#### **Tillamook County**

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



1510 – B Third Street Tillamook, Oregon 97141 www.tillamook.or.us Building (503) 842-3407 Planning (503) 842-3408 Sanitation (503) 842-3409 FAX (503) 842-1819 Toll Free 1(800) 488-8280

Land of Cheese, Trees and Ocean Breeze

# CONSOLIDATED REVIEW OF A CONDITIONAL USE & VARIANCE REQUEST #851-25-000255-PLNG & #851-25-000256-PLNG: NWLP & NEUMAN

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: August 12, 2025

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

#851-25-000255-PLNG: A Conditional Use request for the construction of a single-family dwelling on a commercially zoned property not associated with an active business, together with Variance request #851-25-000256-PLNG to reduce the required 10-foot rear yard setback to 8-feet. Located within the Unincorporated Community of Barview/Twin Rocks/Watseco and accessed via Oregon State Highway 101, the subject property is designated as Tax Lot 903 in Section 17CD of Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. The property is zoned Community Commercial (CC). The applicant is NWLP, Trisha Clark. The property owners are Alecia and Bill Neuman.

Written comments received by the Department of Community Development prior to 4:00p.m. on August 26, 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, August 27, 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 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.

If you have any questions about this application, please call the Department of Community Development at 503-842-3408 or email comments to Sarah Thompson, Office Specialist 2, at <a href="mailto:Sarah.thompson@tillamookcounty.gov">Sarah.thompson@tillamookcounty.gov</a>.

Sincerely

Sarah Absher, CFM, Director Enc. Maps & Criteria

#851-25-000255-PLNG & #851-25-000256-PLNG: NWLP & Neuman

#### SECTION 6.040: REVIEW CRITERIA:

Any CONDITIONAL USE authorized according to this Article shall be subject to the following criteria, where applicable:

- (1) The use is listed as a CONDITIONAL USE in the underlying zone, or in an applicable overlying zone.
- (2) The use is consistent with the applicable goals and policies of the Comprehensive Plan.
- (3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.
- (4) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.
- (5) The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.
- (6) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

#### 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.

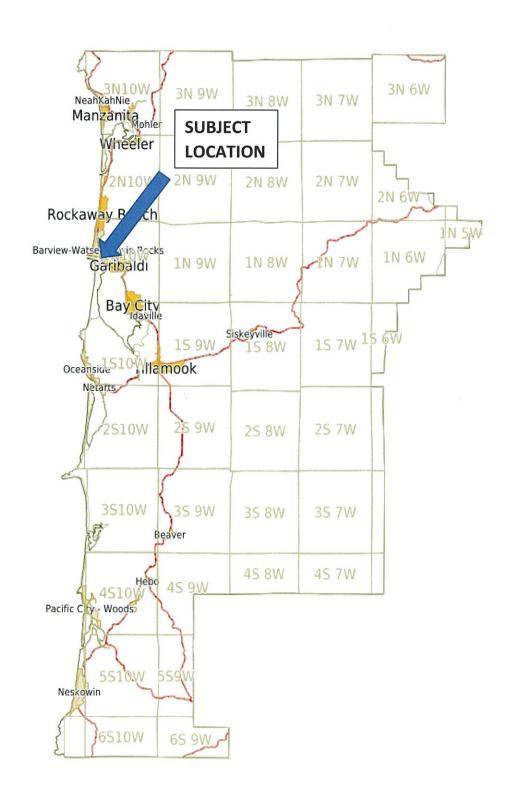
# ARTICLE IV SUPPLEMENTARY REGULATIONS SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

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

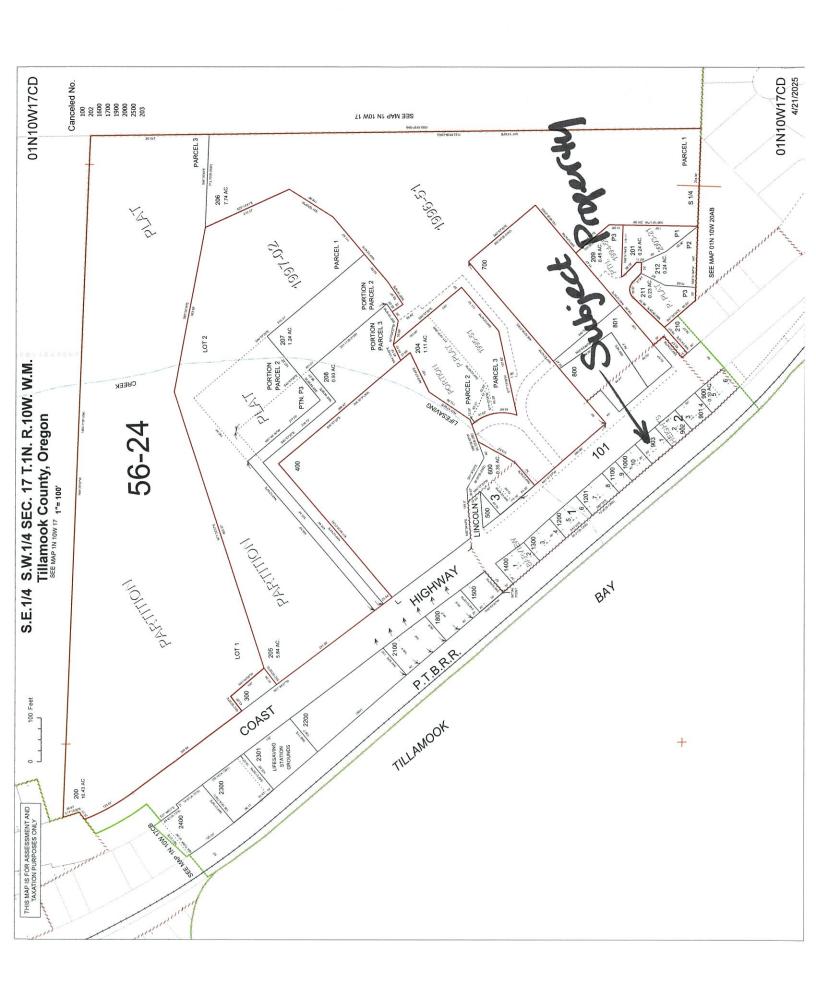
- (1) To ensure the availability of private open space;
- (2) To ensure that adequate light and air are available to residential and commercial structures;

- (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.

# **VICINITY MAP**

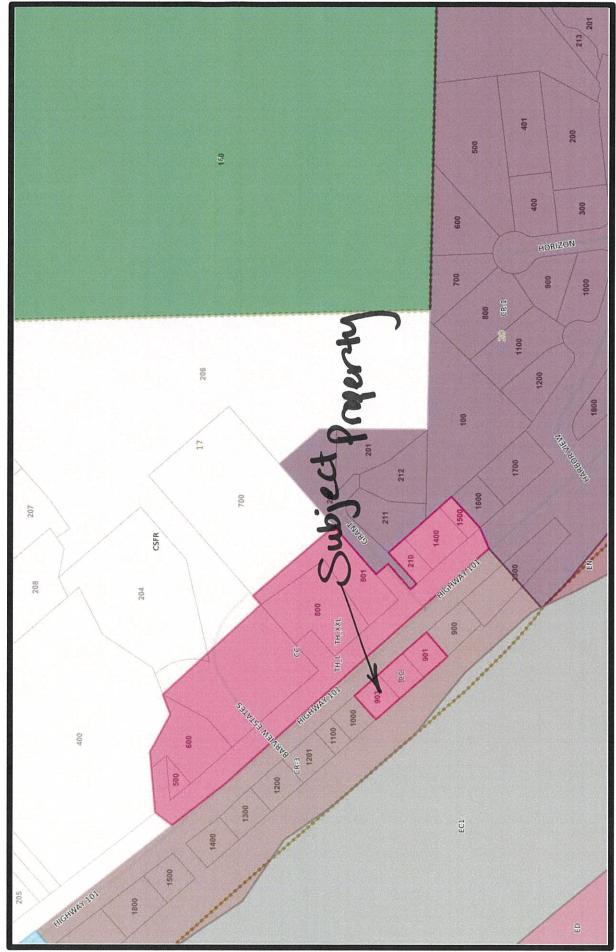


#851-25-000256-PLNG & #851-25-000255-PLNG: NWLP (Clark)/Neuman



# Map





Generated with the GeoMOOSE Printing Utilities



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

www.co.tillamook.or.us

Date Stamp

OFFICE USE ONLY

#### PLANNING APPLICATION

Applicant □ (Check Box if Same	as Prop	erty O	wner)	EE	CHIVED
Name: NWLP - Trisha Clark	Phone:	503.3	30.2019		7AY 1 9 2025
Address: PO BOX 1073			CONTRACTOR OF THE PROPERTY OF		1 0 2023
City: Goldendale	State: V	ΝA	Zip: 98620		***************************************
Email: trisha_clark@hotmail.com					pproved Denied
	***************************************				eived by:
Property Owner					eipt #:
Name: Alecia & Bill Neuman	euman Phone: 503-936-9850			Fee	
Address: PO BOX 115					mit No:
City: Banks	State: C	OR	Zip: 97106	- 851	- <u>25-<i>M</i>255</u> -PLNG
Email: neumana@pacific.edu	***************************************				
		naravasa n		,	The state of the s
Request: Type II Conditional Use to				ot associa	ted with an
active business" per Tillamook Land U					
Tract , to meet C-3 zone requirements. S	Setbacks	will be p	er Section 4.110.		
Also requested is a Variance for the real	r yard set	back on	y for a reduction of 2'	The same of the sa	
Type II		Type I	I	Type IV	
☐ Farm/Forest Review	**************************************		ailed Hazard Report		inance Amendment
☑ Conditional Use Review			ditional Use (As deemed		ge-Scale Zoning Map
☑ Variance			Director)		endment
Exception to Resource or Riparian Se	etback		inance Amendment		and/or Code Text
☐ Nonconforming Review (Major or M			o Amendment		endment
Development Permit Review for Est			l Exception		
Development			conforming Review (As		
☐ Non-farm dwelling in Farm Zone			med by Director)		
☐ Foredune Grading Permit Review			ance (As deemed by		
Neskowin Coastal Hazards Area			ector)		
Location:					
Site Address: All are addressed at 149	60 HWY	101. Ad	dresses are being assign	ed and will	be added
Map Number: 1N	10V	V	eren en e	17CD	903
Township	Range			Section	Tax Lot(s)
Clerk's Instrument #: Record of Surv	ey B-452	23, Tract	1		
Authorization		***************************************			
This permit application does not assure	permit a	pproval	The applicant and/or pro	perty own	er shall be responsible for
obtaining any other necessary federal, s					
complete, accurate, and consistent with					The second section of the second seco
Alecia C Neuman				2.0	
				Apr 9	9, 2025
DOM'S RESIDENT SIGNATURE (FXV) 1988 L-4QZJ5W8X				0-	9, 2025 Date
				V5. 2	10.00
Applicant Signature	omenteens afficiently				Date



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

www.co.tillamook.or.us

OFFICE USE ONLY

#### PLANNING APPLICATION

The state of the s	LICATION	Date Stamp
Applicant □ (Check Box if Same as	Property Owner	
	none: 503.330.2019	5/10/16
Address: PO BOX 1073	ione.	5/19/25
	2:- 09620	-
· · · · · · · · · · · · · · · · · · ·	ate: WA Zip: 98620	- □Approved □Denied
Email: trisha_clark@hotmail.com		Received by:
Property Owner		Receipt #:
	none: 503-936-9850	Fees:
Address: PO BOX 115	10116: 000 000 0000	Permit No:
		- 851-25-000356-PLNG
	ate: OR Zip: 97106	all hyphrane dates of live linear in an illustration and live linear and linear transfer and linear transf
Email: neumana@pacific.edu		
Request: Type II Conditional Use to all	ow for "One or two family dwelling n	ot associated with an
active business" per Tillamook Land Use	Ordnance 3.022(3)(a).	
Tract , to meet C-3 zone requirements. Sett	packs will be per Section 4.110.	
Also requested is a Variance for the rear ya	ard setback only for a reduction of 2'	
Type II	Type III	Type IV
	Type III	Type IV
Farm/Forest Review	Detailed Hazard Report	Ordinance Amendment
Conditional Use Review	Conditional Use (As deemed	☐ Large-Scale Zoning Map
☑ Variance	by Director)	Amendment
Exception to Resource or Riparian Setb	100 M	Plan and/or Code Text
Nonconforming Review (Major or Mino		Amendment
Development Permit Review for Estuar	A.V. Santa and the santa a	
Development	☐ Nonconforming Review (As	
Non-farm dwelling in Farm Zone	deemed by Director)	
Foredune Grading Permit Review	☐ Variance (As deemed by	
Neskowin Coastal Hazards Area	Director)	
Location:		
Site Address: All are addressed at 14960	HWY 101. Addresses are being assign	ed and will be added
Vlap Number: 1N	10W	17CD 903
Township	Range	Section Tax Lot(s)
Clerk's Instrument #: Record of Survey	B-4523, Tract 1	
Authorization		Pro Charles de Contraction de Contra
This permit application does not assure pe		A 1
obtaining any other necessary federal, stat		
complete, accurate, and consistent with ot	ther information submitted with this ap	plication.
Alecia C Neuman		Apr 0 2025
The American Construction of the Construction		Apr 9, 2025
		Date
TO THE PROPERTY SIGNATURE IN THE SIGNATU		DE DE 7
pplicant Signature		Apr 9, 2025  OG. OG. Z  Date

### LAND USE APPLICATION

# ➢ NEUMAN RESIDENCE ← CONDITIONAL USE & MINOR VARIANCE



Submitted to: TILLAMOOK COUNTY OREGON

201 Laurel Avenue Tillamook, OR 97141

Submitted on Behalf of: **ALECIA & BILL NEUMAN** PO Box 115 Banks, Oregon 97106

**MAY 2025** 



#### **NEUMAN CONDITIONAL USE & VARIANCE**

**Contacts** 

**APPLICANT / OWNER:** 

Alecia & William Neuman

PO Box 115

Banks, Oregon 97106 503.936.9850 phone

neumana@pacific.edu / neumanwa@gmail.com

**APPLICANT'S REPRESENTATIVE:** 

NWLP, Trisha Clark

PO Box 1073

Goldendale, WA 98620 phone: 503.330.2019 trisha\_clark@hotmail.com

LAND SURVEYOR:

Bayside Surveying Inc. LLC 11765 Highway 101 South Tillamook, OR 97141

503.842.5551 phone

ARCHITECT:

VanderMac Architecture 13981 NW Main Street Banks, Oregon 97106

503.324.0533

Kerry@vandermac.com

**Parcel Summary** 

**SUBJECT PROPERTY:** 

Tax Lot 903, Assessor's Map 1N10 17CD,

Tillamook County, Oregon

SITE ADDRESS:

Not addressed (Previously 14960 North Highway 101)

SITE SIZE:

0.08 Acres

**CURRENT ZONING:** 

Tillamook County CC Zone

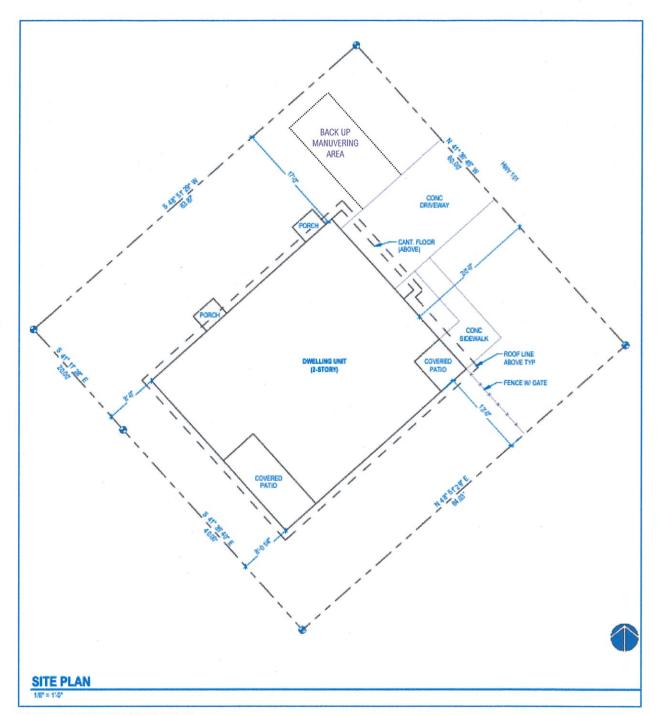
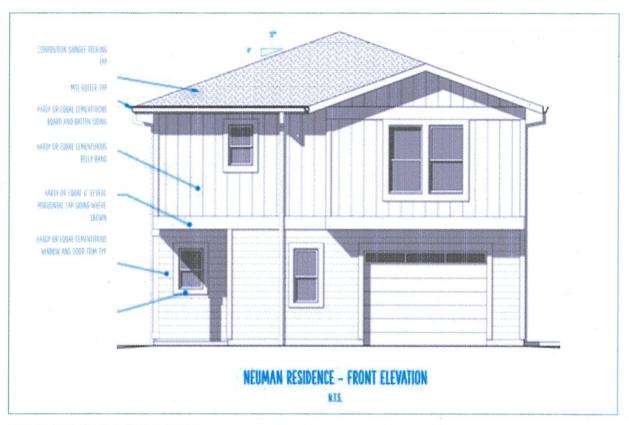


