

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

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



Cheese, Trees and Ocean Breeze

CONDITIONAL USE REQUEST #851-21-000371-PLNG: HENDRICKS

*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 21, 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 21, 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 2, 2022.**

Unless appealed, the Effective Date of Decision shall be no sooner than February 3, 2022.

Request: A Conditional Use request for a Bed and Breakfast enterprise consisting of one guest bedrooms located in an existing dwelling (Exhibit B).

Location: The subject property is located at 4845 John R St, a local access road, and is designated as Tax Lot 7105 in Section 05BA of Township 2 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Netarts Medium Density Urban Residential Zone (NT-R2)

Applicant: Nichole Hendricks

Property Owner: Nichole Hendricks PO Box 622, Pacific City OR 97135

CONDITIONS OF APPROVAL

Section 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, 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 zoning permit from the Tillamook County Department of Community Development.
 - a. The submittal requires a site-plan that clearly illustrates the required parking space and;
 - b. A copy of an approved health license from Tillamook Community Health
3. Applicant/property owner shall adhere to the requirements of TCLUO 4.030, 'Off-Street Parking & Off-Street Loading Requirements'.
4. This approval is for a bed and breakfast enterprise for use of one bedroom. Expansion in the number of bedrooms utilized for the bed and breakfast enterprise is subject to land use review and approval.
5. Signage shall comply with the standards of Tillamook County Land Use Ordinance Section 4.020: Signs.
6. Applicant/Owner shall comply with the standards contained within TCLUO 3.340 'Netarts Medium Density Urban Residential (NT-R2) Zone'.
7. 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.

Sincerely,
Tillamook County Department of Community Development



Christopher S. Laws, Planner II



Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor & Zoning maps



Land of Cheese, Trees and Ocean Breeze

**Conditional Use Request, 851-21-000371-PLNG: HENDRICKS
ADMINISTRATIVE DECISION & STAFF REPORT**

Decision Date: January 21, 2022

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

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

I. GENERAL INFORMATION:

Request: A Conditional Use request for a Bed and Breakfast enterprise consisting of one guest bedroom located in an existing dwelling (Exhibit B).

Location: The subject property is located at 4845 John R St, a local access road, and is designated as Tax Lot 7105 in Section 05BA of Township 2 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Netarts Medium Density Urban Residential Zone (NT-R2)

**Applicant/
Property Owner:** Nichole Hendricks PO Box 622, Pacific City OR 97135

Property Description:

The subject property encompasses 0.11 acres of vegetated terrain. The subject property is accessed from John R road, a local access road (Exhibit A). According to Tillamook County Assessor’s records, the subject property is developed with an existing 1667 square foot, single-family dwelling built in 1992 and no accessory structures (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 41057C0565F dated September 28, 2018 (Exhibit A). The property is not within an area of geologic hazard with varying terrain and slope throughout the subject property (Exhibit A).

The subject property is zoned Netarts Medium Density Urban Residential Zone (NT-R2) located in the Unincorporated Netarts Community and is similar to the surrounding residential uses within the NT-R2 zone that are improved with single-family dwellings (Exhibit A).

Applicant is requesting Conditional Use Permit approval for a 1-bedroom bed and breakfast operation located in the existing 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 3.340: Netarts Medium Density Urban Residential (NT-R2) Zone
- B. Section 4.020 Signs
- C. Section 4.030 Off-Street Parking and Loading
- D. Article VI: Conditional Use Procedures and Criteria

III. ANALYSIS:

A. Section 3.340, 'Neskowin Medium Density Residential (NeskR-2) Zone'

(1) *PURPOSE: The purpose of the NT-R2 zone is to designate areas for medium-density singlefamily and duplex residential development, and other, compatible, uses. Land that is suitable for the NT-R2 zone has public sewer service available, and has relatively few limitations to development.*

...

(3) *USES PERMITTED CONDITIONALLY: In the NT-R2 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.*

...

(i) *Bed and breakfast enterprise.*

...

Findings: TCLUO Article 11 defines a bed and breakfast enterprise as 'A residential structure where not more than 15 persons, not including members of the family occupying such a structure, provide compensation for lodging'. Applicant is proposing to use one room in the existing dwelling as lodging accommodations for guests (Exhibit B). Staff finds that the proposed use meets the definition of a bed and breakfast enterprise and is allowed in the Netarts Medium Density Residential (NT-R2) Zone subject to satisfaction of the Conditional Use Review Criteria which are discussed below, and all other applicable standards.

B. Section 4.020 Signs

PURPOSE: The purpose of these supplemental regulations governing signs is to promote scenic values; to prevent unsafe driver distraction; to provide orientation and directions to visitors; to facilitate emergency response; and in general to provide for the placement of necessary SIGNS in appropriate areas. These provisions shall not be construed to preclude the placement of street address SIGNS in locations that can be readily seen by operators of emergency vehicles, provided that such placement does not impair efforts

to maintain roads, drainage ways, or brush-free road right-of-ways. No SIGN shall be constructed within a required yard that will impair the use of an existing solar energy system on adjoining property.

