



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

1510 – B Third Street
Tillamook, Oregon 97141
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Planning (503) 842-3408
On-Site Sanitation (503) 842-3409
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Land of Cheese, Trees and Ocean Breeze

NON-CONFORMING MINOR REVIEW #851-22-000104-PLNG: NESTLERODE/DOLLAHITE

ADMINISTRATIVE DECISION AND STAFF REPORT

DECISION: Approved with Conditions

DECISION DATE: August 11, 2022

REPORT PREPARED BY: Sheila Shoemaker, Land Use Planner I

I. GENERAL INFORMATION:

- Request:** Nonconforming Minor Review request for the expansion of a single-family dwelling (Exhibit B).
- Location:** The subject property is located in the unincorporated community of Neskowin at 5355 South Fairway RD a County road, also designated Tax Lot 4100 of Section 36AB in Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).
- Zone:** Neskowin Low Density Residential Zone (NeskR-1)
- Applicant:** Chris Nestlerode, 2850 SW Cedar Hills Blvd #106, Beaverton, OR 97005
- Property Owner:** Derek Dollahite, 5355 S Fairview RD, Neskowin, OR 97149

II. PROPERTY DESCRIPTION:

According to Tillamook County Assessor's records, the subject property is approximately 0.55 acres and is developed with an existing 790 square foot single-family dwelling (Exhibit A). Tillamook County Assessor's records indicated that the existing house was built in 1982 (Exhibit A).

The surrounding area is also zoned Neskowin Low Density Residential Zone (NeskR-1) and is developed with residential uses (Exhibit A). The subject property is adjacent to the Forest (F) zone (Exhibit A). The subject property is located in FEMA Flood Zone 'X', an area of minimal flood hazard. As depicted on FEMA FIRM 41057C1005F dated September 28, 2018 (Exhibit A)

Applicant is proposing an addition to the existing single-family dwelling (Exhibit B). The dwelling is considered to be non-conforming because the dwelling does not meet the required resource zone setback of 100 feet.

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 3.322: Neskowin Low Density Residential Zone (NeskR-1)
- B. Article VII: Nonconforming Uses and Structures

IV. ANALYSIS:

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

(1) *PURPOSE:* The purpose of the NeskR-1 zone is to designate areas for low density single-family residential development and other, compatible, uses. Suitability of land for low-density uses is determined by the availability of public sewer service, and such limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features.

(2) *USES PERMITTED OUTRIGHT:* In the NeskR-1 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.

(a) *Single-family dwelling*

Findings: 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 NeskR-1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

(a) *The minimum lot size for permitted uses shall be 7,500 square feet, except that the minimum lot size for a two-family dwelling shall be 10,000 square feet. Where public sewers are not available, the County Sanitarian may require lot sizes greater than the minimum if necessary for the installation of adequate on-site subsurface sewage disposal systems, or for adequate protection of public health or sensitive water bodies.*

...

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

...

Findings: The subject property encompasses 0.55 acres and exceeds the minimum lot size required for the zone (Exhibit A).

The submitted site plan indicates the existing dwelling is meeting or exceeding applicable setbacks of TCLUO Section 3.010 other than the resource zone setback of 100 feet (Exhibit B). The site plan confirms the existing single-family dwelling does not meet the 100-foot resource zone setback required by the Neskowin Low Density Residential Zone (NeskR-1) zone and the proposed expansion is subject to the provisions of TCLUO Article 7: Non-conforming uses and structures.

B. 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: County records indicate the subject property was developed in accordance with applicable land use ordinance provisions at time of construction in 1982 (Exhibit A). Staff finds the structure is considered non-conforming as defined above (Exhibits A and B).

TCLUO Section 7.020(4) ‘Alteration or Expansion’ indicates that the expansion of a nonconforming structure shall be subject to satisfaction of the Nonconforming Minor Review criteria.

Findings: Staff finds that Applicant’s request constitutes an expansion of a nonconforming structure and is therefore subject to the Minor 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. No comments were received.

