



VARIANCE REQUEST #851-25-000349-PLNG: COOK

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

NOTICE OF ADMINISTRATIVE REVIEW

Date of Notice: February 6, 2026

Notice is hereby given that the Tillamook County Department of Community Development is considering the following:

#851-25-000349-PLNG: A Variance request to reduce the 15-foot street side-yard setback to a zero foot setback, to allow for the placement of access stairs to serve a residential use. The subject property is located in Neahkahnie, at 37175 Indian Gap Road, a County Road, zoned Neahkahnie Urban Residential Zones (NK-7.5) and designated as Tax Lot 2600 of Section 20CD, Township 3 North, Range 10 West, Willamette Meridian, Tillamook County, Oregon. The applicant and property owner is Erin Cook.

Written comments received by the Department of Community Development prior to 4:00 p.m. on February 20, 2026, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than the next business day, February 23, 2026.

Notice of the application, a map of the subject area, and the applicable criteria are mailed to all property owners within 250 feet of the exterior boundaries of the subject parcel for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

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

If you have any questions about this application, please contact the Department of Community Development at (503) 842-3408 x 3123 or sarah.thompson@tillamookcounty.gov

Sincerely,

Conrad Kurrelmeier, Land Use Planner

Sarah Absher, CBO, CFM, Director
Enc. Maps and applicable ordinance criteria

REVIEW CRITERIA

ARTICLE VIII - VARIANCE PROCEDURES AND CRITERIA

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.
- (2) A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.
- (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.
- (4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.

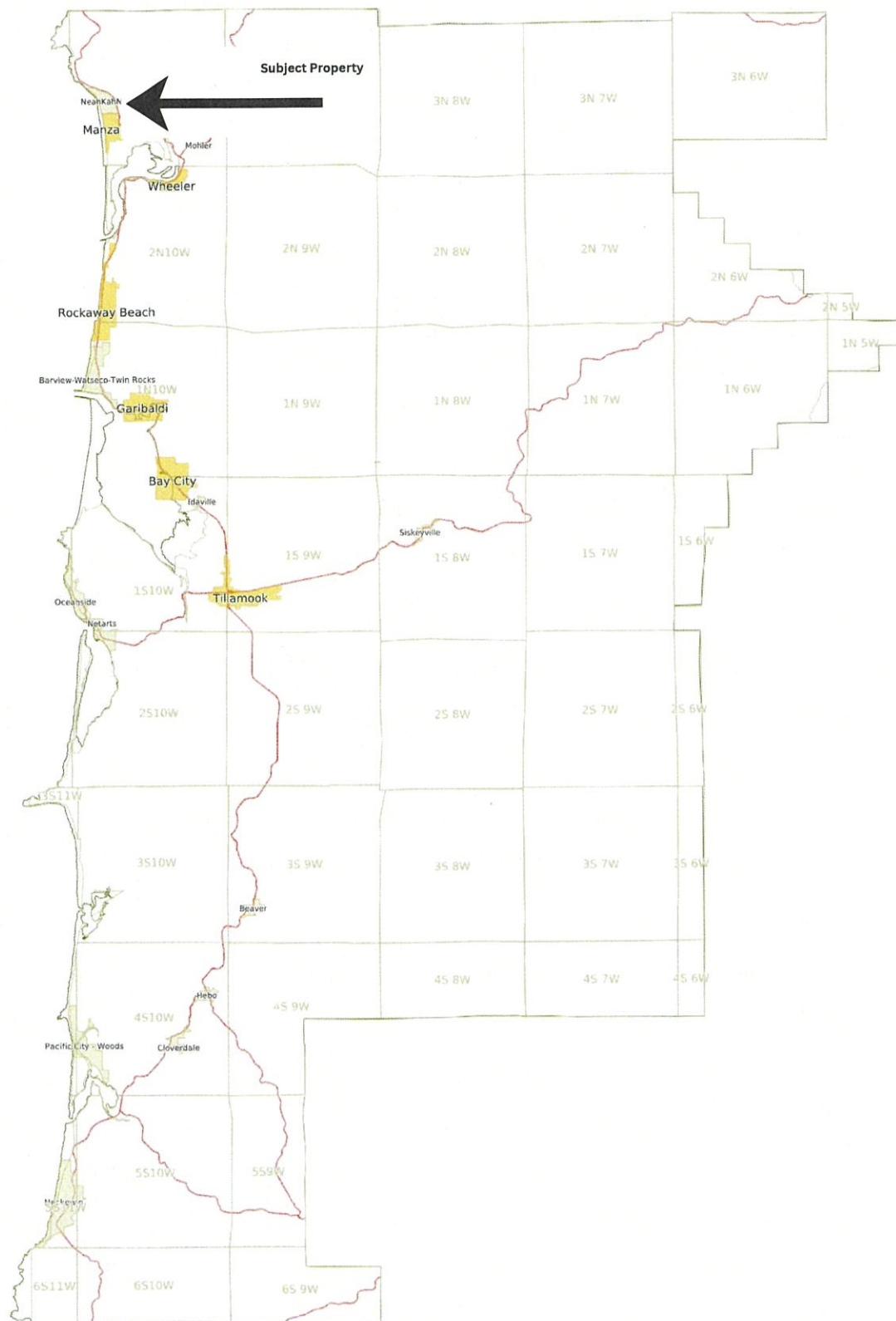
SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

