

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



Land of Cheese, Trees and Ocean Breeze

**NON-CONFORMING MAJOR REVIEW #851-22-000151-PLNG:
COULTER**

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

July 19, 2022

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited requests on July 19, 2022. 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 **4:00pm on August 1, 2022**. This decision will become final on August 1, 2022 after 4:00pm unless an appeal is filed in accordance with Tillamook County Land Use Ordinance Article X.

- Request:** A Nonconforming Major Review request for a remodel and expansion of a non-conforming single-family dwelling.
- Location:** The subject property is located at 35465 Rueppell Road, a County local access road, and is designated as Tax Lot 4800 in Section 30BD of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.
- Zone:** Pacific City/Woods Airpark (PCW-AP) Zone
- Applicant:** Ronald Coulter, PO Box 2323, Chelan, WA 98816
- Property Owner:** David Coulter, 217 N. Grant St., Goldendale, OR 97620

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CONDITIONS OF APPROVAL

1. The applicant/property owner shall obtain all required Federal, State, and Local permits, including demolition permits and on-site sanitation permits, as applicable.
2. All applicable permits, including a consolidated Zoning/ Building Permit from the Tillamook County Department of Community Development shall be obtained prior to construction of the proposed expansion to the dwelling.
3. The applicant/property owner shall submit a site plan drawn to scale that confirms all required setbacks are met. The site plan shall be submitted to the Department of Community Development at the time of consolidated Zoning and Building Permit application submittal.
4. Applicant/property owner shall comply with all other standards of TCLUO Section 3.335, Pacific City/Woods Airpark zone (PCW-AP) and the Pacific City Airport Obstruction Overlay (PAO) where applicable.
5. At the time of Zoning and Building Permit application, the Applicant shall provide a survey prepared by a professional surveyor documenting compliance with Section 3.565: Pacific City Airport Obstruction Overlay (PAO) Zone maximum building height requirements and the 35-foot building height restriction required of the PCW-AP zone, whichever is lesser.
6. At the time of Consolidated Zoning/Building Permit application, Applicant shall provide an executed, notarized and recorded copy of the Hold Harmless Agreement required by TCLUO Section 3.565(9) which is included as 'Exhibit D'.
7. As requested by the Oregon Department of Aviation, Applicant shall demonstrate compliance with their Conditions of Approval as stated in their comments included in 'Exhibit C' including:
 - In accordance with FAR Part 77.9 and OAR 738-070-0060, this proposal is required to undergo aeronautical evaluations by the FAA and ODAV. The aeronautical evaluations are initiated by the applicant providing notice to the FAA and ODAV to determine if the proposed structure will pose a hazard to aviation safety at Pacific City State Airport (PFC). The applicant must receive the resulting aeronautical determination letters from the FAA and ODAV prior to approval of any building permits.
 - The proposed structure shall not penetrate FAR Part 77 Imaginary Surfaces, as determined by the FAA and ODAV.
 - External lights shall be designed as to not interfere with aircraft or airport operations.
 - Trees and other planted vegetation shall not penetrate FAR Part 77 Imaginary Surfaces.
8. The applicant/property owner shall provide a stormwater management plan at time of Consolidated Zoning/Building Permit submittal, subject to review and approval by the Tillamook County Department of Community Development and Public Works, to confirm all stormwater for the proposed development will be managed onsite.
9. Development shall be limited to the expansion of the existing dwelling as indicated on the submitted site plan included in "Exhibit B" of this report.
10. Applicant/Property owner shall adhere to the conditions of Floodway Development Permit #851-21-000321-PLNG.
11. A minimum separation of six feet shall be maintained between structures pursuant to TCLUO Article IV Section 4.080.
12. This approval expires if a Building Permit is not applied for within two (2) years of issuance of this approval, or an extension is requested from, and approved by this Department prior to its expiration.

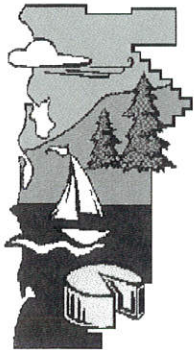
Sincerely,

Tillamook County Department of Community Development



Melissa Jenck, CFM, Senior Planner
503-842-3408 x 3301 or mjenck@co.tillamook.or.us

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



DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

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

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Land of Cheese, Trees and Ocean Breeze

NON-CONFORMING MAJOR REVIEW #851-22-000151-PLNG: COULTER

ADMINISTRATIVE DECISION AND STAFF REPORT

DECISION: Approved with Conditions

DECISION DATE: July 19, 2022

REPORT PREPARED BY: Melissa Jenck, CFM, Senior Planner

I. GENERAL INFORMATION:

- Request:** A Nonconforming Major Review request for a remodel and expansion of a non-conforming single-family dwelling. (Exhibit B).
- Location:** The subject property is located at 35465 Rueppell Road, a County local access road, and is designated as Tax Lot 4800 in Section 30BD of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. (Exhibit A).
- Zone:** Pacific City/Woods Airpark (PCW-AP) Zone
- Applicant:** Ronald Coulter, PO Box 2323, Chelan, WA 98816
- Property Owner:** David Coulter, 217 N. Grant St., Goldendale, OR 97620

II. PROPERTY DESCRIPTION:

According to Tillamook County Assessor's records, the subject property is approximately 0.34 acres and is developed with an existing 1,736 square foot single-family dwelling (Exhibit A). Tillamook County Assessor's records indicated that the existing house was built in 1966 (Exhibit A).

The surrounding area is also zoned Pacific City/Woods Airpark (PCW-AP) and Pacific City/Woods Medium Density Residential (PCW-R2) and is developed with residential uses (Exhibit A). No wetland features are mapped on the subject property, while located easterly of the Nestucca River (Exhibit A). The subject property is located in FEMA Flood Zone 'AE' and Floodway as depicted on FEMA FIRM 41057C0855F dated September 28, 2018

(Exhibit A). A Floodway Development Permit is concurrently in review by this Department, Permit #851-21-000321-PLNG, to ensure compliance with the Flood Hazard (FH) Overlay.

Applicant is proposing to remodel the existing dwelling and expand with the addition of an approximately 1600-sq-ft. addition of an existing non-conforming structure (Exhibit B).

III. 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 IV of this report:

- A. Section 3.335: Pacific City/Woods Airpark (PCW-AP) zone
- B. Section 3.510: Flood Hazard (FH) Overlay
- C. Section 3.565: Pacific City Airport Obstruction Overlay (PAO)
- D. Article VII: Nonconforming Uses and Structures

IV. ANALYSIS:

A. **Section 3.335: Pacific City/Woods Airpark (PCW-AP) Zone**

- (1) *PURPOSE: The purpose of the PCW-AP zone is to support and encourage the continued operation and vitality of the Pacific City airport and to designate areas for uses including residential homes, aircraft hangars and aircraft related businesses, while promoting safety in the airport area. Land that is suitable for the PCW-AP zone is contiguous to the Pacific City Airport. It is acknowledged that the airport has adverse impacts to the surrounding area, i.e. noise and propwash, however, the community desires that the airport be maintained.*
- (2) *USES PERMITTED OUTRIGHT: In the PCW-AP zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.*

Findings: The purpose of the PCW-AP zone is to support and encourage the continued operation and vitality of the Pacific City Airport and to designate areas for uses including residential homes, aircraft hangars and aircraft related businesses, while promoting safety in the airport area. Land that is suitable for the PCW-AP zone is contiguous to the Pacific City Airport. It is acknowledged that the airport has adverse impacts to the surrounding area, i.e. noise and propwash, however, the community desires that the airport be maintained. Staff finds that the residential use of a single-family dwelling and accessory structures is a use allowed by right in the underlying zone.

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

...

(d) The minimum front yard shall be 20 feet.

(e) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be 15 feet.

(f) The minimum rear yard shall be 20 feet; on a corner lot it shall be 5 feet.

(g) The maximum building height shall be in conformance with the Pacific City Airport Overlay. A survey shall be submitted with a building permit application to determine compliance with Section 3.210 Pacific City Airport Obstruction Overlay Zone (PAO) maximum building height requirements. Maximum building height shall be 35 feet unless the Airport Overlay Zone requires lesser height.

...

Findings: The submitted site plan indicates the existing building is setback 2-feet 3-inches from the front lot line and 3-feet from the right-side lot line (Exhibit B). The existing single-family does not meet the 20-foot front yard setback or 3-foot side yard required by the PCW-AP (PCW-AP) zone. Staff reviewed TCLUO 4.110, 'Exceptions to Yard Setback Requirements' for decks, porches and steps for relief, and found that TCLUO Section 4.110(8) 'Decks, Porches, and Steps' is an available exception which can be applied to the existing development in order to

meet setback requirements. As such, the existing deck at a 3-foot setback from the right-side lot line would conform to current zone requirements, so long as it remains uncovered.

Staff finds that the subject property was developed prior to the adoption of the Tillamook County Land Use Ordinance and that the provisions of TCLUO Article 7, 'Nonconforming Uses and Structures' apply to the property which are addressed below (Exhibit A).

