



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

NOTICE OF PUBLIC HEARING TILLAMOOK COUNTY PLANNING COMMISSION

Date of Notice: November 14, 2024

Date of Planning Commission Hearing: December 12, 2024

A public hearing will be held by the Tillamook County Planning Commission at 7:00p.m. on Thursday, December 12, 2024, in the Port of Tillamook Bay Conference Center, 4000 Blimp Boulevard, Tillamook, OR 97141 to consider the following:

#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.

Notice of public hearing, a map of the request area, applicable specific request review criteria and a general explanation of the requirements for submission of testimony and the procedures for conduct of hearing has been mailed to all property owners within 250-feet of the exterior boundary of the subject properties for which application has been made at least 28 days prior to the date of the hearing.

Applicable criteria are contained within the Tillamook County Land Use Ordinance (TCLUO) Section 6.040: Conditional Use Review Criteria, TCLUO Section 8.030: Variance Review Criteria and TCLUO Section 4.140: Development requirements for Water Quality and Streambank Stabilization. Only comments relevant to the approval criteria are considered relevant evidence. Relevant standards include and may not be limited to applicable standards contained within TCLUO Section 3.337: Pacific City/Woods Commercial One (PCW-C1) Zone.

The hearing will take place at the Port of Tillamook Bay Conference Center with an option for virtual participation. For instructions on how to provide oral testimony at the December 12, 2024 hearing and hearing protocol, please visit the Tillamook County Community Development Planning Commission page at <https://www.tillamookcounty.gov/bc-pc> or email Sarah Thompson, Office Specialist, at sarah.thompson@tillamookcounty.gov. The virtual meeting link can be found at the bottom of the Community Development Department homepage as well as a dial in number for those who wish to participate via teleconference.

Written testimony may be submitted to the Tillamook County Department of Community Development, 1510-B Third Street, Tillamook, Oregon, 97141 prior to 4:00 p.m. on the date of the December 12, 2024, Planning Commission hearing. Testimony submitted by 4:00pm on Tuesday, December 3, 2024, will be included in the packet mailed to the Planning

Commission the week prior to the December 12, 2024, hearing. Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue. Please contact Sarah Thompson, Office Specialist, Tillamook County Department of Community Development, sarah.thompson@tillamookcounty.gov as soon as possible if you wish to have your comments included in the staff report that will be presented to the Planning Commission.

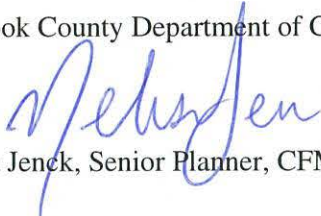
Documents and submitted application are also available on the Tillamook County Department of Community Development website (<https://www.tillamookcounty.gov/commdev/landuseapps>) or at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon, 97141. A copy of the application and related materials may be purchased from the Department of Community Development at a cost of 25 cents per page. The staff report will be available for public inspection seven days prior to the hearing. Please contact Sarah Thompson for additional information sarah.thompson@tillamookcounty.gov or call 1-800-488-8280 x3423.

In addition to the specific applicable review criteria, the Tillamook County Land Use Ordinance, Tillamook County Comprehensive Plan and Statewide Planning Goals which may contain additional regulations, policies, zones and standards that may apply to the request are also available for review at the Department of Community Development.

The Port of Tillamook Bay Conference Center is accessible to persons with disabilities. If special accommodations are needed for persons with hearing, visual, or manual impairments who wish to participate in the hearings, call 1-800-488-8280 ext. 3423 or email sarah.thompson@tillamookcounty.gov at least 24 hours prior to the hearing so that the appropriate communications assistance can be arranged.

If you need additional information, please contact Sarah Thompson, DCD Office Specialist, at 1-800-488-8280 ext. 3423 or email sarah.thompson@tillamookcounty.gov.

Tillamook County Department of Community Development



Melissa Jenck, Senior Planner, CFM

Sarah Absher, CFM, Director

Enc. Maps & Testimony Tips

SECTION 6.040: CONDITIONAL USE REVIEW CRITERIA

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

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

SECTION 8.030: VARIANCE REVIEW CRITERIA:

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

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

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

(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.