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

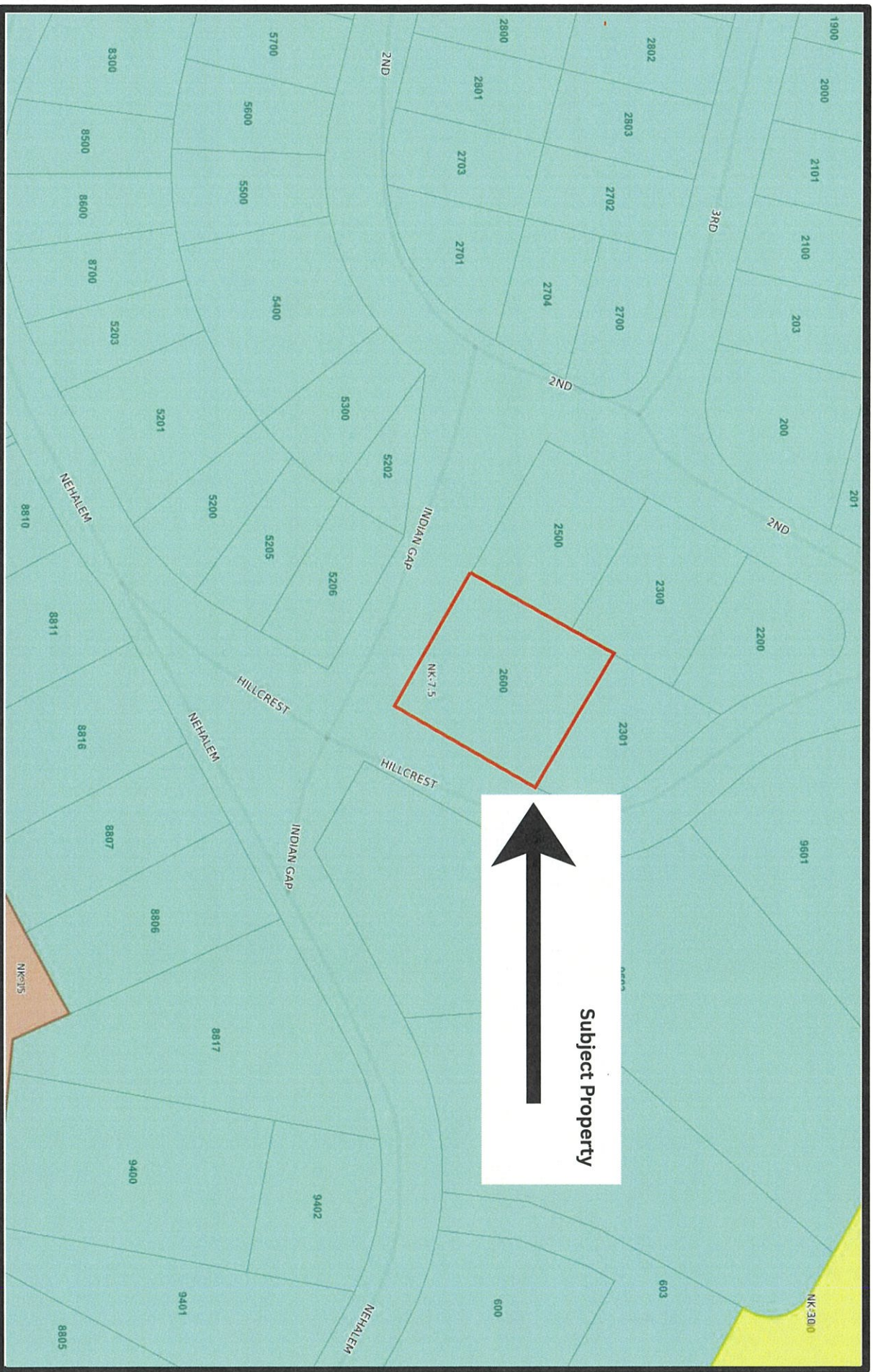
- (1) To ensure the availability of private open space;
- (2) To ensure that adequate light and air are available to residential and commercial structures;
- (3) To adequately separate structures for emergency access;
- (4) To enhance privacy for occupants of residences;
- (5) To ensure that all private 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;
- (6) To ensure that driver visibility on adjacent roads will not be obstructed;
- (7) To ensure safe access to and from common roads;
- (8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;
- (9) To separate potentially incompatible land uses;
- (10) To ensure access to solar radiation for the purpose of alternative energy production.