B. Section 3.510: Flood Hazard Overlay (FH)

It is the purpose of the FH zone to promote the public health, safety and general welfare and to minimize public and private losses or damages due to flood conditions in specific areas of unincorporated Tillamook County by provisions designed to:

- (a) Protect human life and health;*
- (b) Minimize expenditure of public money for costly flood control projects;*
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public;*
- (d) Minimize prolonged business interruptions;*
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazards;*
- (f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;*
- (g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and*
- (h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.*
- (i) Maintain the functions and values associated with Special Flood Hazard Areas which reduce the risk of flooding.*

As indicated on FEMA FIRM 41057C0855F dated September 28, 2018, the subject property is located in an 'AE' Special Flood Hazard Area and Floodway of the Nestucca River (Exhibit A). The existing dwelling and proposed expansion are proposed to be located entirely within the 'AE' zone and Floodway (Exhibit B).

Findings: Staff finds that the existing dwelling and proposed expansion is subject to the standards and criteria of TCLUO Section 3.510 'Flood Hazard Overlay', as the improvements are to be located within the Special Flood Hazard Area. Staff find that the subject property is concurrently in review of a Floodway Development Permit, #851-21-000321-PLNG, to ensure conformance with the standards and criteria of TCLUO Section 3.510. Staff will require as a Condition of Approval conformance to the conditions of the Floodway Development Permit #851-21-000321-PLNG.

C. TCLUO Section 3.565: Pacific City Airport Obstruction Overlay

The maximum building height of any structure shall be in conformance with the Pacific City Airport (PAO) Overlay Zone. A survey shall be submitted with the Consolidated Zoning/Building permit application to determine compliance with Section 3.565: Pacific City Airport Obstruction Overlay Zone (PAO) maximum building height requirements. Maximum building height shall be 35-feet unless the Pacific City Airport Obstruction Overlay requires lesser height. Staff will require a Condition of Approval that a survey prepared by a professional surveyor documents compliance with required height standards of the PCW-AP and PAO zone standards, whichever is lesser.

Notwithstanding any other provisions of the Tillamook County Land Use Ordinance, no use may be made of land or water within any zone established by the Pacific City Airport Obstruction Overlay (PAO) Zone in such a manner as to create electrical interference with aviation radio communications, result in glare in the eyes of pilots using the airport, impair the visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, of maneuvering of aircraft intending to use the

airport. Comments were received from the Oregon Department of Aviation (ODA) detailing conditions including an aeronautical evaluation, confirmation of development penetrating FAR Part 77 Imaginary Surfaces, lighting requirements and vegetative management standards (Exhibit C). Staff find that a Condition of Approval shall be made to confirm ODA's conditions are met at time of Consolidated Zoning/Building permit submission.

The subject property is located within the Airport Special Height Zone of the Pacific City Airport Obstruction Overlay (PAO) Zone. A Hold Harmless Agreement must be recorded in the Tillamook County Clerk's Office prior to the issuance of a Building Permit. A copy of the Hold Harmless Agreement is included as "Exhibit D" of this report.

D. TCLUO Article VII, Section 7.020 Nonconforming Uses and Structures

The purpose of the NONCONFORMING USES AND STRUCTURES provisions are to establish standards and procedures regulating the continuation, improvement and replacement of structures and uses which pre-date, and which do not comply with, this Ordinance. The intent is to allow changes to nonconforming uses and structures in a manner that does not increase the level of adverse impact to surrounding areas. These provisions are intended to be consistent with ORS 215.130.

TCLUO Section 7.020(1) 'Definitions': A nonconforming structure is defined in the Tillamook County Land Use Ordinance (TCLUO) Section 7.020 as "A structure that does not conform to current requirements of this Ordinance but which legally existed at the time the applicable section(s) of the Ordinance took effect."

Findings: As noted above, Staff finds that the existing single-family dwelling does not conform to the current dimensional standards of the Pacific City Airpark (PCW-AP) zone. Staff finds that the subject property was developed prior to the adoption of ordinance and the existing structures are be considered non-conforming structures (Exhibits A and B).

TCLUO Section 7.020(4) 'Alteration or Expansion' indicates that the alteration or expansion of a nonconforming structure shall be subject to satisfaction of the Nonconforming Major Review criteria where the 100% Market Value Threshold of the structure is exceeded. TCLUO Section 7.020 defines the 100% Market Value Threshold as 'ALTERATIONS or EXPANSIONS within any five year period, of which equals or exceeds 100% of the market value of the structure (as indicated by the records of the County Assessor) at the beginning of the five-year period'.

Findings: Tillamook County Assessor's records indicate that the value of the improvements on the property have a market value of \$231,020 (Exhibit A). Applicant has indicated that the proposed project will exceed the 100% Market Value Threshold (Exhibits A and B). Staff finds that Applicant's request constitutes an expansion of a nonconforming structure exceeding its assessed value and is therefore subject to the Major Nonconforming Review process which is addressed below.

TCLUO Article X requires notice of Non-Conforming Minor Review applications to be mailed to landowners within 250 feet of the subject property and applicable agencies. Staff must allow at least 14 days for written comment and must consider received comments in making the decision.

Findings: A notice of the request was mailed to property owners within 250 feet of the subject property and impacted agencies May 23, 2022. Comments were received from Oregon Department of State Lands (DSL) and Oregon Department of Aviation and are contained in 'Exhibit C'. DSL indicated the proposed development was outside of mapped state waters (Exhibit C).

1. TCLUO Section 7.020(12) Major Review

Application is made under the fee and procedure for a Type II Administrative Review and is reviewed relative to the following criteria:

(a) *The proposed alteration or expansion may be allowed only if the nonconforming structure or use is brought into conformance, or the nonconforming structure or use, including the proposed alteration/expansion, meets the following criteria:*

- i. The alteration/expansion meets the Minor Review criteria; and*
- ii. Either:*

- 1. The nonconforming structure or use, including the proposed alteration/expansion, is consistent with the purposes of relevant development standards as enumerated in Section 4.005 and preserves the rights of neighboring property owners to use and enjoy their land for legal purposes; or*
- 2. The applicant demonstrates that bringing the structure or use into compliance is either physically impracticable or financially onerous, and that mitigation will be implemented and maintained which will substantially offset the impact(s) to neighboring property owners. The Department may require the applicant to submit a site survey or similar information to assist in making these determinations.*

Findings: Satisfaction of the Minor Review Criteria are addressed below. The Applicant states bringing the structure into compliance is not physically possible given the intent to utilize the original dwellings concrete masonry in the original footprint, which is not feasible to move (Exhibit B).

Staff finds that the nonconforming dwelling altered and expanded as proposed will be consistent with the purposes of relevant development standards as enumerated in Section 4.005 particularly given that:

- The proposed addition will not affect access needed for emergency vehicles.
- Development is within the existing footprint with expansion eastward towards the Pacific City Airport while, ensuring private lands are accommodated as all proposed improvements will be entirely located within the property. Further,
- The proposed alterations and expansion of the existing residential dwelling is compatible with neighboring uses as other properties are residential in nature.

Given the scope of work proposed for alteration and expansion of the existing single-family dwelling as outlined in "Exhibit B", Staff finds that Applicant has demonstrated that the rights of neighboring property owners to use and enjoy their land for legal purposes will be preserved.

Staff finds that Staff finds that these criteria can be met through compliance with Conditions of Approval.

2. TCLUO Section 7.020(11) Minor Review

Application is made under the fee and procedures for a Type II Administrative Review and is reviewed using the following review criteria. A request may be permitted if:

(a) The request will have no greater adverse impact on neighboring areas than the existing use or structure when the current zoning went into effect, considering:

- i. A comparison of existing use or structure with the proposed change using the following factors:*
 - (1) Noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line or off-site;*
 - (2) Number and kinds of vehicular trips to the site;*

Findings: The existing use is a single-family dwelling, and the Applicant proposes to maintain the use as a single-family dwelling (Exhibit B). The Applicant proposed to expand the footprint of the dwelling eastward towards the Pacific City Airport runway (Exhibit B). Staff find that the proposed use and location of improvements will not affect the listed items. Staff find these criteria are met.

- (3) Amount and nature of outside storage, loading and parking;*
- (4) Visual impact;*
- (5) Hours of operation;*

Findings: The Applicants site plan indicates continued usage of existing enclosed parking garages, along with the development of a new gravel driveway, expanding off the existing location of the original driveway (Exhibit B). The proposed expansion/alteration is not a change in use and therefore no hours of operation than those typical for residential uses are expected to change as a result of the proposed development. Applicant will be required to demonstrate compliance with required building heights within the PCW-AP zone and development within the Pacific City Airport Obstruction Overlay (PAO) at time of Consolidated Zoning/Building permit submittal. Staff find that these criteria are met subject to the Conditions of Approval.

