Tillamook County

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



1510 - B Third Street Tillamook, Oregon 97141 www.tillamookcounty.gov 503-842-3408

Land of Cheese, Trees and Ocean Breeze

RESOURCE ZONE EXCEPTION #851-25-000142-PLNG: DON HAHN CONSTRUCTION/INGRAM

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 30, 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 July 30, 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 August 11, 2025. Unless appealed, the Effective Date of Decision shall be August 11, 2025.

Request: An exception request to reduce the required 100-foot resource zone setback from the

Forest (F) zone boundary and establish a 50-foot setback from the southern (side) property line to allow for the placement of a residential structure (single-family

dwelling).

Location: The subject property is located in the community of Cape Mears, northwest of

Tillamook City, accessed off Fifth Street, a County Road and designated as Tax Lot 7900 in Section 7DB of Township 1 South, Range 10 West of the Willamette Meridian,

Tillamook County, Oregon.

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

Applicant: Don Hahn Construction, 5995 12th Street NW, Tillamook, OR 97141

Property Owner: Randy and Marianne Ingram, 21101 NE 224th Street, Battle Ground, WA 98604

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, including approved onsite wastewater treatment permits and an approved Building and Zoning Permit from the Tillamook County Department of Community Development.
- 2. Residential structures shall maintain a minimum 50-foot resource zone setback from the southern (side yard) property line of the subject property adjacent to the Forest (F) zone. All other setback requirements of the Rural Residential 2-Acre (RR-2) zone shall be adhered to.
- 3. The Applicant/Property owner shall submit a site plan, drawn to scale and depicting all required yard setbacks and the reduced resource zone setback, at the time of consolidated Building/Zoning Permit application submittal.
- 4. Development shall comply with the applicable standards and requirements of TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone.
- 5. Applicant/Property Owner shall comply with the applicable standards and requirements of TCLUO Section 4.130, including submittal of a Geologic Hazard Assessment (Geologic Hazard Report). The Assessment is required if average existing slopes are equal to or greater than 19 percent within area to be disturbed. The Assessment shall be submitted to the Department prior to development of the subject property. The average existing slope of the area proposed for development shall also be clearly identified on the site plan submitted with the consolidated Building/Zoning Permit application.
- 6. 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 natural resource activities. 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 C' shall be provided at the time of applying for Consolidated Zoning/Building Permit.

