



1510 – B Third Street  
Tillamook, Oregon 97141  
[www.tillamook.or.us](http://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 REVIEW REQUEST #851-21-000329-PLNG: BAYER**

*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: October 25, 2021**

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

**#851-21-000329-PLNG:** A Conditional Use Request to site an Accessory Structure without an on-site primary structure on a property located within Unincorporated Tillamook County. The subject property is located at 5850 Ninth Street, a local access road, and is designated as Tax Lot 5600 in Section 7AC of Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. The applicant and property owner is Maureen Bayer.

Written comments received by the Department of Community Development prior to 4:00p.m. on November 9, 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 the next business day, November 10, 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 an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website: <http://www.co.tillamook.or.us/gov/ComDev/planning/default.htm> 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 call the Department of Community Development at 503-842-3408 x3317, or [claws@co.tillamook.or.us](mailto:claws@co.tillamook.or.us)

Sincerely,

Christopher S. Laws, Planner II

Sarah Absher, Director, CFM

Enc. Applicable Ordinance Criteria, Maps

## REVIEW CRITERIA

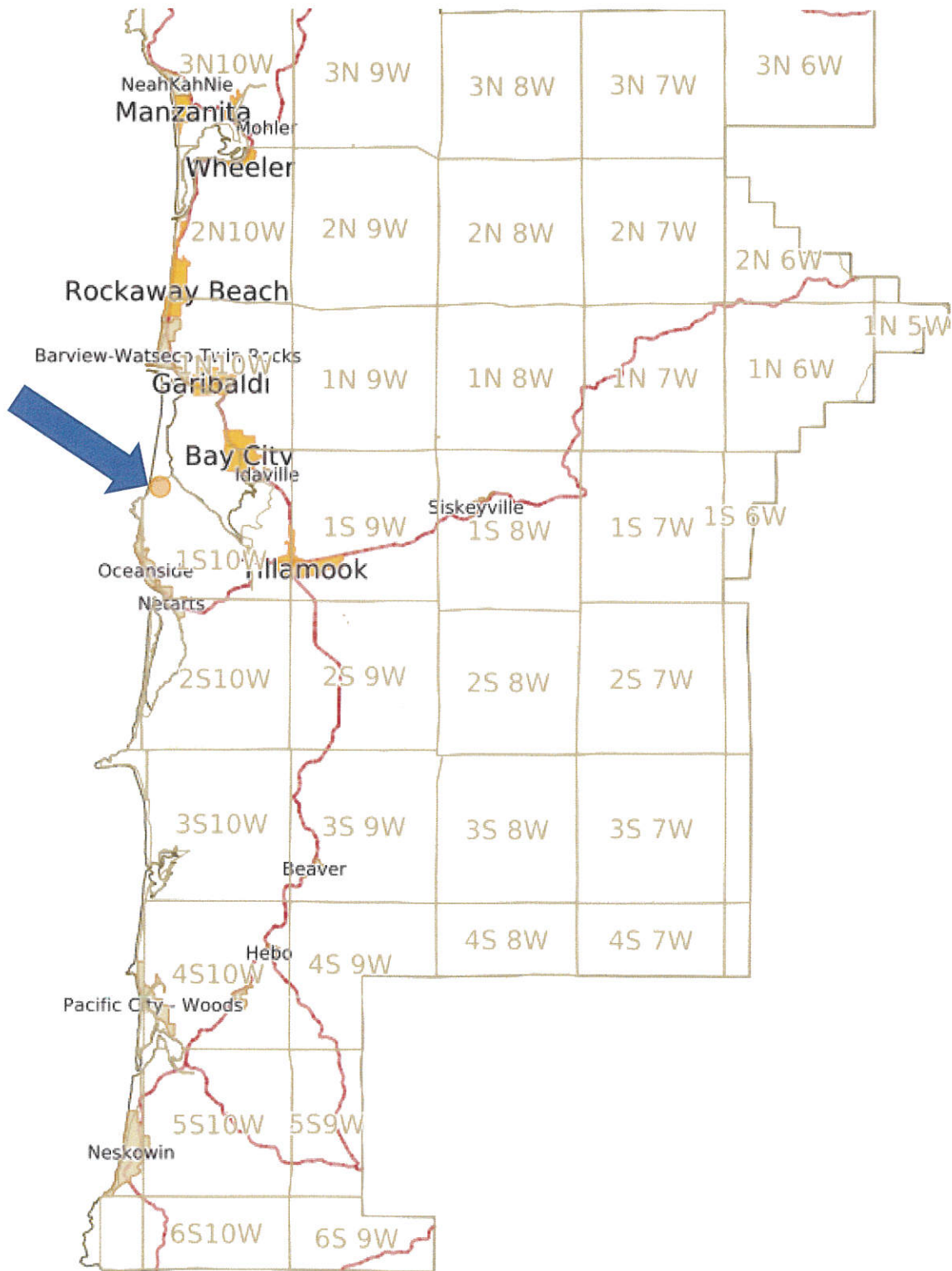
### TCLUO ARTICLE VI:

#### 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

AREA MAP











## PLANNING APPLICATION

### Applicant (Check Box if Same as Property Owner)

Name: Maureen Bayer Phone: 415-531-6160  
 Address: 6255 SW 54th Avenue  
 City: Portland State: OR Zip: 97219  
 Email: maureenbayer@gmail.com

### Property Owner

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

OFFICE USE ONLY	
Date Stamp	RECEIVED
	AUG 13 2021
BY:	Email
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: MJ	
Receipt #:	
Fees: \$1,089.00	
Permit No:	
851-21-000329 -PLNG	

Request: Requesting Type II Conditional Use Review for the siting of an accessory structure without an onsite primary dwelling. The accessory structure is a 12' by 14' metal roof with four wooden posts, used to cover a picnic table.

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

### Location:

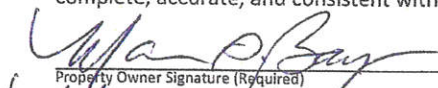
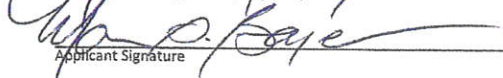
Site Address: 5850 NW 9th Avenue Tillamook Oregon

Map Number:	1S	10W	07	1S1007AC05600
	Township	Range	Section	Tax Lot(s)

Clerk's Instrument #: 2020-4912

### 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.

	8/6/2021
Property Owner Signature (Required)	Date
	8/6/2021
Applicant Signature	Date



## PLANNING APPLICATION

**Applicant**  (Check Box if Same as Property Owner)

Name: Maureen Bayer Phone: 415-531-6160  
 Address: 6255 SW 54th Avenue  
 City: Portland State: OR Zip: 97219  
 Email: maureenbayer@gmail.com

**Property Owner**

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

OFFICE USE ONLY	
Date Stamp	RECEIVED AUG 09 2021 BY: [Signature]
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees:	
Permit No: 851-__-____-PLNG	

Request: Requesting Type II Conditional Use Review for the siting of an accessory structure without an onsite primary dwelling. The accessory structure is a 12' by 14' metal roof with four wooden posts, used to cover a picnic table.

- | 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 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"/> Fore-dune Grading Permit Review                   |  |   |
| <input type="checkbox"/> Neskowin Coastal Hazards Area                     |  |   |

