

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



Land of Cheese, Trees and Ocean Breeze

CONDITIONAL USE REQUEST, 851-21-000329-PLNG: BAYER

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

May 20, 2022

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited requests on May 20, 2022. 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 **4:00pm on June 1, 2022**. This decision will become final on June 1, 2022, after 4:00pm unless an appeal is filed in accordance with Tillamook County Land Use Ordinance Article X.

Request: A Conditional Use Request to site an Accessory Structure without an on-site primary structure on a property located within Unincorporated Tillamook County.

Location: The subject property is located at 5850 Ninth Street, a local access road, and is designated as Tax Lot 5600 in Section 7AC of Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).

Zone: Rural Residential 2 Acre (RR-2)

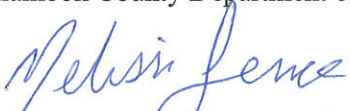
Applicant & Property Owner: Maureen Bayer, 6255 SW 54th Ave, Portland, OR 97219

CONDITIONS OF APPROVAL

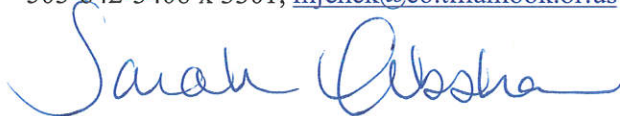
1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall obtain an approved Consolidated Zoning/Building Permit from the Tillamook County Department of Community Development.
3. A site plan, drawn to scale, illustrating the proposed development and required setbacks shall be provided at the time of Consolidated Zoning/Building Permit submittal.
4. No overnight use for camping shall occur on the subject property, without prior land use approval from the Tillamook County Department of Community Development.
5. Applicant shall obtain a Road Approach permit from Tillamook County Public Works and provide a copy at time of Consolidated Zoning/Building permit submittal.
6. Applicant shall obtain a fire service letter from the servicing fire district, Tillamook Fire District, and provide a copy at time of Consolidated Zoning/Building permit submittal.
7. The applicant/property owner shall adhere to applicable development standards in TCLUO Section 3.010 Rural Residential 2 Acre (RR-2) Zone.
8. Any future development shall conform to the requirements of TCLUO Section 3.530, 'Beach and Dune (BD) Overlay'.
9. This approval shall be void two (2) from date of approval, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

Sincerely,

Tillamook County Department of Community Development



Melissa Jenck, CFM, Senior Planner
503-842-3408 x 3301, mjenck@co.tillamook.or.us



Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor's and Zoning maps



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CONDITIONAL USE REQUEST 851-21-000329-PLNG: BAYER

ADMINISTRATIVE DECISION & STAFF REPORT

Decision Date: May 20, 2022

Decision: APPROVED WITH CONDITIONS
(This is not Building or Placement Permit Approval)

Report Prepared by: Melissa Jenck, CFM, Senior Planner

I. GENERAL INFORMATION:

- Request:** A Conditional Use Request to site an Accessory Structure without an on-site primary structure on a property located within Unincorporated Tillamook County.
- Location:** The subject property is located at 5850 Ninth Street, a local access road, and is designated as Tax Lot 5600 in Section 7AC of Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).
- Zone:** Rural Residential 2 Acre (RR-2)
- Applicant & Property Owner:** Maureen Bayer, 6255 SW 54th Ave, Portland, OR 97219

Description of Site and Vicinity: County records indicate the subject property is an unimproved, vegetated with lawn, trees and shrubs, relatively level, and 7,500-square feet in size (Exhibit A & B). The lot is accessed via Ninth Street, a local access road, to the east. The subject property is zoned Rural Residential 2 Acres (RR-2) as is all adjoining properties; most are developed with single-family dwellings on similarly small lots (Exhibit A).

The subject property is unimproved and is classified as “Coastal Terrace”, a dune complex inventoried in the U.S.D.A. Soil Conservation Service “Beaches and Dunes of the Oregon Coast” (Exhibits A & B). The subject property is located in a ‘Zone X’ per FEMA FIRM #41057C0390F, dated September 28, 2018 (Exhibit A). No riparian or wetlands features are mapped within the subject property, as indicated on the National Wetlands Inventory (Exhibit A).

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

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

- A. TCLUO Section 3.010 Rural Residential 2-Acre (RR-2) Zone
- B. TCLUO Section 3.530: Beach and Dune Hazard Overlay Zone (BD)
- C. Article VI Conditional Use Procedures and Criteria

III. ANALYSIS:

A. Section 3.010, ‘Rural Residential 2-Acre (RR-2) Zone’

PURPOSE: The purpose of the RR zone is to provide for the creation and use of small-acreage residential homesites. Land that is suitable for Rural Residential use has limited value for farm or forest use; it is physically capable of having homesites on parcels of five acres or less; and it can be utilized for residential purposes without constraining the use of surrounding resource-zoned properties for resource-production purposes.

- ...
- (3) *USES PERMITTED CONDITIONALLY: In the RR zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.*

...

(g) *Accessory structures or accessory uses without an on-site primary structure.*

...

Findings: Applicant seeks to put an accessory structure (freestanding pergola) as a cover for a picnic table to be used when recreating the property (Exhibit B). The site is currently unimproved (Exhibit A). The TCLUO defines an accessory structure as, “A detached structure or a land use that is incidental and subordinate to the established primary use of a piece of property.” Because the purpose of the zone is residential development, staff finds the proposed use is an accessory structure without an on-site primary. Staff that an Applicant shall demonstrate compliance with Article VI to confirm siting of the proposed use, which is addressed below in this report.

B. Section 3.530: Beach and Dune Hazard (BD) Overlay Zone: *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.*

Findings: The BD overlay zone is 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*. The subject property lies in an area identified as Coastal Terrace-Wet Mountain Front and is designated as Category 4 Stabilized Beach & Dune Area.

