

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 #851-23-000131-PLNG: SHELLER

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

August 15, 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 August 15, 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 28, 2023**. Unless appealed, the Effective Date of Decision shall be August 15, 2023.

Request: An exception request to reduce the required 100-foot resource zone setback from the Forest (F) zone boundary and establish a 21-foot 1-inch setback from the easterly property line and 31-foot southerly setback from the property line to allow for the placement of a residential structure (single-family dwelling) (Exhibit B).

Location: The subject located in the southeast portion of the Unincorporated Community of Neskowin, accessed off an easement that abuts South Fairway Road, a County Local Access Road. Is designated as Tax Lot 200 in Section 36AA of Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).

Zone: Neskowin Low Density Residential (NeskR-1) Zone

Applicant & Property Owner: Daniel Sheller, 4402 NE 54th Ave, Portland, OR 97218

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. Residential development shall maintain the approved reduced resource zone setback of a 21-foot 1-inch from the easterly property line and 31-foot from the southerly property line setback as depicted on the proposed site plan included in "Exhibit B".
4. A copy of the site plan shall be submitted to the Department at the time of consolidated Zoning/Building Permit application submittal, confirming all required yard setbacks and reduced resource zone setbacks are met. The unnamed creek shall also be identified on the site plan with demonstration that the required riparian setback, measured in accordance with TCLUO Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization has been maintained for development of the subject property.
5. Development shall otherwise comply with the applicable standards and requirements of TCLUO Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone.
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 applicable standards outlined in TCLUO Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization
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 D' 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 or an 'Extension of Time' is requested from, and approved by, this Department.

Sincerely,

Tillamook County Department of Community Development



Sheila Shoemaker, Land Use Planner



Sarah Absher, CFM, Director

Enc.: Vicinity & Assessor/Zoning Map



Land of Cheese, Trees and Ocean Breeze

**RESOURCE ZONE EXCEPTION #851-23-000131-PLNG: SHELLER
Administrative Decision & Staff Report**

Decision: Approved with Conditions
Decision Date: August 15, 2023
Report Prepared By: Sheila Shoemaker, Land Use Planner

A handwritten signature in blue ink, appearing to be 'SS', is located to the right of the 'Report Prepared By' line.

I. GENERAL INFORMATION:

Request: An exception request to reduce the required 100-foot resource zone setback from the Forest (F) zone boundary to 69-feet, 11-inches (southerly location) and to 54-feet, 8-inches (easterly location) and establish a 21-foot 1-inch setback from the easterly property line and a 31-foot setback from the southerly property line to allow for the placement of a residential structure (single-family dwelling) (Exhibit B).

Location: The subject located in the southeast portion of the Unincorporated Community of Neskowin, accessed off an easement that abuts South Fairway Road, a County Local Access Road. Is designated as Tax Lot 200 in Section 36AA of Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).

Zone: Neskowin Low Density Residential (NeskR-1) Zone

Applicant &

Property Owner: Daniel Sheller, 4402 NE 54th Ave, Portland, OR 97218

Description of Site and Vicinity: Assessor records indicate the subject property encompasses approximately .40 acres with varying topography primarily consisting of steep slopes and few benched areas, is vegetated and vacant of improvements (Exhibit A). Wetlands and riparian features appear to be present and are mapped within the subject property (Exhibit A). The subject property is within an area of Geologic Hazard (Exhibit A). The subject property is not located within an area of Special Flood Hazard (Exhibit A).

Properties to the north and west are also zoned Neskowin Low Density Residential (NeskR-1) Zone and are generally developed with single family dwellings and accessory structures (Exhibit A). The properties to the east and south are zoned Forest (F) (Exhibit A).

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 3.322: Neskowin Low Density Residential (NeskR-1) Zone
- B. TCLUO Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization
- C. TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas

III. ANALYSIS:

Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on May 30, 2023. No comments were received.

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

Section 3.322(4) Standards: *Land divisions and development in the NeskR-1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:*

... 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 Adopted 3/15/2000 Neskowin Low Density Urban Residential (NeskR-1) Zone 3.322 5 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. In either case, all yard requirements in this zone.

Findings: The subject property lies within 100-feet of the Forest (F) zoned properties to the east and south (Exhibit A). Applicant states siting the property 100 feet from the Forest (F) zone would be on steep slopes. Proposed site plan drawn on topographic map shows location of a residential structure (single-family dwelling) where less slopes are indicated, and applicant states the proposed site is clear of large trees (Exhibit B).

