



**CONDITIONAL USE REQUEST #851-24-000529-PLNG: PHILLIPS
TEMPORARY HEALTH HARDSHIP DWELLING
ADMINISTRATIVE DECISION & STAFF REPORT**

Decision Date: January 22, 2025

Decision: APPROVED WITH CONDITIONS

(This is not Building or Placement Permit Approval)

Report Prepared by: Sarah Absher, CFM, Director

I. GENERAL INFORMATION:

Request: Conditional Use request to resume occupancy of a Recreational Vehicle (RV) as a Health Hardship Dwelling (Exhibit B).

Location: Located at 33805 Highway 22, a state highway, and is designated as Tax Lot 502 in Section 19 of Township 4 South, Range 9 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).

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

**Applicant &
Property Owner:** Terry Phillips, P.O. Box 1002, Tillamook, OR 97141

Property Description: The subject property is 2.00 acres in size and is improved with a single-family dwelling, the health hardship dwelling and an accessory structure (Exhibits A & B). The subject property is rectangular shaped and is accessed via Whiskey Creek Road, a County Road (Exhibit A). The subject property is bordered by properties also zoned Rural Residential 2-Acre (RR-2) that generally include residential dwellings and accessory structures (Exhibit A). According to the Oregon Department of

Geology and Mineral Industries (DOGAMI) bulletin, this region is mapped as an area of ‘High and Moderate Landslide Susceptibility’ (Exhibit A). Subject property is outside of mapped Areas of Special Flood Hazard per FEMA Flood Insurance Rate Map (FIRM) 41057C0880F, dated September 28, 2018 (Exhibit A). The property is within the vicinity of mapped wetlands, as depicted on the State of Oregon Wetland Inventory Mapper (Exhibit A). The subject property is located southeast of the mapped areas as depicted on the map (Exhibit A).

The subject property is currently improved with a single-family dwelling and accessory structure (Exhibits A and B). Applicant is requesting use of a Recreation Vehicle (RV) on the property as a Health Hardship Dwelling (Exhibit B).

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

The applicant/property owner is seeking approval for use of a Recreational Vehicle (RV) as a Health Hardship dwelling in the Rural Residential 2-Acre (RR-2) Zone (Exhibit B). 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. Article VI: Conditional Use Procedures and Criteria

III. ANALYSIS:

A. TCLUO Section 3.010: Rural Residential 2 Acre and 10 Acre Zone

PURPOSE: The purpose of the RR zone is to provide for the creation and use of small acreage residential homesites. Land that is suitable for Rural Residential use has limited value for farm or forest use; it is physically capable of having homesites on parcels of five acres or less; and it can be utilized for residential purposes without constraining the use of surrounding resource-zoned properties for resource-production purposes.

(3) USES PERMITTED CONDITIONALLY: In the RR zone, the following uses and their accessory uses are permitted subject to the provisions of Article IV and the requirements of all applicable supplementary regulations contained in this ordinance.

...

(t) Temporary placement of a mobile home or recreational vehicle to be used because of health hardship, subject to Section 6.050.

Findings: Staff find the review to allow for temporary health hardships may be established through the Conditional Use process as described in Article VI, addressed in this report below.

A. Article VI Conditional Use Procedures and Criteria

Article VI of the Tillamook County Land Use Ordinance contains the procedures and review criteria for processing a Conditional Use request. These criteria, along with Staff's findings and conclusions, are indicated below.

1. **Section 6.020 Procedure** requires notification of the request to be mailed to landowners within 250-feet of the subject property, to allow at least 14 days for written comment, and requires staff to consider comments received in making the decision.

Findings: On November 1, 2024, notice of the request was mailed to all landowners within 250 feet of the subject property, as well as to affected agencies. Comments were received from neighboring properties and are summarized as follows:

- Lack of proper use of on-site sanitation system for Recreational Vehicle (RV)
- Lack of garbage and trash management by residents of the property
- Applicant/owner requesting Health Hardship Dwelling does not reside on the property
- Dwelling is currently being rented out
- Question RV cannot be placed at an RV park where utilities are available, such as a sewage disposal system
- Allowance to extend approval for use of the Health Hardship for a period longer than 24 months seems excessive and permanent rather than temporary
- Use of property not in compliance with local zoning regulations with RV already occupied by inhabitants
- Concerns about the decline in property values of adjacent properties with use of an RV as a dwelling

2. Section 6.040 Review Criteria

1. The use is listed as a conditional use in the underlying zone, or in an applicable overlying zone.

Findings: The placement of a recreational vehicle (RV) for a temporary health hardship dwelling is allowed conditionally subject to Section 3.010(4) and Section 6.050: Conditional Use Health Hardship Provisions. Staff conclude that this criterion has been met.

2. The use is consistent with the applicable goals and policies of the comprehensive plan.

Findings: The TCLUO is an implementing document of the Comprehensive Plan. In the absence of evidence to the contrary, uses allowed conditionally in the Land Use Ordinance are presumed to be consistent with the Comprehensive Plan. Staff conclude that this criterion has been met.

3. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.

Findings: Applicant/owner states the property is 2.02 acres in size with plenty of room for the Recreational Vehicle (RV). Applicant/owner adds there are no wetlands on the property and the RV will use the existing onsite sanitation system for sewage disposal (Exhibit B). In review of the submitted site plan, the Recreational Vehicle (RV) is sited on the property in a manner that adheres to the minimum setback requirements of the Rural Residential 2-Acre (RR-2) zone contained in TCLUO Section 3.010(4), with the closest setback to an adjacent property line (northerly property line) maintained at 27-feet (Exhibit B).

Topography of the subject property varies with areas of the property that are relatively flat to areas gentle in slope, sloping in a downward direction towards Oregon State Highway 22. The subject property is largely a grassy meadow with some trees and understory vegetation. The subject property is accessed via a private easement that connects to Oregon State Highway 22 (Exhibit A). No change in access is required for use of a RV as a Health Hardship Dwelling. In review of the submitted site plan included in "Exhibit B", staff finds there is adequate area for one (1) additional 8-foot by 20-foot parking space as required per TLCUO Section 4.030: Off-Street Parking and Off-Street Loading Requirements.

Staff also found an Authorization Notice has been submitted to the Department for evaluation of the existing onsite wastewater treatment system to confirm the system is adequate to accommodate the use of the RV

as a Health Hardship Dwelling. The Authorization Notice is under review by the Department as #851-24-000148-AUTH and is pending upon approval of this Conditional Use request.

