



Land of Cheese, Trees and Ocean Breeze

RESOURCE ZONE EXCEPTION #851-24-000508-PLNG

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

January 17, 2025

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Resource Zone Exception Request on January 17, 2025.

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 January 29, 2025. Unless appealed, the Effective Date of Decision shall be January 17, 2025.

Request: An exception request to reduce the required 100-foot resource zone setback from the Farm (F-1) zone boundary and establish a 51-foot (side) setback from the west property line, to allow for the placement of a residential structure (single-family dwelling).

Location: The subject property is located southeast of Tillamook City, accessed off Bewley Creek Road, a County Road and designated as Tax Lot 3001 in Section 18 of Township 2 South, Range 9 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Small Farm and Woodlot 10 Acres Zone (SFW-10)

Applicant: Cliff Moyer 3391 NE 29th Street, Redmond, OR 97756

Property Owner: Clifford and Donna Moyer 3391 NE 29th Street, Redmond, OR 97756

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 51-feet from the west property line and shall maintain all other applicable setback requirements of the Small Farm and Woodlot 10 Acres Zone (SFW-10) zone boundary outlined in TCLUO Section 3.008.
4. A vegetative buffer enhanced with vegetative plantings consisting of trees, shrubs and/or a combination of vegetation and fencing to minimize impacts and conflicting uses with adjacent farming activities shall be constructed on the north property line. Existing driveway that runs parallel to the west property line to remain as effective barrier. The applicant/property owner shall submit a site plan to the Department at the time of consolidated Building/Zoning Permit application submittal depicting 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 51-foot resource zone setback from the west property line, 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 setback is met.
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, CFM, Director

Enc.: Vicinity & Assessor/Zoning Map



Land of Cheese, Trees and Ocean Breeze

**RESOURCE ZONE EXCEPTION #851-24-000508-PLNG: MOYER
Administrative Decision & Staff Report**

Decision: Approved
Decision Date: January 17, 2025
Report Prepared By: Sheila Shoemaker, Land Use Planner SS

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 a 51-foot (side) setback from the west property line, to allow for the placement of a residential structure (single-family dwelling).

Location: The subject property is located southeast of Tillamook City, accessed off Bewley Creek Road, a County Road and designated as Tax Lot 3001 in Section 18 of Township 2 South, Range 9 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Small Farm and Woodlot 10 Acres Zone (SFW-10)

Applicant: Cliff Moyer 3391 NE 29th Street, Redmond, OR 97756

Property Owner: Clifford and Donna Moyer 3391 NE 29th Street, Redmond, OR 97756

Description of Site and Vicinity: Assessor records indicate the subject property encompasses approximately 1.39 acres (Exhibit A). The subject property is generally sloped towards the north (front) with a benched area towards the front where construction of a single-family dwelling is proposed (Exhibit B) and slopes upwards towards the south (rear) of the property. The front portion of the subject property is vegetated with grasses and blackberry bushes, with the rear portion of the property vegetated with bushes, alder trees and other large spruce trees (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 #41057C0590F Zone X (Exhibit A).

Properties to the east and south are also zoned Small Farm and Woodlot 10 Acres Zone (SFW-10) and are generally developed with single family dwellings and accessory structures (Exhibit A). The property to the north is zoned Farm (F-1) and is active in farming practices while the property to the west is also zoned Farm (F-1) and is owned by one of the same owner's, Donna Moyer and is improved with a driveway and general-purpose building (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 3.008: Small Farm and Woodlot 10 Acres Zone (SFW-10)
- 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 1, 2024. Comments were received from Tillamook County Public Works stating no concerns (Exhibit C). Comments were also received from the Oregon Department of State Lands stating that a state permit would not be required for the proposed project (Exhibit C).

- A. Section 3.008: Small Farm and Woodlot 10 Acres Zone (SFW-10)

Section 3.008(4)(3)(e) Standards: *STANDARDS: Land divisions and development in the SFW-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 or F zone boundary, unless it can be demonstrated that topography or other natural features will act as an equally effective barrier to conflicts between resource and residential land uses..

