



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

July 7, 2006



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Tillamook County Plan Amendment
DLCD File Number 005-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 24, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Tim Franz, Tillamook County

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FORM 2

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

DEPT OF

(See reverse side for submittal requirements)

JUL 05 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Tillamuth County Local File No.: 20-05-04 (If no number, use none)

Date of Adoption: JUNE 21, 2006 Date Mailed: July 3, 2006 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: October 12, 2005

- Comprehensive Plan Text Amendment, Comprehensive Plan Map Amendment, Land Use Regulation Amendment, Zoning Map Amendment, New Land Use Regulation, Other: (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Zone change 34.70 ACRES From FARM (F-1) to Forest (F)

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

SAME

Plan Map Changed from: FARM (F-1) to Forest (F)

Zone Map Changed from: FARM (F-1) to Forest (F)

Location: MUMSON CREEK T2S9-28 T290 Acres Involved: 34.70

Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals: 3/4

Was an Exception Adopted? Yes: No: X

DLCD File No.: 005-05 (14738)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: Tillamook county
ODF / DLCD / ODFW

Local Contact: TIM FRANK, Associate Planner Area Code + Phone Number: 503-842-3708

Address: 201 LAUREL AVE

City: Tillamook Zip Code+4: 97141-2394

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

4:05 PM
Filed
6-21, 2006
Tassi O'Neil
County Clerk

BEFORE THE BOARD OF COMMISSIONERS
OF TILLAMOOK COUNTY, OREGON

In the Matter of an Amendment to the Tillamook County) ZC-05-04
Comprehensive Plan, Zoning Maps to adopt a Zone)
Change for the subject property changing the) FINDINGS AND
Zoning Designation from County Farm (F-1) to County) DECISION
Forest (F) on property identified as Township 2 South,)
Range 9 West, Section 28, Tax Lot 901)

This matter came before the Tillamook County Board of Commissioners at the request of Robert & Val Lichner, applicant and owner of the subject property. The subject property is designated as Tax Lot 901 of Section 28, Township 2 South, Range 9 West W.M., Tillamook County, Oregon.

The Board of Commissioners being fully apprised of the representations of the above-named person(s), and the records and files in this matter finds as follows:

- (1) The files in this proceeding can be found in the office of the Department of Community Development under Zone Change ZC-05-04.
- (2) Notice of Proposed Action was submitted to the Department of Land Conservation and Development on October 12, 2005.
- (3) The Tillamook County Planning Commission held a public hearing on this request on December 8, 2005. The hearing was noticed in a proper manner according to the requirements of ORS 197 and 215. After reviewing the staff report, testimony, and the record and file for ZC-05-04, the Planning Commission found the application met the criteria and recommended to the Tillamook County Board of Commissioners to adopt Zone Change Amendment Request ZC-05-04.
- (4) The Board opened a de novo public hearing on the Zone Change on May 31, 2006. The hearing was properly noticed according to the requirements of ORS 197 and 215. After reviewing the Planning Commission's recommendation, the staff report containing findings and conclusions, testimony, and the record and file pertaining to ZC-05-04, the Board found that the four Zone Change Criteria outlined under the Land Use Ordinance, Article IX had been met. The Board then adopts the proposed Zoning Map Amendment and approved Zone Change ZC-05-04 and adopted staff's findings and conclusions.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF TILLAMOOK COUNTY, OREGON, ORDERS AS FOLLOWS:

The Tillamook County Zone Map #100 is hereby amended as shown in Exhibit II, to change the zoning on the subject property to a Forest (F) Zone. The subject property shall be as outlined in the staff report filed with Tillamook County Department of Community Development as ZC-05-04, Exhibit I.

DATED THIS 21st DAY OF June, 2006.

BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent

Tim Josi
Tim Josi, Chair

Mark Labhart
Mark Labhart, Vice-Chair

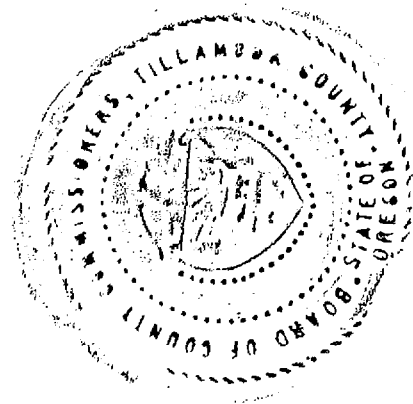
Charles J. Hurliman
Charles J. Hurliman, Commissioner

ATTEST: Tassi O'Neil,
County Clerk

APPROVED AS TO FORM:

Susan L. Beecraft
Special Deputy

William K. Sargent
William K. Sargent

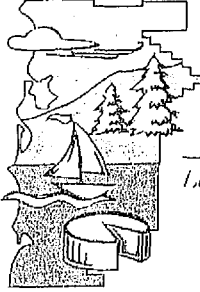


ZC-05-04

FINDINGS AND DECISION

EXHIBIT I

Tillamook County



Land of Cheese, Trees and Ocean Breeze

DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

201 Laurel Avenue
Tillamook, Oregon 97141

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

ZONE CHANGE AND COMPREHENSIVE PLAN AMENDMENT
for
Zone Change Request ZC-05-04

Staff Recommendation: Planning Commission Approval with a Recommendation to the
Board of County Commissioners

Staff Report Date: November 23, 2005
Planning Commission Hearing Date: December 8, 2004
Board of County Commissioners Hearing Date: TBA

REPORT PREPARED BY: Tim Franz, Associate Planner

TF 11/23/05

I. GENERAL INFORMATION:

Request: To change the zoning and Comprehensive Plan designation on a 34.70 acre parcel from Farm (F-1) to Forest (F).

Location: The subject property is located north of Munson Creek Road and is designated as Tax Lot 901 of Section 28, Township 2 South, Range 9 West of the Willamette Meridian, Tillamook County, Oregon, Exhibit I & II.

Applicants &

Owners: Robert & Val Lichner, 4650 Brickyard Rd, Tillamook, OR 97141.

Site Description: The subject property is approximately 34.70 acres in size and is predominately used as a forest. The property is north of Munson Creek Road approximately ¾ of a mile from US Highway 101 and approximately ½ mile from Munson Creek Falls State Park. Munson Creek flows westerly through the center of the property. The property is located at a transitional point between Pleasant Valley and the Coast Range.

Zoning History: The subject property was originally zoned (A-1) Low Density Residential, Agricultural, Forestry and Recreational, Exhibit IV. In the 1982 Comprehensive Plan and associated zoning maps the property was changed to the current Farm (F-1) zone, Exhibit I.

II. APPLICABLE COMPREHENSIVE PLAN AND LAND USE ORDINANCE PROVISIONS:

A. Comprehensive Plan

1. Goal 3: Agricultural Lands Element
2. Goal 4: Forest Lands Element

B. Tillamook County Land Use Ordinance, Article III, Zoning Regulations

1. Section 3.002: Farm Zone (F-1)
2. Section 3.004: Forest Zone (F)

C. Tillamook County Land Use Ordinance, Article IX Amendment Procedures

1. Section 9.020: Map Amendment Procedure Criteria

III. ANALYSIS

A. TILLAMOOK COUNTY COMPREHENSIVE PLAN GOALS AND POLICES

1. Goal 3: Agricultural Lands

Goal 3, Agricultural Lands Element states that, "Agriculture has played a very prominent role in Tillamook County's economy and way of life since the middle of the last century." The Goal 3 Element goes on to say, "The economic benefits of farming are shared by the entire County..."

2. Goal 4: Forest Lands:

Goal 4, Forest Lands Element, states that, "Tillamook County's forests are an essential natural resource." The County's forest lands provide a perpetual harvest of commercial timber as well as fish and wildlife habitat, maintenance of clean air and water protection of soil, outdoor recreational activities and scenic open space. The Goal 4 Element details the importance of forestlands to the County's economy.

Findings: Farm and Forest lands are considered to be resource lands which are important to the County's economic base. The applicants are proposing a zone change from Farm (F-1) to Forest (F). The property is actively used by the owners to raise and harvest commercial timber according to the Oregon Forest Practices, meeting and exceeding the standards required by the Oregon Department of Forestry, Exhibit V. The property owners have an extensive history for working in the forestry industry. The owners of this parcel, have been managing the property for forestry purposes as in addition to other properties they own. The

applicants have identified that the property currently supports a broad variety of wildlife. The property is currently receiving Forest and Farm tax deferrals, Exhibit VII.

Conclusion: Based upon the findings above, the proposed zone change from Farm (F-1) to Forest (F) will not reduce the amount of resource land within Tillamook County and is consistent with the Comprehensive Goals, this criterion is met.

B. TILLAMOOK COUNTY LAND USE ORDINANCE ARTICLE III

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

The purpose of the F-1 Zone is to preserve the cultural, social, and economic values that are provided by agriculture in Tillamook County by identifying and protecting land that is needed to sustain the local agricultural economy. This includes land which is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.

Findings: The property is currently zoned Farm (F-1). Prior to the enactment of Tillamook County Land Use Ordinance 33, 6/17/1982, the property was zoned (A-1) Low Density Residential, Agricultural, Forestry and Recreational, Exhibit IV. The proposed zone change remains consistent with the original zoning for forest use. The property is predominately forested and is receiving a 24 acre forest deferral and approximately a 10.70 acre in farm deferrals. The property is not utilized as a farm and if rezoned the property owners will be required to meet with the County Farm/Forest Tax Assessor pursuant to ORS 308A.113(b), Exhibit VII. The predominant use in the area is forest. Staff noted during a site visit that nearby a number of recent and currently harvesting activities was occurring on adjacent properties. There are no adjacent farm zoned properties or farm uses occurring near the subject property.

2. Section 3.004: Forest (F) Zone

The purpose of the F Zone is to retain forest land for forest use, and to encourage the management of forest land for the growing, harvesting and processing of forest crops consistent with the Oregon Forest Practices Act. It is also to protect other forest uses from the encroachment of conflicting non-forest uses and influences, including watershed and soil protection; the maintenance of clean air and water; the preservation of fish and wildlife habitat; outdoor recreation; scenic preservation; and agricultural activities.

Findings: The 1964 Soil Conservation Maps and the Oregon Department of Revenue maps, the soils are a low value for farming purposes but are highly productive soils for forestry uses, Exhibit VI. Dan Cotton from The Oregon Department of Forestry indicates in a letter that the area is fully stocked and meets or exceeds the Oregon Forest Practices Act, Exhibit V. The Owners indicate that in 1989 and 1998 the property was replanted and that trees continue to grow, Exhibit II.

Conclusion: Based upon the findings above in Section 3.002 and 3.004, The proposed zone change meets the purpose of the Forest (F) zone and a Forest (F) zone is more suitable for the property and existing uses. This criterion is met.

C. TILLAMOOK COUNTY LAND USE ORDINANCE, ARTICLE IX AMENDMENT

1. Section 9.020 (2) Analysis

Findings: The property is approximately 34.70 acres in size, which abuts Munson Creek road in two places, Exhibit I. The property is located near Munson Creek Falls State Park which is at the southwestern end of Pleasant Valley, Exhibit III. There are a total of eight properties ranging from .86 of an acre to 181 acres in size abutting the property. The northern and eastern abutting properties are timberland, which are zoned Forest (F). Along the westerly property boundary there is residential development, zoned Rural Residential (RR-2). Along the southerly property lines there are two pockets of Rural Residential (RR-2). On the opposite side of Munson Creek Road there is a large tract land which is zoned Forest (F), Exhibit I.

The property historically was zoned for (A-1) Low Density Residential, Agricultural, Forestry and Recreational forestry use. The property has been actively managed and harvested as a forest use. The property is receiving forest tax deferrals for a majority of the site. There are no other abutting Farm (F-1) zones. The remaining acreage, which is uncultivated pastureland, has been assessed under farm deferral, Exhibits II & VII.

Conclusion: Based upon the findings above, the proposed zone change maintains a natural resource use and will not have significant impacts to the area. Staff concludes this criterion has been met.

2. Section 9.020 (3): Map Amendment Criteria:

- (a) "The proposed new zone is consistent with applicable Comprehensive Plan policies."

