



1510 - B Third Street
Tillamook, Oregon 97141
www.tillamook.or.us

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

Land of Cheese, Trees and Ocean Breeze

CONDITIONAL USE REQUEST 851-22-000067-PLNG: Porter
NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER

October 18, 2022

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited request on October 18, 2022. 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.co.tillamook.or.us/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00pm on October 31, 2022**. This decision will become final on October 31, 2022 after 4:00pm unless an appeal is filed in accordance with Tillamook County Land Use Ordinance Article X.

Request: A Conditional Use request for a home occupation, specifically a bakery in an existing accessory structure.

Location: The subject property is located at 27854 Highway 101 South and is designated as Tax Lot 500 in Section 1A of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Farm (F-1)

**Applicant/
Property Owner:** Waylon & Sandra Porter, 27854 Hwy 101 S, Cloverdale, OR 97112

CONDITIONS OF APPROVAL

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

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall obtain an approved Consolidating Zoning/Building Permit from the Tillamook County Department of Community Development.
3. A site plan, drawn to scale, illustrating the proposed development and required setbacks shall be provided at the time of Zoning Permit submittal. The site plan shall include the location of the two 8-foot by 20-foot parking spaces required for the residential use and the five (5) 8-foot by 20-foot parking spaces required for the proposed bakery use.
4. This approval is for a bakery to operate as a home occupation in the Farm zone. Expansion or change of use is subject to land use review and approval.
5. The Applicant/property owner shall comply with the standards for Home Occupations maintained in the Tillamook County Land Use Ordinance Section 3.002, 'Farm (F-1) Zone'.
6. Signage shall comply with the standards of Tillamook County Land Use Ordinance Section 4.020: Signs.
7. Applicant/Owner shall comply with the requirements of TCLUO 4.030, 'Off-Street Parking & Off-Street Loading Requirements' and TCLUO 3.002, 'Farm (F-1) Zone'.
8. This approval shall be void on October 18, 2024 unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

Sincerely,

Tillamook County Department of Community Development



Melissa Jenck, CFM, Senior Planner



Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor's and Zoning maps



Land of Cheese, Trees and Ocean Breeze

**Conditional Use Request, 851-22-000067-PLNG: Porter
ADMINISTRATIVE DECISION & STAFF REPORT**

Decision Date: October 18, 2022

**Decision: APPROVED WITH CONDITIONS
(This is not Building or Placement Permit Approval)**

Report Prepared by: Melissa Jenck, CFM, Senior Planner

I. GENERAL INFORMATION:

Request: A Conditional Use request for a home occupation, specifically a bakery in an existing accessory structure.

Location: The subject property is located at 27854 Highway 101 South and is designated as Tax Lot 500 in Section 1A of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Farm (F-1)

**Applicant/
Property Owner:** Waylon & Sandra Porter, 27854 Hwy 101 S, Cloverdale, OR 97112

Property Description: The subject property is zoned Farm (F-1), maintains a dairy operation and encompasses 34.43-acres which is bisected by Highway 101 South running in the north/south direction (Exhibit A). The portion of the subject property lying east of Highway 101 S is generally flat, undeveloped, and is in farm use and is zoned Farm (F-1) (Exhibit A). The portion of the subject property lying west of Highway 101 S is improved with an assortment of outbuildings, general purpose buildings, a milking parlor, two feeder barns, a loafing shed, a loft barn, and a single-family residence (Exhibit A).

The subject property is not located within a Geologic Hazard Area (Exhibit A). The property contains no wetlands except for a small riverine wetland at the south end of the property (Exhibit A). A significant portion of the property is within the FEMA Special Flood Hazard Area (SFHA) as identified on FEMA

FIRM #41057C0740F, with the structure proposed for the bakery to be outside of the mapped SFHA (Exhibit A).

Applicant is requesting Conditional Use Permit approval to have a bakery as a home occupation within an existing accessory structure located on the subject property in conjunction with an existing farm stand (Exhibit B). The structure was previously the original primary dwelling, which was converted to an accessory structure when replaced with a manufactured dwelling in 2020 (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. Section 3.002 Farm Zone (F-1)
- B. Section 4.020 Signs
- C. Section 4.030 Off-Street Parking and Loading
- D. Article VI: Conditional Use Procedures and Criteria

III. ANALYSIS:

A. Section 3.002, 'Farm Zone (F-1)'

- (1) *The purpose of the Farm Zone (F-1) is to protect and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products. The Farm Zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county. It is also the purpose of the Farm Zone to qualify farms for farm use valuation under the provisions of ORS Chapter 308. The Farm Zone has been applied to lands designated as Agriculture in the Comprehensive Plan. The provisions of the Farm Zone reflect the agricultural policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-033. The minimum parcel size and other standards established by this zone are intended to promote commercial agricultural operations.*

Home Occupations are listed in TCLUO Section 3.002(15) as a use allowed conditionally subject to the satisfaction of conditional use review criteria contained in TCLUO Section 3.002(5) and Section 6.040 as well as the standards in TCLUO Section 3.002(4)(h) and all other applicable standards. 'Home Occupation' is defined in TCLUO 3.002(2) as '*A limited business activity that is accessory to a residential use. Home occupations are conducted primarily within a residence or a building normally associated with uses permitted in the zone in which the property is located and are operated by a resident or employee of a resident of the property on which the business is located.*'

Findings: As noted above, the subject property is in farm use and enrolled in an agricultural tax assessment program (Exhibit A). Staff finds that the applicant is proposing to operate a bakery as a home occupation within an existing accessory structure in conjunction with an existing farm stand of the applicant who is also the property owner and farm operator (Exhibits A and B). Staff finds that the proposed use is consistent with the definition of a Home Occupation contained in TCLUO 3.002(2) and can be permitted subject to satisfaction of the conditional use criteria contained in TCLUO 3.002(5) and TCLUO 6.040 and subject to the standards contained in TCLUO 3.002(4)(h) as well as other applicable standards.

TCLUO Section 3.002(4)(h) sets forth the following standards for Home Occupations in the Farm Zone (F-1):

1. *A home occupation shall:*

- a. *Be operated by a resident or employee of a resident of the property on which the business is located;*
- b. *Employ on the site no more than five full-time or part-time persons at any given time;*
- c. *Shall be operated substantially in:*
 - i. *The dwelling; or*
 - ii. *Other buildings normally associated with uses permitted in the zone in which the property is located, except that such other buildings may not be utilized as bed and breakfast facilities or rental units unless they are legal residences;*

Findings: Applicant is proposing to operate the bakery in the existing accessory structure, which was the original dwelling on the subject property, replaced with a manufactured dwelling in 2020 (Exhibit B). Applicant states they will not employ more than five employees (Exhibit B). Staff finds that these standards can be met through compliance with Conditions of Approval.

