



1510 – B Third Street
Tillamook, Oregon 97141
www.tillamook.or.us
Building (503) 842-3407
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Land of Cheese, Trees and Ocean Breeze

RESOURCE ZONE EXCEPTION REQUEST #851-21-000151-PLNG:

BOCKO/HEBER/CREEKSIDE HOMES

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: July 12, 2021

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

#851-21-000151-PLNG: An exception request to reduce the required 100-foot resource zone setback from Forest (F) zone boundary by 80-feet to establish a 20-foot resource zone setback (rear yard southerly setback line) to allow the construction of a single-family dwelling. The subject property is located within the Neskowin Unincorporated Community, is accessed from Hilltop Lane, a local access road, zoned Neskowin Low Density Residential (NeskR-1) and is designated as Tax Lot 3700 in Section 36AB of Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon. Applicant is Creekside Homes and property owners are Teri Bocko and Dan Heber.

**Applicant's submittal includes Variance criteria analysis. By Director determination, Exception process is appropriate for consideration of this request consistent with the applicable criteria on the following page of this notice and the application submittal can be deemed complete for Exception review process.*

Written comments received by the Department of Community Development prior to 4:00p.m. on July 26, 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, July 27, 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: <https://www.co.tillamook.or.us/commdev/landuseapps> 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,

