



Land of Cheese, Trees and Ocean Breeze

**Conditional Use Request #851-22-000143-PLNG: STEARNS
ADMINISTRATIVE DECISION & STAFF REPORT**

Decision Date: July 1, 2022

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

Report Prepared by: Sarah Absher, CFM, Director

A handwritten signature in blue ink, appearing to read 'S. Absher', is written over the name 'Sarah Absher' in the text above.

I. GENERAL INFORMATION:

- Request:** A Conditional Use request for a Bed and Breakfast enterprise consisting of two guest bedrooms within an existing single-family dwelling (Exhibit B).
- Location:** The subject property is located at 13475 Trask River Road, a County road, and is designated as Tax Lot 1600 in Section 36D of Township 1 South, Range 9 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).
- Zone:** Rural Residential 2-Acre (RR-2)
- Applicant & Property Owner:** Royal and LaDonna Stearn, 13475 Trask River Road, Tillamook, OR 97141

Property Description: The subject property is irregular in shape, improved with a single-family dwelling and encompasses 1.95 (Exhibit A). The subject property is accessed via Trask River Road, a County road (Exhibit A). The subject property is bordered by the Trask River to the south and is surrounded by developed residential properties also zoned RR-2 to the north, west and east (Exhibit A). The developed portion of the property is relatively flat. According to Tillamook County Assessor's records, the subject property is developed with an existing 1,771 square foot, single-family dwelling built in 1979 as well as an accessory structure built in 1979 (Exhibit A).

There are mapped wetlands or riparian features on the subject property (Exhibit A). The subject property is within a Special Flood Hazard Area (SFHA), including the Trask River Floodway, as depicted on FEMA FIRM 41057C0615F dated September 28, 2018 (Exhibit A). The property is also within an area of geologic hazard with varying terrain and slope throughout the subject property (Exhibit A). No development is proposed in the Area of Special Flood Hazard (SFHA) and no alterations to the existing single-family dwelling are proposed that would require review for development in geologic hazard areas in accordance with TCLUO Section 4.130.

The property is adjacent to similar residential uses within the Rural Residential 2-Acre (RR-2) zone, improved with single-family residences and accessory structures (Exhibit A). Other uses in the area consist of recreation areas in close proximity as well as agricultural and forest resource management practices.

Applicant is requesting Conditional Use Permit approval for a 2-bedroom bed and breakfast enterprise located in the existing single-family dwelling (Exhibit B).

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

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

- A. Section 3.010: Rural Residential 2-Acre (RR-2) Zone
- B. Section 4.020 Signs
- C. Section 4.030 Off-Street Parking and Loading
- D. Article VI: Conditional Use Procedures and Criteria

III. ANALYSIS:

A. Section 3.010: Rural Residential 2-Acre (RR-2) Zone

PURPOSE: The purpose of the RR zone is to provide for the creation and use of small acreage residential homesites. Land that is suitable for Rural Residential use has limited value for farm or forest use; it is physically capable of having homesites on parcels of five acres or less; and it can be utilized for residential purposes without constraining the use of surrounding resource-zoned properties for resource-production purposes....

- (3) *USES PERMITTED CONDITIONALLY: In the RR-2 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this Ordinance.*

...

(s) *Bed and breakfast enterprise.*

...

Findings: TCLUO Article 11 defines a bed and breakfast enterprise as ‘A residential structure where not more than 15 persons, not including members of the family occupying such a structure, provide compensation for lodging’. Applicant is proposing to utilize two bedrooms within the existing single-family dwelling and is subject to Conditional Use Review subject to Article 6 of the TCLUO. Conditional Use Review Criteria found in Article 6 are discussed below, and all other applicable standards.

B. Section 4.020 Signs

The purpose of these supplemental regulations governing signs is to promote scenic values; to prevent unsafe driver distraction; to provide orientation and directions to visitors; to facilitate emergency response;

and in general to provide for the placement of necessary SIGNS in appropriate areas. These provisions shall not be construed to preclude the placement of street address SIGNS in locations that can be readily seen by operators of emergency vehicles, provided that such placement does not impair efforts to maintain roads, drainage ways, or brush-free road right-of-ways.

Findings: Applicant has not proposed specific signage in conjunction with the bed and breakfast enterprise (Exhibit B). Staff finds that any future proposal for signage is subject to the standards of TCLUO 4.140: Signs. Staff finds that these standards can be met through compliance with Conditions of Approval.

