



Land of Cheese, Trees and Ocean Breeze

**CONSOLIDATED REVIEW: NWLP & NEUMAN
CONDITIONAL USE REQUEST #851-25-000255-PLNG
VARIANCE REQUEST #851-25-000256-PLNG**

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

September 17, 2025

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited request on September 17, 2025. 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 before **4:00pm on September 29, 2025**. This decision will become final on September 29, 2025, after 4:00pm unless an appeal is filed in accordance with Tillamook County Land Use Ordinance Article X.

Request: Conditional Use request for the construction of a single-family dwelling on a commercially zoned property not associated with an active business, together with Variance request #851-25-000256-PLNG to reduce the required 10-foot rear yard setback to 8-feet.

Location: Located within the Unincorporated Community of Barview/Twin Rocks/Watseco and accessed via Oregon State Highway 101, the subject property is designated as Tax Lot 903 in Section 17CD of Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Community Commercial (CC)

Applicant: NWLP, Trisha Clark, P.O. Box 1073, Goldendale, WA 98620

Property

Owner:

Alecia & Bill Neuman, P.O. Box 115, Banks, OR 97106

CONDITIONS OF APPROVAL

Sections 6.070: COMPLIANCE WITH CONDITIONS and 6.080: TIME LIMIT, and Section 8.060: COMPLIANCE WITH CONDITIONS, and 8.070: TIME LIMIT, requires compliance with approved plans and conditions of this decision, and all other ordinance provisions, and allows 24 months for compliance with Conditions and start of construction. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant and property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Variance approval is to establish an eight (8) foot rear yard setback along the westerly property line.
3. The applicant/property owner shall submit a site plan, drawn to scale, confirming all required yard setbacks are met at the time of consolidated Building and Zoning Permit application submittal.
4. The applicant/property owner shall submit service provided letters from the Garibaldi Fire Department, Twin Rocks Sanitary District and Watseco-Barview Water District at the time of consolidated Building and Zoning Permit application submittal.
5. The applicant/property owner shall submit a copy of an approved road approach permit from the Oregon Department of Transportation (ODOT) at the time of consolidated Building and Zoning Permit application submittal.
6. The minimum yard setbacks and maximum building height for structures containing only residential uses in the Community Commercial (CC) Zone shall be the same as in the Community High Density Urban Residential (CR-3) Zone outlined in TCLUO Section 3.016.
7. Development of the property shall adhere to applicable development standards in TCLUO Section 3.016: Community High Density Urban Residential (CR-3) Zone. Maximum building height for structures shall be limited to 25 feet.
8. A Geologic Hazard Report in compliance with TCLUO Section 4.130 shall be provided at the time of Consolidated Zoning/Building Permit submittal if the slope at the building site exceeds an average of 19% from the lowest to highest point of the property. The slope shall be indicated on the site plan submitted with the Consolidated Zoning/Building Permit application.
9. This approval shall be void on September 17, 2027, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

Sincerely,

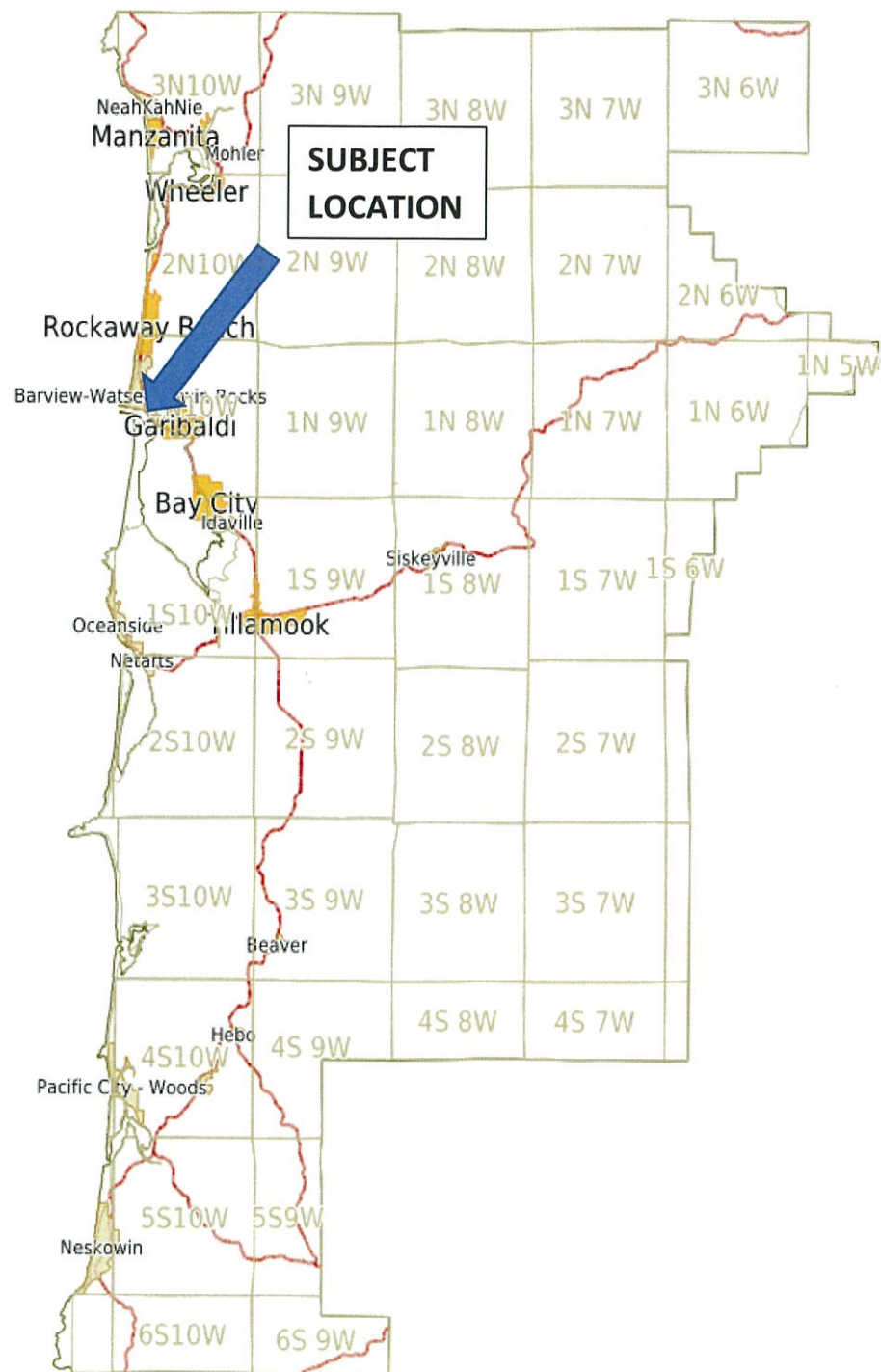
Tillamook County Department of Community Development



Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor's and Zoning maps

VICINITY MAP



#851-25-000256-PLNG & #851-25-000255-PLNG:
NWLP (Clark)/Neuman

THIS MAP IS FOR ASSESSMENT AND TAXATION PURPOSES ONLY



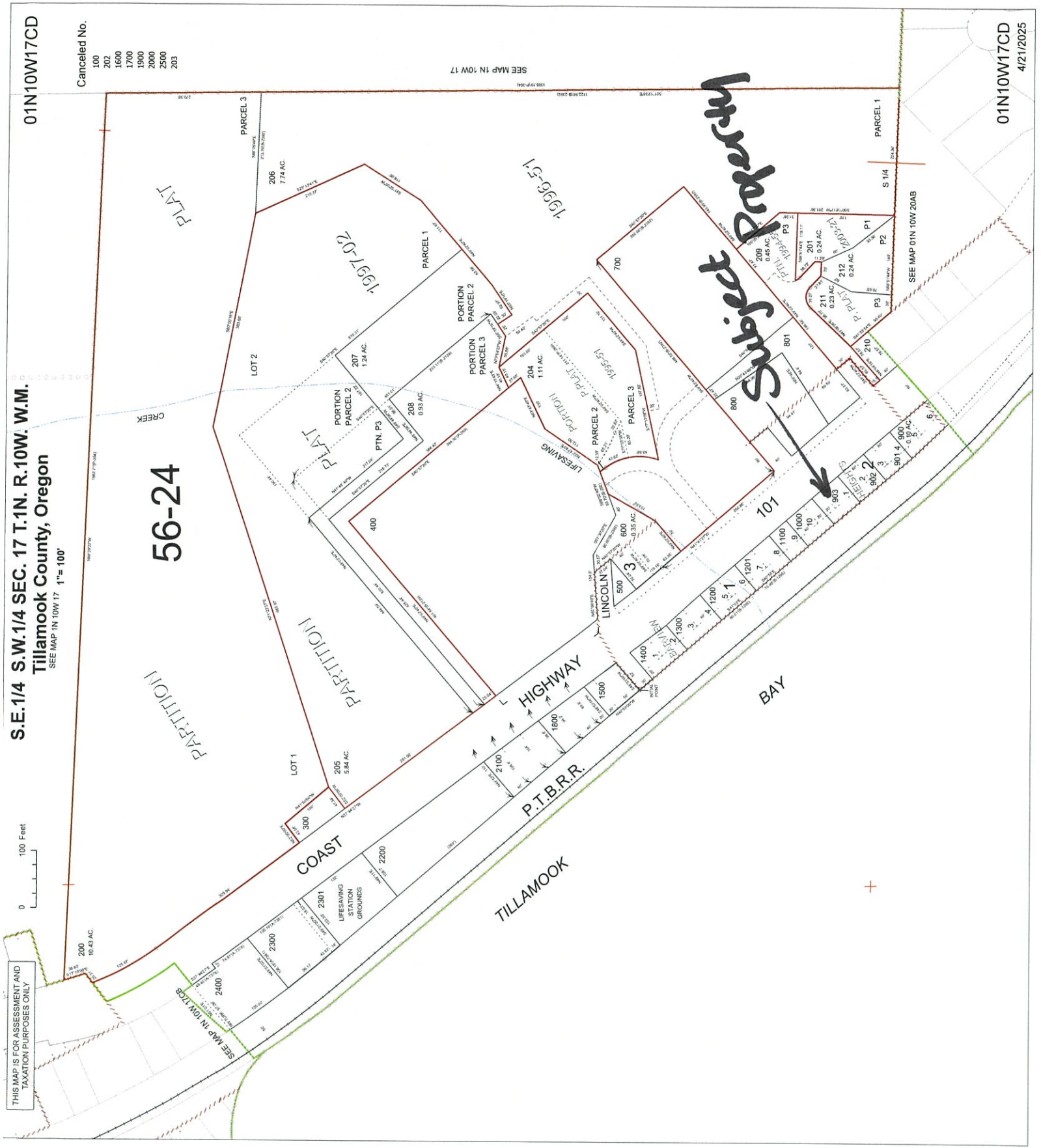
S.E. 1/4 S.W. 1/4 SEC. 17 T.1N. R.10W. W.M.
Tillamook County, Oregon
SEE MAP IN 10W 17 1"=100'

01N10W17CD

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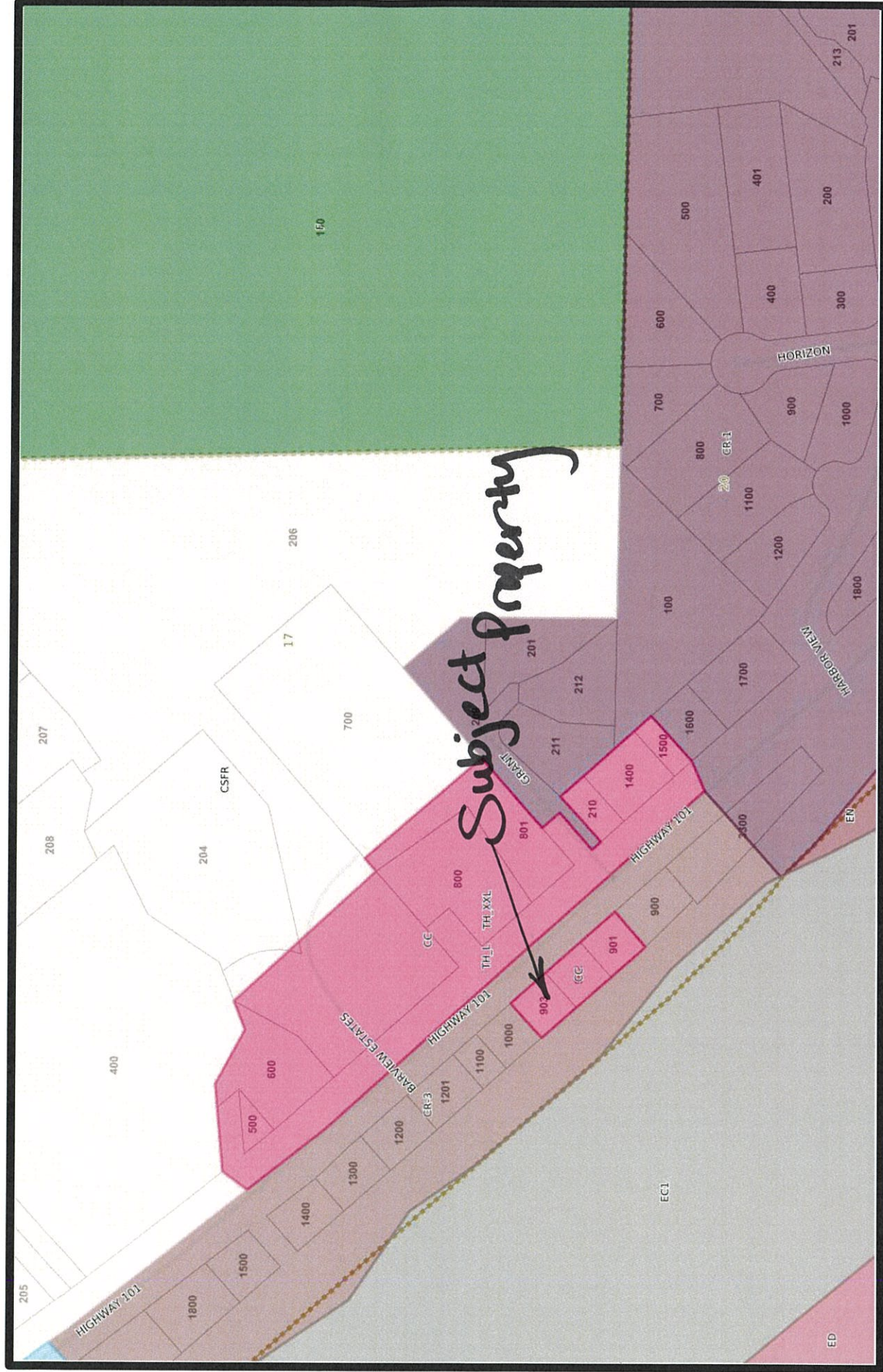
56-24



Subject Property

01N10W17CD
4/21/2025

Map





Land of Cheese, Trees and Ocean Breeze

**CONSOLIDATED REVIEW: NWLP & NEUMAN
CONDITIONAL USE REQUEST #851-25-000255-PLNG
VARIANCE REQUEST #851-25-000256-PLNG**

APPROVED WITH CONDITIONS

Staff Report Date: September 17, 2025

Report Prepared By: Sarah Absher, CFM, Director

I. GENERAL INFORMATION:

Request: Conditional Use request for the construction of a single-family dwelling on a commercially zoned property not associated with an active business, together with Variance request #851-25-000256-PLNG to reduce the required 10-foot rear yard setback to 8-feet (Exhibit B).

Location: Located within the Unincorporated Community of Barview/Twin Rocks/Watseco and accessed via Oregon State Highway 101, the subject property is designated as Tax Lot 903 in Section 17CD of Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).

Zone: Community Commercial (CC) (Exhibit A)

Applicant: NWLP, Trisha Clark, P.O. Box 1073, Goldendale, WA 98620

Property Owner: Alecia & Bill Neuman, P.O. Box 115, Banks, OR 97106

Property Description: The subject property is approximately 0.08 acres in size, rectangular in shape, is relatively flat and sparsely vegetated (Exhibit A). The subject property has historically been part of a larger tract (Tax Lot 901) comprised of several lots of record identified as Lots 1-4, Block 2, "Bar View Heights". This tract was improved with a commercial business that was destroyed by fire in 2009. Now vacant, the boundaries of the tract (Tax Lot 901) were adjusted to separate these lots of record into separate Tax Lots, approved as Property Line Adjustment review #851-24-000457-PLNG. The subject property is now identified as Tax Lot 903 (Exhibit A and B).

The subject property is bordered to the east by Oregon State Highway 101, to the west by the Port of Tillamook Bay Railroad and Pacific Ocean, to the north by properties zoned Community High Density Urban Residential (CR-3) and to the south by properties also zoned Community Commercial (CC) (Exhibit A).

There are no wetlands or other mapped natural features present on the subject property (Exhibit A). The subject property is located within an area of mapped geologic hazard; however, the topography of the property is relatively flat. The subject property is not located within a mapped area of special flood hazard per FEMA Firm #41057C0383F dated September 28, 2018 (Exhibit A).

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 3.022: Community Commercial (CC) Zone
- B. Section 3.016: Community High Density Residential (CR-3) Zone
- C. Article VIII: Variance Procedures and Criteria
- D. Article VI: Conditional Use Procedures and Criteria

III. ANALYSIS:

A. Section 3.022: Community Commercial (CC) Zone

PURPOSE: The purpose of the CC zone is to designate areas for high intensity commercial and some light industrial activities within unincorporated community boundaries. The zone is intended to accommodate all commercial needs of the community, surrounding rural areas, and visitors. Land that is suitable for the RC zone is suitable for the CC zone, except that a higher level of use, and therefore a higher level of off-site impacts, must be anticipated.

Section 3.022(3)(a) Uses Permitted Conditionally

...

(a) One or two-family dwelling not associated with an active business.

....

Findings: Staff finds conditional use approval is required for the construction of a single-family dwelling on the subject property. TCLUO Section 3.022(4)(a) states, "the minimum lot dimensions and yard setbacks, and the maximum building heights for structures containing only residential uses, shall be the same as in the Community High Density Urban Residential (CR-3) zone."

B. Section 3.016: Community High Density Urban Residential (CR-3) Zone

PURPOSE: The purpose of the CR-3 zone is to designate areas for a medium- to high density mix of dwelling types and other, compatible, uses. The CR-3 zone is intended for densely developed areas or areas that are suitable for high-density urban development because of level topography and the absence of hazards, and because public facilities and services can accommodate a high level of use.

Section 3.016(4) Development Standards

...

(g) The minimum front yard shall be 20 feet.

(h) The minimum side yard shall be 5 feet; on the street side of a corner lot it shall be no less than 10 feet.

(i) The minimum rear yard shall be 20 feet; on a corner lot it shall be no less than 5 feet.

(j) The maximum building height shall be 35 feet, except that on ocean or bay front lots, it shall be 25 feet.

...

Findings: In review of the submitted site plan, staff finds the Applicant is proposing a 20-foot front yard setback, side yard setbacks of 17-feet and 12-feet, and a rear yard setback of 8-feet (Exhibit B). Staff finds all but the proposed rear yard setback complies with the setback requirements of the CR-3 Zone.

Due to the size of the property, 0.08 acres, the setback exceptions of TCLUO Section 4.110 for small lot exceptions may be applied for development of the property because the subject property is located in the Community Commercial (CC) zone and is less than 7,500 square feet in size. As per TCLUO Section 4.110(5), a front or rear yard, but not both, may be ten feet, provided the other provisions of this subsection are met.

The proposed rear yard setback is also less than what is allowed under TCLUO Section 4.110. Staff finds the proposed rear yard setback requires Variance approval subject to the criteria in Section 8.030 of the TCLUO.

