



*Land of Cheese, Trees and Ocean Breeze*

**RIPARIAN EXCEPTION #851-22-000152-PLNG: HIETER**

*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: June 3, 2022**

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

**#851-22-000152-PLNG:** An exception request to reduce the required 50-foot riparian setback from the Miami River to 25-feet, to allow for the replacement of a retaining wall.

The subject property is accessed via Miami Foley Road, a County road, is split zoned Rural Residential 2-Acre (RR-2) and Farm (F-1) and is designated as Tax Lot 503 in Section 14 of Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. The applicant and property owner are Justin Hieter.

Written comments received by the Department of Community Development prior to 4:00p.m. on June 17, 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 June 20, 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. 3301 or [mjenck@co.tillamook.or.us](mailto:mjenck@co.tillamook.or.us).

Sincerely,

Melissa Jenck, CFM, Senior Planner

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:

...

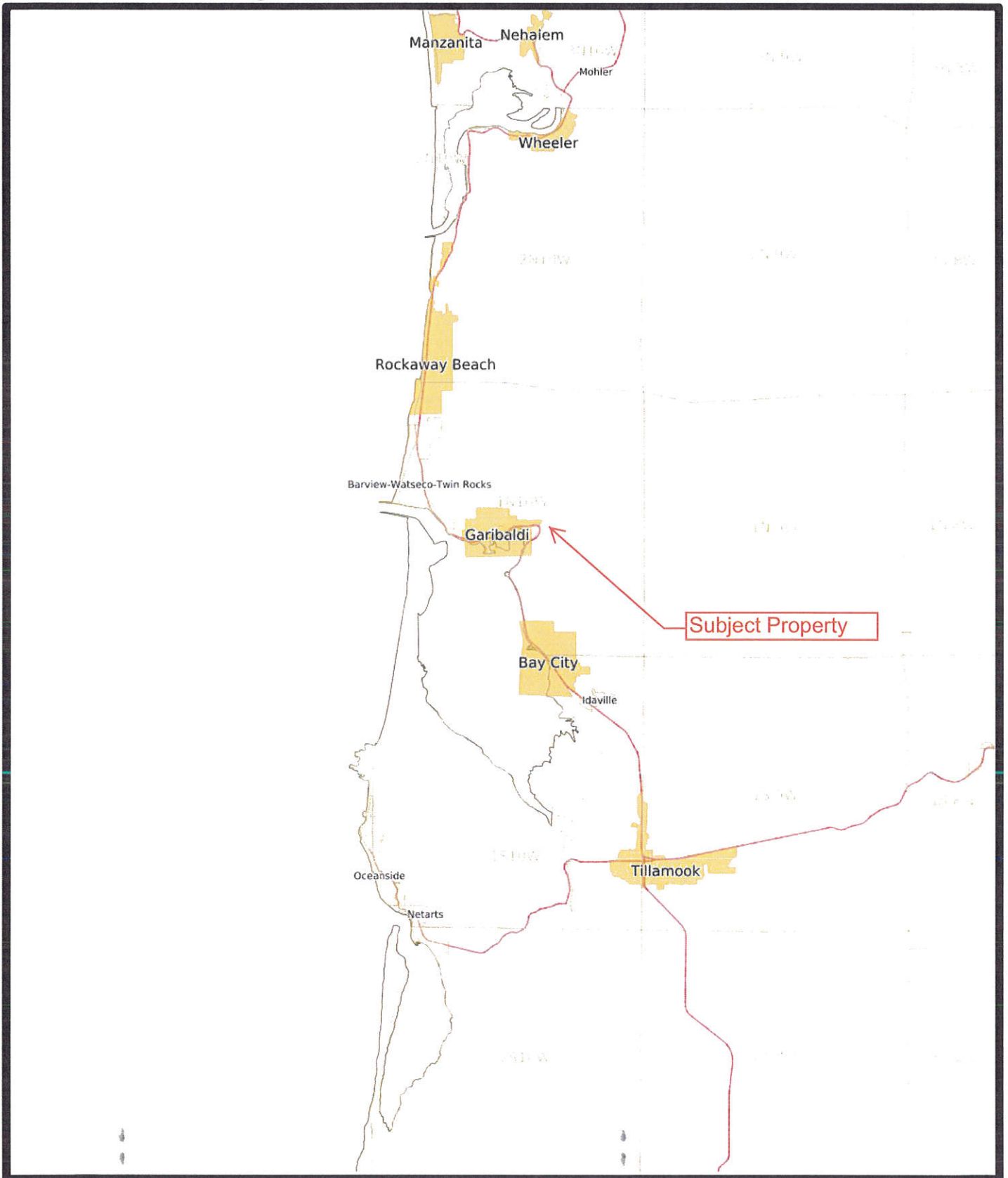
(c) Because of natural features such as topography, a narrower riparian area protects equivalent habitat values; or  
(d) A minimal amount of riparian vegetation is present and dense development in the general vicinity significantly degrades riparian habitat values.