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

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

Findings: Boarding, lodging and rooming houses are required to provide one (1) 8-foot by 20-foot parking space per each guest accommodation and a residential dwelling unit requires two (2) 8-foot by 20-foot parking spaces as described in TCLUO Section 4.030(13): Parking Space Requirements. Applicant is proposing a Bed and Breakfast enterprise consisting of two guest bedrooms within the existing single-family dwelling (Exhibit B). Staff finds that a minimum of two (2) off-street parking spaces are required for the residential dwelling unit and two (2) off-street parking spaces are required for the proposed bed and breakfast enterprise for a total of four (4) parking spaces.

Applicant has identified (2) 8-foot by 20-foot parking spaces for the bed and breakfast enterprise consisting of two guest bedrooms on the submitted site plan along with additional parking spaces for the residential use (Exhibit B). Given the size of the property, relatively flat topography and location of improvements, Staff finds that there is adequate area to create the required additional parking space to satisfy parking requirements outlined in TCLUO Section 4.030 for both the bed and breakfast enterprise as well as required parking for the existing dwelling. Staff also finds that as a condition of approval can be made to require a minimum of four (4) off-street parking spaces be depicted on the site plan submitted for review and approval at time of consolidated zoning/building permit application.

D. Article VI Conditional Use Procedures and Criteria

Article VI of the Tillamook County Land Use Ordinance contains the procedures and review criteria for processing a Conditional Use request. These criteria, along with Staff's findings and conclusions, are indicated below.

Section 6.020 Procedure requires public notice in accordance with TCLUO Section 10.070 which requires notification of the request to be mailed to landowners within 250 feet of the subject property, to allow at least 14 days for written comment, and requires staff to consider comments received in making the decision.

Findings: Notice of the request was mailed to property owners and agencies on May 23, 2022. No comments were received.

Section 6.040 Review Criteria

1. The use is listed as a conditional use in the underlying zone, or in an applicable overlying zone.

Findings: As discussed above, Staff finds that the proposed bed and breakfast enterprise is a use allowed conditionally in the Rural Residential 2-Acre (RR-2) zone. Staff concludes that this criterion has been met.

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

Findings: Staff finds that the proposed use is permitted conditionally in the Tillamook County Land Use Ordinance. The TCLUO is an implementing document of the Comprehensive Plan. In the absence of evidence to the contrary, uses allowed conditionally in the Land Use Ordinance are presumed to be consistent with the Comprehensive Plan. Staff concludes that this criterion has been met.

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

Findings: The subject property is irregular in shape, approximately 1.95 acres, and is improved with a single-family dwelling and accessory structures (Exhibits A & B). The subject property is accessed via Trask River Road, a County road (Exhibit A). The subject property is bordered by the Trask River to the south and is surrounded by developed residential properties also zoned RR-2 to the north, west and east (Exhibit A). The developed portion of the property is relatively flat. According to Tillamook County Assessor's records, the subject property is developed with an existing 1,771 square foot, single-family dwelling built in 1979 as well as an accessory structure built in 1979 (Exhibit A). Subject property is also improved with an on-site sanitation system and is located within a water district.

Staff finds a condition of approval can be made to confirm there is adequate sanitation for the operation of the bed and breakfast enterprise, and that prior to operation of the bed and breakfast enterprise, documentation from the Tillamook County Onsite Wastewater Treatment Manager is submitted to the Department confirming adequacy of the existing onsite sanitation system treatment improvements to support the bed and breakfast enterprise.

Staff concludes that this criterion can be met through the Conditions of Approval.

4. *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.*

Findings: The area surrounding the subject property is also zoned Rural Residential 2-Acre (RR-2) and consists of properties of similar size and shape also improved residential development (Exhibit A).

Residential improvements are located within the southern portion of the subject property and are surrounded by dense vegetation that also serves as a buffer to surrounding properties (Exhibit A). Recreation, agricultural and forest resource management uses are also prevalent in the area.

No exterior alterations are proposed to the single-family dwelling for accommodation of the bed and breakfast enterprise that would substantially alter the appearance of the residential improvements. All uses can and will continue to be accommodated within the boundaries of the subject property. The limited use of the single-family dwelling as a bed and breakfast enterprise does not substantially alter the residential character and function of the residential uses on the subject property.

Based upon the findings outlined above, Staff finds that the proposed use of utilizing two guest bedrooms within the existing single-family dwelling as a bed and breakfast enterprise will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted residential, recreational and public utility uses on the surrounding properties or uses listed in the underlying zone. Staff concludes that this criterion has been met.

