



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

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Planning (503) 842-3408
On-Site Sanitation (503) 842-3409
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Land of Cheese, Trees and Ocean Breeze

RIPARIAN EXCEPTION #851-21-000444-PLNG: NESTUCCA RIDGE DEVELOPMENT

ADMINISTRATIVE DECISION AND STAFF REPORT

DECISION: Approved with Conditions

DECISION DATE: April 1, 2022

REPORT PREPARED BY: Sarah Absher, CFM, Director

A handwritten signature in blue ink, appearing to be 'SAB', is written over the name 'Sarah Absher' in the 'REPORT PREPARED BY' line.

I. GENERAL INFORMATION:

Request: An exception request to reduce the required 50-foot riparian setback from the Estuary Conservation (EC1) zone to 20-feet (Exhibit B).

Location: Located within the Pacific City/Woods Unincorporated Community and accessed from Brooten Road, a County road, the subject property is designated as Tax Lot 1300 in Section 30BD of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).

Zone: Pacific City/Woods High Density Residential (PCW-R3) and Estuary Conservation (EC1)

Applicant: Jones Architecture, 120 NW 9th Avenue, STE #210, Portland, OR 97209

Property Owner: Nestucca Ridge Development, 9005 Nestucca Ridge Road, Pacific City, OR 97135

Description of Site and Vicinity: The subject property is triangular in shape, encompasses 0.34 acres (approximately 14,810 square feet) and is located within the southern region of the unincorporated community of Pacific City/Woods (Exhibit A). The property is currently unimproved and is vegetated along the eastern region. A slough connected to the tidally influenced stretch of the Nestucca River traverses in a north/southwesterly direction in this region of the community and the easterly property line of the subject property is also the centerline of the slough (Exhibits A & B). Roughly 30 to 40-feet of the eastern portion of the subject property is

the slough (Exhibits A & B). The topography at the location proposed for development consists of a moderately flat area with slopes in the eastern region of the property down towards the slough (Exhibits A and B).

Riparian habitat values are discussed further in this report. No wetland or natural features are mapped on the subject property outside of the slough (Exhibit A). 'Exhibit B' contains a site plan and an aerial image of the vicinity which depicts the location of the proposed riparian setback as well as a site plan depicting the proposed setback from the riparian corridor and proposed location of structures (Exhibit B).

Portions of the property are within the AE Area of Special Flood Hazard as depicted on FEMA FIRM 41057C0855F dated September 28, 2018 (Exhibit A).

Applicant is proposing to construct a multi-family dwelling on the subject property and is requesting to establish a 20-foot riparian setback, a 30-foot reduction to the required 50-foot riparian area from the slough (Exhibit B).

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

The desired use is governed through the following sections of the Tillamook County Land Use Ordinance (TCLUO). The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. TCLUO Section 3.334 Pacific City/Woods High Density Residential (PCW-R3) zone
- B. TCLUO Section 3.510 Flood Hazard Overlay (FH) zone
- C. TCLUO Section 4.140 Requirements for Protection of Water Quality and Streambank Stabilization

III. ANALYSIS:

Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on February 18, 2022. Two comments were received, are included in "Exhibit C" of this report and are summarized below:

- Concerns raised that disturbance to the riparian area would create a hazard to the bridge which serves as a tsunami evacuation route.
- Concerns raised that reduction in riparian setback would create hazard to the water and bank of all property owners downstream including east and west canals.
- No comments from the US Army Corps of Engineers (USACE).

Findings: Notice of this application was sent to the Oregon Department of Fish & Wildlife as well as the Oregon Department of State Lands, who has jurisdiction over all waterways in the State of Oregon. No comments were received from either agency during the public comment period.

Analysis of the request in relation to the criteria that are the basis for the decision to grant or deny an exception request, including the requirement for a riparian habitat value assessment by ODFW, are discussed in Section C below. Concerns related to protection of the riparian corridor are also addressed below and reflected in the Conditions of Approval.

A. Section 3.334: Pacific City/Woods Medium Residential (PCW-R3) Zone

The purpose of the PCW-R3 zone is to designate areas for a medium to high-density mix of dwelling types and other, compatible, uses. The PCW-R3 zone is intended for densely-developed areas or areas that are suitable for high density urban development because of level topography and the absence of hazards, and because public facilities and services can accommodate a high level of use.

1. **Section 3.334 (4) Standards:** *Land divisions and development in the PCW-R3 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:*

...

- (d) *The minimum front yard shall be 15 feet. For multifamily dwellings, the combination of front and rear yard setbacks shall be 30 feet, but neither shall be less than 10 feet.*
- (e) *The minimum side yard shall be 5 feet; on the street side of a corner lot it shall be no less than 15 feet.*
- (f) *The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet. For multifamily dwellings, the combination of front and rear yard setbacks shall be 30 feet, but neither shall be less than 10 feet; on a corner lot it shall be no less than 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: Applicant’s submittal confirms the setbacks of the PCW-R3 zone can be met for construction of a multi-family dwelling (Exhibit B). Staff finds a Condition of Approval has been made to require demonstration that the applicable development standards of the PCW-R3 zone are met at the time of consolidated Zoning and Building Permit application submittal.

B. Findings for TCLUO Section 3.510 Flood Hazard Overlay (FH) zone

Portions of the subject property are within an AE Area of Special Flood Hazard as depicted on FEMA FIRM 41057C0855F dated September 28, 2018 (Exhibit A). Staff finds that as a Condition of Approval, Applicant shall obtain an approved Floodplain Development Permit demonstrating compliance with the requirements of TCLUO Section 3.510. Confirmation shall be demonstrated at the time of consolidated Zoning/Building Permit application submittal.

C. Findings for TCLUO Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization

TCLUO Section 4.140 identifies as areas of riparian vegetation that area within 50 feet of the Nestucca River measured from the more landward of the line of non-aquatic vegetation or the mean high-water line. TCLUO Section 4.140 also limits removal of vegetation and development within those areas of riparian vegetation.

TCLUO 4.140(2) requires all development to be located outside of riparia areas with some exceptions. Exceptions include the following:

...

- (c) *Because of natural features such as topography, a narrower riparian area protects equivalent habitat values; or*
- (d) *A minimal amount of riparian vegetation is present and dense development in the general vicinity significantly degrades riparian habitat values.*

TCLUO 4.140(2) also provides for an Exception process for certain types of development based on a determination to be made by ODFW that a narrower riparian area provides equivalent protection value or minimal vegetation is present and existing development degrades riparian values.

Applicant’s Site Plan anticipates that the closest point of the proposed development will be twenty (20) feet from the line of non-aquatic vegetation and that the yard opposite the riparian area – the front yard – will maintain the required 10-foot front yard setback for a multi-family dwelling (Exhibit B).

Comments from Robert Bradley, ODFW District Fish Biologist, were included in the Applicant’s submittal and are also included in “Exhibit B”. Staff finds that ODFW has provided a determination that a minimal amount of riparian vegetation is present as much of the vegetation outside of the 20-foot riparian corridor is invasive blackberry, scotch broom and canary grass. ODFW also concludes that the surrounding area is highly developed and the 50-foot riparian setback could be reduced to the minimum 20-feet with little additional impact (Exhibit B). ODFW also recognized that given the size and shape of the subject property, utilizing a 50-foot setback would

preclude use of most of the property, and has recommended retention of all trees and native vegetation within the 20-foot setback with no further encroachment towards the estuary (slough) (Exhibit B).

Staff finds that the determination by Mr. Bradley meets the criterion of TCLUO Section 4.140(2)(d). To ensure that the threat of erosion will not increase as a result of the proposed activities, a Condition of Approval has been made to require the Applicant to incorporate a vegetation maintenance plan for the riparian area to promote bank stabilization. Staff finds that an exception to allow the reduction of the riparian setback from 50 feet to 20 feet can be granted subject to Conditions of Approval requiring that the applicant/property owner to adhere to the recommendations stated by ODFW.

IV. DECISION: APPROVED WITH CONDITIONS

Staff concludes that the applicant has satisfied the review criteria and can meet all applicable ordinance. Therefore, Staff approves this request for an exception to the riparian setback subject to the Conditions of Approval in Section V of this report. 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/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 April 13, 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/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. All applicable permits, including a consolidated Zoning and Building Permit from the Tillamook County Department of Community Development shall be obtained prior to construction the proposed development.
3. A minimum 20-foot riparian setback from the slough of 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.
4. The applicant/property owner shall maintain the vegetated 20-foot riparian corridor. All tress and native vegetation shall be maintained with no further encroachment toward the estuary.
5. The applicant/property owner shall submit a site plan drawn to scale that confirms all required setbacks, including the 30-foot riparian setback, 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.
6. The applicant/property owner shall obtain an approved Road Approach permit from the Tillamook County Public Works Department for development of the property.

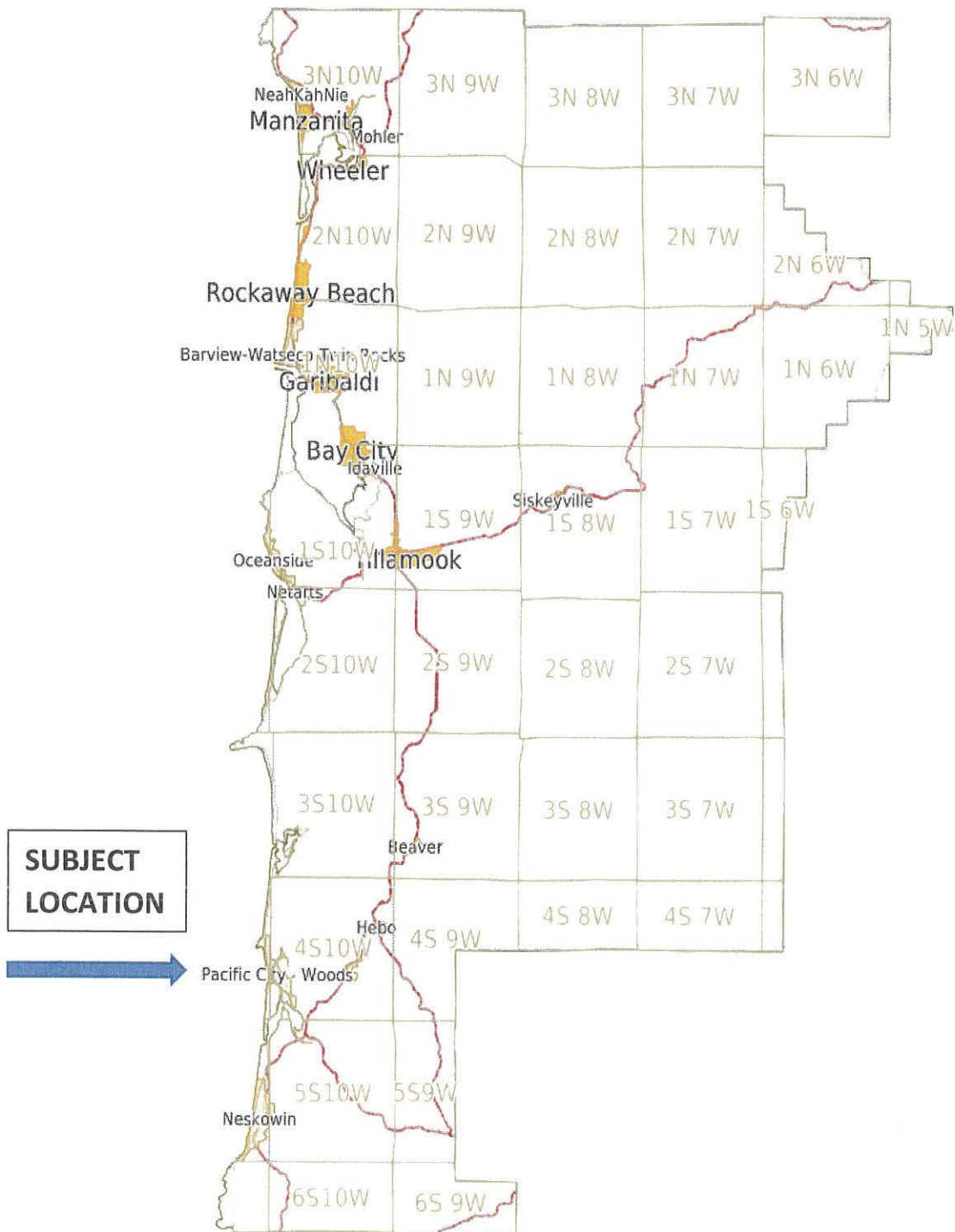
7. The applicant/property owner shall obtain a water and sewer availability letter from the Pacific City Joint Water-Sewer Authority and a fire letter from the Nestucca Rural Fire Protection District. Letters shall be submitted to the Department of Community Development at the time of consolidated Zoning and Building Permit application submittal.
8. Development shall otherwise comply with the applicable standards and requirements of TCLUO Section 3.334: Pacific City/Woods High Density Residential (PCW-R3) Zone.
9. A Floodplain Development Permit is required for development within the Area of Special Flood Hazard. Applicant shall obtain an approved Floodplain Development Permit demonstrating compliance with the requirements of TCLUO Section 3.510 prior to or at the time of consolidated Zoning and Building Permit application submittal.
10. 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
- B. Applicant's Submittal
- C. Comments

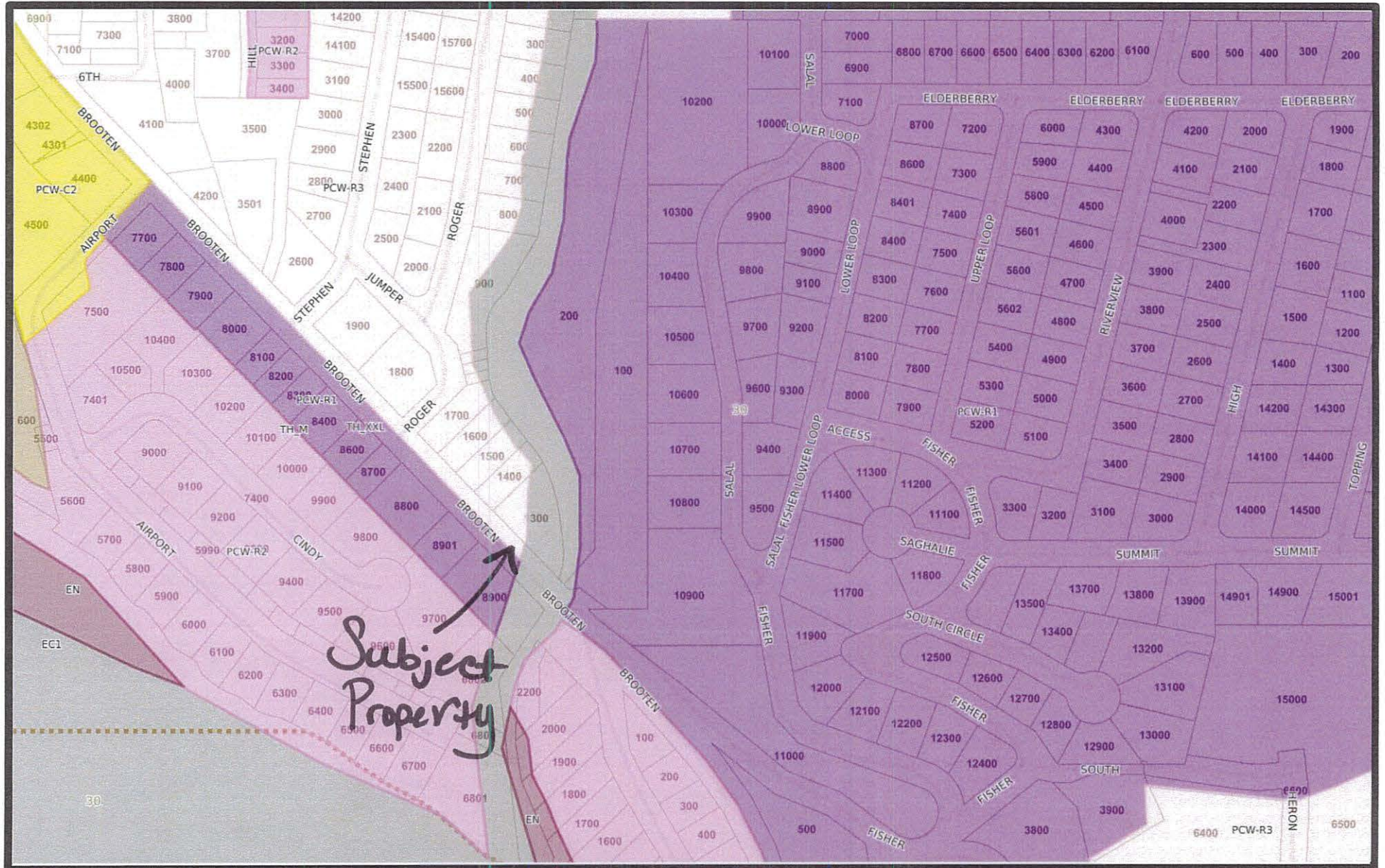
EXHIBIT A

VICINITY MAP

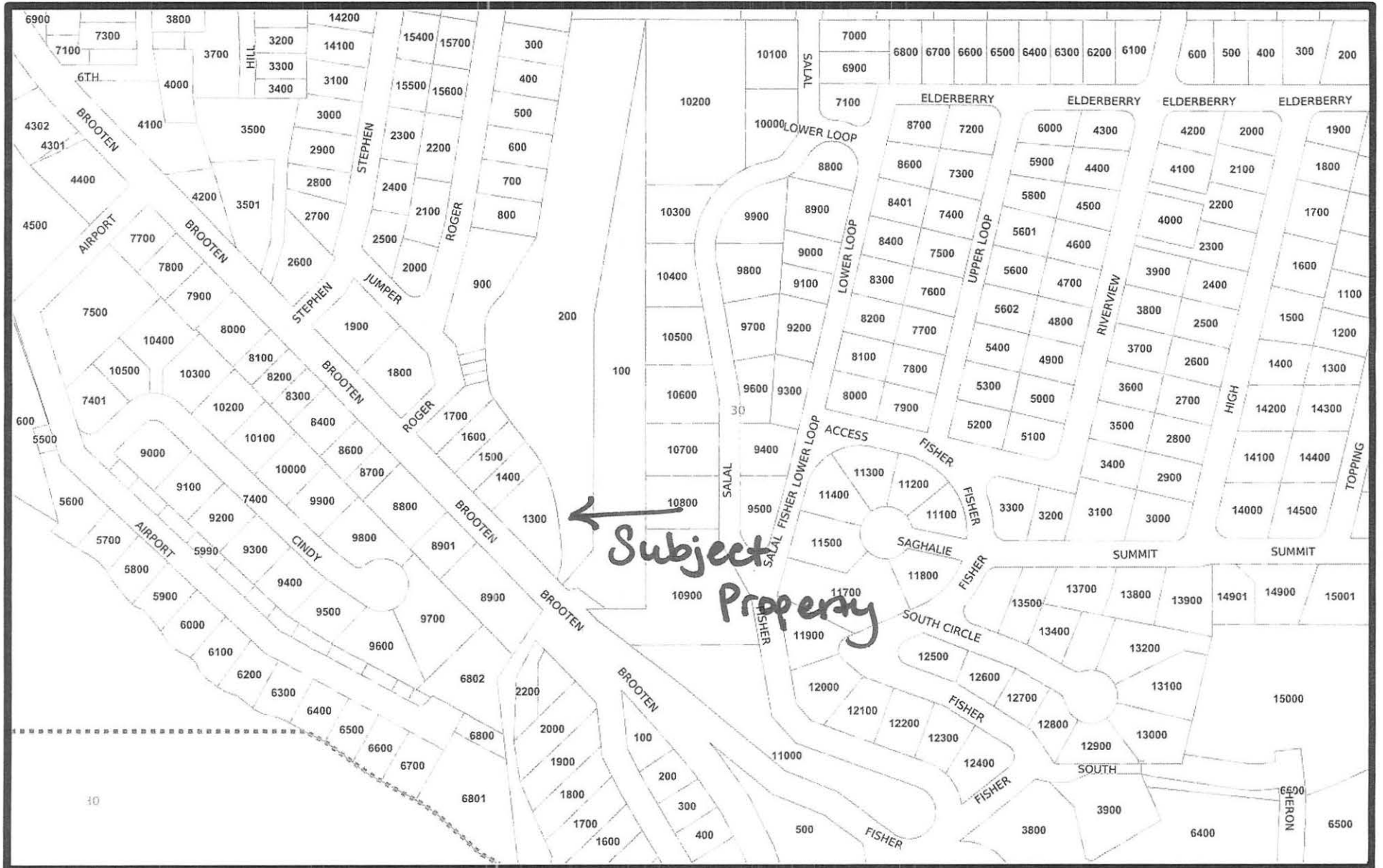


#851-21-000444-PLNG: NESTUCCA RIDGE
DEVELOPMENT

Map



Map





**#851-21-000444-PLNG:
NESTUCCA RIDGE DEVELOPMENT**

National Flood Hazard Layer FIRMette



123°57'44"W 45°12'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, AQ, 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 X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone
		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
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 3/31/2022 at 9:16 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.

Map

NWI LAYER

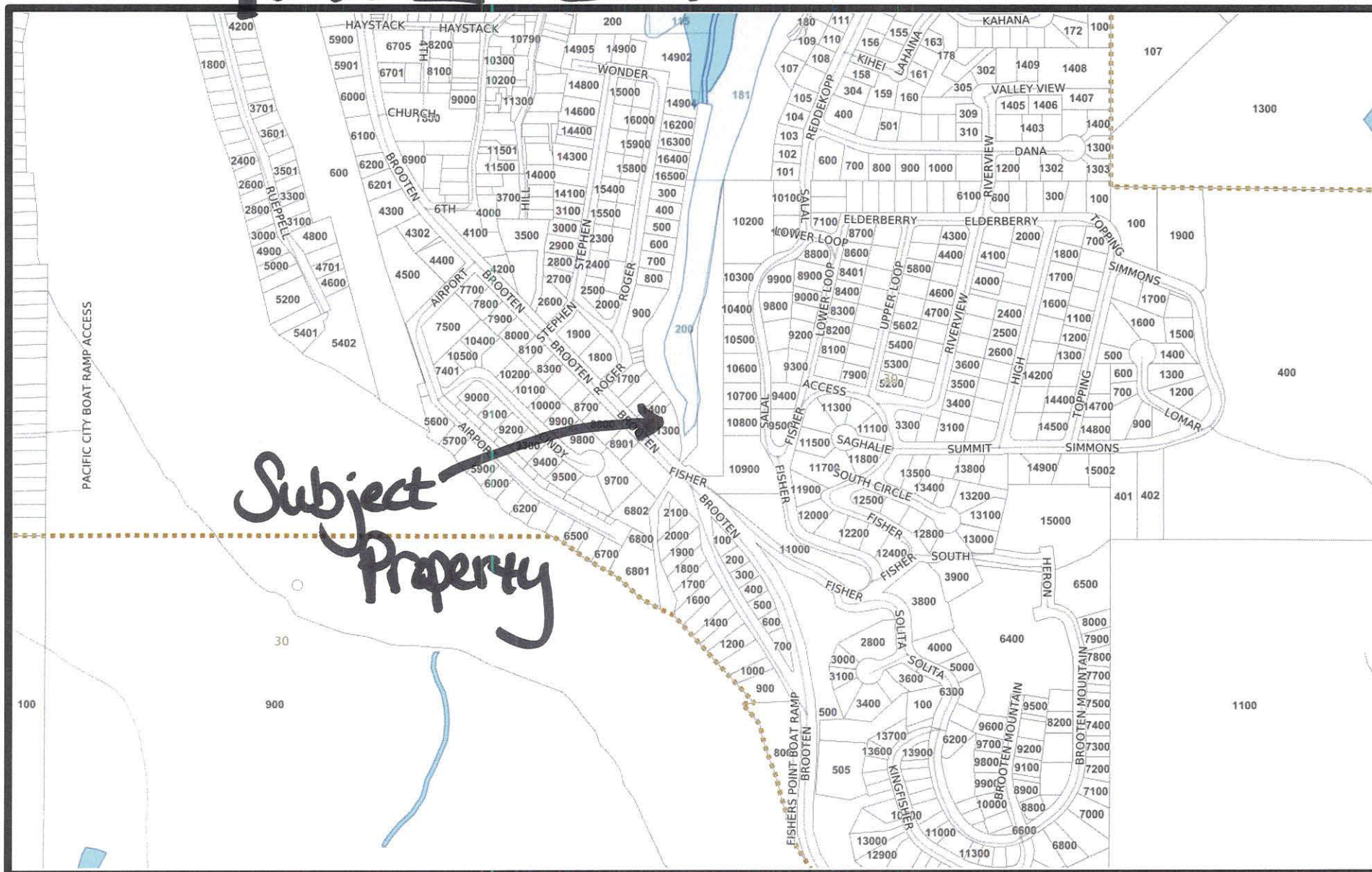


EXHIBIT B



Tillamook County Department of Community Development
 1510-B Third Street, Tillamook, OR 97141 | Tel: 503-842-3408 Fax: 503-842-1819
www.co.tillamook.or.us

PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: JONES ARCHITECTURE Phone: 503 477 9165
 Address: 120 NW 9TH AVENUE, SUITE #210
 City: PORTLAND State: OR Zip: 97209
 Email: mbullard@jonesarc.com

Property Owner

Name: NESTUCCA RIDGE DEVELOPMENT Phone: 503 965 7779
 Address: 9005 NESTUCCA RIDGE ROAD
 City: PACIFIC CITY State: OR Zip: 97135
 Email: maryjjones@nestuccaridge.com

OFFICE USE ONLY	
Date Stamp	
RECEIVED	
DEC 17 2021	
BY: <u>Email</u>	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: <u>MJ</u>	
Receipt #:	
Fees: <u>615.00</u>	
Permit No: <u>851-21-000444-PLNG</u>	

Request: Type II Land Use Approval for reduction of riparian setback, per ODFW site approval. See attached narrative for additional information. ODFW correspondence and survey showing reduced setback are also included for reference.

- | Type II | Type III | Type IV |
|---|--|---|
| <input type="checkbox"/> Farm/Forest Review | <input type="checkbox"/> Appeal of Director's Decision | <input type="checkbox"/> Appeal of Planning Commission Decision |
| <input type="checkbox"/> Conditional Use Review | <input type="checkbox"/> Extension of Time | <input type="checkbox"/> Ordinance Amendment |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Detailed Hazard Report | <input type="checkbox"/> Large-Scale Zoning Map Amendment |
| <input checked="" type="checkbox"/> Exception to Resource or Riparian Setback | <input type="checkbox"/> Conditional Use (As deemed by Director) | <input type="checkbox"/> Plan and/or Code Text Amendment |
| <input type="checkbox"/> Nonconforming Review (Major or Minor) | <input type="checkbox"/> Ordinance Amendment | |
| <input type="checkbox"/> Development Permit Review for Estuary Development | <input type="checkbox"/> Map Amendment | |
| <input type="checkbox"/> Non-farm dwelling in Farm Zone | <input type="checkbox"/> Goal Exception | |
| <input type="checkbox"/> Foredune Grading Permit Review | | |
| <input type="checkbox"/> Neskowin Coastal Hazards Area | | |

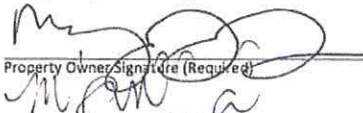

Location:

Site Address: LOT 1300 BROOTEN ROAD, PACIFIC CITY, OR
 Map Number: 04S 10W 30BD 1300
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.

	11/5/2021
Property Owner Signature (Required)	Date
	11/5/2021
Applicant Signature	Date

MEMORANDUM

PROJECT Canal House, Brooten Road – Pacific City, OR
 SUBJECT Type II Planning Review Narrative
 DATE November 12, 2021
 TO Tillamook County Community Development
 CC Project Team
 Project File

ATTACHMENTS Site Plan
 Site Survey
 ODFW Correspondence (via email, July 9, 2021)

The following is an overall project summary, as well as narrative response to the applicable zoning criteria that we are addressing as part of this Development Permit review process.

ZONING SUMMARY

ZONING PCW-R3
 MAP NUMBER 04S10W30BD
 TAX LOT 1300
 PROPOSED USE Multi-Family (4-Units Workforce Housing)

PROJECT DESCRIPTION

The proposed scope of work includes the construction of a new two-story, four-unit workforce housing complex. The project will be partially modular with the residential units constructed off-site and set on to a site-built foundation. All habitable space to be located above Base Flood Elevation.

The residential units are located on the second and third levels, elevated one story above grade with parking at-grade, under the buildings. Enclosed storage space is also located at grade.

The site is located an AE zone, a Flood Hazard Overlay Zone (FH). The site is located adjacent to an existing waterway and is partly in Estuary Conservation 1 Zone (EC1).

Fwd: 35787 Brooten Rd.

From: **Peter Schons** | peter@trimtab.consulting

Friday,
Jul 9,
3:16 PM

To: **michael@allbrightkittel.com**, **Meaghan Bullard** | mbullard@jonesarc.com, **Alan W. Jones AIA** | ajones@jonesarc.com, **Jeff Schons** | jeff@nestuccaridge.com, **Mary Jones** | mary@shorepineproperties.com, **Stephanie Starostka Welch** | SSW@nestuccaridge.com

From: **Robert Bradley** | Robert.Bradley@state.or.us To: **Melissa Jenck** | mjenck@co.tillamook.or.us Tuesday, Mar 23, 2:41 AM

I visited this location in Pacific City today to measure the estuary setback. Attached is an aerial with the approximate 50 foot setback marked in blue and the approximate 20 foot setback marked in red. Also a photo of the flags I marked along the 20 foot line.

Utilizing a 50 foot setback would preclude use of most of the lot. The surrounding area is highly developed and the setback could be reduced to the minimum 20 feet with little additional impact. Much of the vegetation outside the 20 foot setback is invasive blackberry, scotch broom and canary grass.

ODFW recommends retention of all trees and native vegetation within the 20 foot setback, with no further encroachment toward the estuary.

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)

} } }

TYPE II APPROVAL CRITERIA

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.*

...

(c) *Because of natural features such as topography, a narrower riparian area protects equivalent habitat values; or*

(d) *A minimal amount of riparian vegetation is present and dense development in the general vicinity significantly degrades riparian habitat values.*

...

Setbacks may be reduced under the provisions of (c) and (d) above only if the threat of erosion will not increase and a minimum 20 foot setback is maintained. Determinations of habitat values will be made by the Oregon Department of Fish and Wildlife.

PROPOSAL: ODFW visited the site and approved a setback reduction from 50' to 20'. The reduced setback was flagged on site and surveyed. A Site Plan (A010) and survey (A011) are included with the submission; both drawings identify the setback as "20' RIPARIAN SETBACK BY ODFW". ODFW correspondence is included with this submission, and has been previously sent directly to the County by Robert Bradley.

Please refer to ODFW correspondence.

)
)

)
)





JONES

JONES ARCHITECTURE

100 NW PALM BLVD. SUITE 200
PORTLAND, OREGON 97208
503.277.7898
www.jonesarch.com



CANAL HOUSE

21-008
LOT 1380
PACIFIC CITY, OR

DEVELOPMENT PERMIT

NOVEMBER 05, 2021

COMPILED BY:
THIS PLAN IS AN INSTRUMENT OF SERVICE.
IT IS THE PROPERTY OF JONES ARCHITECTURE AND SHALL REMAIN THE PROPERTY OF JONES ARCHITECTURE AND NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF JONES ARCHITECTURE. ALL RIGHTS ARE RESERVED. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PROJECTS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF JONES ARCHITECTURE. ALL RIGHTS ARE RESERVED.

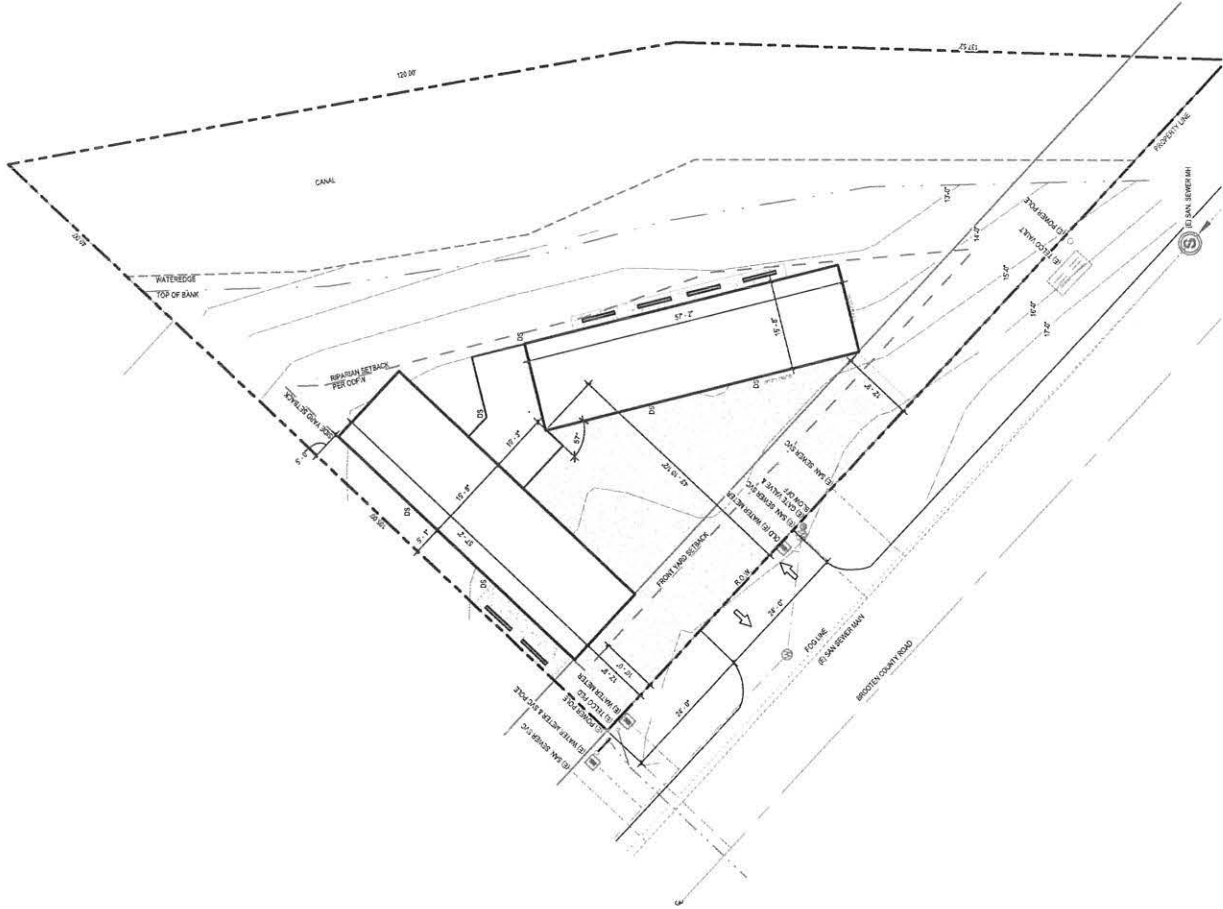
REVISIONS:

SITE PLAN

A.010

PLAN LEGEND

[Symbol]	APPROVAL FINISH
[Symbol]	SLAB ON GRADE
[Symbol]	SETBACKS



1. SITE PLAN
1/8" = 1'-0"

JONES

JONES ARCHITECTURE

120 NW 8TH AVE. STE. 210
PORTLAND, OREGON 97208
T 503.477.9185
www.jonesarc.com



TOPOGRAPHIC SURVEY

FOR

NESTUCA RIDGE DEVELOPMENT CO.

IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 SOUTH,
RANGE 10 WEST OF THE WILLAMETTE MERIDIAN, PACIFIC CITY, TILLAMOOK COUNTY, OREGON

COUNTY ASSESSOR'S MAP NUMBER: 45-10-30-BD, TAX LOT 1300

SURVEY & MAP BY: KELLOW LAND SURVEYING
P.O. BOX 155
PACIFIC CITY, OR 97135
(503)801-3557



DATE: MARCH 27, 2021



SCALE: 1"=10'

ELEVATION DATUM USED FOR THIS SURVEY
WAS DERIVED FROM A TILLAMOOK COUNTY
SURVEYOR'S OFFICE BENCHMARK ON
BROOKEN ROAD AND ROCKY AVENUE.
NAVD 1988 DATUM.

FEMA FLOOD HAZARD MAP: 41057C0855F EFF. 05/25/
FLOOD ZONE, ZONE AE - BASE FLOOD ELEVATION +16
ELEVATION DATUM: NAVD 1988

CANAL HOUSE

21-006

LOT 1300
PACIFIC CITY, OR

DEVELOPMENT
PERMIT

NOVEMBER 05, 2021

COPYRIGHT

THESE PLANS ARE AN INSTRUMENT OF
THE SERVICE AND ARE THE PROPERTY
OF THE ARCHITECT, AND MAY NOT BE
REPRODUCED, COPIED, OR
REPRODUCED WITHOUT THE WRITTEN
CONSENT OF THE ARCHITECT.
COPYRIGHTS AND REFINEMENTS WILL
BE ENFORCED AND PROSECUTED.

REVISIONS:

SURVEY (FOR
REFERENCE ONLY)

A.011

1 SURVEY (FOR REFERENCE ONLY)
12" = 10'

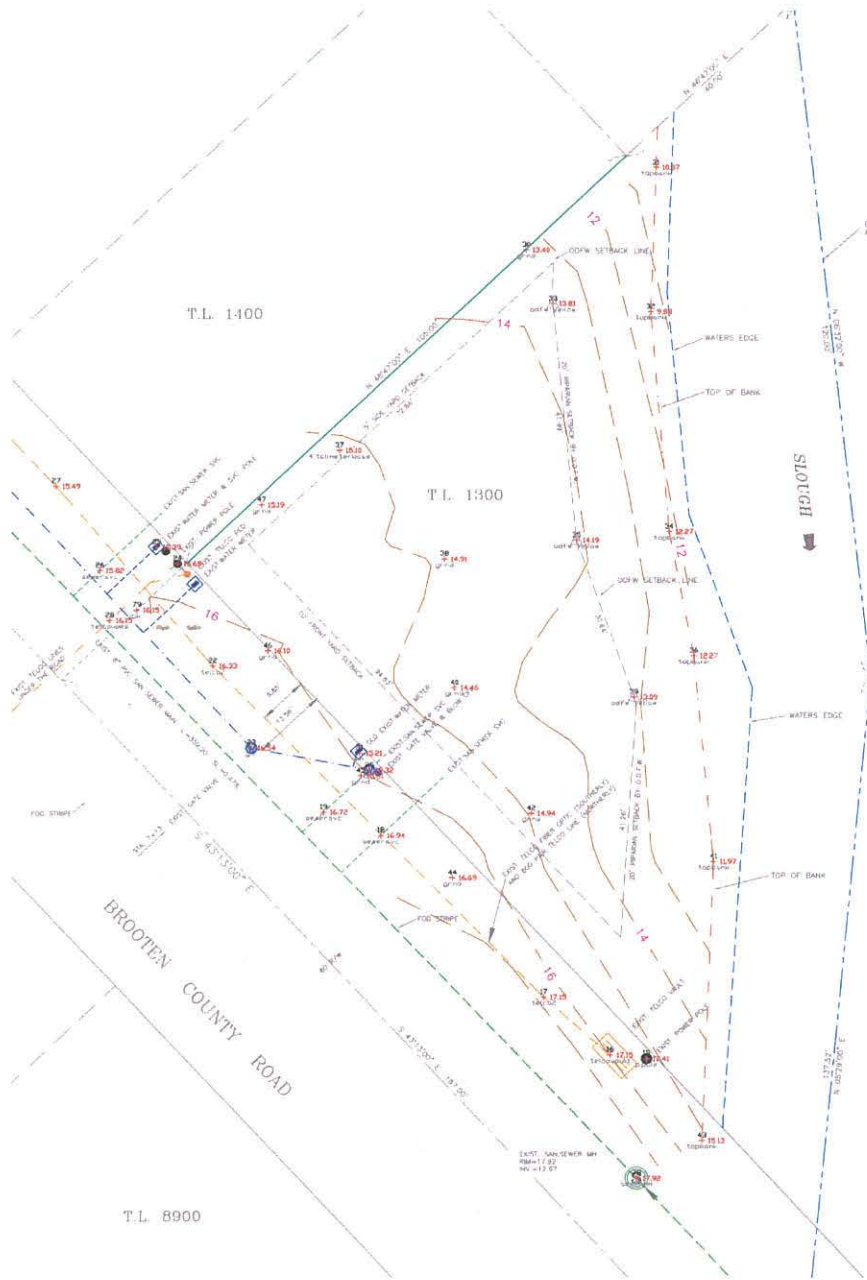


EXHIBIT C

Sarah Absher

From: Teeny Marcum <villageprintshop@hotmail.com>
Sent: Friday, March 4, 2022 8:54 AM
To: Sarah Absher
Subject: EXTERNAL: Riparian Exception Request #851-21-000444-plng: Nestucca Ridge Development Comments

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

#851-21-000444-plng: Nestucca Ridge Development

I as a property owner downstream have received a copy of the application and a map of the request on 1300 tax lot area.

I have concerns of this request:

- 1 - The following areas of riparian vegetation are already defined for reason.
- 2 - The measurements are horizontal perpendicular.
- 3 - This property has more than 20 percent grade making it a 6000 square foot minimum.
- 4 - With this canal slough property connected to the adjacent Brooten road bridge, disturbing any riparian would create a hazard to the bridge
and to all the waterway and banks of all property owners downstream including East and West Canals.
- 5 - Mentioning Fish and Game report.
But no mention of Corps of Engineers report, who is responsible for all waterways.
Just to put a dock in the slough or canal connected to the banks of the slough or canal
Corps of Engineers must to be contacted with no mention of that in this notice.

**Section 3.334 pcw-r3 zone Pacific City Woods
#4 Standards Land divisions and development in the R3 zone**

- (A) standards
- (B) standards: This 1300 tax lot should be considered a corner lot with slough canal waterway and Brooten road on two sides.
- (C) standards
- (D) standards
- (E) standards
- (F) standards
- (G) standards: With this 1300 tax lot being located on the waterway downstream from the Beachy Bridge and adjacent to Brooten Road slough canal bridge.
All these standards A through G should be met as written in Section 3.334 pcw-r3 zone Pacific City Woods.

My comment is Brooten road's slough canal bridge is Pacific City's escape route for a catastrophic flood, tsunami to higher ground.

To disturb any riparian would be a big mistake.

Especially in the angle of the slough going under the Brooten road slough bridge.

History: there used to be a single wide mobile home on the property.

The setbacks to it were the minimum, to the road and to the banks of the slough canal. I've seen personally, the slough canal flood over the banks up to the southeast corner of this mobile home within the last 20 years.

Tillamook County's decision on this request holds the future and the well-being of all Waterway residence above and below this slough property and the residence of Pacific City for the safety of the Brooten road slough bridge.

Thank you for asking for my judgment and observation on this notification.

Scott Marcum
crusherservice@hotmail.com
503-559-7374

Sarah Absher

From: John Spence
Sent: Friday, March 4, 2022 3:31 PM
To: Sarah Absher
Subject: Fwd: EXTERNAL: [John Spence] Riparian Exception Request #851-21-000444-PLNG: Nestucca Ridge Development Notice of Administrative Review

Sarah,

I texted you also but assumed you would re-distribute as appropriate.

Hope you are well!

John

Sent from John D Spence
Tillamook County Communications

Begin forwarded message:

From: Tillamook County OR <tillamookcounty-or@municodeweb.com>
Date: March 4, 2022 at 09:02:15 PST
To: John Spence <jspence@co.tillamook.or.us>
Subject: EXTERNAL: [John Spence] Riparian Exception Request #851-21-000444-PLNG: Nestucca Ridge Development Notice of Administrative Review
Reply-To: crusherservice@hotmail.com, webmaster@co.tillamook.or.us

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

Scott Marcum (crusherservice@hotmail.com) sent a message using the contact form at <https://www.co.tillamook.or.us/>.

#851-21-000444-plng: Nestucca Ridge Development

I as a property owner downstream have received a copy of the application and a map of the request on 1300 tax lot area.

I have concerns of this request:

- 1 - The following areas of riparian vegetation are already defined for reason.
- 2 - The measurements are horizontal perpendicular.
- 3 - This property has more than 20 percent grade making it a 6000 square foot minimum.

4 - With this canal slough property connected to the adjacent Brooten road bridge, disturbing any riparian would create a hazard to the bridge and to all the waterway and banks of all property owners downstream including East and West Canals.

5 - Mentioning Fish and Game report.

But no mention of Corps of Engineers report, who is responsible for all waterways.

Just to put a dock in the slough or canal connected to the banks of the slough or canal

Corps of Engineers must to be contacted with no mention of that in this notice.

Section 3.334 pcw-r3 zone Pacific City Woods

#4 Standards Land divisions and development in the R3 zone

(A) standards

(B) standards: This 1300 tax lot should be considered a corner lot with slough canal waterway and Brooten road on two sides.

(C) standards

(D) standards

(E) standards

(F) standards

(G) standards: With this 1300 tax lot being located on the waterway downstream from the Beachy Bridge and adjacent to Brooten Road slough canal bridge.

All these standards A through G should be met as written in Section 3.334 pcw-r3 zone Pacific City Woods.

My comment is Brooten road's slough canal bridge is Pacific City's escape route for a catastrophic flood, tsunami to higher ground.

To disturb any riparian would be a big mistake.

Especially in the angle of the slough going under the Brooten road slough bridge.

History: there used to be a single wide mobile home on the property.

The setbacks to it were the minimum, to the road and to the banks of the slough canal.

I've seen personally, the slough canal flood over the banks up to the southeast corner of this mobile home within the last 20 years.

Tillamook County's decision on this request holds the future and the well-being of all Waterway residence above and below this slough property and the residence of Pacific City for the safety of the Brooten road slough bridge.

Thank you for asking for my judgment and observation on this notification.

Scott Marcum

crusherservice@hotmail.com

503-559-7374