



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

Land of Cheese, Trees and Ocean Breeze

RESOURCE ZONE EXCEPTION #851-21-000418-PLNG: KIRSCHNER
*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: December 10, 2021

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

#851-21-000418-PLNG: An exception request to reduce the required 100-foot resource zone setback from the Forest (F) zone boundary along the south (rear yard) of the subject property to allow for the placement of a residential dwelling. The resource zone setback reductions shall result in a 20-foot rear and front yard setback and side-yard setbacks of not less than 5-feet each as indicated on the proposed site plan.

The subject property is accessed via Hilltop Lane, a local access road, located in the Unincorporated Neskowin Community, is zoned Neskowin Low Density Residential (NeskR-1) and designated as Tax Lot(s) 3400 & 3500 in Section 36AB of Township 5 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. The applicant and property owner is Paul Kirschner.

Written comments received by the Department of Community Development prior to 4:00p.m. on December 27, 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 December 28, 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: <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 call the Department of Community Development at 503-842-3408 Ext. 3123 or claws@co.tillamook.or.us

Sincerely,

Christopher S. Laws, Land Use Planner II

Sarah Absher, CFM, Director

Enc. Applicable Ordinance Criteria, Maps

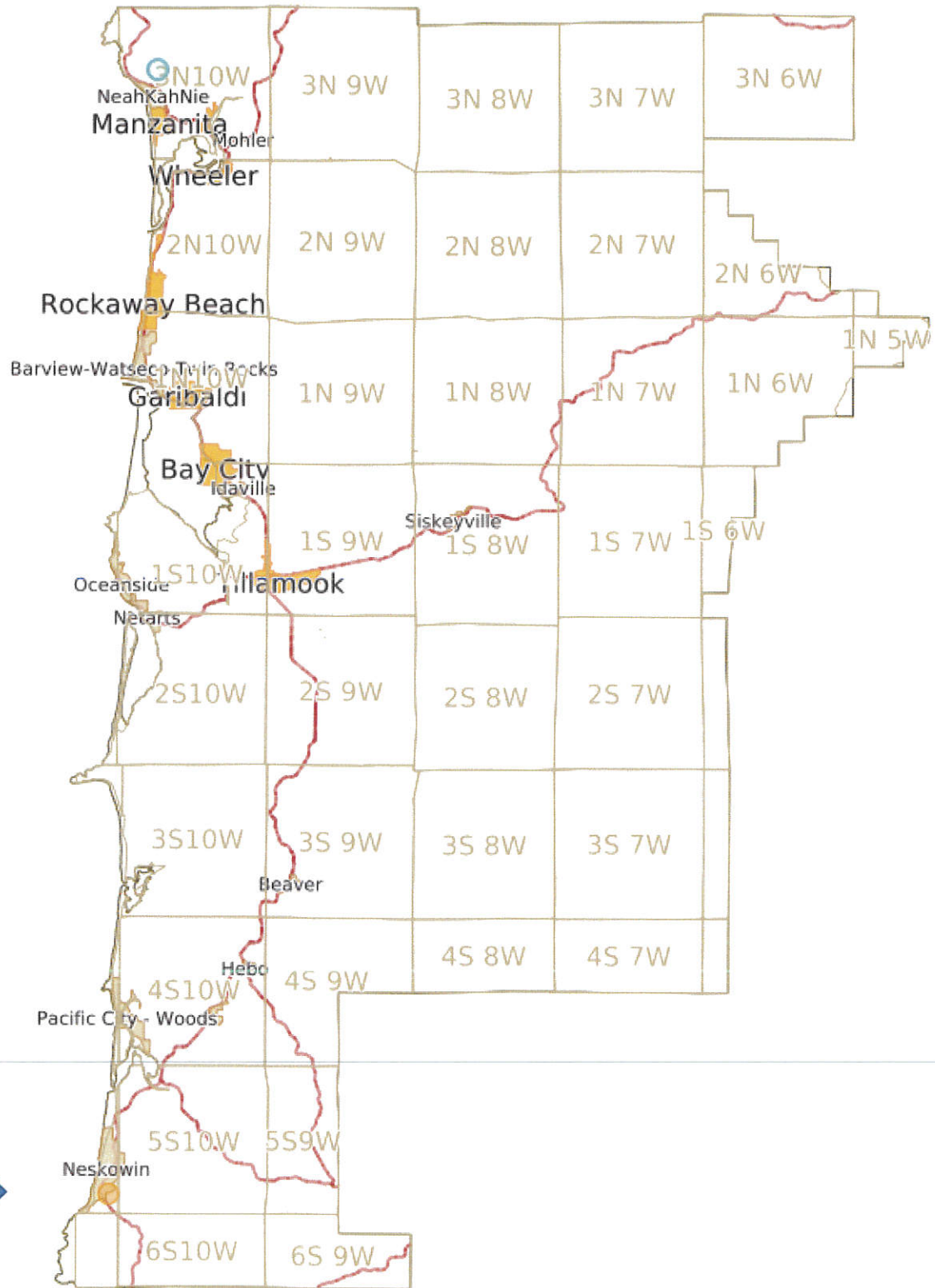
REVIEW CRITERIA

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:

- (g) The minimum front yard shall be 20 feet.
- (h) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be 15 feet.
- (i) The minimum rear yard shall be 20 feet; on a corner lot, it shall be 5 feet.

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.

VICINITY MAP



Subject
Property



ZONE MAP



851-21-000418-PLNG

TAX MAP

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

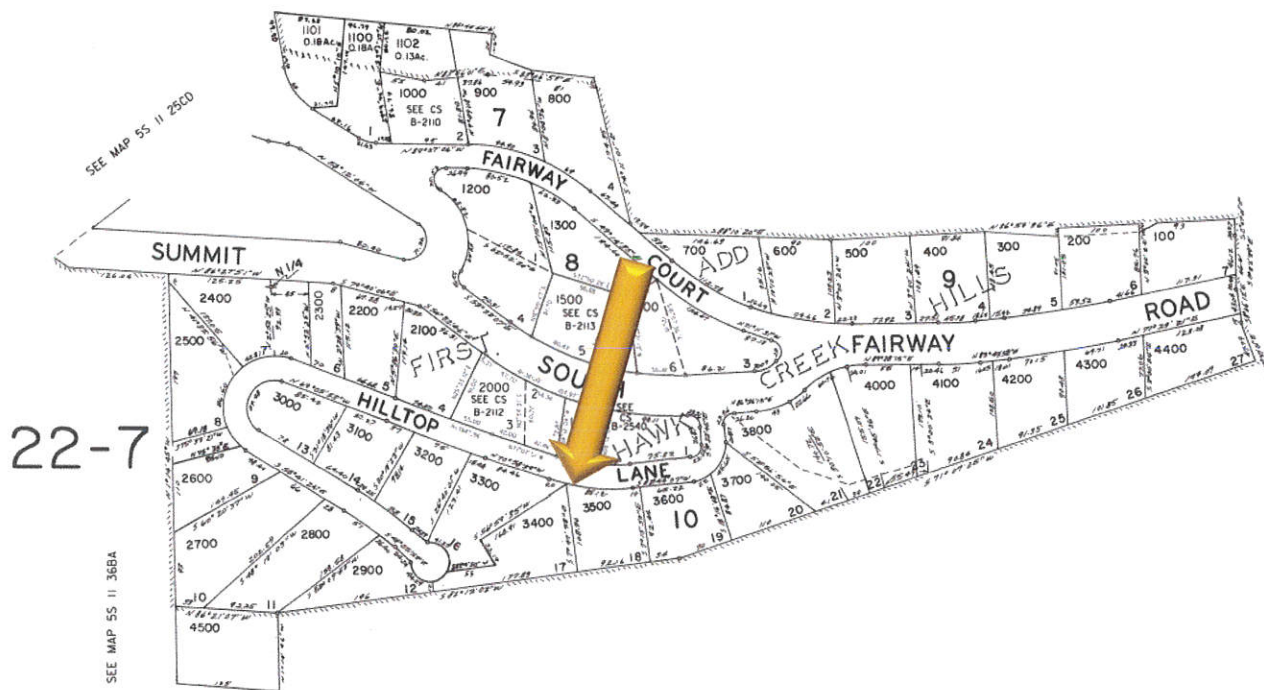
NW1/4 NE1/4 SEC. 36 T.5S. R.11W. W.M.
TILLAMOOK COUNTY

1" = 100'

SEE MAP 55 11 25

5S 11 36AB
HAWK CREEK
HILLS

CANCELLED NO.
1400
1600
1900
3900



851-21-000418-PLNG

Map





PLANNING APPLICATION

OFFICE USE ONLY
Date Stamp
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by: <i>CSL</i>
Receipt #: <i>123051</i>
Fees: <i>615.00</i>
Permit No: 851- <i>21-000418</i> PLNG

Applicant (Check Box if Same as Property Owner)

Name: Paul Kirschner Phone: 303.902.0301
 Address: 3923 NE 74th Ave
 City: Portland State: OR Zip: 97213
 Email: PLKirschner@gmail.com

Property Owner

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

Request: Granting an exception to the resource setback for a single-family home

- | 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 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 checked="" 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: Hilltop Lane, Neskowin

Map Number: 5S 11W 36AB 3400 & 3500
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.