1. Article VII, Section 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: Applicant states the proposal is to maintain as a single-family residence and noise, fumes, dust, etc. concerns are only those during construction activities (Exhibit B). The Applicant proposes to expand the footprint of the dwelling in a northerly and westwardly direction, away from the Forest zone boundary (Exhibit B). The applicant states vehicular trips will remain normal (Exhibit B).

Staff finds that the proposed use and location of improvements will not affect the listed items. Staff find these criteria are met. Staff finds the proposed expansion will not result in further reduction of the resource zone setback.

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

Findings: Applicant's site plan indicates continued areas for loading and parking will remain as is with no expansion of outside storage loading or parking areas (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.

Staff finds that these criteria are met.

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

Findings: Applicant is proposing an expansion to the dwelling and states the intent is to build the structures into the surrounding environment (Exhibit B). Applicant states this will not effect water quality. Structure will be placed on concrete piers and set above grade to reduce any effects to the existing drainage (Exhibit B).

Staff finds expansion is minimal to size of existing structure. Due to the properties size drainage and water quality is not expected to effect neighboring properties. Staff find that these criteria are met.

- (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 expansion is on existing residential house and that there are no know conflicts or incompatibilities (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 criteria are met.

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

Findings: County records indicate the single-family dwelling has existed on the subject property since 1982 (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. 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 B). There are no additional structures on the properties to the north or south (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 23, 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.
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 the relevant standards of TCLUO Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone and TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.
5. In accepting this approval, the property owner understands intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use. The property owner hereby acknowledges that practices may involve but are not limited to the application of herbicides or fertilizers (including aerial spraying), road construction, changes in view, noise, dust, odor, traffic, and other impacts related to a farm zone. The property owner acknowledges the residential use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, the property owner understands preference will be given to farm and forest practices.

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

6. 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.

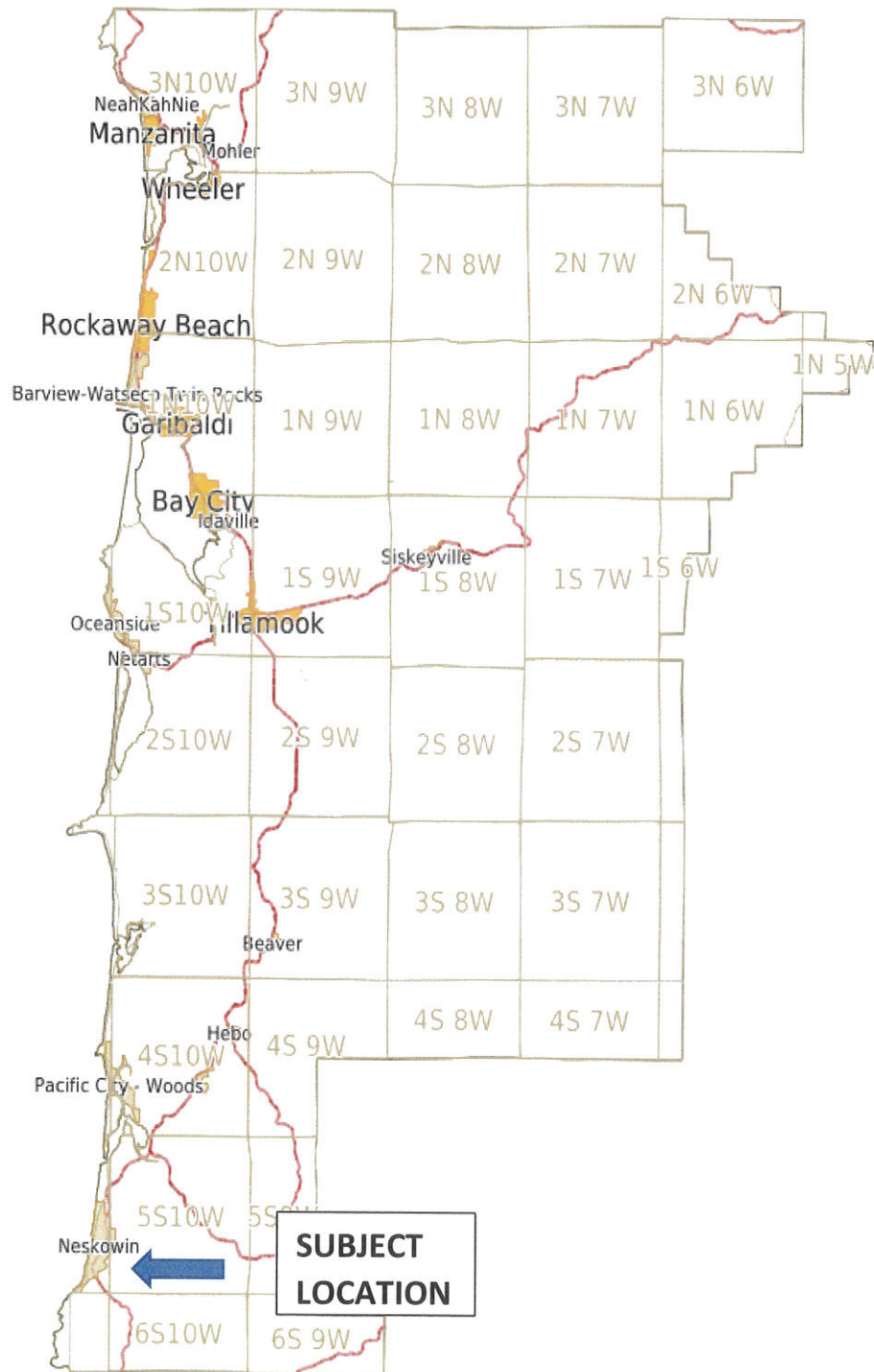
7. This approval expires if a Building Permit is not applied for within two (2) years of issuance of this approval, or an extension is requested from, and approved by this Department prior to its expiration.

