



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*

February 16, 2024

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited requests on February 16, 2024. 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.tillamookcounty.gov/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00pm on February 28, 2024**. This decision will become final on February 28, 2024 after 4:00pm unless an appeal is filed in accordance with Tillamook County Land Use Ordinance Article X.

- Request:** A Conditional Use request for a non-farm dwelling in the Small Farm and Woodlot (SFW-20) Zone (Exhibit B).
- Location:** The subject property is designated at 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 Slab Creek Road, a County road.
- Zone:** Small Farm and Woodlot (SFW-20)
- Applicant/
Property Owner:** Nancy & Jack Case, 9900 SW Wilshire St, Suite 200, Portland, OR 97225

CONDITIONS OF APPROVAL

1. The applicant/property owners shall obtain all Federal, State, and Local permits, as applicable, prior to development/construction.
2. The applicant/property owner shall obtain approved Consolidated Zoning/Building Permit from the Tillamook County Department of Community Development prior to siting the proposed non-farm dwelling or any accessory structures.
3. The applicant/property owner shall provide evidence of permit approval for the installation of a new on-site sanitation system from the County Sanitarian prior to Consolidated Zoning/Building Permit submittal for the siting of the dwelling.
4. The applicant/property owner shall provide an approved Road Approach permit from Tillamook County Public Works at time of Consolidated Zoning/Building Permit submittal.
5. The applicant/property owner shall provide evidence of water availability for residential development at time of Consolidated Zoning/Building permit submittal for siting of the dwelling.
6. The applicant/property owner shall provide evidence of fire service at time of Consolidated Zoning/Building Permit submittal.
7. The applicant/property owner shall provide documentation from the Oregon Department of State Lands (DSL) that proposed location of development is in compliance with DSL regulations, specifically the proposed development with relation to mapped wetlands.
8. At the time of Consolidated Zoning/Building Permit, Applicant shall identify the distance of the proposed dwelling from riparian areas on the site plan submitted and provide documentation that ODFW requirements have been met for development considering big game habitat and vegetation management.
9. Only one, single-family residential dwelling and customarily provided accessory residential structures shall be permitted to be located on the subject property in conformance with all applicable development standards contained in the Tillamook County Land Use Ordinance.
10. A 30-foot fuel-free fire break area shall be maintained around the proposed dwelling as described in TCLUO 3.004(10)(C), 'Fire Siting Standards for Dwellings and Structures' and as further described in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry which is included as 'Exhibit F' to the Staff Report.
11. In accepting this Approval for a Non-Farm Dwelling in the Farm zone, the applicants/ property owners understand intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use. The owners hereby acknowledge 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 applicants/property owners acknowledge the use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, the applicant/property owners understand 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 G" shall be provided at the time of applying for Building and Zoning Permits.

12. This approval shall be void on February 16, 2028, unless all conditions are met, or an extension is requested from, and approved by, this department.

Sincerely,

Tillamook County Department of Community Development



Melissa Jenck, CFM, Senior Planner
503-842-3408 x 3301 or melissajenck@tillamookcounty.gov

Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor's and Zoning maps



Land of Cheese, Trees and Ocean Breeze

**CONDITIONAL USE REQUEST 851-23-000287-PLNG: CASE
ADMINISTRATIVE DECISION & STAFF REPORT**

Decision Date: February 16, 2024

Decision: APPROVED WITH CONDITIONS

(This is not a Building/Placement Permit Approval)

Report Prepared by: Melisa Jenck, CFM, Senior Planner

I. GENERAL INFORMATION:

Request: A Conditional Use request for a non-farm dwelling in the Small Farm and Woodlot (SFW-20) Zone (Exhibit B).

Location: The subject property is designated at 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 Slab Creek Road, a County road.

Zone: Small Farm and Woodlot (SFW-20)

**Applicant/
Property Owner:** Nancy & Jack Case, 9900 SW Wilshire St, Suite 200, Portland, OR 97225

Description of Site and Vicinity: The subject property encompasses approximately 10-acres, is zoned Small Farm and Woodlot (SFW-20), vegetated with trees, grasses and brush, of varied terrain and is not currently developed (Exhibits A & B). According to Tillamook County Assessor’s records, the property is improved with a general-purpose building. However, Staff have found the structure is placed upon 6S10060000501. The property is accessed from Slab Creek Road, a County road (Exhibit A). The Tillamook County Assessor’s records describe the property as undeveloped and the subject property is enrolled in a farm or forest special assessment program (Exhibit A).

The subject property is located in an area of shallow land susceptibility and rapidly moving landslides, as depicted in Oregon Department of Geology and Mineral Industries (DOGMI) Open File Report O-20-13 (Exhibit A).

The surrounding area is zoned Small Farm and Woodlot (SFW-20) and Forest (F). Surrounding properties consist of private timber lands owned by Weyerhaeuser Timber Holdings Inc and the United States Forest Service (Exhibit A). Neskowin Creek and associated tributaries are located on the subject property (Exhibit A).

The applicant is requesting approval to place a non-farm dwelling in the central northern portion of the subject property in a level, cleared area north of Neskowin Creek (Exhibit B).

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

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

- A. TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas
- B. TCLUO Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization
- C. TCLUO Section 3.006: Small Farm and Woodlot (SFW-20)
- D. TCLUO Section 3.002: Farm (F-1) Zone
- E. TCLUO Article VI: Conditional Use Procedures and Criteria

III. ANALYSIS

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

TCLUO Section 4.130 includes areas identified in DOGMI Open File Report O-20-13 where slopes are greater than 29 percent at the site of development, on properties greater than 20,000 sq. ft. as Geologic Hazard Areas subject to the requirements of TCLUO 4.130.

Findings: Staff finds that, as a Condition of Approval, future development on the subject property areas that exceed a slope of 29% at the site of development, shall conform to the requirements of TCLUO Section 4.130.

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

TCLUO Section 4.140 identifies as areas of riparian vegetation that area within 15 feet of all perennial rivers and streams with a river or stream channel 15 feet in width or less measured from the more landward of the line of non-aquatic vegetation or the ordinary high-water mark. TCLUO Section 4.140 further limits removal of vegetation and development within those areas of riparian vegetation. TCLUO 4.140(4) states that *'all trees and at least 50 percent of the understory vegetation shall be retained'* within the areas of riparian vegetation.

Findings: The Oregon Department of Fish and Wildlife (ODFW) provided comments included here as 'Exhibit C' requesting that all standing live trees and native vegetation be retained at the site. ODFW continues that the property is in an area of known big game species, and recommend activities avoid nesting periods of protected wildlife (Exhibit C).

Staff finds that Neskowin Creek and its tributaries are located upon the subject property (Exhibit A). Staff finds that, as a Condition of Approval, all future development, including removal of vegetation within riparian areas, on the subject property is subject to the requirements of TCLUO 4.140. At the time of Consolidated Zoning/Building Permit application, Applicant shall identify the distance of the proposed dwelling from riparian areas on the site plan submitted and provide documentation that ODFW

requirements have been met for development of the access driveway. Staff finds that these standards can be met through compliance with the Conditions of Approval.

C. TCLUO Section 3.006: Small Farm and Woodlot (SFW-20)

(2) RESIDENTIAL SITING

(a) Pursuant to ORS 660-006-0050, the siting of a residential dwelling shall conform to either the standards contained in the Article 3.002 – Farm Zone (F-1), or the standards of Article 3.004 – Forest Zone (F), based on the predominant use of the tract on January 1, 1993.

Findings: Staff find the subject property has a predominate use of forest uses, based upon classification in the Tillamook County Assessor’s records and status within the farmland tax liability program (Exhibit A). Staff find the Applicant must demonstrate compliance with TCLUO Section 3.002 ‘Farm Zone (F)’ for residential development. The staff report below addresses these standards.

D. TCLUO Section 3.002: Farm (F-1) Zone

TCLUO Section 3.002(3), ‘Development Standards’

(a) Land divisions and development in the F-1 Zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

...

4. The minimum front and rear yards shall be 20 feet.

5. The minimum side yard shall be 10 feet where adjacent to land in the F-1 or SFW-20 zones. Otherwise the minimum side yard shall be 20 feet.

...

7. The maximum building height for all nonfarm structures shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.

Findings: Staff finds that these development standards can be met through compliance with Conditions of Approval.

TCLUO Section 3.002(4)(w), ‘General Use Standards’

...

2. Single-family dwelling deeds. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

...

Findings: Applicant has stated they intend to sign and record a statement in compliance with this standard (Exhibit B). Staff finds that this requirement can be met through compliance with Conditions of Approval.

TCLUO 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.

Findings: The surrounding area is zoned Forest (F) and surrounding properties consist of a private timber land owned by Weyerhaeuser Timber Holdings Inc and publicly owned United States Forest Service timber land, which are devoted to forest operations (Exhibit A). An abutting, thickly vegetated, 31.82-acre property is zoned Small Farm and Woodlot (SFW-20) and is owned by Nancy and Jack Case. Portions of Nancy and Jack Case' properties are within special farm assessment, and appears to be devoted to farm use (Exhibits A and B). Applicant states the property has not maintained commercial agricultural use, with an documentation from a farm on Slab Creek Road stating the non-use of the parcel for agricultural purposes (Exhibit B).

Staff find the closest active farm use and is Corvus Landing Farm located approximately one (1) mile east of the subject property. The property owner of Corvus Landing Farm included a letter with the Applicants submittal, indicating they found that a residence on the subject property would not interfere or conflict with their agricultural use (Exhibit B).

Generally, forest operations in the area are expected to include activities such as reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash (OAR 660-06-0025(2)(a)). Weyerhaeuser Timber Holdings Inc and the United States Forest Service were noticed of this application and no comments were received.

Applicant is proposing to place the non-farm dwelling in the central northern portion of the subject property in a level, cleared area north of Neskowin Creek, near Slab Creek Road, a County road (Exhibit B).

Staff finds that there are no active farm uses occurring on surrounding properties. Staff finds that Slab Creek Road, Highway 101 and Neskowin Creek can serve as barriers to protect forest operations to the north and south of the proposed dwelling site from any potential impacts resulting from the proposed residential development. Staff finds that a Condition of Approval requiring maintenance of a 30-foot fuel-free fire break area around the proposed dwelling as described in TCLUO 3.004(10)(C), 'Fire Siting Standards for Dwellings and Structures', can serve to further protect surrounding timber stands from any potential fire-related impacts of the proposed residential use.

Staff finds that the placement of a non-farm dwelling at the location of the existing dwelling will not significantly change farm or forest practices or significantly increase the cost of farm or forest practices on surrounding land devoted to farm or forest use. Staff finds that these criteria can be met through compliance with Conditions of Approval.

TCLUO Section 3.002(9), 'Dwellings Not in Conjunction With Farm Use'

(a) Non-farm dwelling. A non-farm dwelling is subject to the following requirements:

- 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;*

Findings: Staff has addressed this requirement above in response to the Conditional Use Review Criteria outlined TCLUO 3.002(5). Staff finds that the placement of a non-farm dwelling at the proposed location will not significantly change farm or forest practices or significantly increase the cost of farm or forest practices on surrounding land devoted to farm or forest use. Staff finds that these criteria can be met through compliance with Conditions of Approval.

- 2. The following applies to a non-farm dwelling subject to Subsection (9):*

- 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 existing lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then the new parcel or portion of the existing lot or parcel is not "generally unsuitable". A new parcel or portion of an existing lot or parcel is presumed to be suitable if is composed predominantly of Class I-IV soils. Just because a new parcel or portion of an existing lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

...

Findings: The non-farm dwelling is proposed in the northern central portion of the parcel, south of Slab Creek Road, and north of Neskowin Creek. Applicant states that the parcel is not suitable for farming as it is situated with only small areas of suitable soil, and surrounded by the steep terrain of Slab Creek valley (Exhibit B). The NRCS Web Soil Survey identifies the primary soil classification of the subject property as a whole as ‘Logsdon Silt Loam Class 2, slopes 0 to 3 percent gradient’ which has a farmland classification of ‘farmland of statewide importance’ and an irrigated capability class of 2, ‘soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices’ (Exhibit E).

Applicant has prepared a site-specific Soil Assessment prepared by Andy Gallagher of Red Hill Soils, dated May 23, 2023 (Exhibit B). Mr. Gallagher found that proposed location of the non-farm dwelling, is located upon a capability class of 6S soils described as ‘Coarse Debris Fan Deposit’ (Exhibit B).

The site proposed for the non-farm dwelling as depicted in ‘Exhibit B’ is entirely composed of soils identified as ‘Coarse Debris Fan Deposit’, with a capability class of 6, ‘soils that have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat’ (Exhibit B & E). As noted above, surrounding properties are devoted to forest operations and no farm uses are documented or apparent in the vicinity (Exhibit A).

Web Soil Survey does not maintain forest productivity ratings in this area (Exhibits A and E). Staff finds that establishment of residential use at the proposed location would not preclude conduct of forest operations on vegetated portions of the subject property.

Staff finds that after considering the history of use of the site, terrain, soil classification, isolated location, remnant development and size of the site proposed for non-farm residential use, that the portion of parcel proposed for non-farm residential use is generally unsuitable land for the production of farm crops and livestock or merchantable tree species. Staff finds that these standards are met.

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 for rural residential or other urban or nonresource uses shall not be included in the Study Area;

Findings: Staff and Applicant identified a Study Area that encompasses a little over 1,000 acres in a distinct valley and surrounding slopes that runs along Slab Creek Road in sections 5, 6, 9 & 11 in Township 6 South Range 10 West, along with section 36 in Township 5 South, Range 11 as depicted on the Study Area map contained in 'Exhibit B'. 'Exhibit B' also includes a table of included parcels. The subject parcel is located at the northwest of the Study Area at the beginning of Slab Creek Road (Exhibit A). Parcels reviewed included only those properties zoned Farm (F-1), Forest (F) and Small Farm Woodlot 20-Acre (SFW-20) (Exhibit B).

The Study Area consists of a six-mile stretch of narrow valley surrounded to the northeast and southwest by steeply sloped terrain (Exhibits A and D). The Study Area is predominantly composed of Tolovana - Reedsport and Tolovana-Templeton soils on the slopes which are non-irrigated farm capability class 6 and are not considered High Value Farm soils (Exhibit E). The valley floor along Slab Creek and Bauer Roads is composed of Typic Fulvudands complex which transitions into the Logsdon Silt Loam and Coarse Debris Fan Deposits where the subject property is located (Exhibit E). Staff finds that the Study Area and the Subject Property share similar soil and terrain characteristics.

Applicant and Staff selected the Study Area to the east of the subject property as it contains a mix of Farm, Forest and Small Farm Woodlot zoned properties with access to a public road (Exhibits A and D). Areas to the north, south and east of the subject property are exclusively zoned Forest (F), have limited access and are devoted to forest operations as discussed above (Exhibits A and D). Pockets of Rural Residential zoning are located within the Study area, however, as required by ordinance, they are not included in the analysis (Exhibits A and D). Tillamook County has three farm/forest resource zoning designations: Farm (F-1), Forest (F) and Small Farm Woodlot 20 Acre (SFW-20).

Staff finds that the selection of Farm (F-1) zoned, Small Farm Woodlot (SFW-20) zoned and Forest (F) zoned properties lying along the valley to the west of the subject property is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by TCLUO 3.002(9)(a)(3).

b. Identify within the Study Area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under Subsections A and Section 2.11, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the Study Area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph; and

Findings:

Types of farm uses, existing dwellings and dwelling development trends since 1993:

The Study Area consists of a long, narrow valley with limited flat areas along Slab Creek Road and steeply slopes rising to either side of the valley (Exhibits A and D). Farm uses in the area are small scale and no commercial dairies are nearby (Exhibits A and D). The pattern of development in the area consists primarily

of residential homesteads and a few small farms along Slab Creek Road, and forest operations on the surrounding slopes (Exhibits A and D).

Farm uses in the Study Area include Corvus Landing Farm, an organic vegetable producer, and two properties which appear to be cut for hay or silage. Only two of the properties in the Study Area are enrolled in a Special Farm Assessment program (Exhibit B).

Tillamook County records indicate thirteen dwellings are located in the Study Area (Exhibit B). Details of the type, age, zoning and location of the existing dwellings are summarized in the table below:

Existing Dwellings in Study Area				
maptaxlot	acres	zoning	year built	dwelling type
5S11360001100	6.38	SFW-20	1984	accessory to campground
6S10000001301	121.72	SFW-20 / F	1928	pre-ordinance
6S10050001102	26.82	F-1	1955	pre-ordinance
6S10050000300	10.22	SFW-20	1956	pre-ordinance
6S10050001101	1.92	F-1	1960	pre-ordinance
6S10050000903	18.40	SFW-20	1994	covenanted Primary Farm Dwelling
6S10000001400	6.5	SFW-20	1996	forest dwelling approval
6S10050000900	21.00	SFW-20	1997	replacement dwelling
6S10050000901	2.57	SFW-20	2000	non-farm approval
6S10060000200	3.33	F	1950	pre-ordinance
6S10060000800	14.5	F	1978	prior to zone change
6S10060000803	10.25	F	1981	prior to zone change
6S10000001303	5	F	2015	measure 49 authorization

The majority of existing dwellings were constructed prior to the adoption of ordinance provisions (Exhibit A & B). Since 1994, five dwellings have been constructed in the Study Area – a Primary Farm Dwelling, a Replacement Dwelling, a Forest Dwelling, a Non-Farm Dwelling and a dwelling authorized under Measure 49 (Exhibit B). All of the dwellings are located in relatively flat areas along Slab Creek Road (Exhibit A).

Potential Dwelling Analysis:

Detailed analysis of the Study Area properties is contained in ‘Exhibit B’.

The majority of properties in the Study Area are substandard in size with the exception of two properties that are part of Siuslaw National Forest, one property devoted to forest operations owned by Weyerhaeuser Timber Holdings Inc and taxlot 6S10000001301 which is already developed with a single-family dwelling (Exhibit A & B).

Measure 49: Three properties in the Study area are subject to a Measure 49 Order which will allow the placement of a single dwelling on taxlot 6S10000001302 (dwellings exist on the other two properties). Taxlot 6S10000001302 was not considered in subsequent analysis.

Non-Farm Dwelling Analysis: Staff reviewed properties within the Study Area and removed from consideration properties:

- Ten properties not subject to Farm (F-1) zoning or Small Farm Woodlot 20 Acre zoning,

- Thirteen Lots of Record already developed with a dwelling¹,
- Two properties entirely composed of soils with a farm capability class of IV or better, one of which is already developed with a house,
- Of the properties in the study area under special forest assessment, all are entirely composed of soils capable of producing more than 50 cubic feet of wood fiber per acre per year and/or soils with farm capability class I-IV.

The properties identified as having the potential² for non-farm review include the subject property, taxlot 6S1009CD04400 which is a 1-acre property developed with water utility infrastructure, and taxlot 6S10000001100, an undeveloped 41-acre property under special farm assessment (Exhibit A & B).

Potential Lot-of-Record Analysis:

Staff conducted an analysis of the parcels in the study area successively eliminating from consideration those parcels which would obviously not qualify for a Lot of Record Dwelling under TCLUO 3.002(8)(A) or TCLUO 3.004(4)(b) based on the respective standards and properties under public ownership:

- 13 parcels which contain dwellings,
- Three publicly owned properties,
- Three properties which were part of tracts with on November 4, 1993 where dwellings exist on the former tract
- Two Forest and Small Farm Woodlot zoned parcels capable of producing 5,000 cuft of commercial tree species per year.
- Two properties clearly acquired after January 1, 1985 according to Tillamook County Assessor’s records

None of the soils in the Study Area are High Value Farm Soils as defined in TCLUO 3.002(2). Staff identified three properties with the potential for Lot-of-Record Dwellings³; taxlot 6S10000001100 which was also identified with the potential for a Non-Farm Dwelling, taxlot 6S10000001101 which has historically been in use as a private school and taxlot 6S10000002600, an undeveloped 1-acre property zoned Forest (F).

After consideration of the materials submitted by the Applicant and further review conducted by Staff, Staff finds that there are four properties other than the subject property with the potential for a non-farm dwelling or the potential for a lot-of-record dwelling within the Study area. ‘Exhibit D’ contains a list showing the location of these properties within the Study Area.

	Maptaxlot #	Acres	Forest Assessed?	Owner
Potential Non-Farm Dwelling	6S1009CD04400	1	no	Silver Valley Water Users Association

¹ TCLUO 3.002(9)(a)(4) states ‘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’. TCLUO Article 11 defines ‘Lot of Record’ as ‘A lot, parcel, other unit of land, or combination thereof, that conformed to all zoning and Subdivision Ordinance requirements and applicable Comprehensive Plan provisions, in effect on the date when a recorded separate deed or contract creating the lot, parcel or unit of land was signed by the parties to the deed or contract’. Therefore, where a single-family dwelling has already been established on a lot or parcel that meets the definition of ‘lot of record’, no additional dwelling may be sited on that property under a non-farm dwelling review.

² Eligibility of the identified properties for a Non-Farm Dwelling can only be determined through the appropriate Conditional Use Review process following receipt of a complete application requesting such a determination.

³ Eligibility of the identified properties for a Lot-of-Record Dwelling can only be determined through the appropriate Administrative Review process following receipt of a complete application requesting such a determination.

Potential Non-Farm Dwelling / Potential Lot-of-Record	6S10000001100	41.2	no	Geo & Margot Thompson
Potential Lot-of-Record	6S10000001101	4.6	no	Neskowin Valley School
Potential Lot-of-Record	6S10000002600	1	yes	Forrest Haller

ORS 215.263(4):

TCLUO 3.002(14) requires that new parcels in the Farm (F-1) zone, an Exclusive Farm Use zone, encompass a minimum of 80 acres. TCLUO 3.002(14) also outlines circumstances under which a division of land smaller than the minimum lot or parcel size of 80 acres may be approved. ORS 215.263(4) addresses the requirements for land divisions in exclusive farm use zones to create parcels smaller than the minimum size to contain non-farm dwellings provided that the remainder parcel complies with the minimum size requirement (80 acres or 40 acres in certain cases). TCLUO 3.002(14)(c) and (d) are reflective of the requirements outlined in ORS 215.263(4). One of the properties in the Study Area with the potential to be reviewed for a non-farm dwelling, taxlot 6S10000001100, contains more than 40 acres and could be considered for division under TCLUO 3.002(14)(d) if a Non-Farm Dwelling were to be approved on that property through a Conditional Use Review process (Exhibit B). Such a land division would be reviewed through a publicly noticed Partition Review.

Distribution and arrangement of existing uses:

Staff finds that the Study Area encompasses low-lying areas along Slab Creek Road, a County Road, characterized by small pockets of low-density rural homestead development and limited, small-scale agricultural use surrounded by private commercial forests and the Siuslaw National Forest (Exhibits A, B and D). Staff finds that the use, soil type and vegetative cover transitions rapidly to exclusive forest use and zoning as the terrain slopes up from the valley floor (Exhibits A and E).

Land use pattern resulting from approval of possible nonfarm dwellings:

As noted above, farm uses in the area are small scale and no commercial dairies are nearby (Exhibits A and D).

Farm uses in the Study Area include Corvus Landing Farm, an organic vegetable producer, and two properties which appear to be cut for hay or silage. Only two of the properties in the Study Area are enrolled in a Special Farm Assessment program (Exhibit D).

Two of the four properties identified with the potential for Non-Farm or Lot-of-Record dwelling development have historically been dedicated to other non-farm uses – a private school and private water utility infrastructure (Exhibit A & B). Staff finds that conversion of these properties from their current non-farm uses to residential use is not anticipated to result in a significant change to the land use pattern of the area. Staff notes that given these properties are already developed for other uses, conversion to residential use appears unlikely.

Taxlot 6S10000002600 is zoned forest, only encompasses one acre and is surrounded by land devoted to forest operations (Exhibits A and D). This property is located closer to Bauer Road (Exhibit A and D). Staff finds that development of this property with a dwelling would be subject to the standards of the Forest Zone which are designed to minimize impacts to surrounding forest uses.

Taxlot 6S10000001100 is located adjacent to Corvus Landing Farm, is zoned Farm (F-1) and is under special farm assessment (Exhibits A and D). No development is present on the property according to Tillamook County records. The portion of the property between Neskowin Creek and Slab Creek Road is flat and contains cleared areas which appear to be cut for hay or silage (Exhibits A and D). A pocket of

nine Rural Residentially zoned properties lies across Slab Creek Road from the property and the Neskowin Valley School bisects the portion of the property north of Neskowin Creek (Exhibit A).

In general, approval of the four possible non-farm and lot-of-record dwellings described above would result in a land use pattern that would continue to be characterized by small pockets of low-density rural homestead development and limited, small-scale agricultural use surrounded by private commercial forests and the Siuslaw National Forest

c. Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. 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.

Findings: Staff finds that if one assumes an average homesite use of 1 acre, the development of the potential non-farm/lot-of-record dwellings discussed above would result in an insignificant amount of acreage removed from potential agricultural use in the 1,000 +-acre Study Area (Exhibit B). Furthermore, limited agricultural activity is occurring in the Study Area as evidenced by the fact that only two of the properties in the Study Area, encompassing less than 50 acres, are under special farm assessment (Exhibit D). Staff finds that the topography of the Study Area, a narrow valley floor surrounded by steep slopes, and the distribution of suitable farm soils along the valley floor, limit the availability of area for farm uses (Exhibits A and D). Staff finds that the zoning designation of properties in the Study Area combined with topography and soils results in small, isolated pockets of properties designated for Farm Use (Exhibits A and D).

As discussed above, Staff notes that the subject property is isolated from other farm properties and was previously developed with a residential use and there is no documentation of conflicts with the previous residential use and surrounding forest uses. As also discussed above, Staff finds that the portion of parcel proposed for non-farm residential use is generally unsuitable land for the production of farm crops and livestock or merchantable tree species.

Staff finds that the approval of the proposed nonfarm dwelling, together with existing dwellings and potential nonfarm/lot-of-record dwellings, will not diminish opportunities for existing farms 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.

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.

Findings: Applicant states they do not intend to site an additional dwelling on the property in the future (Exhibit B). Staff finds that a Condition of Approval can be adopted that a second dwelling shall not be sited on the subject property.

C. TCLUO Article VI: Conditional Use Procedures and Criteria

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

TCLUO Section 6.020, 'Procedure' requires notification of the request to be mailed to landowners within 250-feet of the subject property and agencies, to allow 14 days for written comment, and requires staff to consider comments received in making the decision.