**Location:**

Site Address: 5850 NW 9th Avenue Tillamook Oregon

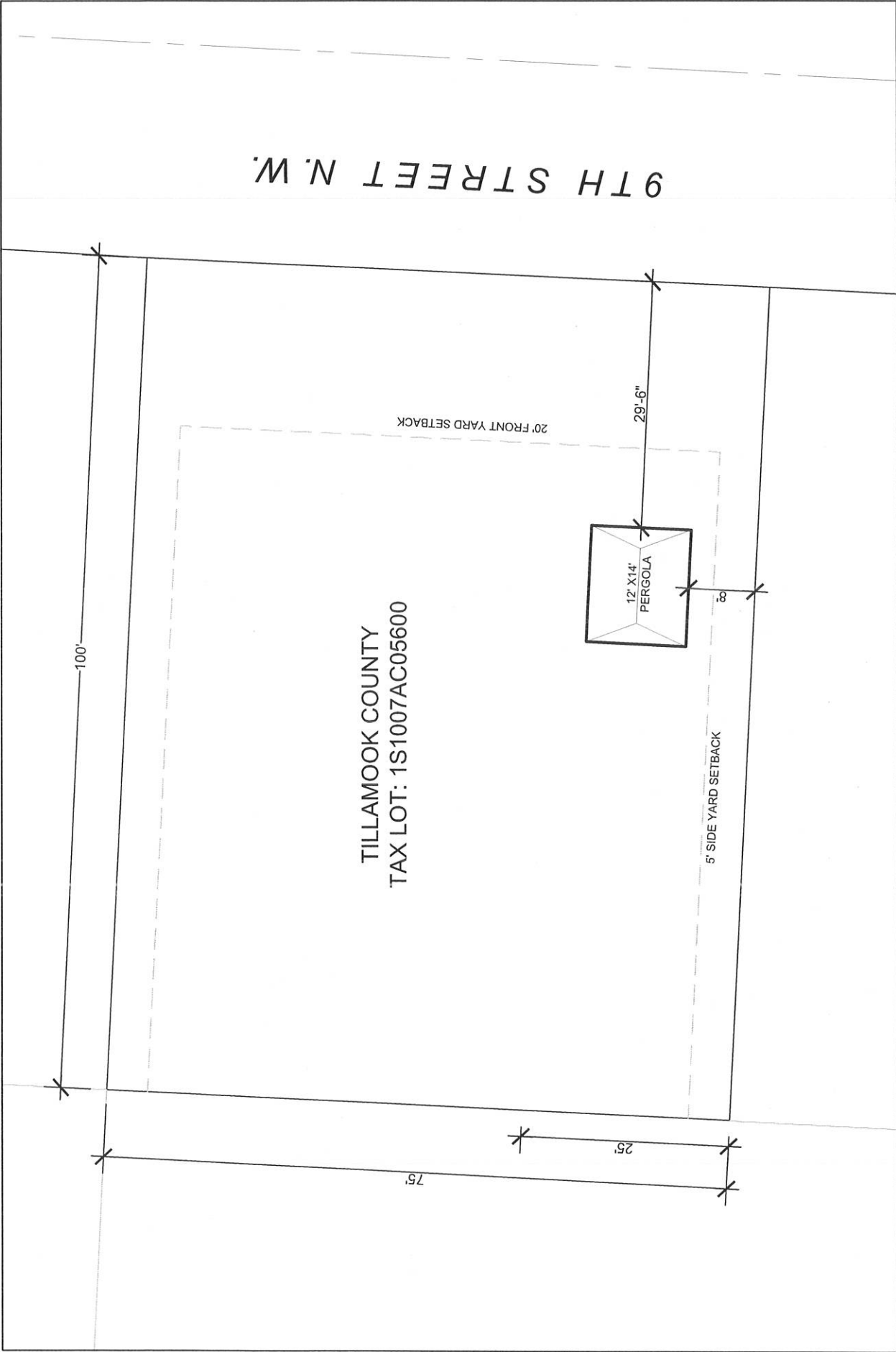
Map Number:	1S	10W	07	1S1007AC05600
	Township	Range	Section	Tax Lot(s)

Clerk's Instrument #: 2020-4912

**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.

	8/6/2021
Property Owner Signature (Required)	Date
	8/6/2021
Applicant Signature	Date



