



Land of Cheese, Trees and Ocean Breeze

**RESOURCE ZONE EXCEPTION**  
**#851-25-000598-PLNG:**  
**STRICKER / KENNEDY**

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

February 26, 2026

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 February 26, 2026.

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 March 10, 2026**. Unless appealed, the Effective Date of Decision shall be February 26, 2026.

**Request:** An exception request to reduce the required 100-foot resource zone setback from the Farm (F-1) zone boundary to a 25-foot setback, establishing a 25-foot rear-yard setback to allow for the construction of a residential structure (single-family dwelling).

**Location:** The subject property is located South of the City of Tillamook, located at Hurliman Hill Road, a Private Road and designated as Tax Lot 1201 in Section 21A of Township 2 South, Range 9 West of the Willamette Meridian, Tillamook County, Oregon.

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

**Applicant:** Stricker Construction, 315 N Juniper Court, Rockaway, OR 97136

**Property Owner:** Stanley Kennedy, 13875 S John Wayne Lane, Mulino, OR 97042

## 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 25-foot resource zone setback from the northern (rear yard) property line of the subject property adjacent to the Farm (F-1) 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 otherwise 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 29 percent within footprint or 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 D' 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



Conrad Kurrelmeier, Land Use Planner I

Sarah Absher, CFM, Director

Enc.: Vicinity & Assessor/Zoning Map



*Land of Cheese, Trees and Ocean Breeze*

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**RESOURCE ZONE EXCEPTION**  
**#851-25-000598-PLNG:**  
**STRICKER / KENNEDY**  
**Administrative Decision & Staff Report**

**Decision:** Approved with Conditions  
**Decision Date:** February 26, 2026  
**Report Prepared By:** Conrad Kurrelmeier, Land Use Planner

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**I. GENERAL INFORMATION:**

**Request:** An exception request to reduce the required 100-foot resource zone setback from the Farm (F-1) zone boundary to a 25-foot setback, establishing a 25-foot rear-yard setback to allow for the construction of a residential structure (single-family dwelling).

**Location:** The subject property is located South of the City of Tillamook, located at Hurliman Hill Road, a Private Road and designated as Tax Lot 1201 in Section 21A of Township 2 South, Range 9 West of the Willamette Meridian, Tillamook County, Oregon.

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

**Applicant:** Stricker Construction, 315 N Juniper Court, Rockaway, OR 97136

**Property Owner:** Stanley Kennedy, 13875 S John Wayne Lane, Mulino, OR 97042

**Description of Site and Vicinity:** Assessor records indicate the subject property encompasses approximately 1.08-acres and is irregular in shape. The subject property is fairly level, is vegetated with grasses and trees and is currently vacant (Exhibit A & B). No mapped wetlands or other natural features are identified in the proposed development area (Exhibit A & B).

The subject property is located south of the City of Tillamook. The property is adjacent to the Farm zone (F-1) along its northern (rear) boundary (Exhibit A). The front property line abuts Hurliman Hill Road, a private road.

The vicinity is comprised of an area of Farm (F-1) and Rural Residential 2-Acre (RR-2) zoned properties which are generally improved with single-family dwellings and accessory structures or are vacant. FEMA Flood Insurance Rate Map #41057C0595F dated September 28, 2018, confirms the subject property is not located in the Special Flood Hazard Area (SFHA) (Exhibit A). The property is within an area of geologic hazard with mapped areas of shallow landslide susceptibility (Exhibit A).

The Applicant proposes to reduce the 100-foot setback from the Farm (F-1) zone boundary located at the northern (rear) property line to a 25-foot setback, establishing a 25-foot rear-yard setback to allow for the construction of a residential structure (single-family dwelling) (Exhibit A & 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. TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone
- B. TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas

## **III. ANALYSIS:**

Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on January 20, 2026. One comment was received during the 14-day public comment period and is included as “Exhibit C” of this report. Neighbor has concerns regarding the applicant’s residential proximity to farm uses. Criterion of this report mitigates concerns.

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

**Section 3.010(4) Standards:** *Land divisions and development in the RR-2 and RR-10 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:*

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

**Findings:** Applicant is proposing to reduce the 100-foot setback from the Farm (F-1) zone boundary by 75-feet and establish a 25-foot setback from the northern (rear) property line to allow for the placement of a residential structure (single-family dwelling) (Exhibit B). The applicant states that due to the size and steep slope of the southern portion property, a residential structure could not otherwise be placed on the subject property without Exception approval (Exhibit B).

Staff find the subject property is identified as Tax Lot 1201 and is 1.08 acres (Exhibits A & B). As depicted on the zoning map included in “Exhibit A” of this report, the Farm Zone boundary runs along the northern property line. Applicant has stated the tree line serves as a barrier between the proposed dwelling and the farm uses (Exhibit B).