C. Article VIII Variance Procedures and Criteria, including Section 4.005 Residential and Commercial Zone Standards

Article VIII of the Tillamook County Land Use Ordinance governs the applications of Variances within the County. Article IV, Section 4.005 lists the purposes of the land use standards in each of the residential and commercial zones.

Section 8.020 requires notification of the request to be mailed to landowners within 250-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 consolidated Variance and Conditional Use request was mailed to property owners within 250 feet of the subject property and other agencies on August 12, 2025. No comments were received.

Section 8.030 states that a Variance may be authorized if the applicants/property owners adequately demonstrate that the proposed use satisfies all relevant requirements, including all four review criteria in Section 8.030. These criteria, including Section 4.005 Residential and Commercial Zone Standards, along with Staff's findings and conclusions are indicated below:

- (1) Circumstances attributable either to the dimensional, topographical, or hazardous characteristics of legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.*

Findings: The subject property is roughly 60 feet wide by 64-foot deep, rectangular in shape and is relatively flat (Exhibit A & B). Applicant states that the requested 8-foot rear yard setback is due to dimensional circumstances of the property and the need to preserve adequate areas for vehicular access and maneuvering in the eastern (front) region of the subject property abutting Oregon State Highway 101 (Exhibit B).

The subject property and other lots of record in this vicinity are bound to the east by Oregon State Highway and bound to the west by the Tillamook Bay Railroad and Pacific Ocean. These properties are of similar size and dimensions. In review of aerial imagery of these properties, staff finds most of

the dwellings to the north and south of the subject property are sited on individual properties with building footprints located close to the rear yard (westerly) property boundaries, do not meet the required 20-foot rear yard of the CR-3 zone, and also maintain rear yards of less than 10-feet even with the ability to apply the small lot exception standards outlined in TCLUO Section 4.110 (Exhibit A).

Properties of similar size and dimension in the vicinity are identified as follows:

TAX LOT	REAR YARD MET	REAR YARD NOT MET	MET WHEN SECTION 4.110 APPLIED	BUILDING FOOTPRINT DEPTH (APPROX.)
1N10 20AB 3300		X	NO	29-FEET
1N10 17CD 900		X	NO	33-FEET
1N10 17CD 1000		X	NO	41-FEET
1N10 17CD 1100		X	NO	42-FEET
1N10 17CD 1201		X	NO	31-FEET
1N10 17CD 1200				33-FEET
1N10 17CD 1300			YES	30-FEET
1N10 17CD 1400		X- CORNER LOT		37-FEET
1N10 17CD 1500	X- CORNER LOT			38-FEET
1N10 17CD 1800			YES	31-FEET
1N10 17CD 2100		X	NO	49-FEET
1N10 17CD 2200		X	YES	40-FEET

In review of County records for the approved property line adjustment, staff concur with the Applicant that the dimensional depth constraints of the subject property could not have been altered in a manner to expand lot depth through the approved property line adjustment, and the dimensional circumstance of the subject property is not self-created (Exhibit B).

Staff finds that due to the dimensional (depth) characteristics of the legally existing lot, application of the 8-foot rear yard setback allows for the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity.

Staff concludes that this criterion has been met.

(2) A variance is necessary to accommodate a use or accessory use on the lot which can be reasonably expected to occur within the zone or vicinity.

Findings: As discussed above, the Applicant is proposing to reduce the required rear yard setback to 8 feet to allow for the construction of a single-family dwelling on the subject property (Exhibit B). The Applicant states the requested use, construction of a single-family dwelling, is consistent with other buildings in the immediate vicinity and is a use that can be reasonably expected in the vicinity (Exhibit B).

Staff find single-family dwellings are a use permitted conditionally in the Community Commercial (CC) zone, and this type of development is expected to occur in this vicinity.

Staff concludes this criterion has been met.

- (3) *The proposed variance will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.*

Section 4.005: Residential and Commercial Zone Standards of the Tillamook County Land Use Ordinance lists the purposes of the land use standards in each of the residential and commercial zones as follows:

- (1) *To ensure the availability of private open spaces;*
- (2) *To ensure that adequate light and air are available to residential and commercial structures;*
- (3) *To adequately separate structures for emergency access;*
- (4) *To enhance privacy for occupants or residences;*

Findings: The submitted site plan identifies the location of the proposed dwelling and includes elevation drawings confirming private open space within the front, rear and side yard areas. Enlarged side yards are proposed to ensure adjacent properties have access to light and air. Side yard setbacks allow for emergency vehicle access to the subject property and adjacent properties.

The rear yard of the subject property abuts the Tillamook Bay Railroad right of way and Pacific Ocean. The Applicant states requested rear yard setback reduction will have no effect on privacy for occupants or neighboring properties (Exhibit B).

Staff finds that reduction of the rear yard setback to 8 feet will not impact maintenance of privacy to adjacent properties or limit access to air, light and open space for the subject property and the surrounding properties given the rear property line abuts the Tillamook Bay Railroad right of way and Pacific Ocean. In review of the applicant's submittal and elevation profiles, staff also finds the proposed dwelling will adhere to the maximum 25-foot height limit and maintain a height similar to those in the surrounding area (Exhibit A).

Staff finds these standards are met and can be met through the Conditions of Approval.

- (5) *To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveway, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;*
- (6) *To ensure that driver visibility on adjacent roads will not be obstructed;*
- (7) *To ensure safe access to and from common roads;*

Findings: The Applicant's submittal documents that all private land uses will occur on the subject property. Access is provided via Oregon State Highway 101. Access will not be impeded as the proposed dwelling will maintain the required 20-foot front yard setback (Exhibit B).

The site plan confirms adequate area for two required off-street parking spaces in accordance with TCLUO Section 4.030 (Exhibit B). Access to and from adjacent properties will not be impacted by the proposed rear-yard setback reduction. Driver visibility will not be obstructed as all uses will be located within the property boundary lines of the subject property.

The Oregon Department of Transportation (ODOT) is the applicable road authority for access to and from properties adjacent to a state highway. ODOT did not comment on the proposed consolidated

Variance and Conditional Use request. A copy of an approved road approach permit from ODOT is required at the time of consolidated zoning and building permit application submittal.

Staff finds that these standards are met and can be met through compliance with Conditions of Approval.

(8) To ensure that pleasing view are neither unreasonably obstructed nor obtained;

Findings: Applicant states that the proposed structure will meet height requirements of the zone (Exhibit B). Per TCLUO Section 3.016(4)(j) of the Community High Density Urban Residential (CR-3) Zone limits building height on oceanfront lots to 25-feet. Staff finds these standards can be met through compliance with the Conditions of Approval.

(9) To separate potentially incompatible land uses;

Findings: Applicant is proposing to construct a single-family dwelling on the subject property (Exhibit B). The use is allowed conditionally in the Community Commercial (CC) Zone and residential use is already established in this vicinity.

Staff finds this standard is met and can be met through compliance with Conditions of Approval.

(10) To ensure access to solar radiation for the purpose of alternative energy production.

Findings: County records do not indicate any such facilities are in the vicinity of the subject property. Staff finds that the proposed expansion does not unreasonably shadow or otherwise inhibit access to solar radiation on adjacent properties and finds this standard has been met.

Based upon the findings stated above and the evidence included in the Applicant's submittal, staff concludes the standards of TCLUO Section 4.005 have been met and can be met through the Conditions of Approval.

Staff also concludes this criterion has been met and can be met through the Conditions of Approval.

(4) There are no reasonable alternatives requiring either a lesser or no variance.

Findings: Applicant states that there are no other reasonable alternatives, due to dimensional constraints of the property, and with this Variance request, the side and front yards are proposed to meet or exceed minimum setback requirements, providing more open space (Exhibit B).

The subject property is roughly 60 feet wide by 64-feet deep, rectangular in shape and is relatively flat (Exhibit A & B). The Applicant is proposing a building footprint of approximately 36-feet deep by 30-feet wide (Exhibit B). The depth of the building footprint falls within the average of the building footprints as measured and noted in the table on the following page. Measurements were taken using GIS and are approximate.

TAX LOT	REAR YARD MET	REAR YARD NOT MET	MET WHEN SECTION 4.110 APPLIED	BUILDING FOOTPRINT DEPTH (APPROX.)
1N10 20AB 3300		X	NO	29-FEET
1N10 17CD 900		X	NO	33-FEET
1N10 17CD 1000		X	NO	41-FEET
1N10 17CD 1100		X	NO	42-FEET
1N10 17CD 1201		X	NO	31-FEET
1N10 17CD 1200				33-FEET
1N10 17CD 1300			YES	30-FEET
1N10 17CD 1400		X- CORNER LOT		37-FEET
1N10 17CD 1500	X- CORNER LOT			38-FEET
1N10 17CD 1800			YES	31-FEET
1N10 17CD 2100		X	NO	49-FEET
1N10 17CD 2200		X	YES	40-FEET

TCLUO Section 4.110(5) states a front or rear yard, but not both, may be ten feet, provided the property is less than 7,500 square feet, at least one side yard is 10-feet in width and required off-street parking is provided. TCLUO Section 4.030(2) requires a parking space be 8 feet by 20-feet in size. In review of aerial imagery of the vicinity, staff finds shifting the building footprint on each property to the westerly region maximizes area for parking and vehicular maneuvering on each property, similar to what the Applicant is proposing. Staff finds shifting the proposed building footprint to the east will reduce the front yard setback in a manner that results in off-street parking and loading requirements outlined in TCLUO Section 4.030, specifically parking dimension requirements, no longer being met.

Staff finds the dimensional characteristics, specifically the lot depth, limit the buildable area of the subject property and the proposed 8-foot rear yard setback allows for residential development of the subject property consistent with developed residential properties in the area. Staff also finds that shifting the building footprint to the east, closer to the easterly property line and Oregon State Highway 101 will reduce the depth of the area in front of the dwelling for parking and vehicular maneuverability.

This criterion has been met.

D. 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 published in a newspaper of local distribution and mailed to landowners within 250 feet of the subject property.

Findings: Notice of the consolidated Variance and Conditional Use request was mailed to property owners within 250 feet of the subject property and other agencies on August 12, 2025. No comments were received.

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: The applicant is proposing the construction of a single-family dwelling not associated with an active business, a use permitted conditionally in the Community Commercial (CC) Zone.

Staff concludes this criterion is met.

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

Findings: The Applicant's submittal states the proposal is consistent with the goals and policies of the County's comprehensive plan, specifically Goal 10: Housing (Exhibit B).

The TCLUO is an implementing document of the Tillamook County Comprehensive Plan. In the absence of evidence to the contrary, uses allowed conditionally in the Land Use Ordinance can be presumed to be consistent with the Tillamook County Comprehensive Plan.

Staff concludes this criterion is met.

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

Findings: The Applicant states that the subject property is suitable for the proposed construction of a single-family dwelling as the property is located in an area primarily developed with residential structures (Exhibit B). The Applicant states the property is more suitable for residential use rather than commercial considering the site limitations of the property and its proximity to Oregon State Highway 101 where the number of trips to and from the property for commercial use would increase (Exhibit B).

As stated earlier in this report, there are no wetlands or other mapped natural features present on the subject property (Exhibit A). The subject property is located within an area of mapped geologic hazard; however, the topography of the property is relatively flat. The subject property is not located within a mapped area of special flood hazard per FEMA Firm #41057C0383F dated September 28, 2018 (Exhibit A).

The subject property is within a mapped area of known geologic hazard and relevant standards of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas must be met at the time of permitting and development (Exhibit A). Given the relatively flat topography of the subject property, staff finds a Geologic Hazard Assessment is not required as per the provisions outlined in TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas; however, applicable standards for construction of the single-family dwelling must be adhered to at the time of development.

The subject property has historically been part of a larger tract (Tax Lot 901) comprised of several lots of record identified as Lots 1-4, Block 2, "Bar View Heights". The boundaries of the tract (Tax Lot 901) were adjusted to separate these lots of record into separate Tax Lots, approved as Property Line Adjustment review #851-24-000457-PLNG. The subject property is now identified as Tax Lot 903 (Exhibit A and B).

The subject property is roughly 60 feet wide by 64-feet deep, rectangular in shape and is relatively flat (Exhibit A & B). Applicant has requested an 8-foot rear yard setback due to the dimensional

circumstances of the property and need to preserve adequate areas for vehicular access and maneuvering (Exhibit B).

In review of the site plan, the location of the proposed dwelling will be primarily within the western portion of the subject property so that the eastern region can be utilized for parking and maneuvering of vehicles (Exhibit B). The site plan also depicts increased site yard setbacks and an 8-foot rear yard setback as discussed previously in this report.

Staff finds evidence and findings addressing the standards of TCLUO Section 4.005 (Variance criterion #3) also provide support that the property is suitable for the proposed construction of a single-family dwelling on the subject property.

Staff concludes this criterion is 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.

- E. Findings:** Applicant states the proposed construction of a single-family dwelling will take place within the subject property boundaries and that the proposed use is the same in character as the surrounding residential uses (Exhibit B). The Applicant adds that the proposed residential use will have no impairment on, nor cause the prevention of, use of the surrounding properties for uses permitted in the Community Commercial (CC) or the Community High Density Urban Residential (CR-3) Zone.

The subject property is bordered to the east by Oregon State Highway 101, to the west by the Port of Tillamook Bay Railroad and Pacific Ocean, to the north by properties zoned Community High Density Urban Residential (CR-3) and to the south by properties also zoned Community Commercial (CC) (Exhibit A). The proposed development maintains adequate access by abutting Oregon State Highway 101 for a distance of approximately 60-feet, with a site plan demonstrating adequate area for off-street parking and maneuvering (Exhibit B).

An 8-foot rear yard setback is proposed between the westerly property line of the subject property and the Port of Tillamook Bay Railroad right of way. A berm separates the railroad track also creating a buffer between the location of the proposed dwelling and the travel track of the rail right of way (Exhibit A & B). The submitted site plan confirms all proposed uses will take place within the boundaries of the subject property (Exhibit B).

For the reasons stated above and in review of the evidence in the record, staff finds the proposal will not impair neighboring properties for their permitted uses.

Staff concludes this criterion is met.

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

Findings: Staff did not identify any solar energy systems, wind energy conversion systems or windmills in the area.

Staff conclude this criterion is 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 is proposing the construction of a single-family dwelling on the subject property (Exhibit B). Long-established public facilities and services in this area include the Garibaldi Fire Department, Tillamook County Sheriff, 911, Twin Rocks Sanitary District, the Watseco-Barview Water District, Tillamook People's Utility District (PUD) and the state highway transportation system.

Given the existence of public services and facilities in the area in relation to the proposed construction of a single-family dwelling, staff finds the proposed use is timely and any requirements for service provider letters can be required through Conditions of Approval.

Staff finds this criterion is met and can be met through compliance with the Conditions of Approval.

IV. DECISION: APPROVED WITH CONDITIONS

Staff concludes, based on the findings of fact and other relevant information in the record, that the applicant has satisfied/or is able to satisfy the applicable ordinance requirements through the Conditions of Approval, and therefore, approves the request subject to the provisions in Section V below.

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

This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00 PM on September 29, 2025.**

V. CONDITIONS OF APPROVAL:

Sections 6.070: COMPLIANCE WITH CONDITIONS and 6.080: TIME LIMIT, and Section 8.060: COMPLIANCE WITH CONDITIONS, and 8.070: TIME LIMIT, requires compliance with approved plans and conditions of this decision, and all other ordinance provisions, and allows 24 months for compliance with Conditions and start of construction. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant and property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Variance approval is to establish an eight (8) foot rear yard setback along the westerly property line.
3. The applicant/property owner shall submit a site plan, drawn to scale, confirming all required yard setbacks are met at the time of consolidated Building and Zoning Permit application submittal.
4. The applicant/property owner shall submit service provided letters from the Garibaldi Fire Department, Twin Rocks Sanitary District and Watseco-Barview Water District at the time of consolidated Building and Zoning Permit application submittal.

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6. The minimum yard setbacks and maximum building height for structures containing only residential uses in the Community Commercial (CC) Zone shall be the same as in the Community High Density Urban Residential (CR-3) Zone outlined in TCLUO Section 3.016.
7. Development of the property shall adhere to applicable development standards in TCLUO Section 3.016: Community High Density Urban Residential (CR-3) Zone. Maximum building height for structures shall be limited to 25 feet.
8. A Geologic Hazard Report in compliance with TCLUO Section 4.130 shall be provided at the time of Consolidated Zoning/Building Permit submittal if the slope at the building site exceeds an average of 19% from the lowest to highest point of the property. The slope shall be indicated on the site plan submitted with the Consolidated Zoning/Building Permit application.
9. This approval shall be void on September 17, 2027, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

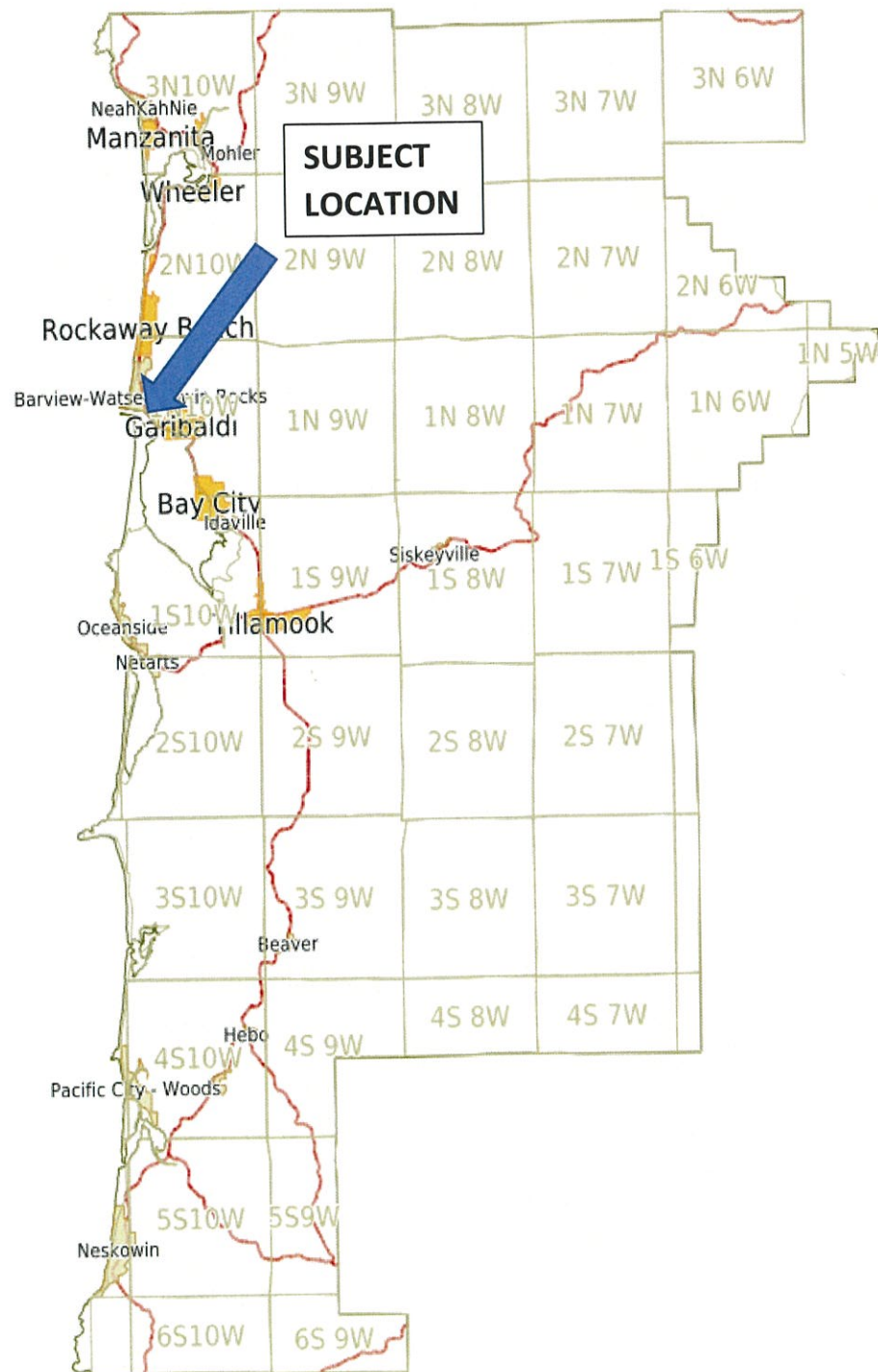
VI. **EXHIBITS**

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

- A. Location map, Assessor map, Zoning map, DOGAMI Hazard Map, Wetlands Map, FEMA FIRM, Aerial Imagery
- B. Applicant's submittal

EXHIBIT A

VICINITY MAP



#851-25-000256-PLNG & #851-25-000255-PLNG:
NWLP (Clark)/Neuman

01N10W17CD

Tillamook County, Oregon

THIS MAP IS FOR ASSESSMENT AND
TAXATION PURPOSES ONLY

0 100 Feet

Canceled No.

