



Land of Cheese, Trees and Ocean Breeze

**VARIANCE #851-25-000349-PLNG
COOK - SIDE YARD SETBACK**

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

March 20, 2026

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED** the above-cited Variance Request on March 20, 2026. This Variance has been approved to reduce the side yard setback to zero feet to allow for the placement of access stairs.

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 April 1, 2026.**

Request: 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 (Exhibit B).

Location: The subject property is located in the Neahkahnie, accessed off Indian Gap Road, a County Road, and designated as Tax Lot 2600 of Section 20CD, Township 3 North, Range 10 West, Willamette Meridian, Tillamook County, Oregon (Exhibit A).

Zone: Neahkahnie Urban Residential (NK-7.5) Zone

Applicant: Erin Cook, 37175 Indian Gap Road, Nehalem, OR 97131

Property Owner: Neahkahnie LLC, 3817 NE 19th Ave, Portland, OR 97212

CONDITIONS OF APPROVAL

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/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Variance approval is for a zero (0) foot side yard setback along the eastern property line for proposed stairs only; all other applicable setbacks shall adhere to the development standards in TCLUO Section 3.300: Neahkahnie Urban Residential (NK-7.5) Zone.
3. Applicant/Property Owner shall demonstrate compliance with TCLUO 4.130 at time of consolidated Building and Zoning Permit application submittal, including GHR permit #851-22-000194-PLNG.
4. The applicant/property owner shall submit a site plan, drawn to scale and confirming all required yard setbacks are met at the time of Consolidated Building and Zoning Permit application submittal.
5. The applicant/property owner shall submit confirmation of approval for placement of the stairs from the Tillamook County Public Works Department at the time of consolidated Building and Zoning Permit application submittal.
6. This approval shall be void on March 20, 2028, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

Sincerely,

Conrad Kurrelmeier, Land Use Planner

Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor & Zoning Maps

Tillamook County

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



1510 – B Third Street
 Tillamook, Oregon 97141
www.tillamookcounty.gov
 503.842.3408

Land of Cheese, Trees and Ocean Breeze

VARIANCE #851-25-000349-PLNG: COOK

ADMINISTRATIVE DECISION AND STAFF REPORT

DECISION: Approved with Conditions

Decision Date: March 20, 2026

REPORT PREPARED BY: Conrad Kurrelmeier, Land Use Planner

I. GENERAL INFORMATION:

- Request:** 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 (Exhibit B).
- Location:** The subject property is located in the Neahkahnie, accessed off Indian Gap Road, a County Road, and designated as Tax Lot 2600 of Section 20CD, Township 3 North, Range 10 West, Willamette Meridian, Tillamook County, Oregon (Exhibit A).
- Zone:** Neahkahnie Urban Residential (NK-7.5) Zone
- Applicant:** Erin Cook, 37175 Indian Gap Road, Nehalem, OR 97131
- Property Owner:** Neahkahnie LLC, 3817 NE 19th Ave, Portland, OR 97212

Description of Site and Vicinity: The subject property contains 0.24 acres, is currently improved with a single family dwelling and is generally vegetated trees and grasses (Exhibit A). The subject property is accessed off Indian Gap Road, a county road, is roughly rectangular in shape, with a portion of the western area relatively flat with an increase in slope to the eastern property line (Exhibit A).

The subject property and the surrounding properties are zoned Neahkahnie Urban Residential (NK-7.5) (Exhibit A). Surrounding properties are developed with single-family residential dwellings (Exhibit A). No riparian features or wetlands are mapped on the subject property. The subject property is in Flood

Zone “X”, areas of minimal flooding, according to FEMA FIRM 41057C0202F dated September 28, 2018, and is not in a Special Flood Hazard Area (Exhibit A).

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

The request 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. TCLUO Section 3.300: Neahkahnie Urban Residential Zone (NK-7.5)
- B. TCLUO Section 4.130: Development requirements for Geologic Hazard Areas
- C. Article VIII: Variance Procedures and Criteria (including Section 4.005: Residential and Commercial Zone Standards)

III. ANALYSIS:

A. TCLUO Section 3.300: Neahkahnie Urban Residential Zone (NK-7.5)

Section 3.300(1), PURPOSE: *The purpose of the NK-7.5, NK-15 and NK-30 zones is to designate area within the Neahkahnie Community Growth Boundary for relatively low-density, single-family, urban area has public sewer and water services. The permitted uses are those that appear most suitable for a coastal community that wished to maintain a primarily single-family residential character. The only differences in the three zoning designations are density provisions for the creation of new lots. These varying densities are designed to be consistent with physical constraints within the Neahkahnie Community.*

Findings: Staff finds that the proposed single-family dwelling is a use permitted outright in the underlying zone. *Section 3.300(2)(a), ‘Uses Permitted Outright’ lists single-family dwellings as a use permitted outright.* The applicant is requesting to reduce the required 15-foot setback to zero feet to allow for the placement of access stairs (Exhibit A).

Section 3.300 (4), STANDARDS: *Land divisions and development in the NK-7.5 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:*

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

(e) The minimum side yard setback shall be 5 feet, except on the street side of a corner lot where it shall be 15 feet.

(f) The minimum rear yard shall be 20 feet, except on a street corner lot where it shall be 5 feet.

