

TILLAMOOK COUNTY PLANNING COMMISSION

LOCATION

Port of Tillamook Bay Conference Center
4000 Blimp Boulevard, Tillamook, OR 97141

HEARING DATE

February 13, 2025 - BEGINNING AT 7:00P.M.

VIRTUAL & TELECONFERENCE MEETING INFORMATION

*For teleconference access the evening of the hearing, please call 971-254-3149. Conference ID: 887 242 77#. Virtual Meeting Access: <https://www.tillamookcounty.gov/commdev>. Click on Virtual Teams Link. *Microsoft Teams Meeting Format.*

I. CALL TO ORDER

II. ROLL CALL

III. OLD BUSINESS:

#851-24-000483-PLNG: A Conditional Use request for the placement of a six-unit multi-family dwelling to be used as a condominium, together with **#851-24-000483-PLNG-01**, a Variance request to reduce the required 10-foot front yard setback for a residential structure in the PCW-C1 zone to 4.4-feet, and **#851-24-000483-PLNG-02**, a Riparian Exception request to reduce the required 50-foot riparian setback to 20-feet for the placement of the proposed multi-family dwelling structure. Located in the Unincorporated Community of Pacific City/Woods, the subject property is accessed via Brooten Road, a County road, zoned Pacific City/Woods Commercial One (PCW-C1), and designated as Tax Lot 1601 of Section 19CA, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. The Applicant is Kalli Light. The property owner is Arthur Robert Taylor.

IV. NEW BUSINESS: N/A

V. AUTHORIZATION FOR CHAIR TO SIGN APPROPRIATE ORDERS, IF NECESSARY

VI. ADMINISTRATIVE DECISIONS: Administrative Decisions are available for public review on the Tillamook County Department of Community Development website:
<https://www.tillamookcounty.gov/commdev/landuseapps>

VII. HOUSING COMMISSION UPDATE

VIII. DEPARTMENT OF COMMUNITY DEVELOPMENT REPORT

IX. ELECTIONS

X. ADJOURNMENT

The Port of Tillamook Bay Conference Center is accessible to citizens with disabilities. If special accommodations are needed for persons with hearing, visual, or manual impairments that wish to participate in the meeting, please contact 1-800-488-8280x3423 at least 24 hours prior to the meeting in order that appropriate communications assistance can be arranged.



Land of Cheese, Trees and Ocean Breeze

MEMO

Date: February 6, 2025
To: Tillamook County Planning Commission
From: Melissa Jenck, CFM, Senior Planner
Subject: February 13, 2025, Planning Commission Hearing

Included in this packet is a copy of the staff report and related materials regarding requests #851-24-000483-PLNG/ 851-24-000483-PLNG-01/ 851-24-000483-PLNG-02.

Applicant has proposed a 5-unit multifamily dwelling to be used as a condominium. The applicant has requested an exception to the 50-foot riparian setback to 20-feet, and an exception to the 10-foot front yard setback to 4.4-feet. The application has not been heard before the Planning Commission, outside a continuance originally granted at the December 12, 2024 hearing. The request was originally continued to the January 9, 2025 hearing date, which was then cancelled at the Applicants request. The applications were re-noticed January 14, 2025 for this February 13, 2025 hearing date.

The materials contain the applicant's original submittal contained in Exhibit B.1, which included 6-units. The applicant's revised request is contained in Exhibit B.2, which includes the reduction of 6-units to 5-units. The staff report recognizes the reduction and assessed the development as such.

Comments were received from Tillamook County Public Works and Oregon Department of State Lands. Nestucca Rural Fire District did not provide comments at this time.

If you have any questions about the information received, please do not hesitate to contact me.

Thank You,

A handwritten signature in blue ink that reads "Melissa Jenck". The signature is written in a cursive, flowing style.

Melissa Jenck, CFM, Senior Planner



Land of Cheese, Trees and Ocean Breeze

**CONDITIONAL USE #851-24-000483-PLNG,
VARIANCE #851-24-000483-PLNG-01
RIPARIAN EXCEPTION #851-24-000483-PLNG-02
LIGHT/TAYLOR
STAFF REPORT**

Date: February 6, 2025

(This is not Building or Placement Permit Approval)

Report Prepared by: Melissa Jenck, Senior Planner, CFM

I. GENERAL INFORMATION:

Request: **#851-24-000483-PLNG:** A Conditional Use request for the placement of a six-unit multi-family dwelling to be used as a condominium, together with **#851-24-000483-PLNG-01**, a Variance request to reduce the required 10-foot front yard setback for a residential structure in the PCW-C1 zone to 4.4-feet, and **#851-24-000483-PLNG-02**, a Riparian Exception request to reduce the required 50-foot riparian setback to 20-feet for the placement of the proposed multi-family dwelling structure.

Applicant prepared a revision which reduced the number of proposed dwelling units from six-units to five-units.

Location: Located in the Unincorporated Community of Pacific City/Woods, the subject property is accessed via Brooten Road, a County road, and designated as Tax Lot 1601 of Section 19CA, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Pacific City/Woods Commercial One (PCW-C1) Zone

Applicant: Kalli Light, 15903 Park Place Ct, Oregon City, OR 97045

Property Owner: Arthur Robert Taylor, 22675 SW Vermillion Dr, Tualatin, OR 97062

Description of Site and Vicinity: The subject property is a rectangular shape, fairly level site, vegetated with grasses, unimproved and encompasses 0.18 acres according to County Assessors records (Exhibit A & B). Access to the subject property is from Brooten Road, a County road, which abuts the easterly property boundary (Exhibit A). The property abuts the Nestucca River on its westerly boundary (Exhibit A). The

surrounding area is also zoned PCW-C1, along with PCW-R2 and PCW-R3 zoned properties (Exhibit A). The PCW-C1 zoned properties in the vicinity consist of a kayak shop, a grocery store, a couple restaurants, apartments, and some general retail services (Exhibit A). The area generally consists of commercial and residential uses, with residences located in the PCW-C1 zone, and the surrounding PCW-R2 and PCW-R3 zones located to the south and east, respectively (Exhibit A).

Westerly portions of the property are located within Estuary Conservation 1 (EC1) zone, and the proposed development is to be maintained outside of this overlay. Mapped wetlands are present on the westerly boundary, following the location of the Nestucca River (Exhibit A). The subject property maintains Area of Special Flood Hazard as shown on FEMA Flood Insurance Rate Map (FIRM) Panel No. 41057C10855F, whereas the entirety of the property is located in the mapped Floodway and AE zone (Exhibit A). Subject property is located within the Beach and Dune Overlay, in a mapped Wet Flood Plain (Exhibit A).

The applicant is proposing to construct a 5-unit multifamily to be used as a condominium, with a request to reduce the required front-yard of 10-foot setback to 4.4-feet, and reduced the riparian setback of 50-foot to 20-feet.

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

The request is governed through the following Sections of the Tillamook County Land Use Ordinance (TCLUO). The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. Section 3.337: Pacific City/Woods Commercial One (PCW-C1) Zone
- B. Section 3.334: Pacific City/Woods High Density Residential (PCW-R3) Zone
- C. Section 3.510: Flood Hazard Overlay
- D. Section 3.580: Tsunami Hazard Overlay Zone
- E. Section 4.030: Off-Street Parking and Off-Street Loading Requirements
- F. Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization
- G. Article VI: Conditional Use Procedures and Criteria
- H. Article VIII: Variance Procedures and Criteria
- I. Section 4.005: Residential and Commercial Zone Standards
- J. Section 3.530: Beach and Dune Overlay

III. ANALYSIS:

A. Section 3.337: Pacific City/Woods Commercial One (PCW-C1) Zone

The purpose of the PCW-C1 zone is to permit a moderate level of commercial activities to serve the commercial needs of neighborhoods, rural areas, and tourist areas. Commercial uses in the PCW-C1 zone typically provide goods and services that would be required by most households in the area, and they have relatively few impacts on neighboring areas. Land is suitable for the PCW-C1 zone because it:

- (a) Is needed;*
- (b) Is physically capable of being developed;*
- (c) Can obtain access to a public road without causing traffic hazards or congestion;*
- (d) Will not cause significant conflicts with nearby residential uses; and*
- (e) Has sufficient land area to accommodate off-street parking.*

1. **Section 3.3337(3)** list uses permitted conditionally in the PCW-C1 Zone. Multifamily dwellings exceeding 4 units, including townhomes, row houses and condominiums and apartments is listed as a use permitted conditionally in the PCW-C1 Zone.

Findings: An analysis of the proposed use is provided below under Conditional Use review Section 6.040(1).

2. Section 3.337(4): Standards

...
(e) *The minimum lot dimensions, yard setbacks, and building height restrictions for structures containing only residential use shall be the same as in the PCW-R3 zone. In the PCW-C1 zone, motels, hotels and cabin camps shall be considered a commercial use.*

Findings: The proposal is for a 5-unit multifamily dwelling structure to be used as a condominium, which is a residential use. The standards of the PCW-R3 zone shall be discussed in Subsection B below in this report.

...
(h) *All structures shall meet the requirements for clear-vision areas specified in Section 4.010.*
(i) *All uses shall meet off-street parking requirements as provided in Section 4.030.*

Findings: The subject property is not a corner lot (Exhibit A & B). The proposal is for a 5-unit multifamily dwelling structure, to be used as a condominium. The applicant has proposed locating (6) parking spaces off-street located beneath the proposed structure (Exhibit B). Further discussion for compliance with TCLUO Section 4.030 can be found in Subsection E of this report.

...
(k) *The maximum building height shall be 35 feet, except on ocean or bay front lots, it shall be 24 feet. Bay frontage lots are defined as those bay/river frontage lots located downstream from the Beachy Bridge (Pacific Avenue).*

Findings: The subject property is located abutting river frontage, but is upstream of Beachy Bridge (Pacific Avenue). The proposed development is subject to a maximum building height of 35 feet. The applicant states the proposed development is well under the maximum building height of 35 feet, and provides plans that identify a two-story building (Exhibit B).

...
(l) *Creation of new lots or parcels, and construction on existing lots or parcels, shall only be allowed if water availability and sewer service or adequate on-site sanitation are provided, as follows:*

(1) *Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.*

(2) *If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.*

Findings: The subject property is served by the Pacific City Joint Water-Sewer Authority and is located within district boundaries. Applicant has provided a copy of a letter from the Pacific City Joint Water-Sewer Authority, stating there is available service for both water and sewer for the proposed development (Exhibit B). A recommended Condition of Approval has been made to reflect this standard.

B. Section 3.334: Pacific City/Woods High Density Residential (PCW-R3) Zone

The purpose of the PCW-R3 zone is to designate areas for a medium to high-density mix of dwelling types and other, compatible, uses. The PCW-R3 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.

Section 3.334(4) Standards

...

(d) The minimum front yard shall be 15 feet. For multifamily dwellings, the combination of front and rear yard setbacks shall be 30 feet, but neither shall be less than 10 feet.

Findings: The proposal is for a 5-unit multifamily dwelling to be used as condominiums (Exhibit B). The subject property is a rectangular lot, abutting Brooten Road, a County road, to the East (Exhibit A & B). The applicant is proposing to reduce the front yard setback from 15-feet to 4.4-feet. Variance approval is required to reduce the front yard setback from 15-feet to 4.4-feet. A Variance application has been submitted for Planning Commission consideration and part of this consolidated land use review process, discussed in Subsections H and I, below.

(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.

(f) The minimum rear yard shall be 20 feet; on a corner lot it shall be no less than 5 feet. For multifamily dwellings, the combination of front and rear yard setbacks shall be 30 feet, but neither shall be less than 10 feet; on a corner lot it shall be no less than 5 feet.

(g) The maximum building height shall be 35 feet, except the maximum building height shall be 24 feet on ocean or bay frontage lots. Bay frontage lots are defined as those bay/river frontage lots located downstream from the Beachy Bridge (Pacific Avenue).

Findings: The proposal is for a 5-unit multifamily dwelling to be used as condominiums (Exhibit B). The subject property is a rectangular lot, abutting Brooten Road, a County road, to the East (Exhibit A & B). The Applicants site plan demonstrates compliance with required side yard setbacks, from the northerly and southerly property boundaries (Exhibit B). Applicants site plan demonstrates compliance with minimum rear yard setback, with a proposed setback from the rear property line of approximately 20-feet as measured from the mean high water line (MHWL) (Exhibit B). The subject property is located abutting river frontage, but is upstream of Beachy Bridge (Pacific Avenue). The proposed development is subject to a maximum building height of 35 feet. The applicant states the proposed development is well under the maximum building height of 35 feet, and provides plans that identify a two-story building (Exhibit B).

C. TCLUO Section 3.510 Flood Hazard Overlay (FH) zone

The subject property is within an AE zone Area of Special Flood Hazard and within the Regulatory Floodway as depicted on FEMA FIRM 41057C0855F dated September 28, 2018 (Exhibit A). Applicants proposal identifies that the proposed development is wholly located within a FEMA SFHA, and details measures proposed to accommodate and conform with the Flood Hazard Overlay, including elevation of the residential units by located parking on the bottom of the building (Exhibit A & B).

Staff find the Applicant has submitted for a Floodplain Development Permit application with this Department for the proposed development of a multifamily dwelling structure with permit #851-24-000652-PLNG, which is being reviewed separately from this consolidated request.

Staff recommend as a Condition of Approval, Applicant shall obtain an approved Floodplain Development Permit demonstrating compliance with the requirements of TCLUO Section 3.510 for the proposed development. Confirmation shall be demonstrated at the time of consolidated Zoning/Building Permit application submittal.

D. Section 3.580: Tsunami Hazard Overlay

The purpose of the Tsunami Hazard Overlay Zone is to increase the resilience of the community to a local source (Cascadia Subduction Zone) tsunami by establishing standards, requirements, incentives,

and other measures to be applied in the review and authorization of land use and development activities in areas subject to tsunami hazards. The standards established by this section are intended to limit, direct and encourage the development of land uses within areas subject to tsunami hazards in a manner that will:

- a. Reduce loss of life;*
- b. Reduce damage to private and public property;*
- c. Reduce social, emotional, and economic disruptions; and*
- d. Increase the ability of the community to respond and recover.*

Significant public and private investment has been made in development in areas which are now known to be subject to tsunami hazards. It is not the intent or purpose of this section to require the relocation of or otherwise regulate existing development within the Tsunami Hazard Overlay Zone. However, it is the intent of this section to control, direct and encourage new development and redevelopment such that, over time, the community's exposure to tsunami risk will be reduced.

Section 3.580(2) discusses that those areas subject to inundation from the XXL magnitude local source tsunami event are subject to the requirements of the Tsunami Hazard Overlay (TH) Zone.

Findings: The subject property is located within the XXL inundation boundary and is subject to those standards described in the TH zone (Exhibit A). Section 3.580(4) 'Uses' allow uses authorized by the underlying zone as outright or conditional uses as permitted in the TH zone. The proposal would be subject to the requirements of 3.580(8) 'Evacuation Route Improvement Requirements'.

Tillamook County is in process of working with the Pacific City/Woods community, the Nestucca Rural Fire Protection District, Tillamook County Sheriff's Office, Tillamook County Public Works Department, the South County Emergency Volunteer Corps and several other local, state and federal partners on the continued development of a Tsunami Facilities Improvement Plan for this community. As this plan continues to development, existing and planned development for the area will be part of the strategies and facilities improvement plans for this area.

A recommended Condition of Approval has been included to reflect the development standards of TCLUO Section 3.580(8) by requiring that evacuation route improvements be installed on the subject property. Improvements proportionate to the proposed development include pedestrian paths, evacuation directional signage and adequate lighting to direct residents off the property and onto the evacuation routes determined by the Department of Oregon Geology and Mineral Industries (DOGAMI).

E. Section 4.030: Off-Street Parking and Off-Street Loading Requirement

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.

...

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

...

(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.

...

(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.*

(9) *LIGHTING: Artificial lighting shall not create or reflect substantial glare into any adjacent residential zone or use.*

Findings: Applicant has proposed storm inlet areas and storm drainage routes within the proposed property, as well as in-coordination with Tillamook County Public Works Department (Exhibit B & C). Applicant has identified existing gravel on the site, and Public Works states asphalt will be required for surfacing (Exhibit B & C). Comments from Public Works identify alignment of stormwater, and that the property owner is responsible for complete installation of the drain system, including notes to ensure drainage is achieved to catch basins (Exhibit B & C). Public Works details an existing storm drain easement, which Applicant proposes to replace and install on the northerly side of the subject property. Public Works will require recording of an Easement to facilitate the County's storm drainage system through the proposed storm drainage easement (Exhibit B & C).

Proposed placement of parking areas would not have parking spaces abutting a property boundary, outside entrance from Brooten Road, a County road, which would not maintain curbing through their entry location (Exhibit B). The proposed building is located 4.4-feet from the front property line, with the parking spaces to be located no closer than 4.4-feet from the front property line (Exhibit B).

A recommended Condition of Approval has been made to reflect these standard and the conditions set forth by Tillamook County Public Works.

(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.*

Findings: Applicants proposal contains parking for (6) vehicles located upon the site, utilizing one approach for the width of the property abutting Brooten Road, a County road (Exhibit B). Details provided by the Applicant include maneuverability discussions and diagrams, depicting the proposed backing and maneuvering of vehicles outside the flow of traffic of Brooten Road, a County road (Exhibit B). Turning analysis drawings were prepared by Lancaster Mobley, depicting a 3-point turning for ensuring travel outside the flow of traffic (Exhibit B). Public Works provided comments that the concept is acceptable, especially given the location has a low-spiced area of 25-miles per hour (Exhibit C).

Section 4.030(13) 'Parking Space Requirements' describes that residential uses shall provide two spaces for the first dwelling unit, and one space for each additional dwelling unit.

Findings: The applicant is proposing to provide (6) total parking spaces for the proposed 5-unit multifamily dwelling structure to be used as a condominium (Exhibit A& B). The proposed 5-unit multifamily dwelling requires a minimum (6) 8-ft by 20-ft parking spaces to meet the parking calculation standard for residential parking spaces. The applicant is proposing to locate (6) of the required parking spaces in a parking area under the proposed building (Exhibit B).

F. Section 4.140: requirements for Protection of Water Quality and Streambank Stabilization

TCLUO Section 4.140 identifies as areas of riparian vegetation that area within 50 feet of the Nestucca River measured from the more landward of the line of non-aquatic vegetation or the mean high water line. TCLUO Section 4.140 also limits removal of vegetation and development within those areas of riparian vegetation.

TCLUO 4.140(2) requires all development, to be located outside of riparian areas with some exceptions. Exceptions include the following:

...

(b) Direct water access is required in conjunction with a water dependent use; or

(c) Because of natural features such as topography, a narrower riparian area protects equivalent habitat values; or

(d) A minimal amount of riparian vegetation is present and dense development in the general vicinity significantly degrades riparian habitat values.

Setbacks may be reduced under the provisions of (c) and (d) above only if the threat of erosion will not increase and a minimum 20 foot setback is maintained. Determinations of habitat values will be made by the Oregon Department of Fish and Wildlife

TCLUO 4.140(2) also provides for an Exception process for certain types of development based on a determination to be made by ODFW that a narrow riparian area provides equivalent protection value or minimal vegetation is present and existing development degrades riparian values.

The applicant's Site Plan anticipates that the closest point of the proposed development will be twenty (20) feet from the line of non-aquatic vegetation. Applicant has proposed a front-yard setback of 4.4-feet, which is discussed in Subsection H and I of this report, below (Exhibit B). Applicant's proposal for a reduced front-yard setback is to ensure adequate area to maintain the minimum of 20 foot setback from the riparian area (Exhibit B). The applicant states the property is approximately 7,480 square feet in size, with a width of 125.24-feet, and a narrow depth of 49.93-feet at the northerly side to 61.90-feet on the southerly side (Exhibit B). Applicant details if compliance with the 10-foot front yard setback, and a 50-foot riparian setback, this would eliminate buildable area on the property due to the depth of the property.

Applicant's submittal does include the location of the proposed storm drainage easement and storm drainage system for Tillamook County Public Works (Exhibit B & C). The storm system is a water dependent use as it is currently utilized by Tillamook County and the proposal for its relocation ensures the system continues to operate in the area given Public Works' needs at this location (Exhibit B & C). Comments received from Oregon Department of State Lands (DSL) indicate the proposed storm drainage would cut into the banks of the Nestucca River, and may require a state removal-fill permit for the activity. Staff recommend a Condition of Approval to ensure compliance with State permitting, including any permits necessary with DSL.

Comments from Michael Sinnott, ODFW Assistant District Fish Biologist, were included in the Applicant's submittal and are also included in "Exhibit C". Staff finds that ODFW has provided a determination that a minimal amount of riparian vegetation is present and dense development in the general vicinity significantly degrades riparian habitat values as required by TCLUO 4.140(2)(d). Staff finds that the determination by Mr. Sinnott meets the criterion of TCLUO Section 4.140(2)(d). ODFW requested that existing native riparian trees and vegetation remain protected in perpetuity on the site (Exhibit B & C).

To ensure that the threat of erosion will not increase as a result of the proposed activities, a Condition of Approval has been made to require the Applicant to incorporate a vegetation plan for the riparian area to promote bank stabilization. Staff find that an exception to allow the reduction of the riparian setback from 50 feet to 20 feet can be granted subject to Conditions of Approval requiring that the applicant/property owner provide documentation from ODFW that an acceptable planting plan has been developed and will be implemented within the 20-foot riparian corridor within two years of issuance of this exception approval.

G. Article VI Conditional Use Procedures and Criteria

Article VI of the Tillamook County Land Use Ordinance contains the procedures and review criteria for processing a Conditional Use request. These criteria, along with Staff's findings and conclusions, are indicated below.

- 1. Section 6.020 Procedure** requires public notice in accordance with TCLUO Section 10.070 which requires notification of the request to be published in a newspaper of local distribution and mailed to landowners within 250 feet of the subject property. Because this Conditional Use request is processed as a Type III review, the procedures outlined in Section 10.080 of the Tillamook County Land Use Ordinance have been followed.

Findings: Notice of hearing for the Conditional Use, Variance, and Exception request was mailed to affected property owners and agencies, including email to agencies, Applicant and property owner, on November 14, 2024 for a December 12, 2024 Planning Commission hearing date. The application was continued at the December Planning Commission hearing to the January Planning Commission hearing date. The January hearing was cancelled at the Applicants request, as they proposed revisions to their proposal. Notice of the hearing for the Conditional Use, Variance, and Exception request was mailed to affected property owner and agencies, including email to agencies, Applicant, and property owner, on January 14, 2025 for a February 13, 2025 Planning Commission hearing date. Notice of the proposal was also placed in the Headlight-Herald for both the December and February hearing dates. Public comments received to date are included as "Exhibit C".

2. Section 6.040 Review Criteria

1. The use is listed as a conditional use in the underlying zone, or in an applicable overlying zone.

Findings: As stated previously, multifamily dwellings exceeding 4 units, including apartments are listed as a use permitted conditionally in the PCW-C1 Zone. Applicant has proposed a 5-unit multifamily dwelling to be used as a condominium (Exhibit B).

2. The use is consistent with the applicable goals and policies of the comprehensive plan.

Findings: The Applicant's submittal contains a description of why they believe the proposed project is consistent with the applicable goals and policies of the Tillamook County Comprehensive Plan (Exhibit B). Applicant states the primary relevant goal is Goal 10 Element: Housing, whereas the Comprehensive Plan identifies Pacific City as being part of the South County Area, and that existing housing problems including the insufficient supply of rental housing and lack of affordability. Applicant details the Comprehensive Plan addresses the need for additional multifamily housing in Pacific City (Exhibit B).

Applicant identifies Goal 17 Element: Shorelands, whereas the purpose is to maintain environmental and economic resources in coastal shorelands. Applicant concludes as the property abuts the Nestucca River along its westerly boundary, and the proposed development is to maintain the minimum 20 feet for the riparian area, this will continue to protect these shorelands (Exhibit B).

The TCLUO is the implementing document of the Tillamook County Comprehensive Plan. In the absence of evidence to the contrary, uses allowed conditionally in the Land Use Ordinance can be presumed to be consistent with the Tillamook County Comprehensive Plan.

A summarization of each goal element is described below with staff findings. These summaries are intended to provide a general context for discussion of the general compatibility of this conditional use request with the goal elements of the Tillamook County Comprehensive Plan.

- **Tillamook County Comprehensive Plan Goal 1 Element: The Planning Process**
Summary: Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.
- **Tillamook County Comprehensive Plan Goal 2 Element: THE LAND USE PLAN**
Summary: Goal 2 outlines the basic procedures of Oregon's statewide planning program and describes the development of Tillamook County's Comprehensive Plan including justification for identifying exception areas.
- **Tillamook County Comprehensive Plan Goal 3 Element: AGRICULTURAL LANDS**
Summary: Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.
- **Tillamook County Comprehensive Plan Goal 4 Element: FOREST LANDS**
Summary: This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."
- **Tillamook County Comprehensive Plan Goal 5 Element: NATURAL RESOURCES**
Summary: The purpose of Goal 5 is to protect natural resources, and conserve scenic and historic areas and open space. Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

Findings: The proposed development of a 5-unit multifamily dwelling to be used as a condominium on the subject property does not conflict with the five Tillamook County Comprehensive Plan goal elements described above. Specifically, the public hearing and prescribed land use review process is consistent with the goals and policies of the Goal 1 and 2 elements. The subject property is zoned PCW-C1 and located within the Pacific City/Woods unincorporated community where an exception has been taken. This area is not identified as agricultural or forest lands where strict policies are upheld to preserve and protect agricultural and resource uses. The subject property is not inventoried in the Goal 5 element, confirming the absence of natural or cultural resources on this property.

- **Tillamook County Comprehensive Plan Goal 6 Element: AIR, WATER AND LAND RESOURCES QUALITY**
Summary: This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution and noise control in Tillamook County.
- **Tillamook County Comprehensive Plan Goal 7 Element: HAZARDS**
Summary: Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there. In Tillamook County, the purpose of addressing hazards is not meant to restrict properties from development, but to institute policies concerning potential problems, so they can be considered before financial losses and possible injury which may be

avoided by the application of the policies formulated in the Comprehensive Plan.

- **Tillamook County Comprehensive Plan Goal 8 Element: RECREATION**
Summary: This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts. In Tillamook County, the main issue surrounding recreation is that of quantity, location and orientation. This Goal element recognizes that the tourism sector of the County's economy is rapidly growing and some feel tourism places too large a burden on local public facilities and services.
- **Tillamook County Comprehensive Plan Goal 9 Element: POPULATION AND ECONOMY**
Summary: Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs. Projections in this Element of the Comprehensive Plan extend to year 2000. The importance of cottage industry, rural industry and light industry is recognized throughout this Element, stating that regulations be adopted to permit low-impact light manufacturing activity in suitable rural zones.
- **Tillamook County Comprehensive Plan Goal 10 Element: HOUSING**
Summary: This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types. This Goal element within the Tillamook County Comprehensive Plan focuses on the separation of housing needs and opportunities in both rural and urban areas. There is a strong tie to the Goal 11: Public Facilities and Goal 14: Urbanization elements of the Comprehensive Plan in this section.

Findings: The proposed development is consistent with several of the policies outlined in these Comprehensive Plan goal elements. Specifically, concerns of development in relation to threat of flood, tsunami and erosion hazards are implemented through the regulations contained within the TCLUO Tsunami Overlay zone, Flood Hazard Overlay zone, and Requirements for Protection of Water Quality and Streambank Stabilization. While the proposed development compromises future commercial opportunities of this property, development of this property as proposed is not in conflict with economic policies outlined in the Goal 9 element of the Comprehensive Plan.

The proposed development is in response to identified existing housing needs future housing needs identified in the Goal 10 Element of the Comprehensive Plan. Applicant further reiterates these housing needs as relayed in Goal 10 for Pacific City needs. Pacific City's Community Plan completed in 2019 identifies visions for the community to include diverse housing options, including affordable choices, while encouraging and promoting housing opportunities.

- **Tillamook County Comprehensive Plan Goal 11 Element: PUBLIC FACILITIES**
Summary: Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs. This Element of the Comprehensive Plan outlines types and levels of urban and rural facilities and services, with guidance to ensure timely, orderly and efficient arrangement of public facilities and services in Tillamook County.

Findings: Transportation is included in the Goal 11 Element inventory of public facilities. The majority

of focus of this goal element is directed towards the location and development water and sewer, with policies that ensure the location of development of these facilities is done in a manner consistent with urbanization policies where impacts that result in forced urbanization and growth of rural areas are avoided.

- **Tillamook County Comprehensive Plan Goal 12 Element: TRANSPORTATION**
Summary: The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged." Policies outlined in this Goal element of the Tillamook County Comprehensive Plan require the County to protect the function, operation and safety of existing and planned roadways as identified in the County's Transportation Plan, consider land use impacts on existing or planned transportation facilities in all land use decisions, plan for multi-modal networks, and coordinate transportation planning efforts with other jurisdictions to assure adequate connections to streets and transportation systems between incorporated and unincorporated areas.

Findings: General transportation policies reference the County's Transportation System Plan and the obligations of Tillamook County, which include protection of the function, operation and safety of existing and planned roadways as identified in the TSP; the consideration of land use impacts on existing or planned transportation facilities in all land use decisions; and direct the County to plan for a multi-modal network of transportation facilities and services. These requirements are folded into land use review processes by way of criteria, parking and road standards reflected in the Tillamook County Land Use Ordinance, Tillamook County Land Division Ordinance, and Tillamook County Road Ordinances. Road design policies require collaboration with fire districts, sewer and water districts, utilities and local developers for the establishment of these standards. These standards are administered by the Tillamook County Public Works Department in coordination with the Department of Community Development.

Public transportation policies as well as air, water and rail transportation policies are also folded into this goal element.

- **Tillamook County Comprehensive Plan Goal 13 Element: ENERGY CONSERVATION**
Summary: Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles." Planning for energy conservation and opportunities to promote the installation of renewable energy systems are discussed in this Goal element of the Tillamook County Comprehensive Plan.

Findings: This goal element identifies transportation as a major energy consuming sector in the County, recognizing that private automobiles account for a major portion of energy consumption. This goal element requires Tillamook County to encourage and facilitate efficient modes of transportation and to reduce the need for transportation through property land use by providing bicycle and pedestrian pathways and investigating ways for establishing a coastal public transportation service.

