



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

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

Land of Cheese, Trees and Ocean Breeze

**VARIANCE & RESOURCE ZONE EXCEPTION REQUEST #851-22-000418-PLNG:
SLAVENS**

*NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER*

May 25, 2023

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Variance & Resource Zone Exception Request on May 25, 2023.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website: <https://www.co.tillamook.or.us/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

Appeal of this decision. 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 June 8, 2023.**

Request: A Variance request to reduce the required 20-foot rear yard setback to a fifteen (15) foot rear yard setback, in conjunction with an exception request to reduce the required 100-foot resource zone setback from the Farm (F-1) zone boundary to 20-foot setback, to allow for the placement of a residential structure (single-family dwelling).

Location: The subject property is located east of the Unincorporated Community of Beaver accessed via Blaine Road, a County road and designated as Tax Lot 800 of Section 27, Township 3 South, Range 9 West, W.M., Tillamook County, Oregon.

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

Applicant & Property Owner: Lucas Slavens, 30555 Blaine Road, Beaver, OR 97108

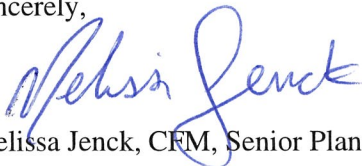
CONDITIONS OF APPROVAL

1. Applicant/Property Owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall obtain an approved consolidated Building/Zoning Permit from the Tillamook County Department of Community Development prior to siting the proposed dwelling.
3. Development shall be as shown on the approved site plan and shall maintain the approved reduced resource zone setback of 20-foot setback from the front (northerly) property line, as indicated on the proposed site plan.
4. The proposed dwelling shall be constructed as depicted on the submitted site plan contained in 'Exhibit B', with a fifteen (15) foot setback from the rear (southerly) property line.
5. The applicant/property owner shall submit a site plan, drawn to scale and indicating all required yard setbacks and reduced rear and resource zone setbacks, at the time of consolidated Building/Zoning Permit application submittal.
6. Development shall comply with the applicable standards and requirements of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.
7. Development of the property shall adhere to all applicable development standards of the Rural Residential 2-Acre (RR-2) Zone, TCLUO Section 3.010.
8. In accepting this approval, the property owner understands intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use. The property owner hereby acknowledges that practices may involve but are not limited to the application of herbicides or fertilizers (including aerial spraying), road construction, changes in view, noise, dust, odor, traffic, and other impacts related to a farm zone. The property owner acknowledges the residential use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, the property owner understands preference will be given to farm and forest practices.

A covenant to the deed shall be required, informing that intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use and limiting pursuance of a claim for relief or cause of action of alleging injury from farming or forest practices. A copy of the recorded covenant included as 'Exhibit D' shall be provided at the time of applying for Building and Zoning Permits.

9. This approval shall be void on May 25, 2025, unless construction of approved plans has begun, or an extension is requested from, and approved by, this Department.

Sincerely,



Melissa Jenck, CFM, Senior Planner

Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor & Zoning maps



Land of Cheese, Trees and Ocean Breeze

**VARIANCE & RESOURCE ZONE EXCEPTION REQUEST #851-22-000418-PLNG:
SLAVENS**

STAFF REPORT

Decision: APPROVED

Staff Report Date: May 25, 2023

Report Prepared By: Melissa Jenck, CFM, Senior Planner

I. GENERAL INFORMATION:

Request: A Variance request to reduce the required 20-foot rear yard setback to a fifteen (15) foot rear yard setback, in conjunction with an exception request to reduce the required 100-foot resource zone setback from the Farm (F-1) zone boundary to 20-foot setback, to allow for the placement of a residential structure (single-family dwelling).

Location: The subject property is located east of the Unincorporated Community of Beaver accessed via Blaine Road, a County road, and designated as Tax Lot 800 of Section 27, Township 3 South, Range 9 West, W.M., Tillamook County, Oregon.

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

Applicant &

Property Owner: Lucas Slavens, 30555 Blaine Road, Beaver, OR 97108

Property & Vicinity Description: The subject property is 0.22 acres in size (approximately 9,617 square feet); is landscaped and covered with grass and trees; is rectangular in shape and developed with a single-family dwelling (Exhibits A & B). The Department maintains an active demolition permit to remove the existing dwelling, permit #851-22-002671-DEMO (Exhibit A). The topography of the site is fairly flat, with a large downward slope on the southerly end of the property. The subject property is bordered by a residential property to the south, east and west, and Blaine Road, a County road, to the north. The property abuts the Farm (F-1) zone along Blaine Road, with a property in active farm use to the north (Exhibit A).

County records indicate the original single-family dwelling was constructed in 1949 (Exhibit A) County records indicate the existing dwelling footprint is approximately 39-feet by 49-feet and does not meet the front or rear yard setback requirement, or resource zone setback, of the Rural Residential (RR-2) zone (Exhibit A). Due to the location of the dwelling building footprint, Variance approval is required for construction and reconfiguration of the stairway (Exhibit B).

The subject property is located within an area of residential properties also zoned Rural Residential 2-Acre (RR-2) to the south, east and west that are also developed with single-family dwellings. Properties zoned Farm (F-1) are located further to the north, as well as the generally surrounding area and in active farm use.

There are no known wetland or riparian features identified on the subject property, with the Nestucca River approximately 200-feet to the south. The subject property is located outside of the Tsunami Hazard Overlay zone and the Flood Hazard Overlay zone per FEMA Flood Insurance Rate Map (FIRM) Panel #41057C0745FF dated September 28, 2018 (Exhibit A). The subject property is within an area of known geologic hazard with shallow landslide susceptibility per DOGAMI Open File Report O-20-13.

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. TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone
- B. TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas
- C. TCLUO Article VIII: Variance Procedure and Criteria

III. ANALYSIS:

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

1. Section 3.010 (2) Uses Permitted Outright

(a) Single-family dwelling

2. Section 3.010(4) Standards: *Land divisions and development in the RR-2 and RR-10 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:*

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

...
(h) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.

Findings: The Applicant is seeking relief through the Variance process to reduce the rear yard setback along the southerly property line to 15-feet to replace a single-family dwelling on the subject property.