Findings: The existing Farm (F-1) zone and the proposed Forest (F) zone are resource zones. Both of the zones are protected as resource zones. The subject property is currently used and managed as forestland, Exhibits II & V. The property has timber upon it. The property owners have been harvesting timber from the property and replanting. The forest supports a variety of wildlife including deer, elk, bobcats and other animals. The property has no history of being used as a dairy farm, which is the predominant farm use in Tillamook County. There is an area of level ground that is approximately 8 acres in size which has not been replanted and has remained unused and uncultivated grassland, Exhibit II. The soils on the property are very high value soils for forest production, according to the Oregon Department of Revenue, Exhibit VII.

Conclusion: Based upon the findings above, Staff concludes that the Comprehensive Plan goals to protect resource lands are met by this proposal. The property is used for the growth and sale of timber, which is consistent with the Comprehensive Plan and policies. The ground is best suited for growing timber. This criterion is met.

- (b) **"The proposed new zone shall not result in the conversion of resource lands to non-resource use without an approved exception to applicable state resource protection Goals."**

Findings: Both the Forest and Farm zones are considered resource zones. The proposed zone change will not convert lands to a non-resource use, thus an exception is not required. The land is proposed to be converted from Farm to Forest. Forest activities have and are proposed to continue to occur while meeting the standards required by the Oregon Forests Practices Act, Exhibit II & V.

Conclusion: Based upon the findings above, Staff concludes this criterion is met.

- (c) **"The site under consideration is better suited to the purposes of the proposed zone than it is to the purposes of the existing zone."**

Findings: Historically, the property was zoned (A-1) Low Density Residential, Agricultural, Forestry and Recreational, Exhibit IV. The property was used and currently is used for the growth and management of timber. The property is bordered by timberland and developed Rural Residential (RR-2) zoned land. There is no abutting Farm (F-1) zone property, Exhibit I. The property has been reforested in various locations with trees varying in age and height. The 1964 United States Department of Agricultural Soil Conservation Service and The Oregon Department of Revenue maps have determined the soils on the property to be highly productivity soils for the growth of Douglas Fir timber, Exhibits, VI & VII.

Conclusion: Based upon the findings above, Staff concludes the property historically was used to harvest timber and continues to be used for timber production. The Forest (F) zone is more consistence with the uses occurring on the property than those within a Farm (F-1) zone, Therefore, this criterion is met.

- (d) **"Development anticipated to result from the proposed zone shall not impair the actual or the legally designated uses of surrounding properties."**

Findings: The surrounding properties are zoned Forest (F) or Rural Residential (RR-2). There is no other abutting Farm (F-1) zoned land. The nearest Farm (F-1) zone is approximately ¼ of a mile to the west on the other side of abutting Rural Residential (RR-2) zone. Uses bordering the property include forestry and residential uses. Nearby is Munson Creek Fall State Park, Exhibit III. The abutting Rural Residential Properties are developed with existing single dwellings. Current and future uses on the subject and adjacent properties are subject to resource zone regulations.

Conclusion: Based upon the findings listed above, Staff concludes this proposed zone change will not impair the actual or legally designated uses of adjacent properties. This criterion is met.

IV. CONCLUSION and ANALYSIS:

Reasons to support the application:

- Staff finds the applicant has demonstrated that all four (4) review criteria are met.
- The proposed Forest (F) zone and accompanying regulations are conducive to the stewardship of Forest Management.
- Due to the location, topography, soils and current use of the property, it is not to be expected that it will be fully utilized and considered a typical productive farming operation within Tillamook County.

Reasons not to support the application:

- The current Farm (F-1) zone permits the current forestry practices conducted upon the property, but does not allow the property owner to fully utilize the uses permitted within a Forest (F) zone.

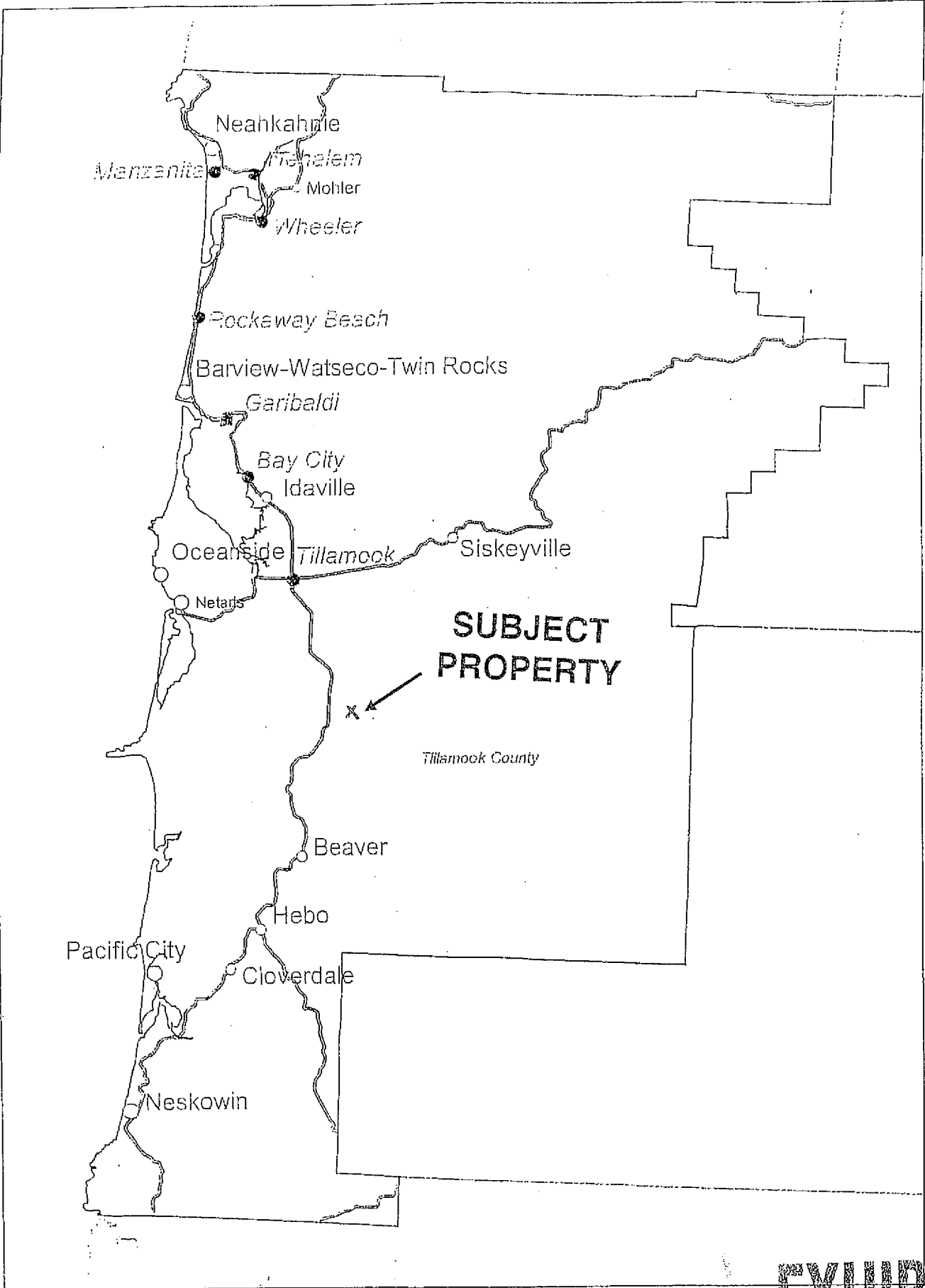
V. RECOMMENDATION:

Based on the findings of fact and other relevant information contained within this report, Staff recommends that the Planning Commission recommend to the Board of County Commissioners Approval of Zone Change/Comprehensive Plan Amendment ZC-05-04.

VI. EXHIBITS:

The following exhibits are, by this reference, made part hereof:

- Exhibit I: Location map, assessor map and zoning map.
- Exhibit II: Applicants submittal.
- Exhibit III: Topography maps.
- Exhibit IV: Pre 1980's zoning map.
- Exhibit V: Letter from Oregon Department of Forestry.
- Exhibit VI: Soil information.
- Exhibit VII: Revenue maps and Tax Assessor records.



