

1510 - B Third Street
Tillamook, Oregon 97141
www.tillamook.or.us

Building (503) 842-3407
Planning (503) 842-3408
On-Site Sanitation (503) 842-3409
FAX (503) 842-1819
Toll Free 1 (800) 488-8280



Cheese, Trees and Ocean Breeze

VARIANCE REQUEST #851-21-000362-PLNG: PARKS

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

November 1, 2021

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Variance Request on November 1, 2021.

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.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00 PM on November 15, 2021.**

Request: A Variance request to reduce the required 20-foot rear yard setback to 6-feet to allow for the replacement an appurtenant structure (deck) (Exhibit B).

Location: The subject property is accessed off Third St. NW, a local access road, and is designated as Tax Lot 8800 of Section 7, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Rural Residential (RR-2) Zone

Applicant: Peter & Christina Parks, 5430 Third Street NW, Tillamook, OR 97141

Property Owner: Peter & Christina Parks, 5430 Third Street NW, Tillamook, OR 97141

CONDITIONS OF APPROVAL

Section 8.060: COMPLIANCE

WITH CONDITIONS, and 8.070: TIME LIMIT requires compliance with approved plans and Conditions of this decision, and all other ordinance provisions, and allows 24 months for compliance with Conditions and start of construction. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall submit a site plan, drawn to scale and indicating all required yard and riparian setbacks, at the time of Building Permit and Zoning Permit application.
3. The applicant/property owner shall obtain an approved Building Permit and Zoning Permit from the Tillamook County Department of Community Development.
4. Rear-yard setback shall be maintained at six feet with no further encroachment.
5. Development shall otherwise comply with the applicable standards and requirements of TCLUO Sections 3.010: Rural Residential Two Acre (RR-2).
6. This approval shall be void on November 1, 2024 unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

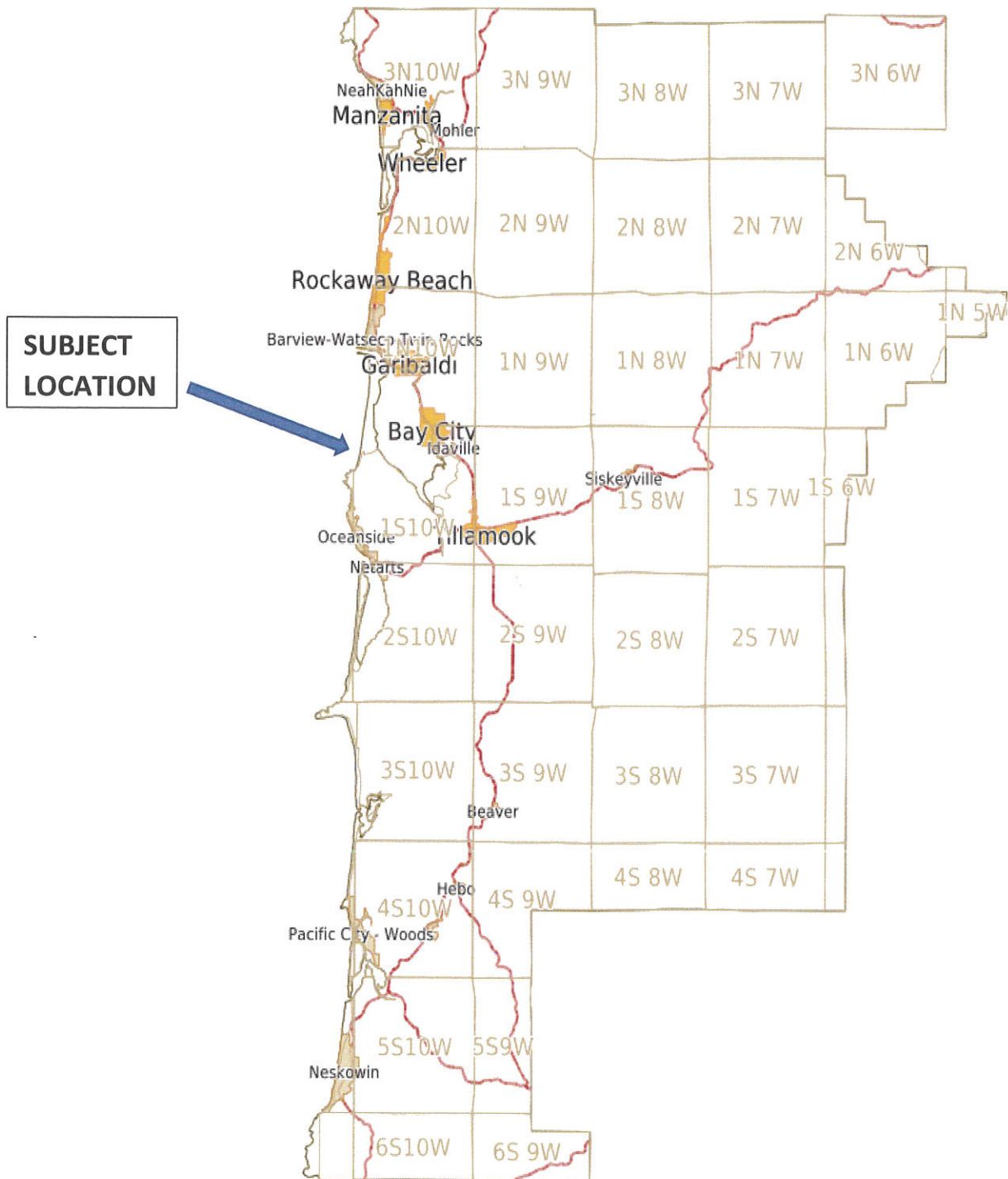
Sincerely,


Christopher S. Laws, Planner II


Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor & Zoning maps

VICINITY MAP



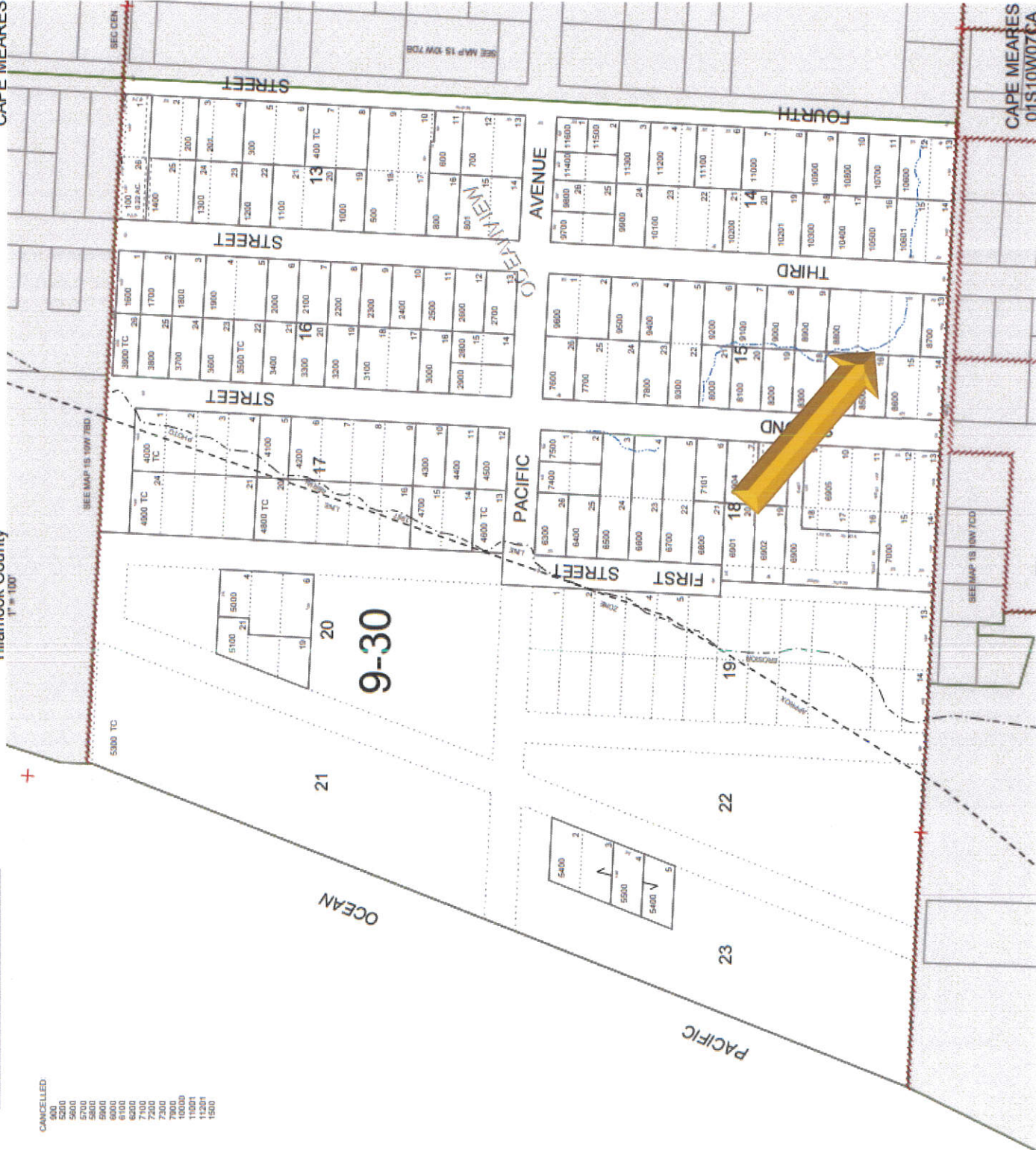
#851-21-000362-PLNG: PARKS VARIANCE REQUEST

FOR ASSESSMENT AND TAXATION ONLY. NOT SUITABLE FOR LEGAL, ENGINEERING, OR SURVEY PURPOSES.

