



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 #851-23-000477-PLNG

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

November 28, 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 November 28, 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 in accordance with Article 10 of the TCLUO before **4:00 PM on December 11, 2023**. Unless appealed, the Effective Date of Decision shall be December 11, 2023.

**Request:** An exception request to reduce the required 100-foot resource zone setback from the Forest (F) zone boundary by 50-feet to establish a 50-foot setback from the northerly (rear) property line, and by 25-feet to establish a 75-foot setback from the southerly (front) property line. The eastern zone boundary would be reduced by 85-feet to establish a 15-foot side yard setback and by 70-feet to establish a 30-foot side yard setback from the west property line.

**Location:** The subject property is located south of the City of Tillamook and is designated as Tax Lot 908 in Section 28 of Township 2 South, Range 9 West of the Willamette Meridian, Tillamook County, Oregon.

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

**Applicant:** Tyler Tubbs & Christine Campbell 7120 Munson Creek Rd Tillamook, OR 97141

**Property Owner:** Tyler Tubbs & Liz Campbell 1619 SW Montgomery Dr Portland, OR 97201

**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 50-foot setback from the northerly (rear) property line and 75-foot setback from the southerly (front) property line, a 15-foot from the easterly (side) property line and 30-feet from the westerly (side) property line 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. Applicant/Property Owner shall comply with TCLUO Section 4.130. A Geologic Hazard Report may be required if average existing slopes are equal to or greater than 29 percent within area to be disturbed.
7. 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 Consolidated Zoning/Building Permit.

8. 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

  
Allison Chase, Land Use Planner

Sarah Absher, CFM, Director  
Enc.: Vicinity & Assessor/Zoning Map





*Land of Cheese, Trees and Ocean Breeze*

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**Resource Zone Exception #851-23-000477-PLNG: TUBBS/CAMPBELL  
Administrative Decision & Staff Report**

**Decision:** Approved with Conditions  
**Decision Date:** **November 28, 2023**  
**Report Prepared By:** **Allison Chase, Land Use Planner**

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**I. GENERAL INFORMATION:**

**Request:** An exception request to reduce the required 100-foot resource zone setback from the Forest (F) zone boundary by 50-feet to establish a 50-foot setback from the northerly (rear) property line, and by 25-feet to establish a 75-foot setback from the southerly (front) property line. The eastern zone boundary would be reduced by 85-feet to establish a 15-foot side yard setback and by 70-feet to establish a 30-foot side yard setback from the west property line.

**Location:** The subject property is located south of the City of Tillamook and is designated as Tax Lot 908 in Section 28 of Township 2 South, Range 9 West of the Willamette Meridian, Tillamook County, Oregon.

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

**Applicant:** Tyler Tubbs & Christine Campbell, 7120 Munson Creek Rd., Tillamook, OR 97141

**Property Owner:** Tyler Tubbs & Liz Campbell, 1619 SW Montgomery Dr., Portland, OR 97201

**Description of Site and Vicinity:** Assessor records indicate the subject property encompasses approximately 1.13-acres, topography is generally flat with varying slopes towards the rear of the property, is vegetated with grasses and trees, and currently improved with a manufactured dwelling. An unnamed creek borders the southerly property boundary. The subject property abuts and is accessed via Munson Creek Road, a County road. The property is within an area of geologic hazard, with areas of deep and shallow landslide susceptibility (Exhibit A).

The area is a pocket of Rural Residential 2-Acre (RR-2) zoned properties which are primarily abutting Munson Creek Road and generally improved with single-family dwellings and their accessory structures, or vacant. Remaining properties in the vicinity are zoned Forest (F) and appear to be in Forest use. FEMA

Flood Insurance Rate Map #41057C0735F dated September 28, 2018, confirms the subject property is not located in the Special Flood Hazard Area (SFHA) (Exhibit A).

Applicant is proposing to reduce the 100-foot setback from the Forest (F) zone boundary by 50-feet to establish a 50-foot setback from the northerly (rear) property line & 25-feet to establish a 75-foot setback from the southerly (front) property. The eastern zone boundary would be reduced by 85-feet to establish a 15-foot side yard setback and by 70-feet to establish a 30-foot side yard setback from the west property line to allow for the siting of a residence (Exhibit B). Applicant is proposing to replace the existing manufactured dwelling with a 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 October 31, 2023. No comments were received on this request.