7. This approval expires if a Building Permit is not applied for within two (2) years of issuance of this approval.

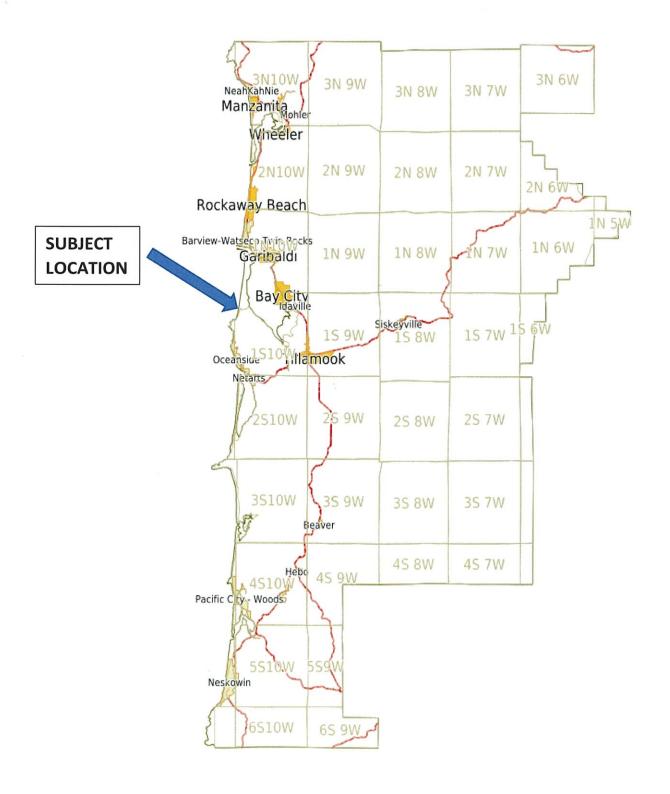
Sincerely,

Tillamook County Department of Community Development

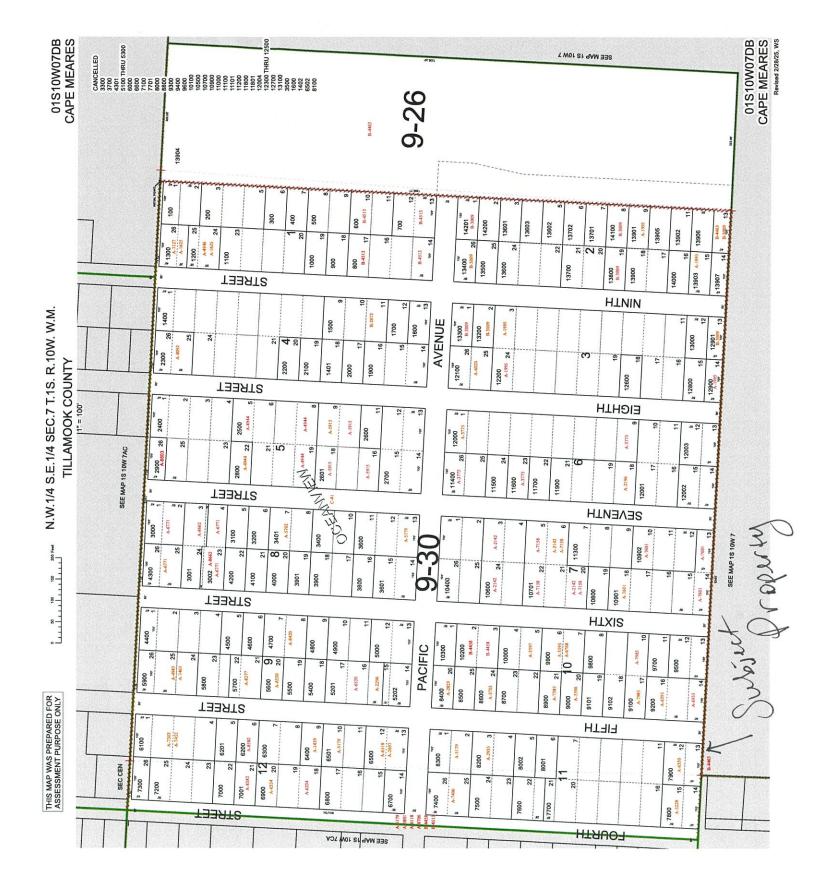
Sarah Absher, CFM, Director

Enc.: Vicinity & Assessor/Zoning Map

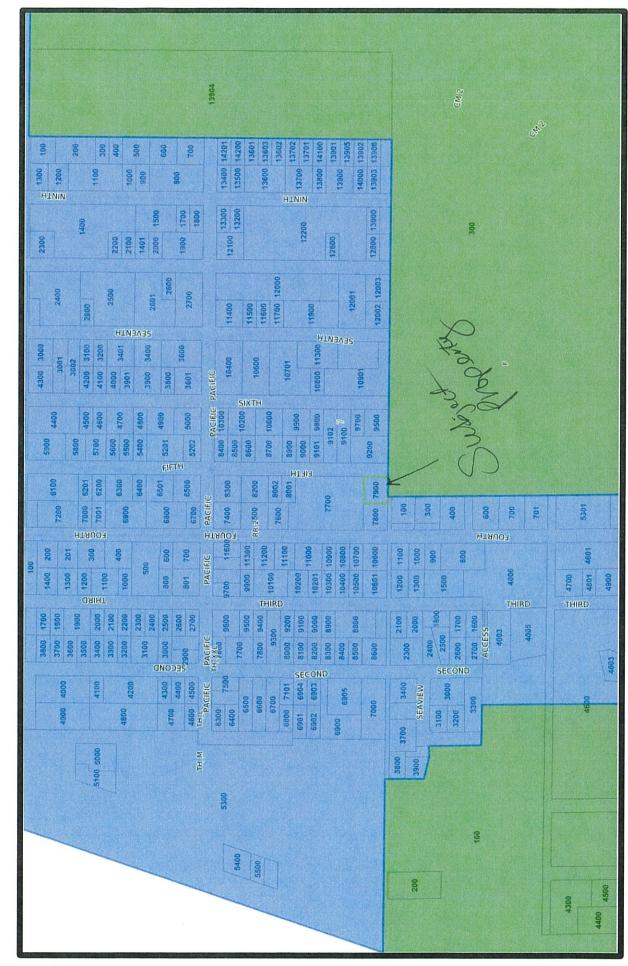
VICINITY MAP



#851-25-000142-PLNG: INGRAM



Map



Generated with the GeoMOOSE Printing Utilities

Tillamook County

DEPARTMENT OF COMMUNITY DEVELOPMENT

BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

1510 Third Street Suite B Tillamook, Oregon 97141 www.tillamookcounty.gov 503-842-3408



Land of Cheese, Trees and Ocean Breeze

RESOURCE ZONE EXCEPTION #851-25-000142-PLNG: DON HAHN CONSTRUCTION/INGRAM

Administrative Decision & Staff Report

Decision: Approved with Conditions

Decision Date: July 30, 2025

Report Prepared By: Sarah Absher, CFM, Director

I. GENERAL INFORMATION:

Request: An exception request to reduce the required 100-foot resource zone setback from the

Forest (F) zone boundary and establish a 50-foot setback from the southern (side) property line to allow for the placement of a residential structure (single-family

dwelling).

Location: The subject property is located in the community of Cape Mears, northwest of

Tillamook City, accessed off Fifth Street, a County Road and designated as Tax Lot 7900 in Section 7DB of Township 1 South, Range 10 West of the Willamette Meridian,

Tillamook County, Oregon.

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

Applicant: Don Hahn Construction, 5995 12th Street NW, Tillamook, OR 97141

Property Owner: Randy and Marianne Ingram, 21101 NE 224th Street, Battle Ground, WA 98604

Description of Site and Vicinity: Assessor records indicate the subject property encompasses approximately 0.21-acres, roughly 9,147.6 square feet, and is rectangular in shape. The subject property slopes in a downward, westerly direction, is vegetated with grass and trees and is currently unimproved (Exhibit A). No mapped wetlands or other natural features are identified on the subject property (Exhibit A).

residential structure (single-family dwelling) (Exhibit B). The applicant states that due to the size of the property, a residential structure could not otherwise be placed on the subject property without Variance approval (Exhibit B).

Staff finds the subject property is identified as Tax Lot 7900 and is approximately 90-feet deep by 100-feet wide (Exhibits A & B). The subject property is comprised of Lots 12 and 13, Block 11, Cape Meares. As depicted on the zoning map included in "Exhibit A" of this report, the Forest Zone boundary runs along the southerly boundary of the subject property. Given the depth of the lot is 90-feet, staff finds a residential structure could not otherwise be placed on the subject property without requiring a Variance.

While concerns were received supporting application of the 100-foot resource zone setback regardless of size of property, the exception process allows for a lesser setback if a residential structure could not otherwise be placed on the lot. The applicant is not proposing to waive the required resource zone setback and is proposing a lesser resource zone setback of 50-feet (Exhibit B).

The dimensions of the subject property meet one of the two reasons to justify an exception as outlined in TCLUO Section 3.010(4)(k). Staff concludes this criterion is met.

B. Section 4.130: Development Requirements for Geologic Hazard Areas

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.

TCLUO Section 4.130(2)(d) identifies the subject property within an area of mapped geologic hazard, specifically within an area of rapidly moving landslide susceptibility as identified in DOGAMI IMS-22 (Exhibit A). Section 4.130(2)(f) requires submittal of a Geologic Hazard Assessment (Geologic Hazard Report) where the average existing slopes are equal to or greater than 19 percent where the average existing slopes of the subject property are equal to or greater than 19%, measured from the highest to lowest point of the property.

As per TCLUO Section 4.130(5), Staff finds a Geologic Hazard Report prepared in conformance with the standards of TCLUO 4.130(4) shall be submitted to this Department for review and approval prior to applying for Consolidated Zoning/Building Permits if average existing slopes of the subject property are equal to or greater than 19 percent as specified above. Staff find that a condition of approval can be made to ensure compliance with this standard at the time of Consolidated Zoning/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 Forest (F) 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 August 11, 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, including approved onsite wastewater treatment permits and an approved Building and Zoning Permit from the Tillamook County Department of Community Development.
- 2. Residential structures shall maintain a minimum 50-foot resource zone setback from the southern (side yard) property line of the subject property adjacent to the Forest (F) zone. All other setback requirements of the Rural Residential 2-Acre (RR-2) zone shall be adhered to.
- 3. The Applicant/Property owner shall submit a site plan, drawn to scale and depicting all required yard setbacks and the reduced resource zone setback, at the time of consolidated Building/Zoning Permit application submittal.
- 4. Development shall comply with the applicable standards and requirements of TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone.
- 5. Applicant/Property Owner shall comply with the applicable standards and requirements of TCLUO Section 4.130, including submittal of a Geologic Hazard Assessment (Geologic Hazard Report). The Assessment is required if average existing slopes are equal to or greater than 19 percent within area to be disturbed. The Assessment shall be submitted to the Department prior to development of the subject property. The average existing slope of the area proposed for development shall also be clearly identified on the site plan submitted with the consolidated Building/Zoning Permit application.
- 6. 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 natural resource activities. 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 C' shall be provided at the time of applying for Consolidated Zoning/Building Permit.

