



**VARIANCE REQUEST #851-22-000094-PLNG:**

**WEBER/WOMBWELL & BARNARD**

*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: June 3, 2022**

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

**#851-22-000094-PLNG:** A Variance request to reduce the required 20-foot front yard setback to an eight (8) foot front yard setback for the construction of a new single-family dwelling. The subject property is located in the Unincorporated Community of Neskowin accessed via South Beach Road, a private road, zoned Neskowin Low Density Residential (NeskR-1) Zone and designated as Tax Lot 4800 of Section 35DA, Township 5 South, Range 11 West, W.M., Tillamook County, Oregon. The applicant is Jake Weber of GSW Architects. The property owner is Daen Wombwell & Grace Barnard.

Written comments received by the Department of Community Development prior to 4:00 p.m. on June 17, 2022, 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, June 20, 2022.

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 at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. They are also available on the Tillamook County Department of Community Development website: <https://www.co.tillamook.or.us/commdev/landuseapps>.

If you have any questions about this application, please contact the Department of Community Development at (503) 842-3408 ext. 3412 or by contacting Lynn Tone, DCD Office Specialist, at [ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us).

Sincerely,

Melissa Jenck, CFM, Senior Planner

Sarah Absher, CBO, CFM, Director

Enc. Maps and applicable ordinance criteria

**REVIEW CRITERIA**

**ARTICLE VIII - VARIANCE PROCEDURES AND CRITERIA**

**SECTION 8.030: REVIEW CRITERIA:** A VARIANCE shall be granted, according to the procedures set forth in Section 8.020, if the applicant adequately demonstrates that the proposed VARIANCE satisfies all of the following criteria:

- (1) Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.
- (2) A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.
- (3) The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.
- (4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.

**SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS**

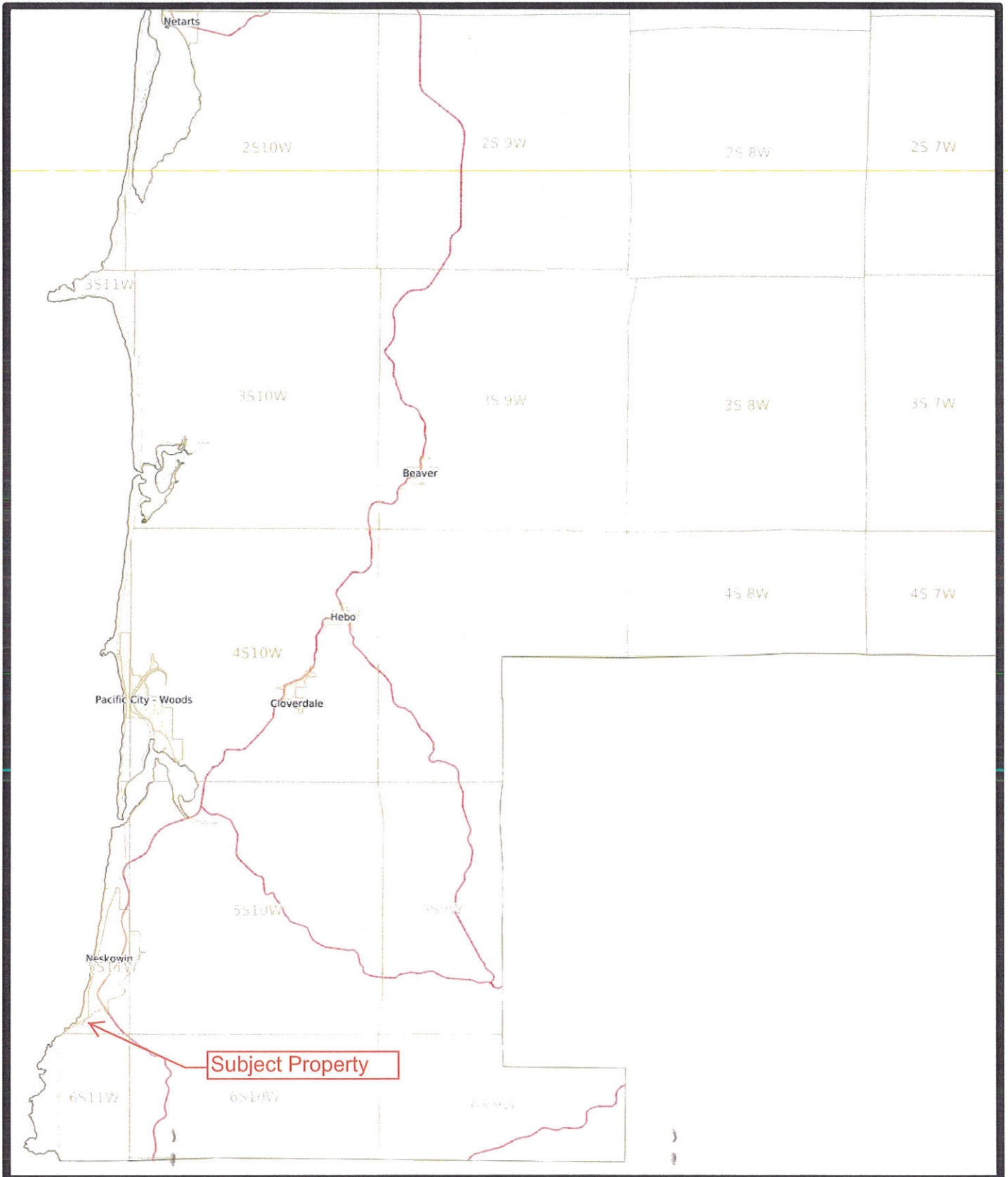
In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards is the following:

- (1) To ensure the availability of private open space;
- (2) To ensure that adequate light and air are available to residential and commercial structures;
- (3) To adequately separate structures for emergency access;
- (4) To enhance privacy for occupants of residences;
- (5) To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;
- (6) To ensure that driver visibility on adjacent roads will not be obstructed;
- (7) To ensure safe access to and from common roads;
- (8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;
- (9) To separate potentially incompatible land uses;
- (10) To ensure access to solar radiation for the purpose of alternative energy production.

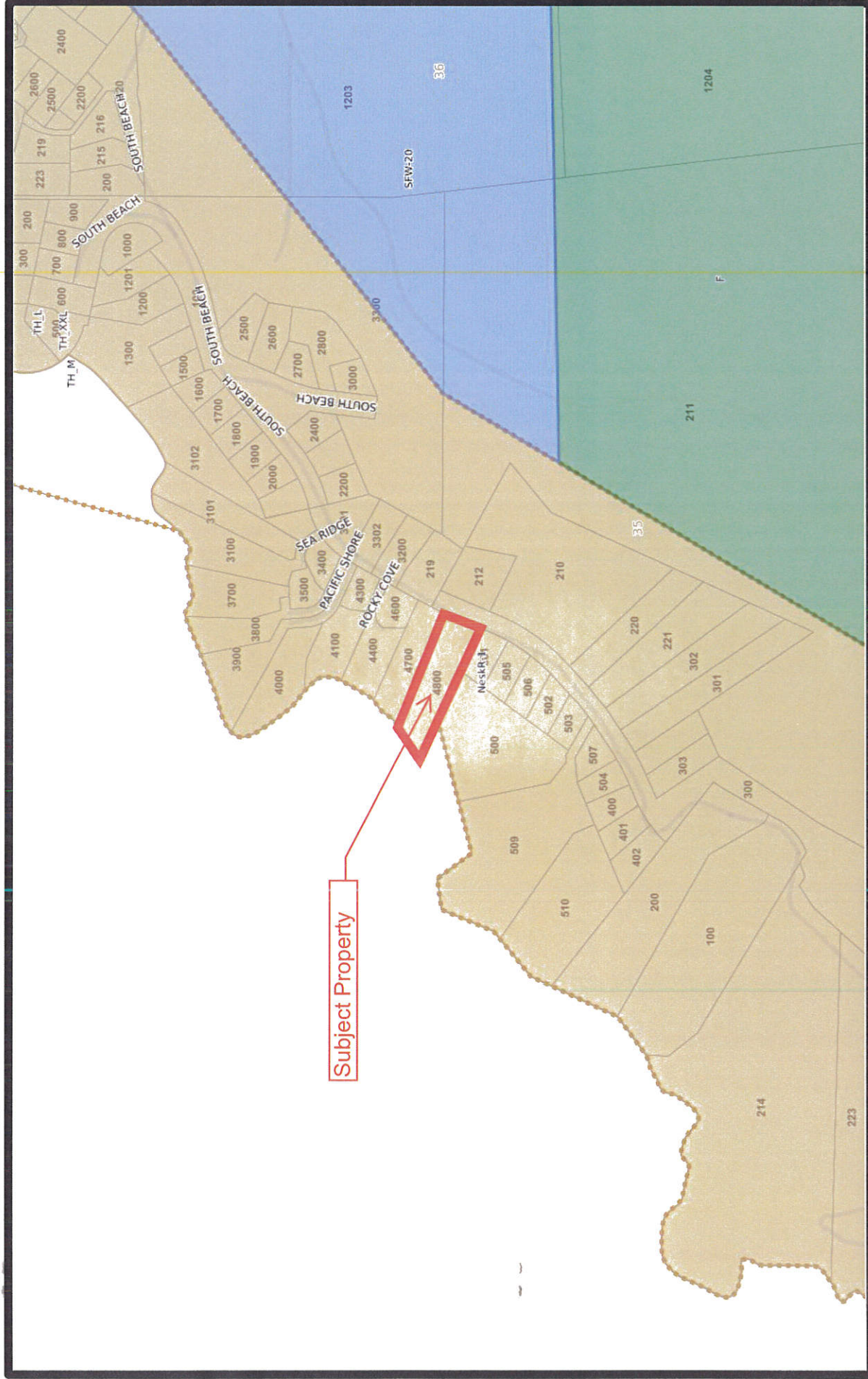
) )  
) )

# EXHIBIT A

# Vicinity



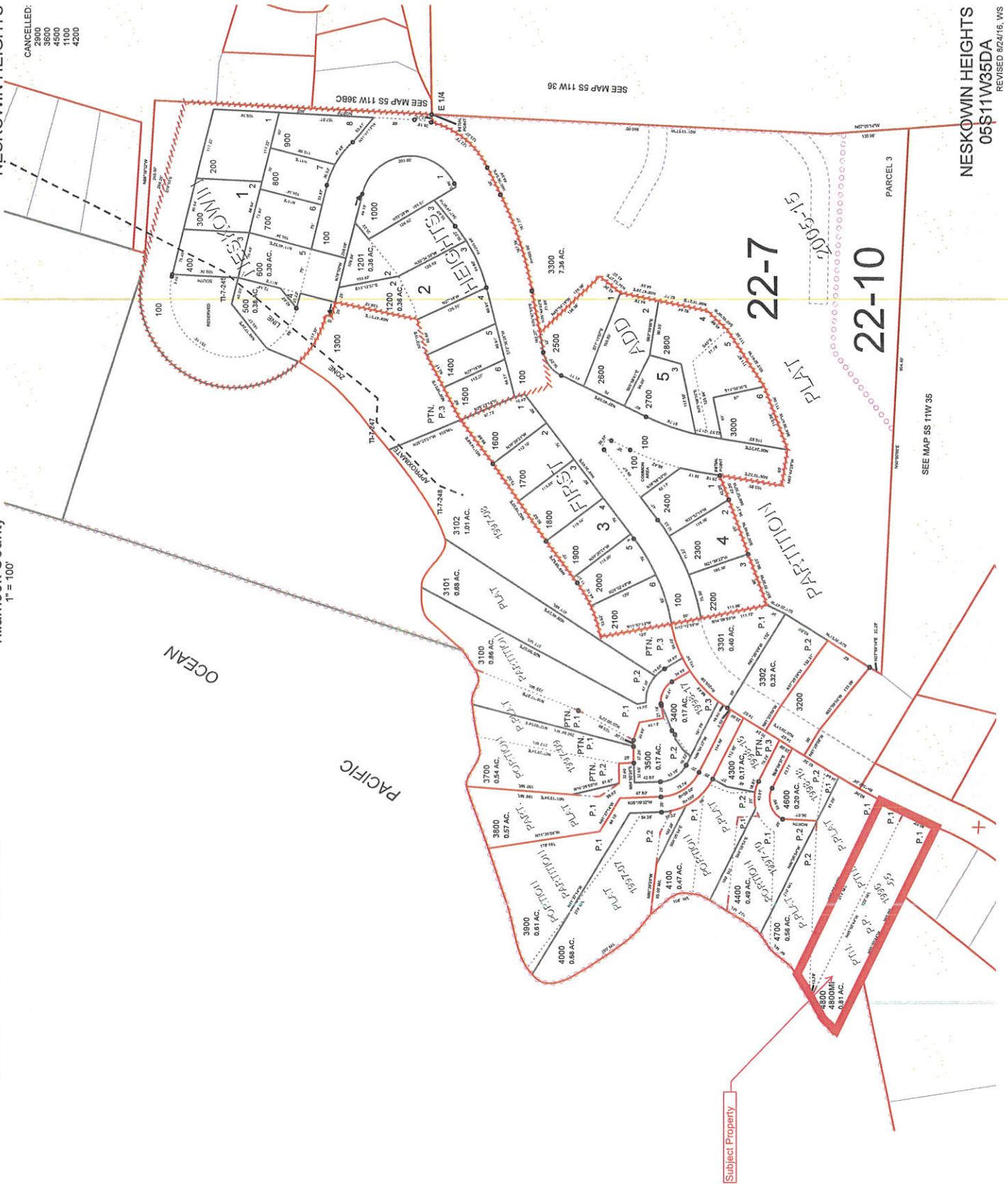
# Zoning Map



FOR ASSESSMENT AND TAXATION ONLY. NOT SUITABLE FOR LEGAL, ENGINEERING, OR SURVEY PURPOSES

N.E. 1/4 S.E. 1/4 SEC. 35 T.5S. R. 11W. W.M.  
Tillamook County  
1" = 100'