Staff find the tree line at the rear of the property currently separates the subject property from resource activities which occur on the adjacent Farm (F-1) zone to the north (Exhibit A). Staff find the natural tree line can act as an effective barrier between the resource and residential uses. Staff conclude 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)(a) identifies the subject property within an area of mapped geologic hazard, specifically within an area of shallow landslide susceptibility as identified in DOGAMI Open File Report O-20-13 (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 29 percent measured from the highest to lowest point of the footprint or area to be disturbed.

As per TCLUO Section 4.130(5), Staff find 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 29 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 conclude 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 March 10, 2026.**

## **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 25-foot resource zone setback from the northern (rear yard) property line of the subject property adjacent to the Farm (F-1) 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.
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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 29 percent within footprint or 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 D' 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.

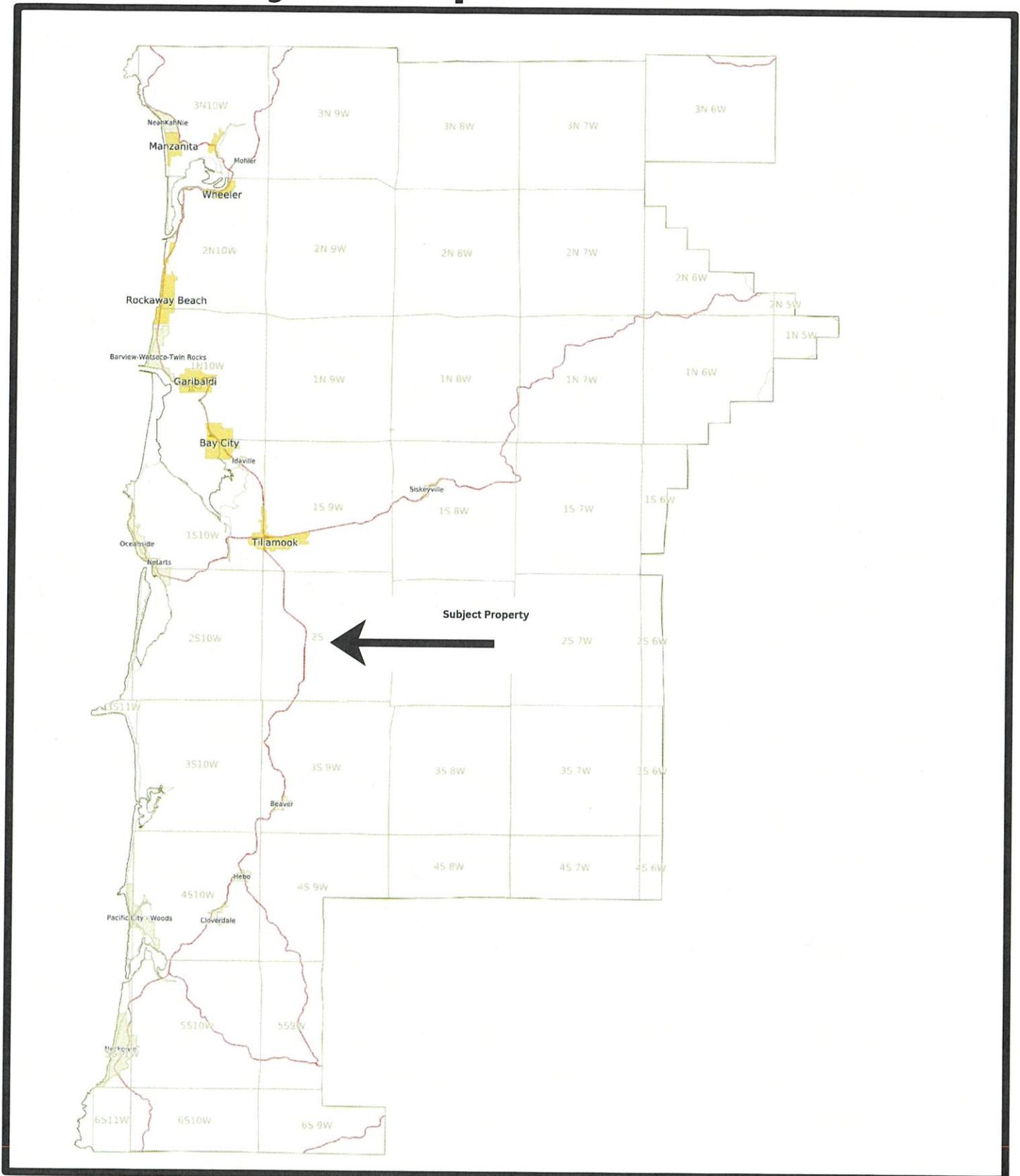
## **VI. EXHIBITS**

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

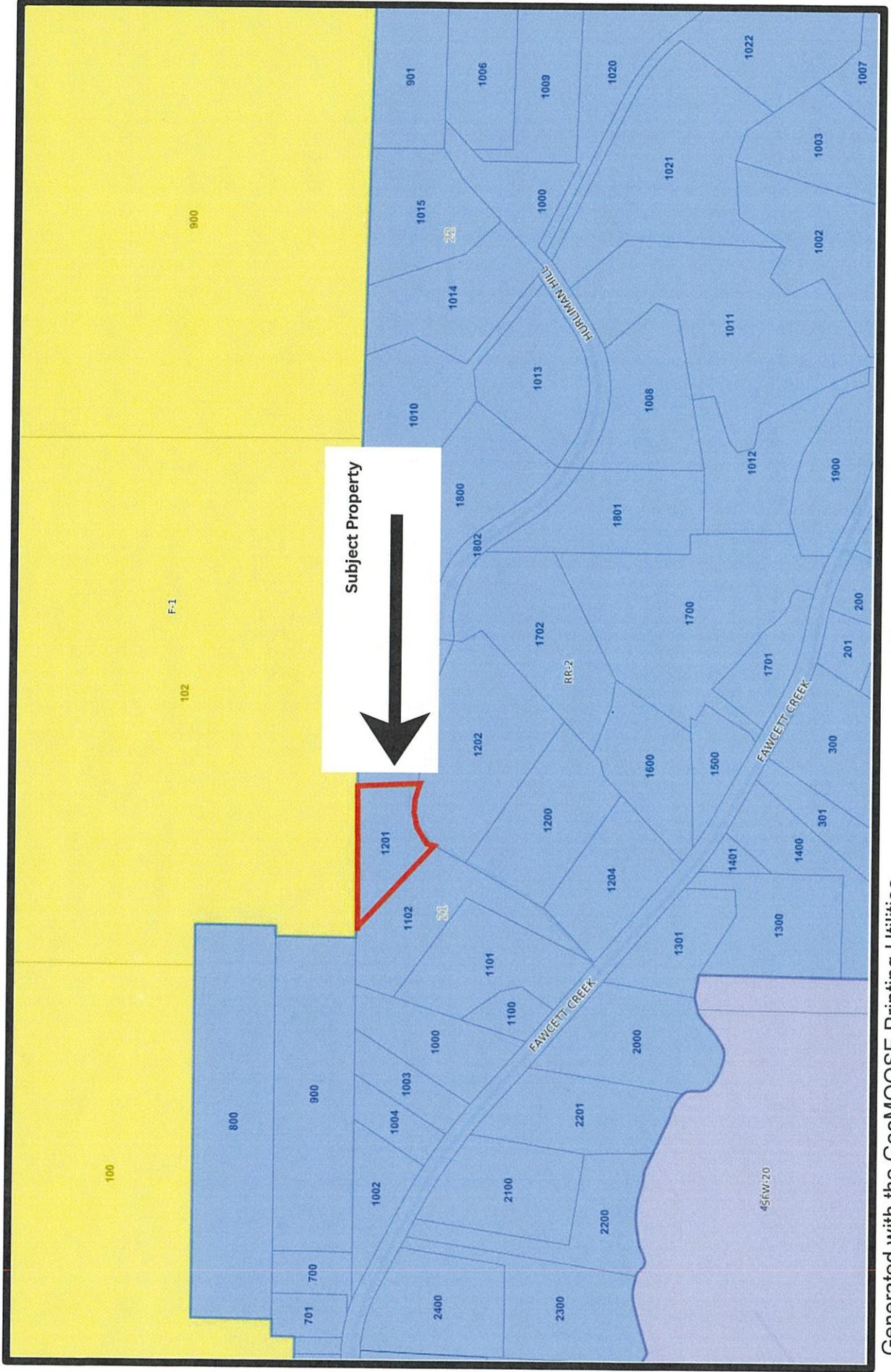
- A. Maps
- B. Applicant's submittal
- C. Public Comments
- D. Restrictive Covenant: Farm Forest Practices

