



*Land of Cheese, Trees and Ocean Breeze*

**Conditional Use request, 851-23-000287-PLNG: Case**

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

**NOTICE OF ADMINISTRATIVE REVIEW**

**Date of Notice: September 20, 2023**

Notice is hereby given that the Tillamook County Department of Community Development is considering the following:

**851-23-000287-PLNG:** A Conditional Use request to permit a Non-Farm Dwelling in the Small Farm and Woodlot (SFW-20) zone. The subject property is designated as Tax Lot 400 of Section 6 in Township 6 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. The subject property is located off of Slab Creek Road, a County road. The property is zoned Small Farm and Woodlot (SFW-20). The applicant and property owners are Nancy & Jack Case.

Written comments received by the Department of Community Development prior to 4:00p.m. on October 4, 2023, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than the next business day, October 5, 2023.

Notice of the application, a map of the subject area, and the applicable criteria are being mailed to all property owners within 750 feet of the exterior boundaries of the subject parcel for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

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.

If you have any questions about this application, please call the Department of Community Development at 503-842-3408 x 3423 or [mjenck@co.tillamook.or.us](mailto:mjenck@co.tillamook.or.us)

Sincerely,

A handwritten signature in blue ink that reads "Melissa Jenck". The signature is written in a cursive style.

Melissa Jenck, CFM, Senior Planner

Sarah Absher, CFM, Director

Enc. Map  
Applicable Ordinance Criteria

## REVIEW CRITERIA

### ARTICLE VI - CONDITIONAL USE PROCEDURES AND CRITERIA

#### SECTION 6.040: REVIEW CRITERIA:

Any CONDITIONAL USE authorized according to this Article shall be subject to the following criteria, where applicable:

- (1) The use is listed as a CONDITIONAL USE in the underlying zone, or in an applicable overlying zone.
- (2) The use is consistent with the applicable goals and policies of the Comprehensive Plan.
- (3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.
- (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.
- (5) The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.
- (6) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

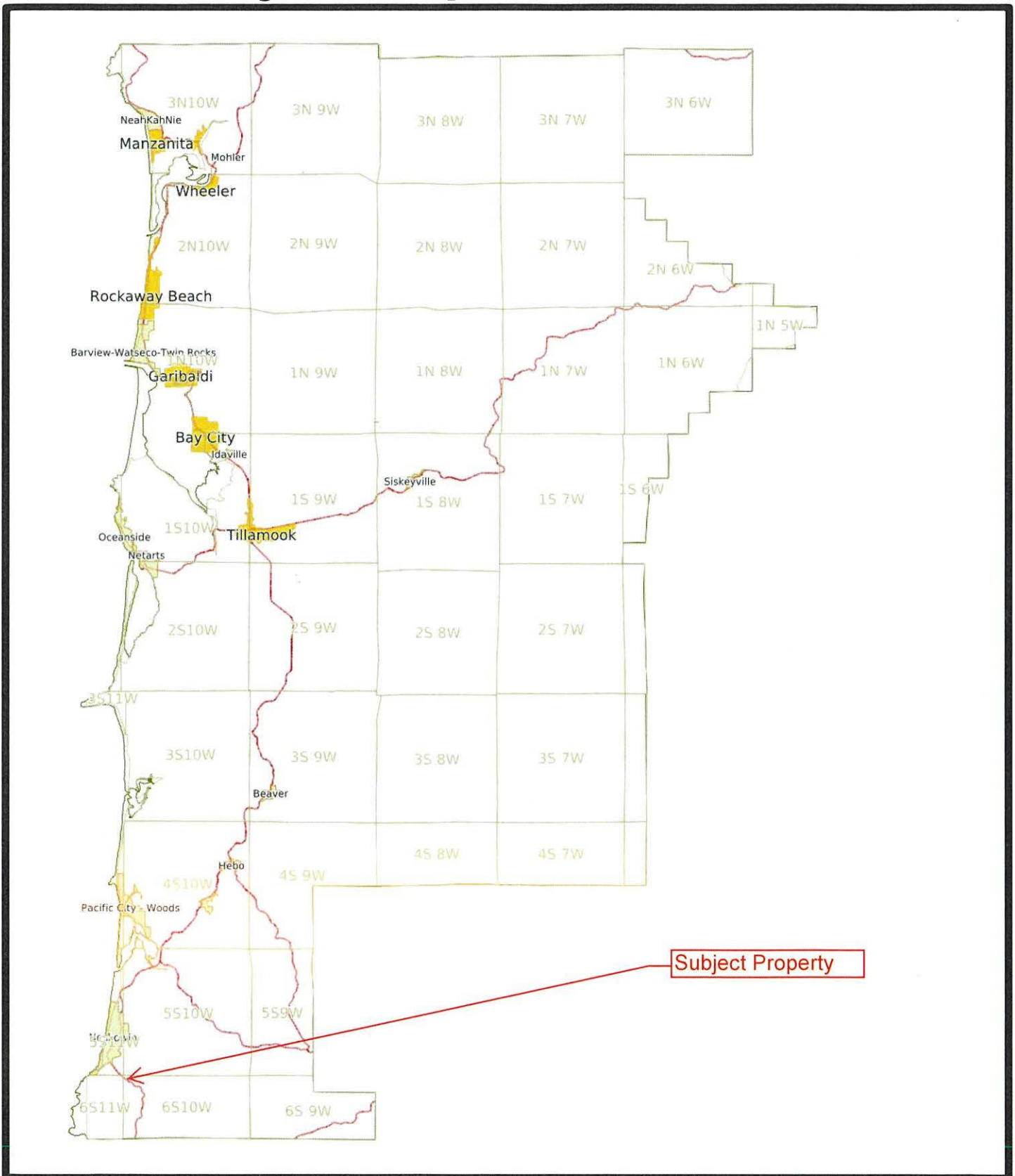
#### SECTION 3.002(5) CONDITIONAL USE REVIEW CRITERIA:

An applicant for a use permitted in Table 1 must demonstrate compliance with the following criteria and with the Conditional Use Criteria in Article 6 Subsection 040, or in Article 6 Subsection 060 if the proposed use is for the restoration, enhancement or creation of a wetland as defined in 3.002(2).

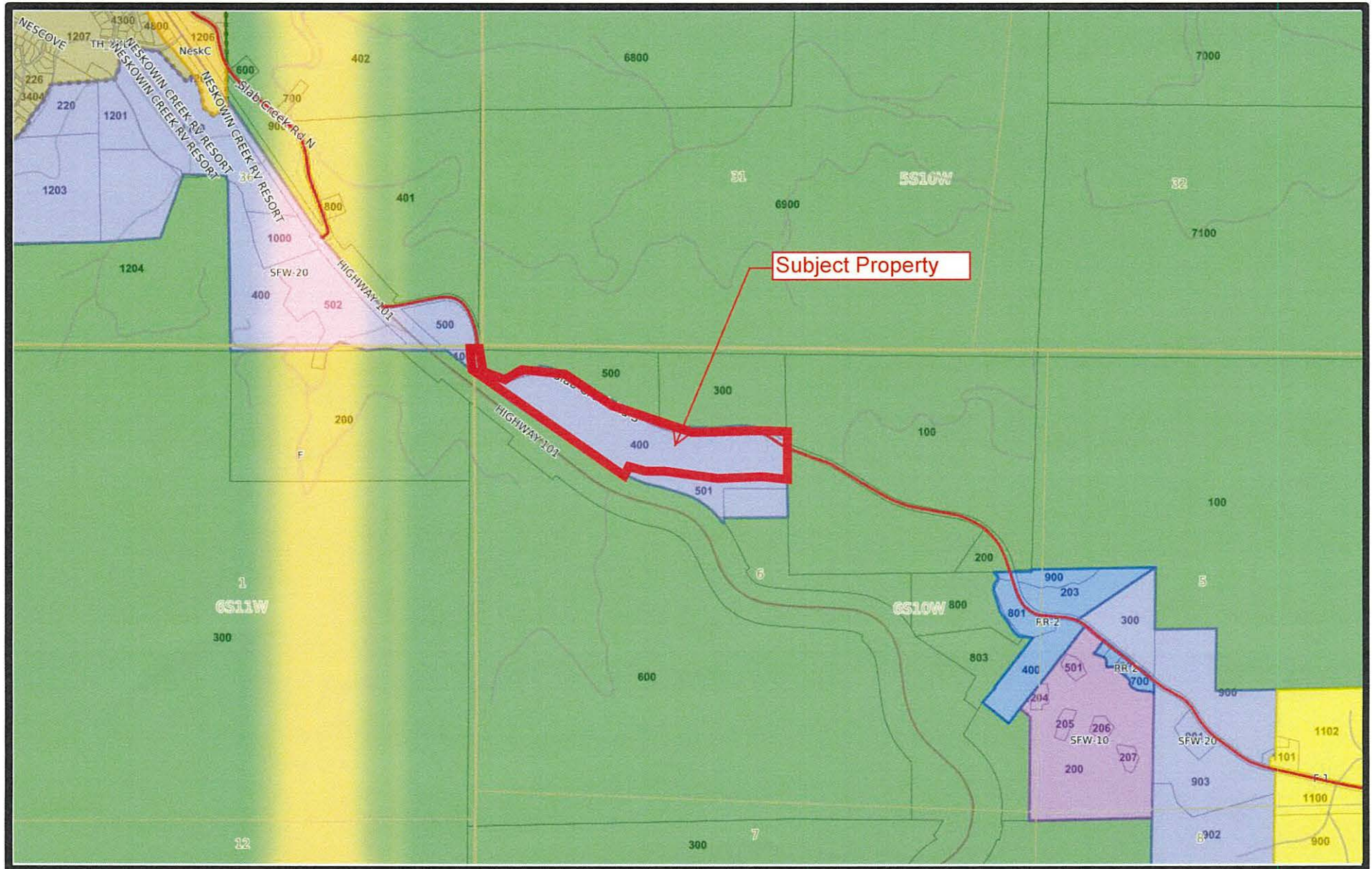
- (a) The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- (b) The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use

# **EXHIBIT A**

# Vicinity Map



# Zoning Map



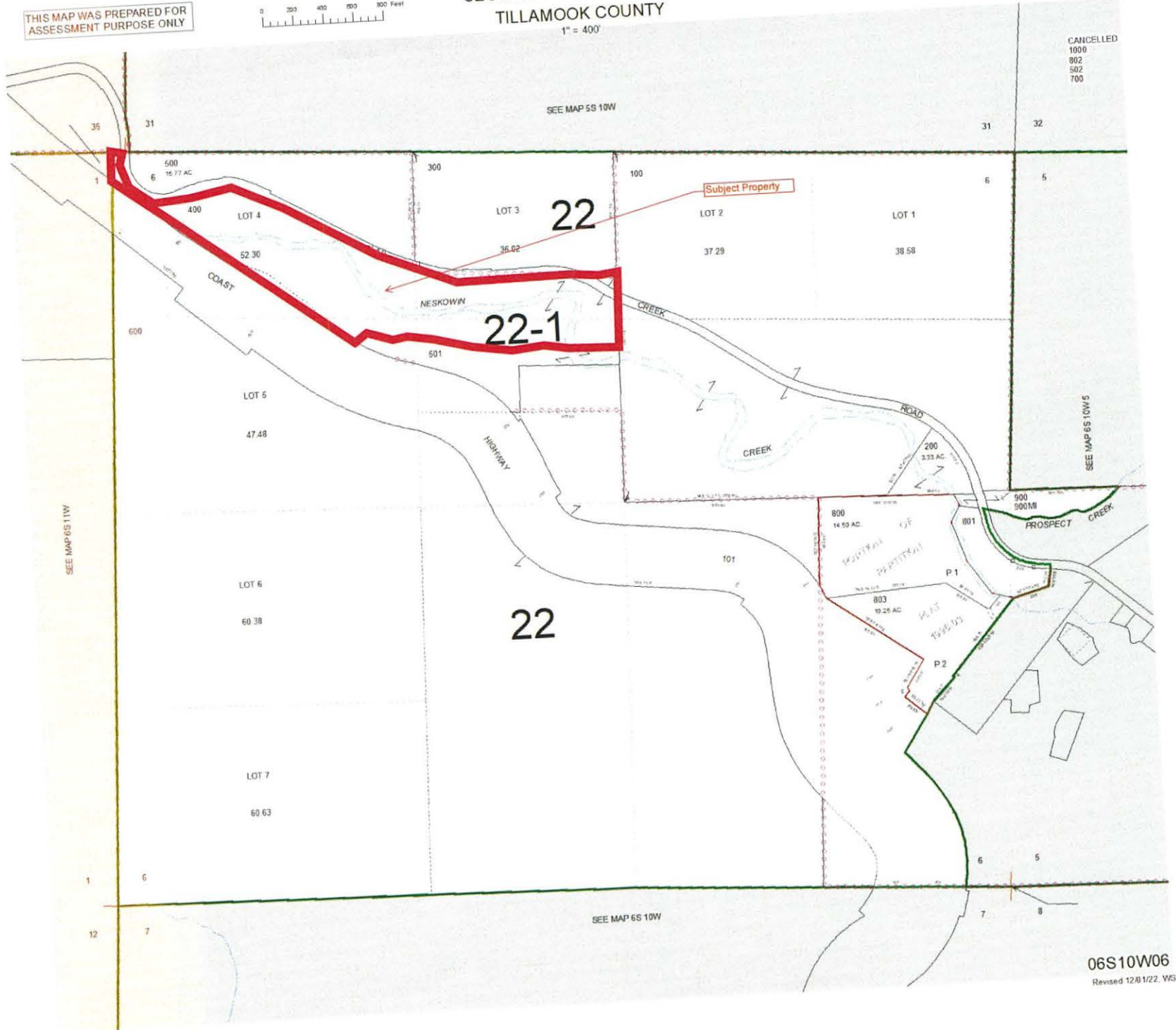
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY



SECTION 6 T.6S. R.10W. W.M.  
TILLAMOOK COUNTY  
1" = 400'