Findings: Notice was mailed to property owners and agencies on September 20, 2023. Written comments received are included here as 'Exhibit C'. Comments were also received from Oregon Department of State Lands (DSL) stating that the parcel contains mapped wetlands and that a wetland delineation should be conducted and approved by DSL prior to ground impacts (Exhibit C). Oregon Department of Fish and Wildlife (ODFW) provided comments that live trees and native vegetation should be retained, and that the property is located in an area of big game. ODFW recommends activities for development should consider conflicts with native wildlife and avoid critical nesting periods (Exhibit C). As noted above, Applicant is proposing to place a residential dwelling which is located on the northerly portion of the property, with proposed access off of Slab Creek Road (Exhibit B).

TCLUO Section 6.04, 'Review Criteria'

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.

Findings: TCLUO Section 3.002(15), 'Use Table', lists non-farm dwellings as a use permitted conditionally in the Farm (F-1) zone subject to satisfaction of the Conditional Use Review criteria contained in TCLUO Section 6.040 and TCLUO Section 3.002(5) as well as all other applicable standards. Staff finds that this criterion has been met.

(2) The use is consistent with the applicable goals and policies of the Comprehensive Plan.

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

As discussed above, Staff finds that the proposed use will not have a significant impact on surrounding farm and forest uses and that considering the terrain, poor soil classification, drainage and flooding, isolated location and size of the site proposed for non-farm residential use, that the portion of parcel proposed for non-farm residential use is generally unsuitable land for the production of farm crops and livestock or merchantable tree species. Staff also provided findings above based on Staff's review of the analysis provided by the Applicant that the proposed dwelling, in combination with other potential non-farm dwelling in a 1,000+-acre Study Area will not alter the surrounding agricultural land use pattern. Staff finds that the proposed use is consistent with the Goal 3 and Goal 4 elements of the Tillamook County Comprehensive Plan.

Staff finds that the proposed site for the non-farm dwelling will not have any impact on available housing stock or services to the subject property. Staff finds that the proposed use is consistent with the Goal 10, Goal 12 and Goal 14 elements of the Tillamook County Comprehensive Plan.

Staff concludes this criterion has been met.

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

Findings: The subject property encompasses approximately 10-acres, is zoned Small Farm and Woodlot (SFW-20), vegetated with trees, grasses and brush, of varied terrain and is not currently developed (Exhibits A & B). The property is accessed from Slab Creek Road, a County road (Exhibit A). The property owner maintains an adjacent parcel, 6S10060000501, which maintains a general-purpose building (Exhibit A & B). The Tillamook County Assessor's records describe the property as undeveloped and the subject property is enrolled in a farm or forest special assessment program (Exhibit A).

The subject property is located in an area of shallow land susceptibility and rapidly moving landslides, as depicted in Oregon Department of Geology and Mineral Industries (DOGMI) Open File Report O-20-13 (Exhibit A). Neskowin Creek and associated tributaries are located on the subject property (Exhibit A). Staff find that the subject property is mapped wetlands, according to the Oregon Department of State Lands (DSL) Statewide Wetlands Inventory (Exhibit A). Comments were received from DSL that the proposed development area may maintain wetlands, and recommendations a wetland delineation prior to any site development (Exhibit C).

Applicant is requesting approval to place a non-farm dwelling in the northern portion of the subject property in a level, cleared area north of Neskowin Creek, and south of Slab Creek Road (Exhibit B). Staff find that compliance with ODFW and DSL recommendations can be met through Conditions of Approval. Staff finds that the proposed location is suitable for residential use given the flat topography, minimal vegetation, and proximity to access.

As discussed in detail above, Staff finds that the proposed site is suitable for a non-farm dwelling considering the terrain, poor soil classification, drainage and flooding, isolated location and size of the site proposed for non-farm residential use as that the portion of parcel proposed for non-farm residential use is generally unsuitable land for the production of farm crops and livestock or merchantable tree species.

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

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

Findings: The surrounding area is devoted to forest operations and is zoned Forest (F) (Exhibit A). Potential impacts of the proposed use on surrounding resource zoned properties are discussed at length above and Staff finds that 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 farm and forest properties.

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

Findings: Applicant states that no such facilities exist on or near the subject site (Exhibit B). Staff finds no record of any such facilities being installed on or near the subject site. Staff finds that this criterion has been met.

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

Findings: Applicant states that adequate services are available to the site (Exhibit B). Staff finds the subject property abuts Slab Creek Road, a County road. Staff finds that this criterion can be met through compliance with Conditions of Approval.

IV. DECISION: APPROVED WITH CONDITIONS

Based on the findings shown above, Staff concludes that the applicant has satisfied the review criteria and can meet all applicable ordinance requirements at the time of application. Therefore, the Department approves this request to replace an existing dwelling with a non-farm dwelling at the same location subject to the Conditions of Approval in section V of this report.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. The forms and fees must be filed in the office of this Department before **4:00 PM on February 28, 2024.**

V. CONDITIONS OF APPROVAL:

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

1. The applicant/property owners shall obtain all Federal, State, and Local permits, as applicable, prior to development/construction.
2. The applicant/property owner shall obtain approved Consolidated Zoning/Building Permit from the Tillamook County Department of Community Development prior to siting the proposed non-farm dwelling or any accessory structures.
3. The applicant/property owner shall provide evidence of permit approval for the installation of a new on-site sanitation system from the County Sanitarian prior to Consolidated Zoning/Building Permit submittal for the siting of the dwelling.
4. The applicant/property owner shall provide an approved Road Approach permit from Tillamook County Public Works at time of Consolidated Zoning/Building Permit submittal.
5. The applicant/property owner shall provide evidence of water availability for residential development at time of Consolidated Zoning/Building permit submittal for siting of the dwelling.
6. The applicant/property owner shall provide evidence of fire service at time of Consolidated Zoning/Building Permit submittal.
7. The applicant/property owner shall provide documentation from the Oregon Department of State Lands (DSL) that proposed location of development is in compliance with DSL regulations, specifically the proposed development with relation to mapped wetlands.
8. At the time of Consolidated Zoning/Building Permit, Applicant shall identify the distance of the proposed dwelling from riparian areas on the site plan submitted and provide documentation that ODFW requirements have been met for development considering big game habitat and vegetation management.
9. Only one, single-family residential dwelling and customarily provided accessory residential structures shall be permitted to be located on the subject property in conformance with all applicable development standards contained in the Tillamook County Land Use Ordinance.

10. A 30-foot fuel-free fire break area shall be maintained around the proposed dwelling as described in TCLUO 3.004(10)(C), 'Fire Siting Standards for Dwellings and Structures' and as further described in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry which is included as 'Exhibit F' to the Staff Report.

11. In accepting this Approval for a Non-Farm Dwelling in the Farm zone, the applicants/ property owners understand intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use. The owners hereby acknowledge 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 applicants/property owners acknowledge the use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, the applicant/property owners understand 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 G" shall be provided at the time of applying for Building and Zoning Permits.

12. This approval shall be void on February 16, 2028, unless all conditions are met, or an extension is requested from, and approved by, this department.

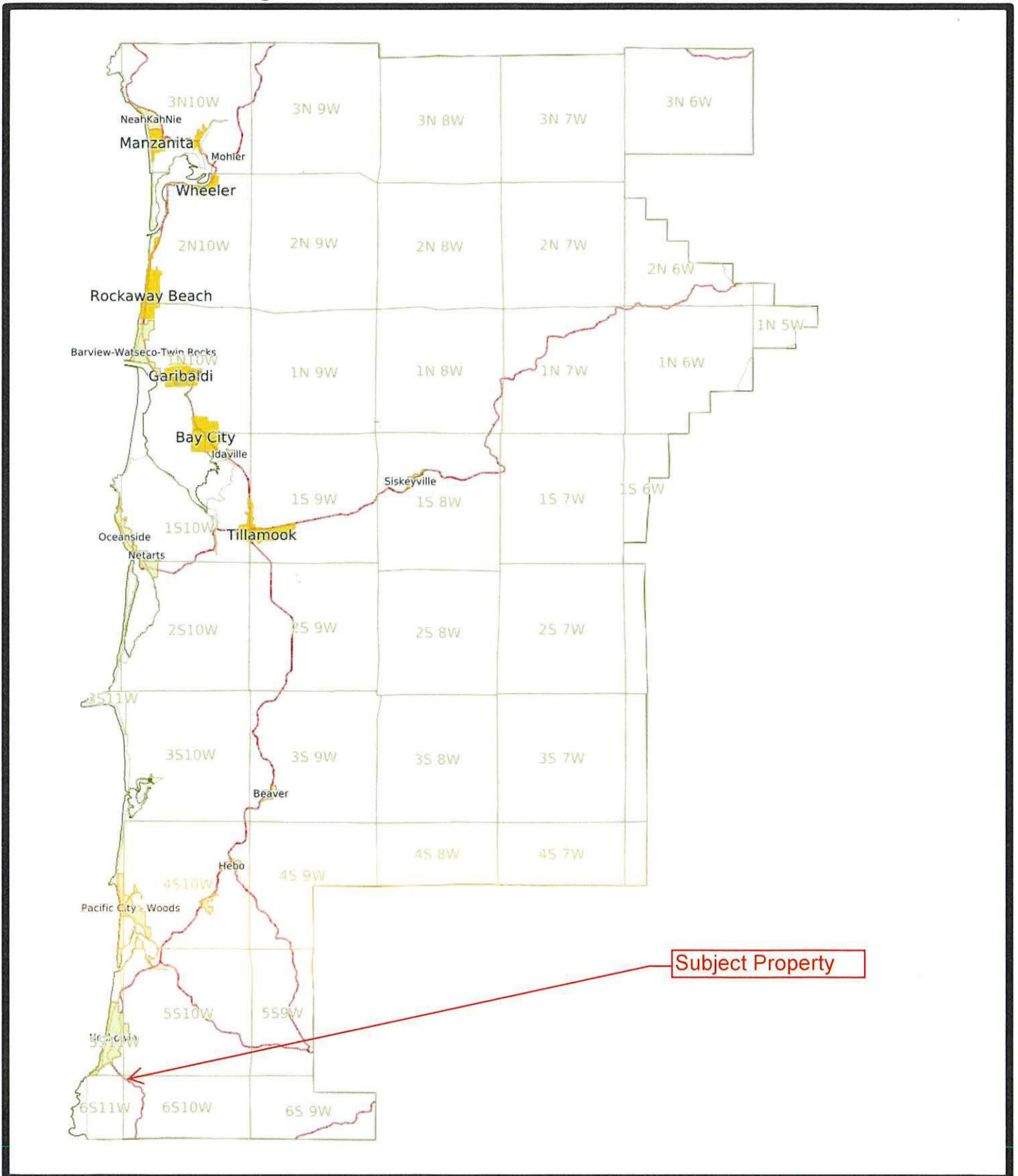
VI. EXHIBITS

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

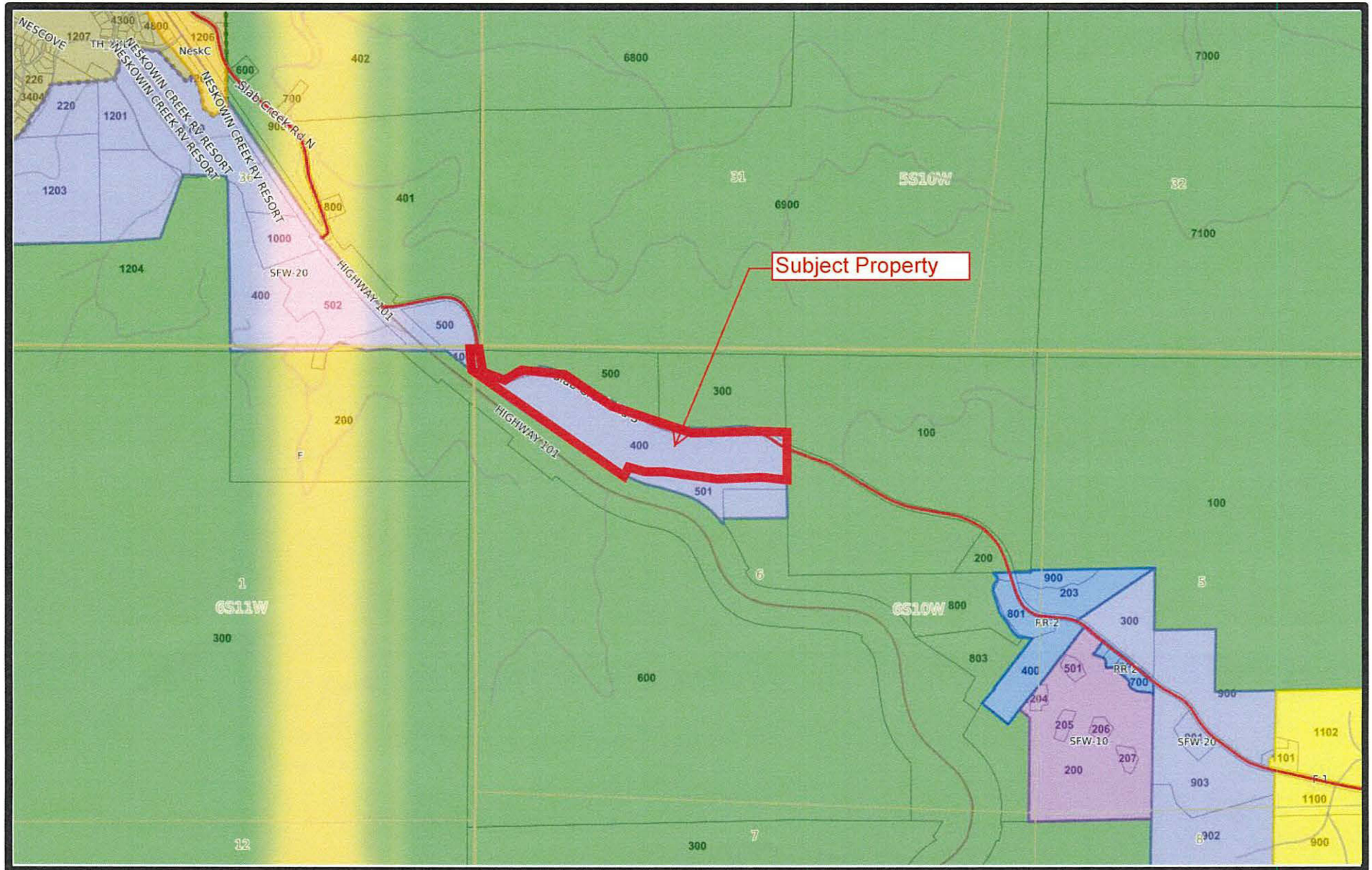
- A. Vicinity, Assessor's, Zoning and Hazard maps
- B. Applicant's submittal
- C. Public and Agency Comments
- D. Study Area Analysis
- E. Soils Maps
- F. "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry
- G. Farm/Forest Practices Covenant

EXHIBIT A

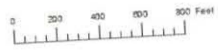
Vicinity Map



Zoning Map



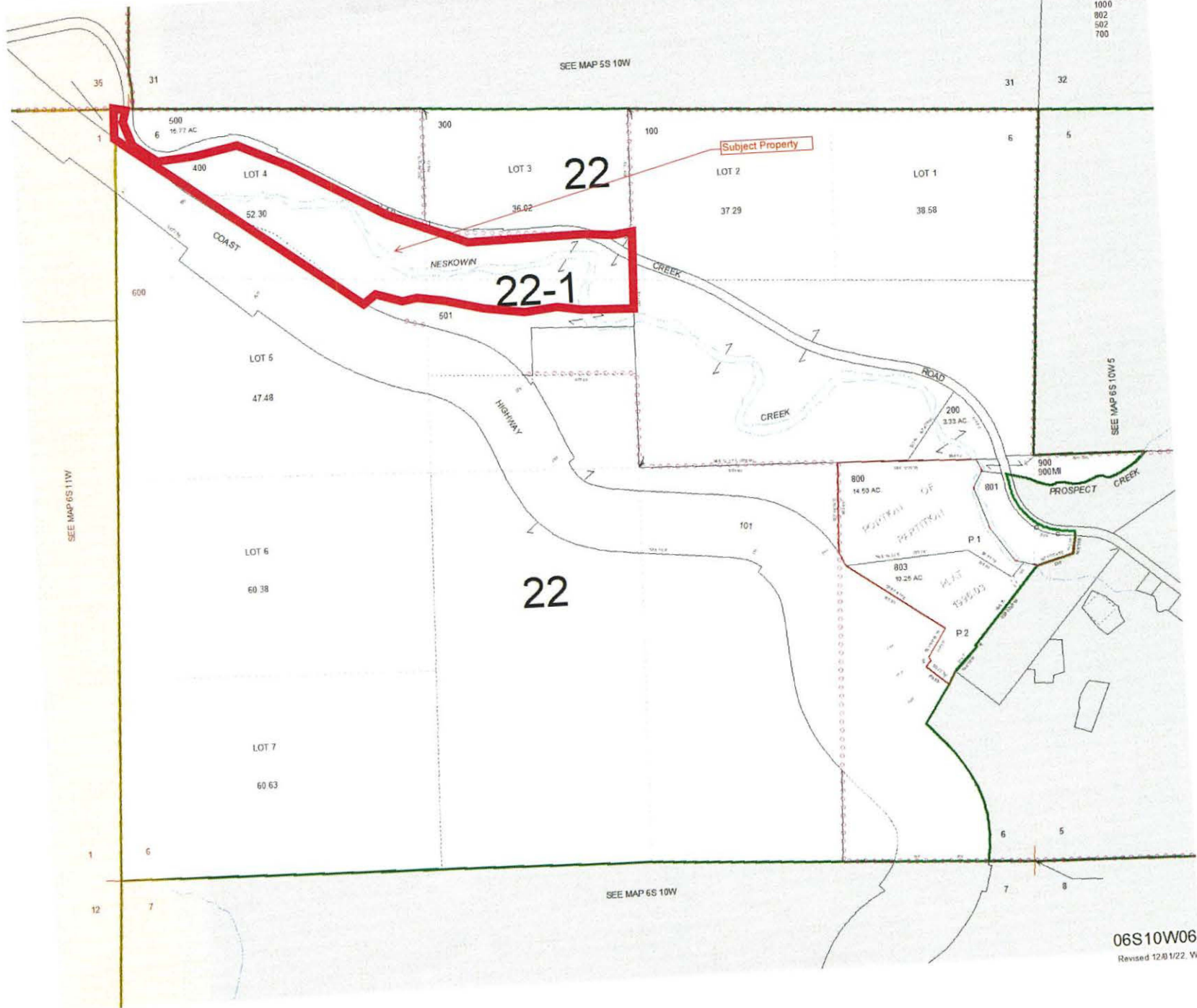
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



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

06S10W06

CANCELLED
1000
802
502
700



06S10W06
Revised 12/01/22 YS

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	
Code Area Total		248,050	37,730	37,591	0	
Grand Total		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
Code Area Total							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
Code Area Total						5,200			4,040

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

LEGEND

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

NARRATIVE

THIS IS A DEPENDENT SURVEY OF A PORTION OF THE CASE TRACTS DESCRIBED IN BOOK 438, PAGE 643 AND BOOK 438, 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.

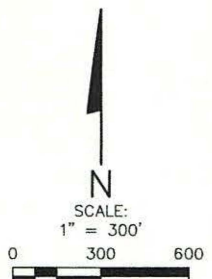
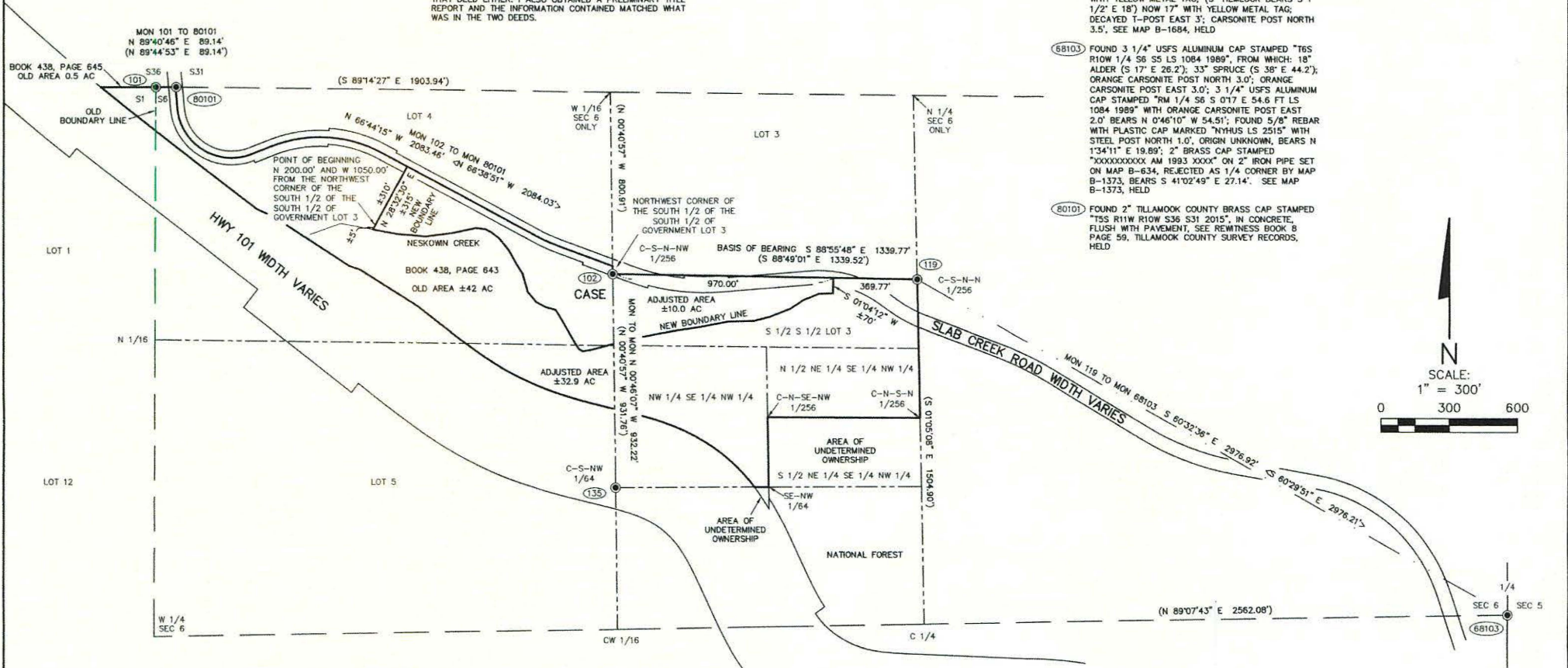
THE RIGHT OF WAYS FOR SLAB CREEK ROAD AND HIGHWAY 101 WERE LAID OUT BY ROTATING MAP F-27-10 TO THE AS-BUILT CENTERLINE OF HWY 101 AND ROTATING MAP F-27-23 TO THE ASBUILT CENTERLINE OF SLAB CREEK ROAD.

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 R11W R10W T6S RPLS 1973 842" IN CONCRETE. FLUSH WITH GRADE. SEE MAP B-1684, HELD FOR SECTION CORNER
- (102) FOUND 3" BRASS CAP STAMPED "1993" REST OF STAMPING IS ILLEGIBLE. 0.4' BELOW GRADE. LEANING SLIGHTLY SOUTH. SEE MAP B-1684, HELD
- (119) FOUND 3" BRASS CAP STAMPED "AM 1993" REST OF STAMPING ILLEGIBLE. 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 S6 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 S6 S 07 E 54.6 FT LS 1084 1989" WITH ORANGE CARSONITE POST EAST 2.0' BEARS N 0°46'10" W 54.5'; 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 XXXXX" 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 PAYEMENT, SEE REMITNESS BOOK 8 PAGE 59, TILLAMOOK COUNTY SURVEY RECORDS, HELD



**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: -4,600,000.000 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 COOT RECORDS)

REGISTERED PROFESSIONAL LAND SURVEYOR
Dallas W. Eplin
OREGON
DECEMBER 3, 2014
DALLAS W. EPLIN
83627
RENEWS: DECEMBER 31, 2023

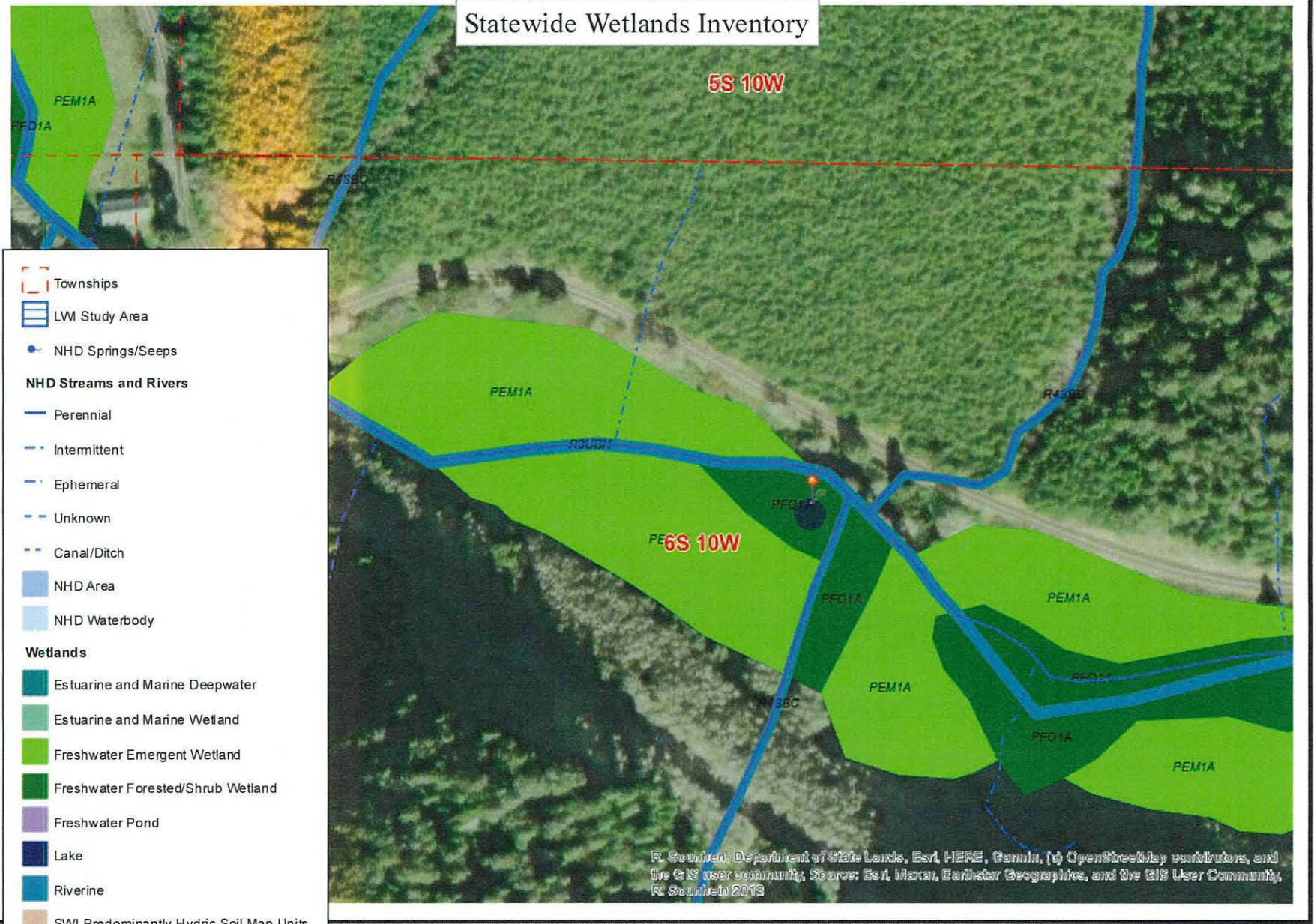
SURVEY BY:
BAYSIDE SURVEYING LLC
11765 HWY 101 SOUTH
TILLAMOOK, OR 97141
503-842-5551
DATE: FEBRUARY 12, 2023
EQUIPMENT: FC-6000 HIPER-VS, ES-103

