



Land of Cheese, Trees and Ocean Breeze

**CONDITIONAL USE REQUEST #851-24-000219-PLNG: HARVEY
ADMINISTRATIVE DECISION & STAFF REPORT**

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

July 26, 2024

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Conditional Use Request on July 26, 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 in accordance with Article 10 of the TCLUO before **4:00 PM on August 7, 2024**. Unless appealed, the effective date of this decision shall be July 26, 2024.

Request: A Conditional Use request for a processing facility for a commercial operation and distillery with a tasting room in conjunction with an existing farm operation on the farm tract (Exhibit B).

Location: 11600 Highway 101 South in Tillamook, OR. Includes Tax Lot 900 of Section 29A, Township 2 South, Range 9 West, W.M., Tillamook County, Oregon.

Zone: Farm (F-1) Zone

**Applicant/
Property Owner:** Mark Harvey, 11600 Hwy 101 S, Tillamook, OR 97141

CONDITIONS OF APPROVAL:

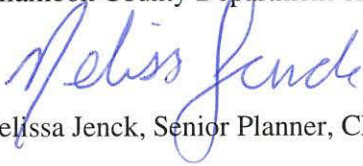
Sections 6.070: COMPLIANCE WITH CONDITIONS, and 6.080: TIME LIMIT requires compliance with approved plans and conditions of this decision, and all other ordinance provisions. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall adhere to development standards in TCLUO Section 3.002: Farm (F-1) Zone.
3. The property owner is required to maintain one off-street parking space for each 1,000 square feet of floor space for the farm product processing facility, and one off-street parking spaces for each 200 square feet for the tasting room/commercial sales areas.
4. Crops used for farm product processing facility for the distillery shall be a minimum of one-quarter of the farm crops from the onsite farm operation, in conformance with ORS 215.255.
5. Applicant/property owner shall adhere to the development standard of TCLUO Section 4.030. Compliance with TCLUO Section 4.030(7) for Buffering Non-Residential Parking Areas with the establishment of sight-obscuring fencing adjacent to a residential use, and TCLUO Section 4.030(8) for appropriate curbing and setbacks from adjacent property lines, shall be demonstrated at time of Consolidated Zoning/Building permit submittal.
6. Signage shall comply with the requirements of TCLUO Section 4.020: Signs.
7. Evidence of water and sewer service to the proposed facility or septic approval shall be provided at the time of the Consolidated Zoning/Building Permit application.
8. In accepting this Approval the property owner understands intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use. The property owner hereby acknowledges that practices may involve but are not limited to the application of herbicides or fertilizers (including aerial spraying), road construction, changes in view, noise, dust, odor, traffic, and other impacts related to a farm zone. The property owner acknowledges the residential use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, the property owner understands preference will be given to farm and forest practices.

A covenant to the deed informs that intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use and limit pursuance of a claim for relief or cause of action of alleging injury from farming or forest practices. The Declaratory Statement shall be signed, notarized and filed with the Tillamook County Clerk's office. A copy of the recorded Declaratory Statement shall be submitted to this Department at the time of Building Permit application. The covenant shall be worded as the example included as with Exhibit D.

9. This approval shall be void on July 26, 2026 unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

Sincerely,
Tillamook County Department of Community Development



Melissa Jenck, Senior Planner, CFM

Sarah Absher, CFM, Director

Enc.: Vicinity & Assessor/Zoning Map



Land of Cheese, Trees and Ocean Breeze

**CONDITIONAL USE REQUEST
CONDITIONAL USE REQUEST, 851-24-000219-PLNG: HARVEY
ADMINISTRATIVE DECISION & STAFF REPORT**

Decision Date: July 26, 2024

Decision: APPROVED WITH CONDITIONS

(This is not Building or Placement Permit Approval)

Report Prepared by: Melissa Jenck, Senior Planner, CFM

I. GENERAL INFORMATION:

Request: A Conditional Use request for a processing facility for a commercial operation and distillery with a tasting room in conjunction with an existing farm operation on the farm tract (Exhibit B).

Location: 11600 Highway 101 South in Tillamook, OR. Includes Tax Lot 900 of Section 29A, Township 2 South, Range 9 West, W.M., Tillamook County, Oregon.

Zone: Farm (F-1) Zone

**Applicant/
Property**

Owner: Mark Harvey, 11600 Hwy 101 S, Tillamook, OR 97141

Property Description: The subject property is 14.04-acres, which maintains an existing farming operation of primarily dahlia plants. The proposal includes a processing facility for distilling dahlia tubers to alcohol, and a commercial operation of a tasting room for the commercial sales of the distilled product and tastings (Exhibits A and B). The property is primarily in agricultural use and contains an existing dwelling and agricultural buildings (Exhibit A).

The subject properties are relatively flat (Exhibit A). The property is bordered to the east by Highway 101 S and to the west by the Tillamook River (Exhibit A). Review of Statewide Wetlands Inventory per Oregon Department of State lands indicates that there are no wetlands mapped on the subject property (Exhibit A).

According to FEMA FIRM 41057C0735F dated September 28, 1018, the property maintains Zone A within those areas abutting Tillamook River, with the primary portion of the property entirely outside the Special Flood Hazard Area (Exhibit A). All proposed development is located outside the mapped Special Flood Hazard Area (Exhibit A).

A copy of the Tillamook County Assessor's map as well as a zoning map showing the location of the property and surrounding zoning is attached to this report as "Exhibit A".

The applicant desires to permit a processing facility for the primary purpose of distilling the dahlia tubers produced by the farm located on the subject property (Exhibit B). Additionally, the applicant desires to establish a tasting room as a commercial activity in conjunction with farm use, for commercial production and sales of the distilled product and to offer tasting opportunities (Exhibit B).

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

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

- A. Section 3.002: Farm (F-1) Zone
- B. Section 4.030: Off-Street Parking & Off-Street Loading Requirements
- C. Article VI: Conditional Use Procedures and Criteria

III. ANALYSIS:

A. Section 3.002: Farm (F-1) Zone

The purpose of the Farm Zone (F-1) is to protect and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products. The Farm Zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.

1. **Section 3.002 (15) Use Table** lists commercial activities in conjunction with farm use as a use permitted conditionally subject to the criteria outlined in TCLUO 3.002(8) and Article 6.

Findings: ORS 215.203(2)(a) identifies "harvesting and selling crops" and "horticultural use" as farm use. The Oxford dictionary defines "horticulture" as "the study or practice of growing flowers, fruit, and vegetables". The subject property is currently employed in the business of growing dahlia flowers and tubers, for their sale of the flowers and tubers (Exhibit B). Applicant wishes to add a processing facility for the distilling of the dahlia tubers into alcohol. Applicant also proposes the establishment of a tasting room as a commercial activity in conjunction with the farm use and processing facility, for retail sales and tasting for the distilled product (Exhibit B).

ORS 215.203(2)(a) defines the term "farm use" to include the "preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use" in that definition. TCLUO Section 3.002 (2)(o) further clarifies that "preparation" of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products. Staff finds that the distilling of the dahlia tubers is processing. Staff find that a processing facility is allowed

in a Farm (F-1) zoned property pursuant to ORS 215.255 where at least one-quarter of the farm crops come from the farm operation containing the facility. ORS 215.255 further requires that a facility uses less than 10,000 square feet for its processing area and complies with all applicable siting standards. Applicant provides a proposed area of 30-feet by 12-feet, for a total of 360-square feet of processing area (Exhibit B). Applicant identifies the dahlias produced at their farm are to be used for the processing and distilling of the tuber into alcohol (Exhibit B).

Staff find the proposed distilling of dahlia tubers complies with a farm product processing per ORS 215.255 and TCLUO Section 3.002(4)(a). Staff find a condition of approval shall affirm the farm crops being used for processing be at least one-quarter of the farm crops from the farm operation, along with requirements that the processing area not exceed 10,000 square feet.

ORS 215.283(2)(a) and TCLUO Section 3.002(15) allow commercial activities that are conducted in conjunction with farm use to occur on lands zoned for exclusive farm use. As discussed above, Applicant operates an existing dahlia operation which is 'farm use' and is proposing to construct and operate a tasting room for sampling and sales of the distilled tubers generated through the farm product processing facility (Exhibit B). Staff concludes that the commercial sales and tasting room is being conducted in conjunction with the farm use of distilling and processing of the dahlia tubers and in conjunction with the farm use of the horticulture and harvesting and selling of crops located on the farm tract.

Applicant state they will be the exclusive supplier of the farm products used for the distilling and subsequent sales and tasting. Applicant further states the proposed product and sales are a niche product, using essential products produced on the farm (Exhibit B).

Staff finds that the operation of a tasting room and commercial sales of the distilled alcohol product located on the same farm tract as the farm product processing facility is a commercial activity in conjunction with farm use which may be permitted upon Conditional Use approval.