06S10W06

CANCELLED  
1000  
802  
502  
700



06S10W06  
Revised 12/01/22. WS

**Tillamook County**  
**2022 Real Property Assessment Report**  
 Account 217526

Map 6S10060000400  
 Code - Tax ID 2200 - 217526

Tax Status Assessable  
 Account Status Active  
 Subtype NORMAL

Legal Descr See Record

Mailing CASE, JACK I, TRUSTEE 1/2 &  
 3500 SW REDMOND HILL RD  
 MCMINNVILLE OR 97128

Deed Reference # (SOURCE ID: 438-643)  
 Sales Date/Price 08-07-2002 / \$0  
 Appraiser HANNAH THOMPSON

Property Class 551 MA SA NH  
 RMV Class 501 06 01 500

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

Value Summary					
Code Area		RMV	MAV	AV	RMV Exception CPR %
2200	Land	244,010		Land	0
	Impr	4,040		Impr	0
<b>Code Area Total</b>		248,050	37,730	37,591	0
<b>Grand Total</b>		248,050	37,730	37,591	0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2200	0			F-1	Farm Use Zoned	100	19.14 AC	SP2	137,810
	0			F-1	Farm Use Zoned	100	4.00 AC	SP3	28,800
	0			F-1	Farm Use Zoned	100	5.00 AC	SP4	36,000
	0			F-1	Farm Use Zoned	100	5.75 AC	SP6	41,400
<b>Code Area Total</b>							33.89 AC		244,010

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2200	2	1955	345	GENERAL PURPOSE BUILDING	124	5,200			4,040
<b>Code Area Total</b>						5,200			4,040

Exemptions / Special Assessments / Notations				
<b>Notations</b>				
■ FARMLAND - POTENTIAL ADDITIONAL TAX LIABILITY 308A.083				
<b>Fire Patrol</b>			<b>Amount</b>	<b>Acres Year</b>
■ FIRE PATROL SURCHARGE			0.00	2022
<b>Code Area 2200</b>				
<b>Fire Patrol</b>			<b>Amount</b>	<b>Acres Year</b>
■ FIRE PATROL NORTHWEST			52.02	33.89 2022

**Comments** 11/26/08 - Input inventory, KL.  
 08/26/11 Reappraisal, updated inventory, tabled values. Only old FSB remains and approx. 80% of it sits on tax lot 6S11 100. Adjusted MAV for demolished structures using 1991 improvement values. FSB has been converted to GPB - gave 20% O.R. for portion on this lot.ef  
 03/24/2022 Size change per GIS calculations, tabled land- RMV only. HT

**BASIS OF BEARINGS**

THE BASIS OF BEARINGS IS NORTH AS DETERMINED BY G.P.S. OBSERVATIONS USING THE OREGON COAST ZONE COORDINATE SYSTEM. THIS GIVES A BEARING OF SOUTH 88°55'48" EAST BETWEEN MONUMENTS 102 AND 119.

**NARRATIVE**

THIS IS A DEPENDENT SURVEY OF A PORTION OF THE CASE TRACTS DESCRIBED IN BOOK 438, PAGE 643 AND BOOK 439, PAGE 645 TILLAMOOK COUNTY DEED RECORDS. THE PURPOSE OF THIS SURVEY IS TO MAP A PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN THE TWO TRACTS AS SHOWN HEREON.

THE RIGHT OF WAYS FOR SLAB CREEK ROAD AND HIGHWAY 101 WERE LAID OUT BY ROTATING MAP F-27-10 TO THE AS-BUILT CENTERLINE OF HWY 101 AND ROTATING MAP F-27-23 TO THE ASBUILT CENTERLINE OF SLAB CREEK ROAD.

FOUND MONUMENTS WERE HELD AS NOTED HEREON.

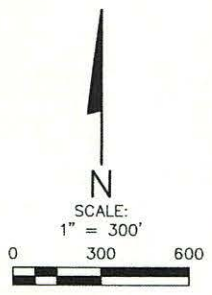
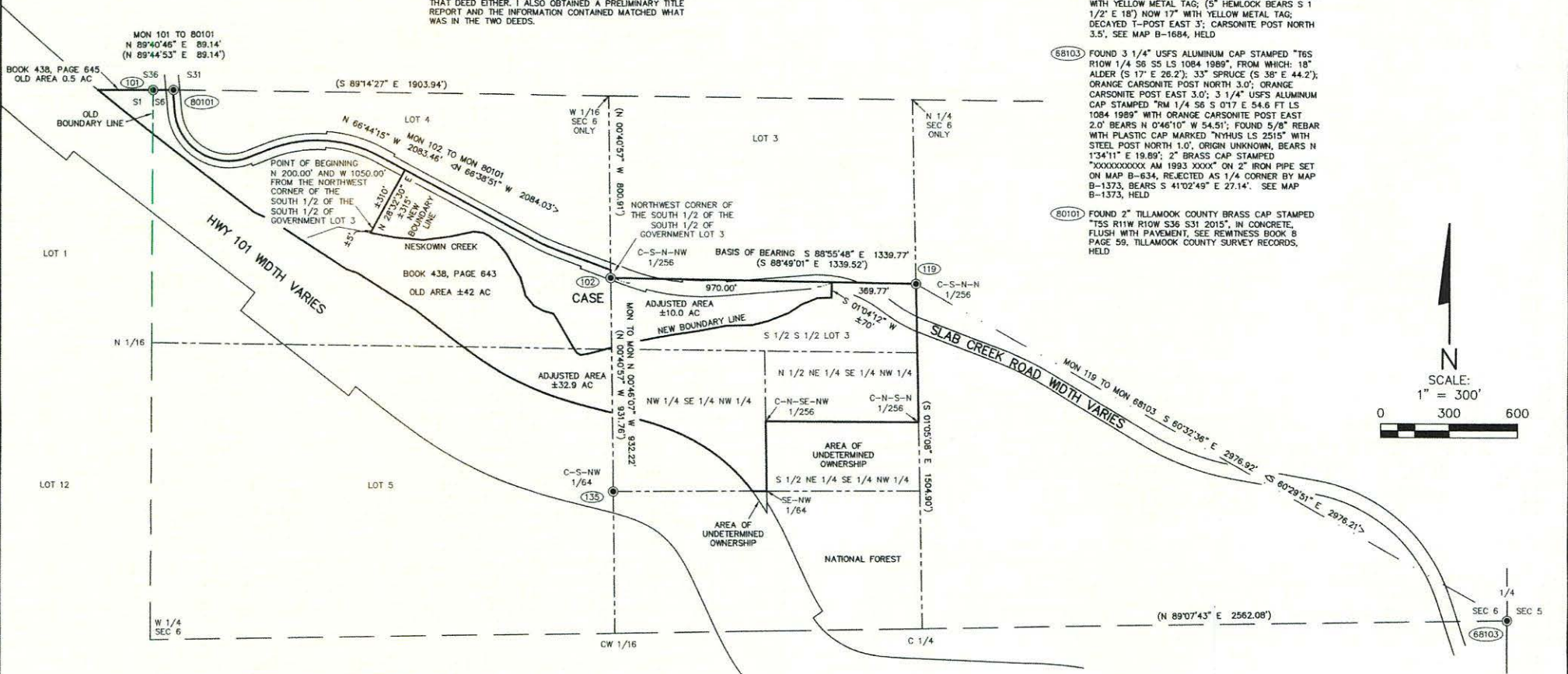
THE TWO AREAS LABELED AS "AREA OF UNDETERMINED OWNERSHIP" WERE SHOWN ON THE TAX MAP AS BEING A PART OF THE BOOK 438, PAGE 643 TRACT. I CHECKED THE PRIOR DEED IN THE CHAIN OF TITLE (BOOK 421, PAGE 445) WHERE THE CASE FAMILY PURCHASED THE TRACT FROM HENDERSON, AND THESE TRACTS WERE NOT DESCRIBED IN THAT DEED EITHER. I ALSO OBTAINED A PRELIMINARY TITLE REPORT AND THE INFORMATION CONTAINED MATCHED WHAT WAS IN THE TWO DEEDS.

**MONUMENT NOTES**

- (101) FOUND 3" BRASS CAP STAMPED "T5 S R11W S36 R1W R10W T6S RPLS 1973 942" CONCRETE, FLUSH WITH GRADE, SEE MAP B-1684, HELD FOR SECTION CORNER
- (102) FOUND 3" BRASS CAP STAMPED "1993" REST OF STAMPING IS ILLIGIBLE, 0.4' BELOW GRADE, LEANING SLIGHTLY SOUTH, SEE MAP B-1684, HELD
- (119) FOUND 3" BRASS CAP STAMPED "AM 1993" REST OF STAMPING ILLIGIBLE, 0.2' BELOW GRADE, FROM WHICH: (24" SPRUCE BEARS N 84 1/2' W 31.7') NOW 39" SPRUCE WITH YELLOW METAL TAG; (20" SPRUCE BEARS N 42 1/2' W 68.8') NOW 32", SEE MAP B-1684, HELD.
- (135) FOUND 3 1/4" ALUMINUM USDA FS CAP STAMPED "T56 C-S-NW 1/64 PLS 2289 1993" FROM WHICH: (60" SPRUCE BEARS S 30' E 34') NOW 100" SPRUCE WITH YELLOW METAL TAG; (5" HEMLOCK BEARS S 1 1/2' E 18') NOW 17" WITH YELLOW METAL TAG; DECAYED T-POST EAST 3'; CARSONITE POST NORTH 3.5', SEE MAP B-1684, HELD
- (68103) FOUND 3 1/4" USFS ALUMINUM CAP STAMPED "T6S R10W 1/4 SE S5 LS 1084 1989", FROM WHICH: 18" ALDER (S 17' E 26.2'); 33" SPRUCE (S 38' E 44.2'); ORANGE CARSONITE POST NORTH 3.0'; ORANGE CARSONITE POST EAST 3.0'; 3 1/4" USFS ALUMINUM CAP STAMPED "RM 1/4 SE S 017 E 54.6 FT LS 1084 1989" WITH ORANGE CARSONITE POST EAST 2.0' BEARS N 0°46'10" W 54.51'; FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "NYHUS LS 2515" WITH STEEL POST NORTH 1.0', ORIGIN UNKNOWN, BEARS N 1°34'11" E 19.89'; 2" BRASS CAP STAMPED "XXXXXXXXXX AM 1993 XXXX", ON 2" IRON PIPE SET ON MAP B-634, REJECTED AS 1/4 CORNER BY MAP B-1373, BEARS S 41°02'49" E 27.14". SEE MAP B-1373, HELD
- (80101) FOUND 2" TILLAMOOK COUNTY BRASS CAP STAMPED "T5S R11W R10W S36 S31 2015", IN CONCRETE, FLUSH WITH PAVEMENT, SEE REMITNESS BOOK 8 PAGE 59, TILLAMOOK COUNTY SURVEY RECORDS, HELD

**LEGEND**

- FOUND MONUMENT AS NOTED HEREON, HELD
- ( ) RECORD VALUE FROM MAP B-1684
- < > CALCULATED VALUE FROM MAP B-1684
- NO ( ) OR < > MEASURED VALUE



**OREGON COORDINATE REFERENCE SYSTEM OREGON COAST ZONE**

OBLIQUE MERCATOR PROJECTION  
NORTH AMERICAN DATUM OF 1983

LATITUDE OF LOCAL ORIGIN: 44°45'00" N  
LONGITUDE OF LOCAL ORIGIN: 124°03'00" W  
FALSE NORTING: -4,500,000.000 METERS  
FALSE EASTING: -300,000.000 METERS  
SKEW AXIS SCALE: 1:000 000 (EXACT)  
SKEW AXIS AZIMUTH AT LOCAL ORIGIN: +5°00'00"

(THE ABOVE INFORMATION IS RECORD FROM "OREGON COORDINATE REFERENCE SYSTEM HANDBOOK AND MAP SET", VERSION 3.01 2-28-2017, APPENDIX A, PAGE A-52, SEE 000T RECORDS)

REGISTERED PROFESSIONAL LAND SURVEYOR

*Dallas Esplin*

OREGON  
DECEMBER 3, 2014  
DALLAS W. ESPLIN  
83627  
RENEWS: DECEMBER 31, 2023

SURVEY BY: BAYSIDE SURVEYING LLC

11765 HWY 101 SOUTH  
TILLAMOOK, OR 97141  
503-842-5551

DATE: FEBRUARY 12, 2023  
EQUIPMENT: FC-6000 HIPER-VS, ES-103

SURVEY FOR: JACK AND NANCY CASE

BOOK 438, PAGE 643 AND BOOK 438, PAGE 645  
TILLAMOOK COUNTY DEED RECORDS  
NE 1/4 SECTION 1, T6S, R11W AND  
NW 1/4 SECTION 6, T6S, R10W, W.M.  
TILLAMOOK COUNTY, OREGON

