

1510 - B Third Street
Tillamook, Oregon 97141
www.tillamookcounty.gov

Building (503) 842-3407
Planning (503) 842-3408
On-Site Sanitation (503) 842-3409
FAX (503) 842-1819
Toll Free 1 (800) 488-8280



Land of Cheese, Trees and Ocean Breeze

RESOURCE ZONE EXCEPTION #851-23-000491-PLNG: FETZER
NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER

January 18, 2024

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS AS MODIFIED** the above-cited Resource Zone Exception Request on January 18, 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 **4:00 PM** on **January 31, 2024**. Unless appealed, the Effective Date of Decision shall be January 18, 2024.

Request: An exception request to reduce the required 100-foot resource zone setback from the Farm (F-1) zone boundary and establish 50-foot setbacks to both the north and west property lines, to allow for the placement of a residential structure (single-family dwelling). *Following the public comment period, Applicant proposed to increase the proposed resource zone setbacks by an additional 10-feet to establish 60-foot setbacks from the north and west property lines (Exhibit B). For purposes of this report, the analysis is in relation to the proposed 60-foot setbacks from the north and western property lines as modified by the Applicant (Exhibit B).*

Location: The subject property is located five (5) miles southeast of Tillamook, is located in the Edelwyss Ranch Subdivision, is accessed via Edelwyss Road, a private road, and is designated as Tax Lot 401 in Section 34 of Township 1 South, Range 9 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).

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

Applicant & Property Owner: Curtis Fetzer, 1030 Hollyridge Drive, Tillamook, OR 97141

CONDITIONS OF APPROVAL

Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall obtain an approved consolidated Building/Zoning Permit from the Tillamook County Department of Community Development prior to siting the proposed dwelling.
3. Residential development shall maintain the approved reduced resource zone setback of a 60-feet from the north and west property lines and shall maintain all other applicable setback requirements of the Rural Residential 2-Acre (RR-2) zone outlined in TCLUO Section 3.010.
4. A vegetative buffer consisting of existing trees and understory vegetation shall be maintained along the northerly and westerly boundaries of the subject property. This buffer shall be further enhanced with vegetative plantings consisting of trees and shrubs and/or a combination of vegetation and fencing to minimize impacts and conflicting uses with adjacent farming activities. The applicant/property owner shall submit a site plan to the Department at the time of consolidated Building/Zoning Permit application submittal depicting exiting location of vegetation (trees and shrubs) and where additional buffer improvements are to be located.
5. An updated site plan shall be submitted to the Department at the time of consolidated Zoning/Building Permit application submittal depicting the 60-foot resource zone setback from the north and west property lines, the proposed location of the single-family dwelling and all residential improvements, and the location of all other applicable setbacks confirming required yard setbacks and the reduced resource zone setbacks are met. Topographic information confirming measurements of slope shall also be included on the site plan in accordance with Condition of Approval #5 below.
6. Development shall comply with the applicable standards and requirements of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. A Geologic Hazard Assessment is required if the average slope of the footprint or area to be disturbed is 29 percent or greater, measured from the highest to lowest point within the footprint or area to be disturbed. This measurement is taken from existing/pre-construction grade, prior to any cuts or fills.
7. In accepting this approval, the property owner understands intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use. The property owner hereby acknowledges that practices may involve but are not limited to the application of herbicides or fertilizers (including aerial spraying), road construction, changes in view, noise, dust, odor, traffic, and other impacts related to a farm zone. The property owner acknowledges the residential use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, the property owner understands preference will be given to farm and forest practices. A covenant to the deed shall be required, informing that intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use and limiting pursuance of a claim for relief or cause of action of alleging injury from farming or forest practices. A copy of the recorded covenant included as 'Exhibit D' shall be provided at the time of applying for Building and Zoning Permits.
8. This approval expires if a Building Permit is not applied for within two (2) years of issuance of this approval or an 'Extension of Time' is requested from, and approved by, this Department.

Sincerely,

Tillamook County Department of Community Development



Sheila Shoemaker, Land Use Planner




Sarah Absher, CBO, CFM, Director

Enc.: Vicinity, Assessor's and Zoning maps



Land of Cheese, Trees and Ocean Breeze

**RESOURCE ZONE EXCEPTION #851-23-000491-PLNG: FETZER
Administrative Decision & Staff Report**

Decision: Approved with Conditions as Modified per Applicant's Request
Decision Date: January 18, 2024
Report Prepared By: Sheila Shoemaker, Land Use Planner 

I. GENERAL INFORMATION:

Request: An exception request to reduce the required 100-foot resource zone setback from the Farm (F-1) zone boundary and establish 50-foot setbacks to both the north and west property lines, to allow for the placement of a residential structure (single-family dwelling). *Following the public comment period, Applicant proposed to increase the proposed resource zone setbacks by an additional 10-feet to establish 60-foot setbacks from the north and west property lines (Exhibit B). For purposes of this report, the analysis is in relation to the proposed 60-foot setbacks from the north and western property lines as modified by the Applicant (Exhibit B).*

Location: The subject property is located five (5) miles southeast of Tillamook, is located in the Edelwyss Ranch Subdivision, is accessed via Edelwyss Road, a private road, and is designated as Tax Lot 401 in Section 34 of Township 1 South, Range 9 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).

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

Applicant & Property Owner: Curtis Fetzer, 1030 Hollyridge Drive, Tillamook, OR 97141

Description of Site and Vicinity: Assessor records indicate the subject property encompasses approximately 2.00 acres (Exhibit A). The subject property sits atop a knoll, where topography consists of steep slopes to the south and southeast predominantly, with a benched area on the northwestern corner of the subject property where construction of a single-family dwelling is proposed (Exhibit B). Topography north and west of the subject property also slopes in a downward direction moderately. The subject property is vegetated with grasses, blackberry bushes, holly bushes, large trees, fallen trees and their stumps and is

improved with a small shed (Exhibit E). There are no wetlands and riparian features mapped within the subject property (Exhibit A). The subject property is within an area of Geologic Hazard (Exhibit A). The subject property is not located within an area of Special Flood Hazard per FEMA Flood Insurance Rate Map #41057C0584F zone D (Exhibit A).

Properties to the east and south are also zoned Rural Residential 2-Acre (RR-2) Zone and are generally developed with single family dwellings and accessory structures (Exhibit A). The properties to the north and west are zoned Farm (F-1) and are both active in farming practices (Exhibit A).

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

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

- A. TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone
- B. TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas

III. ANALYSIS:

Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on November 17, 2023. Comments were received from both neighboring Farm (F-1) zoned properties (Exhibit C). Neighbor to the west is not in support of the request stating that farmland is precious and should remain protected and the mature trees on the shared property line have been limbed up. Neighbor to the north, a long-time farmer and resident who farms both the north and west properties with manure for growth several times a year is also not in support of the request concerns to protect farming and surrounding homes from the odor and spreading of manure and stating they would have to purchase new and additional equipment if the request was granted. Both comments are attached as 'Exhibit C' and are addressed below.

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

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

... No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100 foot requirement. In either case, all yard requirements in this zone shall still apply.

Findings: The applicant is requesting to reduce the required 100-foot resource zone setback from the Farm (F-1) zone boundary by 40-feet and establish a 60-foot setback to both the north and west property lines for the construction of a single-family dwelling. The subject property borders the Farm (F-1) zone boundary to the west and north, and the 100-foot setback fully extends into the subject property (Exhibit A). Staff conducted a field visit and took photos of the subject property on January 4, 2024. Photographs from the field visit are included in "Exhibit E" of this report.

The property currently obtains natural and man-made features such as an existing livestock fence and trees that are acting as an existing barrier (Exhibit E). As mentioned previously in this report, the subject property sits atop a knoll. Staff also finds that the downward sloping topography to the north and northwest serve as a natural barrier Exhibit E. The applicant states they will put in a man-made barrier of shrubs, bushes,

and fencing (Exhibit B). Applicants' response to the comments received state "I have no problem creating another barrier" and that the request is not *unreasonable* (Exhibit B).

As mentioned previously in this report, comments received during the public comment period expressed concerns of conflicts between the siting of a single-family dwelling on the property in relation to adjacent farming practices (Exhibit C). Staff's observations during the field visit that took place on January 4, 2024, confirmed vegetation and fencing provides an area of buffer between the proposed location of the dwelling and adjacent farmland. Staff also finds that topography in the area serves as a buffer between the proposed location of the dwelling and farmland, locating the dwelling at a higher elevation.

Based upon the findings outlined above, natural (topography and vegetative buffers) and man-made features (fencing) can act as an equally effective barrier to conflicts between resource and residential uses. Staff finds the applicant can be required as a Condition of Approval to maintain a vegetative buffer between the subject property and the Farm (F-1) zoned property to the north and west to serve as an effective barrier to prevent conflicts between the residential use and farm uses. Staff also finds that the applicant/property owner can be required to sign a Restrictive Covenant contained in 'Exhibit C' acknowledging that intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for Farm (F-1) use per the Conditions of Approval.

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

4.130(1) *Purpose: The purpose of these Development Requirements for Geologic Hazard Areas is to protect people, lands and development in areas that have been identified as being subject to geologic hazards. The provisions and requirements of this section are intended to provide for identification and assessment of risk from geologic hazards, and to establish standards that limit overall risk to the community from identified hazards to a level acceptable to the community. Development in identified hazard areas is subject to increased levels of risk, and these risks must be acknowledged and accepted by present and future property owners who proceed with development in these areas.*

4.130(2) *Applicability: The following areas are considered potentially geologically hazardous and are therefore subject to the requirements of Section 4.130:*

...

b) All lands partially or completely within categories of "high" and "moderate" susceptibility to deep landslides as mapped in DOGAMI Open File Report O-20- 13, Landslide hazard and risk study of Tillamook County, Oregon;

...

...

...

f) Lots or parcels where the average existing slopes are equal to or greater than 19 percent within or adjacent to hazard risk zones described in 4.130(2)(a) through (d) for any lot or parcel less than or equal to 20,000 square feet or lots or parcels where the average existing slopes are equal to or greater than 29 percent within or adjacent to hazard risk zones described in 4.130(2)(a) through (d) for any lot or parcel greater than 20,000 square feet.

1. For the purpose of this section, slopes are determined by:

...

- *The average existing slope of the building footprint or area to be disturbed measured from the highest to lowest point within the footprint or area to be disturbed is 29 percent or greater for properties 20,000 square feet or larger.*

Findings: Development of the subject property is subject the provisions outlined in TLCUO Section 4.130(2)(f)(1) and may require a Geologic Hazard Assessment. Requirement of a Geologic Hazard Assessment is determined by the average of the existing slope of the building footprint or area to be disturbed, measured from the highest to lowest point within the footprint or area to be disturbed where the average slope is 29 percent or greater for properties 20,000 square feet or larger.

The applicant supplied a Preliminary Geologic Hazard Report dated May 18, 2000, prepared by Thomas S. Horning, Chief Geologist for the development of Edelwyss Ranch Subdivision where the subject property is located (Exhibit B). Hazards identified in the report consist of localized slope instability, drainage control and compressible soils. Applicant states that siting a residential structure (single-family dwelling) 100-feet from the Farm (F-1) zone boundary would locate the residential structure (single-family dwelling) closer to the steep slopes on the subject property. Applicant provided a topographic map showing the northwestern corner of the property to have less slope (Exhibit B).

Staff conducted a field visit of the subject property on January 4, 2024. Field visit photos can be found in 'Exhibit E'. The proposed residential structure (single-family dwelling) site is located on a benched area that sits on the northwestern corner of the subject property uphill from both the north and west property lines where current farming practices are occurring.

A Condition of Approval has been made to ensure development adheres to the applicable development standards of TLCUO Section 4.130 at the time of consolidated zoning and building permit submittal.

IV. DECISION: APPROVED WITH CONDITIONS

Staff concludes that the applicant has satisfied the review criteria and can meet all applicable ordinance requirements at the time of application. Therefore, Staff approves this request for an exception to the Farm (F-1) zone setback subject to the Conditions of Approval in Section V of this report. This approval does not address any additional development of the subject property.

By accepting this approval, the applicant and property owner agrees to indemnify, defend, save and hold harmless Tillamook County, and its officers, agents, and employees from any claim, suit, action or activity undertaken under this approval, including construction under a Building Permit approved subject to this approval. The applicant /property owner shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed construction.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. In such cases, forms and fees must be filed in the office of this Department before **4:00 PM on January 30, 2024.**

V. CONDITIONS OF APPROVAL:

Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall obtain an approved consolidated Building/Zoning Permit from the Tillamook County Department of Community Development prior to siting the proposed dwelling.