VI. EXHIBITS

- A. Vicinity map, Assessor's map, Zoning map, Tax Assessor's Summary Report, Wetlands and FEMA DFIRM
- B. Applicant's Submittal
- C. Farm/Forest Covenant

EXHIBIT A

VICINITY MAP



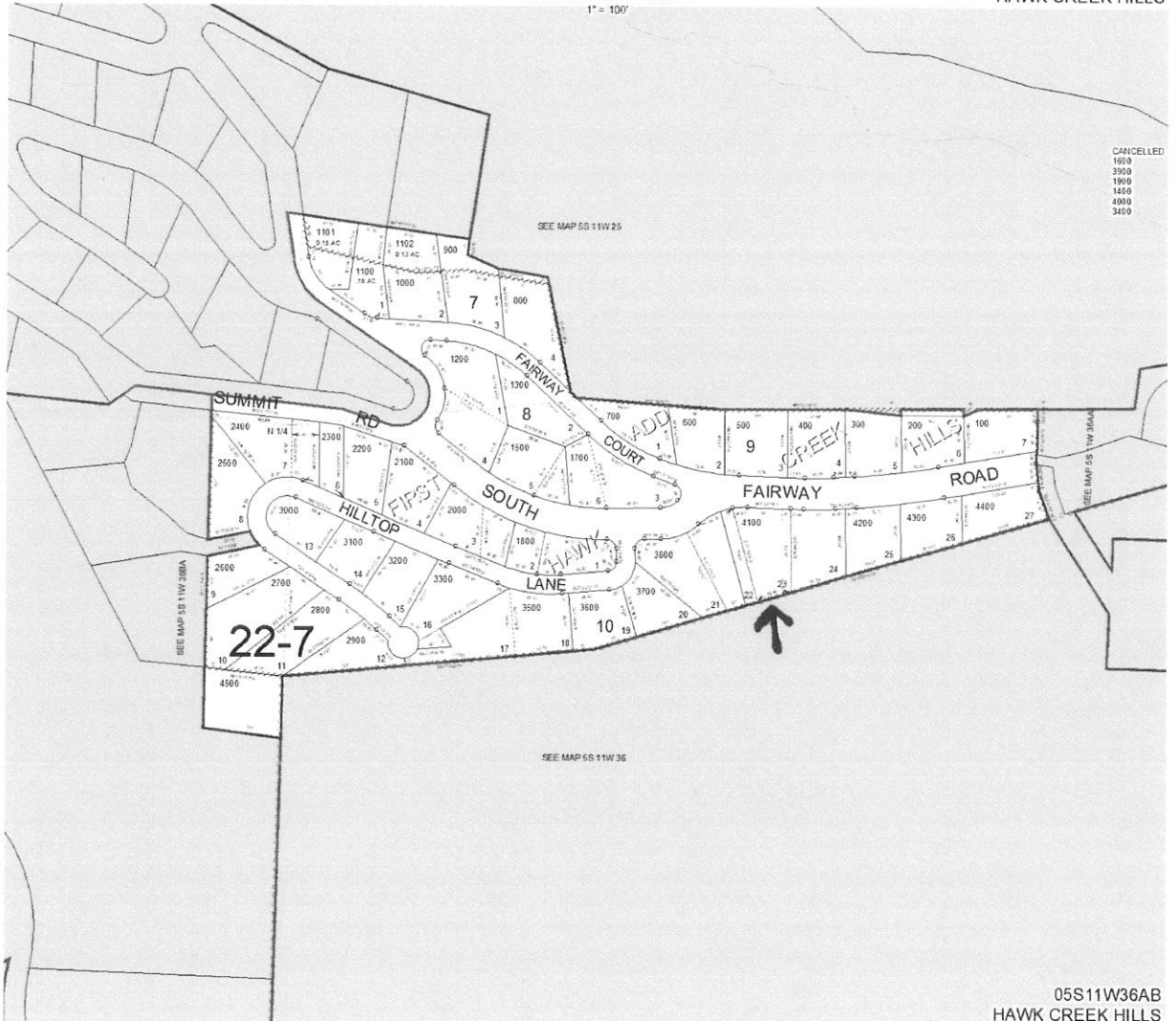
#851-22-000104-PLNG: NESTLERODE & DOLLAHITE