Citizen Tips for Providing Testimony at a Planning Commission/Board of County Commissioner Hearing

Goal 1 of Oregon's Statewide Planning Goals recognizes the importance of citizen involvement "in all phases of the planning process." One of the principal ways for citizens to be involved is by testifying at local land use hearings. These citizen tips are designed to help citizens prepare and deliver testimony during Tillamook County land use hearing processes.

Know the Process

The Chair of the decision-making body will always read aloud the order of presentation and the process. Presentation is generally as follows:

- Planning Staff Presentation (generally 15 minutes)
 - Questions to Staff by the Decision-Maker
- Applicant's Presentation (generally 15 minutes)
 - Questions to Applicant by the Decision-Maker
- Public Comment Period
 - Generally limited to 3 minutes per person.
- Applicant Rebuttal & Final Statements
- Staff Final Statements
- Public Hearing Closed for Decision-Maker Deliberation
 - No further public testimony accepted.
- Decision-Maker may ask questions of staff.
- Decision-Makers vote on issue.
- Notice of Decision mailed to all parties.

Understand the Issue

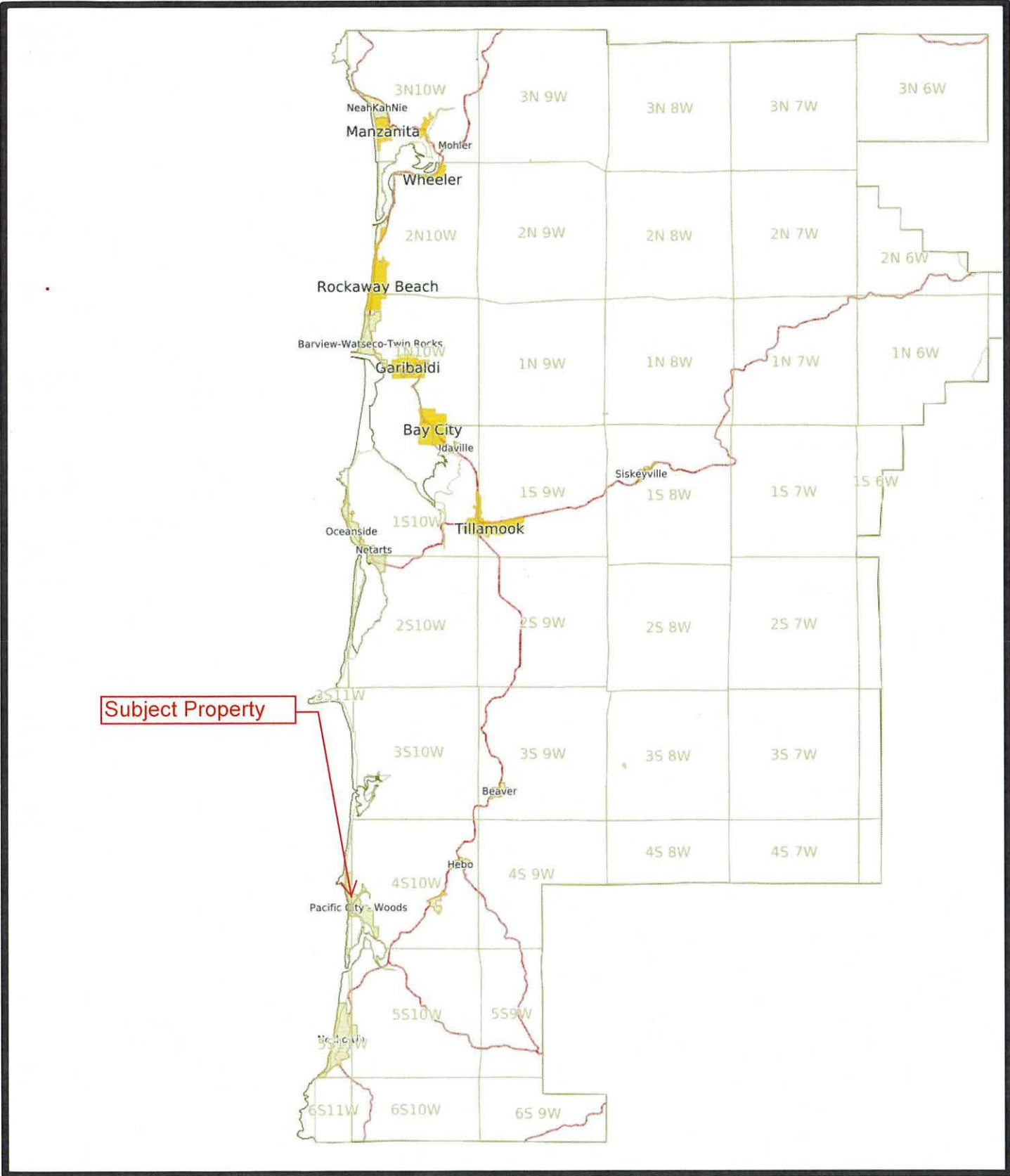
- Become familiar with the land use record (application, staff report and hearing materials) found on the Land Use Applications page under the Planning tab of the Community Development website.
- Become familiar with the relevant criteria (included in notice of public hearing).
- Prepare an outline of your testimony to use while testifying and focus testimony to the relevant criteria
- Decisions to approve or deny a request are based on the relevant criteria.
- Know when, where and who you are speaking to.
 - Tillamook County Planning Commission or Board of County Commissioners- depending on nature of request, application review process, and current phase of hearing process.
- Public testimony is generally limited to 3 minutes per person.
- Be sure to state your name and address for the record at the beginning of your testimony to ensure you receive notice of decision after hearing process has ended.

