



Land of Cheese, Trees and Ocean Breeze

**Variance #851-21-000244-PLNG: SAXTON
Administrative Decision & Staff Report**

Decision: Approved with Conditions
Decision Date: December 15, 2021
Report Prepared By: Christopher S. Laws, Land Use Planner II

I. GENERAL INFORMATION:

- Request:** A Variance request to reduce the 70% side-width maximum to accommodate the replacement of an existing carport with an enclosed two-story garage structure on a property located in the Unincorporated Community of Neskowin. (Exhibit B).
- Location:** The subject property is accessed via Kinnikinnick Dr., a private road, is zoned Neskowin Low Density Residential (NeskR-1) and is designated as Tax Lot 3500 of Section 24BD, Township 5 South, Range 11 West, W.M., Tillamook County, Oregon
- Zone:** Neskowin Low Density Residential (NeskR-1)
- Applicant:** Lynne Saxton, 45955 Kinnikinick Drive, OR 97149
- Property Owner:** Lynne Saxton, 45955 Kinnikinick Drive, OR 97149

Description of Site and Vicinity: The subject property is a 0.30-acre property that is relatively flat with a small lawn and a few evergreen trees on or near the side and rear property lines and zoned Neskowin Low Density Residential (NeskR-1). Other properties adjacent to and in the surrounding neighborhood are similarly zoned, sized, vegetated and developed with single-family dwellings as the Applicant's property (Exhibit A & B).

The south-east corner of the subject property is within a wetland (the proposed structure is outside the wetland boundary) as identified in the National Wetland Inventory; is not in Geo-Hazard overlay but is in a flood hazard area of *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* pursuant to the National Wetland Inventory and the National Flood Hazard Layer FIRM map 41057C1005F (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(5): Nonconforming Uses and Structure
- B. Article III: Section 322: Neskowin Low Density Residential (NeskR-1)
- C. Article VIII: Section 8.030 Variance Procedures and Criteria
- D. Article IV: Section 4.005: Residential and Commercial Zone Standards

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 Applicant is proposing to replace the existing carport attached to the existing single-family dwelling with an enclosed garage with a second story containing living space. The attached carport pushed the existing development beyond the 70% maximum lot width allowed pursuant to TCLUO Article III: Section 3.322(4)(j)(2).

B. Section 322: Neskowin Low Density Residential (NeskR-1)

Section 3.322, (1) PURPOSE: *The purpose of the NeskR-1 zone is to designate areas for low density single-family residential development and other, compatible, uses. Suitability of land for low-density uses is determined by the availability of public sewer service, and such limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features.*

Section 3.322(2) Uses Permitted Outright

Findings: Single-family residential structures are permitted outright pursuant to 3.322(2)(a).

Section 3.322(4), STANDARDS: *Land divisions and development in the NeskR-1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:*

(j) Structures shall meet the following standards. Applicants shall demonstrate compliance with these standards on submitted plans. For purposes of these standards, building depth is defined as the dimension of the building footprint measured between the front and rear setbacks, and building width is defined as the dimension of the building footprint measured between side property lines.

(1) The building depth at all points shall not exceed 70% of the distance between front and rear lot lines (measured as close to perpendicular to those lines as possible).

(2) Building width at all points shall not exceed 70% of the distance between opposite side lot lines (measured as close to perpendicular to those lines as possible).

(3) Structural elements which are exempted from setback requirements by other sections of the Land Use Ordinance shall be exempt from this standard. This standard shall not apply on lots smaller than 3000 sq ft; Section 5.100 shall apply to these lots.

Findings: Staff finds that standard 3.322(4)(j)(2) is the subject of this Variance application, which may be permitted only on finding that the requirements of TCLUO Article VIII have been satisfied and other applicable requirements can be met by adhering to the Conditions of Approval. 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 November 24, 2021. One comment was received from the adjoining neighbor who does not object to the variance request (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 Applicant’s proposal is to replace the current carport with an enclosed garage with a second-story in the existing carport’s foot print (slightly reduced) therefore no change to the existing non-conformity will be made. The Applicant states: “*In order to meet the 70% width rule the new garage structure would need to be located in the front of the home. Given the setback requirement, this would not be possible.*” The Applicant’s single-family dwelling is currently setback from the front yard property line approximately thirty-one (31) feet; Applicant’s proposed garage is approximately twenty-six (26) feet deep and would therefore encroach into the required twenty (20) foot front yard setback. The standard parking space requirement is eight (8) feet by twenty (20) feet so that reducing the garage to that parameter would still lead to an encroachment.

