



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

RESOURCE ZONE EXCEPTION #851-22-000283-PLNG: MILLS

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

April 4, 2023

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 April 4, 2023.

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 **4:00 PM** on **April 17, 2023**.

Request: An exception request to reduce the required 100-foot resource zone setback from the Small Farm & Woodlot 20-Acre (SFW-20) zone boundary for the construction of a 24-foot by 24-foot addition to an existing dwelling, establishing a 46-foot setback from the southeast corner of the addition and a 36-foot setback from the northeast corner of the addition to the easterly property line.

Location: The subject property is located at 19950 Wilson River Highway, is located east of the Unincorporated Community of Siskeyville and is designated as Tax Lot 201 in Sections 9 and 10 of Township 1 South, Range 8 West of the Willamette Meridian, Tillamook County, Oregon.

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

Applicant & Property Owner: Lester Mills, 19950 Wilson River Hwy, Tillamook, OR 97141

CONDITIONS OF APPROVAL

Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall obtain an approved consolidated Building/Zoning Permit from the Tillamook County Department of Community Development prior to siting the proposed dwelling.
3. Development shall be as shown on the approved site plan and shall maintain the approved reduced resource zone setback of a 36-foot setback from the easterly property line, each as indicated on the proposed site plan.
4. The applicant/property owner shall submit a site plan, drawn to scale and indicating all required yard setbacks and reduced resource zone setbacks, at the time of consolidated Building/Zoning Permit application submittal.
5. Development shall otherwise comply with the applicable standards and requirements of TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone.
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 a farm zone. The property owner acknowledges the residential use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, the property owner understands preference will be given to farm and forest practices.

A covenant to the deed shall be required, informing that intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use and limiting pursuance of a claim for relief or cause of action of alleging injury from farming or forest practices. A copy of the recorded covenant included as 'Exhibit C' shall be provided at the time of applying for Building and Zoning Permits.

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



Melissa Jenck, CFM, Senior Planner

Sarah Absher, CBO, CFM, Director
Enc.: Vicinity, Assessor's and Zoning maps



Land of Cheese, Trees and Ocean Breeze

**Resource Zone Exception #851-22-000283-PLNG: Mills
Administrative Decision & Staff Report**

Decision: Approved with Conditions
Decision Date: April 4, 2023
Report Prepared By: Melissa Jenck, CFM, Senior Planner

I. GENERAL INFORMATION:

Request: An exception request to reduce the required 100-foot resource zone setback from the Small Farm & Woodlot 20-Acre (SFW-20) zone boundary for the construction of a 24-foot by 24-foot addition to an existing dwelling, establishing a 46-foot setback from the southeast corner of the addition and a 36-foot setback from the northeast corner of the addition to the easterly property line.

Location: The subject property is located at 19950 Wilson River Highway, is located east of the Unincorporated Community of Siskeyville and is designated as Tax Lot 201 in Sections 9 and 10 of Township 1 South, Range 8 West of the Willamette Meridian, Tillamook County, Oregon.

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

**Applicant &
Property Owner:** Lester Mills, 19950 Wilson River Hwy, Tillamook, OR 97141

Description of Site and Vicinity: Assessor records indicate the subject property encompasses approximately 1.2-acres, has variable topography trending upward towards the northeast, is vegetated with grasses and trees, and currently improved with a single-family dwelling and accessory structure. No mapped wetlands are located on the property, with a small unnamed creek located approximately 85-feet to the east. The subject property is accessed via Wilson River Highway, a State highway. The property is within an area of geologic hazard, with areas of shallow & deep landslide susceptibility and rapidly moving landslides (Exhibit A).

The area is a pocket of RR-2 zoned properties which primarily are primarily abutting Wilson River Highway and Wilson River, generally improved with single-family dwellings and their accessory structures or vacant.

Properties to the south and east are zoned Small Farm Woodlot (SFW-20) and Forest (F) and appears to be in Forest use. FEMA Flood Insurance Rate Map 41057C0610F dated September 28, 2018 confirms the subject property is not located in an area of the Special Flood Hazard Area (SFHA) (Exhibit A).

Applicant is proposing to reduce the 100-foot setback required from a resource zone boundary to a 46-foot setback from the southeast corner of the addition and a 36-foot setback from the northeast corner of the addition to the easterly property line, to allow an addition of approximately 24-ft by 24-ft to an existing single-family dwelling (Exhibit B).

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

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

- A. 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 September 19, 2022. Notice was provided to the Department of State Lands (DSL) and the Oregon Department of Forestry. No comments were received.