Uses within the BD overlay are subject to the provisions and standards of the underlying zone and of this Section. The administrative provisions of this section state that where the provisions of this zone and the underlying zone conflict, the more restrictive provisions shall apply. Pursuant to Section 3.530(4)(A)(1)(a) residential, commercial, and industrial development may be permitted only in areas classified as stabilized foredune or conditionally stable foredune not subject to ocean undercutting or wave overtopping, or in areas where an exception has been taken to the prohibitions contained in Goal 18.

Staff finds that the proposed development will not require a Dune Hazard Report pursuant to the exemption found in Section 3.530(5)(B)(1)(a). Relevant site development requirements of this section shall be adhered to and shall be made as a Condition of Approval of this request.

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

Section 6.020 Procedure requires public notice in accordance with TCLUO Article X, Section 10.070 which 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: Notice of the request was mailed to property owners and agencies on October 25, 2021. Comments received are included here in 'Exhibit C'. Public comments received on this request expressed concerns regarding over-night camping use of the subject property (Exhibit C).

2. Section 6.040 Review Criteria

(1) *The use is listed as a conditional use in the underlying zone, or in an applicable overlying zone;*

Findings: The applicant/property owner's property is zoned Rural Residential 2 Acres (RR-2).

The applicant is seeking approval to establish an accessory structure (freestanding pergola) on a lot without a primary structure which may be permitted upon receiving an approved Conditional Use Permit pursuant to TCLUO Section 3.010.

Staff finds that the proposed accessory structure is allowed in the Rural Residential 2-Acre zone subject to satisfaction of the Conditional Use Review Criteria which are discussed below, all other applicable standards, and compliance with the Conditions of Approval. Staff find this criterion has been met.

(2) *The use is consistent with the applicable goals and policies of the comprehensive plan;*

Findings: Staff finds that the proposed use is permitted conditionally in the Tillamook County Land Use Ordinance. The TCLUO is an implementing document of the Comprehensive Plan. In the absence of evidence to the contrary, uses allowed conditionally in the Land Use Ordinance are presumed to be consistent with the Comprehensive Plan. Staff concludes that this criterion has been met.

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

Findings: The applicant/property owner's submittal states that "*The parcel in question is 7,500 square feet, rectangular in shape, and slightly sloped with no improvements. It is located on 9th street amongst residential homes. The accessory structure is 14X12 (168 square feet) and occupies less than 3% of the total area. The structure is set back from the road approximately 26 feet, and 10 feet from the property line. It is a modest, wooden structure and does not interfere with any other use.*" (Exhibit B)

The subject property is accessed via Ninth Street, a local access road, and is currently unimproved (Exhibit A). The subject property is 7,500 sq. ft. in size (Exhibit A & B). The subject property is located outside of the FEMA Special Flood Hazard Area (SFHA) as indicated on FEMA FIRM #41057C0390F dated September 28, 2018 (Exhibit A). No wetland or riparian features are mapped on the subject property, as indicated on the National Wetlands Inventory (Exhibit A). The subject property will be required to comply with development standards of the Beach and Dune Overlay, as indicated in the subsection included in this report above.

The Applicant has included a site plan indicating the proposed location of the accessory structure, maintaining minimum setback requirements of the RR-2 zone (Exhibit B). Staff finds that the subject property is suitable for the proposed accessory structure and concludes that this criterion can be met through the Conditions of Approval.

- (4) *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.*

Findings: The applicant/property owner states: “*The character of the immediate area is rural residential housing. The accessory structure is placed on a private piece of property, is used for daytime picnic uses, and will in no way limit, impair or prevent the use of neighboring homes and properties.*” (Exhibit B).

The vicinity is zoned Rural Residential 2-Acre (RR-2) and is generally improved with single-family residential structures and their accessory uses (Exhibit A). The Applicant has included a site plan which concludes the proposed accessory structure maintaining appropriate setbacks as described in the RR-2 zone standards. The site plan would indicate there is sufficient area for off-street parking when utilizing the site for day-use.

Comments were received from property owners expressing concerns regarding opportunities for overnight camping on the subject property (Exhibit C). Staff find the Applicant has proposed the accessory structure for allowing day-use of the subject property (Exhibit B).

Staff finds that, given the proposed use, adjacent uses, and Applicant demonstrating compliance to setback requirements of the RR-2 zone, the request 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 on the surrounding properties or uses listed in the underlying zone. Staff concludes that this criterion has been met or can be met through the Conditions of Approval.

Staff finds this criterion can be met through compliance with Conditions of Approval.

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

Findings: The applicant/property owner’s submittal states: “*The accessory structure does not cast a significant shadow and there are no existing solar energy systems, wind energy conservation system or windmills in the vicinity of the property.*” (Exhibit B)

Staff does not find any record of such facilities in the area and concludes this criterion met.

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

Findings: The applicant concludes that public facilities and services are not implicated by the proposed accessory structure (Exhibit B).

The Tillamook Fire District, Oceanside Water District, and Tillamook County Public Works were contacted for comment on this request. No comments were received during this review. Review of County records confirms this area is served by these public utility providers.

The subject property is accessed via Ninth Street, a local access road. The subject property is in the service district of the Tillamook Fire District. Applicable permits, such as a Road Approach Permit with Tillamook County Public Works, and a fire service letter from the servicing fire district, will be required as Conditions of Approval of this request to confirm compliance with local public facilities.

Staff finds this criterion met with compliance to Conditions of Approval.