- **Tillamook County Comprehensive Plan Goal 14 Element: URBANIZATION**
Summary: This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses. This Goal element of the Tillamook County Comprehensive Plan focuses largely on development within unincorporated communities, public facility limitations to rural areas, and impacts of urban sprawl on resource lands.

Findings: The location of the proposed project is entirely within the Pacific City/Woods Community (Exhibit A). This community is recognized as an Unincorporated Community which maintains a public

sewer system, whereas higher density development is possible. This element also discusses for Pacific City/Woods the compatibility of proposed urban uses nearby agricultural activities, especially in the north. The subject property is located approximately 250-feet from the nearest border of the Pacific City/Wood Community boundary, whereas Farm (F-1) zoned property is located on the border (Exhibit A). The proposed development is located within the existing established urbanized area, with existing commercial and urban development has been established between the proposed development and the Farm (F-1) zone boundary (Exhibit A).

- **Tillamook County Comprehensive Plan Goal 16 Element: ESTUARINE RESOURCES**
Summary: This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units." Five estuaries are inventoried and described in this element of the Tillamook County Comprehensive Plan, the Nehalem Estuary, Tillamook Estuary, Netarts Estuary, Sandlake Estuary and Nestucca Estuary.
- **Tillamook County Comprehensive Plan Goal 17 Element: COASTAL SHORELANDS**
Summary: The goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water related" uses. Coastal Shorelands inventoried in Tillamook County as described in this element are Nehalem Estuary Shorelands, Tillamook Estuary Shorelands, Netarts Estuary Shorelands, Sandlake Estuary Shorelands, and Nestucca Estuary Shorelands.
- **Tillamook County Comprehensive Plan Goal 18 Element: BEACHES AND DUNES**
Summary: Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes. Several categories of dunes are described and discussed in this element of the Tillamook County Comprehensive Plan, and includes discussion about where residential, commercial and industrial uses are prohibited. Goal 18 Exception areas are also inventoried within this element which allow for residential, industrial and commercial uses in dune areas that would otherwise be prohibited.

Findings: Location of proposed improvements are to be located outside the mapped estuaries, the proposed project is not in conflict with the goals and policies of the Goal 16: Estuarine Resources element of the Tillamook County Comprehensive Plan. A portion of the proposed storm drainage system may intersect with portions of the Estuary, which is considered a water-dependent use and would be permissible for its continued use given its prior establishment in this area (Exhibit B).

The Shoreland Overlay Zone, TCLUO Section 3.545, contains the regulatory language that administers and upholds the policies of the Goal 17 Shoreland element of the Tillamook County Comprehensive Plan. Staff have reviewed the significant shoreland inventory contained in the Goal 17 element of the Comprehensive Plan. The proposed development is located in a built and committed exception area and the proposed residential uses are allowed conditionally in the zone.

Goal 18 'Beaches and Dunes' describes implementation for management of mapped dune hazard area. The policies of Goal 18 are implemented through the Beach & Dune Hazard Overlay zone where management practices necessary to minimize hazards of developing on foredunes include revegetation of open sand areas and protect existing vegetation; minimize dune alteration and disturbance of vegetation, employ temporary measures to protect disturbed areas and revegetate as soon as possible; to locate structures and facilities as

far from the beach as possible; and elevate structures where required to meet the provisions of the Flood Hazard Overlay zone. The project location is not located in a mapped dune area where the goals and policies of this element would apply.

3. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.

Findings: The applicant states the property is approximately 7,480 square feet in size, with a width of 125.24-feet, and a narrow depth of 49.93-feet at the northerly side to 61.90-feet on the southerly side (Exhibit B). Applicant is proposing for a 5-unit multifamily dwelling to be used as condominiums, with each unit providing approximately 320-square feet of living space (Exhibit B). Applicant describes the area is ideal for the proposed development given the location of existing commercial and residential uses in the vicinity, and states the location can provide needed workforce housing (Exhibit B). Applicant further provides the location of the development is flat and accessible from Brooten Road, a County road.

Staff finds the property proposed for development is rectangular in shape, is relatively flat and a slope where the bank cuts off to the Nestucca River on the west (Exhibit A). The subject property abuts Brooten Road, County road along its easterly boundary (Exhibit A) There are known wetlands/jurisdictional water identified on the property boundary abutting the Nestucca River. Comments were received from DSL regarding location of this boundary, and details future development of the proposed storm drainage system may require a State Fill-Removal Permit (Exhibit C). The subject property is located the Tsunami Hazard Overlay zone, the Shoreland Overlay, and the Flood Hazard Overlay zone (Exhibit A). The property abuts the Estuary Conservation 1 (EC1) zone along its westerly boundary with the Nestucca River, with proposed development located outside the EC1 zone (Exhibit B).

The applicant is proposing to construct a 5-unit multifamily dwelling structure to be used as condominiums, each unit approximately 320-square feet in size (Exhibit B). The proposed footprint is approximately 170-feet by 25-feet for the dwelling units, with variable decks on the westerly side abutting the river with depths of 4 to 8-feet deep (Exhibit B). Applicant describes the proposal for a Variance request to reduce the front-yard setback, to minimize impacts on the river for the proposed development, which would maintain a 20-foot riparian setback (Exhibit B) for the placement of the proposed units (Exhibit B). The Variance request is discussed in Subsection H and I of this report, below.

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.

Findings: The surrounding area is zoned PCW-C1, along with PCW-R2 and PCW-R3 zoned properties (Exhibit A). The PCW-C1 zoned properties in the vicinity consist of a kayak shop, a grocery store, a couple restaurants, apartments, and some general retail services (Exhibit A). The area generally consists of commercial and residential uses, with residences located in the PCW-C1 zone, and the surrounding PCW-R2 and PCW-R3 zones located to the south and east, respectively (Exhibit A).

The vicinity also includes recreational areas and recreational uses with the kayak shop, along with Mugg County Park which includes day use facilities. This portion of the Nestucca River is part of the Nestucca Bay estuarine system and several recreational uses such as fishing, boating and kayaking are predominant uses in the area. Staff find there is existing apartment/dwellings located in the PCW-C1 zone located north of Spring Street, approximately 130-feet from the proposed development (Exhibit A & B).

The applicant states the character of the use is compatible as the use is listed as a conditional use in the PCW-C1 zone, while reiterating the area will serve the proposed residential uses effectively given the

location of businesses in the vicinity. Applicant identifies that the proposal will not encroach on other properties, maintaining required side yard setbacks from adjacent properties (Exhibit B).

Applicant discusses the proposal for the parking plan where design discussions with Tillamook County Public Works regarding maneuverability were had (Exhibit B). Applicant prepared turning analysis diagrams prepared by Lancaster Mobley in their submittal. These discussions are further reiterated in Subsection E of this report, above (Exhibit B).

The proposed structural development is to be contained within the boundaries of the subject property including the proposed (6) off-street parking spaces (Exhibit B). Staff find the proposed development will comply with the required building height requirements and side yard setbacks. Applicant's proposal maintains the entirety of the proposed storm drainage system relocation, including necessary area to accommodate an easement for servicing the system, for Tillamook County Public Works, and does not require coordination with neighboring properties to ensure adequate service to such proposed facility improvement (Exhibit B). There are existing single-family residential uses surrounding the subject property to the east, south and north (Exhibit A).

5. The proposed use will not have a detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.

Findings: Applicant states the proposal will have no effect on these existing systems, as there are no known in the area (Exhibit B). Staff did not identify any solar energy systems, wind energy conversion systems or wind mills in the area during the site visit.

6. The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

Findings: The applicant is proposing to construct an approximately 5-unit multifamily dwelling to be used as a condominium (Exhibit B). The applicant states that Pacific City Joint Water-Sanitary Authority has confirmed availability of water and sanitary services and have included their availability letter in the submittal (Exhibit B). Applicant confirms communications with Tillamook County Public Works to ensure development met their requirement for the storm drain lines, with their proposal to reroute this system and accommodate an easement for the system (Exhibit B).

Nestucca Rural Fire District was notified of this request and did not provide comments, but Staff find the area is served by their district.

Existing services in the area include adequate access to the property, water, sewer, electric and emergency services.

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

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.

Article VIII of the Tillamook County Land Use Ordinance governs the applications of Variances within the County. Article IV, Section 4.005 lists the purposes of the land use standards in each of the residential and commercial zones.

SECTION 8.020, '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.*
- (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 approved VARIANCE request shall be invalidated because of failure to receive the notice provided for in Section 10.070.*

Findings: The Director referred this Variance request to the Planning Commission. The application is therefore considered a Type III land use review, and shall demonstrate procedures in accordance with TCLUO Section 10.080, 'Type III Procedures'.

SECTION 10.080 TYPE III PROCEDURES

(1) Notice for Type III Decisions.

(a) Notice of Review. The County shall provide notice of a public hearing on a Quasi-Judicial application at least 28 days prior to the first hearing date. If two or more hearings are allowed, then notice shall be provided at least 10 days prior to first hearing. The County Planning Director shall prepare an affidavit of notice, which shall be made part of the file. This affidavit shall state the date that the notice was mailed. Notice of a public hearing shall be provided to the following parties:

...

ii. Property owners within 250 feet of subject property if the subject property is outside UGB and not in farm or forest zone.

...

v. Any affected government agency or public district, including affected city if subject site is inside a UGB.

vi. Any citizen's advisory committee or community organization whose boundaries include, or are adjacent to, the subject site.

...

(c) Newspaper notice. Notice of the public hearing shall be published in a newspaper of general circulation in the County at least ten (10) calendar days prior to the date of a quasi-judicial public hearing. An affidavit or other formal certification of publication shall be made part of the record.

Findings: Notice of hearing for the Conditional Use, Variance, and Exception request was mailed to affected property owners and agencies, including email to agencies, Applicant and property owner, on November 14, 2024 for a December 12, 2024 Planning Commission hearing date. The application was continued at the December Planning Commission hearing to the January Planning Commission hearing date. The January hearing was cancelled at the Applicants request, as they proposed revisions to their proposal. Notice of the hearing for the Conditional Use, Variance, and Exception request was mailed to affected property owner and agencies, including email to agencies, Applicant, and property owner, on January 14, 2025 for a February 13, 2025 Planning Commission hearing date. Notice of the proposal was also placed in the Headlight-Herald for both the December and February hearing dates. Public comments received to date are included as "Exhibit C".

SECTION 8.030 states that a Variance may be authorized if the applicants/property owners adequately demonstrate that the proposed use satisfies all relevant requirements, including all four review criteria in Section 8.030. These criteria, including Section 4.005 Residential and Commercial Zone Standards, along with Staff's findings and conclusions are indicated below:

(1) Circumstances attributable either to the dimensional, topographical, or hazardous characteristics of legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.

Findings: Applicants submittal details the need for a front yard setback of 4.4 feet from the front property line, for the placement of a 5-unit multifamily dwelling structure to be used as a condominium is necessary due to the narrow shape of the subject property, specifically as related to the riparian setback needs for compliance with TCLUO Section 4.140 (Exhibit B). The applicant provides that without a reduced front yard setback, the buildable area in conjunction with the riparian exception, would result in a building lot depth of approximately 16.5 feet which is narrow (Exhibit B).

Applicant provided documentation detailing reduced setbacks that existing commercial structures benefit from on the abutting properties, with the southerly property (kayak shop) maintaining an approximately 1.3-foot setback, and the northerly property (Riverhouse Restaurant) benefiting from a 1.8-foot setback (Exhibit B). Applicant further details that should the building have been a commercial structure, it would have benefitted from a zero (0) foot setback from the front property line (Exhibit B).

Staff find the residential uses are established in the vicinity, with existing apartment/dwellings located in the PCW-C1 zone located north of Spring Street, approximately 130-feet from the proposed development, along with single-family residential uses in the PCW-R2 and PCW-R3 zones, located to the south and east, respectively (Exhibit A & B).

Staff finds circumstances are attributable to dimensional and hazardous characteristics of the subject property and these circumstances are not self-created.

(2) A variance is necessary to accommodate a use or accessory use on the lot which can be reasonably expected to occur within the zone or vicinity.

Findings: Multifamily dwellings are allowed conditionally in the PCW-C1 zone and this use is consistent with uses on the surrounding properties expected to reasonably occur in the zone and vicinity. Applicant states the proposal an existing multifamily dwelling structure off of Shade Street (Exhibit B).

Staff find apartments were permitted in the PCW-C1 zone for the Kingfisher Apartments in 2019, for the placement of a 25-unit apartment. The Kingfisher Apartments have since been constructed and established in the PCW-C1 zone.

Staff find the residential uses are established in the vicinity, with existing apartment/dwellings located in the PCW-C1 zone located north of Spring Street, approximately 130-feet from the proposed development, along with single-family residential uses in the PCW-R2 and PCW-R3 zones, located to the south and east, respectively (Exhibit A & B).

(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.

Findings: These standards and criteria are discussed in Subsection I in this report, below. The discussion in Subsection I details compliance for both the subject property and adjoining properties.

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

Findings: Applicant states due to the dimensional and hazardous conditions, the need to reduce the front-yard setback is necessary to accommodate an adequate building depth (Exhibit B).

Applicants proposal maintains with a reduction to the 50-foot riparian setback to 20-feet, without the reduction of the front-yard setback from the minimum 10-foot allowed for multifamily dwellings, the building depth would be approximately 16.5 feet at its narrowest point. Applicant states this building depth is not adequate for most buildings (Exhibit B).

Staff find the proposed development ensures separation between the riparian area for future development with consideration of the Riparian Exception, discussed in in Subsection F above. If proposed development utilized of the minimum 10-foot front yard setback for multifamily dwellings, the subject property would not maintain any buildable land area for development with the 50-foot riparian setback (Exhibit A & B). Applicants proposes a reduction of the riparian area setback, in coordination and consideration of habitat values of the Nestucca River at this area with ODFW.

Staff find that commercial development in the area benefits from reduced setbacks which allow for development to be sited zero (0) or three (3) feet from a property line. Applicants proposal would exceed such allowed outright commercial setback, with the proposal maintaining a 4.4-foot setback from the front property line (Exhibit B).

Staff find that the proposed development ensures separation from existing uses to the north and south with maintaining adequate side yard setbacks (Exhibit B). Staff further find the Applicant has provided adequate area for off-street parking, and has facilitated a with Tillamook County Public Works to ensure maneuvering and backing does not occur within the flow of traffic (Exhibit B & C).

I. Section 4.005: Residential and Commercial Zone Standards

- (1) To ensure the availability of private open spaces;*
- (2) To ensure that adequate light and air are available to residential and commercial structures;*
- (3) To adequately separate structures for emergency access;*
- (4) To enhance privacy for occupants or residences;*
- (5) To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveway, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;*
- (6) To ensure that driver visibility on adjacent roads will not be obstructed;*
- (7) To ensure safe access to and from common roads;*

Findings: Applicant provides that the proposed variance would reduce the front yard setback to 4.4-feet, which does not limit available open space on the subject property, with maintaining appropriate side and rear yard setbacks along with the riparian area (Exhibit B). Applicants proposal maintains all improvements, include a new storm drain easement for relocated storm drain systems, entirely within the property boundaries (Exhibit B). This separation will allow for adequate light and air to the site, along with the placement of decks for use of the proposed units (Exhibit B).

Applicant provided details regarding separation between units proposed, along with stairwell access to each unit. Applicant identifies there is adequate frontage for emergency access (Exhibit B). Nestucca Rural Fire District was notified of this request and did not provide comments.

Applicant identifies that the living floor is elevated for flood compliance, which should ensure privacy of future tenants as they will not be at street-level (Exhibit B).

Parking is proposed to be entirely accommodated off-street, with portions of the maneuvering and backing occurring within the right-of-way, put located outside the flow of traffic, in accordance with TCLUO Section 4.030(10) (Exhibit B). The property is not a corner lot and clear vision area does not apply. Applicant has proposed maneuvering plans with Tillamook County Public Works, and is further discussed in Subsection E above in this report.

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

Findings: Applicant state the proposed development will comply with the 35-foot maximum building height allowed in the PCW-C1 and PCW-R3 zone. The proposed development is a two-story building and is proposed to be under the allowed maximum building height (Exhibit B).

No public comments were received on this request at the time of publishing this Staff Report.

(9) To separate potentially incompatible land uses;

Findings: Multifamily dwellings are allowed conditionally in the PCW-C1 zone and this use is consistent with uses on the surrounding properties expected to reasonably occur in the zone and vicinity. Applicant states the proposal an existing multifamily dwelling structure off of Shade Street (Exhibit B).

Staff find apartments were permitted in the PCW-C1 zone for the Kingfisher Apartments in 2019, for the placement of a 25-unit apartment. The Kingfisher Apartments have since been constructed and established in the PCW-C1 zone.

Staff find the residential uses are established in the vicinity, with existing apartment/dwellings located in the PCW-C1 zone located north of Spring Street, approximately 130-feet from the proposed development, along with single-family residential uses in the PCW-R2 and PCW-R3 zones, located to the south and east, respectively (Exhibit A & B).

Applicant states location of the residential uses are compatible with the mixed-use neighborhood (Exhibit B).

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

Findings: County records do not indicate any such facilities are in the vicinity of the subject property. Applicants state the proposed development would not prevent neighboring properties from access to such measures (Exhibit B). Staff finds that the proposed construction of a multifamily dwelling on the property does not unreasonably shadow or otherwise inhibit access to solar radiation on adjacent properties, given its proposed compliance with height limits and side yard setbacks.

J. Section 3.530: Beach and Dune Overlay

The purpose of the Beach and Dune Overlay Zone is to regulate development and other activities in a manner that conserves, protects and, where appropriate, restores the natural resources, benefits, and values of coastal beach and dune areas, and reduces the hazard to human life and property from natural

events or human-induced actions associated with these areas. The Overlay Zone establishes guidelines and criteria for the assessment of hazards resulting from beach and dune processes and development activities in beach and dune areas.

Section 3.530(4) ‘Administrative Provisions’ details permitted uses within the Beach and Dune Overlay.

Findings: As indicated on the DOGAMI Open File Report O-20-04, the subject property is located in a Wet Flood Plain (Exhibit B). Section 3.530 requires residential development subject to the standards in Section 3.530.

A recommended Condition of Approval has been included to reflect the development standards of TCLUO Section 3.530: Beach and Dune Overlay zone, and require a Dune Area Development Permit from the Applicant/Property Owner.

IV. RECOMMENDED CONDITIONS OF APPROVAL:

Sections 6.070: COMPLIANCE WITH CONDITIONS, Section 8.060: COMPLIANCE WITH CONDITIONS, 6.080: TIME LIMIT, Section 8.070: TIME LIMIT requires compliance with approved plans and conditions of this decision, and all other ordinance provisions. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant/property owner shall obtain all Federal, State, and Local permits and/or licenses and shall comply with all applicable rules and regulations, including but not limited to:
 - Future Development shall adhere to the requirements of the Flood Hazard (FH) Overlay, TCLUO Section 3.510.
 - Future development shall adhere to the requirement of the Shoreland Overlay, TCLUO Section 3.545.
 - Future development shall adhere to the requirements of the Estuary Conservation 1 (EC1) zone, TCLUO Section 3.106.
 - Development shall otherwise comply with the requirements and standards of TCLUO Section 3.337, ‘Pacific City/Woods Commercial One (PCW-C1)’ Zone and TCLUO Section 3.334, ‘Pacific City/Woods High Density Residential’ zone, except those exceptions granted through this land use approval.
 - Development shall otherwise comply with the requirements and standards of TCLUO Section 4.140, ‘Requirements for Protection of Water Quality and Streambank Stabilization’, except those exceptions granted through this land use approval.

2. The applicant/property owner shall obtain approval from Tillamook County Public Works for all drainage improvements, including but not limited to:
 - Stormwater alignment.
 - Installation of the drain system.
 - Details for catch bins including break points and slope.
 - Recorded Drainage Easement for stormwater system on northerly side of the property.

Confirmation from Tillamook County Public Works for satisfactory installation of improvements shall be provided to this Department at time of Consolidated Zoning/Building Permit application.

3. The applicant/property owner shall obtain approval from Tillamook County Public Works for a Road Approach for the proposed development. A copy of this approved Road Approach shall be provided to this Department at time of Consolidated Zoning/Building Permit application.
4. Applicant/property owner shall demonstrate compliance with TCLUO Section 4.030, 'Off-Street Parking and Off-Street Loading Requirements', including:
 - i. Drainage, Lighting and Proximity to Traffic Standards.
 - ii. Depiction of a minimum of (2) off-street parking spaces for the first dwelling unit, and (1) off-street parking space for each additional dwelling unit. Shall demonstrate compliance with
5. Applicant/property owner shall submit a plan at time of Consolidated Zoning/Building Permit confirming those standards as described in TCLUO Section 3.580(8) 'Evacuation Route Improvement Requirements'.
6. A minimum 20-foot riparian setback from the Nestucca River, determined by the Oregon Department of Fish and Wildlife (ODFW) and measured in accordance with TCLUO Section 4.140, shall be maintained on the subject property. Future development on the subject property shall also maintain the required riparian setback and comply with the requirements of TCLUO 4.140: Development Requirements for Water Quality and Streambank Stabilization.
7. The applicant/property owner shall develop in coordination with ODFW a riparian vegetation enhancement (planting) plan and a copy of the plan shall be submitted to the Department at the time of consolidated Zoning and Building Permit application submittal. The plan submittal shall include written confirmation from ODFW that the plan is acceptable. No trees within the 20-foot riparian corridor shall be removed without written consent from ODFW. Any trees to be removed and any mitigation action for each tree shall also be indicated on the riparian vegetation enhancement plan.
8. Within two years of issuance of this exception approval, the applicant/property owner shall provide written documentation to this Department from ODFW that the accepted planting plan for the 20-foot riparian corridor has been satisfactorily implemented on the subject property to mitigate any increase to the threat of erosion resulting from the proposed development.
9. The applicant/property owner shall submit a site plan drawn to scale that confirms all required setbacks, including the 20-foot riparian setback, and 4.4-foot front yard setback are met. The site plan shall be submitted to the Department of Community Development at the time of consolidated Zoning and Building Permit application submittal.
10. Applicant/property shall obtain an approved Dune Area Development Permit in accordance with TCLUO Section 3.530, prior to or at time of submittal of the Consolidated Zoning/Building permit.
11. The applicant/property owner shall obtain an approved Consolidated Zoning and Building Permit from the Tillamook County Department of Community Development.
12. The applicant/property owner shall submit a Fire Letter from the local fire department at the time of consolidated Zoning and Building Permit application submittal.
13. This approval shall be void two years from the date of approval, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

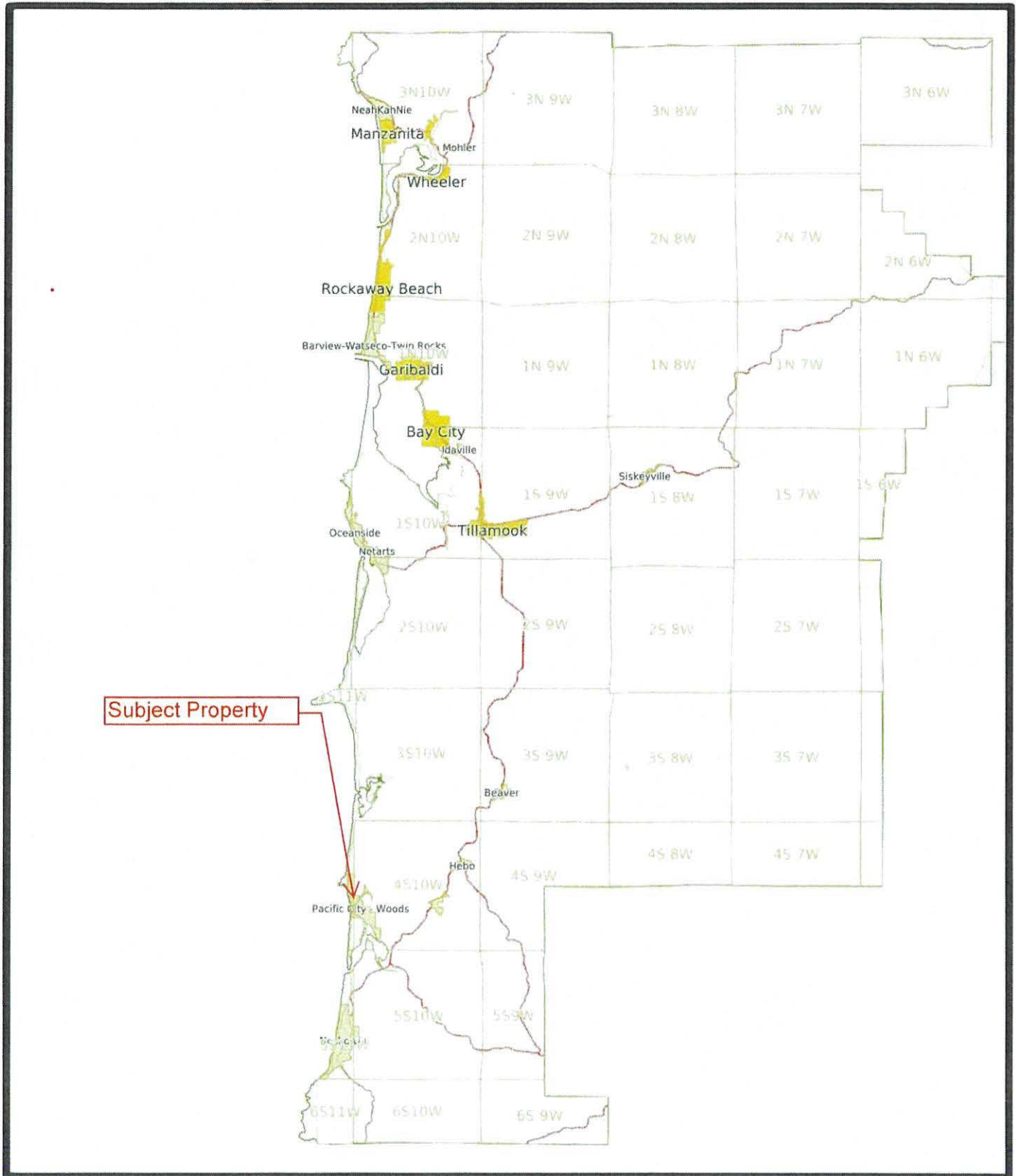
V. EXHIBITS:

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

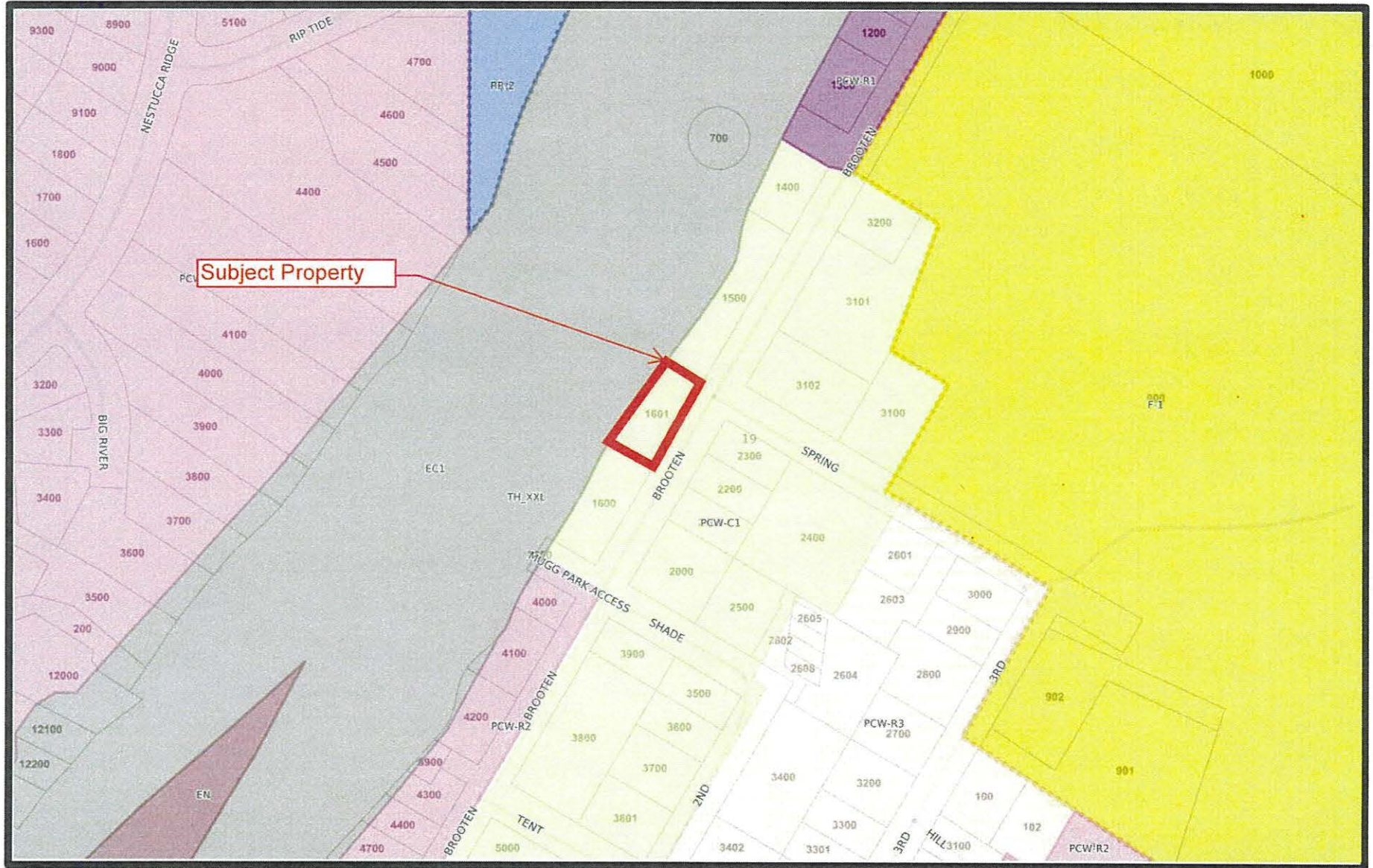
- A. Vicinity map, Assessor map, Zoning map, FEMA FIRM, NWI Map
- B. Applicant's submittal
 - B.1: Applicants Original Submittal
 - B.2: Applicants Revised Submittal
- C. Public Comments