2. **Section 3.002(3)(a)(4):** *The minimum front and rear yards shall be 20 feet.*

Section 3.002(3)(a)(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.*

Findings: Applicant's submittal includes an initial site plan which shows the farm product processing facility, and the tasting room will comply with these setback requirements (Exhibit B). Staff finds that these standards can be met with Conditions of Approval.

3. **Section 3.002(3)(a)(7):** *The maximum building height for all nonfarm structures shall be 35 feet.*

Findings: Staff find this standard can be met with Conditions of Approval.

4. **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.

(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: Applicant states that the subject property is established as an existing farm facility and will not conflict or increase costs with other farm or forestry practices in the area (Exhibit B). The subject properties are bordered by the Tillamook River to the west and in reviewing aerial photography, appears to be a robust

vegetative barrier flower fields and the riparian area along the river which serves as a natural barrier between the activities conducted on the subject properties and the forested lands to the west (Exhibit A). The subject properties are bordered by Highway 101 to the east which appears to have a right of way over 160 feet in width and can serve as a barrier between the activities conducted on the subject properties and the agricultural and residential lands to the east (Exhibit A). Adjacent properties under separate ownership to the north and south are in agricultural and residential use (Exhibit A). The proposed tasting room would be located over 200 feet from the northern property line and approximately 30 feet from the southern property line within an existing building on the subject property (Exhibits A & B).

Subject to compliance with the Conditions of Approval, Staff finds that the proposed tasting room and commercial sales of the distilled alcohol product in conjunction with an existing farm operation will not force a significant change in farm or forest practices on surrounding lands nor will it significantly increase the cost of such practices.

B. TCLUO Section 4.030: Off-Street Parking & Off-Street Loading Requirements

The purpose of requirements for off-street parking and loading areas is to relieve traffic congestion; to ensure customer convenience and safety; to provide safe access to parked vehicles; and to help ensure safe and timely response of emergency vehicles.

Findings: Staff finds that Section 4.030(13)(n) requires one off-street parking space for each 1,000 square feet of floor area. TCLUO Sections 4.030(2) requires 8 foot by 20 foot off-street parking spaces. Applicant is proposing a 360 square foot processing facility which will require a minimum of 1 parking space.

Additionally, the applicant is proposing a 12 foot by 34 foot area for a tasting room and commercial sales of distilled products, for a total of 408 square feet. TCLUO Section 4.030(13)(l) requires one off-street parking space for each 200 square feet of floor area. Applicant is proposing a 408 square foot tasting room and commercial sales space, which will require a minimum of 2 parking spaces.

Applicant provided a site plan detailing 33 parking spaces available on the subject property (Exhibit B).

The subject property to the south is improved with a residential development (Exhibit A). TCLUO Section 4.030(7) requires non-residential parking and loading areas adjacent to a residential use be enclosed by sight-obscuring fence that is five to six feet in height. Additionally, TCLUO Section 4.030(8) requires a parking area adjacent to a property line maintain a curb or bumper rail at least 4-inches high and setback at least 4 and one-half feet from the property line. Staff find the proposed 4 parking spaces upon the southerly property line may not be able to accommodate a 4 and one-half foot setback in proximity to the existing driveway. Staff find the Applicant does not propose sight-obscuring fencing as part of their submittal (Exhibit B).

Staff finds that adequate off-street parking area is available around the proposed facility site to accommodate the required number of parking spaces (Exhibit B). Staff will require as a Condition of Approval, that parking areas upon the southerly property line will be required to comply with TCLUO Section 4.030, specifically for curbing and setbacks from property line, along with the establishment of sight-obscuring fencing.

Staff concludes that these standards can be met with Conditions of Approval.

C. 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.

1. **Section 6.020 Procedure** requires public notice in accordance with TCLUO Section 10.070 which requires notification of the request to be mailed to landowners within 750 feet of the subject property, to allow at least 14 days for written comment, and requires staff to consider comments received in making the decision.

Findings: Notice of the application was mailed to all landowners within 750 feet of the subject properties on May 24, 2024. Comments were received from the Oregon Department of Transportation stating they had no objections to the proposal are included here as 'Exhibit C'. A comment was received from a neighboring property owner concerned with the safety of the proposed development due to the proximity of the proposed facilities and parking areas relative to their access easement which bisects the Applicant's property, along with concerns regarding appropriate management of alcohol sales and tasting upon the Applicants property (Exhibit C).

Staff find alcohol sales and tasting is regulated by the Oregon Liquor and Cannabis Commission (OLCC).

2. **Section 6.040 Review Criteria**

1. *The use is listed as a conditional use in the underlying zone, or in an applicable overlying zone.*

Findings: As discussed above, staff finds that the processing of farm products primarily produced by the farm on which the facility is located is a use permitted conditionally in the F-1 Zone.

2. *The use is consistent with the applicable goals and policies of the comprehensive plan.*

Findings: Staff find that the proposed use is permitted conditionally in the TCLUO. 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. Staff concludes that 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 contains 14.04 acres and is accessed by Highway 101 South (Exhibit A). The subject property is primarily agricultural use with agricultural buildings used to support the existing farm operation for dahlias (Exhibits A & B).

The proposed site of the tasting room and commercial sales of the distilled product is located in a relatively flat area with no mapped wetlands, is not in an area of geologic hazard, and is outside of a Special Flood Hazard Area (Exhibit A). Although there are riparian features located on the subject property, the proposed facility location is a significant distance from the Tillamook River (Exhibit A). Staff concludes that permits are not required to address geologic hazards, floodplains or wetlands.

Applicant states the property maintains the existing buildings which can be converted and used for the tasting room and sales, and maintains existing power, water and an onsite septic system on the property (Exhibit B). Applicant states that the location is accessible from Highway 101 South, with existing parking areas available for the proposed use (Exhibit B). Staff finds that there is adequate room on the property to provide the required off-street parking spaces and conduct facility improvements (Exhibit A). Staff concludes that the subject property is suitable for the proposed use subject to compliance with the Conditions of Approval. Staff concludes that this criterion has been met.

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 generally in agricultural or forest use, with areas of residential development located to the north and east of the subject property (Exhibit A). The proposed facility will be located in the easterly portion of the farm tract along Highway 101 (Exhibit B). Adjacent properties are zoned Farm or Rural Residential 2-acre (RR-2) (Exhibit A). As discussed above, the proposed area would be located at an appropriate distance from adjacent properties or buffered from adjacent properties by Highway 101.

Comments received from the Oregon Department of Transportation indicate that the agency has no objections, conditions or requirements related to this level of anticipated traffic impact (Exhibit C).

Safety concerns from a neighboring property were expressed for the impact of the proposed tasting room and facilities due to increased traffic and alcohol sales, as the neighboring property benefits from an access easement bisecting the Applicants property (Exhibit C). Staff find the requirements identified in Subsection B, above, in this staff report, address setbacks of parking from a property line along with the required establishment of sight-obscuring fencing for parking areas abutting residential use.

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

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

Findings: Applicant states that there are no such devices present in the vicinity of the proposed facility (Exhibit B). Staff did not locate any such improvements or facilities within the vicinity. Staff concludes 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: The subject property is accessed from Highway 101. As evidenced by the comments included here as 'Exhibit C', ODOT has no concerns with the proposed facility. Applicant states that water, onsite sanitation and power are available to the location (Exhibit B). Applicant states the property maintains the existing buildings which can be used for the proposed facilities. Applicant states they will coordinate with Oregon Department of Environmental Quality for grey water management from the distillery for compliance with their onsite sanitation system (Exhibit B). Staff concludes that these criteria can be met with Conditions of Approval.

IV. DECISION: APPROVED WITH CONDITIONS

Based on the findings shown above, Staff concludes that the applicant/property owner has satisfied the review criteria, and can meet all applicable ordinance requirements at the time of application. Therefore, the Department approves Conditional Use request 851-24-000219-PLNG for processing facility for a commercial operation and distillery with a tasting room in conjunction with an existing farm operation (Exhibit B), subject to the Conditions of Approval below.

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 August 7, 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 owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall adhere to development standards in TCLUO Section 3.002: Farm (F-1) Zone.
3. The property owner is required to maintain one off-street parking space for each 1,000 square feet of floor space for the farm product processing facility, and one off-street parking spaces for each 200 square feet for the tasting room/commercial sales areas.
4. Crops used for farm product processing facility for the distillery shall be a minimum of one-quarter of the farm crops from the onsite farm operation, in conformance with ORS 215.255.
5. Applicant/property owner shall adhere to the development standard of TCLUO Section 4.030. Compliance with TCLUO Section 4.030(7) for Buffering Non-Residential Parking Areas with the establishment of sight-obscuring fencing adjacent to a residential use, and TCLUO Section 4.030(8) for appropriate curbing and setbacks from adjacent property lines, shall be demonstrated at time of Consolidated Zoning/Building permit submittal.
6. Signage shall comply with the requirements of TCLUO Section 4.020: Signs.
7. Evidence of water and sewer service to the proposed facility or septic approval shall be provided at the time of the Consolidated Zoning/Building Permit application.
8. In accepting this Approval the property owner understands intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use. The property owner hereby acknowledges that practices may involve but are not limited to the application of herbicides or fertilizers (including aerial spraying), road construction, changes in view, noise, dust, odor, traffic, and other impacts related to a farm zone. The property owner acknowledges the residential use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, the property owner understands preference will be given to farm and forest practices.

