



Land of Cheese, Trees and Ocean Breeze

**CONDITIONAL USE REQUEST #851-24-000165-PLNG: JOSI
ADMINISTRATIVE DECISION & STAFF REPORT**

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

July 26, 2024

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Conditional Use Request on July 26, 2024.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website: <https://www.tillamookcounty.gov/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department in accordance with Article 10 of the TCLUO before **4:00 PM on August 7, 2024**. Unless appealed, the effective date of this decision shall be July 26, 2024.

Request: A Conditional Use request for a processing facility and farm stand in conjunction with an existing farm operation on the farm tract (Exhibit B).

Location: Located at 735 Wilson River Loop in Tillamook, OR and includes Tax Lots 1400 and 1600 of Section 20A, Township 1 South, Range 9 West, W.M., Tillamook County, Oregon.

Zone: Farm (F-1) Zone

**Applicant/
Contract**

Property Owner: Donald and Jaimie Josi, 735 Wilson River Loop, Tillamook, OR 97141

CONDITIONS OF APPROVAL:

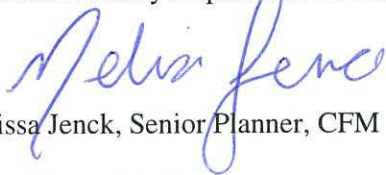
Sections 6.070: COMPLIANCE WITH CONDITIONS, and 6.080: TIME LIMIT requires compliance with approved plans and conditions of this decision, and all other ordinance provisions. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall adhere to development standards in TCLUO Section 3.002: Farm (F-1) Zone.
3. Future development shall adhere to the development standards in TCLUO Section 3.510: Flood Hazard (FH) Overlay.
4. The property owner is required to maintain one off-street parking space for each 1,000 square feet of floor space for the farm product processing facility, and one off-street parking spaces for each 200 square feet for the retail/dining/commercial sales area for the proposed building.
5. Crops used for farm product processing facility for the farm product processing facility shall be a minimum of one-quarter of the farm crops from the onsite farm operation, in conformance with ORS 215.255.
6. The applicant/property owner shall demonstrate compliance with TCLUO Section 3.002(4)(w)(1)(a) at time of Consolidated Zoning/Building Permit submittal, that the design capacity of the proposed structure for the retail/dining and processing facility shall not exceed 100 people.
7. Applicant/property owner shall adhere to the development standard of TCLUO Section 4.030. Compliance with TCLUO Section 4.030(7) for Buffering Non-Residential Parking Areas with the establishment of sight-obscuring fencing adjacent to a residential use shall be demonstrated at time of Consolidated Zoning/Building permit submittal.
8. Signage shall comply with the requirements of TCLUO Section 4.020: Signs.
9. Evidence of water and sewer service to the proposed facility or septic approval shall be provided at the time of the Consolidated Zoning/Building Permit application.
10. Applicant/Property owner shall obtain an approved Road Approach permit with Tillamook County Public Works for proposed access to the subject property. A copy of this approval shall be provided at time of the Consolidated Zoning/Building Permit application.
11. 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 informs that intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use and limit pursuance of a claim for relief or cause of action of alleging injury from farming or forest practices. The Declaratory Statement shall be signed, notarized and filed with the Tillamook County Clerk's office. A copy of the recorded Declaratory Statement shall be submitted to this Department at the time of Building Permit application. The covenant shall be worded as the example included as with Exhibit D.

12. This approval shall be void on July 26, 2026, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

Sincerely,
Tillamook County Department of Community Development



Melissa Jenck, Senior Planner, CFM

Sarah Absher, CFM, Director

Enc.: Vicinity & Assessor/Zoning Map



Land of Cheese, Trees and Ocean Breeze

**CONDITIONAL USE REQUEST
CONDITIONAL USE REQUEST, 851-24-000165-PLNG: JOSI
ADMINISTRATIVE DECISION & STAFF REPORT**

Decision Date: July 26, 2024

Decision: APPROVED WITH CONDITIONS

(This is not Building or Placement Permit Approval)

Report Prepared by: Melissa Jenck, Senior Planner, CFM

I. GENERAL INFORMATION:

Request: A Conditional Use request for a processing facility and farm stand in conjunction with an existing farm operation on the farm tract (Exhibit B).

Location: Located at 735 Wilson River Loop in Tillamook, OR and includes Tax Lots 1400 and 1600 of Section 20A, Township 1 South, Range 9 West, W.M., Tillamook County, Oregon.

Zone: Farm (F-1) Zone

**Applicant/
Contract Property
Owner:**

Donald and Jaimie Josi, 735 Wilson River Loop, Tillamook, OR 97141

Property Description: The subject properties are comprised of 37.96-acres upon Tax Lot 1400 and 1600 where the facility is proposed. These properties are used in a farming operation together with Tax Lots 200, 400 and 401 of Section 20A, Township 1 South, Range 9 West of the Willamette Meridian (Exhibit A). The proposal includes a processing facility for agricultural products generated by the farm and a commercial retail space for sales of fresh and prepared agricultural products (Exhibits A and B). The farming operation is primarily in agricultural use and contains two existing dwellings and agricultural buildings (Exhibit A).

The subject properties proposed for the development are relatively flat (Exhibit A). The property is bordered to the east and north by Wilson River Loop, a County road, and Dougherty Slough along its southerly boundary (Exhibit A). Review of Statewide Wetlands Inventory per Oregon Department of State lands indicates that there are no wetlands mapped on the subject property (Exhibit A).

According to FEMA FIRM 41057C0581F dated September 28, 1018, the property maintains Zone AE within those areas abutting Dougherty Slough, with the primary portion of the property entirely outside the Special Flood Hazard Area (Exhibit A). All proposed development is located outside the mapped Special Flood Hazard Area (Exhibit A).

A copy of the Tillamook County Assessor's map as well as a zoning map showing the location of the property and surrounding zoning is attached to this report as "Exhibit A".

The applicant desires to permit a processing facility for agricultural products generated by the farm, along with commercial retail space for sales of fresh and prepared agricultural products upon the subject properties (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. Section 3.002: Farm (F-1) Zone
- B. Section 4.030: Off-Street Parking & Off-Street Loading Requirements
- C. Article VI: Conditional Use Procedures and Criteria

III. ANALYSIS:

A. Section 3.002: Farm (F-1) Zone

The purpose of the Farm Zone (F-1) is to protect and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products. The Farm Zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.

1. **Section 3.002 (15) Use Table** lists commercial activities in conjunction with farm use as a use permitted conditionally subject to the criteria outlined in TCLUO 3.002(8) and Article 6.

Findings: ORS 215.203(2)(a) identifies "harvesting and selling crops" and "feeding, breeding, management and sale of livestock and poultry" as farm use. The subject property is currently employed in the business of growing produce, along with chicken eggs and raising Angus Beef (Exhibit B). Applicant wishes to add a processing facility for the produce, eggs and beef generated by the farm. The applicant also proposes the establishment of a commercial activity in conjunction with the farm use and processing facility for retail sales of the product and other perishable agricultural products generated by the farm, including lesser additional products grown or crafted from other farms in Tillamook County (Exhibit B).

ORS 215.203(2)(a) defines the term "farm use" to include the "preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use" in that definition. TCLUO Section 3.002 (2)(o) further clarifies that "preparation" of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products. Staff finds that the proposed processing of the produce, eggs and beef and other perishable agricultural

products generated by the farm as processing. Staff find that a processing facility is allowed in a Farm (F-1) zoned property pursuant to ORS 215.255 where at least one-quarter of the farm crops come from the farm operation containing the facility. ORS 215.255 further requires that a facility uses less than 10,000 square feet for its processing area and complies with all applicable siting standards. Applicant provides a proposal of 2,500-square feet of processing area within a building envelope of 4,500 square feet (Exhibit B). Applicant identifies the agricultural products from their farm are to be used for the farm product processing, while including processing for other regional growers and producers to support local agriculture (Exhibit B).

Staff find the proposed produce, egg and beef products processing per ORS 215.255 and TCLUO Section 3.002(4)(a). Staff find a condition of approval shall affirm the farm crops being used for processing be at least one-quarter of the farm crops from the farm operation, along with requirements that the processing area not exceed 10,000 square feet.

ORS 215.283(2)(a) and TCLUO Section 3.002(15) allow commercial activities that are conducted in conjunction with farm use to occur on lands zoned for exclusive farm use. As discussed above, Applicant is currently employed in the business of growing produce, along with chicken eggs and raising Angus beef which is 'farm use' and is proposing to construct retail, kitchen and dining areas for the sales and preparation of those farm products produced onsite, including lesser additional products grown and crafted from other farms in Tillamook County (Exhibit B). Staff concludes that the commercial sales and kitchen/dining areas are being conducted in conjunction with the farm use of growing produce, chicken eggs and beef and processing on the farm tract.

Applicant state they will be the primary supplier of the farm products used for the retail sales and prepared foods, with lesser products grown and crafted from other Tillamook County farms included (Exhibit B). Applicant further states there is insufficient retail outlets for farm-produced products in Tillamook County, including the need for shelf-stable products.

Staff finds that the operation of a retail area for commercial sales of agricultural products produced by the farm, along with regional agricultural producers and growers is a commercial activity in conjunction with farm use which may be permitted upon Conditional Use approval.

2. **Section 3.002(3)(a)(4):** *The minimum front and rear yards shall be 20 feet.*

Section 3.002(3)(a)(5): *The minimum side yard shall be 10 feet where adjacent to land in the F-1 or SFW-20 zones. Otherwise the minimum side yard shall be 20 feet.*

Findings: Applicant's submittal includes an initial site plan which shows the farm product processing facility, and the commercial retail/dining area will comply with these setback requirements (Exhibit B). Staff finds that these standards can be met with Conditions of Approval.

3. **Section 3.002(3)(a)(7):** *The maximum building height for all nonfarm structures shall be 35 feet.*

Findings: Staff find this standard can be met with Conditions of Approval.

