



Land of Cheese, Trees and Ocean Breeze

**Conditional Use Request 851-22-000041-PLNG: Bucknam
ADMINISTRATIVE DECISION & STAFF REPORT**

Decision Date: August 23, 2022

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

Report Prepared by: Sheila Shoemaker, Land Use Planner

I. GENERAL INFORMATION:

Request: Conditional Use request for the siting of a Recreational Vehicle (RV) for recreational use (Exhibit B).

Location: Located south of the Netarts Unincorporated Community, the subject property is accessed via Martin Avenue, a local access road, and designated as Tax Lot 609 in Section 5 of Township 2 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).

Zone: Rural Residential 2 Acre (RR-2) Zone

Applicant: Brian and Julie Bucknam, 5385 Woodlawn St W, Tillamook, OR 97141

Property Owner: Brian and Julie Bucknam, 5385 Woodlawn St W, Tillamook, OR 97141

Property Description: The subject property contains 2.31 acres and is irregular in shape. Property is accessed via Martin Avenue, a local access road, varies in topography and is vegetated with grasses, trees and shrubs. Subject property is unimproved however County records indicate permit approvals dated July 22, 1999, for an on-site septic system.

Subject property does not contain wetlands or other mapped natural features. Property is within an area of geologic hazard. Property is not located within area of special flood hazard per FEMA Firm #41057C0570F dated September 28, 2018.

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 and 10 Acre Zone
- B. Article VI: Conditional Use Procedures and Criteria

III. ANALYSIS:

A. A. Section 3.010: Rural Residential 2 Acre and 10 Acre 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.

1. **Section 3.010 (3)(d)** states that “Recreational vehicle where not allowed outright by Section 5.130” are permitted conditionally in the Rural Residential 2 Acre Zone subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.

Findings: Staff finds that conditional use approval is required to allow the siting of an RV for recreational use in the RR-2 zone.

B. 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.

1. **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 within 250 feet of the subject property and other agencies on June 3, 2022. Written comments were received from the Tillamook County Public Works Department. Comments from the Tillamook County Department of Public Works commented that a formal road approach permit is required (Exhibit C). Conditions of Approval have been added to this application to address the comments of the agency.

2. 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: The applicant proposes siting an RV as a dwelling which is a use permitted conditionally per TCLUO Section 3.010(3)(d). Staff finds 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 RR-2 zone of 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 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 contains 2.31 acres and is accessed via Martin Avenue, a local access road (Exhibit A). There are no wetland present on the property and is not in the flood hazard overlay zone (Exhibit A).

Applicants are proposing the placement of a Recreational Vehicle (RV) (Exhibit B). Applicants state the property is suitable due to the size of the property (Exhibit B). Given the size of property, absence of natural features, access, and onsite sanitation approvals, Staff finds that the subject property can be suitable for the proposed use of the siting of an RV for recreational use.

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: Adjacent properties are zoned RR-2, and Netarts Residential Manufactured Dwelling (NT-RMD). The NT-RMD zone allows for RV's outright provided the standards of Section 5.160 and all other applicable development standards are met. Existing uses in the vicinity consist primarily of residential, recreational, aquaculture, and forestry with a minor level of agricultural uses primarily consisting of hobby farms on other properties zoned Rural Residential 2-Acre (RR-2). A recreational campground and RV park is located north of the subject property and within the vicinity of the subject property (Exhibit A).

Applicants state the RV is compatible with the surrounding area and site Martin Avenue properties are able to place an RV due to the NT-RMD zoning of the properties. Applicants add that the RV is located in an area with limited visibility of the RV, primarily when traveling on the easement and roadway (Exhibit B).

Given the diversity of existing uses in the area and size of the subject property in relation to the proposed use, Staff finds that the proposed placement of a Recreational Vehicle (RV) on the subject property will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents surrounding landowners from developing their properties consistent with permitted uses in the underlying zones within this vicinity.

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

Findings: None such systems are known to exist in the area. Staff concludes 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: Long-established existing public facilities and services in this area include Netarts Water District, Netarts-Oceanside Rural Fire Protection District, Tillamook County Sheriff and Tillamook County Public Works, and Tillamook People’s Utility District (PUD). County records also confirm onsite sanitation permit approvals for a septic system.