As mentioned above, the area of the property improved with residential structures and the RV is located outside of mapped wetlands as shown on the State of Oregon Wetland Inventory Mapper. The property is also located outside of an Area of Special Flood Hazard per the FEMA Flood Insurance Rate Map for this area (Exhibit A). The property is located in an area of mapped geologic hazards. Development of the property must adhere to the applicable development standards of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. Given the topography of the property and topography where the RV is sited, staff finds that a Geologic Hazard Assessment is not required for the proposed use of the RV as a Health Hardship Dwelling.

County records indicate the subject property is served by a private well located on the subject property.

Staff finds the subject property is of adequate size to accommodate the use of a Recreational Vehicle (RV) as a Health Hardship Dwelling, and that there are no topographical constraints or presence of natural features that would limit or prohibit the proposed use of a RV as a Health Hardship Dwelling. Staff also find that Conditions of Approval can be made to require compliance with applicable on-site wastewater treatment requirements (completed Authorization Notice) and demonstration that the well is able to serve the Recreational Vehicle (RV) for the duration of time of the Health Hardship. Staff conclude this criterion has been met or can be met through the Conditions of Approval.

4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.

Findings: Applicant/property owner states the RV will not interfere with any neighboring property or services or right-of-ways (Exhibit B).

The subject property is zoned Rural Residential 2-Acre (RR-2) and is surrounded by other properties also zoned RR-2. Like the subject property, surrounding properties are improved with residential structures and are devoted to residential uses (Exhibit A). Properties adjacent to the subject property are comparable in size at 2-acres or larger. Properties in the greater vicinity are zoned Small Farm and Woodlot 20-Acres and Forest (F) (Exhibit A). These properties are primarily dedicated to natural resource uses.

In review of the submitted site plan, the Recreational Vehicle (RV) is sited on the property in a manner that adheres to the minimum setback requirements of the Rural Residential 2-Acre (RR-2) zone contained in TCLUO Section 3.010(4), with the closest setback to an adjacent property line (northerly property line) maintained at 27-feet (Exhibit B).

Given the area is established with residential uses, the use of the Recreational Vehicle (RV) as a Health Hardship Dwelling is also considered to be a residential use and the location of the RV confirms all required setbacks of the RR-2 zone can be adhered to, Staff concludes the proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone. Staff conclude this criterion has been met.

5. The proposed use will not have a detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.

Findings: Applicant states that there are no solar energy systems, wind energy conversion systems or wind mills in the area (Exhibit B). County records do not indicate that any such systems have been permitted in the area. Staff conclude that this criterion has been met.

6. The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

Findings: Review of Tillamook County records indicate there is an existing primary dwelling with an associated on-site sanitation system located on the subject property (Exhibit A). As stated earlier in this report, a Condition of Approval has been made to require the applicant/property owner provide documentation of the issuance of an Authorization Notice allowing the connection of the proposed Health Hardship dwelling to the existing septic system associated with the primary dwelling. A Condition of Approval has also been made to require verification of water supply via the existing well to ensure adequate water supply is available for the use of the Recreational Vehicle as a Health Hardship Dwelling.

Driveway and road access to the subject property is via an existing private easement that connects to Oregon State Highway 22 (Exhibit A) and the applicant/property owner will utilize the existing access easement for the Health Hardship Dwelling (Exhibit B).

The property is located within the Nestucca Rural Fire Protection District, the Oregon Department of Forestry for fire patrol, the Tillamook County Sheriff's Office and Oregon State Police as well as Tillamook People's Utility District (PUD). Staff find these are long-established services in the vicinity. As a Condition of Approval, an updated letter from the Nestucca Rural Fire Protection District confirming service is required at the time of consolidated zoning/building permit application submittal.

Staff find public services necessary to serve the Health Hardship Dwelling exist in this vicinity, and that this criterion has been met or can be met through the Conditions of Approval.

3. TCLUO Section 6.050: Health Hardship Provisions

1. The applicant can demonstrate that approval of the request would allow for the care of a seriously ill person in a manner that could not be achieved by any reasonable existing alternative.

Findings: Applicant/property owner has provided the required certification from Jennifer Rainey, PA-C MPH, confirming that the individual in need of the Health Hardship Dwelling requires attention and/or supervision insuring their personal safety and that their medical condition requires close proximity of someone who provides for their needs. Staff find that this criterion has been met.

2. The applicant has a medical doctor's written confirmation of a HEALTH HARDSHIP.

Findings: Applicant/property owner has submitted a Health Hardship Certificate. The Health Hardship Certificate states that the medical condition of the person requires close proximity of someone who can provide for their needs (Exhibit C). Based upon the findings above, Staff concludes this criterion is met.

3. The approval is for a length of time not to exceed 24 months, or the duration of the HEALTH HARDSHIP, whichever is less. The Director may extend an approval for additional 24-month periods if a written request for renewal is submitted by the applicant before expiration, and written reconfirmation of the HEALTH HARDSHIP is provided by a medical doctor.

Findings: Staff find the length of time for the Health Hardship shall not exceed 24 months, or the duration of the Health Hardship, whichever is less. Staff also find a Condition of Approval can be made requiring

written requests for renewal of the health hardship dwelling be submitted to the Department prior to expiration of this decision, and that written reconfirmation of the health hardship is provided by a medical doctor.

A Condition of Approval has been made to ensure the above criteria are met in the form of an Affidavit, included in 'Exhibit D'. The affidavit shall be notarized and recorded for the subject property, which addresses the approval duration for the health hardship dwelling.

Staff find that this criterion can be met through compliance with the Conditions of Approval.

As mentioned above, concerns about the use of the Recreational Vehicle (RV) as a Health Hardship Dwelling were received during the public comment period (Exhibit C). As summarized earlier in this report, the concerns raised are related to:

- Lack of proper use of on-site sanitation system for Recreational Vehicle (RV)
- Lack of garbage and trash management by residents of the property
- Applicant/owner requesting Health Hardship Dwelling does not reside on the property
- Dwelling is currently being rented out
- Question RV cannot be placed at an RV park where utilities are available, such as a sewage disposal system
- Allowance to extend approval for use of the Health Hardship for a period longer than 24 months seems excessive and permanent rather than temporary
- Use of property not in compliance with local zoning regulations with RV already occupied by inhabitants
- Concerns about the decline in property values of adjacent properties with use of an RV as a dwelling

To address concerns summarized above that are also applicable to the criteria contained in Article 6, Staff find that many of the concerns raised have been addressed in this report and are reflected in the Conditions of Approval. The criteria for a Health Hardship Dwelling require recording of the Affidavit and limit the duration of time the RV can be used as a Health Hardship Dwelling. These criteria do not limit the eligibility of a health hardship dwelling exclusively to applicants/property owners who also reside on the property. The use of a Recreational Vehicle (RV) as a Health Hardship Dwelling is a use permitted conditionally in the RR-2 zone and does not limit this use to a RV park.