Findings: Per Article 11 of the TCLUO, the property is defined as a “corner lot” with the front lot line defined as the southern property line of the subject property that abuts Indian Gap Road. Applicant has requested relief (a variance) from the required 15-foot side yard setback along the eastern property line to zero feet for reasons cited in the application and made part of this review (Exhibit B).

Staff finds the requested variance and relief to application of the required 15-foot side yard setback may be permitted only if the criteria of TCLUO Article 8 are met. The requirements of TCLUO Article 8, ‘Variance Procedures and Criteria’ are addressed below.

B. TCLUO Section 4.130: Development requirements for Geologic Hazard Areas

4.130(1) Purpose: The purpose of these Development Requirements for Geologic Hazard Areas is to protect people, lands and development in areas that have been identified as being subject to geologic hazards. The provisions and requirements of this section are intended to provide for identification and assessment of risk from geologic hazards, and to establish standards that limit overall risk to the community from identified hazards to a level acceptable to the community. Development in identified hazard areas is subject to increased levels of risk, and these risks must be acknowledged and accepted by present and future property owners who proceed with development in these areas

4.130(2) Applicability: The following areas are considered potentially geologically hazardous and are therefore subject to the requirements of Section 4.130:

a) All lands partially or completely within categories of “high” and “moderate” susceptibility to shallow landslides as mapped in Oregon Department of Geology and Mineral Industries (DOGAMI) Open File Report O-20-13, Landslide hazard and risk study of Tillamook County, Oregon;

b) All lands partially or completely within categories of “high” and “moderate” susceptibility to deep landslides as mapped in DOGAMI Open File Report O-20-13, Landslide hazard and risk study of Tillamook County, Oregon;

f) Lots or parcels where the average existing slopes are equal to or greater than 19 percent within or adjacent to hazard risk zones described in 4.130(2)(a) through (d) for any lot or parcel less than or equal to 20,000 square feet or lots or parcels where the average existing slopes are equal to or greater than 29 percent within or adjacent to hazard risk zones described in 4.130(2)(a) through (d) for any lot or parcel greater than 20,000 square feet.

1. For the purpose of this section, slopes are determined by:

- Lots or parcels less than 20,000 square feet where the average existing slopes are equal to or greater than 19% measured from the highest to lowest point of the property.*

Findings: DOGAMI Open File Report O-20-13 confirms the subject property lies within an area of mapped shallow and deep landslide susceptibility (Exhibit A). Property has received approved Geologic Hazard Report #851-22-000194-PLNG for development of the site. Staff recommend as a condition of approval that applicant complies with GHR at the time of zoning/building permit submittal. Staff find these standards are met through compliance with conditions of approval.

C. TCLUO Article VIII: Variance Procedure and Criteria; including Section 4.005 Residential and Commercial Zone Standards

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.

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 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 February 6, 2026. Comments were received by Tillamook County Public Works stating that the applicant would need to apply for an encroachment license for portion of stairs in the right of way. (Exhibit C).

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: Applicant states *the topography of the site creates a hazardous access point for the utility companies that service the site* (Exhibit B).

Based upon the findings outlined above and the evidence contained within this report, staff finds circumstances attributable to topographical and hazardous characteristics of the subject property effectively preclude the owner from enjoying a use associated with a single-family dwelling in the area and that these circumstances are not self-created. Applicants have stairs in an area of the property that has a slope from 81' to 63' above sea level. The topography is a natural feature of the site and is not a self-created circumstance. 38445 Beulah Reed Rd is a known property in the vicinity that has a similar existing use to this request (Exhibit D). This criterion is 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: Single-family dwellings are an outright use allowed in the Neahkahnie Urban Residential Zone (NK-7.5); this use is consistent with surrounding properties. This criterion is 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.

Findings: Analysis of TCLUO Section 4.005 follows in a subsequent section.

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

Findings: Applicant states that the standard side yard setback would not be adequate to provide access for utilities (Exhibit B).

Staff finds considering the topography and access to the subject property a zero-foot side yard setback is a reasonable alternative and allows for building on the subject property. Grading the slope to reasonably accommodate a path to access utilities on the property would cause significantly more disturbance to the property compared to the stairs. This criterion has been met.

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;*
- (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;*

Findings: Applicant is proposing to exceed the side yard setback (Exhibit B). Access to the property is off Indian Gap Road, a county road.

Staff finds that allowing the proposed development with a zero-foot side yard setback will maintain privacy and adequate access to air, light and open space for the subject property, the surrounding properties and provide for adequate separation of structures for emergency access. The stairs are located at the eastern end of the property which abuts Hillcrest Street and are not built towards any other structure. The fire department did not provide any comments. Public Works's comments did not include any concerns regarding emergency access. Staff find these criteria are met through compliance with recommended conditions of approval, including obtaining appropriate permits with Tillamook County Public Works.

- (6) To ensure that driver visibility on adjacent roads will not be obstructed;*
- (7) To ensure safe access to and from common roads;*

Findings: Hillcrest Street is a maintained county road. Staff find that these standards can be met through conditions of approval requiring an encroachment license from Public Works. Proposed stairs are not located within an area of clear vision. Public Works' comments did not include any concerns regarding emergency access or drivers in the public right of way. Staff find these criteria are met through compliance with recommended conditions of approval, including obtaining appropriate permits with Tillamook County Public Works.