- (6) *Effect on existing vegetation;*
- (7) *Effect on water drainage and water quality;*

Findings: Applicant has proposed an expansion to the original dwelling, including additions to the gravel driveway location (Exhibit B). The subject property is currently improvement with an existing gravel driveway off Rueppell Ave, with vegetation consisting generally of grasses and shrubs as indicated by imagery (Exhibit A & B). The subject property will increase impervious surface area with the proposed addition and gravel driveway (Exhibit B). Staff will require as a Condition of Approval a stormwater management plan that confirms all stormwater generated from the proposed development will be managed onsite.

- (8) *Service or other benefit to the use or structure provides to the area; and*
- (9) *Other factors relating to conflicts or incompatibility with the character or needs of the area.*

Findings: Applicant states it will bring a visual benefit to the area by improving aesthetics (Exhibit B). Staff finds that the use of the single-family dwelling will remain residential in nature. Any services or benefits that could be provided remain unchanged. Staff finds this criterion met.

ii. The character and history of the use and of development in the surrounding area.

Findings: Staff finds that a single-family dwelling has existed on the subject property since 1966 (Exhibits A and B). Staff finds that the proposed development is served by existing County roads in a developed area consistent with the Applicant's property and that the surrounding and adjacent properties are similar in nature and are consistent with the character and history of the use and development in the surrounding area. Staff finds this criterion met.

(b) The request shall maintain a minimum separation of six feet between structures, and comply with the clear vision area of Section 4.010. The Department may require the applicant to submit a site survey or similar information to assist in making these determinations.

Findings: The subject property is not a corner lot and the requirements of TCLUO Section 4.010 are not applicable (Exhibit A). There are no additional structures on the parcels to the north or south of the subject property and would indicate the six-foot separation is maintained (Exhibit A & B). Staff finds that the proposed development will have no greater adverse impact on neighboring areas than the existing structures particularly given the structure will continue to be devoted to single-family residential use (Exhibit B). Staff finds that these Criteria can be met through Compliance with Conditions of Approval.

IV. DECISION: APPROVED WITH CONDITIONS

Staff concludes that the applicant has satisfied the review criteria, and can meet all applicable requirements at the time of application. Therefore, Staff approves this request. No further development shall occur on the subject property without prior land use approval. 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 and 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 case, forms and fees must be filed in the office of this Department before **4:00 PM on August 1, 2022.**

V. CONDITIONS OF APPROVAL:

Failure to comply with the Conditions of Approval and Tillamook County Land Use Ordinance provisions may result in nullification of this approval or citations.

1. The applicant/property owner shall obtain all required Federal, State, and Local permits, including demolition permits and on-site sanitation permits, as applicable.
2. All applicable permits, including a consolidated Zoning/ Building Permit from the Tillamook County Department of Community Development shall be obtained prior to construction of the proposed expansion to the dwelling.
3. The applicant/property owner shall submit a site plan drawn to scale that confirms all required setbacks are met. The site plan shall be submitted to the Department of Community Development at the time of consolidated Zoning and Building Permit application submittal.
4. Applicant/property owner shall comply with all other standards of TCLUO Section 3.335, Pacific City/Woods Airpark zone (PCW-AP) and the Pacific City Airport Obstruction Overlay (PAO) where applicable.
5. At the time of Zoning and Building Permit application, the Applicant shall provide a survey prepared by a professional surveyor documenting compliance with Section 3.565: Pacific City Airport Obstruction Overlay (PAO) Zone maximum building height requirements and the 35-foot building height restriction required of the PCW-AP zone, whichever is lesser.
6. At the time of Consolidated Zoning/Building Permit application, Applicant shall provide an executed, notarized and recorded copy of the Hold Harmless Agreement required by TCLUO Section 3.565(9) which is included as 'Exhibit D'.
7. As requested by the Oregon Department of Aviation, Applicant shall demonstrate compliance with their Conditions of Approval as stated in their comments included in 'Exhibit C' including:
 - In accordance with FAR Part 77.9 and OAR 738-070-0060, this proposal is required to undergo aeronautical evaluations by the FAA and ODAV. The aeronautical evaluations are initiated by the applicant providing notice to the FAA and ODAV to determine if the proposed structure will pose a hazard to aviation safety at Pacific City State Airport (PFC). The applicant must receive the resulting aeronautical determination letters from the FAA and ODAV prior to approval of any building permits.
 - The proposed structure shall not penetrate FAR Part 77 Imaginary Surfaces, as determined by the FAA and ODAV.
 - External lights shall be designed as to not interfere with aircraft or airport operations.
 - Trees and other planted vegetation shall not penetrate FAR Part 77 Imaginary Surfaces.
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Community Development and Public Works, to confirm all stormwater for the proposed development will be managed onsite.

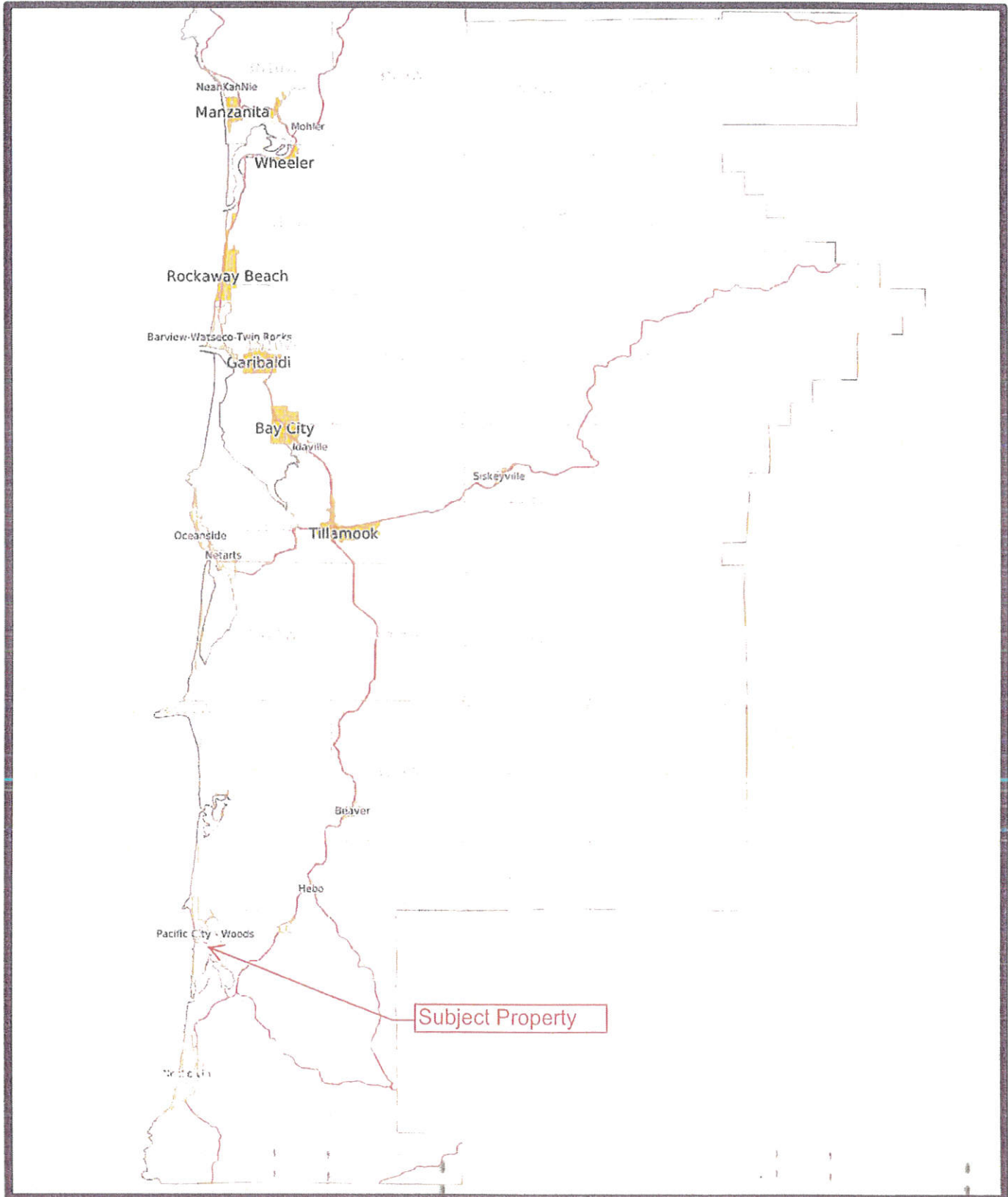
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VI. EXHIBITS

