



**VARIANCE #851-25-000594-PLNG
BURNS/PHILLIPS**

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

July 23, 2026

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED** the above-cited Variance Request on July 23, 2026. This Variance has been approved to reduce the required 20-foot front yard setback to 10-feet for the addition of a bathroom to an existing dwelling.

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 August 4, 2026**.

Request: A Variance request to reduce the required 20-foot front (north) yard setback to 10-feet to allow for the addition of a bathroom to an existing single-family dwelling. A previously approved Variance request V-01-03(a) was approved for a 10-ft front yard setback and 3-ft side yard setback for an addition which did not include the newly proposed bathroom location.

Location: The subject property is located within the Unincorporated Community of Neskowin, accessed via a private easement at 4465 Independence Avenue, a County road, and designated as Tax Lot 13600 of Section 25CB, Township 5 South, Range 11 West, Willamette Meridian, Tillamook County, Oregon.

Zone: Neskowin Low Density Residential (NeskR-1) Zone

Applicant: Jeff Burns, 19200 Hwy 101 S, Cloverdale, OR 97112

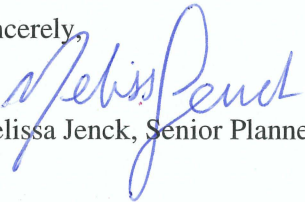
Property Owner: Randi Phillips, 132 N 400 W, Blackfoot, ID 83221

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 ten (10) foot front yard setback along the northern property line for the proposed bathroom addition; all other applicable setbacks shall adhere to the development standards in TCLUO Section 3.322: Neskowin Low Density Residential Zone (NeskR-1).
3. The applicant/property owner shall provide a fire service letter from the Nestucca Rural Fire Protection District at time of Consolidated Zoning/Building Permit.
4. The applicant/property owner shall obtain an approved consolidated Zoning/Building Permit from the Tillamook County Department of Community Development.
5. The applicant/property owner shall submit a site plan, drawn to scale and confirming all required yard setbacks, except that approved through this Variance request, are met at the time of Consolidated Building and Zoning Permit application submittal.
6. A Dune Area Development Permit prepared in accordance with the requirements of TCLUO Section 3.530 is required for development of the property. The Dune Area Development Permit shall include a Geologic Hazard Assessment prepared in accordance with this section and shall be submitted to the Tillamook County Department of Community Development prior to or at the time of consolidated Building and Zoning Permit application submittal.
7. This approval shall be void on July 23, 2028, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

Sincerely,


Melissa Jenck, Senior Planner

Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor & Zoning Maps



VARIANCE #851-25-000594-PLNG: BURNS/PHILLIPS

ADMINISTRATIVE DECISION AND STAFF REPORT

DECISION: Approved with Conditions

Decision Date: July 23, 2026

REPORT PREPARED BY: Melissa Jenck, CFM, Senior Planner

I. GENERAL INFORMATION:

Request: A Variance request to reduce the required 20-foot front (north) yard setback to 10-feet to allow for the addition of a bathroom to an existing single-family dwelling. A previously approved Variance request V-01-03(a) was approved for a 10-ft front yard setback and 3-ft side yard setback for an addition which did not include the newly proposed bathroom location.

Location: The subject property is located within the Unincorporated Community of Neskowin, accessed via a private easement at 4465 Independence Avenue, a County road, and designated as Tax Lot 13600 of Section 25CB, Township 5 South, Range 11 West, Willamette Meridian, Tillamook County, Oregon.

Zone: Neskowin Low Density Residential (NeskR-1) Zone

Applicant: Jeff Burns, 19200 Hwy 101 S, Cloverdale, OR 97112

Property Owner: Randi Phillips, 132 N 400 W, Blackfoot, ID 83221

Description of Site and Vicinity: The subject property contains 0.06-acres (2,400 sq. ft.), square in shape, and currently improved with a residence (Exhibit A). The property is part of a Dune Complex, Stabilized Foredune and Younger Stabilized Dune areas located within the Beach and Dune Overlay Zone. The subject property is accessed via Independence Avenue, a County road, through a private easement (Exhibit A).

The surrounding properties are zoned Neskowin Low Density Residential (NeskR-1) and generally improved with single-family residential development. Properties to the south are zoned Neskowin High Density Residential (NeskR-3), with areas of Neskowin Commercial (NeskC) zoned property to the east. 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 41057C1005F 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 3.322: Neskowin Low Density Residential Zone (NeskR-1)
- B. TCLUO Section 4.100: General Exception to Lot Size Requirements
- C. TCLUO Section 3.530: Beach and Dune Overlay Zone (BD)
- D. TCLUO Article VIII: Variance Procedures and Criteria
- E. TCLUO Section 4.005: Residential and Commercial Zone Standards

III. ANALYSIS:

A. TCLUO Section 3.322: Neskowin Low Density Residential Zone (NeskR-1)

Section 3.322(1), PURPOSE: *The purpose of the NeskR-1 zone is to designate areas for low- density residential development and other compatible uses. Suitability of land for low density uses is determined by the availability of public sewer service, and such limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features.*

Findings: Staff find the proposed single-family dwelling is a use permitted outright in the underlying zone. Section 3.322(2)(a), 'Uses Permitted Outright' lists single-family dwellings as a use permitted outright. The applicant is requesting to reduce the required 20-foot front yard setback to 10-feet to allow for a bathroom addition to an existing single-family dwelling (Exhibit B).

Section 3.322 (4), STANDARDS: *Land divisions and development in the NeskR-1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:*

- (a) *The minimum lot size for permitted uses shall be 7,500 square feet. Where public sewers are not available, the County Sanitarian may require lot sizes greater than the minimum if necessary for the installation of adequate onsite subsurface sewage disposal systems, or for adequate protection of public health or sensitive water bodies.*

Findings: County records indicate the subject property is 2,400-square feet in size, 0.06-acres (Exhibit A). The subject property is smaller than the minimum lot size of the zone. Per TCLUO Section 4.100, "*a lot or parcel . . . which complies with the standards then in effect, but which does not now meet the dimensional lot standards of the zone in which the property is located, may nevertheless be occupied by a single-family dwelling if the lot or parcel meets all other applicable Ordinance requirements, including setbacks, provided that lots smaller than 3,000 square feet meet the following additional requirements.*" The property will be required to demonstrate compliance with TCLUO Section 4.100 as the parcel is under 3,000 square feet in size, including setbacks. Discussion of Section 4.100 is included in Subsection B, below, in this report.

B. TCLUO Section 4.100: General Exception to Lot Size Requirements

A lot or parcel, as recorded in the office of the County Clerk prior to the adoption of this Ordinance, which complies with the standards then in effect, but which does not now meet the dimensional lot standards of the zone in which the property is located, may nevertheless be occupied by a single-family dwelling if the lot or parcel meets all other applicable Ordinance requirements, including setbacks, provided that lots smaller than 3,000 square feet meet the following additional requirements.