Findings: Applicant has not proposed specific signage in conjunction with the bed and breakfast operation (Exhibit B). Staff finds that any future proposal for signage is subject to the standards of TCLUO 4.020, 'Signs'. Staff finds that these standards can be met through compliance with Conditions of Approval.

C. Section 4.030: Off-Street Parking & Off-Street Loading Requirements

The purpose of requirements for off-street parking and loading areas is to relieve traffic congestion; to ensure customer convenience and safety; to provide safe access to parked vehicles; and to help ensure safe and timely response of emergency vehicles.

Findings: Boarding, lodging and rooming houses are required to provide one 8-foot by 20-foot parking space per each guest accommodation and a residential dwelling unit requires two 8-foot by 20-foot parking spaces as described in TCLUO Section 4.030(13), 'Parking Space Requirements'. Applicant is proposing a Bed and Breakfast enterprise consisting of one guest bedroom located in an existing dwelling (Exhibit B). Staff finds that a minimum of two off-street parking spaces are required for the residential dwelling unit and one off-street parking space is required for the proposed one-bedroom bed and breakfast operation. Applicant has identified (3) 8-foot by 20-foot parking spaces on their submitted site plan (Exhibit B). Staff finds two spaces are to occur in the twenty (20) foot by nineteen (19) foot garage and one on the existing driveway (Exhibit B).

Staff find these standards can be met through compliance with conditions of approval.

D. 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 December 14, 2021. With no comments received from a property owner 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: As discussed above, staff finds that the proposed bed and breakfast operation is a use allowed conditionally in the Netarts Medium Density Urban Residential Zone (NT-R2) Zone. Staff concludes that 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 subject property encompasses 0.11 acres of vegetated terrain (Exhibit A). The subject property is accessed from the south on John R. road, a local access road, and is the last house on this dead-end road (Exhibit A). According to Tillamook County Assessor's records, the subject property is developed with an existing 1667 square foot, single-family dwelling built in 1992 and no accessory structures (Exhibit A). Applicant states that the existing house is suitable for the proposed use given it abuts a right-of-way for effective access (Exhibit B).

Staff finds that the subject property is suitable for the proposed bed and breakfast operation given the existing dwelling and access, existing services, and adequate parking. Staff concludes that 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: The subject property is zoned Netarts Medium Density Urban Residential Zone (NT-R2) and is situated in the Unincorporated Netarts Community (Exhibit A). The area surrounding the subject property is similarly zoned and consists of residential development (Exhibit A). The owner/applicant states "*The houses on my street are primarily second homes so, rarely occupied. My occasional guests...shouldn't be a nuisance to the neighborhood.*" (Exhibit B).

The subject dwelling is located within the southern portion of the subject property and is well vegetated and screened from neighboring properties; additionally, the subject property is the last property at the end of John R. road therefore it is expected that disturbance from the proposed bed & breakfast will be minimal and the afore mentioned features amenable to mitigate such (Exhibit A & B).

No alterations are proposed to the existing dwelling that would substantially alter the appearance of the residential structure. All uses can and will continue to be accommodated within the boundaries of the subject property. The limited use of one bedroom dedicated to a bed and breakfast enterprise does not substantially alter the residential character and function of the single-family dwelling.

Based upon the findings outlined above, Staff finds that the proposed use of utilizing one downstairs bedroom within the existing single-family dwelling as a bed and breakfast enterprise will not alter the character of the surrounding area in a manner that substantially limits, impairs, or prevents the use of surrounding properties for the permitted residential, recreational and public utility uses on the surrounding properties or uses listed in the underlying zone. Staff concludes that this criterion has been 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: The application was noticed to Netarts-Oceanside Sanitary District, Netarts Water District, Tillamook County Public Works, and Tillamook County Environmental Health and no comments were received. Applicant states that all existing utilities including water, electricity, and sewer are sufficient to accommodate the existing number of bedrooms and that no new utilities or alterations will be required for the proposed bed and breakfast operation (Exhibit B). 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 2, 2022.**

V. CONDITIONS OF APPROVAL:

Section 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, 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 zoning permit from the Tillamook County Department of Community Development.
 - a. The submittal requires a site-plan that clearly illustrates the required parking space and;
 - b. A copy of an approved health license from Tillamook Community Health
3. Applicant/property owner shall adhere to the requirements of TCLUO 4.030, 'Off-Street Parking & Off-Street Loading Requirements'.
4. This approval is for a bed and breakfast enterprise for use of one bedroom. Expansion in the number of bedrooms utilized for the bed and breakfast enterprise is subject to land use review and approval.
5. Signage shall comply with the standards of Tillamook County Land Use Ordinance Section 4.020: Signs.
6. Applicant/Owner shall comply with the standards contained within TCLUO 3.340 'Netarts Medium Density Urban Residential (NT-R2) Zone'.
7. This approval shall be void on February 2, 2024 unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

