



1510 – B Third Street
Tillamook, Oregon 97141
www.tillamook.or.us
Building (503) 842-3407
Planning (503) 842-3408
Sanitation (503) 842-3409
FAX (503) 842-1819
Toll Free 1(800) 488-8280

Land of Cheese, Trees and Ocean Breeze

CONDITIONAL USE REQUEST #851-21-000223-PLNG: SEARS

*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: August 10, 2021

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

#851-21-000223-PLNG: Conditional Use request for the placement of a dock and storage shed on a property within the Tierra Del Mar Community. Located north of the Unincorporated Community of Pacific City/Woods, the subject property is zoned Rural Residential 2-Acre (RR-2) with the Shoreland Overlay (SH) Zone and is designated as Tax Lot 3401 in Section 1DD of Township 4 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon. The applicant and property owner is David Sears.

Written comments received by the Department of Community Development prior to 4:00p.m. on August 24, 2021 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 August 25, 2021.

Notice of the application, a map of the subject area, and the applicable criteria are being mailed to all property owners within 250 feet of the exterior boundaries of the subject parcel for which the 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 on the Tillamook County Department of Community Development website:

<https://www.co.tillamook.or.us/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

If you have any questions about this application, please contact Sarah Absher, Director, at 503-842-3408 Ext. 3317, sabsher@co.tillamook.or.us.

Sincerely,

Sarah Absher, CFM, Director

Enc. Applicable Ordinance Criteria, Maps

REVIEW CRITERIA

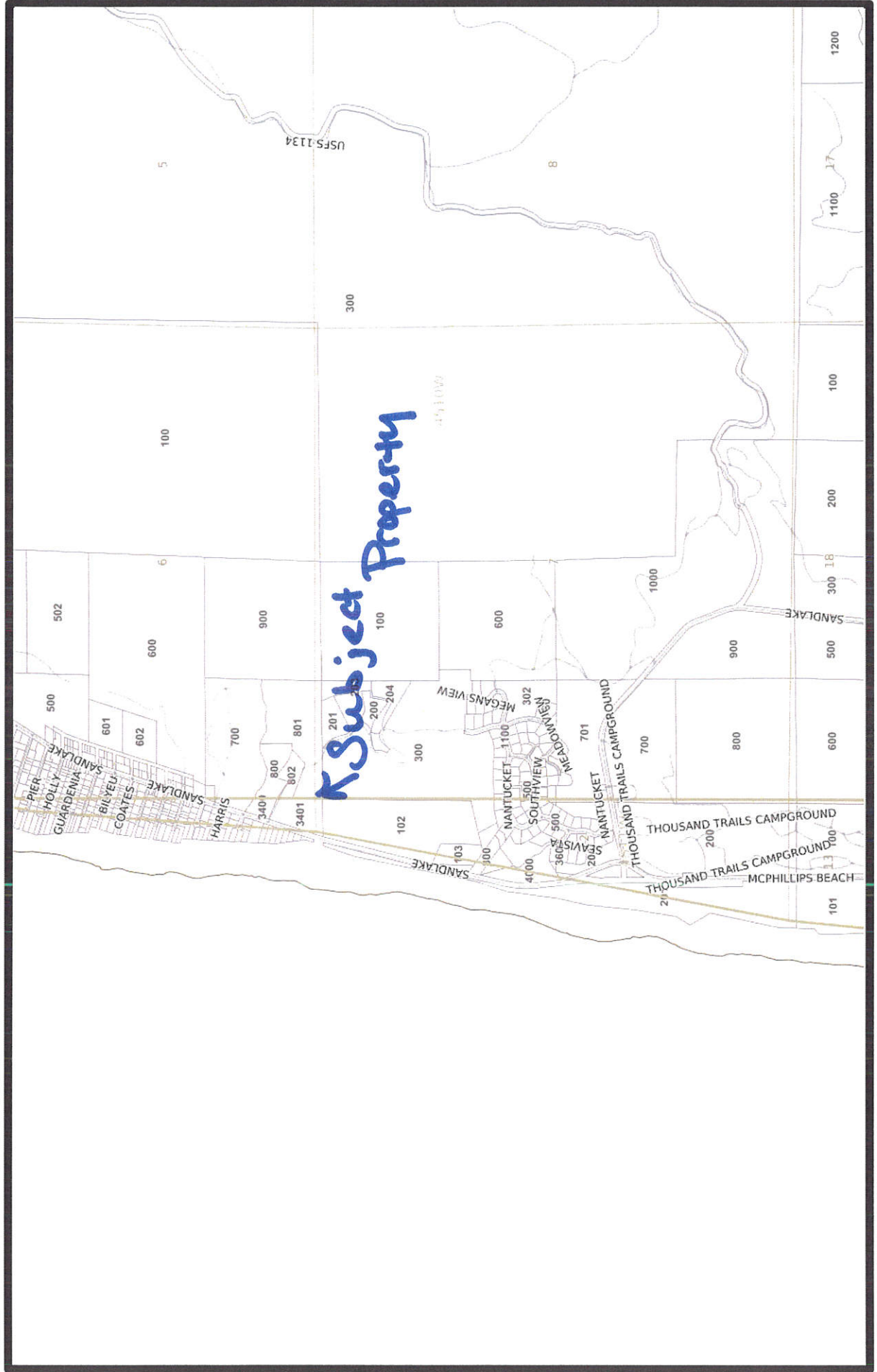
ARTICLE VI - CONDITIONAL USE PROCEDURES AND CRITERIA