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: DCA/DGO/ADS
DRAWN: DWE
CHECKED: DWE
JOB NUMBER: #152

TILLAMOOK COUNTY SURVEYORS OFFICE
DATE: August 4, 2023

LGL\CASE-23.DWG
PSV\CASE-ADD.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 fill)
- Estuarine and Marine Wetland (Medium teal fill)
- Freshwater Emergent Wetland (Light green fill)
- Freshwater Forested/Shrub Wetland (Dark green fill)
- Freshwater Pond (Purple fill)
- Lake (Dark blue fill)
- Riverine (Blue fill)
- SWI Predominantly Hydric Soil Map Units (Light brown fill)
- SWI Agate-Winlo Soils (Dark brown fill)

R. Sounth, 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. Sounth 2019



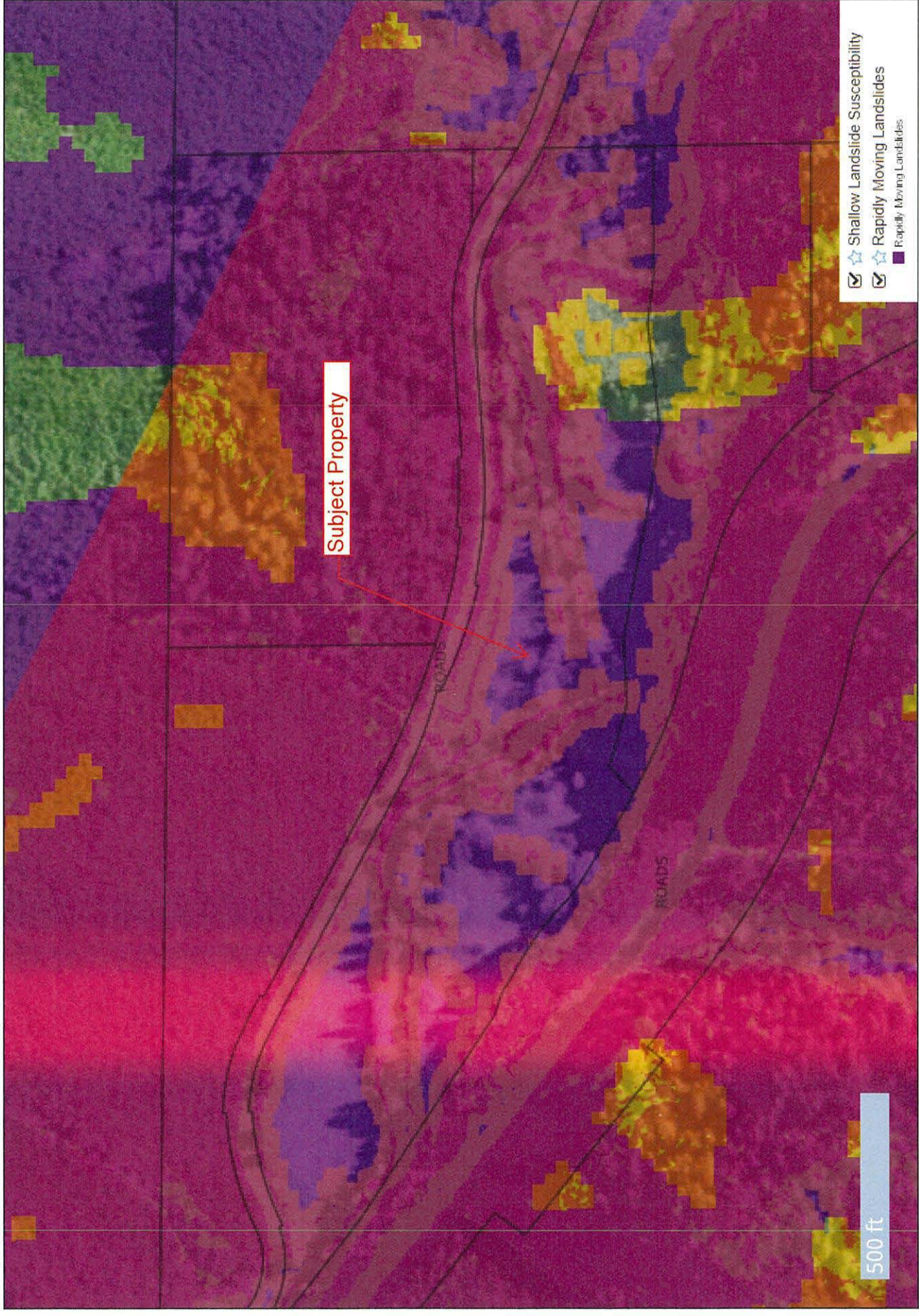
The Statewide Wetlands Inventory (SWI) represents the best data available at the time this map was published and is updated as new data becomes available. In all cases, actual field conditions determine the presence, absence and boundaries of wetlands and waters (such as creeks and ponds). An onsite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



Date: 9/18/2023



Hazard Map



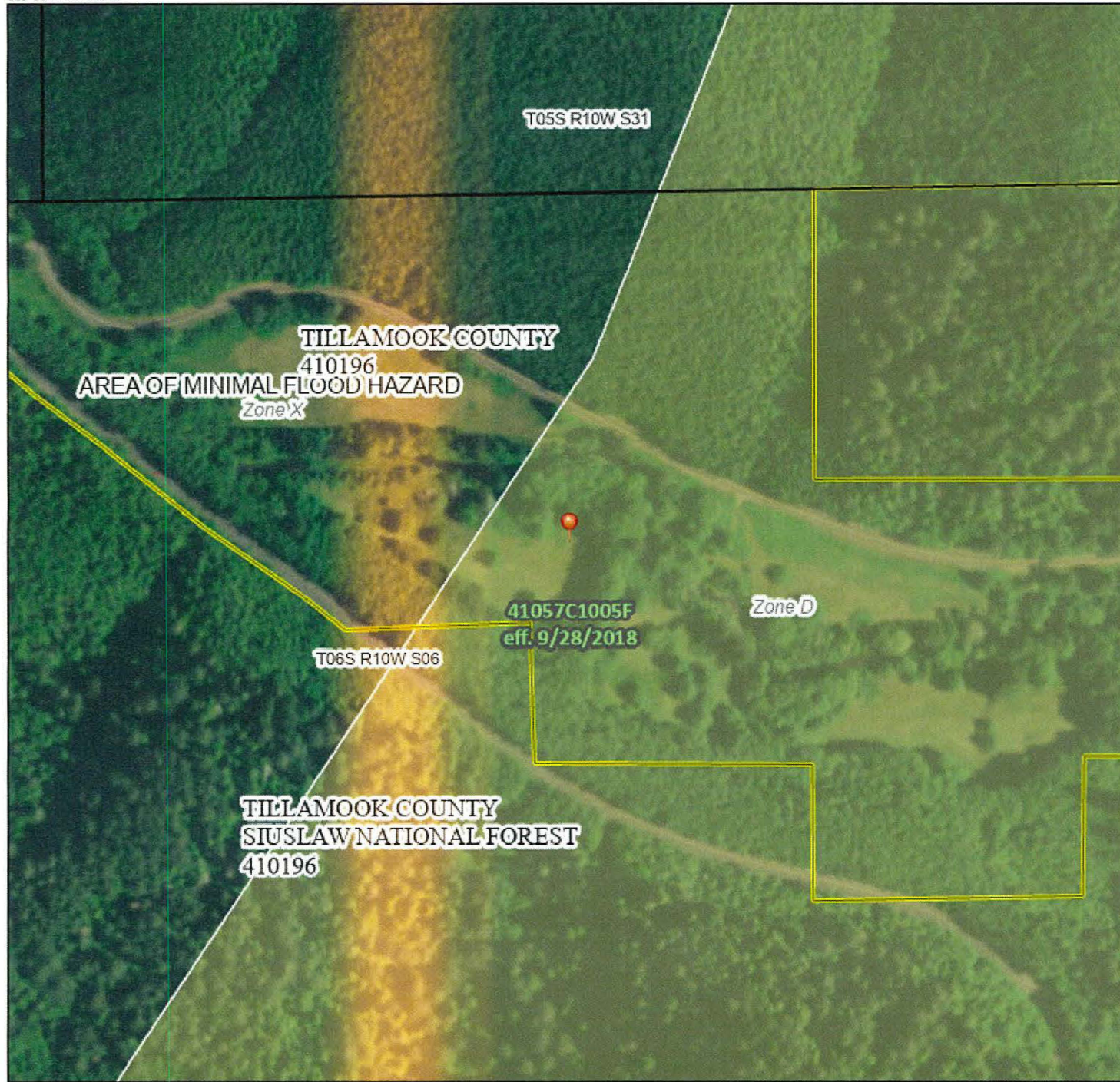
Disclaimer: The spatial information hosted at this website was derived from a variety of sources. Care was taken in the creation of these themes, but they are provided "as is". The state of Oregon, or any of the data providers cannot accept any responsibility for errors, omissions, or positional accuracy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



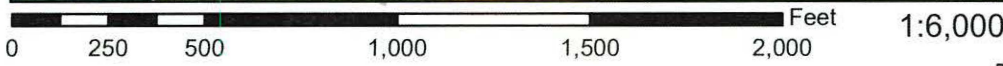
123°58'W 45°5'20"N



Legend

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

- SPECIAL FLOOD HAZARD AREAS**
 - Without Base Flood Elevation (BFE) Zone A, V, A99
 - With BFE or Depth Zone AE, AO, AH, VE, AR
 - Regulatory Floodway
 - OTHER AREAS OF FLOOD HAZARD**
 - 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone AE
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee. See Notes. Zone X
 - Area with Flood Risk due to Levee Zone D
 - OTHER AREAS**
 - NO SCREEN Area of Minimal Flood Hazard Zone X
 - Effective LOMRs
 - Area of Undetermined Flood Hazard Zone X
 - GENERAL STRUCTURES**
 - Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall
 - OTHER FEATURES**
 - Cross Sections with 1% Annual Chance Water Surface Elevation (e.g., 20.2, 17.5)
 - 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.



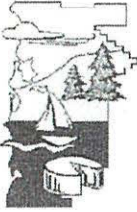
123°57'22"W 45°4'55"N

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	
RECEIVED	
AUG 02 2023	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #: 133484	
Fees: 2,520.00	
Permit No:	
85192-000187-PLNG	

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

Type II

- Farm/Forest Review
- Conditional Use Review
- Variance
- Exception to Resource or Riparian Setback
- Nonconforming Review (Major or Minor)
- Development Permit Review for Estuary Development
- Non-farm dwelling in Farm Zone
- Fore-dune Grading Permit Review
- Neskowin Coastal Hazards Area

Type III

- Detailed Hazard Report
- Conditional Use (As deemed by Director)
- Ordinance Amendment
- Map Amendment
- Goal Exception
- Nonconforming Review (As deemed by Director)
- Variance (As deemed by Director)

Type IV

- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

Location:



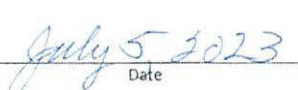
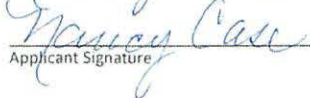

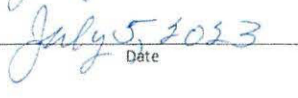
Site Address: none

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 Case¹ (“**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’ –

¹ 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)).² Therefore, only nine (9) of the properties within the Study Area potentially qualify for a nonfarm or lot-of-record dwelling after the

² 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.

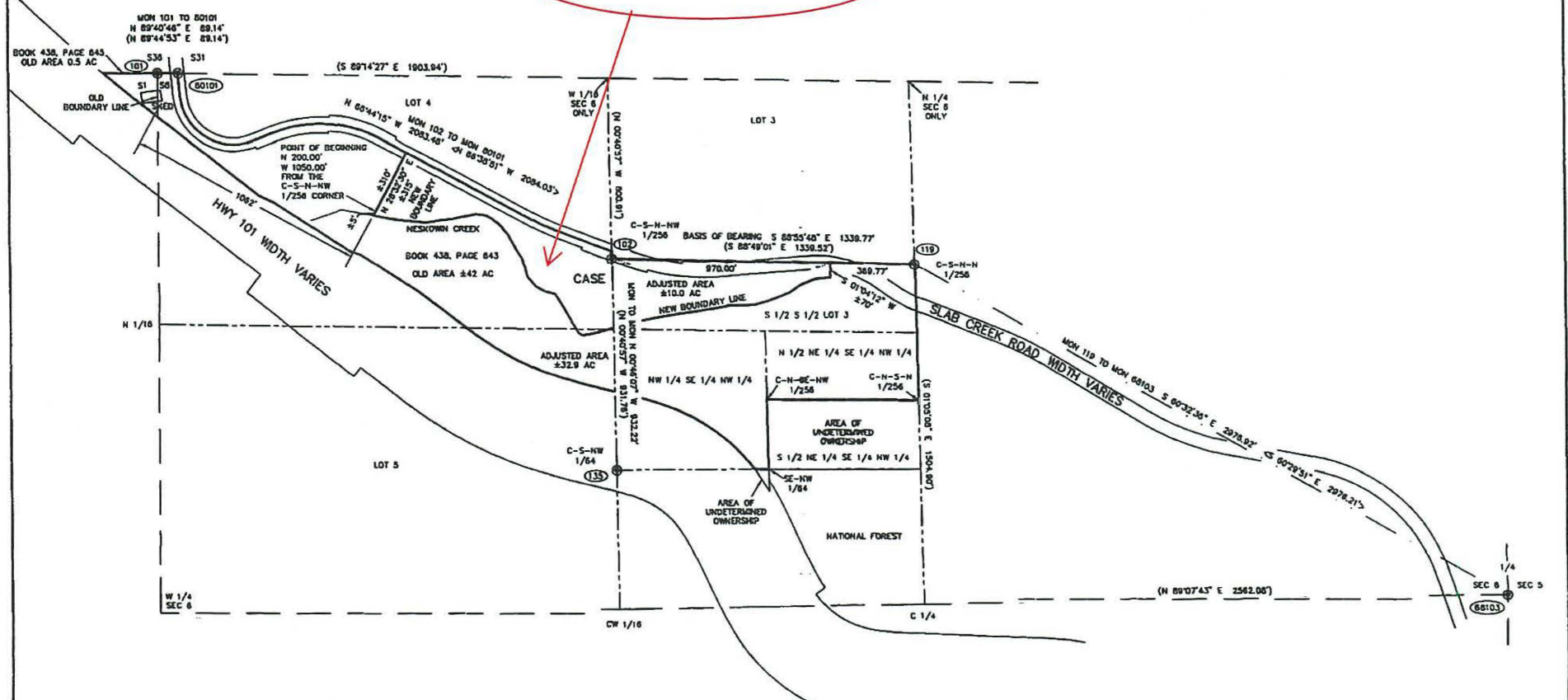
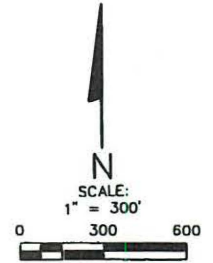
Easement, including the terms and provisions thereof,

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 <i>Dallas Esplin</i> OREGON DECEMBER 3, 2014 DALLAS W. ESPLIN 83827 RENEWS: DECEMBER 31, 2025	SURVEY BY: BAYSIDE SURVEYING LLC 11765 HWY 101 SOUTH TILLAMOOK, OR 97141 503-842-5551	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			
		DATE FEBRUARY 12, 2023	EQUIPMENT FC-8000 HPER-V, ES-103	FIELD DCA/DGD/ADS	DRAWN DWE

LGL\CASE-23.DWG
PS\CASE-400.DWG
CASE-N.DRS

EXHIBIT 4



Image U.S. Geological Survey

Oregon Coast Hwy

Meskowiin Creek RV Resort

101

5/1994

owin Ghost Forest

Go

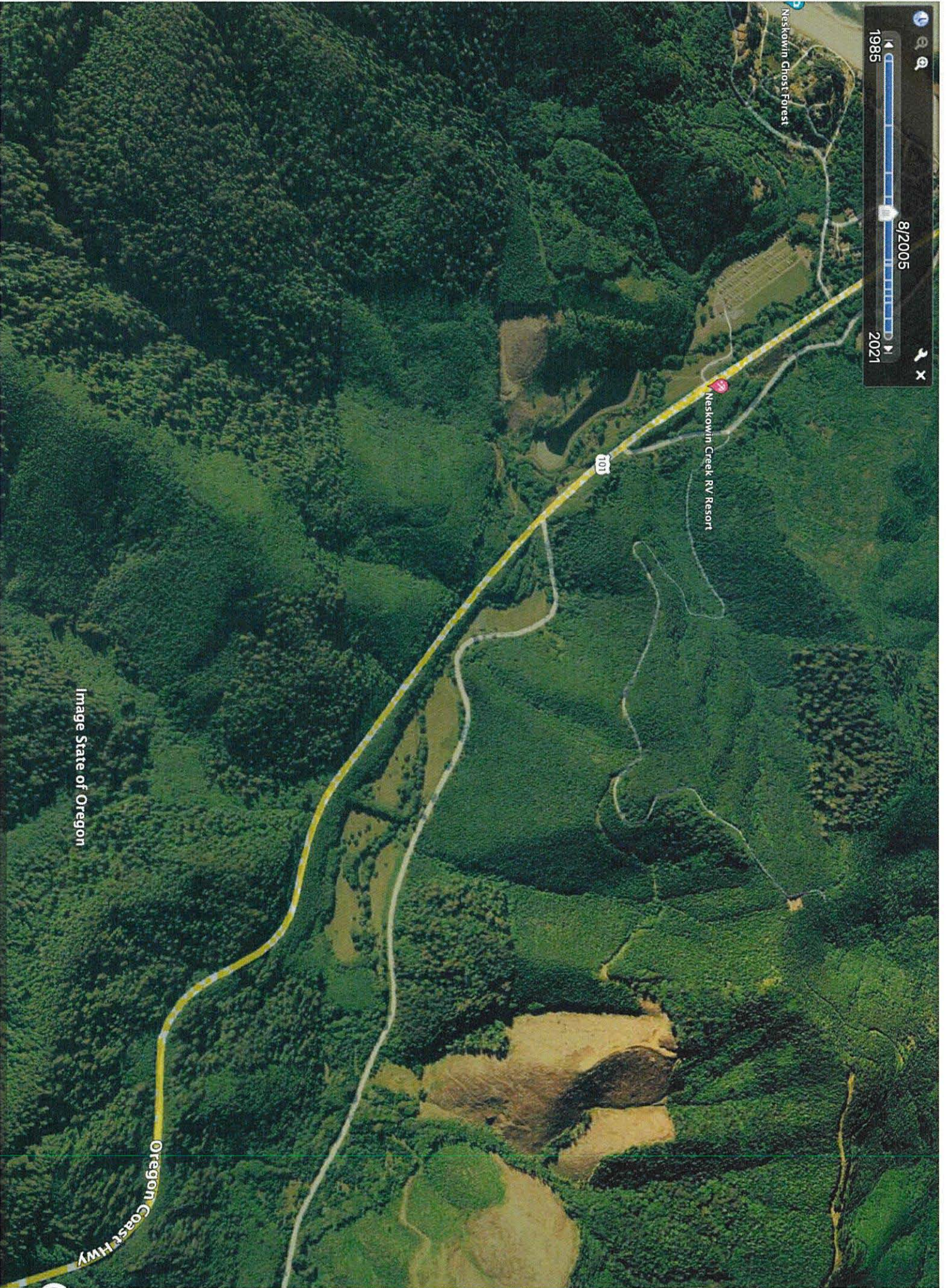


Image State of Oregon

Oregon Coast Hwy

101

Neskowin Creek RV Resort

Neskowin Ghost Forest

1985

8/2005

2021

1985 8/2016 2021

N

101

Slab Creek Rd

Slab Creek Rd

Neskowin Creek

Fall Creek

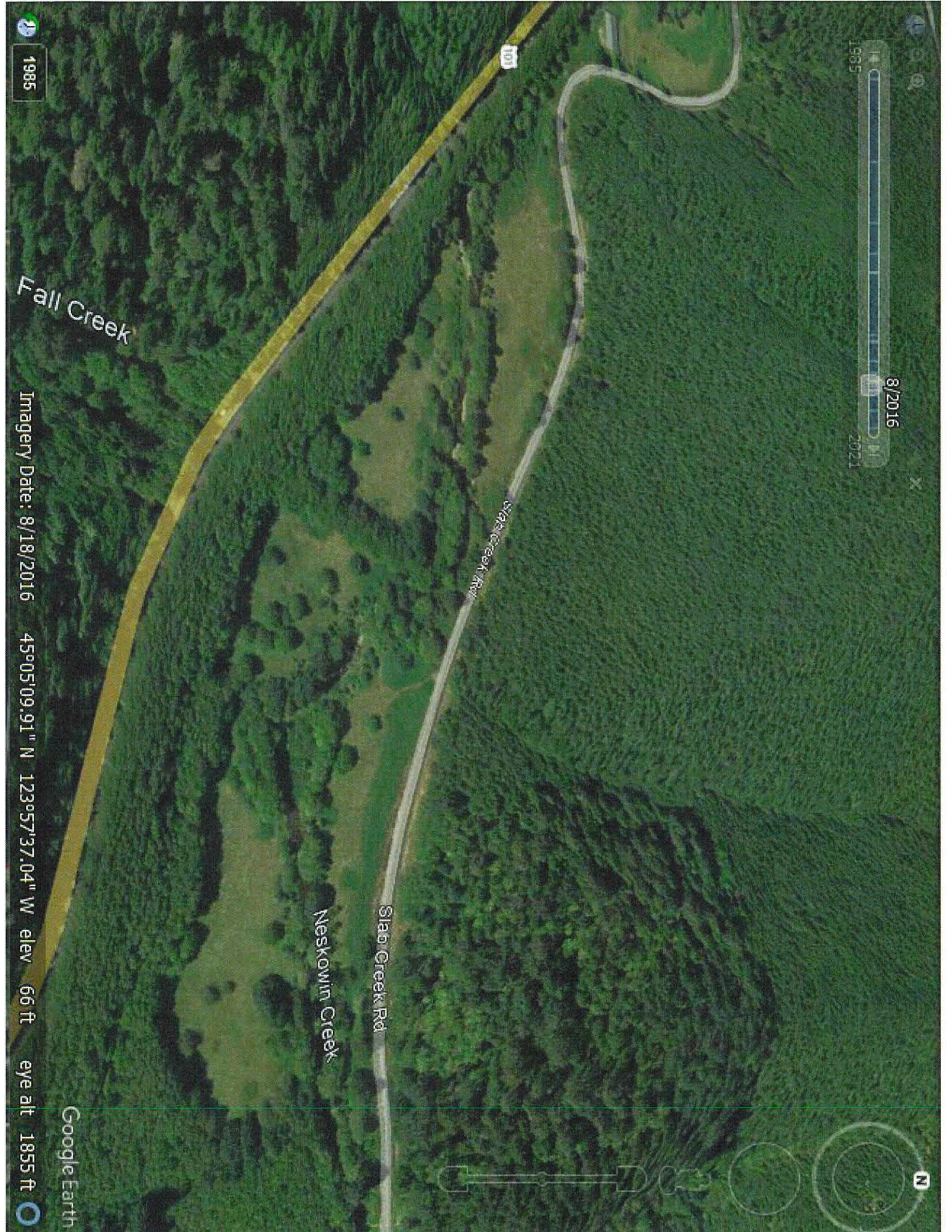
1985

Imagery Date: 8/18/2016

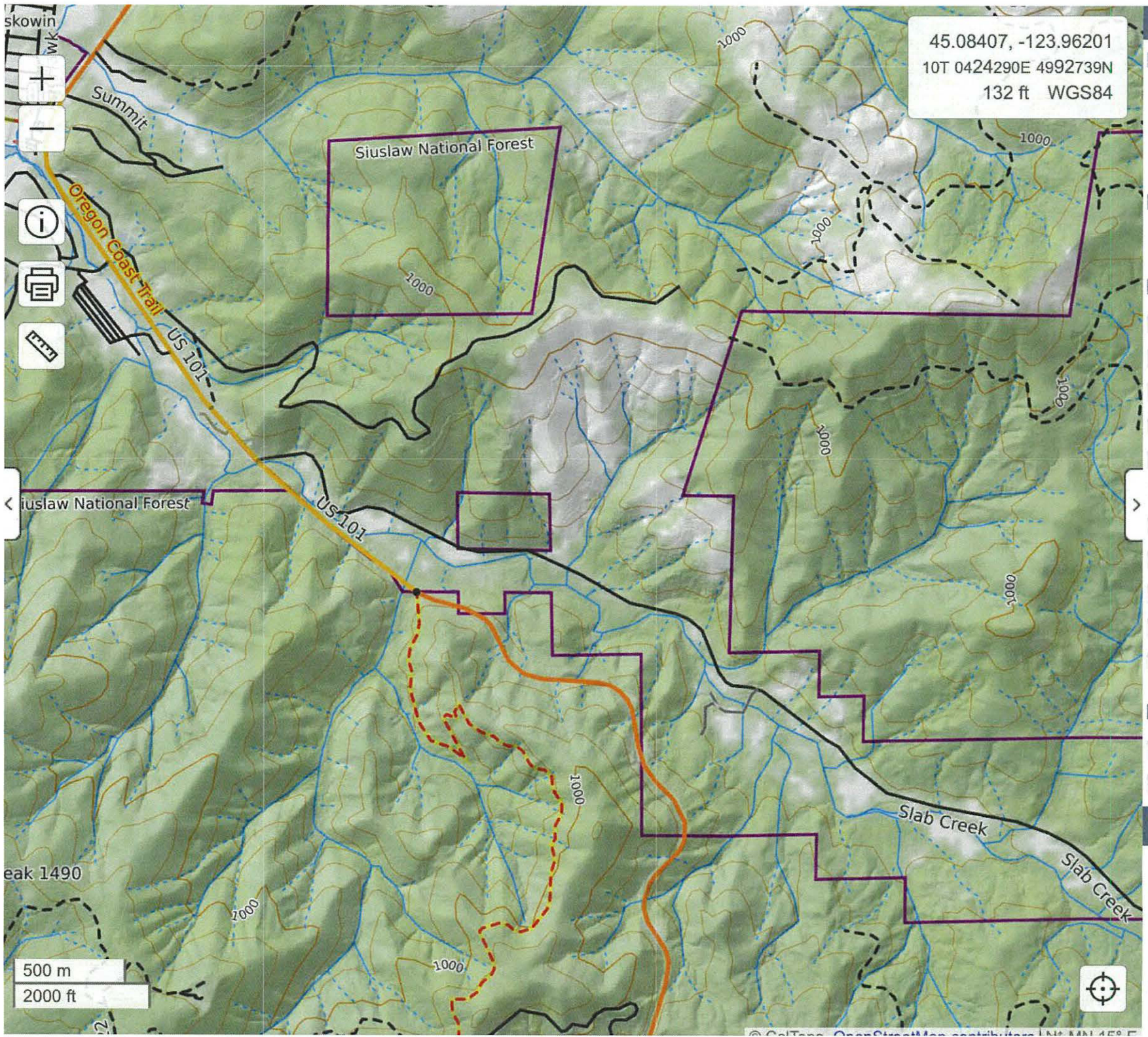
45°05'09.91" N 123°05'37.04" W elev 66 ft