IV. DECISION: APPROVED WITH CONDITIONS

Based on the findings shown above, Staff concludes that the applicant has satisfied the review criteria and can meet all applicable ordinance requirements at the time of application. Therefore, the Department approves this request subject to the Conditions of Approval in section V of this report.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. The forms and fees must be filed in the office of this Department before **4:00 PM on June 1, 2022.**

V. CONDITIONS OF APPROVAL:

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

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall obtain an approved Consolidated Zoning/Building Permit from the Tillamook County Department of Community Development.
3. A site plan, drawn to scale, illustrating the proposed development and required setbacks shall be provided at the time of Consolidated Zoning/Building Permit submittal.
4. No overnight use for camping shall occur on the subject property, without prior land use approval from the Tillamook County Department of Community Development.
5. Applicant shall obtain a Road Approach permit from Tillamook County Public Works and provide a copy at time of Consolidated Zoning/Building permit submittal.
6. Applicant shall obtain a fire service letter from the servicing fire district, Tillamook Fire District, and provide a copy at time of Consolidated Zoning/Building permit submittal.
7. The applicant/property owner shall adhere to applicable development standards in TCLUO Section 3.010 Rural Residential 2 Acre (RR-2) Zone.
8. Any future development shall conform to the requirements of TCLUO Section 3.530, 'Beach and Dune (BD) Overlay'.
9. This approval shall be void two (2) from date of approval, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

