



Land of Cheese, Trees and Ocean Breeze

1510 Third Street Suite B
Tillamook, Oregon 97141
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Planning	(503) 842-3408
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**VARIANCE #851-22-0000159-PLNG: BRITT
Administrative Decision & Staff Report**

Decision: Approved with Conditions
Decision Date: **September 12, 2022**
Report Prepared By: Sarah Absher, CFM, Director

I. GENERAL INFORMATION:

Request: A Variance request for relief to the location standards outlined in Chapter 157.275(A) to allow the alteration of an existing accessory structure (garage) to include an Accessory Dwelling Unit (ADU) (Exhibit B).

Location: Located in the City of Nehalem Urban Growth Boundary (UGB) at 35020 Tohl Avenue, a County road, and is designated as Tax Lot 3500 of Section 28DD, Township 3 North, Range 10 West, W.M., Tillamook County, Oregon (Exhibit A).

Zone: Nehalem Medium Density Residential (R2)

Applicant & Property Owner: Elizabeth Britt, 35020 Tohl Avenue, Nehalem, OR 97131

Description of Site and Vicinity: The subject property is accessed and bordered by Tohl Avenue, a County road, to the east. The subject property is rectangular in shape, 0.33 acres in size, relatively flat, and is improved with residential structures (Exhibit A). The surrounding area is also zoned Nehalem Medium Density Residential R2, and the general area consists of single-family residential uses (Exhibit A).

The NWI map indicates the subject property is within an area of mapped wetlands- prevalent in areas to the south and to the west (Exhibit A). The subject property is not within a Special Flood Hazard Area, per FIRM Panel 41057C0208F dated September 28, 2018 (Exhibit A).

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

The request is governed through the following Sections of the City of Nehalem Zoning Ordinance. The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. City of Nehalem Zoning Ordinance Section 157.080-.083: Medium-Density Residential (R2) Zone
- B. City of Nehalem Zoning Ordinance Section 157.275: Accessory Dwelling Units
- C. City of Nehalem Zoning Ordinance Section 157.400-.403: Variances

III. ANALYSIS:

A. City of Nehalem Zoning Ordinance Section 157.080: Medium-Density Residential (R2) Zone

Section 157.080: Intent, *The Medium-Density Residential Area, designated by the primary symbol "R2", is established to promote residential development in areas that have already been subdivided or where there are few physical constraints on development.*

Section 157.081 lists permitted principal outright uses in the R2 zone.

Findings: Staff finds that the established use of a single-family dwelling and accessory structures is allowed outright in the R2 zone. Section 157.081 also states that accessory dwelling units on land inside the urban growth boundary but outside the city limits are allowed in accordance with Section 157.275 of this chapter.

Section 157.083: Development Standards: *In the R2 Zone, the following development standards apply.*

...

(D) The minimum front yard shall be 20 feet.

(E) The minimum side yard shall be five feet; except on the street side of a corner lot, it shall be 15 feet.

(F) The minimum rear yard shall be 20 feet; except on a corner lot, it may be five feet.

Findings: The Applicant is proposing to alter the existing garage structure to construct an Accessory Dwelling Unit (ADU) (Exhibit B).

Staff finds that standards of Section 157.275 must be met to alter the existing garage structure for the construction of an ADU.

B. City of Nehalem Zoning Ordinance Section 157.275: Accessory Dwelling Units

Where permitted, an accessory dwelling unit may be sited on a lot with an existing or under-construction single-family home, shall conform to all building code requirements, and shall meet the following use and development standards:

(A) Location. The accessory dwelling unit, if freestanding, shall be located within the side or rear yard and physically separated from the primary residence by a minimum distance of six feet. A covered walkway which contains no habitable space may connect the two buildings without violation of the setback requirements...

Findings: The Applicant is proposing to alter the existing garage structure to construct an Accessory Dwelling Unit (ADU) (Exhibit B). The submitted site plan indicates the existing garage structure is located in the front yard (Exhibit B) and is not located within the side or rear yard.

Standard 157.275(A) is the subject of this Variance application, which may be permitted only on finding that the criteria of City of Nehalem Zoning Ordinance Section 157.400-403: Variances have been met. The Variance criteria of Section 157.400-.403 are addressed below.

Additional development standards outlined in Section 157.275 include limiting ADUs to one unit per lot or parcel, design requirements for new ADUs, a requirement for connection to domestic sewer and water, separate addressing, size limitations, setback and building maximum height requirements, lot coverage standards and a prohibition that an ADU cannot be used as a short-term rental.

Staff finds that standards 157.275(B) through (H) can be met through compliance with the Conditions of Approval. The site plan submitted by the Applicant complies with these standards.

C. City of Nehalem Zoning Ordinance Section 157.400-.403: Variances

The purpose of this subchapter is to allow for the granting of a variance permit from specified site-development requirements of this chapter where it can be shown that owing to special and unusual circumstances related to a specific lot, strict interpretation of the site-development requirements would cause undue or unnecessary hardship.

Section 157.400 through 157.403 of the City of Nehalem Zoning Ordinance governs the applications of Variances within the Nehalem Urban Growth Boundary.

Section 157.418 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: A notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on May 23, 2022. Comments were received by the City of Nehalem and the Tillamook County Public Works Department both stating they had no objections to the Variance being granted (Exhibit C).

Section 157.401 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 157.401. These criteria, along with Staff's findings and conclusions are indicated below:

(A) Exceptional or extraordinary circumstances apply to the property and result from lot size and shape, topography or other circumstances over which the owners of the property have no control;

Findings: The subject property is rectangular in shape and roughly 0.33 acres in size. Mapped wetlands are present in this vicinity. Applicant states these wetlands exist on the western perimeter of the property, in the rear of the residence, and that the wetland is encroaching on the property lien due to rising sea level. Applicant provides evidence in support of wetland encroachment, and states that this is an uncontrolled circumstance that the property owners have no control over (Exhibit B).

Applicant adds that NOAA predictions of rising flood zones and expansion of wetlands directly jeopardize the safety and condition of an ADU if constructed in the rear of the residence. In addition to these concerns, Applicant states that there is not adequate spacing beside the existing residence to construct an ADU beside the primary residence given limited area on the property in relation to property lines (Exhibit B).