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.

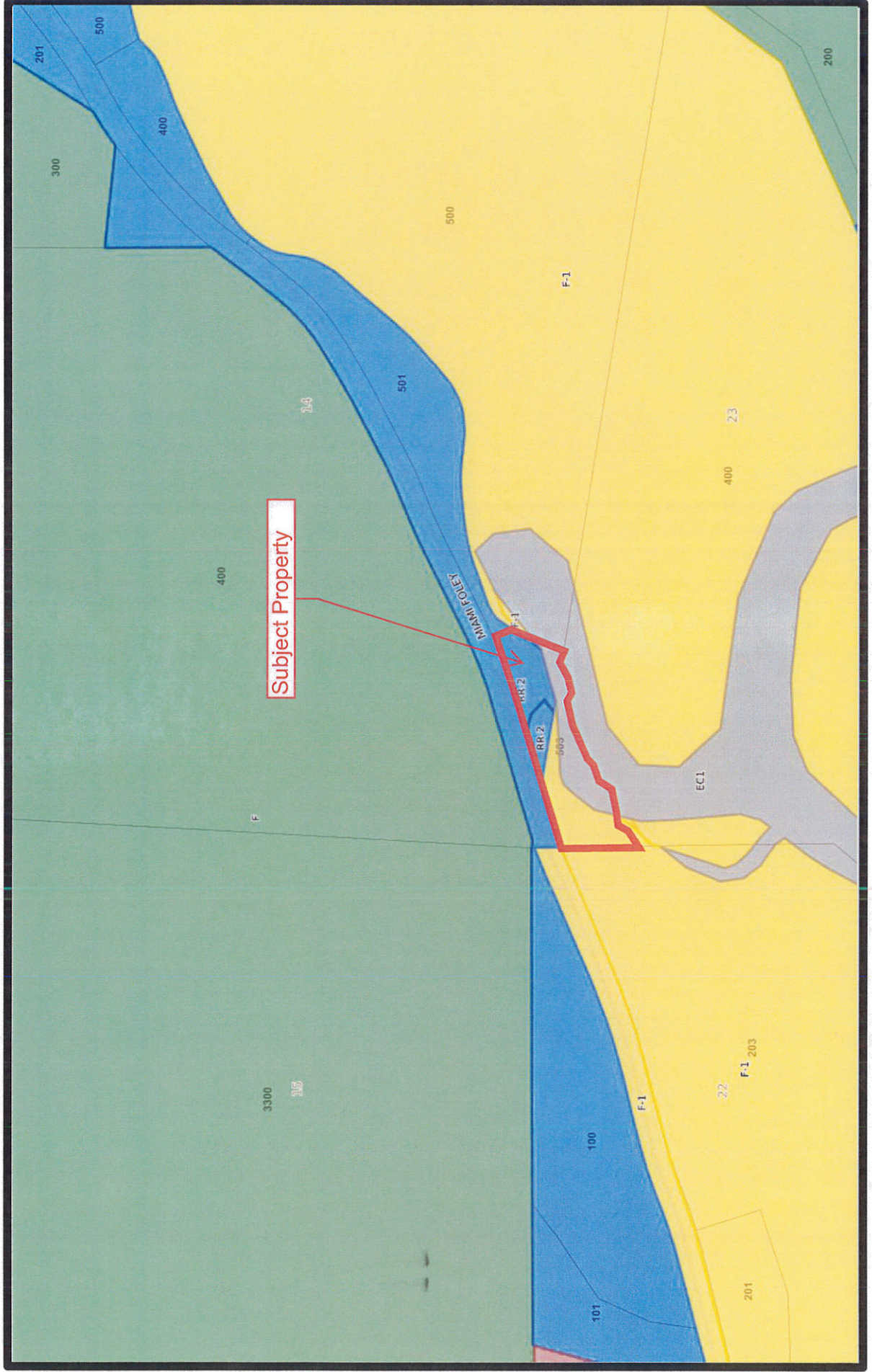
} }  
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# EXHIBIT A