...

(5) Front and rear setbacks in combination must be at least 30-feet, with each minimum of 10-feet.

Findings: Applicant provides findings for the existing dwelling, which maintains a 10-foot front yard setback for an approved addition in 2001 (Exhibit B). Applicant's site plan details a 10-foot rear yard setback (Exhibit B).

Staff find the existing dwelling complies with the Variance approved in 2001, V-01-03(a). However, the Variance approval was specific to the development proposed at the time. Section 4.100 requires a front and rear setback combination of 30-feet, each a minimum of 10-feet. The proposed addition of a bathroom is requesting a 10-foot front yard setback, which is not consistent with the standards contained in TCLUO Section 4.100 for lots less than 3,000-square feet in size.

Applicant has requested relief (a variance) from the required 20-foot front yard setback, which would be required to comply with 30-foot front/rear setback combination, along the northern property line to 10-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 20-foot front 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.

C. TCLUO Section 3.530: Beach and Dune Overlay Zone (BD)

(1) PURPOSE: The purpose of the Beach and Dune Overlay Zone is to establish criteria and performance standards to direct and manage development and other activities in beach and dune areas in a manner that:

- (a) Conserves, protects and, where appropriate, restores the resources and benefits of coastal beach and dune areas;*
- (b) Reduces the risks to life and property from natural and man-induced actions on these inherently dynamic landforms; and*
- (c) Ensures that the siting and design of development in beach and dune areas is consistent with Statewide Planning Goals 7 and 18, and the Hazards Element and Beaches and Dunes Element of the Tillamook County Comprehensive Plan.*

...

(5) DUNE AREA DEVELOPMENT PERMIT

- (a) Except for activities identified in subsection (5)(b) as exempt, any new development, new construction, substantial improvement, shoreline alteration (including activities outside of OPRD's jurisdiction) or grading activity in an area subject to the provisions of this section shall require a Dune Area Development Permit. The Dune Area Development Permit may be applied for prior to or in conjunction with a building permit, grading permit, or any other permit or land use approval required by Tillamook County.*

...

Findings: The subject property is part of a Dune Complex, Stabilized Foredune and Younger Stabilized Dune areas located within the Beach and Dune Overlay Zone, as identified in Open File Report O-20-04 (Exhibit A). The proposed development of a single-family dwelling requires a Dune Area Development Permit as specified above and requires submittal of a geologic hazard report, subject to relevant standards outlined in TCLUO Section 3.530, Subsection 6. A Condition of Approval has been made to ensure development of the property complies with this requirement and applicable provisions of the Beach and Dune Overlay Zone.

Staff find these standards are met and can be met through compliance with conditions of approval.

D. TCLUO Article VIII: Variance Procedure and Criteria

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 May 13, 2026. A comment was received from an adjacent property expressing support for the proposed variance request (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 identifies in their submittal that there are already portions of the property benefitting from a 10-foot front yard setback, approved through the previous Variance request #V-01-03(a) (Exhibit B).

The subject property contains 0.06-acres (2,400 sq. ft.), square in shape, and currently improved with a residence (Exhibit A). The parcel is subject to the requirements of TCLUO Section 4.100, discussed above in this report. The parcel is approximately 48-feet by 50-feet (Exhibit A). The proposed addition is interior to the previous Variance request approved in 2001 and acts to "fill in" an area previously undisturbed by the last addition (Exhibit A & B).

Based upon the findings outlined above and the evidence contained within this report, staff finds circumstances attributable to dimensional characteristics of the subject property effectively preclude the owner from enjoying an addition to a single-family dwelling in the area and that these circumstances are not self-created. 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 Neskowin Low Density Residential Zone (NeskR-1); 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 the subsequent Section E, below, in this report.

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

Findings: Applicant states there is no reasonable alternative for the proposed addition due to the available building envelope of small lot (Exhibit B). The applicant is proposing an addition to an approximately 800-square foot dwelling and indicates that the proposed development is within the existing building envelope (Exhibit B).

Staff find considering the size, shape, and access to the subject property a 10-foot front yard setback is a reasonable alternative and allows for building on the subject property consistent with the development patterns of properties in the vicinity. Staff find this criterion has been met.

E. TCLUO Section 4.005: Residential and Commercial Zone Standards

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

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

Findings: Applicant is proposing to maintain existing exterior setbacks of the building envelope, with the proposal for an addition which is to benefit from an existing 10-foot front yard setback on the property (Exhibit B). Access to the property is off Independence Avenue, a County road. The subject property is an interior parcel and does not maintain frontage to the existing public right-of-way. The parcel obtains access via an existing access easement (Exhibit B).

Staff find allowing the proposed development with a 10-foot front 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, consistent with the availability already experienced by the property. Staff find that these standards have been met.

- (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's submittal documents that all private land uses will occur on the subject property including off-street parking (Exhibit B). Staff find applicants maintain adequate area on the subject parcel to ensure parking and maneuvering. Applicants are required to demonstrate compliance with Public Work's Road Approach standards and parking standards at time of development when subject to a Consolidated Zoning/Building Permit review. Staff find this standard has been met and can be met through compliance with conditions of approval.

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

Findings: Applicants' submittal includes a site plan that demonstrates that no changes to access will occur as a result of the proposal (Exhibit B). Independence Avenue, a County road, is located north of the proposed development, which is accessed via an existing private easement (Exhibit B). Staff find that these standards are met and can be met through conditions of approval requiring a letter from the Nestucca Rural Fire District.

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

Findings: The County regulates views through compliance with building height requirements. Applicants provided renderings of the proposed development, which appears to be less than 14-feet above finished grade (Exhibit B). Staff find compliance with building height requirements can be demonstrated at the time of consolidated Zoning/Building Permit application submittal. Staff find this standard can be met through compliance with the Conditions of Approval.

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

Findings: The applicant proposes to develop a single-family dwelling which is a use permitted outright in the NeskR-1 zone and is a use consistent with the use of surrounding properties. Staff find this standard 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 find 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) have been met.

