



*Land of Cheese, Trees and Ocean Breeze*

**VARIANCE REQUEST #851-22-000198-PLNG  
CHANDLER & SHACHTER**

**Decision: APPROVED AS MODIFIED**  
**Staff Report Date:** November 10, 2022  
**Report Prepared By:** Sarah Absher, CFM, Director 

**I. GENERAL INFORMATION:**

**Request:** A Variance request to reduce the required 20-foot front yard setback to a (zero) 0-foot front yard setback for the construction of a parking structure (parking deck) to accommodate County required parking standards and to allow access to a future dwelling. Variance request also establishes a 10-foot front yard setback from the property line abutting Dana Lane for the construction of a single-family dwelling (Exhibit B).

**Location:** Subject property is located in the Unincorporated Community of Pacific City/Woods, and designated as Tax Lot 1403 of Section 30AB, Township 4 South, Range 10 West, W.M., Tillamook County, Oregon (Exhibit A).

**Zone:** Pacific City/Woods Low Density Residential (PCW-R1)

**Applicant:** Ryan Chandler, 32449 SW Callahan Road, Scappoose, OR 97056

**Property Owner:** John and Noelle Shachter, 110 NW Hermosa Blvd., Portland, OR 97210

**Property & Vicinity Description:** The subject property is 0.17 acres in size (approximately 7,405 square feet); is vegetated with grasses, trees and shrubs; is rectangular in shape and is located in the Pacific Sunset Subdivision. Topography of the site varies, and slopes steeply in a downward direction to the north. The subject property is bordered by undeveloped properties to the north, east and west, and by Dana Lane, a private road, to the south (Exhibit A).

The subject property is located within an area of properties also zoned Pacific City/Woods Low Density Residential (PCW-R1), some developed with single-family dwellings. Topography of the adjacent properties and others in the vicinity is consistent with the topography of the subject property.

There are no known wetland or riparian features identified on the subject property. The subject property is located outside of the Tsunami Hazard Overlay zone and the Flood Hazard Overlay zone as reflected on FEMA Flood Insurance Rate Map (FIRM) Panel Number 41057C0855F (Exhibit A).

The subject property is within an area of known geologic hazard and development is subject to the provisions of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. A copy of the Geologic Hazard Report for this property prepared by R. Warren Krager, R.G., C.E.G., dated October 18, 2021, Engineering Geologic Site Reconnaissance & Geologic Hazard Report *together with* Jason Morgan, P.E., Morgan Civil Engineering, Inc., dated December 29, 2021, Engineering Portion of Geologic Hazard Report is included in the Applicant's submittal (Exhibit B). The GHR contains relevant information regarding the geology of the area, hazards identified in this vicinity and specific development recommendation for development of a single-family dwelling on the subject property (Exhibit B). The GHR has been reviewed by the Department and is identified in County records as #851-22-000009-PLNG.

Public facilities and services in the area include the Pacific City Joint Water Sanitary Authority, Tillamook County Sheriff's Office, Tillamook People's Utility District and the Nestucca Rural Fire Protection District.

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

The desired use is governed through the following Sections of the Tillamook County Land Use Ordinance (TCLUO). The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. Section 3.332: Pacific City/Woods Low Density Residential (PCW-R1)
- B. Article VIII: Variance Procedure and Criteria

## **III. ANALYSIS:**

### **A. Section 3.332: Pacific City/Woods Low Density Residential (PCW-R1)**

*PURPOSE: The purpose of the PCW-R1 zone is to designate areas for low-density single-family residential development and other, compatible, uses. Suitability of land for low-density uses is determined by the availability of public sewer service, and such limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features.*

#### **1. Section 3.332 (2) Uses Permitted Outright**

*(a) Single-family dwelling*

#### **2. Section 3.332 (4) Standards**

...

*b) Small existing lots of less than 7,500 square feet will be allowed to be built upon consistent with all applicable regulations. Small lot coverage standards consistent with the resolution of the "small lots" issue reflected in the Tillamook County Land Use Ordinance Section 4.110, shall be met.*

...

*(e) The minimum front yard shall be 20 feet.*

*(f) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be 15 feet.*

*(g) The minimum rear yard shall be 20 feet; on a corner lot, it shall be 5 feet.*

**Findings:** The subject property is 7,405 square feet and the setback provisions of TCLUO Section 4.110: Exceptions to Yard Setback Requirements apply. With application of TCLUO Section 4.110(5), the front



yard setback can be reduced up to 10-feet provided at least one side yard setback of a minimum of 10-feet is maintained. Applicant is proposing a 10-foot front yard setback and one side yard setback of 18-feet (Exhibit B).

Staff finds the requested 10-foot front yard setback can be accomplished through the provisions of TCLUO Section 4.110(5) and that a Variance is not needed to grant a 10-foot front yard setback request. However, the applicant is also seeking relief through the Variance process to reduce the front yard setback to 0-feet for the construction of a parking structure that will accommodate County required parking standards and to allow access to a future dwelling (Exhibit B). Staff finds Variance approval is required to reduce the front yard setback to 0-feet (Exhibit B).

**A. Article VIII: Variance Procedure and Criteria; including Section 4.005 Residential and Commercial Zone Standards**

The purpose of a VARIANCE is to provide relief when a strict application of the dimensional requirements for lots or structures would cause an undue or unnecessary hardship by rendering the parcel incapable of reasonable economic use. No VARIANCE shall be granted to allow a use of property not authorized by this Ordinance.

Article VIII of the Tillamook County Land Use Ordinance governs the applications of Variances within the County. Section 4.005 lists the purposes of the land use standards in each of the residential and commercial zones.

1. **Section 8.020** requires public notice in accordance with TCLUO Section 10.070 which requires notification of the request to be published in a newspaper of local distribution and mailed to landowners within 250 feet of the subject property.

**Findings:** Notice of hearing for the Variance request was mailed to property owners within 250-feet and affected agencies on August 11, 2022. One letter of public comment was received and is included as “Exhibit C”. Comments focused on concerns related to adequate fire access if the front yard setback variance is granted (Exhibit C).

Staff finds the concerns outlined in the letter are partially addressed above with the allowance of a reduced front yard setback according to the provisions outlined in TCLUO Section 4.110. Staff also finds the concerns are adequately addressed in the following sections of this report.

2. **Section 8.030** 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 8.030. These criteria, including Section 4.005 Residential and Commercial Zone Standards, along with Staff’s findings and conclusions are indicated below:

*(1) Circumstances attributable either to the dimensional, topographical, or hazardous characteristics of 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.*

**Findings:** Applicant’s justification is based upon the topographical constraints of the subject property. Applicant states a substantial property right (construction of a single-family dwelling including construction of structures necessary or incidental to that purpose) is the primary outright use allowed use in the PCW-R1 zone and similar structures are utilized in the immediate area to accomplish the same reasonable access and use- specifically the creation of a safe and accessible access to one’s home is a property right enjoyed

by property owners within the vicinity. Applicant's submittal also indicates that the topographical constraints (slopes 20-50%) were not created by the property owners (Exhibit B).

Staff visited the property on November 6, 2022, to observe the topographical conditions of the property. Staff finds that topographical constraints exist due to the steeply sloped region of the property fronting and abutting Dana Lane. The geologic hazard report identifies hazards present in this area, identifying local steep slopes as one of the hazards.

Staff finds that the topographical constraints of the property are not a self-created issue and that development of access to a single-family dwelling is a property right enjoyed by the majority of property owners within the vicinity.

Staff concludes this criterion is met.

*(2) A variance is necessary to accommodate a use or accessory use on the lot which can be reasonably expected to occur within the zone or vicinity.*

**Findings:** Applicant states the requested variance is necessary to accommodate use of the property for single family dwelling purposes- a use reasonably expected to occur in the PCW-R1 zone (Exhibit B). Applicant identifies properties in this vicinity who have implemented similar strategies to provide access to single-family dwellings on private properties (Exhibit B).

Staff concurs with the Applicant's findings. Development of single-family dwellings is expected to occur within the vicinity. Staff concludes that this criterion has been met.

*(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.*

Section 4.005: Residential and Commercial Zone Standards of the Tillamook County Land Use Ordinance lists the purposes of the land use standards in each of the residential and commercial zones as follows:

- (1) To ensure the availability of private open spaces;*
- (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 or residences;*

**Findings:** Applicant states the deck has been designed in a manner to be consistent with safe flow of traffic and to accommodate parking on Dana Lane. Preliminary plans indicate the proposed parking deck is designed to be uncovered and unenclosed, adequately preserving light and air to structures (Exhibit B).

Staff finds that the parking deck is uncovered and unenclosed and is located within the property boundaries. Staff finds the proposed parking deck does not impede emergency access, maintains existing privacy and adequate access to air, light and open space for the subject property and the surrounding properties. Given the design and location of the deck, staff also finds the proposed parking deck preserves privacy for occupants in other residences, does not obstruct pleasing views and ensures that all private uses of land are located on private land (Exhibit B).

(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, driveway, 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;*

**Findings:** Preliminary design plans included with the Applicant's submittal indicate the proposed parking deck will be constructed in a manner that is in accordance with the standards outlined above, and design in a manner to avoid interference the transportation elements listed above (Exhibit B).

Included in the Applicant's submittal is a copy of the conditionally approved Road Approach Permit and Encroachment License issued by the Tillamook County Public Works Department (Exhibit B). Also included in the Applicant's submittal is a copy of a fire letter from the Nestucca Rural Fire Protection District confirming road access on Dana Lane is passable for emergency vehicles (Exhibit B).

Staff finds that access to adjacent properties will not be impacted by the parking deck given the parking deck improvements will be wholly located within the property boundaries, that the proposed parking deck is uncovered and unenclosed, and that driver visibility will not be obstructed given the elevation of the deck. Staff finds that these criteria have been met.

(8) *To ensure that pleasing view are neither unreasonably obstructed nor obtained;*

**Findings:** The County regulates views through compliance with building height requirements. Preliminary designs included with the Applicant's submittal indicate the proposed parking deck will conform to the 35-foot height maximum of the PCW-R1 zone (Exhibit B).

(9) *To separate potentially incompatible land uses;*

**Findings:** The use is allowed outright in the PCW-R1 zone and residential improvements are located throughout the vicinity. Staff finds that the criterion in Section 4.005(9) has been met.

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

**Findings:** County records do not indicate any such facilities are in the vicinity of the subject property. Staff finds that the parking deck does not unreasonably shadow or otherwise inhibit access to solar radiation on adjacent properties as the proposed parking deck is uncovered and unenclosed (Exhibit B). Staff finds that the criterion in Section 4.005(10) has been met.

(4) *There are no reasonable alternatives requiring either a lesser or no variance.*

**Findings:** Applicant's submittal explores alternative approaches to the proposed parking deck (Exhibit B). Alternatives include retaining wall structures and fill development- both of which would involve significant ground disturbance, unnecessary removal of vegetation, the need for cuts and fills, and that these alternative approaches create greater concerns for erosion issues and effective stormwater management (Exhibit B).

Staff concurs that topographical constraints limit access ability to the subject property. Staff finds that the test for identification of reasonable alternatives has been met with justification to support why the alternatives are not reasonable. Staff concurs with the Applicant's justification and concludes this criterion 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 November 22, 2022.**

**V. CONDITIONS OF APPROVAL:**

Section 8.060: COMPLIANCE WITH CONDITIONS and Section 8.070: TIME LIMIT requires compliance with approved plans and conditions of this decision, and all other ordinance provisions, and allows 24 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 and property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Variance approval is for a zero front yard setback for the construction of the parking deck as depicted in "Exhibit B".
3. Development of the property shall conform to the applicable development standards outlined in TCLUO Section 3.332 of the Pacific City/Woods Low Density Residential (PCW-R1) zone and TCLUO Section 4.110: Exceptions to Yard Setback Requirements. The future siting of a single-family dwelling shall maintain a minimum 10-foot front yard setback and at least one side yard shall be a minimum of 10-feet in accordance with TCLUO Section 4.110(5).
4. Development of the property shall conform to the development standards outlined in TCLUO Section 4.130: Development Requirements for a Geologic Hazard Area. A Geologic Hazard Report prepared in accordance with TCLUO Section 4.130 is required for development.
5. Applicant/property owner shall submit a to-scale site plan indicating the proposed parking plan, subject to those standards in TCLUO Section 4.030: Off-Street Parking and Off-Street Loading Requirements.
6. This approval shall be void on November 10, 2024, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

**VI. EXHIBITS**

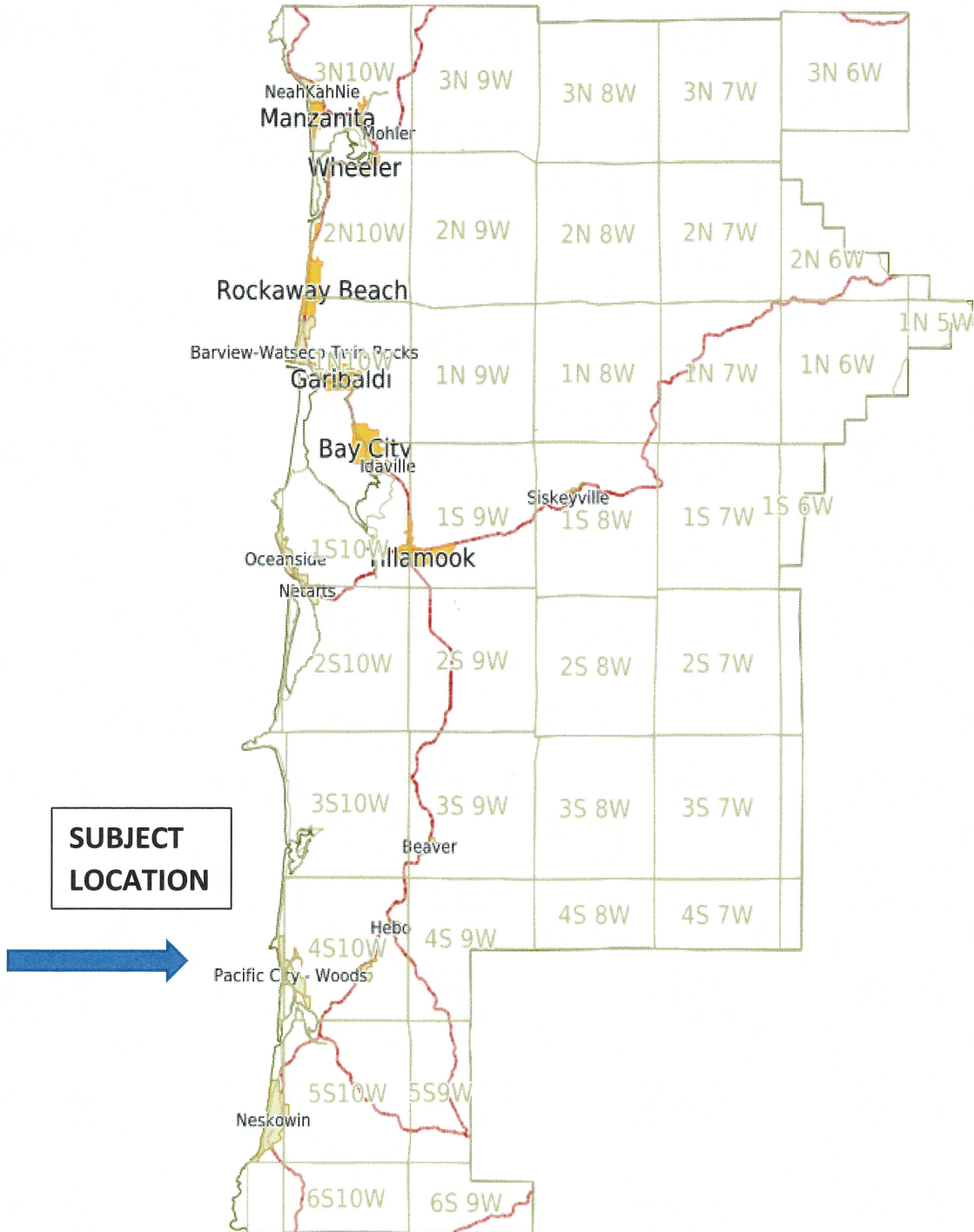
All Exhibits referred to herein are, by this reference, made a part hereof:

- A. Location Map, Assessor map, Zoning map, Aerial Photograph, DOGAMI Hazard Map, FEMA FIRM
- B. Applicant's submittal
- C. Public Comments



# EXHIBIT A

# VICINITY MAP



#851-22-00198-PLNG: CHANDLER & SHACHTER



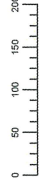
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

N.W. 1/4 N.E. 1/4 SEC. 30 T.4S. R.10W. W.M.  
TILLAMOOK COUNTY

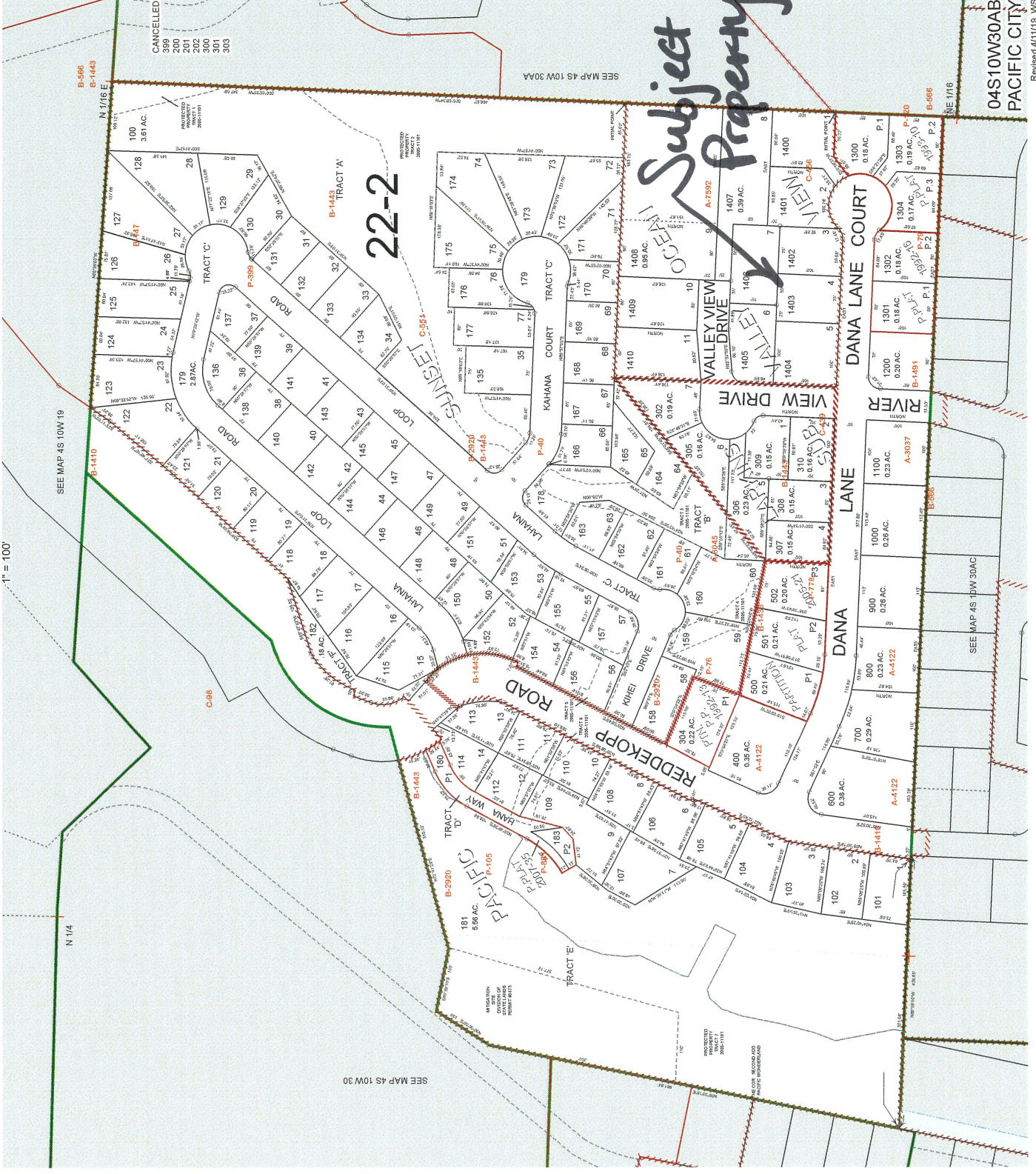
04S10W30AB  
PACIFIC CITY

04S10W30AB  
PACIFIC CITY

Revised 4/11/19, WS



1" = 100'



SEE MAP AS 10W19

B-1410

C-98

P-105

B-1446

B-2020

P-105

B-1443

B-1443

P-390

B-1443

C-98

P-40

B-1443

A-7892

C-48

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B-355

A-4122

A-4122

B-1418

B-1418

A-3037

B-1491

B-666

B-1416

SEE MAP AS 10W 30A

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CANCELLED

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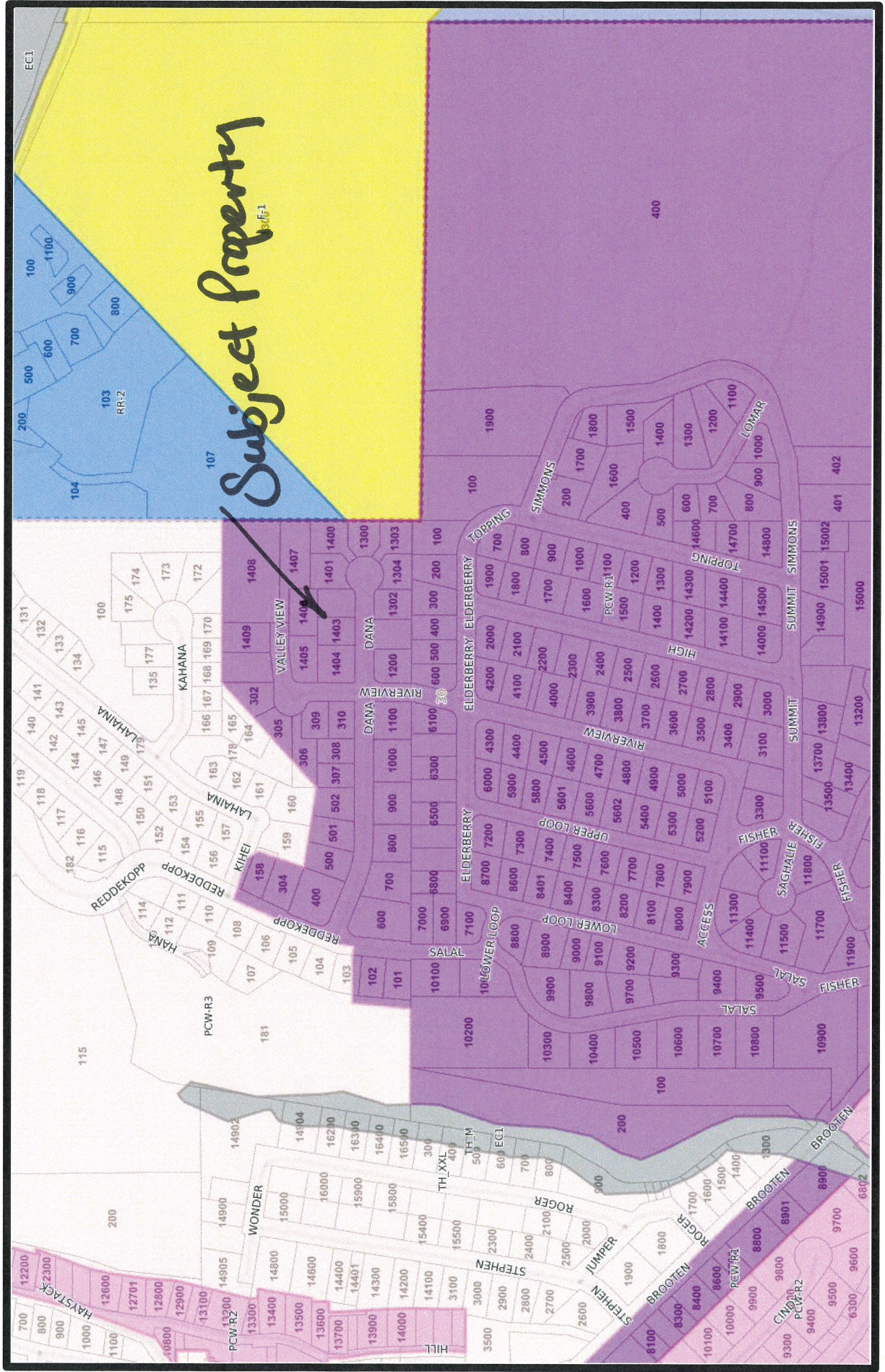
SEE MAP AS 10W 30A

