



1510 – B Third Street
Tillamook, Oregon 97141
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Planning (503) 842-3408
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Land of Cheese, Trees and Ocean Breeze

**CONDITIONAL USE REQUEST #851-22-000400-PLNG
NETARTS-OCEANSIDE FIRE DISTRICT/NETARTS-OCEANSIDE SANITARY DISTRICT
COMMUNICATION TOWER**

ADMINISTRATIVE DECISION & STAFF REPORT

Decision Date: April 3, 2023

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

Report Prepared by: Sarah Absher, CFM, Director

I. GENERAL INFORMATION:

- Request:** To allow the installation of a communication tower (Exhibit B).
- Location:** The subject property is located east of the Unincorporated Community of Oceanside at 1755 Cape Meares Loop, a County road, and is designated as Tax Lot 501 in Section 30 of Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).
- Zone:** Forest (F)
- Applicant:** Netarts-Oceanside Fire District, 1235 5th Street Loop, Netarts, OR 97143
- Property Owner:** Netarts-Oceanside Sanitary District, 1755 Cape Meares Loop, Tillamook, OR 97141

II. Property Description: The subject property encompasses approximately 9.75 acres of forested landscape and rugged terrain (Exhibit A). The property is owned by Netarts-Oceanside Sanitary District and is improved with a wastewater treatment facility (Exhibit A). The subject property is also improved with a

private drive accessing the developed area of the subject property where the communication tower is proposed to be sited (Exhibits A and B).

There are no mapped wetlands or mapped riparian features on the subject property (Exhibits A and B). The subject property is located in FEMA flood zone X, 'areas of minimal flood hazard', as depicted on FEMA FIRM 41057C0555F dated September 28, 2018 (Exhibit A). The subject property is within a mapped area of known geologic hazard (Exhibit A).

The surrounding properties to the north, southeast and east are zoned Forest, and are dedicated to forest uses (Exhibit A). Properties to the west and southwest are devoted to residential uses, including those properties located within the unincorporated communities of Oceanside and Netarts (Exhibit A).

Applicant is proposing to install a wireless communication facility on the subject property (Exhibit B). Applicant states that the intent of the proposal is to meet fire district emergency communications needs, and add to much needed infrastructure within this area to meet growing overall needs for communication resources for the benefit of emergency responders and other community infrastructure partners (Exhibit B).

III. 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 IV of this report:

- A. TCLUO Section 3.004: Forest (F) Zone
- B. TCLUO Article VI: Conditional Use Procedures and Criteria

IV. ANALYSIS:

A. **Section 3.004: Forest (F) Zone**

PURPOSE: The purpose of the Forest (F) Zone is to protect and maintain forest lands for grazing, and rangeland use and forest use, consistent with existing and future needs for agricultural and forest products. The F zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.

1. **Section 3.004(13)** 'Utility, Power Generation, Solid Waste Uses' lists "*Television, microwave and radio communication facilities and transmission towers*" as Type 2 uses subject to conditional use review and approval.

Findings: Applicant is proposing the siting of a communication tower on the subject property (Exhibit B). Staff finds a Conditional Use Permit addressing the Forest Zone Conditional Use Review Criteria found in TCLUO Section 3.004(8) and the Conditional Use Review Criteria contained in TCLUO Article 6 is required.

2. **Section 3.004(8): Conditional Use Review Criteria:** *A use authorized as a conditional use under this zone may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands. Conditional uses are also subject to Article 6, Section 040.*

1. *The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.*

Findings: Applicant states that the area proposed for siting the communication tower is within the Netarts-Oceanside Sanitary District compound, and all marketable timber and natural vegetation has been removed for at least 200 feet in all directions (Exhibit B).

The location of the communication tower is within an area already developed with a wastewater treatment plant, including alterations to the property as described above. Impacts to accepted forest practices on forest lands were deemed to not force a significant change or increase in cost of these practices. Staff finds that the proposed siting of a communication tower within this developed area will not significantly change or increase the cost of forest practices. Staff finds this criterion has been met.

2. *The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.*

Findings: Applicant states the proposed use will not increase fire hazard or fire suppression cost (Exhibit B). Applicant states the scope of work is to site a fully galvanized antenna tower next to an existing structure (Exhibit B).

The site plan submitted by the Applicant includes depiction a fire break area comprised of an accessway and cleared vegetation for a total measured distance of at least 50-feet and more than 75-feet in some areas (Exhibit B). The Oregon Department of Forestry and the US Forest Service were notified of this application and did not provide comments.

Staff finds that this criterion can be met through Conditions of Approval.

3. *A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in OAR 660-006-0025(5)(c).*

Findings: Staff finds that communication facilities are a use listed under OAR 660-006-0025(5)(c). Staff finds that this criterion can be met through compliance with Conditions of Approval.

3. Section 3.004(9): Siting Standards for Dwelling or Structures in the Forest Zone:

- (b) *The minimum front, rear, and side yards shall all be 30 feet.*

Findings: Applicant's Site Plan indicates that the proposed location of the communication tower exceeds the required 30-foot setbacks from property lines (Exhibit B). There are no minimum height requirements for non-residential structures in the Forest Zone. Staff finds that these standards have been met.

- (d) *Dwellings and structures shall be sited on the parcel so that:*
 1. *They have the least impact on nearby or adjoining forest or agricultural lands;*
 2. *The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
 3. *The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*
 4. *The risks associated with wildfire are minimized.*

(e) *Siting criteria satisfying Subsection (d) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.*

Findings: Staff finds that these requirements have been met as stated above in response to TCLUO Section 3.004(8).

(f) *The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629).*

Findings: Staff finds that domestic water is not required for the communication tower. The site is developed with facilities that are served by an existing water supply.

(g) *As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.*

Findings: Staff finds this requirement does not apply.

4. **Section 3.004(10): Fire Siting Standards for Dwelling and Structures:**

(c) *The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry and shall demonstrate compliance with Table (10)(c)1*

Findings: The project is within the fire protection service area of the Oregon Department of Forestry. The Oregon Department of Forestry and the US Forest Service were notified of this application and did not provide comments.

