

Tillamook County



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

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

**CONDITIONAL USE REQUEST #851-23-000140-PLNG: ASTOUND/OREGON
DEPARTMENT OF FORESTRY**

*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 31, 2023

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Conditional Use Request on July 31, 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 in accordance with Article 10 of the TCLUO before **4:00 PM on August 14, 2023**. Unless appealed, the effective date of this decision shall be July 31, 2023.

Request: A Conditional Use request for the installation of a utility building for communications.

Location: The subject property is located east of the City of Tillamook accessed via South Fork Road, a private road, off of Wilson River Highway, a State highway, and is designated as Tax Lot 500 in Index Section 5 of Township 1 North, Range 6 West of the Willamette Meridian, Tillamook County, Oregon

Zone: Forest (F)

Applicant: Astound Broadband, 151 E. Olive Street, Newport, OR 97365

Property Owner: State of Oregon, 2600 State Street, Salem, OR 97310

CONDITIONS OF APPROVAL

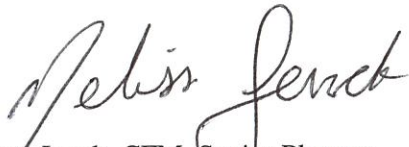
Sections 6.070: COMPLIANCE WITH CONDITIONS, and 6.080: TIME LIMIT requires compliance with approved plans and conditions of this decision, and all other ordinance provisions. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. Applicant/Owner shall obtain all required Federal, State, and Local permits and comply with all applicable Federal, State, and Local regulations.
2. Applicant/Owner shall obtain an approved Consolidated Zoning/Building Permit from the Tillamook County Department of Community Development prior to construction.
3. A site plan, drawn to scale, illustrating the proposed setbacks and fire breaks shall be provided at the time of Consolidated Zoning/Building Permit submittal. Applicant/Owner shall maintain the primary fuel-free break area surrounding all structures in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry. The fire breaks shall be in place prior to final Building Permit inspection.
4. A letter from the Oregon Department of Forestry or the Tillamook Fire District indicating they will provide fire control service to the site is required at the time of Consolidated Zoning/Building Permit submittal.
5. Applicant/Owner shall provide evidence of a long-term road access agreement at the time Applicant applies for Consolidated Zoning/Building Permit approval.
6. The applicant and property owner shall adhere to applicable development standards in TCLUO Section 3.004: Forest (F) Zone.
7. In accepting this Approval Applicant/Owner understands intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use. Applicant/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. Applicant/Owner acknowledges use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, Applicant/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. The Restrictive Covenant shall be filed with the Tillamook County Clerk and a record copy shall be submitted to this Department at the time of Zoning Permit application. The covenant shall be worded as the example included as 'Exhibit D'.

8. This approval shall be void on July 31, 2023 unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

Sincerely,
Tillamook County Department of Community Development



Melissa Jenck, CFM, Senior Planner



Sarah Absher, CFM, Director

Enc.: Vicinity & Assessor/Zoning Map



Land of Cheese, Trees and Ocean Breeze

**CONDITIONAL USE REQUEST 851-23-000140-PLNG: ASTOUND BROADBAND/OREGON
DEPARTMENT OF FORESTRY**

ADMINISTRATIVE DECISION & STAFF REPORT

Decision Date: July 31, 2023

**Decision: APPROVED WITH CONDITIONS
(This is not Building or Placement Permit Approval)**

Report Prepared by: Melissa Jenck, CFM, Senior Planner

I. GENERAL INFORMATION:

- Request:** A Conditional Use request for the installation of a utility building for communications.
- Location:** The subject property is located east of the City of Tillamook accessed via South Fork Road, a private road, off of Wilson River Highway, a State highway, and is designated as Tax Lot 500 in Index Section 5 of Township 1 North, Range 6 West of the Willamette Meridian, Tillamook County, Oregon
- Zone:** Forest (F)
- Applicant:** Astound Broadband, 151 E. Olive Street, Newport, OR 97365
- Property Owner:** State of Oregon, 2600 State Street, Salem, OR 97310

II. Property Description: The subject property encompasses approximately 518.86-acres of forested landscape and rugged terrain (Exhibit A). The property is owned by the State of Oregon, is devoted to commercial timber use and is zoned Forest (F) (Exhibit A). The subject property is improved with private logging roads and a private road used to access the South Fork Prison Camp located south of the subject property (Exhibits A and B).

There are no mapped wetlands on the subject property (Exhibit A). There is a riparian feature on the subject property, located east of the proposed development (Exhibits A and B). The subject property is located in FEMA flood zone X, 'areas of minimal flood hazard', as depicted on FEMA FIRM 41057C0500F dated September 28, 2018 (Exhibit A). The subject property is located in an area of geologic hazard, with rapidly moving landslides (Exhibit A).

The surrounding properties are zoned Forest, dedicated to forest uses and are owned by the State of Oregon (Exhibit A).

Applicant is proposing to build a utility building for communications on the subject property at a leased site adjacent to an existing private road off South Fork Road (Exhibit B). Applicant states that the intent of the proposal is to site a utility building for communications to facilitate a fiber-optic repeater station (Exhibit B). The communication facility improvements include a 12-ft by 24-ft prefabricated concrete structure on a concrete pad with a backup generator, all to be located within the fenced and gated lease area, and a 12-driveway to connect the facility to the existing South Fork private road (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. TCLUO Section 3.004: Forest (F) Zone
- B. TCLUO Article VI: Conditional Use Procedures and Criteria

IV. ANALYSIS:

A. **Section 3.004: Forest (F) Zone**

PURPOSE: The purpose of the Forest (F) Zone is to protect and maintain forest lands for grazing, and rangeland use and forest use, consistent with existing and future needs for agricultural and forest products. The F zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.