[Signature] _____ *11/17/21* _____
 Property Owner Signature (Required) Date
 _____ *11* _____
 Applicant Signature Date

11/16/21

Tillamook County Department of Community Development,

I am submitting this planning application to seek exception to a resource setback impacting my property in Neskowin's Hawk Creek Hills neighborhood. This application regards both tax lot 3400 and 3500. A restrictive covenant has been completed on the lots. Confirmation has been given by the County that only one application is required for this exception request. **I propose a variance from the standard 100 ft setback to 20 ft based on the following points:**

- **The standard resource boundary setback renders my property unbuildable; a 20 ft setback will allow for a single-family home to be built on the property.**
- **The Hawk Creek Hills neighborhood was plotted prior to the current requirements and exception process.**
- **A similar request for exception was granted for tax lot 3400 in September of this year.**

I fully understand the implications of building within the standard setback of a resource boundary, and I can ensure you that due diligence has been completed. The location of the proposed structure is clearly the only viable site on the property for a single-family home.

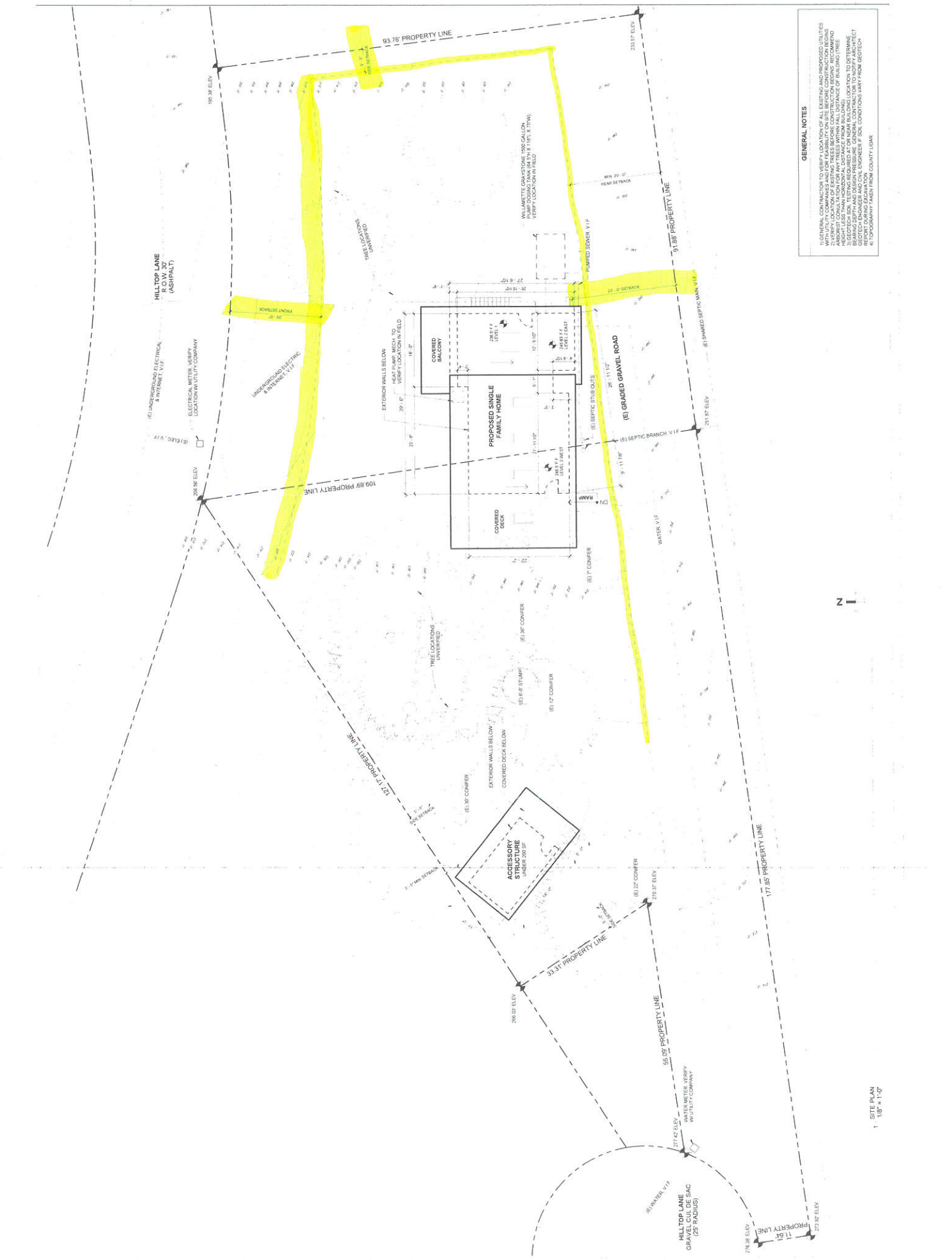
Thanks in advance for your time and consideration,