05S11W35DA  
NESKOWIN HEIGHTS  
CANCELLED:  
2900  
3600  
4600  
1100  
4200



Subject Property

NESKOWIN HEIGHTS  
05S11W35DA  
REVISED 6/24/16, WS

SEE MAP SS 11W 35

SEE MAP SS 11W 36

SEE MAP SS 11W 38B,C

# TILLAMOOK County Assessor's Summary Report

## Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

June 3, 2022 10:44:29 am

<b>Account #</b> 251079 <b>Map #</b> 5S1135DA04800 <b>Code - Tax #</b> 2209-251079  <b>Legal Descr</b> See Record  <b>Mailing Name</b> WOMBWELL, DAEN & <b>Agent</b> <b>In Care Of</b> BARNARD, GRACE <b>Mailing Address</b> 6604 CROWN FOREST DR PLANO, TX 75024  <b>Prop Class</b> 100 <b>MA</b> <b>SA</b> <b>NH</b> <b>Unit</b> <b>RMV Class</b> 100      09    OF    986    6860-1	<b>Tax Status</b> ASSESSABLE <b>Acct Status</b> ACTIVE <b>Subtype</b> NORMAL  <b>Deed Reference #</b> 2021-6857 <b>Sales Date/Price</b> 08-09-2021 / \$439,000.00 <b>Appraiser</b> ROBERT BUCKINGHAM
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<b>Situs Address(s)</b>	<b>Situs City</b>
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Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
2209 Land	385,850			Land	0
Impr.	0			Impr.	0
<b>Code Area Total</b>	<b>385,850</b>	<b>268,990</b>	<b>268,990</b>		<b>0</b>
<b>Grand Total</b>	<b>385,850</b>	<b>268,990</b>	<b>268,990</b>		<b>0</b>

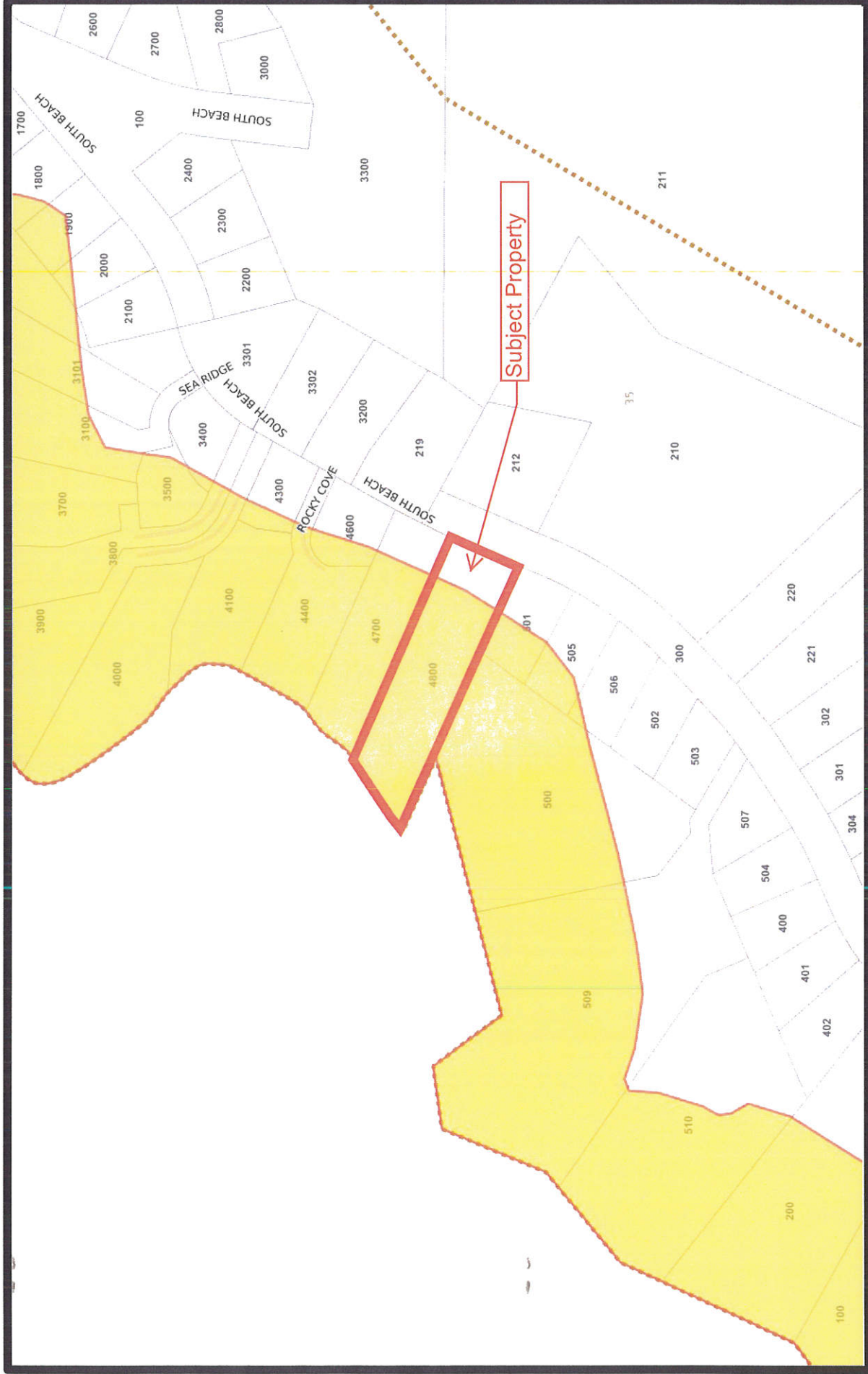
Land Breakdown										
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
2209	0		<input type="checkbox"/>	NESKR -1	Market	104	A	0.81		385,850
<b>Grand Total</b>								<b>0.81</b>		<b>385,850</b>

Improvement Breakdown									
Code Area	Yr ID#	Stat Built	Class	Description	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV	
<b>Grand Total</b>								<b>0</b>	

Exemptions / Special Assessments / Potential Liability									
Code Area	2209								
<b>FIRE PATROL:</b>									
■ FIRE PATROL NORTHWEST									
	<b>Amount</b>	18.75	<b>Acres</b>	0.81	<b>Year</b>	2021			

**Comments:** 9/18/02 AC & VAL CHG AFTER LLADJ W/TLS 4500 & 4700. PROP IS NOW EFFECTIVE OCEAN FRONT. CHGD RMV LAND & "HOOD". MAV BAL. LR 5/18/05 Code change due to Annexation by the Neskowin Regional Sanitary Authority. dv 04/22/14 Reappraised land; tabled land. RBB

# Neskowin Coastal Hazards Map





# National Flood Hazard Layer FIRMette

123°59'48"W 45°54'2"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, AS9
- 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 J)
- 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**

- NO SCREEN
- Area of Minimal Flood Hazard (Zone X)
- Effective LOMRs
- Area of Undetermined Flood Hazard (Zone X)

**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**

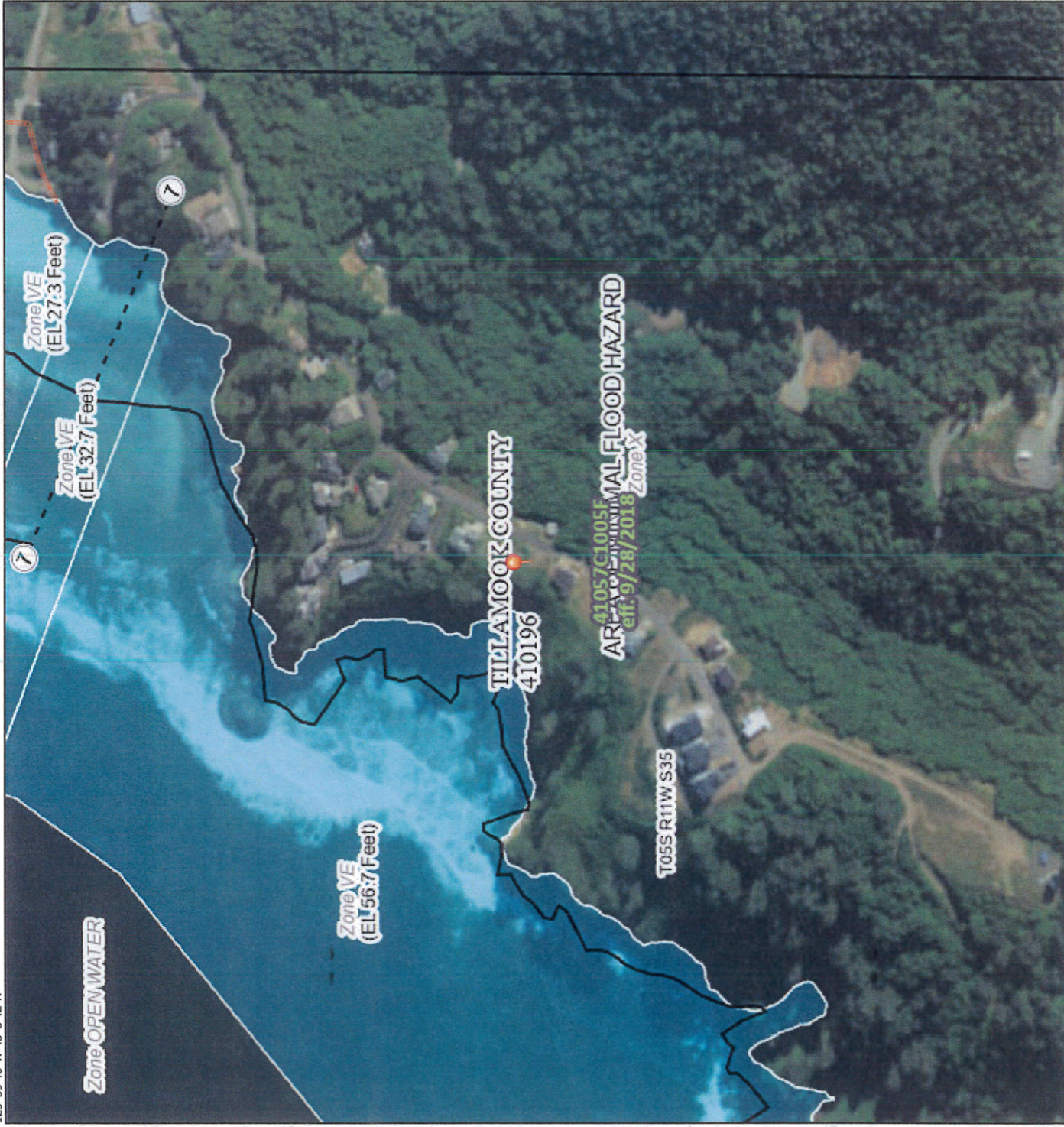
- Digital Data Available
- No Digital Data Available
- Unmapped

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 6/3/2022 at 1:14 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.



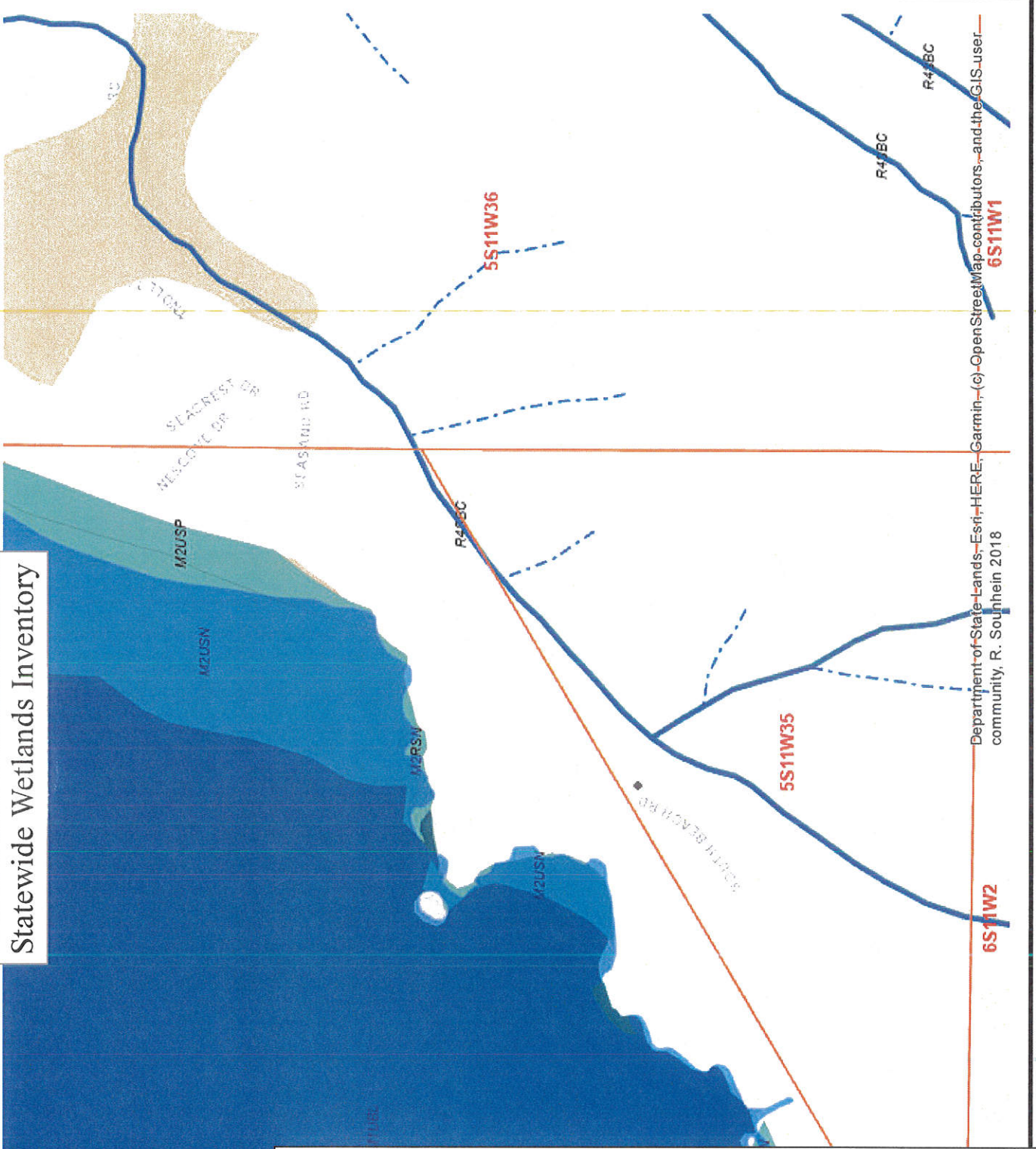
123°59'11"W 45°54'17"N



# Statewide Wetlands Inventory

- Sections
- LMI Study Area
- NHD Springs/Seeps
- NHD Streams and Rivers
- Perennial
- Intermittent
- Ephemeral
- Unknown
- Canal/Ditch
- NHD Area
- NHD Waterbody