The applicant/property owner has provided the necessary documentation from a medical professional to confirm the Health Hardship Dwelling is needed. Consistent with HIPPA law, this documentation is on file at the Department but is not included in 'Exhibit B' of this report.

IV. DECISION: APPROVED WITH CONDITIONS

Based on the findings shown above, Staff concludes that the applicant/property owner has satisfied the review criteria and can meet all applicable ordinance requirements at the time of application. Therefore, the Department approves Conditional Use request #851-24-000529-PLNG for the use of a Recreational Vehicle (RV) as a health hardship dwelling in the Rural Residential 2-Acre (RR-2) Zone, subject to the Conditions of Approval below.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. The forms and fees must be filed in the office of this Department before **4:00 PM on February 4, 2025.**

V. CONDITIONS OF APPROVAL:

Sections 6.070: COMPLIANCE WITH CONDITIONS, and 6.080: TIME LIMIT requires compliance with approved plans and conditions of this decision, and all other ordinance provisions. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall adhere to the development standards outlined in TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone.
3. This approval shall be void on January 23, 2027, or the duration of the Health Hardship, whichever is less, unless all conditions are met, or an extension of time is requested from, and approved by, this Department. The Director may extend approval for additional 24-month periods if the applicant submits a written request for renewal before expiration, and a medical doctor provides written reconfirmation of the Health Hardship.
4. The Recreational Vehicle (RV) utilized as the Health Hardship Dwelling shall be removed or converted into an allowable use when no longer needed for Health Hardship purposes within three (3) months after the end of the Health Hardship.
5. Applicant/property owner shall record the Health Hardship Affidavit, included in 'Exhibit D', to ensure compliance with siting, conversion and removal requirements for the temporary health hardship dwelling.
6. The applicant/property owner shall submit an updated fire service provider letter from the local fire district and water (well) availability letter from the Oregon Water Resources Department at the time of consolidated Zoning/Building Permit application submittal.
7. The applicant/property owner shall submit a copy of the approved Authorization Notice at time of the consolidated Zoning/Building Permit application submittal.
8. This approval shall be void on January 23, 2025, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

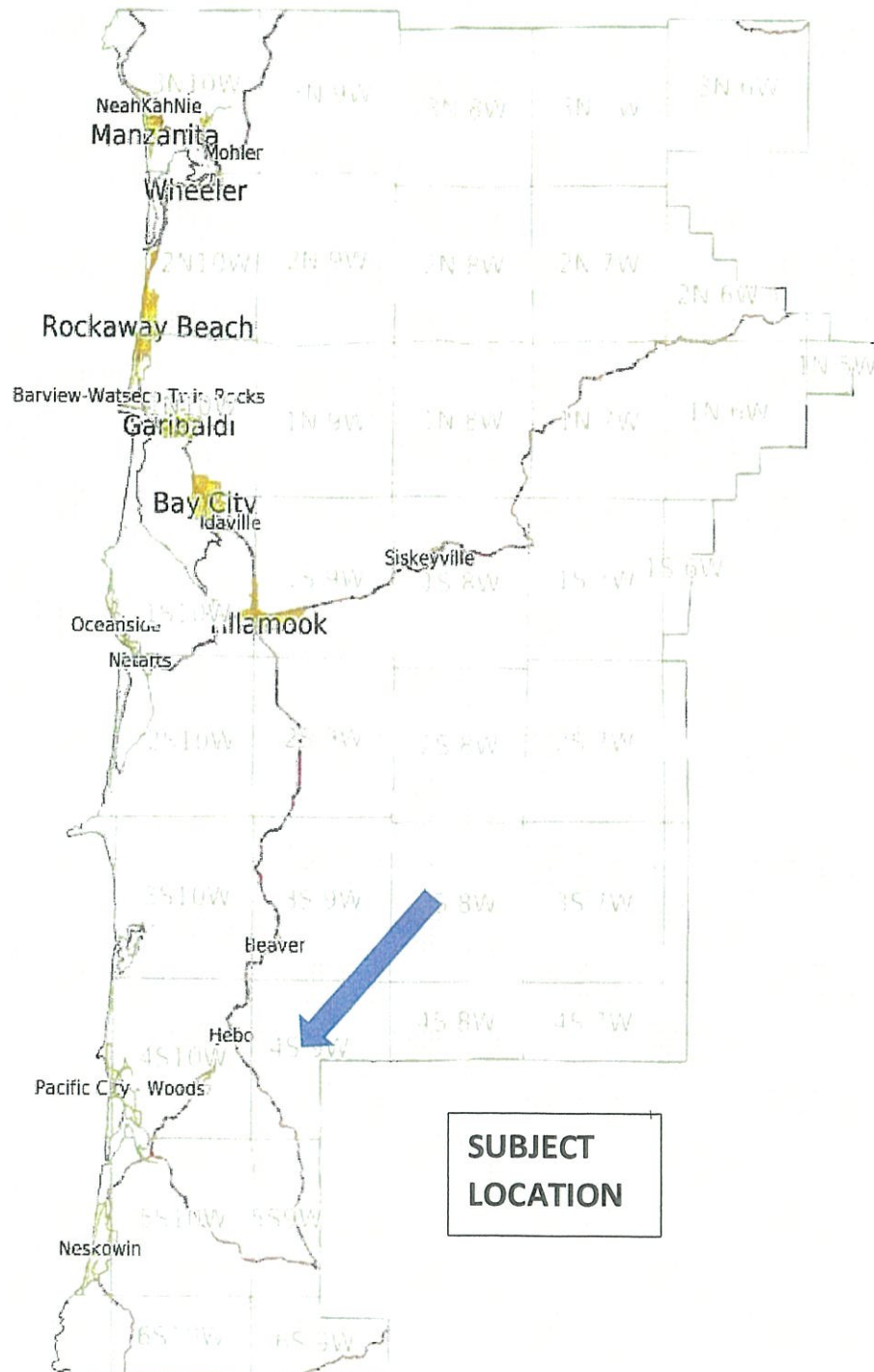
VI. EXHIBITS

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

- A. Location map, Assessor map, Zoning map, Assessor's Summary Report, DOGAMI map, FEMA FIRM, SWI Wetlands map
- B. Applicants' submittal
- C. Public Comments
- D. Health Hardship Affidavit