Figure 1 PRELIMINARY SITE PLAN



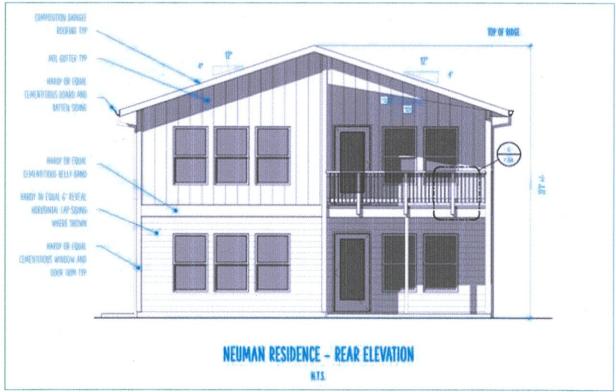
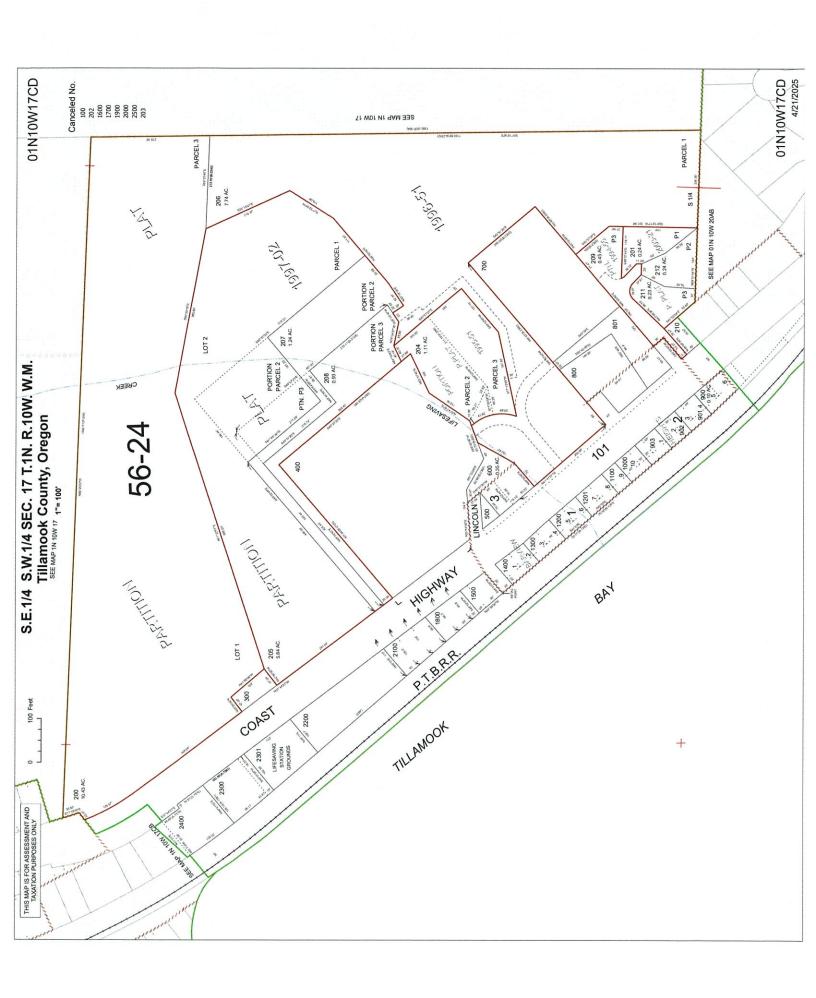
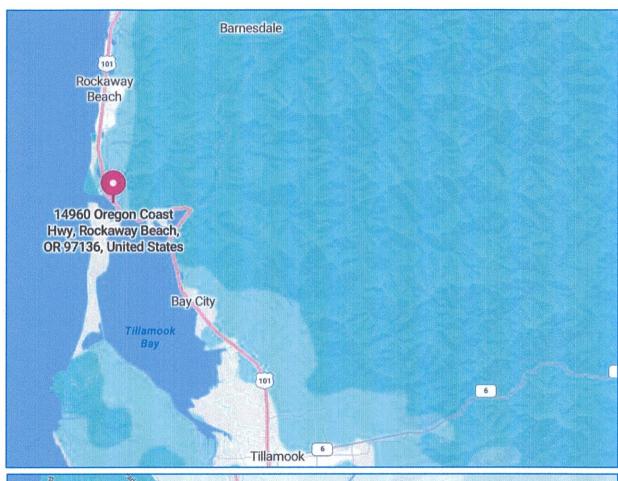


Figure 2 NEW HOME ELEVATIONS





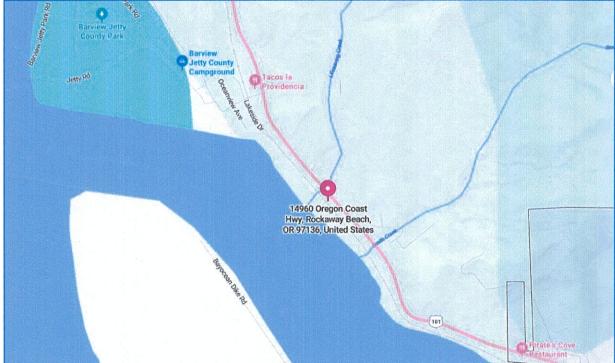


Figure 3 VICINITY MAPS

#### Site & Project Description

The subject parcel is identified as Tax Lot 903 on Tillamook County Assessor Map 1N10 17CD. The Tract contains 3,842 square feet, as shown on Survey Number B-4523 of the Tillamook County Surveyor records, a copy is included with this request.

Tax Lot 903 is not currently addressed although the previous address was 14960 North Highway 101. The nearest cross street is Grant Street to the northeast of the site, across Highway 101. The PTBRR (Port of Tillamook Bay Railroad) is to the immediate southwest of the site, and Garibaldi Bay is to the southwest of the railroad line.

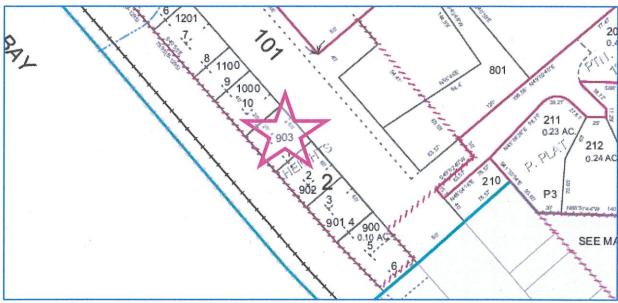


Figure 4 ASSESSOR'S TAX MAP 01N10W17CD, TAX LOT 903

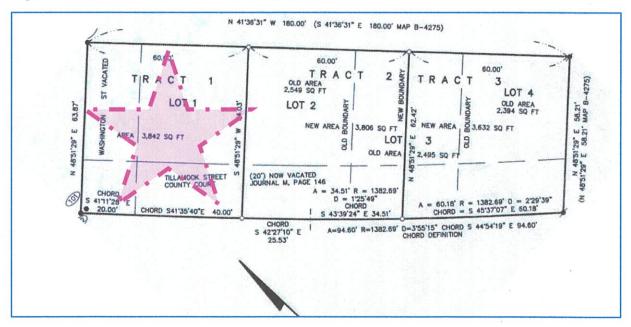


Figure 5 CONFIGURATION OF LOT AFTER RECENTLY RECORDED PLA; SURVEY NUMBER B-4523

The applicant has recently completed a Property Line Adjustment on the site that changed the underlaying lots from 4 lots to 3 lots, recorded as Survey Number B-4523 in the Tillamook County Surveyor records.

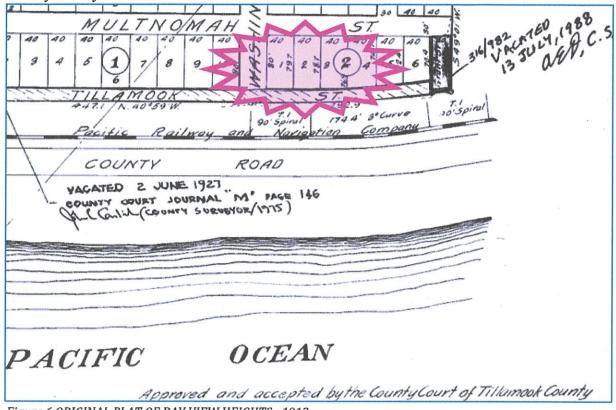


Figure 6 ORIGINAL PLAT OF BAY VIEW HEIGHTS - 1912

The original lots that were platted in 1912, Lots 1-4, Block 2, "Bar View Heights", were very small and constrained in size even before the designation of Highway 101 on the northeast boundary of the lots. Since the time of the original plat, some of the original streets have been vacated and street names have been changed. All of this information is shown on Survey Number B-4523 that was commenced by the applicant and recorded with the Tillamook County Surveyor.

In order to alleviate this constraint that was provided with the original lot configuration as much as possible, the applicant requested a Property Line Adjustment and was granted approval. The applicant has completed the requirements of that approval with filings of both a Record of Survey and the deeds with the Tillamook County Recorder, copies of which are provided as support information to this request.

The Tract is almost square, but is actually barely rectangular in configuration, having dimensions of approximately 64' x 60' and takes access from Highway 101 on the northeast side of the lot. The rear yard is located to the southwest, toward Garabaldi Bay and the PTBRR right of way.

All public and private utilities, including sanitary and public water, are directly available to the subject Tract within the right of way of Highway 101. Needed utilities will be brought to the new home by 4" laterals and the appropriately sized water meter as needed (the applicant will verify the use of any existing meters on the site) will be installed to service the new home with essential services and utilities.

#### REQUESTS & APPLICABLE CRITERIA

The applicant is requesting approval for **Conditional Use** to allow a home, a residential use, on the lot, this request is in harmony with all of the current existing surrounding uses in the vicinity.

The criterion for Conditional Uses is addressed within this narrative on page 9, which addresses the criteria of ARTICLE VI CONDITIONAL USE PROCEDURES AND CRITERIA and how the proposal meets each of those criteria.

A minor Variance is requested for a reduction to the 10.00' rear yard setback required per TCDC 4.110 (5) to 8.00', a 20% reduction.

The lot is quite shallow, being just under 64' on the north boundary line, therefore in addition to the exception sited above, one Variance is requested to reduce the 10.00' rear yard setback to 8.00'. No other Variances, adjustments or changes to any other setback or standard are requested.

Within this narrative and the provided plans, the applicant demonstrates how the new home will meet all the requirements of the development standards of Article IV, the approval criteria contained in Article VI and VIII, the standards for development in the CR-3 zone, and the intent of the Tillamook County Comprehensive Plan.

The applicable Articles of the Tillamook County Development Code are addressed within this narrative, with Article VI first, Article VIII next, with Article IV and the CR-3 zone last; this order is deliberate to allow for discussion of how if the requested Conditional Use in Article VI and the minor Variance in Article VIII are approved, the new home and the Tract will still adhere to the criteria of Article IV.

#### Criteria of the Tillamook County Development Code applicable to this request:

ARTICLE VI CONDITIONAL USE PROCEDURES & CRITERIA	pg. 9
ARTICLE VIII VARIANCE	<b>pg.</b> 14
ARTICLE IV DEVELOPMENT STANDARDS	pg. 18
LUO ARTICLE 3: RESIDENTIAL ZONE 3.016 CR-3	
COMMUNITY HIGH DENSITY URBAN RESIDENTIAL (CR-3)	pg. 28

#### ATTACHMENTS:

**Application Form** 

**Application Fee** 

Current Deed for TL 903; Doc 2025-001283 Tract 1

Architectural Elevations and Floorplans

B-4526 Recorded Survey

Plat of Bay View Heights

Assessor Map 1N10 17CD, Tillamook County, Oregon

#### TILLAMOOK COUNTY DEVELOPMENT CODE

#### ARTICLE VI

#### CONDITIONAL USE PROCEDURES AND CRITERIA

**SECTION 6.010: PURPOSE** 

The purpose of a CONDITIONAL USE is to provide for uses that are not allowed by right in a certain zone because of potentially adverse impacts on uses permitted by right in that zone. Such uses may be made or deemed compatible through the review process contained in this Article, which subjects the proposed CONDITIONAL USE activity to specific requirements, criteria, and conditions. The location and operation of any CONDITIONAL USE listed in this Ordinance shall only be permitted according to the provisions of this Article.

**SECTION 6.020: PROCEDURE** 

The following procedure shall be observed in submitting and acting on a CONDITIONAL USE request:

- (1) A request may be initiated for a CONDITIONAL USE, or the modification of an approved CONDITIONAL USE, by filing an application with the Department. The Department may require any information necessary for a complete understanding of the proposed use and its relationship to surrounding properties.
- (2) The Director shall act administratively according to the procedure set forth in Article 10, or shall refer the application to the Commission for a public hearing and decision. The application shall be referred to the Commission if 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. If the Director elects to refer the application to the Commission, it shall be heard at the next available Commission hearing, unless the applicant requests otherwise.
- (3) No CONDITIONAL USE permit shall be invalidated because of failure to receive the notice provided for in Section 10.070.

RESPONSE: The applicant is initiating a new request for a Conditional Use with this application, there are no existing conditional uses upon this lot.

**SECTION 6.030: GENERAL REQUIREMENTS** 

A CONDITIONAL USE shall be authorized, pursuant to the procedures set forth in Section 6.020, if the applicant adequately demonstrates that the proposed use satisfies all relevant requirements of this Ordinance, including the review criteria contained in Section 6.040 or the Health Hardship provisions contained in Section 6.050, and the following general requirements:

- (1) A CONDITIONAL USE shall be subject to the standards of the zone in which it is located, except as those standards have been modified in authorizing the CONDITIONAL USE. The size of a lot to be used for a public utility facility may be reduced below the minimum required, provided that it will have no adverse effect upon adjacent uses.
- RESPONSE: The subject site is in the CC zone and the requested use is listed as an allowed use conditionally in the zone. If approved, the development on the site will adhere to the standards of the CR-3 zone per 3.022(4)(a).
  - (2) A CONDITIONAL USE may be enlarged or altered pursuant to the following:
    - (a) Major alterations of a CONDITIONAL USE, including changes to or deletion of any imposed conditions, shall be processed as a new CONDITIONAL USE application.
    - (b) Minor alterations of a CONDITIONAL USE may be approved by the Director according to the procedures used for authorizing a building permit, if such alterations are requested prior to the issuance of a building permit for the CONDITIONAL USE. Minor alterations are those which may affect the siting and dimensions of structural and other improvements relating to the CONDITIONAL USE, and may include small changes in the use itself. Any change which would affect the basic type, character, arrangement, or intent of the approved CONDITIONAL USE shall be considered a major alteration.
    - (c) The enlargement or alteration of a one-or two-family dwelling, mobile home, manufactured home, or recreational vehicle that is authorized as a CONDITIONAL USE under the provisions of this Ordinance shall not require further authorization, if all applicable standards and criteria are met.
- RESPONSE: This application is for a new Conditional Use request, (2) (a) (c) does not apply as no enlargement or alteration is requested.
  - (3) Where the approval of a CONDITIONAL USE request is contingent upon an amendment to this Ordinance, and an application for such amendment has been recommended for approval by the Commission, the CONDITIONAL USE request may be approved upon the condition that the Board approves the Ordinance Amendment.
- RESPONSE: If approved this Conditional Use will not be contingent upon an amendment to any Ordinances, (3) above does not apply to this request.

#### **SECTION 6.040: REVIEW CRITERIA**

Any CONDITIONAL USE authorized according to this Article shall be subject to the following criteria, where applicable:

(1) The use is listed as a CONDITIONAL USE in the underlying zone, or in an applicable overlying zone.

RESPONSE: The use requested is listed as a Conditional Use in the underlying zone.

(2) The use is consistent with the applicable goals and policies of the Comprehensive Plan.

RESPONSE: The applicant's representative reviewed the copy of the Comprehensive Plan available to the public on-line and extracted these goals and policies of the Tillamook County Comprehensive Plan that can be applied to this request.

Housing Goal 10 from the Tillamook County Comprehensive Plan is copied below in this font, with additional applicant response.

T.C.C.P.

HOUSING ELEMENT (Goal 10)

Goal 10 has the purpose of providing for the housing needs of citizens of the State. 2.2 PURPOSE OF THE HOUSING GOAL, GOAL 10

The purpose of the Housing Goal is "to provide for housing needs of citizens of the state".

2.4 ENCOURAGE THE AVAILABILITY OF ADEQUATE NUMBERS OF HOUSING UNITS The other requirement of the Housing Goal is to "encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density".\*

Allowing the Conditional Use to have a residential home on the lot fulfills the intent of Goal 10 of the Comprehensive Plan by implementing the intent of "1. HOUSING IN TILLAMOOK COUNTY; 2.4 ENCOURAGE THE AVAILABILITY OF ADEQUATE NUMBERS OF HOUSING UNITS" as discussed below.

Goal 10, 2.4 encourages the availability of the adequate number of housing units at price ranges and rent levels that are commiserate with the financial capabilities of Oregon households. This is accomplished by providing a variety of housing types in different price ranges within the County, including rentals and owned homes, multifamily buildings and apartments, duplexes and triplexes, manufactured housing and single-family homes of varying ages, sizes, design and location.

Having a diversity of housing types implements the intent of Goal 10, 2.4. because it increases the diversity of availability and price range of housing in Tillamook County.

