



Land of Cheese, Trees and Ocean Breeze

VARIANCE #851-25-000058-PLNG DADKHO REAR YARD SETBACK

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

July 31, 2025

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED** the above-cited Variance Request on July 31, 2025. This Variance has been approved to reduce the rear yard setback to 10 feet for conversion of an existing accessory structure to a dwelling.

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.tillamookcounty.gov/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 August 12, 2025**.

Request: Variance request to reduce the 20-foot rear yard setback to 10-feet, to allow for the conversion of an existing accessory structure to a dwelling (Exhibit B).

Location: The subject property is in the unincorporated area of Tierra Del Mar, addressed 5600 Jasmine Avenue, a County road, and designated as Tax Lot 2708 of Section 6BC, Township 4 South, Range 10 West, Willamette Meridian, Tillamook County, Oregon (Exhibit A).

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

**Applicant &
Property Owner:** Farhad Dadkho, 26411 NE 52nd Avenue, Vancouver, WA 98682

CONDITIONS OF APPROVAL

Section 8.060: COMPLIANCE WITH CONDITIONS, and 8.070: TIME LIMIT requires compliance with approved plans and Conditions of this decision, and all other ordinance provisions, and allows 24 months for compliance with Conditions and start of construction. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall obtain all applicable on-site sanitation permits from the Department of Community Development prior to Consolidated Zoning and Building Permit application submittal.
3. The applicant/property owner shall obtain an approved consolidated Building and Zoning Permit from the Tillamook County Department of Community Development.
4. Variance approval is for a ten (10) foot rear yard setback. Development of the property shall otherwise adhere to applicable development standards in TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) zone.
5. The applicant/property owner shall submit a site plan, drawn to scale, demonstrating all required yard setbacks, including the 10-foot rear yard setback, are met. at the time of consolidated Building and Zoning Permit application submittal. The site plan shall accurately depict the location and dimensions of required parking spaces and shall demonstrate conformance with the applicable standards of TCLUO Section 4.030: Off-Street Parking and Off-Street Loading Requirements. A minimum of two (2) 8-foot by 20-foot parking spaces are required for the dwelling.
6. The applicant/property owner shall submit updated service provided letters from the Nestucca Rural Fire Protection District and Tierra Del Mar Water Company at the time of consolidated Building and Zoning Permit application submittal.
7. The applicant/property owner shall submit a copy of an approved road approach from the Tillamook County Public Works Department at the time of consolidated Building and Zoning Permit application submittal.
8. Development of the subject property shall be done in accordance with the applicable requirements of the Beach and Dune Overlay (BD) Zone, outlined in TCLUO Section 3.530, including obtaining a Dune Area Development Permit prior to commencement of development activities when a permit is required.
9. This approval shall be void on July 31, 2027, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department plans has begun, or an extension is requested from, and approved by this Department.