A covenant to the deed informs that intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use and limit pursuance of a claim for relief or cause of action of alleging injury from farming or forest practices. The Declaratory Statement shall be signed, notarized and filed with the Tillamook County Clerk's office. A copy of the recorded Declaratory Statement shall be submitted to this Department at the time of Building Permit application. The covenant shall be worded as the example included as with Exhibit D.

9. This approval shall be void on July 26, 2026 unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

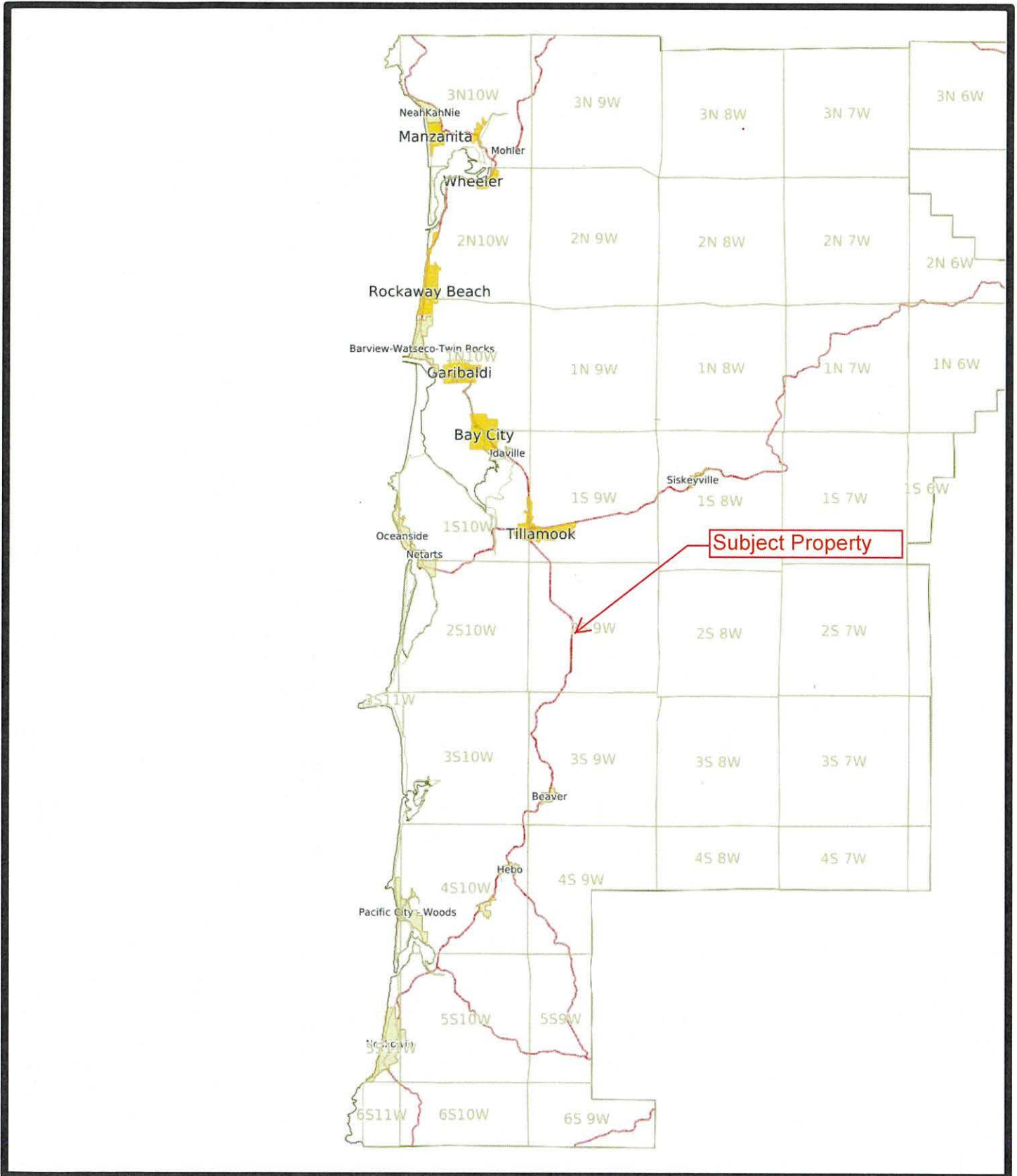
VI. EXHIBITS

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

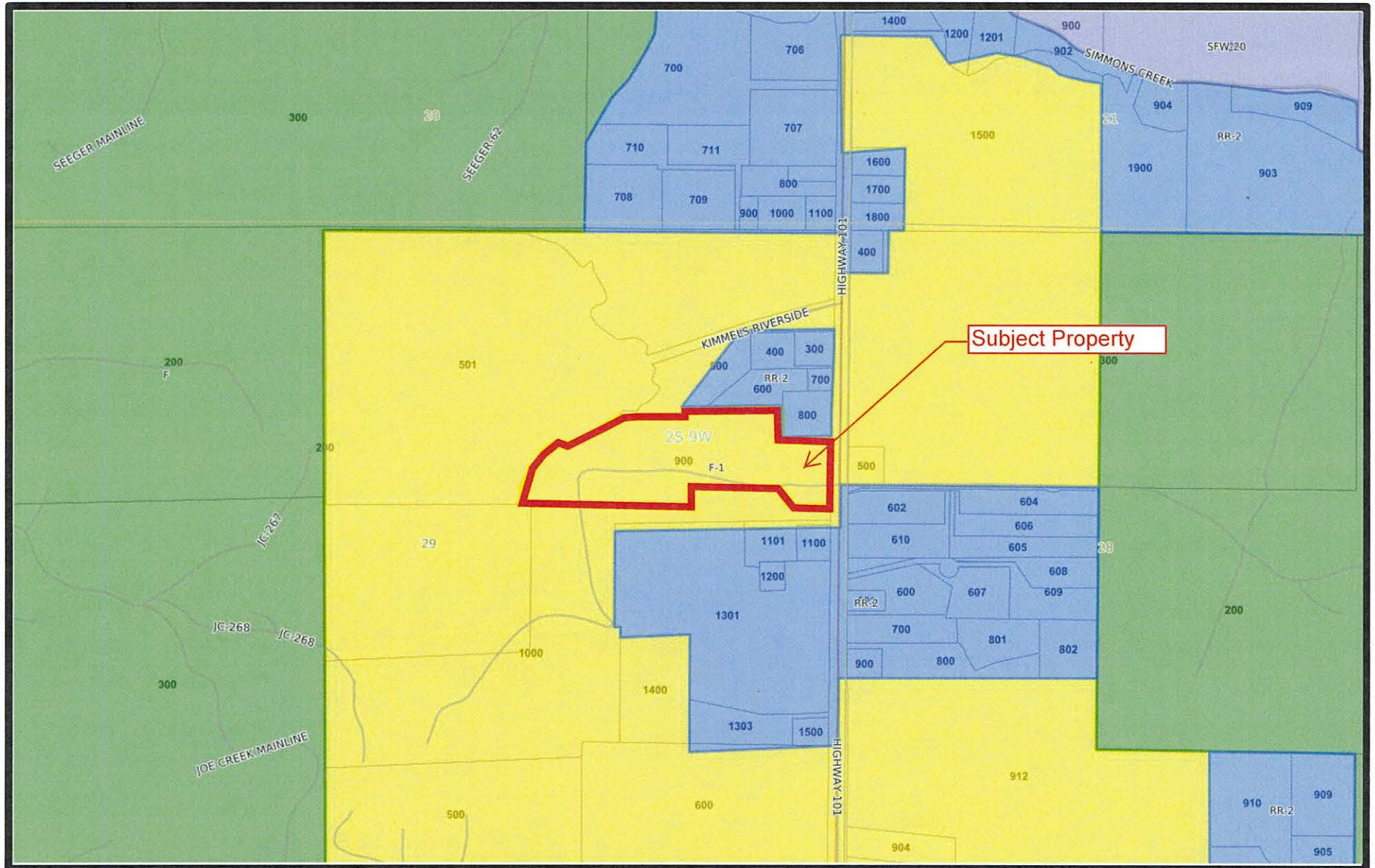
- A. Maps, Assessor's Summary Report
- B. Applicants/Property Owner's submittal
- C. Public / Agency comments
- D. Declaratory Statement