#### T.C.C.P.

#### 3.3 ENCOURAGING THE USE OF UNDERSIZED LOTS IN URBAN AREAS

... Substandard parcels represent an important asset to the County that justifies making exceptions to zoning requirements. Public benefits in the form of lower housing costs, increased service utilization, reduced services costs, and reduced need to utilize resource land for housing will result from allowing the use of these lots. ...

... The use of undersized lots can be further increased by expanding the scope of this exception while maintaining setback standards which are essential to the public interest such as assuring sufficient off-street parking, maintaining fire safety, and maintaining vision clearance near roads and driveways.

Allowing the Conditional Use fulfills the intent of Goal 10 of the Comprehensive Plan by implementing the intent of "1. HOUSING IN TILLAMOOK COUNTY; 3.3 ENCOURAGING THE USE OF UNDERSIZED LOTS IN URBAN AREAS", as discussed below.

Section 3.3 within Goal 10 encourages the use of undersized lots and substandard parcels in the County, and states that exceptions should be made to zoning requirements because the public benefits in the form of (of example, not limited to): 1. Lower housing costs; 2. An increase in service utilization resulting in an increase in the number of utility ratepayers, which helps disperse costs; 3. The use of already planted lots 4. Prevents the utilization of resource land for housing. These are just some of the ways the approval of the Conditional Use implements this goal.

The goal encourages flexibility, while maintaining standards, such as setbacks, which are essential to the public interest and to assure the availability of off-street parking, ensures fire safety, and maintains vision clearance and other safety and public health matters. The proposed Conditional Use with a small Variance has no effect on any essential services, off street parking, or fire safety and access because it is at the rear of the home.

- (3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.
- RESPONSE: The subject parcel is well suited for the proposed residential use because it is located in an area where there are other single family detached residential homes on both sides and across the highway. There is a railroad line on one side which means all access must enter from Highway 101 for the subject lot.

  Without approval of a Conditional Use, this lot is currently zoned for commercial use commercial / retail use would increase the number of trips per day and per hour that would enter and exit in and out of a driveway on this lot.

Considering the size of the lot and the proximity to Highway 101, a commercial increase in the number of trips could be significant compared to strictly residential use and therefore residential use is more suited for this specific location.

- (4) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.
- RESPONSE: The proposed use is the same in character as the surrounding uses, which are all residential. Allowing the residential use on the subject site will have no impairment on, nor cause prevention of the use of surrounding properties of uses permitted in their zone.

The subject lot is already existing, and a residential use would be less limiting on surrounding properties than a commercial use because a commercial or retail use will have a potential increase in traffic, noise, light pollution and other unknown factors. With a strictly residential use, those factors will known and will be minimized by the nature of the use.

- (5) The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.
- RESPONSE: There are no existing solar energy systems, wind energy conservation systems or windmills in the immediate vicinity of the subject site. The new building will not be so tall as to interrupt access to solar or wind energy collection on nearby properties.
  - (6) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.
- RESPONSE: The public facilities and services needed are existing within the right of way of Highway 101, and are adequate to serve the new home on the existing lot, including sanitary sewer, public water and other dry utilities and services such as communication and electricity.

(T.C. ORD. Adopted May 27, 2015)

#### **ARTICLE VIII**

#### VARIANCE PROCEDURES AND CRITERIA

**SECTION 8.010: PURPOSE** 

The purpose of a VARIANCE is to provide relief when a strict application of the dimensional requirements for lots or structures would cause an undue or unnecessary hardship by rendering the parcel incapable of reasonable economic use. No VARIANCE shall be granted to allow a use of property not authorized by this Ordinance.

**SECTION 8.020: PROCEDURE** 

The following procedure shall be observed in applying for and acting on a VARIANCE request:

- (1) A request may be initiated for a VARIANCE, or the modification of an approved VARIANCE, by filing an application with the Department. The Department may require any information necessary for a complete understanding of the proposed VARIANCE and its relationship to surrounding properties.
- RESPONSE: The applicant is making a request for a new Variance with this application.

  The applicant and their representative have provided complete information to help the public and Staff understand the requested Variance and its relationship to the surrounding properties. The applicant will provide any additional information needed to make sure that full understanding is made of the request.
  - (2) The Director shall act administratively according to the procedure set forth in Article 10, or shall refer the application to the Commission for a public hearing and decision. The application shall be referred to the Commission if 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. If the Director elects to refer the application to the Commission, it shall be heard at the next available Commission hearing, unless the applicant requests otherwise.
- RESPONSE: It is the applicant's intent to provide complete, thoughtful and thorough information to allow for the Director to be able to fully understand the request and also that the public, through the public notice process, to fully understand the intent of the request, so Staff is able to render a Decision administratively, according to the procedure set forth in Article 10 and detailed in (2) above.

This request does not have significant impacts that extend beyond the abutting properties, and the impact to those properties is minimal and mitigated for, as described in this narrative and as shown on the included Site Plan provided by the applicant's Architect, Kerry Vanderzanden.

(3) No approved VARIANCE request shall be invalidated because of failure to receive the notice provided for in Section 10.070.

RESPONSE: The applicant acknowledges (3) above.

**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.

RESPONSE: The primary circumstance attributing to the need for this Variance is the challenge that is presented by the lot's depth, being approximately 64 feet.

To provide for appropriate access, parking and maneuvering area and the actual building area for the house with yard areas and the needed setbacks, a challenge for enough linear feet of lot depth arises - especially for the front and rear yards.

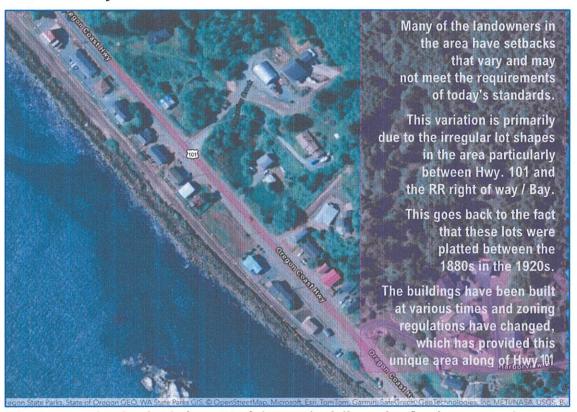
In order to preserve the adequate areas for access, the area needed for vehicle maneuvering in order to enter into traffic nose-first and the building depth, the applicant is asking for this Variance.

If approved, the Variance would allow for an additional 2.00' within the building footprint that "borrows" the 2.00' from the rear yard setback, which has a lower kind of use being outdoors and adjacent to the rail line. The applicant feels that space is better utilized within the building in this specific case due to the shallow lot depth.

To summarize the history of this Tract, as described in the introduction of this narrative, the original underlying lots were created in 1912. Originally, there were four lots, and through a Property Line Adjustment, the applicant has reduced the number of lots from four to three, this is with the intent to increase the buildability of all the Tracts, due to the very shallow lot depth.

Even after increasing the size of the lots, the Tract is constrained for a home building site. Due to this constraint, the placement of a home or structure that meets the full required setbacks and also provide adequate building interior space, parking and driveway turn around maneuvering area and driveway entrance is difficult.

The owners of the subject parcel should have the same right of enjoyment as the majority of the landowners in the vicinity. This will not be as equal to the owners in the immediate area with strict adherence to one applicable standard, and that is the rear yard setback.



The requested reduction is for 20% of the required dimension for the rear yard setback. Because it is located in the rear yard it will literally have no effect on surrounding properties.

The original platted lots (before the PLA), as discussed on page 7 of this narrative, were small lots were platted in 1912. The applicant took steps to increase their buildability with the completed PLA, and therefore this circumstance was not self-created by the applicant.

(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

RESPONSE: The requested use, which is for a single-family dwelling, is very consistent with other buildings in the immediate vicinity and is allowed within the zone with a Conditional Use, which has been requested concurrently with this Variance.

- (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.
- RESPONSE: The applicant will adhere to the purposes of the relevant development standards within Article VI. Section 4.005 and will ensure preservation of the right for use and enjoyment of adjoining property owners by providing larger side yard setbacks on both sides of the new home.
  - (4). There are no reasonable alternatives requiring either a lesser or no VARIANCE.
- RESPONSE: There is no alternative to the requested Variance because of the shallow lot depth and the location of the right of ways of Highway 101 and the Railroad.

The requested Variance, if approved, ensures maximizing the available living space inside the home, while only taking a small amount of area from the rear yard area. The borrowed area could be considered not as useful, because it is outside, and located between the proposed new home and the railroad line.

Because of the location of the subject lot between Highway 101 and the railroad line, it is reasonable to want more living space inside the house, where sound can be insulated and quiet enjoyment can be obtained inside the building, instead of outside the building. Having the extra square footage available to the interior of the home makes more usable space for people, while there is still plenty of area within the remaining rear yard with 8.00 feet. The side and front yards of the home are standard or larger providing outdoor open areas for the occupants of the new home.

The two foot difference is located in the rear yard area of the new home, therefore it has no effect on surrounding property owners.

#### **SECTION 8.040: ENERGY CONSIDERATIONS**

It is the policy of the County that its development standards encourage the construction of facilities intended to conserve ENERGY or to develop renewable sources of ENERGY. Consequently, development standards may be adjusted to accommodate design features that are intended to result in either ENERGY conservation or the use of renewable ENERGY. Variances granted for this purpose shall be the minimum required to achieve this policy.

RESPONSE: The requested Variance is not for the consideration of changing energy standards. All the same, the applicant will build a home using modern appliances and construction materials to promote energy conservation.

#### SECTION 8.050: CONDITIONS OF APPROVAL

Conditions deemed appropriate to carry out the intent of this Article may be attached to approved Variances. Such conditions shall be reasonably related to the Variance criteria.

RESPONSE: The applicant will comply with any conditions that are attached to the Decision if the Variance is approved.

SECTION 8.060: COMPLIANCE WITH CONDITIONS

Any departure from the conditions of approval or the approved plot plan constitutes a violation of this Ordinance. The Director may revoke approval of any Variance for failure to comply with any conditions of approval or for any other violation of this Ordinance.

RESPONSE: As stated above, the applicant will comply with any conditions that are attached to the Decision. The applicant will stay in close contact with the Planning Director in regards to compliance and any conditions of approval related to this Variance.

**SECTION 8.070: TIME LIMIT** 

All approved Variances shall be void if construction of the structure which required the Variance has not begun within 24 months of the date upon which the applicant was notified of the Commission's or the Director's decision. If construction/division has not begun, or if the division of land has not been filed with the County Clerk, such approval may be extended beyond 24 months only upon the Director's approval. Requests for extension of time shall be in writing and shall be submitted prior to the date of expiration.

RESPONSE: The applicant acknowledges the requirements of time limits in Section 8.070.

(TC ORD. Adopted May 27, 2015)

#### ARTICLE IV

#### DEVELOPMENT STANDARDS

SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

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

- (1) To ensure the availability of private open space;
- RESPONSE: The proposed new home on Tax Lot 903, the subject lot, will have the availability of private open spaces within porches and patio areas, as shown on the included Floor Plans and Elevation drawings. Additionally, the lot will have private open space within the front, rear and side yard areas.
  - (2) To ensure that adequate light and air are available to residential and commercial structures;
- RESPONSE: The proposed Site Plan shows that the proposed new home is laid out with enlarged side yard setbacks. These extra-large setbacks ensure that adjacent properties have access to adequate light and air.
  - (3) To adequately separate structures for emergency access
- RESPONSE: The large side yard setbacks allow for plenty of room for emergency access to structures, both on the subject site and adjacent properties.
  - (4) To enhance privacy for occupants of residences;
- RESPONSE: The change to the requested rear yard setback will have no effect on privacy for occupants or neighboring properties because the only thing that the rear yard faces is the railroad right of way.
  - (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;
- RESPONSE: All proposed activities will occur on private land including the new dwelling, the driveway and parking area, the maneuvering and private yard areas.
  - (6) To ensure that driver visibility on adjacent roads will not be obstructed;
- RESPONSE: The applicant or their assigns will maintain vegetation and a clear vision triangle as described in section 4. 010.

- (7) To ensure safe access to and from common roads;
- RESPONSE: As shown on the Site Plan, the applicant is providing a backup maneuvering area so cars in the parking area or in the garage can back up and pull out nose first from the driveway onto the public right of way, eliminating any backward movement into the right of way.
  - (8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;
- RESPONSE: The applicant is meeting all height requirements and dimensional requirements for the structure no pleasing views are unreasonably obtained or obstructed.
  - (9) To separate potentially incompatible land uses;
- RESPONSE: The applicant has requested a Conditional Use concurrently with the requested Variance that will make the subject lot more compatible with existing residential land uses in the area, which are primarily residential.
  - (10) To ensure access to solar radiation for the purpose of alternative energy production.
- RESPONSE: The new structure will be built to the required dimensions with extra side yard setbacks, ensuring solar access to adjacent properties.
- **SECTION 4.010: CLEAR-VISION AREAS** 
  - (1) PURPOSE: The purpose of a CLEAR-VISION AREA is to ensure safe sight distance for drivers approaching street intersections.
  - (2) A CLEAR-VISION AREA shall be maintained on the corners of all properties located at the intersection of two streets or private ways or a street or private way and a railroad.
  - (3) A CLEAR-VISION AREA is a triangular area consisting of two equidistant sides which are lot lines measured from the point of intersection of the lot lines abutting streets; or, where the lot lines have rounded corners, such lines extended straight to their point of intersection, and then so measured; and a line joining the two non-intersecting ends at a distance from their intersection specified in Subsection (5) below.
  - (4) A CLEAR-VISION AREA shall contain no planting, fence, wall, structure, parked cars, or other temporary or permanent obstructions exceeding thirty inches in height, measured from the top of the highest curb in the CLEAR-VISION AREA or, where no curb exists, from the highest established street center line grade adjacent to the CLEAR-VISION AREA. Trees exceeding this height may be located in this area, provided that all branches and foliage are removed to a height of eight feet above the specified grade.

- (5) The following measurements shall establish CLEAR-VISION AREAS:
  - (a) In agricultural or residential zones, the minimum distance shall be 25 feet or, at intersections including an alley, 10 feet.
  - (b) In all other zones, the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet. When the angle of intersection between streets is 30 degrees or less, the distance shall be 25 feet.

RESPONSE: The site is not located on the corner of any intersection of two streets or private ways or a street or private way and a railroad, technically 4.010 (1) – (5) does not apply to this request, as the subject lot is an interior lot on the west side of Highway 101.

Regardless, for safety, the applicant plans to keep clear vision area at the point of access of the driveway onto Hwy. 101 by ensuring that the area does not contain any plantings or fences or any other kinds of structures that exceed 30" that could obscure a driver's vision. Additionally, clear vision maintenance is an intent within 3.3 of the Comprehensive Plan and (12) later in this section.

**SECTION 4.020: SIGNS** 

RESPONSE: No signage is proposed; Section 4.020 does not apply.

SECTION 4.021: OFF-SITE ADVERTISING SIGN STANDARDS

RESPONSE: No off-site signage is proposed; Section 4.021 does not apply.

SECTION 4.030: OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

(1) PURPOSE: The purpose of requirements for off-street parking and loading areas is to relieve traffic congestion; to ensure customer convenience and safety; to provide safe access to parked vehicles; and to help ensure safe and timely response of emergency vehicles.

RESPONSE: The new home includes off-street parking, as shown on the Site Plan.

(2) PARKING SPACE: A single parking space shall be at least 8 feet by 20 feet in size.

RESPONSE: Parking spaces on the site will exceed the minimum size as shown on the Site Plan.

(3) TIMING OF COMPLIANCE: At the time any structure or use is erected or enlarged, or the use of any parcel or structure is changed, all required off-street parking spaces and loading areas provided in conjunction with an existing use shall not be reduced below the minimum requirements of this Ordinance.

# RESPONSE: The applicant will comply with the timing and will not reduce existing parking below the minimum requirements at any time.

(4) PARKING FOR MULTIPLE USES: In the event several uses occupy a single structure or parcel of land, the total parking requirements shall be the sum of the requirements of the several uses computed separately. Joint use of the same parking and loading spaces by more than one use may be permitted, provided that the hours of operation of the separate uses do not overlap, and that satisfactory legal evidence is presented to the Department to establish the joint uses.

#### RESPONSE: Multiple uses are not requested (4) above does not apply.

(5) USE OF REQUIRED PARKING AREAS: Parking areas required by this Section are designated for the operable vehicles of residents and their guests, and the owner, customer, patrons, and employees of commercial or industrial activities only. Vehicle or material storage, or the parking of vehicles used to conduct an activity, shall require additional parking areas.

# RESPONSE: The applicant will use all required parking areas for operable vehicles of the residents and of guests and of owners. No marginal storage or parking of vehicles to conduct activity are planned or anticipated.

(6) DRAINAGE: Areas used for standing and maneuvering of vehicles shall have a surface that is suitable for all-weather use, and shall be drained so as to avoid the flow of water across public sidewalks and streets.

# RESPONSE: The driveway will be made of a material that is suitable for all weather use, and no drainage water will be sent into public sidewalks or streets, or onto adjacent private properties.

(7) BUFFERING NON-RESIDENTIAL PARKING AREAS: Non-residential parking and loading areas adjacent to a residential use shall be enclosed along the residential use by a sight-obscuring fence that is from five to six feet in height, except where vision clearance is required.

#### RESPONSE: No non-residential parking areas are proposed, (7) above does not apply.

(8) CURBING: Parking spaces along the boundaries of a lot shall be contained by a curb or bumper rail that is at least four inches high and is set back at least four and one-half feet from the property line.

RESPONSE: No parking spaces along the boundary of the site are planned.