# Vicinity Map



# Zoning Map

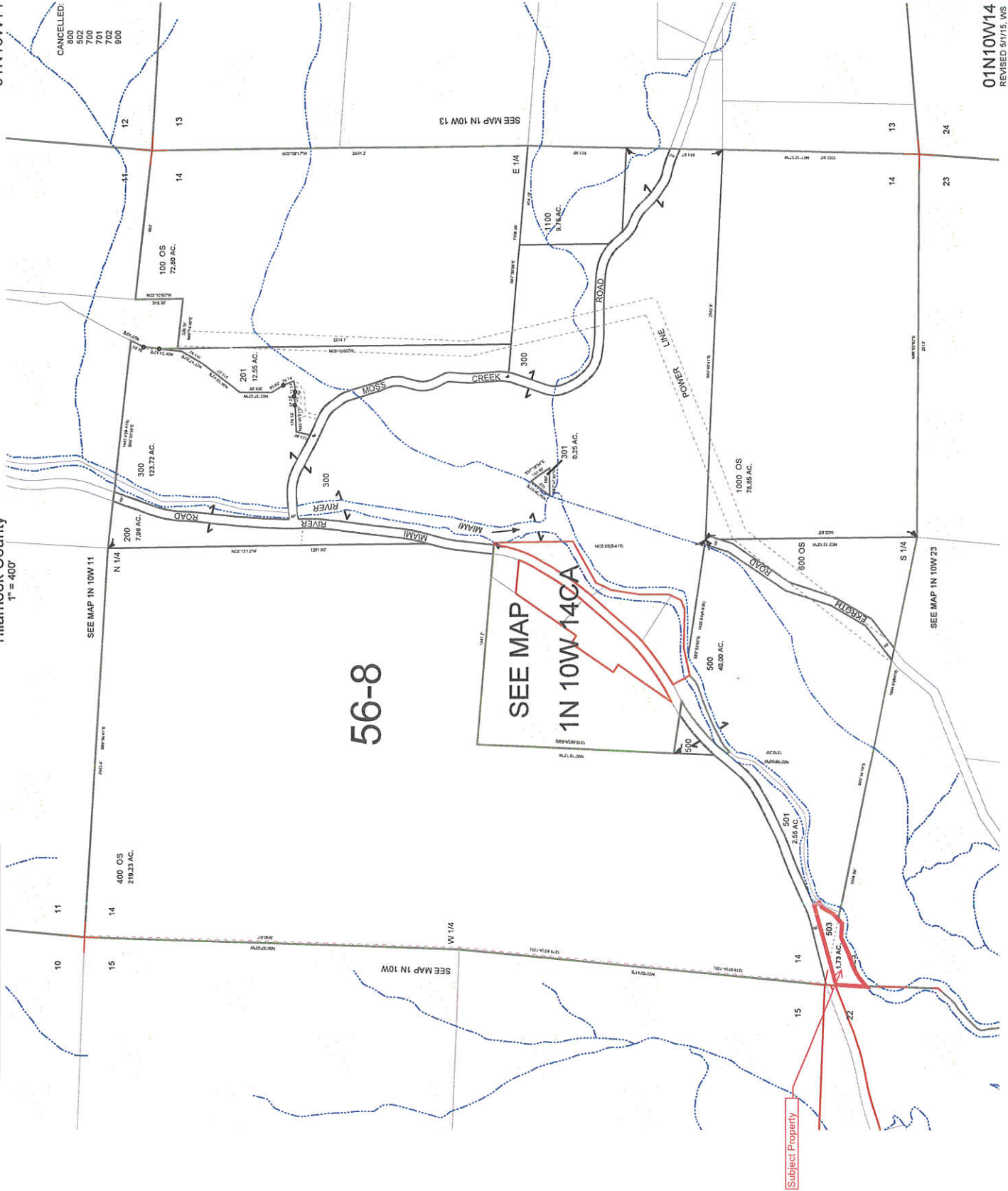


FOR ASSESSMENT AND TAXATION ONLY. NOT SUITABLE FOR  
LEGAL, ENGINEERING, OR SURVEY PURPOSES

SECTION 14 T. 1N. R. 10W. W.M.  
Tillamook County  
1" = 400'