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

Section 3.011(4) Standards: *Land divisions and development in the CSFR 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 uses; 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: The easterly property boundary of the parcel abuts the Small Farm and Woodlot (SFW-20) zone boundary, with the existing dwelling maintaining approximately a 70-ft setback from the SFW-20 zone boundary (Exhibit A & B). The Applicants site plan indicates that the structure shall establish a 46-foot setback from the southeast corner of the addition and a 36-foot setback from the northeast corner of the addition to the easterly property line (Exhibit B).

Staff finds that the residential structure is already placed within the 100-ft resource zone setback at 70-ft (Exhibit A & B). The applicants proposal for an addition to an existing dwelling would continue to encroach into the resource zone setback (Exhibit B). The existing dwelling maintains an existing garage to the west and the onsite sanitation system to the south (Exhibit B). The proposal would reduce the 100-foot resource zone setback 64-feet, which would result at its closest point to a 36-foot resource zone setback (Exhibit B). The resource zone setback reductions shall result in a 36-foot setback to the resource zone boundary, with all other rear, side and front yard setbacks being maintained (Exhibit B). Staff finds this standard is met.

B. TCLUO Section 4.130: Development requirements for Geologic Hazard Areas

TCLUO Section 4.130(2)(b) identifies the area maintaining shallow & deep landslide susceptibility and rapidly moving landslides as identified in DOGAMI Open File Report O-20-13.

Staff finds a Geologic Hazard Report prepared in conformance with the standards of TCLUO 4.130 shall be submitted to this Department for review and approval prior to applying for Zoning and Building Permits if average existing slopes are equal to or greater than 29 percent. Staff find that a condition of approval can be made to ensure compliance with this standard at 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 Small Farm and Woodlot (SFW-20) 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 April 17, 2023**.

V. CONDITIONS OF APPROVAL:

Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall obtain an approved consolidated Building/Zoning Permit from the Tillamook County Department of Community Development prior to siting the proposed dwelling.
3. Development shall be as shown on the approved site plan and shall maintain the approved reduced resource zone setback of a 36-foot setback from the easterly property line, each as indicated on the proposed site plan.
4. The applicant/property owner shall submit a site plan, drawn to scale and indicating all required yard setbacks and reduced resource zone setbacks, at the time of consolidated Building/Zoning Permit application submittal.
5. Development shall otherwise comply with the applicable standards and requirements of TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone.
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 a farm zone. The property owner acknowledges the residential use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, the property owner understands preference will be given to farm and forest practices.

A covenant to the deed shall be required, informing that intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use and limiting pursuance of a claim for relief or cause of action of alleging injury from farming or forest practices. A copy of the recorded covenant included as 'Exhibit C' shall be provided at the time of applying for Building and Zoning Permits.