Check Department Website for Updates

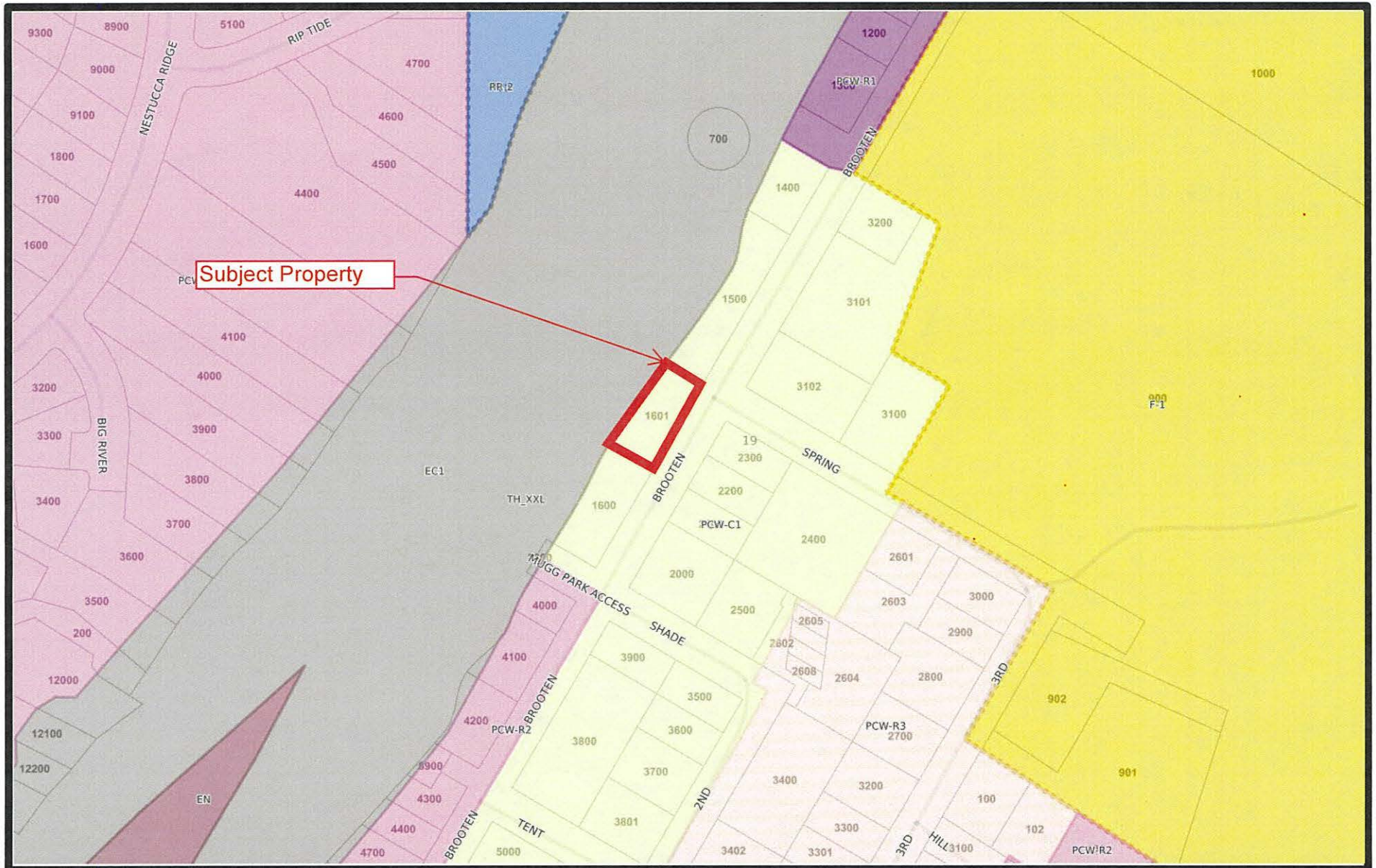
- Visit the Land Use Applications page.
- Follow posted calendar dates for written testimony submittal opportunities if the hearing is ongoing.
- Review additional written testimony received during the open comment periods.
- Review hearing packets and agendas if hearing process is ongoing.
- Review Notice of Decision and remain informed on appeal dates.