Staff finds the existing location and placement of structures on the property as well as presence of natural features (wetlands) on the subject property create circumstances which the owners of the property have no control. Staff finds this criterion has been satisfied.

(B) The variance is necessary for the preservation of a property right of applicant substantially the same as owners of other property in the same zone or vicinity possess;

Findings: Applicant states the existing garage structure in front of the dwelling is longitudinally aligned with other residences in the area along Tohl Avenue (Exhibit B). Applicant states the ADU would be substantially the same with regards to placement within the property as other dwellings in the vicinity (Exhibit B). Staff finds this criterion has been satisfied.

(C) The variance would not be materially detrimental to the purposes of this chapter, the Comprehensive Plan, or to property in the same zone or vicinity in which the property is located or otherwise conflict with the objectives of any city policy; and

Findings: Applicant is proposing to renovate the existing garage with the construction of an ADU (Exhibit B). Applicant states the existing garage was built concurrent with the dwelling and no new structures are to be developed on the subject property (Exhibit B).

Construction of an ADU is supported through the Goal 10 element of the City's Comprehensive Plan. The policies contained within Goal elements 11 and 14 require adequacy of public services and facilities- those of which already exist within the area. Staff finds applicable development standards for the use of an ADU on the subject property can be met through the Conditions of Approval to ensure there are no conflicts with the objectives of any city policy. Staff finds this criterion has been satisfied.

(D) The variance request is the minimum variance which would alleviate the hardship.

Findings: Applicant states that due to the renovation of the existing garage structure, the hardship exists with the standard requirement the ADU to be placed beside or behind the residential structure. In addition, Applicant states the existing residence and location of property line does not allow adequate space for an ADU, while placement of an ADU behind the dwelling puts an ADU in jeopardy of convergence with wetlands present in the area (Exhibit B).

Staff finds this Variance request to allow construction of an ADU within the existing garage can be considered the minimum variance to alleviate a hardship that exists due to the existing location of structures on the property and presence of wetlands in the area. Staff finds the criterion in Section 157.401 has been met.

IV. DECISION: APPROVED WITH CONDITIONS

Staff concludes, based on the findings of fact and other relevant information in the record, that the applicant has satisfied/or is able to satisfy the applicable ordinance requirements through the Conditions of Approval, and therefore, approves the request 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 September 26, 2022**.

V. CONDITIONS OF APPROVAL:

Section 157.403: TIME LIMIT compliance with approved plans and Conditions of this decision, and all other ordinance provisions, and allows 12 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. Approval is for the construction of an Accessory Dwelling Unit within the existing garage. Garage footprint shall not be altered or expanded in a manner to reduce the existing front yard setback.
3. Development shall otherwise comply with the applicable standards and requirements of City of Nehalem Zoning Ordinance Sections 157.083 and 157.275. Demonstration of compliance is required at the time of consolidated Zoning and Building Permit application submittal.
4. Applicant/property owner shall submit a site plan, drawn to scale and indicating all yard setbacks, at the time of consolidated Zoning and Building Permit application submittal.
5. Updated letters confirming service availability from the City of Nehalem for water service, Nehalem Bay Wastewater Agency for sewer service and a fire letter from the Nehalem Bay Fire & Rescue shall be submitted at the time of consolidated Zoning and Building Permit application submittal.
6. Any change to the existing approved road approach from Tohl Avenue, a County road, is subject to review and approval from the Tillamook County Public Works Department.
7. This approval shall be void on September 12, 2024, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

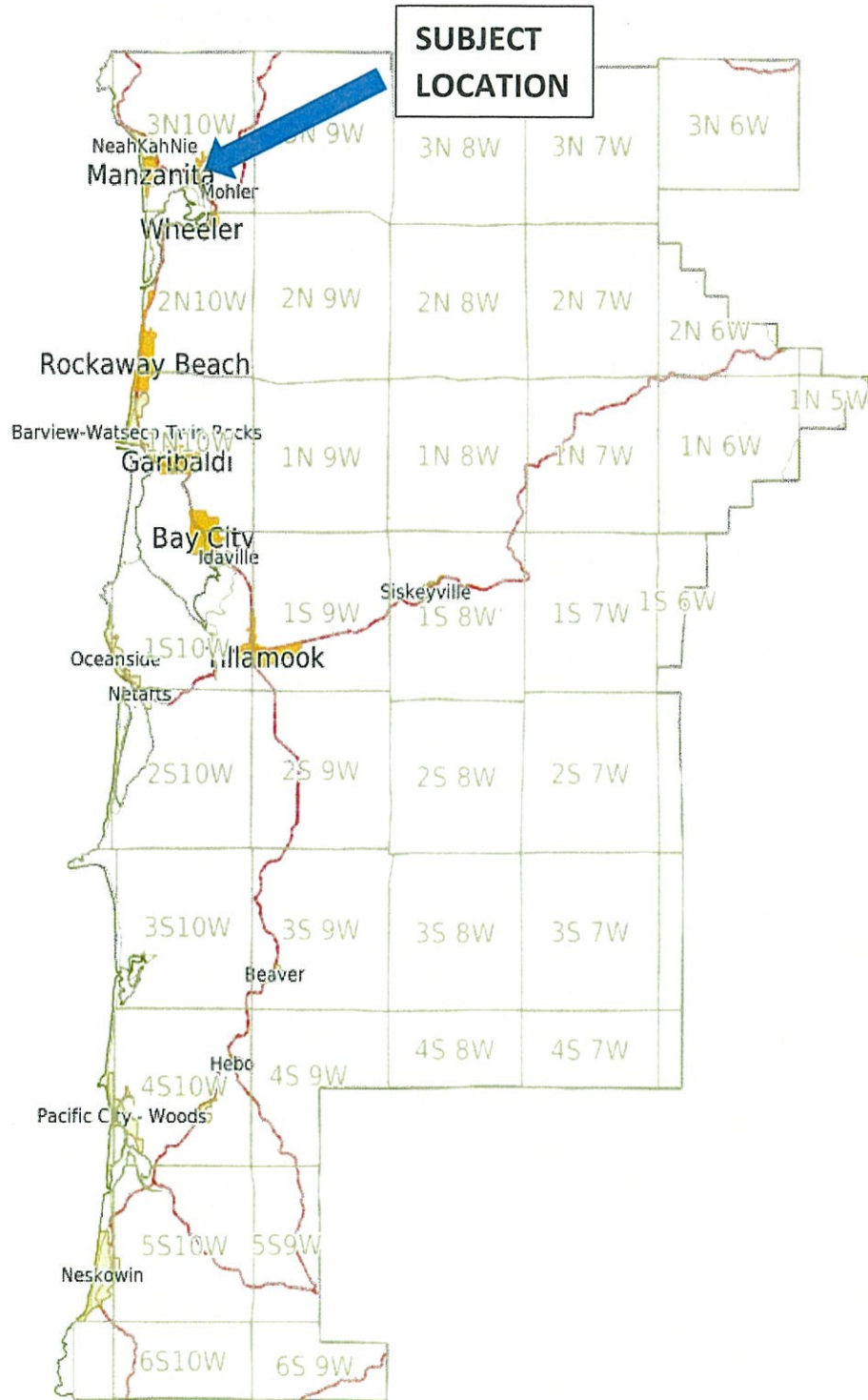
VI. EXHIBITS:

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

- A. Vicinity map, Assessor map, Zoning map, Assessor's Summary Report
- B. Applicant's submittal
- C. Public Comments

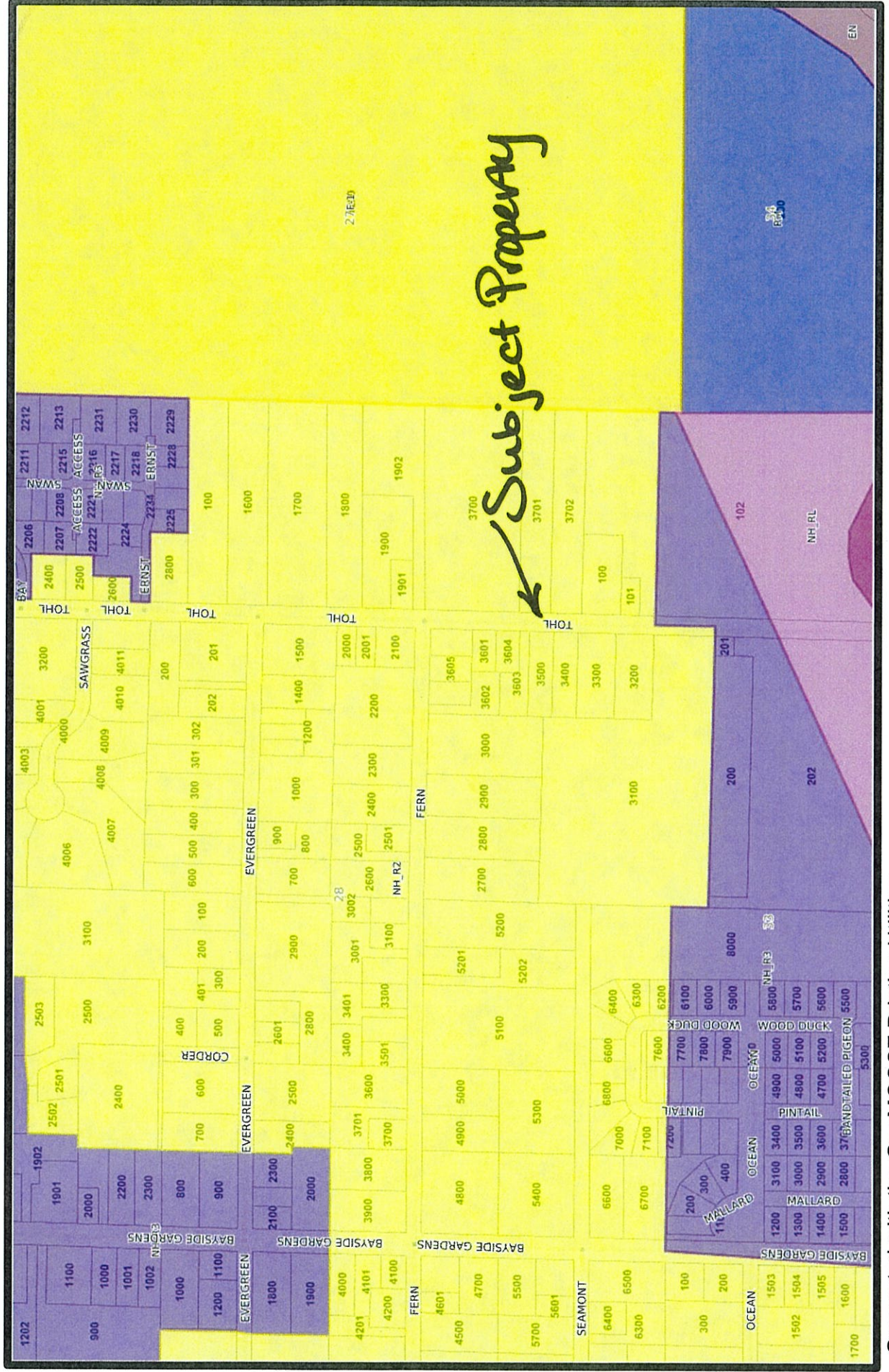
EXHIBIT A

VICINITY MAP

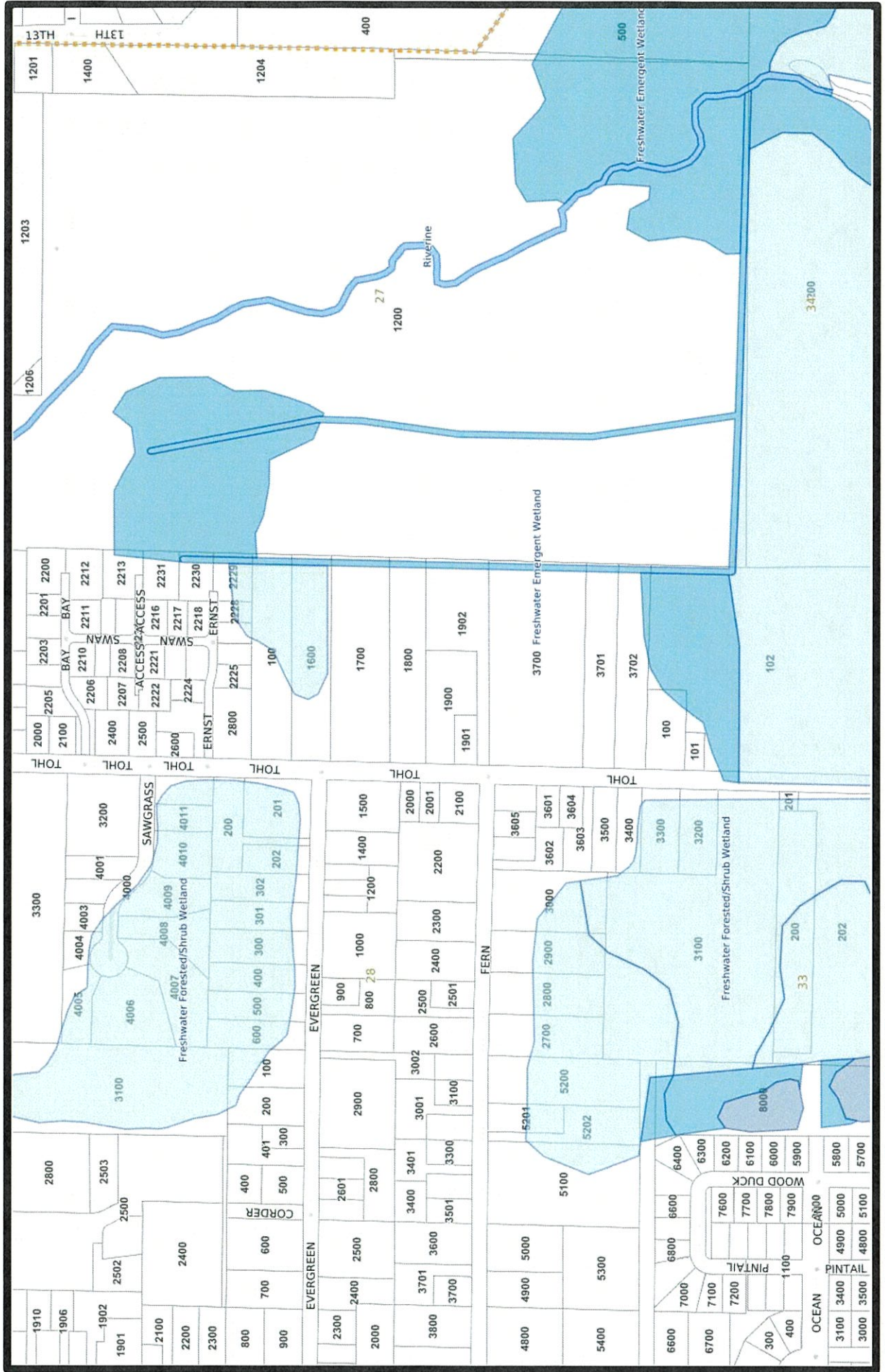


#851-22-00159-PLNG: BRITT

Map



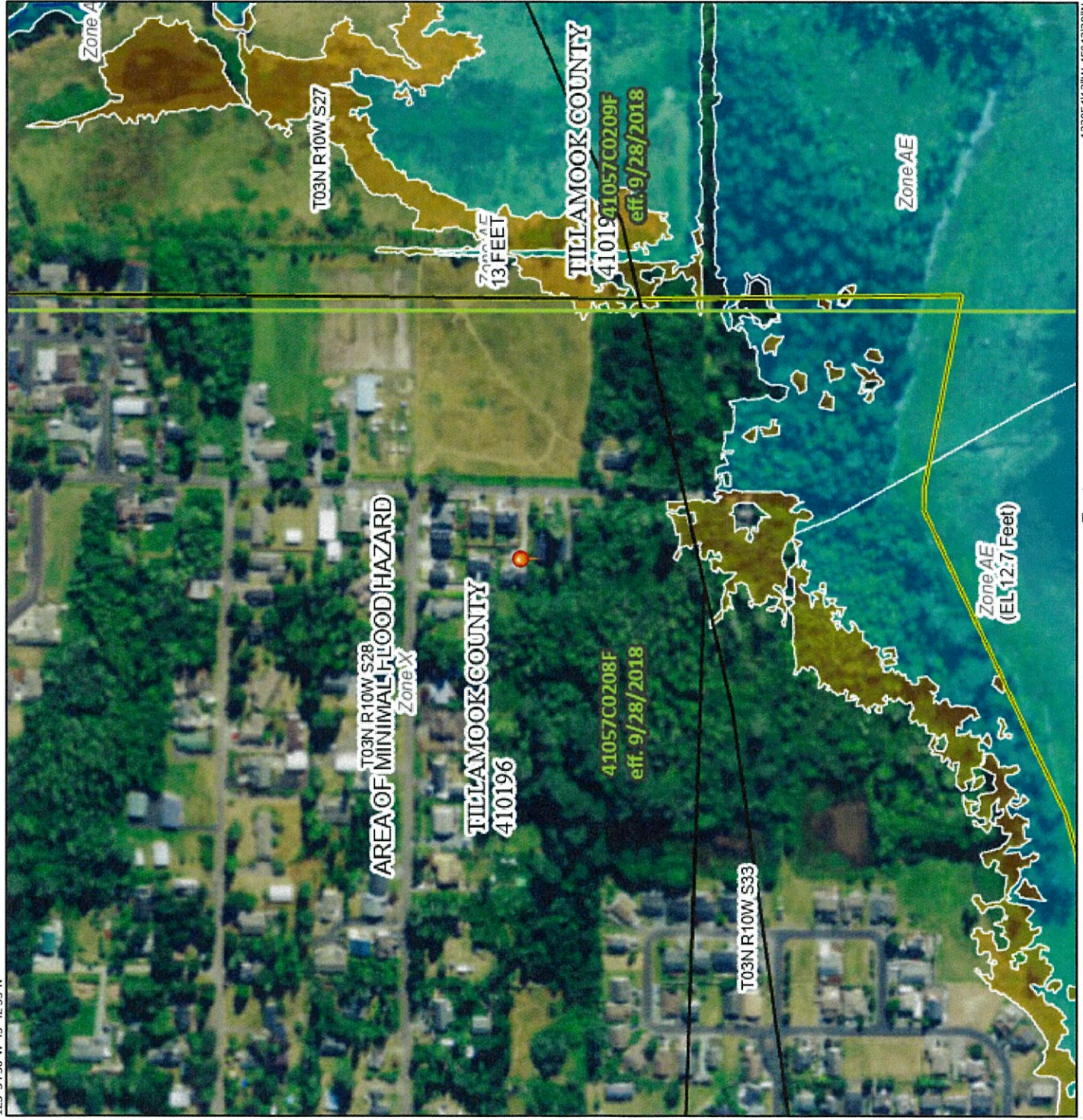
Map



National Flood Hazard Layer FIRMette



123°54'50"W 45°42'55"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 A*
 - 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**
- Area of Minimal Flood Hazard *Zone X*
 - Effective LOMRS
 - Area of Undetermined Flood Hazard *Zone D*
- GENERAL STRUCTURES**
- 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
 - Profile Baseline
 - Hydrographic Feature

- 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 **9/7/2022 at 6:11 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 Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

September 12, 2022 2:41:00 pm

Account # 394947 Map # 3N1028DD03500 Code - Tax # 5623-394947 Legal Descr PARTITION PLAT 1994-57 Lot - PARCEL 2 Mailing Name BRITT, ELIZABETH T (LIFE ESTATE) & Agent In Care Of AVRITT, TAYLOR & Mailing Address 35020 TOHL AVE NEHALEM, OR 97131 Prop Class 109 MA SA NH Unit RMV Class 109 02 ST 201 16952-1	Tax Status ASSESSABLE Acct Status ACTIVE Subtype NORMAL Deed Reference # 2022-1245 Sales Date/Price 02-17-2022 / \$42,800.00 Appraiser ROBERT BUCKINGHAM
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Situs Address(s)	Situs City
ID# 1 35020 TOHL AVE	COUNTY

Code Area		RMV	MAV	Value Summary AV	RMV Exception	CPR %
5623	Land	93,410			Land	0
	Impr.	111,330			Impr.	0
Code Area Total		204,740	183,820	183,820		0
Grand Total		204,740	183,820	183,820		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			Trended RMV
						TD%	LS	Size	
5623					LANDSCAPE - FAIR	100			500
5623	1	<input checked="" type="checkbox"/>		NH-R2	Market	103	A	0.33	84,410
5623					OSD - AVERAGE	100			8,500
