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



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

Land of Cheese, Trees and Ocean Breeze

VARIANCE REQUEST #851-24-000651-PLNG: PALMER/WAVE WATCHER LLC

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

NOTICE OF ADMINISTRATIVE REVIEW Date of Notice: May 30, 2025

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

#851-24-000651-PLNG: A Variance request to reduce the required 20-foot front yard setback (northerly property line) to 5-feet and reduce the required 20-foot rear yard setback (southerly property line) to 5-feet, to allow for the siting of a single-family dwelling. The subject property is located in the Unincorporated Community of Barview/Watseco/Twin Rocks, accessed via a private easement off of Ocean Blvd, a county road, zoned Community Medium Density Urban Residential (CR-2), and designated as Tax Lot 3204 of Section 7DA, Township 1 North, Range 10 West, Willamette Meridian, Tillamook County, Oregon. The applicant is Nathaniel Palmer, and the property owner is Wave Watcher LLC.

Written comments received by the Department of Community Development prior to 4:00 p.m. on June 13, 2025, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than the next business day, June 16, 2025.

Notice of the application, a map of the subject area, and the applicable criteria are mailed to all property owners within 250 feet of the exterior boundaries of the subject parcel for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. They are also available on the Tillamook County Department of Community Development website: https://www.tillamookcounty.gov/commdev/landuseapps.

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

Sincerely

Melissa/Jenck, CFM, Senior Planne

Sarah Absher, CBO, CFM, Director

Enc. Maps and applicable ordinance criteria

REVIEW CRITERIA

ARTICLE VIII - VARIANCE PROCEDURES AND CRITERIA

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

- Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.
- (2) A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.
- (3) The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.
- (4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.

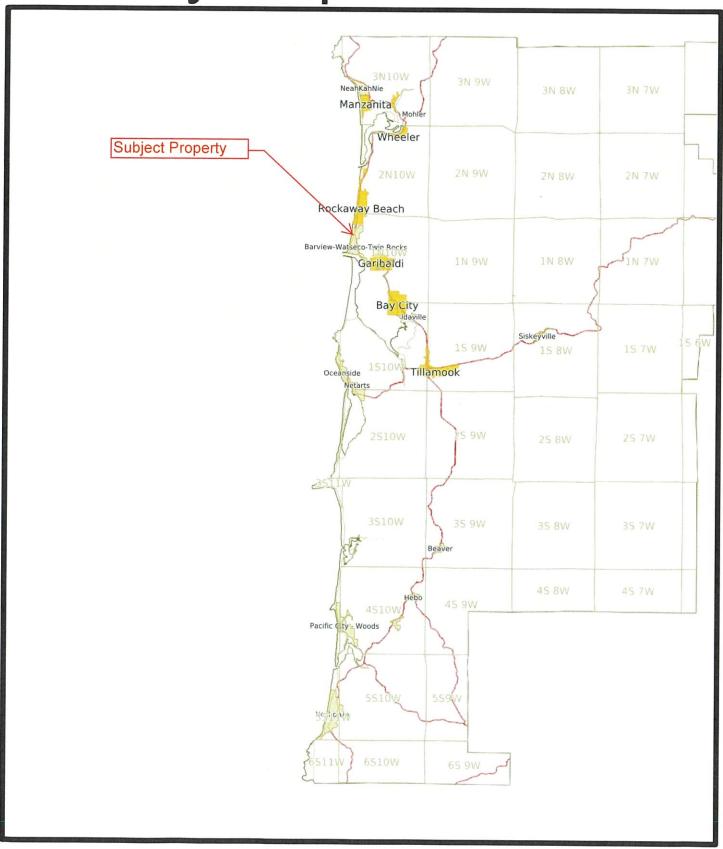
SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