eye alt 1855 ft

Google Earth



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



skowin
wk

Summit

Oregon Coast Trail

US 101

Siuslaw National Forest

US 101

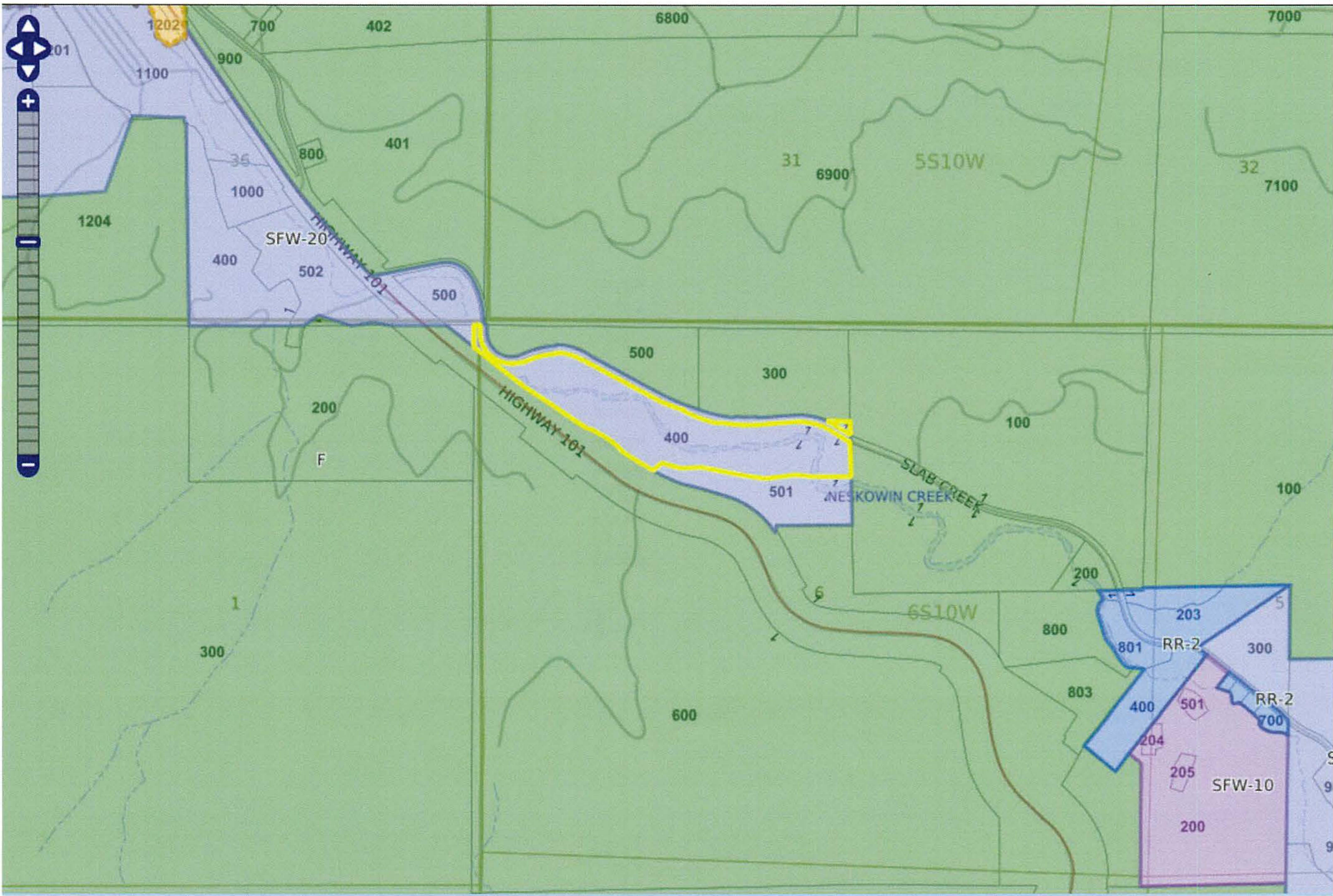
Peak 1490

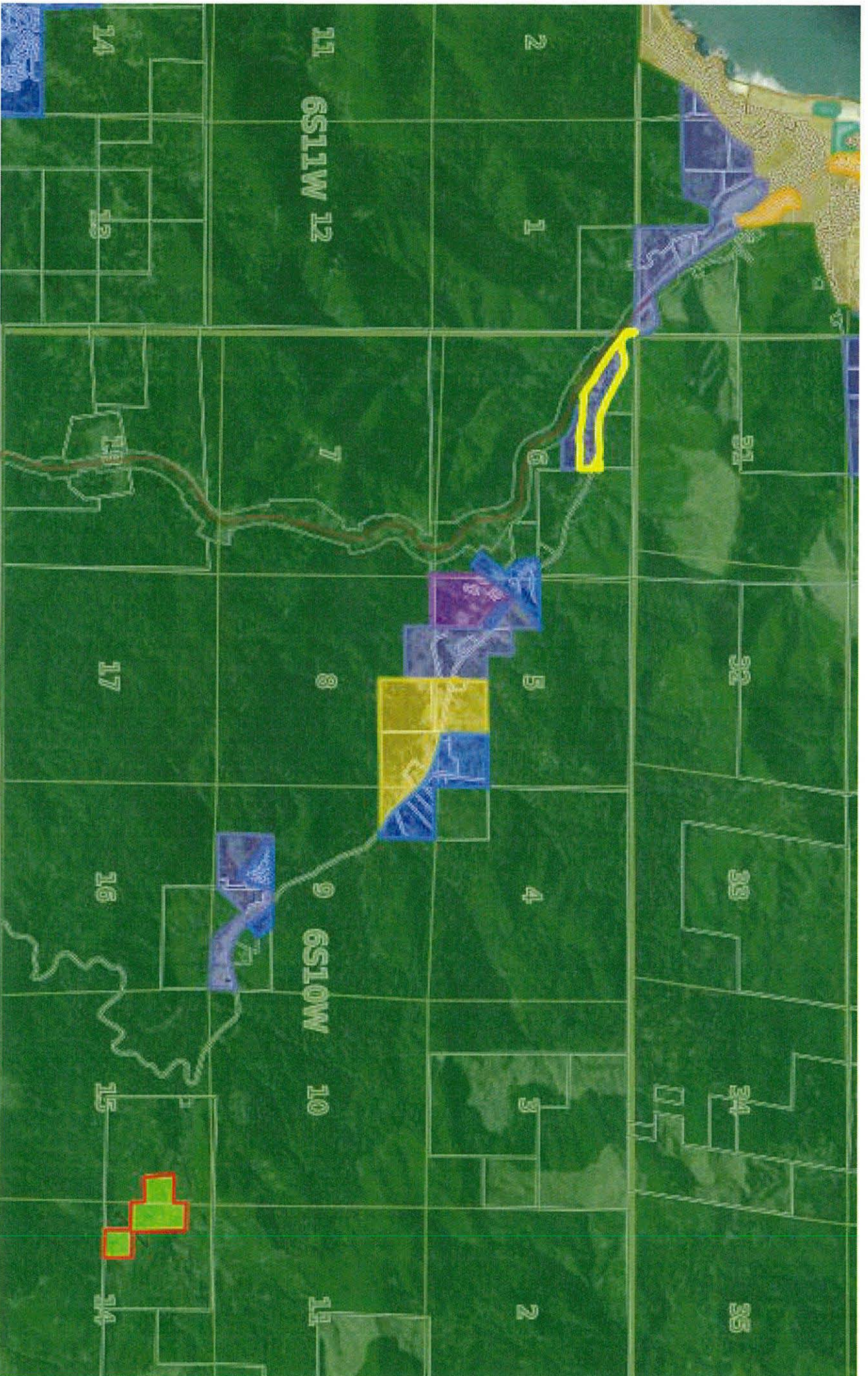
Slab Creek

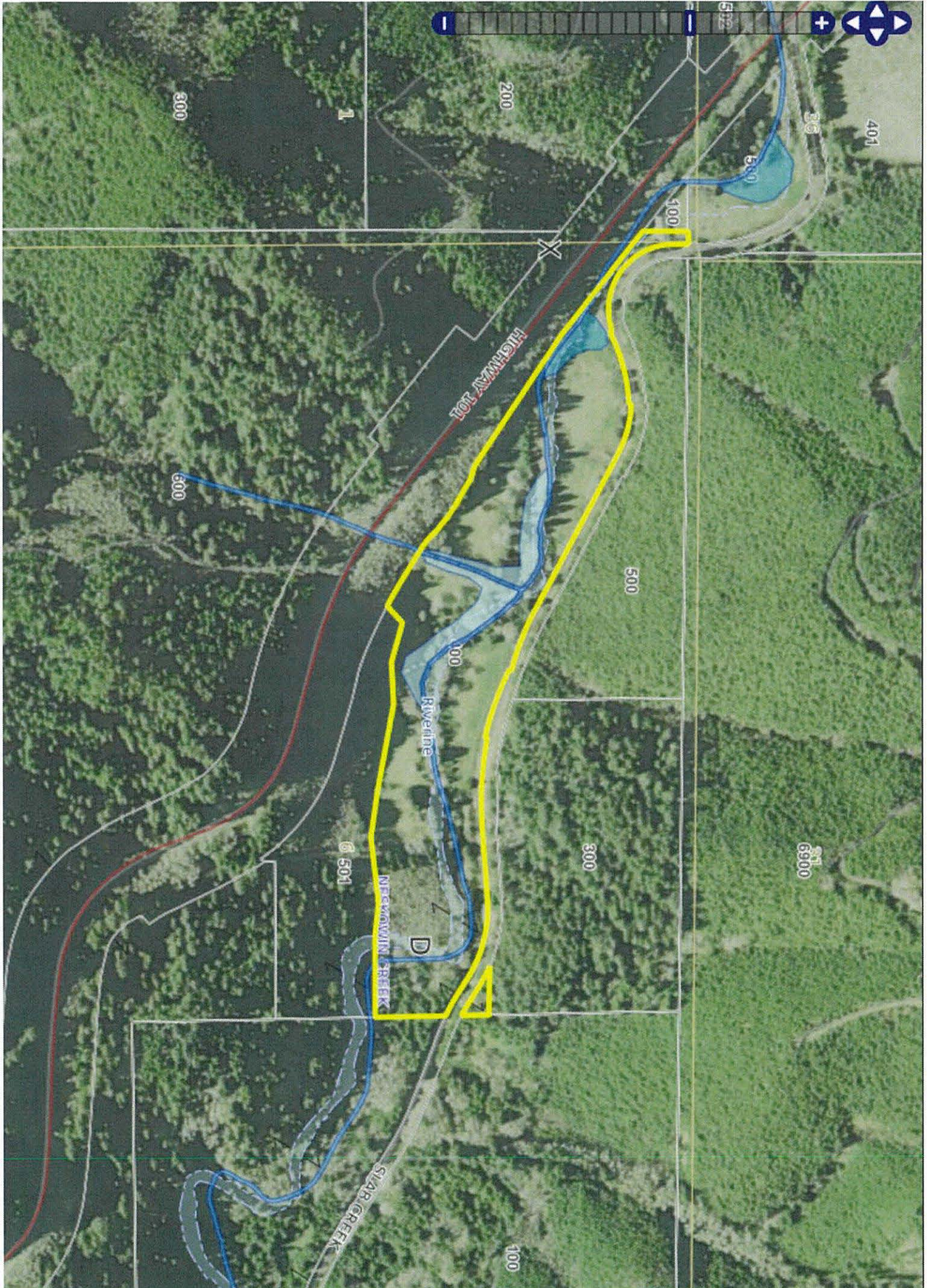
Slab Creek

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,

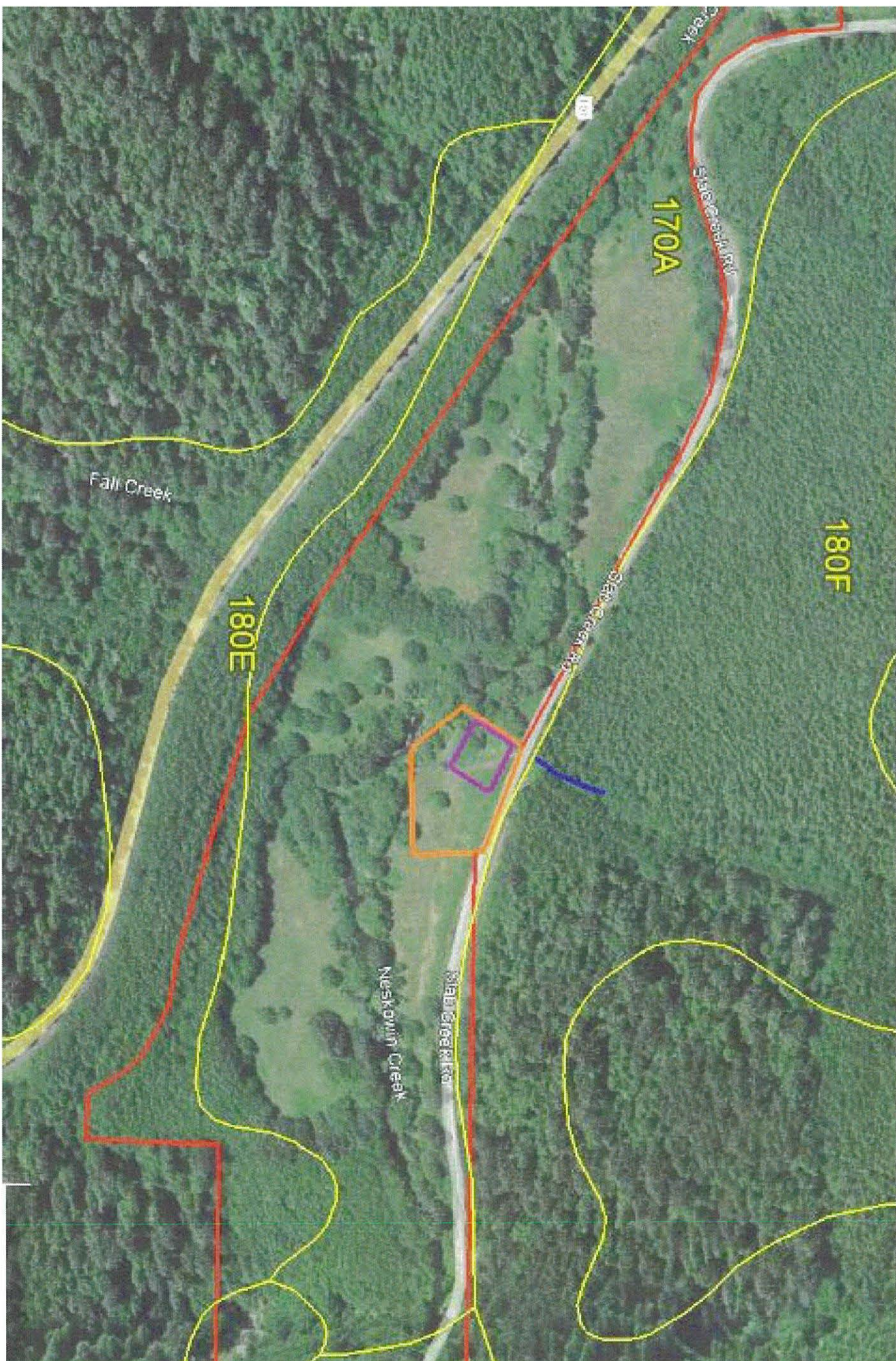
We are writing in reference to the Case family's application for a conditional use permit to build a home on their property on Slab Creek Road in Neskowin. My wife and I run a small diversified vegetable and specialty crop farm just up the road at 8605 Slab Creek Rd, called Corvus Landing Farm. We have 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



170A

180F

180E

Fall Creek

Creek

State Street Creek

State Street Rd

Nesqueum Creek

160

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)

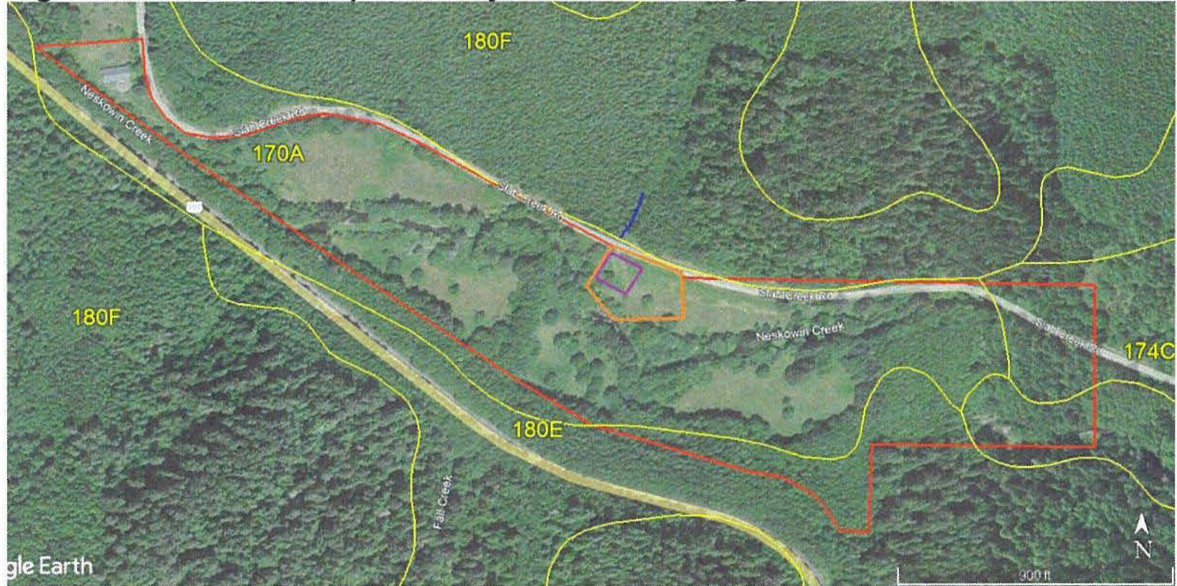
NRCS, Websoilsurvey

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.



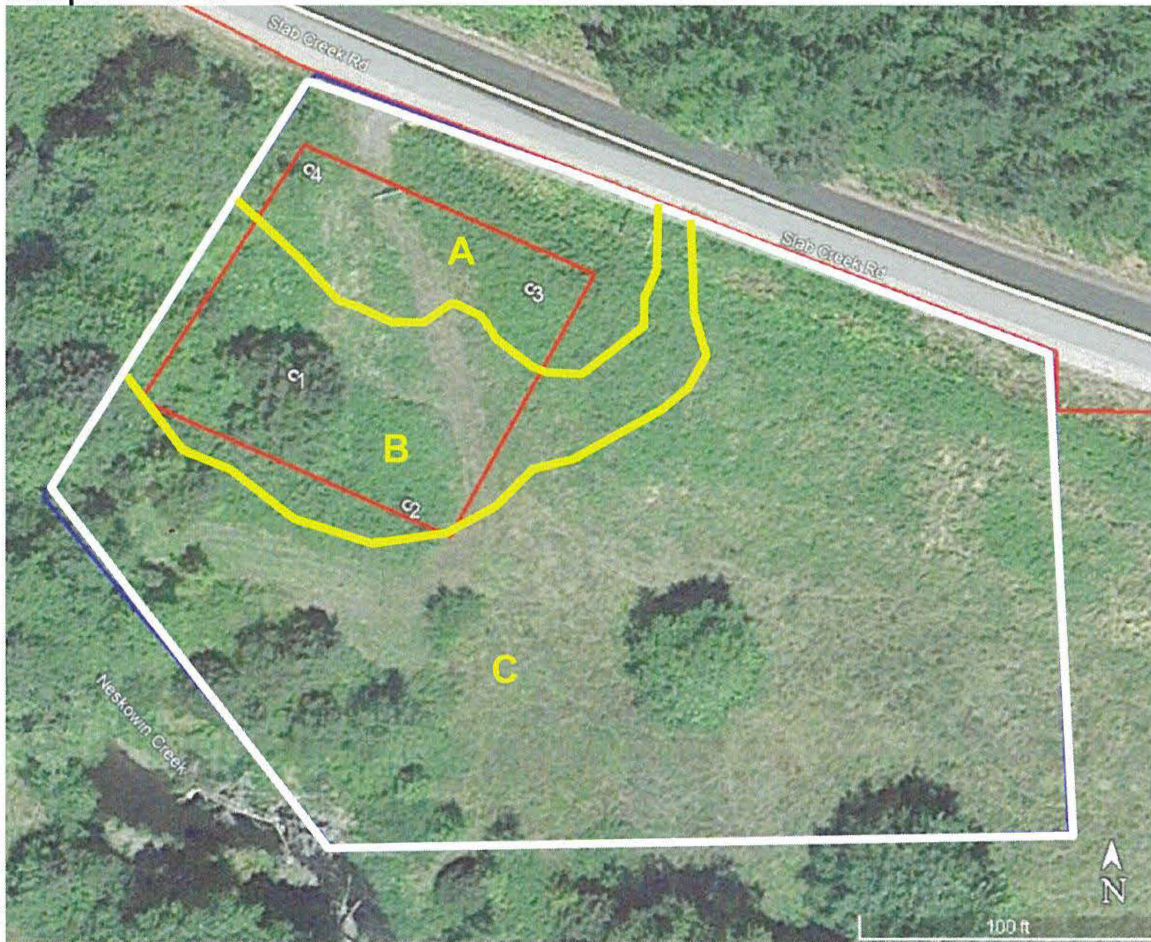
NRCS Soil Map Legend

SYMBOL	Name	Capability Class
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

Symbol	Map unit	Capability Class	Acres
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

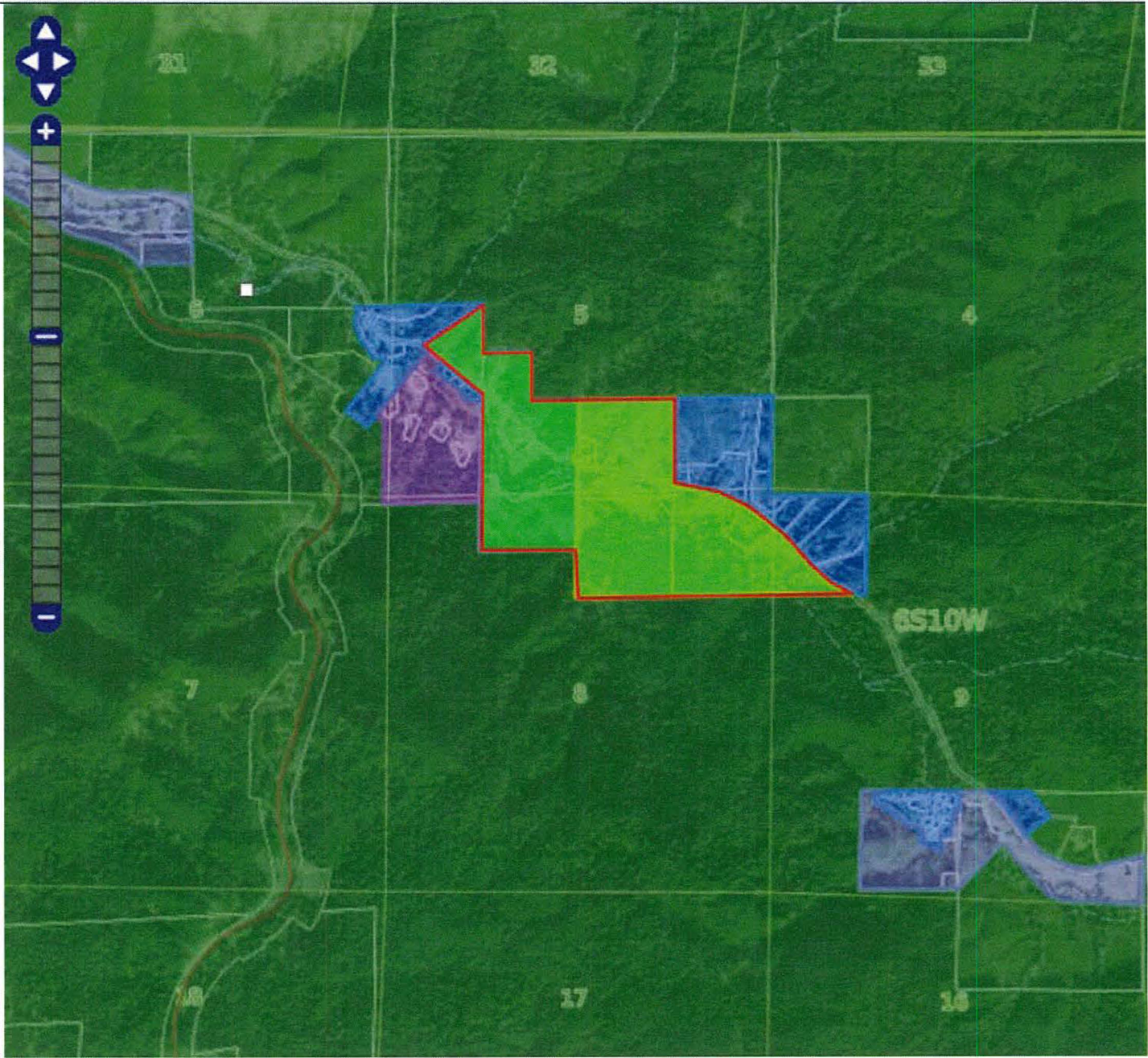
Jump To:

Catalog Identify Measure Area

Total:

Units:

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



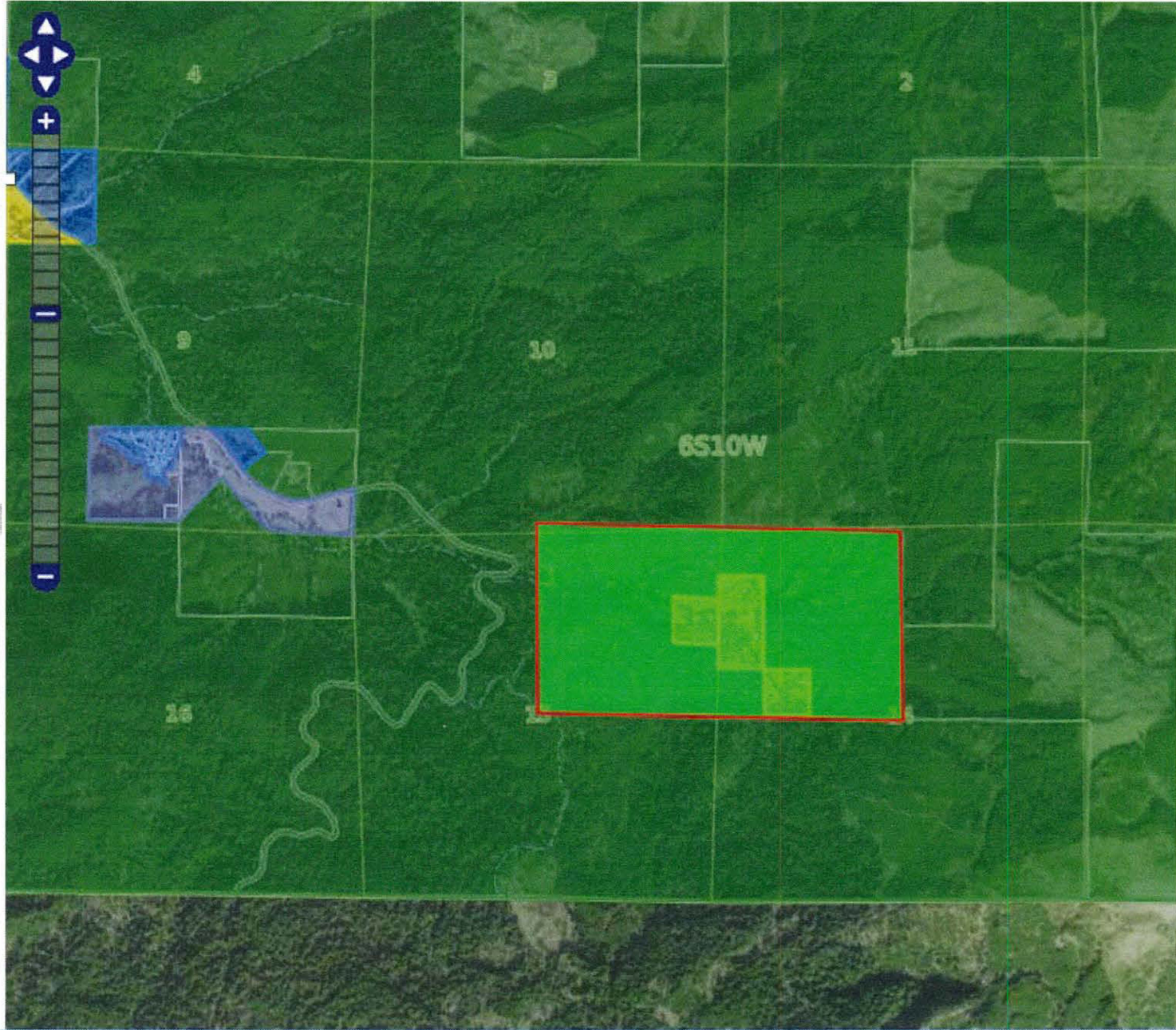
Jump To:

Catalog Identify Measure Area

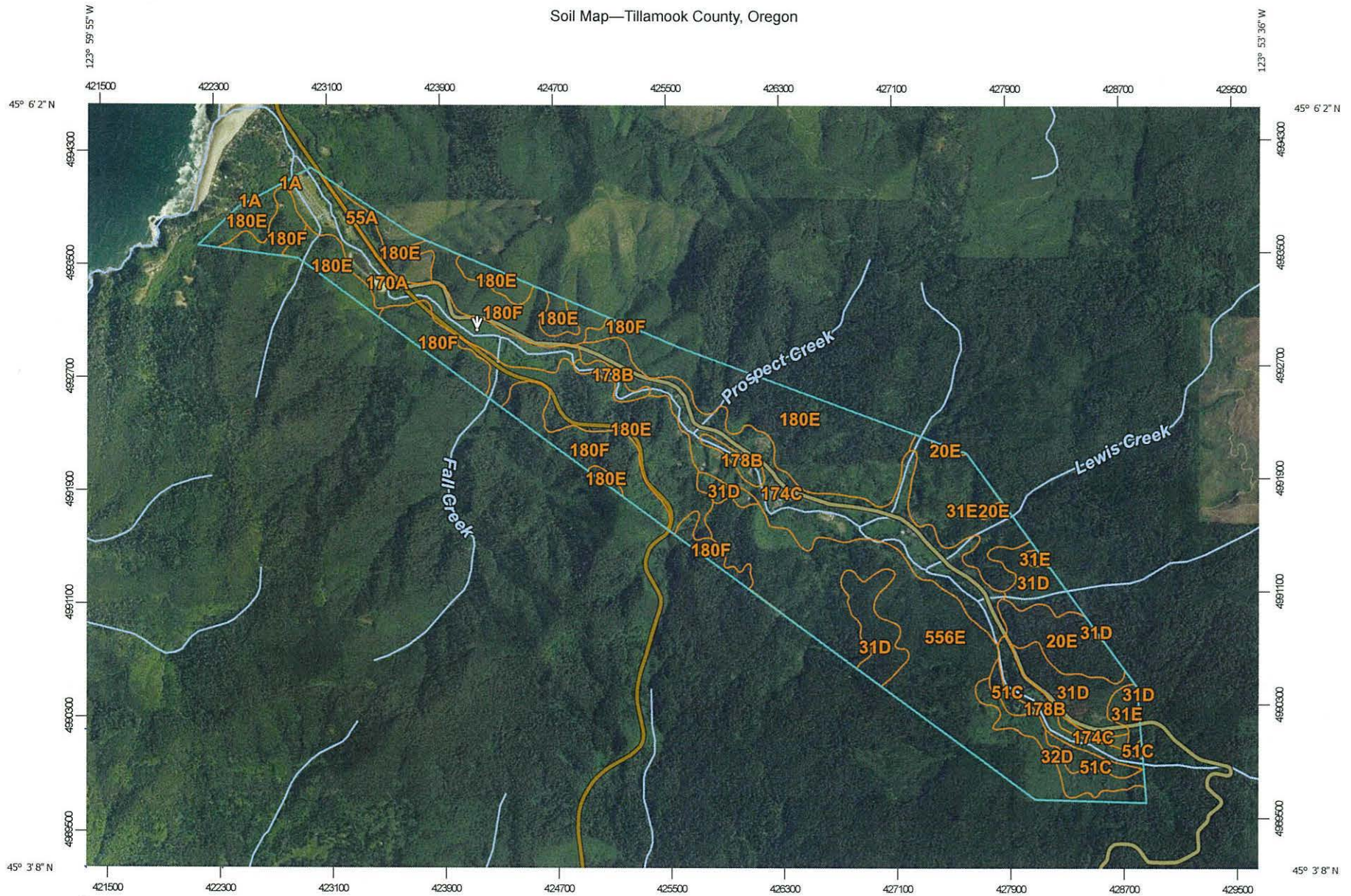
Total:

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



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

2/21/2022
Page 1 of 3

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	Klootchie-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	Logsdan 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%
Totals for Area of Interest		2,035.4	100.0%

To Be Provided Electronically

Case Study Area

Property	Ownership	Acquisition Date	Size	Zoning	Dwelling?	Soils?	Assessed Forestland?	Other Issues?
STUDY AREA PART 1								
-	651006-00-00400	Case	2002	33.89	SFW-20	No		Subject Property
1	651006-00-00501	Case	2002	11.78	SFW-20	No	Classified Forest Land	Disqualified if Application Approved
2	651006-00-00300	USA		36.02	F	No	Classified Forest Land	
3	651006-00-00500	Weyerhaeuser Timber Holdings, LLC	2021?	15.77	F	No	Classified Forest Land	
4	651011-00-00100	Case	2002	0.54	SFW-20	No		Disqualified if Application Approved
5	551136-00-00500	Case	2002	5.84	SFW-20	No		Disqualified if Application Approved
6	551136-00-00502	Neskowin Regional Sanitary Authority		15	SFW-20	No		Commercial Improvements
7	551136-00-01000	Neskowin Regional Sanitary ?		6.42	SFW-20	No		Commercial Improvements
8	551136-00-00400	Keith & Nancy Kruse	?	21	SFW-20	No	Designated Forest Land	Check for LOR potential? Access issues?
9	551136-00-01100	Sound Pacific Resources of Oregon Inc.	2005	6.38	SFW-20	Yes (1984)		RV Park - Commercial Improvements
14	651006-00-00100	Weyerhaeuser Timber Holdings, LLC	?	150.63	F	No	Yes-all	
15	651006-00-00200	Eric F. Scott RLT	2018	3.33	F	Yes - 7905 Slab Creek (1950)	No	
16	651006-00-00800	Amy Kromm-Osenar & Andrew Osenar	2020	14.25	F	Yes - 7957 Slab Creek Road (1978)	No	Subject to PP 1996-03
17	651006-00-00803	Bruce & Mary Pounding	pre-1985	10.25	F	Yes - 7999 Slab Creek Road (1981)		Subject to PP 1996-03
			Total Study Area Part 1 = 331.10		13			
STUDY AREA PART 2								
22	651005-00-00300	Asia & Peter Moore	2015	9.25	SFW-20	No	Yes-all	
23	651005-00-00900	James & Kathleen Emmerson	pre-1985	21.05	SFW-20	Two Homes (1930 & 1997) - 8550 Slab Creek Road	11 acres designated forestland	Subject to PP 1993-25
24	651005-00-00901	Leland Leatherman	2009	2.57	SFW-20	Yes - two homes (2000 & 2014) - 8601 Slab Creek Road	No	Subject to PP 1993-25 & 1996-5
25	651005-00-00903	Leland Leatherman	2021	18.4	SFW-20	Yes - 8605 Slab Creek (1994)	No	Subject to PP 1993-25 & 1996-5
26	651005-00-00902	John & Denise Sutton	1995 (confirm)	23	SFW-20	No	Yes - all	
27	651005-00-01102	Duane Silbernagel	2021	26.7	F-1	Yes - 9490 Slab Creek Road (1955)	Yes (24 acres)	
28	651005-00-01101	Steven Andescavage	2013	1.93	F-1	Yes - 9050 Slab Creek Road (1960)	No	
29	651005-00-01100	Caroline & Michael Lees	2014	8.49	F-1	No	No	
30	651000-00-00900	Caroline & Michael Lees	2014	38.28	F-1	No	Designated Forest Land (26 acres)	
31	651000-00-01100	Geo & Margot Thompson	pre-1985	52.4	F-1	No	No	Some evidence of farming (but not entire parcel) (Class IV soils) - Class 6 on forest
32	651000-00-01101	Nestucca Valley School	n/a	4.59	F-1	No	No	School improvements; Class IV soil (entirely)

Total Study Area Part 2 = 206.66

11

Predominate use in 1993 was Forest (F Zone Applies)

STUDY AREA PART 3								
33	651009-CD-04301	Carl York & Linda York RLT	1996 (confirm)	25.86	SFW-20	No	Classified forest land	Subject to PP 1996-02
34	651009-CD-04400	Silver Valley Water Users Association Inc.	1990 (confirm)	1	SFW-20	No	No	
35	651009-CD-04302	David & Kimberly Desau	2000	1.96	SFW-20	No	Designated forest land	M47 Property
36	651000-00-01400	David & Kimberly Desau	2000	6.5	SFW-20	Yes - 11000 Neskowin Trace (1996)	Yes - 5.50 acres	M47 Property
37	651000-00-01301	Eva Sharlene Peters Trust	2016	121.72	F (99.0 acres); SFW-20 (25.0 acres)	Yes - 11495 Slab Creek (1928)	Yes - 99 acres	Subject to PP 2010-05 M47 Property
38	651000-00-01303	Steven D Wyatt & Kay D. Wyatt Living Trust	2014	4.99	F	Yes - 11550 Slab Creek (2015)	No	Subject to PP 2010-05
39	651000-00-01302	Beth & Clint Ventl	2020	5	F	No	Yes - Classified Forestland	Subject to PP 2010-05
			Total Study Area Part 3 = 167.03		7			

Predominate use in 1993 was Forest (F Zone Applies). Also does not qualify for LOR because home on tract

M47 Property
M47 Property
M47 Property

STUDY AREA PART 4								
40	651000-00-02300	Weyerhaeuser Timber Holdings, Inc.	2020	279	F	No	Yes - Classified Forestland	
41	651000-00-02400	Weyerhaeuser Company	2020	9	F-1	No	Yes - Classified Forestland	
42	651000-00-02200	Songberry Sanctuary, LLC	2022	29.73	F-1	No	No	
43	651000-00-02600	Hailer Family	??	1	F-1	No	Yes - Classified Forestland	
			Total Study Area Part 4 = 318.73		4			

TOTAL = 1,023.52

- Forest Zone
- Disqualified because home already in existence on lot
- SFW 20 - Predominate Forest Use
- Both Public ownership and presumed unsuitable forest soils
- Forest Assessment, presumed suitable or evidence of farming activity
- Disqualified from LOR dwelling b/c acquired after 1985
- Possible Nonfarm dwelling
- Possible Nonfarm Dwelling or LOR Dwelling
- Public Ownership

EXHIBIT

C

Melissa Jenck

From: ATWOOD Paul M * ODFW <Paul.M.ATWOOD@odfw.oregon.gov>
Sent: Tuesday, September 26, 2023 11:57 AM
To: Melissa Jenck
Subject: EXTERNAL: FW: Conditional Use Request 851-23-000287-PLNG: Case

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

Hi Melissa,

I have a few wildlife related comments below. Please let me know if you have any questions or need clarification.

ODFW recommends that all standing live trees and native vegetation be retained at the site. The conditional use request for a single family dwelling occurs in an area of known wildlife use, including many species of big game. Any development at the site should consider this fact and the property developed in a manner to reduce any conflict with native wildlife. Activities at the site should be timed to avoid critical nesting periods of protected wildlife, including migratory birds.

Paul Atwood
District Wildlife Biologist
Oregon Department of Fish and Wildlife
4907 Third Street
Tillamook, OR 97141
Office: (503) 842-2741
Cell: 971-205-9121

My email address has changed to: Paul.M.Atwood@odfw.oregon.gov

From: BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov>
Sent: Monday, September 25, 2023 11:54 AM
To: ATWOOD Paul M * ODFW <Paul.M.ATWOOD@odfw.oregon.gov>
Subject: FW: Conditional Use Request 851-23-000287-PLNG: Case

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: Wednesday, September 20, 2023 11:21 AM
To: Melissa Jenck <mjenck@co.tillamook.or.us>
Subject: Conditional Use Request 851-23-000287-PLNG: Case

Please see link for Notice of Administrative Review, thank you.

<https://www.co.tillamook.or.us/commdev/project/851-23-000287-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

Lynn.Tone@tillamookcounty.gov

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*

WN2023-0763

Responsible Jurisdiction

Staff Contact

Lynn Tone

Jurisdiction Type

County

Municipality

Tillamook

Local case file #

851-23-000287-PLNG

County

Tillamook

Activity Location

Township

06S

Range

10W

Section

06

QQ section

Tax Lot(s)

400

Street Address

Between Slab Creek Rd and Hwy 101

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Tillamook

Latitude

45.085339

Longitude

-123.959714

Wetland/Waterway/Other Water Features



There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

The National Wetlands Inventory shows wetland, waterway or other water features on the property

The property includes or is adjacent to designated Essential Salmonid Habitat.

Your Activity



It appears that the proposed project **may** impact Essential Salmonid Habitat and, therefore, **may** require a State permit.

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

Closing Information

Additional Comments

Most of the parcel, including the proposed building envelope, is mapped as wetland by the National Wetlands Inventory. Neskowin Creek is designated Essential Salmonid Habitat; any ground impact below the ordinary high water or within adjacent wetlands would require a state permit. A wetland delineation should be conducted and approved by DSL prior to any ground impacts, placement of fill material, or installation of utilities, access, etc. We recommend delineation of a larger portion of the site in case the building envelope is mostly wetlands, in which case an alternative location would have to be identified.

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

10/19/2023

Response by:

Lynne McAllister

Response Phone:

503-986-5300

EXHIBIT

D

Staff - Case Study Area

Property	Ownership	Acquisition Date	Size	Zoning	Dwelling?	Soils?	Assessed Forestland?	Other Issues?
STUDY AREA PART 1								
-	651006-00-00400	Case	2002	33.89	SWF-20	No		Subject Property
1	651006-00-00501	Case	2002	11.78	5FW-20	No	Classified Forest Land	Disqualified if Application Approved
3	651006-00-00500	Weyerhaeuser Timber Holdings, LLC	2021?	15.77	F	No	Classified Forest Land	
4	651011-00-00100	Case	2002	0.54	5FW-20	No		Disqualified if Application Approved
5	551136-00-00500	Case	2002	5.84	5FW-20	No		Disqualified if Application Approved
6	551136-00-00502	Neskowin Regional Sanitary Authority	?	1.8	5FW-20	No		Commercial Improvements
7	551136-00-01000	Neskowin Regional Sanitary	?	0.28	5FW-20	No		Commercial Improvements
8	551136-00-00400	Keith & Nancy Kruse	?	21	5FW-20	No	Designated Forest Land	Check for LOR potential? Access issues?
9	551136-00-01100	Sound Pacific Resources of Oregon Inc.	2005	6.38	SWF-20	Yes (1984)		RV Park - Commercial Improvements
14	651006-00-00100	Weyerhaeuser Timber Holdings, LLC	?	150.63	F	No	Yes-all	
15	651006-00-00200	Eric F. Scott RLT	2018	3.33	F	Yes - 7905 Slab Creek (1950)	No	
16	651006-00-00800	Army Krumm-Osener & Andrew Osener	2020	14.25	F	Yes - 7997 Slab Creek Road (1978)	No	Subject to PP 1996-03
17	651006-00-00803	Bruce & Mary Pounding	pre-1985	10.25	F	Yes - 7999 Slab Creek Road (1981)	No	Subject to PP 1996-03
			Total Study Area Part 1 = 331.10				13	
STUDY AREA PART 2								
22	651005-00-00300	Asia & Peter Moore	2015	9.25	5FW-20	No	Yes-all	
23	651005-00-00900	James & Kathleen Emmerso	pre-1985	21.05	5FW-20	One Dwelling (1997) - 8550 Slab Creek Road [1930's dwelling was to be converted or demolished when 1997 dwelling replaced it]	11 acres designed forestland	Subject to PP 1993-25
24	651005-00-00901	Leland Leatherman	2009	2.57	5FW-20	Yes - two homes (2000 & 2014) - 8601 Slab Creek Road	No	Subject to PP 1993-25 & 1996-5
25	651005-00-00903	Leland Leatherman	2021	18.4	5FW-20	Yes - 8605 Slab Creek (1994)	No	Subject to PP 1993-25 & 1996-5
26	651005-00-00902	John & Denise Sutton	1995 (confirm)	23	5FW-20	No	Yes - all	
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30	651000-00-00900	Caroline & Michael Lees	2014	38.28	F-1	No	Designated Forest Land (26 acres)	
31	651000-00-01100	Geo & Margot Thompson	pre-1985	52.4	F-1	No	No	Some evidence of farming (but not entire parcel) (Class IV soils) - Class 6 on forest
32	651000-00-01101	Neskowin Valley School	n/a	4.89	F-2	No	No	Soil Improvements, Class IV soil (retreat)
			Total Study Area Part 2 = 206.66				11	
STUDY AREA PART 3								
33	651009-CD-04301	Carl York & Linda York RLT	1996 (confirm)	25.86	5FW-20	No	Classified forest land	Subject to PP 1996-02
34	651009-CD-04305	Sherry & Mike Welsby Mess Association Inc.	1989 (confirm)	1	5FW-20	No	No	
35	651009-CD-04302	David & Kimberly Desau	2000	1.96	5FW-20	No	Designated forest land	M47 Property
36	651000-00-01400	David & Kimberly Desau	2000	6.5	5FW-20	Yes - 11000 Neskowin Trace (1996)	Yes - 5.50 acres	M47 Property
37	651000-00-01301	Eva Sharlene Peters Trust	2016	121.72	F (89.0 acres); 5FW-20 (25.0 acres)	Yes - 11495 Slab Creek (1928)	Yes - 99 acres	Subject to PP 2010-05
38	651000-00-01303	Steven D Wyatt & Kay D. Wyatt Living Trust	2014	4.99	F	Yes - 11550 Slab Creek (2015)	No	Subject to PP 2010-05
39	651000-00-01302	Beth & Clint Vent	2020	5	F	No	Yes - Classified Forestland	Subject to PP 2010-05
			Total Study Area Part 3 = 167.03				7	
STUDY AREA PART 4								
40	651000-00-02300	Weyerhaeuser Timber Holdings, Inc.	2020	279	F	No	Yes - Classified Forestland	
41	651000-00-02400	Weyerhaeuser Company	2020	9	F-1	No	Yes - Classified Forestland	
42	651000-00-02200	Songberry Sanctuary, LLC	2022	29.73	F-1	No	No	
43	651000-00-02600	Haller Family	??	1	F-1	No	Yes - Classified Forestland	
			Total Study Area Part 4 = 318.73				4	
			TOTAL = 1,023.52					

Predominate use in 1993 was Forest (F Zone Applies)

Predominate use in 1993 was Forest (F Zone Applies). Also does not qualify for LOR because home on tract

M47 Property

M47 Property

M47 Property

- Forest Zone
- Disqualified because home already in existence on lot
- 5FW-20 - Predominate Forest Use
- Both Public ownership and presumed unsuitable forest soils
- Forest Assessment, presumed suitable or evidence of farming activity
- Disqualified from LOR dwelling b/c acquired after 1985
- Possible Nonfarm dwelling
- Possible Nonfarm Dwelling or LOR Dwelling
- Public Ownership

Tillamook County
2023 Real Property Assessment Report
 Account 257867

Map 5S11360001100
Code - Tax ID 2201 - 257867

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr See Record

Mailing SOUND PACIFIC RESOURCES OF OREGON INC
 % MIKE MCLEOD
 PO BOX 2125
 SUMNER WA 98390

Deed Reference # 2005-3389
Sales Date/Price 04-06-2005 / \$1,250,000
Appraiser KARI FLEISHER

Property Class 807 **MA SA NH**
RMV Class 201 07 01 303

Site	Situs Address	City
1	50500 HWY 101 S	COUNTY
	50500 HWY 101 S SP 100	COUNTY

Code Area		RMV	MAV	AV	RMV Exception	CPR %
2201	Land	264,200		Land	0	
	Impr	508,550		Impr	0	
Code Area Total		772,750	397,030	397,030	0	
Grand Total		772,750	397,030	397,030	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2201	1	<input checked="" type="checkbox"/>		SFW20	Commercial Site	105	6.38 AC		264,200
Code Area Total							6.38 AC		264,200

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2201	2	1984	143	One and 1/2 story	149	2,051			462,520
	3	2013	511	RV Park/Campground	149	10			46,030
Code Area Total						2,061			508,550

Exemptions / Special Assessments / Notations				
Code Area	Special Assessments	Amount	Acres	Year Used
2201	■ SOLID WASTE	12.00	0.00	2023

PP Accounts 2201 - 2768

Comments 9/8/05 Reappraisal for 2005. KF 2/9/09 Changed PCA. RV Park. KF 5/27/14 Added five RV spaces to act. KF

Tillamook County
2023 Real Property Assessment Report
 Account 239094

Map 6S10060000200
Code - Tax ID 2201 - 239094

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr See Record

Mailing SCOTT, ERIC F TRUSTEE
 7905 SLAB CREEK RD
 NESKOWIN OR 97149

Deed Reference # 2019-30
Sales Date/Price 10-23-2018 / \$0
Appraiser RANDY WILSON

Property Class 401 MA SA NH
RMV Class 401 06 AC 602

Site	Situs Address	City
1	7905 SLAB CREEK RD	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2201	Land	168,740		Land	0	
	Impr	537,290		Impr	0	
Code Area Total		706,030	402,920	402,920	0	
Grand Total		706,030	402,920	402,920	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2201					LANDSCAPE - AVERAGE	100			1,500
	1	<input checked="" type="checkbox"/>		F	Market	113	3.33 AC		154,740
					OSD - AVERAGE	100			12,500
Code Area Total							3.33 AC		168,740

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2201	1	1950	143	One and 1/2 story	110	2,857			512,820
	2	1950	382	MULTI-PURPOSE SHED	110	342			2,980
	3	1950	345	GENERAL PURPOSE BUILDING	110	1,200			19,280
	4	1950	382	MULTI-PURPOSE SHED	110	630			2,210
Code Area Total						5,029			537,290

Exemptions / Special Assessments / Notations					
Code Area				Amount	Year Used
2201	Special Assessments				
	■ SOLID WASTE			12.00	2023
	Fire Patrol			Amount	Acres
	■ FIRE PATROL SURCHARGE			47.50	2023
	■ FIRE PATROL NORTHWEST			18.75	3.33 2023

Comments 11/26/08 - Input inventory, KL. 06/28/11 Re-appraisal, updated inventory, tabled values/rbb-ef 7/2017 Reapp. of land w/tabled values and an updated size change per GIS calculations. RCW

Tillamook County
2023 Real Property Assessment Report
 Account 357394

Map 6S10060000803
 Code - Tax ID 2201 - 357394

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr

Mailing POUNDING, ROBERT BRUCE & MARY C
 7999 SLAB CREEK RD
 NESKOWIN OR 97149

Deed Reference # (SOURCE ID: 380-188)
 Sales Date/Price 08-05-1996 / \$150,000
 Appraiser EVA FLETCHER