100
202
1600
1700
1900
2000
2500
203

56-24

1470

CREEK

PARCEL 3

6 4 AC.

70-1661

1/1/2

SECTION

COAST

SEE MAP 1N 10W 17

1-800-661-1365

TILLAMOOK

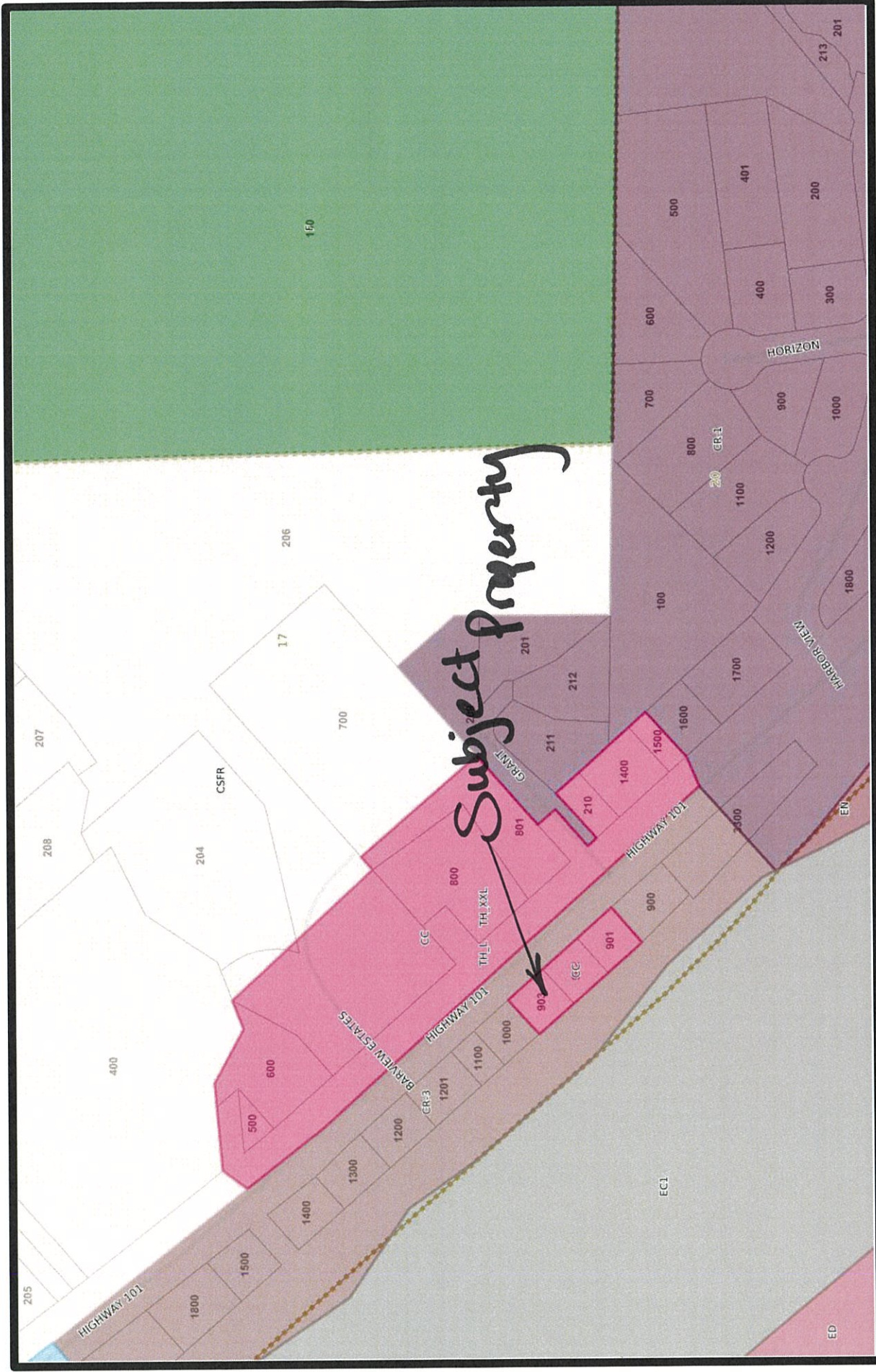
Subject Property

SEE MAP 01N 10W 20AB

01N10W17CD

4/21/2025

MOOSEMAPPING

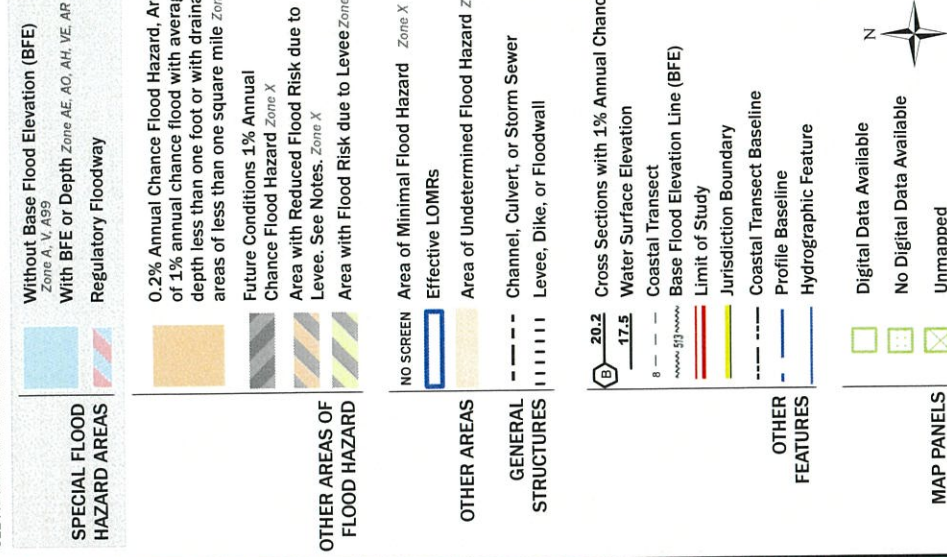


National Flood Hazard Layer FIRMette



Legend

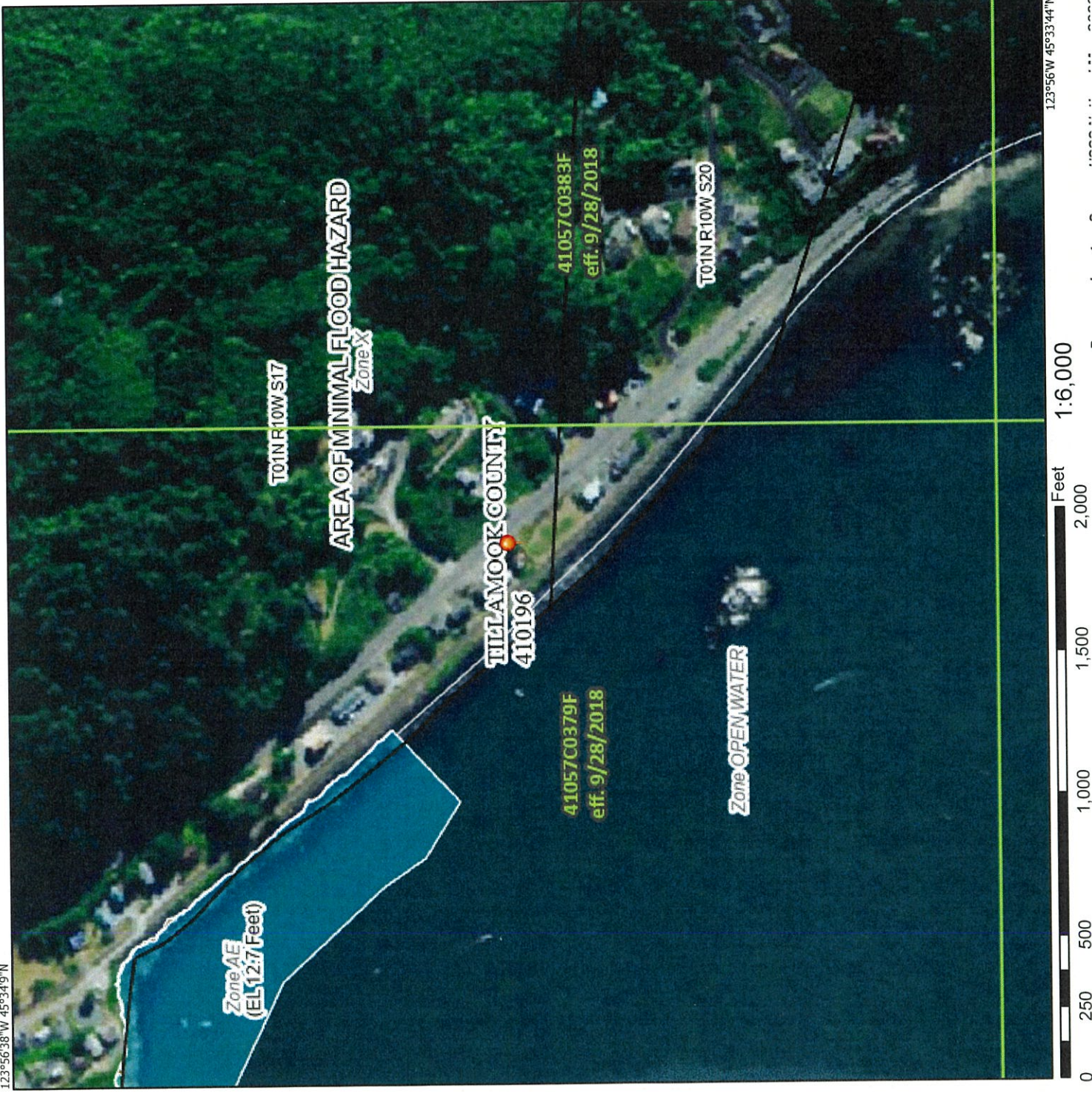
SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT



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 6/12/2025 at 9:06 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.



Geologic Hazard Area

Map Extras

Administrative Boundaries

☒ Tax lots

☒ County Boundaries

Non-Regulatory Planning

Physical

☐ Debris Flow fans

☒ Deep Landslide Susceptibility

High Susceptibility

Moderate Susceptibility

☒ Shallow Landslide Susceptibility

☒ Rapidly Moving Landslides

Rapidly Moving Landslides

☐ Beaches and Dunes Overlay Zone

Elevation

☐ Highest Hit, OLC, 2008-19

☒ Bare Earth, OLC, 2008-19

Aerial Photos

State Imagery

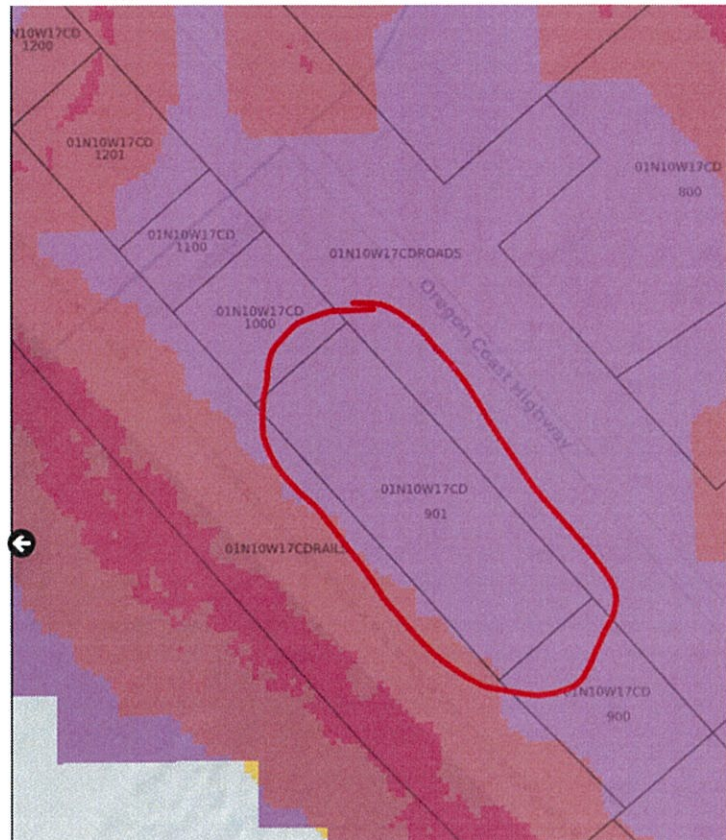
World Imagery

Basemaps

Carto

☒ Light

☐ Voyager



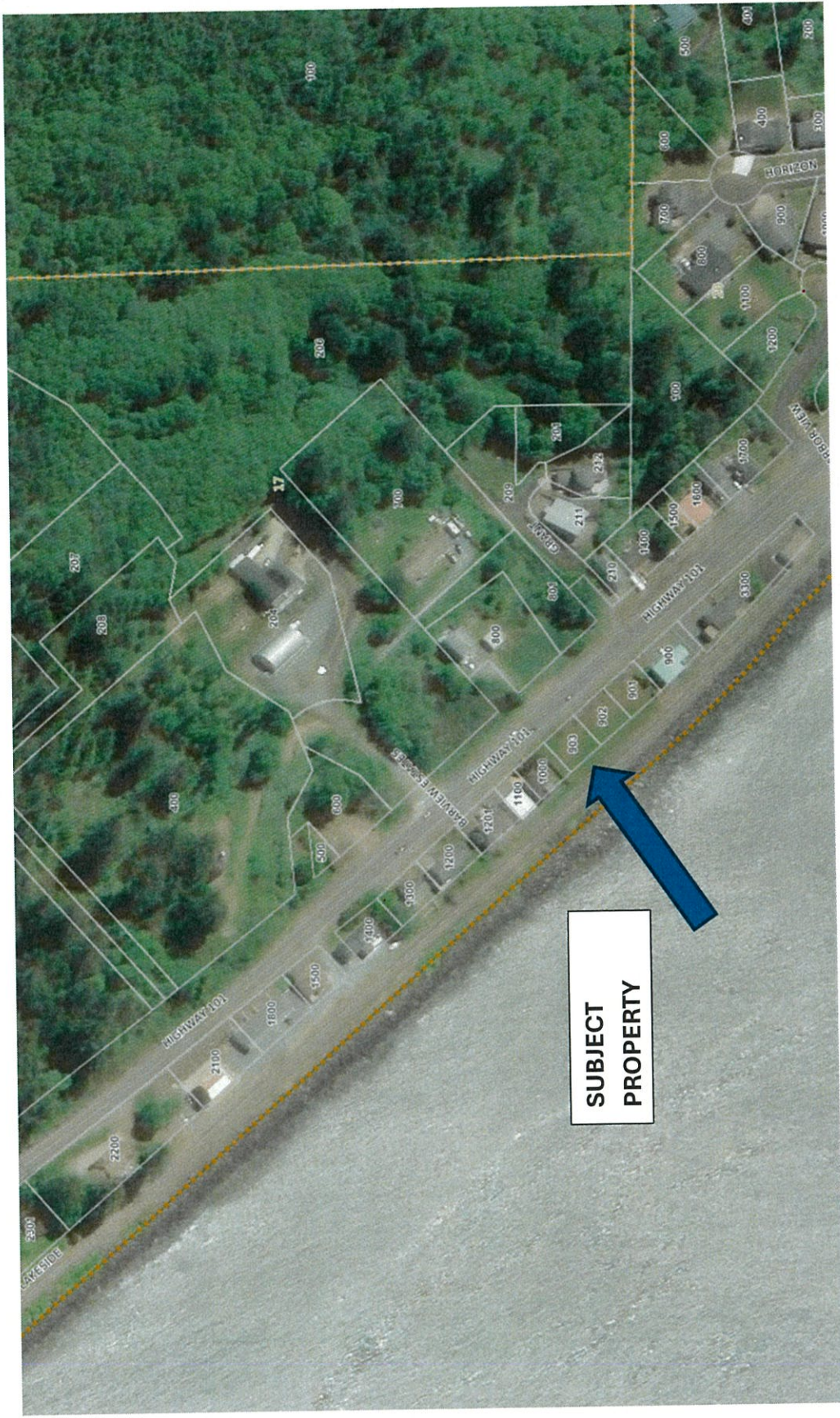
[illegible]

1.7.133



State of Oregon
Department of State Lands
7775 Summer Street, NE, Ste 100
Salem, OR 97301-1279

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.



AERIAL IMAGRY OF IMPROVED TAX LOTS IN THE VICINITY

EXHIBIT B



PLANNING APPLICATION

Applicant ☐ (Check Box if Same as Property Owner)

Name: NWLP - Trisha Clark Phone: 503.330.2019

Address: PO BOX 1073

City: Goldendale State: WA Zip: 98620

Email: trisha_clark@hotmail.com

Property Owner

Name: Alecia & Bill Neuman Phone: 503-936-9850

Address: PO BOX 115

City: Banks State: OR Zip: 97106

Email: neumana@pacific.edu

OFFICE USE ONLY

Date Stamp

RECEIVED

MAY 19 2025

☐ Approved ☐ Denied

Received by:

Receipt #:

Fees:

Permit No:

851-25-000255-PLNG

Request: Type II Conditional Use to allow for "One or two family dwelling not associated with an active business" per Tillamook Land Use Ordinance 3.022(3)(a).

Tract to meet C-3 zone requirements. Setbacks will be per Section 4.110.

Also requested is a Variance for the rear yard setback only for a reduction of 2'

Type II

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

Type III

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

Type IV

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

Location:

Site Address: All are addressed at 14960 HWY 101. Addresses are being assigned and will be added

Map Number: 1N

10W

17CD

903

Township

Range

Section

Tax Lot(s)

Clerk's Instrument #: Record of Survey B-4523, Tract 1

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.

Alecia C Neuman

Property Owner Signature (Required) LXV958L-4QZJ5W8X

Applicant Signature

Apr 9, 2025

Date

06.06.25

Date



PLANNING APPLICATION

Applicant ☐ (Check Box if Same as Property Owner)

Name: NWLP - Trisha Clark Phone: 503.330.2019

Address: PO BOX 1073

City: Goldendale

State: WA

Zip: 98620

Email: trisha_clark@hotmail.com

Property Owner

Name: Alecia & Bill Neuman

Phone: 503-936-9850

Address: PO BOX 115

City: Banks

State: OR

Zip: 97106

Email: neumana@pacific.edu

OFFICE USE ONLY

Date Stamp

5/19/25

☐ Approved ☐ Denied

Received by:

Receipt #:

Fees:

Permit No:

851-25 - 000256 - PLNG

Request: Type II Conditional Use to allow for "One or two family dwelling not associated with an active business" per Tillamook Land Use Ordinance 3.022(3)(a).

Tract: to meet C-3 zone requirements. Setbacks will be per Section 4.110.