Staff conclude 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 front yard setback along the northerly boundary of the

subject property to 10-feet, and therefore, approves the request to reduce the front yard setback to 10-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 August 4, 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 ten (10) foot front yard setback along the northern property line for the proposed bathroom addition; all other applicable setbacks shall adhere to the development standards in TCLUO Section 3.322: Neskowin Low Density Residential Zone (NeskR-1).
3. The applicant/property owner shall provide a fire service letter from the Nestucca Rural Fire Protection District at time of Consolidated Zoning/Building Permit.
4. The applicant/property owner shall obtain an approved consolidated Zoning/Building Permit from the Tillamook County Department of Community Development.
5. The applicant/property owner shall submit a site plan, drawn to scale and confirming all required yard setbacks, except that approved through this Variance request, are met at the time of Consolidated Building and Zoning Permit application submittal.
6. A Dune Area Development Permit prepared in accordance with the requirements of TCLUO Section 3.530 is required for development of the property. The Dune Area Development Permit shall include a Geologic Hazard Assessment prepared in accordance with this section and shall be submitted to the Tillamook County Department of Community Development prior to or at the time of consolidated Building and Zoning Permit application submittal.
7. This approval shall be void on July 23, 2028, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

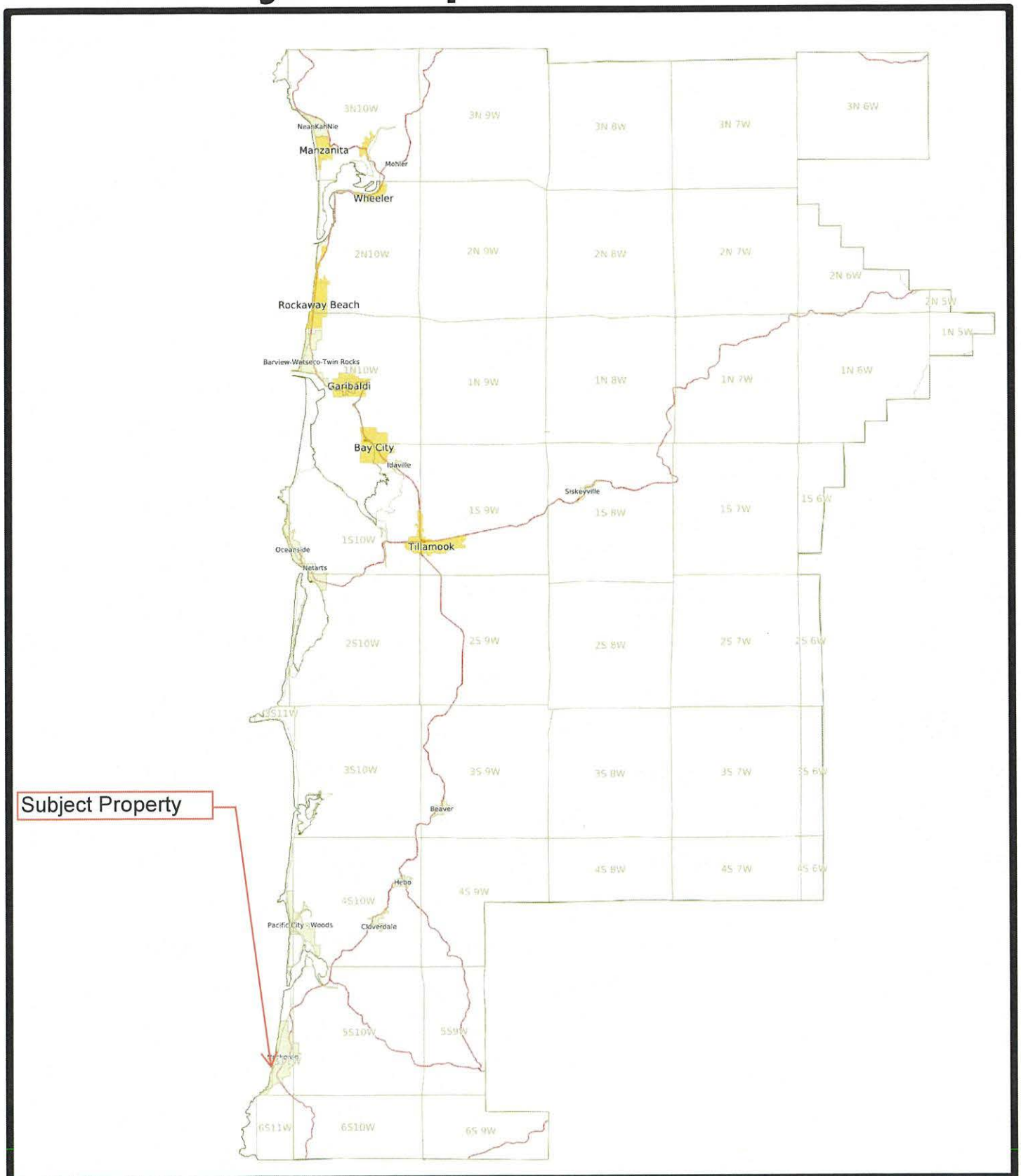
VI. EXHIBITS:

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

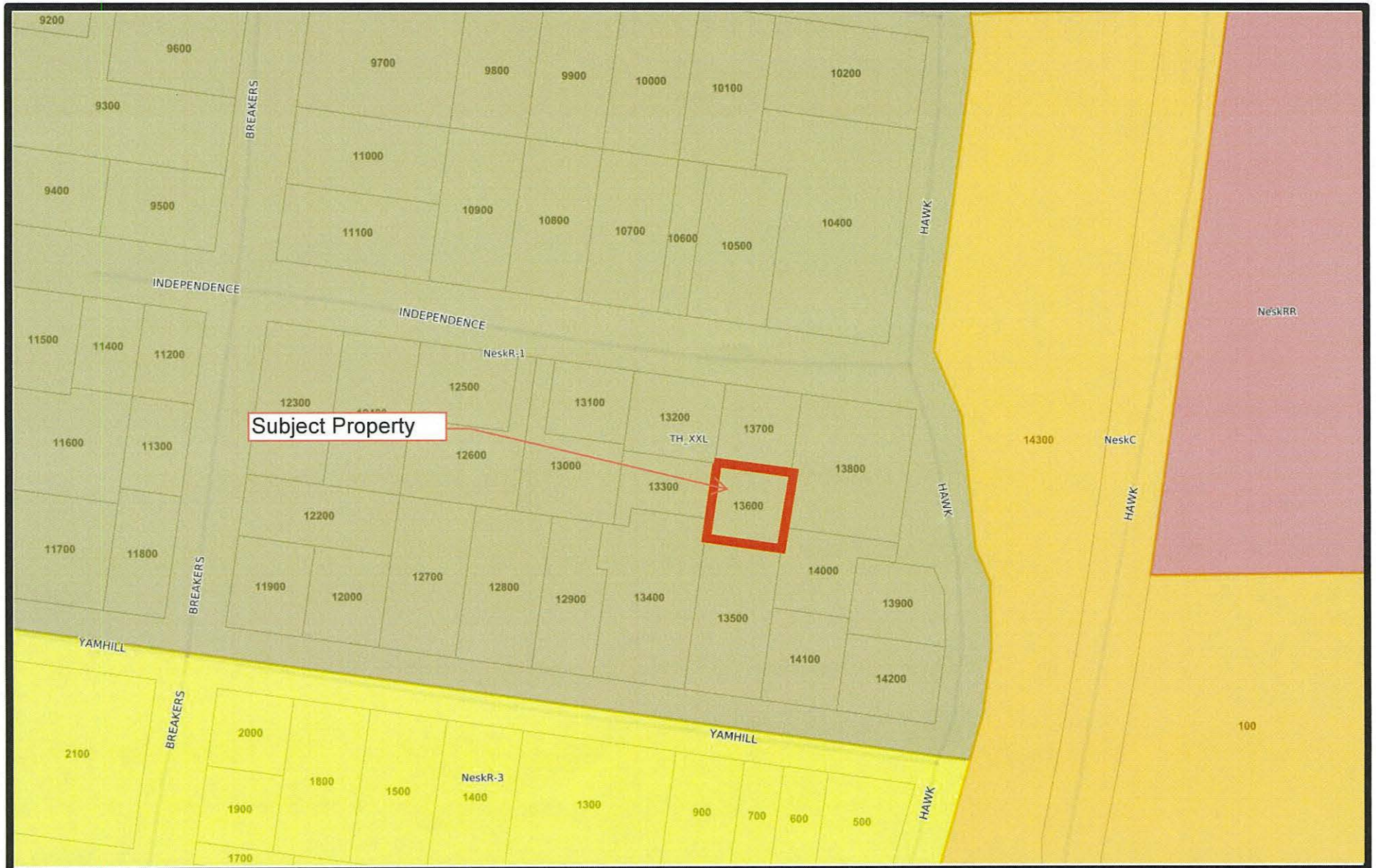
- A. Vicinity map, Assessor's map, Zoning map, Assessor's Summary Report, County Records
- B. Applicant/Property Owner's Submittal
- C. Public Comments