3. Residential development shall maintain the approved reduced resource zone setback of a 60-feet from the north and west property lines and shall maintain all other applicable setback requirements of the Rural Residential 2-Acre (RR-2) zone outlined in TCLUO Section 3.010.
4. A vegetative buffer consisting of existing trees and understory vegetation shall be maintained along the northerly and westerly boundaries of the subject property. This buffer shall be further enhanced with vegetative plantings consisting of trees and shrubs and/or a combination of vegetation and fencing to minimize impacts and conflicting uses with adjacent farming activities. The applicant/property owner shall submit a site plan to the Department at the time of consolidated Building/Zoning Permit application submittal depicting existing location of vegetation (trees and shrubs) and where additional buffer improvements are to be located.
5. An updated site plan shall be submitted to the Department at the time of consolidated Zoning/Building Permit application submittal depicting the 60-foot resource zone setback from the north and west property lines, the proposed location of the single-family dwelling and all residential improvements, and the location of all other applicable setbacks confirming required yard setbacks and the reduced resource zone setbacks are met. Topographic information confirming measurements of slope shall also be included on the site plan in accordance with Condition of Approval #5 below.
6. Development shall comply with the applicable standards and requirements of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. A Geologic Hazard Assessment is required if the average slope of the footprint or area to be disturbed is 29 percent or greater, measured from the highest to lowest point within the footprint or area to be disturbed. This measurement is taken from existing/pre-construction grade, prior to any cuts or fills.
7. In accepting this approval, the property owner understands intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use. The property owner hereby acknowledges that practices may involve but are not limited to the application of herbicides or fertilizers (including aerial spraying), road construction, changes in view, noise, dust, odor, traffic, and other impacts related to a farm zone. The property owner acknowledges the residential use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, the property owner understands preference will be given to farm and forest practices.

A covenant to the deed shall be required, informing that intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use and limiting pursuance of a claim for relief or cause of action of alleging injury from farming or forest practices. A copy of the recorded covenant included as 'Exhibit D' shall be provided at the time of applying for Building and Zoning Permits.

8. This approval expires if a Building Permit is not applied for within two (2) years of issuance of this approval or an 'Extension of Time' is requested from, and approved by, this Department.

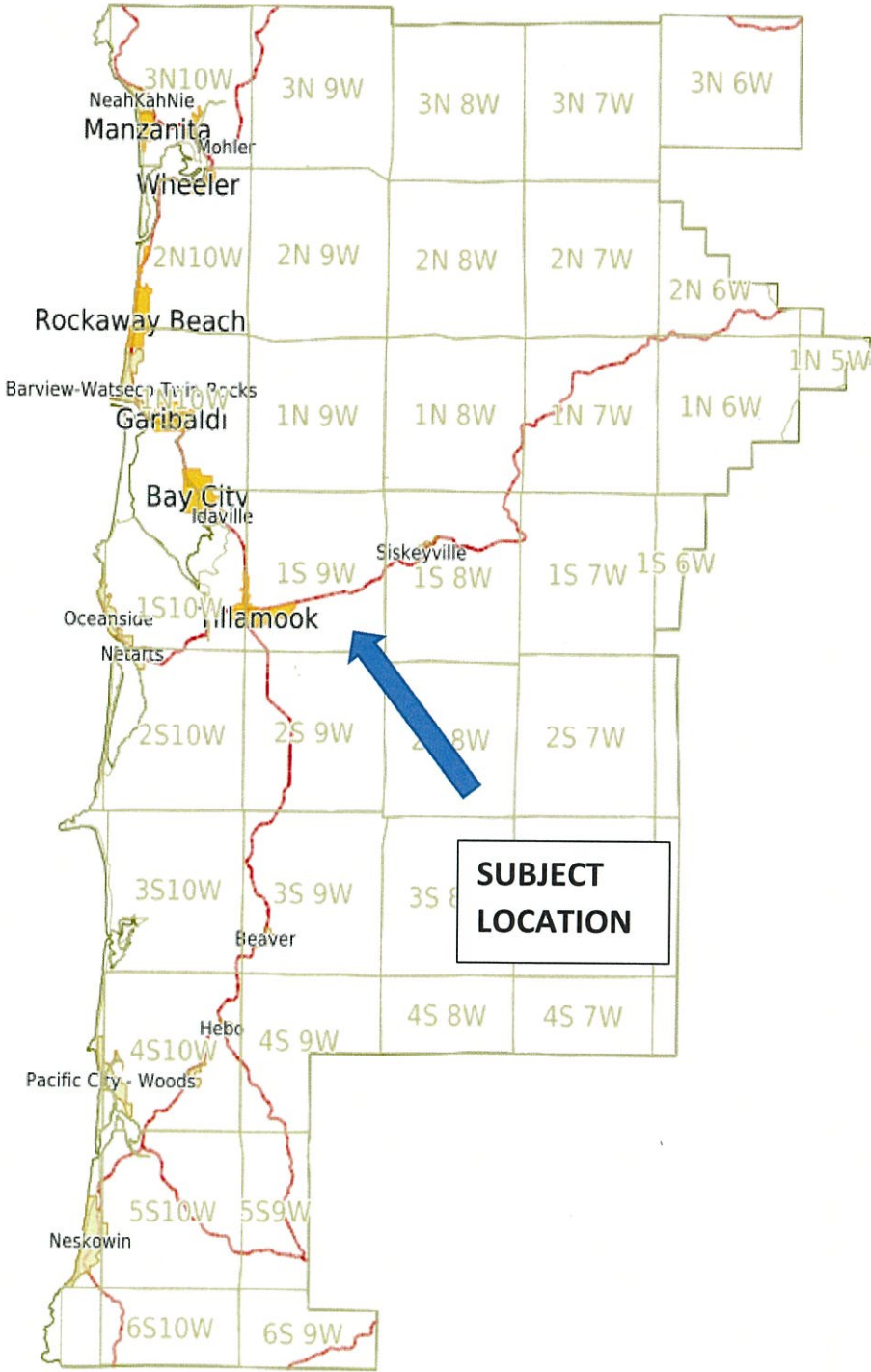
VI. EXHIBITS

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

- A. Vicinity map, Assessor map, Zoning map, Assessor's Summary Report
- B. Applicant's submittal
- C. Public comments
- D. Required Restrictive Covenant: Farm Forest Practices
- E. Staff field visit photos taken January 4, 2024

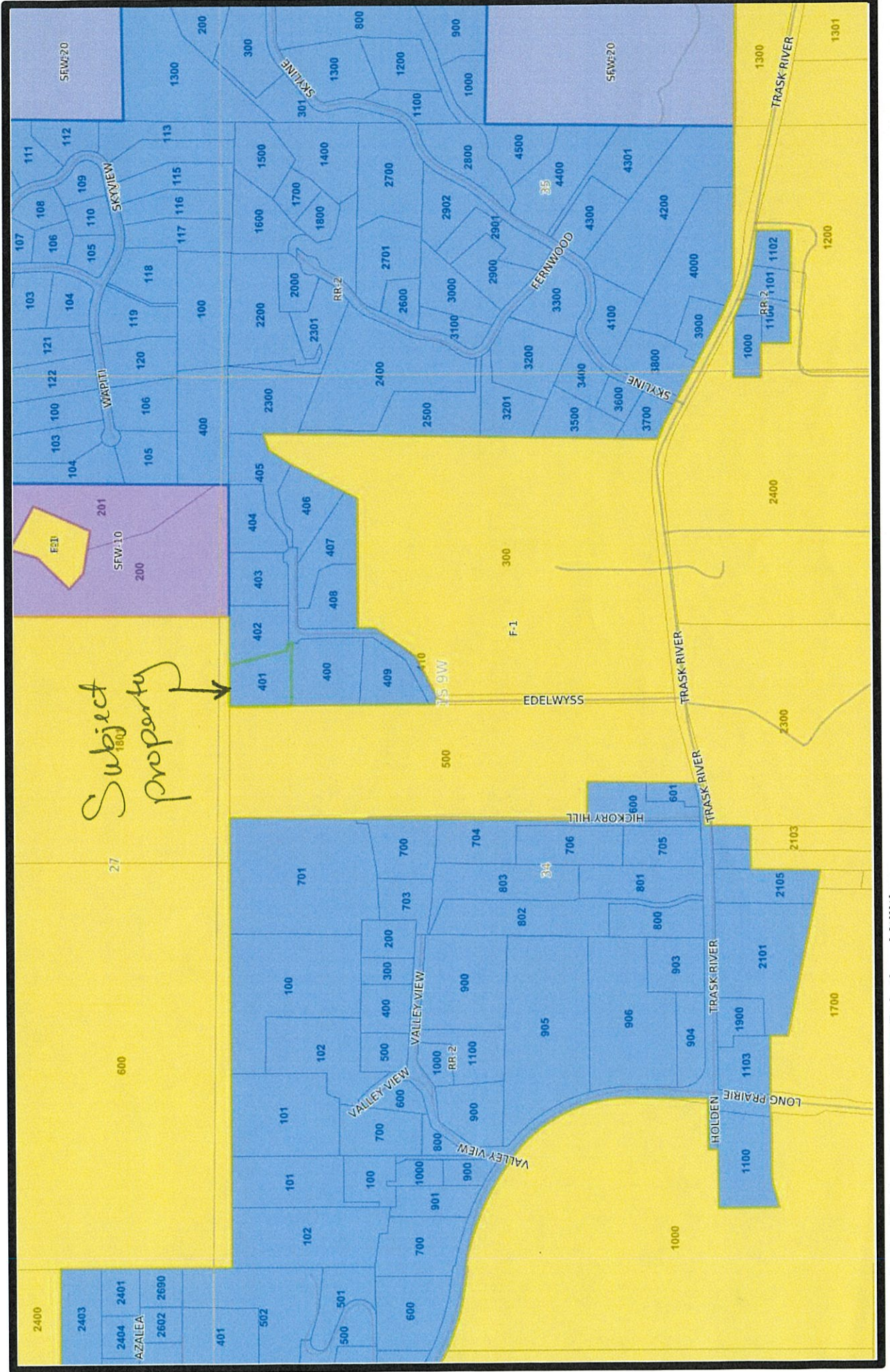
EXHIBIT A

VICINITY MAP



#851-23-000491-PLNG:
Fetzer

Map



National Flood Hazard Layer FIRMette

123°46'24"W 45°27'5"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, AB9
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

CROSS SECTIONS WITH 1% ANNUAL CHANCE WATER SURFACE ELEVATION

- 20.2
- 17.5
- 8
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

OTHER FEATURES

- Digital Data Available
- No Digital Data Available
- Unmapped

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **11/3/2023 at 12:37 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.

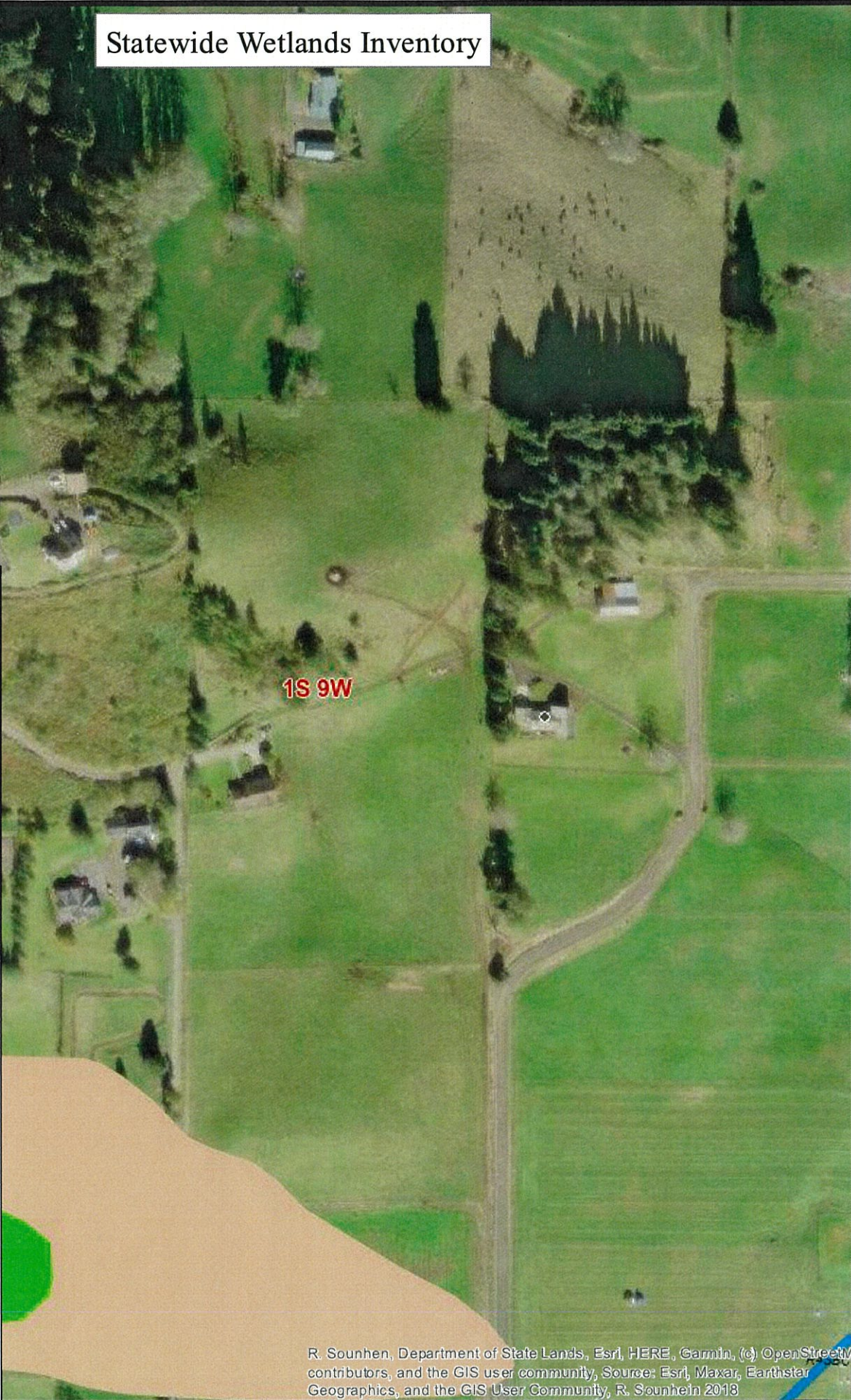


123°45'47"W 45°26'40"N

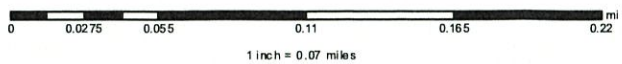


Statewide Wetlands Inventory

-  Townships
-  LWI Study Area
-  NHD Springs/Seeps
- NHD Streams and Rivers**
 -  Perennial
 -  Intermittent
 -  Ephemeral
 -  Unknown
 -  Canal/Ditch
-  NHD Area
-  NHD Waterbody
- Wetlands**
 -  Estuarine and Marine Deepwater
 -  Estuarine and Marine Wetland
 -  Freshwater Emergent Wetland
 -  Freshwater Forested/Shrub Wetland
 -  Freshwater Pond
 -  Lake
 -  Riverine
 -  SWI Pre dominantly Hydric Soil Map Units
 -  SWI Agate-Winko Soils