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 residential structures and their appurtenant structures are an outright use allowed in the NeskR-1 Zone, this use is consistent with surrounding properties.

Staff finds this criterion 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's proposal slightly reduces the current non-conformity and it is expected this will improve the rightful use of the adjoining property. (Exhibit B).

Staff finds this criterion met.

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

Findings: The Applicant states: "*In order to meet the 70% width rule the new garage structure would need to be located in the front of the home. Given the setback requirement, this would not be possible.*" The Applicant's single-family dwelling is currently setback from the front yard property line approximately thirty-one (31) feet; Applicant's proposed garage is approximately twenty-six (26) feet deep and would therefore encroach into the required twenty (20) foot front yard setback. The standard parking space requirement is eight (8) feet by twenty (20) feet so that reducing the garage to that parameter would still lead to an encroachment.

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's proposal slightly reduces the existing non-conformity. It is expected this will improve the availability for private open spaces, light, emergency access and privacy.

Staff finds this criterion satisfied.

- (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 variance 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 Applicant's property is relatively flat and the property bordered by ever-green trees species. (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 the existing single-family residential appurtenant structure if the Variance is approved (Exhibit B). The use is allowed outright in the NesKR-1 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.

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 **December 28, 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 December 27, 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.
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. Side-yard setback shall be maintained at four feet five inches (4'5") with no further encroachment.
5. Development shall otherwise comply with the applicable standards and requirements of TCLUO Sections 3.322: Neskowin Low Density Urban Residential Zone (NeskR-1).
6. This approval shall be void on December 15, 2023 unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

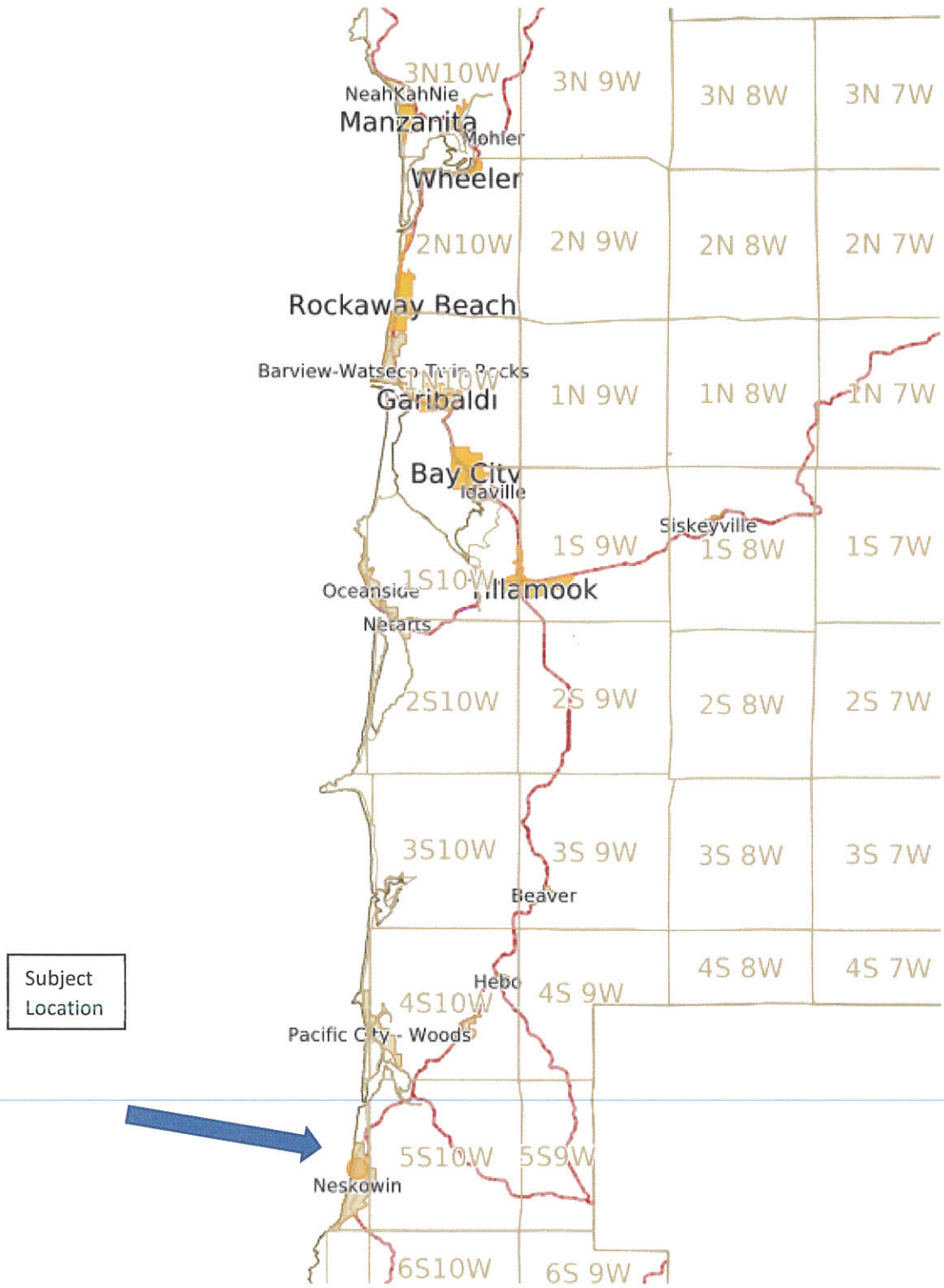
VI. EXHIBITS:

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



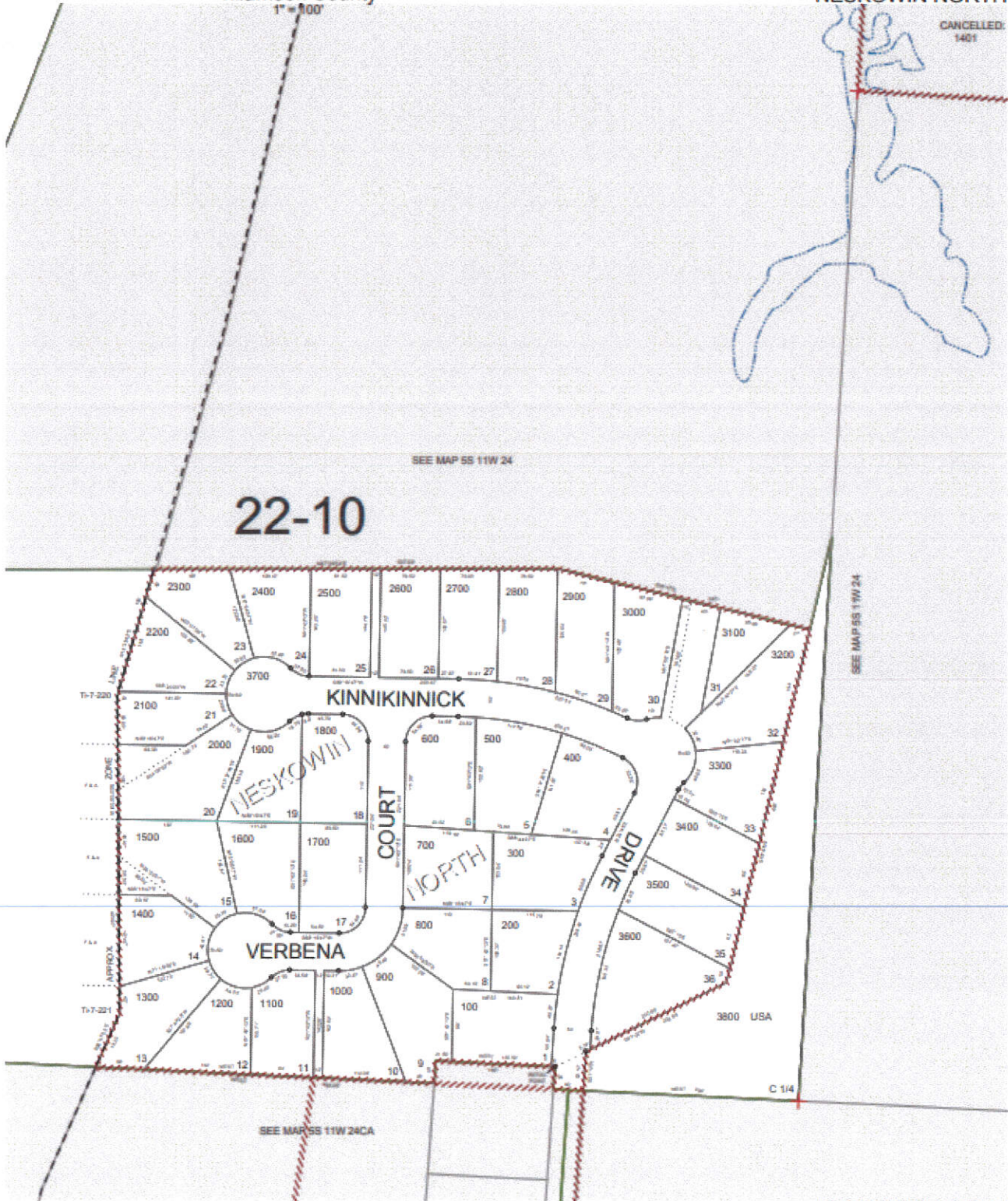
Subject Location

851-21-000244-PLNG SAXTON

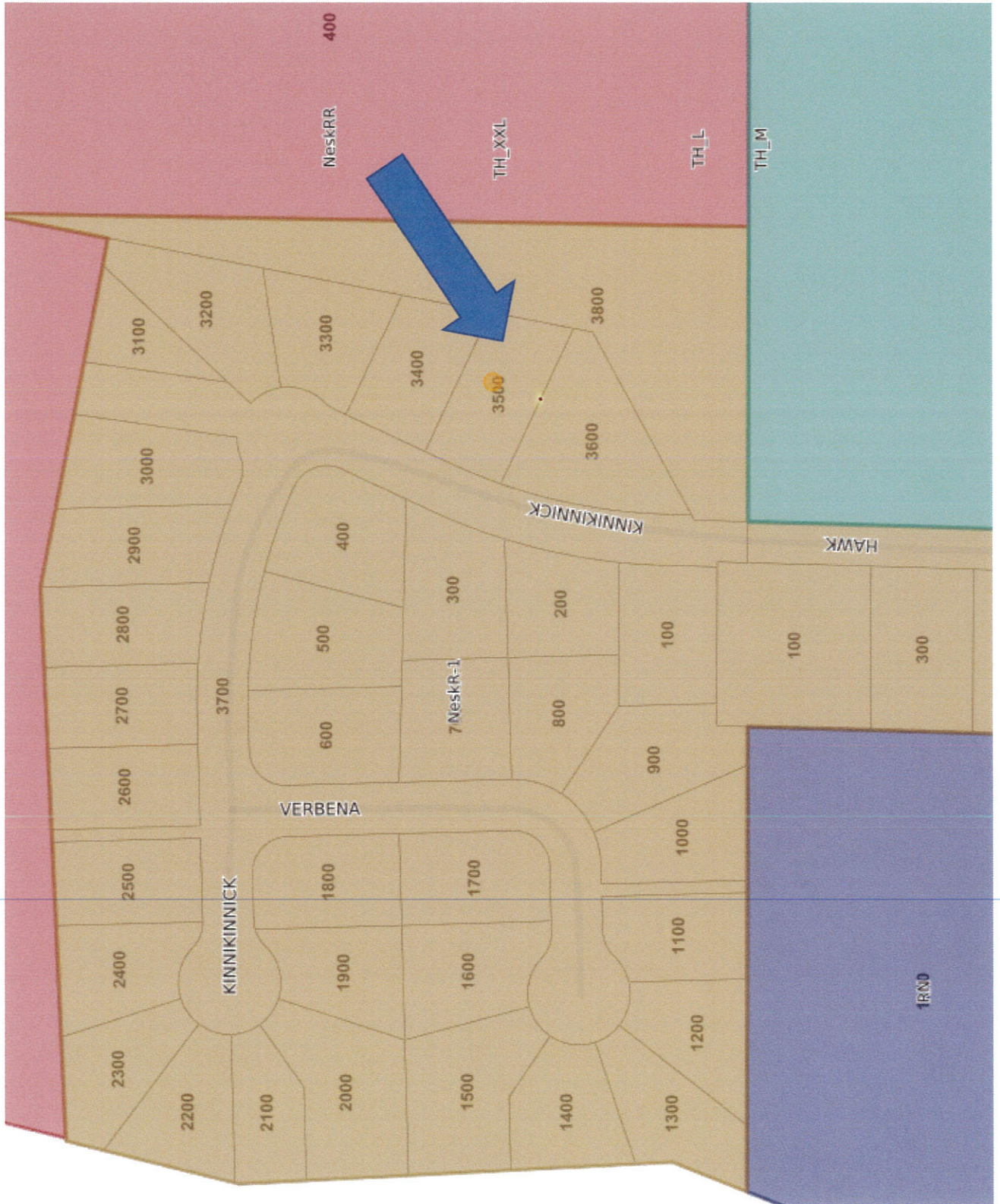
TAX MAP

S.E. 1/4 N.W. 1/4 SEC. 24 T. 5S. R. 11W. W.M.
Tillamook County

05S11W24BD
NESKOWIN NORTH

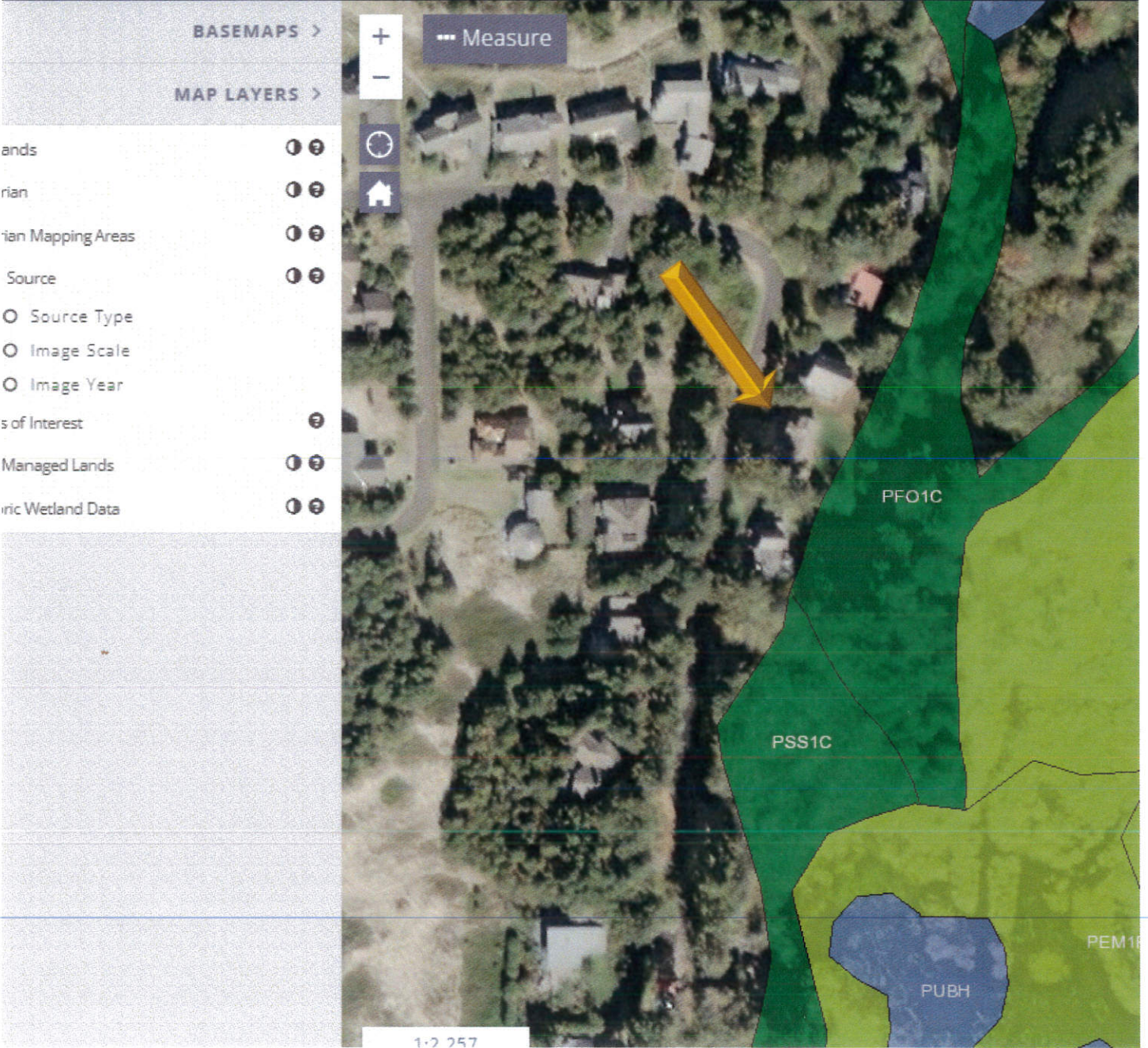


ZONE MAP



WETLAND MAP

National Wetlands Inventory
surface waters and wetlands



851-21-000244-PLNG SAXTON

EXHIBIT B

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JUL 01 2021
 MAR 2

PLANNING APPLICATION

OFFICE USE ONLY
Date Stamp
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by: <i>SS</i>
Receipt #:
Fees: <i>1089.00</i>
Permit No: 851- <i>21-000244</i> -PLNG

Applicant (Check Box if Same as Property Owner)

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

Property Owner

Name: Lynne Saxton Phone: _____
 Address: 45955 Kinnikinick Drive