Grand Total								0.33	93,410

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Trended RMV
					TD%	Total Sq. Ft.	Ex% MS Acct #	
5623	2	1997	910	M S Other Improvements	119	0	32,460	
5623	1	1998	953	Class 5, Triple Wide	105	2,012	E - 401517 78,870	
Grand Total							2,012	111,330

Exemptions / Special Assessments / Potential Liability					
Code Area 5623					
SPECIAL ASSESSMENTS:					
■ SOLID WASTE	Amount	12.00	Acres	0	Year 2021

Comments: 10/20/05 Added missing year built on MS. dv 04/15/15 Reappraised land; tabled values. RBB

EXHIBIT B



PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	APR 20 2022
BY:	lmailed ->
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	LS
Receipt #:	125543
Fees:	1089
Permit No:	851-22-000159-PLNG

Applicant (Check Box if Same as Property Owner)

Name: ELIZABETH BRITT Phone: 503 801 2244
 Address: 35020 TOHL AVE
 City: NEHALEM State: OR Zip: 97131
 Email: TAYLORAVRITT@GMAIL

Property Owner

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

Request: REQUEST FOR VARIANCE TO BUILD ACCESSORY DWELLING UNIT UNDER LAND CODE NR 22 157.275

Type II

- Farm/Forest Review
- Conditional Use Review
- Variance
- Exception to Resource or Riparian Setback
- Nonconforming Review (Major or Minor)
- Development Permit Review for Estuary Development
- Non-farm dwelling in Farm Zone
- Fore-dune Grading Permit Review
- Neskowin Coastal Hazards Area

Type III

- Extension of Time
- Detailed Hazard Report
- Conditional Use (As deemed by Director)
- Ordinance Amendment
- Map Amendment
- Goal Exception

Type IV

- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

Location:

Site Address: 35020 TOHL AVE NEHALEM, OR 97131
 Map Number: NEHALEM NHR2 3N10W 2800 5623 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.

Elizabeth Britt
 Property Owner Signature (Required)
Elizabeth Britt
 Applicant Signature

4-19-22
 Date
4-19-22
 Date

VARIANCES 157.400 Intent.

