



Land of Cheese, Trees and Ocean Breeze

**VARIANCE REQUEST #851-22-000094-PLNG:  
WEBER/WOMBWELL & BARNARD**

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

June 20, 2022

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Variance Request on June 20, 2022.

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.

**Appeal of this decision.** This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00 PM on July 5, 2022.**

**Request:** A Variance request to reduce the required 20-foot front yard setback to an eight (8) foot front yard setback for the construction of a new single-family dwelling.

**Location:** The subject property is located in the Unincorporated Community of Neskowin accessed via South Beach Road, a private road, and designated as Tax Lot 4800 of Section 35DA, Township 5 South, Range 11 West, W.M., Tillamook County, Oregon.

**Zone:** Neskowin Low Density Residential (NeskR-1) Zone

**Applicant:** Jake Weber of GSW Architects, 2800 NW Thurman St, Portland, OR 97210

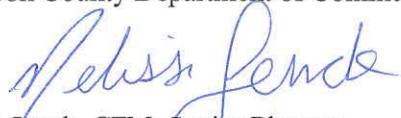
**Property Owner:** Daen Wombwell & Grace Barnard, 6604 Crown Forest Drive, Plano, TX 75024

**CONDITIONS OF APPROVAL**

Section 8.060: COMPLIANCE WITH CONDITIONS, and 8.070: TIME LIMIT requires compliance with approved plans and Conditions of this decision, and all other ordinance provisions, and allows 24 months for compliance with Conditions and start of construction. 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/property owner shall obtain an approved Consolidated Zoning/Building permit application from the Tillamook County Department of Community Development, prior to development of the site.
3. The applicant/property owner shall submit a Geologic Hazard Report for review prior to, or at the time of, the Consolidated Zoning/Building Permit approval. The Report shall address requirements in TCLUO Section 4.130 and shall be submitted in accordance with the procedures in the "Development of Properties in Hazard Areas".
4. The applicant/property owner shall submit updated letters for fire, water, sewer and road approach permits at time of Consolidated Zoning/Building permit application.
5. Development of the property shall maintain an 8-foot front-yard setback for overhangs/eaves, with the foundation of the building maintaining a front-yard setback of 10-ft.
6. Development shall otherwise comply with the applicable standards and requirements of TCLUO Sections 3.322, 'Neskowin Low Density Residential (NeskR-1) Zone'. The applicant/property owner shall submit a site plan, drawn to scale and indicating all required yard setbacks, at the time of Consolidated Zoning/Building permit application.
7. This approval shall be void on June 20, 2024, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

Sincerely,  
Tillamook County Department of Community Development

  
Melissa Jenck, CFM, Senior Planner

  
Sarah Absher, CBO, CFM, Director

Enc.: Vicinity, Assessor & Zoning maps



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*Land of Cheese, Trees and Ocean Breeze*

**VARIANCE, 851-22-000094-PLNG: Weber/Wombwell & Barnard**

**ADMINISTRATIVE DECISION AND STAFF REPORT**

**DECISION: Approved with Conditions**

**Decision Date:** June 20, 2022

**REPORT PREPARED BY:** Melissa Jenck, CFM, Senior Planner

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**I. GENERAL INFORMATION:**

**Request:** A Variance request to reduce the required 20-foot front yard setback to an eight (8) foot front yard setback for the construction of a new single-family dwelling.

**Location:** The subject property is located in the Unincorporated Community of Neskowin accessed via South Beach Road, a private road, and designated as Tax Lot 4800 of Section 35DA, Township 5 South, Range 11 West, W.M., Tillamook County, Oregon.

**Zone:** Neskowin Low Density Residential (NeskR-1) Zone

**Applicant:** Jake Weber of GSW Architects, 2800 NW Thurman St, Portland, OR 97210

**Property Owner:** Daen Wombwell & Grace Barnard, 6604 Crown Forest Drive, Plano, TX 75024

**Description of Site and Vicinity:** The subject property is bordered by South Beach Road, a private road to the east, and the Pacific Ocean to the west, is sparsely vegetated and encompasses 0.81-acres according to County Assessors records (Exhibit A). Access to the subject property is from South Beach Road, a private road (Exhibit B). The subject property along with the properties in the vicinity are zoned Neskowin Low Density Residential (NeskR-1) zone and the area generally consists of single-family dwellings (Exhibit A).

The Applicant is proposing to reduce the required 20-foot front yard setback to 8-feet to allow for the siting of a single-family dwelling on the subject property (Exhibit B).

Wetlands are mapped on the subject property westward of the proposed developed portion of the property, as indicated on the State Wetlands Inventory (Exhibit A) The area is in Flood Zone “X”, according to FEMA FIRM 41057C1005F dated September 28, 2018 and is not in a Special Flood Hazard Area (Exhibit A). The subject property includes the Neskowin Coastal Hazards Overlay, with the proposed development to be sited landward of the overlay boundary (Exhibit A & B).

The area is within a designated geologic hazard area per TCLUO Section 4.130 (Exhibit B). LIDAR data and the Applicant’s submittal include data that slopes located in the western portions of the property steeply drop off to a bluff, with a level area located on the easterly portion of the lot (Exhibit A & B). Applicant provided a geotechnical assessment which describes slopes westerly on the buildable portion of the lot maintaining slopes of approximately 1H:1V (Horizontal: Vertical) (Exhibit B).

**II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:**

The request 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 3.322: Neskowin Low Density Residential (NeskR-1) Zone
- B. Section 4.130: Development Requirements for Geologic Hazard Areas
- C. Article VIII: Variance Procedures and Criteria (including Section 4.005: Residential and Commercial Zone Standards)

**III. ANALYSIS:**

**A. TCLUO Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone**

Section 3.322(2) and 3.322(3) list uses permitted outright and conditionally in the zone.

**Findings:** Staff finds that the proposed single-family dwelling is a permitted outright use in the NeskR-1 zone.

**Section 3.322(4), STANDARDS:** *Land divisions and development in the NeskR-1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:*

...

(g) *The minimum front yard shall be 20 feet.*

**Findings:** Applicant is requesting a reduction of the front-yard setback from 20-feet to 8-feet, to allow for the siting of a new single-family dwelling (Exhibit B).

Staff finds that the requested Variance may be permitted only on finding that the requirements of TCLUO Article 8 have been satisfied. The requirements of TCLUO Article 8, ‘Variance Procedures and Criteria’ are addressed below.

**B. TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas**

The subject property is located in an oceanfront bluff as identified in DOGAMI bulletins 74 and 79 and is therefore subject to the development standards of TCLUO Section 4.130(2).

Findings: Section 4.130(3) details that development that requires a building permit prepare a Geologic Hazard report in accordance with TCLUO Section 4.130.

A Condition of Approval has been included to reflect the development standards of TCLUO Section 4.130.

**C. Article VIII: Variance Procedure and Criteria; including Section 4.005 Residential and Commercial Zone Standards**

Article VIII of the Tillamook County Land Use Ordinance governs the applications of Variances within the County. Article IV, Section 4.005 lists the purposes of the land use standards in each of the residential and commercial zones.

**Section 8.020** 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:** A notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on June 3, 2022. Comments were received by the Oregon Department of State Lands (DSL), along with public comments from a property in the vicinity, contained within 'Exhibit C'. Concerns from the public include adequate off-street parking. Oregon DSL stated if stormwater infrastructure piping was contained within the current developed locations, no further DLS review is required (Exhibit C).

**Section 8.030** states that a Variance may be authorized if the applicants/property owners adequately demonstrate that the proposed use satisfies all relevant requirements, including all four review criteria in Section 8.030. These criteria, including Section 4.005 Residential and Commercial Zone Standards, along with Staff's findings and conclusions are indicated below:

*(1) Circumstances attributable either to the dimensional, topographical, or hazardous characteristics of legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.*

**Findings:** The subject property is approximately 313 to 380-feet deep by 102.81-feet wide and is characterized by generally level bench on the easterly portion of the lot, with a steep slope in the westerly portion of the lot which creates a bluff down to the Pacific Ocean (Exhibit A & B). Applicant states that the requested 8-foot front yard setback is due to a geotechnical report prepared by Earth Engineers Inc. dated September 12, 2021, which identified a building setback from the bluff edge, along with the proposed development to be sited outside of the Neskowin Coastal Hazards Overlay (Exhibit B).

Staff finds the single-family dwelling located on the adjacent property located to south maintains a front-yard setback of 10-ft, granted through a variance approved by this Department in 2016. Staff finds that adjacent properties are improved with residential dwellings (Exhibit A). Review of aerial photography indicates that many properties of similar size and shape within the vicinity have a substantial developable building envelope in relation to lot size and lot coverage. Review of aerial imagery also indicates that dwellings within this vicinity have an average building depth of approximately 50 feet (Exhibit B).

Staff finds the Applicants proposal maintains a 10-ft 1-in front-yard setback from the building foundation, with the proposed eaves and overhangs maintaining an 8-ft setback from the property line (Exhibit B). Staff finds that due to dimensional and topographic characters of the legally existing lot, enjoyment of dwelling would be precluded on the subject property. Staff concludes that this criterion has been met.

*(2) A variance is necessary to accommodate a use or accessory use on the lot which can be reasonably expected to occur within the zone or vicinity.*

**Findings:** As discussed above, the Applicant is proposing to reduce the required 20-foot front yard setback to 8-feet to allow for the siting of a single-family dwelling on the subject property (Exhibit B). Applicant states the NeskR-1 zone expected for single-family dwellings permitted outright in the zone (Exhibit B).

Staff find single-family dwellings are permitted outright and is expected or occur within this zone. Staff concludes that this criterion has been met.