 City: Neskowin State: OR Zip: 97149
 Email: lynne.saxton@gmail.com

Request: A variance to the maximum 70% width (code section 3.322) We are replacing an existing Carport with a new garage/bedroom. The new construction exceeds the maximum allowable width of 56'-4 1/2". It does not exceed the existing 65'-4 3/8" width of the current house and carport. The Proposed new structure and house width would be 65'-4" (81%).

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

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

Type IV

- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

Location:

Site Address: 45955 Kinnikinick Drive Neskowin Oregon 97149

Map Number: 5-11-24-BD-3500 Lot 35 of Neskowin North

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.

Lynne H. Saxton
Lynne H. Saxton (Jun 29, 2021, 12:45 PDT)

Jun 29, 2021

Property Owner Signature (Required)

Date

Lynne H. Saxton
Lynne H. Saxton (Jun 29, 2021, 12:45 PDT)

Jun 29, 2021

Applicant Signature

Date



July 29, 2021

Sarah Absher, Director
Tillamook County Department of Community Development
1510-B Third Street.
Tillamook, OR 97141

Re: Variance for 70% maximum building width along the front yard for property located at 45955 Kinnikinick Drive, Neskowin OR.

Dear Director Absher,

Please find enclosed, along with this letter, a completed Planning Application package for a variance request for the carport replacement to the Lynne and Ron Saxton's property located at 45955 Kinnikinick Drive, Neskowin OR.

It is our understanding that you will be reviewing the variance. I would appreciate it if you would verify that we do, in fact, need to submit for this variance since we were initially told that if the new garage did not exceed the width of the current home/carport we could submit for the building permit without needing a variance.