Sarah Absher, CFM, Director

Enc. Applicable Ordinance Criteria & Maps

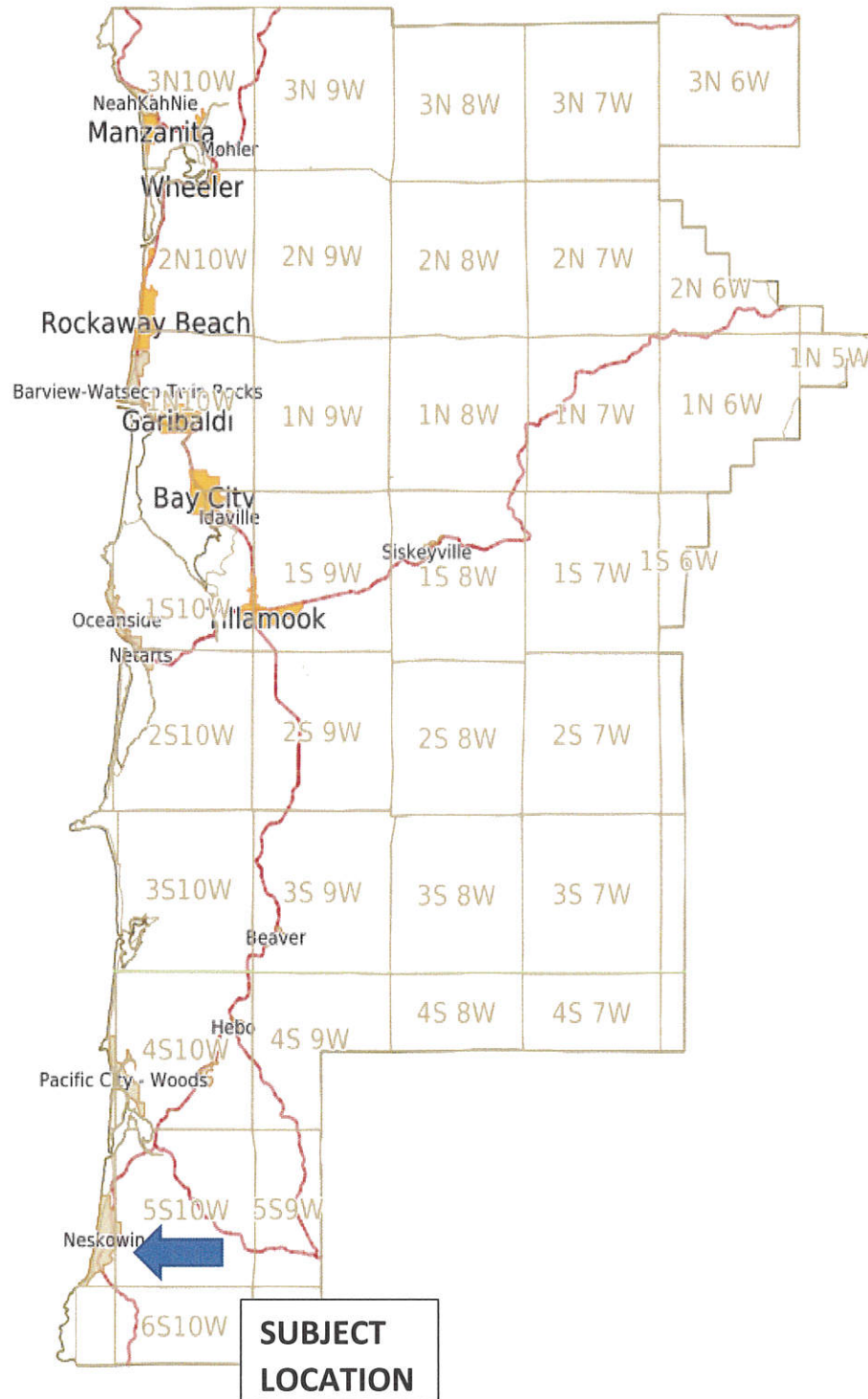
REVIEW CRITERIA

SECTION 3.322: NESKOWIN LOW DENSITY RESIDENTIAL (NESKR-1) (4) STANDARDS: Land divisions and development in the NeskR-1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

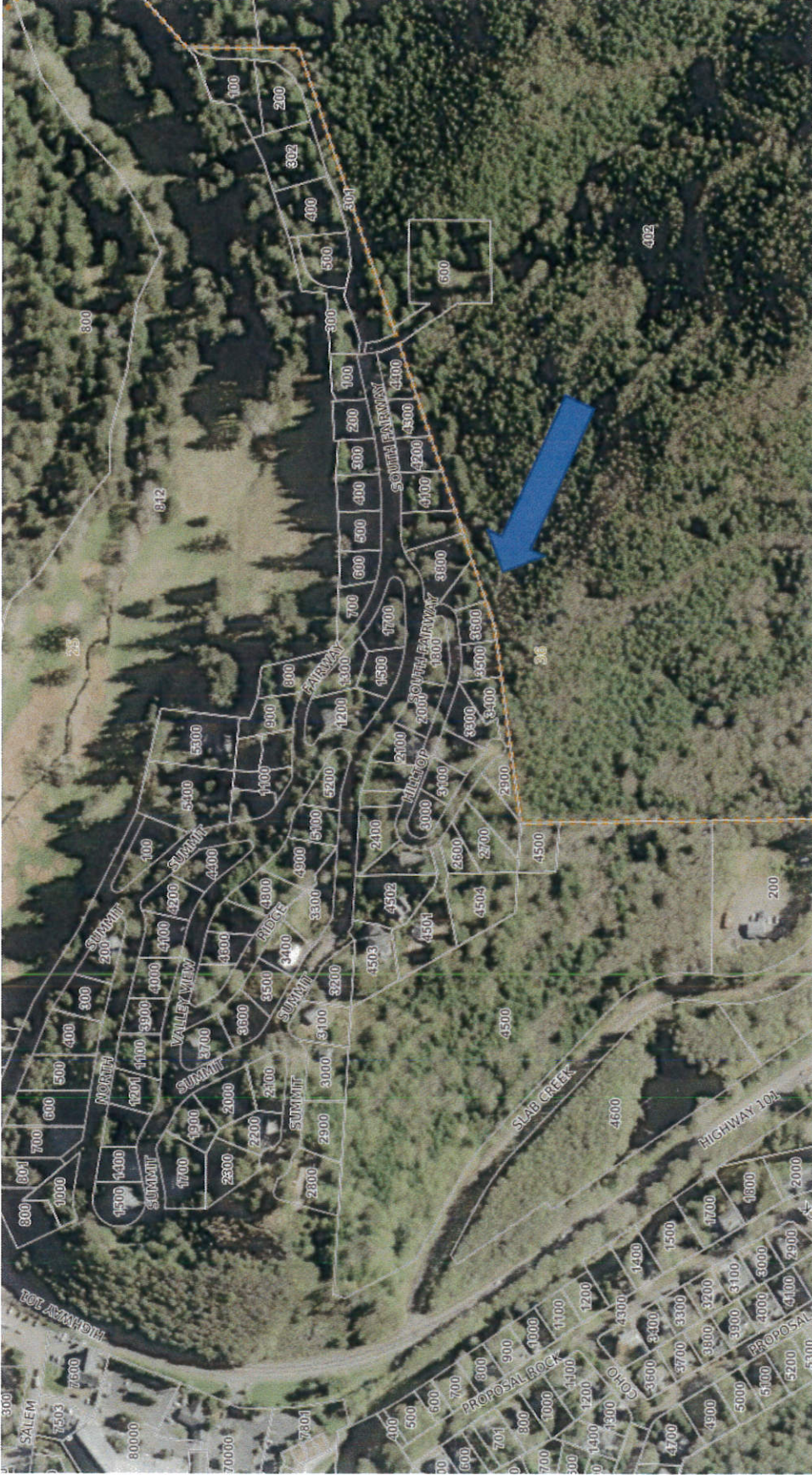
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No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; *or that a residential structure could not otherwise be placed on the property without requiring a Variance to the 100-foot requirement.* In either case, all yard requirements in this zone.