SEE MAP AS 10W 30

Subject Property



# Map









- Catalog Favorites Visible Results
- Search catalog
- Map Extras
  - Administrative Boundaries
    - Tax lots
    - County Boundaries
  - Proposed Maps
    - [Proposed] Debris Flow fans
    - [Proposed] Deep Landslide Susceptibility
      - High Susceptibility
      - Moderate Susceptibility
    - [Proposed] Shallow Landslide Susceptibility
    - [Proposed] Rapidly Moving Landslides
    - [Proposed] Beaches and Dunes Overlay
  - Zone
  - Physical
    - Elevation
      - Highest Hit, OLC, 2008-19
      - Bare Earth, OLC, 2008-19
    - Aerial Photos
    - State Imagery
    - World Imagery
    - Basemaps
      - Carto
        - Light
        - Voyager
    - Esri
      - Topographic



Sources: Esri, HERE, Garmin, Intermap, INCREMENT P, GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kataster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swis User Community, @Landscape, @OpenStreetMap, @OpenStreetMap contributors, @Carto, @OpenStreetMap contributors



# DOGAMI HAZARD MAP

Subject Area

Oregon Coastal Atlas



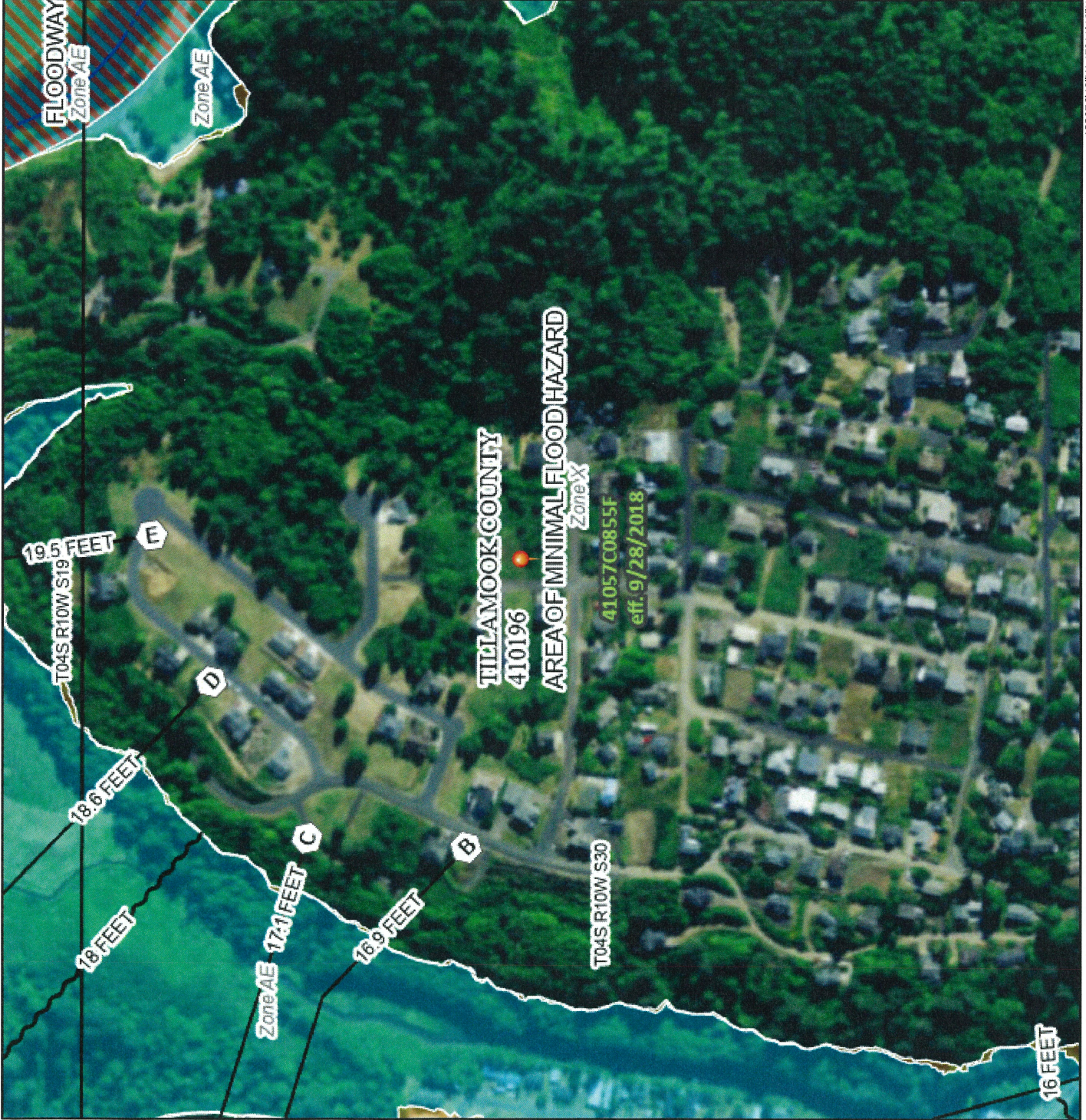
**Disclaimer:** The spatial information hosted at this website was derived from a variety of sources. Care was taken in the creation of these items, but they are provided "as is". The state of Oregon, or any of the data providers cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or underlying records. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying any of these products. However, notification of any errors would be appreciated. The data are clearly not intended to indicate the authoritative location of property boundaries, the precise shape or contour of the earth or the precise location of fixed works of humans.



# National Flood Hazard Layer FIRMette



123°57'26"W 45°12'11"N



123°56'49"W 45°11'46"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

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 X  
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 OF FLOOD HAZARD**

NO SCREEN Area of Minimal Flood Hazard Zone X  
Effective LOMRs  
Area of Undetermined Flood Hazard Zone  
Channel, Culvert, or Storm Sewer  
Levee, Dike, or Floodwall

**OTHER AREAS**  
**GENERAL STRUCTURES**

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

**OTHER FEATURES**

Digital Data Available  
No Digital Data Available  
Unmapped

**MAP PANELS**



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 11/9/2022 at 8:36 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.



# EXHIBIT B



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

## PLANNING APPLICATION

OFFICE USE ONLY
Date Stamp
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by:
Receipt #: <i>124163</i>
Fees: <i>1089.</i>
Permit No: 851-22-000198 PLNG

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

Name: Ryan Chandler Phone: 541-590-0342  
 Address: 32449 SW Callahan Road  
 City: Scappoose State: OR Zip: 97056  
 Email: rchandler77@gmail.com

**Property Owner**

Name: John + Noelle Shachter Phone: 415.218.3760  
 Address: 110 NW HERMOSA BLVD  
 City: Portland State: OR Zip: 97210  
 Email: noelle@theshachter.com

Request: **Variance for construction in front setback-see attached explanation and documentation.**

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

**Location:**

Site Address: **DANA LANE COURT, PACIFIC CITY 97135**

Map Number: **Tax Lot 1403, Map 4S 10W 30AB**

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.

<i>John Shachter</i>	<i>Noelle Shachter</i>	4/26/2022
Property Owner Signature (Required)		Date
<i>Ryan Chandler</i>		4/26/2022
Applicant Signature		Date

Applicant:  
Ryan Chandler  
541-590-0342  
[rchandler77@gmail.com](mailto:rchandler77@gmail.com)

Tuesday, April 26, 2022

ATTN: Tillamook County Planning

RE: Type II Planning Review Application for variance at property 4S10-30AB-01403 on Dana Lane Court, Tillamook County.

This writing is a supplement to the Type II Planning Review Application regarding a variance for the property at 4S10-30AB-01403 on Dana Lane Court, Tillamook County. The Variance application is for construction within the front setback of a proposed residential project. This application and proposed construction would reduce the front setback to 0'.

The proposed construction, within setback, is composed of a structure that will accommodate the County required parking, and allow access to the residence.

- The site of the proposed residence, poses a topographic and subsequent access challenge. The challenges posed by the existing conditions of this lot could preclude the enjoyment of the property that the majority of landowners in the vicinity enjoy, particularly: a safe and accessible access to one's home.
- This proposed variance is necessary and reasonable to accommodate the primary use of this lot: Residential Living (per County Zoning). Similar structures are utilized in the immediate area to accomplish the same reasonable access and use. A raised parking deck is a solution that is used on a number of topographically challenged properties in the immediate area. The nearest neighbor on the downhill side of Dana Lane Court has employed a raised parking approach that bridges from roads edge to the residence. Within the neighborhood there are additional examples of this strategy to accomplish parking and access to residential properties. See below:
  - Adjacent neighbor with raised vehicle parking structure-Tax Lot 1401, Map 4S 10W 30AB Lot 2- This Lot faced a similar topographic challenge and utilized a similar type of structure to accomplish the required parking and access.
  - Neighborhood example of raised vehicle parking structure -Tax Lot 2300, Map 43 10W 30AC Lot 18 of Pacific City Heights Fourth
- The proposed variance will comply with the purposes of relevant development standards over county planning code section 4.005; in particular (5) to accommodate dwelling, driveways, parking, and vehicle maneuvering for safe access to and from common roads. This proposed variance poses no know negative impact to adjoining property owners.

- The alternatives to a raised parking deck for this lot are cut and fill methods. Several points of these alternative methods are hard to reconcile with the project goals and scale of construction, and thus are unreasonable options.
  - Considering the steep bank at the edge of the road—the amount of fill required to achieve a similar access, becomes quickly out of scale with the residence and lot, while also requiring excessively tall retaining walls (heights for 12'+). These walls would extend into the setbacks / right of way and bring up similar questions of needed variances.
  - Another alternative for access and parking, is one in which a driveway drops down the slope into the site. This option would pose similar questions of scale, accessibility and planning variances. Cutting the topography to accommodate a safe amount of driveway slope and clarity of access for occupants and emergency responders, again becomes excessive in terms of construction and ease of access. Providing space for turn arounds is unworkable on site and backing a vehicle or emergency vehicle up a steep and curving drive is not a reasonable alternative.
  - In relation to these alternatives the parking deck option presents clarity and safety for those accessing the property. Additionally by raising the parking off the site the amount of impacted topography is reduced significantly and possibly kept as planted vegetation area, reducing the amount of impermeable paved surface. This reduction of impermeable surface can have a positive impact on storm water management on site, reducing runoff and keeping more soil in place.

The following text is to provide further project narrative, site and proposal specifics:

At the edge of Dana Lane Court the lot drops off steeply from roads edge at slopes of over 50% and then maintains a down slope of over 20% for the entire site(see attached survey). The proposed parking structure is composed of a retaining wall within the right of way that serves as the start of a steel and concrete parking deck raised above the down sloping topography of site. All work to be completed within Right Of Way (ROW) is currently being coordinated with the Tillamook County Road Department. The County Roads Department has granted a Conditional Approval of design for Road Approach. The condition of this approval being- the granting of a ROW Encroachment License by County Board of Commissioners. We expect the County Board of Commissions to rule favorably on our proposal in the coming weeks, as the proposal has been cleared by County Counsel for consideration by the Board, and neighbors are currently being notified of proposed ROW work. This proposed residential project has received approval by the Nestucca Rural Fire Protection District for the proposed approach and access. See attached.

The proposed parking deck will extend from the retaining wall (at ROW) to meet the residence and is supported by steel structure with a concrete slab surface. The permitter of parking deck is surrounded by a guardrail system to provide a vehicle safety barrier and occupant safety. All structural components including: foundation, post, beams, concrete deck, and guardrail system are designed in coordination with a licensed structural engineer. The development of this lot has been examined by a Geotechnical Engineer and Geologist and a report of the findings and recommendations has been completed. This Geologic Hazard Report (GHR) has been reviewed by Tillamook County Community Development and approved pending an additional review of final residence design by Geotechnical engineer for conformance with (GHR).



This proposed variances poses no know negative impact to adjoining property owners. The proposed design does not include a garage which reduces the volume of overall building size. We believe that this reduced building size creates less impact on views and light access to neighbors and from an environmental impact point of view the open parking deck is a positive choice due to the reduced construction and corresponding material usage.

The proposed variance for parking deck presents a clear and safe access for occupants and potential emergency responders visiting the property. Please see below references, attachments and project contacts for additional documentation. Please contact me with additional questions.

Thank you,

Ryan Chandler

**References:**

Geologic Hazard Report Review (Tillamook County Application #851-22-000009-PLNG)

**Attachments:**

- Topographic Survey
- Conditional Approach Approval
- Letter from Geotechnical Engineer
- Form from Nestucca Fire District

**Project Contacts:**

Owners: John and Noelle Shachter  
415-218-3760  
[noelle@theshachter.com](mailto:noelle@theshachter.com)

Jasper Lind  
Tillamook County Roads Department  
Phone (503)842-2032 ext. 3104  
[jlind@co.tillamook.or.us](mailto:jlind@co.tillamook.or.us)

Nestucca Fire District  
James Oeder  
Fire Chief  
Nestucca RFPD  
503-392-3313 office

Grummel Structural Engineering  
Steven Barrela  
Grummel Engineering LLC  
o: 503-244-7014 Ext. 105

Morgan Civil Engineering  
Jason Morgan  
503-801-6016

**ENCROACHMENT LICENSE**

Dana Lane Court  
T04S R10W Sec 30AB Lot #1403

THIS LICENSE, given by the County of Tillamook, Oregon, entitles John and Noelle Shachter ("Licensee"), to certain limited, described uses of a portion of the public right-of-way on Dana Lane Court abutting Licensee's property which is described below.

1. **PERMITTED USE:** By this license, the County of Tillamook grants to the Licensee the right to use the subject property for construction of a retaining wall no more than than 4 feet high and 35 feet long to support an elevated parking structure on Dana Lane Court right of way, adjacent to the property stated above, and for no other use.
2. **TERM:** This license shall be valid for a period of one calendar year and shall renew automatically if not revoked in accordance with the provisions of this License.
3. **SUBJECT PROPERTY:** The subject property is a platted 50 ft public right of way known as Dana Lane Court adjacent to T04S R10W Sec 30AB Lot #1403. Area described on Figure 1, incorporated by reference herein.
4. **COUNTY'S RIGHTS:**
  - 4.1 If at any time, the County requires any improvement in the right-of-way or any lawful utility company requires use of the right of way in accordance with state law, Licensee shall remove, at their sole expense, and within thirty (30) days of receipt of written notice to do so from the County, or such lawful utility company, the permitted structure or other improvements placed on the right-of-way by Licensee which might impede the opening of the subject property for lawful use.
  - 4.2 The County may also elect to revoke this license for any purpose upon written notice to the Licensee. Upon receipt of such notice, Licensee shall remove, at their sole expense, and within Sixty (60) days of receipt of

said written notice, the permitted structure that extends on to the subject property.

- 4.3 The opening, improvement, acceptance, or use of the right-of-way as an improved public road or its use by a lawful utility company or the revocation of this license for any reason shall not give rise to an action or suit for damages by the Licensee.

**5. LICENSEE AGREES:**

- 5.1 This License does not allow or permit the use of the subject property in violation of Tillamook County's land use laws and regulations. Licensee is responsible to obtain all necessary building permits and land use approvals from the Department of Community Development prior to this License coming into effect.
  - 5.2 It is specifically agreed by the Licensee that, if the granting, improvement, acceptance, or revocation of this license by the County occurs, any violations by the Licensee of the land use regulations of any government caused by the loss of use of the structure shall be the responsibility of the Licensee and shall take such action as may then be required by relevant laws and land use regulations without cost to Tillamook County.
  - 5.3 The Licensee accepts responsibility for the care and maintenance of the structure that extends on to the subject property, and all of Licensee's improvements thereon. Licensee agrees to indemnify, defend and hold the County, its officers, directors, employees, and authorized representatives harmless from and against any and all claims, suits, liabilities, or expenses (including, without limitation, attorney's fees) that may be asserted against the County arising out of Licensee's possession, use or maintenance of the structure. Structure area is further described in Figure 1, incorporated by reference herein.
6. **WAIVER:** Licensee expressly waives any implied easement or right of use that may accrue due to the use of the above described property, except as specifically stated in this agreement.





## PUBLIC WORKS DEPARTMENT

503 Marolf Loop Road  
Tillamook, Oregon 97141  
Roads (503) 842-3419  
Solid Waste (503) 815-3975  
FAX (503) 842-6473  
Email: [pubwks@co.tillamook.or.us](mailto:pubwks@co.tillamook.or.us)  
TTY Oregon Relay Service

---

*Land of Cheese, Trees and Ocean Breeze*

### PETITION FOR ENCROACHMENT LICENSE PUBLIC WORKS STAFF REPORT

**Date: March 7<sup>th</sup>, 2022**

Report Prepared by: Jasper Lind, Engineering Technician  
For Chris Laity, P.E., Director

#### **I. GENERAL INFORMATION**

- Request:** Petition to issue an Encroachment License for construction of a retaining wall less than 4 feet high within the Dana Lane Court right of way in Pacific City.
- License Location:** A specific 35 foot long by 7 foot wide frontage of the 50 foot wide public right of way abutting tax lot #01403 located within Pacific City and shown in map T04S R10W Sec. 30AB. Site as described in attached design documents.
- Petitioner:** The petitioners are the owners in fee title of the above mentioned tax lot as identified in the attached request letter.

#### **II. APPLICABLE STATUTES / ORDINANCES:**

- 1) ORS 368.256 County Road Statute - Creation of a road Hazard
- 2) ORS 374.305 Permission to Build on Rights of Ways
- 3) ORS 374.310 State Permitting Rules
- 4) ORS 811.105 Oregon Basic Rule
- 5) County Road "Right of Way Encroachment Policy" initiated under the authority of ORS 374.310

#### **III. REVIEW:**

##### **1. Very Low Volume Road**

A very low volume road is a road where the average daily traffic is less than 400 vehicles. This categorization determines what AASHTO design standards are applied to construction within the right of way. As a dead-end residential street with 6 houses and 5 undeveloped lots, Dana Lane Court meets these qualifications.

##### **2. Vehicle Speeds**

A speed limit is not posted on this road. This makes it fall under Oregon Basic Rule Law and sets the speed of this residential road to be 25 miles per hour.

**3. Clear Zone**

A clear zone is an unobstructed roadside area that allows a driver to safely stop or regain control of a vehicle that has left the roadway. Given the vehicular speed and very low volume of traffic, the AASHTO Guidelines for Geometric Design of Very Low-Volume Roads recommends clear zone of 6 feet from the edge of pavement for any potential hazards over 4 inches high. The proposed retaining wall is 12 feet from the edge of pavement which will significantly increase the available clear zone.

**4. Crash Hazards**

The proposed retaining wall will be located on the downhill side of Dana Lane Court and will be no more than 4 inches higher than the paved road surface. Safety rails recommended by the District Fire Chief will be attached to the structure with breakaway components.

**5. Wall Location**

At the current proposed location, the retaining wall is expected to be nearly 4 feet tall. Initial efforts to consider a wall which would be located on private property were found to be unfeasible. Relocation of the wall outside of the right of way would have significant design ramifications which may impact road base stability due to the necessary changes in wall height and mass. The proposed design optimizes the wall to efficiently fit with the existing terrain.

**6. Utilities**

Local utilities have been contacted through OUNCall, as well as through direct communication. No unique conflicts exist beyond the standard work environment.

**IV. CONCLUSION AND RECOMMENDATIONS:**

- 1) Tillamook County Engineering staff has reviewed the subject, support documents, and visited the site.
- 2) The subject right of way is located on the northern side of Dana Lane Court directly abutting to tax lot #1403.
- 3) The expressed intent of the Petitioner is to construct a retaining wall within a portion of the public right of way as described in their petition letter, exhibits, and TCPW Permits.
- 4) Engineering staff recommends **Approval** of this Encroachment License with the following conditions:
  - a) Approval of this petition for an encroachment license in no way relieves the affected properties, their heirs or assigns, from easements or encumbrances not identified herein.
  - b) It is the sole responsibility of the property owners to maintain repair or replace the retaining wall as necessary. This responsibility will run with the property.
  - c) All fees associated with professional services, document preparation and public recording are to be the sole responsibility of the petitioners. Any design changes must be approved through TCPW in writing.
  - d) A stamped engineered design and calculations be provided to TCPW prior to commencing construction.
  - e) Final as-builts are to be completed and submitted to TCPW upon completion of construction.
  - f) Should this encroachment be deemed be a future hazard to public safety, County reserves the right to revoke this license under conditions described in the license agreement.

**V. EXHIBIT LIST:**

- 1. Letter from property owners
- 2. Project design sheets
- 3. Maps and location images
- 4. Approved related road approach and non-utility permits

)  
)

)  
)

EXHIBIT 1

January 5, 2022

TO: Board of Commissioners

FROM: John and Noelle Shachter

RE: Consideration of Right of Way Encroachment for Residential Building Project.  
Property location: 04S 10W 30AB 1403  
Tax lot 1403 on Dana Court Lane-Pacific City / Road Approach #6444

Dear Commissioners,

This letter is to request endorsement of our attached plan regarding constructing a retaining wall within the right of way adjacent to our property. This request is part of an in-depth design process we have undertaken to build a home on Dana Court Lane. After presenting our Road Approach Plan to Tillamook County, we have been granted a conditional approval for our design. Our hope is to create an accessible and safe approach to our new home.

After consulting with the county, structural engineers, geotechnical engineers and designers, we believe our proposal creates increased safety for automobile and pedestrian traffic by limiting the steep drop off at roads edge. This plan would create a level approach to the house adjacent to the edge of the road; currently the area within the right of way drops sharply off from the road's edge and then continues at an even slope across our site. Our proposed retaining wall will allow construction of a parking deck and entry to our home.

Additional Considerations:

- Our proposal presents no known road maintenance issues.
- Our approach presents no impact to the current road surface or flow of traffic on Dana Court Lane, other than typical driveway considerations.
- The alternative to our proposal would be a combination of retaining walls and fill to provide parking and access to home. With the steep slope of the site at roads edge this alternative could quickly become out of scale with the proposed residence and require an excessive amount to fill to achieve an accessible parking area and entry to home. Additionally this alternative would also require retaining walls and impacts to the right of way in question.
- With our plan for a smaller footprint home and raised parking, our belief is that our proposal will be accessible, safe, and have less impact on the landscape than alternatives.
- The attached plan and proposal has been vetted by structural engineers and geotechnical engineers, as well as granted a conditional approval by the county.

Our little family is very excited to be joining your community, and so far all of our communications have been nothing but positive. Thank you for your consideration. We look forward to hearing your thoughts.