7. This approval expires if a Building Permit is not applied for within two (2) years of issuance of this approval.

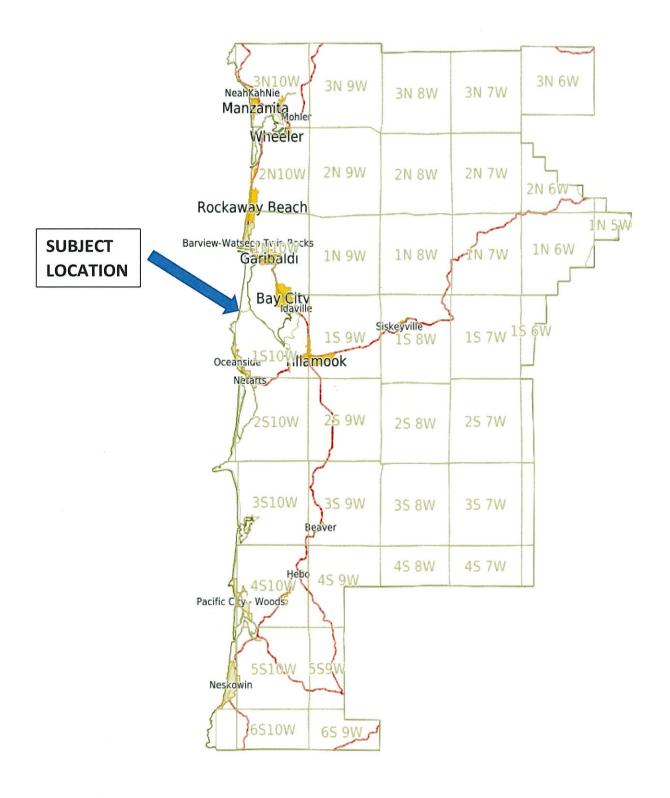
VI. **EXHIBITS**

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

- A. Maps
 B. Applicant's submittal
 C. Required Restrictive Covenant: Farm Forest Practices
 D. Public Comments

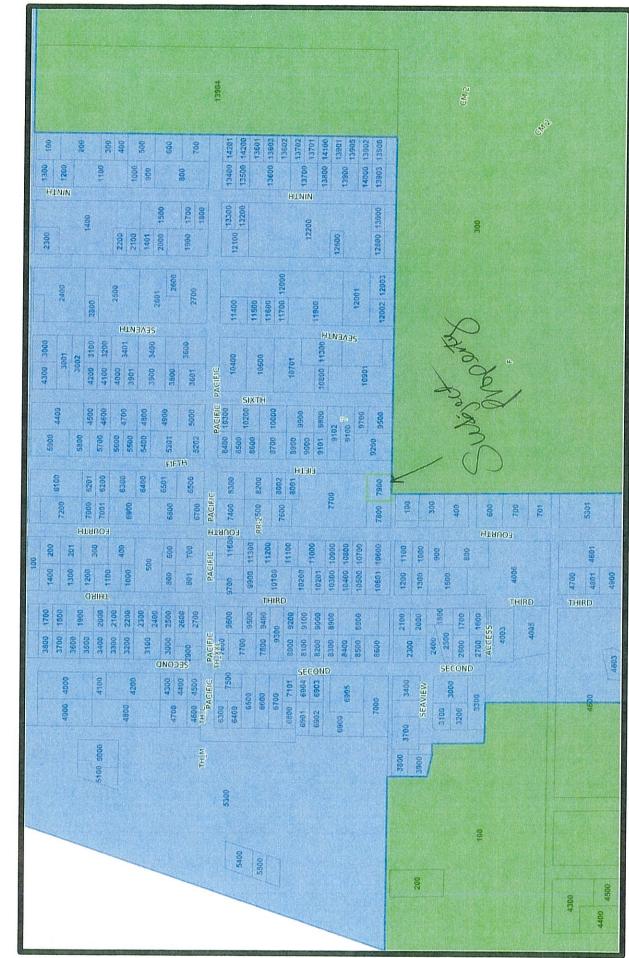
EXHIBITA

VICINITY MAP



#851-25-000142-PLNG: INGRAM

01S10W07DB CAPE MEARES		015/10//070B
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	STREET , 1380 000 1400 1400 1400 1400 1400 1400 140	i in the second
N.W.1/4 S.E.1/4 SEC.7 T.1S. R.10W. W.M. TILLAMOOK COUNTY	CD C	
EC.7 T.18	EIGHTH G. 5 C. 6 C.	
4 S.E.1/4 SEC.7 T.1S. R.1 TILLAMOOK COUNTY	38 (Opt. 74.C.) 38 (Op	r.
N.W.1	SEAENTH COUNTY C	
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**************************************	H1XIS ,	
IL Y	\$ 6900 \$ 6000 \$	
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY	SEC CEN 17000	
	TOURTH SEEMAPISTON TOA	1_



Generated with the GeoMOOSE Printing Utilities

National Flood Hazard Layer FIRMette



OTHER AREAS OF FLOOD HAZARD HAZARD AREAS OTHER AREAS 123°57'9"W 45°29'35"N <u>ARENOFIMINIMALIFIOODIHAZARD</u> 1:6,000 10193 41057C0555F eff. 9/28/2018 (EL'22 Feet) et (EL 31 Feet) (EL 27/Feet) EL25 Feet T01S R10W S07 EL 32 Fee Zone VE (EL 33.3 Feet) EL 37.5 Feet) Zone VE

Legend

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

Without Base Flood Elevation (BFE) SPECIAL FLOOD

With BFE or Depth Zone AE, AO, AH, VE, AR

Regulatory Floodway

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

Area with Reduced Flood Risk due to Chance Flood Hazard Zone X Levee. See Notes. Zone X No screen Area of Minimal Flood Hazard Zone X

Area with Flood Risk due to Levee Zone D

Area of Undetermined Flood Hazard Zone **Effective LOMRs**

- - - - Channel, Culvert, or Storm Sewer STRUCTURES | 111111 Levee, Dike, or Floodwall

Cross Sections with 1% Annual Chance Water Surface Elevation Coastal Transect

Base Flood Elevation Line (BFE) Limit of Study man Elisamon

Jurisdiction Boundary

Coastal Transect Baseline Profile Baseline

OTHER FEATURES

Hydrographic Feature

Digital Data Available

No Digital Data Available

Unmapped

MAP PANELS

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

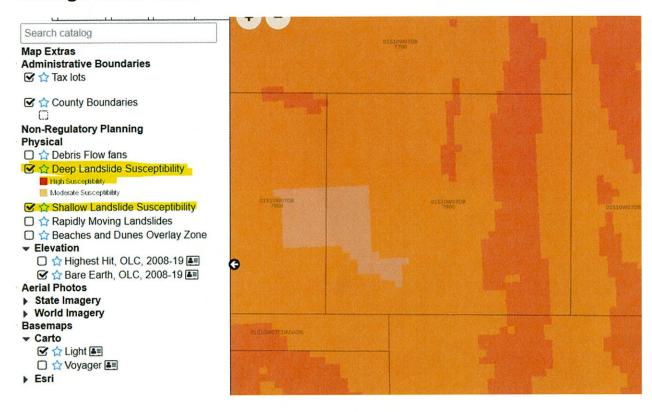
This map complies with FEMA's standards for the use of The basemap shown complies with FEMA's basemap digital flood maps if it is not void as described below.