1. **Section 3.004(13)** 'Utility, Power Generation, Solid Waste Uses' lists "*Television, microwave and radio communication facilities and transmission towers*" as a Type 2 use subject to conditional use review and approval.

Findings: Applicant is proposing the development of a communications facility (Exhibit B). Staff finds a Conditional Use Permit addressing the Forest Zone Conditional Use Review Criteria found in TCLUO Section 3.004(8) and the Conditional Use Review Criteria contained in TCLUO Article 6 is required.

2. **Section 3.004(8): Conditional Use Review Criteria:** *A use authorized as a conditional use under this zone may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands. Conditional uses are also subject to Article 6, Section 040.*

1. *The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.*

Findings: Applicant site plan maintains that the area leased for the purpose of installing the communications facility is approximately 80-ft by 100-ft, leaving the remaining 518-acre area of the subject parcel available for the continuation of its current use as a timber stand (Exhibit A & B). Applicant is proposing to access the site using an existing private access road, off South Fork Road (Exhibit B). Staff finds that the proposed development will occupy a small portion of the subject property.

Applicant states the proposed use will not directly impact the productivity of ongoing forest operations (Exhibit B). Staff finds that the location of the lease and improvement area is in close proximity to both the existing South Fork Road, a private road, which serves access off of Highway 6, a State Highway (Exhibit A & B). Staff finds that the level of use will be minimal, with the proposed area of development remaining in proximity to existing access and improved areas (Exhibit B).

Staff finds that the proposed use will not significantly change or increase the cost of forest practices. Staff finds this criterion has been met.

2. *The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.*

Findings: Site Plans submitted by the Applicant includes a 30-foot fire break area (Exhibit B). The Applicant concluded that the building will maintain a self-contained dry-chemical fire suppression system (Exhibit B). The Oregon Department of Forestry and the US Forest Service were notified of this application and did not provide comments.

Staff finds that this criterion can be met through Conditions of Approval.

3. *A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in OAR 660-006-0025(5)(c).*

Findings: Staff finds that communication facilities are a use listed under OAR 660-006-0025(5)(c). Staff finds that this criterion can be met through compliance with Conditions of Approval.

3. **Section 3.004(9): Siting Standards for Dwelling or Structures in the Forest Zone:**
 - (b) *The minimum front, rear, and side yards shall all be 30 feet.*

Findings: Applicant's Site Plan indicates that the proposed development meets the required 30-foot setbacks (Exhibit B). There are no minimum height requirements for non-residential structures in the Forest Zone. Staff finds that these standards have been met.

- (d) *Dwellings and structures shall be sited on the parcel so that:*
 1. *They have the least impact on nearby or adjoining forest or agricultural lands;*
 2. *The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
 3. *The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*
 4. *The risks associated with wildfire are minimized.*
- (e) *Siting criteria satisfying Subsection (d) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.*

Findings: Staff finds that these requirements have been met as stated above in response to TCLUO Section 3.004(8).

(f) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629).

Findings: Staff finds the facility is un-manned and no domestic water supply is required for facility operations (Exhibit B). Staff finds that domestic water is not required.

(g) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

Findings: Staff finds that as a Condition of Approval copies of a long-term road access agreement satisfying the above criterion can be required to be provided to this Department at the time Applicant applies for Consolidated Zoning and Building Permit approval. Staff finds that this requirement can be met through compliance with Conditions of Approval.

4. Section 3.004(10): Fire Siting Standards for Dwelling and Structures:

(c) The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry and shall demonstrate compliance with Table (10)(c)1

Findings: The project is within the fire protection service area of the Oregon Department of Forestry. The Oregon Department of Forestry and the US Forest Service were notified of this application and did not provide comments.

TCLUO Article 11 defines a Structure as *"Anything constructed or installed or portable, the use of which requires a location on a parcel of land"*. Staff finds that the new communications shelter meets the definition of structure. As a Condition of Approval, the Applicant shall maintain the required fuel-free fire break areas around structures located on the subject property in accordance with TCLUO Section 3.004(10)(c). The fire breaks shall be in place prior to final Building Permit inspection. Staff finds that this requirement can be met through compliance with the Conditions of Approval.

B. Article VI Conditional Use Procedures and Criteria

Article VI of the Tillamook County Land Use Ordinance contains the procedures and review criteria for processing a Conditional Use request. These criteria, along with Staff's findings and conclusions, are indicated below.

1. **Section 6.020 Procedure** requires public notice in accordance with TCLUO Section 10.070 which requires notification of the request to be mailed to landowners within 750 feet of the subject property, to allow at least 14 days for written comment, and requires staff to consider comments received in making the decision.

Findings: Notice of the request was mailed to property owners and agencies on June 1, 2023. Comments were received from the Department of State Lands (DSL) which concluded that the area avoided impacts to South Fork of the Wilson River and any other potential adjacent wetlands (Exhibit C). Staff finds this requirement has been met.

2. Section 6.040 Review Criteria

1. *The use is listed as a conditional use in the underlying zone, or in an applicable overlying zone.*

Findings: Section 3.004(13) ‘Utility, Power Generation, Solid Waste Uses’ lists “*Television, microwave and radio communication facilities and transmission towers*” as Type 2 uses subject to conditional use review and approval. Staff concludes that this criterion has been met.

