



Land of Cheese, Trees and Ocean Breeze

**VARIANCE #851-25-000318-PLNG:
BAYSIDE SURVEYING LLC & O'QUINN**

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

October 24, 2025

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED** the above-cited Variance Request on October 24, 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 **4:00 PM on November 10, 2025**.

Request: A Variance request to reduce the side yard setback from 5-feet to 2.3-feet to allow for a boundary line adjustment on a property improved with two existing single-family dwellings. The current location of the common boundary line of Parcels 1 and 2 of Partition Plat 1994-45 bisects one of the two dwellings. Variance approval for relief to the existing side yard setback of the NM-RM Zone allows the proposed boundary line adjustment to move forward and remedy the encroachment.

Location: Located within the Urban Growth Boundary of the City of Nehalem at 11085 and 11089 Seamount Way, a County road, and designated as Tax Lot 5900 of Section 28DC, Township 3 North, Range 10 West of the Willamette Meridian., Tillamook County, Oregon.

Zone: City of Nehalem Mixed Density Residential (RM) Zone

Applicant: Bayside Surveying LLC, 6723 South Prairie Road, Tillamook, OR 97141

Property Owner: Ann & Shane O'Quinn, 11085 Seamount Way, Nehalem, OR 97131

CONDITIONS OF APPROVAL

Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Variance approval is to establish 2.3-foot side yard setbacks as depicted on the "Proposed Lot Configuration After Variance Approval and Boundary Line Adjustment" site map included in "Exhibit B" of this report.
3. The 2.3-foot side yard setbacks shall only apply to the common boundary line adjacent to the existing building footprints of the two dwellings as shown on the "Proposed Lot Configuration After Variance Approval and Boundary Line Adjustment" site map included in "Exhibit B" of this report. The setback requirements of the City of Nehalem Mixed Density Residential (RM) Zone shall be adhered to for any future development of Parcels 1 and 2 of Partition Plat 1994-45.
4. The applicant/property owner shall obtain necessary approvals from the Tillamook County Public Works Department by:
 - Obtaining an approved road approach permit from the Tillamook County Public Works Department for the existing driveway with recording of an access easement that allows for both parcels to share the approved road approach; or
 - Obtain an approved road approach permit for Parcel 1 and a separate approved road approach permit for Parcel 2.
5. This approval shall be void on October 24, 2027, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

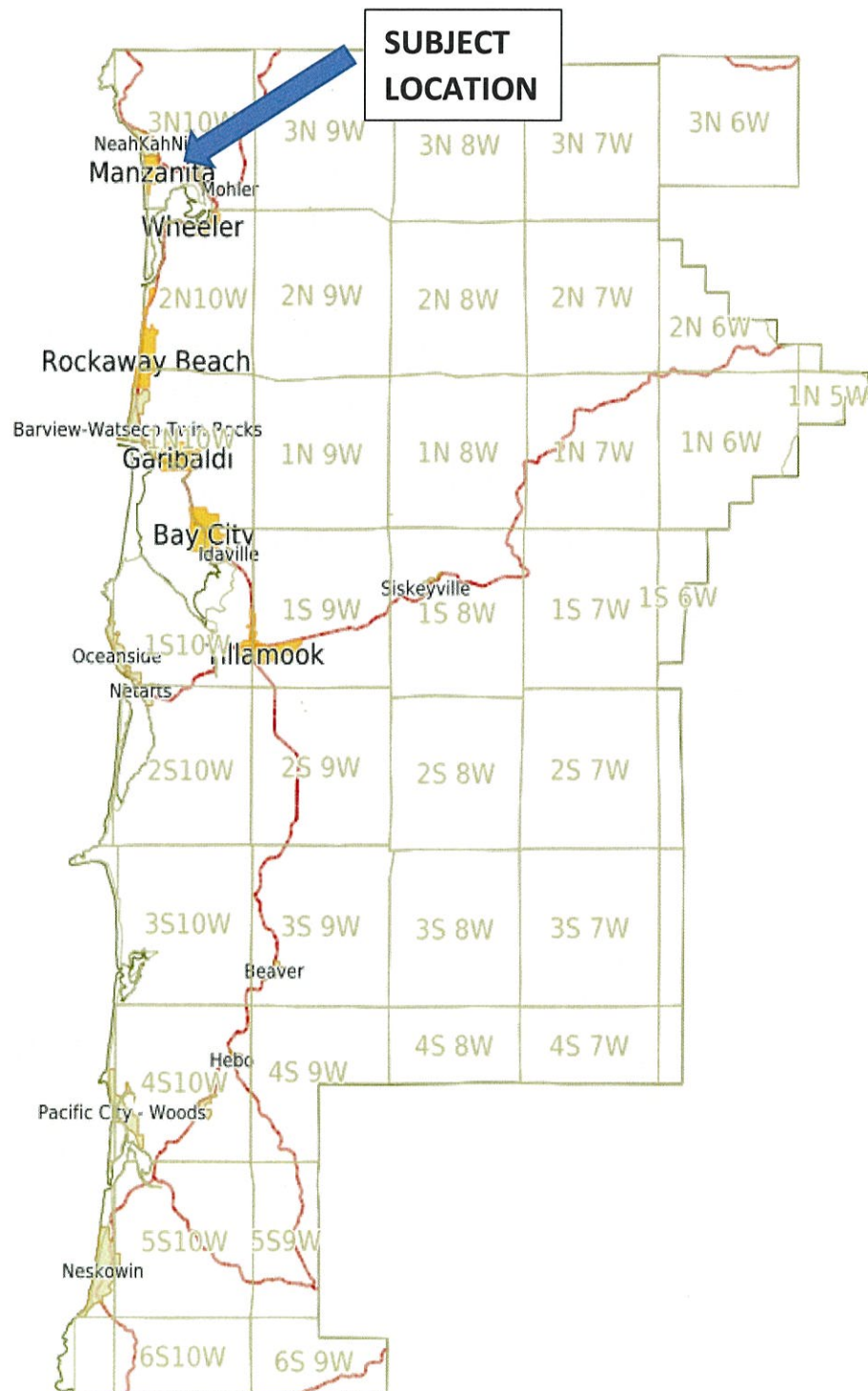
Sincerely,



Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor & Zoning maps

VICINITY MAP



#851-25-000318-PLNG:
BAYSIDE SURVEYING LLC & O'QUINN

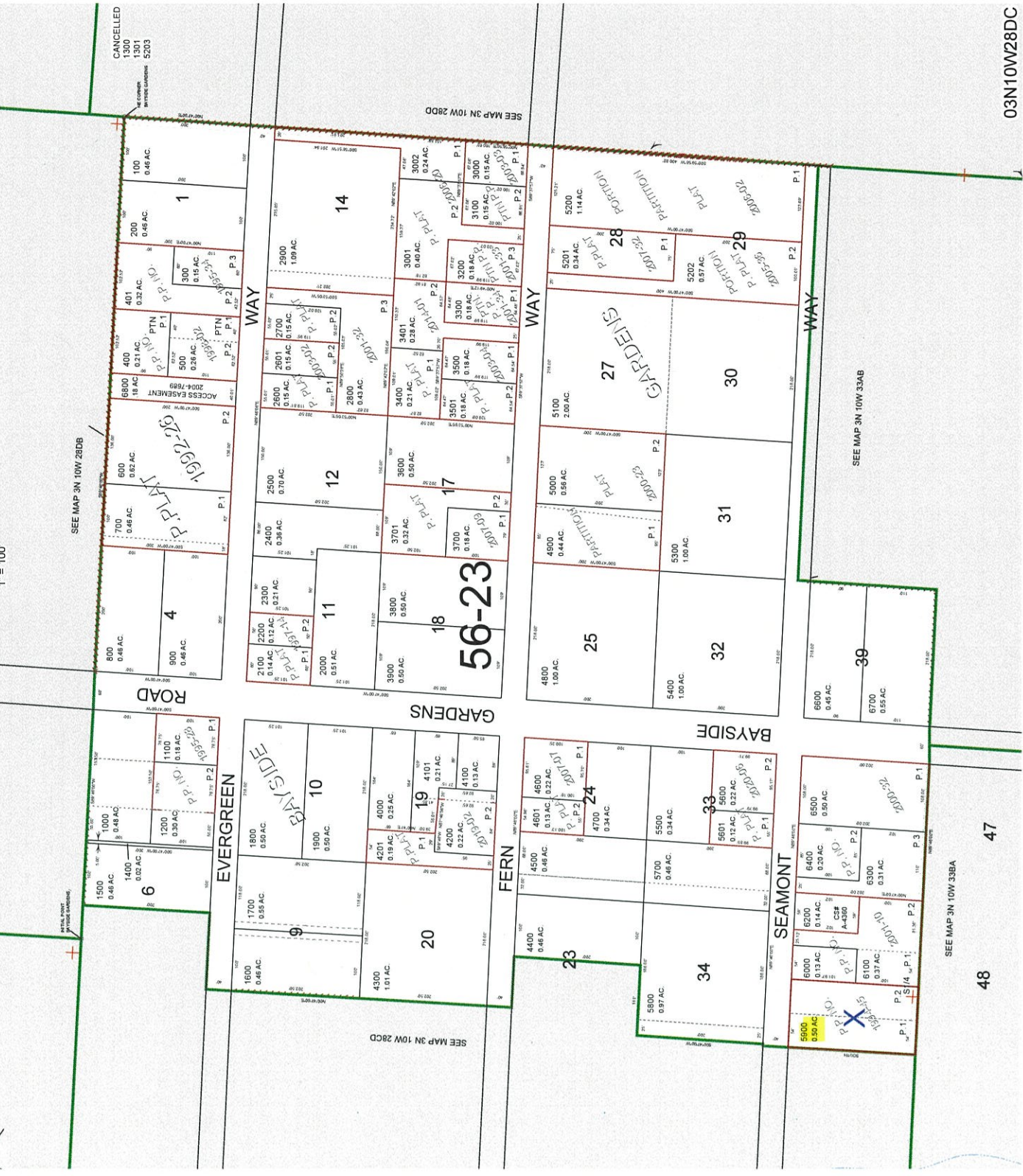
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