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

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

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

**Findings:** The subject property lies within 100-feet of the Forest (F) zone boundary along the north (rear), south (front), east (side yard) and west (side yard) boundaries of the subject property (Exhibit A). The subject property is approximately 153-feet in width along its frontage on Munson Creek Road, with a reduction of width to approximately 106-feet at the rear (northern) of the parcel (Exhibit A). With application of the 100-foot resource zone setback from all property boundaries, there is no area located outside of the resource zone setback on the subject property (Exhibit A). Staff finds that a residential structure could not otherwise be placed on the subject property without requiring a variance to the 100-foot setback due to the location of the Forest (F) zone boundaries surrounding the subject property (Exhibit B).

The Applicants request for a resource zone setback reduction shall result in a 50-foot setback, with a 50-foot exception to the resource zone setback along the northerly property boundary (Exhibit B). The resource zone setback shall result in a 25-foot setback with a 75-foot exception to the resource zone setback along the southerly property line (Exhibit B). The eastern zone boundary would be reduced by 85-feet, with a 15-foot exception to the resource zone (Exhibit B). The western resource zone setback shall result in a 70-foot setback with a 30-foot exception to the resource zone (Exhibit B). Staff find this standard is met.

**B. Section 4.130: Development Requirements for Geologic Hazard Areas**

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

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 Consolidated Zoning/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 the time of Consolidated Zoning/Building permit submittal.

**IV. DECISION: APPROVED WITH CONDITIONS**

Staff concludes that the applicant has satisfied the review criteria and can meet all applicable ordinance requirements at the time of application. Therefore, Staff approves this request for an exception to the Forest (F) zone setback subject to the Conditions of Approval in Section V of this report. This approval does not address any additional development of the subject property.

By accepting this approval the applicant and property owner agrees to indemnify, defend, save and hold harmless Tillamook County, and its officers, agents, and employees from any claim, suit, action or activity undertaken under this approval, including construction under a Building Permit approved subject to this approval. The applicant /property owner shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed construction.

**Appeal of this decision.** This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. In such cases, forms and fees must be filed in the office of this Department before **4:00 PM on December 11, 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 50-foot setback from the northerly (rear) property line and 75-foot setback from the southerly (front) property line, a 15-feet from the easterly (side) property line and 30-feet from the westerly (side) property line as indicated on the proposed site plan.
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5. Development shall otherwise comply with the applicable standards and requirements of TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone.

6. Applicant/Property Owner shall comply with TCLUO Section 4.130. A Geologic Hazard Report may be required if average existing slopes are equal to or greater than 29 percent within area to be disturbed.
7. 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 Consolidated Zoning/Building Permit.

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

**VI. EXHIBITS**

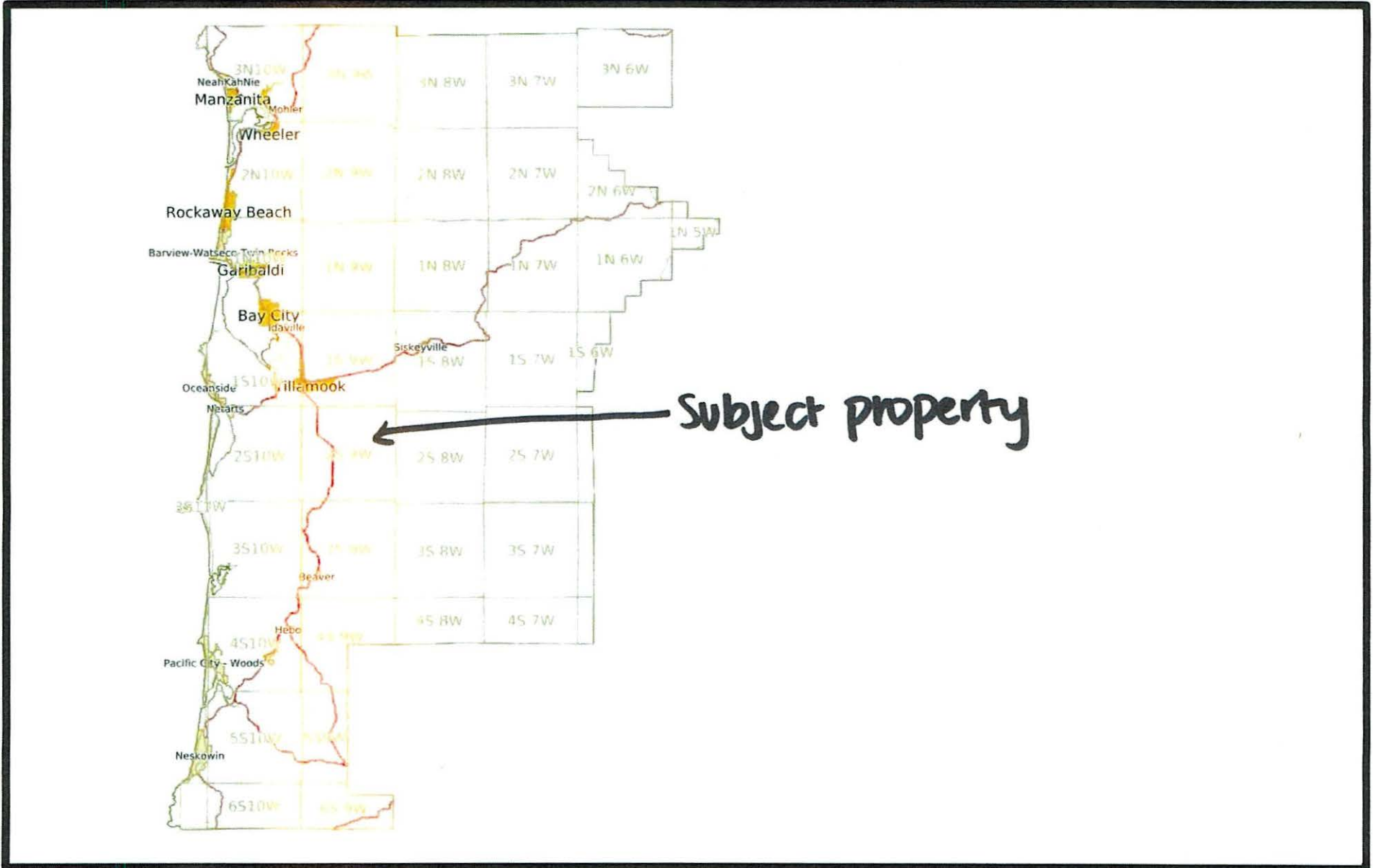
All Exhibits referenced herein are, by this reference, made a part hereof:

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

# **EXHIBIT A**

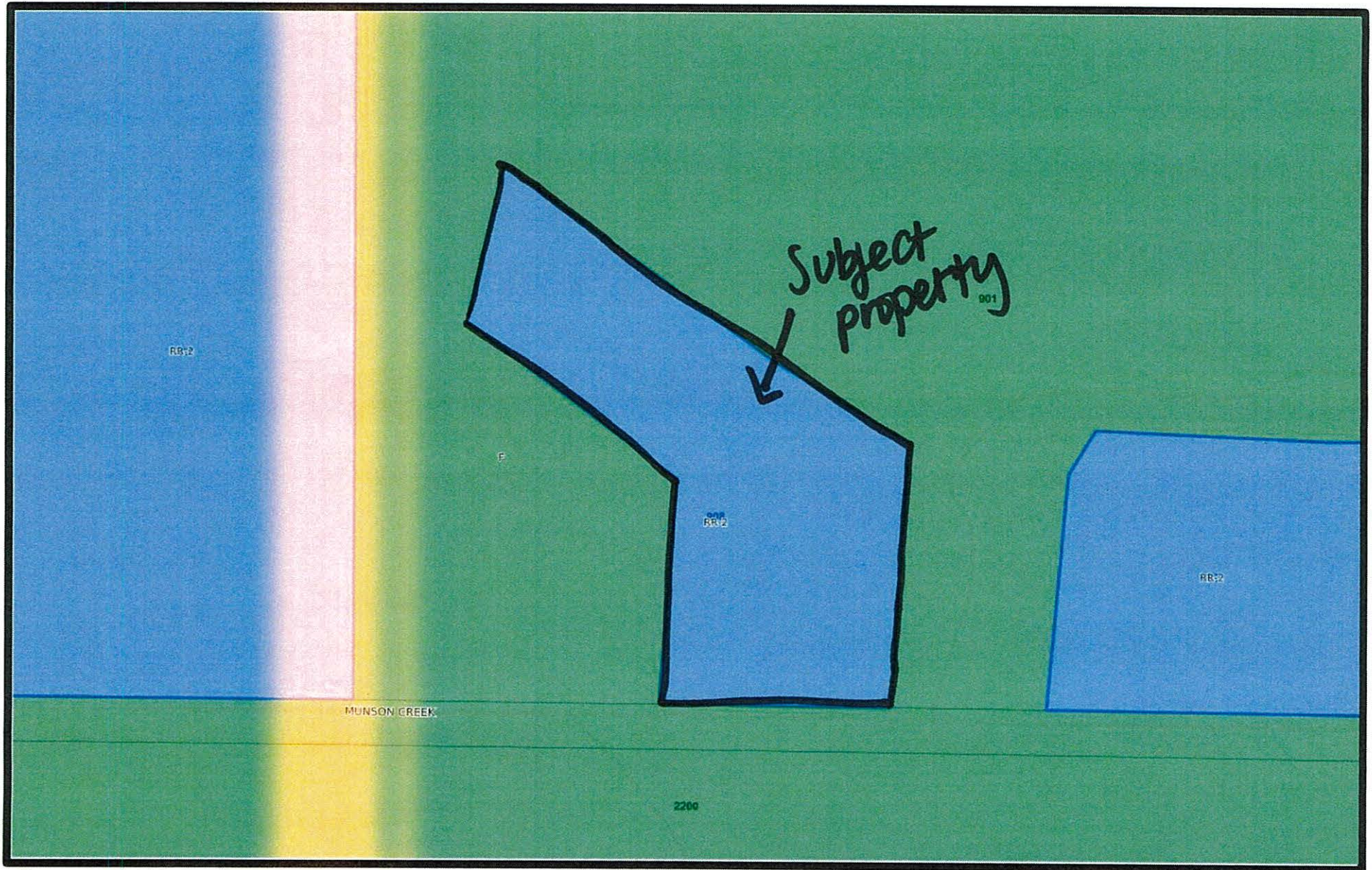


# Vicinity Map