Also requested is a Variance for the rear yard setback only for a reduction of 2'

Type II

- ☐ Farm/Forest Review
- ☒ Conditional Use Review
- ☒ Variance
- ☐ Exception to Resource or Riparian Setback
- ☐ Nonconforming Review (Major or Minor)
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Type IV

- ☐ Ordinance Amendment
- ☐ Large-Scale Zoning Map Amendment
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Location:

Site Address: All are addressed at 14960 HWY 101. Addresses are being assigned and will be added

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10W

17CD

903

Township

Range

Section

Tax Lot(s)

Clerk's Instrument #: Record of Survey B-4523, Tract 1

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.

Alecia C Neuman

Property Owner Signature (Print Name)

Applicant Signature

Apr 9, 2025

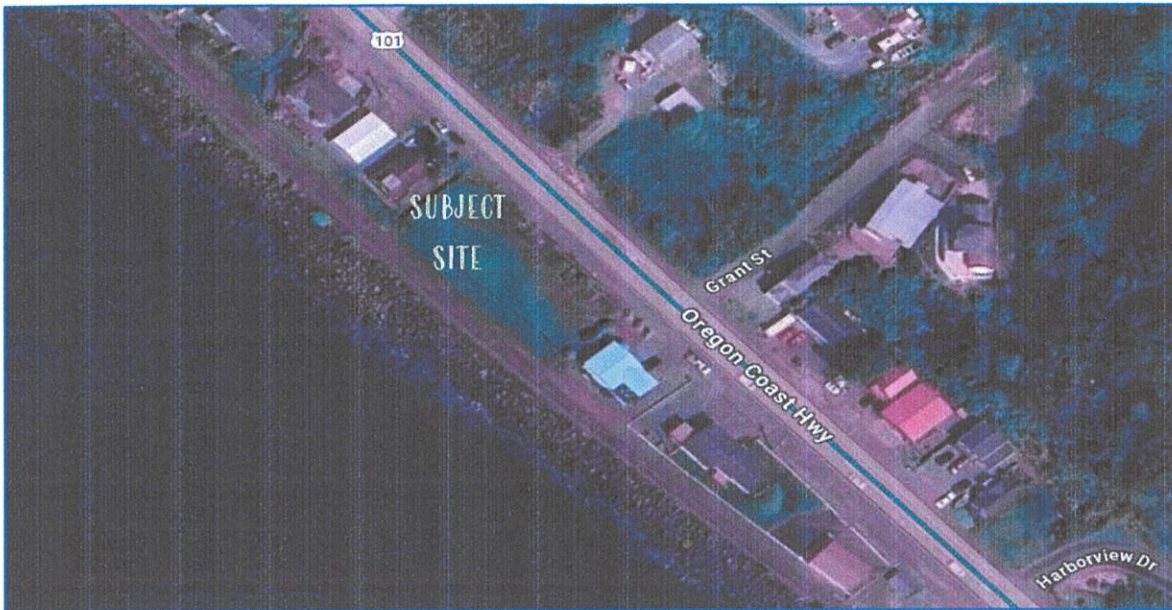
Date

06.06.25

Date

LAND USE APPLICATION

NEUMAN RESIDENCE CONDITIONAL USE & MINOR VARIANCE



Submitted to:
TILLAMOOK COUNTY OREGON
201 Laurel Avenue
Tillamook, OR 97141

Submitted on Behalf of:
ALECIA & BILL NEUMAN
PO Box 115
Banks, Oregon 97106

MAY 2025

NWLP

LAND USE CONSULTING
PROJECT MANAGEMENT
nwlp-or@outlook.com

NEUMAN CONDITIONAL USE & VARIANCE

Contacts

APPLICANT / OWNER:

Alecia & William Neuman
PO Box 115
Banks, Oregon 97106
503.936.9850 phone
neumana@pacific.edu / neumanwa@gmail.com

APPLICANT'S REPRESENTATIVE:

NWLP, Trisha Clark
PO Box 1073
Goldendale, WA 98620
phone: 503.330.2019
trisha_clark@hotmail.com

LAND SURVEYOR:

Bayside Surveying Inc. LLC
11765 Highway 101 South
Tillamook, OR 97141
503.842.5551 phone

ARCHITECT:

VanderMac Architecture
13981 NW Main Street
Banks, Oregon 97106
503.324.0533
Kerry@vandermac.com

Parcel Summary

SUBJECT PROPERTY:

Tax Lot 903, Assessor's Map 1N10 17CD,
Tillamook County, Oregon

SITE ADDRESS:

Not addressed (Previously 14960 North Highway 101)

SITE SIZE:

0.08 Acres

CURRENT ZONING:

Tillamook County CC Zone

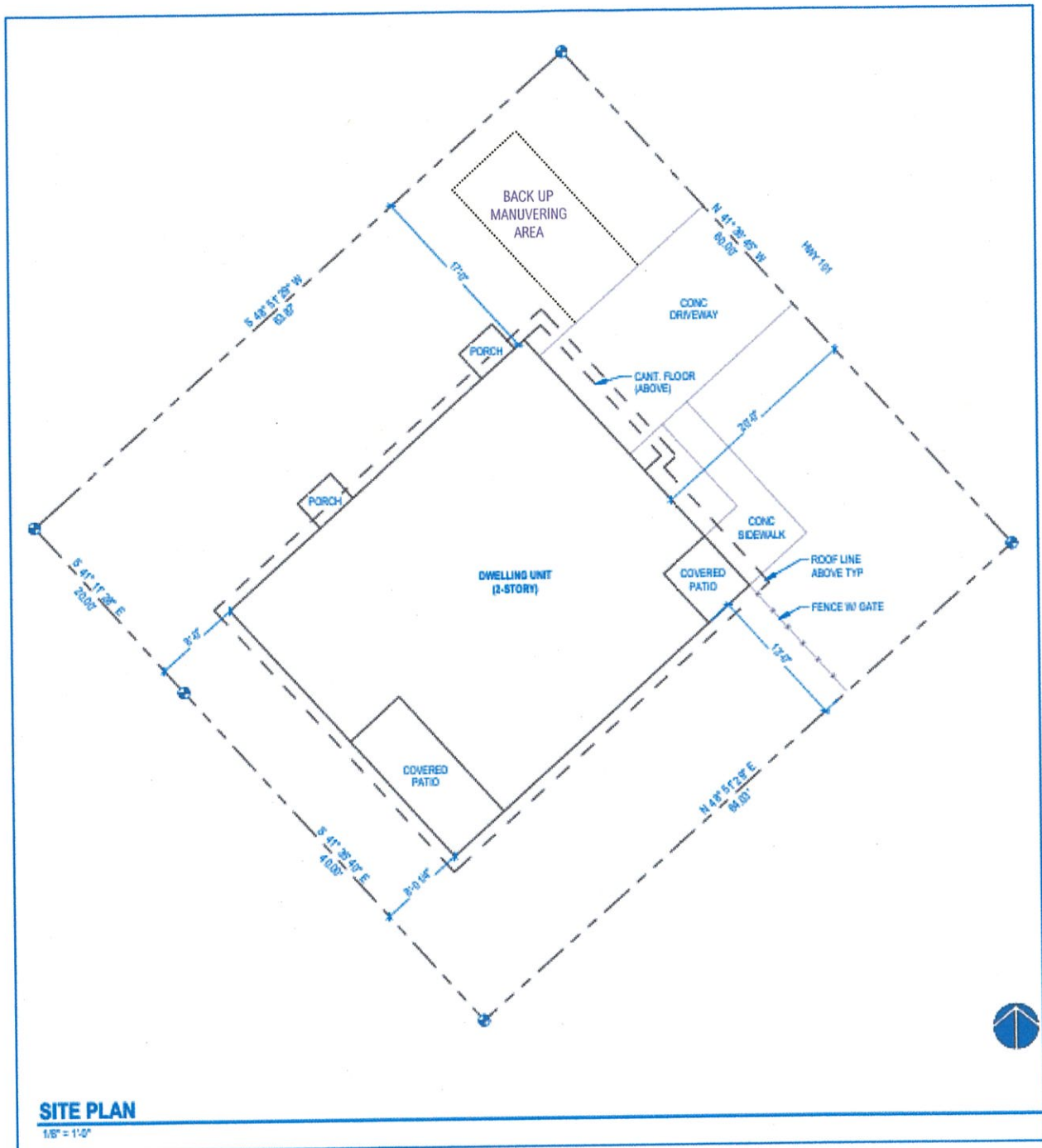


Figure 1 PRELIMINARY SITE PLAN

THIS MAP IS FOR ASSESSMENT AND TAXATION PURPOSES ONLY

0 100 Feet

S.E.1/4 S.W.1/4 SEC. 17 T.1N. R.10W. W.M.
Tillamook County, Oregon
SEE MAP 1N 10W 17 1"=100'

01N10W17CD

Canceled No.

100
202
1600
1700
1900
2000
2500
203

56-24

PARTITION

CREEK

SEE MAP 1N 10W 17CD

COAST

TILLAMOOK

P.T.B.R.R.

HIGHWAY

BAY

PLAT

PARTITION

PTN. P3

LOT 2

LOT 1

205

5.84 AC.

2301

LIFESAVING

STATION

GROUND

2300

2400

2500

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2800

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32000

32100



Figure 3 VICINITY MAPS

Site & Project Description

The subject parcel is identified as Tax Lot 903 on Tillamook County Assessor Map 1N10 17CD. The Tract contains 3,842 square feet, as shown on Survey Number B-4523 of the Tillamook County Surveyor records, a copy is included with this request.

Tax Lot 903 is not currently addressed although the previous address was 14960 North Highway 101. The nearest cross street is Grant Street to the northeast of the site, across Highway 101. The PTBRR (Port of Tillamook Bay Railroad) is to the immediate southwest of the site, and Garibaldi Bay is to the southwest of the railroad line.

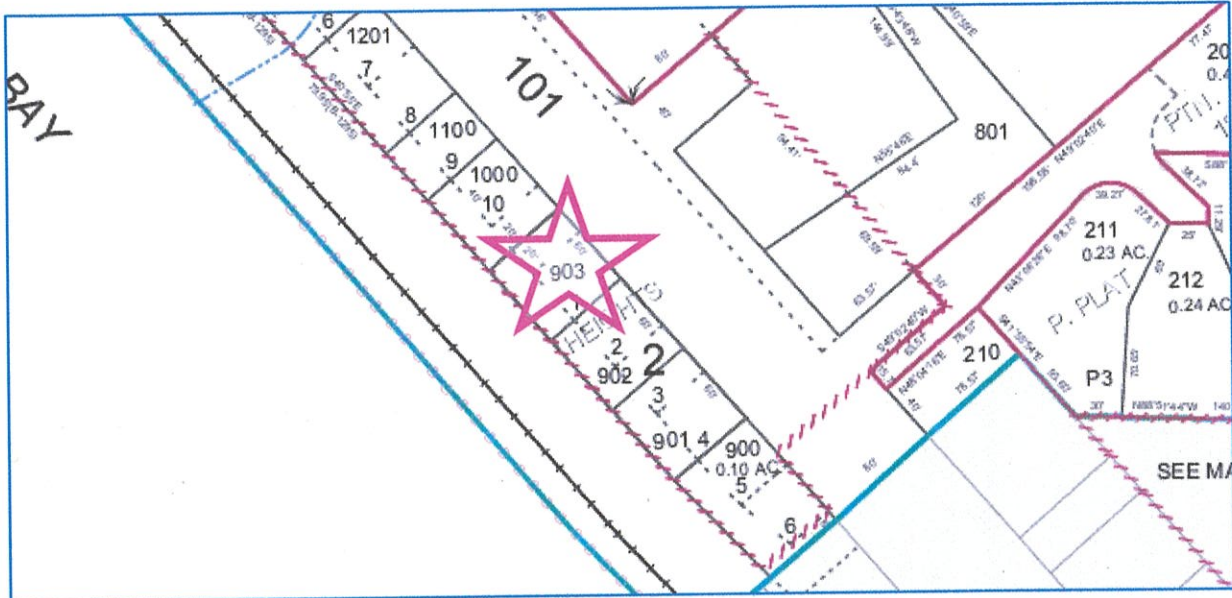


Figure 4 ASSESSOR'S TAX MAP 01N10W17CD, TAX LOT 903

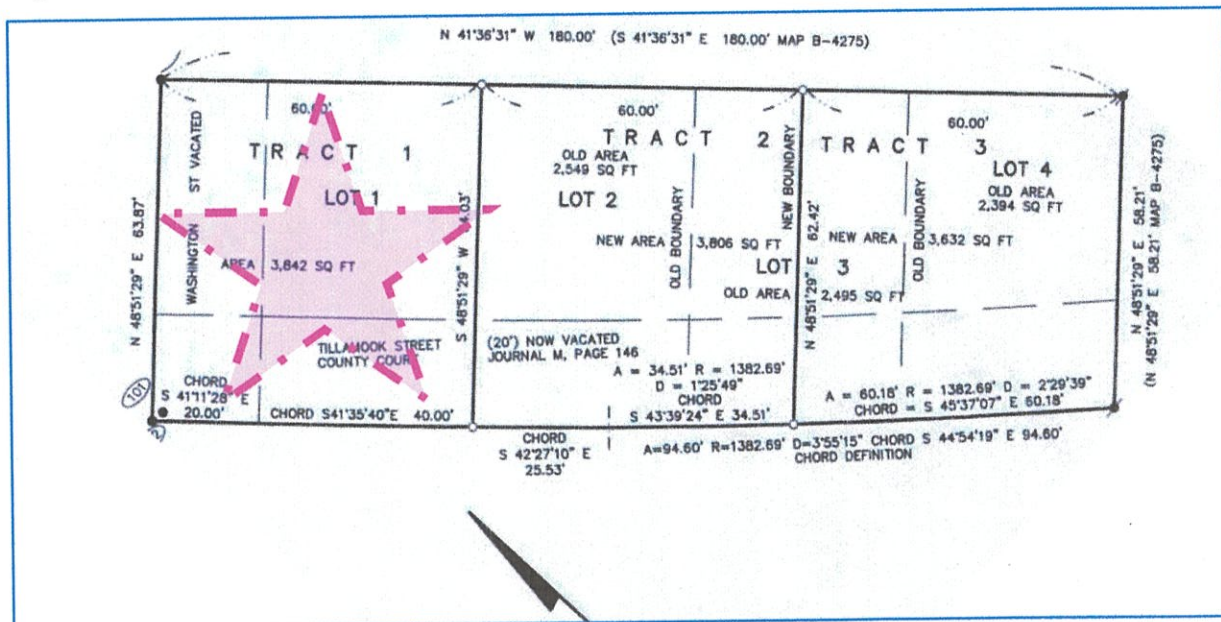


Figure 5 CONFIGURATION OF LOT AFTER RECENTLY RECORDED PLA; SURVEY NUMBER B-4523

The applicant has recently completed a Property Line Adjustment on the site that changed the underlying lots from 4 lots to 3 lots, recorded as Survey Number B-4523 in the Tillamook County Surveyor records.

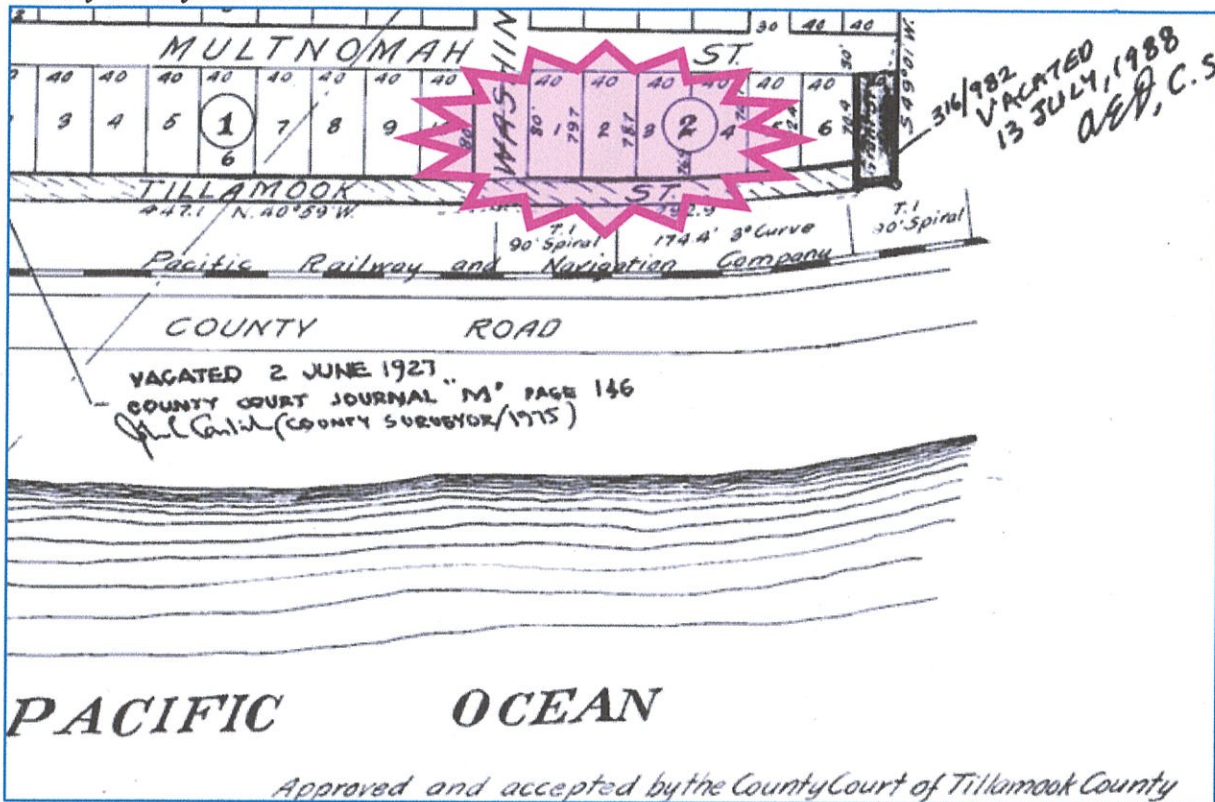


Figure 6 ORIGINAL PLAT OF BAY VIEW HEIGHTS - 1912

The original lots that were platted in 1912, Lots 1 – 4, Block 2, “Bar View Heights”, were very small and constrained in size even before the designation of Highway 101 on the northeast boundary of the lots. Since the time of the original plat, some of the original streets have been vacated and street names have been changed. All of this information is shown on Survey Number B-4523 that was commenced by the applicant and recorded with the Tillamook County Surveyor.

In order to alleviate this constraint that was provided with the original lot configuration as much as possible, the applicant requested a Property Line Adjustment and was granted approval. The applicant has completed the requirements of that approval with filings of both a Record of Survey and the deeds with the Tillamook County Recorder, copies of which are provided as support information to this request.

The Tract is almost square, but is actually barely rectangular in configuration, having dimensions of approximately 64' x 60' and takes access from Highway 101 on the northeast side of the lot. The rear yard is located to the southwest, toward Garabaldi Bay and the PTBRR right of way.

All public and private utilities, including sanitary and public water, are directly available to the subject Tract within the right of way of Highway 101. Needed utilities will be brought to the new home by 4" laterals and the appropriately sized water meter as needed (the applicant will verify the use of any existing meters on the site) will be installed to service the new home with essential services and utilities.

REQUESTS & APPLICABLE CRITERIA

The applicant is requesting approval for **Conditional Use** to allow a home, a residential use, on the lot, this request is in harmony with all of the current existing surrounding uses in the vicinity.

The criterion for Conditional Uses is addressed within this narrative on page 9, which addresses the criteria of ARTICLE VI CONDITIONAL USE PROCEDURES AND CRITERIA and how the proposal meets each of those criteria.

A minor **Variance** is requested for a reduction to the 10.00' rear yard setback required per TCDC 4.110 (5) to 8.00', a 20% reduction.

The lot is quite shallow, being just under 64' on the north boundary line, therefore in addition to the exception sited above, one Variance is requested to reduce the 10.00' rear yard setback to 8.00'. No other Variances, adjustments or changes to any other setback or standard are requested.