Kindly,  
John & Noelle Shachter

RECEIVED

JAN 13 2021

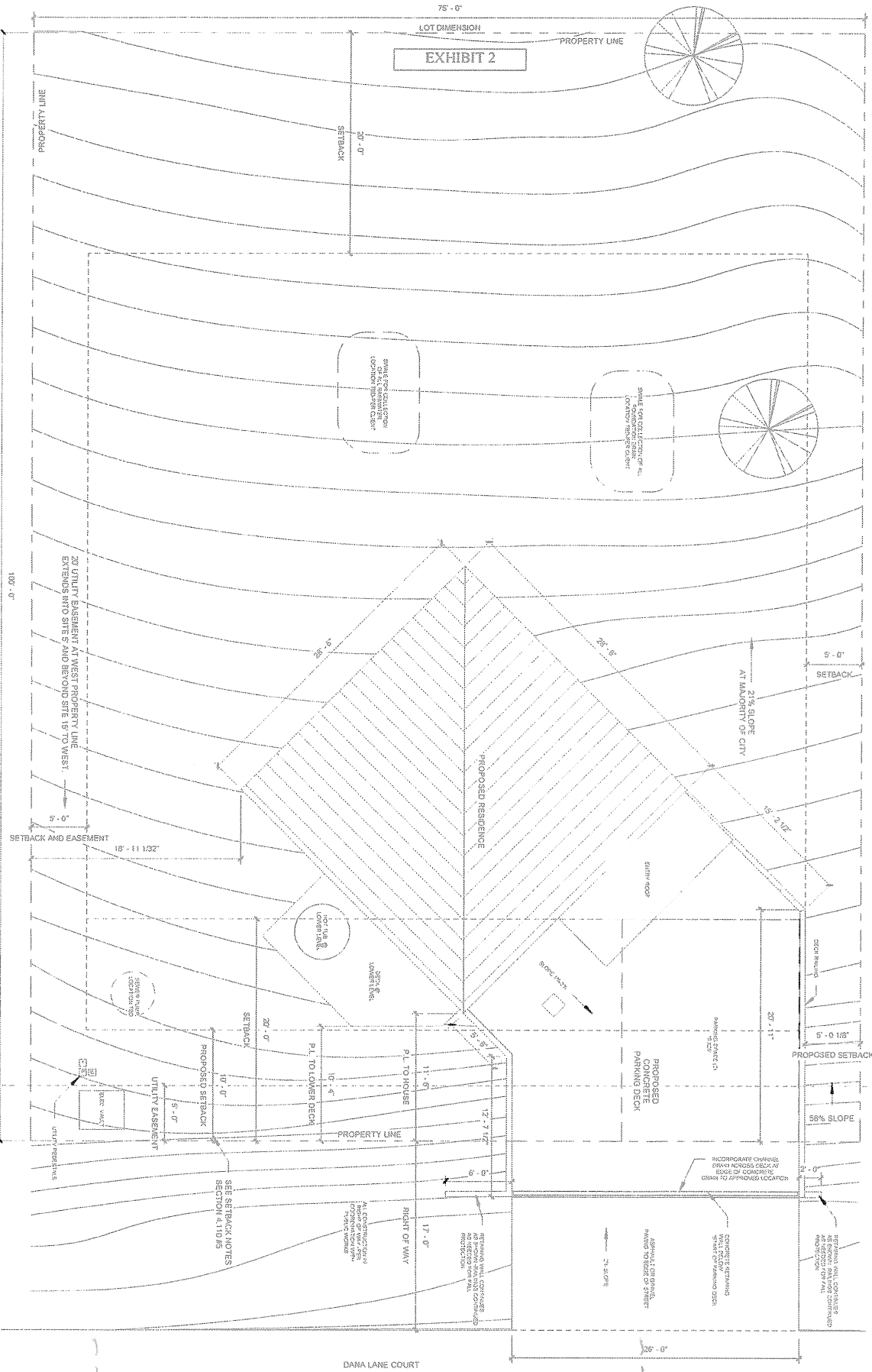
TILLAMOOK COUNTY ROAD DEPT





PLOTTED: 1/20/2022 1:02:11 PM

LOT DIMENSION



A1.0

SHEET TITLE  
SITE PLAN



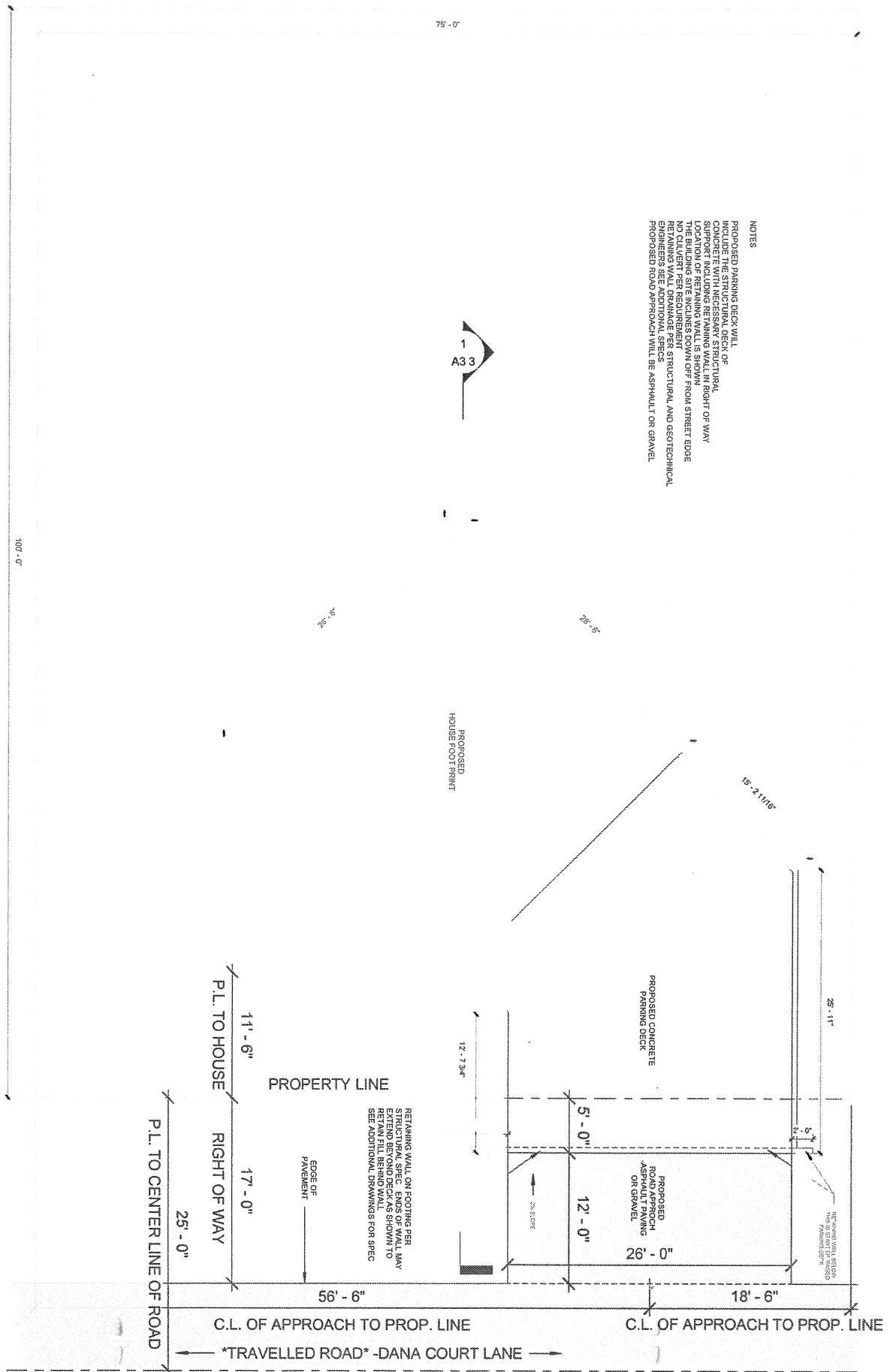
NORTH SCALE 1/8" = 1'-0"

SCHEMATIC

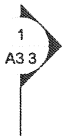
1403 Dana Lane Court  
Pacific city, Oregon 97139

PACIFIC CITY





NOTES  
 PROPOSED PARKING DECK WILL INCLUDE THE STRUCTURAL DECK OF CONCRETE WITH NECESSARY STRUCTURAL STRENGTHENING PER THE LIGHT OF WAY LOCATION OF RETAINING WALL IS SHOWN THE BUILDING SITE INCLINES DOWN OFF FROM STREET EDGE NO CURBLET PER REQUIREMENT PER STRUCTURAL AND GEOTECHNICAL ENGINEERS SEE ADDITIONAL SPECS PROPOSED ROAD APPROACH WILL BE ASPHALT OR GRAVEL



**A1.23** SHEET TITLE  
**APPROACH PLAN**

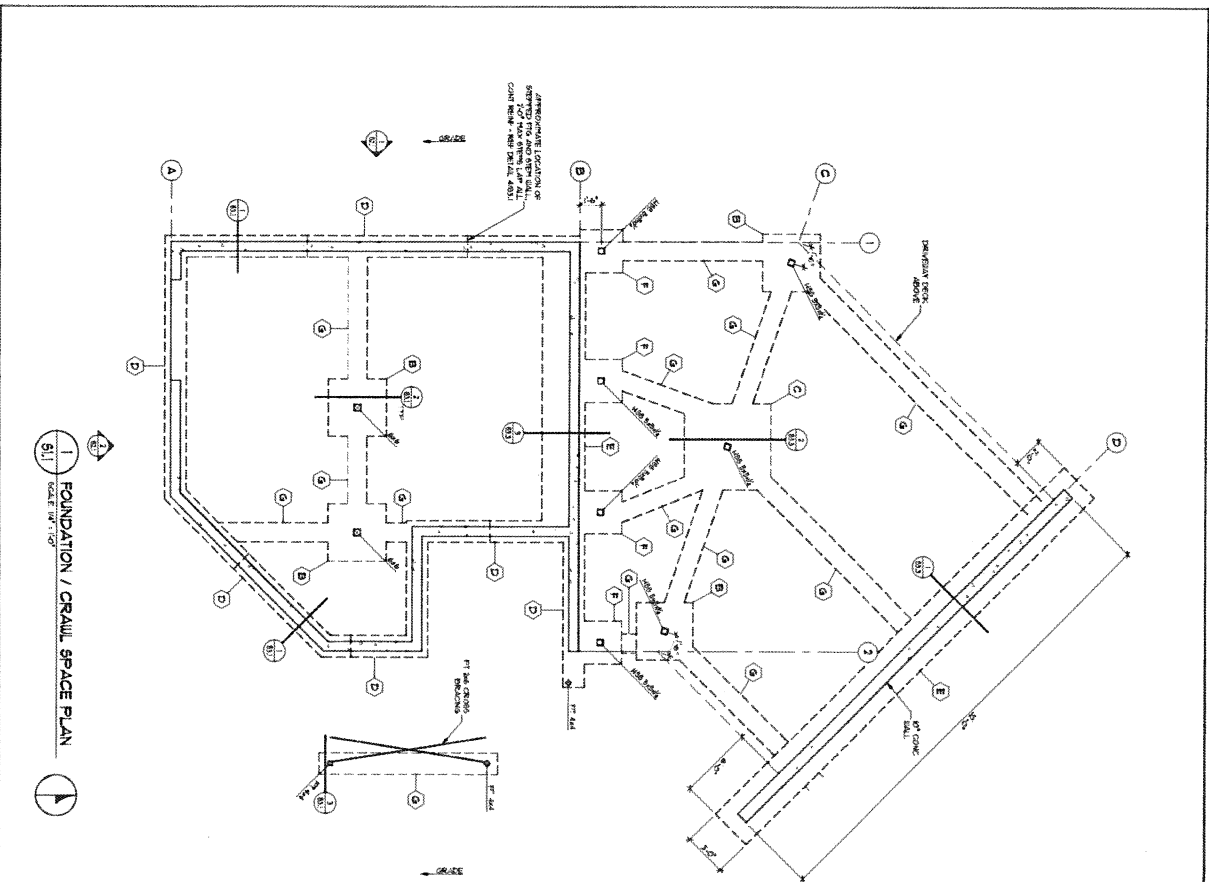
NORTH SCALE 1/8" = 1'-0"

SCHEMATIC

1403 Dana Lane Court  
 Pacific City, Oregon 97135

**PACIFIC CITY**





1 FOUNDATION / CRAWL SPACE PLAN  
SCALE: 1/8" = 1'-0"

- NOTES:
1. CONSTRUCTION SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL FOOTINGS, WALLS, AND SLABS. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
  2. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
  3. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
  4. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
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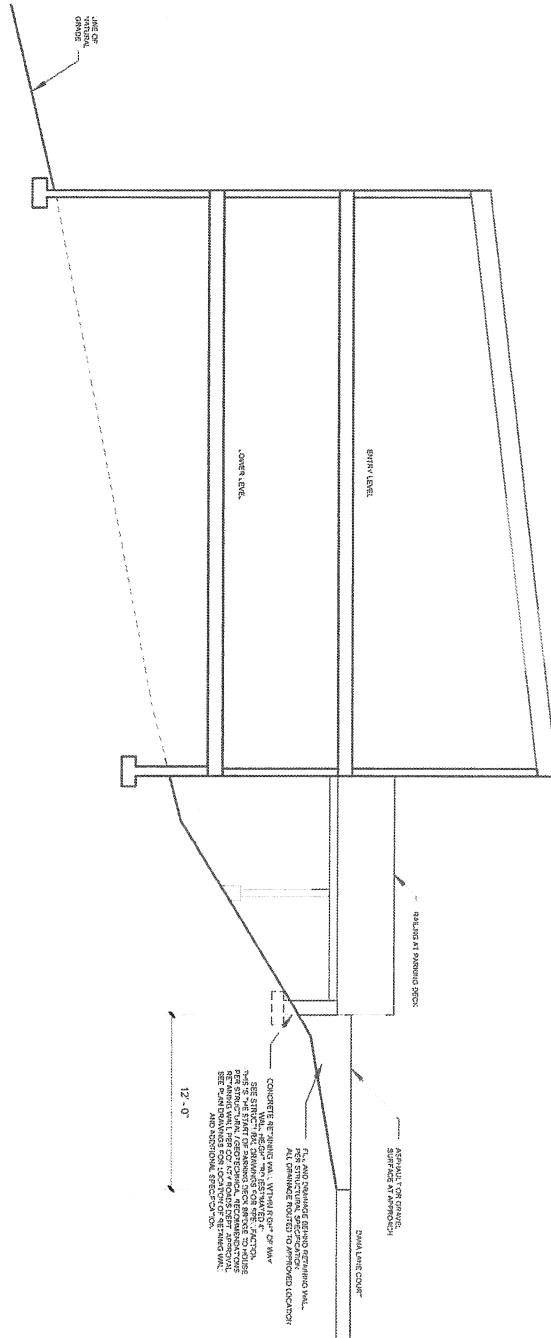
- LEGEND:
- INDICATES UNIFORM FOOTING.
  - INDICATES LOAD BEARING WALL.
  - INDICATES CONCRETE WALL.

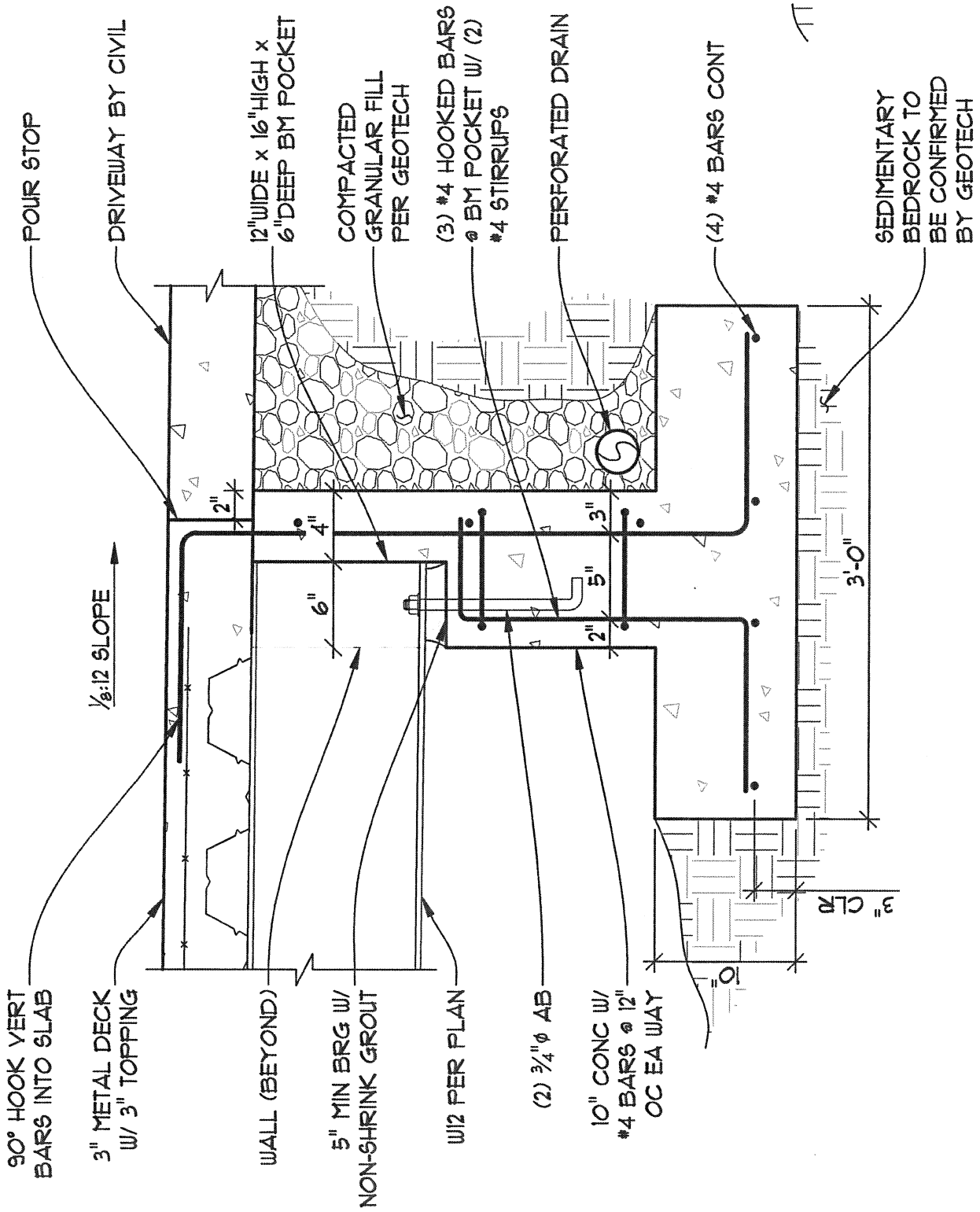
MARK	DIMENSION (REFERENCE)	REMARKS
A	1'-0" x 6'-0"	12" x 8" BENCH BEAM LAY
B	4'-0" x 4'-0" x 1'-0"	14" x 14" BENCH BEAM LAY
C	6'-0" x 6'-0" x 1'-0"	14" x 14" x 12" OC BENCH LAY
D	1'-0" x 4'-0"	12" x 14" CON. BEAM
E	5'-0" x 1'-0"	14" x 14" x 12" OC BENCH
F	4'-0" x 5'-0" x 1'-0"	12" x 14" BENCH BEAM LAY
G	1'-0" x 1'-0" (W/4" BENCH BEAM)	12" x 14" x 12" OC BENCH

2 FOOTING SCHEDULE  
SCALE: 1/8" = 1'-0"

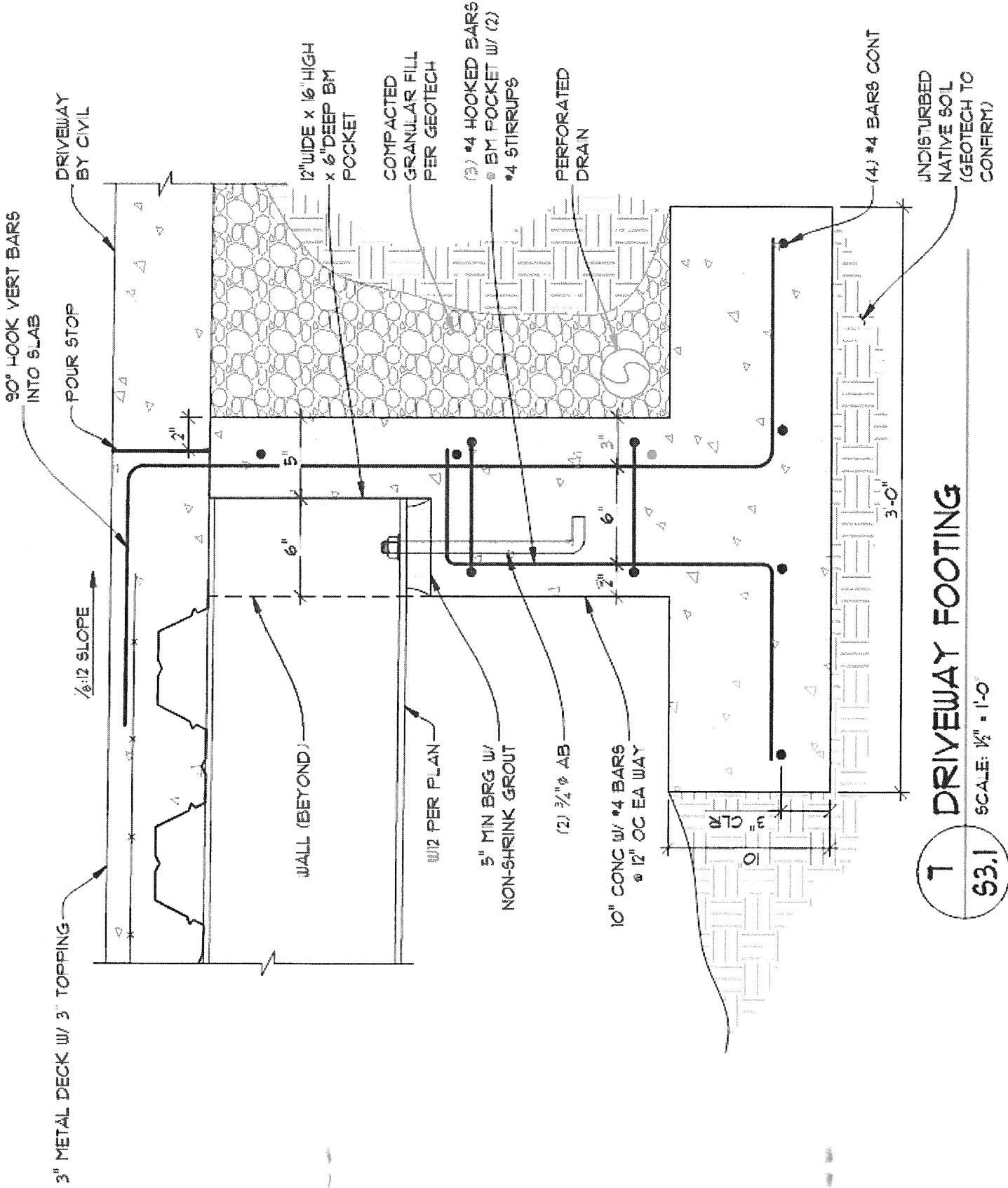
<p>REVIEW/SEAL NOT FOR CONSTRUCTION</p>	<p><b>GRUMMEL ENGINEERING, LLC</b></p> <p>920 SW 3rd Ave Suite 200 Portland, OR 97204 • (503) 244-7014 www.grummelengineering.com</p>	<p><b>S1.1</b></p>
<p><b>Shachter Residence</b> 1403 Dana Court Lane Pacific city, OR 97135</p>		
<p>03/10/2022</p>		
<p>PROJECT NUMBER: ENGINEER NAME: DRAWN BY: ACD FOUNDATION / CRAWL SPACE PLAN</p>		