NORTH



32

16

8

4

SCALE: 1/16" = 1'-0"

Owner Name: Maureen Bayer  
Address : 6255 SW 54th Avenue, Portland, OR 97219  
Telephone Number: 415.531.6160

## SATISFACTION OF CONDITIONAL USE REVIEW CRITERIA

5850 9<sup>th</sup> Street NW Tillamook Oregon

This application is for the approval of an accessory structure without an on-site primary structure at the above-referenced address (“the Property”). The accessory structure in question is a free-standing pergola covering a single picnic table. The accessory structure measures 12 feet by 14 feet with a peak height of 10’10”. The accessory structure is used to cover a picnic table which is used for eating meals. The land itself is used for personal day use by the owner and owner’s invitees only.

The following information is intended to demonstrate satisfaction of conditional use review criteria contained in Section 6.040

### **1. The use is listed as a Conditional Use in the underlying zone, or in an applicable overlying zone:**

- The property is located in zone RR2 (See Attachment 1)
- Section 3.010(3)(g) of the Tillamook Land Use Ordinance provides:

USES PERMITTED CONDITIONALLY: In the RR zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.

(g) Accessory structures or accessory uses without an on-site primary structure.

Therefore, the accessory structure is listed as a Conditional use in the underlying zone.

### **2. The use is consistent with the applicable goals and policies of the Comprehensive Plan.**

In the absence of evidence to the contrary, uses allowed conditionally in the Land use Ordinance may be presumed to be consistent with the Comprehensive plan. Chapter 3 of the Recreation Element of the Comprehensive Plan provides as follows:

*The recreation environment of Tillamook County forms an integral part of Oregon's coastal playground. It provides excellent opportunities for water-oriented outdoor recreation in scenic natural settings which are seldom reproducible elsewhere in this nation.*

*It is essential that recreation development be perceived as something that is desirable in the County, and not as an outsider's burden. Only careful planning can insure [sic] that this perception is realized. Therefore, growth must be made to yield a recreation environment that fairly meets the needs of both local communities and visiting recreationists. It must be the interests of private, county, state, and federal agencies. To reach the desired balance, it will be necessary to improve interagency communication*



*and to create a more positive participation setting for local governments and businesses. If recreation and tourism are to succeed in making Tillamook County a more attractive place to visit, they must also make the County a more attractive place to live.*

By using our land as a place to park and eat our meals when visiting Cape Meares beach, we lessen the impact on the parking areas at the beaches. The accessory structure makes visiting Tillamook and recreating there more appealing and approachable for us. When visiting, we frequently purchase food, supplies and fuel at local restaurants and shops, contributing to the economy of the area.

For the foregoing reasons, the accessory structure 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.**

The parcel in question is 7,500 square feet, rectangular in shape, and slightly sloped with no improvements. It is located on 9<sup>th</sup> street amongst residential homes. The accessory structure is 14X12 (168 square feet) and occupies less than 3% of the total area. The structure is set back from the road approximately 26 feet, and 10 feet back from the property line. It is a modest, wooden structure and does not interfere with any other use.

**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.**

The character of the immediate area is rural residential housing. The accessory structure is placed on a private piece of property, is used for daytime picnic use, and will in no way limit, impair or prevent the use of neighboring homes and properties.

**5. The proposed use will not have detrimental effect on existing solar energy systems, wind energy conservation systems or windmills.**

The accessory structure does not cast a significant shadow and there are no existing solar energy systems, wind energy conservation systems or windmills in the vicinity of the property.

**6. The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.**

The conditional use meets this criterion because use public facilities and services are not implicated by the accessory structure.

As set forth above, the conditional use of the accessory structure meets the criteria of Section 6.040 and should therefore be authorized.