- Wetlands
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine
- Hydric Soil\_21
- Agate W/nlo\_21



Department of State Lands - Esri - HERE - Garmin - (c) - OpenStreetMap contributors, and the GIS-user community, R. Souhlein 2018



Date: 6/3/2022



N



# PLANNING APPLICATION

*email invoice*

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

Name: Jake Weber Phone: 503-223-0325  
 Address: 2800 NW Thurman  
 City: Portland State: OR Zip: 97210  
 Email: jakew@gswarchitects.net

**Property Owner**

Name: Daen Wombwell, Grace Barnard Phone: 214-563-0885  
 Address: 6604 Crown Forest Dr.  
 City: Plano State: TX Zip: 75024  
 Email: dwombwell@niwcorp.com, gbarnard@niwcorp.com

OFFICE USE ONLY	
Date Stamp	RECEIVED
	MAR 07 2022
BY: Mail	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: MJ	
Receipt #:	
Fees: \$ 1,089.00	
Permit No:	
851-22-000094-PLNG	

Request: A variance request to build a single family residence with an 8ft front setback in lieu of the 20ft zoning requirement due to physical limitations of the ocean bluff site and coastal hazard overlay.

**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: No Situs – South Beach Rd., Neskowin, OR 97149

Map Number: 5S1135DA04800

Township	Range	Section	Tax Lot(s)
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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.

Property Owner Signature (Required) *Daen Wombwell* Date *2/25/22*  
 Applicant Signature *Jake Weber* Date *2.25.2022*

RECORDING REQUESTED BY:



9755 SW Barnes Road, Ste 105  
Portland, OR 97225

Tillamook County, Oregon  
08/10/2021 09:09:01 AM **2021-06857**

DEED-DWARR  
\$50.00 \$11.00 \$10.00 \$61.00 - Total = \$132.00

I hereby certify that the within instrument was received  
for record and recorded in the County of Tillamook,  
State of Oregon.

Tassi O'Neil, Tillamook County Clerk

**AFTER RECORDING RETURN TO:**

Order No.: 902101293-KH  
Daen Wombwell and Grace Barnard, as tenants by the entirety  
6604 Crown Forest Drive  
Plano, TX 75024

**SEND TAX STATEMENTS TO:**

Daen Wombwell and Grace Barnard  
6604 Crown Forest Drive  
Plano, TX 75024

APN: 251079  
Map: 5S1135DA TL 4800  
TL 4800 South Beach Road, Neskowin, OR 97149

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

Barbara A. Leonard, Trustee of The Barbara A. Leonard Trust date April 1, 1994 and Barbara A. Leonard, Trustee of The Daniel K. Leonard Trust dated April 1, 1994, each as to an undivided one-half interest, Grantor, conveys and warrants to Daen Wombwell and Grace Barnard, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Tillamook, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FOUR HUNDRED THIRTY-NINE THOUSAND AND NO/100 DOLLARS (\$439,000.00). (See ORS 93.030).

**Subject to:**

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

VW TIC 360421005485

**EXHIBIT "B"**  
Exceptions

**Subject to:**

6. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2021/22.
7. Regulations, levies, liens, assessments, rights of way and easements of Neskowin Regional Sanitary District.
8. Regulations, levies, liens, assessments, rights of way and easements of Neskowin Water District.  
None found as of August 4, 2021.
9. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads, and highways.
10. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Pacific Ocean.
11. Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.
12. Rights of public and of governmental bodies in that portion of the subject land lying below the mean high water line of the Pacific Ocean and lying within the ocean shore and the dry sand area as declared under the provisions of ORS 390.605 through 390.770 and as found in Thornton v. Hay, 254 Or 584, 452 P2d 671 (1969).
13. Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Pacific Ocean.
14. Agreement granting perpetual privilege of attaching water pipes to water mains, and right to cross property in direct course to the nearest county road and ocean beach, granted in instrument;

Granted by: J. R. Brigham

To: R. E. Steiner, et al

Recording Date: August 4, 1910

Recording No.: Miscellaneous Book: 2 Page: 130

(location not specific.)

15. Rights of ingress and egress and rights to water, including the terms and provisions thereof;

Granted by: John R. Brigham

To: E. C. Apperson, et al

Recording Date: September 10, 1917

Recording No.: Book: 36 Page: 238

Also granted in Deed,

To: Nellie G. Rogers

Recording Date: March 15, 1918

Recording No.: Book: 37 Page: 101

Also granted in Deed,

To: Lillie Lichfield Shirley

Recording Date: August 30, 1920

Recording No.: Book: 42 Page: 25

Also as granted in Deed,

To: Aletta M. Brigham

Recording Date: August 11, 1921

Recording No.: Book: 43 Page: 453

Also granted in Deed,

To: Mary E. Webster

Recording Date: July 21, 1922

Recording No.: Book: 44 Page: 625

(Location not specific.)

**EXHIBIT "B"**  
Exceptions

23. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District

Purpose: Public utilities

Recording Date: July 14, 1970

Recording No: Book: 219 Page: 954

Affects: See document for specifics

24. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District

Purpose: Public utilities

Recording Date: August 19, 1970

Recording No: Book: 220 Page: 365

Affects: See document for specifics

25. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District

Purpose: Public utilities

Recording Date: August 17, 1971

Recording No: Book: 224 Page: 159

Affects: See document for specifics

26. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: April 26, 1974

Recording No: Book: 236 Page: 128

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: April 2, 1990

Recording No: Book: 327 Page: 294

27. Easement(s) for the purpose(s) shown below and rights incidental thereto, as disclosed in a document:

Granted to: Robert C. Brodine, Jr. and Verna Lee Brodine

Purpose: Ingress, and egress, etc.

Recording Date: August 16, 1974

Recording No: Book: 237 Page: 499

Affects: See document for specifics

28. Easement and Maintenance Agreement, including the terms and provisions thereof;

Executed by: L.E.W. Engineering, Inc., an Oregon corporation; and Robert C. Brodine, Jr. and Verna Lee Brodine, husband and wife

Recording Date: August 16, 1974

Recording No.: Book: 237 Page: 500

Affects: Roadway use and maintenance and water system use

29. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District

Purpose: Public Utilities

Recording Date: July 28, 1976

Recording No: Book: 246 Page: 157

Affects: See document for specifics

30. Agreement for Easement, including the terms and provisions thereof;

Executed by: L.E.W. Engineering, Inc.

Recording Date: January 19, 1977

Recording No.: Book: 248 Page: 738

Affects: South Beach Road

31. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District

**EXHIBIT "B"**  
Exceptions

Granted to: Tillamook Peoples' Utility District

Purpose: Public utilities

Recording Date: September 28, 1994

Recording No: Book: 364 Page: 132

Affects: See document for specifics

42. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Russell F. Wilson

Purpose: Ingress and egress

Recording Date: October 4, 1994

Recording No: Book: 364 Page: 266

Affects: South Beach Road and othe property also

43. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Ocean View Ventures, Inc., etal

Purpose: Access and utilites

Recording Date: April 29, 1998

Recording No: Book: 395 Page: 927

44. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on Partition Plat No. 1998-018;

Purpose: Utilities

Recording Date: April 29, 1998

Recording No: Partition Plat Book B558-2

Affects: Reference is hereby made to said document for full particulars

45. Agreement, including the terms and provisions thereof,

Executed by: Pre Development Inc.; OVV Development Inc.; Pacific Ridge Enterprises, Inc.; and

Ocean View Ventures, Inc.

Recording Date: June 5, 1998

Recording No.: Book 397, page 109

Affects: Reference is hereby made to said document for full particulars

46. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: July 17, 1998

Recording No: Book: 398 Page: 470

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: October 12, 2001

Recording No: Book: 429 Page: 952

47. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District

Purpose: Public utilities

Recording Date: December 22, 1998

Recording No: Book: 403 Page: 109

Affects: See document for specifics

**EXHIBIT "A"**  
Legal Description

line of the private roadway designated as Lot 99, Neskowin Heights, in Tillamook County, Oregon, according to the official Plat thereof, recorded in Plat Book 3, page 13, Tillamook County Records.

**PARCEL NO. 3:**

A perpetual, non-exclusive easement for ingress, egress, pedestrian access and utilities over the following described tract: Lot 99, Neskowin Heights, in the County of Tillamook, State of Oregon, according to the official Plat thereof recorded in Plat Book 3, page 13, Tillamook County Records; and Lot 99, First Addition to Neskowin Heights, in the County of Tillamook, State of Oregon, according to the official Plat thereof, recorded in Plat Book 3, page 16, Tillamook County Records.

EXCEPTING THEREFROM that portion described as follows:

Beginning at the Northwest corner of Lot 2, Block 2, Neskowin Heights;  
thence North 78° 50' West 25.0 feet;  
thence North 11° 10' East 10.0 feet;  
thence on a 157.0 foot radius curve right (long chord bears North 11° 10' East, 314.0 feet) an arc distance of 493.23 feet;  
thence South 11° 10' West, 50.0 feet;  
thence on a 107.0 foot radius curve left (long chord bears South 11° 10' West, 214.0 feet) an arc distance of 336.15 feet;  
thence South 78° 50' East 25.22 feet;  
thence South 11° 12' 40" West 60.0 feet, more or less, to the point of beginning.

**PARCEL NO. 4:**

That certain non-exclusive easement for roadway and utility lines purposes over a strip of land 25 feet in width, as reserved by L.E.W. Engineering, Inc., in that deed to Robert C. Brodine Jr. and Verna Lee Brodine recorded August 16, 1974 in Book 237, page 499, Tillamook County Records.

**PARCEL NO. 5:**

A perpetual non-exclusive pedestrian easement for ingress and egress over and across the following described tract of land:

Beginning at the Initial Point of the Plat of Neskowin Heights, said Initial Point being the quarter Section corner common to Sections 35 and 36, Township 5 South, Range 11 West of the Willamette Meridian, County of Tillamook, State of Oregon;  
thence West 12.78 feet to the Easterly sideline of Tract 99 of Neskowin Heights;  
thence Northerly along said Tract 99 Easterly sideline to the most Southerly Southeast corner of Lot 8, Block 1, Neskowin Heights;  
thence North 157.51 feet along the East boundary of said Lot 8 to the Southeast of Lot 1, of said Block 1, Neskowin Heights;  
thence North 109.74 feet to the Northeast corner of said Lot 1;  
thence South 78° 50' 00" East 10.19 feet, more or less, to the Easterly boundary of Neskowin Heights;  
thence South 350.00 feet, more or less to the point of beginning.

**PARCEL NO. 6:**

A perpetual non-exclusive easement for the right of parking on the Southernmost half portion of the following described roadway, said roadway which is a portion of Lot 99, Neskowin Heights, Township 5 South, Range 11 West of the Willamette Meridian, in the County of Tillamook, State of Oregon, as described in Plat Book 3, page 13, Tillamook County Records, and more particularly described as follows:

Commencing at the most Southerly corner of Lot 1, Block 2, Neskowin Heights, in Tillamook County, Oregon, according to the official Plat thereof, recorded in Plat Book 3, page 13, Tillamook County Records;

thence North 60° 40' 42" East 5.86 feet;

thence on a 82.50 foot radius curve left (long chord bears North 9° 04' 39" West 154.81 feet) an arc distance of





March 1, 2022

Tillamook County  
Community Development  
Attn: Melissa Jenck  
1510-B Third Street  
Tillamook, OR 97141

**RE:** Variance Request - Wombwell Barnard Residence

**Tax Lot:** 5S1135DA04800

**Address:** No Situs - South Beach Rd., Neskowin, OR 97149

**Variance Request:** 8ft Front Yard in lieu of the required 20ft Front Yard

#### **Section 8.030: Review Criteria**

- 1. Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.*

**Response:** The project site is located on the edge of the ocean bluff in Neskowin with varying land depth of 60ft to 80ft from the property line at the right-of-way to the edge of the cliff (see attached Topographic Survey from Leland McDonald & Associates, and LU-1 for highlighted tax map). Land Use Ordinance setbacks for Neskowin Low Density Residential zoning from Section 3.322(4)(g) state that the minimum front yard shall be 20ft. A geotechnical engineer has surveyed the lot and conducted soils testing (see attached Geotechnical Report from Earth Engineers, Inc.) and has identified a building setback from edge of the bluff per the attached site plan on sheet LU-2 that restricts the buildable area of the site. Despite identifying a building setback, the geotechnical engineer has recommended that the building be setback from the edge of the bluff as much as possible. Neskowin Coastal Hazard Overlay (NCHO) zoning also applies to this site (also shown on LU-2) and is even more stringent than the geotechnical setback. The proposed single-family dwelling intends not to build within the NCHO area to avoid the unrealistic requirements of the NCHO zoning code (most notably, the requirement to build a moveable structure). When applying the afore mentioned restrictions to the buildable

depth of the lot in conjunction with Land Use Ordinance rules from Section 3.322(4)(j)(2) which state that the *building width at all points shall not exceed 70% of the distance between the opposite side lot lines (measured as close to perpendicular to those lines as possible)*, the buildable area of the lot is approximately 71'-11" wide by 34'-4" deep including projections and overhangs of the building (see LU-2). A variance request for an 8ft front setback is being requested in order to construct a house, garage, and private outdoor space within a reasonable footprint of approximately 71'-11" x 45'-5" including projections and overhangs that protect the building in the harsh coastal environment (see LU-3 for proposed site plan). It should be noted that due to the rules of the NCHO, as outlined in Section 3.570, no structure, heavy grading, or patios/decks may be constructed within the coastal hazard zone without triggering the special permit, and as a result, private outdoor areas such as patios and decks must be constructed within the aforementioned buildable area of the site, further reducing the livable square footage of the home in order for the property owners to seek reasonable outdoor enjoyment of the property as afforded to other less restrictive properties nearby.