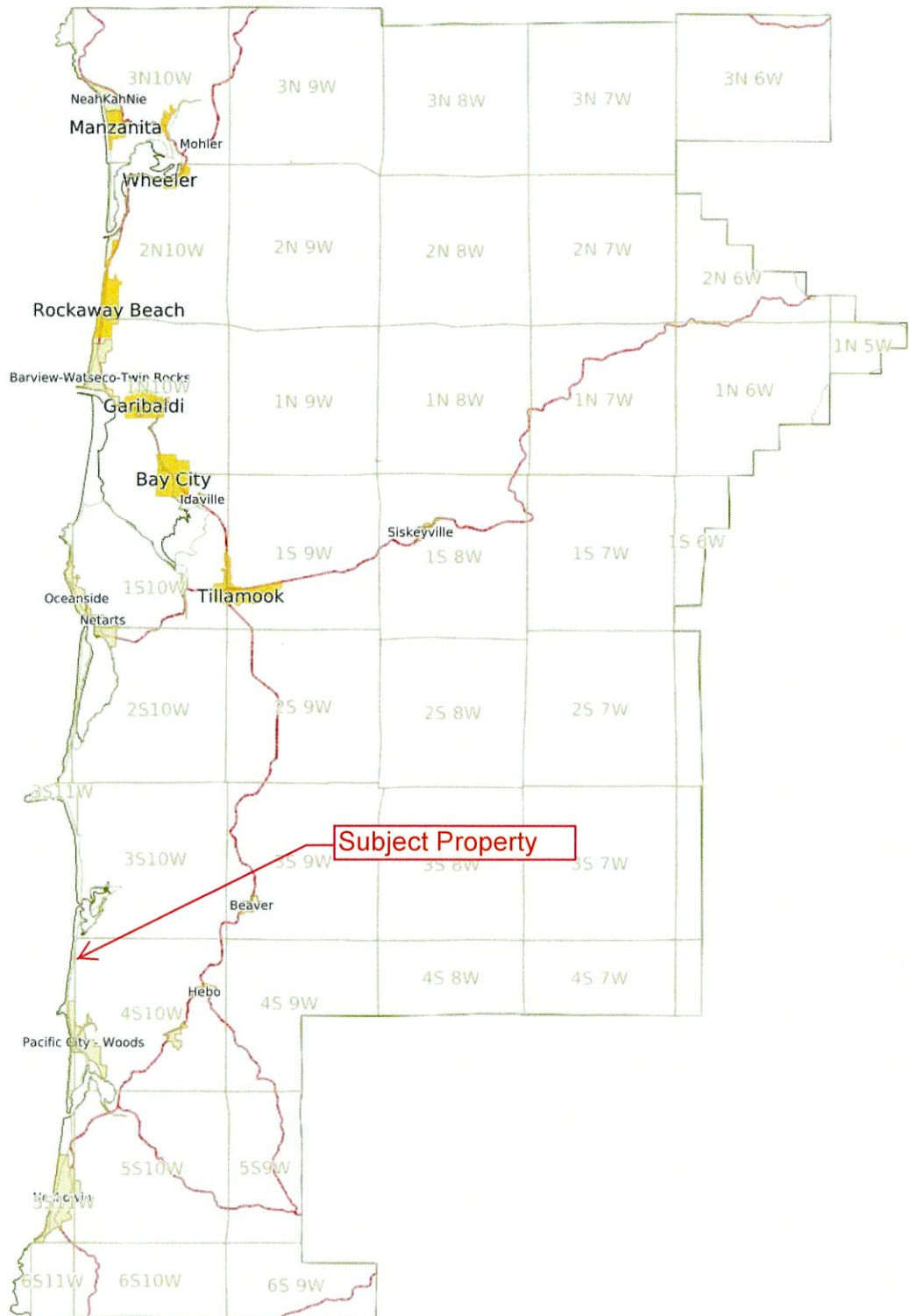
Sincerely,



Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor & Zoning Maps

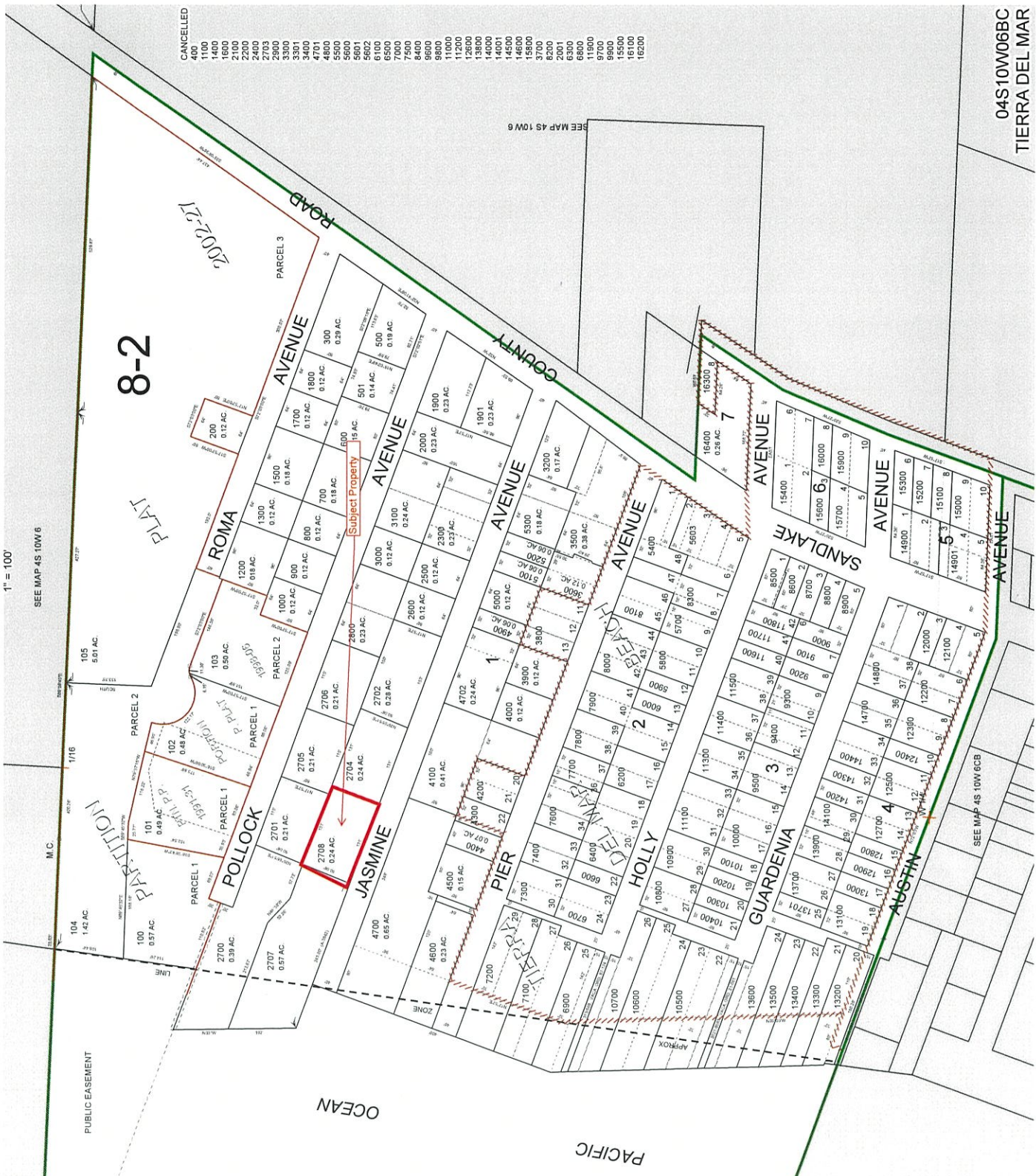
Vicinity Map



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

S.W.1/4 N.W.1/4 SEC.6 T.4S. R.10W. W.M.
TILLAMOOK COUNTY

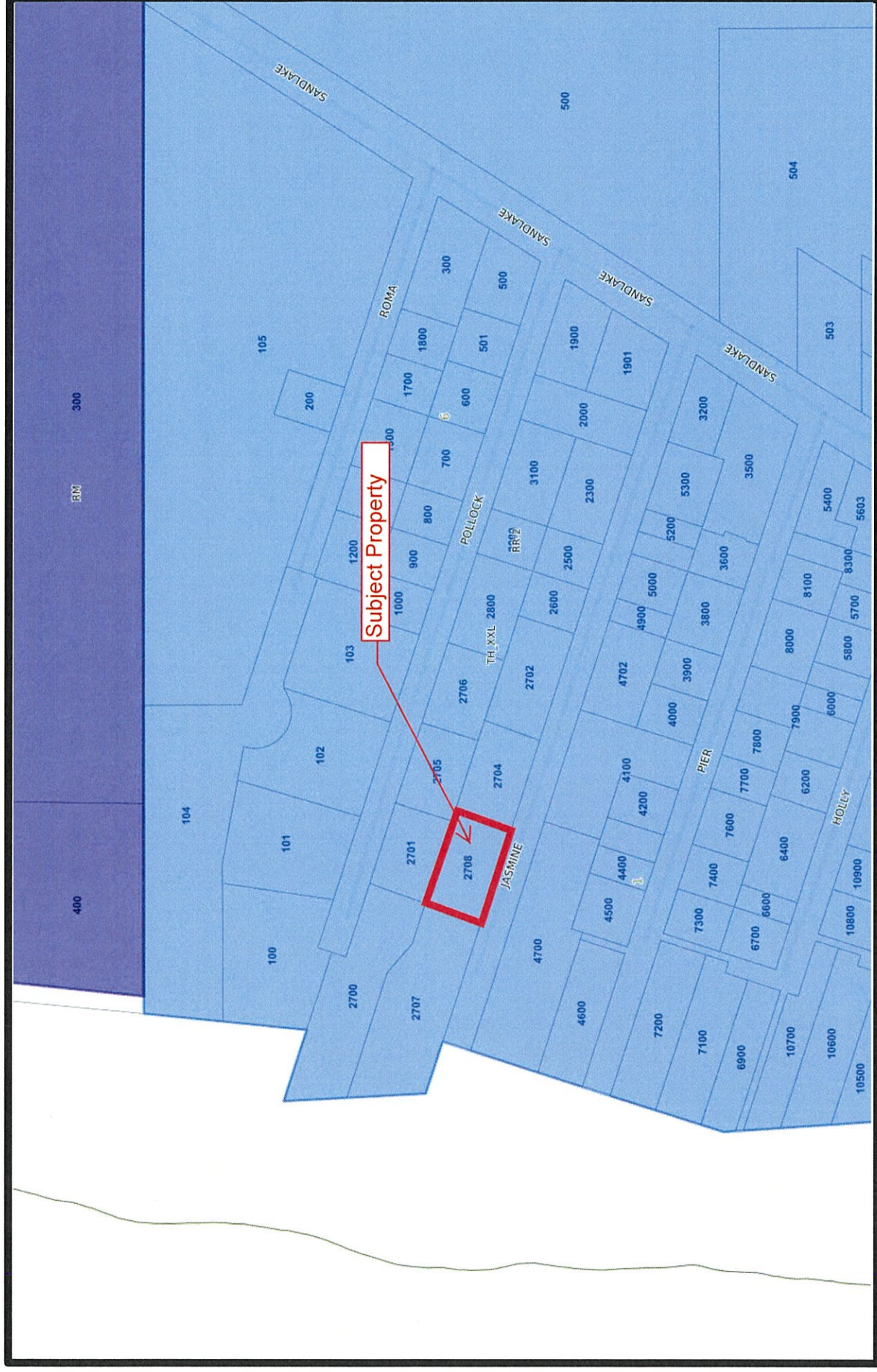
04S10W06BC
TIERRA DEL MAR



04S10W06BC
TIERRA DEL MAR

Revised 12/05/24, WS

Zoning Map





Land of Cheese, Trees and Ocean Breeze

**VARIANCE #851-25-000058-PLNG
DADKHO REAR YARD SETBACK**

ADMINISTRATIVE DECISION AND STAFF REPORT

DECISION: APPROVED WITH CONDITIONS

Decision Date: July 31, 2025

REPORT PREPARED BY: Sarah Absher, CFM, Director

I. GENERAL INFORMATION:

Request: Variance request to reduce the 20-foot rear yard setback to 10-feet, to allow for the conversion of an existing accessory structure to a dwelling (Exhibit B).

Location: The subject property is in the unincorporated area of Tierra Del Mar, addressed 5600 Jasmine Avenue, a County road, and designated as Tax Lot 2708 of Section 6BC, Township 4 South, Range 10 West, Willamette Meridian, Tillamook County, Oregon (Exhibit A).

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

Applicant &

Property Owner: Farhad Dadkho, 26411 NE 52nd Avenue, Vancouver, WA 98682

Description of Site and Vicinity: The subject property is approximately 0.24 acres, is located on the western end of Jasmine Avenue, a County road, and is located behind the backslope of the foredune. The subject property is relatively flat, improved with an accessory structure and an onsite wastewater treatment system, and is generally vegetated with grass and trees (Exhibit A). The subject property is rectangular in shape and abuts Jasmine Avenue to the south (Exhibit A).

The surrounding properties are also zoned Rural Residential 2-Acre (RR-2) (Exhibit A). The area generally consists of single-family residential development (Exhibit A). The property is within a few hundred feet of the beach and Pacific Ocean.

No riparian features or wetlands are mapped on the subject property. The subject property is in Flood Zone "X", areas of minimal flooding, according to FEMA FIRM 41057C0715F dated September 28, 2018, and is not in a Special Flood Hazard Area (Exhibit A).

The subject property is located on a younger stabilized dune as reflected in the Oregon Department of Geology and Mineral Industries (DOGAMI) Open File Report O-20-13 and is within the Beach and Dune Overlay (BD) Zone (Exhibit A). While no development is proposed at the time of this Variance request, a Condition of Approval has been made to ensure future development adheres to the applicable standards of the Beach and Dune Overlay (BD) Zone, TCLUO Section 3.530, including obtaining a Dune Area Development Permit for development when required by this section.

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

The request 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 (RR-2) Zone
- B. Article VIII: Variance Procedures and Criteria (including Section 4.005: Residential and Commercial Zone Standards)

III. ANALYSIS:

A. TCLUO Section 3.010: Rural Residential 2-acre (RR-2) Zones

(2) USES PERMITTED OUTRIGHT: In the RR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.

(a) Single-family dwelling.

Findings: Staff find that the proposed single-family dwelling is a use permitted outright in the underlying zone. *Section 3.010(2)(a) 'Uses Permitted Outright' lists single-family dwellings as a use permitted outright.* The applicant is requesting to reduce the required 15-foot street side yard setback to 5-feet to allow for the placement of a single-family dwelling.

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.

(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.

Findings: Applicant is requesting relief to the required 20-foot rear yard setback to allow the conversion of an existing accessory structure to a dwelling (Exhibit B). The structure currently maintains a 10-foot rear yard setback and does not meet the required 20-foot rear yard setback requirement of the Rural Residential 2-Acre (RR-2) Zone.

Staff find the requested variance and relief to application of the required 20-foot rear yard setback may be permitted to allow the conversion of the accessory structure to a dwelling only if the criteria of TCLUO Article 8 are met. The requirements of TCLUO Article 8, 'Variance Procedures and Criteria' are addressed below.