S.W.1/4 S.E.1/4 SEC.28 T.3N. R.10W. W.M.

TILLAMOOK COUNTY

03N10W28DC

1" = 100'



03N10W28DC

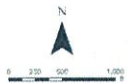
Revised 08/07/20, WS

NEHALEM, OREGON

CITY ZONING MAP

DRAFT

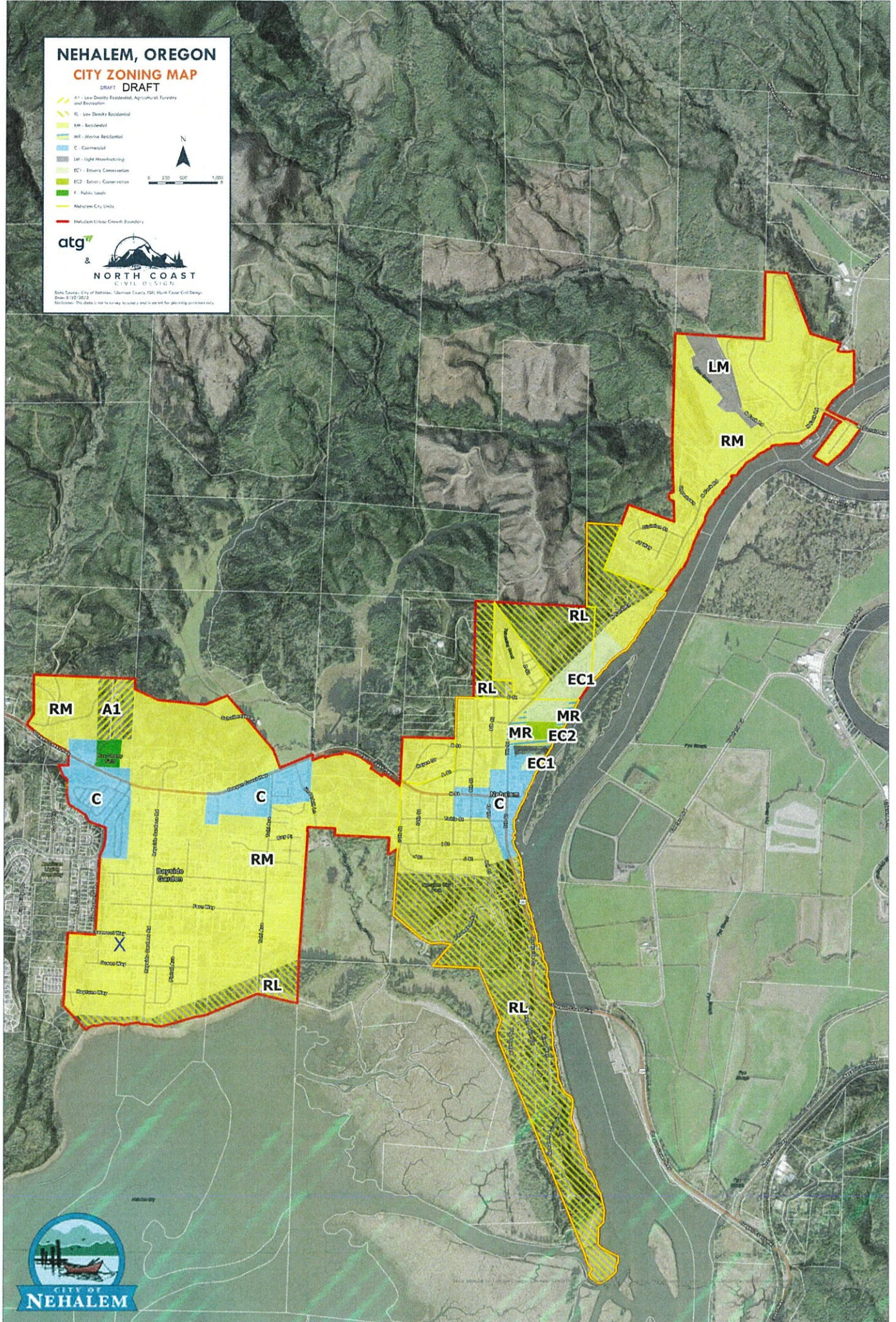
- A1 - Low Density Residential, Agricultural, Forestry and Excavation
- RM - Low Density Residential
- RL - Residential
- ML - Medium Density Residential
- C - Commercial
- LM - Light Manufacturing
- EC1 - Estuary Conservation
- EC2 - Estuary Conservation
- P - Public Lands
- Nehalem City Limits