EXHIBIT A

VICINITY MAP



#851-24-000529-PLNG:
PHILLIPS HEALTH HARDSHIP DWELLING

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 19 T.4S. R.9W. W.M.
TILLAMOOK COUNTY

04S09W19

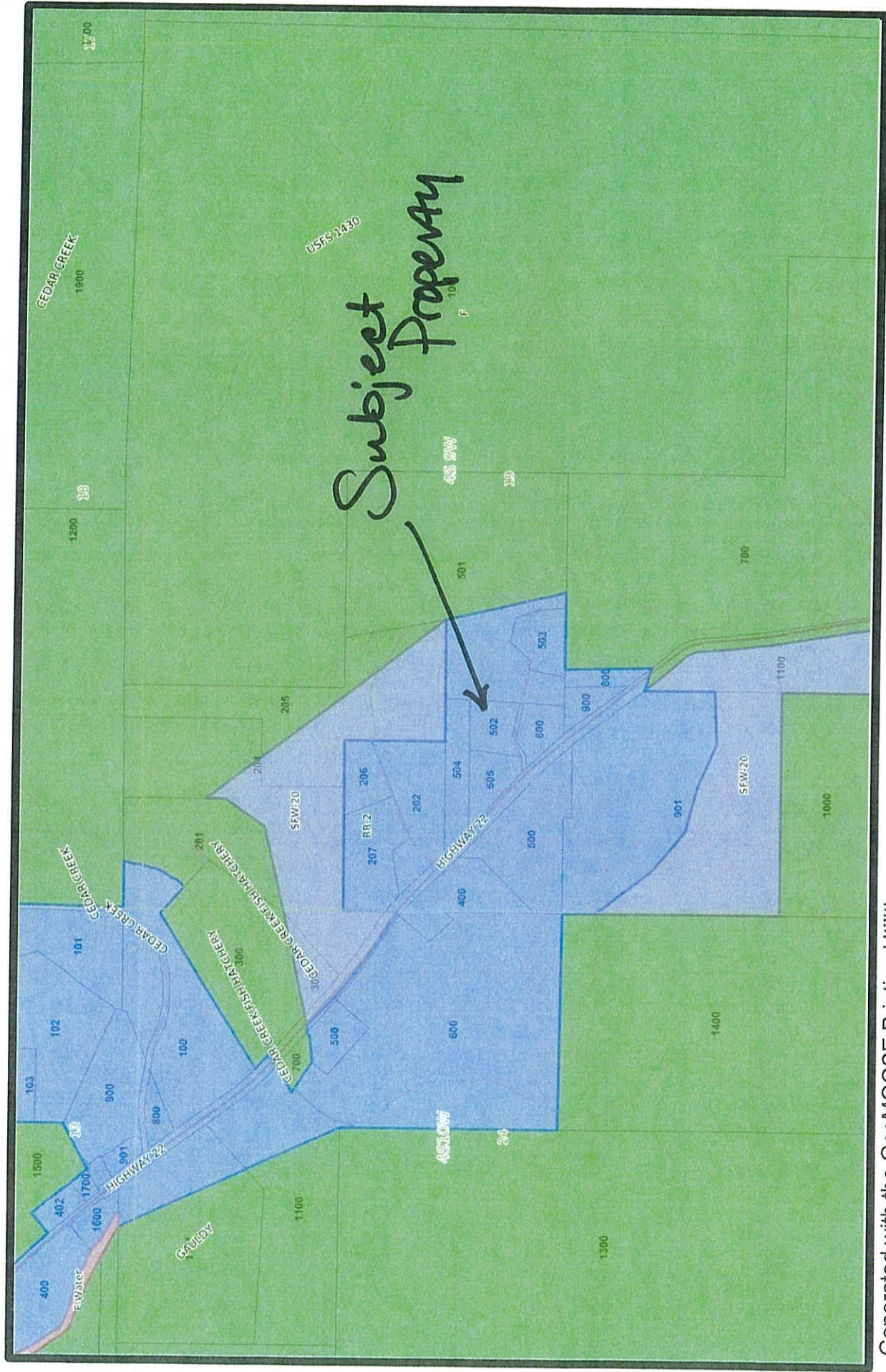
CANCELLED
200
203
401

SEE MAP 4S 9W



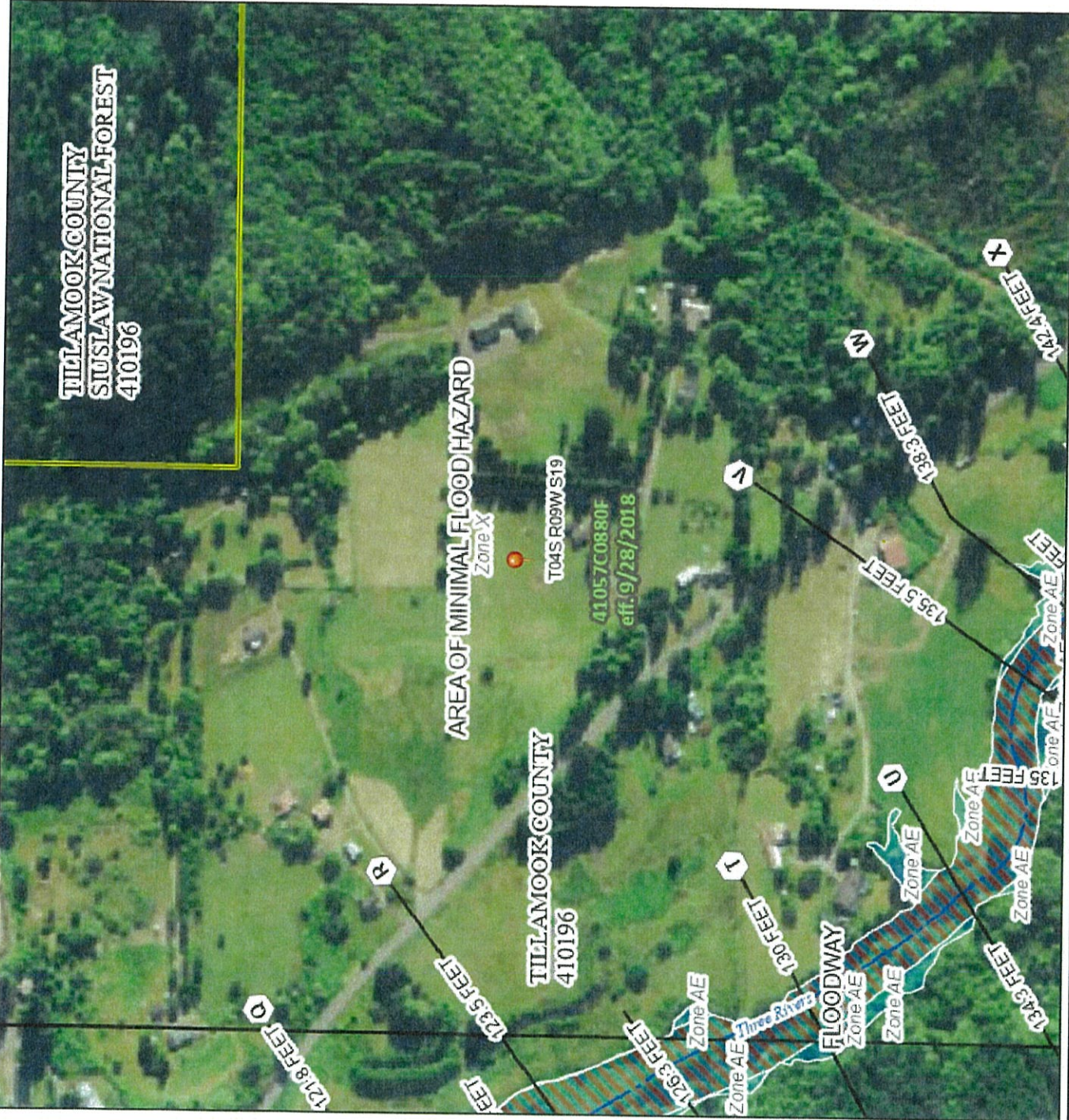
Map

MOOSEMAPPING



National Flood Hazard Layer FIRMette

123°50'46"W 45°12'50"N



Basemap Imagery Source: USGS National Map 2023

Legend

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