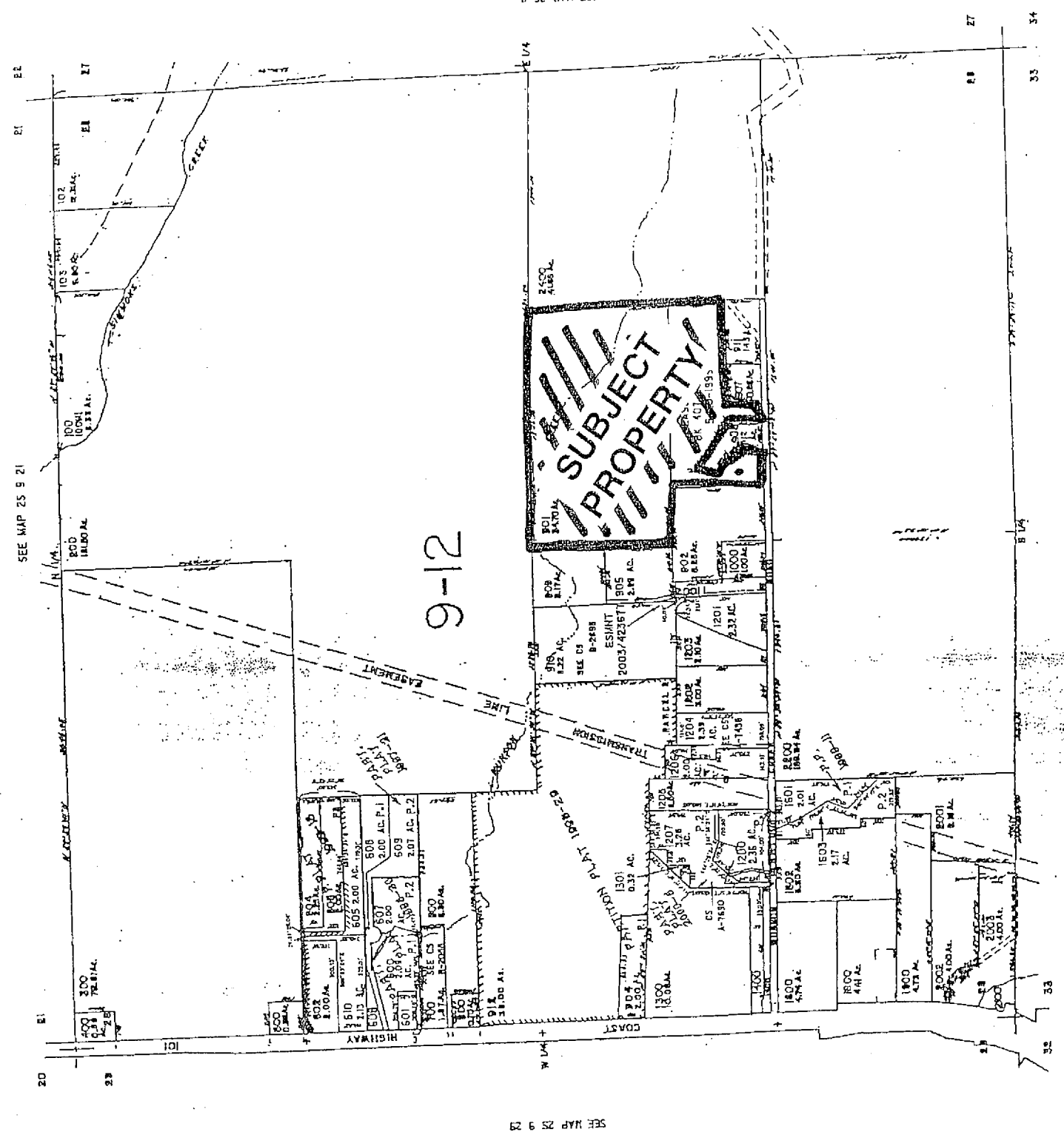
EXHIBIT

ZC-05-04

TILLAMOOK COUNTY

ASSESSMENT PURPOSE ONLY

- CANCELLED NO.
- 101
- 401
- 501
- 603
- 903
- 906
- 912
- 1700
- 2000
- 2300



9-12

SEE MAP 25 9 23

SEE MAP 25 9 24

EXHIBIT
ZC-05-04

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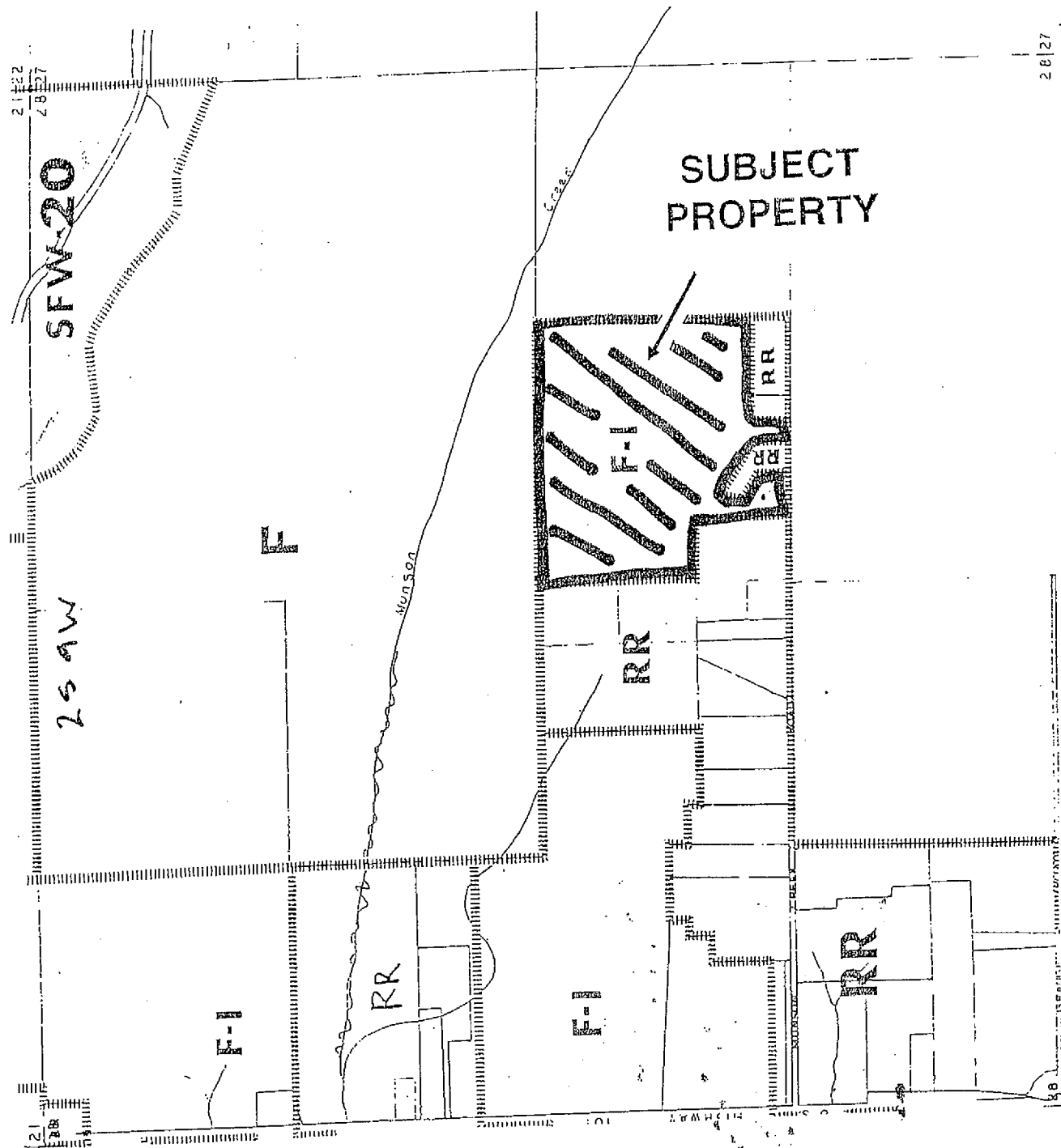


EXHIBIT
ZC-05-04

PLANNING APPLICATION
DEPARTMENT OF COMMUNITY DEVELOPMENT

Application Number ZC-05-04 Admin Review LUC Review Variance
 Conditional Use Major Partition Zone Amendment
 Exception Ordinance Amend Zone Change
 Extension Sub - Pre Lim Non Conform Major Rev
 GHZ Report Sub - Final Plat Non Conform Minor Rev

REQUEST (Describe request)

ZC FARM TO FOREST

RECEIVED
OCT 03 2005
TILLAMOOK COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICANT:

Name Robert & Val Lichner Phone 503 842 5498

Address 4650 Brickyard Rd City Tillamook State OR Zip 97141

LEGALLY RECORDED OWNER:

Name Robert Lichner Phone 842 5498

Address 4650 Brickyard Tillamook State OR Zip 97141

1. LEGAL DESCRIPTION OF THE PROPERTY INVOLVED IN THIS APPLICATION

Township 2S Range 9 Section 28 Tax Lot 201901

Subdivision _____ Lot _____ Block _____

2. ZONING F-1

3. IS THE PROPERTY DEED RESTRICTED TO PROHIBIT THE USE AS PROPOSED IN THIS APPLICATION? Yes No

4. I HEREBY APPLY FOR THE ABOVE REQUEST.

I agree to abide by the requirements of the Tillamook County Comprehensive Plan, Tillamook County Land Use Ordinance, Tillamook County Land Division Ordinance as they apply to this request.

Property Owner's Signature Robert Lichner Date _____

5. I AUTHORIZE THIS REQUEST BY THE APPLICANT.

APPLICANT'S SIGNATURE Val Lichner Date 10-3-05

***** FOR OFFICE USE ONLY *****

Date 10/3/05 Received OK Fee Paid 1415.00 Receipt # 6790

05-3800-21A

EXHIBIT II
ZC-05-04

The proposed new zone is consistent with applicable Comprehensive Plan policies.

This particular site under consideration for zone amendment is currently classed as agricultural, F1. Under our current taxes, we are considered farm with forest deferral for 24 of the 34.7 acres.

The acreage is at this time in replanted trees aged 8 years and another 10 acres of replanted trees aged approximately 16 years of age. There are other various aged trees along Munson Creek which divides the property from east to west. There is an area of level property of approximately 8 acres that was not replanted and has remained an unused, uncultivated grassland for many years.

The northern third of this property bordering Munson Creek is a sloping area and has always been under timber of various age. It is best suited to this purpose as animal activity without the cover has the potential to produce damaging erosion in incidents of heavy winter rains.

This area receives heavy use by elk. We have had to create gates in our fencing along their most used trails to keep them from tearing it down. We also have resident deer, coyote, bobcat, and all the other animals associated with forest fauna as well as many birds, including Eastern bluebirds seen nesting this spring.

Since this area has no history of being used in dairy farm activity and has been maintained in primarily harvestable timber, we feel its best use is as forestland.

The proposed new zone shall not result in the conversion of resource lands to non-resource use without an approved exception to applicable state resource protection goals.

Changing the zoning of this acreage from agricultural to forest would not result in the conversion of resource land to non-resource. This area has produced merchantable timber in past years, and it is our families full intention to continue the practice of producing and maintaining the timber now growing on this parcel. We are committed to stewarding our property to its maximum potential, not only for profit, but for the enjoyment of seeing what we have accomplished with continued maintenance and care. We take great satisfaction in knowing the property will be here for our children and grandchildren to enjoy and benefit from someday.

The site under consideration is better suited to the purposes of the proposed zone than it is to the purposes of the existing zone.

Changing the parcel to forest would be consistent with the surrounding area. The site under consideration is now zoned farmland and the proposed zone change is to timber.

This parcel is one of those type located at the head of a river valley so typical of many of the areas here in Tillamook county. It is a borderline area with 5 to 15% sloping on the north side, a flat area in the center with Munson Creek running through the middle, and sloping upward on the south side. It is a miniature valley bordered on three sides by timber land, (zoned forest).

The parcel to the north is a very large one of 181.50 acres owned by Simpson Timber Co. To the east, a parcel of 41.65 acres, which was partially clear cut this year. To the south, across Munson Creek Rd. is a piece of 126.24 acres also owned by Simpson, which was clearcut in 2004. To the west is former farm land that has been divided into various smaller residential parcels, and is now zoned rural residential.

This area consists of moderate quality soils. Nehalem, Astoria, and Hebo. Its history does not indicate any prior use as farmland. If the pasture area were to be used, it would need extensive renovation and reseeding.

The trees planted in 1989 are on the average 15 to 25 ft. tall.

These are the ones planted on the northern sloped area. The douglas fir trees planted after the second timber harvest in 1998, on the southern 2/3 are on the average 12 to 15 ft. high. This ground is producing healthy, fast growing trees.

Development anticipated to result from the proposed zone shall not impair the actual or the legally designated uses of surrounding properties.

Changing this parcel from farm to forest would have no effect on surrounding properties. As noted in criteria #3 and in other documents provided, this parcel is already surrounded on three sides by timber land. Since our property has been replanted in 1989 and 1998, it is our intention to allow these trees to continue to grow. Our periodic maintenance, such as brush clearing, weeding, mowing, etc. will be of benefit in allowing the trees optimal growth. Additional benefits will allow for personal and visual enjoyment, and should be beneficial for any neighboring properties.

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

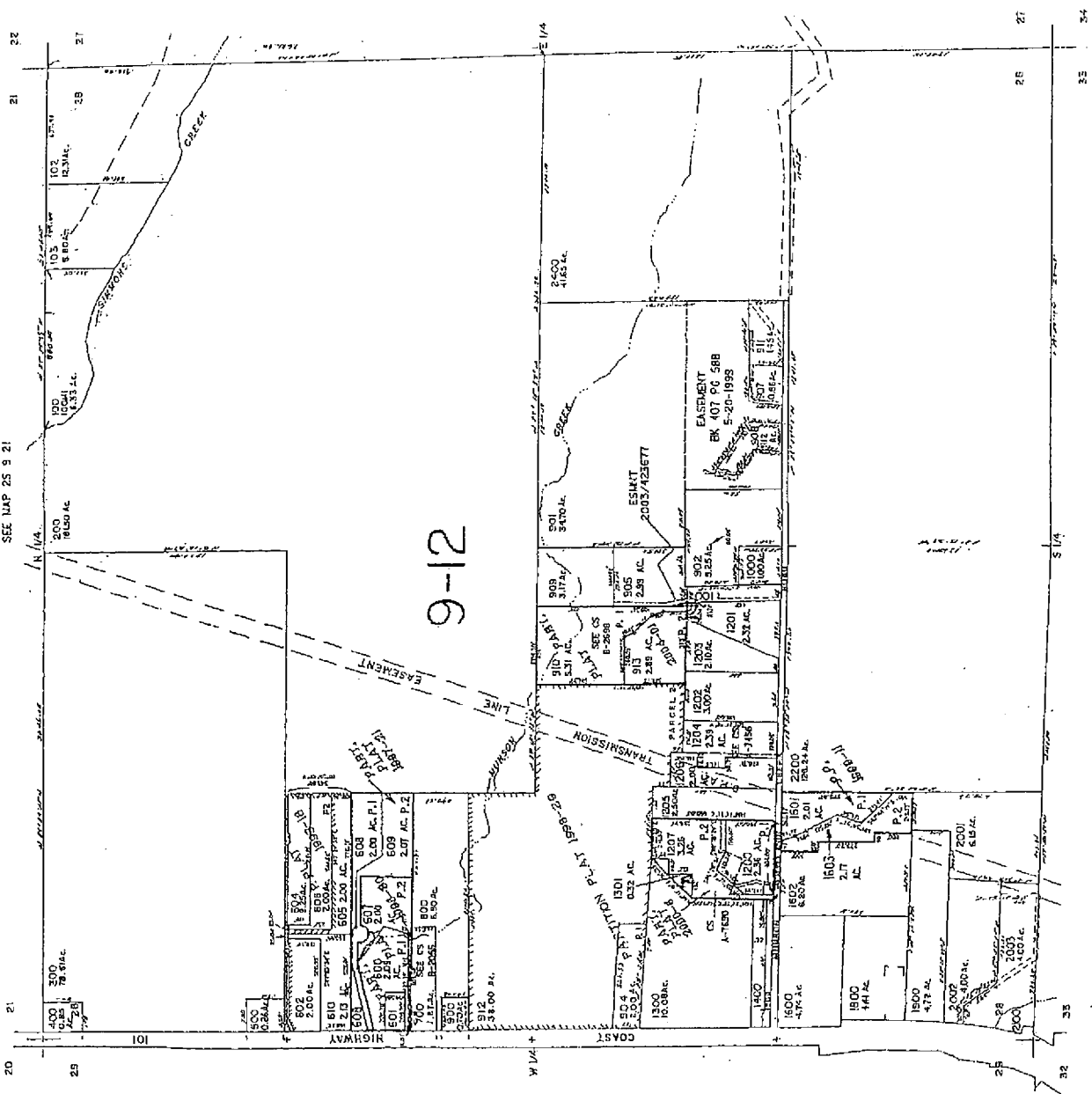
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

1" = 400'

25 9 28

CANCELLED NO.