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

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

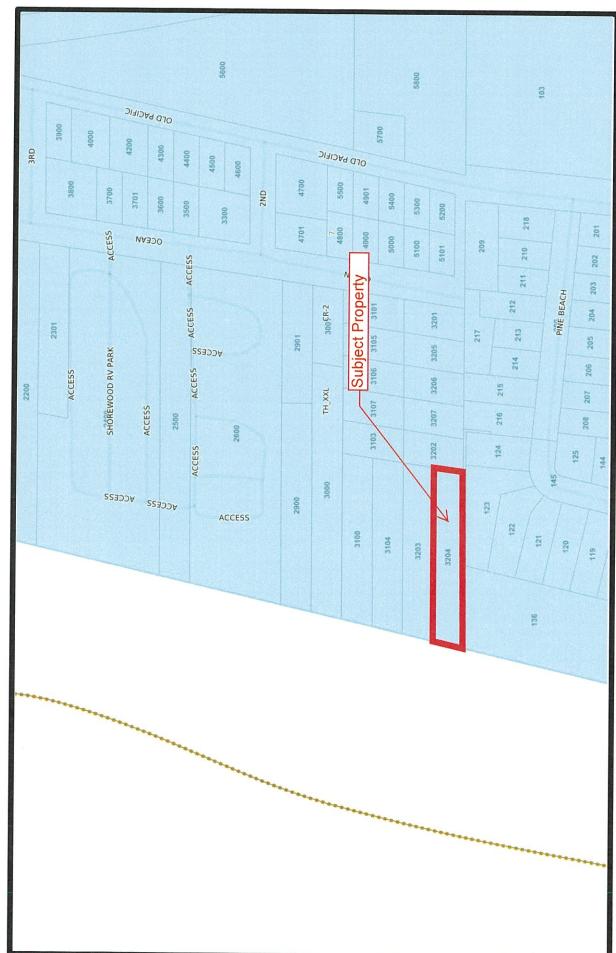
EXHIBIT A

Vicinity Map

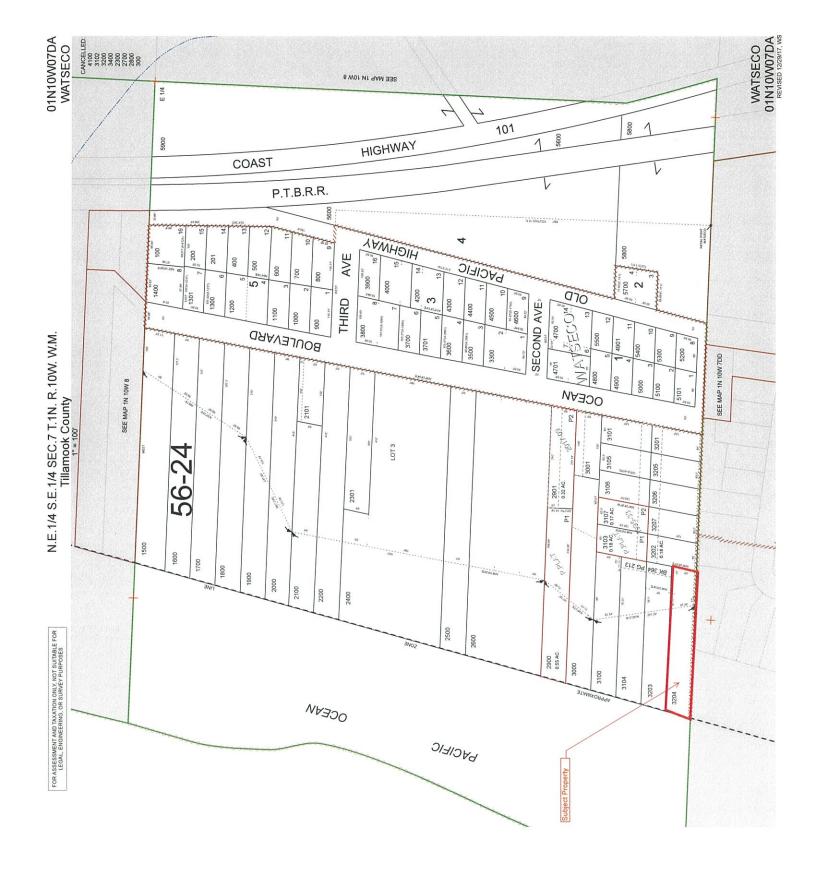


Zoning Map





Generated with the GeoMOOSE Printing Utilities



Tillamook County 2024 Real Property Assessment Report

Account 322822

Мар

1N1007DA03204

Tax Status

Assessable

Code - Tax ID

5624 - 322822

Account Status Subtype

Active **NORMAL**

Legal Descr

See Record

Mailing

WAVE WATCHER LLC

1233 CHERRY LN

LAKE OSWEGO OR 97034

Deed Reference # 2024-4230

319,400

Sales Date/Price

10-03-2024 / \$635,000

0

Property Class

RMV Class

100 100 MA

05

SA NH OF

476,240

536

Appraiser

EVA FLETCHER

Site Situs Address

Grand Total

City

Value Summary						
Code Ar	ea	RMV	MAV	AV	RMV Exception	CPR %
5624	Land	476,240		Land	0	
	lmpr	0		Impr	0	
Code	Area Total	476,240	319,400	319,400	0	