# EXHIBIT A

# Vicinity Map



# Zoning Map



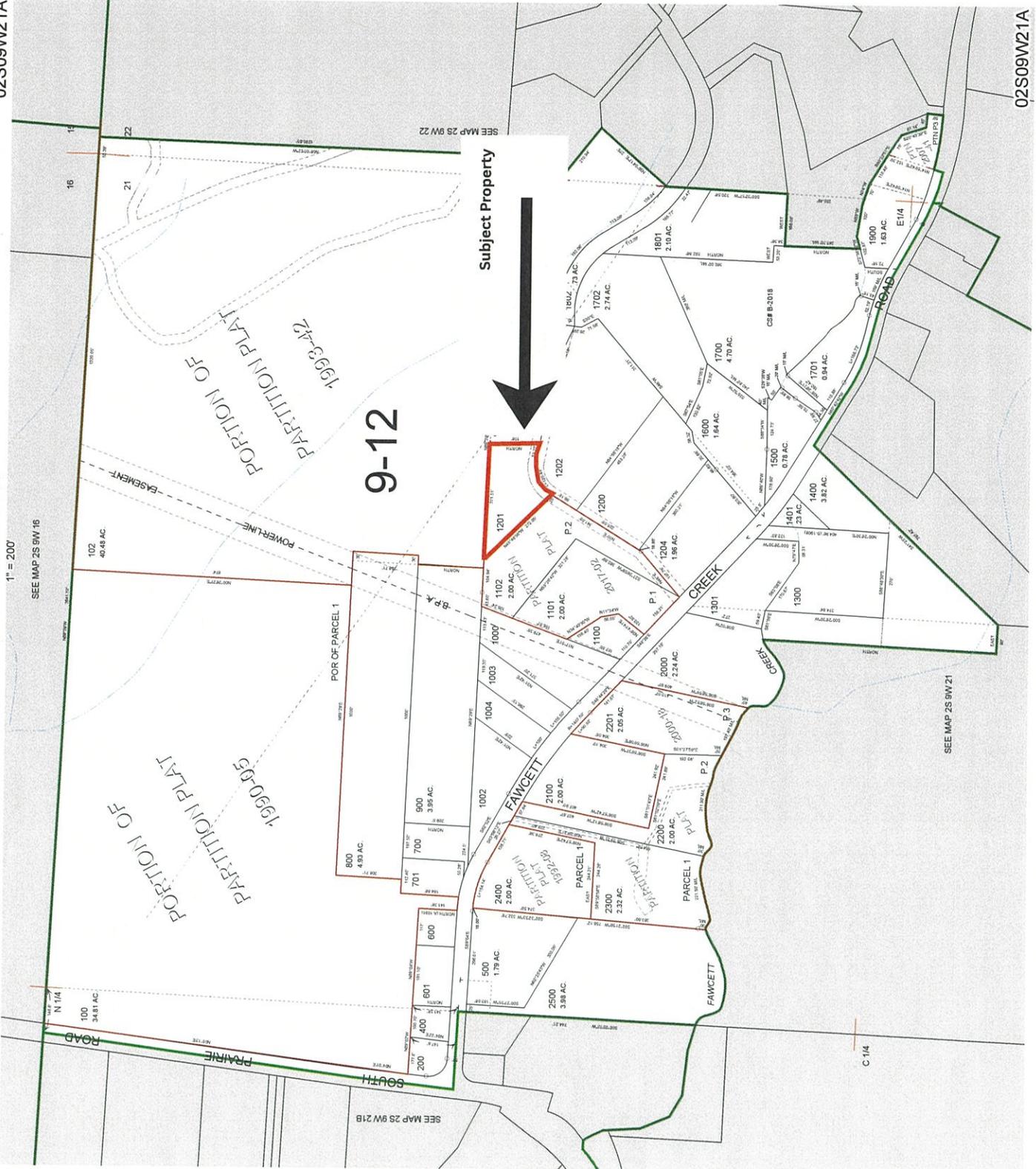
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



N.E. 1/4 SEC. 21 T. 2S. R. 9W. W.M.  
TILLAMOOK COUNTY

1" = 200'