4. **Section 3.002(4)(w) General Standards**

TCLUO Section 3.002(4)(w)(1) maintains a 'Three-Mile Setback' that no enclosed structure shall be designed with a capacity greater than 100 people in connection with a use within three miles of an urban growth boundary. The subject property is within (3) miles of the City of Tillamook Urban Growth Boundary. Pursuant to TCLUO Section 3.003(4)(w)(1)(a) Staff will require as a condition of approval, that the proposed structure for the commercial sales of retail products and dining area, along with the

processing facility, demonstrate compliance at time of Consolidated Zoning/Building Permit submittal, that the structure will not have a design capacity greater than 100 people.

5. Section 3.002(5): Conditional Use Review Criteria

An applicant for a use permitted in Table 1 must demonstrate compliance with the following criteria and with the Conditional Use Criteria in Article 6 Subsection 040.

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

Findings: Applicant states that the facility will be minimally sized to meet business needs and limits direct impacts to farmland, additionally that their farm product surrounds the proposed development area and will not affect cost of farm practices (Exhibit B). The property is bordered to the east and north by Wilson River Loop, a County road, and Dougherty Slough along its southerly boundary (Exhibit A). Wilson River Loop to the east appears to have a right of way over 60 feet in width and can serve as a barrier between the activities conducted on the subject properties and the agricultural and residential lands to the north and southeast (Exhibit A). The surrounding properties around the proposed development are within ownership of the Applicant, with adjacent properties under separate ownership to the west are in agricultural and residential use (Exhibit A). The proposed building would be located over 400 feet from the western property line and approximately 250 feet from the eastern property line within an existing building on the subject property (Exhibits A & B).

Subject to compliance with the Conditions of Approval, Staff finds that the proposed building for commercial sales and retailing/dining area of farm products in conjunction with an existing farm operation will not force a significant change in farm or forest practices on surrounding lands nor will it significantly increase the cost of such practices.

B. TCLUO Section 4.030: Off-Street Parking & Off-Street Loading Requirements

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

Findings: Staff finds that Section 4.030(13)(n) requires one off-street parking space for each 1,000 square feet of floor area for manufacturing. TCLUO Sections 4.030(2) requires 8 foot by 20 foot off-street parking spaces. Applicant is proposing a 2,500 square foot processing facility which will require a minimum of 2 parking spaces.

Additionally, the applicant is proposing 2,000 square feet of area for commercial sales of farm products, along with a kitchen and dining area (Exhibit B). TCLUO Section 4.030(13)(l) requires one off-street parking space for each 200 square feet of floor area retail area. Applicant is proposing a 2,000 square foot commercial retail area, which will require a minimum of 10 parking spaces.

Applicant provided a site plan detailing 31 parking spaces for customers, and 8 parking spaces for employees, available on the subject property (Exhibit B).

The subject property abuts residentially improved and zoned properties located northeast of the proposed improvement (Exhibit A). TCLUO Section 4.030(7) requires non-residential parking and loading areas adjacent to a residential use be enclosed by sight-obscuring fence that is five to six feet in height. Staff find the Applicant does not propose sight-obscuring fencing as part of their submittal (Exhibit B).

Staff finds that adequate off-street parking area is available around the proposed facility site to accommodate the required number of parking spaces (Exhibit B). Staff will require as a Condition of Approval, that parking areas will be required to comply with TCLUO Section 4.030, specifically the establishment of sight-obscuring fencing along the residential use.

Staff concludes that these standards can be met with Conditions of Approval.

C. 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 application was mailed to all landowners within 750 feet of the subject properties on May 24, 2024. Comments were received from the Tillamook County Public Works stating no traffic impact study is required as part of the proposal (Exhibit C). Tillamook County Public Works also detailed the proposed road approach/access point will need to be moved approximately 100-feet to the south, or more, due to Stopping Sight Distance (SSD) not being adequate at the proposed location (Exhibit C). Comments were received from Oregon Department of Agriculture stating they do not license farm standards of farm direct market products, but retail components that do not fall under the farm direct marketing rule or provide food for immediate consumption, will require a license (Exhibit C).

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: As discussed above, staff finds that the processing of farm products primarily produced by the farm on which the facility is located, along with commercial activities in conjunction with a farm use, is a use permitted conditionally in the F-1 Zone.

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

Findings: Applicant states that the Comprehensive Plan promotes agriculture enterprises on land that qualifies for farm use (Exhibit B). Staff find that the proposed use is permitted conditionally in the TCLUO. The TCLUO is an implementing document of the Comprehensive Plan. In the absence of evidence to the contrary, uses allowed conditionally in the Land Use Ordinance are presumed to be consistent with the Comprehensive Plan. Staff concludes that this criterion has been met.

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

Findings: The subject properties are comprised of 37.96-acres upon Tax Lot 1400 and 1600 where the facility is proposed (Exhibit A). The farming operation is primarily in agricultural use and contains two existing dwellings and agricultural buildings (Exhibits A & B).

The subject properties proposed for the development are relatively flat (Exhibit A). The property is bordered to the east and north by Wilson River Loop, a County road, and Dougherty Slough along its

southerly boundary (Exhibit A). Review of Statewide Wetlands Inventory per Oregon Department of State lands indicates that there are no wetlands mapped on the subject property (Exhibit A).

According to FEMA FIRM 41057C0581F dated September 28, 1018, the property maintains Zone AE within those areas abutting Dougherty Slough, with the primary portion of the property entirely outside the Special Flood Hazard Area (Exhibit A). All proposed developments are located outside the mapped Special Flood Hazard Area (Exhibit A).

The proposed site of the building is located in a relatively flat area with no mapped wetlands, is not in an area of geologic hazard, and is outside of a Special Flood Hazard Area (Exhibit A). Although there are riparian features located on the subject property, the proposed facility location is a significant distance from Dougherty Slough and Wilson River (Exhibit A). Staff concludes that permits are not required to address geologic hazards, floodplains or wetlands.

Applicant states the proposal is outside mapped flood area and at a topographically flat area. Applicant includes that potable water and power are available, with expected suitability for onsite sanitary disposal due to the size of the property. Further, the applicant states the property is accessible given its proximity to Wilson River Loop Road (Exhibit B). Staff finds that there is adequate room on the property to provide the required off-street parking spaces and conduct facility improvements (Exhibit A).

Staff concludes that the subject property is suitable for the proposed use subject to compliance with the Conditions of Approval. Staff concludes that this criterion has been met.

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

Findings: Applicant states the proposed development will not impair access to residential uses in the area (Exhibit B).

The surrounding area is generally in agricultural uses, with areas of residential development located to the north, south and east of the subject properties (Exhibit A). The proposed facility will be in the central part of the 37.92-acre area of the farm tract along Wilson River Loop (Exhibit B). Adjacent properties are zoned Farm or Rural Residential 2-acre (RR-2) (Exhibit A). The proposed facility will be located approximately 250 feet from the nearest residence, that is not part of the farming operation (Exhibit A). The property maintains adequate separation from adjacent uses with sufficient distance from other adjacent residential uses.

Comments received from the Tillamook County Public Works indicate the proposed road approach/access point will need to be moved approximately 100-feet to the south, or more, due to Stopping Sight Distance (SSD) not being adequate at the proposed location (Exhibit C). Staff will require, as a Condition of Approval, an approved Road Approach permit from Tillamook County Public Works be approved prior to Consolidated Zoning/Building Permit application.

Staff find the requirements identified in Subsection B, above, in this staff report address the required establishment of sight-obscuring fencing for parking areas abutting residential use.

Staff finds this criterion can be met with Conditions of Approval.

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

Findings: Applicant states that there are no such devices present in the vicinity of the proposed facility (Exhibit B). Staff did not locate any such improvements or facilities within the vicinity. 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: Applicant states the property is served by emergency services in the area, along with Fairview Water District and Tillamook Peoples Utility District (PUD) (Exhibit B).

The subject property is proposing new access from Wilson River Loop. As evidenced by the comments included here as 'Exhibit C', Tillamook County Public Works will require an approved Road Approach and relocation of the proposed access from Wilson River Loop at least 100-feet to the south.

Staff find the property maintains an adequate area to address onsite sanitation requirements (Exhibit B). Staff find the property is served by the Tillamook Fire District.

Staff concludes that these criteria can be met with Conditions of Approval.

IV. DECISION: APPROVED WITH CONDITIONS

Based on the findings shown above, Staff concludes that the applicant/property owner has satisfied the review criteria, and can meet all applicable ordinance requirements at the time of application. Therefore, the Department approves Conditional Use request 851-24-000165-PLNG for processing facility and commercial retail/dining area in conjunction with an existing farm operation (Exhibit B), subject to the Conditions of Approval below.

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 August 7, 2024.**

V. CONDITIONS OF APPROVAL:

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

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall adhere to development standards in TCLUO Section 3.002: Farm (F-1) Zone.
3. Future development shall adhere to the development standards in TCLUO Section 3.510: Flood Hazard (FH) Overlay.
4. The property owner is required to maintain one off-street parking space for each 1,000 square feet of floor space for the farm product processing facility, and one off-street parking spaces for each 200 square feet for the retail/dining/commercial sales area for the proposed building.
5. Crops used for farm product processing facility for the farm product processing facility shall be a minimum of one-quarter of the farm crops from the onsite farm operation, in conformance with ORS 215.255.