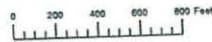


# Zoning Map





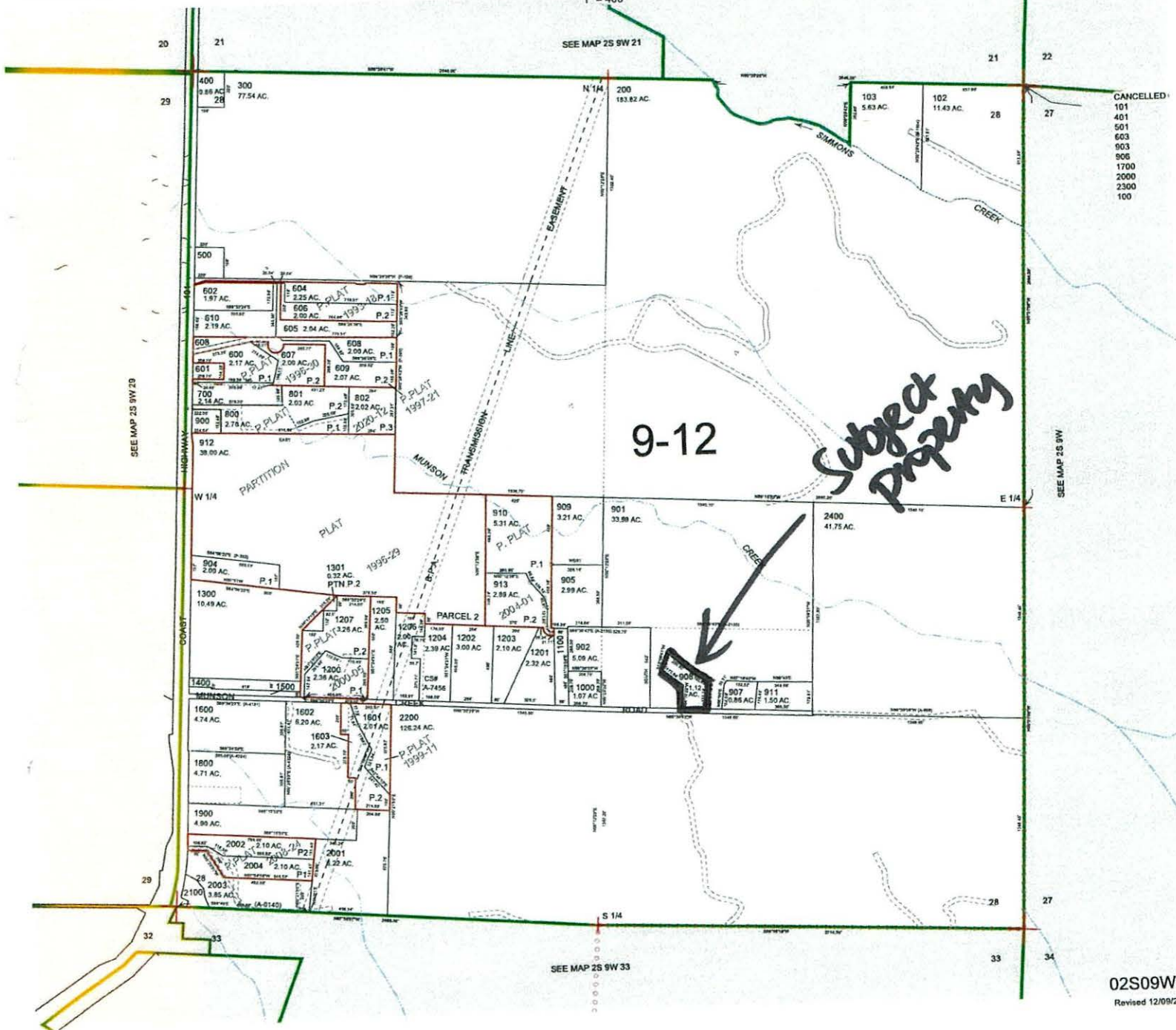
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