Once we submitted our plans for a building permit, we were then notified that we did need the variance. In any event, we have supplied the Variance Application and support drawings and documents for your use and review. Certainly, if there is a way to avoid the variance, we could save your staff significant time and effort and save our client the estimated 12-week review time so that we could submit for the building permit and get the work constructed during this current building season.

Please find enclosed:

Planning Application

Planning Application narrative with Drawing LUR - 1

Architectural Drawings ;

A.0 Cover Sheet

A.1 Title sheet

A.2 Site Survey

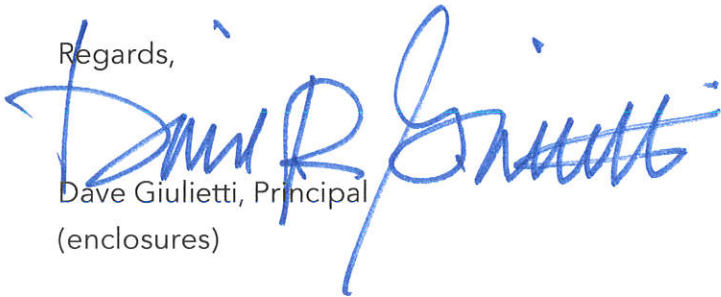
A.3 Site Plan

A.3.1 Existing Site Plan and Existing photos

- A.4 Floor Plans
- A.5 Roof Plan
- A.6 Building Elevations
- A.7 Building Elevations
- A.8 Building Sections

Thank you for your assistance.