02S09W21A



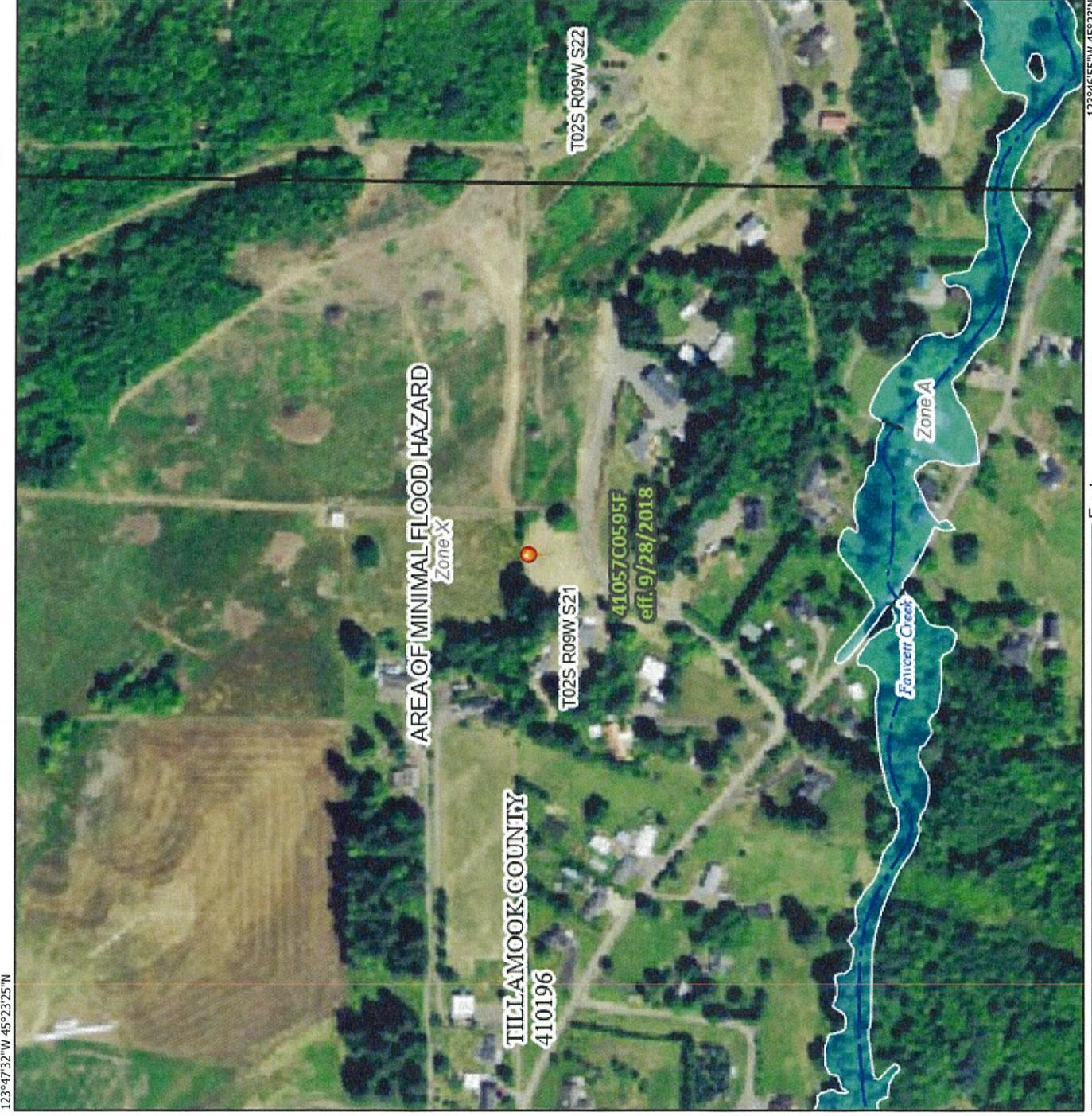
02S09W21A  
Revised 12/15/21, WS



# National Flood Hazard Layer FIRMette



123°47'32"W 45°23'25"N



Basemap Imagery Source: USGS National Map 2023

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

**OTHER AREAS**

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

**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



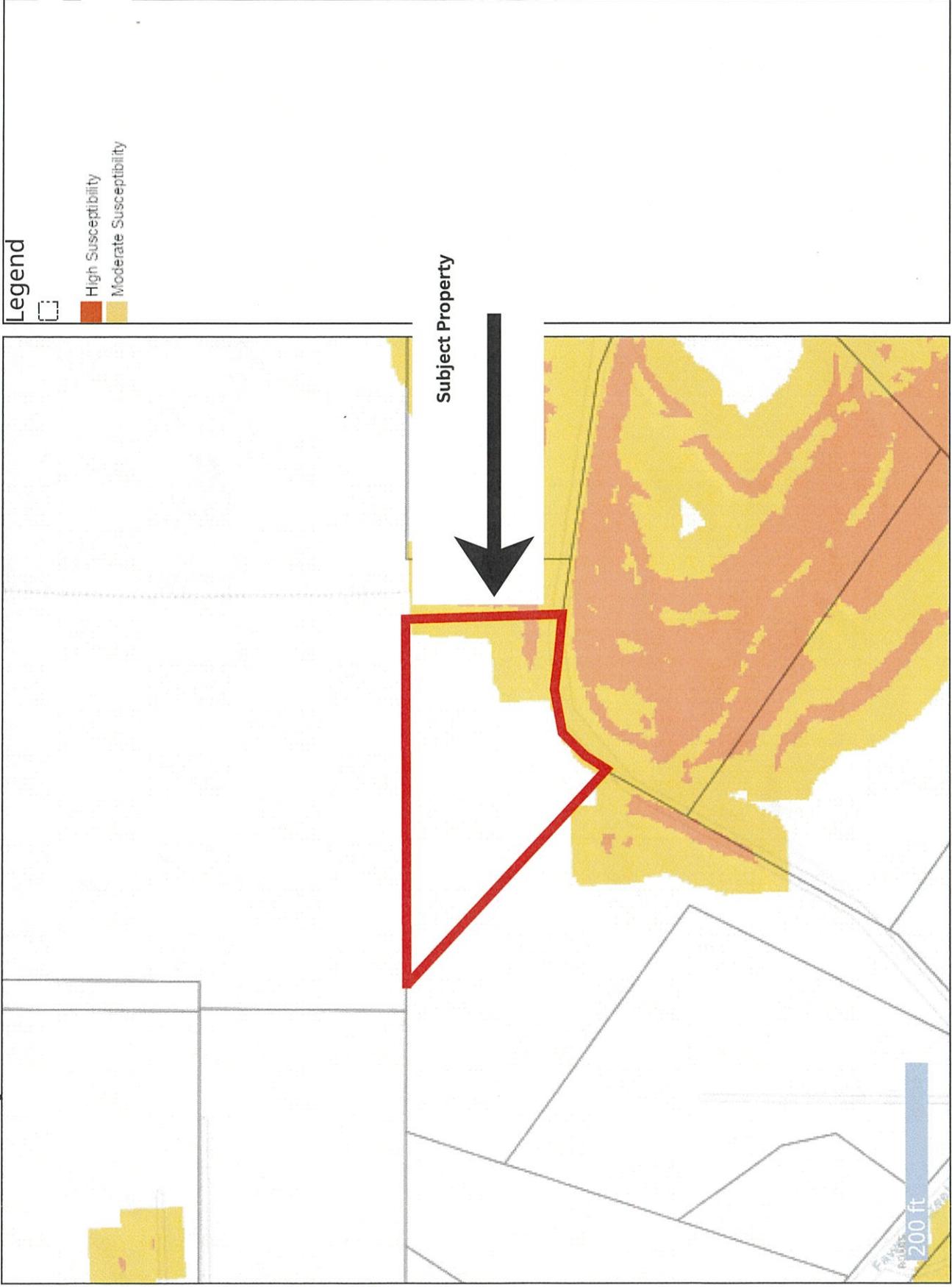
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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 12/31/2025 at 6:58 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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