2. *The use is consistent with the applicable goals and policies of the comprehensive plan.*

Findings: Staff finds that the proposed use is permitted conditionally in the Tillamook County Land Use Ordinance. The TCLUO is an implementing document of the Comprehensive Plan. In the absence of evidence to the contrary, uses allowed conditionally in the Land Use Ordinance are presumed to be consistent with the Comprehensive Plan. Staff concludes that this criterion has been met.

3. *The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.*

Findings: As discussed above, the subject property encompasses approximately 518.86-acres of forested landscape and rugged terrain (Exhibit A). The subject property is improved with private logging roads and a private road used to access the South Fork Prison Camp located south of the subject property (Exhibits A and B). Applicant is leasing approximately 80-ft by 100-ft of the subject property from the State of Oregon for the purpose of installing a utility building for communications to facilitate a fiber-optic repeater station (Exhibit B). Based on Applicant’s preliminary site plan, the leased area is of a suitable size to accommodate the proposed communications facility and required fire-breaks (Exhibit B).

In conducting GIS review of the subject property, the proposed site is relatively flat and no drainages, creeks, wetlands or other water features are mapped near the leased area (Exhibit A). The proposed site is accessed from an existing private road, South Fork Road (Exhibits A and B). The location of the lease area is located adjacent to South Fork Road, and located approximately 100-ft from Highway 6, a State highway (Exhibit B).

As noted above, the proposed site is in a location where geologic and flood hazards appear to be minimal (Exhibit A).

Staff finds that the proposed site is suitable for the proposed use considering its size, topography, lack of hazards and existing road access. Staff finds this criterion has been met.

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

Findings: The subject property and surrounding area is primarily in forest use and is zoned Forest (F) (Exhibit A). Based on a review of Google Earth imagery, development in the area south of the subject property is sparse and consists of the South Fork Prison camp (Exhibit A & B).

As discussed above, Staff finds that the proposed use will not substantially limit or impair surrounding forest uses nor increase fire hazard risk. Given the remote location and the distance between the proposed site and development, Staff finds that the request will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone. Staff concludes that this criterion has been met.

5. *The proposed use will not have a detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.*

Findings: The applicant states that there are no solar energy systems, wind energy conversion systems or wind mills in the area (Exhibit B). Tillamook County records do not indicate that any such devices have been installed on the subject property. Staff concludes that this criterion has been met.

6. *The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.*

Findings: The proposed site is located along an existing private access road, South Fork Road, and will be accessed using a new approximately 12-foot driveway (Exhibit B). No new roads are proposed. As discussed above, water and sanitation not required for the proposed use (Exhibit B). The property is located in the service area of Oregon Department of Forestry (Exhibit A).

Staff concludes that this criterion has been met.

IV. DECISION: APPROVED WITH CONDITIONS

Based on the findings shown above, Staff concludes that the applicant and property owner have satisfied the review criteria, and can meet all applicable ordinance requirements at the time of application. Therefore, the Department approves this request subject to the Conditions of Approval in section V of this report.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. The forms and fees must be filed in the office of this Department before **4:00 PM on August 14, 2023.**

V. CONDITIONS OF APPROVAL:

Sections 6.070: COMPLIANCE WITH CONDITIONS, and 6.080: TIME LIMIT requires compliance with approved plans and conditions of this decision, and all other ordinance provisions. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. Applicant/Owner shall obtain all required Federal, State, and Local permits and comply with all applicable Federal, State, and Local regulations.
2. Applicant/Owner shall obtain an approved Consolidated Zoning/Building Permit from the Tillamook County Department of Community Development prior to construction.
3. A site plan, drawn to scale, illustrating the proposed setbacks and fire breaks shall be provided at the time of Consolidated Zoning/Building Permit submittal. Applicant/Owner shall maintain the primary fuel-free break area surrounding all structures in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated

March 1, 1991, and published by the Oregon Department of Forestry. The fire breaks shall be in place prior to final Building Permit inspection.

4. A letter from the Oregon Department of Forestry or the Tillamook Fire District indicating they will provide fire control service to the site is required at the time of Consolidated Zoning/Building Permit submittal.
5. Applicant/Owner shall provide evidence of a long-term road access agreement at the time Applicant applies for Consolidated Zoning/Building Permit approval.
6. The applicant and property owner shall adhere to applicable development standards in TCLUO Section 3.004: Forest (F) Zone.
7. In accepting this Approval Applicant/Owner understands intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use. Applicant/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. Applicant/Owner acknowledges use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, Applicant/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. The Restrictive Covenant shall be filed with the Tillamook County Clerk and a record copy shall be submitted to this Department at the time of Zoning Permit application. The covenant shall be worded as the example included as 'Exhibit D'.