(A) The purpose of this subchapter is to allow for the granting of a variance permit from specified site-development requirements of this chapter where it can be shown that owing to special and unusual circumstances related to a specific lot, strict interpretation of the site-development requirements would cause undue or unnecessary hardship.

(B) In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property, or vicinity and otherwise achieve the purpose of this chapter. (Ord. 80-2, passed 06/14/2010)

157.401 Conditions for granting a variance.

Application for Variance

Name: Elizabeth Britt Phone Number: 503.801.2244 Address: 1406 SE 27th Ave., Apt 6, Portland, OR 97214

PROPOSED SITE LOCATION

Address: 35020 Tohl Ave., Nehalem, OR 97131 Assessor's Map Page Location: O3N10W28DD Tax Lot (s): 5623
Zone: NHR2 Section: 3N10W Plot: 3500 Legal Description: Parcel 2, Partition Plat 1994-57, Tillamook County, OR

(A) Exceptional or extraordinary circumstances apply to the property and result from lot size and shape, topography or other circumstances over which the owners of the property have no control;

Freshwater Forested/Shrub Wetland – Freshwater Forested/Shrub Wetland exists on the western perimeter of the property, in the rear of the residence; this is depicted in *Exhibit A & B below*. This is an uncontrolled circumstance due to the topography in which the property owners have no control. The wetland is encroaching on the property line due to rising sea level.

According to the *Environmental Protection Agency*, sea levels have begun rising twice as fast since 1993 until present (0.14 inches per year) as compared to the long-term trend. There is no indication that this trend will change.¹ See *Exhibit C below*. As sea levels rise, it puts low-lying communities at risk, while also impacting wetlands.² Wetlands are particularly vulnerable to storm surges, further endangering western property line (rear of the residence), and any future developments near that line.