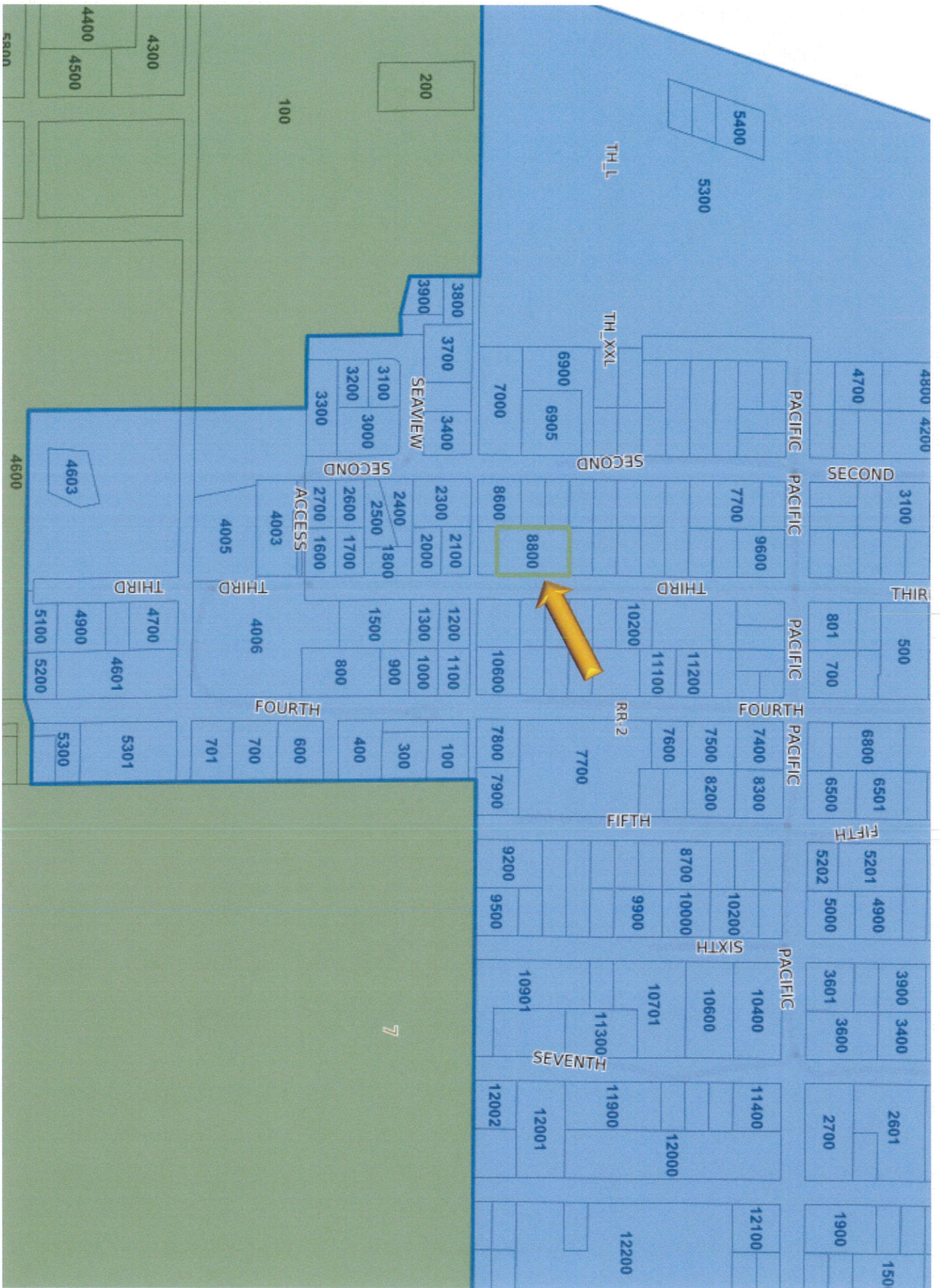
N.E. 1/4 S.W. 1/4 SEC. 7 T.1S. R. 10W. W.M.
Tillamook County
1" = 100'

01S10W07CA
CAPE MEARES

- CANCELLED:
- 900
- 5200
- 5600
- 5700
- 5800
- 5900
- 6000
- 6100
- 6200
- 6300
- 6400
- 6500
- 6600
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- 13000
- 14000
- 15000



CAPE MEARES
01S10W07CA
REVISED 2/18/16, WS





Land of Cheese, Trees and Ocean Breeze

1510 Third Street Suite B
Tillamook, Oregon 97141
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Toll Free +1 (800) 488-8280

Variance #851-21-000362-PLNG: PARKS
Administrative Decision & Staff Report

Decision: Approved with Conditions
Decision Date: November 1, 2021
Report Prepared By: Christopher S. Laws, Planner II

I. GENERAL INFORMATION:

- Request:** A Variance request to reduce the required 20-foot rear yard setback to 6-feet to allow for the replacement an appurtenant structure (deck) (Exhibit B).
- Location:** The subject property is accessed off Third St. NW, a local access road, and is designated as Tax Lot 8800 of Section 7, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.
- Zone:** Rural Residential (RR-2) Zone
- Applicant:** Peter & Christina Parks, 5430 Third Street NW, Tillamook, OR 97141
- Property Owner:** Peter & Christina Parks, 5430 Third Street NW, Tillamook, OR 97141

Description of Site and Vicinity: The subject property is located in the Rural Residential (RR-2) Zone in an unincorporated area of Tillamook County. The surrounding area is also zoned RR-2 and the general area consists of single-family residential uses (Exhibit A & B).

The Applicant is proposing to reduce the required 20-foot rear yard setback to 6-feet to allow for the replacement of an appurtenant structure (deck) (Exhibit B).

The property is bisected by a riverine wetland cutting southeast to northwest according to the National Wetland Inventory map (Exhibit A) and though the proposed development does not appear to be within the wetland, a Wetland Land Use Notification regarding the Applicant’s proposal was sent to the Oregon Department of State Lands (Exhibit A).

The property is not located in a Special Flood Hazard per FIRM Panel 41057C0555F (Exhibit A). The subject property lies within the Beach and Dune Overlay (Exhibit A).

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

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

- A. Article VII: Section 7.020: Nonconforming Uses and Structures
- B. Article III: Section 3.010: Rural Residential 2 Acre And 10 Acre Zone (RR-2) (RR-10)
- C. Article VIII: Section 8.030 Variance Procedures and Criteria
- D. Article IV: Section 4.005: Residential and Commercial Zone Standards
- E. Article III: Section 3.530 Beach & Dune Overlay (BD)

III. ANALYSIS:

A. Section 7.020(5): Replacement or Use Addition

Sub-section (a) *If a NONCONFORMING STRUCTURE is replaced, the new structure shall conform to the current requirements of this ordinance.*

Findings: The existing appurtenant structure (deck) is a legally existing non-conforming structure that is being replaced and therefore must conform to the current development requirements of the TCLUO Article III: Section 3.010: Rural Residential 2 Acre (RR-2) discussed below.

B. Section 3.010: Rural Residential 2 Acre And 10 Acre Zone (RR-2)

Section 3.010(1), *The purpose of the RR zone is to provide for the creation and use of small-acreage residential homesites.*

Section 3.010(2) list uses permitted outright in the zone.

Findings: Single-family dwellings are permitted outright in the RR-2 zone.

Section 3.010 (4), STANDARDS: *Land divisions and development in the RR2 and RR10 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:*

- (a) The minimum lot size is two acres for parcels zoned before October 4, 2000.*
- (b) The minimum parcel/lot size is 10 acres for lots/parcels rezoned Rural Residential on or after October 4, 2000.*
- (c) Parcels less than two acres in size that were legally established prior to December 18, 2002 may be built upon provided that all other requirements of this Ordinance and other applicable development requirements are met.*
- (d) Lots in an approved preliminary subdivision plat that is being maintained in an*

active status as of the date of adoption of this Ordinance may be built upon after approval and recording of the final plat.

(e) The minimum lot width and depth shall both be 100 feet.

(f) The minimum front yard shall be 20 feet.

(g) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.

(h) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.

(i) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.

(j) Livestock can be located closer than 100 feet to a nonfarm residential building on an adjacent lot only if one of the following conditions are met:

1. The location of the livestock is a nonconforming use according to the provisions of Article VII of this Ordinance.

12/18/2002 Tillamook County Land Use Ordinance 3.010 (RR-2, RR-10) 4

2. The property has been taxed at the farm use rate during three of the past five year.

3. The location of the livestock has been reviewed and approved as a conditional use according to the provisions of Article VI of this Ordinance.