Findings: The applicant is requesting an exception to reduce the required 100-foot resource zone setback from the Farm (F-1) zone boundary and establish a 51-foot (side) setback from the west property line, to allow for the placement of a residential structure (single-family dwelling) (Exhibit B). The F-1 zone boundary lines run parallel on the west (side) property line and along the northernly line of Bewley Creek Road. The applicant states the *existing driveway is acting as an effective barrier*. Staff conducted a field visit and took photos of the subject property on October 21, 2024. Photographs from the field visit are included in "Exhibit E" of this report. Staff's field visit to the property October 21, 2024, concludes the property currently obtains natural and man-made features such as an existing shared driveway that borders the west property line and trees with Bewley Creek Road running on the northern property line that are currently acting as existing barriers (Exhibit E). Based upon the findings outlined above, natural (trees) and man-made features (driveway) can act as an equally effective barrier to conflicts between resource and residential uses.

Staff finds that the applicant/property owner can be required as a Condition of Approval to maintain the driveway along the west property line and add a vegetation buffer along the north property line. A Condition of Approval has been made to ensure development adheres to the applicable development standards of TCLUO SFW-10 Section 3.008 at the time of consolidated zoning and building permit submittal to adhere to the 100-foot setback from the northern F-1 zone boundary line.

Staff also finds the applicant/property owner can be required as a Condition of Approval 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.

Staff conducted a field visit of the subject property on October 21, 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 the F-1 resource zone boundaries are located and slopes gradually to the north.

A Condition of Approval has been made to ensure development adheres to the applicable development

standards of TCLUO 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 29, 2025.**

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.
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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 October 21, 2024

EXHIBIT A

Tillamook County
2024 Real Property Assessment Report
 Account 187032

Map 2S09180003001
Code - Tax ID 0912 - 187032

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr See Record

Mailing MOYER, DONNA L &
 MOYER, CLIFFORD L &
 3391 NE 29TH ST
 REDMOND OR 97756

Deed Reference # 2021-1874
Sales Date/Price 03-01-2021 / \$10
Appraiser ROBERT BUCKINGHAM

Property Class 400 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	124,060			Land	0
	Impr	0			Impr	0
Code Area Total		124,060	50,740	50,740		0
Grand Total		124,060	50,740	50,740		0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0912	0			SFW10	Market	96	1.39 AC		124,060
Code Area Total								1.39 AC	124,060

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

Exemptions / Special Assessments / Notations						
Code Area				Amount	Acres	Year
0912	Fire Patrol					
	■ FIRE PATROL NORTHWEST			18.75	1.39	2024
	Fire Patrol					
	■ FIRE PATROL SURCHARGE			0.00		2024

