



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

Land of Cheese, Trees and Ocean Breeze

RIPARIAN EXCEPTION REQUEST #851-21-000076-PLNG: LYDEGRAF

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

NOTICE OF ADMINISTRATIVE REVIEW

Date of Notice: June 11, 2021

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

#851-21-000076-PLNG: An exception request to reduce the required 50-foot riparian setback from the Nestucca River to 30-feet at the closest point to allow the construction of a single-family dwelling. The subject property is located within the Pacific City/Woods Unincorporated Community, is zoned Pacific City/Woods Medium Density Residential (PCW-R2) and is accessed from Nestucca Boulevard, a County road. The subject property is designated as Tax Lot 12300 in Section 19CB of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. The applicant and property owner is Dale Van Lydegraf.

Written comments received by the Department of Community Development prior to 4:00p.m. on June 25, 2021 will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than the next business day, June 28, 2021.

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

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website: <http://www.co.tillamook.or.us/gov/ComDev/planning/default.htm> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

If you have any questions about this application, please call the Department of Community Development at 503-842-3408 Ext. 3317 or sabsher@co.tillamook.or.us.

Sincerely,

A handwritten signature in blue ink that reads "Sarah Absher". The signature is fluid and cursive.

Sarah Absher, CFM, Director

Enc. Applicable Ordinance Criteria, Maps

REVIEW CRITERIA

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.

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

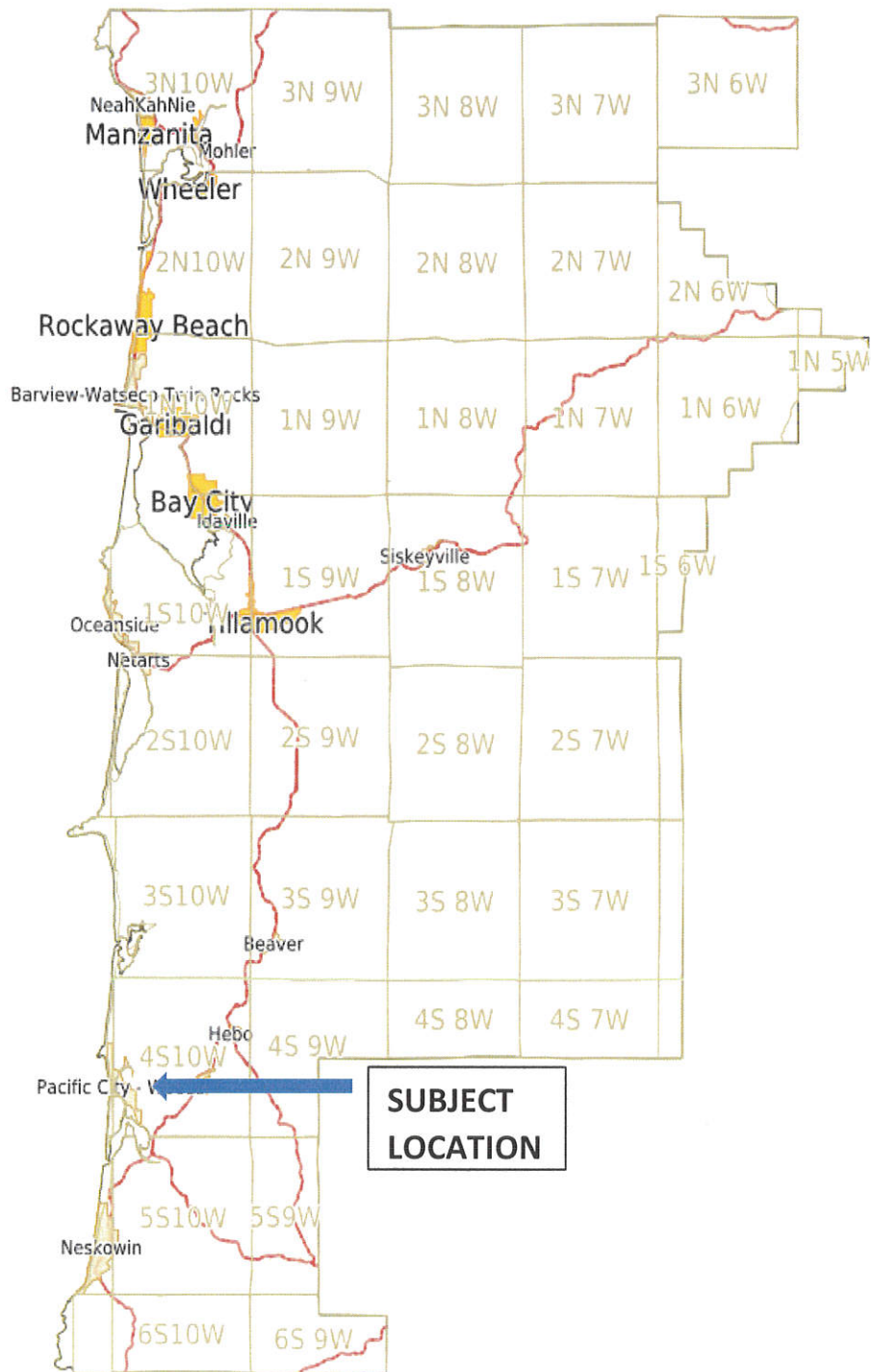
...