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SEE MAP 25 9 21

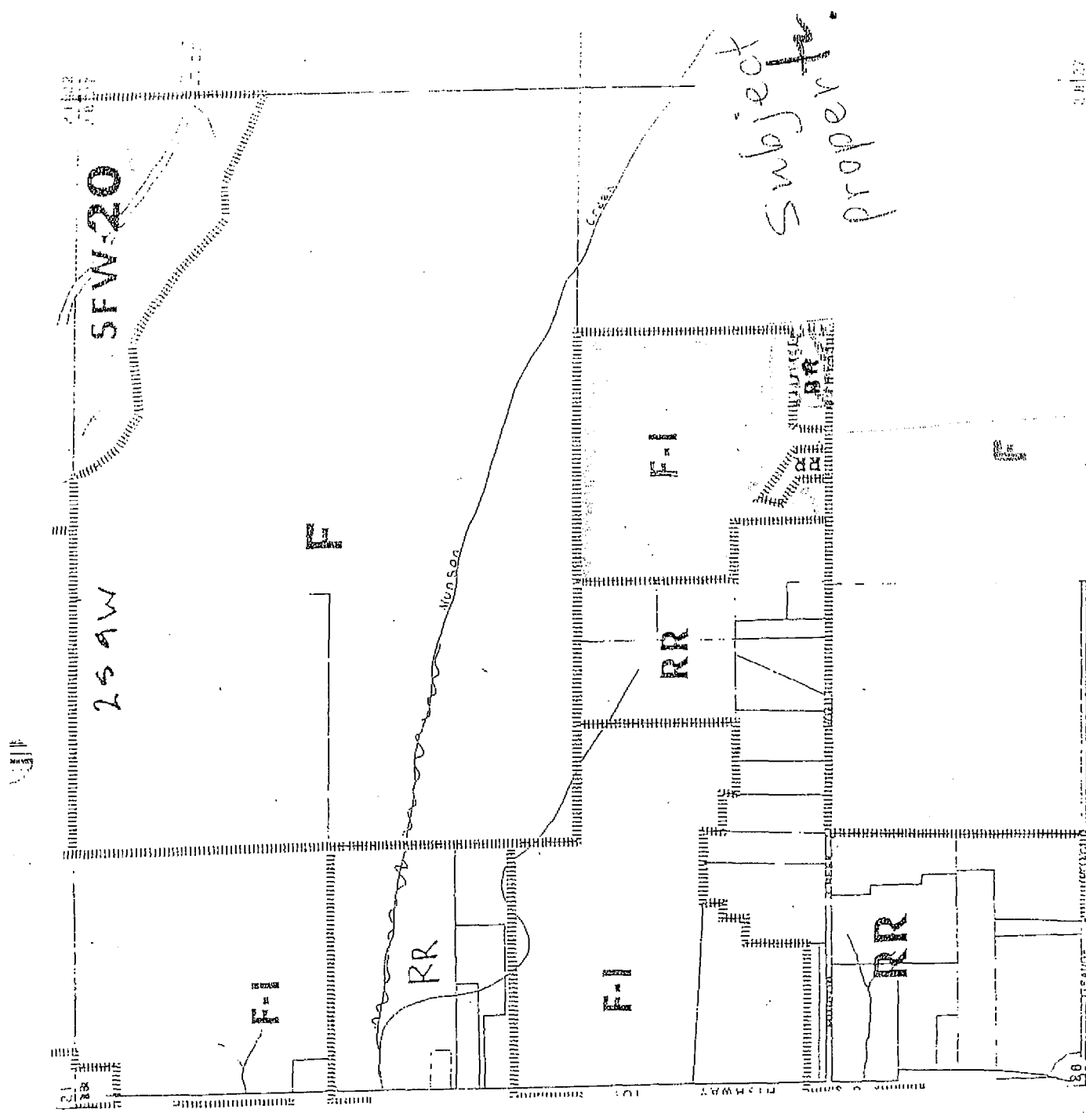
SEE MAP 25 9 29

SEE MAP 25 9

25 9 28

Revised 02/02/04, SA

SEE MAP 25 9 33



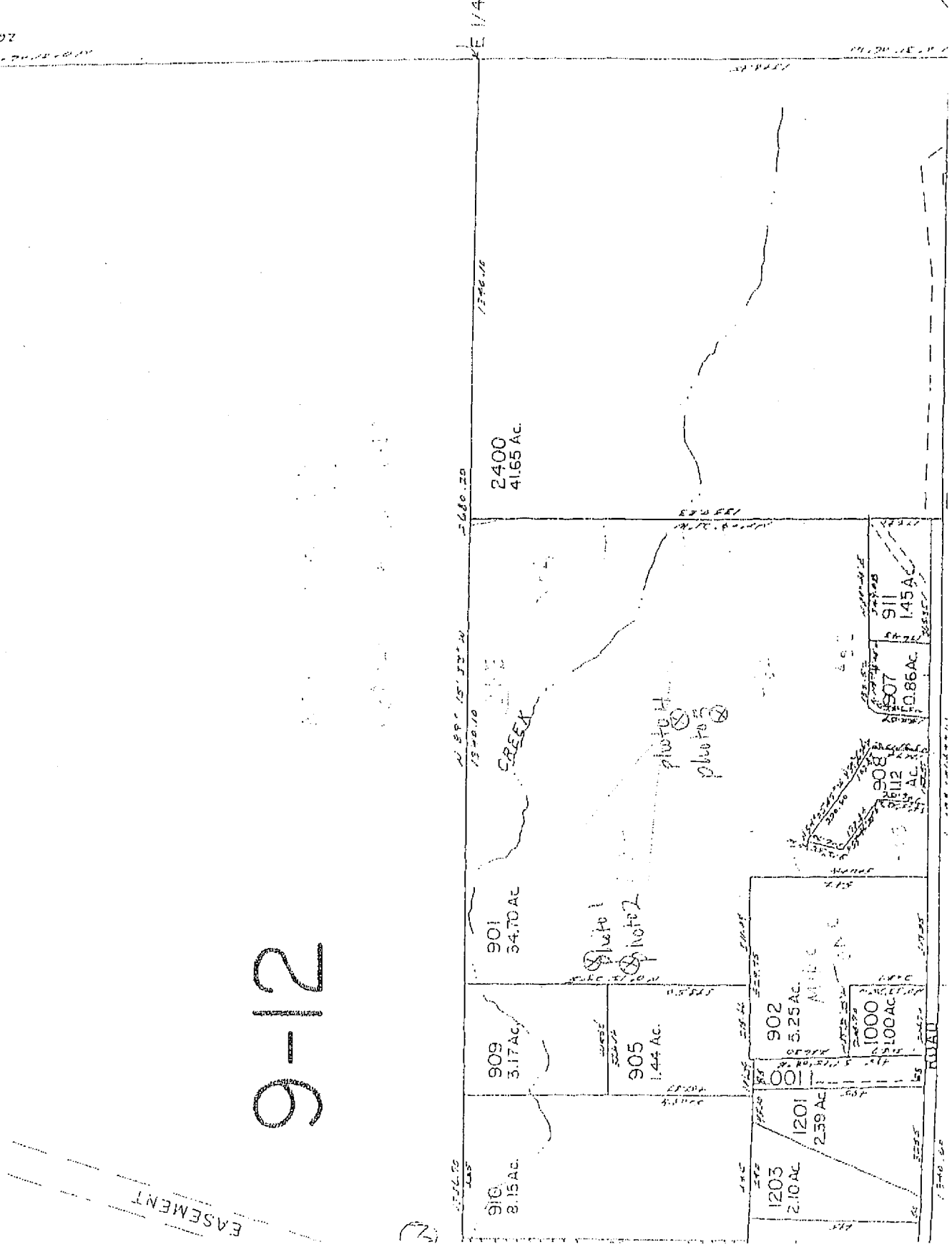
subject
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EASEMENT

9-12



SEE MAP 25 9

259

(11)

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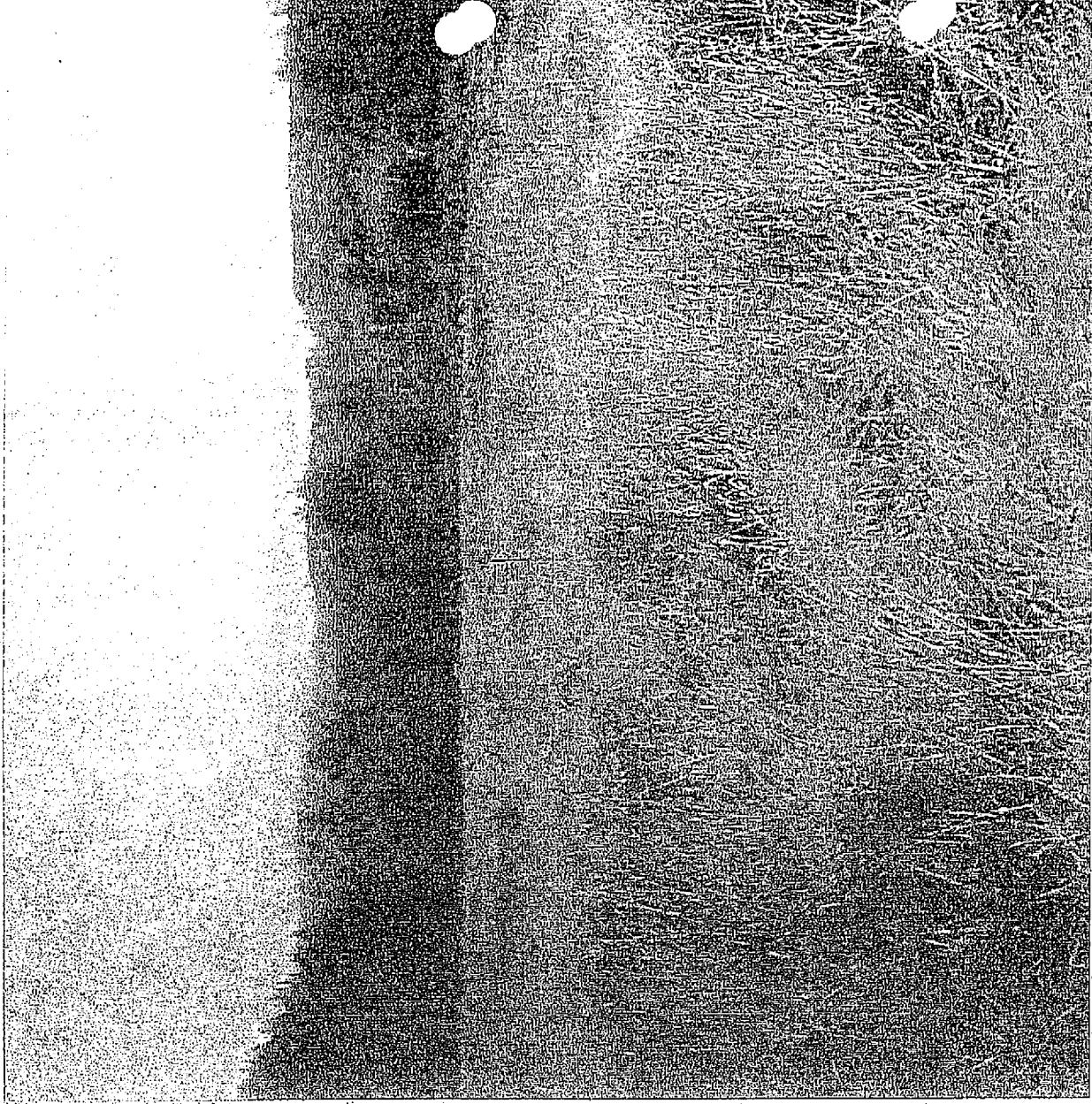