# Hazard Map



**Tillamook County**  
**2025 Real Property Assessment Report**  
 Account 357517

**Map** 2S0921A001201  
**Code - Tax ID** 0912 - 357517

**Tax Status** Assessable  
**Account Status** Active  
**Subtype** NORMAL

**Legal Descr** See Record

**Mailing** KENNEDY, STANLEY MICHAEL TRUSTEE &  
 KENNEDY, RENEE ANN TRUSTEE  
 13875 S JOHN WAYNE LN  
 MULINO OR 97042

**Deed Reference #** 2025-4038  
**Sales Date/Price** 09-15-2025 / \$0  
**Appraiser** HANNAH HANCOCK

**Property Class** 400 MA SA NH  
**RMV Class** 400 01 AC 102

<b>Site Situs Address</b>	<b>City</b>
---------------------------	-------------

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
0912	Land	127,490			Land	0
	Impr	0			Impr	0
<b>Code Area Total</b>		127,490	53,670	53,670		0
<b>Grand Total</b>		127,490	53,670	53,670		0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0912	1	<input checked="" type="checkbox"/>		RR-2	Market	109	1.08 AC		127,490
<b>Code Area Total</b>							1.08 AC		127,490

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

Exemptions / Special Assessments / Notations			
<b>Notations</b>		<b>Amount</b>	<b>Tax</b>
■ FARMLAND - UNZONED (NONUSE) - POTENTIAL TAX 308A.706 ADDED 2019		0.00	507.74
2014-15-\$97.07			
2015-16-\$98.52			
2016-17-\$100.43			
2017-18-\$104.54			
2018-19-\$107.18			
<b>Code Area 0912</b>			
<b>Fire Patrol</b>		<b>Amount</b>	<b>Acres</b>
■ FIRE PATROL NORTHWEST		20.00	1.08
■ FIRE PATROL SURCHARGE		0.00	2025

**Comments** 1/11/07 Added RMV/MAV to account. KF  
 7/27/16 Land reappraisal, combined S1 into this account.LM  
 4/20/17 - Due to a Lot Line Adjustment, a portion of taxlot 2S9 21A 1201 will now be carried in taxlot 1101. There was also a size correction due to GIS acreage calculations. Moved builidngs to taxlot 1101 and apportioned MAV. EJ.  
 06/21/19 Disqualified .36 acres from Designated Forestland program due to being below 2 acre minimum. Brought land to market and posted additional taxes. Disqualified .72 acres from Non-EFU program due to non use. Brought land to market and posted PAT. Applied exceptions for disqualified land. HT

# EXHIBIT B



## PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	DEC 16 2025
BY:	Countess [Signature]
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by:	
Receipt #:	
Fees:	
Permit No:	851-25-000570-PLNG

**Applicant**  (Check Box if Same as Property Owner)

Name: Stricker Const Phone: 503 307 8975  
 Address: 315 N Juniper Ct Rockaway OR  
 City: Rockaway State: OR Zip: 97136  
 Email: StrickerConstruction@msn.com