EXHIBIT A

Vicinity Map



Zoning Map

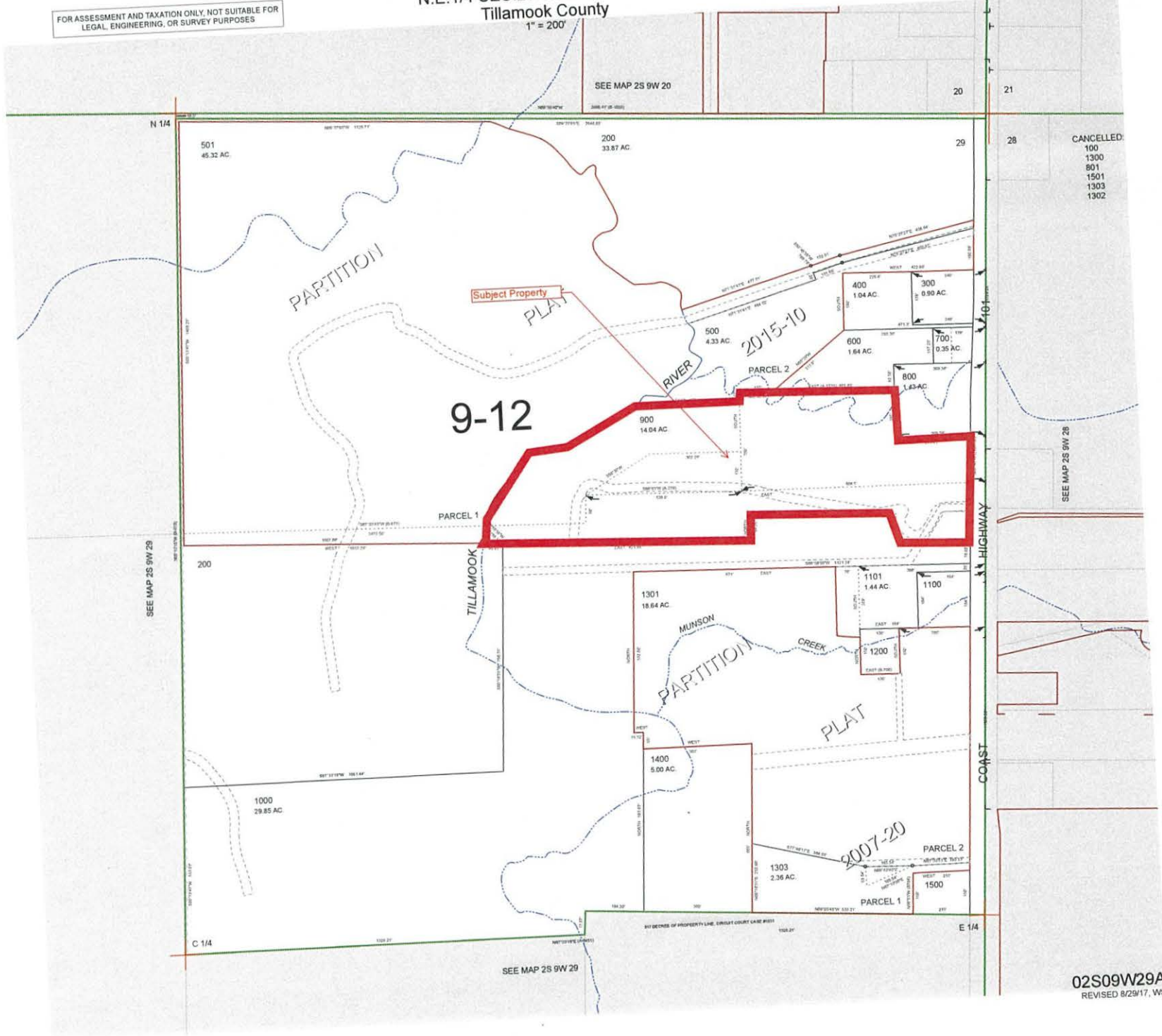


FOR ASSESSMENT AND TAXATION ONLY, NOT SUITABLE FOR
LEGAL, ENGINEERING, OR SURVEY PURPOSES

N.E. 1/4 SEC. 29 T. 2S. R. 9W. W.M.
Tillamook County

02S09W29A

1" = 200'



CANCELLED:
100
1300
801
1501
1303
1302

SEE MAP 2S 9W 28

SEE MAP 2S 9W 29

SEE MAP 2S 9W 29

02S09W29A
REVISED 8/29/17, WS

Tillamook County
2023 Real Property Assessment Report
 Account 176295

Map 2S0929A000900
 Code - Tax ID 0912 - 176295

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr See Record

Mailing HARVEY, MARK L
 11600 HWY 101 S
 TILLAMOOK OR 97141

Deed Reference # 2016-4712
 Sales Date/Price 08-22-2016 / \$235,000
 Appraiser HANNAH HANCOCK

Property Class 551 MA SA NH
 RMV Class 401 01 AC 500

Site	Situs Address	City
	11600 HWY 101 S	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
0912	Land	213,920			Land	0
	Impr	180,740			Impr	0
Code Area Total		394,660	67,030	93,921		0
Grand Total		394,660	67,030	93,921		0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0912	1	<input checked="" type="checkbox"/>		F-1	Farm Site	111	1.00 AC	SFM	14,310
	0	<input checked="" type="checkbox"/>		F-1	Farm Use Zoned	111	3.90 AC	SP2	55,810
	0	<input checked="" type="checkbox"/>		F-1	Farm Use Zoned	111	9.14 AC	SP3	130,800
					LANDSCAPE - FAIR	100			500
					SA OSD	100			12,500
Code Area Total							14.04 AC		213,920

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
0912	1	1920	123	One and 1/2 story	105	1,003			142,400
	2	1992	345	GENERAL PURPOSE BUILDING	105	2,880			20,720
	3	1980	345	GENERAL PURPOSE BUILDING	105	1,104			6,270
	4	1980	336	FEEDER BARN	105	816			2,290
	5	1984	336	FEEDER BARN	105	2,700			9,060
Code Area Total						8,503			180,740

Exemptions / Special Assessments / Notations				
Code Area	0912			
Special Assessments	Amount	Acres	Year Used	
<ul style="list-style-type: none"> ▪ SOLID WASTE 	12.00	0.00	2023	
Notations				
<ul style="list-style-type: none"> ▪ FARMLAND - POTENTIAL ADDITIONAL TAX LIABILITY 308A.083 				