B. TCLUO 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. Article IV, Section 4.005 lists the purposes of the land use standards in each of the residential and commercial zones.

Section 8.020 requires notification of the request 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: A notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on May 30, 2025. Comments received are included in 'Exhibit C'. Comments include statements of opposition and an email from the Tillamook County Public Works confirming there are no concerns with the Variance request.

Comments of opposition focus on concerns of the structure, if converted to a dwelling, being utilized as a rental property in the future, and concerns of impacts to neighboring properties if the dwelling were to obtain a short-term rental license. The County's short-term rental licensing program is a separate program, and licensing requirements are not factored into or considered as part of a land use request. General concerns related to adequacy of open space, light, air, separation of incompatible land uses, and maintenance of privacy for occupants and residences are addressed later in the report.

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: The Applicant's narrative and criterion response outlines the circumstances under which this Variance is requested (Exhibit B). Applicant acknowledges that the structure was permitted as an accessory structure in 1990, and the permit applied for as only "garage and storage". Given the structure was limited in use to a garage and storage, the setback provisions of TCLUO Section 4.110 could be applied, allowing for a lesser rear yard setback than the required 20-foot setback outlined in the Rural Residential 2-Acre

(RR-2) Zone. The Applicant acquired the property late 2024, where it was not disclosed at the time of sale that the accessory structure had been converted to a dwelling unit without zoning and building permit approval (Exhibit B). The Applicant states the property was marketed as a dwelling and has been utilized for residential purposes for 30+ years (Exhibit B).

Applicant also states the placement of a dwelling on a property zoned Rural Residential 2-Acre (RR-2) is a substantial property right enjoyed by many in the vicinity.

The Applicant is requesting relief to the 20-foot rear yard setback to lawfully permit the existing accessory structure as a dwelling, following the unpermitted conversion of this accessory structure to a dwelling unit. Staff performed a GIS analysis of the vicinity to identify other properties of similar size and shape where the rear yard setback of a residential structure (dwelling) is less than 20-feet.

The properties identified in the table below are also greater than 7500 square feet like the subject property and cannot apply for the setback exemptions outlined in TCLUO Section 4.110. Utilizing GIS, it was also identified that the siting of residential structures on several properties within the vicinity does not meet the required setbacks of the RR-2 Zone, both those of similar size and shape of the subject property and those of lesser size. These residential structures would not otherwise be able to be sited on a property as they exist today without Variance relief to the RR-2 Zone setback standards.

Map	Tax Lot	Map	Tax Lot
4S10 6BC	2701	4S10 6BC	4700
4S10 6BC	2800	4S10 6CB	9900
4S10 6BC	7900	4S10 6CB	5200
4S10 6BC	5300	4S10 6CB	4701

GIS imagery is a tool and the maps included in “Exhibit A” provide a depiction of the vicinity and the location of residential structures on RR-2 zoned properties. The visual depiction highlights non-compliant setbacks on several properties in this vicinity.

Staff find that the siting of a dwelling in a manner that does not meet the prescriptive setback requirements of the RR-2 zone is a property right enjoyed by many landowners in the vicinity and based upon the Applicant’s response, the circumstances of the unpermitted conversion of the accessory structure to a dwelling are not self-created by the Applicant.

This criterion is met.

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

Findings: Single-family dwellings are an outright use allowed in the Rural Residential 2-Acre (RR-2) Zone; this use is consistent with surrounding properties.

This criterion is 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.*

Findings: Analysis of TCLUO Section 4.005 follows in a subsequent section.

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

Findings: The Applicant states the only alternative is the full teardown and destruction of the existing structure so a dwelling can be built in compliance with the setbacks of the RR-2 Zone, or construct a new dwelling and remove the dwelling features from the existing structure- both of which are wasteful, would cause significant construction-related disruption to neighbors and are not reasonable (Exhibit B). With these comments, the Applicant acknowledges TCLUO Section 8.010 which refers to the “economic use” of the property, stating that strict application of standards would cause an undue or unnecessary hardship by rendering the parcel incapable of reasonable economic use.

In addition to the Applicant’s findings above, Staff find the following:

- The property is zoned Rural Residential 2-Acre (RR-2), and a residential structure (dwelling) is a use permitted outright in this zone.
- The subject property is roughly 130-feet wide by 80-feet deep.
- The western region of the subject property is improved with the existing structure. The building footprint of the existing structure is roughly 26-feet deep by 40-feet wide.
- An area for an onsite sanitation system must be reserved on the subject property for any future development opportunity. At a minimum, an area roughly 600 square feet in size is required for a new drainfield and repair area, which must be located within the eastern region of the subject property due to the location of existing improvements in the western region of the subject property. The 600 square foot area does not include additional area needed for a septic tank, adherence to setbacks from structures to onsite wastewater treatment system improvements or other improvements that may be necessary to serve the subject property.
- If the existing structure was demolished, this western region of the property would not be suitable for the drainfield and repair area, per Chris Chiola, Environmental Program Manager, Onsite Wastewater Division, Community Development.
- Given the location of the existing structure, the area for the onsite wastewater treatment system is limited to the eastern half of the subject property, limiting opportunities for placement of a new dwelling.
- Demolition of the structure or relocation of the structure to meet the required 20-foot rear yard setback further limits area on the subject property for future development of an onsite wastewater treatment system and is not a reasonable alternative.

This criterion is met.

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

- (1) *To ensure the availability of private open spaces;*
- (2) *To ensure that adequate light and air are available to residential and commercial structures;*
- (3) *To adequately separate structures for emergency access;*
- (4) *To enhance privacy for occupants or residences;*

Findings: Applicant states the legitimization of the use of the accessory structure to a dwelling will not interfere with the rights of adjoining landowners to use or enjoy their land, that no exterior changes are sought to the structure, no trees will be removed and there will be no interference with the privacy of neighbors (Exhibit B). Interior renovations are proposed and will not affect the exterior appearance of the structure. The applicant adds that there is no record of complaints relating to the structure and no known complaints that the structure somehow interferes with the lawful use of neighboring properties (Exhibit B).

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

Findings: Applicant's submittal documents that all private land uses will occur on the subject property including off-street parking (Exhibit B). Staff find these standards have been met and can be met through compliance with Conditions of Approval.

(6) To ensure that driver visibility on adjacent roads will not be obstructed;
(7) To ensure safe access to and from common roads;

Findings: The subject property abuts Jasmine Avenue, a County road, for approximately 130-feet. Jasmine Avenue has a right-of-way width of 40 feet and runs in an east/west direction. Topography is relatively flat. There is an existing approach onto the subject property and driveway to the structure. Comments from the Tillamook County Public Works Department state there are no concerns with the Variance request (Exhibit C).

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

Findings: The County regulates views through compliance with building height requirements. Staff find that compliance with building height requirements can be demonstrated at the time of consolidated Zoning Permit and Building Permit application submittal. Staff find this standard can be met through compliance with the Conditions of Approval.

(9) To separate potentially incompatible land uses;

Findings: The subject property is in an area of residentially zoned and residentially developed properties, all zoned Rural Residential 2-Acre (RR-2). Uses that exist in the area are permitted outright in the RR-2 zone.

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

Findings: County records do not indicate any such facilities in the vicinity of the subject property (Exhibit A). Staff find that the proposed development does not unreasonably shadow or otherwise inhibit access to solar radiation on adjacent properties.

Staff conclude the standards outlined in TCLUO Section 4.005 are met or can be met through the Conditions of Approval outlined below. Variance criterion #3 is met and can be met through the Conditions of Approval outlined below.

IV. DECISION: APPROVED WITH CONDITIONS

Staff concludes, based on the findings of fact and other relevant information in the record, that applicant has satisfied/or is able to satisfy through the Conditions of Approval the applicable ordinance requirements related to applicant's request to reduce the required rear yard setback to 10-feet for the conversion of the accessory structure to a dwelling, and therefore, approves the request to reduce the rear yard setback to 10-feet to legitimize the structure as a dwelling, 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 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 August 12, 2025**.

V. CONDITIONS OF APPROVAL:

Section 8.060: COMPLIANCE WITH CONDITIONS, and 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.

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3. The applicant/property owner shall obtain an approved consolidated Building and Zoning Permit from the Tillamook County Department of Community Development.
4. Variance approval is for a ten (10) foot rear yard setback. Development of the property shall otherwise adhere to applicable development standards in TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) zone.
5. The applicant/property owner shall submit a site plan, drawn to scale, demonstrating all required yard setbacks, including the 10-foot rear yard setback, are met. at the time of consolidated Building and Zoning Permit application submittal. The site plan shall accurately depict the location and dimensions of required parking spaces and shall demonstrate conformance with the applicable standards of TCLUO Section 4.030: Off-Street Parking and Off-Street Loading Requirements. A minimum of two (2) 8-foot by 20-foot parking spaces are required for the dwelling.
6. The applicant/property owner shall submit updated service provided letters from the Nestucca Rural Fire Protection District and Tierra Del Mar Water Company at the time of consolidated Building and Zoning Permit application submittal.