6. The applicant/property owner shall demonstrate compliance with TCLUO Section 3.002(4)(w)(1)(a) at time of Consolidated Zoning/Building Permit submittal, that the design capacity of the proposed structure for the retail/dining and processing facility shall not exceed 100 people.
7. Applicant/property owner shall adhere to the development standard of TCLUO Section 4.030. Compliance with TCLUO Section 4.030(7) for Buffering Non-Residential Parking Areas with the establishment of sight-obscuring fencing adjacent to a residential use shall be demonstrated at time of Consolidated Zoning/Building permit submittal.
8. Signage shall comply with the requirements of TCLUO Section 4.020: Signs.
9. Evidence of water and sewer service to the proposed facility or septic approval shall be provided at the time of the Consolidated Zoning/Building Permit application.
10. Applicant/Property owner shall obtain an approved Road Approach permit with Tillamook County Public Works for proposed access to the subject property. A copy of this approval shall be provided at time of the Consolidated Zoning/Building Permit application.
11. 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 informs that intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use and limit pursuance of a claim for relief or cause of action of alleging injury from farming or forest practices. The Declaratory Statement shall be signed, notarized and filed with the Tillamook County Clerk's office. A copy of the recorded Declaratory Statement shall be submitted to this Department at the time of Building Permit application. The covenant shall be worded as the example included as with Exhibit D.
12. This approval shall be void on July 26, 2026 unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

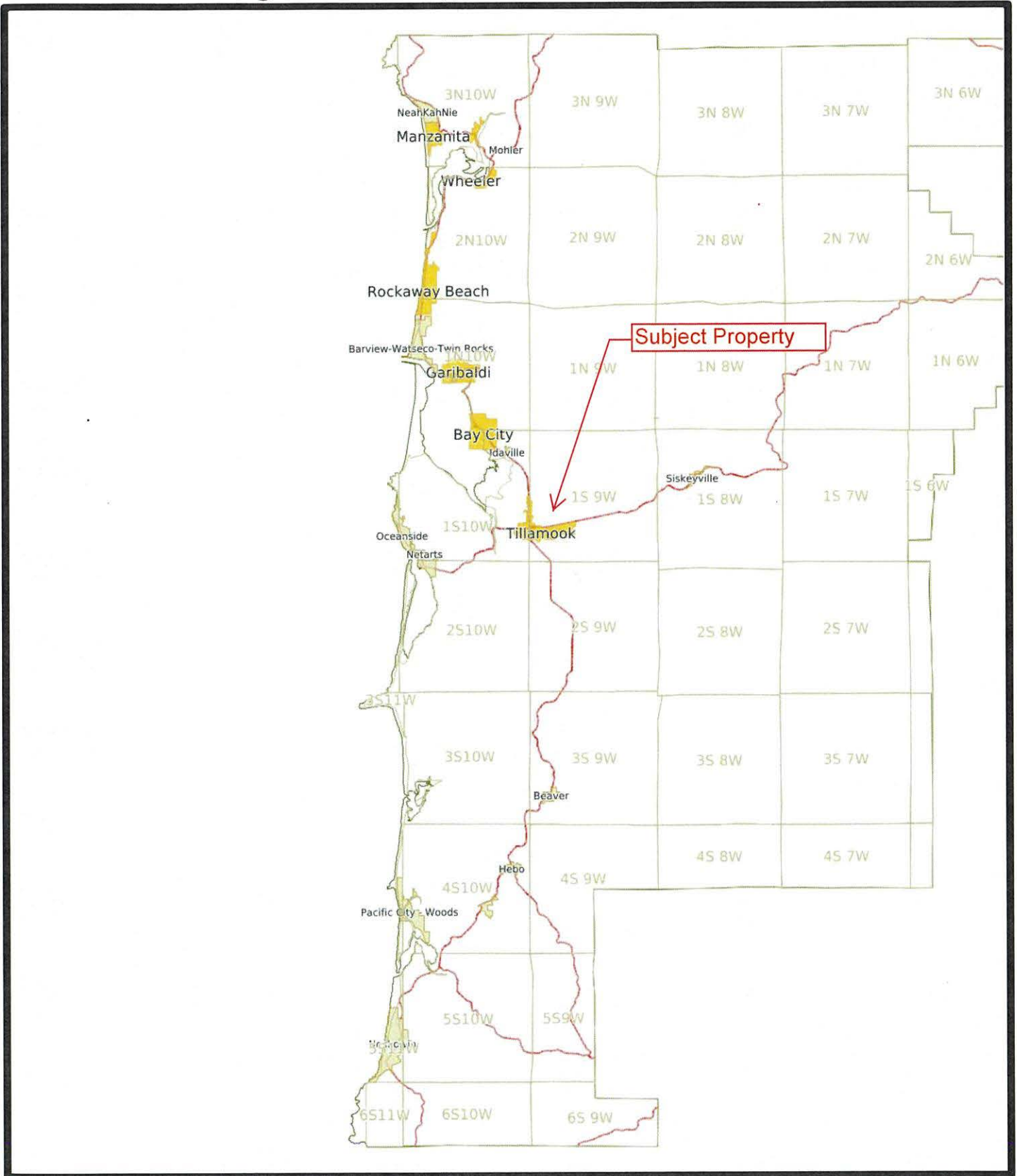
VI. EXHIBITS

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

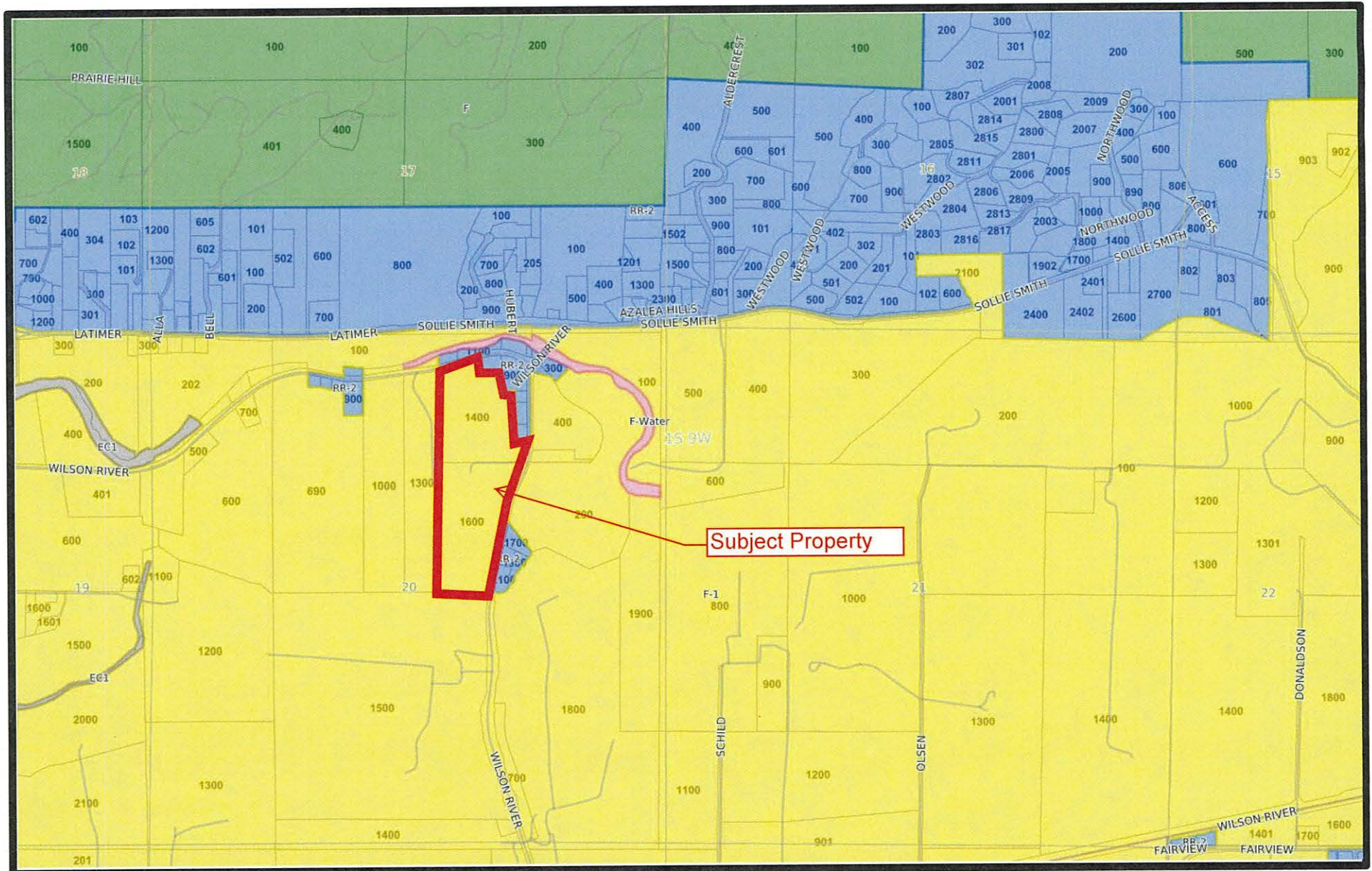
- A. Maps, Assessor's Summary Report
- B. Applicants/Property Owner's submittal
- C. Public / Agency comments
- D. Declaratory Statement