- d. *Not unreasonably interfere with other uses permitted in the zone in which the property is located.*

Findings: This standard is addressed below in the discussion of the Conditional Use Criteria contained in TCLUO 3.002(5) and 6.040.

...

- 3. *The home occupation shall be accessory to an existing, permanent dwelling on the same parcel.*

Findings: Applicant is proposing to operate the bakery in an existing accessory structure on the subject property, which serves the primary residence sited in 2020 and in conjunction with the existing farm stand (Exhibit B). Applicant states the bakery will be accessory to the farm use as it would sell products produced by the farm (Exhibit B). Staff finds that this standard has been met.

- 4. *No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.*

Findings: Applicant states proposed use will not affect neighboring properties (Exhibit B). Applicants' proposal for a bakery is within an existing accessory structure, which is separate from the residential dwelling on the property (Exhibit B). The subject property maintains existing dual access points from Highway 101 South, which separates the property from other adjacent residential properties (Exhibit A & B). Staff find that the proposed bakery use is in conjunction with the existing farm stand on the subject property, and is not expected to generate additional interference as the use is wholly contained within an existing residence, and adequate access and parking is provided throughout. Potential impacts to the surrounding area are addressed below in the discussion of the Conditional Use Criteria.

- 5. *All off-street parking provided pursuant to Section 4.030 must be provided on the subject parcel where the home occupation is operated.*
 - a. *Employees must use an approved off-street parking area.*
 - b. *Customers visiting the home occupation must use an approved offstreet parking area. No more than three vehicles from customers/visitors of the home occupation can be present at any given time on the subject parcel.*
- 6. *Signage is subject to the provisions of Section 4.020.*

Findings: Applicant has provided a parking plan on the Site Plan submitted for review, detailing five (5) parking spaces, three (3) for customers and (2) for employees (Exhibit B). Applicant is not proposing

signage at this time, but states they will comply with such standards (Exhibit B). Staff find that additional parking areas may be accommodated due to the size and area available on the subject property. Compliance with the standards of TCLUO 4.030 and 4.020 are further addressed below.

7. Retail sales shall be limited or accessory to a service.

Findings: Applicant states sales will include products produced on the farm, including baked goods (Exhibit B). Staff find the products and items for sale include items produced on the farm operation, including incidental items to the farm product sales that include operation of an existing farm stand. Staff finds that this standard is met.

8. Home occupations shall be subject to a conditional use permit process, pursuant to Subsection (5), unless all of the requirements of Subsection (9) can be met.

...

Findings: The Conditional Use Criteria of TCLUO Section 3.002(5) and TCLUO 6.040 are addressed below.

TCLUO Section 3.002(5) contains the following Conditional Use review criteria specific to uses proposed for farm-zoned properties:

- (a) The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and*
- (b) The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.*

Findings: The area located to the south of the subject property is zoned Farm (F-1), with F-1 zoned land located further north/northwest (Exhibit A). The area to the north, east and west of the subject property includes a pocket of lands zone Rural Residential 2-Acre (RR-2). Located east and west of the subject property are large tracts of Forest (F) or Small Farm Woodlot (SFW-2) zoned timber lands owned by private property owners, Stimson Lumber Company, and L&C Tree Farms, LLC (Exhibit A). Nestucca River lies east of the subject property (Exhibit A).

The subject property is zoned Farm (F-1) (Exhibit A). As noted above, the subject property is bisected by Highway 101 South (Exhibits A). Surrounding farm uses are primarily associated with dairying, silage production and pasturing (Exhibits A and B).

Applicant is proposing to operate a bakery as a home occupation in an existing accessory structure on the portion of the subject property lying west of Highway 101 S (Exhibit B). In addition to the existing accessory structure, this portion of the subject property contains several agricultural buildings as listed on the Tillamook County Assessor's summary page contained here in 'Exhibit A'. The agricultural buildings are grouped together on the west side of the property west of Highway 101 S (Exhibit A). A circular driveway provides access from Highway 101 South through the property (Exhibits A and B). The subject property current maintains an existing farm stand, which is approximately 45-feet away from the accessory structure proposed to have the bakery use (Exhibit B).

Applicant states they will be using the existing accessory structure on the property for the bakery use and that the proposed use will not have an effect on surrounding lands with impacts to cost or practices (Exhibit B). Staff finds that the Highway 10 S and Nestucca River serve as barriers to potential impacts of the proposed uses on surrounding properties and to other areas of the subject property. Staff finds the dual entrance can prevent any potential conflicts in vehicular use associated with the bakery and farm equipment that may be entering and existing the property. Staff finds that the area proposed for the bakery use has

proximity to the existing farm stand which offers incidental and retail sales of farm products and goods on the subject property (Exhibit B). Staff find the proposed use is small in scale with products prepared to be from those generated on the farm, and in conjunction with an existing farm stand. Staff find that the presence of manmade barriers between the developed area on the subject property and other areas of the subject property and surrounding areas serve to isolate potential impacts to the vicinity. Staff finds that the potential impacts to farm operations and the cost of farm operations on the subject property and surrounding properties will not be significant. Staff finds that these criteria are met.

B. Section 4.020 Signs

The purpose of these supplemental regulations governing signs is to promote scenic values; to prevent unsafe driver distraction; to provide orientation and directions to visitors; to facilitate emergency response; and in general to provide for the placement of necessary SIGNS in appropriate areas. These provisions shall not be construed to preclude the placement of street address SIGNS in locations that can be readily seen by operators of emergency vehicles, provided that such placement does not impair efforts to maintain roads, drainage ways, or brush-free road right-of-ways.

Findings: Applicant has not proposed specific signage in conjunction with the bakery use, yet identifies it would comply with such standards (Exhibit B). Staff finds that any future proposal for signage is subject to the standards of TCLUO 4.020, 'Signs'. Staff finds that these standards can be met through compliance with Conditions of Approval.

C. Section 4.030: Off-Street Parking & Off-Street Loading Requirements

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

Findings: Applicant is proposing a bakery use as a home occupation in the Farm (F-1) zone located in an existing accessory building, in conjunction with an existing farm stand (Exhibit B). Staff finds that a minimum of two off-street parking spaces are required for the residential dwelling unit. Staff find that the home occupation standards contained within TCLUO Section 3.002(4) limit customer visitations to no more than three (3) vehicles be present at any one time, while also maintain an area of employee parking. Applicant has identified three (3) parking spaces on their submitted site plan for customers and two (2) parking spaces for employees (Exhibit B). Staff finds that the proposal meets the parking requirements of TCLUO 4.030 and that these standards have been met.