FIELD	DRAWN	CHECKED	JOB NUMBER
DCA/DGO/ADS	DWE	DWE	#1152

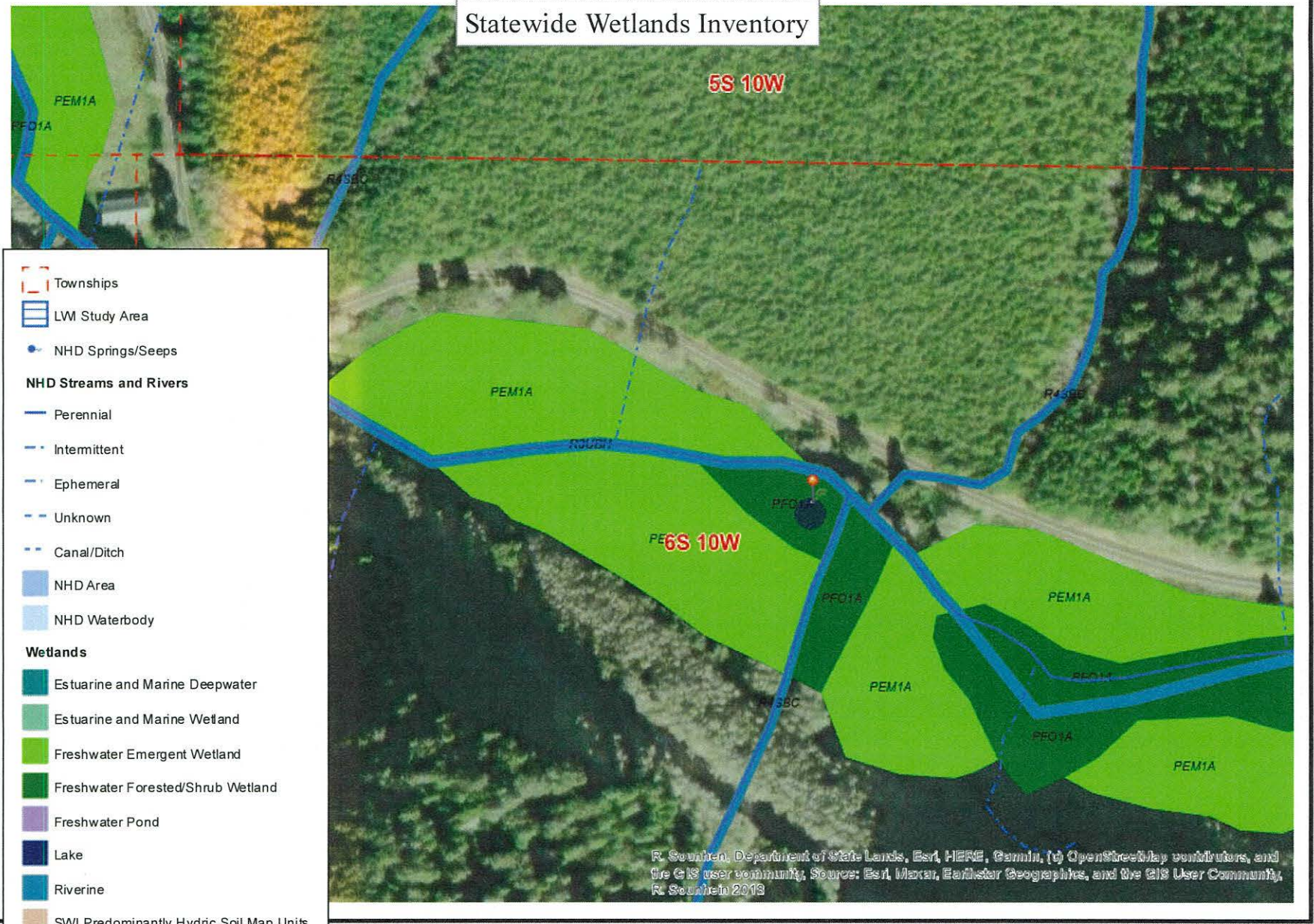
TILLAMOOK COUNTY SURVEYORS OFFICE

DATE: August 4, 2023

LGL\CASE-23.00C  
PSV\CASE-400.DWG  
CASE-N.CRS



# Statewide Wetlands Inventory



**Townships**

- Townships (Red dashed line)

**LWM Study Area**

- LWM Study Area (Blue outline)

**NHD Springs/Seeps**

- NHD Springs/Seeps (Blue dot)

**NHD Streams and Rivers**

- Perennial (Solid blue line)
- Intermittent (Dashed blue line)
- Ephemeral (Dotted blue line)
- Unknown (Dash-dot blue line)
- Canal/Ditch (Long-dash blue line)

**NHD Area**

- NHD Area (Light blue fill)
- NHD Waterbody (Light blue fill)

**Wetlands**

- Estuarine and Marine Deepwater (Dark teal)
- Estuarine and Marine Wetland (Medium teal)
- Freshwater Emergent Wetland (Light green)
- Freshwater Forested/Shrub Wetland (Dark green)
- Freshwater Pond (Purple)
- Lake (Dark blue)
- Riverine (Blue)
- SWI Predominantly Hydric Soil Map Units (Light brown)
- SWI Agate-Winlo Soils (Dark brown)

R. Sounthen, 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. Sounthen 2019



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.

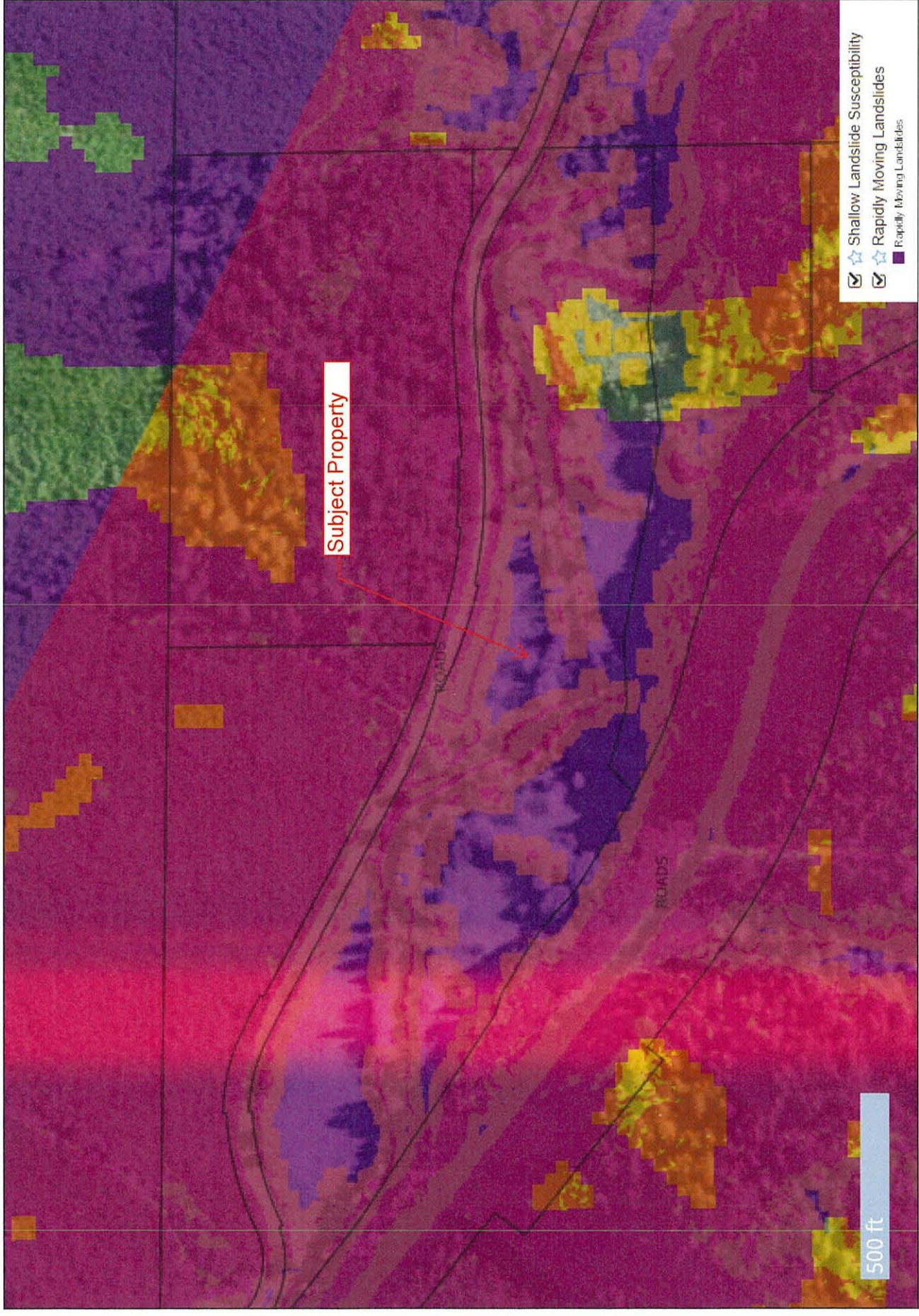


Date: 9/18/2023



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

# Hazard Map



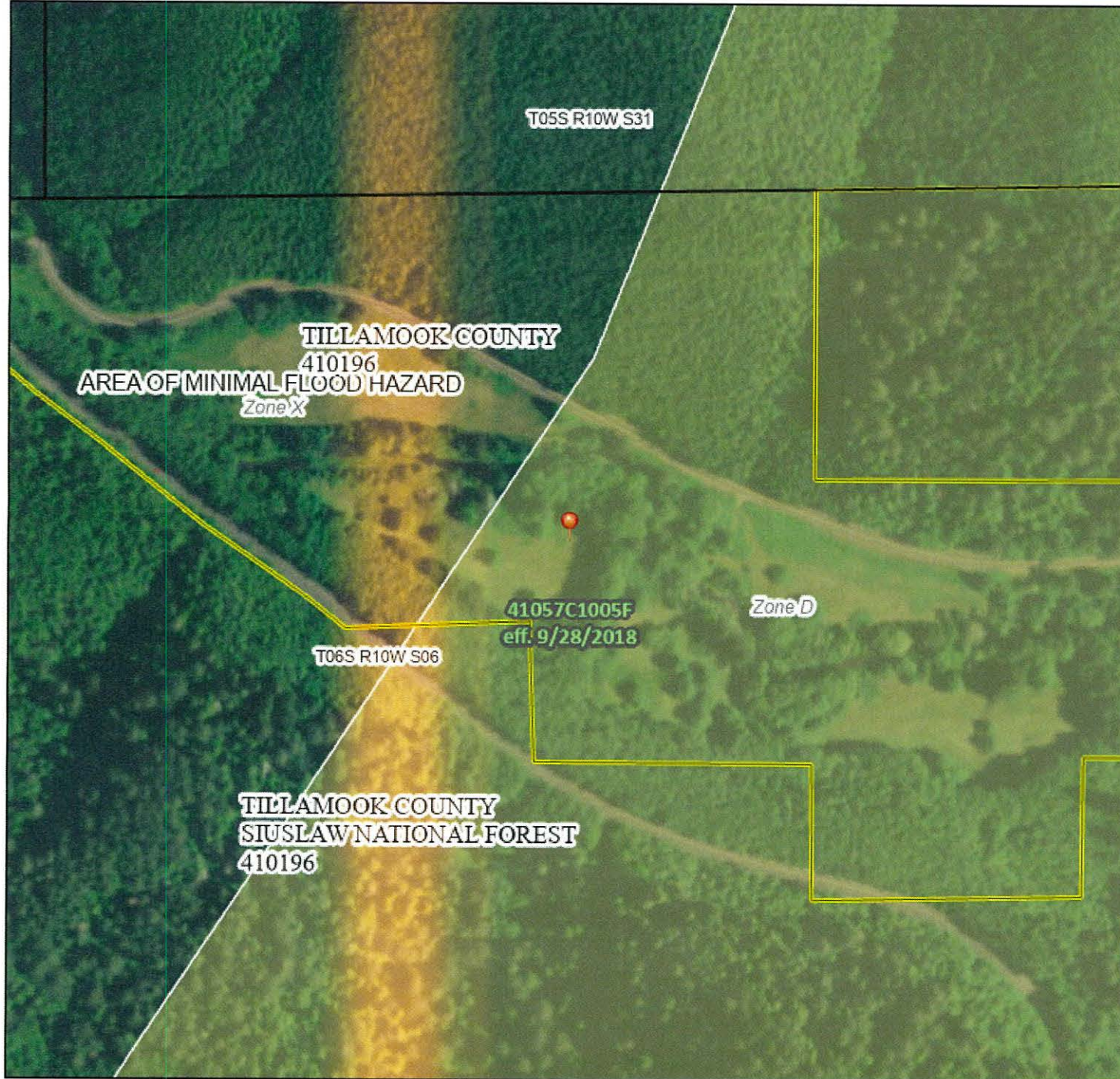
**Disclaimer:** The spatial information hosted at this website was derived from a variety of sources. Care was taken in the creation of these themes, but they are provided "as is". The state of Oregon, or any of the data providers cannot accept any responsibility for errors, omissions, or positional 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.

Printed 9 / 18 / 2023

# National Flood Hazard Layer FIRMMette



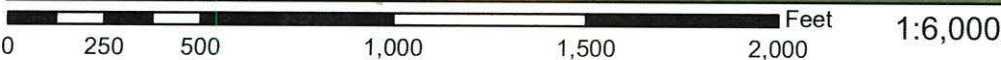
123°58'W 45°5'20"N



## Legend

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

- |                                    |  |
|------------------------------------|--|
| <b>SPECIAL FLOOD HAZARD AREAS</b>  | <ul style="list-style-type: none"> <li> Without Base Flood Elevation (BFE)<br/><i>Zone A, V, A99</i></li> <li> With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i></li> <li> Regulatory Floodway</li> </ul>   |
| <b>OTHER AREAS OF FLOOD HAZARD</b> | <ul style="list-style-type: none"> <li> 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></li> <li> Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i></li> <li> Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i></li> <li> Area with Flood Risk due to Levee <i>Zone D</i></li> </ul> |
| <b>OTHER AREAS</b>                 | <ul style="list-style-type: none"> <li> NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i></li> <li> Effective LOMRs</li> <li> Area of Undetermined Flood Hazard <i>Zone</i></li> </ul>  |
| <b>GENERAL STRUCTURES</b>          | <ul style="list-style-type: none"> <li> Channel, Culvert, or Storm Sewer</li> <li> Levee, Dike, or Floodwall</li> </ul>  |
| <b>OTHER FEATURES</b>              | <ul style="list-style-type: none"> <li> Cross Sections with 1% Annual Chance Water Surface Elevation</li> <li> Coastal Transect</li> <li> Base Flood Elevation Line (BFE)</li> <li> Limit of Study</li> <li> Jurisdiction Boundary</li> <li> Coastal Transect Baseline</li> <li> Profile Baseline</li> <li> Hydrographic Feature</li> </ul>  |
| <b>MAP PANELS</b>                  | <ul style="list-style-type: none"> <li> Digital Data Available</li> <li> No Digital Data Available</li> <li> Unmapped</li> </ul>   |
- The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



123°57'22"W 45°4'55"N

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 9/18/2023 at 1:58 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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

# **EXHIBIT B**



## PLANNING APPLICATION

**Applicant**  (Check Box if Same as Property Owner)  
 Name: Nancy and Jack Case\* Phone: 503-787-8948

Address: 9900 SW Wilshire St., Suite 200

City: Portland State: OR Zip: 97225

Email: michael@breakwater-law.com

\*c/o Breakwater Law

**Property Owner**

Name: Phone:

Address:

City: State: Zip:

Email:

OFFICE USE ONLY
Date Stamp
<b>RECEIVED</b>
AUG 02 2023
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by:
Receipt #: 133484
Fees: 2,520.00
Permit No: 85123-000187-PLNG

Request: Dwelling not in conjunction with farm use on map and tax lot 6S1006-00-00400 (as adjusted)

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

**Location:**



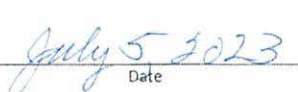
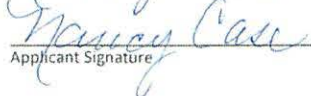

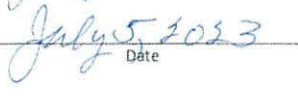
Site Address: none

Map Number: 6S 10 6 400 (as adjusted)  
Township Range Section Tax Lot(s)

Clerk's Instrument #: Book 421, Page 445

**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  


  
Applicant Signature Date

## APPLICATION STATEMENT

(Case Non-Farm Dwelling)

### Part 1 General Information

i. Applicant and Owner:

The applicant and owner of the property is Nancy Case and Jack Case<sup>1</sup> (“**Applicant**”). Ms. Case and her husband originally acquired the property in November 2000. Attached as Exhibit 1 is the vesting deed for the property. As described below, the Applicant adjusted the boundaries of the property in 2023.

ii. Property:

The property is identified as map and tax lot 6S1006-00-00400 (“**Property**”). It is entirely unimproved. The Property was adjusted pursuant to the Property Line Adjustment Review, Tillamook County Department of Community Development File No. 851-23-000067-PLNG. After adjustment, the Property is 10.0 acres in size and zoned Small Farm and Woodlot 20-Acre (SFW-20). The location of the Property, after the Property Line Adjustment, is provided in Exhibit 2. No portion of the Property is under forest assessment. The Property is on Slab Creek Road, about 1.5 miles from Neskowin and 0.25 miles from the intersection of Hwy 101.