EXHIBIT A

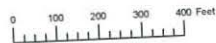
Vicinity Map



Zoning Map



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

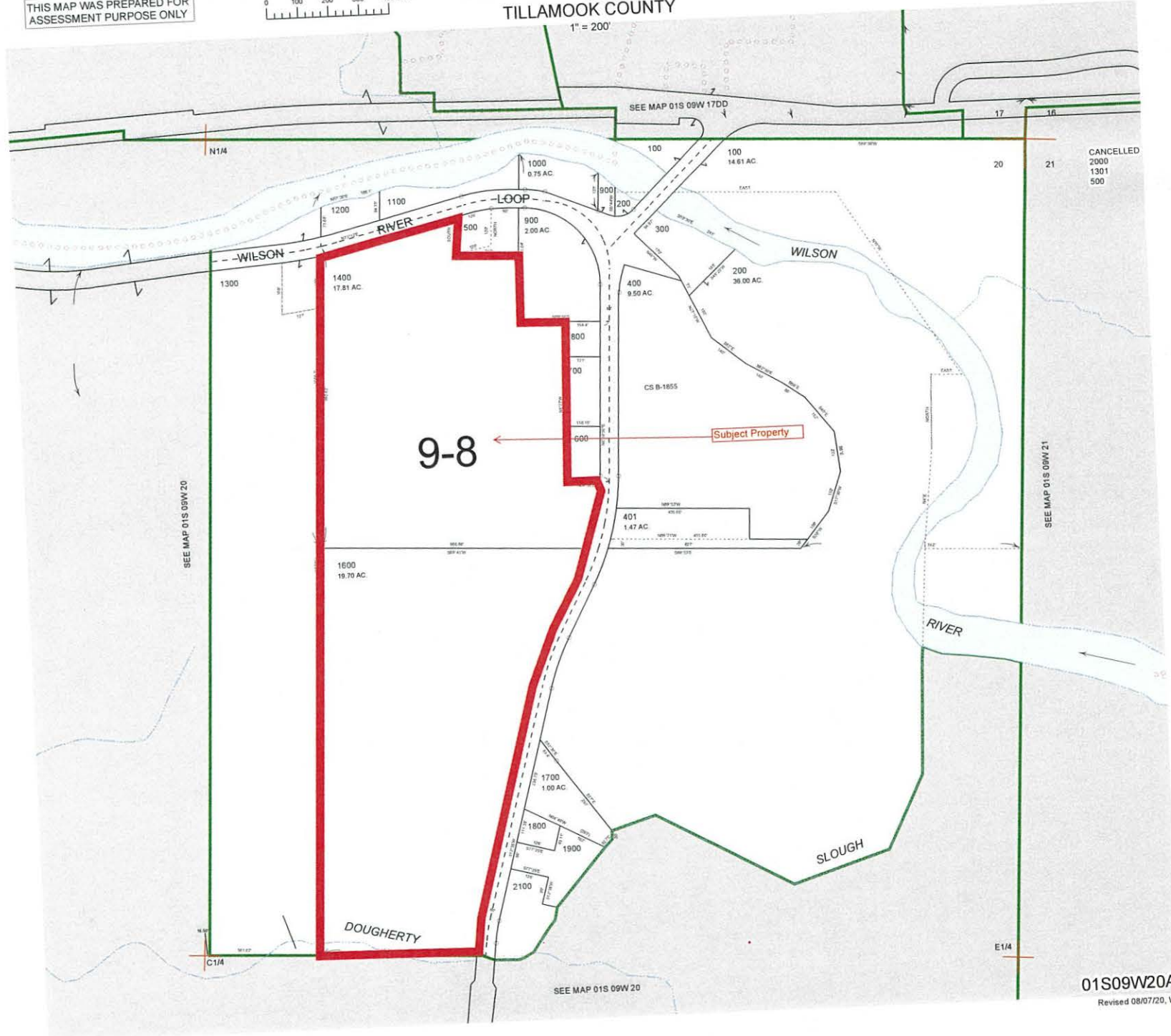


N.E. 1/4 SEC. 20 T. 1S. R. 9W. W.M.

TILLAMOOK COUNTY

1" = 200'

01S09W20A



01S09W20A
Revised 08/07/20, WS

Tillamook County
2023 Real Property Assessment Report
 Account 147193

Map 1S0920A001400
Code - Tax ID 0912 - 147193

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr See Record

Mailing DENOBLE, THOMAS & PATREECE
 JOSI, DONALD & JAIMIE (C)
 735 WILSON RIVER LP
 TILLAMOOK OR 97141

Deed Reference # 2020-9432
Sales Date/Price 12-22-2020 / \$0
Appraiser UNKNOWN

Property Class 550 MA SA NH
RMV Class 500 01 01 500

Site	Situs Address	City
-------------	----------------------	-------------

Value Summary					
Code Area	RMV	MAV	AV	RMV Exception	CPR %
0912	Land	124,670		Land	0
	Impr	0		Impr	0
Code Area Total		124,670	31,630	23,254	0
Grand Total		124,670	31,630	23,254	0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0912	0	<input checked="" type="checkbox"/>		F-1	Farm Use Zoned	100	17.81 AC	SP2	124,670
Code Area Total							17.81 AC		124,670

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

Exemptions / Special Assessments / Notations
Notations
<ul style="list-style-type: none"> ■ FARMLAND - POTENTIAL ADDITIONAL TAX LIABILITY 308A.083

Comments 6/14/16 Size change per GIS, updated soil classes.LM

Tillamook County
2023 Real Property Assessment Report
 Account 147246

Map 1S0920A001600
 Code - Tax ID 0908 - 417417
 0912 - 147246

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr See Record

Mailing DENOBLE, THOMAS & PATREECE
 JOSI, DONALD & JAIMIE (C)
 735 WILSON RIVER LP
 TILLAMOOK OR 97141

Deed Reference # 2020-9432
 Sales Date/Price 12-22-2020 / \$0
 Appraiser LORRIE MCKIBBIN

Property Class 559 MA SA NH
 RMV Class 509 01 01 500

Site	Situs Address	City
0	640 WILSON RIVER LOOP	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
0908	Land	19,500		Land	0	
	Impr	2,420		Impr	0	
Code Area Total		21,920	9,490	9,950	0	
0912	Land	134,050		Land	0	
	Impr	0		Impr	0	
Code Area Total		134,050	61,480	25,004	0	
Grand Total		155,970	70,970	34,954	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0908	0	<input checked="" type="checkbox"/>		F-1	Farm Site	100	1.00 AC	SFM	7,000
					SA OSD	100			12,500
					Code Area Total		1.00 AC		19,500
0912	0	<input checked="" type="checkbox"/>		F-1	Farm Use Zoned	100	19.15 AC	SP2	134,050
					Code Area Total		19.15 AC		134,050
					Grand Total		20.15 AC		153,550

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
0908	1	1979	910	M S Other Improvements	106	0			2,420
Code Area Total						0			2,420

Exemptions / Special Assessments / Notations				
Code Area	Special Assessments	Amount	Acres	Year Used
0908	■ SOLID WASTE	12.00	0.00	2023
	Notations			
	■ FARMLAND - POTENTIAL ADDITIONAL TAX LIABILITY 308A.083			
	■ FARMLAND - POTENTIAL ADDITIONAL TAX LIABILITY 308A.083			

MS Accounts 0908 - P-371519

Tillamook County
2023 Real Property Assessment Report
Account 147246

Comments

10/22/07 Added RMV/MAV to account .KF

12/16/16 Combined S1 into parent acct and cancelled, moved improvements.LM

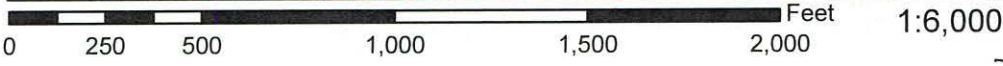
12/20/16 MS moved to this acct.LM4/2/19

4/2/19 MS changed from real to personal. JB

National Flood Hazard Layer FIRMette



123°48'54"W 45°28'40"N



123°48'17"W 45°28'15"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 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
 - Coastal Transect
 - Base Flood Elevation Line (BFE)
 - Limit of Study
 - Jurisdiction Boundary
 - Coastal Transect Baseline
 - Profile Baseline
 - Hydrographic Feature

- MAP PANELS**
 - Digital Data Available
 - No Digital Data Available
 - Unmapped



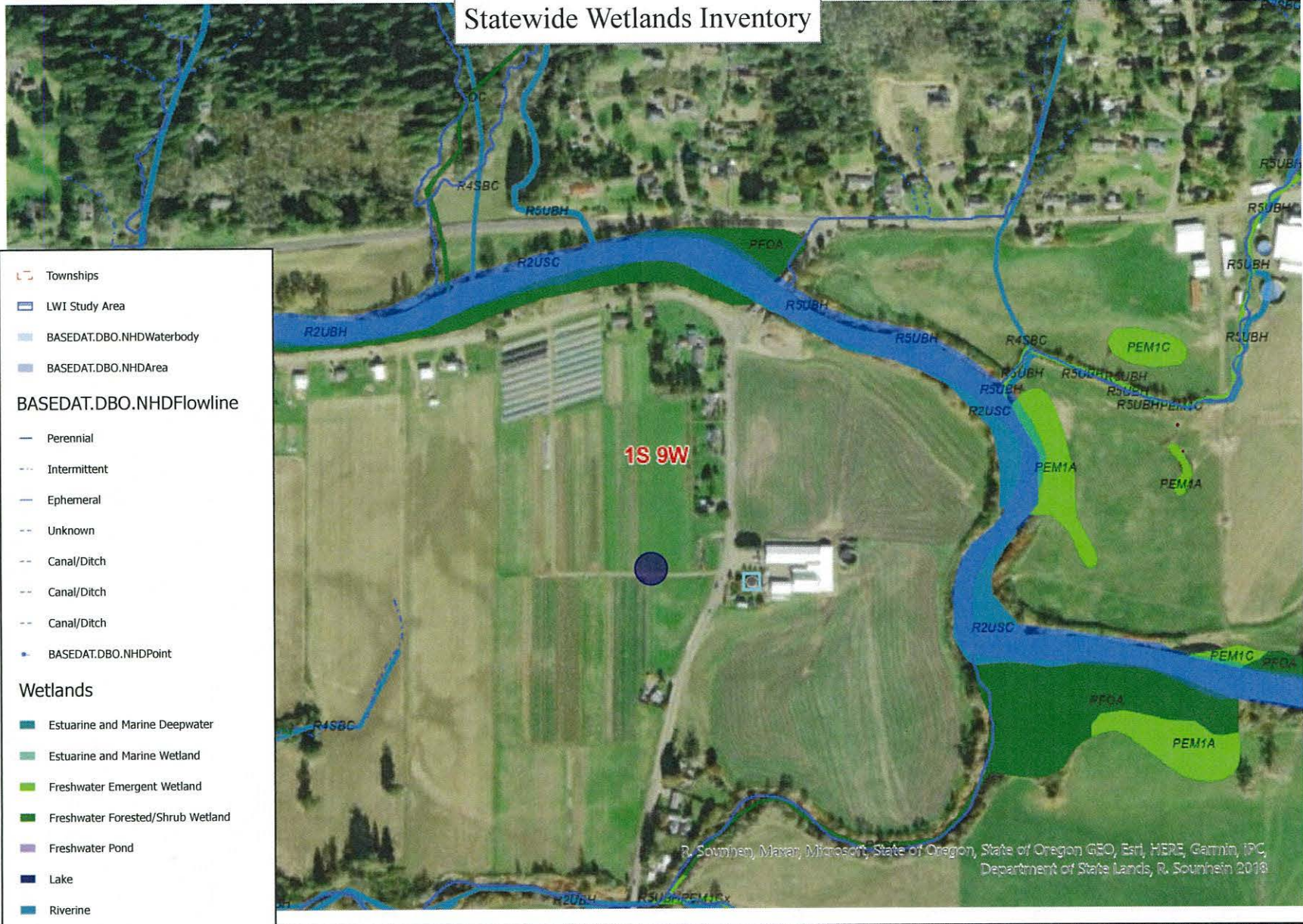
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/23/2024 at 7:54 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.