319,400

					Land Breakdown			
Code Area	ID#	RFPD E	Plan	Value Course	Trend			
	10 #	KFPD E	x Zone	Value Source	<u></u>	Size	Land Class	Trended RMV
5624	0	~	RK-R-2	Market	113	0.12 AC		476,240
					Code Area Total	0.12 AC		476,240

				Improvement Breakdown			
Code				Trend			
Area	ID#	Built	Class Description	%	Total Sqft	Ex% MS Acct	Trended RMV

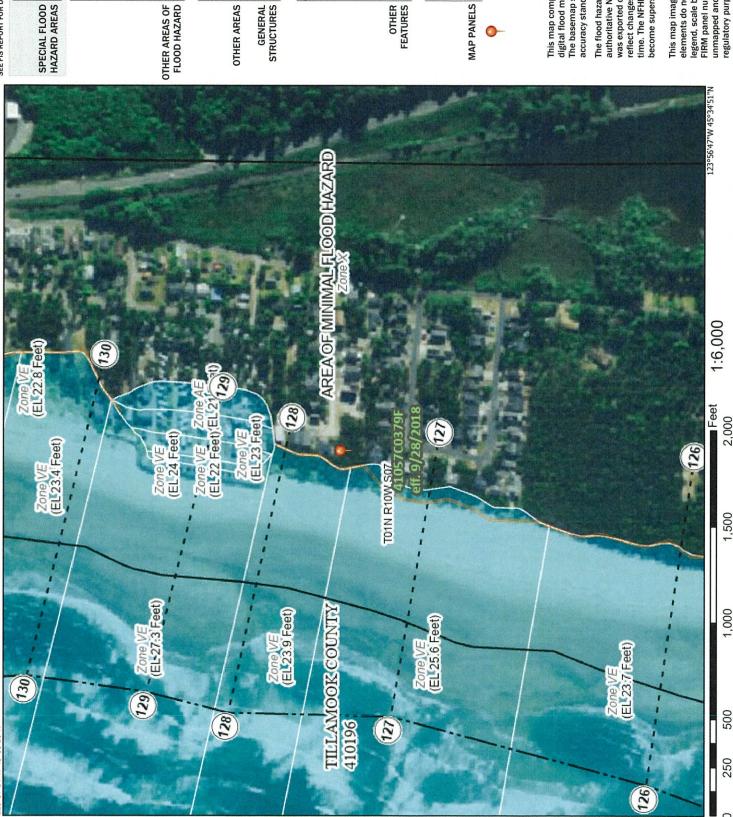
Comments

02/07/13 Reappraised land. Tabled values. RBB 6/11/21 Reviewed account, updated land adjustments - RMV only.ef

5/30/2025 4:40 PM

National Flood Hazard Layer FIRMette





Legend

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

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

0.2% Annual Chance Flood Hazard, Area depth less than one foot or with drainage of 1% annual chance flood with average Regulatory Floodway

Future Conditions 1% Annual Chance Flood Hazard Zone X

areas of less than one square mile Zone.