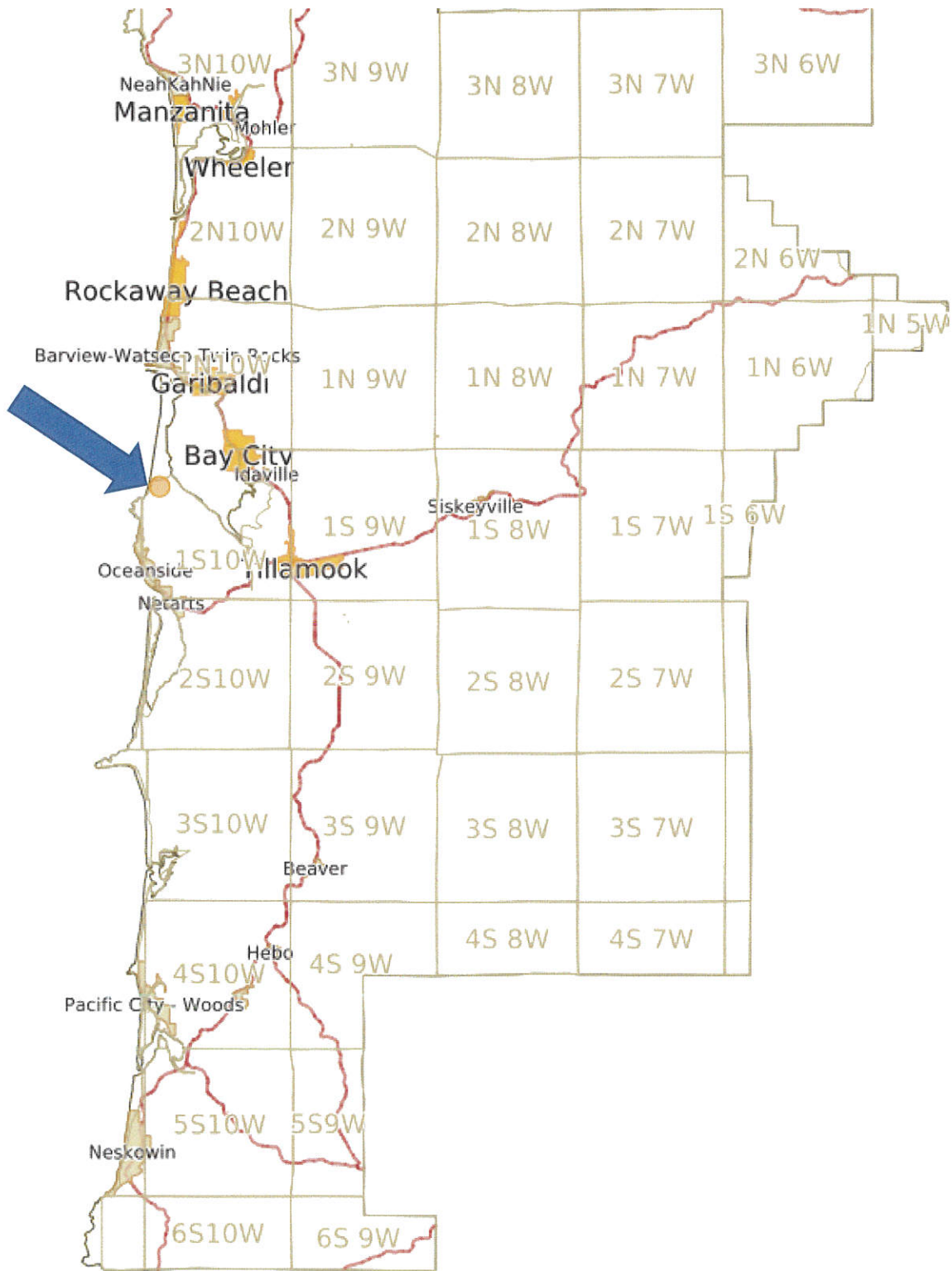
VI. EXHIBITS

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

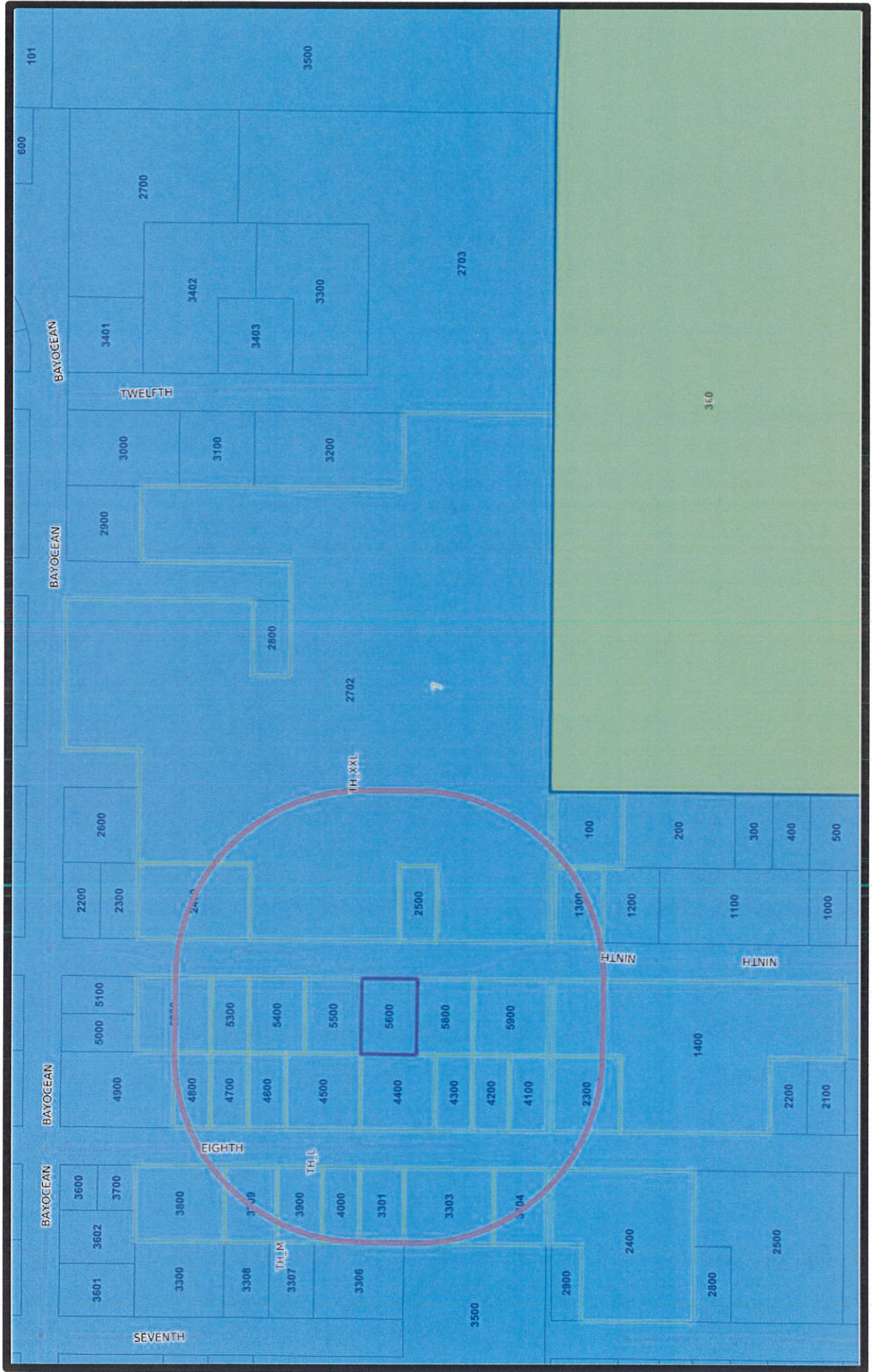
- A. Location map, Assessor map, Zoning map, Assessor's Summary Report
- B. Applicant's submittal
- C. Public Comments