*(3) The proposed variance will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.*

Section 4.005: Residential and Commercial Zone Standards of the Tillamook County Land Use Ordinance lists the purposes of the land use standards in each of the residential and commercial zones as follows:

- (1) To ensure the availability of private open spaces;*
- (2) To ensure that adequate light and air are available to residential and commercial structures;*
- (3) To adequately separate structures for emergency access;*
- (4) To enhance privacy for occupants or residences;*

**Findings:** Applicant states that the proposal will maintain required side yard setbacks and comply with lot coverage requirements (Exhibit B). Applicant details that sufficient access to light and air is made available to neighboring properties by maintaining side-yard setbacks to ensure separation and privacy (Exhibit B). The Tillamook County Public Works Department and the Nestucca Rural Fire Protection District were notified of the request and no comments have been received. Staff finds that the proposed development will maintain privacy and adequate access to air, light and open space for the subject property and the surrounding properties. Staff find that the proposed site plan in ‘Exhibit B’ complies with side-yard setback requirements and the 70% lot coverage limitations of the NeskR-1 zone. Staff finds that these criteria are met.

- (5) To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveway, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;*
- (6) To ensure that driver visibility on adjacent roads will not be obstructed;*
- (7) To ensure safe access to and from common roads;*

**Findings:** Applicant’s submittal documents that all private land uses will occur on the subject property. Access is provided via South Beach Road. Access will not be impeded as an 8-ft setback is proposed from the front property line, with a 10-ft setback maintained from the foundation of the building (Exhibit B). The site plan shows adequate area for the two required off-street parking spaces in accordance with TCLUO Section 4.030. Staff finds that access to adjacent properties will not be impacted by the proposed front-yard reduction and that driver visibility will not be obstructed as all uses will be located within the property boundary lines of the subject property. Staff finds that these criteria have been met.

- (8) To ensure that pleasing view are neither unreasonably obstructed nor obtained;*

**Findings:** Applicant states that the proposed structure will meet height requirements of the zone, along with appropriate setbacks and lot coverage (Exhibit B). The County regulates views through compliance with building height requirements. Because the subject property is defined as an “oceanfront lot” per

Article 11 of the TCLUO, height of structures on this property is limited to 24-feet. Staff finds that the Applicants submittal includes a building demonstrating compliance with 24-ft building heights (Exhibit B). Staff finds the criterion in Section 4.005(8) can be met through compliance with the Conditions of Approval.

*(9) To separate potentially incompatible land uses;*

**Findings:** The applicant is proposing to construct a single-family dwelling (Exhibit B). The use is allowed outright in the NeskR-1 zone and is expected to occur in this area. Staff finds that the criterion in Section 4.005(9) has been met.

*(10) To ensure access to solar radiation for the purpose of alternative energy production.*

**Findings:** County records do not indicate any such facilities are in the vicinity of the subject property. Staff finds that the proposed expansion does not unreasonably shadow or otherwise inhibit access to solar radiation on adjacent properties and finds that the criterion in Section 4.005(10) has been met.

*(4) There are no reasonable alternatives requiring either a lesser or no variance.*

**Findings:** Applicant states that there are no other reasonable alternatives, due to geological constraints of the property (Exhibit B). The applicant has provided a geotechnical report by Earth Engineers Inc. dated September 13, 2021 (Exhibit B). Staff finds that the topography limits the buildable area of the subject property and the 8-ft front-yard exception allows for residential development of the property consistent with residential properties in the area. Staff finds that the criterion in Section 8.030(4) has been met.

#### **IV. DECISION: APPROVED WITH CONDITIONS**

Staff concludes, based on the findings of fact and other relevant information in the record, that the applicant has satisfied/or is able to satisfy the applicable ordinance requirements through the Conditions of Approval, and therefore, approves the request subject to the provisions in Section V below.

By accepting this approval the applicants/property owners agree 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 applicants/property owners shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed building site.

This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00 PM on July 5, 2022.**

#### **V. CONDITIONS OF APPROVAL:**

Section 8.060: COMPLIANCE WITH CONDITIONS, and 8.070: TIME LIMIT requires compliance with approved plans and Conditions of this decision, and all other ordinance provisions, and allows 24 months for compliance with Conditions and start of construction. 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/property owner shall obtain an approved Consolidated Zoning/Building permit application from the Tillamook County Department of Community Development, prior to development of the site.
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7. This approval shall be void on June 20, 2024, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

**VI. EXHIBITS:**

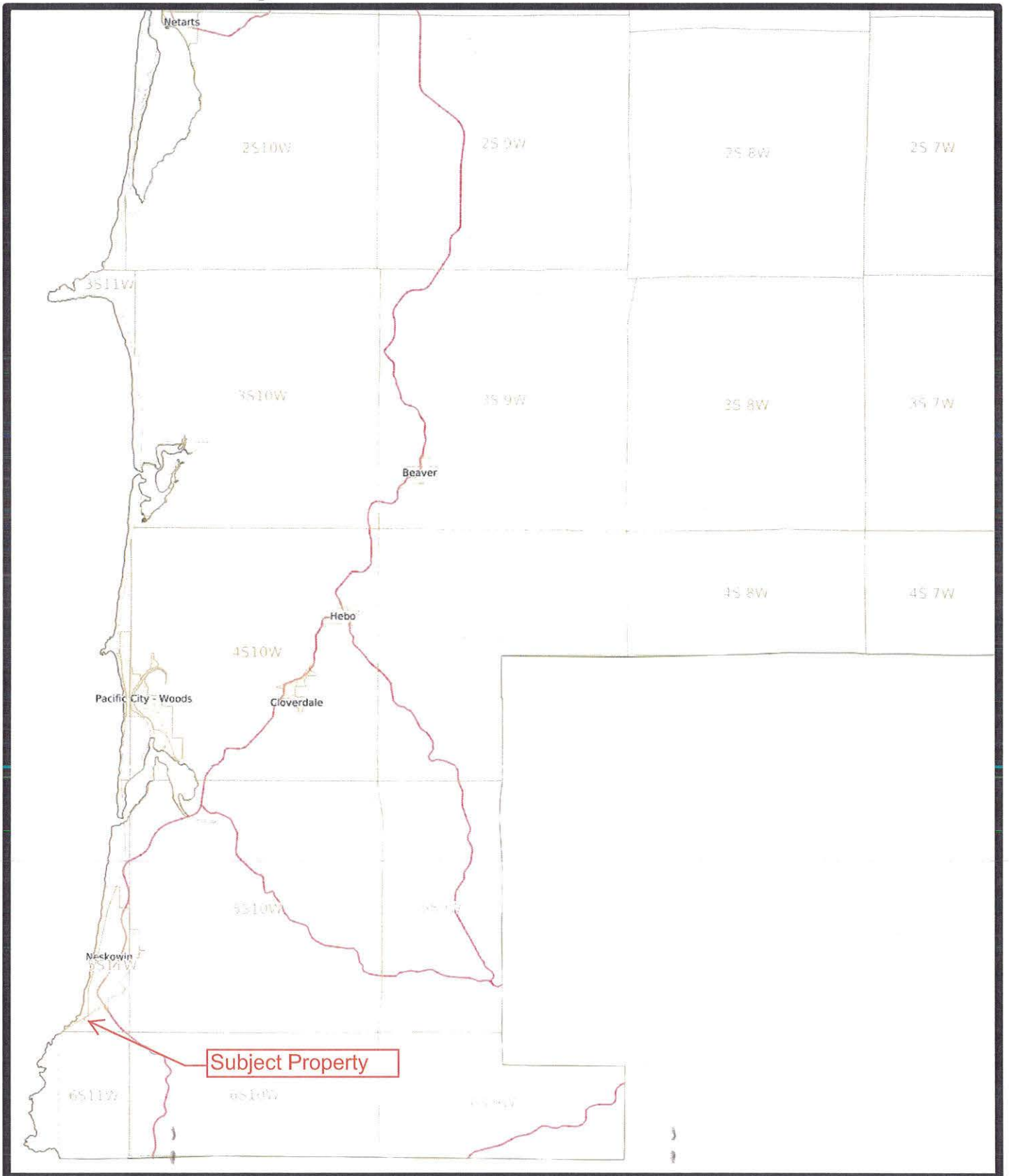
All Exhibits referenced herein are, by this reference, made a part hereof:

- A. Vicinity Map, Assessors Map, Assessors Summary, Zoning Map, FEMA FIRM
- B. Applicants Submittal
- C. Public Comments