1 CROSS SECTION WITH APPROACH  
 1/8" = 1'-0"





**1**  
**S3.3**  
**DRIVEWAY FOOTING**  
 SCALE: 1" = 1'-0"

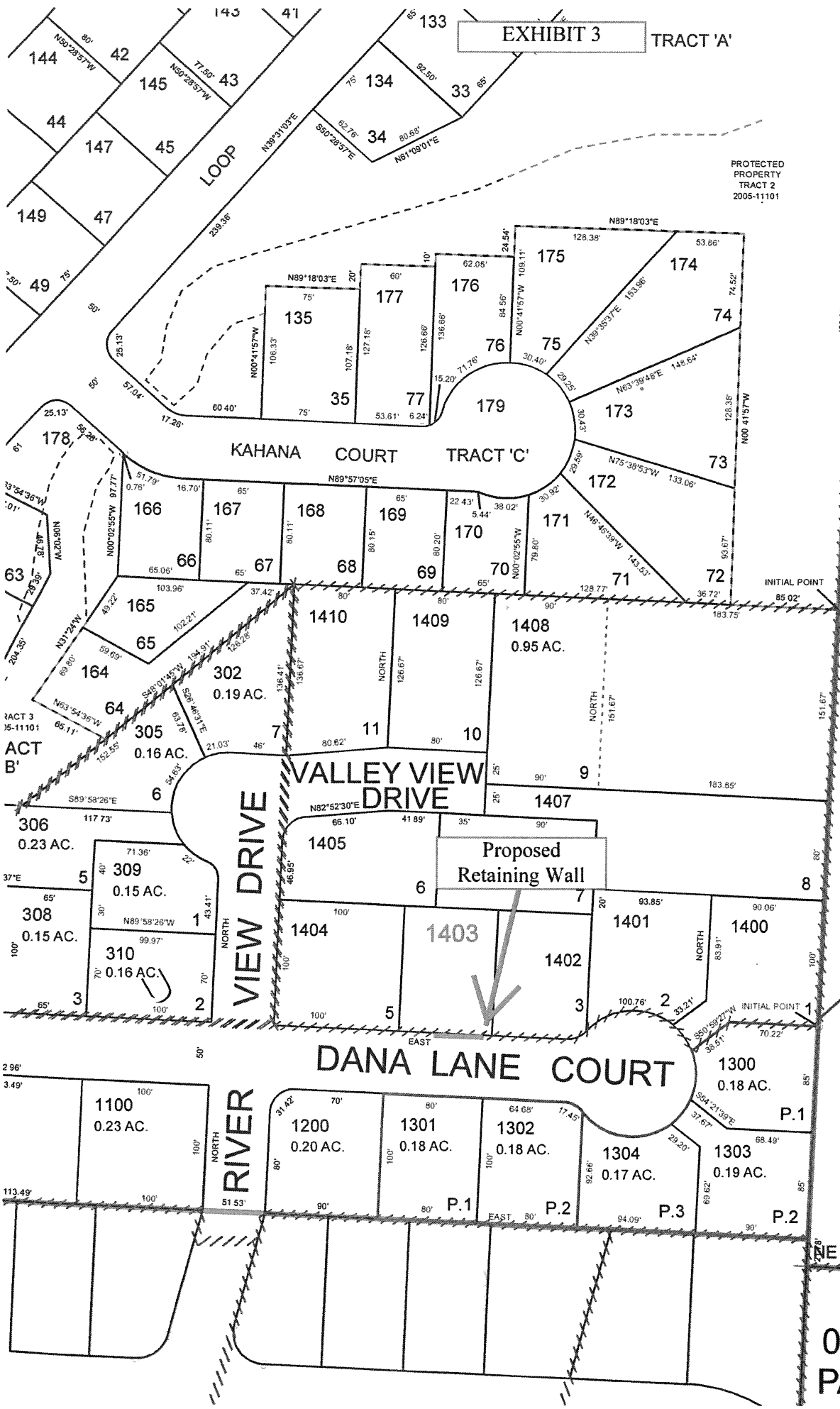


# 7 DRIVEWAY FOOTING

SCALE: 1/4" = 1'-0"

53.1

EXHIBIT 3 TRACT 'A'



PROTECTED PROPERTY TRACT 2 2005-11101

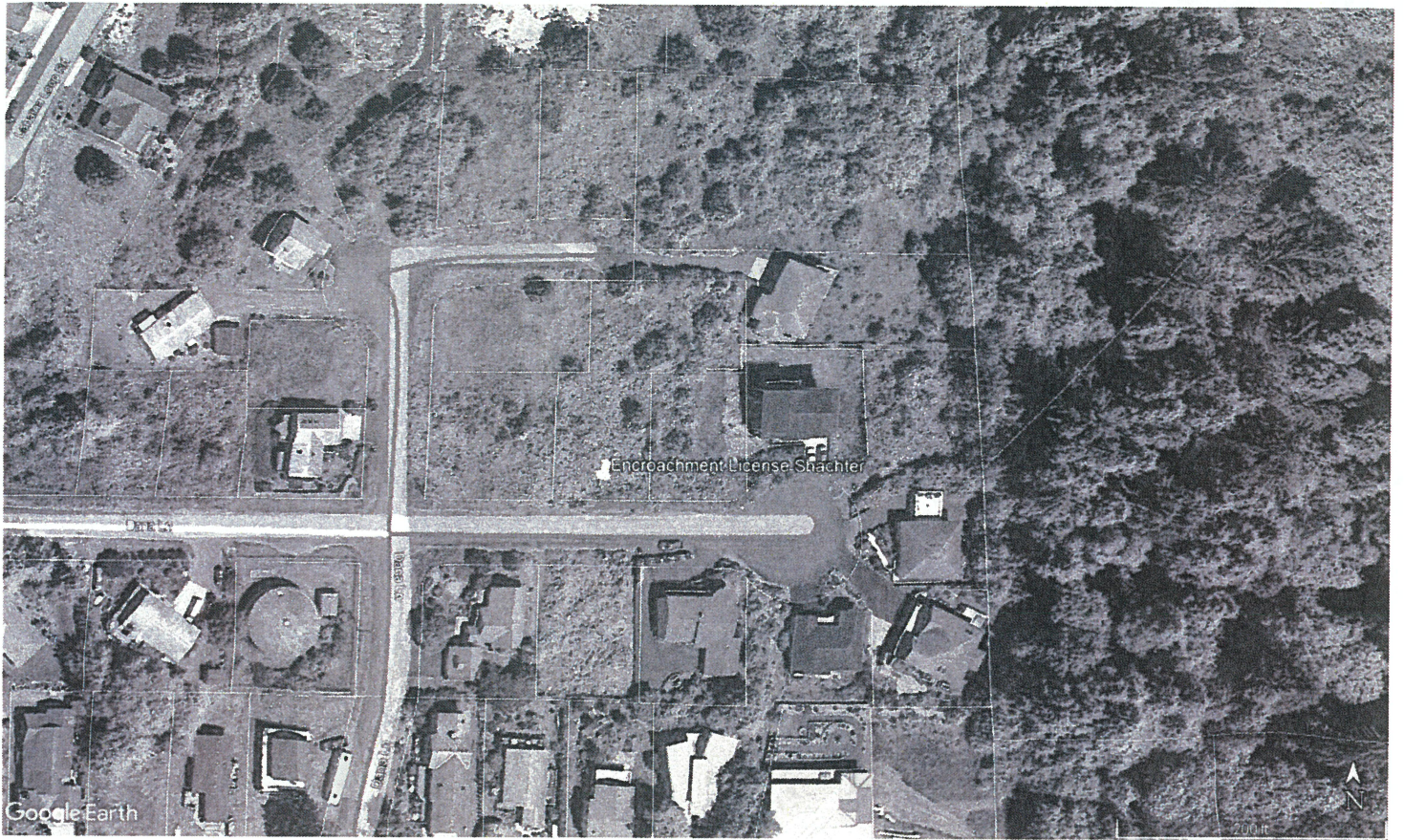
SEE MAP 4S 10W 30AA

Proposed Retaining Wall

NE 1/16

04S10W30AB PACIFIC CITY

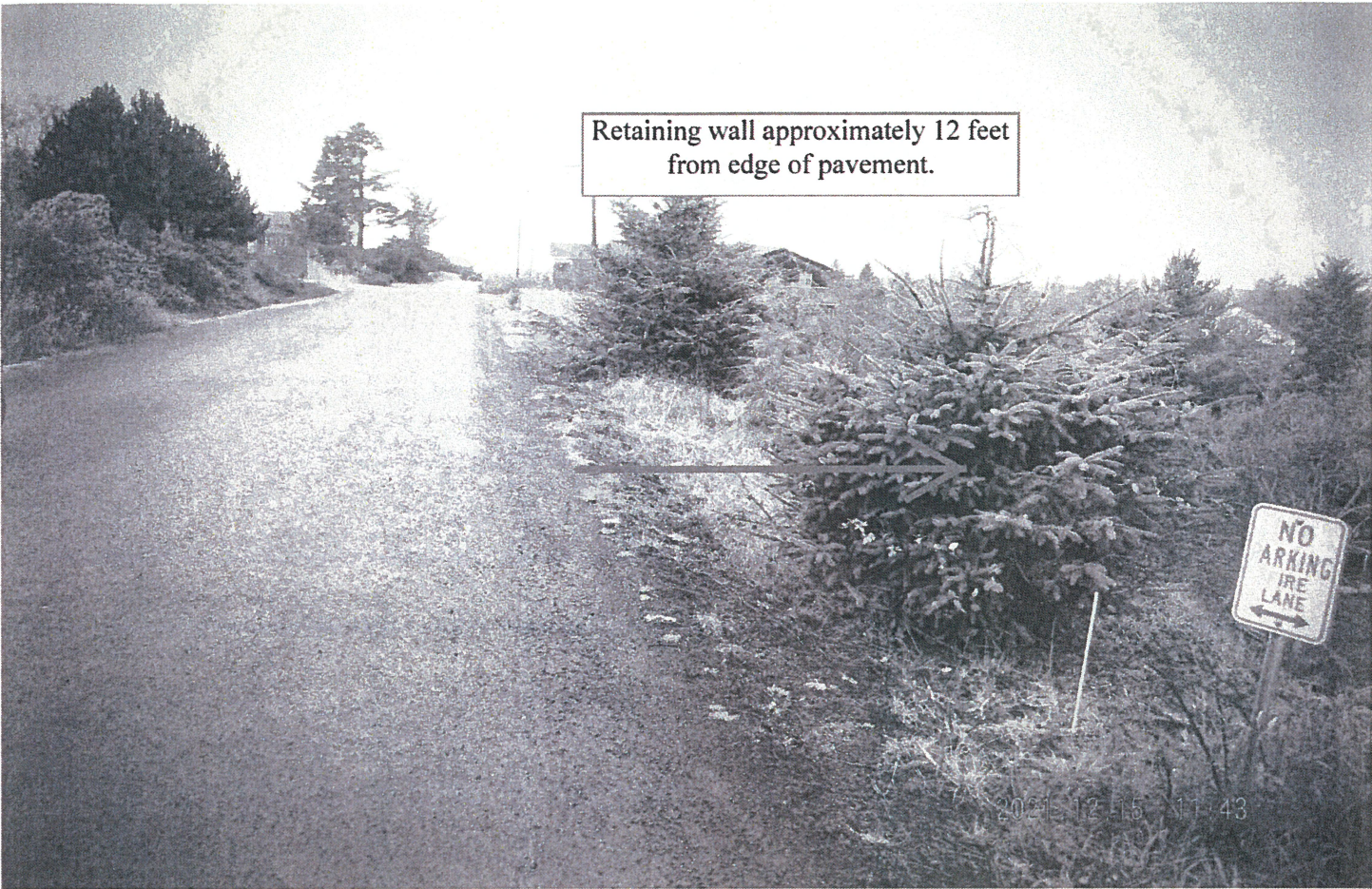




Facing North



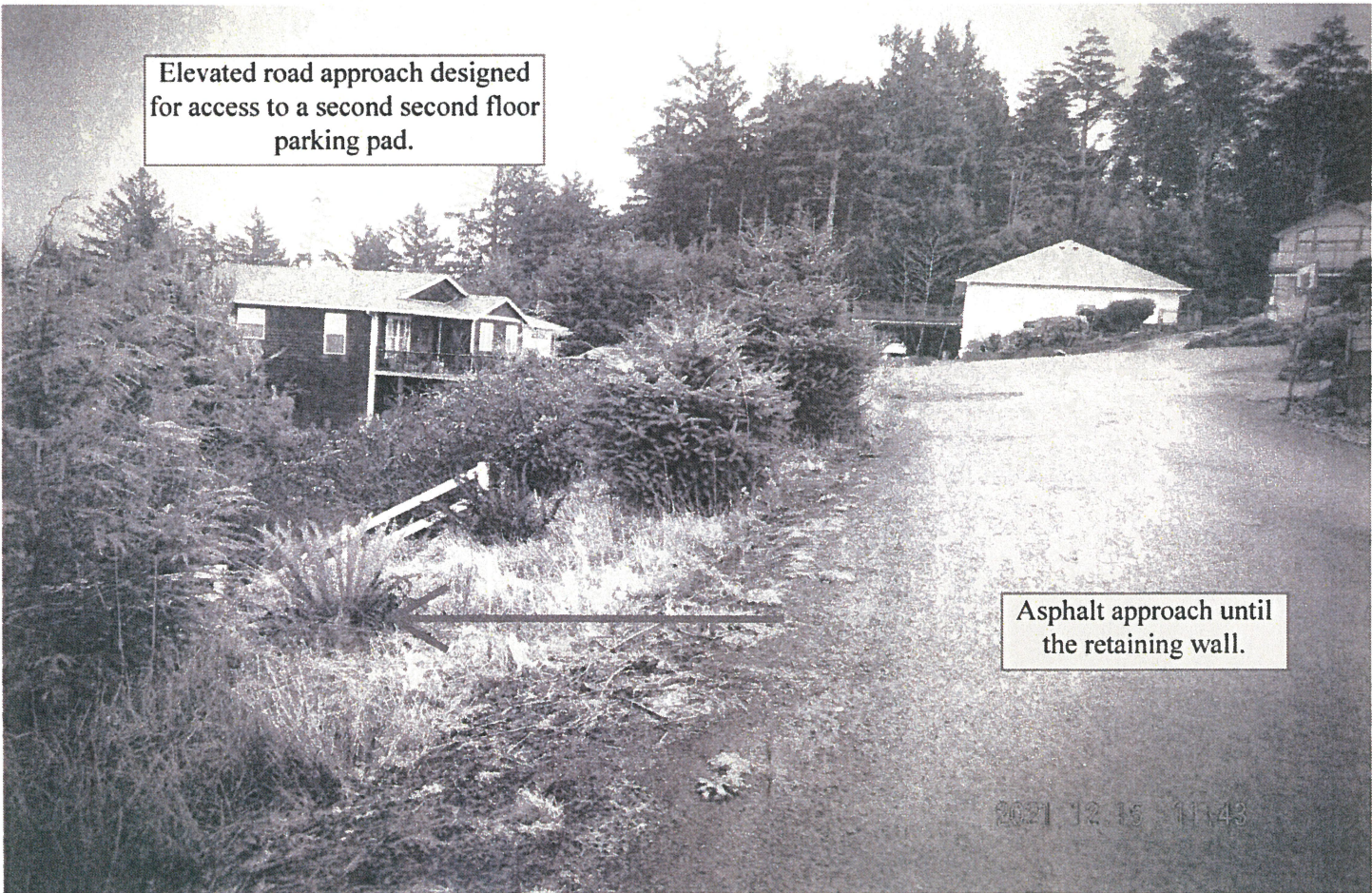




Retaining wall approximately 12 feet from edge of pavement.

NO  
ARKING  
IRE  
LANE  
←→

2021 12 15 11:43



Elevated road approach designed for access to a second second floor parking pad.

Asphalt approach until the retaining wall.

2021 12 15 11:43



Tillamook County



**PUBLIC WORKS DEPARTMENT**

503 Marolf Loop Road  
Tillamook, Oregon 97141  
Roads (503) 842-3419  
Solid Waste (503) 815-3975  
FAX (503) 842-6473  
Email: [pubwks@co.tillamook.or.us](mailto:pubwks@co.tillamook.or.us)  
TTY Oregon Relay Service

*Land of Cheese, Trees and Ocean Breeze*

December 22<sup>nd</sup>, 2021

John and Noelle Shachter  
32449 Callahan Road  
Scappoose, OR 97056

RE: Road Approach Permit #6444  
Dana Lane Court – Pacific City; Tillamook County Road #940  
T04S R10W Sec. 30AB, Tax Lot #01403

Dear John and Noelle:

Tillamook County Engineering staff review of your Road Approach Permit Application and a field site evaluation is complete with the following conclusion.

This permit is issued to authorize the construction of one new road approach to access the tax lot as identified on the above noted Tillamook County Assessor's map, a copy of which is marked up and included as part of this permit. The road approach approved under this permit is a preliminary to any permanent construction or installation which will be required to be reviewed and appropriate land use and development permits issued by the Tillamook County Department of Community Development.

No portion of the right of way of Dana Lane Court is to be used for over night or weekend storage of materials, equipment or extended daytime staging. Any material staged is required to be processed onto the subject parcel in a timely manor subject to condition #2 below.

The design for this road approach includes a retaining wall that is within the public right of way. The retaining wall is outside the clear zone (5' from property line and 12' from edge of pavement) and shall not rise to a height greater than 4 inches above that of the adjacent road surface. It will be on the downhill side of the road and be used to support the parking structure near the level of the road surface. The approach material will be asphalt from the existing road surface to the retaining wall.

This design is **approved with the condition that an encroachment license is obtained** from Tillamook County Board of Commissioners for the portion that is within the right of way, or the design is modified to relocate the retaining wall within private property.

By this reference, your signed application and proposed road approach plan are incorporated into this permit.

Road Approach permit #6444 is **Approved** with the following conditions:

1. With the issuance of this Road Approach Permit it is the sole responsibility of the applicant to verify and comply with all local, state, and federal land use regulations and related permit requirements. The issuing of this Road Approach Permit in no way relieves the applicant from applicable land use laws or regulations that may pertain to the lands accessed by the construction of the herein approved road approach.
2. Blocking any road under Tillamook County Jurisdiction for more than 30 minutes is considered a road closure that must be authorized by the Public Works Department preceded by appropriate residential and



emergency service notification. As the permit holder you are required to receive prior authorization from public works for any road closure.

3. A pre-construction site meeting is required to be scheduled between myself and the contractor to finalize driveway grade and alignment.
4. Road Approach construction materials and geometry are defined on the attached specification sheet and should be followed carefully. Storm water control as depicted on the submitted site plan is approved by the public works department for construction.
5. FINISHED grade of the approach from the existing edge of the County Road to the Right of Way line is to be -2%.
6. No concrete work or landscaping is allowed in the county right of way without prior approval.

**IT IS THE RESPONSIBILITY OF THE PERMIT HOLDER TO ARRANGE FOR ANY NECESSARY UTILITY LOCATES PRIOR TO EXCAVATION.**

*ATTENTION: 2007 Oregon Revised Statutes Chapter 757, requires you to follow rules adopted by the Oregon Utility Notification Center (OUNC). Those rules are set forth in Oregon Administration Rules Chapter 952, Division 1. You may obtain copies of the rules by calling 811 or logging on to the O.U.N.C. website at <http://www.digsafelyoregon.com/>*

**Before commercial use of the road approach, all improvements of the road approach shall be completed, except paving.** [As stated in Ordinance #44 on page 6 & 7, Section V-E.]

**Applicant or their contractor** shall contact this office with a 48-hour advance notice for inspections as required prior to accessing the structure.

- A. Phase I inspection is for sub-grade prior to rock base and verification of the sight distance.
- B. Phase II inspection of completed rock base and approach grade.
- C. Final Completion of all requirements by 18 months from date of issue.

**No structures, fencing, concrete, masonry, brickwork, landscaping, nor roadside hazards are permitted within the road right-of-way.** All mailboxes must meet approved "break-a-way" standards for impact by vehicles.

If you have any questions, please feel free to contact or leave a message for Tillamook County Public Works at the above number between the hours of 8:00 a.m. and 4:30 p.m. Monday thru Thursday.

Sincerely,



Jasper J. Lind  
Engineering Technician

Cc: Sheila Shoemaker, Department of Community Development, by email  
Ryan Chandler, Contractor, by email  
James Aman, Jeanette Arnold, & Zachary Hudspeth, TPUD, by email  
John Wesley, Pacific City Joint Water-Sanitary Authority, by email





Application Permit No. RA 6444

Road No. 940

**ROAD APPROACH APPLICATION AND CONSTRUCTION PERMIT**

**NOTICE**

Applicant must be the person, representative of the firm or corporation having the legal ownership of the property to apply for a Road Approach Permit. Such legal right is vested only in the owner of the property abutting the highway or the holder of an easement or similar right to construct and use an approach road upon the abutting property.

PROPOSED USE: **SINGLE FAMILY RESIDENCE**   X   **COMMERCIAL**           

TOWNSHIP   4S   RANGE   10   WEST, W.M. SECTION 30AB TAX LYT NO. 1403

Owner Representative- Ryan Chandler (Owners John and Noelle Shachter)

(NAME OF APPLICANT/PROPERTY OWNER)

32449 SW Callahan Road Scappoose Oregon 97056 541-590-0342

(MAILING ADDRESS AND PHONE NUMBER)

rchandler77@gmail.com

(EMAIL ADDRESS)

Dana Court Lane

(NAME OF STREET OR ROAD TO BE ACCESSED)

**NO CONSTRUCTION SHALL BE ALLOWED ON THE APPROACH ROAD UNTIL THIS APPLICATION HAS BEEN ISSUED BY THE DEPARTMENT OF PUBLIC WORKS.**

This application is made pursuant to O.R.S. Chapter 374 and Tillamook County Ordinance #44 (see Ordinance #44 for detailed information).

The **APPLICANT SHALL PROVIDE A MAP** accompanying this application showing the following information:

- The road right-of-way lines;
- The location of the traveled road in the road right-of-way;
- All existing and proposed road approaches;
- All existing and proposed structures;
- The existing and proposed drainage ditching and culverts
- The distance from the center of the road approach to the nearest property corner.

**THE PROPOSED APPROACH ROAD LOCATION MUST BE STAKED AND FLAGGED ON THE SITE.** A \$583.00 fee will be required at the time of application. **DOUBLE FEES SHALL BE ASSESSED FOR ANY APPLICATION RECEIVED AFTER CONSTRUCTION HAS ALREADY STARTED.** If additional trips are required because the site is not staked or flagged an additional fee of \$25.00 for each trip can be assessed.

**PRIOR TO ISSUING THE PERMIT THE PUBLIC WORKS DEPARTMENT OF THE COUNTY WILL INSPECT THE SITE for proper drainage, traffic hazards and general acceptability.**

REVISED 01/2017

RECEIVED

NOV 21 2021

TILLAMOOK COUNTY ROAD DEPT

THE APPROACH ROAD CONSTRUCTION SHALL COMMENCE BY THE APPLICANT AS DIRECTED BY THE COUNTY AND INSPECTED FOR COMPLETION IN THE FOLLOWING PHASES:

PHASE I: Clearing of the site, ditch excavation and subgrade of the approach. The applicant shall request an inspection for approval, prior to proceeding with Phase II construction.

PHASE II: Installing the culvert, placing all rock base. The applicant shall request an inspection for approval. PHASE II MUST BE COMPLETED PRIOR TO CONSTRUCTION ACCESS.

FINAL PHASE: Paving. After the paving, the applicant shall request a final inspection for approval.

In consideration of the applicant's agreement to comply in all respects with the regulation of Tillamook County, permission is hereby granted for construction described in the above application and in the instructions attached hereto and by this reference made a part hereof to same extent as if set forth in full. The applicant shall make all corrections as directed. Applicant agrees to save and hold harmless the County from any and all liability of whatever kind or nature arising or to arise by reason of issuance of this construction permit, the issuance thereof being for the sole benefit of applicant. Applicant is responsible to obtain all approvals or permits from other government agencies having jurisdiction affected by the proposed road approach construction site, i.e., wetlands; urban growth; riparian areas; access to county road within city.

The entire expense of maintaining said approach road shall be borne by applicant. If in the event of the reconstruction or widening of any highway, it becomes necessary to remove, alter or reconstruct the approach road constructed under authority of this permit, the cost of such removal or replacement to a like width and condition will be borne by the County. Any widening or other improvement of the approach road at the applicant's request shall be done only under authority of a new permit and at the expense of the applicant.

John Shachter      M Noelle Shachter 11/7/21  
APPLICANT (PROPERTY OWNER ONLY)      DATE

FOR DEPARTMENT USE ONLY

APPLICATION APPROVED: \_\_\_\_\_ 12/22/21  
PUBLIC WORKS DEPARTMENT      DATE

PHASE II COMPLETION REQUIRED BY: \_\_\_\_\_ COMPLETED: \_\_\_\_\_

(Phase II must be completed prior to construction access)

FINAL COMPLETION REQUIRED BY: \_\_\_\_\_

PERMIT NUMBER: RA 6444

FINAL COMPLETION INSPECTED AND APPROVED: \_\_\_\_\_

PUBLIC WORKS DEPARTMENT



503 Marolf Loop Road  
Tillamook, Oregon 97141  
Roads (503) 842-3419  
Solid Waste (503) 815-3975  
FAX (503) 842-6473

Email: [pubwks@co.tillamook.or.us](mailto:pubwks@co.tillamook.or.us)  
TTY Oregon Relay Service

*Land of Cheese, Trees and Ocean Breeze*

March 01, 2022

John & Noelle Shachter  
110 NW Hermosa Blvd  
Portland, OR 97210

RE: Non-Utility Permit #5756  
Dana Lane Court – Pacific City; Tillamook County Road #940  
T04S R10W Sec. 30AB, Tax Lot #01403

Dear John & Noelle:

Tillamook County Engineering staff review of your Non-Utility Permit Application and a field site evaluation is complete with the following conclusion.

The intent of this permit is to provide authorization to construct a retaining wall within the right of way on the downhill side of Dana Lane Court as detailed in the sketch you provided. The application received does not identify a contractor who is planned to provide the materials and labor to complete the work. Before work commences this contractor will need to be identified and an insurance accord statement filed by them with Tillamook County Public Works.