photo #2
looking east

Photo # 8

10/15/1944

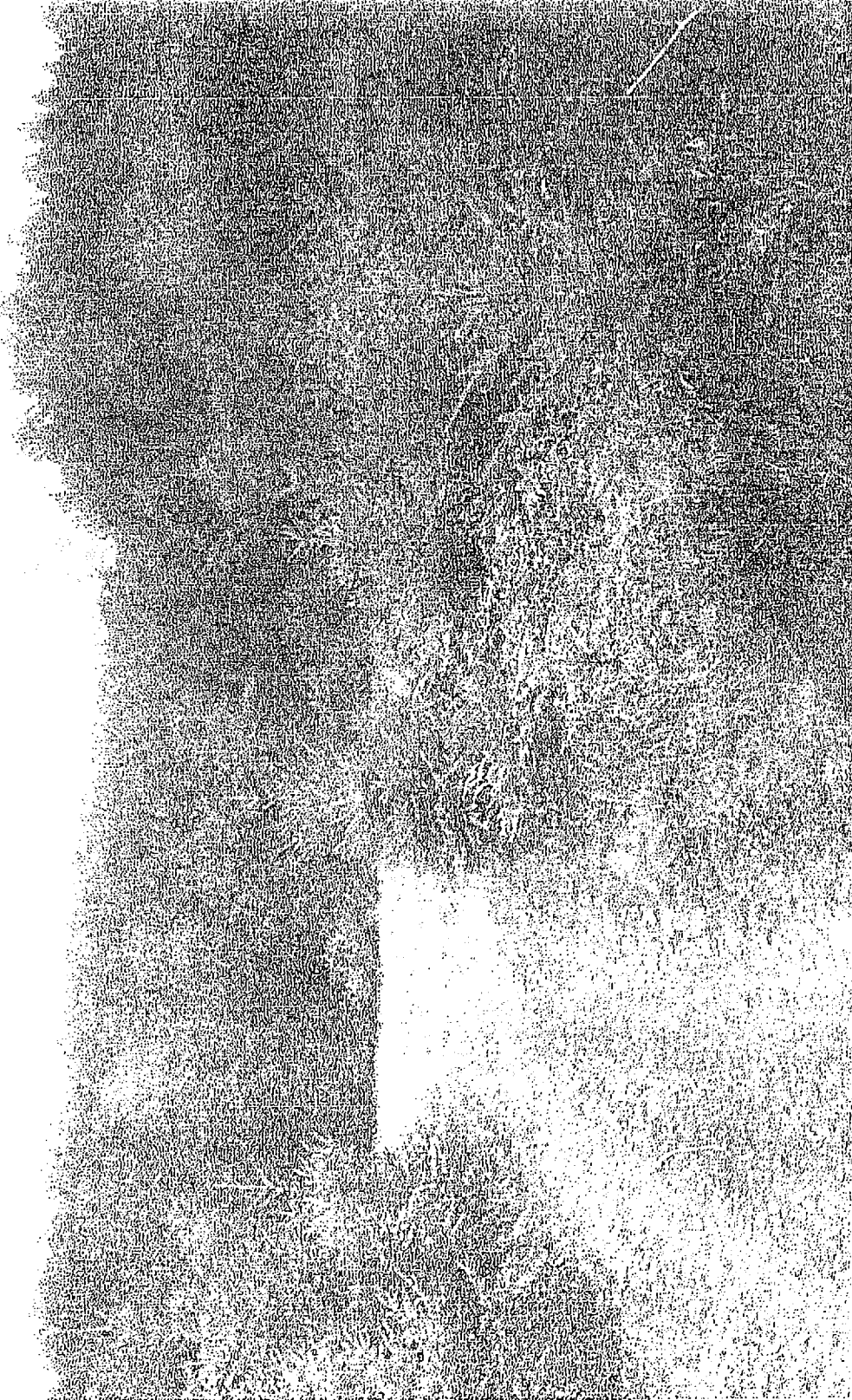




photo #4

looking west

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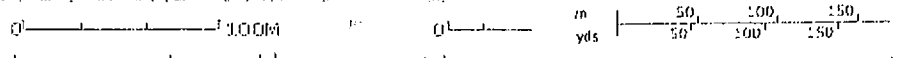
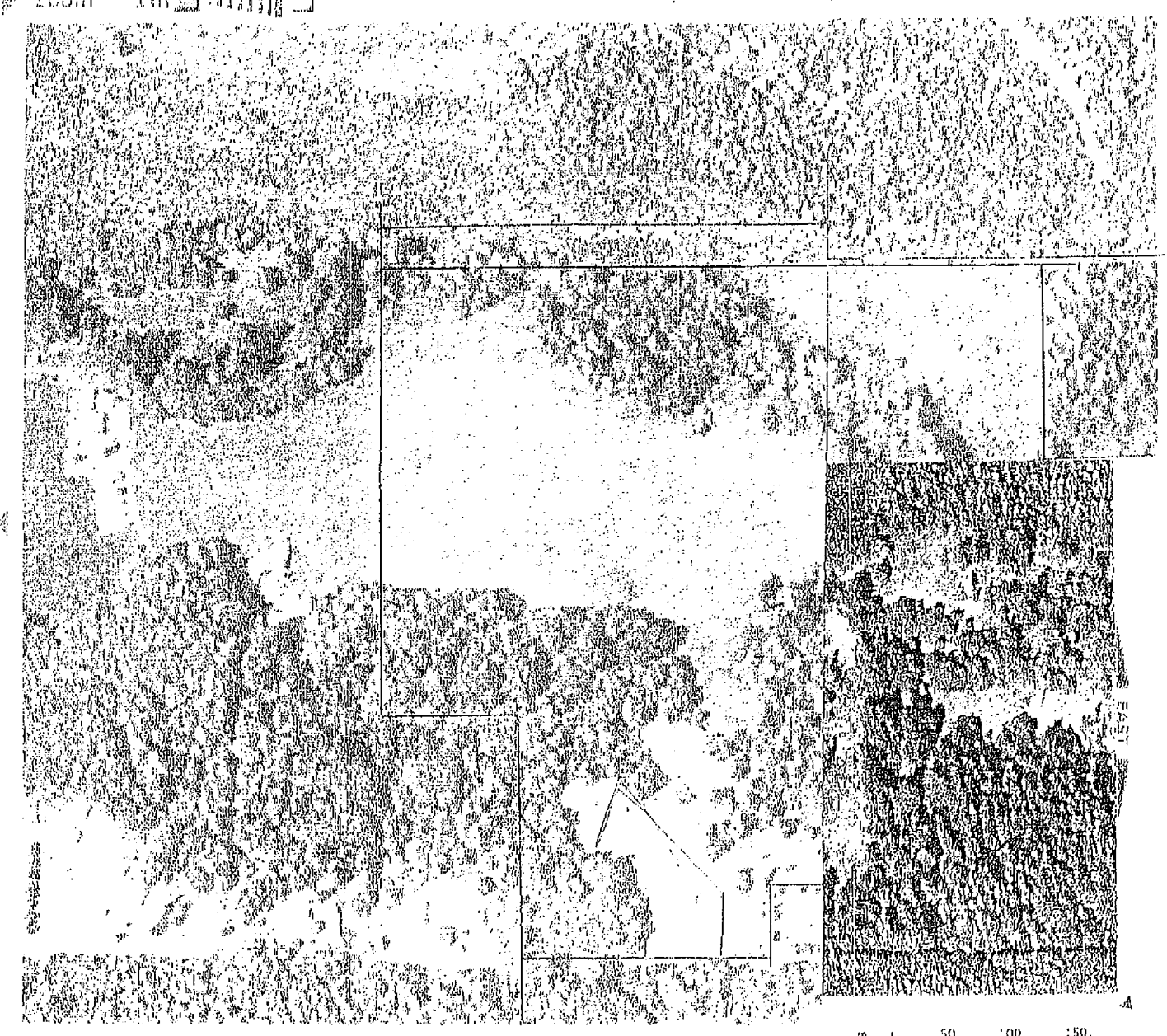
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Wind Database

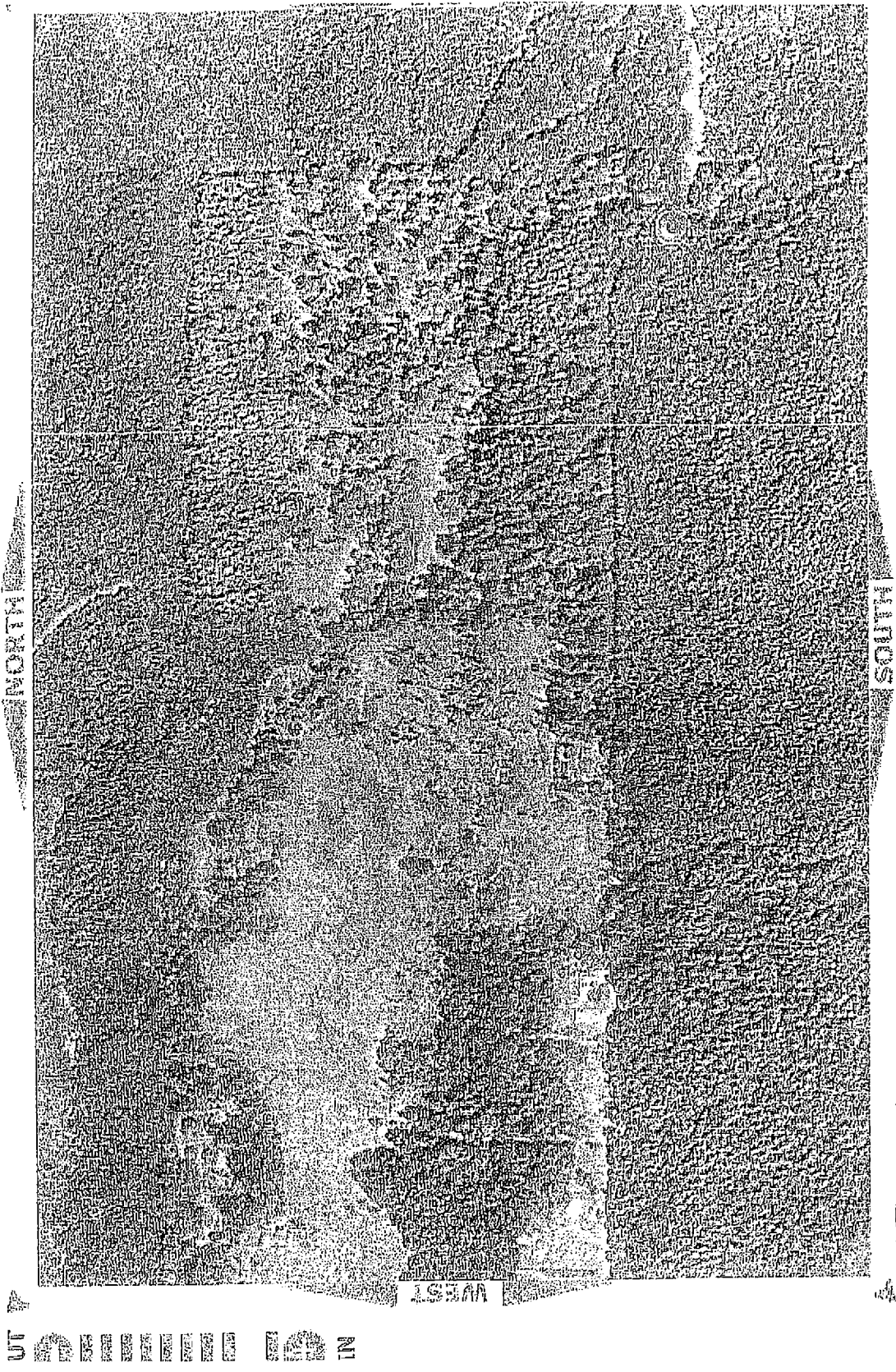
88 km W of Portland, Oregon, United States 18 Jul 1994

Munson ck
ates 18 Jul 1994

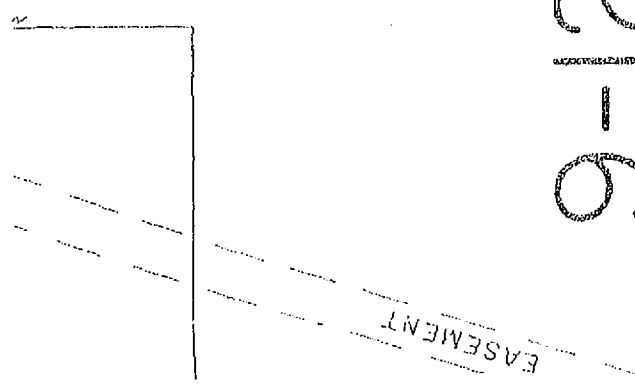


This photo was taken after the north corner was logged.