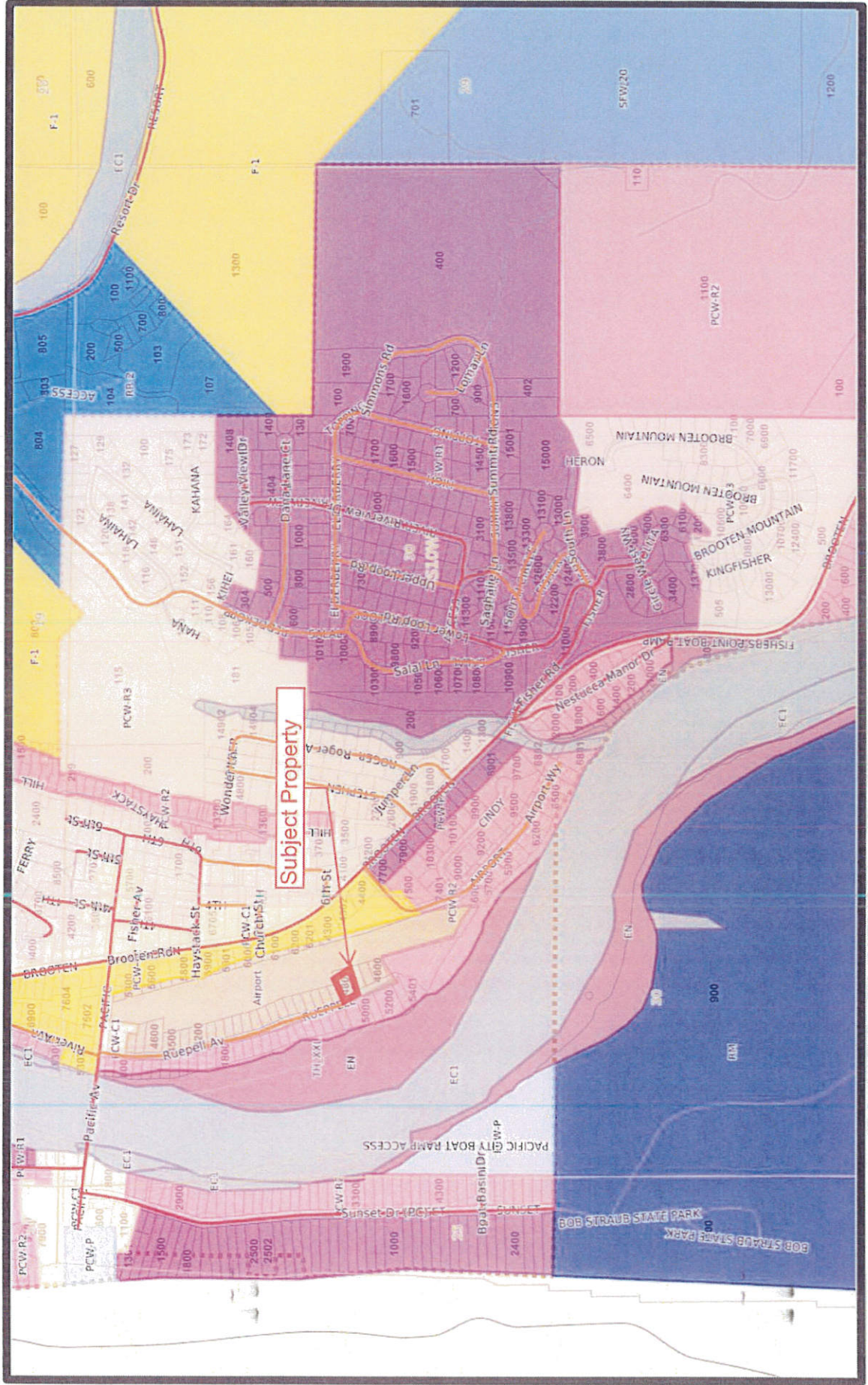
- A. Vicinity map, Assessor's map, Zoning map, Tax Assessor's Summary Report, Wetlands, FEMA FIRM, and Google map
- B. Applicant's Submittal
- C. Public Comments
- D. Hold Harmless Agreement

EXHIBIT A

Vicinity Map



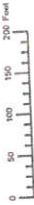
Zoning Map



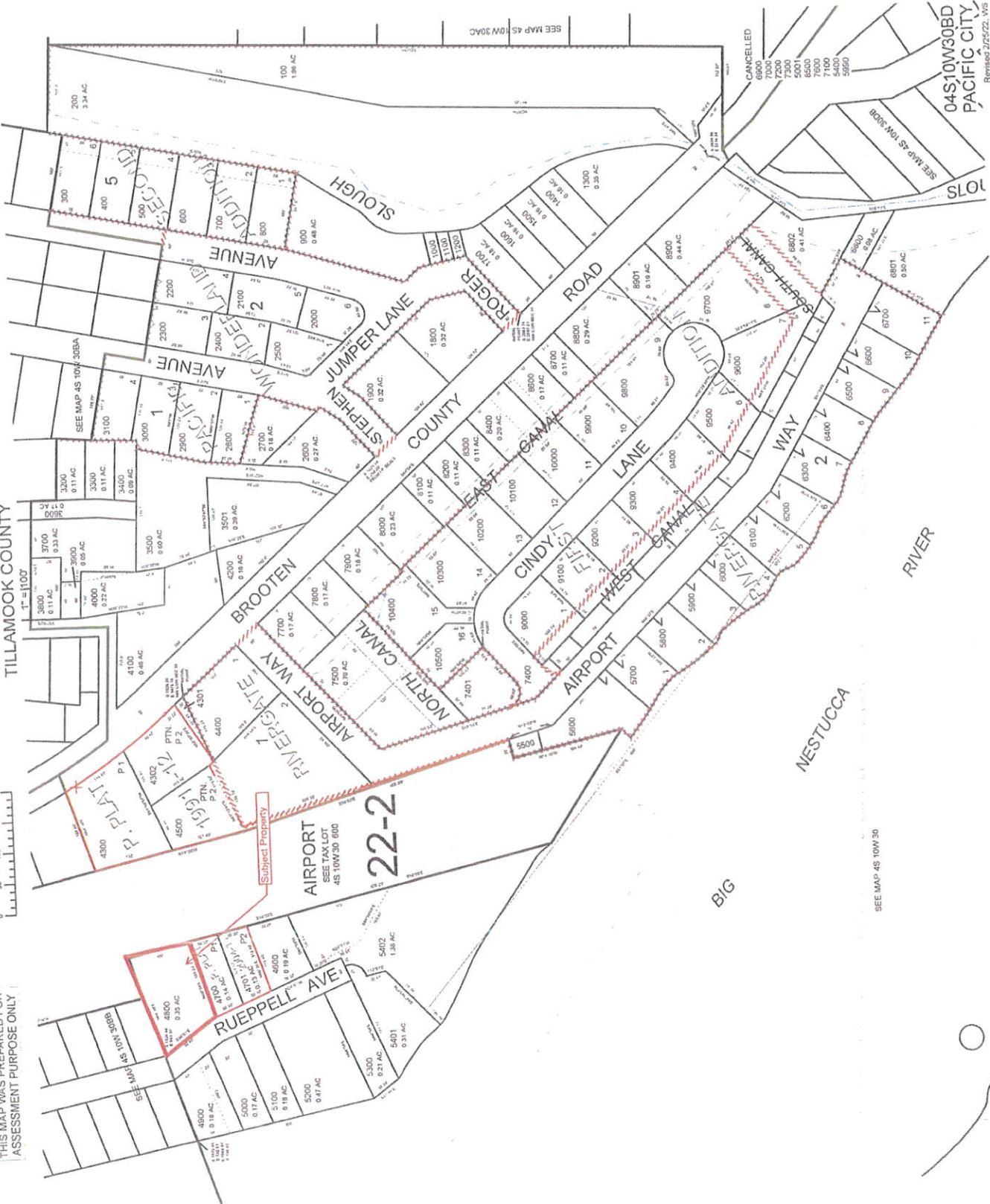
04S10W30BD
PACIFIC CITY

S.E. 1/4 N.W. 1/4 SEC. 30 T. 4S. R. 10W. W.M.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



TILLAMOOK COUNTY



Subject Property

AIRPORT
SEE TAX LOT
4S 10W 30 000

22-2

SEE MAP 4S 10W 30AC

CANCELLED
70300
70300
72300
73000
50001
50000
75000
71000
54000
59500

04S10W30BD
PACIFIC CITY
Revised 2/25/22, V15

SEE MAP 4S 10W 30

BIG

NESTUCCA

RIVER



TILLAMOOK County Assessor's Summary Report
Real Property Assessment Report
 FOR ASSESSMENT YEAR 2021

March 10, 2022 1:44:05 pm

Account # 240698	Tax Status ASSESSABLE
Map # 4S1030BD04800	Acct Status ACTIVE
Code - Tax # 2202-240698	Subtype NORMAL
Legal Descr See Record	
Mailing Name COULTER, DAVID	Deed Reference # 2018-3245
Agent	Sales Date/Price 05-30-2018 / \$250,000.00
In Care Of	Appraiser ROBERT BUCKINGHAM
Mailing Address 217 N GRANT AVE GOLDENDALE, WA 98620-9513	
Prop Class 121 MA SA NH Unit	
RMV Class 101 09 ST 901 19707-1	

Situs Address(s)	Situs City
ID# 1 35465 RUEPELL AVE	COUNTY

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
2202 Land	109,220			Land	0
Impr.	231,020			Impr.	0
Code Area Total	340,240	246,880	246,880		0
Grand Total	340,240	246,880	246,880		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
2202					LANDSCAPE - FAIR	100				500
2202	1		<input checked="" type="checkbox"/>	PCW-A P	Market	104	A	0.35		80,220
2202					OSD - AVERAGE	100				28,500
Grand Total									0.35	109,220