TCLUO Article 11 defines a Structure as “Anything constructed or installed or portable, the use of which requires a location on a parcel of land”. a Condition of Approval, the Applicant shall maintain the required fuel-free fire break areas around structures located on the subject property in accordance with TCLUO Section 3.004(10)(c). Staff finds that this requirement can be met through compliance with the Conditions of Approval.

B. 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.

1. **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 December 16, 2022. No comments were received. Staff finds this requirement has been met.

2. 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: Section 3.004(13) 'Utility, Power Generation, Solid Waste Uses' lists "*Television, microwave and radio communication facilities and transmission towers*" as Type 2 uses subject to conditional use review and approval. 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: As discussed above, the subject property encompasses approximately 9.75 acres of forested landscape and rugged terrain (Exhibit A). The property is owned by Netarts-Oceanside Sanitary District and is improved with a wastewater treatment facility (Exhibit A). The subject property is also improved with a private drive accessing the developed area of the subject property where the communication tower is proposed to be sited (Exhibits A and B).

There are no mapped wetlands or mapped riparian features on the subject property (Exhibits A and B). The subject property is located in FEMA flood zone X, 'areas of minimal flood hazard', as depicted on FEMA FIRM 41057C0555F dated September 28, 2018 (Exhibit A). The subject property is within a mapped area of known geologic hazard (Exhibit A).

The surrounding properties to the north, southeast and east are zoned Forest, and dedicated to forest uses (Exhibit A). Properties to the west and southwest are devoted to residential uses, including those properties located within the unincorporated communities of Oceanside and Netarts (Exhibit A).

Applicant is proposing to build a new wireless communication facility on the subject property (Exhibit B). Applicant states that the intent of the proposal is to meet fire district emergency communications needs and add to much needed infrastructure within this area to meet growing overall needs for communication resources for the benefit of emergency responders and other community infrastructure partners (Exhibit B).

The subject property is located within an area of known geologic hazard. The communication tower is proposed to be sited in a developed area that is relatively flat and where ground disturbance is minimal. Staff also finds this area has been cleared of vegetation and impacts on undisturbed regions of the subject property are minimal. Given the size of the property and relatively flat location for siting the communication tower, Staff finds a Geologic Hazard Assessment is not required as per the provisions outlined in TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.

Review of the site plan accompanying this application confirms the communication tower will be sited in a manner that complies with setback and fire siting standards for structures located within the Forest (F)

Zone. Staff finds the communication tower will be sited in an area developed for public utility facility services and that siting activities do not encroach further into surrounding areas dedicated to forest use (Exhibit B). Staff finds the proposed site is suitable for the proposed use considering its size, topography, lack of natural features and existing road access. Staff finds 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 subject property and surrounding area is primarily in forest use and is zoned Forest (F) (Exhibit A). Applicant states all improvements and activities necessary for maintenance and operation of the tower will take place within the property boundaries, and that siting the communication tower on this property will not substantially limit, impair or prevent the use of surrounding properties (Exhibit B). Applicant adds no impacts to existing resource use in the area are anticipated to result from the proposed construction of the communication tower.

As discussed above, Staff finds that the proposed use will not substantially limit or impair surrounding forest uses nor increase fire hazard risk. Given the remote location and the distance between the proposed site and development in the vicinity, along with the maintenance of the fire breaks as required for protection of adjacent forest values, Staff finds 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 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: The applicant states that there are no solar energy systems, wind energy conversion systems or wind mills in the area (Exhibit B). Tillamook County records do not indicate that any such devices have been installed on the subject property. 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 proposed site is located along an existing private drive that connects to Cape Meares Loop Road, a County road (Exhibit B). No new roads are proposed or needed to accommodate the siting of the communication tower on the subject property. Applicant states that the communication tower is timely and critical to meet the immediate public facilities and services needs in this area of Tillamook County (Exhibit B).

Staff finds there are existing public facilities and services in this area, including water service, emergency response services and other services such as Tillamook People's Utility District. If needed, these services are available. Staff concludes that this criterion has been met.

IV. DECISION: APPROVED WITH CONDITIONS

Based on the findings shown above, Staff concludes that the applicant and property owner have 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 April 17, 2023.**

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. Applicant/Owner shall obtain all required Federal, State, and Local permits and comply with all applicable Federal, State, and Local regulations, including adherence to maximum height allowances governed under the Oregon Department of Aviation and Federal Aviation Administration.
2. Applicant/Owner shall obtain an approved Zoning Permit from the Tillamook County Department of Community Development prior to installation of the communication tower.
3. A site plan, drawn to scale, illustrating the proposed setbacks and fire breaks shall be provided at the time of Zoning Permit application submittal. Applicant/Owner shall maintain the primary fuel-free break area surrounding all structures in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry.
4. A letter from the Oregon Department of Forestry indicating they will provide fire control service to the site will be required at the time of Zoning Permit application submittal.
5. The applicant and property owner shall adhere to applicable development standards in TCLUO Section 3.004: Forest (F) Zone.
6. In accepting this Approval, the Applicant/Owner understands intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use. Applicant/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. Applicant/Owner acknowledges use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, Applicant/Owner understands preference will be given to farm and forest practices.
7. This approval shall be void on April 3, 2025, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