01N10W14

01N10W14  
REVISED 5/1/15, WS



# TILLAMOOK County Assessor's Summary Report

## Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

June 3, 2022 12:13:58 pm

<b>Account #</b> 293845 <b>Map #</b> 1N10140000503 <b>Code - Tax #</b> 5608-293845  <b>Legal Descr</b> See Record  <b>Mailing Name</b> HIETER, SARA & JAYSON <b>Agent</b> <b>In Care Of</b> <b>Mailing Address</b> PO BOX 3114 BAY CITY, OR 97107  <b>Prop Class</b> 401 <b>MA</b> <b>SA</b> <b>NH</b> <b>Unit</b> <b>RMV Class</b> 401      02    WF    263    18622-1	<b>Tax Status</b> ASSESSABLE <b>Acct Status</b> ACTIVE <b>Subtype</b> NORMAL  <b>Deed Reference #</b> 2020-5326 <b>Sales Date/Price</b> 08-13-2020 / \$465,000.00 <b>Appraiser</b> EVA FLETCHER
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Situs Address(s)	Situs City
ID# 0 14955 MIAMI FOLEY RD	COUNTY

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
5608	Land Impr.	113,720 255,460		Land Impr.	0 60.3
<b>Code Area Total</b>		369,180	290,030	290,030	11,940
<b>Grand Total</b>		369,180	290,030	290,030	11,940

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
5608	0	<input checked="" type="checkbox"/>		RR-2	Market	103	A	1.73		101,220
5608					OSD - AVERAGE	100				12,500
<b>Grand Total</b>								1.73		113,720

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
5608	2	1900	345	GENERAL PURPOSE BUILDING	119	769		9,600
5608	3	2017	346	GPB IN RESIDENTIAL USE	119	252		5,120
5608	4	2017	346	GPB IN RESIDENTIAL USE	119	378		6,820
5608	1	1978	145	Two story or more	119	1,709		233,920
<b>Grand Total</b>						3,108		255,460

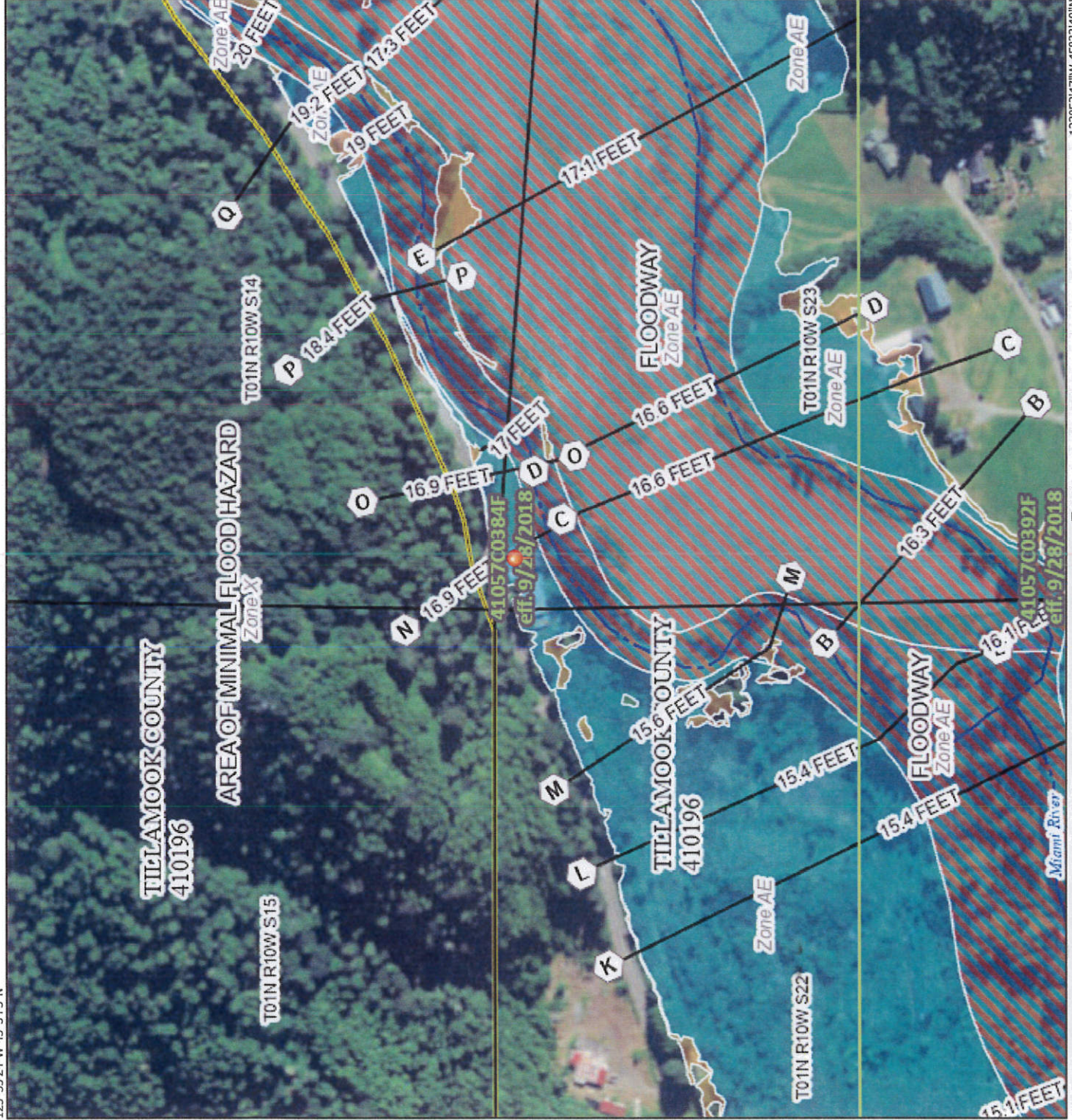
Exemptions / Special Assessments / Potential Liability									
Code Area	5608								
<b>SPECIAL ASSESSMENTS:</b>									
■ SOLID WASTE									
	<b>Amount</b>	12.00	<b>Acres</b>	0	<b>Year</b>	2021			

