



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 #851-23-000164-PLNG

*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 18, 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 August 18, 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 30, 2023**. Unless appealed, the Effective Date of Decision shall be August 18, 2023.

Request: An exception request to reduce the required 100-foot resource zone setback from the Farm (F-1) zone boundary by 52.2-feet to establish a 58.8-foot setback from the southerly (rear) property line and by 44.7-feet to establish a 25.3-foot setback from the northerly (front) property line.

Location: The subject property is located east of the City of Tillamook, is zoned Rural Residential 2-acre (RR-2) and is designated as Tax Lot 100 in Section 27 of Township 1 South, Range 9 West of the Willamette Meridian, Tillamook County, Oregon.

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

Applicant: GC Northwest, LLC Po Box 3221 Vancouver, WA 98668

Property Owner: MJN Homebase, LLC 10035 Fairview Rd Tillamook, OR 97141

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 a 58.8-foot setback from the southerly (rear) property line and 25.3-foot setback from the northerly (front) property line, as indicated on the proposed site plan.
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.
6. Applicant/Owner shall comply with TCLUO section 4.130. A Geologic Hazard Report may be required if average existing slopes are equal to or greater than 29 percent within area to be disturbed.
7. 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 Consolidated Zoning/Building Permit.

8. 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


Allison Chase, Land Use Planner

Sarah Absher, CFM, Director

Enc.: Vicinity & Assessor/Zoning Map



Land of Cheese, Trees and Ocean Breeze

**Resource Zone Exception #851-23-000164-PLNG: GC Northwest, LLC/ MJN Homebase, LLC
Administrative Decision & Staff Report**

Decision: Approved with Conditions
Decision Date: August 18, 2023
Report Prepared By: Allison Chase, Land Use Planner

I. GENERAL INFORMATION:

Request: An exception request to reduce the required 100-foot resource zone setback from the Farm (F-1) zone boundary by 52.2-feet to establish a 58.8-foot setback from the southerly (rear) property line and by 44.7-feet to establish a 25.3-foot setback from the northerly (front) property line.

Location: The subject property is located east of the City of Tillamook, is zoned Rural Residential 2-acre (RR-2) and is designated as Tax Lot 100 in Section 27 of Township 1 South, Range 9 West of the Willamette Meridian, Tillamook County, Oregon.

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

Applicant: GC Northwest, LLC Po Box 3221 Vancouver, WA 98668

Property Owner: MJN Homebase, LLC 10035 Fairview Rd Tillamook, OR 97141

Description of Site and Vicinity: Assessor records indicate the subject property encompasses approximately 0.44-acres, topography is generally flat in most areas with the exception of it trending downward at the rear property line, is vegetated with grasses and trees, and currently vacant. Wetlands are located on the south and east side of the property, with Donaldson Creek Tributary running along these sides. The subject property abuts and is accessed via Fairview Road, a County road. The property is within an area of geologic hazard, with areas of shallow landslide susceptibility (Exhibit A).

The area is a pocket of RR-2 zoned properties which are primarily abutting Fairview Road and generally improved with single-family dwellings and their accessory structures, or vacant. Remaining properties in the vicinity are zoned Farm (F-1) and Forest (F) and appears to be in Forest use or small farm properties.

FEMA Flood Insurance Rate Map #41057C0584F dated September 28, 2018, confirms the subject property is not located in an area of the Special Flood Hazard Area (SFHA) (Exhibit A).

Applicant is proposing to reduce the 100-foot setback from the Farm (F-1) zone boundary by 52.2-feet to establish a 58.8-foot setback from the southerly (rear) property line & 44.7-feet to establish a 25.3 setback from the northerly (front) property line to allow for the siting of a residence (Exhibit B).

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 Areas

III. ANALYSIS:

Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on June 23, 2023. Notice was provided to the Department of State Lands (DSL) and the Oregon Department of Fish & Wildlife (ODFW). Comments were received from Department of State Lands (DSL), the Oregon Department of Fish & Wildlife (ODFW) and Tillamook County Public Works.

DSL states the parcel had been previously developed years ago and should the home be replaced it should not extend farther south or east than the former footprint. The submitted plan appears to proceed right up to the top bank of the Donaldson Creek tributary, it is not possible to approve any extensions in the foundation or other infrastructure without a site inspection. DSL states if expanded development is planned, an on-site wetland determination is advised. Staff will require as a condition of approval compliance with DSL permits (Exhibit C).

ODFW provided a comment that there are wetlands on the east and southeast side of the lot and they recommend the applicant consult DSL to determine the extent of the wetlands on the property and if the proposed construction would occur within the wetlands boundary and impacts to wetlands should be avoided. Staff find DSL consultation complete through staff submission of WLUN (Exhibit C).

Tillamook County Public Works has no objection to the proposed zone setback and they exceed the right of way setback. The existing road approach has good visibility with a low volume road in a location where the traveling surface is already an additional 25-feet away from their northerly property line. The property was re-issued its original road approach permit (#0084) in September of 2022 as part of their preparation for a county building permit. (Exhibit C)

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

Section 3.010(4) Standards: *Land divisions and development in the RR-2 and RR-10 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:*

...(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 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 shall still apply.

Findings: The southerly property boundary abuts the Farm (F-1) zone (Exhibit A). The northerly is located 30-feet away from the F-1 boundary. With a 100-foot setback from the resource zone from the rear (southerly) property boundary and the front (northerly) boundary, this would result in limited area of construction for a dwelling due to the depth of a 200-foot lot (Exhibit A & B). The property maintains steep slopes along its south easterly boundary. (Exhibit B). The Applicants site plan shall establish a 58.8-foot setback from the southerly (rear) property line and establish a 25.3 setback from the northerly (front) property line (Exhibit B).