EXHIBIT A

Vicinity Map



Zoning Map



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

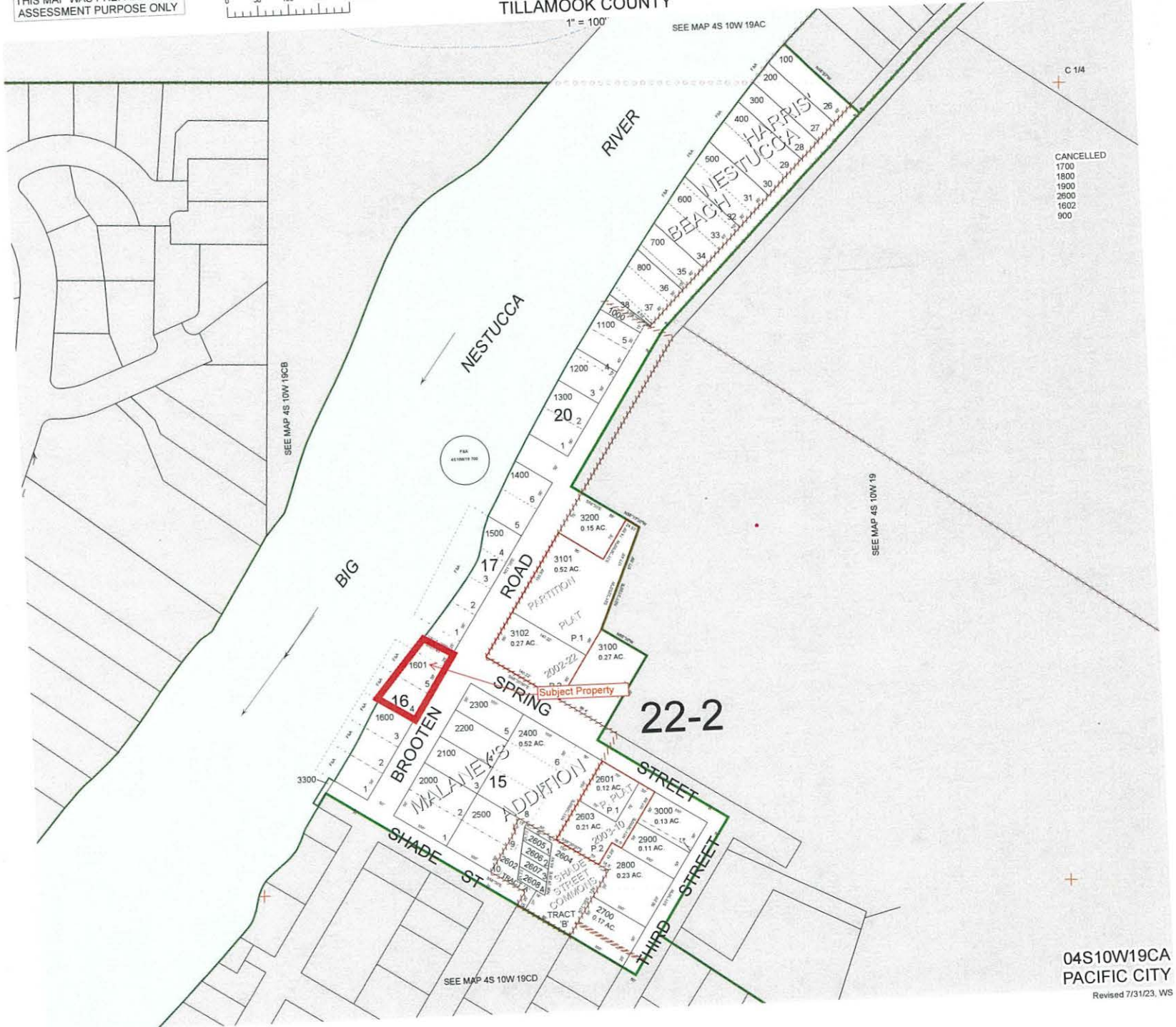
1" = 100'