Applicants state the RV will not be using public facilities or services. Electricity will be generated using solar panels and water will be brought from residence. Applicant adds sewer will be pumped out using a company in Tillamook (Exhibit B).

Given the existence of public services and facilities in the area in relation to the proposed placement of a Recreational Vehicle (RV), staff finds the proposed use is timely and any requirements for service provider letters can be required through Conditions of Approval. Siting of a Recreational Vehicle (RV) is subject to the siting standards outlined in TCLUO Section 5.010: Mobile Home, Manufactured Home and Recreational Vehicle Siting Criteria.

Staff finds that this criterion can be met through compliance with 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 September 6, 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.
2. The applicant shall adhere to the applicable standards of TCLUO Section 5.010: Mobile Home, Manufactured Home and Recreational Vehicle Siting Criteria:
 - a. An application for a recreational vehicle placement shall be obtained from, and approved by, the Department prior to the placement of a recreational vehicle on any lot within the County's jurisdiction. Plans showing the proposed location of the unit shall accompany the application. *No permit shall be considered approved until compliance with all applicable sanitation, building, planning, and public works requirements can be demonstrated, and such demonstration is acknowledged by the signatures of appropriate County officials.* A new application must be obtained and approved if a new or different mobile home, manufactured home or recreational vehicle is placed, or if placement has not taken place within 12 6 (six) months following approval of the most recent application

- b. A storage building of at least sixty-four (64) square feet that is structurally compatible with the mobile home, manufactured home or recreational vehicle shall be constructed within ninety days following placement of the unit.
 - c. Off-street parking sufficient for two automobiles shall be provided for each mobile home, manufactured home or recreational vehicle installation. Construction of the off-street parking facilities shall be completed within ninety days following placement of the unit upon the site in compliance with Section 4.030. Each parking space shall be a minimum of 8-feet by 20-feet and shall be identified on the site plan at the time of zoning permit submittal.
3. The applicant/property owner shall adhere to applicable development standards in TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) zone.
 4. The applicant shall obtain a road approach permit from the Tillamook County Department of Public Works to the subject property prior to obtaining building or placement permits from this Department. A copy of the approved road approach permit shall be submitted to the Department at the time of zoning permit application submittal.
 5. The applicant shall submit a fire letter from the Netarts-Oceanside Rural Fire Protection District to the Department at the time of zoning permit submittal.
 6. This approval shall be void on August 23, 2024, unless implementation of approved plans has begun, or an extension is requested from, and approved by this Department.

