#### **Tillamook County**



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

1510 – B Third Street Tillamook, Oregon 97141 www.tillamook.or.us

Building (503) 842-3407 Planning (503) 842-3408 On-Site Sanitation (503) 842-3409 FAX (503) 842-1819 Toll Free 1 (800) 488-8280

Land of Cheese, Trees and Ocean Breeze

#### Conditional Use Request #851-21-000378-PLNG: HESSICK/DEFUSCO ADMINISTRATIVE DECISION & STAFF REPORT

Decision Date: April 4, 2022

Decision: <u>APPROVED WITH CONDITIONS</u>
(This is not Building or Placement Permit Approval).

Report Prepared by: Sarah Absher, CFM, Director

#### I. GENERAL INFORMATION:

**Request:** A Conditional Use request for a Bed and Breakfast enterprise consisting of one guest

bedroom located in an existing accessory structure (Exhibit B).

**Location:** The subject property is located at 720 Wolf Creek Rd, a local access road, and is

designated as Tax Lot 103 in Section 25 of Township 1 North, Range 8 West of the

Willamette Meridian, Tillamook County, Oregon (Exhibit A).

**Zone:** Rural Residential 2-Acre (RR-2)

Applicant &

**Property Owner:** Crystal DeFusco, 720 Wolf Creek Road, Tillamook, OR 97141

**Property Description:** The subject property encompasses 2.12 acres of vegetated terrain (Exhibit A). The subject property is accessed via Wolf Creek Road, a local access road that traverses through the northwesterly portion of the subject property (Exhibit A). The subject property is bordered by the Wilson River to the east and is surrounded by developed residential properties also zoned RR-2 to the north, south and east (Exhibit A). The developed portion of the property is relatively flat. According to Tillamook County Assessor's records, the subject property is developed with an existing 2,052 square foot, single-family dwelling built in 2005 as well as an accessory structure built in 2003 proposed to be utilized for the bed and breakfast (Exhibit A).

There are no mapped wetlands or riparian features on the subject property (Exhibit A). The subject property is not within a Special Flood Hazard Area (SFHA) and is located in Flood Zone D, as depicted on FEMA FIRM 41057C0475F dated September 28, 2018 (Exhibit A). The property is within an area of geologic hazard with varying terrain and slope throughout the subject property (Exhibit A).

The property is adjacent to similar residential uses within the Rural Residential 2-Acre (RR-2) zone, improved with single-family residences and accessory structures (Exhibit A). Other uses in the area consist of recreation with state camping and hiking areas in close proximity as well as forest resource management practices.

Applicant is requesting Conditional Use Permit approval for a 1-bedroom bed and breakfast enterprise located in the existing accessory structure (Exhibit B).

#### II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

The desired use 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. Section 3.010: Rural Residential 2-Acre (RR-2) Zone
- B. Section 4.020 Signs
- C. Section 4.030 Off-Street Parking and Loading
- D. Article VI: Conditional Use Procedures and Criteria

#### III. ANALYSIS:

#### A. Section 3.010: Rural Residential 2-Acre (RR-2) Zone

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....

- (3) USES PERMITTED CONDITIONALLY: In the RR-2 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this Ordinance.
  - (s) Bed and breakfast enterprise.

**Findings:** TCLUO Article 11 defines a bed and breakfast enterprise as 'A residential structure where not more than 15 persons, not including members of the family occupying such a structure, provide compensation for lodging'. Applicant is proposing to recommission previously approved living space in the existing accessory structure (consisting of one guest bedroom) as lodging accommodations for guests (Exhibit B). Staff finds that the proposed use meets the definition of a bed and breakfast enterprise and is allowed in the Rural Residential 2-Acre (RR-2) Zone subject to satisfaction of the Conditional Use Review Criteria which are discussed below, and all other applicable standards.

#### B. Section 4.020 Signs

The purpose of these supplemental regulations governing signs is to promote scenic values; to prevent unsafe driver distraction; to provide orientation and directions to visitors; to facilitate emergency response;

and in general to provide for the placement of necessary SIGNS in appropriate areas. These provisions shall not be construed to preclude the placement of street address SIGNS in locations that can be readily seen by operators of emergency vehicles, provided that such placement does not impair efforts to maintain roads, drainage ways, or brush-free road right-of-ways.

