



July 24, 2025

Tillamook County Planning Commission
1510-B Third Street
Tillamook, OR 97141

RE: Thompson Springs aka Sammy's Place

Chair Heckeroth and Commissioners:

In 2024, the City of Nehalem amended its regulations to require fire flows that are necessary to serve any subdivision or planned unit development subject to the following minimum standards:

"All new land divisions or planned development that will include any new single family, accessory dwelling units and/or duplex (whether attached or detached) dwellings shall satisfy one of the following minimum standards:

- (a) 1000 gpm with a flow duration of one hour where the total residential square footage is less than 3,600 square feet and 1,500 gpm where the total residential square footage exceeds 3,600, or
- (b) Obtain a variance to these requirements pursuant to NDC 157.506 through a Type III procedure." NCC 51.09(F)(2)¹

With this PUD application, the applicant has requested relief from the required 1,000 gpm flow rate requirement and as an alternative, is proposing installation of automatic residential sprinkler systems in the residential dwelling units and community building.

Since the application was filed, the City Engineer has met with the applicant's engineering team and provided information necessary to evaluate the flows. As a result of these meetings, the applicant has proposed a revised condition of approval to ensure compliance with the City's minimum fire flow standards:

"Fire Protection Requirements

1. Applicant shall:

- a. connect the existing on-site water main and the existing water main south of the project site to improve fire flows to the project.

¹ Where no land division is proposed, NDC 157.408.03(C) adds that the minimum fire flows can also be satisfied through a 350-gpm flow duration of 30 minutes with the provision of automatic sprinklers in every dwelling unit.

Decision from 1a must result in one of the following at a minimum:

2. Fire flow in the amount of 1,500 gallons per minute for 60 minutes duration is required for any residential dwelling unit or community building exceeding 3,600 square feet.
3. Residential dwelling units and community buildings with less than 3,600 square feet of floor space require fire flow:
 - a. In the amount of 1,000 gallons per minute for 60 minutes duration (which means no variance is required); or
 - b. in an amount determined by the Fire District Chief, in accordance with OFC B103.1, which shall not be less than 350 gallons per minute for 60 minutes if the building includes an automatic sprinkler system."

The City Engineer has reviewed this draft language and agrees that through this condition, compliance with the City's fire flow standards is feasible. Therefore, the City respectfully requests that the condition set forth in the Jones Architecture letter dated July 24, 2025 and quoted above, be included as part of the Planning Commission's decision.

Thank you for the opportunity to provide these comments. The City looks forward to working with the applicant on this project.

Sincerely,

Lori Longfellow
City Manager

Melissa Jenck

From: Joshua Simon <snosh.jimon@gmail.com>
Sent: Thursday, July 24, 2025 4:01 PM
To: Melissa Jenck; Sarah Absher; Sarah Thompson
Subject: EXTERNAL: Public Hearing RE: 851-25-000071-PLNG

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

Dear Melissa, Sarah, and Sarah,

Thank you very much for all of your kind advice and assistance with my preparations for this hearing. If I may, I would like request that the record of the proceedings remain open after the conclusion of the hearing tonight, so that I can enter additional written testimony and evidence concerning the proposed platt and requested variances.

Thank you very much,

Josh Simon

Tillamook County Planning Commission
201 Laurel Ave
Tillamook, OR 97141

Subject: #851-25-00071-PLNG - Applicant's Response to Public and Agency Comments

Dear Commissioners,

In preparation for the Planning Commission's public hearing tomorrow, the Applicant provides the following information in response to public and agency comments regarding the requested variances.

The Applicant did not "create" the extraordinary circumstances facing this property and the proposed project. As stated in the application, the topography, steep slopes, and wetlands pre-date the Applicant's involvement. See Staff Report Exhibit B, Appendix B & F for the Wetlands Delineation Report and Geotechnical Report respectively. The law authorizes the Applicant and land owner to encroach upon and build into the wetlands and steep slopes, as long as mitigation is provided. Here, the Applicant is planning to avoid the wetlands and steep slopes, *entirely*, by building a development that is condensed, in flat areas, with a minimal footprint.