Code Area	Yr	Stat	Improvement Breakdown	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
2202	1	1966	139 Basement First Floor	123	1,736		231,020
Grand Total						1,736	231,020

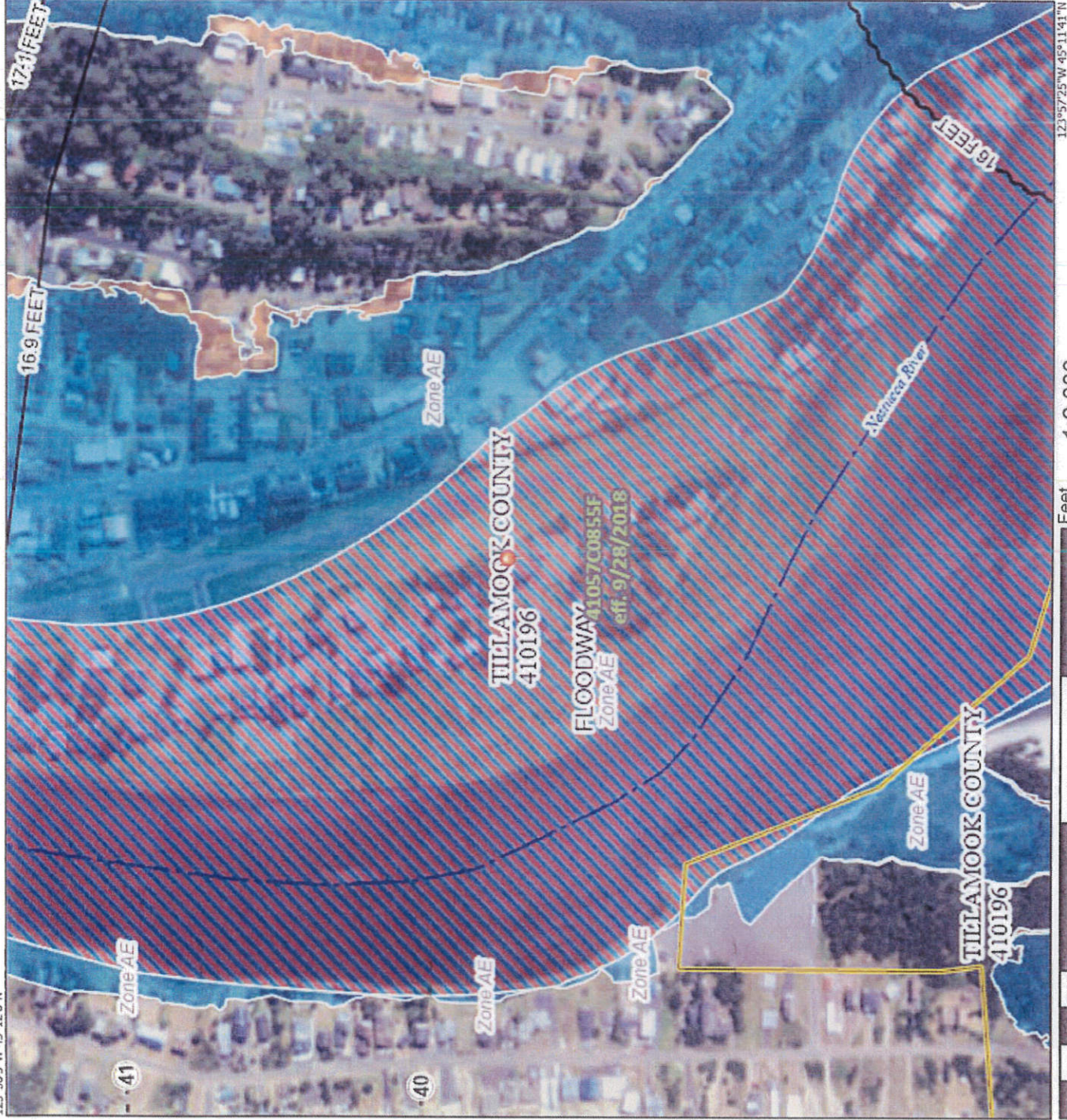
Exemptions / Special Assessments / Potential Liability							
Code Area	2202	SPECIAL ASSESSMENTS:					
		<input checked="" type="checkbox"/>	SOLID WASTE	Amount	12.00	Acres	0 Year 2021

Comments: 04-09-04 Changed land value to reflect residential trends for neighborhood. sm. 10/18/06 input inventory. gb 01/29/14
 Reappraised land; tabled values. RBB

National Flood Hazard Layer FIRMette



123°58'3"W 45°12'6"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

<p>SPECIAL FLOOD HAZARD AREAS</p> <ul style="list-style-type: none"> Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i> With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> Regulatory Floodway 	<p>OTHER AREAS OF FLOOD HAZARD</p> <ul style="list-style-type: none"> 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 <i>Zone J</i> Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i> Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i> Area with Flood Risk due to Levee <i>Zone D</i> 	<p>OTHER AREAS</p> <ul style="list-style-type: none"> Area of Minimal Flood Hazard <i>Zone X</i> Effective LOMRS Area of Undetermined Flood Hazard <i>Zone</i> 	<p>GENERAL STRUCTURES</p> <ul style="list-style-type: none"> Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall 	<p>OTHER FEATURES</p> <ul style="list-style-type: none"> 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 	<p>MAP PANELS</p> <ul style="list-style-type: none"> 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 3/10/2022 at 4:42 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.



U.S. Fish and Wildlife Service

National Wetlands Inventory

Coulter






March 10, 2022

Wetlands

-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland

-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond

-  Lake
-  Other
-  Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

EXHIBIT B

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2
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3
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4
4



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

OFFICE USE ONLY	
Date Stamp	
APR 14 2022	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #: 125346	
Fees: 843-	
Permit No:	
851-22-000151 -PLNG	

Applicant (Check Box if Same as Property Owner)

Name: Ronald Coulter Phone: (509) 630-5518
 Address: P.O. Box 2323
 City: Chelan State: Wa Zip: 98816
 Email: ron.coulterarchitects@gmail.com

Property Owner

Name: Dave Coulter Phone: (360) 508-0960
 Address: 217 N. Grant St.
 City: Goldendale State: Wa. Zip: 98620
 Email: davecoulter@kirbyco.net

Request: Review Front set back

- | Type II | Type III | Type IV |
|--|--|---|
| <input type="checkbox"/> Farm/Forest Review | <input type="checkbox"/> Appeal of Director's Decision | <input type="checkbox"/> Appeal of Planning Commission Decision |
| <input type="checkbox"/> Conditional Use Review | <input type="checkbox"/> Extension of Time | <input type="checkbox"/> Ordinance Amendment |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Detailed Hazard Report | <input type="checkbox"/> Large-Scale Zoning Map Amendment |
| <input type="checkbox"/> Exception to Resource or Riparian Setback | <input type="checkbox"/> Conditional Use (As deemed by Director) | <input type="checkbox"/> Plan and/or Code Text Amendment |
| <input checked="" type="checkbox"/> Nonconforming Review (Major or Minor) | <input type="checkbox"/> Ordinance Amendment | |
| <input type="checkbox"/> Development Permit Review for Estuary Development | <input type="checkbox"/> Map Amendment | |
| <input type="checkbox"/> Non-farm dwelling in Farm Zone | <input type="checkbox"/> Goal Exception | |
| <input type="checkbox"/> Fore-dune Grading Permit Review | | |
| <input type="checkbox"/> Neskowin Coastal Hazards Area | | |

Location:

Site Address: 35465 Rueppell Ave Pacific City, Or.

Map Number:

Township Range Section Tax Lot(s)

Clerk's Instrument #: _____

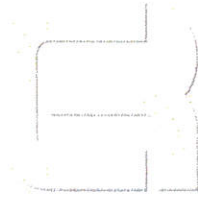
Authorization

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.

Property Owner Signature (Required)

Applicant Signature

4/8/22
Date
4-8-22
Date



COULTER ARCHITECTS, PLLC

Memo to: Melissa Jenk

4-11-22

From: Coulter Architects representing Dave and Pattie Coulter

RE: David Coulter project, Response to review comments from Melissa dated 4-6-22

and our ARTICLE VII: MAJOR REVIEW CRITERIA response.

Application form enclosed, check for \$ 843.00 to follow by mail.

Melissa;

1-To follow your memo chronologically, the first item is the project value. The value has increased during this last 8 months during this review. The market, supply chain, and inflation have moved the cost from \$ 650,00 to \$ 850,00 based on our current reviews. It would be noted, however, that only about 20% of this reflects work on the existing structure. The existing building foot print has not changed, and the decks reflect replacing the same existing decks in the existing foot print as well. This was done meticulously so as to not change the setbacks from the existing. (ii) The decks are currently in an unsafe condition, and it would be negligent to leave 20% of them as is.

2-I have added the S.F. of all decks on the revised site plans which are enclosed, as described next in item 3.

