



1510 – B Third Street  
Tillamook, Oregon 97141  
[www.tillamook.or.us](http://www.tillamook.or.us)  
Building (503) 842-3407  
Planning (503) 842-3408  
Sanitation (503) 842-3409  
FAX (503) 842-1819  
Toll Free 1(800) 488-8280

*Land of Cheese, Trees and Ocean Breeze*

**RESOURCE ZONE EXCEPTION #851-23-000025-PLNG: NISBET**  
*NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:*  
*ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,*  
*IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER*

**NOTICE OF ADMINISTRATIVE REVIEW**  
**Date of Notice: April 5, 2023**

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

**#851-23-000025-PLNG:** An exception request to reduce the required 100-foot resource zone setback from the Small Farm and Woodlot (SFW-20) zone boundary by 30-feet to establish a 70-foot setback from the easterly (rear) property line.

The subject property is located at southeast of the Unincorporated Community of Neskowin, is zoned Rural Residential 2-Acre and is designated as Tax Lot 3800 in Section 9CD of Township 6 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. The applicant and property owner is Josepha Nisbet.

Written comments received by the Department of Community Development prior to 4:00p.m. on April 19, 2023, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than April 20, 2023.

Notice of the application, a map of the subject area, and the applicable criteria are being mailed to all property owners within 250 feet of the exterior boundaries of the subject parcel for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection 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.

If you have any questions about this application, please call the Department of Community Development at 503-842-3408 Ext. 3412 or [ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us).

Sincerely,

Melissa Jenck, CFM, Senior Planner

Sarah Absher, CFM, CBO, Director  
Enc. Applicable Ordinance Criteria, Maps

## REVIEW CRITERIA

SECTION 3.010: RURAL RESIDENTIAL 2 ACRE AND 10 ACRE ZONE (RR-2) (RR-10) (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.
- (g) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.
- (h) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.
- (i) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.

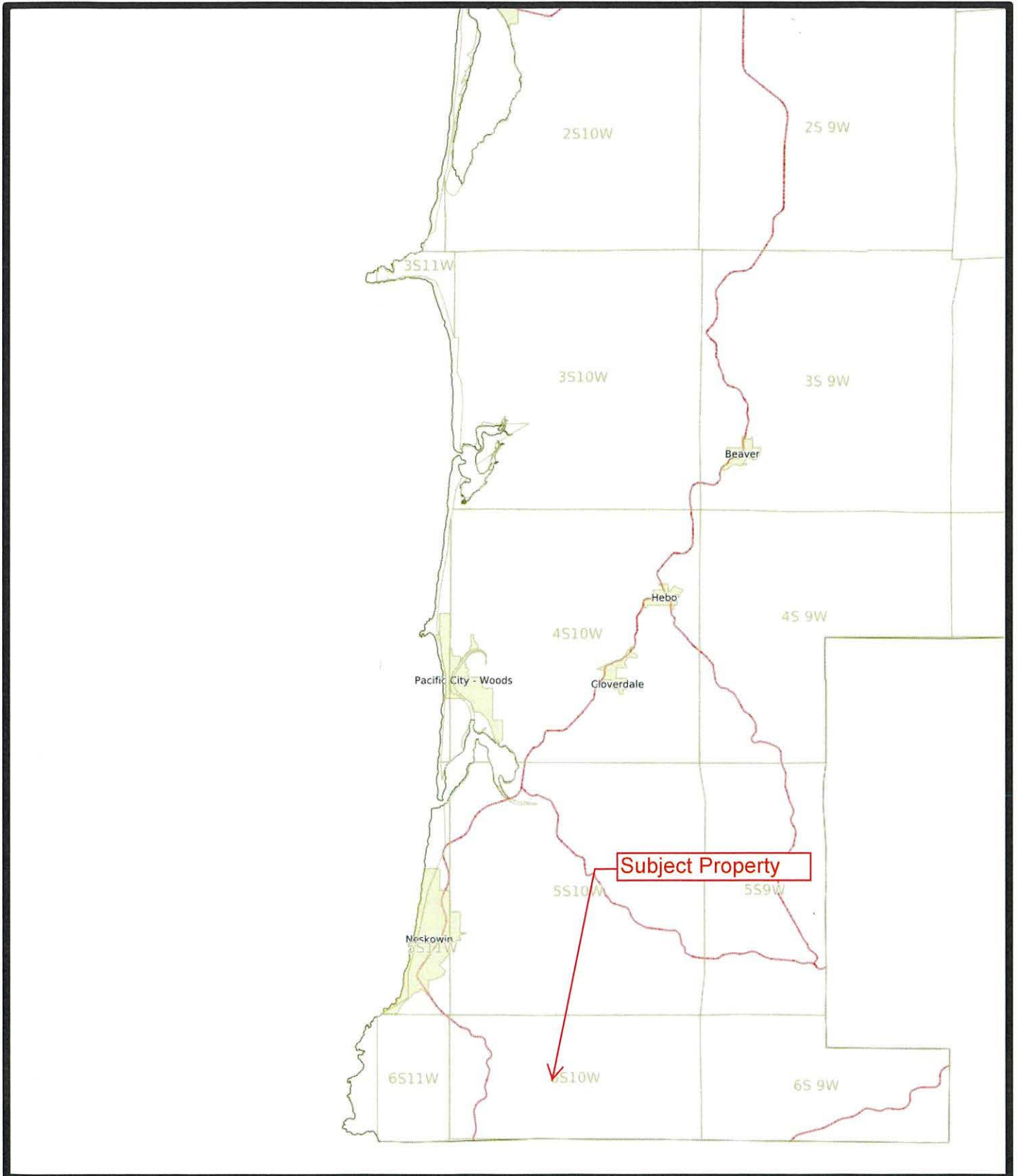
...