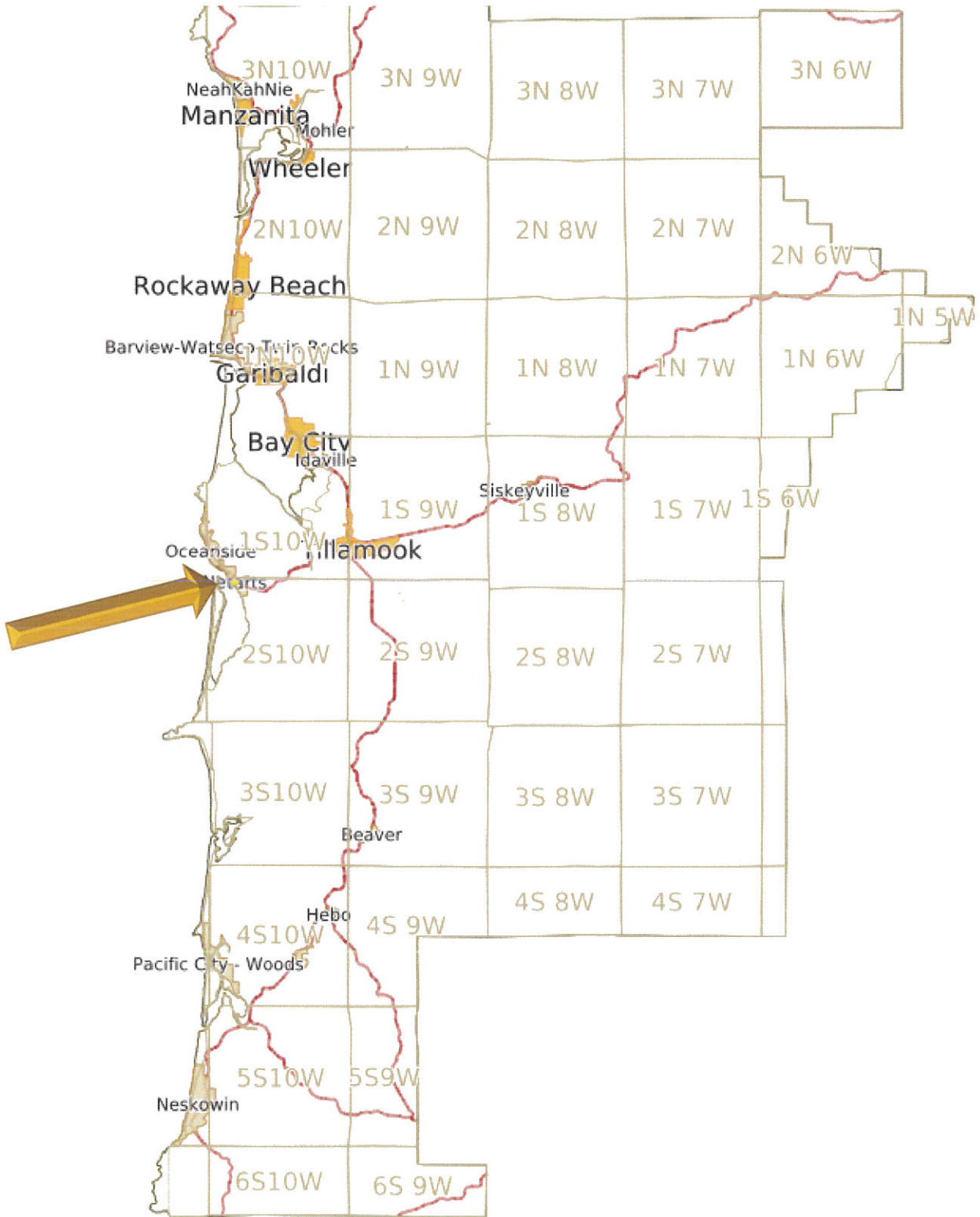
VI. EXHIBITS

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

EXHIBIT A

VICINITY MAP



851-21-000371-PLNG

HENDRICKS

TAX MAP

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



N.E. 1/4 N.W. 1/4 SEC. 5 T.2S. R. 10W. W.M.
TILLAMOOK COUNTY
1" = 100'