SECTION 6.040: REVIEW CRITERIA:

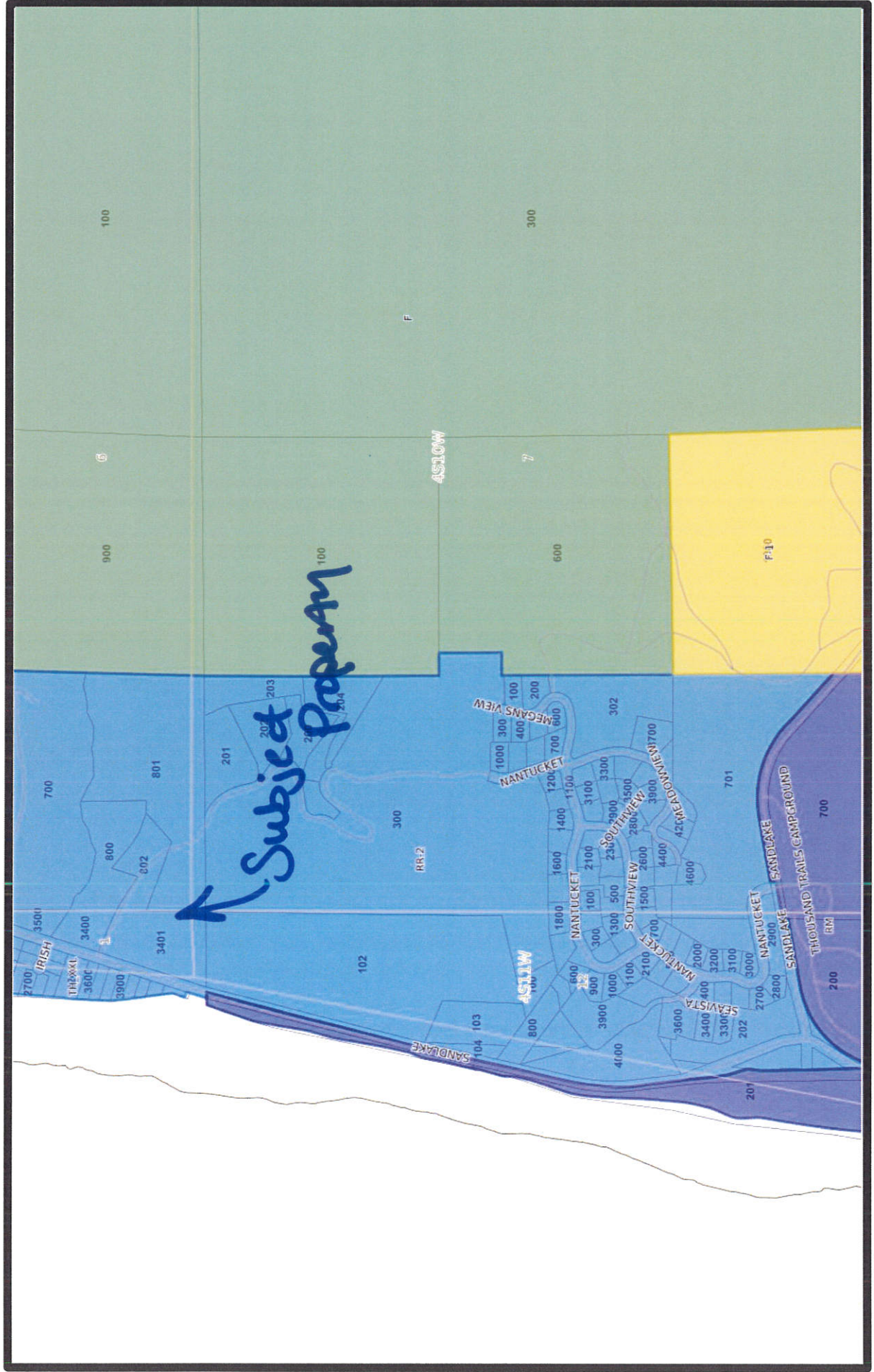
Any CONDITIONAL USE authorized according to this Article shall be subject to the following criteria, where applicable:

- (1) The use is listed as a CONDITIONAL USE in the underlying zone, or in an applicable overlying zone.
- (2) The use is consistent with the applicable goals and policies of the Comprehensive Plan.
- (3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.
- (4) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.
- (5) The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.
- (6) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

Map



Map





PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	
RECEIVED	
JUN 16 2021	
BY:	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	BOX
Receipt #:	
Fees:	\$1,089 ⁰⁰
Permit No:	851-2-00023 PLNG

Applicant (Check Box if Same as Property Owner)

Name: David Sears Phone: 503 965 5071
 Address: 28805 Sandlake Rd
 City: Cloverdale State: OR Zip: 97112
 Email: dgs@sears@hotmail.com

Property Owner

Name: _____ Phone: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Email: _____

Request: See attached

- | Type II | Type III | Type IV |
|--|---|---|
| <input type="checkbox"/> Farm/Forest Review | <input type="checkbox"/> Appeal of Director's Decision | <input type="checkbox"/> Appeal of Planning Commission Decision |
| <input checked="" type="checkbox"/> Conditional Use Review | <input type="checkbox"/> Extension of Time | <input type="checkbox"/> Ordinance Amendment |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Detailed Hazard Report | <input type="checkbox"/> Large-Scale Zoning Map Amendment |
| <input type="checkbox"/> Exception to Resource or Riparian Setback | <input checked="" type="checkbox"/> Conditional Use (As deemed by Director) | <input type="checkbox"/> Plan and/or Code Text Amendment |
| <input type="checkbox"/> Nonconforming Review (Major or Minor) | <input type="checkbox"/> Ordinance Amendment | |
| <input type="checkbox"/> Development Permit Review for Estuary Development | <input type="checkbox"/> Map Amendment | |
| <input type="checkbox"/> Non-farm dwelling in Farm Zone | <input type="checkbox"/> Goal Exception | |
| <input type="checkbox"/> Foredune Grading Permit Review | | |
| <input type="checkbox"/> Neskowin Coastal Hazards Area | | |

Location:

Site Address: _____
 Map Number: 45 1101 DD 03401
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.

David Sears
 Property Owner Signature (Required)

6/15/2021
 Date

Applicant Signature

Date

Conditional Use Request in reference to
Dock on Sears Lake

I am submitting this Conditional Use Request to put a dock and storage shed on my property located on the south end of Tierra Del Mar. The following are the attachments enclosed:

- Map of area and details of dock proposal sent to Army Corp of Engineers.
- Letter from Army Corp of Engineer dated November 20, 2020
- Wet Land Delineation map
- Response to criteria needed from goal 17

The purpose of the project is to have a dock to give my family and friends easier and safer access to the lake. The existing access to the lake we want to use has been in use by us for the last 50 years. This is an upgrade for what we are currently using. The request for the storage shed is both for convenience and security. It would be easier to have the chairs, barbecues, and kayaks there at all times instead of hauling them back and forth. This stuff needs to be secured as we have had an issue with theft. Last summer we had two kayaks go missing.