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



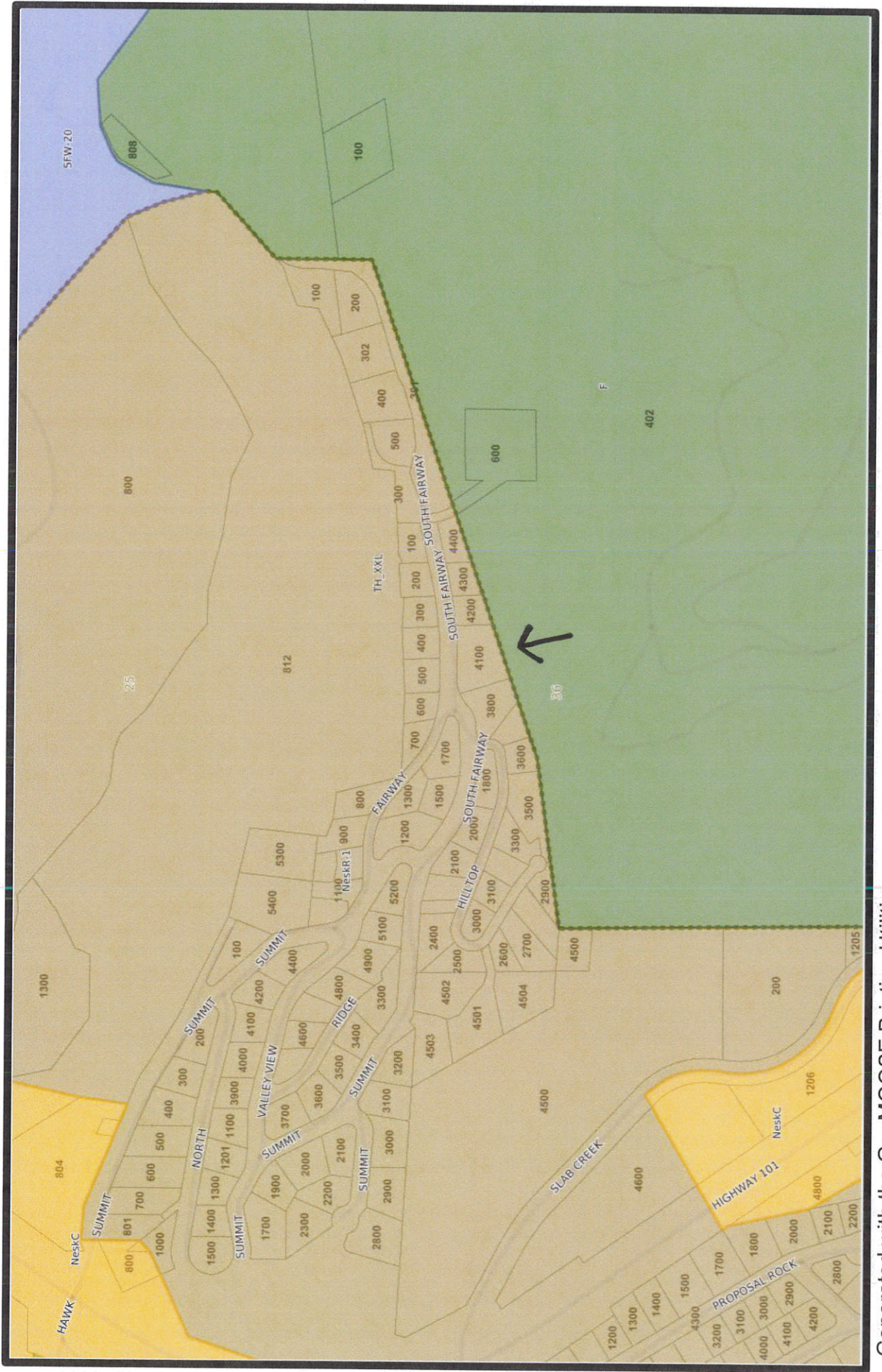
N.W.1/4 N.E.1/4 SEC.36 T.5S. R.11W. W.M.
TILLAMOOK COUNTY
1" = 100'