The retaining wall is required to be a structure designed by a licensed engineer. Stamped Drawings and calculations are to be provided to TCPW prior to construction.

This work requires an encroachment license approved by the Board of County Commissioners. If issued, the property owner will be solely responsible for future maintenance and repair of the resulting structure. This responsibility will pass along with ownership of the abutting property.

By this reference your application materials are incorporated into this permit.

Non-Utility permit #5756 is **Approved** as describe above with the following requirements:

1. This permit is for work performed in the public right of way of as noted above. By the issuing of this permit Tillamook County in no way authorizes the occupation of private land adjacent to the public right of way. Any occupation of private land requires approval of the subject property owner.
2. The applicant and their contractor mutually agree to fully indemnify, save harmless and defend Tillamook County, its commissioners, officers, employees and contractors from and against all claims and actions and all expenses incidental to the investigation and defense thereof, made or brought by any person, firm or corporation, based upon or arising directly or indirectly out of damages or injuries to their persons or their property, caused in whole or in part by acts of commission or omission of their agents, employees, or licensees in connection with the work performed pursuant to this permit. Furthermore, applicant and their contractor agree to promptly repair, at their sole expense, any damage to county property occasioned by their placement of the work referred to herein.



3. Traffic control in all county Rights of Way shall be as indicated in the Manual on Uniform Traffic Control Devices (M.U.T.C.D.) for work in the Public Right of Ways under County jurisdiction.
4. There shall be a copy of this permit on the job site while work is in progress.

As the permit holder it is your responsibility to coordinate with all utilities and the O.U.N.C. as noted below.

Please notify me 48 hours prior to commencing the project and within 48 hours after the project is complete to establish the maintenance agreement start date.

Please contact this office if the job can not be done according to permit requirements.

IT IS YOUR RESPONSIBILITY AS THE PERMITTEE TO ARRANGE FOR ANY NECESSARY UTILITY LOCATES PRIOR TO EXCAVATION.

***ATTENTION: 2007 Oregon Revised Statutes Chapter 757, requires you to follow rules adopted by the Oregon Utility Notification Center (OUNC). Those rules are set forth in Oregon Administration Rules Chapter 952, Division 1. You may obtain copies of the rules by calling 811 or logging on to the O.U.N.C. website at <http://www.digsafelyoregon.com/>***

The site will be inspected for restoration and clean up upon completion. There is a one-year maintenance responsibility that will start after field inspection and acceptance of restoration. If you have questions regarding this permit approval or are ready for field inspection, please feel free to contact or leave a message for me at 503.842.3419 Monday thru Friday 8:00 a.m. to 4:30 p.m. or the direct line to my desk is 503.842.2032 ext. 3110.

Sincerely,



Jasper Lind  
Engineering Technician

Cc: Sheila Shoemaker, Department of Community Development, By email  
John Wesley & Rachelle DeLoe, PCJWSA, by email  
James Aman, Zach Hudspeth, Jeanette Arnold, TPUD, by email  
Ryan Chandler, Consultant, by email

Application Permit No. NU 5756 Road No. 940

**TILLAMOOK COUNTY APPLICATION AND PERMIT FOR NON-UTILITY FACILITIES WITHIN A PUBLIC RIGHT-OF-WAY ORDINANCE#28**

**PLEASE PRINT**

John & Noelle Shachter 110 NW HERMOSA BLVD  
(Landowner / Agency Name) (Address)  
4152183760 PORTLAND, OR 97210  
(Telephone No.) (City, State, Zip)

The Applicant hereby applies to perform the following operation or install the following facilities upon the right-of-way of Construction of a concrete retaining wall for parking structure  
From Mile Post or (St.Address) \_\_\_\_\_  
to Mile Post or (St.Address) \_\_\_\_\_  
Project location/start 190 feet [N S E **W**] from intersection Dana Lane and Dana Lane Court  
Proposed utility facility location 20 feet [N S E W] from centerline.  
As shown on the plan attached hereto and by this reference made a part of this permit.  
*PLAN SHALL SHOW DISTANCES TO EXISTING PROPERTY PINS, MANHOLES, CENTERLINE OF ROAD AND EDGE OF ASPHALT.*

**TAX LOT DESCRIPTION**

Township 04S Range 10W West, W.M. Section 30AB at Tax Lot 1403  
The permit is for the construction, operation, and maintenance of the following type of utility facility:  
Construction of a concrete retaining wall for parking structure

*All activities allowed by this permit are subject to the "REGULATIONS FOR UTILITIES in Tillamook County Public Road Rights-of-Way (Ordinance #28)", which by this reference are made a part of this permit.*  
**APPLICANT NOTE THAT UTILITIES REGULATIONS REQUIRES REMOVAL OF FACILITY UPON WRITTEN NOTICE FROM TILLAMOOK COUNTY TO REMOVE THE UTILITY FACILITY (Section 17).**

john shachter m.noelleshachter 1/20/22 John Shachter, Noelle Shachter  
Landowner / Agency Signature and Date **Print** Landowner / Agency Name

**CONTRACTOR INFORMATION**

CONTRACTOR NAME TBD  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ PHONE \_\_\_\_\_

\_\_\_\_\_  
Contractor Signature and Date **Print** Contractor Name  
**PROPOSED PROJECT START DATE =** SPRING /SUMMER 2022

**CERTIFICATE OF INSURANCE FOR WORKING IN ROAD RIGHT-OF-WAY**  
ALL CONTRACTORS OR OWNER / AGENCY SHALL HAVE ON FILE A CERTIFICATE OF INSURANCE NAMING TILLAMOOK COUNTY AS CERTIFICATE HOLDER.

**SPECIAL PROVISIONS TO BE COMPLETED BY COUNTY ROAD DEPARTMENT**

1. A performance bond in the amount of \$ \_\_\_\_\_ shall be required prior to the issuing of this permit to cover inspection and assure compliance with conditions of permit.
2. A certificate of liability insurance has been verified. [ ] YES. [ ] NO.
3. A copy of liability insurance is [ ] on file, OR [ ] attached.
4. Activities of the operation, trenching, plowing, boring or tunneling shall be at least \_\_\_\_\_ feet from the edge of pavement **and / or** a minimum of \_\_\_\_\_ feet from center of traveled road.
5. Any feature above ground shall be a minimum of \_\_\_\_\_ feet from edge of pavement **and / or** \_\_\_\_\_ feet from center of traveled road.
6. Open cutting of paved or surfaced portion of the highway is [ ] is not [ ] permitted.
7. Asphaltic concrete patches shall be a total of \_\_\_\_\_ inches in compacted depth, \_\_\_\_\_ lift(s) of \_\_\_\_\_ inches each.
8. Maintenance of construction area and paving for all installations is the responsibility of the Applicant for one year after completion. Please contact us when completed.
9. Phone Number & Name of contact person responsible for maintenance of UTILITY FACILITY

\_\_\_\_\_  
PHONE NAME OF CONTACT

Letter of requirements attached. YES [ ] / NO [ ].


INSPECTED AND RESTORATION COMPLETED: DATE \_\_\_\_\_

INSPECTION BY \_\_\_\_\_

FINAL INSPECTION AFTER ONE YEAR: DATE \_\_\_\_\_

INSPECTION BY \_\_\_\_\_

PERMIT # NU 5756

  
\_\_\_\_\_  
Public Works Administrator Signature of Permit Approval Date 03/07/2022





# MORGAN CIVIL ENGINEERING, INC.

PO Box 358, Manzanita, OR 97130

ph: 503-801-6016

[www.morgancivil.com](http://www.morgancivil.com)

December 29, 2021

John Shachter

110 NW Hermosa Blvd

Portland, OR 97210

c/o

[rhandler77@gmail.com](mailto:rhandler77@gmail.com)

**Re: *Engineering Portion of Geologic Hazard Report for Tax Lot 1403, Map 4S 10W 30AB, Lot 4 of OCEAN VALLEY VIEW, Pacific City, Tillamook County, Oregon (Dana Lane Court)***

**Project #21-09-Sha**

Dear Mr. Shachter:

At your request, we have completed the site investigation of your property, referenced above. Available maps and previous reports of nearby properties were utilized in this investigation. This investigation also included an inspection of the subject property with Warren Krager, Certified Engineering Geologist. Mr. Krager has investigated the geologic conditions of the site and has addressed them in his report. Morgan Civil Engineering, Inc. (MCE) has then developed the engineering recommendations related to construction on the site. The two reports combined constitute the required Geologic Hazards Investigation required by Tillamook County. This engineering portion of the report is prepared for your use in the construction of a single-family home on the property. The standards set forth herein should be incorporated into the development plans for that project.

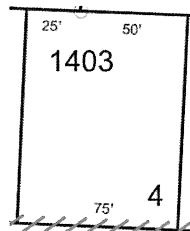
Site elevations noted in this report are based on topographic information obtained from the Oregon Department of Geology and Mineral Industries (DOGAMI) LiDAR project. These elevations are based on the NAVD88 datum, which is considered sea level.

A topographic survey the property was also prepared by Bayside Surveying, dated June 18, 2021.

We understand that you intend to build near the front of the property. After the development plans are prepared, an addendum to this report should be completed in order to allow for a review of the final site plans and building design. This review is designed in order to ensure that the lot improvements and building plans have been designed in accordance with the requirements noted in this, and all other, applicable reports.

### Site Conditions

The site and its geologic conditions are generally as described by the geologist in his report. Mr. Krager investigated the geologic hazards on the site and has included those hazards in his report. Krager's 8-page report, dated October 18, 2021, is attached for your use. The property is a rectangular lot fronting Dana Lane Court to the south for about 75 feet and extending north for 100 feet. See the attached portion of the assessor's map for property orientation and dimensions.



The property is undeveloped but may have been graded in the past. The adjacent properties in each direction are undeveloped. Three of the four properties across the street to the north are developed, and the second property to the east is developed.

Dana Lane Court is a nearly flat paved road in front of the property that rises gradually to the east at about 5 percent. The property slopes down to the north, away from the roadway. Elevations on site vary from 204 feet, at the southeastern property corner, to 176 feet, at the northwestern corner.

Near the front property line is a steep slope that drops about 10 feet in 20 feet horizontal. This bank is shorter and flatter to the west. The rest of the property slopes down to the north at about 20 percent. There are slight undulations on the property, but they will not affect construction. Overall, the property slopes down the north at between 20 and 25 percent.

At the time of our site visit, the site was mostly cleared of vegetation. There were low grasses on the site and occasional spruce trees.

The site is in a 135 miles per hour basic wind gust speed zone, setback from the ocean winds (Exposure 'C' as per the 2017 State of Oregon Residential Specialty Code (ORSC)), therefore, the building must be designed in order to withstand the minimum required lateral wind gust loads. In general, one- and two-story wood frame homes designed in order to withstand 135 miles per hour Exposure 'C' wind loading also will withstand even moderate earthquake loads. The site is located greater than one-quarter mile the east of the Pacific Ocean.

### **Findings and Hazards Analysis**

The primary relevant geologic hazards on this site relate to: 1) soft surface soil; 2) local steep slope; 3) erosion potential; 4) drainage control; 5) possible fill; and 6) regional seismic hazards.

Mitigation of these hazards is discussed in the Development Standards addressed herein and in the detailed recommendations set forth in the report prepared by the geologist.

The North Oregon Coast is defined by the 2021 ORSC as lying within a D<sub>2</sub> Seismic Design Category. As such, structures built in this area must, at a minimum, comply with the structural requirements for the D<sub>2</sub> Seismic Design Category. Strong seismic acceleration will likely result in widespread landsliding, and no slope can be considered immune from failure under these conditions.

### **Mandatory Development Standards**

In addition to the required standards of Section 4.130 (2) of the Tillamook County Land Use Ordinance, the following site-specific standards must also be required:

**A. Development Density** – This property should be developed for uses consistent with current zoning (outright or conditional uses). All development should take place in conformance with all other requirements of the Tillamook County Land Use Ordinance, or approved variances, as applicable.

All development will also be required to meet the conditions of the subdivision CC&Rs.

The property is located in the Pacific City/Woods High Density Residential (PCW-R3) Zone. See Section 3.324 of the Land Use Ordinance for more information.



**B. Structure Foundation and Road Location** – No site-specific setbacks were recommended by the geologist in his report. The house structure should be placed upon this lot in accordance with County setback standards.

Locally, all footings, including piers for overhanging decks, should be placed at least 5 feet from the toe of any dressed and graded cut slope, or at least 3 feet from the foundation of any retaining structure. Site access should take place from Dana Lane Court.

The house structure should be placed upon this parcel in accordance with County setback standards. Footing design and the depth of all footings should be in accordance with Development Standard E, noted below.

**C. Land Grading Practices** – All excavations for driveway and house foundation construction should be done during reasonably dry weather (while it is not actually raining). All exposed native soil should be protected from exposure to rainfall. Protect all cleared areas by covering them with crushed rock or straw according to use: cover driveway and foundation areas with crushed rock and cover landscaped areas with straw.

Additionally, the site should be graded in order to prevent standing water in the excavated area during construction of the foundation and other subsequent activities. All cut slopes should be retained using temporary or permanent means of stabilization. No excavated material should be placed in any sidehill fill. All excavated material should be disposed of by hauling it off the site.

Cut slopes should be supported by a retaining wall, designed by a licensed engineer, and constructed according to the standards set forth herein. The top of retaining walls, including foundation walls, should be set at least 5 feet horizontally from the face of the retained slope. No grading of the remaining slope, beyond that required for construction, should take place.

The property should be graded in order to provide positive surface drainage away from the proposed building.

**D. Vegetation Removal and Revegetation** – Existing vegetation should remain on all areas of the property that are not required for construction. All areas that are disturbed by construction should be promptly revegetated in order to reduce the potential for erosion. The Oregon Fish and Wildlife Department’s recommended revegetation program for sites such as this is as follows:

Seed disturbed areas with the following grass mixture. Application rate is 12 to 14 pounds per acre.

<i>Species</i>	<i>Percentage of Mixture</i>
Annual Ryegrass	26%
Potomac Orchardgrass	25%
New Zealand White Clover	20%
Perennial Ryegrass	15%
Annual Crimson Clover	14%

Use a 16-20-0 fertilizer in order to speed the establishment of the cover material. In order to further contribute to the stability of the disturbed areas, jute matting, straw cover, or another stabilization product such as SoilGuard®, should be placed over the soil in order to help protect against erosion before the seeds are allowed to germinate. In addition, planting shrubs and trees, such as salal, red elderberry, barberry, escallonia, cistus, ceanothus, etc., will further contribute to the long-term stability of the site.

Prior to planting, I recommend spreading organic topsoil over the disturbed areas in order to improve the likelihood of long-term vegetation growth. Use topsoil from the site that is stockpiled before excavation or import topsoil from a nearby site.

Vegetation on the slopes should be monitored and replaced, as necessary. Ground cover is important to stabilizing any disturbed slope and also prevents future sloughing.

**E. Foundations** – The foundation should be a continuous, reinforced concrete perimeter system, using reinforced concrete foundation walls, where required. The site lends itself toward the use of a daylight basement design for the home in order to economically use the existing slope of the site. Alternatively, the foundation can be stepped in order to roughly follow the existing slope of the property.

If a crawl space is planned beneath a wood first floor, I recommend the use of continuous, reinforced concrete strip footings running between perimeter foundation walls, in order to allow for continuity of the reinforced concrete footings. Isolated footings should not be used within the perimeter foundation walls. Interior footings should be integral with the continuous perimeter footings. The first-floor joists should then be supported either with conventional posts and beams, or pressure treated pony walls on continuous strip footings tied together with the continuous perimeter footings.

All footings should rest at least 6 inches into the sedimentary bedrock which is estimated to be 2 to 3 feet below the surface, as described by the geologist in his report. Constructing deeper footings on the weak siltstone bedrock, where encountered, is also acceptable. Regardless of depth, the bottom of all footings should be excavated to below any organic material and previously placed fill material, then set on firm native material. There is a potential for buried topsoil or isolated pockets of organic material that extend deeper into the bearing material than in other locations. All organic debris and topsoil should be removed from the building footprint, regardless of depth.

The construction of a concrete slab-on-grade is acceptable on a prepared pad. The area to support the slab should consist entirely of approved cut material and be covered with at least 6 inches of compacted crushed rock.

Below any concrete slab, I recommend the use of a capillary break in order to prevent moisture directly under the slab. Below the slab, use a layer of plastic sheeting, clean 3/4-inch crushed rock (no fines), or a combination of both options.

The use of deep piers is not recommended due to the shallow weathered bedrock, which is about 5 feet below the surface. However, independent individual exterior piers or grade beams set on firm soil are an acceptable alternative to a perimeter foundation. All vertical and horizontal loads on the building must be accounted for in the foundation design.

When excavation takes place, it is recommended that a representative of MCE, or an equivalent geotechnical specialist or engineer, be consulted in order to determine whether or not the appropriate materials have been exposed for foundations. I believe that such an inspection is extremely important and, therefore, I recommend that inspection of the foundation excavation prior to footing construction be a **mandatory requirement for construction**.

In order to protect the soil before the footings are poured, over-excavate the foundation and place at least 4 inches of 3/4"- crushed rock over the soil, then mechanically compact the crushed rock before the footings are constructed.

I do not recommend the use of concrete slab-on-grade construction built upon fill. Slabs supported simultaneously on cuts and fills will be subject to differential settling. Use structural slabs on supports or alternative methods of construction.

Soil bearing pressures at the bottom of all footings should not exceed 2000 pounds per square foot on approved soil. All footings should be at least 18 inches in width.

Any retaining walls should be designed according to the following criteria:

Allowable Soil Bearing Pressure, psf (on approved soil)	2,000
Lateral Soil Bearing Pressure on Unrestrained retaining walls with level backfill, pcf/ft of depth, equivalent fluid weight (Active pressure excluding surcharge effects)	40
Lateral Soil Bearing Pressure on Restrained retaining walls with level backfill, pcf/ft of depth, equivalent fluid weight (Active pressure excluding surcharge effects)	50
Lateral Soil Bearing Pressure (Passive), pcf/ft of depth	300
Friction Angle, degrees	30°
Maximum unit weight, pcf	120
Coefficient of Friction	0.35



Backfill behind all retaining walls should be clean, well-drained, imported, select granular backfill. Native material for backfill behind retaining walls is not acceptable. All retaining walls require foundation drains as described in Section H below.

The retaining wall designer should determine whether the retaining wall are restrained.

**F. Driveway Location and Design** – The driveway should be constructed such that the roadbed is entirely on cut soil or engineered fill material. Access should be from Dana Lane Court. Any location along the front of the property is acceptable. Driveway design standards should include the use of a geo-textile support fabric, a minimum of an 8-inch-thick layer of pit-run base rock, and a 3-inch-thick layer of 3/4"-minus crushed rock surfacing. Asphalt or concrete surfacing on the driveway is recommended.

Fill material used to create a driveway should be set on firm inorganic soil in order to avoid settlement.

The grading of the driveway should be included in the detailed site plan for the property. Any necessary retaining walls should also be shown.

**G. Stormwater Management, Runoff and Drainage** – All roof drainage should be collected with eave gutters and downspouts and then conveyed in water-tight pipes in order to discharge downslope of the house. Accumulated surface drainage should also be collected and discharged downslope of the house. The complete roof drainage system, including roof gutters and downspouts, should be installed immediately after the roof sheathing in order to protect the ground from erosion during construction. When the surface is not protected from roof runoff, the surface soil will continue to erode.

Use a diffusion pipe in order to spread the water and reduce erosion. Construct a level, shallow shelf in in the soil below the house. The shelf should slope gently down until it reaches the ground surface. Install a capped and perforated drainpipe on the shelf, then backfill with clean angular ballast rock. The surface can then be covered with fabric and organic soil, then replanted. The pipe length should be 10 feet for every 1000 square feet of hard surface area (roof and driveway) being drained. The length can be constructed in sections, based on the collection area. See the attached detail. If an alternative method of disposal is preferred, please contact me in order to discuss possibilities.

The vegetated areas of the property downslope of the actual home construction should be protected from erosion and siltation due to runoff from the construction site by the use of silt fencing or "bio-bags" during construction. Specifically, silt fencing should be placed along the northern side of the disturbed surface area and "bio-bags" (or hay bales) should be placed at locations of visible discharge. These temporary measures should be left in place and properly maintained until all surface revegetation is established. Driveway surface drainage should be collected and transmitted to the diffusion system.

A rock entrance pad should be installed prior to beginning building excavation or grading work on the site. I recommend placing the fabric and pit-run rock for the first 20 feet or more of driveway for use as a construction entrance pad.

During construction, the excavated building area should be graded and maintained in order to avoid standing water. The site should be graded in order to allow water in the excavated area to drain during construction of the foundation and all other subsequent activities.

**H. Foundation Drains** – Foundation drains should be installed on the uphill side of all continuous, concrete retaining walls and foundation footings. The use of a fabric covered, perforated drainage pipe, such as ADS DrainGuard®, or an equivalent alternative, is recommended. The backfill around and above the foundation drains should be clean, washed drain rock or angular ballast rock in order to ensure good drainage. The drain rock backfill should extend from the foundation drains (at the bottom of the footings) to about 12 inches below the finished ground surface. All foundation drains should discharge toward the lowest point along the wall.

All roof and surface area drainage piping should be separate from the foundation drainage piping. Discharge the water collected by the foundation drains at a separate location from the stormwater system.

**I. Site Plan** – The topographic survey should be used in order to develop a site-specific development plan. The development of a detailed site plan should include all grading, driveway slopes, house location, and any retaining walls. The development of a detailed site plan prior to construction will reduce costs, unexpected costs, and delays. A house foundation designed specifically for this property will likely reduce the amount of excavation that is needed.

## Summary Findings and Conclusions

1. The proposed use is currently single-family residential. There are no immediate adverse effects on adjacent properties from future house construction. Future development may result in increased stormwater runoff or decreased runoff quality on adjacent properties. Future development proposals should be further evaluated in the context of the recommendations of this report at the time of issuance of a building permit.
2. Hazards to life, public and private property, and the natural environment, which may be caused by the proposed use, are discussed herein and addressed in each of the Development Standards.
3. The methods for protecting the surrounding area from the adverse effects of the proposed development are set forth in each of the Development Standards.
4. The maintenance of new and existing vegetation, and temporary and permanent stabilization programs, are discussed in Development Standard "D".
5. The proposed development of this lot, according to the mandatory standards set out herein, will result in the new parcels and future developments being adequately protected from the above described reasonably foreseeable ordinary hazards, although not necessarily from major earthquake, the possibility of which is discussed herein.
6. The proposed development of this lot, according to the recommended standards, is designed in order to minimize adverse environmental effects.
7. Periodic monitoring is necessary to ensure that the recommended development standards are implemented for the long-term success of the development.

JOHN SHACHTER  
GHR for Tax Lot 1403  
Map 4S 10W 30AB  
Dana Lane Court, Pacific City, Tillamook County

December 29, 2021

MORGAN CIVIL ENGINEERING, INC.

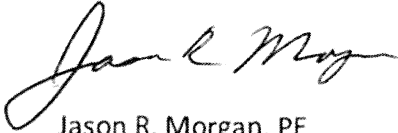
### Limitation

The engineering portion of this report is based on a site inspection of the subject property and vicinity, as well as a review of the site topography. The engineering conclusions and recommendations in this engineering portion of the report are based upon the conclusions presented in the geologic report prepared by Warren Krager, CEG. The engineering conclusions and recommendations presented herein are believed to represent the site and are offered as professional opinions derived according to current standards of professional practice for a report of this nature. No warranty is expressed or implied. This report has been prepared for the timely use of the above addressee and parties to the pending development of the subject property and does not extend to the activities of unidentified future owners or occupants of the property for which the writer bears no responsibility.

Should you have any questions regarding my investigation or this report, please contact me at [jason@morgancivil.com](mailto:jason@morgancivil.com) or 503-801-6016.