**Findings:** Applicant has not proposed specific signage in conjunction with the bed and breakfast enterprise (Exhibit B). Staff finds that any future proposal for signage is subject to the standards of TCLUO 4.140: Signs. Staff finds that these standards can be met through compliance with Conditions of Approval.

#### C. Section 4.030: Off-Street Parking & Off-Street Loading Requirements

The purpose of requirements for off-street parking and loading areas is to relieve traffic congestion; to ensure customer convenience and safety; to provide safe access to parked vehicles; and to help ensure safe and timely response of emergency vehicles.

**Findings:** Boarding, lodging and rooming houses are required to provide one 8-foot by 20-foot parking space per each guest accommodation and a residential dwelling unit requires two 8-foot by 20-foot parking spaces as described in TCLUO Section 4.030(13): Parking Space Requirements. Applicant is proposing a Bed and Breakfast enterprise consisting of one guest bedroom and living area located within an existing accessory structure (Exhibit B). Staff finds that a minimum of two off-street parking spaces are required for the residential dwelling unit and one off-street parking space is required for the proposed one-bedroom bed and breakfast enterprise.

Applicant has identified (2) 8-foot by 20-foot parking spaces on their submitted site plan (Exhibit B). Given the size of the property, relatively flat topography and location of improvements, Staff finds that there is adequate area to create the required additional parking space to satisfy parking requirements outlined in TCLUO Section 4.030 for both the bed and breakfast enterprise as well as required parking for the existing dwelling. Staff also finds that as a condition of approval can be made to require a minimum of three (3) off-street parking spaces be depicted on the site plan submitted for review and approval at time of consolidated zoning/building permit application.

#### D. Article VI Conditional Use Procedures and Criteria

Article VI of the Tillamook County Land Use Ordinance contains the procedures and review criteria for processing a Conditional Use request. These criteria, along with Staff's findings and conclusions, are indicated below.

**Section 6.020 Procedure** requires public notice in accordance with TCLUO Section 10.070 which requires notification of the request to 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:** Notice of the request was mailed to property owners and agencies on January 31, 2022. No comments were received.

#### Section 6.040 Review Criteria

1. The use is listed as a conditional use in the underlying zone, or in an applicable overlying zone.

**Findings:** As discussed above, staff finds that the proposed bed and breakfast enterprise is a use allowed conditionally in the Rural Residential 2-Acre (RR-2) zone. Staff concludes that this criterion has been met.

2. The use is consistent with the applicable goals and policies of the comprehensive plan.

**Findings:** Staff finds that the proposed use is permitted conditionally in the Tillamook County Land Use Ordinance. The TCLUO is an implementing document of the Comprehensive Plan. In the absence of evidence to the contrary, uses allowed conditionally in the Land Use Ordinance are presumed to be consistent with the Comprehensive Plan. Staff concludes that this criterion has been met.

3. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.

**Findings:** The subject property encompasses 2.12 acres of vegetated terrain (Exhibit A). The subject property is accessed via Wolf Creek Road, a local access road that traverses through the northwesterly portion of the subject property (Exhibit A). The developed portion of the property is relatively flat. According to Tillamook County Assessor's records, the subject property is developed with an existing 2,052 square foot, single-family dwelling built in 2005 as well as an accessory structure built in 2003 proposed to be utilized for the bed and breakfast enterprise (Exhibit A). Subject property is also improved with an on-site sanitation system and well.

Applicant is proposing to utilize area within the existing accessory structure for operation of the bed and breakfast enterprise. Applicant states that the area proposed to be utilized for the operation of a bed and breakfast enterprise has been previously utilized as living space but was decommissioned upon construction completion of the single-family dwelling (Exhibit B). Applicant adds that existing sanitation system was designed for a total of three bedrooms and is of sufficient size to serve both the two-bedroom dwelling and an additional bedroom made part of the bed and breakfast enterprise (Exhibit B).

Staff finds a condition of approval can be made to confirm there is adequate sanitation for the operation of the bed and breakfast enterprise, and that prior to operation of the bed and breakfast enterprise, documentation from the Tillamook County Onsite Wastewater Treatment Manager is submitted to the Department confirming adequacy of the existing onsite sanitation system treatment improvements to support the bed and breakfast enterprise.