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

Findings: Staff does not find any record of such facilities in the area. Applicant states that the proposed bed and breakfast enterprise will not impact such facilities (Exhibit B). Staff concludes that this criterion has been met.

6. *The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.*

Findings: Staff finds the area is served by Tillamook County Sheriff's Department, Oregon Department of Transportation and Tillamook County Public Works, Tillamook People's Utility District and Tillamook Fire District for fire protection services. The subject property is served by an existing onsite wastewater treatment system (sanitation) and water from a special district.

Staff finds these services have long been established in the area. Conditions of Approval have been made to require confirmation of adequacy of services at the time of consolidated zoning and building permit application submittal. Staff concludes this criterion has been met or can be met through the Conditions of Approval.

IV. DECISION: APPROVED WITH CONDITIONS

Based on the findings shown above, Staff concludes that the applicant has satisfied the review criteria, and can meet all applicable ordinance requirements at the time of application. Therefore, the Department approves this request subject to the Conditions of Approval in section V of this report.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. The forms and fees must be filed in the office of this Department before **4:00 PM on July 13, 2022.**

V. CONDITIONS OF APPROVAL:

Sections 6.070: COMPLIANCE WITH CONDITIONS, and 6.080: TIME LIMIT requires compliance with approved plans and conditions of this decision, and all other ordinance provisions. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable, including any licensing from Tillamook County Community Health.
2. Applicant/property owner shall obtain any necessary onsite wastewater (sanitation) permits for operation of the bed and breakfast enterprise. If no additional permits are required, confirmation from the Tillamook County Onsite Wastewater Treatment Program Manager shall be submitted with the consolidated zoning/building permit application.
3. Applicant/property owner shall provide an updated Fire Letter from the Tillamook Fire District for the bed and breakfast enterprise.
4. A copy of the approved site plan, illustrating the proposed development and required parking, shall be provided at the time of Zoning Permit submittal. Applicant/property owner shall adhere to the requirements of TCLUO 4.030, 'Off-Street Parking & Off-Street Loading Requirements'.

5. This approval is for a bed and breakfast enterprise for use of two (2) bedrooms. Expansion in the number of bedrooms utilized for the bed and breakfast enterprise is subject to land use review and approval.
6. Signage shall comply with the standards of Tillamook County Land Use Ordinance Section 4.020: Signs.
7. Applicant/Owner shall comply with relevant standards outlined in TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) Zone.
8. This approval shall be void on July 1, 2024, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