**2. A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.**

**Response:** As noted above, a variance to the front setback is necessary to accommodate the construction of a single-family dwelling on the parcel which is an expected use of the property permitted outright under Section 3.322. It appears several adjacent properties on South Beach Rd. make use of a similar front setback variance due to physical limitation of building on the ocean bluff in order to secure reasonable enjoyment of their property. Most notably, the property directly south (53080 South Beach Rd.) of the project site, and the property three lots north (50360 South Beach Rd.) of the project site appear to have made use of front setback variances to construct the homes present on those lots closer than the required 20ft setback. The character of the neighborhood and South Beach Rd. in general is defined by mostly non-conforming homes constructed closer to the right-of-way than zoning ordinances require, and the project site should reasonably expect the same consideration.

**3. The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.**

**Response:** Granting the requested variance to construct a single-family dwelling will comply with the purposes of development standards outlined in Section 4.005 as described in the following:

**Section 4.005(1):** *To ensure the availability of private open space;*

Approval of the requested variance is essential to ensure the availability of private open space that can be used for the enjoyment of the surrounding natural environment. The proposed design makes use of the variance request to afford the ability to provide private outdoor space within the buildable area allowed by the aforementioned restrictions on-site.

**Section 4.005(2):** *To ensure that adequate light and air are available to residential and commercial structures;*

Adequate light and air to structures will be preserved even as a result of granting the requested variance. The proposed dwelling will meet all other development standards as set forth in the Land Use Ordinance, allowing access to light and air to project site and neighboring properties. The proposed dwelling is located approximately 12'-6" from the south property line and 19'-6" from the north property line (see LU-3 for dimensions from the building to property lines), ensuring neighboring structures will maintain access to light and air. It should be noted that an existing water tower, an uninhabitable structure, is located on the property east of the project site.

**Section 4.005(3):** *To adequately separate structures for emergency access;*

As mentioned in the response for Section 4.005(2) above, the proposed dwelling provides adequate setbacks from neighboring property lines, allowing access between neighboring structures for emergency access around all sides of the building. The variance request of the front setback won't affect access to the building from the street.

**Section 4.005(4):** *To enhance privacy for occupants of residences;*

The proposed dwelling has been designed to maximize privacy for the property owner on the south, east, and north sides of the building with strategically placed windows as shown in the attached renderings. Special consideration has been taken on the east façade, the side of the building requesting the front setback variance. Although an 8ft front setback variance has been requested, the foundation wall of the building will be located 10ft from the east property line, with the remaining 2ft difference being used for a reasonable overhang on the building.

**Section 4.005(5):** *To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;*

The proposed dwelling will be constructed entirely on private land, including a two-car garage and a driveway for safe access to South Beach Rd. Private open spaces such as patios and decks will also be constructed entirely on private land.

**Section 4.005(6):** *To ensure that driver visibility on adjacent roads will not be obstructed;*

The construction of the dwelling with approval of the requested variance will not alter driver visibility along the common road (South Beach Rd). The proximity of the proposed dwelling in relation to the common street closely compares to neighboring homes; furthermore, South Beach Rd. is a straight road along the project site and no intersections exist nearby that the dwelling would be obstructing from view. No point of the structure is planned to be closer to the common road than the garage, and as such, no obstruction of view will occur when accessing the home from the common road.

**Section 4.005(7):** *To ensure safe access to and from common roads;*

The proposed dwelling includes a short driveway from South Beach Rd. directly into the two-car garage, and no structure or landscape elements would obstruct views when accessing the garage via car. A pedestrian walkway is planned from the driveway to the entry door on the east façade and will be constructed entirely on private land.

**Section 4.005(8):** *To ensure that pleasing views are neither unreasonably obstructed nor obtained;*

The views of neighboring properties on the west side of South Beach Rd. will be maintained in such a way that does not preclude the project site from legal enjoyment of the same views. The Oceanfront Setback Line (OSL) is determined by the location of oceanfront buildings near the proposed structure. Due to the unique characteristics of the surrounding topography and property shapes near the project site, the OSL extends beyond the edge of the bluff on the project site. To determine the OSL, the dwelling at address at 3080 ROCKY COVE WAY north of the project site, and the dwelling directly south of the project site at address 53080 SOUTH BEACH RD (even though this is not an ocean-front lot, no other ocean-front dwelling south of the project site exists within 500 ft) – (see LU-2 and LU-2 for the OSL as described above). The proposed dwelling is set far behind the OSL. Granting the variance request to allow construction of the dwelling closer to the street will improve the view corridor for the neighboring properties. Additionally, there is an existing water tank on a large property east of the project site, on the east side of South Beach Rd., from which view corridors should not be taken into consideration given

the non-habitable use of the property. However, should this non-habitable use of the property ever change, it should be noted that the view corridor from that adjacent property will not change as a result of the requested variance which would allow siting of the proposed dwelling to move closer to the right-of-way, parallel to the views of the ocean. All other zoning ordinances will be met by the proposed dwelling, including Section 3.322(4)(j) regarding building width and depth, and Section 3.322(4)(k) regarding building height (see LU-4 and LU-5 for building elevations which provide the height of the dwelling).

**Section 4.005(9):** *To separate potentially incompatible land uses;*

The proposed use of the project site for a single-family dwelling is permitted outright in the zoning ordinance, and no incompatible uses are being proposed.

**Section 4.005(10):** *To ensure access to solar radiation for the purpose of alternative energy production.*

The proposed dwelling would not preclude solar radiation access to the neighboring lot to the north of the project site. Because the proposed dwelling meets all other zoning ordinances regarding development standards (including building width/depth, and building height) the variance request allows reasonable use of the project site that would be expected on nearby properties of similar zoning. Additionally, the orientation of the building is elongated in the northeast/southwest direction, minimizing shading of the adjacent northern lot as much as possible.

**4. There are no reasonable alternatives requiring either a lesser or no VARIANCE.**

Response: Given the physical restrictions of the site, the geotechnical engineer's recommendation of setting the house back from the edge of the bluff, and additional zoning ordinances governing building standards, there are no reasonable alternatives to constructing a dwelling on the project site of reasonable size and design without a variance to the front setback. A proposal for a smaller footprint dwelling was investigated, but a reasonably sized house and off-street parking (i.e. garage) could not be designed without at least a partial third level that would require additional height variances, more expensive foundations, and obstructing views and solar access of neighboring properties.



Earth  
Engineers,  
Inc.

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Phone: 360-567-1806

www.earth-engineers.com

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September 13, 2021

Winsome Construction, LLC  
117 5<sup>th</sup> Street  
McMinnville, Oregon 97128  
Attention: Phillip Morin, Project Manager

phone: (971) 716-0721

E-mail: [phillip@winsomeconstruction.com](mailto:phillip@winsomeconstruction.com)

**Subject: Geotechnical Investigation and Geologic Hazard Report  
Proposed Single Family Residence  
Tax Lot 4800, South Beach Road  
Neskowin, Tillamook County, Oregon  
EEI Report No. 21-157-1**

Dear Mr. Morin:

Earth Engineers, Inc. (EEI) is pleased to transmit our report for the above referenced project. The attached report includes the results of field and laboratory testing, an evaluation of geologic hazards that may influence the proposed development, recommendations for foundation design, as well as recommendations for general site development.

We appreciate the opportunity to perform this geotechnical study and look forward to continued participation during the design and construction phases of this project. If you have any questions pertaining to this report, or if we may be of further service, please contact our office.

Respectfully submitted,  
**Earth Engineers, Inc.**

Adam Reese, CEG  
Principal Engineering Geologist

Troy Hull, P.E., G.E.  
Principal Geotechnical Engineer

Attachment: Geotechnical Investigation and Geologic Hazard Report

Distribution (electronic copy only): Addressee

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### 1.3 Purpose and Scope of Services

The purpose of our services was to explore the subsurface conditions at the site to better define the subsurface soil, rock, and groundwater properties in order to provide geotechnical recommendations for the proposed construction, as well as to conduct a Geologic Hazard Assessment to meet the requirements of Tillamook County Code Section 4.130 for properties located in geologic hazard areas.

Our site investigation consisted of advancing three Standard Penetration Test (SPT) and rock coring borings (B-1, B-2, and B-3) to depth of up to 20 feet below grade onsite. SPT samples were taken at regular intervals, and returned to our laboratory for testing which was accomplished in general accordance with ASTM test procedures.

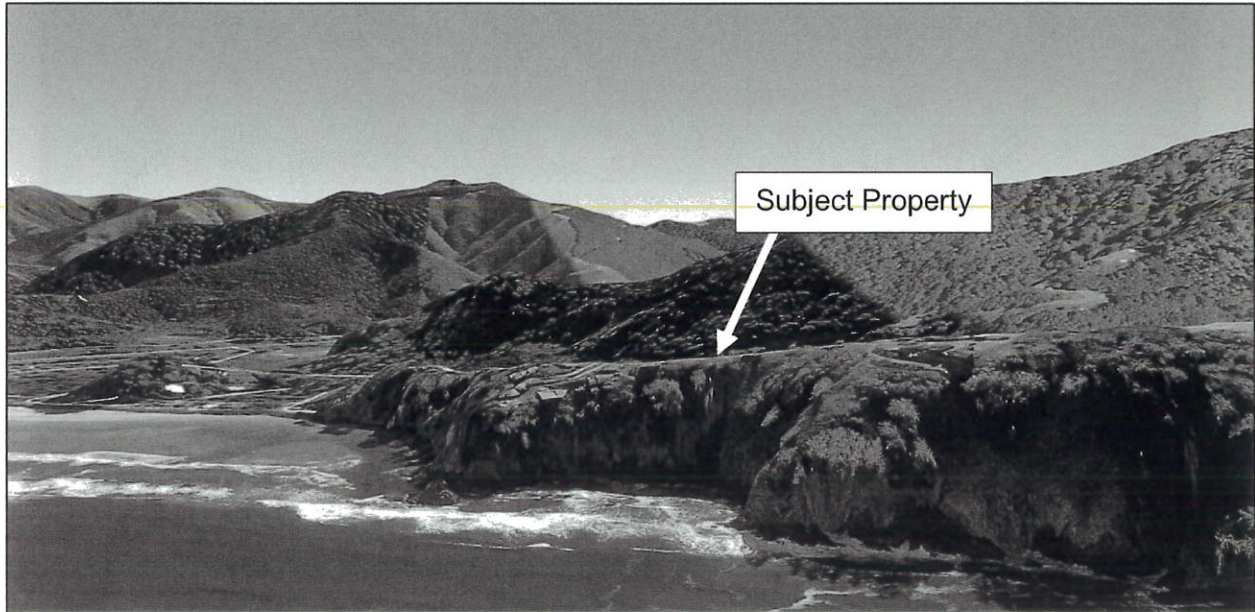
This report briefly outlines the testing procedures, presents available project information, describes the site and subsurface conditions, and presents recommendations regarding the following:

- A discussion of subsurface conditions encountered including pertinent soil and rock properties and groundwater conditions.
- A Geologic Hazard Assessment in accordance with Tillamook County requirements.
- Seismic design parameters in accordance with ASCE 7-16.
- Geotechnical related recommendations for foundation design including allowable bearing capacity, minimum footing dimensions, and estimated settlements.
- Structural fill recommendations, including an evaluation of whether the in-situ soils can be used as structural fill.
- General retaining wall design recommendations, including earth pressures, drainage, and backfill.
- Floor slab on grade support recommendations.
- Discussions on geotechnical issues that may impact the project.