Levee. See Notes. Zone

Area with Flood Risk due to Levee Zone D Area with Reduced Flood Risk due to

NO SCREEN Area of Minimal Flood Hazard Zone X

Effective LOMRs

Area of Undetermined Flood Hazard Zon

OTHER AREAS

Channel, Culvert, or Storm Sewer

STRUCTURES | 1111111 Levee, Dike, or Floodwall GENERAL

Cross Sections with 1% Annual Chance Water Surface Elevation

Base Flood Elevation Line (BFE) Coastal Transect Limit of Study um figures

Jurisdiction Boundary

Coastal Transect Baseline

Hydrographic Feature Profile Baseline

OTHER FEATURES

Digital Data Available

No Digital Data Available

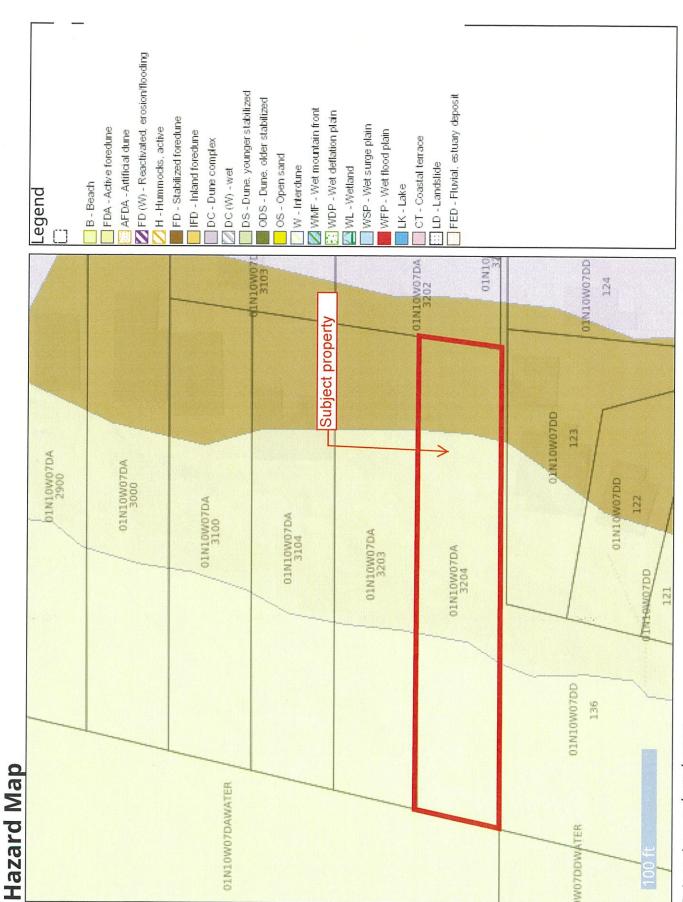
Unmapped

MAP PANELS

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

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

authoritative NFHL web services provided by FEMA. This map reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or The flood hazard information is derived directly from the was exported on 5/30/2025 at 11:39 PM and does not become superseded by new data over time. This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