VICINITY MAP



**#851-21-000151-PLNG: BOCKO & HEBER
RESOURCE ZONE EXCEPTION**



#851-21-000151-PLNG: BOCKO & HEBER

RESOURCE ZONE EXCEPTION

Map





PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: Creekside Homes Phone: 503-560-0915 503-389-6890

Address: PO Box 315

City: McMinnville State: OR Zip: 97128

Email: aburton@creeksidehomes.net; office@creeksidehomes.net

Property Owner

Name: Teri Bocko & Dan Heber Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

Email: teribocko@gmail.com; dheber86@gmail.com

OFFICE USE ONLY	
Date Stamp	RECEIVED MAY 05 2021 BY: _____
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	<u>SS</u>
Receipt #:	_____
Fees:	<u>615.00</u>
Permit No:	<u>851-21-00051 -PLNG</u>

Request: new home construction

Type II

- Farm/Forest Review
- Conditional Use Review
- Variance
- Exception to Resource or Riparian Setback
- Nonconforming Review (Major or Minor)
- Development Permit Review for Estuary Development
- Non-farm dwelling in Farm Zone
- Fore-dune Grading Permit Review
- Neskowin Coastal Hazards Area

Type III

- Appeal of Director's Decision
- Extension of Time
- Detailed Hazard Report
- Conditional Use (As deemed by Director)
- Ordinance Amendment
- Map Amendment
- Goal Exception

Type IV

- Appeal of Planning Commission Decision
- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

Location:

Site Address: Hilltop Ln Neskowin, OR 97149

Map Number: 5S 11W 36AB 03700

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] Daniel C. Heber

05 / 05 / 2021

Property Owner Signature (Required)

Date

[Signature] Andrew Burton

5/5/2021

Applicant Signature

Date



Creekside Homes Inc.

Build. Dream. Thrive



Type II Variance applicant for Bocko-Heber Build

APPLICANT: Creekside Homes
OWNER: Teri Bocko and Dan Heber
LOCATION: Hawk Creek Hills Hilltop Ln Neskowin, OR 97149, Tax Map #5S 11W 36AB 03700
ZONING: Neskowin Low Density Residential Zone (NESK R-1)
LAND USE: New Home Construction

INTRODUCTION:

This is an application on behalf of Teri Bocko and Dan Heber, by Creekside Homes to allow a variance to reduce the required 100' setback from the Forest Zone Boundary. We propose a variance from the 100' setback to approximately 44' at the east corner of the property and approximately 20' at the south corner of the property.