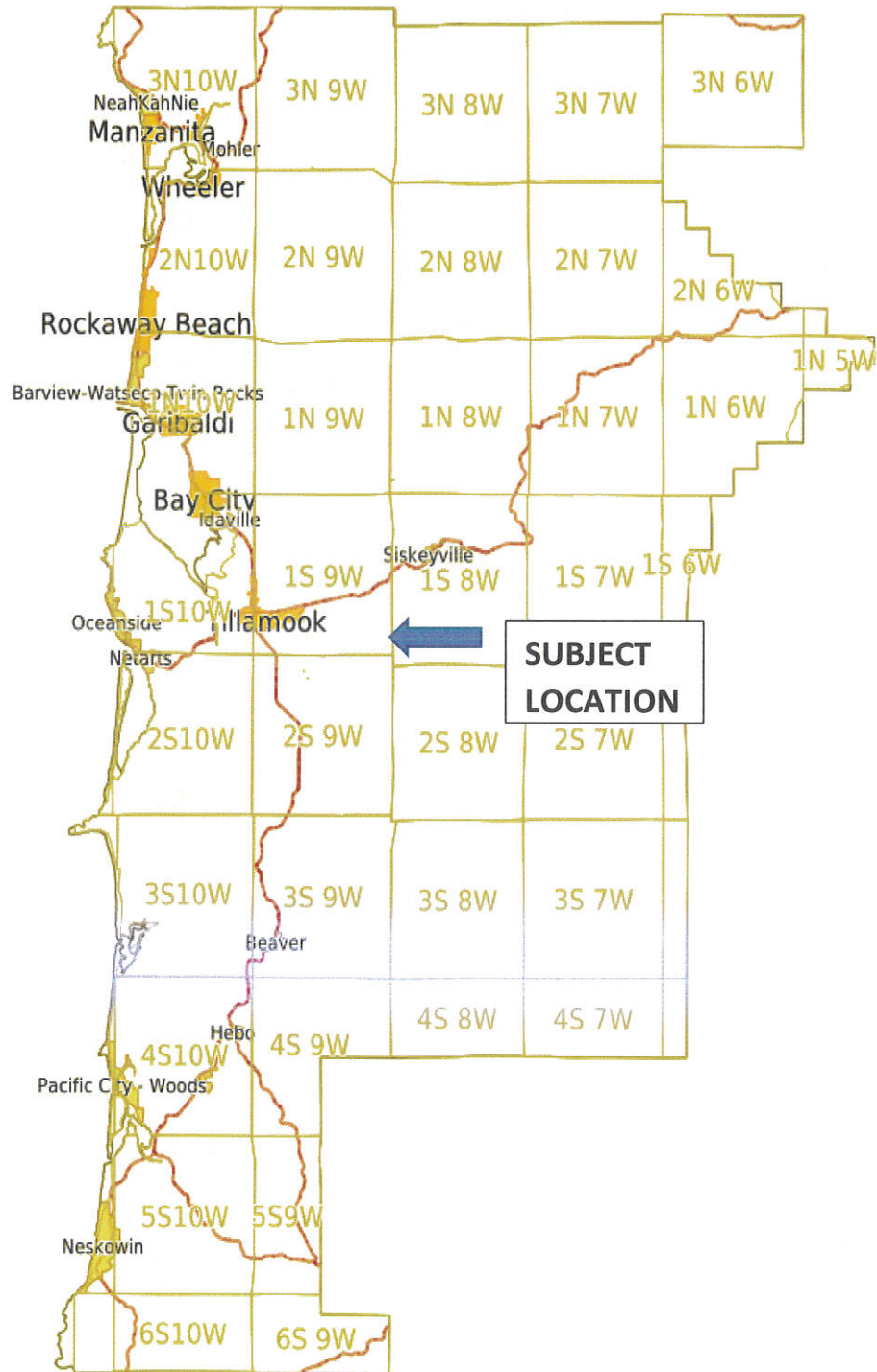
VI. EXHIBITS

All Exhibits referred to herein are, by this reference, made a part hereof:

- A. Location map, Assessor map, Zoning map, Assessor's Summary Report
- B. Applicant's submittal