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

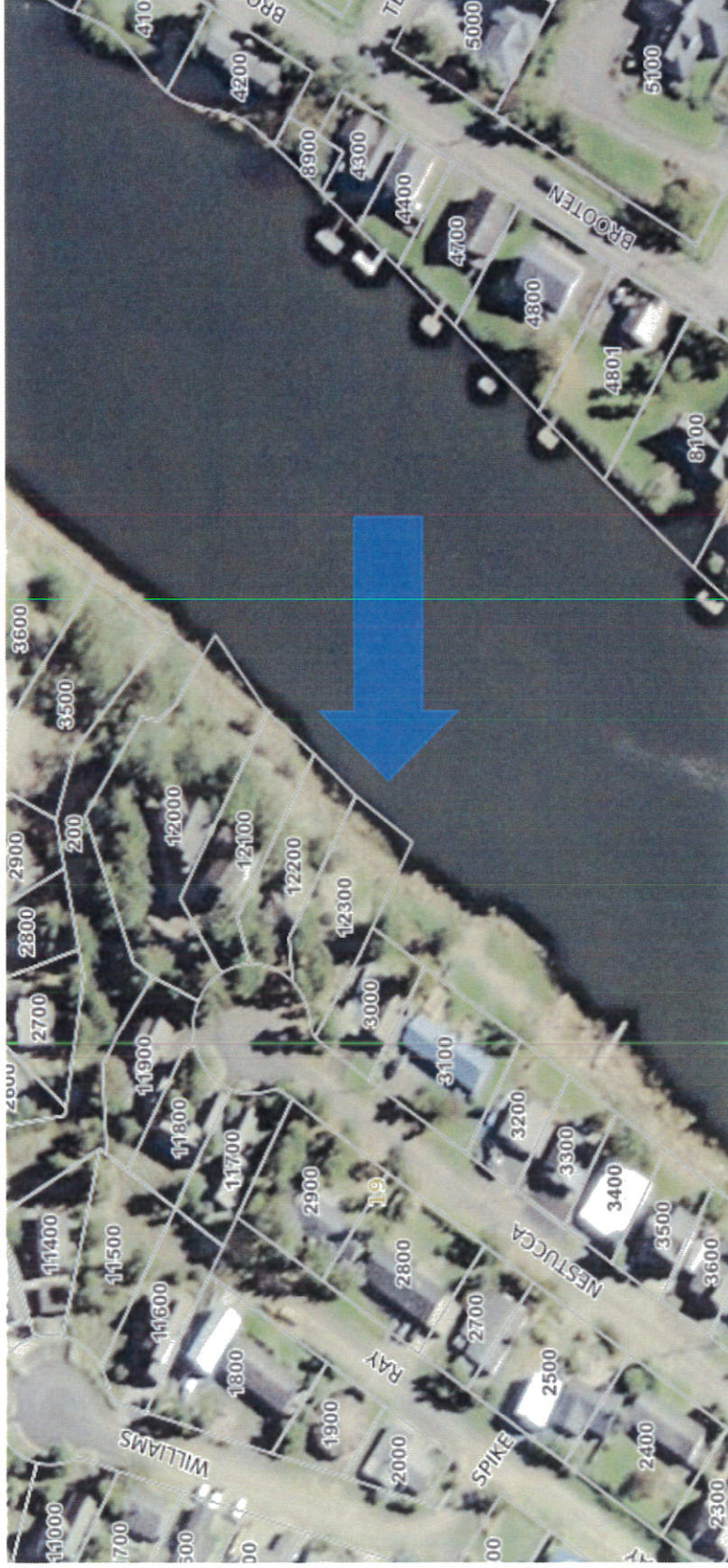
(d) A minimal amount of riparian vegetation is present and dense development in the general vicinity significantly degrades riparian habitat values.