- (9) LIGHTING: Artificial lighting shall not create or reflect substantial glare into any adjacent residential zone or use.
- RESPONSE: No artificial lighting on the subject site will be allowed to reflect or create glare onto any adjacent residential uses.
  - (10) PROXIMITY TO TRAFFIC: Parking areas for four or more vehicles shall be of sufficient size to allow the backing and maneuvering of vehicles entirely out of the flow of traffic.
- RESPONSE: No parking areas for four or more vehicles are proposed, (10) above does not apply to this request.
  - (11) SCHOOL DRIVEWAY: A one-way driveway for loading and unloading children shall be located on the site of any school having a capacity of more than 25 students.

#### RESPONSE: A school is not proposed, (11) above does not apply.

(12) OFF-STREET LOADING AREAS: Activities that receive or distribute materials or merchandise by truck shall install and utilize loading docks in sufficient numbers and size to accommodate loading requirements without the disruption of nearby traffic. Parking areas required by this Ordinance may only be used for loading operations during periods of the day when not required for patron or customer parking.

#### RESPONSE: No off-street loading areas are proposed, (12) above does not apply to this request.

- (13) PARKING SPACE REQUIREMENTS: Requirements for types of building and uses not specifically listed herein shall be determined by the Department, based upon the requirements for comparable uses either listed below or active elsewhere in the county. PARKING SPACE REQUIREMENTS: Requirements for types of building and uses not specifically listed herein shall be determined by the Department, based upon the requirements for comparable uses either listed below or active elsewhere in the county.
  - (a) RESIDENTIAL: Two spaces for the first dwelling unit, and one space for each additional dwelling unit.
- RESPONSE: At least two parking spaces will be provided within the garage and associated driveway for the proposed Residential use, as shown on the included Floor Plans and Elevation drawings.

SECTION 4.040: GENERAL PROVISIONS REGARDING ACCESSORY USES

SECTION 4.060: ACCESS Every lot and parcel shall abut a street other than an alley, an approved private way, or an approved private ACCESS easement, for at least 25 feet.

RESPONSE: No accessory uses are proposed.

SECTION 4.070: DUAL USE OF REQUIRED OPEN SPACE

No lot area, yard, or off-street parking or loading area which is required by this Ordinance for one use shall be a required lot area, yard, or off-street parking or loading area for another use, unless otherwise specifically allowed by this Ordinance.

RESPONSE: There are no dual use open space areas proposed. This request is for one new home on one existing lot.

SECTION 4.080: DISTANCE BETWEEN BUILDINGS

A minimum distance of six feet shall be maintained between a building designed for dwelling purposes and any other freestanding buildings located on the same property.

RESPONSE: As shown on the included Site Plan, the side yard setbacks well exceed the minimum requirements of 6.00'. No other buildings are proposed at this time; any future buildings will be placed according to the requirements of the minimum distance between buildings.

SECTION 4.100: GENERAL EXCEPTION TO LOT SIZE REQUIREMENTS

RESPONSE: The subject site is an existing Lot, no exception to lot size is requested.

SECTION 4.110: EXCEPTIONS TO YARD SETBACK REQUIREMENTS

(1) PURPOSE: The purpose of the EXCEPTIONS described in this Section is to provide a measure of ministerial relief from the requirements for yards in certain areas or zones when those requirements are unnecessarily restrictive.

RESPONSE: The applicant does ask for an Exception to the yard setback requirements, (2) —
(4) are not relevant to this request

- (5) SMALL LOT EXCEPTIONS: In the RR, CSFR, RC, CC, CR-1, CR-2, CR-3, RMH and RMD zones and including those communities with adopted community growth boundaries, a front or rear yard, but not both, may be ten feet, provided the following apply to the subject parcel:
  - (a) The parcel is 7500 square feet or less in size.
- RESPONSE: The subject site is within the CC zone and with the requested Conditional Use for one single family detached dwelling, it will adhere to the CR-3 standards of the county code. The subject lot contains 3,842 square feet, meeting (a) above.
  - (b) At least one side yard is ten feet or more wide.
- RESPONSE: As shown on the included Site Plan, at least one side yard is 10 feet or more in width with the north being approximately 17' and the South being approximately 13', meeting (b) above.
  - (c) Required off-street parking is provided.
- RESPONSE: All required off-street parking is provided entirely on the subject site, meeting (c) above.
  - (d) The right-of-way width at the front of the lot is at least thirty feet. In the case of right-of-ways under 30 feet in width, a ten-foot yard may be approved if it is approved by the Public Works Department.
- RESPONSE: The adjacent right of way of Highway 101 is approximately 80 feet in width per Survey B-1295, meeting (d) above.
  - (e) The lot is not a corner lot. If the lot is a corner lot and meets the above criteria, the front yard may be 15 feet.
- RESPONSE: The subject site is not a corner lot, meeting (e) above.

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- (7) PROJECTIONS FROM BUILDINGS: Architectural features such as cornices, eaves, canopies, gutters, signs, chimneys, and flues shall not project more than 18 inches into a required yard unless evidence is presented to the Department that such projections increase the energy efficiency of the building, either by the capture of solar radiation of by providing shading for cooling, in which case they shall not project more than 24 inches into a required yard.
- RESPONSE: The eaves and gutters project into the required yard area as shown in the included plans but will not exceed the allowed 18 inches of projection.

- (8) DECKS, PORCHES, AND STEPS: (9) (10) (11) (12)
  - (a) Decks may be constructed within setback areas provided that the intruding portion:
    - i. Of the floor does not exceed 30 inches in height above finished grade, and
    - ii. Any fixed benches, railings or other attachments do not exceed 40 inches above finished grade, and
    - iii. Maintains a minimum of half the required front yard setback, a minimum of 10 foot street side yard setback on a corner lot, and a minimum of 3 feet for rear yard and non street side yard setbacks.
  - (b) All other uncovered decks, porches, or steps shall not project more than 24 inches into a required yard.
  - (c) Decks which extend into the required setbacks shall not be enclosed, nor covered, without using the procedures set forth in Article VIII. The existence of a deck within the required setbacks shall not be used as justification to extend a building into the required setbacks.
- RESPONSE: There are no decks proposed to be constructed at this time, but this is noted by the Applicant for future reference.
  - Any other porches will not project more than 24 inches into a required setback. Please note both side yard setbacks exceed the minimum dimension required.
  - (9) ZERO TO THREE FOOT SETBACK: Where a side or rear yard is not required, and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.
- RESPONSE: Any structure, such as a shed, will be at least 3 feet from the property line.
  - (10) OCEANFRONT SETBACKS See Section 3.085 (4) (a) (ib).
- RESPONSE: The site is not located on the ocean front, (10) does not apply.
  - (11) WATER QUALITY SETBACKS See Section 4.080 4.140 (1) (2) and (3).
- RESPONSE: The site is not adjacent to water quality areas (11) above does not apply.
  - (12) CLEAR VISION: These provisions may not be interpreted to allow parking or structures.
- RESPONSE: The applicant will ensure that all clear vision areas are maintained at all times and will ensure that no parking or structures are allowed in the clear vision areas.

#### SECTION 4.120: GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS

(1) Projections such as chimneys, spires, elevator shaft housings, flagpoles, devices or structures for the capture of solar energy, towers for wind energy conversion systems and windmills, and other structures not used for human occupancy are not subject to the BUILDING HEIGHT LIMITATIONS of this Ordinance, unless such projection shades an existing solar energy system on an adjoining property to such as extent as to affect the efficiency of that system.

RESPONSE: No chimneys, spires or other structures are planned, if any are installed in the future, they will meet the requirements 4.120(1).

There are no known existing solar energy systems on adjacent properties that will be affected by any projections such as a chimney.

(2) In the airport overlay zone, no structure or tree shall exceed 150 feet in height.

RESPONSE: The site is not located in the airport overlay zone, (2) above does not apply.

SECTION 4.130: DEVELOPMENT REQUIREMENTS FOR GEOLOGIC HAZARD AREAS

RESPONSE: The subject site is not in a geological hazard area section 4.130 does not apply.

SECTION 4.150: DEMOLITIONS OR ALTERATIONS OF HISTORIC STRUCTURES

RESPONSE: There are no historic structures on the site section 4.150 does not apply.

SECTION 4.160: PROTECTION OF ARCHAEOLOGICAL SITES

RESPONSE: There are no protected archaeological sites on the site, Section 4.160 does not apply to this request.

**SECTION 4.170: MIXED USE DEVELOPMENT (MUD)** 

RESPONSE: No mixed-use developments are requested.

SECTION 4.180: HOME OCCUPATION PERFORMANCE STANDARDS

RESPONSE: Home occupation is not requested at this time; Section 4.180 does not apply.

(Tillamook County Land Use Ordinance Article 4 - Adopted May 27, 2015)

#### SECTION 3.016: COMMUNITY HIGH DENSITY URBAN RESIDENTIAL ZONE (CR-3)

- (1) PURPOSE: The purpose of the CR-3 zone is to designate areas for a medium- to high density mix of dwelling types and other, compatible, uses. The CR-3 zone is intended for densely-developed areas or areas that are suitable for high-density urban development because of level topography and the absence of hazards, and because public facilities and services can accommodate a high level of use.
- (2) USES PERMITTED OUTRIGHT: In the CR-3 zone, the following uses and their accessory uses are permitted outright, and are subject to all applicable supplementary regulations contained in this ordinance.
  - (a) One, two, three, or four-family dwelling.
- (3) USES PERMITTED CONDITIONALLY
- RESPONSE: There are no CR3 zone conditional use requests, (a) above does not apply to this request.
  - (4) STANDARDS: Land divisions and development in the CR-3 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
  - (a) For a single family dwelling, the minimum size for lots... ...
  - (b) The minimum lot width shall be 50 feet, except on a corner lot it shall be 65 feet
  - (c) The minimum lot depth shall be 75 feet.
- RESPONSE: The subject lot where the new home will be placed is an existing lot, therefore (4)(a)-(c) above do not apply to this request.
  - (d) The minimum front yard shall be 20 feet.
- RESPONSE: As shown on the included Site Plan the front setback is 20 feet.
  - (e) The minimum side yard shall be 5 feet; on the street side of a corner lot it shall be no less than 15 feet.
- RESPONSE: As shown on the included Site Plan, the side yard setbacks are approximately 17.00' on the north side and 13.00' on the south side, far exceeding the required 5-foot setback. The lot is not a corner lot.
  - (f) The minimum rear yard shall be 20 feet; on a corner lot it shall be no less than 5 feet.
- RESPONSE: The applicant has addressed section 4.110 that allows for an Exception to the minimum rear yard setback to 10 feet when certain side yard dimensions are maintained, which will be the case with this request.

(g) The maximum building height shall be 35 feet, except that on ocean or bay front lots, it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.

RESPONSE: As shown on the included Architectural Elevations, the new home is to be approximately 23'4" in height.

(h) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.

RESPONSE: The applicant does not anticipate the keeping of any livestock on the site.

- (i) Lot size and yard setback standards shall apply to motels or hotels in the CR-3 zone.
- (j) For multifamily structures with separately owned dwelling units with common walls, yard setbacks shall apply to the entire structures only.

RESPONSE: The proposed new structure is to be a single-family residence, (i) and (j) above do not apply to this request.

(12/18/2002 Tillamook County Land Use Ordinance 3.016)

# END #

Grantor's Name and Address

William H. Neuman Alecia C. Neuman PO Box 115 Banks, OR 97106

Grantee's Name and Address

William H. Neuman Alecia C. Neuman Trustees of the WILLIAM H. NEUMAN AND ALECIA C. NEUMAN TRUST dated July 19, 2022; PO Box 115 Banks, OR 97106

Until a Change is Requested Send all Tax Statements to:

William H. Neuman, Trustee Alecia C. Neuman, Trustee PO Box 115 Banks, OR 97106

After recording return to:

McKean & Knaupp Attorneys, LLC 101 SW Washington St. Hillsboro, OR 97123 Tillamook County, Oregon 04/07/2025 02:08:33 PM DEED-DBS

2025-001283

530 00 \$11 00 \$61 00 \$10 00 - Total =\$112 00



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

Christy Nyseth, Tillamook County Clerk

#### BARGAIN AND SALE DEED

William H. Neuman and Alecia C. Neuman, Trustees of the WILLIAM H. NEUMAN AND ALECIA C. NEUMAN TRUST dated July 19, 2022, hereinafter grantors, do hereby grant, bargain, sell and convey to William H. Neuman and Alecia C. Neuman Trustees, or the successor thereof, of the WILLIAM H. NEUMAN AND ALECIA C. NEUMAN TRUST dated July 19, 2022, hereinafter called grantees, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Tillamook County, State of Oregon, described as follows, to-wit:

Tract 1, Lot 1, Block 2, Bar View Heights, In the County of Tillamook, State of Oregon;

Together with those portions of vacated Washington Street and vacated Tillamook Street incurring thereto.

The above description is based on the survey map created by Bayside Surveying LLC dated December 15, 2024, attached hereto as Exhibit A.

Deed Record No. 2022-004703 in Tillamook County is attached hereto as Exhibit B, reflecting the property and legal description prior to the Survey in Exhibit A.

Note: Commonly known as: 14960 Highway 101 N., Rockaway Beach, OR 97136

Note: Tax Account No.:69213; Map/Tax Lot No.: 1N1017CD/00901

To Have and to Hold the same unto grantees and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer is \$None; this deed is to effect a change in the legal description and no monetary consideration is involved.

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the grantor has executed this instrument on 4-1-25;

William H. Neuman, Trustee

STATE OF OREGON
) ss.
County of Washington

This instrument was acknowledged before me on march 28 2025 by Alecia C. Neuman, Trustee of the WILLIAM H. NEUMAN AND ALECIA C. NEUMAN TRUST dated July 19, 2022

OFFICIAL STAMP AMY RAE NOTARY PUBLIC OREGON
INTO COMMISSION EXPIRES SEPTEMBER 28, 2027

STATE OF OREGON
) ss.
County of Washington

This instrument was acknowledged before me on april 51/2625 by William H. Neuman, Trustee of the WILLIAM H. NEUMAN AND ALECIA C. NEUMAN TRUST dated July 19, 2022

Agrae Robin Knaupp

Notary Public for Oregon

OFFICIAL STAMP
Notary Public for Oregon

Notary Public for Oregon

MY COMMISSION EXPIRES JULY 7,

#### **EXHIBIT A**

#### **BAYSIDE SURVEYING LLC**

"Where Every Inch Counts"

DALLAS W. ESPLIN, MANAGER 6723 SOUTH PRAIRIE RD TILLAMOOK, OR 97141 503-842-5551 BAYSIDESURVEYING@GMAIL.COM BAYSIDESURVEYINGLLC.COM

DECEMBER 31, 2024 LEGAL DESCRIPTION FOR NEUMAN

#### TRACT 1:

LOT 1, BLOCK 2, BAR VIEW HEIGHTS, IN THE COUNTY OF TILLAMOOK, STATE OF OREGON;

TOGETHER WITH THOSE PORTIONS OF VACATED WASHINGTON STREET AND VACATED TILLAMOOK STREET INCURRING THERETO.

#### TRACT 2:

LOT 2 AND THE WESTERLY 1/2 OF EVEN WIDTH OF LOT 3, BLOCK 2, BAR VIEW HEIGHTS, IN THE COUNTY OF TILLAMOOK, STATE OF OREGON:

TOGETHER WITH THOSE PORTIONS OF VACATED TILLAMOOK STREET INCURRING THERETO.

#### TRACT 3:

LOT 4 AND THE EASTERLY 1/2 OF EVEN WIDTH OF LOT 3, BLOCK 2, BAR VIEW HEIGHTS, IN THE COUNTY OF TILLAMOOK, STATE OF OREGON;

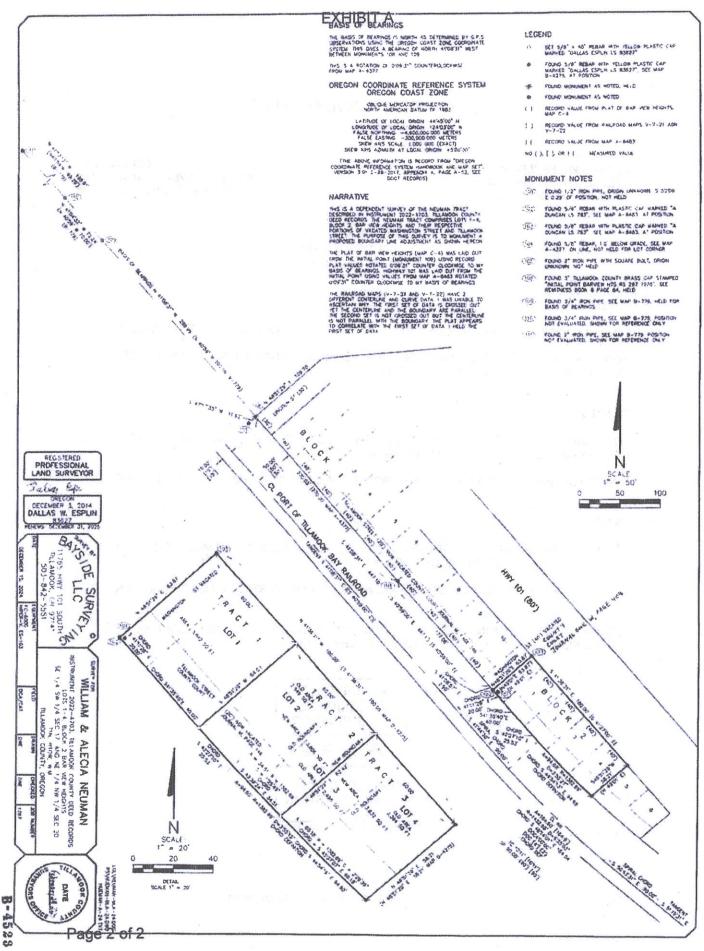
TOGETHER WITH THOSE PORTIONS OF VACATED TILLAMOOK STREET INCURRING THERETO.