(k) 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 shall still apply

Findings: Staff finds that standards 3.010(4)(a) through (g) and 3.010(4)(i) through (k) can be met via compliance with the Conditions of Approval. The site plan submitted by the applicant complies with these standards. Standard 3.010(4)(e) is the subject of this Variance application, which may be permitted only on finding that the requirements of TCLUO Article VIII have been satisfied. The requirements of TCLUO Article VIII, 'Variance Procedures and Criteria', are addressed below.

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

The purpose of a VARIANCE is to provide relief when a strict application of the dimensional requirements for lots or structures would cause an undue or unnecessary hardship by rendering the parcel incapable of reasonable economic use. No VARIANCE shall be granted to allow a use of property not authorized by this Ordinance.

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

Section 8.020 requires notification of the request to be mailed to landowners within 250-feet of the subject property, to allow at least 14 days for written comment and requires Staff to consider comments received in making the decision.

Findings: A notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on September 24, 2021(Exhibit C). One comment was received (Exhibit C).

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

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

Findings: The subject single-family residence, and its appurtenant structure (deck) were established in 1994; the subject appurtenant structure was established as required egress (Exhibit B). Staff finds this criterion met.

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

Findings: Single-family dwellings and their appurtenant structures are an outright use allowed in the RR-2 zone and this use is consistent with surrounding properties. Staff finds this criterion has been satisfied.

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

Findings: The Applicant states that the replacement appurtenant structure (deck) will be one foot shorter and, one foot further from the property line (Exhibit B). Staff finds this criterion met.

D. Section 4.005: Residential and Commercial Zone Standards

- (1) To ensure the availability of private open spaces;*
- (2) To ensure that adequate light and air are available to residential and commercial structures;*
- (3) To adequately separate structures for emergency access;*
- (4) To enhance privacy for occupants or residences;*

Findings: The Applicant states that the replacement appurtenant structure (deck) will be one foot shorter and, one foot further from the property line (Exhibit B). Staff therefore finds this will have the effect of increasing the availability for private open spaces, available light, emergency access and privacy.

- (5) To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveway, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;*

Findings: Applicant's submittal documents that all private land uses will occur on the subject property including off-street parking (Exhibit B). Staff finds the criterion in Section 4.005(5) is met.

- (6) To ensure that driver visibility on adjacent roads will not be obstructed;*
- (7) To ensure safe access to and from common roads;*

Findings: Staff finds that access to adjacent properties will not be impacted by the proposed rear-yard reduction and that driver visibility will not be obstructed. Staff finds that these criteria is met.

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

Findings: The proposed appurtenant structure (deck) replacement is not taller than that of the original. (Exhibit B). The County regulates views through compliance with building height requirements. Staff finds that compliance with building height requirements can be demonstrated at the time of Zoning Permit and Building Permit submittal. Staff finds the criterion in Section 4.005(8) can be met through compliance with the Conditions of Approval.

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

Findings: The applicant proposes the replacement of an existing appurtenant structure (deck) of a single-family dwelling if the Variance is approved (Exhibit B). The use is allowed outright in the RR-2 zone and is expected to occur in this area. Staff finds the criterion met.

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

Findings: County records do not indicate any such facilities are in the vicinity of the subject property. Staff finds that the proposed expansion does not unreasonably shadow or otherwise inhibit access to solar radiation on adjacent properties and finds that the criterion in Section 4.005(10) is met.

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

Findings: The subject appurtenant structure (deck) was established in conjunction with the single-family dwelling and serves as required egress from the second-story sliding-door (Exhibit B). Applicant states that alternatives were explored and that replacing the deck in the original location is the only reasonable option. Staff finds this criterion met.

E. Article III: Section 3.530 Beach & Dune Overlay (BD)

(1) *PURPOSE:*

The purpose of the Beach and Dune Overlay Zone is to regulate development and other activities in a manner that conserves, protects and, where appropriate, restores the natural resources, benefits, and values of coastal beach and dune areas, and reduces the hazard to human life and property from natural events or human-induced actions associated with these areas. The Overlay Zone establishes guidelines and criteria for the assessment of hazards resulting from beach and dune processes and development activities in beach and dune areas.

(2) *APPLICABILITY:*

(a) The BD zone applies to dune areas identified in the Goal 18 (Beaches and Dunes) Element of the Comprehensive Plan and indicated on the Tillamook County Zoning Map. These areas were identified based on information contained in the inventory of beach and dune landforms of Tillamook County, prepared by the Soil Conservation Service (SCS, now known as the Natural Resource Conservation Service) and published in their 1975 report, Beaches and Dunes of the Oregon Coast

Findings: Staff finds the subject property exists within the Beach & Dune Overlay and identified as Coastal Terraces on the 1974 Sand Dunes Map and *Category (4)(3) Coastal Terraces* pursuant to Section 3.530 *et seq.* and as such does not require a Dune Hazard Report pursuant to Section 3.530(5)(B)(1)(c) but, shall comply with the site development requirements of Section 3.350(5). This requirement can be met through the Conditions of Approval.

IV. DECISION: APPROVED WITH CONDITIONS

Staff concludes, based on the findings of fact and other relevant information in the record, that the applicant has satisfied/or is able to satisfy the applicable ordinance requirements through the Conditions of Approval, and therefore, approves the request subject to the provisions in Section V below.

By accepting this approval, the applicants/property owners agree to indemnify, defend, save and hold harmless Tillamook County, and its officers, agents, and employees from any claim, suit, action or activity undertaken under this approval, including construction under a Building Permit approved subject to this approval. The applicants/property owners shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed building site.

Unless the Decision is appealed the effective date shall be **November 15, 2021.**

This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00 PM on November 14, 2021**.

V. CONDITIONS OF APPROVAL:

Section 8.060: COMPLIANCE WITH CONDITIONS, and 8.070: TIME LIMIT requires compliance with approved plans and Conditions of this decision, and all other ordinance provisions, and allows 24 months for compliance with Conditions and start of construction. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
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3. The applicant/property owner shall obtain an approved Building Permit and Zoning Permit from the Tillamook County Department of Community Development.
4. Rear-yard setback shall be maintained at six feet with no further encroachment.
5. Development shall otherwise comply with the applicable standards and requirements of TCLUO Sections 3.010: Rural Residential Two Acre (RR-2).
6. This approval shall be void on November 1, 2024 unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

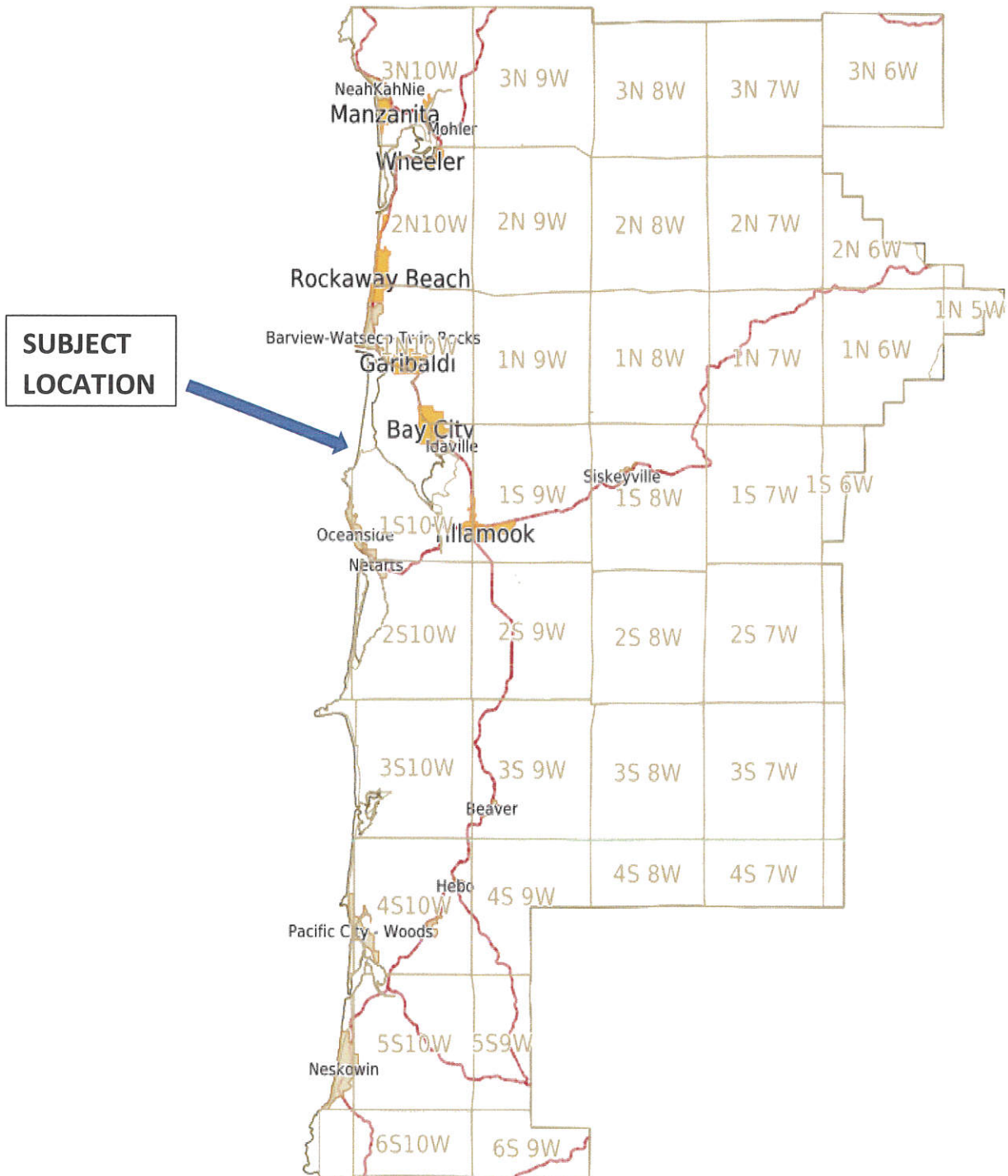
VI. EXHIBITS:

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

- A. Vicinity map, Assessor map, Zoning map, Assessor's Summary Report
- B. Applicant's submittal
- C. Correspondence

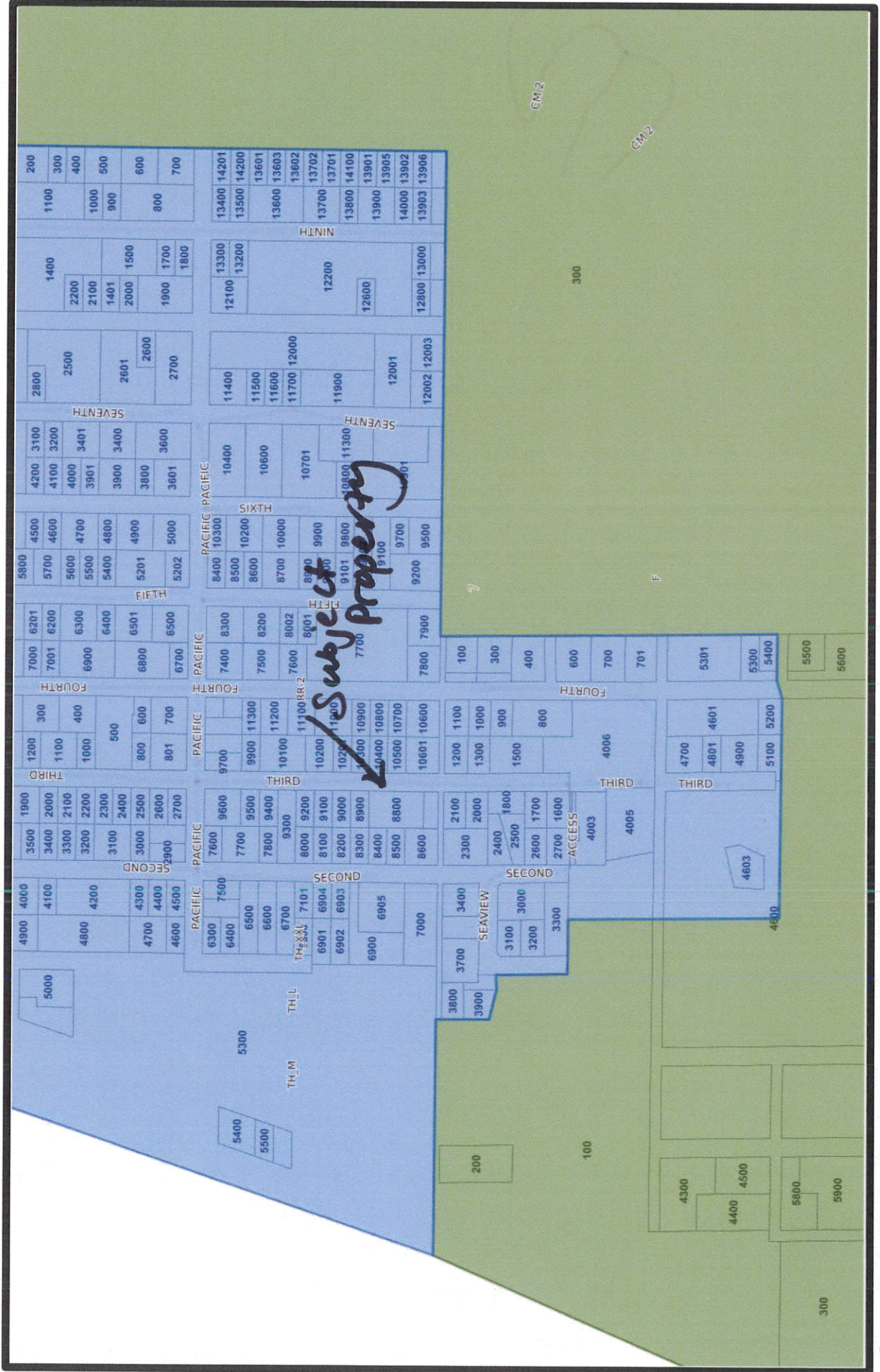
EXHIBIT A

VICINITY MAP



#851-21-000362-PLNG: PARKS VARIANCE REQUEST

Map

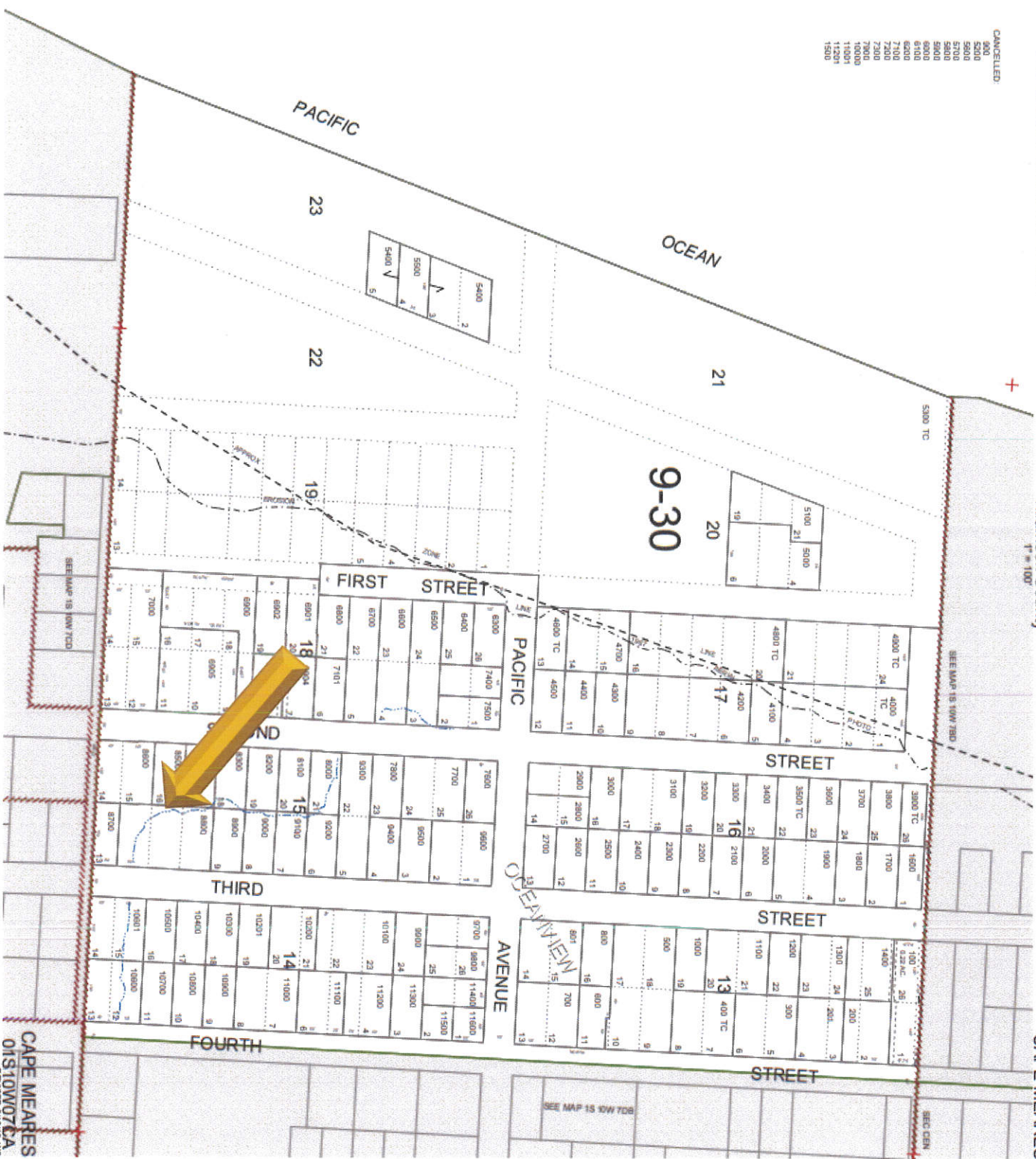


FOR ASSESSMENT AND TAXATION ONLY. NOT SUITABLE FOR LEGAL, ENGINEERING, OR SURVEY PURPOSES.