7. The applicant/property owner shall submit a copy of an approved road approach from the Tillamook County Public Works Department at the time of consolidated Building and Zoning Permit application submittal.
8. Development of the subject property shall be done in accordance with the applicable requirements of the Beach and Dune Overlay (BD) Zone, outlined in TCLUO Section 3.530, including obtaining a Dune Area Development Permit prior to commencement of development activities when a permit is required.
9. This approval shall be void on July 31, 2027, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

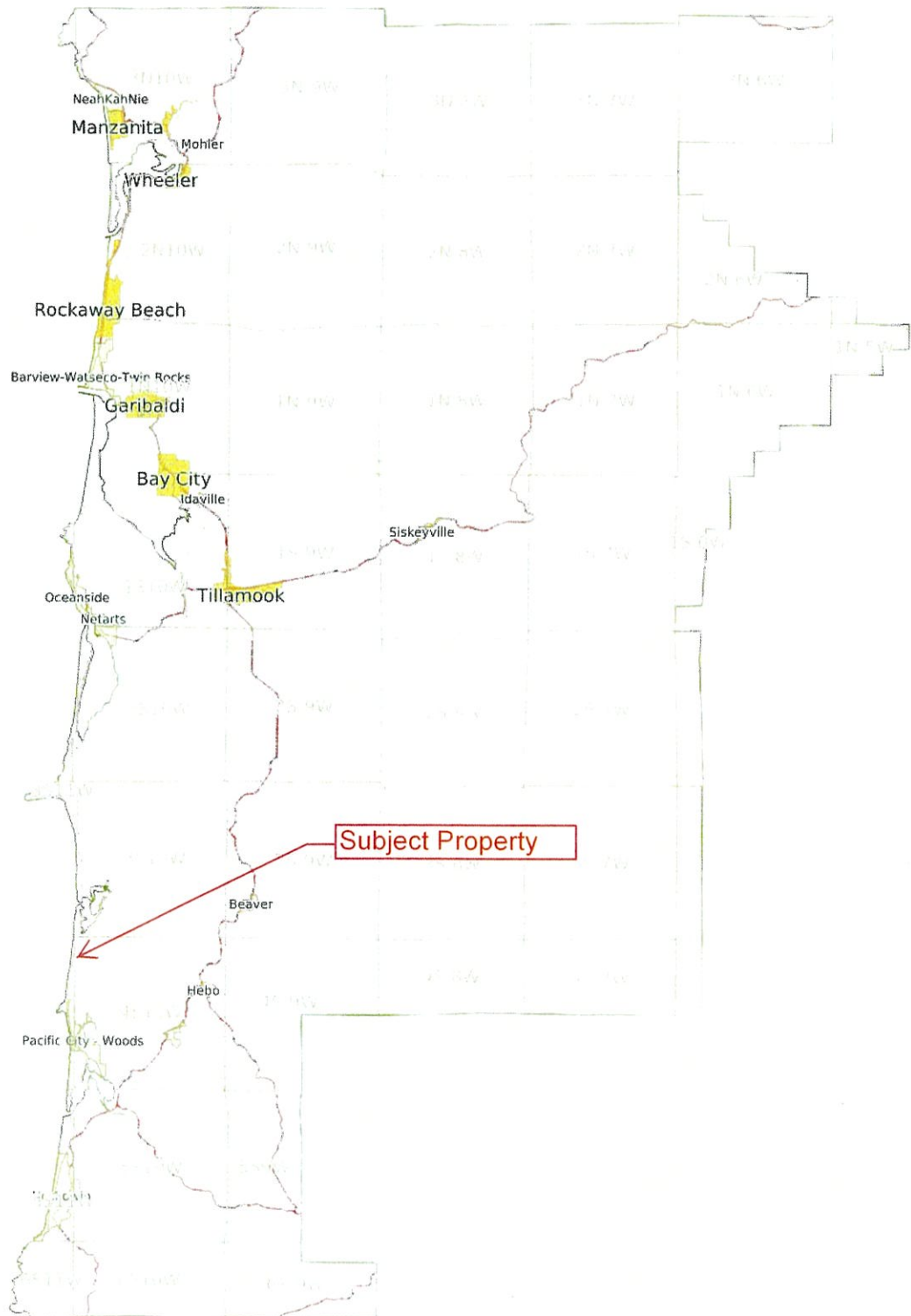
VI. EXHIBITS:

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

- A. Vicinity map, Assessor's map, Zoning map, Wetland Inventory Map, FEMA FIRM, Beach & Dune Overlay Map, Tierra Del Mar GIS Image Maps, Assessor's Summary Report,
- B. Applicant/Property Owner's Submittal
- C. Public Comments

EXHIBIT A

Vicinity Map



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

S.W.1/4 N.W.1/4 SEC.6 T.4S. R.10W. W.M.

04S10W06BC
TIERRA DEL MAR

TILLAMOOK COUNTY

1" = 100'

SEE MAP 4S 10W 6

PUBLIC EASEMENT

8-2

PLAT

2002-27

CANCELLED

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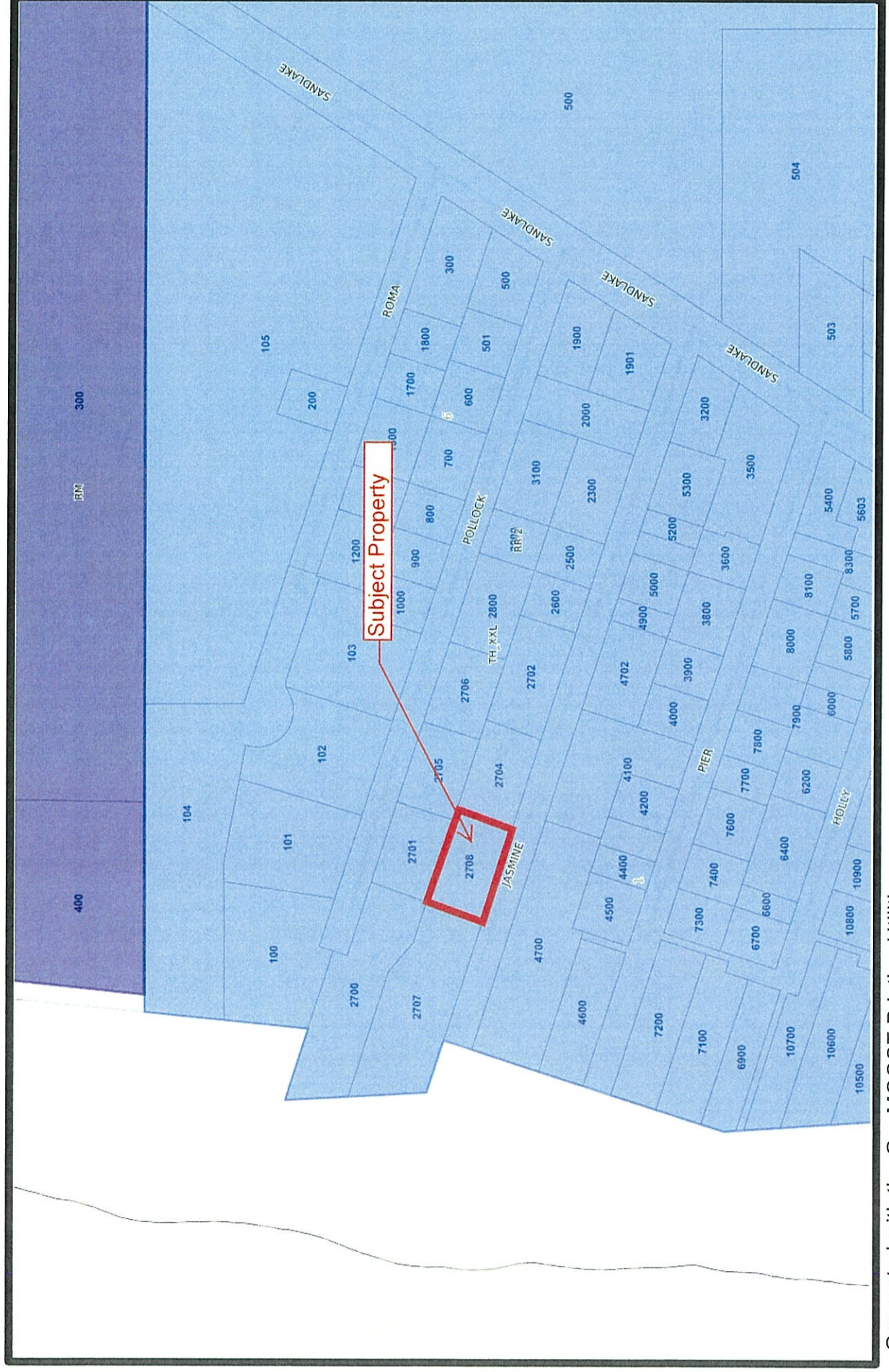
OCEAN

PACIFIC

04S10W06BC
TIERRA DEL MAR

Revised 12/05/24, WS

Zoning Map



National Flood Hazard Layer FIRMette



123°58'16"W 45°15'32"N

Legend

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



SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, AE
- 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