Staff finds that a residential structure could not otherwise be placed on the subject property without requiring a variance to the 100-foot setback due to the locations of the resource boundaries surrounding the subject property to the east and south, together with the steep slopes and limited area for location of a building footprint that does not require significant excavation and disturbance of existing sloped areas (Exhibit B).

B. **TCLUO Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization**

TCLUO Section 4.140(1): The following areas of riparian vegetation are defined (b); Twenty-five (25) feet from all other rivers and streams where the river or stream channel is greater than 15 feet in width. (c): Fifteen (15) feet from all perennial rivers and streams where the river or stream channel is 15 feet in width or less.

Findings: Applicants site plan does not indicate riparian features on the subject property (Exhibit B). In review of the Statewide Wetlands Inventory Map an un-named creek flows through the eastern portion of the property (Exhibit A). Staff finds that the compliance can be met through Conditions of Approval. A

Condition of Approval has been made to verify compliance with TCLUO Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization to ensure required riparian setbacks are maintained.

C. TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas

TCLUO Section 4.130(2)(a) identifies all lands partially or completely within categories of “high” and “moderate” susceptibility to shallow landslides and all lands partially or completely within categories of “high” and “moderate” susceptibility to deep landslides as mapped in DOGAMI Open File Report O-20-13, Landslide hazard and risk study of Tillamook County, Oregon as potentially geologically hazardous and subject to the requirements of this section.

Findings: Development is subject to Geologic Hazard Assessment Review in accordance with the provisions outlined in TLCUO Section 4.130(2)(f)(1), Lots or parcels less than 20,000 square feet where the average existing slopes are equal to or greater than 19% measured from the highest to lowest point of the property.

Staff finds a Condition of Approval can be made to require development adheres to the applicable development standards of TCLUO Section 4.130 at the time of consolidated zoning and building permit submittal.

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 Forest (F) 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 August 28, 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. Residential development shall maintain the approved reduced resource zone setback of a 21-foot 1-inch from the easterly property line and 31-foot from the southerly property line setback as depicted on the proposed site plan included in “Exhibit B”.

4. A copy of the site plan shall be submitted to the Department at the time of consolidated Zoning/Building Permit application submittal, confirming all required yard setbacks and reduced resource zone setbacks are met. The unnamed creek shall also be identified on the site plan with demonstration that the required riparian setback, measured in accordance with TCLUO Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization has been maintained for development of the subject property.
5. Development shall otherwise comply with the applicable standards and requirements of TCLUO Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone.
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 applicable standards outlined in TCLUO Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization
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 D' 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 or an 'Extension of Time' is requested from, and approved by, this Department.