Staff finds Variance approval is required to permit the new single-family dwelling (Exhibit B).

...
(k) No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100 foot requirement. In either case, all yard requirements in this zone shall still apply.

Findings: The subject property lies within 100-feet of the Farm (F-1) Zone boundary along the northerly (front yard) boundary of the subject property (Exhibit A).

Staff finds that a residential structure could not otherwise be placed on the subject property without requiring a variance to the 100-ft setback due to the location of the F-1 zone and the depth of the property

being 59-feet (Exhibit B). The resource zone setback reductions shall result in a 20-foot front yard setback, with an 80-foot reduction to the resource zone setback (Exhibit B). Staff find this standard is met.

B. TCLUO Section 4.130: Development requirements for Geologic Hazard Areas

TCLUO Section 4.130(2)(b) identifies the area maintaining shallow landslide susceptibility as identified in DOGAMI Open File Report O-20-13.

Staff finds a Geologic Hazard Report prepared in conformance with the standards of TCLUO 4.130 shall be submitted to this Department for review and approval prior to applying for Zoning and Building Permits if average existing slopes are equal to or greater than 19% measured from the highest to lowest point of the property. Staff find that a condition of approval can be made to ensure compliance with this standard at the time of Consolidated Zoning/Building permit submittal.

C. 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 this request was mailed to property owners within 250-feet and affected agencies on March 31, 2023. One public comment was received from Tillamook County Public Works Department, stating they had no objection to the proposed variance request (Exhibit C).

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 states the dimensions of the property do not currently allow for the placement of a dwelling similar in size to the area, while maintaining minimum setbacks (Exhibit B). Applicant states topographically the southern boundary would not affect existing neighbors given the terrain and their existing placement of development (Exhibit B).

The subject property is approximately 59-feet by 163-feet, which is improved with an existing single-family dwelling which is approximately 39-feet by 49-feet (Exhibit A & B). Development of residential structures

is the primary outright allowed use in the RR-2 zone. Staff finds that RR-2 zone and F-1 zoned properties are generally improved with residences in the vicinity (Exhibit A).

Staff finds that this criterion has been met due to property rights enjoyed by a majority of landowners within the vicinity, along with a dimensional constraint of the parcel due to its size, primarily the depth relative to the front and rear setback requirements. Staff find that the variance request for a fifteen (15) foot rear yard setback allows for a property right (residence) enjoyed by a majority of property owners within the vicinity, given small lot size, given dimensional and topographical constraints. Staff also finds the dimensional constraint of the property is not a self-created circumstance.

(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 proposes a dwelling to be placed on the subject property, similar to neighboring dwellings in the zone (Exhibit B).

Staff finds the requested Variance accommodates use of the property for single family dwelling purposes—a use reasonably expected to occur in the area and as a use outright permitted in the RR-2 zone (Exhibit B). 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 they propose to place a dwelling which will not affect adjoining properties or affect their enjoyment of their land (Exhibit B).

Staff finds that the dwelling placement location would maintain minimum required front and side yard setbacks, with a five (5) foot reduction to the rear yard setback (Exhibit B). Staff finds the subject property is abutting one (1) residential parcel along its south, east and westerly boundaries (Exhibit A). Staff finds that topography on the rear (southerly) portion has a steep decline, with the adjacent parcel maintaining over 6-acres of area with two (2) existing residences approximately 200-feet away (Exhibit A). Staff finds the dwelling placement would ensure emergency access to the dwelling, maintains existing privacy and adequate access to air, light and open space for the subject property and the surrounding properties.

- (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: Applicant is proposing to maintain a 20-foot setback from the front (northerly) property boundary abutting Blaine Road, a County road (Exhibit B).

The Tillamook County Public Works Department provided comments supporting approval of the Variance request, along with confirming they've issued a road approach permit for the new proposed dwelling placement (Exhibit C).

Staff finds that access to adjacent properties will not be impacted by the proposed dwelling and that driver visibility will not be obstructed. The dwelling will be located wholly within subject property and maintain adequate frontage and access from the public road (Exhibit B). 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. A dwelling in the RR-2 zone shall not exceed the allowed 35-foot height maximum. Staff find this criterion can be met through compliance with the conditions of approval.

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

Findings: A single-family dwelling is allowed outright in the RR-2 zone. Dwellings are located throughout the vicinity. Staff finds that the criterion 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 dwelling placement does not unreasonably shadow or otherwise inhibit access to solar radiation on adjacent properties and 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 states alternatives would not be consistent with adjoining neighbors and not consistent with the current setbacks utilized by the existing dwelling on the property (Exhibit B).

Staff finds that the lot dimensions and placement of the existing dwelling limit the buildable area of the subject property due to setback requirements from the property lines and proximity to the resource zone boundary to the north. Staff finds there are no reasonable alternatives and the criterion in Section 8.030(4) 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 June 8, 2023**.

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. Applicant/Property Owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall obtain an approved consolidated Building/Zoning Permit from the Tillamook County Department of Community Development prior to siting the proposed dwelling.
3. Development shall be as shown on the approved site plan and shall maintain the approved reduced resource zone setback of 20-foot setback from the front (northerly) property line, as indicated on the proposed site plan.
4. The proposed dwelling shall be constructed as depicted on the submitted site plan contained in 'Exhibit B', with a fifteen (15) foot setback from the rear (southerly) property line.
5. The applicant/property owner shall submit a site plan, drawn to scale and indicating all required yard setbacks and reduced rear and resource zone setbacks, at the time of consolidated Building/Zoning Permit application submittal.
6. Development shall comply with the applicable standards and requirements of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.
7. Development of the property shall adhere to all applicable development standards of the Rural Residential 2-Acre (RR-2) Zone, TCLUO Section 3.010.
8. In accepting this approval, the property owner understands intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use. The property owner hereby acknowledges that practices may involve but are not limited to the application of herbicides or fertilizers (including aerial spraying), road construction, changes in view, noise, dust, odor, traffic, and other impacts related to a farm zone. The property owner acknowledges the residential use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, the property owner understands preference will be given to farm and forest practices.