Printed on 5 / 30 / 2025

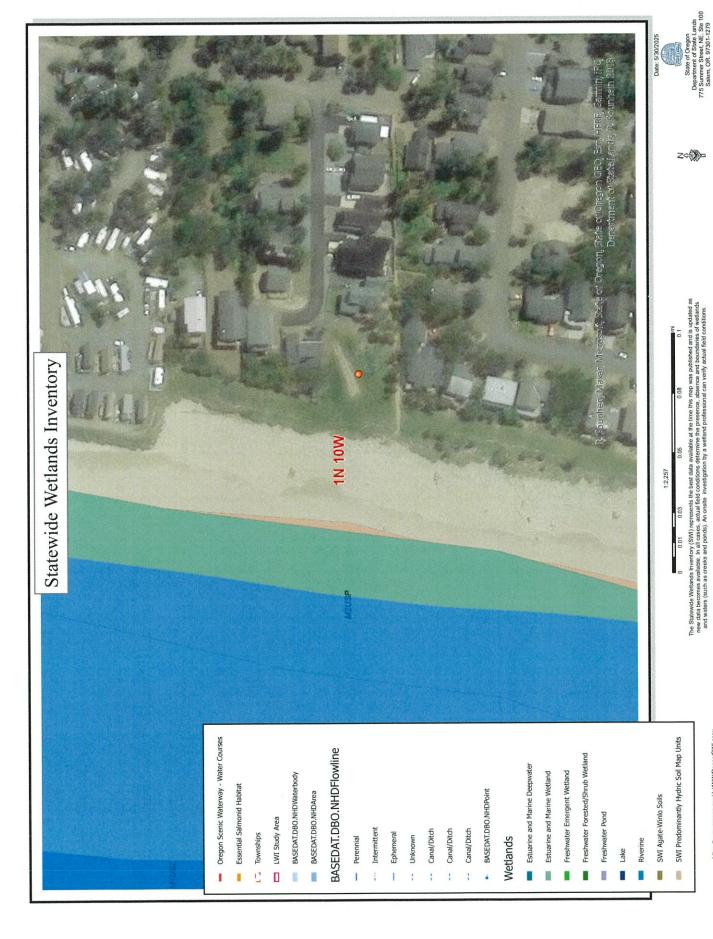


EXHIBIT B



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

www.co.tillamook.or.us

Date Stamp

OFFICE USE ONLY

PLANNING APPLICATION

George Control				ECEIVED
Applicant □ (Check Box if Same of	as Property	Owner)		
Name: Nathaniel Palmer	Phone: 503	3-707-7355		DEC 0 2 2024
Address: 1233 Cherry Lane	***************************************		-	110 6
	State: OR	Zip: 97034	B	bed &
Email: natepalmer@gmail.com				pproved Denied
			-	eived by:
Property Owner	n! =00		Fees	
	Phone: 503	-707-7355		nit No:
Address: 1233 Cherry Lane				-24-00651 -PLNG
	State: OR	Zip: 97034	-	1 2110
Email: natepalmer@gmail.com				
Yard setback line, the side yard so rear yard setback to be 20 feet fr setbacks for oceanfront lots. Type II	om the eas	stern property lines. This	is more i	n property lines, and the natural
		e III	Type IV	
☐ Farm/Forest Review ☐ Conditional Use Review		Detailed Hazard Report		nance Amendment
✓ Variance		Conditional Use (As deemed by Director)		e-Scale Zoning Map
☐ Exception to Resource or Riparian Se		Ordinance Amendment		ndment and/or Code Text
☐ Nonconforming Review (Major or Mi		Map Amendment		ndment
Development Permit Review for Estu		Goal Exception	Anic	indiffere
Development		Nonconforming Review (As		
☐ Non-farm dwelling in Farm Zone		deemed by Director)		
☐ Foredune Grading Permit Review	□v	ariance (As deemed by		
🗆 Neskowin Coastal Hazards Area	1	Director)		
Location:				
Site Address: TBD Ocean Blvd, Roc	kaway OR	97136		
Map Number: 1N	1007		DA	3204
Township	Range		Section	Tax Lot(s)
Clerk's Instrument #:				- 2
Authorization				
This permit application does not assure pobtaining any other necessary federal, st	ate, and loca	I permits. The applicant verif	fies that the	r shall be responsible for information submitted is
	other inform	ation submitted with this ap	plication.	
complete, accurate, and consistent with				
Nathaniel Palmer	Digit	ally signed by Nathaniel Palmei 2: 2024.10.28 16:31:14 -07'00'	r	10/28/24
Nathaniel Palmer Nathaniel Palmer Poperty Owner Signature (Required) Nathaniel Palmer Applicant Signature	Digit Date Digi		Palmer	10/28/24 10/28/24

-	Land Use Application	Rev. 6/9/23	Page 1	
				-

Nathaniel Palmer

1233 Cherry Lane Lake Oswego, OR 97034 natepalmer@gmail.com 503-707-7355

November 5, 2024

Members of the Tillamook County Planning Commission

Tillamook County Planning Commission 201 Laurel Ave Tillamook, OR 97141

Re: Request for Variance - Oceanfront Property, Tax Lot 1N1007DA03204, Rockaway Beach, Oregon

Dear Members of the Planning Commission,

I am writing to formally request a variance to the setback requirements for my oceanfront property, located at Tax Lot 1N1007DA03204, Rockaway Beach, Oregon, within the Watseco-Barview area and the CR-2 Zone.