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, 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

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES

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

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

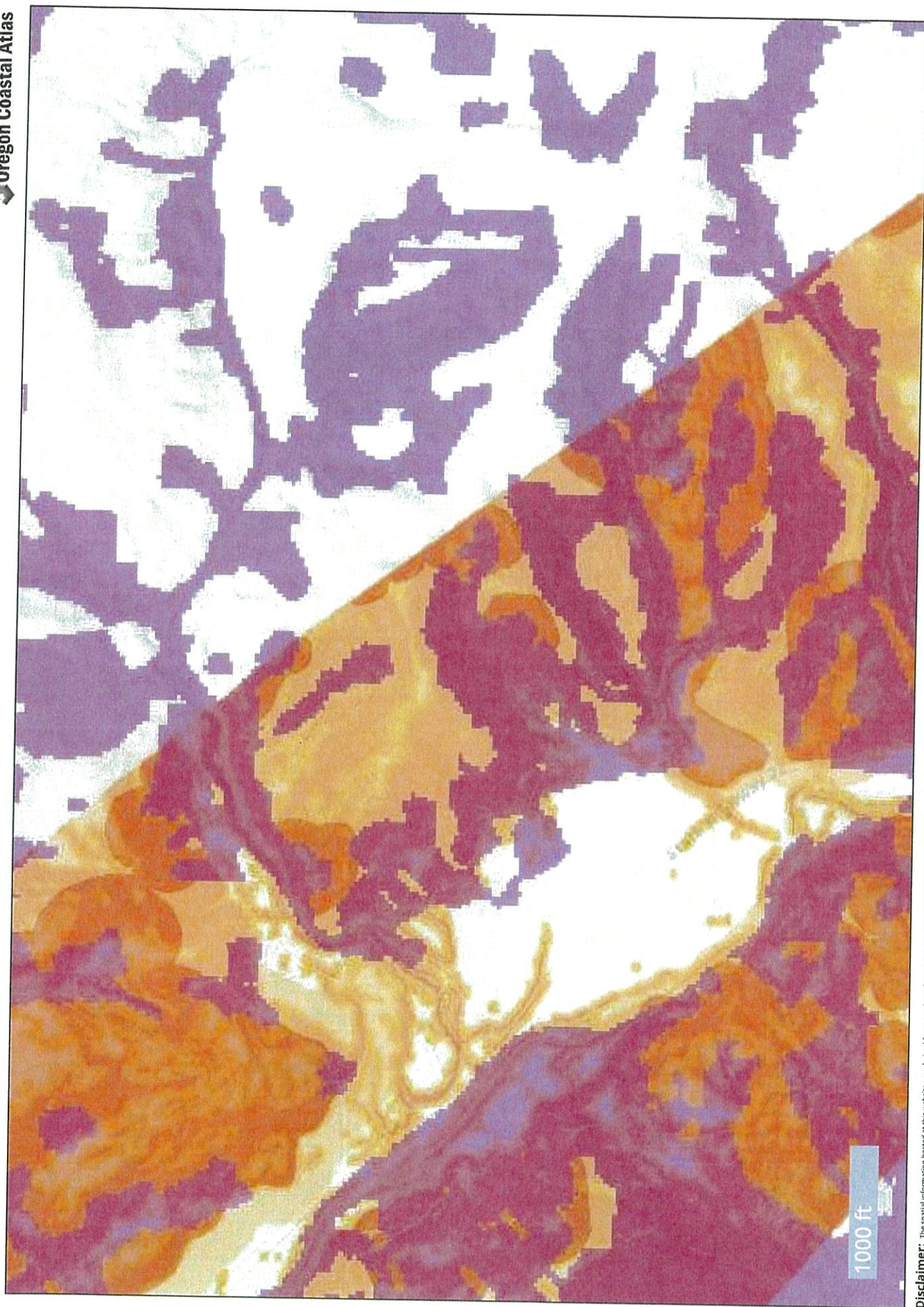


The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/20/2024 at 1:37 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.