N.E. 1/4 S.W. 1/4 SEC. 7 T. 1S. R. 10W. W.M.
Tillamook County
T = 100'

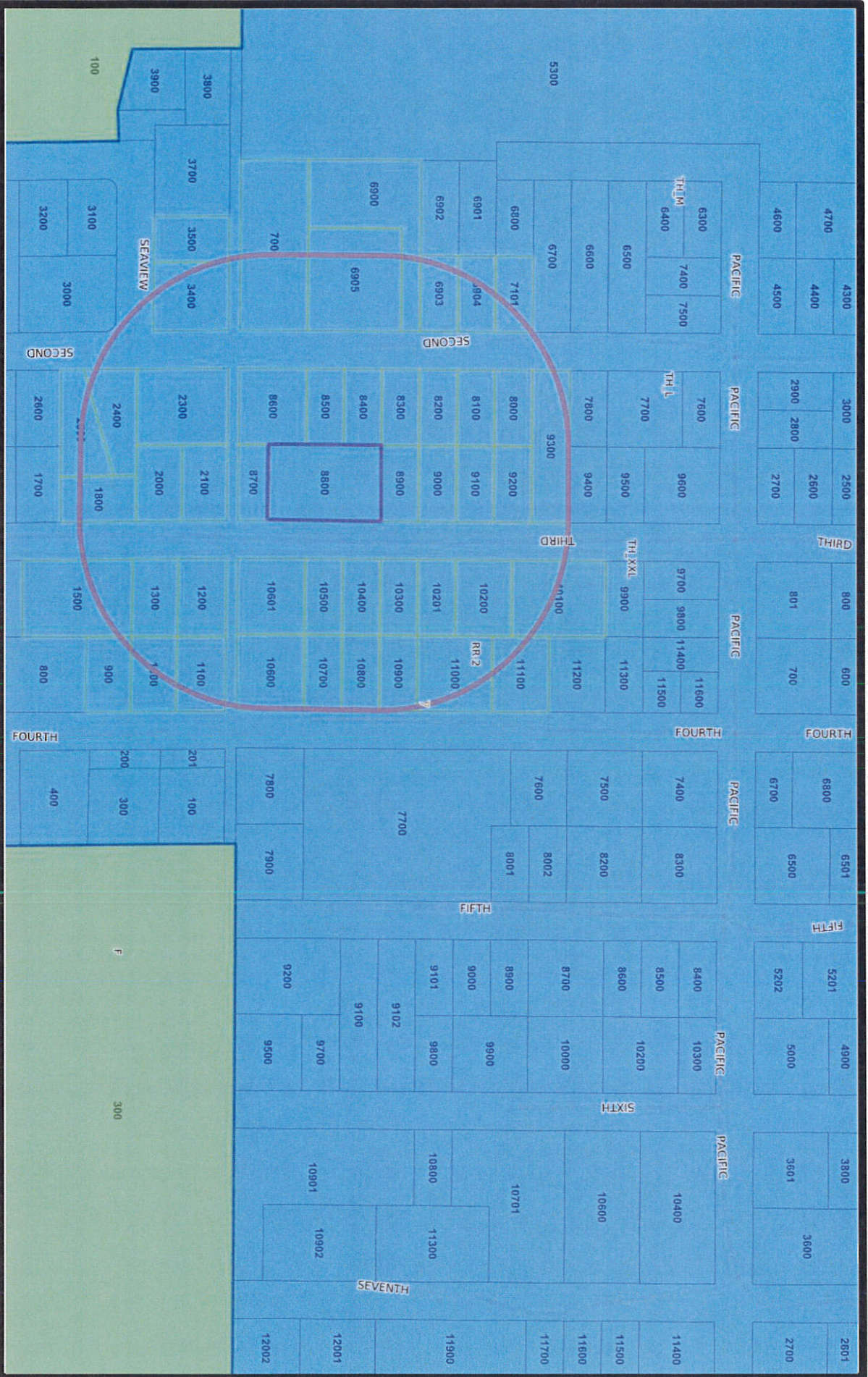
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CAPE MEARES
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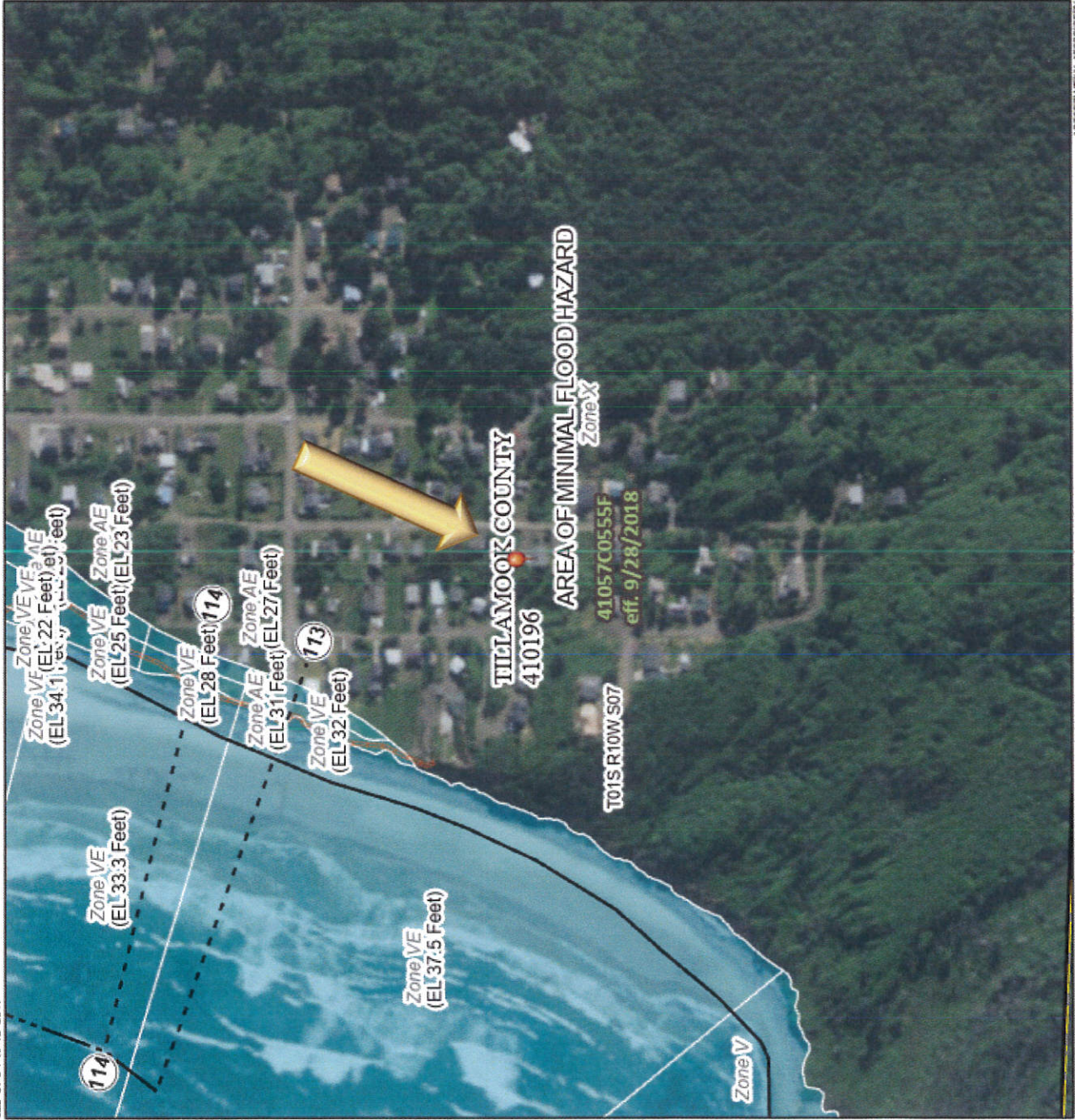
Map



National Flood Hazard Layer FIRMette



123°57'54"W 45°29'30"N



123°57'17"W 45°29'35"N
 Feet 1:6,000
 0 250 500 1,000 1,500 2,000
 Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

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

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AP
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee, See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- Area of Minimal Flood Hazard Zone X
- Effective LOMIRs
- Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance
- Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