EXHIBIT A

AREA MAP



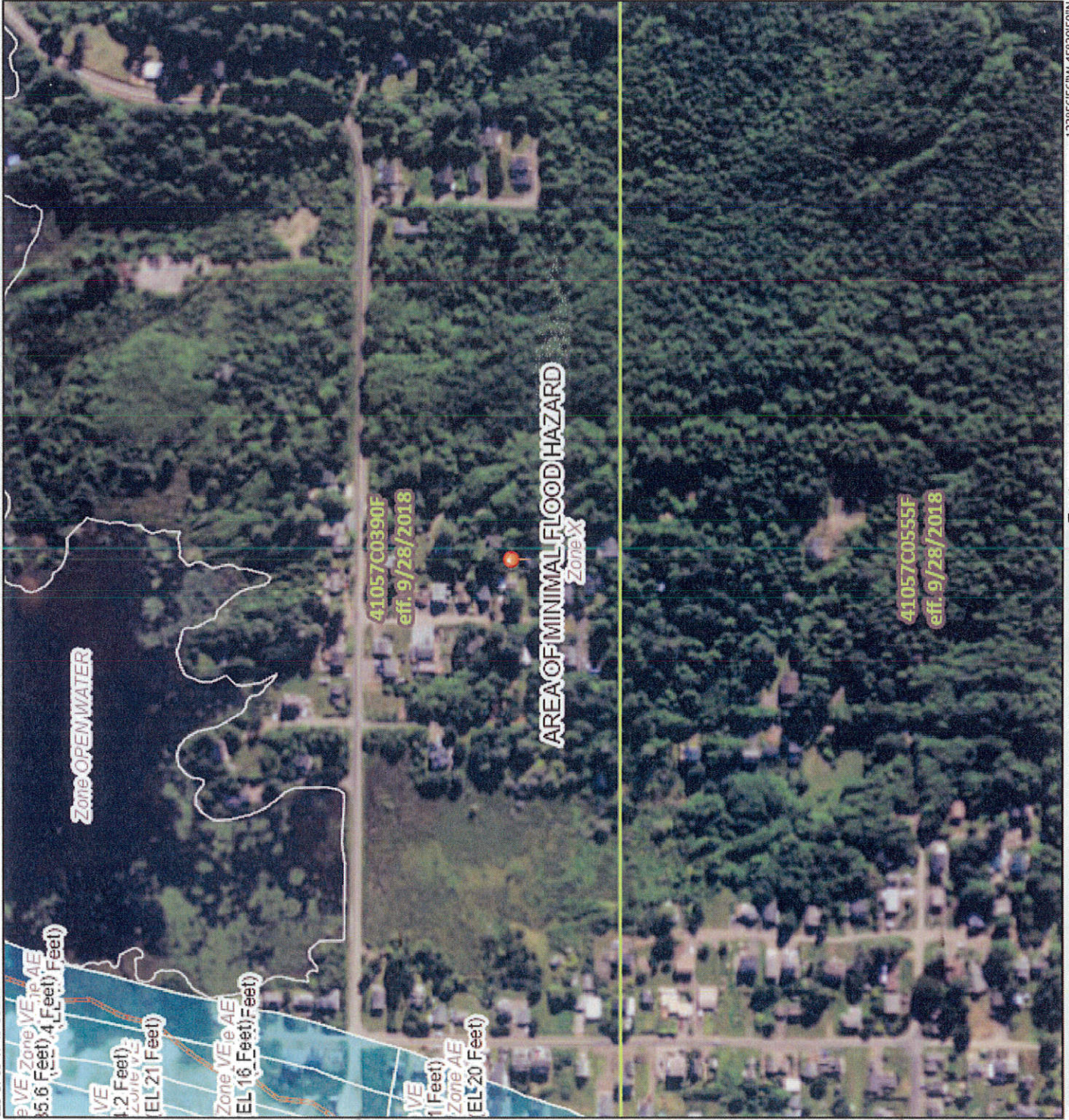
Map



National Flood Hazard Layer FIRMette



123°57'33"W 45°20'15"N



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

123°56'56"W 45°29'50"N

Legend

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

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AP
- 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. Zone J
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone

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 5/19/2022 at 4:24 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.



U.S. Fish and Wildlife Service

National Wetlands Inventory

Bayer



U.S. Fish and Wildlife Service, National Standards and Support Team
wetlands_team@fws.gov

This map is for general reference only. The U.S. Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

May 19, 2022

Wetlands

-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland
-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond
-  Lake
-  Other
-  Riverine

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

Applicant (Check Box if Same as Property Owner)

Name: Maureen Bayer Phone: 415-531-6160
 Address: 6255 SW 54th Avenue
 City: Portland State: OR Zip: 97219
 Email: maureenbayer@gmail.com

Property Owner

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

OFFICE USE ONLY	
Date Stamp	RECEIVED
	AUG 13 2021
	Email
BY:	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	MJ
Receipt #:	
Fees:	\$1,089.00
Permit No:	851-21-000329 -PLNG

Request: Requesting Type II Conditional Use Review for the siting of an accessory structure without an onsite primary dwelling. The accessory structure is a 12' by 14' metal roof with four wooden posts, used to cover a picnic table.

- | 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 checked="" 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 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"/> Foredune Grading Permit Review | | |
| <input type="checkbox"/> Neskowin Coastal Hazards Area | | |

Location:



Site Address: 5850 NW 9th Avenue Tillamook Oregon

Map Number:	1S	10W	07	1S1007AC05600
	Township	Range	Section	Tax Lot(s)

Clerk's Instrument #: 2020-4912

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)	8/6/2021 Date
 Applicant Signature	8/6/2021 Date



PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: Maureen Bayer Phone: 415-531-6160
 Address: 6255 SW 54th Avenue
 City: Portland State: OR Zip: 97219
 Email: maureenbayer@gmail.com

Property Owner

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

OFFICE USE ONLY	
Date Stamp	RECEIVED AUG 09 2021 BY: [Signature]
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees:	
Permit No: 851-____-____-PLNG	

Request: Requesting Type II Conditional Use Review for the siting of an accessory structure without an onsite primary dwelling. The accessory structure is a 12' by 14' metal roof with four wooden posts, used to cover a picnic table.

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 checked="" 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 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"/> Foredune Grading Permit Review		
<input type="checkbox"/> Neskowin Coastal Hazards Area		

Location:

Site Address: 5850 NW 9th Avenue Tillamook Oregon

Map Number:	1S	10W	07	1S1007AC05600
	Township	Range	Section	Tax Lot(s)

Clerk's Instrument #: 2020-4912

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.

Maureen Bayer
 Property Owner Signature (Required)

8/6/2021
 Date

Maureen Bayer
 Applicant Signature

8/6/2021
 Date



Maureen Bayer <maureenbayer@gmail.com>

Conditional Use Information for Pergola

3 messages

Melissa Jenck <mjenck@co.tillamook.or.us>

Wed, Jun 16, 2021 at 5:01 PM

To: "maureenbayer@gmail.com" <maureenbayer@gmail.com>

Cc: Tammi Lappier <tlappier@co.tillamook.or.us>, Jim Hill <jdhill@co.tillamook.or.us>, Sarah Absher <sabsher@co.tillamook.or.us>

Good afternoon Maureen,

Thank you for meeting with me. The property is zoned Rural Residential 2-Acre (RR-2) and uses must coordinate with those uses listed outright and conditionally. As discussed, the siting of the pergola requires a Conditional Use for the siting of an accessory structure without an onsite primary dwelling. You can find the Type II application and criteria attached for a Conditional Use review. You can find the Conditional Use Procedures and requirements within Article VI of the Tillamook County Land Use Ordinance, if you'd like to see more information about process.

I've attached the consolidated zoning/building permit form. This was if you chose to move forward with submission of the dwelling and accessory structure.

Tillamook County asks that action to correct the violation commence within 30-days of this correspondence. I've cc'ed Tammi Lappier, who assist with our Code Enforcement program, to know that we've met and you are prepared to work towards conformance.

Please let Staff know if you have additional questions. Thank you,

**Melissa Jenck** (she/her) | CFM, Land Use Planner II**TILLAMOOK COUNTY** | Community Development

1510-B Third Street

Tillamook, OR 97141

Phone (503) 842-3408 x3301

mjenck@co.tillamook.or.us

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.co.tillamook.or.us/gov/ComDev/> to access the appointment scheduler portal.