EXHIBIT A

VICINITY MAP

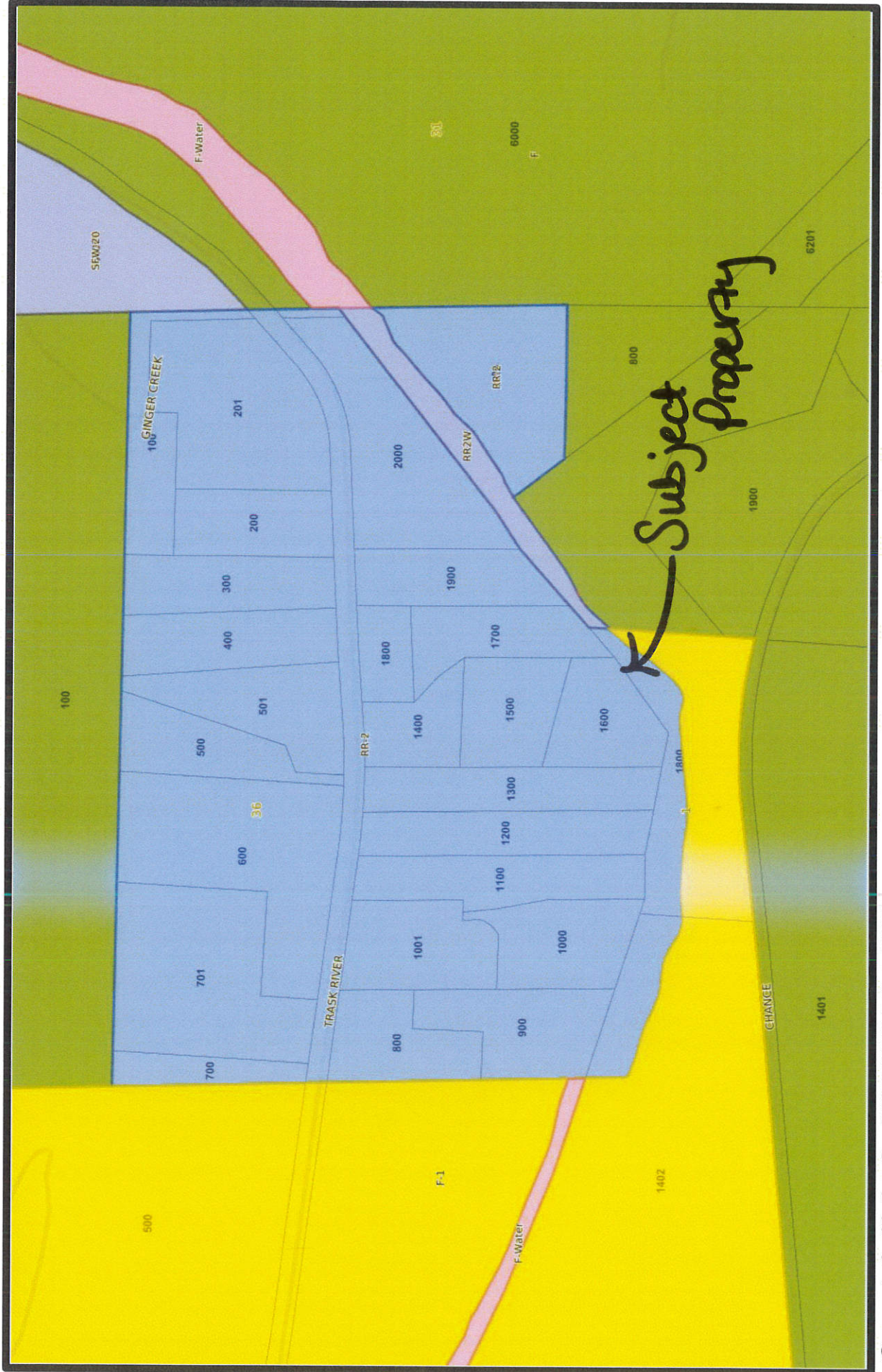


**#851-22-000143-PLNG: STEARNS
BED & BREAKFAST ENTERPRISE**

VICINITY PHOTOGRAPH #851-22-000143-PLNG: STEARNS



Map



National Flood Hazard Layer FIRMette



123°43'58"W 45°26'13"N

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

Legend

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 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 LOMFRs
- 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

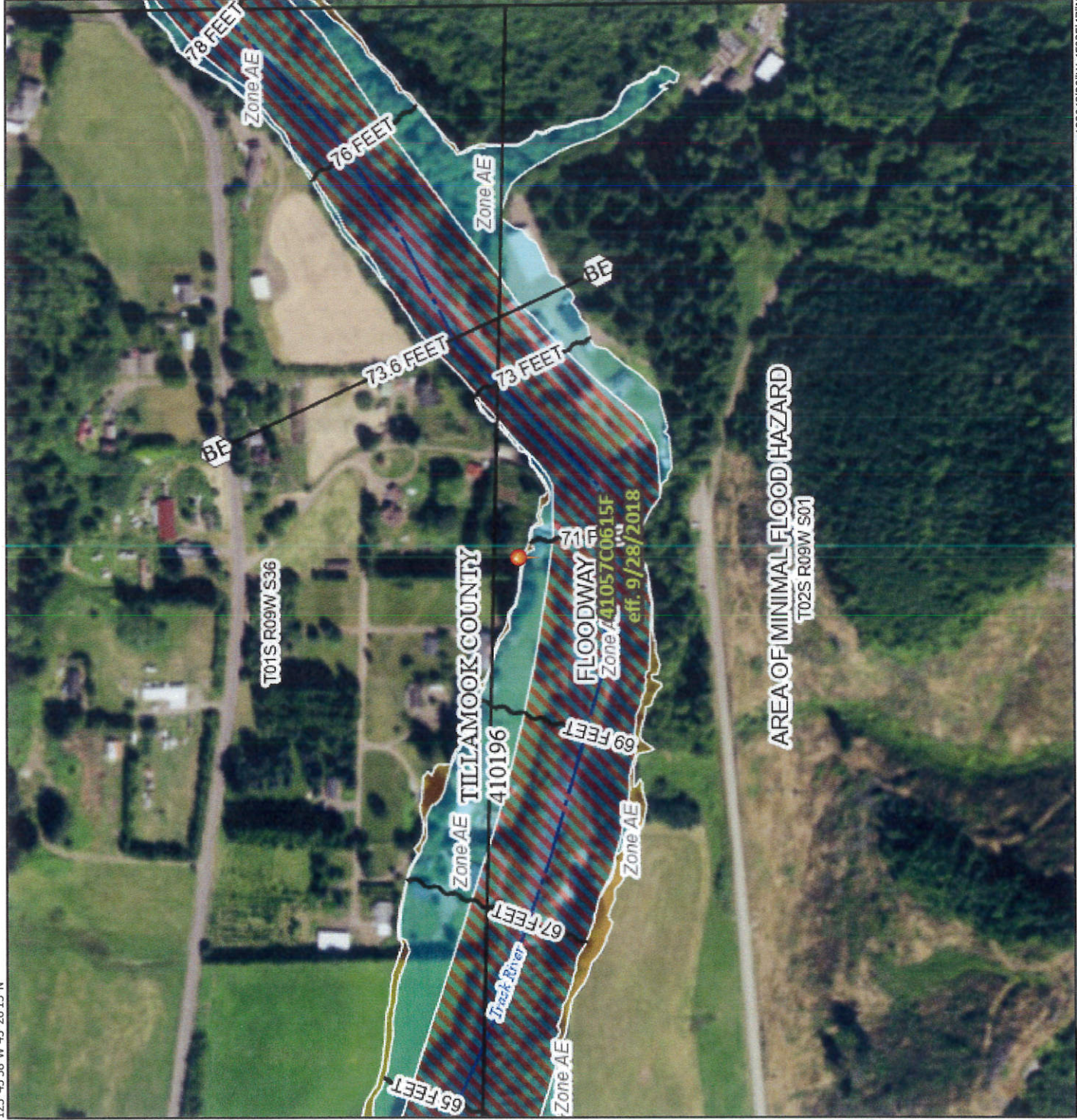
- Digital Data Available
- No Digital Data Available
- Unmapped