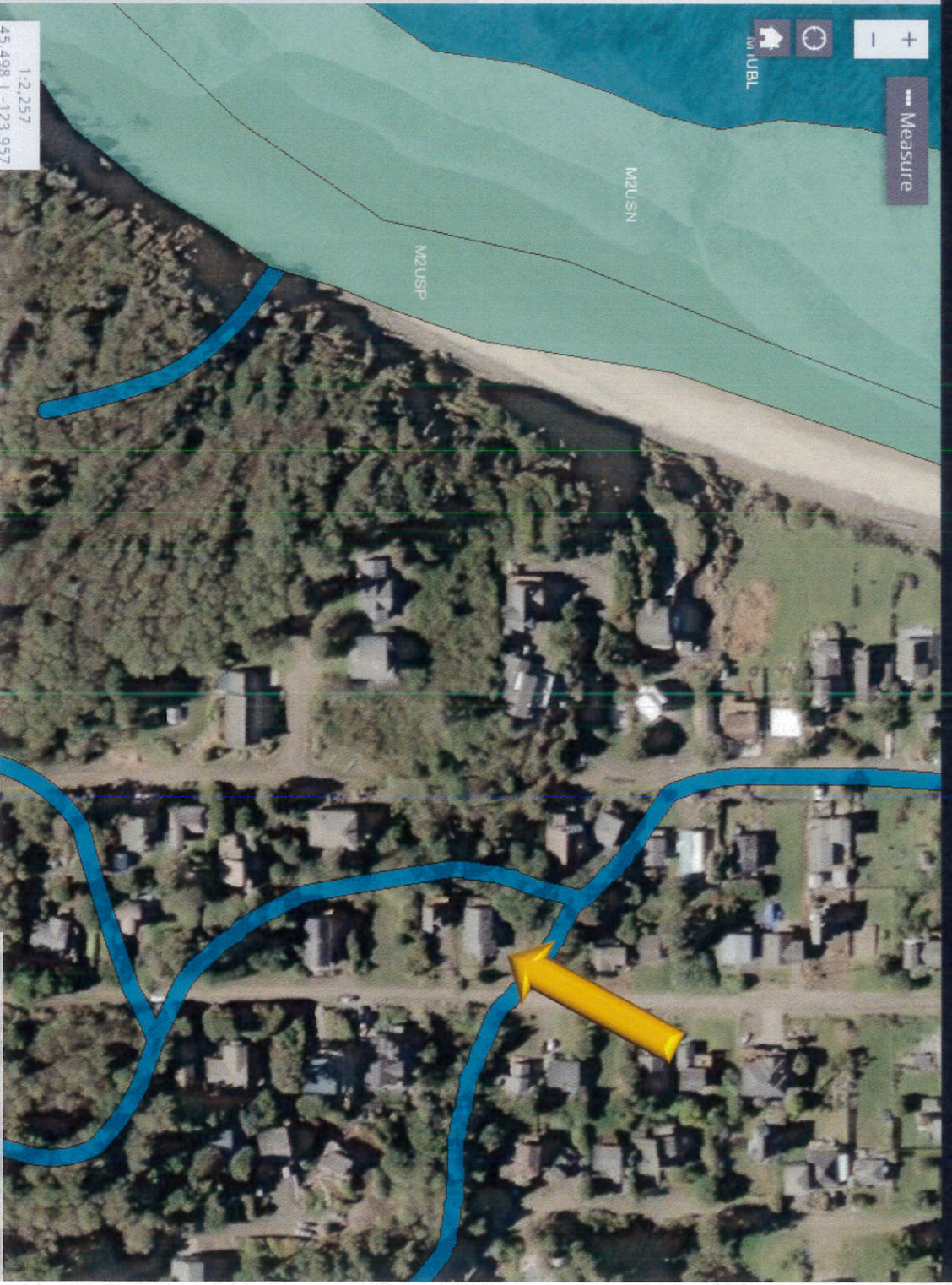
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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 **10/26/2021 at 2:57 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.

- BASEMAPS >
- MAP LAYERS >
- Wetlands 1 2
 - Riparian 1 2
 - Riparian Mapping Areas 1 2
 - Data Source 1 2
 - Source Type
 - Image Scale
 - Image Year
 - Areas of Interest 2
 - FWS Managed Lands 1 2
 - Historic Wetland Data 1 2



TILLAMOOK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

October 26, 2021 11:42:56 am

Account # 133037 Map # 1S1007CA08800 Code - Tax # 0930-133037	Tax Status ASSESSABLE Acct Status ACTIVE Subtype NORMAL
Legal Descr Multiple Lots - See legal report for full description. Mailing Name PARKS, PETER & CHRISTINA Agent In Care Of Mailing Address 501 UMATILLA WAY VANCOUVER, WA 98661	Deed Reference # 2010-5188 Sales Date/Price 08-27-2010 / \$275,000.00 Appraiser ELIZABETH JEFFRIES

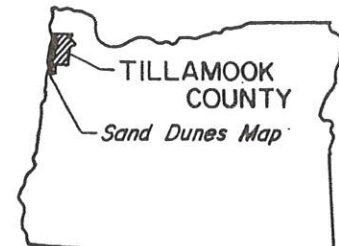
Prop Class 101 MA SA NH Unit
RMV Class 101 08 ST 821 23355-1
Situs Address(es) ID# 1 5430 THIRD ST
 Situs City COUNTRY

Code Area	RMV	MAV	AV	Value Summary	RMV Exception	CPR %
0930	Land 178,680				Land 0	0
	Impr. 202,330				Impr. 0	0
Code Area Total	381,010	301,510	301,510			0
Grand Total	381,010	301,510	301,510			0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown	TD% LS	Size	Land Class	Trended RMV
0930					LANDSCAPE - FAIR	100				500
0930	1	<input checked="" type="checkbox"/>		RR-2	Market	110	A	0.34		160,680
0930					OSD - AVERAGE	100				17,500
Grand Total						0.34				178,680
Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Sq. Ft.	Ex% MS Acct #	Trended RMV	
0930	1	1994	139	Basement First Floor	121		962		202,330	
Grand Total							962		202,330	

Code Area Type 0930 Exemptions/Special Assessments/Potential Liability
SPECIAL ASSESSMENT:
 ■ SOLID WASTE Amount 12.00 Acres 0 Year 2021
 ■ MULTI LOT-SINGLE LOT VALUE ADDED 2012

NOTATION(S):
 ■ MULTI LOT-SINGLE LOT VALUE ADDED 2012
Comments: 01/22/09 Updated inventory after phase one mapping of 2/6/13 Land re-appraisal, tabled land, E.J.



LOCATION MAP

DUNE LEGEND

- AID Active inland dune
- B Beach
- CT Coastal terrace
- DC Dune complex of OS, OSC,
- DS Younger stabilized dunes
- FD Recently stabilized foredunes
- FDA Active foredune
- H Active dune hummocks
- M Mountain scarp
- ODS Older stabilized dunes
- OS Open dune sand
- (OS) Designates items of secondary
- OSC Open dune sand conditionally
- W Wet interdune
- WDP Wet deflation plain
- WFP Wet flood plain
- WMP Wet mountain front
- WSP Wet surge plain

GENERAL LEGEND





-  Dune or interdune boundary
-  Dune movement threatening or stable dune being wind eroded
-  Ocean or river undercutting
-  Lakes or ponds

EXHIBIT B



PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	RECEIVED SEP 16 2021
BY:
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	<i>QDA</i>
Receipt #:	
Fees:	\$ 1,089
Permit No:	851-21-000342-PLNG

Applicant (Check Box if Same as Property Owner)

Name: PETER & CHRISTINA PARKS Phone: 360-910-8904/360-910-8907

Address: 5430 3rd St NW Tillamook, OR

City: Tillamook State: OR Zip: 97141

Email: CHRIS.PARKSHOMES@gmail.com

Property Owner

Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

Email: _____

Request: See attachment.

- | 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 checked="" type="checkbox"/> Variance | <input type="checkbox"/> Detailed Hazard Report | <input type="checkbox"/> Large-Scale Zoning Map Amendment |
| <input 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"/> Foregone Grading Permit Review | | |
| <input type="checkbox"/> Neskowin Coastal Hazards Area | | |

Location:

Site Address: 5430 3rd St N.W., Tillamook, OR 97141

Map Number: _____
 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.

Christina M. Parks 9-13-21
 Property Owner Signature (Required) Date

Christina M. Parks 9-13-21
 Applicant Signature Date

Request for Variance – 5430 3rd St NW

We are requesting a variance to the setback from the west property line at 5430 3rd St NW to replace a rotted 12X26 ft deck. The original deck was in place when the home was purchased and removed when new siding was put on the home in Summer 2021. Because it was completely removed (due to safety concerns with the amount of rot), we are requesting a setback variance to replace the deck.

1. The deck is on the second level of the home and there is a sliding glass door on the west side of the home that opens to the deck. With no deck and egress, it is a significant safety hazard. If anyone were to open the sliding door and step out, it would be a minimum of a 15-foot fall to the ground below.
2. The deck with stairs is also the primary way to access the backyard from inside the home for use and enjoyment of the backyard and quickest access to the garage, BBQ and lawn equipment.
3. The new deck will be one foot shorter than the original deck and therefore, one foot further away from the property line than the previous deck. It will not impede adjoining property owners' use and enjoyment of their land for legal purposes.
4. There are no reasonable alternatives available that require a lesser or no variance. We have reviewed all possibilities with the Director, CFM to identify another alternative and an application for variance was determined to be the best and only alternative. The deck must be replaced to address the hazard of a fall from the second level sliding door. Additionally, the slider is essentially the back door and second egress of the home if an emergency were to prevent egress through the primary door on the south side of the home.

Sincerely,

Pete and Chris Parks

Description of Work

Replace the old rotten and unsafe deck that came with the house when we purchased the house. The deck is our primary entry port for the house since the entry into the dwelling is 8' above the ground.