Submitted by,



David Sears

Conditional Use Criteria in reference to
Dock on Sears Lake

- (1) The property for the location of the dock is Rural Residential. Under Goal 17 it is listed as Significant Habitat. On page 63, 5.1, under Water Dependent Uses it states that docks are allowed.
- (2) The dock not to be more than 200 square feet in size and a floating 30' ramp from the shore to the dock will have a low impact on the area. It will allow our family and friends to safely access the water. There is an existing break in the reeds approximately 20 wide that has been maintained in this location for at least the last 50 years. The ramp will be positioned along this existing break. No reeds or other vegetation will be cut back or removed for the placement of the floating ramp or dock itself. We are also requesting to put in a storage shed not larger than 20' x 20' to store small personal watercraft, safety gear like life jackets, and comfort items like chairs. The site is visible from Sandlake Rd and there have been issues with theft in the past. The shed will be positioned outside of the wetland boundary as shown on the delineation map.
- (3) The dock and shed is to be put on a 4 acre field. There are two access points to this property. One is located across from the Tierra Del Mar beach access on the southern part of the field. The other is located on the north end. There is a service road that goes around the north end of Sears lake that goes up to Nantucket Shores. Approximately 65' in from Sandlake Rd on that service road is another gated access that is what we primarily use to access the pasture. No alterations need to be completed on the field for the dock or even the shed. The land is relatively flat and accessible now even with a passenger car. It is and has been maintained as a pasture.
- (4) The dock will be located on the lake side of the reeds of course so it will not be visible from Sandlake Rd. The proposed shed will be visible but it will be a one story structure and consistent with existing buildings in the area. The current and future residents of Nantucket Shores will and may see the dock from their property. Both the dock and shed will not be hampering or interfering with their day to day routines in any way. Again, they may be able to see the dock and shed but it will not be blocking their view of the beach or ocean. This area of south Tillamook county is a multi use recreational area. Tierra Del Mar and the beach is directly across from the pasture. Tierra Del Mar has a combination of full time residents, weekend cabins and quite a few short term rentals. The beach itself is enjoyed by people with jet skis, motorized kites, and the public in general. It is available for driving on and becomes quite busy in the summertime. This proposed dock and shed is consistent with the recreational activities in the area.
- (5) There are currently no solar energy, wind energy conversion systems or wind mills in the area that I am aware of.

Conditional Use Criteria in reference to
Dock on Sears Lake
(cont).

(6) The proposed project is located on the southern end of Tierra Del Mar. It is accessible from Sandlake Rd. Approximately 4 miles north of Pacific City where there's a fire station. It is approximately 20 miles south of Tillamook. The exact location of the project is accessible year round despite heavy rains due to the soil mainly being sand it never gets muddy. It currently has two access points to the location, one on Sandlake Rd and the other on an access road north of the lake.



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT
P.O. BOX 2946
PORTLAND, OR 97208-2946

November 25, 2020

Regulatory Branch
Corps No.: NWP-2020-368

Mr. David Sears
28805 Sandlake Road
Cloverdale, OR 97112
dgsears@hotmail.com

Dear Mr. Sears:

The U.S. Army Corps of Engineers (Corps) has received your application for a Department of the Army (DA) permit to place a dock, gangway and two wood posts in a freshwater lake known as Sears Lake. Sears Lake is located at 28805 Sandlake Road in Cloverdale, Tillamook County, Oregon at Latitude/Longitude: 45.24634°, -123.96585°. Your application has been assigned Corps No.: NWP-2020-368. Please refer to this number in all correspondence. We have reviewed the application you provided to us pursuant to Section 404 of the Clean Water Act (CWA).

Under Section 404 of the CWA, a DA permit is generally required for the discharge of dredged or fill material into waters of the U.S. The proposed project does not involve a discharge of dredged or fill material regulated under Section 404, therefore a Section 404 DA permit is not required. The project would place two 8-inch diameter wood posts within Sears Lake for placement of a 10-foot by 20-foot dock with a 30-foot gangway as documented on the enclosed document figures (Enclosure 1).