A covenant to the deed shall be required, informing that intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use and limiting pursuance of a claim for relief or cause of action of alleging injury from farming or forest practices. A copy of the recorded covenant included as 'Exhibit D' shall be provided at the time of applying for Building and Zoning Permits.

9. This approval shall be void on May 25, 2025, unless construction of approved plans has begun, or an extension is requested from, and approved by, this Department.

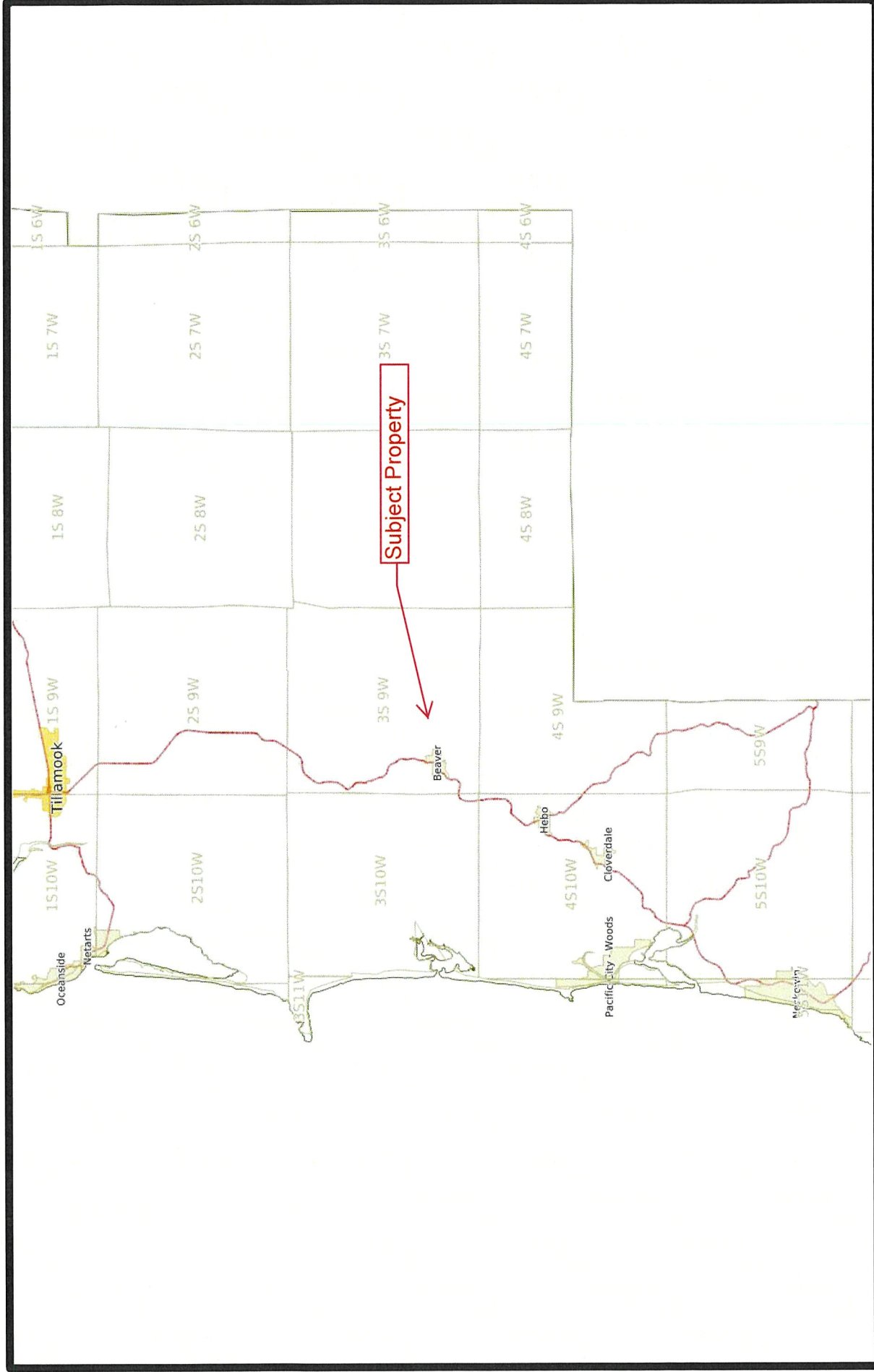
VI. **EXHIBITS**

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

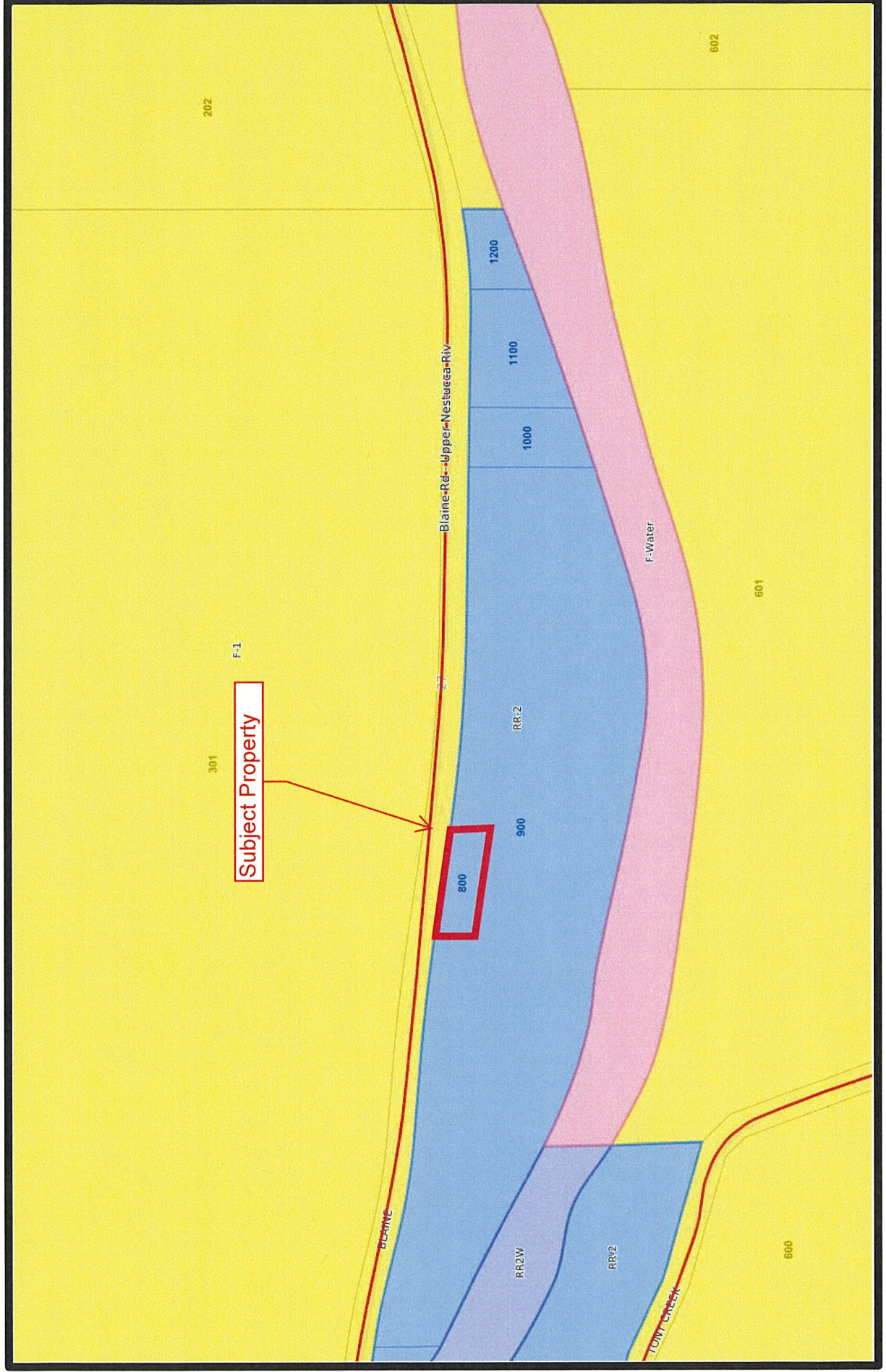
- A. Maps, Assessor's Summary Report, Assessors Floor Plan
- B. Applicant's submittal
- C. Public Comments
- D. Farm/Forest Covenant