**Comments:** 6/3/09 Entered year built for 300 fragment, CB.  
 05/16/13 Reviewed account - updated inventory. Feeder barn #2 has never been on this account - removed and adjusted MAV using last year's values. Valued land at 1.5 acres. Tabled OSD.ef  
 02/03/14 Reappraised land, tabled values. Changed size per GIS calculations.ef  
 06/25/15 Account review - new siding, windows, roof cover, and furnace. Increased effective age to 1988 - RMV changes only.ef  
 06/22/18 Added heat pump per permit. HT  
 5/14/21 - Sales review. Updated inventory - RMV changes only. Added 2 new GPB 3's and applied exception. EJ

# National Flood Hazard Layer FIRMette



123°53'24"W 45°34'5"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, AG9
- 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 J)
- 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
- Area of Undetermined Flood Hazard (Zone X)

**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.

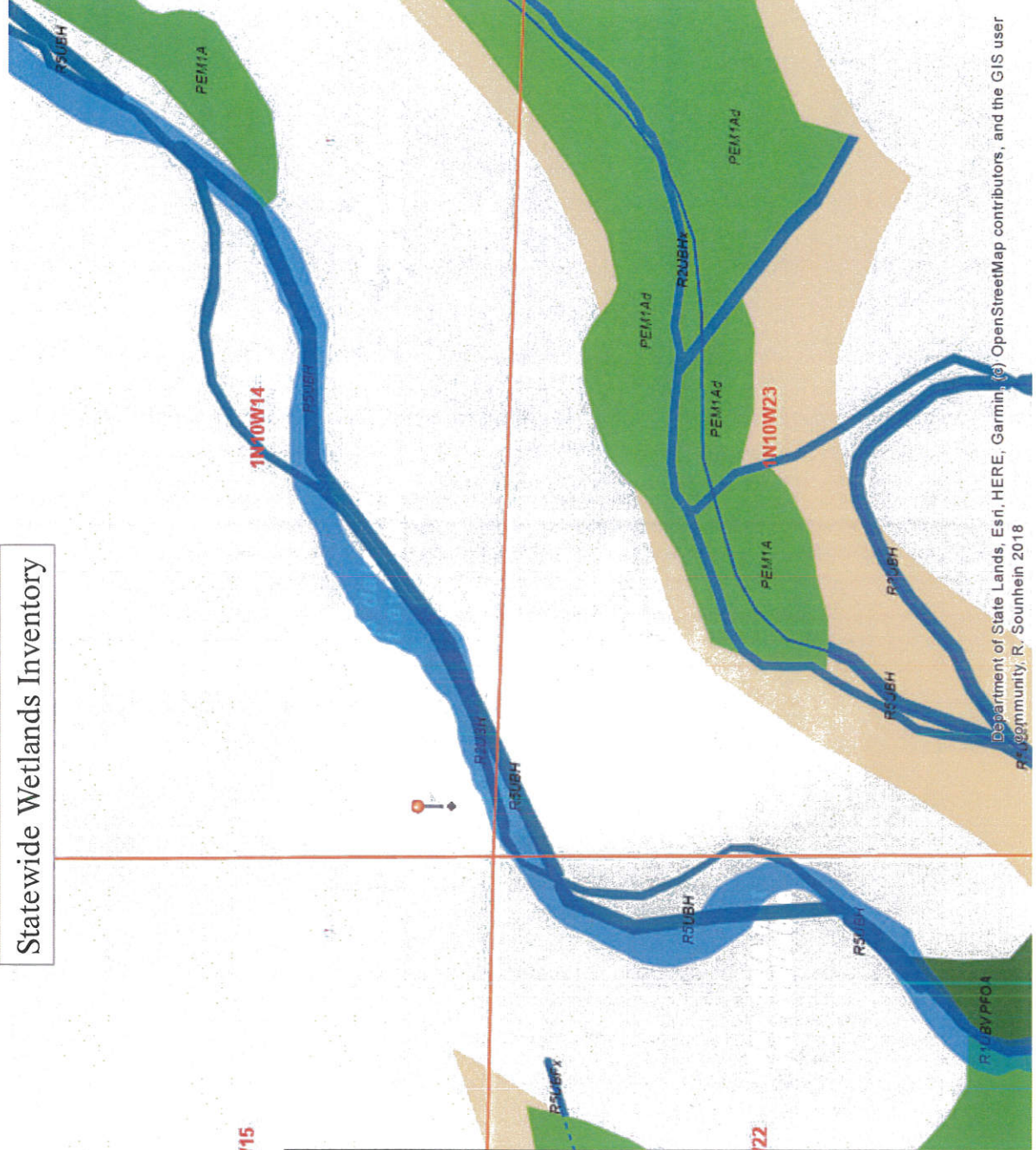
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/3/2022 at 3:16 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.



# Statewide Wetlands Inventory



	Sections
	LMI Study Area
	NHD Springs/Seeps
<b>NHD Streams and Rivers</b>	
	Perennial
	Intermittent
	Ephemeral
	Unknown
	Canal/Ditch
	NHD Area
	NHD Waterbody
<b>Wetlands</b>	
	Estuarine and Marine Deepwater
	Estuarine and Marine Wetland
	Freshwater Emergent Wetland
	Freshwater Forested/Shrub Wetland
	Freshwater Pond
	Lake
	Riverine
	Hydric Soil_21
	Agate Winlo_21

Department of State Lands, Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, R. Sounhein 2018



The Statewide Wetlands Inventory (SWI) represents the best data available at the time this map was published and is updated as more data becomes available. This map is not intended for navigation and is not a warranty. A professional investigation by a wetland professional can verify actual field conditions.



Date: 8/20/2022



State of Oregon  
 Department of State Lands  
 775 Summer Street, NE, SW 100  
 Salem, OR 97301-1279  
 (503) 988-5200

# 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](http://www.co.tillamook.or.us)

### PLANNING APPLICATION

Applicant  (Check Box If Same as Property Owner)

Name: Jayson Hieter Phone: 541-610-8853

Address: 14955 Miami Foley Rd

City: Bay City State: OR Zip: 97107

Email: hieterj@yahoo.com

#### Property Owner

Name: Same as above Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_

OFFICE USE ONLY	
Date Stamp	<b>RECEIVED</b>
	<b>APR 14 2022</b>
BY:	<u>Faxed</u>
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees:	<u>1015.-</u>
Permit No:	<u>851-22-000152PLNG</u>

Request: Exemption request to involve 25ft section of replacement/remodeling of a retaining wall within the riparian setback. See attached ODFW report.