Scale @ $\square = 1"$

Pressure treated 4x6" Support Post

PBS 4x4 z Bracket Attaching Concrete footer to Support Posts w/ galvanized fasteners

1" shutoff Approximately

grade Finish

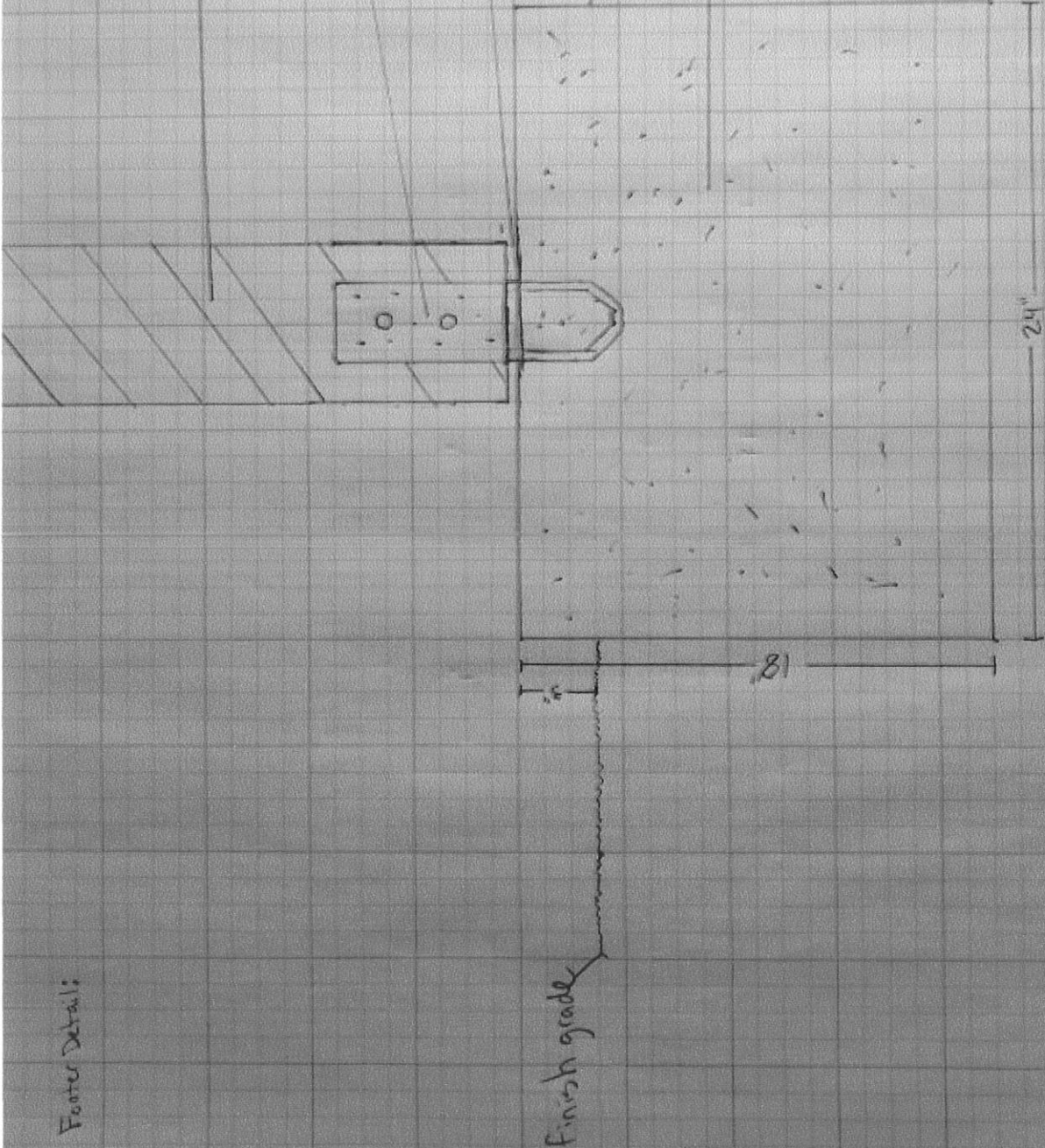
Concrete footer Approximately 2'x2'x18" Deep wet mixed Concrete

Deck Rebuild Footer Detail

Parks Residence
5430 3rd St NW
Cape Mares, OK, 77141

Footer Detail:

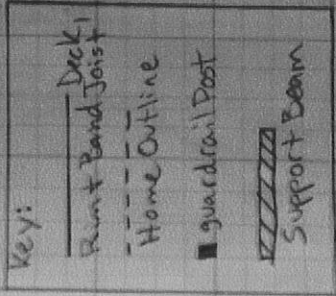
Finish grade



Top View:

Notes:

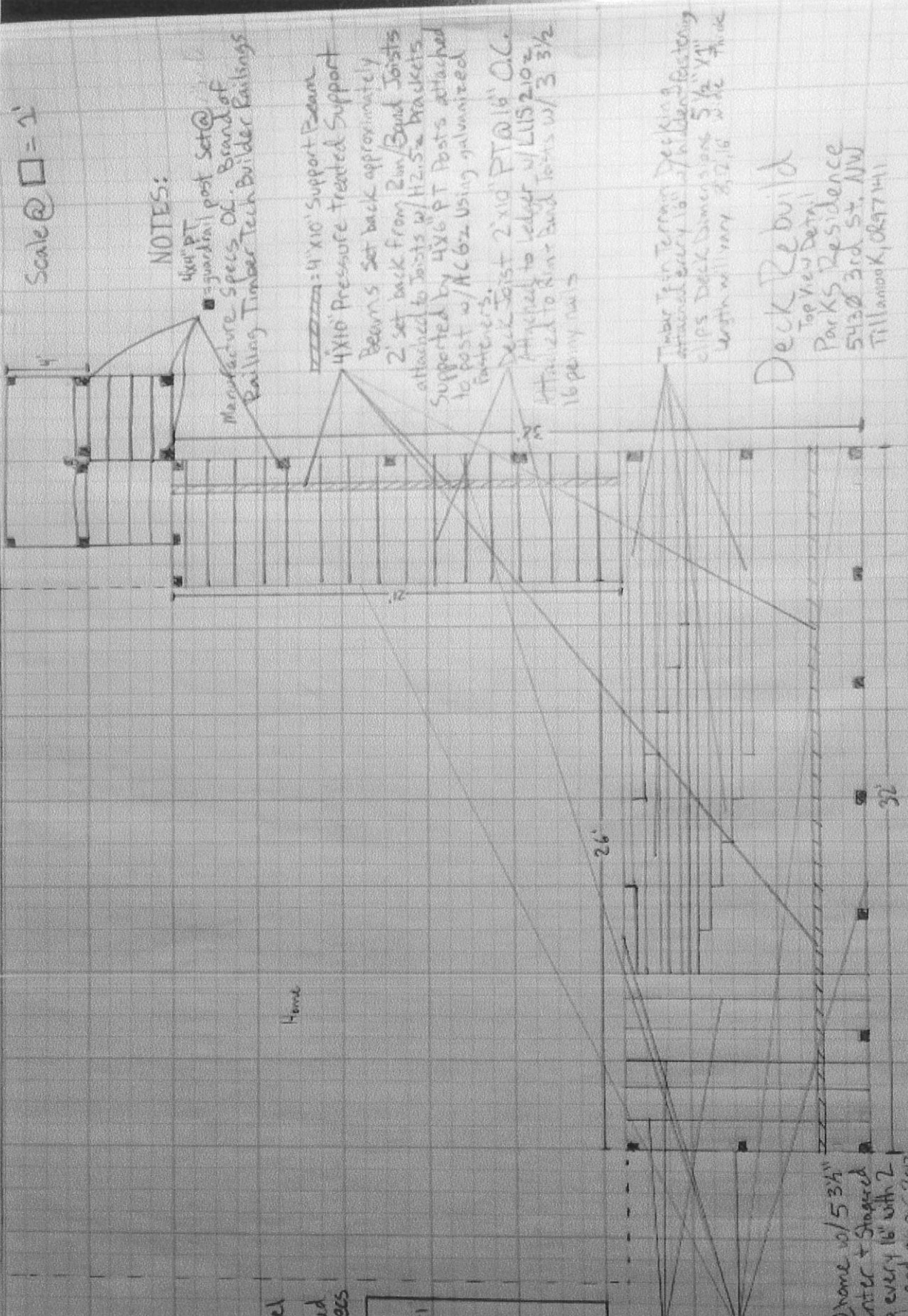
All hardware, brackets & fasteners will be galvanized steel unless otherwise noted or recommended by Manufacturer Specs



Deck Joists
2x10x12 PT
@ 16" OC.

Deck Ledger
Runt Band
Joists 2x10"
PT

Ledger Attached @ Home w/ 5 3/4" 16p Nails on 16" center + Shored
Ledger Lock Screws every 16" with 2 top and bottom on each end as per 2017 Cal. Residential Code R507.2.1



Scale @ 1/4" = 1'

NOTES:

4x4 PT = guardrail post set @ Manufacturer Specs OC. Brand of Railing Timber Tech Builder Railings

4x10 Pressure treated Support Beams set back approximately 2" set back from Runt Band Joists attached to Joists w/ H2.5" brackets supported by 4x6 PT Posts attached to post w/ AC62. Using galvanized fasteners.