PP Accounts 0912 - 3765

Tillamook County
2023 Real Property Assessment Report
Account 176295

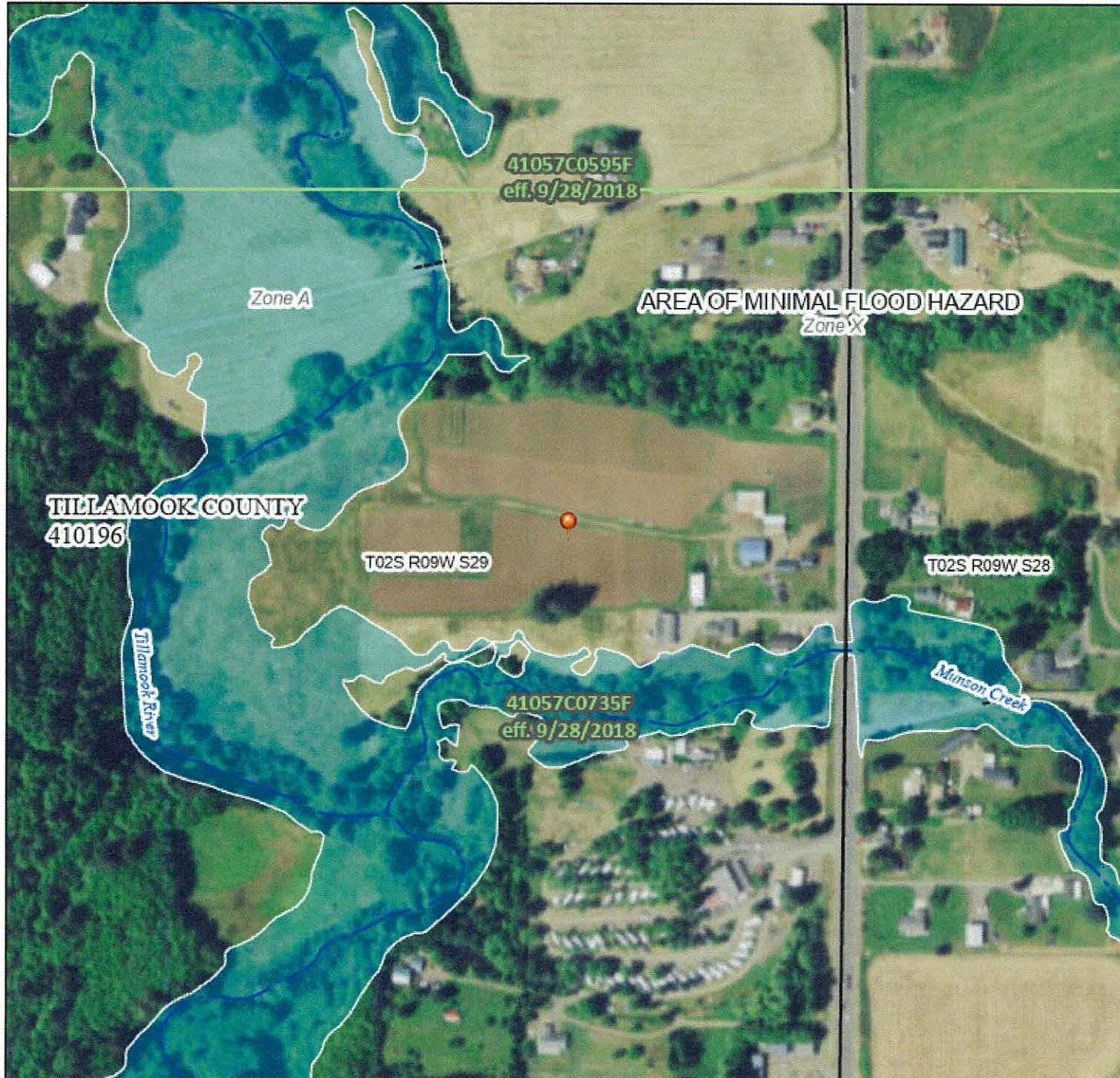
Comments

10/16/09 Tabled farmland, changed NH to 500.LM
7/15/16 - New descriptions for TL 2S9 29A 200, 500, 900, & 1000 recorded in deeds 2015-1746 through 2015-1749. There were also size corrections. These changes were shown through a series of Lot Line Adjustments - apportioned MAV and brought land to market. Corrected soil classes per USDA soil survey. EJ.
3/30/16 - Land reappraisal, tabled values using SFW-20 schedule. Reviewed improvements - Changed class of residence to 2, appears to have frame foundation. Updated inventory, increased effective year built on farm buildings - RMV changes only. EJ.
9/12/17 - Moved to neighborhood 500 due to F-1 zoning. EJ.
8/28/18 - Owner requested review of home - applied override to home and det. garage due to condition - RMV changes only. EJ.
07/09/2020 Removed functional override on home due to foundation repairs and GOMAR, RMV only. HT

National Flood Hazard Layer FIRMette



123°48'44"W 45°22'34"N



Legend

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

- | | |
|------------------------------------|---|
| SPECIAL FLOOD HAZARD AREAS | Without Base Flood Elevation (BFE)
<i>Zone A, V, A99</i> |
| | With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> |
| | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i> |
| | Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i> |
| | Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i> |
| | Area with Flood Risk due to Levee <i>Zone D</i> |
| OTHER AREAS | NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i> |
| | Effective LOMRs |
| | Area of Undetermined Flood Hazard <i>Zone</i> |
| GENERAL STRUCTURES | Channel, Culvert, or Storm Sewer |
| | Levee, Dike, or Floodwall |
| OTHER FEATURES | Cross Sections with 1% Annual Chance Water Surface Elevation |
| | Cross Sections with 1% Annual Chance Water Surface Elevation |
| | Coastal Transect |
| | Base Flood Elevation Line (BFE) |
| | Limit of Study |
| | Jurisdiction Boundary |
| | Coastal Transect Baseline |
| | Profile Baseline |
| | Hydrographic Feature |
| MAP PANELS | Digital Data Available |
| | No Digital Data Available |
| | Unmapped |
- The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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

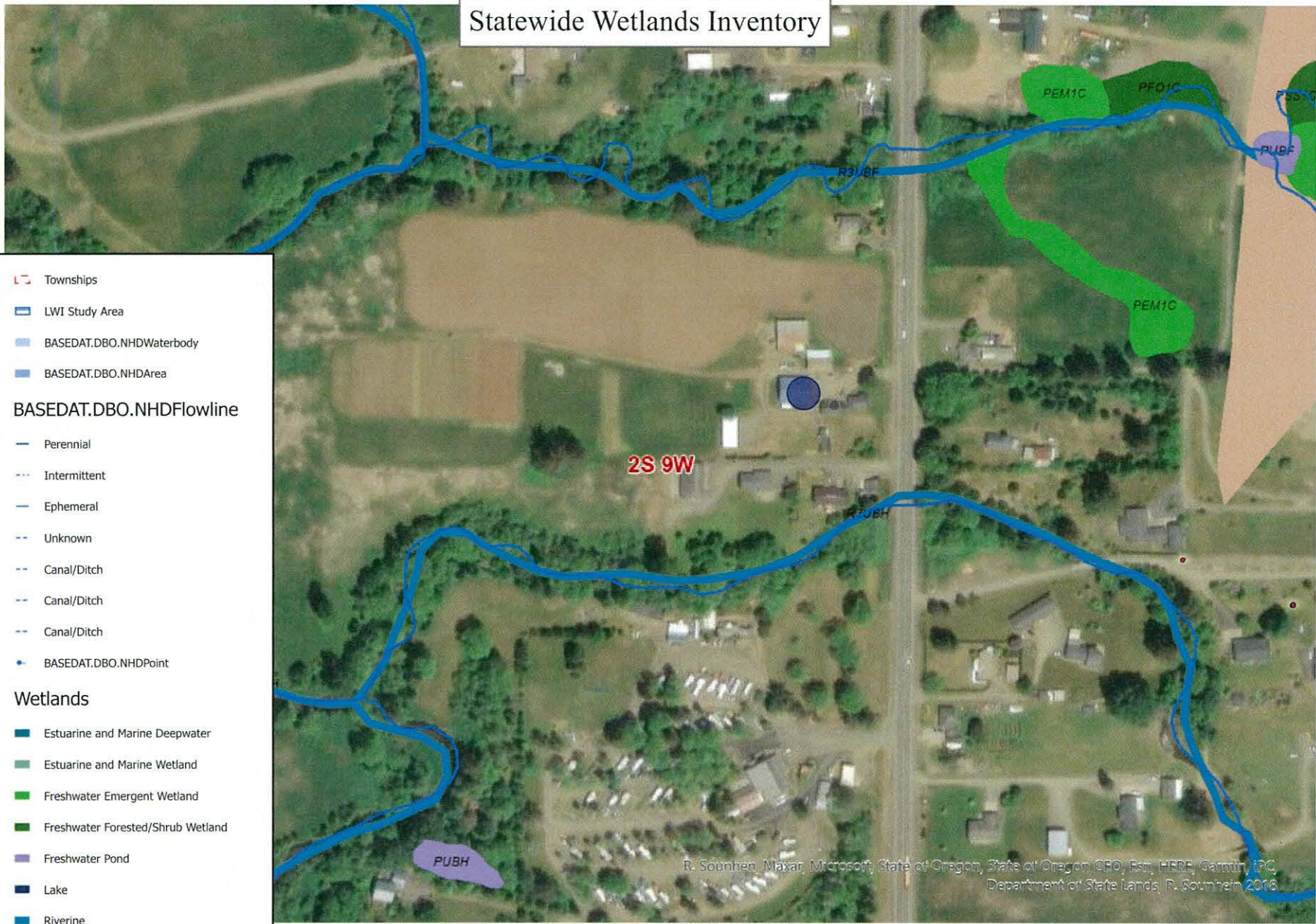
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **5/23/2024 at 8:36 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded 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.



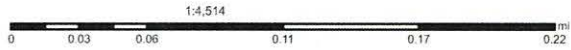
123°48'6"W 45°22'9"N

Statewide Wetlands Inventory



- Townships
 - LWI Study Area
 - BASEDAT.DBO.NHDWaterbody
 - BASEDAT.DBO.NHDArea
- BASEDAT.DBO.NHDFlowline**
- Perennial
 - Intermittent
 - Ephemeral
 - Unknown
 - Canal/Ditch
 - Canal/Ditch
 - Canal/Ditch
 - BASEDAT.DBO.NHDPPoint
- Wetlands**
- Estuarine and Marine Deepwater
 - Estuarine and Marine Wetland
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Lake
 - Riverine
 - SWI Agate-Winlo Soils
 - SWI Predominantly Hydric Soil Map Units

R. Sounhen, Maxar, Microsoft, State of Oregon, State of Oregon GEO, Esri, HERE, Garmin, IFC, Department of State Lands, R. Sounhen 2018



Date: 5/23/2024



State of Oregon
 Department of State Lands
 775 Summer Street, NE, Ste 100
 Salem, OR. 97301-1279

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.