Given that the accessory structure has been decommissioned for living space, Staff also finds a Condition of Approval can be made to ensure that prior to operation of a bed and breakfast enterprise, any building permit approvals and required inspections have been completed for the designated area within the accessory structure to be utilized for the bed and breakfast enterprise prior commencement of operations.

Staff concludes that this criterion can be met through the Conditions of Approval.

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.

**Findings:** The area surrounding the subject property is also zoned Rural Residential 2-Acre (RR-2) and consists of properties of similar size and shape also improved residential development (Exhibit A).

Residential improvements are located within the eastern portion of the subject property and are surrounded by dense vegetation that also serves as a buffer to properties from the north and south (Exhibit A). Recreation and forest resource management uses are also prevalent in the area.

No exterior alterations are proposed to the accessory structure that would substantially alter the appearance of the residential improvements. All uses can and will continue to be accommodated within the boundaries

of the subject property. The limited use of accessory structure as a bed and breakfast enterprise does not substantially alter the residential character and function of the residential uses on the subject property.

Based upon the findings outlined above, Staff finds that the proposed use of utilizing a portion of the accessory structure as a bed and breakfast enterprise 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 residential, recreational and public utility uses on the surrounding properties or uses listed in the underlying zone. Staff concludes that this criterion has been met.

5. The proposed use will not have a detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.

**Findings:** Staff does not find any record of such facilities in the area. Applicant states that the proposed bed and breakfast enterprise will not impact such facilities (Exhibit B). Staff concludes that this criterion has been met.

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

**Findings:** Applicant/property owner states these considerations were already taken when originally permitting a portion of the accessory structure to living space (Exhibit B).

Staff finds the area is served by Tillamook County Sheriff's Department, Oregon Department of Transportation and Tillamook County Public Works, Tillamook People's Utility District and Oregon Department of Forestry for fire protection services. The subject property is served by an existing onsite wastewater treatment system (sanitation) and a well. Staff finds these services have long been established in the area. Conditions of Approval have been made to require confirmation of adequacy of services at the time of consolidated zoning and building permit application submittal.

Staff concludes this criterion has been met or can be met through the Conditions of Approval.

#### IV. DECISION: APPROVED WITH CONDITIONS

Based on the findings shown above, Staff concludes that the applicant has satisfied the review criteria, and can meet all applicable ordinance requirements at the time of application. Therefore, the Department approves this request subject to the Conditions of Approval in section V of this report.

**Appeal of this decision.** This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. The forms and fees must be filed in the office of this Department before **4:00 PM on April 18, 2022.** 

#### V. CONDITIONS OF APPROVAL:

Sections 6.070: COMPLIANCE WITH CONDITIONS, and 6.080: TIME LIMIT requires compliance with approved plans and conditions of this decision, and all other ordinance provisions. 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, including any licensing from Tillamook County Community Health.