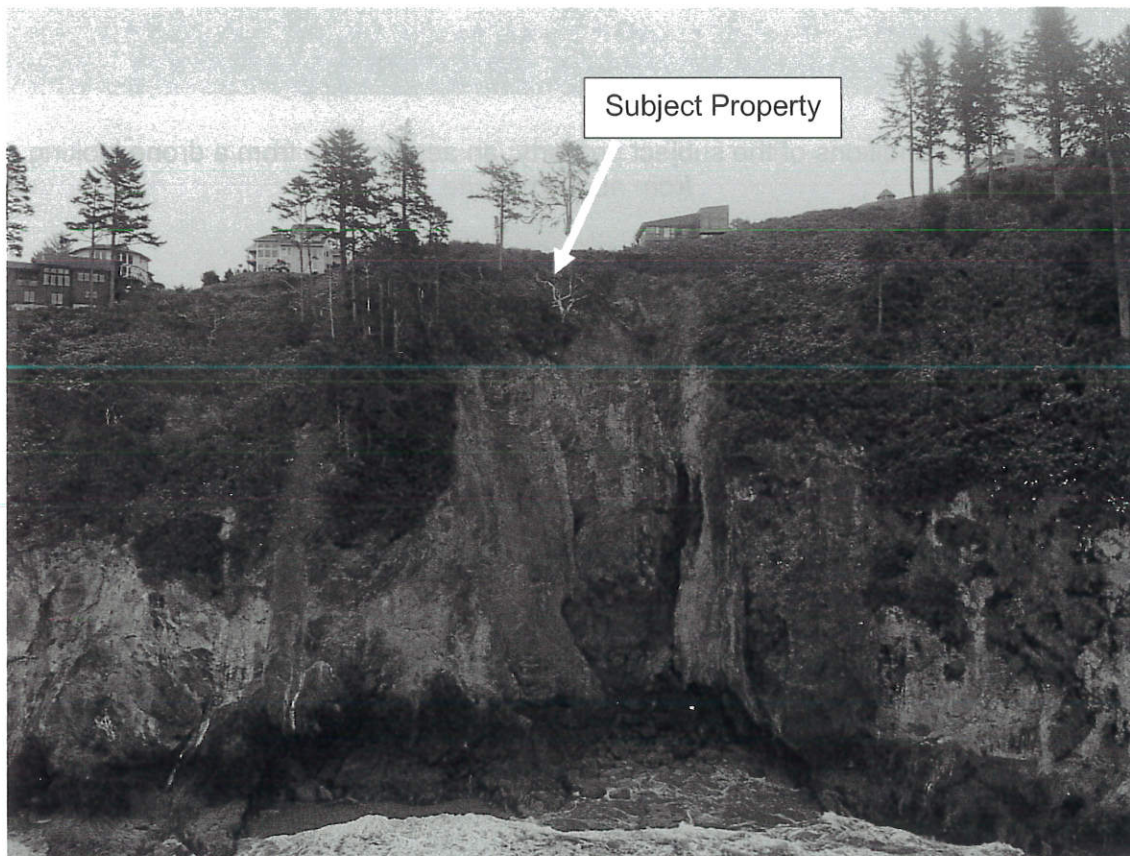
Our scope of services did not include stormwater infiltration testing of the site soils for on-site stormwater disposal design by others. We are available to modify our scope to include this testing, upon request. Our scope also did not include the drafting of any drawings that might be required by Tillamook County as part of the geologic hazard evaluation submittal. We assume the project architect would take care of any drafting needs.



Google Earth view of the site atop the sea cliff from the west. See Photo 1 and 2 below for the existing site conditions



**Figure 2:** Google Earth view of the property looking east.



**Photo 1:** Current conditions of the subject property, looking east. The proposed structure will be located photo left of the grey structure at the top of the unvegetated portion of the cliff face.

In general, we encountered a surficial layer of topsoil and shallow silt soil, underlain by weathered basalt grading to fractured basalt. Each individual stratum encountered is discussed in further detail below.

**Topsoil:** The surficial layer consisted of a dark brown silt with sand, roots and decomposed organics. Stratum thickness was approximately six inches across the site.

**Silt (ML):** Beneath the topsoil was a thin layer of dark brown silt in a stiff condition. Laboratory testing conducted on samples obtained in this stratum resulted in moisture contents of approximately 8 percent. The thickness of the stratum was approximately 6 inches, extending to a depth of 1-foot bgs.

**Weathered- to Fractured-Basalt:** The terminal stratum in each of the borings was basalt bedrock. The basalt was encountered in a weathered condition, grading from residuum just below the overlying silt to fractured intact rock a depth of approximately 10 feet bgs. Below approximately 10 feet bgs and to the terminal depth of the borings (20 feet bgs) the basalt can be described as dark gray in color, with limited rust and brown staining, and moderately- to highly-fractured. Within the weathered zone, the measured moisture contents in this stratum ranged from 12 to 20 percent. In the portions of the material examined by rock coring, Rock Quality Designation (RQD) ranged from approximately 0%-40% and percent recovery ranged from approximately 50%-80%.

The above subsurface description is of a generalized nature to highlight the major subsurface stratification features and material characteristics. The exploration log included in the Appendix should be reviewed for specific information at specific locations. This record includes soil descriptions, stratifications, and locations of the samples. The stratifications shown on the log represent the conditions only at the actual exploration location. Variations may occur and should be expected between locations. The stratifications represent the approximate boundary between subsurface materials and the actual transition may be gradual. Water level information obtained during field operations is also shown on the log. The samples that were not altered by laboratory testing will be retained for 90 days from the date of this report and then will be discarded.

### 2.3 Groundwater Information

Groundwater was not encountered in our explorations. During our research, we found one publicly available historical water well log for the area as published by Oregon Water Resources Department. This nearby well log (south of the site at the end of South Beach Road) indicated static water level at approximately 199 feet below the ground surface. According to mapping by Google Earth, this well log is located about 700 feet south of the property and about 80 feet higher in elevation than the subject site. A copy of this well report can be seen in Appendix E.

It should be noted that subsurface groundwater levels can fluctuate seasonally during periods of extended wet or dry weather or from changes in land use.



streets, adjacent homes, slopes and graded areas, and other engineered structures in the local site vicinity. While we did consider the general effects potentially caused by a major earthquake, we did not analyze the site-specific effects of a major earthquake, or conduct global slope stability analyses.

Based on Google Earth, the buildable portion of the site is at an elevation of approximately 260 to 270 feet above mean sea level. Below the flat buildable portion of the lot, the upper vegetated elevations (i.e. uppermost 20 to 40 feet) of the bluff slopes steeply at approximately 1H:1V (Horizontal:Vertical), then transitions to a near-vertical to vertical face to the rocky shoreline. On the upper portions of this slope, we observed limited areas of denuded soil in areas beneath trees and shrubs that were being undercut by surficial erosion. Other than these observations, we did not observe severely leaning or deformed trees in the vicinity that may indicate downslope shallow soil creep. In our limited observations, we did not observe evidence of distress in roads or adjacent house foundations in the vicinity of the site caused by slope movement.

Clearly definable site drainage, such as eroded areas, swales, or shallow depressions were also not observed. Based on the topography of the lot, we assume that most of the surface moisture introduced to the site is infiltrated into the surface soils, or sheet flows down to the north or west.

### 3.5 Geologic Hazards

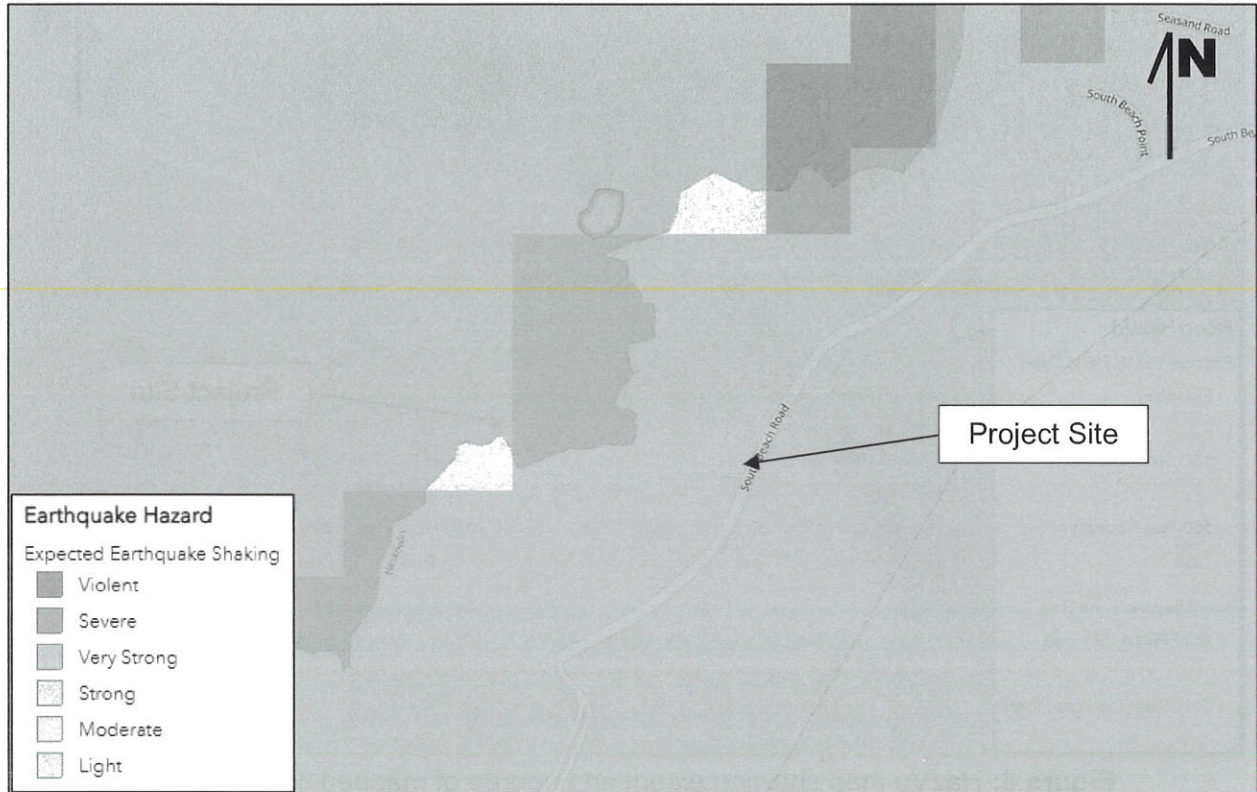
The Oregon Department of Geology and Mineral Resources (DOGAMI) maps various geologic hazards, such as 100-year flooding, earthquake ground shaking, tsunamis, and landslides.<sup>4</sup> Based on this service, the geologic hazards associated with development of this property include the following:

- Low to very high coastal erosion hazard
- Severe expected shaking from a Cascadia earthquake (estimated magnitude 9.0+/-)
- Tsunami inundation
- Very strong expected earthquake shaking
- Moderate to high landslide hazard
- Effective FEMA 100-year flood plain

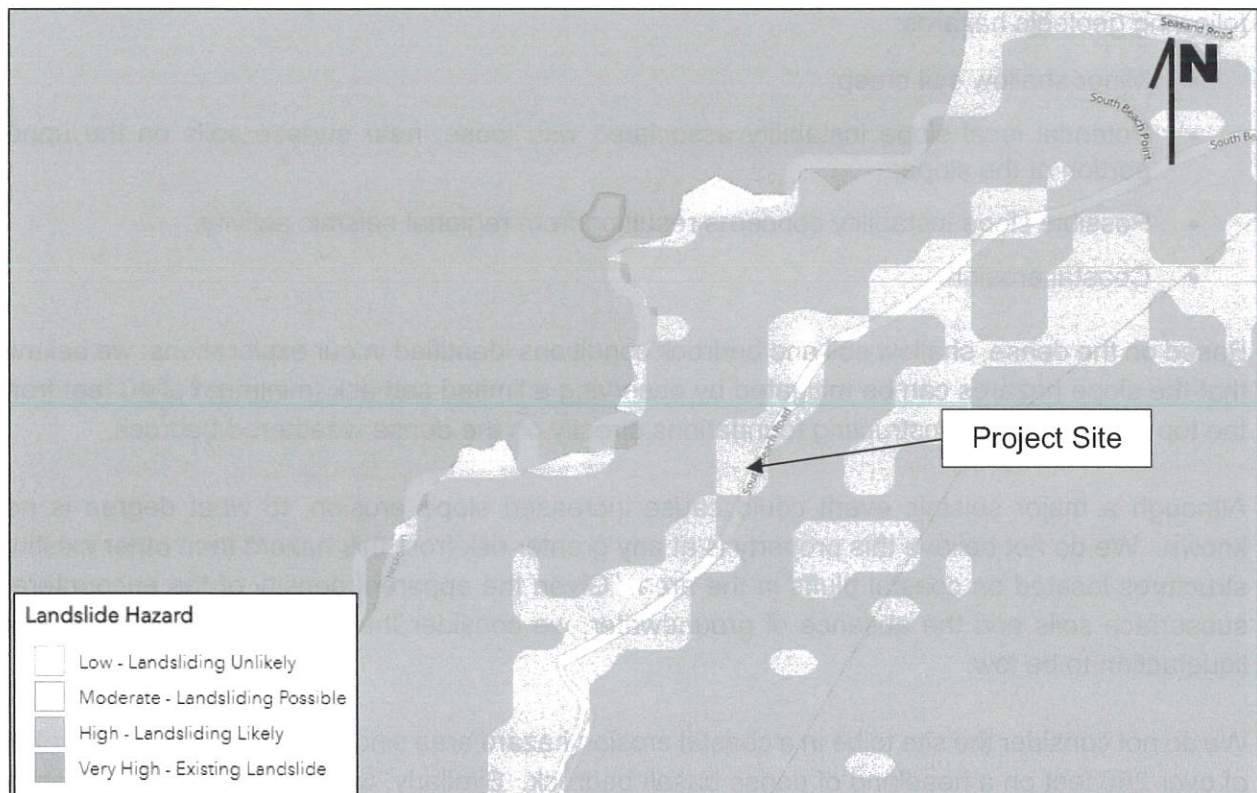
It should be noted that liquefaction was not a mapped hazard on or near the property. We recommend that the impacts of coastal erosion, tsunami inundation, landslide hazard, and FEMA floodplain designation do not pertain to the limited eastern upland portion of the lot proposed for building, provided that our minimum setback recommendations are observed. Figures 4 through 8 below show mapping of the geologic hazards presented by Oregon's HazVu.