EXHIBIT B



PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	RECEIVED 2/23/2024 FEB 23 2024 BY: Carter
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: MJ	
Receipt #: 137209	
Fees: 1365	
Permit No: 851-29-000219 PLNG	

Applicant (Check Box if Same as Property Owner)

Name: Mark Harvey Phone: 503-771-1199
 Address: 11600 Hwy 101 S.
 City: Tillamook State: OR Zip: 97141
 Email: oldhousedallas@gmail.com

Property Owner

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

Request: CACFU for distillery w/ a tasting room
Processing facility of ORS 215.255 to process tubers
to alcohol

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

- Appeal of Director's Decision
- Extension of Time
- Detailed Hazard Report
- Conditional Use (As deemed by Director)
- Ordinance Amendment
- Map Amendment
- Goal Exception

Type IV

- Appeal of Planning Commission Decision
- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

Location:

Site Address: 11600 Hwy 101 S
 Map Number: 25 9 29A 900
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.

Mark Harvey 2/23/24
 Property Owner Signature (Required) Date

 Applicant Signature Date

2022 Sales

Tubers = \$13186.06

Pumpkins/Flowers = \$31362.35

Total = \$44548.41

Farm Stand Old House Dahlias

1991.43



(no subject)

1 message

Old House Dahlias <oldhousedahlias@gmail.com>
To: Eileen Aufdermauer <eileen.aufde@gmail.com>

Sat, Dec 9, 2023 at 9:54 AM

1). The property is located within the farm zone and allows you to commercially process the roots you harvest in the processing facility. The processing will be fermenting and distilling the roots to make distilled spirits. This could significantly enhance farming capital which could create a full-time position for an employee and put more revenue aside for maintenance on existing farm buildings. This will provide an experience for spirit connoisseurs that will introduce them to a new flavor they have never tasted before. This will also introduce them to the flowers and the plants that make this wonderful product. This will also introduce plant lovers and flower people to the spirits made from dahlia tubers. Seeing the plants growing right on the farm.

2). The farm produces the tubers which will be processed into distilled spirits. Within the building that already exists, not changing or impacting any of the agriculture in Tillamook County.

3). The farm is suitable for the proposed use because there will be no need for additional structures. The farm has an area where the distillery can be built within an existing building. A separate area that already exists can be used for the tasting room and selling of spirits. The farm also has all the equipment to harvest the roots which is also located on the farm. The farm already has supplied electricity, water and septic. The farm is located on a very visual portion of highway 101 S. It also is already set up for parking of customers. There is room for 33, 9' x 16' parking spaces. There is parking in front of the barn and behind, with very good access to loop around.

4). Everything will be located within the existing buildings. The farm is already set up to handle enough parking for customers. The tasting will be weekends only, 10 am to 5 pm. This is the time the farm is already open for business, August to the end of October. The tasting room and distillery will not impact neighbors as it will be contained within existing buildings. There is a two lane driveway already existing off of Hwy. 101 S.

5). No, the proposal will not affect solar or wind energy systems. There are no existing solar or wind energy systems in the area.

6). The farm is already set up with a farm stand and parking, There is existing water, electricity, sewer and fire emergency services. The property is located along Hwy. 101 S I plan to contact DEQ to verify the grey water from the distillery to make sure my septic tank is adequate.

In addition, TCLUO Section 3.002(5):

a). The farm is already an existing facility that is involved in agriculture and will not conflict with any other farm or forestry practices in the area.

b). This is an already existing facility/farm and will not significantly increase the cost of accepted farm or forest practices on surrounding lands..

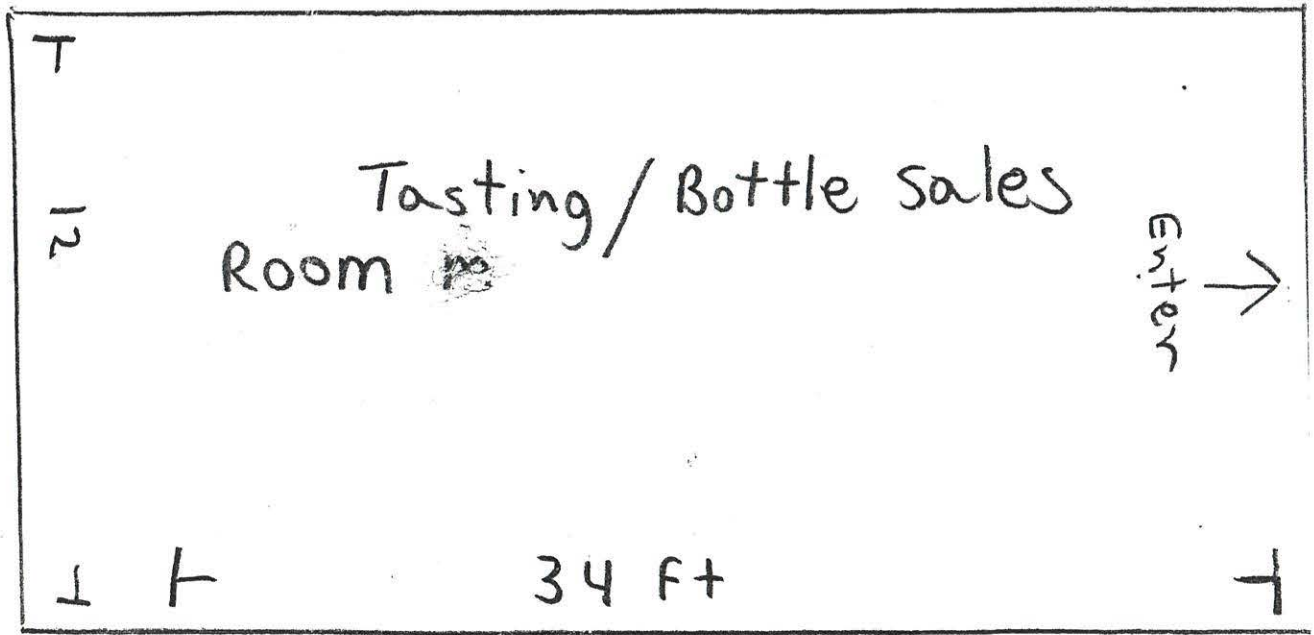
Additional Standards:

1). I am currently a supplier of farm products. I produce cut flowers, dahlia tubers and propose to produce spirits from dahlia tubers. All proposed activities will be located within existing buildings, except for some outside seating. The proposed site of the distillery and tasting room will not affect farming or forestry practices of neighboring properties.

2). The essential products used to produce spirits are dahlia tubers which are produced on the farm. The product will not increase the value of farm land or costs; this is a specialty niche product that not everyone will be getting into and is an existing business.