¹ <https://www.epa.gov/climate-indicators/climate-change-indicators-sea-level>

² <https://sealevelrise.org/states/oregon/>

As sea levels continue to rise, the *National Oceanic and Atmospheric Administration (NOAA)* predicts both rising flood zones and expanding wetlands.³ See *Exhibit D & E below*. Flood levels are predicted to rise at a hazardous rate, and the land most susceptible to flood levels are Freshwater Forested/Shrub Wetland; this is depicted in *Exhibit F below*. This would directly jeopardize the safety and condition of an Accessory Dwelling Unit constructed in the rear of the residence.

These are exceptional and extraordinary circumstances that directly apply to the property, in particular the western line boarding the existing Freshwater Forest/Shrub Wetland. An uncontrolled natural weather event could greatly damage an ADU constructed in the rear of the residence, and worst, harm the occupants residing within the ADU.

Furthermore, there is not adequate spacing beside the existing residence to construct an ADU beside the primary residence. There is only 13.9" between the existing residence and north side of the property line, and 9.5" to the south.

(B) The variance is necessary for the preservation of a property right of applicant substantially the same as owners of other property in the same zone or vicinity possess;

Substantially the Same as Neighboring Properties – Plot 3601, 3603 and 3604, depicted in *Exhibit B*. The existing structure (garage) in front of the residence is longitudinally aligned with the residences in Plot 3604, 3601 and 3606, as depicted in *Exhibit G*. Therefore, the Accessory Dwelling Unit would be substantially the same with regards to placement within the property and relativity to Tohl Avenue as that of owners of other property in the same vicinity, including 25.3" distance from the nearest edge of the garage to the roadway, similarly to other property lines.

(C) The variance would not be materially detrimental to the purposes of this chapter, the Comprehensive Plan, or to property in the same zone or vicinity in which the property is located or otherwise conflict with the objectives of any city policy; and

Existing Structure – Requesting renovation of existing garage that has been built concurrent with the residence at the time of development; no new structures are to be developed on property conflicting with existing property, nor that of the neighboring zones.

(D) The variance request is the minimum variance which would alleviate the hardship. (Ord. 80-2, passed 06/14/2010)

Minimum Variance – Due to renovation of existing structure, variance is minimally obstructive to the property, including that of the neighboring zones. Hardship exists with standard requirement enforcing ADU to be placed beside or behind the residential structure, as it requires entirely new structural development. In addition, the existing residence and property line does not allow adequate space for an ADU, while behind the residence puts an ADU in jeopardy of convergence with Freshwater Forested/Shrub Wetland.

³ <https://coast.noaa.gov/str/#>

Personal Note from the Property Owners: As we understand certain ordinances must be enforced for uniformity, we believe the request for variance is materially legitimate.

Ordinance 80-2 – 2010 was established over a decade ago, and the landscape of the housing market in northern Tillamook County has changed dramatically. People in the northern part of the county have a sincere need for long-term housing options that are both affordable and relative to their household size. We are fortunate to provide housing for a substantial family size in the primary residence (a mother and her three daughters and dog), but through years of experience interviewing rental candidates, it's become clear there is a need for small family footprints to have long-term housing.

In an area oversaturated with high-cost short-term summer rentals for out of towners, this is our opportunity to provide security for the same community that afforded it to us for over 25 years. Beyond the legitimate hazards listed above in the variance application, renovating the garage into an ADU allows for an efficient and cost-effective method to complete this project by summer's end. This means we can provide a small family with housing security by this winter month, and potentially for years to come.

From a larger perspective, the outdated Ordinance 80-2 – 2010 no longer serves the needs of the community. We also recommend the ordinance be reconsidered for the city, just as it has happened in the city of Portland. Although they're two entirely different places, the housing climate is the same – there's a dire need for local residents to have an affordable place to live, and a cost-effective method to providing that housing, even if it is an ADU in the front of the main residence.

Sincerely,
Elizabeth, Taylor, Tracy and Marley

157.402 Application.

- (A) A request for a variance may be initiated by a property owner, or his or her authorized agent, by filing an application with the City Manager/Recorder.
- (B) The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development.
- (C) For waterfront property, the location of mean higher high water shall also be shown.
- (D) The City Manager/Recorder or Planning Commission may request other drawings or materials essential to an understanding of the proposed use and its relationship to surrounding properties. (Ord. 80-2, passed 06/14/2010)

157.403 Time limit.

- (A) Authorization of a variance shall be void after one year unless substantial construction has taken place.
- (B) Upon request, the Planning Commission may grant one six-month extension.
- (C) A change in plan requires a new application. (Ord. 80-2, passed 06/14/2010)

Exhibit A

Tillamook County Maps western property line in green, encroached by Freshwater Forested/Shrub Wetland.
Note the entire property is in the Local Tsunami Evacuation Zone.

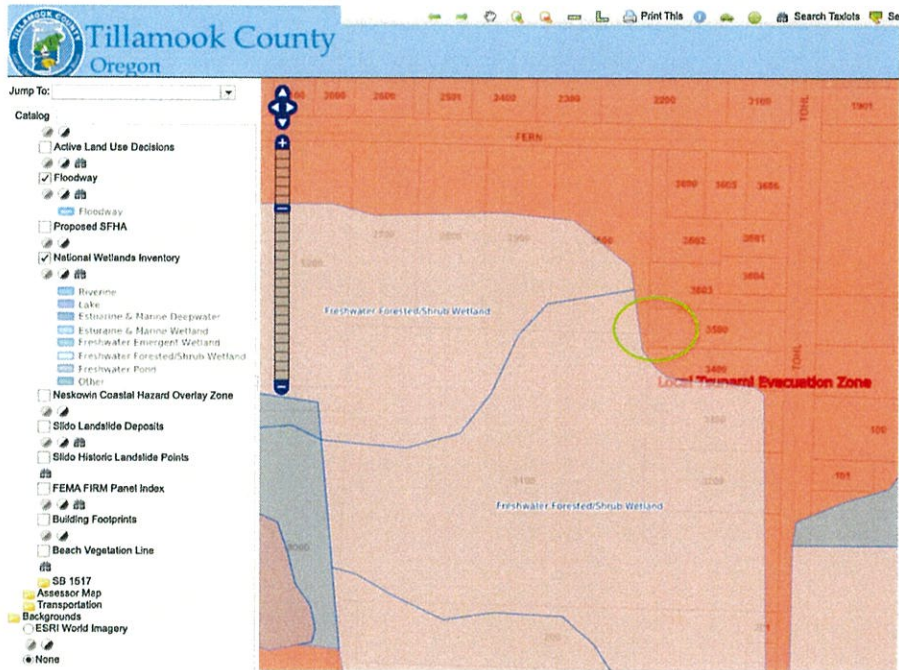


Exhibit B

Tillamook County Maps accredited site plan overlay, showing encroaching wetland on western property line relative to the rear yard.