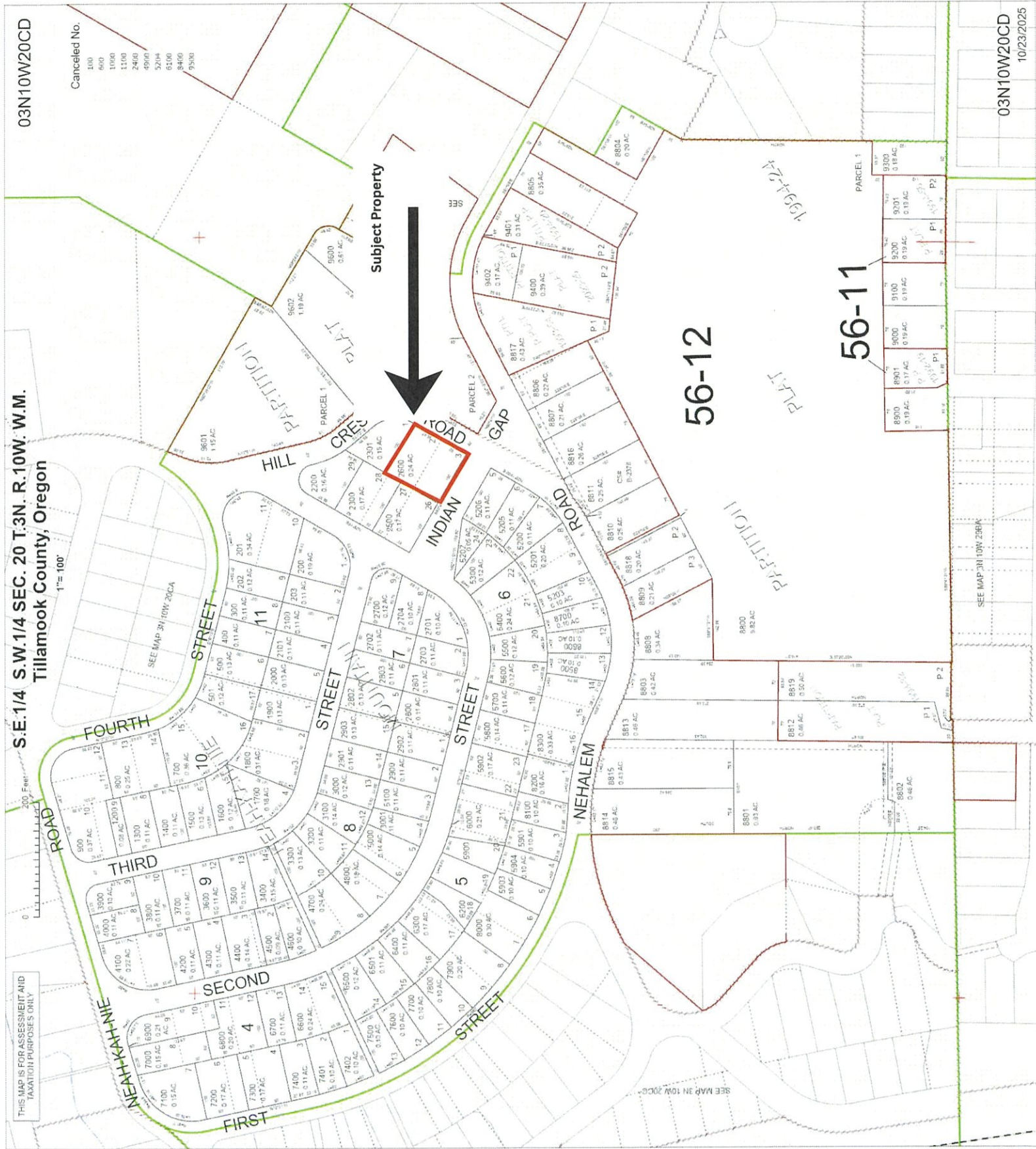
EXHIBIT A

Vicinity Map



Zoning Map





Tillamook County
2025 Real Property Assessment Report
Account 117135

Map 3N1020CD02600
Code - Tax ID 5612 - 117135

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr Multiple Lots - See legal report for full description

Mailing NEAHKAHNIE LLC
3817 NE 19TH AVE
PORTLAND OR 97212

Deed Reference # 2021-6511
Sales Date/Price 07-27-2021 / \$345,000
Appraiser EVA FLETCHER

Property Class 101 MA SA NH
RMV Class 101 04 ST 479

Site	Situs Address	City
1	37175 INDIAN GAP RD	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
5612	Land	308,140		Land	6,440	50.3
	Impr	1,061,117		Impr	404,080	
Code Area Total		1,369,257	655,800	655,800	410,520	