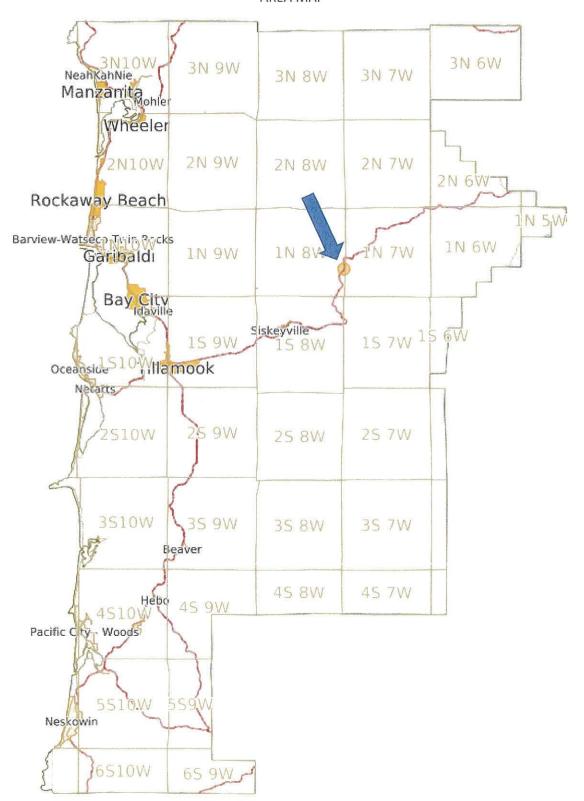
- 2. The applicant/property owner shall obtain an approved consolidated zoning/building permit from the Tillamook County Department of Community Development to recommission the living space within the accessory structure and for the operation of the bed and breakfast enterprise. No cooking facilities are permitted in the accessory structure.
- 3. Applicant/property owner shall obtain any necessary onsite wastewater (sanitation) permits for operation of the bed and breakfast enterprise. If no additional permits are required, confirmation from the Tillamook County Onsite Wastewater Treatment Program Manager shall be submitted with the consolidated zoning/building permit application.
- 4. Applicant/property owner shall provide an updated Fire Letter from the Oregon Department of Forestry for the bed and breakfast enterprise.
- 5. Applicant/property owner shall provide written confirmation from the Oregon Water Resources Department confirming adequate water resources for the operation of the bed and breakfast enterprise.
- 6. A site plan, drawn to scale, illustrating the proposed development, and required setbacks shall be provided at the time of Zoning Permit submittal. The site plan shall include the location of the two 8-foot by 20-foot parking spaces required for the residential use and one 8-foot by 20-foot parking spaces required for the proposed guest accommodations. Applicant/property owner shall adhere to the requirements of TCLUO 4.030, 'Off-Street Parking & Off-Street Loading Requirements'.
- 7. This approval is for a bed and breakfast enterprise for use of one bedroom. Expansion in the number of bedrooms utilized for the bed and breakfast enterprise is subject to land use review and approval.
- 8. Signage shall comply with the standards of Tillamook County Land Use Ordinance Section 4.020: Signs.
- 9. Applicant/Owner shall comply with relevant standards outlined in TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone.
- 10. This approval shall be void on April 4, 2024, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

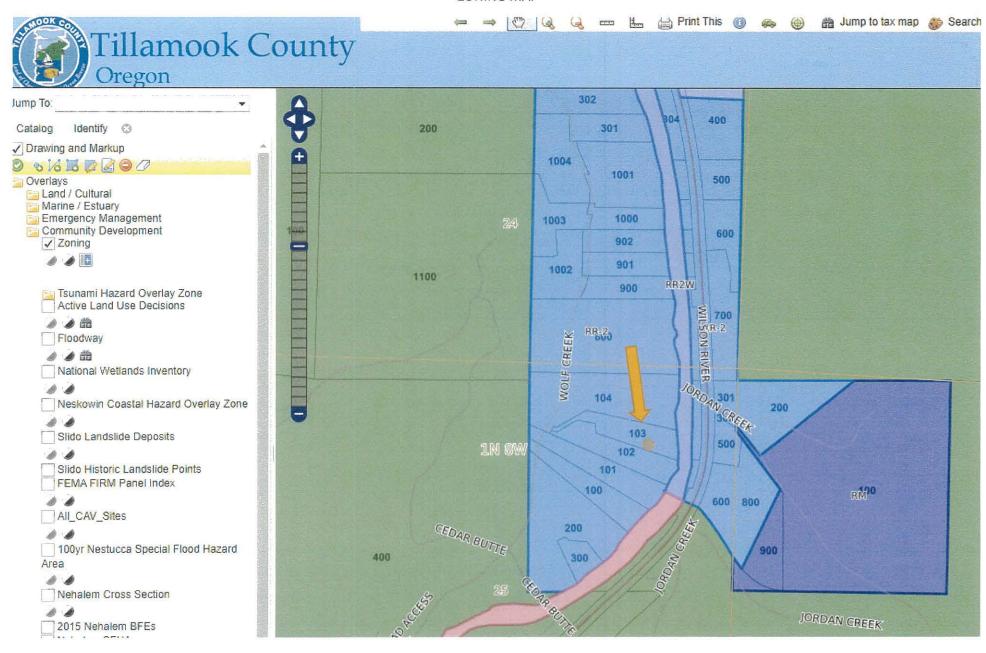
#### VI. EXHIBITS

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

- A. Location map, Assessor map, Zoning map, Assessor's Summary Report
- B. Applicant's submittal