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

Findings: Tillamook County regulates views through compliance with allowed building heights. The proposed stairs are not for human occupancy and therefore are exempt TCLUO Section 4.120 from building height limitations. No comments were received from neighboring properties with concerns about the obstruction of views. Staff find this criterion is met and can be met through compliance with the conditions of approval.

- (9) To separate potentially incompatible land uses;*

Findings: The applicant proposes to develop an accessory structure to a single-family dwelling which is a use permitted outright in the NK-7.5 zone and is a use consistent with the use of surrounding properties. Staff finds that the standard in Section 4.005(9) has been met.

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

Findings: County records do not indicate any such facilities in the vicinity of the subject property (Exhibit A). Staff finds that the proposed development does not unreasonably shadow or otherwise inhibit access to solar radiation on adjacent properties and finds that the standards of Section 4.005(10) has been met.

Staff concludes the standards outlined in TCLUO Section 4.005 are met or can be met through the Conditions of Approval outlined below. Variance criterion #3 is met and can be met through the Conditions of Approval outlined below.

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 applicant's request to reduce the required side yard setback along the eastern boundary of the subject property to zero feet, and therefore, approves the request to reduce the side yard setback to zero feet 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 April 1, 2026**.

V. CONDITIONS OF APPROVAL:

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/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Variance approval is for a zero (0) foot side yard setback along the eastern property line for proposed stairs only; all other applicable setbacks shall adhere to the development standards in TCLUO Section 3.300: Neahkahnie Urban Residential (NK-7.5) Zone.
3. Applicant/Property Owner shall demonstrate compliance with TCLUO 4.130 at time of consolidated Building and Zoning Permit application submittal, including GHR permit #851-22-000194-PLNG.
4. The applicant/property owner shall submit a site plan, drawn to scale and confirming all required yard setbacks are met at the time of Consolidated Building and Zoning Permit application submittal.
5. The applicant/property owner shall submit confirmation of approval for placement of the stairs from the Tillamook County Public Works Department at the time of consolidated Building and Zoning Permit application submittal.

6. This approval shall be void on March 20, 2028, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

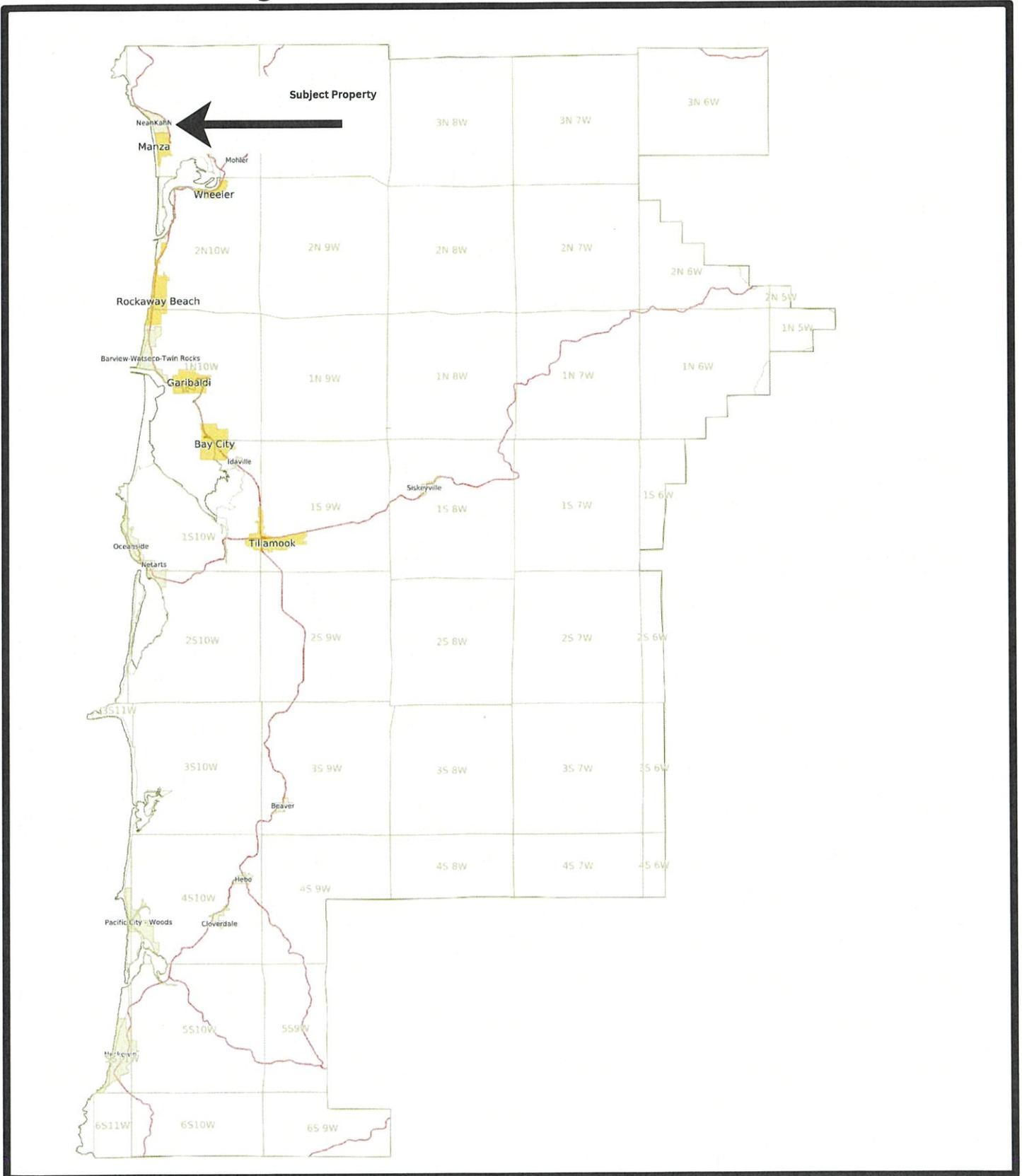
VI. EXHIBITS:

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

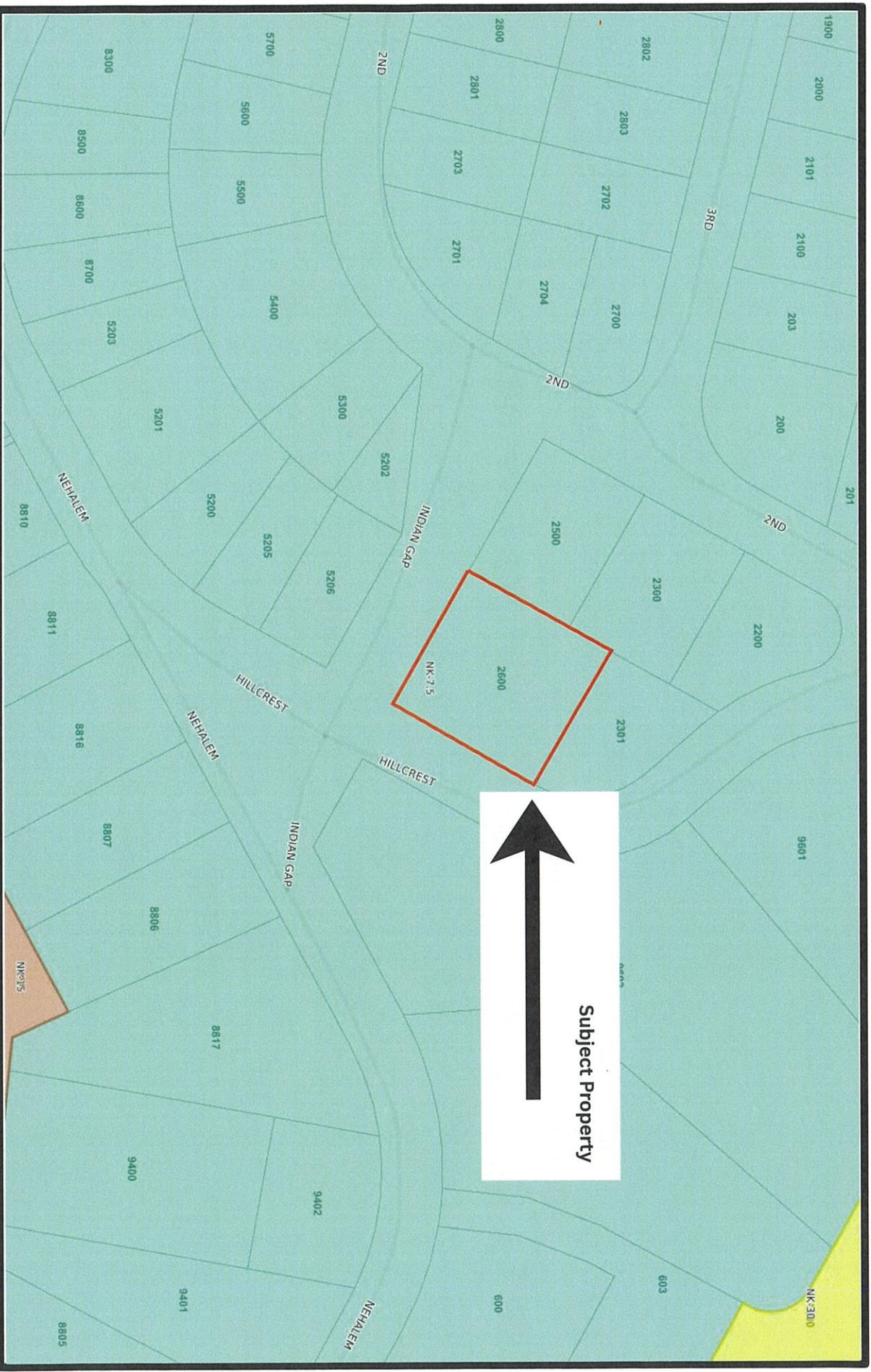
- A. Maps
- B. Applicant/Property Owner's Submittal
- C. Public Comments
- D. Site Plan from Building Permit #851-24-002015-STR