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



HAZARD MAP

Zoom to Full Extent ↔ Measure Print Find Me Start Over

Catalog Favorites Visible Results

Search catalog

▶ Map Extras

▼ Administrative Boundaries

☆ Tax lots

☆ County Boundaries



▶ Non-Regulatory Planning

▼ Physical

☆ Debris Flow fans

☆ Deep Landslide Susceptibility

High Susceptibility

Moderate Susceptibility

☆ Shallow Landslide Susceptibility

☆ Rapidly Moving Landslides

☆ Beaches and Dunes Overlay Zone

▼ Elevation



☆ Highest Hit, OLC, 2008-19

☆ Bare Earth, OLC, 2008-19

▼ Aerial Photos

▶ State Imagery

▶ World Imagery

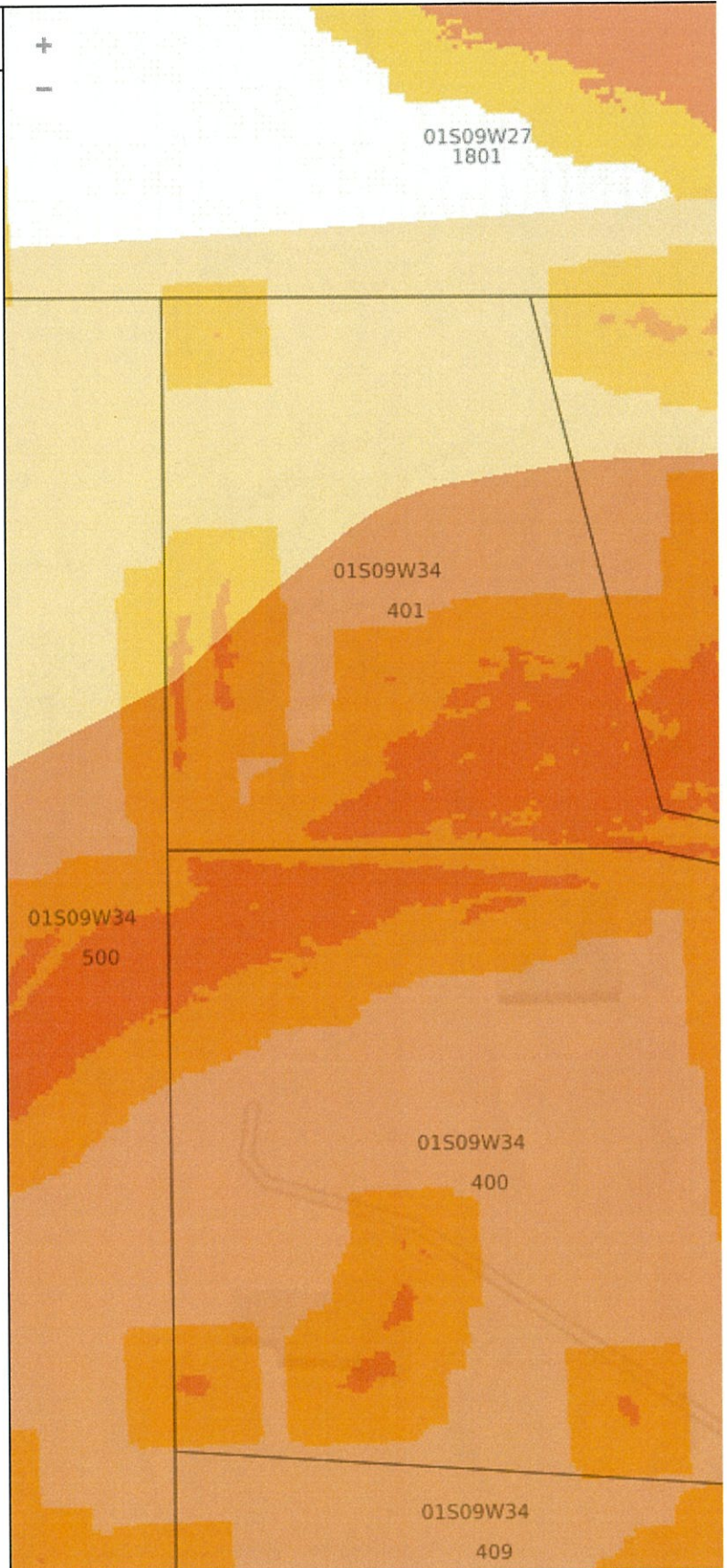
▼ Basemaps

▼ Carto

☆ Light

☆ Voyager

▶ Esri



100 ft

© Carto, © OpenStreetMap contributors.

3.7.0

X,Y -13777823.0, 5692306.8 USNG 10T DR 39920
32991 Lat,Lon 45.447867, -123.768290

Zoom to Extent...



Tillamook County
2023 Real Property Assessment Report
 Account 409165

Map 1S09340000401
Code - Tax ID 0912 - 409165

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr EDELWYSS RANCH SUB
 Lot - 2

Mailing WYSS, JEANETTE A TRUSTEE &
 FETZER, CURTIS (C)
 WYSS, HARVEY A TRUSTEE
 1030 HOLLYRIDGE DR
 TILLAMOOK OR 97141

Deed Reference # 2018-5239
Sales Date/Price 08-31-2018 / \$135,000
Appraiser ELIZABETH LOFTIS

Property Class 540 MA SA NH
RMV Class 400 01 SV 104

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

Value Summary					
Code Area	RMV	MAV	AV	RMV Exception	CPR %
0912	Land 150,580		Land 1,743	0	
	Impr 0		Impr	0	
Code Area Total	150,580	128,510	1,743	0	
Grand Total	150,580	128,510	1,743	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0912		<input checked="" type="checkbox"/>		RR-2	Farm Use Unzoned	111	2.00 AC	SP4	150,580
Code Area Total							2.00 AC		150,580

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

Exemptions / Special Assessments / Notations
Notations <ul style="list-style-type: none"> ■ FARMLAND - POTENTIAL ADDITIONAL TAX LIABILITY 308A.083 ■ FARM INCOME QUESTIONNAIRE CYCLE 2 ADDED 2021

Comments 6/2/03 PARCEL IS PART OF THE EDELWYSS RANCH SUBDIVISION-LOT #2. NON ZONED FARM PROGRAM.
 RCW
 5/26/16 - Land reappraisal, tabled values. Updated soil classes. EJ.
 3/6/17 - Added Location 1 adjustment - RMV changes only. EJ.

EXHIBIT B



RECEIVED
 OCT 23 2023
 BY: D Dixon

9:22 AM

PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: Curtis Fetzer Phone: 503-801-3580
 Address: 4012 Dogwood Ave.
 City: Tillamook State: OR Zip: 97141
 Email: curtis_fetzer@yahoo.com

Property Owner

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

OFFICE USE ONLY
Date Stamp
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by:
Receipt #:
Fees: <u>1365-</u>
Permit No: <u>851-23-00491-PLNG</u>

Request: Applying to have the current 100' setback reduced to 50' on the West and North sides of the lot.

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: _____

Map Number: 1S09 3400 00401

Township Range Section Tax Lot(s)

Clerk's Instrument #: _____

Authorization

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

Curtis Fetzer
 Property Owner Signature (Required)

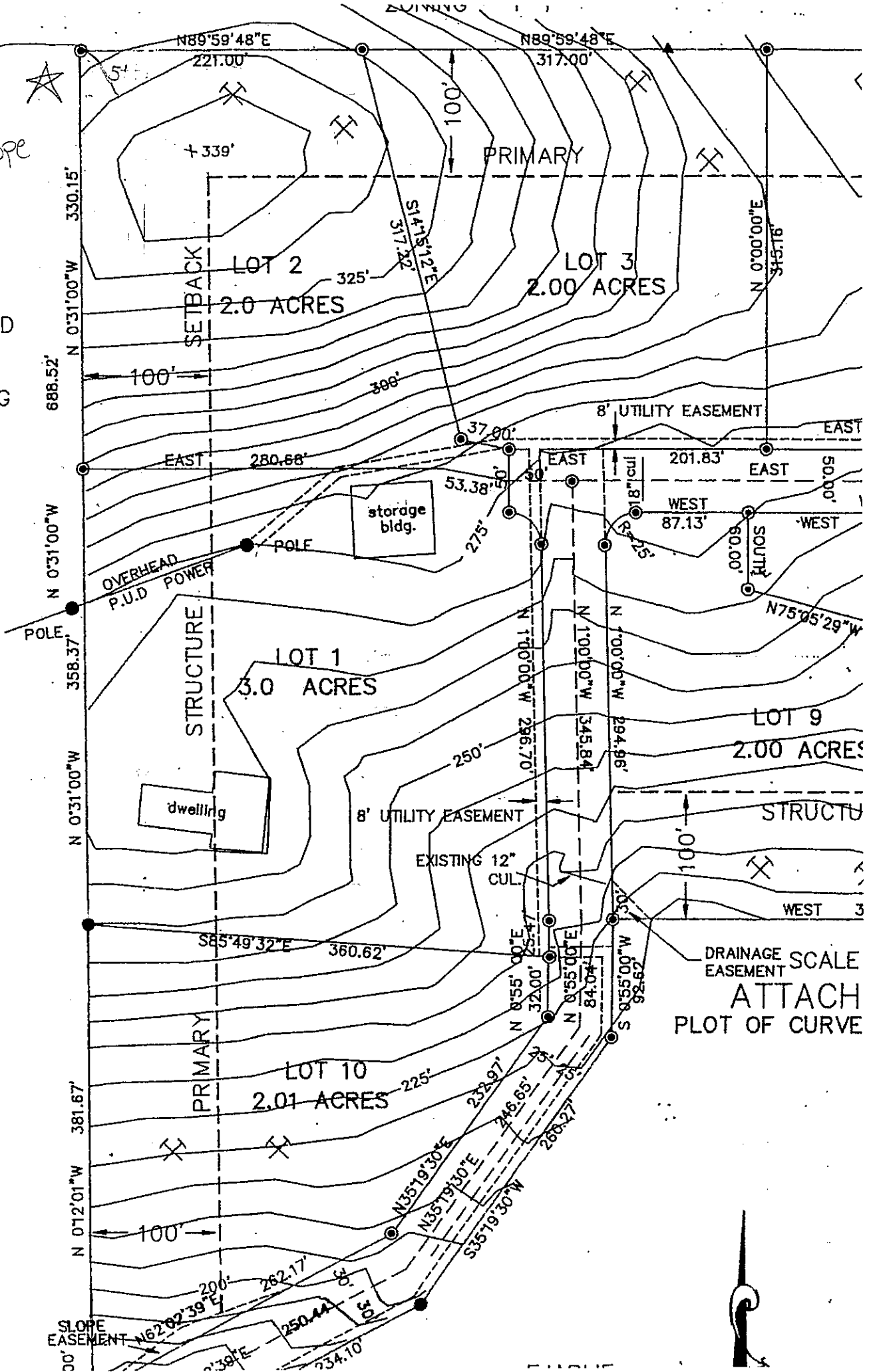
10-21-23
 Date

[Signature]
 Applicant Signature

10-21-23
 Date

Every line is 5' of slope

AROLD
WYSS
ONING
F 1



Curtis Fetzer

4012 Dogwood Ave. Tillamook OR 97141
503-801-3580

Property Description:

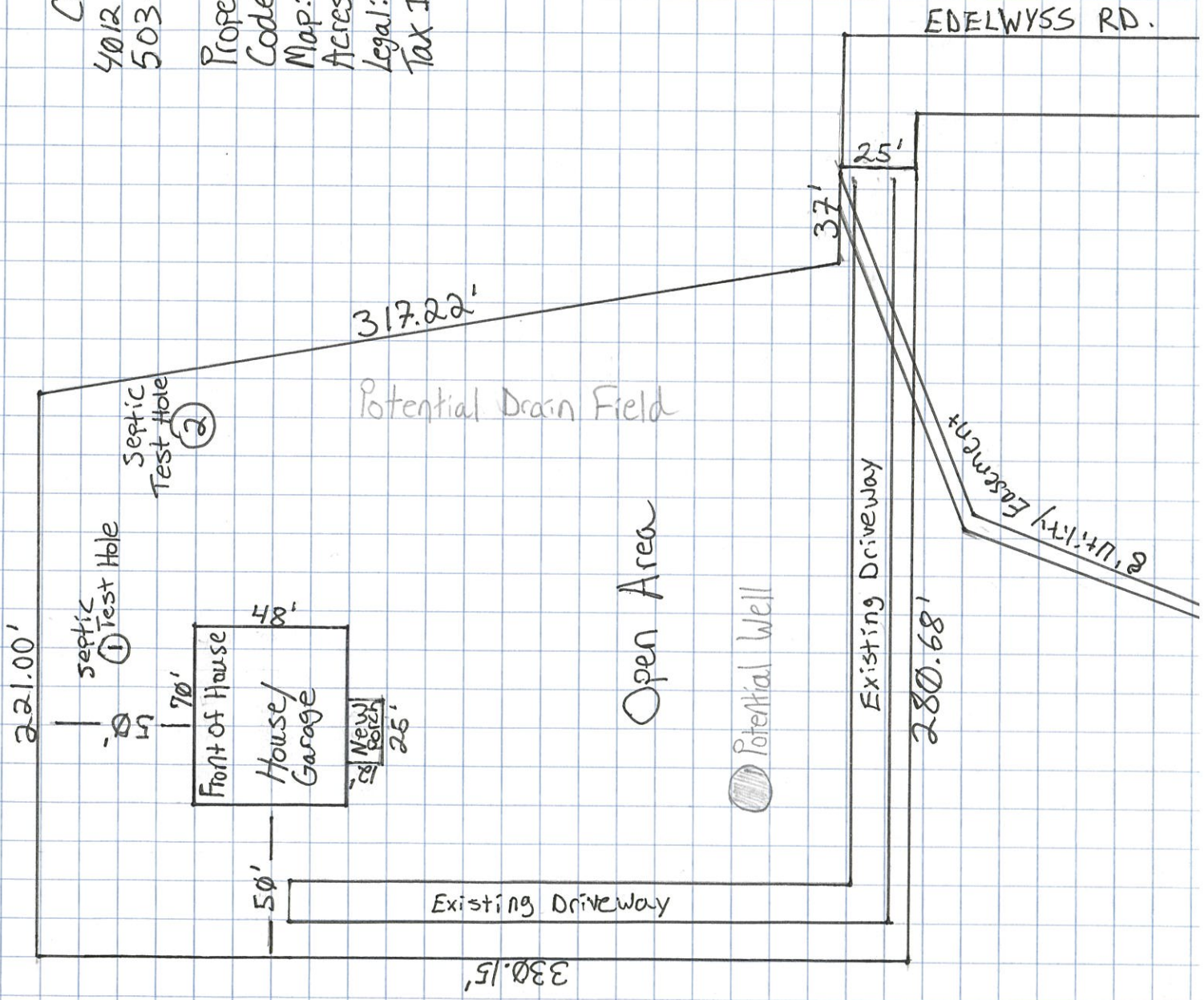
Code: 0912

Map: 1509340000401

Acres: 2.0

Legal: Edelwyss Ranch Sub lot-2

Tax ID: 409165



Scale
1" = 60'

Dear Sheila Shoemaker,

My Family and I have dreamed of building on our land since we purchased the lot in 2018. However, we first needed to fix up our old house and sell it which we finally accomplished. We now have a healthy chunk of change to be able to get serious about building our dream home.

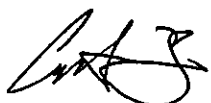
We do have a sloping lot, although towards the top north/west side of our lot is relatively level and ideal for building. The problem of course, is the 100' setback on both the north and west side. I am asking that you please grant us to build 50' closer to the current 100' north and west setbacks.

Times are tough, everything is extremely expensive, and we have worked hard to make this dream home a reality. If we can build 50' closer to those two sides, we will be able to save thousands on excavation costs. We also already have a home plan in mind, which will fit but we need to be on more level ground. If our setback request is not granted, we most likely will not be able to build the dream home we have always wanted. A daylight basement house might be our only option if our request is denied and that is not something we want to do. I have attached a topographic map which show slope lines throughout our parcel. Every line is 5' of slope, and the further you get away from the north and west side, the closer and steeper these lines are.

We are very close to being able to start the process of building our forever home. This initial step is crucial on how and if we can move forward with the construction process. I do not see it causing any unnecessary hardships for our neighbors, as the land that borders the north and west side of our lot is strictly cow pasture. But it does create an unnecessary hardship for my family if we are unable to build closer to those two sides.

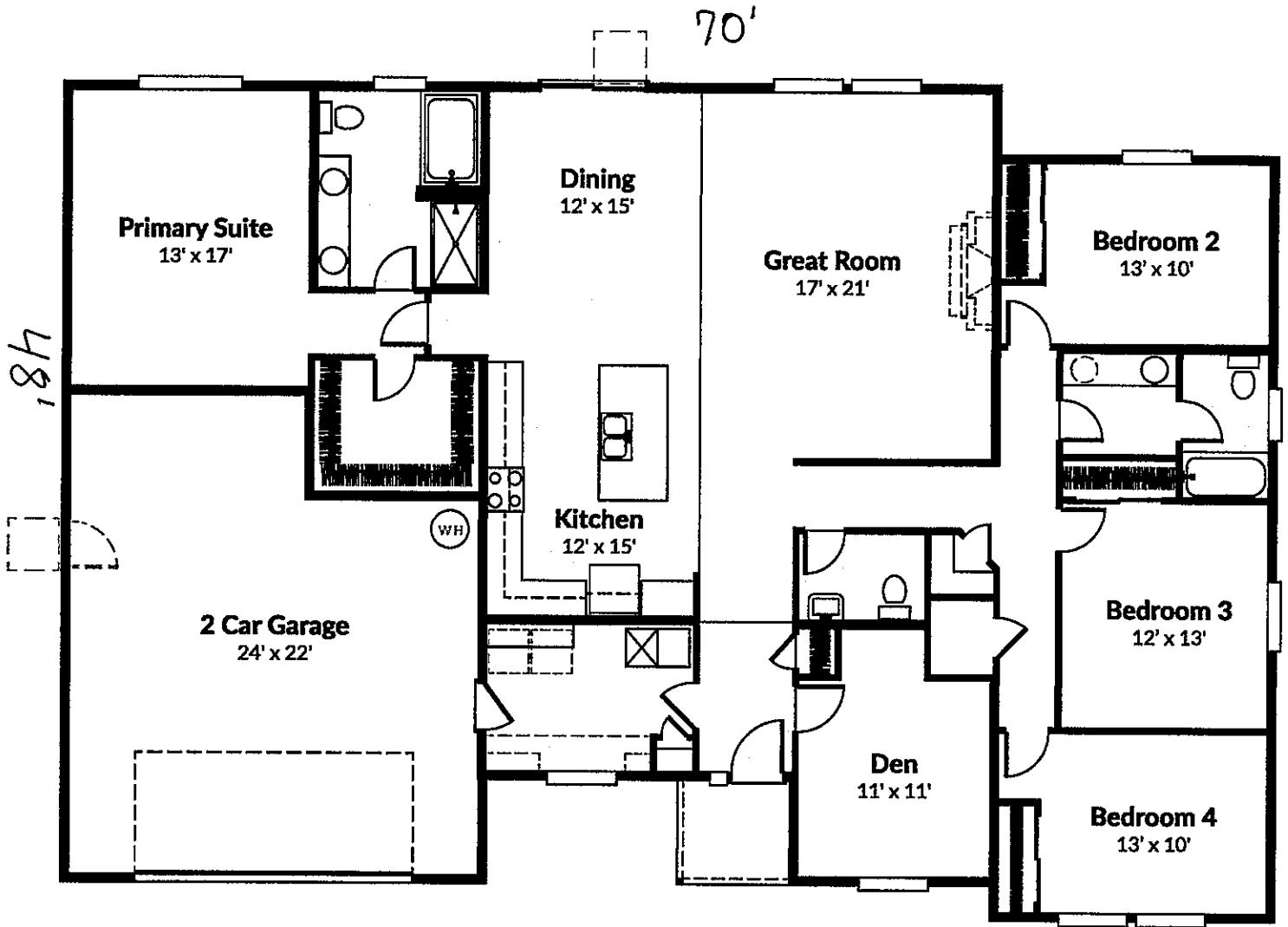
I have tried to track down all available documents that I could find to assist you in making this decision. Please know that I have never applied for something of this nature, and it is somewhat of a foreign language to me. I would be happy to try and explain things further or answer any questions you may have for me.

Thank you for your time and consideration,

 10-21-23

Curtis Fetzer

Our Dream Home



Horning Geosciences

808 26th Avenue, Seaside, OR 97138

Ph./FAX: (503)738-3738

Email: horning@pacifier.com



May 18, 2000

Richard Gitschlag, P.E.
Rhema Engineering
508 McCormick Loop
Tillamook, OR 97141

RE: Preliminary Geological Hazard Report; Tax Lot 400, NE 1/4 Sec. 34, T. 1 S., R. 9 W., W. M.; between the Trask River and Balmer Hill; southeast of Fairview, Tillamook County, Oregon (Wyss)

Dear Rich:

This report addresses the geologic hazards affecting the above described property, which I visited with you on Monday, April 3, 2000. I understand that the client intends to subdivide the property into 2-acre lots for home development. The land presently is cow pasture.

Approximately 1.0 hour was spent on the site and in the immediate vicinity examining landforms, soils, bedrock, vegetation, and other parameters related to hazard analysis. Procedures are consistent with those of industry and academia. Slopes were determined with Suunto inclinometer or Brunton compass, or are calculated from topographic maps. Positions were determined from approximate property corners and landmarks by pace and Brunton, or hip chain and the topo map. Maps and diagrams shown in this report have been scanned into Micrografx Designer for annotation or drafted directly with it. Figure 1 is a location map. Figures 2, 3, and 3a are the assessor's plat and maps of the regional geology. Site-specific geology and other pertinent information are provided in Figure 4.

Location & Description

Tax lot 400 is located about 5 miles east of Tillamook, southwest of Balmer Hill. The lot consists of 5 acres. It is a flag lot, in which access the road along the Trask River is by a long driveway that traverses a low pasture, then widening out on the lower flank of a hill slope. Virtually the entire lot is a cow field. See Figure 1 for the layout.

Elevation & Topography

Elevations range from about 100 to 280 ft above sea level (NGVD 1929). In the north part of the lot, where home sites are to be developed, the land consists of low, rounded hills with slopes that face south and southeast predominantly. Slopes range up to 30 percent and average about 20 percent. Drainages between the hillocks do not carry streams. It ap-

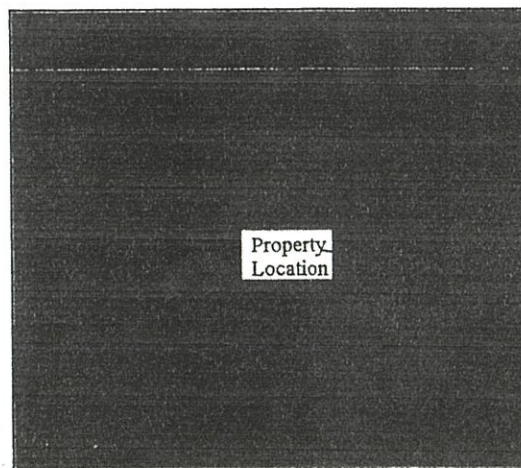


Figure 1: Property location map; extracted from the Tillamook 7.5' USGS Quadrangle Map.

[Handwritten scribbles and a red line at the bottom of the page]

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pears that they originally must have been first-order rills that flowed during exceptional rainfall, but plowing and grazing have smoothed these out. Recent heavy rains did not cause any erosion of likely stream routes, which suggests that the percolation of these soils is sufficiently high to retard overland flow. Schlicker and others (1972) interpret the slopes of this property as anomalously hummocky, suggestive of past landslide activity. This is addressed later in this report.

Vegetation & Soils

Much of the native forest on this property has been cleared for grazing. A few young conifers and deciduous trees are present. The remainder of the land is vegetated by grasses. A few older conifers grow on similar ground farther to the east. These consist of Sitka spruce and Douglas fir. They grow erect, indicating slope stability there, and by implication, on similar land in TL 400. The only leaning trees noted on adjacent land were near creeks draining from Balmer Hill, where erosion and saturation of the ground may have undermined the trees or softened the soils. Comparable ground on TL 400 is not present.

The soils on TL 400 consist of up to 2 ft of dark brown to black humus derived from decayed vegetation of the original forest. The thickness may range to as few as 12 inches to as many as 30. The humic horizon overlies a yellow-brown colluvial B-horizon in which rock in which light iron-stained clays are intermixed with bedrock fragments. The B-horizon is generally less than 2 ft in thickness.