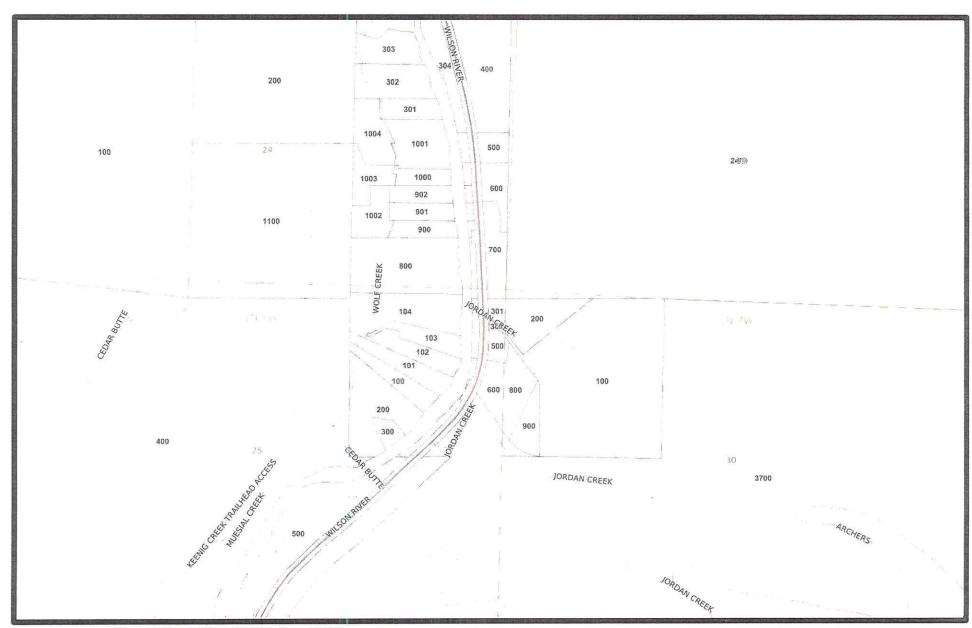
# EXHIBIT A





## Map





Generated with the GeoMOOSE Printing Utilities

### National Flood Hazard Layer FIRMette



MAP PANELS

123°35'56"W 45°32'42"N

The pin displayed on the map is an approximate point selected by the user and does not represe 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

Unmapped

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 4/3/2022 at 1:27 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.