SEE MAP 4S 10W 19AC

04S10W19CA
PACIFIC CITY

C 1/4

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		Land	13,070	51.3
	Impr	0		Impr	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	ID #	Year Built	Stat 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 FIRMMette



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) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
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 <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard <i>Zone</i>
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		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

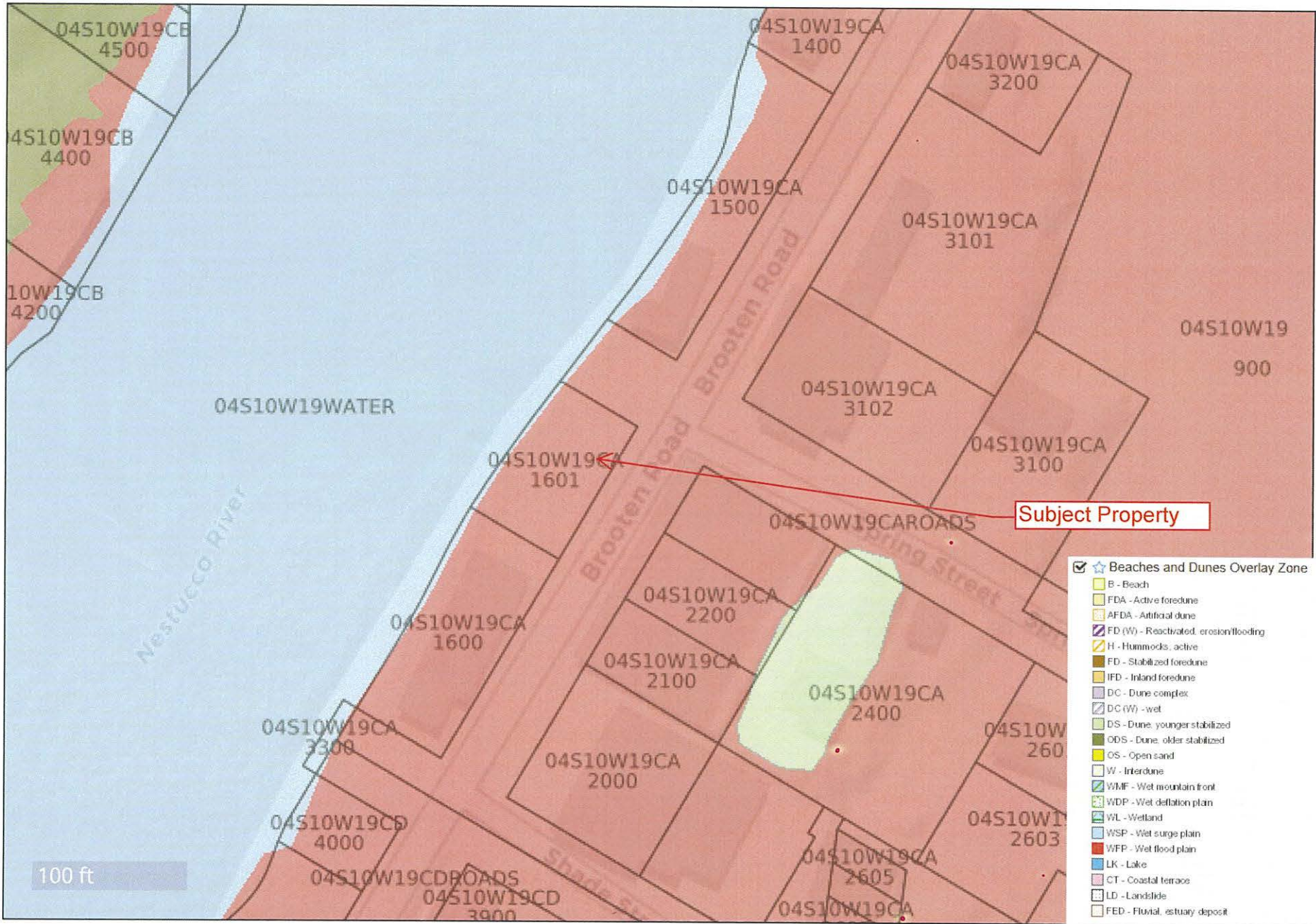
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/14/2024 at 11:38 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by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