SECTION 28 T.2S. R.9W. W.M.  
TILLAMOOK COUNTY

02S09W28

1" = 400'



- CANCELLED
- 101
- 401
- 501
- 603
- 903
- 906
- 1700
- 2000
- 2300
- 100



# National Flood Hazard Layer FIRMMette



123°47'49"W 45°22'9"N



123°47'12"W 45°21'44"N

## Legend

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

- |                             |  |  |
|-----------------------------|--|--|
| SPECIAL FLOOD HAZARD AREAS  |  | Without Base Flood Elevation (BFE)<br>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 Zone X  |
|                             |  | Effective LOMRs  |
|                             |  | Area of Undetermined Flood Hazard Zone   |
| 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 Cross Sections with 1% Annual Chance Water Surface Elevation  |
|                             |  | Coastal Transect   |
|                             |  | Base Flood Elevation Line (BFE)  |
|                             |  | Limit of Study   |
|                             |  | Jurisdiction Boundary  |
| OTHER FEATURES              |  | 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.                             |



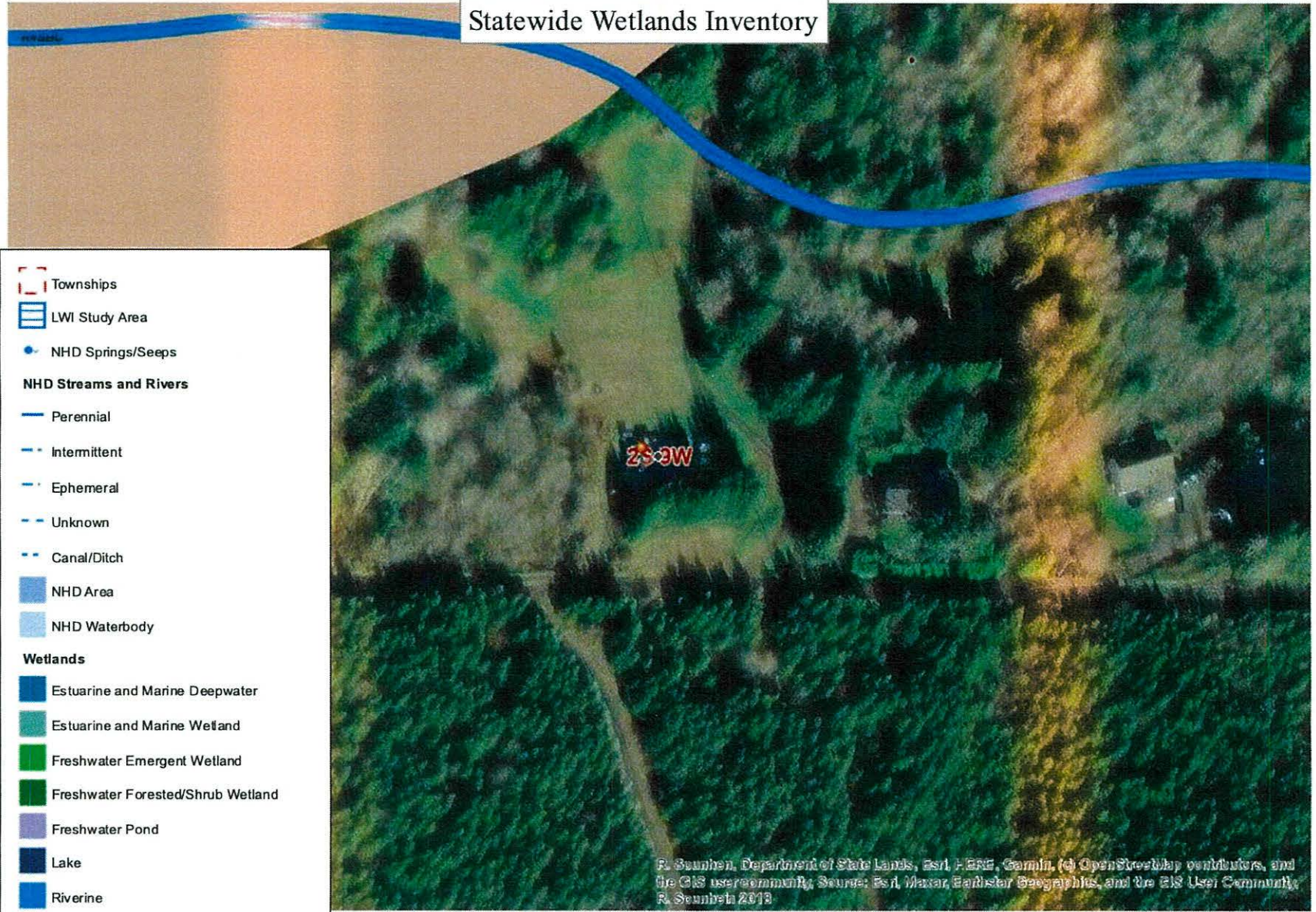
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **10/27/2023 at 11:44 AM** 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.

