

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 #851-21-000384-PLNG: TC HFH**

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

January 28, 2022

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Conditional Use Request on January 28, 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 **4:00 PM on February 8, 2022.**

**Unless appealed, the Effective Date of Decision shall be no sooner than February 9, 2022.**

**Request:** A Conditional Use request for a Single Family Dwelling.

**Location:** The subject property is located within the Unincorporated Hebo Community of Tillamook County at 31305 HWY 101 S, a State Highway, and is designated as Tax Lot 1100 in Section 13BB of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

**Zone:** Community Commercial Zone (CC)

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**Applicant/ Property  
Owner:**


Tillamook County Habitat for Humanity  
4192 Hwy 101, Tillamook, OR 97141  
Nichole Hendricks PO Box 622, Pacific City OR 97135

**CONDITIONS OF APPROVAL**

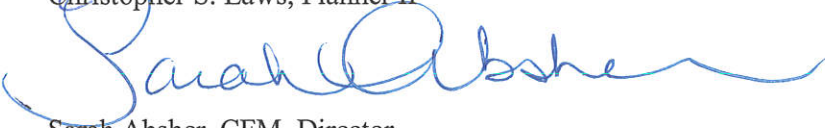
Section 6.070: COMPLIANCE WITH CONDITIONS, and 6.070: TIME LIMIT requires compliance with approved plans and Conditions of this decision, and all other ordinance provisions, and allows 24 months for compliance with Conditions and start of construction. Failure to comply with the Conditions of Approval 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 obtain an approved consolidated zoning/building permit from the Tillamook County Department of Community Development.
3. Applicant/Owner shall comply with the standards contained within TCLUO 3.022 'Community Commercial (CC) Zone'.
4. This approval shall be void on January 28, 2024, 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



Christopher S. Laws, Planner II



Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor & Zoning maps

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**Conditional Use Request, 851-21-000384-PLNG: TC Habitat for Humanity  
ADMINISTRATIVE DECISION & STAFF REPORT**

**Decision Date: January 28, 2022**

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

**Report Prepared by: Christopher S. Laws, Land Use Planner II**

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**I. GENERAL INFORMATION:**

**Request:** A Conditional Use request for a Single Family Dwelling (Exhibit B).

**Location:** The subject property is located within the Unincorporated Hebo Community of Tillamook County at 31305 HWY 101 S, a State Highway, and is designated as Tax Lot 1100 in Section 13BB of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

**Zone:** Community Commercial Zone (CC)

**Applicant/  
Property Owner:** Tillamook County Habitat for Humanity  
4192 Hwy 101, Tillamook, OR 97141

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**Property Description:**

The subject property is an undeveloped 0.23 acre lot of vegetated terrain that slopes up to the south. The subject property is accessed from Highway 101, a state highway, and is adjacent to the Three Rivers Village Manufactured Home Park (Exhibit A).

There are no mapped wetlands or riparian features on the subject property, The subject property is not within a Special Flood Hazard Area (SFHA) and is located in Flood Zone X, as depicted on FEMA FIRM 41057C0880F dated September 28, 2018 (Exhibit A). The property is within an area of geologic hazard with varying terrain and slope throughout the subject property and has an approved Geological Hazard Report (Exhibit A).

The subject property is zoned Community Commercial located in the Unincorporated Hebo Community and is similar to the surrounding residential uses within the CC zone that are improved with single-family dwellings (Exhibit A).

Applicant is requesting Conditional Use Permit approval for a Single Family Dwelling (Exhibit B).

**II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:**

The desired use 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. Section 3.022: Community Commercial (CC) Zone
- B. Article VI: Conditional Use Procedures and Criteria

**III. ANALYSIS:**

**A. Section 3.022, ‘Community Commercial (CC) Zone’**

*(1) PURPOSE: The purpose of the CC zone is to designate areas for high intensity commercial and some light industrial activities within unincorporated community boundaries. The zone is intended to accommodate all commercial needs of the community, surrounding rural areas, and visitors. Land that is suitable for the RC zone is suitable for the CC zone, except that a higher level of use, and therefore a higher level of off-site impacts, must be anticipated.*

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

...  
*(a) One or two-family dwelling not associated with an active business.*

**Findings:** TCLUO Section 3.022(3)(a) allows for a single-family dwelling with an approved conditional use permit (CUP) that is reviewed and approved per the requirements of TCLUO Section 6.040. The Applicant proposes a new single-family dwelling and has submitted for the required CUP and associated review criteria; Staff finds this criterion met.