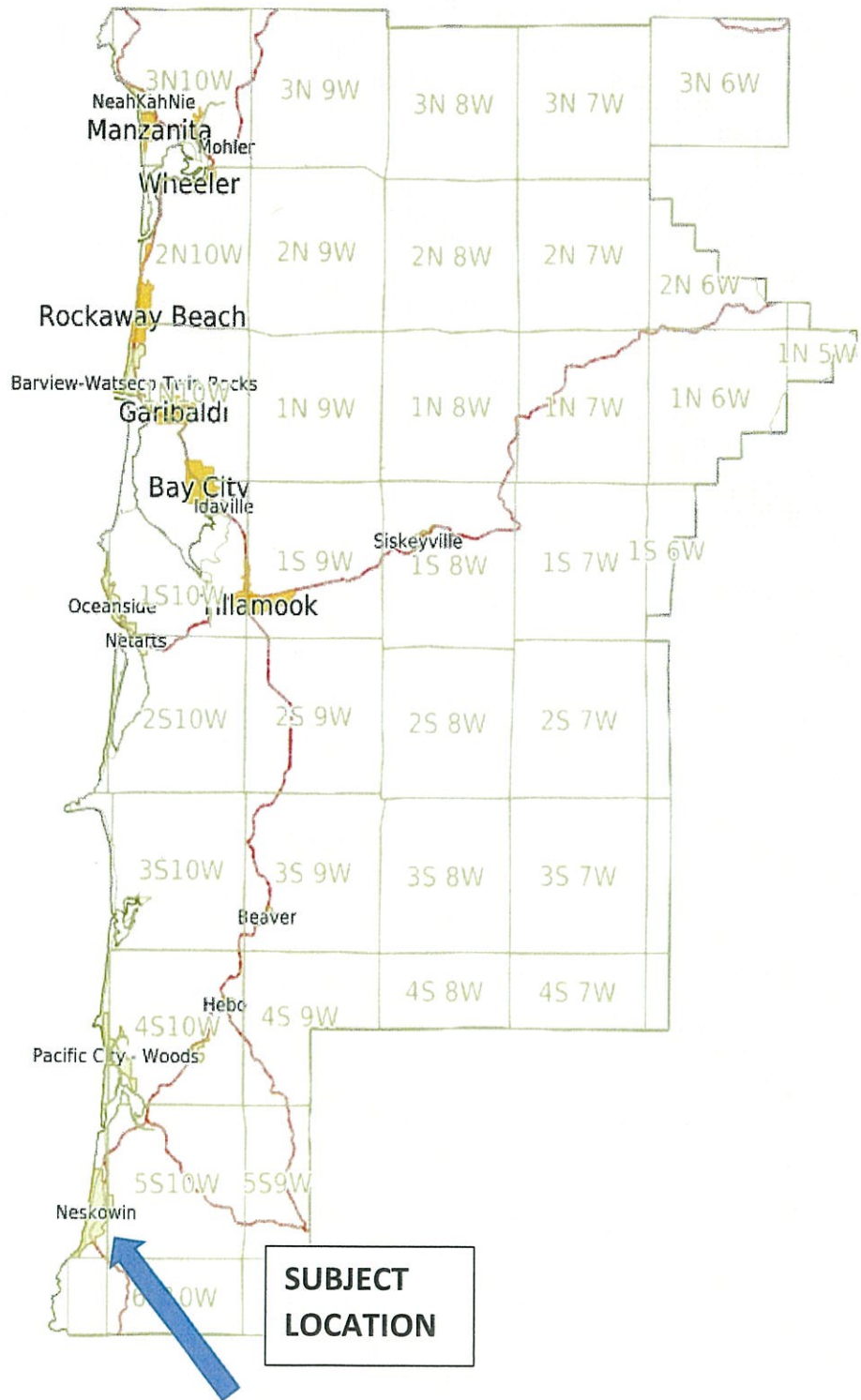
VI. EXHIBITS

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



#851-23-000131-PLNG:
Sheller

Map



Tillamook County
2022 Real Property Assessment Report
 Account 400227

Map 5S1136AA00200
 Code - Tax ID 2209 - 400227

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr PARTITION PLAT 1996-61
 Lot - PARCEL 2

Mailing SHELLER, DANIEL
 4402 NE 54TH AVE
 PORTLAND OR 97218

Deed Reference # 2022-4126
 Sales Date/Price 06-27-2022 / \$70,000
 Appraiser GARY BARGER

Property Class 100 MA SA NH
 RMV Class 100 09 ST 971

Site	Situs Address	City
-------------	----------------------	-------------

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2209	Land	58,730		Land	0	
	Impr	0		Impr	0	
Code Area Total		58,730	39,020	39,020	0	
Grand Total		58,730	39,020	39,020	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2209	0			NESKR-1	Market	118	0.40 AC		58,730
Code Area Total							0.40 AC		58,730

Improvement Breakdown									
Code Area	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV	

Exemptions / Special Assessments / Notations						
Code Area				Amount	Acres	Year
2209	Fire Patrol					
	■ FIRE PATROL NORTHWEST			18.75	0.40	2022
	Fire Patrol					
	■ FIRE PATROL SURCHARGE			0.00		2022

Comments 5/17/05 No value change after lot line adjustment to TL 300. dv. 4/3/14 Reappraised land, tabled values. GB