Barn
and Distillery

70 FT



Tasting / Bottle sales
Room

T
12

Enter

Enter

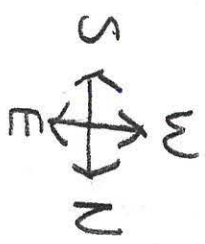
T

T

34 FT

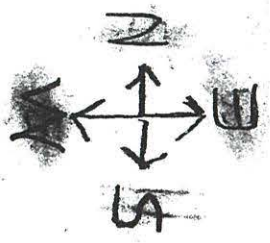
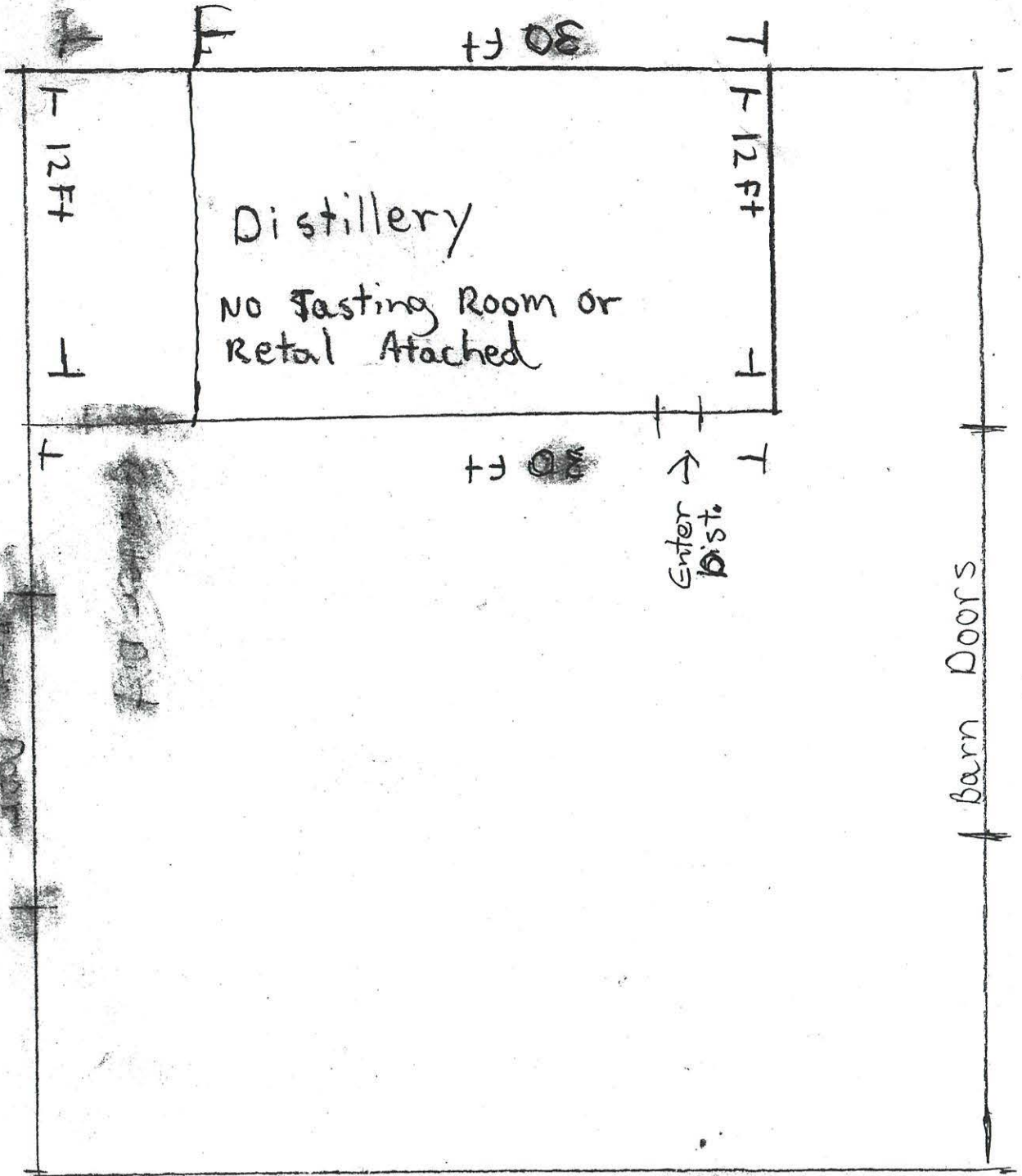
T

Floor / Wall / ceiling



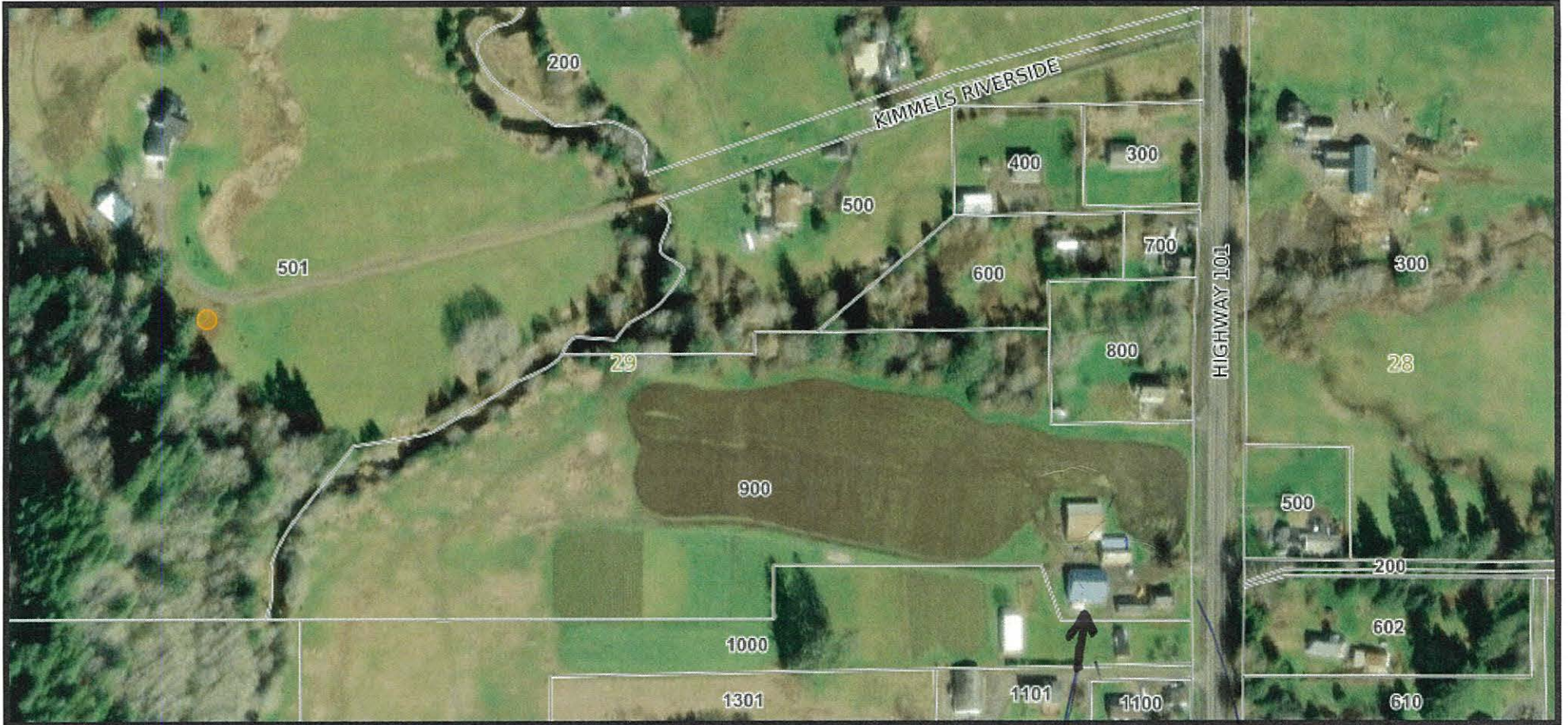
Floor plan tasting room

Floor Plan inside of barn





Tillamook County GIS



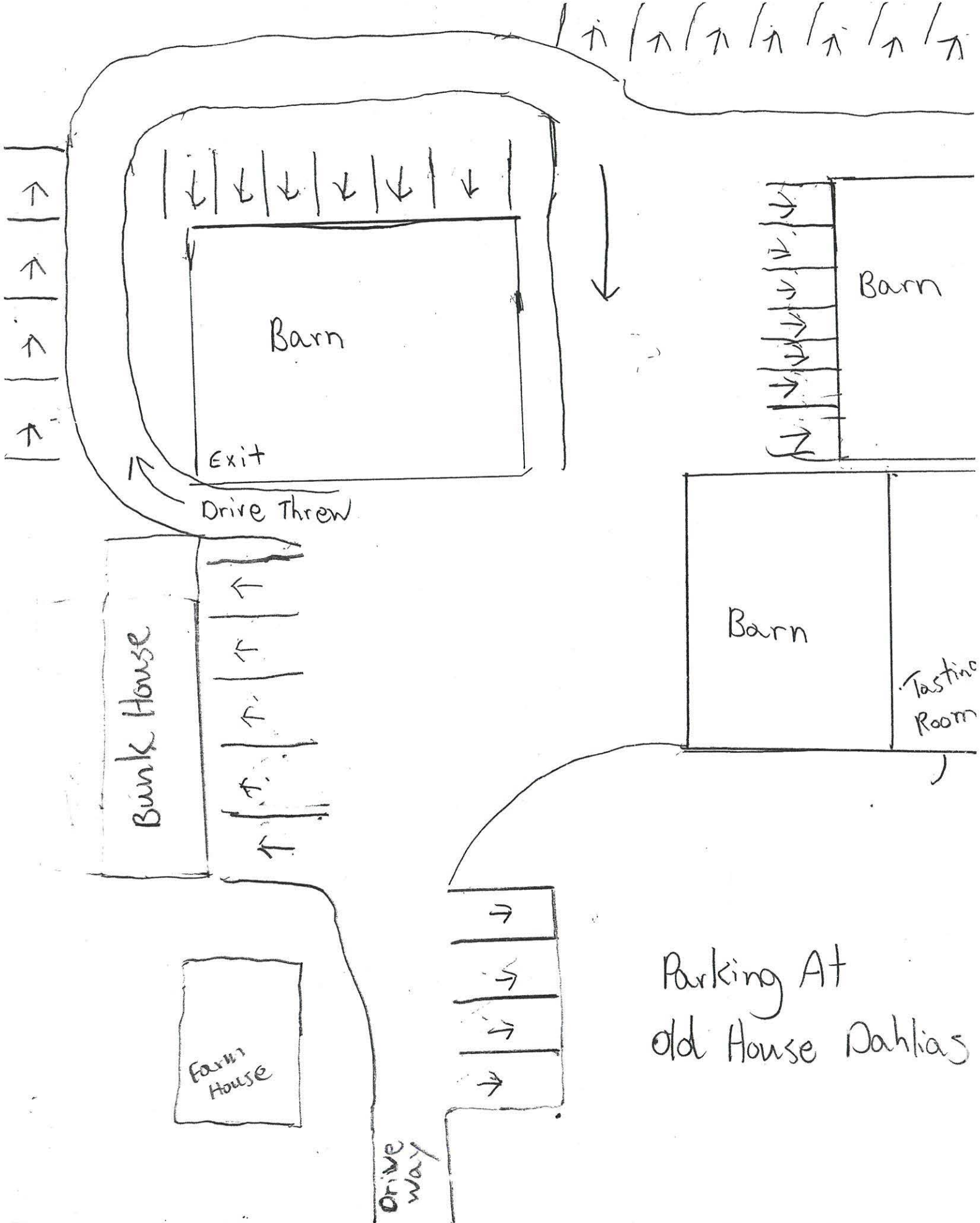
Distillery

tasting room

Created: Wed Sep 06 2023-11:11:7

Active Layers:ags, County_Boundary, Fed_state_highways, citylimit, community_polygon, TaxlotOwner, Township_Range_Section, Road_Centerline