Deck Joist 2x10 PT @ 16" OC attached to ledger w/ LIS 210z attached to Runt Band Joist w/ 3 3/4 16 penny nails

Timber Tech Railing Decking attached every 16" w/ 16 penny fastening clips Deck dimensions are 5 1/2" x 1 1/2" thick length will vary @ 2, 16 w/ 1/2" thick

Deck Rebuild

Top View Detail
Park's Residence
5430 3rd St. NW
Tillamook, OR 97141

Scale @ $\square = 1'$

Home

Front View:

Notes:

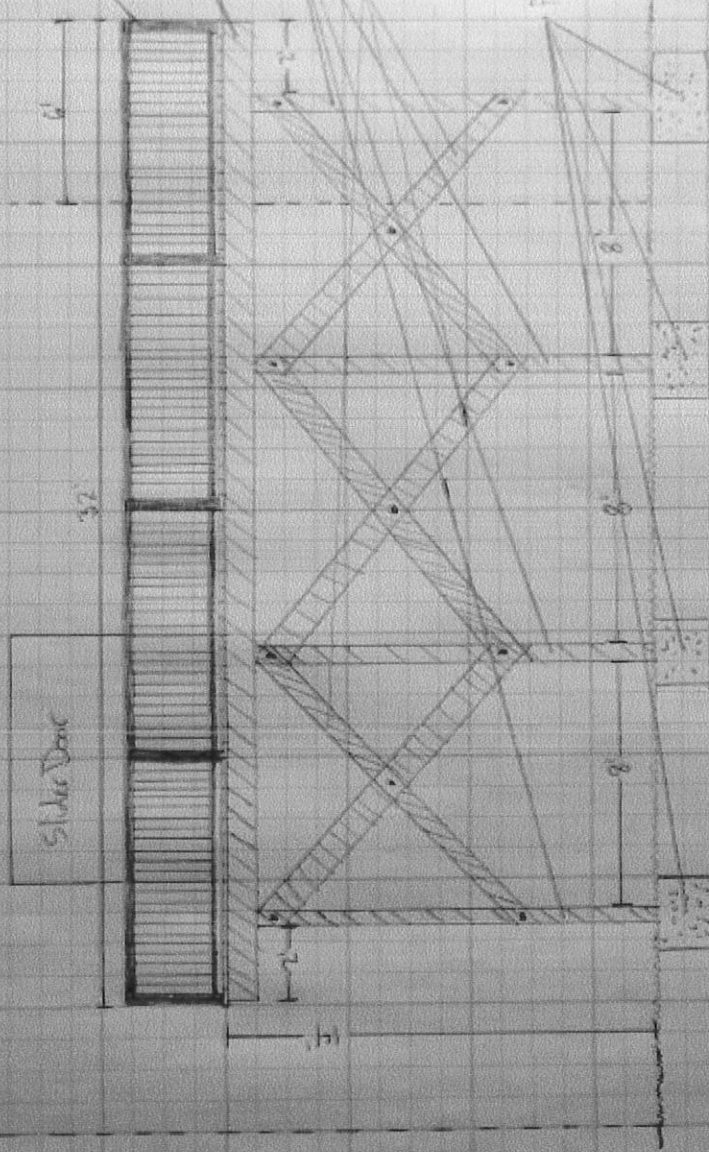
Timber Tech Builder Railings
Installed to Manufacturer's
Specifications

4x10" PT Beam Attached to Support
Posts as per 2017 Oregon Specialty
Code R507.7.1

4x6" PT Beam Attached to Beam as
per 2017 Oregon Specialty Code
R507.7.1

2x6" PT Joist Sections attached w/ $\frac{1}{2}$ "
Tie bolts or threaded w/nuts & washers

Footers 2'x2' x 12" deep w/ mixed concrete
as per 2017 OR Residential Specialty
Code R507.8.1 using PB5042
brackets to attach Post to footer



Deck Rebuild
Front View
Parks Residence
5430 3rd St NW
Cape Meares, OR 97141

Side View:

Key:

- Timber Tech Decking
- Pressure Treated Lumber
- 1/2" Through its joints

Home

Scale @ 1" = 1'

Notes

Stair Attachment, Footings & Connections See Drawing detail

Imbertech Builder
Raising built to Manufacturer's specifications

Hand Rail

71"

4x10" PT Beams

4x6" PT Support Posts

2x10" PT Joists

2x6" PT Cross Section Attached w/ 1/2" thru bolts w/ nuts & washers galvanized

2x12" PT Cut Stair Stringers

1/2" PT Posts

Deck Reruild
Side View detail
Parks Residence
5450 3rd St. NW
Cape Mores, DC 20741

32

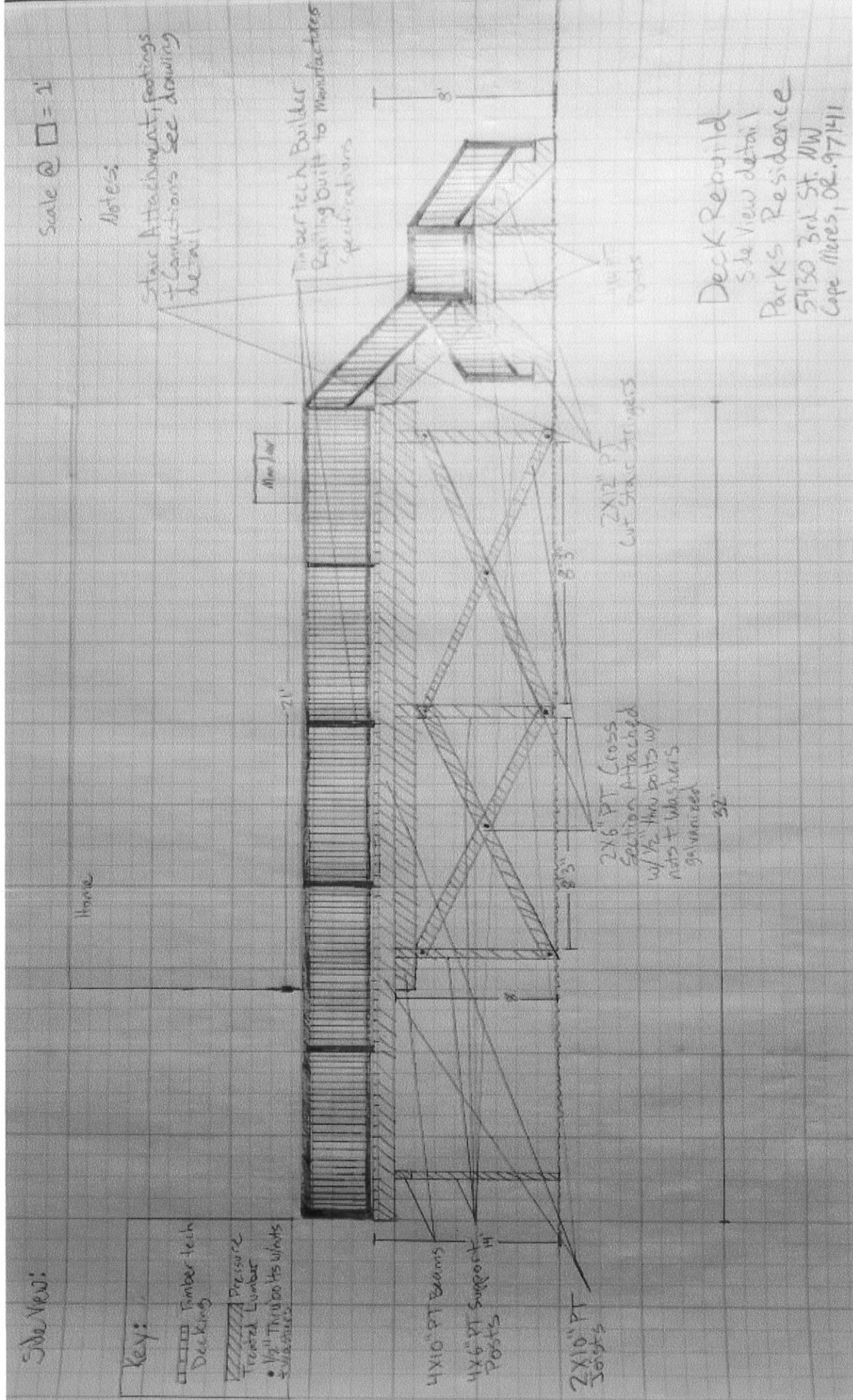


EXHIBIT C

October 5, 2021

Tillamook County

Department of Community Development

Attn: Sarah Absher, CFM, Director

Re: Variance Request #851-21-000362-PLNG

Per Article VIII, Section 8.030:

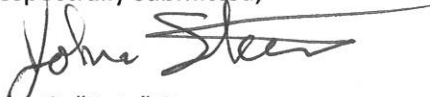
- (1) Based upon the variance request, the proposed replacement of the existing deck by another within the same footprint, all applicable standards being met, will, **in no way**, preclude any substantial property right of mine, nor of any other neighbor.

Per Section 4.005:

The proposed structural replacement will not restrict the availability of private open space, will not affect light and air to any neighboring properties, will not restrict anyone's emergency access, will not detract from any neighbor's privacy, will be entirely accommodated on the subject property because it is exactly in the footprint of the structure it is replacing, which itself was entirely accommodated on the subject property. It would be physically impossible for the proposed replacement structure to obstruct driver visibility because it cannot even be easily seen from any road. It does not affect anyone's views in any way, nor does it separate potentially incompatible land uses. It does not block access to solar radiation which could conceivably be used for energy production.

In short, there is no reason in existence which would preclude the granting of this variance. I live a short distance away from the subject property and I would never be affected in any way by the proposal under review.

Respectfully submitted,



John C. "Pete" Steen
5355 3rd St. NW
Tillamook, OR 97141
503-842-8608