8. This approval shall be void on July 31, 2023 unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

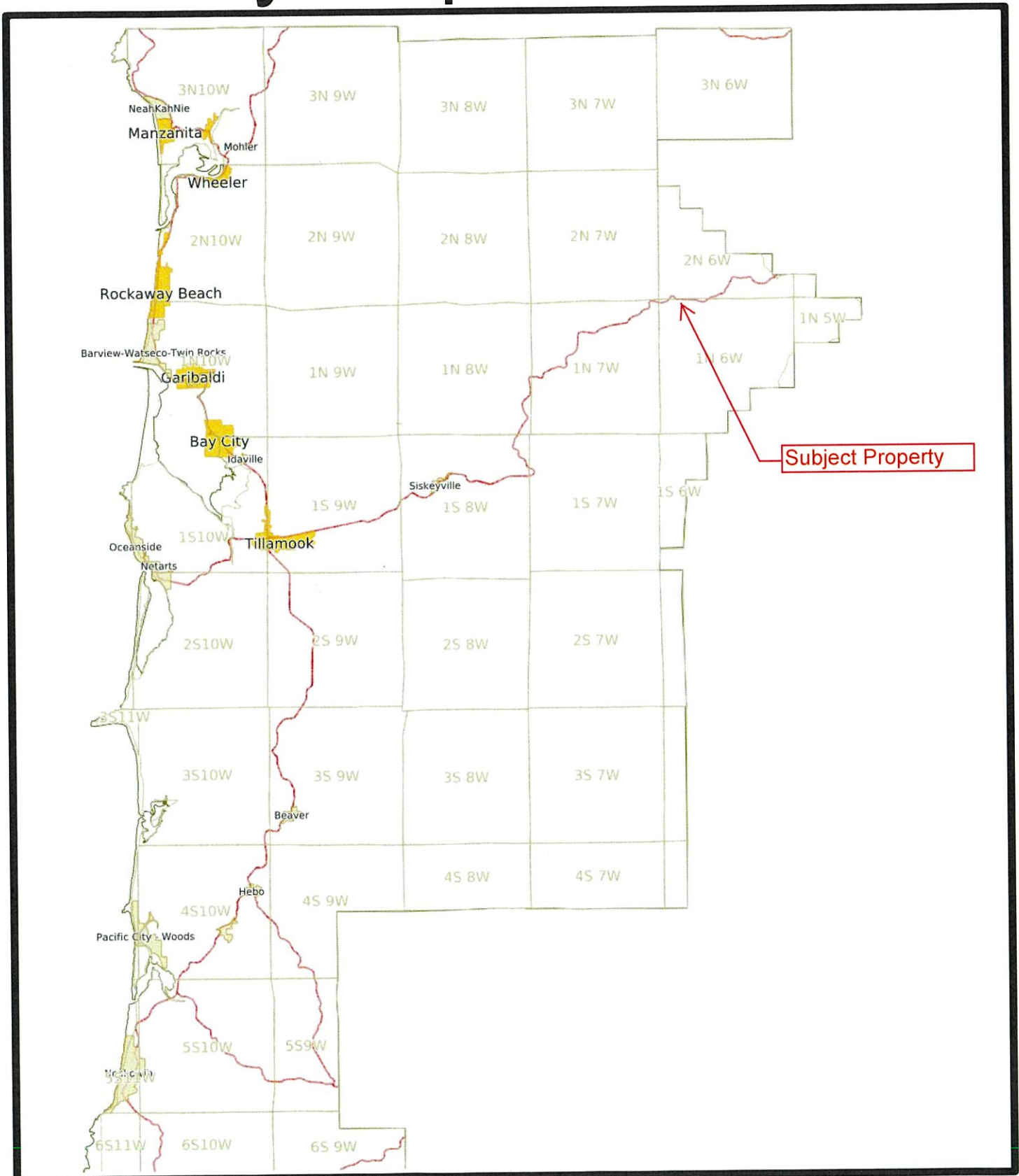
VI. **EXHIBITS**

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

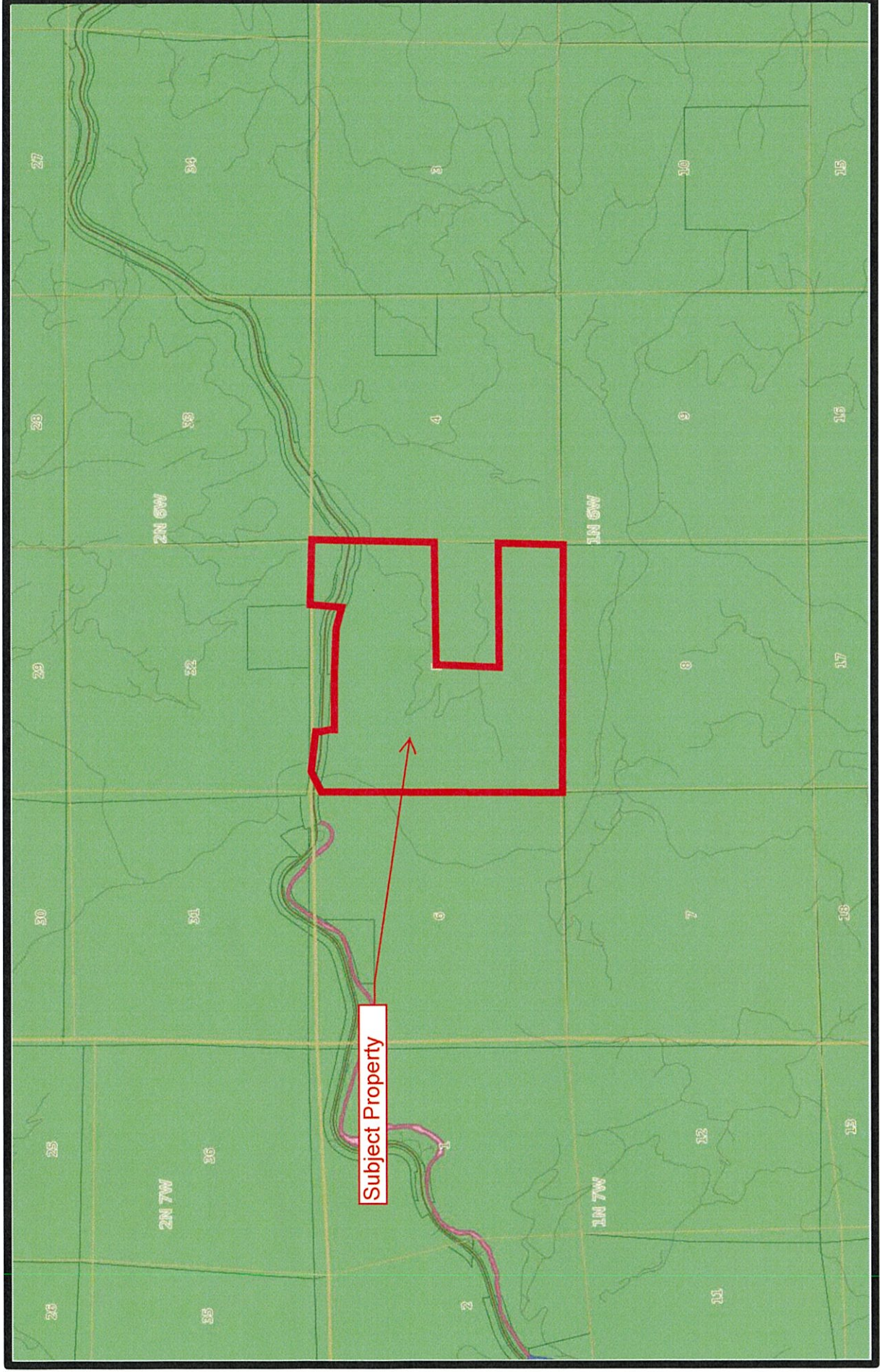
- A. Location map, Assessor map, Zoning map, Aerial imagery, Assessor's Summary Report
- B. Applicant's submittal
- C. Public Comments
- D. Farm/Forest Restrictive Covenant