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.

VICINITY MAP

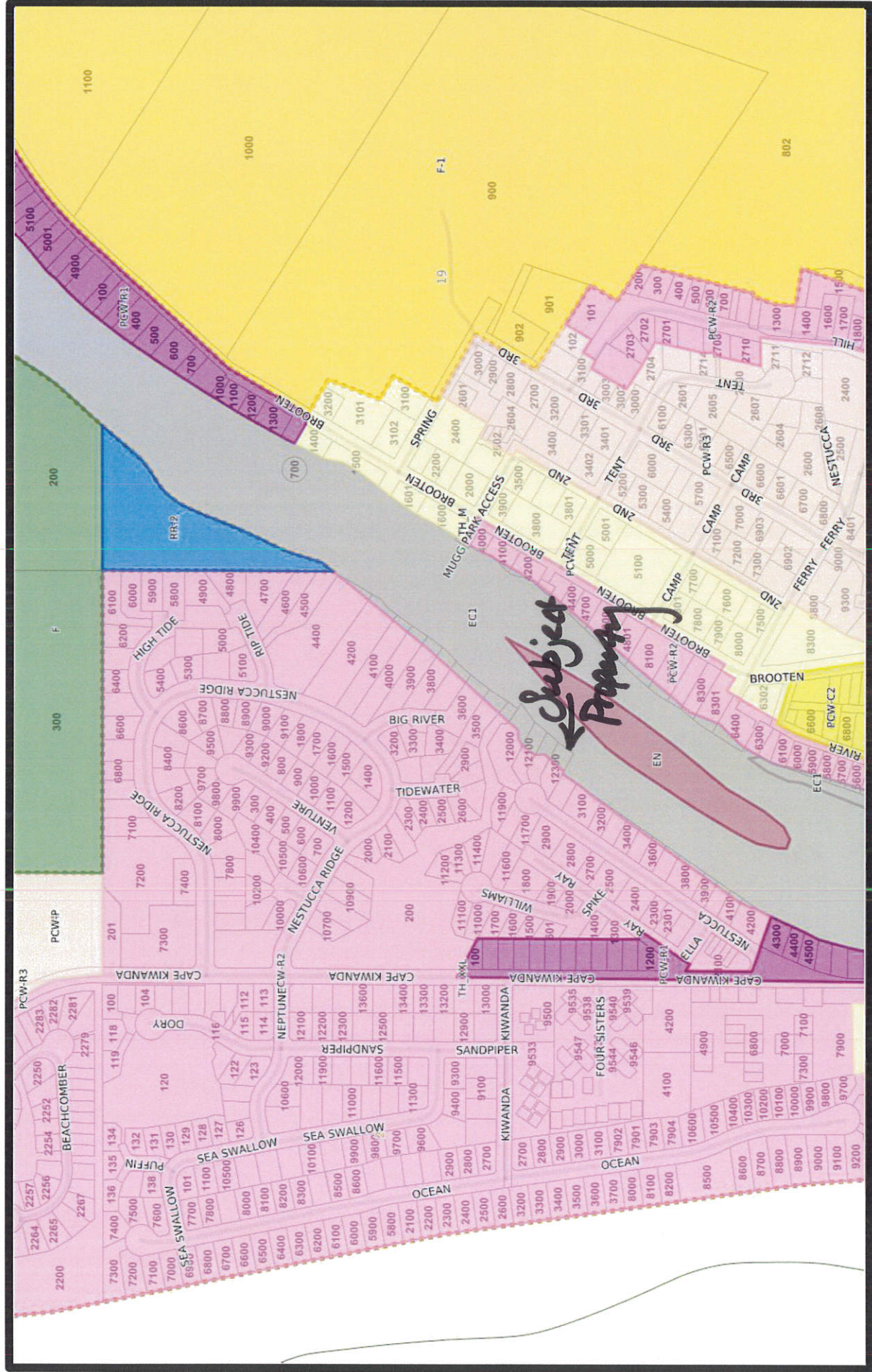


**#851-21-000076-PLNG: LYDEGRAPH
RIPARIAN EXCEPTION**



#851-21-000076-PLNG: LYDEGRAPH RIPARIAN EXCEPTION

Map





PLANNING APPLICATION

RECEIVED	
OFFICE USE ONLY	
Date Stamp:	MAR 15 2020
BY:	PCD [Signature]
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by:	SS
Receipt #:	
Fees:	615.00
Permit No:	851-21-00076-PLNG

Applicant (Check Box if Same as Property Owner)

Name: Dale Van Lydyraf Phone: 503-932-2298
 Address: 5514 Commercial St SE
 City: Salem State: OR Zip: 97306
 Email: Dalevan@dalesremodeling.com

Property Owner

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

Request: Would like to set property line
at 30ft not 50ft from the riparian

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

Location:

Site Address: Lot 11B, Nestucca Ridge 3
 Map Number: 451019CB12300

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.

[Signature] _____ Date: 3-8-2021
 Property Owner Signature (Required)

 Applicant Signature



After recording return to:
Dale Van Lydegraf
5514 Commercial St SE
Salem, OR 97306

Until a change is requested all tax
statements shall be sent to the
following address:
Dale Van Lydegraf
5514 Commercial St SE
Salem, OR 97306

File No.: 7081-3676218 (TJ)
Date: February 08, 2021

THIS SPACE RESERVED FOR RECORDER'S USE

Tillamook County, Oregon
03/08/2021 02:28:00 PM **2021-02030**
DEED-DWARR
\$10.00 \$11.00 \$10.00 \$61.00 - Total = \$92.00
I hereby certify that the within instrument was received
for record and recorded in the County of Tillamook,
State of Oregon.
Tassi O'Neil, Tillamook County Clerk

STATUTORY WARRANTY DEED

Charles M. Gehling, Grantor, conveys and warrants to **Dale Van Lydegraf**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Tillamook, State of Oregon, described as follows:

Lot 118, NESTUCCA RIDGE 3, in Tillamook County, Oregon, as disclosed by Subdivision Plat recorded June 14, 1995 in Plat Cabinet B-400, Tillamook County Records.

TOGETHER WITH an undivided interest in common areas of Nestucca Ridge.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$175,000.00**. (Here comply with requirements of ORS 93.030)

FIRST AMERICAN 3676218

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

Dated this 4 day of MARCH, 2021.