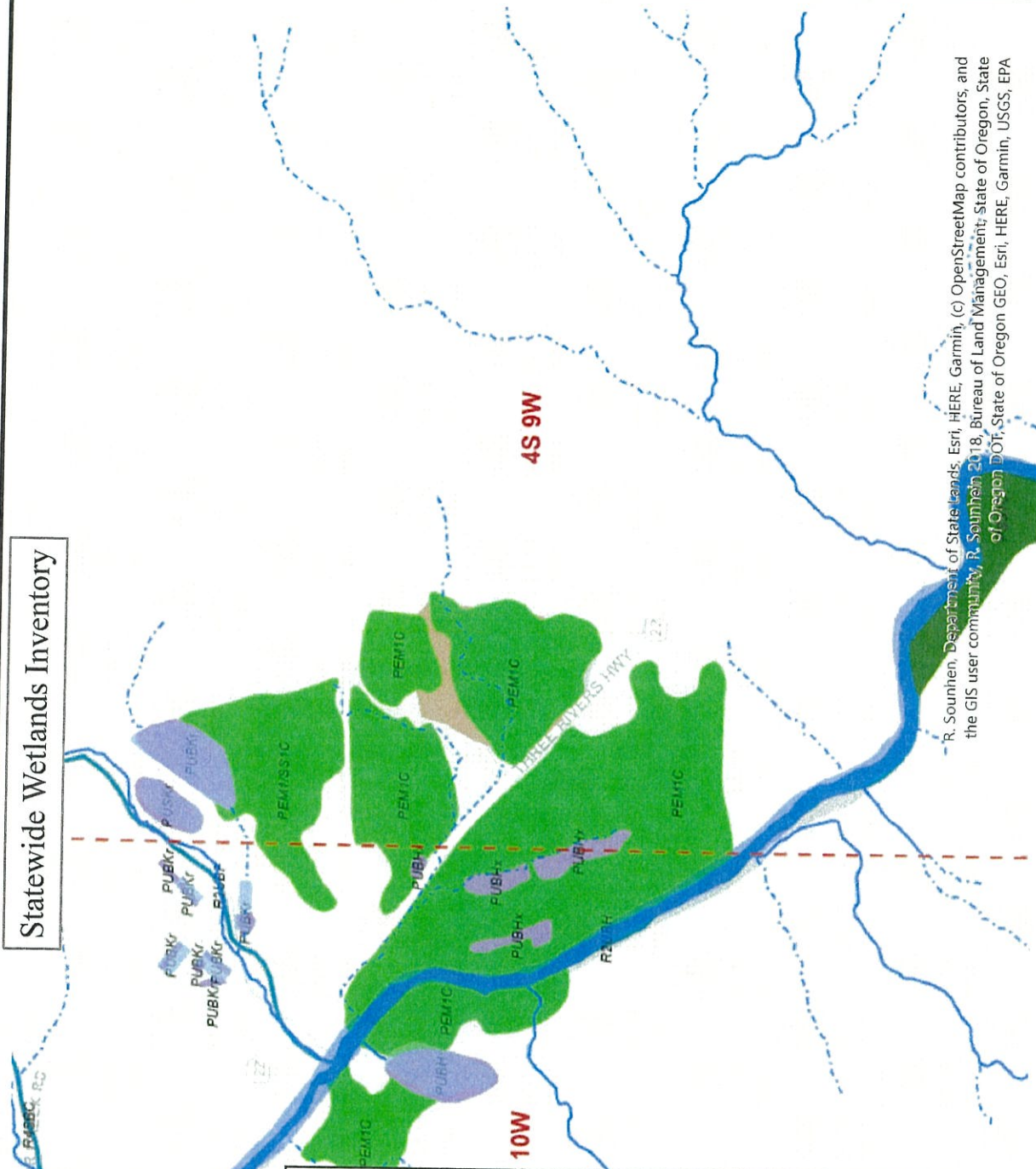
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



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.

Printed 1 / 21 / 2025

Statewide Wetlands Inventory



Oregon Scenic Waterway - Water Courses
 Townships
 LWI Study Area
 BASEDAT.DBO.NHDIWaterbody
 BASEDAT.DBO.NHDIArea
BASEDAT.DBO.NHDIFlowline
 Perennial
 Intermittent
 Ephemeral
 Unknown
 Canal/Ditch
 Canal/Ditch
 Canal/Ditch
 BASEDAT.DBO.NHDIPoint
Wetlands
 Estuarine and Marine Deepwater
 Estuarine and Marine Wetland
 Freshwater Emergent Wetland
 Freshwater Forested/Shrub Wetland
 Freshwater Pond
 Lake
 Riverine
 SWI Agate-Wino Soils
 SWI Predominantly Hydric Soil Map Units

R. Sounhen, Department of State Lands, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, R. Sounhen 2018, Bureau of Land Management; State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri, HERE, Garmin, USGS, EPA

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, the data is the best available. An investigation by a wetland professional can verify actual field conditions.

Tillamook County
2024 Real Property Assessment Report
Account 393912

Map 4S09190000502
Code - Tax ID 1301 - 393912

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr PARTITION PLAT 2021-01
Lot - PARCEL 3

Mailing PHILLIPS, TERRY L
PO BOX 1002
TILLAMOOK OR 97141

Deed Reference # 2021-1007
Sales Date/Price 02-02-2021 / \$0
Appraiser RANDY WILSON

Property Class 409 MA SA NH
RMV Class 409 06 AC 602

Site	Situs Address	City
1	33805 HWY 22	COUNTY

		Value Summary			
Code Area		RMV	MAV	AV	RMV Exception CPR %
1301	Land	147,080		Land	0
	Impr	61,660		Impr	0
Code Area Total		208,740	116,630	116,630	0
Grand Total		208,740	116,630	116,630	0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
1301					LANDSCAPE - FAIR	100			500
	1	<input checked="" type="checkbox"/>		RR-2	Market	96	2.02 AC	MKT	128,580
					OSD - AVERAGE	100			18,000
Code Area Total							2.02 AC		147,080

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
1301	1	1994	910	M S Other Improvements	102	0			11,470
	2	1994	952	Class 5, Double Wide	118	1,080		R-394653	50,190
Code Area Total						1,080			61,660

Exemptions / Special Assessments / Notations				
Code Area 1301				
Special Assessments		Amount		Year Used
■	SOLID WASTE	12.00		2024
Fire Patrol		Amount	Acres	Year
■	FIRE PATROL SURCHARGE	47.50		2024
■	FIRE PATROL NORTHWEST	18.75	2.02	2024

MS Accounts 1301 - R-394653

Tillamook County
2024 Real Property Assessment Report
Account 393912

Comments

10/29/08 Entered inventory and tabled values. dv.
02/12/09 Disqualified 6.00 acres from designated forestland, posted add'l tax.LM
04/24/09 Qualified 6.00 for Non-EFU-rollover from Desig. Forest, moved 2.00 acres to code 13.00.LM
10/22/10 Reappraisal. Updated inventory and tabled values. gb
04/18/14 Disqualified 6 acres from Non-EFU program for no longer in use. Posted PAT, brought land to market and applied exception for disqualified acreage. EJ.
03/20/17 Reappraised land; tabled values. Updated size per GIS calculations. RBB
03/02/2020 Removed PAT and posted farmland back taxes per owner request. HT
2/24/2021 Subject parcel partitioned into two additional lots (#504 & #505) after 1/1/21. Apportioned values for current year and valued on new size. RCW
3/29/22 Reset MAV after prior year partition. LM