EXHIBIT A

Vicinity Map



Zoning Map



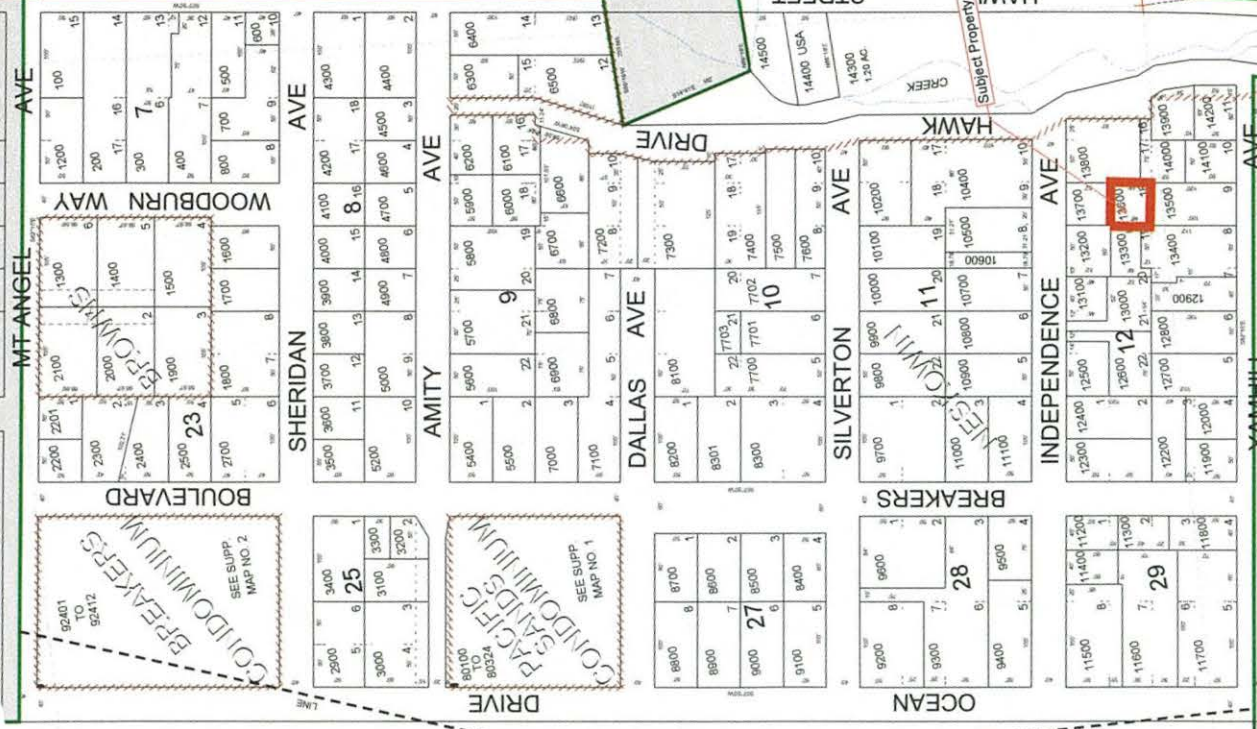
N.W. 1/4 S.W. 1/4 SEC. 25 T.5S. R.11W. W.M.
TILLAMOOK COUNTY

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



COASTAL BREAKERS
CONDOMINIUM
SEE SUPP.
MAP NO. 2

PACIFIC SANDS
CONDOMINIUM
SEE SUPP.
MAP NO. 1



CANCELLED
900
1000
1100
2800
5100
5200
7600
7901
8000
8001
12100
13300

SEE MAP 55 11W25

22-7

COAST HIGHWAY 101

05S11W25
NESKON
Revised 8/12/20

SEE MAP 55 11W25CC

Tillamook County
2025 Real Property Assessment Report
Account 253433

Map 5S1125CB13600
Code - Tax ID 2207 - 253433

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr See Record

Mailing PHILLIPS, RANDI
 132 N 400 W
 BLACKFOOT ID 83221

Deed Reference # 2018-2313
Sales Date/Price 04-18-2018 / \$370,000
Appraiser RANDY WILSON

Property Class 101 MA SA NH
RMV Class 101 09 ST 991

Site	Situs Address	City
1	4465 INDEPENDENCE AVE	COUNTY

Value Summary					
Code Area		RMV	MAV	AV	RMV Exception CPR %
2207	Land	276,320		Land	0
	Impr	143,320		Impr	0
Code Area Total		419,640	197,610	197,610	0
Grand Total		419,640	197,610	197,610	0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2207					LANDSCAPE - FAIR	100			500
	1	☒		NESKR-1	Market	103	0.04 AC		242,690
					OSD - AVERAGE	100			33,130
Code Area Total							0.04 AC		276,320

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2207	1	1920	131	One story	117	794			143,320
Code Area Total						794			143,320

Exemptions / Special Assessments / Notations									
Code Area 2207									
Special Assessments						Amount	Year Used		
■ SOLID WASTE						12.00	2025		

Comments 5/10/03 New addition 100% complete. dv. 7/28/10 Added new deck. Updated OSD. dv 03/13/14 Reappraised land; tabled values. RBB 8/2018 Sales review of subject, field inspection completed, updated inventory, floor plan w/new photos. RCW

National Flood Hazard Layer FIRMeTte



123°59'17"W 45°6'29"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

123°58'40"W 45°6'4"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, A99 |
| | | With BFE or Depth Zone AE, AO, AH, VE, AR |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Area 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 Area of Minimal Flood Hazard Zone X |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard Zone |
| | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |
| OTHER FEATURES | | Cross Sections with 1% Annual Chance Water Surface Elevation |
| | | Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| MAP PANELS | | 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 5/13/2026 at 6:39 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.