atg

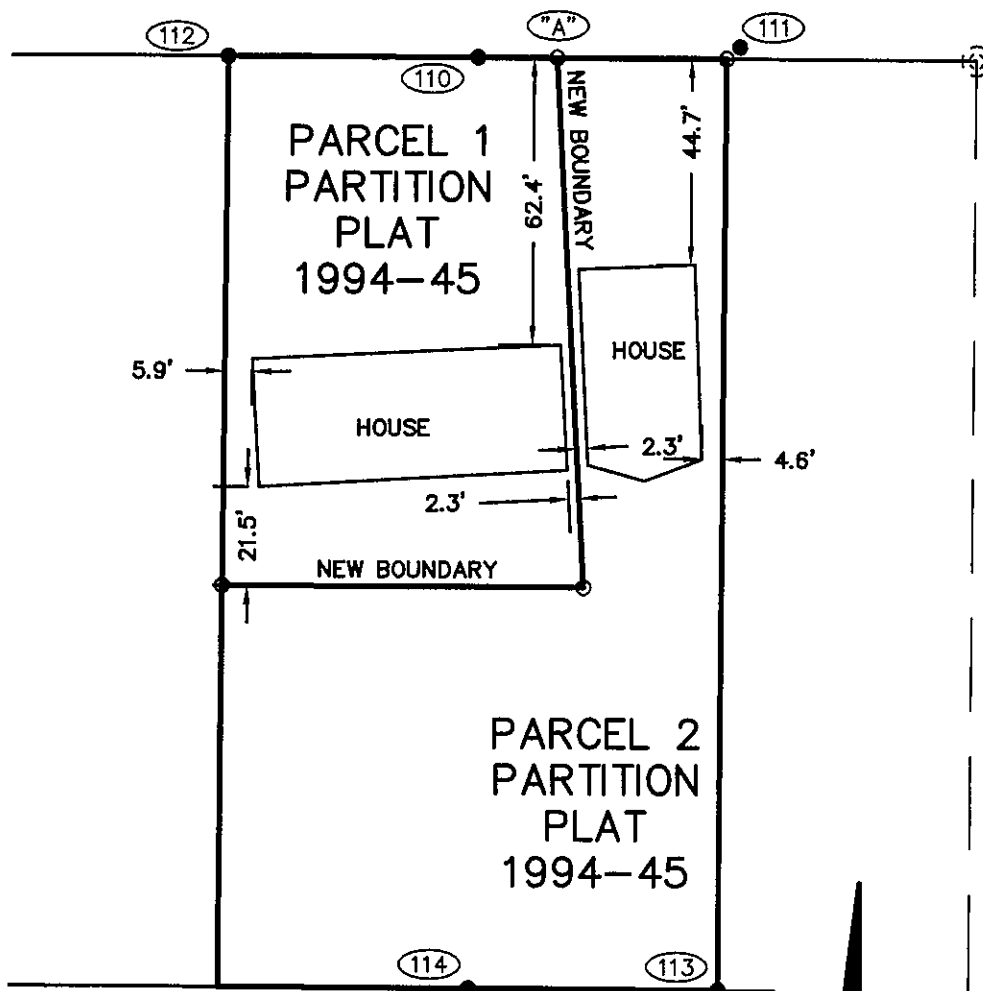


Base Source: City of Nehalem, Clatsop County, 1981, North Coast Civil Design, Draft 8/10/2013.
Disclaimer: This data is not to be used for any purpose other than planning purposes only.



PROPOSED LOT CONFIGURATION
AFTER VARIANCE APPROVAL
AND BOUNDARY LINE ADJUSTMENT

SEAMONT WAY (40')



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dallas Esplin

OREGON
DECEMBER 3, 2014
DALLAS W. ESPLIN
83627

RENEW: DECEMBER 31, 2025



N

SCALE:
1" = 40'





Land of Cheese, Trees and Ocean Breeze

**VARIANCE #851-25-000318-PLNG:
BAYSIDE SURVEYING LLC & O'QUINN**

ADMINISTRATIVE DECISION AND STAFF REPORT

***This is not Zoning and Building Permit Approval**

DECISION: Approved with Conditions

Decision Date: October 24, 2025

REPORT PREPARED BY: Sarah Absher, CFM, Director

I. GENERAL INFORMATION:

Request: A Variance request to reduce the side yard setback from 5-feet to 2.3-feet to allow for a boundary line adjustment on a property improved with two existing single-family dwellings. The current location of the common boundary line of Parcels 1 and 2 of Partition Plat 1994-45 bisects one of the two dwellings (Exhibit B). Variance approval for relief to the existing side yard setback of the NM-RM Zone allows the proposed boundary line adjustment to move forward and remedy the encroachment.

Location: Located within the Urban Growth Boundary of the City of Nehalem at 11085 and 11089 Seamont Way, a County road, and designated as Tax Lot 5900 of Section 28DC, Township 3 North, Range 10 West of the Willamette Meridian., Tillamook County, Oregon (Exhibit A).

Zone: City of Nehalem Mixed Density Residential (RM) Zone

Applicant: Ann & Shane O'Quinn, 11085 Seamont Way, Nehalem, OR 97131

Property Owner: Bayside Surveying LLC, 6723 South Prairie Road, Tillamook, OR 97141

Description of Site and Vicinity: The subject property is identified as Parcels 1 and 2 of Partition Plat 1994-45, is approximately 0.50 acres (total), is rectangular in shape and improved with two single-family dwellings. The property abuts Seamont Way, a County road, to the north and is surrounded by residentially developed properties to the west, east and south (Exhibit A).

The surrounding properties are also zoned Mixed Density Residential (RM) Zone, and the greater vicinity generally consists of single-family residential development (Exhibit A).

Wetlands are mapped on the subject property. The subject property is in Flood Zone "X", defined as areas of minimal flooding, according to FEMA FIRM 41057C0208F dated September 28, 2018, and is not in a Special Flood Hazard Area (Exhibit A).

The property is identified within mapped areas of shallow landslide susceptibility as detailed in the Oregon Department of Geology and Mineral Industries (DOGAMI) Open File Report O-20-13 (Exhibit A). No development is proposed as part of this Variance request.

The common property line of Parcels 1 and 2 of Partition Plat 1994-45 bisects the dwelling located in the western region of the subject property. The dwelling encroaches into that portion of the property identified as Parcel 2 and is less than 5-feet from the other dwelling on the property (Exhibit B). The applicant is requesting a Variance to reduce the side yard setback from 5-feet to 2.3-feet to allow for a boundary line adjustment to adjust the common property line between Parcels 1 and 2. Following the adjustment, each parcel will be improved with a single family dwelling, establishing a 2-foot, 3-inch side yard setback for each dwelling from this common property line (Exhibit B).

Because of the 5-foot side yard setback requirement for structures in the City of Nehalem Mixed Density Residential (RM) Zone, the property line adjustment cannot be approved without a Variance granting relief to this setback standard. The current location of the common boundary line of Parcels 1 and 2 of Partition Plat 1994-45 bisects one of the two dwellings (Exhibit B). Variance approval for relief to the existing side yard setback of the NM-RM Zone allows the proposed boundary line adjustment to move forward and remedy the encroachment.

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

The request is governed through the following Sections of the City of Nehalem Zoning Ordinance. The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. City of Nehalem Development Ordinance Section 157.205 - Mixed Density Residential (RM) Zone
- B. City of Nehalem Development Ordinance Section 157.506.06 - Variance

III. ANALYSIS:

A. City of Nehalem Development Ordinance Section 157.205 - Mixed Density Residential (RM) Zone

Section 157.205.01 PURPOSE: The Mixed Density Residential area, designated by the symbol "RM", is established to provide a variety of residential housing types and other uses that are, or can be, compatible with residential development.

.....

Section 157.205.03 Dimensional Standards:

...

C) Minimum Setback (Residential):

1. Front Yard – 15 feet.
2. Street Side Yard – 15 feet.
3. Side Yard – 5 feet minimum; 12-feet both sides combined.
4. Rear Yard – 15-feet; corner lot may be 10-feet.

...

Section 157.205.06 Development Standards:

All development in the RM Zone shall comply with the applicable provisions of this Chapter. The following references additional development requirements:

(A) Off-street Parking. Parking, driveway and loading improvements shall comply with provisions in Section 157.403.

...
...

Findings: The submitted site plan depicts existing and proposed setbacks in relation to the location of the existing single-family dwellings and property lines- before and after a boundary line adjustment. It should be noted there is an existing 4-foot, 6-inch side yard setback from the exterior eastern property line, measured from the most eastern corner of the existing dwelling to the easterly property line (Exhibit B). Staff finds this is an existing setback and will not change as a result of a boundary line adjustment.

The submitted site plan also confirms adequate area for off-street parking. Comments received from the Tillamook County Public Works Department confirm Public Works has no concern over the setback variance for a boundary line adjustment; however, there is currently no road approach on file for the subject property. Should the common boundary line be adjusted, Public Works requests the following:

- Obtain a road approach for the existing driveway, which must include an Access easement for the neighboring parcel to share the same road approach; or
- Obtain a road approach for the existing driveway, and obtain a road approach for the other property to create a standalone driveway

Comments from the Tillamook County Public Works Department are included a “Exhibit C” in this report.

B. City of Nehalem Development Ordinance 157.506 - Variance

157.506.01 Applicability

The development standards in this Development Ordinance are to protect the public health, safety, and welfare by establishing setbacks, building height limits and other development requirements. To address unique characteristics associated with a property, the City may allow a modification to quantifiable requirements. Modifications resulting in a greater than a 10% change in a quantifiable standard are reviewed as a Variance.

157.506.02 Process

...

(B) For property outside the City Limits, and within the Urban Growth Boundary, a Variance application shall be reviewed by Tillamook County in accordance to provisions in the Intergovernmental Agreement, and subject to the decision criteria in Section 157.506.06.

Findings: The subject property is located outside the city limits of Nehalem and within the Urban Growth Boundary line (Exhibit A).

Section 157.418 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: A notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on August 22, 2025. Comments were received by the Tillamook County Public Works Department are included in “Exhibit C” and also referenced above. A Condition of Approval has been

made to require the property owners and applicants comply with the requirements set forth by the Tillamook County Public Works Department for road approach and access compliance.

