



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

RESOURCE ZONE EXCEPTION #851-22-000339-PLNG: KRICK
NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER

January 30, 2023

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Resource Zone Exception Request on January 30, 2023.

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

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00 PM on February 13, 2023.**

Request: An exception request to reduce the required 100-foot resource zone setback from the Farm (F-1) zone boundary to 45-feet, and establish a 15-foot front yard setback to allow for the placement of a residential structure (single-family dwelling).

Location: The subject property is north of the Unincorporated Community of Neskowin, located at the corner of Horizon View and is designated as Tax Lot 2500 in Section 12AC of Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Rural Residential 2-Acre (RR-2) Zone

Applicant & Property Owner: Leo and Mary Krick, PO Box 485, Sheridan, OR 97378

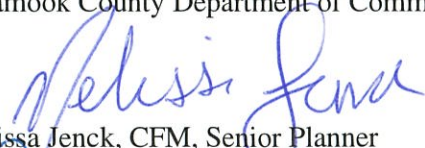
CONDITIONS OF APPROVAL


1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall obtain an approved consolidated Building/Zoning Permit from the Tillamook County Department of Community Development prior to siting the proposed dwelling.
3. Development shall be as shown on the approved site plan and shall maintain the approved reduced resource zone setback of 45-feet, as shown on the site plan in “Exhibit B”.
4. The applicant/property owner shall submit a site plan, drawn to scale and indicating all required yard setbacks and reduced resource zone setbacks, at the time of consolidated Building/Zoning Permit application submittal.
5. Development shall otherwise comply with the applicable standards and requirements of TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone and TCLUO Section 4.110: Exceptions to Yard Setback Requirements.
6. Development shall comply with the applicable standards and requirements of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.
7. Development shall comply with the standards and requirements of TCLUO Section 4.010: Clear Vision Areas.
8. 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.

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

Sincerely,
Tillamook County Department of Community Development


Melissa Jenck, CFM, Senior Planner


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



Land of Cheese, Trees and Ocean Breeze

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Resource Zone Exception #851-22-000339-PLNG: KRICK
Administrative Decision & Staff Report

Decision: Approved with Conditions
Decision Date: January 30, 2023
Report Prepared By: Melissa Jenck, CFM, Senior Planner

I. GENERAL INFORMATION:

Request: An exception request to reduce the required 100-foot resource zone setback from the Farm (F-1) zone boundary to 45-feet, and establish a 15-foot front yard setback to allow for the placement of a residential structure (single-family dwelling).

Location: The subject property is north of the Unincorporated Community of Neskowin, located at the corner of Horizon View and is designated as Tax Lot 2500 in Section 12AC of Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Rural Residential 2-Acre (RR-2) Zone

Applicant &

Property Owner: Leo and Mary Krick, PO Box 485, Sheridan, OR 97378

Description of Site and Vicinity: Assessor records indicate the subject property encompasses approximately 0.16-acres, is moderately sloped, is vegetated with trees and grasses, and vacant of improvements (Exhibit A). No wetlands or riparian features are mapped on the subject property (Exhibit A). The subject property is a corner lot abutting Ebb Tide Road to the south and Horizon View Avenue to the east. The subject property is within an area of deep landslide susceptibility and is therefore within an area of geologic hazard (Exhibit A). FEMA Flood Insurance Rate Map (FIRM) #41057C0865F dated September 28, 2018 confirms the subject property is not located within an Area of Special Flood Hazard (Exhibit A).

Properties to the north, west and south are zoned Rural Residential 2 Acre (RR-2) and are generally developed with single family dwellings and accessory structures or are undeveloped (Exhibit A). The property to the east is zoned Farm (F-1) and appears to be in Farm use (Exhibit A).

The proposal is to site a single-family dwelling on the subject property, maintaining a setback to the Resource Zone Boundary of 45-feet (Exhibit B). The applicant is proposed a front-yard setback of 15-feet. The Farm (F-1) zone boundary is located in the center of the 60-foot right-of-way of Horizon View Avenue.

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

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

- A. TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone
- B. TCLUO Section 4.130: Development requirements for Geologic Hazard

III. ANALYSIS:

Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on December 14, 2022. Tillamook County Public Works was notified of this request to ensure compliance with proximity of the proposed development to County roads. No comments were received.