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

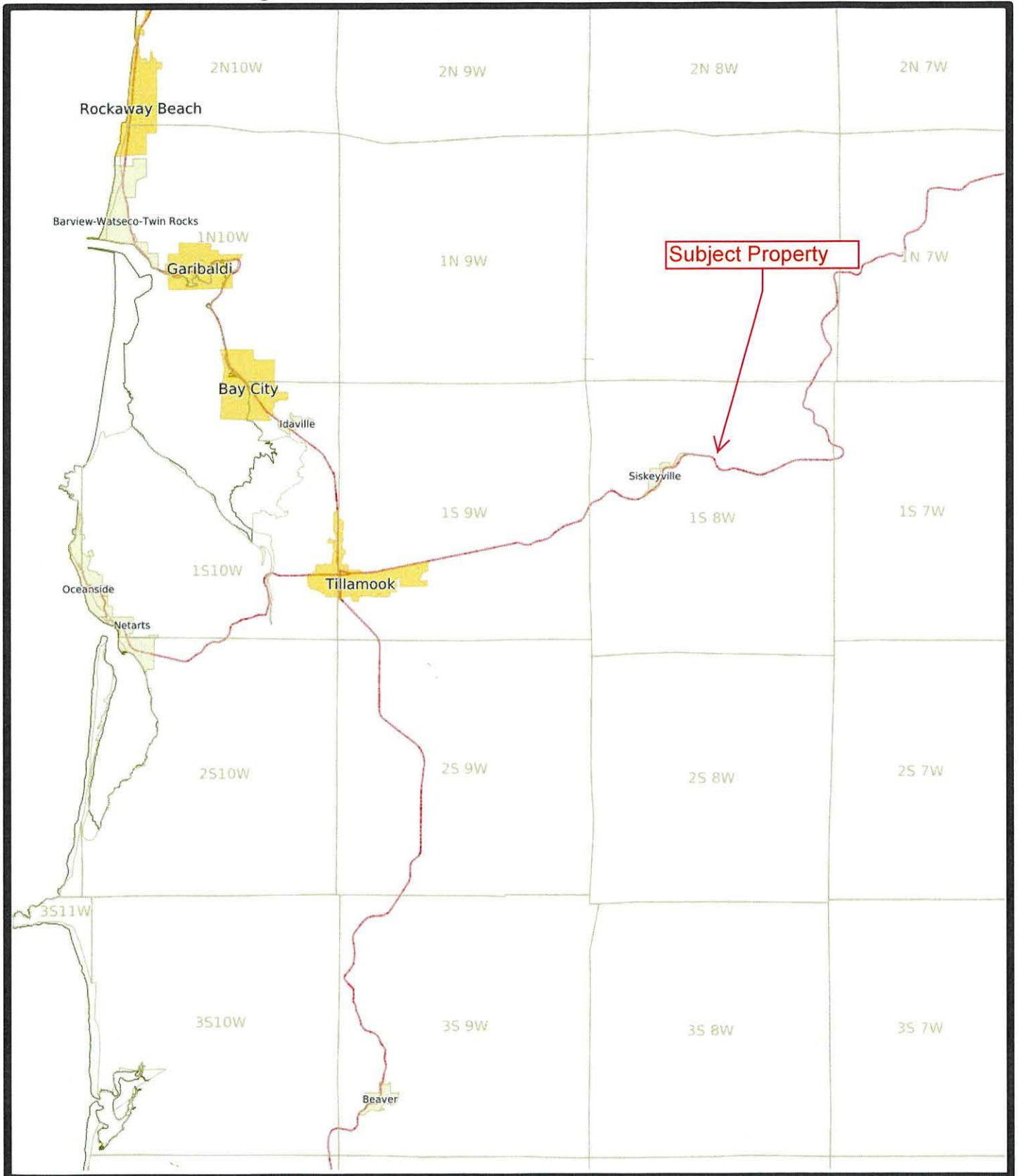
VI. EXHIBITS

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

- A. Vicinity map, Assessor map, Zoning map, Assessor's Summary Report
- B. Applicant's submittal
- C. Required Restrictive Covenant: Farm Forest Practices

EXHIBIT A

Vicinity Map



Zoning Map



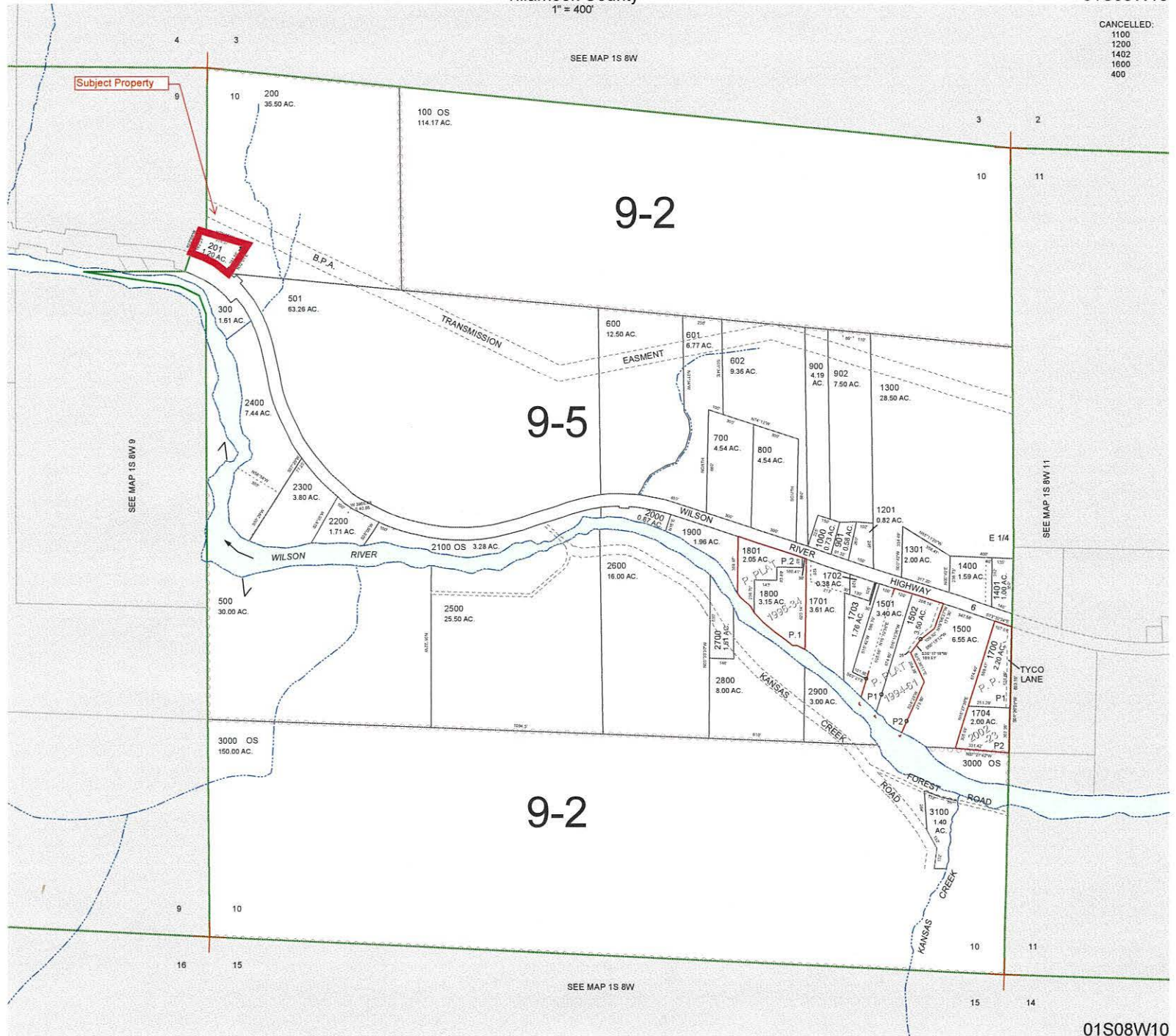
Generated with the GeoMOOSE Printing Utilities