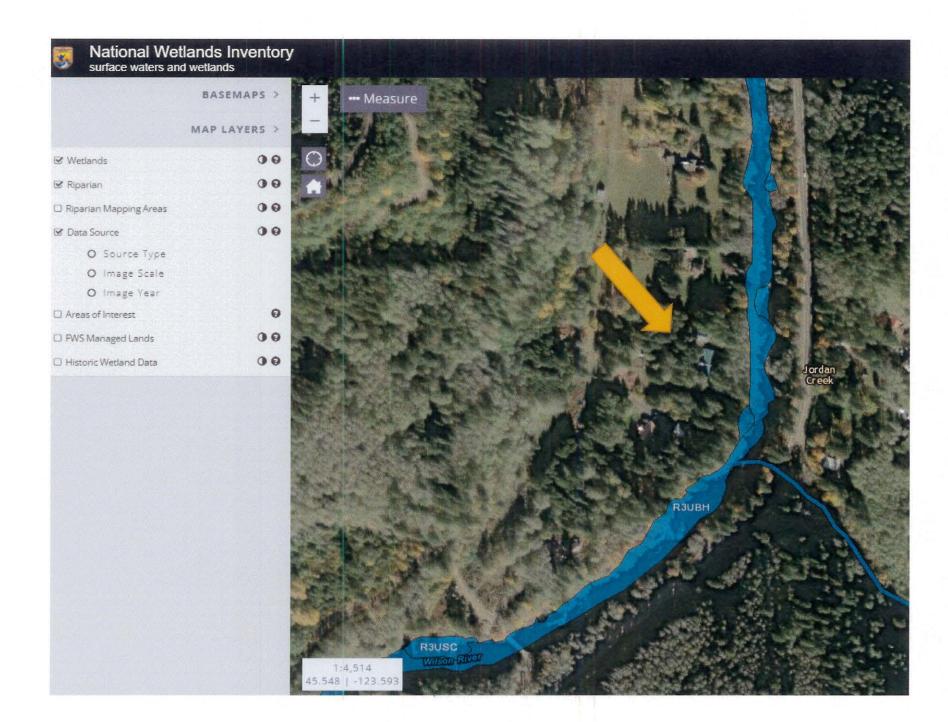
TILLAMOOK COUNTY 410196

2.000

250 500 1,000

1.500

1:6,000



#### **TILLAMOOK County Assessor's Summary Report**

#### **Real Property Assessment Report**

FOR ASSESSMENT YEAR 2021

April 4, 2022 9:37:25 am

Account #

400701

0902-400701

**Tax Status** 

**ASSESSABLE** 

Map# Code - Tax # 1N08250000103

**Acct Status** Subtype

**ACTIVE** NORMAL

Legal Descr

PARTITION PLAT 1997-16

Lot - PARCEL 2

Deed Reference #

2020-2491

**Mailing Name** Agent

HESSICK, STEVEN P &

Sales Date/Price

03-24-2020 / \$410,000.00

In Care Of

Mailing Address

DEFUSCO, CRYSTAL A 720 WOLF CREEK RD TILLAMOOK, OR 97141

**Appraiser** 

ROBERT BUCKINGHAM

**Prop Class** 

MA SA 01

NH Unit 1092-1

**RMV Class** 

401

WF 103

Situs Address(s)

Situs City

ID#	1	720	WOLF	CREEK RD

COUNTY	

Code Are	a	RMV	MAV	Value Summary AV	RMV E	xception	CPR %
0902	Land Impr.	134,070 471,530			Land Impr.	0	
Code A	rea Total	605,600	414,080	414,080		0	
Gra	and Total	605,600	414,080	414,080	· · · · · · · · · · · · · · · · · · ·	0	

Code			Plan	Land Breakdown			Trended		
Area	ID#	RFPD Ex		Value Source	TD%	LS	Size	Land Class	RMV
0902				LANDSCAPE - AVERAGE	100				1,500
0902	1		RR-2	Market	104	Α	2.38		120,070
0902		_		OSD - AVERAGE	100				12,500
					Grand T	otal	2.38	į.	134,070

Code		Yr	Stat	Improvement Breakdo	own	Total		Trended
Area	ID#	Built	Class	Description	TD%	Sq. Ft.	Ex% MS Acct#	RMV
0902	3	2003	346	GPB IN RESIDENTIAL USE	129	1,800		67,750
0902	1	2003	141	One story	129	2,052		403,780
				Gr	and Total	3.852		471.530

Exemptions / Operal Assessments / Fotential Elability						
Code Area 0902						
SPECIAL ASSESSMENTS:						
SOLID WASTE	Amount	12.00	Acres	0	Year	2021
FIRE PATROL:						
■ FIRE PATROL SURCHARGE	Amount	47.50			Year	2021
■ FIRE PATROL NORTHWEST	Amount	18.75	Acres	2.38	Year	2021

Exampliane / Special Assessments / Potential Liability

Comments:

01/28/04 New home and GPB on property. GPB has living area, valued as a class 2- residence with attached garage, KL. 06/23/04 Prop. disq. from Designated Forestland Program/Under minimum standards/Letter on file/Add. tax noted on Misc. screen. RCW

03/15/05 Residence is 100% complete. Raised class from 3+ to a 4 and added deck, KL.

05/27/05 Removed PAT. Additional taxes collected. KM

08/29/08 New accessory cover complete - minimum exception. PF.

02/16/16 Reappraised land; tabled values. RBB

7/7/20 - Sales review. Updated inventory, changed garage with living to GPB with fin. office space - RMV changes only. EJ

# EXHIBIT B



Tillamook County Department of Community Development 1510-B Third Street. Tillamook, OR 97141 | Tel: 503-842-3408 Fax: 503-842-1819 www.co.tillamook.or.us