SATISFACTION OF CONDITIONAL USE REVIEW CRITERIA

5850 9th Street NW Tillamook Oregon

This application is for the approval of an accessory structure without an on-site primary structure at the above-referenced address (“the Property”). The accessory structure in question is a free-standing pergola covering a single picnic table. The accessory structure measures 12 feet by 14 feet with a peak height of 10’10”. The accessory structure is used to cover a picnic table which is used for eating meals. The land itself is used for personal day use by the owner and owner’s invitees only.

The following information is intended to demonstrate satisfaction of conditional use review criteria contained in Section 6.040

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

- The property is located in zone RR2 (See Attachment 1)
- Section 3.010(3)(g) of the Tillamook Land Use Ordinance provides:

USES PERMITTED CONDITIONALLY: In the RR zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.

(g) Accessory structures or accessory uses without an on-site primary structure.

Therefore, the accessory structure is listed as a Conditional use in the underlying zone.

2. The use is consistent with the applicable goals and policies of the Comprehensive Plan.

In the absence of evidence to the contrary, uses allowed conditionally in the Land use Ordinance may be presumed to be consistent with the Comprehensive plan. Chapter 3 of the Recreation Element of the Comprehensive Plan provides as follows:

The recreation environment of Tillamook County forms an integral part of Oregon’s coastal playground. It provides excellent opportunities for water-oriented outdoor recreation in scenic natural settings which are seldom reproducible elsewhere in this nation.

It is essential that recreation development be perceived as something that is desirable in the County, and not as an outsider’s burden. Only careful planning can insure [sic] that this perception is realized. Therefore, growth must be made to yield a recreation environment that fairly meets the needs of both local communities and visiting recreationists. It must be the interests of private, county, state, and federal agencies. To reach the desired balance, it will be necessary to improve interagency communication

and to create a more positive participation setting for local governments and businesses. If recreation and tourism are to succeed in making Tillamook County a more attractive place to visit, they must also make the County a more attractive place to live.

By using our land as a place to park and eat our meals when visiting Cape Meares beach, we lessen the impact on the parking areas at the beaches. The accessory structure makes visiting Tillamook and recreating there more appealing and approachable for us. When visiting, we frequently purchase food, supplies and fuel at local restaurants and shops, contributing to the economy of the area.

For the foregoing reasons, the accessory structure 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.

The parcel in question is 7,500 square feet, rectangular in shape, and slightly sloped with no improvements. It is located on 9th street amongst residential homes. The accessory structure is 14X12 (168 square feet) and occupies less than 3% of the total area. The structure is set back from the road approximately 26 feet, and 10 feet back from the property line. It is a modest, wooden structure and does not interfere with any other use.

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.

The character of the immediate area is rural residential housing. The accessory structure is placed on a private piece of property, is used for daytime picnic use, and will in no way limit, impair or prevent the use of neighboring homes and properties.

5. The proposed use will not have detrimental effect on existing solar energy systems, wind energy conservation systems or windmills.

The accessory structure does not cast a significant shadow and there are no existing solar energy systems, wind energy conservation systems or windmills in the vicinity of the property.

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

The conditional use meets this criterion because use public facilities and services are not implicated by the accessory structure.

As set forth above, the conditional use of the accessory structure meets the criteria of Section 6.040 and should therefore be authorized.

Attachments:

- 1: Tillamook County Assessor's Summary Report for Assessment Year 2020
- 2: Section 3.010 of the Tillamook County Land Use Ordinance
- 3: Photographs

REAL PROPERTY TAX STATEMENT
JULY 1, 2020 TO JUNE 30, 2021
TILLAMOOK COUNTY, OREGON
201 LAUREL AVE
TILLAMOOK, OREGON 97141
(503) 842-3400

ACCOUNT NO 127437

PROPERTY DESCRIPTION

CODE: 0930
MAP: 1S1007AC05600
ACRES: 0.17
SITUS: 5850 NINTH ST COUNTY

HODSON, MAUREEN BAYER
 7530 SW 52ND AVE
 PORTLAND OR 97219-1317

TAX BY DISTRICT

SCHOOL DIST 9	262.64
NW REGIONAL ESD	7.93
TILLAMOOK BAY CC	13.58
EDUCATION TOTAL:	284.15

TILLAMOOK COUNTY	79.80
COUNTY LIBRARY	33.49
TILLAMOOK FIRE DIST	36.07
OCEANSIDE WD	0.00
PORT TILLAMOOK BAY	1.88
4H-EXTENSION SD	3.56
EMCD-911	9.70
TILLA TRANSPORTATION	10.31
TILLA SOIL & WATER CONS	3.09
GENERAL GOVT TOTAL:	177.90

COUNTY LIBRARY	2.49
TILLA CNTY BONDS AFTER 2001	13.45
SCHOOL DIST 9 BONDS AFTER 2001	36.05
TILLA BAY CC BONDS AFTER 2001	6.20
BONDS - OTHER TOTAL:	58.19

VALUES:	LAST YEAR	THIS YEAR
REAL MARKET (RMV)		
LAND	83,250	78,420
STRUCTURES	0	0
TOTAL RMV	83,250	78,420
TOTAL ASSESSED VALUE	50,030	51,530
EXEMPTIONS	0	
NET TAXABLE:	50,030	51,530
TOTAL PROPERTY TAX:	490.97	520.24

2020 - 2021 TAX (Before Discount) 520.24

Payments Online: www.co.tillamook.or.us
 Payments by Phone: 1-844-784-9680

PAYMENT OPTIONS			
Date Due	3% Option	2% Option	Trimester
11/16/20	504.63	339.89	173.42
02/16/21			173.41
05/17/21		173.41	173.41
Total	504.63	513.30	520.24

TOTAL DUE (After Discount and Pre-payments) 504.63

↑ Tear Here **PLEASE RETURN THIS PORTION WITH YOUR PAYMENT** Tear Here ↑

2020 - 2021 PROPERTY TAXES

ACCOUNT NO. 127437

TILLAMOOK COUNTY TAX COLLECTOR
 201 LAUREL AVE
 TILLAMOOK, OREGON 97141

PAYMENT OPTIONS	Discount	Date Due	Amount
Full Payment Enclosed	3%	11/16/20	504.63
or 2/3 Payment Enclosed	2%	11/16/20	339.89
or 1/3 Payment Enclosed	0%	11/16/20	173.42