EXHIBIT A

Vicinity Map



Zoning Map



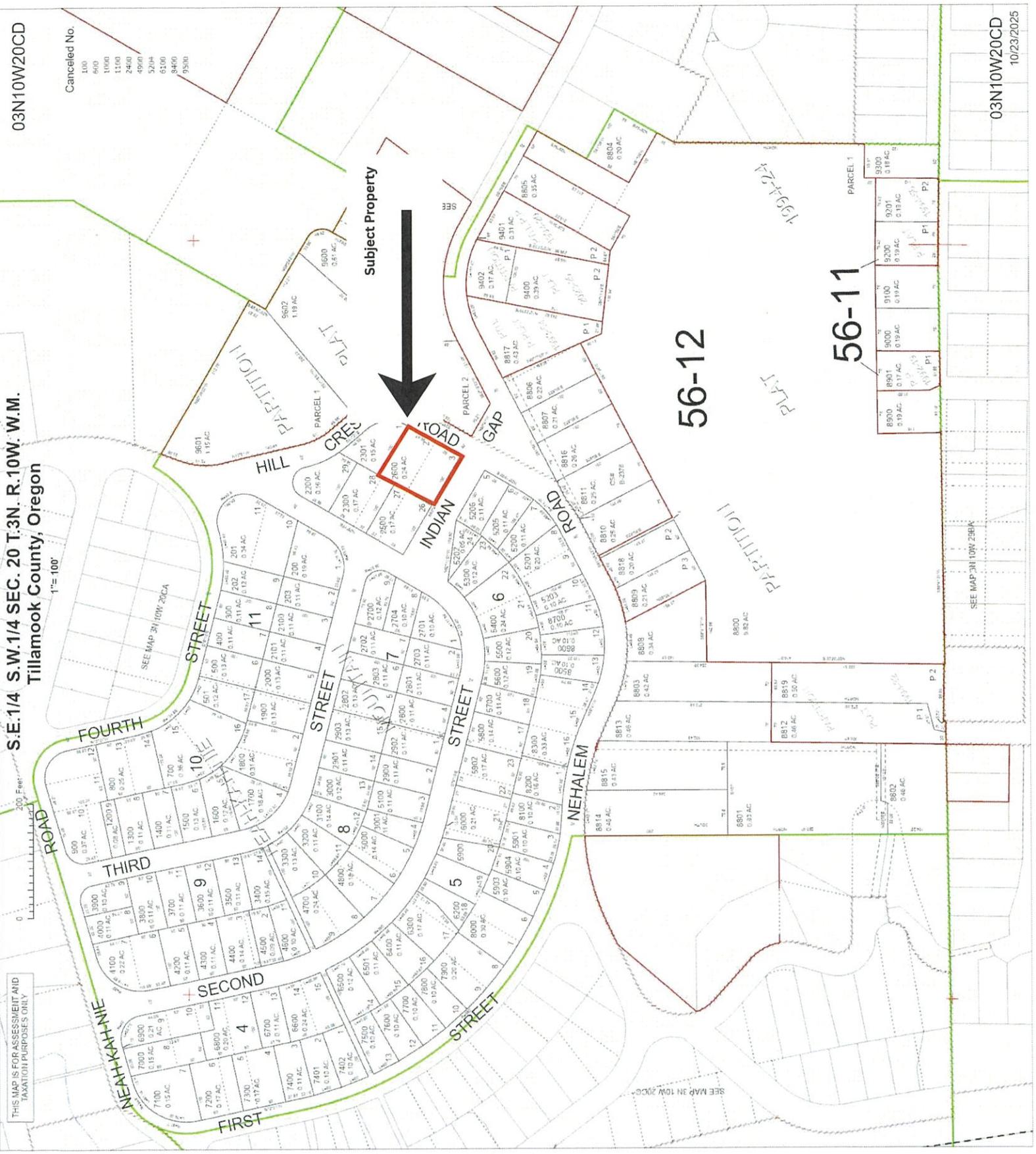
THIS MAP IS FOR ASSESSMENT AND TAXATION PURPOSES ONLY

S.E. 1/4 S.W. 1/4 SEC. 20 T.3N. R.10W. W.M.
Tillamook County, Oregon

03N10W20CD

Canceled No.

100
600
1000
1100
2400
4900
5200
6100
8400
9300



03N10W20CD
10/23/2025

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 NEAHKAHNE 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