Statewide Wetlands Inventory



Townships

- Townships

LWI Study Area

- LWI Study Area

BASEDAT.DBO.NHDWaterbody

- BASEDAT.DBO.NHDWaterbody

BASEDAT.DBO.NHDArea

- BASEDAT.DBO.NHDArea

BASEDAT.DBO.NHDFlowline

- Perennial
- Intermittent
- Ephemeral
- Unknown
- Canal/Ditch
- Canal/Ditch
- Canal/Ditch
- BASEDAT.DBO.NHDPoint

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine
- SWI Agate-Winko Soils
- SWI Predominantly Hydric Soil Map Units

1S 9W

R. Soumhen, Maxar, Microsoft, State of Oregon, State of Oregon GEO, Esri, HERE, Garmin, IPC, Department of State Lands, R. Soumhen 2018



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



Date: 5/23/2024



State of Oregon
Department of State Lands
775 Summer Street, NE, Ste 100
Salem, OR 97301-1279

EXHIBIT B



PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)
 Name: Donald M&Jaimie Josi Phone: 503.457.8874
 Address: 735 Wilson River Loop
 City: Tillamook State: OR Zip: 97141
 Email: rjaimie@hotmail.com

Property Owner

Name: Same as Above Phone:
 Address:
 City: State: Zip:
 Email:

OFFICE USE ONLY	
Date Stamp	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees:	1365.00
Permit No:	851-000165 NG

Request: _____

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
- Fore-dune 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: 735 Wilson River Loop, Tillamook, OR 97141

Map Number: 1 South 9 West NE 1/4 of Sect 20 1400, 1600
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.

		3/12/24
Property Owner Signature (Required)		Date
Applicant Signature		3/12/24
		Date

Exhibit A

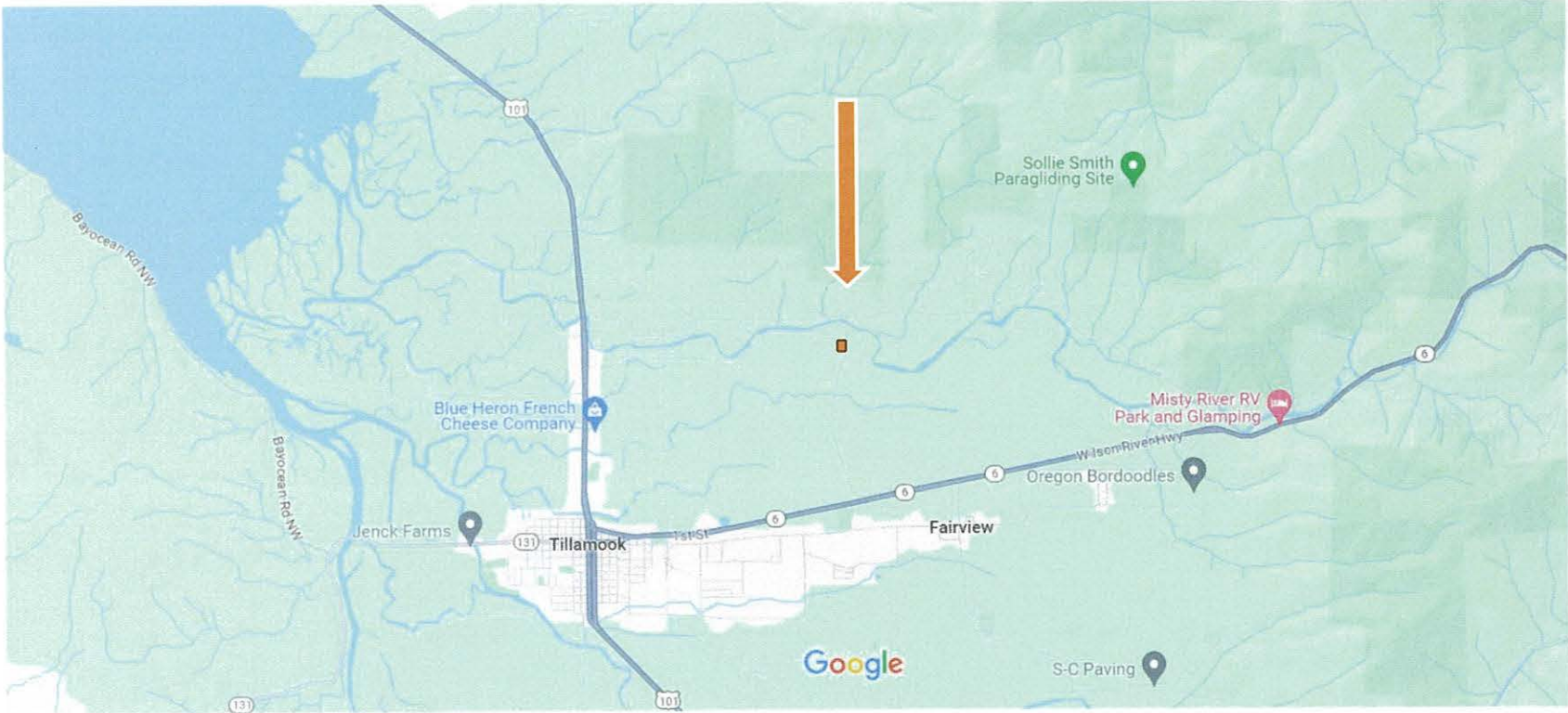


Exhibit B



PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)
 Name: Donald M&Jaimie Josi Phone: 503.457.8874
 Address: 735 Wilson River Loop
 City: Tillamook State: OR Zip: 97141
 Email: rjaimie@hotmail.com

Property Owner

Name: Same as Above Phone:
 Address:
 City: State: Zip:
 Email:

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

Request:

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
- Fore-dune 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:

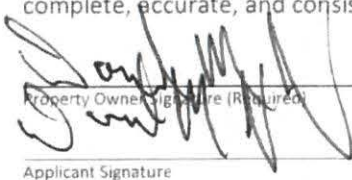
Site Address: 735 Wilson River Loop, Tillamook, OR 97141

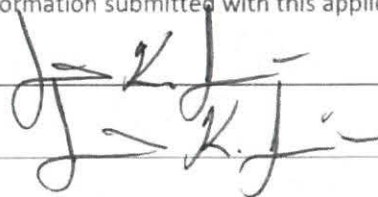
Map Number: 1 South	9 West	NE 1/4 of Sect. 20	1400, 1600
<small>Township</small>	<small>Range</small>	<small>Section</small>	<small>Tax Lot(s)</small>

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.


 Property Owner Signature (Required)


 Applicant Signature

3/12/24

Date

3/12/24

Date

Project Description:

The applicant proposes to construct a single multi-use structure on property Zoned F-1. The structure's intended uses are (1) approximately 1,500 square feet of agricultural product processing space and (2) approximately 1,000 square feet of interior farm stand space for showcasing and selling both fresh and prepared agricultural products for takeaway and on-site consumption. The facility is intended to process and showcase the agricultural products produced on the same and adjoining properties and from the local vicinity and region (Tillamook County, and other locales in Oregon). The structure's development would be accompanied by parking areas and appropriate driveway or access road improvements sufficient to meet County standards. The structure would be constructed on Tillamook County Tax parcel Tax Lot 1400 (Township 1 South, Range 9 West, NE ¼ of Section 20, with access road improvement and parking infrastructure located on both Tax Lot 1400 and on tax lot 1600 (Same Tax Lot Map).

**TCLUO SECTION 6.040
CONDITIONAL USE REVIEW CRITERIA**

A Conditional Use shall be granted if the applicant demonstrates that all of the following applicable criteria are satisfied. ***Applicant response is in bold italics following each criteria.***

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

The location of the proposed development would occur on two tax lots zoned F-1. Agricultural processing facilities and farm stands are allowed as a conditional use in this zoning designation.

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

Tillamook County's Comprehensive Plan – Section 5.1 states: “The purpose of the F-1 zone is “to protect farmland and farm practices and to promote agricultural

enterprise on land that qualifies for farm use according to state and county requirements.”

The Tillamook County Land Use Ordinance – Section 3.002 further states: “The purpose of the Farm Zone (F-1) is to protect and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products. The Farm Zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county. It is also the purpose of the Farm Zone to qualify farms for farm use valuation under the provisions of ORS Chapter 308.”

The proposed conditional use is consistent with the stated intentions of both the Comprehensive Plan and the Ordinance Standards. The proposed use is directly related to the benefit and promotion of agricultural production. The facility will serve to showcase local agricultural products and will also provide as a location to process such products for both fresh, prepared and shelf-stable sale. The facility will have a limited footprint to reduce impacts to farmland and will be directly abutting active agricultural production areas to limit transportation impacts and speed to delivery of produce from the field to the facility.

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

The parcel(s) are suitable for the proposed use. The proposed location of the facility is on a topographically flat portion of Tax Lot 1400 and outside of mapped flood hazard areas. The provision of potable water and electricity and the suitability of site sanitary disposal is expected without concern to the parcel(s) proposed. The parcel is readily accessible without significant development for both employees and customers from developed roadways. No wetlands, waterways, or significant natural geologic features occur within the proposed sphere of development or immediately adjacent to the proposed use. There is ample space to build the facility and the ancillary improvements without conflict or impact to natural resources, residences, or utility infrastructure.

- (3) 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.

The proposed use will not alter the character or limit the permitted uses of surrounding properties. Adjoining properties are zoned F1 (west) and RR2 (north and east). The proposed use will not limit or impair access to or continued residential use of residential properties and will only enhance the agricultural profitability of F1 properties adjoining the subject parcels.

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

The proposed use will not impact existing solar energy systems, wind energy conversion systems or windmills as none are in the vicinity or planned within the general area.

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

All services that may be provided to the site by emergency services, the Fairview Water District, and Tillamook PUD are expected to be adequate to meet the needs of the facility at their current state. No significant changes in local need of services or facilities are expected as a result of the proposed use.