Paul L Kirschner

GENERAL NOTES

- 1) GENERAL CONTRACTOR TO VERIFY LOCATION OF ALL EXISTING AND PROPOSED UTILITIES AND RELOCATIONS PRIOR TO CONSTRUCTION.
- 2) VERIFY LOCATION OF EXISTING TREES BEFORE CONSTRUCTION BEGINS. RECOMMENDING REMOVAL OF TREES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. TREES WITH A DBH OF LESS THAN 4 INCHES SHALL BE PROTECTED FROM DAMAGE AND REMOVAL OF TREES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- 3) GEOTECHNICAL TESTING REQUIRED AT NEAR FOUNDATION TO DETERMINE SOIL CONDITIONS. GEOTECHNICAL ENGINEER AND CIVIL ENGINEER'S SOIL CONDITIONS VARY FROM GEOTECHNICAL TESTING RESULTS. VERIFY SOIL CONDITIONS FROM GEOTECHNICAL TESTING.
- 4) TOPOGRAHY TABS FROM COUNTY LIBRARY.



1 SITE PLAN
1/8" = 1'-0"

STATE OF OREGON
COUNTY OF TILLAMOOK

RESTRICTIVE COVENANT

Paul Kirschner
(GRANTORS) are the owners of real property described as follows:

Property Legal Description attached as Exhibit A hereto and incorporated by reference

The Tillamook County Land Use Ordinance provides for minimum setbacks from property lines for any structural development on a unit of land and further provides for placement of structures within the setback area when adjustment of property lines is impracticable. The Grantor(s) wish to build a structure over and upon a property line between the units of land described in "Exhibit A" or within the setback area defined for the subject property in the Tillamook County Land Use Ordinance, and in consideration of the approval of said structural development, the Grantor(s) do hereby covenant and agree as follows:

1. The Grantor(s), their heirs, successors and assigns acknowledge that they desire to place a structure over and upon the line between the two units of land referenced above or within the setback area defined for the subject property in the Tillamook County Land Use Ordinance, and that they do not wish to vacate the lots at this time.
2. The Grantor(s) do further acknowledge that upon completion and recording of this document that the above referenced units of land must be conveyed as a single ownership and may no longer be considered two separately saleable units of land even though a formal vacation of the lots has not been completed.
3. Nothing in this agreement shall prevent the Grantor(s) or subsequent owners of the subject properties from adjustment of property lines or other lawful land use actions in the future, provided such actions comply fully with the applicable state and local laws and ordinances then current.
4. By signing this document I authorize the Tillamook County Assessor's office to combine these parcels for property tax purposes.

This covenant shall run with the land and is intended to and hereby shall bind my/our heirs, assigns, lessees, and successors and it cannot be deleted or altered without approval by the Tillamook County Department of Community Development (GRANTEE) or its successor.

IN WITNESS WHEREOF, the said Party has executed this instrument this 21 day of September, 2021.

Paul Kirschner

PAUL KIRSCHNER

Signature

Print Names

STAMP
LAPPIER
C - OREGON
NO. 1012930
JUNE 10, 2025

Acknowledgment in an Individual Capacity

State of OREGON

County of Oregon

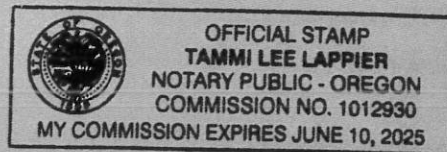
This record was acknowledged before me on (date) September 20 21 by

(name(s)) of individual(s) Paul Kirschner

Tammi Lappier

Notary Public - State of Oregon

Official Stamp



Document Description

This certificate is attached to page 3 of a Restrictive Covenant (title or type of document),
dated Sept. 21, 20 21, consisting of 3 pages.