Property Class 401 MA SA NH
 RMV Class 401 06 AC 602

Site	Situs Address	City
1	7999 SLAB CREEK RD	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2201	Land	150,520		Land	0	
	Impr	257,990		Impr	0	
Code Area Total		408,510	269,050	269,050	0	
Grand Total		408,510	269,050	269,050	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2201					LANDSCAPE - FAIR	100			500
	1	<input checked="" type="checkbox"/>		F	Market	113	5.00 AC	MKT	67,080
	1			F	Market	113	5.25 AC	MKT	70,440
					OSD - AVERAGE	100			12,500
Code Area Total							10.25 AC		150,520

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2201	1	1981	135	Two story or more	110	1,792			239,090
	2	1998	345	GENERAL PURPOSE BUILDING	110	882			18,900
Code Area Total						2,674			257,990

Exemptions / Special Assessments / Notations					
Code Area				Amount	Year Used
2201	Special Assessments				
	■ SOLID WASTE			12.00	2023
	Fire Patrol			Amount	Acres
	■ FIRE PATROL SURCHARGE			47.50	2023
	■ FIRE PATROL NORTHWEST			18.75	10.25 2023

Comments 9/8/08 Input Inventory.LM 6/30/09 kitchen remodel. GOMAR. rmv change only on house after sq ft adjustment. gb 07/07/11 Reappraisal, updated inventory, tabled values.ef 07/08/11 Moved 5.25 acres to tax code 2200. Apportioned MAV for OSD then apportioned RMV and MAV for split code.ef 07/23/19 Reappraised land; tabled values.ef

Tillamook County
2023 Real Property Assessment Report
 Account 392643

Map 6S10050000901
 Code - Tax ID 2200 - 392643

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr Multiple Lots - See legal report for full description

Mailing LEATHERMAN, LELAND LUU
 8601 SLAB CREEK RD
 NESKOWIN OR 97149

Deed Reference # 2009-5332
 Sales Date/Price 07-22-2009 / \$312,500
 Appraiser HANNAH HANCOCK

Property Class 541 MA SA NH
 RMV Class 401 06 AC 602

Site	Situs Address	City
1	8601 SLAB CREEK RD	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2200	Land	165,510			Land	0
	Impr	995,630			Impr	0
Code Area Total		1,161,140	570,750	560,525		0
Grand Total		1,161,140	570,750	560,525		0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2200	2			SFW20	Farm Use Unzoned	113	0.50 AC	SP4	29,280
					LANDSCAPE - GOOD	100			2,500
	1			SFW20	Market	113	2.07 AC		121,230
					OSD - AVERAGE	100			12,500
Code Area Total							2.57 AC		165,510

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2200	1	2000	133	One and 1/2 story	110	1,225			212,690
	2	2014	149	Basement First Floor	110	3,001			782,940
Code Area Total						4,226			995,630

Exemptions / Special Assessments / Notations				
Code Area 2200				
Special Assessments			Amount	Year Used
■ SOLID WASTE			24.00	2023
Fire Patrol			Amount	Acres
■ FIRE PATROL SURCHARGE			47.50	2023
■ FIRE PATROL NORTHWEST			18.75	2.57 2023
Notations				
■ FARM INCOME QUESTIONNAIRE CYCLE 1 ADDED 2023				
■ FARMLAND - POTENTIAL ADDITIONAL TAX LIABILITY 308A.083 ADDED 2023				

Tillamook County
2023 Real Property Assessment Report
 Account 217278

Map	6S10050000900	Tax Status	Assessable
Code - Tax ID	2200 - 217278 2201 - 418839	Account Status	Active
Legal Descr	Multiple Lots - See legal report for full description	Subtype	NORMAL
Mailing	EMMERSON, JAMES F TRUSTEE & EMMERSON, KATHLEEN TRUSTEE 8550 SLAB CREEK RD NESKOWIN OR 97149	Deed Reference #	2023-1141
		Sales Date/Price	03-15-2023 / \$0
		Appraiser	HANNAH HANCOCK
Property Class	641 MA SA NH		
RMV Class	401 06 AC 602		

Site Situs Address	City
8550 SLAB CREEK RD	COUNTY

Value Summary					
Code Area	RMV	MAV	AV	RMV Exception	CPR %
2200	Land	564,790		Land	0
	Impr	1,001,280		Impr	0
Code Area Total		1,566,070	626,480	626,599	0
2201	Land	9,270		Land	0
	Impr	0		Impr	0
Code Area Total		9,270	3,650	3,650	0
Grand Total		1,575,340	630,130	630,249	0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2200	0			SFW20	Designated Forest Land	113	11.00 AC	OC	283,260
					LANDSCAPE - EXCELLENT	100			3,500
					LANDSCAPE - EXCELLENT	100			3,500
	1			SFW20	Market	113	9.69 AC		249,530
					OSD - AVERAGE	100			12,500
					OSD - AVERAGE	100			12,500
Code Area Total							20.69 AC	564,790	
2201	2			F-1	Market	113	0.36 AC		9,270
Code Area Total							0.36 AC	9,270	
Grand Total							21.05 AC	574,060	

Improvement Breakdown								
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex% MS Acct	Trended RMV
2200	1	1930	123	One and 1/2 story	110	1,134		43,270
	2	1997	155	Two story or more	110	3,119		958,010
Code Area Total						4,253		1,001,280

Tillamook County
2023 Real Property Assessment Report
 Account 397686

Map 6S10050000903
 Code - Tax ID 2200 - 397686

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr PARTITION PLAT 1996-05
 Lot - PARCEL 2 PT

Mailing LEATHERMAN, LELAND LUU
 8601 SLAB CREEK RD
 NESKOWIN OR 97149

Deed Reference # 2021-10630
 Sales Date/Price 12-28-2021 / \$381,000
 Appraiser HANNAH HANCOCK

Property Class 549 MA SA NH
 RMV Class 409 06 WF 603

Site	Situs Address	City
1	8605 SLAB CREEK RD	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2200	Land	261,240		Land	0	
	Impr	142,620		Impr	0	
Code Area Total		403,860	223,360	213,253	0	
Grand Total		403,860	223,360	213,253	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2200	2			SFW20	Farm Use Unzoned	113	2.00 AC	SP4	26,870
					LANDSCAPE - AVERAGE	100			1,500
	1			SFW20	Market	113	16.40 AC		220,370
					OSD - AVERAGE	100			12,500
Code Area Total							18.40 AC		261,240

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2200	1	1994	910	M S Other Improvements	110	0			63,870
	2	1994	952	Class 5, Double Wide	120	1,680		R-393141	75,770
	3	1930	372	MACHINE SHED/LOAFING SHED	110	1,320			2,980
Code Area Total							3,000		142,620

Exemptions / Special Assessments / Notations				
Code Area				
2200				
Special Assessments				
		Amount	Year Used	
■	SOLID WASTE	12.00	2023	
Fire Patrol				
		Amount	Acres	Year
■	FIRE PATROL SURCHARGE	47.50		2023
■	FIRE PATROL NORTHWEST	30.91	18.40	2023
Notations				
■	FARM INCOME QUESTIONNAIRE CYCLE 1 ADDED 2023			
■	FARMLAND - POTENTIAL ADDITIONAL TAX LIABILITY 308A.083 ADDED 2023			

Tillamook County
2023 Real Property Assessment Report
 Account 397686

Map 6S10050000903
 Code - Tax ID 2200 - 397686

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr PARTITION PLAT 1996-05
 Lot - PARCEL 2 PT

Mailing LEATHERMAN, LELAND LUU
 8601 SLAB CREEK RD
 NESKOWIN OR 97149

Deed Reference # 2021-10630
 Sales Date/Price 12-28-2021 / \$381,000
 Appraiser HANNAH HANCOCK

Property Class 549 MA SA NH
 RMV Class 409 06 WF 603

Site	Situs Address	City
1	8605 SLAB CREEK RD	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2200	Land	261,240		Land	0	
	Impr	142,620		Impr	0	
Code Area Total		403,860	223,360	213,253	0	
Grand Total		403,860	223,360	213,253	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2200	2			SFW20	Farm Use Unzoned	113	2.00 AC	SP4	26,870
					LANDSCAPE - AVERAGE	100			1,500
	1			SFW20	Market	113	16.40 AC		220,370
					OSD - AVERAGE	100			12,500
Code Area Total							18.40 AC		261,240

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2200	1	1994	910	M S Other Improvements	110	0			63,870
	2	1994	952	Class 5, Double Wide	120	1,680		R-393141	75,770
	3	1930	372	MACHINE SHED/LOAFING SHED	110	1,320			2,980
Code Area Total						3,000			142,620

Exemptions / Special Assessments / Notations					
Code Area				Amount	Year Used
2200	Special Assessments				
	■	SOLID WASTE		12.00	2023
	Fire Patrol			Amount	Acres
	■	FIRE PATROL SURCHARGE		47.50	2023
	■	FIRE PATROL NORTHWEST		30.91	18.40 2023
	Notations				
	■	FARM INCOME QUESTIONNAIRE CYCLE 1 ADDED 2023			
	■	FARMLAND - POTENTIAL ADDITIONAL TAX LIABILITY 308A.083 ADDED 2023			

Tillamook County
2023 Real Property Assessment Report
 Account 411944

Map 6S10050001102
 Code - Tax ID 2201 - 411944

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr PARTITION PLAT 1990-23
 Lot - PARCEL 2 PT

Mailing SILBERNAGEL, DUANE
 9490 SLAB CREEK RD
 NESKOWIN OR 97149

Deed Reference # 2021-5088
 Sales Date/Price 05-21-2021 / \$625,000
 Appraiser

Property Class 581 MA SA NH
 RMV Class 401 06 AC 500

Site	Situs Address	City
1	9490 SLAB CREEK RD	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2201	Land	312,280		Land	0	
	Impr	343,510		Impr	0	
Code Area Total		655,790	322,440	233,032	0	
Grand Total		655,790	322,440	233,032	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2201		<input checked="" type="checkbox"/>		F-1	Designated Forest Land	113	2.30 AC	OB	25,820
				F-1	Designated Forest Land	113	21.70 AC	OB	243,640
		<input checked="" type="checkbox"/>		F-1	Farm Use Zoned	113	1.70 AC	SP4	19,090
	1	<input checked="" type="checkbox"/>		F-1	Forest Site	113	1.00 AC	SFR	11,230
					SA OSD	100			12,500
Code Area Total							26.70 AC		312,280

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2201	1	1955	143	One and 1/2 story	110	2,160			330,430
	2	1955	369	LOFT BARN	110	682			5,970
	3	1970	345	GENERAL PURPOSE BUILDING	110	744			4,930
	4	1970	382	MULTI-PURPOSE SHED	110	130			810
	5	1970	364	LEAN-TO HEAVY WEIGHT	110	930			1,370
Code Area Total						4,646			343,510

Tillamook County
2023 Real Property Assessment Report
 Account 375748

Map	6S10050001101	Tax Status	Assessable
Code - Tax ID	2200 - 418804 2201 - 375748	Account Status	Active
Legal Descr	Multiple Lots - See legal report for full description	Subtype	NORMAL
Mailing	ANDESCAVAGE, STEVEN M & KENNEDY-ANDESCAVAGE, BREANNE M 9050 SLAB CREEK RD NESKOWIN OR 97149	Deed Reference #	2013-3646
		Sales Date/Price	06-17-2013 / \$290,000
		Appraiser	BRITTANY MCINTYRE
Property Class	401 MA SA NH		
RMV Class	401 06 AC 602		

Site	Situs Address	City
1	9050 SLAB CREEK RD	COUNTY

Value Summary					
Code Area	RMV	MAV	AV	RMV Exception	CPR %
2200	Land 23,410		Land		0
	Impr 0		Impr		0
Code Area Total	23,410	11,270	11,270	0	
2201	Land 116,450		Land		0
	Impr 549,620		Impr		0
Code Area Total	666,070	313,240	313,240	0	
Grand Total	689,480	324,510	324,510	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2200	2	<input checked="" type="checkbox"/>		SFW20	Market	113	0.36 AC		23,410
Code Area Total							0.36 AC		23,410
2201					LANDSCAPE - GOOD	100			2,500
	1	<input checked="" type="checkbox"/>		F-1	Market	113	1.56 AC		101,450
					OSD - AVERAGE	100			12,500
Code Area Total							1.56 AC		116,450
Grand Total							1.92 AC		139,860

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2201	1	1960	145	Two story or more	110	2,963			549,620
Code Area Total							2,963		549,620

Tillamook County
2023 Real Property Assessment Report
 Account 216956

Map 6S10000001400
Code - Tax ID 2200 - 216956

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr See Record

Mailing DESAU, DAVID R & KIMBERLY L
 11000 NESKOWIN TRACE
 NESKOWIN OR 97149

Deed Reference # (SOURCE ID: 420-317)
Sales Date/Price 09-21-2000 / \$142,500
Appraiser JUSTIN BARNES

Property Class 649 MA SA NH
RMV Class 409 06 01 022

Site	Situs Address	City
1	11000 NESKOWIN TRCE	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2200	Land	172,850			Land	0
	Impr	167,640			Impr	0
Code Area Total		340,490	174,930	175,155		0
Grand Total		340,490	174,930	175,155		0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2200	0			SFW20	Designated Forest Land	113	5.50 AC	OB	134,410
					LANDSCAPE - AVERAGE	100			1,500
	1			SFW20	Market	113	1.00 AC		24,440
					OSD - AVERAGE	100			12,500
Code Area Total							6.50 AC		172,850

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2200	1	1996	952	Class 5, Double Wide	120	1,664		E-400656	84,200
	2	1996	910	M S Other Improvements	110	0			54,040
	3	2003	345	GENERAL PURPOSE BUILDING	110	1,440			29,400
Code Area Total						3,104			167,640

Exemptions / Special Assessments / Notations			
Code Area 2200			
Special Assessments		Amount	Year Used
■	SOLID WASTE	12.00	2023
Fire Patrol		Amount	Acres Year
■	FIRE PATROL SURCHARGE	47.50	2023
■	FIRE PATROL NORTHWEST	18.75	6.50 2023
Notations			
■	FOREST LAND - POTENTIAL ADDITIONAL TAX LIABILITY 321.362		

Tillamook County
2023 Real Property Assessment Report
 Account 339093

Map 6S10000001301S1
 Code - Tax ID 2213 - 339093

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr See Record

Mailing PETERS, EVA SHARLENE TRUSTEE &
 PETERS, HAYDEN Y TRUSTEE
 11495 SLAB CREEK RD
 NESKOWIN OR 97149

Deed Reference # 2021-7040
 Sales Date/Price 08-13-2021 / \$0
 Appraiser ELIZABETH LOFTIS

Property Class 401 MA SA NH
 RMV Class 401 06 01 022

Site	Situs Address	City
1	11495 SLAB CREEK RD	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2213	Land	323,350		Land	0	
	Impr	410,640		Impr	0	
Code Area Total		733,990	422,600	422,600	0	
Grand Total		733,990	422,600	422,600	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2213					LANDSCAPE - FAIR	100			500
	0			SFW20	Market	113	20.00 AC	MKT	248,270
	1	<input checked="" type="checkbox"/>		SFW20	Market	113	5.00 AC	MKT	62,080
					OSD - AVERAGE	100			12,500
Code Area Total							25.00 AC		323,350

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2213	1	1928	145	Two story or more	110	2,790			367,630
	2	1928	345	GENERAL PURPOSE BUILDING	110	2,232			34,540
	3	1928	382	MULTI-PURPOSE SHED	110	345			4,800
	4	1928	348	GRAIN BIN	110	13			0
	5	1928	372	MACHINE SHED/LOAFING SHED	110	902			3,670
Code Area Total						6,282			410,640

Exemptions / Special Assessments / Notations						
Code Area				Amount	Acres	Year Used
2213	Special Assessments					
	■ SOLID WASTE			12.00	0.00	2023
	Fire Patrol					
	■ FIRE PATROL SURCHARGE			47.50		2023

Tillamook County
2023 Real Property Assessment Report
 Account 339093

Map 6S10000001301S1
 Code - Tax ID 2213 - 339093

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr See Record

Mailing PETERS, EVA SHARLENE TRUSTEE &
 PETERS, HAYDEN Y TRUSTEE
 11495 SLAB CREEK RD
 NESKOWIN OR 97149

Deed Reference # 2021-7040
 Sales Date/Price 08-13-2021 / \$0
 Appraiser ELIZABETH LOFTIS

Property Class 401 MA SA NH
 RMV Class 401 06 01 022

Site	Situs Address	City
1	11495 SLAB CREEK RD	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2213	Land	323,350			Land	0
	Impr	410,640			Impr	0
Code Area Total		733,990	422,600	422,600		0
Grand Total		733,990	422,600	422,600		0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2213					LANDSCAPE - FAIR	100			500
	0			SFW20	Market	113	20.00 AC	MKT	248,270
	1	<input checked="" type="checkbox"/>		SFW20	Market	113	5.00 AC	MKT	62,080
					OSD - AVERAGE	100			12,500
Code Area Total							25.00 AC		323,350

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2213	1	1928	145	Two story or more	110	2,790			367,630
	2	1928	345	GENERAL PURPOSE BUILDING	110	2,232			34,540
	3	1928	382	MULTI-PURPOSE SHED	110	345			4,800
	4	1928	348	GRAIN BIN	110	13			0
	5	1928	372	MACHINE SHED/LOAFING SHED	110	902			3,670
Code Area Total						6,282			410,640

Exemptions / Special Assessments / Notations						
Code Area				Amount	Acres	Year Used
2213	Special Assessments					
	■	SOLID WASTE		12.00	0.00	2023
	Fire Patrol					
	■	FIRE PATROL SURCHARGE		47.50		2023

Tillamook County
2023 Real Property Assessment Report
 Account 415140

Map 6S10000001303
 Code - Tax ID 2200 - 415140

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr PARTITION PLAT 2010-05
 Lot - PARCEL 2

Mailing WYATT, STEVEN B TRUSTEE &
 WYATT, KAY D TRUSTEE
 11550 SLAB CREEK RD
 NESKOWIN OR 97149

Deed Reference # 2014-4887
 Sales Date/Price 09-26-2014 / \$170,000
 Appraiser RANDY WILSON

Property Class 609 MA SA NH
 RMV Class 609 06 01 600

Site	Situs Address	City
1	11550 SLAB CREEK RD	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2200	Land	147,000		Land	0	
	Impr	297,690		Impr	0	
Code Area Total		444,690	203,350	203,036	0	
Grand Total		444,690	203,350	203,036	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2200	0			F	Classified Forest Land	100	3.50 AC	OB	93,100
					LANDSCAPE - AVERAGE	100			1,500
	1			F	Market	100	1.50 AC	MKT	39,900
					OSD - AVERAGE	100			12,500
Code Area Total							5.00 AC		147,000

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2200	1	2010	345	GENERAL PURPOSE BUILDING	110	2,700			99,450
	2	2015	962	Class 6, Double Wide	120	1,352		E-417136	170,080
	3	2015	910	M S Other Improvements	110	0			28,160
Code Area Total						4,052			297,690

Exemptions / Special Assessments / Notations						
Code Area				Amount	Acres	Year Used
2200	Special Assessments					
	■	SOLID WASTE		12.00	0.00	2023
	Fire Patrol					
	■	FIRE PATROL SURCHARGE		47.50		2023
	■	FIRE PATROL NORTHWEST		18.75	5.00	2023

Tillamook County
2023 Real Property Assessment Report
 Account 376658

Map 6S10050000300S1
Code - Tax ID 2201 - 376658

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr See Record

Mailing BISKEY, KATHY 54.68% &
 MOORE, PETER M 45.32%
 986 5TH ST NE
 SALEM OR 97301

Deed Reference # 2015-6353
Sales Date/Price 10-07-2015 / \$245,000
Appraiser ROBERT BUCKINGHAM

Property Class 401 MA SA NH
RMV Class 401 06 01 022

Site	Situs Address	City
1	8100 SLAB CREEK RD	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2201	Land	47,560			Land	0
	Impr	244,730			Impr	0
Code Area Total		292,290	159,440	159,440	0	
Grand Total		292,290	159,440	159,440	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2201	1	<input checked="" type="checkbox"/>		RR	Market	113	1.28 AC		35,060
					OSD - AVERAGE	100			12,500
Code Area Total							1.28 AC		47,560

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2201	2	1956	134	One and 1/2 story w/basement	110	2,324			243,260
	3	1956	354	HAY COVER	110	720			1,470
Code Area Total						3,044			244,730

Exemptions / Special Assessments / Notations			
Code Area	2201	Amount	Year Used
Special Assessments			
■	SOLID WASTE	12.00	2023
Notations			
■	FARMLAND - POTENTIAL ADDITIONAL TAX LIABILITY 308A.083		

Comments 11/21/08 - Input inventory, KL. 07/12/11 Reappraisal, updated inv., tabled values. RB

Tillamook County
2023 Real Property Assessment Report
 Account 220344

Map	6S1009CD04400	Tax Status	Non-Assessable
Code - Tax ID	2200 - 220344	Account Status	Active
		Subtype	NORMAL
Legal Descr	See Record		
Mailing	SILVER VALLEY WATER USERS ASSOC INC % LINDA EVERSOLE PO BOX 479 NESKOWIN OR 97149	Deed Reference #	See Record
		Sales Date/Price	See Record
		Appraiser	RANDY WILSON
Property Class	990 MA SA NH		
RMV Class	400 06 AC 602		

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

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2200	Land	69,780			Land	0
	Impr	0			Impr	0
Code Area Total		69,780	0	0		0
Grand Total		69,780	0	0		0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2200	1	<input checked="" type="checkbox"/>		SFW20	Market	113	1.00 AC		69,780
Code Area Total							1.00 AC		69,780

Improvement Breakdown									
Code Area	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV	
No improvements listed.									

Exemptions / Special Assessments / Notations	
Code Area	2200
Exemptions (AV)	Amount
■ WATER ASSOCIATIONS 307.210	0

Comments 12/7/10 Added RMV PCA. KF 5/3/11 This is no longer assessed as a utility and is exempt under ORS 307.210, application on file per PA. KF 7/2017 Reapp. of land w/abled values. RCW

EXHIBIT

E



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Tillamook County, Oregon

Case



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

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Soil Map

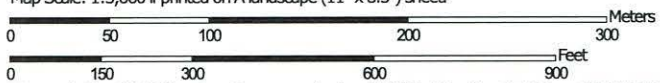
The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



Soil Map may not be valid at this scale.

Map Scale: 1:3,660 if printed on A landscape (11" x 8.5") sheet.




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

Custom Soil Resource Report

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils


 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water


 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot

 Sinkhole

 Slide or Slip


 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Tillamook County, Oregon
Survey Area Data: Version 16, Sep 7, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 28, 2020—Jun 22, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
170A	Logsdon silt loam, 0 to 3 percent slopes	8.3	100.0%
Totals for Area of Interest		8.3	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Custom Soil Resource Report

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Tillamook County, Oregon

170A—Logsdon silt loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 27zd
Elevation: 20 to 200 feet
Mean annual precipitation: 80 to 100 inches
Mean annual air temperature: 49 to 52 degrees F
Frost-free period: 160 to 260 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Logsdon and similar soils: 85 percent
Minor components: 2 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Logsdon

Setting

Landform: Stream terraces
Landform position (three-dimensional): Tread
Down-slope shape: Concave, linear
Across-slope shape: Linear
Parent material: Alluvium derived from igneous and sedimentary rock

Typical profile

Ap - 0 to 8 inches: silt loam
A - 8 to 17 inches: silt loam
Bw1 - 17 to 37 inches: silty clay loam
Bw2 - 37 to 60 inches: silty clay loam

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.20 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: Rare
Frequency of ponding: None
Available water supply, 0 to 60 inches: High (about 12.0 inches)

Interpretive groups

Land capability classification (irrigated): 2c
Land capability classification (nonirrigated): 2c
Hydrologic Soil Group: B
Ecological site: F004AB006OR - Udic Flood Plain Forest
Forage suitability group: Well Drained <15% Slopes (G004AY014OR)
Other vegetative classification: Sitka spruce/salmonberry-wet (903), Well Drained
<15% Slopes (G004AY014OR)
Hydric soil rating: No

Custom Soil Resource Report

Minor Components

Brenner

Percent of map unit: 2 percent

Landform: Depressions on flood plains

Other vegetative classification: Poorly Drained (G004AY018OR)

Hydric soil rating: Yes

Soil Information for All Uses

Suitabilities and Limitations for Use

The Suitabilities and Limitations for Use section includes various soil interpretations displayed as thematic maps with a summary table for the soil map units in the selected area of interest. A single value or rating for each map unit is generated by aggregating the interpretive ratings of individual map unit components. This aggregation process is defined for each interpretation.

Land Classifications

Land Classifications are specified land use and management groupings that are assigned to soil areas because combinations of soil have similar behavior for specified practices. Most are based on soil properties and other factors that directly influence the specific use of the soil. Example classifications include ecological site classification, farmland classification, irrigated and nonirrigated land capability classification, and hydric rating.

Irrigated Capability Class

Land capability classification shows, in a general way, the suitability of soils for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects. Capability classification is not a substitute for interpretations that show suitability and limitations of groups of soils for rangeland, for woodland, or for engineering purposes.

In the capability system, soils are generally grouped at three levels-capability class, subclass, and unit. Only class and subclass are included in this data set.

Capability classes, the broadest groups, are designated by the numbers 1 through 8. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows:

Custom Soil Resource Report

Class 1 soils have few limitations that restrict their use.

Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Class 3 soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both.

Class 4 soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.