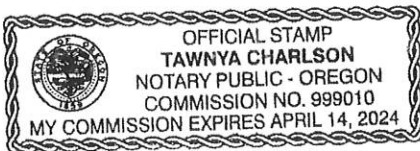
Charles M. Gehling
Charles M. Gehling

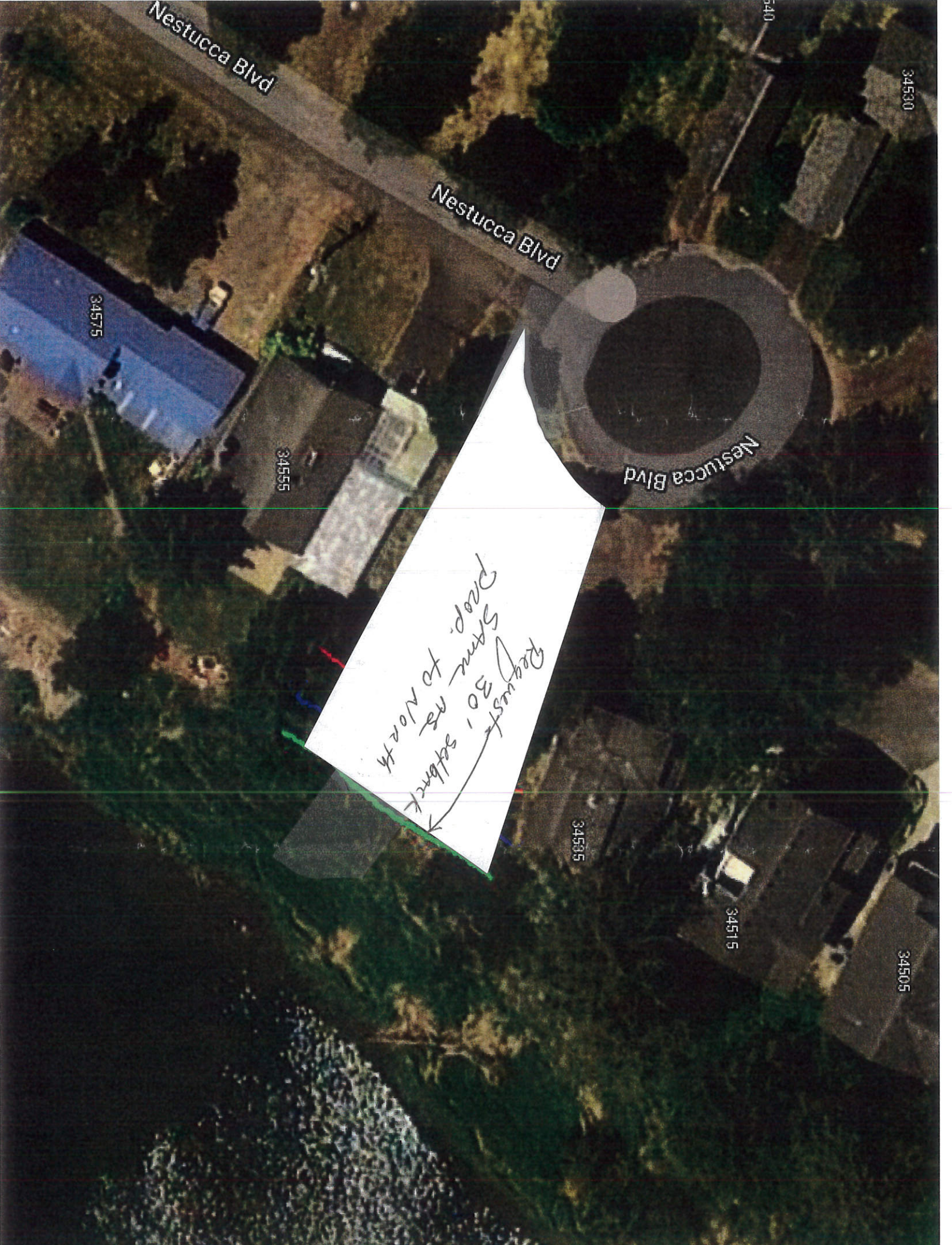
STATE OF Oregon)
County of Hood River)ss.
Fillamook)

This instrument was acknowledged before me on this 4 day of March, 2021
by **Charles M. Gehling**.