The Property is currently under special assessment for farm use zone. The Applicant proposes that disqualification from such special assessment, and payment of any additional tax imposed as a result of such disqualification, be a condition of approval, as per ORS 215.236(2).

Attached as Exhibit 3 is a Google Earth image of the Property. Exhibit 4 are historical satellite or aerial images of the Property, from May 1994, August 2000, August 2005, November 2011 and August 2016. As indicated by these historical images, the predominate use of the Property as of January 1, 1993 was farm use; indeed, the Property has been under farm deferral since at least 1991. Consequently, the “siting of a residential dwelling shall conform to...the standards contained in the Article 3.002 – Farm Zone (F-1)”. Tillamook County Land Use Ordinance (“**TCLUO**”) 3.006(2).

The Property is generally flat, and is squeezed between Slab Creek Road on the north – which runs along the Property’s entire northern boundary for a total distance of about 1,800’ –

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<sup>1</sup> Technically, the property is owned by Jack Case, Trustee of the Jack I. Case Living Trust dated April 29, 2002 and Nancy Case, Trustee of the Nancy L. Case Living Trust dated April 29, 2002, as tenants in common.

**Part II**  
**Applicable Ordinance and Comprehensive Plan Provisions**

**TCLUO § 3.002(9)**

TCLUO § 3.002(9) permits the placement of a dwelling not in conjunction with farm use (*i.e.* a nonfarm dwelling) if the elements described in this Section are satisfied.

o **TCLUO 3.002(9)(a)(1)**

*The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.*

The Property is located in a rural area served by the arterial Slab Creek Road, near the unincorporated community of Neskowin; this rural area is predominately committed to forestry and residential purposes. Upon information and belief, there is only one small commercial farm that uses Slab Creek Road (Corvus Landing Farm), and the owners of this farm support this Application. No other farming practices occur on nearby lands devoted to farm use.

Federally owned and privately owned forest lands (zoned F) generally surround the Property (and the entire Slab Creek Valley) but, upon information and belief, and with the exception of one parcel of property owned by Weyerhaeuser Timber Holdings, Inc. that may be accessed one-half (1/2) a mile away from the Property, these forest lands are accessed by logging roads that originate from roads different than Slab Creek Road or miles to the east on Slab Creek Road. Such forest lands are separated from the Property by Hwy 101 and Neskowin Creek on the south, and Slab Creek Road on the north. No impact to nearby forest practices can reasonably be expected; certainly, a "significant change" in or significant increase in cost associated with the forest practices cannot be expected.

o **TCLUO 3.002(9)(a)(2):**

- a. *The dwelling is situated upon a new parcel, or a portion of an existing lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A new parcel or portion of an existing lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and*
- b. *A new parcel or portion of an existing lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a new parcel or portion of an*

Indeed, the Tillamook County Comprehensive Plan and the Property's zoning designation as SFW-20 recognizes that the Property lacks qualities that make it independently suitable for agricultural or forestry purposes. As per Goal 3, Section 5.3, of the Tillamook County Comprehensive Plan, in reference to SFW-20 zoned property: "These lands are generally less suited for resource use than land included in the Farm Zone (F-1) or Forest Zone (F) because of smaller parcel size, conflicting adjacent uses, adverse physical features and other factors. This includes narrow river valleys where ownerships include both steep hill and fairly level bottom land which is not sufficient to sustain either a commercial farm or a commercial forest operation." Further, the Tillamook County Comprehensive Plan recognizes in Goal 3, Section 4.1, that "parcels smaller than 40 acres can be used for dairy farming if such use is in conjunction with other farmland in the area." In other words, the Comprehensive Plan and the Property's zoning designation fundamentally recognize that the Property – which is only one-quarter (1/4) of the 40 acres cited in Goal 3 of the Comprehensive Plan – is unable to be put to productive farming or forestry uses on its own, and therefore must be combined with other parcels to be put to such purposes. In this case, the remoteness of the Property relative to other agricultural areas, and the lack any forestry resources on the Property, make productive agricultural or forestry use of the Property in conjunction with another property practically impossible. This practical impossibility is shown by the longstanding non-use of the Property for farming purposes.

The Property is not under forest assessment; consequently, TCLUO 3.002(9)(a)(2)(c) is inapplicable.

o **TCLUO 3.002(9)(a)(3):**

*The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in subparagraphs 3.a through c. If the application involves the creation of a new parcel for the nonfarm dwelling, a county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in subparagraphs 3.a through c.*

- a. *Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned*



of the narrow valley, surrounded by soils that are not suitable for farming (but suitable for timber) on the surrounding hillsides.

The Study Area is comprised of the following notable property characteristics:

- A grand total of thirty-five (35) properties (excluding the Property).
- A total of twelve (12) of the properties are already developed with one or more dwellings.
- A total of twenty-one (21) of the properties are zoned Forest or SWF-20 with a predominate forest purpose as of January 1, 1993, and are therefore subject to the terms and conditions of the Forest zone.
- A total of fourteen (14) properties are zoned F-1 or SFW-20 with a predominate farm purpose as of January 1, 1993 (excluding the Property) and are therefore subject to the terms and conditions of the F-1 zone.

Exhibit 15 is the Applicant's Cumulative Impacts Spreadsheet, which provides in Excel format the findings with respect to the Study Area; this Exhibit will be submitted electronically.

#### 1. Nonfarm Dwelling Analysis

As indicated above, a total of twenty-one (21) properties are zoned Forest or SWF-20 with a predominate forest purpose as of January 1, 1993, and are therefore subject to the Forest zone. Consequently, these properties cannot qualify for a nonfarm or lot of record dwelling for purposes of the cumulative impacts analysis required in TCLUO 3.002(9)(a)(3) (which is essentially identical to the cumulative impacts analysis required in OAR 660-033-0130(4)(c)).

Three properties have an approved Measure 49 claim – map and tax lot 6S1000-00-01301, 01302 and 01303 – but the existence of a such a claim is irrelevant for purposes of the required nonfarm dwelling “cumulative impacts” analysis.

The remaining fourteen (14) properties are zoned F-1 or SWF-20 with a predominate farm purpose as of January 1, 1993, and therefore can potentially qualify for a nonfarm or lot-of-record dwelling. These fourteen properties are identified as map and tax lots: 6S1006-00-00501, 6S1011-00-00100, 5S1136-00-00500, 5S1136-00-01100, 6S1005-00-00901, 6S1005-00-00903, 6S1005-00-01102, 6S1005-00-01101, 6S1005-00-01100, 6S1000-00-00900, 6S1000-00-01100, 6S1000-00-01101, 6S1000-00-02200, and 6S1000-00-02400. However, of these 14 properties, five are already developed with a dwelling and therefore cannot qualify for a nonfarm or lot-of-record dwelling (see TCLUO 3.002(9)(a)(4) and TCLUO 3.002(8)(1)(b)).<sup>2</sup> Therefore, only nine (9) of the properties within the Study Area potentially qualify for a nonfarm or lot-of-record dwelling after the

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<sup>2</sup> The five properties of the 14 properties already developed with a dwelling are map and tax lots 5S1136-00-01100, 6S1005-00-00901, 6S1005-00-00903, 6S1005-00-01102, and 6S1005-00-01101.

- Map and tax lot 6S1000-00-01101 (Neskowin Valley School)
  - Nonfarm Dwelling Analysis. This property is developed with one or more school buildings. The soils of this property are entirely Class IV, and therefore presumed suitable for farming. Consequently, this property would not likely qualify for a nonfarm dwelling.
  - Lot of Record Analysis. The owner “Neskowin Valley School” does not qualify as an “owner” for purposes of lot of record dwellings, and therefore this property would not qualify for a lot of record dwelling.
- Map and tax lot 6S1000-00-02200 (Songberry Sanctuary, LLC)
  - Nonfarm Dwelling Analysis. This property is not developed and is not under forest assessment. This property is also not comprised of Class I-IV soils. Consequently, a nonfarm dwelling may be possible on this property.
  - Lot of Record Analysis. The current owner acquired this property in or about 2022. Consequently, this property would not qualify for a lot of record dwelling.
- Map and tax lot 6S1000-00-02400 (Weyerhaeuser Company)
  - Nonfarm Dwelling Analysis. The entirety of this property is under forest assessment, and is comprised of soils capable of producing 50 cubic feet of wood fiber per acre per year. This property is therefore presumed suitable for the production of merchantable tree species. This property likely does not qualify for a nonfarm dwelling.
  - Lot of Record Analysis. The current owner acquired this property in or about 2020. Consequently, this property would not qualify for a lot of record dwelling. Additionally, upon information and belief, the owner “Weyerhaeuser Company” does not qualify as an “owner” for purposes of lot of record dwellings.
- Map and tax lot 6S1006-00-00501 (Applicant)
  - Nonfarm Dwelling Analysis. The entirety of this property is under forest assessment, and is comprised of soils capable of producing 50 cubic feet of wood fiber per acre per year. This property is therefore presumed suitable for the

*The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.*

The effects of three residences (the proposed nonfarm dwelling and the two possible residences on map and tax lots 6S1000-00-01100 and 6S1000-00-02200) on the existing land use patterns in the Study Area would be minimal. The vast majority of the Study Area would remain dedicated to current uses, primarily rural residential uses and timber harvest (with one farm). Assuming 1-acre homesteads, only 3 acres of the entire Study Area would be converted to a new (residential) use, or 0.03% of the entire Study Area. Further, the impacts from these three additional residences would be disparate and spread out to three separate regions of the Study Area (the west end, middle and east end). No high value farmland would be threatened and low residential density would be preserved. Traffic impacts would be minimal, assuming that access would even be possible. Such minimal impacts would not make it more difficult for the single existing farm in the Study Area to continue operation (indeed, the owners of that farm support this Application), nor would it make timber extraction materially more onerous. The overall stability of the character of the Study Area would be essentially preserved.

o **TCLUO 3.002(9)(a)(4):**

*If a single-family dwelling is established on a lot of record as set forth in this ordinance, no additional dwelling may later be sited under the provisions of this section.*

The Applicants do not intend to site an additional dwelling on the Property at any time in the future.

**TCLUO § 3.002**

o **TCLUO 3.002(4)(w)** (“General Standards”)

The Applicant agrees to sign and record in the deed records for Tillamook County the document described in TCLUO 3.002(4)(w)(2). TCLUO 3.002(4)(w)(1) and (3) do not apply.

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o **TCLUO 3.002(5):**

*An applicant for a use permitted in Table 1 must demonstrate compliance with the following criteria and with the Conditional Use Criteria in Article 6 Subsection 040, or in Article 6*

The protection of EFU land for farm uses is the primary reason for the extensive analysis required to obtain approval for a dwelling not in conjunction with farm use under TCLUO 3.002(9). The goal, of course, is to ensure that the surrounding agricultural areas are not substantially affected by the placement of a nonfarm dwelling. The analysis provided above demonstrates that the placement of a nonfarm dwelling on the Property will not threaten or substantially affect the use of surrounding agricultural, and that it therefore accords with the Goal 3 Element of the Tillamook County Comprehensive Plan.

This application proposes to increase the housing stock available in Tillamook County and therefore accords with the Goal 10 Element of the Tillamook County Comprehensive Plan. Further, no public facilities (Goal 11 Element) or transportation facilities (Goal 12) will be changed or affected by this application, and no urbanization will occur (Goal 14). All other Goal Elements in the Tillamook County Comprehensive Plan are not directly applicable to this application.

- o **TCLUO 6.030(3):** *The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.*

The suitability of the Property for the placement of a (nonfarm) single-family dwelling is demonstrated by the analysis provided above in response to the criteria in TCLUO 3.002(9). The Property is serviced by Slab Creek Road, so residential access is convenient, and is close to the unincorporated community of Neskowin. This application proposes to convert the portion of the Property that is unsuitable for farming to residential uses, while protecting the remainder of the Property (which may benefit from Class I-IV soils). The Subject Site is not in a floodway and is not a wetland, nor is it subject to any notable geologic or natural hazards.