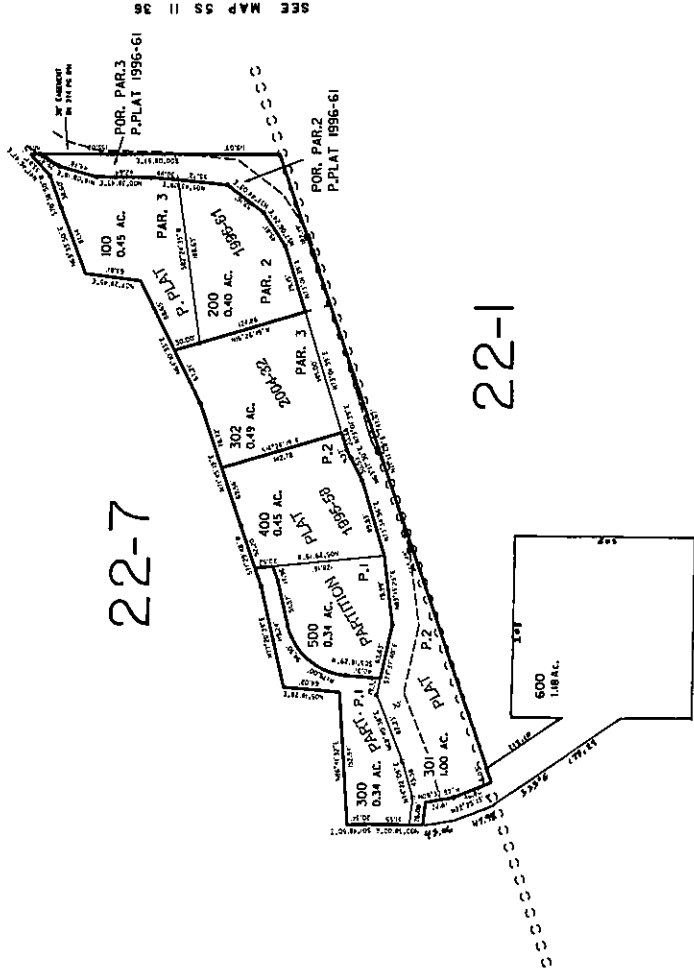
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NE1/4 NE1/4 SEC.36 T.5S. R.11W. W.M.
TILLAMOOK COUNTY

5S II 36AA

1" = 100'

SEE MAP 5S II 25



22-7

22-1

SEE MAP 5S II 36AB

SEE MAP 5S II 36

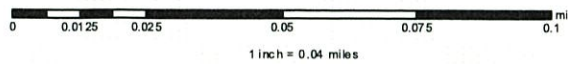
5S II 36AA
REVISED 01/10/05, KA

Statewide Wetlands Inventory



- 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 Pre dominantly Hydric Soil Map Units
- SWI Agate-Wink Soils

R. Sounhein, Department of State Lands, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, R. Sounhein 2018



Oregon Coastal Atlas

← ↻ 🏠 https://www.coastalatlant.net/tillamook/map/#on=sketch/default;oregoncoastalatlant/Tillamook_Taxlots_2022:Admin_Bounds/1:Tillamook

Tillamook Hazards... Sign in - Google Ac... Tillamook Hazards... Tillamook County... RingCentral - Resou... ASFPM Portal Ring Central Service

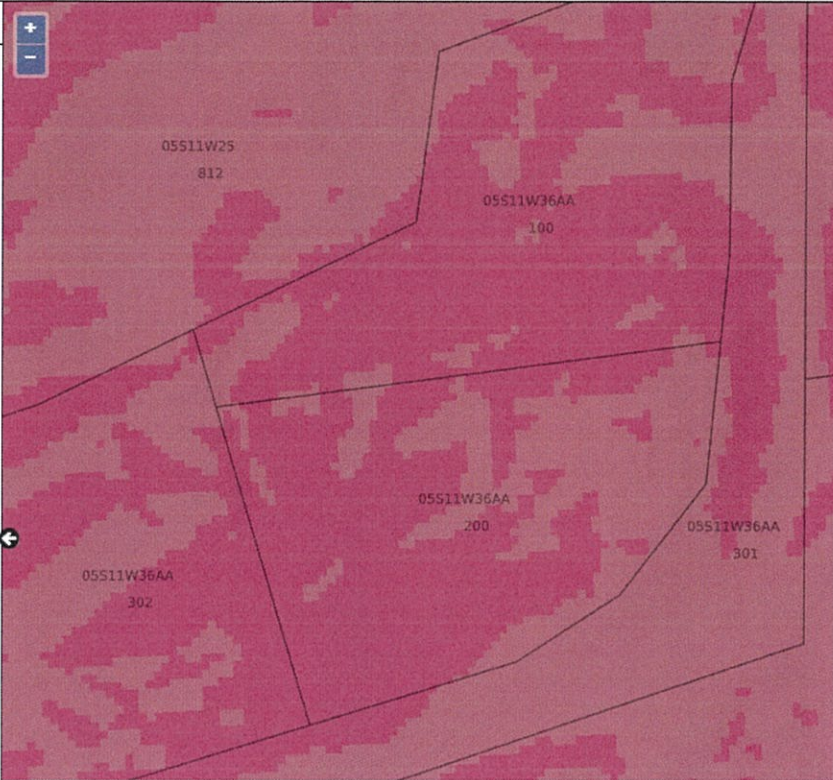
Zoom to Full Extent Measure Print Find Me Start Over