Decision Criteria Section 157.506.06 – Variance

The Planning Commission may allow a Variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with the Type III review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

(A) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this Ordinance, topography, or other circumstances over which the applicant has no control.

Findings: Applicant states the subject property is currently one tax lot consisting of two dwellings on the two parcels, and the common boundary line between the two underlying parcels runs through the middle of one of the dwellings. Applicant states the current owners were not aware of the orientation or status of the dwellings and location of the common boundary line. If approved, the Applicant states the Variance will allow the existing common boundary line to be adjusted between Parcels 1 and 2 and be relocated between the two detached dwellings.

Staff finds the subject property, Tax Lot 5900, is comprised of two legal lots of record identified as Parcels 1 and 2 of Partition Plat 1994-45. When platted, each parcel was 54-feet wide by 201.97-feet deep and met the minimum lot width and depth requirements of the zone. Due to the orientation of siting of structures on the parcels, the common boundary line bisects the manufactured dwelling, necessitating a boundary line adjustment of the common boundary line between the two parcels to result in each dwelling being wholly located on a parcel, and corrects the encroachment.

In review of County records, staff concur with the Applicant that due to the orientation and location of structures on the subject property, the common boundary line cannot be adjusted in a manner to result in each dwelling being wholly located on a parcel and meet the side yard setback requirement of the NM-RM zone. Additionally, the development of the parcels occurred between the late 1990's and early 2000's, prior to ownership of the property by the current owners.

The current location of the common boundary line of Parcels 1 and 2 of Partition Plat 1994-45 bisects one of the two dwellings (Exhibit B). Variance approval for relief to the existing side yard setback of the NM-RM Zone allows the proposed boundary line adjustment to move forward and remedy the encroachment. The boundary line adjustment cannot move forward without Variance approval.

This criterion is met.

(B) Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.

Findings: Applicant states there are other properties in the vicinity that have been developed with residential structures where orientation of the structures does not conform to the setback requirements of the underlying zone (Exhibit B). The Applicant also states that the owners are unable to obtain necessary financing for the property and that adjusting the common boundary line so that each dwelling is wholly located on a separate parcel will help remediate the financial loan barriers needed to obtain traditional financing (Exhibit B).

In review of aerial photography of the vicinity depicting lot/parcel patterns, orientation of properties in relation to roads and orientation of residential structures on these properties, staff concurs there are other residential structures sited on properties in the vicinity that also do not meet the underlying setbacks of the NH-RM zone. Specifically, the properties to the immediate west identified as Tax Lots 5900 and 5800, Tax Lots 6000, 6200 and 6300 to the east, as well as Tax Lots 6100, 6000, and Tax Lot 5601 to the north (Exhibit A).

Based upon the findings and evidence outlined above, Staff find this criterion is met.

(C) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.

Findings: Applicant states there are two existing dwellings occupied by two separate families, and that Variance approval will remedy the encroachment due to one dwelling located on Parcel 1 encroaching into Parcel 2 (Exhibit B). The Applicant adds that remedy of the encroachment does not result in increased density in the area nor will the proposed boundary line adjustment increase the amount of traffic in the area (Exhibit B).

The current location of the common boundary line of Parcels 1 and 2 of Partition Plat 1994-45 bisects one of the two dwellings (Exhibit B). Variance approval for relief to the existing side yard setback of the NM-RM Zone allows the proposed boundary line adjustment to move forward and remedy the encroachment.

Staff concurs that Variance approval to allow the proposed boundary line adjustment to move forward does not result in increased density, traffic or other impacts that could be detrimental to the public welfare or injurious to properties in the vicinity. Staff also finds that Variance approval to allow for a boundary line adjustment to remedy an encroachment does not conflict with the objectives of any City plan or policy.

This criterion is met.

(D) That the special conditions and circumstances on which the application is based do not result from a self-imposed hardship or a negligent or knowing violation of this Ordinance by the applicant.

Findings: Applicant states current property owners did not create or cause the encroachment resulting from the orientation of structures on the subject property- Parcels 1 and 2 of Partition Plat 1994-45 (Exhibit B). Applicant adds that the encroachment and condition of the subject property was not disclosed on the title policy or other purchasing documents (Exhibit B).

County records contain permitting information for the siting and construction of the structures, including conversion of the garage to a dwelling. Development of Parcels 1 and 2 was permitted and other improvements to the property were permitted as part of a process to remedy development occurring on the property without first obtaining building permit approval.

Staff also finds that the County Assessor maps have been updated between the mid-1990's to early 2000's to reflect the 1994 partition, then to "combine" the underlying lots of record (Parcels 1 and 2 of Partition Plat 1994-45) for tax statement purposes only. The underlying lots of record have remained as development has occurred on the property. These circumstances do not result in a self-imposed hardship, negligence or known violation of this Ordinance by the Applicant.

The Applicant is requesting Variance approval to proceed with a boundary line adjustment to remedy the encroachment of a dwelling on the subject property. The current location of the common boundary line of Parcels 1 and 2 of Partition Plat 1994-45 bisects one of the two dwellings (Exhibit B). Variance approval for relief to the existing side yard setback of the NM-RM Zone allows the proposed boundary line adjustment to move forward and remedy the encroachment. The boundary line adjustment cannot be completed to remedy the encroachment without Variance approval.

This criterion is met.

(E) The variance requested is the minimum variance which would alleviate the hardship.

Findings: Applicant provides justification in the application to demonstrate the request is the minimum to address the encroachment of a dwelling on the subject property. Due to the orientation of structures on the subject property and the dimensions of the underlying lots of record, staff concurs the Variance requested in the minimum variance which would alleviate the hardship and remedy the encroachment.

This criterion is met.

IV. DECISION: APPROVED WITH CONDITIONS

Staff concludes, based on the findings of fact and other relevant information in the record, that applicant has satisfied/or is able to satisfy through the Conditions of Approval the applicable ordinance requirements related to this Variance request and therefore approves this 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 November 10, 2025**.

V. CONDITIONS OF APPROVAL:

Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Variance approval is to establish 2.3-foot side yard setbacks as depicted on the "Proposed Lot Configuration After Variance Approval and Boundary Line Adjustment" site map included in "Exhibit B" of this report.
3. The 2.3-foot side yard setbacks shall only apply to the common boundary line adjacent to the existing building footprints of the two dwellings as shown on the "Proposed Lot Configuration After Variance Approval and Boundary Line Adjustment" site map included in "Exhibit B" of this report. The setback requirements of the City of Nehalem Mixed Density Residential (RM) Zone shall be adhered to for any future development of Parcels 1 and 2 of Partition Plat 1994-45.

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 - Obtaining an approved road approach permit from the Tillamook County Public Works Department for the existing driveway with recording of an access easement that allows for both parcels to share the approved road approach; or
 - Obtain an approved road approach permit for Parcel 1 and a separate approved road approach permit for Parcel 2.
5. This approval shall be void on October 24, 2027, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