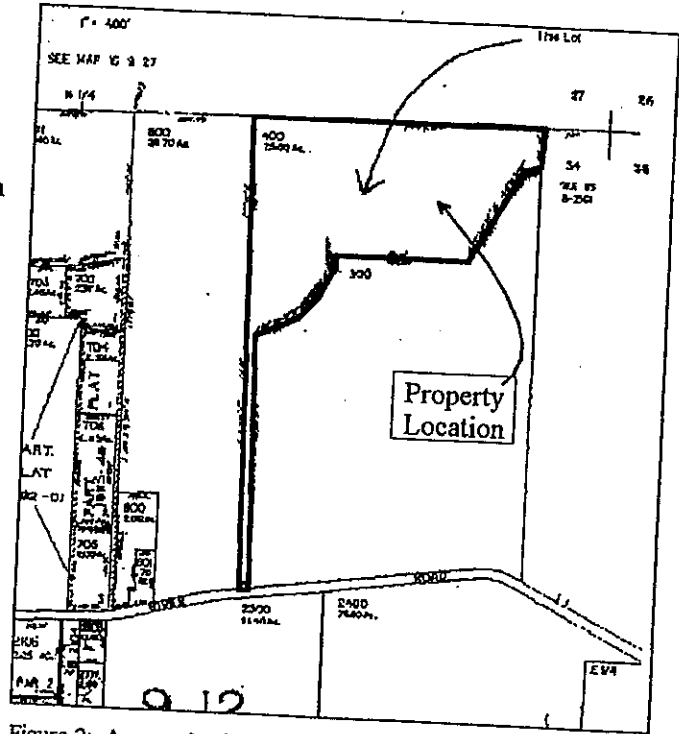


Figure 2: Assessor's plat for TL 400.

It is striking that the B-horizon is not thicker. It typically is as much as 4 to 6 ft thick in similar topographic conditions, and well developed. The absence of thick soil development may indicate that the B-horizon never developed or has slid from the hill. Both options seem unlikely, however, as the slopes are regarded as too gentle to have experienced landslide movements. Furthermore, there are no landslide piles at the base of slope. It may be that the few exposures of soils and bedrock are in disturbed zones, perhaps modified within historic times by human activity. The majority of the observations of soils is based on road cuts, both on this lot and along the highway farther to the west. Construction along these roads may have disturbed the soils and biased the observation. In addition to road cuts, we examined the sites of several test pits on the property. Most of the pits had been refilled at the time of geologic inspection, but soil traces indicate at least similar soil profile types are present throughout the property.

Bedrock

Bedrock consists of thin-bedded tuffaceous siltstone and sandstone that dips at less than 20 degrees, generally to the southwest. It weathers to a light yellow-brown soil and is commonly stained by iron to various shades of brown and red. According to Wells and others (1994), Balmer Hill and the low ridge to the west are underlain by tuffaceous siltstone, sandstone, and tuff beds of the Alsea Formation. This unit is equivalent to the Smugglers Cove Formation of Niem and Niem (1985) in Clatsop County. The unit dips to the west at less than 20 degrees. It forms the thick light-yellow soils described above. Regionally, it tends to form stable slopes and does not contribute much to landslide activity in either Clatsop or Tillamook Counties.

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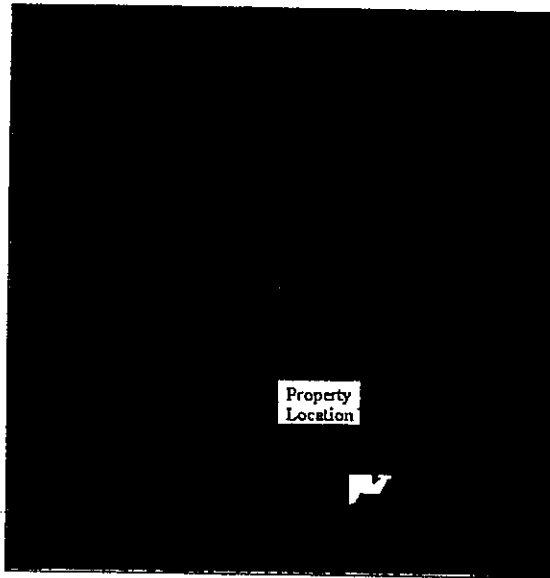


Figure 3: Geologic map of area east of the City of Tillamook, after Wells and others (1994). The Balmer Hill area is mapped as Alsea Formation (Tal). The bedding dips to the west at less than 15 to 20 degrees. The Tillamook Bay Fault Zone is shown north of the property. Nestucca Formation mudstone (Tn) crops out east of the Alsea silty sandstone.

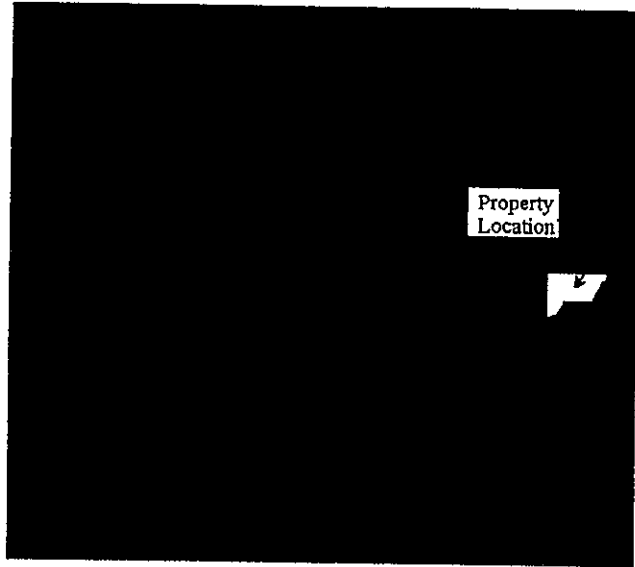


Figure 3a: Geologic map of the Balmer Hill area east of Tillamook; after Schlicker and others (1972). Bedrock is undifferentiated and referred to collectively as "Toms". Triangle pattern denotes hummocky landforms interpreted as possible landslide indicators. An inferred old landslide is shown on the southernmost part of the lot by a toothed line. Note that the slide boundary coincides with the contact of the Nestucca and Alsea Formations in Figure 3.

Structural Geology

As shown in Figure 3, the Tillamook Bay Fault Zone (TBFZ) passes within one to two miles of Balmer Hill. The TBFZ cannot be demonstrated to have been active any more recent than 2.1 million years ago, according to Goldfinger and others (1992). However, the fault zone is obscured by thick soils, vegetation, and young alluvium, making studies difficult. McNeil and others (1998) have found that numerous off-shore faults project onshore toward coastal estuaries where structural deformation can be demonstrated in young sediments. It is reasonable to conclude that the TBFZ presents a potential seismic hazard to the region. The recurrence interval of earthquakes along this fault is unknown. Given its known length, the TBFZ is estimated to have the potential of generating a Magnitude 6.6 earthquake, using criteria of Wang and Priest (1995). Additional seismic hazards are discussed under *Regional Hazard Assessment*.

LOCAL HAZARD ASSESSMENT

Geological hazards on Tax Lot 400 are relatively minor. Localized slope instability, drainage control, and compressible soils are the principal hazards. Regional seismic hazards are addressed under later sections.

Slope Instability

As shown in Figure 3a, Schlicker and others (1972) considered the lower slope of this property to be an ancient landslide. The boundaries of the slide coincide exactly with the contact between the Nestucca Formation mudstone of the lower slope and the Alsea silty tuffaceous sandstone of the rest of the property. Based on this, the landslide most likely is a faulty interpretation based on topographic weathering behavior of the easily eroded mudstone below the more resistant sandstone. Although soil profiles are anomalously thin in road cuts, it is concluded that clearing and past road building have disturbed the soils and reduced the total weathering profile. My experience with soils on the Alsea Formation is that slope failure is rare and restricted to slopes of

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more than 50 percent. Given the maximum slope for this property is 30 percent, I conclude that there is no risk for landslide activity. However, assuming that thicker soil profiles are present, it may be necessary to retain cut banks or dress them back to a 1.5 Horizontal to 1.0 Vertical slope.

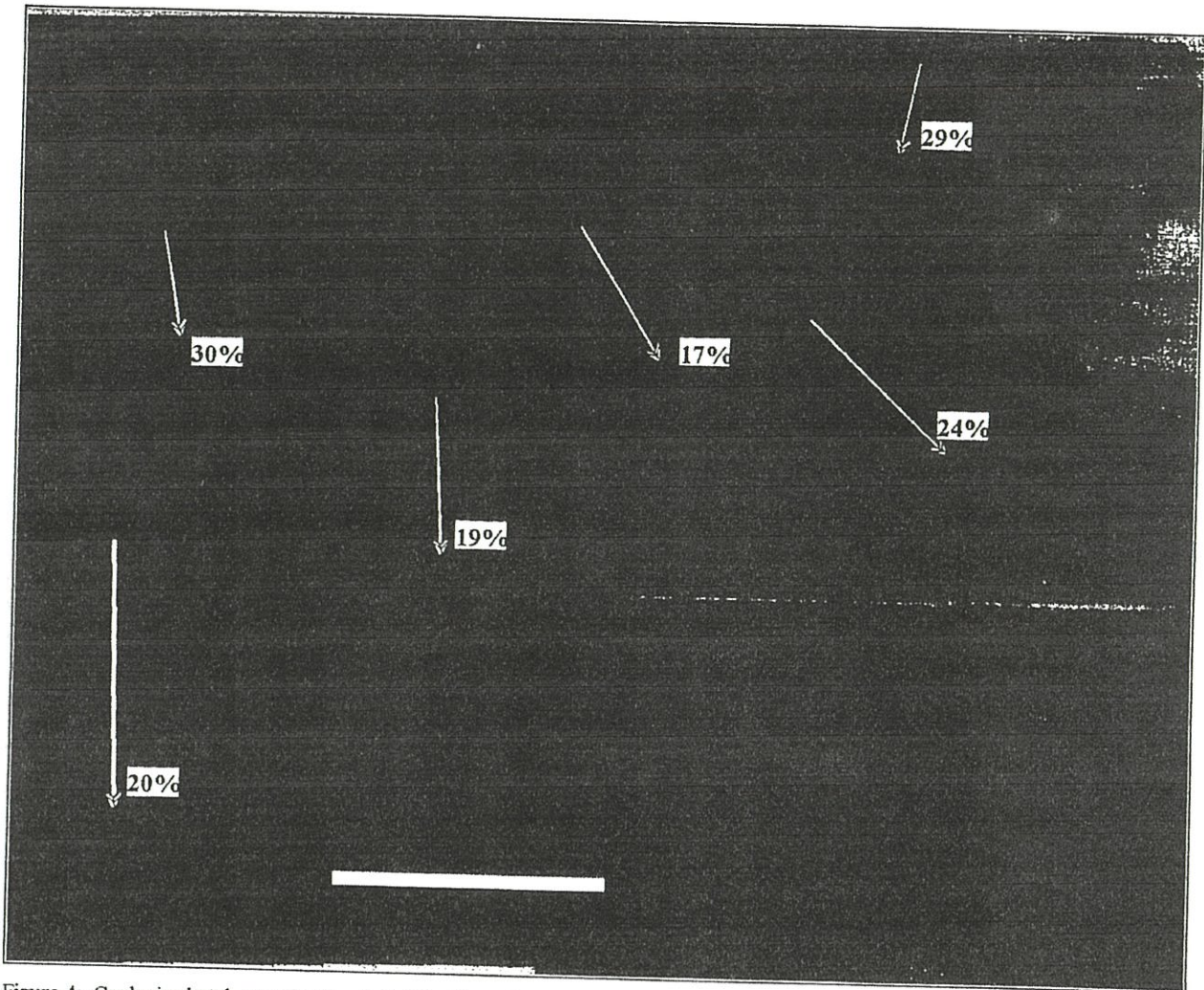


Figure 4: Geologic sketch map for Tax Lot 400. Slope direction and inclination are indicated by arrows.

Compressible Soils

The black humic soils are compressible and should be excavated prior to laying foundations. Foundations should be laid upon the light-brown B-horizon soils, directly onto bedrock, or onto compacted rock or engineered fill.

Drainage Control

It is assumed that daylight basements may be a part of the homes built on this site. Peripheral foundation drains must be installed to intercept shallow groundwater that moves through the soils, particularly after heavy rainfall. This drainage should be piped with gutter and downspout water at least 10 ft from the foundations. Distribution of the effluents into a drainfield is not necessary from the standpoint of slope stability, but it would help limit isolated erosion and saturation from the outfall.

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No other hazards were noted.

REGIONAL HAZARD ASSESSMENT

Oregon coastal property owners are advised that there is abundant evidence for a series of geologically recent and severe regional earthquakes. Discoveries since 1987 confirm a history of as many as thirteen major events originating in the local Cascadia subduction zone during the past ~7700 years. Based on the measured intervals between such events (200 to 550 years), it follows that a major regional earthquake is probable in the next two centuries and could occur at any time. The most recent earthquake was on January 27, 1700 A.D. Newly revised projections estimate a 10 to 30 percent chance of a Mw = 8.0 to 9.2 regional quake in the next 50 years. Shaking durations will be up to 5 minutes.