D. Article VI Conditional Use Procedures and Criteria

Article VI of the Tillamook County Land Use Ordinance contains the procedures and review criteria for processing a Conditional Use request. These criteria, along with Staff's findings and conclusions, are indicated below.

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

Findings: Notice of the request was mailed to property owners and agencies on June 3, 2022. Comments were received from Oregon Department of Transportation (ODOT), Department of State Lands (DSL) and the general public. Comments from DSL stated proposed improvement areas were outside of mapped wetland or waterways. ODOT confirmed that the proposal would not require a new access permit from ODOT. A comment received from the general public supported the proposed bakery use (Exhibit C).

Section 6.040 Review Criteria

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

Findings: As discussed above, staff finds that the proposed bakery use for a home occupation is allowed conditionally in the Farm (F-1) zone. Staff concludes that this criterion has been met.

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

Findings: Staff finds that the proposed use is permitted conditionally in the Tillamook County Land Use Ordinance. The TCLUO is an implementing document of the Comprehensive Plan. In the absence of evidence to the contrary, uses allowed conditionally in the Land Use Ordinance are presumed to be consistent with the Comprehensive Plan. Staff concludes that this criterion has been met.

3. *The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.*

Findings: The subject property is zoned Farm (F-1), maintains a dairy operation and encompasses 34.43-acres which is bisected by Highway 101 South running in the north/south direction (Exhibit A). Highway 101 bisects the property and Nestucca River abuts the property to the east (Exhibit A). The portion of the subject property lying west of Highway 101 South is developed with a single-family dwelling, an accessory building and various agricultural buildings (Exhibit A). Applicant is proposing to locate the bakery in this portion of the subject property in the existing accessory structure, which was converted from the primary residence when replaced in 2020 (Exhibit B).

This segment of the subject property has multiple existing accesses off Highway 101 South (Exhibits A and B). The westerly portion of the property where the existing structures and proposed parking are located is flat (Exhibit A).

As depicted on FEMA FIRM 41057C0740F dated September 28, 2018, the existing accessory structure is mapped as being located within flood zone 'X', 'Areas of Minimal Flood Hazard' outside the SFHA (Exhibit A). No wetlands or riparian features are mapped in the portion of the subject property as indicated by DSL (Exhibit B).

The Applicant states that the existing accessory structure is suitable for the proposed use as it has sufficient room to operate and sufficient access from Highway 101 South (Exhibit B).

Staff finds that the subject property is suitable for the proposed bakery operation given the existing accessory structure maintains access, existing services, lack of hazards and adequate parking. Staff concludes that this criterion has been met.

4. *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.*

Findings: The area located to the south of the subject property is zoned Farm (F-1), with F-1 zoned land located further north/northwest (Exhibit A). The area to the north, east and west of the subject property includes a pocket of lands zone Rural Residential 2-Acre (RR-2). Located east and west of the subject property are large tracts of Forest (F) or Small Farm Woodlot (SFW-2) zoned timber lands owned by private property owners, Stimson Lumber Company, and L&C Tree Farms, LLC (Exhibit A). Nestucca River lies east of the subject property (Exhibit A).

The subject property is zoned Farm (F-1) (Exhibit A). As noted above, the subject property is bisect by Highway 101 South (Exhibits A). Surrounding uses include dairying, timber related uses, and residential uses (Exhibit A).

Applicant is proposing to operate a bakery as a home occupation in an existing accessory structure on the portion of the subject property lying west of Highway 101 S (Exhibit B). A circular driveway provides access from Highway 101 South through the property (Exhibits A and B). The subject property current maintains an existing farm stand, which is approximately 45-feet away from the accessory structure proposed to have the bakery use (Exhibit B).

Applicant states they will be using the existing accessory structure on the property for the bakery use and that the proposed use will not have an effect on surrounding lands and will not cause excessive noise or smell, or have issues with traffic (Exhibit B). Staff finds that the Highway 10 S and Nestucca River serve as barriers to potential impacts of the proposed uses on surrounding properties and to other areas of the subject property. Staff finds the dual entrance can prevent any potential conflicts in vehicular use associated with the bakery and farm equipment that may be entering and existing the property, while also serving flow through traffic for customers. Staff finds that the area proposed for the bakery use has proximity to the existing farm stand which offers incidental and retail sales of farm products and goods on the subject property (Exhibit B). Staff find the proposed use is small in scale with products prepared to be from those generated on the farm. Staff find that the presence of manmade barriers between the developed area on the subject property and other areas of the subject property and surrounding areas serve to isolate potential impacts to the vicinity.

Staff finds that, given existing man-made and natural barriers, the limited number of anticipated guests, and the provision of sufficient on-site parking and space for the proposed use and uses on surrounding properties that the request will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted residential, recreational and public utility uses on the surrounding properties or uses listed in the underlying zone. Staff concludes that this criterion has been met.

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

Findings: Staff does not find any record of such facilities in the area. Applicant states there is no facilities within the area (Exhibit B). Staff concludes that this criterion has been met.

6. *The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.*

Findings: The application was noticed to Nestucca Rural Fire Protection District, the County Sanitarian, Oregon Water Resources Department, the Oregon Department of Transportation, Tillamook County Environmental Health and the Tillamook County Public Works Department. Comments were received from Comments were received from ODOT, confirming that no additional permit was necessary for the access off of Highway 101 South for the proposed use (Exhibit C). Applicant states the property maintains an onsite sanitation system (Exhibit B). Staff finds the proposal is to utilize an existing structure that maintains accessibility to existing utilities served to the property. Staff concludes that this criterion has been met.