Staff finds that a residential structure could not otherwise be placed on the subject property without requiring a variance to the 100-ft setback due to the location of the Farm (F-1) zone boundaries surrounding the subject property, the existing steep slopes, wetland locations, and existing driveway systems. (Exhibit A & B). The resource zone setback reductions shall result in a 58.8-foot setback, with a 52.2-feet exception to the resource zone setback along the southerly property boundary (Exhibit B). The resource zone setback shall also result in a 25.3-foot setback with a 44.7-feet exception to the resource zone setback along the northerly property line. (Exhibit B). Staff find this standard is met.

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

TCLUO Section 4.130(2)(b) identifies the area maintaining shallow landslide susceptibility as identified in DOGAMI Open File Report O-20-13. (Exhibit A)

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 Consolidate Zoning/Building Permits if average existing slopes are equal to or greater than 29 percent. Staff find that a condition of approval can be made to ensure compliance with this standard at the time of Consolidated Zoning/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 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 August 30, 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.

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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 Consolidated Zoning/Building Permit.

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

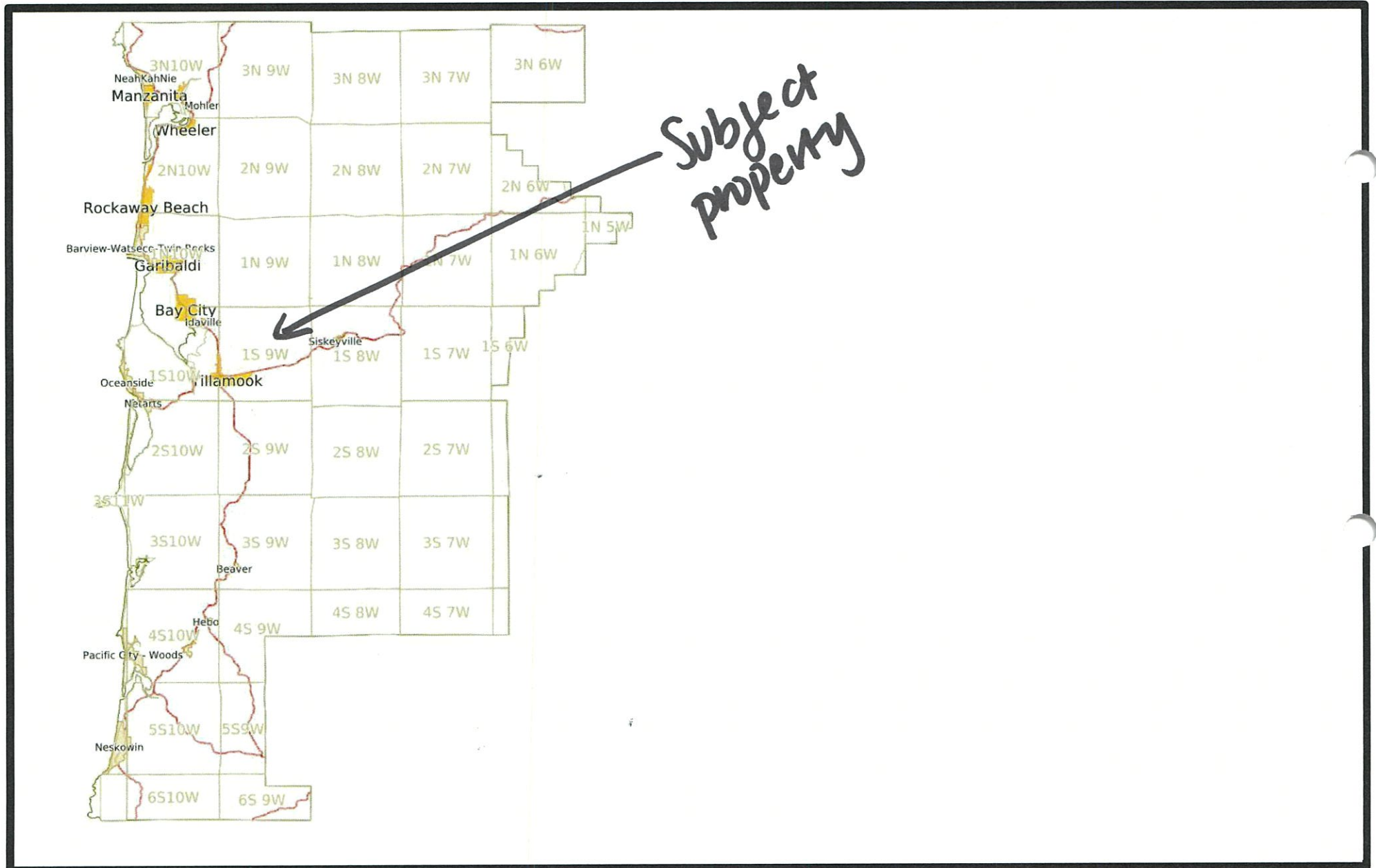
VI. EXHIBITS

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

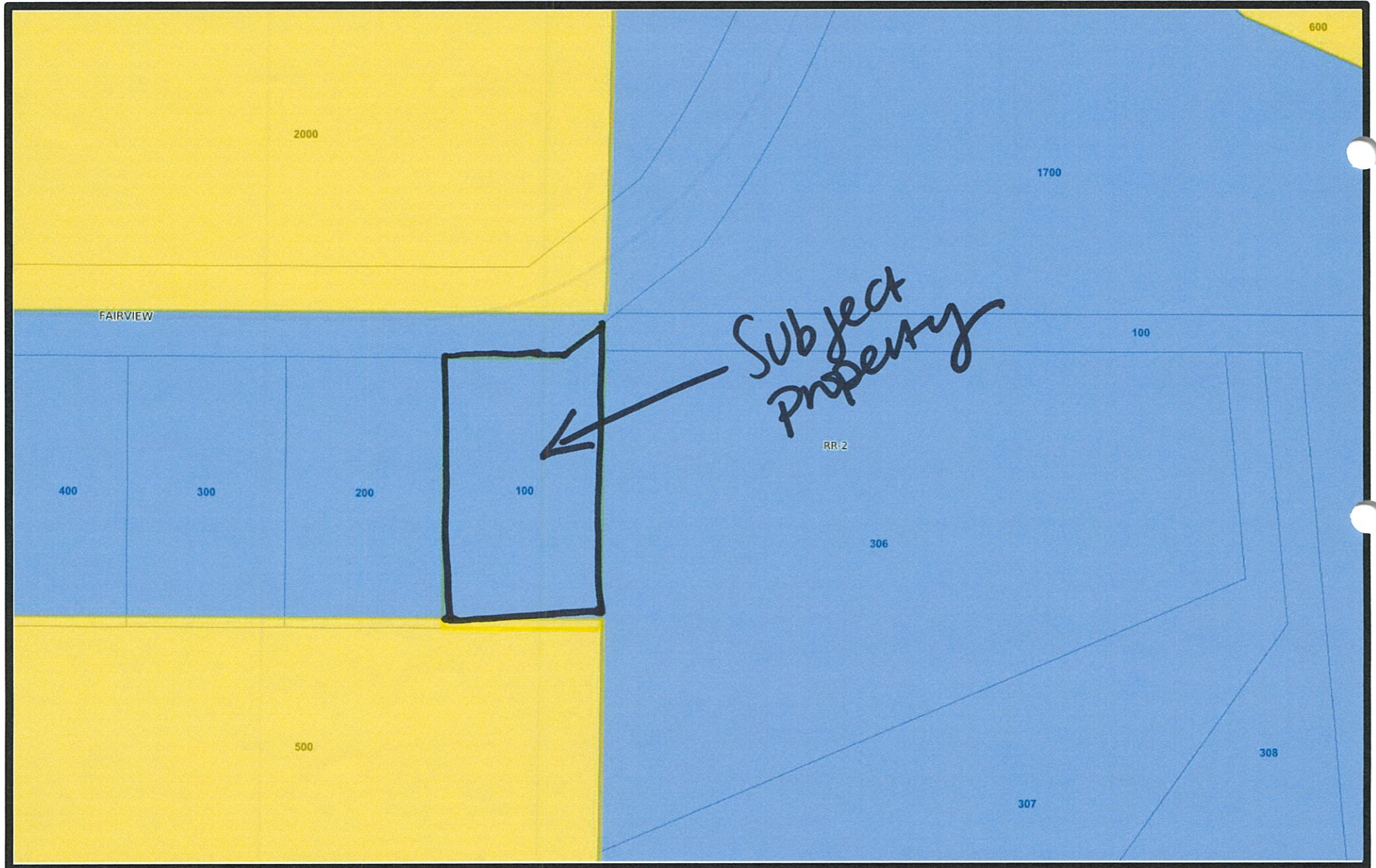
- A. Maps
- B. Applicant's submittal
- C. Public Comments
- D. Required Restrictive Covenant: Farm Forest Practices

EXHIBIT A

Vicinity Map



Zoning Map



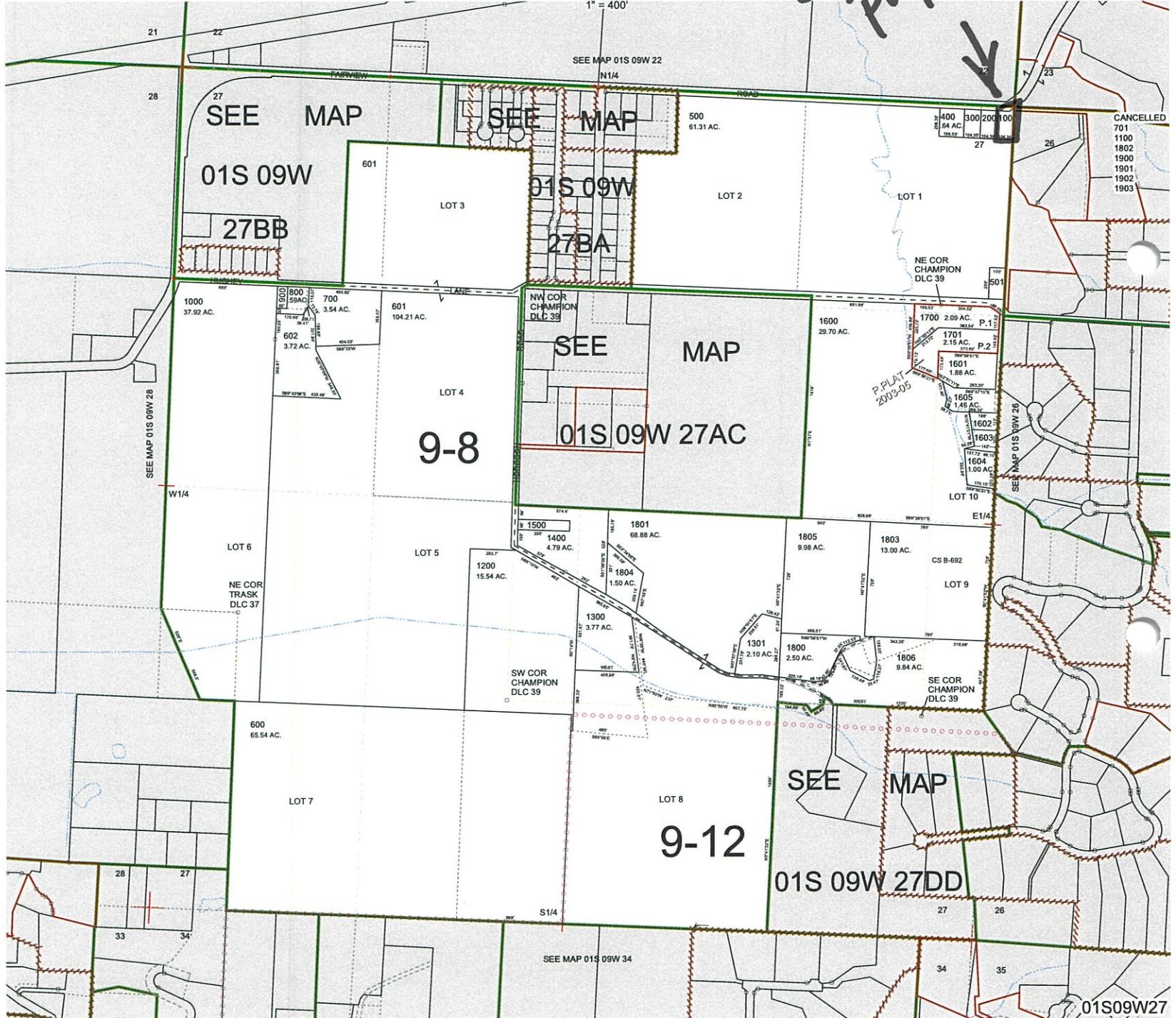
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