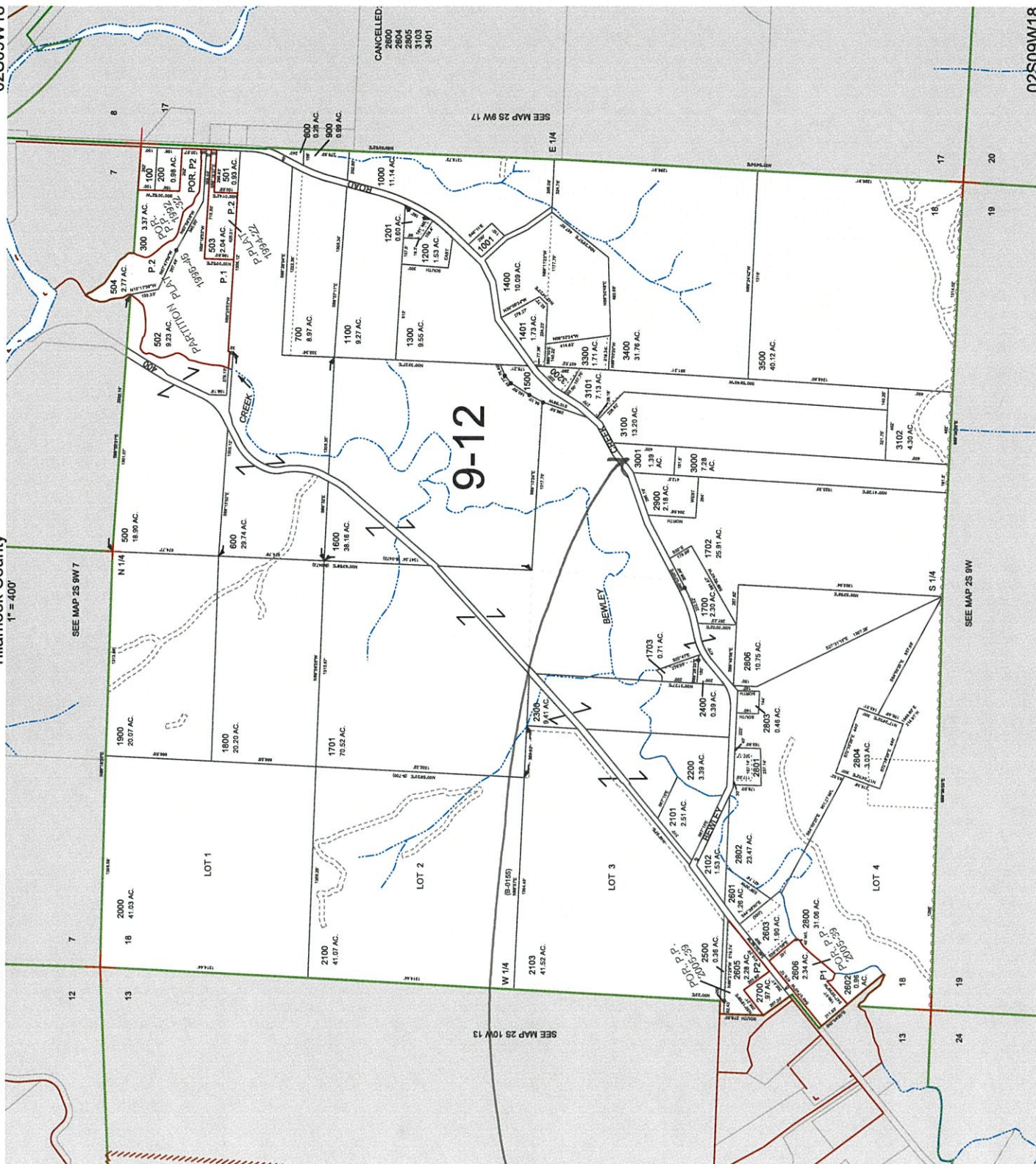
Comments 01/29/16 Land reappraisal; tabled values. Size change per GIS calculations. WH
 04/25/17 Boundary & acreage correction per cartographer. RBB

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

SECTION 18 T.2S. R.9W. W.M.
Tillamook County

1" = 400'