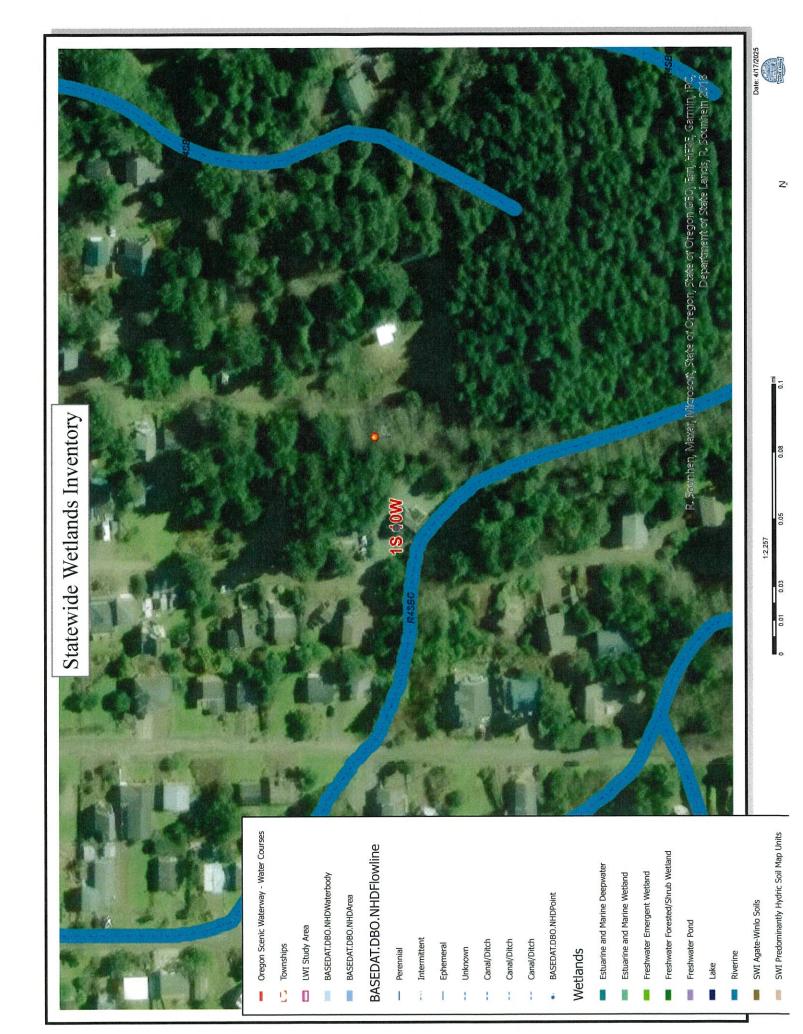
authoritative NFHL web services provided by FEMA. This map reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or The flood hazard information is derived directly from the was exported on 4/17/2025 at 8:46 PM and does not become superseded by 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, FIRM panel number, and FIRM effective date. Map images for legend, scale bar, map creation date, community identifiers, unmapped and unmodernized areas cannot be used for regulatory purposes.

1,000

500

Geologic Hazard Area



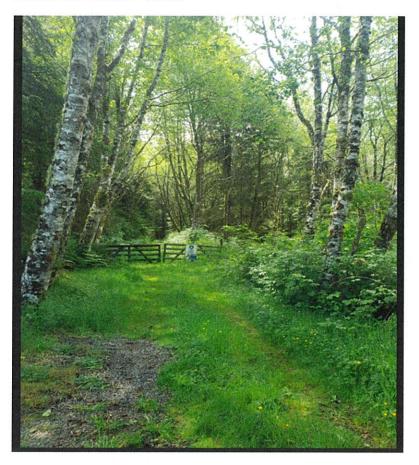


West views





North view from 5th Street



Northwest view from 5th Street

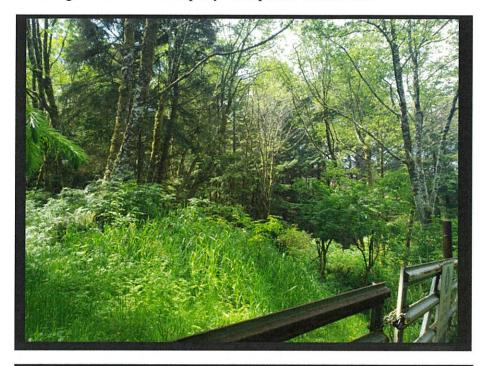


Northwestern views





Abutting Forest Zoned Property with public access trail





Tillamook County 2024 Real Property Assessment Report

Account 130726

Мар 1S1007DB07900 **Tax Status**

Assessable

Code - Tax ID

0926 - 130726

Account Status Subtype

NORMAL

Active

Legal Descr

Multiple Lots - See legal report for full description

Mailing

INGRAM, RANDY A & MARIANNE L

21101 NE 224TH ST

BATTLE GROUND WA 98604

Deed Reference # 2020-274

Sales Date/Price

01-08-2020 / \$69,500

Appraiser

ELIZABETH LOFTIS

Property Class

100

MA

SA NH

RMV Class

100

80

ST 821

5	Site	Situs Address	City

			Value Summary			
Code Ar	ea	RMV	MAV	AV	RMV Exception	CPR %
0926	Land	76,360	•	L.and	0	
	lmpr	0		lmpr	0	
Code	Area Total	76,360	55,020	55,020	0	
G	rand Total	76,360	55,020	55,020	0	

	Land Breakdown						
Code		Plan		Trend			
Area	ID#	RFPD Ex Zone	Value Source	%	Size	Land Class	Trended RMV
0926	0	RR-2	Market	123	0.21 AC		76,360
				Code Area Total	0.21 AC		76,360

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

Exemptions / Special A	ssessments / Notations	. ,,	
Notations			
■ CHANGES TO VALUATION JUDGMENT (REDUCTION) 308	.242 ADDED 2012		
■ MULTI LOT-SINGLE LOT VALUE ADDED 2013			
Fire Patrol	Amount	Acres	Year
■ FIRE PATROL SURCHARGE	0.00		2024
Code Area 0926			
Fire Patrol	Amount	Acres	Year
■ FIRE PATROL NORTHWEST	18.75	0.21	2024

Comments

11/21/12 Changes in Valuation Judgment. Owner requested Review of Property. Lowered value due to no view, Development and Access issues. EJ.