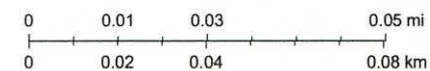
Statewide Wetlands Inventory



5/13/2026, 11:39:06 AM

- | | | |
|--|---|---|
| ● Oregon Address | NHD Area | Freshwater Forested/Shrub Wetland |
| Sections | NHD Waterbody | Riverine |
| Large Scale | USFWS National Wetlands Inventory NWI | SWI Predominantly Hydric Map Units |
| — Perennial | Estuarine and Marine Wetland | |
| — Coastline | Freshwater Emergent Wetland | |

1:1,558



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

Hazard Map

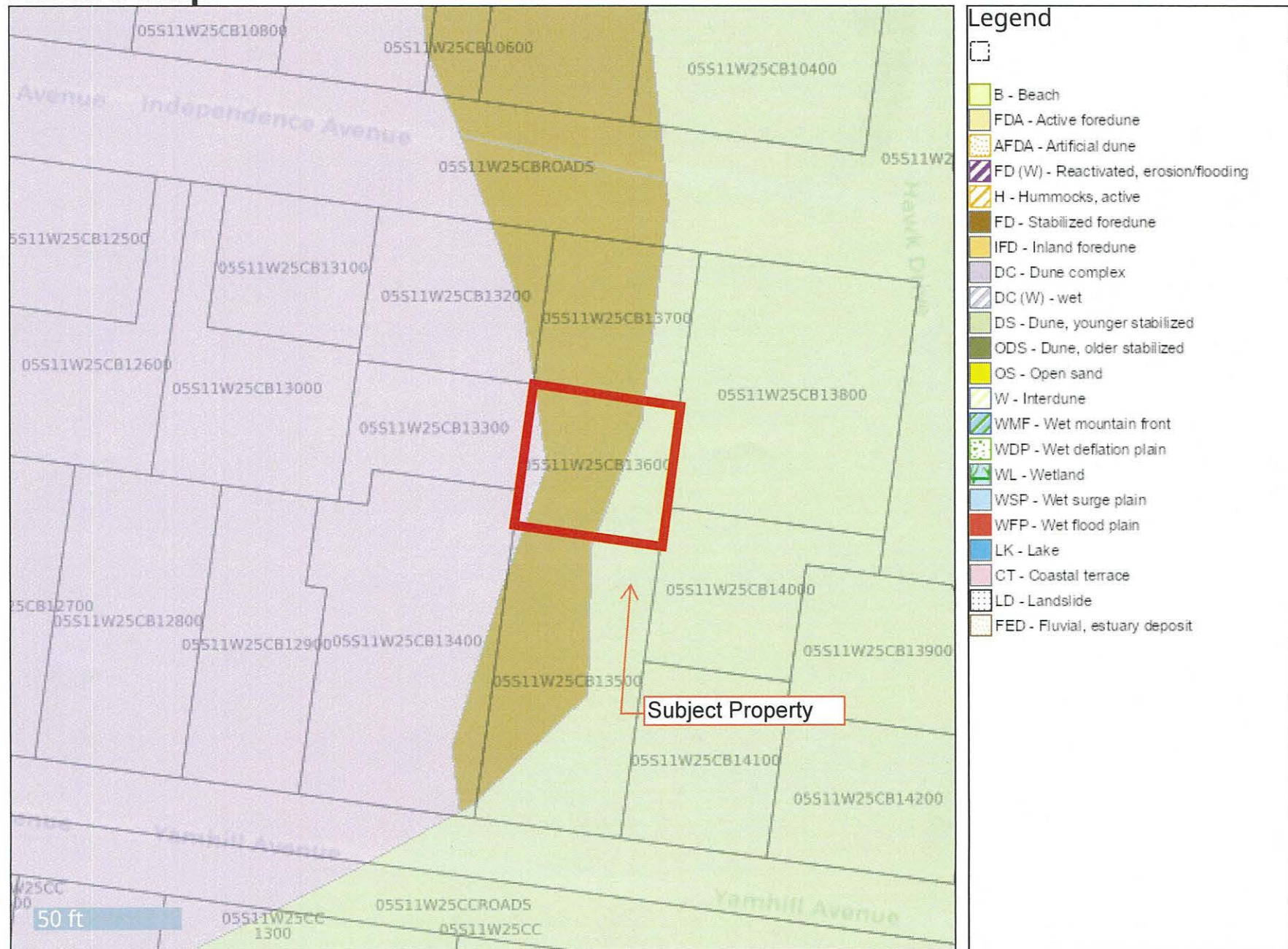


EXHIBIT B



PLANNING APPLICATION

Applicant ☐ (Check Box if Same as Property Owner)

Name: Jeff Burns - Architect Phone: 503.351.6553

Address: 19200 Hwy 101 S

City: Cloverdale State: OR Zip: 97112

Email: jeff@organicmodern.com

Property Owner

Name: Randi Phillips Phone: 208.680.3197

Address: 132 N. 400 W

City: Blackfoot State: ID Zip: 83221

Email: randip132@hotmail.com

OFFICE USE ONLY	
Date Stamp	
RECEIVED	
DEC 11 2025	
BY:	
☐ Approved	☐ Denied
Received by:	
Receipt #:	
Fees:	
Permit No:	
851-25-000594-PLNG	

Request:
"Modification" to "Variance 01-03(a)" to allow for additional livable square footage for a bathroom addition within the approved setbacks. Reference attached 'Regarding Modification Request to Variance 01-03(a)' with modified Exhibits II and V

Type II	Type III	Type IV
☐ Farm/Forest Review	☐ Detailed Hazard Report	☐ Ordinance Amendment
☐ Conditional Use Review	☐ Conditional Use (As deemed by Director)	☐ Large-Scale Zoning Map Amendment
☒ Variance	☐ Ordinance Amendment	☐ Plan and/or Code Text Amendment
☐ Exception to Resource or Riparian Setback	☐ Map Amendment	
☐ Nonconforming Review (Major or Minor)	☐ Goal Exception	
☐ Development Permit Review for Estuary Development	☐ Nonconforming Review (As deemed by Director)	
☐ Non-farm dwelling in Farm Zone	☐ Variance (As deemed by Director)	
☐ Fore-dune Grading Permit Review		
☐ Neskowin Coastal Hazards Area		

Location:

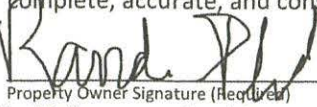
Site Address: 4465 Independence Avenue Neskowin OR

Map Number: 5S	11W	25CB	13600
Township	Range	Section	Tax Lot(s)

Clerk's Instrument #: 2018-002313

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.