EXHIBIT A

Vicinity Map

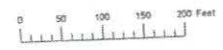


Zoning Map



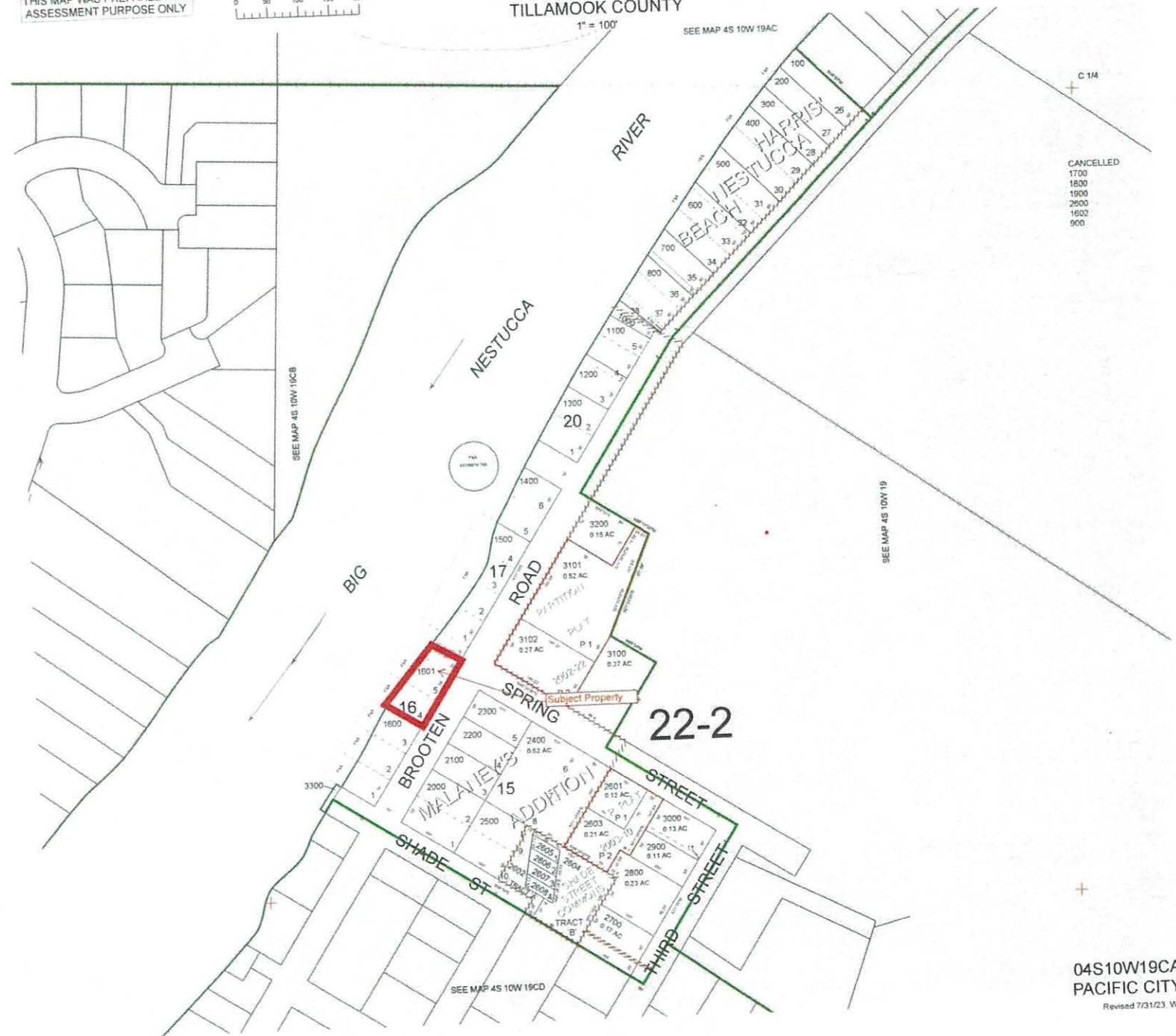
Generated with the GeoMOOSE Printing Utilities

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



N.E. 1/4 S.W. 1/4 SEC. 19 T.4S. R.10W. W.M.
TILLAMOOK COUNTY

04S10W19CA
PACIFIC CITY



CANCELLED
1700
1800
1900
2600
1602
900

04S10W19CA
PACIFIC CITY
Revised 7/31/23. WS

Tillamook County
2024 Real Property Assessment Report
 Account 411569

Map 4S1019CA01601
 Code - Tax ID 2202 - 411569

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr MALANEY'S ADD TO OCEAN PARK
 Block - 16 Lot - 4 & 5

Mailing TAYLOR, ARTHUR ROBERT
 22675 SW VERMILLION DR
 TUALATIN OR 97062

Deed Reference # 2018-2965
 Sales Date/Price 12-15-2017 / \$0
 Appraiser KARI FLEISHER

Property Class 200 MA SA NH
 RMV Class 200 07 WF 300

Site	Situs Address	City
------	---------------	------

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2202	Land	164,660			13,070	51.3
	Impr	0			0	
Code Area Total		164,660	66,710	66,710	13,070	
Grand Total		164,660	66,710	66,710	13,070	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2202	1	<input checked="" type="checkbox"/>		C-1	Commercial Site	100	0.18 AC		164,660
Code Area Total							0.18 AC		164,660

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

Comments This account created out of TL# 1600 (229675) per Doc. No. 2005-6750, dated 8/1/05. RMV & MAV apportioned. gbs 9/8/06
 1/9/08 Due to a combination, TL 1602 is now carried in this TL. Corrected acreage per carto. KF
 7/27/23 Due to a road vacation, a portion of Spring street is now part of this parcel. Vacation occurred after July 1, 2023 therefore per ORS 311.410 unable to disqualify from tax exemption until the 2024/25 tax year. Updated RMV only. KF
 11/1/23 Tabled land. KF 2/7/24 Due to a road vacation that occurred on July 5, 2023, disqualified this area from tax exemption. RMV was updated for 2023. Used difference in 2023 determined prior to tabling. KF

National Flood Hazard Layer FIRMette



123°57'54"W 45°12'38"N



Legend

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

- | | | |
|-----------------------------|---------------------------|--|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
Zone A, V, A99 |
| | | With BFE or Depth Zone AE, AO, AH, VE, AR |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
| | | Future Conditions 1% Annual Chance Flood Hazard Zone X |
| | | Area with Reduced Flood Risk due to Levee. See Notes, Zone X |
| | | Area with Flood Risk due to Levee Zone D |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard Zone X |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard Zone |
| | | Channel, Culvert, or Storm Sewer |
| OTHER FEATURES | | Levee, Dike, or Floodwall |
| | | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation |
| MAP PANELS | | 17.5 Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| | | Profile Baseline |
| | | Hydrographic Feature |
| | Digital Data Available | |
| | No Digital Data Available | |
| | Unmapped | |



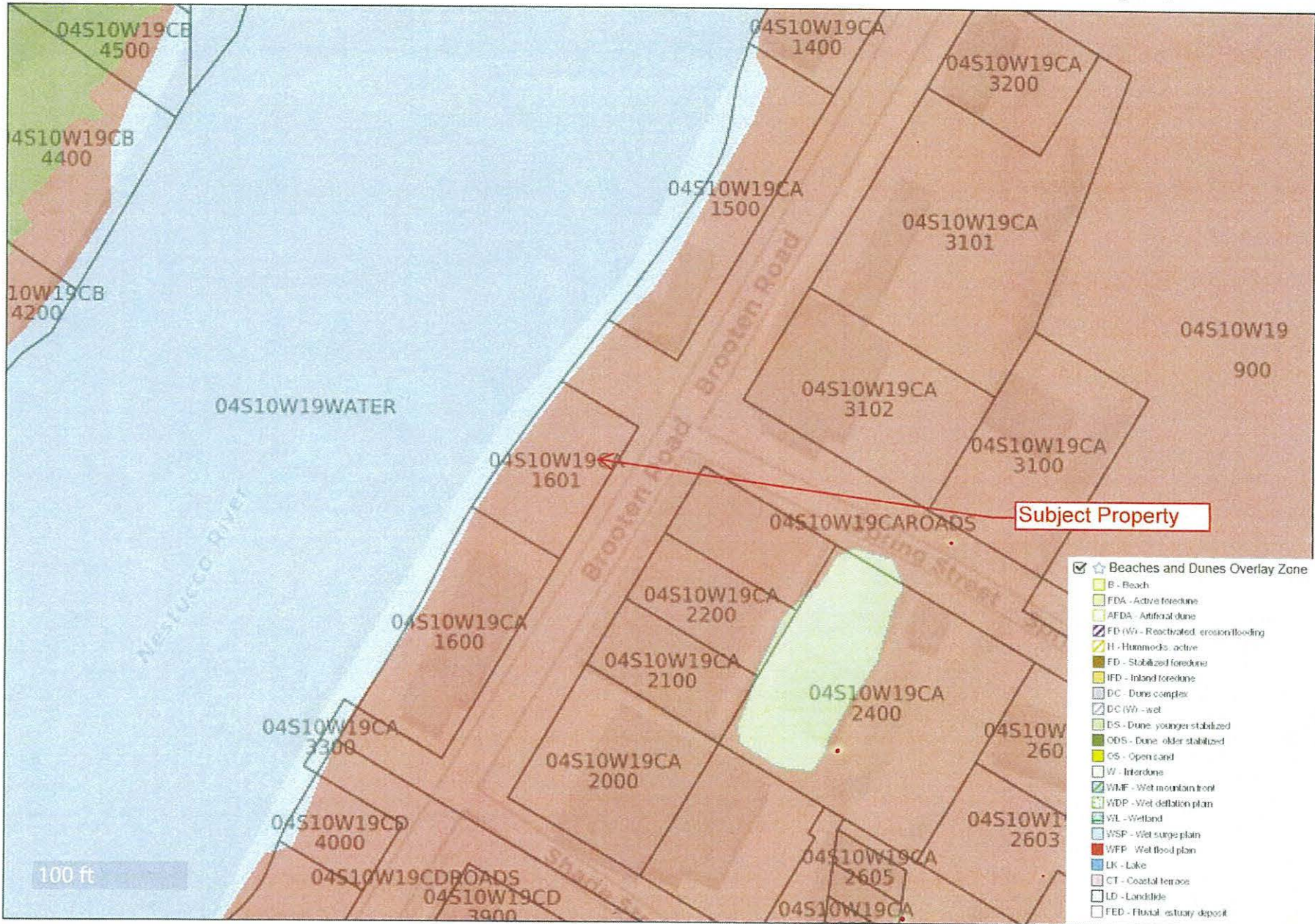
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/14/2024 at 11:38 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

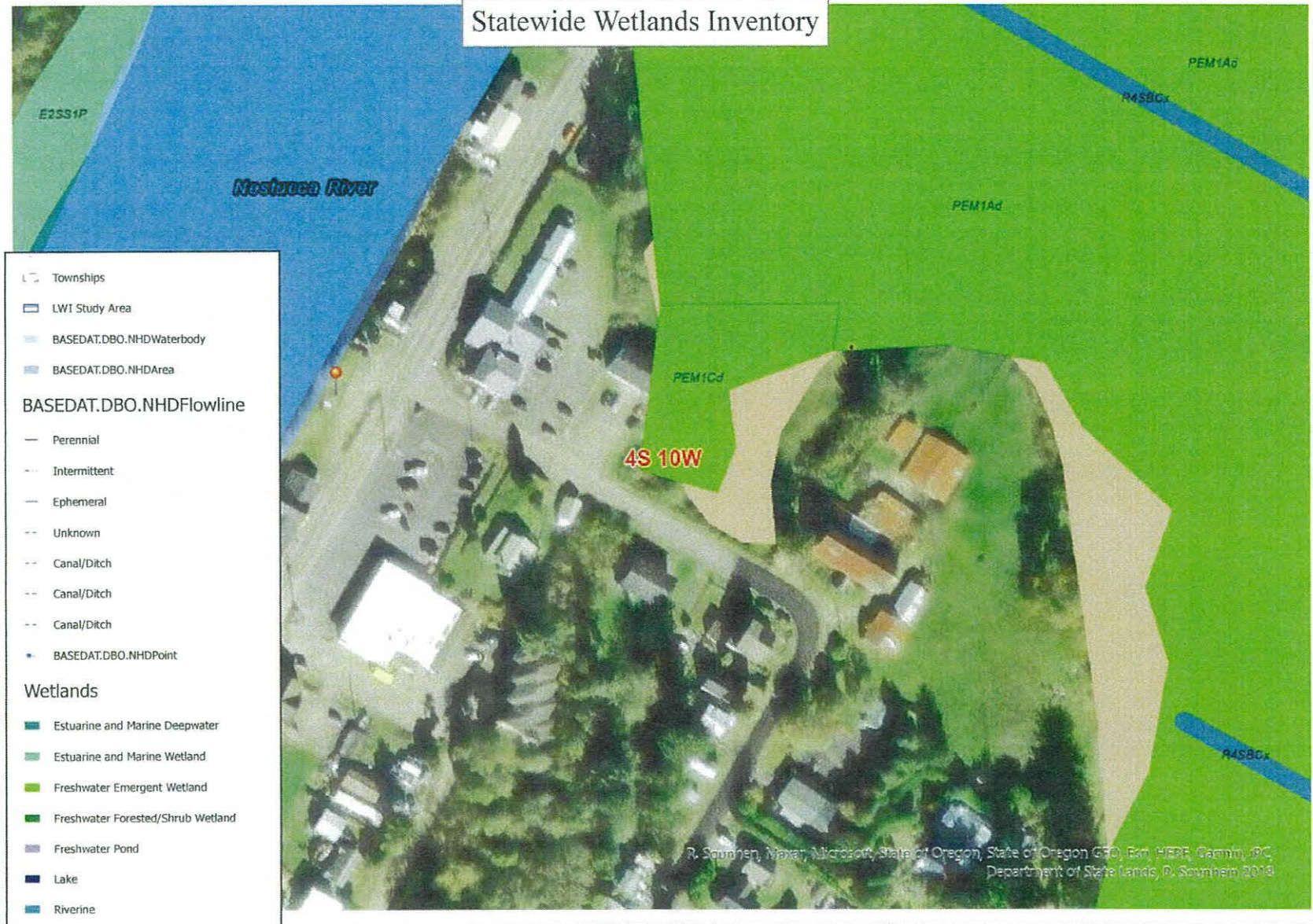
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Hazard Map



Disclaimer: The spatial information hosted at this website was derived from a variety of sources. Care was taken in the creation of these themes, but they are provided "as is". The state of Oregon, or any of the data providers cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or underlying records. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying any of these products. However, notification of any errors would be appreciated. The data are clearly not intended to indicate the authoritative location of property boundaries, the precise shape or contour of the earth or the precise location of fixed works of humans.

Statewide Wetlands Inventory



- ⬜ Townships
- ▭ LWI Study Area
- ▭ BASEDAT.DBO.NHDWaterbody
- ▭ BASEDAT.DBO.NHDArea
- BASEDAT.DBO.NHDFlowline**
- Perennial
- - Intermittent
- - Ephemeral
- - Unknown
- - Canal/Ditch
- - Canal/Ditch
- - Canal/Ditch
- BASEDAT.DBO.NHDPoint
- Wetlands**
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine
- SWI Agate-Winko Soils
- SWI Predominantly Hydric Soil Map Units

R. Soummer, Maxar, Microsoft, State of Oregon, State of Oregon GEO, Esri, HERE, Garmin, ICP, Department of State Lands, R. Soummer 2018



The Statewide Wetlands Inventory (SWI) represents the best data available at the time this map was published and is updated as new data becomes available. In all cases, actual field conditions determine the presence, absence and boundaries of wetlands and waters (such as creeks and ponds). An onsite investigation by a wetland professional can verify actual field conditions.



Date: 11/14/2024



EXHIBIT B

EXHIBIT B.1

APPLICANTS

ORIGINAL

SUBMITTAL



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

PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: Kalli Light Phone: 360-903-7470
 Address: 15903 Park Place Ct
 City: Oregon City State: OR Zip: 97045
 Email:

Property Owner

Name: Robert Taylor Phone:
 Address:
 City: State: Zip:
 Email:

OFFICE USE ONLY	
Date Stamp	RECEIVED OCT 18 2024
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by:	EMAIL
Receipt #:	139460, 139461, 139463
Fees:	\$1365, \$1365, \$1365
Permit No:	851-24-000483-PLNG CUP 851-24-000483-PLNG-01 VARIANCE 851-24-000483-PLNG-02 EXCEPTION

- Request: 1. Requesting conditional use approval for 6 multifamily dwellings in PCW-C1
 2. Requesting a variance to reduce the minimum required front setback.
 3. Requesting that the riparian setback from the Nestucca River be reduced to 20ft.

Type II	Type III	Type IV
<input type="checkbox"/> Farm/Forest Review	<input type="checkbox"/> Detailed Hazard Report	<input type="checkbox"/> Ordinance Amendment
<input checked="" type="checkbox"/> Conditional Use Review	<input type="checkbox"/> Conditional Use (As deemed by Director)	<input type="checkbox"/> Large-Scale Zoning Map Amendment
<input checked="" type="checkbox"/> Variance	<input type="checkbox"/> Ordinance Amendment	<input type="checkbox"/> Plan and/or Code Text Amendment
<input checked="" type="checkbox"/> Exception to Resource or Riparian Setback	<input type="checkbox"/> Map Amendment	
<input type="checkbox"/> Nonconforming Review (Major or Minor)	<input type="checkbox"/> Goal Exception	
<input type="checkbox"/> Development Permit Review for Estuary Development	<input type="checkbox"/> Nonconforming Review (As deemed by Director)	
<input type="checkbox"/> Non-farm dwelling in Farm Zone	<input type="checkbox"/> Variance (As deemed by Director)	
<input type="checkbox"/> Fore-dune Grading Permit Review		
<input type="checkbox"/> Neskowin Coastal Hazards Area		

Location:

Site Address: Brooten Rd, Pacific City, OR 97135
 Map Number: 4S1019CA01601

Township	Range	Section	Tax Lot(s)

Clerk's Instrument #: _____

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

Property Owner Signature (Required)

 Applicant Signature


8-13-2024
 Date
 8-13-2024
 Date

TYPE II – CONDITIONAL USE REVIEW
Applicant's Submittal

APPLICANT: Kalli Light, Relevant Buildings
15903 Park Place Ct, Oregon City, OR 97045

OWNER: Robert Taylor
22675 SW Vermillion Dr, Tualatin, OR 97062

REQUEST: Requesting conditional use approval in order to build a six-unit multifamily housing structure on PCW-C1 zoned property.

LOCATION: Site address: Brooten Rd, Pacific City, OR 97135
Map number: 4S1019CA01601
Tax lot number: 1601
Legal description: *Malaney's add to Ocean Park Block 16, Lot 4 & 5*

BACKGROUND & PURPOSE OF CONDITIONAL USE REVIEW

We are proposing a six-unit multifamily housing structure to be used as a condominium. The subject property is roughly 0.18 acres (7,840 sq. ft.) and is currently vacant. The property consists of three lots of record that are combined to form a single tax lot (1601). The front of the property faces Brooten Road while the rear property line abuts the Big Nestucca River. The property is within a FEMA mapped floodway. The zoning for this lot is Pacific City/Woods Commercial 1 (PCW-C1). We are requesting this conditional use review because multifamily dwellings exceeding four units are only allowed in the PCW-C1 zone as a conditional use per TCLUO Section 3.337(3I).

As shown on the attached site plan, we are proposing six dwelling units of approximately 320 sq. ft. each in size. Each unit will feature rear decks facing the river and a set of stairs leading to the front door. Because the property is within the floodway, we are proposing a parking structure on the ground level and the dwelling units above. This will allow the finished floor of the units to be elevated above the base flood elevation in accordance with TCLUO Section 3.510. As shown on the parking plan, cars will have sufficient space to back out of the on-site parking spaces on to the shoulder of Brooten Road, all outside of the flow of traffic.

The site is very narrow at less than 50 feet from the front property line at Brooten Road to the rear property line abutting the Nestucca River. Because of this, we are requesting a reduced riparian setback as well as a variance to reduce the front setback. Both of these requests are submitted concurrent to this conditional use review.

CONDITIONAL USE REVIEW CRITERIA

TCLUO Section 6.040: Review Criteria - A Conditional Use shall be granted if the applicant demonstrates that all of the following applicable criteria are satisfied.

- (1) *The use is listed as a Conditional Use in the underlying zone, or in an applicable overlying zone.*

Applicant response: The subject property is zoned Pacific City/Woods Neighborhood Commercial One (PCW-C1). We are proposing a 6-unit multifamily building (condominiums) on this tax lot as shown on the attached site plan. The PCW-C1 zone allows multifamily dwellings exceeding 4 units, including condominiums, as a conditional use per TCLUO Section 3.337(31). Therefore, this criterion is met.

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

Applicant response: The most relevant goal in the Comprehensive Plan is Goal 10: Housing in Tillamook County. The Comprehensive Plan identifies Pacific City (where this property is located) as being a part of the “South County Area.” According to pages 25-26 of Goal 10, existing housing problems include the insufficient supply of rental housing and lack of affordability. Page 35 identifies a specific need for additional multifamily housing units in Pacific City. We intend to use the multifamily structure as condominiums to be sold as individual homes, which would help the County meet their goals of increasing housing options. Page 25 of Goal 10 also notes that “*housing condition is a significant problem in the County.*” We propose building a new housing structure that meets current building codes, which would meet the County’s goal of increasing the supply of housing in good condition.

Another relevant goal from the Comprehensive Plan is Goal 17: Coastal Shorelands. The main purpose of this goal is to “*maintain both the environmental and economic resources and benefits of coastal shorelands*” (p. 5). This goal is relevant to this project because the northwest (rear) property line abuts the Big Nestucca River.

We are proposing a reduced riparian setback of 20 feet from the line of non-aquatic vegetation to the new building in accordance with TCLUO Section 4.140(2). I emailed Oregon Department of Fish and Wildlife (ODFW) about this reduction, and they have confirmed that “*ODFW North Coast Watershed District finds the reduced 20-foot riparian set back acceptable at this location provided the existing native riparian trees and vegetation are protected in perpetuity.*” I have included a copy of this email with the application documents for reference. We intend to maintain the existing native riparian trees and vegetation as requested by ODFW to help protect the shoreline. As evidenced by ODFW’s acceptance of our 20-foot riparian setback, the proposal meets Goal 17 in terms of maintaining both the environmental and economic resources of the Big Nestucca River shoreland.

In summary, the proposed multifamily structure is consistent with the goals outlined in the Comprehensive Plan, particularly the goals related to housing and coastal shorelands.

- (3) *The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.*

Applicant response: We have carefully considered the property's size, shape, location, topography, and natural features to ensure that the proposed multifamily building is suitable for the property.

The size of the property is roughly 7,840 sq. ft. The width of the property is 125.24 feet. The subject property is relatively narrow at just 49.93 feet deep on the northeast property line and 61.90 feet deep on the southwest property line. This is due to the fact that the north property line abuts the Big Nestucca River and is therefore influenced by the shape of the river's shoreline.

According to TCLUO Section 3.337(4e), "*the minimum lot dimensions, yard setbacks, and building height restrictions for structures containing only residential use shall be the same as in the PCW-R3 zone.*" This standard applies to the proposed multifamily structure because it will be exclusively residential use. The minimum lot depth for properties in the PCW-R3 zone is typically 75 feet. Given that this lot is only 49.93 feet deep at its narrowest point, the developable area is smaller than the average PCW-R3 zoned property. Because of this, we are requesting a variance to reduce the front setback as well as a request to reduce the riparian setback, both of which I am submitting concurrent to this conditional use review.

These reduced setbacks are more suitable for the property than the typical development standards. They will allow us to build up to six dwelling units that are 320 sq. ft each. At this size, the units are small enough to fit on the property and protect the river, yet large enough to be a comfortable living space for future tenants. The reduced riparian setback is also acceptable to ODFW, meaning that the proposed development is well-suited to the site's shape while still maintaining the environmental and economic resources of the shoreland.

This property is ideal for multifamily development for a few reasons. First, the property is located near other residences and businesses. This is a place where people will want to live because they can walk to local restaurants, visit neighbors, and be closer to their job in Pacific City. Given its location in a highly developed part of the city, this development could help provide workforce housing, which Tillamook County staff identified as an important need in a recent public meeting. This would also be in alignment with Goal 10 of the County's Comprehensive Plan.

The proposed footprint of the building is located on the flat portion of the lot, which is easily accessed from Brooten Road. The rear property line of the lot slopes down towards the Nestucca River, which provides a beautiful view and potential water access for future residents of the building. The proposed building is well under the maximum height of 35 feet (TCLUO Section 3.334(4g)), so it would not interfere with other residents' views of the river beyond what is acceptable by the zoning code.

The fact that this property is located in a FEMA floodplain actually suits the parking design for this development. Given the narrow shape and small size of this property,

parking can only fit under the proposed building rather than having a separate parking area. Simultaneously, floodplain requirements dictate that the building should be elevated so that the finished floor is at least 3-feet above base flood elevation (BFE). This means that the finished floor of the proposed multifamily building would need to be elevated to at least 9.4-feet above existing grade. This lends itself perfectly to having the parking spaces on the ground floor of the building. It is common for multifamily buildings to have the entry door on the second floor. A second level entry door would not be as well suited for commercial or retail structures, for example, where you would want to draw in customers on the ground level.

With all of the above considerations in mind, we have ensured that the proposed multifamily housing structure is well suited for this parcel given its size, shape, location, topography, 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.*

Applicant response: The proposed multifamily building is surrounded by restaurants, a kayak rental business, a park, a market, and other residences. The proposed use will not alter the character of the surrounding area in a manner which limits, impairs, or prevents the use of any of these surrounding properties. Multifamily housing is allowed as a conditional use in the PCW-C1 zone, so it is compatible with the character of the surrounding uses. By adding additional housing to the area, we expect that tenants will frequent the nearby businesses that are within walking distance of the proposed development, thereby benefiting local businesses. Goal 10 of the Comprehensive Plan also identifies the need to build more affordable rental housing in Pacific City, which this development intends to provide.

The proposed multifamily development does not physically encroach on other properties. The building will meet the 5-foot minimum side yard requirements, meaning that the development does not encroach on either of its two adjacent neighbors. Therefore, the two adjacent neighbors to the left and right of this property will not be physically limited by this development. The neighbors will maintain the existing access that they have to their properties, which are accessed from Brooten Road. The proposed development also does not block any public access to the river. There are no neighbors immediately adjacent to the front or rear sides of the property who might be affected by this development.

The proposed multifamily building is also under the 35-foot height limit, meaning that it will not interfere with nearby residents' views of the river beyond what is allowed by the zoning code.

The parking plan has been carefully planned in terms of maneuverability and the number of available parking spaces. The new development will likely generate a small increase in traffic for tenants to reach their homes. To account for this, we are proposing 7 off-street parking spaces for future tenants to park. This meets the parking standards for the proposed development as noted in TLCUO Section 4.030(13a). As discussed with

Tillamook County Public Works staff via email (attached), vehicles will be able to back up outside of the flow of traffic as required by TCLUO Section 4.030(10). In short, the parking and traffic needs of this development have been carefully planned so as not to limit or impair surrounding properties.

In short, we have carefully planned the multifamily building to maintain the side yard setbacks, build below the maximum allowed height, and provide adequate parking and maneuvering clearances. For all of the reasons stated above, the proposed use will not limit or impair neighboring properties from their permitted uses.

- (5) *The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or windmills.*

Applicant response: The proposed use will have no effect on existing solar energy systems, wind energy conservation systems, or windmills. There are no known existing solar energy systems, wind energy conservation systems, or windmills near the development. Therefore, these existing systems could not possibly be affected because they do not currently exist in the vicinity of the subject site.

- (6) *The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.*

Applicant response: The subject property is located in a well-developed area of Pacific City. Neighboring buildings are connected to existing public utilities and utilize public services. We plan to use these same services for the proposed multifamily building.

We reached out to Pacific City Joint Water-Sanitary Authority (PCJWSA) to ask if they would be able to accommodate our proposed six-unit multifamily building. They confirmed in the attached letter dated September 11th, 2024, that both water and sewer are currently available for the proposed development. Please review the attached letter from PCJWSA for further details on the water and sewer availability.

In short, given the level of development in the area and conversations with PCJWSA, we do not anticipate any issues with having adequate public facilities and services for the proposed multifamily structure.

TYPE II – VARIANCE REQUEST
Applicant’s Submittal

APPLICANT: Kalli Light, Relevant Buildings
15903 Park Place Ct, Oregon City, OR 97045

OWNER: Robert Taylor
22675 SW Vermillion Dr, Tualatin, OR 97062

REQUEST: Requesting a variance to reduce the minimum required front setback for a PCW-C1 zoned property in order to build multifamily housing.

LOCATION: Site address: Brooten Rd, Pacific City, OR 97135
Map number: 4S1019CA01601
Tax lot number: 1601
Legal description: *Malaney's add to Ocean Park Block 16, Lot 4 & 5*

BACKGROUND & PURPOSE OF VARIANCE REQUEST

We are proposing a six-unit multifamily housing structure to be used as a condominium. The subject property is roughly 0.18 acres (7,840 sq. ft.) and is currently vacant. The property consists of three lots of record that are combined to form a single tax lot (1601). The front property line faces Brooten Road while the rear property line abuts the Big Nestucca River. The property is within a FEMA mapped floodway. The zoning for this lot is Pacific City/Woods Commercial 1 (PCW-C1). As part of the land use approval process for this site, we are requesting a Conditional Use Review, Exception to Riparian Setbacks, and Variance Request all in tandem with one another.

As shown on the attached site plan, we are proposing six dwelling units of approximately 320 sq. ft. each in size. Each unit will feature rear decks facing the river and a set of stairs leading to the front door. Because the property is within the floodway, we are proposing a parking structure on the ground level and the dwelling units above. This will allow the finished floor of the units to be elevated above the base flood elevation in accordance with TCLUO Section 3.510.

The front setback for this multifamily structure would normally be 10 feet per TCLUO Sections 3.337(4)e & 3.334(4)d. However, the site is quite narrow at less than 50 feet measured from the front property line at Brooten Road to the rear property line abutting the Nestucca River. Because of this, we are requesting a variance to reduce the front setback to 4.4 feet. This is the minimum necessary front setback in order to maintain a 20-foot riparian setback and still fit the proposed building.