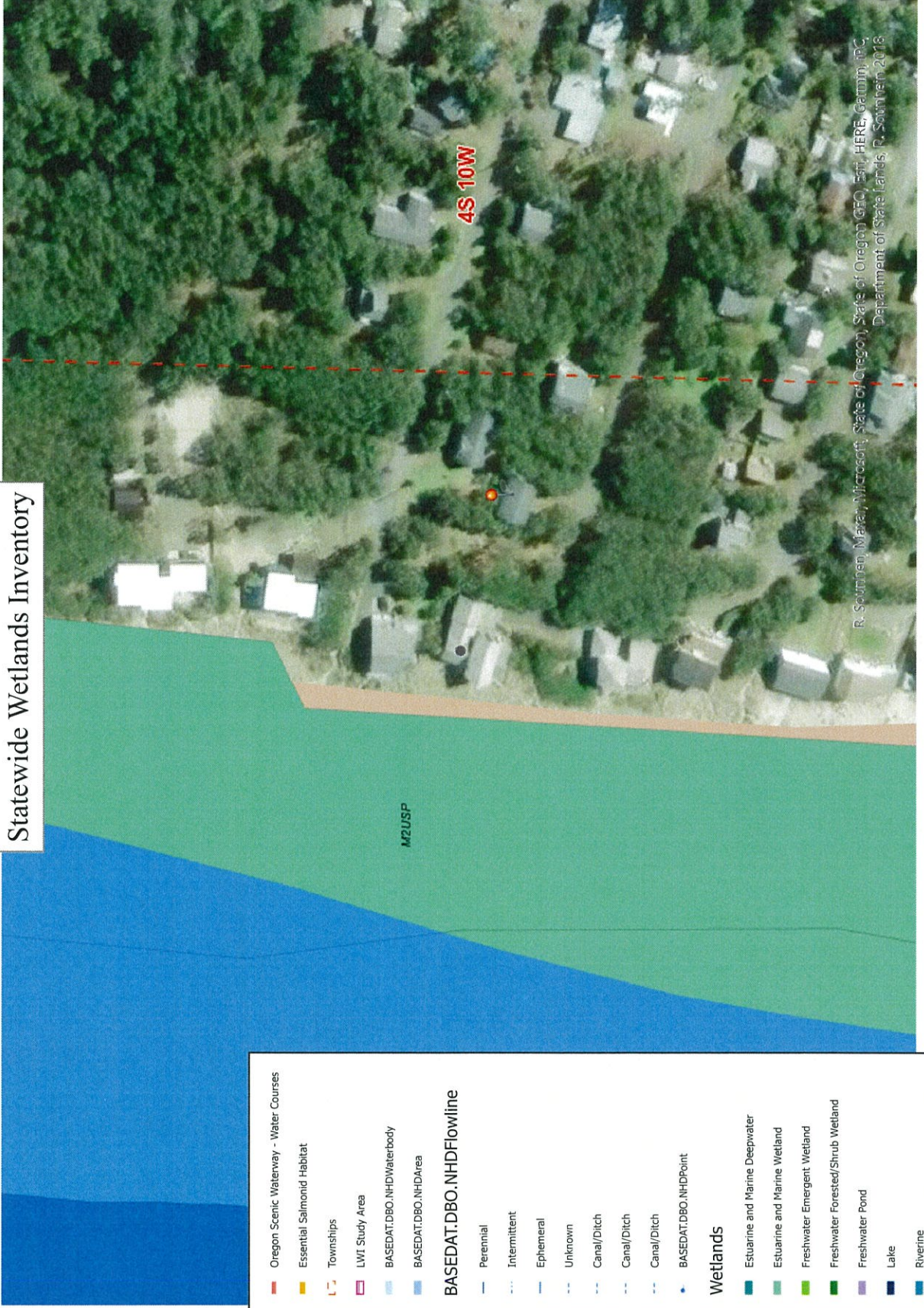
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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 5/30/2025 at 11:05 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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

Statewide Wetlands Inventory



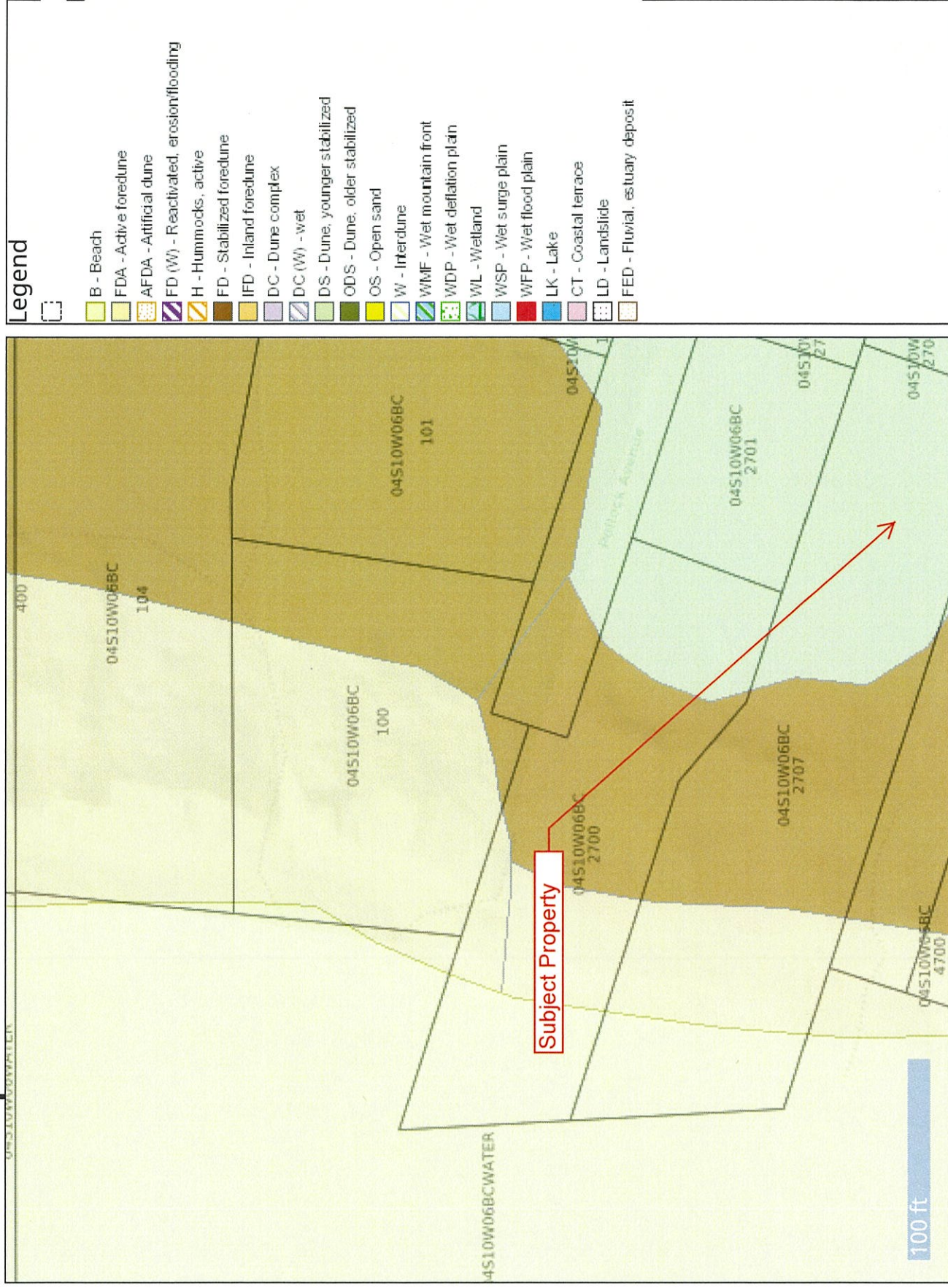
- Oregon Scenic Waterway - Water Courses
- Essential Salmonid Habitat
- Townships
- LWI Study Area
- BASEDAT.DBO.NHDWaterbody
- BASEDAT.DBO.NHDArea
- BASEDAT.DBO.NHDFlowline
- Perennial
- Intermittent
- Ephemeral
- Unknown
- Canal/Ditch
- Canal/Ditch
- Canal/Ditch
- BASEDAT.DBO.NHDPont
- Wetlands**
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine
- SWI Agate-Winlo Soils
- SWI Predominantly Hydric Soil Map Units

