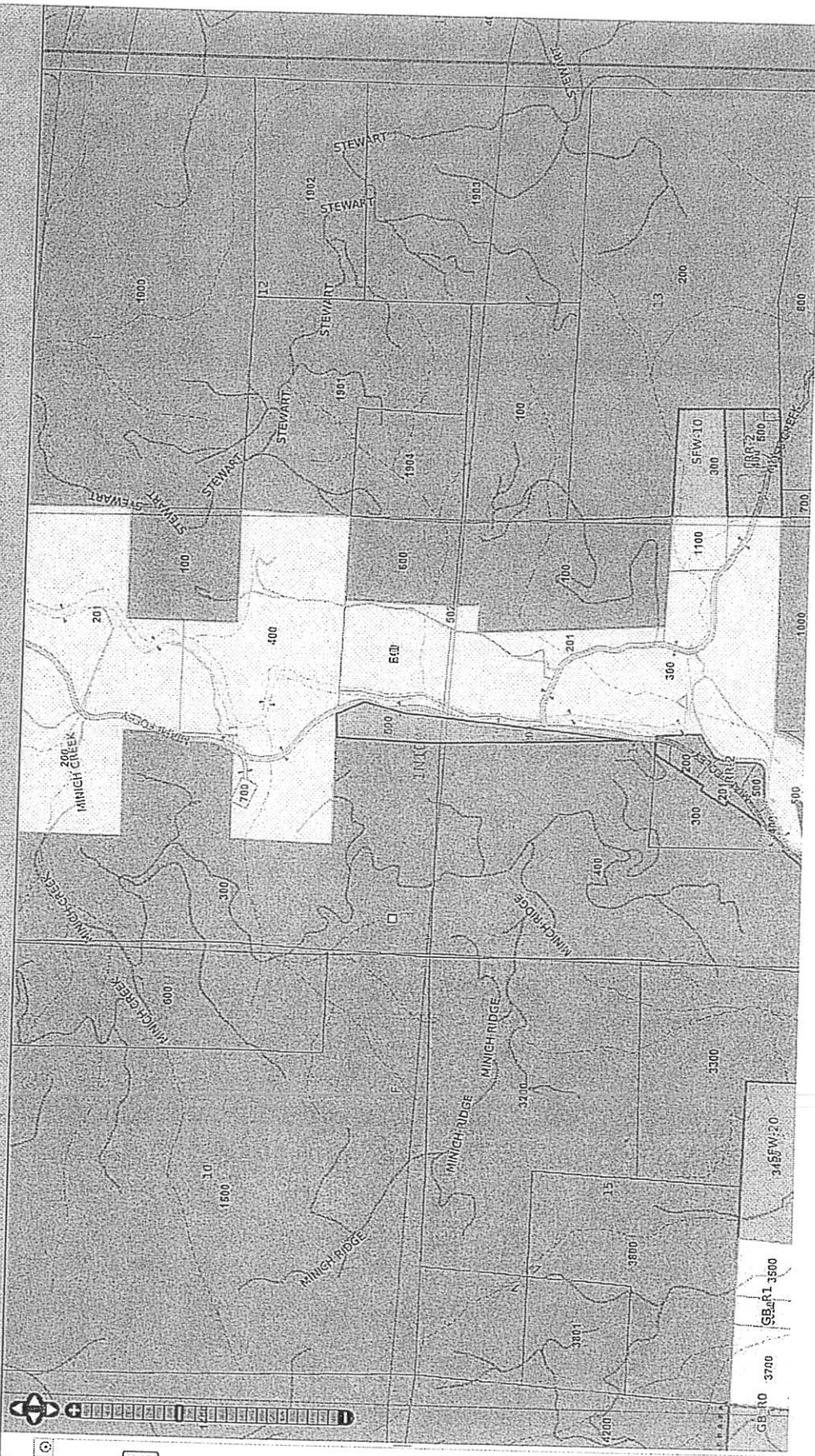
Select Features Measure Area

19.031

Acres

Clear

Click on the map to start measuring. Double-click to finish measuring.



Jump To:

Select Features Measure Area

Total: 47.366

Units: Acres

Click on the map to start measuring. Double-click to finish measuring.