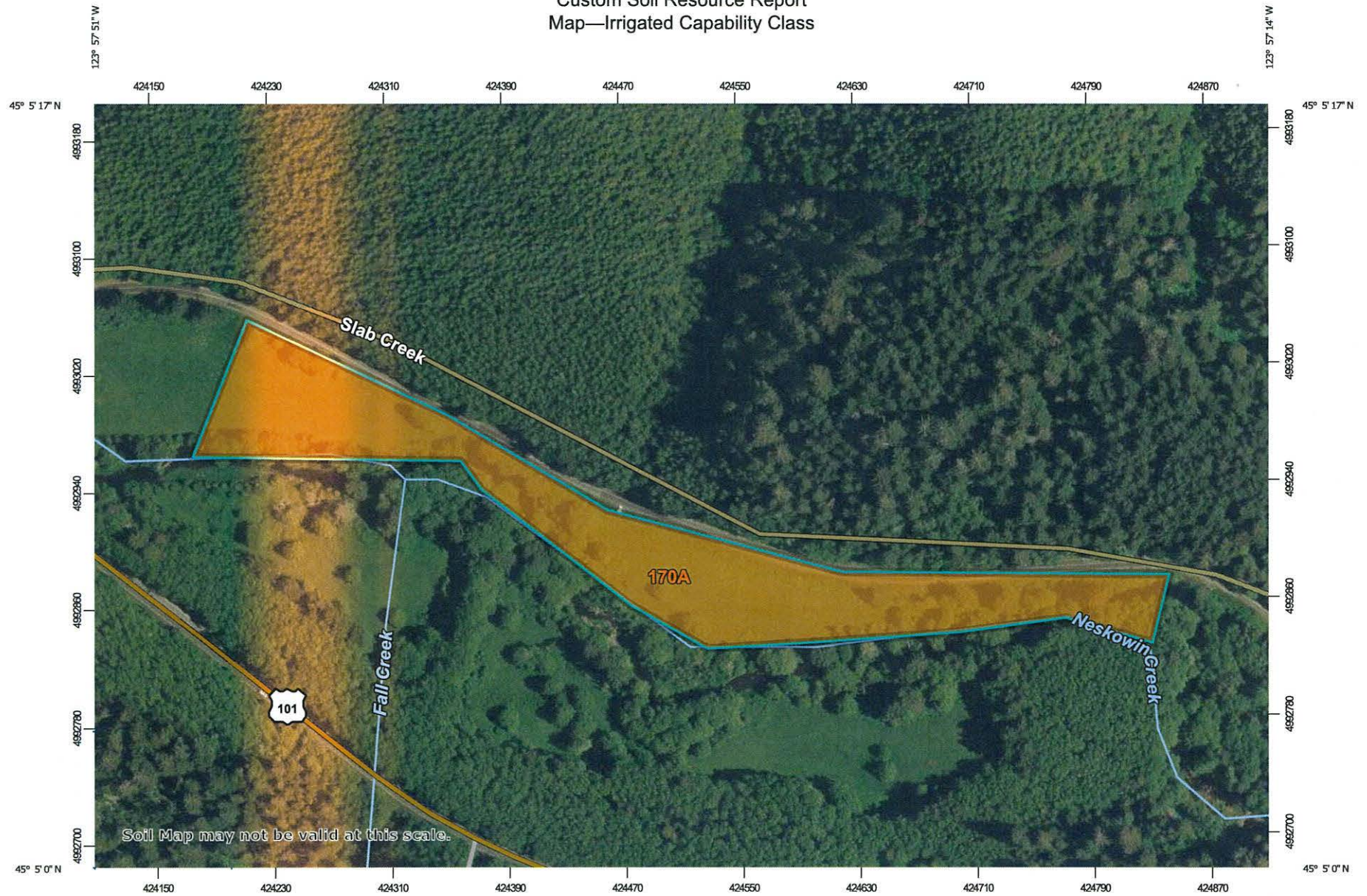
Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

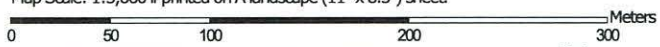
Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

Custom Soil Resource Report Map—Irrigated Capability Class




Map Scale: 1:3,660 if printed on A landscape (11" x 8.5") sheet.



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





MAP LEGEND

Area of Interest (AOI)










 Area of Interest (AOI)

Soils



Soil Rating Polygons






-  Capability Class - I
-  Capability Class - II
-  Capability Class - III
-  Capability Class - IV
-  Capability Class - V
-  Capability Class - VI
-  Capability Class - VII
-  Capability Class - VIII
-  Not rated or not available

Soil Rating Lines

-  Capability Class - I
-  Capability Class - II
-  Capability Class - III
-  Capability Class - IV
-  Capability Class - V
-  Capability Class - VI
-  Capability Class - VII
-  Capability Class - VIII
-  Not rated or not available

Soil Rating Points






-  Capability Class - I
-  Capability Class - II

-  Capability Class - III
-  Capability Class - IV
-  Capability Class - V
-  Capability Class - VI
-  Capability Class - VII
-  Capability Class - VIII
-  Not rated or not available

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Tillamook County, Oregon
 Survey Area Data: Version 16, Sep 7, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 28, 2020—Jun 22, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Table—Irrigated Capability Class

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
170A	Logsdon silt loam, 0 to 3 percent slopes	2	8.3	100.0%
Totals for Area of Interest			8.3	100.0%

Rating Options—Irrigated Capability Class

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Irrigated Capability Subclass

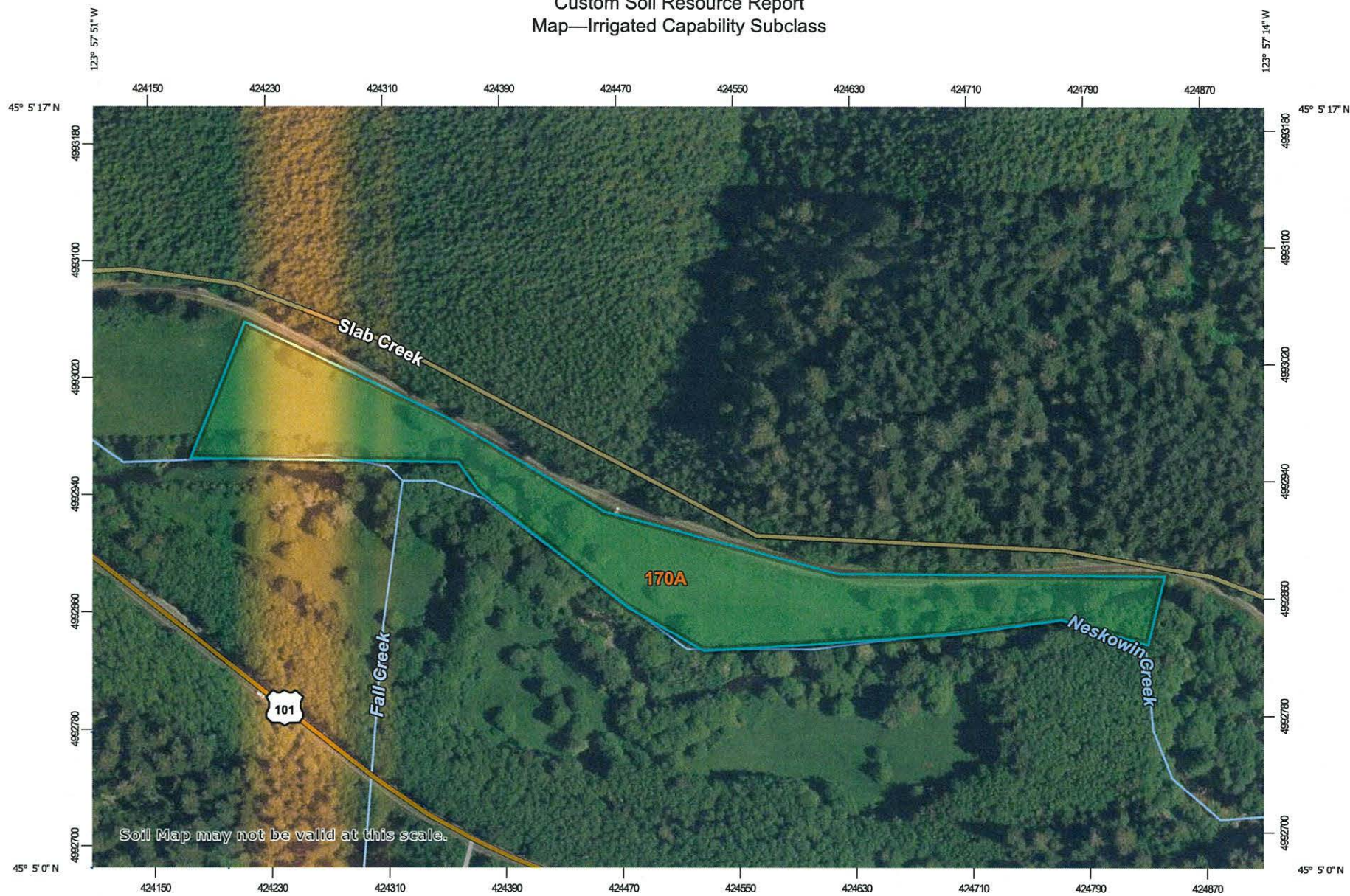
Land capability classification shows, in a general way, the suitability of soils for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects. Capability classification is not a substitute for interpretations that show suitability and limitations of groups of soils for rangeland, for woodland, or for engineering purposes.

In the capability system, soils are generally grouped at three levels-capability class, subclass, and unit. Only class and subclass are included in this data set.

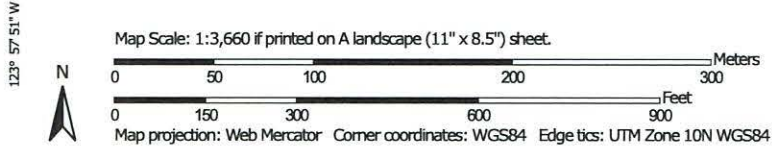
Capability subclasses are soil groups within one capability class. They are designated by adding a small letter, "e," "w," "s," or "c," to the class numeral, for example, 2e. The letter "e" shows that the main hazard is the risk of erosion unless close-growing plant cover is maintained; "w" shows that water in or on the soil interferes with plant growth or cultivation (in some soils the wetness can be partly corrected by artificial drainage); "s" shows that the soil is limited mainly because it is shallow, droughty, or stony; and "c," used in only some parts of the United States, shows that the chief limitation is climate that is very cold or very dry.

In class 1 there are no subclasses because the soils of this class have few limitations. Class 5 contains only the subclasses indicated by "w," "s," or "c" because the soils in class 5 are subject to little or no erosion. They have other limitations that restrict their use to pasture, rangeland, forestland, or wildlife habitat.
























Custom Soil Resource Report Map—Irrigated Capability Subclass



Soil Map may not be valid at this scale.



MAP LEGEND

Area of Interest (AOI)		Transportation	
	Area of Interest (AOI)		Rails
Soils			Interstate Highways
Soil Rating Polygons			US Routes
	Erosion		Major Roads
	Soil limitation within the rooting zone		Local Roads
	Excess water	Background	
	Climate condition		Aerial Photography
	Not rated or not available		
Soil Rating Lines			
	Erosion		
	Soil limitation within the rooting zone		
	Excess water		
	Climate condition		
	Not rated or not available		
Soil Rating Points			
	Erosion		
	Soil limitation within the rooting zone		
	Excess water		
	Climate condition		
	Not rated or not available		
Water Features			
	Streams and Canals		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

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Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

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Soil Survey Area: Tillamook County, Oregon
 Survey Area Data: Version 16, Sep 7, 2023

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Date(s) aerial images were photographed: May 28, 2020—Jun 22, 2020

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Table—Irrigated Capability Subclass

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
170A	Logsdon silt loam, 0 to 3 percent slopes	c	8.3	100.0%
Totals for Area of Interest			8.3	100.0%

Rating Options—Irrigated Capability Subclass

Aggregation Method: Dominant Condition
Component Percent Cutoff: None Specified
Tie-break Rule: Lower

Nonirrigated Capability Class

Land capability classification shows, in a general way, the suitability of soils for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects. Capability classification is not a substitute for interpretations that show suitability and limitations of groups of soils for rangeland, for woodland, or for engineering purposes.

In the capability system, soils are generally grouped at three levels-capability class, subclass, and unit. Only class and subclass are included in this data set.

Capability classes, the broadest groups, are designated by the numbers 1 through 8. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows:

Class 1 soils have few limitations that restrict their use.

Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Class 3 soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both.

Class 4 soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.

Custom Soil Resource Report

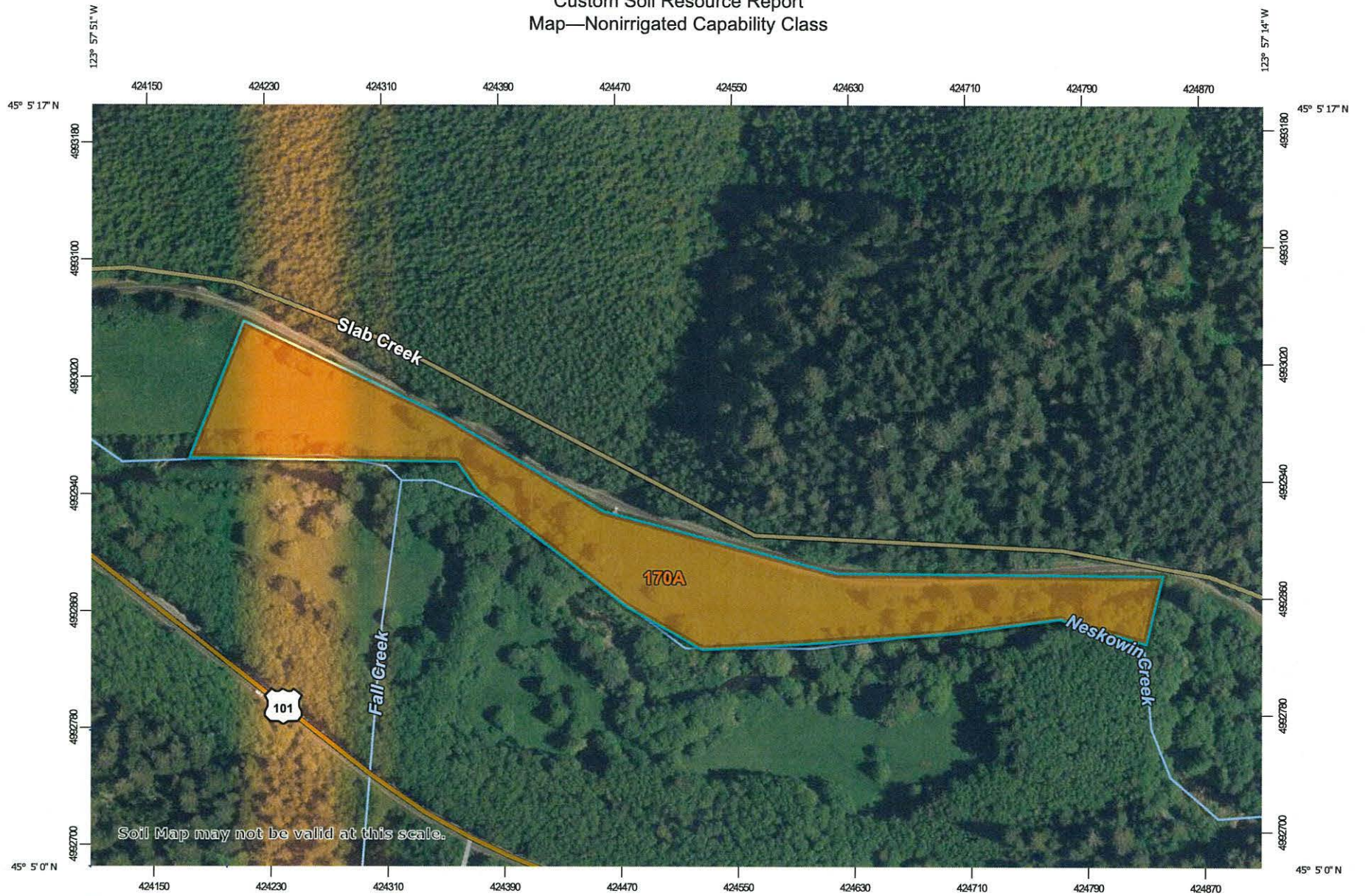
Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

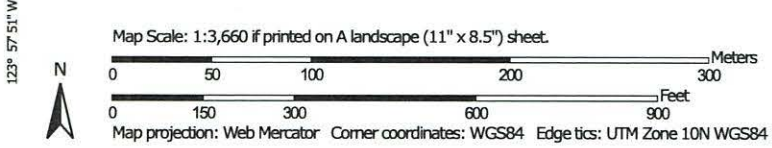
Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

Custom Soil Resource Report Map—Nonirrigated Capability Class




Soil Map may not be valid at this scale.



Custom Soil Resource Report










MAP LEGEND

Area of Interest (AOI)










 Area of Interest (AOI)

Soils



Soil Rating Polygons








 Capability Class - I
 Capability Class - II
 Capability Class - III
 Capability Class - IV
 Capability Class - V
 Capability Class - VI
 Capability Class - VII
 Capability Class - VIII
 Not rated or not available

Soil Rating Lines


 Capability Class - I
 Capability Class - II
 Capability Class - III
 Capability Class - IV
 Capability Class - V
 Capability Class - VI
 Capability Class - VII
 Capability Class - VIII
 Not rated or not available

Soil Rating Points

 Capability Class - I
 Capability Class - II

 Capability Class - III
 Capability Class - IV
 Capability Class - V
 Capability Class - VI
 Capability Class - VII
 Capability Class - VIII
 Not rated or not available

Water Features

 Streams and Canals

Transportation

 Rails
 Interstate Highways
 US Routes
 Major Roads
 Local Roads

Background

 Aerial Photography

MAP INFORMATION

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Table—Nonirrigated Capability Class

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
170A	Logsdon silt loam, 0 to 3 percent slopes	2	8.3	100.0%
Totals for Area of Interest			8.3	100.0%

Rating Options—Nonirrigated Capability Class

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Nonirrigated Capability Subclass

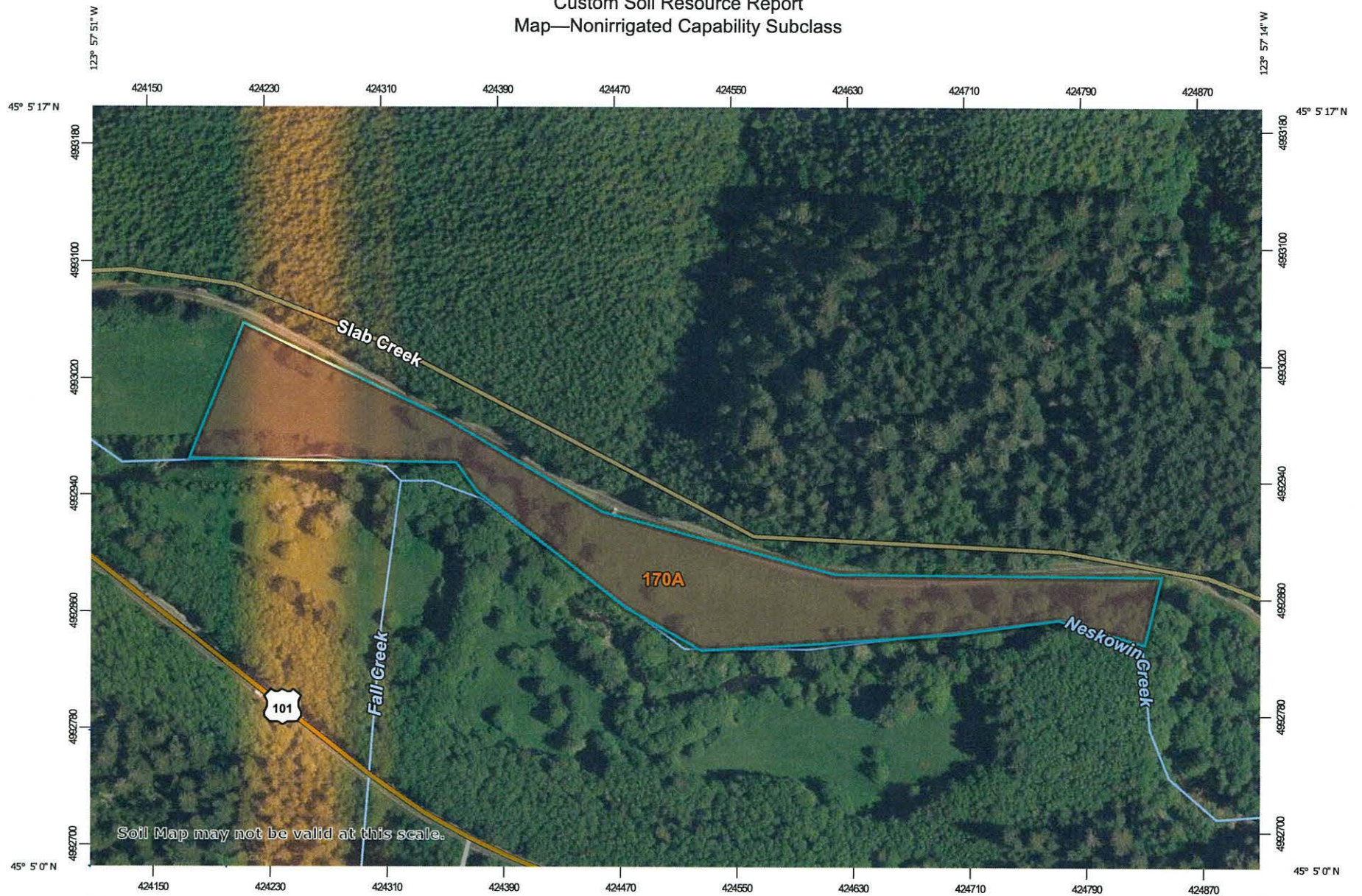
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In the capability system, soils are generally grouped at three levels-capability class, subclass, and unit. Only class and subclass are included in this data set.

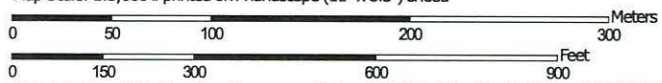
Capability subclasses are soil groups within one capability class. They are designated by adding a small letter, "e," "w," "s," or "c," to the class numeral, for example, 2e. The letter "e" shows that the main hazard is the risk of erosion unless close-growing plant cover is maintained; "w" shows that water in or on the soil interferes with plant growth or cultivation (in some soils the wetness can be partly corrected by artificial drainage); "s" shows that the soil is limited mainly because it is shallow, droughty, or stony; and "c," used in only some parts of the United States, shows that the chief limitation is climate that is very cold or very dry.

In class 1 there are no subclasses because the soils of this class have few limitations. Class 5 contains only the subclasses indicated by "w," "s," or "c" because the soils in class 5 are subject to little or no erosion. They have other limitations that restrict their use to pasture, rangeland, forestland, or wildlife habitat.

Custom Soil Resource Report Map—Nonirrigated Capability Subclass


























Map Scale: 1:3,660 if printed on A landscape (11" x 8.5") sheet.



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

MAP LEGEND

- Area of Interest (AOI)**
 -  Area of Interest (AOI)
 - Soils**
 - Soil Rating Polygons**
 -  Erosion
 -  Soil limitation within the rooting zone
 -  Excess water
 -  Climate condition
 -  Not rated or not available
 - Soil Rating Lines**
 -  Erosion
 -  Soil limitation within the rooting zone
 -  Excess water
 -  Climate condition
 -  Not rated or not available
 - Soil Rating Points**
 -  Erosion
 -  Soil limitation within the rooting zone
 -  Excess water
 -  Climate condition
 -  Not rated or not available
 - Water Features**
 -  Streams and Canals
- Transportation**
 -  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
 -  Local Roads
 - Background**
 -  Aerial Photography

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Table—Nonirrigated Capability Subclass

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
170A	Logsdon silt loam, 0 to 3 percent slopes	c	8.3	100.0%
Totals for Area of Interest			8.3	100.0%

Rating Options—Nonirrigated Capability Subclass

Aggregation Method: Dominant Condition

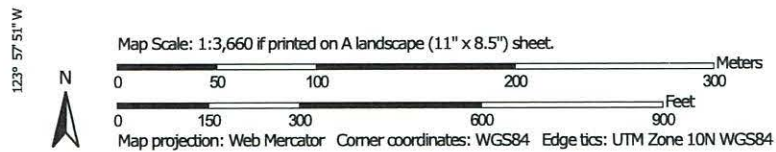
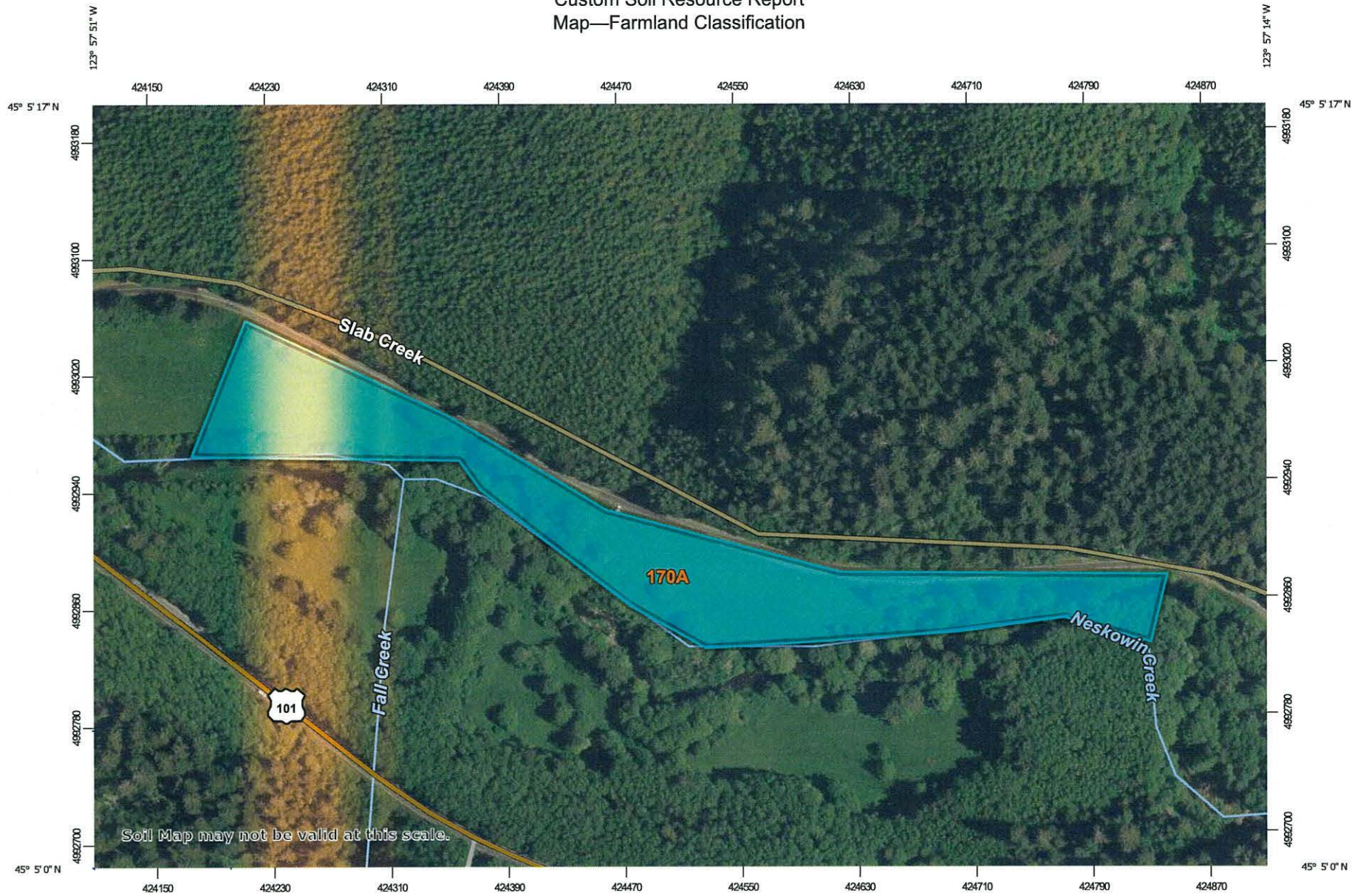
Component Percent Cutoff: None Specified