**B. 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 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 November 24, 2021. No comments were received from property owners within the vicinity.

**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 states: "Yes, page 21 of the Hebo Comprehensive Community Plan says "USES PERMITTED CONDITIONALLY: In the CC zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance: (a) One or two-family dwelling not associated with an active business."

As discussed above, staff finds that the proposed a single-family dwelling is allowed conditionally in the Community Commercial (CC) Zone. Staff finds this criterion met.

2. *The use is consistent with the applicable goals and policies of the comprehensive plan.*

**Findings:**

The Applicant states:

*Yes, in Appendix B of the Hebo Comprehensive Community Plan, the community survey clearly states the need and desire for improved low income housing. Additionally, page 9 of the plan states that the first goal of the plan is "Goal 1: Hebo will be an attractive, safe and clean small town. Policy 1.1: The County recognizes the importance of local community groups and organizations and will support community groups and organizations in Hebo in their community-building activities." Tillamook County Habitat For Humanity's vision statement explicitly states that we are "seeking to put God's love into action, **Habitat for Humanity** brings people together to build homes, communities and hope."*

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.

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

**Findings:** The subject property is an undeveloped 0.23 acre lot of vegetated terrain that slopes up to the south. The subject property is accessed from Highway 101, a state highway, and is adjacent to the Three Rivers Village Manufactured Home Park. The lot is slightly irregular in shape and should provide plenty of room to place a single-family dwelling within the set-back requirements and provide suitable road access.

Staff finds that the subject property is suitable for the proposed single-family dwelling given the topography, size, and location. Staff concludes this criterion has been met.

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:** Applicant states: *No, the proposed structure will be non intrusive, will not generate significant noise or other environmental hazards, will not block any neighbors' views, will not affect access to the highway, and will not cause damage or impact to the hillside or road. The surrounding properties are also residential and so our plan will fit into the character of the surrounding area.*

Staff finds that the surrounding properties are developed with residential uses such that the size and scope of the proposed single-family dwelling will have little to no impact. Staff finds this criterion met.

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

**Findings:** Staff does not find any record of such facilities in the area. Applicant states that the proposed bed and breakfast operation will not impact such facilities (Exhibit B). Staff concludes that this criterion has been 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:** Utilities are available to service this parcel and the development of a single-family residence. Staff concludes that this criterion has been met.

#### **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 February 8, 2022.**

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**V. CONDITIONS OF APPROVAL:**

Sections 6.080: COMPLIANCE WITH CONDITIONS, and 6.090: 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. Applicant/Owner shall comply with the standards contained within TCLUO 3.022 'Community Commercial (CC) Zone'.
4. This approval shall be void on January 21, 2024, 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