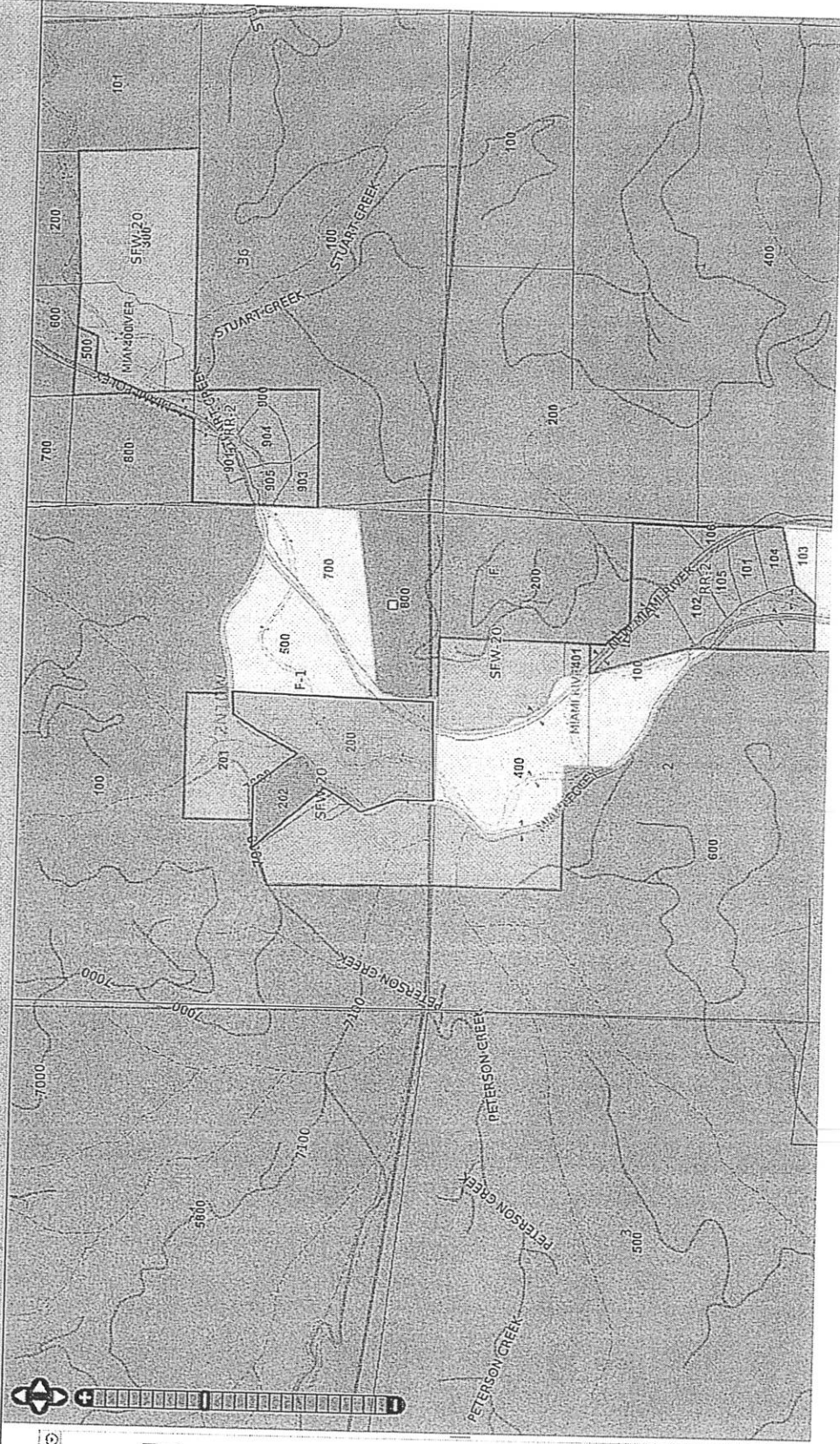


EXHIBIT M

EXHIBIT N



May 1, 2021

AGUIAR DAIRY 1228
15555 MOSS CREEK ROAD
BAY CITY, OR 97107

Dear TCCA Producer:

This notice is to inform you that TCCA is paying your fluid milk license for the upcoming year. Our records show that TCCA paid **\$1,058,856.83** for your milk production in 2020. Using the chart below, your 2021-2022 fee is **\$533.00**. You will find the deduction on the check you receive on July 1, 2021 for payment of May milk.

You will still receive a written notice from the State of Oregon requesting payment for your license(s) as well as your CAFO permit. When you sign into the site, you may see a place to enter your gross annual sales. **Do not fill in this field to avoid the calculation of your fluid milk license.** You are responsible for any other licenses listed on the renewal site.

Also, the name on your license should be identical to the member name we have on our records. The name of your TCCA membership is **AGUIAR DAIRY**. If it does not match the name on the renewal site, please make any corrections with the Department of Agriculture.

Feel free to call me at 503-815-1324 if you have any questions.

Sincerely,

Darla DuBois

Patron Accounting Administrator

2021-2022 Milk Fee Schedule (Based on Annual
Gross Sales) Subject to change:

\$0 to \$50,000	\$148.00
\$50,001 to \$500,000	\$208.00
\$500,001 to \$1,000,000	\$356.00
\$1,000,001 to \$5,000,000	\$533.00
\$5,000,001 to \$10,000,000	\$709.00
Greater than \$10,000,000	\$887.00



TILLAMOOK COUNTY CREAMERY ASSOCIATION
4185 Highway 101 North, Tillamook, Oregon 97141
TILLAMOOK.COM

OREGON DEPARTMENT OF AGRICULTURE
635 CAPITOL ST NE, STE 100
SALEM, OR 97301-2532
(503) 986-4550

POST IN A CONSPICUOUS PLACE

AGUIAR DAIRY
MANUEL AND CATHERINE AGUIAR
15555 MOSS CREEK RD
BAY CITY OR 97107

BUSINESS LOCATION

AGUIAR DAIRY
15555 MOSS CREEK RD
BAY CITY OR 97107

<u>LICENSE NUMBER</u>	<u>DATE ISSUED</u>	<u>DATE EXPIRES</u>	<u>LICENSE</u>
AG-P1000117CAFG	07/09/2020	06/30/2021	CAFO General Permit - Medium
Refer to your Oregon Confined Animal Feeding Operation General Permit Number 1 for operating conditions.			
AG-L1034123FMP	07/09/2020	06/30/2021	Fluid Milk Producer

Printed: 07/10/2020