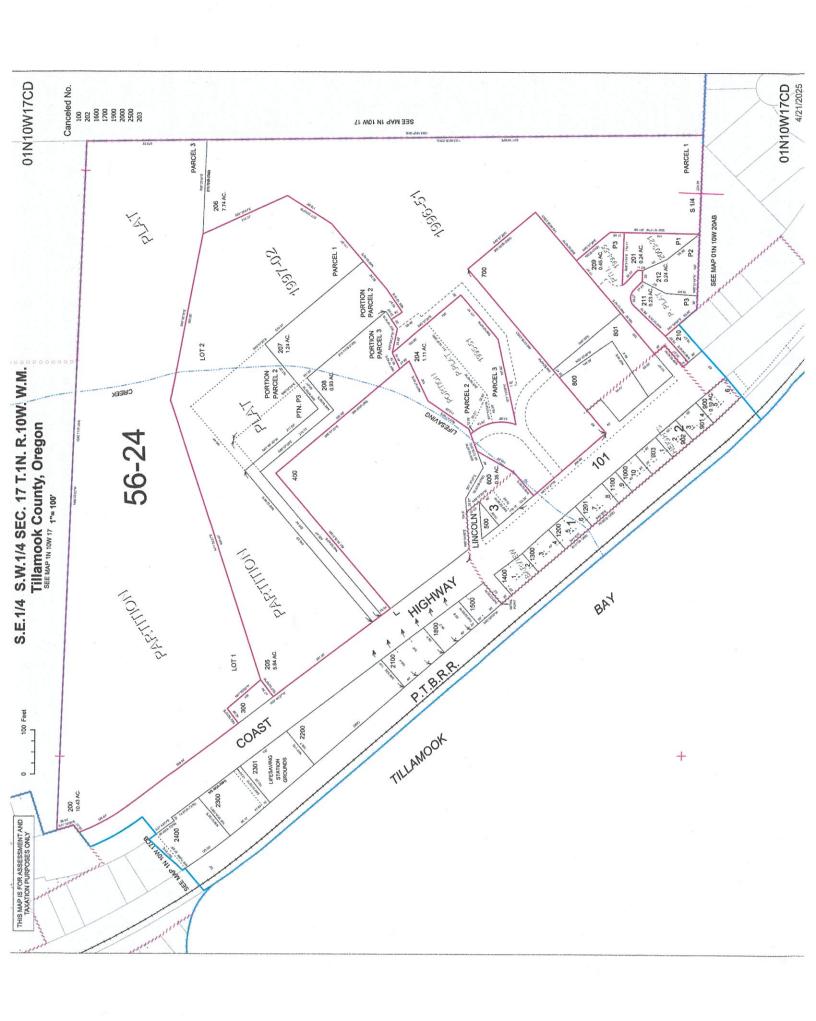
THE ABOVE DESCRIPTIONS ARE BASED ON MAP BY THIS FIRM DATED DECEMBER 15, 2024. AND ON FILE AT THE TILLAMOOK COUNTY SURVEY OFFICE.

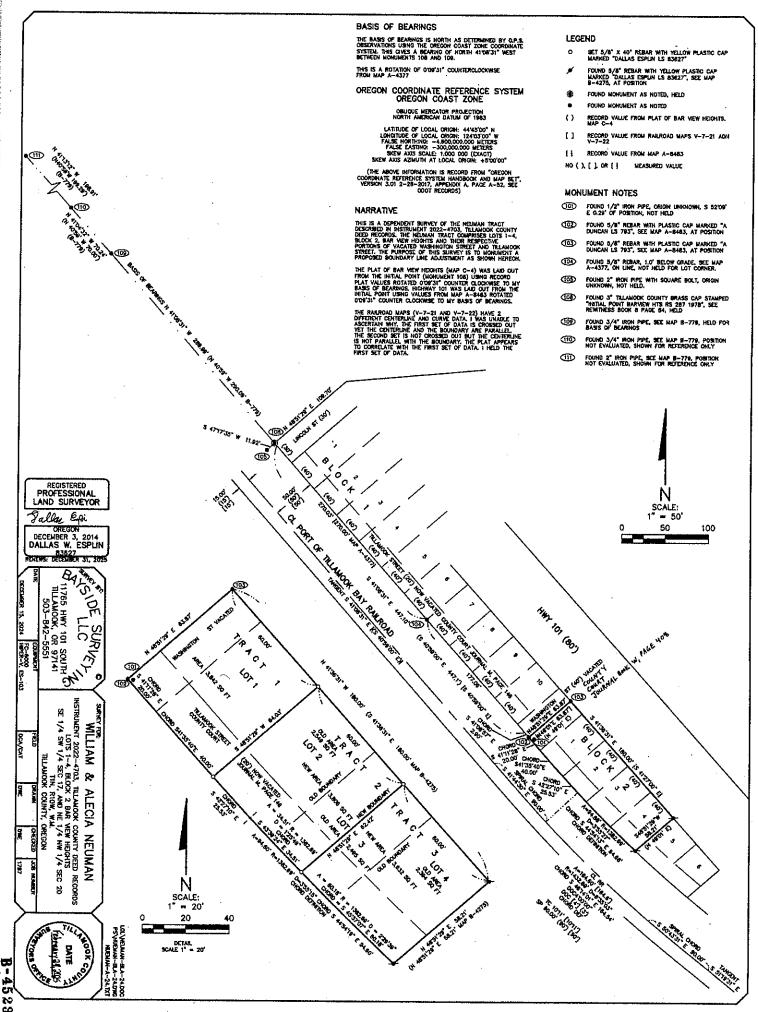
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
DECEMBER 3, 2014
DALLAS W. ESPLIN
83627
RENEWS: DECEMBER 31, 2025

C:\USERS\BAYSI\DROPBOX\FAMILY ROOM\BSS\LGL\NEUMAN-BLA-24.DOCX



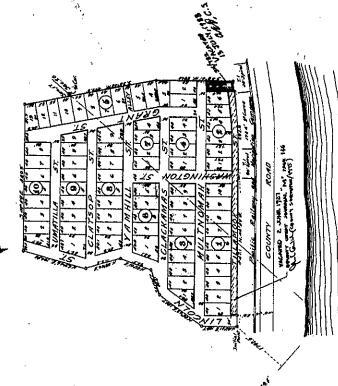




# BAR VIEW HEIGHTS MAP OF

SECTIONS 17 & 20, TIN, RIOW, W.M. SITUATED IN

Scale - In-100 Ft.



OCEAN PACIFIC

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H. E. With Germission

## DEDICATION

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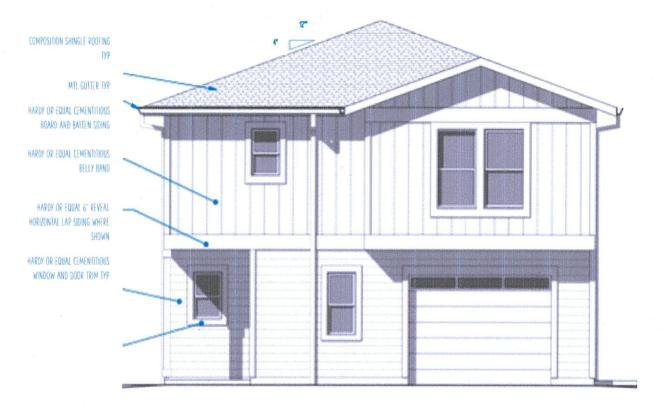
## ACKNOWLEDGMENT.

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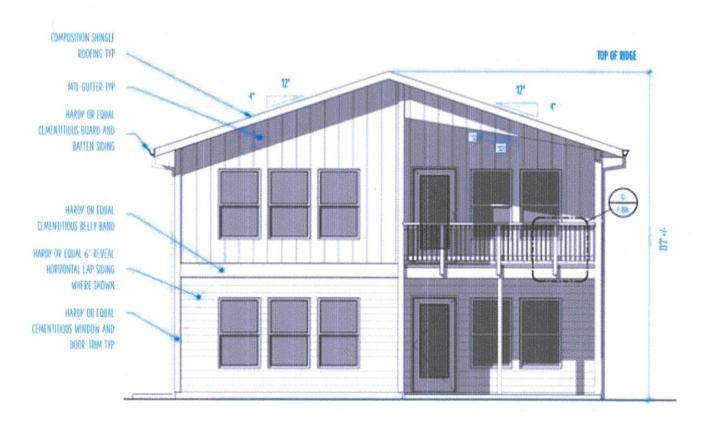
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Subscribed and swent to before me this 6th day of threather 1812.

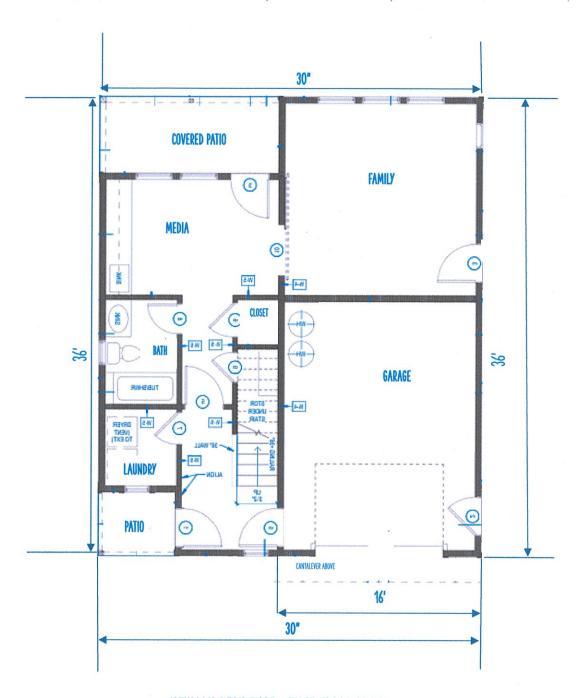


NEUMAN RESIDENCE - FRONT ELEVATION N.T.S.

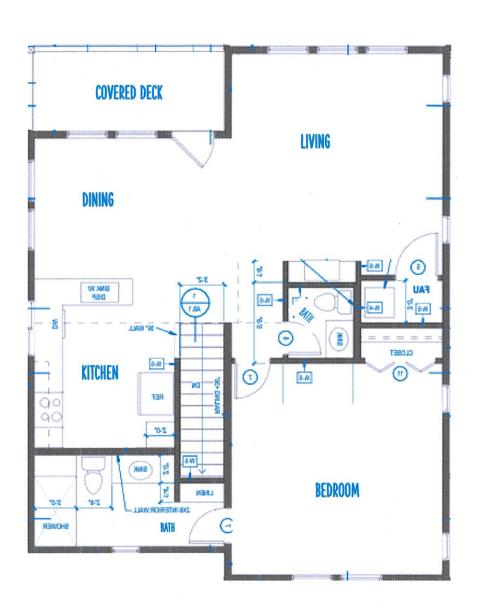


**NEUMAN RESIDENCE - REAR ELEVATION** 

NEUMAN RESIDENCE - RIGHT ELEVATION



NEUMAN RESIDENCE - FIRST FLOOR PLAN



NEUMAN RESIDENCE - SECOND FLOOR N.T.S.

#### **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

## PROPERTY LINE ADJUSTMENT REVIEW 851-24-000457-PLNG: NEUMAN / BAYSIDE SURVEYING

Ministerial Review Report Date: November 26, 2024 Prepared by: Angela Rimoldi, Planning Permit Technician

Applicant: Bayside Surveying, c/o Dallas Esplin, P.O. Box 880, Tillamook, OR. 97141

4-14	Uni	t A			Unit	В	
Township	Range	Section	Tax Lot	Township	Range	Section	Tax Lot
1N	10W	17CD	00901	1N	10W	17CD	00901
Owner:				Owner:			
Alecia and W	illiam Neumar	1		Alecia and Willi	am Neuman		
<b>Property Add</b>	dress:			Property Addre	ess:		
Vacant				Vacant			
<b>Mailing Add</b>	ress (Street or	r PO Box):		Mailing Address (Street or PO Box):			
P.O. Box 115, Banks, OR. 97106			P.O. Box 115, Banks, OR. 97106				
Zone: Comm	unity Commer	cial (CC)		Zone: Community Commercial (CC)			
	Uni	t C			Unit	D	
Township	Range	Section	Tax Lot	Township	Range	Section	Tax Lot
1N	10W	17CD	00901	1N	10W	17CD	00901
Owner:				Owner:			
Alecia and W	illiam Neumai	n		Alecia and Willi	am Neuman		
Property Add	dress:			Property Addre	ess:		
Vacant				Vacant			
<b>Mailing Add</b>	ress (Street or	r PO Box):		Mailing Addres	s (Street or P	O Box):	
P.O. Box 115	, Banks, OR. 9	7106		P.O. Box 115, Banks, OR. 97106			
Zone: Comm	one: Community Commercial (CC)			Zone: Community Commercial (CC)			

Proposed Units - Tax Lot 00901	Existing Area	Proposed Area
Unit A (Lot 1)	3,842 Square Feet	3,842 Square Feet
Unit B (Lot 2)	2,549 Square Feet	3,806 Square Feet
Unit C (Lot 3)	3,842 Square Feet	0 Square Feet
Unit D (Lot 4)	2,394 Square Feet	3,632 Square Feet

Materials Submitted: PLA Application, Warranty Deeds and Preliminary Plot Map

#### **CRITERIA & FINDINGS:**

i. Parcel Creation. No additional parcel or lot is created by the lot line adjustment.

#### Findings:

- Staff find the property comprised of four (4) lots of records under one (1) Tax Lot number (Exhibit B).
- Staff conclude that no new parcel or lot is being created as a result of the property line adjustment proposal (Exhibit B).

#### ii. Lot standards.

- 1. All lots and parcels conform to the applicable lot standards of the zone including lot area, dimensions, setbacks, and coverage, except where 2. or 3. applies.
- 2. For properties entirely outside an Unincorporated Community Boundary, where one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment, one property shall be as large or larger than the minimum lot or parcel size for the applicable zone after the adjustment.
- 3. For properties entirely outside an Unincorporated Community Boundary, both abutting properties are smaller than the minimum lot size for the applicable zone before and after property line adjustment.

#### Findings:

- Staff find that all Units fall under the Community Commercial (CC) zone standards, which outlines that
  the minimum lot dimensions and yard setbacks, and the maximum building heights for structures
  containing only residential uses, shall be the same as in the CR-3 zone. The relevant CR-3 standards are
  outlined below.
- Staff find that all Units do not meet the lot size area of 5,000 square feet outlined in the Community High Density Urban Residential (CR-3) zone; respectively both before and after the proposed property line adjustment (Exhibit B).
- Staff find that all Units meet the minimum 50-foot lot-width required by the relevant CR-3 zone; respectively both before and after the proposed property line adjustment (Exhibit B).
- Staff find that all Units do not meet the minimum 75-foot lot depth required by the relevant CR-3 zone; respectively both before and after the proposed property line adjustment (Exhibit B).
- Staff finds that all Units are currently vacant; therefore, the relevant CR-3 zone set back requirements do not apply at this time (Exhibit B).
- Staff conclude that these criteria have been met.
- 4. As applicable, all lots and parcels shall conform to the Tillamook County Flood Hazard Overlay Zone.

#### Findings:

- Staff find that all Units are located within Zone X Area of Minimal Flood Hazard as depicted on FEMA FIRM 41057C0383F, and within Zone Open Water as depicted on FEMA FIRM 41057C0379F dated September 28, 2018 (Exhibit A).
- Staff concludes that this criterion has been met.

iii. Access and Road Authority Standards. All lots and parcels conform to the standards or requirements of Section 150: Development Standards for Land Divisions and all applicable road authority requirements are met. If a lot is nonconforming to any road authority standard, it shall not be made less conforming by the property line adjustment.

#### Findings:

- Staff find that all Units front Highway 101 S., a State Highway, respectively both before and after the proposed property line adjustment (Exhibit B).
- Staff concludes this criterion has been met.

#### **CONCLUSION:**

Upon completion of review of the submitted materials, staff conclude that the requirements to allow a property line adjustment has been met. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing upon receipt of the appeal and applicable fees. In such case, forms and fees must be filed in the office of this Department before 4:00 PM on December 9, 2024.

#### **CONDITIONS OF APPROVAL:**

- 1. The existing zoning designations for all Units shall remain the same and the standards for each zone will continue to apply, following the proposed adjustment.
- 2. If the adjusted units of land are less than ten acres in size, a survey to monument the new common boundary is required and shall be filed with the Tillamook County Surveyor's Department.
- 3. The property owner(s) shall record all proper documents, including descriptions of all access and utility easements necessary to serve the properties, in the Tillamook County Clerk's Office. Copies of the recorded documents shall be submitted to this Department.
- 4. A copy of the filed survey identifying all easements for access and utilities shall be submitted to this Department.
- 5. The property owner(s) shall fulfill the requirements for recording and filing above and shall submit any required map and documents within one year of the date of this approval. An extension of tentative approval may be available.