A. Section 3.010: Rural Residential 2-Acre (RR-2) Zone

Section 3.011(4) Standards: *Land divisions and development in the CSFR zone shall conform to the following standards, unless more restrictive supplemental regulations apply:*

...

- (f) The minimum front yard shall be 20 feet.*
- (g) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.*
- (h) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.*

Findings: Applicants' subject property is approximately 6,969-square feet in size (Exhibit A). TCLUO Section 4.110 'Exceptions to Yard Setback Requirements' in Subsection (5) details 'Small Lot Exceptions' for properties less than 7,500-square feet in size. The proposal as demonstrated on the Applicants submitted site plan contained in 'Exhibit B' details conformance with the standards for the TCLUO Section 4.110(5) to reduce the front-yard setback to fifteen (15) feet while maintaining a side-yard of at least ten (10) feet wide (Exhibit B).

Staff finds that all other required setbacks for a corner lot in the RR-2 zone are maintained, and Staff will require a Condition of Approval to ensure compliance is maintained at time of Consolidated Zoning/Building permit submittal.

...

- (k) 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 uses; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100 foot requirement. In either case, all yard requirements in this zone shall still apply.*

Findings: The subject property lies within 100-feet of the Farm (F-1) Zone boundary to the east (Exhibit A). Applicant is proposing to place a dwelling on the subject property and utilize an existing County road right-of-way, Horizon View Avenue, to serve as a buffer between the Farm (F-1) Zone boundary and the location of the dwelling (Exhibit B).

Horizon View Avenue, a County road, has a 60-foot-wide road right-of-way adjacent to the subject property (Exhibit A). The Farm (F-1) zone boundary is located in the center of the road right-of-way. The applicant is proposed a 15-foot setback from the front property line (Exhibit B). The proposal would result in a 45-foot setback from the Farm (F-1) zone boundary, resulting in a reduction of 55-feet to the 100-foot required setback from a resource zone boundary.

The subject property is approximately 6,969-square feet in size (Exhibit A). The site plan shows an Onsite septic system location on the westerly portion of the property (Exhibit B).

Staff finds that the proposed buffer measures are effective in preventing conflicts between the residential use and farm uses. Staff finds that a reduction to the resource zone setback is necessary given the lot size, along with the area needed for an onsite septic system for the residence.

B. TCLUO Section 4.130: Development requirements for Geologic Hazard Areas

TCLUO Section 4.130(2)(b) identifies the areas as a moderate susceptibility to deep landslides as identified in DOGAMI Open File Report O-20-13.

Staff finds a Geologic Hazard Report prepared in conformance with the standards of TCLUO 4.130 shall be submitted to this Department for review and approval prior to applying for Zoning and Building Permits if average existing slopes are equal to or greater than 19 percent. Staff find that a condition of approval can be made to ensure compliance with this standard.

IV. DECISION: APPROVED WITH CONDITIONS

Staff concludes that the applicant has satisfied the review criteria and can meet all applicable ordinance requirements at the time of application. Therefore, Staff approves this request for an exception to the Farm (F-1) zone setback subject to the Conditions of Approval in Section V of this report. This approval does not address any additional development of the subject property.

By accepting this approval the applicant and property owner agrees to indemnify, defend, save and hold harmless Tillamook County, and its officers, agents, and employees from any claim, suit, action or activity undertaken under this approval, including construction under a Building Permit approved subject to this approval. The applicant /property owner shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed construction.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. In such cases, forms and fees must be filed in the office of this Department before **4:00 PM on February 13, 2023**.

V. CONDITIONS OF APPROVAL:

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

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall obtain an approved consolidated Building/Zoning Permit from the Tillamook County Department of Community Development prior to siting the proposed dwelling.

3. Development shall be as shown on the approved site plan and shall maintain the approved reduced resource zone setback of 45-feet, as shown on the site plan in “Exhibit B”.
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9. This approval expires if a Building Permit is not applied for within two (2) years of issuance of this approval.