Optional Building Standards

It is recommended- as an option- that structures be designed to meet Zone 4 Seismic Standards of the Uniform Building Code. Research by Dr. Chris Goldfinger, of Oregon State University (public presentation, March 9, 1999, Oregon Seismic Safety Policy Advisory Commission (OSSPAC)), finds that western Oregon is being displaced to the east and north by compression between the subsiding Juan de Fuca and over-riding North American tectonic plates in the Cascadia Subduction Zone. This displacement suggests that the locked portion of the subduction zone extends about another 30 to 50 miles farther to the east from earlier estimates, from 15 miles off-shore to nearly the central part of the Coast Range. Under this scenario, also seen for the Olympic Peninsula, the amount of seismic shaking along the north Oregon coast will be greater than previously thought. This will result in peak ground accelerations of about 0.3g to perhaps 0.5g, based on recent analyses by Dr. Ivan Wong (public presentation, March 9, 1999, Oregon Seismic Safety Policy Advisory Commission (OSSPAC)). Furthermore, thick dune sand or other alluvium may, or may not, lead to amplification of short period (0.1 second) ground waves that are closer to the natural harmonic frequency of houses and potentially destructive. Given the moderate to high susceptibility of ground shaking, high peak ground acceleration, and- perhaps most importantly- from three to five minutes of shaking (versus 25 seconds for California quakes)- the need for strong construction standards is great. Construction costs are generally projected to increase from 1 to 2 percent by building to Zone 4 standards. It should be pointed out that the State is presently considering moving to Zone 4, or, alternatively, to the International Building Codes (IBC 2000), which will contain Zone 4 equivalent seismic criteria.

Seismic Landslide Susceptibility

The middle and lower slopes of Balmer Hill have the potential of failing during the regional earthquake. The susceptibility of this is estimated to be moderate to low.

RISK

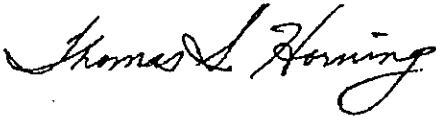
Risks from unusual geologic events such as earthquakes, tsunamis, and the confluence of 100-year storms with maximum tides are, because of their low probabilities, difficult to accurately quantify. The geologic community cannot accurately predict when events will occur and can only estimate their frequency of occurrence and their likely magnitude. Prospective property owners must assume responsibility for determining what level of risk they are willing to tolerate.

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LIMITATIONS

Observations and conclusions incorporated in this letter report are the result of personal site inspection, the works of other specialists, and generally accepted principles of geologic investigation for a report of this nature. No warranties are expressed or implied. This report does not extend to the activities of unidentified future owners or occupants for which the writer bears no responsibility.

Sincerely yours,



Thomas S. Horning, Chief Geologist
Horning Geosciences



References Cited

- Goldfinger, C., Kulm, L. D., Yeats, R. S., Mitchell, C., Weldon, R. Jr., Peterson, C., Darienzo, M., Grant, W., and Priest, G. R., 1992, Neotectonic map of the Oregon Continental Margin and Adjacent Abyssal Plain; OFR 0-92-4, State of Oregon, Department of Geology and Mineral Industries.
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- Niem, A. R., and Niem, W. A., 1985, Oil and Gas Investigation of the Astoria Basin, Clatsop and Northernmost Tillamook Counties, Northwest Oregon: OGI-14, State of Oregon, Department of Geology and Mineral Industries.
- Schlicker, H. G., Deacon, R. J., Beaulieu, J. D., and Olcott, G. W., 1972, Environmental Geology of the Coastal Region of Tillamook and Clatsop Counties, Oregon: Bulletin 74, State of Oregon, Department of Geology and Mineral Industries; 164 p. with plates.
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- Wells, R. E., Snively, P. D. Jr., MacLeod, N. S., Kelly, M. M., and Parker, M. J., 1994, Geologic Map of the Tillamook Highlands, Northwest Oregon Coast Range; USGS Open-File Report 94-21.



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

Land of Cheese, Trees and Ocean Breeze

201 Laurel Avenue
Tillamook, Oregon 97141

Building (503) 842-3407
Planning (503) 842-3408
On-Site Sanitation (503) 842-3409
FAX (503) 842-1819
Toll Free 1-(800) 488-8280

March 14, 2000

Harvey & Jeanette Wyss
9300 Trask River Road
Tillamook, OR 97141

EVALUATION REPORT FOR AN ON-SITE
WASTEWATER DISPOSAL SYSTEM

Subject: Tax Lot: 400 (Lot #2) Section: 34 Township: 1S Range: 9W W.M.
Application Number: 00-2071

Dear Mr. & Mrs. Wyss:

The site evaluation that you requested for the installation of an on-site subsurface wastewater disposal system (septic system) has been completed. The site evaluation was completed on **March 3, 2000**.

Based upon the results of the evaluation of the subject parcel and the associated characterization of the soils exposed in the test pits, wastewater disposal utilizing a septic system appears feasible. Site characteristics and soil conditions require that a **Standard** system must be installed as described in the attached construction detail and setback sheets.

This site evaluation approval is limited to a dwelling of **Four (4)** bedrooms maximum. The definition of a "bedroom" is any room within a dwelling designated as such by the Tillamook County Building Official. Please also note that this site evaluation approval is site specific and does not address the feasibility of locating the system elsewhere on the parcel. Please review the enclosed map for the location of the approved septic system installation area on the parcel.

Prior to construction of the septic system, a construction installation permit must be secured from the Tillamook County Community Development Department, On-Site Sanitation Division. Two (2) complete plot plans drawn to a defined scale which include the layout of the septic system and all supporting system design documentation must be submitted with the

Tax Lot: 400 (Lot #2) Section: 34 Township: 1S Range: 9W W.M.

This map is made solely for the purpose of providing general information. Tillamok County assumes no liability for variations, if any, in dimensions and location of the test pits that may vary from a survey of the parcel.

Any alteration of the natural soil or locating a water well within 100 feet of the approved absorption field area will void this approval.



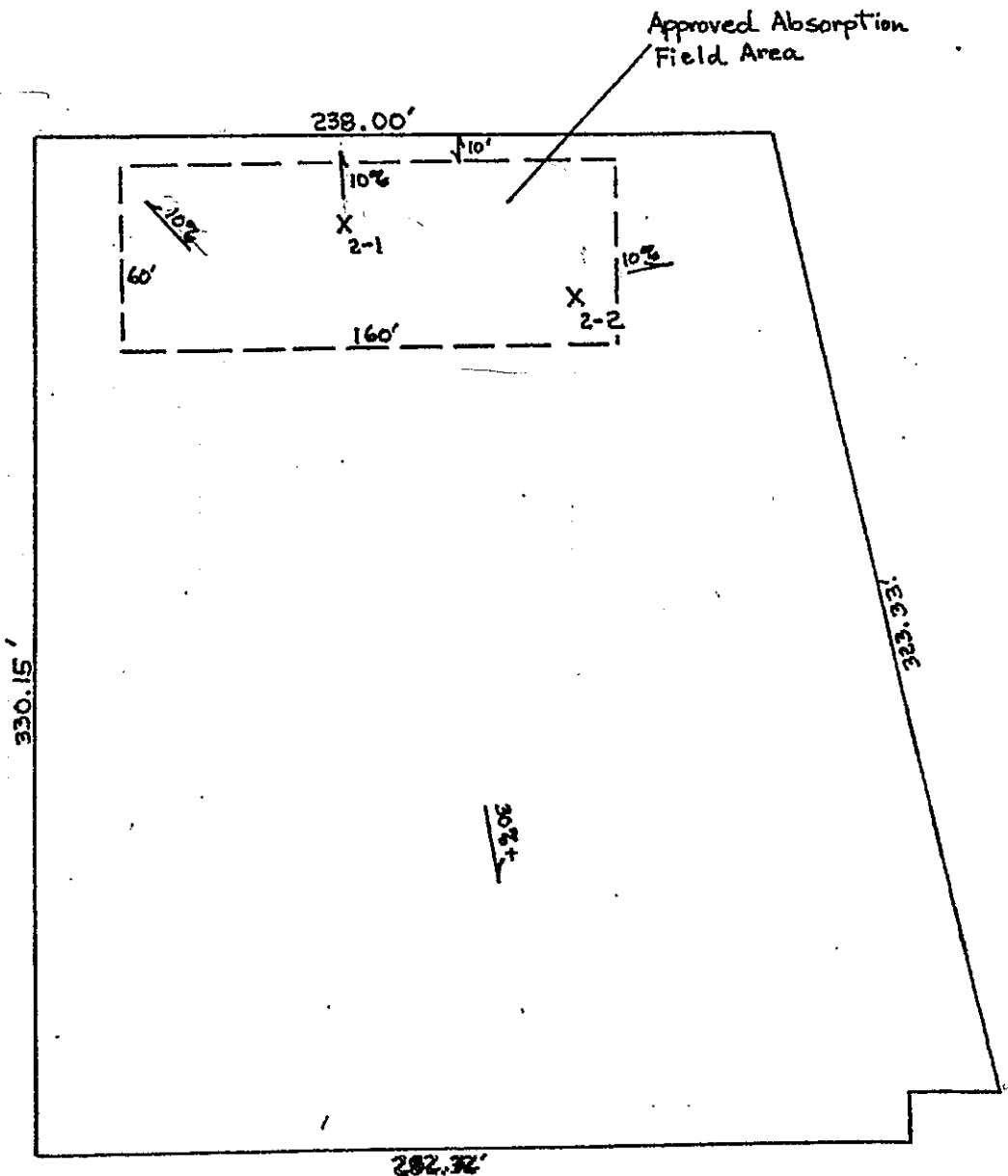
N

March 14, 2000
Site Evaluation

Scale

1" = 60'

Test Pit: X_n



MINIMUM ON-SITE SYSTEM SETBACK DISTANCES
(STANDARD & ALTERNATIVE SYSTEMS EXCEPT SAND FILTERS)

Tax Lot: 400 (Lot #2) Section: 34 Township: 1S Range: 9W W.M.

Items Requiring Setbacks	From Initial and Repair Soil Absorption Areas	From Septic Tank and Other System Components
<input checked="" type="checkbox"/> Groundwater Supplies (Wells)	100'	50'
<input type="checkbox"/> Temporarily Abandoned Wells	100'	50'
<input type="checkbox"/> Springs		
<input type="checkbox"/> Upgradient	50'	50'
<input type="checkbox"/> Downgradient	100'	50'
<input type="checkbox"/> Surface Public Waters ¹		
<input type="checkbox"/> Perennial (Year Round)	100'	50'
<input type="checkbox"/> Intermittent (Seasonal)	50'	50'
<input type="checkbox"/> Intermittent Drainageways		
<input type="checkbox"/> Enclosed in Pipe (Watertight)	20'	20'
<input type="checkbox"/> Open (Unpipied)	50'	50'
<input type="checkbox"/> Groundwater Interceptors		
<input type="checkbox"/> On a Slope 3% or Less	20'	10'
<input type="checkbox"/> On a Slope Greater than 3%		
<input type="checkbox"/> Upgradient	10'	5'
<input type="checkbox"/> Downgradient	50'	10'
<input type="checkbox"/> Irrigation Canals		
<input type="checkbox"/> Lined (Watertight)	25'	25'
<input type="checkbox"/> Unlined		
<input type="checkbox"/> Upgradient	25'	25'
<input type="checkbox"/> Downgradient	50'	50'
<input checked="" type="checkbox"/> Manmade Cuts 30 Inches or Higher		
<input type="checkbox"/> Which Intersect Layers that Limit Effective Soil Depth Within 48" of Ground Surface	50'	25'
<input checked="" type="checkbox"/> Which do not Intersect Layers that Limit Effective Soil Depth	25'	10'
<input type="checkbox"/> Escarpments		
<input type="checkbox"/> Which Intersect Layers that Limit Effective Soil Depth	50'	10'
<input type="checkbox"/> Which do not Intersect Layers that Limit Effective Soil Depth	25'	10'
<input checked="" type="checkbox"/> Parcel Boundary Lines	10'	5'
<input checked="" type="checkbox"/> Water Lines	10'	10'
<input checked="" type="checkbox"/> Foundations of any Buildings	10'	5'
<input checked="" type="checkbox"/> Underground Utilities	10'	—

¹This does not prevent stream crossing of pressure effluent sewers

Standard On-Site Wastewater System Construction Detail Sheet

Date: March 14, 2000

New:

Applicant: Harvey & Jeanette Wyss

Repair:

Recheck:

Tax Lot: 400 (Lot #2)

Section: 34

Township: 1S

Range: 9W W.M.

Application Number: 00-2071

Acreage: 2.07 acres

- Your site has been found suitable for a **STANDARD ON-SITE WASTEWATER SYSTEM**. The following construction installation specifications shall apply:
- The septic tank shall have a minimum liquid capacity of 1,000 gallons.
- The absorption field shall be constructed in **SERIAL** distribution with a maximum trench depth of 36 inches and a minimum trench depth of 24 inches. There shall be a at least 12 inches of clean backfill over the top of the gravel. The depth of backfill shall be measured from the natural ground surface.
- The soil characterized on this site requires 125 lineal feet of absorption trench per 150 gallons of sewage flow. For your proposed development, a minimum of 375 lineal feet of absorption trench is required. Absorption trenches shall be constructed two (2) feet wide on ten (10) foot minimum centers. There shall be eight (8) feet of undisturbed soil between each individual absorption trench. The absorption trenches shall have a total drainrock depth of twelve (12) inches. All absorption trenches shall be constructed to maintain a one (1) inch plus or minus grade (preferably level) the entire length of the trench. The absorption trenches shall be installed to follow the natural ground contours.
- The above described system requires that adequate approved area shall be maintained for both the initial on-site wastewater system and a repair on-site wastewater system. The repair on-site wastewater system area shall be maintained free of buildings or roads so that the area can be utilized for an on-site wastewater system installation site when the initial on-site wastewater system fails.
- Tillamook County Zoning requirements will impact the proposed location of any development on this parcel. Please contact the Tillamook County Community Development Department, Planning Division, phone number (503) 842-3408, for details.**

The conditions of the on-site wastewater system are as follows:

The minimum parcel size for the installation of an on-site wastewater treatment system is as plated.