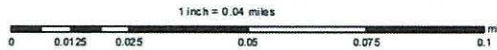


# Statewide Wetlands Inventory



- Townships
- 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
- SWI Predominantly Hydric Soil Map Units
- SWI Agate-Winlo Soils

R. Seunbela, Department of State Lands, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, R. Seunbela 2013



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.

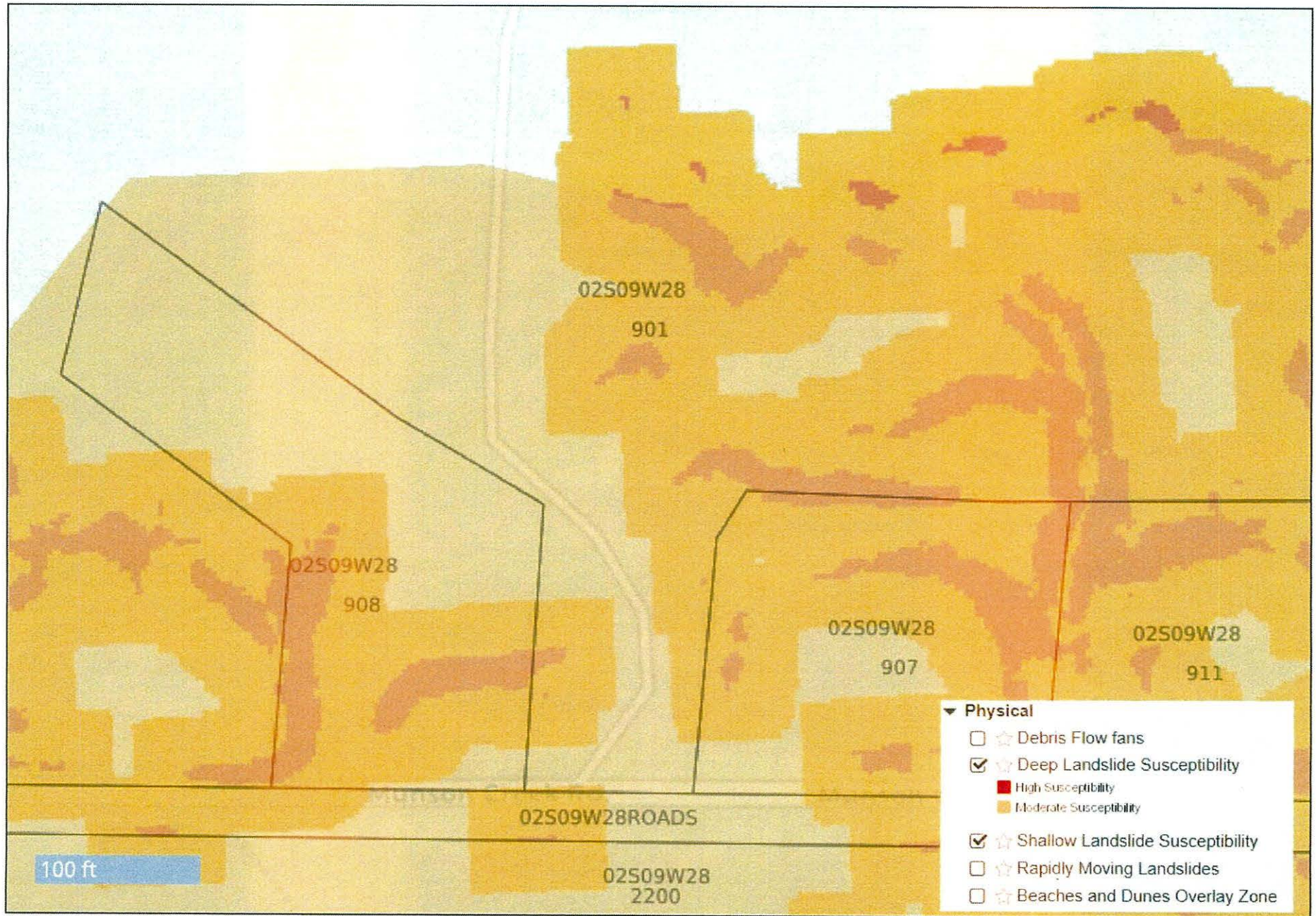


Date: 10/31/2023





# 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.

**Tillamook County**  
**2023 Real Property Assessment Report**  
 Account 184197

Map 2S09280000908  
 Code - Tax ID 0912 - 184197

Tax Status Assessable  
 Account Status Active  
 Subtype NORMAL

Legal Descr See Record

Mailing TUBBS, TYLER S &  
 CAMPBELL, CHRISTINE ELISABETH  
 7130 MUNSON CREEK RD  
 TILLAMOOK OR 97141

Deed Reference # 2021-9345  
 Sales Date/Price 11-05-2021 / \$210,000  
 Appraiser WHITNEY HOPKES

Property Class 409 MA SA NH  
 RMV Class 409 01 AC 102

Site	Situs Address	City
1	7120 MUNSON CREEK RD	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
0912	Land	114,630		Land	0	
	Impr	38,720		Impr	0	
<b>Code Area Total</b>		153,350	102,310	91,550	0	
<b>Grand Total</b>		153,350	102,310	91,550	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0912					LANDSCAPE - FAIR	100			500
	1	<input checked="" type="checkbox"/>		RR-2	Market	111	1.12 AC		101,630
					OSD - AVERAGE	100			12,500
<b>Code Area Total</b>							1.12 AC		114,630

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
0912	1	0	910	M S Other Improvements	105	0			6,720
	2	1979	952	Class 5, Double Wide	120	1,536		R-270744	32,000
<b>Code Area Total</b>							1,536		38,720

Exemptions / Special Assessments / Notations			
Code Area	0912		
<b>Special Assessments</b>		<b>Amount</b>	<b>Year Used</b>
■	SOLID WASTE	12.00	2023
<b>Fire Patrol</b>		<b>Amount</b>	<b>Acres</b> <b>Year</b>
■	FIRE PATROL SURCHARGE	47.50	2023
■	FIRE PATROL NORTHWEST	18.75	1.12      2023

MS Accounts 0912 - R-270744

Comments 12/22/15 Reappraised land; tabled values. WH



# **EXHIBIT B**



## PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	<b>RECEIVED</b>
	OCT 16 2023
	BY: <u>Counter</u>
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: <u>AC</u>	
Receipt #: <u>134230</u>	
Fees: <u>\$1365</u>	
Permit No: <u>851-23 - 000471-PLNG</u>	

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