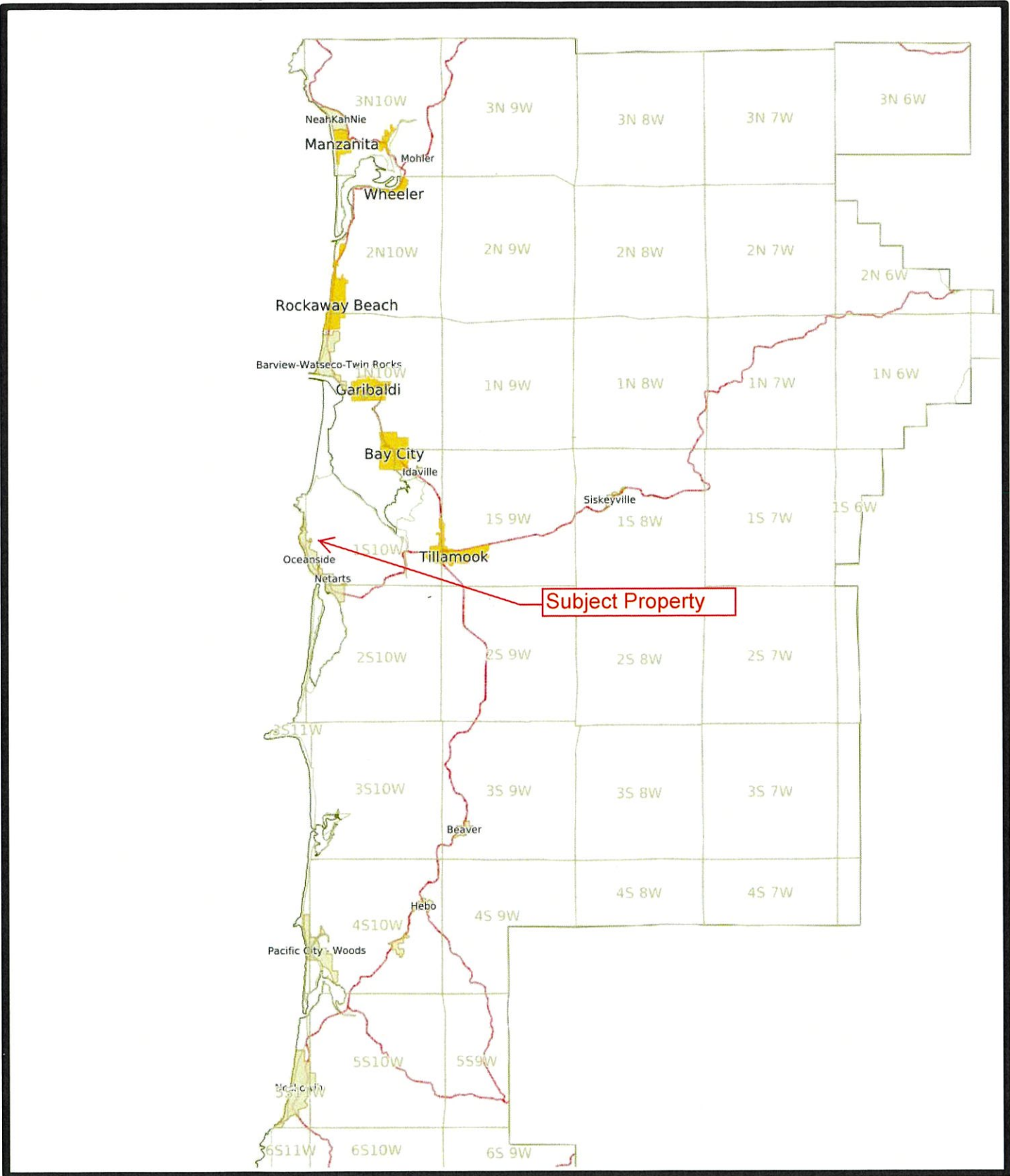
VI. EXHIBITS

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

- A. Location map, Assessor map, Zoning map, Aerial imagery, Assessor’s Summary Report
- B. Applicant’s submittal
- C. Restrictive Covenant

EXHIBIT A

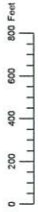
Vicinity Map



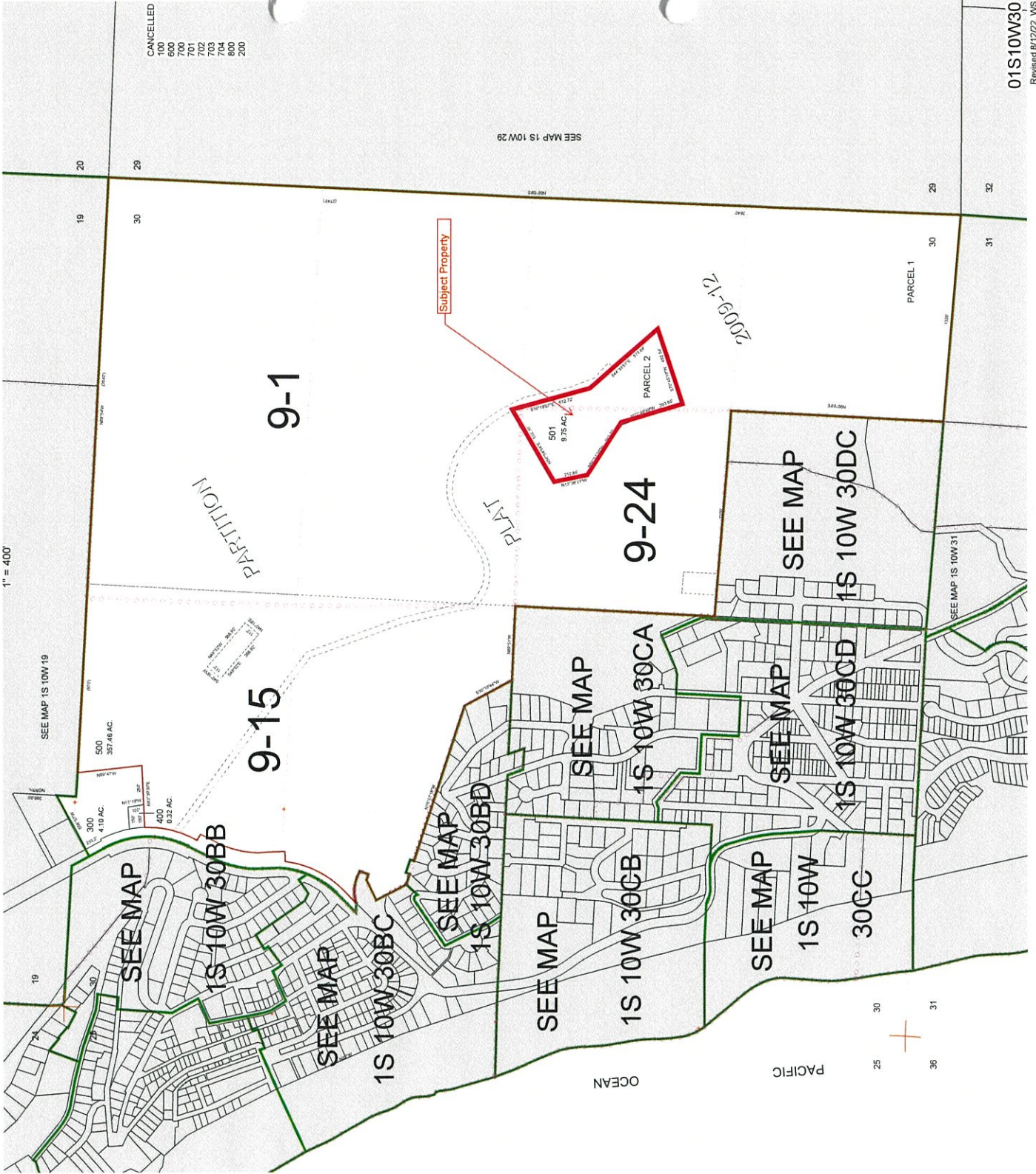
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SECTION 30 T.1S. R.10W. W.M.
TILLAMOOK COUNTY