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# EXHIBIT A

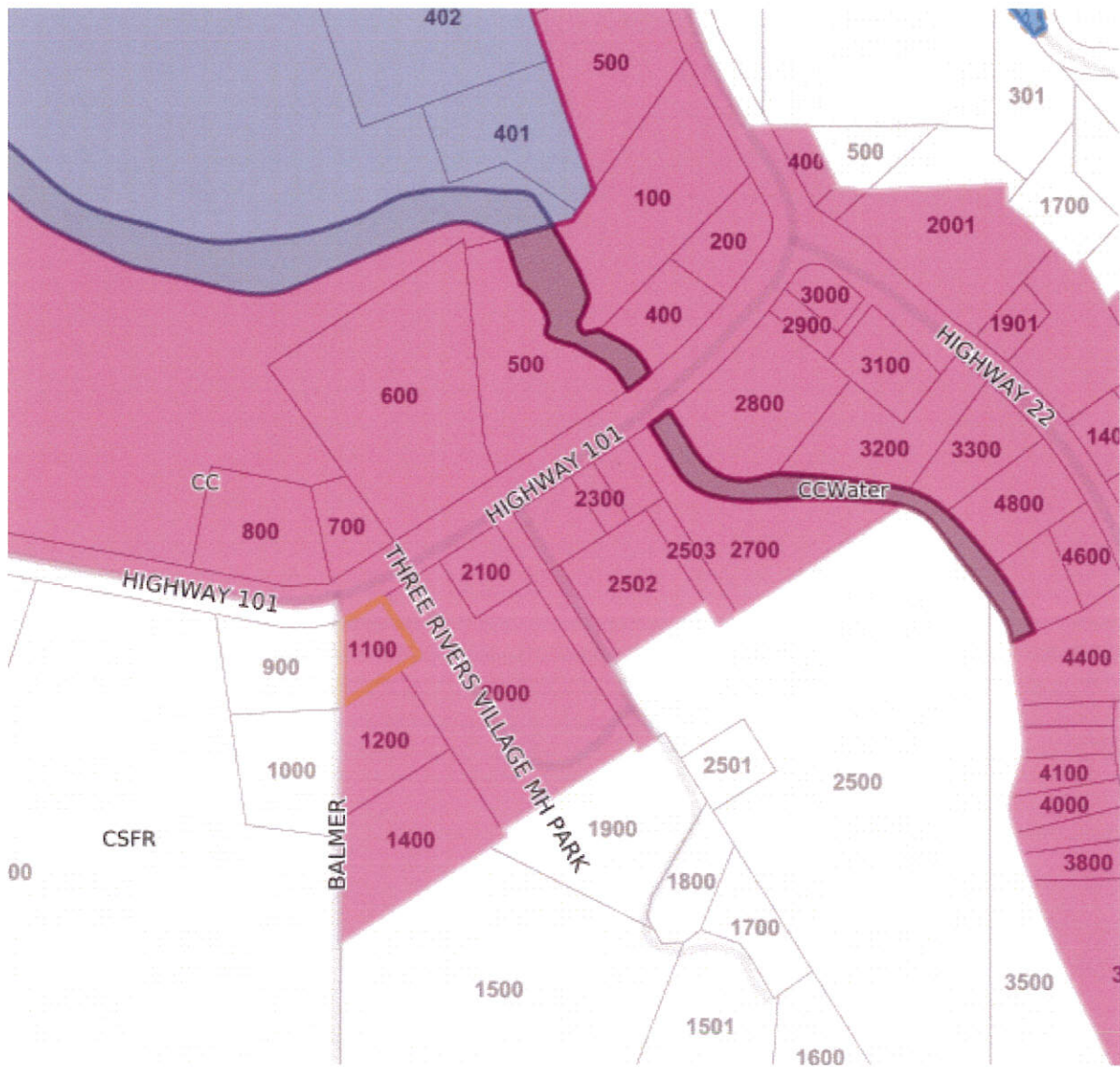


VICINITY MAP



851-21-000384-PLNG

Zone Map



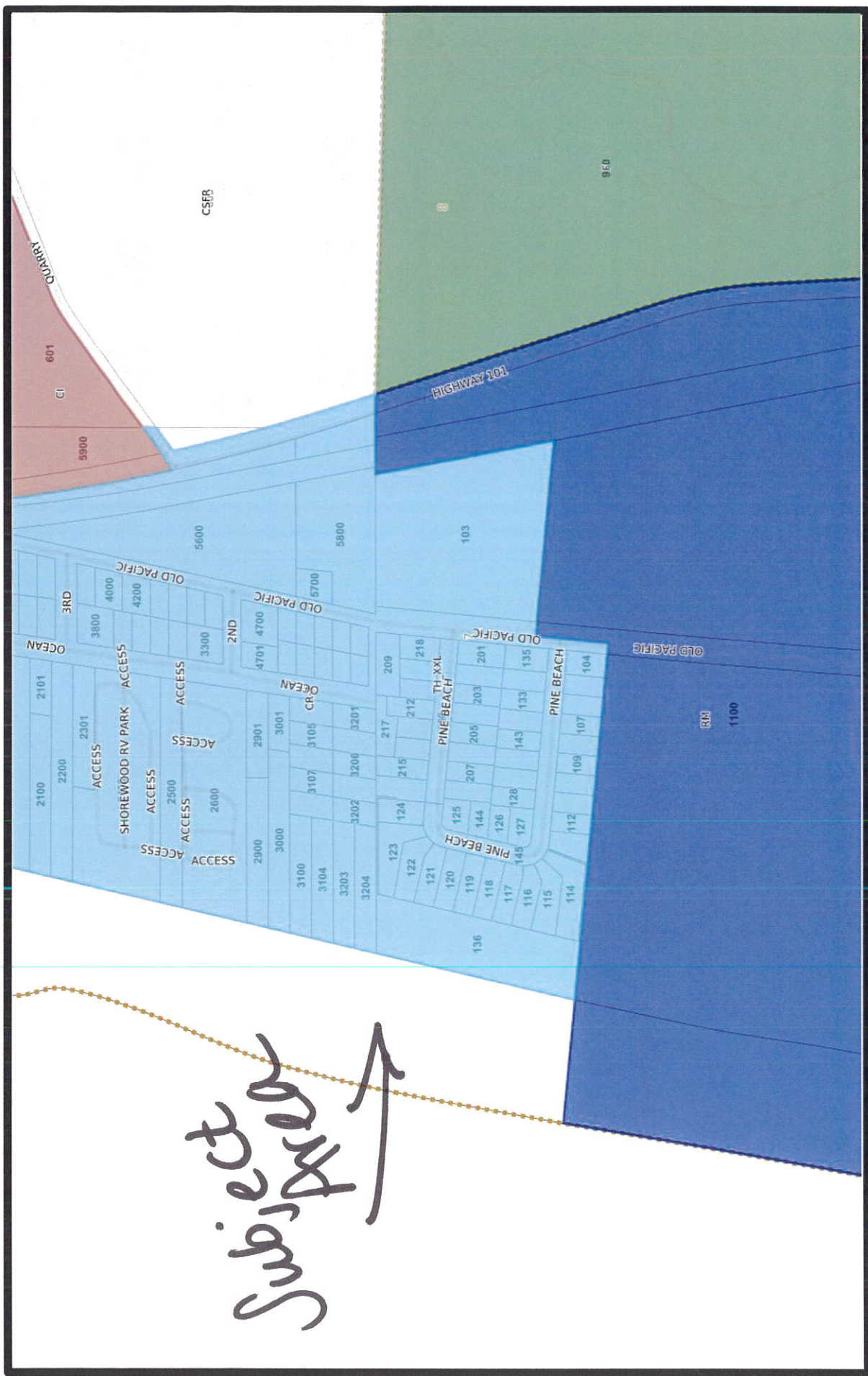
851-21-000384-PLNG

TAX MAP





# Map



# EXHIBIT B

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## PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	
<b>RECEIVED</b>	
OCT 11 2021	
BY: Drop-off	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: MJ	
Receipt #:	
Fees: 1,089.00	
Permit No:	
851-21-000383-PLNG	

**Applicant**  (Check Box if Same as Property Owner)  
 Name: Tillamook County Habitat for Humanity Phone: (503)842-7472  
 Address: 4192 Hwy 101  
 City: Tillamook State: OR Zip: 97141  
 Email: jgiele@tillamookhabitat.org

**Property Owner**  
 Name: Phone:  
 Address:  
 City: State: Zip:  
 Email:

Request:  
 Single family Home

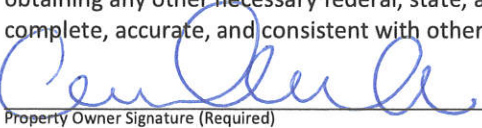
- | Type II  | Type III   | Type IV   |
|--|--|---|
| <input type="checkbox"/> Farm/Forest Review                                | <input type="checkbox"/> Appeal of Director's Decision           | <input type="checkbox"/> Appeal of Planning Commission Decision |
| <input checked="" type="checkbox"/> 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: 31305 Hwy 101 S  
 Map Number: 45 10 1388 1100  
Township Range Section Tax Lot(s)