05S11W36AB
HAWK CREEK HILLS



05S11W36AB
HAWK CREEK HILLS
Revised 5/11/22 WS

Map



TILLAMOOK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

August 2, 2022 1:52:28 pm

Account # 254986 Map # 5S1136AB04100 Code - Tax # 2207-254986 Legal Descr Multiple Lots - See legal report for full description. Mailing Name DOLLAHITE, DEREK & Agent In Care Of FOX, ALYSON Mailing Address PO BOX 372 NESKOWIN, OR 97149 Prop Class 101 MA SA NH Unit RMV Class 101 09 OV 975 18903-1	Tax Status ASSESSABLE Acct Status ACTIVE Subtype NORMAL Deed Reference # 2020-6956 Sales Date/Price 10-07-2020 / \$359,000.00 Appraiser GARY BARGER
--	--

Situs Address(s)	Situs City
ID# 1 5355 SOUTH FAIRWAY RD	COUNTY

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
2207 Land	105,360			Land	0
Impr.	123,990			Impr.	0
Code Area Total	229,350	193,250	193,250		0
Grand Total	229,350	193,250	193,250		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			Trended RMV
						TD%	LS	Size	
2207					LANDSCAPE - FAIR	100			500
2207	1	<input checked="" type="checkbox"/>		NESKR -1	Market	104	A	0.25	81,660
2207					OSD - AVERAGE	100			23,200
Grand Total								0.25	105,360

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Trended RMV
					TD%	Total Sq. Ft.	Ex% MS Acct #	
2207	1	1982	133	One and 1/2 story	123	790		123,990
Grand Total							790	123,990

Exemptions / Special Assessments / Potential Liability							
Code Area 2207							
SPECIAL ASSESSMENTS:							
■ SOLID WASTE	Amount	12.00	Acres	0	Year	2021	
FIRE PATROL:							
■ FIRE PATROL SURCHARGE	Amount	47.50			Year	2021	
■ FIRE PATROL NORTHWEST	Amount	18.75	Acres	0.25	Year	2021	

Comments: 4/12 Sales review/Updated inventory. RCW 4/11/14 Reappraised land, tabled values. GB