Within this narrative and the provided plans, the applicant demonstrates how the new home will meet all the requirements of the development standards of Article IV, the approval criteria contained in Article VI and VIII, the standards for development in the CR-3 zone, and the intent of the Tillamook County Comprehensive Plan.

The applicable Articles of the Tillamook County Development Code are addressed within this narrative, with Article VI first, Article VIII next, with Article IV and the CR-3 zone last; this order is deliberate to allow for discussion of how if the requested Conditional Use in Article VI and the minor Variance in Article VIII are approved, the new home and the Tract will still adhere to the criteria of Article IV.

Criteria of the Tillamook County Development Code applicable to this request:

ARTICLE VI CONDITIONAL USE PROCEDURES & CRITERIA	pg. 9
ARTICLE VIII VARIANCE	pg. 14
ARTICLE IV DEVELOPMENT STANDARDS	pg. 18
LUO ARTICLE 3:	
RESIDENTIAL ZONE 3.016 CR-3	
COMMUNITY HIGH DENSITY URBAN RESIDENTIAL (CR-3)	pg. 28

ATTACHMENTS:

Application Form
Application Fee
Current Deed for TL 903; Doc 2025-001283 Tract 1
Architectural Elevations and Floorplans
B-4526 Recorded Survey
Plat of Bay View Heights
Assessor Map 1N10 17CD, Tillamook County, Oregon

TILLAMOOK COUNTY DEVELOPMENT CODE

ARTICLE VI

CONDITIONAL USE PROCEDURES AND CRITERIA

SECTION 6.010: PURPOSE

The purpose of a CONDITIONAL USE is to provide for uses that are not allowed by right in a certain zone because of potentially adverse impacts on uses permitted by right in that zone. Such uses may be made or deemed compatible through the review process contained in this Article, which subjects the proposed CONDITIONAL USE activity to specific requirements, criteria, and conditions. The location and operation of any CONDITIONAL USE listed in this Ordinance shall only be permitted according to the provisions of this Article.

SECTION 6.020: PROCEDURE

The following procedure shall be observed in submitting and acting on a CONDITIONAL USE request:

- (1) A request may be initiated for a CONDITIONAL USE, or the modification of an approved CONDITIONAL USE, by filing an application with the Department. The Department may require any information necessary for a complete understanding of the proposed use and its relationship to surrounding properties.
- (2) The Director shall act administratively according to the procedure set forth in Article 10, or shall refer the application to the Commission for a public hearing and decision. The application shall be referred to the Commission if the director determines that the proposed use would have significant impacts that extend beyond the abutting properties, and that those impacts are not likely to be adequately addressed by response to public notice required by Section 10.070. If the Director elects to refer the application to the Commission, it shall be heard at the next available Commission hearing, unless the applicant requests otherwise.
- (3) No CONDITIONAL USE permit shall be invalidated because of failure to receive the notice provided for in Section 10.070.

RESPONSE: The applicant is initiating a new request for a Conditional Use with this application, there are no existing conditional uses upon this lot.

SECTION 6.030: GENERAL REQUIREMENTS

A CONDITIONAL USE shall be authorized, pursuant to the procedures set forth in Section 6.020, if the applicant adequately demonstrates that the proposed use satisfies all relevant requirements of this Ordinance, including the review criteria contained in Section 6.040 or the Health Hardship provisions contained in Section 6.050, and the following general requirements:

- (1) A CONDITIONAL USE shall be subject to the standards of the zone in which it is located, except as those standards have been modified in authorizing the CONDITIONAL USE. The size of a lot to be used for a public utility facility may be reduced below the minimum required, provided that it will have no adverse effect upon adjacent uses.

RESPONSE: *The subject site is in the CC zone and the requested use is listed as an allowed use conditionally in the zone. If approved, the development on the site will adhere to the standards of the CR-3 zone per 3.022(4)(a).*

- (2) A CONDITIONAL USE may be enlarged or altered pursuant to the following:
- (a) Major alterations of a CONDITIONAL USE, including changes to or deletion of any imposed conditions, shall be processed as a new CONDITIONAL USE application.
 - (b) Minor alterations of a CONDITIONAL USE may be approved by the Director according to the procedures used for authorizing a building permit, if such alterations are requested prior to the issuance of a building permit for the CONDITIONAL USE. Minor alterations are those which may affect the siting and dimensions of structural and other improvements relating to the CONDITIONAL USE, and may include small changes in the use itself. Any change which would affect the basic type, character, arrangement, or intent of the approved CONDITIONAL USE shall be considered a major alteration.
 - (c) The enlargement or alteration of a one-or two-family dwelling, mobile home, manufactured home, or recreational vehicle that is authorized as a CONDITIONAL USE under the provisions of this Ordinance shall not require further authorization, if all applicable standards and criteria are met.

RESPONSE: *This application is for a new Conditional Use request, (2) (a) – (c) does not apply as no enlargement or alteration is requested.*

- (3) Where the approval of a CONDITIONAL USE request is contingent upon an amendment to this Ordinance, and an application for such amendment has been recommended for approval by the Commission, the CONDITIONAL USE request may be approved upon the condition that the Board approves the Ordinance Amendment.

RESPONSE: *If approved this Conditional Use will not be contingent upon an amendment to any Ordinances, (3) above does not apply to this request.*

SECTION 6.040: REVIEW CRITERIA

Any CONDITIONAL USE authorized according to this Article shall be subject to the following criteria, where applicable:

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

RESPONSE: *The use requested is listed as a Conditional Use in the underlying zone.*

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

RESPONSE: *The applicant's representative reviewed the copy of the Comprehensive Plan available to the public on-line and extracted these goals and policies of the Tillamook County Comprehensive Plan that can be applied to this request.*

Housing Goal 10 from the Tillamook County Comprehensive Plan is copied below in this font, with additional applicant response.

T.C.C.P.

HOUSING ELEMENT (Goal 10)

Goal 10 has the purpose of providing for the housing needs of citizens of the State.

2.2 PURPOSE OF THE HOUSING GOAL, GOAL 10

The purpose of the Housing Goal is "to provide for housing needs of citizens of the state".

2.4 ENCOURAGE THE AVAILABILITY OF ADEQUATE NUMBERS OF HOUSING UNITS

*The other requirement of the Housing Goal is to "encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density".**

Allowing the Conditional Use to have a residential home on the lot fulfills the intent of Goal 10 of the Comprehensive Plan by implementing the intent of "1. HOUSING IN TILLAMOOK COUNTY; 2.4 ENCOURAGE THE AVAILABILITY OF ADEQUATE NUMBERS OF HOUSING UNITS" as discussed below.

Goal 10, 2.4 encourages the availability of the adequate number of housing units at price ranges and rent levels that are commiserate with the financial capabilities of Oregon households. This is accomplished by providing a variety of housing types in different price ranges within the County, including rentals and owned homes, multifamily buildings and apartments, duplexes and triplexes, manufactured housing and single-family homes of varying ages, sizes, design and location.

Having a diversity of housing types implements the intent of Goal 10, 2.4. because it increases the diversity of availability and price range of housing in Tillamook County.

T.C.C.P.

3.3 ENCOURAGING THE USE OF UNDERSIZED LOTS IN URBAN AREAS

... Substandard parcels represent an important asset to the County that justifies making exceptions to zoning requirements. Public benefits in the form of lower housing costs, increased service utilization, reduced services costs, and reduced need to utilize resource land for housing will result from allowing the use of these lots. ...

... The use of undersized lots can be further increased by expanding the scope of this exception while maintaining setback standards which are essential to the public interest such as assuring sufficient off-street parking, maintaining fire safety, and maintaining vision clearance near roads and driveways.

Allowing the Conditional Use fulfills the intent of Goal 10 of the Comprehensive Plan by implementing the intent of "1. HOUSING IN TILLAMOOK COUNTY; 3.3 ENCOURAGING THE USE OF UNDERSIZED LOTS IN URBAN AREAS", as discussed below.

Section 3.3 within Goal 10 encourages the use of undersized lots and sub-standard parcels in the County, and states that exceptions should be made to zoning requirements because the public benefits in the form of (of example, not limited to): 1. Lower housing costs; 2. An increase in service utilization resulting in an increase in the number of utility ratepayers, which helps disperse costs; 3. The use of already planted lots 4. Prevents the utilization of resource land for housing. These are just some of the ways the approval of the Conditional Use implements this goal.

The goal encourages flexibility, while maintaining standards, such as setbacks, which are essential to the public interest and to assure the availability of off-street parking, ensures fire safety, and maintains vision clearance and other safety and public health matters. The proposed Conditional Use with a small Variance has no effect on any essential services, off street parking, or fire safety and access because it is at the rear of the home.

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

RESPONSE: *The subject parcel is well suited for the proposed residential use because it is located in an area where there are other single family detached residential homes on both sides and across the highway. There is a railroad line on one side which means all access must enter from Highway 101 for the subject lot. Without approval of a Conditional Use, this lot is currently zoned for commercial use - commercial / retail use would increase the number of trips per day and per hour that would enter and exit in and out of a driveway on this lot.*

Considering the size of the lot and the proximity to Highway 101, a commercial increase in the number of trips could be significant compared to strictly residential use and therefore residential use is more suited for this specific location.

- (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.

RESPONSE: *The proposed use is the same in character as the surrounding uses, which are all residential. Allowing the residential use on the subject site will have no impairment on, nor cause prevention of the use of surrounding properties of uses permitted in their zone.*

The subject lot is already existing, and a residential use would be less limiting on surrounding properties than a commercial use because a commercial or retail use will have a potential increase in traffic, noise, light pollution and other unknown factors. With a strictly residential use, those factors will be known and will be minimized by the nature of the use.

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

RESPONSE: *There are no existing solar energy systems, wind energy conservation systems or windmills in the immediate vicinity of the subject site. The new building will not be so tall as to interrupt access to solar or wind energy collection on nearby properties.*

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

RESPONSE: *The public facilities and services needed are existing within the right of way of Highway 101, and are adequate to serve the new home on the existing lot, including sanitary sewer, public water and other dry utilities and services such as communication and electricity.*

(T.C. ORD. Adopted May 27, 2015)

ARTICLE VIII

VARIANCE PROCEDURES AND CRITERIA

SECTION 8.010: PURPOSE

The purpose of a VARIANCE is to provide relief when a strict application of the dimensional requirements for lots or structures would cause an undue or unnecessary hardship by rendering the parcel incapable of reasonable economic use. No VARIANCE shall be granted to allow a use of property not authorized by this Ordinance.

SECTION 8.020: PROCEDURE

The following procedure shall be observed in applying for and acting on a VARIANCE request:

- (1) A request may be initiated for a VARIANCE, or the modification of an approved VARIANCE, by filing an application with the Department. The Department may require any information necessary for a complete understanding of the proposed VARIANCE and its relationship to surrounding properties.

RESPONSE: *The applicant is making a request for a new Variance with this application. The applicant and their representative have provided complete information to help the public and Staff understand the requested Variance and its relationship to the surrounding properties. The applicant will provide any additional information needed to make sure that full understanding is made of the request.*

- (2) The Director shall act administratively according to the procedure set forth in Article 10, or shall refer the application to the Commission for a public hearing and decision. The application shall be referred to the Commission if the Director determines that the proposed use would have significant impacts that extend beyond the abutting properties, and that those impacts are not likely to be adequately addressed by response to public notice required by Section 10.070. If the Director elects to refer the application to the Commission, it shall be heard at the next available Commission hearing, unless the applicant requests otherwise.

RESPONSE: *It is the applicant's intent to provide complete, thoughtful and thorough information to allow for the Director to be able to fully understand the request and also that the public, through the public notice process, to fully understand the intent of the request, so Staff is able to render a Decision administratively, according to the procedure set forth in Article 10 and detailed in (2) above.*

This request does not have significant impacts that extend beyond the abutting properties, and the impact to those properties is minimal and mitigated for, as described in this narrative and as shown on the included Site Plan provided by the applicant's Architect, Kerry Vanderzanden.

- (3) No approved VARIANCE request shall be invalidated because of failure to receive the notice provided for in Section 10.070.

RESPONSE: The applicant acknowledges (3) above.

SECTION 8.030: REVIEW CRITERIA

A VARIANCE shall be granted, according to the procedures set forth in Section 8.020, if the applicant adequately demonstrates that the proposed VARIANCE satisfies all of the following criteria:

- (1) Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.

RESPONSE: The primary circumstance attributing to the need for this Variance is the challenge that is presented by the lot's depth, being approximately 64 feet.

To provide for appropriate access, parking and maneuvering area and the actual building area for the house with yard areas and the needed setbacks, a challenge for enough linear feet of lot depth arises - especially for the front and rear yards.

In order to preserve the adequate areas for access, the area needed for vehicle maneuvering in order to enter into traffic nose-first and the building depth, the applicant is asking for this Variance.

If approved, the Variance would allow for an additional 2.00' within the building footprint that "borrows" the 2.00' from the rear yard setback, which has a lower kind of use being outdoors and adjacent to the rail line. The applicant feels that space is better utilized within the building in this specific case due to the shallow lot depth.

To summarize the history of this Tract, as described in the introduction of this narrative, the original underlying lots were created in 1912. Originally, there were four lots, and through a Property Line Adjustment, the applicant has reduced the number of lots from four to three, this is with the intent to increase the buildability of all the Tracts, due to the very shallow lot depth.

Even after increasing the size of the lots, the Tract is constrained for a home building site. Due to this constraint, the placement of a home or structure that meets the full required setbacks and also provide adequate building interior space, parking and driveway turn around maneuvering area and driveway entrance is difficult.

Many of the landowners in the area have setbacks that vary and may not meet the requirements of today's standards.

This variation is primarily due to the irregular lot shapes in the area particularly between Hwy. 101 and the RR right of way / Bay.

This goes back to the fact that these lots were platted between the 1880s in the 1920s.

The buildings have been built at various times and zoning regulations have changed, which has provided this unique area along of Hwy 101.

Oregon State Parks, State of Oregon GEO, WA State Parks GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc. MET/NASA USGS, B

The original platted lots (before the PLA), as discussed on page 7 of this narrative, were small lots were platted in 1912. The applicant took steps to increase their buildability with the completed PLA, and therefore this circumstance was not self-created by the applicant.

- RESPONSE:** *The requested use, which is for a single-family dwelling, is very consistent with other buildings in the immediate vicinity and is allowed within the zone with a Conditional Use, which has been requested concurrently with this Variance.*

- (3) The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.

RESPONSE: *The applicant will adhere to the purposes of the relevant development standards within Article VI. Section 4.005 and will ensure preservation of the right for use and enjoyment of adjoining property owners by providing larger side yard setbacks on both sides of the new home.*

- (4). There are no reasonable alternatives requiring either a lesser or no VARIANCE.

RESPONSE: *There is no alternative to the requested Variance because of the shallow lot depth and the location of the right of ways of Highway 101 and the Railroad.*

The requested Variance, if approved, ensures maximizing the available living space inside the home, while only taking a small amount of area from the rear yard area. The borrowed area could be considered not as useful, because it is outside, and located between the proposed new home and the railroad line.

Because of the location of the subject lot between Highway 101 and the railroad line, it is reasonable to want more living space inside the house, where sound can be insulated and quiet enjoyment can be obtained inside the building, instead of outside the building. Having the extra square footage available to the interior of the home makes more usable space for people, while there is still plenty of area within the remaining rear yard with 8.00 feet. The side and front yards of the home are standard or larger providing outdoor open areas for the occupants of the new home.

The two foot difference is located in the rear yard area of the new home, therefore it has no effect on surrounding property owners.

SECTION 8.040: ENERGY CONSIDERATIONS

It is the policy of the County that its development standards encourage the construction of facilities intended to conserve ENERGY or to develop renewable sources of ENERGY. Consequently, development standards may be adjusted to accommodate design features that are intended to result in either ENERGY conservation or the use of renewable ENERGY. Variances granted for this purpose shall be the minimum required to achieve this policy.

RESPONSE: *The requested Variance is not for the consideration of changing energy standards. All the same, the applicant will build a home using modern appliances and construction materials to promote energy conservation.*

SECTION 8.050: CONDITIONS OF APPROVAL

Conditions deemed appropriate to carry out the intent of this Article may be attached to approved Variances. Such conditions shall be reasonably related to the Variance criteria.

RESPONSE: The applicant will comply with any conditions that are attached to the Decision if the Variance is approved.

SECTION 8.060: COMPLIANCE WITH CONDITIONS

Any departure from the conditions of approval or the approved plot plan constitutes a violation of this Ordinance. The Director may revoke approval of any Variance for failure to comply with any conditions of approval or for any other violation of this Ordinance.

RESPONSE: As stated above, the applicant will comply with any conditions that are attached to the Decision. The applicant will stay in close contact with the Planning Director in regards to compliance and any conditions of approval related to this Variance.

SECTION 8.070: TIME LIMIT

All approved Variances shall be void if construction of the structure which required the Variance has not begun within 24 months of the date upon which the applicant was notified of the Commission's or the Director's decision. If construction/division has not begun, or if the division of land has not been filed with the County Clerk, such approval may be extended beyond 24 months only upon the Director's approval. Requests for extension of time shall be in writing and shall be submitted prior to the date of expiration.

RESPONSE: The applicant acknowledges the requirements of time limits in Section 8.070.

(TC ORD. Adopted May 27, 2015)

ARTICLE IV

DEVELOPMENT STANDARDS

SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

PURPOSE: In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards are the following:

- (1) To ensure the availability of private open space;

RESPONSE: *The proposed new home on Tax Lot 903, the subject lot, will have the availability of private open spaces within porches and patio areas, as shown on the included Floor Plans and Elevation drawings. Additionally, the lot will have private open space within the front, rear and side yard areas.*

- (2) To ensure that adequate light and air are available to residential and commercial structures;

RESPONSE: *The proposed Site Plan shows that the proposed new home is laid out with enlarged side yard setbacks. These extra-large setbacks ensure that adjacent properties have access to adequate light and air.*

- (3) To adequately separate structures for emergency access

RESPONSE: *The large side yard setbacks allow for plenty of room for emergency access to structures, both on the subject site and adjacent properties.*

- (4) To enhance privacy for occupants of residences;

RESPONSE: *The change to the requested rear yard setback will have no effect on privacy for occupants or neighboring properties because the only thing that the rear yard faces is the railroad right of way.*

- (5) To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;

RESPONSE: *All proposed activities will occur on private land including the new dwelling, the driveway and parking area, the maneuvering and private yard areas.*

- (6) To ensure that driver visibility on adjacent roads will not be obstructed;

RESPONSE: *The applicant or their assigns will maintain vegetation and a clear vision triangle as described in section 4. 010.*

(7) To ensure safe access to and from common roads;

RESPONSE: *As shown on the Site Plan, the applicant is providing a backup maneuvering area so cars in the parking area or in the garage can back up and pull out nose first from the driveway onto the public right of way, eliminating any backward movement into the right of way.*

(8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;

RESPONSE: *The applicant is meeting all height requirements and dimensional requirements for the structure - no pleasing views are unreasonably obtained or obstructed.*

(9) To separate potentially incompatible land uses;

RESPONSE: *The applicant has requested a Conditional Use concurrently with the requested Variance that will make the subject lot more compatible with existing residential land uses in the area, which are primarily residential.*

(10) To ensure access to solar radiation for the purpose of alternative energy production.

RESPONSE: *The new structure will be built to the required dimensions with extra side yard setbacks, ensuring solar access to adjacent properties.*

SECTION 4.010: CLEAR-VISION AREAS

(1) PURPOSE: The purpose of a CLEAR-VISION AREA is to ensure safe sight distance for drivers approaching street intersections.

(2) A CLEAR-VISION AREA shall be maintained on the corners of all properties located at the intersection of two streets or private ways or a street or private way and a railroad.