SECTION 27 T.1S. R.9W. W.M.
TILLAMOOK COUNTY

Subject Property

01S09W27



01S09W27

National Flood Hazard Layer FIRMette



123°46'3"W 45°27'59"N



123°45'25"W 45°27'33"N

Legend

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

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i> With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> Regulatory Floodway
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 <i>Zone X</i> Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i> Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i> Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS	NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i> Effective LOMRs Area of Undetermined Flood Hazard <i>Zone</i>
GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall
OTHER FEATURES	Cross Sections with 1% Annual Chance Water Surface Elevation 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.

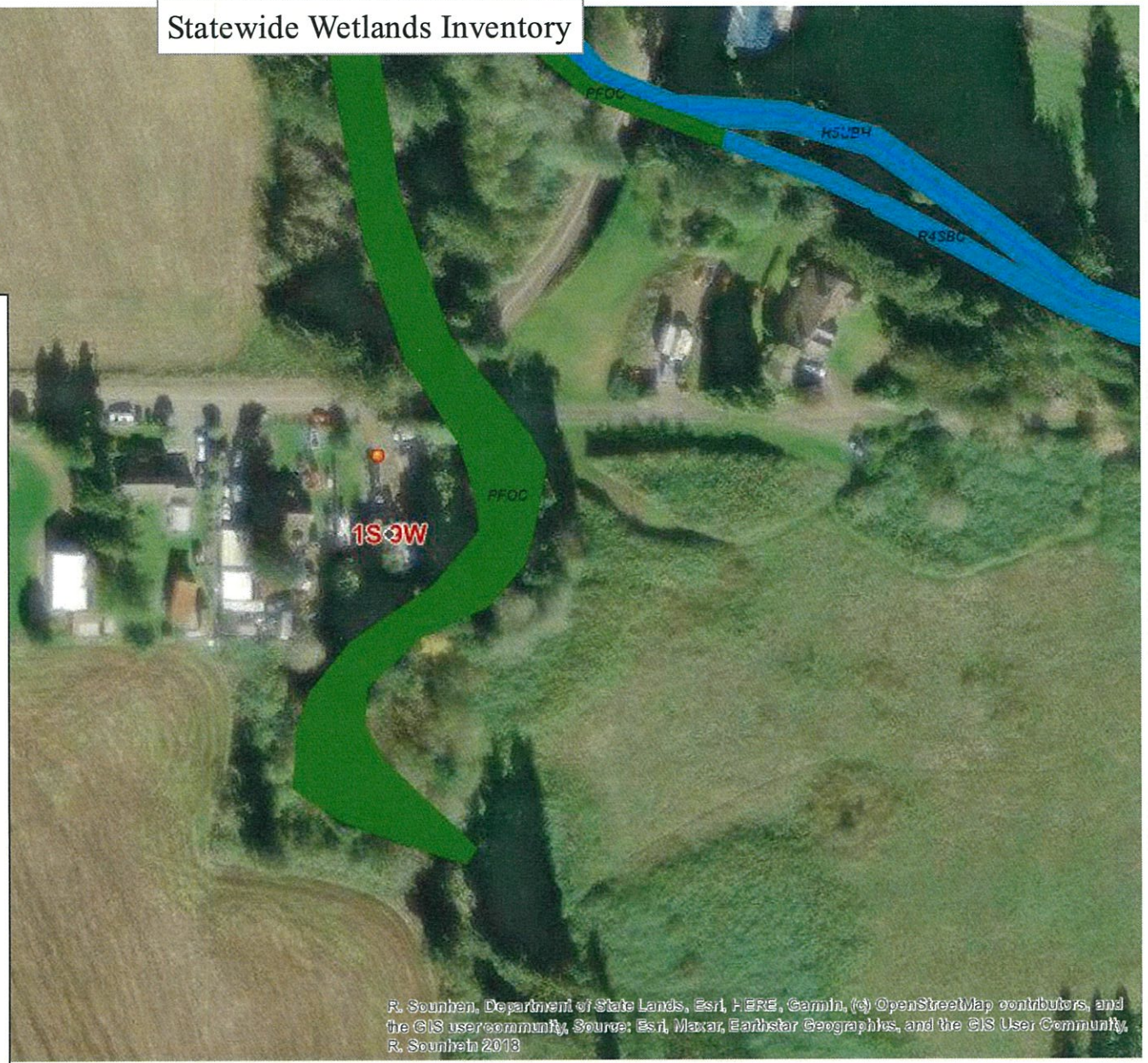
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/23/2023 at 12:19 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.