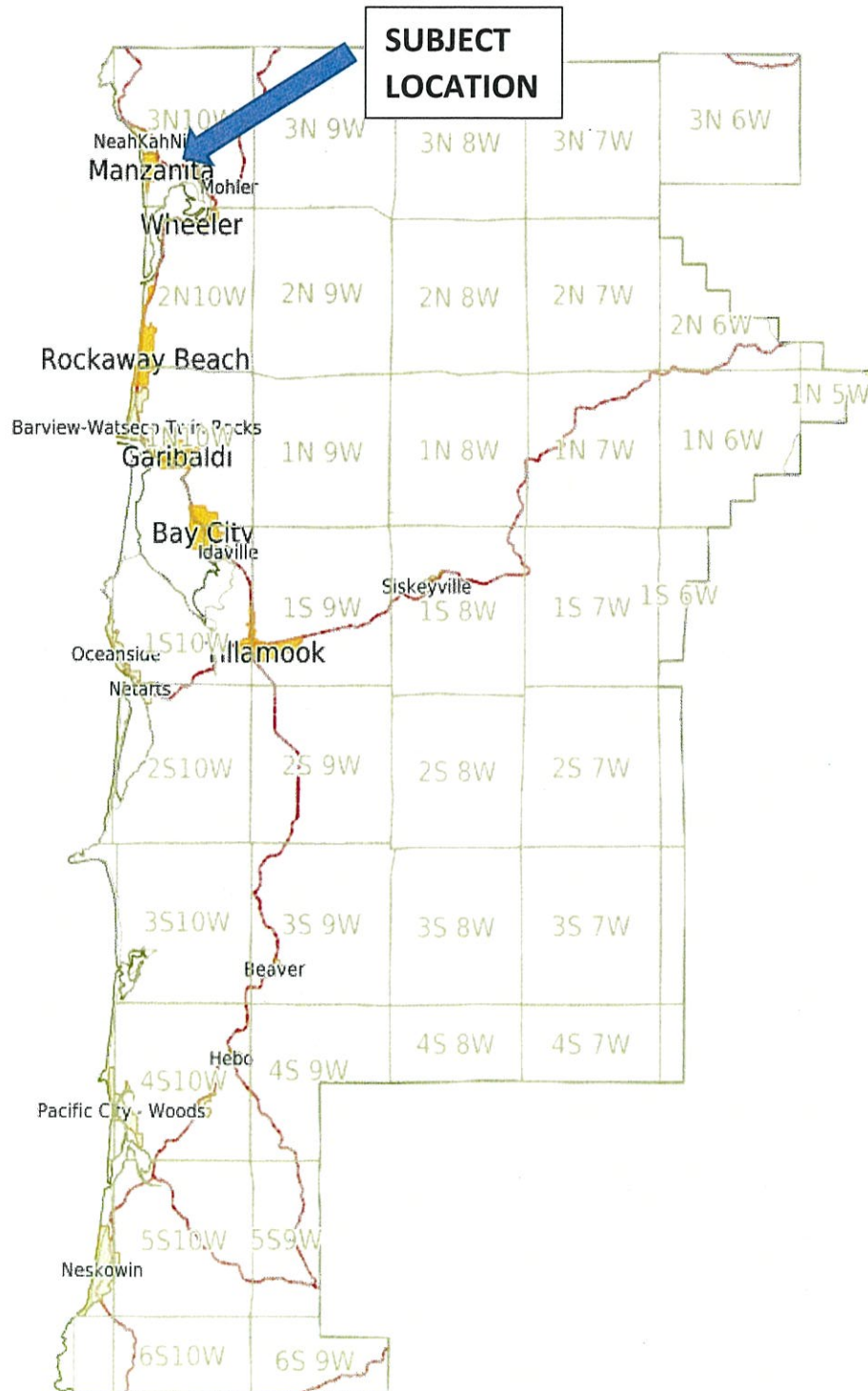
VI. EXHIBITS:

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

- A. Vicinity map, Assessor's map, Zoning map, FEMA Map, Oregon Wetland Inventory Map, Assessor's Summary Report, Aerial Imagery
- B. Applicant/Property Owner's Submittal
- C. Public Comments

EXHIBIT A

VICINITY MAP



#851-25-000318-PLNG:
BAYSIDE SURVEYING LLC & O'QUINN

NEHALEM, OREGON

CITY ZONING MAP

DRAFT

- A1 - Low Density Residential, Agricultural, Forestry and Recreation
- RL - Low Density Residential
- RM - Residential
- MR - Medium Density Residential
- C - Commercial
- LM - Light Manufacturing
- EC1 - Employment Conservation
- EC2 - Employment Conservation
- P - Public Use
- Natural City Limits

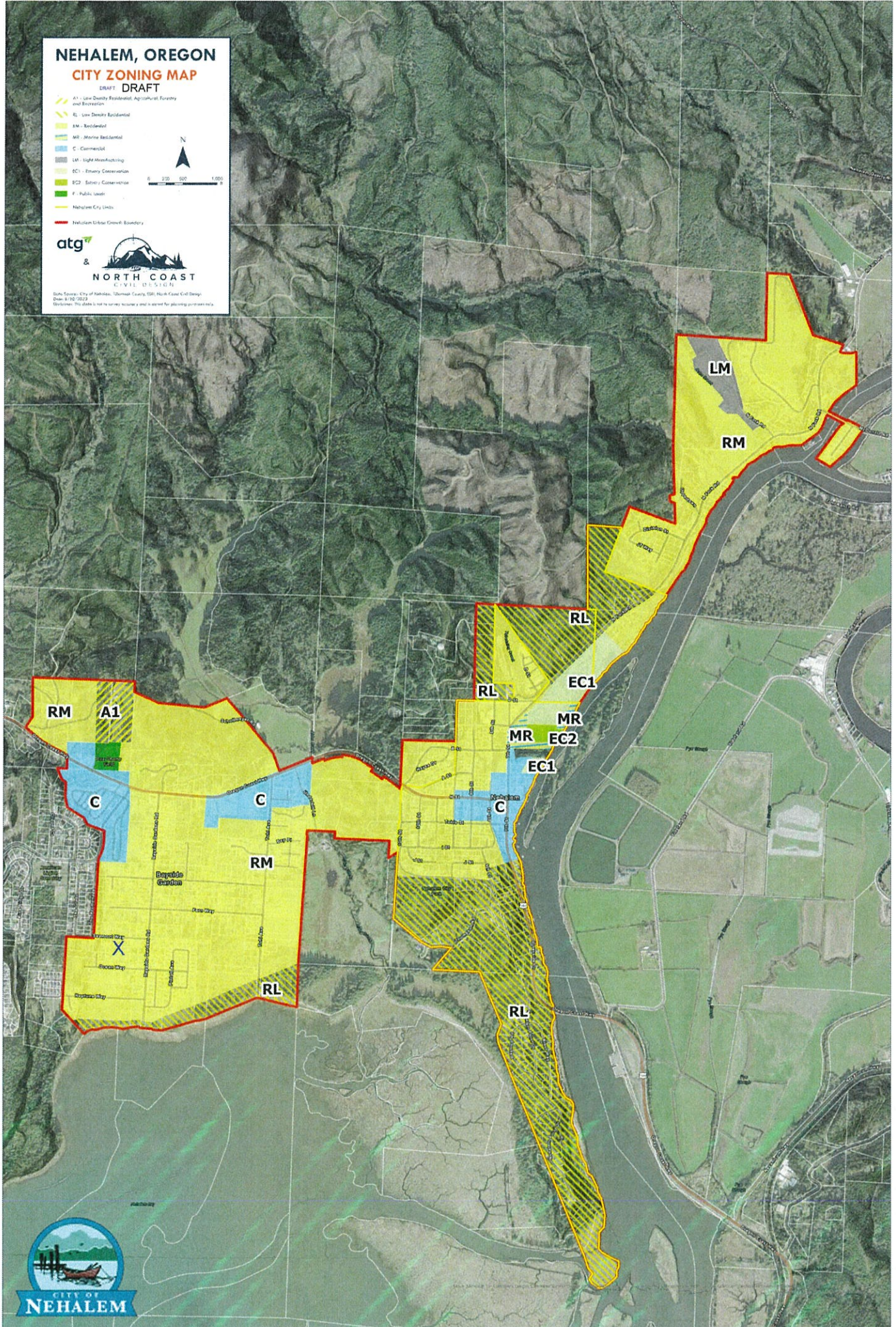


0 250 500 1,000

atg



Scale Source: City of Nehalem, Clatsop County GIS, North Coast Civil Design
Date: 6/12/2023
Disclaimer: This plan is not a survey and is not for planning purposes only.