Grand Total		1,369,257	655,800	655,800	410,520	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
5612	1	<input checked="" type="checkbox"/>		NK-7.5	Market	99	0.24 AC		295,340
					OSD - AVERAGE	100			12,800
Code Area Total							0.24 AC		308,140

Improvement Breakdown								
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex% MS Acct	Trended RMV
5612	1	2023	155	Two story or more	100	2,851		1,061,117
Code Area Total						2,851		1,061,117

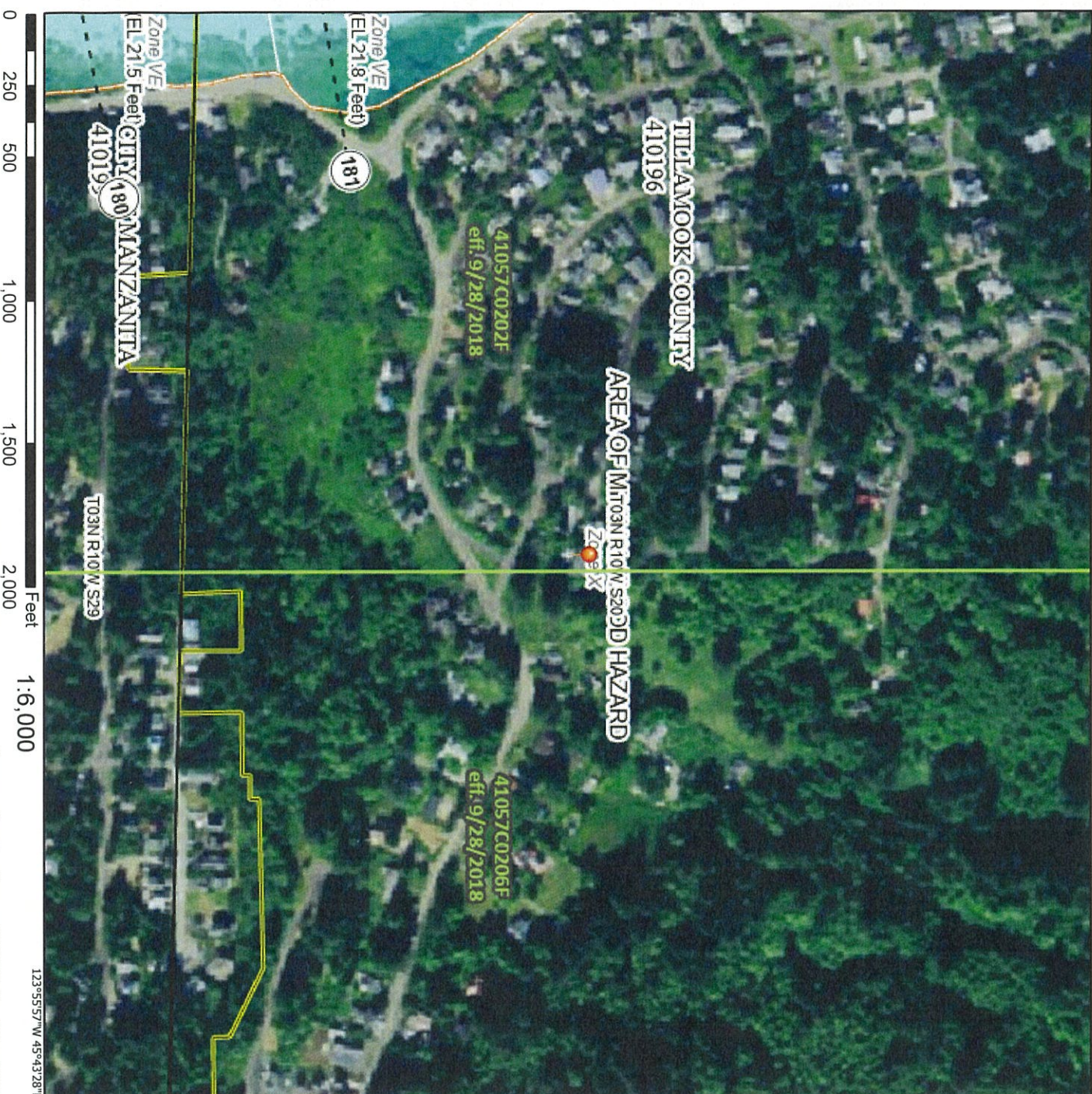
Exemptions / Special Assessments / Notations		
Code Area 5612		
Special Assessments	Amount	Year Used
■ SOLID WASTE	12.00	2025
Notations		
■ DEMOLISHED PROPERTY RMV & MAV ADJUSTED 308.146 ADDED 2021		
■ DESTROYED OR DAMAGED PROPERTY, JULY 1 ASMT DATE 308.146(6) ADDED 2021		