(3) A CLEAR-VISION AREA is a triangular area consisting of two equidistant sides which are lot lines measured from the point of intersection of the lot lines abutting streets; or, where the lot lines have rounded corners, such lines extended straight to their point of intersection, and then so measured; and a line joining the two non-intersecting ends at a distance from their intersection specified in Subsection (5) below.

(4) A CLEAR-VISION AREA shall contain no planting, fence, wall, structure, parked cars, or other temporary or permanent obstructions exceeding thirty inches in height, measured from the top of the highest curb in the CLEAR-VISION AREA or, where no curb exists, from the highest established street center line grade adjacent to the CLEAR-VISION AREA. Trees exceeding this height may be located in this area, provided that all branches and foliage are removed to a height of eight feet above the specified grade.

(5) The following measurements shall establish CLEAR-VISION AREAS:

- (a) In agricultural or residential zones, the minimum distance shall be 25 feet or, at intersections including an alley, 10 feet.
- (b) In all other zones, the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet. When the angle of intersection between streets is 30 degrees or less, the distance shall be 25 feet.

RESPONSE: *The site is not located on the corner of any intersection of two streets or private ways or a street or private way and a railroad, technically 4.020 (1) – (5) does not apply to this request, as the subject lot is an interior lot on the west side of Highway 101.*

Regardless, for safety, the applicant plans to keep clear vision area at the point of access of the driveway onto Hwy. 101 by ensuring that the area does not contain any plantings or fences or any other kinds of structures that exceed 30" that could obscure a driver's vision. Additionally, clear vision maintenance is an intent within 3.3 of the Comprehensive Plan and (12) later in this section.

SECTION 4.020: SIGNS

RESPONSE: *No signage is proposed; Section 4.020 does not apply.*

SECTION 4.021: OFF-SITE ADVERTISING SIGN STANDARDS

RESPONSE: *No off-site signage is proposed; Section 4.021 does not apply.*

SECTION 4.030: OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

- (1) **PURPOSE:** 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.

RESPONSE: *The new home includes off-street parking, as shown on the Site Plan.*

- (2) **PARKING SPACE:** A single parking space shall be at least 8 feet by 20 feet in size.

RESPONSE: *Parking spaces on the site will exceed the minimum size as shown on the Site Plan.*

- (3) **TIMING OF COMPLIANCE:** At the time any structure or use is erected or enlarged, or the use of any parcel or structure is changed, all required off-street parking spaces and loading areas provided in conjunction with an existing use shall not be reduced below the minimum requirements of this Ordinance.

RESPONSE: *The applicant will comply with the timing and will not reduce existing parking below the minimum requirements at any time.*

- (4) **PARKING FOR MULTIPLE USES:** In the event several uses occupy a single structure or parcel of land, the total parking requirements shall be the sum of the requirements of the several uses computed separately. Joint use of the same parking and loading spaces by more than one use may be permitted, provided that the hours of operation of the separate uses do not overlap, and that satisfactory legal evidence is presented to the Department to establish the joint uses.

RESPONSE: *Multiple uses are not requested (4) above does not apply.*

- (5) **USE OF REQUIRED PARKING AREAS:** Parking areas required by this Section are designated for the operable vehicles of residents and their guests, and the owner, customer, patrons, and employees of commercial or industrial activities only. Vehicle or material storage, or the parking of vehicles used to conduct an activity, shall require additional parking areas.

RESPONSE: *The applicant will use all required parking areas for operable vehicles of the residents and of guests and of owners. No marginal storage or parking of vehicles to conduct activity are planned or anticipated.*

- (6) **DRAINAGE:** Areas used for standing and maneuvering of vehicles shall have a surface that is suitable for all-weather use, and shall be drained so as to avoid the flow of water across public sidewalks and streets.

RESPONSE: *The driveway will be made of a material that is suitable for all weather use, and no drainage water will be sent into public sidewalks or streets, or onto adjacent private properties.*

- (7) **BUFFERING NON-RESIDENTIAL PARKING AREAS:** Non-residential parking and loading areas adjacent to a residential use shall be enclosed along the residential use by a sight-obscuring fence that is from five to six feet in height, except where vision clearance is required.

RESPONSE: *No non-residential parking areas are proposed, (7) above does not apply.*

- (8) **CURBING:** Parking spaces along the boundaries of a lot shall be contained by a curb or bumper rail that is at least four inches high and is set back at least four and one-half feet from the property line.

RESPONSE: *No parking spaces along the boundary of the site are planned.*

(9) LIGHTING: Artificial lighting shall not create or reflect substantial glare into any adjacent residential zone or use.

RESPONSE: No artificial lighting on the subject site will be allowed to reflect or create glare onto any adjacent residential uses.

(10) PROXIMITY TO TRAFFIC: Parking areas for four or more vehicles shall be of sufficient size to allow the backing and maneuvering of vehicles entirely out of the flow of traffic.

RESPONSE: No parking areas for four or more vehicles are proposed, (10) above does not apply to this request.

(11) SCHOOL DRIVEWAY: A one-way driveway for loading and unloading children shall be located on the site of any school having a capacity of more than 25 students.

RESPONSE: A school is not proposed, (11) above does not apply.

(12) OFF-STREET LOADING AREAS: Activities that receive or distribute materials or merchandise by truck shall install and utilize loading docks in sufficient numbers and size to accommodate loading requirements without the disruption of nearby traffic. Parking areas required by this Ordinance may only be used for loading operations during periods of the day when not required for patron or customer parking.

RESPONSE: No off-street loading areas are proposed, (12) above does not apply to this request.

(13) PARKING SPACE REQUIREMENTS: Requirements for types of building and uses not specifically listed herein shall be determined by the Department, based upon the requirements for comparable uses either listed below or active elsewhere in the county. PARKING SPACE REQUIREMENTS: Requirements for types of building and uses not specifically listed herein shall be determined by the Department, based upon the requirements for comparable uses either listed below or active elsewhere in the county.

(a) RESIDENTIAL: Two spaces for the first dwelling unit, and one space for each additional dwelling unit.

RESPONSE: At least two parking spaces will be provided within the garage and associated driveway for the proposed Residential use, as shown on the included Floor Plans and Elevation drawings.

SECTION 4.040: GENERAL PROVISIONS REGARDING ACCESSORY USES

SECTION 4.060: ACCESS Every lot and parcel shall abut a street other than an alley, an approved private way, or an approved private ACCESS easement, for at least 25 feet.

RESPONSE: *No accessory uses are proposed.*

SECTION 4.070: DUAL USE OF REQUIRED OPEN SPACE

No lot area, yard, or off-street parking or loading area which is required by this Ordinance for one use shall be a required lot area, yard, or off-street parking or loading area for another use, unless otherwise specifically allowed by this Ordinance.

RESPONSE: *There are no dual use open space areas proposed. This request is for one new home on one existing lot.*

SECTION 4.080: DISTANCE BETWEEN BUILDINGS

A minimum distance of six feet shall be maintained between a building designed for dwelling purposes and any other freestanding buildings located on the same property.

RESPONSE: *As shown on the included Site Plan, the side yard setbacks well exceed the minimum requirements of 6.00'. No other buildings are proposed at this time; any future buildings will be placed according to the requirements of the minimum distance between buildings.*

SECTION 4.100: GENERAL EXCEPTION TO LOT SIZE REQUIREMENTS

RESPONSE: *The subject site is an existing Lot, no exception to lot size is requested.*

SECTION 4.110: EXCEPTIONS TO YARD SETBACK REQUIREMENTS

(1) PURPOSE: The purpose of the EXCEPTIONS described in this Section is to provide a measure of ministerial relief from the requirements for yards in certain areas or zones when those requirements are unnecessarily restrictive.

RESPONSE: *The applicant does ask for an Exception to the yard setback requirements, (2) – (4) are not relevant to this request*

(5) **SMALL LOT EXCEPTIONS:** In the RR, CSFR, RC, CC, CR-1, CR-2, CR-3, RMH and RMD zones and including those communities with adopted community growth boundaries, a front or rear yard, but not both, may be ten feet, provided the following apply to the subject parcel:

(a) The parcel is 7500 square feet or less in size.

RESPONSE: *The subject site is within the CC zone and with the requested Conditional Use for one single family detached dwelling, it will adhere to the CR-3 standards of the county code. The subject lot contains 3,842 square feet, meeting (a) above.*

(b) At least one side yard is ten feet or more wide.

RESPONSE: *As shown on the included Site Plan, at least one side yard is 10 feet or more in width with the north being approximately 17' and the South being approximately 13', meeting (b) above.*

(c) Required off-street parking is provided.

RESPONSE: *All required off-street parking is provided entirely on the subject site, meeting (c) above.*

(d) The right-of-way width at the front of the lot is at least thirty feet. In the case of right-of-ways under 30 feet in width, a ten-foot yard may be approved if it is approved by the Public Works Department.

RESPONSE: *The adjacent right of way of Highway 101 is approximately 80 feet in width per Survey B-1295, meeting (d) above.*

(e) The lot is not a corner lot. If the lot is a corner lot and meets the above criteria, the front yard may be 15 feet.

RESPONSE: *The subject site is not a corner lot, meeting (e) above.*

(7) **PROJECTIONS FROM BUILDINGS:** Architectural features such as cornices, eaves, canopies, gutters, signs, chimneys, and flues shall not project more than 18 inches into a required yard unless evidence is presented to the Department that such projections increase the energy efficiency of the building, either by the capture of solar radiation or by providing shading for cooling, in which case they shall not project more than 24 inches into a required yard.

RESPONSE: *The eaves and gutters project into the required yard area as shown in the included plans but will not exceed the allowed 18 inches of projection.*

(8) DECKS, PORCHES, AND STEPS: (9) (10) (11) (12)

(a) Decks may be constructed within setback areas provided that the intruding portion:

i. Of the floor does not exceed 30 inches in height above finished grade, and

ii. Any fixed benches, railings or other attachments do not exceed 40 inches above finished grade, and

iii. Maintains a minimum of half the required front yard setback, a minimum of 10 foot street side yard setback on a corner lot, and a minimum of 3 feet for rear yard and non street side yard setbacks.

(b) All other uncovered decks, porches, or steps shall not project more than 24 inches into a required yard.

(c) Decks which extend into the required setbacks shall not be enclosed, nor covered, without using the procedures set forth in Article VIII. The existence of a deck within the required setbacks shall not be used as justification to extend a building into the required setbacks.

RESPONSE: *There are no decks proposed to be constructed at this time, but this is noted by the Applicant for future reference.*

Any other porches will not project more than 24 inches into a required setback. Please note both side yard setbacks exceed the minimum dimension required.

(9) ZERO TO THREE FOOT SETBACK: Where a side or rear yard is not required, and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.

RESPONSE: *Any structure, such as a shed, will be at least 3 feet from the property line.*

(10) OCEANFRONT SETBACKS - See Section 3.085 (4) (a) (ib).

RESPONSE: *The site is not located on the ocean front, (10) does not apply.*

(11) WATER QUALITY SETBACKS - See Section 4.080 4.140 (1) (2) and (3).

RESPONSE: *The site is not adjacent to water quality areas (11) above does not apply.*

(12) CLEAR VISION: These provisions may not be interpreted to allow parking or structures.

RESPONSE: *The applicant will ensure that all clear vision areas are maintained at all times and will ensure that no parking or structures are allowed in the clear vision areas.*

SECTION 4.120: GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS

- (1) Projections such as chimneys, spires, elevator shaft housings, flagpoles, devices or structures for the capture of solar energy, towers for wind energy conversion systems and windmills, and other structures not used for human occupancy are not subject to the BUILDING HEIGHT LIMITATIONS of this Ordinance, unless such projection shades an existing solar energy system on an adjoining property to such as extent as to affect the efficiency of that system.

RESPONSE: *No chimneys, spires or other structures are planned, if any are installed in the future, they will meet the requirements 4.120(1).*

There are no known existing solar energy systems on adjacent properties that will be affected by any projections such as a chimney.

- (2) In the airport overlay zone, no structure or tree shall exceed 150 feet in height.

RESPONSE: *The site is not located in the airport overlay zone, (2) above does not apply.*

SECTION 4.130: DEVELOPMENT REQUIREMENTS FOR GEOLOGIC HAZARD AREAS

RESPONSE: *The subject site is not in a geological hazard area section 4.130 does not apply.*

SECTION 4.150: DEMOLITIONS OR ALTERATIONS OF HISTORIC STRUCTURES

RESPONSE: *There are no historic structures on the site section 4.150 does not apply.*

SECTION 4.160: PROTECTION OF ARCHAEOLOGICAL SITES

RESPONSE: *There are no protected archaeological sites on the site, Section 4.160 does not apply to this request.*

SECTION 4.170: MIXED USE DEVELOPMENT (MUD)

RESPONSE: *No mixed-use developments are requested.*

SECTION 4.180: HOME OCCUPATION PERFORMANCE STANDARDS

RESPONSE: *Home occupation is not requested at this time; Section 4.180 does not apply.*

[Tillamook County Land Use Ordinance Article 4 - Adopted May 27, 2015]

SECTION 3.016: COMMUNITY HIGH DENSITY URBAN RESIDENTIAL ZONE (CR-3)

(1) **PURPOSE:** The purpose of the CR-3 zone is to designate areas for a medium- to high density mix of dwelling types and other, compatible, uses. The CR-3 zone is intended for densely-developed areas or areas that are suitable for high-density urban development because of level topography and the absence of hazards, and because public facilities and services can accommodate a high level of use.

(2) **USES PERMITTED OUTRIGHT:** In the CR-3 zone, the following uses and their accessory uses are permitted outright, and are subject to all applicable supplementary regulations contained in this ordinance.

(a) One, two, three, or four-family dwelling.

(3) **USES PERMITTED CONDITIONALLY**

RESPONSE: *There are no CR3 zone conditional use requests, (a) above does not apply to this request.*

(4) **STANDARDS:** Land divisions and development in the CR-3 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

(a) For a single family dwelling, the minimum size for lots... ..

(b) The minimum lot width shall be 50 feet, except on a corner lot it shall be 65 feet

(c) The minimum lot depth shall be 75 feet.

RESPONSE: *The subject lot where the new home will be placed is an existing lot, therefore (4)(a)-(c) above do not apply to this request.*

(d) The minimum front yard shall be 20 feet.

RESPONSE: *As shown on the included Site Plan the front setback is 20 feet.*

(e) The minimum side yard shall be 5 feet; on the street side of a corner lot it shall be no less than 15 feet.

RESPONSE: *As shown on the included Site Plan, the side yard setbacks are approximately 17.00' on the north side and 13.00' on the south side, far exceeding the required 5-foot setback. The lot is not a corner lot.*

(f) The minimum rear yard shall be 20 feet; on a corner lot it shall be no less than 5 feet.

RESPONSE: *The applicant has addressed section 4.110 that allows for an Exception to the minimum rear yard setback to 10 feet when certain side yard dimensions are maintained, which will be the case with this request.*

- (g) The maximum building height shall be 35 feet, except that on ocean or bay front lots, it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.

RESPONSE: *As shown on the included Architectural Elevations, the new home is to be approximately 23'4" in height.*

- (h) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.

RESPONSE: *The applicant does not anticipate the keeping of any livestock on the site.*

- (i) Lot size and yard setback standards shall apply to motels or hotels in the CR-3 zone.

- (j) For multifamily structures with separately owned dwelling units with common walls, yard setbacks shall apply to the entire structures only.

RESPONSE: *The proposed new structure is to be a single-family residence, (i) and (j) above do not apply to this request.*

(12/18/2002 Tillamook County Land Use Ordinance 3.016)

END

DEED-DBS

\$30 00 \$11 00 \$61 00 \$10 00 - Total = \$112 00



00250346202500012830060060

I hereby certify that the within
instrument was received for record and
recorded in the County of Tillamook,
State of Oregon.

Christy Nyseth, Tillamook County Clerk

Grantor's Name and Address

William H. Neuman
Alecia C. Neuman
PO Box 115
Banks, OR 97106

Grantee's Name and Address

William H. Neuman
Alecia C. Neuman
Trustees of the WILLIAM H. NEUMAN
AND ALECIA C. NEUMAN TRUST dated July 19, 2022;
PO Box 115
Banks, OR 97106

Until a Change is Requested

Send all Tax Statements to:

William H. Neuman, Trustee
Alecia C. Neuman, Trustee
PO Box 115
Banks, OR 97106

After recording return to:

McKean & Knaupp Attorneys, LLC
101 SW Washington St.
Hillsboro, OR 97123

BARGAIN AND SALE DEED

William H. Neuman and Alecia C. Neuman, Trustees of the WILLIAM H. NEUMAN AND ALECIA C. NEUMAN TRUST dated July 19, 2022, hereinafter grantors, do hereby grant, bargain, sell and convey to William H. Neuman and Alecia C. Neuman Trustees, or the successor thereof, of the WILLIAM H. NEUMAN AND ALECIA C. NEUMAN TRUST dated July 19, 2022, hereinafter called grantees, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Tillamook County, State of Oregon, described as follows, to-wit:

Tract 1, Lot 1, Block 2, Bar View Heights, In the County of Tillamook, State of Oregon;

Together with those portions of vacated Washington Street and vacated Tillamook Street incurring thereto.

The above description is based on the survey map created by Bayside Surveying LLC dated December 15, 2024, attached hereto as Exhibit A.

Deed Record No. 2022-004703 in Tillamook County is attached hereto as Exhibit B, reflecting the property and legal description prior to the Survey in Exhibit A.

Note: Commonly known as: 14960 Highway 101 N., Rockaway Beach, OR 97136

Note: Tax Account No.: 69213; Map/Tax Lot No.: 1N1017CD/00901

To Have and to Hold the same unto grantees and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer is \$None; *this deed is to effect a change in the legal description and no monetary consideration is involved.*

EXHIBIT A

BAYSIDE SURVEYING LLC

"Where Every Inch Counts"

DALLAS W. ESPLIN, MANAGER
6723 SOUTH PRAIRIE RD
TILLAMOOK, OR 97141

503-842-5551
BAYSIDESURVEYING@GMAIL.COM
BAYSIDESURVEYINGLLC.COM

DECEMBER 31, 2024
LEGAL DESCRIPTION
FOR NEUMAN

TRACT 1:

LOT 1, BLOCK 2, BAR VIEW HEIGHTS, IN THE COUNTY OF TILLAMOOK, STATE OF OREGON;

TOGETHER WITH THOSE PORTIONS OF VACATED WASHINGTON STREET AND VACATED TILLAMOOK STREET INCURRING THERETO.

TRACT 2:

LOT 2 AND THE WESTERLY 1/2 OF EVEN WIDTH OF LOT 3, BLOCK 2, BAR VIEW HEIGHTS, IN THE COUNTY OF TILLAMOOK, STATE OF OREGON;

TOGETHER WITH THOSE PORTIONS OF VACATED TILLAMOOK STREET INCURRING THERETO.

TRACT 3:

LOT 4 AND THE EASTERLY 1/2 OF EVEN WIDTH OF LOT 3, BLOCK 2, BAR VIEW HEIGHTS, IN THE COUNTY OF TILLAMOOK, STATE OF OREGON;

TOGETHER WITH THOSE PORTIONS OF VACATED TILLAMOOK STREET INCURRING THERETO.

**THE ABOVE DESCRIPTIONS ARE BASED ON MAP BY THIS FIRM DATED DECEMBER 15, 2024,
AND ON FILE AT THE TILLAMOOK COUNTY SURVEY OFFICE.**

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

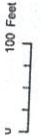
Dallas Espin

**OREGON
DECEMBER 3, 2014
DALLAS W. ESPLIN
83627**

RENEWS: DECEMBER 31, 2025

C:\USERS\BAYS\DROPBOX\FAMILY ROOM\855\LGL\NEUMAN-BLA-24.DOCX

FOR PARTIAL PURPOSES ONLY



S.E. 1/4 S.W. 1/4 SEC. 17 T.1N. R. 10W. W.M.
Tillamook County, Oregon
SEE MAP 1N 10W 17 1"=100'

01N10W17CD

Canceled No.