11/21/12 Brought values forward from 2012 Changes in Valuation Judgment. EJ.

3/5/13 Land re-appraisal, tabled land, EJ.

5/22/2025 11:10 AM Page 1 of 1

EXHIBIT B



Tillamook County Department of Community Development 1510-B Third Street. Tillamook, OR 97141 | Tel: 503-842-3408 Fax: 503-842-1819

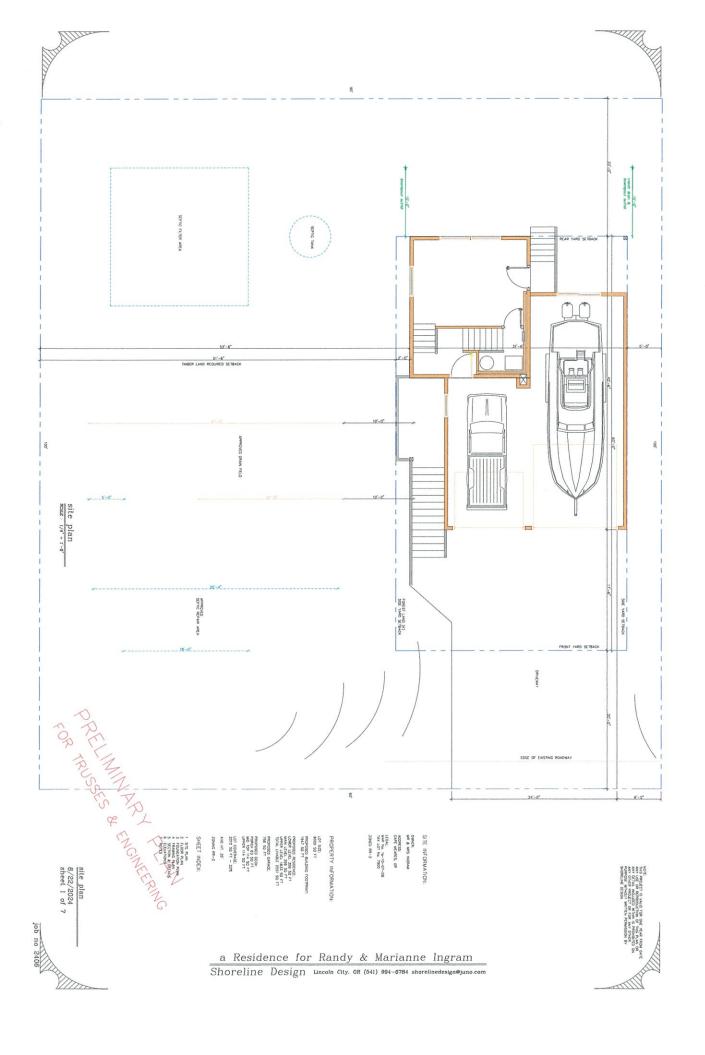
www.co.tillamook.or.us

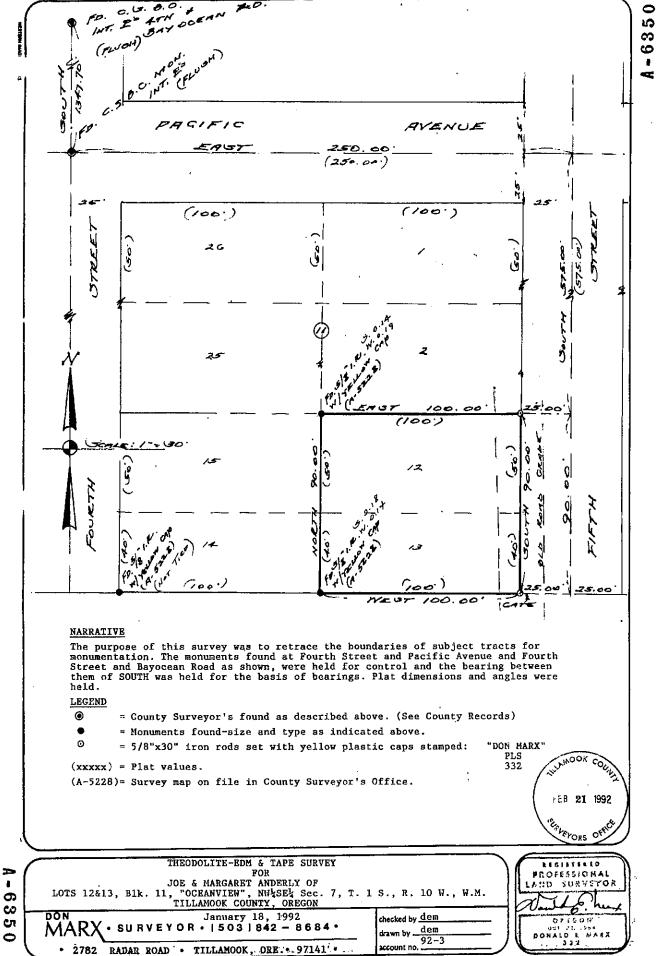
OFFICE USE ONLY

RECEIVED

PLANNING APPLICATION

Applicant ☐ (Check Box if Same Name: Don Hahn Construction		MAR 2 1 2025			
Address: 5995 12th ST NW	Phone: 503		-	BY: 541	
City: Tillamook	- -				
Email: donhahnconstruction@gmail	i.com		-	□Approved □Denied Received by: <	
Property Owner			-	Receipt #: 142464	
Name: Randy & Marianne Ingram	Phone: 360-	907-5989		Fees: 1365	
Address: 21101 NE 224th ST				Permit No:	
City: Battle Ground	State:WA	Zip: 98604		851- <u>35</u> - <u>000142</u> -PLNG	
Email: xrandyix@gmail.com		ali anggan anggan anggan ang anggan ang ang			
Request: Granting an Exception to	o Resource S	etback from Forest Zone	to 50		
Type II Farm/Forest Review		e III Detailed Hazard Report	Туре	e IV Ordinance Amendment	
☐ Conditional Use Review		Conditional Use (As deemed		Large-Scale Zoning Map	
☐ Variance		oy Director)		Amendment	
X Exception to Resource or Riparian S	Setback 🗆 (Ordinance Amendment	☐ Plan and/or Code Text		
☐ Nonconforming Review (Major or N☐ Development Permit Review for Es		Map Amendment Goal Exception		Amendment	
Development		Nonconforming Review (As			
☐ Non-farm dwelling in Farm Zone		deemed by Director)			
☐ Foredune Grading Permit Review		ariance (As deemed by			
☐ Neskowin Coastal Hazards Area	ı	Director)			
Location:	1.00.70				
Site Address: Fifth Street NW, Tillam		e Meares)			
Map Number: 1S	10 Range		07 D	B 07900 (Lots 12&13) Tax Lot(s)	
interest (= total)	Nange		Section	Tax Lot(s)	
Clerk's Instrument #:					
Authorization					
This permit application does not assum obtaining any other necessary federal, complete, accurate, and consistent wit	state, and loca	l permits. The applicant verif	ies tha	t the information submitted is	
Randy A. Angr	am W	larianne L. Ang	gran	3/3/2025	
Property Owner Signature (Required)		V		Date	
Applicant Signature	4			3-4-25 Date	
				Pare	
Land Use Application	Rev. 6/9/23			Page 1	