EXHIBIT A

Vicinity Map



Zoning Map

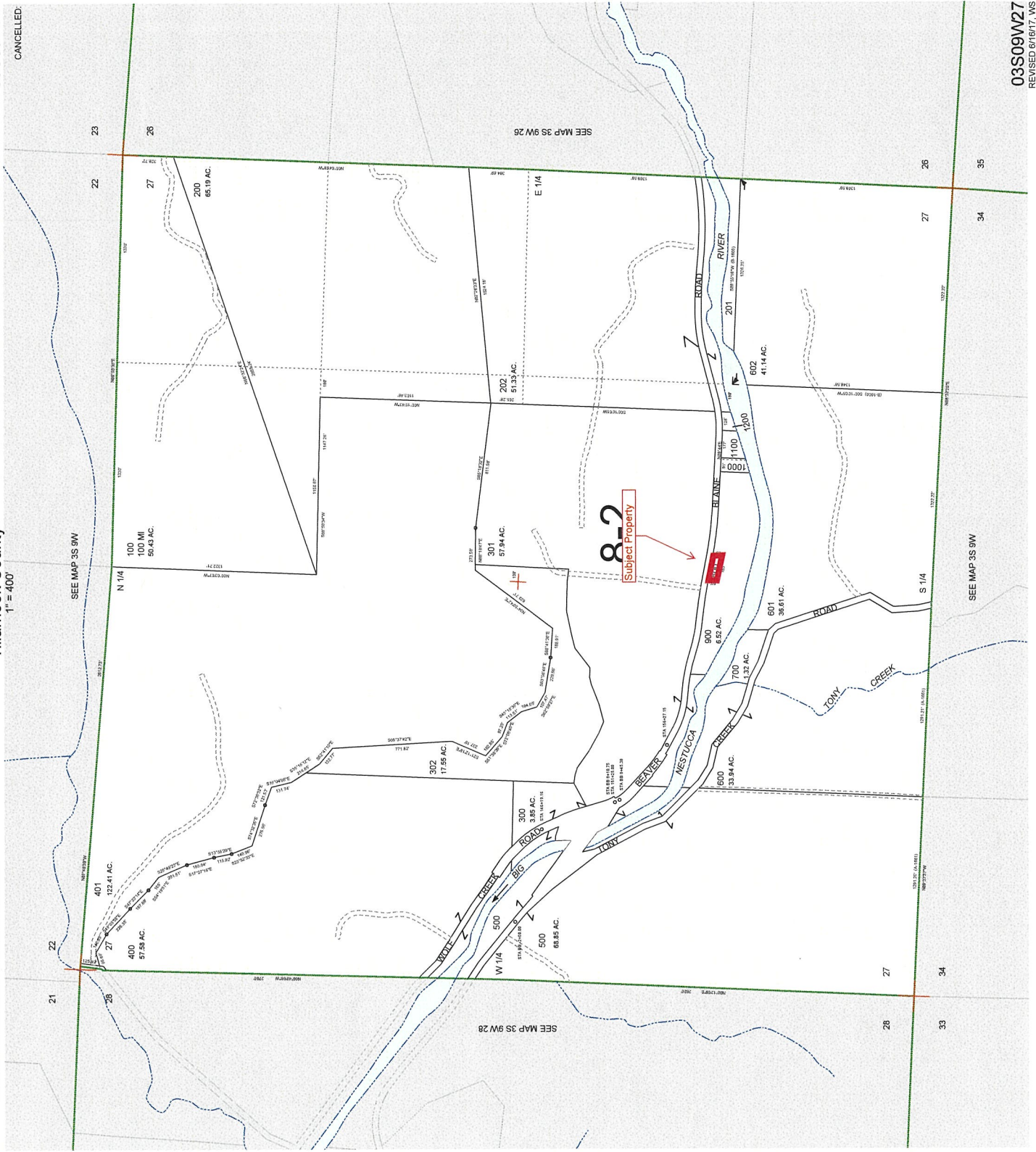


SECTION 27 T.3S. R.9W. W.M.
Tillamook County

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

03S09W27

CANCELLED



03S09W27
REVISED 6/16/17, WS

TILLAMOOK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

May 25, 2023 11:51:54 am

Account # 199591
Map # 3S09270000800
Code - Tax # 0802-199591

Tax Status ASSESSABLE
Acct Status ACTIVE
Subtype NORMAL

Legal Descr See Record

Mailing Name SLAVENS, LUCAS K &

Deed Reference # 2022-2421

Agent

Sales Date/Price 04-12-2022 / \$51,000.00

In Care Of SLAVENS, SARAH J

Appraiser RANDY WILSON

Mailing Address 30555 BLAINE RD
 BEAVER, OR 97108

Prop Class 101 **MA** **SA** **NH** **Unit**
RMV Class 101 06 ST 601 9411-1

Situs Address(s)	Situs City
ID# 1 25005 BLAINE RD	COUNTY

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
0802	Land 42,960			Land 0	
	Impr. 8,780			Impr. 0	
Code Area Total	51,740	80,580	51,740	0	
Grand Total	51,740	80,580	51,740	0	

Land Breakdown										
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
