



## VARIANCE REQUEST #851-25-000058-PLNG: DADHKO

*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: May 30, 2025

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

**#851-25-000058-PLNG:** A 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. The subject property is located an area commonly referred to as Tierra Del Mar, accessed via Jasmine Avenue, a county road, zoned Rural Residential 2-Acre and designated as Tax Lot 2708 of Section 6BC, Township 4 South, Range 10 West, Willamette Meridian, Tillamook County, Oregon. The applicant and property owner is Farhad Dadkho.

Written comments received by the Department of Community Development prior to 4:00 p.m. on June 13, 2025, 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 the next business day, June 16, 2025.

Notice of the application, a map of the subject area, and the applicable criteria are 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 at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. They are also available on the Tillamook County Department of Community Development website: <https://www.tillamookcounty.gov/commdev/landuseapps>.

If you have any questions about this application, please contact the Department of Community Development at (503) 842-3408 x 3123 or [sarah.thompson@tillamookcounty.gov](mailto:sarah.thompson@tillamookcounty.gov)

Sincerely,

  
Melissa Jenck, CFM, Senior Planner

Sarah Absher, CBO, CFM, Director  
Enc. Maps and applicable ordinance criteria

## **REVIEW CRITERIA**

### **ARTICLE VIII - VARIANCE PROCEDURES AND CRITERIA**

**SECTION 8.030: REVIEW CRITERIA:** A VARIANCE shall be granted, according to the procedures set forth in Section 8.020, if the applicant adequately demonstrates that the proposed VARIANCE satisfies all of the following criteria:

- (1) Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.
- (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.
- (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.
- (4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.

### **SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS**

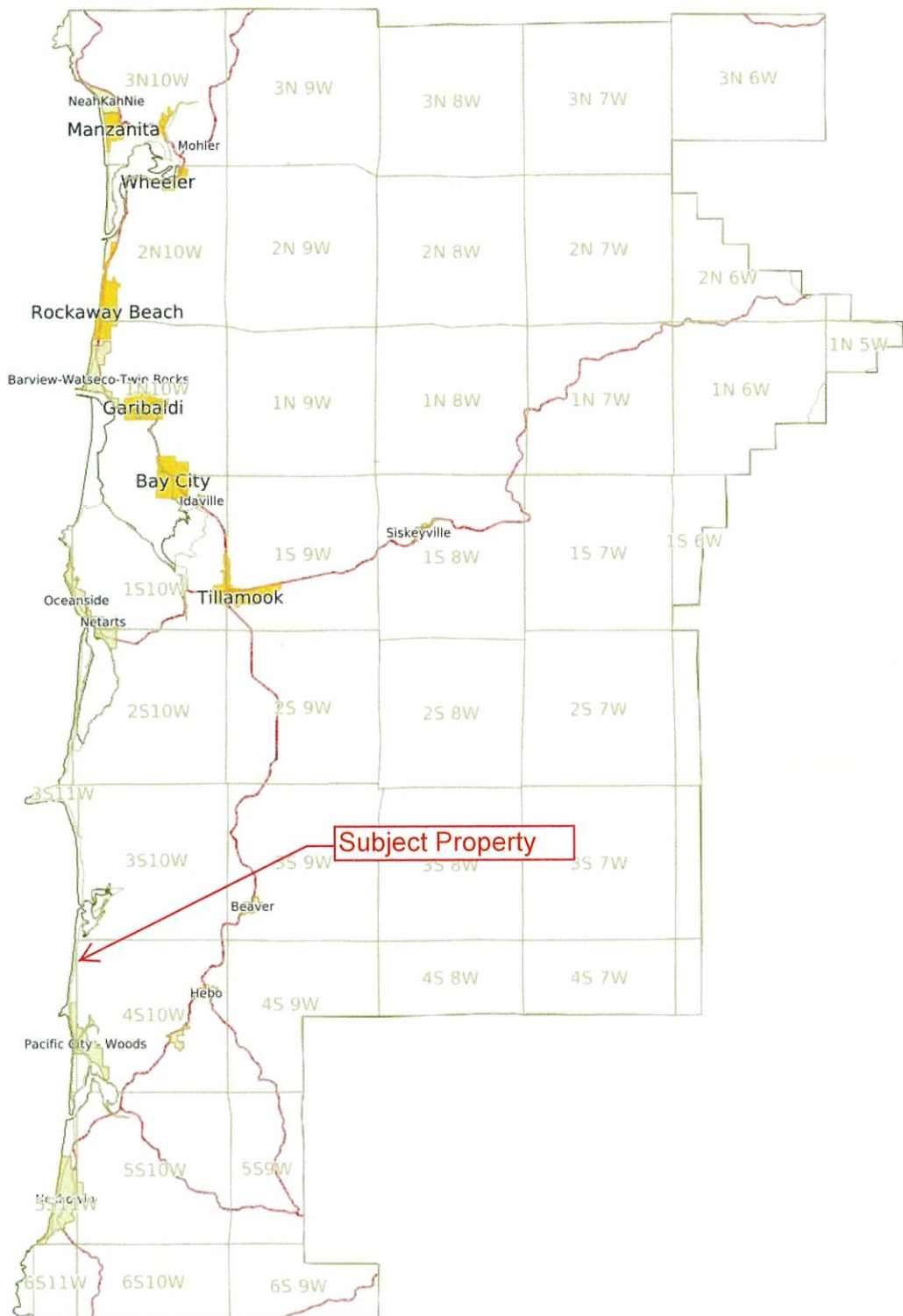
In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards is the following:

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



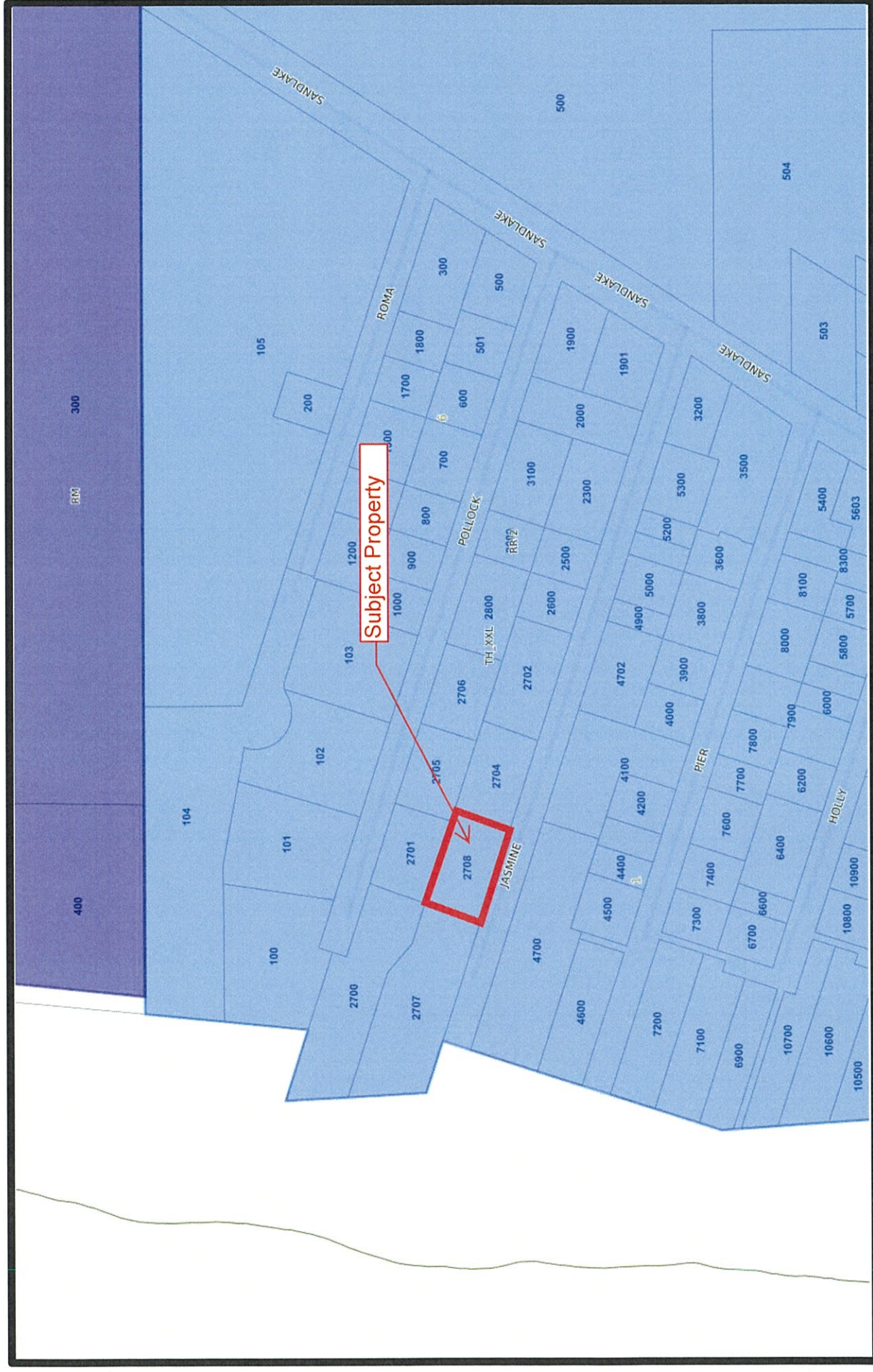
# EXHIBIT A

# Vicinity Map





# Zoning Map





THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

0 50 100 150 200 Feet

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 AS 10W 6

M.C.

PUBLIC EASEMENT

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**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	
<b>Code Area Total</b>		1,296,350	894,400	894,400	0	
<b>Grand Total</b>		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
<b>Code Area Total</b>						3,726		771,050

Exemptions / Special Assessments / Notations		
<b>Code Area</b> 0802		
<b>Special Assessments</b>	<b>Amount</b>	<b>Year Used</b>
■ SOLID WASTE	12.00	2024
<b>Notations</b>		
■ 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



# 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

Without Base Flood Elevation (BFE)  
*Zone AE, V, A99*

With BFE or Depth  
*Zone AE, AO, AH, VE, AR*

Regulatory Floodway

0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile  
*Zone X*

Future Conditions 1% Annual Chance Flood Hazard  
*Zone X*

Area with Reduced Flood Risk due to Levee. See Notes.  
*Zone X*

Area with Flood Risk due to Levee  
*Zone D*

NO SCREEN

Area of Minimal Flood Hazard  
*Zone X*

Effective LOMRs

Area of Undetermined Flood Hazard  
*Zone X*

Channel, Culvert, or Storm Sewer

Levee, Dike, or Floodwall

Cross Sections with 1% Annual Chance Water Surface Elevation

Coastal Transect

Base Flood Elevation Line (BFE)

Limit of Study

Coastal Transect Baseline

Profile Baseline

Hydrographic Feature

Digital Data Available

No Digital Data Available

Unmapped

MAP PANELS

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

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **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.