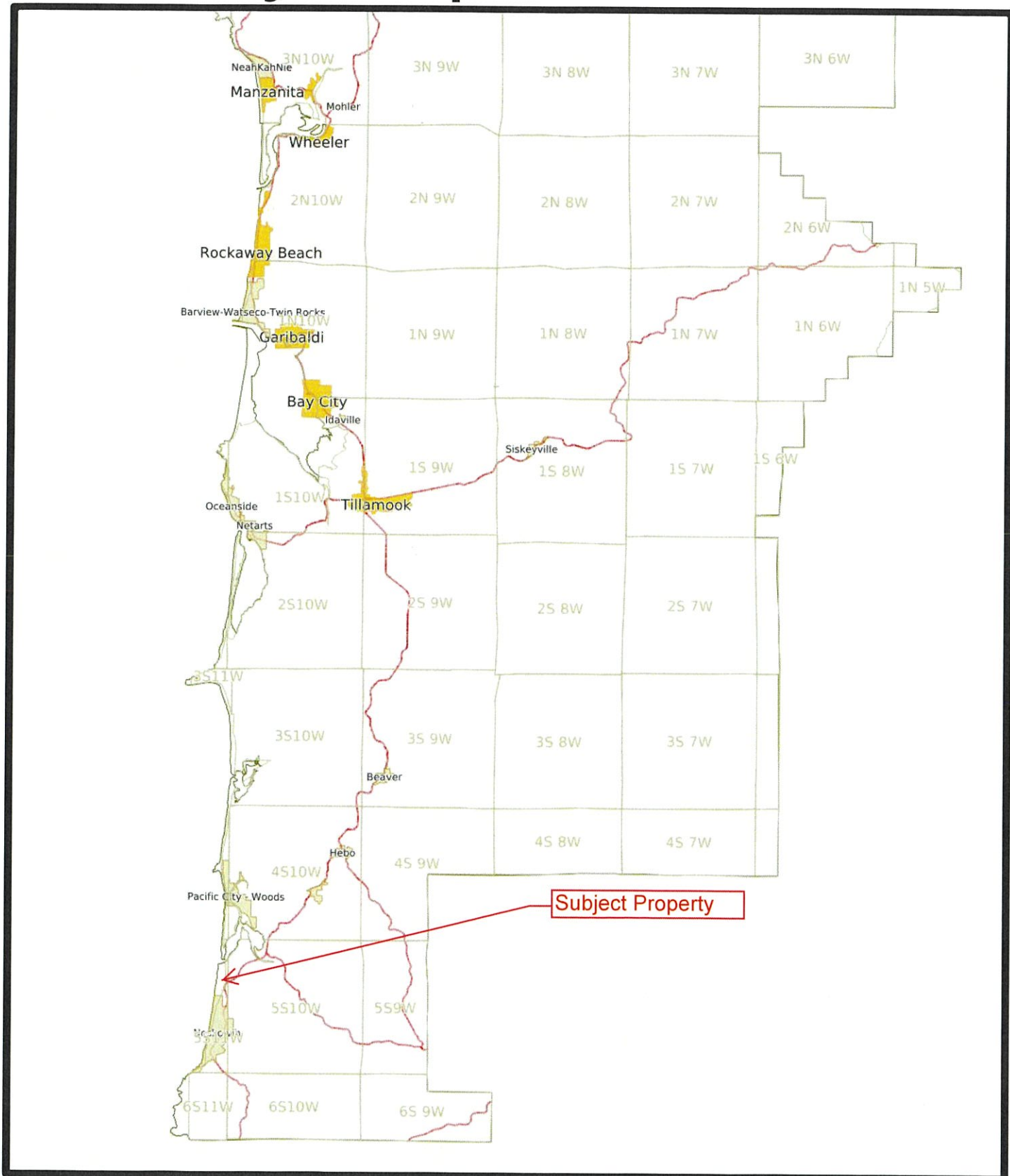
VI. EXHIBITS

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

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

EXHIBIT A

Vicinity Map



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

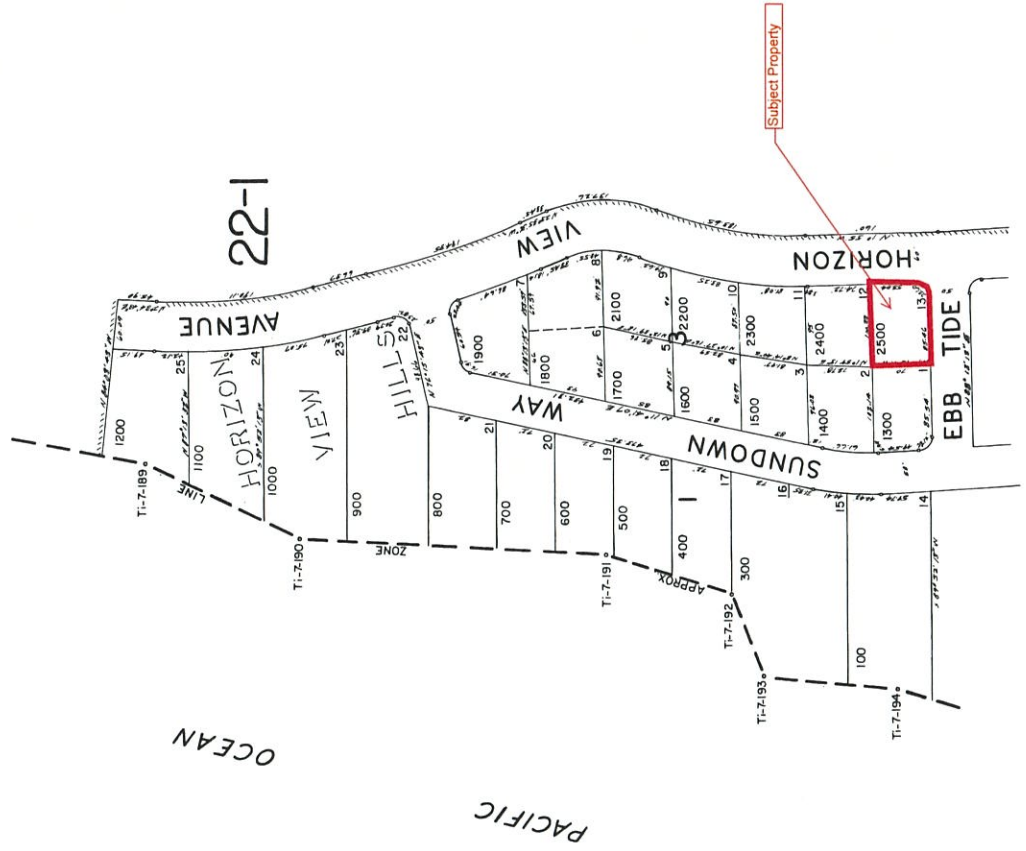
SW1/4 NE1/4 SEC.12 T.5S. R.11W. W.M.
TILLAMOOK COUNTY

5S 11 12AC
HORIZON VIEW
HILLS

1" = 100'

SEE MAP 5S 11 12

CANCELLED NO.
200
2000



SEE MAP 5S 11 12

SEE MAP 5S 11 12DB

5S 11 12AC
REVISED 11/23/05, WS

TILLAMOOK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

December 14, 2022 2:41:33 pm

Account # 232171 Map # 5S1112AC02500 Code - Tax # 2201-232171 Legal Descr HORIZON VIEW HILLS Block - 3 Lot - 13 Mailing Name KRICK, LEO E TRUSTEE & Agent In Care Of KRICK, MARY E TRUSTEE Mailing Address PO BOX 485 SHERIDAN, OR 97378 Prop Class 100 MA SA NH Unit RMV Class 100 09 OV 975 7783-1	Tax Status ASSESSABLE Acct Status ACTIVE Subtype NORMAL Deed Reference # 2021-8863 Sales Date/Price 10-21-2021 / \$189,750.00 Appraiser ROBERT BUCKINGHAM
--	--

Situs Address(s) _____ **Situs City** _____

Code Area		RMV	MAV	Value Summary AV	RMV Exception	CPR %
2201	Land	164,400			Land	0
	Impr.	0			Impr.	0
Code Area Total		164,400	154,000	154,000		0
Grand Total		164,400	154,000	154,000		0