0 250 500 1,000 1,500 2,000 Feet 1:6,000

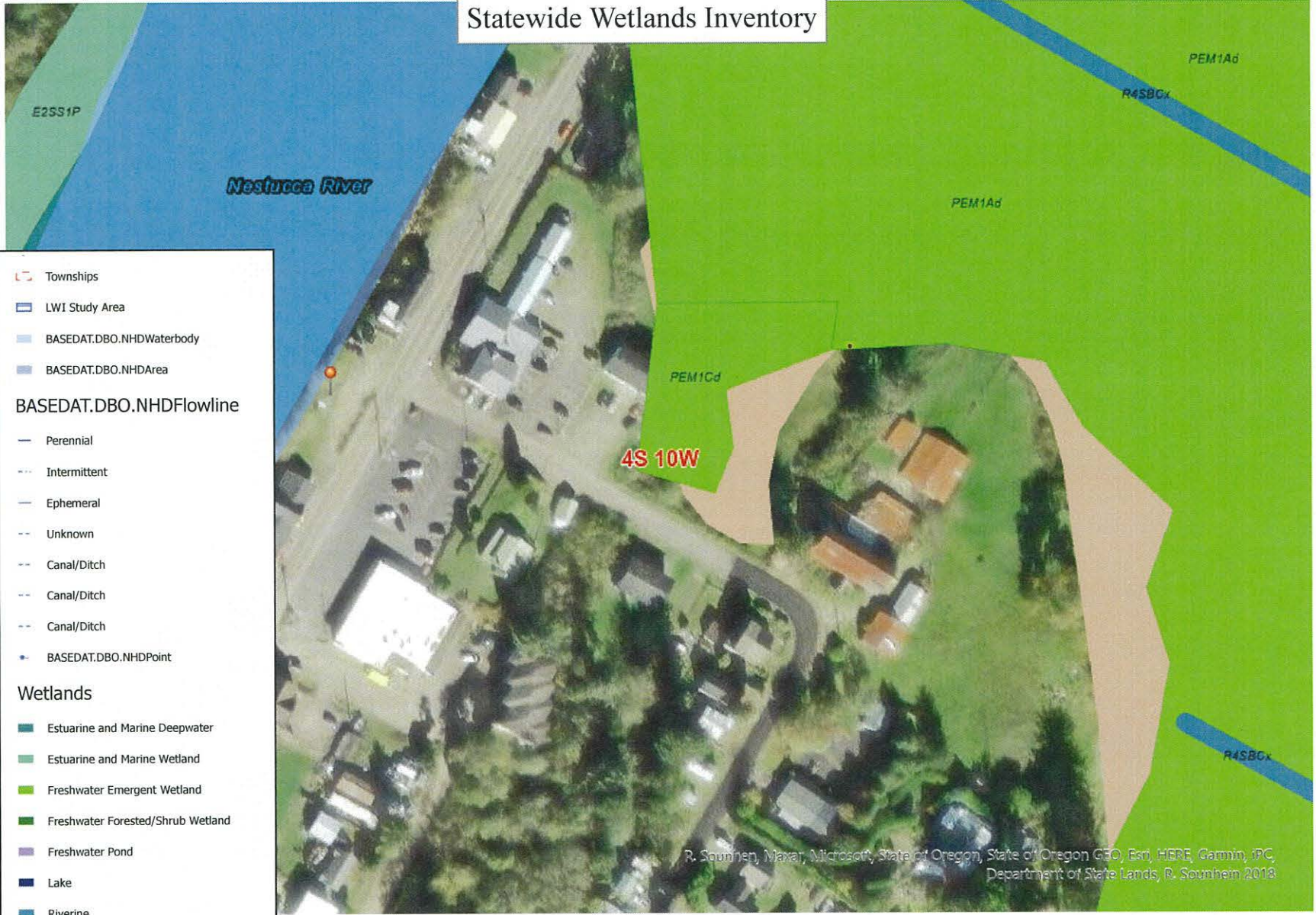
123°57'17"W 45°12'13"N

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

- Townships

LWI Study Area

- LWI Study Area

BASEDAT.DBO.NHDWaterbody

- BASEDAT.DBO.NHDWaterbody

BASEDAT.DBO.NHDArea

- BASEDAT.DBO.NHDArea

BASEDAT.DBO.NHDFlowline

- Perennial
- Intermittent
- Ephemeral
- Unknown
- Canal/Ditch
- Canal/Ditch
- Canal/Ditch
- BASEDAT.DBO.NHDPPoint

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine
- SWI Agate-Winlo Soils
- SWI Predominantly Hydric Soil Map Units

R. Souinhen, Maxar, Microsoft, State of Oregon, State of Oregon GEO, Esri, HERE, Garmin, iPC, Department of State Lands, R. Souinhen 2018



Date: 11/14/2024



State of Oregon
 Department of State Lands
 775 Summer Street, NE, Ste 100
 Salem, OR 97301-1279

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.

EXHIBIT B



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

PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	RECEIVED OCT 16 2024
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by:	EMAIL
Receipt #:	139460, 139461, 139463
Fees:	1265, 1365, 1365
Permit No:	851-24-000483-PLNG CUP 851-24-000483-PLNG-01 VARIANCE 851-24-000483-PLNG-02 EXCEPTION

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:

- 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-variant building 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-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.

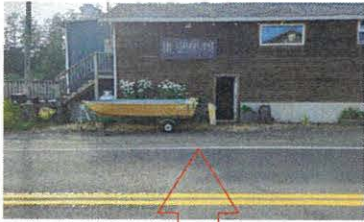
Please let me know your thoughts and if you need any additional information. Please also let me know who is the best person at ODFW to talk to about this project.