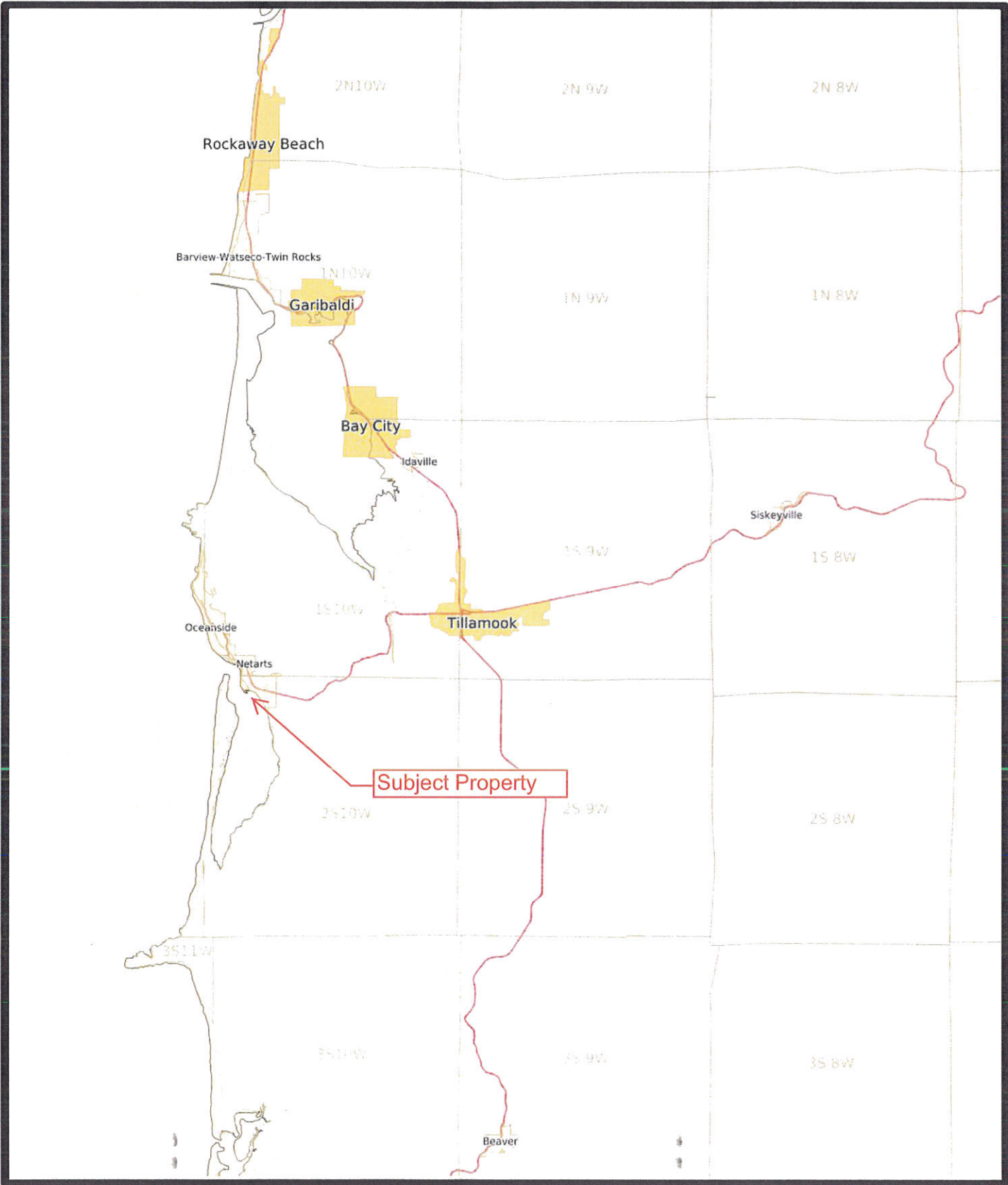
VI. EXHIBITS

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

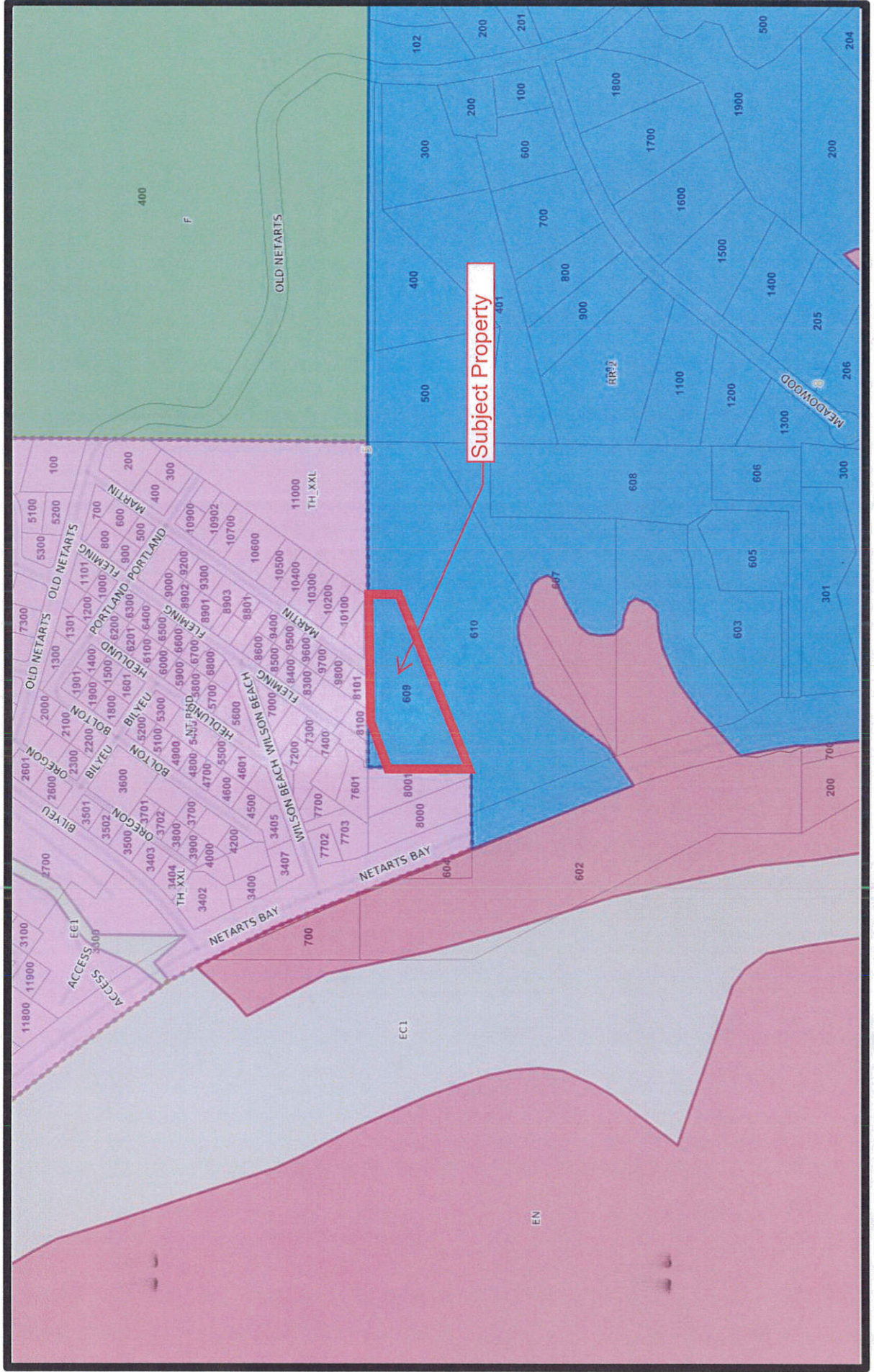
- A. Location map, Assessor map, Zoning map, Assessor's Summary Report
- B. Applicant's submittal
- C. Public comments