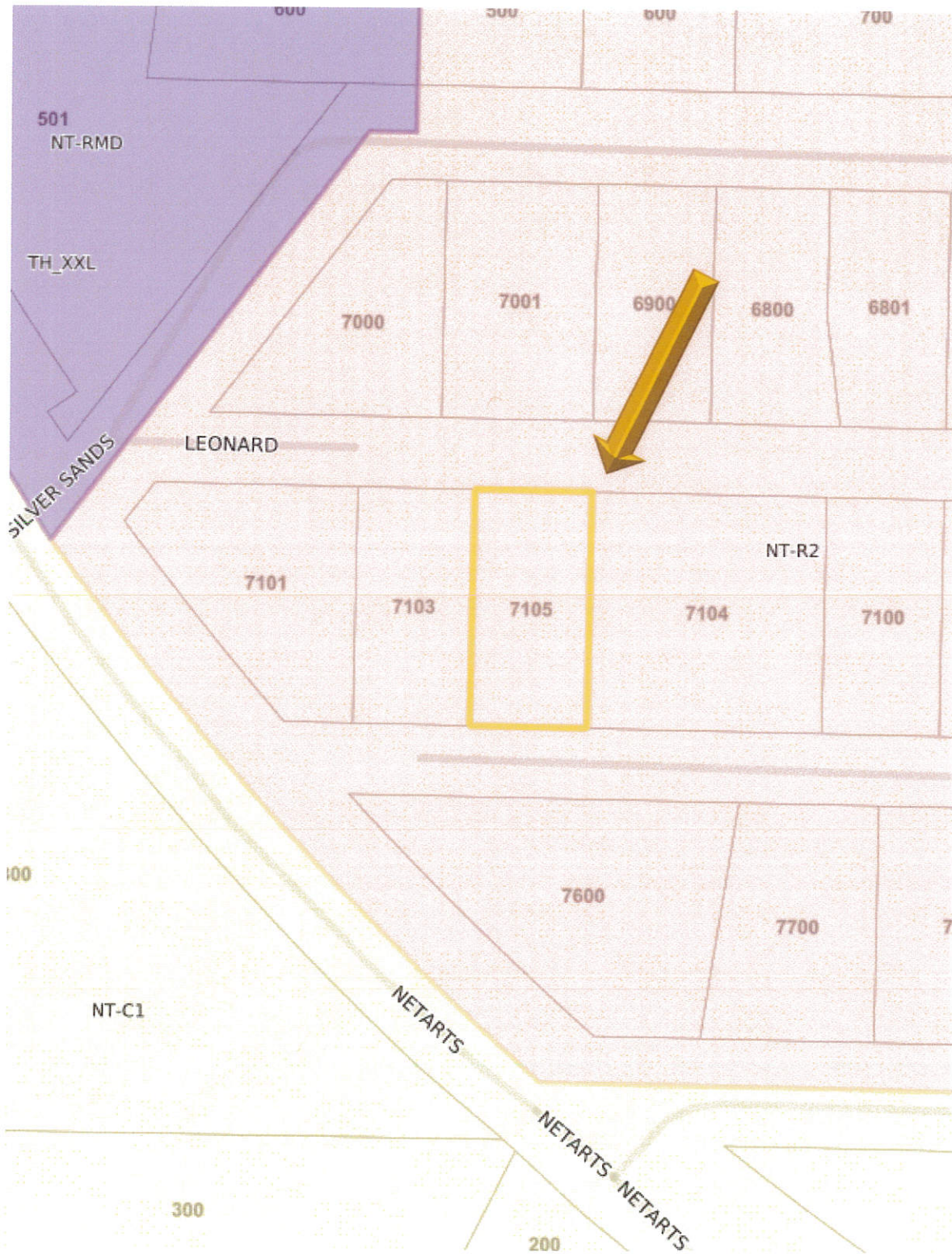
02S10W05BA
NETARTS



851-21-000371-PLNG

HENDRICKS

ZONE MAP



851-21-000371-PLNG

HENDRICKS

EXHIBIT B



PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	
RECEIVED	
SEP 27 2021	
BY: <u>mail</u>	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: <u>AAA</u>	
Receipt #:	
Fees: <u>1089</u>	
Permit No: 851-21 - <u>000311</u> -PLNG	

Applicant (Check Box if Same as Property Owner)

Name: Nichole Hendricks Phone: 503-871-0037

Address: PO Box 1022

City: Pacific City State: OR Zip: 97135

Email: hendrini7@gmail.com

Property Owner

Name: Nichole Hendricks Phone: 503-871-0037

Address: PO Box 1022

City: Pacific City State: OR Zip: 97135

Email: hendrini7@gmail.com

Request: Rent out my downstairs bed/bath in my primary residence.

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: 4845 John R St Tillamook, OR 97141 (Netarts)

Map Number: 2s 10W 5 ba 7105

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.

Nichole Hendricks
 Property Owner Signature (Required)

9-23-2021
 Date

Applicant Signature _____

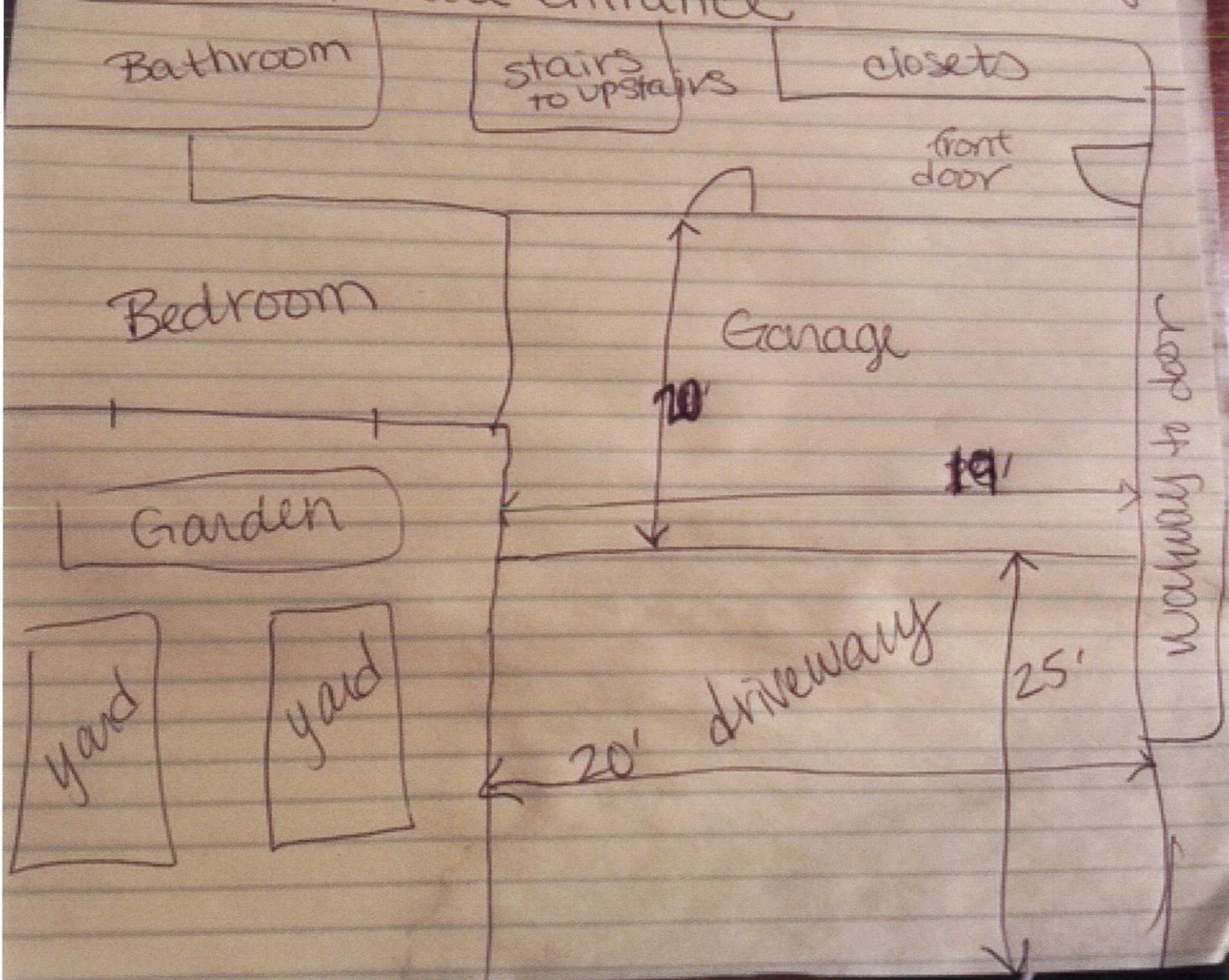
Date _____

4845 John R St W Tillamook, OR

12-9-21

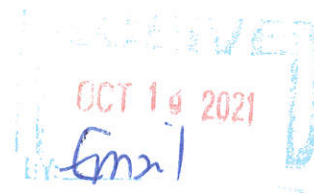
Rental Space & parking

One bedroom and bathroom space in downstairs of my home will be rented on occasion to 2 people for vacation purposes. 1-2 parking spots in driveway and private entrance



DEC 14 2021

BY: Gina



CONDITIONAL USE REVIEW CRITERIA

A Conditional Use shall be granted if the applicant demonstrates that all of the following applicable criteria are satisfied.

- (1) The use is listed as a Conditional Use in the underlying zone, or in an applicable overlying zone. **Yes, zoned NT-R2**
- (2) The use is consistent with the applicable goals and policies of the Comprehensive Plan. **Yes, I live in the home full time and will be renting the downstairs area, room and bath. The houses on my street are primarily second homes so rarely occupied. My occasional guests (2 people hopefully one car) shouldn't be a nuisance to the neighborhood, if even noticeable. Not sure what the comprehensive plan is or how to learn about it.**
- (3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features. **Yes, there is parking for one to two vehicles on a dead end street. I am at the end so no traffic will be impeded. Guests will park in driveway, have private ground level entrance.**
- (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. **Yes, I believe I covered this in #2.**
- (5) The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or windmills. **Yes, no impact will happen as I am not altering any of the structural features of my 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. **Yes, I am on city water, sewer, garbage and recycling. I don't foresee this increasing my use much as it will be very limited rental occurrences and for only two people.**



CONDITIONAL USE REVIEW CRITERIA

A Conditional Use shall be granted if the applicant demonstrates that all of the following applicable criteria are satisfied.

- (1) The use is listed as a Conditional Use in the underlying zone, or in an applicable overlying zone. **Yes**
- (2) The use is consistent with the applicable goals and policies of the Comprehensive Plan. **Yes**
- (3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features. **Yes**
- (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. **Yes**
- (5) The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or windmills. **Yes**
- (6) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use. **Yes**

TILLAMOOK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

December 3, 2021 2:47:26 pm

Account # 178925
Map # 2S1005BA07105
Code - Tax # 0914-178925

Tax Status ASSESSABLE
Acct Status ACTIVE
Subtype NORMAL

Legal Descr See Record

Mailing Name HENDRICKS, NICHOLE M

Deed Reference # 2015-5691

Agent

Sales Date/Price 09-11-2015 / \$205,000.00

In Care Of

Appraiser ELIZABETH JEFFRIES

Mailing Address PO BOX 622
 PACIFIC CITY, OR 97135

Prop Class 101 **MA** **SA** **NH** **Unit**
RMV Class 101 08 ST 811 21483-1

Situs Address(s)	Situs City
ID# 1 4845 JOHN R ST	COUNTY

Code Area		Value Summary			RMV Exception	CPR %
		RMV	MAV	AV		
0914	Land	75,540			Land	0
	Impr.	263,220			Impr.	0
Code Area Total		338,760	223,100	223,100		0
Grand Total		338,760	223,100	223,100		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown		Size	Land Class	Trended RMV
						TD%	LS			
0914					LANDSCAPE - AVERAGE	100				1,500
0914	1	<input checked="" type="checkbox"/>		NT-R2	Market	110	A	0.24		54,340
0914					OSD - AVERAGE	100				19,700
Grand Total									0.24	75,540

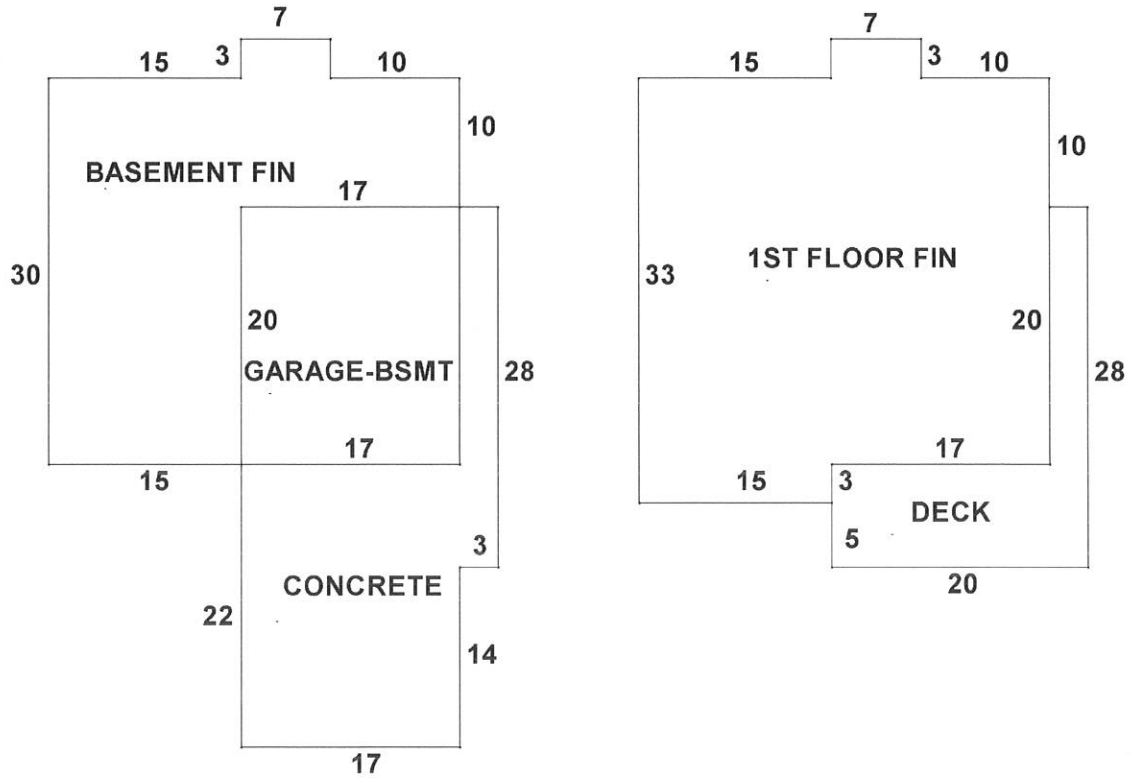
Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%					
0914	1	1992	149	Basement First Floor	121		1,667		263,220	
Grand Total									1,667	263,220

Code Area	Type	Exemptions/Special Assessments/Potential Liability				
0914		SPECIAL ASSESSMENT:				
	■ SOLID WASTE	Amount	12.00	Acres	0	Year 2021

PP Account(s): 0914-2716

Comments: 01/28/09 Updated inventory after phase one mapping.ef
 1/21/11 Land Reappraisal, tabled land.LM

BUILDING DIAGRAM AND OUTBUILDINGS



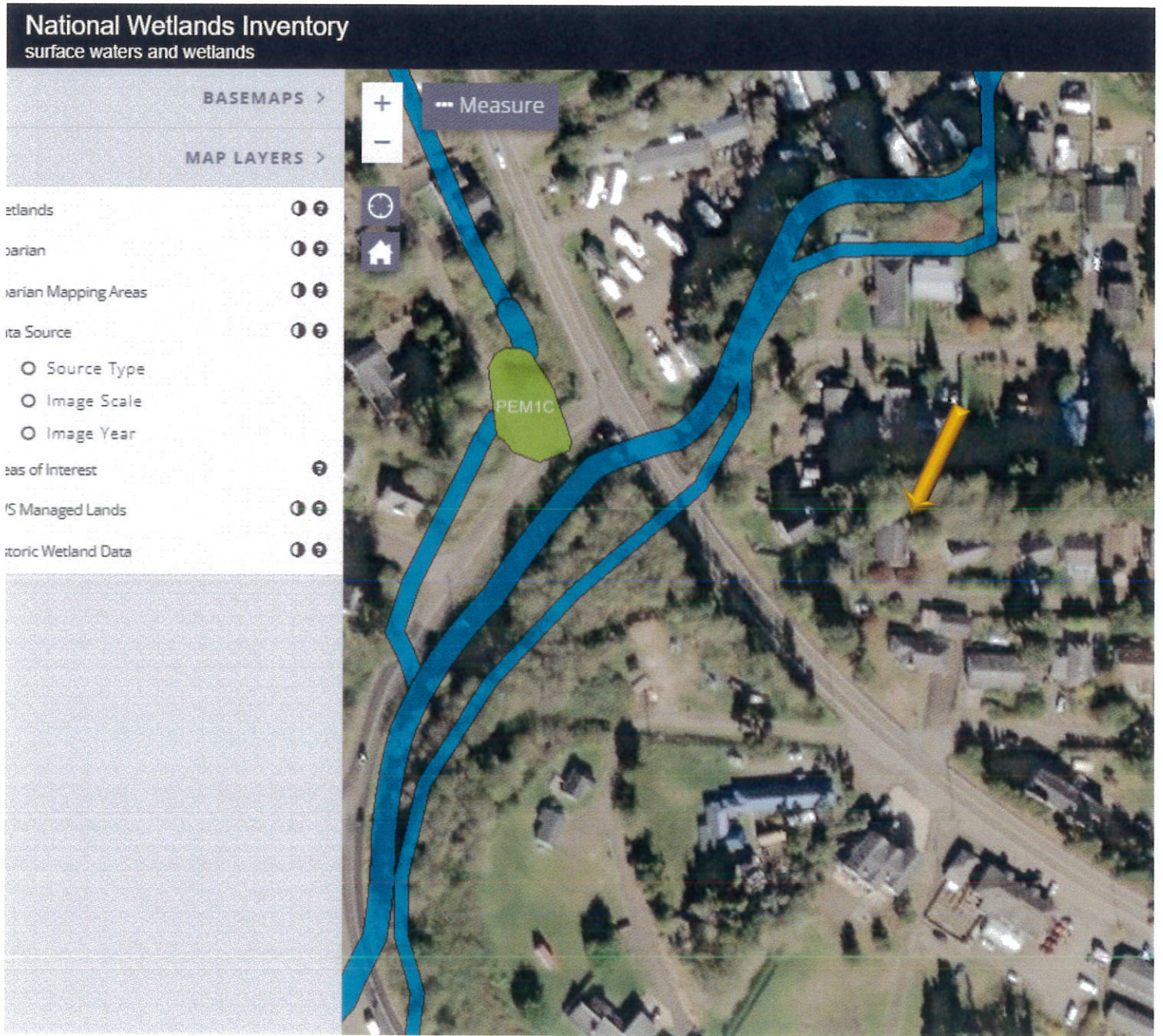
4845 JOHN R ST.