EXHIBIT A

Vicinity Map



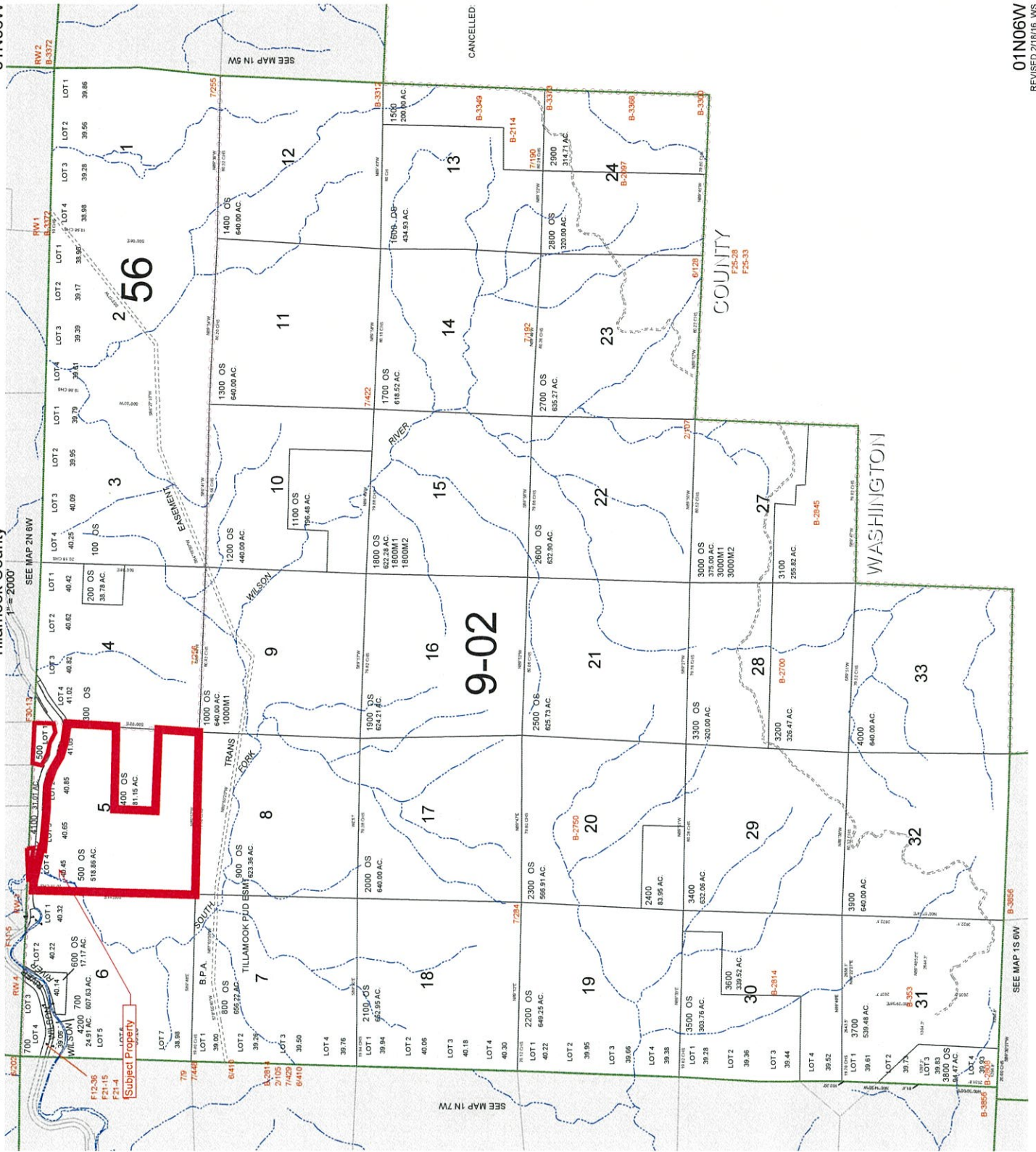
Zoning Map



FOR ASSESSMENT AND TAXATION ONLY. NOT SUITABLE FOR LEGAL, ENGINEERING, OR SURVEY PURPOSES

T.1N. R.6W. W.M.
Tillamook County

01N06W



CANCELLED

COUNTY
F25-29
F25-33

WASHINGTON

SEE MAP 1'S 6W

01N06W
REVISED 2/18/16, WS

TILLAMOOK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

June 1, 2023 1:56:56 pm

Account # 308768
 Map # 1N06000000500
 Code - Tax # 0902-308768

Tax Status NONASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr See Record
 Mailing Name OREGON, STATE OF