EXHIBIT A

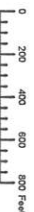
Vicinity Map



Zoning Map

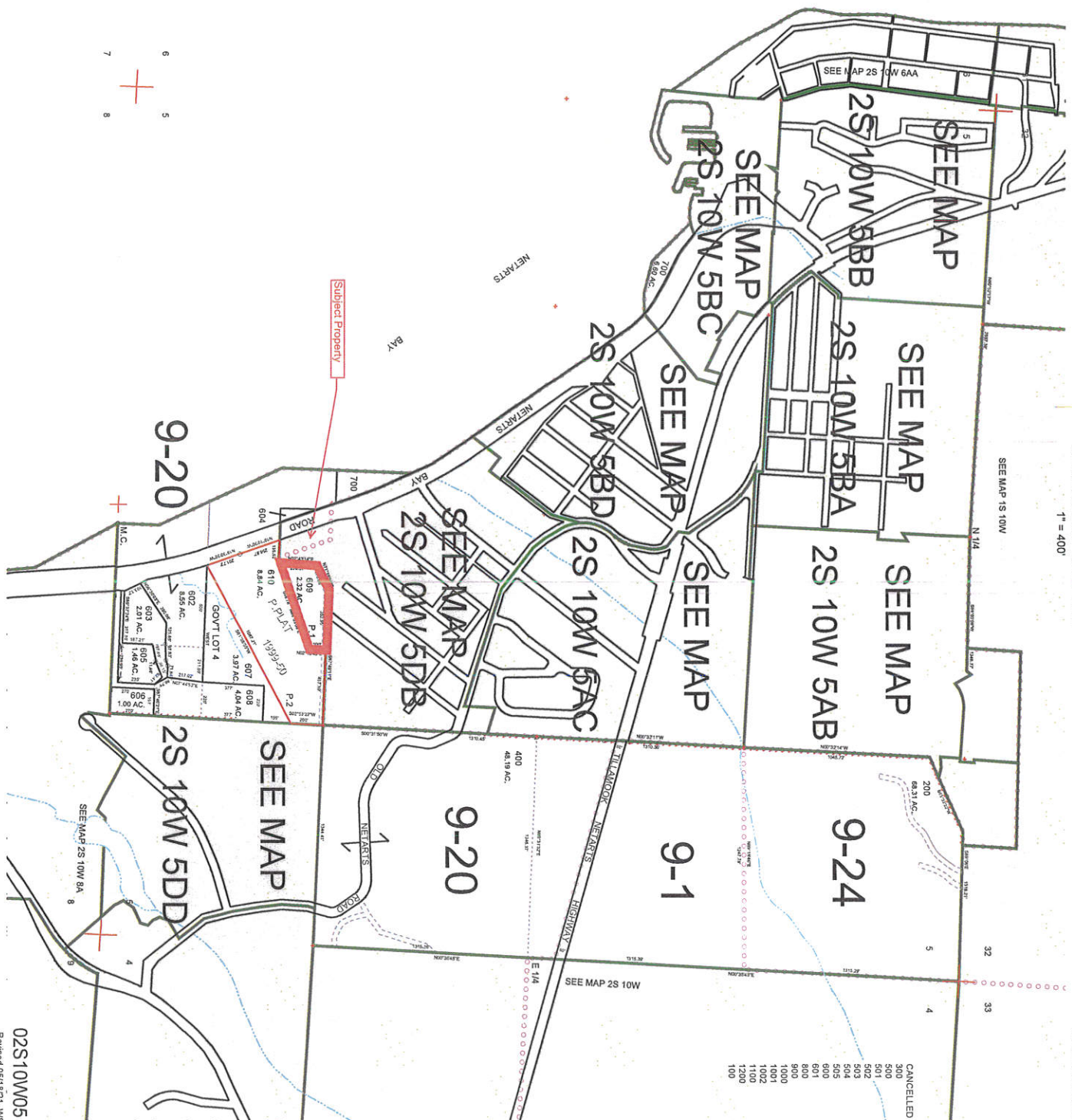


THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

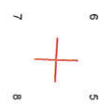


SECTION 5 T.2S., R.10W., W.M.
TILLAMOOK COUNTY
1" = 400'

02S10W05



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02S10W05
Revised 05/15/21, WS

TILLAMOOK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

June 3, 2022 11:18:10 am

Account # 405360 Map # 2S10050000609 Code - Tax # 0920-405360 Legal Descr PARTITION PLAT 1999-50 Lot - PARCEL 1 Mailing Name BUCKNAM, BRIAN & JULIE L Agent In Care Of Mailing Address PO BOX 231 OCEANSIDE, OR 97134 Prop Class 400 MA SA NH Unit RMV Class 400 08 BV 847 384-1	Tax Status ASSESSABLE Acct Status ACTIVE Subtype NORMAL Deed Reference # 2005-6578 Sales Date/Price 07-27-2005 / \$185,000.00 Appraiser ELIZABETH LOFTIS
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Situs Address(s)	Situs City
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Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
0920 Land	148,890			Land	0
Impr.	0			Impr.	0
Code Area Total	148,890	126,290	126,290		0
Grand Total	148,890	126,290	126,290		0

Land Breakdown										
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
0920	0		<input type="checkbox"/>	RR-2	Market	110	A	2.32		148,890
Grand Total										148,890

Improvement Breakdown									
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV	
Grand Total									0

Exemptions / Special Assessments / Potential Liability									
Code Area	0920								
FIRE PATROL:									
■ FIRE PATROL NORTHWEST									
	Amount	18.75	Acres	2.32	Year	2021			

Comments: 2/25/11 Moved to 542 neighborhood, zoned RR-2. EJ.
 3/18/14 Land re-appraisal, tabled land. EJ.