0802	1	<input checked="" type="checkbox"/>		RR-2	Market	100	A	0.21		30,460
0802					OSD - AVERAGE	100				12,500
Grand Total								0.21		42,960

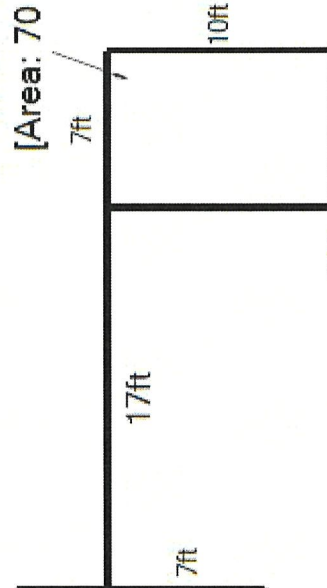
Improvement Breakdown									
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV
0802	1	1949	121	One story		923			8,780
Grand Total						923			8,780

Exemptions / Special Assessments / Potential Liability										
Code Area 0802										
SPECIAL ASSESSMENTS:										
■ SOLID WASTE					Amount	12.00	Acres	0	Year	2021

Comments: 10-31-08 Entered Inventory, E.J.
 01/26/11 - Reappraisal, updated inventory - tabled values, KL. 12/16 Reappraised land with tabled values. RCW
 9/2018 Sales review of subject w/home having significant maintenance and repair issues. (Roofing, siding, etc.) RCW

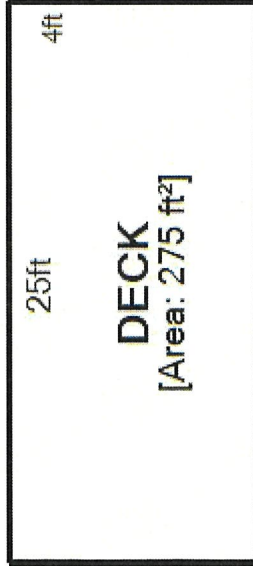
SHED-CONV

[Area: 70 ft²]



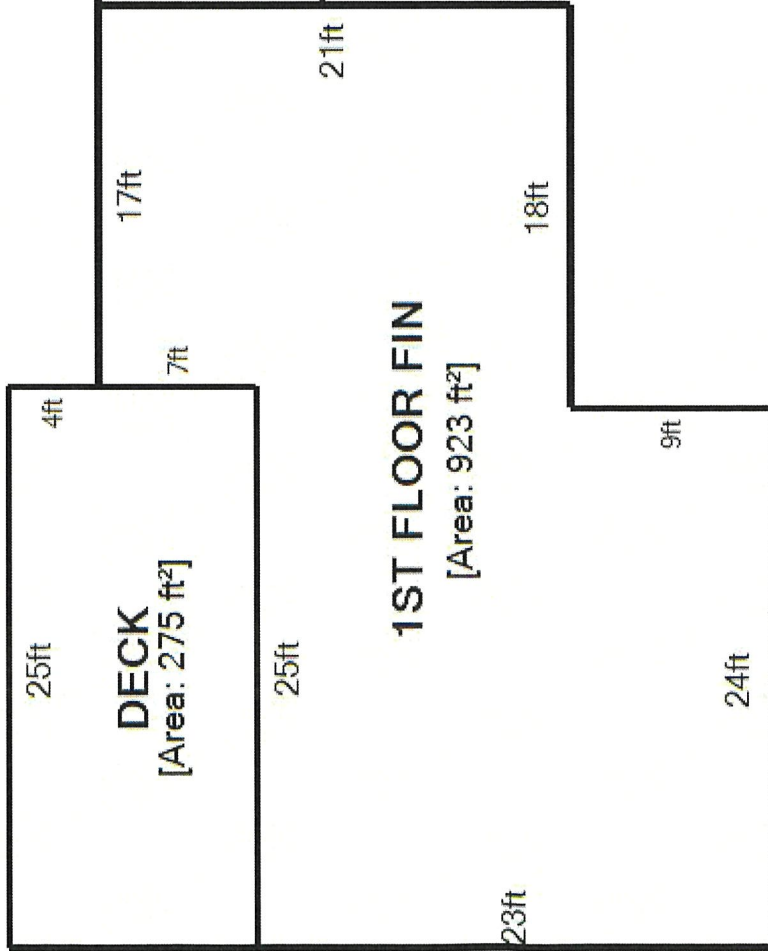
DECK

[Area: 275 ft²]



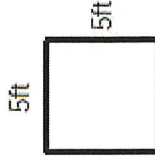
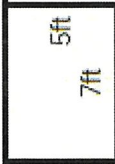
1ST FLOOR FIN

[Area: 923 ft²]



PORCH

[Area: 35 ft²]



PUMP HOUSE

[Area: 25 ft²]