Deed Reference # See Record
 Sales Date/Price See Record
 Appraiser LINDA RODRIGUEZ

Agent
 In Care Of
 Mailing Address

Prop Class 960 MA SA NH Unit
 RMV Class 600 01 01 600 45535-1

Situs Address(s) Situs City

Code Area		RMV	MAV	Value Summary AV	RMV Exception	CPR %
0902	Land	632,190			Land	0
	Impr.	0			Impr.	0
Code Area Total		632,190	0	397,451		0
Grand Total		632,190	0	397,451		0

Code Area		ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
0902	0		<input checked="" type="checkbox"/>		F	Classified Forest Land	100	A	518.86	OA	632,190
Grand Total									518.86		632,190

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

Exemptions / Special Assessments / Potential Liability										
Code Area	0902									
EXEMPTIONS (AV):										
■ STATE GOVERNMENT	307.090	Amount								0

Comments: 9/27/02 SEG TO TL 1N6 4100. EXEMPT PROPERTY. ADDED RMV. NO MAV PER GS. JV 01-0231 LR 2/18/16 Size change per GIS.LM

Hazard Map



Disclaimer: The spatial information hosted at this website was derived from a variety of sources. Care was taken in the creation of these themes, but they are provided "as is". The state of Oregon, or any of the data providers cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or underlying records. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying any of these products. However, notification of any errors would be appreciated. The data are clearly not intended to indicate the authoritative location of property boundaries, the precise shape or contour of the earth or the precise location of fixed works of humans.

Statewide Wetlands Inventory



F. Sounther, Department of State Lands, Esri, F. FERÉ, Camlin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, R. Sounther 2013

- | | |
|-------------------------------|---|
| | Townships |
| | 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 |
| | SWI Predominantly Hydric Soil Map Units |
| | SWI Agate-Winlo Soils |

1 inch = 0.07 miles

0 0.0275 0.055 0.11 0.165 0.22 miles

The Statewide Wetlands Inventory (SWI) represents the best data available at the time this map was published and is updated as more 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: 6/12/2023



State of Oregon
 Department of State Lands
 775 Summer Street, NE, Ste 100
 Salem, OR 97301-1279
 (503) 988-5200

National Flood Hazard Layer FIRMette

123°28'2"W 45°36'35"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

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

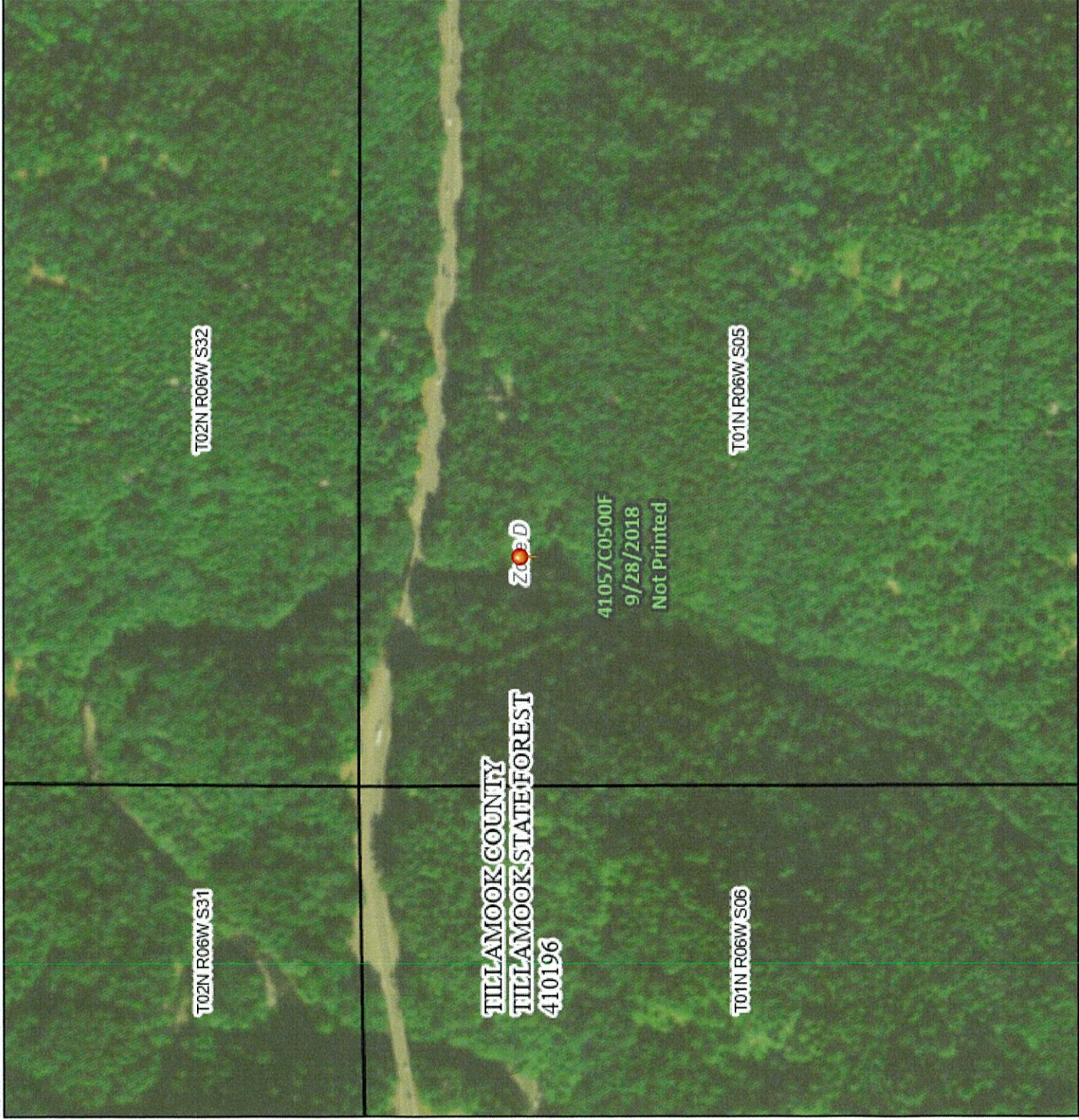
- Digital Data Available
- No Digital Data Available
- Unmapped