**Property Owner**

Name: Stan & Renee Kennedy Phone: 503 784 1003  
 Address: 13875 S. John Wayne Ln  
 City: Mulino State: OR Zip: 97042  
 Email: stanor@kennedyres.com

Request: Reduce 100-ft resource setback to 25'  
due to dimensional issues

- | Type II   | Type III  | Type IV   |
|---|---|---|
| <input type="checkbox"/> Farm/Forest Review                                   | <input type="checkbox"/> Detailed Hazard Report                       | <input type="checkbox"/> Ordinance Amendment              |
| <input type="checkbox"/> Conditional Use Review                               | <input type="checkbox"/> Conditional Use (As deemed by Director)      | <input type="checkbox"/> Large-Scale Zoning Map Amendment |
| <input type="checkbox"/> Variance   | <input type="checkbox"/> Ordinance Amendment                          | <input type="checkbox"/> Plan and/or Code Text Amendment  |
| <input checked="" type="checkbox"/> Exception to Resource or Riparian Setback | <input type="checkbox"/> Map Amendment                                |   |
| <input type="checkbox"/> Nonconforming Review (Major or Minor)                | <input type="checkbox"/> Goal Exception                               |   |
| <input type="checkbox"/> Development Permit Review for Estuary Development    | <input type="checkbox"/> Nonconforming Review (As deemed by Director) |   |
| <input type="checkbox"/> Non-farm dwelling in Farm Zone                       | <input type="checkbox"/> Variance (As deemed by Director)             |   |
| <input type="checkbox"/> Fore-dune Grading Permit Review                      |   |   |
| <input type="checkbox"/> Neskowin Coastal Hazards Area                        |   |   |

**Location:**

Site Address: \_\_\_\_\_  
 Map Number: 25 9 21A 1201  
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.

[Signature]  
 Property Owner Signature (Required)  
[Signature]  
 Applicant Signature

12-11-25  
 Date  
12-11-25  
 Date

I wish to apply for a variance on the property 25 09 21A 1201 on Hurliman Hill Rd. in Tillamook.

Our new (proposed) home we would like to build would be 25' (at the closest point) to the north property (which is the farm property side). As you can see on the site plan, there is a tree line on about 90% of that property line. We are not able to shift the home more to the south due to steepness of lot adjacent to Hurliman Hill.