The property owner is not a traditional developer. It also is not focused on the bottom line or maximizing profit. Instead, the property owner is a nonprofit organization, comprised of volunteers committed to creating a sense of community and inclusion – to ensure no one is left to feel isolated, abandoned, ignored, or unable to participate simply because they have an intellectual or developmental disability (I/DD).¹

City code allows 11 dwelling units and a community building on this property. The Applicant proposes to build only 10 dwelling units, with a community building. The Applicant proposes to build very small buildings, as discussed below, to keep the density and lot coverage of the property as low as is reasonably feasible. This will help keep costs low and will allow the property owner to keep nearly all of the lovely natural landscape. In fact, City code authorizes the development to cover fifty-sixty percent (50%-60%) of the total buildable lot area, and this project covers only 6.6 percent of the lot area. Public concern that the project builds to maximum density, thus creating the need for the requested variances, therefore, is simply not true. The project is has 10, not 11 dwelling units, and is appreciably smaller than the law allows.

¹ I/DDs include loss of or diminished sight, hearing touch, taste, or smell; down syndrome, Fragile x syndrome, autism spectrum disorders. See United States Department of Health and Human Services, National Institutes of Health, *About Intellectual and Developmental Disabilities (IDDs)*, retrieved 7/23/2025, from <https://www.nichd.nih.gov/health/topics/idds/conditioninfo>

It is important to the property owner that its development fits into and becomes a part of the local community. Thus, the property owner has already cleaned up and removed a large volume of abandoned vehicles and refuse from the property. See the Project Impact portion of the applicant's hearing presentation. Next, the owner hopes to develop a handsome residential property that preserves nature, minimizes sound and visual effects on neighboring properties by being centrally located, beautifully landscaped, and contains buildings that are only story tall.

The law allows buildings to be up to 30 feet tall, but to minimize impacts on neighboring properties, to keep costs low, and to maintain a greater degree of accessibility, the project proposes only 16.5 foot tall one bed units, 18.5 foot tall two bed units, and 16.75 foot community building.. This will allow the project to comply with the restrictive covenant burdening the property that requires any development on the property to provide affordable housing. See attached tax deed. In fact, the proposed project includes multiple, carefully considered design decisions to keep costs low, as described in the application.

The Applicant's requested variances, therefore, are driven by topography, restrictive covenants, and other unique features of the property; are necessary to preserve the owner's right to develop within the confines of those restrictions; will not be materially detrimental to the public or neighbors; and are not due to a self-imposed hardship or negligence. The Applicant and property owner seek reasonable, minor accommodations to balance the needs and interests of their target population (I/DD homeowners seeking affordable housing) with the needs of the neighbors and the community at large. The four requested variances (street width, interior setbacks, parking, and water flow) are the minimum necessary to achieve those goals, as discussed below.

Street Variance: Public concerns about street width seem to assume that the requested street variance relates to Thompson Road – it does not. The requested variance to build a 20-foot-wide street applies solely to the width of the private road inside the subject property. It has no impact on the public road or neighboring properties.

City code requires a two-way drive aisle in a parking lot, with a parking angle of 90-degrees to have a 24' wide drive aisle. 157.403.07 (parking and loading area requirements for *off-street* parking). The applicant does not think this requirement applies to the project, because the development proposes parking along a private street; there is no off-street parking nor any parking lots. Nevertheless, the City advised that a variance would be required.

As a planned development with more than two dwelling units, the project is required to include a private street, rather than a driveway because the access road serves more than two units. 157.402.02(B)3(e). City code requires private streets to be 16 feet wide. See 157.402.02(K)2. The project proposes to build a 20-foot-wide street, more than satisfying this private street width requirement. The request for a variance from the off-street parking drive aisle requirement, therefore, is made under protest, and seeks only the minimum necessary variance (only four feet). It does not seek to reduce the street width all the way down to the private road width standard that applies throughout the rest of the City. Moreover, the City's Public Works department and the Fire District Chief both agree, that the proposed 20-foot wide private street is safe and meets necessary development and use requirements.