02S09W18



Subject Property

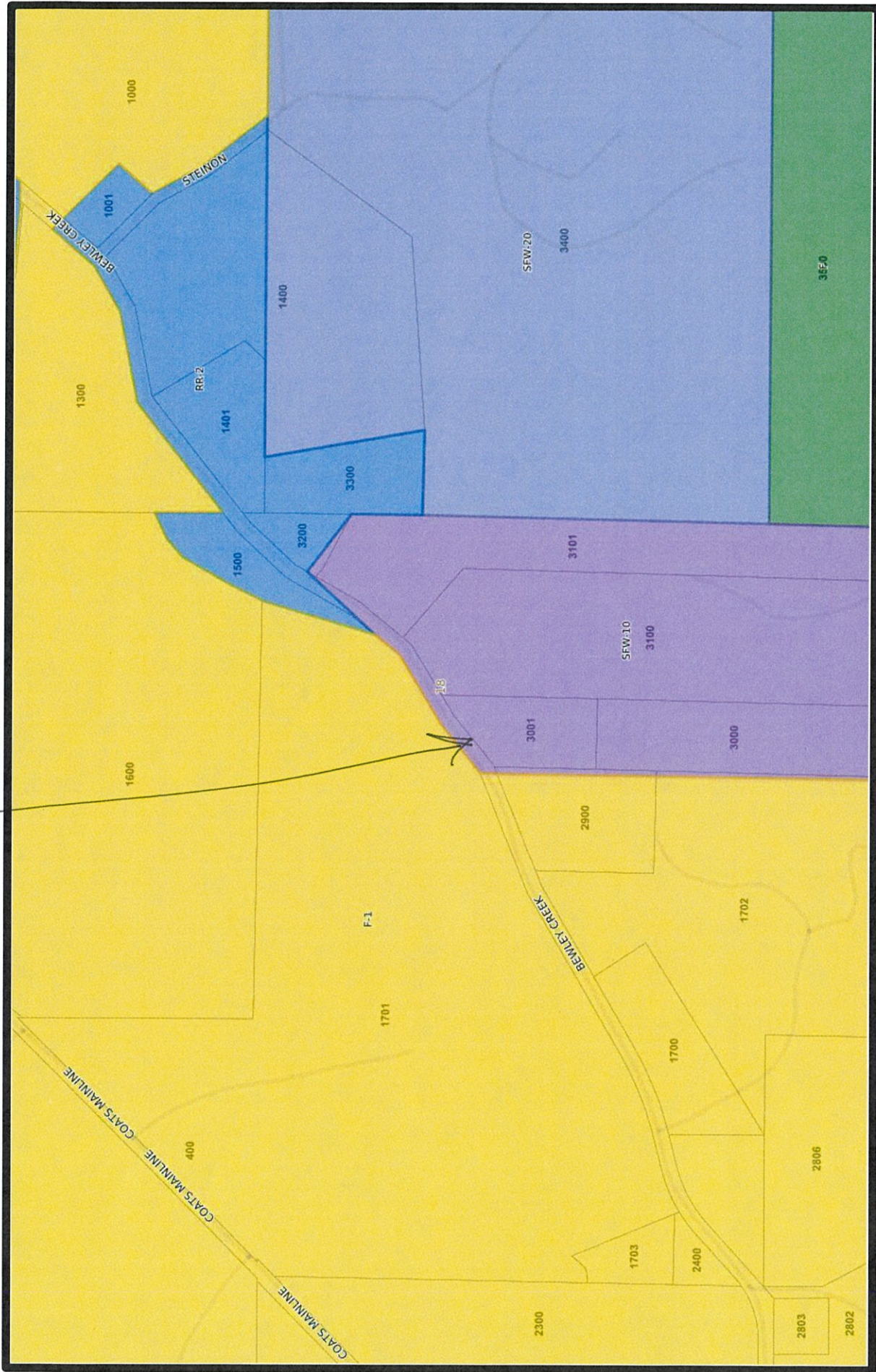
02S09W18

REVISED 08/17/18, WS

Map



Subsist Property



National Flood Hazard Layer FIRMette



123°50'14"W 45°24'N



123°49'36"W 45°23'34"N

Legend

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

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone 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 X

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone X

GENERAL STRUCTURES

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

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- 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

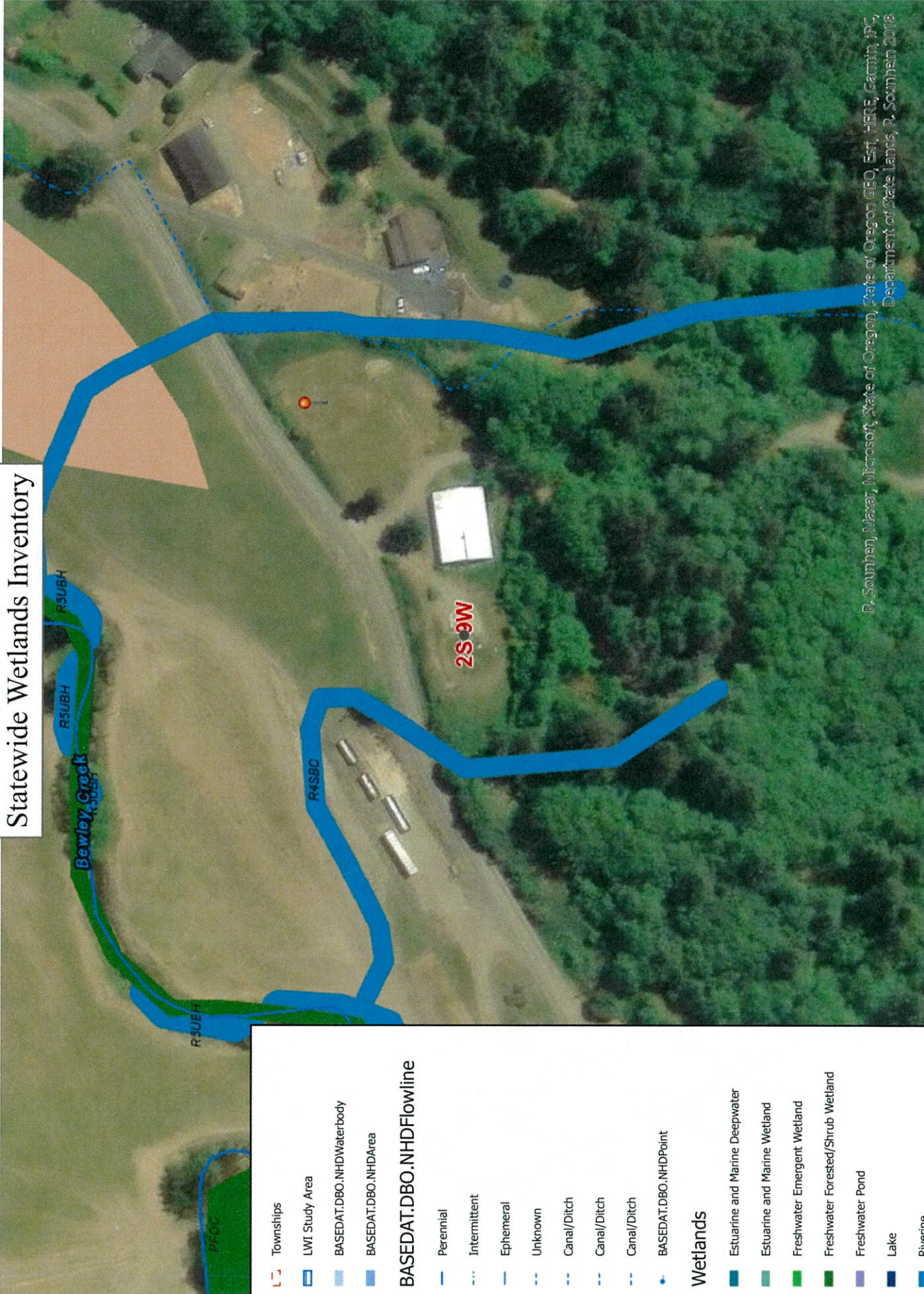
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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 10/29/2024 at 9:25 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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