01S10W30



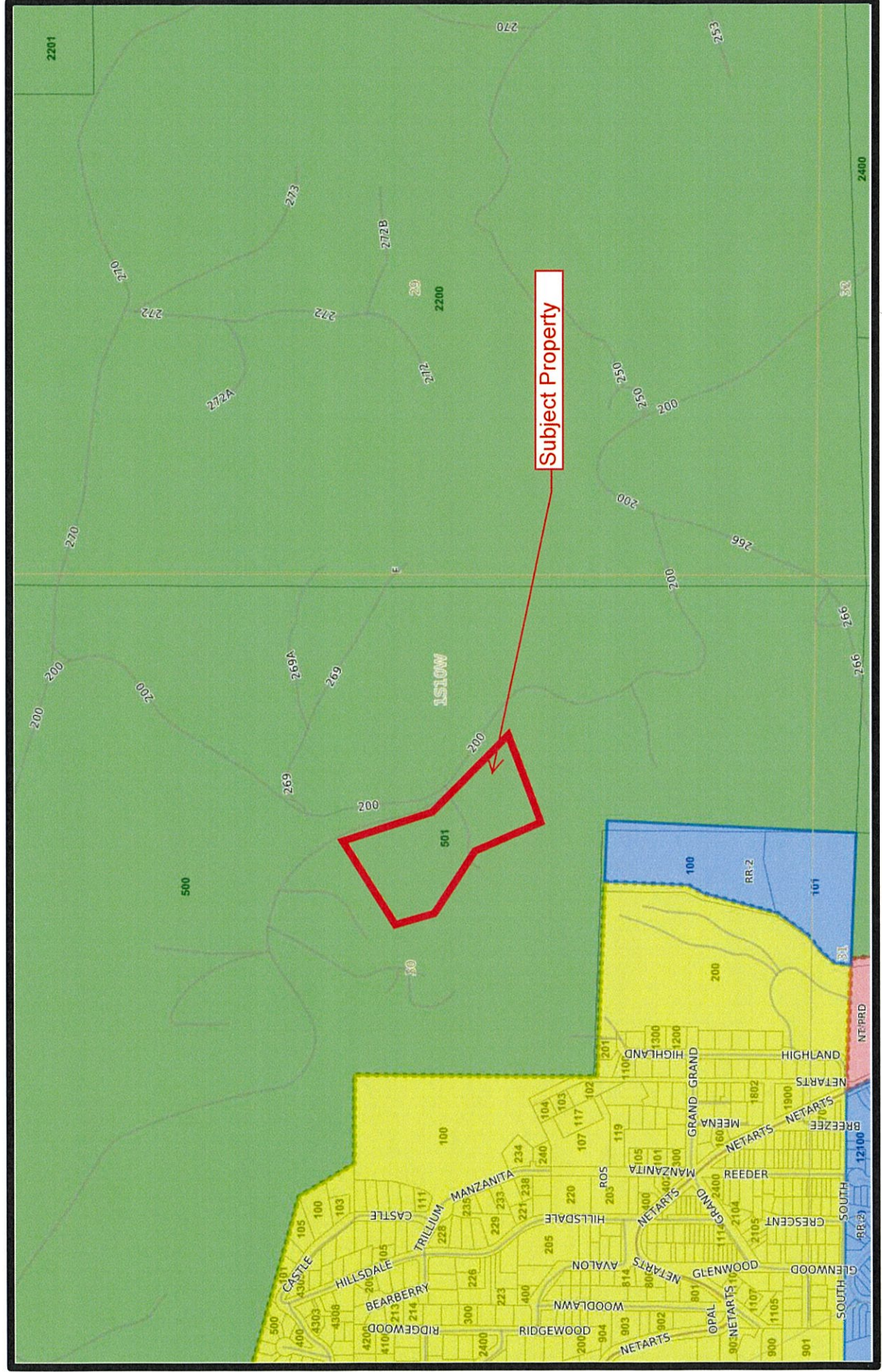
1" = 400'