The unique characteristics of this property create an exceptional hardship when compared to other oceanfront lots. Specifically, my property is accessed via an easement from the lot to the north, which results in the northern property line being treated as the front lot line. This treatment is in contrast to the standard zoning for most oceanfront lots, where the north and south lot lines are designated as side yards. Please refer to Exhibit B for a visual representation of this condition.

As a result, the strict application of the zoning code imposes unusual setback requirements that would severely limit the development potential of the property, leading to an undue hardship. To remedy this situation and align my property with the standards enjoyed by neighboring oceanfront properties, I respectfully request the following variance:

- Front Yard Setback (Northern Property Line): A reduction from the required 20 feet to 5 feet, aligning the setback with side yard setback standards.
- Rear Yard Setback (Southern Property Line): A reduction from the required 20 feet to 5 feet, similarly aligning the setback with side yard standards.
- Side Yard Setback (Western Property Line): No variance is requested; this setback is governed by the Oceanfront Setback Line as per Section 3.500(8) of the Tillamook County zoning ordinance.
- Side Yard Setback (Eastern Property Line): While I am willing to increase the setback to 20 feet, this is not permitted according to Planning staff. That said, the proposed building footprint (as outlined in Exhibit A) will maintain a setback of at least 20 feet from the eastern property line, which is in line with rear yard setbacks.

This request is intended solely to bring my property into alignment with the setbacks that are afforded to other oceanfront owners in the area. The proposed setbacks will ensure that my property is developed in a manner consistent with the surrounding properties, maintaining the character of the neighborhood and preserving equitable treatment among adjacent landowners.

Upon reviewing the zoning code and comparing it to the practices in other municipalities, I believe that a more uniform approach to oceanfront setbacks is both reasonable and justifiable. Specifically, I propose that the north and south property lines should be practically treated as side yard setbacks, the oceanfront line as the front yard, and the eastern property line as the rear yard. While Tillamook County's zoning code does not specifically address oceanfront lot setbacks, this proposed configuration mirrors practices in neighboring communities such as Manzanita and Rockaway, where the oceanfront lot line is explicitly called out within their zoning ordinances as the front lot line for oceanfront parcels. It is reasonable to conclude that had Tillamook County explicitly addressed oceanfront lot line definitions in its zoning ordinance, it would have defined them in a manner consistent with the practices observed in neighboring jurisdictions.

Moreover, precedent has been established in the immediate vicinity of my property. A nearby parcel at 17490 Ocean Blvd. (just three lots to the north) was allowed setbacks that differ from the strict interpretation of the zoning code. This lot is in the same circumstance where access to the property is only via a private easement from a connecting oceanfront lot. This precedent supports the idea that variances are appropriate when unique circumstances, such as the access easement in my case, justify a departure from the strict interpretation of setback requirements. It would be inequitable to impose stricter setbacks on my property than those granted to other oceanfront properties in the area, given the similarity in the characteristics of the properties.

Variance Review Criteria

This variance request satisfies the review criteria set forth in Section 8.030 of the Tillamook County Zoning Ordinance. Below are my responses to each of the 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.

A principal dimensional hardship arises from the fact that the property is accessed solely via an easement over the lot to the north, rather than via a direct public or private road. This unusual access arrangement creates a situation where the north and south property lines are classified as front and rear yard setbacks, rather than the customary side yard setbacks enjoyed by most oceanfront lots. This imposition effectively precludes the enjoyment of the same property rights and development potential afforded to other oceanfront landowners in the vicinity.

The subject property was subdivided in 1995, with the clear intention by the applicant—reflected in the platting history—that the oceanfront lot line would be treated as the "front" property line, as is consistent with the treatment of other oceanfront properties in the subdivision (see Exhibit C). This pattern is uniform across other neighboring

properties, where the oceanfront lot line is considered the front yard, and the north and south property lines are considered side yard setbacks. As such, the property is encumbered by unique circumstances not shared by the majority of oceanfront lots in the area.