The purpose of the variance is to allow construction of a new home on the property. The "building envelope" created by the current setback standards would only allow a structure less than 17' deep from Hilltop Rd to meet the 100' setback. However, in accordance with Section 4.110.4 Hawk Creek Hills: front yards in the Hawk Creek Hills and the First Addition to Hawk Creek Hills Subdivisions need to exceed 5 feet, this will limit the home to approximately 12' deep.

The proposed setback variance will not interfere with the rights of adjoining property owners, outlined in Section 4.005 Residential and Commercial Zone Standards:

1. To ensure the availability of private open space;
 - a. The proposed location of the home maximizes open space and preserving the surrounding vegetation.
2. To ensure that adequate light and air are available to residential and commercial structures;
 - a. The location of the proposed home location is positioned to maximize the slope and provide adequate light and air to the house.
3. To adequately separate structures for emergency access;
 - a. The location of the home and driveway has been reviewed by Nestucca Rural Fire Protection District and notates the road access is passable for Emergency Vehicles.
4. To enhance privacy for occupancy of residences;
 - a. The location of the proposed home enhances the privacy of neighbors, unlike if the 100' setback was enforced, the home would be extremely close to the road.
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,



Creekside Homes Inc.

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- garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;
- a. The proposed placement of the home takes advantage of the open space, while allowing for parking and emergency vehicle access.
6. To ensure that driver visibility on adjacent roads will not be obstructed;
 - a. The proposed location of the home will have the least impact on driver visibility. It would not be in the line of sight of any driver, is not located near an intersection and would not block the view of any driver.
 7. To ensure safe access to and from common roads;
 - a. The proposed location of the home will have the least impact on driver visibility.
 8. To ensure that pleasing views are neither unreasonably obstructed nor obtained;
 - a. The proposed location of the home would be as distant as possible from Hilltop Ln and would not interfere with neighboring views.
 9. To separate potentially incompatible land uses;
 - a. The proposed home is compatible with the development of the Hawk Creek Hills neighborhood.
 10. To ensure access to solar radiation for the purpose of alternative energy production;
 - a. Although currently not planned for, the proposed home location would take advantage of western sun exposure.

Section 8.030 Review Criteria, a variance shall be granted, according to the procedures set forth in Section 8.020, if the applicant adequately demonstrates that the proposed variance satisfies all of the following criteria:

1. Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.
 - a. Taking into consideration, the 100' setback would exclude the enjoyment of the property, which the majority of landowners within Hawk Creek Hills enjoy.
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.
 - a. We feel that a variance is necessary to accommodate the house, which is reasonable expectation for this property.
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.
 - a. The proposed location of the home will preserve the rights of adjoining property owners to the expectation of privacy and enjoyment of their own land.