CANCELLED
600
700
701
702
703
704
800
200

01S10W30
Revised 8/12/22, WS

Zoning Map



National Flood Hazard Layer FIRMette

123°57'33"W 45°27'33"N



Legend

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

SPECIAL FLOOD HAZARD AREAS

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

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone

GENERAL STRUCTURES

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

OTHER FEATURES

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

MAP PANELS

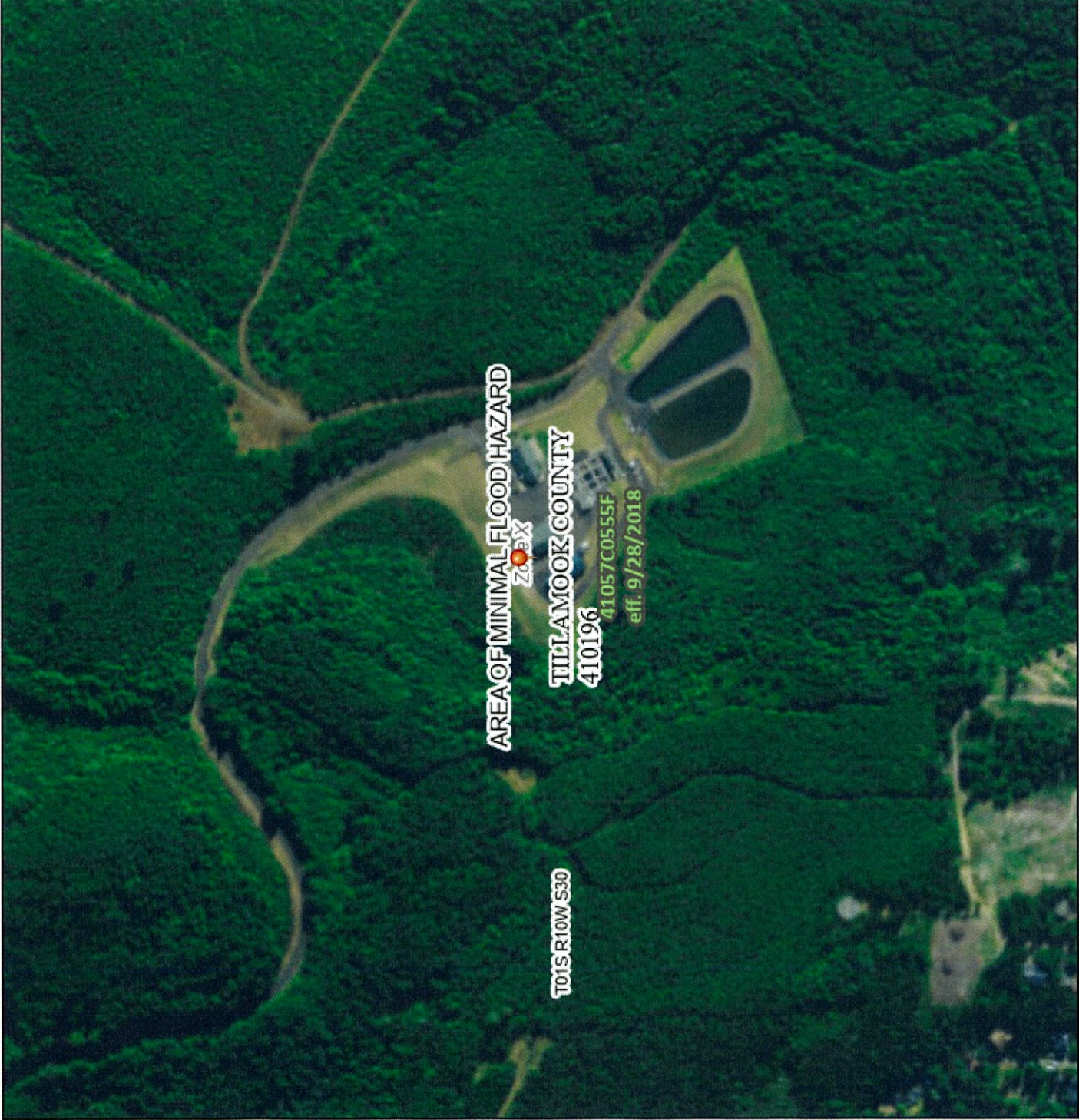
- Digital Data Available
- No Digital Data Available
- Unmapped

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 12/16/2022 at 2:30 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.