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

SECTION 10 T.1S. R.8W. W.M.
Tillamook County
1" = 400'

01S08W10

CANCELLED:
1100
1200
1402
1600
400



01S08W10
REVISED 5/26/16, WS

TILLAMOOK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

March 31, 2023 5:40:40 pm

Account # 137881
 Map # 1S08100000201
 Code - Tax # 0905-137881

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr See Record

Mailing Name MILLS, LESTER A & SHANNON

Deed Reference # 2022-376

Agent

Sales Date/Price 01-12-2022 / \$387,500.00

In Care Of

Appraiser EVA FLETCHER

Mailing Address 19950 WILSON RIVER HWY
 TILLAMOOK, OR 97141

Prop Class 401 MA SA NH Unit
 RMV Class 401 01 AC 102 23267-1

Situs Address(s)	Situs City
ID# 0 19950 WILSON RIVER HWY	COUNTY

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
0905 Land	60,440			Land	0
Impr.	158,430			Impr.	0
Code Area Total	218,870	147,960	147,960		0
Grand Total	218,870	147,960	147,960		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
0905					LANDSCAPE - FAIR	100				500
0905	0	<input checked="" type="checkbox"/>		RR-2	Market	104	A	1.20		47,440
0905					OSD - AVERAGE	100				12,500
Grand Total								1.20		60,440

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
0905	2	1995	369	LOFT BARN	129	704		5,460
0905	1	1935	134	One and 1/2 story w/basement	129	1,014		152,970
Grand Total						1,718		158,430