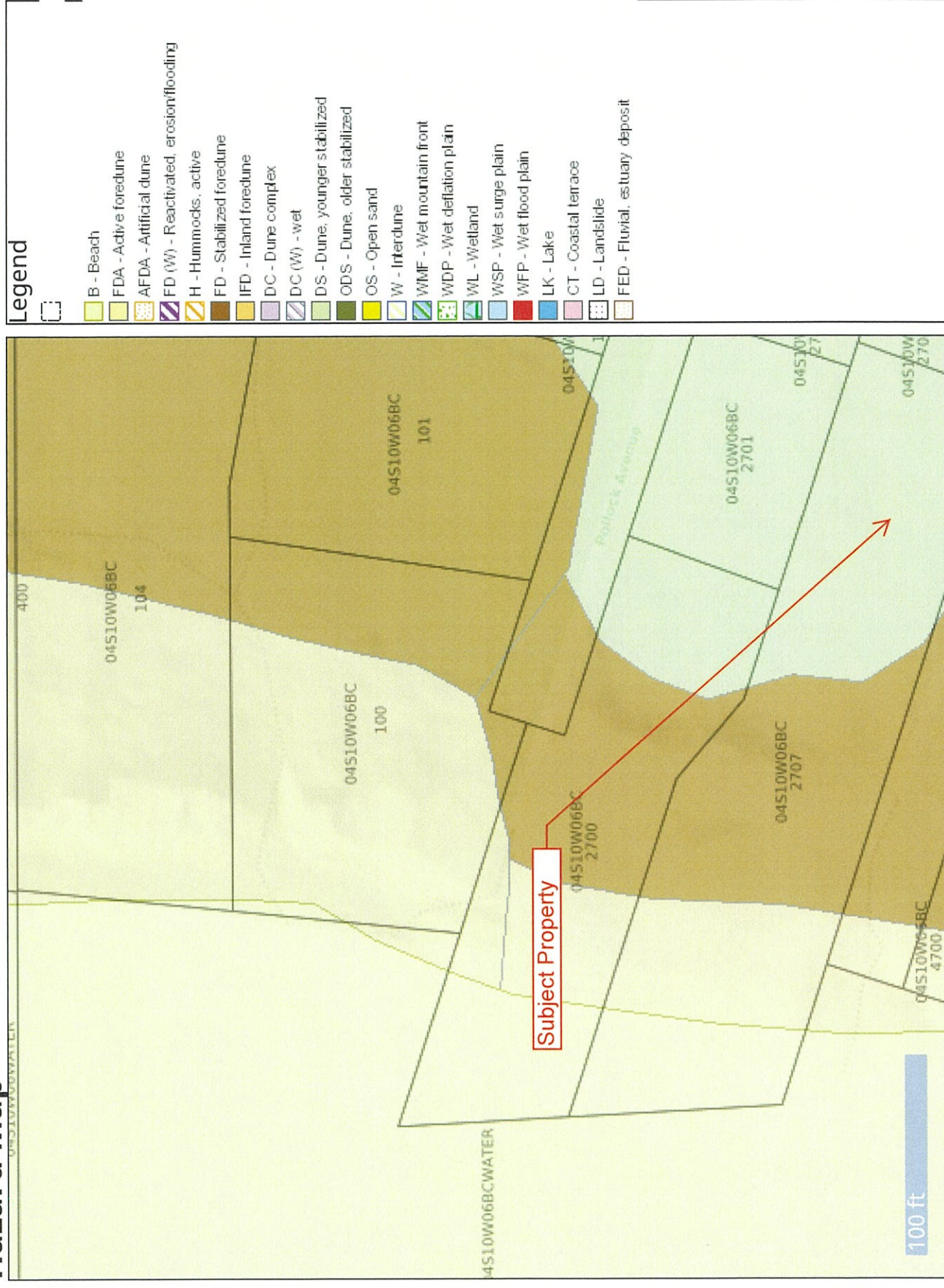
123°57'38"W 45°15'7"N

1:6,000

Feet



# Hazard Map





# Statewide Wetlands Inventory



R. Spillman, Mavaz, Microsoft, State of Oregon, GEO, Esri, HERE, Garmin, Inc.  
Department of State Lands, Department of State Lands, P. Saitoh, 2016

- 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-Winko Soils
  - SWI Predominantly Hydric Soil Map Units



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.

Date: 5/30/2025



State of Oregon  
Department of State Lands  
775 Summer Street, NE, Ste 100  
Salem, OR 97301-1279



# EXHIBIT B





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

## PLANNING APPLICATION

**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	<b>RECEIVED</b>
	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
- ☐ Foredune 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.

○ **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](mailto:michael@breakwater-law.com).