Tawnya Charlson

Notary Public for Oregon
My commission expires: April 14, 2024





Nestucca Blvd

34530

Nestucca Blvd

34575

34555

Nestucca Blvd

Request 30' setback prop. to North

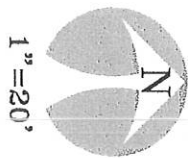
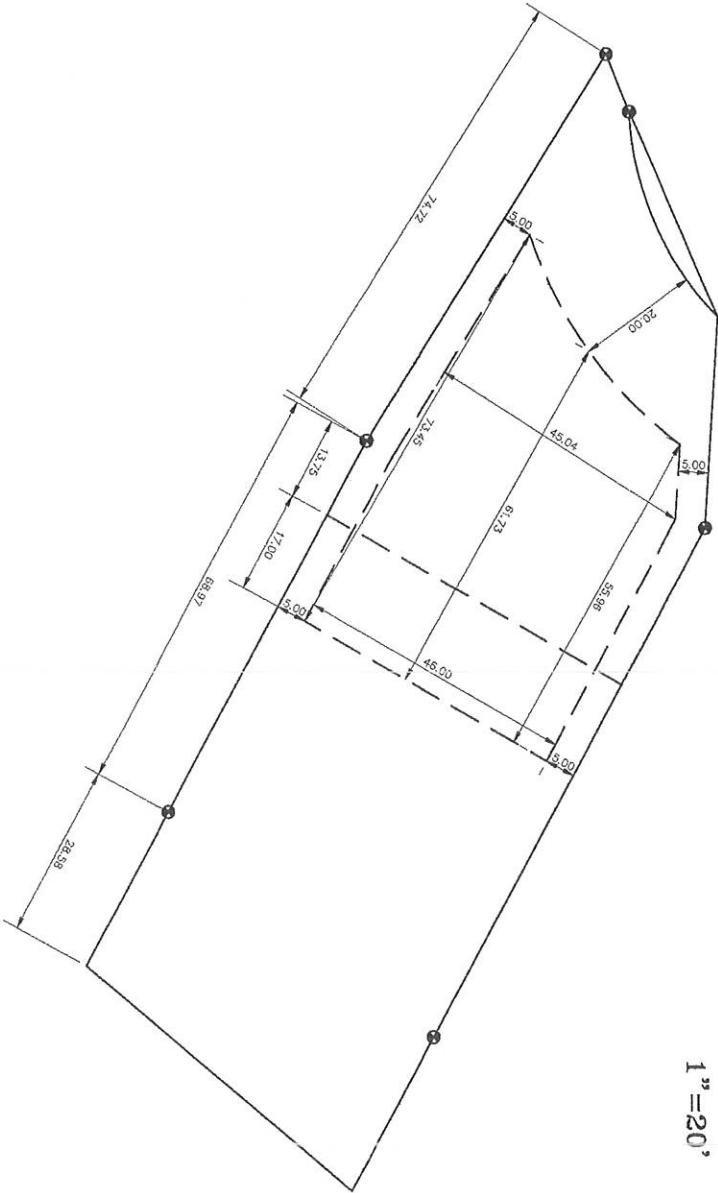
34505

34515

34505

CONTRACTOR:
DALES HOMES, LLC

SITE PLAN



SUBDIVISION: CREEKSIDE LOT: 14 BLK: _____
NAME: DALES HOMES, LLC PH. # _____
ADDRESS: _____ CDA: _____
ASBUILT # _____ MAP # _____
STORM DRAINAGE: _____
WATER SERVICE LEVEL: _____ CODE: _____ PS: _____
SIDEWALK: _____

APPROVAL STAMPS

From: Robert Bradley Robert.Bradley@state.or.us
Subject: 4S1019CB12300
Date: Feb 16, 2021 at 4:25:31 PM
To: Melissa Jenck mjenck@co.tillamook.or.us, Sheila
Shoemaker sshoemak@co.tillamook.or.us
Cc: Angela Rimoldi arimoldi@co.tillamook.or.us, Sarah
Absher sabsher@co.tillamook.or.us,
iredo4u@me.com

I looked at this lot today at the end of Nestucca Blvd. in Pacific City. Attached you will find an aerial photo with lines approximating the following setback measurements:

Red line is the 50 foot estuary setback.