100
202
1600
1700
1900
2000
2500
203

56-24

PARTITION

CREEK

COAST

TILLAMOOK

P.T.B.R.R.

HIGHWAY

BAY

PLAT

PARCEL 3

205
7.74 AC.

1997-02

PARCEL 1

PORTION
PARCEL 2

PORTION
PARCEL 3

207
1.24 AC.

208
0.93 AC.

209
0.35 AC.

210
0.24 AC.

211
0.23 AC.

212
0.24 AC.

213
0.24 AC.

214
0.24 AC.

215
0.24 AC.

216
0.24 AC.

217
0.24 AC.

218
0.24 AC.

219
0.24 AC.

220
0.24 AC.

221
0.24 AC.

222
0.24 AC.

223
0.24 AC.

SEE MAP 1N 10W 17

SEE MAP 1N 10W 17

SEE MAP 1N 10W 17

SEE MAP 1N 10W 17

SEE MAP 1N 10W 17

SEE MAP 1N 10W 17

SEE MAP 1N 10W 17

SEE MAP 1N 10W 17

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SEE MAP 1N 10W 17

SEE MAP 1N 10W 17

SEE MAP 1N 10W 17

SEE MAP 1N 10W 17

BASIS OF BEARINGS

THE BASIS OF BEARINGS IS NORTH AS DETERMINED BY G.P.S. OBSERVATIONS USING THE OREGON COAST ZONE COORDINATE SYSTEM. THIS GIVES A BEARING OF NORTH 41°08'31" WEST BETWEEN MONUMENTS 108 AND 109.

THIS IS A ROTATION OF 0°08'31" COUNTERCLOCKWISE FROM MAP A-4377

OREGON COORDINATE REFERENCE SYSTEM OREGON COAST ZONE

OBlique MERCATOR PROJECTION
NORTH AMERICAN DATUM OF 1983

LATITUDE OF LOCAL ORIGIN: 44°45'00" N
LONGITUDE OF LOCAL ORIGIN: 124°03'00" W
FALSE NORTHING: -6,800,000.000 METERS
FALSE EASTING: -300,000.000 METERS
SKEW AXIS SCALE: 1:000,000 (SRA07)
SKEW AXIS AZIMUTH AT LOCAL ORIGIN: +8°00'00"

(THE ABOVE INFORMATION IS RECORD FROM "OREGON COORDINATE REFERENCE SYSTEM HANDBOOK AND MAP SET, VERSION 3.01 2-28-2017, APPENDIX A, PAGE A-52, SEE 0007 RECORDS)

LEGEND

- SET 5/8" X 40" REBAR WITH YELLOW PLASTIC CAP MARKED "DALLAS ESPLIN LS 83627"
- ✕ FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "DALLAS ESPLIN LS 83627", SEE MAP B-4275, AT POSITION
- ⊙ FOUND MONUMENT AS NOTED, HELD
- FOUND MONUMENT AS NOTED
- () RECORD VALUE FROM PLAT OF BAR VIEW HEIGHTS, MAP C-4
- [] RECORD VALUE FROM RAILROAD MAPS V-7-21 AND V-7-22
- [] RECORD VALUE FROM MAP A-8483
- NO (), [], OR [] MEASURED VALUE

MONUMENT NOTES

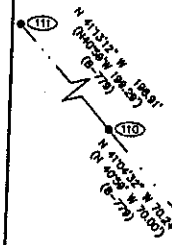
- (101) FOUND 1/2" IRON PIPE, ORIGIN UNKNOWN, S 52°08' E 0.29' OF POSITION, NOT HELD
- (102) FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "A DUNCAN LS 783", SEE MAP A-8483, AT POSITION
- (103) FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "A DUNCAN LS 783", SEE MAP A-8483, AT POSITION
- (104) FOUND 5/8" REBAR, 1.0' BELOW GRADE, SEE MAP A-4377, ON LINE, NOT HELD FOR LOT CORNER
- (105) FOUND 2" IRON PIPE WITH SQUARE BOLT, ORIGIN UNKNOWN, NOT HELD
- (106) FOUND 3" TILLAMOOK COUNTY BRASS CAP STAMPED "THERAL POINT BARVIEW HTS RS 287 1978", SEE REMITTANCE BOOK B PAGE 84, HELD
- (108) FOUND 3/4" IRON PIPE, SEE MAP B-778, HELD FOR BASIS OF BEARINGS
- (110) FOUND 3/4" IRON PIPE, SEE MAP B-778, POSITION NOT EVALUATED, SHOWN FOR REFERENCE ONLY
- (111) FOUND 2" IRON PIPE, SEE MAP B-778, POSITION NOT EVALUATED, SHOWN FOR REFERENCE ONLY

NARRATIVE

THIS IS A DEPENDENT SURVEY OF THE NEUMAN TRACT, DESCRIBED IN INSTRUMENT 2022-4703, TILLAMOOK COUNTY DEED RECORDS. THE NEUMAN TRACT COMPRISES LOTS 1-4, BLOCK 2, BAR VIEW HEIGHTS AND THEIR RESPECTIVE PORTIONS OF VACATED WASHINGTON STREET AND TILLAMOOK STREET. THE PURPOSE OF THIS SURVEY IS TO MONUMENT A PROPOSED BOUNDARY LINE ADJUSTMENT AS SHOWN HEREON.

THE PLAT OF BAR VIEW HEIGHTS (MAP C-4) WAS Laid OUT FROM THE INITIAL POINT (MONUMENT 108) USING RECORD PLAT VALUES ROTATED 0°08'31" COUNTERCLOCKWISE TO MY BASIS OF BEARINGS. HIGHWAY 101 WAS Laid OUT FROM THE INITIAL POINT USING VALUES FROM MAP A-8483 ROTATED 0°08'31" COUNTERCLOCKWISE TO MY BASIS OF BEARINGS.

THE RAILROAD MAPS (V-7-21 AND V-7-22) HAVE 2 DIFFERENT CENTERLINE AND CURVE DATA. I WAS UNABLE TO ASCERTAIN WHY. THE FIRST SET OF DATA IS CROSSED OUT YET THE CENTERLINE AND THE BOUNDARY ARE PARALLEL. THE SECOND SET IS NOT CROSSED OUT BUT THE CENTERLINE IS NOT PARALLEL WITH THE BOUNDARY. THE PLAT APPEARS TO CORRELATE WITH THE FIRST SET OF DATA. I HELD THE FIRST SET OF DATA.

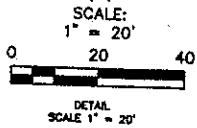
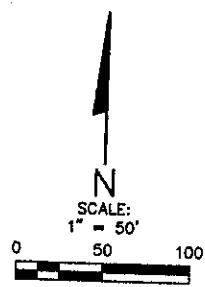
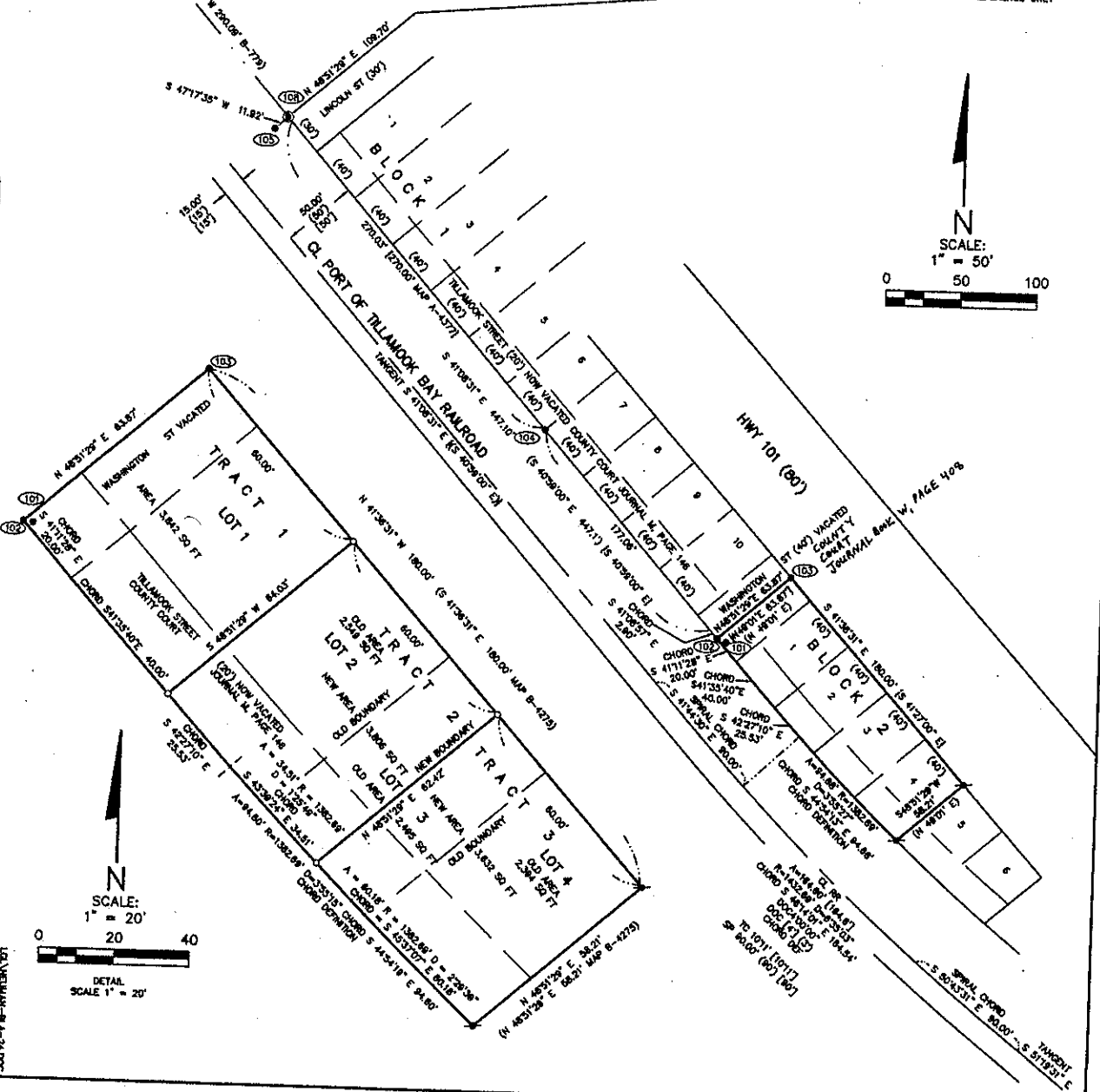


REGISTERED
PROFESSIONAL
LAND SURVEYOR
Dallas Epi
OREGON
DECEMBER 3, 2014
DALLAS W. ESPLIN
83627
RENEW: DECEMBER 31, 2025

DATE
DECEMBER 15, 2024
PROJECT
TILLAMOOK BAY RAILROAD
503-842-5551

WILLIAM & ALECIA NEUMAN
INSTRUMENT 2022-4703, TILLAMOOK COUNTY DEED RECORDS
LOTS 1-4, BLOCK 2, BAR VIEW HEIGHTS
SE 1/4 SW 1/4 SEC 17 AND NE 1/4 SW 1/4 SEC 20
TIN, RION, W.A.
TILLAMOOK COUNTY, OREGON

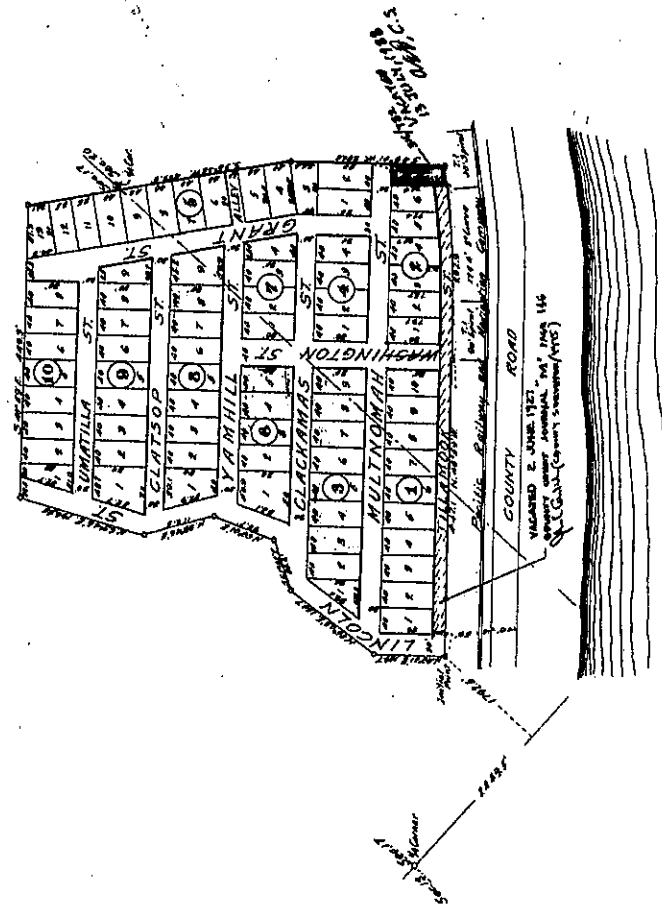
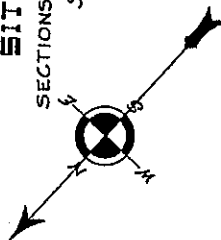
TILLAMOOK COUNTY
DATE
FEBRUARY 20, 2025
TILLAMOOK COUNTY, OREGON



NEUTRALITY

SECTIONS 17 & 20, T1N, R10W, W1M

Scale 0-100 = 100 ft.



PACIFIC OCEAN

Approved and accepted by the County Court of Tillamook County
this _____ day of November, A. D. 1912

Thomas, William County Judge
 H. E. Wilson County Commissioner
 J. W. Tamm County Commissioner
 C. W. Moore County Treasurer
 H. E. Wilson County Surveyor
 C. W. Moore County Surveyor

Attest: Country Clerk

H. G. ... County Surveyor
 ...
 ... County Sheriff

Know All Men By These Presents, That, I, Lloyd C. Smith, ^{and others} being the owner of all the bonds herein-in the following list, do hereby declare that I caused said survey to be made and paid for to be made, better known as said Voss Kingles, and described as follows, to wit: Situated on the county of Decatur, State of Oregon

beginning at 40 fms! Twenty four hundred and forty nine and five
thirty (1732.5) feet. Out of the hole. One eleven hundred and ninety two and five thirds
running there. 71.49.11. One hundred and nine and seven tenths (10.71)
left. there. 71.10.08. One hundred and fifty four and seven tenths
(10.74) feet. there. 71.1.35. E. eight and six tenths (8.6) feet. there. 71.09.12
Ninety three and seven tenths (9.7) feet. there. 71.3.51. One hundred and
twelve and five tenths (11.5) feet. there. 71.6.51. One hundred and ninety
two and five tenths (10.5) feet. there. 71.4.59. E. four hundred and ninety
nine and three tenths (10.3) feet. there. there. 71.3.51. One hundred and fifty
and two. and eight tenths (1.8) feet. there. there. 71.3.51. One hundred
and forty. ... (10.5) feet to the Pacific. 71.3.51. One hundred and fifty
following along and right of way on a curve to the right of thirty.
Three hundred fifty. ... (10.5) feet. there. 71.4.59. E. four hundred and
two and nine tenths (9.9) feet. there. 71.4.59. E. four hundred and
fourty seven and one tenth (1.1) feet to the floor of beginning.
I cannot sail (10.5) feet to the floor and comes to be sail with a
green marked and designated and I do forty delicate the same map
out on sail map and sail streets and comes to be marked
as and for public highway. ...

Witness
K. E. Jackson

...attested for Lovitt in Seal

ACKNOWLEDGMENT

State of Oregon
County of Tillamook

This originates from on the fourth day of November A.D. 1912 before me the undersigned, a Notary Public in and for said County and State personally appeared the within named Plaintiff with who is known to me to be the author and who declared to me and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed for the uses and purposes therein expressed. In testimony whereof I have hereunto set my hand and official seal the day and year last above written.

R. E. Henderson
Notary Public for Oregon.

SURVEYOR'S CERTIFICATE

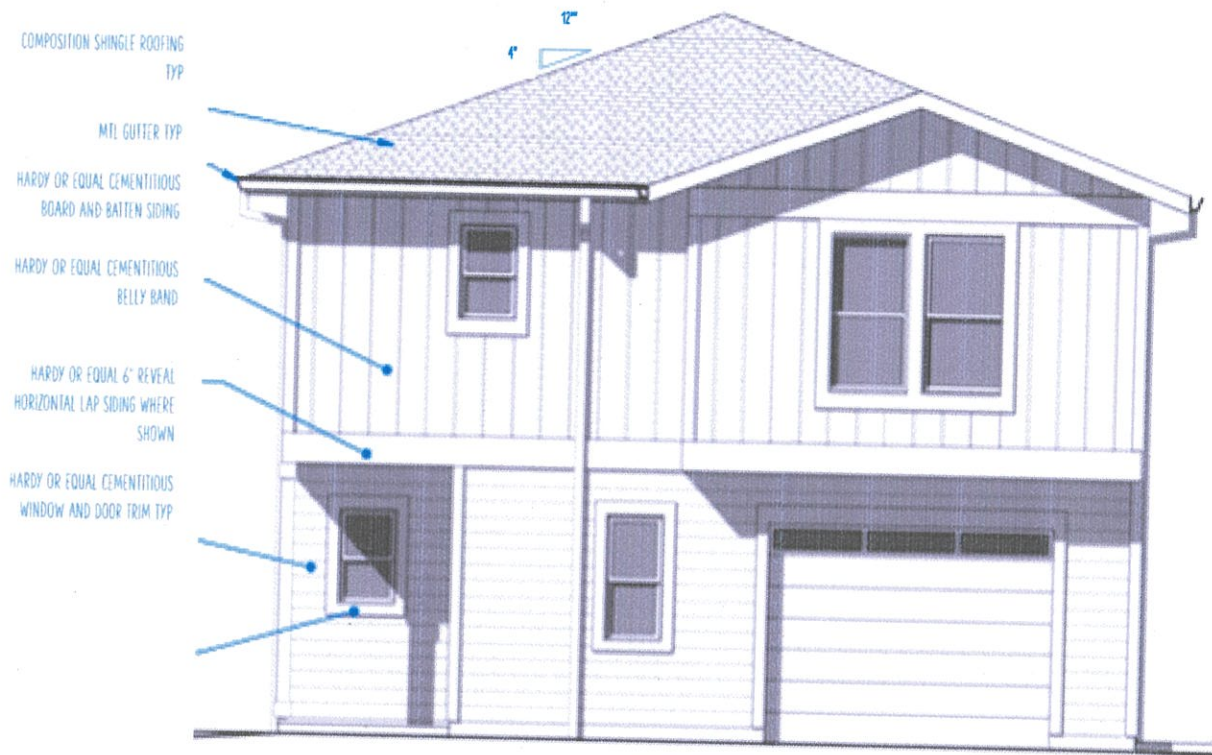
§ 17. E. Jackson's being first duly sworn before and say that how as and in pursuance of a resolution of the Board of Supervisors of the County State of Oregon and that on the second day of November 1912, I made a correct survey and marked with copper stake and monuments that certain real property described as follows:

[illegible]