Statewide Wetlands Inventory



R. Sounthien, Mazan, Microsoft, State of Oregon, State of Oregon GEO, Est. HERE, Garmin, JPC, Department of State Lands, P. Sounthien 2018

	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.NHDPoint
Wetlands	
	Estuarine and Marine Deepwater
	Estuarine and Marine Wetland
	Freshwater Emergent Wetland
	Freshwater Forested/Shrub Wetland
	Freshwater Pond
	Lake
	Riverine
	SWI Agate-Wirlo Soils

Geologic Hazard Area

- County Boundaries
- Non-Regulatory Planning
- Physical
 - Debris Flow fans
 - Deep Landslide Susceptibility
 - High Susceptibility
 - Moderate Susceptibility
 - Shallow Landslide Susceptibility
 - Rapidly Moving Landslides
 - 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
 - Esri World Imagery
- Basemaps
 - Carto
 - Light



EXHIBIT B



PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	RECEIVED SEP 27 2024
BY:
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	MJ
Receipt #:	139768
Fees:	1365.00
Permit No:	851-24-000508 -PLNG

Applicant (Check Box if Same as Property Owner)

Name: CLIFF MOYER Phone: 907-885-5210

Address: 3391 NE 29th

City: REDMOND State: OR Zip: 97754

Email: cdmoyer29@gmail.com

Property Owner

Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

Email: _____

Request: REDUCE 100' SETBACK TO 51' FOR DWELLING
EXISTING DRIVEWAY ACTING AS EFFECTIVE BARRIER

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: 25 9 18 3001
Township Range Section Tax Lot(s)

Clerk's Instrument #: _____

Authorization

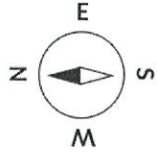
This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted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

Cliff Moyer
 Property Owner Signature (Required)

9/27/2024
 Date

Applicant Signature

Date



PLOT PLAN FOR: CLIFF & DONNA MOYER
CONTACT: 907-885-5210
PROPERTY: TBD BEWLEY CREEK ROAD, TILLAMOOK, OR 97141
TAX MAP NO.: 2S09180003001
SCALE: 3/32"=2'

BEWLEY CREEK ROAD

POWER

EXISTING DRAIN FIELD

EXISTING SEPTIC TANK

PROPOSED 1716 SF HOME
Width Dimensions +/- 84' wide x 42' deep

PROPOSED DRIVEWAY EXPANSION

WATER

EXISTING DRIVEWAY

Existing shop
45' x 80'

RECEIVED
SEP 27 2024
BY:

+/- 181'

Lot 1
37200 AS W

Moyer, Cliff & Donna	2024-08-27T10:23
MOYER, CLIFF & DONNA - PLOT PLAN	3/32":2' - B (Tablet)

EXHIBIT C

Sheila Shoemaker

From: Brian Olle
Sent: Monday, November 4, 2024 3:48 PM
To: Sheila Shoemaker
Subject: RE: Resource Zone Exception - 851-24-000508-PLNG

Hi Sheila,

Public Works has no concerns with this as long as no structures or portions of the dwelling are within the Right of Way.