123°56'56"W 45°27'7"N

1:6,000

2,000

1,500

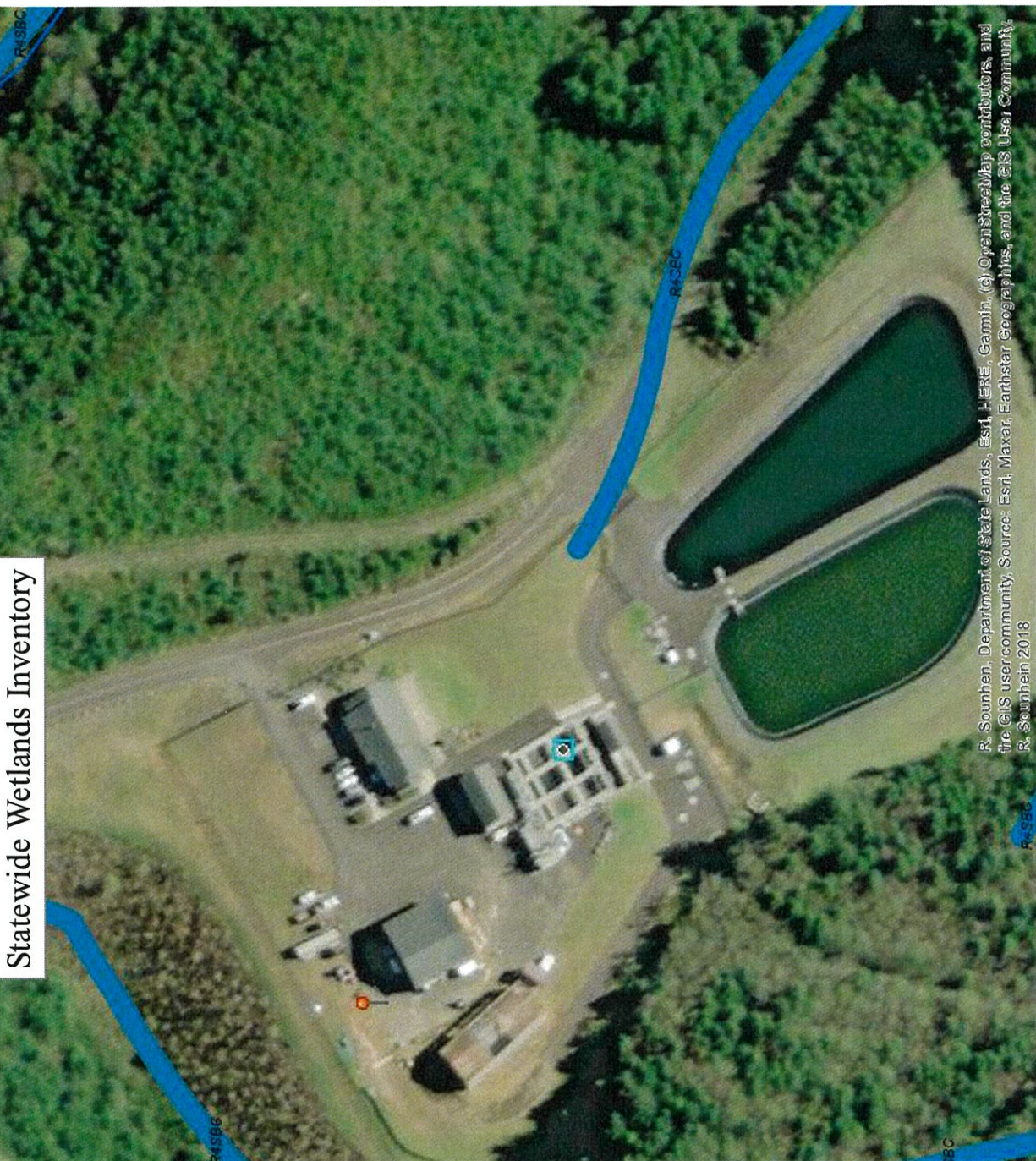
1,000

500

0

Feet

Statewide Wetlands Inventory



R. Souther, Department of State Lands, Est. F.ERE, Gamin, (c) OpenStreetMap contributors, and the GIS user community, Source: Est, Maxar, Earthstar Geographics, and the GIS User Community, R. Souther 2018

	Sections
	LWI 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
	SWIPredominantlyHydricSoilMU
	SWIAGateWinlo

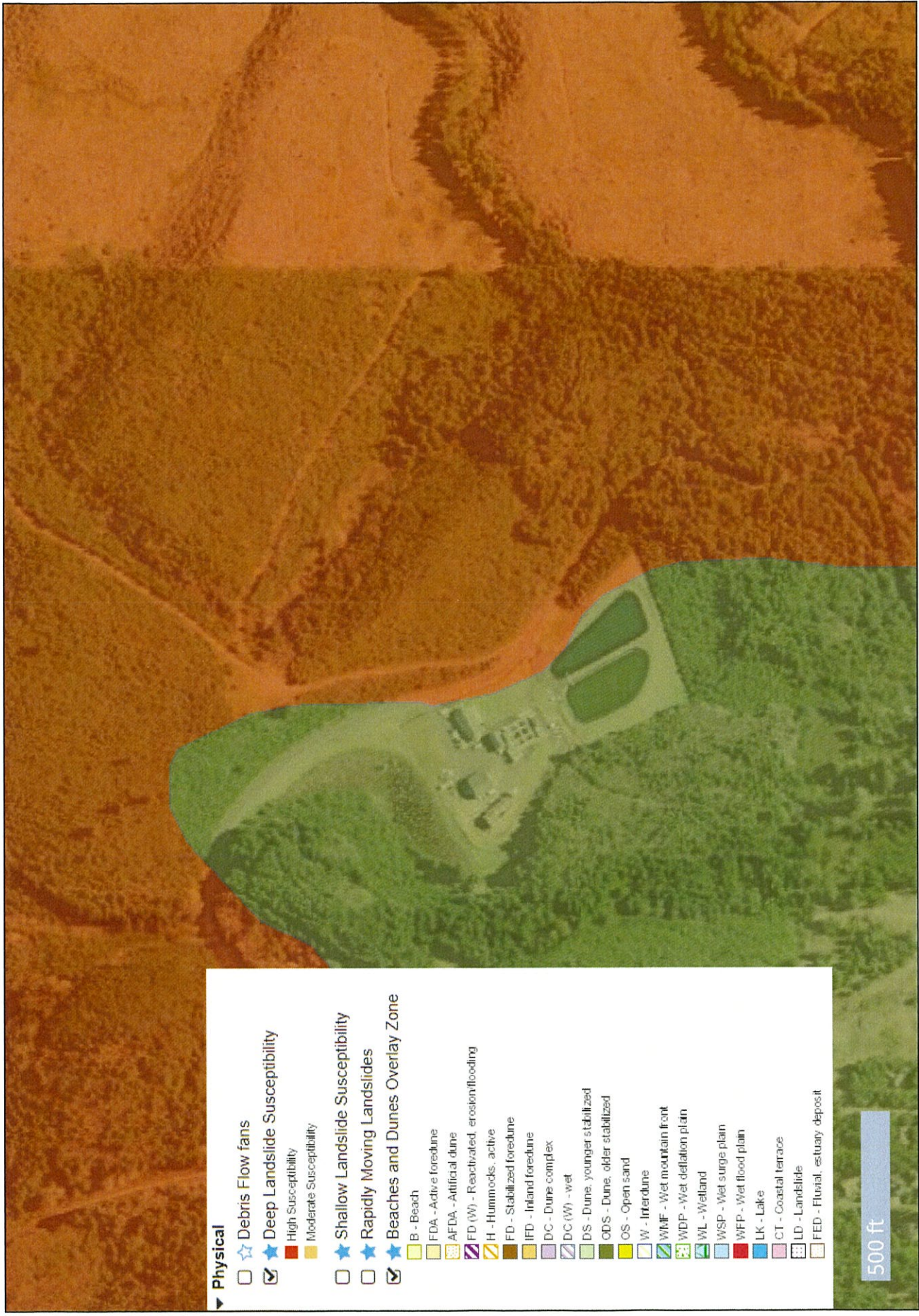
Date: 12/16/2022



The Statewide Wetlands Inventory (SWI) represents the best data available at the time the map was published and is updated as new data become 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.