**Attachments:**

- 1: Tillamook County Assessor's Summary Report for Assessment Year 2020
- 2: Section 3.010 of the Tillamook County Land Use Ordinance
- 3: Photographs

**REAL PROPERTY TAX STATEMENT  
 JULY 1, 2020 TO JUNE 30, 2021  
 TILLAMOOK COUNTY, OREGON  
 201 LAUREL AVE  
 TILLAMOOK, OREGON 97141  
 (503) 842-3400**

<b>ACCOUNT NO</b> 127437
-----------------------------

**PROPERTY DESCRIPTION**  
**CODE:** 0930  
**MAP:** 1S1007AC05600  
**ACRES:** 0.17  
**SITUS:** 5850 NINTH ST COUNTY

**TAX BY DISTRICT**

SCHOOL DIST 9	262.64
NW REGIONAL ESD	7.93
TILLAMOOK BAY CC	13.58
<b>EDUCATION TOTAL:</b>	<b>284.15</b>

HODSON, MAUREEN BAYER  
 7530 SW 52ND AVE  
 PORTLAND OR 97219-1317

TILLAMOOK COUNTY	79.80
COUNTY LIBRARY	33.49
TILLAMOOK FIRE DIST	36.07
OCEANSIDE WD	0.00
PORT TILLAMOOK BAY	1.88
4H-EXTENSION SD	3.56
EMCD-911	9.70
TILLA TRANSPORTATION	10.31
TILLA SOIL & WATER CONS	3.09
<b>GENERAL GOVT TOTAL:</b>	<b>177.90</b>

VALUES:	LAST YEAR	THIS YEAR
<b>REAL MARKET (RMV)</b>		
LAND	83,250	78,420
STRUCTURES	0	0
<b>TOTAL RMV</b>	<b>83,250</b>	<b>78,420</b>
<b>TOTAL ASSESSED VALUE</b>	<b>50,030</b>	<b>51,530</b>
EXEMPTIONS	0	
<b>NET TAXABLE:</b>	<b>50,030</b>	<b>51,530</b>
<b>TOTAL PROPERTY TAX:</b>	<b>490.97</b>	<b>520.24</b>

COUNTY LIBRARY	2.49
TILLA CNTY BONDS AFTER 2001	13.45
SCHOOL DIST 9 BONDS AFTER 2001	36.05
TILLA BAY CC BONDS AFTER 2001	6.20
<b>BONDS - OTHER TOTAL:</b>	<b>58.19</b>

Payments Online: [www.co.tillamook.or.us](http://www.co.tillamook.or.us)  
 Payments by Phone: 1-844-784-9680

**2020 - 2021 TAX ( Before Discount ) 520.24**

PAYMENT OPTIONS			
Date Due	3% Option	2% Option	Trimester
11/16/20	504.63	339.89	173.42
02/16/21			173.41
05/17/21		173.41	173.41
<b>Total</b>	<b>504.63</b>	<b>513.30</b>	<b>520.24</b>

**TOTAL DUE (After Discount and Pre-payments) 504.63**

↑ Tear Here      **PLEASE RETURN THIS PORTION WITH YOUR PAYMENT**      Tear Here ↑

2020 - 2021 PROPERTY TAXES

ACCOUNT NO. 127437

**TILLAMOOK COUNTY TAX COLLECTOR**  
 201 LAUREL AVE  
 TILLAMOOK, OREGON 97141

**PAYMENT OPTIONS**

	Discount	Date Due	Amount
Full Payment Enclosed	3%	11/16/20	504.63
or 2/3 Payment Enclosed	2%	11/16/20	339.89
or 1/3 Payment Enclosed	0%	11/16/20	173.42

**FORWARDING SERVICE REQUESTED**

Mailing address change on back

**DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATE**

\$      Enter Payment Amount
------------------------------

HODSON, MAUREEN BAYER  
 7530 SW 52ND AVE  
 PORTLAND OR 97219-1317

**MAKE PAYMENT TO:**  
**TILLAMOOK COUNTY TAX COLLECTOR**



SECTION 3.010: RURAL RESIDENTIAL 2 ACRE AND 10 ACRE ZONE (RR-2) (RR-10)