U.S. Fish and Wildlife Service

National Wetlands Inventory

Wetlands



August 2, 2022

Wetlands

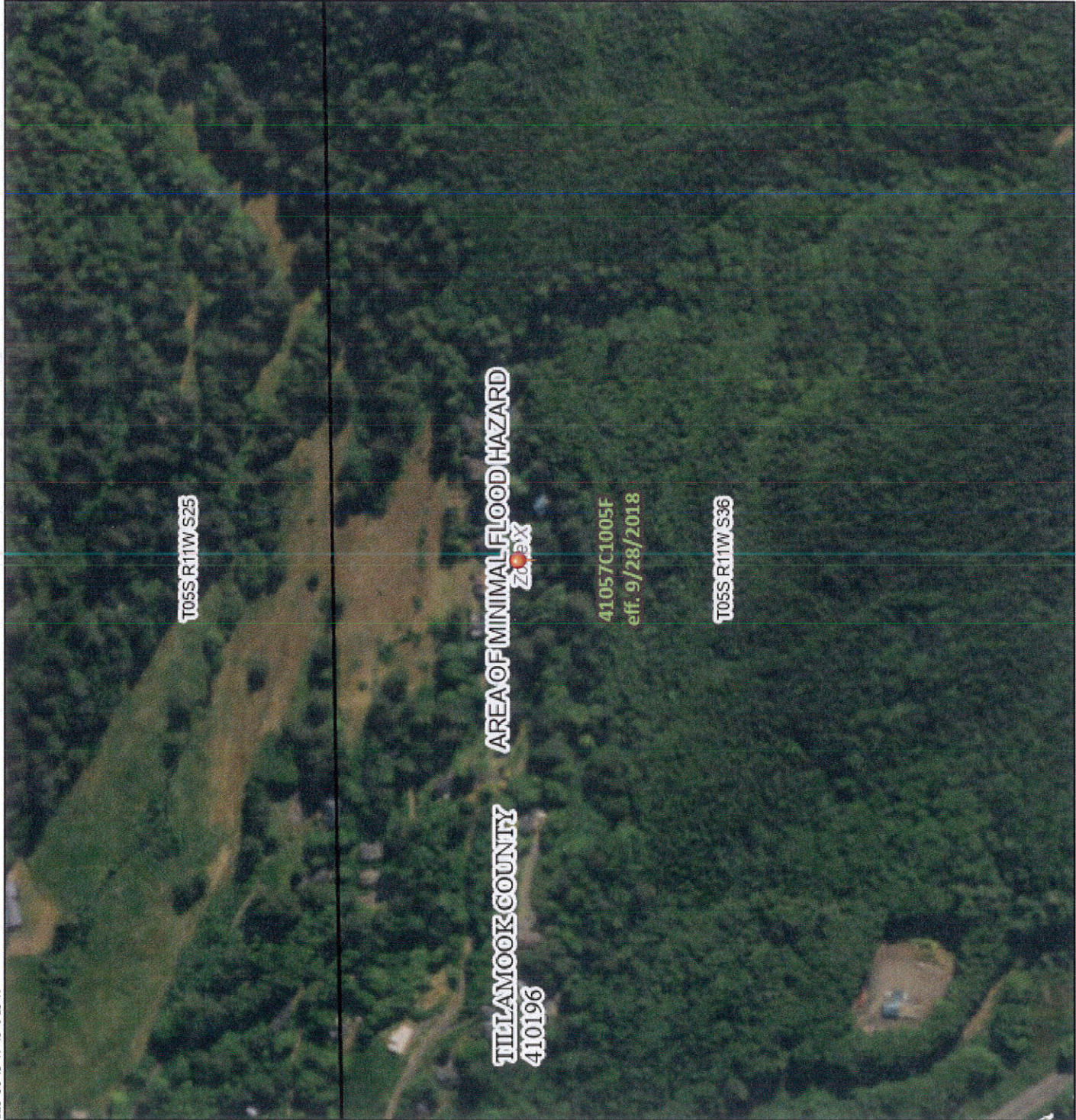
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

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.