- o **TCLUO 6.030(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.*

The analysis provided above with respect to TCLUO 3.002(9) demonstrates that the placement of a nonfarm dwelling on the Build Site will not alter the character of the surrounding area.

- o **TCLUO 6.030(5):** *The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.*

The placement of a nonfarm dwelling on the Build Site will have no impact on existing solar energy systems, wind energy conversion systems or wind mills because no such systems or improvements are located on or near the Property.

- o **TCLUO 6.030(6):** *The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.*

# **EXHIBIT 1**

SUBJECT TO:

As disclosed by the tax rolls, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.

Rights of the public in and to that portion lying within Slab Creek Road and Oregon Coast Highway.

Rights of the public and governmental bodies in and to any portion of the premises herein described lying below high water mark of the Neskowin Creek, including any ownership rights which may be claimed by the State of Oregon below the high water mark.

Any adverse claim based upon the assertion that:

Said land or any part thereof is now or at any time has been below the ordinary high water mark of the Neskowin Creek.

Some portion of said land has been created by artificial means or has accreted to such portion so created.

Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Neskowin Creek or has been formed by an accretion to any such portion.

Reservation of minerals, including the terms and provisions thereof, contained in deed,

From: State of Oregon, acting by the State Land Board  
To: Charles F. Burton and Pearl Burton, husband and wife  
Recorded: February 5, 1946  
Book: 93 Page: 698  
Records of TILLAMOOK County, Oregon.

The mineral interest reserved or excepted above has not been followed out and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title evidence.

Easement as reserved in instrument, including the terms and provisions thereof,

From: State of Oregon, acting by the State Land Board  
To: Charles F. Burton and Pearl Burton, husband and wife  
Recorded: February 5, 1946  
Book: 93 Page: 698  
Records of TILLAMOOK County, Oregon.

Easement, including the terms and provisions thereof,

From: Oscar Taggart and Ruth Taggart, his wife  
To: Pacific Telephone and Telegraph Company  
Recorded: July 25, 1928  
Book: 59 Page: 492  
Records of TILLAMOOK County, Oregon.

Easement, including the terms and provisions thereof,

From: Oscar Taggart and Ruth Taggart, his wife  
To: Pacific Telephone and Telegraph Company

Recorded: July 25, 1928  
Book: 59 Page: 573  
Records of TILLAMOOK County, Oregon.

Agreement, including the terms and provisions thereof,

Between: Oscar Taggart and Ruth V. Taggart  
And: W. S. Walton  
Recorded: December 18, 1928  
Book: 60 Page: 164  
Records of TILLAMOOK County, Oregon.

Easement, including the terms and provisions thereof,

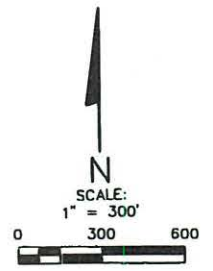
From: Oscar Taggart and Ruth Taggart  
To: Mountain States Power Company  
Recorded: June 13, 1931  
Book: 65 Page: 76  
Records of TILLAMOOK County, Oregon.

Easement, including the terms and provisions thereof,

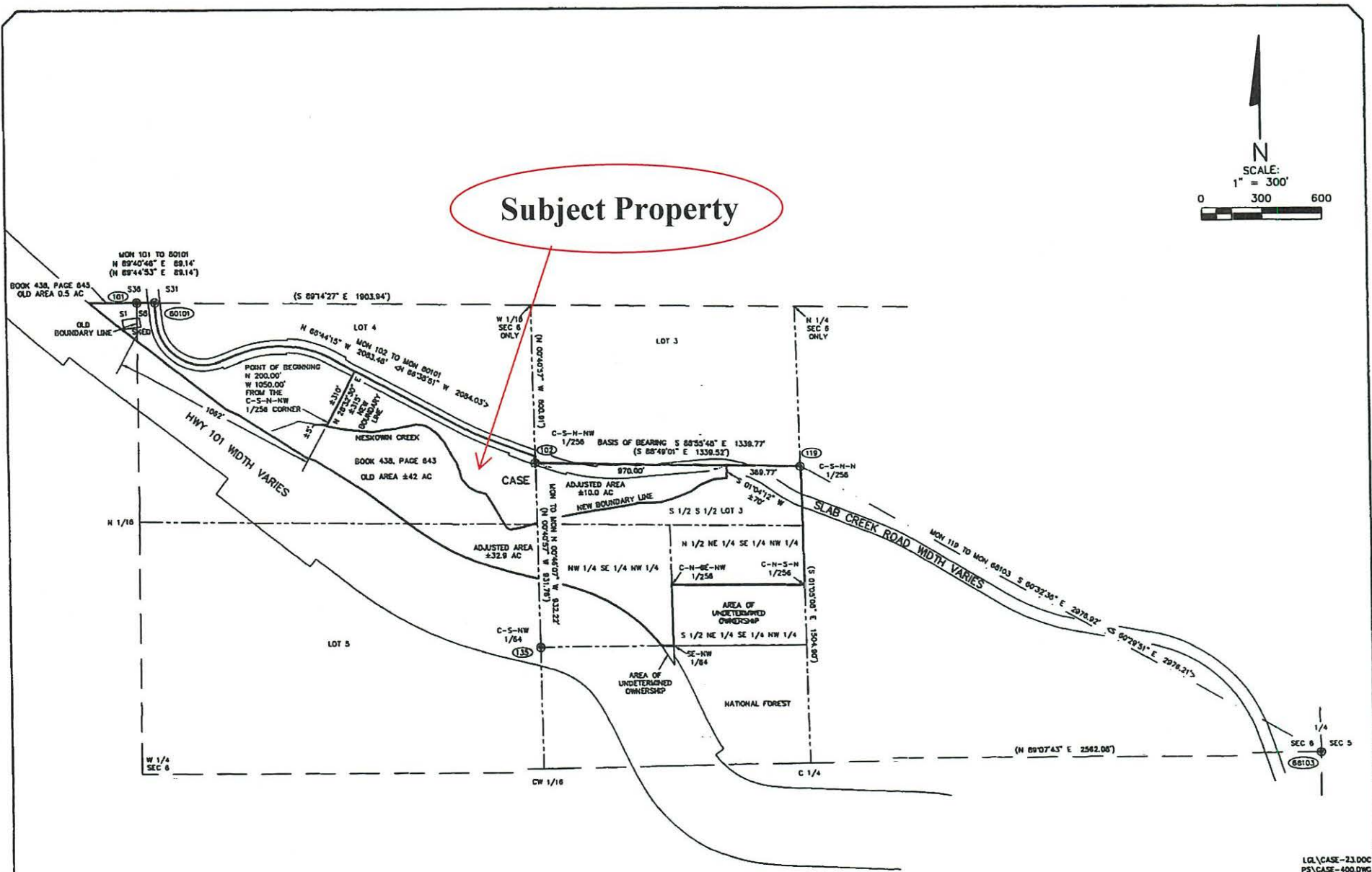
From: Ralph Sutton and Mildred Sutton  
To: Pacific Telephone and Telegraph Company  
Recorded: October 18, 1956  
Book: 155 Page: 267  
Records of TILLAMOOK County, Oregon.

Corrected by instrument recorded May 16, 1957 in Book 157, page 464, Tillamook County Records.

# **EXHIBIT 2**



Subject Property



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*J. Esplin*  
OREGON  
DECEMBER 3, 2014  
DALLAS W. ESPLIN  
83827  
RENEW: DECEMBER 31, 2023

DIRECT BY  
**BAYSIDE SURVEYING**  
LLC  
11765 HWY 101 SOUTH  
TILLAMOOK, OR 97141  
503-842-5551  
DATE: FEBRUARY 12, 2023  
EQUIPMENT: FC-8000  
HPER-V, ES-103

SURVEY FOR:  
**JACK AND NANCY CASE**  
BOOK 438, PAGE 643 AND BOOK 438, PAGE 645  
TILLAMOOK COUNTY DEED RECORDS  
NE 1/4 SECTION 1, T6S, R11W AND  
NW 1/4 SECTION 6, T6S, R10W, W.M.  
TILLAMOOK COUNTY, OREGON  
FIELD: DCA/DCD/ADS  
DRAWN: DWE  
CHECKED: DWE  
JOB NUMBER: #1152