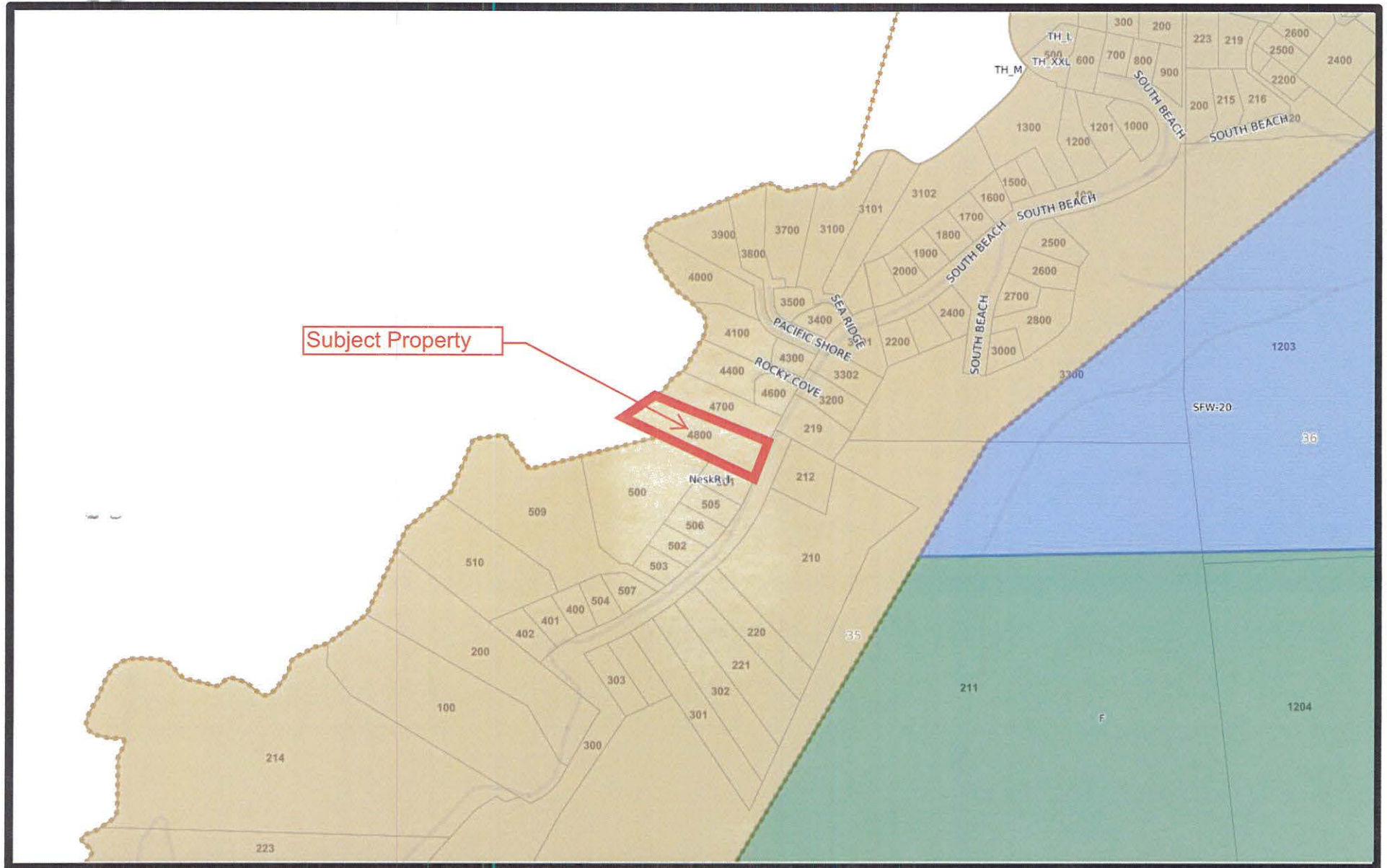


# EXHIBIT A

# Vicinity



# Zoning Map



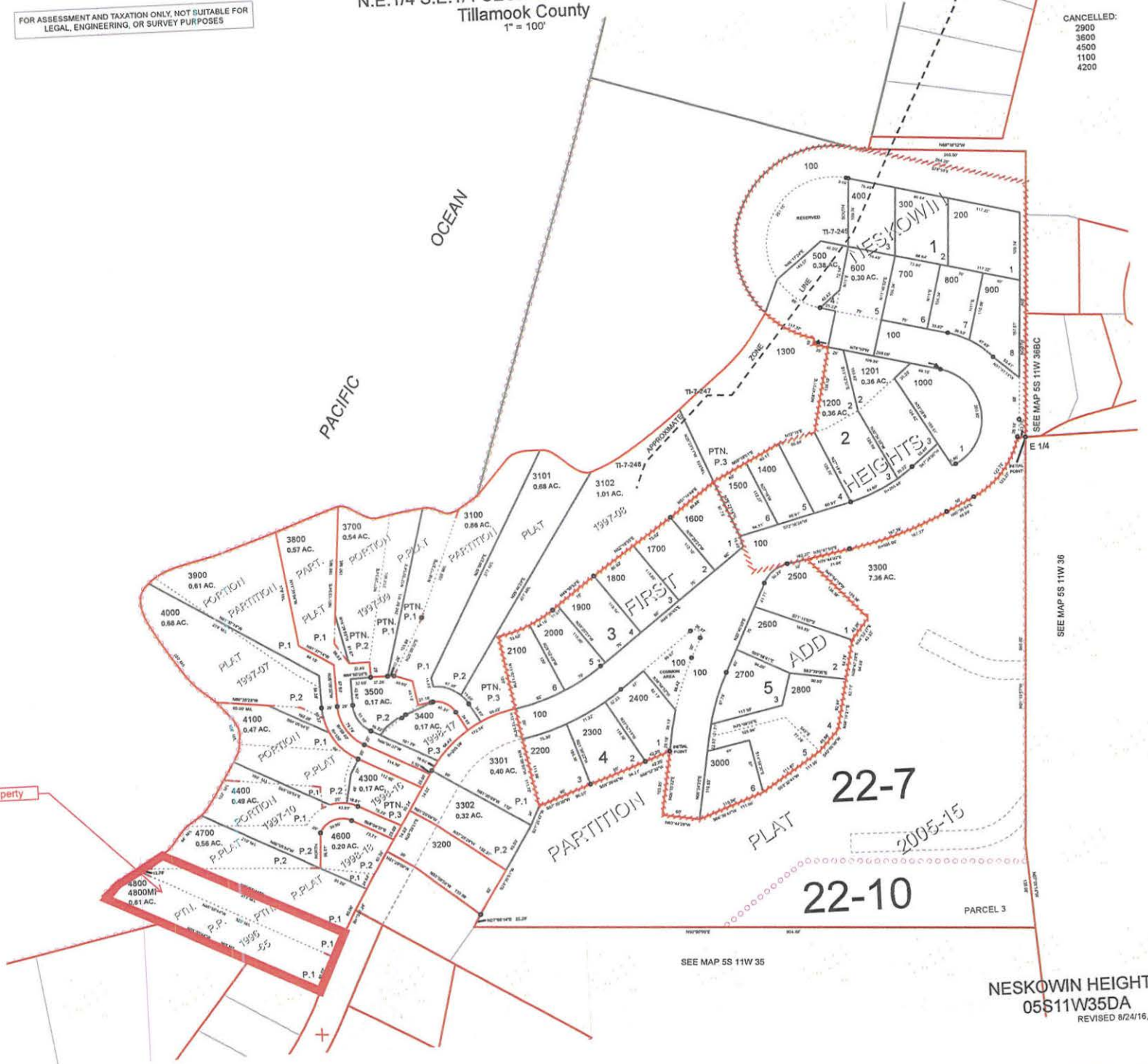
FOR ASSESSMENT AND TAXATION ONLY. NOT SUITABLE FOR  
LEGAL, ENGINEERING, OR SURVEY PURPOSES

N.E. 1/4 S.E. 1/4 SEC. 35 T.5S. R.11W. W.M.  
Tillamook County  
1" = 100'

05S11W35DA  
NESKOWIN HEIGHTS

CANCELLED:  
2900  
3600  
4500  
1100  
4200

Subject Property



22-7

22-10

NESKOWIN HEIGHTS  
05S11W35DA  
REVISED 8/24/16, WS

SEE MAP 5S 11W 35

SEE MAP 5S 11W 36

SEE MAP 5S 11W 38EC

# TILLAMOOK County Assessor's Summary Report

## Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

June 3, 2022 10:44:29 am

<b>Account #</b> 251079 <b>Map #</b> 5S1135DA04800 <b>Code - Tax #</b> 2209-251079  <b>Legal Descr</b> See Record  <b>Mailing Name</b> WOMBWELL, DAEN & <b>Agent</b> <b>In Care Of</b> BARNARD, GRACE <b>Mailing Address</b> 6604 CROWN FOREST DR PLANO, TX 75024  <b>Prop Class</b> 100 <b>MA</b> <b>SA</b> <b>NH</b> <b>Unit</b> <b>RMV Class</b> 100      09 <b>OF</b> 986   6860-1	<b>Tax Status</b> ASSESSABLE <b>Acct Status</b> ACTIVE <b>Subtype</b> NORMAL  <b>Deed Reference #</b> 2021-6857 <b>Sales Date/Price</b> 08-09-2021 / \$439,000.00 <b>Appraiser</b> ROBERT BUCKINGHAM
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<b>Situs Address(s)</b>	<b>Situs City</b>
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Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
2209    Land	385,850			Land	0
Impr.	0			Impr.	0
<b>Code Area Total</b>	<b>385,850</b>	<b>268,990</b>	<b>268,990</b>		<b>0</b>
<b>Grand Total</b>	<b>385,850</b>	<b>268,990</b>	<b>268,990</b>		<b>0</b>

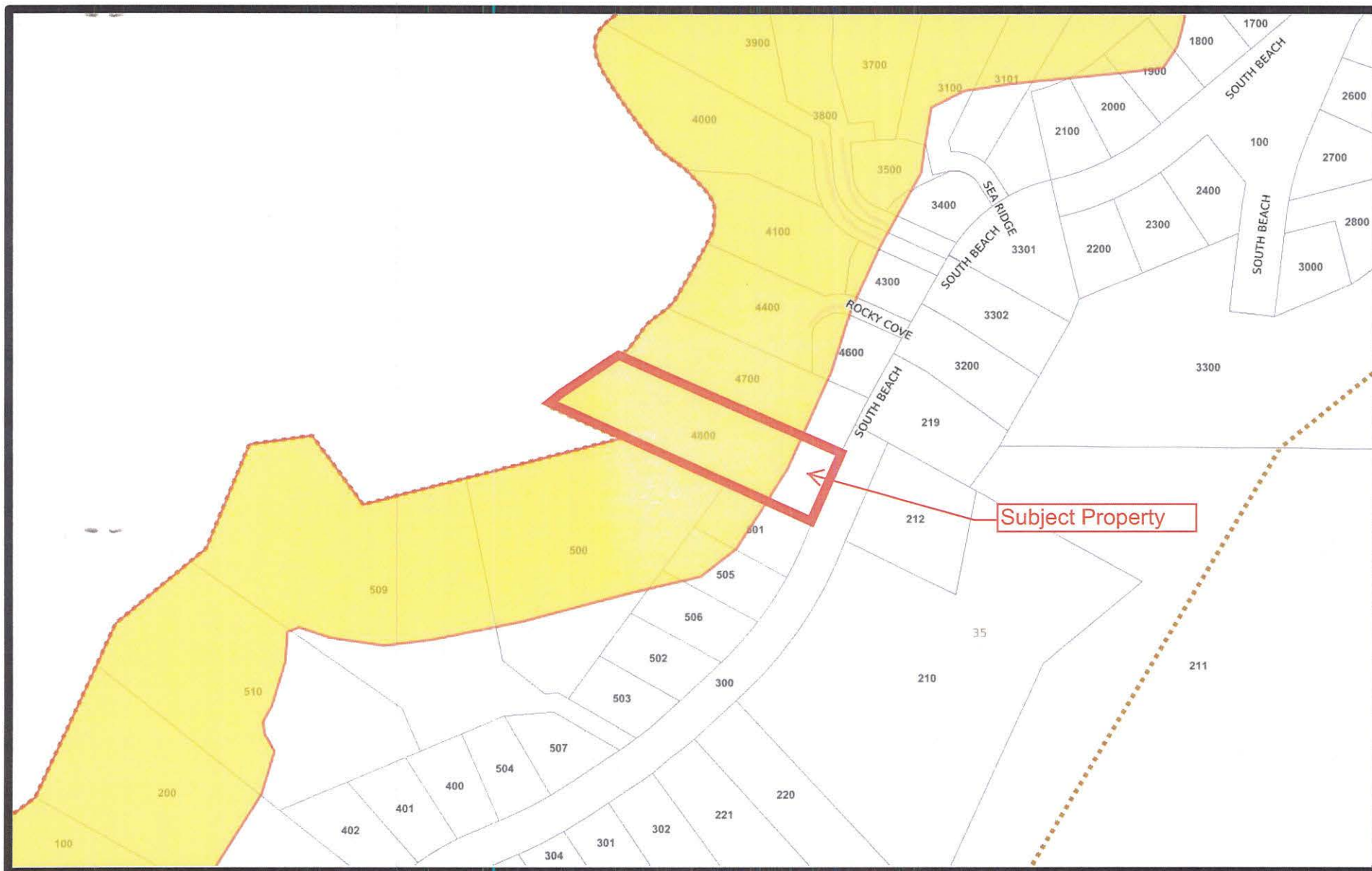
Land Breakdown										
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
2209	0		<input type="checkbox"/>	NESKR -1	Market	104	A	0.81		385,850
<b>Grand Total</b>								<b>0.81</b>		<b>385,850</b>

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

Exemptions / Special Assessments / Potential Liability									
Code Area	2209								
<b>FIRE PATROL:</b>									
■ FIRE PATROL NORTHWEST	<b>Amount</b>	18.75	<b>Acres</b>	0.81	<b>Year</b>	2021			

**Comments:** 9/18/02 AC & VAL CHG AFTER LLADJ W/TLS 4500 & 4700. PROP IS NOW EFFECTIVE OCEAN FRONT. CHGD RMV LAND & "HOOD". MAV BAL. LR 5/18/05 Code change due to Annexation by the Neskowin Regional Sanitary Authority. dv 04/22/14 Reappraised land; tabled land. RBB

# Neskowin Coastal Hazards Map



Generated with the GeoMOOSE Printing Utilities

# National Flood Hazard Layer FIRMMette



123°59'48"W 45°5'42"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

**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

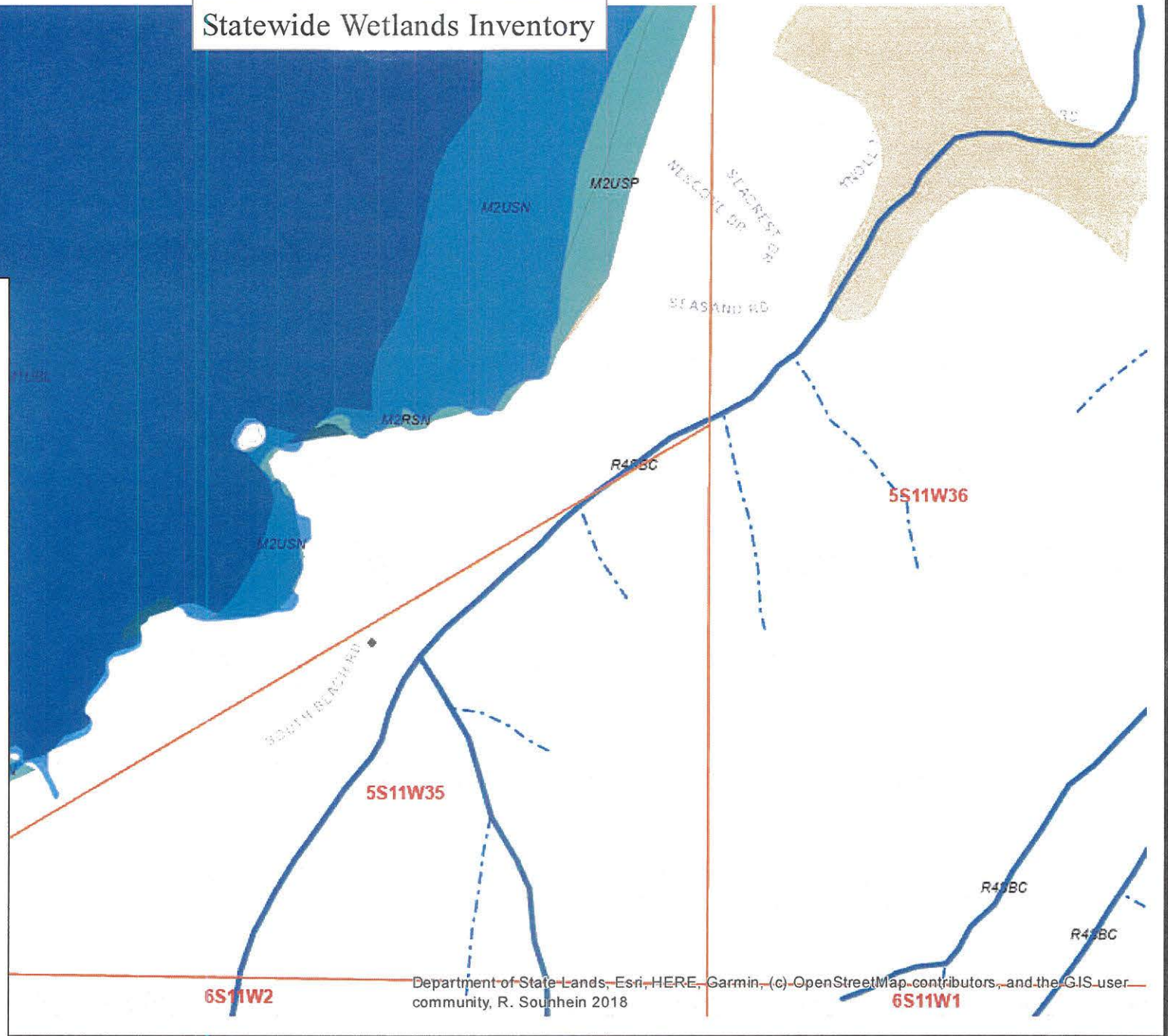
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/3/2022 at 1:14 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new 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.

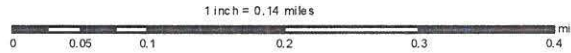


# Statewide Wetlands Inventory

-  Sections
-  LWI Study Area
-  NHD Springs/Seeps
- 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



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



N

Date: 6/3/2022





# **EXHIBIT B**



## PLANNING APPLICATION

*email invoice*

**Applicant**  (Check Box if Same as Property Owner)

Name: Jake Weber Phone: 503-223-0325  
 Address: 2800 NW Thurman  
 City: Portland State: OR Zip: 97210  
 Email: jakew@gswarchitects.net

### Property Owner

Name: Daen Wombwell, Grace Barnard Phone: 214-563-0885  
 Address: 6604 Crown Forest Dr.  
 City: Plano State: TX Zip: 75024  
 Email: [dwombwell@niwcorp.com](mailto:dwombwell@niwcorp.com), [gbarnard@niwcorp.com](mailto:gbarnard@niwcorp.com)

<b>OFFICE USE ONLY</b>	
Date Stamp	<b>RECEIVED</b>
	MAR 07 2022
BY: <i>Mail</i>	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by: <i>MJ</i>	
Receipt #:	
Fees: <i>\$1,089.00</i>	
Permit No: 851-22-000094-PLNG	

Request: A variance request to build a single family residence with an 8ft front setback in lieu of the 20ft zoning requirement due to physical limitations of the ocean bluff site and coastal hazard overlay.