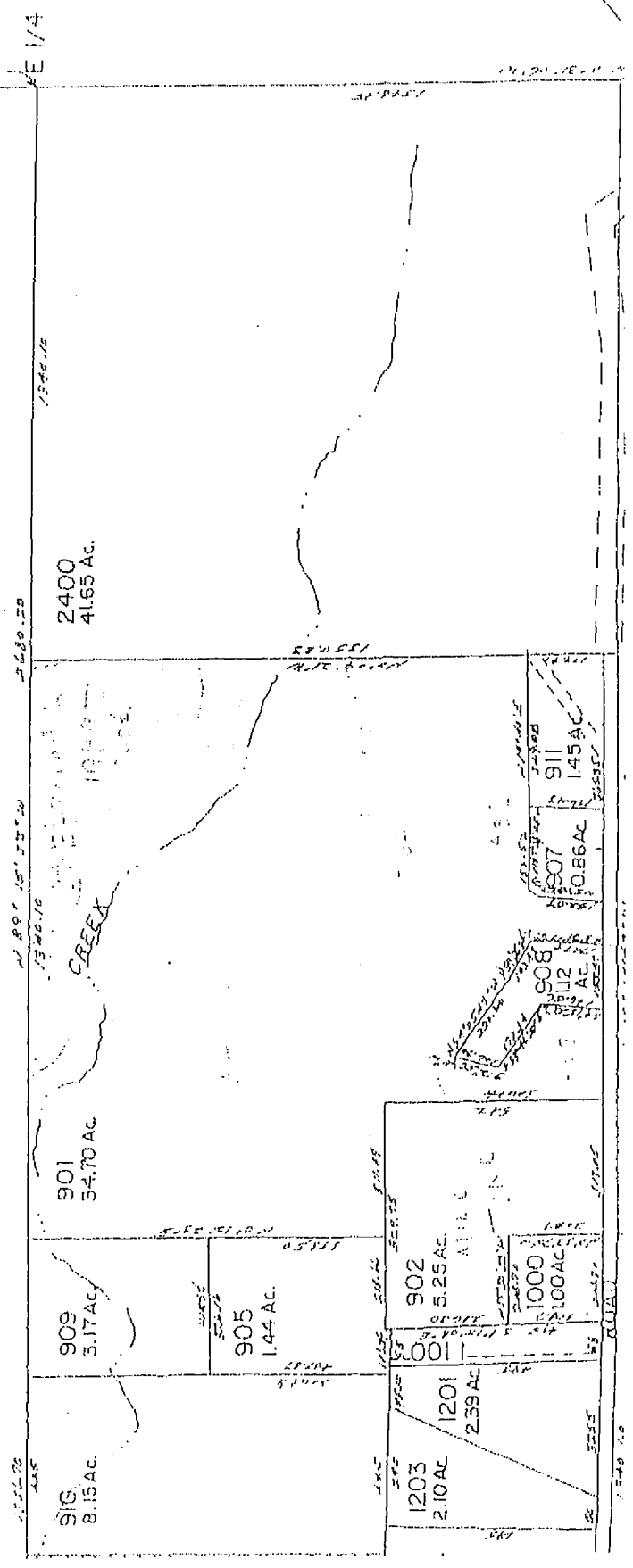
1/21/200



This photo shows the north corner in healthy regrowth. It shows the south 2/3 after being selectively logged.



9-12



SEE MAP 25 9

259

Some information about the Lichner family.

Both Bob and Val are descended from Swedish immigrants to the United States. Bobs family settled in Michigan. Later his father brought his young family to Oregon to work in the sawmill in Eugene, before settling in Garibaldi. Then they started the first of many seasonal trips to Alaskan logging camps where Bobs father worked as a mechanic.

Vals family settled in the northwest. Her paternal grandfather was a faller and tree topper in the logging camps around Yamhill. Her father pursued careers in fishing, and log truck driving until retirement here in Tillamook.

Bob got his first job in the logging camp in SE Alaska. He started out at the bottom as a choker setter working his way up through sheer hard work. After he and Val were married in 1979, they spent a number of years in SE Alaska, while their boys were small. Bob had by then worked up to running machinery, and was side rod for a large company.

Once the boys were old enough to start school, we settled here in Tillamook, where Bob started contract timber cutting. After 14 years, he decided to jump in to contract logging, which he is still doing at the present time.

Both of the boys are now grown and are making their living in the logging industry. Nick is a contract timber faller, and Matt owns and operates his own log truck.

Over the years, we have invested in property containing timber. No surprise here! When we purchased our property here on Brickyard Road, all the neighbors just knew we were going to log off the trees. They were wrong. We set to work cleaning up tansy, blackberries, elderberry, and salmonberry, and we have a beautiful place, still with mature timber.

One of Bob's first logging jobs was the small private piece on Munson Ck. Road. Some years after logging and replanting it we were given the offer to purchase it.

Our latest land purchase was three years ago consisting of 200 acres planted in pines, in the Florida panhandle.

Over the years Bob has worked with many of the foresters here at ODF in Tillamook. He knows the value of timber management. Our family has its history firmly rooted in the timber industry, and our sons are carrying on the tradition. Our property speaks for itself, with the care and management it has recieved. We are proud of what we have accomplished, so far.

SIZE

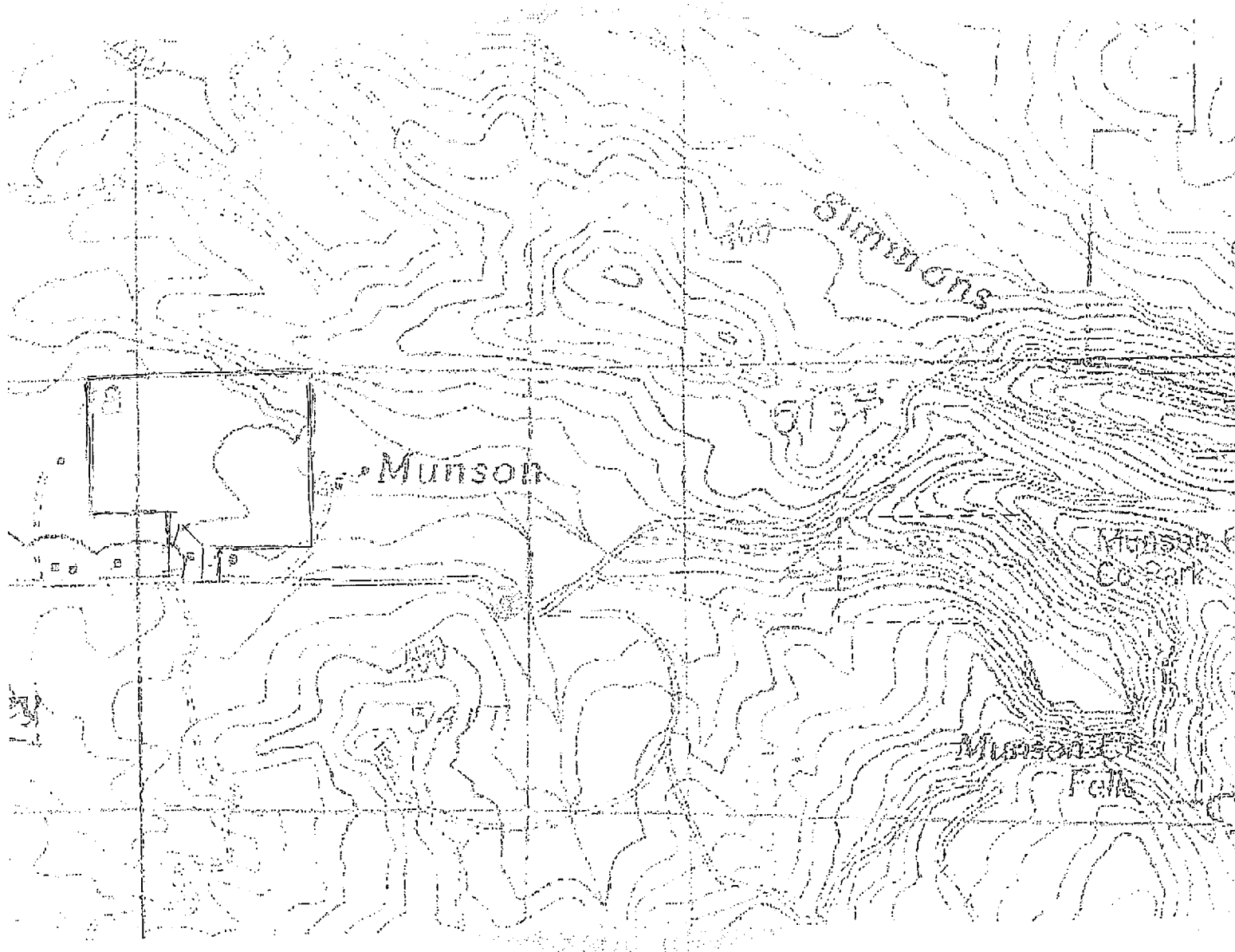


EXHIBIT III
ZC-05-04



The National Map

7120 Munson Creek Rd, Tillamook, OR 97141
88 km W of Portland, Oregon, United States 7/1/1985

Download | E-mail | Info | Print | Order Map

7120 Munson Creek Rd.

Tillamook

OR



-123.7814 45.36681

(60)

Size

OUT

IN

1:250,000

1:500,000

1:1,000,000

1:2,000,000

1:4,000,000

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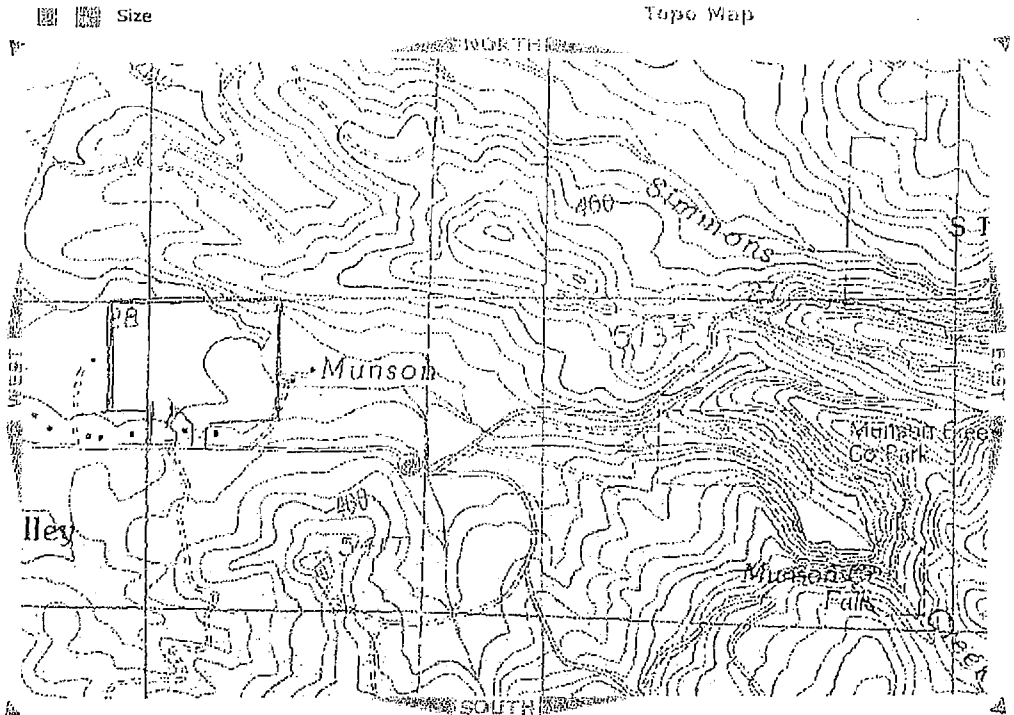
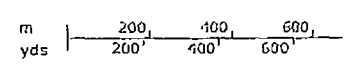


Image courtesy of the U.S. Geological Survey



- House and Home Demographics:
- Schools, Crime and Demographics for 97112
 - Schools, Crime and Demographics for 97141