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 7/1/2022 at 3:50 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.

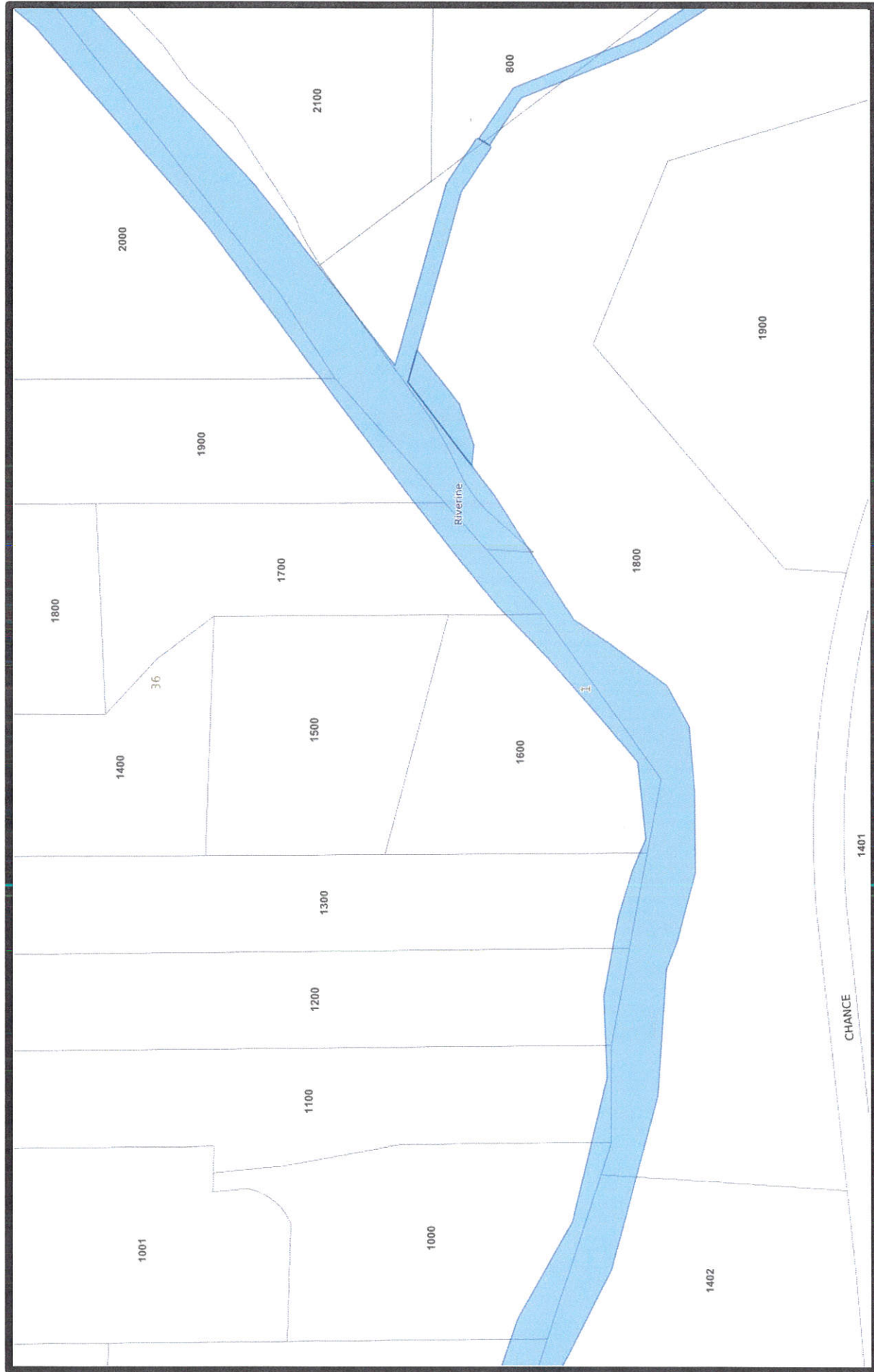
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