- (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.*

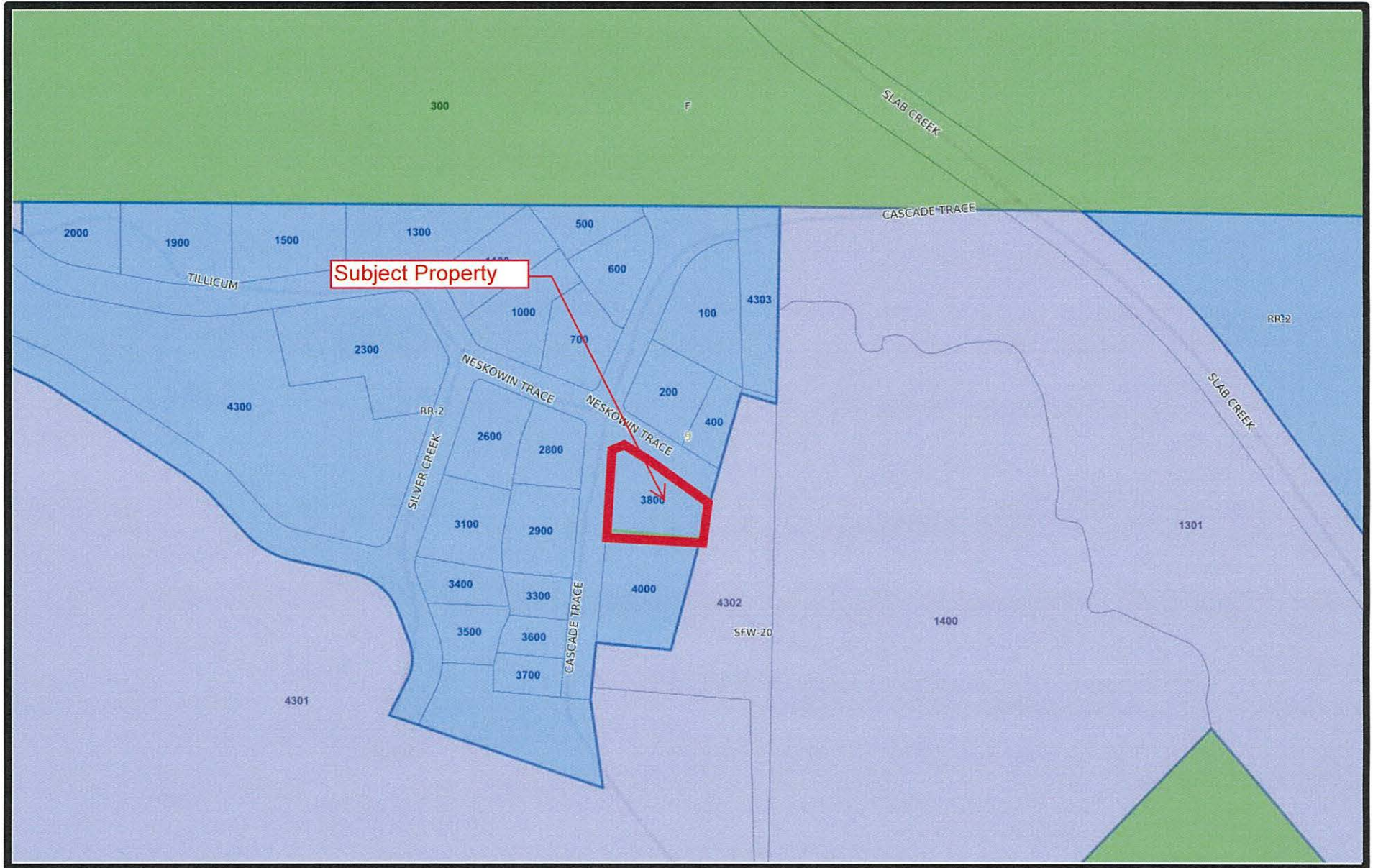
# EXHIBIT A



# Vicinity Map



# Zoning Map

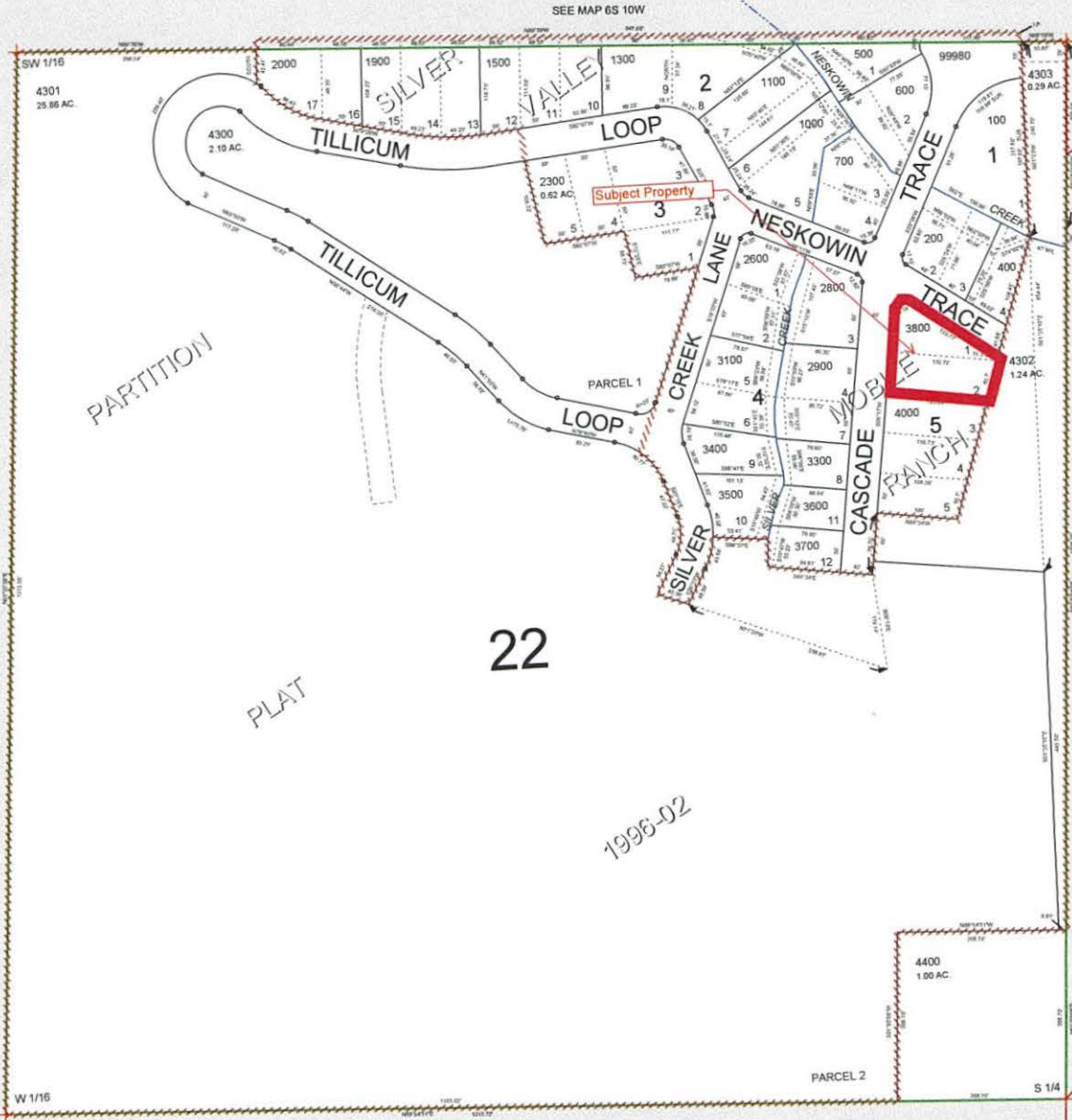




S.E. 1/4 S.W. 1/4 SEC. 9 T.6S. R.10W. W.M.  
Tillamook County  
1" = 100'

06S10W09CD

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



- CANCELLED:
- 300
- 800
- 900
- 1200
- 1400
- 1700
- 1800
- 2100
- 2200
- 2400
- 2500
- 2700
- 3000
- 3600
- 4100
- 4200
- 3200
- 1600

**Tillamook County**  
**2022 Real Property Assessment Report**  
 Account 220237

Map 6S1009CD03800  
 Code - Tax ID 2200 - 220237

Tax Status Assessable  
 Account Status Active  
 Subtype NORMAL

Legal Descr Multiple Lots - See legal report for full description

Mailing NISBET, JOSEPHA A  
 PO BOX 1023  
 NESKOWIN OR 97149

Deed Reference # 2022-6401  
 Sales Date/Price 10-18-2022 / \$58,500  
 Appraiser RANDY WILSON

Property Class 101 MA SA NH  
 RMV Class 101 06 ST 601

Site	Situs Address	City
	54615 CASCADE TRCE	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2200	Land	66,830		Land	0	
	Impr	4,410		Impr	0	
<b>Code Area Total</b>		71,240	55,210	55,210	0	
<b>Grand Total</b>		71,240	55,210	55,210	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2200					LANDSCAPE - FAIR	100			500
	0			RR-2	Market	125	0.25 AC		53,830
					OSD - AVERAGE	100			12,500
<b>Code Area Total</b>							0.25		66,830

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2200	2	1955	354	HAY COVER	173	744			2,220
	3	1955	110	Residential Other Improvements	173	0			2,190
<b>Code Area Total</b>						744			4,410