Sincerely

Angela Rimoldi, Planning Permit Technician

Sarah Absher, CFM, Director

#### **EXHIBITS:**

Exhibit A - Zoning Map, Assessors Map, Assessor's Summary Reports, FEMA FIRM Map Exhibit B - Applicant's Submittal



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

www.co.tillamook.or.us

Date Stamp

OFFICE USE ONLY

#### PLANNING APPLICATION

Applicant F /Charle Day if Company	D	mts. Ossum and			
Applicant ☐ (Check Box if Same as Name: NWLP - Trisha Clark Ph		03.330.2019		-1-1-1	
Address: PO BOX 1073	ione: 3	03.330.2019	5	5/19/25	
	ate: W	Zip: 98620	779	000000000000000000000000000000000000000	
Email: trisha_clark@hotmail.com				proved Denied	
				ived by:	
Property Owner			Rece	ipt #:	
Name: Alecia & Bill Neuman Ph	one: 50	03-936-9850	Fees:		
Address: PO BOX 115				nit No:	
City: Banks Sta	ate: OR	Zip: 97106	851- <u>25</u> -000156-PLNG		
Email: neumana@pacific.edu					
Request: Type II Conditional Use to allo active business" per Tillamook Land Use ( Tract to meet C-3 zone requirements. Setb	Ordnano acks wi	ce 3.022(3)(a). Il be per Section 4.110.	t associate	ed with an	
Also requested is a Variance for the rear ya	ru selba	ick only for a reduction of 2			
Type II	T	ype III	Type IV		
☐ Farm/Forest Review		Detailed Hazard Report	☐ Ordin	nance Amendment	
Conditional Use Review		Conditional Use (As deemed	☐ Large	e-Scale Zoning Map	
✓ Variance		by Director)		ndment	
Exception to Resource or Riparian Setba		Ordinance Amendment		and/or Code Text	
Nonconforming Review (Major or Mino	-	Map Amendment	Amei	ndment	
Development Permit Review for Estuary	55	Goal Exception			
Development	L	Nonconforming Review (As			
Non-farm dwelling in Farm Zone	-	deemed by Director)			
Foredune Grading Permit Review	L	Variance (As deemed by			
Neskowin Coastal Hazards Area		Director)			
Location:		· · · · · · · · · · · · · · · · · · ·			
Site Address: All are addressed at 14960 I		11. Addresses are being assigned			
Map Number: 1N	10W		17CD	903	
Township	Range		Section	Tax Lot(s)	
Clerk's Instrument #: Record of Survey E	3-4523,	Tract 1			
Authorization					
This permit application does not assure per	mit apr	proval. The applicant and/or pror	erty owner	shall be responsible for	
obtaining any other necessary federal, state					
complete, accurate, and consistent with ot					
Alecia C Neuman					
			Apr 9	, 2025	
CONTRACTOR Signature (New 1988) 1-40ZJ5W8X			06.0	, 2025 Date	



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

OFFICE USE ONLY

#### PLANNING APPLICATION

PLAINING A	FFLICATI	ION	Date Sta	mp
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Applicant ☐ (Check Box if Same of				
	Phone: 503.3	30.2019	f*.	17 1 9 225
Address: PO BOX 1073				
City: Goldendale	State: WA	Zip: 98620	FIAN	proved Denied
Email: trisha_clark@hotmail.com				ved by:
Proporty Owner			Recei	
Property Owner			Fees:	μι #.
	Phone: 503-936	5-9850	Perm	i+ No.
Address: PO BOX 115				25-00255-PLNG
	State: OR	Zip: 97106	031-	ac-vova
Email: neumana@pacific.edu			L	
Request: Type II Conditional Use to a active business" per Tillamook Land Use Tract , to meet C-3 zone requirements. Se	o Ordnance 3.0 Ordnance 3.0 Ordnance 3.0	22(3)(a). er Section 4.110.	ot associate	d with an
Also requested is a Variance for the rear y	ard setback on	ly for a reduction of 2'		
Type II	Type I	II	Type IV	
☐ Farm/Forest Review	☐ Det	ailed Hazard Report	☐ Ordin	ance Amendment
Conditional Use Review	☐ Con	ditional Use (As deemed	☐ Large	-Scale Zoning Map
☑ Variance	2000000	Director)	Amen	dment
Exception to Resource or Riparian Set		inance Amendment		ind/or Code Text
Nonconforming Review (Major or Min		o Amendment	Amen	dment
Development Permit Review for Estua		I Exception		
Development		nconforming Review (As		
<ul><li>Non-farm dwelling in Farm Zone</li><li>Foredune Grading Permit Review</li></ul>		med by Director) ance (As deemed by		
Neskowin Coastal Hazards Area		ector)		
Location:	Dire	ictor)		
Site Address: All are addressed at 14960	) H/W 101 Ad	drooped are being accions	ما الثيد اسميماء	م ما ما م
Wap Number: 1N	10W	uresses are being assigne		
Township	Range		17CD Section	903
\$5.00 PACCET #M	** C. (1.)	1	section	Tax Lot(s)
Clerk's Instrument #: Record of Survey	2 7020, 11act		Miller Magnes and Advance	
Authorization				
his permit application does not assure p	ermit approval.	The applicant and/or proj	perty owner	shall be responsible for
obtaining any other necessary federal, sta	ate, and local pe	ermits. The applicant verifi	es that the in	nformation submitted is
complete, accurate, and consistent with consis	Juler Informatio	on submitted with this app	lication.	
Mecca C Neuman			Anr 9	2025
DDN's Morer Signature (5/19/1983): L-4QZJ5W8X			7 (01 0,	Date
Ba-			Apr 9,	0.25
pplicant Signature	**************************************			Date
Land Use Application Rev	v. 6/9/23			ь .
Land Ose Application Rev	. U/3/43			Page 1

### LAND USE APPLICATION

## ➢ NEUMAN RESIDENCE ← CONDITIONAL USE & MINOR VARIANCES



Submitted to: TILLAMOOK COUNTY OREGON 201 Laurel Avenue Tillamook, OR 97141

Submitted on Behalf of: ALECIA & BILL NEUMAN PO Box 115 Banks, Oregon 97106

Updated: June 16 2025



#### **NEUMAN CONDITIONAL USE & VARIANCE**

#### **Contacts**

APPLICANT / OWNER:

Alecia & William Neuman

PO Box 115

Banks, Oregon 97106 503.936.9850 phone

neumana@pacific.edu / neumanwa@gmail.com

**APPLICANT'S REPRESENTATIVE:** 

NWLP, Trisha Clark

PO Box 1073

Goldendale, WA 98620 phone: 503.330.2019 trisha\_clark@hotmail.com

LAND SURVEYOR:

Bayside Surveying Inc. LLC 11765 Highway 101 South Tillamook, OR 97141

503.842.5551 phone

ARCHITECT:

VanderMac Architecture 13981 NW Main Street Banks, Oregon 97106

503.324.0533

Kerry@vandermac.com

#### **Parcel Summary**

SUBJECT PROPERTY:

Tax Lot 903, Assessor's Map 1N10 17CD,

Tillamook County, Oregon

**SITE ADDRESS:** 

Not addressed (Previously 14960 North Highway 101)

SITE SIZE:

0.08 Acres

**CURRENT ZONING:** 

Tillamook County CC Zone

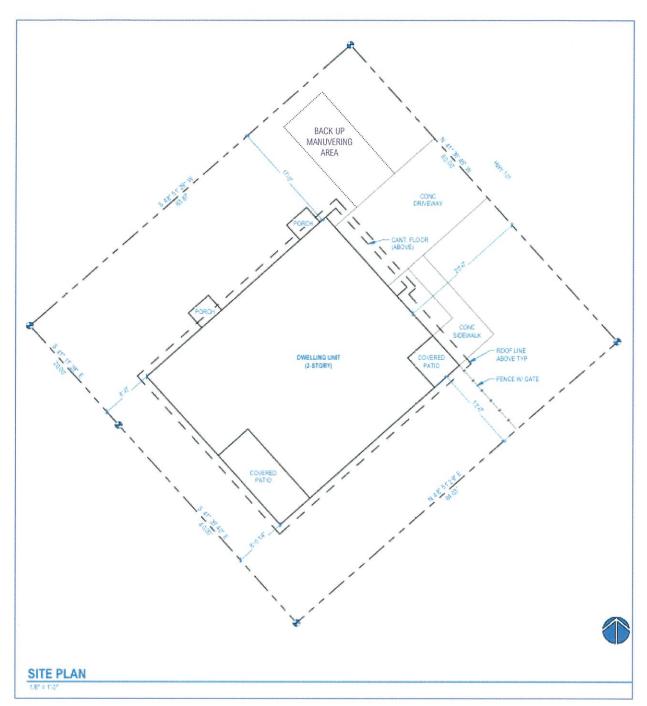


Figure 1 PRELIMINARY SITE PLAN





Figure 2 NEW HOME ELEVATIONS

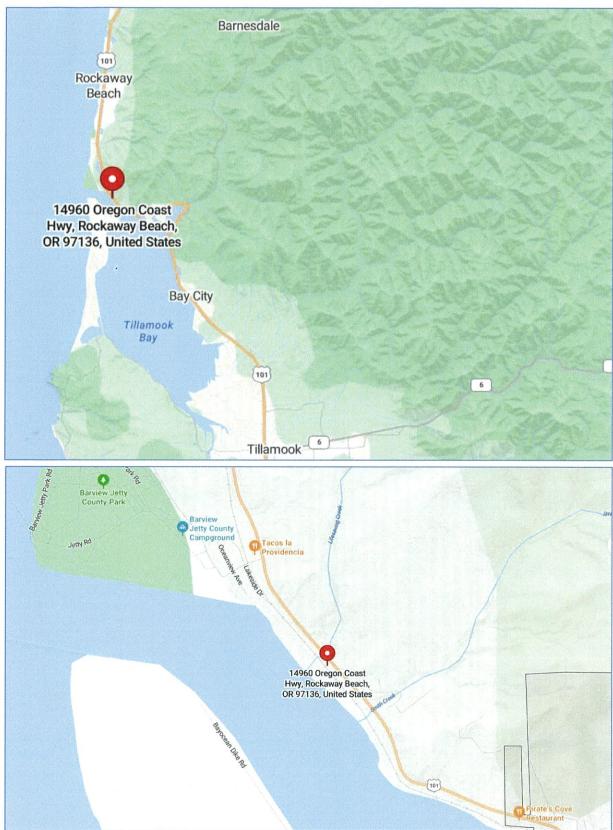


Figure 3 VICINITY MAPS

#### Site & Project Description

The subject parcel is identified as Tax Lot 903 on Tillamook County Assessor Map 1N10 17CD. The Tract contains 3,842 square feet, as shown on Survey Number B-4523 of the Tillamook County Surveyor records, a copy is included with this request.

Tax Lot 903 is not currently addressed although the previous address was 14960 North Highway 101. The nearest cross street is Grant Street to the northeast of the site, across Highway 101. The PTBRR (Port of Tillamook Bay Railroad) is to the immediate southwest of the site, and Garibaldi Bay is to the southwest of the railroad line.

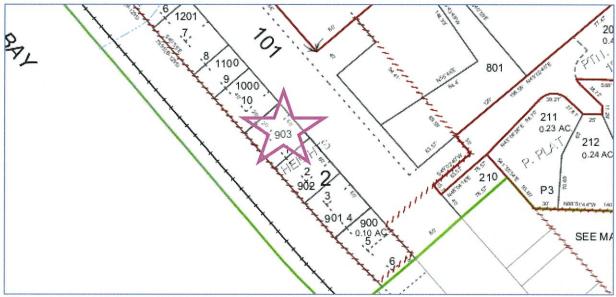


Figure 4 ASSESSOR'S TAX MAP 01N10W17CD, TAX LOT 903

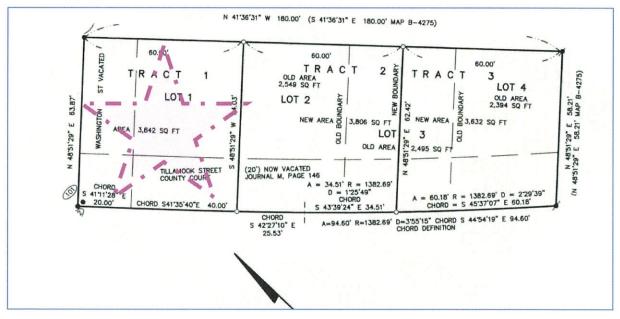


Figure 5 CONFIGURATION OF LOT AFTER RECENTLY RECORDED PLA; SURVEY NUMBER B-4523

The applicant has recently completed a Property Line Adjustment on the site that changed the underlaying lots from 4 lots to 3 lots, recorded as Survey Number B-4523 in the Tillamook County Surveyor records.

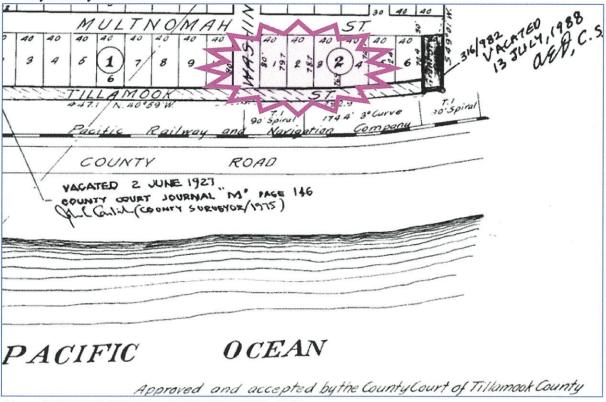


Figure 6 ORIGINAL PLAT OF BAY VIEW HEIGHTS - 1912

The original lots that were platted in 1912, Lots 1-4, Block 2, "Bar View Heights", were very small and constrained in size even before the designation of Highway 101 on the northeast boundary of the lots. Since the time of the original plat, some of the original streets have been vacated and street names have been changed. All of this information is shown on Survey Number B-4523 that was commenced by the applicant and recorded with the Tillamook County Surveyor.

In order to alleviate this constraint that was provided with the original lot configuration as much as possible, the applicant requested a Property Line Adjustment and was granted approval. The applicant has completed the requirements of that approval with filings of both a Record of Survey and the deeds with the Tillamook County Recorder, copies of which are provided as support information to this request.

The Tract is almost square, but is actually barely rectangular in configuration, having dimensions of approximately 64' x 60' and takes access from Highway 101 on the northeast side of the lot. The rear yard is located to the southwest, toward Garabaldi Bay and the PTBRR right of way.

All public and private utilities, including sanitary and public water, are directly available to the subject Tract within the right of way of Highway 101. Needed utilities will be brought to the new home by 4" laterals and the appropriately sized water meter as needed (the applicant will verify the use of any existing meters on the site) will be installed to service the new home with essential services and utilities.

#### REQUESTS & APPLICABLE CRITERIA

The applicant is requesting approval for **Conditional Use** to allow a home, a residential use, on the lot, this request is in harmony with all of the current existing surrounding uses in the vicinity.

The criterion for Conditional Uses is addressed within this narrative on page 9, which addresses the criteria of ARTICLE VI CONDITIONAL USE PROCEDURES AND CRITERIA and how the proposal meets each of those criteria.

A minor **Variance** is requested for a reduction to the 10.00' rear yard setback required per TCDC 4.110 (5) to 8.00', a 20% reduction and an additional **Variance** is requested for the cantilever on the second story that overhangs the driveway to the garage for the proposed home.

The lot is quite shallow, being just under 64' on the north boundary line, therefore in addition to the exception sited above, two Variances are requested:

- Reduce the 10.00' rear yard setback to 8.00'.
- Allow the 2.00' overhang of a cantilever on the second story of the new building only. This projection is over the driveway and therefore within the front setback.

No other Variances, adjustments or changes to any other setback or standard are requested beyond the above requested.

Within this narrative and the provided plans, the applicant demonstrates how the new home will meet all the requirements of the development standards of Article IV, the approval criteria contained in Article VI and VIII, the standards for development in the CR-3 zone, and the intent of the Tillamook County Comprehensive Plan.

The applicable Articles of the Tillamook County Development Code are addressed within this narrative, with Article VI first, Article VIII next, with Article IV and the CR-3 zone last; this order is deliberate to allow for discussion of how if the requested Conditional Use in Article VI and the minor Variances in Article VIII are approved, the new home and the Tract will still adhere to the criteria of Article IV.

#### Criteria of the Tillamook County Development Code applicable to this request:

ARTICLE VI CONDITIONAL USE PROCEDURES & CRITERIA	pg. 9
ARTICLE VIII VARIANCE	pg. 14
ARTICLE IV DEVELOPMENT STANDARDS	pg. 19
LUO ARTICLE 3: RESIDENTIAL ZONE 3.016 CR-3	
COMMUNITY HIGH DENSITY URBAN RESIDENTIAL (CR-3)	pg. 29

#### ATTACHMENTS:

Application Form
Application Fee
Current Deed for TL 903; Doc 2025-001283 Tract 1
Architectural Elevations and Floorplans
B-4526 Recorded Survey
Plat of Bay View Heights
Assessor Map 1N10 17CD, Tillamook County, Oregon

#### TILLAMOOK COUNTY DEVELOPMENT CODE

#### ARTICLE VI

#### CONDITIONAL USE PROCEDURES AND CRITERIA

**SECTION 6.010: PURPOSE** 

The purpose of a CONDITIONAL USE is to provide for uses that are not allowed by right in a certain zone because of potentially adverse impacts on uses permitted by right in that zone. Such uses may be made or deemed compatible through the review process contained in this Article, which subjects the proposed CONDITIONAL USE activity to specific requirements, criteria, and conditions. The location and operation of any CONDITIONAL USE listed in this Ordinance shall only be permitted according to the provisions of this Article.