Furthermore, when considering the 'width' versus the 'depth' of the property, it is clear that the original 1995 platting of the subdivision was based on the understanding that the western property line would serve as the front property line. The 60-foot 'width' of the lot was accepted by Tillamook County staff reviewers at the time of approval. Had the lot been deemed non-compliant, with only a 60-foot 'depth', the subdivision would not have been following minimum depth standards and therefore not approved. The fact that the subdivision was approved without any mention of this issue strongly indicates that the county reviewers recognized the western property line as the front line and found the lot to be in conformance with the zoning standards.

The substantial property rights enjoyed by neighboring oceanfront properties in the area include the ability to apply 5-foot setbacks to their north and south property lines, as those lines are treated as side yards. The requested variance seeks to extend these same property rights to the subject parcel, ensuring equitable treatment in alignment with the other oceanfront properties in the immediate vicinity. Without this variance, the strict application of the zoning code would place the subject property at a significant disadvantage compared to similarly situated lots, effectively depriving the applicant of substantial property rights that are otherwise afforded to neighboring landowners.

Finally, these circumstances are not self-created by the applicant. The subdivision was finalized in 1995, well before the applicant's purchase of the property in 2024. As such, the applicant has inherited the dimensional constraints imposed by the subdivision plat, rather than having caused them.

(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.

The proposed residential development is entirely consistent with the character of the surrounding neighborhood, which is 100% residential. A single-family home is the primary use allowed within the CR-2 zone, and the proposed development aligns with the surrounding uses. The variance is necessary to ensure the development of the property in a manner consistent with neighboring properties and to avoid an inefficient or irregular structure that would not be in character with the neighborhood.

(3) The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.

SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS PURPOSE: In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards are the following:

The requested variance will not undermine the purposes of the development standards outlined in Section 4.005. Specifically:

1. To Ensure the Availability of Private Open Space

The 1995 subdivision of this area was designed with multiple lots, each intended to conform to the general zoning standards, particularly with regard to open space, and with the clear expectation of future residential development on this subject lot. The subdivision plan specifically anticipated a building structure consistent with the one proposed in this variance request. The 5-foot setbacks from the north and south property lines will preserve the required private open space, in line with the open space standards applied to neighboring properties. Additionally, 100% of the open space west of the ocean shore setback line will remain undeveloped—representing more than 75% of the lot. By keeping over 75% of the lot as undeveloped, significant private open space is preserved.

No development is proposed on adjacent parcels, as all construction will occur entirely on the subject lot. This approach aligns with the open space requirements of other oceanfront lots in the area, and it would be inequitable to impose stricter open space standards on this property than those applied to neighboring properties.

2. To ensure that adequate light and air are available to residential and commercial structures

The proposed setbacks will not obstruct light and air to neighboring properties, as they are consistent with the setbacks enjoyed by adjacent oceanfront properties. By aligning the north and south setbacks with those of surrounding properties, the development will maintain the openness and air circulation typical of the neighborhood. Furthermore, the setbacks are designed to preserve the natural flow of light and air, ensuring that the proposed structure does not create significant shadows or airflow that could affect neighboring homes.

3. To adequately separate structures for emergency access

The setbacks proposed exceed the minimum 6 feet required for emergency access. Additionally, the neighboring property to the north has a 5-foot setback from its southern property line, providing more than 10 feet of clearance between structures.

4. To enhance privacy for occupants of residence

The requested 5-foot setbacks will protect the privacy of neighboring properties by allowing for a more appropriately proportioned and conventional home design. If forced to adhere to stricter setbacks, the building would likely need to be unusually narrow, which could result in an awkward or unconventional layout that may place windows or balconies in positions that directly overlook neighboring properties, significantly

compromising their privacy. By granting the variance, the home can be designed in a more typical, well-proportioned manner, consistent with other oceanfront homes in the area. This will ensure that the privacy of neighboring residences is preserved while still allowing for the development of a functional and aesthetically appropriate property.

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

The proposed variance will not negatively impact the ability of adjacent property owners to use and enjoy their land. On the contrary, it will allow for a more traditional, well-proportioned residential structure that will blend with the existing homes in the area. The requested setbacks are consistent with those enjoyed by neighboring oceanfront properties, ensuring that their rights to use and enjoy their property are not infringed upon.