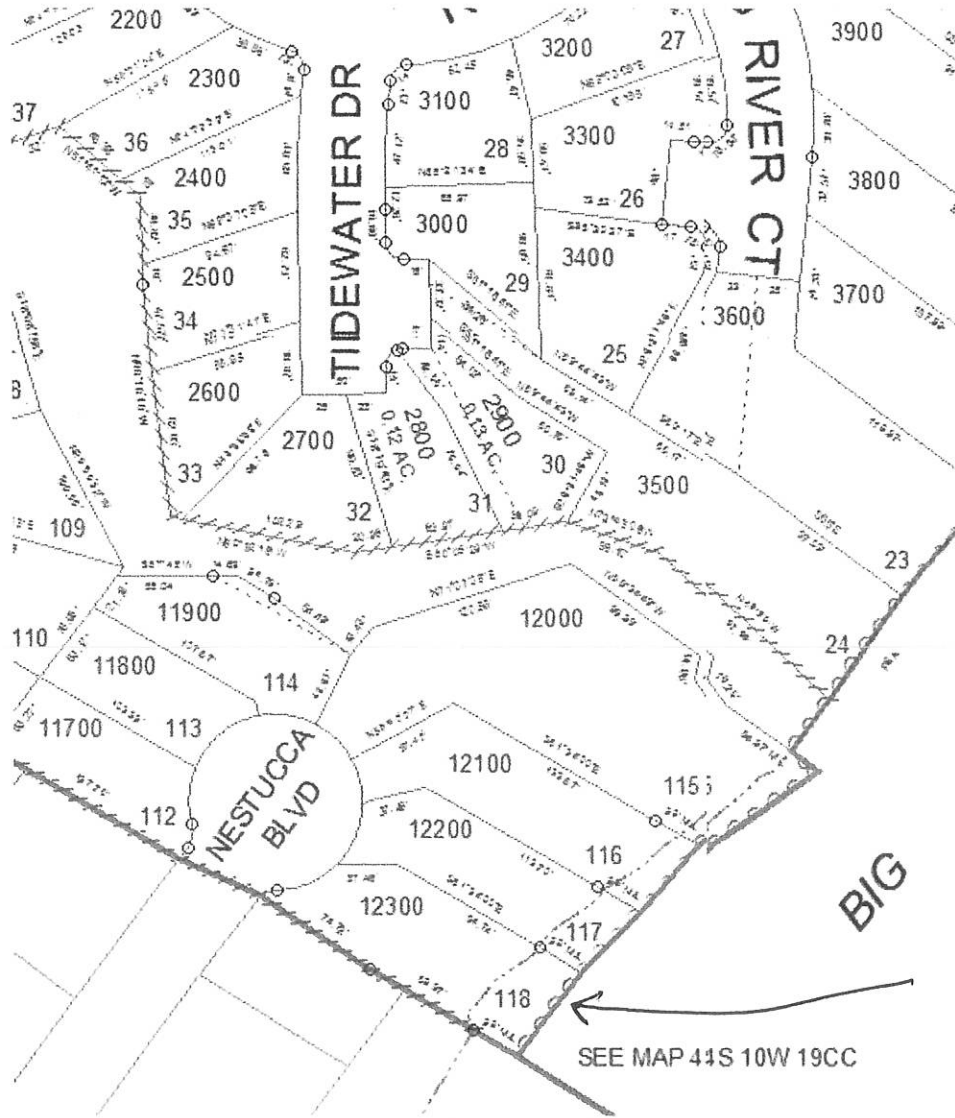
Blue line is a 40 foot setback, roughly equivalent to the rear of the house on the lot to the north.

Green line is a 30 foot setback, roughly equivalent to the rear of the deck off the back of the house to the north.

The adjoining area is highly developed with residential houses. The lot between the estuary and the 50 foot setback is primarily introduced grasses and invasive blackberry and scotch broom. Given these conditions, encroaching within the estuary setback between the 50 and 30 foot lines would be expected to have minimal additional biological consequences and be similar to adjacent properties (especially the north side).

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)