LG\CASE-23.DOC  
PS\CASE-400.DWG  
CASE-N.CRS



# **EXHIBIT 4**



5/1994

Meskowiin Ghost Forest

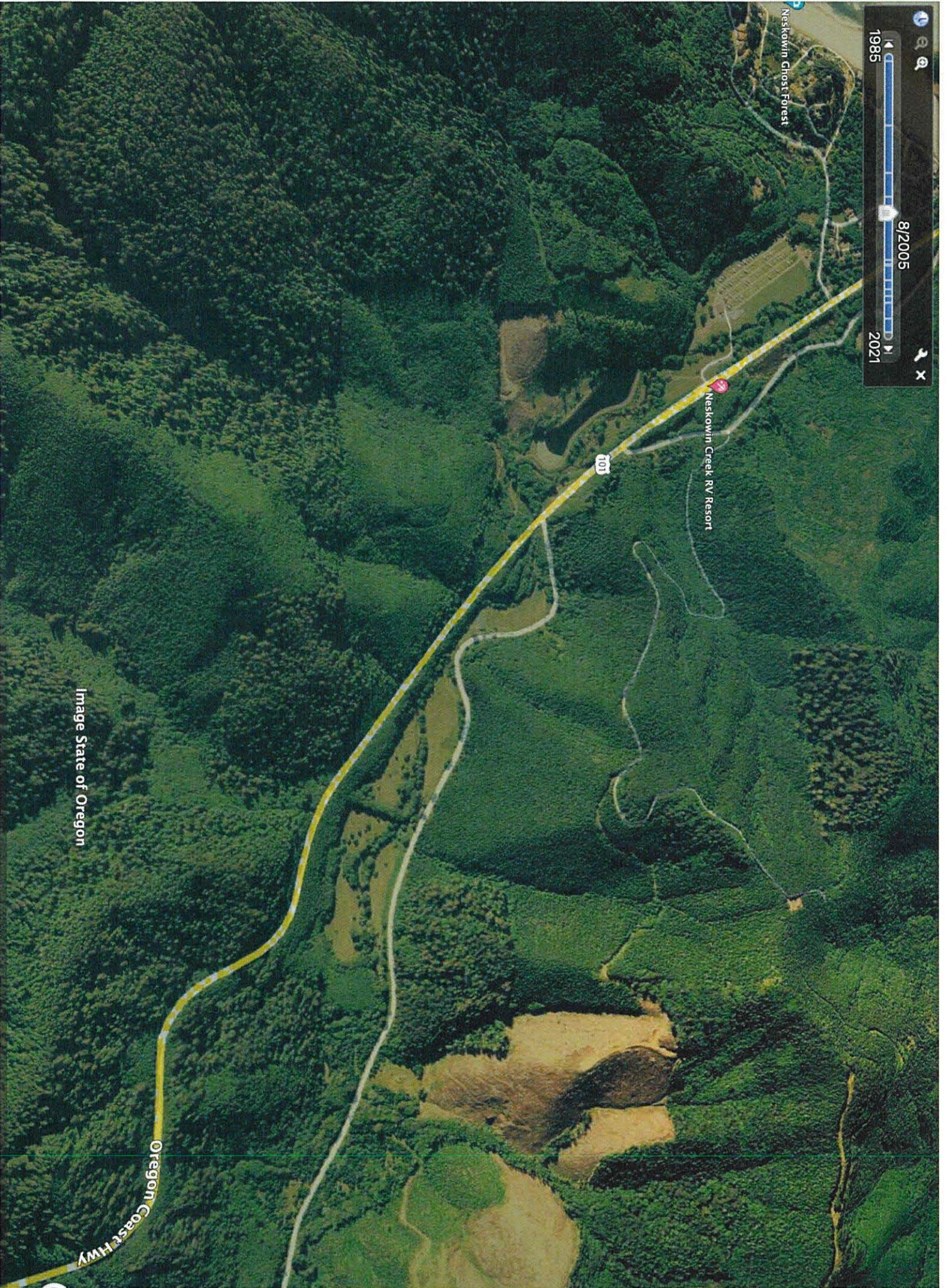
Meskowiin Creek RV Resort

101

Image U.S. Geological Survey

Oregon Coast Hwy

Go



8/2005  
1985 2021

Neskowin Ghost Forest

Neskowin Creek RV Resort

101

Image State of Oregon

Oregon Coast Hwy



8/2016  
 1985 2021

101

Slab Creek Rd

Slab Creek Rd

Neskowin Creek

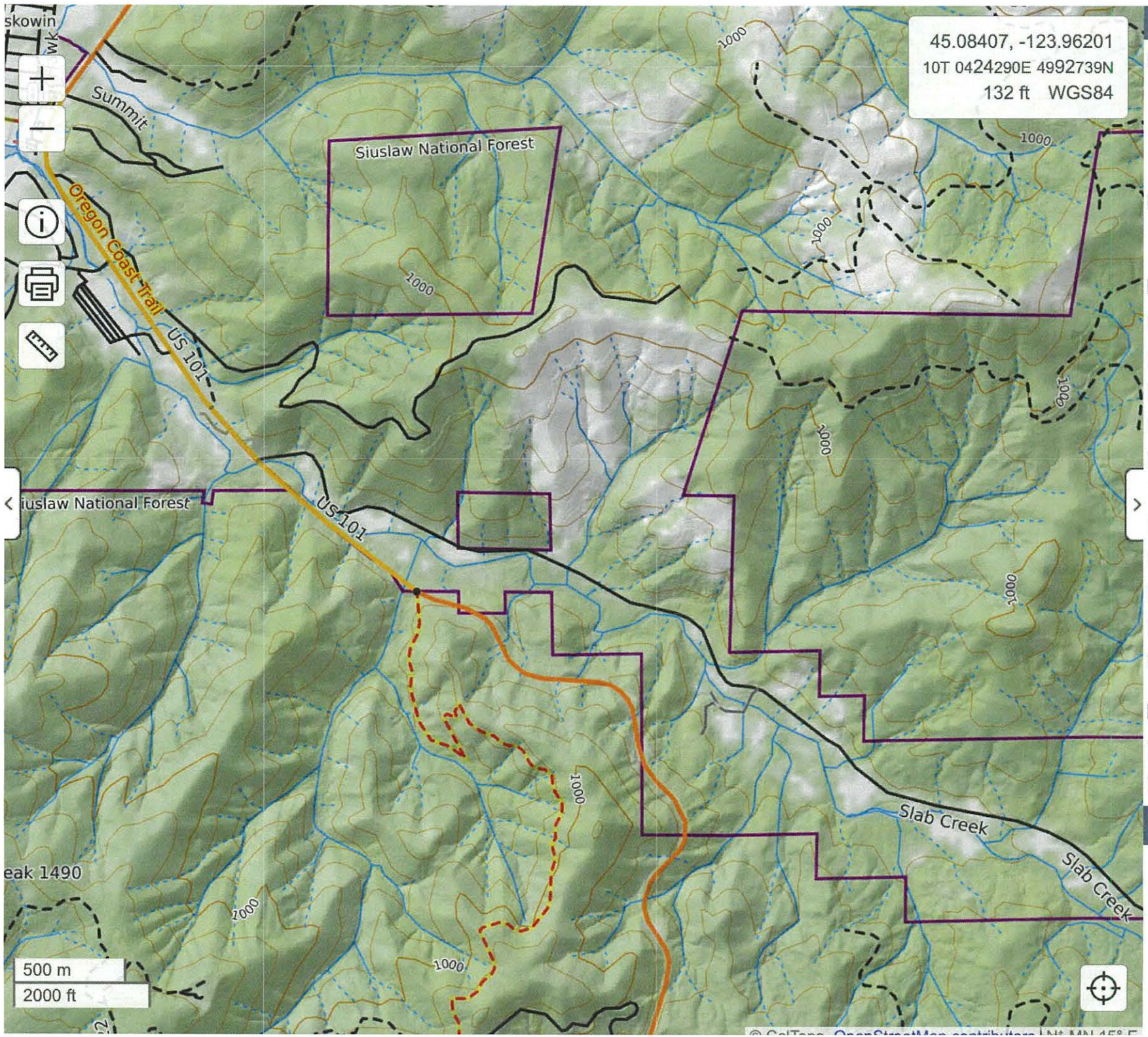
Fall Creek

Imagery Date: 8/18/2016 45°05'09.91" N 123°05'37.04" W elev 66 ft eye alt 1855 ft

Google Earth



45.08407, -123.96201  
10T 0424290E 4992739N  
132 ft WGS84



skowin  
wk

Summit

Siuslaw National Forest

Oregon Coast Trail  
US 101

Siuslaw National Forest

US 101

Slab Creek

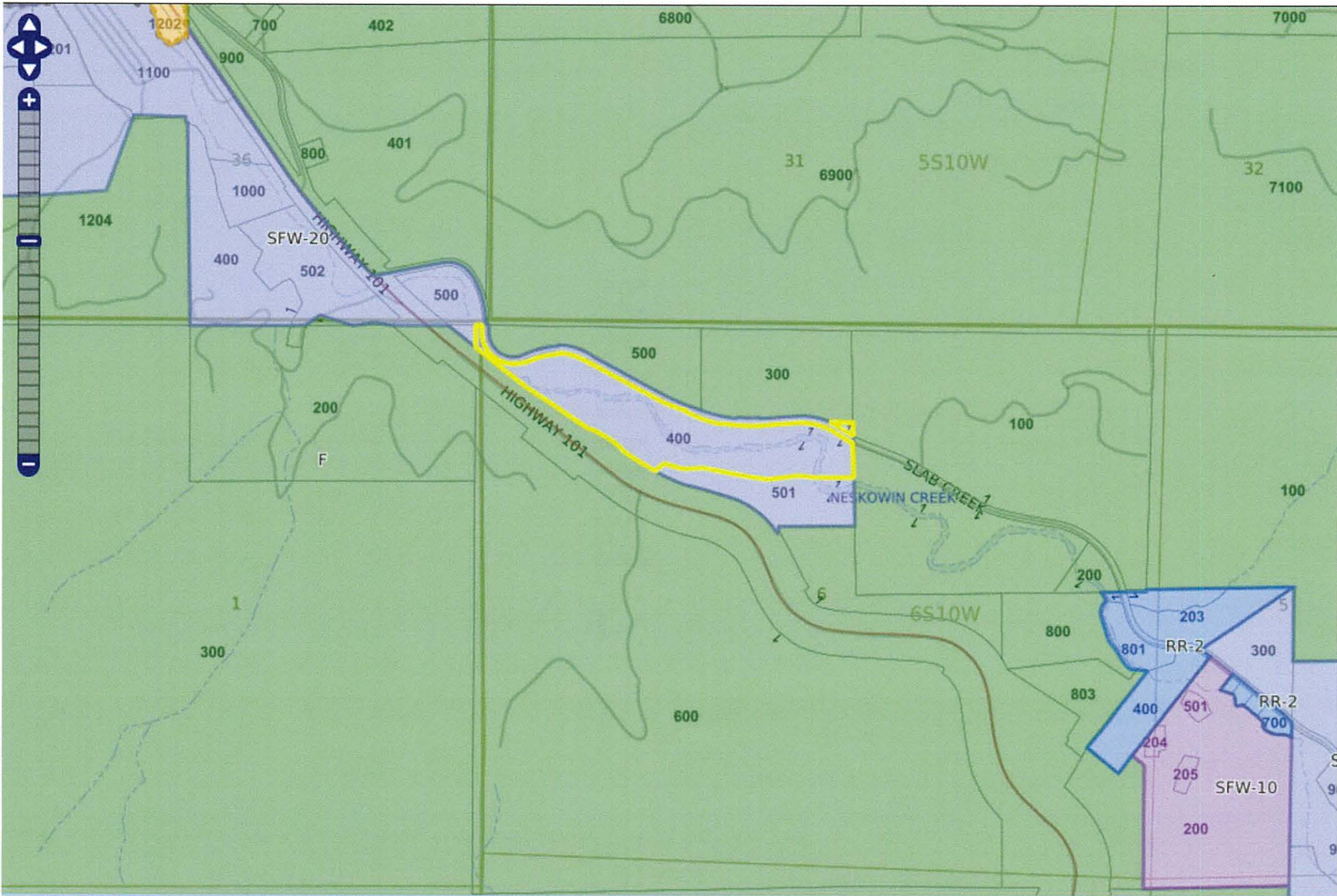
Slab Creek

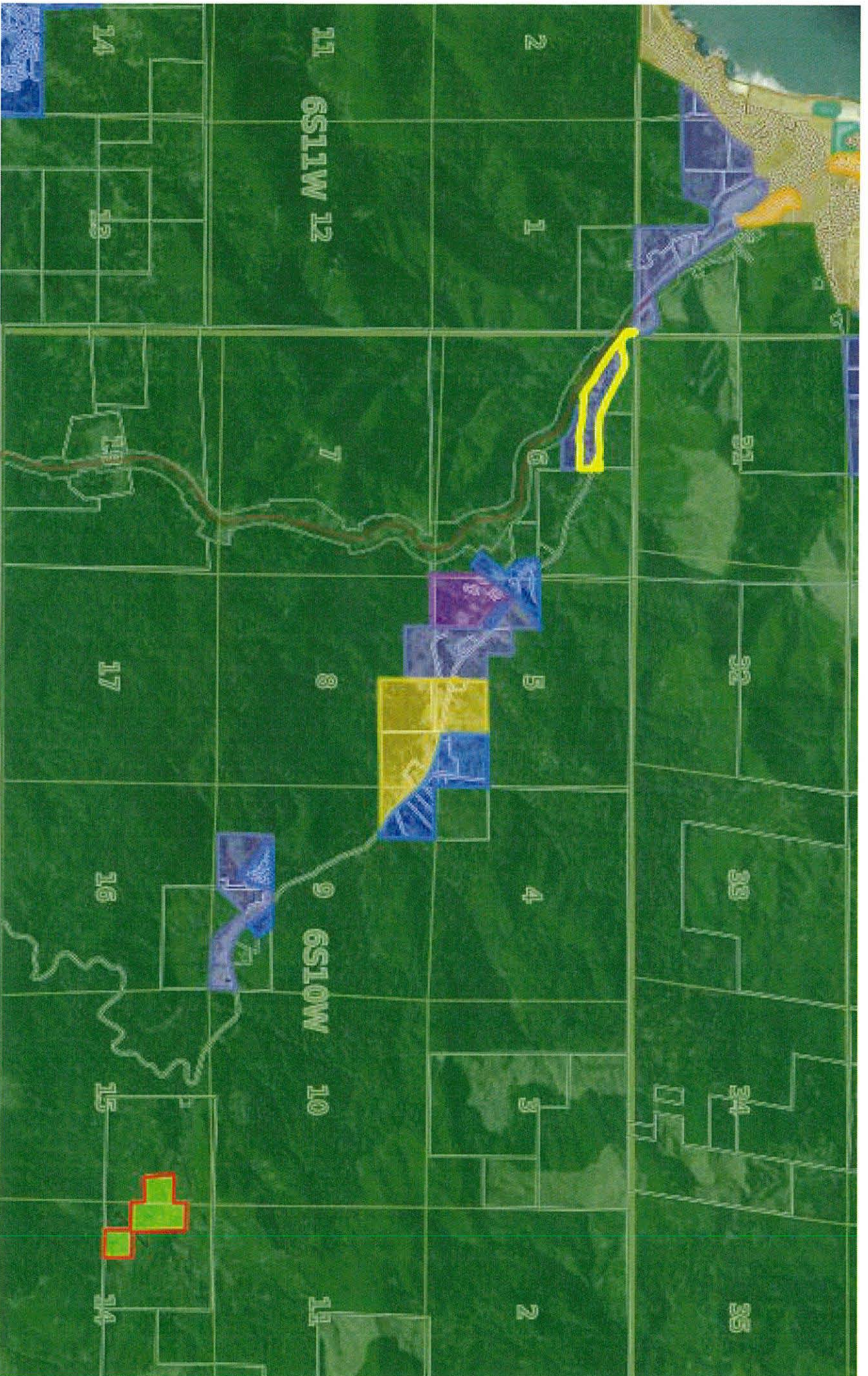
Peak 1490

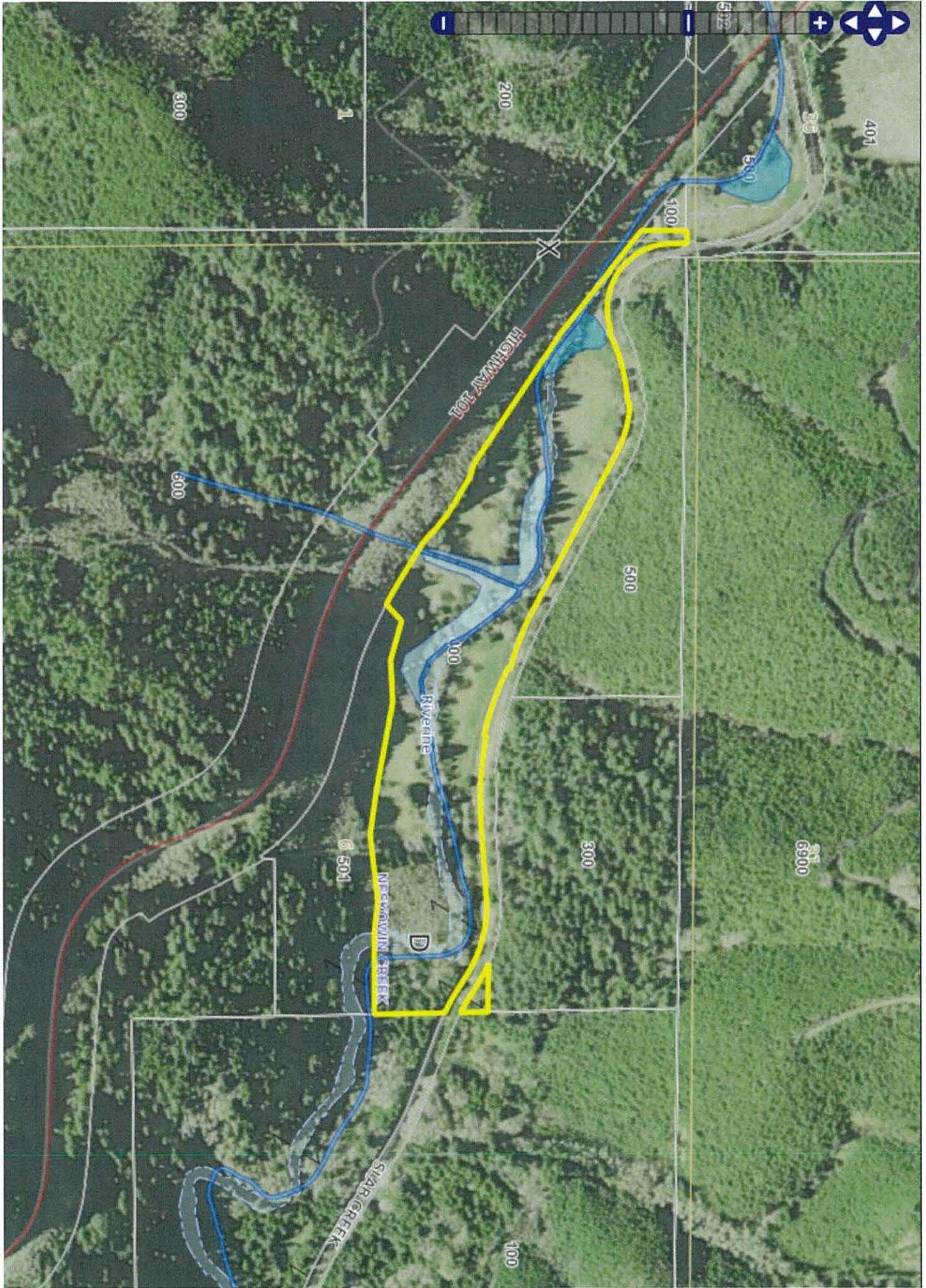
500 m

2000 ft











## Declaration of Nancy Case

### Application for Nonfarm Dwelling

The purpose of this Declaration is to support the application for a dwelling not in conjunction with farm use under TCLUO 3.002(9) submitted by Nancy Case.