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

DOGAMI Map



- ▼ **Physical**
- Debris Flow fans
- Deep Landslide Susceptibility
- High Susceptibility
- Moderate Susceptibility
- Shallow Landslide Susceptibility
- Rapidly Moving Landslides
- Beaches and Dunes Overlay Zone
- B - Beach
- FDA - Active foredune
- AFDA - Artificial dune
- FD (W) - Reactivated, erosion/flooding
- H - Hummocks, active
- FD - Stabilized foredune
- IFD - Inland foredune
- DC - Dune complex
- DC (W) - wet
- DS - Dune, younger stabilized
- ODS - Dune, older stabilized
- OS - Open sand
- W - Interdune
- WMF - Wet mountain front
- WDP - Wet deflation plain
- WL - Wetland
- WSP - Wet surge plain
- WFP - Wet flood plain
- LK - Lake
- CT - Coastal terraces
- LD - Landslide
- FED - Fluvial, estuary deposit

500 ft

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.

TILLAMOOK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

December 16, 2022 11:34:44 am

Account # 414671
 Map # 1S10300000501
 Code - Tax # 0901-414671
 0923-414673
 0924-416446

Tax Status NONASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr PARTITION PLAT 2009-12
 Lot - PARCEL 2

Mailing Name NETARTS OCEANSIDE SANITARY DISTRICT

Deed Reference # 2009-4211
 Sales Date/Price 06-12-2009 / \$80,000.00
 Appraiser KARI FLEISHER

Agent
 In Care Of

Mailing Address 1755 CAPE MEARES LP RD W
 TILLAMOOK, OR 97141

Prop Class 991 MA SA NH Unit
 RMV Class 201 07 01 102 43302-2

Situs Address(s)	Situs City
ID# 1 1755 CAPE MEARES LOOP	COUNTY

Code Area		RMV	MAV	Value Summary AV	RMV Exception	CPR %
0901	Land	49,300			Land	0
	Impr.	339,330			Impr.	0
Code Area Total		388,630	0	0		0
0923	Land	17,030			Land	0
	Impr.	486,830			Impr.	0
Code Area Total		503,860	0	0		0
0924	Land	69,820			Land	0
	Impr.	8,076,230			Impr.	0
Code Area Total		8,146,050	0	0		0
Grand Total		9,038,540	0	0		0

Land Breakdown										
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
0901	1	<input type="checkbox"/>		F	Market	110	A	3.53		42,050
0901					OSD - AVERAGE	100				7,250
Code Area Total										49,300.00
0923	1	<input type="checkbox"/>		F	Market	110	A	1.22		14,530
0923					OSD - AVERAGE	100				2,500
Code Area Total										17,030.00
0924	1	<input type="checkbox"/>		F	Market	110	A	5.00		59,570
0924					OSD - AVERAGE	100				10,250
Code Area Total										69,820.00
Grand Total									9.75	136,150

Improvement Breakdown									
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV
0901	2	2012	568	Public - Sewer Systems	110	10			339,330
Code Area Total									339,330
0923	3	2012	568	Public - Sewer Systems	110	10			486,830
Code Area Total									486,830
0924	4	2019	568	Public - Sewer Systems	110	2,432			284,480
0924	1	2012	568	Public - Sewer Systems	110	10			7,791,750
Code Area Total									8,076,230
Grand Total									8,902,390

Exemptions / Special Assessments / Potential Liability									
Code Area	0901								
EXEMPTIONS (AV):									

Account #	414671				
■ PORTS OR OTHER MUNICIPAL CORP - OWNED 307.090		Amount	0		
Code Area	0923				
EXEMPTIONS (AV):					
■ PORTS OR OTHER MUNICIPAL CORP - OWNED 307.090		Amount	0		
Code Area	0924				
EXEMPTIONS (AV):					
■ PORTS OR OTHER MUNICIPAL CORP - OWNED 307.090		Amount	0		
FIRE PATROL:					
■ FIRE PATROL SURCHARGE		Amount	47.50	Year	2021
Code Area	0923				
FIRE PATROL:					
■ FIRE PATROL NORTHWEST		Amount	18.75	Acres	9.75 Year 2021

Comments: 7/8/09 PP 2009-12 +9.75 acres from TL500, changed to non-assessable. LM 6/19/13 Added new waste water treatment plant at 100% complete. KF 9/23/14 Added exemption notation to code 9.24. dv. 8/24/17 Added new above ground fuel tank, pumps, card reader at 100% complete. KF 8/7/19 Added new shed over fuel pump. KF 7/22/21 Added new equipment storage building. Moved portion built/owned by fire department on separate A1 account. KF

EXHIBIT B



PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees: WAIVED	
Permit No: 851-22-000400PLNG	

Applicant (Check Box if Same as Property Owner)

Name: Netarts-Oceanside Fire District Phone: 503-842-5900
 Address: 1235 17th St. Loop
 City: Netarts State: OR Zip: 97143
 Email: tim@norfpd.org

Property Owner

Name: Netarts-Oceanside Sanitary District Phone: 503-842-8231
 Address: 1755 Cape Mears Loop
 City: Tillamook State: OR Zip: 97141
 Email: dan@nosd.us

Request: _____

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

Location:

Site Address: 1755 Cape Mears Loop
 Map Number: 01S 10W 30 501
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.