Comments 3/10/10 Phase 1 review - tabled land, KL. 08/03/11 Sr Citizen Tax Deferral has been Cancelled. LJO
7/23/21 Owner applied for July 1 reassessment. Residence demolished, adjusted RMV and MAV. EJ
2/14/24 Added new home at 27% complete. ef
8/22/24 Removed improvement trend due to size of residence. ef
7/21/25 New SFD now complete - applied exception. RK

National Flood Hazard Layer FIRMette



123°56'34"W 45°43'54"N



Legend

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

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, AE9 With BFE or Depth Zone AE, AO, AH, VE, AR Regulatory Floodway
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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

OTHER AREAS	NO SCREEN Effective LOMRS
GENERAL STRUCTURES	Area of Undetermined Flood Hazard Zone D Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall

OTHER FEATURES	20.2 17.5 8 Base Flood Elevation Line (BFE) Water Surface Elevation Coastal Transect Limit of Study Jurisdiction Boundary Coastal Transect Baseline Profile Baseline Hydrographic Feature
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MAP PANELS	<input type="checkbox"/> Digital Data Available <input type="checkbox"/> No Digital Data Available <input checked="" type="checkbox"/> Unmapped
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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 2/5/2026 at 11:02 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Statewide Wetlands Inventory



2/5/2026, 3:05:04 PM

- Oregon Address
- Sections
- Large Scale
- Perennial
- Intermittent
- NHD Waterbody
- USFWS National Wetlands Inventory NWI
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Riverine

1:2,587

0 0.02 0.04 0.07 0.09 mi
0 0.04 0.07 0.14 km



Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, USGS, TNM - National Hydrography Dataset, Data Refreshed January, 2026.

Hazards Map



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: Erin Cook

Phone: 847-207-1735

Address: 37175 Indian Gap Road

City: Nehalem

State: OR

Zip: 97131

Email: erinsimons@gmail.com

Property Owner

Name:

Phone:

Address:

City:

State:

Zip:

Email:

OFFICE USE ONLY

Date Stamp

RECEIVED

JUL 17 2025

BY: SAT

☐ Approved ☐ Denied

Received by: ST

Receipt #: 144634

Fees: 1785.00

Permit No:

851-25-000349-PLNG

Request:

Type II

☐ Farm/Forest Review

☐ Conditional Use Review

☒ Variance

☐ Exception to Resource or Riparian Setback

☐ Nonconforming Review (Major or Minor)