Regards,

A handwritten signature in blue ink, appearing to read "Dave R. Giuliatti". The signature is written in a cursive, somewhat stylized font. The first letter "D" is large and loops around the "G". The "R" is also large and loops around the "G". The "G" is the largest letter and has a long, sweeping tail that extends downwards and to the right. The "I" and "A" are smaller and more upright. The "T" is also smaller and has a short horizontal stroke.

Dave Giuliatti, Principal
(enclosures)



**GIULIETTI / SCHOUTEN
AIA, Architects, P.C.**

2800 N.W. Thurman Street
Portland, Oregon 97210

Telephone (503) 223-0325
Fax (503) 241-9323

LETTER OF TRANSMITTAL

TO TILLAMOOK COUNTY COMM. DVLP.
1510-B THIRD STREET
TILLAMOOK, OR 97141

DATE JUNE 29, 2021	JOB NO.
ATTENTION	
RE: VARIANCE - TYPE II REVIEW DOCUMENTS	

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order APPLICATION + NARRATIVE CRITERIA + COVER LETTER

COPIES	DATE	NO.	DESCRIPTION
1	6/29/21		BUILDING APPLICATION (8.5x11)
2	6/29/21		DRAWINGS: PLANS, ELEVATIONS, SECTIONS (FOLDED 24x36)
1	6/29/21		NARRATIVE RESPONSE TO REVIEW CRITERIA (8.5x11)
1	6/29/21		COVER LETTER (8.5x11)

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment FOR VARIANCE APPLICATION SUBMISSION
 FOR BIDS DUE _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

COPY TO _____

SIGNED:  **ANDREW STRICKER**

TILLAMOOK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

December 10, 2021 9:12:31 am

Account # 257616 Map # 5S1124BD03500 Code - Tax # 2210-257616 Legal Descr NESKOWIN NORTH Lot - 35 Mailing Name SAXTON, LYNNE HUME & Agent In Care Of SAXTON, ANDREW KENNETH Mailing Address 2015 SE COLUMBIA RIVER DR 240 VANCOUVER, WA 98661 Prop Class 101 MA SA NH Unit RMV Class 101 09 ST 991 18796-1	Tax Status ASSESSABLE Acct Status ACTIVE Subtype NORMAL Deed Reference # 2020-5128 Sales Date/Price 07-28-2020 / \$0.00 Appraiser RANDY WILSON
--	---

Situs Address(s)	Situs City
ID# 1 45955 KINNIKINNICK DR	COUNTY

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
2210 Land	258,150			Land	0
Impr.	302,820			Impr.	0
Code Area Total	560,970	419,300	419,300		0
Grand Total	560,970	419,300	419,300		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown		Size	Land Class	Trended RMV
						TD%	LS			
2210					LANDSCAPE - FAIR	100				500
2210	1	<input checked="" type="checkbox"/>		NESKR -1	Market	104	A	0.27		237,950
2210					OSD TYPE B - AVERAGE	100				19,700
Grand Total								0.27		258,150

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%					
2210	1	1978	144	One and 1/2 story w/basement	123		2,160		302,820	
Grand Total							2,160		302,820	

Exemptions/Special Assessments/Potential Liability									
Code Area	Type								
2210	SPECIAL ASSESSMENT:								
	■ SOLID WASTE	Amount	12.00	Acres	0	Year	2021		

Comments: 03/04/09 - Phase 1 desk review. Corrected STAT class, KL. 3/30/09 Phase 1-New windows, eff. age changed to 1982.LM
 5/2014 Reapp. of land/Tabled values. RCW
 1/10/17 Updated inventory for Property Appraisal conversion.LM

SECTION 8.030: REVIEW 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.*

The existing dimensional parameters of the site along with the location of the existing dwelling and driveway location would lend itself to a garage to be located in the location of the current carport. In order to meet the 70 % width rule the new garage structure would need to be located in front of the home. Given the setback requirement, this would not be possible.