Code Area		ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			Trended RMV	
							TD%	LS	Size	Land Class	
2201	0		<input checked="" type="checkbox"/>		RR-2	Market	104	A	0.16		164,400
Grand Total									0.16		164,400

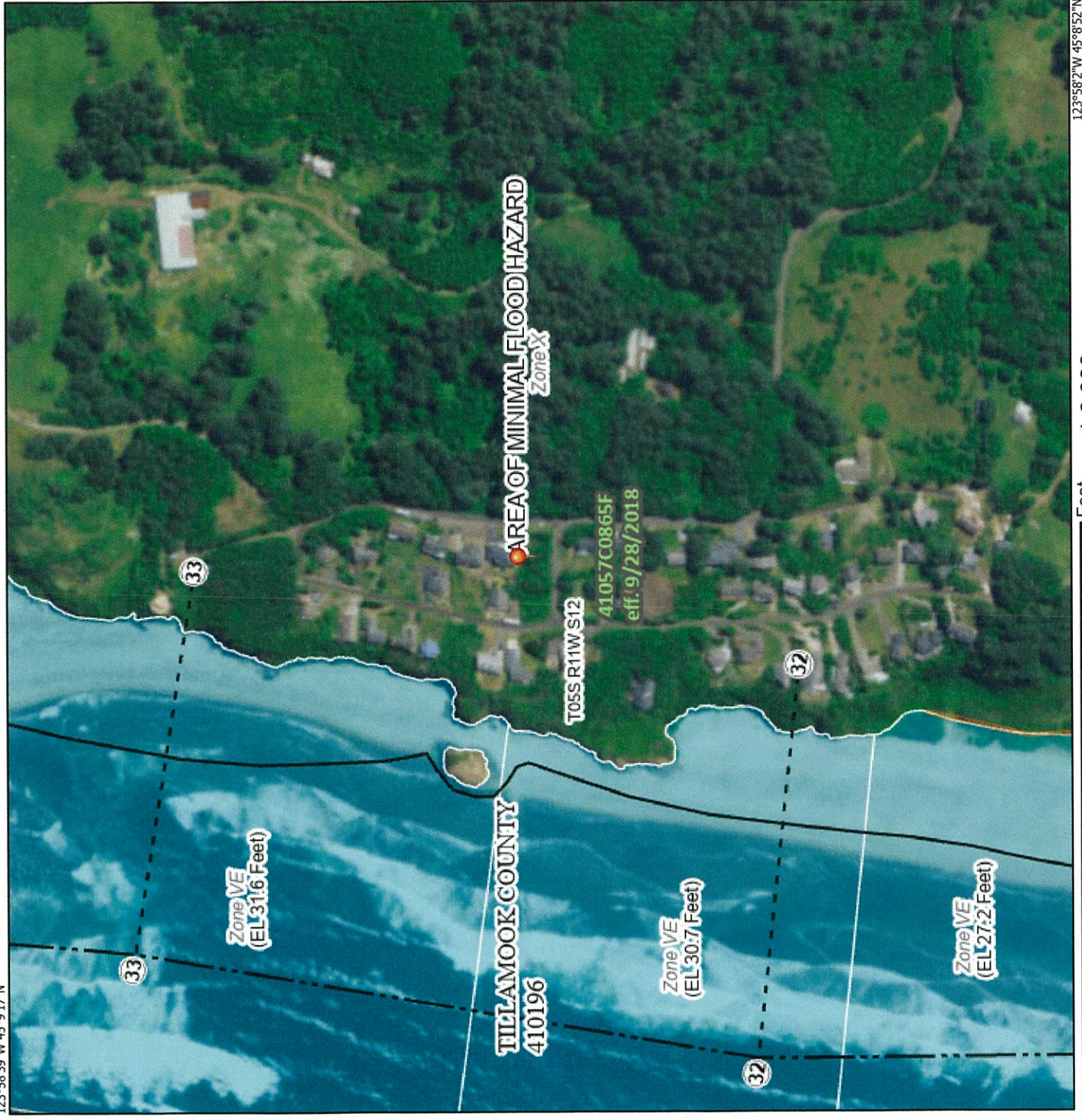
Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown		Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%				
Grand Total							0		0

Comments: 03/17/14 Reappraised land; tabled values. RBB

National Flood Hazard Layer FIRMette



123°58'39"W 45°9'17"N



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

123°58'2"W 45°8'52"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*
- Effective LOMIRs
- Area of Undetermined Flood Hazard *Zone*

GENERAL STRUCTURES

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

OTHER FEATURES

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

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

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

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/14/2022 at 5:39 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.