National Flood Hazard Layer FIRMette



123°58'43"W 45°06'13"N



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

123°58'6"W 45°5'48"N

Legend

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

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, A99
- With BFE or Depth
Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

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

OTHER AREAS

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

GENERAL STRUCTURES

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

Cross Sections with 1% Annual Chance Water Surface Elevation

- 20.2
- 17.5
- 8
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transsect Baseline
- Profile Baseline
- Hydrographic Feature

OTHER FEATURES

- Digital Data Available
- No Digital Data Available
- Unmapped

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

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

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/2/2022 at 4:53 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

EXHIBIT B



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: CHRIS NESTLEWOOD Phone: 503-341-6801
 Address: 2850 SW CEDAR HILLS BLVD. #106
 City: BEAVERTON State: OR Zip: 97005
 Email: CHRIS@PDSLEENW.COM

Property Owner

Name: Derek Dollahite Phone: 512-417-9312
 Address: 5355 S Fairway Rd
 City: Neskowin State: OR Zip: 97149
 Email: dwdollahite@gmail.com

OFFICE USE ONLY	
Date Stamp	
MAY 18 2022	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by:	
Receipt #:	
Fees: <u>843-</u>	
Permit No: <u>85122-D00104-PLNG</u>	

Request:

BUILDING ADDITION + NEW STRUCTURE

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: 5355 S FAIRWAY RD, NESKOWIN OR

Map Number: 531136AB04100

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.

Derek Dollahite
 Property Owner Signature (Required)

3-15-22

[Signature]
 Applicant Signature

Date

3-15-22

Date

ARTICLE VII: MINOR REVIEW CRITERIA

(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:

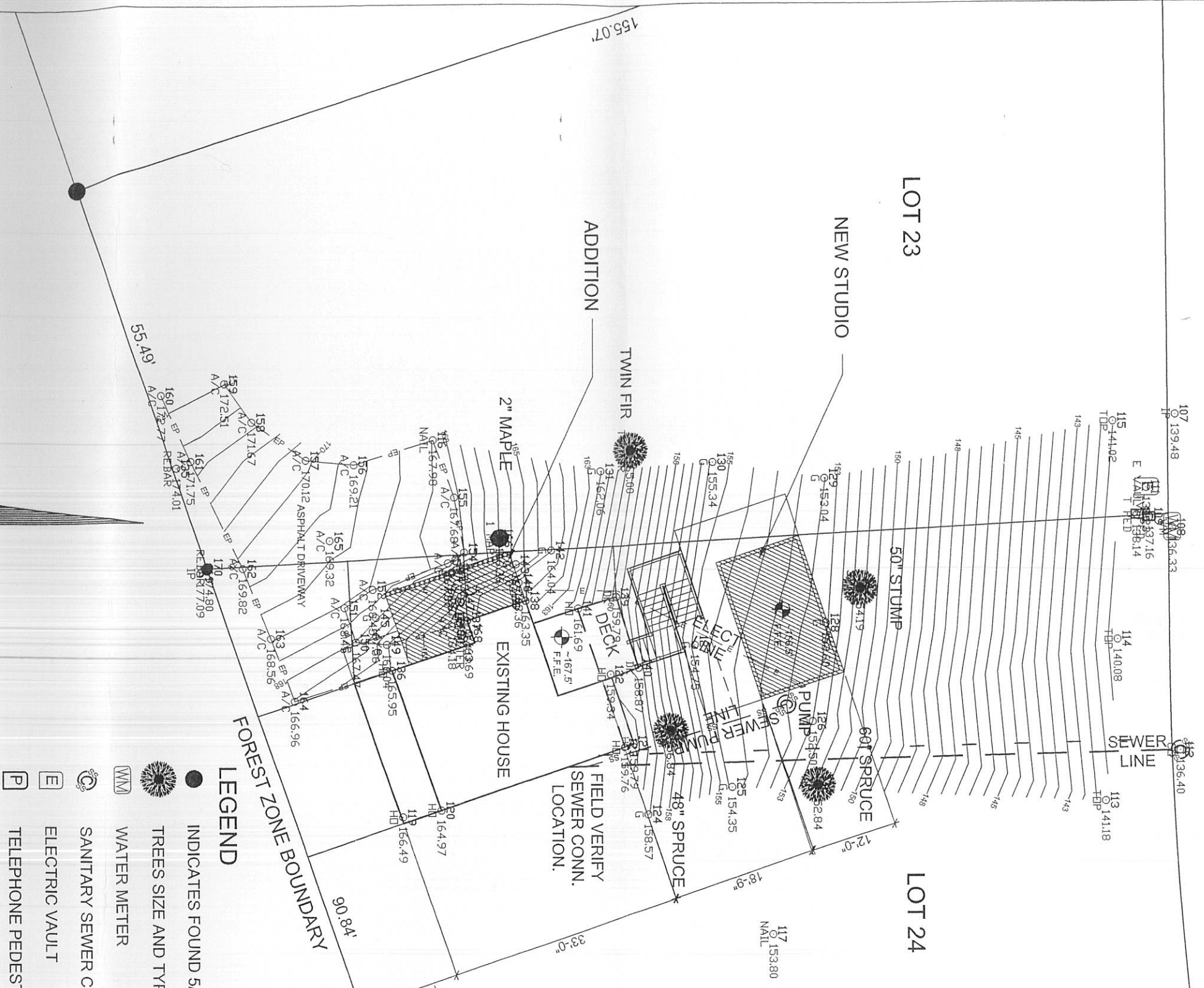
- (a) The request will have no greater adverse impact on neighboring areas than the existing use or structure when the current zoning went into effect, considering:
 - i. A comparison of existing use or structure with the proposed change using the following factors:
 1. Noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line or off-site;
 - a. **Construction work shall be done at normal business hours and shall consist of standard construction practices and shall not produce any adverse offenses.**
 - b. **The addition to the structure is residential in nature and shall maintain the historic use of the property.**
 2. Numbers and kinds of vehicular trips to the site;
 - a. **The property is and shall remain residential with normal vehicular trips.**
 3. Amount and nature of outside storage, loading and parking;
 - a. **There is no change to the existing parking. This is a residential structure and shall remain as such, with no added exterior storage and no loading areas as might exist in a commercial property.**
 4. Visual impact;
 - a. **This is a residential structure with an addition to match the existing look and materials as the original house. The added den is being used as an art studio/office as part of a residential use.**
 5. Hours of operation;
 - a. **This is a residential structure and use, there are no hours of operation.**
 6. Effect on existing vegetation;
 - a. **There is existing vegetation that will be disturbed at the site of the new "Den" (studio/office) as well as at the addition to the house. The vegetation is all low lying ground cover such as ferns and grasses, the intent is to build the structures into the surrounding environment.**
 7. Effect on water drainage and water quality;
 - a. **The new structure and the addition will not effect water quality. The existing structure and the new structure are on concrete piers and set above grade to reduce any effects to the existing drainage.**