3- Enclosed are two site plans addressing set backs. The one shown as RFI-1 shows the Bayside Surveying location of the existing house only, with the current decks and required set back lines in red, on all four sides.

The second one, RFI-2, shows the full project with the same set back lines in red. You will also note, at the NW corner of this drawing, that some of the deck in the front set back has not been replaced. (i) We have no new encroachments based on the current design, just replacing existing unsafe decks that are some 40 years old and were not constructed well in the first place, and also reducing the foot print at the NW corner.

The two RFI Drawings illustrate that the existing building foot print is not being modified, and that the configuration of the decks are the same as the original survey footprint.

Next, as to our response to (11) MINOR REVIEW (A) I A 1 thru 9 ii, and (b) :

I would start with the nonconforming front setback by showing the enclosed photo of the second house north of the subject property. On this photo you will observe the power pole is essentially next to the house, and the power pole is in the right of way. This similar condition can be found on several properties along this dead end street. The point here is that these other houses possess the same issues relevant to the subject property. It's my professional opinion that many houses on this street are somewhat non conforming, and to require the subject property to comply would be discriminating and punitive to my client.

14229 SE 23rd Street, Bellevue, WA 98007 - o 425.417.6284

P.O. Box 2323, Lake Chelan, WA 98816 - o 509.630.5518

www.coulterarchitects.com



COULTER ARCHITECTS, PLLC

Referring to the above site plans, per your request, a site plan of the existing building, using the survey by Bayside Surveying, Inc. to shows the setbacks per the code. I have also enclosed a drawing showing the final build out with the set back lines also delineated in red. Again, please note that the decks have been meticulously replaced in the same footprint as the existing decks. The existing decks are all past their useful life and are now unsafe to use.

I see nothing in the comparison list of existing verses proposed change (1 through 9) that represent an issue. (None of this list fairly represent a single family dwelling environment, but seems to be more addressed to a commercial enterprise.) I would add to item 9, however, that this project represents an improvement to the neighborhood and will enhance the character of the surrounding area, all.....while not expanding the street side exposure.

(12) MAJOR REVIEW: (a) I:

I have asserted above that we meet and exceed the criteria of the MINOR REVIEW.

II Either 1:

We not only preserve the issues above and exceed them, we have helped stimulate the future of the area by investing in an area that is in need of upgrading. The aesthetic enhancement to the neighborhood should not be ignored, but looked at as an improvement and stimulus to others to improve the area.

2- Since the ground floor of the existing building is made of concrete masonry, it is not feasible to move, since it would mean rebuilding the entire ground floor again. In addition, the existing building was built in two phases, so it would not even be possible to lift it off the ground floor.

We assert that the improvement, including the enhancement of the aesthetic of the area, would more than mitigate any impact. Given the fact that several other properties are also nonconforming, it would be punitive to this one.

Again: The value has now grown, over this last 8 months, from \$650,000 to \$850,000.

In conclusion Melissa, if you were to visit this location, you would see the need for this project and how appropriate it is. This is a well thought out project that responds to it's fishing community, as well as the airport aspect. Pacific city is a unique city that has grown up, starting as a fishing community, and tries to respond to the present, but as importantly, has a past that is also relevant. While you are here, you can visit the memorial to the dory fleet, which is still one of it's favorite spectacles to watch. My extended family has had property on this street for over 100 years.

Dave is one of those dory owners, and is an avid fisherman....this project respects that past and does so while adding to the value of the area.

We should consider resolving this for the entire street so that the area can develop and improve in an orderly way. The enclosed photo illustrates the need for a method of recognizing this

} } } }
14229 SE 23rd Street, Bellevue, WA 98007 - o 425.417.6284
P.O. Box 2323, Lake Chelan, WA 98816 - o 509.630.5518
www.coulterarchitects.com



COULTER ARCHITECTS, PLLC

historic area and how it evolved. As this area becomes more valuable and sought after, the street will continue to seek improvement.

Please visit, and you will be convinced.

As always, I appreciate your help in these matters, and look forward to getting this addition to the community completed.

Sincerely,

Ronald E. Coulter, AIA, emeritus, NCARB, LEED AP
105 N Emerson Street, suite 201
Lake Chelan, WA. 98816
(509) 630-5518

Enclosures:

Application form Land use application (Check to follow in the mail)

Photo of Rueppell Ave. looking north from the subject site.

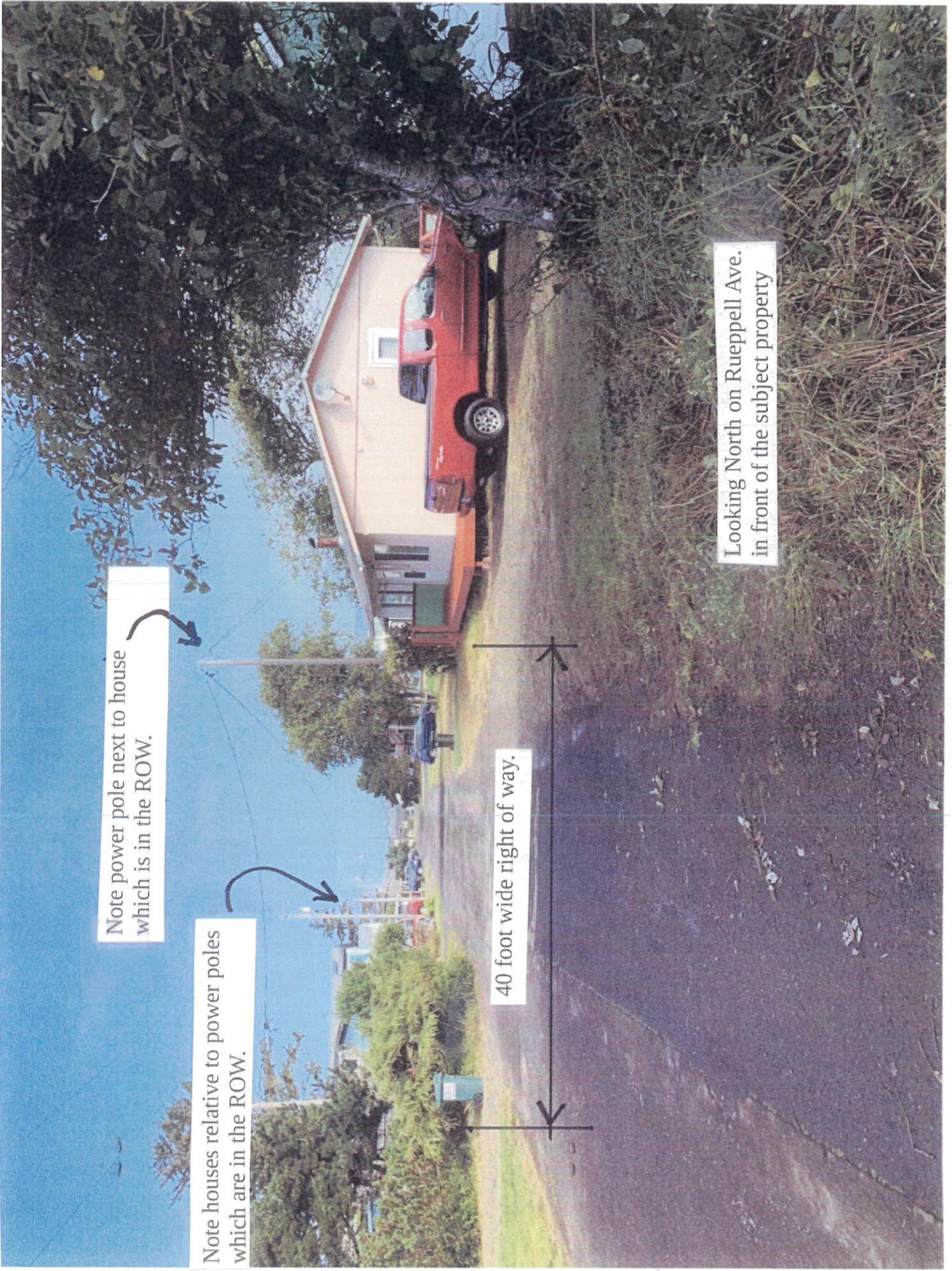
Site Plan RFI-1 (survey dwg of existing) and site plan RFI-2, both with Set back lines in red.

Note power pole next to house which is in the ROW.

Note houses relative to power poles which are in the ROW.

40 foot wide right of way.