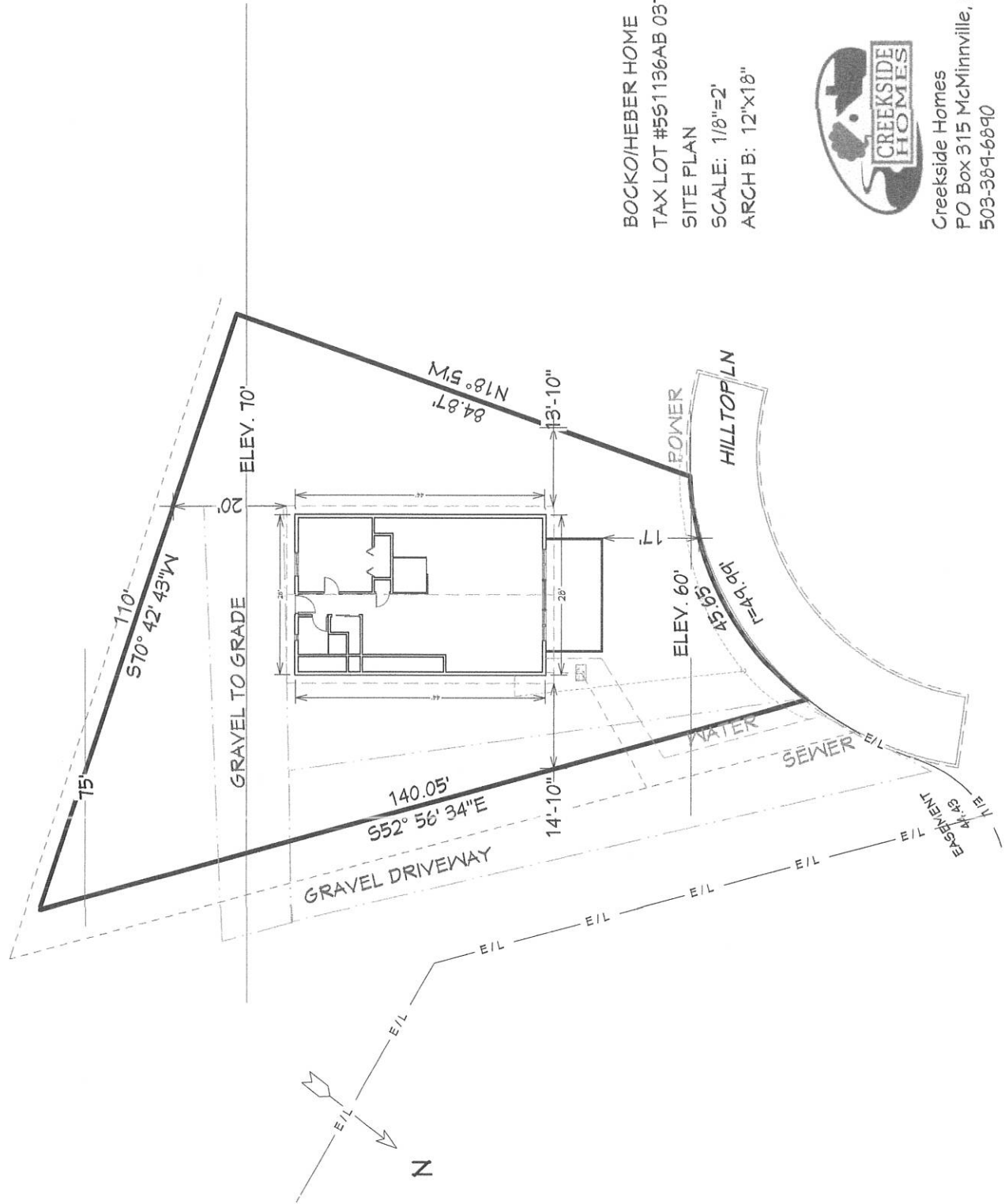
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4. There are no reasonable alternatives requiring either a lessor or no variance.
 - a. Due to the 100' setback requirement, this would limit the size of house considerably, placing it much closer to Hilltop Ln, and would limit the expectation of what the land was purchased for.

SUMMARY:

We are requesting a variance of the 100' setback for our clients, as they have a reasonable expectation to be able to use the land they purchased as intended, to build a home. If the 100' setback is kept in place and no variance is permitted, this essentially renders the property useless for building any type of home, as it would limit the depth to approximately 12'. The proposed location is the best option and minimizes the need for other setbacks, while preserving greenery, open space, driver safety and minimizing public impact. We believe the variance is justified and we thank the County for their consideration of this matter.



BOCKO/HEBER HOME
 TAX LOT #551136AB 03T00
 SITE PLAN
 SCALE: 1/8"=2'
 ARCH B: 12"X18"



Creekside Homes
 PO Box 315 McMinnville, OR 97128
 503-384-6890