Sincerely,

**MORGAN CIVIL ENGINEERING, INC.**



Jason R. Morgan, PE  
Professional Engineer

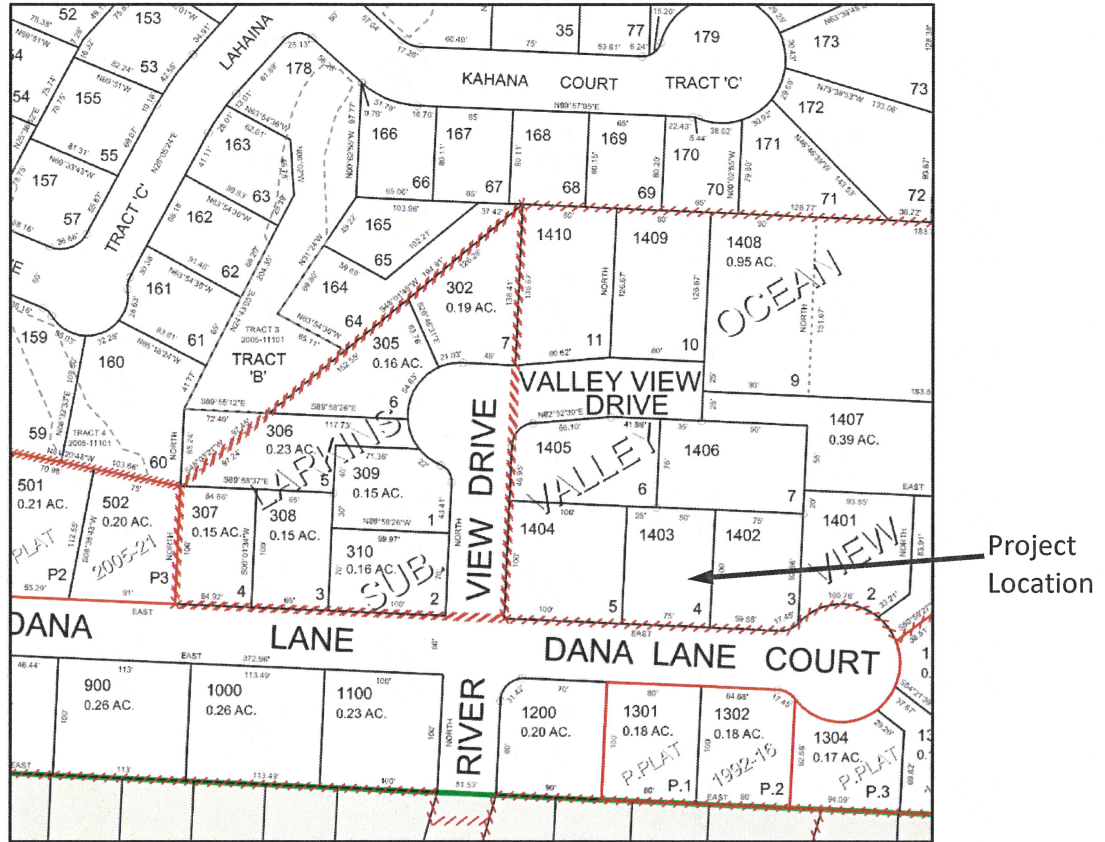


RENEWAL DATE: DECEMBER 31, 2022

cc: Project File #21-09-Sha

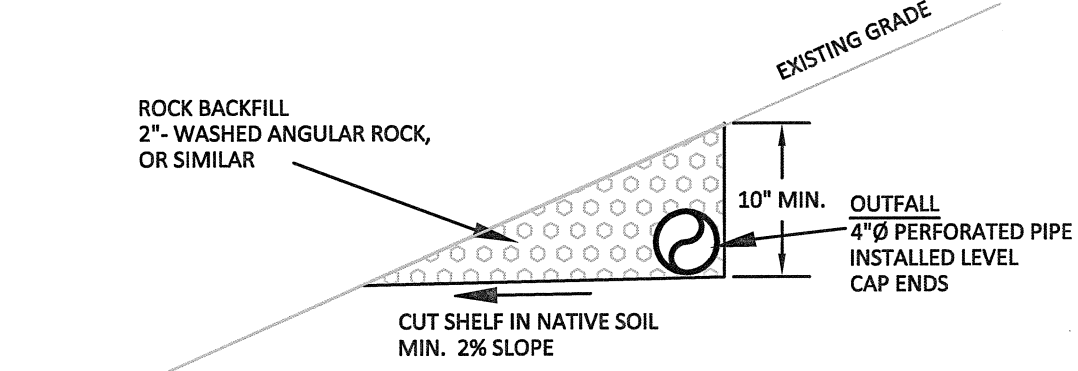
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**Tax Lot 1403, Map 4S 10W 30AB  
Lot 4 of VALLEY OCEAN VIEW  
Pacific City, Tillamook County, Oregon  
(Dana Lane Court)**

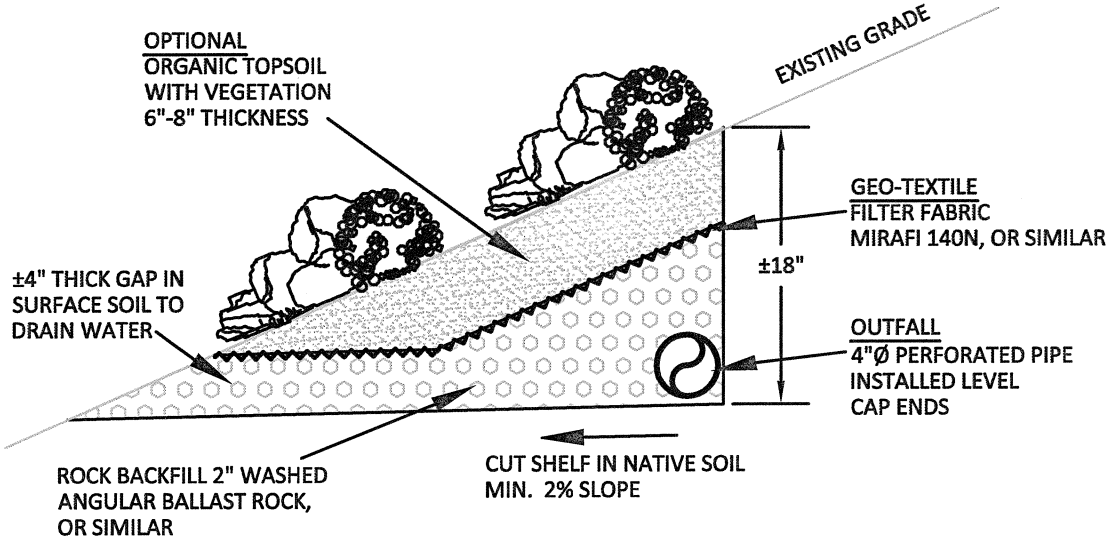
# DISCHARGE PIPE DIFFUSION SHELF



## DIFFUSION SHELF DRAIN SHALLOW

SCALE: 1"=1'

USE ±10 LF OF PIPE PER 1000 SF OF COLLECTION AREA.



## DIFFUSION SHELF DRAIN WITH VEGETATION

SCALE: 1"=1'

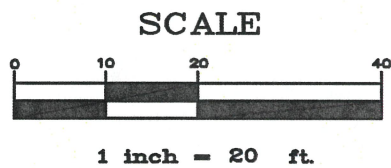
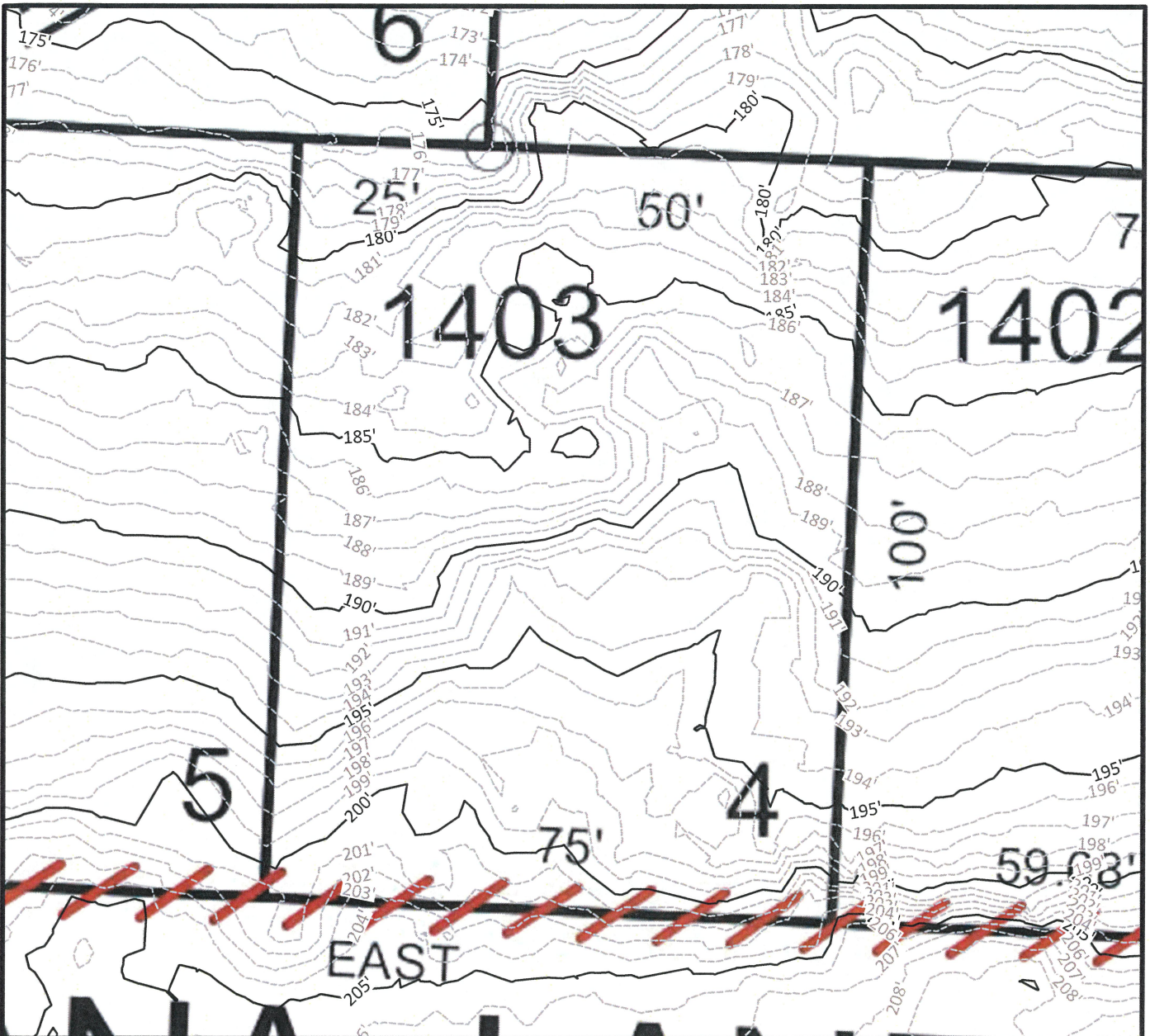
DISCHARGE PIPE  
DIFFUSION SHELF



MORGAN CIVIL  
ENGINEERING, INC.

PO BOX 358  
MANZANITA, OR 97130  
(503) 801-6016  
www.morgancivil.com

- CIVIL ENGINEERING
- INSPECTION
- PLANNING



Source:  
DOGAMI LIDAR  
~2008

SCALE: 1"=20'

SEPT. 2021

**SHACHTER, JOHN**  
TAX LOT 1403  
DANA LANE COURT  
LIDAR TOPOGRAPHY  
PACIFIC CITY/MAP 4S 10W 30AB

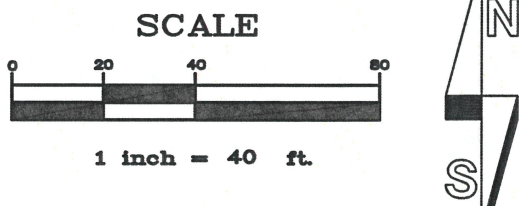
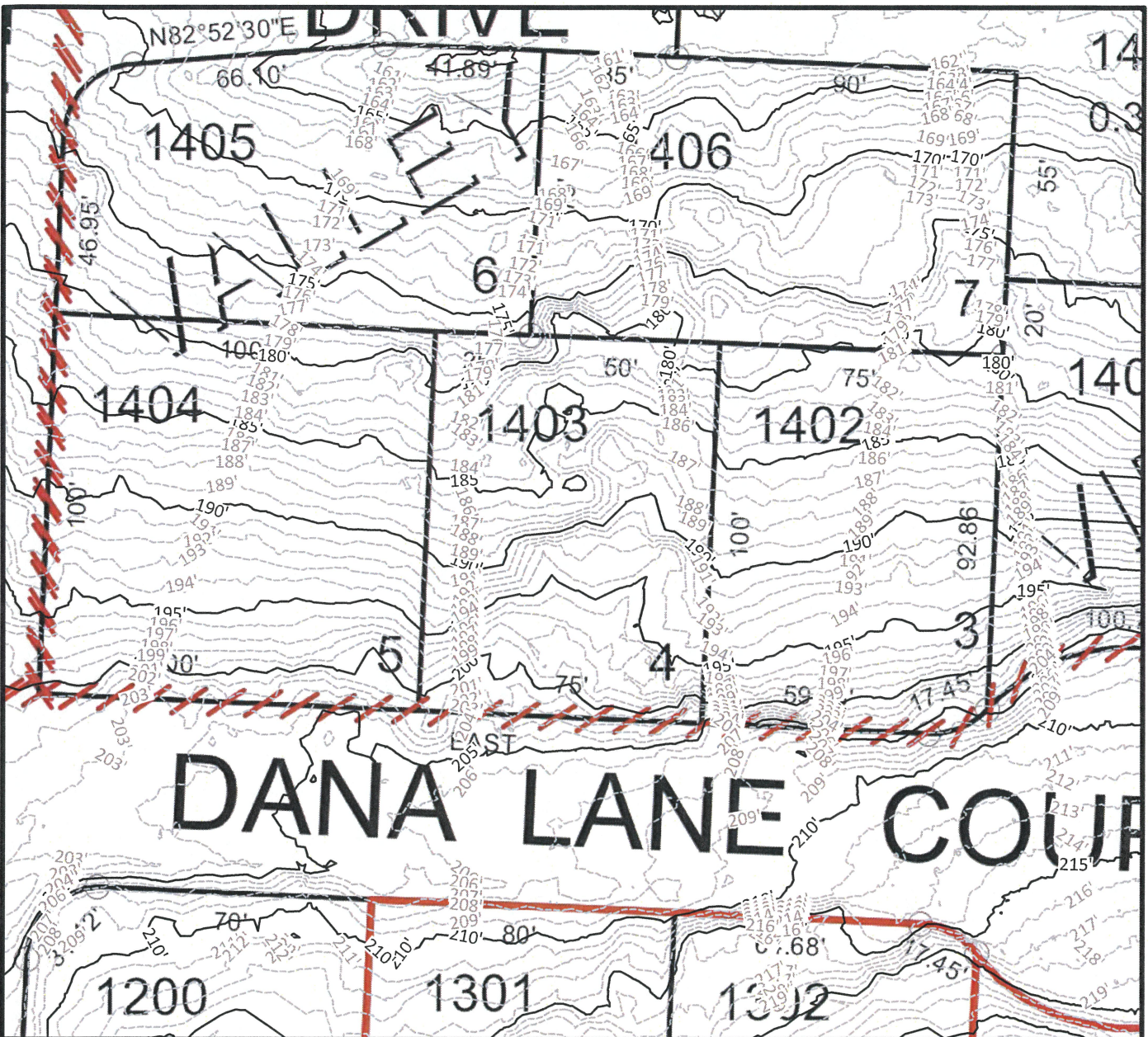


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ENGINEERING, INC.**

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- CIVIL ENGINEERING
- INSPECTION
- PLANNING





Source:  
DOGAMI LIDAR  
~2008

SCALE: 1"=40'

SEPT. 2021

**SHACHTER, JOHN**  
TAX LOT 1403  
DANA LANE COURT  
LIDAR TOPOGRAPHY  
PACIFIC CITY/MAP 4S 10W 30AB



**MORGAN CIVIL  
ENGINEERING, INC.**

PO BOX 358  
MANZANITA, OR 97130  
(503) 801-6016  
www.morgancivil.com

- CIVIL ENGINEERING
- INSPECTION
- PLANNING



**R. Warren Krager, R.G., C.E.G.  
Consulting Engineering Geologist  
Oregon CEG #E957**

October 18, 2021

John Shachter, in care of:  
Jason R. Morgan, P.E.  
Morgan Civil Engineering, Inc.  
PO Box 358, Manzanita, OR 97130

**Subject:      Engineering Geologic Site Reconnaissance  
                  and Geologic Hazard Report, Proposed New Home,  
                  Dana Lane Court, Map 04S 10W 30AB, Tax Lot 1403,  
                  Pacific City, Tillamook County, Oregon**

Dear Ms. Shachter and Mr. Morgan:

As you requested, I am pleased to present my engineering geologic reconnaissance and geologic hazard report for the above referenced property and proposed home.

### **Introduction**

This geologic hazard report has been prepared for a proposed single-family residence in general accordance with the Tillamook County Land Use Ordinance (TCLUO) Section 4.130, Development Requirements for Geologic Hazard Areas. The property is mapped in an area of 10 percent to 24 percent slope gradient.

R. Warren Krager, R.G., C.E.G. (Oregon Licensed Engineering Geologist E-957) conducted the surficial reconnaissance of the vacant lot on September 16, 2021, with Mr. Morgan, P.E. of Morgan Civil Engineering, Inc. Approximately ¾-hour was spent on-site. The reconnaissance level geologic hazard evaluation included a walk over portions of the subject property, observation and discussion of property boundaries, existing surface vegetation and topography in the expected building area and elsewhere.

The conclusions and recommendations of this report are based on observations of site surface conditions and local surrounding area, a review of geologic hazard conditions that may be expected during the design life of a new home in this area, and general familiarity with engineering geologic conditions of the area.

### **Geologic Background Review**

In preparing this report, available geologic hazard maps and reports, and various topographic and site plans were reviewed for information pertinent to the subject site and local vicinity. The following geologic reports, maps, aerial photographs and other information were reviewed and used in preparation this report:

- Environmental Geology of the Coastal Region of Tillamook and Clatsop Counties, Oregon, Oregon Department of Geology and Mineral Industries (DOGAMI), Bulletin 74, 1972.
- United States Geological Survey, Open File Report 90-202, Preliminary Geologic Map of the Nestucca Bay Quadrangle, Tillamook County, Oregon, 1990.

10655 S.W. Park Street • Tigard, Oregon 97223 • Phone 360-903-4861 • Email [warrenkrager@gmail.com](mailto:warrenkrager@gmail.com)

- United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), Web Soil Survey: <http://websoilsurvey.nrcs.usda.gov/>, accessed October 18, 2021.
- Tillamook County Land Use Ordinance (TCLUO) Section 4.130, Development Requirements for Geologic Hazard Areas.
- Google Earth Aerial photographs of the Pacific City area, photo dates: May 5, 1994, August 15, 2000, November 14, 2002, June 28, 29, 2005, August 1, 2011, July 6, 2012, July 30, 2014, August 23, 2016, June 22, 2017, and April 15, 2021.
- Oregon Department of Geology and Mineral Industries, DOGAMI Lidar Viewer, Oregon Lidar Consortium <http://www.oregongeology.org/lidar/dataviewer/>.
- Geologic Hazard Report, Reddekopp Road Subdivision, Pacific City Tillamook County, Oregon, Professional Service Industries, Inc. (PSI) Report No 704-55002-1, dated January 31, 2005.
- Lidar Topographic Tax Lot Map for John Shachter, Tax Lot 1403 Dana Lane Court prepared by Morgan Civil Engineering, dated September 2021.

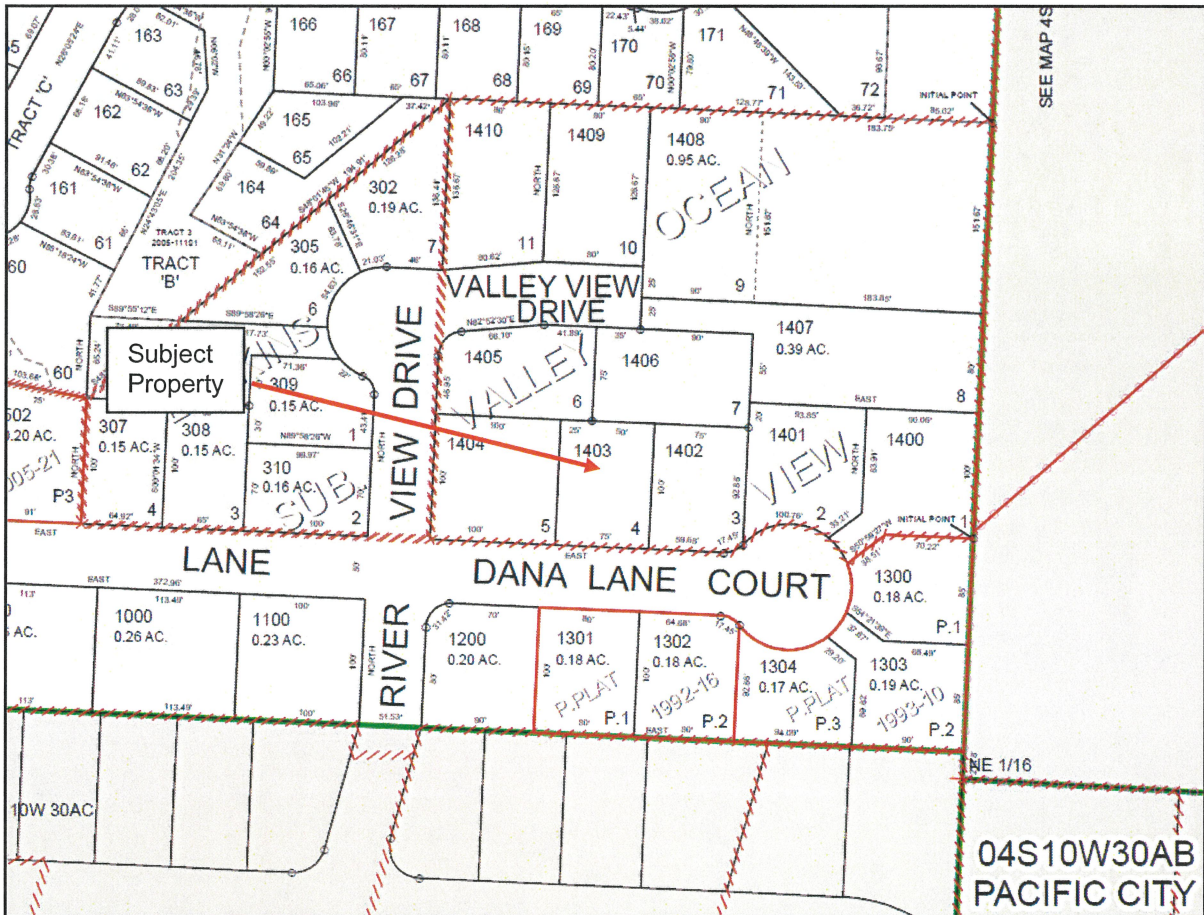


Figure 1- Portion of Tillamook County Tax Lot Map 04S 10W 30AB, Pacific City.



### Site Location and Description

The general location of the subject property is in the eastern portion of Pacific City on the north end of the Brooten Mountain in Tillamook County, Oregon. The subject property consists of Tillamook County Tax Lot 1403, of Map 4S 10W 30AB, Pacific City, Figure 1. The lot is located on the north side of Dana Lane Court, 100 feet east of its intersection with River View Drive. The lot is 75 feet in width and 100 feet in length. The property is vacant, partially cleared of dense brush, and lies on the north, down-slope side of Dana Lane Court. The lot is bordered on the west and east by vacant building lots of similar size and slope orientation. Based on Google Earth air photo review, the existing home south of the cul-de-sac, on Tax Lot 1401, appears to be the most recently constructed home on Dana Lane Court. The home was not present in the 2005 air photo. The other existing homes on the south side of Dana Lane Court date to the 1990s or earlier. The existing homes and street pavement are in good condition, and I do not discern soil erosion or slope related stress or damage to graded features or utilities.