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O ω ÇŢ Tillamook County Department of Community Development,

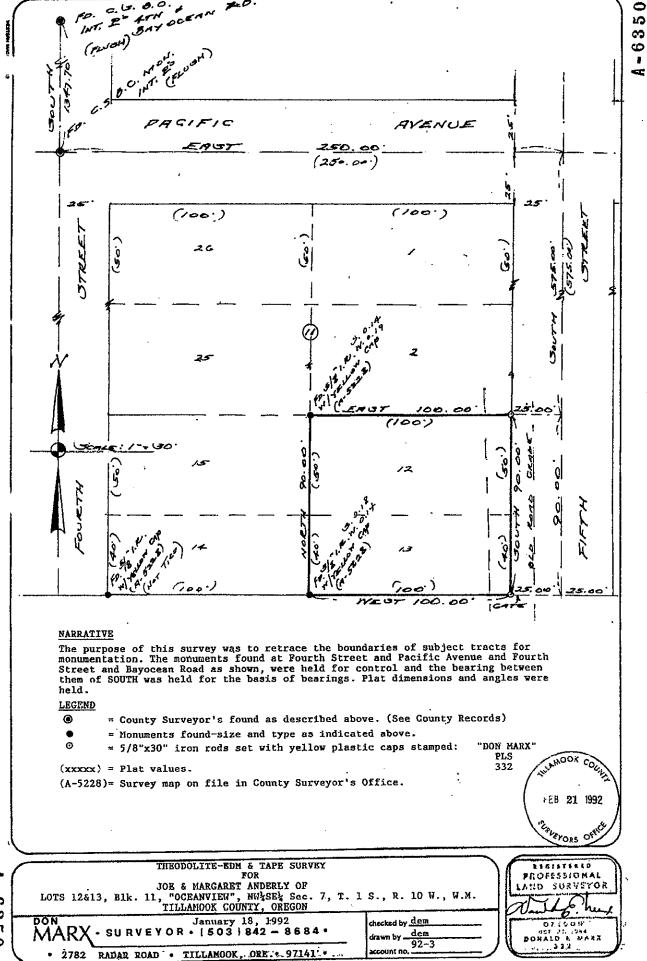
We are submitting this planning application to seek an exception for the setbacks to a resource zone that is impacting Randy and Marianne Ingram's property in Cape Meares. The property is located on Fifth Street NW, Tillamook OR (T1S1007DB 07900 Lots 12 &13) and is an undeveloped 90'x100' lot. Confirmation has been given that only one application (Planning Application Type II) is required for this exception request.

We propose a variance from the standard 100' setback to a 50' setback based on the following:

- Per Tillamook County Land Use Ordinance 3.101 (RR-2, RR-10), Section 4, (k): No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 zone boundary, unless a residential structure could not otherwise be placed on the property without requiring a variance to the 100 foot requirement.
- The standard resource setback of 100' renders the property unbuildable. A 50' setback would allow the necessary area needed to build a single-family home on the property.
- The property was plotted many years ago as "Bay Ocean Park", long before the current requirements and exception process.
- There are currently several other homes in the area that are not within the current setbacks from the resource zone.

The property owners fully understand the implications of building within the standard setbacks of a resource boundary, and due diligence has been completed. The placement of the proposed structure is clearly the only viable site on the property to build a single-family home.

Thank you in advance for your time and consideration.



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Tillamook County Maps

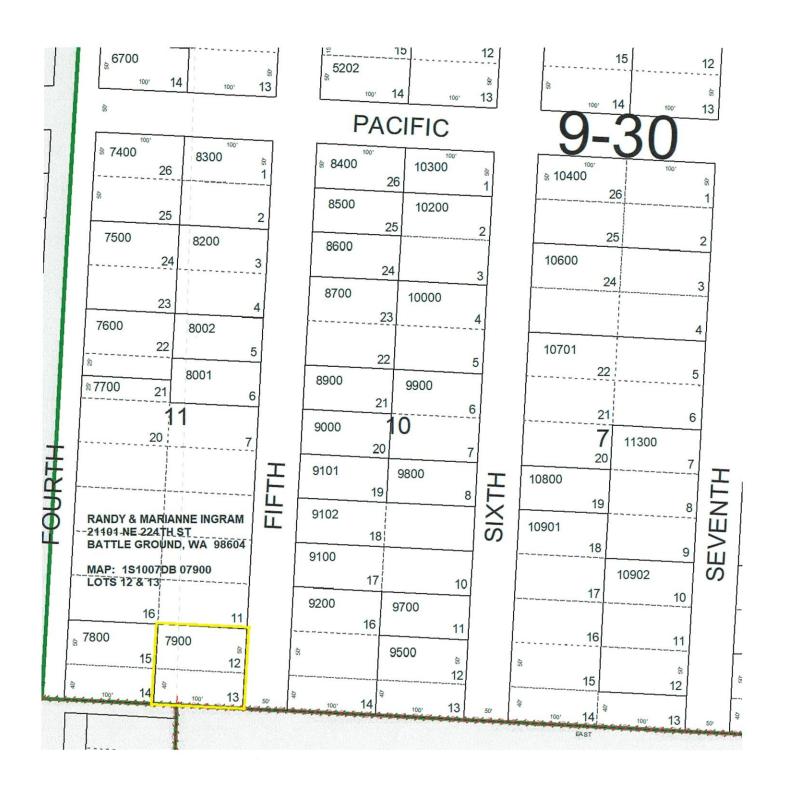
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA,

0.03

0.12 km

0.07 mi

2/26/2025, 10:21:14 AM



Tillamook County 2023 Real Property Assessment Report

Account 130726

Map

1S1007DB07900

Tax Status

Assessable

Code - Tax ID

0926 - 130726

Account Status Subtype

Active **NORMAL**

Legal Descr

Multiple Lots - See legal report for full description

Mailing

INGRAM, RANDY A & MARIANNE L

21101 NE 224TH ST

BATTLE GROUND WA 98604

Deed Reference # 2020-274

Sales Date/Price

01-08-2020 / \$69,500

Appraiser

ELIZABETH LOFTIS

Property Class

100

MA

SA NH

RMV Class

100

08

ST 821

Site Situs Address

City

			Value Summary		1 - 2011 - 111	
Code Ar	ea	RMV	MAV	AV	RMV Exception	CPR %
0926	Land	62,080		Land	0	
	lmpr	0		lmpr	0	
Code	Area Total	62,080	53,420	53,420	0	
G	rand Total	62,080	53,420	53,420	0	