Looking North on Rueppell Ave. in front of the subject property

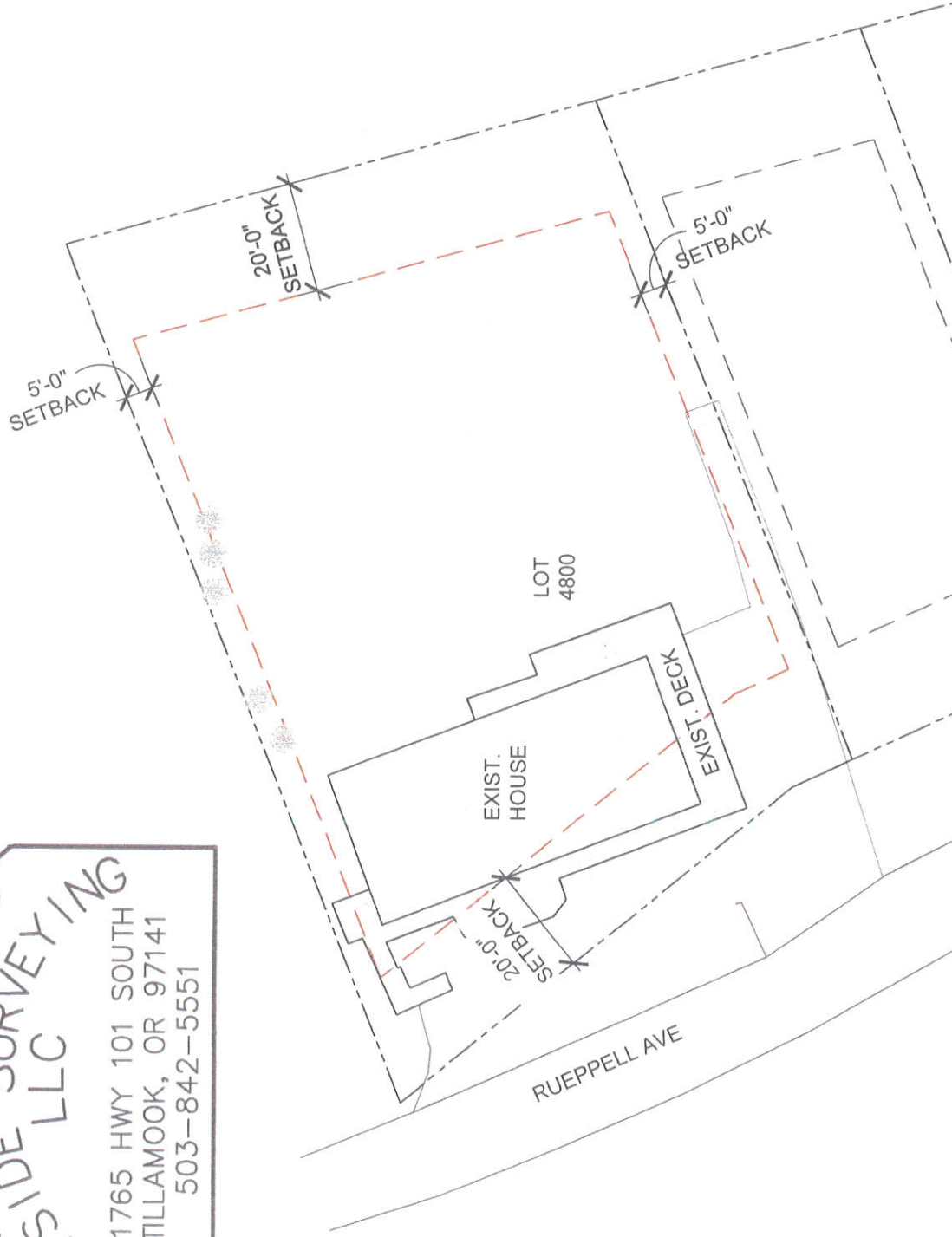


RFI-1

Date: 04.07.22
Checked By: REC
Drawn By: MEC
Project #: 2021-1

DAVE & PATTIE COULTER RESIDENCE
35465 RUEPPELL AVE. PACIFIC CITY, OREGON 97135

COULTER
ARCHITECTURE

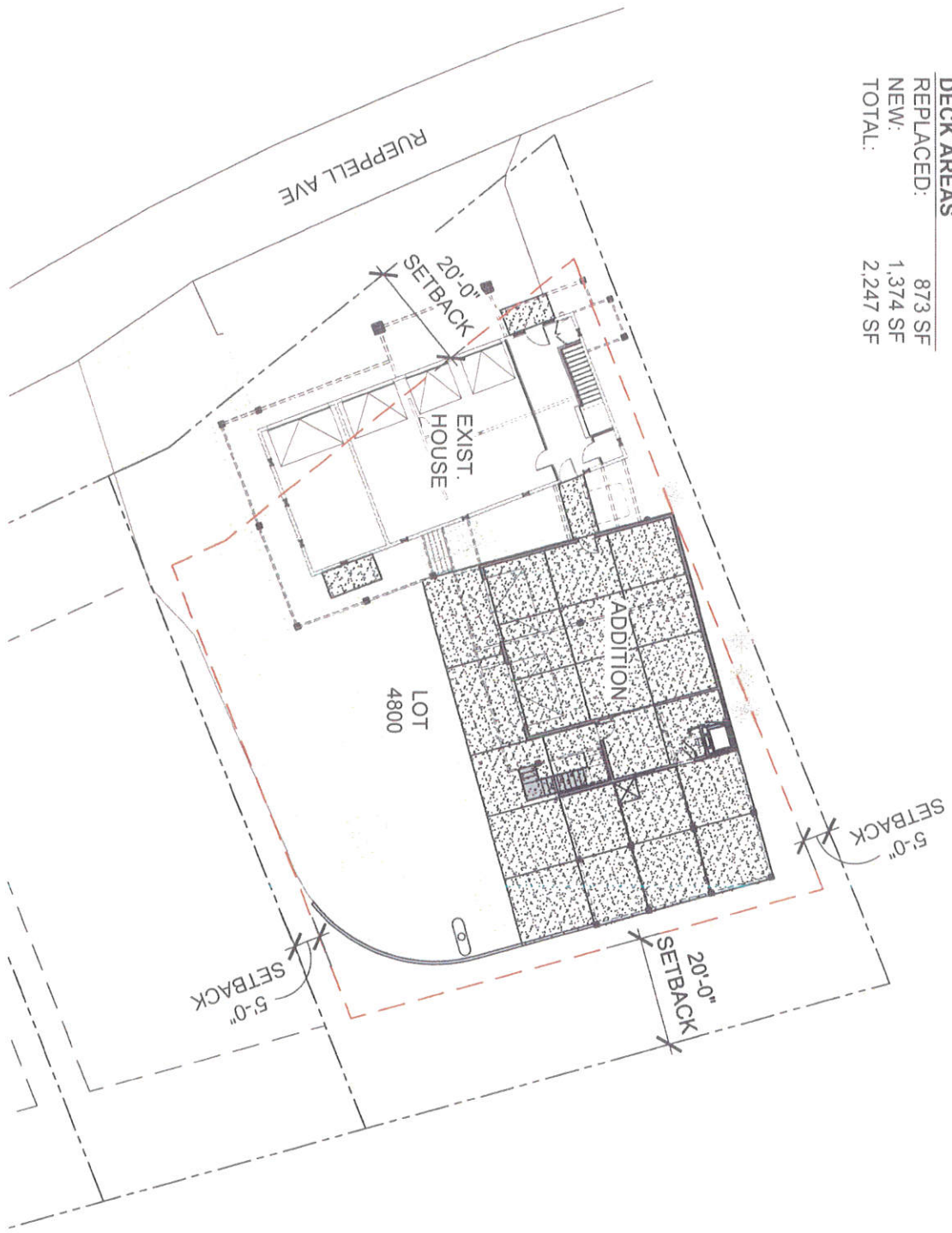


SURVEY BY:
BAYSIDE SURVEYING
 11765 HWY 101 SOUTH
 TILLAMOOK, OR 97141
 503-842-5551

EXISTING | **SITE** | **PLAN**
 SCALE 1" = 30'-0"



DECK AREAS	
REPLACED:	873 SF
NEW:	1,374 SF
TOTAL:	2,247 SF



NORTH

SITE
SCALE

PLAN
1" = 30'-0"



DAVE & PATTIE COULTER RESIDENCE
35465 RUEPPELL AVE. PACIFIC CITY, OREGON 97135

Date: 04.07.22
Checked By: REC
Drawn By: MEC
Project #: 2021.1

RFI-2

EXHIBIT C

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Melissa Jenck

From: THOMPSON Seth <Seth.THOMPSON@odav.oregon.gov>
Sent: Tuesday, March 29, 2022 12:11 PM
To: Melissa Jenck
Cc: Sarah Absher; PECK Heather; BEACH Anthony
Subject: EXTERNAL: RE: Notice of Application - Coulter DP providing the opportunity for the Oregon Department of Aviation (ODAV) to comment on Floodway Development Permit #851-21-000321-PLNG
Attachments: ODA Comment - 851-21-000321-PLNG.pdf; Table 3-4_Compatible Land Uses per FAR Part 77 Surfaces and FAA Safety Areas.pdf

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

Good afternoon, Melissa.

Thank you for providing the opportunity for the Oregon Department of Aviation (ODAV) to comment on Floodway Development Permit #851-21-000321-PLNG. Please see attached.

Please let me know if you have any questions.