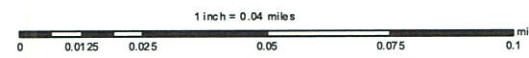
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory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

Statewide Wetlands Inventory

-  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



R. Souphen, 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. Souphen 2013



The Statewide Wetlands Inventory (SWI) represents the best data available at the time this map was published and is updated as new data becomes 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.

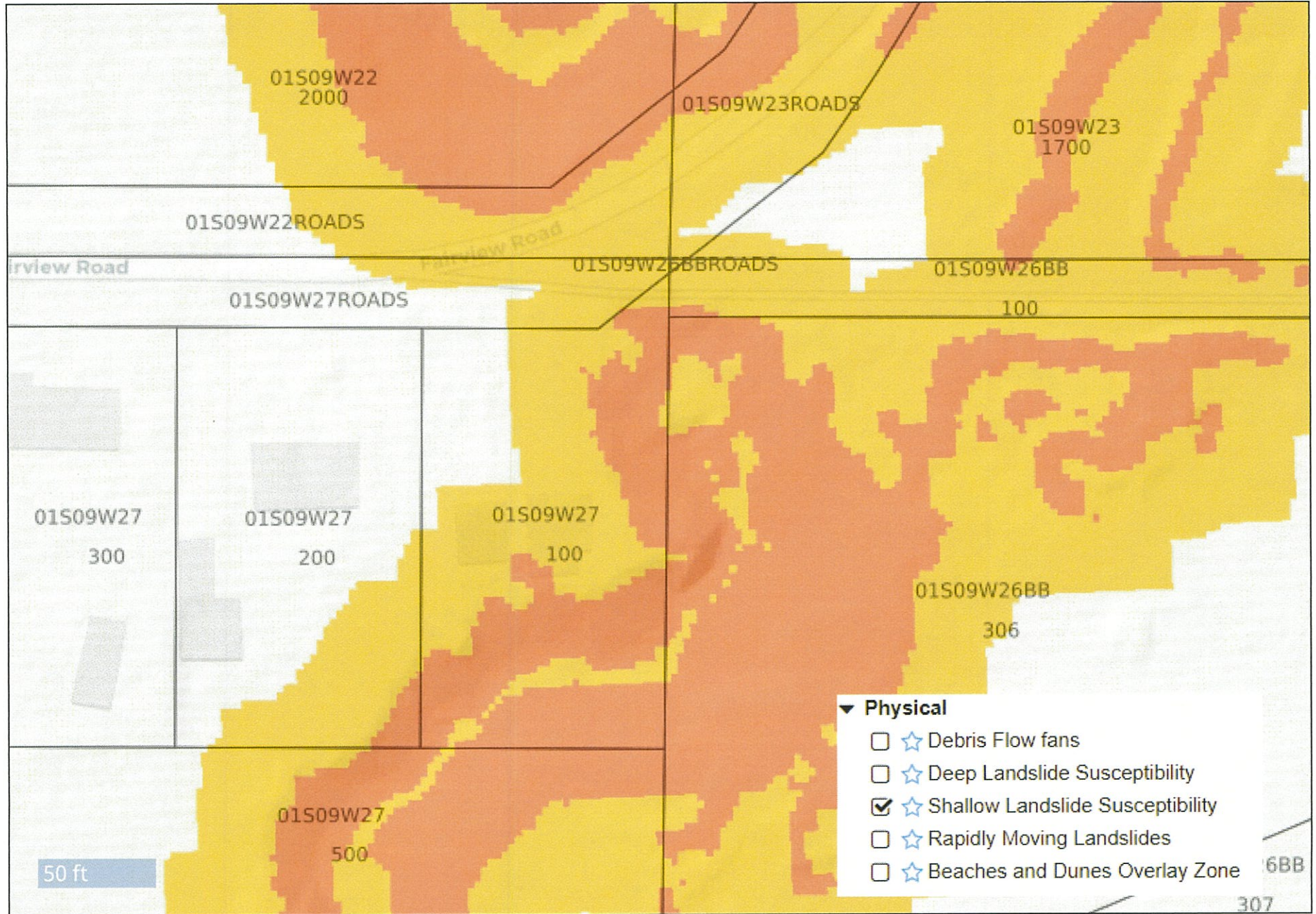


Date: 6/21/2023



State of Oregon
 Department of State Lands
 775 Summer Street NE, S.b. 100
 Salem, OR 97301-1279
 (503) 986-5200

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.

TILLAMOOK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2022

June 23, 2023 10:17:23 am

Account # 152346 Map # 1S09270000100 Code - Tax # 0908-152346 Legal Descr See Record Mailing Name MJN HOME BASE LLC Agent In Care Of Mailing Address 10035 FAIRVIEW RD TILLAMOOK, OR 97141 Prop Class 100 MA SA NH Unit RMV Class 100 03 ST 301 22911-1	Tax Status ASSESSABLE Acct Status ACTIVE Subtype NORMAL Deed Reference # 2022-3757 Sales Date/Price 06-03-2022 / \$0.00 Appraiser KARI FLEISHER
--	--

Situs Address(s)	Situs City
ID# 1 9985 FAIRVIEW RD	COUNTY

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
0908	Land 99,220 Impr. 0			Land 0 Impr. 0	
Code Area Total	99,220	54,210	54,210	0	
Grand Total	99,220	54,210	54,210	0	

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			Land Class	Trended RMV
						TD%	LS	Size		
0908					LANDSCAPE - FAIR	100				500
0908	1	<input checked="" type="checkbox"/>		RR-2	Market	104	A	0.44		85,920
0908					OSD - AVERAGE	100				12,800
Grand Total								0.44		99,220