SPECIAL CONDITIONS: Maintain all required setbacks.

Sheila Shoemaker

From: Curtis Fetzer <curtis_fetzer@yahoo.com>
Sent: Friday, November 17, 2023 8:41 AM
To: Sheila Shoemaker
Subject: EXTERNAL: Man made barrier

[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 Sheila,

This man made barrier will be for the following property:

Property Description:
Code: 0912
Map: 1S09340000401
Acres: 2.0
Legal: Edelwyss Ranch Sub Lot-2
Tax ID: 409165

I, Curtis Fetzer will put in a man made barrier of shrubs, bushes, fencing, etc. between my property and the farm zone land on the north and west side of my lot.

Curtis Fetzer

Sent from my iPhone
-Win the day. Go Ducks.

Sheila Shoemaker

From: Curtis Fetzer <curtis_fetzer@yahoo.com>
Sent: Sunday, December 17, 2023 8:06 PM
To: Sheila Shoemaker; Sheila Shoemaker; Curtis Fetzer
Subject: EXTERNAL: Land Setback Request
Attachments: Dear Tillamook County.docx; Exhibit F.JPG; Exhibit C.PNG

[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 Sheila,

I have finished my response and have attached it to this email along with two other photos. Please let me know if you need anything else from me on my end. If not, I will eagerly await your response! Take care and have a great week.

Happy Holidays,

Curtis Fetzer

Dear Tillamook County: Community Development,

This response is regarding my resource zone exception application (#851-23-000491-PLNG) and the comments from Wes Hunter, Angela Hunter, and Bruce Thomas.

In response to Wes and Angela Hunter, I do not believe they submitted anything in their letter that provides reasons or facts on why it would cause an unnecessary hardship on them if my home was 50ft closer to their fence line. I submitted all necessary documents to the County for this zone exception request, which included an additional "one sentence email" about putting in a man-made barrier because I was asked to do so. I have no problem creating another barrier between my land and tax lots 500 and 1801 in addition to the fence that is currently there. As far as limbing trees, shrubs, bushes, or anything for that matter, if it is on my property, I will do with it as I please.

In response to Bruce Thomas, I again do not believe he submitted anything in his letter that provides reasons or facts on why it would cause an unnecessary hardship on him if my home was 50ft closer to his fence line.

Bruce Thomas would not need to purchase additional equipment. He stated he has been spreading manure on tax lot 1801, tax lot 500, and along tax lots 401, 402, and 403 for 50 years without issue. A house being 50ft closer to the fence line does not change that or the facts. Bruce Thomas may not spread manure onto my property and having a dwelling 50ft away from the fence line changes nothing. It should be noted that Bruce Thomas sent in two different quotes for new equipment. These quotes are for the same type of machinery, just different sizes. If Bruce Thomas would like to purchase new equipment, he is more than welcome to. But the facts are it is not necessary, and Bruce Thomas would only want one, not both pieces he sent in quotes for.

Bruce Thomas talked about elevation maps and by looking at the map, Bruce stated the flattest spot is more than 100ft away from tax lot 1801 and tax lot 500. This is not true. Bruce's "exhibit a" is too small to see where the actual elevation is, and "exhibit b" does not show elevation at all. I have mapped out, staked, and measured with contractors where my home would be in person, which is different than looking at an elevation map. While the front side of my foundation would be

on level ground, if not granted the setback, the back side of my house would not be. Not to mention a back deck or porch. Causing thousands of dollars in foundation costs. I am more than happy to show you in person if you would like to send someone from the planning department to meet me.

I am not a farmer, nor do I claim to be. I do not have a lot of knowledge about farming, but I do know many farmers in the county. I couldn't wrap around my head around what changes or hardships this would create for Bruce Thomas if I was granted this zone exception request. If Bruce Thomas has been spreading manure on tax lots 1801, 500, and along tax lots 401, 402, and 403 for 50 years without issue, then what changes if my home is still 50ft away?

I spoke with four different generations of farmers including having one come up to my land and look around and all four said the same thing, nothing changes. No unnecessary hardships, no new equipment, Bruce Thomas simply keeps doing what he has been doing for 50 years, spreading manure on land he owns, and keeping it off land he doesn't.

The farmers that I spoke with also told me about houses on their farms that are a lot closer than 100ft from the fence line. They simply said all they have to do is be more careful when spreading manure along that piece of property. Another example is if a river runs through your property as a farmer. Nothing changes, you just must be mindful and careful of where you are to eliminate manure from being spread into the river.

I took this knowledge I learned from the farmers and researched if precedent had already been set in other parts of Tillamook County. I have attached additional documents "Exhibit (C)" and "Exhibit (F)" that not only shows precedent has been set, but it has been done right next to land Bruce Thomas owns. "Exhibit (C)" shows Andrea Papadopoli's home well within the 100ft setback rule. "Exhibit (F)" shows where it is in relation to my property.

I understand there are rules in place to protect farmland. I also understand that if these rules were set in stone, I wouldn't be given the option to apply for a resource zone exception request. I do not believe my request is unreasonable and have taken appropriate measures to make sure of this. With that being said, I would like to modify my original request of 50ft of setback to 40ft. I appreciate

Tillamook County for hearing me out and working with me throughout this process. Thank you for your time, my family and I really do appreciate it.

Curtis Fetzer

Curtis Fetzer



PAPADOPOLI
ANDREA
V

THOMAS
BRUCE
W

Hodgdon Rd

mapbox

Sat

Figure 1.1



Evil... r

Sheila Shoemaker

From: Curtis Fetzer <curtis_fetzer@yahoo.com>
Sent: Friday, December 22, 2023 12:54 PM
To: Sheila Shoemaker
Subject: EXTERNAL: Setback Clarification

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

In my original email I sent on 12-17-23 I stated I would like to modify my original request from a 50ft setback to a 40ft setback.

What I meant was that instead of asking to be 50ft closer to the fence, I would only be 40ft closer.

To clarify, I am asking for a 60ft setback instead of a 50ft setback.

Thank you,

-Curtis Fetzer

Sent from my iPhone
-Win the day. Go Ducks.

EXHIBIT C

Sheila Shoemaker

From: Ron Newton
Sent: Monday, November 20, 2023 9:43 AM
To: Lynn Tone; Sheila Shoemaker
Cc: Jasper Lind
Subject: Re: Resource Zone Exception 851-23-000491-PLNG: Fetzer

Lynn

The subject property is accessed by way of Wyss Road, an improved private road with access to Trask River Road at an approved location that meets all current Ordinance #44 requirements. Public Works will have no comment.

Thank you.

PLEASE NOTE: Tillamook County has updated our email domain to [*.gov](mailto:***@tillamookcounty.gov)
My new email is: Ron.Newton@tillamookcounty.gov**

Ron Newton, *LSI*
Engineering Tech III
Tillamook County Public Works
503 Marolf Loop
Tillamook, OR 97141
Working From Home
Cell – 503.812.1441

From: Lynn Tone <ltone@co.tillamook.or.us>
Sent: Friday, November 17, 2023 3:57 PM
To: Sheila Shoemaker <sshoemak@co.tillamook.or.us>
Subject: Resource Zone Exception 851-23-000491-PLNG: Fetzer

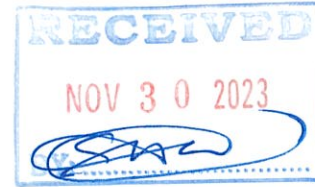
Hello, please see link for Notice of Administrative Review, thank you.
[851-23-000491-PLNG | Tillamook County OR](#)



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.

Wes and Angela Hunter
1270 Hickory Hill Rd
Tillamook, OR 97141
(910) 987-2568
Property 500 on map



Response to Resource Zone exception request #851-23-000491

I have read all the information that was filed with the zone exception request. I can appreciate the filer's (Curtis Fetzer) position, wanting to build a home for his family. However, farmland is a precious commodity that should remain protected. There are rules in place for rural residential housing next to farmland. I am not in support of the exception that is being requested.

In the last few years the filer has limbed-up the most mature trees on his side of our shared property line resulting in unnatural bare trunks for the first 25'-30' of the trees. This summer (2023) he inquired about removing limbs from a tree on the property line and talked about getting a survey to see if the fence (in place for 50+ years) was really the property line. Mr Fetzer inquired why we would plant and maintain trees on our side of the fence that could someday block his views of the Trask River valley. We see in the proposal that he sent a one sentence email from his phone November 17 that he "will put in a man made barrier of shrubs, bushes, fencing, etc. between my property and the farm zone."

In some instances, he has completely removed the trees on our joining property line, to clear the view between our properties. He personally expressed his desire to open the views for his future home. There has been no mentioned of planting a barrier, instead he removed the pre-existing evergreen barrier. One can see the ground level stumps of spruce and hemlock all the way up the driveway. There were concerns raised from the filer, regarding the trees that were planted along our property blocking his future views.

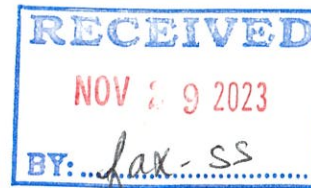
The forementioned property has buildable land accessible. Excavation is part of construction. The ease of building a house on this property should have been evaluated prior to purchase, with the proper zoning taken into consideration.

OR Section 3.010 Rural Residential

No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100-foot requirement. In either case, all yard requirements in this zone shall still apply.

Wesley S Hunter
Angela

Wes and Angela Hunter
1270 Hickory Hill Rd
Tillamook, OR 97141
(910) 987-2568
Property 500 on map



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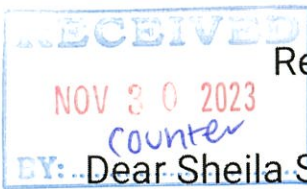
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A handwritten signature in black ink, appearing to read "Wes Hunter".