I, Nancy Case, declare:

1. I am the owner of the Property described identified as map and tax lot 6S1006-00-00400, Tillamook County, Oregon.
2. I acquired the property with my husband in or about November 2000.
3. The property has not been used for agricultural purposes since my acquisition of the property, primarily because of its small size, remoteness from existing farming operations, significant access issues caused by Neskowin Creek running east-west through the property, close proximity to the residential area of Neskowin and busy Hwy 101.
4. Upon information and belief, the property was used as part of a small farming operation many decades ago, but such use was not sustainable for the reasons described above.
5. To my best knowledge, the property is not subject to any prior decisions and conditions of approval, as per TCLUO 10.020(6)(b)(vii).

Nancy Case July 5, 2023  
Nancy Case Date

Tillamook County Community Development Planning Staff,

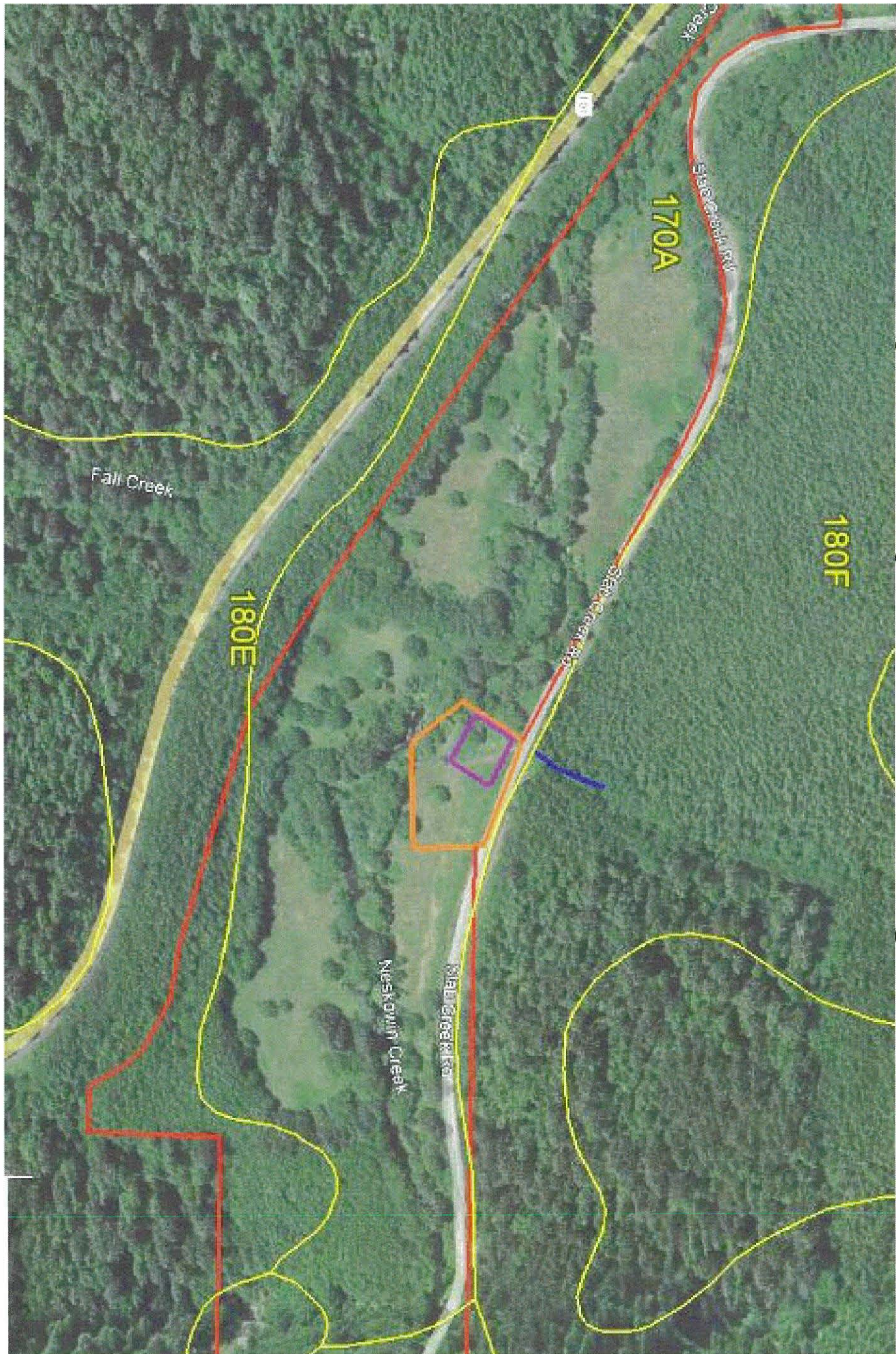
We are writing in reference to the Case family's application for a conditional use permit to build a home on their property on Slab Creek Road in Neskowin. My wife and I run a small diversified vegetable and specialty crop farm just up the road at 8605 Slab Creek Rd, called Corvus Landing Farm. We have about 2.5 acres in production and have been in operation for 12 years now. We sell direct to local residents between Tillamook and Lincoln city at weekly farmer's markets as well as our CSA membership and delivery service. We employ 3-5 seasonal workers each season, in addition to our own full-time labor.

We have observed the Case meadows over the years and have hoped for some sort of wise use to develop there that might serve the family and bring more community onto the road. It has been a bit sad to watch such a beautiful piece of land go mostly abandoned for so long: excellent meadows, river habitat, and evergreen forest.

I do not believe that having a residence there would interfere or conflict with our business or livelihood, or our ability to keep farming on our land. If anything, I hope that it would become a long-term benefit to us and our business, and the rest of the community. Our county sorely needs more housing.

Sincerely,

Mike and Carolina Lees  
Corvus Landing Farm  
8605 Slab Creek Rd.  
Neskowin, OR  
503-392-9327  
[corvuslanding.com](http://corvuslanding.com)



170A

180F

180E

Fall Creek

Nesquehunn Creek

State Street

160

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Soil Assessment Slab Creek Road  
Neskowin, Oregon.

For: Nancy Case and Mac Case  
3500 SW Redmond Hill Road  
McMinnville, Oregon 97128

By: Andy Gallagher  
CPSSc/SC 03114

May 23, 2023

Andy Gallagher, Soil Scientist PO Box 2233 Corvallis, OR 97333

*Red Hill Soils*

541-745-7878 avg@redhillsoil.com

### **3. METHODS**

A. LEVEL ORDER OF SURVEY USED IN THIS FIELD SURVEY: This current soil investigation is a high intensity (Order-1) soil survey. It is used as a basis for making the soil classification and soil map for the potential home site on this parcel. A total of four soil test pits and other site observations are used to document the soils in the area of the potential homesite. The average intensity of sampling in the surveyed area is about one per 1/8 acre.

B. DATES OF FIELD INVESTIGATIONS: Field work was done on April 27, 2023.

C. FIELD METHODS: Methods used for observation included soil profile descriptions from test pits to classify soils. Digital terrain data was ground checked and used to delineate soil map units. Soil colors were determined moist, using a Munsell Color Chart. Soil pits and surface observations were recorded with a GPS receiver and compiled into a soil map following processing with GIS software. Acreage of revised soil map units were calculated from the revised map using GIS software.

D. LIMITATIONS ENCOUNTERED: None.

### **4. RESULTS:**

A. GEOLOGY OVERVIEW: The geology of the survey area is of very coarse-grained debris-fans deposits that are believed to have originated on extremely steep slope and delivered by the steep stream channel both on the slope to the north just across the road. The soils here formed in the rocky debris and sandy sediments from what appears to be multiple events of debris torrents based on the strata observed. Gravelly and stony fill cover this deposit along the road and over part of the surveyed area, the origin of the fill is not known.

B. LANDFORMS AND TOPOGRAPHY: gently to moderately sloping fan and fill piles.

C. SITE HYDROLOGY: Soils observed are somewhat excessively drained. There is a stream that has cut along the northwest corner of the parcel and a perennial stream flows along the south of the parcel.

E. Geomorphic and vegetation correlations supporting the interpretation of land capability classes of soils that differ from those in the official soil survey information. The site was mapped as soils formed on alluvial terrace, but this lot is primarily a small debris fan that is not delineated in the soil survey at the mouth of a very steep stream channel. The vegetation of this site is old field vegetation and brush, with red alder and Sitka spruce in adjacent riparian forest.

Websoilsurvey that are mapped at the base of the slope to the east. The 174C map unit is medial loamy skeletal. The soils in pedons 1 – 4 here are much coarser and are sandy skeletal particle size family .

**6. REFERENCES:**

NRCS. Guide to putting soils in capability classes in Oregon from SSR01, Tech. Note 40 (June 2014)

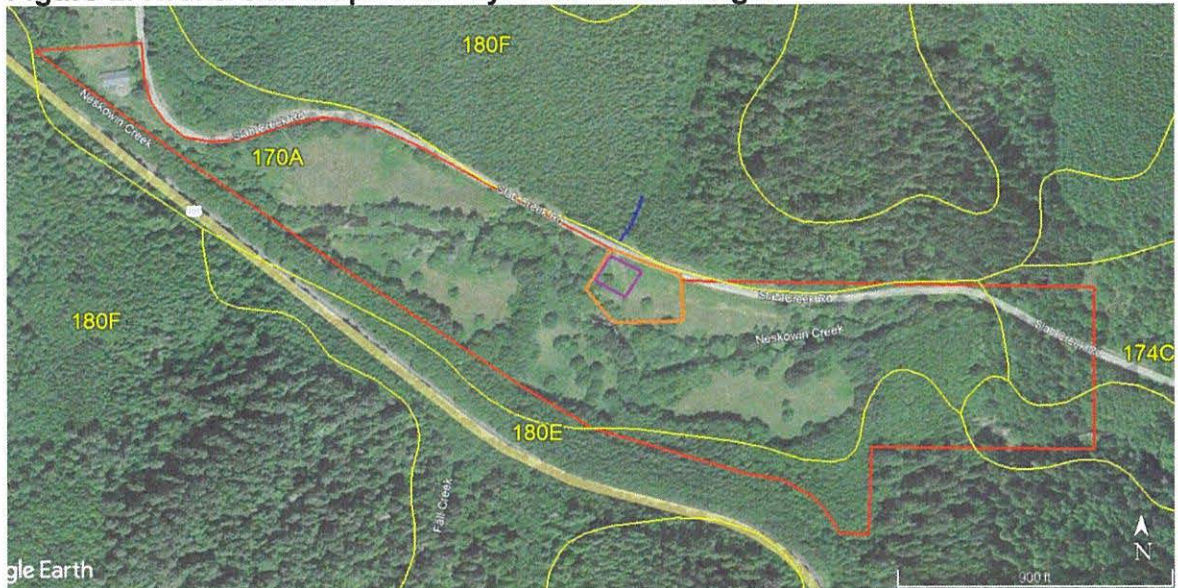
NRCS, Websoilsurvey

NRCS, Matthew H. Fillmore and John A. Shipman, Soil Survey of Tillamook County, Oregon.

**7. MAPS AND ATTACHMENTS:**

- a. Figure 1. Vicinity Map (1:100,000 scale).
- b. Figure 2. Previous Soil Map (NRCS Websoilsurvey)
- c. Figure 3. Topographic Map and Site Condition Map (contour lines from Digital elevation model)
- d. Figure 4. USGS topographic map showing location of debris-fan
- e. Figure 5. Assessors Map
- f. Figure 6. Revised Soil Map of the Project Site and location of Soil Borings
- g. Soil Profile Notes and Site Observation Notes Attachment 1.
- h. GPS coordinates Attachment 2.
- i. Appendix: Map unit 174C description from soil survey;  
New lot configuration

Figure 2. NRCS Soil Map Data Layer on aerial image.



**NRCS Soil Map Legend**

<b>SYMBOL</b>	<b>Name</b>	<b>Capability Class</b>
170A	Logsdon silt loam, 0 to 3 % slope	2c
174C	Typic Fulvudands, Complex 3 to 15%	4e
180E	Salander-Necanicum-Neskowin Complex, 30 to 60% slope	6e
180F	Salander-Necanicum-Neskowin Complex, 30 to 60% slope	7e

Figure 4. USGS topographic map showing location of debris-fan, parcel = orange line, adjacent larger parcel = red line, stream channel = blue line.





Figure 6: Revised Soil Map, Property boundary = white line, surveyed area of building envelope = red line, soil boundaries = yellow lines, and soil samples = 1- 4.



**Revised Soil Legend of Property**

<b>Symbol</b>	<b>Map unit</b>	<b>Capability Class</b>	<b>Acres</b>
A	Fill on Debris- Fan Deposit	6	0.18
B	Debris-Fan Deposit	6	0.26
C	Not sampled	not rated	1.06

Table 1. GPS coordinates of soil pedon test pits.

Point	Latitude	Longitude
1	45.08552	-123.95989
2	45.08540	-123.95974
3	45.08560	-123.95958
4	45.08571	-123.95987

## Appendix

Typic Fulvudands, Fan description from Tillamook County Soil Survey  
Map unit 174C

This map unit description is included to illustrate the difference between borings 1 to 4 and the typical pedon for this map unit in the soil survey. This pedon is loam to clay loam and much higher available water holding capacity than the extremely cobbly and extremely stony coarse loamy sands observed on the site.

### *Characteristics of Typic Fulvudands, Fans*

#### **Setting**

*Landform:* Alluvial fans

*Geomorphic position (three-dimensional):* Risers

*Downslope shape:* Linear, concave

*Across-slope shape:* Linear, concave

*Aspect (representative):* Southwest

*Aspect (range):* East to north (clockwise)

#### **Properties and qualities**

*Parent material:* Debris flow deposits derived from igneous rock.

*Slope range:* 3 to 15 percent

*Depth to restrictive feature:* None within a depth of 60 inches

*Drainage class:* Well drained

*Capacity of the most limiting soil layer to transmit water (Ksat):* Moderately high.