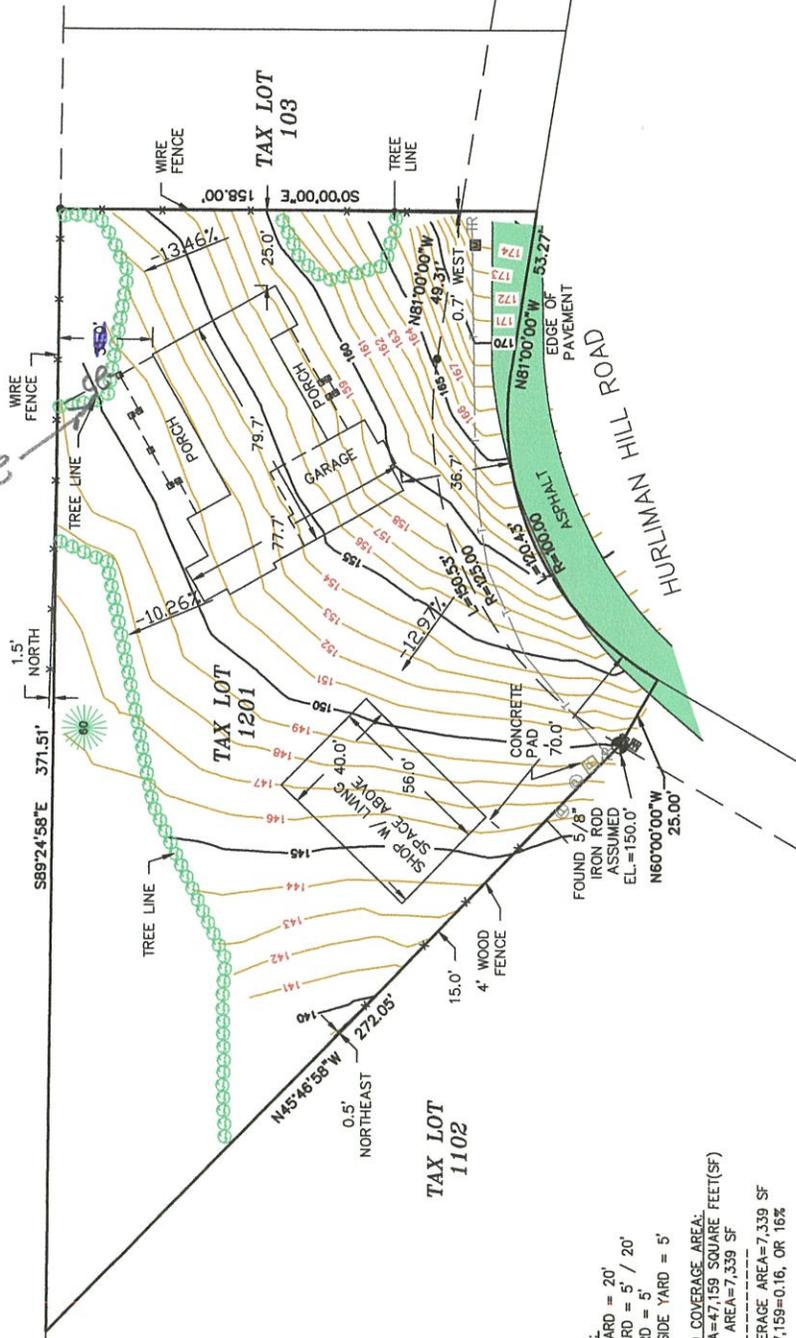
Thank you for your consideration

Jason Stricker  
Stricker Construction Inc  
CCB 155345  
503 307 8975

NS



SCALE 1" = 40'



**LEGEND**

- EXISTING TREE LINE
- EXISTING CONIFEROUS TREE W/ TRUNK DIAMETER (INCHES)(CL=CLUSTER)
- TR EXISTING TELEPHONE RISER
- ⊕ EXISTING ELECTRIC RISER
- ⊖ EXISTING ELECTRIC VAULT
- |— EXISTING UNDERGROUND TELEPHONE
- ⊖ EXISTING WATER METER
- ⊖ EXISTING MAILBOX
- x— EXISTING FENCE
- FOUND MONUMENTS
- ⊕ LOCAL BENCHMARK ESTABLISHED
- EXISTING CONCRETE
- EXISTING ASPHALT

**SITE PLAN**

NE 1/4 SEC 21, T.2.S., R.9.W., W.M.
TILLAMOOK COUNTY, OREGON
NOVEMBER 19, 2025
DRAWN: JMR CHECKED: DMR
SCALE 1"=40' ACCOUNT # 432
Y:\432-002\DMC\432002BASE_SITE

HURLMAN HILL ROAD



**CMT SURVEYING AND CONSULTING**  
 20330 SE HIGHWAY 212  
 DAMASCUS, OR 97089  
 PHONE (503) 850-4872 FAX (503) 850-4590

SETBACKS:  
 FRONT YARD = 20'  
 BACK YARD = 5' / 20'  
 SIDE YARD = 5'  
 STREET SIDE YARD = 5'

PROPOSED COVERAGE AREA:  
 LOT AREA=47,159 SQUARE FEET(SF)  
 BUILDING AREA=7,339 SF  
 LOT COVERAGE AREA=7,339 SF  
 7,339/47,159=0.16, OR 16%

PER THE GEO TECHNICAL REPORT PROVIDED:  
 1—CONSTRUCTION ON THIS LOT MAY REQUIRE RETAINING WALLS AND DEEPEINED FOUNDATION.  
 2—TEMPORARY CONSTRUCTION DRAINAGE AND PERMANENT SITE DRAINAGE ARE REQUIRED.

VEGETATION REMOVAL/REVEGETATION PLAN:  
 STRAW COVER TO BE PLACED OVER ALL DISTURBED SOILS. REVEGETATE AS NECESSARY, SUBJECT TO INSPECTOR APPROVAL.  
 EROSION CONTROL PLAN:  
 CONTRACTOR TO PLACE ALL EROSION CONTROL FENCING SPOWN ON PLAN PRIOR TO ANY SITE DISTURBANCE.

LAYOUT NOTES:  
 KENNEDY RESIDENCE, GARAGE LEFT

# EXHIBIT C

Hi Sarah, I received the notice about the resource zone exception application #851-25-000598-PLNG. I own the neighboring F1 land the setback variance is being applied for. I don't necessarily have any objections yet, but I have a few questions about the impact if the variance is granted.

Survey- Will the applicant be required to have the property line formally surveyed to determine building location to whatever set back variance is given? I don't believe my fence is directly on the property line and would not want them basing their building location off it and potentially building even closer to the property line.

Farming activities- will the applicant be required to sign a covenant restriction that is recorded on the deed for them and any future owners of that property that prevents them suing the neighboring farmlands for farming activity such as spreading, spraying, mowing, raising livestock, etc and any dust that is kicked up from building so close to our road and driveway?

Is 25' the standard variance given in situations like this? I have never seen or been involved with one of these but going from 100' to 25' seems like a large variance.

Again, I am not automatically opposing or supporting this. I would like further clarification to the impact this will have on my land.

Thanks

George Werner  
503-812-6040

# 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