FORWARDING SERVICE REQUESTED

Mailing address change on back

DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATE

\$ Enter Payment Amount

HODSON, MAUREEN BAYER
 7530 SW 52ND AVE
 PORTLAND OR 97219-1317

MAKE PAYMENT TO:
TILLAMOOK COUNTY TAX COLLECTOR

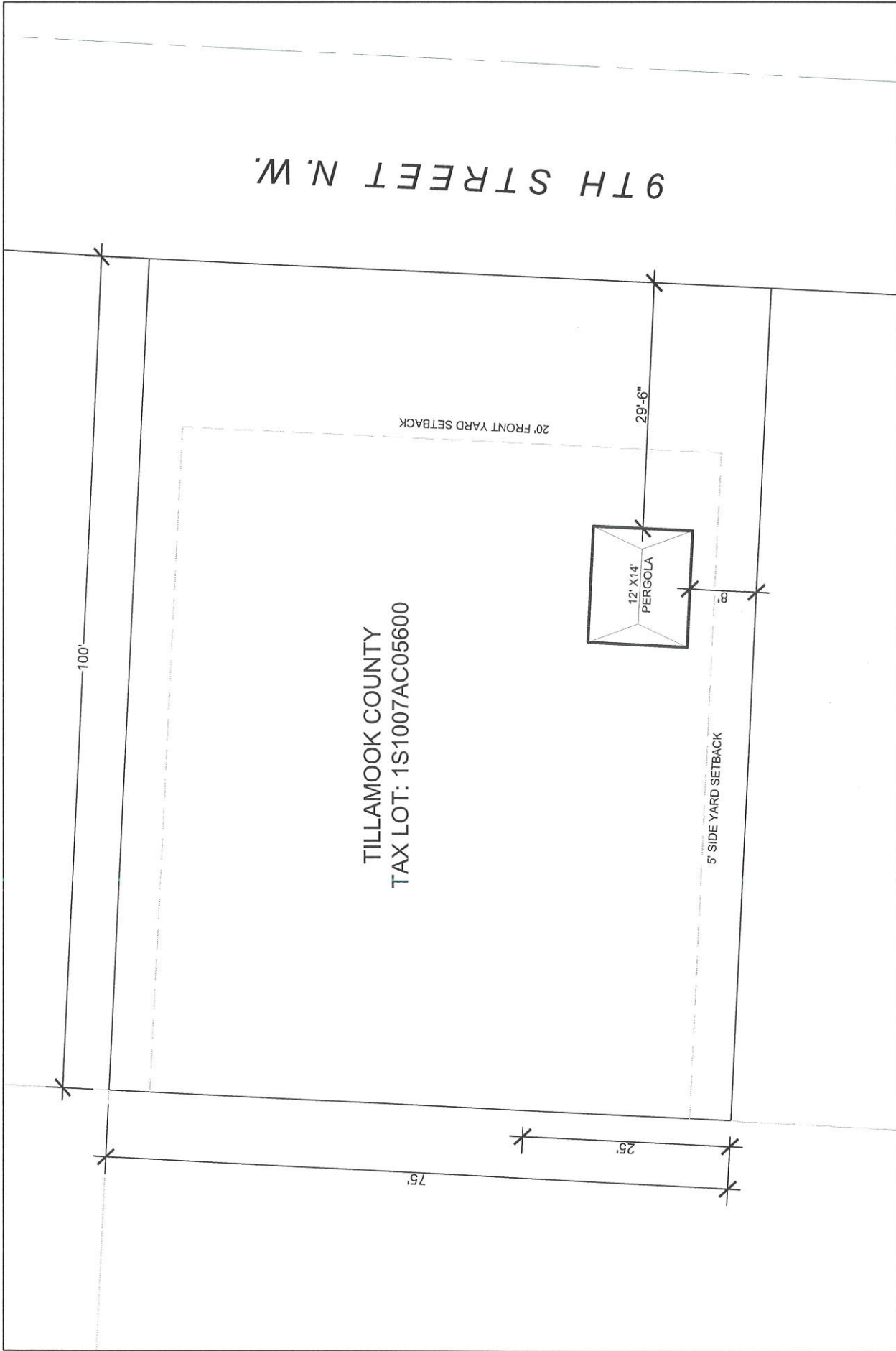
SECTION 3.010: RURAL RESIDENTIAL 2 ACRE AND 10 ACRE ZONE (RR-2) (RR-10)

- (1) **PURPOSE:** The purpose of the RR zone is to provide for the creation and use of small-acreage residential homesites. Land that is suitable for Rural Residential use has limited value for farm or forest use; it is physically capable of having homesites on parcels of five acres or less; and it can be utilized for residential purposes without constraining the use of surrounding resource-zoned properties for resource-production purposes.
- (2) **USES PERMITTED OUTRIGHT:** In the RR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.
 - (a) Single-family dwelling.
 - (b) Mobile or Manufactured Home.
 - (c) Recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
 - (d) Home occupations according to the provisions of Section 4.140 of this Ordinance.
 - (e) Farm uses, including aquaculture.
 - (f) Forest uses.
 - (g) Roadside stands for produce grown on the premises.
 - (h) Signs, subject to Section 4.020.
 - (i) Electrical distribution lines.
- (3) **USES PERMITTED CONDITIONALLY:** In the RR zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.
 - (a) Planned Developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. This shall apply only to RR/PD zoned property located within a community growth boundary.
 - (b) Mobile or manufactured home, in those areas identified in Section 5.160 as being subject to special mobile/manufactured home standards, which do not comply with those standards.