Thanks,

Brian Olle, P.E. | Engineering Project Manager
TILLAMOOK COUNTY | Public Works
Cell: (503)812-6569

From: Sheila Shoemaker <Sheila.Shoemaker@tillamookcounty.gov>
Sent: Friday, November 1, 2024 11:25 AM
To: Sheila Shoemaker <Sheila.Shoemaker@tillamookcounty.gov>
Subject: Resource Zone Exception - 851-24-000508-PLNG

Please find attached the Resource Zone Exception for review and any comments.

Sincerely,



Sheila Shoemaker | Land Use Planner
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x 3123
Sheila.Shoemaker@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.

Any opinion or advice provided herein is informational only and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of Tillamook County's Land Use Ordinance, Land Division Ordinance and Comprehensive Plan, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

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.



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*

WN2024-0767

Responsible Jurisdiction

Staff Contact

Sheila Shoemaker

Jurisdiction Type

County

Municipality

Tillamook

Local case file #

851-24-000508-PLNG

County

Tillamook

Activity Location

Township

02S

Range

09W

Section

18

QQ section

Tax Lot(s)

3001

Street Address

W of 8125 Bewley Creek Rd

Address Line 2

City

Tillamook

State / Province / Region

OR

Postal / Zip Code

97141

Country

USA

Latitude

45.396296

Longitude

-123.831914

Wetland/Waterway/Other Water Features



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

Your Activity



- A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

Applicable Oregon Removal-Fill Permit Requirement(s)



- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

DSL Review



Wetland Ecologist Comments

A stream is mapped in the eastern portion of this property, but the proposed site plan (new single family dwelling) does not appear to impact it. A state Removal-Fill permit is not likely required for this activity.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county.

Response Date

11/26/2024

Response by:

Jessica Salgado

Response Phone:

541-408-1892



Wetland Land Use Notification

OREGON DEPARTMENT OF STATE LANDS

775 Summer Street NE, Suite 100, Salem, OR 97301-1279

Phone: (503) 986-5200

This form is to be completed by planning department staff for mapped wetlands and waterways.

* Required Field (?) Tool Tips

Activity Location



Township* (?)

02S

Range* (?)

09W

Section* (?)

18

Quarter-quarter Section (?)

Tax Lot(s)*

3001

You can enter multiple tax lot numbers within this field. i.e. 100, 200, 300, etc.

To add additional tax map and lot information, please click the "add" button below.

Address

Street Address

Address Line 2

City

State

Postal / Zip Code

Country

County*

Tillamook

Adjacent Waterbody

Geolocation*

45.394942, 123.831443

Proposed Activity



Prior to submitting, please ensure proposed activity will involve physical alterations to the land and/or new construction or expansion of footprint of existing structures.

Local Case File #* (?)

851-24-000508-PLNG

Zoning

F-1

Describe any Earthwork/Ground Disturbance*

construction for construction of a new single family dwelling

Proposed

Building Permit (new structures)

Conditional use Permit

Grading Permit

Planned Unit Development

Site Plan Approval

Subdivision

Other (please describe)

Applicant's Project Description and Planner's Comments: *

an exception to setbacks from a resource zone

Required attachments with site marked: Tax map and legible, scaled site plan map. (?)

EXCEPTION 851-24-000508-PLNG.PDF

4.12MB

Additional Attachments

Applicant

First Name *

Cliff

Last Name *

Moyer

Applicant Organization Name

(if applicable)

Mailing Address *

Street Address

3391 NE 29th

Address Line 2

City

Redmond

Postal / Zip Code

97756

State

OR

Country

united states

Phone (?)

907-885-5210

Email (?)

cdmoyer29@gmail.com

Is the Property Owner name and address the same as the Applicant? *

No Yes

Responsible Jurisdiction

*

City of County of

Municipality *

Tillamook

Date *

11/1/2024

Staff Contact

First Name *

Sheila

Last Name *

Shoemaker

Phone * (?)

503-842-3408

Email *

sheila.shoemaker@tillamookcounty.gov

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

East views



NW views



SW view