- (1) PURPOSE: The purpose of the RR zone is to provide for the creation and use of small-acreage residential homesites. Land that is suitable for Rural Residential use has limited value for farm or forest use; it is physically capable of having homesites on parcels of five acres or less; and it can be utilized for residential purposes without constraining the use of surrounding resource-zoned properties for resource-production purposes.
- (2) USES PERMITTED OUTRIGHT: In the RR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.
  - (a) Single-family dwelling.
  - (b) Mobile or Manufactured Home.
  - (c) Recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
  - (d) Home occupations according to the provisions of Section 4.140 of this Ordinance.
  - (e) Farm uses, including aquaculture.
  - (f) Forest uses.
  - (g) Roadside stands for produce grown on the premises.
  - (h) Signs, subject to Section 4.020.
  - (i) Electrical distribution lines.
- (3) USES PERMITTED CONDITIONALLY: In the RR zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.
  - (a) Planned Developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. This shall apply only to RR/PD zoned property located within a community growth boundary.
  - (b) Mobile or manufactured home, in those areas identified in Section 5.160 as being subject to special mobile/manufactured home standards, which do not comply with those standards.

- (c) Cottage industries.
- (d) Recreational vehicle where not allowed outright by Section 5.130.
- (e) A temporary real estate sales office.
- (f) Churches and schools.
- (g) Accessory structures or accessory uses without an on-site primary structure.
- (h) Nonprofit community meeting buildings.
- (i) Cemeteries.
- (j) Fire or ambulance stations.
- (k) Golf courses and associated facilities.
- (l) Animal hospital, kennel, or other animal boarding service.
- (m) Towers for communications, wind energy conversion systems, or structures having similar impacts.
- (n) Public utility facilities, including substations and transmission lines.
- (o) Mining, quarrying, and the processing and storage of rock, sand, gravel, peat, or other earth products; on a contiguous ownership of 10 or more acres.
- (p) Small-scale primary wood processing facilities, such as a shake mill, chipper, or stud mill, on a contiguous ownership of 10 or more acres.
- (q) Rural industries on a contiguous ownership of 10 or more acres.
- (r) Foster family homes accommodating six or more children or adults.
- (s) Bed and breakfast enterprise.
- (t) Temporary placement of a mobile home or recreational vehicle to be used because of health hardship, subject to Section 6.050.
- (u) Parks, recreational campgrounds, primitive campgrounds hunting and fishing preserves, and other recreational uses and associated facilities, on a contiguous ownership of 10 or more acres.

- (v) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (w) Home occupations according to the provisions of Section 4.140 of this Ordinance.
- (4) STANDARDS: Land divisions and development in the RR-2 and RR-10 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size is two acres for parcels zoned before October 4, 2000.
  - (b) The minimum parcel/lot size is 10 acres for lots/parcels rezoned Rural Residential on or after October 4, 2000.
  - (c) Parcels less than two acres in size that were legally established prior to December 18, 2002 may be built upon provided that all other requirements of this Ordinance and other applicable development requirements are met.
  - (d) Lots in an approved preliminary subdivision plat that is being maintained in an active status as of the date of adoption of this Ordinance may be built upon after approval and recording of the final plat.
  - (e) The minimum lot width and depth shall both be 100 feet.
  - (f) The minimum front yard shall be 20 feet.
  - (g) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.
  - (h) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.
  - (i) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.
  - (j) Livestock can be located closer than 100 feet to a nonfarm residential building on an adjacent lot only if one of the following conditions are met:
    - 1. The location of the livestock is a nonconforming use according to the provisions of Article VII of this Ordinance.



2. The property has been taxed at the farm use rate during three of the past five year.
  3. The location of the livestock has been reviewed and approved as a conditional use according to the provisions of Article VI of this Ordinance.
- (k) No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100 foot requirement. In either case, all yard requirements in this zone shall still apply.