National Flood Hazard Layer FIRMette

123°55'17"W 45°42'53"N



Legend

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

Without Base Flood Elevation (BFE)
Zone AE, V, A99

With BFE or Depth Zone AE, AO, AH, VE, AR

Regulatory Floodway

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X

Future Conditions 1% Annual Chance Flood Hazard Zone X

Area with Reduced Flood Risk due to Levee. See Notes, Zone X

Area with Flood Risk due to Levee Zone D

NO SCREEN

Area of Minimal Flood Hazard Zone X

Effective LOMRS

Area of Undetermined Flood Hazard Zone D

Channel, Culvert, or Storm Sewer

Levee, Dike, or Floodwall

Cross Sections with 1% Annual Chance Water Surface Elevation

Coastal Transect

Base Flood Elevation Line (BFE)

Limit of Study

Jurisdiction Boundary

Coastal Transect Baseline

Profile Baseline

Hydrographic Feature

Digital Data Available

No Digital Data Available

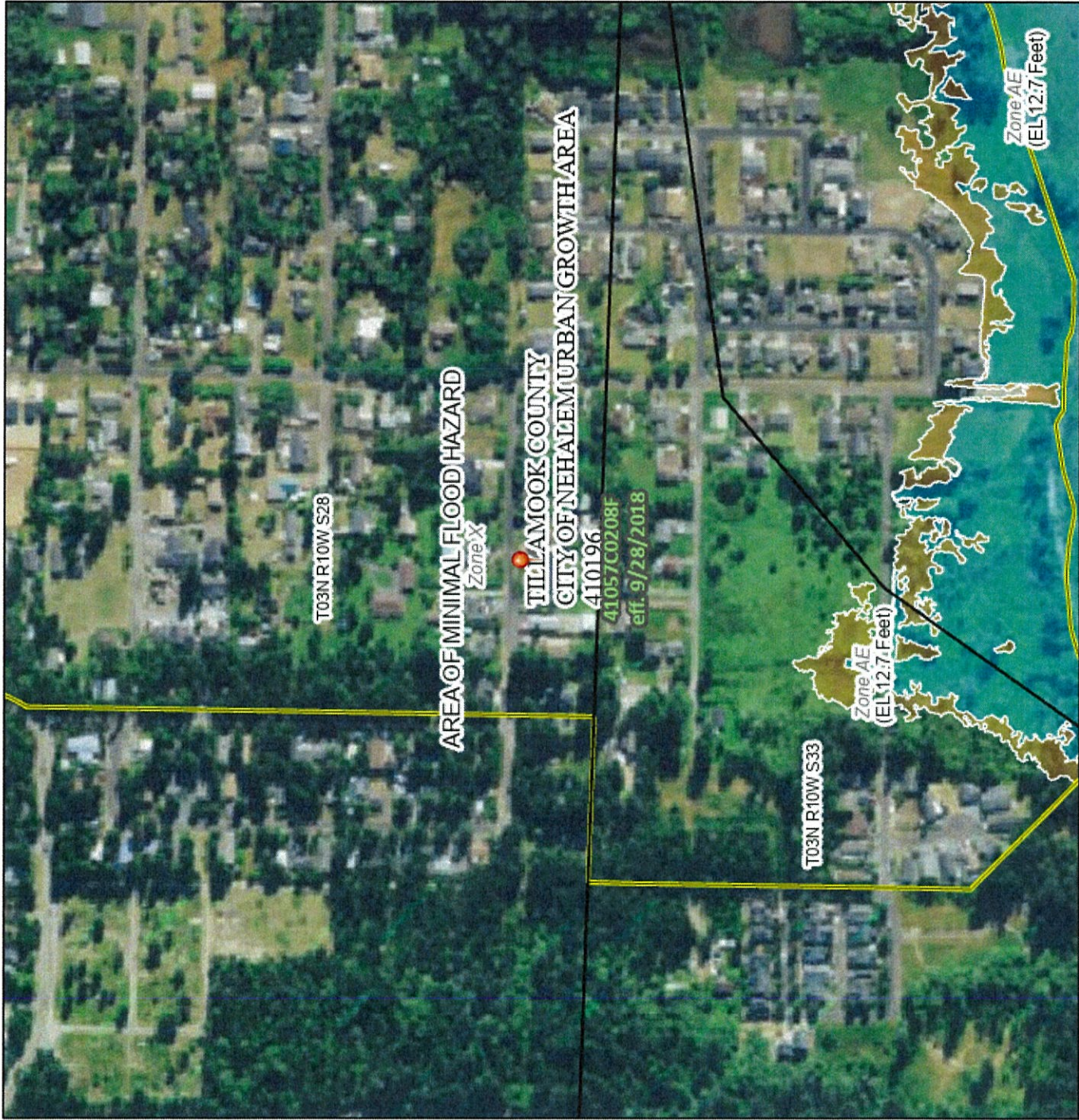
Unmapped

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

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/24/2025 at 7:43 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.



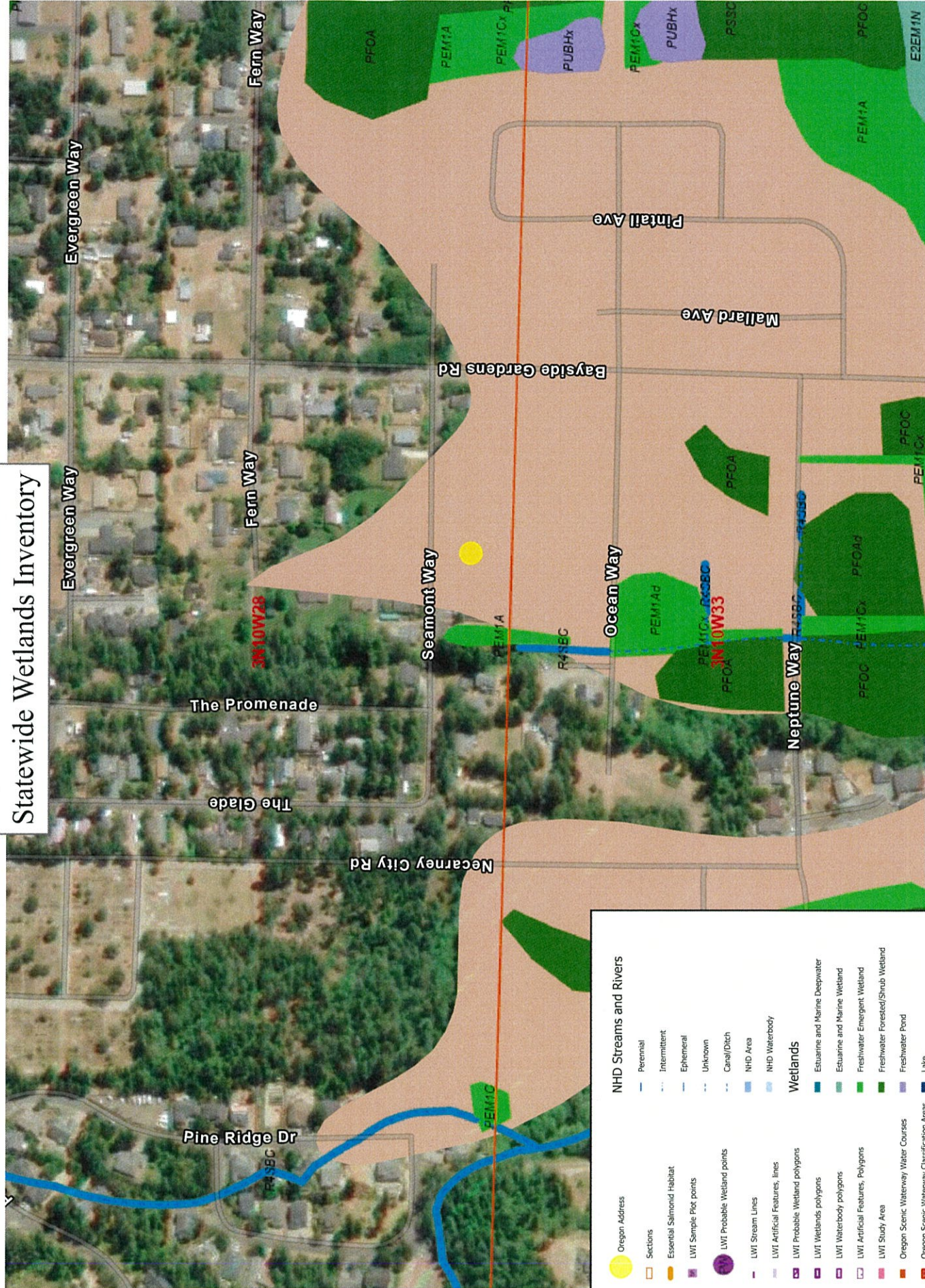
0 250 500 1,000 1,500 2,000 Feet

1:6,000

123°55'17"W 45°42'28"N

Basemap Imagery Source: USGS National Map 2023

Statewide Wetlands Inventory



- NHD Streams and Rivers**

 - Oregon Address
 - Sections
 - Perennial
 - Intermittent
 - Essential Salmonid Habitat
 - Ephemeral
 - LWT Sample Plot points
 - Unknown
 - LWT Probable Wetland points
 - Canal/Ditch
 - NHD Area
 - NHD Stream Lines
 - NHD Waterbody
- Wetlands**