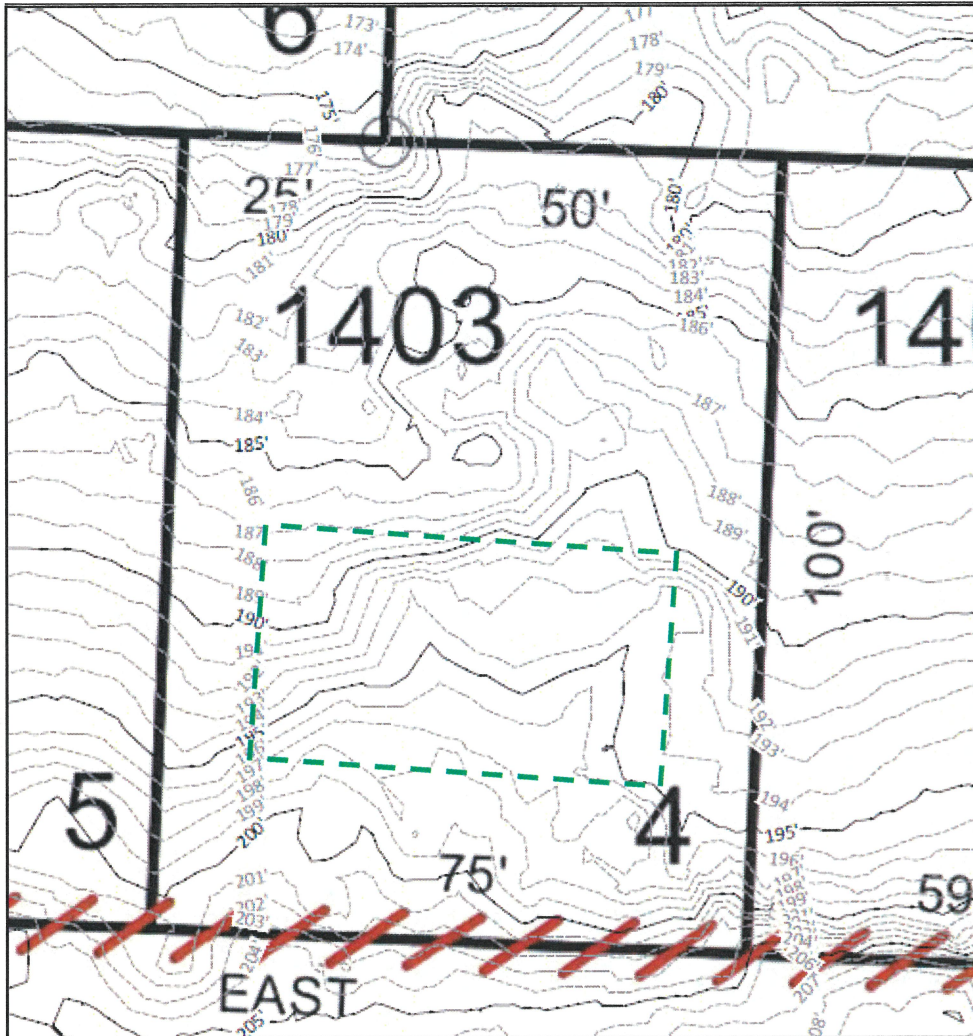


Photo 1- Vertical aerial Google Earth image dated April 15, 2021, Dana Lane Court.

### Slope and Building Site Conditions

Lot 1403 spans elevation ranging from about 203 feet to 176 feet above mean sea level (MSL), based on elevations shown in Figure 2. The lot is sloped down to north from about 25 percent to greater than 50 percent. At the time of the site visit, the ground surface been cleared of most brush and berry brambles with some larger trees and vegetation left on the margins of the lot. The lot has some potentially disturbed ground. The lidar topography suggests surface topography that has likely been filled or graded, likely in association with past street and subdivision lot grading. During the site reconnaissance, I did not observe what I would interpret as active soil creep or recent earth movement. There were a few bare soil areas and some recent ground disturbance possibly attributable to elk or deer travel paths or bedding areas.





**Figure 2-** Topographic tax lot plan prepared by Morgan Civil Engineering, Inc. showing Lidar based topography. Estimated building footprint superimposed on site topography in green outline.

It should be noted that I have not seen plans for a home on Tax Lot 1403, nor have subsurface conditions been explored in known or planned foundation areas. For the purposes of this report, it is expected that the rear of the proposed home would be no lower than about elevation 185 to 190 feet, as there is ample space for a building footprint closer to street elevation. The north side of Dana Lane Court is built on fill and the north pavement edge is several feet higher than the building envelope, Photo 2. I estimate that the front yard setback has about 5 to 6 feet of vertical topographic relief below street level that will require engineered fill or a structure to support a driveway and front entrance to the home.

The lot is shaped and oriented for use of a rear facing daylight basement style of foundation, with south wall of the home supported on a retaining foundation wall. The south foundation wall backfill may be used for driveway and front yard area. Stepped conventional spread footings with unfinished crawlspace may also be appropriate for this site. I have shown an outline of an



approximately 1,500 square foot building footprint in Figure 2 to refer to the expected general building area. Other home site locations and configurations are possible.



**Photo 2-** View to north of Tax Lot 1403 from shoulder of Dana Lane court.

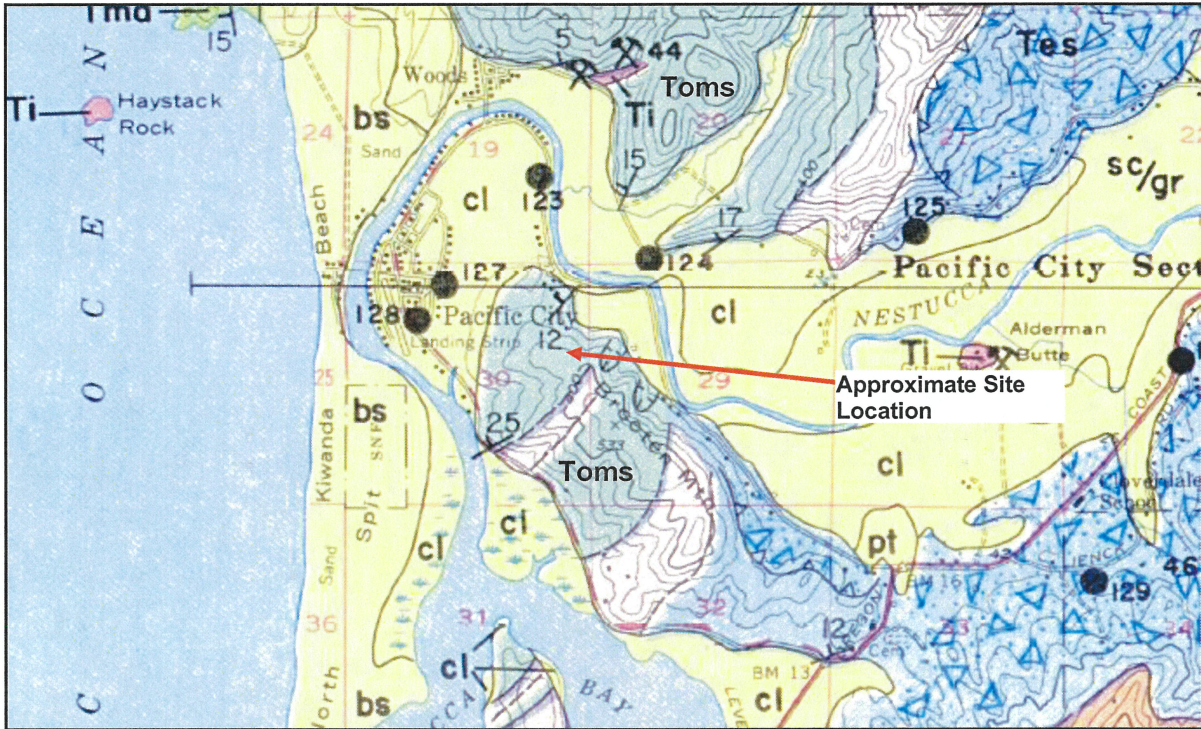
### **Soils and Geology**

Surface soils in the project area are mapped by the USDA NRCS Web Soil Survey of Tillamook County, Oregon as Fendall-Munsoncreek medial silt loams, 5 to 30 percent slopes. These soils form on shoulders and summits of hillslopes in colluvium and residuum derived from sedimentary rock. The typical near surface medial silt loam soil profile transitions to silty clay and para-gravelly silty clay loam at depths of about 12-17 inches. This soil becomes weathered sedimentary bedrock at depths of about 3- to 5-feet below the ground surface. Gravel sized fragments of decomposed sedimentary rock were noted in exposed or recently disturbed surface soil.

The DOGAMI mapped geologic bedrock of the project area, Figure 3, consists mostly of Tertiary Oligocene to Miocene age sedimentary rocks of tuffaceous siltstone and claystone, with sandstone and claystone locally (map unit **Toms**). Basaltic sandstone and conglomerate are present at the base of the section in places. Much of this geologic age unit has been disturbed through geologic time by landslides, tectonic compression, rotation and faulting. While no



landslide topography is mapped in the project area, active landslides are mapped in the **Toms** geologic units on the steeper northeast slopes of Brooten Mountain.



**Figure 3 -** Portion of Geologic Map of Hebo Quadrangle, DOGAMI Bulletin 74 (1972)

The USGS Open File Report 90-202, geologic map shows sedimentary geologic bedrock in the area as Alsea Formation, of Tertiary, early to late Oligocene age. The USGS describes this geologic formation as massive to thin-bedded, tuffaceous siltstone and claystone with interbeds of arkosic and basaltic sandstone. In this area, the mapped distribution of the Alsea Formation coincides with and is considered generally equivalent to the Oligocene age **Toms** unit mapped by DOGAMI.

### Seismic Hazard Discussion

Potential geologic hazards at this location include strong seismic ground shaking during a Cascadia Subduction Zone earthquake. The Cascadia Subduction Zone, CSZ, is an active thrust fault at the tectonic plate convergence zone located in the sea floor about 60 miles off the northern Oregon coast. A CSZ earthquake is the principal seismic geologic hazard and structure design concern throughout western Oregon. The seismic hazard risk is not unique to this property. The risk is relatively low compared to many nearby properties on steeper slopes, in liquefiable soils, or within the tsunami inundation zone.

Geologic and geophysical research over the past few decades has established that the CSZ has repeatedly produced large earthquakes on an approximately 300-year to 700-year recurrence interval with some lesser or greater time intervals. Historic Japanese tsunami records and modern tree ring dating techniques have established that the most recent CSZ earthquake occurred in January of 1700 AD. The next CSZ earthquake is widely expected to

occur within a few decades. Scientists and engineers generally agree that the potential intensity of the next CSZ earthquake could potentially exceed magnitude 8.5 to 9.5. The duration of strong ground shaking could last a few minutes. The initial shock and ground shaking may be followed by days or weeks of strong aftershocks.

During a CSZ earthquake, the project area will experience a few minutes of very intense ground shaking. Seismic site response could include minor slope movement, deformation of existing fill or other ground surface movement. Significant seismic slope failure or deformation would not be expected within the sedimentary Alsea Formation bedrock. The undersea, vertical thrust fault displacement will cause an ocean tsunami that will arrive at the Oregon coast within about 15 to 30 minutes after the strong earthquake strikes. At elevations higher than about 185 feet above MSL, this building location is above the maximum expected tsunami inundation zone.

### **Conclusions and Recommendations**

The subject property is not mapped in a known geologic hazard area other than having steep slopes. Although low risk of strong seismic ground motion and seismic slope instability may apply to this property, a home with engineered retaining wall and appropriate foundations bearing on firm, undisturbed native soil, bedrock, or engineered fill in the approximate home footprint location shown in Figure 2 would not be expected to have project limiting seismic or static slope instability concerns, or other significant geologic hazard.

I did not observe signs of active slope instability or erosion in the presumed building area. However, I do interpret possible fill or disturbed soil in the building area. Depth to appropriate soil or bedrock for foundation support was not explored. A daylight basement lower story with engineered foundation retaining walls, or conventionally stepped footings should penetrate undocumented fill or disturbed soils to bear on firm native soil or sedimentary bedrock.

In my opinion, native undisturbed colluvium soil or bedrock at this site is considered suitable for support of shallow spread foundations and retaining walls designed according to prescriptive methods outlined in the Oregon Structural Specialty Code (OSSC), Chapter 18 - Soils and Foundations. Grading recommendations in accordance with OSSC Appendix J- Grading are considered generally appropriate for the excavation and backfill expected for residential construction on the subject lot, and landscape grading on less than 50 percent slopes.

It is recommended that the Engineering Geologist or Civil Engineer be contacted for review of final plans prior to construction. It is also recommended that the Engineering Geologist or Civil Engineer be contacted to observe and document foundation subgrade surface, compaction for floor slab-on-grade support, retaining wall drainage backfill or other grading or foundation preparation.

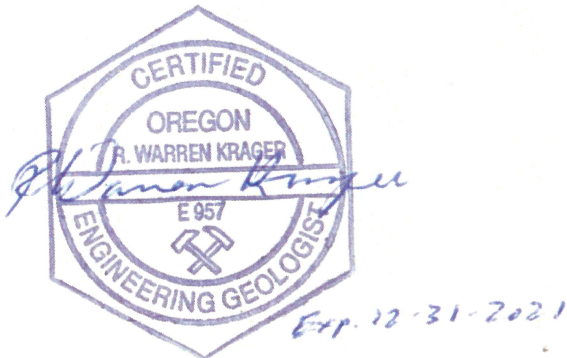
### **Limitations**

The engineering geologic reconnaissance and geologic hazard review services performed for this project have been conducted with that level of care and skill ordinarily exercised by members of the profession currently practicing in this discipline and area under similar budget,

time, and work scope constraints. No warranty, expressed or implied, is made regarding the interpretations and conclusions of this report.

This report may be used only by the client and their authorized agents for the purposes stated, within a reasonable time from its issuance. Land use, site conditions (both on- and off-site), or other factors may change over time and could materially affect our findings. Therefore, this report should not be relied upon after 24 months from its date of issue. If the project is delayed by more than 24 months from the date of this report, I would be happy to review site and design conditions and revise this report if appropriate. If you have any questions regarding the information presented in this report, please do not hesitate to contact me at 360-903-4861 or warrenkrager@gmail.com.

Sincerely,



R. Warren Krager, R.G., C.E.G.  
Oregon Licensed Engineering Geologist E-957













**PUBLIC WORKS DEPARTMENT**

503 Marolf Loop Road  
Tillamook, Oregon 97141  
Roads (503) 842-3419  
Solid Waste (503) 815-3975  
FAX (503) 842-6473  
Email: [pubwks@co.tillamook.or.us](mailto:pubwks@co.tillamook.or.us)  
TTY Oregon Relay Service

---

*Land of Cheese, Trees and Ocean Breeze*

December 22<sup>nd</sup>, 2021

John and Noelle Shachter  
32449 Callahan Road  
Scappoose, OR 97056

RE: Road Approach Permit #6444  
Dana Lane Court – Pacific City; Tillamook County Road #940  
T04S R10W Sec. 30AB, Tax Lot #01403

Dear John and Noelle:

Tillamook County Engineering staff review of your Road Approach Permit Application and a field site evaluation is complete with the following conclusion.

This permit is issued to authorize the construction of one new road approach to access the tax lot as identified on the above noted Tillamook County Assessor's map, a copy of which is marked up and included as part of this permit. The road approach approved under this permit is a preliminary to any permanent construction or installation which will be required to be reviewed and appropriate land use and development permits issued by the Tillamook County Department of Community Development.

No portion of the right of way of Dana Lane Court is to be used for over night or weekend storage of materials, equipment or extended daytime staging. Any material staged is required to be processed onto the subject parcel in a timely manor subject to condition #2 below.

The design for this road approach includes a retaining wall that is within the public right of way. The retaining wall is outside the clear zone (5' from property line and 12' from edge of pavement) and shall not rise to a height greater than 4 inches above that of the adjacent road surface. It will be on the downhill side of the road and be used to support the parking structure near the level of the road surface. The approach material will be asphalt from the existing road surface to the retaining wall.

This design is **approved with the condition that an encroachment license is obtained** from Tillamook County Board of Commissioners for the portion that is within the right of way, or the design is modified to relocate the retaining wall within private property.

By this reference, your signed application and proposed road approach plan are incorporated into this permit.

Road Approach permit #6444 is **Approved** with the following conditions:

1. With the issuance of this Road Approach Permit it is the sole responsibility of the applicant to verify and comply with all local, state, and federal land use regulations and related permit requirements. The issuing of this Road Approach Permit in no way relieves the applicant from applicable land use laws or regulations that may pertain to the lands accessed by the construction of the herein approved road approach.
2. Blocking any road under Tillamook County Jurisdiction for more than 30 minutes is considered a road closure that must be authorized by the Public Works Department preceded by appropriate residential and

emergency service notification. As the permit holder you are required to receive prior authorization from public works for any road closure.

3. A pre-construction site meeting is required to be scheduled between myself and the contractor to finalize driveway grade and alignment.
4. Road Approach construction materials and geometry are defined on the attached specification sheet and should be followed carefully. Storm water control as depicted on the submitted site plan is approved by the public works department for construction.
5. FINISHED grade of the approach from the existing edge of the County Road to the Right of Way line is to be -2%.
6. No concrete work or landscaping is allowed in the county right of way without prior approval.

**IT IS THE RESPONSIBILITY OF THE PERMIT HOLDER TO ARRANGE FOR ANY NECESSARY UTILITY LOCATES PRIOR TO EXCAVATION.**

*ATTENTION: 2007 Oregon Revised Statutes Chapter 757, requires you to follow rules adopted by the Oregon Utility Notification Center (OUNC). Those rules are set forth in Oregon Administration Rules Chapter 952, Division 1. You may obtain copies of the rules by calling 811 or logging on to the O.U.N.C. website at <http://www.digsafelyoregon.com/>*

**Before commercial use of the road approach, all improvements of the road approach shall be completed, except paving.** [As stated in Ordinance #44 on page 6 & 7, Section V-E.]

**Applicant or their contractor** shall contact this office with a 48-hour advance notice for inspections as required prior to accessing the structure.

- A. Phase I inspection is for sub-grade prior to rock base and verification of the sight distance.
- B. Phase II inspection of completed rock base and approach grade.
- C. Final Completion of all requirements by 18 months from date of issue.

No structures, fencing, concrete, masonry, brickwork, landscaping, nor roadside hazards are permitted within the road right-of-way. All mailboxes must meet approved "break-a-way" standards for impact by vehicles.

If you have any questions, please feel free to contact or leave a message for Tillamook County Public Works at the above number between the hours of 8:00 a.m. and 4:30 p.m. Monday thru Thursday.

Sincerely,



Jasper J. Lind  
Engineering Technician

Cc: Sheila Shoemaker, Department of Community Development, by email  
Ryan Chandler, Contractor, by email  
James Aman, Jeanette Arnold, & Zachary Hudspeth, TPUD, by email  
John Wesley, Pacific City Joint Water-Sanitary Authority, by email





Application Permit No. RA 6444

Road No. 940

**ROAD APPROACH APPLICATION AND CONSTRUCTION PERMIT**

**NOTICE**

Applicant must be the person, representative of the firm or corporation having the legal ownership of the property to apply for a Road Approach Permit. Such legal right is vested only in the owner of the property abutting the highway or the holder of an easement or similar right to construct and use an approach road upon the abutting property.

PROPOSED USE: **SINGLE FAMILY RESIDENCE** X **COMMERCIAL** \_\_\_\_\_

TOWNSHIP 4S RANGE 10 WEST, W.M. SECTION 30AB TAX LOT NO. 1403

Owner Representative- Ryan Chandler (Owners John and Noelle Shachter)

(NAME OF APPLICANT/PROPERTY OWNER)

32449 SW Callahan Road Scappoose Oregon 97056 541-590-0342

(MAILING ADDRESS AND PHONE NUMBER)

rhandler77@gmail.com

(EMAIL ADDRESS)

Dana Court Lane

(NAME OF STREET OR ROAD TO BE ACCESSED)

**NO CONSTRUCTION SHALL BE ALLOWED ON THE APPROACH ROAD UNTIL THIS APPLICATION HAS BEEN ISSUED BY THE DEPARTMENT OF PUBLIC WORKS.**

This application is made pursuant to O.R.S. Chapter 374 and Tillamook County Ordinance #44 (see Ordinance #44 for detailed information).

The **APPLICANT SHALL PROVIDE A MAP** accompanying this application showing the following information:

- \_\_\_\_\_ The road right-of-way lines;
- \_\_\_\_\_ The location of the traveled road in the road right-of-way;
- \_\_\_\_\_ All existing and proposed road approaches;
- \_\_\_\_\_ All existing and proposed structures;
- \_\_\_\_\_ The existing and proposed drainage ditching and culverts
- \_\_\_\_\_ The distance from the center of the road approach to the nearest property corner.

**THE PROPOSED APPROACH ROAD LOCATION MUST BE STAKED AND FLAGGED ON THE SITE.** A \$583.00 fee will be required at the time of application. **DOUBLE FEES SHALL BE ASSESSED FOR ANY APPLICATION RECEIVED AFTER CONSTRUCTION HAS ALREADY STARTED.** If additional trips are required because the site is not staked or flagged an additional fee of \$25.00 for each trip can be assessed.

**PRIOR TO ISSUING THE PERMIT THE PUBLIC WORKS DEPARTMENT OF THE COUNTY WILL INSPECT THE SITE for proper drainage, traffic hazards and general acceptability.**

REVISED 01/2017

RECEIVED

NOV 22 2021

TILLAMOOK COUNTY ROAD DEPT

THE APPROACH ROAD CONSTRUCTION SHALL COMMENCE BY THE APPLICANT AS DIRECTED BY THE COUNTY AND INSPECTED FOR COMPLETION IN THE FOLLOWING PHASES:

PHASE I: Clearing of the site, ditch excavation and subgrade of the approach. The applicant shall request an inspection for approval, prior to proceeding with Phase II construction.

PHASE II: Installing the culvert, placing all rock base. The applicant shall request an inspection for approval. PHASE II MUST BE COMPLETED PRIOR TO CONSTRUCTION ACCESS.

FINAL PHASE: Paving. After the paving, the applicant shall request a final inspection for approval.

In consideration of the applicant's agreement to comply in all respects with the regulation of Tillamook County, permission is hereby granted for construction described in the above application and in the instructions attached hereto and by this reference made a part hereof to same extent as if set forth in full. The applicant shall make all corrections as directed. Applicant agrees to save and hold harmless the County from any and all liability of whatever kind or nature arising or to arise by reason of issuance of this construction permit, the issuance thereof being for the sole benefit of applicant. Applicant is responsible to obtain all approvals or permits from other government agencies having jurisdiction affected by the proposed road approach construction site, i.e., wetlands; urban growth; riparian areas; access to county road within city.

The entire expense of maintaining said approach road shall be borne by applicant. If in the event of the reconstruction or widening of any highway, it becomes necessary to remove, alter or reconstruct the approach road constructed under authority of this permit, the cost of such removal or replacement to a like width and condition will be borne by the County. Any widening or other improvement of the approach road at the applicant's request shall be done only under authority of a new permit and at the expense of the applicant.