Best regards,

Seth Thompson
OREGON DEPARTMENT OF AVIATION
AVIATION PLANNER



OFFICE 503-378-2529 **CELL** 503-507-6965

EMAIL seth.thompson@odav.oregon.gov

3040 25TH STREET SE, SALEM, OR 97302

WWW.OREGON.GOV/AVIATION

From: Melissa Jenck <mjenck@co.tillamook.or.us>
Sent: Tuesday, March 15, 2022 4:58 PM
To: Melissa Jenck <mjenck@co.tillamook.or.us>
Cc: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: Notice of Application - Coulter DP

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good afternoon,

Please see the Notice of Application completed for a Floodplain Development Permit request for Ronald Coulter and David Coulter. The application request is #851-21-000321-PLNG. The comment period ends March 29, 2022. The request is for a single-family dwelling addition.

You may find a copy of the application materials contained on [the Departments Website here](#).

Thank you,



Oregon

Kate Brown, Governor

Oregon Department of Aviation

3040 25th Street SE
Salem, OR 97302-1125
Office: 503-378-4880
Fax: 503-373-1688



TO: Melissa Jenck, CFM, Land Use Planner II
Tillamook County Department of Community Development

FROM: Seth Thompson, Aviation Planner
Oregon Department of Aviation

DATE: March 29, 2022

SUBJECT: Oregon Department of Aviation (ODAV) Agency Comments on Floodway
Development Permit #851-21-000321-PLNG: Coulter

Thank you for providing the opportunity for the Oregon Department of Aviation (ODAV) to comment on Floodway Development Permit #851-21-000321-PLNG. The ODAV has reviewed the proposal referenced with the above file number and has prepared the following report and recommendations:

1. ODAV Report on Permit #851-21-000321-PLNG

The applicant proposes to place a single-family dwelling near the Nestucca River, directly adjacent to the Pacific City State Airport (PFC). The subject property is accessed from Rueppell Avenue, a County local access road, and is designated as Tax Lot 4800, of Section 30BD of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. The property is located in the Pacific City/Woods Airpark (PCW-AP) Zone.

Based on the provided application materials, the proposed single-family dwelling appears to be within the Transitional Surface and the Runway Object Free Area of the PFC Airport. The ODAV strongly opposes any new residential obstruction within the Transitional Surface, and strongly discourages any objects within the Runway Object Free Area.

The ODAV is very concerned that the proposed single-family dwelling will have a detrimental impact on the safety of air navigation at PFC Airport. Current development surrounding PFC Airport already greatly exceeds FAR Part 77 Obstruction Standards. Therefore, the addition of this structure will only further exacerbate this danger to pilots and the public at PFC Airport.

It is important to note that the ODAV reserves the authority to independently identify any structure as a hazard to aviation in accordance with OAR 738-070-0010 (6). The FAA also reserves the authority to identify any structure as a hazard to aviation in accordance with 14 CFR § 77.31 Determinations (c) if the structure exceeds an obstruction standard of FAR Part 77 and has a substantial aeronautical impact.

In addition, the proposed single-family dwelling appears to be in non-conformance with the Airport Land Use Compatibility Guidebook -Table 3-4: Compatible Land Uses per FAR Part 77 Surfaces and FAA Safety Areas. Please see attached for reference. The ODAV strongly discourages residential development in non-conformance with Table 3-4 and the applicable standards provided in the Airport Land Use Compatibility Guidebook.

If approved by Tillamook County, the proposed single-family dwelling will require airspace review by the FAA and ODAV subject to the standards in Code of Federal Regulations: Title 14. Aeronautics and Space: PART 77—Safe, Efficient Use, and Preservation of the Navigable Space.

The proposal is subject to compliance with FAR Part 77.9 Construction or alteration requiring notice (a-d), FAR Part 77.17 Obstruction standards (a-b) and Obstruction Standards of OAR 738-70-0100.

2. ODAV Recommendations for Permit #851-21-000321-PLNG

1. In accordance with FAR Part 77.9 and OAR 738-070-0060, this proposal is required to undergo aeronautical evaluations by the FAA and ODAV. The aeronautical evaluations are initiated by the applicant providing notice to the FAA and ODAV to determine if the proposed structure will pose a hazard to aviation safety at Pacific City State Airport (PFC). The applicant must receive the resulting aeronautical determination letters from the FAA and ODAV prior to approval of any building permits.
2. The proposed structure shall not penetrate FAR Part 77 Imaginary Surfaces, as determined by the FAA and ODAV.
3. External lights shall be designed as to not interfere with aircraft or airport operations.
4. Trees and other planted vegetation shall not penetrate FAR Part 77 Imaginary Surfaces.

Thank you for allowing the ODAV to comment on this development proposal. Please feel free to contact me if you have any questions or need information.

Sincerely,



Seth Thompson, Aviation Planner
503-507-6965 | seth.thompson@odav.oregon.gov

CC: Heather Peck, Planning & Projects Manager
Oregon Department of Aviation

Tony Beach, Deputy Director, State Airports Manager
Oregon Department of Aviation

Table 3-4: Compatible Land Uses per FAR Part 77 Surfaces and FAA Safety Areas

Legend:

- C Generally compatible land use
- NC Incompatible Land Use
 - Not clearly compatible or incompatible, requires specific study

Criteria for Compatibility:

1. Does not exceed height standards
2. Does not attract large concentrations of people
3. Does not create a bird attractant
4. Does not cause a distracting light/glare
5. Does not cause a source of smoke
6. Does not cause an electrical interference
7. Does meet compatible DNL sound levels

Land Uses	Primary Surface	Transitional Surface	Horizontal Surface	Conical Surface	Approach Surface	Runway Protection Zone
Residential						
Residential, other than those listed below	NC	NC	•	C	•	NC
Mobile home parks	NC	NC	•	C	•	NC
Transient lodgings	NC	NC	•	C	•	NC
Public Use						
Places of public assembly (schools, hospitals, churches, auditoriums)	NC	NC	•	C	NC	NC
Government services	NC	•	C	C	•	NC
Transportation (parking, highways, terminals)	NC	•	C	C	•	•
Commercial Use						
Offices, business and professional	NC	•	C	C	•	NC
Wholesale & retail - building materials, hardware and farm equipment	•	•	C	C	•	NC
Retail trade - general	NC	•	C	C	•	NC
Utilities	NC	•	•	•	•	•
Communication	NC	•	•	•	•	NC
Manufacturing & production						
Manufacturing - general	NC	•	•	•	•	NC
Agricultural (except livestock) and forestry	•	•	C	C	•	•
Livestock farming and breeding	NC	•	•	C	•	NC
Mining and fishing, resource production and extraction	NC	NC	•	•	•	NC
Recreational						
Outdoor sports arenas and spectator sports	NC	NC	•	C	NC	NC
Nature exhibits and zoos	NC	NC	•	C	NC	NC
Amusement parks, resorts and camps	NC	NC	C	C	NC	NC
Golf courses	NC	NC	C	C	NC	NC
Parks	NC	•	•	•	•	•

EXHIBIT D

**INSTRUCTIONS FOR FILING THE HOLD HARMLESS AGREEMENT FOR
DEVELOPEMNT WITHIN THE PACIFIC CITY AIRPORT OBSTRUCTION OVERLAY
ZONE**

1. This covenant is required for development of properties located within the Pacific City Airport Obstruction (PAO) Overlay Zone as identified in TCLUO Section 3.565.
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 (typewritten), 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 DCD- Planning Staff at (503)842-3408.

STATE OF OREGON
COUNTY OF TILLAMOOK

HOLD HARMLESS AGREEMENT

_____, (GRANTORS) are the owners of real property described as follows:

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

KNOW ALL PERSONS BY THESE PRESENTS, that the undersigned, hereinafter referred to as Grantors hereby covenant and agree that Grantors shall not, by reason of their ownership or occupation of the following described real property, protest or bring a suit or action in any court or administrative forum against Tillamook County or its officers, employees or agents, or the State of Oregon, Department of Transportation and Aeronautics Division, or its officers, employees or agents, for aviation related noise, property damage or personal injury based on the fact that the State of Oregon, Department of Transportation, and Aeronautics Division own and operate the Pacific City State Airport and that Tillamook County granted building and development permits to grantor to develop the following described real property. The Grantors acknowledge that the Pacific City State Airport does not conform to Federal Aviation Administration Standards and that development of the Grantor's real property also will not conform to Federal Aviation Administration Standards.

The real property of Grantors subject to this covenant and agreement is situated in the County of Tillamook, State of Oregon, and described on attached EXHIBIT A.

This covenant and agreement is made and executed by the Grantors in consideration for Tillamook County's granting a building permit for Grantor's use and development of the above described real property, which real property is located in the Airport special Height Zone or Approach Zone of the Pacific City State Airport. The execution of this covenant and agreement by Grantors is required by Tillamook County as a prerequisite to the granting of the above said building permit to Grantors. This agreement is executed for the protection and benefit of Tillamook County, the State of Oregon, the Oregon Department of Transportation and the Aeronautics Division. This covenant and agreement is intended to be binding upon the Grantors, their heirs, assigns and successors and inure to the benefit of Tillamook County and the State of Oregon, Department of Transportation and Aeronautics Division, their successors and assigns.

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

My Commission Expires:
