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Tillamook, Oregon 97141
www.tillamook.or.us

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Land of Cheese, Trees and Ocean Breeze

**FLOODPLAIN DEVELOPMENT PERMIT, 851-21-000230-PLNG &
NON-CONFORMING MINOR REVIEW, 851-21-000195-PLNG: Gunness**

*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 18, 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 18, 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 May 30, 2022**. This decision will become final on May 30, 2022 after 4:00pm unless an appeal is filed in accordance with Tillamook County Land Use Ordinance Article X.

Request: A review of a Floodway Development Permit for expansion to add an exterior staircase and elevate the existing dwelling together, with a Non-Conforming Minor Review #851-21-000195-PLNG.

Location: The subject property is accessed from Resort Drive, a County Road, and is designated as Tax Lot 400, of Section 19AD of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Pacific City/Woods Medium Density Residential (PCW-R2) Zone, Estuary Conservation 1 (EC1)

**Applicant/
Property Owner:** Jeff Gunness, 12604, SW 61st Place, Portland, OR 97219

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CONDITIONS OF APPROVAL

1. The applicant and property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Development shall be limited to the expansion of the existing dwelling as indicated on the submitted site plan included in "Exhibit B" of this report.
3. All applicable permits, including a consolidated Zoning and Building Permit from the Tillamook County Department of Community Development shall be obtained prior to construction of the proposed expansion to the dwelling.
4. The applicant/property owner shall submit a site plan drawn to scale that confirms all required setbacks are met. The site plan shall be submitted to the Department of Community Development at the time of consolidated Zoning and Building Permit application submittal.
5. A minimum 11-foot riparian setback from the Nestucca River, determined by the Oregon Department of Fish and Wildlife (ODFW) and measured in accordance with TCLUO Section 4.140, shall be maintained on the subject property. Future development on the subject property shall also maintain the required riparian setback and comply with the requirements of TCLUO 4.140: Development Requirements for Water Quality and Streambank Stabilization.
6. The applicant/property owner shall develop in coordination with ODFW a riparian vegetation enhancement (planting) plan and a copy of the plan shall be submitted to the Department at the time of consolidated Zoning and Building Permit application submittal. The plan submittal shall include written confirmation from ODFW that the plan is acceptable.
7. Applicant shall comply with all other standards of TCLUO Section 3.333, Pacific City/Woods Medium Density Residential (PCW-R2) where applicable.
8. Development shall comply with the applicable standards of TCLUO Section 3.106, 'Estuary Conservation 1 (EC1) Zone' and TCLUO Section 3.545 'Shoreland Overlay'.
9. The applicant/property owner shall comply with all 'Zone AE' flood hazard construction standards per FEMA requirements. All construction shall adhere to the standards for residential structure in the 'AE' flood zone per TCLUO Section '3.510'. This shall be reviewed and verified by this Department during the Building Permit process.
10. The development shall comply with all Building Code requirements for Anchoring, Construction Materials and Methods, and Utilities for residential structure located in the 'AE' and Floodway flood zones.
11. Owner/Applicant shall submit a 'Post-Elevation' certificate completed by a registered surveyor and provided on the current FEMA form prior to receiving Certificate of Occupancy for the improvement.
12. A minimum separation of six feet shall be maintained between structures pursuant to TCLUO Article IV Section 4.080.
13. This approval expires if a Building Permit is not applied for within two (2) years of issuance of this approval.

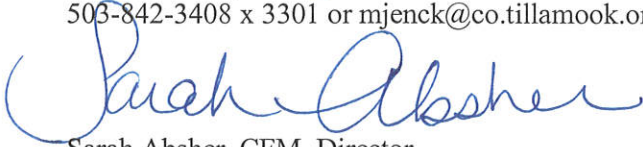
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Sincerely,

Tillamook County Department of Community Development



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



Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor's and Zoning maps



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**FLOODPLAIN DEVELOPMENT PERMIT, 851-21-000230-PLNG &
NON-CONFORMING MINOR REVIEW, 851-21-000195-PLNG: Gunness**

ADMINISTRATIVE DECISION AND STAFF REPORT

DECISION: Approved with Conditions

DECISION DATE: May 18, 2022

REPORT PREPARED BY: Melissa Jenck, CFM, Senior Planner

I. GENERAL INFORMATION:

Request: A review of a Floodway Development Permit for expansion to add an exterior staircase and elevate the existing dwelling together, with a Non-Conforming Minor Review #851-21-000195-PLNG.

Location: The subject property is accessed from Resort Drive, a County Road, and is designated as Tax Lot 400, of Section 19AD of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Pacific City/Woods Medium Density Residential (PCW-R2), Estuary Conservation 1 (EC1)

Applicant/

Property Owner: Jeff Gunness, 12604, SW 61st Place, Portland, OR 97219

Description of Site and Vicinity: The subject property encompasses 0.08 acres, is improved with an existing single-family dwelling, abuts the Nestucca River to the northeast, and is accessed via Resort Drive, a County road, to the southwest (Exhibit A). The topography at this location is fairly flat with a slope change as the property approaches the Nestucca River according to County LIDAR data (Exhibits A and B). The Nestucca River is zoned Estuary Conservation 1 (EC1) up to the more landward of Mean Higher High Water or the Line of Non-Aquatic Vegetation (Exhibit A). No wetlands or geologic hazards are mapped on the subject property (Exhibit B).

As indicated on FEMA FIRM 41057C0855F dated September 28, 2018, the subject property is located entirely in an 'AE' Area of Special Flood Hazard and entirely in the Floodway of the Nestucca River (Exhibit A). Staff finds that the proposed dwelling is subject to the standards and criteria of TCLUO Section 3.510, Flood Hazard Overlay' which are addressed below.

The existing dwelling maintains an approximately 11-foot setback from the high-water line of the Nestucca River, along with a front-yard setback of approximately 1.7-ft (Exhibit A & B). The Applicant states the foundation height is below Base Flood Elevation (BFE) and therefore does not comply with current elevation requirements of the Flood Hazard (FH) overlay.

Currently, the application is a Floodplain Development Permit approval to expand an existing non-conforming dwelling by adding an exterior staircase, along with elevating the structure, on a subject property adjacent to the Nestucca River (Exhibit B). The criteria and standards for this review is addressed below in this Staff Report.

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, considering these criteria, is discussed in Section III of this report:

- A. TCLUO Article III, Section 3.333: Pacific City/Woods Medium Density Residential (PCW-R2)
- B. TCLUO Article III, Section 3.106: Estuary Conservation 1 (EC1) Zone
- C. TCLUO Article III, Section 3.510: Flood Hazard Overlay (FH)
- D. TCLUO Article III, Section 3.545: Shoreland Overlay
- E. TCLUO Article IV, Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization
- F. TCLUO Article VII, Section 7.020: Nonconforming Uses and Structures

III. ANALYSIS:

The subject project is located within the regulatory floodway and is subject to a Type II review per TCLUO Article X: Development Approval Procedures. TCLUO Section 10.070 requires notification of Type II applications to be mailed to landowners within 250 feet of the subject properties, 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 January 28, 2022. Staff finds that notification requirements have been met. Comments were received from the Oregon Department of State Lands (DSL) and Oregon Department of Fish and Wildlife and are included as "Exhibit C". DSL concluded that a wetland delineation has been submitted to their office and to continue to work with their Department (Exhibit C).

A. Section 3.333 Pacific City/Woods Medium Density Residential Zone

1. *PURPOSE: The purpose of the PCW-R2 zone is to designate areas for medium density single-family and duplex residential development, and other, compatible, uses. Land that is suitable for the R-2 zone has public sewer service available, and has relatively few limitations to development.*
2. **TCLUO Sections 3.333(2)(a)** list the uses currently permitted outright in the PCW-R2 Zone. Currently, the zone outright allows for a single-family dwelling.

Findings: Staff finds that the property is developed with an 840 square foot single family dwelling built in 1962, with an attached deck (Exhibit A & B). The proposal calls for the addition of an exterior staircase to the westerly side of the existing dwelling and elevating the structure to bring into compliance for flood standards (Exhibit B).

3. **TCLUO Section 3.333(4) ‘Standards’:** Land divisions and development in the PCW-R2 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- d. *The minimum front yard setback shall be 20 feet.*
 - e. *The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be 15 feet.*
 - f. *The minimum rear yard shall be 20 feet; on a corner lot it shall be 5 feet.*
 - g. *The maximum building height shall be 35 feet, except that the maximum building height shall be 24 feet on ocean or bay frontage lots. Bay frontage lots are defined as those bay/river frontage lots located downstream from the Beachy Bridge (Pacific Avenue).*

Findings: Staff finds that the existing single-family dwelling is located approximately 1.7-foot from the front property line (Exhibit B). The Applicants site plan indicates that an expansion of the structure will occur for a new exterior staircase (Exhibit B). The proposal includes elevating the existing dwelling to comply with the Flood Hazard (FH) Overlay (Exhibit B).

B. TCLUO Section 3.106 Estuary Conservation 1 (EC1) zone

The estuary boundary and zones are defined in TCLUO Section 3.100 as “*ESTUARY ZONES shall be applied to all estuarine waters, intertidal areas, submerged and submersible lands and tidal wetlands up to the line of non-aquatic vegetation or the Mean Higher High Water (MHHW) line, whichever is most landward.*”

Findings: Applicant is proposing to expand an existing single-family dwelling with the addition of an exterior staircase, along with elevating the existing structure (Exhibit B). A site plan was included in ‘Exhibit B’, which demonstrates that the existing and proposed location of the single-family dwelling and improvements are located within the 50-foot setback from the riparian boundary, with a setback of approximately 11-feet (Exhibit B). A letter was included from Robert Bradley, Oregon Department of Fish and Wildlife, confirming the 11-foot riparian setback on the subject property (Exhibit B). The site plan indicates that the proposed expansion areas of the dwelling maintain the existing 11-foot setback from the Mean Higher High water (MHHW) and the line of non-aquatic vegetation.

Staff finds that the proposed development is located outside the Estuary Conservation 1 (EC1) zone, but does not comply with the 50-ft setback requirement as it maintains an 11-foot setback (Exhibit B). As this existing and proposed setback is non-conforming to the TCLUO Section 4.140 standards requiring a 50-ft setback from an estuary boundary, Staff find the Applicant will be required to comply with the Non-Conforming Review requirements contained within Article VII. The Applicant has prepared a request for compliance with Article VII, which is included in this report, below. Staff find that Applicant will be required to demonstrate compliance with such standards for any future development on the site subject to the EC1 boundary at time of consolidated zoning/building permit approval.

C. Article III, Section 3.510: Flood Hazard Overlay (FH)

(5) *GENERAL STANDARDS: In all areas of special flood hazards the following standards are required:*

...

ANCHORING

(b) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(c) All manufactured dwellings must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (See FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for techniques). A certificate signed by a registered architect or engineer which certifies that the anchoring system is in conformance with FEMA regulations shall be submitted prior to final inspection approval.

CONSTRUCTION MATERIALS AND METHODS

- (d) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.*
- (e) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.*
- (f) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be elevated to prevent water from entering or accumulating within the components during conditions of flooding. In Flood Zones A, A1-A30, AE, V, V1-V30 or VE, such facilities shall be elevated three feet above base flood elevation. In Flood Zone AO, such facilities shall be elevated above the highest grade adjacent to the building, a minimum of one foot above the depth number specified on the FIRM (at least two feet above the highest adjacent grade if no depth number is specified).*

UTILITIES

- (g) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood water into the system.*
- (h) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.*
- (i) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding, consistent with Oregon Department of Environmental Quality (DEQ) standards.*

Findings: Applicant has provided a site plan which indicates the location of the existing dwelling and proposed development (Exhibit B). An Elevation Certificate details a floor plan indicating the utilization of space subject to flood waters (Exhibit B). Improvements to structure must comply with preventing flotation and lateral movement (Exhibit B). An Elevation Certificate prepared by Douglas Kellow dated April 12, 2021 concludes with the proposed elevation of the dwelling will result in the living floor to occur over 3-feet above Base Flood Elevation (BFE) (Exhibit B). Plan details and the Elevation Certificate conclude the lowest level of the proposed dwelling will be maintained with no living space (Exhibit B). Staff finds that these standards can be met through compliance with Conditions of Approval.

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(6) SPECIFIC STANDARDS FOR A ZONES (A, AE or A1-A30): In all areas of special flood hazards where base flood data has been provided as set forth in Section 3.510(2) or other base flood data are utilized, the following provisions are required:

RESIDENTIAL CONSTRUCTION

- (a) New construction and substantial improvement of any residential structure, including manufactured dwellings, shall have the lowest floor, including basement, at a minimum of three feet above base flood elevation.*
- (b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or must meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.*
 - (2) The bottom of all openings shall be no higher than one foot above grade.*
 - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.**

Findings: The proposed area of development is located in an AE Area of Special Flood Hazard as indicated on FEMA FIRM 41057C0855F dated September 28, 2018 (Exhibit A). Applicant is proposing to expand and elevate an existing single-family dwelling (Exhibit B).

Applicant provided a pre-construction elevation certificate prepared by Douglas Kellow, a licensed professional surveyor, for the proposed residential development. The proposed design includes a main floor level at 23.5-feet (Exhibit B). Jack White stated Base Flood Elevation (BFE) for the subject property is 19.6-feet (Exhibit A). The bottom floor of the proposed dwelling is to be maintained as storage/parking area and is proposed to be located at 13.5-feet NAVD 88 (Exhibit B). The next higher floor, which is indicated to maintain the proposed living space of the dwelling, is located at 23.5-feet NAVD 88, which exceeds 3-feet above BFE (Exhibit B). Applicant has not provided plans which indicate the location of multiple vents, but the Elevation Certificate details adequate net area of openings provided by the vents for the enclosed bottom floor (Exhibit B). Staff finds that the proposed development shall comply with the standards of TCLUO 3.510(6) through Conditions of Approval.

(9) SPECIFIC STANDARDS FOR FLOODWAYS: Located within areas of special flood hazard established in Section 3.510(2) are areas designated as regulatory floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(a) Encroachments in the regulatory floodway including fill, new construction, substantial improvements and other development are prohibited unless certification is provided by a professional registered civil engineer demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) If Subsection 8(a) is satisfied, all new construction and substantial improvement shall comply with all applicable flood hazard reduction provisions of Section 3.510(5) and (6).

(c) If hydrologic and hydraulic analysis indicates an increase in flood levels, the Applicant shall obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before any encroachment, including fill, new construction, substantial improvement, or other development, in the regulatory floodway is permitted. Upon completion of the project, but no later than six months after project completion, a Letter of Map Revision (LOMR) shall be submitted to FEMA to reflect the changes on the FIRM and/or Flood Insurance Study. A LOMR is required only when the CLOMR documents an increase in flood levels during the occurrence of the base flood or where post-development conditions do not reflect what was proposed on the CLOMR.

Findings: The Applicant retained WEST Consultants, Inc. to complete the no-rise analysis, dated May 4, 2021, required for development within the regulatory floodway (Exhibit B). The analysis confirms that the proposed encroachments, including an exterior staircase, into the regulatory floodway will not result in any increase in flood levels (Exhibit B). The report was provided to FEMA Region X for concurrence of the no-rise standards being met.

Staff finds that these standards have been met.

(14) DEVELOPMENT PERMIT PROCEDURES: A development permit shall be obtained before construction or development begins within any area of special flood hazard zone. The permit shall be for all structures including manufactured dwellings, and for all development including fill and other development activities, as set forth in the Definitions contained in this Section of the Land Use Ordinance.

(a) Application for a development permit shall be made on forms furnished by the Community Development Director and shall include but not necessarily be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information in 3.510(14)(a)(1)–(4) is required and Development Permits required under this Section are subject to the Review Criteria put forth in Section 3.510(14)(b):

(1) Elevation in relation to a specific datum of the lowest floor, including basement, of all structures as documented on an Elevation Certificate;

- (2) Elevation in relation to a specific datum to which any proposed structure will be floodproofed as documented on an Elevation Certificate;*
- (3) If applicable, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection (6)(c)(3) of this Section; and*
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.*

Findings: Applicant submitted the required information on forms provided by the Community Development Department and as attachments thereto (Exhibit B). A single-family dwelling is an allowed outright use in the PCW-R2 zone (Exhibit B). The proposed development is within the FEMA Floodway as indicated on the Applicants site plan (Exhibit A & B).

(b) Development Permit Review Criteria

- (1) The fill is not within a Coastal High Hazard Area.*

Findings: Staff finds the proposed location is within a FEMA 'AE' Flood and Floodway zone and is therefore not located within a Coastal High Hazard Area (Exhibit B). Staff find this criterion is met.

- (2) Fill placed within the Regulatory Floodway shall not result in any increase in flood levels during the occurrence of the base flood discharge.*
- (3) The fill is necessary for an approved use on the property.*
- (4) The fill is the minimum amount necessary to achieve the approved use.*

Findings: The Applicant retained WEST Consultants, Inc. to complete the no-rise analysis required for development within the regulatory floodway (Exhibit B). The analysis confirms that the proposed encroachments into the regulatory floodway will not result in any increase in flood levels (Exhibit B). The proposed activity is for the expansion of an existing single-family dwelling on the subject property, including an exterior staircase and elevating the existing structure (Exhibit B). No additional fill outside the proposed structure has been designated on the application submittal (Exhibit B). Staff find these criteria are met.

- (5) No feasible alternative upland locations exist on the property.*

Findings: The subject property is entirely located within the FEMA 'AE' Flood zone boundary and entirely within the Floodway (Exhibit A). No upland location exists on the subject property which would remove future development from the regulatory floodplain (Exhibit B). Staff find this criterion is met.

- (6) The fill does not impede or alter drainage or the flow of floodwaters.*

Findings: The Applicant retained WEST Consultants, Inc. to complete the no-rise analysis required for development within the regulatory floodway (Exhibit B). The analysis confirms that the proposed encroachments into the regulatory floodway will not result in any increase in water surface elevations during base flood (Exhibit B). Staff find this criterion is met.

- (7) If the proposal is for a new critical facility, no feasible alternative site is available.*
- (8) For creation of new, and modification of, Flood Refuge Platforms, the following apply, in addition to (14)(a)(1-4) and (b)(1-5):*
 - i. The fill is not within a floodway, wetland, riparian area or other sensitive area regulated by the Tillamook County Land Use Ordinance.*
 - ii. The property is actively used for livestock and/or farm purposes,*

- iii. Maximum platform size = 10 sq ft of platform surface per acre of pasture in use, or 30 sq ft per animal, with a 10-ft wide buffer around the outside of the platform,
- iv. Platform surface shall be at least 1 ft above base flood elevation,
- v. Slope of fill shall be no steeper than 1.5 horizontal to 1 vertical,
- vi. Slope shall be constructed and/or fenced in a manner so as to prevent and avoid erosion.

Findings: The Applicant has proposed to expand an existing single-family residential structure on the subject property, with an exterior staircase and elevating the structure (Exhibit B). Staff find the proposed improvement is neither a critical facility as defined in TCLUO Section 3.510(4) or a Flood Refuge Platform. Staff find these criteria are met.

Conditions of approval may require that if the fill is found to not meet criterion (5), the fill shall be removed or, where reasonable and practical, appropriate mitigation measures shall be required of the property owner. Such measures shall be verified by a certified engineer or hydrologist that the mitigation measures will not result in a net rise in floodwaters and be in coordination with applicable state, federal and local agencies, including the Oregon Department of Fish and Wildlife.

Findings: Applicant submitted the required information on forms provided by the Community Development Department and as attachments thereto (Exhibit B). The entire property is located in an AE Area of Special Flood Hazard and in the Floodway of the Nestucca River and no alternative upland location exists (Exhibits A and B). WEST Consultants, Inc. provided a no-rise analysis certifying that the proposed expansion and elevation will not create a rise in flood levels (Exhibit B). Staff finds that these criteria are met.

D. TCLUO Section 3.545 Shoreland Overlay

In the vicinity of the proposed project, the Goal 17 element of the Tillamook County Comprehensive Plan identifies all areas within 1,000 feet of estuaries and 500 feet of coastal lakes as within the Shorelands Boundary which may be subject to the provisions of TCLUO Section 3.545, 'SH Shoreland Overlay'. TCLUO Section 3.545 defines those areas within the Shorelands Boundary included within the Shoreland Overlay Zone. Relevant to the proposed development, TCLUO Section 3.545(2) identifies areas within 50 feet of estuaries as areas included in the Shorelands Overlay zone.

Findings: Staff finds that portions of the development is located within the Shorelands Boundary as identified in the Goal 17 element of the Tillamook County Comprehensive Plan. Staff have reviewed the proposed development and determined that shoreland areas on the subject property are categorized as 'Rural Shorelands' as described in TCLUO 3.545(3) and are subject to the use limitations identified in TCLUO 3.545(4)(a)(1) and the standards identified in TCLUO 3.545(6). Staff have reviewed the significant shoreland inventory contained in the Goal 17 element of the Comprehensive Plan and has verified that there are no inventoried shorelands near the subject property.

TCLUO Section 3.545(4) USES PERMITTED: Uses authorized by the underlying zone as outright or conditional uses are permitted, except at locations identified in (3) above.

(a) Rural Shorelands in General:

(1) Rural Shorelands uses are limited to:

- (a) Farm uses*
- (b) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act,*
- (c) Aquaculture,*
- (d) Water-dependent recreational, industrial and commercial uses,*
- (e) Replacement, repair or improvement of existing state park facilities,*

(f) Other uses are allowed only upon a finding by the County that such uses satisfy a need which cannot be accommodated at any alternative upland location, except in the following cases:

(1) In built and committed exception shoreland areas, where all uses permitted in the underlying zone are permitted, and

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Findings: Staff finds that the subject property is in a built and committed exception area and the proposed residential use is allowed in the underlying Pacific City/Woods Medium Density Residential (PCW-R2) zone.

TCLUO Section 3.545(6) STANDARDS: Uses within the SHORELAND OVERLAY ZONE are subject to the provisions and standards of the underlying zone and of this section. Where the standards of the SHORELANDS OVERLAY ZONE and the underlying zone conflict, the more restrictive provisions shall apply.

(a) Riparian vegetation shall be protected and retained according to the provisions outlined in Section 4.140, REQUIREMENTS FOR PROTECTION OF WATER QUALITY AND STREAMBANK STABILIZATION.

(b) Development in flood hazard areas shall meet the requirements of Section 3.510, FLOOD HAZARD OVERLAY ZONE.

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Findings: The requirements of TCLUO Section 4.140 and 3.510 are addressed in the body of this Report. Staff find these standards are met.

E. Article IV, Section 4.140 Requirements for Protection of Water Quality and Streambank Stabilization

(1) The following areas of riparian vegetation are defined:

(a) Fifty (50) feet from lakes and reservoirs of one acre or more, estuaries, and the main stems of the following rivers where the river channel is more than 15 feet in width; Nestucca, Little Nestucca, Three Rivers, Tillamook, Trask, Wilson, Kilchis, Miami, Nehalem and North and South Fork Nehalem River.

...

For estuaries, all measurements are horizontal and perpendicular from the mean high water line or the line of non-aquatic vegetation, whichever is most landward. Setbacks for rivers, streams, and coastal lakes shall be measured horizontal and perpendicular from the ordinary high water line.

Findings: The subject property abuts the Nestucca River, which defines the riparian area as 50-feet. Applicants existing dwelling maintains an approximately 11-foot setback from the high-water line (Exhibit C). The Applicant is proposing to add an exterior staircase, along with elevating the existing structure (Exhibit B). The proposed location of improvements will not increase the non-conforming setback to the riparian area. The Oregon Department of Fish and Wildlife (ODFW) provided comments that the proposed expansion would not result in further biological consequences (Exhibit B). ODFW recommends planting of native shrubs or willows towards the estuary, to stabilize the existing bank (Exhibit C).

Staff finds that these requirements can be met through compliance with Conditions of Approval.

F. Article VII, Section 7.020 Nonconforming Uses and Structures

The purpose of the NONCONFORMING USES AND STRUCTURES provisions are to establish standards and procedures regulating the continuation, improvement and replacement of structures and uses which pre-date, and which do not comply with, this Ordinance. The intent is to allow changes to nonconforming uses and structures in a manner that does not increase the level of adverse impact to surrounding areas. These provisions are intended to be consistent with ORS 215.130.

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1. **TCLUO Section 7.020(1) ‘Definitions’:** A nonconforming structure is defined in the Tillamook County Land Use Ordinance (TCLUO) Section 7.020 as *“A structure that does not conform to current requirements of this Ordinance but which legally existed at the time the applicable section(s) of the Ordinance took effect.”*

Findings: Staff finds that the current use of the subject property as a single-family dwelling was legally established prior to the adoption of current ordinance and continues to conform to current allowed outright uses in the PCW-R2 zone. The existing structure is not in conformance with the setbacks of the underlying zone, along with applicable development standards, and is therefore an existing nonconforming structure as defined in TCLUO 7.020. The existing dwelling maintains a 1.7-foot setback from the front property line, along with approximately 11-feet from the high-water line of the Nestucca River (Exhibit B & C). Discussion of the riparian setbacks maintained from the high-water line are discussed within the body of this report, above.

2. **TCLUO Section 7.020(4) ‘Alteration or Expansion’** indicates that the alteration or expansion of a nonconforming structure shall be subject to satisfaction of the Nonconforming Minor Review criteria outlined in Section 7.020(11).

Findings: Staff finds the Applicant’s request to expand an existing single-family dwelling with an exterior staircase and elevate the structure constitutes an expansion of the nonconforming structure of the subject property and is therefore subject to the satisfaction of the Minor Review criteria outlined in TCLUO Section 7.020(11) which is addressed below.

3. **TCLUO Section 7.020(11) Minor Review:** *Application is made under the fee and procedures for a Type II Administrative Review and is reviewed using the following review criteria. A request may be permitted if:*
 - (a) *The request will have no greater adverse impact on neighboring areas than the existing use or structure when the current zoning went into effect, considering:*
 - i. *A comparison of existing use or structure with the proposed change using the following factors:*

(1) *Noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line or off-site;*

Findings: The Applicant states these items will not be impacted. The subject property maintains an existing single-family dwelling use (Exhibit B). The Applicant proposes to expand the footprint with an addition of an exterior staircase, as well as elevating the structure (Exhibit B). Staff finds the submitted plans do not appear to be adding items that would affect the listed items. This criterion is met.

(2) *Number and kinds of vehicular trips to the site;*

Findings: Applicant states there will be no change in the current level of use, as it will remain a family cabin (Exhibit B). Staff finds that expanded dwelling will not result in a substantial increase in vehicular trips. Staff finds this criterion met.

(3) *Amount and nature of outside storage, loading and parking;*

Findings: The Applicant states there will be a reduction of outdoor storage as materials may be stored inside the bottom floor and that the expanded footprint will not impact existing parking (Exhibit B). Staff finds that the proposed development will not result in any greater adverse impact to neighboring properties as a result of proposed outside storage and parking. Staff finds this criterion met.

(4) *Visual impact;*

Findings: Applicant states that proposed expansion will increase the current height of the existing structure to match those of neighboring structures (Exhibit B). The County regulates visual impact through compliance with maximum building height requirements. Staff finds that this criterion can be met through compliance with Conditions of Approval.

(5) Hours of operation;

Findings: The proposed structure will continue to be used as a single-family dwelling with no standard hours of operation. Staff finds that the residential use of the proposed dwelling will not result in any greater adverse impact to neighboring properties. Staff finds this criterion met.

(6) Effect on existing vegetation;

Findings: The applicant states that some damage may occur during construction, but will be re-established post construction (Exhibit B). Staff finds that vegetative cover is present on the subject property and that existing vegetation will remain intact at current levels (Exhibits A and B). Staff finds that this criterion met.

(7) Effect on water drainage and water quality;

Findings: The Applicant states there will be no effect on water quality of drainage (Exhibit B). A no-rise analysis was prepared as part of the Applicants submittal for Floodway development which details no change in water surface levels are expected with the proposed design (Exhibit B). The structure is not proposed to expand towards the river as indicated on the proposed site plan (Exhibit B). Comments were received from ODFW which recommends planting of native shrubs or willows to stabilize the existing bank, due to current erosion demonstrated at the site (Exhibit C). Staff finds that this criterion can be met through compliance with Conditions of Approval

(8) Service or other benefit to the use or structure provides to the area; and

Findings: Applicant states it will bring a visual benefit by adding additional enclosed storage space (Exhibit B). Staff finds that the use of the single-family dwelling will remain residential in nature. Any services or benefits that could be provided remain unchanged. Staff finds this criterion met.

(9) Other factors relating to conflicts or incompatibility with the character or needs of the area.

Findings: Staff finds that the subject property is currently improved with a residential dwelling (Exhibit B). Staff finds that the proposed development is serviced by existing County roads in a developed area consistent with the development pattern of the subject property. Surrounding uses include other single-family dwellings (Exhibit A).

Staff concludes that Minor Review criteria (A)(1)-(9) are met or can be met through compliance with the Conditions of Approval.

ii. The character and history of the use and of development in the surrounding area.

Findings: Staff finds that a single-family dwelling has existed on the subject property since 1962 (Exhibits A and B). Staff finds that the proposed development is served by existing County roads in a developed area consistent with the Applicant's property and that the surrounding and adjacent properties are similar in nature and are consistent with the character and history of the use and development in the surrounding area. Staff finds this criterion met.

(b) The request shall maintain a minimum separation of six feet between structures and comply with the clear vision area of Section 4.010.

Findings: The Applicant's site plan confirms that existing development on the subject property and neighboring properties exceed 6-foot separation between adjacent structures (Exhibit B). Staff finds that this criterion is met.

IV. DECISION: APPROVED WITH CONDITIONS

Staff concludes that the Applicant has satisfied the review criteria and can meet all applicable ordinance requirements at the time of application. Therefore, Staff approves this request to expand the existing non-conforming dwelling, along with the elevating of the structure. No further development shall occur on the subject property without prior land use approval. This approval does not address any additional development of the subject property.

By accepting this approval, the applicant and property owner agrees 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 applicant and property owner shall obtain all the necessary local, state, and federal permits and comply with all applicable regulations for the proposed construction.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. In such cases, forms and fees must be filed in the office of this Department before **4:00 PM on May 30, 2022.**

V. CONDITIONS OF APPROVAL:

Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant and property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Development shall be limited to the expansion of the existing dwelling as indicated on the submitted site plan included in "Exhibit B" of this report.
3. All applicable permits, including a consolidated Zoning and Building Permit from the Tillamook County Department of Community Development shall be obtained prior to construction of the proposed expansion to the dwelling.
4. The applicant/property owner shall submit a site plan drawn to scale that confirms all required setbacks are met. The site plan shall be submitted to the Department of Community Development at the time of consolidated Zoning and Building Permit application submittal.
5. A minimum 11-foot riparian setback from the Nestucca River, determined by the Oregon Department of Fish and Wildlife (ODFW) and measured in accordance with TCLUO Section 4.140, shall be maintained on the subject property. Future development on the subject property shall also maintain the required riparian setback and comply with the requirements of TCLUO 4.140: Development Requirements for Water Quality and Streambank Stabilization.
6. The applicant/property owner shall develop in coordination with ODFW a riparian vegetation enhancement (planting) plan and a copy of the plan shall be submitted to the Department at the time of consolidated Zoning and Building Permit application submittal. The plan submittal shall include written confirmation from ODFW that the plan is acceptable.

7. Applicant shall comply with all other standards of TCLUO Section 3.333, Pacific City/Woods Medium Density Residential (PCW-R2) where applicable.
8. Development shall comply with the applicable standards of TCLUO Section 3.106, 'Estuary Conservation 1 (EC1) Zone' and TCLUO Section 3.545 'Shoreland Overlay'.
9. The applicant/property owner shall comply with all 'Zone AE' flood hazard construction standards per FEMA requirements. All construction shall adhere to the standards for residential structure in the 'AE' flood zone per TCLUO Section '3.510'. This shall be reviewed and verified by this Department during the Building Permit process.
10. The development shall comply with all Building Code requirements for Anchoring, Construction Materials and Methods, and Utilities for residential structure located in the 'AE' and Floodway flood zones.
11. Owner/Applicant shall submit a 'Post-Elevation' certificate completed by a registered surveyor and provided on the current FEMA form prior to receiving Certificate of Occupancy for the improvement.
12. A minimum separation of six feet shall be maintained between structures pursuant to TCLUO Article IV Section 4.080.
13. This approval expires if a Building Permit is not applied for within two (2) years of issuance of this approval.

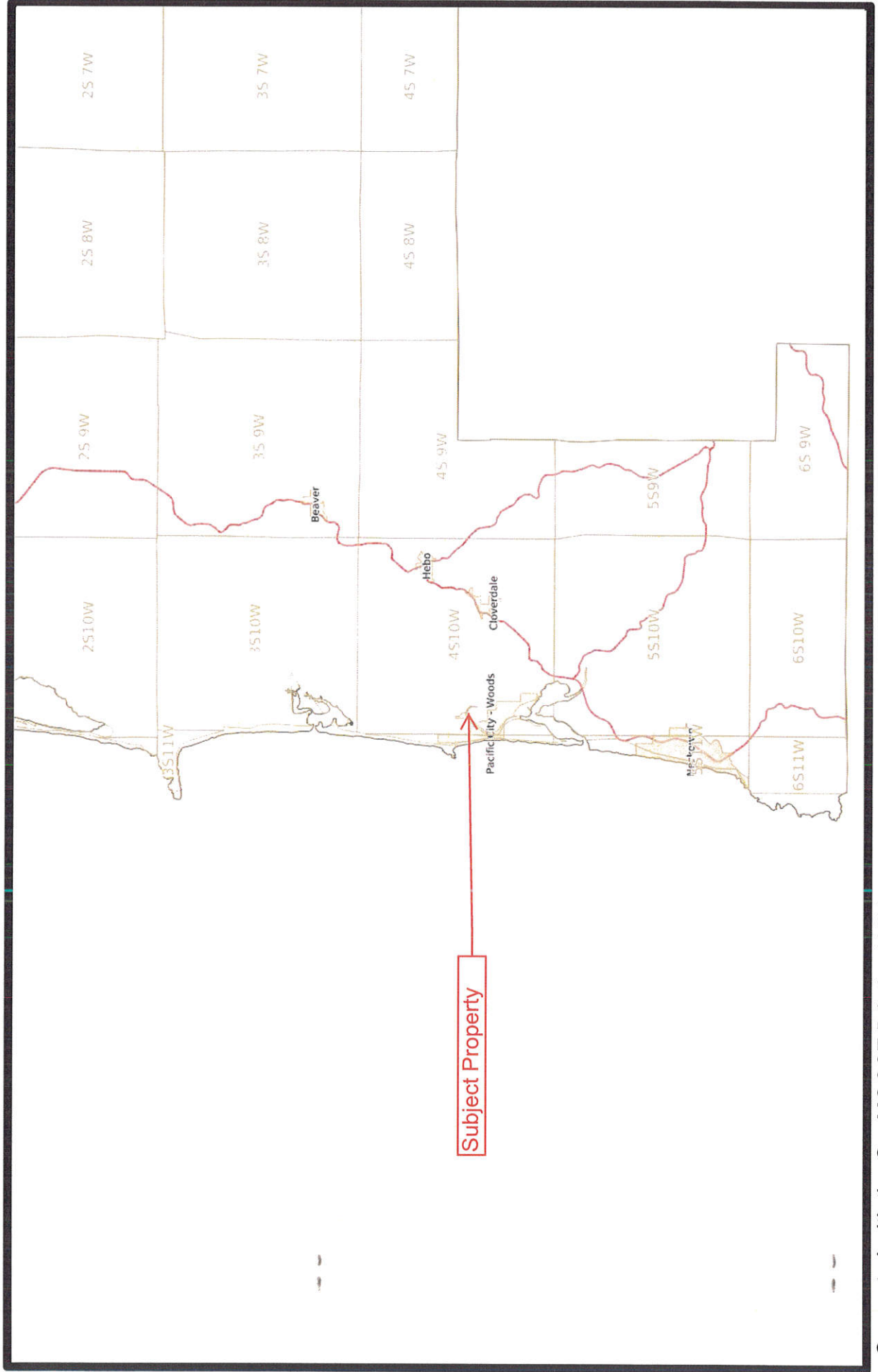
VI. EXHIBITS

- A. Vicinity map, Assessor's map, Zoning map, Tax Assessor's Summary Report, FEMA/FIRM, National Wetland Inventory Map.
- B. Applicant's submittal
- C. Public Comments

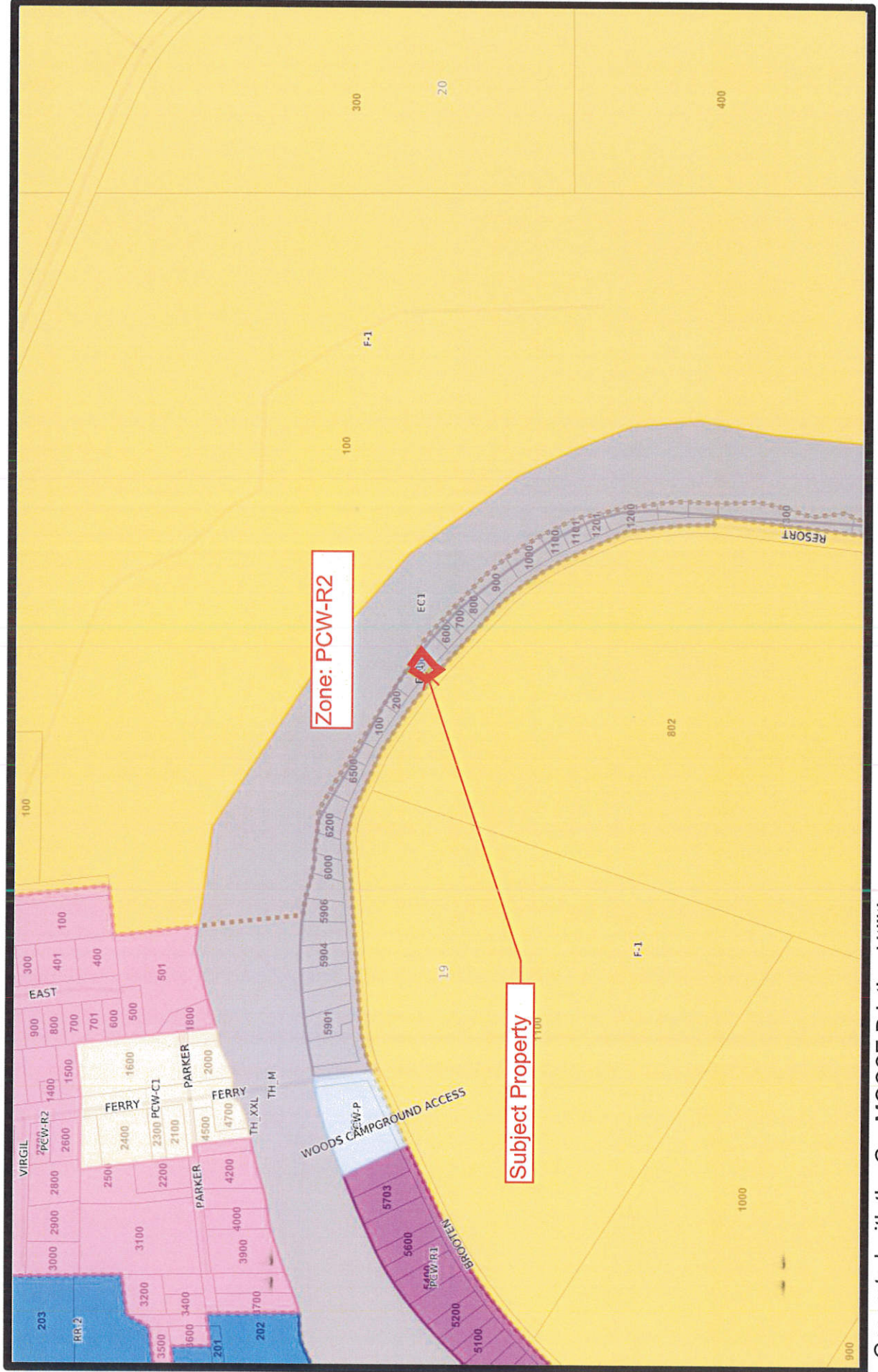
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EXHIBIT A

Vicinity Map



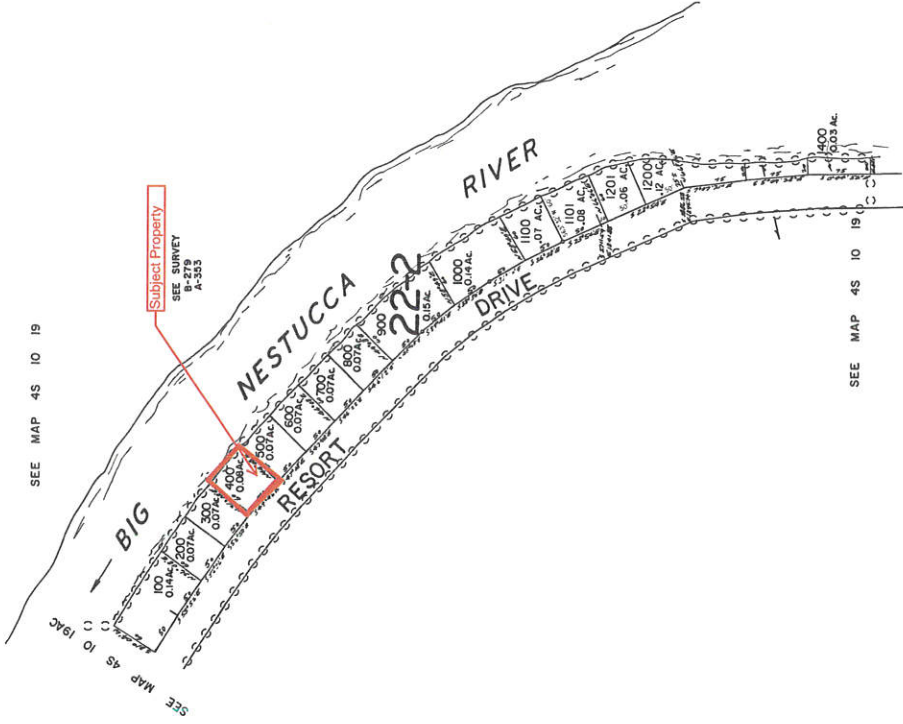
Zoning Map



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SE1/4 NE1/4 SEC.19 T.4S. R.10W. W.M.
TILLAMOOK COUNTY
1" = 100'

4S 10 19AD
CANCELLED NO.
1300



SEE MAP 4S 10 19

SEE MAP 4S 10 19

SEE MAP 4S 10 19

4S 10 19AD
REVISED 12/07/07. WS

National Flood Hazard Layer FIRMette



123°57'19"W 45°12'52"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, AR*
- 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 Y*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- Area of Minimal Flood Hazard *Zone X*
- Effective LOMR
- 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 1/27/2022 at 3:12 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.

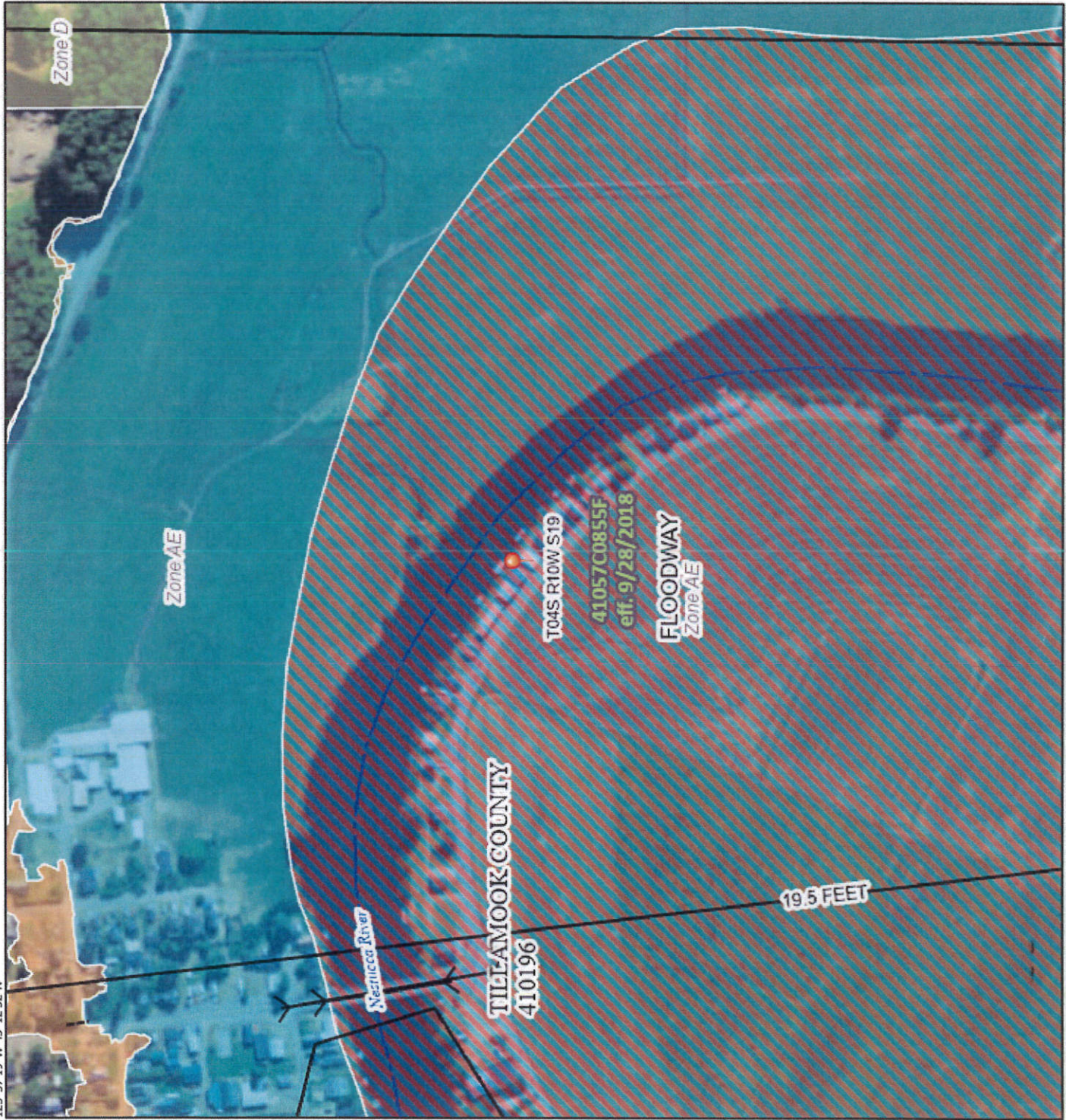


EXHIBIT B



PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: JEFF GUNNESS Phone: 503-244-6438
 Address: 12604 SW 61ST PLACE
 City: PORTLAND State: OR Zip: 97219
 Email: jeffsgunness@gmail.com

Property Owner

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

OFFICE USE ONLY	
Date Stamp	
MAY 17 2021	
BY: <u>[Signature]</u>	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: <u>SS</u>	
Receipt #: <u>120480</u>	
Fees: <u>843.00</u>	
Permit No: <u>851-21-000195-PLNG</u>	

Request: Request APPROVAL to proceed with obtaining approval to get building permit for RAISING FINISH FLOOR ELEVATION to a point 3 feet minimum above BFE. #333 #333

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

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

Type IV

- Appeal of Planning Commission Decision
- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

Location:

Site Address: 33765 RESORT DR. PACIFIC CITY, OR. 97135
 Map Number: 4S1019AD00400 400
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) [Signature] Date 5/10/21

Applicant Signature _____ Date _____

PROPOSED REMODEL FOR JEFF GUNNESS

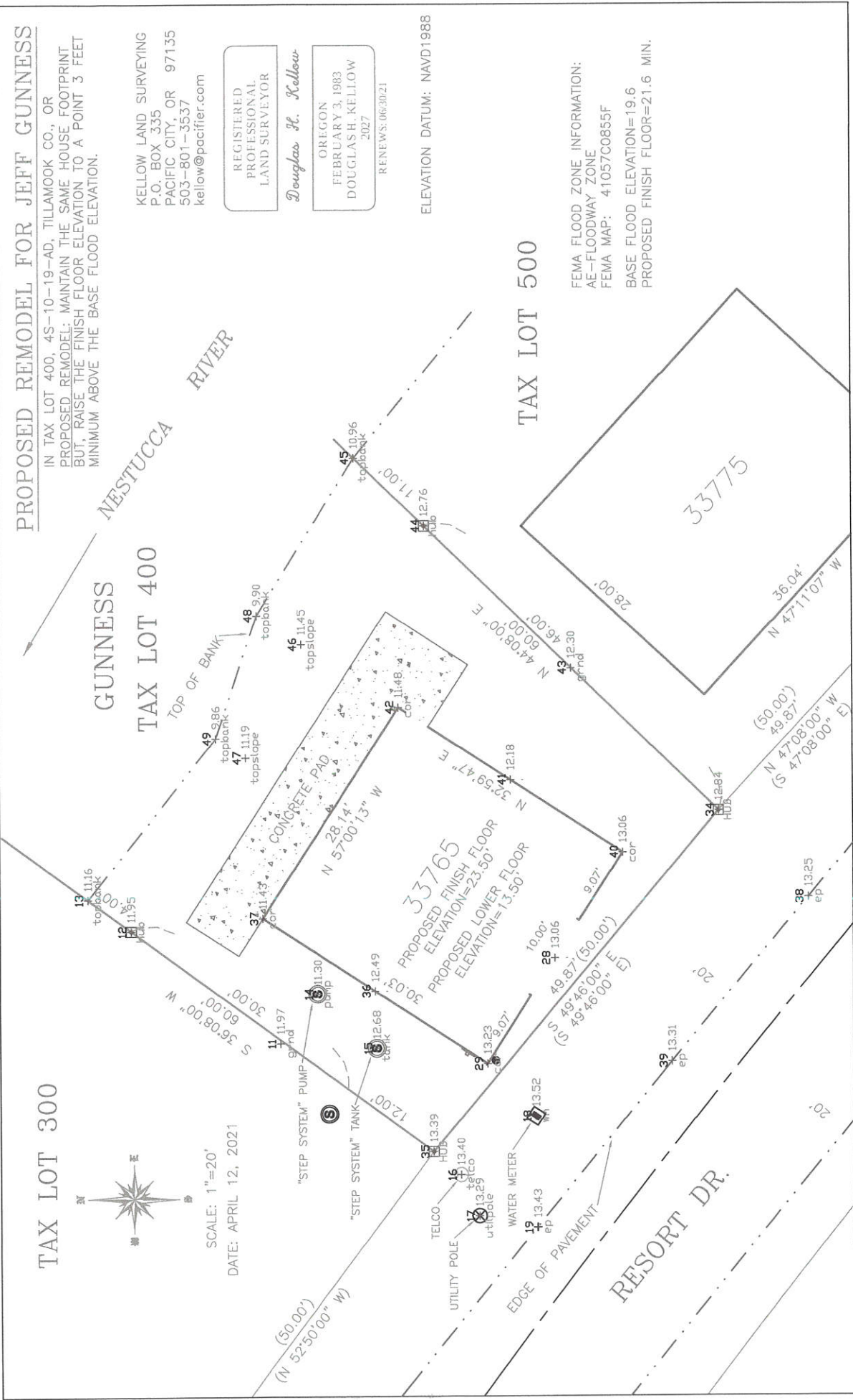
IN TAX LOT 400, 4S-10-19-AD, TILLAMOOK CO., OR
 PROPOSED REMODEL: MAINTAIN THE SAME HOUSE FOOTPRINT
 BUT, RAISE THE FINISH FLOOR ELEVATION TO A POINT 3 FEET
 MINIMUM ABOVE THE BASE FLOOD ELEVATION.

KELLOW LAND SURVEYING
 P.O. BOX 335
 PACIFIC CITY, OR 97135
 503-801-3537
 kellow@pacifier.com

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Douglas H. Kellow
 OREGON
 FEBRUARY 3, 1983
 DOUGLASH, KELLOW
 2027
 RENEWS: 06/30/21

ELEVATION DATUM: NAVD1988

FEMA FLOOD ZONE INFORMATION:
 AE-FLOODWAY ZONE
 FEMA MAP: 41057C0855F
 BASE FLOOD ELEVATION=19.6
 PROPOSED FINISH FLOOR=21.6 MIN.



TAX LOT 300



SCALE: 1"=20'

DATE: APRIL 12, 2021

GUNNESS
 TAX LOT 400

TAX LOT 500

33775

33765

RESORT DR.

May 10, 2021

Reason for raising:

The current foundation height is below BFE and is also cracked in the middle of each side. I want to raise to 3 feet above BFE. The current living space will not be changed with exception of a new electrical service panel.

For the last 20 years the cabin has been occupied no more than 30 nights per year. It is not rented out nor used by anyone except immediate family and our adult children. I expect use to increase only marginally. The 840 sq foot living space and only 2 beds keeps a limit the number of people at any one time.

Outside storage will not increase as we are gaining a storage area under the cabin with the raise.

The structures next to us are both raised to above BFE heights and are both greater than six feet from us.

Since 1962 this cabin has flooded 5 times. It has now been over 20 years since the last time and I am looking forward to mitigate that risk.

I would like to begin this project in April 2022.



PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: JEFF GUNNESS Phone: 503-244-6438
 Address: 12604 SW 61ST PLACE
 City: PORTLAND State: OR Zip: 97219
 Email: jeffgunness@gmail.com

Property Owner

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

OFFICE USE ONLY	
Date Stamp	R JUN 17 2021 BY: <i>AD</i>
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	<i>SS</i>
Receipt #:	<i>120877</i>
Fees:	<i>983.00</i>
Permit No:	851- <i>21</i> - <i>00230</i> -PLNG

Request: Request APPROVAL to procede with obtaining approval to get building permit for RAISING FINISH FLOOR ELEVATION to a point 3 feet minimum above BFE. ~~#333 #~~

Type II

- Farm/Forest Review
- Conditional Use Review
- Variance
- Exception to Resource or Riparian Setback
- Nonconforming Review (Major or Minor)
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- Non-farm dwelling in Farm Zone
- Foredune Grading Permit Review
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Type III

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- Goal Exception

Type IV

- Appeal of Planning Commission Decision
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Location:

Site Address: 33765 RESORT DR. Pacific City, OR. 97135
 Map Number: 4S1019AD00400 400
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.

Jeff Gunness
 Property Owner Signature (Required)

5/10/21
 Date

Applicant Signature

Date

1/31/2022

Minor Review Criteria Response for Gunness cabin 851-21-000195 PLNG

(a) Impact on neighboring areas:

i.

1. Noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line or off-site will not be impacted.
2. The number of kinds of vehicular trips will remain unchanged. My family has had this cabin since 1962. We do not rent to nor allow non-family members to use this structure. For the last 5 years annual usage has been between 30 and 40 nights per year. This rate of usage is substantially below that of the structures on either side of us. In addition to myself and my 2 siblings there are 5 adult children in our usage pool. Putting a new foundation in will not cause cabin usage to increase.
3. Outside storage will be reduced as the raised structure will provide out-of site storage. Bicycles and kayaks and crab rings will now be able to be stored in the basement structure. The new foundation footprint will be unchanged so loading and parking will remain as is.
4. Visual impact will be that our raised structure will now match the height of the structures on either side of us. They are both on raised foundations so ours is visually the outlier.
5. Hours of operation will not be affected as only the same individuals with the same usage pattern who use it now will be using it.
6. Current vegetation is wild grass growing in river silt. I would expect some of this to be damaged during the excavation process but it will re-establish itself post project.
7. This project will have no effect on water quality or drainage.
8. The main benefit to the area is visual. It provides out of site storage, today we have none. It also brings the height of our structure more in line with our neighbors.
9. This project causes no conflicts or incompatibility with the character or needs of the area.

)
)

)
)

1/31/2022

- ii. This project will maintain the character and history of the use and development of the surrounding area. There are no full-time residents in the area. There is one house(four houses upriver from ours) that is rented out. A primary activity in the area is fishing In the river and usage in our cabin is no exception.
- (b) There is more than 20' of separation between structures. The plan complies with the clear vision are of Section 4.010.

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name GUNNESS, JEFFREY				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 33765 RESORT DRIVE				Company NAIC Number:	
City CLOVERDALE	State Oregon	ZIP Code 97112			
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) TAX LOT 400,4S-10-19-AD, TILLAMOOK COUNTY, OREGON					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>RESIDENTIAL</u>					
A5. Latitude/Longitude: Lat <u>45.21083</u> Long <u>123.94972</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>7</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>765.00</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>4</u>					
c) Total net area of flood openings in A8.b <u>800.00</u> sq in					
d) Engineered flood openings? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage _____ sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade _____					
c) Total net area of flood openings in A9.b _____ sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No					
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number TILLAMOOK COUNTY 410196			B2. County Name TILLAMOOK		B3. State Oregon
B4. Map/Panel Number 41057C0855	B5. Suffix F	B6. FIRM Index Date 09-28-2018	B7. FIRM Panel Effective/ Revised Date 09-28-2018	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 19.6
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 33765 RESORT DRIVE			Policy Number:	
City CLOVERDALE	State Oregon	ZIP Code 97112	Company NAIC Number	

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO.
 Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.
 Benchmark Utilized: P.C. NO. 7 Vertical Datum: NAVD 1988

Indicate elevation datum used for the elevations in items a) through h) below.

NGVD 1929 NAVD 1988 Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

- | | | | |
|---|------|--|---------------------------------|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor) | 13.5 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| b) Top of the next higher floor | 23.5 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (V Zones only) | | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| d) Attached garage (top of slab) | | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| e) Lowest elevation of machinery or equipment servicing the building
(Describe type of equipment and location in Comments) | | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| f) Lowest adjacent (finished) grade next to building (LAG) | 11.4 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| g) Highest adjacent (finished) grade next to building (HAG) | 13.2 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support | | <input type="checkbox"/> feet | <input type="checkbox"/> meters |

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No Check here if attachments.

Certifier's Name DOUGLAS H. KELLOW	License Number OREGON PLS 2027	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> <p style="margin: 0;">REGISTERED PROFESSIONAL LAND SURVEYOR</p> </div> <p style="font-family: cursive; font-size: 1.2em; margin: 0;"><i>Douglas H Kellow</i></p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> <p style="margin: 0;">OREGON FEBRUARY 3, 1983 DOUGLAS H. KELLOW 2027</p> </div> <p style="margin: 0;">RENEWS: 06/30/21</p>	
Title LAND SURVEYOR			
Company Name KELLOW LAND SURVEYING			
Address P.O. BOX 335			
City PACIFIC CITY	State Oregon	ZIP Code 97135	
Signature <i>Douglas H Kellow</i>	Date 04-12-2021	Telephone (503) 801-3537	Ext.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)
 A8b.c.d.) OWNER AND BUILDER PROPOSE TO USE "SMART VENTS" MODEL NO. 1540-510 ENGINEERED VENTS =200 SQ. IN.

June 15, 2021

Development Review Criteria

1. The fill is not within a Coastal High Hazard Area.
2. As per the attached FEMA "No-Rise" hydraulic analysis, the fill will not increase flood levels.
3. The fill is necessary to facilitate construction of a new concrete foundation to raise the structure above BFE.
4. The fill will be the minimum amount needed to support the new foundation.
5. There is no feasible alternative upland location on the property. The structure is situated on a small (50' X 60') lot.
6. As per the attached FEMA "No-Rise" hydraulic analysis, the proposed project will not impact the 100-year flood elevations.
7. There is no alternative site.
8. Flood Refuge Platforms are not applicable to this project.

Technical Memorandum

WEST Consultants, Inc.

2601 25th St. SE
Suite 450
Salem, OR 97302-1286
(503) 485 5490
(503) 485-5491 Fax
www.westconsultants.com

Name: Mr. Jeff Gunness
Date: 4 May 2021
From: James Heyen, P.E., Project Manager
Subject: Gunness Property, No-Rise Analysis and Certification



Introduction

At your request, a FEMA “No-Rise” hydraulic analysis was conducted for your property and proposed structure modifications located along the left bank of the Nestucca River at 33765 Resort Drive in Pacific City, Oregon. The property is a 0.08-acre parcel and is identified by Tillamook County as Tax lot Number 4S1019AD00400, Account Number 229121. The property is located within a Special Flood Hazard Area (SFHA) of the Nestucca River floodplain in the left overbank between FEMA lettered cross sections “E” and “F”. Further, the proposed structure lies within the regulatory floodway. The effective base flood elevation at the proposed structure site is 19.7’ and the floodway elevation is 20.1’. Both these elevations are referenced to the North American Vertical Datum of 1988. Site reconnaissance was conducted on March 9, 2021 by Lyndsey Croghan, P.E., a WEST Consultants senior hydraulic engineer. Figure 1 presents the study area and effective FEMA flood hazard mapping. All figures referenced in the text are found at the end of this memorandum.

As specified by Article 3, Section 2.03.510(9a) of the Tillamook County Code, new construction is prohibited within a regulatory floodway “unless certification is provided by a professional registered civil engineer demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.”

All elevations listed in this memorandum are in the North American Vertical Datum of 1988 (NAVD88).

A hydraulic study was conducted in accordance with standard engineering practice for a FEMA No-Rise analysis which indicates that the proposed structure does not result in an increase in water surface elevations during the base flood. This memorandum summarizes the analysis methodology and results.

Analysis Approach

The hydraulic study utilized the U.S. Army Corps of Engineers' (USACE) software HEC-RAS (Hydraulic Engineering Center – River Analysis System) version 5.0.7 (USACE 2019). According to the effective Flood Insurance Study (FIS) for Tillamook County (FEMA 2018), the original hydraulic modeling of this reach of the Nestucca River was conducted by CH2M Hill in July 1977.

Procedures set forth by FEMA Region 10 call for a multi-step analysis approach for evaluating a proposed project for No-Rise certification (FEMA 2013). The steps are as follows:

1. Current Effective Model: Obtain the effective model upon which the current effective base flood elevations and floodway extents is based. Effective models are archived by FEMA.
2. Duplicate Effective Model (DEM): Use the Current Effective Model input data to create a Duplicate Effective Model to ensure that the results recorded in the effective FIS can be reproduced within an acceptable tolerance.
3. Corrected Effective Model (CEM): The Duplicate Effective Model is then modified to correct any errors and incorporate the most recent topographic information.
4. Existing Conditions Model (ECM): The Corrected Effective Model is revised to reflect any modifications that have occurred within the floodplain since the date of the original analysis but prior to the proposed project. This model should be the best depiction of existing conditions.
5. Proposed Conditions Model (PCM): The Proposed Conditions Model is to reflect conditions following the completion of the project and will be compared with the Existing Conditions Model to determine the projects effects (if any). The direct comparison of water surface elevations between the results of these two models is the basis of a No-Rise analysis.

The effective model was requested from and provided by the FEMA Engineering Library in Alexandria, VA. However, that model was an older HEC-2 model. A more recent model of the lower Nestucca River was produced by WEST Consultants, Inc. (WEST) for a Letter of Map Revision (LOMR), effective September 24, 2015. The model produced for the LOMR is considered by FEMA to be the current effective model and was used to perform the hydraulic analysis for this No-Rise analysis.

Effective Model

Documentation accompanying the effective model indicates that it was produced using Geographic Information System (GIS) data available in the digital flood insurance map (DFIRM) for Tillamook County (FEMA) and topographic data available from the Oregon Department of Geologic and Mineral Industries (DOGAMI 2009). The model includes FEMA lettered cross sections A through F and 16 unlettered cross sections. Bathymetry at all cross sections was manually created to match thalweg elevations indicated in the FIS profiles and to match water surface elevations (WSE) of the original HEC-2 model. Discharges and downstream boundary conditions were set to published values in the effective Flood Insurance Study. The limits of floodway encroachments were extracted from the S_FLD_HAZ_LN layer in the DFIRM.

Duplicate Effective Model (DEM)

A Duplicate Effective Model (DEM) was created from a copy of the effective. Results from the DEM were compared with water surface elevations computed by the Effective Model. The DEM results are within the minimum agreement tolerance of 0.1 feet. The DEM is considered sufficient for conducting a No-Rise analysis. Table 1 presents the comparison of DEM and FIS water surface elevations.

Table 1 - Duplicate Effective Model vs. Effective Model

River Station (ft) and FEMA XS Letter		Regulatory Water Surface Elevation (ft)			With Floodway Water Surface Elevation (ft)		
		Effective Model	DEM	Difference (DEM – Eff. Model)	Effective Model	DEM	Difference (DEM – Eff. Model)
0	--	14.15	14.15	0.00	15.15	15.15	0.00
1,271	--	14.28	14.28	0.00	15.27	15.27	0.00
2,646	A	14.76	14.76	0.00	15.61	15.61	0.00
4,529	--	16.04	16.04	0.00	16.72	16.72	0.00
5,739	--	16.25	16.25	0.00	16.90	16.90	0.00
6,092	--	16.35	16.35	0.00	17.01	17.01	0.00
6,888	--	16.61	16.61	0.00	17.19	17.19	0.00
7,804	B	16.82	16.82	0.00	17.42	17.42	0.00
7,949	C	16.97	16.97	0.00	17.61	17.61	0.00
9,267	--	17.73	17.73	0.00	18.30	18.30	0.00
10,296	D	18.50	18.50	0.00	18.91	18.91	0.00
11,441	--	19.37	19.37	0.00	19.84	19.84	0.00
12,521	--	19.41	19.41	0.00	19.88	19.88	0.00
12,629	E	19.43	19.43	0.00	19.89	19.89	0.00
13,850	--	19.49	19.49	0.00	19.94	19.94	0.00
15,553	--	19.53	19.53	0.00	19.99	19.99	0.00
15,776	--	19.52	19.52	0.00	19.98	19.98	0.00
15,920	--	19.53	19.53	0.00	20.00	20.00	0.00
16,980	--	19.70	19.70	0.00	20.14	20.14	0.00
18,057	--	19.94	19.94	0.00	20.45	20.46	0.01
18,909	F	20.08	20.08	0.00	20.63	20.63	0.00
20,454	--	20.49	20.49	0.00	21.12	21.12	0.00

Notes: --- Indicates unlettered FEMA cross section; estimated from FIS flood profile

Corrected Effective Model (CEM)

The DEM was modified to create the Corrected Effective Model (CEM). The modifications consisted of adding ten additional cross sections necessary to characterize the proposed modifications to Mr. Gunness’ existing structure. Figure 2 shows the ten added cross sections. Ineffective flow definitions in the DEM were revised for the CEM to correctly depict flow in the left overbank in the vicinity of the bridge carrying Ferry Street over the river. Ineffective flow definitions were modified at cross sections 11,441 through 15,553. Slight modifications to Manning’s roughness values were also made to eliminate interpolated roughness values that remained in the DEM. Results from the CEM were compared with the water surface elevations computed by the DEM. That comparison is presented in Table 2.

Table 2 - Corrected Effective Model vs. Duplicate Effective Model

River Station (ft) and FEMA XS Letter		Regulatory Water Surface Elevation (ft)			With Floodway Water Surface Elevation (ft)		
		DEM	CEM	Difference (CEM - DEM)	DEM	CEM	Difference (CEM - DEM)
0	---	14.15	14.15	0.00	15.15	15.15	0.00
1,271	----	14.28	14.30	0.02	15.27	15.29	0.02
2,646	A	14.76	14.77	0.01	15.61	15.62	0.01
4,529	---	16.04	16.05	0.01	16.72	16.73	0.01
5,739	---	16.25	16.26	0.01	16.90	16.92	0.02
6,092	---	16.35	16.37	0.02	17.01	17.02	0.01
6,888	---	16.61	16.63	0.02	17.19	17.20	0.01
7,804	B	16.82	16.84	0.02	17.42	17.43	0.01
7,949	C	16.97	16.98	0.01	17.61	17.62	0.01
9,267	---	17.73	17.74	0.01	18.30	18.31	0.01
10,296	D	18.50	18.53	0.03	18.91	18.94	0.03
11,441	---	19.37	19.40	0.03	19.84	19.87	0.03
12,521	---	19.41	19.56	0.15	19.88	20.01	0.13
12,629	E	19.43	19.61	0.18	19.89	20.06	0.17
13,692	*		19.76			20.18	
13,707	*		19.76			20.18	
13,709	*		19.76			20.18	
13,734	*		19.76			20.18	
13,736	*		19.76			20.18	
13,739	*		19.76			20.18	
13,740	*		19.76			20.18	
13,743	*		19.75			20.18	
13,744	*		19.76			20.18	
13,750	*		19.76			20.18	
13,850	---	19.49	19.77	0.28	19.94	20.19	0.25
15,553	---	19.53	19.84	0.31	19.99	20.31	0.32
15,776	---	19.52	19.86	0.34	19.98	20.35	0.37
15,920	---	19.53	19.90	0.37	20.00	20.39	0.39
16,980	---	19.70	20.12	0.42	20.14	20.60	0.46
18,057	---	19.94	20.45	0.51	20.46	21.01	0.55
18,909	F	20.08	20.57	0.49	20.63	21.17	0.54
20,454	---	20.49	20.93	0.44	21.12	21.60	0.48

Notes: --- indicates unlettered FEMA cross section
 * indicates cross section added at subject property

As seen in Table 2, the CEM computed water surface elevations for the reach located downstream of the bridge carrying Ferry Street (River Station 12,521) compare well with the values computed by the DEM. Upstream of river station 11,441, the modifications to ineffective flow definitions and the added cross

sections resulted in CEM water surface elevation increases of up to 0.55 feet for the 1-percent annual chance flood elevations.

Existing Conditions Model (ECM)

No modifications to the modeling were necessary to create the ECM as there have been no significant modifications of the floodplain along this reach of the Nestucca River since the modeling for the 2015 LOMR was conducted. The ECM is the best representation of existing conditions in the study reach and was used as the basis for determining impacts to the water surface profile, if any, caused by the proposed structure.

Proposed Conditions Model (PCM)

The ECM was modified to create the PCM by adding the proposed staircase and elevating the existing deck along the river side of the structure. The proposed staircase was characterized with blocked obstructions matching the plans provided by Stricker Engineering dated 02/03/2021, which indicate an approximately 4' x 12' rectangular footprint added to the existing staircase footprint on the upstream side of the house. The deck modifications were characterized by removing the existing deck, which was modeled as a complete blocked obstruction beginning at existing grade, and replacing it with smaller blocked obstructions matching the proposed deck footings and supports. The deck will be constructed 10'-4" above existing grade (approximately elevation 22', 2'-6" above the effective BFE). A new concrete patio will be constructed to match existing grade directly beneath the proposed deck. Figures 3 and 4 depict the approximate structure dimensions and location on Mr. Guinness' property, the added cross sections, and the underlying terrain. Detailed plans for the construction are included in Appendix A.

Analysis Results

Water surface elevations predicted by the ECM and PCM models were compared to determine if the proposed structure resulted in a rise in water surface elevations for either the base flood or the floodway. Table 3 presents the computed water surface elevations for the ECM and PCM, and the calculated difference. As the table indicates, the proposed construction on Mr. Guinness' property will not result in a rise in water surface elevations along the Nestucca River for either the base flood or the floodway. A FEMA No-Rise Certificate is provided in Figure 5. Supporting data, including the effective FEMA flood hazard mapping and select model cross sections, are included in Appendix A.

Table 3 - Proposed Conditions vs. Existing Conditions

River Station (ft) and FEMA XS Letter		Regulatory Water Surface Elevation (ft)			With Floodway Water Surface Elevation (ft)		
		ECM	PCM	Difference (PCM - ECM)	ECM	PCM	Difference (PCM - ECM)
0	---	14.15	14.15	0.00	15.15	15.15	0.00
1,271	---	14.30	14.30	0.00	15.29	15.29	0.00
2,646	A	14.77	14.77	0.00	15.62	15.62	0.00
4,529	---	16.05	16.05	0.00	16.73	16.73	0.00
5,739	---	16.26	16.26	0.00	16.92	16.92	0.00
6,092	---	16.37	16.37	0.00	17.02	17.02	0.00
6,888	---	16.63	16.63	0.00	17.20	17.20	0.00
7,804	B	16.84	16.84	0.00	17.43	17.43	0.00
7,949	C	16.98	16.98	0.00	17.62	17.62	0.00
9,267	---	17.74	17.74	0.00	18.31	18.31	0.00
10,296	D	18.53	18.53	0.00	18.94	18.94	0.00
11,441	---	19.40	19.40	0.00	19.87	19.87	0.00
12,521	---	19.56	19.56	0.00	20.01	20.01	0.00
12,629	E	19.61	19.61	0.00	20.06	20.06	0.00
13,692	*	19.76	19.76	0.00	20.18	20.18	0.00
13,707	*	19.76	19.76	0.00	20.18	20.18	0.00
13,709	*	19.76	19.76	0.00	20.18	20.18	0.00
13,734	*	19.76	19.76	0.00	20.18	20.18	0.00
13,736	*	19.76	19.76	0.00	20.18	20.18	0.00
13,739	*	19.76	19.76	0.00	20.18	20.18	0.00
13,740	*	19.76	19.76	0.00	20.18	20.18	0.00
13,743	*	19.75	19.75	0.00	20.18	20.18	0.00
13,744	*	19.76	19.76	0.00	20.18	20.18	0.00
13,750	*	19.76	19.76	0.00	20.18	20.18	0.00
13,850	---	19.77	19.77	0.00	20.19	20.19	0.00
15,553	---	19.84	19.84	0.00	20.31	20.31	0.00
15,776	---	19.86	19.86	0.00	20.35	20.35	0.00
15,920	---	19.90	19.90	0.00	20.39	20.39	0.00
16,980	---	20.12	20.12	0.00	20.60	20.60	0.00
18,057	---	20.45	20.45	0.00	21.01	21.01	0.00
18,909	F	20.57	20.57	0.00	21.17	21.17	0.00
20,454	---	20.93	20.93	0.00	21.60	21.60	0.00

Notes: --- indicates unlettered FEMA cross section
 * indicates cross section added at subject property

If you have any questions, please feel free to contact me by phone at (503) 485-5490, or by email at jheyen@westconsultants.com.

References

U.S. Army Corps of Engineers, Hydrologic Engineering Center; HEC-RAS, River Analysis System, Software Version 5.0.7; March 2019

U.S. Department of Homeland Security, Federal Emergency Management Agency; Flood Insurance Study for Tillamook County, OR and Incorporated Areas, 41057C002A, Vol. 1 and 2; Effective September 28, 2018

U.S. Department of Homeland Security, Federal Emergency Management Agency; Letter of Map Revision, Case No. 14-10-1727P; Effective September 24, 2015

U.S. Department of Homeland Security, Federal Emergency Management Agency, Region X; Procedures for “No-Rise” Certification for Proposed Developments in the Regulatory Floodway; October 2013

Oregon Department of Geology and Mineral Industries; Light Detection and Ranging (LiDAR) data; OLC North Coast 2020; Published October 1, 2009

Figures

Figure 1 – Study Area with Effective FEMA Flood Hazard Mapping

Figure 2 – Cross Sections Added for CEM

Figure 3 – Approximate Area of Proposed Construction

Figure 4 – Project Site with Terrain and Proposed Construction Footprint

Figure 5 – FEMA No-Rise Certificate

Appendix A

Effective FIRM Panel

Effective Floodway Data Table

Preliminary Construction Plans by Stricker Engineering (excerpt)

HEC-RAS Cross Section Plots, Existing and Proposed Conditions

Figures

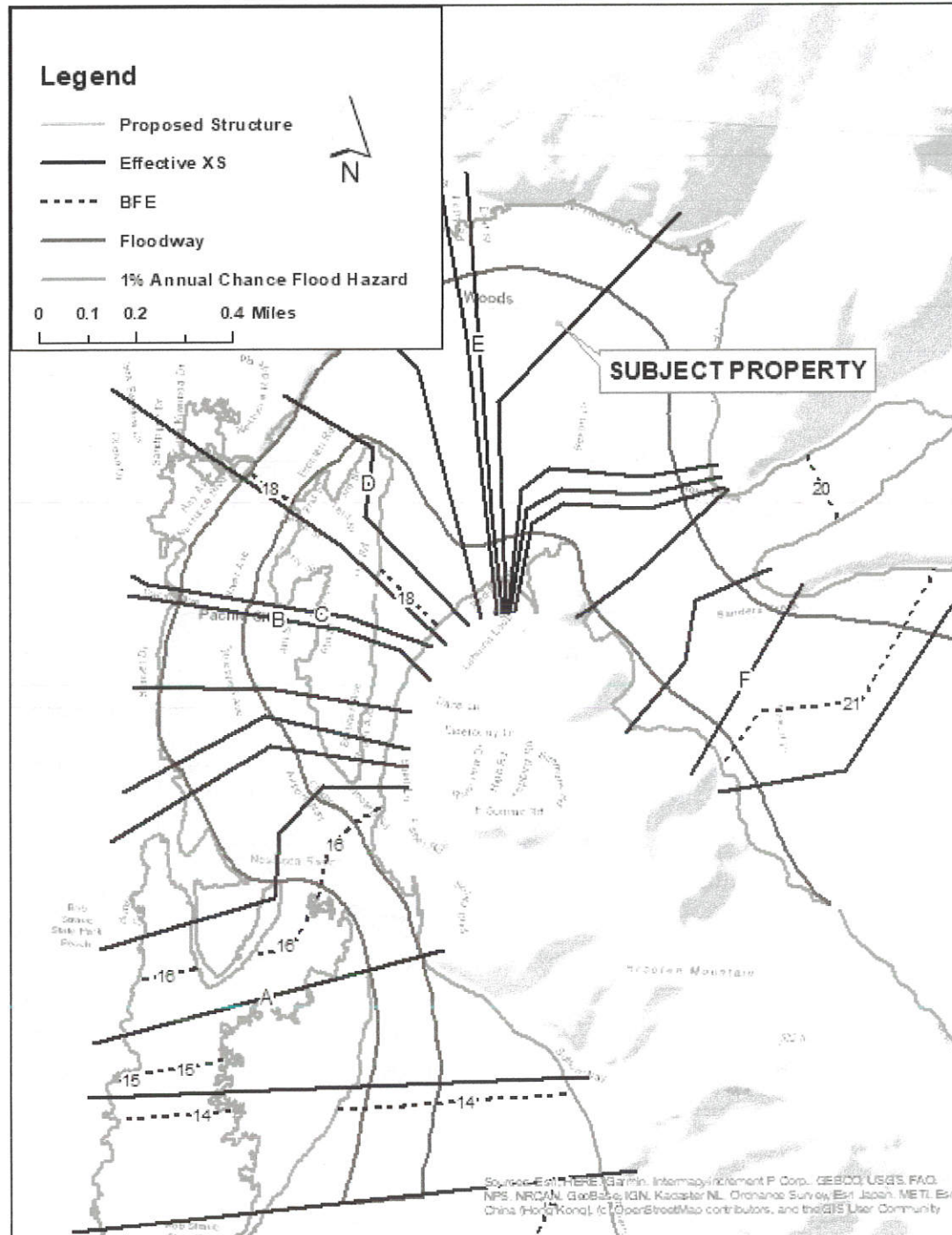


Figure 1 - Study Area with Effective FEMA Flood Hazard Mapping

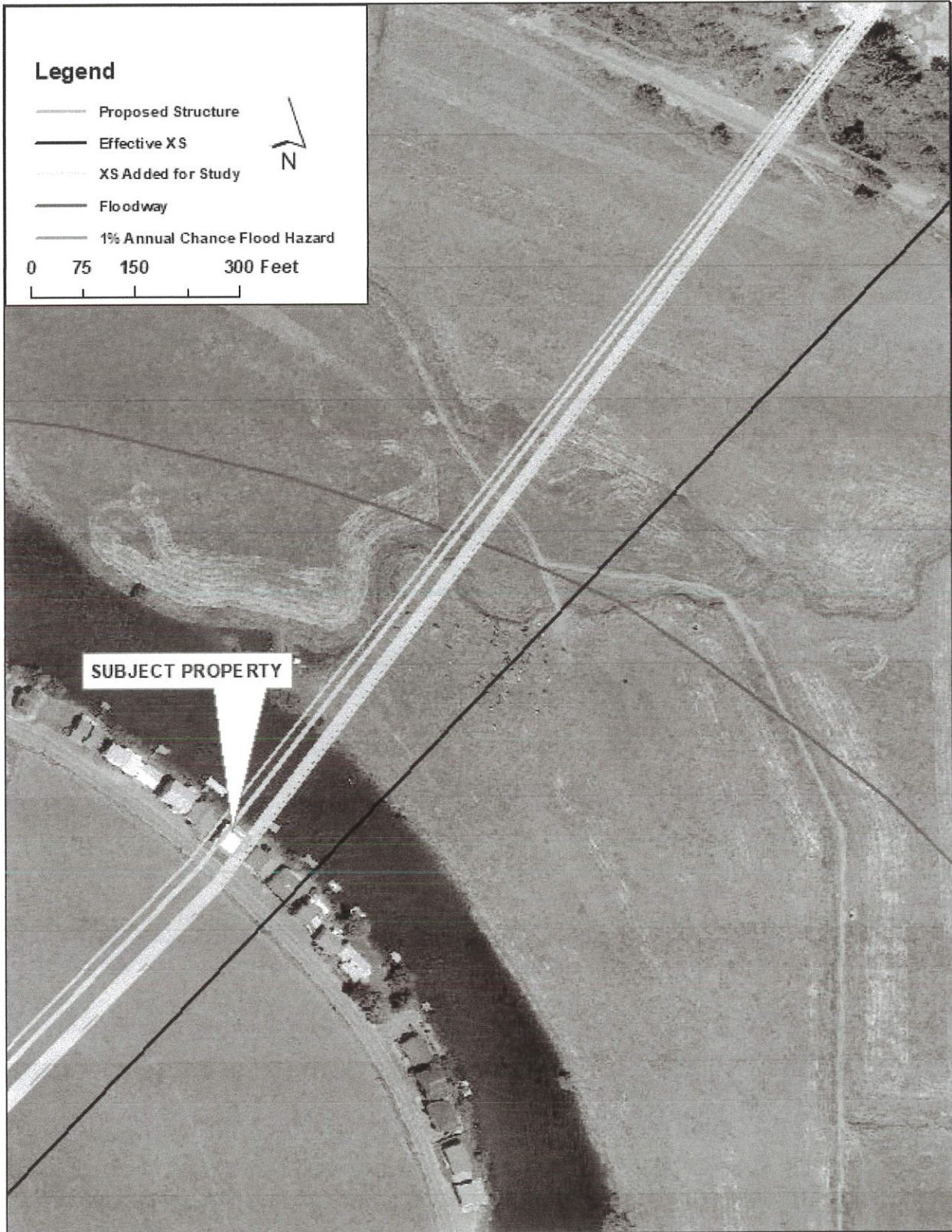


Figure 2 - Cross Sections Added for CEM

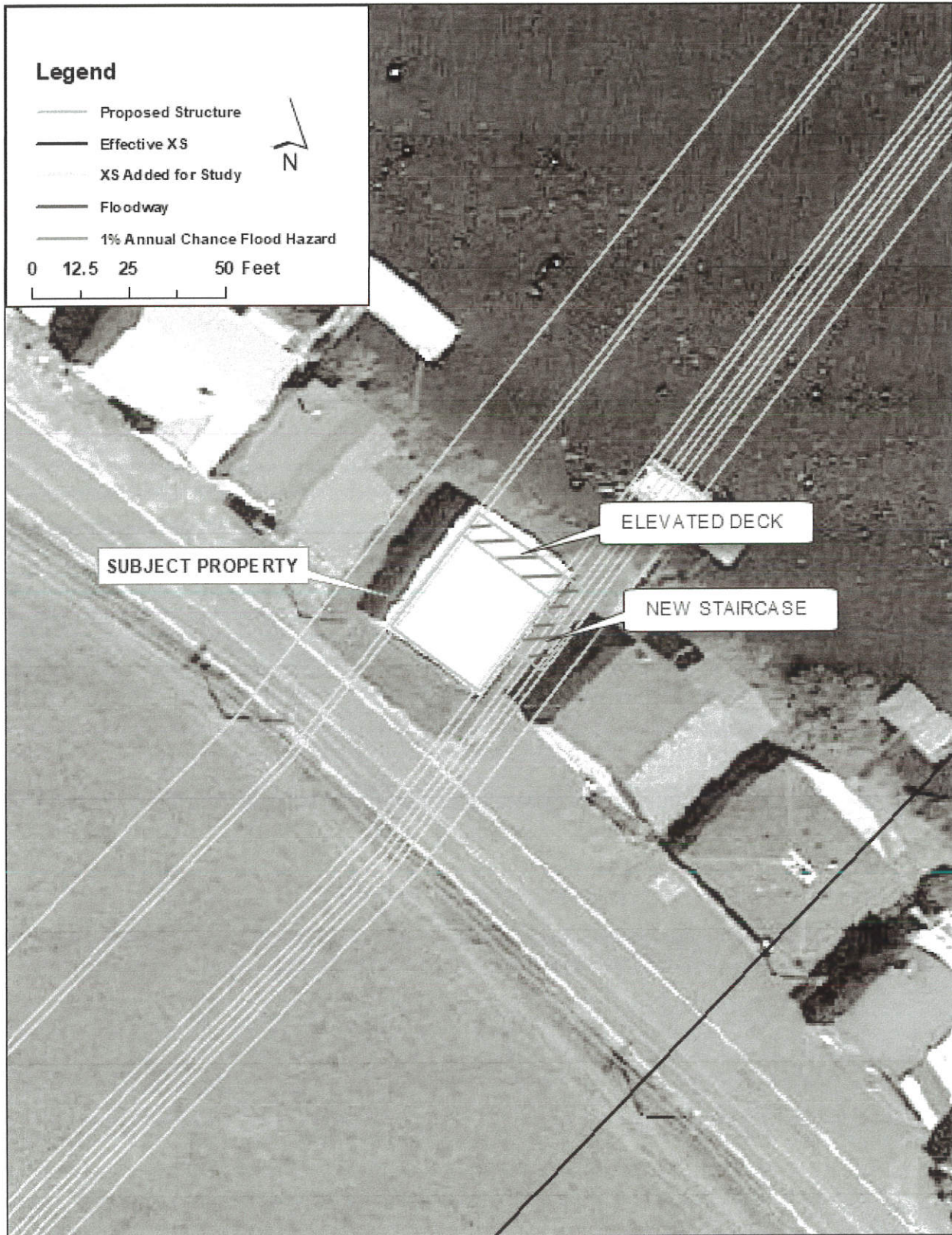


Figure 3 – Approximate Area of Proposed Construction

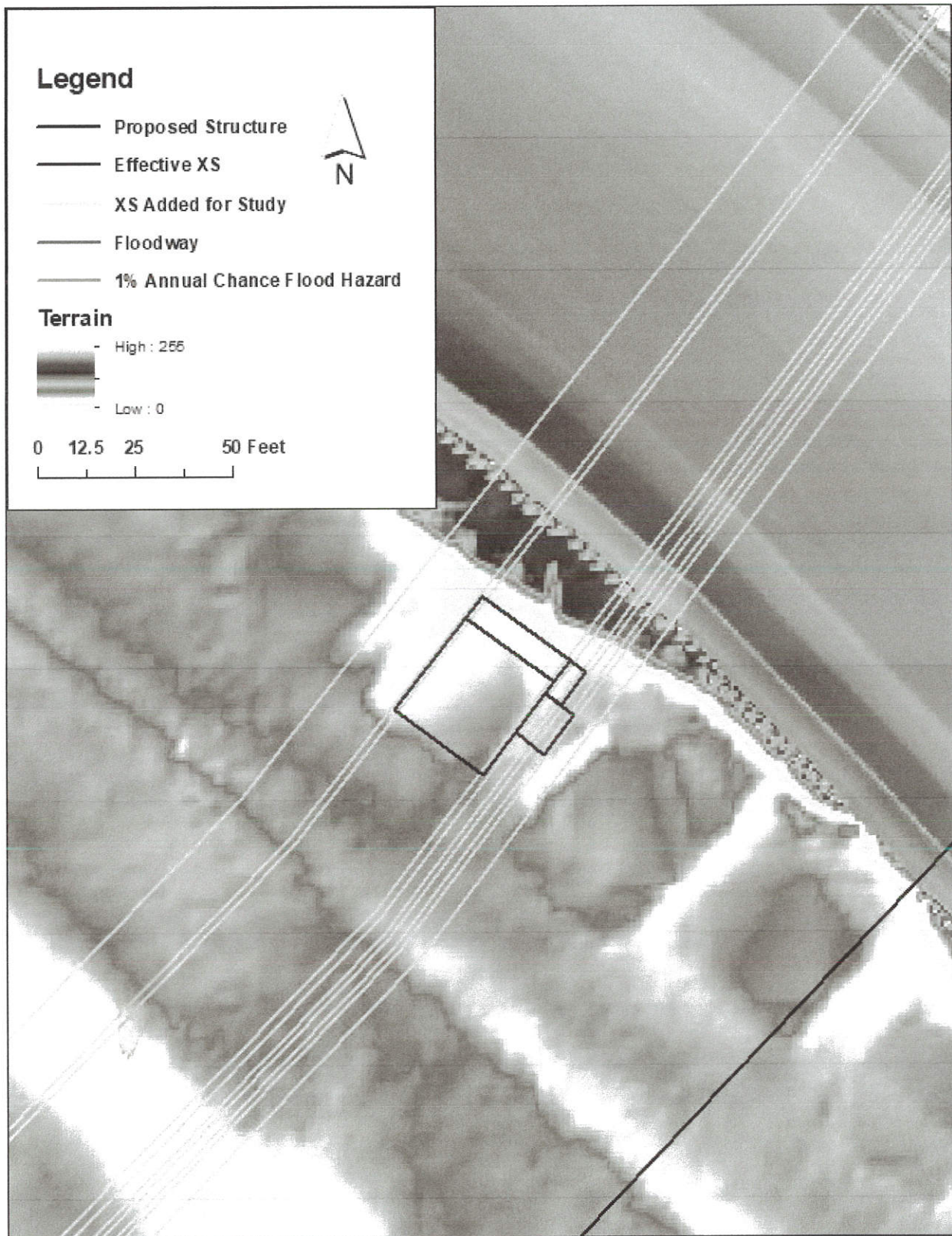


Figure 4 – Project Site with Terrain and Proposed Construction Footprint

ENGINEERING "NO-RISE" CERTIFICATION

This is to certify that I am a duly qualified engineer licensed to practice in the State of Oregon.

It is to further certify that the attached technical data supports the fact that the proposed deck construction at Tillamook County Tax lot 4S1019AD00400 will
(Name of Development)

not impact the 100-year flood elevations, floodway elevations and floodway widths on the Nestucca River at published sections
(Name of Stream)

in the Flood Insurance Study for Tillamook Co. & Incorporated Areas (41057CV001A),
(Name of Community)

dated September 28, 2018 and will not impact the 100-year flood elevations, floodway elevations, and floodway widths at unpublished cross-sections in the vicinity of the proposed development.

Attached are the following documents that support my findings:

Technical Memorandum by WEST Consultants, Inc. dated May 4, 2021.

(Date) May 4, 2021

(Signature)



(Title) Project Manager

WEST Consultants, Inc.

2601 25th Street

Suite 450

Salem, OR 97302

(Address)



Figure 5 – FEMA No-Rise Certificate

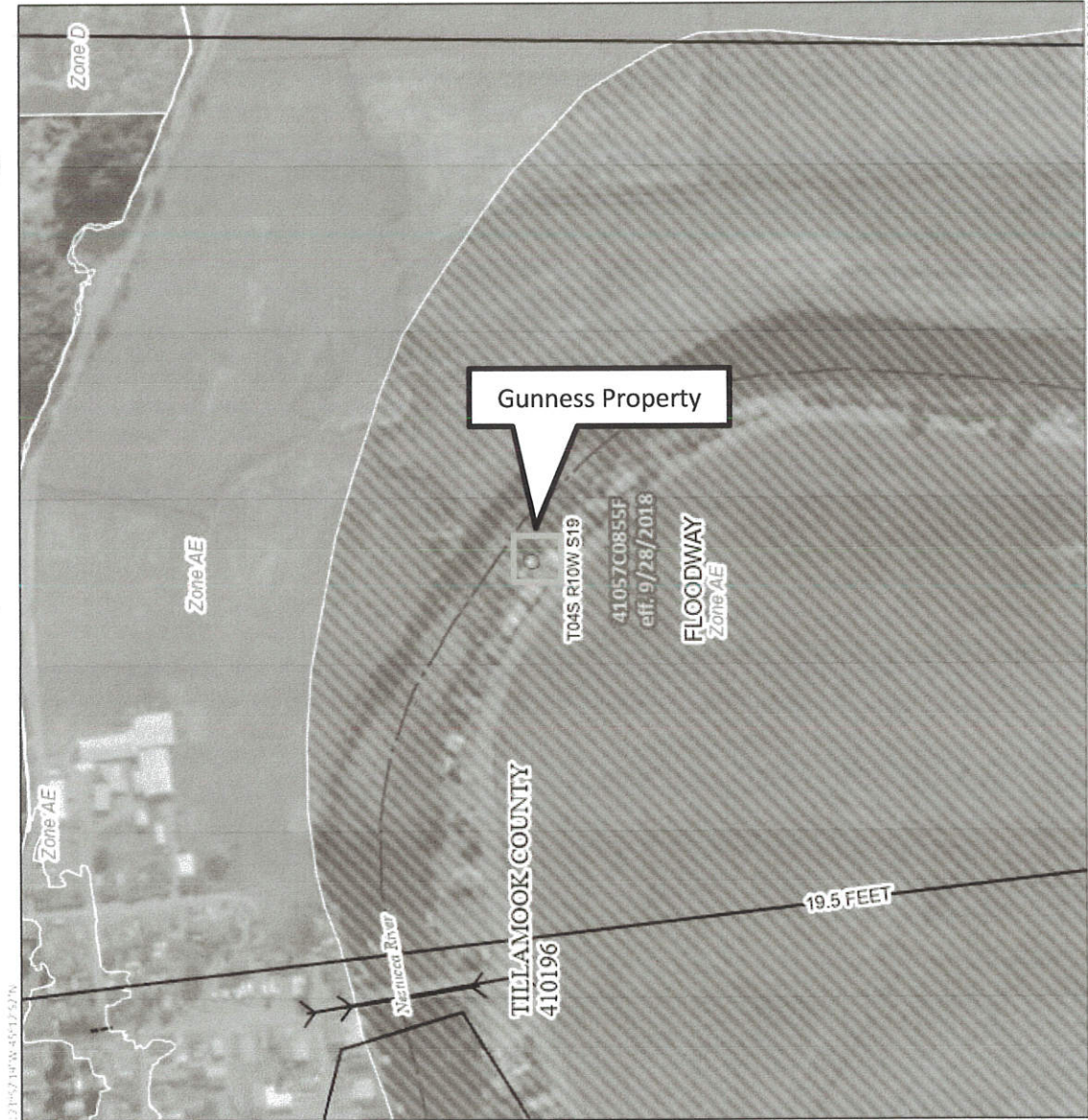
Appendix A

Effective FEMA FIRM Panel

National Flood Hazard Layer FIRMette



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Legend

SEE THIS REPORT FOR DOWNLOADED AND INDEX MAP FOR FIRM PANEL LAYOUT

- SPECIAL FLOOD HAZARD AREAS**
 - Without Base Flood Elevation (BFE) Zone A, V, X, Y
 - With BFE or Depth Zone AE, AO, AH, XE, AR
 - Regulatory Floodway
 - 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 V
 - Future Conditions, 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee: See Notes, Zone A
 - Area with Flood Risk due to Levee Zone A
- OTHER AREAS OF FLOOD HAZARD**
 - NO SCREEN
 - Area of Minimal Flood Hazard Zone X
 - Effective LOMRs
 - Area of Undetermined Flood Hazard Zone Y
- OTHER AREAS**
 - Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall
- GENERAL STRUCTURES**
 - 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
- OTHER FEATURES**
 - Digital Data Available
 - No Digital Data Available
 - Unmapped
- MAP PANELS**
 - 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 valid 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 1/28/2017 at 2:30 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 used 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.

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Effective FEMA Floodway Data Table

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE ¹	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
A	2,647	607	7,750	6.9	14.9	14.9	15.7	0.8
B	7,805	764	8,765	6.9	16.9	16.9	17.5	0.6
C	7,949	783	8,221	7.3	17.1	17.1	17.7	0.6
D	10,296	700	8,046	7.2	18.6	18.6	19.0	0.4
E	12,629	2,925	36,571	2.4	19.5	19.5	20.0	0.5
F	18,909	1,418	15,555	5.7	20.2	20.2	20.7	0.5
G	24,140	4,186	45,222	1.1	22.3	22.3	23.3	1.0
H	28,300	4,256	43,463	1.1	23.1	23.1	24.1	1.0
I	32,000	3,965	32,222	1.5	24.3	24.3	25.3	1.0
J	34,205	2,020	17,839	2.7	25.5	25.5	26.5	1.0
K	36,400	1,657	13,236	3.6	27.3	27.3	28.3	1.0
L	37,600	451	6,773	7.1	28.6	28.6	29.6	1.0
M	41,950	1,874	16,114	2.9	31.5	31.5	32.4	0.9
N	45,620	1,020	12,882	3.6	32.7	32.7	33.7	1.0
O	48,480	1,033	11,134	4.2	34.4	34.4	35.4	1.0
P	52,980	605	8,356	5.5	38.3	38.3	39.3	1.0
Q	55,350	297	6,473	6.3	41.1	41.1	42.1	1.0
R	57,350	780	7,772	5.2	43.8	43.8	44.8	1.0
S	58,995	235	7,785	5.1	45.5	45.5	46.3	0.8
T	60,400	392	6,738	5.9	46.6	46.6	47.5	0.9
U	61,700	415	6,638	6.0	48.0	48.0	48.9	0.9
V	63,105	227	3,549	11.3	49.2	49.2	50.0	0.8
W	65,200	169	2,827	14.0	52.9	52.9	53.2	0.3
X	67,185	344	4,958	8.0	58.4	58.4	58.5	0.1

¹Feet above Nestucca Bay

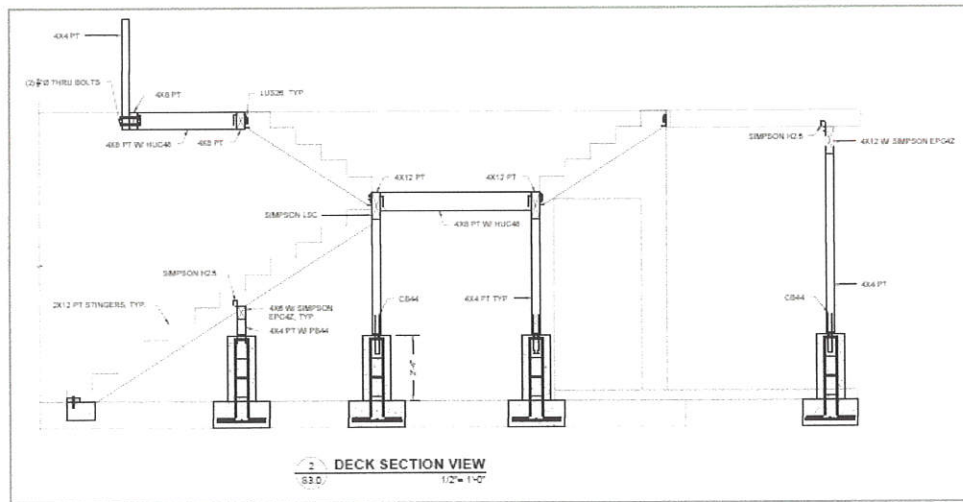
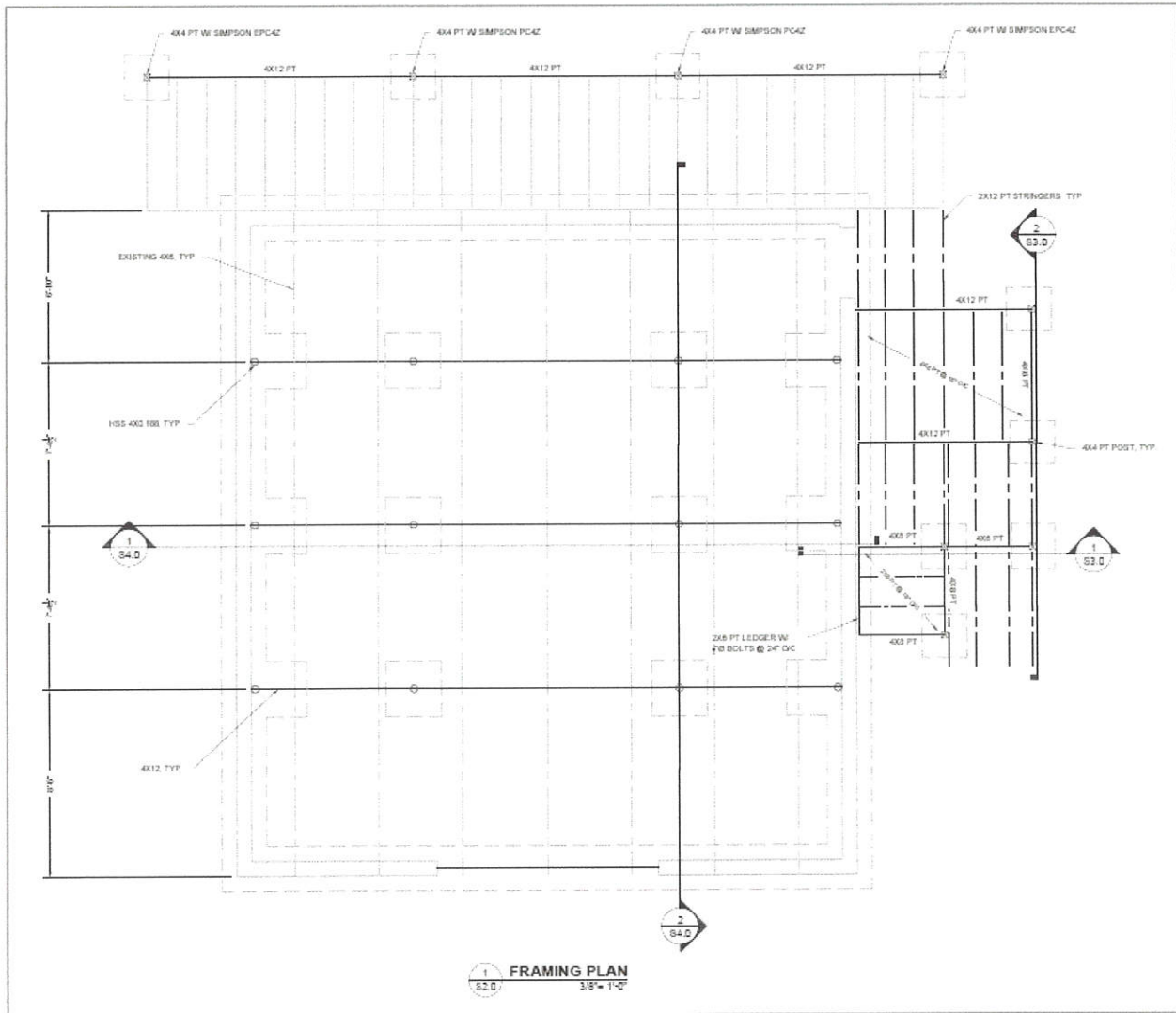
FEDERAL EMERGENCY MANAGEMENT AGENCY
TILLAMOOK COUNTY, OREGON
 AND INCORPORATED AREAS

FLOODWAY DATA

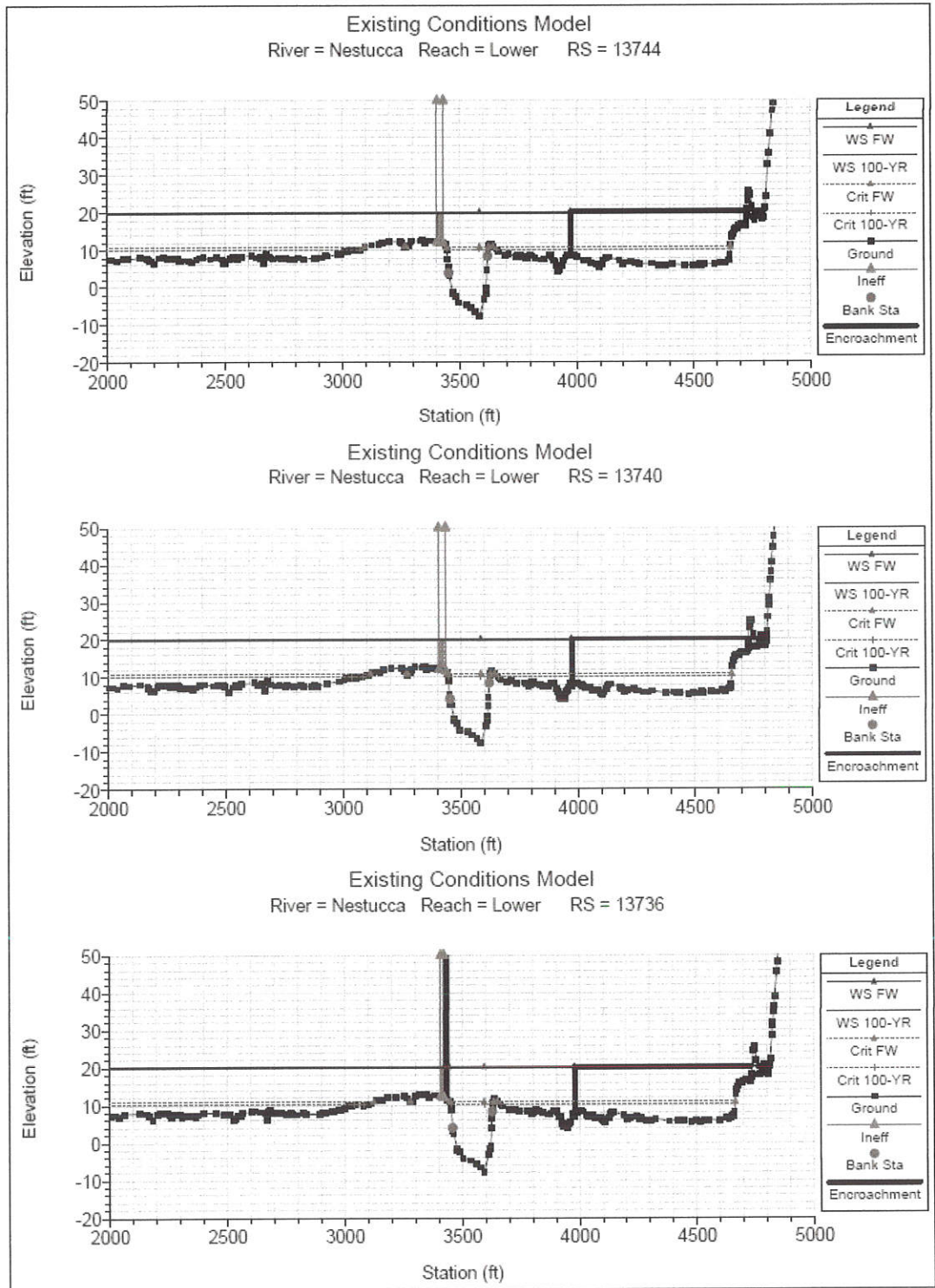
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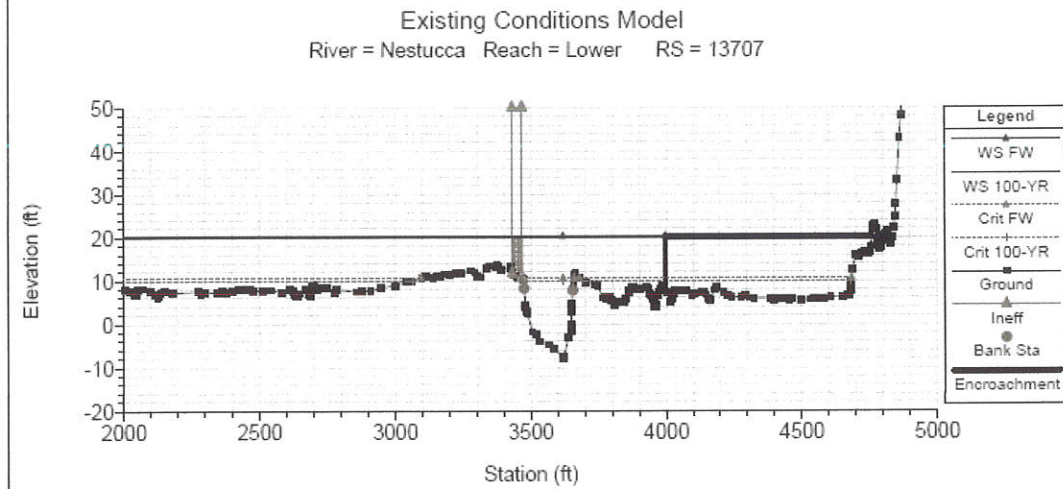
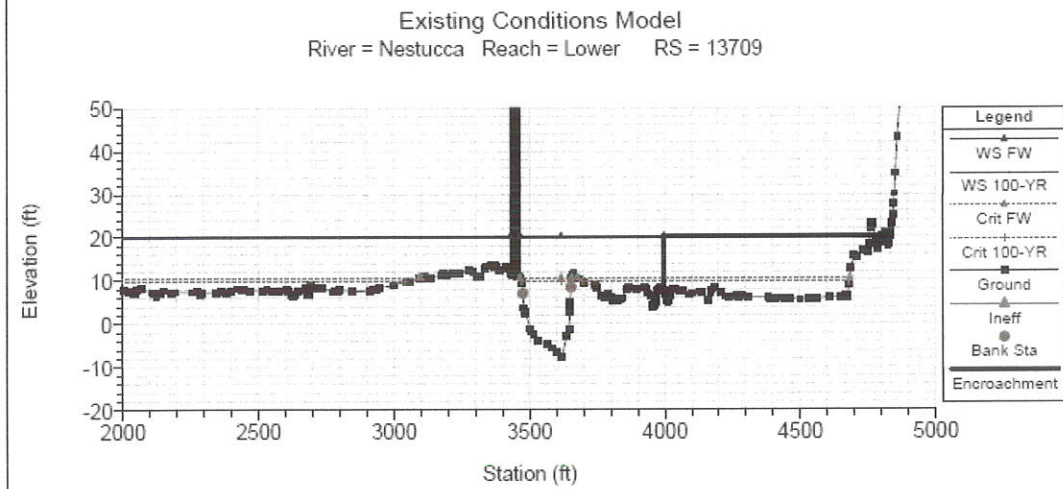
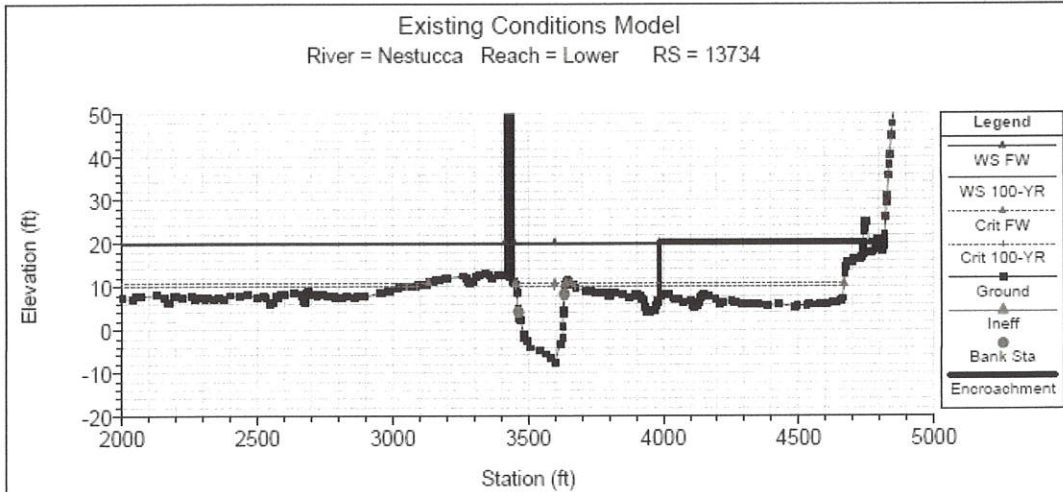
TABLE 24

Preliminary Construction Plans by Stricker Engineering (excerpt)

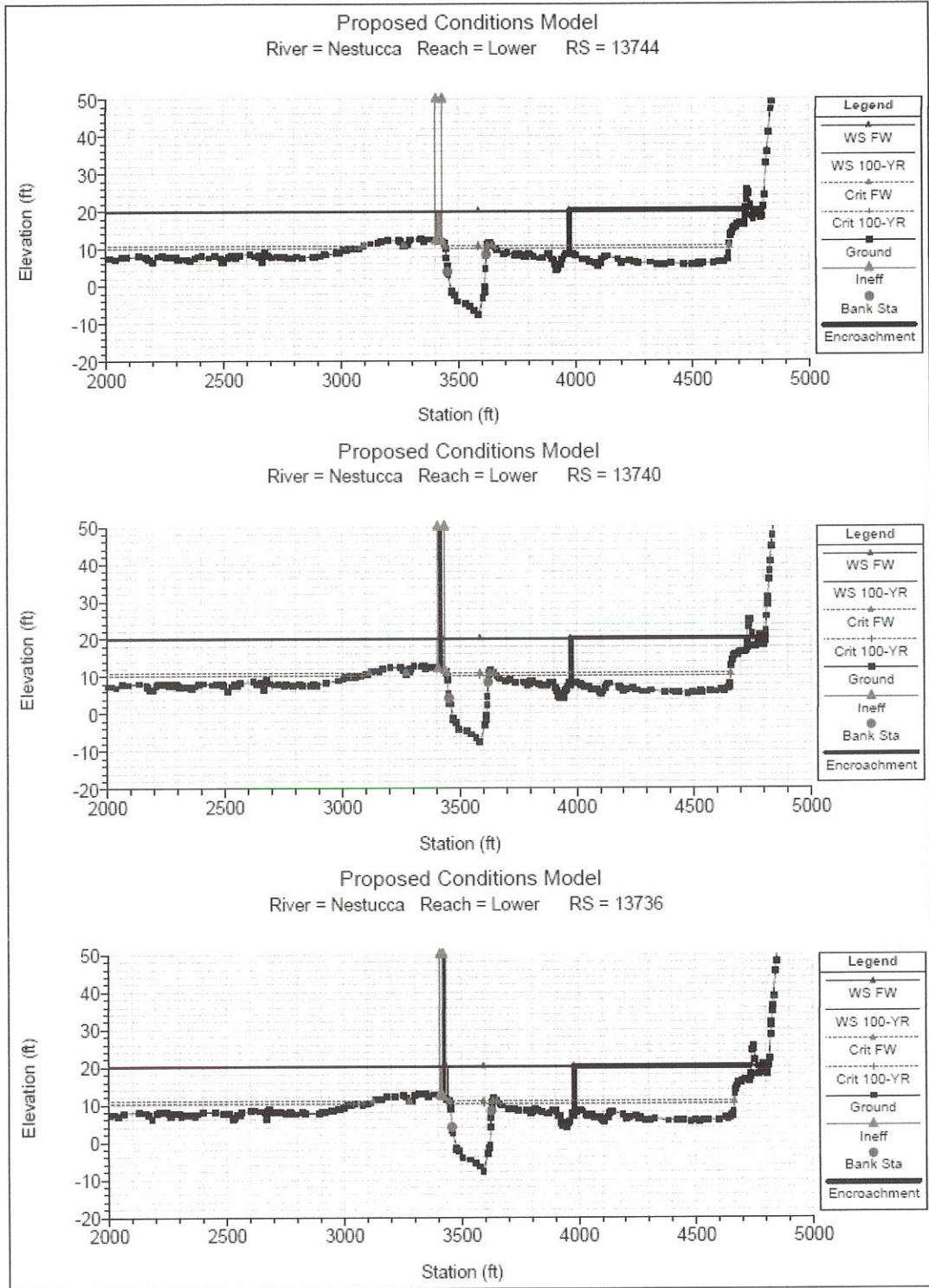


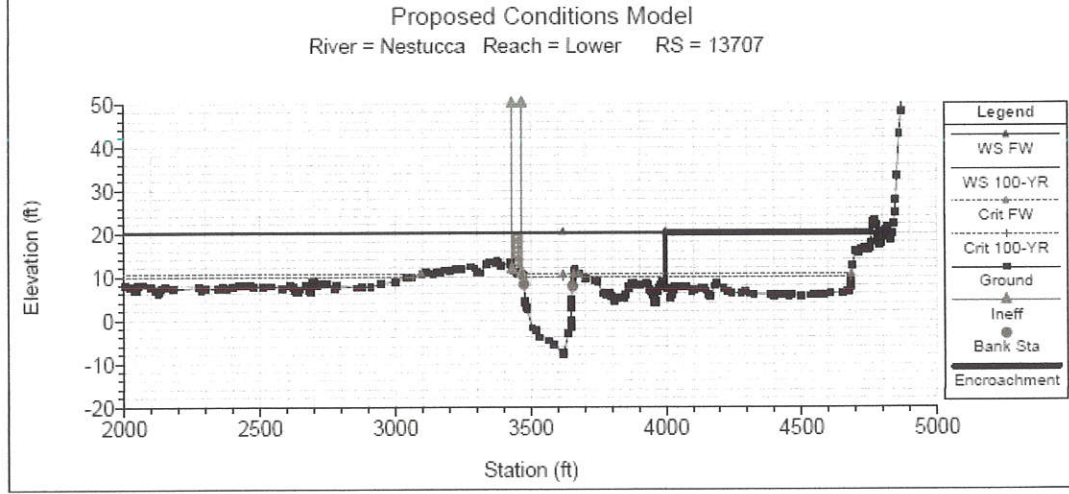
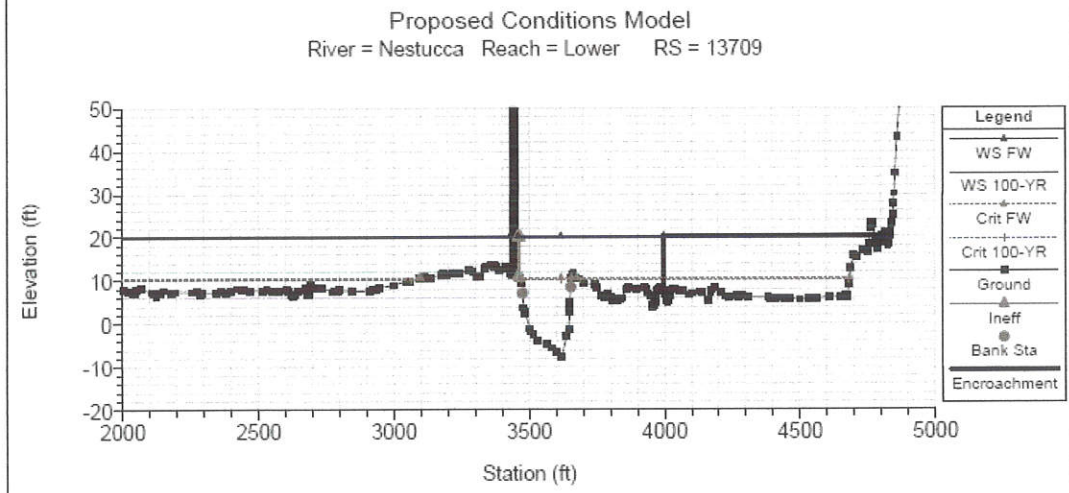
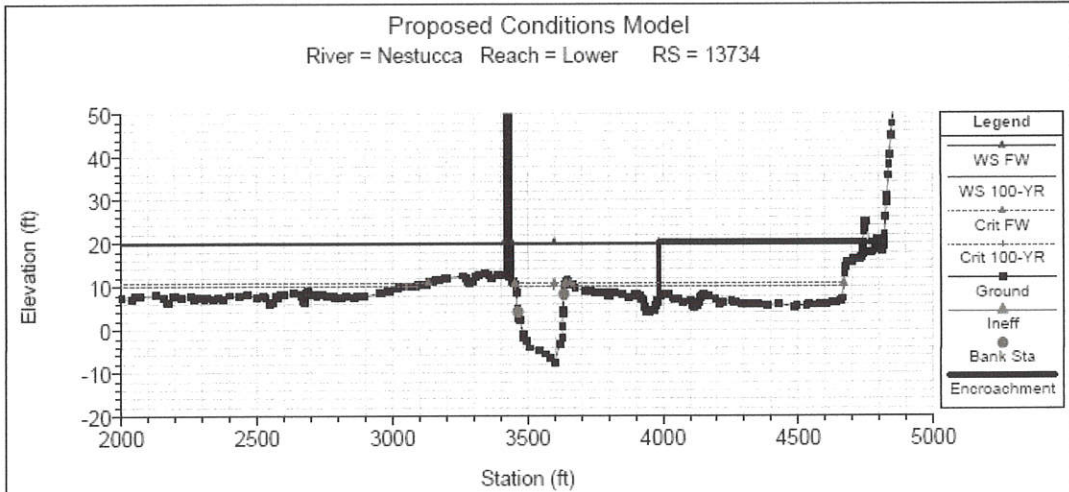
HEC-RAS Cross Section Plots – Existing Conditions





HEC-RAS Cross Section Plots – Proposed Conditions





PROPOSED REMODEL FOR JEFF GUNNESS

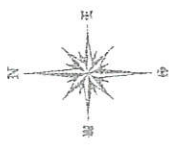
IN TAX LOT 400, 4S-10-19-AD, TILLAMOOK CO., OR
 PROPOSED REMODEL: MAINTAIN THE SAME HOUSE FOOTPRINT
 BUT, RAISE THE FINISH FLOOR ELEVATION TO A POINT 3 FEET
 MINIMUM ABOVE THE BASE FLOOD ELEVATION.

GUNNESS

TAX LOT 400

NESTUCCA RIVER

TAX LOT 300



SCALE: 1"=20'

DATE: APRIL 12, 2021

KELLOW LAND SURVEYING
 P.O. BOX 335
 PACIFIC CITY, OR 97135
 503-801-3537
 kellow@pacifier.com

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Douglas H. Kellow

OREGON
 FEBRUARY 3, 1983
 DOUGLASH, KELLOW
 2027
 RENEWS: 06/30/21

ELEVATION DATUM: NAVD1988

TAX LOT 500

FEMA FLOOD ZONE INFORMATION:
 AE-FLOODWAY ZONE
 FEMA MAP: 41057C0865F
 BASE FLOOD ELEVATION=19.6
 PROPOSED FINISH FLOOR=21.6 MIN.

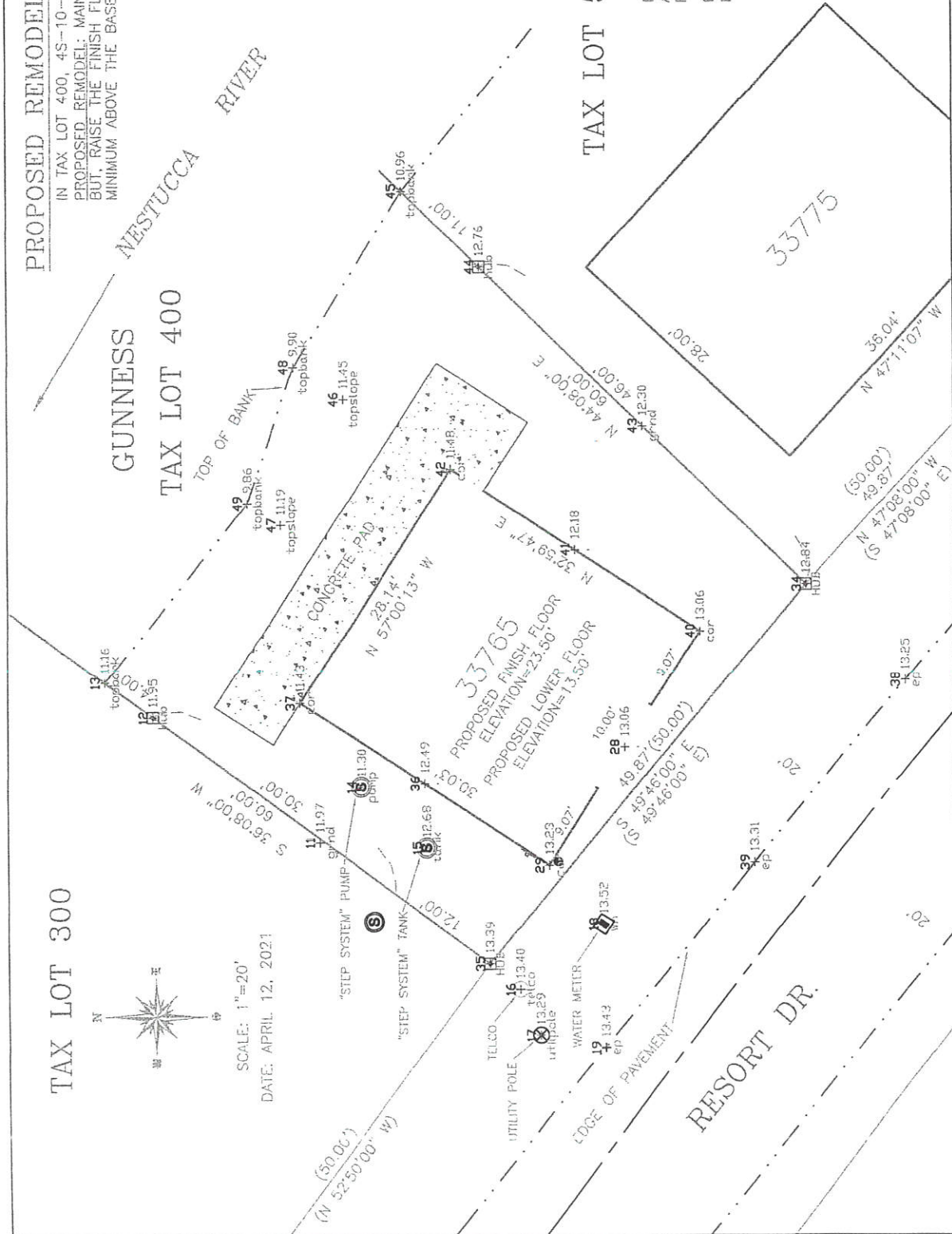


EXHIBIT C



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN# *

WN2022-0100

Responsible Jurisdiction

Staff Contact

Lynn Tone

Jurisdiction Type

County

Municipality

Tillamook

Local case file #

851-21-000230-PLNG

County

Tillamook

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
04S	10W	19	AD	400

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Tillamook

Latitude

43.887534

Longitude

-121.455793

Wetland/Waterway/Other Water Features

There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

The National Wetlands Inventory shows wetland, waterway or other water features on the property

The property includes or is adjacent to a State Scenic Waterway.

Your Activity

It appears that the proposed project is within a designated State Scenic Waterway and **may** require a State permit.

}	}
}	}

It appears that the proposed project **may** impact wetlands and **may** require a State permit.

An onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the site has wetlands or other waters that may be regulated. The determination or delineation report should be submitted to DSL for review and approval. Approved maps will have a DSL stamp with approval date and expiration date.

Applicable Oregon Removal-Fill Permit Requirement(s)

A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

A state permit is required for any amount of fill or removal activity within State Scenic Waterways.

Closing Information

Additional Comments

This site appears to have a delineation submitted to DSL, pending review (WD2021-0699). Please continue to work with the DSL contact assigned to this delineation, Jessica Salgado, regrading this site.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

3/2/2022

Response by:

Matthew Unitis

Response Phone:

503-986-5262

)
)

)
)

Melissa Jenck

From: BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov>
Sent: Tuesday, May 3, 2022 8:33 AM
To: Melissa Jenck; jeffsgunness@gmail.com
Cc: Sarah Absher
Subject: EXTERNAL: 33765 Resort Dr.
Attachments: 33765 Resort Dr.jpg; PXL_20220502_215606536.jpg; PXL_20220502_215543181.jpg

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

I visited this residence yesterday to mark the estuary setback. As you can see from the attached aerial, the 50 foot line is mostly beyond the house (between the house and Resort Dr.).

The rear deck (river side) is between 11 and 15 feet from the estuary, the foundation the river side is between 17 and 21.5 feet from the estuary line, and foundation on the road side is at 47-51.5 feet.

My understanding is that the owner is planning to raise the house in the current footprint. This would not have any further biological consequences as compared to the existing structure.

The bank is showing some signs of erosion. I would not recommend any further encroachment toward the estuary and would suggest planting some native shrubs or willow to help stabilize the bank.

Robert

Robert W. Bradley
District Fish Biologist
Oregon Department of Fish and Wildlife
North Coast Watershed District
4907 Third St
Tillamook, OR 97141
503-842-2741 x18613 (w)
503-842-8385 (fax)

Note new email address as of 4/26/21: Robert.Bradley@odfw.oregon.gov





33735

33745

33765

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Google

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Resort Dr

Resort Dr

Resort Dr

Resort Dr

Resort Dr



Layers