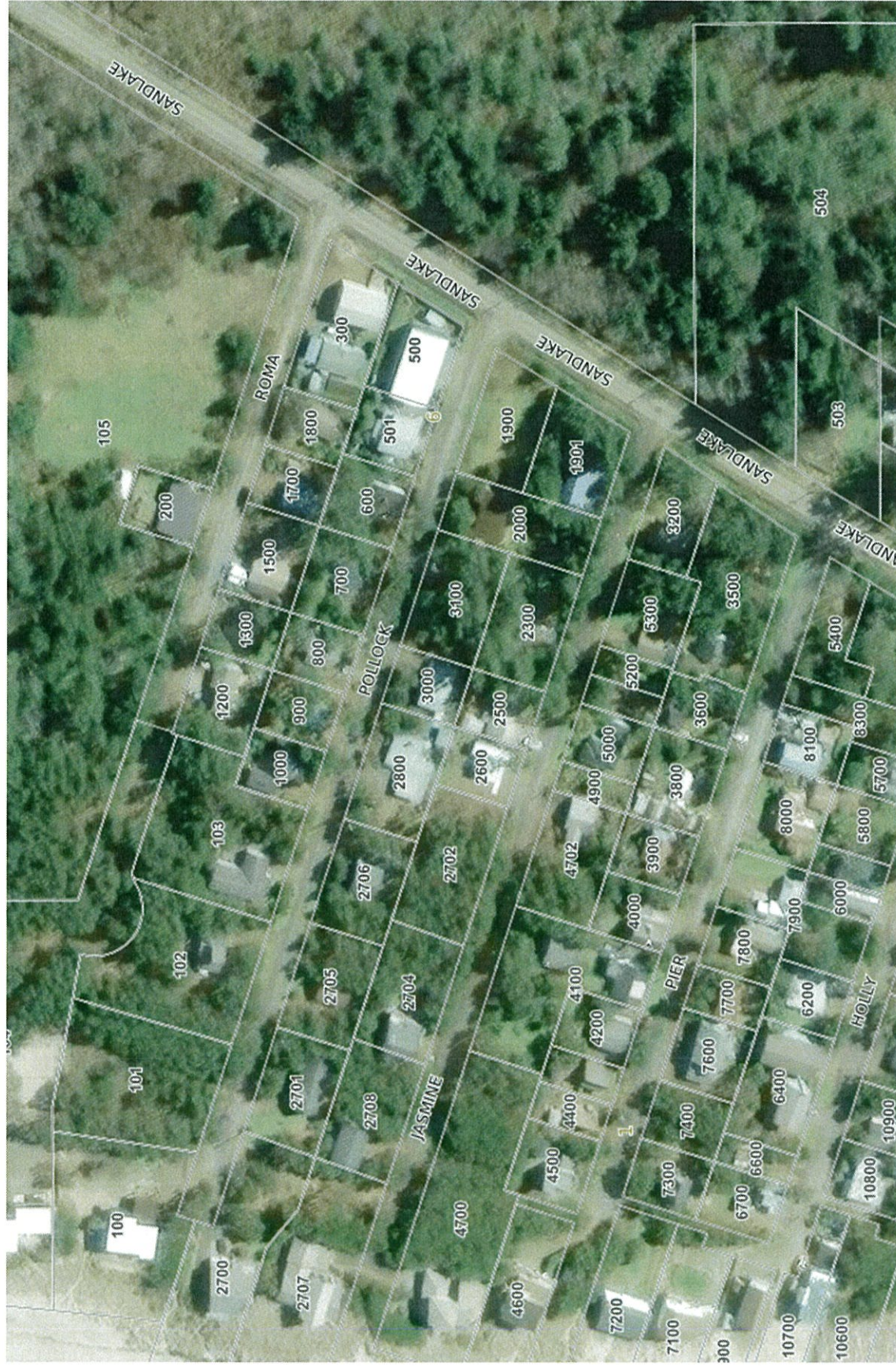
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The Statewide Wetlands Inventory (SWI) represents the best data available at the time this map was published and is updated as new data becomes available. In all cases, actual field conditions determine the presence, absence and boundaries of wetlands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



Hazard Map





GIS Image Northern Region of Tierra Del Mar

Tillamook County
2024 Real Property Assessment Report
Account 322458

Map 4S1006BC02707
Code - Tax ID 0802 - 322458

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr See Record

Mailing DADKHO, FARHAD &
SWEENEY, MEGAN A
26411 NE 52ND WAY
VANCOUVER WA 98682

Deed Reference # 2024-4452
Sales Date/Price 10-18-2024 / \$0
Appraiser BRITTANY MCINTYRE

Property Class 101 MA SA NH
RMV Class 101 09 OF 916

Site	Situs Address	City
1	5600 JASMINE AVE	COUNTY

		Value Summary			
Code Area		RMV	MAV	AV	RMV Exception CPR %
0802	Land	525,300		Land	0
	Impr	771,050		Impr	0
Code Area Total		1,296,350	894,400	894,400	0
Grand Total		1,296,350	894,400	894,400	0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0802					LANDSCAPE - FAIR	100			500
	1	<input checked="" type="checkbox"/>		RR-2	Market	117	0.64 AC		508,600
					OSD - AVERAGE	100			16,200
	Code Area Total						0.64 AC		525,300

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
0802	1	1982	149	Basement First Floor	122	3,050			663,090
	2	1990	135	Two story or more	122	676			107,960
Code Area Total						3,726			771,050

Exemptions / Special Assessments / Notations		
Code Area 0802		
Special Assessments	Amount	Year Used
■ SOLID WASTE	12.00	2024
Notations		
■ CHANGES TO VALUATION JUDGMENT (REDUCTION) 308.242 ADDED 2012		
■ WEST OF VEG LINE, PORTION 307.450 ADDED 2014		

Tillamook County
2024 Real Property Assessment Report
Account 322458

Comments

10/12/06 - Input inventory. Corrected basement square footage & raised class for above ground basement, KL.
3/28/07 Added acreage. dv.
11/12 Request for review, field inspection done, chkd. inventory/features and adj. RMV to sales price of the subject home and property. RCW 11/12 Brought values forward from 2012 correction. RCW
02/27/14 Reappraised land, tabled values.ef
6/2014 Review of acct. w/new floorplan. RCW 4/2015 Deck addtn. to existing one w/photo and floorplan/Verfd. w/owner. RCW
3/16 Acct. review. RCW
8/26/04 Sales review, updated inventory and removed historical over ride- RMV changes only. Increased EYB for updated kitchen and applied exception. BDM

EXHIBIT B



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

PLANNING APPLICATION

Applicant ☒ (Check Box if Same as Property Owner)

Name: Farhad Dadkho Phone: 971-313-2954

Address: 26411 NE 52nd Way

City: Vancouver State: WA Zip: 98682

Email: fdadkho@gmail.com

Property Owner

Name: Phone:

Address:

City: State: Zip:

Email:

OFFICE USE ONLY	
Date Stamp	RECEIVED
	FEB 07 2025
BY:	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by:	
Receipt #:	
Fees:	
Permit No:	851-25-00058-PLNG

Request: Variance to TCLUO 3.010(4)(h) to allow for placement of dwelling in existing structure

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

- ☐ 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:

Map Number:	4S	10	05BC	2708
	Township	Range	Section	Tax Lot(s)

Clerk's Instrument #: 2024-4452

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

Property Owner Signature (Required)

2/6/25

Date

Applicant Signature

2/6/25

Date

**APPLICATION STATEMENT
(Application for Variance)**

**Part 1
GENERAL INFORMATION**

Applicant and Owner

Farhad Dadkho is the applicant and one of the owners of the Property (defined below) (together, "Applicant"). The Applicant's vesting deed is recorded at Instrument No. 2024-004452, Tillamook County Deed Records. The Applicant had a pre-application conference for this application with Melissa Jenck on January 21, 2025.

Property

The Property is identified as map and tax lot 4S1006-BC-2708, Tillamook County ("Property"). The Property is located in the unincorporated community of Tierra del Mar, and is adjacent to a parcel also owned by Applicant, identified as map and tax lot 4S1006-BC-2707, with the situs address of 5600 Jasmine Ave., Cloverdale, Oregon. According to the Tillamook County Assessor, the Property is 0.24 acres in size and is zoned Rural Residential 2-Acre (RR-2). The Property is surrounded by residentially developed and RR-2 zoned properties on all sides. Photographs of the Property are attached as Exhibit 1.

The Property is currently improved with a garage structure with approximately 1,000 sq. ft. of livable space in the second story ("Current Structure"). The Current Structure is set back approximately 10' from the rear property line, as shown on the attached site plan attached as Exhibit 2. The Current Structure appears to have been constructed in or about 1990 by a previous owner of the Property, as per Permit #90-377 ("Permit") on file with the Tillamook County Department of Community Development ("Department"). According to the Application for that Permit, the structure was intended to include only a "garage + storage" and was accessory to the dwelling located at 5600 Jasmine Ave., Cloverdale, Oregon. This Current Structure was approved "For Storage Only" as per the Permit. Given that the Current Structure was an "accessory structure", it could be constructed within the applicable setbacks, as per TCLUO 4.040(1)(b).

The Applicant acquired the Property in late 2024. At that time, a *previous owner* had improved the top floor of the Current Structure as a dwelling and marketed the Property (along with the 5600 Jasmine Ave. dwelling) without disclosing that the improvement of the Current Structure was not permitted. The Applicant only discovered this problem after closing, when the Applicant sought to deconsolidate the tax lot then encompassing both 4S1006-BC-2708 and

2707. The Applicant therefore is the unsuspecting (and very frustrated) victim of unpermitted work done by a previous owner.