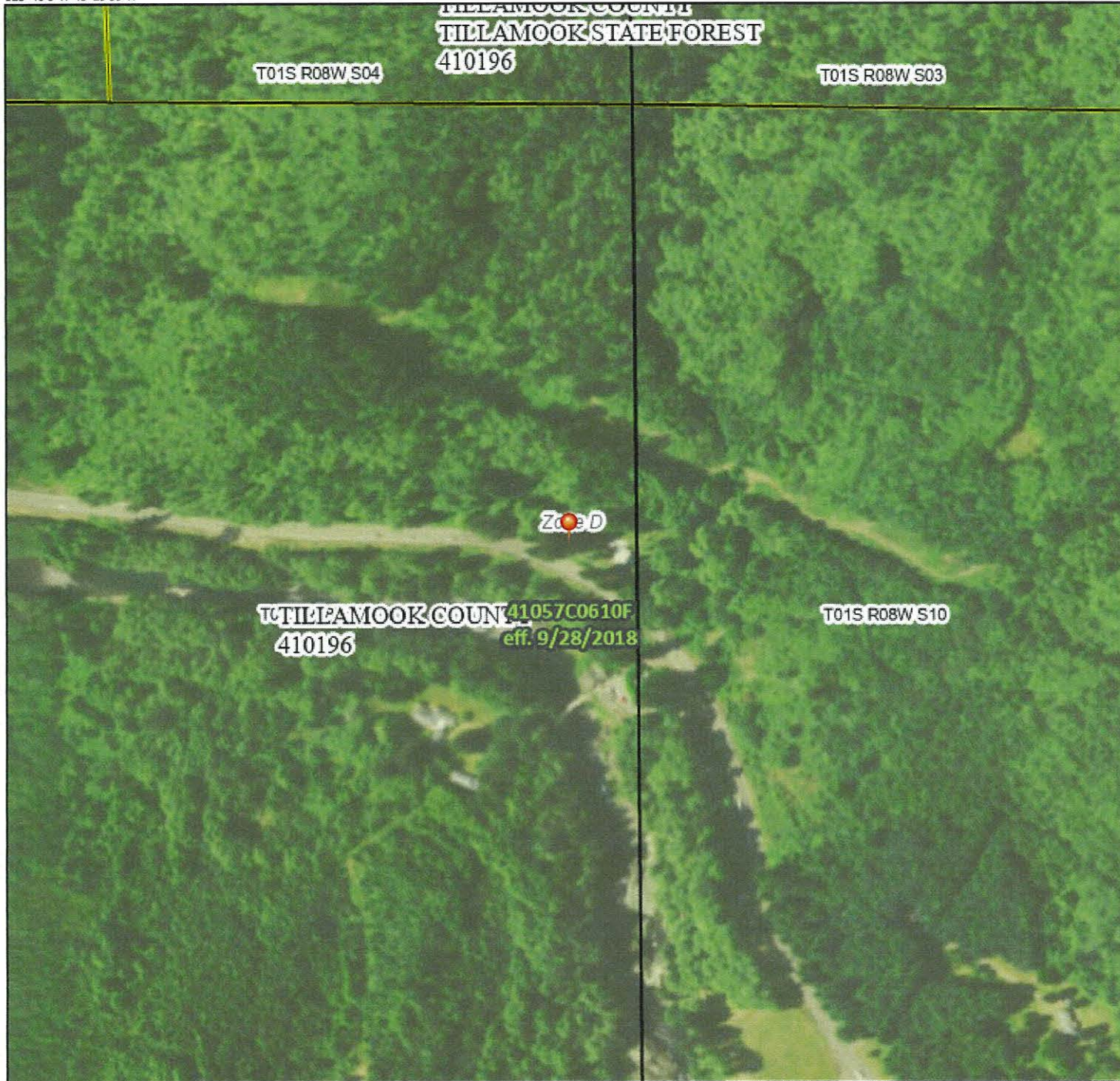
Exemptions / Special Assessments / Potential Liability						
Code Area	0905					
SPECIAL ASSESSMENTS:						
■ SOLID WASTE	Amount	12.00	Acres	0	Year	2021
FIRE PATROL:						
■ FIRE PATROL SURCHARGE	Amount	47.50			Year	2021
■ FIRE PATROL NORTHWEST	Amount	18.75	Acres	1.2	Year	2021

Comments: Phase One - Updated Imps.ef 02/18/16 Reappraised land, tabled values.ef

National Flood Hazard Layer FIRMette



123°40'8"W 45°29'59"N



1:6,000

123°39'31"W 45°29'33"N

Legend

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

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>

OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
		Area of Undetermined Flood Hazard <i>Zone</i>
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Profile Baseline
	Hydrographic Feature	

MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



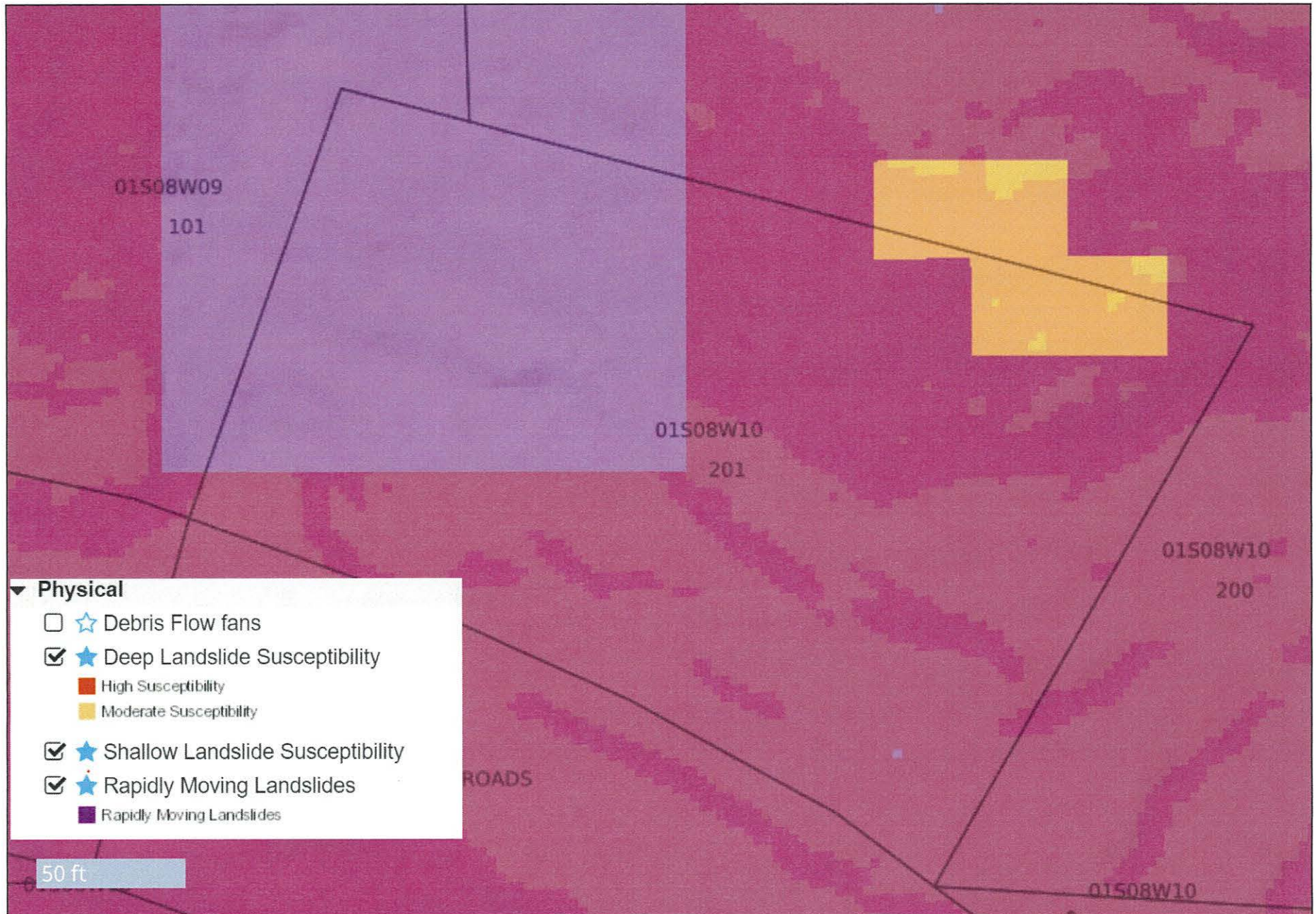
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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 **3/31/2023 at 8:34 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.

Mills Hazard Map



Disclaimer: The spatial information hosted at this website was derived from a variety of sources. Care was taken in the creation of these themes, but they are provided "as is". The state of Oregon, or any of the data providers cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or underlying records. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying any of these products. However, notification of any errors would be appreciated. The data are clearly not intended to indicate the authoritative location of property boundaries, the precise shape or contour of the earth or the precise location of fixed works of humans.

EXHIBIT B



PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	RECEIVED
	JUL 15 2022
	BY: <u>COUNTER</u>
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees: <u>1300-</u>	
Permit No:	
851-22 - <u>000283</u> - PLNG	

Applicant (Check Box if Same as Property Owner)

Name: Lester Mills Phone: 503-278-1028
 Address: 19950 Wilson River Hwy
 City: Tillamook State: OR Zip: 97141
 Email: millsfamily5@hotmail.com

Property Owner

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

Request: would like to build addition in resource set back. Existing House is in set back already and I would like to build addition

Type II

- Farm/Forest Review
- Conditional Use Review
- Variance
- Exception to Resource or Riparian Setback
- Nonconforming Review (Major or Minor)
- Development Permit Review for Estuary Development
- Non-farm dwelling in Farm Zone
- Foredune Grading Permit Review
- Neskowin Coastal Hazards Area

Type III

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

Type IV

- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

Location:

Site Address: 19950 Hwy Wilson River Hwy Tillamook
 Map Number: 1500th 8west 9410 201
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.