R. G. Jackson
Surgeon

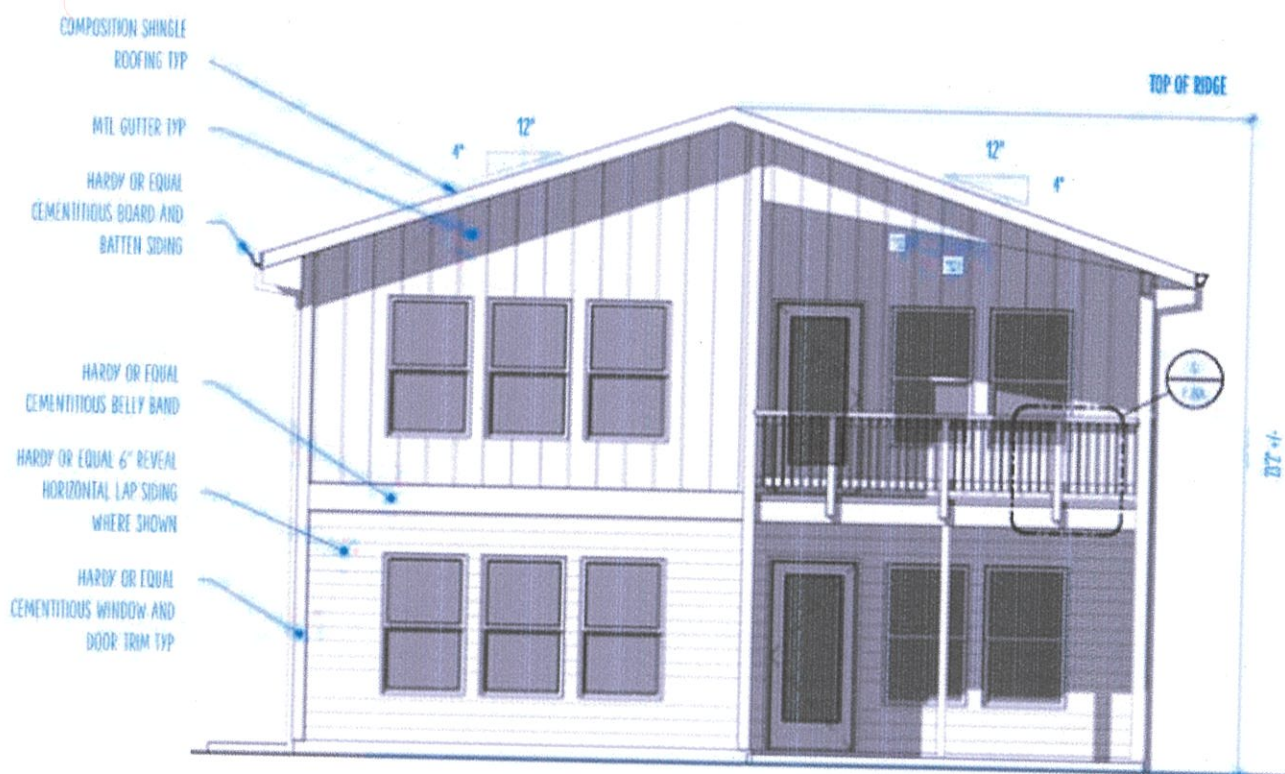
Subscribed and sworn to before me this 6th day of November, 1912. *W. C. L.*
Sergeant

Mr. Gordon
Nixey Public for Oregon



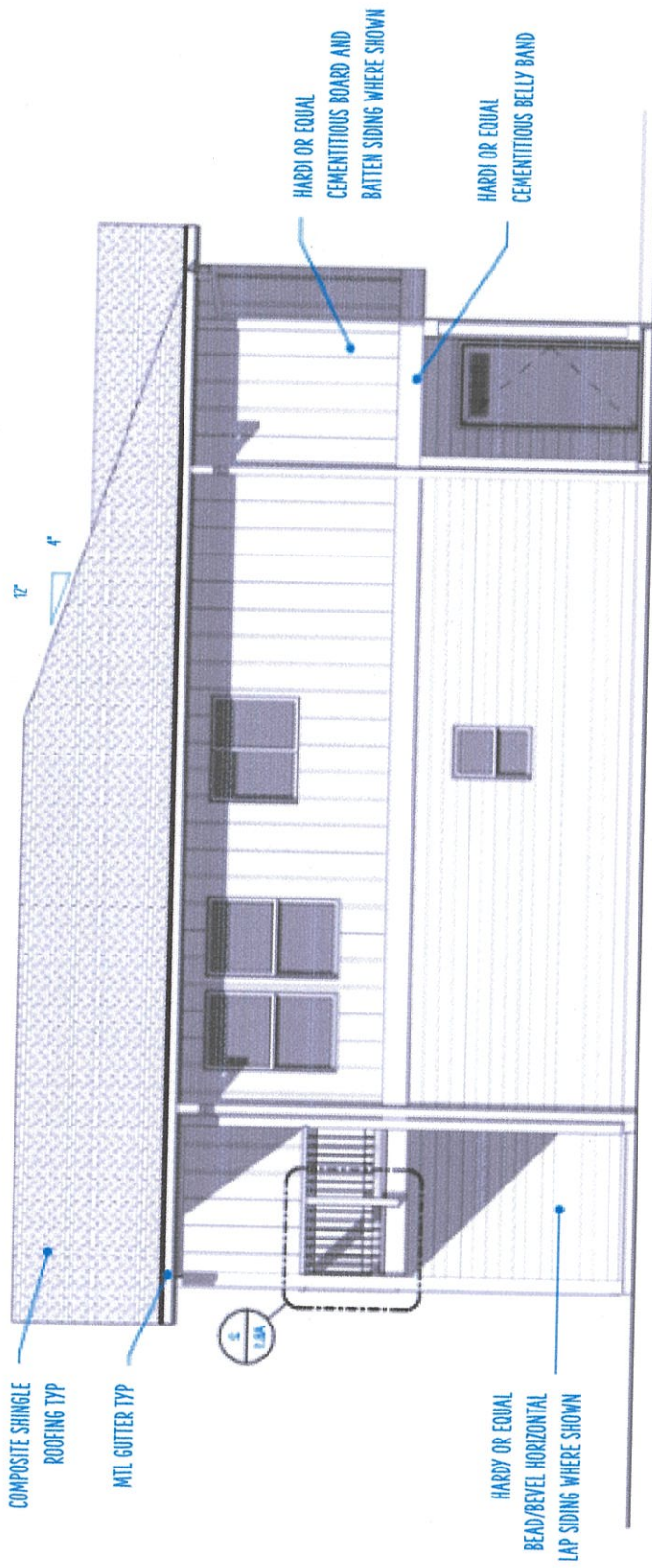
NEUMAN RESIDENCE - FRONT ELEVATION

N.T.S.



NEUMAN RESIDENCE - REAR ELEVATION

N.T.S.



NEUMAN RESIDENCE - LEFT ELEVATION

MTS

COMPOSITE SHINGLE ROOFING TYP

12' 4'

MTL GUTTER TYP

HARDI OR EQUAL CEMENTITIOUS BOARD AND BATTEN SIDING AT GABLES TYP

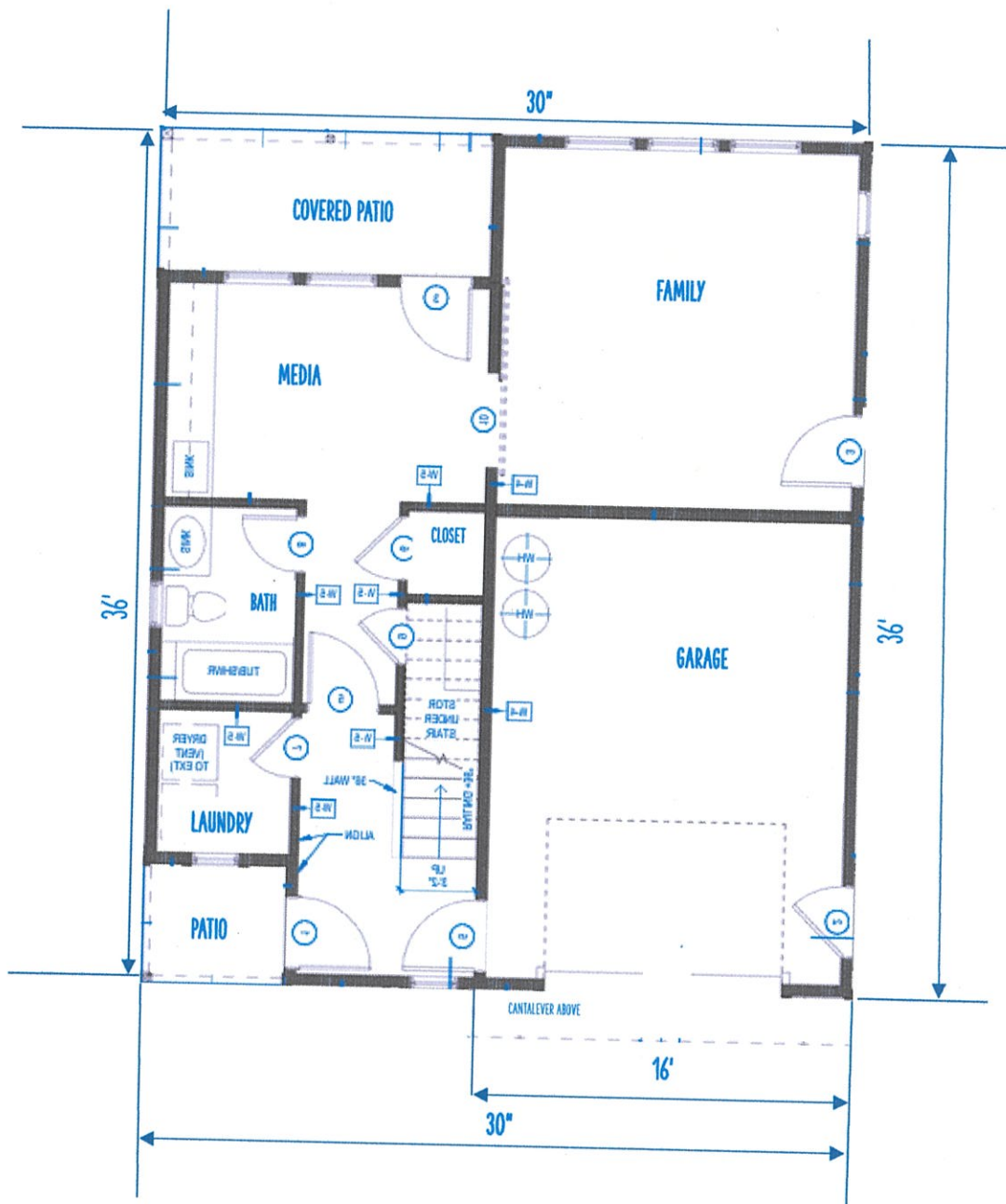
HARDI OR EQUAL CEMENTITIOUS BELLY BAND

HARDI OR EQUAL 6 INCH REVEAL HORIZONTAL LAP SIDING WHERE SHOWN



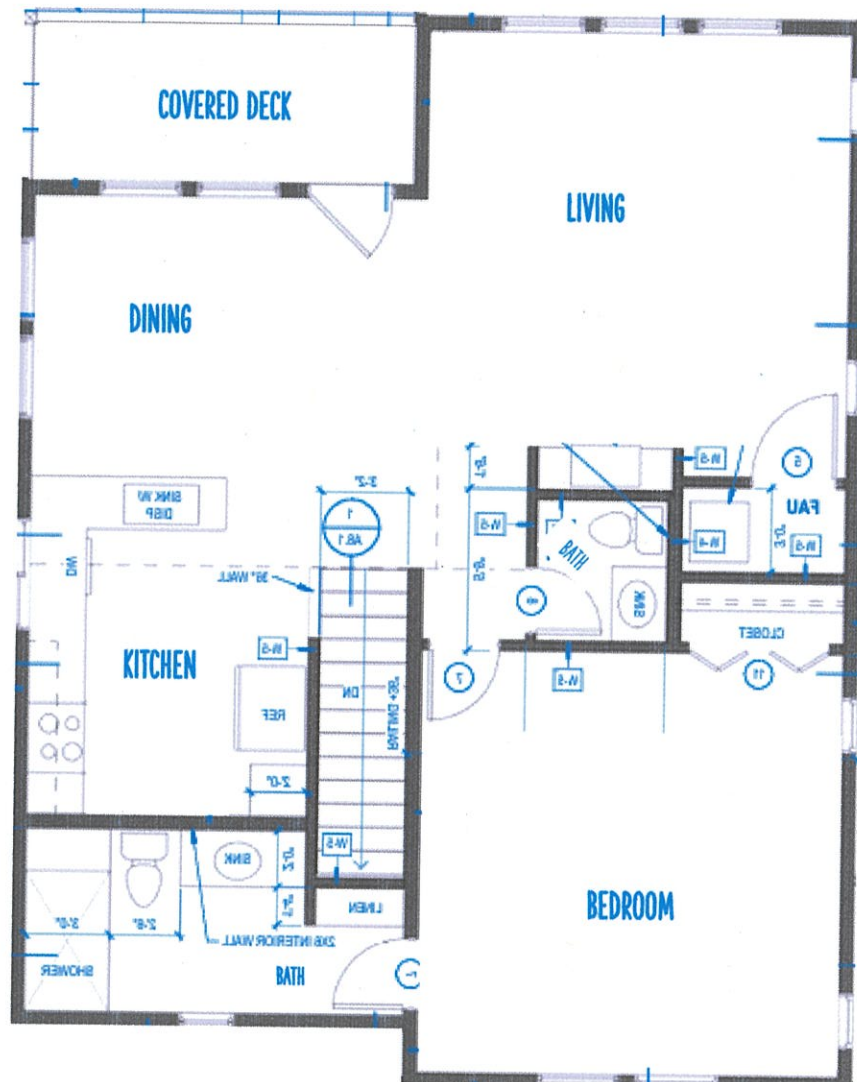
NEUMAN RESIDENCE - RIGHT ELEVATION

MTS



NEUMAN RESIDENCE - FIRST FLOOR PLAN

N.T.S.



NEUMAN RESIDENCE - SECOND FLOOR

N.T.S.



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

1510-B Third Street
 Tillamook, Oregon 97141
www.tillamookcounty.gov
 (503) 842-3408

PROPERTY LINE ADJUSTMENT REVIEW
851-24-000457-PLNG: NEUMAN / BAYSIDE SURVEYING

Ministerial Review Report Date: November 26, 2024
Prepared by: Angela Rimoldi, Planning Permit Technician

Applicant: Bayside Surveying, c/o Dallas Esplin, P.O. Box 880, Tillamook, OR. 97141

Unit A				Unit B			
Township	Range	Section	Tax Lot	Township	Range	Section	Tax Lot
1N	10W	17CD	00901	1N	10W	17CD	00901
Owner: Alecia and William Neuman				Owner: Alecia and William Neuman			
Property Address: Vacant				Property Address: Vacant			
Mailing Address (Street or PO Box): P.O. Box 115, Banks, OR. 97106				Mailing Address (Street or PO Box): P.O. Box 115, Banks, OR. 97106			
Zone: Community Commercial (CC)				Zone: Community Commercial (CC)			
Unit C				Unit D			
Township	Range	Section	Tax Lot	Township	Range	Section	Tax Lot
1N	10W	17CD	00901	1N	10W	17CD	00901
Owner: Alecia and William Neuman				Owner: Alecia and William Neuman			
Property Address: Vacant				Property Address: Vacant			
Mailing Address (Street or PO Box): P.O. Box 115, Banks, OR. 97106				Mailing Address (Street or PO Box): P.O. Box 115, Banks, OR. 97106			
Zone: Community Commercial (CC)				Zone: Community Commercial (CC)			

Proposed Units – Tax Lot 00901	Existing Area	Proposed Area
Unit A (Lot 1)	3,842 Square Feet	3,842 Square Feet
Unit B (Lot 2)	2,549 Square Feet	3,806 Square Feet
Unit C (Lot 3)	3,842 Square Feet	0 Square Feet
Unit D (Lot 4)	2,394 Square Feet	3,632 Square Feet

Materials Submitted: PLA Application, Warranty Deeds and Preliminary Plot Map

CRITERIA & FINDINGS:

i. Parcel Creation. No additional parcel or lot is created by the lot line adjustment.

Findings:

- Staff find the property comprised of four (4) lots of records under one (1) Tax Lot number (Exhibit B).
- Staff conclude that no new parcel or lot is being created as a result of the property line adjustment proposal (Exhibit B).

ii. Lot standards.

- 1. All lots and parcels conform to the applicable lot standards of the zone including lot area, dimensions, setbacks, and coverage, except where 2. or 3. applies.*
- 2. For properties entirely outside an Unincorporated Community Boundary, where one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment, one property shall be as large or larger than the minimum lot or parcel size for the applicable zone after the adjustment.*
- 3. For properties entirely outside an Unincorporated Community Boundary, both abutting properties are smaller than the minimum lot size for the applicable zone before and after property line adjustment.*

Findings:

- Staff find that all Units fall under the Community Commercial (CC) zone standards, which outlines that the minimum lot dimensions and yard setbacks, and the maximum building heights for structures containing only residential uses, shall be the same as in the CR-3 zone. The relevant CR-3 standards are outlined below.
- Staff find that all Units do not meet the lot size area of 5,000 square feet outlined in the Community High Density Urban Residential (CR-3) zone; respectively both before and after the proposed property line adjustment (Exhibit B).
- Staff find that all Units meet the minimum 50-foot lot-width required by the relevant CR-3 zone; respectively both before and after the proposed property line adjustment (Exhibit B).
- Staff find that all Units do not meet the minimum 75-foot lot depth required by the relevant CR-3 zone; respectively both before and after the proposed property line adjustment (Exhibit B).
- Staff finds that all Units are currently vacant; therefore, the relevant CR-3 zone set back requirements do not apply at this time (Exhibit B).
- Staff conclude that these criteria have been met.

4. As applicable, all lots and parcels shall conform to the Tillamook County Flood Hazard Overlay Zone.

Findings:

- Staff find that all Units are located within Zone X Area of Minimal Flood Hazard as depicted on FEMA FIRM 41057C0383F, and within Zone Open Water as depicted on FEMA FIRM 41057C0379F dated September 28, 2018 (Exhibit A).
- Staff concludes that this criterion has been met.

iii. *Access and Road Authority Standards. All lots and parcels conform to the standards or requirements of Section 150: Development Standards for Land Divisions and all applicable road authority requirements are met. If a lot is nonconforming to any road authority standard, it shall not be made less conforming by the property line adjustment.*

Findings:

- Staff find that all Units front Highway 101 S., a State Highway, respectively both before and after the proposed property line adjustment (Exhibit B).
- Staff concludes this criterion has been met.

CONCLUSION:

Upon completion of review of the submitted materials, staff conclude that the requirements to allow a property line adjustment has been met. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing upon receipt of the appeal and applicable fees. In such case, forms and fees must be filed in the office of this Department before **4:00 PM on December 9, 2024.**

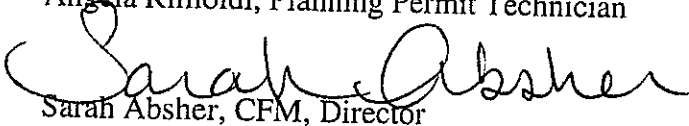
CONDITIONS OF APPROVAL:

1. The existing zoning designations for all Units shall remain the same and the standards for each zone will continue to apply, following the proposed adjustment.
2. If the adjusted units of land are less than ten acres in size, a survey to monument the new common boundary is required and shall be filed with the Tillamook County Surveyor's Department.
3. The property owner(s) shall record all proper documents, including descriptions of all access and utility easements necessary to serve the properties, in the Tillamook County Clerk's Office. Copies of the recorded documents shall be submitted to this Department.
4. A copy of the filed survey identifying all easements for access and utilities shall be submitted to this Department.
5. The property owner(s) shall fulfill the requirements for recording and filing above and shall submit any required map and documents within one year of the date of this approval. An extension of tentative approval may be available.

Sincerely,



Angela Rimoldi, Planning Permit Technician



Sarah Absher, CFM, Director

EXHIBITS:

Exhibit A - Zoning Map, Assessors Map, Assessor's Summary Reports, FEMA FIRM Map
Exhibit B - Applicant's Submittal