 - LWI Wetlands polygons
 - LWI Probable Wetland polygons
 - LWI Artificial Features, lines
 - Estuarine and Marine Deepwater
 - Estuarine and Marine Wetland
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Freshwater Pond
 - Lake
 - Riverine
 - NHD Springs/Seeps
- Other**

 - Oregon Scenic Waterway Water Courses
 - Oregon Scenic Waterway Classification Areas
 - QUT Broadformantia, Huder, Cull, Man, Inire



AERIAL IMAGE

Tillamook County
2024 Real Property Assessment Report
Account 68116

Map 3N1028DC05900
Code - Tax ID 5623 - 68116

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr Multiple Lots - See legal report for full description

Mailing O'QUINN, ANN & SHAUN
11085 SEAMONT WAY
NEHALEM OR 97131

Deed Reference # 2022-4234
Sales Date/Price 06-30-2022 / \$350,000
Appraiser HANNAH HANCOCK

Property Class 109 MA SA NH
RMV Class 109 02 ST 201

Site	Situs Address	City
	11089 SEAMONT WAY	COUNTY
1	11085 SEAMONT WAY	COUNTY

		Value Summary			
Code Area		RMV	MAV	AV	RMV Exception CPR %
5623	Land	193,550		Land	0
	Impr	560,960		Impr	0
Code Area Total		754,510	340,490	340,490	0
Grand Total		754,510	340,490	340,490	0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
5623					LANDSCAPE - AVERAGE	100			1,500
	1	☒		NH-R2	Market	119	0.50 AC		183,550
					OSD - AVERAGE	100			8,500
Code Area Total							0.50 AC		193,550

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
5623	1	1994	952	Class 5, Double Wide	118	1,782		E-395784	119,890
	2	1998	139	Basement First Floor	142	1,896			441,070
Code Area Total						3,678			560,960

Exemptions / Special Assessments / Notations				
Code Area 5623				
Special Assessments		Amount	Acres	Year Used
■ SOLID WASTE		24.00	2.00	2024

Comments 04/14/15 Reappraised land; tabled values. RBB
08/07/18 Changed stat class from 132 to 139, increased eff. age on MS & 139 for gomar, updated inventory-RMV only. Removed garage, finished basement in 139 frag, added baths, netted exception. HT

EXHIBIT B



Tillamook County Department of Community Development
1510-B Third Street, Tillamook, OR 97141 | Tel: 503-842-3408 Fax: 503-842-1819
www.co.tillamook.or.us

PLANNING APPLICATION

Applicant ☐ (Check Box if Same as Property Owner)

Name: BAYSIDE SURVEYING LLC Phone: 503-842-5551

Address: 6723 S PRAIRIE RD

City: TILLAMOOK State: OR Zip: 97141

Email: BAYSIDESURVEYING@GMAIL.COM

Property Owner

Name: ANN & SHANE O'QUINN Phone: (503) 440-7861

Address: 11085 SEAMONT WAY

City: NEHALEM State: OR Zip: 97131

Email: POPINVESTMENTCOMPANY@GMAIL.COM

OFFICE USE ONLY	
Date Stamp	RECEIVED
	JUN 27 2025
	BY: Counter-MJ
☐ Approved	☐ Denied
Received by:	MJ
Receipt #:	
Fees:	\$1500 + \$1575 = \$3075
Permit No:	851-25-000318-PLNG

Request: SEE ATTACHED EXPLANATION

Type II

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

Type III

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

Type IV

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

Location:

Site Address: 11085/11089 SEAMONT WAY, NEHALEM, OR 97131

Map Number:	3N	10W	28 DC	5900
	Township	Range	Section	Tax Lot(s)

Clerk's Instrument #: 2022-4234

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

Property Owner Signature (Required)	<i>Ann M O'Quinn</i>	Date	6/25/25
Applicant Signature	<i>Dallas Esplin</i>	Date	6/24/25

Explanation of Request

Reduce the side yard setback from 5.0' to 2.3' for the portion of the lot between the 2 houses. This would allow a proposed boundary line adjustment to move the existing boundary that currently splits one of the houses in half to run between the 2 houses. See attached maps

Also to ratify the existing side yard setback of the east house on the tax lot to match the existing structure, being approximately 4.5' from the property line.

November 8, 2023

157.506 – VARIANCES

157.506.06 Decision Criteria

The Planning Commission may allow a Variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with the Type III review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

(A) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this Ordinance, topography, or other circumstances over which the applicant has no control.

Yes. There are 2 houses on the 2 parcels. The lot consists of 1 tax lot which has 2 underlying lot of record or parcels of land, see accompanying maps. The boundary between the 2 underlying parcels of land currently runs through the middle of one of the houses. The current owners did not build the houses nor contribute to the problem in any way. When the current owner purchased the property, they were led to believe that the houses were 2 separate and legal structures, NOT an accessory dwelling unit and NOT a duplex. This variance would allow the existing line between the 2 parcels to be adjusted to run between the existing houses, see attached maps.

(B) Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.

Yes. There are other buildings in the Nehalem area where setbacks are not as large as needed. For example, Tax Lot 3N-10-28-DC-6500 has a structure that is less than 5 feet from the right-of-way of Seamount Way, Tax Lot 3N-10-28-DC-4700 has a structure that appears to be less than 5 feet from the side yard boundary, Tax Lot 3N-10-28-DC-4101 has a structure that appears to be less than 5 feet from the rear yard boundary.

The owners wish to refinance one of the houses just like any other house in the area. In addition, the owners are not able to get a traditional loan on the property (due to the mobile home) and had to get a Hard Money Temporary Loan at higher interest and the loan was only for 2 years. They had to extend the Hard Money Temporary Loan for 1 year with added fees, and extend again for 6 months with added fees. Only after the boundary line adjustment will the owners be able to get a traditional loan on the stick built house and close out the Hard Money Temporary Loan.

(C) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.

No. There are already 2 houses with 2 separate families living there. This variance will allow the boundary between the 2 houses to be adjusted midway between the two houses rather than running through the middle of the house. The houses' location will stay the same and the distance between the houses will stay the same. This will not increase the number of residences in the area, nor will it increase the amount of traffic in the area. If required the owner is willing to agree to not allow fences or other obstructions to be built between the 2 houses.

(D) That the special conditions and circumstances on which the application is based do not result from a self-imposed hardship or a negligent or knowing violation of this Ordinance by the applicant.

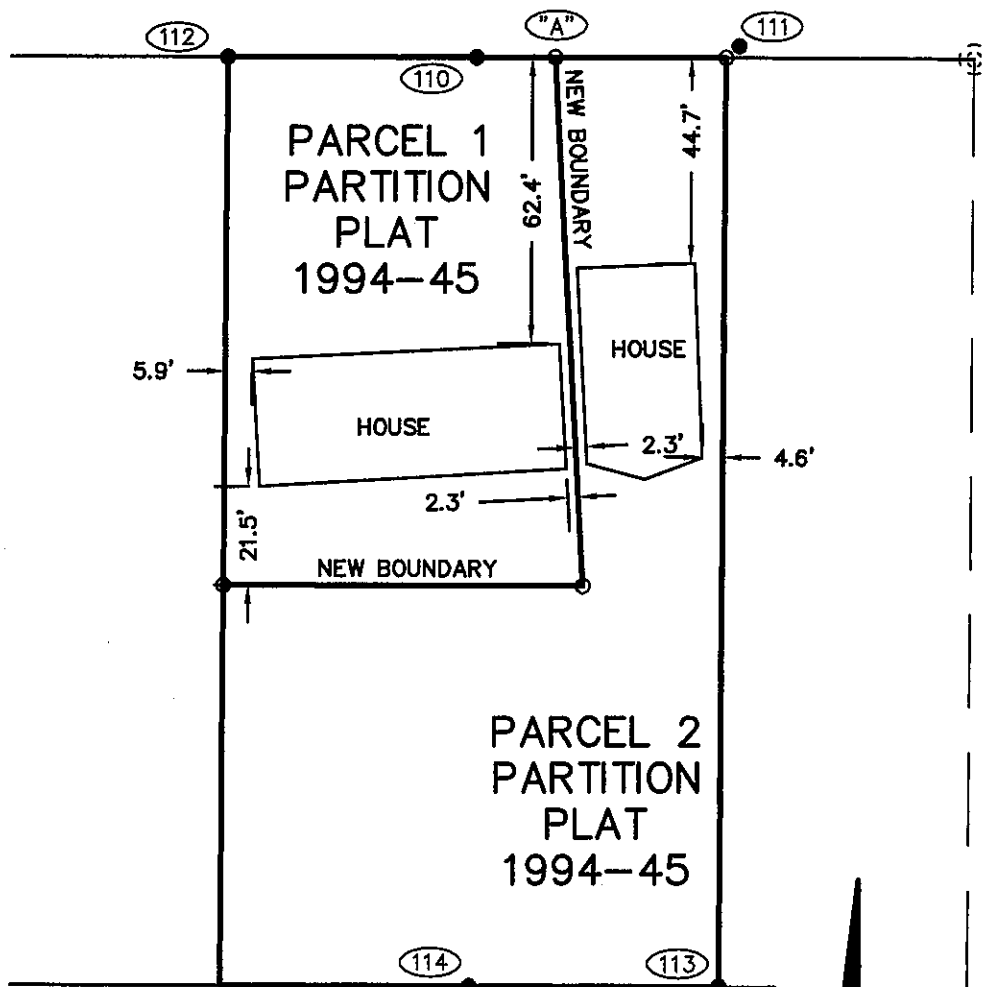
No. The structures were already in their current condition when the property was purchased. When the current owner purchased the property, they were led to believe that the houses were 2 separate and legal structures, NOT an accessory dwelling unit and NOT a duplex. The applicant (Bayside Surveying LLC) on behalf of the land owner has also reviewed the title policy and other purchasing documents to look for any clues that should have alerted the buyer (current owner) of this problem and Bayside Surveying LLC was not able to find any such warnings. In addition, the easterly house was originally built around 2002 with appropriate permits and the easterly house had additional living space added in 2017 with appropriate permits.