Even with the reduced front setback, cars will have sufficient space to back out of the on-site parking spaces on to the shoulder of Brooten Road, all outside of the flow of traffic in accordance with TCLUO 4.030(10). We had some initial email correspondence with Tillamook County Public Works staff to ensure that our proposal would be acceptable to them. They stated

that with our proposed strategy of a good clear zone (referring to vehicle maneuvering) and shifting the stormwater drainages outside the footprint of the proposed building project, this proposed variance is likely achievable. They requested that we show turn around radiuses on our plans, so I added that to the parking plan to demonstrate adequate back up space outside of the flow of traffic. I'm attaching a copy of that email thread for reference.

With the combination of the reduced 20-foot riparian setback and the 4.4' front setback, the buildable lot depth for this property comes to 22 feet at its narrowest point and 33.6 feet at its widest. By comparison, TCLUO Section 4.140(3)b notes that a riparian exemption may be granted without a variance for lots with a buildable lot depth of less than 45 feet. With the knowledge that 45 feet is considered a narrow buildable lot depth in the TCLUO, you can see that our request to reduce the front setback to create a buildable lot depth of 22-33 feet is very reasonable.

VARIANCE REVIEW CRITERIA

TCLUO SECTION 8.030: *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.*

Applicant response: This variance request is necessary because of the narrow shape of the lot and its proximity to the Nestucca River. The site is less than 50 feet at its narrowest point measured from the front property line at Brooten Road to the rear property line abutting the Nestucca River. Without the reduced front setback, the buildable lot depth for the site would be just 16.5 feet at its narrowest point, which is not enough room to build most buildings. Therefore, this reduced front setback is necessary in order to build the proposed multifamily structure.

The neighbors on either side of the subject property have commercial structures that are already benefiting from a reduced front setback. The neighboring building to the southwest has a front setback of 1.3 feet. Therefore, our proposed multifamily building with a reduced setback of 4.4 feet will be no more disruptive than its two neighboring buildings with reduced front setbacks.

Further, if our proposed building was a commercial use, then the minimum front setback would outright be reduced to 0 feet per TCLUO Section 3.337(4)g. Compared to the

neighbors' reduced setbacks and the 0-foot commercial setback for this zone, our request to reduce the front setback to 4.4 feet would fit the neighborhood and the zone.

- (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.*

Applicant response: The proposed use is a six-unit multifamily structure, which is allowed conditionally in PCW-C1 zoning. There is a nearby four-unit multifamily structure on a neighboring property off of Shade Street. Because multifamily structures are allowed conditionally in this area and there is a neighboring multifamily structure, this use is expected to occur in this area.

As stated above, this variance request is necessary in order to create enough buildable lot depth for the proposed use. Without a reduction to the front setback standard, it would be difficult to build anything on this narrow lot. Therefore, the variance is necessary to build this proposed multifamily structure.

- (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.*

*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;*

Applicant response: The variance request to reduce the front setback is intended to allow just enough buildable space to build the proposed multifamily structure. We are requesting to reduce the front setback only to the extent necessary.

This reduction to the front yard will not reduce the amount of available open space on the property because the front yard must be used for parking and vehicle maneuvering in order to meet the parking standards of TLCUO Section 4.030. Given the narrow shape and small size of the property, there is no other option for a parking and vehicle maneuvering area except in the front yard. This means that regardless of this request to reduce the front yard setback, the front yard would not be usable open space.

The private open space for this property is primarily provided on the side and rear yards. Aside from the front setback reduction, the proposed structure is otherwise meeting the minimum side yard requirements and maintains a 20-foot riparian setback to the rear. The rear yard will be especially valuable as a private open space for future tenants because it

provides access to the Nestucca River. In short, the site will still feature plenty of private open space.

The reduction to the front setback will not impact the private open space of any neighboring properties. We are only requesting a front setback reduction for the subject property, so the only private open space that will be affected by this variance request will be that of the subject property.

(2) To ensure that adequate light and air are available to residential and commercial structures;

Applicant response: The proposed variance request will allow us to build a multifamily housing structure. Each living unit will feature a deck that ensures adequate light and air for each tenant.

The proposed multifamily building will be under the 35-foot height limit (TCLUO Section 3.334(4g)), meaning that it will not interfere with adjoining neighbors' access to light and air beyond what is allowed by the zoning code. The proposed building is only two stories tall, so it would be a similar height to other two-story homes and buildings in the neighborhood.

(3) To adequately separate structures for emergency access;

Applicant response: The proposed variance request will allow us to build a multifamily housing structure. Each unit will include stairs to the front door. For units 1&2, 3&4, and 5&6, these stairs will be shared but will be built to code in order to ensure adequate emergency access and egress. Emergency vehicles will be able to use the shoulder on Brooten Road to park and access the proposed building.

The variance request to reduce the front setback of the subject property will not impact the emergency access to neighboring lots. Emergency responders will likely use the existing shoulder of Brooten Road for emergency access to the neighboring lots. We are not proposing any changes to this road shoulder, which means that there will be no change to emergency access for neighboring properties.

(4) To enhance privacy for occupants of residences;

Applicant response: The proposed variance request will allow us to build a multifamily housing structure. The finished floor of the proposed dwellings will be elevated about 9.4' above grade. This will ensure privacy from street level view and from neighboring properties. Dwellings next to each other will not have eye-level windows that look into adjacent units, which will also ensure privacy of occupants.

The subject property is bordered by a kayak rental shop to the southwest, a restaurant to the northwest, and a market to the southeast. Although there are residences in the neighborhood, there are no residences in the immediate vicinity of the proposed development whose privacy would be impacted by this development or by the reduced front setback. Therefore, a reduction to the front setback would not affect the privacy of neighboring 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;*

Applicant response: As previously stated, this variance request is necessary in order to create enough buildable lot depth for the proposed use. Without a reduction to the front setback standard, it would be difficult to build anything on this narrow lot. Therefore, the variance is necessary to build this proposed multifamily structure and understory parking. Even with the reduced front setback, cars will have sufficient space to back out of the on-site parking spaces on to the shoulder of Brooten Road, all outside of the flow of traffic in accordance with TCLUO 4.030(10). We are maintaining private open space by maintaining 5-foot side setbacks and a 20-foot rear riparian setback. We are not currently proposing any alternative energy facilities as part of this project. That said, the proposed multifamily building would be able to support solar panels if the owner decides to do so in the future.

The proposed reduced front setback will not affect the buildable area on any adjoining lots. The front setback reduction will only apply to the subject property, so the buildable area on adjoining lots will remain the same. The proposed building meets the minimum required side setbacks, which means that it will not encroach on the two immediately adjoining properties. The new building would not block neighboring properties' access to light and air because it is below the allowable height limit, as discussed in criterion 2. For these reasons, any private land uses, including dwellings, shops, garages, driveways, and the rest of the uses noted above in criterion 5, will still be able to occur on neighboring private land even if the front setback on this lot were to be reduced.

(6) *To ensure that driver visibility on adjacent roads will not be obstructed;*

Applicant response: Even with the reduced front setback, vehicles will be able to back up and maneuver on the shoulder of Brooten Road outside of the flow of traffic. This is in accordance with the requirements of TCLUO 4.030(10). Given that the proposed parking area will comply with the County's vehicle maneuvering requirements, the proposed development with the reduced front setback will not obstruct driver visibility for this lot or neighboring lots.

(7) *To ensure safe access to and from common roads;*

Applicant response: Brooten Road is the common road in front of the subject site. Even with the reduced front setback, vehicles will be able to back up and maneuver on the shoulder of Brooten Road outside of the flow of traffic as required by TCLUO 4.030(10). Given that the proposed parking area will comply with the County's vehicle maneuvering requirements, access to and from Brooten Road will be safe and unobstructed for both the subject lot and adjoining properties.

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

Applicant response: The proposed variance request will allow us to build a multifamily housing structure. Occupants of the proposed structure will have back decks and private open space to view the Nestucca River. The proposed structure will only be two stories tall and below the maximum allowed height of 35 feet per TCLUO Section 3.334(4)g. The building will also meet the minimum required side yard setbacks. The proposed building meets both the height limit and side yard minimums, which means that the neighbors' view of the river will not be obstructed beyond what is allowed in the zoning code. This variance request to reduce the front setback will not affect neighbor's views of the river, which is mainly visible from the sides or from above the building.

(9) *To separate potentially incompatible land uses;*

Applicant response: The proposed multifamily structure is not near any incompatible land uses. Multifamily housing is a conditionally allowed use in PCW-C1 zones. Given that the proposed use is conditionally allowed, it is inherently compatible with surrounding land uses. Neighboring properties include a kayak rental shop, a restaurant, a market, and residences. The proposed multifamily structure would be compatible with these nearby uses and would help contribute to a lively mixed-use neighborhood.

The variance request to reduce the front setback is also compatible with the adjoining north and south neighbors, which both have reduced front setbacks. The neighboring building to the south, for example, has a front setback of 1.3 feet. This is less than the proposed reduced setback of 4.4 feet for this variance request. The proposed front setback is between the typical minimum required setback (10 feet) and the neighboring building's setback (1.3 feet). This means that the proposed building would be compatible with the adjoining neighbor's reduced setback while being closer in compliance with the current zoning code requirements.

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

Applicant response: The proposed multifamily structure will be able to have solar panels on the roof. The proposed structure is also below the maximum height limit, which means it will not prevent neighboring properties from accessing solar radiation. Further, the proposed building meets the required side yard setbacks, which provides separation between it and the neighboring buildings. By meeting the height limit and side setback requirements, the proposed building will not block the sunlight from reaching solar panels on the roofs of adjoining properties.

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

Applicant response: Because of the narrow lot depth of this property, there is only one possible solution to make it possible to build on this lot: reduce the front and rear setbacks. The rear property line abuts the Nestucca River, meaning it is subject to a riparian setback. We are already requesting to reduce the riparian setback down to 20 feet, which is the minimum possible. With only the reduced riparian setback but no additional front setback reduction, the buildable lot depth for the site would be just 16.5 feet at its narrowest point. That is not enough room to build most buildings. Therefore, the additional front setback reduction is necessary to create a buildable lot.

We are requesting a variance to reduce the front setback to 4.4 feet. This is the minimum necessary front setback in order to maintain a 20-foot riparian setback and still fit the proposed building.

Kalli Light

From: Jasper Lind <Jasper.Lind@tillamookcounty.gov>
Sent: Wednesday, July 31, 2024 3:46 PM
To: Jasper Lind; Kalli Light
Cc: Melissa Jenck; Carl Coffman
Subject: RE: EXTERNAL: Backup Maneuvering & Approach Questions - 0 Brooten Rd, Pacific City

Follow Up Flag: Follow up
Flag Status: Flagged

Kalli,

After talking with my Director it looks like he would be amenable to your project shifting both stormwater drainages to a point outside the footprint of the proposed building project and establishing a drainage easement to cover both lines in the future.

As to the parking and setbacks requirements, it is advised you schedule a preplanning meeting with staff at DCD as they have jurisdiction on requirements within private property.

The road approaches for this design are non-standard which would require a variance for both number and proximity of the approaches. However, given the strategy being proposed (particularly a good clear zone), such a variance is likely achievable.

DCD first, but this looks promising.

Thank you,



Jasper Lind | Engineering Technician

TILLAMOOK COUNTY | Public Works

503 Marolf Loop

Tillamook, OR 97141

Phone (503)842-2032 ext. 3104

Jasper.Lind@tillamookcounty.gov

From: Jasper Lind <jlind@co.tillamook.or.us>
Sent: Wednesday, July 31, 2024 3:11 PM
To: Kalli Light <Kalli@relevantbuildings.com>
Cc: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>; Carl Coffman <ccoffman@coffmanteam.com>
Subject: RE: EXTERNAL: Backup Maneuvering & Approach Questions - 0 Brooten Rd, Pacific City

Hello Kalli,

I will be happy to look into the proposed parking strategy, but your current design is missing the stormwater easement which was recorded prior to the right of way vacation for Spring Street. See attached document.

Thank you,



Jasper Lind | Engineering Technician
TILLAMOOK COUNTY | Public Works
503 Marolf Loop
Tillamook, OR 97141
Phone (503)842-2032 ext. 3104
Jasper.Lind@tillamookcounty.gov

From: Kalli Light <Kalli@relevantbuildings.com>
Sent: Wednesday, July 31, 2024 2:17 PM
To: Jasper Lind <jlind@co.tillamook.or.us>; Jasper Lind <jasper.lind@tillamookcounty.gov>
Cc: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>; Carl Coffman <ccoffman@coffmanteam.com>
Subject: EXTERNAL: Backup Maneuvering & Approach Questions - 0 Brooten Rd, Pacific City

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

Hi Jasper,

I don't know if you remember me, but you helped me with a couple of projects in Tillamook County. We are now working on a 6-unit multifamily building located off of Brooten Rd, Pacific City (see attached map and site plan). This property is located right off the Big Nestucca River, so we are required to maintain a 20' riparian setback. The lot is only about 50' deep, so this setback takes up a lot of space. The first story of the building will be parking and the second story will be the dwelling units. We met with Melissa Jenck this morning to discuss this project and see if we could request a reduced front setback as shown on the preliminary site plan. She recommended we talk with you first before we submit a variance request for this reduced front setback.

To correspond with the reduced front setback, we would propose having tenants park under the units and then back up in the existing gravel shoulder outside the flow of traffic on Brooten Rd. This would also mean having most of the property frontage act as an "approach" for vehicle access as opposed to having a typical ~20' driveway approach. Given the narrow size of the lot and restricted developable area due to the riparian setback, we believe this method of access/maneuvering makes the most sense for this site.

With that background in mind, we wanted to open up a dialogue with you to see if the proposed approach and backup maneuvering would be acceptable? If not, is there an alternative option that would be acceptable?

Thank you,

Kalli Light (*she/her*)
Permit Specialist
rel·e·vant build·ing com·pa·ny
relevantbuildings.com
360-903-7470

TYPE II – EXCEPTION TO RIPARIAN SETBACK
Applicant's Submittal

APPLICANT: Kalli Light, Relevant Building Company
15903 Park Place Ct, Oregon City, OR 97045

OWNER: Robert Taylor
22675 SW Vermillion Dr, Tualatin, OR 97062

REQUEST: Requesting a reduction to the riparian setback in order to build a six-unit multifamily housing structure.

LOCATION: Site address: Brooten Rd, Pacific City, OR 97135
Map number: 4S1019CA01601
Tax lot number: 1601
Legal description: *Malaney's add to Ocean Park Block 16, Lot 4 & 5*

BACKGROUND & PURPOSE OF RIPARIAN SETBACK REDUCTION

We are proposing a six-unit multifamily housing structure to be used as a condominium. The subject property is roughly 0.18 acres (7,840 sq. ft.) and is currently vacant. The property consists of three lots of record that are combined to form a single tax lot (1601). The front of the property faces Brooten Road while the rear property line abuts the Big Nestucca River. The property is within a FEMA mapped floodway. The zoning for this lot is Pacific City/Woods Commercial 1 (PCW-C1).

Because of the narrow size of the lot (less than 50 feet from Brooten Road to the Nestucca River), we are proposing a riparian setback of 20 feet from the line of non-aquatic vegetation to the new building in accordance with TCLUO Section 4.140(2). I emailed Oregon Department of Fish and Wildlife (ODFW) about this reduction, and they have confirmed that "*ODFW North Coast Watershed District finds the reduced 20-foot riparian set back acceptable at this location provided the existing native riparian trees and vegetation are protected in perpetuity.*" I have included a copy of this email with the application documents for reference. We intend to maintain the existing native riparian trees and vegetation as requested by ODFW to help protect the shoreline.

EXCEPTION TO RIPARIAN SETBACK – APPROVAL CRITERIA

TCLUO SECTION 4.140: REQUIREMENTS FOR PROTECTION OF WATER QUALITY AND STREAMBANK STABILIZATION

(1) *The following areas of riparian vegetation are defined:*

(a) *Fifty (50) feet from lakes and reservoirs of one acre or more, estuaries, and the main stems of the following rivers where the river channel is more than 15 feet in width; Nestucca, Little Nestucca, Three Rivers, Tillamook, Trask, Wilson, Kilchis, Miami, Nehalem and North and South Fork Nehalem River.*

...

For estuaries, all measurements are horizontal and perpendicular from the mean high water line or the line of non-aquatic vegetation, whichever is most landward. Setbacks for rivers, streams, and coastal lakes shall be measured horizontal and perpendicular from the ordinary high water line.

Applicant response: The subject site abuts the Nestucca River, which is listed above in section (1)a as requiring a 50-foot riparian setback. Given that the subject site is only 50 feet deep in total at its narrowest point, we are requesting a reduction to this standard pursuant to TCLUO Section 4.140(2) below.

(2) *All development shall be located outside of areas listed in (1) above, unless:*

...

(c) *Because of natural features such as topography, a narrower riparian area protects equivalent habitat values; or*

(d) *A minimal amount of riparian vegetation is present and dense development in the general vicinity significantly degrades riparian habitat values.*

Setbacks may be reduced under the provisions of (c) and (d) above only if the threat of erosion will not increase and a minimum 20-foot setback is maintained. Determinations of habitat values will be made by the Oregon Department of Fish and Wildlife.

Application response: The subject site meets the criteria of (c) and (d) above. The site is very narrow at less than 50 feet from the front property line at Brooten Road to the rear property line abutting the Nestucca River. The site is flat except at the rear property line, where a bank slopes down to the river, therefore providing topographical separation between the river and the proposed development. The general vicinity is heavily developed with commercial buildings on either side of this property and a road along the front property line. As shown on the attached email thread from ODFW, they have stated that they support the reduced 20-foot riparian setback as long as existing riparian trees and vegetation are protected. The proposed project will maintain the existing riparian vegetation as required.

(3) Exemptions from (2) above and from the applicable setback requirement for the front or rear yard that is opposite the riparian area may be granted without a variance for uses on:

...

(b) Other lots in identified built and committed areas and other lots of record where the combination of setbacks required by this section result in a buildable lot depth of less than 45 feet.

Exemptions from the riparian setback shall be the minimum necessary to accommodate the proposed use after the yard opposite the riparian area has been reduced to a width of no less than ten feet.

Applicant response: Because of the narrow shape of this property, even with a 20-foot riparian setback and a 10-foot front setback, that would only leave us with a buildable lot depth of 16.5 feet at the shallowest point. For comparison, section (3)b above notes that a riparian exemption is allowed without a variance for lots with a buildable lot depth of less than 45 feet. Compared to 45 feet, a buildable lot depth of 16.5 feet is quite a bit smaller and does not leave much room to build. Because of this, we are requesting a variance to reduce the front setback in addition to this riparian setback reduction. The reduction of both of those setbacks will result in a functional lot depth that protects the river. The front setback reduction is the minimum necessary to accommodate the proposed use.

Kalli Light

From: SINNOTT Michael * ODFW <Michael.SINNOTT@odfw.oregon.gov>
Sent: Wednesday, July 31, 2024 10:58 AM
To: Kalli Light; BRADLEY Robert * ODFW
Cc: Carl Coffman; Melissa Jenck; Bob Taylor
Subject: RE: Riparian Setback Inquiry - 0 Brooten Rd, Pacific City, OR 97135

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Kalli,

Robert is out this week but brought me up to speed on this situation/application. The new plan looks good.

You are correct, ODFW North Coast Watershed District finds the reduced 20-foot riparian set back acceptable at this location provided the existing native riparian trees and vegetation are protected in perpetuity.

Thank you and feel free to reach out to me if you have any other questions,

Mike Sinnott
Assistant District Fish Biologist
Oregon Department of Fish and Wildlife
North Coast Watershed District
4907 Third St
Tillamook, OR 97141
503-842-2741 Ext. 18614
Michael.SINNOTT@odfw.oregon.gov

From: Kalli Light <Kalli@relevantbuildings.com>
Sent: Wednesday, July 31, 2024 10:48 AM
To: BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov>; SINNOTT Michael * ODFW <Michael.SINNOTT@odfw.oregon.gov>
Cc: Carl Coffman <Carl@relevantbuildings.com>; Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>; Bob Taylor <bob@materialcg.com>
Subject: RE: Riparian Setback Inquiry - 0 Brooten Rd, Pacific City, OR 97135

Good morning Robert,

Thank you for your feedback a couple of weeks ago for this property at Brooten Rd, Pacific City. As a refresher, this property is surrounded by buildings on either side and is in a heavily developed area. This is a very narrow lot, so we are requesting a reduced riparian setback of 20' in order to fit the proposed building. The proposed building is a modest size and is about as narrow as it can reasonably be.

I updated the site plan based on your feedback (see attached). This site plan may change a bit after we get feedback from the Planning and Public Works departments, but in any case the proposed building (including the hanging decks, roof eaves, and other projections) will not cross the 20' riparian setback.

We met with Melissa Jenck this morning to discuss this project further, and we are now working on submitting the riparian exception request to Tillamook County. In your last email, it sounded like the 20' riparian setback would be

acceptable to you, but can you confirm? And would there be any other requirements aside from maintaining the existing native trees and vegetation within the riparian setback?

Thank you,

Kalli Light (*she/her*)
Permit Specialist
rel-e-va-nt build-ing com-pa-ny
relevantbuildings.com
360-903-7470

From: BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov>
Sent: Friday, July 12, 2024 3:11 PM
To: Kalli Light <Kalli@relevantbuildings.com>; SINNOTT Michael * ODFW <Michael.SINNOTT@odfw.oregon.gov>
Subject: RE: Riparian Setback Inquiry - 0 Brooten Rd, Pacific City, OR 97135

Kalli,

Here are some thoughts on your questions/plan:

1. The County riparian ordinance allows for a setback to be reduced to 20 feet in heavily developed locations, which is the case here. To my knowledge the county does not allow using an "average" setback line- all elements of the project would need to be outside the 20' (or otherwise approved) setback. Thus your plan as proposed would not fall under the exceptions, and would require a variance process to request the setback be reduced to the distance needed to fit in Units 4-6.
2. Aligning with the adjoining buildings is a good step, and something we look at when commenting to the county on proposed setback reductions.
3. The decks cannot extend into the riparian setback. Picture a vertical line extending upward from the ground at the setback line- anything that crosses that plane is considered within the setback (even if there is no post or other connection to the ground).

All that said, your plan is not bad given the site constraints. You might have some hoops to jump through with the county to proceed (maybe a partial setback reduction to cover the units that would extend beyond 20 feet | that is possible, other variance, or perhaps they'll accept the average method?). ODFW would like to see all trees and native vegetation within the estuary setback retained and protected on site into the future. Additional plantings in the setback would also help to offset impacts, so that is something you consider offering up in the process.

Robert

Robert W. Bradley
District Fish Biologist
Oregon Department of Fish and Wildlife
North Coast Watershed District
4907 Third St
Tillamook, OR 97141
503-842-2741 x18613 (w)
503-842-8385 (fax)

From: ODFW Info * ODFW <odfw.info@odfw.oregon.gov>
Sent: Wednesday, July 10, 2024 9:41 AM
To: Kalli Light <Kalli@relevantbuildings.com>; BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov>; SINNOTT

Michael * ODFW <Michael.SINNOTT@odfw.oregon.gov>

Subject: FW: Riparian Setback Inquiry - 0 Brooten Rd, Pacific City, OR 97135

Kalli,

I have forwarded your email to the Fish Biologists in our Tillamook office, as you requested.

Matthew Falk

Oregon Department of Fish and Wildlife

4034 Fairview Industrial Dr SE

Salem, Oregon 97302-1142

Ph: (503)947-6027

odfw.info@odfw.oregon.gov

From: Kalli Light <Kalli@relevantbuildings.com>

Sent: Wednesday, July 3, 2024 3:10 PM

To: ODFW Info * ODFW <odfw.info@odfw.oregon.gov>

Cc: Carl Coffman <Carl@relevantbuildings.com>; Bob Taylor <bob@materialcg.com>

Subject: Riparian Setback Inquiry - 0 Brooten Rd, Pacific City, OR 97135

You don't often get email from kalli@relevantbuildings.com. [Learn why this is important](#)

Hello,

I am working on putting together the design for a new 6-unit multifamily building at 0 Brooten Rd, Pacific City, OR 97135. The first story will be parking, and then the second story will be the living units. This property is adjacent to the Big Nestucca River. Tillamook County typically requires a 50' riparian setback from the line of non-aquatic vegetation along the river bank to proposed development. However, they are willing to reduce this setback if ODFW says a reduction is acceptable, which is why I'm reaching out to you.

I'm hoping you can take a look at this project and let us know if a reduced riparian setback would be acceptable to you. I'm attaching a survey and preliminary site plan so you can get a sense of what this project looks like. A few things I want to point out:

1. The site plan shows our suggested reduced riparian setback measured at 20' from the line of non-aquatic vegetation. You'll notice that units #1-4 are well behind this setback line, whereas units #5-6 are slightly past this 20' setback due to the shape of the bank. The average setback for the building is still 20' when comparing the difference between the available space behind units #1-4 with the small space where units #5-6 overlap the setback.
2. The rear wall of the proposed building is slight farther landward than the neighboring building's rear wall. We have moved the building as close to the street as possible while still meeting Tillamook County's minimum setback requirements. The proposed building is only 20' wide. In short, we have placed the rear wall of the proposed building as far from the river as is practical.
3. The proposed decks will be cantilevered, meaning that they won't be touching the ground. There won't be posts for the deck either. They will be supported from the side of the building. We believe this means that they can extend into the riparian setback since they don't touch/affect the ground, but please correct me if I'm wrong.

Please let me know your thoughts and if you need any additional information. Please also let me know who is the best person at ODFW to talk to about this project.

Thank you and enjoy the holiday weekend!

Kalli Light (*she/her*)
Permit Specialist
rel·e·vant build·ing com·pa·ny
relevantbuildings.com
360-903-7470



Building to the South (Kayak Shop)
Sits 1.3' from the property line



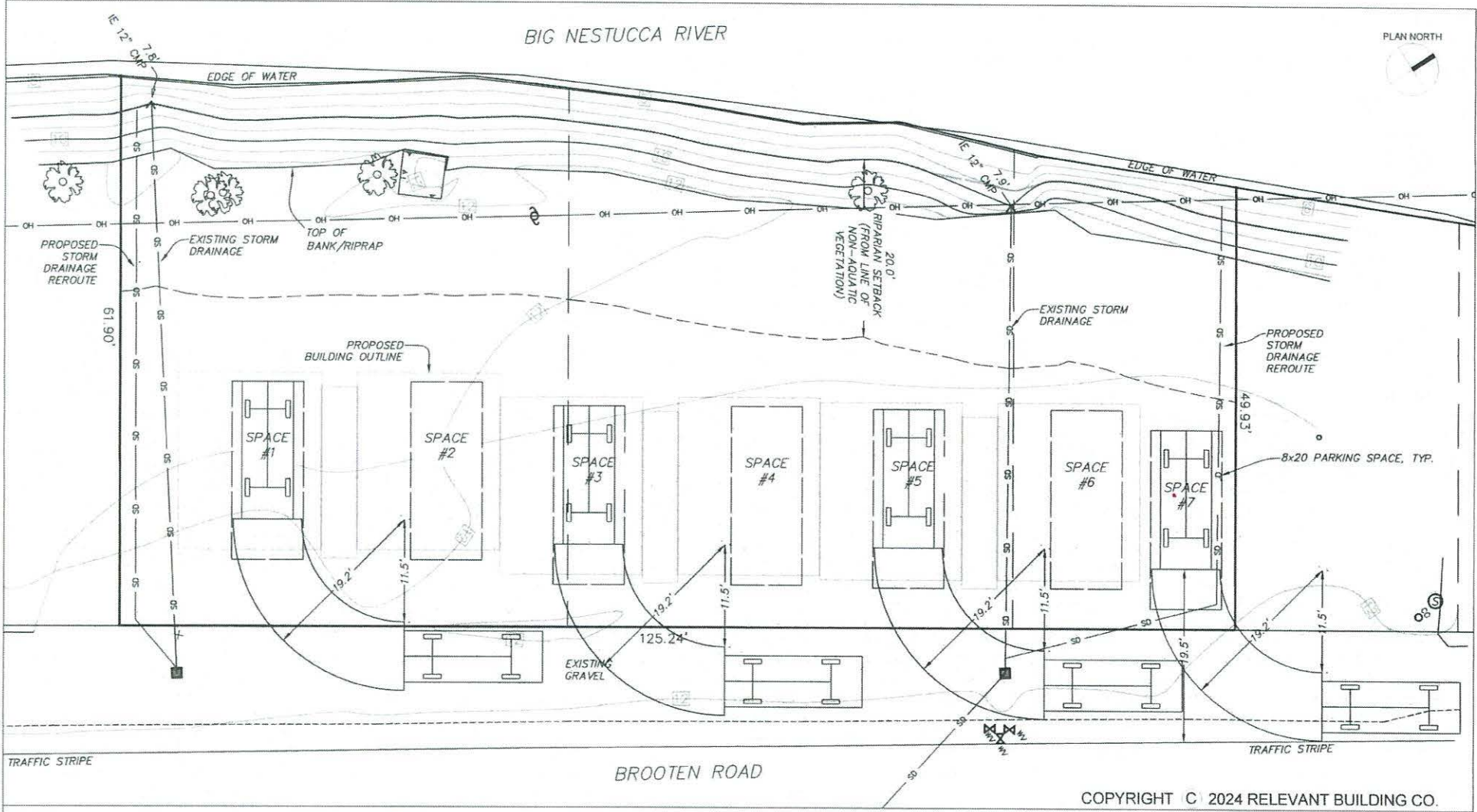
Building to the North (Riverhouse Restaurant)
Sits 1.8' from the property line



View from North end of Riverhouse
looking south along Brooten Road



125' Riverfrontage



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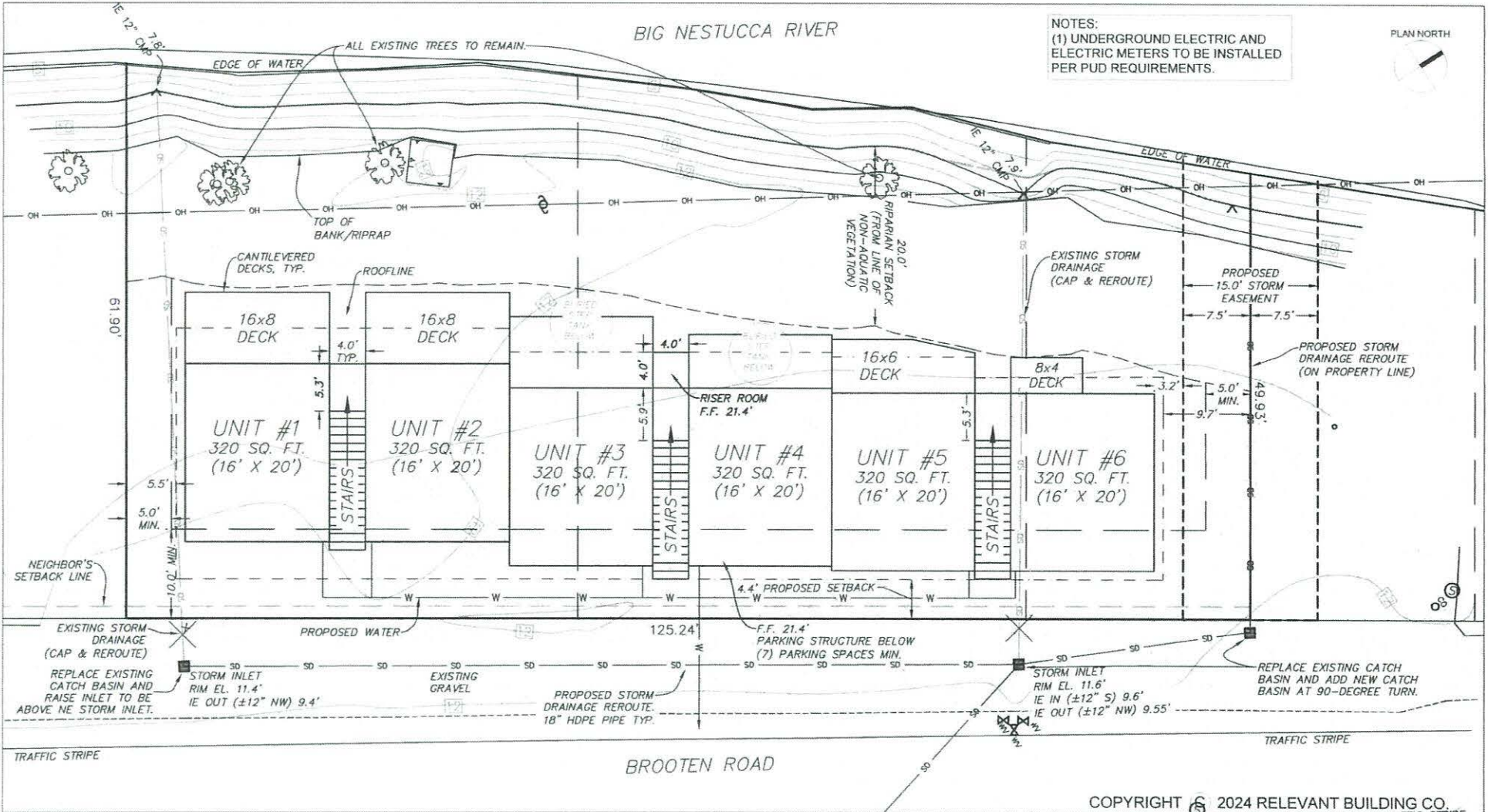
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 www.relevantbuildings.com

ROBERT TAYLOR
 0 BROOTEN RD
 PACIFIC CITY, OR 97135

PARKING PLAN

Project number	
EST.	7-18-2024 KML
REV	8-23-2024 KML
REV	

SP - 2.0
 Scale: 1" = 10'-0"



NOTES:
 (1) UNDERGROUND ELECTRIC AND ELECTRIC METERS TO BE INSTALLED PER PUD REQUIREMENTS.