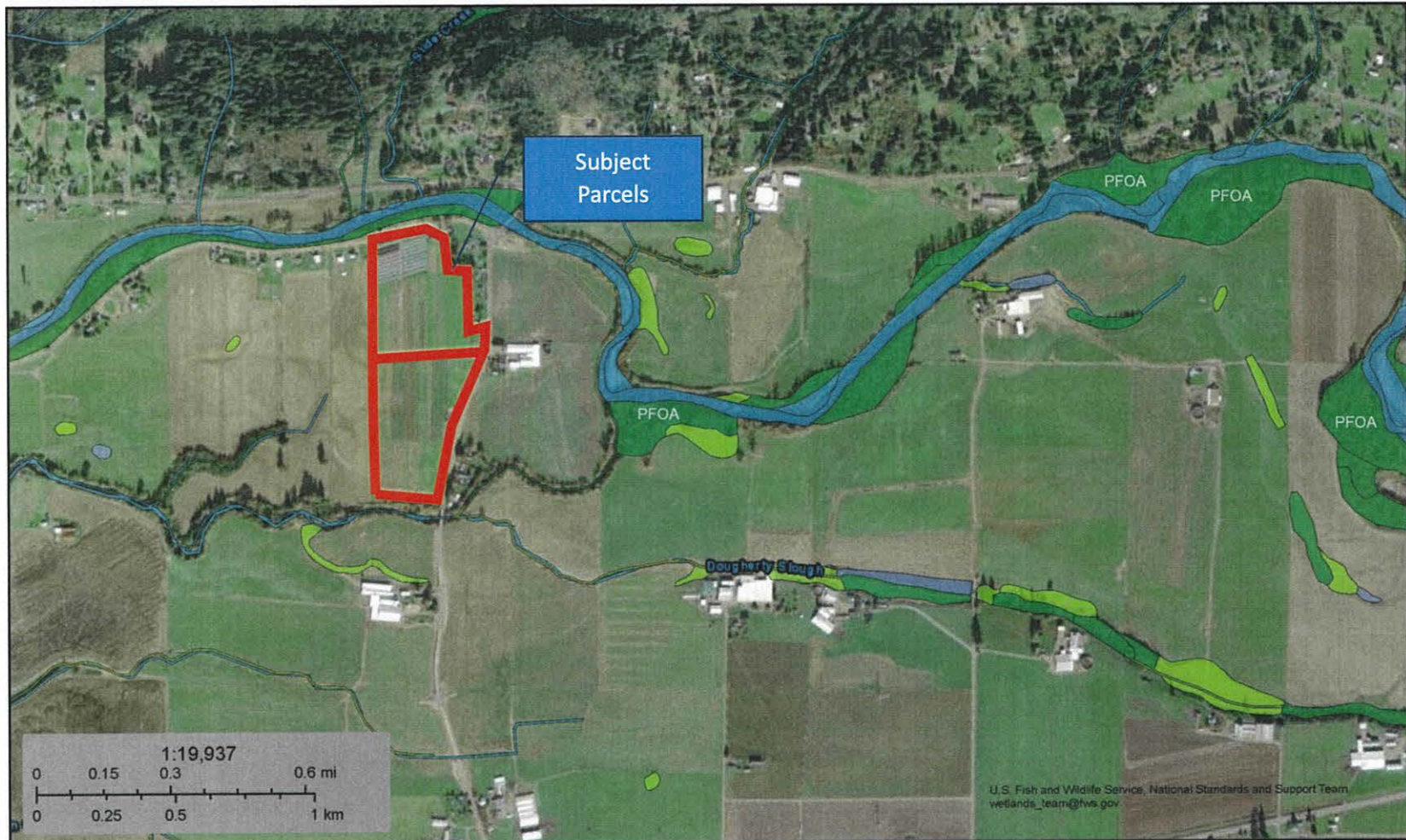
TCLUO Section 3.002(5):

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

The development and use of the proposed facility will not result in significant change of local farm or forest practices. The facility footprint will be minimally sized to meet the business need and to limit direct impacts to farmland. The facility will ultimately benefit farm viability by providing a place to process

agricultural products as well as a marketplace to showcase regionally grown agricultural products in a retail setting.

The proposed development will not change the cost of farm or forest practices on surrounding lands. Existing uses of farm or forest practices will continue as currently practiced. The owners of the proposed development areas own, manage and maintain much of the farmland surrounding the proposed development area – their use of these lands will not change, but will become more profitable and therefor more viable as a thriving enterprise because of the proposed development.



March 13, 2024

Wetlands

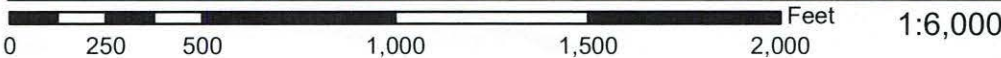
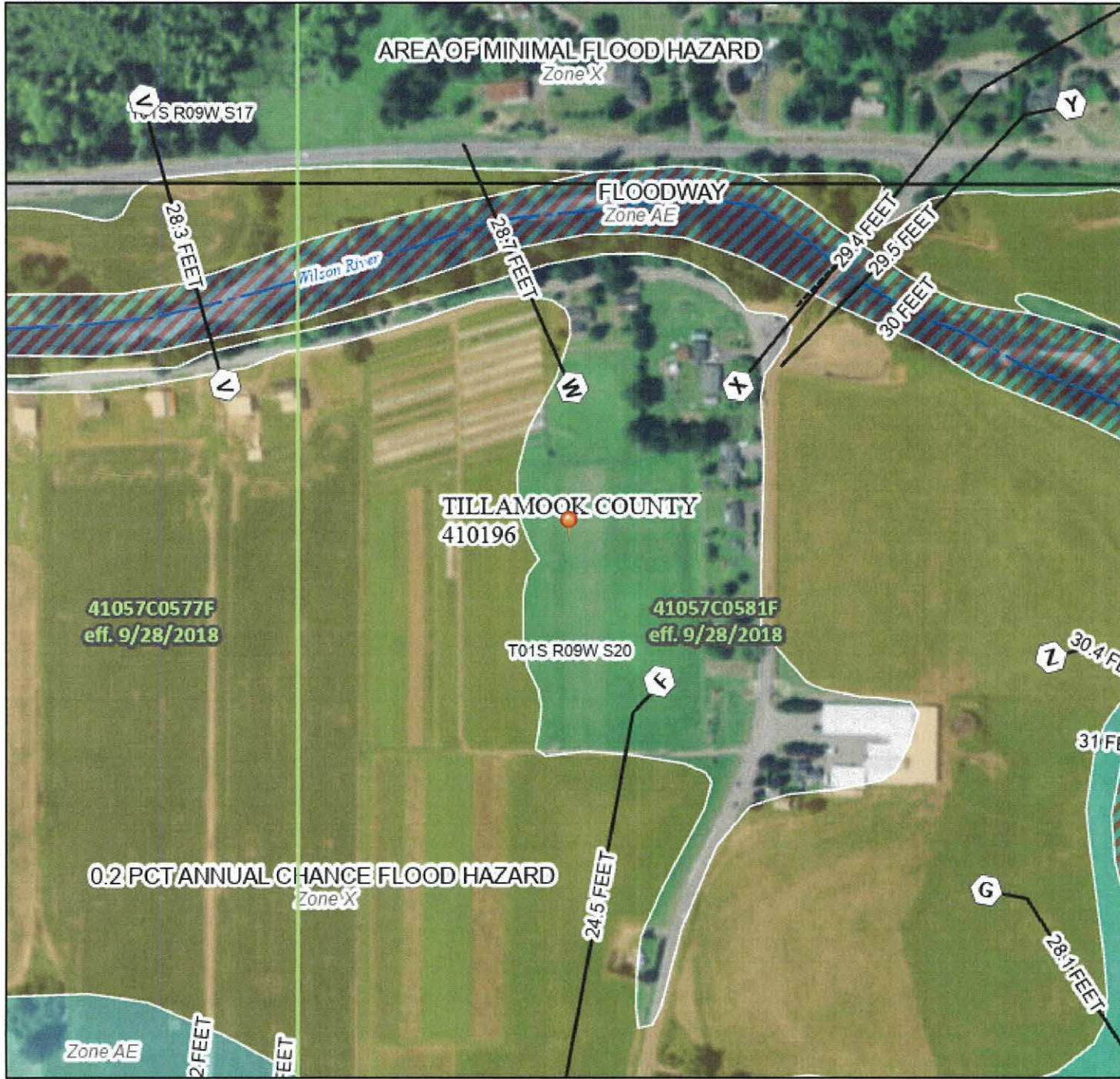
- | | | | | | |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland |  | Lake |
|  | Estuarine and Marine Wetland |  | Freshwater Forested/Shrub Wetland |  | Other |
| | |  | Freshwater Pond |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Flood Hazard Layer FIRMette



123°48'55"W 45°28'45"N



123°48'17"W 45°28'19"N

Legend

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

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <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, Areas 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
GENERAL STRUCTURES		Area of Undetermined Flood Hazard <i>Zone I</i>
		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 1/4/2024 at 4:25 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.



LIVERMORE
ARCHITECTURE &
ENGINEERING, INC.

1500 SW First Ave, Suite 240
Portland, Oregon 97201
Phone: 503-892-3002
www.livermoreae.com

THE SHED AT JOSI FARMS
735 WILSON RIVER LOOP
TILLAMOOK, OR 97141

JOB: 224012.00
DATE: 02/14/2024
SCALE: 1"=50'-0"

CONCEPT SITE PLAN

ST-01

Applicant's Summary of Purpose and Need

The applicant chooses to pursue a development envelope of 4,500 sq.ft. with 2,500 sq.ft. of processing space and 2,000 sq. ft. of combined retail, kitchen, bathroom facility, and informal dining space for take-away food

The purpose and intent of the facility is to showcase foods grown by the applicant on the adjoining fields and operation. To a lesser degree additional products prepared and/or sold on the premises will be products grown or crafted on farms in Tillamook County by other producers and operators

Processing facilities and retail outlets for fruits and vegetables and other perishable agricultural products are necessary to maintain the viability and profitability of growers of these products. There are insufficient retail outlets for farm-produced products in Tillamook County and there is a need for facilities that can create shelf-stable products that extend the life of short-lived and perishable fruits and vegetables. The proposed development will provide both processing capacity not currently available to the property owner and a retail outlet for fresh and value-added products to increase farm viability and community market access to local products. The owner/applicant proposes to provide processing capacity of the facility to other regional growers and producers and will offer regional agricultural products for sale in the retail space to support the local agricultural community.