A-1

A-1

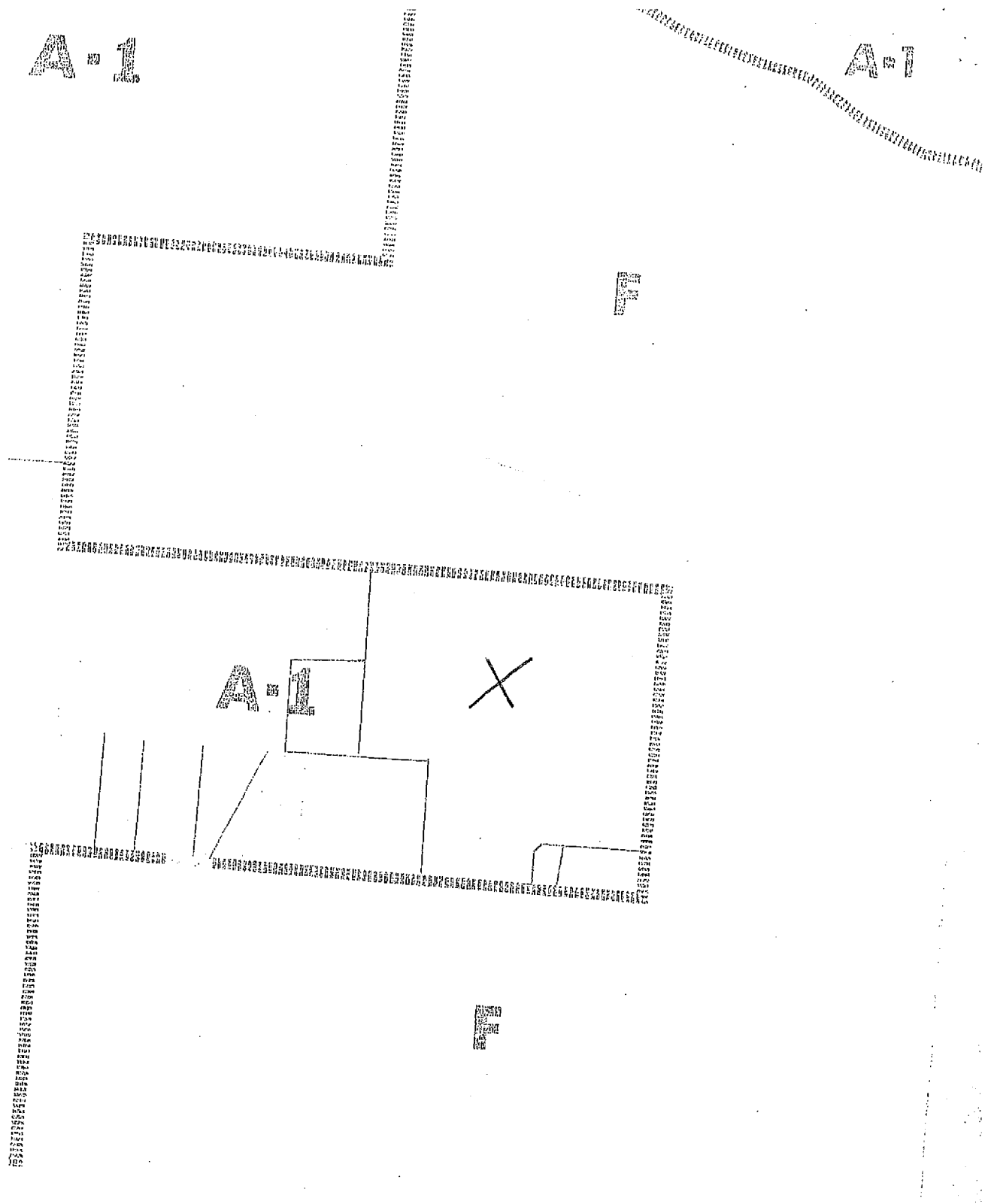


EXHIBIT IV
ZC-05-04



Oregon

Theodore R. Kulongoski, Governor

Department of Forestry
Tillamook District
5005 Third Street
Tillamook, OR 97141
Phone: (503) 842-2545
FAX: (503) 842-3143

September 20, 2005

Tim Franz
Associate Planner
Dept. of Community Development
201 Laurel Avenue
Tillamook, OR 97141



STEWARDSHIP FORESTRY

Tim,

I have reviewed my reforestation records and looked at aerial photos from 1994 and 2004 for the Robert Lichner parcel located in Sec. 28, T2S, R9W, Tax Lot 901.

The areas for which I have records are fully stocked and meet or exceed the Oregon Forest Practices Act.

Please feel free to call if you need more information.

Dan Cotton
Stewardship Forester

DC/va

EXHIBIT v
ZC-05-04

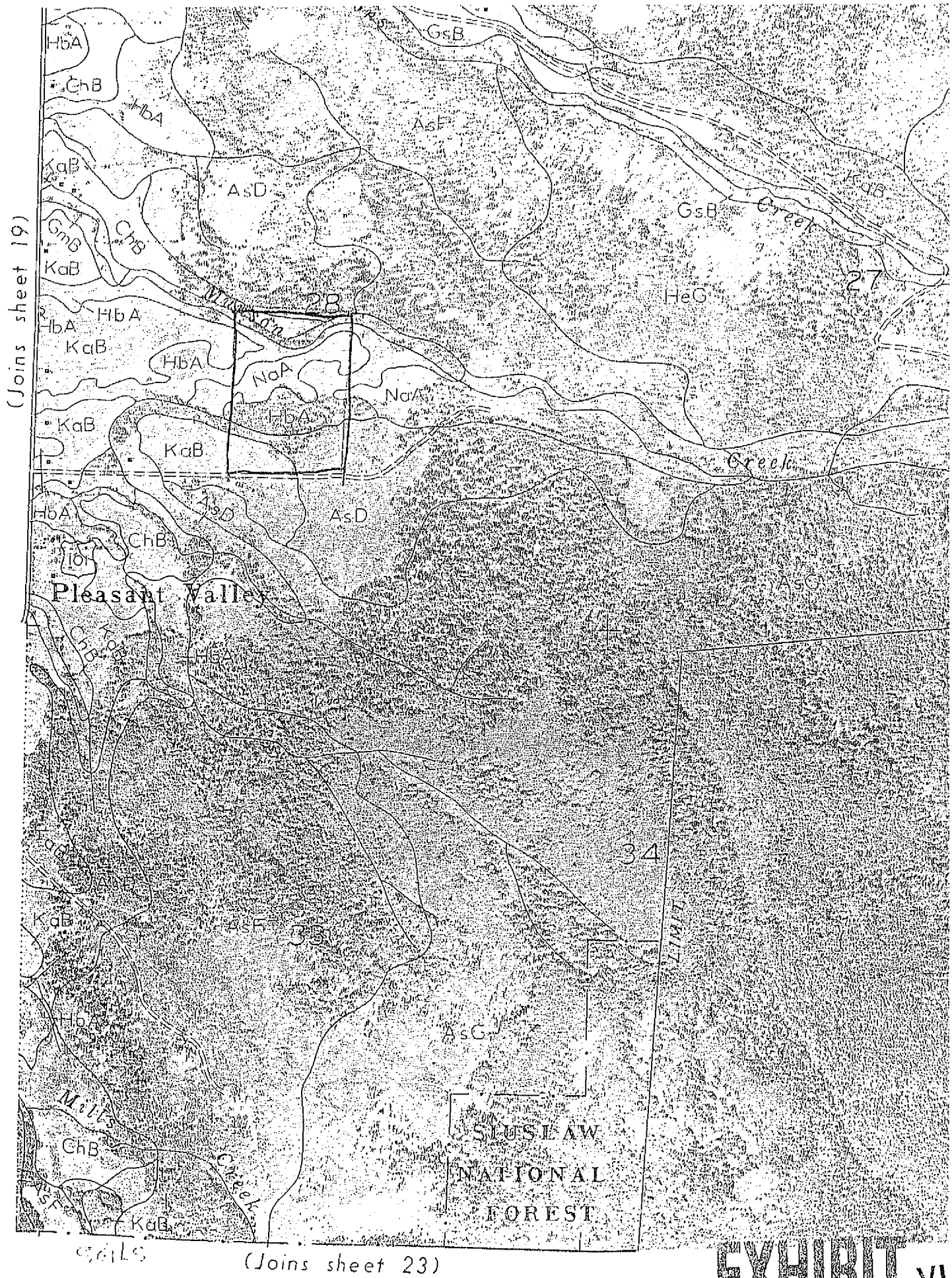


EXHIBIT VI
 ZC-05-04

The information given here about soils has been taken directly from the book SOIL SURVEY TILLAMOOK AREA, Oregon.

The primary soil in the level bottom area of the property is Nehalem silt loam 0-3 percent slope. This soil is part of the Gardiner series of soils, consisting of deep, well drained, coarse-textured soils on bottom lands. The soils have formed in loose, sandy alluvium. This is the most extensive cropland soil in the Tillamook survey area. Some areas of these soils are subject to damaging overflow, which causes erosion and which also deposits, sand, silt and debris.

Natural drainage is good, runoff is slow, and permeability is moderate. The available water-holding capacity is high, root penetration is very deep. The hazard of erosion is slight. The soil is medium in organic matter, high in fertility, and strongly acid. It is among soils that are lowest in acidity in the survey area.

These soils are used almost exclusively for pasture and hay.

According to the survey, Nehalem silt loam is listed in the category of woodland suitability Group 1. Though most of the lands covered in this class of soils has been cleared for cultivation, they are desirable for growth of trees. Plant competition can be severe, however. Chemical sprays, clearing, burning, and other prescribed methods of preparing the seedbed and of treating woodland during regeneration can be used to encourage the optimal growth of trees. Equipment limitation is slight. The nearly level terrain and the silty soils provide rapid drainage and infiltration. Year round operations are possible on these soils except in long periods of rain or when the soils are flooded.

Seedling mortality is slight to moderate because the soils are somewhat droughty in summer. Seedling mortality, is most generally caused by plant competition, rather than by soil conditions.

The hazard of erosion is slight. Also, the hazard of blowdown is slight as roots can penetrate deeply.

Areas along the immediate area of Munson Creek and a subsidiary small stream are classed as Hebo silty clay 0-3 percent slope. These are poorly drained, fine-textured, very strongly acid soils. They can be waterlogged during wet seasons. It has a moderate organic content. In relation to growing trees, it is classified under Group 5, considered imperfectly drained. Plant competition can be severe. It has moderate equipment limitations, with slight incidence of erosion.

The other two soils found here are Chitwood silt loam 0-7 percent slope, and Knappa silt loam 0-7 percent slope. These are found on the north and south respective sides of the property. The Chitwood is found in the Group 5 class of soils, imperfectly to poorly drained, fine textured with moderate fertility. The Knappa is in Group 3, considered well drained, moderately fine textured, and moderately fertile.

TILL 25 9W

																		FA	FA	FA			
																		FA	FB	FA	FB	FA	
																			FB	FB	FB		

7-14

FA
SUBJECT PROPERTY

EXHIBIT VI
ZC-05-04

Productivity Classifications on Forest Land

The Oregon Department of Revenue has determined site conditions on much of western Oregon's forest lands. These designations are based on a 40 acre minimum unit classification. Even though site variation exists within a 40 acre unit the revenue designation can serve as the unit average. Revenue site classes are divided into eight divisions whereas, standard site classifications include five divisions for Douglas-fir. The universal cubic foot site classes are divided into seven productivity classifications of which four can be related to Douglas-fir.

Conversion of Revenue site classes to standard site classes and cubic foot site classes can be assigned as follows.