				Land Breakdown			
Code Area	ID#	Plan RFPD Ex Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0926	0	RR-2	Market	112	0.21 AC		62,080
				Code Area Total	0.21 AC		62,080

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

Exemptions / Special Assessments / Notations								
Notations								
■ CHANGES TO VALUATION JUDGMENT (REDUCTION) 30	8.242 ADDED 2012							
■ MULTI LOT-SINGLE LOT VALUE ADDED 2013								
Fire Patrol	Amount	Acres	Year					
■ FIRE PATROL SURCHARGE	0.00		2023					
Code Area 0926								
Fire Patrol	Amount	Acres	Year					
■ FIRE PATROL NORTHWEST	18.75	0.21	2023					

Comments

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11/21/12 Brought values forward from 2012 Changes in Valuation Judgment. EJ.

3/5/13 Land re-appraisal, tabled land, EJ.

5/15/2024 8:39 AM Page 1 of 1

EXHIBIT C

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

- 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).
- 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 <u>Exhibit A</u> 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 <u>recorded</u> 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.

fter Recording Return To:

RESTRICTIVE COVENANT
GRANTORS) are the owners of real property described as follows:
ROPERTY LEGAL DESCRIPTION attached as $\underline{\text{Exhibit } \mathbf{A}}$ hereto and incorporated by eference
o 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, r 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 djacent land customary and accepted farm or forest management practices, conducted in accordance ith federal and state laws, ordinarily and necessarily produce noise, dust, smoke, odors, the oplication of manure, fertilizers, or herbicides (including aerial spraying), road construction, manges in view, and other impacts related to a resource zone.
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 ause of action of alleging injury from farming or forest practices for which no action or claim is lowed under ORS 30.936 or ORS 30.937.
his covenant shall run with the land and is intended to and hereby shall bind my/our heirs, assigns, assees, and successors and it can not be deleted or altered without prior contact and approval by the illamook County Department of Community Development (GRANTEE) or its successor.
N WITNESS WHEREOF, the said Party has executed this instrument thisday of
ignature Print Names
tate of, County of
ubscribed and sworn to before me thisday of, 20
SEAL Notary Public of Oregon My Commission Expires:

STATE OF OREGON COUNTY OF TILLAMOOK

EXHIBIT D

Sheila Shoemaker

From:

Brian Olle

Sent:

Monday, June 2, 2025 11:05 AM

To: Cc: Sheila Shoemaker

Subject:

Sarah Thompson RE: Resource Zone Exception - 851-25-000142-PLNG - Don Hahn Construction/Ingram

Public Works has no concern with this request.

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, May 30, 2025 3:09 PM

To: Sheila Shoemaker <Sheila.Shoemaker@tillamookcounty.gov>

Subject: Resource Zone Exception - 851-25-000142-PLNG - Don Hahn Construction/Ingram

Good afternoon,

Please find attached the Resource Zone Exception for your review and 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

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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.

Sheila Shoemaker

From:

Chris Spence <chris@cspencebuilder.com>

Sent:

Monday, June 9, 2025 2:33 PM

To:

Sheila Shoemaker

Subject:

EXTERNAL: Re: EXTERNAL: ...000142-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.]

Thanks Sheila- Let me know if you need more than this email as my written response regarding this matter.

In my opinion this exception, if granted, will not negatively impact the public use of the surrounding area nor the integrity of the adjoining forest zone. I support this exception.

Chris Spence 5399 3rd St. NW Tillamook, OR (Cape Meares) 503 812-8971

From: Sheila Shoemaker <Sheila.Shoemaker@tillamookcounty.gov>

Sent: Monday, June 9, 2025 10:29 AM

To: Chris Spence <chris@cspencebuilder.com>

Subject: RE: EXTERNAL: ...000142-PLNG

You'll want to click on notice of Application. See below.

COMMUNITY DEVELOPMENT

+ Building
+ Planning
+ On-Site Wastewater Treatment
+ Lodging/Short Term Rental
Department Applications and Forms
Hearing & Meeting Information
Code Enforcement
+ Hazard Mitigation
+ Flooding
Planning Commission
+ Citizen Advisory Committees

851-25-000142-PLNG

Permit ID(s):

851-25-000142-PLNG

Project Type:

Land Use Application:

Resource / Riparian Exception

Land Use Notice of Date of N

An exception request to reduce the required 100-foot resourc the southern (side) property line to allow for the placement of

The subject property is located in the community of Cape Meas Tax Lot 7900 in Section 7DB of Township 1 South, Range 10 Residential 2-Acre (RR-2). The applicant is Don Hahn Construction

Files:

Motice of Application (4 MB)

Re

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

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From: Sheila Shoemaker <sheila.shoemaker@tillamookcounty.gov>

Sent: Monday, June 9, 2025 10:28 AM

To: Chris Spence <chris@cspencebuilder.com>

Subject: RE: EXTERNAL: ...000142-PLNG

Hello Chris,

Of course, here is the link to the full

application: https://www.tillamookcounty.gov/commdev/project/851-25-000142-plng

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

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From: Chris Spence <chris@cspencebuilder.com>

Sent: Monday, June 9, 2025 10:14 AM

To: Sheila Shoemaker < sheila.shoemaker@tillamookcounty.gov>

Subject: EXTERNAL: ...000142-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.]

Sheila, nice to speak with you this morning. Sorry, I couldn't seem to navigate to the plot plan through the land use applications page. Can you advise me how to view this lot plan?

Chris Spence 503 812-8971





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

1510 - B Third Street Tillamook, Oregon 97141 www.tillamookcounty.gov 503-842-3408

Land of Cheese, Trees and Ocean Breeze

RESOURCE ZONE EXCEPTION #851-25-000142-PLNG: DON HAHN CONSTRUCTION/INGRAM

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

NOTICE OF ADMINISTRATIVE REVIEW Date of Notice: May 30, 2025

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

#851-25-000142-PLNG: An exception request to reduce the required 100-foot resource zone setback from the Forest (F) zone boundary and establish a 50-foot setback from the southern (side) property line to allow for the placement of a residential structure (single-family dwelling).

The subject property is located in the community of Cape Mears, northwest of Tillamook City, accessed off Fifth Street, a County Road and designated as Tax Lot 7900 in Section 7DB of Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. The property is zoned Rural Residential 2-Acre (RR-2). The applicant is Don Hahn Construction, and the owners are Randy and Marianne Ingram.