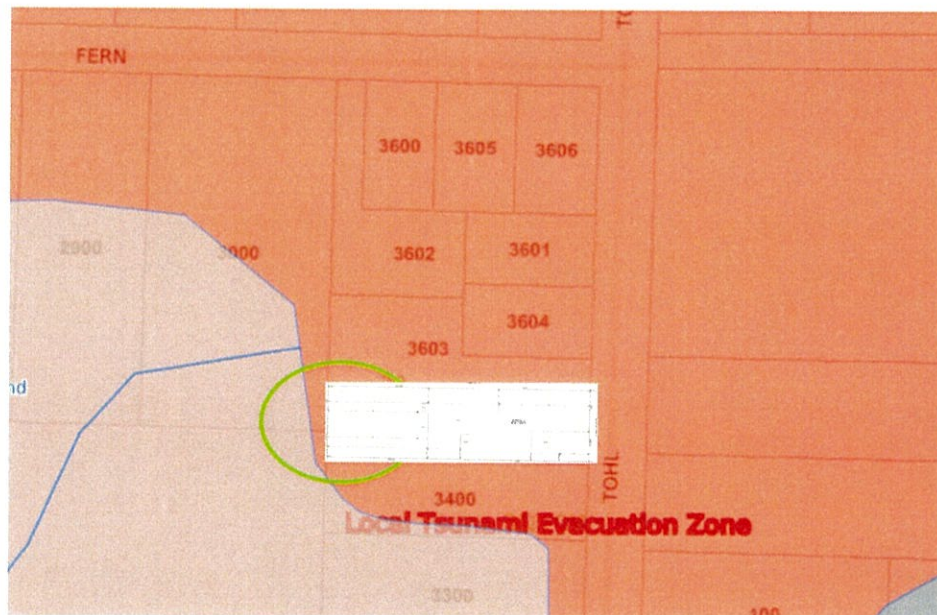
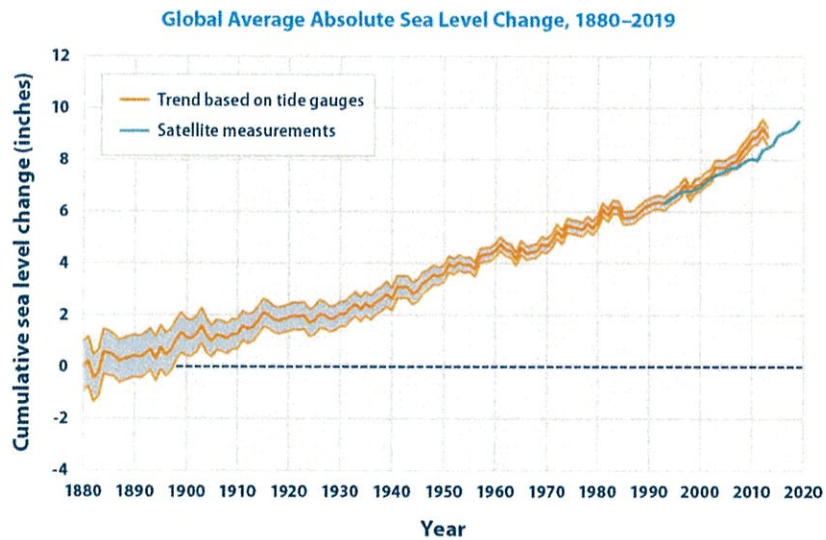


Exhibit C

EPA sea level change indicating approximately double the growth rate since 1993



Data sources:

- CSIRO (Commonwealth Scientific and Industrial Research Organisation). 2017 update to data originally published in: Church, J.A., and N.J. White. 2011. Sea-level rise from the late 19th to the early 21st century. *Surv. Geophys.* 32:585–602. Accessed September 2017. www.cmar.csiro.au/sealevel/sl_data_cmar.html.
- NOAA (National Oceanic and Atmospheric Administration), 2021. Laboratory for Satellite Altimetry: Sea level rise. Accessed March 2021. www.star.nesdis.noaa.gov/sod/lsa/SeaLevelRise/LSA_SLR_timeseries_global.php.

For more information, visit U.S. EPA's "Climate Change Indicators in the United States" at www.epa.gov/climate-indicators.

Exhibit D

NOAA predicted flood zone rise due to rising sea level; shown in the image is Bayside Gardens, Tohl Avenue, and the property.