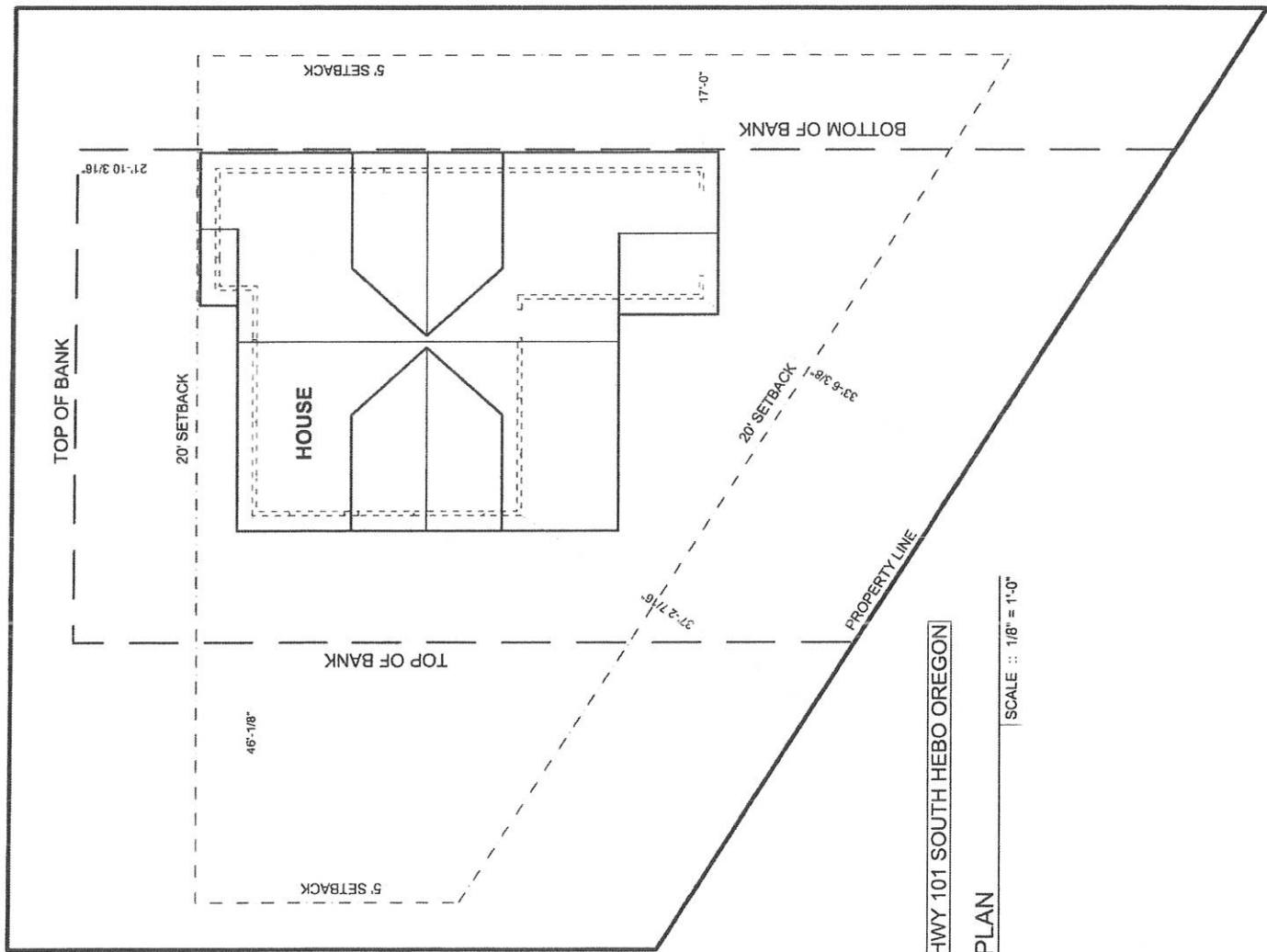
Clerk's Instrument #: \_\_\_\_\_

### 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.

Property Owner Signature (Required)  Date 10/11/2021

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_



COAST HIGHWAY 101



31305 HWY 101 SOUTH HEBO OREGON

1 SITE PLAN

SCALE :: 1/8" = 1'-0"