



1510 – B Third Street
Tillamook, Oregon 97141
www.tillamook.or.us
Building (503) 842-3407
Planning (503) 842-3408
Sanitation (503) 842-3409
FAX (503) 842-1819
Toll Free 1(800) 488-8280

Land of Cheese, Trees and Ocean Breeze

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

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

NOTICE OF ADMINISTRATIVE REVIEW

Date of Notice: February 18, 2022

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

#851-21-000444-PLNG: An exception request to reduce the required 50-foot riparian setback from the Estuary Conservation (EC1) zone to 20-feet. The subject property is located within the Pacific City/Woods Unincorporated Community, is zoned Pacific City/Woods High Density Residential (PCW-R3) and Estuary Conservation (EC1) due to its location lying adjacent to a Nestucca River slough. The subject property is accessed from Brooten Road, a County road and is designated as Tax Lot 1300 in Section 30BD of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. Applicant is Jones Architecture. Property Owner is Nestucca Ridge Development.

Written comments received by the Department of Community Development prior to 4:00p.m. on March 4, 2022, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than the next business day, March 7, 2022.

Notice of the application, a map of the subject area, and the applicable criteria are being mailed to all property owners within 250 feet of the exterior boundaries of the subject parcel for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection 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.

If you have any questions about this application, please call the Department of Community Development at 503-842-3408 Ext. 3412 or sabsher@co.tillamook.or.us.

Sincerely,

A handwritten signature in blue ink that reads "Sarah Absher". The signature is fluid and cursive.

Sarah Absher, CFM, Director

Enc. Applicable Ordinance Criteria, Maps

REVIEW 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.

...

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.

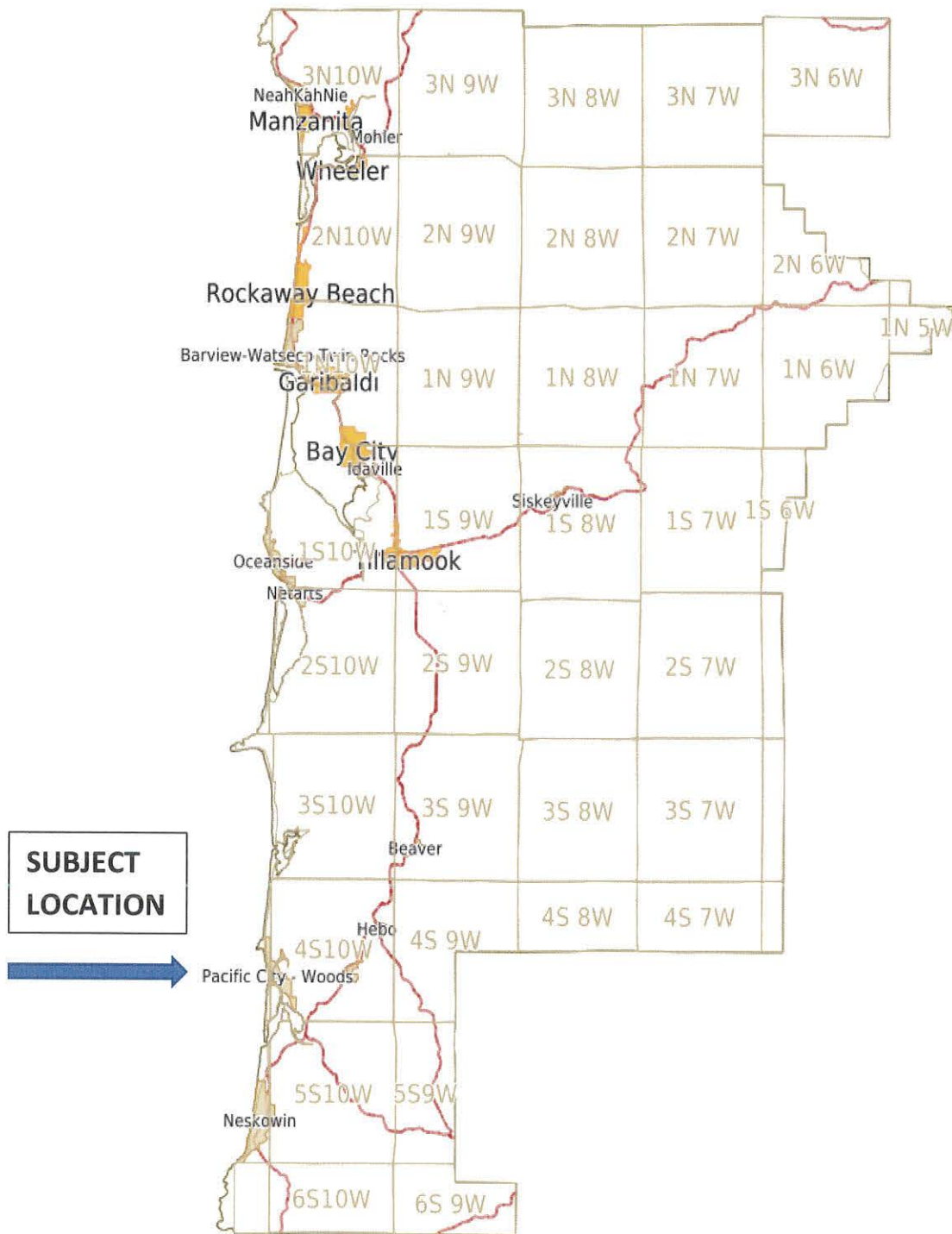
(2) All development shall be located outside of areas listed in (1) above, unless:

...

(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.

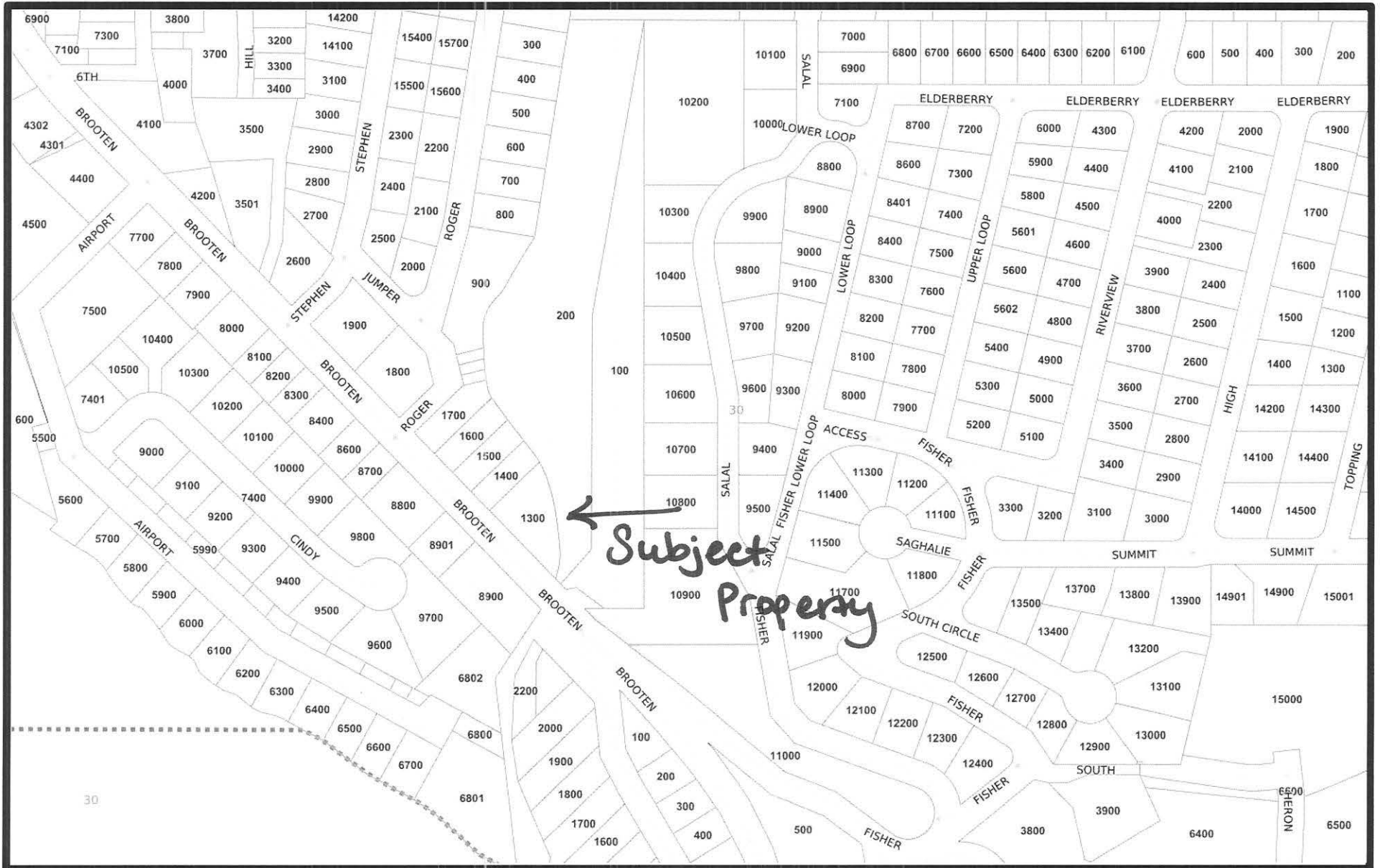
Setbacks may be reduced under the provisions of (c) and (d) above only if the threat of erosion will not increase and a minimum 20-foot setback is maintained. Determinations of habitat values will be made by the Oregon Department of Fish and Wildlife.

VICINITY MAP

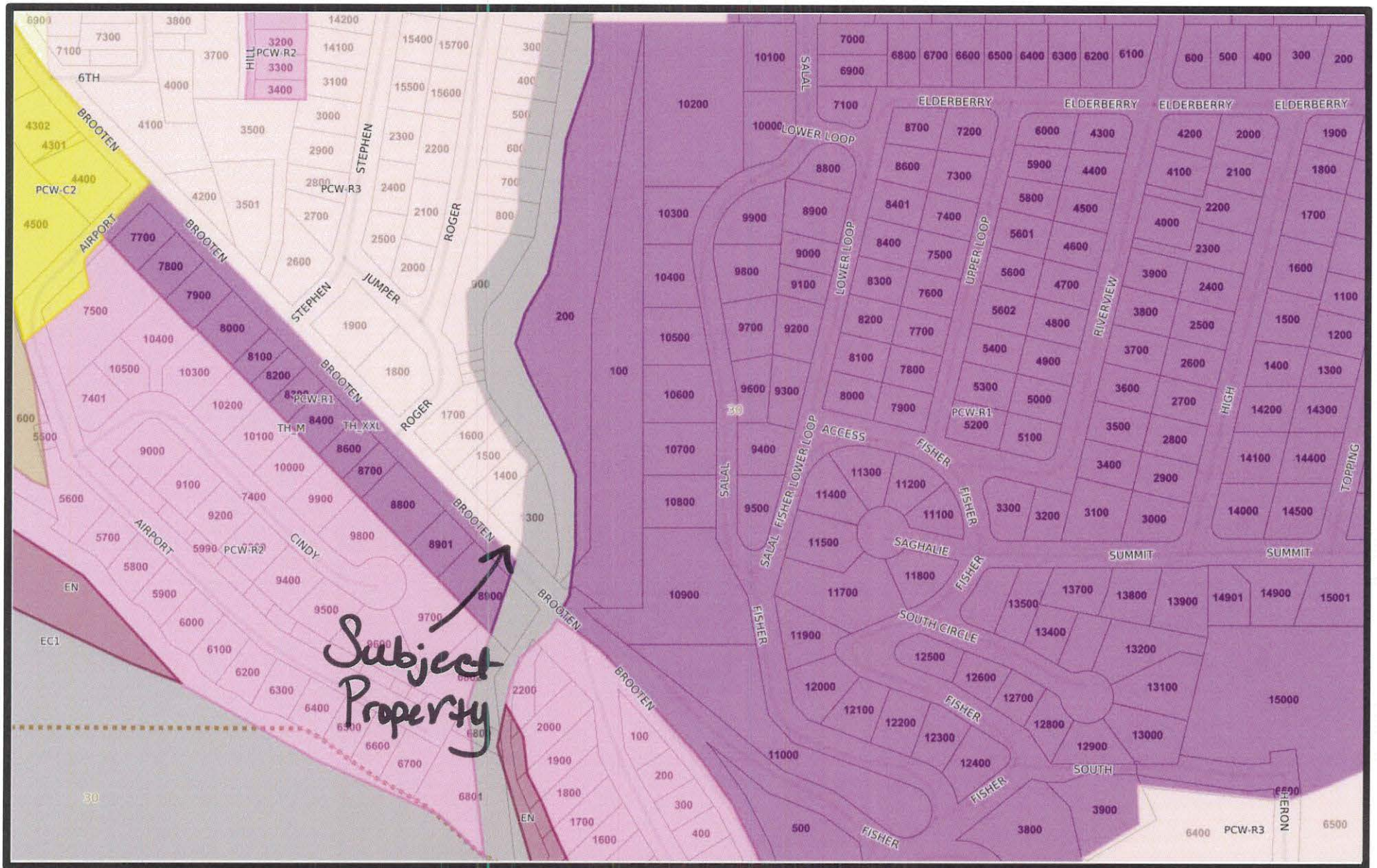


#851-21-000444-PLNG: NESTUCCA RIDGE
DEVELOPMENT

Map



Map





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

Location:


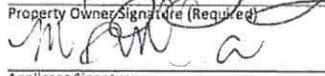
Site Address: LOT 1300 BROOTEN ROAD, PACIFIC CITY, OR

Map Number:	04S	10W	30BD	1300
	<small>Township</small>	<small>Range</small>	<small>Section</small>	<small>Tax Lot(s)</small>

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.



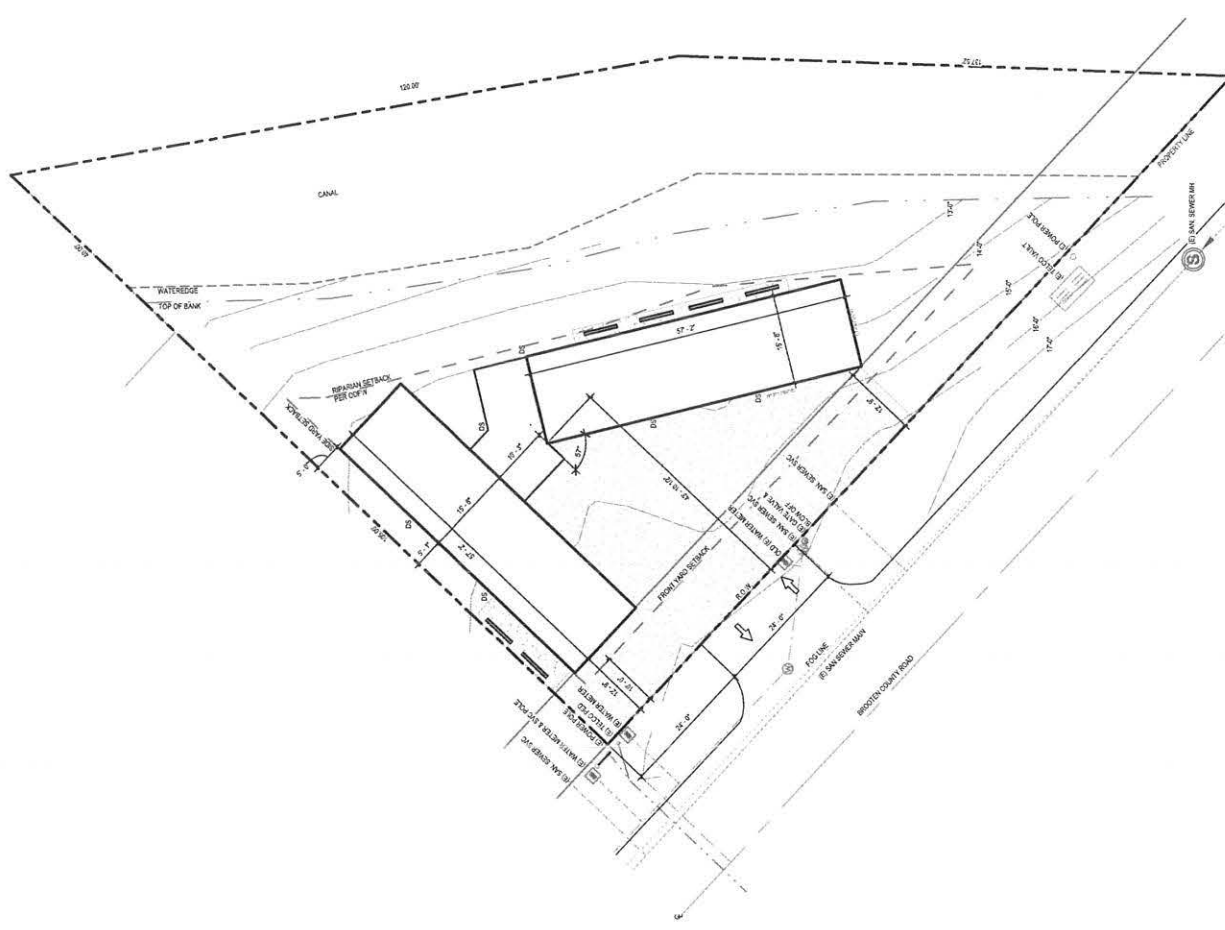




COMPILOT:
 THESE PLANS ARE AN INSTRUMENT OF SERVICE AND ARE THE PROPERTY OF JONES ARCHITECTURE. THEY ARE TO BE USED ONLY FOR THE PROJECT AND MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF JONES ARCHITECTURE. ALL RIGHTS ARE RESERVED AND WILL BE ENFORCED TO THE FULLEST EXTENT OF THE LAW.

PLAN LEGEND

[Pattern]	ASPHALT PAVING
[Pattern]	SLAB ON GRADE
[Line]	RETAINING





TOPOGRAPHIC SURVEY

FOR

NESTUCCA RIDGE DEVELOPMENT CO.

IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 SOUTH,
 RANGE 10 WEST OF THE BENDS MOUNTAIN PLATEAU EAST, TUMALOON COUNTY, OREGON.
 COUNTY ASSessor'S MAP NUMBER: 45-10-30-8D, TAX LOT 1300

SURVEY & MAP BY: WELDON LAND SURVEYING
 2000 N. 25th ST.
 PORTLAND, OR 97215
 (503) 861-3337

DATE: MARCH 27, 2021



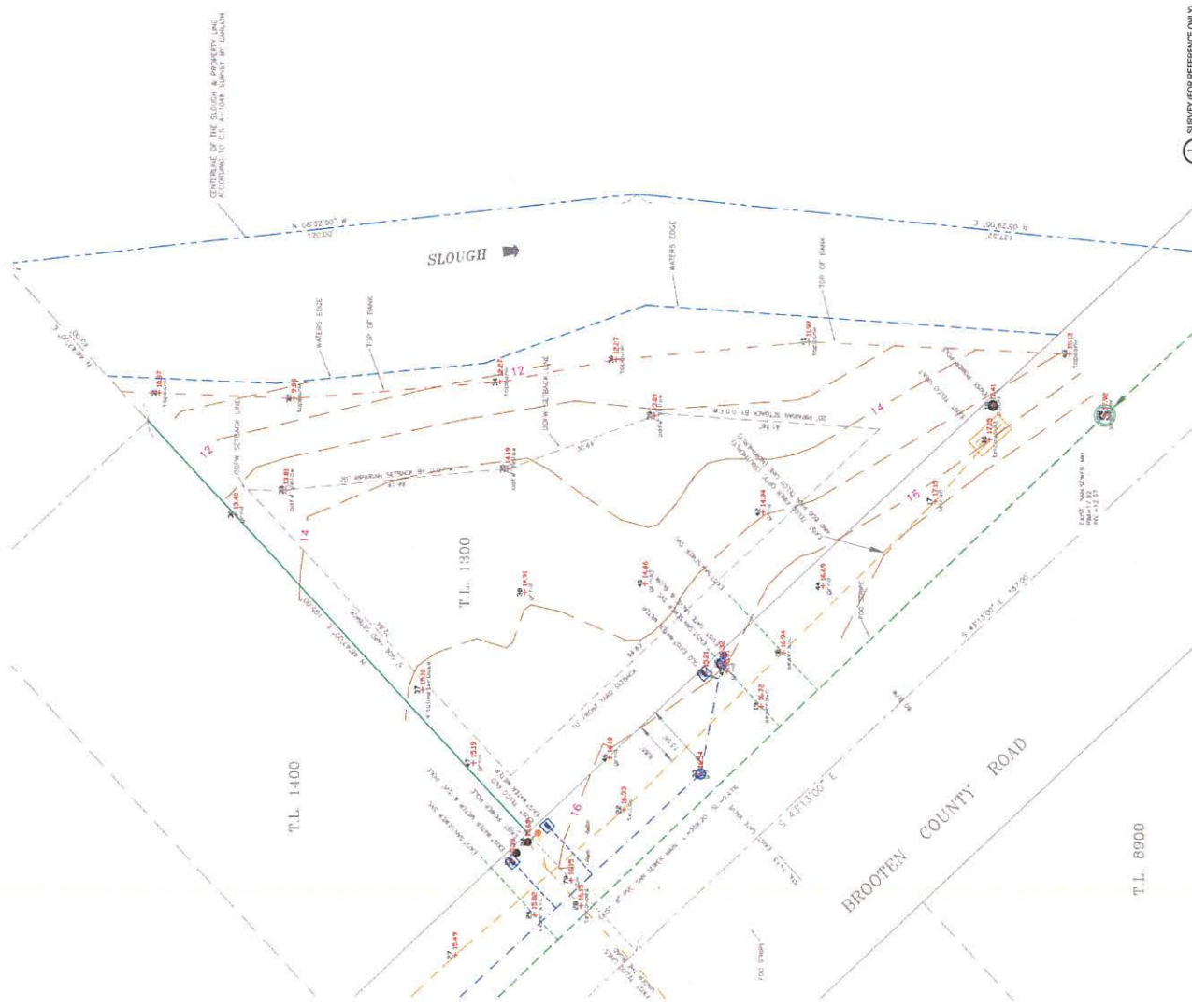
CANAL HOUSE

21-008
 LOT 1300
 PACIFIC CITY, OR

DEVELOPMENT
 PERMIT

NOVEMBER 05, 2021

DISCLAIMER:
 THESE PLANS ARE AN INSTRUMENT OF SERVICE AND ARE NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT HAS CONDUCTED A VISUAL INSPECTION OF THE PROJECT AND HAS NOT CONDUCTED AN INVESTIGATION OF THE UNDERLYING RECORDS OR THE EXISTING CONDITIONS. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY HIMSELF OR HIS EMPLOYEES OR AGENTS.



AS SURVEY FOR REFERENCE ONLY
 12" x 17"

SURVEY FOR
 REFERENCE ONLY

A.011