6. To ensure that driver visibility on adjacent roads will not be obstructed

There is no public or private road access to the property, as it is accessed via an easement from the lot to the north. Therefore, the requested variance will not impact driver visibility on adjacent roads, as there is no vehicular access from Ocean Blvd or any other public road.

7. To ensure safe access to and from common roads

Since the property is accessed through a private easement, the requested variance will not impact access to or from common roads. The variance will not interfere with vehicular access or the safe use of nearby roads.

8. To ensure that pleasing views are neither unreasonably obstructed nor obtained

The original 1995 subdivision was designed with the understanding that oceanfront homes would be built on these lots, and neighboring properties were subdivided with this expectation in mind. The key term here is "unreasonably"—as any oceanfront home will naturally block some portion of the view. The proposed variance, which aligns the setbacks with those of neighboring properties, will not result in an unreasonable obstruction of views, as some level of obstruction is inherently expected with any oceanfront development. The proposed setbacks are consistent with those of surrounding oceanfront lots, ensuring that the view impact is no greater than what is typical in the area. Additionally, the views from this property, once development is complete, will not be unreasonably obtained, as they will mirror the view opportunities currently enjoyed by all other oceanfront owners in the area. This ensures that the development is in line with the established character of the neighborhood, where oceanfront homes are positioned in a way that balances privacy with the natural views of the beach.

9. To separate potentially incompatible land uses

All surrounding properties are residential, and the proposed use of the property—a single-family home—aligns with the surrounding uses. No conflict with adjacent properties is anticipated, as the proposed development will be in harmony with the existing residential character of the area.

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

The surrounding area is entirely residential, and the requested variance will have no adverse impact on access to solar radiation for alternative energy production. The proposed setbacks will not obstruct solar access to neighboring properties.

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

The request for 5-foot setbacks from the north and south property lines is consistent with the setbacks enjoyed by neighboring oceanfront property owners and is necessary to ensure equitable treatment under the zoning code. A lesser variance would be manifestly inequitable, as it would result in an undue restriction on the development potential of this property compared to other oceanfront lots in the vicinity. As it stands, all neighboring oceanfront properties are afforded a 5-foot north and south setback, and imposing stricter setback requirements on this property would result in a disproportionate economic burden, reducing the property's market value and development potential.

Without a variance, compliance with the strict zoning requirements would impose a significant limitation on the building's design. Specifically, the maximum allowable width for a structure would be restricted to 19 feet, resulting in a narrow, townhouse-like building that would be out of place in this residential neighborhood. The design would be atypical for the area and would create an inappropriately "urban" character. The only economic alternative would be to construct a taller building, but increasing the height would exceed the height limits set forth in the CR-2 zone, thereby violating zoning regulations and creating an undesirable visual neighborhood impact.

Alternative setback options have been considered, but they would result in significant financial hardship. A narrower building, as would be required by a lesser variance, would decrease the usability and desirability of the property, and thereby reduce its market value. Such a restriction would be incompatible with the character of the surrounding oceanfront properties, which typically feature larger structures with setbacks consistent with the requested variance. The property located at 17490 Ocean Blvd, just three lots to the north, was afforded "normal" setbacks in 1997, providing precedent for the approval of the requested variance and further supporting the reasonableness of this request. It is, therefore, both fair and reasonable to request 5-foot north and south property line setback allowed by other oceanfront properties.

After careful consideration of all available options, it is clear that the requested 5-foot setbacks from the north and south property lines represent the only reasonable solution.

The requested variance is necessary to avoid significant economic and aesthetic hardship and to bring this property into alignment with the character of the surrounding oceanfront development.

In conclusion, the requested variance aligns with the intent of the zoning code and is consistent with the development patterns established by neighboring properties. It is necessary to avoid undue hardship and ensure the equitable treatment of my property in relation to others in the area. I respectfully request your approval of this variance application.

Thank you for your time and consideration. I look forward to discussing this matter with you at the upcoming hearing.

Sincerely, Nathaniel Palmer