Exemptions / Special Assessments / Notations					
Code Area				Amount	Year Used
2200	<b>Special Assessments</b>				
	■	SOLID WASTE		12.00	2022
	<b>Fire Patrol</b>				
	■	FIRE PATROL SURCHARGE		47.50	2022
	■	FIRE PATROL NORTHWEST		18.75	2022
					Acres
					0.25

Comments 12/18/08 - Input inventory, KL. 07/18/11 Reappraisal, updated inventory, tabled values.ef 7/2017 Reapp.  
 of land w/tabled values. RCW



# National Flood Hazard Layer FIRMette



123°55'12"W 45°3'58"N



### Legend

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

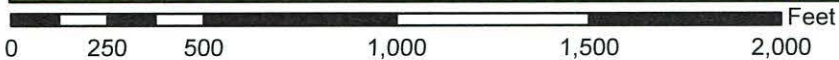
SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard <i>Zone</i>
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
MAP PANELS		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 4/1/2023 at 12:28 AM 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.



1:6,000

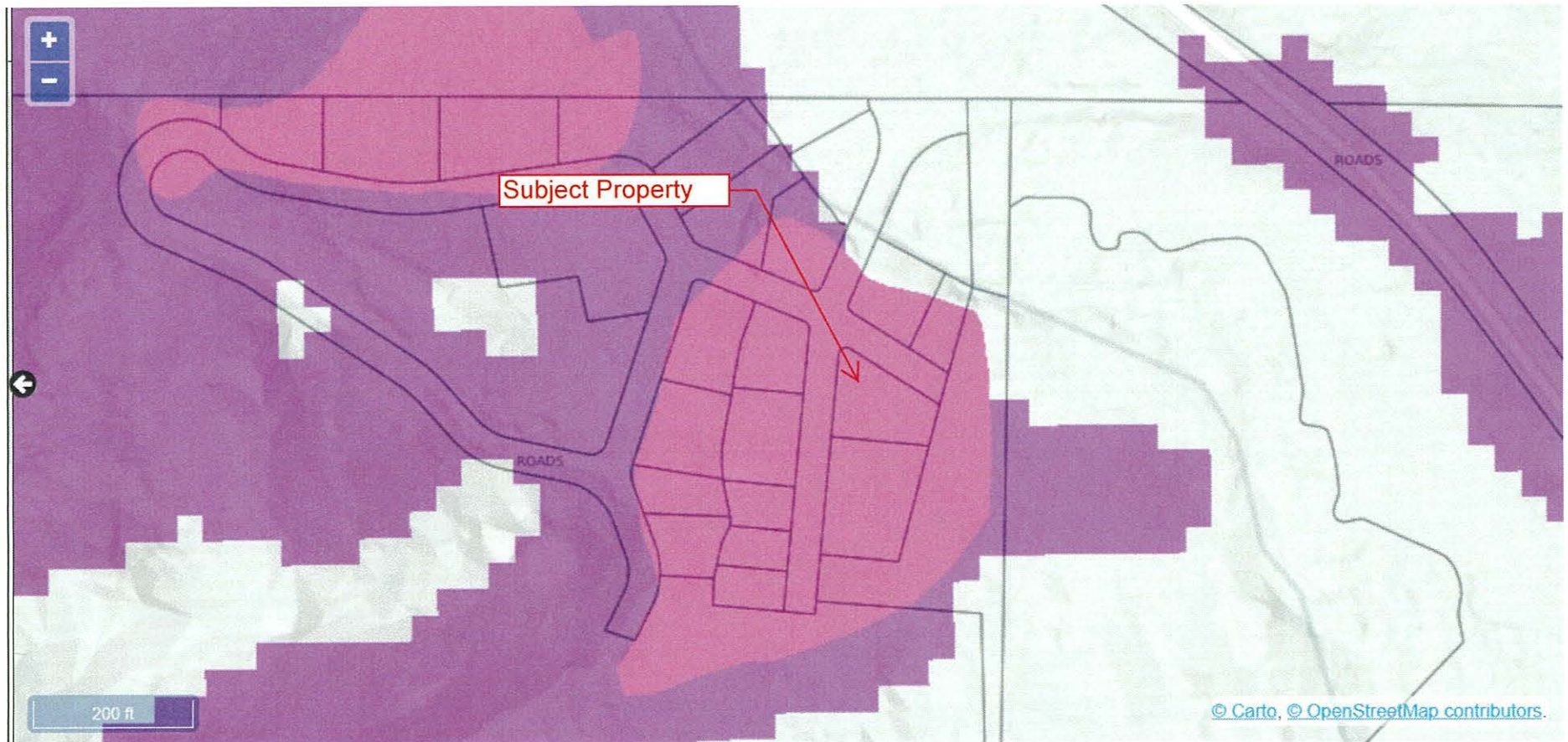
123°54'34"W 45°3'33"N



# Nisbet Hazard Map

▼ Physical



















- ★ Debris Flow fans  
■ Debris Flow Fans
- ★ Deep Landslide Susceptibility
- ★ Shallow Landslide Susceptibility
- ★ Rapidly Moving Landslides  
■ Rapidly Moving Landslides



**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.

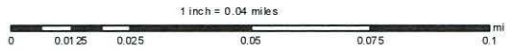


# Statewide Wetlands Inventory

-  Townships
-  LWM 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



R. Scunhein, Department of State Lands, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, R. Scunhein 2018



The Statewide Wetlands Inventory (SWI) represents the best data available at the time this 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 onsite investigation by a wetland professional can verify actual field conditions.





# EXHIBIT B



#1  
Approved  
150 days  
Riparian  
Setback



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)

10A Wed  
Shelia  
Feb 1

# PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	<b>RECEIVED</b>
	FEB - 1 2023
	BY: Al Cantor appt.
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	S
Receipt #:	
Fees:	1,300.00
Permit No:	851-23,000 25 -PLNG

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

Name: Jo Sepha Nisbet Phone: 503 883 1288  
 Address: P.O. Box 1023  
 City: Neskowin State: OR Zip: 97149  
 Email: sephanisbet@gmail.com

### Property Owner

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Email: \_\_\_\_\_

Request: AF 20 setback Exception/Variance  
of 70'

### 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: 65 1009 CD 3800  
 Map Number: 65 10 09CD 3800  
Township Range Section Tax Lot(s)

GDFW Riparian Setback  
Mike Sinnott 503 842 2741  
25' setback 1/31 2:30pm

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.

Joseph Nisbet  
Property Owner Signature (Required)