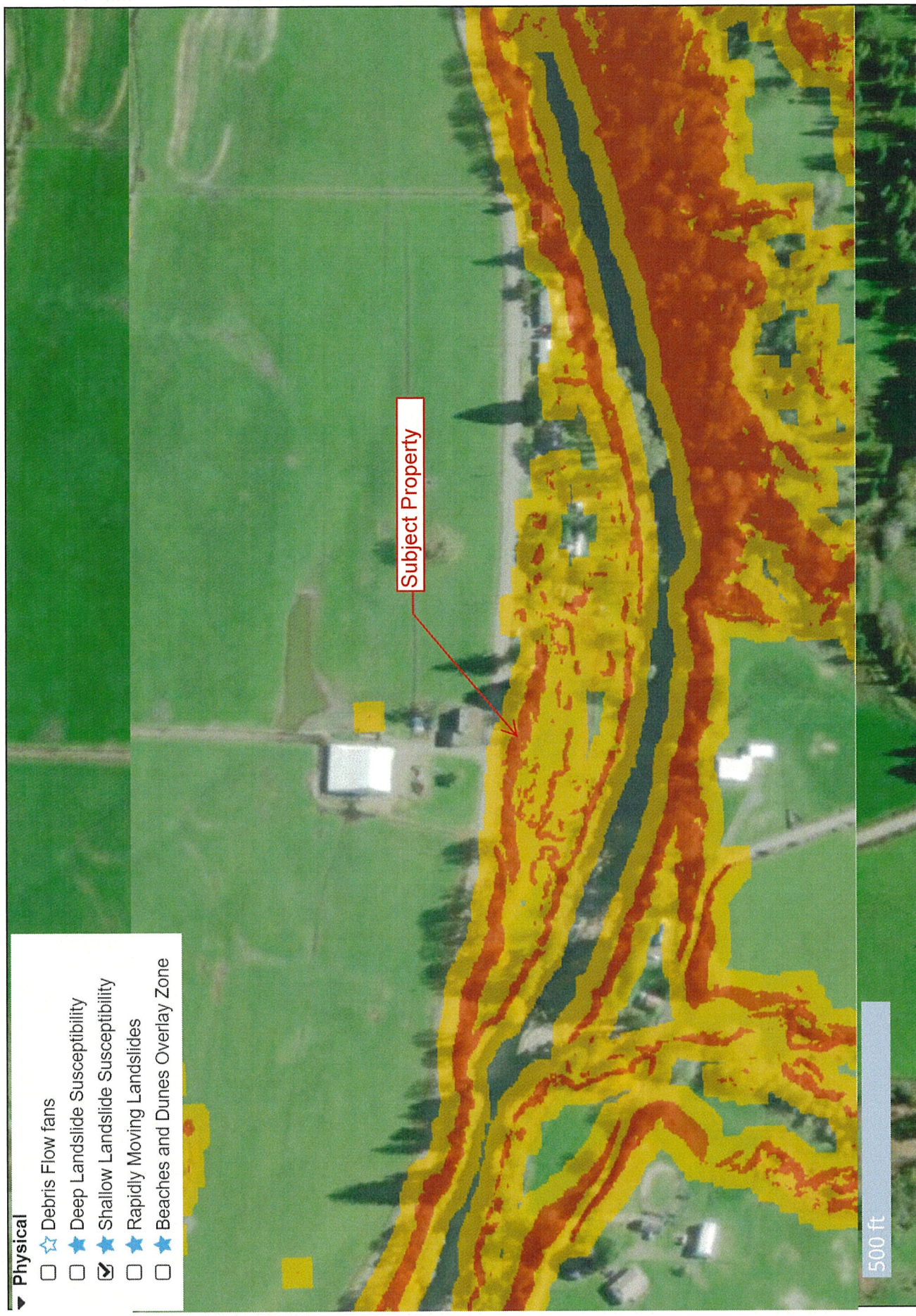


MAP ID: 3S9 27 800
ACCT: 199591
SITUS: 25005 Blaine Road-County
BY: RCW 9/7/2018

Slavens Hazard Map

Physical

- ☆ Debris Flow fans
- ★ Deep Landslide Susceptibility
- ★ Shallow Landslide Susceptibility
- ★ Rapidly Moving Landslides
- ★ Beaches and Dunes Overlay Zone



Disclaimer: The spatial information hosted at this website was derived from a variety of sources. Care was taken in the creation of these themes, 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°46'43"W 45°16'49"N



SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

Legend

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, Areas 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

Area of Minimal Flood Hazard Zone X

Effective LOMRS

Area of Undetermined Flood Hazard Zone D

Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall

Cross Sections with 1% Annual Chance Water Surface Elevation

Coastal Transect

Base Flood Elevation Line (BFE)