- (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.*

The variance is required to accommodate the construction of the garage and bedroom. The garage and additional bedroom are uses that are reasonably to be expected to occur within this residential zone and consistent with neighboring homes. In reviewing neighboring homes along Kinnikinick within the same Neskowin R-1 zone, it is obvious that most of the homes, particularly the homes at the North end of the development (45805, 45825,45835,45845, 45775, 45735,45915 , 45855) are constructed to the full width of the lot up to the 5 foot side yard setbacks and do not meet the 70% rule. See the attached LUR-1 drawing attached. We would reasonably expect the same consideration.

- (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.*

The proposed design preserves the intent of the supplementary regulations set forth in Section 4.005

- (1) By locating the new garage in essentially the same location as the current carport, the private open space in the front and rear of the home is maintained.

(2) The new garage meets the current side, front and rear setbacks, which are the reason setbacks were developed, specifically to maintain adequate light and air to the structures. The new garage is also separated from the main home by 5 - 9" to allow the existing homes' windows and ventilation to be maintained.

(3) Adequate access for emergency has been maintained to all sides of the home from the public right of way and off-street parking is maintained for emergency vehicles as well.

(4) The proposed design focusses the occupants' views and access towards east and west and maintains privacy for the immediate neighbors to the South

(5) No changes are being implemented that would alter the houses and garage relationship to the common roads. All the private uses noted are continuing to be occurring on the owner's private land.

(6) & (7) No changes have been implemented that would alter driver visibility or safe access to and from the common road which is a private drive.

(8) By locating the new structure in essentially the same location as the current carport no views are unreasonably obstructed nor obtained. There is an existing mature vegetation and treed buffer between the proposed structure and the neighbors to the south that is being maintained.

(9) The proposed uses are in line with the approved Zoning uses for the property and no incompatible uses are being proposed.

(10) The new structure, due to its location, orientation and the natural sun route would not cause any solar shading to the neighbor's property and would not inhibit the applications property from having full solar access.

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

We looked at alternate designs in an effort to fit within the allowable 70% width. None of the options could accommodate the owners programming needs. The minimal width available to fit within those guidelines compromised the plans to the point of making the project unbuildable.

REVIEW CRITERIA

ARTICLE VIII - VARIANCE PROCEDURES AND CRITERIA

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.
- (2) A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.
- (3) The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.
- (4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.

SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards is the following:

- (1) To ensure the availability of private open space;
- (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 of residences;
- (5) To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;
- (6) To ensure that driver visibility on adjacent roads will not be obstructed;
- (7) To ensure safe access to and from common roads;
- (8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;
- (9) To separate potentially incompatible land uses;
- (10) To ensure access to solar radiation for the purpose of alternative energy production.

EXHIBIT C



Land of Cheese, Trees and Ocean Breeze

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

VARIANCE REQUEST #851-21-000244-PLNG: SAXTON

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: November 24, 2021

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

#851-21-000244-PLNG: A Variance request to reduce the 70% side-width maximum for construction of a single-family dwelling on a property located in the Unincorporated Community of Neskowin. The subject property is accessed via Kinnikinnick Dr., a private road, is zoned Neskowin Low Density Residential (Nesk R-1) and is designated as Tax Lot 3500 of Section 24BD, Township 5 South, Range 11 West, W.M., Tillamook County, Oregon. The applicants and property owners are Lynne & Hume Saxton.

Written comments received by the Department of Community Development prior to 4:00 p.m. on December 7, 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, December 8, 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 at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. They are also available on the Tillamook County Department of Community Development website: <http://www.co.tillamook.or.us/gov/ComDev/landuseapps>

If you have any questions about this application, please contact the Department of Community Development at (503) 842-3408 ext. 3317 or claws@co.tillamook.or.us.

Sincerely,

Christopher S. Laws, Planner II

Sarah Absher, CFM, Director

*Reply
We have no objections to this
variance. (neighbors)
James D. Burkee
Diane D Burkee
PO Box 759
Neskowin
3 Dec 2021
(Neskowin North
Lot 2)*

Enc. Maps and applicable ordinance criteria