Our determination regarding the proposed work is based on the project description and construction methods provided in your permit application. You are cautioned that any change in the location or plans of the work may result in activities that require a DA permit.

We would like to hear about your experience working with the Portland District, Regulatory Branch. Please complete a customer service survey form at the following address: https://corpsmapu.usace.army.mil/cm_apex/f?p=136:4.

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If you have any questions regarding our regulatory authority, please contact Mr. Jason Pietroski by telephone at (503) 530-0118 or e-mail at: Jason.P.Pietroski@usace.army.mil.

Sincerely,

A handwritten signature in cursive script that reads "Jaimee W. Davis".

Jaimee W. Davis
Chief, Portland Permits Section, Regulatory

cc:

Oregon Department of State Lands (Daniel Evans, Daniel.Evans@dsl.state.or.us; Dan Cary, dan.cary@dsl.state.or.us)
Oregon Department of Environmental Quality (401applications@deq.state.or.us)
Oregon Department of Land Conservation and Development (Patty Snow, patty.snow@state.or.us; Deanna Caracciolo, deanna.caracciolo@state.or.us)

FIGURE 5 WETLAND MAP

GRAPHIC SCALE

SCALE: 1" = 100'-0"



LEGEND	
Symbol	Classification
	STUDY AREA
	ON-SITE DELINEATED WETLAND AREA 'A' 61,486 SF (1.18 AC.)
	ON-SITE DELINEATED WETLAND AREA 'B' 2,593 SF (0.06 AC.)
	ON-SITE DELINEATED WETLAND AREA 'C' 8,965 SF (0.16 AC.)
	WETLAND DELINEATION BOUNDARY
	ORDINARY HIGH WATER MARK (OHWM)
	SAMPLE POINT LOCATION
	PHOTO POINT AND DIRECTION



DESIGNED BY: ACS
 DRAWN BY: TAM
 CHECKED BY: ACS
 APPROVED BY: ACS

**Westbrook
 Science & Design, LLC**

* SAMPLE PLOT LOCATIONS AND JURISDICTIONAL BOUNDARY WERE OBTAIN BY UTILIZING A TRIMBLE SC2000 GPS DEVICE. ACCURACY +/- 1 FOOT.