Setback Variance: Public concerns about the requested setback variance appear to assume the variance applies to property boundary setbacks – they do not. The requested setback variances are entirely internal to the project, between a few of the proposed duplexes. There is no impact on adjacent neighbors at all. In fact, if the variance is not granted, the project footprint would have to increase, moving the buildings *closer* to adjacent properties, not further away.

The requested variance asks the Commission to approve an additional three inches – allowing four corners of the dwelling unit roof overhangs to be 18 inches into the setback from other project dwelling units, rather than the current 15 inches allowed under city code.



There are 45 total corners on the project buildings. The requested variance applies to only four (4) of those corners (less than 10%) and applies to only a limited distance of the roof length, at the corner, not to the entire overhang of the roofline. See image above.

In short, the requested variance is de minimis, has no impact on neighboring properties, and should be granted.

Parking Variance: The Applicant proposes to provide 15 parking stalls for 16 bedrooms in this project. Given the unique focus on the I/DD community, the number of drivers in this community is expected to be less than the number of drivers in a traditional, non-integrated community. Moreover, the project proposes to provide *three* ADA-sized parking stalls, even though City code only requires one. One of the three stalls will be *reserved* for ADA use, allowing the other two ADA-sized stalls to be used by any resident or guest to ensure maximum parking flexibility and maximum parking stall use.

Contrary to public concern, the “community building” is not a recreation center or public access building. It will not draw visitors or members of the public to the site or increase traffic and parking congestion. Instead, the community building is provided as a centralized gathering place for residents in the community, because their dwelling units will be only 625 to 935 square feet each. Residents, and their guests, will walk from their homes to the community building. Accordingly, the community building is not expected to have any noticeable impact on anticipated traffic and City code confirms there is no requirement for additional parking caused by the community building. 157.403.06. In fact, the decision to build 10 small duplexes and one community building, rather than 10 large homes with individual meeting areas, *reduces* the impact of the project on neighbors and the environment by allowing the applicant to design and build in a much smaller footprint.

Finally, current state law recognizes the need for cost containment in order to provide affordable housing. ORS chapter 197A. In 2024, the Oregon legislature passed Senate Bill (SB) 1537 to stimulate production of desperately needed middle housing at affordable rates. SB 1537 will require a variety of “mandatory adjustments to housing development standards” for affordable housing developments – including relief from parking minimum requirements.

While the City of Nehalem has not yet implemented SB 1537 and the project site is not yet within city limits, the future of affordable housing parking requirements in Oregon (and the City of Nehalem) is clear. Soon, affordable housing developments will be relieved of parking minimums entirely. The proposed variance reducing parking from 20 to 15 stalls, therefore, is the minimum necessary, accommodates anticipated parking use, and complies with State-mandated parking adjustments for future urban affordable housing developments.

Water Flow Variance: The water flow variance is necessary, in part, due to the lack of City water flow models and the requested variance is entirely consistent with City code and state law.

As discussed above, the project site is burdened by a restrictive covenant requiring the property to be developed with affordable housing. Nehalem Ordinance 2024-02 expressly acknowledges that variances to the 1,000 gallons per minute (“gpm”) water flow requirement are appropriate and anticipated where the financial resources and realities of a project are more limited. Ordinance 2024-02, p.3. In fact, the Ordinance points out, that where, as here, automatic sprinklers are provided in a proposed project, lower water flows are authorized, and are consistent with the 2015

ISO Guide for Determination of Needed Fire Flow and the 2022 Oregon Fire Code. Ordinance 2024-02, p.3.

The Applicant proposes to install water sprinklers in all 10 residential duplexes and in the community building. See Narrative pp. 18-20.. Ordinance 2024-02 expressly authorizes residential duplexes (whether attached or detached) to be serviced by 350 gpm water flows, with a flow duration of 30 minutes, if automatic sprinkler systems are installed. Ordinance 2024-02, p.3.

The Applicant originally proposed to connect the existing water main on-site to the existing water main south of site to provide necessary water flows or to provide on-site water via a cistern. The applicant understands the City is opposed to the idea of a cistern and therefore, is currently pursuing connecting to the existing water main and has already begun a water line easement to allow the water main connection. The applicant will continue to work with the land owner and the City to finalize an easement for the water main connection, or to discuss plans for an on-site cistern water source if (a) an easement cannot be obtained or (b) the City water system cannot provide the waterflow mandated by City Code.

According to city engineers and the Nehalem Bay Fire and Rescue department, the current fire flow is expected to be 250-450gpm. Connecting it to the neighboring water main will improve that water flow – almost certainly above the 350-gpm needed, for 30 minutes, for residential duplexes under option 2) of Ordinance 2024-02. See Ordinance 2024-02, p.4. If the connection of the two water mains does not provide the necessary water flows, then the Applicant proposes an on-site cistern alternative, the City Engineer has already endorsed. See Narrative p.19, Variance request 1D, Option 2.

Authorizing the sprinklered residential duplexes and the proposed community building (each of which has less than 3,600 square feet of floor space), therefore, is consistent with planned development water flow standards, paragraph 2), authorizing variances, and residential water flow standards, paragraph 3) (a by right development standard). See *id.* at pp. 3-4.

The Fire District Chief agrees that installing sprinklers in the buildings, plus currently available water flows (once connected) and the Fire District's ability to bring water, are collectively sufficient to protect this proposed development. See Narrative at p. 20.

Fire flow rates are established under the Oregon Fire Code ("OFC"), which is based on the 2021 International Fire Code ("IFC") Amended. The IFC empowers the fire code official to reduce fire flow requirements for a group of building in rural areas or small communities where the development of full fire flow requirements is impractical. See 2021 International Fire Code (Amended), Appendix B, *Fire-Flow Requirements for Buildings*, Section B103.1.

The OFC further explains this authority by explaining the impracticality may occur due to location of the building on the property, fire-fighting capabilities of the jurisdiction, the type of occupancy, type of construction, and a number of other factors. 2022 Oregon Fire Code, Appendix B, *Fire-Flow Requirements for Buildings*, Section B103.1.

City records cannot currently determine the fire flow that will be available for the project. County staff report that precise water flow calculations are most commonly determined at the final, rather than the preliminary, plat stage. Accordingly, the Applicant suggests that if the Commission cannot determine a specified, substantiated fire flow rate, the Commission could condition approval of the project on determining that number prior to approval of the final plat. For example:

Fire Protection Requirements

1. Applicant shall:
 - a. install an on-site cistern to provide adequate water flow, as determined by the Fire District Chief, in accordance with OFC B103.1 or
 - b. connect the existing on-site water main and the existing water main south of the project site to improve fire flows to the project.
2. Fire flow in the amount of 1,500 gallons per minute for 60 minutes duration is required for any residential dwelling unit or community building exceeding 3,600 square feet.
3. Residential dwelling units and community buildings with less than 3,600 square feet of floor space require fire flow:
 - a. In the amount of 1,000 gallons per minute for 60 minutes duration (which means no variance is required); or
 - b. in an amount determined by the Fire District Chief, in accordance with OFC B103.1, which shall not be less than 350 gallons per minute for 60 minutes if the building includes an automatic sprinkler system.

We hope this information is helpful. We look forward to meeting with you tomorrow.

Sincerely,

Jones Architecture

Attachments: Restrictive Covenant

ATTACHMENTS

After Recording Return To:
SAMMY'S PLACE
P.O. BOX 53
NEHALEM, OREGON 97131

Send All Tax Statements To:
SAMMY'S PLACE
P.O. BOX 53
NEHALEM, OREGON 97131

Tillamook County, Oregon
09/19/2018 12:26:44 PM
DEED-TXD
\$10.00 \$11.00 \$61.00 \$10.00 - Total = \$92.00



00183186201800055220020025

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

Tassi O'Neil, Tillamook County Clerk

TAX DEED

THIS INDENTURE is made between Tillamook County, a political subdivision of the State of Oregon, by and through its Board of Commissioners, hereafter "Grantor," and **Sammy's Place, a Nonprofit Corporation**, hereafter "Grantee."

On the 14th day of March, 2018, the Tillamook County Board of Commissioners duly made and entered an Order in the Journal of the Board of Commissioners, incorporated herein by reference, which directed that certain real property be sold as is set forth in that Order. Grantor acquired the property at tax foreclosure sale or otherwise.

On the 19th day of September, 2018, the Tillamook County Board of Commissioners duly made and entered an Order in the Journal of the Board of Commissioners, incorporated herein by reference, which directed that certain property be sold as set forth in that Order.

Pursuant to the Orders dated March 14, 2018 and September 19, 2018, and the laws of Oregon, Grantor has agreed to convey the real property described below to Grantee for the mutually agreed sum of **Fourteen Thousand Four Hundred Fifty Two and 20/100 Dollars (\$14,452.20)**. Grantor acknowledges the receipt of the money paid for the property described below.

CONSIDERATION: THE TRUE AND ACTUAL CONSIDERATION FOR THIS TRANSFER IS FOURTEEN THOUSAND FOUR HUNDRED FIFTY TWO AND 20/100 DOLLARS (\$14,452.20).

NOW, THEREFORE, in consideration of the premises, and subject at all times to the reservations listed below, Grantor conveys to Grantee the following described real property together with all Grantor's right, title, and interest in and to the real property, as more particularly described as follows:

PARCEL 1, PARTITION PLAT 1991-06, recorded February 22, 1991, in Plat Cabinet B315-2, Plat Records of Tillamook County, Oregon, and being situated in Section 27, Township 3 North, Range 10 West, Willamette Meridian, in Tillamook County, Oregon.

It is understood and agreed that this conveyance is made and accepted, and the realty is transferred, on and subject to the covenant, condition, restriction, and reservation that the realty must be used for low-income housing and/or social services pursuant to ORS 271.330(2). This covenant, condition, restriction, and reservation shall apply to and run with the conveyed land.

If the realty is not used for the above purposes, then all the right, title, and interest in and to the described property and to the improvements on such property, shall revert to and revest in Grantor or its successors and assigns, as fully and completely as if this instrument had not been executed.

THE PARTIES SIGNING THIS DOCUMENT REPRESENT EACH TO THE OTHER TO HAVE THE ACTUAL AND/OR APPARENT AUTHORITY TO BIND THEIR RESPECTIVE ORGANIZATIONS TO THE TERMS OF THIS DOCUMENT. EACH PARTY HAS READ THIS DOCUMENT AND AGREES TO ITS TERMS.

TILLAMOOK COUNTY RECORDING

Receipt #: 121694

Receipt Date: 09/19/2018 12:28 PM

Station: 1

Cashier: TASSI

Receipt Name: SAMMY'S PLACE / COLUMBIA BANK 13500 THOMSON RD

Comments:

RECORDING

Document #	Recording Date	Doc Type	Recording	Survey	A&T Fund	NonStd	Other	Total
2018-005522	09/19/2018 12:26:44 PM	DEED-TXD					31.00	\$92.00
Totals:			\$0.00	\$0.00	\$0.00	\$0.00	\$31.00	\$92.00

Thank You

Receipt Total		\$92.00
CHECK	1216414	\$92.00

Accessible Homes

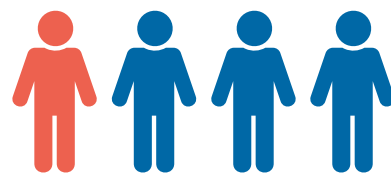
Equity means people with disabilities have the greatest possible independence in their homes

Problem: There is too little accessible housing

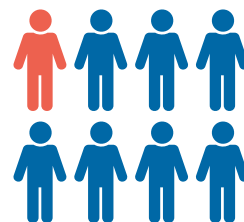
➔ Failure to build accessible homes

The number of people with disabilities far exceeds the number of accessible homes required by law.

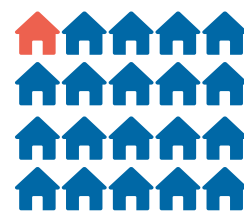
1 out of 4
Americans has
a disability.



1 in 8 has difficulty
with walking.



But, only 1 in 20
apartments is required to
be physically accessible.



➔ Under-estimated and unmet needs

Poor data and unenforced civil rights laws mean people with disabilities fall further behind.

Solutions: Fix the gap between the need for accessible housing and what exists now

➔ Enforce and expand existing laws and regulations

- Existing requirements are not enough, but enforcing them is a necessary first step.
- Increased accessibility requirements support equity for all marginalized communities.



Fair Housing and Equal Opportunity

Equity means people with disabilities can fully enjoy where they live, free of discrimination

Problem: Housing providers do not follow fair housing laws

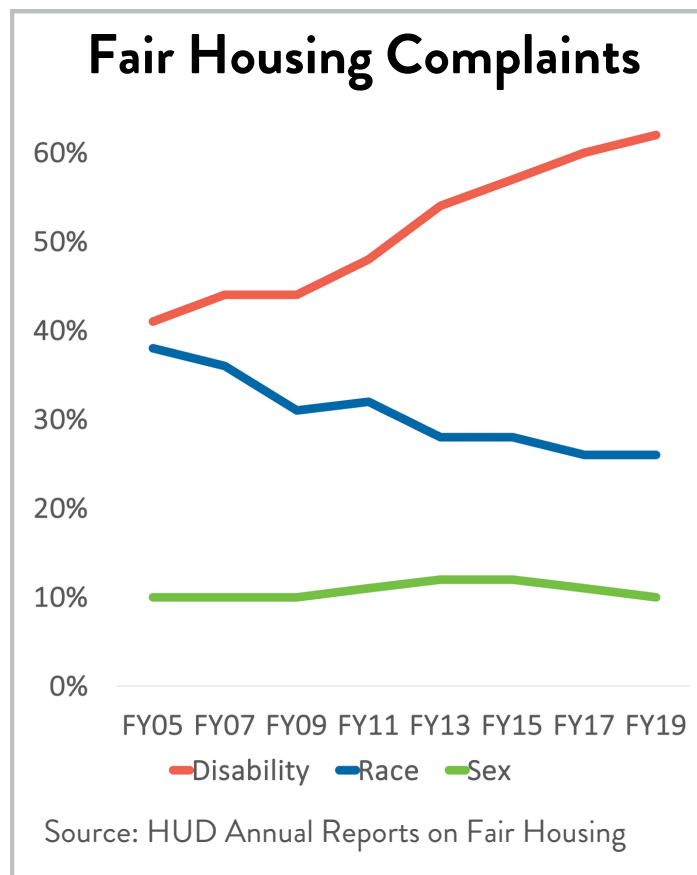
➔ Rising number of complaints

3 in 5 fair housing complaints are based on disability. Many are about reasonable accommodation and modification requests.

Complaints have risen steadily over the past 20 years.

➔ Nondisabled people living in accessible units

Federal law requires prioritizing people with disabilities for accessible units. However, housing providers routinely fail to do this.



Solutions: Strengthen tenant protections

➔ Enforce compliance

Regulators must address issues with reasonable accommodations and modifications. They must penalize noncompliance.

➔ Improve housing provider knowledge

Educate housing providers on fair housing requirements and discrimination.



Learn more and get involved:
CVision.org/Housing-Campaign



Affordable Homes

Equity means people with disabilities can afford their own homes

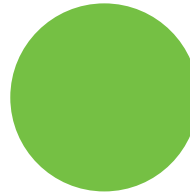
Problem: People with disabilities struggle to find homes they can afford

➔ Limited incomes

Many people with disabilities rely solely on income from Social Security benefits or part-time jobs. Because of this, they often earn 30% or less of Area Median Income (AMI).

This extremely low-income level is not enough to afford Portland's rent.

Maximum
monthly SSI
payment for
2024



\$943

Minimum monthly
income for average
Portland rent to be
considered
affordable



\$5,380

➔ Too few affordable homes

Deeply subsidized housing is often the only option for extremely low-income people.

For every 10 extremely low-income households ...



... there are just
3 homes.



Solutions: More options for those with the lowest incomes

➔ More rent assistance

Increase rent assistance and prioritize people with disabilities.

➔ More deeply affordable housing

Prioritize creating more units for 30% AMI and below.



Learn more and get involved:
CVision.org/Housing-Campaign