Catalog Favorites Visible Results

Search catalog

Map Extras

- Administrative Boundaries
 - Tax lots
 - County Boundaries
- Non-Regulatory Planning
- Physical
 - Debris Flow fans
 - Deep Landslide Susceptibility
 - High Susceptibility
 - Moderate Susceptibility
 - Shallow Landslide Susceptibility
 - Rapidly Moving Landslides
 - Rapidly Moving Landslides
 - Beaches and Dunes Overlay Zone
- Elevation
 - Highest Hit, OLC, 2008-19
 - Bare Earth, OLC, 2008-19
- Aerial Photos
 - State Imagery
 - World Imagery
- Basemaps



National Flood Hazard Layer FIRMette

123°58'30"W 45°6'17"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

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

OTHER AREAS OF FLOOD HAZARD

- 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

- 20.2 Cross Sections with 1% Annual Chance
- 17.5 Water Surface Elevation
- 8 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 **8/11/2023 at 11:29 AM** 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



PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	RECEIVED
	APR 27 2023
	BY: <i>Mailed-SS</i>
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #: <i>131545</i>	
Fees: <i>1300.-</i>	
Permit No: 851- 23 - <i>000131</i> -PLNG	

Applicant (Check Box if Same as Property Owner)

Name: Daniel Sheller Phone: 530 277 6493
 Address: 4402 NE 54th AVE
 City: Portland State: OR Zip: 97218
 Email: danielsheller@gmail.com

Property Owner

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

Request: Residential structure forest setback exception

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

Location:

Site Address: _____

Map Number: 5S 11 36AA 00200
Township Range Section Tax Lot(s)

Clerk's Instrument #: _____

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.


 Property Owner Signature (Required)

4/26/23
 Date

Applicant Signature

Date

Sheila Shoemaker

From: Daniel Sheller <danielsheller@gmail.com>
Sent: Thursday, April 27, 2023 6:46 AM
To: Sheila Shoemaker
Cc: Sarah Absher
Subject: EXTERNAL: Forest Setback Exception Application
Attachments: 2023_0424 HAWK CREEK SETBACK EXCEPTION PLAN.pdf; Hawk Creek - planning_application_type_2-4.pdf

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

Hi Shiela,

We are planning a small cabin (700 sq feet) on a lot in the Hawk Creek Hills area outside of Neskowin. The building site is within 100' of a Forest Zone.

Attached is our application for an exception to the residential structure forest setback requirement. As well as the site plan for the planned development.

Below is a quick overview of natural and manmade barriers as well as why we must build within the set back requirements.

Natural Barriers-

- The entire property is located downhill from the F zone. No runoff from the property during or after construction will enter the F zone and impact fish or wildlife.
- There are existing large old trees that will remain as a buffer between your dwelling and the F zone, preserving habitat for wildlife.

Manmade Barriers-

- The F zone is separated from the property by an existing road that heavy trucks use to access a water utility (S Fairway Rd).

AND locating the structure outside of the 100 ft setback would inflict greater impact on the resource:

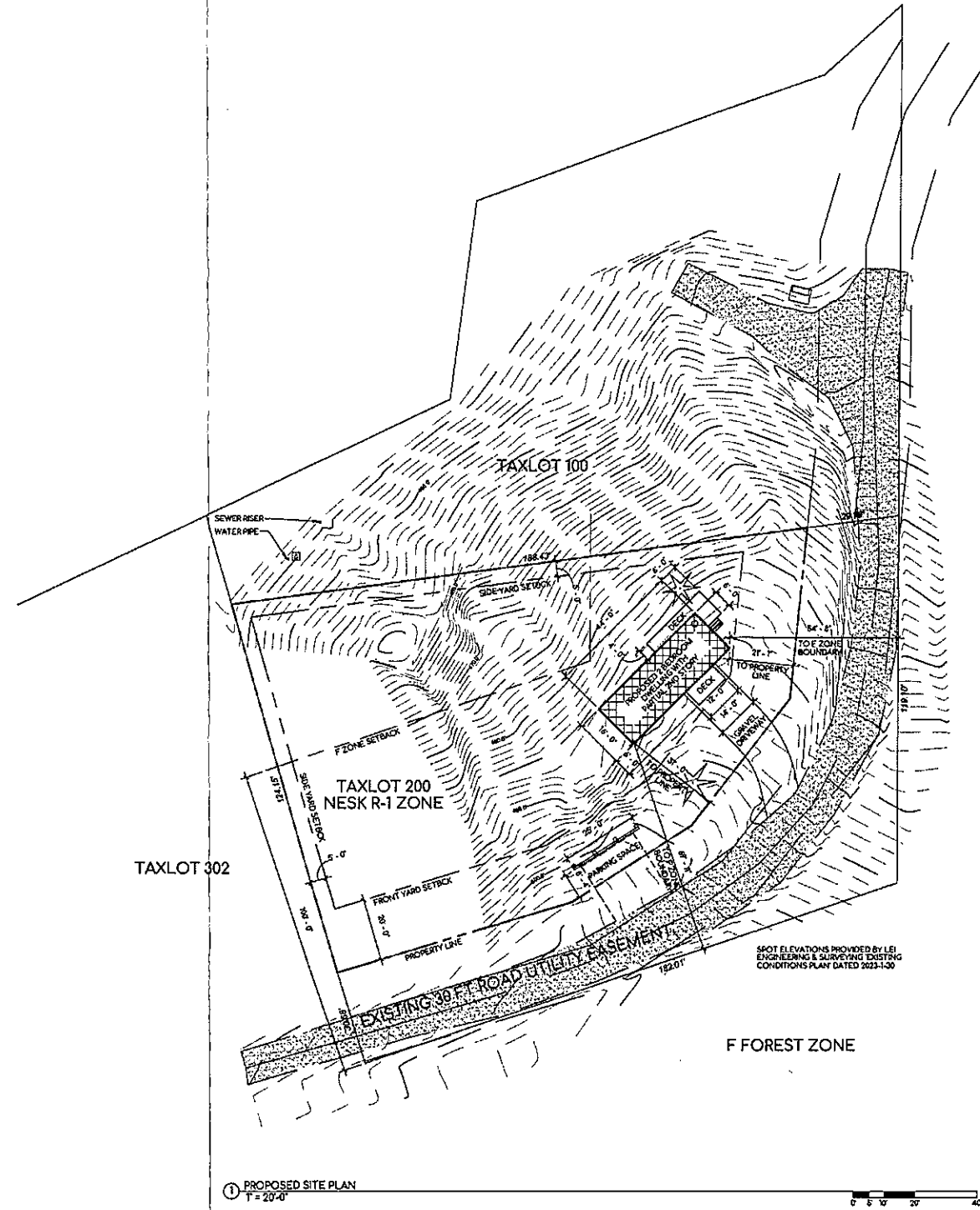
- The only portion of your property that is outside the F zone is on steep grade, and is prohibitively difficult to build on.
- The proposed site is adjacent to an existing flat driveway access from the road. Building outside of the F zone would require a longer/steeper driveway and construction machinery access that would have a more severe erosion impact deep into the back of your site.
- The proposed building site has been deemed geologically stable by a licensed geologist.
- The area that we have chosen to site your dwelling is already clear of large trees. Building outside of the F zone would require much more tree clearing.

Please let me know if I can provide any additional information. As well as the next steps.

Copyright © 2023 Michael D. Moran Architecture, LLC

4/24/2023 12:23:30 PM

THIS DOCUMENT IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE
FOR OFFICIAL USE ONLY. IT IS THE PROPERTY OF MICHAEL D. MORAN ARCHITECTURE, LLC.
IT IS LOANED TO YOUR ORGANIZATION AND IS NOT TO BE REPRODUCED OR
DISTRIBUTED OUTSIDE YOUR ORGANIZATION.



PRELIMINARY,
NOT FOR
CONSTRUCTION



Hawk Creek
Residence
Fairway Road
T.S.S. RI 1 W. Sec. 36AA TL 200
Titilook County

Revisions:

Apr 24, 2023

SITE PLAN

A1

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