IV. DECISION: APPROVED WITH CONDITIONS

Based on the findings shown above, Staff concludes that the applicant has satisfied the review criteria, and can meet all applicable ordinance requirements at the time of application. Therefore, the Department approves this request subject to the Conditions of Approval in section V of this report.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. The forms and fees must be filed in the office of this Department before **4:00 PM on October 31, 2022.**

V. CONDITIONS OF APPROVAL:

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

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall obtain an approved Consolidating Zoning/Building Permit from the Tillamook County Department of Community Development.
3. A site plan, drawn to scale, illustrating the proposed development and required setbacks shall be provided at the time of Zoning Permit submittal. The site plan shall include the location of the two 8-foot by 20-foot parking spaces required for the residential use and the five (5) 8-foot by 20-foot parking spaces required for the proposed bakery use.
4. This approval is for a bakery to operate as a home occupation in the Farm zone. Expansion or change of use is subject to land use review and approval.
5. The Applicant/property owner shall comply with the standards for Home Occupations maintained in the Tillamook County Land Use Ordinance Section 3.002, 'Farm (F-1) Zone'.
6. Signage shall comply with the standards of Tillamook County Land Use Ordinance Section 4.020: Signs.
7. Applicant/Owner shall comply with the requirements of TCLUO 4.030, 'Off-Street Parking & Off-Street Loading Requirements' and TCLUO 3.002, 'Farm (F-1) Zone'.
8. This approval shall be void on October 18, 2024 unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