<u>Revenue Designation</u>	<u>Standard Site Class</u>	<u>Cubic Foot Site Class</u>
→ FA	I+	1 ←
FB	I	2
FC	II, II+	2
FD	II-, III+	3
FE	III	3
FF	III-, IV+	3,4
FG	IV, IV-	4,5
	V	5

TABLE 1

PRODUCTIVITY CLASSIFICATION SYSTEMS FOR DOUGLAS FIR
(Below 2,500 feet in western Oregon)

Growth Measures	Scale																
	50	60	70	80	90	100	110	120	130	140	150	160	170	180	190	200	210
Site Index: Height in ft at 100 years	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Potential Yield: cubic feet/acre				50.-	84		85-	119		120	-	164		165	-	224	
Classification Systems																	
Quadratic Foot Site Class	7	6		5	4		3		2								
Site Class (Bulletin 201)				V	IV		III		II		I						
Dept. of Revenue Forest Land Class	FX			FG	FF		FE		FD		FC		FB		FA		



TILLAMOOK COUNTY ASSESSOR

Real Property Assessment Report

FOR ASSESSMENT YEAR 2005

11/18/2005 3:30:13 PM

Account #	138194	Tax Status	ASSESSABLE
Map #	2S0928-00-00901	Acct Status	ACTIVE
Code - Tax #	0901-138194	Subtype	NORMAL
Owner	LICHNER, ROBERT ALLAN & VALLIE K	Deed Reference #	BOOK 407 PAGE 587
Agent		Sales Date/Price	05-20-1999 / \$21,000.00
In Care Of		Legal Description	UNKNOWN
Mailing Address		Appraiser	UNKNOWN

4650 BRICKYARD RD
TILLAMOOK, OR 97141

		MA	SA	NH	Unit
Prop Class	640	01	01	500	10796-1
RMV Class	640				

Situs Address(s)	Situs City
------------------	------------

Value Summary					
Code Area		AV	RMV	RMV Exception	CPR
0901	Impr.	0	0	Impr.	0
	Land	11,457	14,440	Land	0
Code Area Total		11,457	14,440		0
Grand Total		11,457	14,440		0

Land Breakdown										
Code Area	ID#	RFD	Plan Zone	Value Source	TD%	LS	Size	Land Class	IRR Class	IRR Size
0901	0	R	F-1	Designated Forest Land	0	A	24.00	OA		
Code Area Total							24.00			0
Grand Total							24.00			0.00

Improvement Breakdown							
Code Area	ID#	YR Built	Stat Class	Description	TD%	Total Sq. Ft.	MS ACCT #
Code Area Total						0	
Grand Total						0	

Exemptions/Special Assessments/Potential Liability		
Code Area	Type	Description
0901	SPECIAL ASSESSMENT:	FIRE PATROL NORTHWEST Amount: 18.00 Acres: 24
0901	NOTATION(S):	FOREST LAND - POTENTIAL ADDITIONAL TAX LIABILITY 321.362

TILLAMOOK COUNTY ASSESSOR

Real Property Assessment Report

FOR ASSESSMENT YEAR 2005

11/18/2005 3:30:28 PM

Account #	348109	Tax Status	ASSESSABLE
Map #	2S0928-00-00901 S1	Acct Status	ACTIVE
Code - Tax #	0912-348109	Subtype	NORMAL
Owner	LICHNER, ROBERT ALLAN & VALLIE K	Deed Reference #	BOOK 407 PAGE 587
Agent		Sales Date/Price	05-20-1999 / \$21,000.00
In Care Of		Legal Description	UNKNOWN
Mailing Address		Appraiser	SHANNE JOHNSON
	4650 BRICKYARD RD		
	TILLAMOOK, OR 97141		

		MA	SA	NH	Unit
Prop Class	551	01	01	500	17890-1
RMV Class	501				

Situs Address(s)	Situs City
------------------	------------

Value Summary					
Code Area		AV	RMV	RMV Exception	CPR
0912	Impr.	0	1,200	Impr.	0
	Land	5,521	5,960	Land	0
Code Area Total		5,521	7,160		0
Grand Total		5,521	7,160		0

Land Breakdown										
Code Area	ID#	RFD	Plan Zone	Value Source	TD%	LS	Size	Land Class	IRR Class	IRR Size
0912	0	R	F-1	Farm Use Zoned	0	A	4.90	SP3		
0912	0	R	F-1	Farm Use Zoned	0	A	4.80	SP4		
0912	0	R	F-1	Farm Use Zoned	0	A	1.00	SP6		
Code Area Total							10.70			0
Grand Total							10.70			0.00

Improvement Breakdown							
Code Area	ID#	YR Built	Stat Class	Description	TD%	Total Sq. Ft.	MS ACCT #
0912	1	0	110	Residential Other Improvements	0	0	
Code Area Total						0	
Grand Total						0	

Exemptions/Special Assessments/Potential Liability		
Code Area	Type	Description
0912	NOTATION(S):	FARMLAND - POTENTIAL ADDITIONAL TAX LIABILITY 308A.083

Sec. 6. The amendments to ORS 308A.107 by section 5 of this 2001 Act apply to tax years beginning on or after July 1, 2002. [2001 c.912 §6]

308A.110 Real property improvements and machinery not subject to farm use assessment. Except for property that is exempt or specially assessed under other provisions of law, real property improvements and machinery or other personal property on, attached to or in any other respect connected with property subject to assessment under ORS 308A.050 to 308A.128, including property used in operations that constitute farm use operations, shall have an assessed value determined under ORS 308.146. Real property improvements and machinery and personal property may not be assessed as provided in ORS 308A.050 to 308A.128. [1999 c.314 §21]

(Disqualification)

308A.113 Disqualification of exclusive farm use zone farmland. (1) Land within an exclusive farm use zone shall be disqualified from special assessment under ORS 308A.062 by:

- (a) Removal of the special assessment by the assessor upon the discovery that the land is no longer being used as farmland;
- (b) Removal of the land from any exclusive farm use zone; or
- (c) Establishing a nonfarm dwelling on the land under ORS 215.236.

(2) Notwithstanding subsection (1)(a) of this section, the county assessor shall not disqualify land that has been receiving special assessment if the land is not being farmed because:

- (a) The effect of flooding substantially precludes normal and reasonable farming during the year; or
- (b) Severe drought conditions are declared under ORS 536.700 to 536.780.

(3)(a) Notwithstanding ORS 308.210, 308A.062, 311.405 or 311.410, if disqualification occurs as a result of the discovery that the land is no longer in farm use, then, regardless of when during the assessment year discovery is actually made, disqualification by the county assessor shall occur as of the January 1 assessment date of the assessment year in which discovery is made.

(b) Paragraph (a) of this subsection shall apply only if the notice of disqualification required under ORS 308A.718 is mailed by the county assessor prior to August 15 of the tax year for which the disqualification of the land is asserted.

(4) Upon disqualification, additional taxes shall be determined as provided in ORS 308A.700 to 308A.733. [Formerly 308.397]

308A.116 Disqualification of nonexclusive farm use zone farmland. (1) Nonexclusive farm use zone farmland qualified for special assessment under ORS 308A.068 shall be disqualified from such special assessment upon:

- (a) Notification by the taxpayer to the assessor to remove the special assessment;
- (b) Sale or transfer to an ownership making it exempt from ad valorem property taxation;
- (c) Removal of the special assessment by the assessor upon the discovery that the land is no longer in farm use for failure to meet the income requirements under ORS 308A.071 or is no longer in farm use; or
- (d) The act of recording a subdivision plat under the provisions of ORS chapter 92.

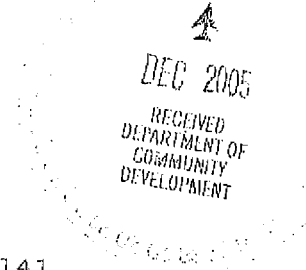
(2) The county assessor shall not disqualify the land that has been receiving special assessment upon the sale or transfer to a new owner or transfer by reason of death of a former owner to a new owner if the land continues to be used solely for farm use.

(3) When, for any reason, the land or any portion thereof ceases to be used solely for farm use, the owner at the time of the



Land of Cheese, Trees and Ocean Breeze

Tillamook County
PUBLIC WORKS DEPARTMENT
503 Marolf Loop, Tillamook, OR 97141



(503) 842-3419
FAX: 842-6473

TDD-NONVOICE:
OREGON RELAY SERVICE

Tim Franz, Associate Planner
Department of Community Development
201 Laurel Avenue
Tillamook, OR 97141

November 29th 2005

RE: ZC-05-04 tax lot #901, Sect. 28 T2SR10W, Munson Creek Road

Dear Tim Franz,

I have read the public notice/request for Zone Change for the tax lot owned by Robert and Val Lichner "to rezone 34.70 acres currently zoned Farm(F-1) to Forest(F)". I have reviewed the site and record on file of access to the site and make the following observations:

Temporary access to the parcel was issued in 1997, Road Approach #3961, for logging operation. Road Approach #3961 was to be constructed to a residential standard after logging was complete. The approach was not completed as required. A letter was sent in November 1999 to Robert and Val Lichner stating the application was not completed.

I went to site and found that a substandard gravel approach is still at the easterly portion of the Parcel between tax lots 907 & 908. This access is a substandard field access.

This department has no objection to the proposal. We request the following be part of the conditions for approval:

Future Access to the parcel, either residential or logging operations, shall require a new road approach permit and fee prior to operations or use of the parcel.

If you have any questions, please contact me.

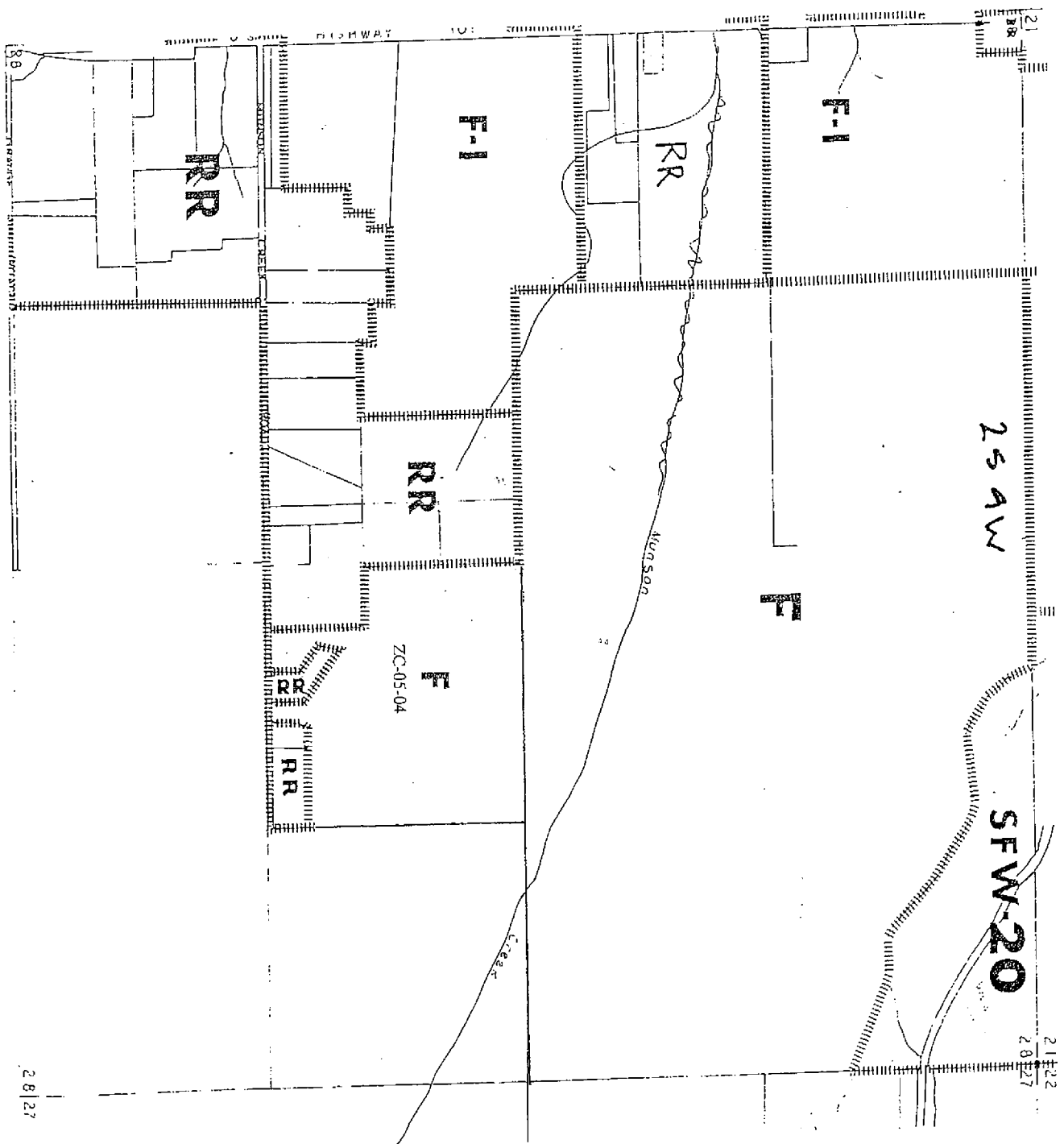
Sincerely,

George W. Urrey, Eng. Tech.

ZC-05-04

FINDINGS AND DECISION

EXHIBIT II



26 | 27