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



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



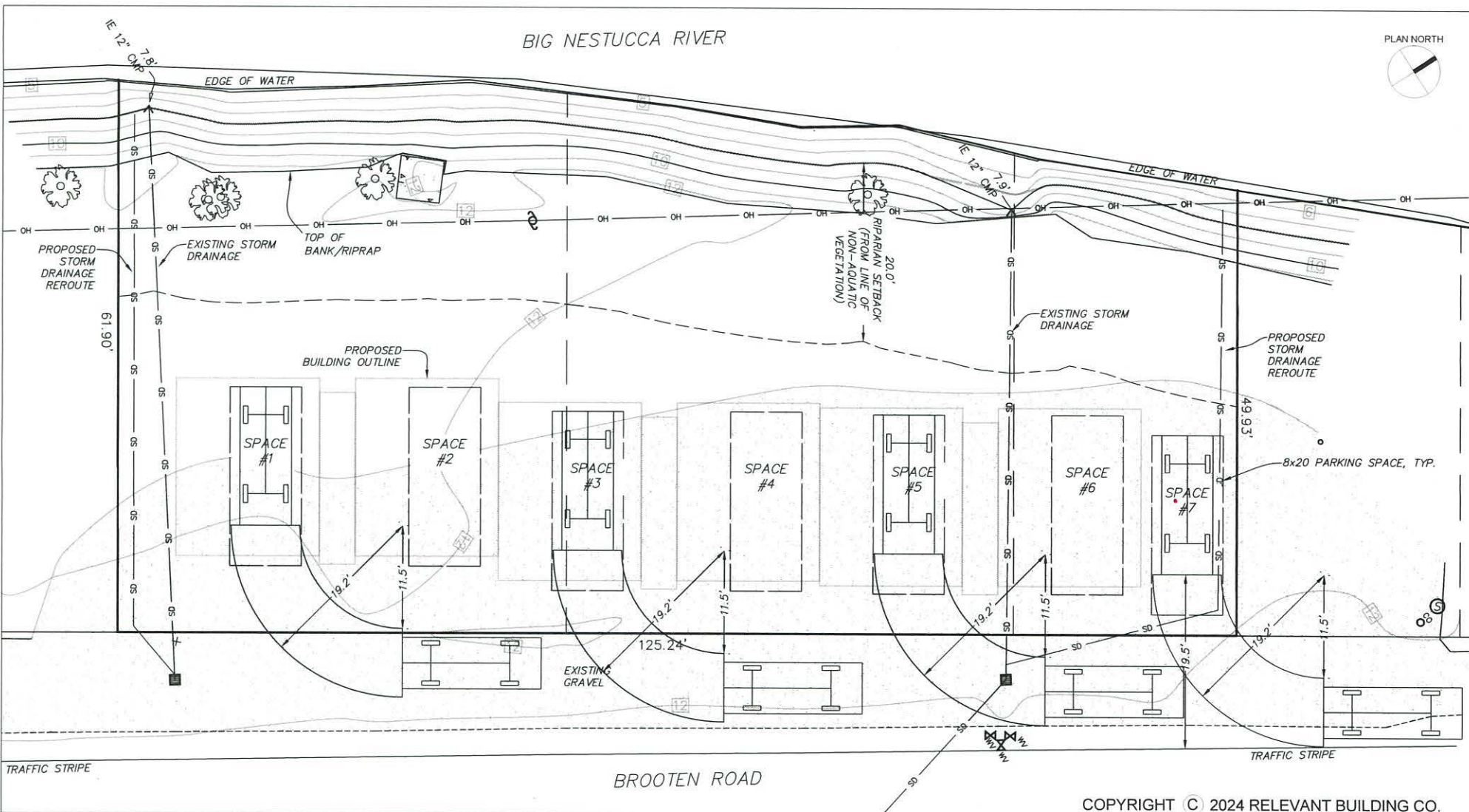
Kayak Shop

Riverhouse

125' Riverfrontage

BIG NESTUCCA RIVER

PLAN NORTH



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APPROPRIATE TO THE CURRENT TIME, PERIOD, OR CIRCUMSTANCES

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"



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:

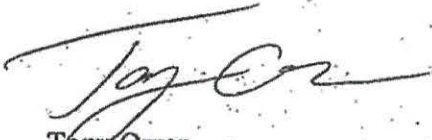
1. Water and sewer service is provided on a first come, first served basis. PCJWSA does not reserve or guarantee water and/or sewer connections
2. This letter of availability is only valid for a period of two years from the date the PCJWSA Board of Directors approved availability (6/5/07). If your project 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
sabsheer@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 authorization: 265229				Payer: robert taylor	Payment Amount: \$1,365.00
Paid through ePermitting website			Receipt Total:	\$1,365.00	