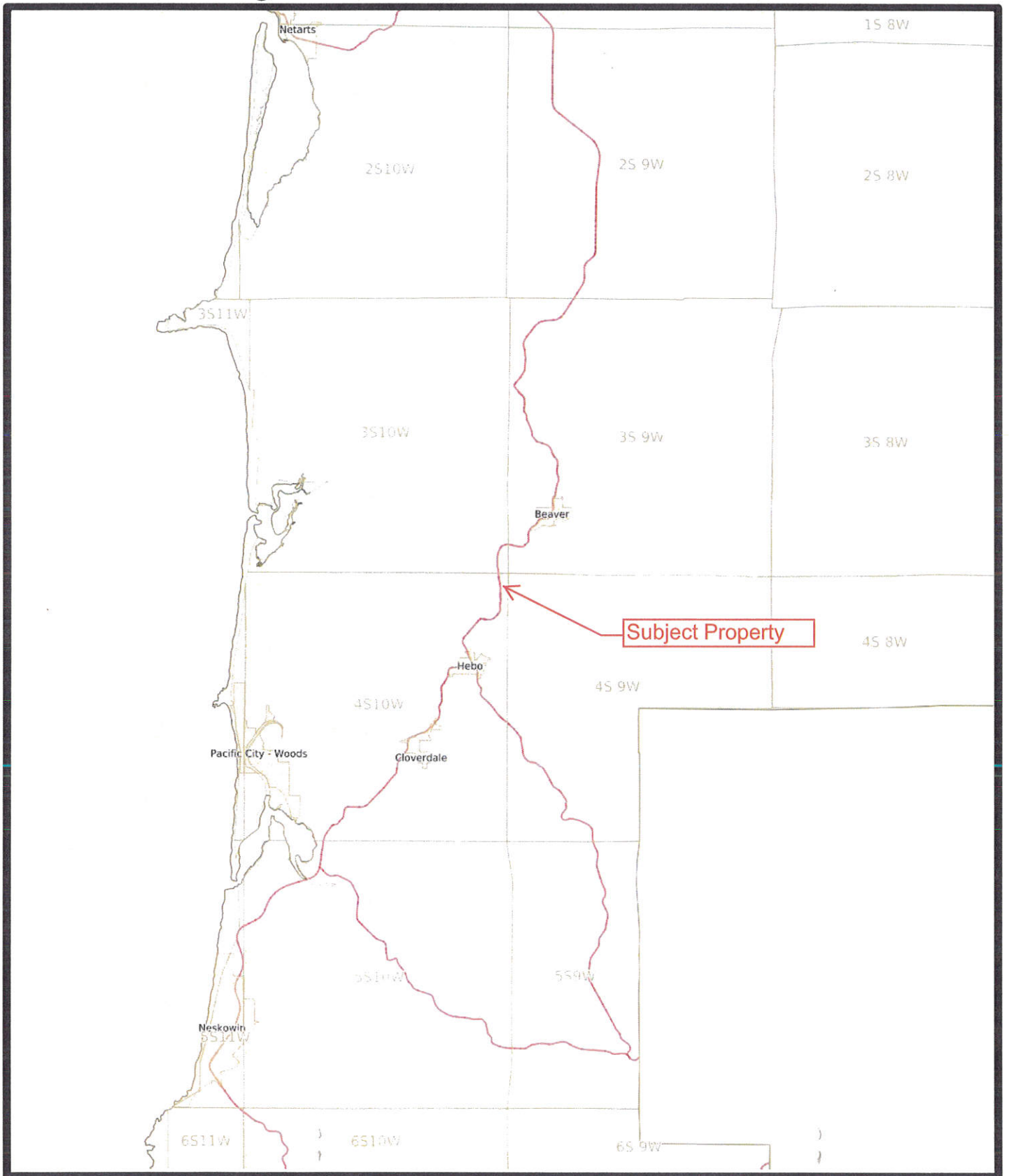
VI. EXHIBITS

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

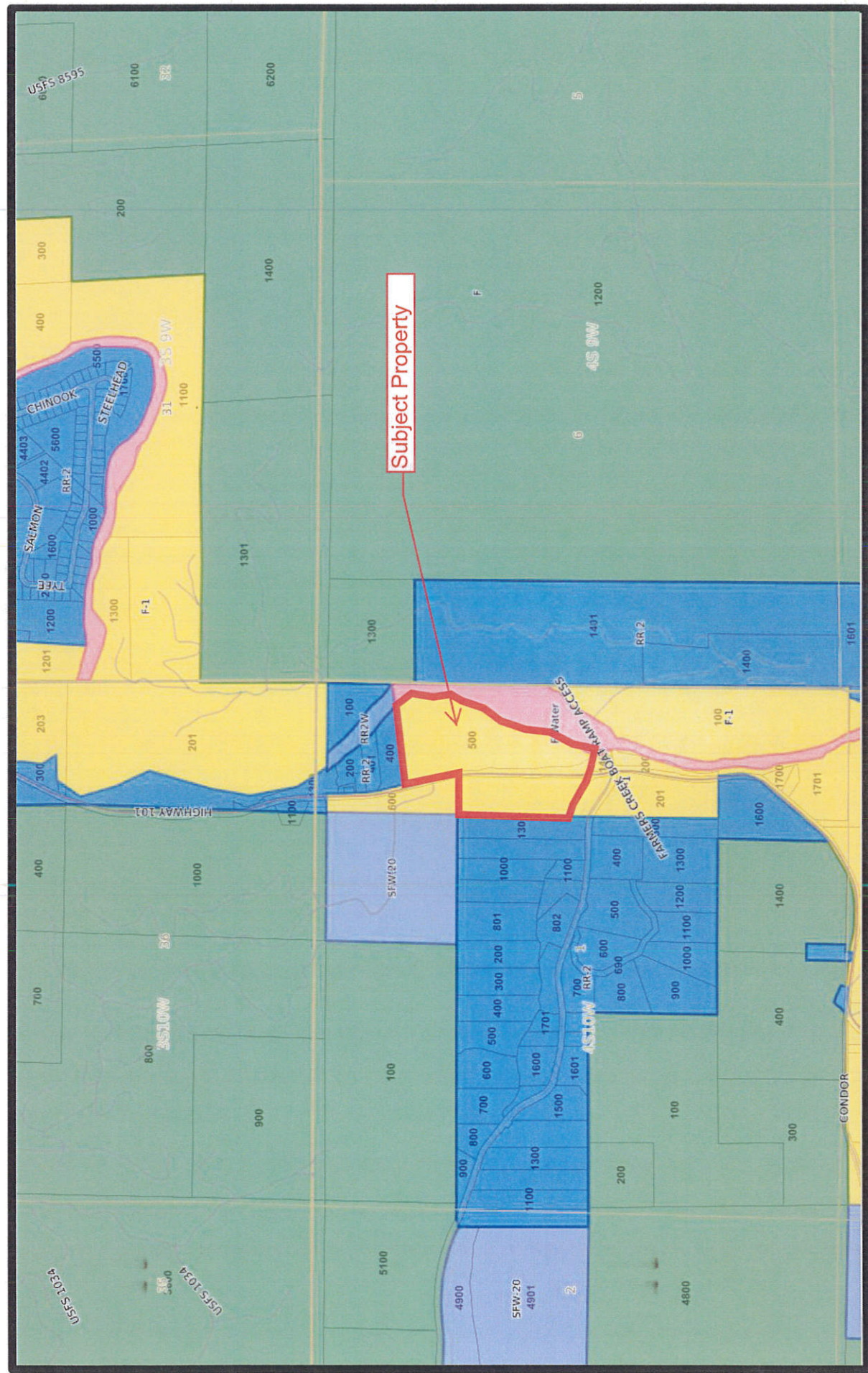
- A. Location map, Assessor map, Zoning map, Assessor's Summary Report
- B. Applicant's submittal
- C. Agency comments

EXHIBIT A

Vicinity Map



Zoning Map



TILLAMOOK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

June 3, 2022 12:44:09 pm

Account # 20747	Tax Status ASSESSABLE
Map # 4S1001A000500	Acct Status ACTIVE
Code - Tax # 1301-20747	Subtype NORMAL
Legal Descr See Record	
Mailing Name PORTER, WAYLON & SANDRA	Deed Reference # 2013-5010
Agent	Sales Date/Price 08-15-2013 / \$28,000.00
In Care Of	Appraiser ELIZABETH LOFTIS
Mailing Address PO BOX 66 CLOVERDALE, OR 97112	
Prop Class 559 MA SA NH Unit	
RMV Class 509 06 01 500 28751-1	

Situs Address(s)	Situs City
ID# 27850 HWY 101 S	COUNTY
ID# 27854 HWY 101 S	COUNTY

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
1301 Land	272,880			Land	0
Impr.	191,730			Impr.	0
Code Area Total	464,610	147,270	191,268		0
Grand Total	464,610	147,270	191,268		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			Trended RMV	
						TD%	LS	Size		
1301	1	<input checked="" type="checkbox"/>		F-1	Farm Site	100	A	1.00	SFM	7,200
1301	7	<input checked="" type="checkbox"/>		F-1	Farm Use Zoned	100	A	10.62	SP2	76,460
1301	6	<input checked="" type="checkbox"/>		F-1	Farm Use Zoned	100	A	17.24	SP3	124,130
1301	5	<input checked="" type="checkbox"/>		F-1	Farm Use Zoned	100	A	1.37	SP4	9,860
1301	4	<input checked="" type="checkbox"/>		F-1	Farm Use Zoned	100	A	0.06	SP6	430
1301	2	<input checked="" type="checkbox"/>		F-1	Farm Use Zoned	100	A	2.57	SP6	18,500
1301	3	<input checked="" type="checkbox"/>		F-1	Farm Use Zoned	100	A	1.57	SP8	11,300
1301					SA OSD	100				12,500
1301					SA OSD	100				12,500
Grand Total								34.43		272,880

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%					
1301	12	1900	366	LEAN-TO LIGHT WEIGHT	119		675		730	
1301	11	1900	345	GENERAL PURPOSE BUILDING	119		216		1,340	
1301	8	1900	388	WASTE TANK	119		256		1,790	
1301	9	1900	372	MACHINE SHED/LOAFING SHED	119		1,400		2,610	
1301	10	1900	345	GENERAL PURPOSE BUILDING	119		936		3,920	
1301	3	1900	336	FEEDER BARN	119		3,520		5,780	
1301	2	1900	336	FEEDER BARN	119		3,600		5,900	
1301	6	1900	345	GENERAL PURPOSE BUILDING	119		1,300		7,690	
1301	4	1900	345	GENERAL PURPOSE BUILDING	119		1,260		7,000	
1301	7	1900	378	MILKING PARLOR	119		192		9,060	
1301	5	1900	369	LOFT BARN	119		2,800		12,720	
1301	13	2014	345	GENERAL PURPOSE BUILDING	119		600		18,310	
1301	1	1900	136	Two story or more, with basement	119		1,806		114,880	
Grand Total								18,561		191,730

Exemptions / Special Assessments / Potential Liability

Code Area 1301				
SPECIAL ASSESSMENTS:				
■ SOLID WASTE	Amount	24.00	Acres	0 Year 2021

Account # 20747

NOTATIONS:

■ FARMLAND - POTENTIAL ADDITIONAL TAX LIABILITY 308A.083 ADDED 2008

MS Account(s): 1301-P-416563

Comments: 8/18/08 Added code 13.00, road dedication -0.15 acres to Hwy 101, added RMV and apportioned MAV.LM 11/6/08 Combined S1 into parent, inpt inv. tabled improvements, MAV balance.LM 1/21/11 Reappraisal. Updated inventory and tabled values. gb
8/25/14 New personal MS added. When combined S1 into parent account in 2008, 1 acre market land should have been changed to farm homesite per zoning. Created 1 acre farm homesite. Added OSD for new MS - applied exception. EJ.
1/14/15 - New GPB 100% complete - applied exception. EJ.
8/27/19 - Due to the redrawing of Highway 101, several lots including TL 500 had size corrections - RMV changes only. A court judgement takes .97 acres from taxlot 4S10 1A 500 for highway purposes. Removed all MAV from SA land and updated soil classes. EJ