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

### Location:

Site Address: No Situs – South Beach Rd., Neskowin, OR 97149

Map Number: 5S1135DA04800

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) *Daen Wombwell* Date *2/25/22*  
 Applicant Signature *Jake Weber* Date *2.25.2022*

RECORDING REQUESTED BY:



9755 SW Barnes Road, Ste 105  
Portland, OR 97225

Tillamook County, Oregon  
08/10/2021 09:09:01 AM **2021-06857**  
DEED-DWARR  
\$50.00 \$11.00 \$10.00 \$61.00 - Total = \$132.00  
I hereby certify that the within instrument was received  
for record and recorded in the County of Tillamook,  
State of Oregon.  
Tassi O'Neil, Tillamook County Clerk

AFTER RECORDING RETURN TO:

Order No.: 902101293-KH  
Daen Wombwell and Grace Barnard, as tenants by the entirety  
6604 Crown Forest Drive  
Plano, TX 75024

SEND TAX STATEMENTS TO:

Daen Wombwell and Grace Barnard  
6604 Crown Forest Drive  
Plano, TX 75024

APN: 251079  
Map: 5S1135DA TL 4800  
TL 4800 South Beach Road, Neskowin, OR 97149

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

Barbara A. Leonard, Trustee of The Barbara A. Leonard Trust date April 1, 1994 and Barbara A. Leonard, Trustee of The Daniel K. Leonard Trust dated April 1, 1994, each as to an undivided one-half interest, Grantor, conveys and warrants to Daen Wombwell and Grace Barnard, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Tillamook, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FOUR HUNDRED THIRTY-NINE THOUSAND AND NO/100 DOLLARS (\$439,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

TTC 360421005485

**STATUTORY WARRANTY DEED**

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 08/09/2021

The Barbara A. Leonard Trust date April 1, 1994

BY: Barbara A Leonard  
Barbara A. Leonard  
Trustee

The Daniel K. Leonard Trust dated April 1, 1994

BY: Barbara A Leonard  
Barbara A. Leonard  
Trustee

State of Nevada  
County of Clark

This instrument was acknowledged before me on 08/09/2021 by Barbara A. Leonard, Trustee of The Barbara A. Leonard Trust date April 1, 1994 and Barbara A. Leonard, Trustee of The Daniel K. Leonard Trust dated April 1, 1994.

This document was notarized online using two-way audio and video recording technology.

Kaley Koonce  
Notary Public - State of Nevada

My Commission Expires: November 23, 2024

**KALEY KOONCE**  
NOTARY PUBLIC  
STATE OF NEVADA  
Commission # 20-5878-01  
My Appt. Expires November 23, 2024

## EXHIBIT "B"

### Exceptions

**Subject to:**

6. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2021/22.
7. Regulations, levies, liens, assessments, rights of way and easements of Neskowin Regional Sanitary District.
8. Regulations, levies, liens, assessments, rights of way and easements of Neskowin Water District.  
None found as of August 4, 2021.
9. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads, and highways.
10. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Pacific Ocean.
11. Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.
12. Rights of public and of governmental bodies in that portion of the subject land lying below the mean high water line of the Pacific Ocean and lying within the ocean shore and the dry sand area as declared under the provisions of ORS 390.605 through 390.770 and as found in Thornton v. Hay, 254 Or 584, 452 P2d 671 (1969).
13. Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Pacific Ocean.
14. Agreement granting perpetual privilege of attaching water pipes to water mains, and right to cross property in direct course to the nearest county road and ocean beach, granted in instrument;

Granted by: J. R. Brigham

To: R. E. Steiner, et al

Recording Date: August 4, 1910

Recording No.: Miscellaneous Book: 2 Page: 130

(location not specific.)

15. Rights of ingress and egress and rights to water, including the terms and provisions thereof;

Granted by: John R. Brigham

To: E. C. Apperson, et al

Recording Date: September 10, 1917

Recording No.: Book: 36 Page: 238

Also granted in Deed,

To: Nellie G. Rogers

Recording Date: March 15, 1918

Recording No.: Book: 37 Page: 101

Also granted in Deed,

To: Lillie Lichfield Shirley

Recording Date: August 30, 1920

Recording No.: Book: 42 Page: 25

Also as granted in Deed,

To: Aletta M. Brigham

Recording Date: August 11, 1921

Recording No.: Book: 43 Page: 453

Also granted in Deed,

To: Mary E. Webster

Recording Date: July 21, 1922

Recording No.: Book: 44 Page: 625

(Location not specific.)

## EXHIBIT "B"

### Exceptions

16. Right to lay water pipes, including the terms and provisions thereof;

Granted by: J. R. Brigham

To: R. E. Steiner, et al November 23, 2024

Recording Date: October 28, 1920

Recording No.: Miscellaneous Book: 3 Page: 409

NOTE: Rights under said instrument were transferred to the South Neskowin Water Company, by instrument recorded December 3, 1924 in Book 52, page 345, Records of Tillamook County, Oregon.

17. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Ralph I. Sutton and Mildred M. Sutton

Purpose: Ingress and egress, etc.

Recording Date: May 1, 1961

Recording No: Book: 175 Page: 459

Affects: South Beach Road

18. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Peter O. Place and Phyllis Place

Purpose: Ingress and egress, etc.

Recording Date: May 1, 1961

Recording No: Book: 175 Page: 462

Affects: South Beach Road

19. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Peter O. Place and Phyllis Place

Purpose: Ingress and egress, etc.

Recording Date: August 15, 1962

Recording No: Book: 182 Page: 223

Affects: South Beach Road

20. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Orion A. Place and Marjorie J. Place

Purpose: Ingress and egress, etc.

Recording Date: August 15, 1962

Recording No: Book: 182 Page: 226

Affects: South Beach Road

21. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: March 2, 1966

Recording No: Book: 201 Page: 33

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: July 27, 1972

Recording No: Book: 228 Page: 221

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: April 2, 1990

Recording No: Book: 327 Page: 294

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: August 7, 1995

Recording No: Book: 371 Page: 424

22. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: All Grantees of lots and tracts within the area platted as Proposal Rock, Tillamook County

Purpose: Ingress and egress, etc.

Recording Date: April 19, 1968

Recording No: Book: 211 Page: 973

Affects: South Beach Road

## EXHIBIT "B"

### Exceptions

23. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District

Purpose: Public utilities

Recording Date: July 14, 1970

Recording No: Book: 219 Page: 954

Affects: See document for specifics

24. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District

Purpose: Public utilities

Recording Date: August 19, 1970

Recording No: Book: 220 Page: 365

Affects: See document for specifics

25. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District

Purpose: Public utilities

Recording Date: August 17, 1971

Recording No: Book: 224 Page: 159

Affects: See document for specifics

26. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: April 26, 1974

Recording No: Book: 236 Page: 128

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: April 2, 1990

Recording No: Book: 327 Page: 294

27. Easement(s) for the purpose(s) shown below and rights incidental thereto, as disclosed in a document:

Granted to: Robert C. Brodine, Jr. and Verna Lee Brodine

Purpose: Ingress, and egress, etc.

Recording Date: August 16, 1974

Recording No: Book: 237 Page: 499

Affects: See document for specifics

28. Easement and Maintenance Agreement, including the terms and provisions thereof;

Executed by: L.E.W. Engineering, Inc., an Oregon corporation; and Robert C. Brodine, Jr. and Verna Lee Brodine, husband and wife

Recording Date: August 16, 1974

Recording No.: Book: 237 Page: 500

Affects: Roadway use and maintenance and water system use

29. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District

Purpose: Public Utilities

Recording Date: July 28, 1976

Recording No: Book: 246 Page: 157

Affects: See document for specifics

30. Agreement for Easement, including the terms and provisions thereof;

Executed by: L.E.W. Engineering, Inc.

Recording Date: January 19, 1977

Recording No.: Book: 248 Page: 738

Affects: South Beach Road

31. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District

## EXHIBIT "B"

### Exceptions

Purpose: Public utilities

Recording Date: January 29, 1979

Recording No: Book: 261 Page: 256

Affects: See document for specifics

32. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Chinook Associates, Inc.

Purpose: Sewer

Recording Date: September 5, 1980

Recording No: Book: 271 Page: 450

Affects: See document for specifics

33. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Elizabeth Trowbridge, et al

Purpose: Ingress and ingress

Recording Date: November 3, 1981

Recording No: Book: 278 Page: 814

Affects: See document for specifics

34. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mildred Sutton

Purpose: Ingress and egress

Recording Date: November 2, 1982

Recording No: Book: 284 Page: 320

Affects: South Beach Road and other property also

35. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District

Purpose: Public utilities

Recording Date: October 2, 1984

Recording No: Book: 295 Page: 220

Affects: See document for specifics

36. Agreement for Easement, including the terms and provisions thereof;

Executed by: Chinook Associates; and Proposal Rock Homeowners Association

Recording Date: February 5, 1987

Recording No.: Book: 308 Page: 5

Affects: South Beach Road

37. Agreement for Easement, including the terms and provisions thereof;

Executed by: Chinook Associates; and Proposal Rock Homeowners Association

Recording Date: February 12, 1988

Recording No.: Book: 313 Page: 986

Affects: South Beach Road

38. Non-exclusive easements, in common with others, including the terms and provisions thereof, for ingress and egress and utilities over Lot 99, Neskowin Heights, and Neskowin Heights First Addition, and any extensions thereof.

39. Easements for access and utilities over the existing roads, appurtenant to each parcel which is situated in the West half of Section 36, Township 5 South, Range 11 West of the Willamette Meridian and Section 35, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon, to which access is gained through the locked (or lockable) gate maintained by Proposal Rock Homeowners Association.

40. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District

Purpose: Public utilities

Recording Date: May 14, 1993

Recording No: Book: 350 Page: 833

Affects: See document for specifics

41. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:



**EXHIBIT "B"**  
Exceptions

Granted to: Tillamook Peoples' Utility District

Purpose: Public utilities

Recording Date: September 28, 1994

Recording No: Book: 364 Page: 132

Affects: See document for specifics

42. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Russell F. Wilson

Purpose: Ingress and egress

Recording Date: October 4, 1994

Recording No: Book: 364 Page: 266

Affects: South Beach Road and othe property also

43. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Ocean View Ventures, Inc., etal

Purpose: Access and utilites

Recording Date: April 29, 1998

Recording No: Book: 395 Page: 927

44. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on Partition Plat No. 1998-018;

Purpose: Utilities

Recording Date: April 29, 1998

Recording No: Partition Plat Book B558-2

Affects: Reference is hereby made to said document for full particulars

45. Agreement, including the terms and provisions thereof,

Executed by: Pre Development Inc.; OVV Development Inc.; Pacific Ridge Enterprises, Inc.; and

Ocean View Ventures, Inc.

Recording Date: June 5, 1998

Recording No.: Book 397, page 109

Affects: Reference is hereby made to said document for full particulars

46. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: July 17, 1998

Recording No: Book: 398 Page: 470

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: October 12, 2001

Recording No: Book: 429 Page: 952

47. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District

Purpose: Public utilities

Recording Date: December 22, 1998

Recording No: Book: 403 Page: 109

Affects: See document for specifics

**EXHIBIT "A"**  
Legal Description

**PARCEL NO. 1:**

Parcel 1 of PARTITION PLAT NO. 1996-065, situated in the Southeast quarter of Section 35, Township 5 South, Range 11 West, Willamette Meridian, County of Tillamook, State of Oregon, recorded December 27, 1996 in Partition Plat Cabinet B508-1, Tillamook County Records.

ALSO: A portion of Parcel 2 of PARTITION PLAT NO. 1997-010, recorded April 18, 1997 in Partition Plat Cabinet B515-1, and a portion of Parcel 1 of PARTITION PLAT NO. 1998-018, recorded April 29, 1997 in Partition Plat Cabinet B558-2, Tillamook County Records, more particularly described as follows:

Beginning at the Southeast corner of Parcel 1, Partition Plat No. 1996-065, which lies on the Westerly line of a 50-foot wide right of way, being marked by a 5/8" rebar with yellow plastic cap stamped "HLB & Assoc Inc", and being the true point of beginning;

thence 102.81 feet along the arc of a 1397.24 foot radius curve to the right, through a central angle of 4° 12' 58", the chord of which bears North 22° 15' 46" East 102.79 feet to a 5/8" rebar with yellow plastic cap stamped "HLB & Assoc Inc";

thence North 66° 05' 54" West 313 feet, more or less, to the mean high waterline of the Pacific Ocean;

thence Southwesterly 109 feet, more or less, along the mean high waterline of the Pacific Ocean to a point which bears North 65° 55' 44" West from the point of beginning;

thence South 65° 55' 44" East 380 feet, more or less, along the South line of Parcel 1, Partition Plat No. 1996-065, to the point of beginning.

**PARCEL NO. 2: (South Beach Road)**

A perpetual, non-exclusive easement for ingress, egress, pedestrian access and utilities over the following described tract:

A strip of land 60.0 feet in width lying 30.0 feet on either side of the centerline described as:

Beginning at Engineer's right-of-way Station 267+20 on the Southerly right of way line of relocated Oregon Coast Highway No. 101;

thence South 55° 25' West 110.00 feet;

thence on a 200 foot radius curve right (long chord bears South 76° 43' 10" West 145.32 feet) an arc distance of 148.72 feet;

thence North 81° 58' 40" West 705.43 feet;

thence on a 222.96 foot radius curve left (long chord bears South 82° 57' 38" West, 115.88 feet) an arc distance of 117.22 feet;

thence South 67° 53' 56" West, 125.68 feet;

thence on a 171.52 foot radius curve to the left (the long chord bears South 32° 54' 58" West 196.65 feet) an arc distance of 209.42 feet;

thence South 2° 15' 11" East, 55.24 feet;

thence on a 550.61 foot radius curve right (long chord bears South 11° 01' 53" West 253.04 feet) an arc distance of 255.32 feet;

thence South 24° 18' 57" West 130.79 feet;

thence on a 702.11 foot radius curve right (long chord bears South 30° 48' 57" West, 158.93 feet) an arc distance of 159.30 feet;

thence South 37° 18' 57" West 226.05 feet;

thence on a 395.02 foot radius curve right (long chord bears South 42° 31' 52" West 133.31 feet) an arc distance of 134.33 feet;

thence on a 74.10 foot radius curve right (long chord bears South 85° 37' 14" West, 70.40 feet) an arc distance of 73.6 feet;

thence North 65° 50' 33" West 111.46 feet;

thence on a 138.31 foot radius curve left (long chord bears North 85° 50' 33" West, 94.04 feet) an arc distance of 95.96 feet;

thence South 74° 16' 57" West 116.77 feet;

thence on a 409.28 foot radius curve left an arc distance of 125 feet, more or less, to the Easterly right of way

**EXHIBIT "A"**  
Legal Description

line of the private roadway designated as Lot 99, Neskowin Heights, in Tillamook County, Oregon, according to the official Plat thereof, recorded in Plat Book 3, page 13, Tillamook County Records.

**PARCEL NO. 3:**

A perpetual, non-exclusive easement for ingress, egress, pedestrian access and utilities over the following described tract: Lot 99, Neskowin Heights, in the County of Tillamook, State of Oregon, according to the official Plat thereof recorded in Plat Book 3, page 13, Tillamook County Records; and Lot 99, First Addition to Neskowin Heights, in the County of Tillamook, State of Oregon, according to the official Plat thereof, recorded in Plat Book 3, page 16, Tillamook County Records.

EXCEPTING THEREFROM that portion described as follows:

Beginning at the Northwest corner of Lot 2, Block 2, Neskowin Heights;  
thence North 78° 50' West 25.0 feet;  
thence North 11° 10' East 10.0 feet;  
thence on a 157.0 foot radius curve right (long chord bears North 11° 10' East, 314.0 feet) an arc distance of 493.23 feet;  
thence South 11° 10' West, 50.0 feet;  
thence on a 107.0 foot radius curve left (long chord bears South 11° 10' West, 214.0 feet) an arc distance of 336.15 feet;  
thence South 78° 50' East 25.22 feet;  
thence South 11° 12' 40" West 60.0 feet, more or less, to the point of beginning.

**PARCEL NO. 4:**

That certain non-exclusive easement for roadway and utility lines purposes over a strip of land 25 feet in width, as reserved by L.E.W. Engineering, Inc., in that deed to Robert C. Brodine Jr. and Verna Lee Brodine recorded August 16, 1974 in Book 237, page 499, Tillamook County Records.

**PARCEL NO. 5:**

A perpetual non-exclusive pedestrian easement for ingress and egress over and across the following described tract of land:

Beginning at the Initial Point of the Plat of Neskowin Heights, said Initial Point being the quarter Section corner common to Sections 35 and 36, Township 5 South, Range 11 West of the Willamette Meridian, County of Tillamook, State of Oregon;  
thence West 12.78 feet to the Easterly sideline of Tract 99 of Neskowin Heights;  
thence Northerly along said Tract 99 Easterly sideline to the most Southerly Southeast corner of Lot 8, Block 1, Neskowin Heights;  
thence North 157.51 feet along the East boundary of said Lot 8 to the Southeast of Lot 1, of said Block 1, Neskowin Heights;  
thence North 109.74 feet to the Northeast corner of said Lot 1;  
thence South 78° 50' 00" East 10.19 feet, more or less, to the Easterly boundary of Neskowin Heights;  
thence South 350.00 feet, more or less to the point of beginning.

**PARCEL NO. 6:**

A perpetual non-exclusive easement for the right of parking on the Southernmost half portion of the following described roadway, said roadway which is a portion of Lot 99, Neskowin Heights, Township 5 South, Range 11 West of the Willamette Meridian, in the County of Tillamook, State of Oregon, as described in Plat Book 3, page 13, Tillamook County Records, and more particularly described as follows:

Commencing at the most Southerly corner of Lot 1, Block 2, Neskowin Heights, in Tillamook County, Oregon, according to the official Plat thereof, recorded in Plat Book 3, page 13, Tillamook County Records;  
thence North 60° 40' 42" East 5.86 feet;  
thence on a 82.50 foot radius curve left (long chord bears North 9° 04' 39" West 154.81 feet) an arc distance of

**EXHIBIT "A"**  
Legal Description

200.88 feet;  
thence North 78° 50' West 33.87 feet to the true point of beginning;  
thence from said true point of beginning North 78° 50' West 150.22 feet;  
thence North 11° 12' 40" East 60.0 feet, more or less to the Southeast corner of Lot 4, Block 1, Neskowin Heights, in the County of Tillamook, State of Oregon, according to the official Plat thereof, recorded in Plat Book 3, page 13, Tillamook County Records;  
thence South 78° 50' East 105.00 feet;  
thence South 11 ° 10' 00" West 60.00 feet, more or less to the true point of beginning.