- (c) Cottage industries.
- (d) Recreational vehicle where not allowed outright by Section 5.130.
- (e) A temporary real estate sales office.
- (f) Churches and schools.
- (g) Accessory structures or accessory uses without an on-site primary structure.
- (h) Nonprofit community meeting buildings.
- (i) Cemeteries.
- (j) Fire or ambulance stations.
- (k) Golf courses and associated facilities.
- (l) Animal hospital, kennel, or other animal boarding service.
- (m) Towers for communications, wind energy conversion systems, or structures having similar impacts.
- (n) Public utility facilities, including substations and transmission lines.
- (o) Mining, quarrying, and the processing and storage of rock, sand, gravel, peat, or other earth products; on a contiguous ownership of 10 or more acres.
- (p) Small-scale primary wood processing facilities, such as a shake mill, chipper, or stud mill, on a contiguous ownership of 10 or more acres.
- (q) Rural industries on a contiguous ownership of 10 or more acres.
- (r) Foster family homes accommodating six or more children or adults.
- (s) Bed and breakfast enterprise.
- (t) Temporary placement of a mobile home or recreational vehicle to be used because of health hardship, subject to Section 6.050.
- (u) Parks, recreational campgrounds, primitive campgrounds hunting and fishing preserves, and other recreational uses and associated facilities, on a contiguous ownership of 10 or more acres.

- (v) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
 - (w) Home occupations according to the provisions of Section 4.140 of this Ordinance.
- (4) STANDARDS: Land divisions and development in the RR-2 and RR-10 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.

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.



NORTH

32

16

8

4

SCALE: 1/16" = 1'-0"

Owner Name: Maureen Bayer
 Address : 6255 SW 54th Avenue, Portland, OR 97219
 Telephone Number: 415.531.6160





EXHIBIT C

I own property on the corner of 8th & Bayview
I did not get a letter about conditional use of
property on 9th. after the notice of valuation was
posted, she camped and allowed others to camp
on her property. She has been rude to
neighbors on 9th many times. Came on to their
yard and had words. This use of property has not
been a good neighbor.

Case Opened: _____ Case #: _____ Taken By: _____

TILLAMOOK COUNTY CODE ENFORCEMENT COMPLAINT INTAKE FORM

Instructions: It is important that you supply as much detail as possible. If you have any questions, feel free to call our office at 842-1817 or 842-3408 or to 201 Laurel Avenue, Tillamook, Or 97141

Date: 11/ 2021 Twp _____ Range _____ Section _____ Tax Lot _____

Location of Violation: (Address) 5850 9th Cape Meares

City: _____ State: _____ Zip: 97141 Nearest Cross Street _____

owners
Residents' Name: Maureen Hodson Phone: 415 5316160

Is the resident a Renter/Tenant? Yes No Unknown

Owner's Name: Maureen Hodson Address: _____

City: _____ State: _____ Zip: _____ Phone: () _____

Color of residents' house: None Special Directions to Location: _____

Type of Complaint: Land Use Env/Health Building Codes
 Riparian/Wetland Solid Waste: Vehicles #/Trash/Garbage Public Works

Details of Complaint: (Be specific) Structures on Vacant lot
Conditional use violation. This will be allowing camp or
picnic spot Not zoned for this. No Trust that

ARE THERE ANY KNOWN OR SUSPECTED HAZARDS AT THIS LOCATION? i.e.
Dangerous or unstable residents, dogs, criminal activity etc.
 YES NO UNKNOWN
If yes, Identify Hazard in detail: _____

This information will not be disclosed pursuant to ORS 192.502(4).
(Over)

*She will not camp or allow others to. Not zoned
for structure of any sort. This will lead to
more complaints for home owners.*

The complainant gives the Code Enforcement Officer permission to use their property for viewing violation: Yes NO, if not, why: _____

Will you, the complainant, testify in court should the need arise? Yes No
(NOTE: your complaint may not be accepted without you being available to testify.)

If you have photos, or other related information, that can be used as evidence of this violation, please submit them with this application. The submitted documentation will not be returned and will become part of the complaint file.

Complainant:

Your Name: Sp. Lu X. Lu Telephone 847 7438
Address: 5945 8th City: _____ Zip: _____

FOR OFFICE USE ONLY

Agency's Contacted:

Planning Sanitation Building Water ODFW ODF
 Public Works Health Dept. Other

Closed in Tax Lot File: _____

Previous Code Enforcement Action _____

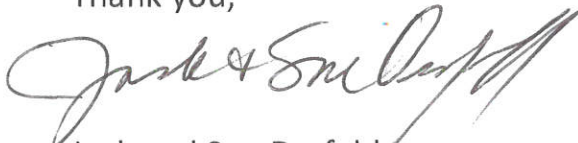
11/9/2021

Department of Community Development

#851-21-000329-PLNG *Conditional Use for Maureen Bayer*

The owner of 5850 Ninth Street in Cape Meares has applied for a conditional use of the pergola that she had constructed on her vacant land. This is not allowed without an on-site structure. She contends that it is only for "personal day use by the owner and invitees only." She has previously shown no respect or regard for the rules and her neighbors when she started a "hip" camp offering overnight camping at \$80 a night in a residential area. By giving her conditional use for the pergola that was constructed illegally, you are opening the door for her to bend the rules once again. We do NOT support your conditional use permit and suggest the county keep a close eye on her further uses of the property, as will her neighbors.

Thank you,



Jack and Sue Drafahl

REVIEW CRITERIA

TCLUO ARTICLE VI:

SECTION 6.040: 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

The owner has been using the property for Camping. Even when she was told to stop this use.

We have no trust and letting her use it as a picknicking Site, ^{this} will soon change again to Camping.

AS IS, ANY DEVELOPMENT NEEDS AT LEAST

Elaine Blum P.O.A. SAID FILTER
Brous C. Sals

Brooks said she is from California and we don't do this here in Oregon.