Request

Of course, dwellings are permitted outright in the RR-2 zone. The Applicant seeks to obtain a variance to the rear yard setback provided in TCLUO 3.010(4)(h) to allow the Current Structure to continue in the place it has been for the last 30+ years without complaint or known dispute, albeit in a permitted fashion, as a dwelling. As discussed herein, no offset impacts are anticipated if this application is approved; indeed, the denial of this request would result in substantially greater offsite impacts, as it would necessitate either substantial waste in the tear down of the Current Structure and/or substantial new construction with the erection of a new dwelling on the Property – both which would have offsite impacts to neighbors.

Part 2 REVIEW PROCEDURE

This application should be considered administratively. TCLUO 8.020(2) provides that the Director “shall act administratively” (emphasis supplied) except when the “Director determines that the proposed use would have significant impacts that extend beyond the abutting properties, and that those impacts are not likely to be adequately addressed by response to public notice required by Section 10.070,” in which event, the application should be referred to the Planning Commission.

As discussed herein, there are no impacts to abutting properties as this application only seeks to legitimize a use that has been ongoing for 30+ years without complaint or known dispute. Certainly, there are not “substantial impacts” proposed to any properties as a result of this application, let alone properties “beyond the abutting properties”. No change in use is sought as a result of this application and there will be no additional impact. This application merely seeks to approve the continued existence of a use that is allowed outright in the applicable zone, is largely in flavor with the surrounding properties, and has been in place for 30+ years without dispute. This is not a matter that has widespread implications or is appropriate for Type III public scrutiny.

TCLUO 8.020(2) does not support a Type III review of this application. Consequently, it should be reviewed administratively.

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Part 3
APPLICABLE PROVISIONS

TCLUO § 8.030

TCLUO § 8.030 provides that a variance "shall be granted" (emphasis supplied) if the Applicant demonstrates the satisfaction of the criteria described in TCLUO § 8.030(1)-(4), discussed below.

o TCLUO § 8.030(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.

Circumstances attributable "to the placement of structures thereon" effectively precludes the Applicant from enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity – namely, the right to place a dwelling on a separate legal lot of record. The right to place a dwelling on a legal lot of record is a use allowed outright in the RR-2 zone, and is a use enjoyed by the vast majority (essentially all) of the landowners in the vicinity of Tierra del Mar. Indeed, all of the Applicant's neighbors to the north, south, east and west enjoy this substantial property right.

The circumstance – i.e. the placement of the Current Structure – is not the fault of the Applicant. It was not "self-created". Instead, it was created by a predecessor-in-interest, without disclosure whatsoever to Applicant. The Applicant should not be unreasonably punished by being forced to tear down the structure or be prohibited from using it as he reasonably anticipated at the time of sale (as a dwelling). The term "self-created" in TCLUO 8.030(1) cannot mean in this situation "created by your predecessors-in-interest" because: (a) unknown predecessors or third parties cannot mean the Applicant (the "self") by any reasonable stretch of the English language, and (b) the ordinance permits variances due to circumstances attributable to "placement of structures thereon" which would to have been built by somebody, and which begs the question: why would this phrase be in there if the actions of one's predecessors constituted "self-created" circumstances?

The application to deconsolidate the tax lots relating to the Property and the property located at 5600 Jasmine Ave., Cloverdale, Oregon does not constitute a "self-created" circumstance. Upon information and belief, the Current Structure was already developed as a dwelling long before the filing of this application, and the use of the Current Structure as a dwelling would have removed the right of the Current Structure to be placed preferentially within the setback areas at that time. The tax lot deconsolidation merely put the Department on notice of the

noncompliance with TCLUO 3.010(4)(h) (and the Department thereafter put the Applicant, for the first time, on notice of the issue). It may have been the mechanism that brought the issue to light, but it did not create the issue.

Fundamentally, the RR-2 zone carries with it the basic legal right to place a dwelling on each separate lot of record. Applicant seeks the same right as everyone else in this zone – to place a dwelling on the Property, which is a separate legal lot of record. The bad deeds of his predecessor, not known to the Applicant, should not prevent him from exercising this right.

This criterion is satisfied.

- o TCLUO § 8.030(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.

A single-family dwelling is a use allowed outright in the RR-2 zone and is the primary use to which properties are put in the zone or vicinity. It therefore is reasonably expected to occur within the RR-2 zone. This criterion is satisfied.

- o TCLUO § 8.030(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.

The legitimization of the use of the Current Structure as a dwelling will not interfere with the rights of adjoining property owners to use or enjoy their land in any way whatsoever. No exterior changes are sought, no trees will be removed, and no interference with the privacy of neighbors will occur. The Applicant intends to make interior renovations, but these will not affect the exterior appearance of the Current Structure. In the 30+ years that the Current Structure has been in existence, there is no record of complaints relating to the structure, and certainly no record or known complaints that the structure somehow interferes with the lawful use of neighboring properties.

No change is requested to the exterior Current Structure as a result of this application. All standards in TCLUO § 4.005 will continue to be met. This criterion is satisfied.

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o TCLUO § 8.030(4)

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

The only alternative that requires either a lesser or no variance is either (a) the full tear-down and destruction of the Current Structure so a dwelling could be built in compliance with existing setbacks, or (b) the construction of an entirely new dwelling on the Property and gut of the second story dwelling in the Current Structure. Both alternatives are extraordinarily wasteful, would cause significant construction-related disruption to neighbors, and are in no way reasonable. Additionally, this criterion includes, in part, an economic analysis, as per TCLUO 8.010, which refers to "economic use". This criterion is satisfied.

CONCLUSION

The Applicant respectfully requests that the Department administrative process and approve the Applicant's request herein. Any questions or concerns regarding this application should be addressed to Michael Kittell, 9900 SW Wilshire St., Suite 200, Portland, OR 97225 or via email at michael@breakwater-law.com.