Name: Tyler Tubbs & Christine Campbell Phone: 503-484-8027  
 Address: 7120 Munson Creek Rd.  
 City: Tillamook State: OR Zip: 97141  
 Email: tylertubbs@icloud.com

**Property Owner**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Email: \_\_\_\_\_

**Request:**

Exemption for 100-ft setback requirement from resource zone. Please see attached "Request Addendum" for complete explanation

**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**

- Detailed Hazard Report
- Conditional Use (As deemed by Director)
- Ordinance Amendment
- Map Amendment
- Goal Exception
- Nonconforming Review (As deemed by Director)
- Variance (As deemed by Director)

**Type IV**

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

**Location:**

Site Address: 7120 Munson Creek Rd., Tillamook, OR 97141

Map Number: 02S 09W 28S 00908 (2S092800 00908)  
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.

Tyler Tubbs Christine Campbell 10/15/23  
 Property Owner Signature (Required) Date  
 \_\_\_\_\_  
 Applicant Signature Date



**Tillamook County - Planning Application**  
**REQUEST ADDENDUM**

Owner: Tyler Tubbs + Christine Campbell  
7120 Munson Creek Rd  
Tillamook, OR 97141

Township: 02S  
Range: 09W  
Section: 28S  
Tax Lot Number: 00908

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To whom it may concern,

We are in desperate need of rehabilitating our property at 7120 Munson Creek. We would like to replace the current manufactured home with a traditional stick-built home. When speaking with the planning dept., it was brought to our attention that the property is abutting a resource zone on all sides. With the unique shape and size of the lot, and with the prescriptive 100-ft setback, there is not an opportunity to place a dwelling without encroaching on the resource zones.

The late-70's era manufactured home was in severe disrepair when we purchased it in 2021, and was already present on the lot when the property was divided years ago (i.e. 7130 Munson Creek was established). This 100-ft setback has never been an issue up until this point. We are intentionally building the new house, essentially, on the same footprint as the current manufactured home, as to maintain the 3-bedroom layout, and requires minimal land prep. This requested exemption will return the property to a fully functional family home.

Thank you for your thoughtful consideration, we appreciate your time.