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<sup>4</sup> Oregon HazVu: Statewide Geohazards Viewer, available online at: <http://www.oregongeology.org/sub/hazvu/> accessed 5/19/2021



**Figure 6:** HazVu map showing extent and degree of expected earthquake shaking hazard.



**Figure 7:** HazVu map showing extent and degree of landslide hazards.

It is our opinion that the proposed residential development on this property is feasible subject to the geologic hazard risks outlined above and the geotechnical engineering recommendations presented later in this report. Primary considerations to maintaining the existing static site slope stability include limiting the placement of fill to raise site grades, limiting the size of the building footprint to minimize disruption of the native soils and vegetation, observing a minimum horizontal building setback of 10 feet (of more) from the top of slope, and maintaining adequate site surface and subsurface drainage to prevent saturation of the slope. These recommendations are discussed in more detail in Section 4 below.

Ultimately, owning a home in this area of Neskowin means there is an acceptance of risk by the homeowner that the property is located on a steep cliff along the Oregon coast that is extremely dynamic and can change drastically from year to year.

### 3.6 Slope Stability

We qualitatively evaluated the slope stability of the site. We do not consider the site slope stability to be at risk of impacts from landsliding or substantial coastal erosion, since it is located at an elevation of over 260 feet on a headland of dense basalt bedrock that is resistive to erosion and sliding. The property appears currently stable when considering shallow slope movement and global, deep-seated landsliding, but the destabilizing effects of the slope due to a major earthquake are unknown.

As mentioned above, vegetation should only be removed where needed to complete the proposed construction. This includes the building, and site improvement and grading areas, as well as areas used to temporarily store soil and rock on the site.

Final landscaping should be put in place where the soil is exposed as soon as practicable once final site grades are established. Ground covers and creeping shrubs should be used to help protect from soil erosion. Jute, burlap, or similar geotextile (or loosely placed straw) may be used to protect the soil while the vegetation is being established, especially during the much wetter winter months. The landscape architect or contractor should assist in the selection of the specific plants that are suitable for this climate and use.

Based on our past experience, site preparation will be very difficult to conduct during the wet season (i.e. typically about October to May). In addition, the geotechnical inspections will likely need to be more intensive (and costly) during wet weather construction. While not required, we recommend consideration be given to performing all earthwork during the drier summer months.

#### 4.3 Structural Fill

As stated above in Section 4.1, we recommend that minimal additional weight be placed on the lot to raise site grades. The added weight of any structural fill should not be substantially greater than the weight of soil removed from the property during excavation.

Where structural fill is required, it should be free of organic or other deleterious materials, have a maximum particle size less than about 3 inches, be relatively well graded, and have a liquid limit less than 45 and plasticity index less than 25. In our professional opinion, the on-site soils free of organics can be appropriate for use as structural fill. However, based on the moisture content at the time of our subsurface investigation, these soils may need to dry to achieve optimum moisture prior to compacting. As an alternative to using the native soils for structural fill, imported well-graded crushed rock gravel may be used.

We recommend any fill soils be moisture conditioned to within 3 percentage points below and 2 percentage points above optimum moisture as determined by ASTM D1557 (Modified Proctor). If water must be added, it should be uniformly applied and thoroughly mixed into the soil by disking or scarifying. The topsoil is not appropriate for structural fill but could be used as topsoil in landscaping areas.

Fill should be placed in a relatively uniform horizontal lift on the prepared subgrade. Each loose lift should be about 1 foot thick. The type of compaction equipment used will ultimately determine the maximum lift thickness. Structural fill should be compacted to at least 92 percent of the Modified Proctor maximum dry density as determined by ASTM D1557.

Each lift of compacted structural fill should be tested by a representative of the Geotechnical Engineer prior to placement of subsequent lifts. The fill should extend horizontally outward

The foundation excavations should be observed by a representative of the Geotechnical Engineer prior to steel or concrete placement to assess that the foundation materials are capable of supporting the design loads and are consistent with the materials discussed in this report. Unsuitable soil zones encountered at the bottom of the foundation excavations should be removed and replaced with properly compacted structural fill as directed by the Geotechnical Engineer.

After opening, foundation excavations should be observed and concrete placed as quickly as possible to avoid exposure of the excavation bottoms to wetting and drying. Surface run-off water should be drained away from the excavations and not be allowed to pond. If possible, the foundation concrete should be placed during the same day the excavation is made. If the soils will be exposed for more than 2 days, consideration should be given to placing a thin layer of rock atop the exposed subgrade to protect it from the elements.

#### 4.5 Floor Slab Recommendations

Reinforced concrete floor slabs can be grade supported on at least 6-inches of properly compacted, well-graded, granular structural fill (i.e., crushed rock gravel) placed upon approved subgrade (i.e. very dense, weathered bedrock encountered in our borings at a depth of approximately 1 foot). Based on the existing soil conditions, the design of slabs-on-grade can be based on a subgrade modulus (k) of 150 pci. This subgrade modulus value represents an anticipated value which would be obtained in a standard in-situ plate test with a 1-foot square plate. Use of this subgrade modulus for design or other on-grade structural elements should include appropriate modification based on dimensions as necessary.

As noted above in Section 4.3, structural fill should be compacted to at least 92 percent of the maximum dry density, and moisture conditioned to within 3 percentage points below and 2 percentage points above optimum moisture as determined by ASTM D1557 (Modified Proctor).

The floor slabs should have an adequate number of joints to reduce cracking resulting from any differential movement and shrinkage.

The 6 inches of well-graded crushed rock gravel recommended will act as a relatively free draining granular mat that provides a capillary break to limit migration of moisture through the slab. If additional protection against moisture vapor is desired, a vapor retarding membrane may also be incorporated into the design. Factors such as cost, special considerations for construction, and the floor coverings suggest that decisions on the use of vapor retarding membranes be made by the owner.

#### 4.6 Retaining Wall Recommendations

We are not aware of any planned retaining walls for the project. The recommendations below are considered preliminary. If retaining walls will be included in the project, we should be provided



## **5.0 CONSTRUCTION CONSIDERATIONS**

EEl should be retained to provide observation and testing of construction activities involved in the foundation, earthwork, and related activities of this project. EEl cannot accept any responsibility for any conditions that deviate from those described in this report, nor for the performance of the foundations if not engaged to also provide construction observation for this project.

### **5.1 Moisture Sensitive Soils/Weather Related Concerns**

The upper soils encountered at this site are expected to be sensitive to disturbances caused by construction traffic and to changes in moisture content. During wet weather periods, increases in the moisture content of the soil can cause significant reduction in the soil strength and support capabilities. In addition, soils that become wet may be slow to dry and thus significantly retard the progress of grading and compaction activities. It will, therefore, be advantageous to perform earthwork and foundation construction activities during dry weather.

### **5.2 Drainage, Groundwater, and Stormwater Considerations**

Water should not be allowed to collect in the foundation excavations or on prepared subgrades for the floor slab during construction. Positive site drainage should be maintained throughout construction activities. Undercut or excavated areas should be sloped toward one corner to facilitate removal of any collected rainwater, groundwater, or surface runoff.

The site grading plan should be developed to provide rapid drainage of surface water away from the building areas and to inhibit infiltration of surface water around the perimeter of the building and beneath the floor slab. The grades should be sloped away from the building area.

Because this site is adjacent to a very tall, steep cliff, we strongly recommend that stormwater be hard piped to a public stormwater disposal system off the property. Our preference would not be to dispose of stormwater on site.

### **5.3 Excavations**

In Federal Register, Volume 54, No. 209 (October 1989), the United States Department of Labor, Occupational Safety and Health Administration (OSHA) amended its "Construction Standards for Excavations, 29 CFR, part 1926, Subpart P". This document and subsequent updates were issued to better insure the safety of workmen entering trenches or excavations. It is mandated by this federal regulation that excavations, whether they be utility trenches, basement excavations or footing excavations, be constructed in accordance with the new OSHA guidelines. It is our understanding that these regulations are being strictly enforced and if they are not closely followed, the owner and the contractor could be liable for substantial penalties.

## **6.0 GEOLOGIC HAZARD SUMMARY FINDINGS AND CONCLUSIONS**

We are providing this section of our report to facilitate the review of the anticipated building permit per Tillamook County Land and Water Development and Use Ordinance (TCLWUO), Section 4.130 (Development Requirements for Geologic Hazard Areas).

(7) The GEOLOGIC HAZARDS report shall recommend development standards that will protect development on the property and surrounding properties. These should include standards for:

- (a) Development density (when more than one use is possible): It is our professional opinion that the lot is suitable for the development of the proposed single family residence provided our recommendations are followed.
- (b) Locations for structures and roads: We are recommending no structures be located within 10 feet horizontally of the top of the slope.
- (c) Land grading practices, including standards for cuts and fills: Our recommended standards for cuts and fills are outlined in Section 4.3. We recommending that site grades not be raised with fill, as that could add surcharge loading to the steep cliff.
- (d) Vegetation removal and re-vegetation practices: As outlined in Sections 4.1 and 4.2, we recommend vegetation removal be limited to the area of construction and that replanting occur after construction is completed at areas that were stripped of vegetation.
- (e) Foundation design (if special design is necessary): As noted in sections 4.1, and 4.4, we are recommending the house be supported on an integrated system of grade beams (i.e. no isolated pad footings). All footings should be supported on the stable, decomposed bedrock stratum.
- (f) Road design (if applicable): Not applicable.
- (g) Management of storm water runoff during and after construction: As discussed in Section 5.2, we recommend that stormwater be solid piped to an approved off-site system.

## **7.0 REPORT LIMITATIONS**

As is standard practice in the geotechnical industry, the conclusions contained in our report are considered preliminary because they are based on assumptions made about the soil, rock, and groundwater conditions exposed at the site during our subsurface investigation. A more complete extent of the actual subsurface conditions can only be identified when they are exposed during construction. Therefore, EEI should be retained as your consultant during construction to observe the actual conditions and to provide our final conclusions. If a different geotechnical consultant is retained to perform geotechnical inspection during construction, then they should be relied upon to provide final design conclusions and recommendations, and should assume the role of geotechnical engineer of record, as is the typical procedure required by the governing jurisdiction.

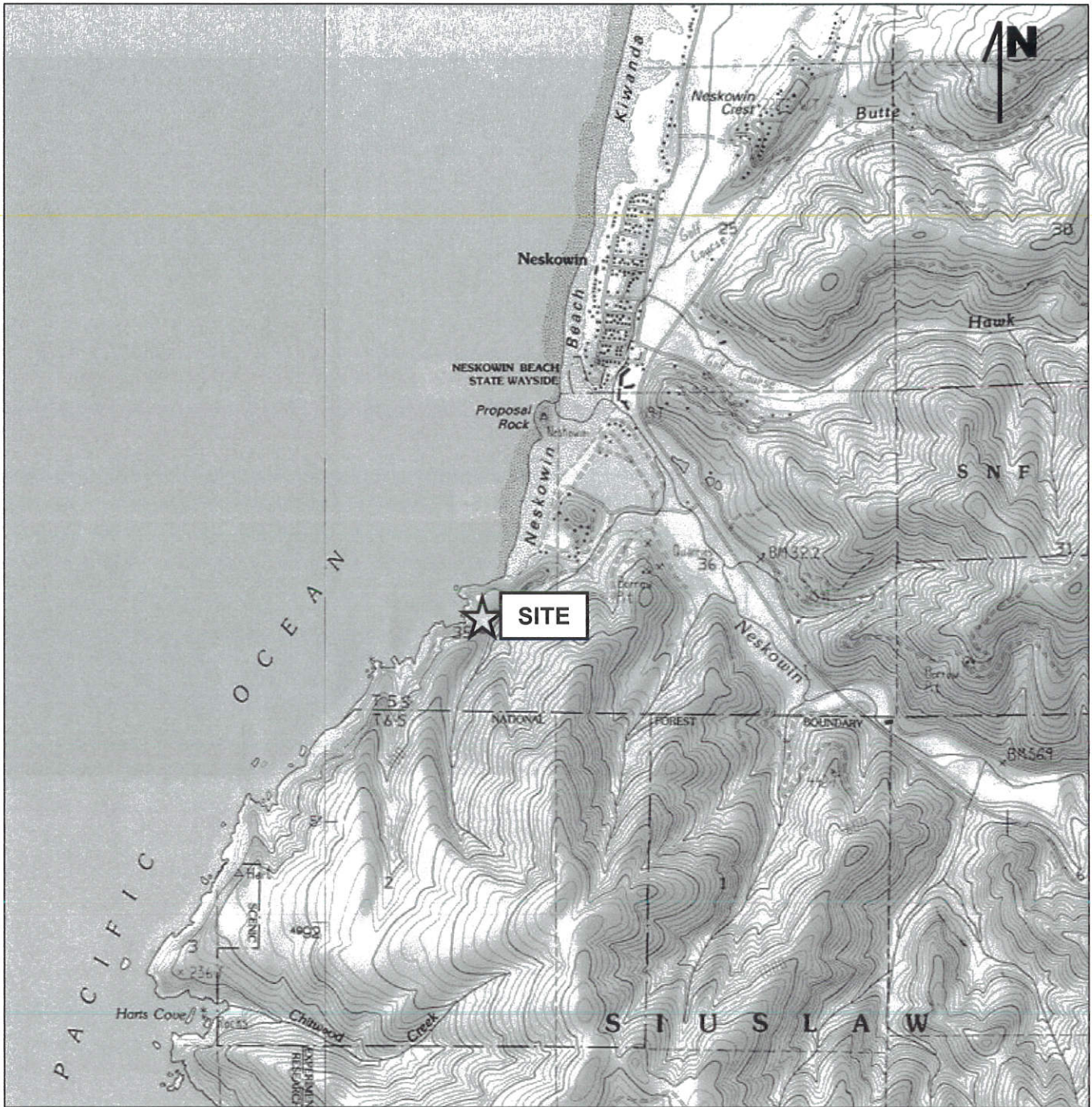
The geotechnical recommendations presented in this report are based on the available project information, and the subsurface materials described in this report. If there are any revisions to the plans for this project, or if deviations from the subsurface conditions noted in this report are encountered during construction, EEI should be notified immediately to determine if changes in the foundation recommendations are required. If EEI is not retained to review these changes, we will not be responsible for the impact of those conditions on the project.