National Flood Hazard Layer FIRMette



123°51'11"W 45°15'19"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, A199*
- 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 draining areas of less than one square mile *Zone J*
- 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 C*

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

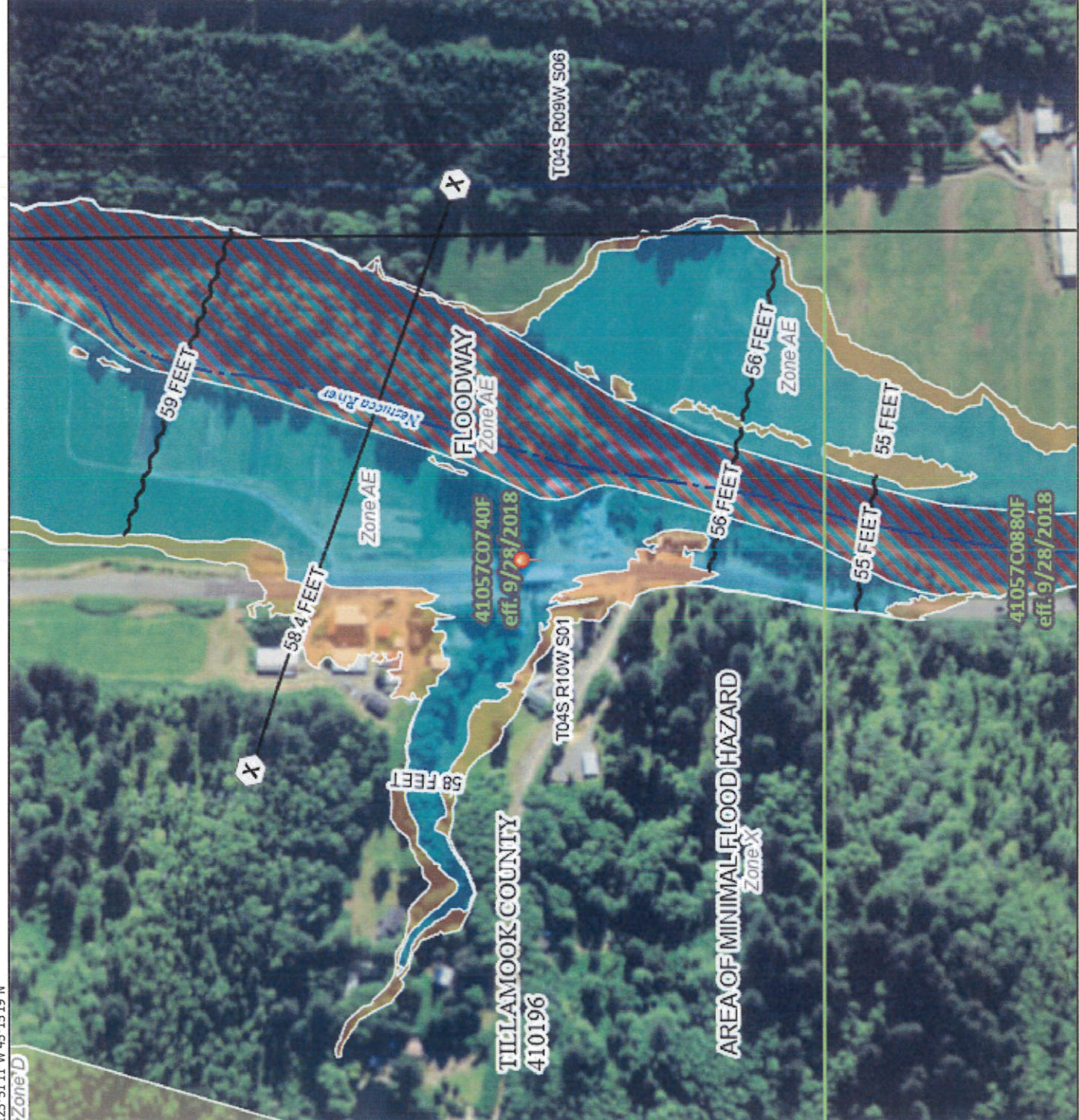
- Digital Data Available
- No Digital Data Available
- Unmapped

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 6/3/2022 at 3:49 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, FIRW panel number, and FIRW effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