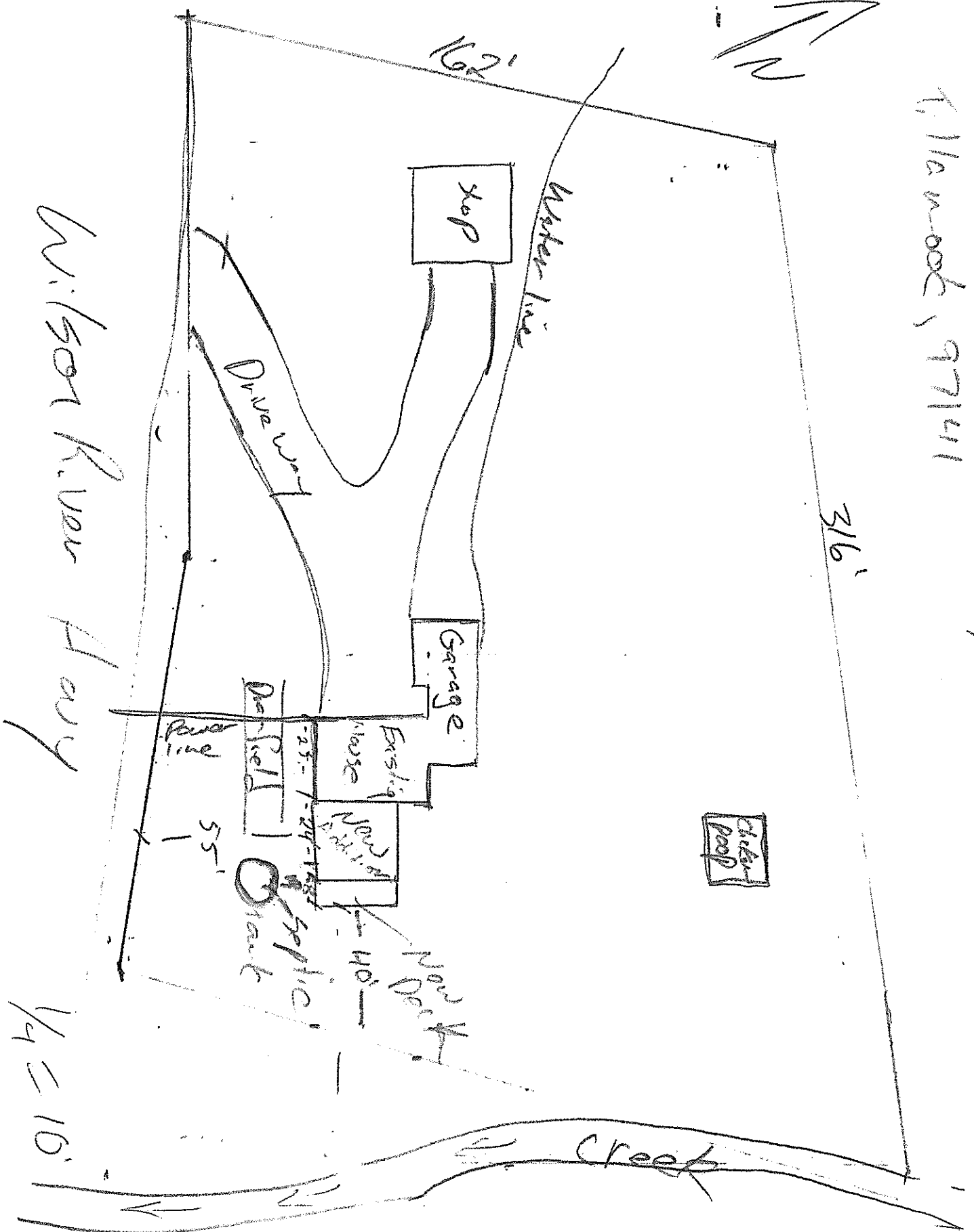
[Signature]
 Property Owner Signature (Required)

7-15-22
 Date

Applicant Signature

Date

11750 Wilson River Hwy
Tillamook, 97141



Wilson River Hwy

1/4" = 10'

To Whom it may concern.