The Geotechnical Engineer warrants that the findings, recommendations, specifications, or professional advice contained herein have been made in accordance with generally accepted professional geotechnical engineering practices in the local area. No other warranties are implied or expressed.

After the plans and specifications are more complete, the Geotechnical Engineer should be retained and provided the opportunity to review the final design plans and specifications to check that our engineering recommendations have been properly incorporated into the design documents. At this time, it may be necessary to submit supplementary recommendations.

This report has been prepared for the exclusive use of Winsome Construction, LLC for the specific application to the proposed single family residence to be located at Tax Lot 4800 along South Beach Road in Neskowin, Tillamook County, Oregon. EEI does not authorize the use of the advice herein nor the reliance upon the report by third parties without prior written authorization by EEI.

# APPENDIX A – SITE LOCATION PLAN



Map Source: <https://viewer.nationalmap.gov/advanced-viewer/>



Earth  
Engineers,  
Inc.

Proposed Single Family Residence  
Tax Lot 4800, South Beach Road  
Neskowin, Tillamook County, Oregon

Report No.  
21-157-1

September 13, 2021



**Earth  
Engineers,  
Inc.**

# Appendix C: Boring B-1

Sheet 1 of 1

Client: Winsome Construction  
 Project: Single Family Residence  
 Site Address: Tax Lot 4800, South Beach Road  
 Neskowin, Tillamook County, Oregon  
 Location of Exploration: See Appendix B  
 Logged By: Michael H.

Report Number: 21-157-1  
 Drilling Contractor: PLI Systems \*  
 Drilling Method: Mud Rotary + Coring  
 Drilling Equipment: Mobil B-58  
 Approximate Ground Surface Elevation (ft msl): 111 \*  
 Date of Exploration: 8/19/2021

Depth (ft)	Water Level	Lithology		Sampling Data								
		Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Blows per 6 inches	N <sub>60</sub> value	Moisture Content (%)	Plastic Limit	Liquid Limit	% Passing #200 Sieve	Pocket Pen (tsf)	Remarks
0			Topsoil - Grass cover (6 inches).		5							
0			(ML) Dark brown sandy silt with few rootlets, slightly moist, very stiff.	SPT-1	18	49	8			24		
2			(GM) Dark brown to light brown with some blue and orange, silty-sand with some gravel. Decomposed bedrock-Bedrock residuum, highly weathered bedrock.	SPT-2	15	67	18			20		
4				SPT-3	16	109	18			20		Drill rig experienced difficulties as material becomes more dense
6				SPT-4	17	71	20			15		
10			(Bedrock) Black-blueish black basalt with fractures, highly fractured rock.									
12			RQD (10'-15' core) = 40%; Recovery = ~80%									Weathering decreases 10' - 14'
14												White mineralization in fracture joints increases 15'-20'
16												
18			RQD (15'-20' core) = 30%; Recovery = ~80%									
20												
22												
24												
26												
28												
30												

Notes : Boring terminated at a depth of approximately 20 feet below ground surface (bgs). Groundwater was not encountered at the time of our exploration. Boring backfilled with bentonite chips on 8/19/2021. N60 values reported are based on a SPT hammer energy correction factor of 1.388 (i.e. 83.3/60), reference "Report of SPT Hammer Energies" prepared by GeoDesign Inc. dated 3/12/2018. Approximate elevations from Google Earth. \*



**Earth  
Engineers,  
Inc.**

# Appendix C: Boring B-3

Sheet 1 of 1

Client: Winsome Construction  
 Project: Single Family Residence  
 Site Address: Tax Lot 4800, South Beach Road  
 Neskowin, Tillamook County, Oregon  
 Location of Exploration: See Appendix B  
 Logged By: Michael H.

Report Number: 21-157-1  
 Drilling Contractor: PLi Systems \*  
 Drilling Method: Mud Rotary  
 Drilling Equipment: Mobil B-58  
 Approximate Ground Surface Elevation (ft msl): 333 \*  
 Date of Exploration: 8/19/2020

Depth (ft)	Water Level	Lithologic Symbol	Lithology		Sampling Data						Remarks	
			Geologic Description of Soil and Rock Strata	Sample Number	Blows per 6 inches	N <sub>60</sub> value	Moisture Content (%)	Plastic Limit	Liquid Limit	% Passing #200 Sieve		Pocket Pen (tsf)
0			Topsoil - Grass cover (6 inches)									
0 - 1.5			(ML)_ Dark brown sandy silt with few rootlets, slightly moist, very stiff.									
1.5 - 7.5			(GM)_ Dark brown to light brown, blue and orange stained, silty gravel. Bedrock residium, highly weathered bedrock.	SPT-1	7 15 34		63	12			13	
7.5 - 8				SPT-2	41 50/3" 50/1"		100	15			22	
8 - 30												

Notes : Boring terminated at a depth of approximately 7.5 feet below ground surface (bgs). Groundwater was not encountered at the time of our exploration. Boring backfilled with bentonite chips on 8/19/2021. N60 values reported are based on a SPT hammer energy correction factor of 1.388 (i.e. 83.3/60), reference "Report of SPT Hammer Energies" prepared by GeoDesign Inc. dated 3/12/2018. Approximate elevations from Google Earth. \*

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**APPENDIX E:**  
**NEARBY HISTORICAL WELL REPORT**

# APPENDIX F: SURCHARGE-INDUCED LATERAL EARTH PRESSURES FOR WALL DESIGN

## LINE LOAD (applicable for retaining walls not exceeding 20 feet in height):

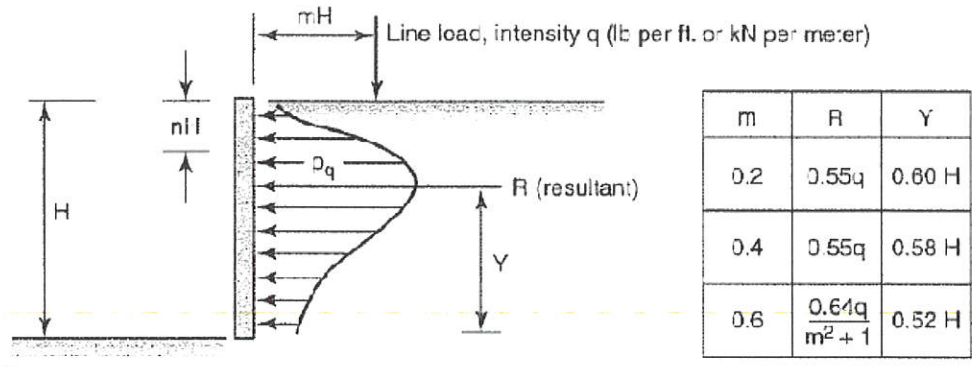


Figure 16-28 Pressure distribution against vertical wall resulting from line load of intensity q.

## CONCENTRATED POINT LOAD (applicable for retaining walls not exceeding 20 feet in height):

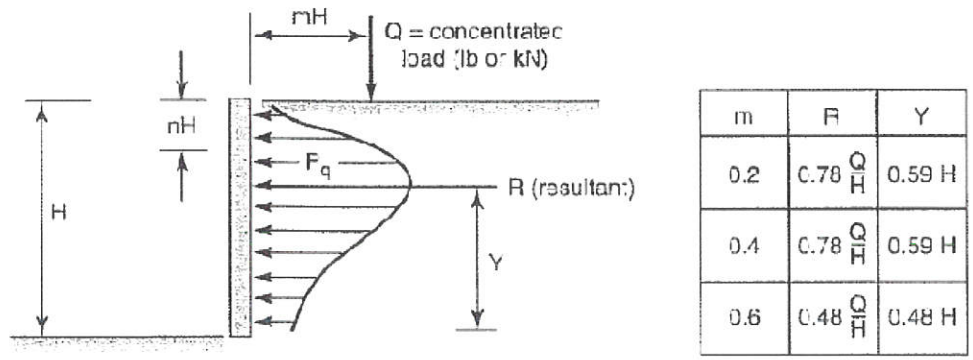


Figure 16-27 Pressure distribution against vertical wall resulting from point load, Q.

## AREAL LOAD:

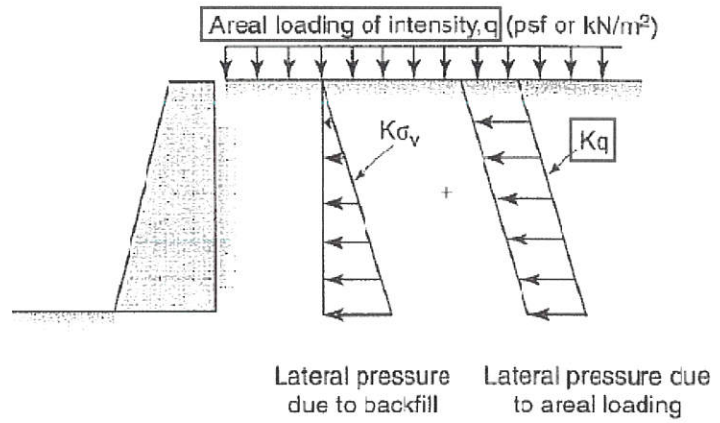
Figure 16-26 Influence of areal loading on wall pressures.

use  $K=0.4$  for active condition (i.e. top of wall allowed to deflect laterally)


use  $K=0.9$  for at-rest condition (i.e. top of wall not allowed to deflect laterally)

Resultant,  $R = K * q * H$

Where H = wall height (feet)

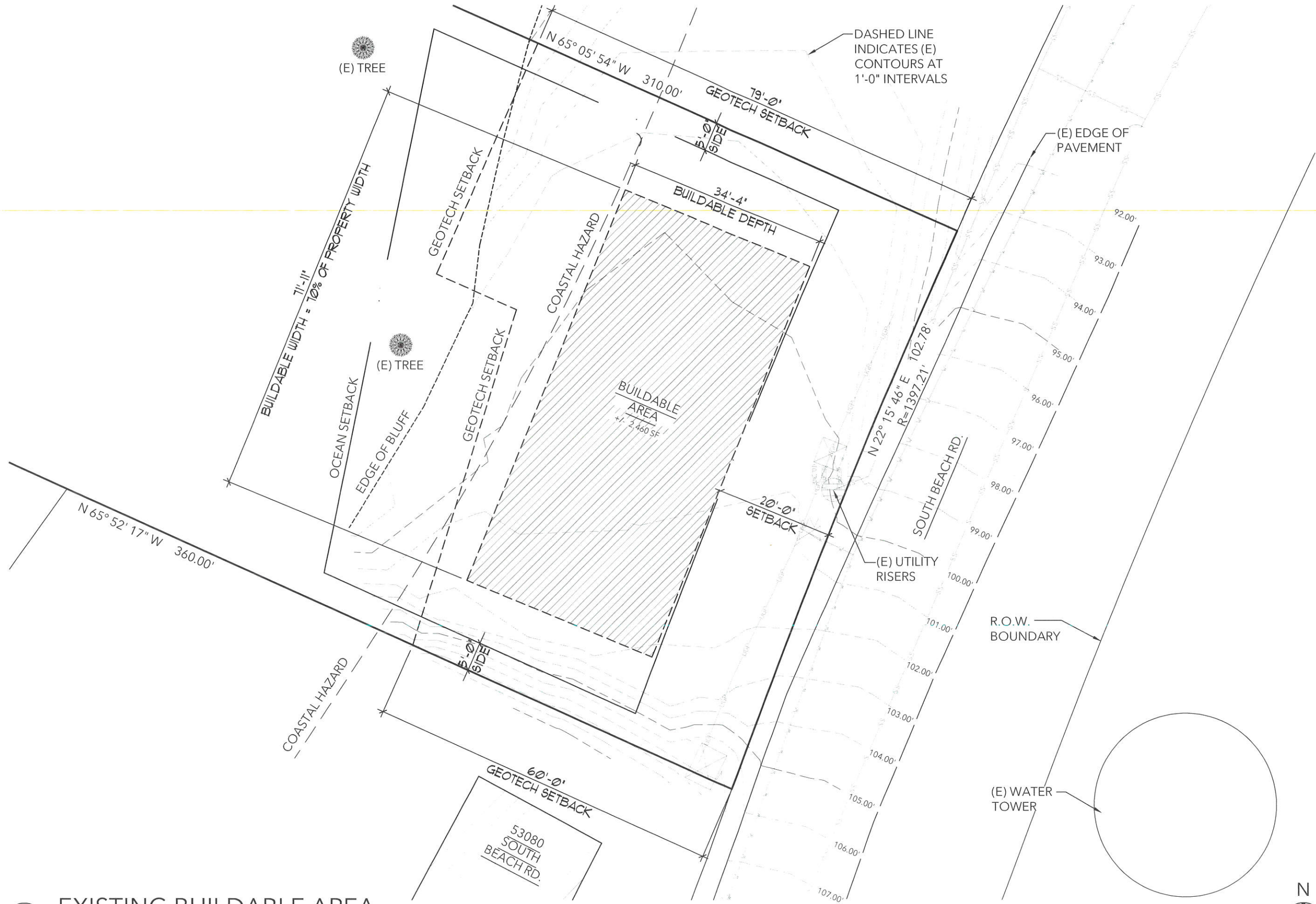


Source of Figures: McCarthy, D.F., 1998, "Essentials of Soil Mechanics and foundations, Basic Geotechnics, Fifth Edition."