Statewide Wetlands Inventory



R. Southen, Department of State Lands, Est. FERR, Camlin, (OpenStreetMap contributors, and the GIS User Community), Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, R. Southen 2018

	Sections
	LWI Study Area
	NHD Springs/Seeps
NHD Streams and Rivers	
	Perennial
	Intermittent
	Ephemeral
	Unknown
	Canal/Ditch
	NHD Area
	NHD Waterbody
Wetlands	
	Estuarine and Marine Deepwater
	Estuarine and Marine Wetland
	Freshwater Emergent Wetland
	Freshwater Forested/Shrub Wetland
	Freshwater Pond
	Lake
	Riverine
	SWIPredominantlyHydricSoilMU
	SWIAGateWinlo



The Statewide Wetlands Inventory (SWI) represents the best data available at the time the map was published and is updated as new data become available. In all cases, actual field conditions determine the presence, absence and boundaries of wetlands and waters (such as creeks and ponds). An onsite investigation by a wetland professional can verify actual field conditions.



Date: 12/14/2022



State of Oregon
 Department of State Lands
 715 Summer Street, NE, Ste. 100
 Salem, OR, 97301-1279
 (503) 986-6200

EXHIBIT B



PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	
RECEIVED	
AUG 25 2022	
BY: <u>Counter</u>	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: <u>MA</u>	
Receipt #:	
Fees: <u>1,300</u>	
Permit No: 851- 22 - <u>00339</u> -PLNG	

Applicant (Check Box if Same as Property Owner)

Name: LEO & Mary Krick Phone: 503-381-5523
 Address: P.O. Box 485
 City: Sheridan State: OR Zip: 97378
 Email: Cherryhillranch1@gmail.com

Property Owner

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

Request: Asking for exception from 100' to 45' setback from resource boundary.
Justifications: Small lot exception - under 7500 sqft, barrier already exists in
Horizon View, 100' setback would affect usable area for sanitary system.

- | Type II | Type III | Type IV |
|---|--|---|
| <input type="checkbox"/> Farm/Forest Review | <input type="checkbox"/> Appeal of Director's Decision | |
| <input type="checkbox"/> Conditional Use Review | <input type="checkbox"/> Extension of Time | <input type="checkbox"/> Appeal of Planning Commission Decision |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Detailed Hazard Report | <input type="checkbox"/> Ordinance Amendment |
| <input checked="" type="checkbox"/> Exception to Resource or Riparian Setback | <input type="checkbox"/> Conditional Use (As deemed by Director) | <input type="checkbox"/> Large-Scale Zoning Map Amendment |
| <input type="checkbox"/> Nonconforming Review (Major or Minor) | <input type="checkbox"/> Ordinance Amendment | <input type="checkbox"/> Plan and/or Code Text 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:

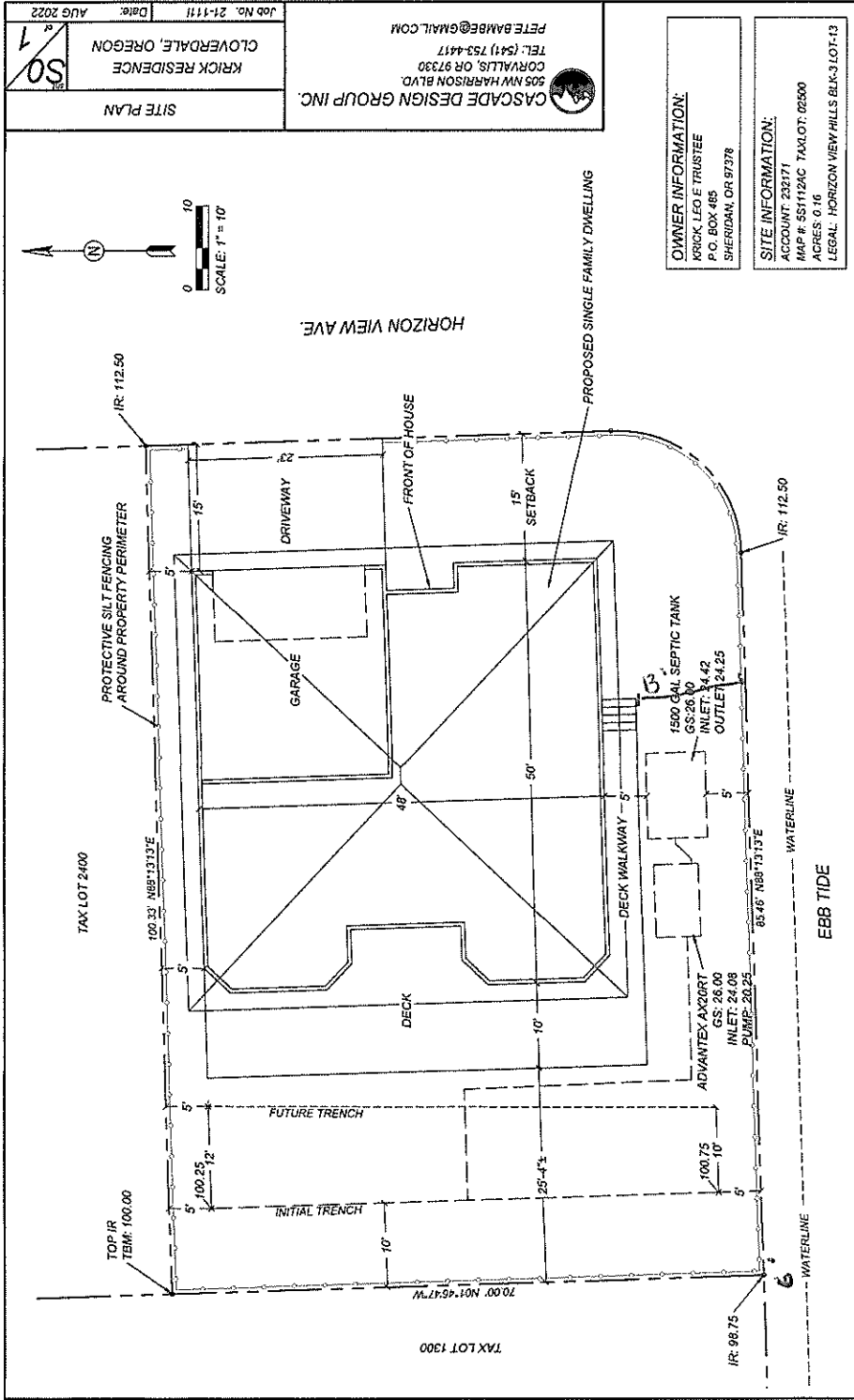
Site Address: Not yet assigned
 Map Number: SS 11 12AC 02500
Township Range Section Tax Lot(s)

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.

Leo E. Krick Mary E. Krick 8-25-22
Property Owner Signature (Required) Date
Leo E. Krick Mary E. Krick 8-25-22
Applicant Signature Date



SITE PLAN

KRICK RESIDENCE
 CLOVERDALE, OREGON

Job No. 21-11111
 Date: AUG 2022

CASCADE DESIGN GROUP INC.
 505 NW HARRISON BLVD.
 CORVALLIS, OR 97330
 TEL: (541) 753-4417
 PETE.BAMBE@GMAIL.COM

OWNER INFORMATION:
 KRICK LEO E TRUSTEE
 P.O. BOX 485
 SHERIDAN, OR 97378

SITE INFORMATION:
 ACCOUNT: 232171
 MAP # 55112AC TAX LOT 02500
 ACRES: 0.16
 LEGAL: HORIZON VIEW HILLS BLK-3 LOT-13

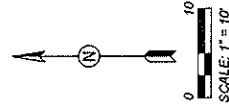


EXHIBIT C

**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