☐ Development Permit Review for Estuary Development

☐ Non-farm dwelling in Farm Zone

☐ Fore-dune Grading Permit Review

☐ Neskowin Coastal Hazards Area

Type III

☐ Detailed Hazard Report

☐ Conditional Use (As deemed by Director)

☐ Ordinance Amendment

☐ Map Amendment

☐ Goal Exception

☐ Nonconforming Review (As deemed by Director)

☐ Variance (As deemed by Director)

Type IV

☐ Ordinance Amendment

☐ Large-Scale Zoning Map Amendment

☐ Plan and/or Code Text Amendment

Location:

Site Address: 37175 Indian Gap Road Nehalem OR 97131

Map Number:

Township

Range

Section

Tax Lot(s)

Clerk's Instrument #: _____

Authorization

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

Property Owner Signature (Required)

Erin Cook

Date

June 26, 2025

Applicant Signature

Date

Sarah Thompson

From: Erin Simons <erinsimons@gmail.com>
Sent: Thursday, August 28, 2025 9:42 AM
To: Sarah Absher
Cc: vito cerelli; Sarah Thompson
Subject: EXTERNAL: Re: Variance request Type II
Attachments: 37175 Indian Gap Road - SITE IMAGE.heic; 37175 Indian Gap Road - SITE PLAN.pdf; 37175 Indian Gap Road - Narrative & TCLUO Section 8.030 Variance Criteria Responses.pdf

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

Hi Sarah,

Please see below and attached for all the missing information to complete our variance request:

- 1 & 2) Narrative detailing nature of variance request & TCLUO Section 8.030 Variance Criteria Responses - attached to this email
- 3) Site Plan detailing improvements & location - attached to this email
- 4) Conceptual plans detailing proposed development - site image attached to this email shows the development
- 5) Fee of \$1,575 - check for this amount was already sent and received - please confirm

Thank you,
Erin

On Wed, Aug 27, 2025 at 7:52 AM Sarah Absher <Sarah.Absher@tillamookcounty.gov> wrote:

Hello Erin,

The attached letter outlines what is missing from the application.

The Variance criteria can be found below. The criteria are which the decision is determined upon.

https://www.tillamookcounty.gov/sites/default/files/fileattachments/community_development/page/27173/article_8_variance_procedures_and_criteria.pdf

If so, what is still missing?

If not, what is the next step?

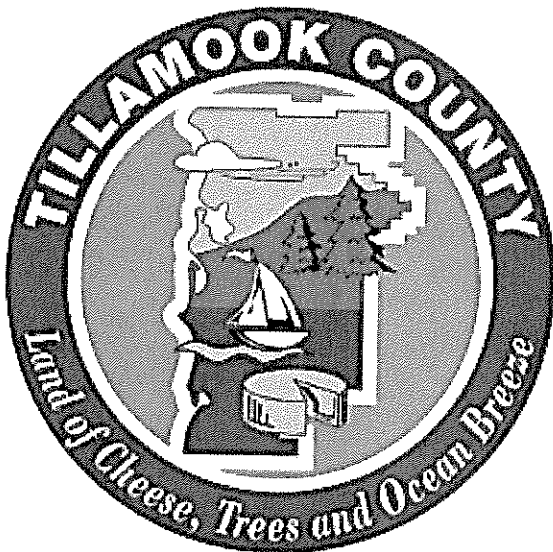
Thank you,

Erin

On Tue, Aug 26, 2025 at 6:25 PM Sarah Absher <sarah.absher@tillamookcounty.gov> wrote:

Yes please. That would be very helpful.

Sincerely,



Sarah Absher, CBO, CFM, Director

TILLAMOOK COUNTY | Community Development

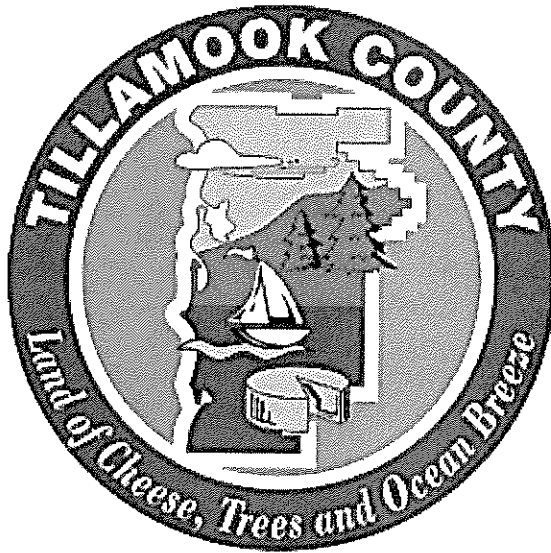
1510-B Third Street

Tillamook, OR 97141

Phone (503) 842-3408 x3412

Sarah.Absher@tillamookcounty.gov

Sincerely,



Sarah Absher, CBO, CFM, Director

TILLAMOOK COUNTY | Community Development

1510-B Third Street

Tillamook, OR 97141

Phone (503) 842-3408 x3412

Sarah.Absher@tillamookcounty.gov

From: vito cerelli <vito.cerelli@gmail.com>

Sent: Tuesday, August 26, 2025 5:40 PM

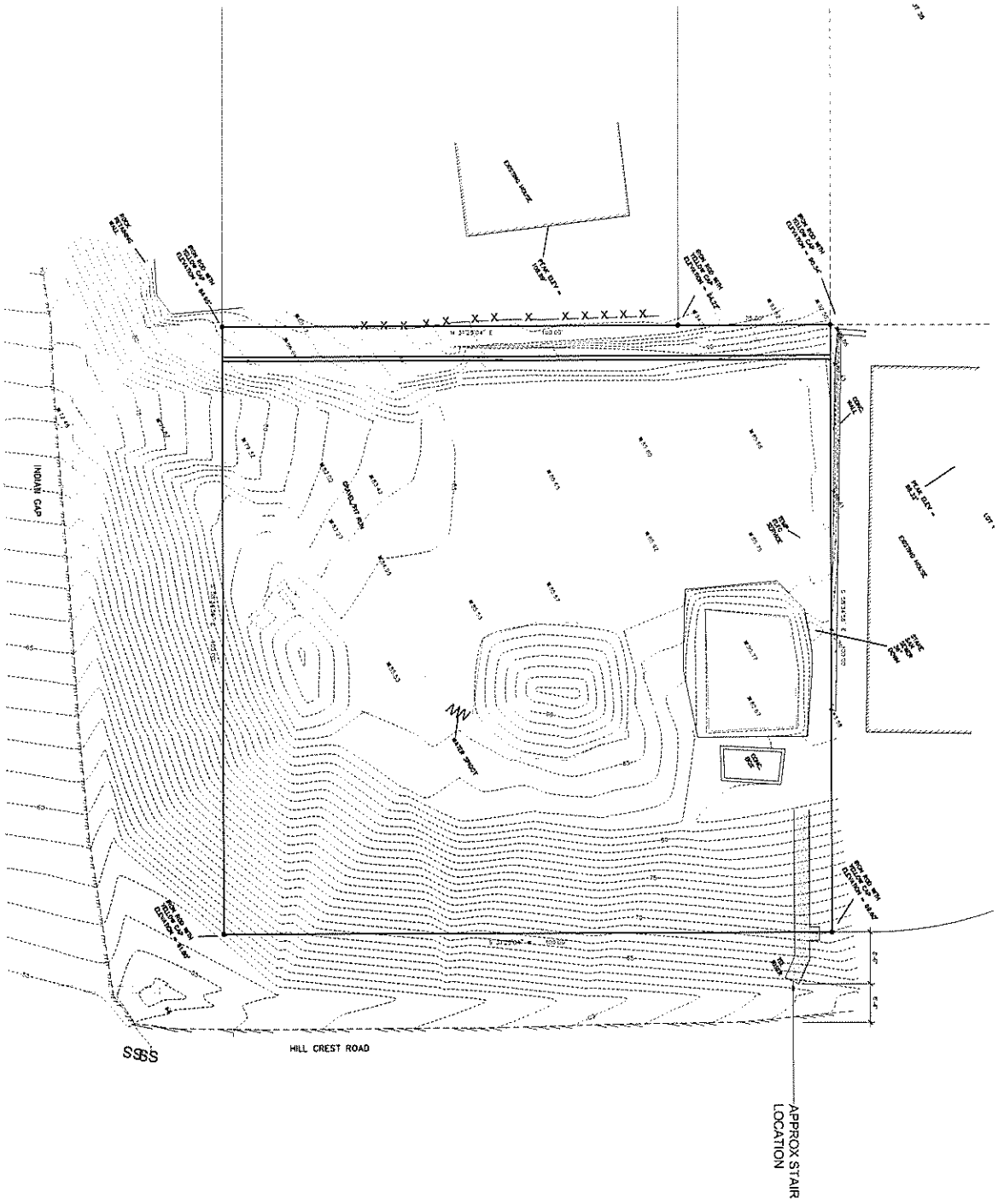
To: Sarah Absher <sarah.absher@tillamookcounty.gov>; Erin Simons <erinsimons@gmail.com>