*john shackter*      *m noelle shackter* 11/7/21  
\_\_\_\_\_  
APPLICANT (PROPERTY OWNER ONLY)      DATE

FOR DEPARTMENT USE ONLY

APPLICATION APPROVED: \_\_\_\_\_ 12/22/21  
PUBLIC WORKS DEPARTMENT      DATE

PHASE II COMPLETION REQUIRED BY: \_\_\_\_\_ COMPLETED: \_\_\_\_\_

(Phase II must be completed prior to construction access)

FINAL COMPLETION REQUIRED BY: \_\_\_\_\_

PERMIT NUMBER: RA 6444 \_\_\_\_\_

FINAL COMPLETION INSPECTED AND APPROVED: \_\_\_\_\_

11/10/10 11:00 AM 11/10/10 11:00 AM

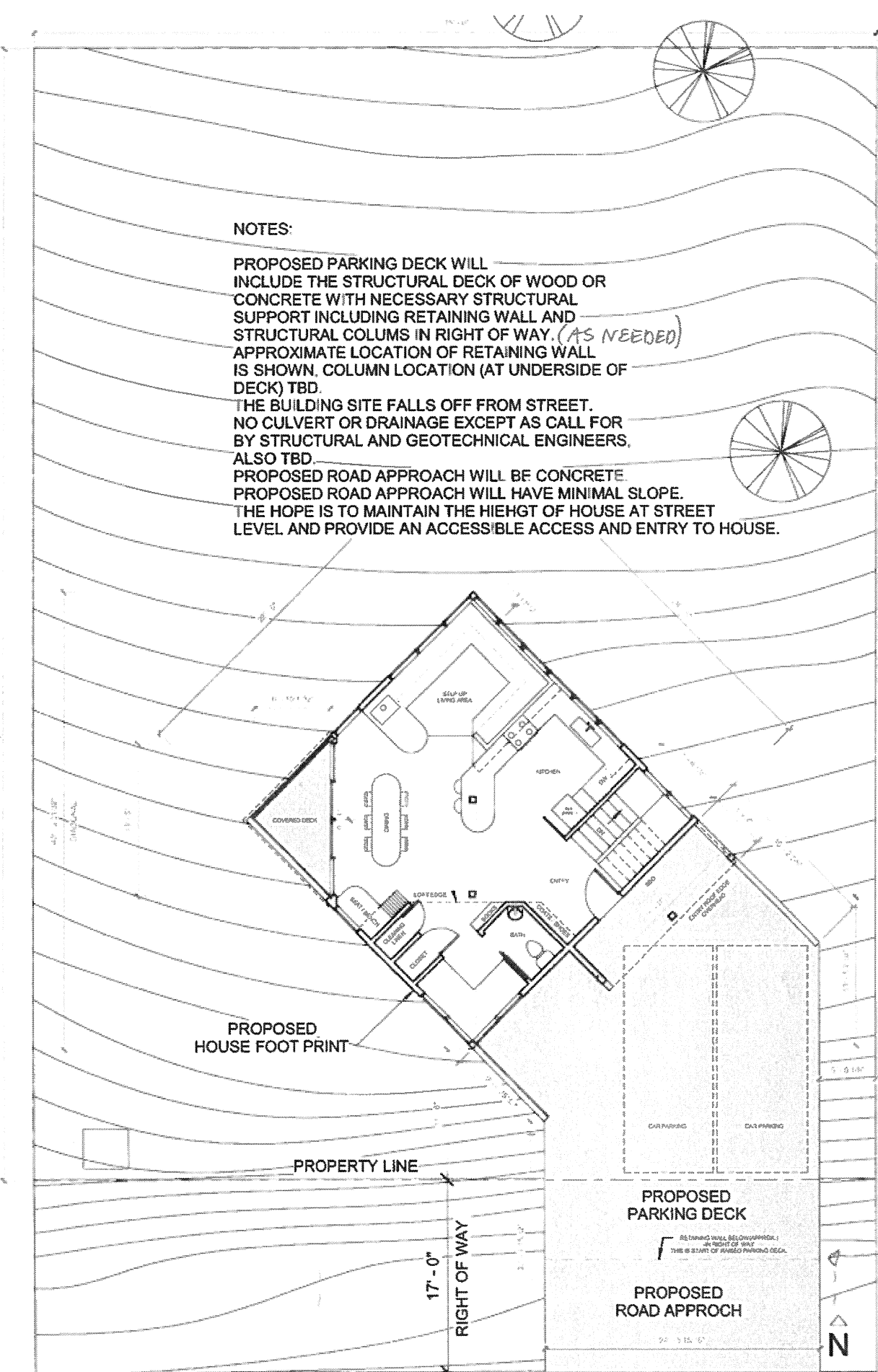
**NOTES:**

PROPOSED PARKING DECK WILL INCLUDE THE STRUCTURAL DECK OF WOOD OR CONCRETE WITH NECESSARY STRUCTURAL SUPPORT INCLUDING RETAINING WALL AND STRUCTURAL COLUMNS IN RIGHT OF WAY. (AS NEEDED)

APPROXIMATE LOCATION OF RETAINING WALL IS SHOWN. COLUMN LOCATION (AT UNDERSIDE OF DECK) TBD.

THE BUILDING SITE FALLS OFF FROM STREET. NO CULVERT OR DRAINAGE EXCEPT AS CALL FOR BY STRUCTURAL AND GEOTECHNICAL ENGINEERS. ALSO TBD.

PROPOSED ROAD APPROACH WILL BE CONCRETE. PROPOSED ROAD APPROACH WILL HAVE MINIMAL SLOPE. THE HOPE IS TO MAINTAIN THE HIEHGT OF HOUSE AT STREET LEVEL AND PROVIDE AN ACCESSIBLE ACCESS AND ENTRY TO HOUSE.



LEVEL 2  
(STREET LEVEL PLAN)  
1403 DANA COURT LANE

APPROX. RETAINING WALL LOCATION - SEE SECTION DRAWING

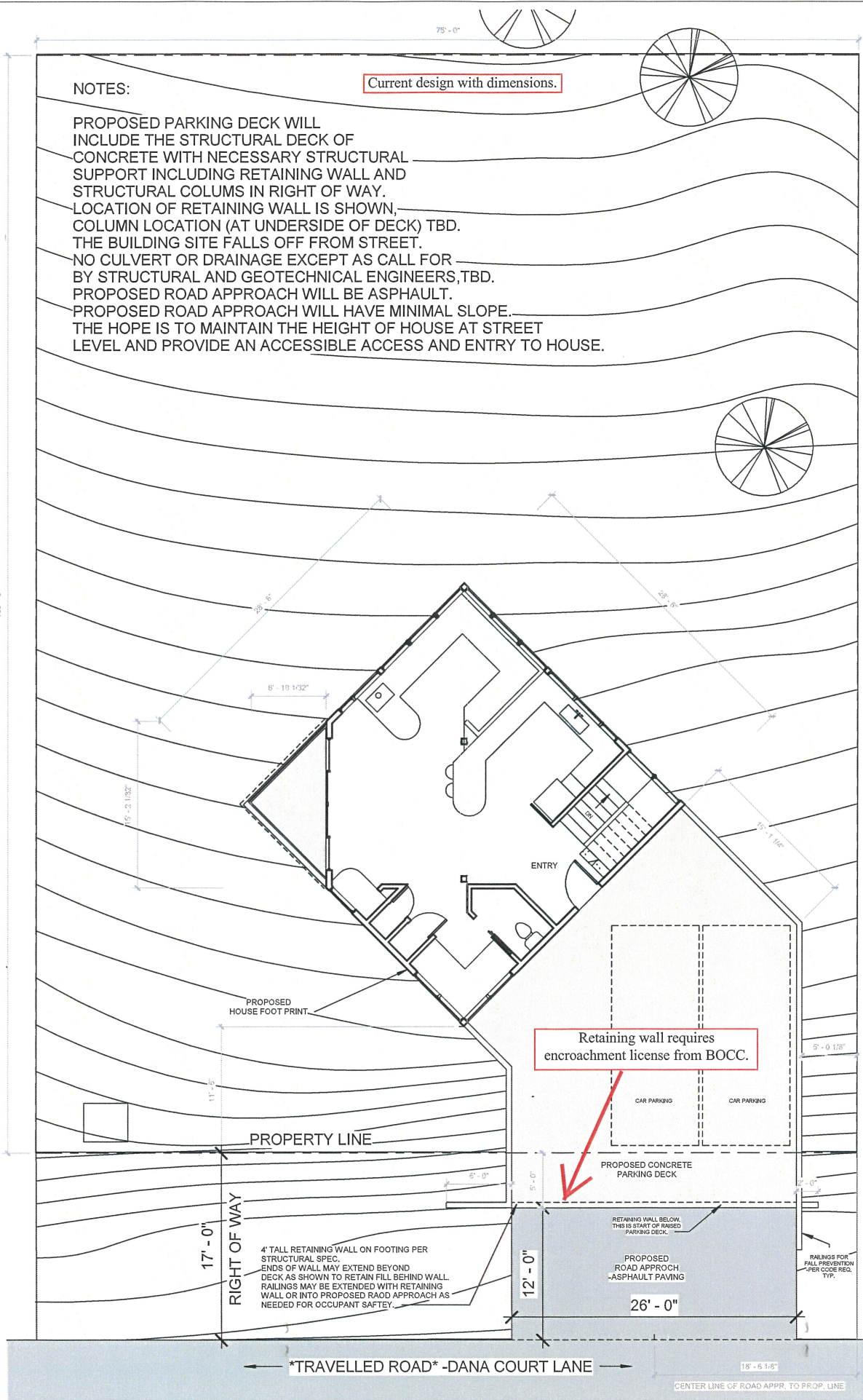
\*TRAVELLED ROAD\* -DANA COURT LANE

SCALE: 1/4" = 1'-0"





PLOTTED: 12/15/2021 10:03:15 AM



SHEET TITLE  
**2.3** PARKING APPROACH PLAN

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

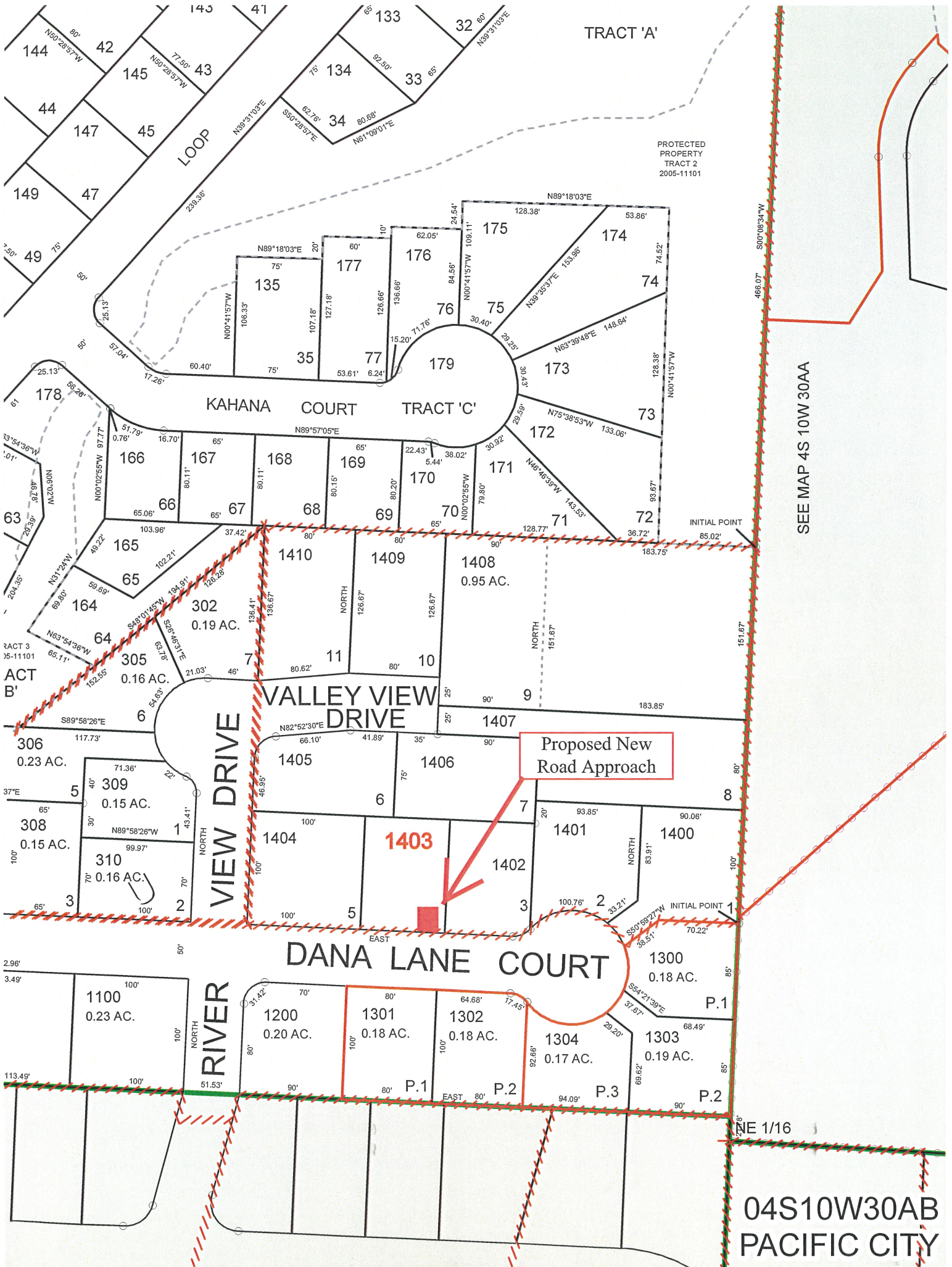
SCHEMATIC

1403 Dana Court Lane  
 Pacific city, Oregon 97135

PACIFIC CITY

WESTERN INDEX





TRACT 'A'

PROTECTED PROPERTY  
TRACT 2  
2005-11101

KAHANA COURT

TRACT 'C'

VIEW DRIVE

VALLEY VIEW DRIVE

DANA LANE COURT

SEE MAP 4S 10W 30AA

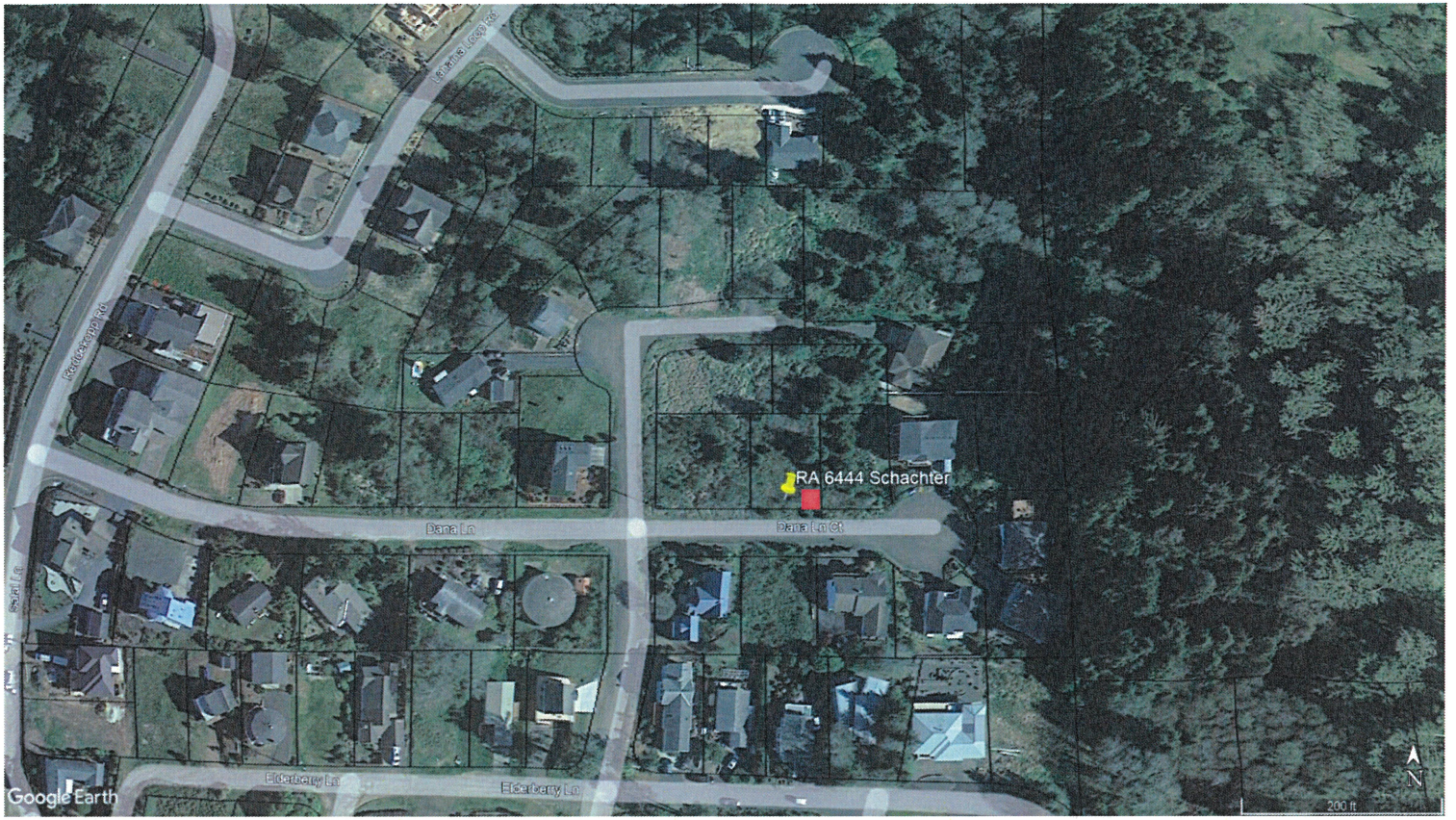
Proposed New Road Approach

1403

NE 1/16

04S10W30AB  
PACIFIC CITY





Facing North







Facing West







2021.12.15 11:43



Facing East

2021.12.15 11:43





# MORGAN CIVIL ENGINEERING, INC.

PO Box 358, Manzanita, OR 97130

ph: 503-801-6016

[www.morgancivil.com](http://www.morgancivil.com)

April 25, 2022

John Shachter

110 NW Hermosa Blvd

Portland, OR 97210

c/o

[rhandler77@gmail.com](mailto:rhandler77@gmail.com)

**Re: *Parking Deck for Tax Lot 1403, Map 4S 10W 30AB, Lot 4 of OCEAN VALLEY VIEW,  
Pacific City, Tillamook County, Oregon (Dana Lane Court)  
Project #21-09-Sha***

Dear Mr. Shachter:

At the request of your architect, Ryan Chandler, I have completed a preliminary review of the proposed development plans for your property, referenced above. My review was based upon the Geologic Hazard Report (GHR) for the lot that was completed by Morgan Civil Engineering, Inc. (MCE), and Warren Krager, CEG, dated December 29, 2021.

The provided plans provided by Western Index show the use of a parking deck in order to access the home from Dana Lane Court. This deck is shown on Sheet A3.1 of the provided drawings, as well as renderings. The deck will include a support footing at the edge of the property, and support piers.

Based on my review of the preliminary plans, the use of an elevated parking deck is acceptable. The footings and piers supporting the deck must be resting on firm native soil and setback from the face of the slope, as described for the building foundation and deck piers.

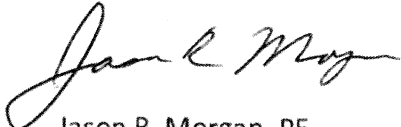
John Shachter  
April 25, 2022  
Driveway Deck for Tax Lot 1403, Map 4S 10W 30AB  
Lot 4 of OCEAN VALLEY VIEW  
Pacific City, Tillamook County, Oregon  
(Dana Lane Court)

MORGAN CIVIL ENGINEERING, INC.

Should you have any questions regarding my review or comments, please contact me at [jason@morgancivil.com](mailto:jason@morgancivil.com) or 503-801-6016.

Sincerely,

**MORGAN CIVIL ENGINEERING, INC.**



Jason R. Morgan, PE  
Professional Engineer



cc: Project File #21-09-Sha

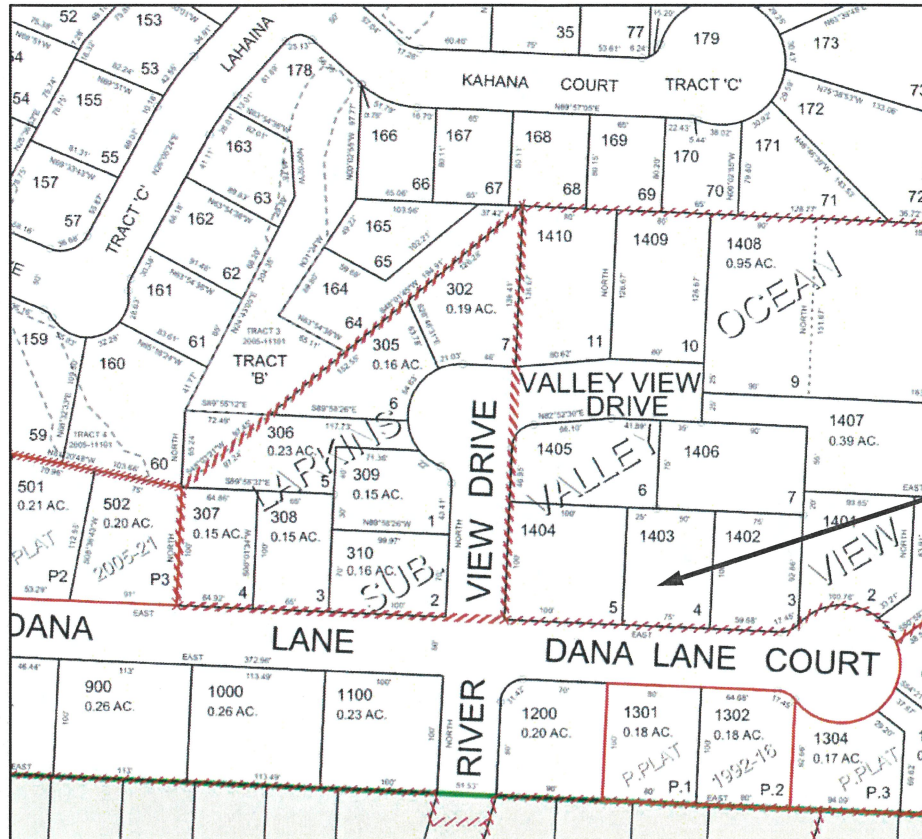
<V:\21-09-Sha\Reports\Shachter driveway deck.docx>

Driveway Deck for Tax Lot 1403, Map 4S 10W 30AB

Lot 4 of OCEAN VALLEY VIEW

Pacific City, Tillamook County, Oregon

(Dana Lane Court)



**Tax Lot 1403, Map 4S 10W 30AB**  
**Lot 4 of OCEAN VALLEY VIEW**  
**Pacific City, Tillamook County, Oregon**  
**(Dana Lane Court)**





**NESTUCCA RURAL FIRE PROTECTION DISTRICT**  
**30710 Highway 101 South**  
**Cloverdale, Oregon 97112**

**Fire District Review & Approval Form**

This form must be completed and signed by the local Fire Protection District prior to applying for a Building Permit or  
 Manufactured Dwelling Placement Permit.

Proposed Development/Construction/Location 4S 10W 30ab 1403

Water Source:     Water District PCJWS  
                            Well \*         Creek \*         Spring \*

\* You will need to provide documentation from the Water Resources Department showing the gallons per minute (GPM) available to your property and a copy of your Well Report or Residential Water Right to your water source. **No hydrant GPM information provided**

\*\*\*\*\* **Fire District to complete information below** \*\*\*\*\*

1. Review of road access for fire district use to the property resulted in the following:

- The road access is passable for Emergency Vehicles
  - Road Gradient is less than 10%                     Road width clearance of 20'
  - Road Gradient is between 10-15%                     Road height clearance of 13'6"
- The road access is not passable for Emergency Vehicles
  - Road Gradient is greater than 15%                     Private Bridge does not meet GVW
  - Road does not have required turnarounds or pullouts

Recommendations: **Community Development will determine needs**

2. Review of water supply for fire district use to the property resulted in the following:

- There is adequate water available to the property for Fire Suppression
  - Residence is within 1,000' of hydrant                     Available water per NFPA 1142
  - Sprinkler system installation                                     Fire wall installation to reduce size
- There is not adequate water available to the property for Fire Suppression
- Square footage of residence exceeds available water for both NFPA 1142 and/or 2004 OFC,

Appendix B

Recommendations: **Follow All IBC & OFC Codes as determined by TCCD**

3. Action Taken:

I have reviewed the information regarding the property listed above.

**\*\*\*Failure to follow codes may inhibit the ability to provide suppression\*\*\***

Printed Name: James Oeder

Title: Fire Chief

Signature **James Oeder**

Date: 12/17/2021

# EXHIBIT C

7375 Dana Lane Ct.  
Pacific City, OR 97135

August 20, 2022

Tillamook County  
Department of Community Development  
Building, Planning & On-site Sanitation Sections  
1510-B Third Street  
Tillamook, OR 97141

To whom it may concern:

In response to your announcement for a Variance Request #851-22-000198-PLNG, and as homeowners in the nearby vicinity of the property in question, we **STRONGLY OPPOSE** the proposed variance.

We oppose it because it violates the zoned "Low Density" stipulation stated in the letter you sent out and because this close, high density-like change would cause **GREAT RISK TO THOSE WHO WILL BE CHARGED WITH FIGHTING A FIRE ON THAT HILL**, possibly making it impossible to save the two homes adjacent to this property.

Thank you for the opportunity to respond.

Sincerely,



Ed and Kay Jackson