 Randi Phillips

December 10 2025

Property Owner Signature (Required)

Date

 Jeff Burns - Architect - 12.2.2025

Applicant Signature

Date

Regarding Modification Request to Variance 01-03(a)

4465 Independence Aveue
Neskowin OR 97149

We are requesting a Per email conversation with planning staff, a variance procedure with notification is required. The Conditions of Approval specifically reference a drawing exhibit showing the building footprint and elevation: Item #2. "The addition shall be located as proposed and shown in the application materials."

The proposed modification to those exhibits, referenced as II and V, are enclosed.

The original variance staff report outlining criteria and findings is included. 'COMMENT' noted for each criteria is in reference to the modification request. The findings and conclusions appear to remain as originally noted by staff.

*Applicant: Jeff Burns – Architect
19200 Hwy 101 S, Cloverdale OR 97112
jeff@organicmodern.com – 503.351.6553*

*Owner: Randi Philips
132 N. 400W, Blackfoot ID 83221
randip132@hotmail.com - 208.680.3197*

I: GENERAL INFORMATION

Original request: *Variance 01-03(a)* was a Variance to Land USE Ordinance Neskowin Low Density Rural Residential (Nesk R-1) Zone to reduce the required front yard setback from 20 feet to 10 feet and to increase the side yard setback from the current 1 foot 4 inches to three feet to replace an addition on an existing structure.

Zone: Neskowin Low Density Rural Residential (Nesk R-1) Zone

Location: In the community of Neskowin. The parcel is accessed via easement from Independence Street and is designated as Tax Lot 13600, Township 5 South, Range 11 West W.M., Section 25CB, Tillamook County, Oregon.

II. APPLICABLE LAND USE ORDINANCE PROVISIONS

1. 3.322 Neskowin Low Density Rural Residential (Nesk R-1)
2. Section 4.005 Residential and Commercial Zone Standards
3. Section 5.100(2) General Exceptions to Lot Size Requirements
4. Article VIII Variance Procedure and Criteria

III. ANALYSIS

A. LAND USE ORDINANCE (LUO) REQUIREMENTS

1. Section 3.322 Neskowin Low Density Rural Residential (Nesk R-1) Zone. This section lists the "Standards" for uses which are permitted outright, and uses which are conditional.

"Prior Findings: Single Family Dwellings are permitted as an outright use in Section 3.322. The standards for front and rear yards are both 20 feet. Minimum side yards are five feet. This variance request would set the side yard setback at 3 feet from the property line and the front yard setback at 10 feet from the front property line to construct an addition to an existing dwelling. The *property* does not abut a road and has an easement which allows access to the parcel, **Exhibit II**.

This section also defines height. The applicant is not applying for a Variance to the height, but has submitted drawings indicating the proposed height of the structure. Two neighbors requested information regarding the height of the J proposed addition. The applicant supplied this information in support of his request. The applicant has identified the height of the structure to be 13 feet 9 inches from the existing floor level. A Condition of Approval **can** require the addition to be constructed as illustrated, **Exhibit V**. "

"Prior Conclusion: Staff concludes that place the proposed structure, and to allow for a reduction in the front setback from 20 feet to 10 feet and the side yard setback to 3 feet from 1 foot 4 inches would require a Variance. This criterion is met.

COMMENT: Per Variance 01-03(a) staff determined a variance was required for reduced setbacks. There is no change to proposed setbacks. The overall structural height will remain under the 13 ft 9 inch mark indicated on the original variance approval.

Our modification request is triggered by Condition of Approval #2. "The addition shall be located as proposed and shown in the application materials."

"2. Section 4.005 Residential and Commercial Zone Standards. This section lists the purposes of the land use standards in each of the residential and commercial zones. These are:

- (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 two dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, 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.

Variance Criteria (3) requires consideration of these standards during the review of Variance requests.

Findings: The proposed front and side yard do not impair the availability of open space, adequate light and air, privacy, safety and emergency access, and solar energy production potential. The proposed side yard setback does increase the area between properties. The applicant has identified two parking spaces to be maintained on the parcel. The applicant has also identified the proposed addition height as 13 feet and 9 inches above the existing floor, approximately 1 1/2 stories.

Conclusions: Staff concludes that this proposal is consistent with Section 4.005. The rights of adjoining property owners to use and enjoy their land can be preserved. This request for a variance does not pose an undue burden on surrounding parcels nor effect traffic safety along the street right of way. Therefore, these standards can or will be met."

COMMENT: The proposed bath addition would not change the finding and conclusions found in the original variance. Vehicular access remains as is. Setbacks as approved will remain. The addition height does not impact solar gain or views from other properties.

"3. Section 5.100(2) General Exceptions to Lot Size Requirements. A lot or parcel, as recorded in the office of the County Clerk prior to the adoption of this Ordinance, which complies with the standards then in effect, but which does not now meet the dimensional lot standards of the zone in which the property is located, may nevertheless be occupied by a one-family dwelling if the lot or parcel meets all other applicable Ordinance requirements, including setbacks, provided that lots smaller than 3,000 square feet.

Findings: The parcel is approximately 2500 square feet in size. The applicant is providing a 10-foot side yard as required. This Exception allows for a reduction in the front and rear setbacks from 20 feet each to a combination of 30 for both with a minimum of ten feet on either. The applicant has met the 10 feet at the rear of the property and is requesting a reduction to 10 feet for the front through this Variance. The property is approximately 50 feet by 50 feet. The Variance request does not exceed the 70% coverage for depth and width required of a lot in Neskowin.

Conclusions: Staff concludes the parcel meets the minimum requirements allowing a reduced front and/or rear setback requiring only a Variance to the front setback. This criterion is met."

COMMENT: The proposed bath addition would not change the finding and conclusions found in the original variance. The structural coverage with addition is approximately 60%.

"B. VARIANCE PROCEDURE

1. Section 8.020 Procedure requires notification of the request to be mailed to landowners within 250' of the subject property, to allow 10 days for written comment, and requires staff to consider comments received in making the decision.

Three responses were received from agencies and the public.

Findings: A notice of the request was mailed to 90 property owners and agencies.

Conclusion: The requirements of this section are met through the notice procedures followed, and by the findings above."