See More



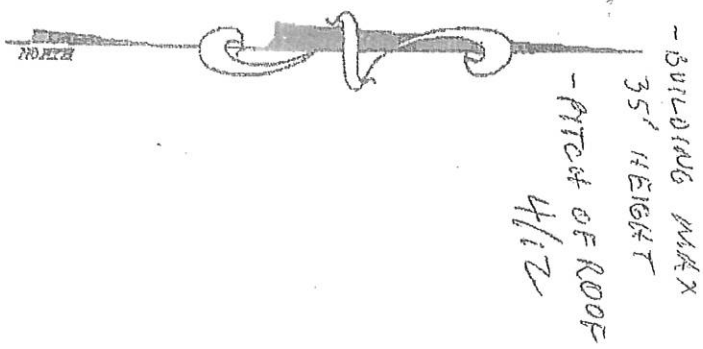
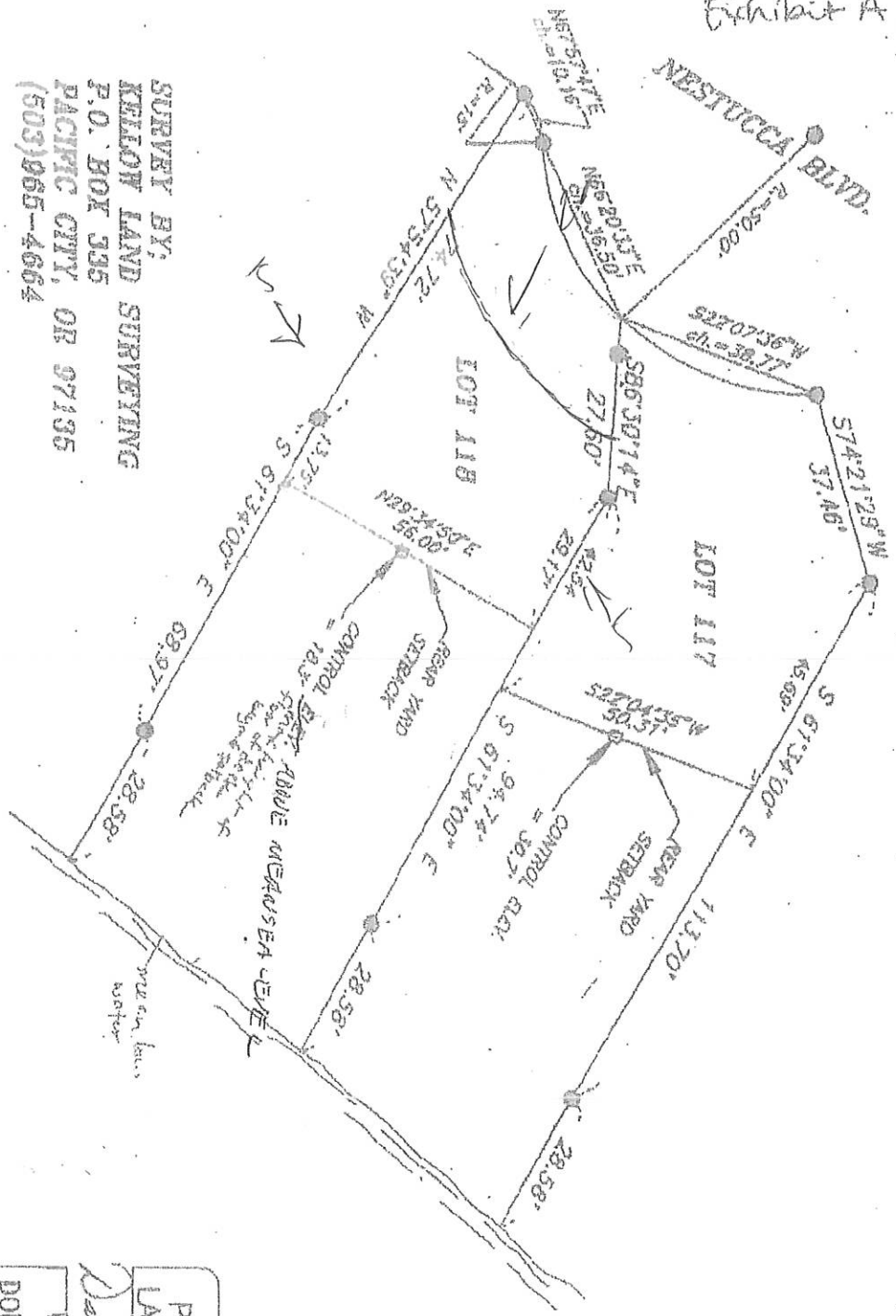
Exhibit A page 2

SURVEY BY:
KELLOW LAND SURVEYING
P.O. BOX 335
PACIFIC CITY, OR 97135
(503)965-4664

NESTUCCA RIDGE DEVELOPMENT, INC.

SURVEY FOR

LOTS 117 & 118, NESTUCCA RIDGE 3, IN
SEC. 19, T. 4 S., R. 10 W.W.M., TILLAMOOK
COUNTY, OREGON



DRIVEWAYS MAX
22' WIDTH AT
ROAD PAVED HARD
SURFACE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Douglas H. Kellow

OREGON
FEBRUARY 3, 1983
DOUGLAS H. KELLOW
2023

RENEWAL DATE 9/30/07

SCALE: 1" = 30'

DATE: JUNE 10, 1997

SEC. 19, T. 4 S., R. 10 W.W.M., TILLAMOOK
COUNTY, OREGON