# EXHIBIT 1















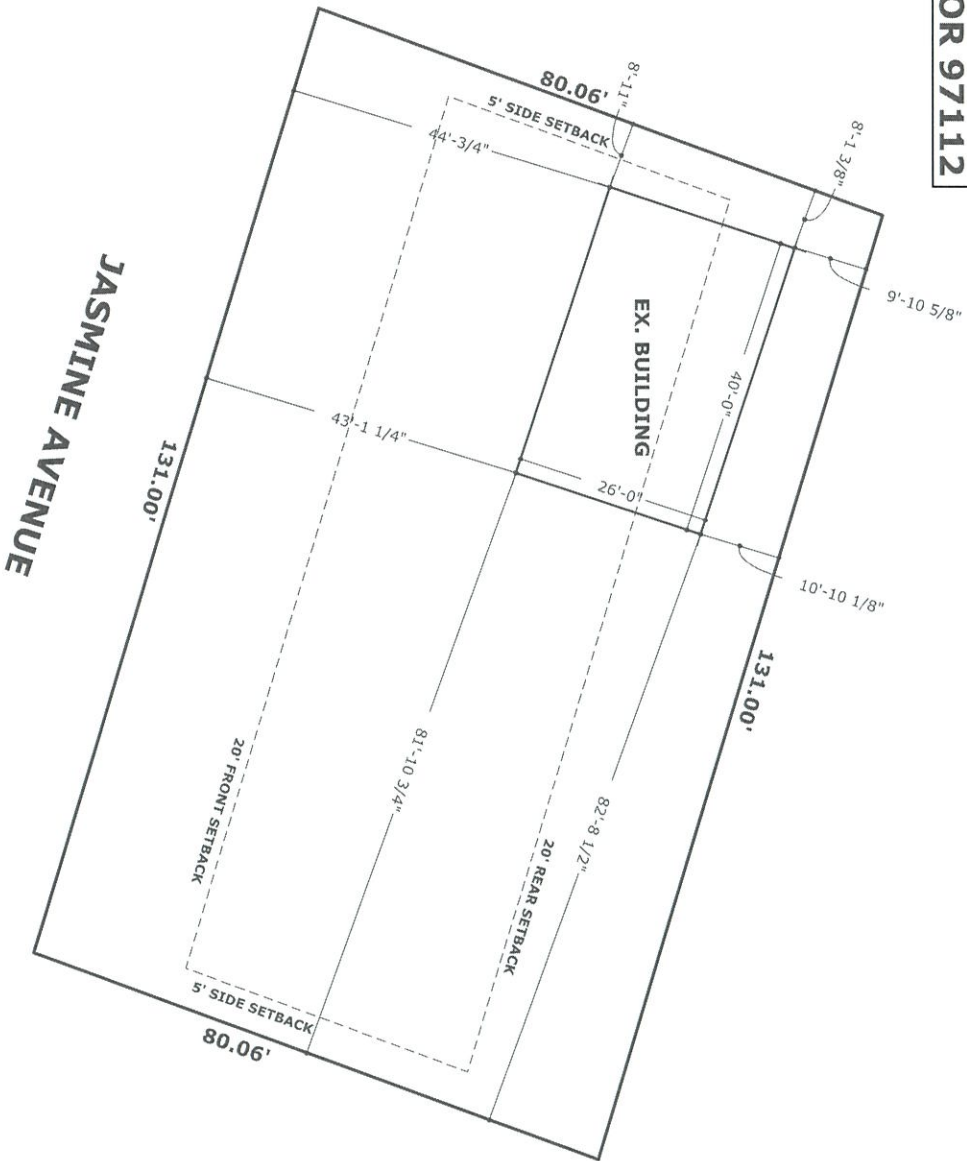




# EXHIBIT 2



5600 JASMINE AVENUE,  
CLOVERDALE, OR 97112



# 1 SITE PLAN

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

SCOVILL  
DESIGN  
GROUP

BUILDER

OWNER/PROJECT

REVISION DATE  
December 10, 2024

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