EXHIBIT B



PLANNING APPLICATION

Applicant ☐ (Check Box if Same as Property Owner)

Name: TERRY PHILLIPS Phone: 503 812 9352
Address: 33805 Hwy 22
City: HEBO State: OR Zip: 97122
Email: SAME AS BELOW

Property Owner

Name: TERRY PHILLIPS Phone: 503 812 9352
Address: PO Box 1002
City: TILLAMOOK State: OR Zip: 97141
Email: TERRY @ LANDSCAPE TILLAMOOK.COM

Request: ALLOW FOR PLACEMENT OF GRAVEL DRAINAGE
TEMPORARILY AS A MEDICAL WARDSHIP

OFFICE USE ONLY	
Date Stamp	<u>OCT 15 2024</u>
<u>[Signature]</u>	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	<u>SKA</u>
Receipt #:	<u>139986</u>
Fees:	<u>387.45</u>
Permit No:	<u>851-24-000529-PLNG</u>

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
- ☐ Foreland Grading Permit Review
- ☐ Neskowin Coastal Hazards Area

Type III

- ☐ Detailed Hazard Report
- ☐ Conditional Use (As deemed by Director)
- ☐ Ordinance Amendment
- ☐ Map Amendment
- ☐ Goal Exception
- ☐ Nonconforming Review (As deemed by Director)
- ☐ Variance (As deemed by Director)

Type IV

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

Location:

Site Address: 33805 Hwy 22

Map Number: 45 9

Township

Range

19

Section

502

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.

[Signature]
Property Owner Signature (Required)

10-15-24
Date

Applicant Signature

Date

Review criteria

1 - yes

2 - yes

3.- Property is 2.02 acres. Plenty of room for R.V. No wet lands. Using existing septic system.

4.- R.V. will not interfere with any neighboring property or services or right-of-ways.

5 - no

6 - yes

Terry Phillips ; Tiffany Phillips

1:09



33803

27'

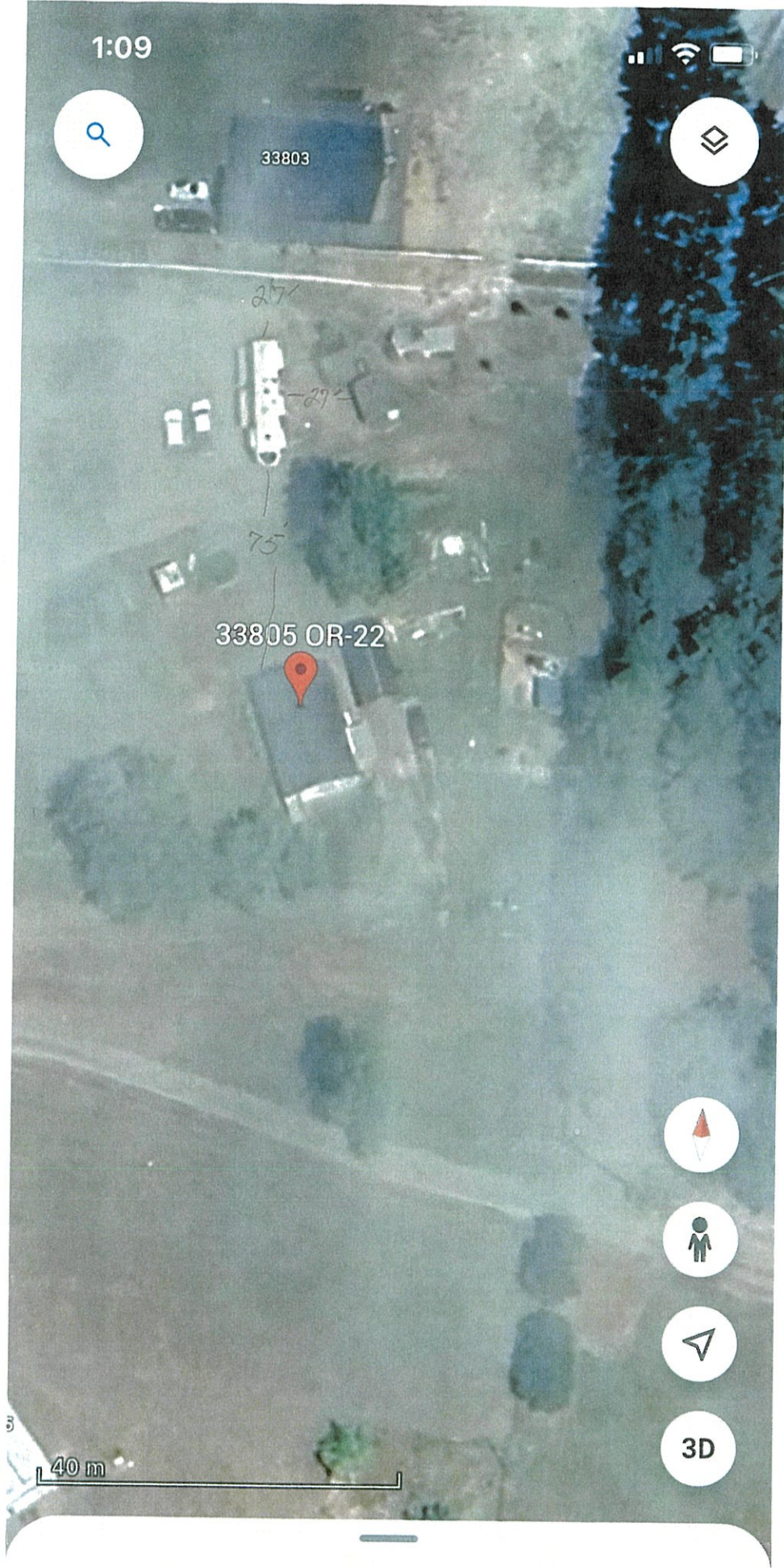
27'

75'

33805 OR-22



40 m



879.42'

5.37' (5.41')

259.67'

S 89°59'31" E 930.29' (N 89°51'24" W 930.28')

PARCEL 1

±2.94 AC

471.91'

N 89°59'31" W 771.91'

300.00'

121.33'

25' ACCESS AND UTILITY EASEMENT

PARCEL 2

±2.08 AC

TO MON N 45°37'35" W 471.68' (60')

150.00' (S 02°54'39" W 723.54')

306.89' (306.89')