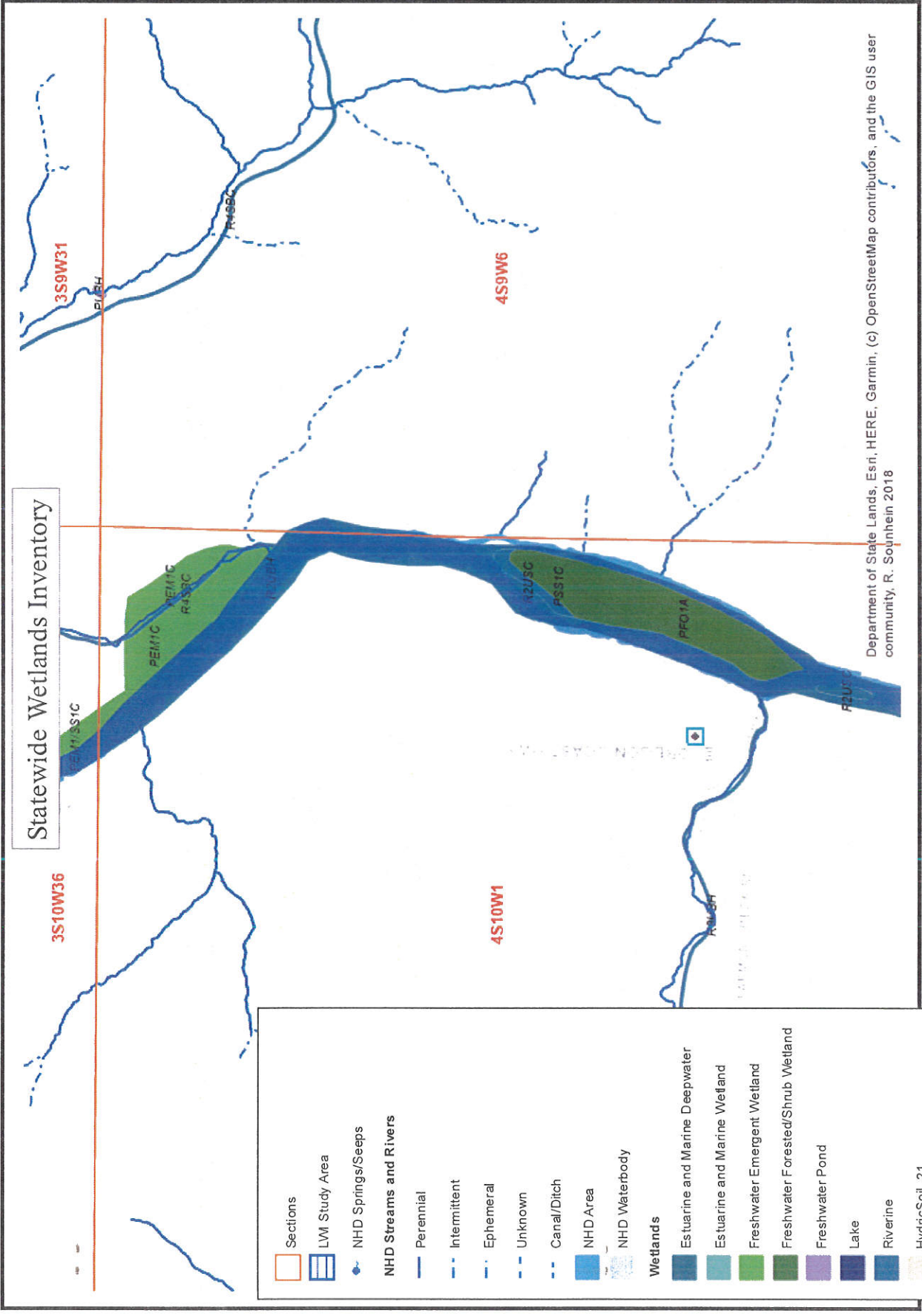


123°50'34"W 45°14'54"N

1:6,000

Feet

0 250 500 1,000 1,500 2,000



Statewide Wetlands Inventory

	Sections
	LM Study Area
	NHD Springs/Seeps
	NHD Streams and Rivers
	Perennial
	Intermittent
	Ephemeral
	Unknown
	Canal/Ditch
	NHD Area
	NHD Waterbody
Wetlands	
	Estuarine and Marine Deepwater
	Estuarine and Marine Wetland
	Freshwater Emergent Wetland
	Freshwater Forested/Shrub Wetland
	Freshwater Pond
	Lake
	Riverine
	Hydric Soil_21
	Agate Mtn lo_21

Department of State Lands, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, R. Sounhein 2018



The Statewide Wetlands Inventory (SWI) represents the best data available at the time this map was published and is updated as new data becomes available. In all cases, actual field conditions determine the presence, absence and boundaries of wetlands and waters (such as creeks and ponds), an onsite investigation by a wetland professional can verify actual field conditions.

Date: 6/3/2022



State of Oregon
Department of State Lands
775 Summer Street, NE, Ste 100
Salem, OR 97301-1279
(503) 986-5200

EXHIBIT B



PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	
Fox	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: MJ	
Receipt #: 124665	
Fees: 1,089	
Permit No: 851-22-00067-PLNG	

Applicant (Check Box if Same as Property Owner)

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

Property Owner

Name: Waylon & Sandra Porter Phone: 503-812-3793
 Address: 27854 HWY 101 S
 City: CLOVERDALE State: OR Zip: 97112
 Email: farmercreekmarket@gmail.com

Request: repurposing original farmhouse into a bakery business space

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

Location:

Site Address: 27854 HWY 101 S CLOVERDALE, OR 97112

Map Number: _____

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.

<u>Sandra Porter</u>	<u>Waylon Porter</u>	<u>12-29-21</u>
Property Owner Signature (Required)		Date
<u>Sandra Porter</u>	<u>Waylon Porter</u>	<u>12-29-21</u>
Applicant Signature		Date

We would like to convert the original Farmhouse on the property to a Bakery space. This will give us the opportunity to sell more value added products from produce/livestock grown on this farm.

Thank you
Waylon & Sandra Porter

TCLUO SECTION 6.040
CONDITIONAL USE REVIEW CRITERIA

A Conditional Use shall be granted if the applicant demonstrates that all of the following applicable criteria are satisfied.

- (1) The use is listed as a Conditional Use in the underlying zone, or in an applicable overlying zone.

~ Yes

- (2) The use is consistent with the applicable goals and policies of the Comprehensive Plan.

~ Yes

- (3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.

~ Yes, There is plenty of room to operate. There is an existing Farm Stand that has been operating from this location for 30+ years. Good access points for entering/exiting traffic to Hwy 101. We will be making improvements to an existing building for this use.

- (4) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.

~ This use will not cause any issues for surrounding neighbors or properties. We will not be causing excessive noise or smells. There will be no issues with traffic.

- (5) The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or windmills.

~ There are no solar or wind energy systems

))
))

(6) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

~ The property is set up with PUD. We have our own water system. A 1500 gallon septic tank was installed with 400' of drainfield. We have Nestucca Sanitary Garbage Service. There is a fire letter in our file with the COunty that states they will service our property.

In addition, TCLUO Section 3.002(5):

(a) The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

~ No, this improvement will not force significant change in accepted farming/forestry practices on surrounding lands. We are converting an existing structure on the property into a bakery. Will have no effect on surrounding lands.

(b) The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

~ No, this use of an existing structure on the farm will have no impact on the cost of farming/forestry practices on surrounding land devoted to such.

How the proposal will meet the Standards of Home Occupation

- 1) a. We live in a manufactured home on the property and will be operating the Bakery.
b. Will not employ more than 5 employees
c. ii - This home occupation will be operated in the original Farmhouse, converted into a Bakery
d. The Bakery will not interfere with other use of the farm
- 2) n/a
- 3) The Bakery will be an accessory to the farm itself, helping to sell products produced on the farm.
- 4) The use of the Bakery will not cause any issues for our surrounding areas or neighbors
- 5) Parking spaces are identified on site plan
- 6) We have located the sign provisions of Section 4.020 and will abide by them.
- 7) Retail sales will include products produced on this farm, or locally grown items, value added products from this farms' crops/livestock, items pertaining to activities here at the farm. More specifically we will be baking and selling pies and other baked goods, pickles, jams etc.
- 8) We are submitting a conditional use permit for this project
- 9) n/a