National Flood Hazard Layer FIRMette



123°56'30"W 45°25'40"N



123°55'53"W 45°25'15"N

Legend

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

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone 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

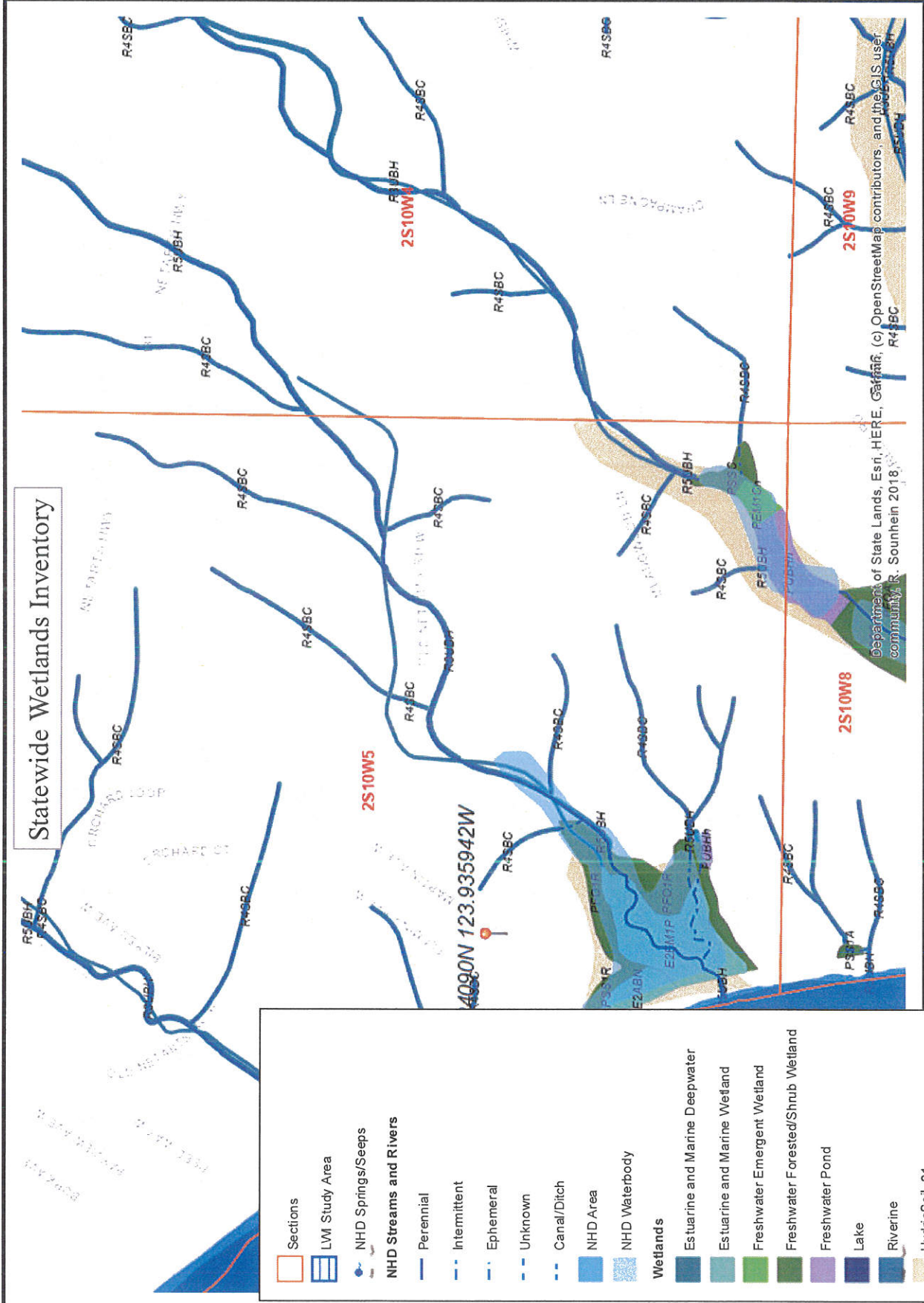
- Digital Data Available
- No Digital Data Available
- Unmapped

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 2:15 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
	LVM Study Area
	NHD Springs/Sleeps
	NHD Streams and Rivers
	Perennial
	Intermittent
	Ephemeral
	Unknown
	Canal/Ditch
	NHD Area
	NHD Waterbody
Wetlands	
	Estuarine and Marine Deepwater
	Estuarine and Marine Wetland
	Freshwater Emergent Wetland
	Freshwater Forested/Shrub Wetland
	Freshwater Pond
	Lake
	Riverine
	HydricSoil_21
	AgateWinlo_21



The Statewide Wetlands Inventory (SWI) represents the best data available at the time the map was published and is updated as new data becomes available. In a case, actual field conditions determine the presence, absence and boundaries of wetlands and waters (such as creeks and ponds). An onsite investigation by a wetland professional can verify actual field conditions.