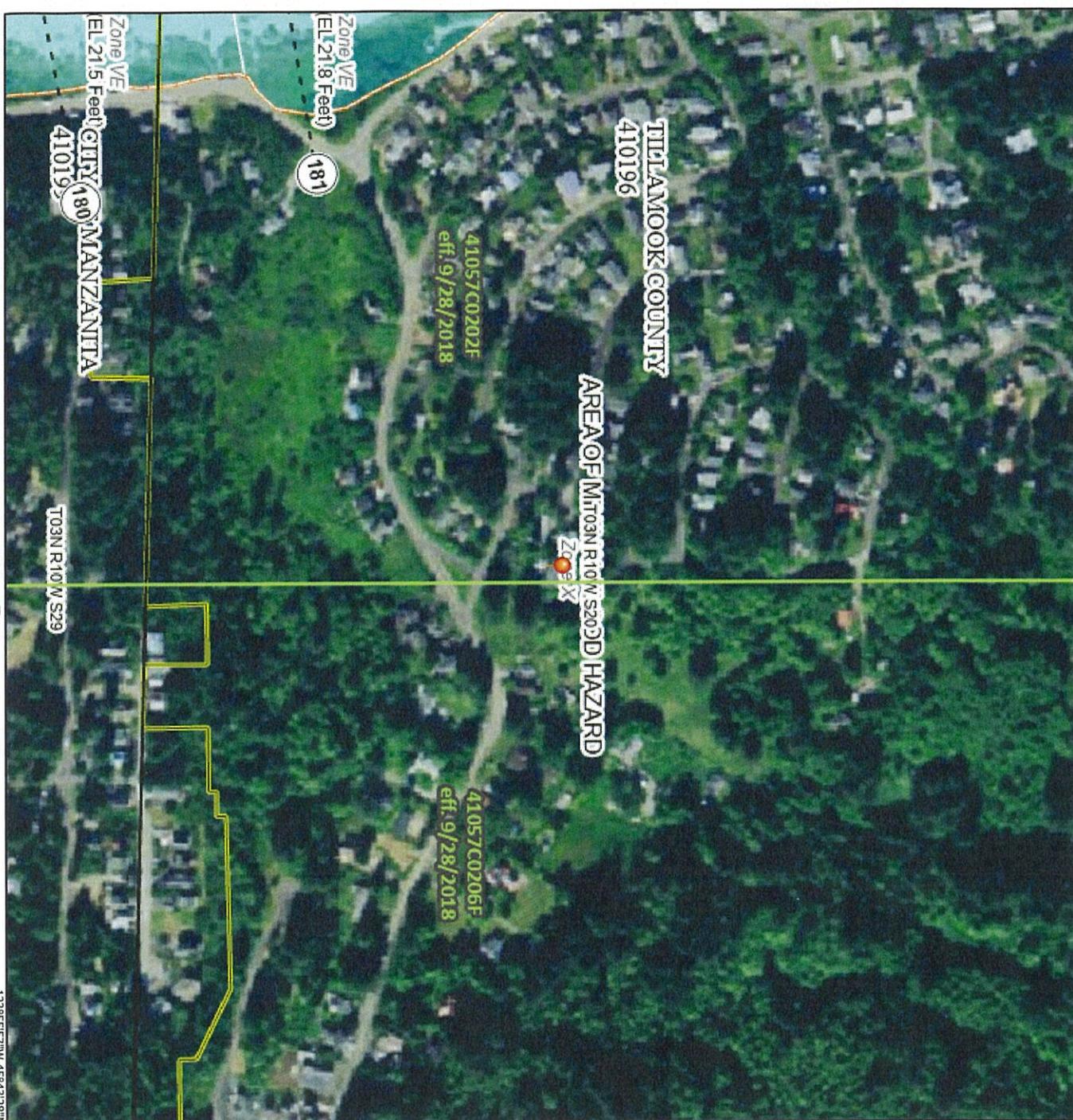
Exemptions / Special Assessments / Notations			
Code Area 5612			
Special Assessments		Amount	Year Used
▪ SOLID WASTE		12.00	2025
Notations			
▪ DEMOLISHED PROPERTY RMV & MAV ADJUSTED 308.146 ADDED 2021			
▪ DESTROYED OR DAMAGED PROPERTY, JULY 1 ASMT DATE 308.146(6) ADDED 2021			

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



0 250 500 1,000 1,500 2,000 Feet 1:6,000
 Basemap Imagery Source: USGS National Map 2023

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

OTHER AREAS OF FLOOD HAZARD

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone D

OTHER AREAS GENERAL STRUCTURES

- 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

OTHER FEATURES

- 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 **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, FIRW panel number, and FIRW effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

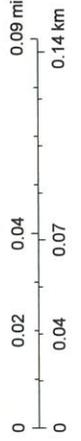
Statewide Wetlands Inventory



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

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

1:2,587



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.

EXHIBIT B



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: _____

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.

Erin Cook

Property Owner Signature (Required)