COMMENT: The proposed bath addition would not change the prior concerns of neighbors regarding height. We understand notice procedure for the modification is required due to the specific exhibit drawings included with the variance and specified in the conditions of approval.

"2. VARIANCE REVIEW CRITERIA

Article VIII of the Tillamook County Land Use Ordinance contains the procedures and review criteria for processing a Variance request. Section 8.030 states that a variance may be authorized if the applicant adequately demonstrates that the proposed use satisfies all relevant requirements, including all four (4) review criteria. Section 8.030 also contains the review criteria, which are applicable to this request. These criteria, along with Staff's findings and conclusions are indicated below. Applicant's justification letter is attached is attached and labeled "Exhibit III".

a). "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."

Findings: Parcel 16300 is an interior lot accessed from Independence, a public right-of-way, through an easement. The present structure extends three and a half feet into the required 5 foot side yard setback, and 10-feet into 20 foot front yard setback. The addition is proposed to be constructed at three feet from the side yard setback and 10 foot front and rear setbacks. This increase in the side yard setback improves issues of building codes and allows for greater area for access for safety. This is a small lot, which can meet the Small Lot Exception, defined above. The applicant is requesting to remove an older addition and replace it with a new addition. There is an existing porch on the structure at 10 feet from the front property line.

Conclusion: Staff concludes that impacts from this Variance can be minimized by locating the addition at three feet from the side yard property line and through the 10 foot from the front property line. The setback increase from the side property line improves issues of safety and Building Code requirements. This criterion is met.

COMMENT: The modification will not change the approved variance setbacks.

b). 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: The Neskowin Low Density Rural Residential (Nesk R-1) zone allows placement and modifications of single-family dwellings as an outright use providing all standards can be met. Surrounding parcels have similar dwelling units.

Conclusion: Staff concludes that the proposed Variance is necessary to accommodate a use, which can reasonably be expected to occur in this area. The criterion is met.

COMMENT: The modification will allow for a second bathroom, which is a reasonable and expected single family feature.

c). "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: The Variance request is to increase the distance between the proposed structure and the side yard property line and to allow a 10 foot setback from the front property line. The rear setback will be 10 feet, and all parking will be maintained on the site. Access to the lot is from Independence. The right-of-way is 40 feet wide and developed at this time. Increased space between properties allowing for adequate light and air, privacy, and emergency access would be gained.

Conclusion: Open space, adequate light and air, visibility and access to common roads shall be maintained with the Variance. These standards can or will be met through conditions of approval.

COMMENT: The modification will not affect the approved variance setbacks or access to roads, light, air, or visibility.

d). "There are no reasonable alternatives requiring either a lesser or no variance."

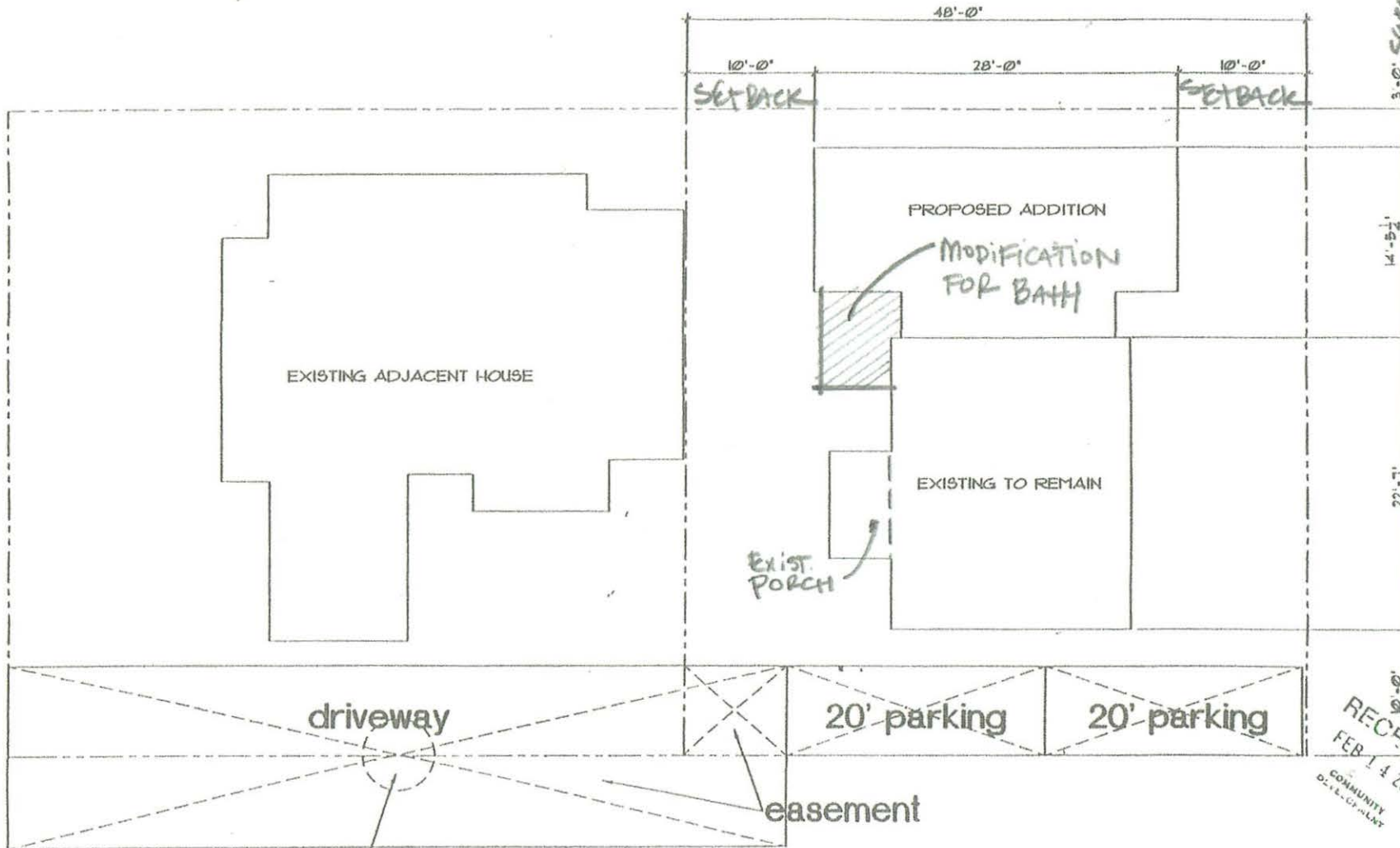
Findings: Staff finds no reasonable alternative to the proposed Variance. The proposed addition, with existing structure, is approximately 800 square feet in size, which is a reasonable expectation. The lot is small, approximately 2500 square feet, and has an existing structure, which can meet the requirements of the zone. Staff finds the proposed Variance request, given the building envelope, and that the structure is not located on the right-of-way is reasonable. The proposed development and setback requests do not impact sight distance.