Darin A. Mell
 Property Owner Signature (Required)

8-31-2022
 Date

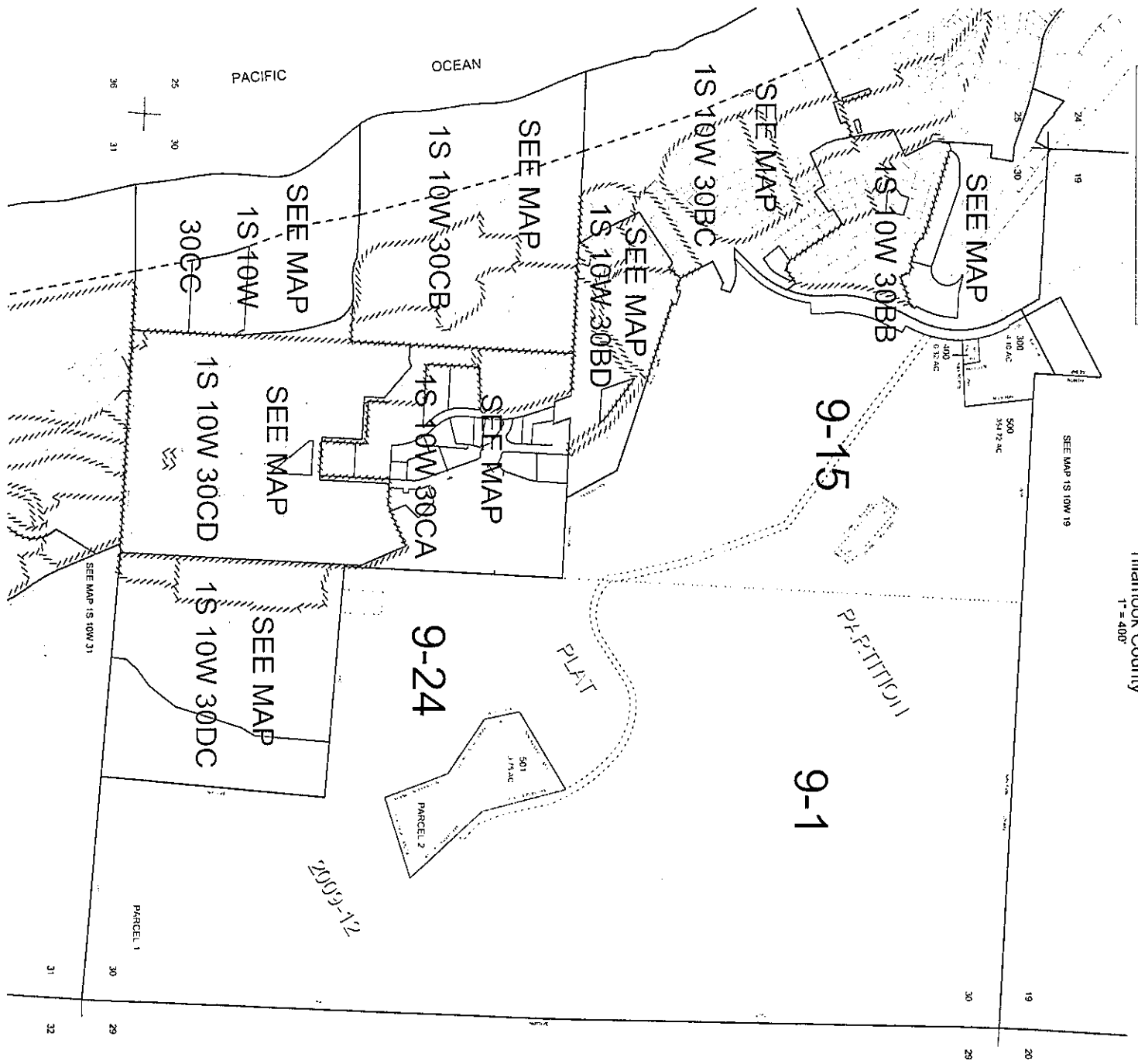
[Signature]
 Applicant Signature

10-10-22
 Date

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

SECTION 30 T.1S. R.10W. W.M.
Tillamook County
T = 400'

01S10W30
CANCELLED.
100
600
700
701
702
704
800
200



SEE MAP 1S 10W 29

01S10W30
REVISED 12/29/17 V/S

Conditional use criteria responses for communication tower.

Project location: 1S10W Tax lot 501

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

Response: The property is zone Forest Zone in the Unincorporated Community of Oceanside. Towers for communication are listed as uses permitted conditionally in the Forest Zone.

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

Response: Uses listed conditionally in this zone are presumed to be consistent with the goal and policies of the Tillamook County Comprehensive Plan. Specifically, this proposal supports the goals and policies outlined in Goal Elements 9 (Population & Economy), 11 (Public Facilities) and 14 (Urbanization). The proposed development of the communication tower is critical to meet fire district emergency communication needs, and add to much needed infrastructure within this area to meet growing overall need for communication resources for the benefit of emergency responders and other community infrastructure partners.

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

Response: The installation site is located on property that is owned by the Netarts Oceanside Sanitary District. The property is accessed via a private road and is secured in a fenced 10 acres office / treatment plant site that has been cleared of all forest vegetation. The site is located south of the unincorporated community of Oceanside.

The proposed communication tower will provide connect ability to Tillamook County Emergency Communication (911), other emergency services within the county as well as provide connect ability to the radio repeater use by the local districts within the Netarts and Oceanside Communities.

CONDITIONAL USE REVIEW CRITERIA:
Forest Zone

1. *The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.*

No, this proposed use will not change or increase cost in any way. The site is within the Netarts Oceanside Sanitary District compound, all the marketable timber and natural vegetation has been removed for at least 200 feet in all directions.

2. *The proposed use will not significantly increase fire hazard or significantly increase fire suppression cost or significantly increase risk to fire suppression personnel*

No, the proposed use will not increase fire hazard or fire suppression cost. The proposed use is to install a fully galvanized antenna tower, next to an already constructed Type III building.

3. A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in OAR 660-006-0025(5)(c).

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