June 26, 2025

Date

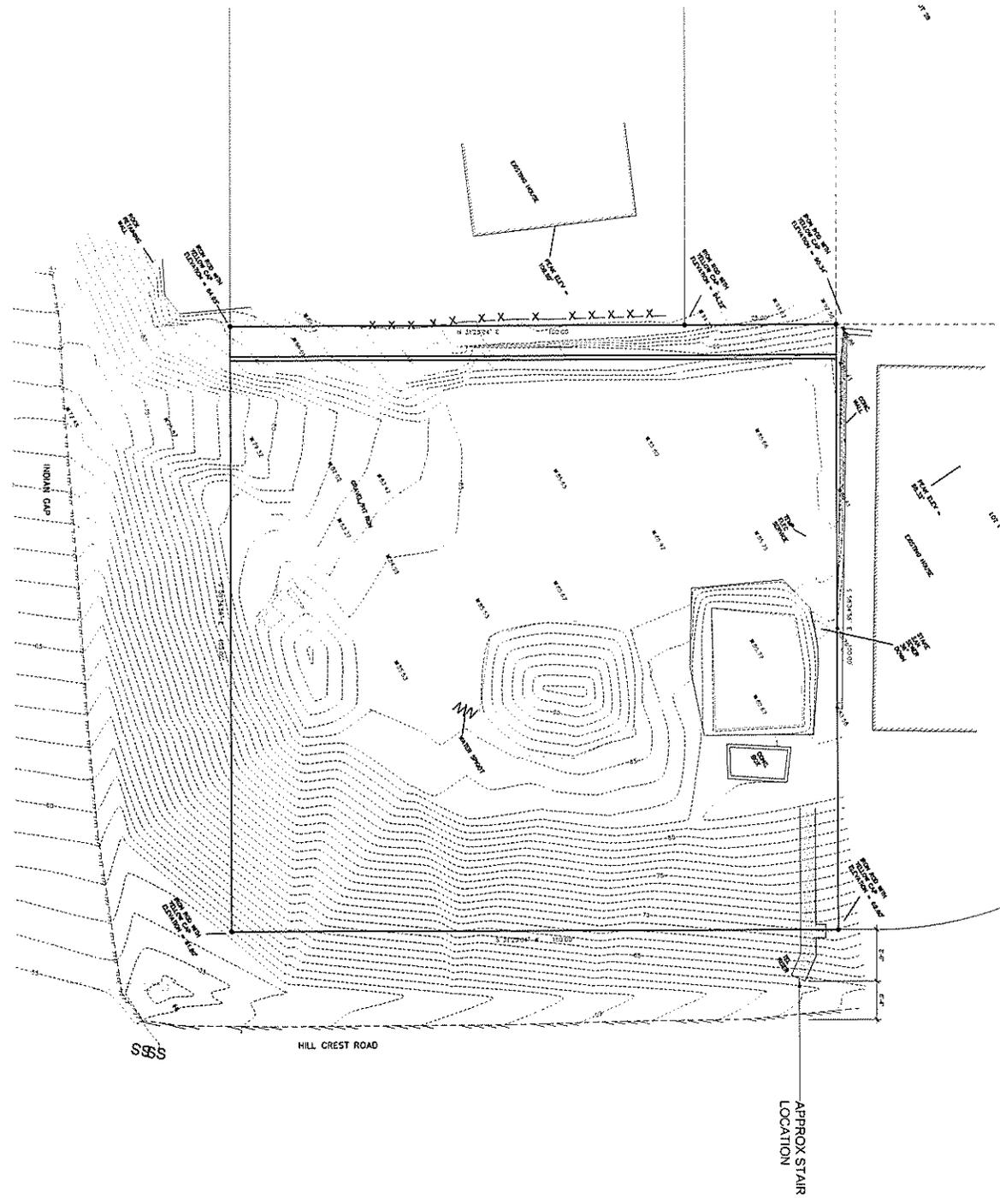
Applicant Signature

Date

OFFICE USE ONLY	
Date Stamp	RECEIVED
	JUL 17 2025
BY:	<i>SAI</i>
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	<i>ST</i>
Receipt #:	<i>144634</i>
Fees:	<i>1785.00</i>
Permit No:	<i>851-25-000349-PLNG</i>

2ND FLOOR

2
A1 02
1/4" = 1'-0"





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.

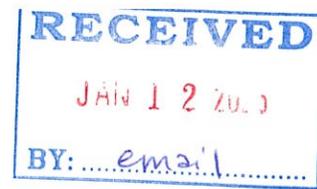
Due to the grade of the site and existing constraints, there was an existing pathway and staircase that we would like to keep and maintain for use.

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,

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 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.

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

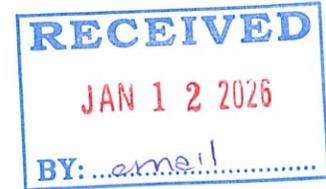
- (1) – Granting the variance will not constitute a special privilege inconsistent with the limitations placed upon other properties in the same zoning district. The encroachment is limited in scope, applies only to an access stair, and does not increase building mass, enclosed floor area, or intensity 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

EXHIBIT C

Conrad Kurrelmeier

From: Brian Olle
Sent: Thursday, February 12, 2026 1:52 PM
To: Conrad Kurrelmeier; Melissa Jenck
Cc: Sarah Absher; Sarah Thompson; Chris Laity
Subject: RE: 851-25-000349-PLNG Notice of Application

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Conrad,

Public Works does have comments regarding this application, which I believe is not actually a setback variance, but a Right of Way encroachment. As stated on page 18 and page 19 by the applicant, the stairway extends into Public Right of Way. Public Works does not allow this.

Last summer Public Works reached out to the contractor to explain the issue and the options - 1) apply for an encroachment license through Public Works or 2) remove the portion of the staircase back to the property line. The contractor promised removal since these only benefitted the utility companies. After no progress, Public Works then spoke to the property owner. We informed both of the individuals multiple times of the issues, the process of submitting a **request** for encroachment, or to remove this staircase from the Public Right of Way. After failed progress in either option, On October 20th, 2025 Public Works in good faith issued a final email notification/warning that if the stairs were not removed from the right of way within 7 days, a more formal letter would be sent to begin a 30 day timeframe for removal. If not removed in that timeframe, the stairs would be physically removed by Public Works.

After this email, Public Works was again informed the stairs would be removed. This is where we failed to follow-up and see that they were in fact not removed.

At this point I would like to issue the letter with a 30 day notice - either submit an encroachment application or remove the stairs by the end of 30 days.