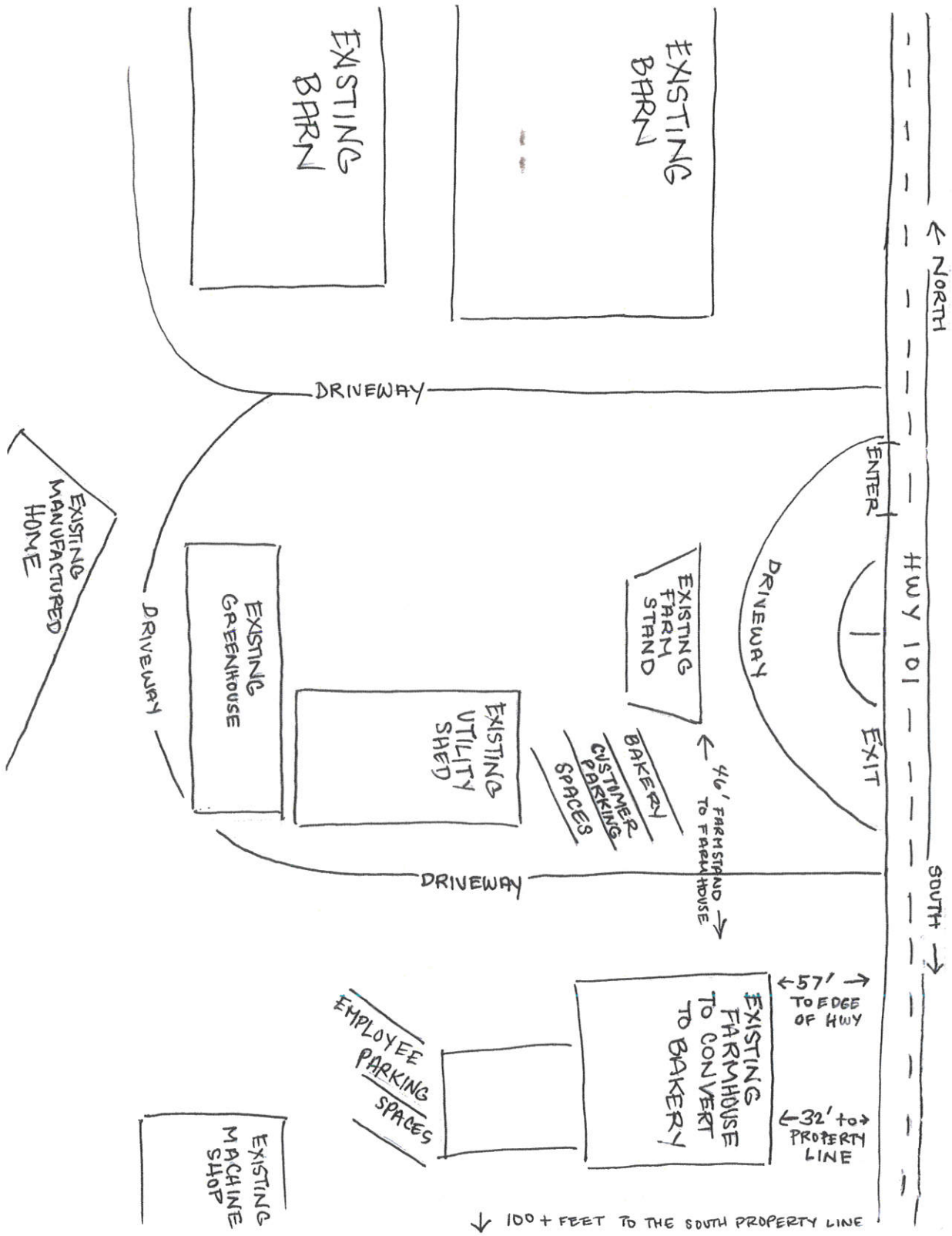


EXHIBIT C

Melissa Jenck

From: William Loewen <loewenwc@gmail.com>
Sent: Thursday, June 9, 2022 7:05 PM
To: Melissa Jenck
Subject: EXTERNAL: 851-22-000067-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.]

Ms Jenck,

I received a letter from your office about the request to open a business near my property on Hwy 101. Please put this email into the record. I vote to approve the request and promote business in the community.

William C. Loewen
4629 Church Street
Milton Fl 32583
850 324 1776



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN# *

WN2022-0567

Responsible Jurisdiction

Staff Contact

Lynn Tone

Jurisdiction Type

County

Municipality

Tillamook

Local case file #

851-22-000067

County

Tillamook

Activity Location

Township

04S

Range

10W

Section

01

QQ section

A

Tax Lot(s)

500

Street Address

27854 Hwy 101 S

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Tillamook

Latitude

45.252680

Longitude

-123.848930

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 property includes or is adjacent to designated Essential Salmonid Habitat.

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.

Closing Information

Additional Comments

Based on the applicant's site map, the proposed new parking does not overlap any wetlands or waters. Best Management Practices for erosion and sediment control are recommended given site proximity to Farmers Creek.

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. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

6/21/2022

Response by:

Daniel Evans

Response Phone:

503-986-5271



Oregon

Kate Brown, Governor

Department of Transportation

Region 2 Headquarters
455 Airport Road SE, Bldg. B
Salem, Oregon 97301
(503) 986.2600
FAX (503) 986.2630

June 22, 2022

ODOT #12603

ODOT Response

Project Name: Bakery Addition	Applicant: Waylon Porter
Jurisdiction: Tillamook County	Jurisdiction Case #: 851-22-000067-PLNG
Site Address: 27854 Hwy 101 S, Cloverdale, OR	Legal Description: 04S 10W 01A Tax Lot(s): 00500
State Highway: US 101	Mileposts: 82.84

The site of this proposed land use action is adjacent to US101, Oregon Coast Highway. ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation. **Please direct the applicant to the District Contact indicated below to determine permit requirements and obtain application information.**

COMMENTS/FINDINGS

Based on the reviewed land use notice material, the proposed bakery addition will not trigger the need for new ODOT access permits no additional highway approaches are proposed and the existing access to US101 is to be used without any reconstruction. An ODOT Miscellaneous Permit must be obtained for any work that is to be performed in the highway right of way and for connection to state highway drainage facilities.

Please send a copy of the Notice of Decision including conditions of approval to:

ODOT Region 2 Planning
Development Review
455 Airport Road SE, Bldg. B
Salem, Oregon 97301

ODOTR2PLANMGR@odot.state.or.us

Development Review Coordinator: Douglas Baumgartner, P.E.	Douglas.G.BAUMGARTNER@odot.oregon.gov
District 5 Contact: Richard Kearns	503-325-6490