OFFICE USE ONLY

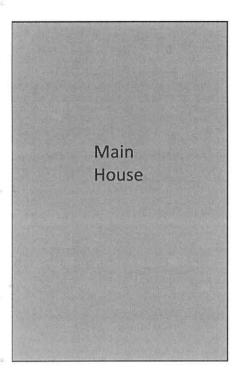
### PLANNING APPLICATION

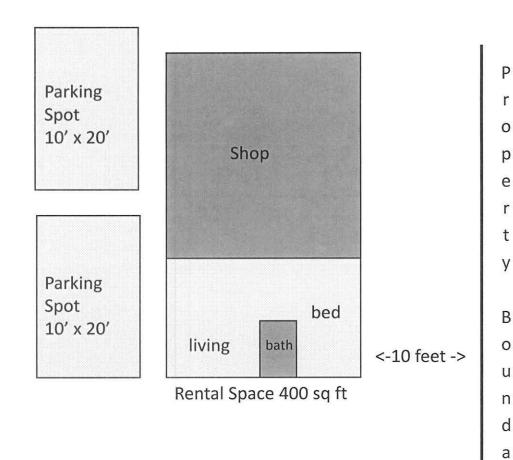
Applicant ☑ (Check Box if Same as	OCT 0 5 2021	
Name: Crystal Defusco Pl	200 00 J. O. C.	
	none: 503 270-1467	BY: Week (la -
City: Tillamook St	ate: 012 Zip: 97141	□Approved □Denied
Email: cdefusconi VVO@		
	granan	Received by:
Property Owner		Receipt#: Fees: 089
Name: Crystal Defusco Pl	none:	Permit No:
Address:		851-21-000878-PLNG
City: St	ate: Zip:	831 <u>81</u> -000 -PLING
Email:	2	
Request:  [	and Dreakfast ev	iterprise
Type II	Type III	Type IV
☐ Farm/Forest Review	☐ Appeal of Director's Decision	
☑ Conditional Use Review	☐ Extension of Time	☐ Appeal of Planning Commission
☐ Variance	☐ Detailed Hazard Report	Decision
☐ Exception to Resource or Riparian Setb		☐ Ordinance Amendment
☐ Nonconforming Review (Major or Mind	AND THE PROPERTY OF THE PROPER	☐ Large-Scale Zoning Map
☐ Development Permit Review for Estuar	· .	Amendment
Development	☐ Map Amendment	☐ Plan and/or Code Text  Amendment
☐ Non-farm dwelling in Farm Zone	☐ Goal Exception	Amenament
☐ Foredune Grading Permit Review		
☐ Neskowin Coastal Hazards Area		
Location:		
Site Address: 720 Wolf Cree! Map Number:	& Rd Tillamonk, OR	2 97147
Map Number:	8	25 103
Township	Range	Section Tax Lot(s)
Clerk's Instrument #:		
Authorization		
This permit application does not assure per obtaining any other necessary federal, state complete, accurate, and consistent with or	te, and local permits. The applicant verifi	es that the information submitted is
( man X ) I da		100270
Property Owner Stanature (Required)		Date
•		
Applicant Signature		Date
Land Use Application Pay	2/22/17	Dame 1

A little info about the one bedroom, one bath bed and breakfast. This was an original living space framed into the shop, where the owners had lived while the main house was constructed. It has since been decommissioned per the zoning requirements. Eventually, I would like to use this space for my father when he starts needing more help. But in the meantime, I would like to rent it as a bed and breakfast.

I have prepared responses to the conditional use criteria for your review:

- (1) The use is listed as a Conditional Use in the underlying zone, or in an applicable overlying zone.
  - a. This property is zoned rural residential. Bed and breakfast enterprise is listed as one of the conditionally permitted uses according to the land use ordinance for this zone.
- (2) The use is consistent with the applicable goals and policies of the Comprehensive Plan.
  - a. Use of this space as a bed and breakfast does not go against any of the goals outlined in the Comprehensive Plan.
- (3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.
  - a. The parcel is suitable for the proposed use. The space is large enough for two people. There are two parking spaces. And there have been no other improvements as the space was existing and there are no plans for expansion.
- (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.
  - a. It will not alter the character of the surrounding area. Most tenants just want a place to sleep and then they explore the beach, hiking trails or OHV space. The surrounding properties are residential but this apartment is far enough from their homes that the additional activity will not impact them.
- (5) The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or windmills.
  - a. There aren't any solar energy systems or wind energy systems nearby.
- (6) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.
  - a. Since this was the original living space, these considerations were taken when permitting this space and the main house. The septic system was built to support three bedrooms, this bed and breakfast being the third.





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Zoomed in view

Property Site Plan:

