# Tillamook County

# DEPARTMENT OF COMMUNITY DEVELOPMENT BUILDING, PLANNING & ON-SITE SANITATION SECTIONS



1510 - B Third Street Tillamook, Oregon 97141 www.tillamookcounty.gov 503-842-3408

Land of Cheese, Trees and Ocean Breeze

# VARIANCE REQUEST #851-25-000193-PLNG: Pinecone/Savage/Hepburn

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

August 15, 2025

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Variance Request on August 15, 2025.

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: <a href="https://www.tillamookcounty.gov/commdev/landuseapps">https://www.tillamookcounty.gov/commdev/landuseapps</a> 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 27, 2025.** 

**Request:** A Variance request for relief to the 70% lot width coverage allowance to 82%, for the

proposed placement of a detached accessory structure on a property improved with

existing residential development.

**Location:** The subject property is located in the Unincorporated Community of Neskowin at

4315 McMinnville Avenue, is a corner lot abutting Breakers Blvd and McMinnville Avenue, both County Roads, and designated as Tax Lot 2400 of Section 25CC, Township 5 South, Range 11 West, Willamette Meridian, Tillamook County, Oregon.

**Zone:** Neskowin High Density Residential (NeskR-3) Zone

**Applicant:** Pinecone Design + Build LLC, 5005 Schoolhouse Rd, Neskowin, OR 97149

**Property Owner:** John William Savage and Carol Lynn Hepburn, PO Box 17709, Seattle, WA 98127

## **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 an approved revised Consolidated Zoning/Building permit application from the Tillamook County Department of Community Development, prior to continued development of the site.
- 3. Development of the property shall maintain an increased building width coverage of 70-percent at all points to 82-percent, for the proposed placement of a detached accessory structure to be used as a garden shed as indicated on the approved site plan (Exhibit B).
- 4. The applicant/property owner shall comply with the requirement of TCLUO Section 3.530, 'Beach and Dune Overlay (BD)'. Applicant shall demonstrate compliance at time of Consolidated Zoning/Building Permit to confirm the proposed development is exempt from the Dune Area Development Permit (DADP) or obtain the DADP if exemption criteria are not met.
- 5. Development shall otherwise comply with the applicable standards and requirements of TCLUO Sections 3.324, 'Neskowin High Density Residential (NeskR-3) Zone'. The applicant/property owner shall submit a site plan, drawn to scale and indicating all required yard setbacks, lot coverage and parking, at the time of Consolidated Zoning/Building permit application.
- 6. This approval shall be void on August 15, 2027, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

Sincerely,

Melissa Jenck, Senior Planner, CFM

Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor & Zoning maps

#### **Tillamook County**

#### DEPARTMENT OF COMMUNITY DEVELOPMENT

BUILDING, PLANNING & ON-SITE SANITATION SECTIONS



1510 – B Third Street Tillamook, Oregon 97141 www.tillamookcounty.gov

Land of Cheese, Trees, and Ocean Breeze

VARIANCE, 851-25-000193-PLNG: Pinecone/Savage/Hepburn

#### ADMINISTRATIVE DECISION AND STAFF REPORT

**DECISION: Approved with Conditions** 

**Decision Date:** August 15, 2025

REPORT PREPARED BY: Melissa Jenck, CFM, Senior Planner

### I. GENERAL INFORMATION:

**Request:** A Variance request for relief to the 70% lot width coverage allowance to 82%, for the

proposed placement of a detached accessory structure on a property improved with

existing residential development.

**Location:** The subject property is located in the Unincorporated Community of Neskowin at

4315 McMinnville Avenue, is a corner lot abutting Breakers Blvd and McMinnville Avenue, both County Roads, and designated as Tax Lot 2400 of Section 25CC, Township 5 South, Range 11 West, Willamette Meridian, Tillamook County, Oregon.

**Zone:** Neskowin High Density Residential (NeskR-3) Zone

Applicant: Pinecone Design + Build LLC, 5005 Schoolhouse Rd, Neskowin, OR 97149

Property Owner: John William Savage and Carol Lynn Hepburn, PO Box 17709, Seattle, WA 98127

**Description of Site and Vicinity:** The subject property is accessed via McMinnville Drive, a County road, along the northerly property boundary, and abuts Breakers Blvd, a County road, to the west (Exhibit A). The property is well vegetated, currently improved with a single0-family residence and encompasses 0.11-acres (4,750 square feet) according to County GIS records (Exhibit A). The subject property along with the properties in the vicinity are zoned Neskowin High Density Residential zone (NeskR-3) and the area generally consists of single-family dwellings (Exhibit A). The Chelan Condominiums are located to the west of the subject property, in the NeskR-3 zone (Exhibit A).

The Applicant is proposing to increase the allowed building width of 70-percent at all points to 82-percent, to allow for the placement of a detached accessory structure to be used as a garden shed on the subject property (Exhibit B).

No wetlands or riverine features are mapped or present on the subject property, as indicated on the State Wetlands Inventory (Exhibit A) The area is in Flood Zone "X", according to FEMA FIRM 41057C1005F dated September 28, 2018, and is not in a Special Flood Hazard Area (Exhibit A). The property is identified as Younger Stabilized Dune as detailed in the DOGAMI Open File Report O-20-04 (Exhibit A & B).

#### 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. Section 3.324: Neskowin High Density Residential (NeskR-3) Zone
- B. Section 3.530: Beach and Dune Overlay (BD)
- C. Article VIII: Variance Procedures and Criteria (including Section 4.005: Residential and Commercial Zone Standards)

# III. ANALYSIS:

## A. TCLUO Section 3.324: Neskowin High Density Residential (NeskR-3) Zone

Section 3.324(2) and 3.310(3) list uses permitted outright and conditionally in the zone.

**Findings:** Staff find a single-family dwelling as its accessory uses are permitted outright uses in the NeskR-3 zone.

**Section 3.324(4),** STANDARDS: Land divisions and development in the NeskR-3 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

- (j) Structures shall meet the following standards. Applicants shall demonstrate compliance with these standards on submitted plans. For purposes of these standards, building depth is defined as the dimension of the building footprint measured between the front and rear setbacks, and building width is defined as the dimension of the building footprint measured between side property lines.
  - (2) Building width at all points shall not exceed 70% of the distance between opposite side lot lines (measured as close to perpendicular to those lines as possible).

**Findings:** Applicant is requesting to increase the allowed building width of 70-percent at all points to 82-percent, to allow for the placement of a proposed residential structure to be used as a garden shed (Exhibit B). The proposed relief would result in an additional lot width coverage allowance of six (6) feet (Exhibit B).

Staff find that the requested Variance may be permitted only by finding that the requirements of TCLUO Article 8 have been satisfied. The requirements of TCLUO Article 8, 'Variance Procedures and Criteria' are addressed below.

#### B. TCLUO Section 3.530: Beach and Dune Overlay Zone (BD)

The property is identified as Younger Stabilized Dune as detailed in the DOGAMI Open File Report O-20-04 (Exhibit A & B).

Findings: Staff finds construction of structures for which a building permit is not required are exempt from the requirement of a Dune Area Development Permit per TCLUO Section 3.530(5)(b)(C). Staff find a condition of approval for compliance the requirement of TCLUO Section 3.530 shall be demonstrated at time of the Consolidated Zoning/Building permit for the proposed development.

# C. Article VIII: Variance Procedure and Criteria; including Section 4.005 Residential and Commercial Zone Standards

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 to be mailed to landowners within 250-feet of the subject property, to allow at least 14 days for written comment and requires Staff to consider comments received in making the decision.

**Findings:** A notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on July 28, 2025. One comment was received from Tillamook County Public Works, contained within 'Exhibit C'. Public Works commented the existing property does not currently maintain an approved Road Approach. Public Works stated the proposed development may not trigger an updated Road Approach and states they have no concerns for the proposed development (Exhibit C).

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 subject property is 50-ft by 95-feet, with level topography that is currently improved with a single-family dwelling and access via McMinnville Drive, a County road (Exhibit A & B). Applicant states the width and depth are concerning on the subject lot as its less than 5,000 square feet in size. Applicant affirms that accessory structures are a use that is typical for properties in the neighborhood, with lots of a similar size (Exhibit A).

Staff find the subject property is 4,750-square feet in size and is a corner lot, abutting McMinnville Drive and Breakers Road at their intersection, both County roads (Exhibit A). The dimensions of the subject property are similar to those in the vicinity, with the addition of a corner lot and its associated setbacks prescribed to the parcel (Exhibit A).

Staff find multiple single-family dwellings located within the vicinity in the NeskR-3 which are similar in size and improved with a residence and detached accessory structures with review of aerial imagery (Exhibit A). These properties are located at 5S11-25CC-03500, 5S11-25CC-03800, 5S11-25CC-01600, and 5S11-25CC-02900.

Staff find that due to the dimensional characteristics of the legally existing lot, enjoyment of a dwelling and its associated accessory uses would be precluded on the subject property. Staff conclude this criterion has been 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:** As discussed above, the Applicant is proposing to increase the allowed building width of 70-percent at all points to 82-percent for the placement of a detached accessory structure to be used as a garden shed (Exhibit B). Applicant states the variance is necessary to accommodate an accessory use that is expected on the parcel and is hindered by the dimensions of the property (Exhibit B).

Staff find multiple single-family dwellings located within the vicinity in the NeskR-3 which are similar in size and improved with a residence and detached accessory structures with review of aerial imagery (Exhibit A). These properties are located at 5S11-25CC-03500, 5S11-25CC-03800, 5S11-25CC-01600, and 5S11-25CC-02900.

Staff find single-family dwellings and their accessory uses are permitted outright and are expected to occur within this zone. Staff conclude this criterion has been 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.

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 that the proposed structure is modest in size, measuring at 10-ft by 11-feet, and limited height at 12-feet, it will occupy only 2.2% of the total lot area (Exhibit B). Applicant details on their site plan the proposed structure will maintain the minimum six (6) foot separation required between the existing dwellings and will not impact access to the property (Exhibit B). Applicant further provides access to the shed and windows will be directed away from the neighboring residence so it will not visually be obstructive (Exhibit B).

No comments were received from neighboring properties regarding the proposed development.

Staff find that the proposed development will maintain privacy and adequate access to air, light and open space for the subject property and the surrounding properties, similar to those experienced by neighboring properties in the vicinity. Staff find the proposed structure maintains height similar to those in the surrounding area (Exhibit A). Staff find that these criteria are met.

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

Findings: Applicant's submittal documents that all private land uses will occur on the subject property (Exhibit B). Access is provided via McMinnville Road, a County road. The structure is proposed to be located at the end of an existing driveway, not to impact the existing emergency access to the parcel, and will maintain the minimum required front yard setback (Exhibit B). The site plan shows adequate area for the two required off-street parking spaces in accordance with TCLUO Section 4.030. Staff find that access to adjacent properties will not be impacted by the accessory structure, and that driver visibility will not be obstructed as all uses will be located within the property boundary lines of the subject property and maintain within approved building heights for the zone.

Tillamook County Public Works and Nestucca Rural Fire District were noticed as part of this application. Tillamook County Public Works provided comments that a Road Approach is not currently on file, but was not concerned with the proposed development (Exhibit C).

Staff find that these criteria can be met through compliance with Conditions of Approval.

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

**Findings:** Applicant states that the proposed structure will meet height requirements of the zone at 12 feet (Exhibit B). The County regulates views through compliance with building height requirements. The NeskR-3 zone allows for a building height of structures on this property to 35 feet. Staff find that the

Applicants submittal includes a building demonstrating a building height of 12-foot (Exhibit B). Staff find the criterion in Section 4.005(8) can be met through compliance with the Conditions of Approval.

(9) To separate potentially incompatible land uses;

Findings: The applicant is proposing to construct a detached accessory structure in conjunction with an existing single-family dwelling (Exhibit B). The use is allowed outright in the NeskR-3 zone and is expected to occur in this area. The vicinity is improved with single-family dwellings and associated accessory structure as detailed above in this report (Exhibit A). Staff find that the criterion in Section 4.005(9) has been met.

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

**Findings:** County records do not indicate any such facilities are in the vicinity of the subject property. Staff finds that the proposed expansion does not unreasonably shadow or otherwise inhibit access to solar radiation on adjacent properties and finds that the criterion in Section 4.005(10) has been met.

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

**Findings:** Applicant states that there are no other reasonable alternatives, due to existing landscaping, required setbacks and practical access limitations that would render unsuitable locations for the proposed structures placement (Exhibit B). Applicant provides the proposed location of the garden shed at the end of the existing driveway creates a practical location which minimizes site disturbance (Exhibit B).

Staff find development of the subject property for a detached accessory structure to be used for a garden shed maintains dimensional limitations due to the size of subject property and the setbacks prescribed upon the parcel due to being a corner lot (Exhibit B). Staff find the existing dwelling is improved along the westerly portion of the lot, with an existing driveway improved along the easterly portion (Exhibit A & B). Staff find that location of siting of future development is due to dimensional constraints of the lot (Exhibit A & B).

Staff find that the dimensional characteristics limit the area of the subject property for residential development of the property consistent with residential properties in the area. Staff find that the criterion in Section 8.030(4) has been met.

# IV. DECISION: APPROVED WITH CONDITIONS

Staff concludes, based on the findings of fact and other relevant information in the record, that the applicant has satisfied/or is able to satisfy the applicable ordinance requirements through the Conditions of Approval, and therefore, approves the request 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 of 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 27, 2025.

# V. <u>CONDITIONS OF APPROVAL:</u>

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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- 6. This approval shall be void on August 15, 2027, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

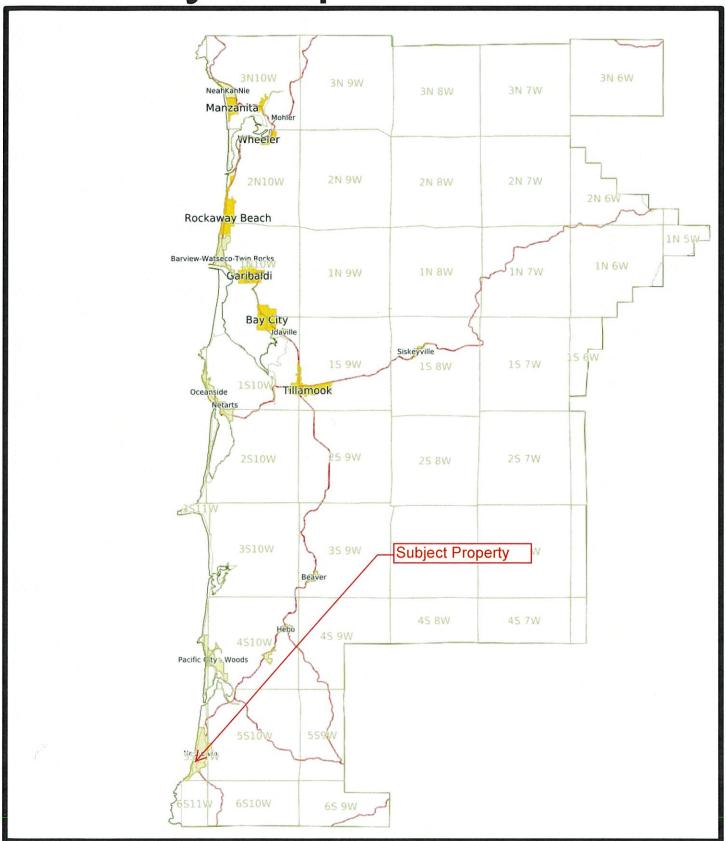
#### VI. EXHIBITS:

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

- A. Vicinity Map, Assessors Map, Assessors Summary, Zoning Map, FEMA FIRM
- B. Applicants Submittal
- C. Public Comments

# **EXHIBIT** A

# Vicinity Map

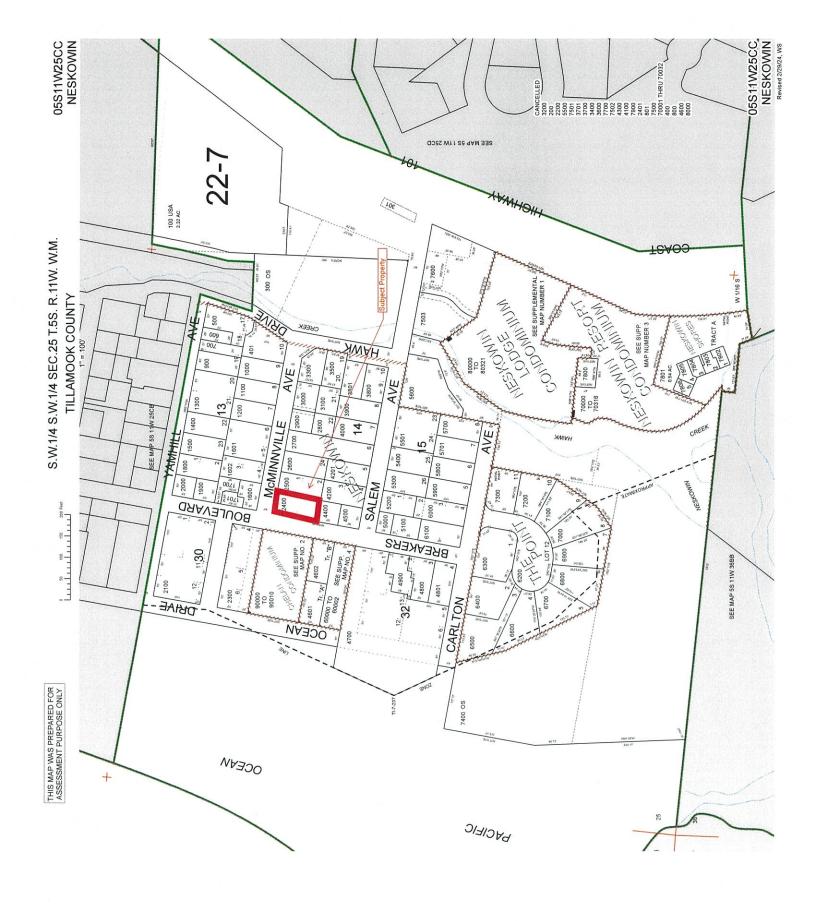


# Zoning Map





Generated with the GeoMOOSE Printing Utilities



# **Tillamook County** 2024 Real Property Assessment Report

Account 247094

Map

5S1125CC02400

**Tax Status** 

Assessable

Code - Tax ID

2207 - 247094

**Account Status** 

Active NORMAL

Legal Descr

See Record

Mailing

SAVAGE, JOHN WILLIAM &

HEPBURN, CAROL LYNN

PO BOX 17709

SEATTLE WA 98127

Deed Reference # 2020-5629

Sales Date/Price

Subtype

08-24-2020 / \$1

**Appraiser** 

KARI FLEISHER

**Property Class** 

**RMV Class** 

101

MΑ SA

101

NΗ 991

09 ST

Site	Situs Address	City
1	4315 MC MINNVILLE AVE	COUNTY

			Value Summary			
Code Ar	'ea	RMV	MAV	AV	RMV Exception	CPR %
2207	Land	310,660		Land	0	
	lmpr	168,910		Impr	0	
Code	Area Total	479,570	252,660	252,660	0	i
G	irand Total	479,570	252,660	252,660	0	

				La	nd Breakdown			
Code			Pian		Trend			
Area	ID#	RFPD	Ex Zone	Value Source	%	Size	Land Class	Trended RMV
2207				LANDSCAPE - FAIR	100			500
	1	V	NESKR- 3	Market	117	0.11 AC		278,460
				OSD - AVERAGE	100			31,700
					Code Area Total	0.11 AC		310,660

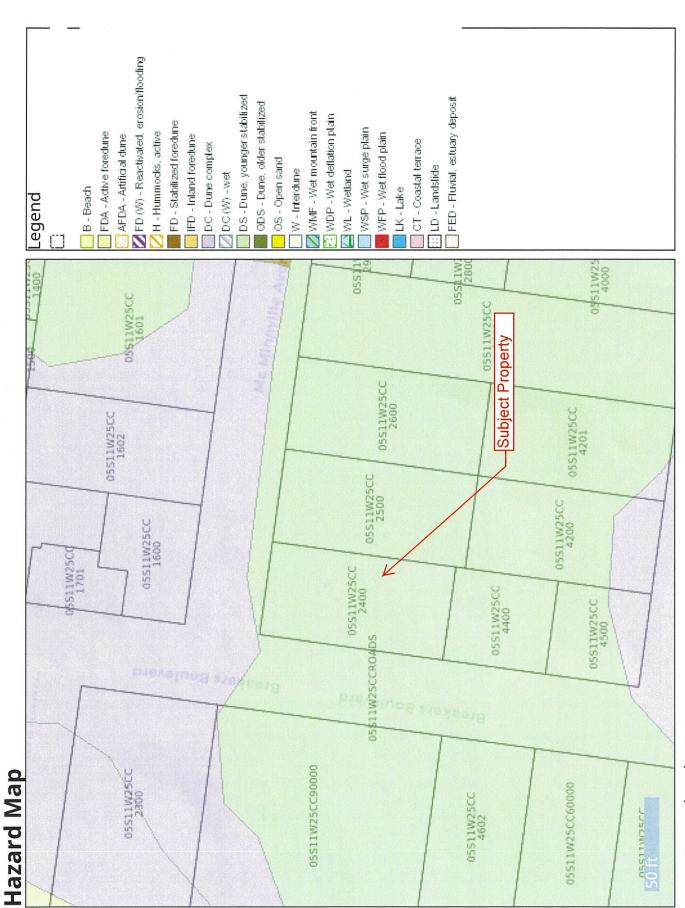
Improvement Breakdown								
Code		Year	Stat		Trend			
Area	ID#	Built	Class	Description	%	Total Sqft	Ex% MS Acct	Trended RMV
2207	1	1927	131	One story	122	1,039		168,910
				-	Code Area Total	1,039		168,910

Exemptions / Special Assessments / Notations					
Code Area 2207					
Special Assessments	Amount	Year Used			
■ SOLID WASTE	12.00	2024			

Comments

7/19/02 ADDN TO HOME. CHGD TO CLASS 3-. DEP 80%. LR 11/20/06 Fixed Misplaced MAV. dv. 6/13/22 Added photo/floorplan. KF

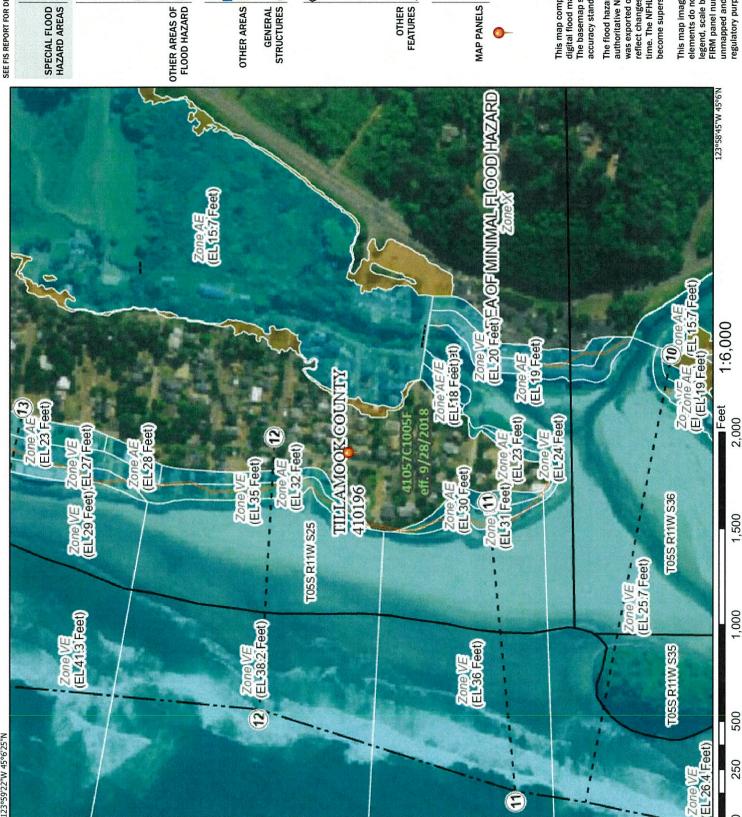
7/26/2025 1:57 PM Page 1 of 1



Printed on 7 / 26 / 2025

# National Flood Hazard Layer FIRMette





# Legend

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

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

of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile zone Future Conditions 1% Annual Chance Flood Hazard Zone X

0.2% Annual Chance Flood Hazard, Area

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

NO SCREEN Area of Minimal Flood Hazard Zone X

**Effective LOMRs** 

Area of Undetermined Flood Hazard Zone

Channel, Culvert, or Storm Sewer STRUCTURES | 111111 Levee, Dike, or Floodwall

Cross Sections with 1% Annual Chance Water Surface Elevation (B) 20.2 17.5

Base Flood Elevation Line (BFE) Coastal Transect Limit of Study www. 513 www

Coastal Transect Baseline **Jurisdiction Boundary** 

Hydrographic Feature Profile Baseline

No Digital Data Available Digital Data Available

The pin displayed on the map is an approximate point selected by the user and does not represe Unmapped

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

authoritative NFHL web services provided by FEMA. This map reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or The flood hazard information is derived directly from the was exported on 7/26/2025 at 9:01 PM and does not 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, FIRM panel number, and FIRM effective date. Map images for legend, scale bar, map creation date, community identifiers, unmapped and unmodernized areas cannot be used for regulatory purposes.

https://www.oregon.gov/dsi/MW/Pages/SWI.aspx

# EXHIBIT B



Land Use Application

Rev. 6/9/23

Tillamook County Department of Community Development

1510-B Third Street. Tillamook, OR 97141 | Tel: 503-842-3408 Fax: 503-842-1819

**OFFICE USE ONLY** 

Date Stamp

www.co.tillamook.or.us

# PLANNING APPLICATION

	Property Owner)	AF	R 1 6 2025
Name: Pinecone Design+Build LLC Pho	one: 503.801 7488	1275	Counter- my
Address: 5005 Schoolhouse Rd		EU ILS week	THE RESERVE OF THE PROPERTY OF
City: Neskowin Sta	te: OR Zip: 97149	□Арр	roved Denied
Email: biff@pineconedb.com			ed by: MT
Property Owner		Receip	
		Fees:	1575.00
	ne: Hepburn	Permit	
Address: PO Box 17709			5-00193-PLNG
City: Seattle Sta	te: WA Zip: 98127	031-3	3-00143 -FLING
Email: carol@hepburnlaw.net			
Request: A six foot (6') variance to th garden shed.	e maximum lot width coverage fo	r the addit	ion of a 110 sq/ft
Гуре II	Type III	Type IV	
Farm/Forest Review	☐ Detailed Hazard Report	☐ Ordina	nce Amendment
Conditional Use Review	☐ Conditional Use (As deemed		Scale Zoning Map
Variance	by Director)	Amend	
Exception to Resource or Riparian Setba			nd/or Code Text
Nonconforming Review (Major or Minor	for the second s	Amend	iment
<ul> <li>Development Permit Review for Estuary Development</li> </ul>	☐ Goal Exception ☐ Nonconforming Review (As		
Non-farm dwelling in Farm Zone	deemed by Director)		
Foredune Grading Permit Review	☐ Variance (As deemed by		
J Neskowin Coastal Hazards Area	Director)		
ocation:			
Site Address: 4315 McMinnville Ave, Ne	skowin. OR 97149		
Map Number: 5S	11 -	25CC	02400
Township F	Range	Section	Tax Lot(s)
Clerk's Instrument #:			
Authorization			
his normit application does not assure new	mit approval. The applicant and/or prop , and local permits. The applicant verific	es that the in	
obtaining any other necessary federal, state complete, accurate, and consistent with oth		lication.	
obtaining any other necessary federal, state complete, accurate, and consistent with oth		lication.	04/15/25
btaining any other necessary federal, state		lication.	04/15/25  Date 04/10/25

Carol Hepburn PO Box 17709 Seattle. WA 98127



# April, 12 2025

Tillamook County Planning Department Tillamook County Building Department 201 Laurel Ave Tillamook, OR 97141

Subject: Authorization to Represent – Project at 4315 McMinnville Ave, Neskowin, OR 97149 5S1125CC02400

# To Whom It May Concern,

Please accept this letter as formal notification that I, Carol Hepburn, the owner of the property located at **4315 McMinnville Ave, Neskowin, OR 97149** (the "Property"), hereby authorize:

# Representative:

• Name: Biff Schlicting

· Title: Owner

Company: Pinecone Design+Build LLC

Address: 5005 Schoolhouse Rd, Neskowin, OR 97149

Phone: 503.801.7488

• Email: biff@pineconedb.com

to act as my/our agent and representative in all matters pertaining to applications, permits, and communications with **Tillamook County** officials and staff concerning the proposed construction project at the aforementioned Property, described as a Garden Storage Shed.

This authorization specifically grants **Biff Schlicting and Pinecone Design+Build LLC** the power to:

1. Prepare, sign, and submit applications for land use approvals, building permits, zoning permits, septic/sanitary permits, access permits, and any other necessary county approvals related to this Project on my/our behalf.

- 2. Communicate directly with all relevant Tillamook County departments (including Planning, Building, Public Works, Environmental Health, etc.) regarding these applications and the Project.
- 3. Receive and respond to correspondence, comments, requests for information, and notices issued by the County concerning this Project.
- 4. Attend meetings or hearings with County staff or officials as required in connection with these applications.
- 5. Coordinate required site visits or inspections with County staff.

Please direct all communications, questions, and documentation from Tillamook County regarding this Project and related applications to our authorized representative, **Biff Schlicting**, at the contact information listed above.

This authorization shall remain in full force and effect for the duration of the permitting and construction process for this specific Project, or until revoked in writing by the undersigned. A copy of such revocation will be provided to Tillamook County.

Thank you for your cooperation.

Sincerely,

Carol Hepburn Property and project owner Email: carol@hepburnlaw.net



# **Explanation for Variance Request: Garden Shed**

We are requesting this variance to permit the placement of a small garden shed on the property.

The subject property is 5,000 sq ft. Standard lot coverage requirements (e.g., related to width and depth) present a practical difficulty for placing even a small accessory structure, like a garden shed, which is a common feature on residential lots.

Accessory structures, including sheds, exist on other similarly sized properties within the neighborhood. We believe the proposed shed is consistent with the established character of the area and will not create a negative impact.

We evaluated alternative locations on the property that would meet standard requirements. However, factors including existing landscaping, topography, required setbacks, and practical access render these alternatives unsuitable for the shed's intended use.

The proposed location, situated on a flat area at the end of the existing driveway, represents the most practical and suitable site for the shed, minimizing site disruption while allowing for its intended function.

# Responses to Land Use Standards Criteria 1-10:

- 1 To ensure the availability of private open space: The proposed garden shed, measuring 10'x11' (110 sq ft), will occupy a small portion of the lot, 2.2% of the total area. The design incorporates an adjacent and open pergola, along with a plan for extensive, mostly low-growing native landscaping around the structure. This approach ensures that the project maintains a significant portion of the lot as usable private open space, aligning with the intent of this standard and remaining consistent with other properties in the neighborhood.
- **2 To ensure that adequate light and air are available to residential and commercial structures:** Given the shed's modest size (10'x11') and height (12'), its impact on the availability of ambient light and airflow to both the subject property and neighboring properties is negligible. The shed's orientation has been carefully considered to minimize shading, ensuring compliance with the purpose of this standard. The pergola design further mitigates any potential obstruction of light and air.

- **3 To adequately separate structures for emergency access:** The proposed garden shed design maintains the required minimum of 6 feet separation from the existing house. This ensures that the project does not obstruct or negatively impact existing emergency access routes around the property. The placement of the shed will not impede access to any utility easements or fire hydrants, upholding the intent of this standard for adequate separation for emergency responders.
- **4 To enhance privacy for occupants of residences:** The proposed design includes a single set of doors that will open towards the subject property, away from the nearest neighboring property. The street facing, decorative stained glass window will not be see-through. The placement of the garden shed in this location will contribute to a greater sense of privacy between the existing home and the neighboring residence without being visually obtrusive.
- 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: The addition of this garden shed will increase the private land uses that could be reasonably expected on properties of this type by providing more utilizable and functional space in an area that currently serves only as an oversized parking area. The garden shed will also provide an attractive, covered storage area for items commonly left visible outside (BBQs, bicycles, garden tools and supplies, etc).
- **6 To ensure that driver visibility on adjacent roads will not be obstructed:** The proposed garden shed, due to its location well within the property boundaries at the end of the existing driveway will not introduce any new obstructions to the field of view for drivers on adjacent roads. The project maintains existing setbacks and sight lines, ensuring continued compliance with this standard.
- **7 To ensure safe access to and from common roads:** The placement of the proposed garden shed at the end of the existing driveway, significantly set back from the road, will have no impact on the safe ingress and egress to the property from common roads. The project does not alter the existing driveway configuration or introduce any elements that would impede safe access.
- **8 To ensure that pleasing views are neither unreasonably obstructed nor obtained:** The placement of this relatively small garden shed is not anticipated to significantly alter existing views from neighboring properties or public spaces. The current views primarily consist of the existing residential structures. The design of the shed will be in keeping with the residential character of the neighborhood and the existing home to ensure it blends in with its surroundings in a pleasing manner.

- **9 To separate potentially incompatible land uses:** This small garden shed is entirely compatible with the existing residential land uses in the surrounding area. Its intended use for storage and gardening will not generate any noise, traffic, or other impacts that would create incompatibility with neighboring properties. The project is consistent with the established character of the residential zone.
- **10 To ensure access to solar radiation for the purpose of alternative energy production:** Due to the limited height (12 feet), size (10'x11'), and placement of the proposed garden shed at the end of the driveway, it will not negatively impact the potential for solar radiation access on the subject property or neighboring properties for future alternative energy systems. The location is away from the primary roof areas of the existing house and is unlikely to interfere with optimal placement for solar panels.

Until a change is requested, all tax statements will be sent to:

Carol L Hepburn PO Box 17709 Seattle, WA 98127

After recording return to:

Carol L Hepburn PO Box 17709 Seattle, WA 98127 APR 1 6 2025 BY:

Tillamook County, Oregon 08/27/2020 10:15:57 AM

2020-005629

DEED-DQUIT

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



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

Tassi O'Neil, Tillamook County Clerk

# STATUTORY QUITCLAIM DEED

Mainly Fine, Too, LLC, Grantor, releases and quitclaims to John William Savage and Carol Lynn Hepburn, husband and wife, as tenants by the entirety, Grantees, all right, title and interest in and to the following described real property:

The West one-half of Lots 1 and 2, Block 14, NESKOWIN, in the County of Tillamook, State of Oregon; excepting therefrom the South 5 feet of the West one-half of Lot 2, Block 14, Neskowin, in the County of Tillamook State of Oregon Account: 247094

Map & Tax Lot: 5S 11 25 CC-2400

The true consideration for this conveyance is \$1.00.

DATED: August 24, 2020

John William Savage Mainly Fine, Too, LLC Authorized representative

State of Washington County of King

This record was acknowledged before me on August 24, 2020 by John William Savage as registered agent of Mainly Fine, Too, LLC

MICHELLE D SPARKS Notary Public State of Washington Commission # 62755 My Comm. Expires May 16, 2023 Notary Public, State of Washington

My Commission expires:

5/14/23

Order No.: 27390780

# LEGAL DESCRIPTION EXHIBIT "A"

The west one-half of Lots 1 and 2, Block 14, Neskowin, in the County of Tillamook, State of Oregon, excepting therefrom the South 5 feet of the West one-half of Lot 2, Block 14, Neskowin, in the County of Tillamook, State of Oregon

Assessor's Parcel No:

5S1125-CC-02400

# Site Plan

Scale: 3/32 = 1'

4315 McMinnville Ave Neskowin, Oregon 97149

Map and Taxlot: 5S1125CC02400

# NOTES:

The proposed 10' x 11' shed requires only 6' of variance over the 35' (70% of the 50' wide lot) R3 Zone width limit

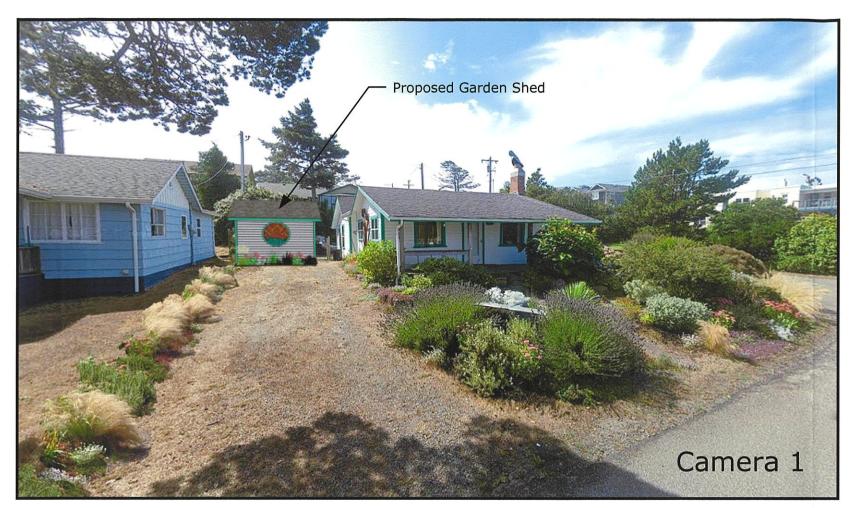
Shed is to blend in and match aesthetically the primary dwelling

Installed along with the garden shed will be additional native landscaping, further enhancing this property's desirable Neskowin aesthetic

Drainage off of hard surfaces dissipates naturally into the deep sand base layer under the property







# 4315 McMinnville Ave

Neskowin, Oregon 97149

Project: Addition of Garden Shed

A small shed for storage, featuring a pergola and plant potting bench.

The entry and potting area to be away from the street. The street side will feature a custom, artisan stained-glass window and more plantings.

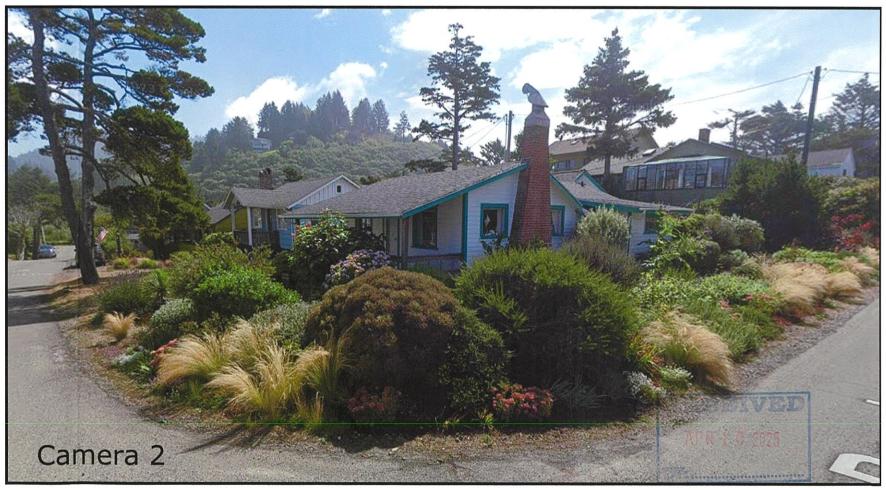
The shed is to aesthetically match the primary home.

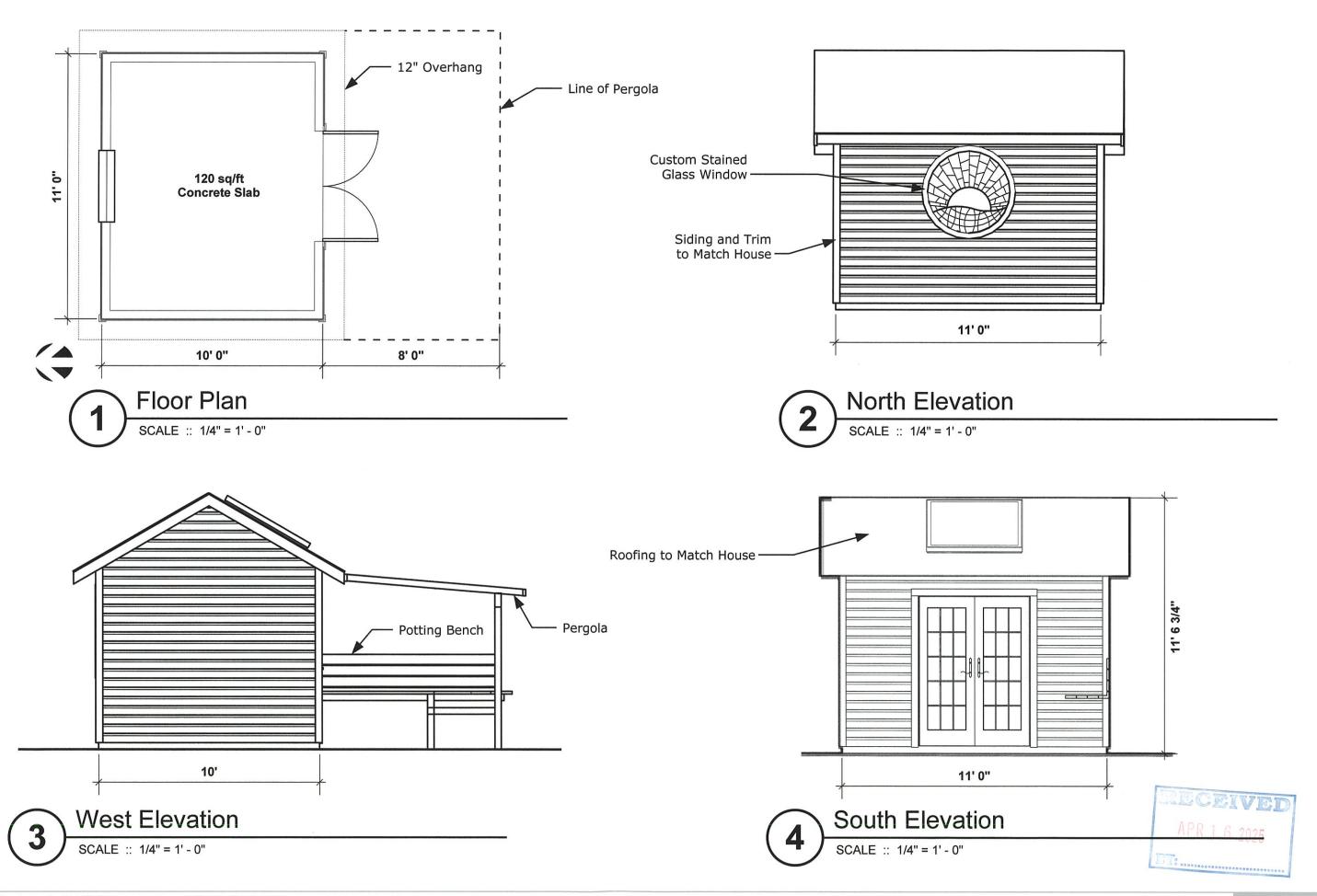
# **Site Conditions**

The property currently has extensive native plantings, hardscaping and NW inspired art throughout

The proposed plan calls for more native plantings to be added, further enhancing the properties Neskowin charm

The lot is gently sloping and is consists of sand under the vegetation and other permeable surfaces, facilitating rapid absorption and alleviating any potential water run-off issues. Any new hardscaping will also be permeable





From:

Biff Schlicting at Pinecone Design+Build LLC

PH 503.801.7488/biff@pineconedb.com

Subject:

RECORD ID: 851-25-000193-PLNG

ATTN:

Melissa Jenck



The following pages are an addendum to and intended to replace in their entirety the previously submitted document of Explanation for Variance Request and Responses to the Criteria.

I reworked the document and made more direct reference to the four review criteria.

Thanks!

~Biff

# **Explanation for Variance Request: Garden Shed**

We are requesting this variance to permit the placement of a small garden shed on the property. As proposed, the shed will require an additional 12% of lot width coverage beyond the allowable 70%, for a total of 82%. Nothing additional is requested for lot depth coverage. Because the subject property is 5,000 sq ft., standard lot coverage requirements (e.g., related to width and depth) present a practical difficulty for placing even a small accessory structure, like a garden shed, which is a common feature on residential lots.

# Responses to the Review Criteria 1-4 of Section 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.

The standard lot coverage requirements, particularly concerning width and depth on the subject 5,000 sq ft lot, create a practical difficulty in placing a small, common accessory structure like a garden shed. Accessory structures, including sheds, are typical on similarly sized properties in the neighborhood. Meeting the standard requirements would effectively preclude the enjoyment of this common property right due to the lot's dimensions. These circumstances are inherent to the lot and not 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.

A garden shed is a typical and reasonably expected accessory use in a residential zone and is present on other similarly sized properties in the neighborhood. This variance is necessary to accommodate this common and expected use on the subject parcel, which is hindered by standard lot coverage requirements given the lot's dimensions.

(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.

As detailed in the responses to Section 4.005 criteria, the proposed variance for a small garden shed will comply with the purposes of those standards. The project will not negatively impact open space, light, air, emergency access, privacy, driver visibility, safe road access, pleasing views, or solar radiation access. It will preserve the right of adjoining property owners to use and enjoy their land without interference.

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

We evaluated alternative locations on the property that would meet standard requirements. However, existing landscaping, topography, required setbacks, and practical access limitations make these alternatives unsuitable for the shed's intended use. The proposed location at the end of the existing driveway is the most practical and suitable site, minimizing site disruption while allowing for its intended function. Therefore, there are no reasonable alternatives that would require a lesser or no variance to achieve the desired functionality.

# Responses to Land Use Standards Criteria 1-10 of Section 4.005:

- 1 To ensure the availability of private open space: The proposed garden shed, measuring 10'x11' (110 sq ft), will occupy a small portion of the lot, 2.2% of the total area. The design incorporates an adjacent and open pergola, along with a plan for extensive, mostly low-growing native landscaping around the structure. This approach ensures that the project maintains a significant portion of the lot as usable private open space, aligning with the intent of this standard and remaining consistent with other properties in the neighborhood.
- 2 To ensure that adequate light and air are available to residential and commercial structures: Given the shed's modest size (10'x11') and height (12'), its impact on the availability of ambient light and airflow to both the subject property and neighboring properties is negligible. The shed's orientation has been carefully considered to minimize shading, ensuring compliance with the purpose of this standard. The pergola design further mitigates any potential obstruction of light and air.

- **3 To adequately separate structures for emergency access:** The proposed garden shed design maintains the required minimum of 6 feet separation from the existing house. This ensures that the project does not obstruct or negatively impact existing emergency access routes around the property. The placement of the shed will not impede access to any utility easements or fire hydrants, upholding the intent of this standard for adequate separation for emergency responders.
- **4 To enhance privacy for occupants of residences:** The proposed design includes a single set of doors that will open towards the subject property, away from the nearest neighboring property. The street facing, decorative stained glass window will not be see-through. The placement of the garden shed in this location will contribute to a greater sense of privacy between the existing home and the neighboring residence without being visually obtrusive.
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# EXHIBIT C

# **Melissa Jenck**

From:

Brian Olle

Sent:

Tuesday, August 5, 2025 1:50 PM

To:

Sarah Thompson; Sarah Absher

Cc:

Melissa Jenck

Subject:

RE: #851-25-000193-PLNG

Hi Sarah,

This property does not currently have a road approach permit on file. I'm not sure if this would trigger that though, but noting for DCD discretion. No concerns otherwise.

Brian Olle, P.E. | Engineering Project Manager

TILLAMOOK COUNTY | Public Works

Cell: (503)812-6569

From: Sarah Thompson <sarah.thompson@tillamookcounty.gov>

Sent: Monday, July 28, 2025 1:24 PM

**To:** Sarah Absher <Sarah.Absher@tillamookcounty.gov> **Cc:** Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>

Subject: #851-25-000193-PLNG

Good morning,

Please see the link below for the Notice of Application for #851-25-000193-PLNG for a Variance.

https://www.tillamookcounty.gov/commdev/project/851-25-000193-plng

Thanks,



Sarah Thompson (she/her) | Office Specialist 2
TILLAMOOK COUNTY | Surveyor Department
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3423
Sarah.thompson@tillamookcounty.gov