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 **6/1/2023 at 5:00 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.



0 250 500 1,000 1,500 2,000 Feet 1:6,000 123°27'25"W 45°36'10"N

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: Astound Broadband Phone: 503-734-7245
 Address: 151 E. Olive St
 City: Newport State: OR Zip: 97365
 Email: erik.torgeson@astound.com

Property Owner

Name: Oregon Dept. of Forestry Phone: 503-945-7190
 Address: 2600 State Street
 City: Salem State: OR Zip: 97310
 Email: eric.tenbrook@odf.oregon.gov

OFFICE USE ONLY	
Date Stamp	RECEIVED
	MAY 04 2023
	BY: <i>[Signature]</i>
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by:	<i>[Signature]</i>
Receipt #:	
Fees:	1500.-
Permit No:	851-23-000140PLNG

Request: Place a subsea fiber-optic repeater station in a Forest Zone on State Forestry lands. Station will be a prefabricated concrete structure approx. 12'w x 24'l x 10'h on a poured concrete pad, with a fence surrounding the building. Building will receive underground cables to amplify the signal along hwy 6.

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

Location:

Site Address: 45.60691, -123.46325
 Map Number: 01N - 06 - 00 - 00500

Township	Range	Section	Tax Lot(s)
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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.

<i>[Signature]</i> Property Owner Signature (Required)	Forest Grove District Forester / Landowner Representative	5/1/23 Date
<i>[Signature]</i> Applicant Signature		5/3/23 Date

Erik Torgeson
Astound Broadband
151 E. Olive St
Newport, OR 97365
503-734-7245
erik.torgeson@Astound.com

April 27, 2023

Tillamook County Land Use
1510-B Third St
Tillamook, OR 97141
C/O: Sheila Shoemaker

RE: Conditional Use Permit Criteria Responses for S.Fork Rd Fiber Optic Repeater Site

In addition to the Type II application, we submit the following responses to the applicable sections:

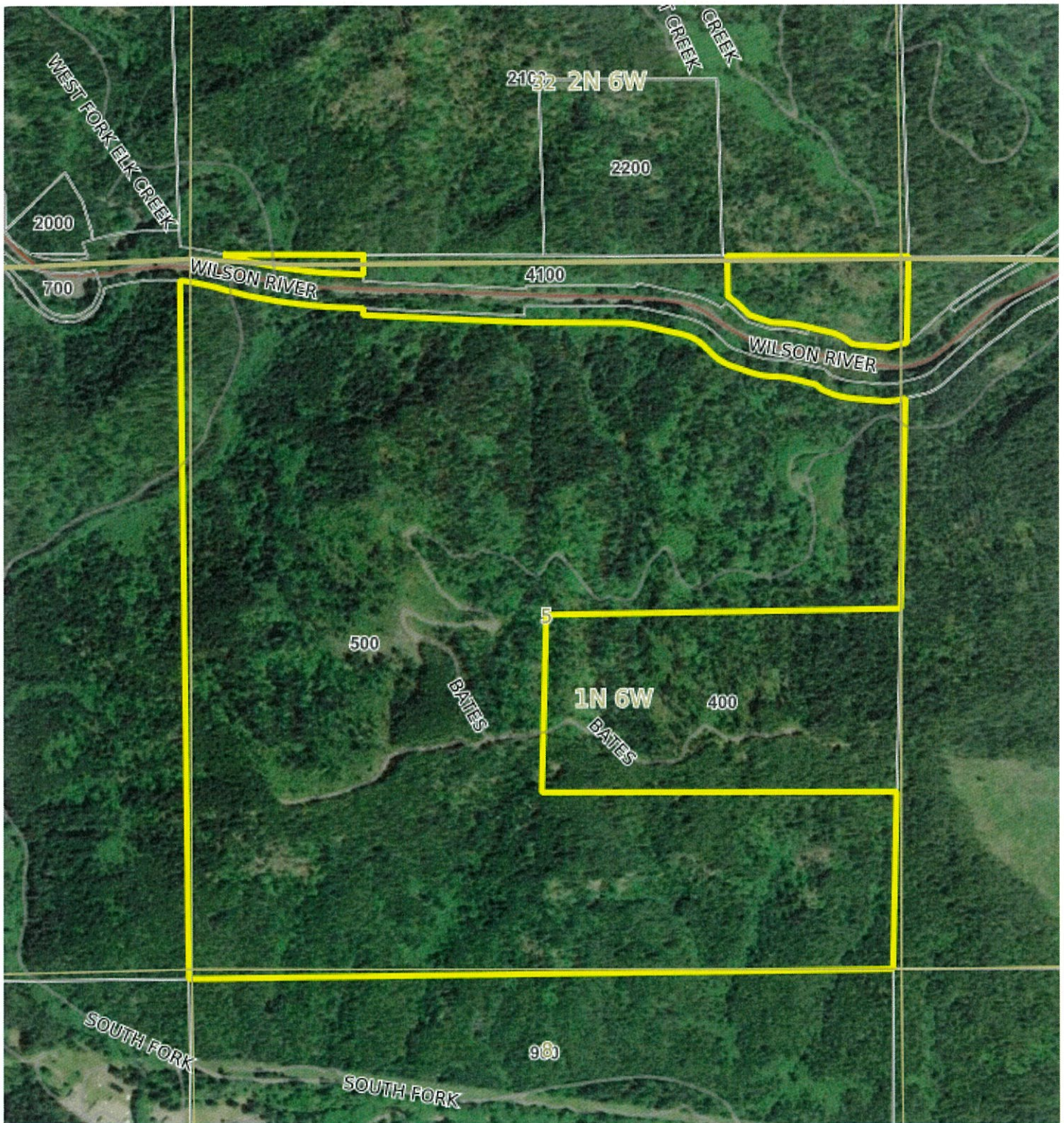
TCLUO Section 3.004(8):