March 1, 2022

Tillamook County  
Community Development  
Attn: Melissa Jenck  
1510-B Third Street  
Tillamook, OR 97141

**RE:** Variance Request - Wombwell Barnard Residence

**Tax Lot:** 5S1135DA04800

**Address:** No Situs - South Beach Rd., Neskowin, OR 97149

**Variance Request:** 8ft Front Yard in lieu of the required 20ft Front Yard

#### Section 8.030: Review Criteria

- 1. Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.*

**Response:** The project site is located on the edge of the ocean bluff in Neskowin with varying land depth of 60ft to 80ft from the property line at the right-of-way to the edge of the cliff (see attached Topographic Survey from Leland McDonald & Associates, and LU-1 for highlighted tax map). Land Use Ordinance setbacks for Neskowin Low Density Residential zoning from Section 3.322(4)(g) state that the minimum front yard shall be 20ft. A geotechnical engineer has surveyed the lot and conducted soils testing (see attached Geotechnical Report from Earth Engineers, Inc.) and has identified a building setback from edge of the bluff per the attached site plan on sheet LU-2 that restricts the buildable area of the site. Despite identifying a building setback, the geotechnical engineer has recommended that the building be setback from the edge of the bluff as much as possible. Neskowin Coastal Hazard Overlay (NCHO) zoning also applies to this site (also shown on LU-2) and is even more stringent than the geotechnical setback. The proposed single-family dwelling intends not to build within the NCHO area to avoid the unrealistic requirements of the NCHO zoning code (most notably, the requirement to build a moveable structure). When applying the afore mentioned restrictions to the buildable

depth of the lot in conjunction with Land Use Ordinance rules from Section 3.322(4)(j)(2) which state that the *building width at all points shall not exceed 70% of the distance between the opposite side lot lines (measured as close to perpendicular to those lines as possible)*, the buildable area of the lot is approximately 71'-11" wide by 34'-4" deep including projections and overhangs of the building (see LU-2). A variance request for an 8ft front setback is being requested in order to construct a house, garage, and private outdoor space within a reasonable footprint of approximately 71'-11" x 45'-5" including projections and overhangs that protect the building in the harsh coastal environment (see LU-3 for proposed site plan). It should be noted that due to the rules of the NCHO, as outlined in Section 3.570, no structure, heavy grading, or patios/decks may be constructed within the coastal hazard zone without triggering the special permit, and as a result, private outdoor areas such as patios and decks must be constructed within the aforementioned buildable area of the site, further reducing the livable square footage of the home in order for the property owners to seek reasonable outdoor enjoyment of the property as afforded to other less restrictive properties nearby.

**2. A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.**

**Response:** As noted above, a variance to the front setback is necessary to accommodate the construction of a single-family dwelling on the parcel which is an expected use of the property permitted outright under Section 3.322. It appears several adjacent properties on South Beach Rd. make use of a similar front setback variance due to physical limitation of building on the ocean bluff in order to secure reasonable enjoyment of their property. Most notably, the property directly south (53080 South Beach Rd.) of the project site, and the property three lots north (50360 South Beach Rd.) of the project site appear to have made use of front setback variances to construct the homes present on those lots closer than the required 20ft setback. The character of the neighborhood and South Beach Rd. in general is defined by mostly non-conforming homes constructed closer to the right-of-way than zoning ordinances require, and the project site should reasonably expect the same consideration.

**3. The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.**

**Response:** Granting the requested variance to construct a single-family dwelling will comply with the purposes of development standards outlined in Section 4.005 as described in the following:

**Section 4.005(1):** *To ensure the availability of private open space;*

Approval of the requested variance is essential to ensure the availability of private open space that can be used for the enjoyment of the surrounding natural environment. The proposed design makes use of the variance request to afford the ability to provide private outdoor space within the buildable area allowed by the aforementioned restrictions on-site.

**Section 4.005(2):** *To ensure that adequate light and air are available to residential and commercial structures;*

Adequate light and air to structures will be preserved even as a result of granting the requested variance. The proposed dwelling will meet all other development standards as set forth in the Land Use Ordinance, allowing access to light and air to project site and neighboring properties. The proposed dwelling is located approximately 12'-6" from the south property line and 19'-6" from the north property line (see LU-3 for dimensions from the building to property lines), ensuring neighboring structures will maintain access to light and air. It should be noted that an existing water tower, an uninhabitable structure, is located on the property east of the project site.

**Section 4.005(3):** *To adequately separate structures for emergency access;*

As mentioned in the response for Section 4.005(2) above, the proposed dwelling provides adequate setbacks from neighboring property lines, allowing access between neighboring structures for emergency access around all sides of the building. The variance request of the front setback won't affect access to the building from the street.

**Section 4.005(4):** *To enhance privacy for occupants of residences;*

The proposed dwelling has been designed to maximize privacy for the property owner on the south, east, and north sides of the building with strategically placed windows as shown in the attached renderings. Special consideration has been taken on the east façade, the side of the building requesting the front setback variance. Although an 8ft front setback variance has been requested, the foundation wall of the building will be located 10ft from the east property line, with the remaining 2ft difference being used for a reasonable overhang on the building.

**Section 4.005(5):** *To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;*

The proposed dwelling will be constructed entirely on private land, including a two-car garage and a driveway for safe access to South Beach Rd. Private open spaces such as patios and decks will also be constructed entirely on private land.

**Section 4.005(6):** *To ensure that driver visibility on adjacent roads will not be obstructed;*

The construction of the dwelling with approval of the requested variance will not alter driver visibility along the common road (South Beach Rd). The proximity of the proposed dwelling in relation to the common street closely compares to neighboring homes; furthermore, South Beach Rd. is a straight road along the project site and no intersections exist nearby that the dwelling would be obstructing from view. No point of the structure is planned to be closer to the common road than the garage, and as such, no obstruction of view will occur when accessing the home from the common road.

**Section 4.005(7):** *To ensure safe access to and from common roads;*

The proposed dwelling includes a short driveway from South Beach Rd. directly into the two-car garage, and no structure or landscape elements would obstruct views when accessing the garage via car. A pedestrian walkway is planned from the driveway to the entry door on the east façade and will be constructed entirely on private land.

**Section 4.005(8):** *To ensure that pleasing views are neither unreasonably obstructed nor obtained;*

The views of neighboring properties on the west side of South Beach Rd. will be maintained in such a way that does not preclude the project site from legal enjoyment of the same views. The Oceanfront Setback Line (OSL) is determined by the location of oceanfront buildings near the proposed structure. Due to the unique characteristics of the surrounding topography and property shapes near the project site, the OSL extends beyond the edge of the bluff on the project site. To determine the OSL, the dwelling at address at 3080 ROCKY COVE WAY north of the project site, and the dwelling directly south of the project site at address 53080 SOUTH BEACH RD (even though this is not an ocean-front lot, no other ocean-front dwelling south of the project site exists within 500 ft) – (see LU-2 and LU-2 for the OSL as described above). The proposed dwelling is set far behind the OSL. Granting the variance request to allow construction of the dwelling closer to the street will improve the view corridor for the neighboring properties. Additionally, there is an existing water tank on a large property east of the project site, on the east side of South Beach Rd., from which view corridors should not be taken into consideration given



the non-habitable use of the property. However, should this non-habitable use of the property ever change, it should be noted that the view corridor from that adjacent property will not change as a result of the requested variance which would allow siting of the proposed dwelling to move closer to the right-of-way, parallel to the views of the ocean. All other zoning ordinances will be met by the proposed dwelling, including Section 3.322(4)(j) regarding building width and depth, and Section 3.322(4)(k) regarding building height (see LU-4 and LU-5 for building elevations which provide the height of the dwelling).

**Section 4.005(9):** *To separate potentially incompatible land uses;*

The proposed use of the project site for a single-family dwelling is permitted outright in the zoning ordinance, and no incompatible uses are being proposed.

**Section 4.005(10):** *To ensure access to solar radiation for the purpose of alternative energy production.*

The proposed dwelling would not preclude solar radiation access to the neighboring lot to the north of the project site. Because the proposed dwelling meets all other zoning ordinances regarding development standards (including building width/depth, and building height) the variance request allows reasonable use of the project site that would be expected on nearby properties of similar zoning. Additionally, the orientation of the building is elongated in the northeast/southwest direction, minimizing shading of the adjacent northern lot as much as possible.

**4. *There are no reasonable alternatives requiring either a lesser or no VARIANCE.***

Response: Given the physical restrictions of the site, the geotechnical engineer's recommendation of setting the house back from the edge of the bluff, and additional zoning ordinances governing building standards, there are no reasonable alternatives to constructing a dwelling on the project site of reasonable size and design without a variance to the front setback. A proposal for a smaller footprint dwelling was investigated, but a reasonably sized house and off-street parking (i.e. garage) could not be designed without at least a partial third level that would require additional height variances, more expensive foundations, and obstructing views and solar access of neighboring properties.



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September 13, 2021

Winsome Construction, LLC  
117 5<sup>th</sup> Street  
McMinnville, Oregon 97128  
Attention: Phillip Morin, Project Manager

phone: (971) 716-0721

E-mail: [phillip@winsomeconstruction.com](mailto:phillip@winsomeconstruction.com)

**Subject: Geotechnical Investigation and Geologic Hazard Report  
Proposed Single Family Residence  
Tax Lot 4800, South Beach Road  
Neskowin, Tillamook County, Oregon  
EEI Report No. 21-157-1**

Dear Mr. Morin:

Earth Engineers, Inc. (EEI) is pleased to transmit our report for the above referenced project. The attached report includes the results of field and laboratory testing, an evaluation of geologic hazards that may influence the proposed development, recommendations for foundation design, as well as recommendations for general site development.

We appreciate the opportunity to perform this geotechnical study and look forward to continued participation during the design and construction phases of this project. If you have any questions pertaining to this report, or if we may be of further service, please contact our office.