Appraiser
CB

Date
4/9/2009

Bldg	Description	SqFt	Dimension
1	1ST FLOOR FIN	1026	
1	BASEMENT FIN	641	
1	GARAGE-BSMT	340	
1	DECK	220	
1	CONCRETE	458	

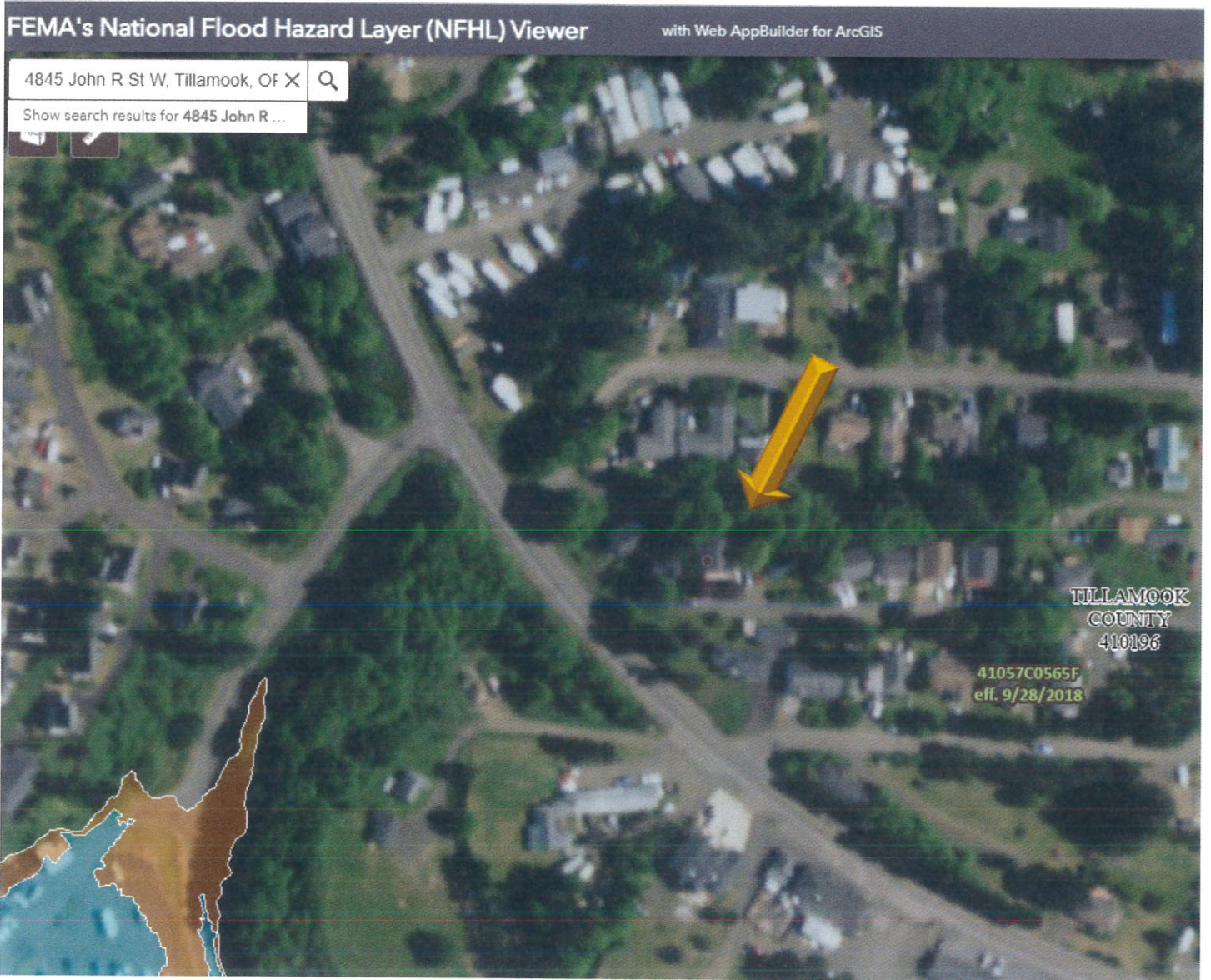
NATIONAL WETLANDS INVENTORY MAP



851-21-000371-PLNG

HENDRICKS

FEMA NFHL MAP



851-21-000371-PLNG

HENDRICKS

GeoHaz MAP



851-21-000371-PLNG

HENDRICKS