#### 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
- Foredune Grading Permit Review
- Neskowin Coastal Hazards Area

#### Type III

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

#### Type IV

- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

#### Location:

Site Address: 14955 Miami Foley Rd Bay City 97107

Map Number: 1N10-1400-00503

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.

[Signature]  
Property Owner Signature (Required)

4/14/22  
Date

[Signature]  
Applicant Signature

4/14/22  
Date

Find messages, documents, photos or people

Compose

← Back ↶ ↷ → Archive Move Delete Spam

- Inbox 130
- Unread
- Starred
- Drafts
- Sent
- Archive
- Spam
- Trash
- ^ Less
- Views Hide
- Photos
- Documents
- Subscriptions
- Deals
- Groceries
- Receipts
- Travel
- Folders Hide
- + New Folder
- medicine
- Notes
- Sent Messages

14955 MIAMI FOLEY RD

Yahoo/Inbox



Melissa Jenck <mjenck@...>  
To: hieterj@yahoo.com  
Fri, Mar 25 at 2:35 PM



Melissa Jenck Q  
mjenck@co.salamoek.or.us  
(503) 842-3408 x3301  
+ Add to contacts

Good afternoon Jayson,

Thank you for meeting with me this afternoon to discuss your property at 14955 Miami Foley Road located at 1N10-1400-00503. The subject property is located within a FEMA Floodplain (AE zone and Floodway). As discussed, the retaining wall's current location appears to be only within the 'AE Zone' portion of the floodplain. A Floodplain Development Permit (attached) will be required for renovation or replacement of the retaining wall. I've attached the application form.

As discussed, the Miami River maintains a 50-ft riparian setback per TCLUO Section 4.140. I would suggest working with Robert Bradley on his team at Oregon Department of Fish and Wildlife (ODFW) to see if you can determine the existing setback of the wall from the high-water line. If indeed the existing wall (and the proposed replacement wall) were to encroach into the 50-ft setback, a Riparian Exception would be required before it could be replaced.

The Exception for the riparian setback is a public land use review, as discussed in our meeting. This will trigger a public notice requirement, allowing for comment and appeal. As this is a discretionary review, Staff cannot guarantee approval outside the application and review process. I've attached the Type II application which comes in with the submittal. The main submission requirements with the application is a detailed site plan indicating the current improvements and their setbacks from the high-water line, along with the proposed setback from the high-water line a replaced retaining wall would have.

I will speak with Director Absher regarding a requirement for a geologic hazard review. As you stated, this wall is not holding back surcharge and isn't sloped where it would be sited. As such, you may be exempt from the review - I will formally confirm.

You can reach Robert Bradley of ODFW at: [robert.bradley@odfw.oregon.gov](mailto:robert.bradley@odfw.oregon.gov). He can be reached by phone at 503-

RE: Miami river bank set back

ODFW assessment  
and report.

From: BRADLEY Robert \* ODFW (robert.bradley@odfw.oregon.gov)

To: hleterj@yahoo.com; mjenck@co.tillamook.or.us

Date: Thursday, March 31, 2022, 11:13 AM PDT

Melissa,

I visited this property today with Jayson. Most of the retaining wall he wants to replace would be within the existing footprint of the current one, but there would be a couple deviations.

The retaining wall would be extended several yards on the west end. As long as the extension remains in the alignment with the current wall (as was discussed on site), this would be located outside the riparian setback from the river.

On the east side of the house, he would like to straighten the alignment of the wall and extend the wall further to the northeast toward Miami-Foley Road. Most of the extension would be outside of the riparian setback, however the first 25 feet of the portion to be straightened would result in a deviation from the current footprint and a net loss of approximately 50 sq. ft. of ground within the setback.

The net biological loss of this proposal is minor, but ODFW would ask for mitigation for the lost potential riparian habitat through the planting of native conifers and/or shrubs within the riparian setback area along the property. I'll reserve my final recommendation for when an actual plan or diagram is available, but based on the estimate I made today, planting of 4 conifer trees, 6 native shrubs (since these are smaller in area covered), or a combination of the two, should be sufficient (along with maintenance to ensure at least 50% survival until free to grow).

Let me know if you have any questions.