Sincere regards,

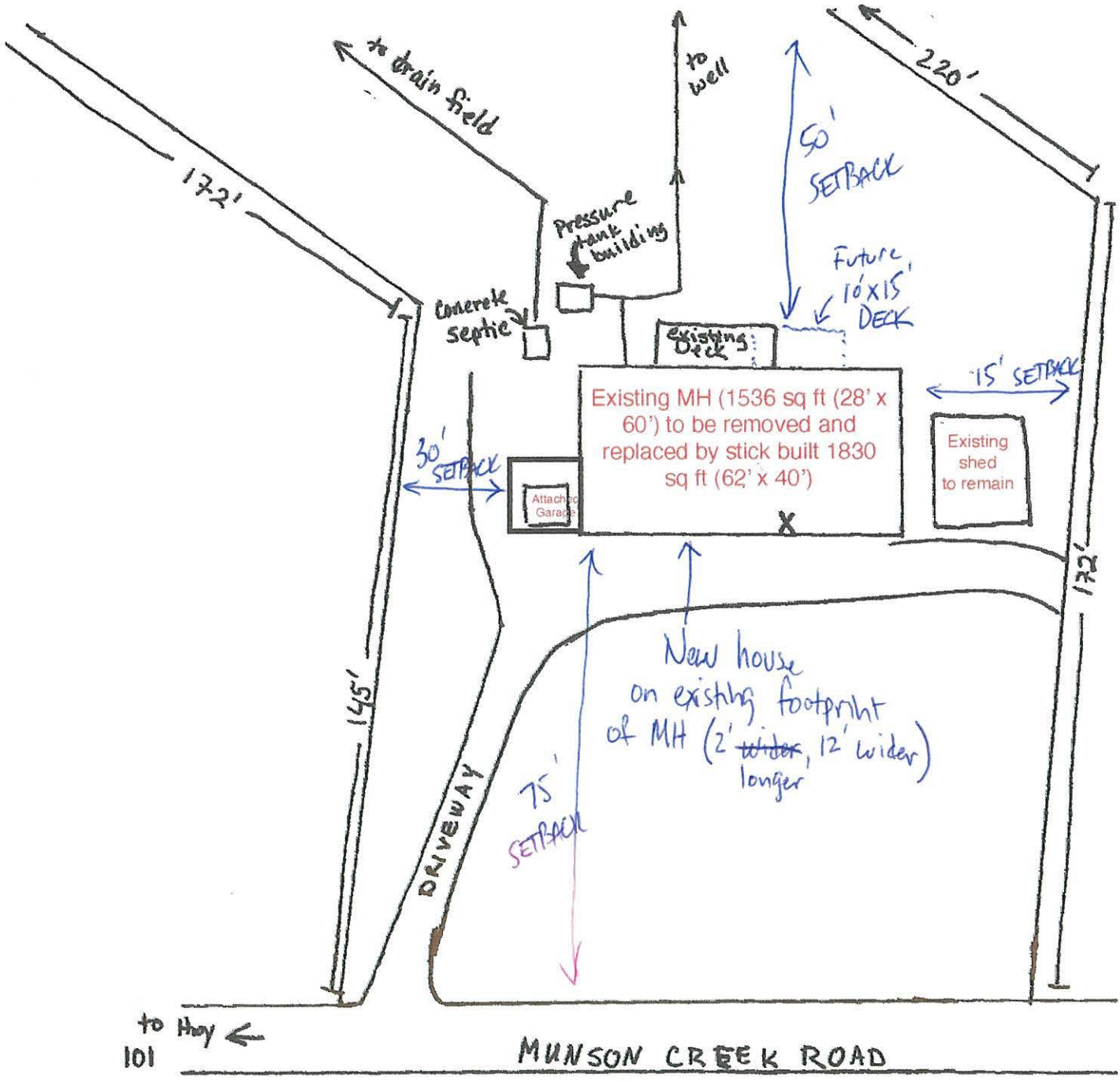
  
\_\_\_\_\_  
Tyler Tubbs

  
\_\_\_\_\_  
Christine Campbell



Owner: Tyler Tubbs &  
Christine Campbell  
7120 Munson Creek Rd

Township: 02S  
Range: 09W  
Section: 28S  
Tax Lot Number: 00908





Road Satellite Lot lines



\$65K

\$556K

\$338K

\$210K

\$530K

\$600K

Munson Creek Rd

Munson Creek Rd

Munson Creek Rd

Munson Creek Rd

Munson Creek Rd

Google

Keyboard shortcuts | Map data ©2023 Imagery ©2023 | Airbus, CNES / Airbus, Maxar Technologies, State of Oregon | Terms of Use | Report a map error

# **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