EXHIBIT 1







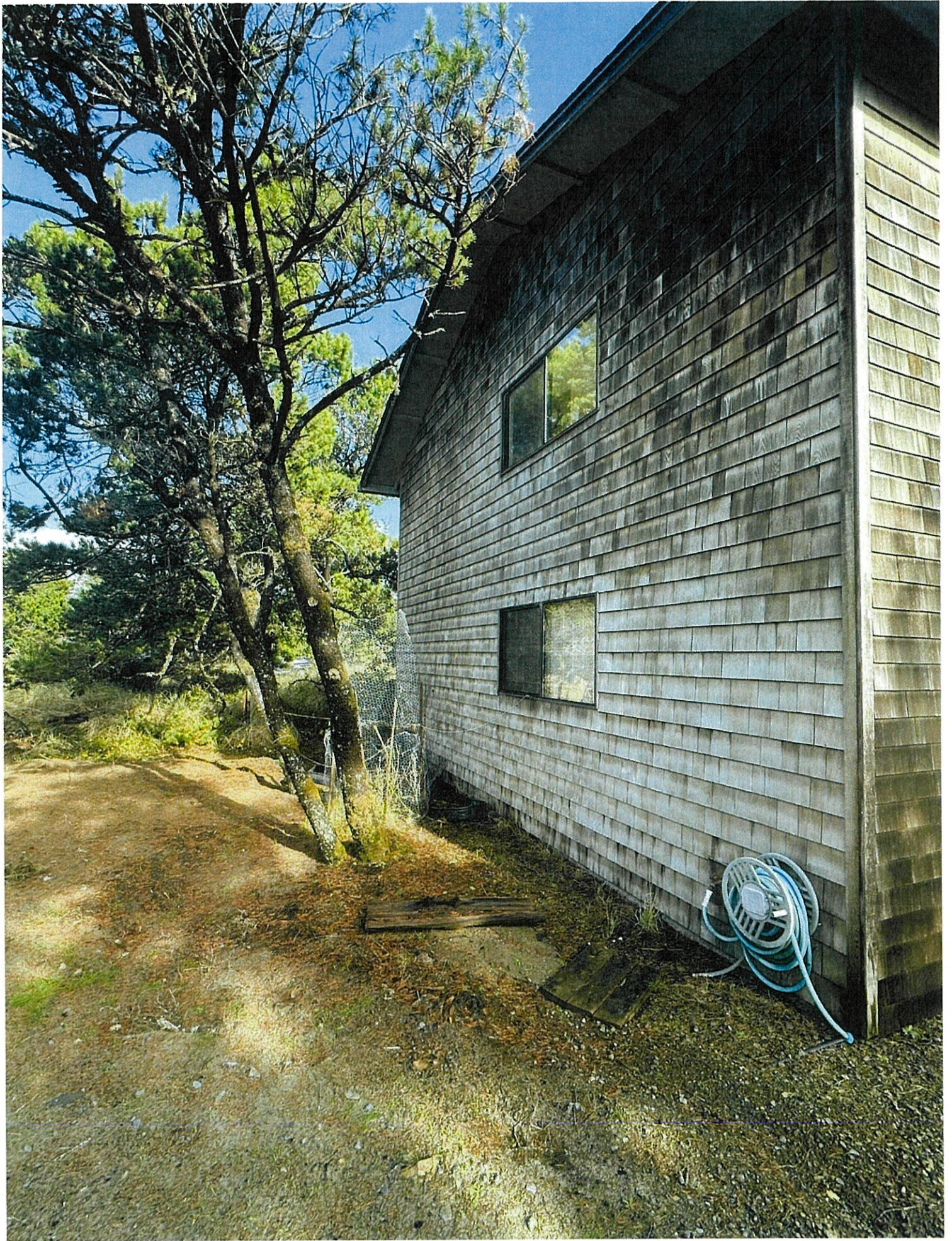
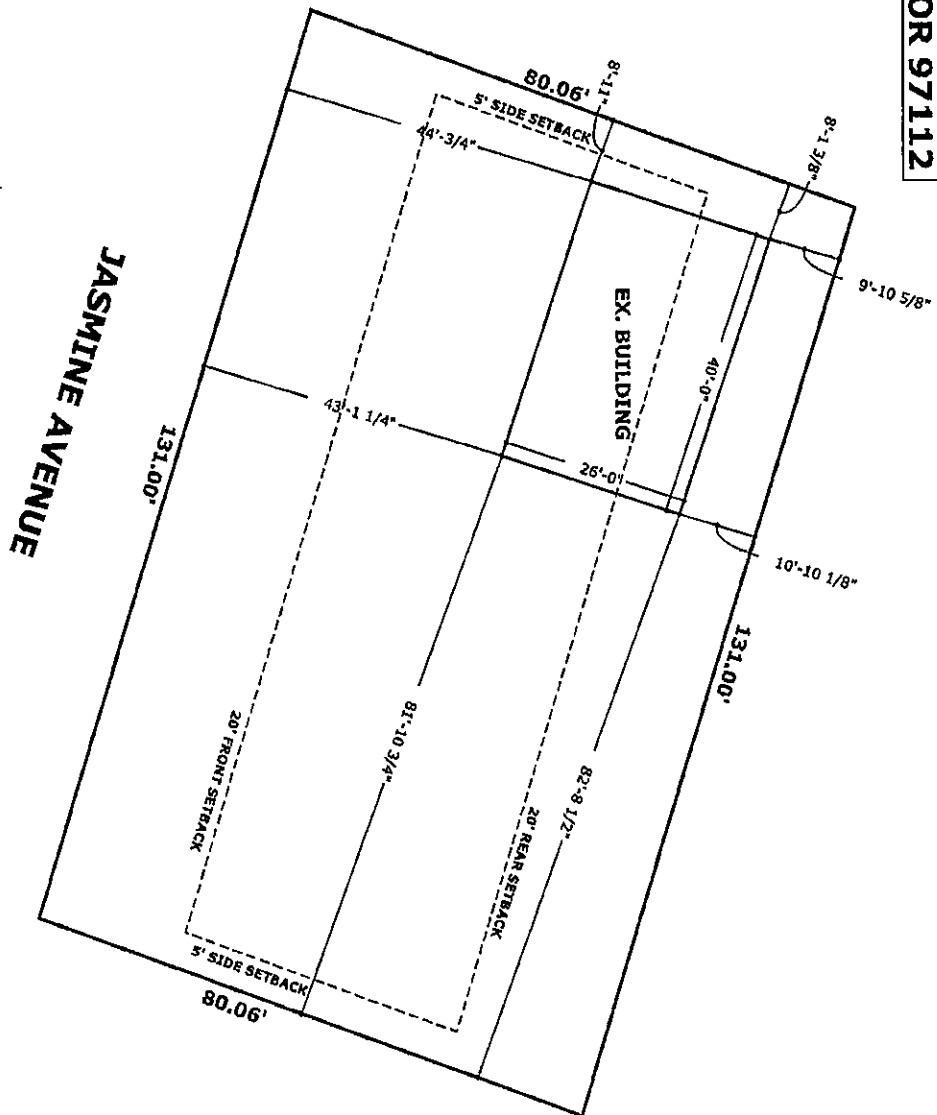


EXHIBIT 2



SCALE :: 1/16" = 1'-0"

EXHIBIT C

Sarah Absher

From: Sarah Absher
Sent: Wednesday, July 30, 2025 1:26 PM
To: Michael Kittell
Subject: Variance request #851-25-000058-PLNG DadhkoHi

Hello Michael,

Two comments were received. Here is the first:

From: b <lyndasteiner@aol.com>
Sent: Tuesday, June 10, 2025 1:52 PM
To: Sarah Thompson <sarah.thompson@tillamookcounty.gov>
Subject: EXTERNAL: comments:Variance request #851-25-000058-PLNG DadhkoHi

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Hi Sarah..please forward my comments to the correct person in rendering a decision on the above Variance request..THANK YOU, Lynda

Tillamook County Department of Community Development
Subject: Comments on Variance request #851-25-000058-PLNG-Dadhko

Good Day:

I am writing to formally express my strong opposition to the proposed Variance request for Tax Lot 2708 of Section 6BC, Township 4 South, Range 10 West, Willamette Meridian, Tillamook County, Oregon on Jasmine Avenue, Tierra Del Mar.

In reviewing the criteria for this request and Mr. Dadhko's Application Statement, my reasons for opposing this change are as follows:

Mr. Dadhko claims he is the victim of unpermitted work done by a previous owner. I have known ALL property owners of this subject property as my property at 5625 Jasmine Avenue is south from Mr. Dadhko's oceanfront home, which is now a rental. At no time has the current structure in reference, served as a "dwelling". In 1990, the Dean family, as stated, had a permit to build a garage, "For Storage Only".. This garage accommodated their RV and a fishing boat. The next owners, the Gomenas, used the garage to house a sports car and boat..The upstairs of the garage was used as a art studio. When the Byrkits bought this property, they made minor improvements to the upstairs where the art studio was located. Old carpet was replaced, a window heating unit was installed; used cabinets were installed for more storage. NEVER was this structure (garage) used to accommodate guests.

There has never been hot water installed or a complete furnace system. The drain field and septic system is inadequate thus there has never been a toilet installed. Mr Dadhko stated in his Application that this

structure was a dwelling for the past 30 plus years which is totally untrue and misleading. Ms. Nancy Brykit has written to the Department of Community Development stating at no time had this structure been used as a dwelling to accommodate guests. Mr. Dadhko's request for a Variance is for this structure to become a RENTAL, which I take issue with due to the following reasons.

Under Article VIII, #3, the Variance will NOT preserve the rights of adjoining property owners as my property is now surrounded by rentals. Trespassing on my property is a now ongoing annoying issue. With so many renters and their family and friends, parking their cars often leaves me unable to safely enter and exit my property. Overflow parking from the renters is directed to the property below (garage).

As you know, Jasmine Avenue is a very narrow street thus trying to access it has reached unsafe levels due to the increased traffic. As a dead end street, emergency access has always been a problem. With the approval of this Variance, parking will drastically increase thus the county cannot ensure safe access to and from our properties (Section 4:005: #3,#5,#7) Additional parking at the subject structure will create hazardous access to Jasmine Avenue. As of now, a fire truck could not reach either oceanfront property or the structure below due to so many cars blocking the entrances and there would be no turn around available if renters and their cars are on site.

I believe, if this Variance is approved, it will negatively impact the quality of life for adjacent property owners. I fear approval of this will set a precedent for allowing abnormal uses of properties without strong justification. How many other Tierra Del Mar property owners will want to convert their garages once this Variance is approved?

Tillamook County must protect the livability of rural communities like Tierra Del Mar. We should not become a financial enterprise for owners whose only goal is to convert their property for income. I understand it is their right to convert their beach home to a rental but I ask, the rights and pleasure of other beach home owners should not be ignored. This Variance, I believe, if approved, will be detrimental to our community and especially to the adjacent property owners. I strongly urge a NO vote on this Variance request. Please do the right thing for our community and keep Tierra Del Mar as special as we all know it is.

Sincerely,

Lynda K. Steiner

Tigard address: 10955 S.W Highland Drive

Phone - 503-747-0320

Tierra Del Mar Address: 5625 Jasmine Avenue

Phone: 503-965-6987

Sarah Absher

From: Sarah Absher
Sent: Wednesday, July 30, 2025 1:27 PM
To: Michael Kittell
Subject: FW: 851-25-000058-PLNG: Notice of Application

From: Brian Olle <brian.olle@tillamookcounty.gov>
Sent: Monday, June 2, 2025 1:16 PM
To: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Cc: Sarah Thompson <sarah.thompson@tillamookcounty.gov>
Subject: RE: 851-25-000058-PLNG: Notice of Application

Public Works has no comments/concerns on this one.

Thanks,

Brian Olle, P.E. | Engineering Project Manager
TILLAMOOK COUNTY | Public Works
Cell: (503)812-6569

From: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Sent: Friday, May 30, 2025 6:39 PM
To: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Cc: Sarah Thompson <sarah.thompson@tillamookcounty.gov>
Subject: 851-25-000058-PLNG: Notice of Application

Good evening,

Please see the Notice of Application for request 851-25-000058-PLNG for a Variance Request. A link is below.

<https://www.tillamookcounty.gov/planning/project/851-25-000058-plng>

Sincerely,

*** Please note that the Tillamook County domain has changed, and my email address is now Melissa.Jenck@tillamookcounty.gov Please update your contact information as needed. Thank you. ***



Melissa Jenck (she/her) | Senior Planner
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x 3301
Melissa.Jenck@tillamookcounty.gov