(E) The variance requested is the minimum variance which would alleviate the hardship.

Yes. The owner wishes to adjust the old boundary, which runs through the middle of a house, to a point midway between the 2 houses. This will not change the distance between the 2 houses. And both houses will be the same distance from the property line. The owners wish to refinance one of the houses just like any other house in the area. In addition, the owners are not able to get a traditional loan on the property (due to the mobile home) and had to get a Hard Money Temporary Loan at higher interest and the loan was only for 2 years. They had to extend the Hard Money Temporary Loan for 1 year with added fees, and extend again for 6 months with added fees. Only after the boundary line adjustment will the owners be able to get a traditional loan on the stick built house and close out the Hard Money Temporary Loan.

PROPOSED LOT CONFIGURATION
AFTER VARIANCE APPROVAL
AND BOUNDARY LINE ADJUSTMENT

SEAMONT WAY (40')



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dallas Esplin

OREGON
DECEMBER 3, 2014
DALLAS W. ESPLIN
83627

RENEWES: DECEMBER 31, 2025

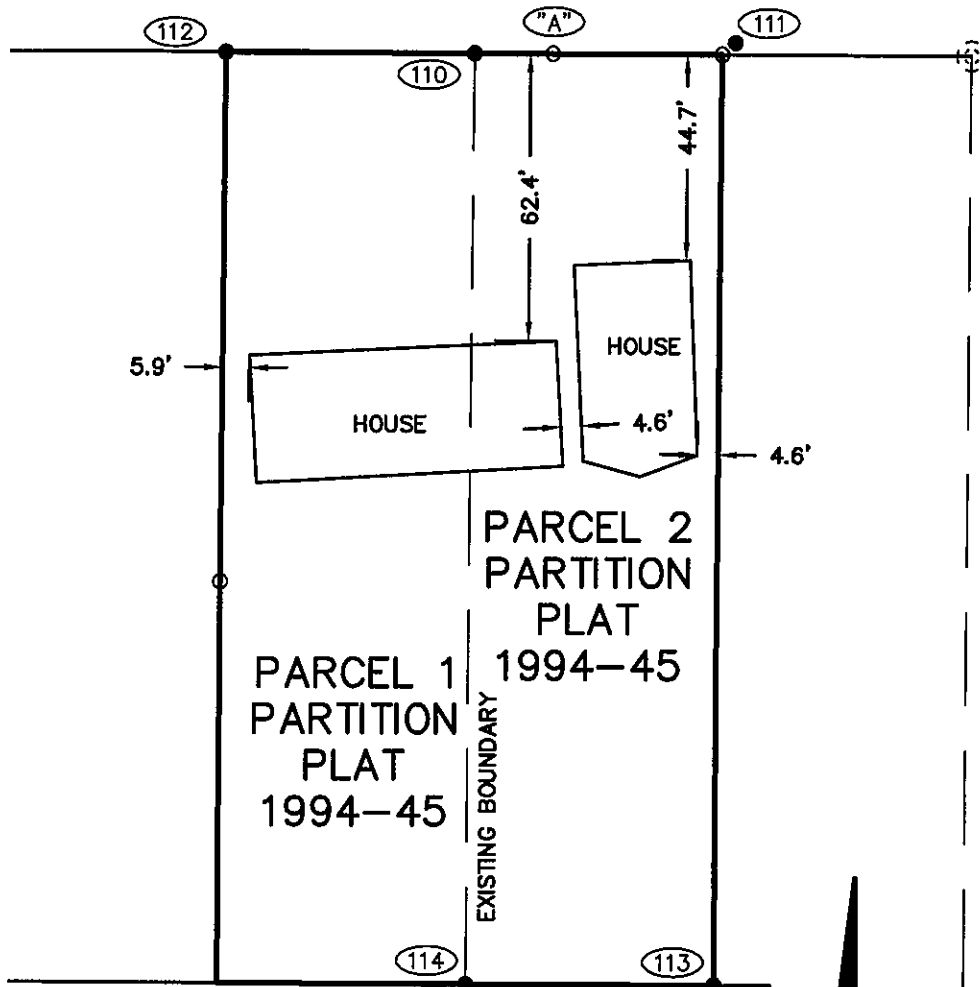
N

SCALE:
1" = 40'



EXISTING LOT CONFIGURATION

SEAMONT WAY (40')



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dallas Esplin

OREGON
DECEMBER 3, 2014
DALLAS W. ESPLIN
83627

RENEWS: DECEMBER 31, 2025



N

SCALE:
1" = 40'



Additional information about the walls:

Stick built 2-story @ 11089 (east house):

7 1/2 inches Thick walls

- Siding 3/4 inch
- Drywall 3/4 inch
- Framing/Insulation 5 1/2 inches
- Exterior plywood sheeting 1/2 inch

Manufactured home @ 11085 (west house):

Walls

- Siding 3/4 inch
- Drywall 3/4 inch
- Framing/Insulation 5 1/2 inches
- Exterior plywood sheeting 1/2 inch

EXHIBIT C

Sarah Absher

From: Sarah Thompson
Sent: Thursday, October 23, 2025 4:03 PM
To: Sarah Absher
Subject: FW: #851-25-000318-PLNG

See below.

From: Brian Olle <brian.olle@tillamookcounty.gov>
Sent: Monday, August 25, 2025 9:58 AM
To: Sarah Thompson <sarah.thompson@tillamookcounty.gov>; Sarah Absher <Sarah.Absher@tillamookcounty.gov>
Subject: RE: #851-25-000318-PLNG

Good Morning Sarah,

Public Works has no concern over the setback variance, but this is also proposing a partition into two properties with separate dwellings. There is currently no road approach on file for the existing taxlot. There are two options if this is partitioned into two lots:

- Obtain a road approach for the existing driveway, which must include an Access easement for the neighboring lot to share the same road approach
- Obtain a road approach for the existing driveway, and obtain a road approach for the new lot to create a standalone driveway

If the setback variance is accepted, but the lots are not partitioned, Public Works would not pursue the existing unpermitted road approach as there would not be a change in use or trigger in that scenario.

Thanks,

Brian Olle, P.E. | Engineering Project Manager
TILLAMOOK COUNTY | Public Works
Cell: (503)812-6569

From: Sarah Thompson <sarah.thompson@tillamookcounty.gov>
Sent: Friday, August 22, 2025 2:16 PM
To: Sarah Absher <Sarah.Absher@tillamookcounty.gov>
Subject: #851-25-000318-PLNG

Good afternoon,

Please see the link below for the Notice of Application for #851-25-000318-PLNG for a Variance request.

<https://www.tillamookcounty.gov/commdev/project/851-25-000318-plng>

Thanks,