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

From: Jayson Hieter <hieterj@yahoo.com>  
Sent: Saturday, March 26, 2022 8:19 PM  
To: BRADLEY Robert \* ODFW <Robert.BRADLEY@odfw.oregon.gov>  
Subject: Miami river bank set back

Hello Robert,

My name is Jayson Hieter and I am looking to replace a retaining wall along my property. Our house is Miami river front. There is an existing retaining wall that we are looking to upgrade from wood to concrete. We would essentially be keeping the same border line and not progressing towards the river. Our place was grandfathered in before the 50ft set back rule so it is very close to the river. I was hoping to schedule an assessment with you to discuss a riparian exemption or clearance. Do you have time Thursday this week? I have already spoke to Melissa Jenck with the county flood plain land use, she said to reach out to you.

Let me know your availability.

Jayson Hieter

14955 Miami Foley Rd

Bay City OR 97107

Miami - Foley Rd

SHOP

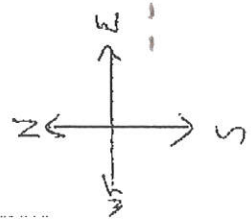
Driveway

SHOP

HOUSE

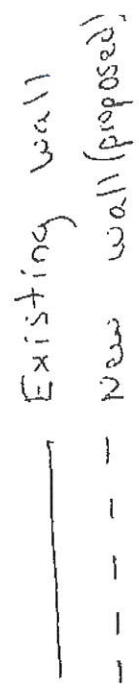
25ft Riparian  
Exception Zone  
for New wall

Miami River



81.7

30ft



proposed New wall will lay in the existing walls blue print with a 30ft extension on the west end and 81.7ft on the NE end which 25ft will be within the Riparian zone wall to include 30" footer, 8" thick with a 30" wall by 12" thick. 20 yds of back fill dirt. Total wall length 256 linear feet.

## Melissa Jenck

---

**From:** BRADLEY Robert \* ODFW <Robert.BRADLEY@odfw.oregon.gov>  
**Sent:** Monday, May 9, 2022 9:38 AM  
**To:** Melissa Jenck; Jayson Hieter  
**Subject:** RE: EXTERNAL: RE: Miami river bank set back

The proposed wall would run at an angle away from the river, so it will vary along the length. Based on my previous statement, looks like it would begin at 25 feet from the river and extend out to 50 feet (and then continue on but from that point would be outside the setback). It may be a little closer to the river than that at the starting point near the corner of the house, but will begin at the existing wall and extend inland from there.

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**

**From:** Melissa Jenck <mjenck@co.tillamook.or.us>  
**Sent:** Monday, May 09, 2022 9:12 AM  
**To:** BRADLEY Robert \* ODFW <Robert.BRADLEY@odfw.oregon.gov>; Jayson Hieter <hieterj@yahoo.com>  
**Subject:** RE: EXTERNAL: RE: Miami river bank set back

Hello Robert,

Coming back to this one, do you happen to know the how far into the riparian area the realignment would go into the 50-ft setback? I'm wanting to prepare the Riparian Exception request, but I wasn't sure what the setback would be. I see you mention a net loss for an area that was straightened out. But, I was wondering if you had the actual setback from the high-water line that was expected based on the project?

Thank you!



**Melissa Jenck** (she/her) | CFM, Senior Planner  
TILLAMOOK COUNTY | Community Development  
1510-B Third Street  
Tillamook, OR 97141  
Phone (503) 842-3408 x3301  
[mjenck@co.tillamook.or.us](mailto:mjenck@co.tillamook.or.us)



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*The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.co.tillamook.or.us/gov/ComDev/> to access the appointment scheduler portal.*

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**Sent:** Thursday, March 31, 2022 11:13 AM  
**To:** Jayson Hieter <[hieterj@yahoo.com](mailto:hieterj@yahoo.com)>; Melissa Jenck <[mjenck@co.tillamook.or.us](mailto:mjenck@co.tillamook.or.us)>  
**Subject:** EXTERNAL: RE: Miami river bank set back

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

Melissa,

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Tillamook, OR 97141  
503-842-2741 x18613 (w)  
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Note new email address as of 4/26/21: [Robert.Bradley@odfw.oregon.gov](mailto:Robert.Bradley@odfw.oregon.gov)

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To: BRADLEY Robert \* ODFW <[Robert.BRADLEY@odfw.oregon.gov](mailto:Robert.BRADLEY@odfw.oregon.gov)>

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Let me know your availability.

Jayson Hieter  
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Bay City OR 97107

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