Written comments received by the Department of Community Development prior to 4:00p.m. on June 13, 2025, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than June 14, 2025.

Notice of the application, a map of the subject area, and the applicable criteria are being mailed to all property owners within 250 feet of the exterior boundaries of the subject parcel for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website: https://www.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.

If you have any questions about this application, please call the Department of Community Development at 503-842-3408 x 3123 or sheila.shoemaker@tillamookcounty.gov

Sincerely

Sheila Shoemaker, Land Use Planner

Sarah Absher, CFM, Director

Applicable Ordinance Criteria, Maps Enc.

6-10-25 We support maintaining, the present Set back (100ft) from the Forest Zone boundary

Duraum K. Hahr

JLENE 13, 2025

THESE COMMENTS ARE IN REGARD TO RESOURCE ZONE EXCEPTION # 951-25-000142-PLNG

- 1) IF WE ARE TO HAVE A 100 FT. RULE FOR BUILDING NEAR FOREST LAND, IT GEEMS TO ME, THAT SHOULD STANDO IF IT CAN BE CHANGED TO GO FT. FOR THE CONVENIENCE OF ANYONEN WANTING TO FOLLOW THE GUIDE LINES (YOUR GUIDELINES?) WHAT 19 THE POINT OF THOSE GUIDELINES. THIS SEEMS TO BE A BIT OF A PRECEDENT SETTING EURNTO CAN WE INFER FILOM THIS THAT THE 100 FT. PULE COULD BE REDUCED TO 25, 10, 5 OR NOT FEET IF IT IS REQUESTEDS SO AGAIN WHAT IS THE POINT OF THE 100 PT. RULE, YOUR 100 PT. RULE?
- 2) 10 BYGINEGG DAYS SEEMS A VERT SHOOT WINDOW TO GET INPUT ON THE REVIEW PROCESS IN MY OPINION.
- 3) SHOULDN'T THE LAND OWNER HAVE CHECKED THE POSSIBILITY THAT THE PLOT WAS NOT OPEN TO DRUELOPMENT ? OR IS IT JUST ASSUMED / KNOWN THAT THE 100 FT. RULE & NOT REALLY A RULE.

GREG GRENZEBACH 337 936 3113

Called back

Re: # 851-25-000142-PLNG

To whom it may concern;

I (Fruin Gunter) own the

property @ 545 4 st, directly in

front and attacked to the property

in question, we were told by the

Community Development Dept. that

this lot was not buildade, because

of the evac. rouse and no roun

for a septic system. I barely had

room to situate my house in there!

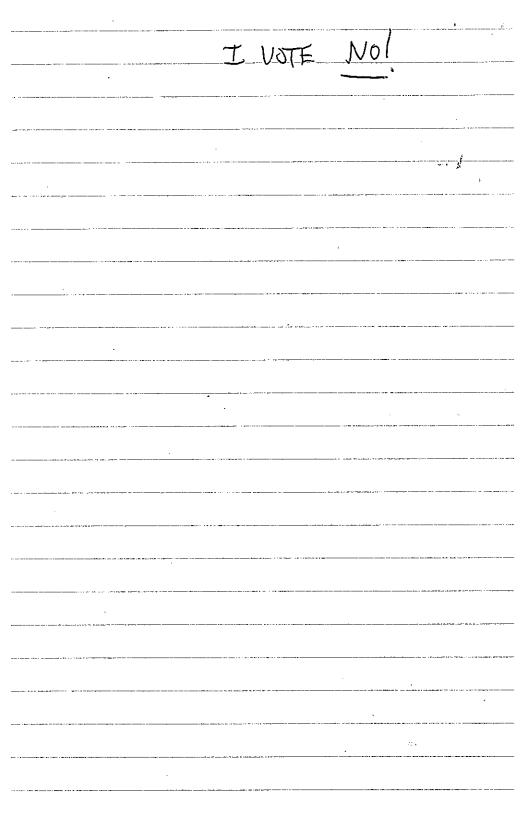
I definitely vote NO on altering

any boundaries and set backs of

this particular lot!



Sincerely Ervin Gunter L509) 438-5925 GKN Ginter



JUN 0 9 2025
BY:

Tillamook County
Dept of Community Development
1510-B Third St
Tillamook, OR 97141

Sheila Shoemaker Land Use Planner

RE: Resource Zone Exception 851-25-000142-PLNG

To Whom It May Concern:

I am responding to this notice regarding a request to reduce the resource zone setback.

I have no objection, to this request, as long as the setback is on the north side of the property line and does not cross into my property.

I have received a request from the property owners to cut trees on my side of the line. I do not want any trees on my property cut down. I have written to them stating that I am in Alaska until the middle of Sept and not able to come down and visually see exactly what they are requesting.

So again please, no trees can be cut on my side of the property line.

Sincerely David and Patricia Hufford 5455 4th st NW Tillamook,OR 971-285-0059

Cc: Don Hahn Construction Randy & Marianne Ingram

4-20-2025

موراسي مندورات

Randy and Marianne Ingram 21101 NE 224th St Battleground, WA 98604

RE: Request for permission to remove trees on and near our property line located at 5455 4th St NW in Cape Meares.

Dear Randy and Marianne,

As for our knowledge, there are no trees growing on our property line. Per the State law you can trim any branches hanging on your property.

The picture you sent does not give a clear perspective of the location. I cannot tell where these trees are located.

I am current in Alaska until the middle of September. I will be unable to go to Cape Meares to check this out until then.

Sincerely, David Hufford 5550 5th St. NW Tillamook, OR 97141



June 12, 2025

Department of Community Development

Tillamook County

1510-B Third St.

Tillamook, OR 97141

RE: 851-25-000142-PLNG, Resource Zone Exception

To Whom it May Concern:

Thank you for the Notice of Administrative Review. I am a neighbor and full-time resident who has concerns about the proposed development of this property. I attempted to address these concerns with Ms. Shoemaker earlier, but she was on vacation.

- 1. When was this lot legally established. This is key to determining the minimum lot size.
- 2. The Cape Meares community was involved in purchasing the Forest Zone property along the south side of the proposed development. The purpose of this land transaction was to preserve this land in its natural state and encourage wildlife including, but not limited to the endangered Marbled Murrelet. While there are other homes that do not meet the required setback, I am concerned about the continuing process of encroaching on the Forest Zone.
- 3. There is a path along the south side of the property. This path follows the water line right of way. Community members have used this path for years to go from one neighborhood to another. Will this proposed development block that path?
- 4. I want more information about the proposed septic system. It appears that part of the proposed septic system is on a steep portion of the property (approximately 28 degrees). This is landslide topography.
- 5. Fifth Street is a one lane, unmaintained gravel roadway. Heavy trucks and machinery will further deteriorate the road.

Sincerely, David M. Audet