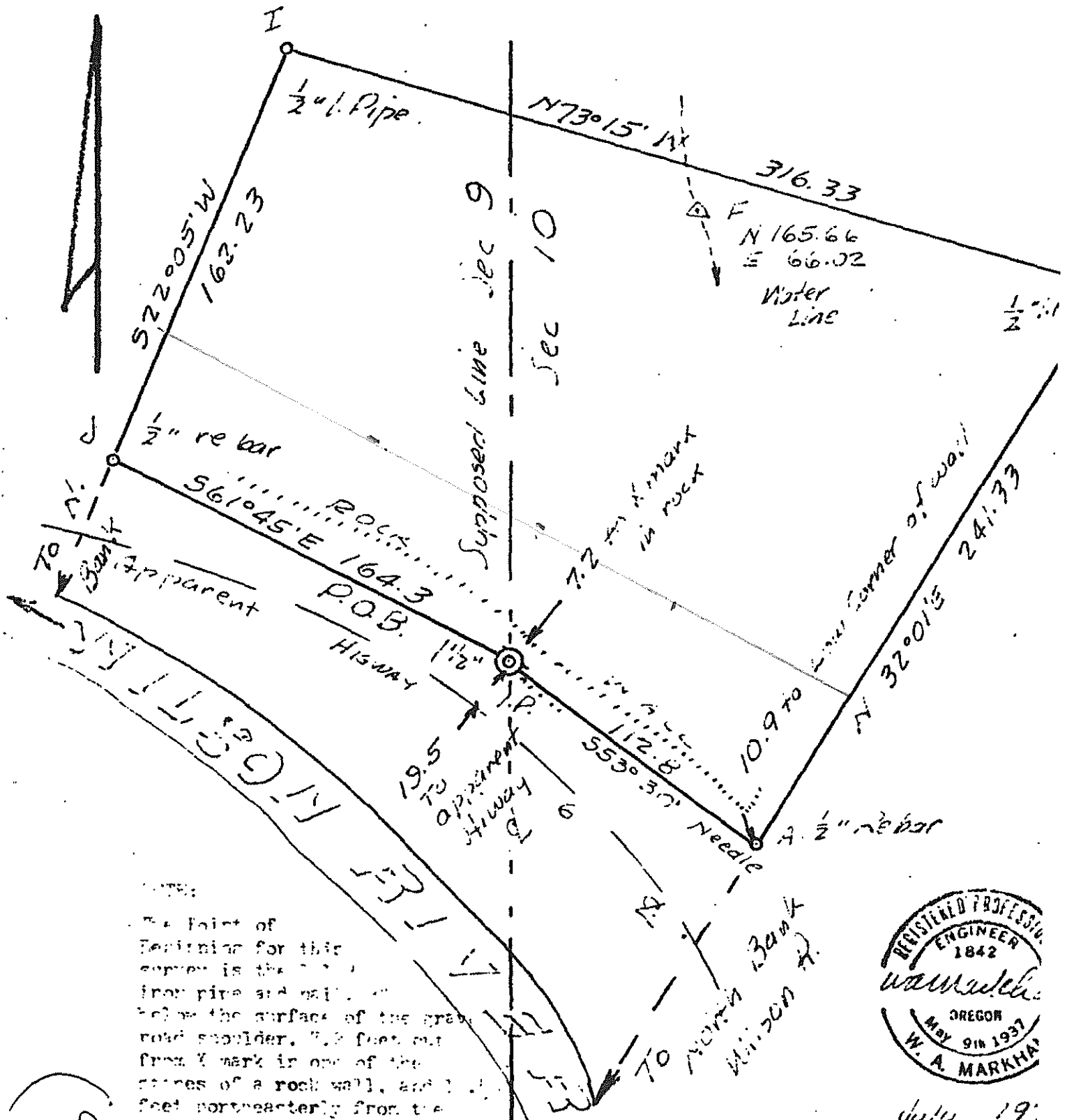
My name is Lester Mills and have purchased the property at 19950 Wilson River Hwy. I would like to build an addition to my property and when I went to apply for a building permit found out about the 100-foot Resource set back on the east side of the property. The addition would fall into this set back. I found an old survey of the property and established where the property line is and measured to the existing house and found out it is in the set back already. The southeast corner is 70 feet off the property line and the northeast corner is 90 feet. My addition would be 24 feet by 24 feet when finished it would make the southeast corner 46 feet and the northeast corner 36 feet off the property line.

Thank you for your time and consideration.

Lester Mills

LE ROY PERKINS - SECS. 9-10-11 W. KEY.

SCALE 1" = 50'



NOTES:
 The point of beginning for this corner is the 1/2" iron pipe and wall corner below the surface of the gravel road shoulder, 7.2 feet out from X mark in one of the corners of a rock wall, and 10.9 feet northeasterly from the apparent or painted center line of Silver River State Highway, and which pipe has been used and referred to (since July, 1936, to the personal knowledge hereafter, as the North City corner of



July 1937

Original

by the Clark County Surveyor, (M. A. Anderson), and by surveyors...

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**

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