#### **SECTION 6.020: PROCEDURE**

The following procedure shall be observed in submitting and acting on a CONDITIONAL USE request:

- (1) A request may be initiated for a CONDITIONAL USE, or the modification of an approved CONDITIONAL USE, by filing an application with the Department. The Department may require any information necessary for a complete understanding of the proposed use and its relationship to surrounding properties.
- (2) The Director shall act administratively according to the procedure set forth in Article 10, or shall refer the application to the Commission for a public hearing and decision. The application shall be referred to the Commission if 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. If the Director elects to refer the application to the Commission, it shall be heard at the next available Commission hearing, unless the applicant requests otherwise.
- (3) No CONDITIONAL USE permit shall be invalidated because of failure to receive the notice provided for in Section 10.070.

RESPONSE: The applicant is initiating a new request for a Conditional Use with this application; there are no existing conditional uses upon this lot.

**SECTION 6.030: GENERAL REOUIREMENTS** 

A CONDITIONAL USE shall be authorized, pursuant to the procedures set forth in Section 6.020, if the applicant adequately demonstrates that the proposed use satisfies all relevant requirements of this Ordinance, including the review criteria contained in Section 6.040 or the Health Hardship provisions contained in Section 6.050, and the following general requirements:

- (1) A CONDITIONAL USE shall be subject to the standards of the zone in which it is located, except as those standards have been modified in authorizing the CONDITIONAL USE. The size of a lot to be used for a public utility facility may be reduced below the minimum required, provided that it will have no adverse effect upon adjacent uses.
- RESPONSE: The subject site is in the CC zone and the requested use is listed as an allowed use conditionally in the zone. If approved, the development on the site will adhere to the standards of the CR-3 zone per 3.022(4)(a).
  - (2) A CONDITIONAL USE may be enlarged or altered pursuant to the following:
    - (a) Major alterations of a CONDITIONAL USE, including changes to or deletion of any imposed conditions, shall be processed as a new CONDITIONAL USE application.
    - (b) Minor alterations of a CONDITIONAL USE may be approved by the Director according to the procedures used for authorizing a building permit, if such alterations are requested prior to the issuance of a building permit for the CONDITIONAL USE. Minor alterations are those which may affect the siting and dimensions of structural and other improvements relating to the CONDITIONAL USE, and may include small changes in the use itself. Any change which would affect the basic type, character, arrangement, or intent of the approved CONDITIONAL USE shall be considered a major alteration.
    - (c) The enlargement or alteration of a one-or two-family dwelling, mobile home, manufactured home, or recreational vehicle that is authorized as a CONDITIONAL USE under the provisions of this Ordinance shall not require further authorization, if all applicable standards and criteria are met.
- RESPONSE: This application is for a new Conditional Use request, (2) (a) (c) does not apply as no enlargement or alteration is requested.
  - (3) Where the approval of a CONDITIONAL USE request is contingent upon an amendment to this Ordinance, and an application for such amendment has been recommended for approval by the Commission, the CONDITIONAL USE request may be approved upon the condition that the Board approves the Ordinance Amendment.
- RESPONSE: If approved this Conditional Use will not be contingent upon an amendment to any Ordinances, (3) above does not apply to this request.

#### SECTION 6.040: REVIEW CRITERIA

Any CONDITIONAL USE authorized according to this Article shall be subject to the following criteria, where applicable:

(1) The use is listed as a CONDITIONAL USE in the underlying zone, or in an applicable overlying zone.

RESPONSE: The use requested is listed as a Conditional Use in the underlying zone.

(2) The use is consistent with the applicable goals and policies of the Comprehensive Plan.

RESPONSE: The applicant's representative reviewed the copy of the Comprehensive Plan available to the public on-line and extracted these goals and policies of the Tillamook County Comprehensive Plan that can be applied to this request.

Housing Goal 10 from the Tillamook County Comprehensive Plan is copied below in this font, with additional applicant response.

T.C.C.P.

HOUSING ELEMENT (Goal 10)

Goal 10 has the purpose of providing for the housing needs of citizens of the State. 2.2 PURPOSE OF THE HOUSING GOAL, GOAL 10

The purpose of the Housing Goal is "to provide for housing needs of citizens of the state".

2.4 ENCOURAGE THE AVAILABILITY OF ADEQUATE NUMBERS OF HOUSING UNITS The other requirement of the Housing Goal is to "encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density".\*

Allowing the Conditional Use to have a residential home on the lot fulfills the intent of Goal 10 of the Comprehensive Plan by implementing the intent of "1. HOUSING IN TILLAMOOK COUNTY; 2.4 ENCOURAGE THE AVAILABILITY OF ADEQUATE NUMBERS OF HOUSING UNITS" as discussed below.

Goal 10, 2.4 encourages the availability of the adequate number of housing units at price ranges and rent levels that are commiserate with the financial capabilities of Oregon households. This is accomplished by providing a variety of housing types in different price ranges within the County, including rentals and owned homes, multifamily buildings and apartments, duplexes and triplexes, manufactured housing and single-family homes of varying ages, sizes, design and location.

Having a diversity of housing types implements the intent of Goal 10, 2.4. because it increases the diversity of availability and price range of housing in Tillamook County.

#### T.C.C.P.

#### 3.3 ENCOURAGING THE USE OF UNDERSIZED LOTS IN URBAN AREAS

... Substandard parcels represent an important asset to the County that justifies making exceptions to zoning requirements. Public benefits in the form of lower housing costs, increased service utilization, reduced services costs, and reduced need to utilize resource land for housing will result from allowing the use of these lots. ...

... The use of undersized lots can be further increased by expanding the scope of this exception while maintaining setback standards which are essential to the public interest such as assuring sufficient off-street parking, maintaining fire safety, and maintaining vision clearance near roads and driveways.

Allowing the Conditional Use fulfills the intent of Goal 10 of the Comprehensive Plan by implementing the intent of "1. HOUSING IN TILLAMOOK COUNTY; 3.3 ENCOURAGING THE USE OF UNDERSIZED LOTS IN URBAN AREAS", as discussed below.

Section 3.3 within Goal 10 encourages the use of undersized lots and substandard parcels in the County, and states that exceptions should be made to zoning requirements because the public benefits in the form of (for example, not limited to): 1. Lower housing costs; 2. An increase in service utilization resulting in an increase in the number of utility ratepayers, which helps disperse costs; 3. The use of already planted lots 4. Prevents the utilization of resource land for housing. These are just some of the ways the approval of the Conditional Use implements this goal.

The goal encourages flexibility, while maintaining standards, such as setbacks, which are essential to the public interest and to assure the availability of off-street parking, ensures fire safety, and maintains vision clearance and other safety and public health matters. The proposed Conditional Use with a small Variance has no effect on any essential services, off street parking, or fire safety and access because it is at the rear of the home.

- (3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.
- RESPONSE: The subject parcel is well suited for the proposed residential use because it is located in an area where there are other single family detached residential homes on both sides and across the highway. There is a railroad line on one side which means all access must enter from Highway 101 for the subject lot.

  Without approval of a Conditional Use, this lot is currently zoned for commercial use commercial / retail use would increase the number of trips per day and per hour that would enter and exit in and out of a driveway on this lot.

Considering the size of the lot and the proximity to Highway 101, a commercial increase in the number of trips could be significant compared to strictly residential use and therefore residential use is more suited for this specific location.

- (4) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.
- RESPONSE: The proposed use is the same in character as the surrounding uses, which are all residential. Allowing the residential use on the subject site will have no impairment on, nor cause prevention of the use of surrounding properties of uses permitted in their zone.

The subject lot is already existing, and a residential use would be less limiting on surrounding properties than a commercial use because a commercial or retail use will have a potential increase in traffic, noise, light pollution and other unknown factors. With a strictly residential use, those factors will known and will be minimized by the nature of the use.

- (5) The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.
- RESPONSE: There are no existing solar energy systems, wind energy conservation systems or windmills in the immediate vicinity of the subject site. The new building will not be so tall as to interrupt access to solar or wind energy collection on nearby properties.
  - (6) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.
- RESPONSE: The public facilities and services needed are existing within the right of way of Highway 101, and are adequate to serve the new home on the existing lot, including sanitary sewer, public water and other dry utilities and services such as communication and electricity.

(T.C. ORD. Adopted May 27, 2015)

#### ARTICLE VIII

#### VARIANCE PROCEDURES AND CRITERIA

SECTION 8.010: PURPOSE

The purpose of a VARIANCE is to provide relief when a strict application of the dimensional requirements for lots or structures would cause an undue or unnecessary hardship by rendering the parcel incapable of reasonable economic use. No VARIANCE shall be granted to allow a use of property not authorized by this Ordinance.

SECTION 8.020: PROCEDURE

The following procedure shall be observed in applying for and acting on a VARIANCE request:

- (1) A request may be initiated for a VARIANCE, or the modification of an approved VARIANCE, by filing an application with the Department. The Department may require any information necessary for a complete understanding of the proposed VARIANCE and its relationship to surrounding properties.
- RESPONSE: The applicant is making request for new Variances with this application.

  The applicant and their representative have provided complete information to help the public and Staff understand the requested Variances and their relationship to the surrounding properties. The applicant will provide any additional information needed to make sure that full understanding is made of the request.
  - (2) The Director shall act administratively according to the procedure set forth in Article 10, or shall refer the application to the Commission for a public hearing and decision. The application shall be referred to the Commission if 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. If the Director elects to refer the application to the Commission, it shall be heard at the next available Commission hearing, unless the applicant requests otherwise.
- RESPONSE: It is the applicant's intent to provide complete, thoughtful and thorough information to allow for the Director to be able to fully understand the request and also that the public, through the public notice process, to fully understand the intent of the request, so Staff is able to render a Decision administratively, according to the procedure set forth in Article 10 and detailed in (2) above.

This request does not have significant impacts that extend beyond the abutting properties, and the impact to those properties is minimal and mitigated for, as described in this narrative and as shown on the included Site Plan provided by the applicant's Architect, Kerry Vanderzanden.

(3) No approved VARIANCE request shall be invalidated because of failure to receive the notice provided for in Section 10.070.

RESPONSE: The applicant acknowledges (3) above.

**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.

RESPONSE: The primary circumstance attributing to the need for both of the requested Variances are the challenges that are presented by the lot's depth, being approximately 64 feet.

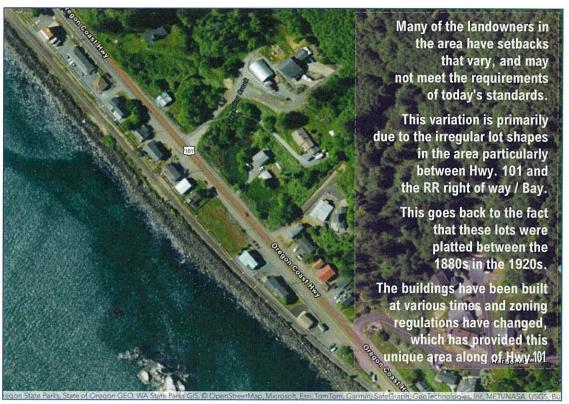
To provide for appropriate access, parking and maneuvering area and the actual building area for the house with yard areas and the needed setbacks, a challenge for enough linear feet of lot depth arises - especially for the front and rear yards due to the lot being almost square in shape.

In order to preserve the adequate areas for access, the area needed for vehicle maneuvering in order to enter into traffic nose-first, along with the needed building depth, the applicant is asking for these Variances.

If approved, the Variances cumulatively would allow for an additional 4.00' within the building footprint.

- Rear Yard Setback: The first Variance requested is to the rear yard setback, which basically "borrows" 2.00' from the rear yard setback for interior building space. Since a rear yard has a lower kind of use, especially in this particular case with it being an outdoor space also adjacent to the rail line, the applicant feels this space is better utilized within the building, this is due to the shallow lot depth of the subject lot.
- Cantilever Overhang into Front Setback: The second story has a cantilever that protrudes into front setback by 2 feet. This cantilever provides the interior of the home with an additional 2 feet of depth on the 2<sup>nd</sup> floor of the home allowing more usable space on the interior. The applicant's Architect has designed the home to maximize the interior space while having the least amount of impact on setbacks. The cantilever design allows for this while having no impact to the availability of parking and needed maneuvering space for the new home.

To summarize the history of this Tract, as described in the introduction of this narrative, the original underlying lots were created in 1912. Originally, there were four lots, and through a Property Line Adjustment, the applicant has reduced the number of lots from four to three, this is with the intent to increase the buildability of all the Tracts, due to the very shallow lot depth.



Even after increasing the size of the lots, the Tract is constrained for a home building site. Due to this constraint, the placement of a home or structure that meets the full required setbacks and also provide adequate building interior space, parking and driveway turn around maneuvering area and driveway entrance is difficult.

The owners of the subject parcel should have the same right of enjoyment as the majority of the landowners in the vicinity. This will not be as equal to the owners in the immediate area with strict adherence to one applicable standard, and that is the rear yard setback.

The requested reduction in both cases is for 20% of the required dimension for the setback. Because the first requested reduction is located win the rear yard it will literally have no effect on surrounding properties.

The original platted lots (before the PLA), as discussed on page 7 of this narrative, were small lots were platted in 1912. The applicant took steps to increase their buildability with the completed PLA, and therefore this circumstance was not self-created by the applicant.

- (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
- RESPONSE: The requested use, which is for a single-family dwelling, is very consistent with other buildings in the immediate vicinity and is allowed within the zone with a Conditional Use, which has been requested concurrently with this Variance.
  - (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.
- RESPONSE: The applicant will adhere to the purposes of the relevant development standards within Article VI. Section 4.005 and will ensure preservation of the right for use and enjoyment of adjoining property owners by providing larger side yard setbacks on both sides of the new home.
  - (4). There are no reasonable alternatives requiring either a lesser or no VARIANCE.
- RESPONSE: There is no alternative to the requested Variance because of the shallow lot depth and the location of the right of ways of Highway 101 and the Railroad.

The requested Variance, if approved, ensures maximizing the available living space inside the home, while only taking a small amount of area from the rear yard area. The borrowed area could be considered not as useful, because it is outside, and located between the proposed new home and the railroad line.

Because of the location of the subject lot between Highway 101 and the railroad line, it is reasonable to want more living space inside the house, where sound can be insulated and quiet enjoyment can be obtained inside the building, instead of outside the building. Having the extra square footage available to the interior of the home makes more usable space for people, while there is still plenty of area within the remaining rear yard with 8.00 feet. The side and front yards of the home are standard or larger providing outdoor open areas for the occupants of the new home.

The two foot difference is located in the rear yard area of the new home, therefore it has no effect on surrounding property owners.

#### **SECTION 8.040: ENERGY CONSIDERATIONS**

It is the policy of the County that its development standards encourage the construction of facilities intended to conserve ENERGY or to develop renewable sources of ENERGY. Consequently, development standards may be adjusted to accommodate design features that are intended to result in either ENERGY conservation or the use of renewable ENERGY. Variances granted for this purpose shall be the minimum required to achieve this policy.

RESPONSE: The requested Variance is not for the consideration of changing energy standards. All the same, the applicant will build a home using modern appliances and construction materials to promote energy conservation.

SECTION 8.050: CONDITIONS OF APPROVAL

Conditions deemed appropriate to carry out the intent of this Article may be attached to approved Variances. Such conditions shall be reasonably related to the Variance criteria.

RESPONSE: The applicant will comply with any conditions that are attached to the Decision if the Variance is approved.

SECTION 8.060: COMPLIANCE WITH CONDITIONS

Any departure from the conditions of approval or the approved plot plan constitutes a violation of this Ordinance. The Director may revoke approval of any Variance for failure to comply with any conditions of approval or for any other violation of this Ordinance.

RESPONSE: As stated above, the applicant will comply with any conditions that are attached to the Decision. The applicant will stay in close contact with the Planning Director in regards to compliance and any conditions of approval related to this Variance.

**SECTION 8.070: TIME LIMIT** 

All approved Variances shall be void if construction of the structure which required the Variance has not begun within 24 months of the date upon which the applicant was notified of the Commission's or the Director's decision. If construction/division has not begun, or if the division of land has not been filed with the County Clerk, such approval may be extended beyond 24 months only upon the Director's approval. Requests for extension of time shall be in writing and shall be submitted prior to the date of expiration.

RESPONSE: The applicant acknowledges the requirements of time limits in Section 8.070.

(TC ORD. Adopted May 27, 2015)

#### ARTICLE IV

#### **DEVELOPMENT STANDARDS**

SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

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

- (1) To ensure the availability of private open space;
- RESPONSE: The proposed new home on Tax Lot 903, the subject lot, will have the availability of private open spaces within porches and patio areas, as shown on the included Floor Plans and Elevation drawings. Additionally, the lot will have private open space within the front, rear and side yard areas.
  - (2) To ensure that adequate light and air are available to residential and commercial structures;
- RESPONSE: The proposed Site Plan shows that the proposed new home is laid out with enlarged side yard setbacks. These extra-large setbacks ensure that adjacent properties have access to adequate light and air.
  - (3) To adequately separate structures for emergency access
- RESPONSE: The large side yard setbacks allow for plenty of room for emergency access to structures, both on the subject site and adjacent properties.
  - (4) To enhance privacy for occupants of residences:
- RESPONSE: The change to the requested rear yard setback will have no effect on privacy for occupants or neighboring properties because the only thing that the rear yard faces is the railroad right of way.
  - (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;
- RESPONSE: All proposed activities will occur on private land including the new dwelling, the driveway and parking area, the maneuvering and private yard areas.
  - (6) To ensure that driver visibility on adjacent roads will not be obstructed;
- RESPONSE: The applicant or their assigns will maintain vegetation and a clear vision triangle as described in section 4. 010.