38°25'30" 30.23'

82'

178'

APPROX. DRAIN FIELD

PARCEL 3

2.02 AC

N 77°26'30" W 232.68' (N 77°20'24" W 232.68')

28.37' (28.37')

117.45'

S 86°30'35" W 93.97' (S 86°47'42" W 93.97')

55°40'17" W (117.45')

25' BOX OF THE EASEMENT 25' MON

25' MON

25' MON

25' MON

EXHIBIT C

To Sarah Absher,

RECEIVED
JUL 10 2024
TILLAMOOK COUNTY
CLERK OF COUNTY
JUL 10 2024

This letter is in response to Conditional Use Review Request #851-24-000529-PLNG: Phillips Health Hardship Dwelling. This dwelling was unlawfully placed in the summer of 2024. Per Tillamook County Land Use Ordinance Article V Section 5.010: An application for recreational vehicle placement shall be obtained from, and approved by, the Department **prior to the placement of a recreational vehicle** on any lot within the County's jurisdiction. Plans showing the proposed location of the unit shall accompany the application. No permit shall be considered approved until **compliance with all applicable sanitation, building, planning, and public works requirements can be demonstrated**, and such demonstration is acknowledged by the signatures of appropriate County officials.

I and my husband, Cliff Nunn, are concerned about this situation for several reasons and oppose the placement of this RV. Our major objections are:

We have witnessed the occupant transporting and emptying the sewage in a cleanout valve at the manufactured home on this property. Per Article V, the use of an RV as a temporary dwelling is subject to the approval of a sewage disposal system by the County Sanitarian. This was not included in the review material you sent out so I would like to request a copy of that approval. Obviously, this is not a healthy way to dispose of waste and is not appreciated by neighbors. Electrical hookups also require compliance and I would like a copy of that approval, too. Safety is a major concern and this could be a fire hazard.

In addition to the RV, a covered storage tent has been erected very close to the boundary fence on my property. Items are laying loose along the fence and we constantly pick up trash along our driveway from this property. We own the driveway and an easement allows access/egress to this property. The intent of that easement agreement is for the Single Family Dwelling on the original deed. We did not give permission for a second residence to use our driveway and this extra traffic compounds wear and tear of the driveway and the maintenance that we have to do to fill pot holes.

Per Article VI, Section 6.050: The Health Hardship is for the care of a seriously ill person in a manner that could not be achieved by any **reasonable existing alternative**. The applicant, Terry Phillips, does not reside on this property and it is not clear what relationship there is with the occupants of the RV. I would like to know what other reasonable alternatives were explored prior to unauthorized placement on this specific property. The manufactured home is rented out and I assume this RV is renting space. Therefore, why isn't the RV placed at an RV Park where utilities are available and proper sewage disposal exists? The duration of this use is not to exceed 24 months; however, the Director may extend approval for additional 24 months. This seems excessive and more like a permanent placement, rather than temporary, considering there are no dedicated hookups for this RV.

Per Article I SECTION 1.020: The purposes of this Ordinance are to encourage the orderly development of land in the County; to promote **appropriate uses of land**; to **preserve and stabilize the value of property**; to aid in the provision of fire and police protection; to preserve access to adequate light and air; to minimize traffic congestion; to **prevent undue concentration of population**; to facilitate the provision of community services such as water supply and sewage treatment; to encourage the conservation of non-renewable energy resources and provide for the use of renewable energy resources; to **protect and enhance the appearance of the landscape**; and in general to protect and **promote the public health, safety, convenience and general welfare**. Per this, we do not feel the property owners in this area are being considered by the County when adjoining properties not only violate the Land Use

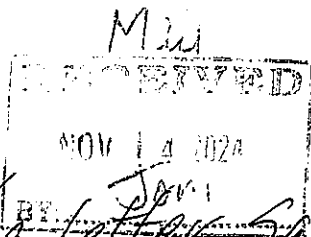
Ordinance but suffer no consequences or penalties for doing so. My Real Property Tax Statement received for the year indicated my Real Market Value declined while my Accessed Value increased resulting in a higher tax bill. My property value will not increase or even remain stable with adjoining properties becoming trashy rentals that violate the County rules and laws. We ask that you please consider the surrounding tax paying citizens before allowing this RV to remain illegally. Please help us keep our community clean, safe and beautiful.

Regards,

Cheryl Duke and Cliff Nunn

33835 Highway 22, Hebo

520-729-0882



Department of Community Development
1510-B Third St
Tillamook Oregon 97141

I received a letter saying my neighbor
has split his 2 acre parcel into two
houses, And a hardship was involved.

looks like that it required a lot
of money to set up a place for
fast two years, Why is this
allowed when the county has other
restrictions. I don't care its
not my life that are affecting
its the next generation. Don't
change the rules fast for profit.

W. Green

EXHIBIT D

INSTRUCTIONS FOR FILING A HEALTH HARDSHIP DWELLING AFFIDAVIT

1. The acknowledgment is required when the County permits a Health Hardship dwelling.
 2. The attached affidavit/covenant must be filled out (typewritten), showing the name(s) of the current property owner(s) and/or legally designated representatives 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.
 3. 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. This can be obtained through the Tillamook County Clerk's office.
 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.** The recorded document **MUST** include the legal description. If the affidavit/covenant was filed without a legal description, DCD can require the applicant/owner to re-file.
 6. If you have any questions about the affidavit/covenant, or the recording procedure, please contact the DCD- Planning Staff at (503)842-3408.
- *It is the applicant/owners responsibility to obtain the legal description for the property and to contact DCD if they have concerns with how to fill out the form. DCD is not required to be notary on the document, but is provided as a convenience.

STATE OF OREGON
COUNTY OF TILLAMOOK

HEALTH HARDSHIP AFFIDAVIT

I certify that the placement of a health hardship dwelling located on Tax lot _____ of Section _____ in Township _____, Range _____ West of the Willamette Meridian within Tillamook County, Oregon, is temporary in nature and will be removed or converted to an allowable use by _____ if a Conditional Use for a Health Hardship and Placement Permit is not approved prior to that date. I certify that this structure will not be occupied prior to having a placement permit approval issued by Tillamook County Department of Community Development and that all requirements of federal, state and local law will be met in relation to the placement of the health hardship dwelling. I certify that if the Conditional Use is approved the health hardship dwelling will be removed or converted to an allowable use when the Conditions of Approval of the Health Hardship Conditional Use are no longer met.

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

_____, 20 _____,

Property Owner _____

Property Owner _____

Applicant _____

Applicant _____

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: _____