Limit of Study

Coastal Transect Baseline

Profile Baseline

Hydrographic Feature

Digital Data Available

No Digital Data Available

Unmapped

OTHER FEATURES

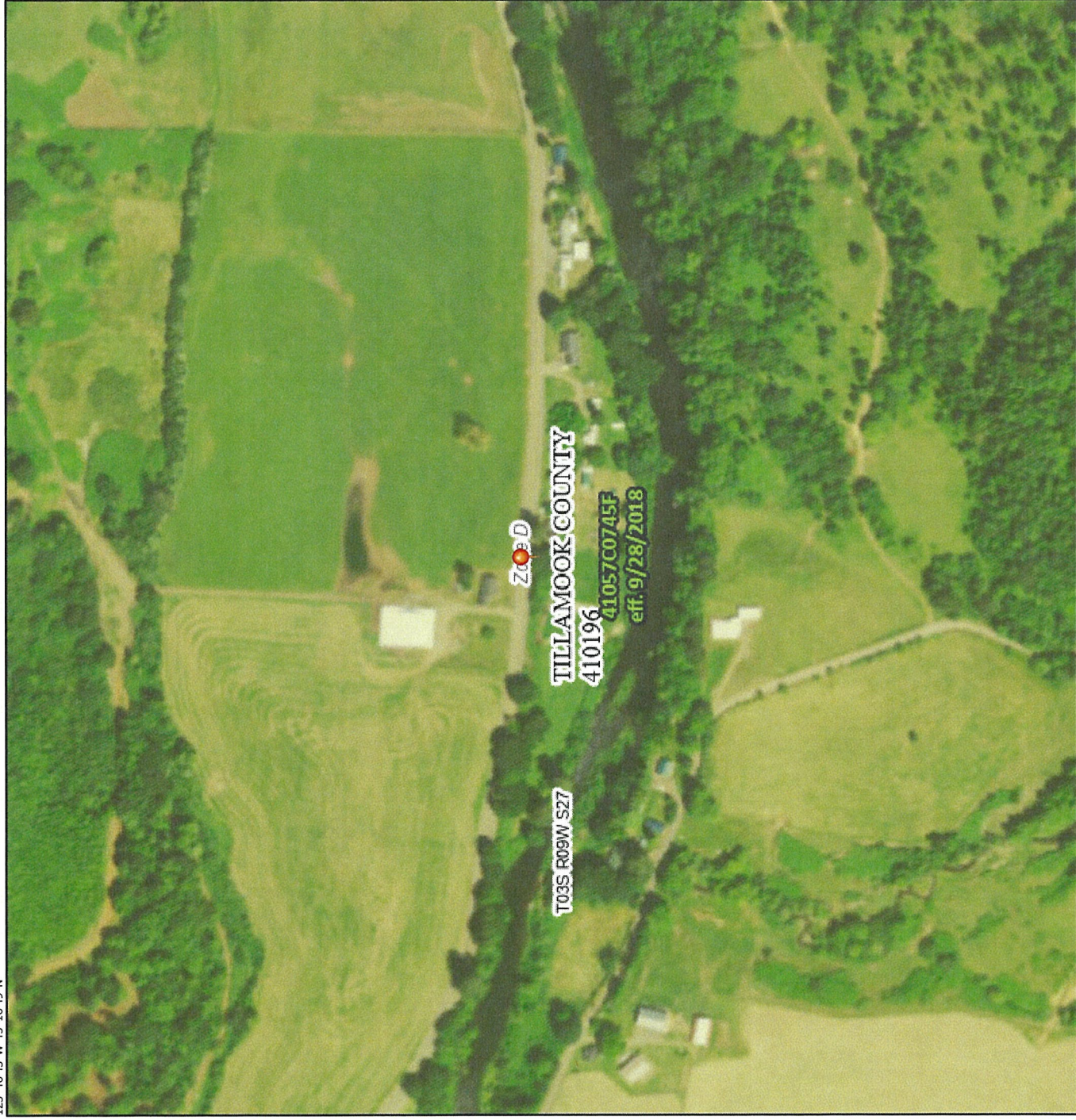
MAP PANELS

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 3/31/2023 at 4:56 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, FIRMet panel number, and FIRMet effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



123°46'43"W 45°16'49"N

1:6,000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Statewide Wetlands Inventory



R. Saubien, Department of State Lands, Est, F ERE, Gamin, (s) OpenStreetMap contributors, and the GIS user community, Source: Est, Maxar, Esri, DeLorme, GeoEye, (s) OpenStreetMap contributors, and the GIS user community, R. Saubien 2013

	Townships
	LM Study Area
	NHD Springs/Seeps
NHD Streams and Rivers	
	Perennial
	Intermittent
	Ephemeral
	Unknown
	Canal/Ditch
	NHD Area
	NHD Waterbody
Wetlands	
	Estuarine and Marine Deepwater
	Estuarine and Marine Wetland
	Freshwater Emergent Wetland
	Freshwater Forested/Shrub Wetland
	Freshwater Pond
	Lake
	Riverine
	SWI Predominantly Hydric Soil Map Units
	SWI Agate-Winlo Soils



The Statewide Wetlands Inventory (SWI) represents the best data available at the time the map was published and is updated as new data becomes available. In all cases, actual field conditions determine the presence, absence and boundaries of wetlands and waters (such as creeks and ponds). An on-site investigation by a wetland professional can verify actual field conditions.



Date: 3/31/2023



State of Oregon
Department of State Lands
775 Summer Street, NE, Ste 100
Salem, OR 97301-1279
(503) 986-5200

EXHIBIT B

1

with SIZ plan



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

PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	
# 12/11/2022 carter	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: MJ	
Receipt #: 129487	
Fees: 615.00	
Permit No: 851-22 - 00418-PLNG	

Applicant (Check Box if Same as Property Owner)

Name: LUCAS SLAVENS Phone: 503-812-6975
Address: 30555 BLAINE RD 25005
City: BEAVER State: OR Zip: 97108
Email: LUCASSLAVENS@GMAIL.COM

Property Owner

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

Request: BUILD NEW HOME WHERE EXISTING HOME IS CURRENTLY. LESS THAN 100' FROM RESOURCE PROPERTY LINE.

Type II

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

Type III

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

Type IV

- Appeal of Planning Commission Decision
- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

Location:

Site Address: 25005 BLAINE RD BEAVER OR 97108
Map Number: 3S 9 27 800
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.

Lucas Slavens
Property Owner Signature (Required)

05/06/2022
Date

Applicant Signature

Date



PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: LUCAS STAUENS Phone: 503 812 6915
 Address: 7500S BLAINE RD
 City: BEAVER State: OR Zip: 97108
 Email: _____

Property Owner

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

OFFICE USE ONLY	
Date Stamp	
RECEIVED FEB 28 2023	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	<u>129487</u>
Fees:	<u>1300.-</u>
Permit No:	<u>851-22-000418-PLNG</u>

Request: VARIANCE TO 20' SETBACK ON R2
LOT. SEE RESPONSE TO CRITERIA.
PROPOSED HOME TO USE EXISTING HOME
FOOT PRINT.

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

Location:

Site Address: _____
 Map Number: 35 9 27 800
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.

Lucas Stauens 12-17-22
 Property Owner Signature (Required) Date

Applicant Signature Date

SECTION 8.030: REVIEW CRITERIA

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

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

Response: The dimensions of the property do not currently allow for the minimum setbacks while still having enough room to build a home similar to neighboring homes in the area. Topographically if allowed to crowd the south setback, no neighbors would be affected secondary to significant topography change and neighbors would not readily build on the steep terrain. As is, nearest neighbors currently have residence built on their property several hundred feet from property lines.