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

Exemptions / Special Assessments / Potential Liability

NOTATIONS:

■ ACT OF GOD RMV & MAV ADJUSTED 308.146 ADDED 2022

Comments: 6/23/2016 Reappraised land; tabled values. Reappraised improvements, updated inventory.SLK
 3/3/22 Home and garage were involved in a fire that rendered the home uninhabitable on Nov 4, 2021. Garage was demolished and owners have plans to fully demolish home. Per LM ok to remove value on all imps. Adjusted RMV/MAV to reflect. KF

EXHIBIT B



PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: GC Northwest LLC Phone: (360) 909-1080
 Address: PO Box 3221
 City: Vancouver State: WA Zip: 98668
 Email: jennym@gcnorthwest.com, david@gcnorthwest..com

Property Owner

Name: MJN Homebase LLC Phone: (503) 707-9695
 Address: 10035 Fairview Rd
 City: Tillamook State: OR Zip: 97141
 Email: daviddneal@gmail.com

OFFICE USE ONLY	
Date Stamp	RECEIVED JUN 05 2023 BY: ... <i>Countee</i>
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by:	<i>MJ</i>
Receipt #:	<i>132135</i>
Fees:	<i>1,300</i>
Permit No:	851- <i>23-00164</i> -PLNG

Request: Erect steel building and pan deck concrete roof deck storage garage. *Residence*

- | 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 checked="" 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: *9985* Fairview Rd. Tillamook, OR 97141
 Map Number: 1S10-2700-00100

Clerk's Instrument #: _____

Authorization

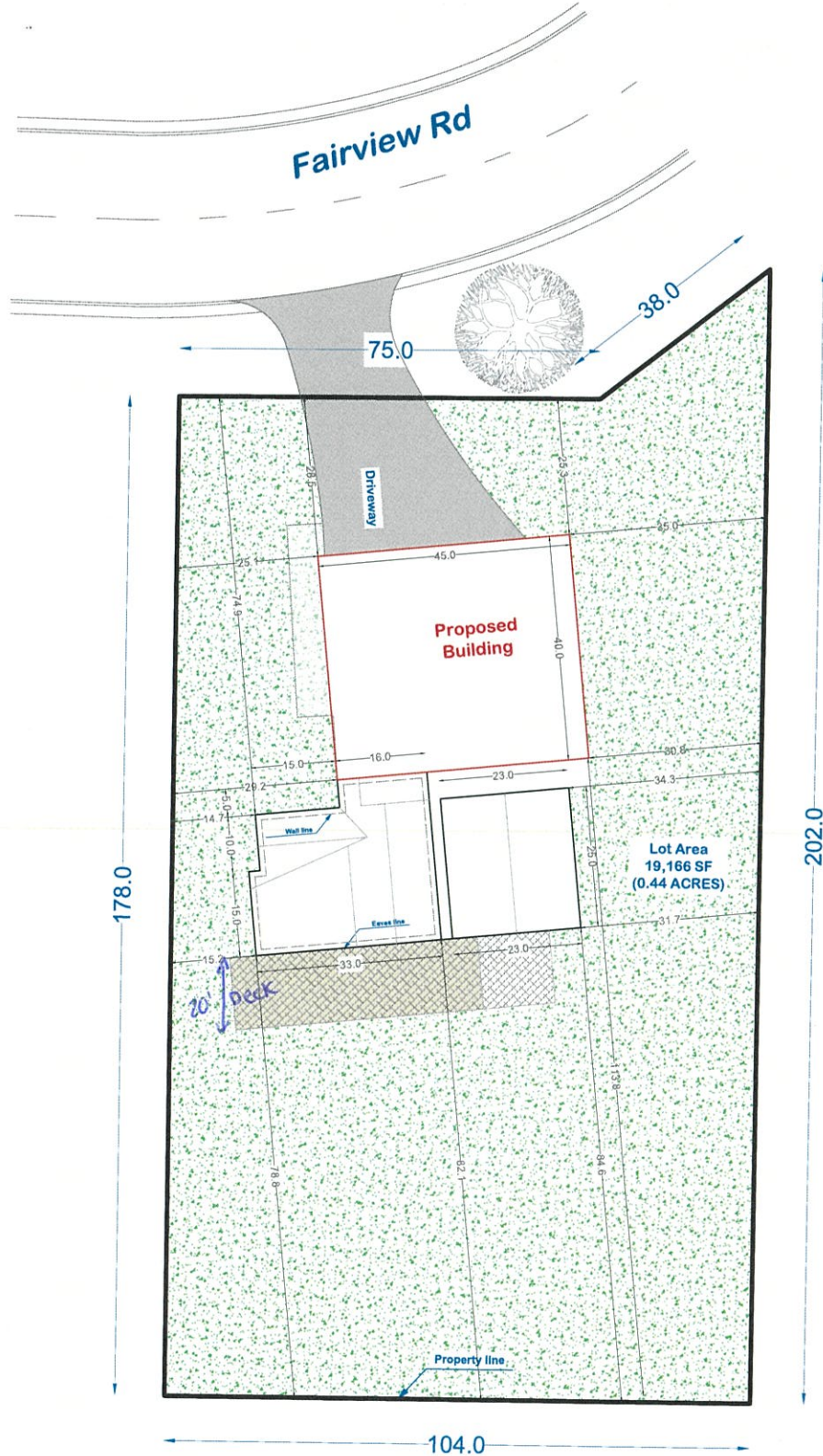
This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted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

Property Owner Signature (Required) _____ Date _____
David Millar _____ *5/19/23*
 Applicant Signature _____ Date _____



Parcel No. 1S0927-00-00100
Address for site plan :
9985 Fairview Rd
City, State, ZIP: Tillamook, OR 97141
Purpose of site plan: Building Permit
Scale: 1" = 20'