SEARS PROPERTY
 TILLAMOOK COUNTY
 T 48, R 11W, SECTION 1, TAX LOT 3401

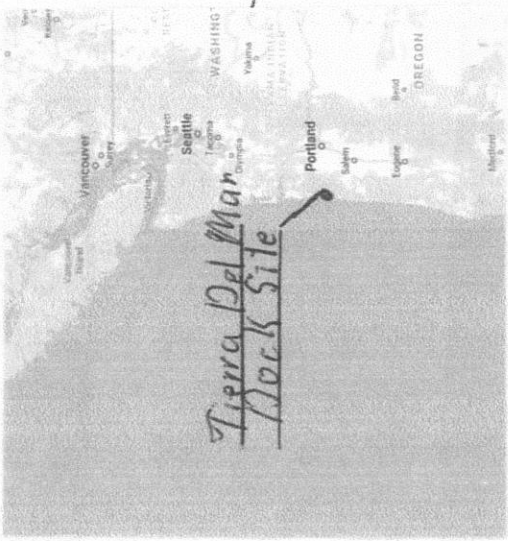
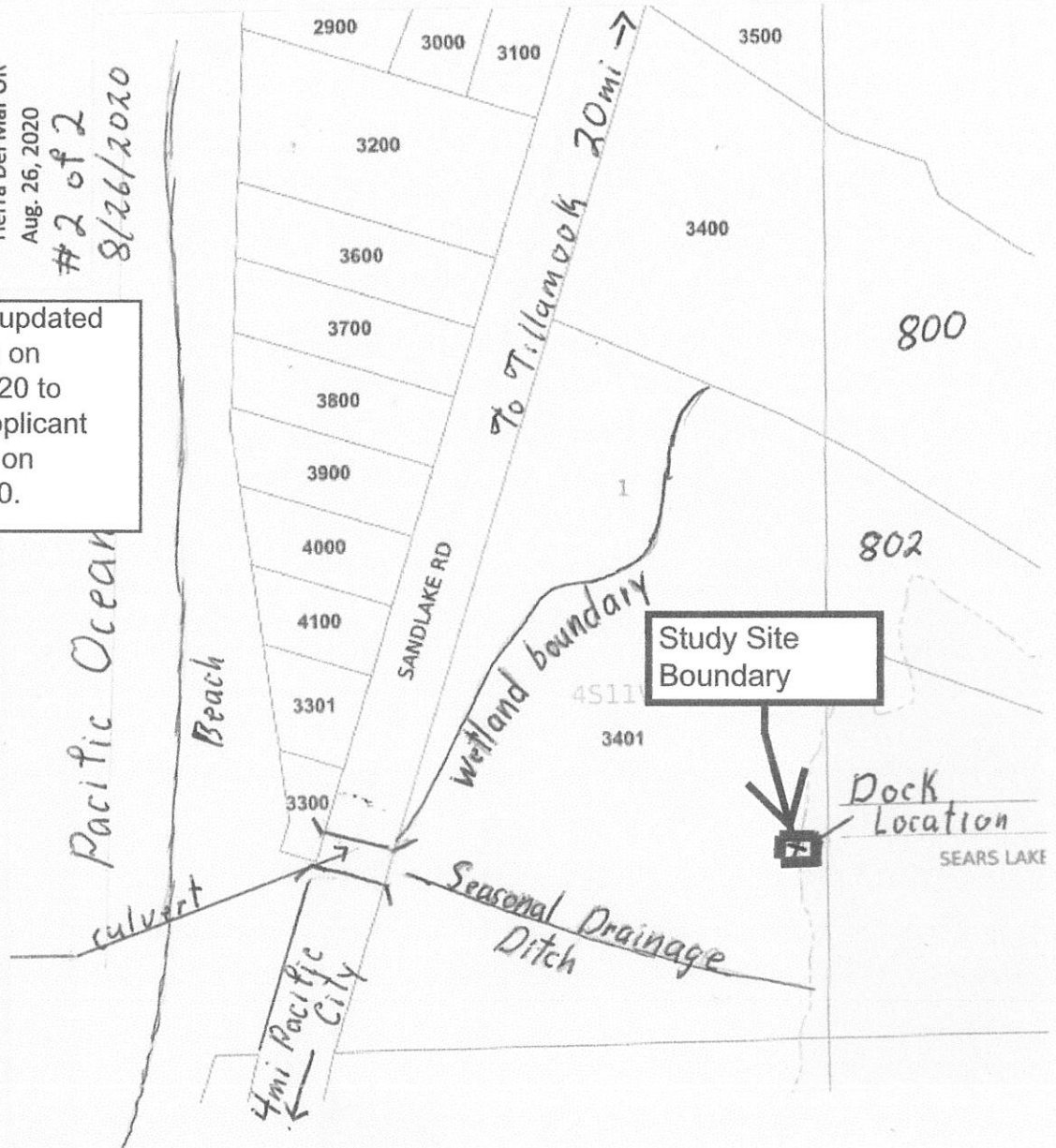
DATE: 2021 | **WETLAND DELINEATION**

FIGURE

5

David Sears
 Sears Lake Dock
 Tierra Del Mar OR
 Aug. 26, 2020
 #2 of 2
 8/26/2020

Drawing updated
 by Corps on
 11/20/2020 to
 reflect applicant
 changes on
 10/7/2020.



David Sears
Sears Lake Dock
Tierra Del Mar OR
Aug. 26, 2020

#1 of 2
8/26/2020

Drawing updated by
Corps on
11/20/2020 to
reflect applicant
changes on
10/7/2020.

1" = 10 Feet

bulrushes

Study Area
Boundary

Wooden posts to be
installed.

Existing bank



Maintained
Lake Access

30'

30-foot

Dock

20-foot

10-foot

OHW is 1'
below existing
bank height

OHW

Summer level

Dock
end view

Min. 4'

Lake bottom