EXHIBIT C

Melissa Jenck

From: LEONE Julie * ODA <Julie.LEONE@oda.oregon.gov>
Sent: Thursday, June 6, 2024 12:26 PM
To: Melissa Jenck; MANDERSON Alexis * ODA
Subject: EXTERNAL: Re: 851-24-000165-PLNG: Josi CUP

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Melissa,

We do not license a farm stand or farm direct marketing products. They are under the Farm Direct Exemption (OAR 603-025-0215). Farm Direct Market Farm Stands can sell and consign fruits, vegetables and other value-added products that are approved under the farm direct rule.

If there is a retail component, such as selling products that do not fall under the farm direct marketing rule or selling food for immediate consumption, then a license would be required. The jurisdiction for retail licensing is based on the predominant activity. If it is determined the café (food for immediate consumption) is a greater % than a retail market/processor (packaged food) then the county would license the establishment. And vice versa if the market/processor sales are greater than food for immediate consumption, it would fall under ODA jurisdiction.

An ODA license for a retail food establishment is feasible if the project meets the minimum requirements including water, septic, plan review etc etc.

Julie Leone
Food Safety Specialist
Oregon Department of Agriculture
(971) 209-5658

From: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Date: Tuesday, June 4, 2024 at 2:44 PM
To: MANDERSON Alexis * ODA <Alexis.MANDERSON@oda.oregon.gov>, LEONE Julie * ODA <Julie.LEONE@oda.oregon.gov>
Subject: FW: 851-24-000165-PLNG: Josi CUP

Some people who received this message don't often get email from melissa.jenck@tillamookcounty.gov. [Learn why this is important](#)

Good afternoon Alex and Julie,

I'm currently going through a proposal for a "farm stand" which would maintain a retail and/or café component. I am assuming ODA is likely the Department whom would license any food service operations within the proposed facility. The Department is reaching out for comments on the proposal, during this review process. Namely from agencies, whether they have comments regarding future permitting requirements, or ability for any permitting function to be obtained for the proposal. Generally speaking, the Department is reviewing the feasibility of the proposed development to occur. From agencies, we're requesting information into whether they would find the development feasible within their rules/regulations.

You can find the materials for the proposal here: <https://www.tillamookcounty.gov/commdev/project/851-24-000165-plng>

Thank you,

*** Please note that the Tillamook County domain has changed, and my email address is now Melissa.Jenck@tillamookcounty.gov Please update your contact information as needed. Thank you. ***



Melissa Jenck (she/her) | Senior Planner
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x 3301
Melissa.Jenck@tillamookcounty.gov

My working hours are 7:00am to 5:30pm, Tuesday thru Friday, starting May 6th.

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.tillamookcounty.gov/commdev> to access the appointment scheduler portal.

From: Jaime Craig <Jaime.Craig@tillamookcounty.gov>
Sent: Tuesday, May 28, 2024 8:00 AM
To: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>; Carrie Gentry <Carrie.L.GENTRY@oha.oregon.gov>
Subject: RE: 851-24-000165-PLNG: Josi CUP

Hi Melissa,

Thanks. Your contact for ODA will be Julie or Alex. I am not sure how they split it up.



Jaime Craig REHS
TILLAMOOK COUNTY | Environmental Health Program Manager
(She/Her/Hers) ([Why pronouns matter](#))
2111 8th St. | PO Box 489
Tillamook, OR 97141

Phone (503) 842-3909
Fax (503) 842-3983
Jaime.Craig@tillamookcounty.gov
www.tillamookchc.org

***NEW EMAIL effective immediately. Please update my contact within your systems to**
Jaime.Craig@tillamookcounty.gov

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

Although our office is open, staffing availability may limit when our office door is open. If you need to schedule time to speak with Environmental Health, please call 503-842-3909 to schedule an in-person appointment. Thank you. Our office hours are from 8:30 to 4:30 with a lunch from 12-1pm.

From: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Sent: Friday, May 24, 2024 4:17 PM
To: Jaime Craig <Jaime.Craig@tillamookcounty.gov>; Carrie Gentry <Carrie.L.GENTRY@oha.oregon.gov>
Subject: FW: 851-24-000165-PLNG: Josi CUP

Jaime and Carrie,

I believe they are on a public water system, but they are proposing a retail/café. I assume it likely will fall under ODA compliance, but want you to be aware.

Sincerely,

*** Please note that the Tillamook County domain has changed, and my email address is now Melissa.Jenck@tillamookcounty.gov Please update your contact information as needed. Thank you. ***



Melissa Jenck (she/her) | Senior Planner
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x 3301
Melissa.Jenck@tillamookcounty.gov

My working hours are 7:00am to 5:30pm, Tuesday thru Friday, starting May 6th.

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.tillamookcounty.gov/commdev> to access the appointment scheduler portal.

From: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Sent: Friday, May 24, 2024 2:48 PM
To: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Cc: heather.wade@dlcd.oregon.gov; brett.estes@dlcd.oregon.gov; FOOTE Hilary * DLCD <Hilary.FOOTE@dlcd.oregon.gov>; BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov>; york.johnson@deq.oregon.gov; Oregon Department of Transportation - Matt Caswell <odotr2planmgr@odot.state.or.us>; HENDRICKS Nikki M * WRD <Nikki.M.HENDRICKS@water.oregon.gov>; Kinsey Friesen <kinsey.m.friesen@usace.army.mil>; doryfreshfish@embarqmail.com; Tiffany Miller <tmiller@tillamook911.com>; Fire Chief <FireChief@tillamookfire.com>; Denise Vandecoevering <Denise.Vandecoevering@tillamookcounty.gov>; Brian Olle <brian.olle@tillamookcounty.gov>; Chris Laity <Chris.Laity@tillamookcounty.gov>; Chris Chiola <Chris.Chiola@tillamookcounty.gov>; JOYE Jessica DEQ <jessica.joye@deq.oregon.gov>
Subject: 851-24-000165-PLNG: Josi CUP

Good afternoon,

Please see the linked Conditional Use application for Donald and Jaimie Josi. The comment period ends June 7th.

<https://www.tillamookcounty.gov/commdev/project/851-24-000165-plng>

Sincerely,

*** Please note that the Tillamook County domain has changed, and my email address is now Melissa.Jenck@tillamookcounty.gov Please update your contact information as needed. Thank you. ***



Melissa Jenck (she/her) | Senior Planner
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x 3301
Melissa.Jenck@tillamookcounty.gov

My working hours are 7:00am to 5:30pm, Tuesday thru Friday, starting May 6th.

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.tillamookcounty.gov/commdev> to access the appointment scheduler portal.

Melissa Jenck

From: Brian Olle
Sent: Friday, June 7, 2024 4:51 PM
To: Melissa Jenck
Cc: Chris Laity; Jasper Lind
Subject: RE: 851-24-000165-PLNG: Josi CUP
Attachments: ordinance44-amendment3-07-24-96.pdf

Hi Melissa,

Public Works has reviewed the request for Josi CUP. Public Works will require additional items from the property owner before providing final approval. See the list of items below that will be required:

- The proposed road approach/access point will need to be moved approximately 100' to the south, or more. The Stopping Sight Distance (SSD) is not adequate for southbound traffic at the location being proposed for a design speed of 55MPH. (See tables in attached Ordinance #44 for SSD distance requirements)
- A commercial road approach for high-speed roadways will be required

Let me know if you have any questions.

Thanks,



Brian Olle, P.E. | Engineering Project Manager
TILLAMOOK COUNTY | Public Works
503 Marolf Loop
Tillamook, OR 97141
Direct: (503)354-1477
Cell: (503)812-6569
Brian.Olle@tillamookcounty.gov

From: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Sent: Friday, May 24, 2024 2:48 PM
To: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Cc: heather.wade@dlcd.oregon.gov; brett.estes@dlcd.oregon.gov; FOOTE Hilary * DLCD <Hilary.FOOTE@dlcd.oregon.gov>; BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov>; york.johnson@deq.oregon.gov; Oregon Department of Transportation - Matt Caswell <odotr2planmgr@odot.state.or.us>; HENDRICKS Nikki M * WRD <Nikki.M.HENDRICKS@water.oregon.gov>; Kinsey Friesen <kinsey.m.friesen@usace.army.mil>; doryfreshfish@embarqmail.com; Tiffany Miller <tmiller@tillamook911.com>; Fire Chief <FireChief@tillamookfire.com>; Denise Vandecoevering <Denise.Vandecoevering@tillamookcounty.gov>; Brian Olle <brian.olle@tillamookcounty.gov>; Chris Laity <Chris.Laity@tillamookcounty.gov>; Chris Chiola <Chris.Chiola@tillamookcounty.gov>; JOYE Jessica DEQ <jessica.joye@deq.oregon.gov>
Subject: 851-24-000165-PLNG: Josi CUP

Good afternoon,

Please see the linked Conditional Use application for Donald and Jaimie Josi. The comment period ends June 7th.

<https://www.tillamookcounty.gov/commdev/project/851-24-000165-plng>

Sincerely,

*** Please note that the Tillamook County domain has changed, and my email address is now Melissa.Jenck@tillamookcounty.gov Please update your contact information as needed. Thank you. ***



Melissa Jenck (she/her) | Senior Planner
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x 3301
Melissa.Jenck@tillamookcounty.gov

My working hours are 7:00am to 5:30pm, Tuesday thru Friday, starting May 6th.

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.tillamookcounty.gov/commdev> to access the appointment scheduler portal.

COUNTY COURT JOURNAL

TILLAMOOK BOARD OF COUNTY COMMISSIONERS

FILED

COUNTY ROAD APPROACH ORDINANCE

96 AUG -7 AM 9:19

In the matter of amending portions
of the Road Approach Ordinance #44

JOSEPHINE VELAZQUEZ
Amendments to
ORDINANCE NO. 44

The Board of Commissioners for Tillamook County ordains as follows:

(In the following text **boldface type** indicates new text being added and [~~strikeout with brackets~~] indicates existing text being deleted.)