8. Service or other benefit to the use or structure provides to the area; and
 - a. **This is a residential structure and is an expansion of the existing house.**
 9. Other factors relating to conflicts or incompatibility with the character or needs of the area.
 - a. **There are no know conflicts or incompatibilities, the project is an addition to a single-family residence is a single-family residential area.**
- ii. The character and history of the use and of development in the surrounding area.
- (b) The request shall maintain a minimum separation of six feet between structures and comply with the clear vision area of Section 4.010.
 - a. **The structures are separated, they are only connected by a set of stairs connecting two decks, one above grade at the level of the existing house and one deck at grade level attached to the new "Den"(studio / office), otherwise the structures are more than 18ft apart.**

The Department may require the applicant to submit a site survey or similar information to assist in making these determinations.

A site survey / site plan are provided in the application.

SOUTH FAIRWAY ROAD (WIDTH VARIES)



106
O 133.05
NAIL

LEGEND

- INDICATES FOUND 5/16
- TREES SIZE AND TYP
- ⊞ WATER METER
- ⊞ SANITARY SEWER CLEANOUT
- ⊞ ELECTRIC VAULT
- ⊞ TELEPHONE PEDESTAL

EXHIBIT C

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

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

After Recording Return To:

RESTRICTIVE COVENANT

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

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

Do hereby promise and covenant as follows:

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

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

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

IN WITNESS WHEREOF, the said Party has executed this instrument this _____ day of _____ 20____,

Signature _____ Print Names _____
State of _____, County of _____

Subscribed and sworn to before me this _____ day of _____, 20__

SEAL

Notary Public of Oregon
My Commission Expires: _____

STATE OF OREGON
COUNTY OF TILLAMOOK