1. The placing of this building and its associated parts will not cause a change in, nor increase the cost of, the accepted forestry practices on the surrounding forest lands. It will have no impact on the surrounding forest uses.
2. The proposed use will not significantly increase the fire hazard, nor significantly increase suppression costs or risks to fire personnel. The building will have self-contained dry-chemical fire suppression installed, as well as internal and external fire and smoke monitoring that is connected to 24 hour surveillance. The building itself is of non-flammable materials.
3. As the land owner is the Oregon Department of Forestry, the adjacent and nearby property is all owned and operated by the Department of Forestry. The department recognizes the rights of all adjacent property to continue its use as-designed unabated by this site's use. Forest operations per OAR 660-006-0025(5)(c) will not be impacted.

TCLUO SECTION 6.040:

1. The use is listed as a Conditional Use in the underlying zone per Land Use Ordinance 3.004(13) as a "Television, microwave and radio communication facilities and transmission towers".
2. The use is consistent with the applicable goals and policies of the Comprehensive Plan, as it will not have any impact of use of the Forest Zone for forest production activities.
3. The parcel is suitable for the use. The building will be 24'w x 12'l x 10'h on a concrete slab, with a fence surrounding the building area. The parcel is flat in the area the building will be placed on, and has simple access to the roadway. The placement of this building will not have any impact on the surrounding area.

4. The proposed use will not alter the character or permitted uses of the surrounding area in any way. Other than the immediate area the building is placed on, this will not have any effect on any surrounding property.
5. The proposed use will have no impact on solar or wind energy, or any windmill
6. The proposed use is timely, and will facilitate improvements in the surrounding public facilities and services. Astound and TPUD are partnering to bring single-phase power out to Highway 6 ROW for future expansion in otherwise unserved areas. Also, this site will enable existing contracts with cellular carriers to provide service on the highway 6 corridor and Fiber to the home deployments planned by Astound on the highway 6 corridor along the project path.



40744700 5740410 154 154 45 040000 400 440000



Tillamook County Fire Defense Board

Protecting all of Tillamook County

Road Access and Water Supply Review Form

This form must be completed and signed by the local fire code official prior to applying for a building permit. If after ten working business days upon submission to the local fire code official the form has not been completed, it will default to the County Building Official for review.

Fire Department Tillamook Fire District Date Received 5/15/2023
 Township 1S Range 9W Section 30 Tax Lot 702
 Street Name Trask River Road Nearest Cross Skyline Drive
 Address TBD Mailing 14000 Trask River Road
 City Tillamook State OR Zip 97141
 Phone 5038425726 Email cedarmagot@gmail.com
 Proposed Development / Construction Adding a 2nd MFD to property accessed from lower pre-existing driveway. Approximately 1,200 sq/ft w/ no garage.

Fire Department to Complete Information Below

- The proposed road access meets or exceeds the minimum requirements of the Tillamook County Fire Defense Board Road Access Guidelines.

YES NO

Pre-existing driveway to w/in 150' of proposed dwelling, turnaround notes.

- The available water supply meets the minimum requirements for adequate fire suppression through a municipal system as defined in OFC 2014 or as calculated in NFPA 1142.

YES NO

Adequate water per NFPA 1142.

- Access and water supply meet the minimum fire-fighting capability requirements of the responsible jurisdiction.

YES NO

Additional Commentary Attached if NO Above


Printed Name Rueben Descloux Title Fire Marshal
 Signature  Date Completed 5/15/2023

EXHIBIT C



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*

WN2023-0448

Responsible Jurisdiction

Staff Contact

Melissa Jenck

Jurisdiction Type

County

Municipality

Tillamook

Local case file #

851-23-000140-PLNG

County

Tillamook

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
01N	06W	00		500

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Tillamook

Latitude

45.606414

Longitude

-123.463427

Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- The property includes or is adjacent to designated Essential Salmonid Habitat.

Your Activity

- A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

Applicable Oregon Removal-Fill Permit Requirement(s)

A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

Closing Information



Additional Comments

Based on review of available information and site plan submitted, proposed building appears to avoid removal/fill impacts to the South Fork of the Wilson River and any potential adjacent wetlands. Therefore, no state removal/fill permit is needed.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

7/13/2023

Response by:

Matthew Unitis

Response Phone:

503-986-5262

EXHIBIT D