PLAN NORTH



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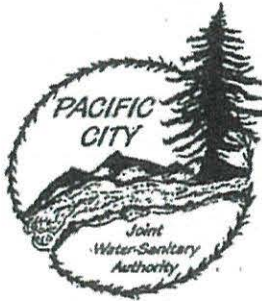
ROBERT TAYLOR
 0 BROOTEN RD
 PACIFIC CITY, OR 97135

SITE PLAN

Project number	
EST.	7-18-2024 KML
REV.	10-29-2024 KML
REV.	11-13-2024 KML

SP - 1.0
 Scale: 1" = 10'-0"

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PACIFIC CITY JOINT WATER-SANITARY AUTHORITY

34005 Cape Kiwanda Drive • Post Office Box 520

Pacific City, Oregon 97135

Phone (503) 965-6636 • Fax (503) 965-6056

June 11, 2007

Mr. Howard Goodman
PO Box 880
Pacific City, OR 97135

RE: Marina Condominiums
Tax Lot 4S10 19CA 1601
Pacific City, Oregon
Water/Sewer Availability

Dear Mr. Goodman,

You have asked PCJWSA to provide you with a letter of water/sewer availability for the proposed development at the intersection of Brooten N. & Spring St. and referred to as Marina Condominiums. During their regular business meeting on June 5, 2007, the PCJWSA Board of Directors discussed the project and subsequently agreed to provide a water/sewer availability letter contingent upon review and approval by the Authority's engineer. The engineer provided an approval later in the week.

The Board of Directors and engineering approval is based on our understanding of the project as outlined in the print provided by you and dated March 27, 2007, and involves the construction of 4 common-wall condominiums. If the project changes substantially from what you have provided to us, you are required to re-submit plans to PCJWSA and potentially undergo another project review.

Other issues, conditions and comments follow:

1. Water and sewer service is provided on a first come, first served basis. PCJWSA does not reserve or guarantee water and/or sewer connections
2. This letter of availability is only valid for a period of two years from the date the PCJWSA Board of Directors approved availability (6/5/07). If your project has not begun or is not complete within 2 years, you are responsible for re-applying for availability.
3. This letter is for water and sewer availability only. It does not imply that PCJWSA has approved the design of the water and/or sewer systems or that you are authorized to connect to the PCJWSA water and/or sewer systems.

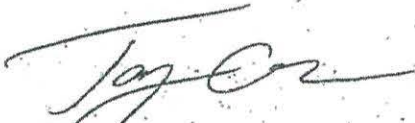
Marina Condominiums
Water & Sewer Availability

Page 1 of 2

4. The area in which your project is located is within the PCJWSA sewer STEP system. For the purposes of sewerage your project, the lot you are building on was not intended for multi-family dwellings, but for a single point-of-use. Sewerage of your project will not be easily accomplished and will require a thorough review of the STEP system at this location by our engineer. This could result in the need for extensive design and/or construction work. **The issue of sewerage this project must be resolved before any construction work begins.** Failure to adhere to this requirement could delay your project and result in PCJWSA's inability to serve your project with sewer.
5. The developer, Mr. Taylor, will be responsible for all costs associated with design & review by PCJWSA and the PCJWSA engineer and construction costs.

If you have any questions please contact me at 503-965-6636.

Sincerely,



Tony Owen
PCJWSA Manager

Cc: PCJWSA Board of Directors ✓
Tom Nielsen, Parametrix Engineering
Tillamook County Community Development



Transaction Receipt

Record ID: 851-24-000483-PLNG

IVR Number: 851077480892

Tillamook County
1510 - B Third Street
Tillamook, OR 97141
(503) 842-3408
Fax: 503-842-1819
sabsher@tillamookcounty.gov

Receipt Number: 139460

Receipt Date: 9/6/24

<https://www.co.tillamook.or.us/planning>

Parcel: 4S10 19CA 01601

			Fees Paid		
Transaction date	Units	Description	Account code	Fee amount	Paid amount
9/6/24	1.00 Ea	Conditional use - Type II	010-01152-4317	\$1,300.00	\$1,300.00
9/6/24	1.00 Automatic	Local Technology Fee - Tillamook County	010-01150-4365	\$65.00	\$65.00
Payment Method: Credit card authorization: 261557			Payer: robert taylor	Payment Amount:	\$1,365.00
Paid through ePermitting website			Receipt Total:		\$1,365.00



Transaction Receipt
Record ID: 851-24-000483-PLNG-01
IVR Number: 851067926645

Tillamook County
1510 - B Third Street
Tillamook, OR 97141
(503) 842-3408
Fax: 503-842-1819
sabsher@tillamookcounty.gov

Receipt Number: 139461

Receipt Date: 9/6/24

<https://www.co.tillamook.or.us/planning>

Parcel: 4S10 19CA 01601

Fees Paid					
Transaction date	Units	Description	Account code	Fee amount	Paid amount
9/6/24	1.00 Ea	Variance - Type II	010-01152-4317	\$1,300.00	\$1,300.00
9/6/24	1.00 Automatic	Local Technology Fee - Tillamook County	010-01150-4365	\$65.00	\$65.00

Payment Method: Credit card	Payer: robert taylor	Payment Amount:	\$1,365.00
authorization: 265229			

Paid through ePermitting website	Receipt Total:	\$1,365.00
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EXHIBIT B.2

APPLICANTS

REVISED

SUBMITTAL



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

PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: Kalli Light Phone: 360-903-7470
 Address: 15903 Park Place Ct
 City: Oregon City State: OR Zip: 97045
 Email: _____

Property Owner

Name: Robert Taylor Phone: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Email: _____

OFFICE USE ONLY	
Date Stamp	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees:	
Permit No:	
851-__-____-PLNG	

- Request: 1. Requesting conditional use approval for 6 multifamily dwellings in PCW-C1
 2. Requesting a variance to reduce the minimum required front setback.
 3. Requesting that the riparian setback from the Nestucca River be reduced to 20ft.

Type II	Type III	Type IV
<input type="checkbox"/> Farm/Forest Review	<input type="checkbox"/> Detailed Hazard Report	<input type="checkbox"/> Ordinance Amendment
<input checked="" type="checkbox"/> Conditional Use Review	<input type="checkbox"/> Conditional Use (As deemed by Director)	<input type="checkbox"/> Large-Scale Zoning Map Amendment
<input checked="" type="checkbox"/> Variance	<input type="checkbox"/> Ordinance Amendment	<input type="checkbox"/> Plan and/or Code Text Amendment
<input checked="" type="checkbox"/> Exception to Resource or Riparian Setback	<input type="checkbox"/> Map Amendment	
<input type="checkbox"/> Nonconforming Review (Major or Minor)	<input type="checkbox"/> Goal Exception	
<input type="checkbox"/> Development Permit Review for Estuary Development	<input type="checkbox"/> Nonconforming Review (As deemed by Director)	
<input type="checkbox"/> Non-farm dwelling in Farm Zone	<input type="checkbox"/> Variance (As deemed by Director)	
<input type="checkbox"/> Foredune Grading Permit Review		
<input type="checkbox"/> Neskowin Coastal Hazards Area		

Location:

Site Address: Brooten Rd, Pacific City, OR 97135
 Map Number: 4S1019CA01601

Clerk's Instrument #: _____

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

Property Owner Signature (Required)

Applicant Signature

8-13-2024
Date

8-13-2024
Date

TYPE II – CONDITIONAL USE REVIEW
Applicant's Submittal

APPLICANT: Kalli Light, Relevant Buildings
15903 Park Place Ct, Oregon City, OR 97045

OWNER: Robert Taylor
22675 SW Vermillion Dr, Tualatin, OR 97062

REQUEST: Requesting conditional use approval in order to build a five-unit multifamily housing structure on PCW-C1 zoned property.

LOCATION: Site address: Brooten Rd, Pacific City, OR 97135
Map number: 4S1019CA01601
Tax lot number: 1601
Legal description: *Malaney's add to Ocean Park Block 16, Lot 4 & 5*

BACKGROUND & PURPOSE OF CONDITIONAL USE REVIEW

We are proposing a five-unit multifamily housing structure to be used as a condominium. The subject property is roughly 0.18 acres (7,840 sq. ft.) and is currently vacant. The property consists of three lots of record that are combined to form a single tax lot (1601). The front of the property faces Brooten Road while the rear property line abuts the Big Nestucca River. The property is within a FEMA mapped floodway. The zoning for this lot is Pacific City/Woods Commercial 1 (PCW-C1). We are requesting this conditional use review because multifamily dwellings exceeding four units are only allowed in the PCW-C1 zone as a conditional use per TCLUO Section 3.337(31).

As shown on the attached site plan, we are proposing five dwelling units of approximately 320 sq. ft. each in size. Each unit will feature rear decks facing the river and a set of stairs leading to the front door. Because the property is within the floodway, we are proposing a parking structure on the ground level and the dwelling units above. This will allow the finished floor of the units to be elevated above the base flood elevation in accordance with TCLUO Section 3.510. As shown on the parking plan and turning analysis diagrams, cars will have sufficient space to back out of the on-site parking spaces on to the shoulder of Brooten Road, all outside of the flow of traffic.

The site is very narrow at less than 50 feet from the front property line at Brooten Road to the rear property line abutting the Nestucca River. Because of this, we are requesting a reduced riparian setback as well as a variance to reduce the front setback. Both of these requests are submitted concurrent to this conditional use review.

CONDITIONAL USE REVIEW CRITERIA

TCLUO Section 6.040: Review Criteria - A Conditional Use shall be granted if the applicant demonstrates that all of the following applicable criteria are satisfied.

- (1) *The use is listed as a Conditional Use in the underlying zone, or in an applicable overlying zone.*

Applicant response: The subject property is zoned Pacific City/Woods Neighborhood Commercial One (PCW-C1). We are proposing a 5-unit multifamily building (condominiums) on this tax lot as shown on the attached site plan. The PCW-C1 zone allows multifamily dwellings exceeding 4 units, including condominiums, as a conditional use per TCLUO Section 3.337(31). Therefore, this criterion is met.

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

Applicant response: The most relevant goal in the Comprehensive Plan is Goal 10: Housing in Tillamook County. The Comprehensive Plan identifies Pacific City (where this property is located) as being a part of the “South County Area.” According to pages 25-26 of Goal 10, existing housing problems include the insufficient supply of rental housing and lack of affordability. Page 35 identifies a specific need for additional multifamily housing units in Pacific City. We intend to use the multifamily structure as condominiums to be sold as individual homes, which would help the County meet their goals of increasing housing options. Page 25 of Goal 10 also notes that “*housing condition is a significant problem in the County.*” We propose building a new housing structure that meets current building codes, which would meet the County’s goal of increasing the supply of housing in good condition.

Another relevant goal from the Comprehensive Plan is Goal 17: Coastal Shorelands. The main purpose of this goal is to “*maintain both the environmental and economic resources and benefits of coastal shorelands*” (p. 5). This goal is relevant to this project because the northwest (rear) property line abuts the Big Nestucca River.

We are proposing a reduced riparian setback of 20 feet from the line of non-aquatic vegetation to the new building in accordance with TCLUO Section 4.140(2). I emailed Oregon Department of Fish and Wildlife (ODFW) about this reduction, and they have confirmed that “*ODFW North Coast Watershed District finds the reduced 20-foot riparian set back acceptable at this location provided the existing native riparian trees and vegetation are protected in perpetuity.*” I have included a copy of this email with the application documents for reference. We intend to maintain the existing native riparian trees and vegetation as requested by ODFW to help protect the shoreline. As evidenced by ODFW’s acceptance of our 20-foot riparian setback, the proposal meets Goal 17 in terms of maintaining both the environmental and economic resources of the Big Nestucca River shoreland.

In summary, the proposed multifamily structure is consistent with the goals outlined in the Comprehensive Plan, particularly the goals related to housing and coastal shorelands.

- (3) *The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.*

Applicant response: We have carefully considered the property's size, shape, location, topography, and natural features to ensure that the proposed multifamily building is suitable for the property.

The size of the property is roughly 7,840 sq. ft. The width of the property is 125.24 feet. The subject property is relatively narrow at just 49.93 feet deep on the northeast property line and 61.90 feet deep on the southwest property line. This is due to the fact that the north property line abuts the Big Nestucca River and is therefore influenced by the shape of the river's shoreline.

According to TCLUO Section 3.337(4e), "*the minimum lot dimensions, yard setbacks, and building height restrictions for structures containing only residential use shall be the same as in the PCW-R3 zone.*" This standard applies to the proposed multifamily structure because it will be exclusively residential use. The minimum lot depth for properties in the PCW-R3 zone is typically 75 feet. Given that this lot is only 49.93 feet deep at its narrowest point, the developable area is smaller than the average PCW-R3 zoned property. Because of this, we are requesting a variance to reduce the front setback as well as a request to reduce the riparian setback, both of which I am submitting concurrent to this conditional use review.

These reduced setbacks are more suitable for the property than the typical development standards. They will allow us to build up to five dwelling units that are 320 sq. ft each. At this size, the units are small enough to fit on the property and protect the river, yet large enough to be a comfortable living space for future tenants. The reduced riparian setback is also acceptable to ODFW, meaning that the proposed development is well-suited to the site's shape while still maintaining the environmental and economic resources of the shoreland.

This property is ideal for multifamily development for a few reasons. First, the property is located near other residences and businesses. This is a place where people will want to live because they can walk to local restaurants, visit neighbors, and be closer to their job in Pacific City. Given its location in a highly developed part of the city, this development could help provide workforce housing, which Tillamook County staff identified as an important need in a recent public meeting. This would also be in alignment with Goal 10 of the County's Comprehensive Plan.

The proposed footprint of the building is located on the flat portion of the lot, which is easily accessed from Brooten Road. The rear property line of the lot slopes down towards the Nestucca River, which provides a beautiful view and potential water access for future residents of the building. The proposed building is well under the maximum height of 35 feet (TCLUO Section 3.334(4g)), so it would not interfere with other residents' views of the river beyond what is acceptable by the zoning code.

The fact that this property is located in a FEMA floodplain actually suits the parking design for this development. Given the narrow shape and small size of this property,

parking can only fit under the proposed building rather than having a separate parking area. Simultaneously, floodplain requirements dictate that the building should be elevated so that the finished floor is at least 3-feet above base flood elevation (BFE). This means that the finished floor of the proposed multifamily building would need to be elevated to at least 9.4-feet above existing grade. This lends itself perfectly to having the parking spaces on the ground floor of the building. It is common for multifamily buildings to have the entry door on the second floor. A second level entry door would not be as well suited for commercial or retail structures, for example, where you would want to draw in customers on the ground level.

With all of the above considerations in mind, we have ensured that the proposed multifamily housing structure is well suited for this parcel given its size, shape, location, topography, 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.*

Applicant response: The proposed multifamily building is surrounded by restaurants, a kayak rental business, a park, a market, and other residences. The proposed use will not alter the character of the surrounding area in a manner which limits, impairs, or prevents the use of any of these surrounding properties. Multifamily housing is allowed as a conditional use in the PCW-C1 zone, so it is compatible with the character of the surrounding uses. By adding additional housing to the area, we expect that tenants will frequent the nearby businesses that are within walking distance of the proposed development, thereby benefiting local businesses. Goal 10 of the Comprehensive Plan also identifies the need to build more affordable rental housing in Pacific City, which this development intends to provide.

The proposed multifamily development does not physically encroach on other properties. The building will meet the 5-foot minimum side yard requirements, meaning that the development does not encroach on either of its two adjacent neighbors. Therefore, the two adjacent neighbors to the left and right of this property will not be physically limited by this development. The neighbors will maintain the existing access that they have to their properties, which are accessed from Brooten Road. The proposed development also does not block any public access to the river. There are no neighbors immediately adjacent to the front or rear sides of the property who might be affected by this development.

The proposed multifamily building is also under the 35-foot height limit, meaning that it will not interfere with nearby residents' views of the river beyond what is allowed by the zoning code.

The parking plan has been carefully planned in terms of maneuverability and the number of available parking spaces. The new development will likely generate a small increase in traffic for tenants to reach their homes. To account for this, we are proposing 6 off-street parking spaces for future tenants to park. This meets the parking standards for the proposed development as noted in TLCUO Section 4.030(13a). As discussed with

Tillamook County Public Works staff via email and Zoom meetings, vehicles will be able to back up outside of the flow of traffic as required by TCLUO Section 4.030(10). This is demonstrated by the turning analysis diagrams in the attached plan set. In short, the parking and traffic needs of this development have been carefully planned so as not to limit or impair surrounding properties.

In short, we have carefully planned the multifamily building to maintain the side yard setbacks, build below the maximum allowed height, and provide adequate parking and maneuvering clearances. For all of the reasons stated above, the proposed use will not limit or impair neighboring properties from their permitted uses.

- (5) *The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or windmills.*

Applicant response: The proposed use will have no effect on existing solar energy systems, wind energy conservation systems, or windmills. There are no known existing solar energy systems, wind energy conservation systems, or windmills near the development. Therefore, these existing systems could not possibly be affected because they do not currently exist in the vicinity of the subject site.

- (6) *The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.*

Applicant response: The subject property is located in a well-developed area of Pacific City. Neighboring buildings are connected to existing public utilities and utilize public services. We plan to use these same services for the proposed multifamily building.

We reached out to Pacific City Joint Water-Sanitary Authority (PCJWSA) to ask if they would be able to accommodate our proposed five-unit multifamily building. They confirmed in the attached letter dated September 11th, 2024, that both water and sewer are currently available for the proposed development. Please review the attached letter from PCJWSA for further details on the water and sewer availability.

We have also talked with Public Works staff to ensure that the proposed development will be able to meet their requirements for the storm drain lines that currently cross the subject property. As shown on the site plan, we are proposing capping the two existing storm drain lines and rerouting them to the northeast side of the property. The proposed storm drain line will meet Public Works' installation requirements and will be centered within a 15-foot easement. Public Works reviewed the proposed storm drain line reroute over both email and Zoom meetings and said that this plan would meet their requirements.

In short, given the level of development in the area and conversations with both PCJWSA and Public Works staff, we do not anticipate any issues with having adequate public facilities and services for the proposed multifamily structure.

**TYPE II – EXCEPTION TO RIPARIAN SETBACK
Applicant’s Submittal**

APPLICANT: Kalli Light, Relevant Building Company
15903 Park Place Ct, Oregon City, OR 97045

OWNER: Robert Taylor
22675 SW Vermillion Dr, Tualatin, OR 97062

REQUEST: Requesting a reduction to the riparian setback in order to build a five-unit multifamily housing structure.

LOCATION: Site address: Brooten Rd, Pacific City, OR 97135
Map number: 4S1019CA01601
Tax lot number: 1601
Legal description: *Malaney’s add to Ocean Park Block 16, Lot 4 & 5*

BACKGROUND & PURPOSE OF RIPARIAN SETBACK REDUCTION

We are proposing a five-unit multifamily housing structure to be used as a condominium. The subject property is roughly 0.18 acres (7,840 sq. ft.) and is currently vacant. The property consists of three lots of record that are combined to form a single tax lot (1601). The front of the property faces Brooten Road while the rear property line abuts the Big Nestucca River. The property is within a FEMA mapped floodway. The zoning for this lot is Pacific City/Woods Commercial 1 (PCW-C1).

Because of the narrow size of the lot (less than 50 feet from Brooten Road to the Nestucca River), we are proposing a riparian setback of 20 feet from the line of non-aquatic vegetation to the new building in accordance with TCLUO Section 4.140(2). I emailed Oregon Department of Fish and Wildlife (ODFW) about this reduction, and they have confirmed that “*ODFW North Coast Watershed District finds the reduced 20-foot riparian set back acceptable at this location provided the existing native riparian trees and vegetation are protected in perpetuity.*” I have included a copy of this email with the application documents for reference. We intend to maintain the existing native riparian trees and vegetation as requested by ODFW to help protect the shoreline.

EXCEPTION TO RIPARIAN SETBACK – APPROVAL CRITERIA

TCLUO SECTION 4.140: REQUIREMENTS FOR PROTECTION OF WATER QUALITY AND STREAMBANK STABILIZATION

(1) The following areas of riparian vegetation are defined:

(a) Fifty (50) feet from lakes and reservoirs of one acre or more, estuaries, and the main stems of the following rivers where the river channel is more than 15 feet in width; Nestucca, Little Nestucca, Three Rivers, Tillamook, Trask, Wilson, Kilchis, Miami, Nehalem and North and South Fork Nehalem River.

...

For estuaries, all measurements are horizontal and perpendicular from the mean high water line or the line of non-aquatic vegetation, whichever is most landward. Setbacks for rivers, streams, and coastal lakes shall be measured horizontal and perpendicular from the ordinary high water line.

Applicant response: The subject site abuts the Nestucca River, which is listed above in section (1)a as requiring a 50-foot riparian setback. Given that the subject site is only 50 feet deep in total at its narrowest point, we are requesting a reduction to this standard pursuant to TCLUO Section 4.140(2) below.

(2) All development shall be located outside of areas listed in (1) above, unless:

...

(c) Because of natural features such as topography, a narrower riparian area protects equivalent habitat values; or

(d) A minimal amount of riparian vegetation is present and dense development in the general vicinity significantly degrades riparian habitat values.

Setbacks may be reduced under the provisions of (c) and (d) above only if the threat of erosion will not increase and a minimum 20-foot setback is maintained. Determinations of habitat values will be made by the Oregon Department of Fish and Wildlife.

Application response: The subject site meets the criteria of (c) and (d) above. The site is very narrow at less than 50 feet from the front property line at Brooten Road to the rear property line abutting the Nestucca River. The site is flat except at the rear property line, where a bank slopes down to the river, therefore providing topographical separation between the river and the proposed development. The general vicinity is heavily developed with commercial buildings on either side of this property and a road along the front property line. As shown on the attached email thread from ODFW, they have stated that they support the reduced 20-foot riparian setback as long as existing riparian trees and vegetation are protected. The proposed project will maintain the existing riparian vegetation as required.

(3) Exemptions from (2) above and from the applicable setback requirement for the front or rear yard that is opposite the riparian area may be granted without a variance for uses on:

...

(b) Other lots in identified built and committed areas and other lots of record where the combination of setbacks required by this section result in a buildable lot depth of less than 45 feet.

Exemptions from the riparian setback shall be the minimum necessary to accommodate the proposed use after the yard opposite the riparian area has been reduced to a width of no less than ten feet.

Applicant response: Because of the narrow shape of this property, even with a minimum 20-foot riparian setback and a standard 10-foot front setback, that would only leave us with a buildable lot depth of 16.5 feet at the shallowest point. For comparison, section (3)b above notes that a riparian exemption is allowed without a variance for lots with a buildable lot depth of less than 45 feet. Compared to 45 feet, a buildable lot depth of 16.5 feet is quite a bit smaller and does not leave much room to build. Because of this, we are requesting a variance to reduce the front setback in addition to this riparian setback reduction. The reduction of both of those setbacks will result in a functional lot depth that protects the river. Both the reduced riparian setback and the proposed front setback reduction is the minimum necessary to accommodate the proposed use.

Kalli Light

From: SINNOTT Michael * ODFW <Michael.SINNOTT@odfw.oregon.gov>
Sent: Wednesday, July 31, 2024 10:58 AM
To: Kalli Light; BRADLEY Robert * ODFW
Cc: Carl Coffman; Melissa Jenck; Bob Taylor
Subject: RE: Riparian Setback Inquiry - 0 Brooten Rd, Pacific City, OR 97135

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Kalli,

Robert is out this week but brought me up to speed on this situation/application. The new plan looks good.

You are correct, ODFW North Coast Watershed District finds the reduced 20-foot riparian set back acceptable at this location provided the existing native riparian trees and vegetation are protected in perpetuity.

Thank you and feel free to reach out to me if you have any other questions,

Mike Sinnott
Assistant District Fish Biologist
Oregon Department of Fish and Wildlife
North Coast Watershed District
4907 Third St
Tillamook, OR 97141
503-842-2741 Ext. 18614
Michael.SINNOTT@odfw.oregon.gov

From: Kalli Light <Kalli@relevantbuildings.com>
Sent: Wednesday, July 31, 2024 10:48 AM
To: BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov>; SINNOTT Michael * ODFW <Michael.SINNOTT@odfw.oregon.gov>
Cc: Carl Coffman <Carl@relevantbuildings.com>; Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>; Bob Taylor <bob@materialcg.com>
Subject: RE: Riparian Setback Inquiry - 0 Brooten Rd, Pacific City, OR 97135

Good morning Robert,

Thank you for your feedback a couple of weeks ago for this property at Brooten Rd, Pacific City. As a refresher, this property is surrounded by buildings on either side and is in a heavily developed area. This is a very narrow lot, so we are requesting a reduced riparian setback of 20' in order to fit the proposed building. The proposed building is a modest size and is about as narrow as it can reasonably be.

I updated the site plan based on your feedback (see attached). This site plan may change a bit after we get feedback from the Planning and Public Works departments, but in any case the proposed building (including the hanging decks, roof eaves, and other projections) will not cross the 20' riparian setback.

We met with Melissa Jenck this morning to discuss this project further, and we are now working on submitting the riparian exception request to Tillamook County. In your last email, it sounded like the 20' riparian setback would be

acceptable to you, but can you confirm? And would there be any other requirements aside from maintaining the existing native trees and vegetation within the riparian setback?

Thank you,

Kalli Light (*she/her*)
Permit Specialist
rel-e-vant build-ing com-pa-ny
relevantbuildings.com
360-903-7470

From: BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov>
Sent: Friday, July 12, 2024 3:11 PM
To: Kalli Light <Kalli@relevantbuildings.com>; SINNOTT Michael * ODFW <Michael.SINNOTT@odfw.oregon.gov>
Subject: RE: Riparian Setback Inquiry - 0 Brooten Rd, Pacific City, OR 97135

Kalli,

Here are some thoughts on your questions/plan:

1. The County riparian ordinance allows for a setback to be reduced to 20 feet in heavily developed locations, which is the case here. To my knowledge the county does not allow using an “average” setback line- all elements of the project would need to be outside the 20’ (or otherwise approved) setback. Thus your plan as proposed would not fall under the exceptions, and would require a variance process to request the setback be reduced to the distance needed to fit in Units 4-6.
2. Aligning with the adjoining buildings is a good step, and something we look at when commenting to the county on proposed setback reductions.
3. The decks cannot extend into the riparian setback. Picture a vertical line extending upward from the ground at the setback line- anything that crosses that plane is considered within the setback (even if there is no post or other connection to the ground).

All that said, your plan is not bad given the site constraints. You might have some hoops to jump through with the county to proceed (maybe a partial setback reduction to cover the units that would extend beyond 20 feet | that is possible, other variance, or perhaps they’ll accept the average method?). ODFW would like to see all trees and native vegetation within the estuary setback retained and protected on site into the future. Additional plantings in the setback would also help to offset impacts, so that is something you consider offering up in the process.

Robert

Robert W. Bradley
District Fish Biologist
Oregon Department of Fish and Wildlife
North Coast Watershed District
4907 Third St
Tillamook, OR 97141
503-842-2741 x18613 (w)
503-842-8385 (fax)

From: ODFW Info * ODFW <odfw.info@odfw.oregon.gov>
Sent: Wednesday, July 10, 2024 9:41 AM
To: Kalli Light <Kalli@relevantbuildings.com>; BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov>; SINNOTT

Michael * ODFW <Michael.SINNOTT@odfw.oregon.gov>

Subject: FW: Riparian Setback Inquiry - 0 Brooten Rd, Pacific City, OR 97135

Kalli,

I have forwarded your email to the Fish Biologists in our Tillamook office, as you requested.

Matthew Falk

Oregon Department of Fish and Wildlife

4034 Fairview Industrial Dr SE

Salem, Oregon 97302-1142

Ph: (503)947-6027

odfw.info@odfw.oregon.gov

From: Kalli Light <Kalli@relevantbuildings.com>

Sent: Wednesday, July 3, 2024 3:10 PM

To: ODFW Info * ODFW <odfw.info@odfw.oregon.gov>

Cc: Carl Coffman <Carl@relevantbuildings.com>; Bob Taylor <bob@materialcg.com>

Subject: Riparian Setback Inquiry - 0 Brooten Rd, Pacific City, OR 97135

You don't often get email from kalli@relevantbuildings.com. [Learn why this is important](#)

Hello,

I am working on putting together the design for a new 6-unit multifamily building at 0 Brooten Rd, Pacific City, OR 97135. The first story will be parking, and then the second story will be the living units. This property is adjacent to the Big Nestucca River. Tillamook County typically requires a 50' riparian setback from the line of non-aquatic vegetation along the river bank to proposed development. However, they are willing to reduce this setback if ODFW says a reduction is acceptable, which is why I'm reaching out to you.

I'm hoping you can take a look at this project and let us know if a reduced riparian setback would be acceptable to you. I'm attaching a survey and preliminary site plan so you can get a sense of what this project looks like. A few things I want to point out:

1. The site plan shows our suggested reduced riparian setback measured at 20' from the line of non-aquatic vegetation. You'll notice that units #1-4 are well behind this setback line, whereas units #5-6 are slightly past this 20' setback due to the shape of the bank. The average setback for the building is still 20' when comparing the difference between the available space behind units #1-4 with the small space where units #5-6 overlap the setback.
2. The rear wall of the proposed building is slight farther landward than the neighboring building's rear wall. We have moved the building as close to the street as possible while still meeting Tillamook County's minimum setback requirements. The proposed building is only 20' wide. In short, we have placed the rear wall of the proposed building as far from the river as is practical.
3. The proposed decks will be cantilevered, meaning that they won't be touching the ground. There won't be posts for the deck either. They will be supported from the side of the building. We believe this means that they can extend into the riparian setback since they don't touch/affect the ground, but please correct me if I'm wrong.

Please let me know your thoughts and if you need any additional information. Please also let me know who is the best person at ODFW to talk to about this project.

Thank you and enjoy the holiday weekend!

Kalli Light (*she/her*)
Permit Specialist
rel·e·vant build·ing com·pa·ny
relevantbuildings.com
360-903-7470

TYPE II – VARIANCE REQUEST
Applicant’s Submittal

APPLICANT: Kalli Light, Relevant Buildings
15903 Park Place Ct, Oregon City, OR 97045

OWNER: Robert Taylor
22675 SW Vermillion Dr, Tualatin, OR 97062

REQUEST: Requesting a variance to reduce the minimum required front setback for a PCW-C1 zoned property in order to build multifamily housing.

LOCATION: Site address: Brooten Rd, Pacific City, OR 97135
Map number: 4S1019CA01601
Tax lot number: 1601
Legal description: *Malaney’s add to Ocean Park Block 16, Lot 4 & 5*

BACKGROUND & PURPOSE OF VARIANCE REQUEST

We are proposing a five-unit multifamily housing structure to be used as a condominium. The subject property is roughly 0.18 acres (7,840 sq. ft.) and is currently vacant. The property consists of three lots of record that are combined to form a single tax lot (1601). The front property line faces Brooten Road while the rear property line abuts the Big Nestucca River. The property is within a FEMA mapped floodway. The zoning for this lot is Pacific City/Woods Commercial 1 (PCW-C1). As part of the land use approval process for this site, we are requesting a Conditional Use Review, Exception to Riparian Setbacks, and Variance Request all in tandem with one another.

As shown on the attached site plan, we are proposing five dwelling units of approximately 320 sq. ft. each in size. Each unit will feature rear decks facing the river and a set of stairs leading to the front door. Because the property is within the floodway, we are proposing a parking structure on the ground level and the dwelling units above. This will allow the finished floor of the units to be elevated above the base flood elevation in accordance with TCLUO Section 3.510.

The front setback for this multifamily structure would normally be 10 feet per TCLUO Sections 3.337(4)e & 3.334(4)d. However, the site is quite narrow at less than 50 feet measured from the front property line at Brooten Road to the rear property line abutting the Nestucca River. Because of this, we are requesting a variance to reduce the front setback to 4.4 feet. This is the minimum necessary front setback in order to maintain a 20-foot riparian setback and still fit the proposed building.

Even with the reduced front setback, cars will have sufficient space to back out of the on-site parking spaces on to the shoulder of Brooten Road, all outside of the flow of traffic in accordance with TCLUO 4.030(10). This is demonstrated by the attached turning analysis drawings from our traffic engineer that show vehicles backing out and maneuvering outside of

the flow of traffic. Public Works and Planning staff reviewed this turning detail via email and agreed that the turning analysis drawings would meet their vehicle maneuvering requirements.

With the combination of the reduced 20-foot riparian setback and the 4.4' front setback, the buildable lot depth for this property comes to 22 feet at its narrowest point and 33.6 feet at its widest. By comparison, TCLUO Section 4.140(3)b notes that a riparian exemption may be granted without a variance for lots with a buildable lot depth of less than 45 feet. With the knowledge that 45 feet is considered a narrow buildable lot depth in the TCLUO, you can see that our request to reduce the front setback to create a buildable lot depth of 22-33 feet is very reasonable.

VARIANCE REVIEW CRITERIA

TCLUO SECTION 8.030: *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.*

Applicant response: This variance request is necessary because of the narrow shape of the lot and its proximity to the Nestucca River. The site is less than 50 feet at its narrowest point measured from the front property line at Brooten Road to the rear property line abutting the Nestucca River. Without the reduced front setback, the buildable lot depth for the site would be just 16.5 feet at its narrowest point, which is not enough room to build most buildings. Therefore, this reduced front setback is necessary in order to build the proposed multifamily structure.

The neighbors on either side of the subject property have commercial structures that are already benefiting from a reduced front setback. The neighboring building to the southwest has a front setback of 1.3 feet. Therefore, our proposed multifamily building with a reduced setback of 4.4 feet will be no more disruptive than its two neighboring buildings with reduced front setbacks.

Further, if our proposed building was a commercial use, then the minimum front setback would outright be reduced to 0 feet per TCLUO Section 3.337(4)g. Compared to the neighbors' reduced setbacks and the 0-foot commercial setback for this zone, our request to reduce the front setback to 4.4 feet would fit the neighborhood and the zone.

- (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.*

Applicant response: The proposed use is a five-unit multifamily structure, which is allowed conditionally in PCW-C1 zoning. There is a nearby four-unit multifamily structure on a neighboring property off of Shade Street. Because multifamily structures are allowed conditionally in this area and there is a neighboring multifamily structure, this use is expected to occur in this area.

As stated above, this variance request is necessary in order to create enough buildable lot depth for the proposed use. Without a reduction to the front setback standard, it would be difficult to build anything on this narrow lot. Therefore, the variance is necessary to build this proposed multifamily structure.

- (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.*

*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;*

Applicant response: The variance request to reduce the front setback is intended to allow just enough buildable space to build the proposed multifamily structure. We are requesting to reduce the front setback only to the extent necessary.

This reduction to the front yard will not reduce the amount of available open space on the property because the front yard must be used for parking and vehicle maneuvering in order to meet the parking standards of TLCUO Section 4.030. Given the narrow shape and small size of the property, there is no other option for a parking and vehicle maneuvering area except in the front yard. This means that regardless of this request to reduce the front yard setback, the front yard would not be usable open space.

The private open space for this property is primarily provided on the side and rear yards. Aside from the front setback reduction, the proposed structure is otherwise meeting the minimum side yard requirements and maintains a 20-foot riparian setback to the rear. The rear yard will be especially valuable as a private open space for future tenants because it provides access to the Nestucca River. In short, the site will still feature plenty of private open space.

The reduction to the front setback will not impact the private open space of any neighboring properties. We are only requesting a front setback reduction for the subject property, so the only private open space that will be affected by this variance request will

be that of the subject property.

(2) *To ensure that adequate light and air are available to residential and commercial structures;*

Applicant response: The proposed variance request will allow us to build a multifamily housing structure. Each living unit will feature a deck that ensures adequate light and air for each tenant.

The proposed multifamily building will be under the 35-foot height limit (TCLUO Section 3.334(4g)), meaning that it will not interfere with adjoining neighbors' access to light and air beyond what is allowed by the zoning code. The proposed building is only two stories tall, so it would be a similar height to other two-story homes and buildings in the neighborhood.

(3) *To adequately separate structures for emergency access;*

Applicant response: The proposed variance request will allow us to build a multifamily housing structure. Each unit will include stairs to the front door. For units 1&2 and 3&4, these stairs will be shared but will be built to code in order to ensure adequate emergency access and egress. Emergency vehicles will be able to use the shoulder on Brooten Road to park and access the proposed building.

The variance request to reduce the front setback of the subject property will not impact the emergency access to neighboring lots. Emergency responders will likely use the existing shoulder of Brooten Road for emergency access to the neighboring lots. We are not proposing any changes to this road shoulder, which means that there will be no change to emergency access for neighboring properties.

(4) *To enhance privacy for occupants of residences;*

Applicant response: The proposed variance request will allow us to build a multifamily housing structure. The finished floor of the proposed dwellings will be elevated about 9.4' above grade. This will ensure privacy from street-level view and from neighboring properties. Dwellings next to each other will not have eye-level windows that look into adjacent units, which will also ensure privacy of occupants.

The subject property is bordered by a kayak rental shop to the southwest, a restaurant to the northwest, and a market to the southeast. Although there are residences in the neighborhood, there are no residences in the immediate vicinity of the proposed development whose privacy would be impacted by this development or by the reduced front setback. Therefore, a reduction to the front setback would not affect the privacy of neighboring 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;*

Applicant response: As previously stated, this variance request is necessary in order to create enough buildable lot depth for the proposed use. Without a reduction to the front setback standard, it would be difficult to build anything on this narrow lot. Therefore, the variance is necessary to build this proposed multifamily structure and understory parking. Even with the reduced front setback, cars will have sufficient space to back out of the on-site parking spaces on to the shoulder of Brooten Road, all outside of the flow of traffic in accordance with TCLUO 4.030(10). This is demonstrated on the attached turning analysis drawings put together by our traffic engineer. We are maintaining private open space by maintaining 5-foot side setbacks and a 20-foot rear riparian setback. We are not currently proposing any alternative energy facilities as part of this project. That said, the proposed multifamily building would be able to support solar panels if the owner decides to install them in the future.

The proposed reduced front setback will not affect the buildable area on any adjoining lots. The front setback reduction will only apply to the subject property, so the buildable area on adjoining lots will remain the same. The proposed building meets the minimum required side setbacks, which means that it will not encroach on the two immediately adjoining properties. The new building would not block neighboring properties' access to light and air because it is below the allowable height limit, as discussed in criterion 2. For these reasons, any private land uses, including dwellings, shops, garages, driveways, and the rest of the uses noted above in criterion 5, will still be able to occur on neighboring private land even if the front setback on this lot were to be reduced.

(6) *To ensure that driver visibility on adjacent roads will not be obstructed;*

Applicant response: Even with the reduced front setback, vehicles will be able to back up and maneuver on the shoulder of Brooten Road outside of the flow of traffic per TCLUO 4.030(10). This is demonstrated on the attached turning analysis drawings put together by our traffic engineer. Given that the proposed parking area will comply with the County's vehicle maneuvering requirements, the proposed development with the reduced front setback will not obstruct driver visibility for this lot or neighboring lots.

(7) *To ensure safe access to and from common roads;*

Applicant response: Brooten Road is the common road in front of the subject site. Even with the reduced front setback, vehicles will be able to back up and maneuver on the shoulder of Brooten Road outside of the flow of traffic as required by TCLUO 4.030(10). This is demonstrated on the attached turning analysis drawings put together by our traffic engineer. Given that the proposed parking area will comply with the County's vehicle maneuvering requirements, access to and from Brooten Road will be safe and unobstructed for both the subject lot and adjoining properties.

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

Applicant response: The proposed variance request will allow us to build a multifamily housing structure. Occupants of the proposed structure will have back decks and private open space to view the Nestucca River. The proposed structure will only be two stories tall and below the maximum allowed height of 35 feet per TCLUO Section 3.334(4)g. The building will also meet the minimum required side yard setbacks. The proposed building meets both the height limit and side yard minimums, which means that the neighbors' view of the river will not be obstructed beyond what is allowed in the zoning code. This variance request to reduce the front setback will not affect neighbor's views of the river, which is mainly visible from the sides or from above the building.

(9) *To separate potentially incompatible land uses;*

Applicant response: The proposed multifamily structure is not near any incompatible land uses. Multifamily housing is a conditionally allowed use in PCW-C1 zones. Given that the proposed use is conditionally allowed, it is inherently compatible with surrounding land uses. Neighboring properties include a kayak rental shop, a restaurant, a market, and residences. The proposed multifamily structure would be compatible with these nearby uses and would help contribute to a lively mixed-use neighborhood.

The variance request to reduce the front setback is also compatible with the adjoining north and south neighbors, which both have shorter front setbacks. The neighboring building to the south, for example, has a front setback of 1.3 feet. This is less than the proposed reduced setback of 4.4 feet for this variance request. The proposed front setback is between the typical minimum required setback (10 feet) and the neighboring building's setback (1.3 feet). This means that the proposed building would be compatible with the adjoining neighbor's reduced setback while being closer in compliance with the current zoning code requirements.

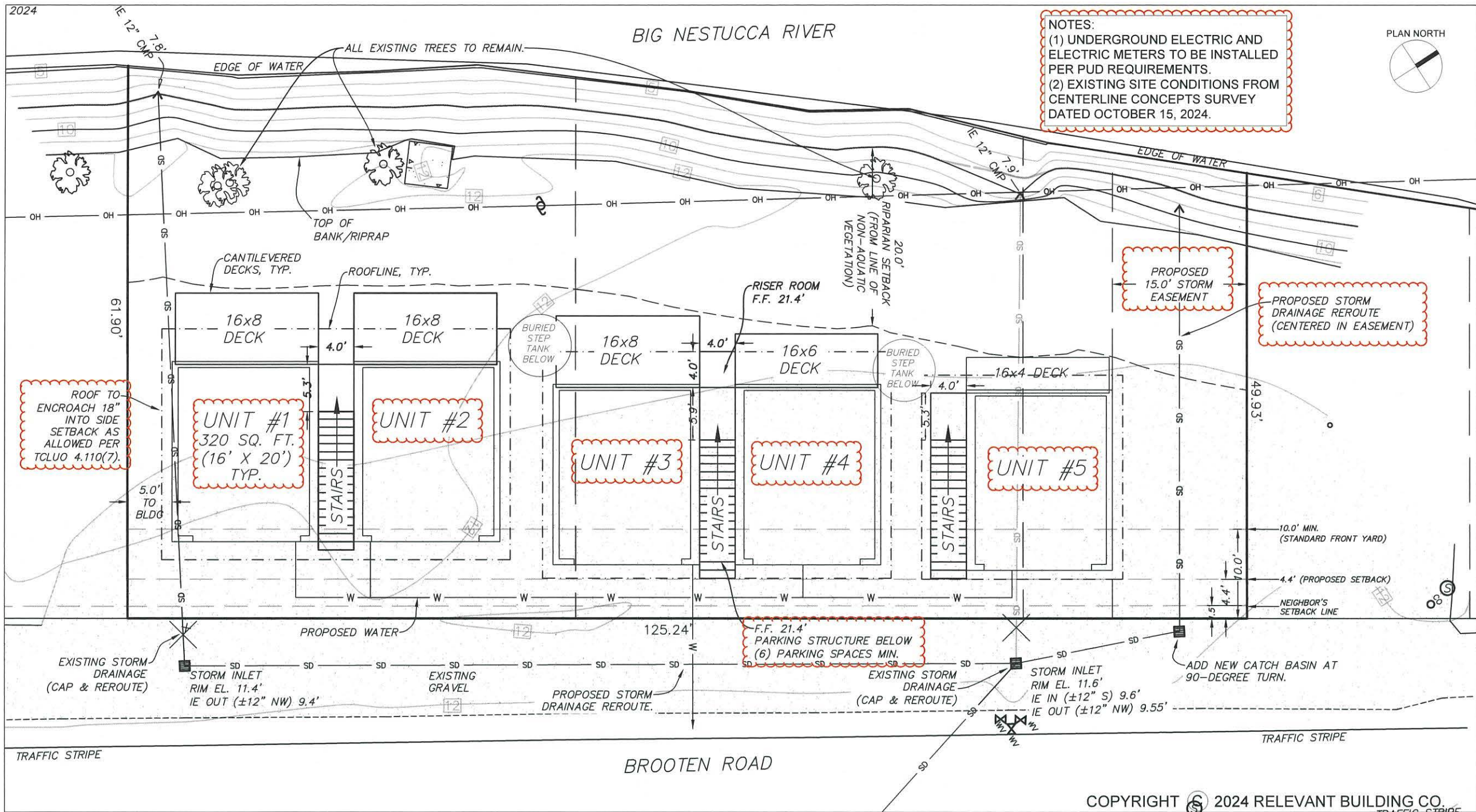
(10) *To ensure access to solar radiation for the purpose of alternative energy production.*

Applicant response: The proposed multifamily structure will be able to have solar panels on the roof. The proposed structure is also below the maximum height limit, which means it will not prevent neighboring properties from accessing solar radiation. Further, the proposed building meets the required side yard setbacks, which provides separation between it and the neighboring buildings. By meeting the height limit and side setback requirements, the proposed building will not block the sunlight from reaching solar panels on the roofs of adjoining properties.

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

Applicant response: Because of the narrow lot depth of this property, there is only one possible solution to make it possible to build on this lot: reduce the front and rear setbacks. The rear property line abuts the Nestucca River, meaning it is subject to a riparian setback. We are already requesting to reduce the riparian setback down to 20 feet, which is the minimum possible. With only the reduced riparian setback but no additional front setback reduction, the buildable lot depth for the site would be just 16.5 feet at its narrowest point. That is not enough room to build most buildings. Therefore, the additional front setback reduction is necessary to create a buildable lot.

We are requesting a variance to reduce the front setback to 4.4 feet. This is the minimum necessary front setback in order to maintain a 20-foot riparian setback and still fit the proposed building.



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ROBERT TAYLOR
 0 BROOTEN RD
 PACIFIC CITY, OR 97135

SITE PLAN	
Project number	SP - 1.0
EST. 7-18-2024 KML	
REV. 10-29-2024 KML	
REV. 1-23-2025 SP	
Scale: 1" = 10'-0"	

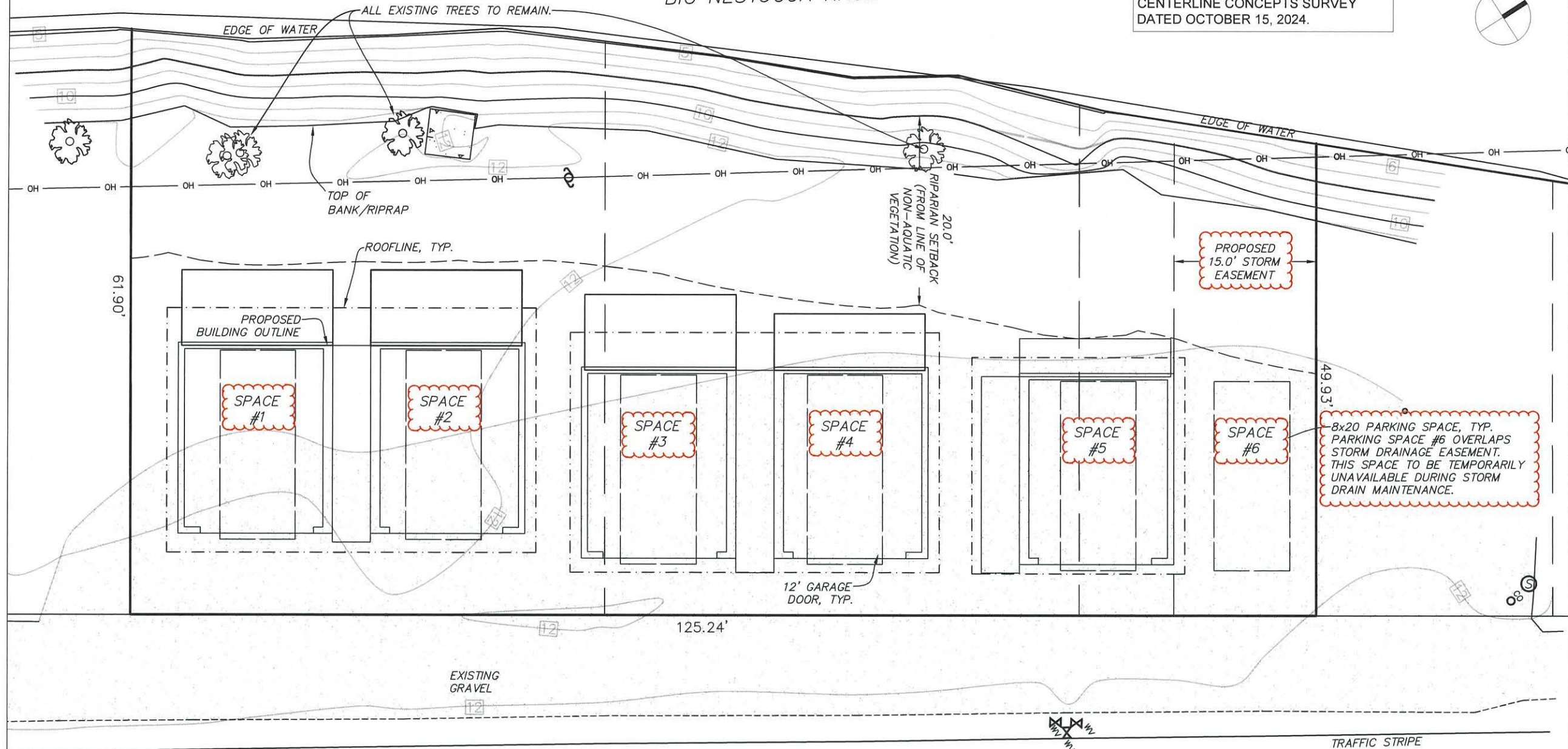
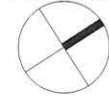
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LAND SURVEYING, INC. DATED
2024

BIG NESTUCCA RIVER

NOTES:
(1) EXISTING SITE CONDITIONS FROM
CENTERLINE CONCEPTS SURVEY
DATED OCTOBER 15, 2024.

PLAN NORTH



TRAFFIC STRIPE

BROOTEN ROAD

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ROBERT TAYLOR

0 BROOTEN RD
PACIFIC CITY, OR 97135

PARKING PLAN

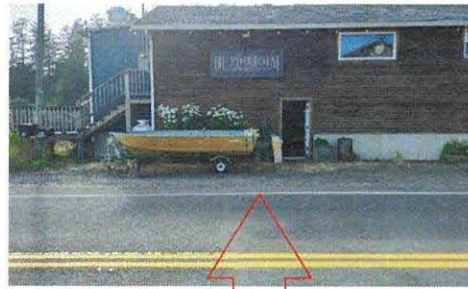
Project number
EST. 10-29-2024 KML
REV. 11-25-2024 KML
REV. 1-10-2025 KML

SP - 2.0

Scale: 1" = 10'-0"



Building to the South (Kayak Shop)
Sits 1.3' from the property line



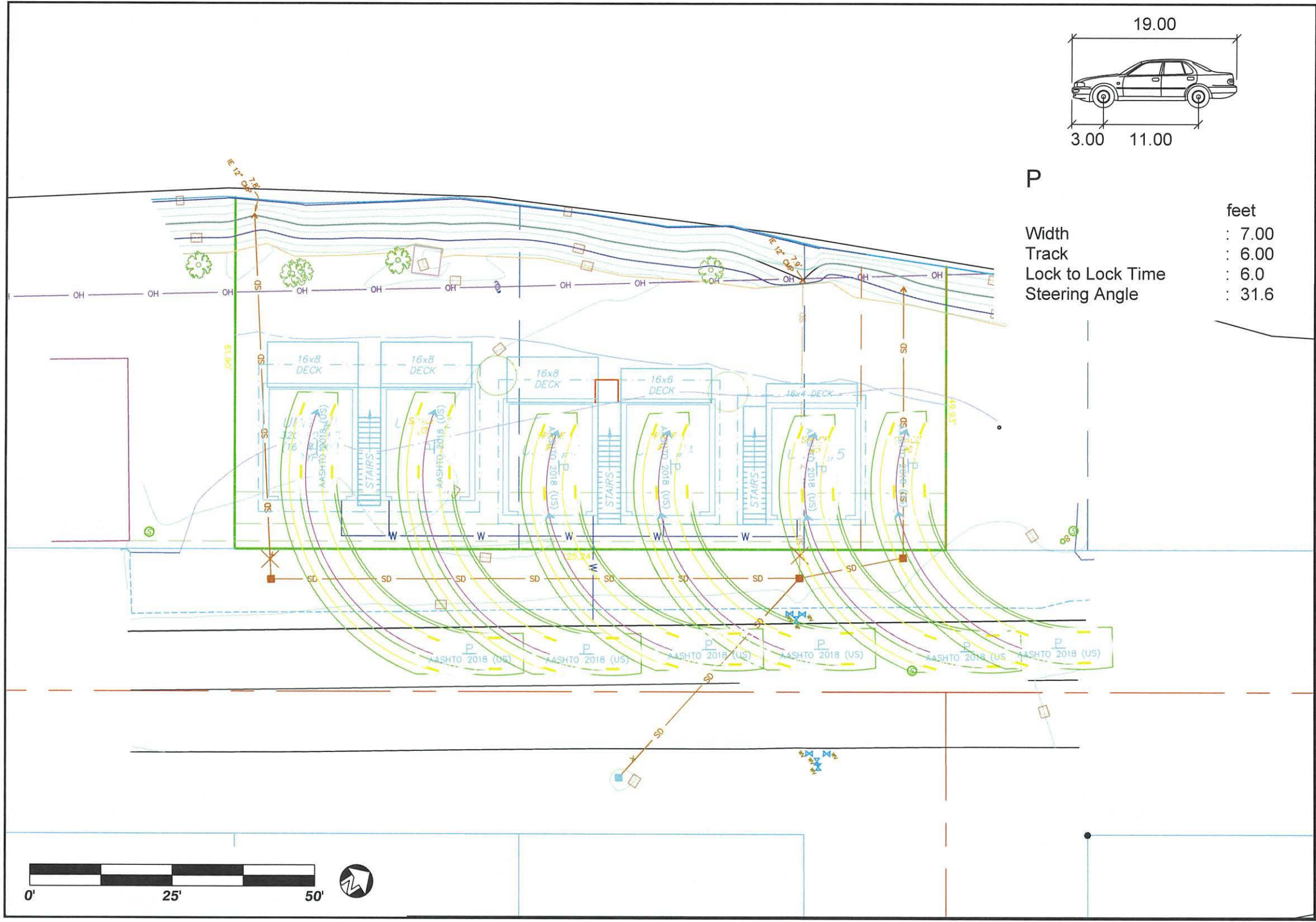
Building to the North (Riverhouse Restaraunt)
Sits 1.8' From the property line



View from North end of Riverhouse
looking south along Brooten Road



125' Riverfrontage



P

	feet
Width	: 7.00
Track	: 6.00
Lock to Lock Time	: 6.0
Steering Angle	: 31.6

Figure B

AUTOTURN ANALYSIS
 Site Ingress from Brooten Road
 Passenger Car



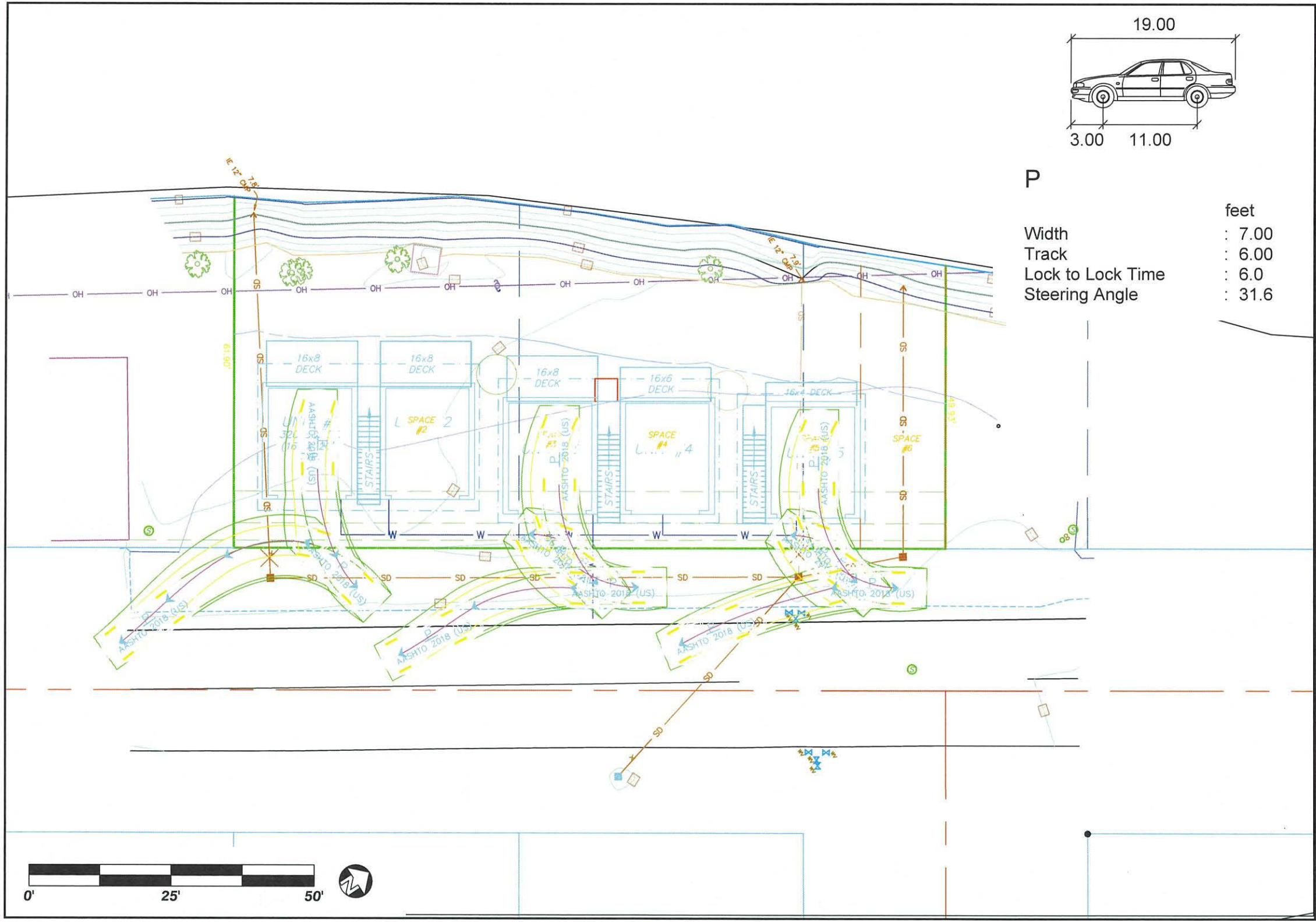
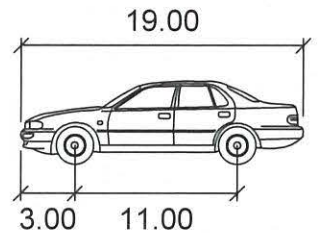
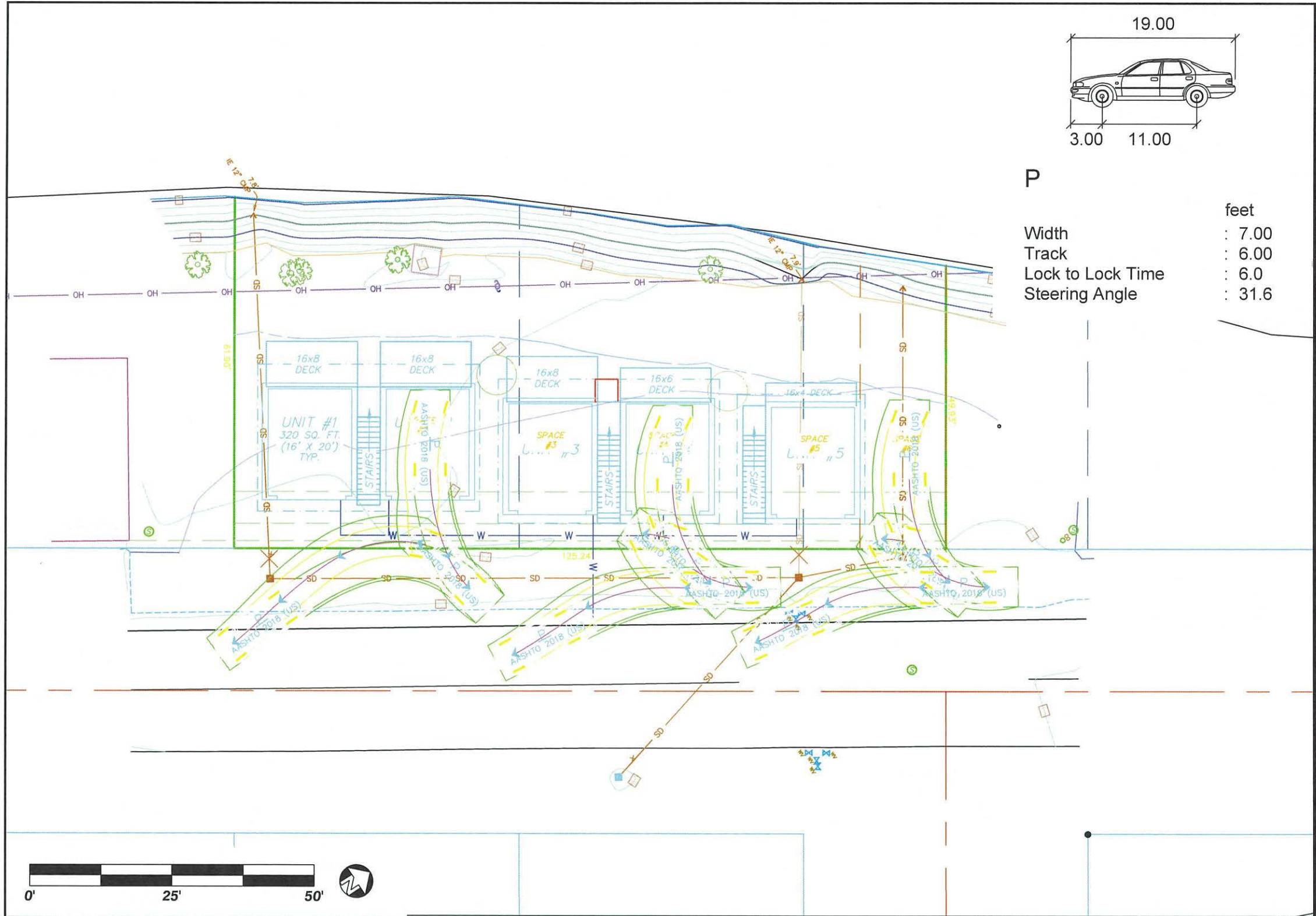


Figure C

AUTOTURN ANALYSIS
 Site Egress to Brootten Road
 Passenger Car





P

	feet
Width	: 7.00
Track	: 6.00
Lock to Lock Time	: 6.0
Steering Angle	: 31.6

Figure D

AUTOTURN ANALYSIS
 Site Egress to Brooten Road
 Passenger Car



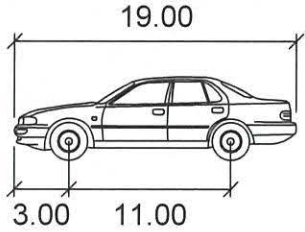
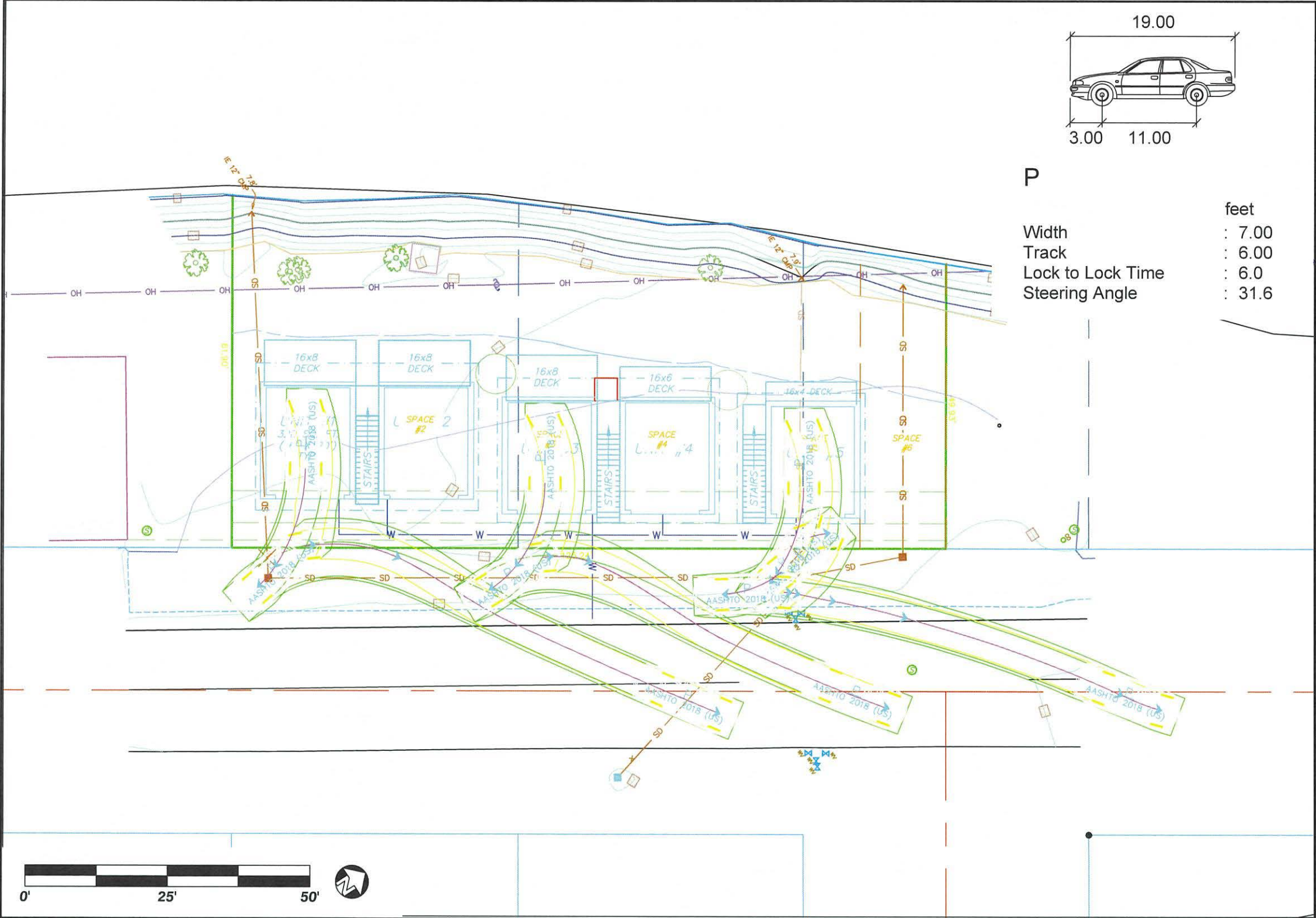
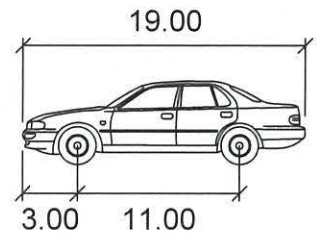
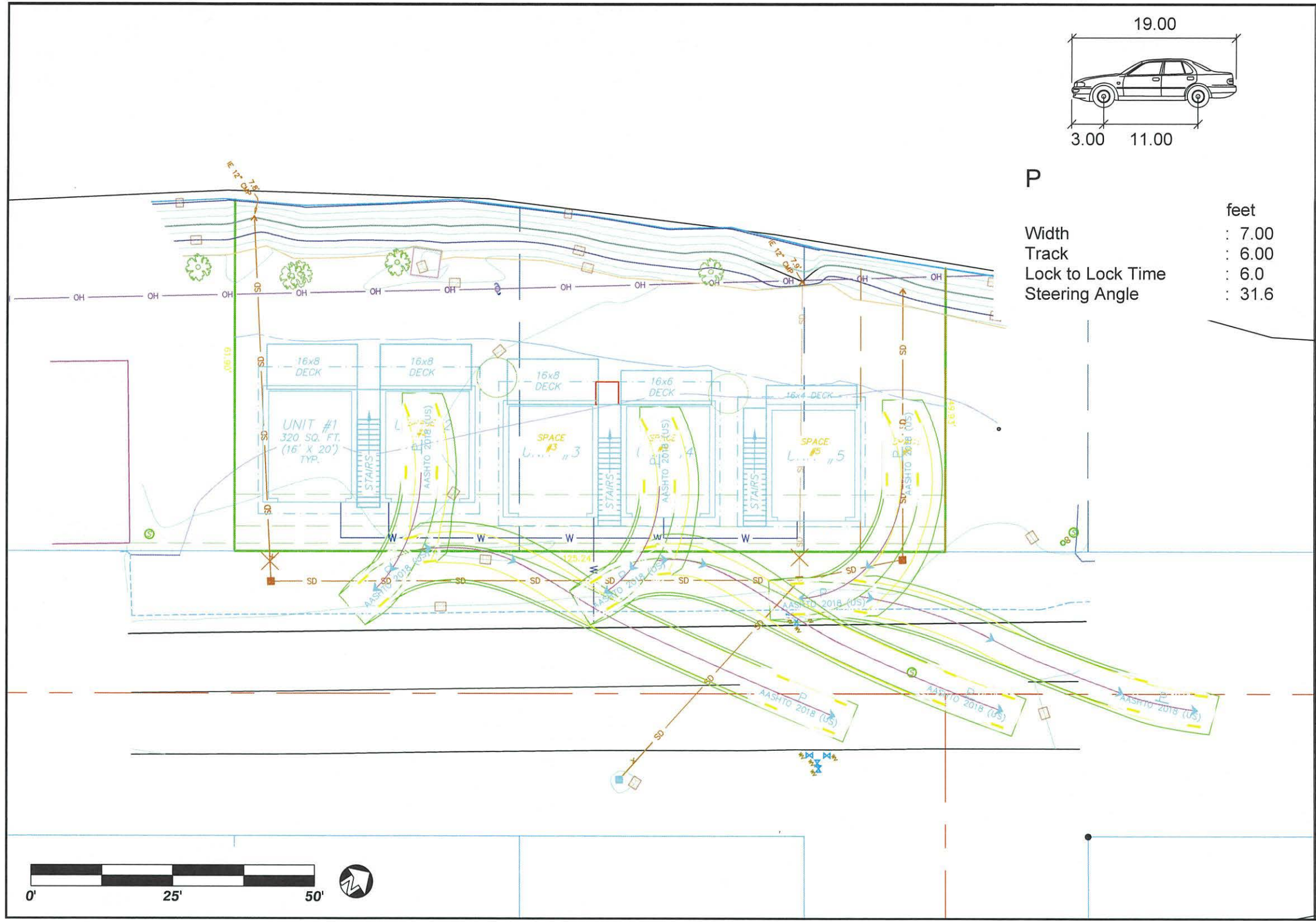


Figure E

AUTOTURN ANALYSIS
 Site Egress to Brootten Road
 Passenger Car





P

	feet
Width	: 7.00
Track	: 6.00
Lock to Lock Time	: 6.0
Steering Angle	: 31.6

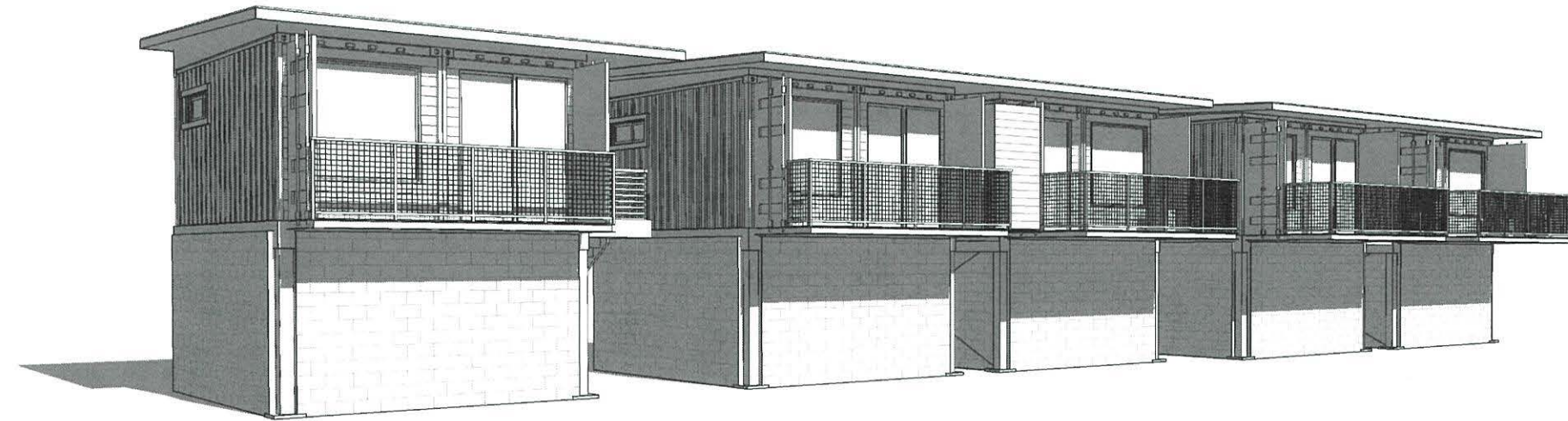
Figure F

AUTOTURN ANALYSIS
 Site Egress to Brooten Road
 Passenger Car

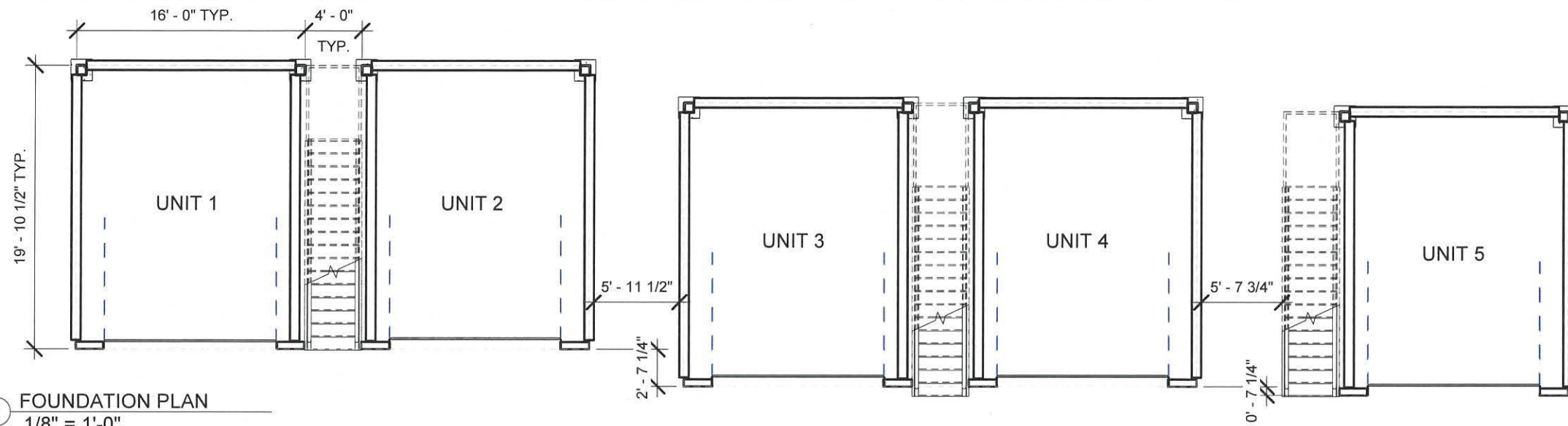




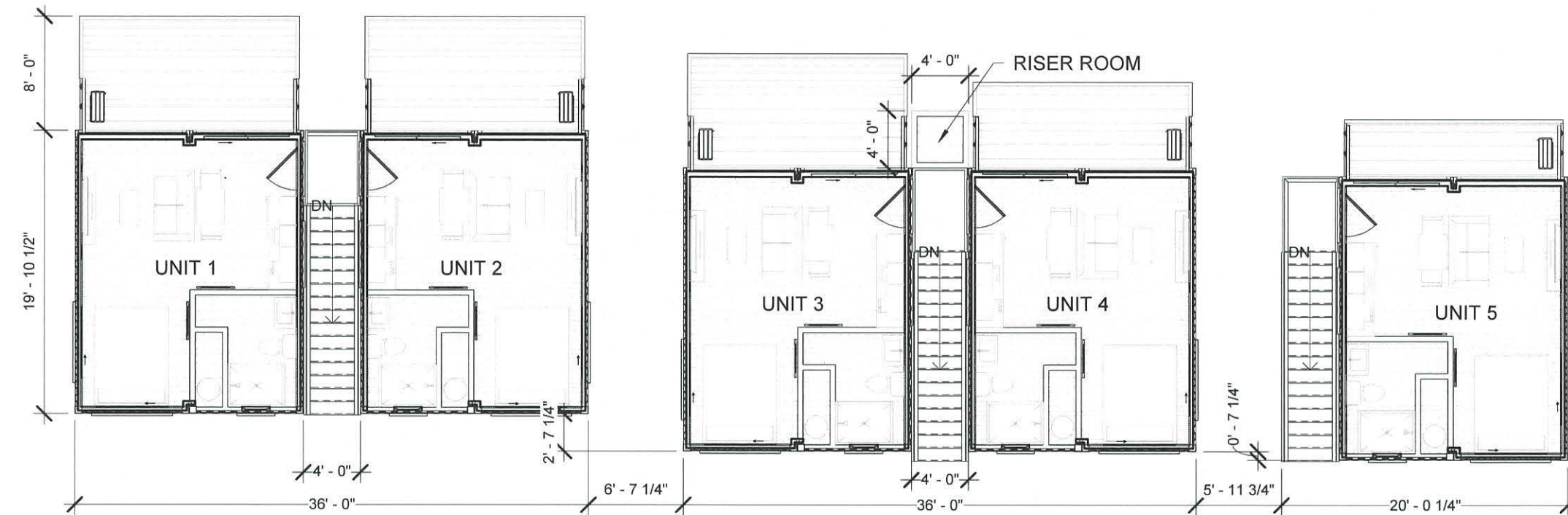
① STREET VIEW



② RIVER VIEW



① FOUNDATION PLAN
1/8" = 1'-0"



② FLOOR PLAN
1/8" = 1'-0"

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NESTUCCA RIVER

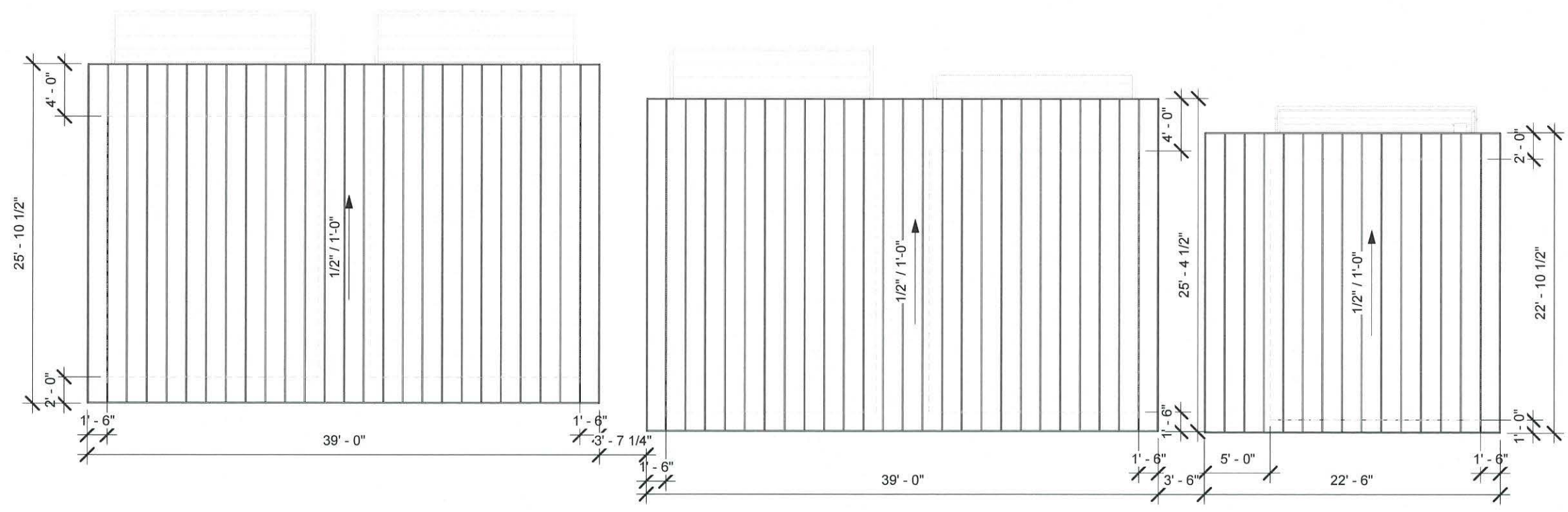
No.	Description	Date

SITE LAYOUT

Project number TAYLOR
Date 1/15/2024
Drawn by SP
Checked by KL / CC

A101
Scale 1/8" = 1'-0"

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① SITE ROOF PLAN
1/8" = 1'-0"

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NESTUCCA RIVER

No.	Description	Date

SITE ROOF PLAN

Project number	TAYLOR
Date	1/15/2024
Drawn by	SP
Checked by	CC

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① FRONT
1/8" = 1'-0"



② REAR
1/8" = 1'-0"

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NESTUCCA RIVER

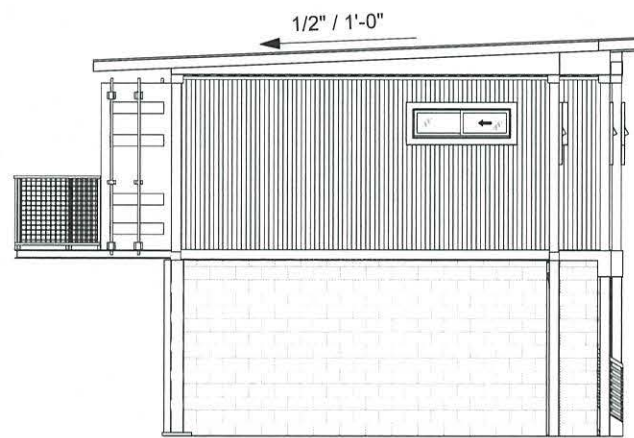
No.	Description	Date

ELEVATIONS

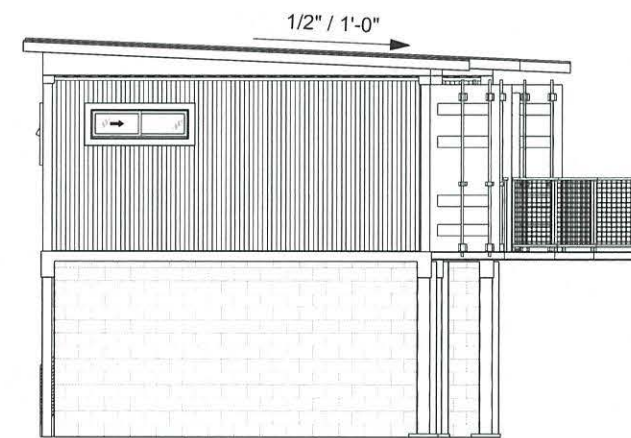
Project number TAYLOR
Date 1/15/2024
Drawn by SP
Checked by CC

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① LEFT
1/8" = 1'-0"



② RIGHT
1/8" = 1'-0"

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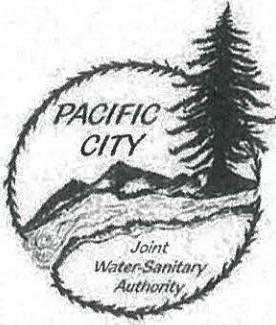
NESTUCCA RIVER

No.	Description	Date

ELEVATIONS	
Project number	TAYLOR
Date	1/15/2024
Drawn by	SP
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1/23/2025 2:58:49 PM

UPDATED LETTER OF AVAILABILITY



PACIFIC CITY JOINT WATER-SANITARY AUTHORITY

34005 Cape Kiwanda Drive · Post Office Box 520

Pacific City, Oregon 97135

Phone (503) 965-6636 · Fax (503) 965-6056

September 11, 2024

Robert Taylor
22675 SW Vermillion Drive
Tualatin, OR 97062

RE: Tax Lot 4S10 19CA 01601
Pacific City, Oregon
Water/Sewer Availability

Dear Mr. Taylor,

A request was received by PCJWSA to provide you with a letter of water and sewer availability for the development and construction of a six-unit apartment complex on Tax Lot# 4S10 19CA 01601 in Pacific City.

Water and sewer are currently available for your development. Water service can be provided from a 6-inch water main that fronts your property on N Brooten Road, and sewer service can be provided from a 3-inch pressure main that fronts your property on N Brooten Road. At least two Septic Tank Effluent Pumping (STEP) systems will be required for your development.

Water and sewer availability is conditional on the following:

1. Water and sewer service is provided on a first come, first served basis. PCJWSA does not reserve or guarantee water and/or sewer connections.
2. This letter of availability is valid for a period of two years from the date on this letter and will expire on September 11, 2026. If this project has not been completed within this timeframe, you will be required to reapply for water/sewer availability.
3. This letter is for water and sewer availability only. It does not imply that PCJWSA has approved the design of the water and/or sewer systems or that you are authorized to connect to the PCJWSA water and/or sewer systems.

Robert Taylor
Water & Sewer Availability
Page 1 of 2

If you have any questions, please contact me at 503-965-6636. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "John Wesely". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John Wesely
Authority Manager

Cc: File 4S10 19CA 01601

EXHIBIT C

Melissa Jenck

From: Brian Olle
Sent: Friday, November 22, 2024 12:48 PM
To: Melissa Jenck; Kalli Light; Bob Taylor; Carl Coffman; Chris Laity
Cc: Jasper Lind
Subject: RE: Discuss 851-24-000483-PLNG: Light/Taylor Variance

Kalli/Bob,

As discussed, see comments from Public Works below:

- Provide a notarized and recorded drainage easement
- Jasper will provide a template of the easement that is currently in place to be used for new storm drainage easement
- Update Sheet SP 2.0 stormwater alignment to match alignment on Sheet SP 1.0
- The property owner/developer will be responsible for complete installation of the drain system, the County will supply standards and details for stormwater system(catch basin, frame/grate, pipe).
- Please make note on the plans how drainage to the catch basins will be achieved, break points, slopes, etc.
- Complete road approach application for this property. Per previous discussion a variance on the width will be granted, but note pavement is required for this type of use.
- The turning movement diagrams provided on Sheet SP 2.0 do not appear to meet standards for the minimum design vehicle in AASHTO Manual (Passenger Car (P)). Please resubmit with proper radius to confirm vehicles can safely back up without entering travel lane

Please let me know if you need clarification on any of the items.



Brian Olle, P.E. | Engineering Project Manager
TILLAMOOK COUNTY | Public Works
503 Marolf Loop
Tillamook, OR 97141
Direct: (503)354-1477
Cell: (503)812-6569
Brian.Olle@tillamookcounty.gov

-----Original Appointment-----

From: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Sent: Monday, November 18, 2024 10:01 AM
To: Melissa Jenck; Melissa Jenck; Brian Olle; Kalli Light; Bob Taylor; Carl Coffman; Chris Laity
Cc: Jasper Lind
Subject: Discuss 851-24-000483-PLNG: Light/Taylor Variance
When: Friday, November 22, 2024 10:00 AM-11:00 AM (UTC-08:00) Pacific Time (US & Canada).
Where: Microsoft Teams Meeting

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Meeting ID: 231 048 830 847

Passcode: UroVJ9

For organizers: [Meeting options](#)

Melissa Jenck

From: Brian Olle
Sent: Thursday, January 23, 2025 1:24 PM
To: Kalli Light; Melissa Jenck
Cc: Chris Laity; Jasper Lind; Carl Coffman
Subject: RE: EXTERNAL: RE: EXTERNAL: RE: EXTERNAL: RE: EXTERNAL: RE: EXTERNAL: RE: Light/Taylor Land Use Apps

Kali,

My apologies for not responding to this sooner. I discussed this internally but forgot to get back with you.

From a Public Works perspective, we will accept the concepts provided. I would note though that Public Works will always default to the AASHTO design vehicle standards, not what is most common to Oregon. Because it is demonstrated that the AASHTO vehicle can maneuver outside the traveled way, AND namely because this a low-speed road (25MPH), we are willing to accept in this case.

As Melissa noted though, the Planning Commission will have the ultimate say on this matter.

Let me know if you have any other questions going forward.

Brian Olle, P.E. | Engineering Project Manager
TILLAMOOK COUNTY | Public Works
Cell: (503)812-6569

From: Kalli Light <Kalli@relevantbuildings.com>
Sent: Wednesday, January 15, 2025 9:14 AM
To: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>; Brian Olle <brian.olle@tillamookcounty.gov>
Cc: Chris Laity <Chris.Laity@tillamookcounty.gov>; Jasper Lind <Jasper.Lind@tillamookcounty.gov>; Carl Coffman <Carl@relevantbuildings.com>
Subject: EXTERNAL: RE: EXTERNAL: RE: EXTERNAL: RE: EXTERNAL: RE: EXTERNAL: RE: Light/Taylor Land Use Apps

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Good morning,

Thank you for your feedback, Melissa.

Brian, were you able to take a look at this? Please let me know your thoughts at your earliest convenience. I am hoping to send updated plans to Melissa well ahead of the next planning commission meeting.

Thank you,

Kalli

From: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Sent: Friday, January 10, 2025 10:42 AM
To: Kalli Light <Kalli@relevantbuildings.com>; Brian Olle <brian.olle@tillamookcounty.gov>
Cc: Chris Laity <Chris.Laity@tillamookcounty.gov>; Jasper Lind <Jasper.Lind@tillamookcounty.gov>; Carl Coffman <Carl@relevantbuildings.com>
Subject: RE: EXTERNAL: RE: EXTERNAL: RE: EXTERNAL: RE: EXTERNAL: RE: Light/Taylor Land Use Apps

Thank you for providing these updates.

I would like to hear Brian's comments regarding the 3-point turn need. As discussed before, I am concerned that utilizing of a three-point turn is feasible to ensure in perpetuity with the improvements. It is my suggestion if this is the recommendation, as I understand we discussed before, you have ideas on how the site will ensure the proposal will ensure this is met. It may be most suitable to provide updates to the narrative and/or criteria to discuss compliance with impacts to neighboring properties and feasibility of the site, in affect by the design.

I would suggest waiting to hear whether PW would support such design in general. But, I am concerned regardless that the Planning Commission is going to know how such design is assured as it's not standard for drivers.

Thank you,

I will be out of the office starting December 24th, and will return January 7th.

***** Please note that the Tillamook County domain has changed, and my email address is now Melissa.Jenck@tillamookcounty.gov Please update your contact information as needed. Thank you. *****



Melissa Jenck (she/her) | Senior Planner
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x 3301
Melissa.Jenck@tillamookcounty.gov

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From: Kalli Light <Kalli@relevantbuildings.com>
Sent: Friday, January 10, 2025 10:15 AM
To: Brian Olle <brian.olle@tillamookcounty.gov>
Cc: Chris Laity <Chris.Laity@tillamookcounty.gov>; Jasper Lind <Jasper.Lind@tillamookcounty.gov>; Carl Coffman

<Carl@relevantbuildings.com>; Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>

Subject: EXTERNAL: RE: EXTERNAL: RE: EXTERNAL: RE: EXTERNAL: RE: Light/Taylor Land Use Apps

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Good morning Brian,

We just received updated drawings from the traffic engineer showing the backup maneuvering for the Brooten Rd project. We revised the site plan to add the wall thicknesses for the garages. We asked the traffic engineer to maintain at least 6" between the vehicle and the walls when drawing his turning analyses, which he said he was able to do.

The first set of drawings shows the 2018 AASHTO standard vehicle (19' long). The vehicle is able to turn around outside of the flow of traffic on all parking spaces. A 3-point turn would be necessary for spaces 3-6 in order for a 19' vehicle to turnaround outside of the fog line.

We also asked the traffic engineer to draw this using a more practical mid-size SUV (16'1" long). The 16'1" vehicle is able to back out from all 6 parking spaces without using a 3-point turn. This is a much more common vehicle length for modern vehicles in Oregon. I put together a list of the top 5 vehicles in Oregon with their overall lengths and wheelbases to compare to both the AASHTO and mid-size SUV vehicle dimensions.

I believe this meets the backup maneuvering criteria that we've talked about. Please let me know if you have any questions.

Thanks and happy Friday!

Kalli

From: Kalli Light

Sent: Monday, December 30, 2024 10:00 AM

To: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>

Cc: Brian Olle <brian.olle@tillamookcounty.gov>; Chris Laity <Chris.Laity@tillamookcounty.gov>; Jasper Lind <Jasper.Lind@tillamookcounty.gov>; Carl Coffman <Carl@relevantbuildings.com>

Subject: RE: EXTERNAL: RE: EXTERNAL: RE: EXTERNAL: RE: Light/Taylor Land Use Apps

Thank you very much, Melissa! Here's a copy of the waiver. I'm meeting with the traffic engineer later this week, so I'll have more answers for you soon.

Thank you,

Kalli

From: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>

Sent: Monday, December 23, 2024 2:46 PM

To: Kalli Light <Kalli@relevantbuildings.com>

Cc: Brian Olle <brian.olle@tillamookcounty.gov>; Chris Laity <Chris.Laity@tillamookcounty.gov>; Jasper Lind <Jasper.Lind@tillamookcounty.gov>; Carl Coffman <Carl@relevantbuildings.com>

Subject: RE: EXTERNAL: RE: EXTERNAL: RE: EXTERNAL: RE: Light/Taylor Land Use Apps

Hello Kalli,

I spoke with Director Absher. We can accommodate February for a hearing date. As such, I'm going to just call it and have it rescheduled for February 13th.

I attached a copy of the 150-day waiver. This will allow us to have timelines continue to allow us this extension for review.

We will cancel the January hearing in its entirety, so nothing else to have proposed.

Thank you!

I will be out of the office starting December 24th, and will return January 7th.

***** Please note that the Tillamook County domain has changed, and my email address is now Melissa.Jenck@tillamookcounty.gov Please update your contact information as needed. Thank you. *****



Melissa Jenck (she/her) | Senior Planner
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x 3301
Melissa.Jenck@tillamookcounty.gov

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From: Kalli Light <Kalli@relevantbuildings.com>
Sent: Monday, December 23, 2024 12:24 PM
To: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Cc: Brian Olle <brian.olle@tillamookcounty.gov>; Chris Laity <Chris.Laity@tillamookcounty.gov>; Jasper Lind <Jasper.Lind@tillamookcounty.gov>; Carl Coffman <Carl@relevantbuildings.com>
Subject: EXTERNAL: RE: EXTERNAL: RE: EXTERNAL: RE: Light/Taylor Land Use Apps

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Hi Melissa and Brian,

Thanks again for meeting with me this morning. I tried to reach out to the traffic engineers, but it looks like they are out of the office for the holidays.

Melissa, I appreciate you requesting another postponement/ continuance. I will be out of the office for the rest of the week, but I can sign the waiver as soon as I get back on Monday, 12/30.

Thank you and happy holidays,

Kalli

From: Kalli Light
Sent: Monday, December 23, 2024 9:03 AM
To: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Cc: Brian Olle <brian.olle@tillamookcounty.gov>; Chris Laity <Chris.Laity@tillamookcounty.gov>; Jasper Lind <Jasper.Lind@tillamookcounty.gov>; Carl Coffman <Carl@relevantbuildings.com>
Subject: RE: EXTERNAL: RE: EXTERNAL: RE: Light/Taylor Land Use Apps

Thank you, Melissa! Here's the updated site plans with that correction.

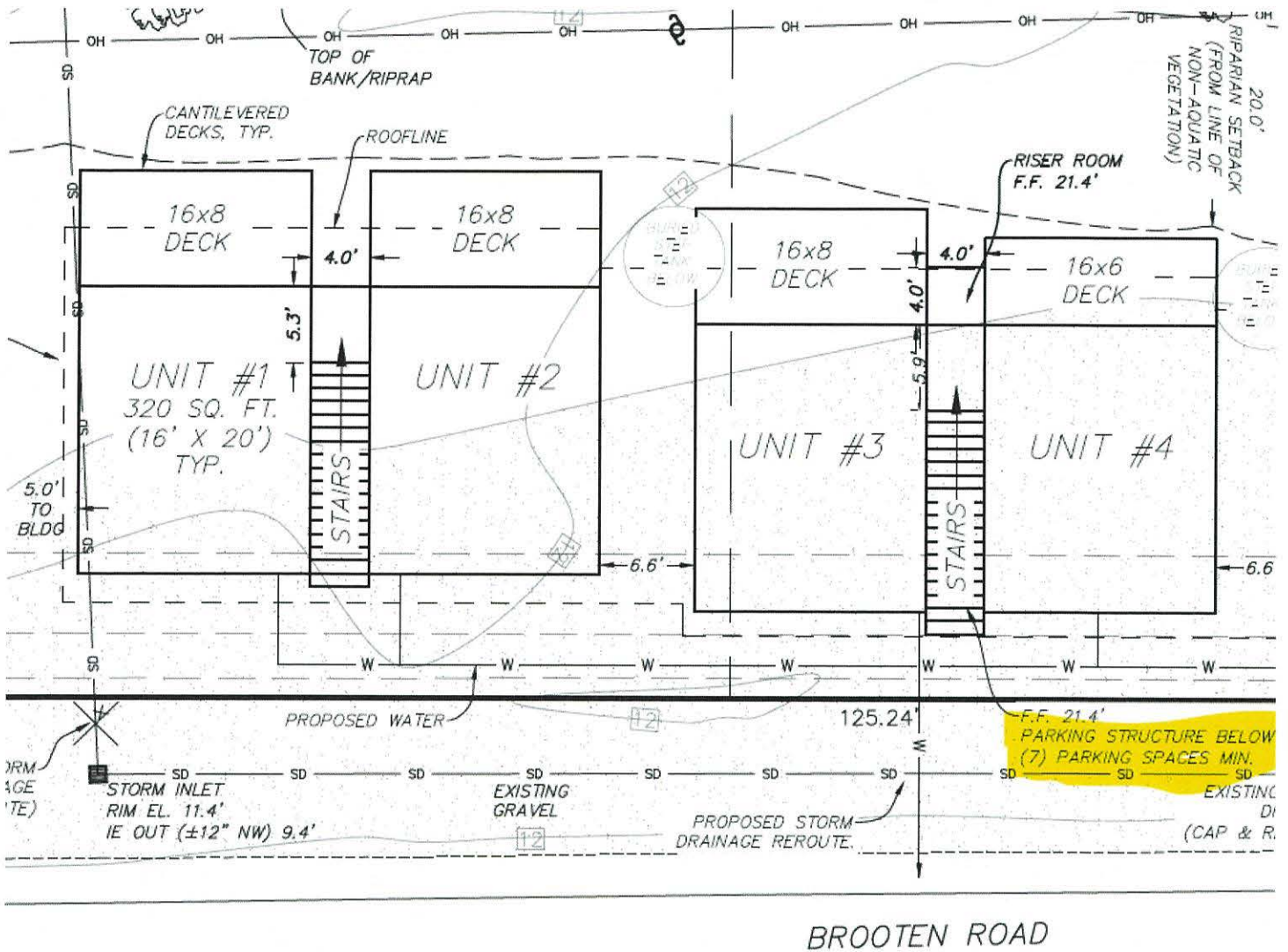
Talk soon,

Kalli

From: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Sent: Friday, December 20, 2024 5:07 PM
To: Kalli Light <Kalli@relevantbuildings.com>
Cc: Brian Olle <brian.olle@tillamookcounty.gov>; Chris Laity <Chris.Laity@tillamookcounty.gov>; Jasper Lind <Jasper.Lind@tillamookcounty.gov>; Carl Coffman <Carl@relevantbuildings.com>
Subject: RE: EXTERNAL: RE: EXTERNAL: RE: Light/Taylor Land Use Apps

Good afternoon Kalli,

A quick note on the site plan – there remains a reference to seven parking spaces. You may want this to be edited to be consistent.



Thanks!

I will be out of the office starting December 24th, and will return January 7th.

*** Please note that the Tillamook County domain has changed, and my email address is now Melissa.Jenck@tillamookcounty.gov Please update your contact information as needed. Thank you. ***



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From: Kalli Light <Kalli@relevantbuildings.com>
Sent: Friday, December 20, 2024 4:23 PM
To: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Cc: Brian Olle <brian.olle@tillamookcounty.gov>; Chris Laity <Chris.Laity@tillamookcounty.gov>; Jasper Lind <Jasper.Lind@tillamookcounty.gov>; Carl Coffman <Carl@relevantbuildings.com>
Subject: EXTERNAL: RE: EXTERNAL: RE: Light/Taylor Land Use Apps

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Hi all,

Here are the updated plans I promised you this morning. We achieved the 15' storm easement by eliminating one of the dwelling units. We also spread out the middle units to create better access to the river in the middle of the site. Pgs. 3-6 of the turning analysis from the traffic engineers show that cars will be able to back up outside of the flow of traffic.

I believe this site plan and turning analysis now meets all of the requirements that we've talked about. We can talk about these in further detail on Monday and go over any questions you may have.

Have a great weekend,

Kalli

From: Kalli Light
Sent: Friday, December 20, 2024 10:03 AM
To: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Cc: Brian Olle <brian.olle@tillamookcounty.gov>; Chris Laity <Chris.Laity@tillamookcounty.gov>; Jasper Lind <Jasper.Lind@tillamookcounty.gov>; Carl Coffman <Carl@relevantbuildings.com>
Subject: RE: EXTERNAL: RE: Light/Taylor Land Use Apps

Hi Melissa,

That's ok, we will revise these to be 8x20 parking spaces to meet that standard. The traffic engineer is going to be sending the maneuvering detail to me today, so I'll forward that to you as soon as I receive it.

I also wanted to give you a heads up that we updated the site plan so we are proposing 5 units instead of 6. This allows us to achieve the 15' storm easement. I will send that site plan along with the maneuvering detail this afternoon.

I know this project has kept evolving, but I believe we have finally checked off all of the boxes with these latest plan updates. It may be helpful to talk about the updated plans over a phone call or zoom meeting after you get a chance to review them. Would you be free to talk briefly on Monday, Dec. 23rd? I'm hoping to talk with both Planning (Melissa) and Public Works (Brian or Jasper) about this to make sure you don't have any additional questions or concerns. If you aren't available at the same time, I'm happy to meet at separate times. Just let me know.

I will also add that if this is too tight of a turnaround due to the holidays, we are not opposed to postponing the Planning Commission again if that would be allowed. Part of why this project has been so hard to pin down was because we were rushing to get ahead of the FEMA deadline, so perhaps taking more time to discuss this would help massage out any remaining wrinkles. If, however, the updated site plan and maneuvering detail meet all of the remaining requirements like I think they do, then we can proceed with the January 9th Planning Commission date. We can talk about this further over the phone, Melissa, but I wanted to let you know that we would be open to postponing if that would make things easier.

Thank you and happy holidays,

Kalli

From: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Sent: Friday, December 20, 2024 9:32 AM
To: Kalli Light <Kalli@relevantbuildings.com>
Cc: Brian Olle <brian.olle@tillamookcounty.gov>; Chris Laity <Chris.Laity@tillamookcounty.gov>; Jasper Lind <Jasper.Lind@tillamookcounty.gov>; Carl Coffman <Carl@relevantbuildings.com>
Subject: RE: EXTERNAL: RE: Light/Taylor Land Use Apps

Kalli,

I was speaking with Director Absher on this request. She wanted me to inform you that should the requests be denied, this application may not go back for review for at least six months, per our Land Use Ordinance.

We're worried there isn't substantial information on the record to allow the Planning Commission to make an informed decision. Additionally, as discussed in the previous email, additional exception requests not contained within the original applications are a substantially change and a new application will be required.

Sincerely,

I will be out of the office starting December 24th, and will return January 7th.

***** Please note that the Tillamook County domain has changed, and my email address is now Melissa.Jenck@tillamookcounty.gov Please update your contact information as needed. Thank you. *****



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From: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Sent: Thursday, December 19, 2024 4:47 PM
To: Kalli Light <Kalli@relevantbuildings.com>
Cc: Brian Olle <brian.olle@tillamookcounty.gov>; Chris Laity <Chris.Laity@tillamookcounty.gov>; Jasper Lind <Jasper.Lind@tillamookcounty.gov>; Carl Coffman <Carl@relevantbuildings.com>
Subject: RE: EXTERNAL: RE: Light/Taylor Land Use Apps

Kalli,

Our land use ordinance requires parking spaces to meet a minimum of 8'x20'. The reduced parking space size would not comply with our standards.

Should forward with an 8'x16' design, a variance request would be necessary to request not complying to a standard. As such, if you intend to present with 8'x16' parking spaces and want to request an exception to the 8'x20' standards, I will need to consult with Director Absher. This may be considered a substantial change as parking standards were not discussed within your original Variance application. This could be considered a change of request which would substantiate a new application.

Sincerely,

I will be out of the office starting December 24th, and will return January 7th.

***** Please note that the Tillamook County domain has changed, and my email address is now Melissa.Jenck@tillamookcounty.gov Please update your contact information as needed. Thank you. *****



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From: Kalli Light <Kalli@relevantbuildings.com>
Sent: Thursday, December 19, 2024 4:12 PM

To: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>

Cc: Brian Olle <brian.olle@tillamookcounty.gov>; Chris Laity <Chris.Laity@tillamookcounty.gov>; Jasper Lind <Jasper.Lind@tillamookcounty.gov>; Carl Coffman <Carl@relevantbuildings.com>

Subject: EXTERNAL: RE: Light/Taylor Land Use Apps

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Good afternoon Melissa,

We ended up having to hire a traffic engineer to draw up that 3-point turn. They said they will have their detail back to me by Monday, so I am planning to send that to Public Works as soon as I receive it.

In order to ensure owner compliance with backup maneuvering, we are proposing permanent signage in front of each parking space that says "Absolutely NO backing up into the flow of traffic." This will also be noted as a requirement in the condo CC&Rs that each property owner will have to sign in order to purchase the home. Vehicles will only be allowed to park in designated parking spaces that we will demonstrate meet the maneuvering requirements on the site plan.

Also, the parking spaces in each of the garages are 8x16, which Jasper and I talked about in an earlier email regarding standard dimensions for private head-on parking spaces. I want to confirm that is acceptable to Planning? The garages will not fit a larger parking space due how narrow the lot is. The alternative would be to provide larger parking spaces by removing the garage doors, but we would like to provide secure storage space for owners.

Please let me know about the 8x16 parking spaces. I will send you an updated site plan with the 3-point turn detail as soon as possible.

Thank you,

Kalli

From: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>

Sent: Thursday, December 19, 2024 10:48 AM

To: Kalli Light <Kalli@relevantbuildings.com>

Cc: Brian Olle <brian.olle@tillamookcounty.gov>; Chris Laity <Chris.Laity@tillamookcounty.gov>; Jasper Lind <Jasper.Lind@tillamookcounty.gov>

Subject: Light/Taylor Land Use Apps

Importance: High

Good morning Kalli,

I am wondering how discussions are going with Public Works and designs for appropriate maneuvering outside of flow of traffic is going. I am to be on leave from December 24 through January 7th. I will be back on January 2nd to publish the Staff Report for the January 9th hearing. But, I am worried that adequate information on the record will not be provided for me to prepare the findings at such time.

Can I please get an update on when I may see additional findings, to allow PW the opportunity to comment?

I do understand that a 3-point turn design was discussed for maneuvering. I would ask that if such design is proposed, how will the property owner ensure compliance with such standard if PW was to agree? The standard, if approved with such design, would require in perpetuity that such maneuvering was to occur at all times. You

should be prepared to demonstrate to the Planning Commission how it can be ensured that such practice will be utilized at all times.

Sincerely,

I will be out of the office starting December 24th, and will return January 7th.

***** Please note that the Tillamook County domain has changed, and my email address is now Melissa.Jenck@tillamookcounty.gov Please update your contact information as needed. Thank you. *****



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Response Page

Department of State Lands (DSL) WN#*

WN2024-0801

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Melissa Jenck	County	Tillamook
Local case file #	County	
851-24-000483-PLNG	Tillamook	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
04S	10W	19	CA	1601

Street Address

Brooten Rd

Address Line 2

City

Pacific City

Postal / Zip Code

State / Province / Region

OR

Country

Tillamook

Latitude

45.2071982

Longitude

-123.9598582

Wetland/Waterway/Other Water Features



- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- The National Hydrography Dataset shows wetland, waterway or other water features on the property
- The property includes or is adjacent to designated Essential Salmonid Habitat.
- The property includes or is adjacent to state-owned waters.

Your Activity



It appears that the proposed project **may** impact Essential Salmonid Habitat and, therefore, **may** require a State permit.

It appears the proposed project is within a state-owned water and **may** require an authorization

It appears that the proposed project **may** impact wetlands and **may** require a State permit.

An onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the site has wetlands or other waters that may be regulated. The determination or delineation report should be submitted to DSL for review and approval. Approved maps will have a DSL stamp with approval date and expiration date.

Applicable Oregon Removal-Fill Permit Requirement(s)

A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

DSL Review

Wetland Ecologist Comments

Based on the applicant's site plan the proposed six units do not overlap any wetlands or waters. However, the proposed storm drainage reroute appears to require cutting into the banks of the Nestucca River. The Nestucca is jurisdictional to the Highest Measured Tide and is Essential Salmonid Habitat per ODFW. The line marked as "Edge of Water" on the plan set is not a state jurisdictional waters limit. Typically, a wetland consultant is utilized to identify jurisdictional limits of wetlands and waters as either part of a wetland delineation report or for a Waters-Only permit application. Any impacts > 0 cubic yards will require a state removal-fill permit. Information on finding a qualified wetland professional consultant is listed under "Resources" at <https://oregon.gov/dsl/wetlands-waters/Pages/Identification.aspx>

The applicant is recommended to contact Tillamook County Permit Coordinator Heather Dimke at 503-856-6517. Heather can discuss permitting options for the project if there are impacts below the Highest Measured Tide of the Nestucca River Estuary.

Lands under the Nestucca River are owned by the State of Oregon and any use of State-owned lands may require a lease, easement, or other proprietary authorization from the Department. Please contact Dario Frisone at 503-302-6094 for more information.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county.

Response Date

12/12/2024

Response by:

Daniel Evans

Response Phone:

503-428-8188

Melissa Jenck

From: SINNOTT Michael * ODFW <Michael.SINNOTT@odfw.oregon.gov>
Sent: Wednesday, July 31, 2024 10:58 AM
To: Kalli Light; BRADLEY Robert * ODFW
Cc: Carl Coffman; Melissa Jenck; Bob Taylor
Subject: EXTERNAL: RE: Riparian Setback Inquiry - 0 Brooten Rd, Pacific City, OR 97135

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

Good morning Kalli,

Robert is out this week but brought me up to speed on this situation/application. The new plan looks good.

You are correct, ODFW North Coast Watershed District finds the reduced 20-foot riparian set back acceptable at this location provided the existing native riparian trees and vegetation are protected in perpetuity.

Thank you and feel free to reach out to me if you have any other questions,

Mike Sinnott
Assistant District Fish Biologist
Oregon Department of Fish and Wildlife
North Coast Watershed District
4907 Third St
Tillamook, OR 97141
503-842-2741 Ext. 18614
Michael.SINNOTT@odfw.oregon.gov

From: Kalli Light <Kalli@relevantbuildings.com>
Sent: Wednesday, July 31, 2024 10:48 AM
To: BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov>; SINNOTT Michael * ODFW <Michael.SINNOTT@odfw.oregon.gov>
Cc: Carl Coffman <Carl@relevantbuildings.com>; Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>; Bob Taylor <bob@materialcg.com>
Subject: RE: Riparian Setback Inquiry - 0 Brooten Rd, Pacific City, OR 97135

Good morning Robert,

Thank you for your feedback a couple of weeks ago for this property at Brooten Rd, Pacific City. As a refresher, this property is surrounded by buildings on either side and is in a heavily developed area. This is a very narrow lot, so we are requesting a reduced riparian setback of 20' in order to fit the proposed building. The proposed building is a modest size and is about as narrow as it can reasonably be.

I updated the site plan based on your feedback (see attached). This site plan may change a bit after we get feedback from the Planning and Public Works departments, but in any case the proposed building (including the hanging decks, roof eaves, and other projections) will not cross the 20' riparian setback.

We met with Melissa Jenck this morning to discuss this project further, and we are now working on submitting the riparian exception request to Tillamook County. In your last email, it sounded like the 20' riparian setback would be

acceptable to you, but can you confirm? And would there be any other requirements aside from maintaining the existing native trees and vegetation within the riparian setback?

Thank you,

Kalli Light (*she/her*)
Permit Specialist
rel-e-va-nt build-ing com-pa-ny
relevantbuildings.com
360-903-7470

From: BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov>
Sent: Friday, July 12, 2024 3:11 PM
To: Kalli Light <Kalli@relevantbuildings.com>; SINNOTT Michael * ODFW <Michael.SINNOTT@odfw.oregon.gov>
Subject: RE: Riparian Setback Inquiry - 0 Brooten Rd, Pacific City, OR 97135

Kalli,

Here are some thoughts on your questions/plan:

1. The County riparian ordinance allows for a setback to be reduced to 20 feet in heavily developed locations, which is the case here. To my knowledge the county does not allow using an “average” setback line- all elements of the project would need to be outside the 20’ (or otherwise approved) setback. Thus your plan as proposed would not fall under the exceptions, and would require a variance process to request the setback be reduced to the distance needed to fit in Units 4-6.
2. Aligning with the adjoining buildings is a good step, and something we look at when commenting to the county on proposed setback reductions.
3. The decks cannot extend into the riparian setback. Picture a vertical line extending upward from the ground at the setback line- anything that crosses that plane is considered within the setback (even if there is no post or other connection to the ground).

All that said, your plan is not bad given the site constraints. You might have some hoops to jump through with the county to proceed (maybe a partial setback reduction to cover the units that would extend beyond 20 feet | that is possible, other variance, or perhaps they’ll accept the average method?). ODFW would like to see all trees and native vegetation within the estuary setback retained and protected on site into the future. Additional plantings in the setback would also help to offset impacts, so that is something you consider offering up in the process.

Robert

Robert W. Bradley
District Fish Biologist
Oregon Department of Fish and Wildlife
North Coast Watershed District
4907 Third St
Tillamook, OR 97141
503-842-2741 x18613 (w)
503-842-8385 (fax)

From: ODFW Info * ODFW <odfw.info@odfw.oregon.gov>
Sent: Wednesday, July 10, 2024 9:41 AM
To: Kalli Light <Kalli@relevantbuildings.com>; BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov>; SINNOTT

Michael * ODFW <Michael.SINNOTT@odfw.oregon.gov>

Subject: FW: Riparian Setback Inquiry - 0 Brooten Rd, Pacific City, OR 97135

Kalli,

I have forwarded your email to the Fish Biologists in our Tillamook office, as you requested.

Matthew Falk

Oregon Department of Fish and Wildlife

4034 Fairview Industrial Dr SE

Salem, Oregon 97302-1142

Ph: (503)947-6027

odfw.info@odfw.oregon.gov

From: Kalli Light <Kalli@relevantbuildings.com>

Sent: Wednesday, July 3, 2024 3:10 PM

To: ODFW Info * ODFW <odfw.info@odfw.oregon.gov>

Cc: Carl Coffman <Carl@relevantbuildings.com>; Bob Taylor <bob@materialcg.com>

Subject: Riparian Setback Inquiry - 0 Brooten Rd, Pacific City, OR 97135

You don't often get email from kalli@relevantbuildings.com. [Learn why this is important](#)

Hello,

I am working on putting together the design for a new 6-unit multifamily building at 0 Brooten Rd, Pacific City, OR 97135. The first story will be parking, and then the second story will be the living units. This property is adjacent to the Big Nestucca River. Tillamook County typically requires a 50' riparian setback from the line of non-aquatic vegetation along the river bank to proposed development. However, they are willing to reduce this setback if ODFW says a reduction is acceptable, which is why I'm reaching out to you.

I'm hoping you can take a look at this project and let us know if a reduced riparian setback would be acceptable to you. I'm attaching a survey and preliminary site plan so you can get a sense of what this project looks like. A few things I want to point out:

1. The site plan shows our suggested reduced riparian setback measured at 20' from the line of non-aquatic vegetation. You'll notice that units #1-4 are well behind this setback line, whereas units #5-6 are slightly past this 20' setback due to the shape of the bank. The average setback for the building is still 20' when comparing the difference between the available space behind units #1-4 with the small space where units #5-6 overlap the setback.
2. The rear wall of the proposed building is slight farther landward than the neighboring building's rear wall. We have moved the building as close to the street as possible while still meeting Tillamook County's minimum setback requirements. The proposed building is only 20' wide. In short, we have placed the rear wall of the proposed building as far from the river as is practical.
3. The proposed decks will be cantilevered, meaning that they won't be touching the ground. There won't be posts for the deck either. They will be supported from the side of the building. We believe this means that they can extend into the riparian setback since they don't touch/affect the ground, but please correct me if I'm wrong.

Please let me know your thoughts and if you need any additional information. Please also let me know who is the best person at ODFW to talk to about this project.

Thank you and enjoy the holiday weekend!

Kalli Light (*she/her*)
Permit Specialist
rel-e-vant build-ing com-pa-ny
relevantbuildings.com
360-903-7470