Tie-break Rule: Lower

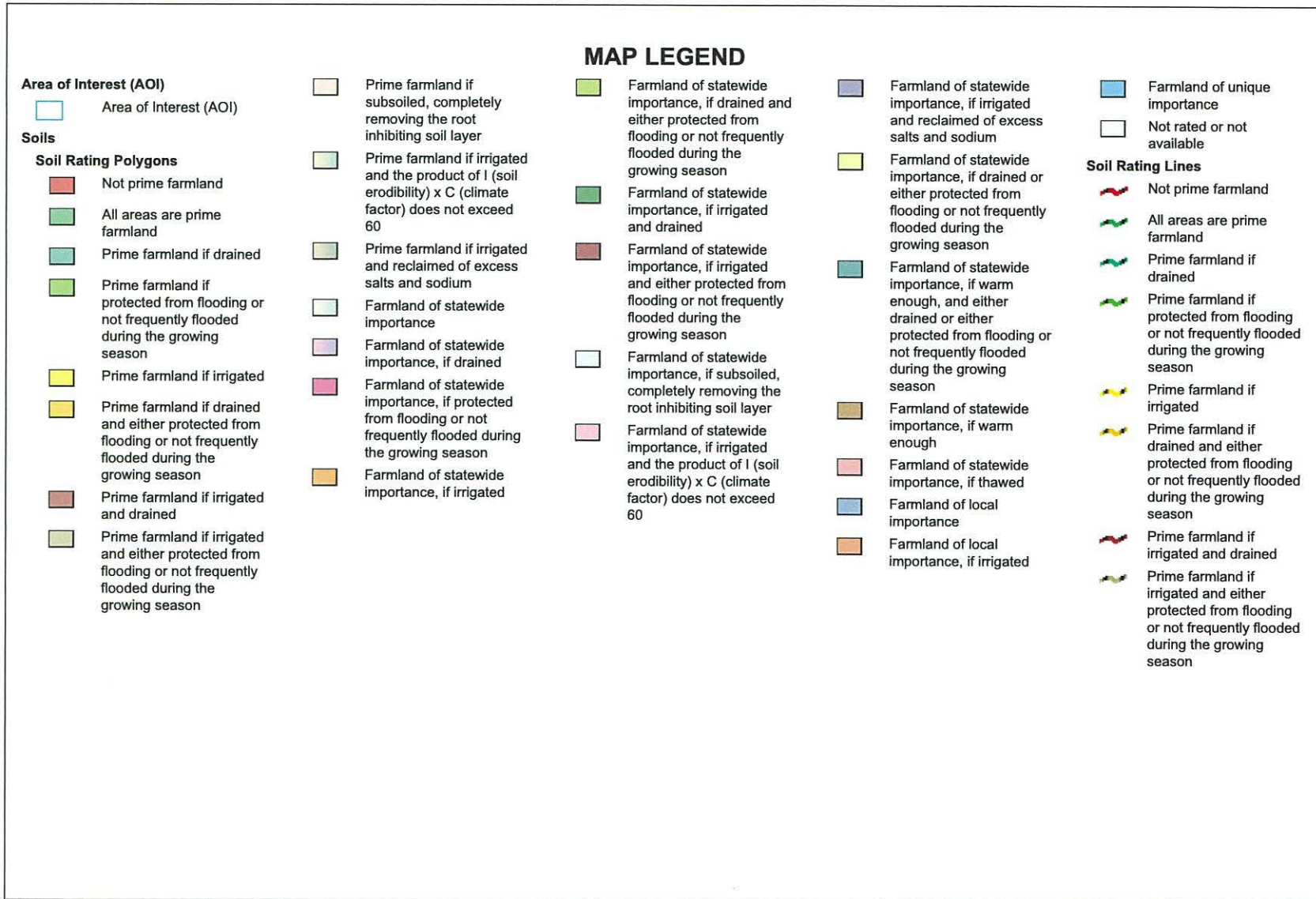
Farmland Classification

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Custom Soil Resource Report Map—Farmland Classification



Custom Soil Resource Report



Custom Soil Resource Report

	Prime farmland if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium		Farmland of unique importance		Prime farmland if subsoiled, completely removing the root inhibiting soil layer
	Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if irrigated and drained		Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season	Soil Rating Points			Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
	Prime farmland if irrigated and reclaimed of excess salts and sodium		Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season		Not prime farmland		Prime farmland if irrigated and reclaimed of excess salts and sodium
	Farmland of statewide importance		Farmland of statewide importance, if drained		Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season		All areas are prime farmland		Farmland of statewide importance, if drained
	Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if warm enough		Prime farmland if drained		Farmland of statewide importance, if drained
	Farmland of statewide importance, if irrigated		Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if thawed		Prime farmland if protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
					Farmland of local importance		Prime farmland if irrigated		Farmland of statewide importance, if irrigated
					Farmland of local importance, if irrigated		Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season		
							Prime farmland if irrigated and drained		
							Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated

Custom Soil Resource Report

<ul style="list-style-type: none"> Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if irrigated and drained Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60 	<ul style="list-style-type: none"> Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if warm enough Farmland of statewide importance, if thawed Farmland of local importance Farmland of local importance, if irrigated 	<ul style="list-style-type: none"> Farmland of unique importance Not rated or not available <p>Water Features</p> <ul style="list-style-type: none"> Streams and Canals <p>Transportation</p> <ul style="list-style-type: none"> Rails Interstate Highways US Routes Major Roads Local Roads <p>Background</p> <ul style="list-style-type: none"> Aerial Photography
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Custom Soil Resource Report

Table—Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
170A	Logsdon silt loam, 0 to 3 percent slopes	Farmland of statewide importance	8.3	100.0%
Totals for Area of Interest			8.3	100.0%

Rating Options—Farmland Classification

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

EXHIBIT

F

LAND USE PLANNING NOTES ▶▶▶▶



NUMBER 1 • MARCH 1991

PURPOSE: This technical bulletin has been developed jointly by the Department of Forestry and structural fire protection agencies in Oregon as technical guidance and recommended minimum standards to meet the requirements of new administrative rules, OAR 660-06-035 (fire siting standards for dwellings and structures) and OAR 66006-040 (fire safety design standards for roads) adopted by the Land Conservation and Development Commission for forest land zones (Goal 4 lands). Counties are encouraged to adopt stricter rules in forest zones where these recommendations might not adequately address a particular hazard or risk.

RULE REQUIREMENTS:

OAR 660-06-035 (Fire Siting Standards for Dwellings and Structures) requires that:

"[T]he following fire siting standards or their equivalent apply to new dwelling or structures in a forest or agriculture/forest zone:

"(1) If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

"(2) Road access to the dwelling shall meet road design standards described in OAR 660-06-040.

"(3) The owners of the dwellings and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area; and maintain adequate access to the dwelling for fire fighting

Recommended Fire Siting Standards for Dwellings and Structures *and* Fire Safety Design Standards for Roads

Published by:

Oregon Department of Forestry
Resource Planning Office
2600 State Street
Salem, OR 97310

equipment vehicles in accordance with the provisions in *Protecting Your home from Wildfire* (National Fire Protection Association)."

OAR 660-06-040 (Fire Safety Design Standards for Roads) requires that:

"[T]he governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads, bridges, private roads and driveways are constructed so as to provide adequate access for fire fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards."

Though there are no similar rule requirements to be met in rural residential zones in forested areas, the Department of Forestry encourages the adoption by local government of these recommended fire safety standards in these zones as well.

RECOMMENDED FIRE SITING STANDARDS FOR DWELLINGS AND STRUCTURES:

A. Water Supply Standards:

- 1. Access**— If a water supply—such as a swimming pool, pond, stream, or lake—of 4,000 gallons or more exists within 100 feet of the driveway or road at a reasonable grade (12%) an all-weather approach to a point within 15 feet of the water's edge should be provided. The all-weather approach should provide a turn-around with a 48-foot radius of one of the types shown in the illustration below.
- 2. Identification**— Emergency water supplies should be clearly marked along the access route with a county approved sign.

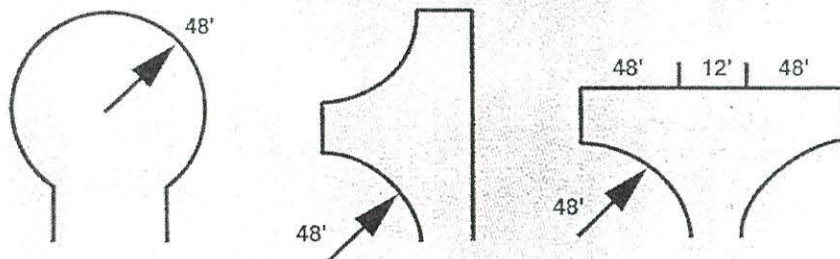
B. Fuel Break Standards:

- 1. Primary Safety Zone**— The primary safety zone is a fire break extending a minimum of 30 feet in all directions around structures. The goal within the primary safety zone is to remove fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, limbs and other dead vegetation should be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) should be placed next to the house.

As slope increases, the primary safety zone should increase away from the house, parallel to the slope and down the slope, as shown in the table and illustration on the next page.

- 2. Secondary Fuel Break**— The secondary fuel break is a fuel break extending a mini-

Turn-Around Types



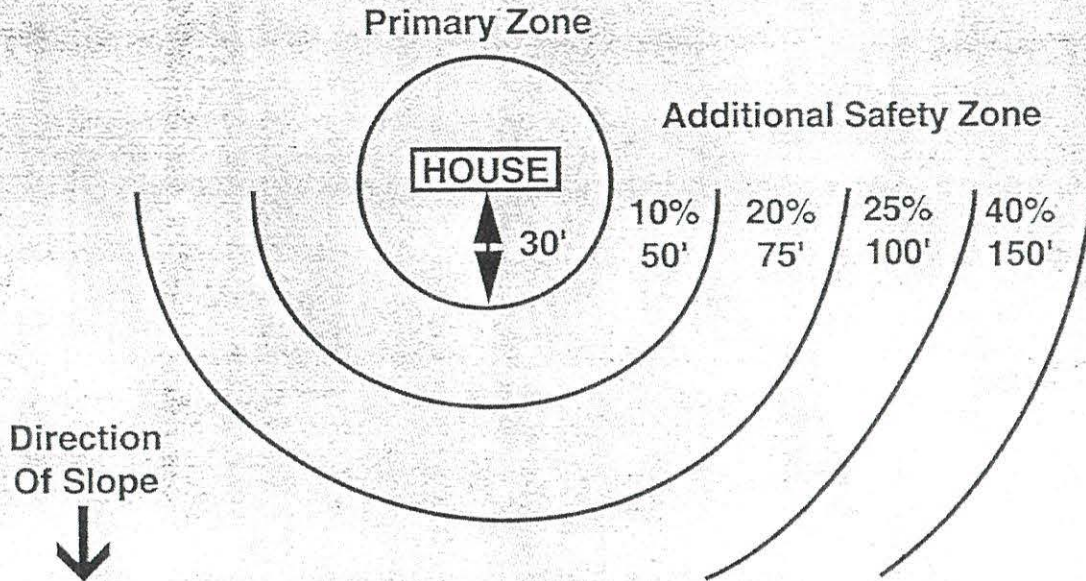
Though some of the recommendations are strictly to accommodate structural fire protection apparatus and needs, it is recommended that the standards be applied to all lands within forest zones, regardless of the presence or absence of a rural (structural) fire protection district. The standards should be applied in anticipation of structural fire protection eventually becoming present.

Size of Primary Safety Zone by Percent Slope

Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

Buildings should be restricted to slopes of less than 40 percent.

EXAMPLE OF SAFETY ZONE SHAPE



mum of **100** feet in all directions around the primary safety zone. The goal of the secondary fuel break should be to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels should be removed.

RECOMMENDED FIRE SAFETY DESIGN STANDARDS FOR ROADS:

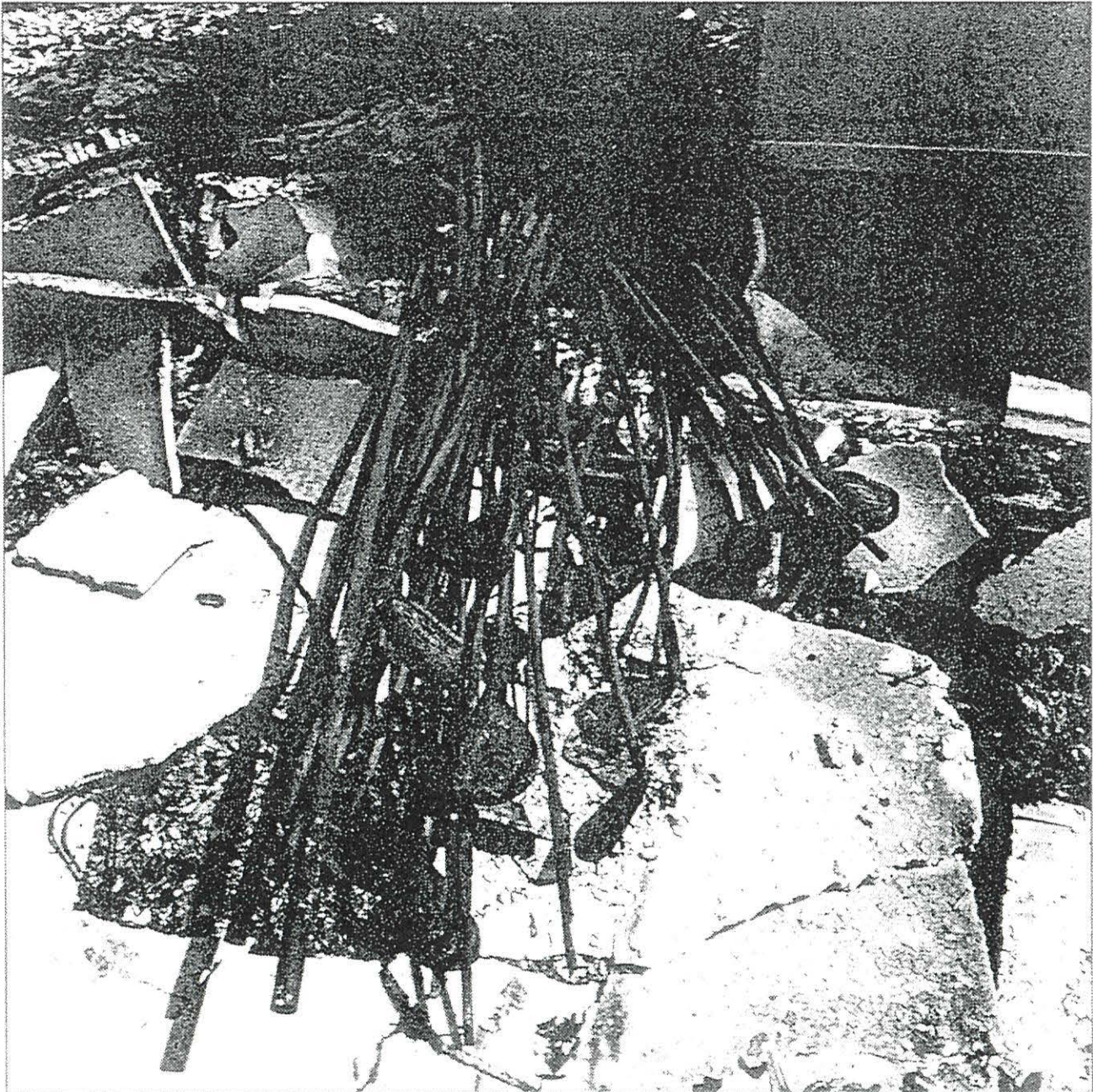
A. Road Standards (public roads and private roads accessing 2 or more residences):

1. Right-of-ways— Roads should be built and maintained to provide a minimum **20** foot width of all-weather surface capable of supporting gross vehicle weights of **50,000** pounds, a minimum curve radius of **48** feet and a vertical clearance of **13'6"**.

2. Cul-de-Sacs— Cul-de-sacs should be defined as dead-end roads over **150** feet in length. Cul-de-sacs should have turn-arounds of not less than **48** feet radius at a maximum spacing of **500** feet between turn-a-rounds. All turn-a-rounds should be marked and signed as “NO PARKING.”

3. Bridges and Culverts— Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.

4. Road Grades— Road grades should not exceed an average of **8** percent, with a maxi-



A set of burned golf clubs lay in the ruin of a home burned by the 1990 Awbrey Hall Fire. Twenty-two homes burned during this fire, which raced along the outskirts of Bend, Oregon. Most of the burned homes had insufficient fuel breaks surrounding them.

Photograph courtesy of The Bulletin, Bend

imum of **12** percent on short pitches. Variances could be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.

5. Identification— Roads should be uniquely named or numbered and visibly signed at each road intersection. Letters or numbers should be a minimum of three inches in height and constructed of reflectorized material.

B. Driveway Standards (private roads accessing a single residence):

1. Driveways— Driveways should be built and maintained to provide a minimum **12**-foot width of all-weather surface capable of supporting gross vehicle weights of **50,000** pounds, a minimum curve radius of **48** feet and a vertical clearance of **13'6"**.

2. Vehicle Passage Turnouts— Driveways in excess of **200** feet should provide **20**-foot wide by **40**-foot long passage space (turnouts) at a maximum spacing of 1/2 the driveway length or **400** feet, whichever is less. Whenever visibility is limited, these distances should be reduced appropriately.

3. Dead-end driveways— Dead-end driveways are defined as dead-end roads over **150** feet in length serving a single residence. Dead-end driveways should have turn-a-rounds of not less than **48** feet radius.

4. Bridges and Culverts— Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.

5. Driveway Grades— Driveway grades should not exceed an average of **8** percent, with a maximum of **12** percent on short pitches. Variances could be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.

6. Identification— Driveways should be marked with the residence's address unless

the residence is visible from the roadway and the address is clearly visible on the residence. Letters or numbers should be a minimum of three inches in height and constructed of reflectorized material.

C. Certification:

1. If bridges or culverts are involved in the construction of a road or driveway, written verification of compliance with the 50,000 gross vehicle weight standard should be provided from an Oregon Registered Professional Engineer. Otherwise, written verification of compliance should be provided by the applicant.

BASIS FOR RECOMMENDATIONS:

A. Water Supply

Water is a critical tool in fire suppression. Hydrants are generally not available in forested areas. Therefore, fire suppression in forested areas is dependent upon the water carried in the responding fire equipment and water sources available for refill or that can be pumped from an engine. Water available for refilling an engine can mean the difference between saving or losing a structure, or preventing a wildfire from escaping initial attack. When a fire engine or tanker runs out of water, turn around time to a refill site may be quite lengthy. A 4,000 gallon water supply is large enough to refill a large tanker or several smaller fire engines. Requiring construction of an all weather approach to within 15 feet of 4,000 gallon or larger water sources within 100 feet or less of a driveway or road will greatly help fire protection agencies.

B. Fuel Breaks

The steeper the slope, the greater the flame length, the hotter the flame front, and the faster the rate of fire spread. This greater fire activity is primarily due to preheating of the vegetation upslope from the fire, increased draft of fresh air to the fire from below, and more flame contact with upslope fuels. On steeper slopes, failure to provide for larger safety zones downslope from a residence will make it more difficult for fire personnel to protect the structure. The

firefighter is also in a more tenuous safety position.

On the last page are two graphs showing the relationships of flame length and dozer line construction speeds to slope for two fuel types. Flame lengths increase with slope and dozer fire line construction rates decrease. Other fire fighting methods such as water attack and hand line construction are also hampered by steep slopes. Generally, hand lines are useless when flame lengths reach 4 feet; dozer lines fail with 8-foot flame lengths.

C. Road & Driveway Specifications

Fire fighting apparatus (fire engines, tankers, dozer and lowboy, etc.) are much larger and heavier than personal vehicles. These vehicles

require greater road width and clearance for passage, wider road curves for turning, and level or at most moderate road grades for maintaining vehicle engine performance and driver safety.

- The 1988 Oregon Uniform Fire Codes, Chapter 10.207 specifies that all roads shall be all weather surfaced, minimum 20 feet width, and have a vertical clearance of 13' 6".

- A filled, fully equipped 3,000 gallon tanker weighs around 40,000-45,000 pounds. Many rural fire departments utilize this size tanker as a water source for the small fire engines. A minimum road surface load limit of 50,000 pounds provides for this load plus an appropriate safety margin.

- Large, heavy vehicles have difficulty driving up and down steep road grades. Additionally, most rural fire departments are principally staffed by volunteers and most forest fire agency employees are seasonal. While these people are capable drivers, very few are professional truck drivers and they may have a more difficult time maneuvering a truck up a steep winding road than would the professional driver.

- Rural address identification is extremely important. While the local resident may be familiar with the localized road or driveway system, emergency responders generally will not. Proper signing of roads and driveways with 3" or larger reflectorized letters or numbers will assist fire fighters in locating threatened residences, especially when visibility is impaired by darkness or smoky conditions.

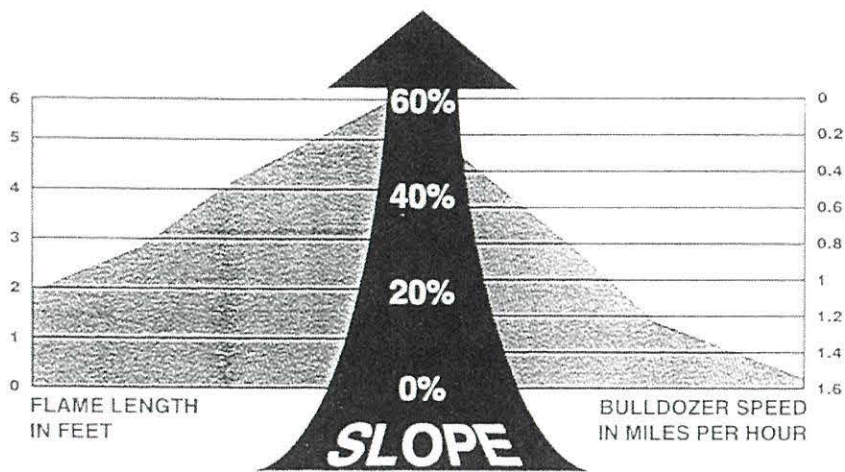
- It is very difficult to back up long distances in large fire apparatus, and this difficulty can be compounded if driveway grade is not level. Therefore, turnouts and turnarounds are very important.



The 1989 Dooley Mountain Fire threatened the residents of Baker City.

Photograph courtesy of the Democrat-Herald, Albany

The Relationship of Flame Length to Fuel Type and Slope: Two Situations

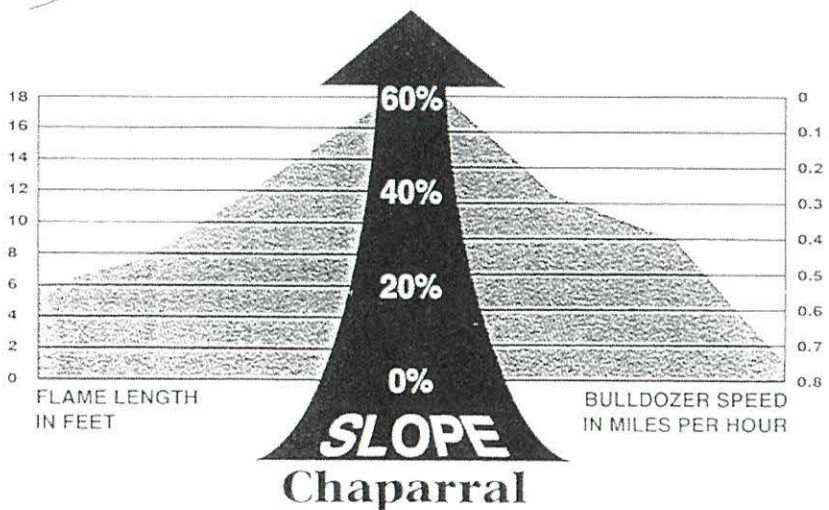
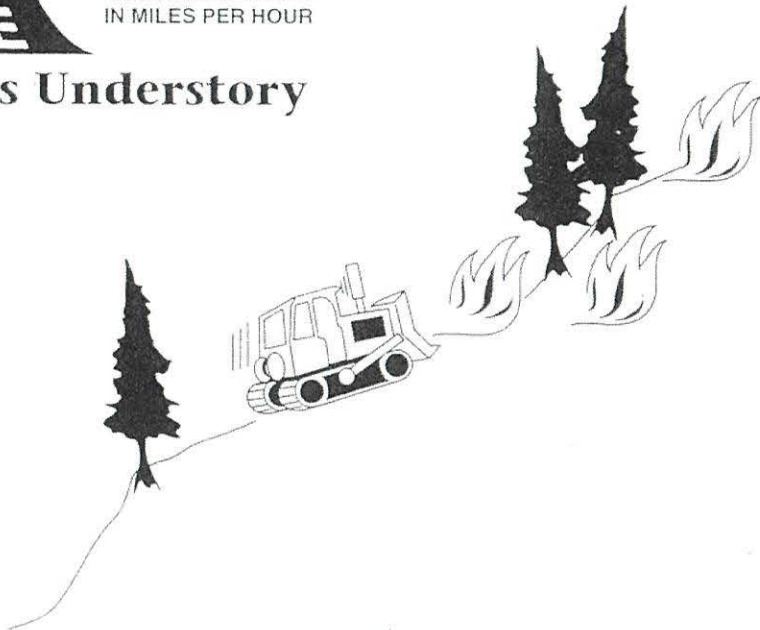


Timber with Grass Understory

These two graphs illustrate the effect of slope on flame length and bulldozer speed in two common fuel types.

In open timber with grass, flames traveling up a 20% slope can reach 3-4 feet in length. Chaparral, on the same slope, will generate flame lengths of 6-8 feet. Hand-constructed fire lines usually fail to stop fires having 4-foot or longer flame lengths. Bulldozer-constructed fire lines usually fail to stop fires having 8-foot or longer flame lengths.

Fire lines become less effective as slope increases and as fuel loads increase.



Chaparral

Information Provided By:

Oregon Department of Forestry
Resource Planning Office

Land Conservation and
Development Commission

Office of State Fire Marshal

Oregon Fire Chiefs Association

To Order Copies of This Publication
Call or Write:

Oregon Department of Forestry
Public Affairs Office
2600 State Street
Salem, Oregon 97310
503-378-2562



Oregon Department of Forestry
Resource Planning Office
2600 State Street
Salem, OR 97310

"STEWARDSHIP IN FORESTRY"

EXHIBIT

G

**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