Owner:
MJN HOME BASE LLC
Legal Info:
-
Zoning: -



After Recording Return To:

RESTRICTIVE COVENANT

DAVID D. NEAL
(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 2 day of June 2023

David D. Neal
Signature

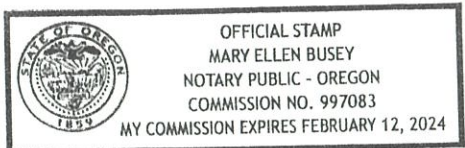
DAVID D. NEAL
Print Names

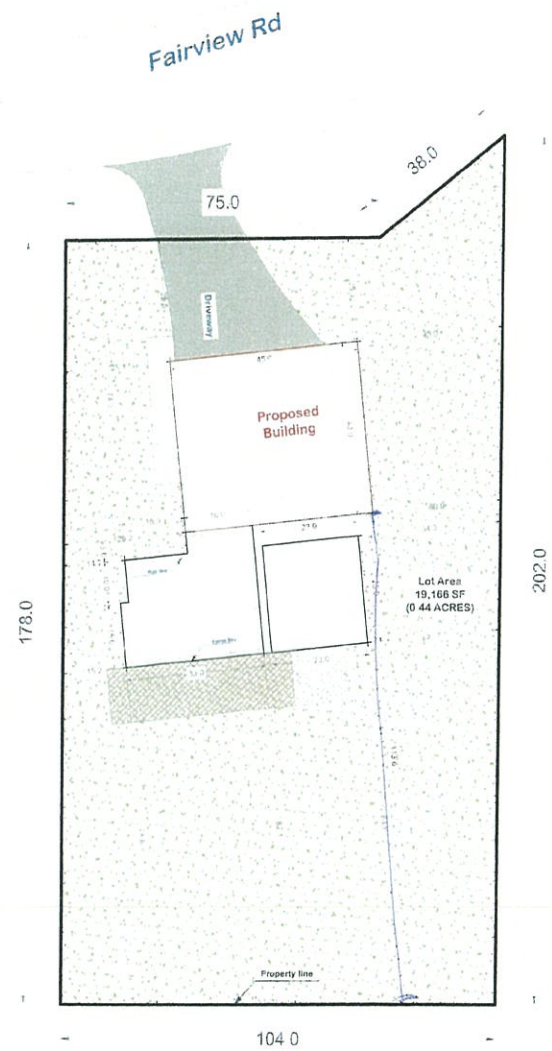
State of Oregon, County of Tillamook

Subscribed and sworn to before me this 2 day of June, 2023

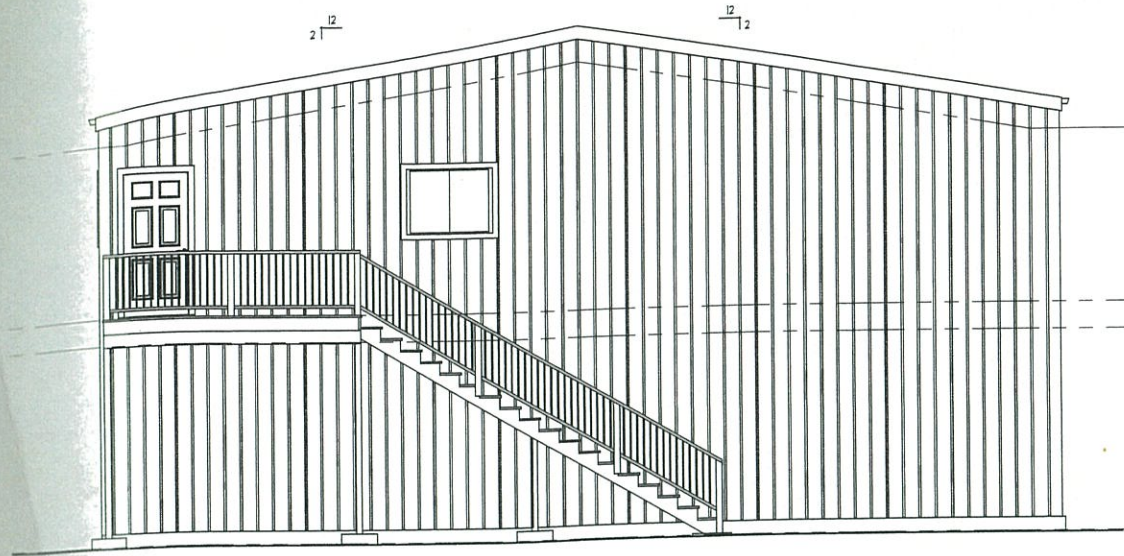
SEAL

Mary Ellen Busey
Notary Public of Oregon
My Commission Expires:
12 Feb 2024





SITE PLAN
1" = 20'



LEFT ELEVATION WEST
SHOP/ADU 1/4" = 1'-0"

GENERAL NOTES

- ALL WORK SHALL COMPLY WITH THE CURRENT EDITION INTERNATIONAL RESIDENTIAL CODE, ANY APPLICABLE STATE CODES OR AMENDMENTS, AND ALL COUNTY OR LOCAL CODES AND REGULATIONS. (2021 IRC)
- THE CONTRACTOR IS RESPONSIBLE TO CHECK THE PLANS AND IS TO NOTIFY THE DESIGNER OF ANY ERRORS OR OMISSIONS PRIOR TO THE START OF CONSTRUCTION.
- WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS. DO NOT SCALE THE DRAWINGS.
- DESIGN LOADS:

ROOF	25 PSF (LIVE LOAD)
FLOOR	40 PSF (LL)
STAIRS	100 PSF (LL)
GARAGE FLOOR	50 PSF (2000# FT.)
DECKS	60 PSF (LL)
WIND	5000 MPH
SEISMIC	D1
- (IF YOUR LOCAL AREA REQUIRES DIFFERENT DESIGN LOADS CONSULT WITH A LOCAL STRUCTURAL ENGINEER TO DETERMINE THE APPROPRIATE REVISIONS.)
- INSULATION: PATH I

ROOF (VAULTED)	R-38
ROOF (FLAT)	R-48
WALLS (2X4 EXTERIOR)	R-13
WALLS (2X6 EXTERIOR)	R-21
FLOOR (OVER UNHEATED SPACE)	R-30
- THE ABOVE VALUES ARE A MINIMUM AND MAY BE INCREASED IF DESIRED. VERIFY WITH CONTRACTOR.
- ALL EXPOSED INSULATION IS TO HAVE A FLAME SPREAD RATING OF LESS THAN 25 AND A SMOKE DENSITY RATINGS OF LESS THAN 450.
- PROVIDE INSULATION Baffles AT EAVE VENTS
- ROOF VENTS TO TOTAL MORE THAN 1/300 OF THE ATTIC AREA BEING VENTILATED.

THE CONTRACTOR IS TO CHECK AND VERIFY ACCURACY AND SITE CONDITIONS BEFORE START OF CONSTRUCTION. THE BUYER AGREES THAT CAD NORTHWEST HAS NO LIABILITY FOR COSTS OR CHARGES RESULTING FROM DESIGN ERRORS OR OMISSIONS. WRITTEN DIMENSIONS SHALL ALWAYS TAKE PRECEDENCE OVER SCALED DIMENSIONS.
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22685 S.W. Conifer Drive
Sherwood, Or. 97140
www.cadnw.com

Custom Home Design
— CAD NorthWest

Phone:
(503) 625-6330

PLAN NUMBER:
NEAL01

DAVID NEAL'S APARTMENT ADDITION
10035 FAIRVIEW RD
TILLAMOOK OREGON 97141

SHEET
1 of 4

EXHIBIT C

Allison Chase

From: BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov>
Sent: Tuesday, June 27, 2023 3:53 PM
To: Lynn Tone; Allison Chase
Subject: EXTERNAL: RE: Resource Zone Exception 851-23-000164-PLNG

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

Wetlands are located to the E/SE side of the lot. ODFW recommends the applicant consult with DSL to determine the extent of the wetlands on the property, and if the proposed construction would occur within the wetland boundary. Impacts to wetlands should be avoided.

Robert

Robert W. Bradley
District Fish Biologist
Oregon Department of Fish and Wildlife
North Coast Watershed District
4907 Third St
Tillamook, OR 97141
503-842-2741 x18613 (w)
503-842-8385 (fax)

From: Lynn Tone <ltone@co.tillamook.or.us>
Sent: Friday, June 23, 2023 1:27 PM
To: Allison Chase <achase@co.tillamook.or.us>
Subject: Resource Zone Exception 851-23-000164-PLNG

Please see link for Notice of Administrative Review. Thank you
<https://www.co.tillamook.or.us/commdev/project/851-23-000164-plng>



Lynn Tone | Office Specialist II
TILLAMOOK COUNTY | Surveyor's Office/Community Development
1510 3rd Street Ste C
Tillamook, OR 97141
Phone (503) 842-3423
ltone@co.tillamook.or.us

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Response Page

Department of State Lands (DSL) WN#*

WN2023-0507

Responsible Jurisdiction

Staff Contact

Allison Chase

Jurisdiction Type

County

Municipality

Tillamook

Local case file #

851-23-000164-PLNG

County

Tillamook

Activity Location

Township

01S

Range

10W

Section

27

QQ section

Tax Lot(s)

100

Street Address

9985 Fairview Rd

Address Line 2

City

Tillamook

State / Province / Region

OR

Postal / Zip Code

97141

Country

Tillamook

Latitude

45.46285

Longitude

-123.762128

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

Your Activity

It appears that the proposed project **may** impact wetlands and **may** require a State permit.

- An onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the site has wetlands or other waters that may be regulated. The determination or delineation report should be submitted to DSL for review and approval. Approved maps will have a DSL stamp with approval date and expiration date.

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.

Closing Information

Additional Comments

As of a couple years ago, this parcel is already fully developed. If the house will be replaced, the new development footprint should not extend farther south or east than the former footprint. Because the submitted plan appears to proceed right up to the top of bank of the Donaldson Creek tributary, it is not possible to approve any extensions in the foundation or other infrastructure without a site inspection. If expanded development is planned, an on-site wetland determination is advised.

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.

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

7/21/2023

Response by:

Lynne McAllister

Response Phone:

503-986-5300

Allison Chase

From: Jasper Lind
Sent: Tuesday, June 27, 2023 6:01 PM
To: Allison Chase; Lynn Tone
Cc: Ron Newton
Subject: Resource Zone Exception 851-23-000164-PLNG

Hello,

Public Works has no objection to the proposed property setback variance. The 25.3 foot setback from their northerly (front) property line already exceeds the standard 20 foot right of way setback. The existing approach has good visibility and is on a low volume road in a location where the traveling surface is already an additional 25 feet away from their northerly property line.

This property was re-issued its original road approach permit (#0084) in September of 2022 as part of their preparation for a county building permit.

Thank you,



Jasper Lind | Engineering Technician
TILLAMOOK COUNTY | Public Works
503 Marolf Loop
Tillamook, OR 97141
Phone (503)842-2032 ext. 3104
jlind@co.tillamook.or.us

Resource Zone Exception 851-23-000164-PLNG
Please see link for Notice of Administrative Review. Thank you
<https://www.co.tillamook.or.us/commdev/project/851-23-000164-plng>

EXHIBIT D

**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