Conclusions: Staff Concludes that circumstances related to dimensional constraint limits the area available for development. For the proposed use. There is no reasonable alternative. The criterion is met.

COMMENT: The proposed bathroom addition is modestly sized to meet the needs of a three bedroom residence, as a second bathroom. There would be no change to approved setbacks or impact on sight distances. Changes to the livable square footage meet zoning requirements with the variance setbacks, and is only restricted because of the variance language in Condition #2.

*Prepared by Jeff Burns – Burns Organic Modern
December 2, 2025*

INDEPENDENCE AVENUE



RECEIVED
FEB 14 2001
COMMUNITY
DEVELOPMENT

existing septic tank for existing houses



PROPOSED PLOT PLAN
Scale 1/8" = 1'-0"

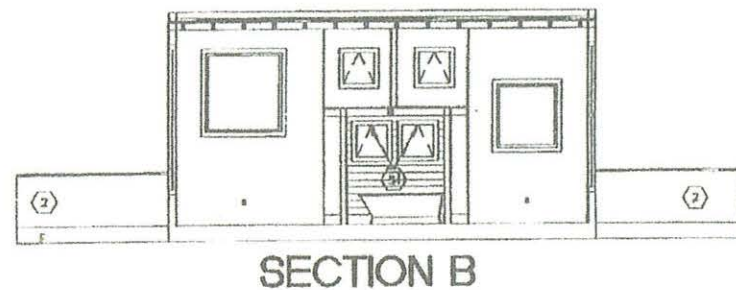
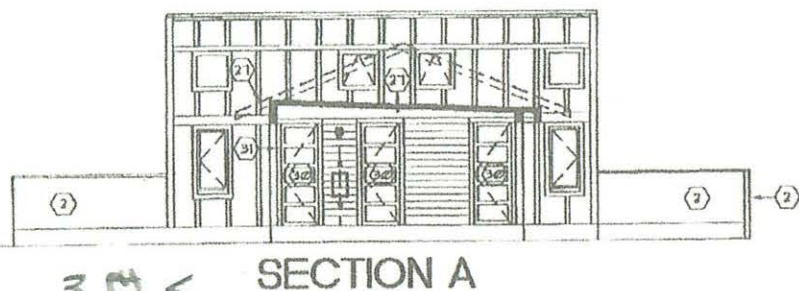
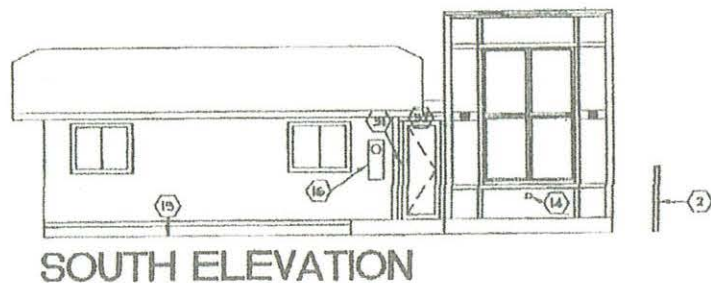
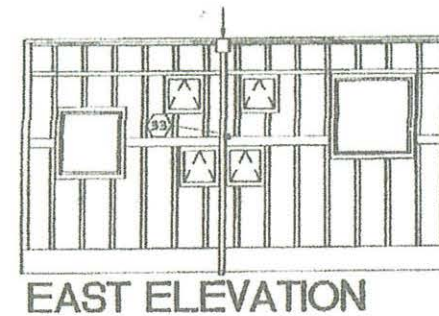
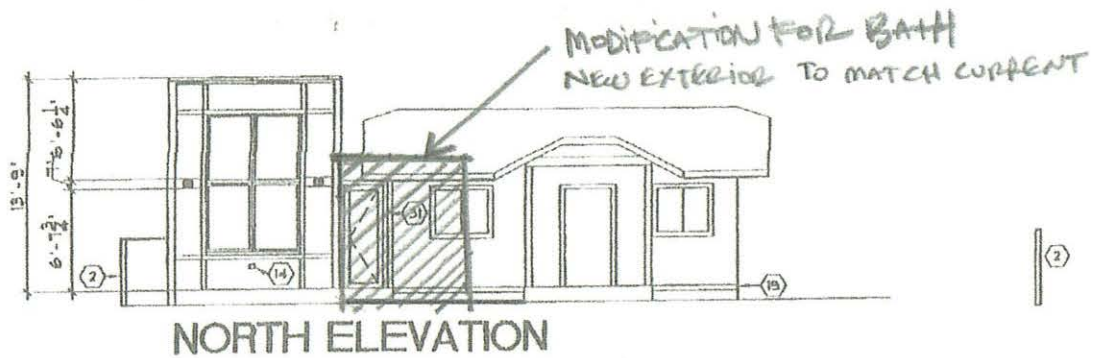
12 February 2001

Remodel For Stephen Domreis
6518 SE 30 Avenue Portland, Oregon 97202

at 4465 Independence Avenue Neskowin, Oregon

Vol-03(a)
EXHIBIT II
MODIFICATION 12.2.05

Post-It® Fax Note 7671		Date 2/21	# of pages 2
To <i>Joe Loney</i>	From		
Co./Dept.	Co.		
Phone #	Phone #		
Fax # <i>2-6473</i>	Fax #		



Remodel For Stephen Domreis 12 February 2001 Scale 1/8" = 1'-0" ELEVATIONS / SECTIONS

VOI-03(a)
Exhibit V
modification 12/2/21

EXHIBIT C

Melissa Jenck

From: Sarah Thompson
Sent: Friday, May 22, 2026 7:39 AM
To: Melissa Jenck
Subject: FW: EXTERNAL: Variance Request #851-25-000594-PLNG

See below.

From: Josh Hall <joshrandallhall@gmail.com>
Sent: Friday, May 22, 2026 7:34 AM
To: Sarah Thompson <sarah.thompson@tillamookcounty.gov>
Cc: Donna Hall <dannahall@charter.net>
Subject: EXTERNAL: Variance Request #851-25-000594-PLNG

You don't often get email from joshrandallhall@gmail.com. [Learn why this is important](#)

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

Hello Sarah,

Thank you for providing the application materials regarding Variance Request #851-25-000594-PLNG for 4465 Independence Avenue in Neskowin.

We are the owners of the adjacent property at 4475 Independence Avenue and have reviewed the submitted packet and site plans. Based on our review, we support Randi's proposed bathroom addition and the requested variance modification.

We appreciate the opportunity to review the materials and provide input.

Thank you,

Josh Hall
4475 Independence Avenue
Neskowin, OR