Exhibit E

NOAA confidence of flood zone reach due to rising sea level

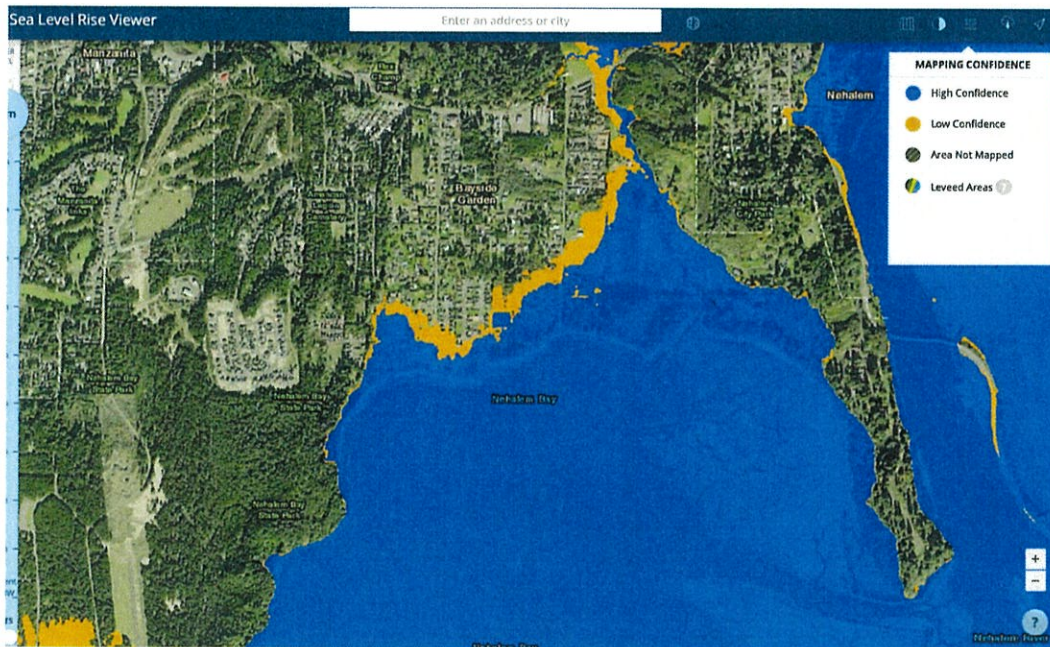


Exhibit F

NOAA predicted growth of Freshwater Forested and Shrub Wetland

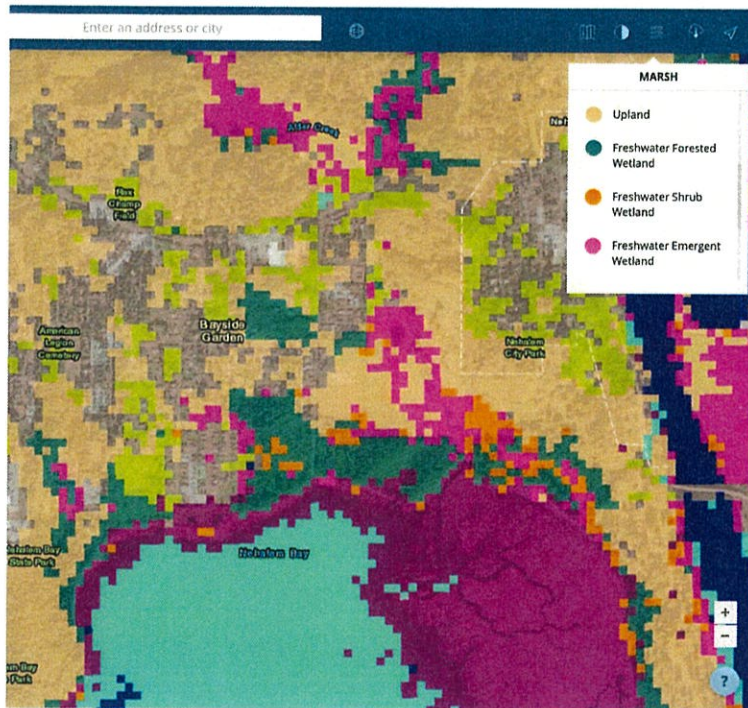


Exhibit C

The garage on Plot 3500 applying for variance renovate garage into ADU is aligned with neighboring residential structures



EXHIBIT C

Sarah Absher

From: Jasper Lind
Sent: Wednesday, September 7, 2022 5:01 PM
To: Sarah Absher; City of Nehalem
Cc: Lynn Tone; Ron Newton
Subject: RE: Britt Variance Decision

Hello Sarah,

TCPW has reviewed variance request #851-22-000159-PLNG and have no objection to the granting of this variance. Thank you for the notice,



Jasper Lind | Engineering Technician
TILLAMOOK COUNTY | Public Works
503 Marolf Loop
Tillamook, OR 97141
Phone (503)842-2032 ext. 3104
jlind@co.tillamook.or.us

From: Sarah Absher <sabsher@co.tillamook.or.us>
Sent: Wednesday, September 7, 2022 3:19 PM
To: Jasper Lind <jlind@co.tillamook.or.us>; City of Nehalem <mthompson@nehalem.gov>
Cc: Lynn Tone <ltone@co.tillamook.or.us>
Subject: Britt Variance Decision
Importance: High

Good Afternoon Jasper and Melissa,

I am wrapping up the Britt Variance and did not see comments from TCPW or the City of Nehalem. Application number is 851-22-000159-PLNG. This is the Variance request to convert the existing garage into an ADU. I would like to get the decision out no later than Friday.

Here is a link to the application: [851-22-000159-PLNG | Tillamook County OR](#)

Sincerely,



Sarah Absher, CBO, CFM, Director
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3317
sabsher@co.tillamook.or.us

Sarah Absher

From: Melissa Thompson-Kiefer <mthompson@nehalem.gov>
Sent: Thursday, September 8, 2022 9:52 AM
To: Jasper Lind; Sarah Absher
Cc: Lynn Tone; Ron Newton
Subject: EXTERNAL: RE: Britt Variance Decision

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

Good Morning Sarah,

I have also reviewed the request and have no objection to the granting of the variance.

Melissa Thompson-Kiefer
City Manager
City of Nehalem
503-368-5627

From: Jasper Lind <jlind@co.tillamook.or.us>
Sent: Wednesday, September 7, 2022 5:01 PM
To: Sarah Absher <sabsher@co.tillamook.or.us>; Melissa Thompson-Kiefer <mthompson@nehalem.gov>
Cc: Lynn Tone <ltone@co.tillamook.or.us>; Ron Newton <rnewton@co.tillamook.or.us>
Subject: RE: Britt Variance Decision

Hello Sarah,
TCPW has reviewed variance request #851-22-000159-PLNG and have no objection to the granting of this variance.
Thank you for the notice,



Jasper Lind | Engineering Technician
TILLAMOOK COUNTY | Public Works
503 Marolf Loop
Tillamook, OR 97141
Phone (503)842-2032 ext. 3104
jlind@co.tillamook.or.us

From: Sarah Absher <sabsher@co.tillamook.or.us>
Sent: Wednesday, September 7, 2022 3:19 PM
To: Jasper Lind <jlind@co.tillamook.or.us>; City of Nehalem <mthompson@nehalem.gov>
Cc: Lynn Tone <ltone@co.tillamook.or.us>
Subject: Britt Variance Decision
Importance: High

Good Afternoon Jasper and Melissa,