Date: 6/3/2022



State of Oregon
 Department of State Lands
 775 S. Oregon Street, Suite 100
 Salem, OR 97301-1279
 (503) 986-5200

EXHIBIT B



PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: Brian + Julie Bucknam Phone: 503-842-7793
 Address: 5385 Woodlawn St W
 City: Tillamook State: OR Zip: 97141
 Email: jbucknam721@gmail.com

Property Owner

Name: Brian + Julie Bucknam Phone: 503-842-7793
 Address: 5385 Woodlawn St W
 City: Tillamook State: OR Zip: 97141
 Email: jbucknam721@gmail.com

OFFICE USE ONLY	
Date Stamp	RECEIVED JAN 25 2022 BY: <u>Dropped off</u>
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees: <u>1089-</u>	
Permit No: <u>851-22-000041-PLNG</u>	

Request: Conditional use approval to allow ourselves, friends and family to stay in the trailer that is currently being stored on the property. It would be used for visits, not as a living resident.

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

Location:

Site Address: Partition plat 1999-50 Parcel 1 (End of Martin Ave in Netarts)
 Map Number: 25 10 05 609
Township Range Section Tax Lot(s)

Clerk's Instrument #: _____

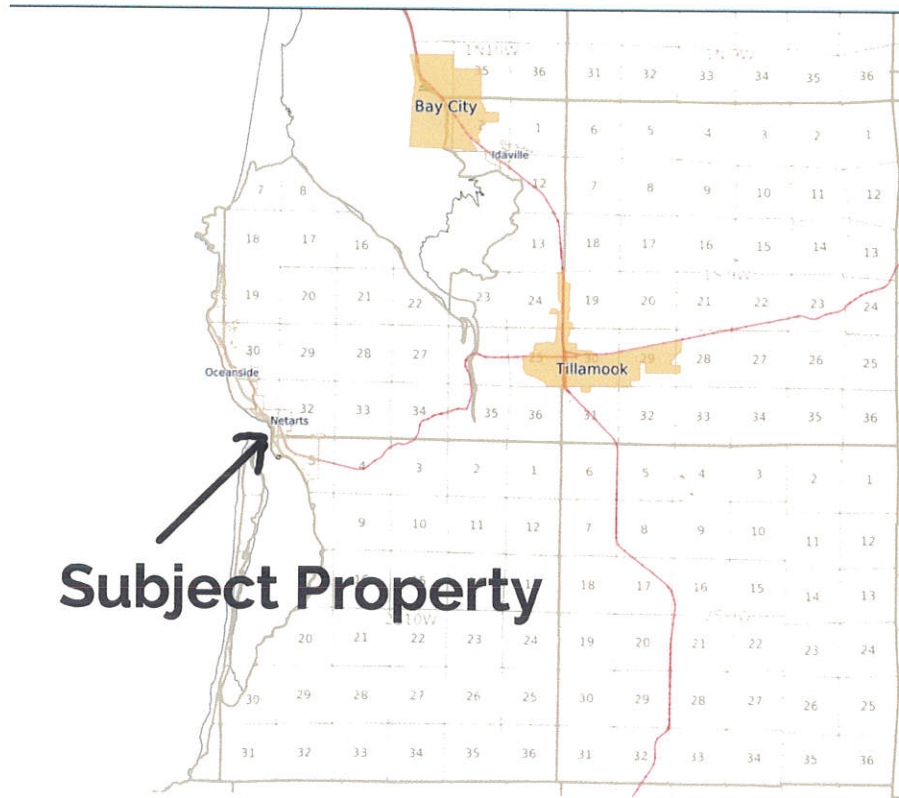
Authorization

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.

Julie Bucknam
 Property Owner Signature (Required) _____ Date _____
Julie Bucknam
 Applicant Signature _____ Date _____

Conditional Use Review Criteria

- 1) Yes, the use of a recreational vehicle is listed as a conditional use for Rural Residential 2 acre zone.
- 2) Yes, the use is consistent with the applicable goals and policies of the Comprehensive plan for this area.
- 3) This parcel is suitable for the use of a recreational vehicle. It is a 2+ acre parcel on the end of a dead end street. The trailer is located in an area that is only visible when driving on the road that is on an easement on our property or from the driveway on the large property to the south.
- 4) The use of a recreational vehicle is compatible with the surrounding area. Martin Avenue is zoned for recreational vehicles and several recreational vehicles are being used on this road, including one at the entrance of our property.
- 5) There are no solar systems, wind energy conversion systems, or wind mills affected by the use of this recreational vehicle.
- 6) Because the recreational vehicle will not be used full time, it will not be using public facilities or services. Electricity will be generated using solar panels, water will be brought from our home in Netarts, and sewer will be pumped out using a company in Tillamook.



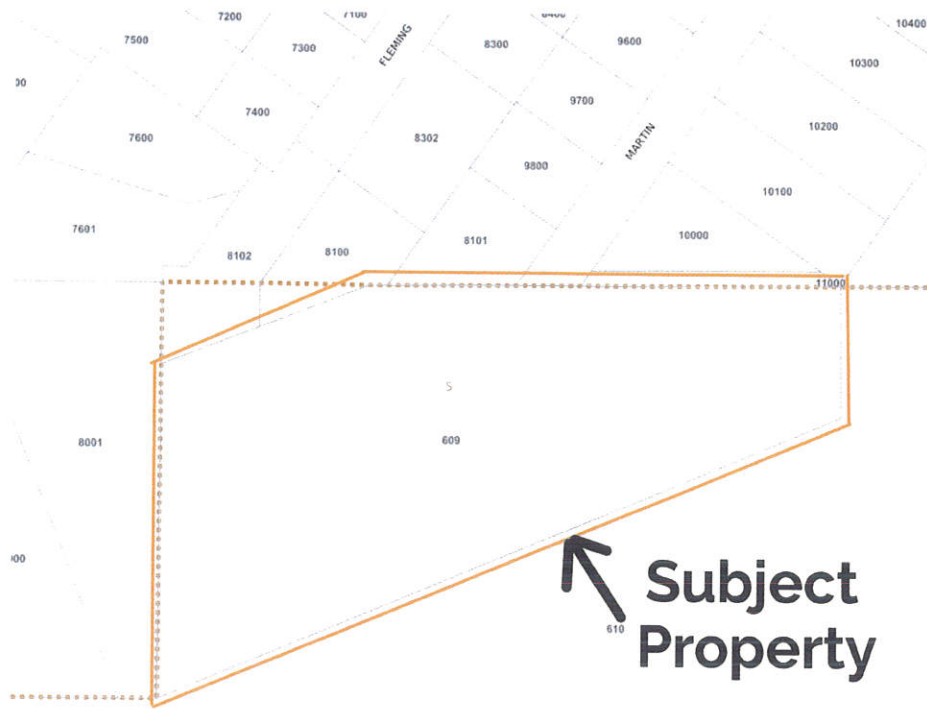




EXHIBIT C

Sheila Shoemaker

From: Melissa Jenck
Sent: Tuesday, July 19, 2022 12:31 PM
To: Sheila Shoemaker
Subject: FW: 851-22-000041-PLNG



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

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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.

From: Lynn Tone <ltone@co.tillamook.or.us>
Sent: Monday, June 6, 2022 8:22 AM
To: Melissa Jenck <mjenck@co.tillamook.or.us>
Subject: FW: 851-22-000041-PLNG

From: Ron Newton <rnewton@co.tillamook.or.us>
Sent: Monday, June 6, 2022 7:00 AM
To: Lynn Tone <ltone@co.tillamook.or.us>
Cc: Jasper Lind <jlind@co.tillamook.or.us>
Subject: Re: 851-22-000041-PLNG

Lynn

Applicants are required under Tillamook County Ordinance #44 to a formal Road Approach with the Tillamook County Public Works Department. Applicant should contact the Public Works office prior to commencement of any work related the current application.

Ron Newton
Engineering Tech. III
Tillamook County Public Works