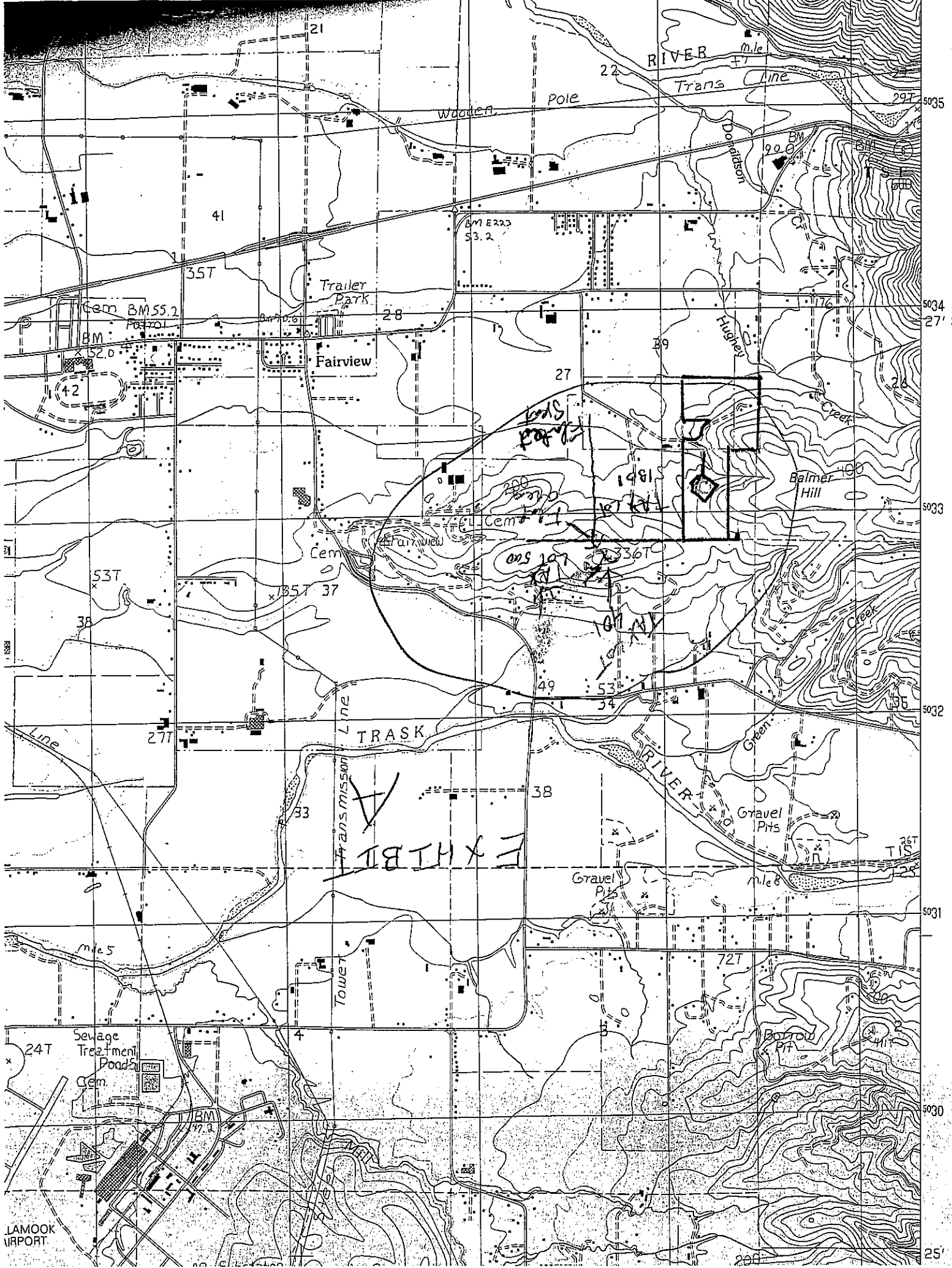


Resource Zone Exception #851-000491-PLNG:Fetzer

Dear Sheila Shoemaker and whomever it may concern, I Bruce Thomas am the landowner of tax lot 1801, that I have lived on over 75 years and owned over 50 years. I am responding to Curtis Fetzer's setback change #851-23-000491-PLNG lot 401 in Harvey and Jeanette Wyss' subdivision. Curtis is asking to change the setback from 100ft to 50ft. The rules in place say no closer than 100ft from farm land. Curtis is saying in the letter he wrote to you that it is going to cost him less to build if he is granted his request of building closer to my farm. The paperwork Curtis sent you included an elevation map. Looking at that map, the flattest spot to build on lot 401 is more than 100ft away from my tax lot 1801 and tax lot 500. Exhibit "A" which I have included in my paper work shows the area also. Curtis' paperwork also shows the test holes and drain field site on the north side of his lot 401 next to my property tax lot 1801. It also shows that there is a 10ft setback from my property line. The drain field is 60ft wide, and because you can not build over a drain field that puts Curtis a minimum of 70ft away from my property line. I see no proof in any of Fetzer's paperwork that him building closer to my land will save him money. I spread manure on tax lots 1801 and 500 several times a year to keep the grass growing. I also spread manure along tax lots 401-402-403. There is a home on 403 which is 100ft from the property line as required, and there has never been a problem with the spreading of manure. Curtis has stated that he will plant shrubs as a barrier to fix the problems associated with him moving the setback to 50ft. Said "shrubs" would need to be at least 20ft tall. Meaning it would take years before they would make any difference. In exhibit "A" and "B" I have included it shows how steep the south side of my lot 1801 is. With the equipment I have, I would be at the very least losing a few different 100ft passes of grass I am able to spread manure on. Which equates to a sizable amount of land I won't be able to care for properly as I have been doing without issue over my 50 years of ownership. Exhibit C1 and C2 show the cost of the equipment I would have to purchase to not lose out on the sizeable amount of grass I would potentially lose if Fetzer is granted his request. The 100ft setback regulations were put into place for a reason, and one reason for that is to protect farming, but also to

protect the surrounding home owners. The odor alone associated with the spreading of manure is enough to get neighbors angry. I do my best to keep mess and odor to a minimum out of respect for my neighbors, a setback change of 50ft does nothing but make that harder on myself and the generations that follow. I have been a member of Oregon Farm Bureau and multiple other farming organizations most of my life and have seen several problems arise when someone wants to change the rules just to suit themselves. I ask that you send someone from the planning department out to meet with me, I can show you that Fetzer would have no problem building his home at a setback of 100ft away from tax lots 1801 and 500. If that is not an option I request a court hearing. This request is to protect myself from future legal problems down the road that may arise if this setback change is allowed. Lastly, Fetzer stated the unnecessary hardship he would have if he's forced to build at the required 100ft setback. I say that unnecessary hardship falls on the owners of tax lots 1801 and 500. They will be the ones with the expense of new equipment or the hardship of not being able to grow the grass they need. There is no need for Fetzer to build closer than 100ft other than that he simply wants to. Thank you for your time, you can contact me at (503)-842-5305 if you have any questions.

Bruce Thomas
Owner of tax lot 1801



Date

200802150 Feet

This acreage is for FSA progr
purposes only. No warranty is
made for any other use.

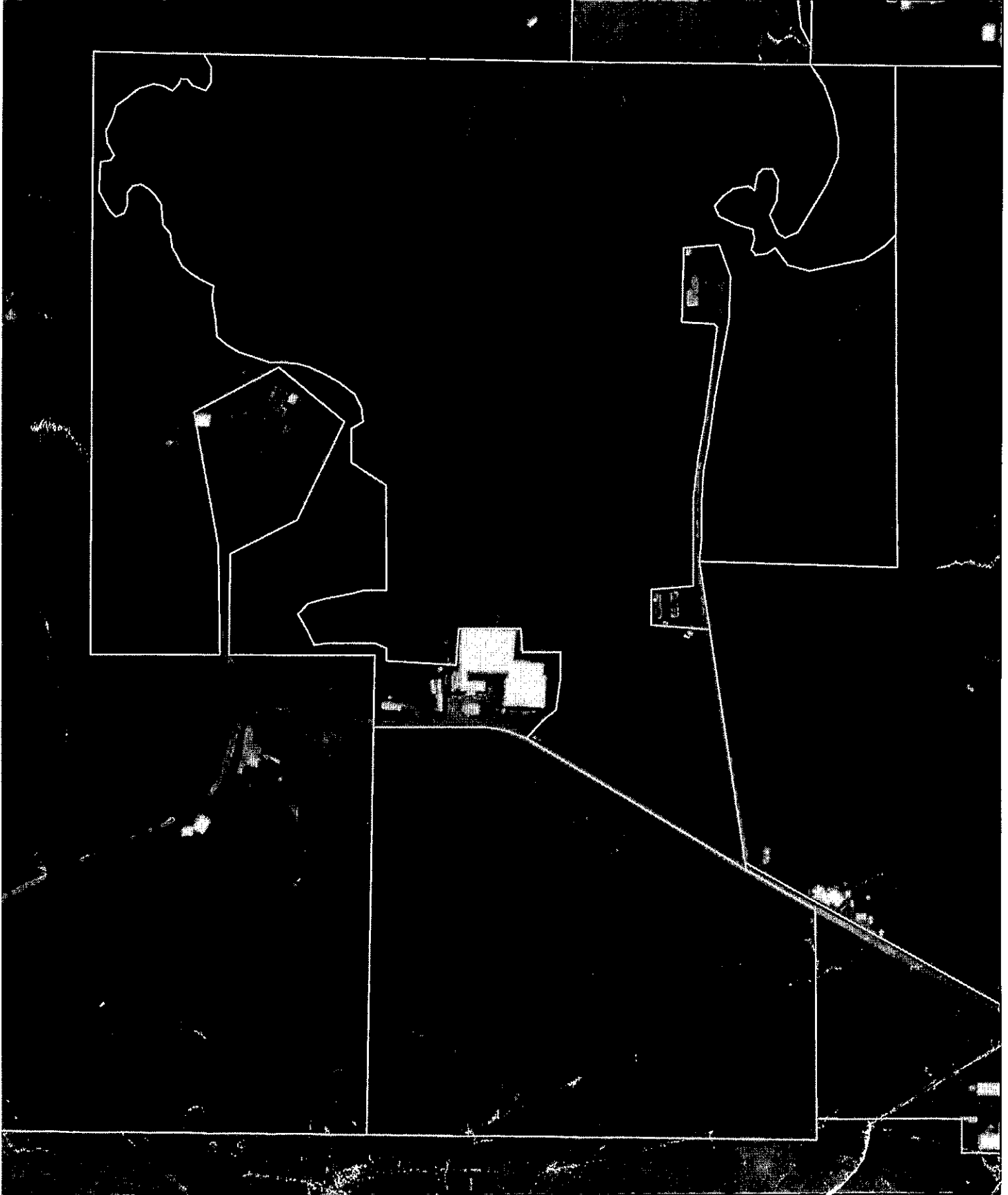
Tillamook County

Farm Service Agency

USDA

EXHIBIT
B
Tract: #####

This part is very
steep





Dealership:
 BOYD'S IMPLEMENT SERVICE,
 LLC
 2850 LATIMER RD
 TILLAMOOK, OR 97141

Date: 11/27/2023
Quote valid until: 12/27/2023
Customer name:
Customer Reference:
Dealership Contact: Kayla Rulifson

SL 124

Quote #: 23361742

Item number	Description
9FA1KNA	CONF KUHN KNA NORTH AMERICA
18P0121	SL 124
18969816	BOGIES,8-BLT,SL118/24,NOBRAKES
18964293	TANDEM AXLE - 385/65R22.5 - RECAP TRUCK TIRES, MOUNTED ON 22.5" X 11.75" WHEELS
18968825	HITCH, CLEVIS
18969812	PTO, 1000 RPM 1 3/8-21
18960134	LIGHT KIT, SAE
18969807	SPLASH GUARDS, TWO INSTALLED
73027610	DECAL
09994300	MAIN STATUTORY PLATE

Total List Price	\$67,080.00
Suggested Quoted Price	\$57,500.00
- Trade-In Allowance	- \$0.00
Final Transaction Price	\$57,500.00

EXHIBIT
 C 1



Dealership:
 BOYD'S IMPLEMENT SERVICE,
 LLC
 2850 LATIMER RD
 TILLAMOOK, OR 97141

Date: 11/27/2023
Quote valid until: 12/27/2023
Customer name:
Customer Reference:
Dealership Contact: Kayla Rulifson

SL 118

Quote #: 23361753

Item number	Description
9FA1KNA	CONF KUHN KNA NORTH AMERICA
18P0101	SL 118
18969809	BOGIES, 8-BOLT,SL118,NO BRAKES
18964293	TANDEM AXLE - 385/65R22.5 - RECAP TRUCK TIRES, MOUNTED ON 22.5" X 11.75" WHEELS
18968825	HITCH, CLEVIS
18968818	PTO, 540 RPM 1 3/8-6 SPLN
18960134	LIGHT KIT, SAE
18968832	SPLASH GUARDS - TWO - INSTALLED ON UNIT (CANNOT BE USED WITH LID)
73027590	DECAL
09994300	MAIN STATUTORY PLATE

Total List Price	\$59,010.00
Suggested Quoted Price	\$51,200.00
- Trade-In Allowance	- \$0.00
Final Transaction Price	\$51,200.00

EXHIBIT

C 2

EXHIBIT D

**INSTRUCTIONS FOR FILING RESTRICTIVE COVENANT
FOR THE CREATION OF A PARCEL OR PLACEMENT OF A DWELLING
ADJACENT TO LAND ZONED FOR FARM OR FOREST USE**

1. This acknowledgment is required when the County permits the creation of parcels or the location/placement of dwellings adjacent to an area designated by the County as farm or forest lands (F, F-1, SFW-20).
2. Obtain the legal description of the subject property as it's recorded in the Tillamook County Deed Records. This is what is referred to as Exhibit A and must accompany the affidavit/covenant.
3. The attached affidavit/covenant must be filled out showing the names of ALL current property owners who appear on the property deed or contract, and signed before a Notary Public. Community Development has Notaries that can provide the service for free.
4. Once the affidavit/covenant is signed and notarized with the attached legal description, bring these to the Tillamook County Clerk's office to be recorded. **The Clerk's will charge a recording fee.** Please contact the Clerk's office at (503)842-3402 for current fees.
5. **A copy of the recorded and notarized affidavit/covenant will be given to DCD to put on file.**
6. If you have any questions about the affidavit/covenant, or the recording procedure, please contact the Department of Community Development Staff at (503)842-3408 x3410.

After Recording Return To:

RESTRICTIVE COVENANT

(GRANTORS) are the owners of real property described as follows:

PROPERTY LEGAL DESCRIPTION attached as Exhibit A hereto and incorporated by reference

Do hereby promise and covenant as follows:

The property herein described is situated adjacent to a Farm or Forest resource zone such as F, F-1, or SFW-20 zones in Tillamook County, Oregon where the intent is to encourage farm and forest use and minimize conflicts with those uses. The owners/residents of this parcel understand that on the adjacent land customary and accepted farm or forest management practices, conducted in accordance with federal and state laws, ordinarily and necessarily produce noise, dust, smoke, odors, the application of manure, fertilizers, or herbicides (including aerial spraying), road construction, changes in view, and other impacts related to a resource zone.

I/We do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a structure in this area and shall not pursue a claim for relief or cause of action of alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or ORS 30.937.

This covenant shall run with the land and is intended to and hereby shall bind my/our heirs, assigns, lessees, and successors and it can not be deleted or altered without prior contact and approval by the Tillamook County Department of Community Development (GRANTEE) or its successor.

IN WITNESS WHEREOF, the said Party has executed this instrument this _____ day of

_____ 20____,

Signature

Print Names

State of _____, County of _____

Subscribed and sworn to before me this _____ day of _____, 20 _____

SEAL

Notary Public of Oregon
My Commission Expires: _____

STATE OF OREGON
COUNTY OF TILLAMOOK

EXHIBIT E



Northern property view



North Property View



North West Property View



West property view



Dual fence on portion of West property



Southern View of driveway



Eastern view from driveway



Proposed home site North east View



South view with accessory structure