 <p>Earth Engineers, Inc.</p>	<p>Proposed Single Family Residence Tax Lot 4800, South Beach Road Neskowin, Tillamook County, Oregon</p>	<p>Report No. 21-157-1</p>
		<p>September 13, 2021</p>







**1** EXISTING BUILDABLE AREA  
SCALE: 1/16" = 1'-0"



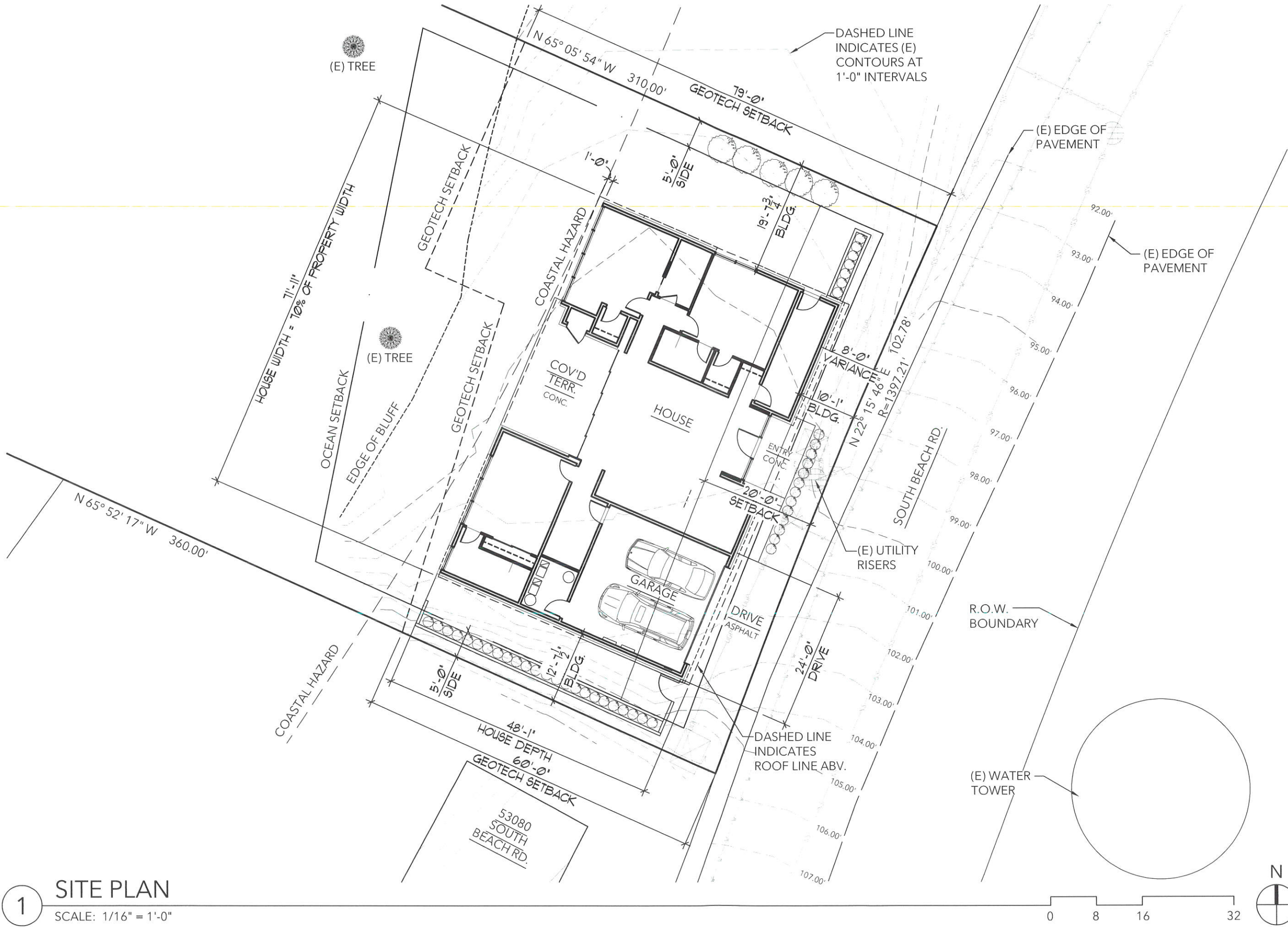
**LU-2**

**WOMBWELL BARNARD RESIDENCE**  
LOT 4800 SOUTH BEACH RD., NESKOWIN, OR 97149

PROJECT NO: 202128  
DRAWN BY: JW

DATE ISSUED: 3.1.2022  
DATE REVISED: ..

**GSN** Giulietti Schouten Weber ARCHITECTS  
2800 NW THURMAN STREET, PORTLAND, OR 97210  
TEL +1 503 223 0325 WWW.GSWARCHITECTS.NET



**1** SITE PLAN  
SCALE: 1/16" = 1'-0"



**LU-3**

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**WOMBWELL BARNARD RESIDENCE**  
LOT 4800 SOUTH BEACH RD., NESKOWIN, OR 97149

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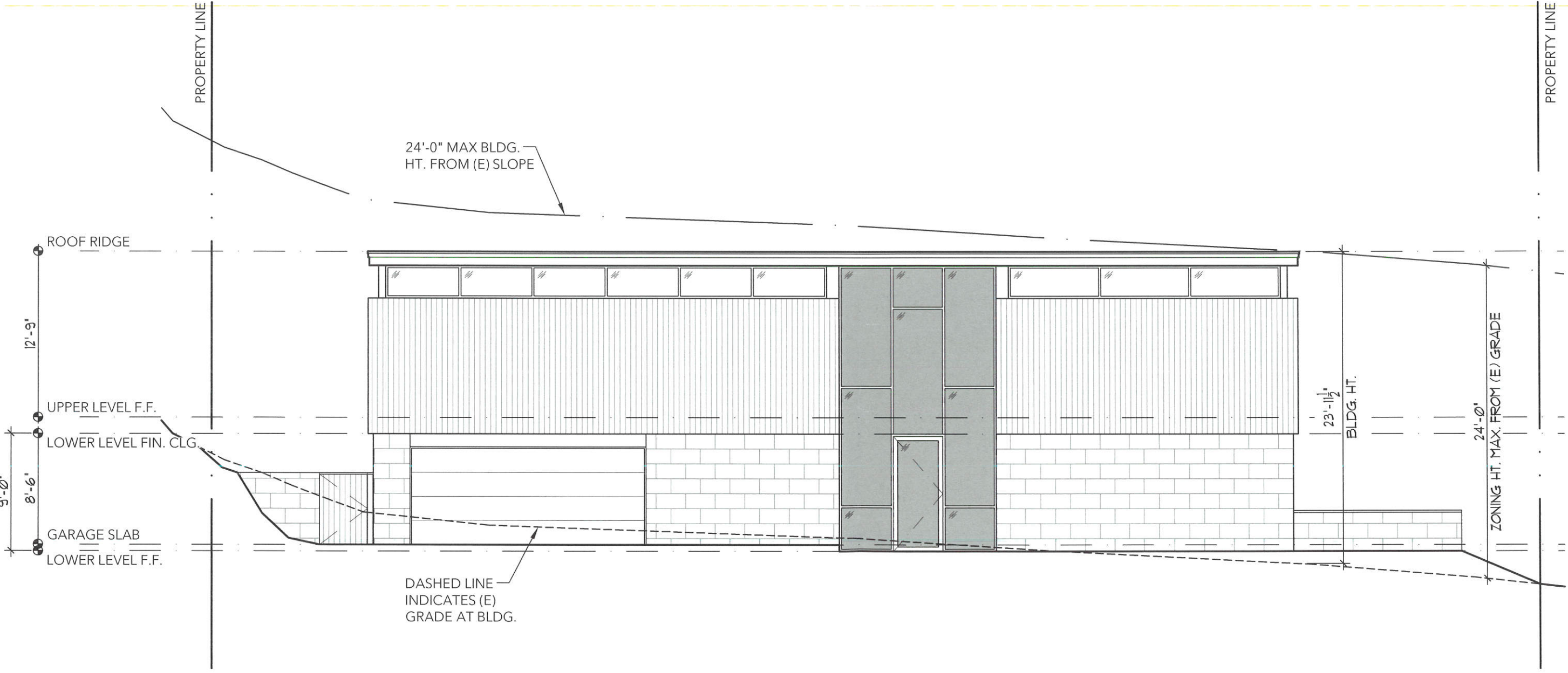
**G S W**  
Giulietti  
Schouten  
Weber  
ARCHITECTS

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PROJECT NO: 202128  
DATE ISSUED: 3.1.2022  
DRAWN BY: JW  
DATE REVISED: ..

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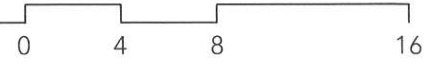
2800 NW THURMAN STREET, PORTLAND, OR 97210  
TEL: +1 503 223 0325 WWW.GSWARCHITECTS.NET



1

EAST BUILDING ELEVATION

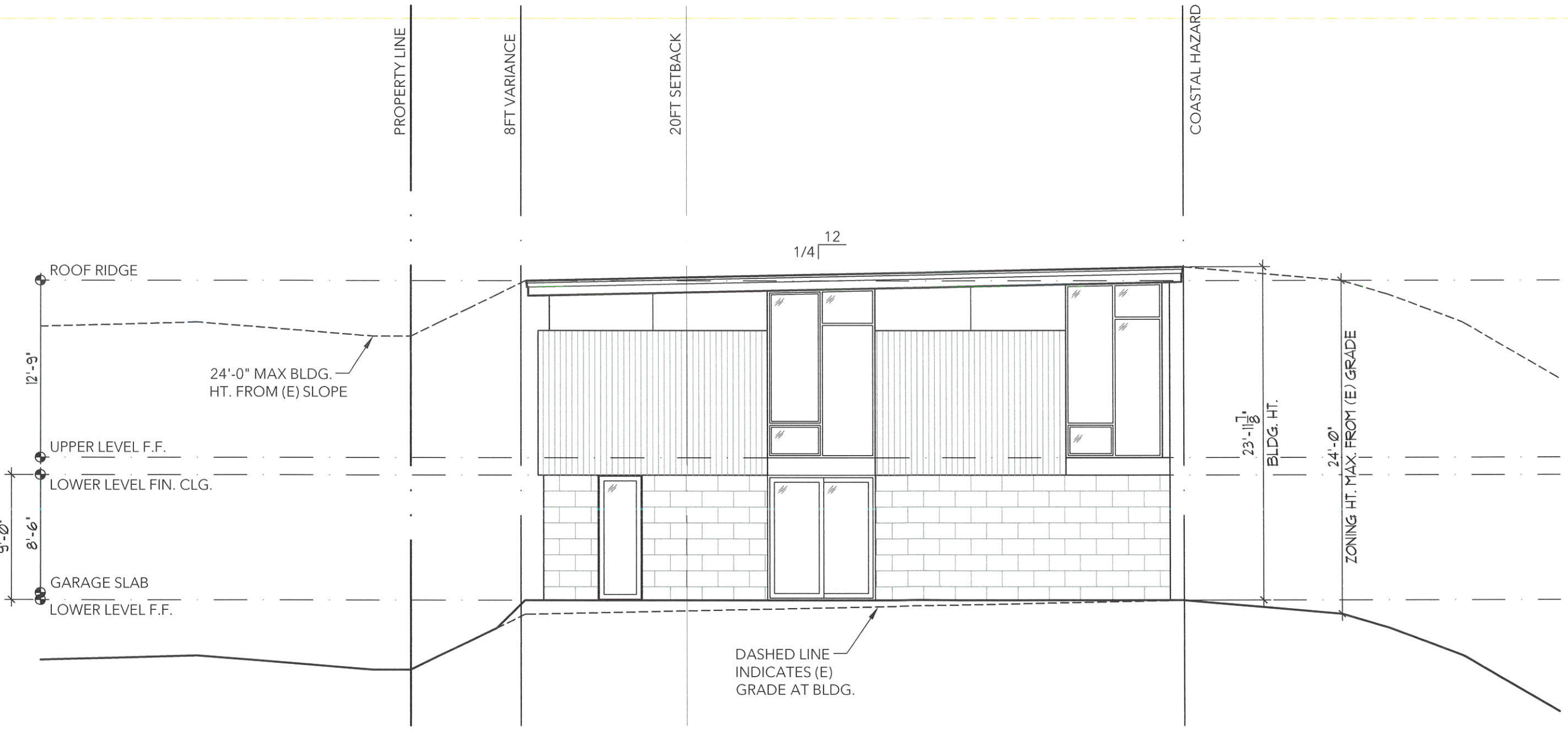
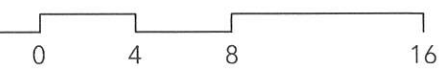
SCALE: 1/8" = 1'-0"



1

# NORTH BUILDING ELEVATION

SCALE: 1/8" = 1'-0"



2800 NW THURMAN STREET, PORTLAND, OR 97210  
 TEL: +1 503 223 0325 WWW.GSWARCHITECTS.NET

**WOMBWELL BARNARD RESIDENCE**  
 LOT 4800 SOUTH BEACH RD., NESKOWIN, OR 97149

PROJECT NO: XXXXXX  
 DRAWN BY: JW

DATE ISSUED: 3.1.2022  
 DATE REVISED: ..

LU-5