Subject: EXTERNAL: Fwd: Variance request Type II

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

See email here from Aug 18th -

Vito





37175 Indian Gap Road

Re: Variance Request – Staircase Encroachment into Public Right-of-Way (Hill Crest Road)

Dear Department of Community Development,

I am writing to respectfully request a variance for a staircase improvement at 37175 Indian Gap Road. The proposed staircase extends into the public right-of-way along Hill Crest Road. The purpose of this design is to provide safe, functional access for utility companies and service providers for maintenance and operational needs.

Due to the grade of the site and existing constraints, there was an existing pathway and staircase that we would like to keep and maintain for use.

We respectfully ask for the Department's consideration of this request so that essential utility access can be maintained in a manner that is safe, efficient, and consistent with community needs.

Thank you for your time and consideration. Please let me know if any additional information or documentation would be helpful in reviewing this request.

TCLUO 8.030 Variance Criteria

- (1) – The topography of the site creates a hazardous access point for the utility companies that service the site. With the existing electrical location approving the existing staircase with modifications will ensure safe travel for utility contractors.
- (2) NA – No request for an alternative use. The request is primarily for the approval of an existing pathway with minor enhancements.
- (3) The approval of the pathway and staircase will comply with standards of development code for safe travel for utility use. The staircase has been improved to have handrails and stairs that provide safe travel. The location and access point has no impact on surrounding neighbors properties or impacts their use of land.
- (4) The site topography has steep terrain on each corner. How the power and utilities to the site were run to the site creates an unsafe path to service. Approving the existing pathway with minor enhancements continues to serve what was previously developed on site.



37175 Indian Gap Road

Re: Variance Request – Staircase Encroachment into Public Right-of-Way (Hill Crest Road)

Dear Department of Community Development,

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Due to the steep grade of the site and existing constraints, there was an existing pathway and staircase that we would like to keep and maintain for use.

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TCLUO 8.030 Variance Criteria

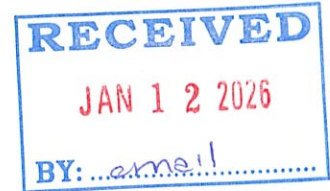
- (1) – Granting the variance will not constitute a special privilege inconsistent with the limitations placed upon other properties in the same zoning district. The encroachment is limited in scope, applies only to an access stair, and does not increase building mass, enclosed floor area, or intensity of use. The staircase will not adversely affect adjacent properties, privacy, light, air, or public safety. The variance is the minimum necessary to allow reasonable use of the property and is consistent with the purpose and intent of the zoning ordinance.
- (2) NA – No request for an alternative use. The request is primarily for the approval of an existing pathway with minor enhancements.
- (3) The approval of the pathway and staircase will comply with standards of development code for safe travel for utility use. The staircase has been improved to have handrails and stairs that provide safe travel. The location and access point has no impact on surrounding neighbors' properties or impacts their use of land.
- (4) The site is too steep to provide any other access points. The steps that were previously installed with past development provide the only reasonable access to the property. There are no other alternative locations that would work.



Nehalem Bay Fire & Rescue District

36375 Hwy 101 N.
Nehalem, OR 97131
(503) 368-7590 Office
www.nehalembayfirerescue.org

9 September 2025



Dear Mr Cerelli,

Thank you for your request to review the stairs located on the southeast side of the home located at 37175 Indian Gap Rd(03N10W20C02600. I understand that the location of the stairs is in review for possible removal. I have reviewed the photo provided and visited the site. The stairs currently do not obstruct fire apparatus in the ROW. The stairs do however add a layer to life safety. Because of topography the means of egress are very limited. The stairs provided both ingress and egress during an emergency. The district would recommend that the stairs remain in place and maintained for safety.

Sincerely,

Dan Weitzel
Fire Captain
Nehalem Bay Fire & Rescue



RECEIVED
JAN 12 2026
BY: email.....

BY:email.....