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

Response: I purchased this R2 property with a dilapidated home with the intent of putting a similar sized home within the same footprint and to continue to use the property as it was zoned for. The proposed home is very similar to neighboring homes with the same zoning.

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

Response: My intent would be to build a home that does not affect any adjoining property owners, especially affect the enjoyment of their own land as I intend to be neighbors with these folks for the foreseeable future,

- (4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.

Response: The only reasonable alternative would be a manufactured dwelling, this is unlike what adjoining neighbors have done, and is not consistent with what has been done on the property in the past.

After reading Section 4.005 I feel my proposal would support all 10 bullet points, and provide no negative impact on any adjoining properties, or affect on adjoining properties future plans.

ARTICLE IV SUPPLEMENTARY REGULATIONS SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

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

- (1) To ensure the availability of private open space;

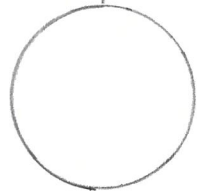
- (2) To ensure that adequate light and air are available to residential and commercial structures;
- (3) To adequately separate structures for emergency access;
- (4) To enhance privacy for occupants of residences;
- (5) To ensure that all private land uses that can be reasonably expected to occur on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

BLAINE RD

N PROPERTY LINE

BLAINE RD ROW

PUD
METER



SEPTIC
TANK

DRIVEWAY

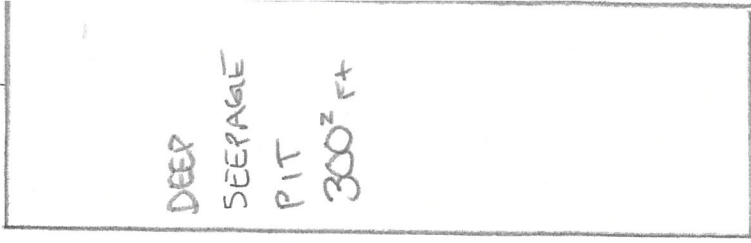
20' to PROPERTY LINE ↑

NEW 26 x 55 HOME

SIMILAR FOOTPRINT TO EXISTING

15' to PROPERTY ↓

25' to PROPERTY ↑



DEEP
SEEPAGE
PIT
300² FT

E PROPERTY →

O WELL

10' to W
PROPERTY ←

S PROPERTY LINE



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 3S 09W 27 800

Water Source: Water District Beaver
 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: 11/23/2022

EXHIBIT C

Melissa Jenck

From: Jasper Lind
Sent: Monday, April 3, 2023 7:29 AM
To: Melissa Jenck
Cc: Lynn Tone; Ron Newton
Subject: FW: Variance Request #851-22-000418-PLNG

Hello Melissa,

Tillamook County Public Works has no objection to variance request #851-22-000418. We are aware of the efforts to improve this property and have already issued road approach permit #6565 for vehicular access to the lot.

Have a good day,



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

From: Lynn Tone <ltone@co.tillamook.or.us>
Sent: Friday, March 31, 2023 3:17 PM
To: Melissa Jenck <mjenck@co.tillamook.or.us>
Subject: Variance Request #851-22-000418-PLNG

Please see link for Notice of Administrative Review.

<https://www.co.tillamook.or.us/commdev/project/851-22-000418-plng>

Thank you



Lynn Tone | Office Specialist II
TILLAMOOK COUNTY | Surveyor's Office/Community Development
1510 3rd Street Ste C
Tillamook, OR 97141
Phone (503) 842-3423
ltone@co.tillamook.or.us

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EXHIBIT D

**INSTRUCTIONS FOR FILING RESTRICTIVE COVENANT
FOR THE CREATION OF A PARCEL OR PLACEMENT OF A DWELLING
ADJACENT TO LAND ZONED FOR FARM OR FOREST USE**

1. This acknowledgment is required when the County permits the creation of parcels or the location/placement of dwellings adjacent to an area designated by the County as farm or forest lands (F, F-1, SFW-20).
2. Obtain the legal description of the subject property as it's recorded in the Tillamook County Deed Records. This is what is referred to as Exhibit A and must accompany the affidavit/covenant.
3. The attached affidavit/covenant must be filled out showing the names of ALL current property owners who appear on the property deed or contract, and signed before a Notary Public. Community Development has Notaries that can provide the service for free.
4. Once the affidavit/covenant is signed and notarized with the attached legal description, bring these to the Tillamook County Clerk's office to be recorded. **The Clerk's will charge a recording fee.** Please contact the Clerk's office at (503)842-3402 for current fees.
5. **A copy of the recorded and notarized affidavit/covenant will be given to DCD to put on file.**
6. If you have any questions about the affidavit/covenant, or the recording procedure, please contact the Department of Community Development Staff at (503)842-3408 x3410.

After Recording Return To:

RESTRICTIVE COVENANT

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

PROPERTY LEGAL DESCRIPTION attached as Exhibit A hereto and incorporated by reference

Do hereby promise and covenant as follows:

The property herein described is situated adjacent to a Farm or Forest resource zone such as F, F-1, or SFW-20 zones in Tillamook County, Oregon where the intent is to encourage farm and forest use and minimize conflicts with those uses. The owners/residents of this parcel understand that on the adjacent land customary and accepted farm or forest management practices, conducted in accordance with federal and state laws, ordinarily and necessarily produce noise, dust, smoke, odors, the application of manure, fertilizers, or herbicides (including aerial spraying), road construction, changes in view, and other impacts related to a resource zone.

I/We do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a structure in this area and shall not pursue a claim for relief or cause of action of alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or ORS 30.937.

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

IN WITNESS WHEREOF, the said Party has executed this instrument this _____ day of

_____ 20_____,

Signature

Print Names

State of _____, County of _____

Subscribed and sworn to before me this _____ day of _____, 20__

SEAL

Notary Public of Oregon
My Commission Expires:

STATE OF OREGON
COUNTY OF TILLAMOOK