*Flooding frequency:* None

*Ponding frequency:* None

*Seasonal high-water table (minimum depth):* More than 72 inches

*Salinity (maximum):* Not saline

*Available water capacity (entire profile):* High (about 9.5 inches)

#### **Interpretive groups**

*Land capability subclass (nonirrigated):* 4e

*Plant association group:* Sitka spruce/salmonberry-wet (903)

#### **Typical profile**

Oi—0 to 1 inch; slightly decomposed plant material.

A—1 to 14 inches; gravelly medial loam

Bw1—14 to 34 inches; very gravelly medial loam

Bw2—34 to 48 inches; very gravelly medial loam

Bw3—48 to 61 inches; gravelly medial clay loam

# **EXHIBIT 13**

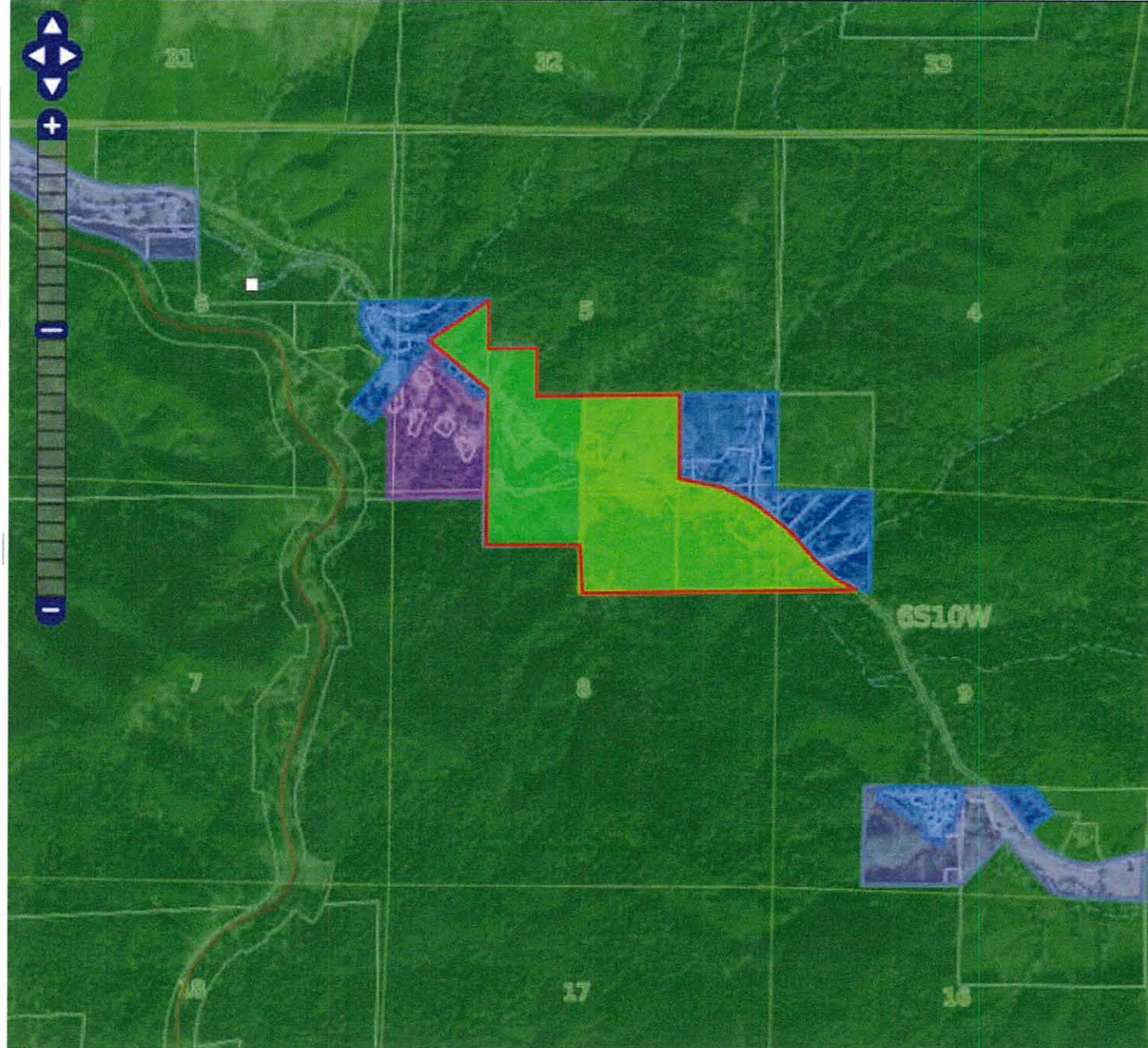
Jump To:

Catalog Identify  Measure Area

Total:

Units:

Click on the map to start measuring. Double-click to finish measuring.



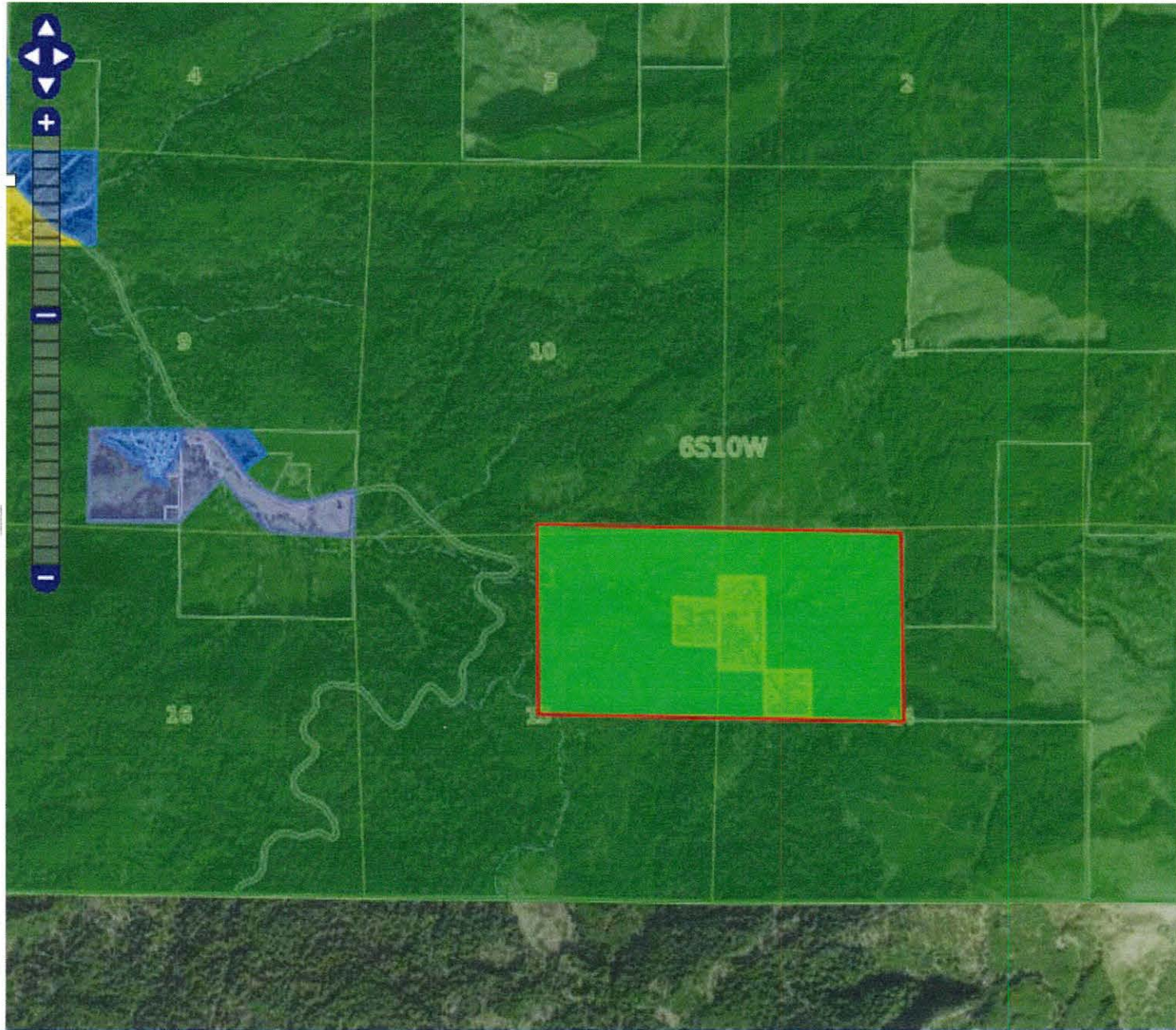
Jump To:

Catalog Identify  Measure Area

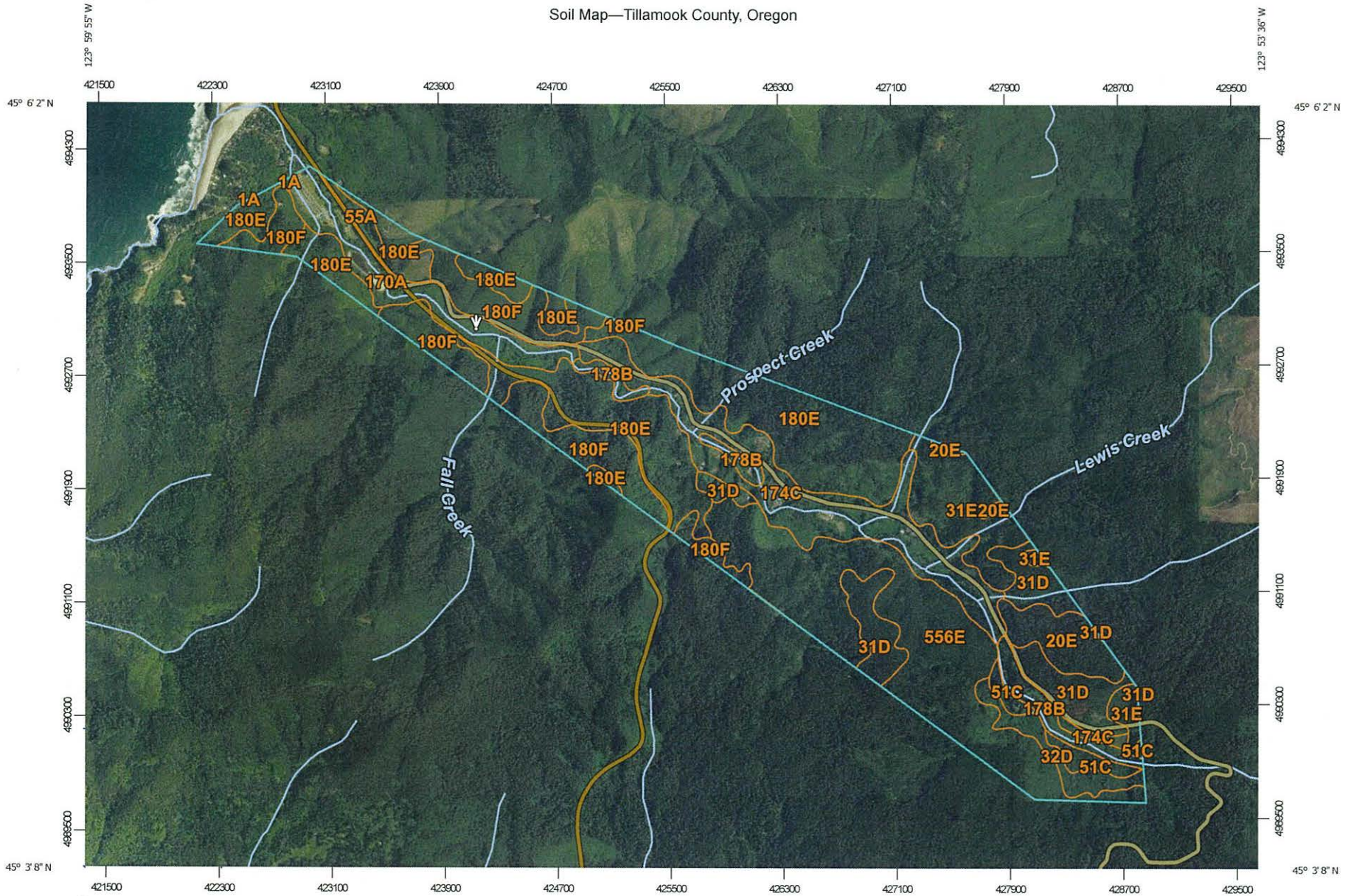
Total:

Units:

?



Soil Map—Tillamook County, Oregon



Map Scale: 1:37,900 if printed on A landscape (11" x 8.5") sheet.

0 500 1000 2000 3000 Meters

0 1500 3000 6000 9000 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 10N WGS84

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
1A	Brenner silt loam, 0 to 1 percent slopes	1.6	0.1%
20E	Kloutchie-Necanicum complex, 30 to 60 percent slopes	73.6	3.6%
31D	Tolovana-Templeton medial silt loams, 5 to 30 percent slopes	156.0	7.7%
31E	Tolovana-Templeton medial silt loams, 30 to 60 percent slopes	128.5	6.3%
32D	Munsoncreek-Flowerpot complex, 5 to 30 percent slopes	41.4	2.0%
51C	Walluski-Chitwood medial silt loams, 3 to 15 percent slopes	29.1	1.4%
55A	Histosols-Water complex, 0 to 1 percent slopes	14.0	0.7%
170A	Logsdon silt loam, 0 to 3 percent slopes	121.0	5.9%
174C	Typic Fulvudands complex, 3 to 15 percent slopes	252.1	12.4%
178B	Fluventic Humic Dystrudepts-Dystrudepts-Aquepts complex, 0 to 5 percent slopes	64.4	3.2%
180E	Salander-Necanicum complex, 30 to 60 percent slopes	516.9	25.4%
180F	Salander-Necanicum-Neskowin complex, 60 to 90 percent slopes	241.8	11.9%
556E	Tolovana-Reedsport complex, 35 to 60 percent slopes	395.0	19.4%
<b>Totals for Area of Interest</b>		<b>2,035.4</b>	<b>100.0%</b>

**To Be Provided Electronically**