- (7) To ensure safe access to and from common roads;
- RESPONSE: As shown on the Site Plan, the applicant is providing a backup maneuvering area so cars in the parking area or in the garage can back up and pull out nose first from the driveway onto the public right of way, eliminating any backward movement into the right of way.
  - (8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;
- RESPONSE: The applicant is meeting all height requirements and dimensional requirements for the structure no pleasing views are unreasonably obtained or obstructed.
  - (9) To separate potentially incompatible land uses;
- RESPONSE: The applicant has requested a Conditional Use concurrently with the requested Variance that will make the subject lot more compatible with existing residential land uses in the area, which are primarily residential.
  - (10) To ensure access to solar radiation for the purpose of alternative energy production.
- RESPONSE: The new structure will be built to the required dimensions with extra side yard setbacks, ensuring solar access to adjacent properties.

#### **SECTION 4.010: CLEAR-VISION AREAS**

- (1) PURPOSE: The purpose of a CLEAR-VISION AREA is to ensure safe sight distance for drivers approaching street intersections.
- (2) A CLEAR-VISION AREA shall be maintained on the corners of all properties located at the intersection of two streets or private ways or a street or private way and a railroad.
- (3) A CLEAR-VISION AREA is a triangular area consisting of two equidistant sides which are lot lines measured from the point of intersection of the lot lines abutting streets; or, where the lot lines have rounded corners, such lines extended straight to their point of intersection, and then so measured; and a line joining the two non-intersecting ends at a distance from their intersection specified in Subsection (5) below.
- (4) A CLEAR-VISION AREA shall contain no planting, fence, wall, structure, parked cars, or other temporary or permanent obstructions exceeding thirty inches in height, measured from the top of the highest curb in the CLEAR-VISION AREA or, where no curb exists, from the highest established street center line grade adjacent to the CLEAR-VISION AREA. Trees exceeding this height may be located in this area, provided that all branches and foliage are removed to a height of eight feet above the specified grade.

- (5) The following measurements shall establish CLEAR-VISION AREAS:
  - (a) In agricultural or residential zones, the minimum distance shall be 25 feet or, at intersections including an alley, 10 feet.
  - (b) In all other zones, the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet. When the angle of intersection between streets is 30 degrees or less, the distance shall be 25 feet.

RESPONSE: The site is not located on the corner of any intersection of two streets or private ways or a street or private way and a railroad, technically 4.010 (1) – (5) does not apply to this request, as the subject lot is an interior lot on the west side of Highway 101.

Regardless, for safety, the applicant plans to keep clear vision area at the point of access of the driveway onto Hwy. 101 by ensuring that the area does not contain any plantings or fences or any other kinds of structures that exceed 30" that could obscure a driver's vision. Additionally, clear vision maintenance is an intent within 3.3 of the Comprehensive Plan and (12) later in this section.

**SECTION 4.020: SIGNS** 

RESPONSE: No signage is proposed; Section 4.020 does not apply.

SECTION 4.021: OFF-SITE ADVERTISING SIGN STANDARDS

RESPONSE: No off-site signage is proposed; Section 4.021 does not apply.

SECTION 4.030: OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

(1) PURPOSE: The purpose of requirements for off-street parking and loading areas is to relieve traffic congestion; to ensure customer convenience and safety; to provide safe access to parked vehicles; and to help ensure safe and timely response of emergency vehicles.

RESPONSE: The new home includes off-street parking, as shown on the Site Plan.

(2) PARKING SPACE: A single parking space shall be at least 8 feet by 20 feet in size.

RESPONSE: Parking spaces on the site will exceed the minimum size as shown on the Site Plan.

(3) TIMING OF COMPLIANCE: At the time any structure or use is erected or enlarged, or the use of any parcel or structure is changed, all required off-street parking spaces and loading areas provided in conjunction with an existing use shall not be reduced below the minimum requirements of this Ordinance.

### RESPONSE: The applicant will comply with the timing and will not reduce existing parking below the minimum requirements at any time.

(4) PARKING FOR MULTIPLE USES: In the event several uses occupy a single structure or parcel of land, the total parking requirements shall be the sum of the requirements of the several uses computed separately. Joint use of the same parking and loading spaces by more than one use may be permitted, provided that the hours of operation of the separate uses do not overlap, and that satisfactory legal evidence is presented to the Department to establish the joint uses.

#### RESPONSE: Multiple uses are not requested (4) above does not apply.

(5) USE OF REQUIRED PARKING AREAS: Parking areas required by this Section are designated for the operable vehicles of residents and their guests, and the owner, customer, patrons, and employees of commercial or industrial activities only. Vehicle or material storage, or the parking of vehicles used to conduct an activity, shall require additional parking areas.

## RESPONSE: The applicant will use all required parking areas for operable vehicles of the residents and of guests and of owners. No marginal storage or parking of vehicles to conduct activity are planned or anticipated.

(6) DRAINAGE: Areas used for standing and maneuvering of vehicles shall have a surface that is suitable for all-weather use, and shall be drained so as to avoid the flow of water across public sidewalks and streets.

## RESPONSE: The driveway will be made of a material that is suitable for all weather use, and no drainage water will be sent into public sidewalks or streets, or onto adjacent private properties.

(7) BUFFERING NON-RESIDENTIAL PARKING AREAS: Non-residential parking and loading areas adjacent to a residential use shall be enclosed along the residential use by a sight-obscuring fence that is from five to six feet in height, except where vision clearance is required.

#### RESPONSE: No non-residential parking areas are proposed, (7) above does not apply.

(8) CURBING: Parking spaces along the boundaries of a lot shall be contained by a curb or bumper rail that is at least four inches high and is set back at least four and one-half feet from the property line.

RESPONSE: No parking spaces along the boundary of the site are planned.

- (9) LIGHTING: Artificial lighting shall not create or reflect substantial glare into any adjacent residential zone or use.
- RESPONSE: No artificial lighting on the subject site will be allowed to reflect or create glare onto any adjacent residential uses.
  - (10) PROXIMITY TO TRAFFIC: Parking areas for four or more vehicles shall be of sufficient size to allow the backing and maneuvering of vehicles entirely out of the flow of traffic.
- RESPONSE: No parking areas for four or more vehicles are proposed, (10) above does not apply to this request.
  - (11) SCHOOL DRIVEWAY: A one-way driveway for loading and unloading children shall be located on the site of any school having a capacity of more than 25 students.

#### RESPONSE: A school is not proposed, (11) above does not apply.

(12) OFF-STREET LOADING AREAS: Activities that receive or distribute materials or merchandise by truck shall install and utilize loading docks in sufficient numbers and size to accommodate loading requirements without the disruption of nearby traffic. Parking areas required by this Ordinance may only be used for loading operations during periods of the day when not required for patron or customer parking.

#### RESPONSE: No off-street loading areas are proposed, (12) above does not apply to this request.

- (13) PARKING SPACE REQUIREMENTS: Requirements for types of building and uses not specifically listed herein shall be determined by the Department, based upon the requirements for comparable uses either listed below or active elsewhere in the county. PARKING SPACE REQUIREMENTS: Requirements for types of building and uses not specifically listed herein shall be determined by the Department, based upon the requirements for comparable uses either listed below or active elsewhere in the county.
  - (a) RESIDENTIAL: Two spaces for the first dwelling unit, and one space for each additional dwelling unit.
- RESPONSE: At least two parking spaces will be provided within the garage and associated driveway for the proposed Residential use, as shown on the included Floor Plans and Elevation drawings.

SECTION 4.040: GENERAL PROVISIONS REGARDING ACCESSORY USES

SECTION 4.060: ACCESS Every lot and parcel shall abut a street other than an alley, an approved private way, or an approved private ACCESS easement, for at least 25 feet.

RESPONSE: No accessory uses are proposed.

SECTION 4.070: DUAL USE OF REQUIRED OPEN SPACE

No lot area, yard, or off-street parking or loading area which is required by this Ordinance for one use shall be a required lot area, yard, or off-street parking or loading area for another use, unless otherwise specifically allowed by this Ordinance.

RESPONSE: There are no dual use open space areas proposed. This request is for one new home on one existing lot.

SECTION 4.080: DISTANCE BETWEEN BUILDINGS

A minimum distance of six feet shall be maintained between a building designed for dwelling purposes and any other freestanding buildings located on the same property.

RESPONSE: As shown on the included Site Plan, the side yard setbacks well exceed the minimum requirements of 6.00'. No other buildings are proposed at this time; any future buildings will be placed according to the requirements of the minimum distance between buildings.

SECTION 4.100: GENERAL EXCEPTION TO LOT SIZE REQUIREMENTS

RESPONSE: The subject site is an existing Lot, no exception to lot size is requested.

SECTION 4.110: EXCEPTIONS TO YARD SETBACK REQUIREMENTS

(1) PURPOSE: The purpose of the EXCEPTIONS described in this Section is to provide a measure of ministerial relief from the requirements for yards in certain areas or zones when those requirements are unnecessarily restrictive.

RESPONSE: The applicant does ask for an Exception to the yard setback requirements, (2) –

(4) are not relevant to this request

- (5) SMALL LOT EXCEPTIONS: In the RR, CSFR, RC, CC, CR-1, CR-2, CR-3, RMH and RMD zones and including those communities with adopted community growth boundaries, a front or rear yard, but not both, may be ten feet, provided the following apply to the subject parcel:
  - (a) The parcel is 7500 square feet or less in size.
- RESPONSE: The subject site is within the CC zone and with the requested Conditional Use for one single family detached dwelling, it will adhere to the CR-3 standards of the county code. The subject lot contains 3,842 square feet, meeting (α) αbove.
  - (b) At least one side yard is ten feet or more wide.
- RESPONSE: As shown on the included Site Plan, at least one side yard is 10 feet or more in width with the north being approximately 17' and the South being approximately 13', meeting (b) above.
  - (c) Required off-street parking is provided.
- RESPONSE: All required off-street parking is provided entirely on the subject site, meeting (c) above.
  - (d) The right-of-way width at the front of the lot is at least thirty feet. In the case of right-of-ways under 30 feet in width, a ten-foot yard may be approved if it is approved by the Public Works Department.
- RESPONSE: The adjacent right of way of Highway 101 is approximately 80 feet in width per Survey B-1295, meeting (d) above.
  - (e) The lot is not a corner lot. If the lot is a corner lot and meets the above criteria, the front yard may be 15 feet.
- RESPONSE: The subject site is not a corner lot, meeting (e) above.
  - (7) PROJECTIONS FROM BUILDINGS: Architectural features such as cornices, eaves, canopies, gutters, signs, chimneys, and flues shall not project more than 18 inches into a required yard unless evidence is presented to the Department that such projections increase the energy efficiency of the building, either by the capture of solar radiation of by providing shading for cooling, in which case they shall not project more than 24 inches into a required yard.
- RESPONSE: The eaves and gutters project into the required yard area as shown in the included plans but will not exceed the allowed 18 inches of projection.

- (8) DECKS, PORCHES, AND STEPS: (9) (10) (11) (12)
  - (a) Decks may be constructed within setback areas provided that the intruding portion:
    - i. Of the floor does not exceed 30 inches in height above finished grade, and
    - ii. Any fixed benches, railings or other attachments do not exceed 40 inches above finished grade, and
    - iii. Maintains a minimum of half the required front yard setback, a minimum of 10 foot street side yard setback on a corner lot, and a minimum of 3 feet for rear yard and non street side yard setbacks.
  - (b) All other uncovered decks, porches, or steps shall not project more than 24 inches into a required yard.
  - (c) Decks which extend into the required setbacks shall not be enclosed, nor covered, without using the procedures set forth in Article VIII. The existence of a deck within the required setbacks shall not be used as justification to extend a building into the required setbacks.
- RESPONSE: There are no decks proposed to be constructed at this time, but this is noted by the Applicant for future reference.
  - Any other porches will not project more than 24 inches into a required setback. Please note both side yard setbacks exceed the minimum dimension required.
  - (9) ZERO TO THREE FOOT SETBACK: Where a side or rear yard is not required, and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.
- RESPONSE: Any structure, such as a shed, will be at least 3 feet from the property line.
  - (10) OCEANFRONT SETBACKS See Section 3.085 (4) (a) (ib).
- RESPONSE: The site is not located on the ocean front, (10) does not apply.
  - (11) WATER QUALITY SETBACKS See Section 4.080 4.140 (1) (2) and (3).
- RESPONSE: The site is not adjacent to water quality areas (11) above does not apply.
  - (12) CLEAR VISION: These provisions may not be interpreted to allow parking or structures.
- RESPONSE: The applicant will ensure that all clear vision areas are maintained at all times and will ensure that no parking or structures are allowed in the clear vision areas.

#### SECTION 4.120: GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS

(1) Projections such as chimneys, spires, elevator shaft housings, flagpoles, devices or structures for the capture of solar energy, towers for wind energy conversion systems and windmills, and other structures not used for human occupancy are not subject to the BUILDING HEIGHT LIMITATIONS of this Ordinance, unless such projection shades an existing solar energy system on an adjoining property to such as extent as to affect the efficiency of that system.

RESPONSE: No chimneys, spires or other structures are planned, if any are installed in the future, they will meet the requirements 4.120(1).

There are no known existing solar energy systems on adjacent properties that will be affected by any projections such as a chimney.

(2) In the airport overlay zone, no structure or tree shall exceed 150 feet in height.

RESPONSE: The site is not located in the airport overlay zone, (2) above does not apply.

SECTION 4.130: DEVELOPMENT REQUIREMENTS FOR GEOLOGIC HAZARD AREAS

RESPONSE: The subject site is not in a geological hazard area section 4.130 does not apply.

SECTION 4.150: DEMOLITIONS OR ALTERATIONS OF HISTORIC STRUCTURES

RESPONSE: There are no historic structures on the site section 4.150 does not apply.

SECTION 4.160: PROTECTION OF ARCHAEOLOGICAL SITES

RESPONSE: There are no protected archaeological sites on the site, Section 4.160 does not apply to this request.

SECTION 4.170: MIXED USE DEVELOPMENT (MUD)

RESPONSE: No mixed-use developments are requested.

SECTION 4.180: HOME OCCUPATION PERFORMANCE STANDARDS

RESPONSE: Home occupation is not requested at this time; Section 4.180 does not apply.

(Tillamook County Land Use Ordinance Article 4 - Adopted May 27, 2015)

#### SECTION 3.016: COMMUNITY HIGH DENSITY URBAN RESIDENTIAL ZONE (CR-3)

- (1) PURPOSE: The purpose of the CR-3 zone is to designate areas for a medium- to high density mix of dwelling types and other, compatible, uses. The CR-3 zone is intended for densely-developed areas or areas that are suitable for high-density urban development because of level topography and the absence of hazards, and because public facilities and services can accommodate a high level of use.
- (2) USES PERMITTED OUTRIGHT: In the CR-3 zone, the following uses and their accessory uses are permitted outright, and are subject to all applicable supplementary regulations contained in this ordinance.
  - (a) One, two, three, or four-family dwelling.
- (3) USES PERMITTED CONDITIONALLY

## RESPONSE: There are no CR3 zone conditional use requests, (a) above does not apply to this request.

- (4) STANDARDS: Land divisions and development in the CR-3 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) For a single family dwelling, the minimum size for lots... ...
- (b) The minimum lot width shall be 50 feet, except on a corner lot it shall be 65 feet
- (c) The minimum lot depth shall be 75 feet.

## RESPONSE: The subject lot where the new home will be placed is an existing lot, therefore (4)(a)-(c) above do not apply to this request.

- (d) The minimum front yard shall be 20 feet.
- RESPONSE: As shown on the included Site Plan the front setback is 20 feet to the first-floor building face. The applicant has requested a Variance for the second-floor cantilever that overhangs the front setback by 2 feet.
  - (e) The minimum side yard shall be 5 feet; on the street side of a corner lot it shall be no less than 15 feet.
- RESPONSE: As shown on the included Site Plan, the side yard setbacks are approximately 17.00' on the north side and 13.00' on the south side, far exceeding the required 5-foot setback. The lot is not a corner lot.
  - (f) The minimum rear yard shall be 20 feet; on a corner lot it shall be no less than 5 feet.

- RESPONSE: The applicant has addressed section 4.110 that allows for an Exception to the minimum rear yard setback to 10 feet when certain side yard dimensions are maintained, which will be the case with this request.
  - (g) The maximum building height shall be 35 feet, except that on ocean or bay front lots, it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.
- RESPONSE: As shown on the included Architectural Elevations, the new home is to be approximately 23'4" in height.
  - (h) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.

RESPONSE: The applicant does not anticipate the keeping of any livestock on the site.

- (i) Lot size and yard setback standards shall apply to motels or hotels in the CR-3 zone.
- (j) For multifamily structures with separately owned dwelling units with common walls, yard setbacks shall apply to the entire structures only.

RESPONSE: The proposed new structure is to be a single-family residence, (i) and (j) above do not apply to this request.

(12/18/2002 Tillamook County Land Use Ordinance 3.016)

# END #