SECTION IV. APPLICATION FOR PERMIT

- A. 4. any drainfiel[~~ie~~]d site evaluation reports which exist for the property.
- 6. signature of the owner of the property requesting the Road Approach Permit, **and**[-]

SECTION VII. STANDARDS

B. Sight Distance. A vehicle using the road approach must have the following sight distance both directions from the road approach:

TRAFFIC <u>SPEED</u> (MPH)	RECOMMENDED STOPPING SIGHT <u>DISTANCE</u> (FEET)	MINIMUM STOPPING SIGHT <u>DISTANCE</u> * (FEET)
20	125	107
25	150	139
30	200	177
35	250 [225]	218
40	325 [275]	267
45	400 [325]	319
50	475 [400]	376
55	550 [450]	432

* Paved Road approach required

F. Width - Minimum. The minimum road approach width for **individual private residences approaches** shall be 12 feet. The minimum road approach width for private road or commercial road approaches shall be 20 feet.

//
//
//

1 K. Paved Road Approaches. If the public road is paved, the road
2 approach within the right-of-way shall be paved if any of the
3 following applies to the proposed approach:

- 4 1. The approach is or will be used by truck traffic.
5 Examples include:
 - 6 a. More than one round trip per day by a vehicle of
7 26,000 GVW or heavier.
 - 8 b. Business that has hauling/delivery traffic.
 - 9 c. Not included is a property owner that parks his/her
10 single truck on the property at the end of the
11 business day.
- 12 2. The approach has or will have heavy vehicle use.
13 Examples include:
 - 14 a. Business that has customer traffic.
 - 15 b. Apartments.
 - 16 c. Private road intersection.
 - 17 d. Road approach with 3 or more residences.
 - 18 e. Not included is an approach utilized by only 2
19 residences.
- 20 3. Any portion of the first 20 feet from edge of existing
21 roadway pavement is greater than 5% grade.
- 22 4. If sight distance does not comply with the " RECOMMENDED"
23 standards of Paragraph B. above (Sight Distance).

24 ~~[If the public road is paved, all of the road approach within
25 the right of way shall be paved. If the road approach is a
26 private road or for commercial use, the road approach shall be
27 paved at least 30 feet from the existing roadway pavement.
28 For all other uses, the road approach shall be paved at least
29 20 feet from the existing roadway pavement.]~~

30 The minimum paving standard shall be a 3 inch thick lift of
31 ~~[asphalt cement] paving. [Portland Cement Concrete road
32 approaches will not be allowed unless the roadway has concrete
33 curbs.]~~

34 ~~[An unpaved road approach within the right of way may be
35 approved if all of the following conditions are met:~~

- 36 ~~a. The road approach is for a single family residence,
37 and~~
- 38 ~~b. The road is a dead end with 10 lots or less. If
39 there is future anticipated lot division, the
40 equivalent lots count toward this total; and~~
- 41 ~~c. the speed of the road is 25 mph or less.]~~

42 //
43 //

1 SECTION VIII. VARIANCE FROM STANDARDS

2 B. 1. The variance is required due to [a] peculiar physical
3 conditions at this location or due to special needs
4 required by the nature of the business or operation.

5 DATE of First Reading: June 26, 1996

6 DATE of Second Reading: July 10, 1996

7 ADOPTED THIS 24th DAY OF July 1996.

8 BOARD OF COUNTY COMMISSIONERS
9 FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent

10 Ken Burdick
11 Ken Burdick, Chairperson

2 _____
1 _____

12 Gina Mulford
13 Gina Mulford, Vice-Chairperson

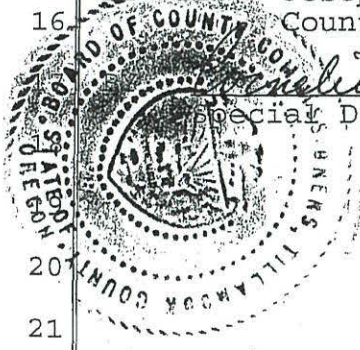
✓ _____
1 _____

14 Jerry A. Dove
15 Jerry A. Dove, Commissioner

_____ _____
1 _____

16 ATTEST: Josephine Veltri,
17 County Clerk
18 Paula V. Glenn
19 Special Deputy

20 APPROVED AS TO FORM:
21 [Signature]
22 William K. Sargent
23 County Counsel



Melissa Jenck

From: Chris Laity
Sent: Tuesday, May 28, 2024 6:24 PM
To: Brian Olle; Jasper Lind
Cc: Melissa Jenck
Subject: RE: 851-24-000165-PLNG: Josi CUP

My only comment is that they would not need a traffic impact study. I haven't seen the actual application until now. Review the intersection sight distance requirements for the posted speed (vertical and horizontal checks). Gregory may have speed counts that can be used as a check.

Chris Laity, P.E. | Director
TILLAMOOK COUNTY | Public Works
Phone (503) 842-3419
Chris.Laity@tillamookcounty.gov

From: Brian Olle <brian.olle@tillamookcounty.gov>
Sent: Tuesday, May 28, 2024 4:28 PM
To: Chris Laity <Chris.Laity@tillamookcounty.gov>
Cc: Jasper Lind <Jasper.Lind@tillamookcounty.gov>
Subject: FW: 851-24-000165-PLNG: Josi CUP

I briefly spoke with Melissa about this application from the Josi's and she thought there may have been some conversation with our staff and the Josi's before they did this application? If so can you fill me in before I provide feedback/concerns? The access they are proposing is right in the middle two curves, one on each side the access, and I know speeds on that road are higher than posted, so I did have some initial concerns over it.



Brian Olle | Engineering Project Manager
TILLAMOOK COUNTY | Public Works
503 Marolf Loop
Tillamook, OR 97141
Direct: (503)354-1477
Cell: (503)812-6569
Brian.Olle@tillamookcounty.gov

From: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Sent: Friday, May 24, 2024 2:48 PM
To: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Cc: heather.wade@dlcd.oregon.gov; brett.estes@dlcd.oregon.gov; FOOTE Hilary * DLCD <Hilary.FOOTE@dlcd.oregon.gov>; BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov>; york.johnson@deq.oregon.gov; Oregon Department of Transportation - Matt Caswell <odotr2planmgr@odot.state.or.us>; HENDRICKS Nikki M * WRD <Nikki.M.HENDRICKS@water.oregon.gov>; Kinsey Friesen <kinsey.m.friesen@usace.army.mil>; doryfreshfish@embarqmail.com; Tiffany Miller <tmiller@tillamook911.com>; Fire Chief <FireChief@tillamookfire.com>; Denise Vandecoevering <Denise.Vandecoevering@tillamookcounty.gov>; Brian Olle <brian.olle@tillamookcounty.gov>; Chris Laity <Chris.Laity@tillamookcounty.gov>; Chris Chiola <Chris.Chiola@tillamookcounty.gov>; JOYE Jessica DEQ

<jessica.joye@deq.oregon.gov>

Subject: 851-24-000165-PLNG: Josi CUP

Good afternoon,

Please see the linked Conditional Use application for Donald and Jaimie Josi. The comment period ends June 7th.

<https://www.tillamookcounty.gov/commdev/project/851-24-000165-plng>

Sincerely,

*** Please note that the Tillamook County domain has changed, and my email address is now Melissa.Jenck@tillamookcounty.gov Please update your contact information as needed. Thank you. ***



Melissa Jenck (she/her) | Senior Planner
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x 3301
Melissa.Jenck@tillamookcounty.gov

My working hours are 7:00am to 5:30pm, Tuesday thru Friday, starting May 6th.

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.tillamookcounty.gov/commdev> to access the appointment scheduler portal.

EXHIBIT D

**INSTRUCTIONS FOR FILING RESTRICTIVE COVENANT
FOR THE CREATION OF A PARCEL OR PLACEMENT OF A DWELLING
ADJACENT TO LAND ZONED FOR FARM OR FOREST USE**

1. This acknowledgment is required when the County permits the creation of parcels or the location/placement of dwellings adjacent to an area designated by the County as farm or forest lands (F, F-1, SFW-20).
2. Obtain the legal description of the subject property as it's recorded in the Tillamook County Deed Records. This is what is referred to as Exhibit A and must accompany the affidavit/covenant.
3. The attached affidavit/covenant must be filled out showing the names of ALL current property owners who appear on the property deed or contract, and signed before a Notary Public. Community Development has Notaries that can provide the service for free.
4. Once the affidavit/covenant is signed and notarized with the attached legal description, bring these to the Tillamook County Clerk's office to be recorded. **The Clerk's will charge a recording fee.** Please contact the Clerk's office at (503)842-3402 for current fees.
5. **A copy of the recorded and notarized affidavit/covenant will be given to DCD to put on file.**
6. If you have any questions about the affidavit/covenant, or the recording procedure, please contact the Department of Community Development Staff at (503)842-3408 x3410.

After Recording Return To:

RESTRICTIVE COVENANT

_____,
(GRANTORS) are the owners of real property described as follows:

PROPERTY LEGAL DESCRIPTION attached as Exhibit A hereto and incorporated by reference

Do hereby promise and covenant as follows:

The property herein described is situated adjacent to a Farm or Forest resource zone such as F, F-1, or SFW-20 zones in Tillamook County, Oregon where the intent is to encourage farm and forest use and minimize conflicts with those uses. The owners/residents of this parcel understand that on the adjacent land customary and accepted farm or forest management practices, conducted in accordance with federal and state laws, ordinarily and necessarily produce noise, dust, smoke, odors, the application of manure, fertilizers, or herbicides (including aerial spraying), road construction, changes in view, and other impacts related to a resource zone.

I/We do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a structure in this area and shall not pursue a claim for relief or cause of action of alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or ORS 30.937.

This covenant shall run with the land and is intended to and hereby shall bind my/our heirs, assigns, lessees, and successors and it can not be deleted or altered without prior contact and approval by the Tillamook County Department of Community Development (GRANTEE) or its successor.

IN WITNESS WHEREOF, the said Party has executed this instrument this _____ day of _____, 20____,

Signature

Print Names

State of _____, County of _____

Subscribed and sworn to before me this _____ day of _____, 20__

SEAL

Notary Public of Oregon
My Commission Expires:

STATE OF OREGON
COUNTY OF TILLAMOOK