Extent:-13782751.063894, 5680275.8150889, -13781586.593542, 5680814.4572725



Parking At
old House Dahlias

Hwy 101

EXHIBIT C

Melissa Jenck

From: ODOT Reg 2 Planning Manager <ODOTR2PLANMGR@odot.oregon.gov>
Sent: Tuesday, July 23, 2024 1:47 PM
To: Melissa Jenck
Cc: WILLIAMS Virginia L; FEAR Kimberly
Subject: EXTERNAL: RE: 851-24-000219-PLNG: Harvey CUP

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

Good Afternoon Melissa,

The property abuts Oregon Coast Hwy No. 009 (101) and the site plan proposes to use an existing approach at MP 72.37 (R). The proposed distillery will not add enough vehicular traffic to trigger change of use. The proposal also does not include any physical modifications to the existing highway approach, and as such, ODOT has no objections to the proposal. If the applicant needs to modify the approach in any way, please have them contact Virginia Williams or Kimberly Fear, District 1 Permit Specialists at 503-325-5853, 503-979-9546 respectively as they will need a permit to upgrade the existing approach.

Thank you,

Zdenek "Z" Vymazal, PE, PLS
Development Review Coordinator (Area 1)
ODOT – Region 2
455 Airport Rd. SE, Bldg. B
Salem, OR 97301
(971)-345-1318 Cell/Office
zdenek.g.vymazal@odot.oregon.gov
Hours: 6:30 AM to 3:00 PM Monday – Friday

From: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Sent: Wednesday, July 17, 2024 10:41 AM
To: VYMAZAL Zdenek G <Zdenek.G.VYMAZAL@odot.oregon.gov>; ODOT Reg 2 Planning Manager <ODOTR2PLANMGR@odot.oregon.gov>
Subject: RE: 851-24-000219-PLNG: Harvey CUP
Importance: High

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good afternoon,

I continue to request clarification from ODOT regarding this future project proposal upon ODOT's State Highway 101 South. This is for a proposed distillery upon a property improved with agricultural uses and a farm stand.

If I should reach out to someone else, please let me know. My timelines are critical. If ODOT is not going to comment or has no concerns of the request, please let me know.

Sincerely,

*** Please note that the Tillamook County domain has changed, and my email address is now Melissa.Jenck@tillamookcounty.gov Please update your contact information as needed. Thank you. ***



Melissa Jenck (she/her) | Senior Planner
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x 3301
Melissa.Jenck@tillamookcounty.gov

My working hours are 7:00am to 5:30pm, Tuesday thru Friday, starting May 6th.

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.

The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.tillamookcounty.gov/commdev> to access the appointment scheduler portal.

From: Melissa Jenck
Sent: Friday, July 12, 2024 5:10 PM
To: VYMAZAL Zdenek G <Zdenek.G.VYMAZAL@odot.oregon.gov>
Subject: FW: 851-24-000219-PLNG: Harvey CUP
Importance: High

Hello Z,

Tillamook County notified ODOT about 1.5-months ago about the Dahliah Farm property, below. I would be interested in ODOT's comments regarding the proposal. I understand the applicant maintains an existing ODOT access, and they are proposing to maintaining it with the proposed use addition.

Please see the application materials linked below.

Thank you,

*** Please note that the Tillamook County domain has changed, and my email address is now Melissa.Jenck@tillamookcounty.gov Please update your contact information as needed. Thank you. ***



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From: Melissa Jenck
Sent: Friday, May 24, 2024 3:17 PM
To: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Cc: heather.wade@dlcd.oregon.gov; brett.estes@dlcd.oregon.gov; FOOTE Hilary * DLCD <Hilary.FOOTE@dlcd.oregon.gov>; BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov>; york.johnson@deq.oregon.gov; Oregon Department of Transportation - Matt Caswell <odotr2planmgr@odot.state.or.us>; HENDRICKS Nikki M * WRD <Nikki.M.HENDRICKS@water.oregon.gov>; Kinsey Friesen <kinsey.m.friesen@usace.army.mil>; doryfreshfish@embargmail.com; 911 Tiffany <tmiller@tillamook911.com>; Fire Chief <FireChief@tillamookfire.com>; Denise Vandecoevering <Denise.Vandecoevering@tillamookcounty.gov>; Brian Olle <brian.olle@tillamookcounty.gov>; Chris Laity <Chris.Laity@tillamookcounty.gov>; Chris Chiola <Chris.Chiola@tillamookcounty.gov>; JOYE Jessica DEQ <jessica.joye@deq.oregon.gov>; MANDERSON Alexis ODA <Alexis.MANDERSON@oda.oregon.gov>
Subject: 851-24-000219-PLNG: Harvey CUP

Good afternoon,

The notice of a Conditional Use 851-24-000219-PLNG for Mark Harvey is linked below. The comment period ends June 7th.

<https://www.tillamookcounty.gov/commdev/project/851-24-000219-plng>

Sincerely,

*** Please note that the Tillamook County domain has changed, and my email address is now Melissa.Jenck@tillamookcounty.gov Please update your contact information as needed. Thank you. ***



Melissa Jenck (she/her) | Senior Planner
TILLAMOOK COUNTY | Community Development
1510-B Third Street
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Melissa.Jenck@tillamookcounty.gov

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Melissa Jenck

From: Michelle Krause <michellemkrause@hotmail.com>
Sent: Friday, June 7, 2024 12:37 PM
To: Melissa Jenck
Cc: Sarah Absher
Subject: EXTERNAL: HARVEY 851-24-000219-PLNG

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

Hello Melissa, and Sarah

I am writing you as a concerned neighbor of Harvey, conditional use request **851-24-000219-PLNG: HARVEY**

As I do understand ag land and usage, I am very concerned about safety with this new facility. We have a shared easement leading into my property and Harvey's property, during dahlia and pumpkin season it is near impossible to turn off of the HWY 101 and get safely into my property and out of the way of traffic, the shared drive is usually congested with customers who are not sure where to park as nothing is marked and there are no signs to direct folks in and out clearly or anyone safely directing traffic. Adding this new facility and the combination of added customers who will be drinking alcohol on site impairing their judgement and reaction times is something I am very concerned with. I have owned my property since December 2018 and try as best I can to deal with the incredible amount of disruption, traffic safety issues, customers parking in my driveway, blocking my driveway and driving right through my grass and through the South gates I have leading to the neighbors South of me, they are trespassing , but most importantly we have kids and dogs and someone could be injured there too. The/my house is extremely close to that shared property line. I believe a vegetation barrier/secure fencing will need to be installed on that shared property line to the South paid for by HARVEY in that south area where HARVEY wants to add more parking on our shared property line, that area is also not wide enough to do so and safely have folks park there without blocking exits or my access to my property.

It appears that the driveway/entry from Hwy 101 is also not wide enough to allow people to exit and pull into the property at the same time. There have been numerous incidents of folks turning around on the shoulder of the highway and driving the wrong way down the shoulder of the highway to get back to Harvey's it is really dangerous with how narrow and no proper signage and the rate of speed the cars are traveling.

My other concern is having a licensed person serving alcohol, will this be mandatory? Folks can get really intoxicated fast especially while drinking in the hot sun impacting their judgment and adding more potential safety issues, trespassing and so forth.

I have asked Mark for some consideration and a common courtesy and to help pay for a barrier as his business is extremely high traffic. I have several times a year asked him to please make correct signs to keep his customers from driving through my property, blocking the entrance, etc. He has not been willing to do so. It is concerning to say the least. I did express my concerns to him and he has told me "it doesn't matter they will approve it; it is Ag land" kind of disappointing.

I do have to share a driveway with Mark and I really don't want any problems. I am genuinely concerned with the added traffic this will bring and the fact this will add even more safety risks to be imposed to myself , my family and others on my property.

Please confirm receipt of this email. Thank you, Michelle

Michelle Krause
503-577-2050

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