123°43'20"W 45°25'47"N



Map



TILLAMOOK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

July 1, 2022 12:47:27 pm

Account # 359720 Map # 1S0936D001600 Code - Tax # 0912-359720 Legal Descr See Record Mailing Name STEARNS, ROYAL EDWARD II & LADONNA RACHE Agent In Care Of Mailing Address 13475 TRASK RIVER RD TILLAMOOK, OR 97141 Prop Class 401 MA SA NH Unit RMV Class 401 01 WF 103 17662-1	Tax Status ASSESSABLE Acct Status ACTIVE Subtype NORMAL Deed Reference # 2021-1897 Sales Date/Price 02-27-2021 / \$430,000.00 Appraiser ROBERT BUCKINGHAM
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Situs Address(s)	Situs City
ID# 1 13475 TRASK RIVER RD	COUNTY

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
0912	Land	113,140		Land	0
	Impr.	332,810		Impr.	0
Code Area Total		445,950	258,590		0
Grand Total		445,950	258,590		0

Code Area	ID#	RFPD	Ex	Plan Zone	Land Breakdown				Trended RMV
					Value Source	TD%	LS	Size	
0912					LANDSCAPE - AVERAGE	100			1,500
0912	1	<input checked="" type="checkbox"/>		RR-2	Market	104	A	1.78	99,140
0912					OSD - AVERAGE	100			12,500
Grand Total								1.78	113,140

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Trended RMV
					TD%	Total Sq. Ft.	Ex% MS Acct #	
0912	3	1979	345	GENERAL PURPOSE BUILDING	129	1,440		14,520
0912	1	1979	135	Two story or more	129	1,771		318,290
Grand Total							3,211	332,810

Exemptions / Special Assessments / Potential Liability						
Code Area	0912					
SPECIAL ASSESSMENTS:						
■ SOLID WASTE						
	Amount	12.00	Acres	0	Year	2021

Comments: 05/14/10 Phase 1 review, updated inventory, updated OSD, tabled values, removed duplicate 110 frag. PF
02/10/16 Reappraised land; tabled values. Updated size per GIS calculations. RBB

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: Royal & LuDonna Stearns Phone: 503-953-5399 (cell)
 Address: 13475 Trask River Rd
 City: Tillamook State: OR Zip: 97141
 Email: royal@freedom-electric.net

*LuDonna
503-310-2156*

OFFICE USE ONLY	
Date Stamp	
BY:	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees: <u>\$1,089.</u>	
Permit No: <u>851-22-000143-PLNG</u>	

Property Owner

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

Request: _____

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: 13475 Trask River Rd, Tillamook, OR 97141
 Map Number: 159 36 N 1600
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)

3/28/2022

Date

Applicant Signature



Thursday, April 07, 2022

Tillamook County Department of Community Development
Attn: Sarah Absher – sabsher@co.tillamook.or.us
1510-B Third Street
Tillamook, OR 97141

Re. SECTION 6.040: REVIEW CRITERIA

(1) The use is listed as a CONDITIONAL USE in the underlying zone, or in an applicable overlying zone.

YES

(2) The use is consistent with the applicable goals and policies of the Comprehensive Plan.

YES – We will be placing an Ad on Airbnb to rent two bedrooms of the down stair of our home. Our personal items are upstairs and will not be available to rent.

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

YES

(4) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.

The home is already existing and will in no way alter the character of the surrounding area which is mixed use. Our immediate neighbors have their personal homes, there are farmers and an excavating business down the road. Having an Airbnb with occasional use will not disrupt others or their property use.