Please review and confirm this is the appropriate action to take, which I believe would void this application.

Thank you,

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

From: Conrad Kurrelmeier <conrad.kurrelmeier@tillamookcounty.gov>
Sent: Friday, February 6, 2026 10:51 AM
To: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>

Feb. 9, 2026

Re: #851-25-000349-PLNG:

Conrad Kurrelmeier, Land Use Planner

Thank you for your notice regarding a variance request from the required 15 ft. set back to zero.

All who build or modify homes are required to know and observe the county building codes and have variances approved in advance. I appreciate the work you do in ensuring these codes are met.

This home was specifically custom designed for this property and built with full knowledge of the access challenges, the property lines, and required setback. Variance approval should have been issued at that time.

According to the review criteria, ARTICLE VIII - VARIANCE PROCEDURES AND CRITERIA. SECTION 8.030: REVIEW CRITERIA 4 seems relevant. "(4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.

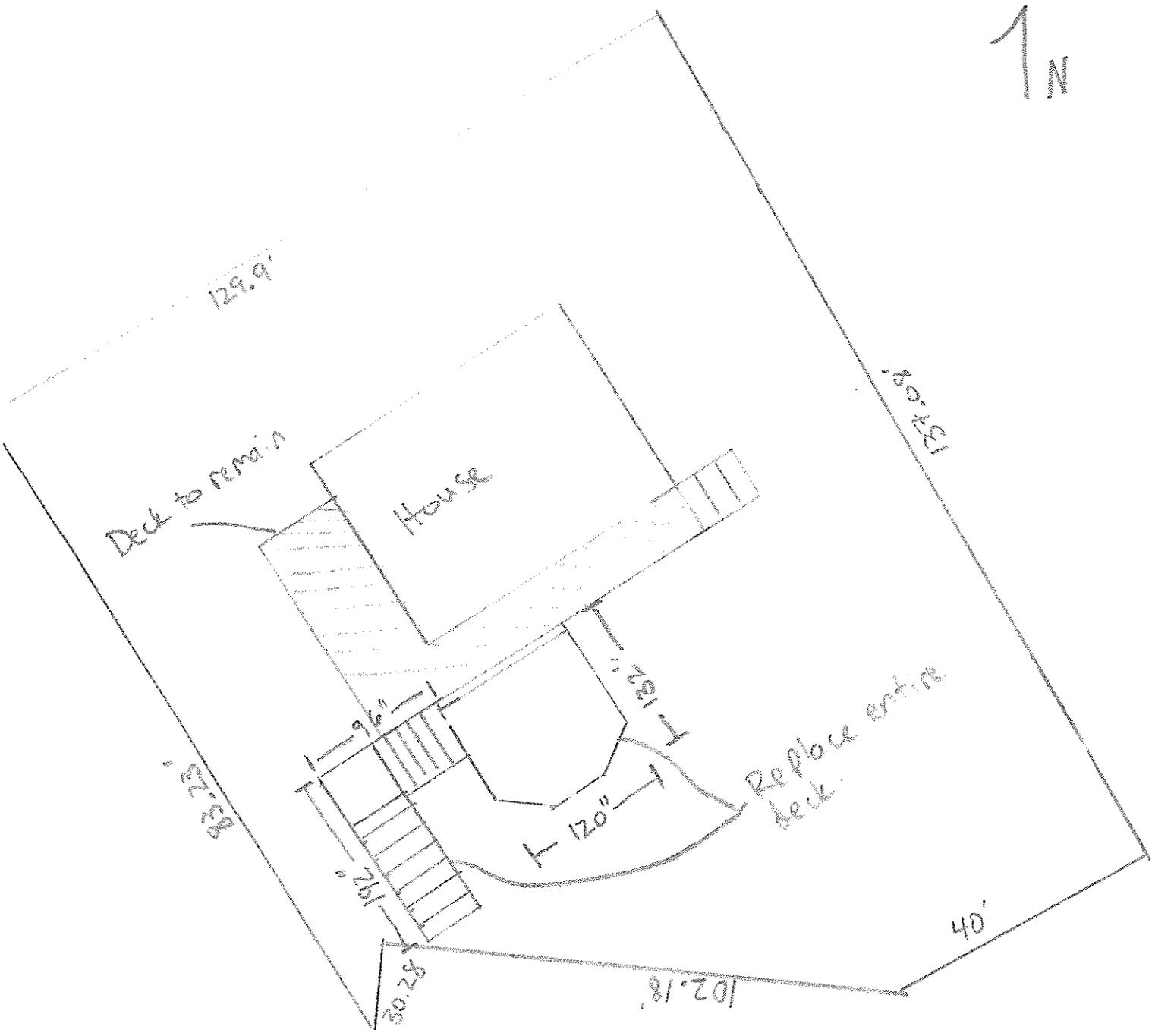
The application does not demonstrate a lack of alternatives. That is, can not the steps be built with the required set back?

Respectfully,

Mary Roberts
8080 Kahnier Trail Loop
Neahkahnie, Oregon
97131

EXHIBIT D

1



38445 Beulah Road
Nehalem, OR 97131

Dante Construction LLC
(503) 812-2507
danteconstruction@gmail.com