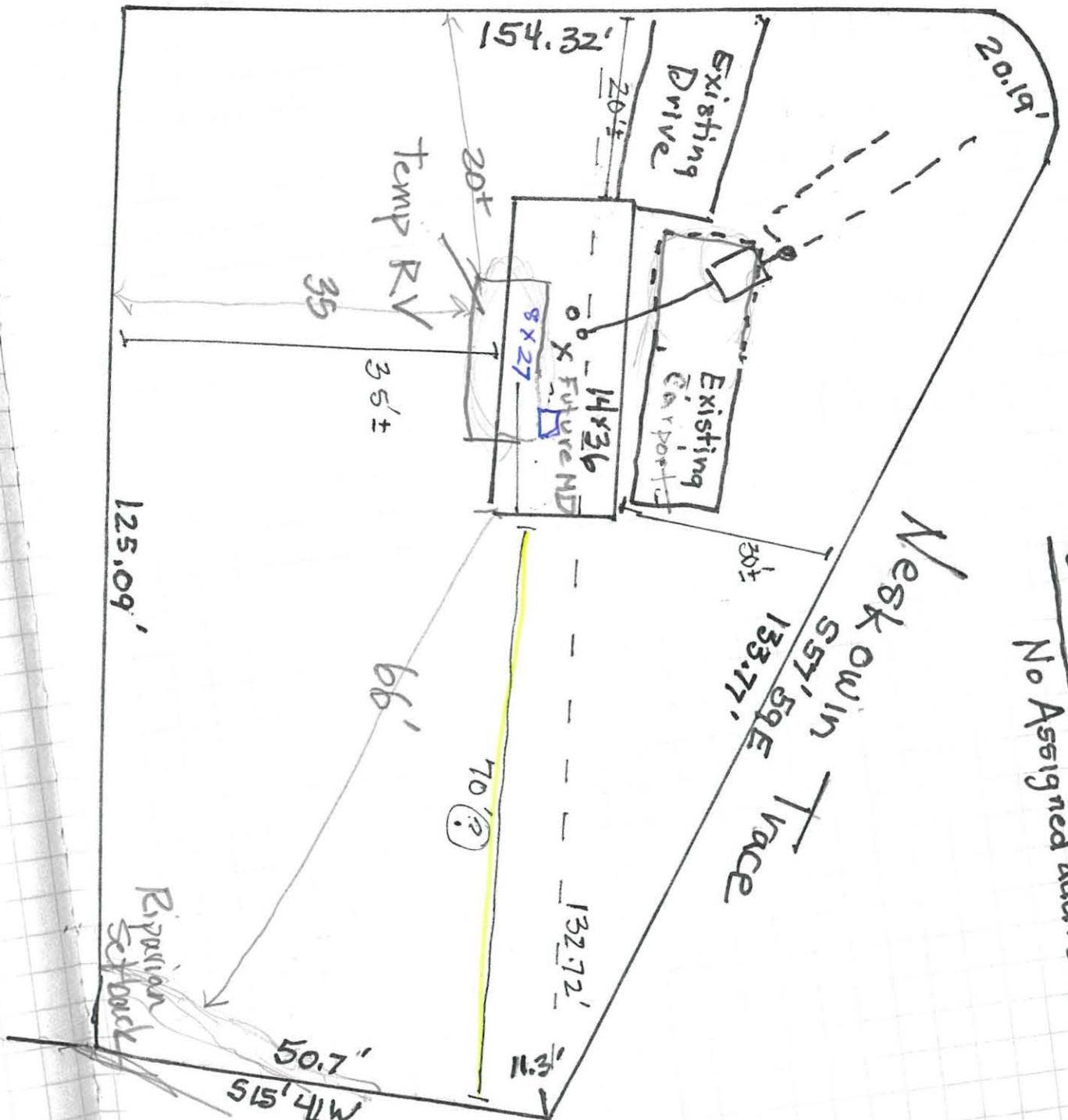
2/1/2023  
Date

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

\$  
1300  
Application to Site Plan



# Cascade Trace



65 10 09 CD 3800  
No Assigned address

DEED-RC \$5.00 \$11.00 \$61.00 \$10.00 - Total = \$87.00



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

Tassi O'Neil, Tillamook County Clerk

After Recording Return To:

Joseph A Nisbet  
P.O. Box 1023  
Neskowin OR 97149

RESTRICTIVE COVENANT

Joseph A Nisbet  
(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: See Document 2022-6401

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.

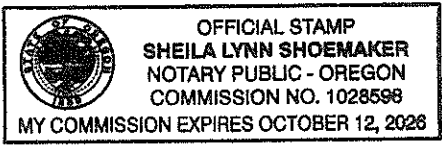
IN WITNESS WHEREOF, the said Party has executed this instrument this first day of February 2023.

Joseph A Nisbet  
Signature

Joseph A Nisbet  
Print Names

State of Oregon, County of Tillamook

Subscribed and sworn to before me this 7<sup>th</sup> day of February, 20 23



SEAL

Sheila Lynn Shoemaker  
Notary Public of Oregon  
My Commission Expires:  
10/12/26