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

No. NA – No solar, windmills or wind energy conservation systems.

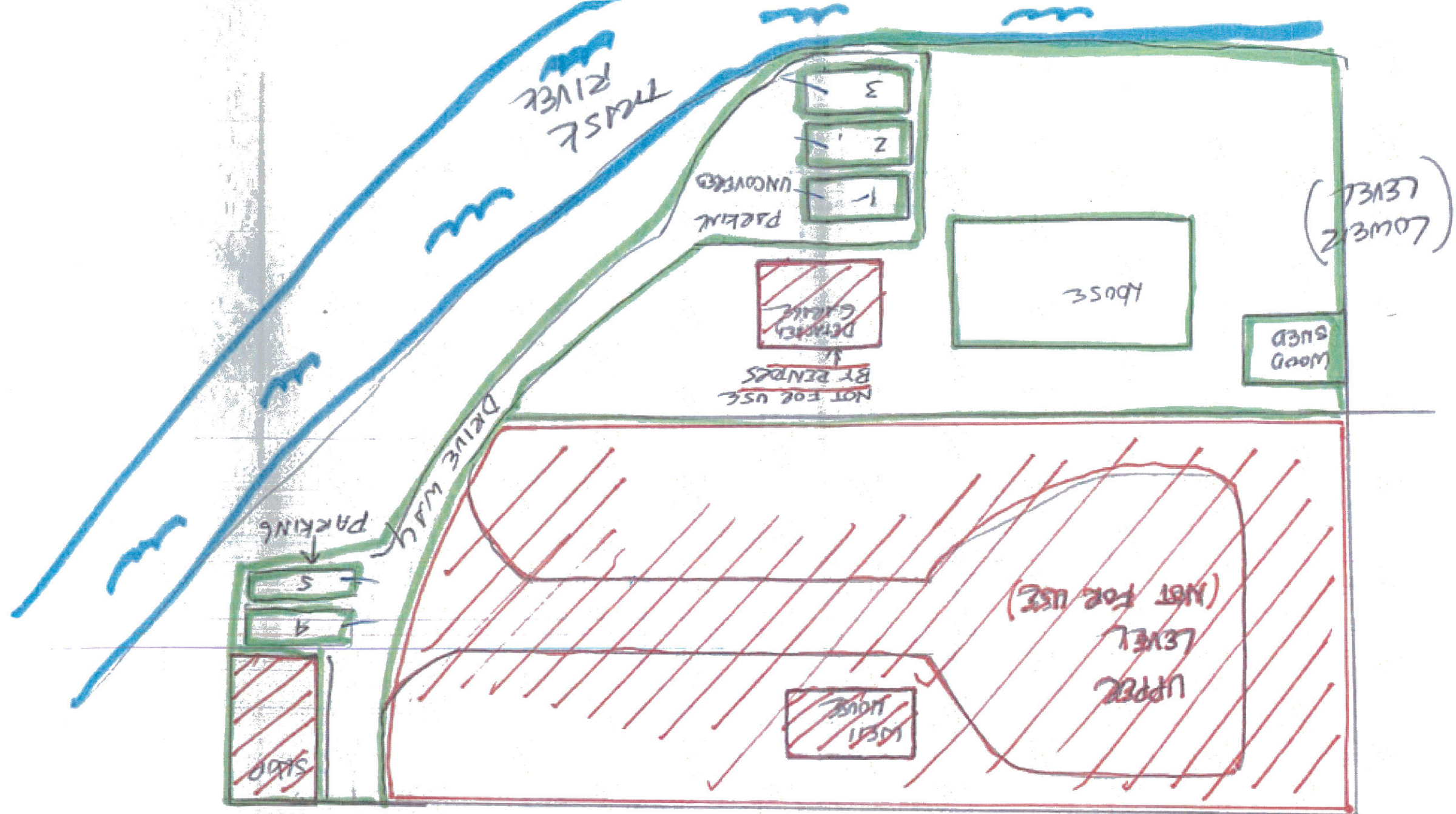
(6) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

YES. We have a well, adequate septic, utilities, phone service, cable, internet and cellular service.

If you require anything in addition to what I have provided, or if you have any questions, please do not hesitate to contact me at 503-310-2156.

Thank you,

LaDonna Stearns



14375 TRUST RIVER ROAD
 TILAHOOK, OR. 97144
 SITE PLAN
 [Green Outline] = FOR USE
 [Red Hatched] = NOT FOR USE