Respectfully submitted,  
**Earth Engineers, Inc.**

Adam Reese, CEG  
Principal Engineering Geologist

Troy Hull, P.E., G.E.  
Principal Geotechnical Engineer

Attachment: Geotechnical Investigation and Geologic Hazard Report

Distribution (electronic copy only): Addressee

**GEOTECHNICAL INVESTIGATION AND  
GEOLOGIC HAZARD REPORT**



Earth  
Engineers,  
Inc.

for the

**Proposed Single Family Residence  
Tax Lot 4800, South Beach Road  
Neskowin, Tillamook County, Oregon**

Prepared for

**Winsome Construction, LLC  
117 5<sup>th</sup> Street  
McMinnville, Oregon 97128  
Attention: Phillip Morin**

**Adam Reese, CEG  
Principal Engineering  
Geologist**

Prepared by

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EXPIRES: 6/30 23

**EEl Report No. 21-157-1**

**September 13, 2021**

**Troy Hull, PE, GE (Oregon)  
Principal Geotechnical  
Engineer**

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## 1.0 PROJECT INFORMATION

### 1.1 Project Authorization

Earth Engineers, Inc. (EEI) has completed a geotechnical engineering and geologic hazard evaluation for the proposed single-family residence located at tax Lot 4800 along South Beach Road in Neskowin, Tillamook County, Oregon. Our services were authorized by Phillip Morin, Project Manager for Winsome Construction, on July 29, 2021 by signing EEI proposal No. 21-P269 issued on July 28, 2021

### 1.2 Project Description

Our current understanding of the project is based on the information provided to EEI Principal Engineering Geologist Adam Reese. We have received the following documents via e-mail:

- **Addendum to Sellers Property Disclosure Statement.** Indicates that the property may be located in a “flood/tsunami/wetland-designated area.”
- **“Engineering Geologic Hazard Report for Parcel 1, Partition Plat 1996-65 and a Portion of Partition Plat 1998-16, Tax Lot 4700 (as adjusted), Map 5S 11 35DA, Neskowin, Tillamook, County, Oregon, also informally known as Lot 1 Revised of the Neskowin Heights Development”**, prepared by HLB & Associates, dated October 17, 2001.
- **“Preliminary Geological Hazard Report; Lot 1, Partition Maps 1996-01, 1996-02, 1996-03, & 1996-04; SE ¼, Sec. 35, T.5 S., R. 11 W., W.M.; South side of Neskowin, Tillamook County, Oregon (Ziegler)”** prepared by Horning Geosciences, dated March 28, 1999.
- **“Preliminary Geological Hazard Report; Lot 2, Partition Maps 1996-01, 1996-02, 1996-03, & 1996-04; SE ¼, Sec. 35, T.5 S., R. 11 W., W.M.; South side of Neskowin, Tillamook County, Oregon (Ziegler)”** prepared by Horning Geosciences, dated January 8, 1998.
- **Plat Map titled “Tax Map: 5S-11-35 DA Tax Lot: 4800”**

Briefly, we understand the plan is to construct a 2- or 3-story single family residence of up to approximately 3,500 square feet on the property. We have not been provided detailed foundation loading or grading plans for the proposed home construction. For the purposes of this report, we are assuming typical, residential foundation loads of 4 kips per linear foot for wall footings, 50 kips per column footing, and 150 psf for floor slabs. With regard to design grades, we are assuming cuts and fills will generally be limited to less than 5 feet below existing grade. We assume the house will be designed in accordance with the 2021 Oregon Residential Specialty Code (ORSC), an amendment to the 2018 International Residential Code (IRC).

### 1.3 Purpose and Scope of Services

The purpose of our services was to explore the subsurface conditions at the site to better define the subsurface soil, rock, and groundwater properties in order to provide geotechnical recommendations for the proposed construction, as well as to conduct a Geologic Hazard Assessment to meet the requirements of Tillamook County Code Section 4.130 for properties located in geologic hazard areas.

Our site investigation consisted of advancing three Standard Penetration Test (SPT) and rock coring borings (B-1, B-2, and B-3) to depth of up to 20 feet below grade onsite. SPT samples were taken at regular intervals, and returned to our laboratory for testing which was accomplished in general accordance with ASTM test procedures.

This report briefly outlines the testing procedures, presents available project information, describes the site and subsurface conditions, and presents recommendations regarding the following:

- A discussion of subsurface conditions encountered including pertinent soil and rock properties and groundwater conditions.
- A Geologic Hazard Assessment in accordance with Tillamook County requirements.
- Seismic design parameters in accordance with ASCE 7-16.
- Geotechnical related recommendations for foundation design including allowable bearing capacity, minimum footing dimensions, and estimated settlements.
- Structural fill recommendations, including an evaluation of whether the in-situ soils can be used as structural fill.
- General retaining wall design recommendations, including earth pressures, drainage, and backfill.
- Floor slab on grade support recommendations.
- Discussions on geotechnical issues that may impact the project.

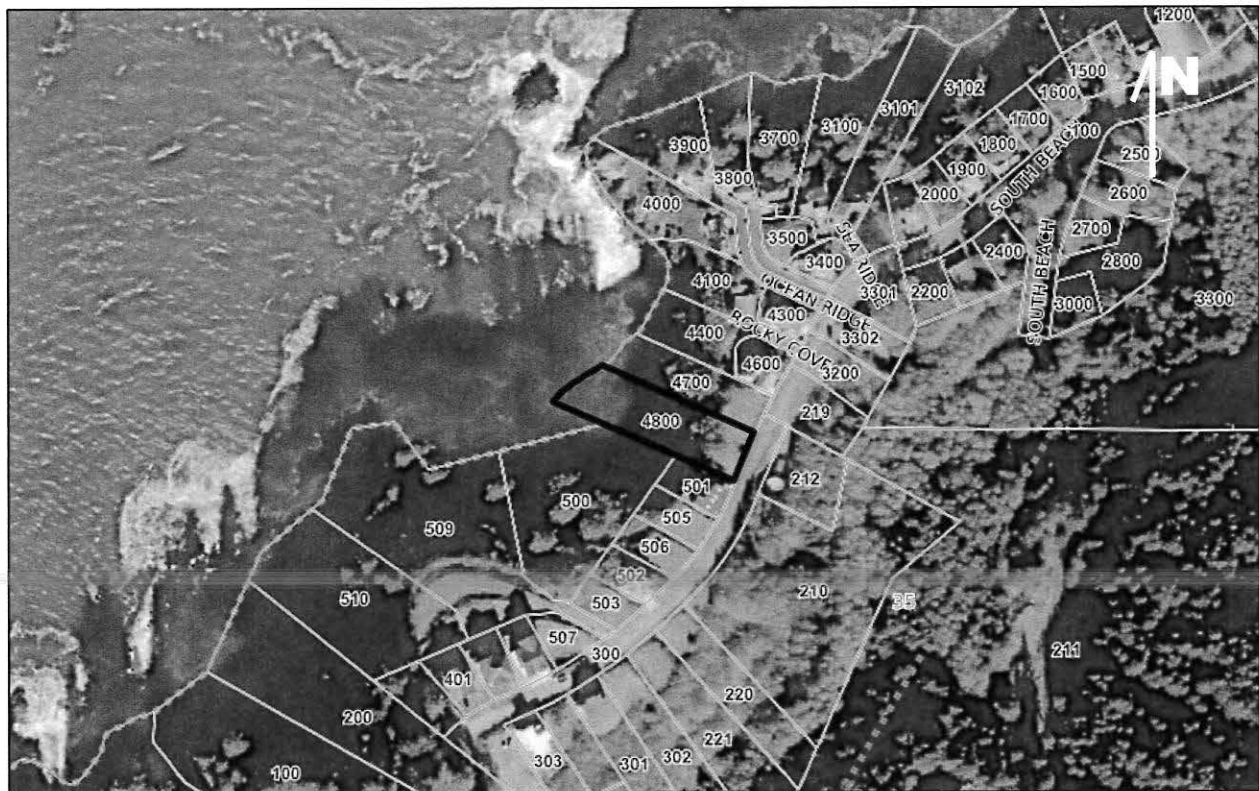
Our scope of services did not include stormwater infiltration testing of the site soils for on-site stormwater disposal design by others. We are available to modify our scope to include this testing, upon request. Our scope also did not include the drafting of any drawings that might be required by Tillamook County as part of the geologic hazard evaluation submittal. We assume the project architect would take care of any drafting needs.

## 2.0 SITE AND SUBSURFACE CONDITIONS

### 2.1 Site Location and Description

The project site is located at Tax Lot 4800 (Map 5S-11-35 DA) along South Beach Road in Neskowin, Tillamook County, Oregon. The property is ocean front, and sits atop of a sea cliff approximately a mile south of Neskowin. The property location relative to surrounding features is provided in Appendix A – Site Location Plan.

The 0.81-acre property is generally rectangular in shape (approximately 100 feet wide by 350 feet long) and is bordered by South Beach Road to the east, residential properties to the north and south, and the Pacific Ocean the west, as shown below in Figure 1.



**Figure 1:** Property location, outlined in blue (base image source: <http://tillamookcountymaps.co.tillamook.or.us/>).

Along the approximately 100-foot property frontage along South Beach Road, the subject lot includes a narrow, relatively flat and unvegetated building lot ranging in width from approximately 60 to 70 feet (as measured from the west edge of South Beach Road to the top of the cliff slope). This buildable portion of the site is at an elevation of approximately 260 feet above the Pacific Ocean beach below. Below the site to the west, the upper vegetated elevations (i.e. uppermost 20 to 40 feet) of the bluff slopes steeply at approximately 1H:1V (Horizontal:Vertical), then transitions to a near-vertical to vertical face to the rocky shoreline. See Figure 2 below for a

Google Earth view of the site atop the sea cliff from the west. See Photo 1 and 2 below for the existing site conditions

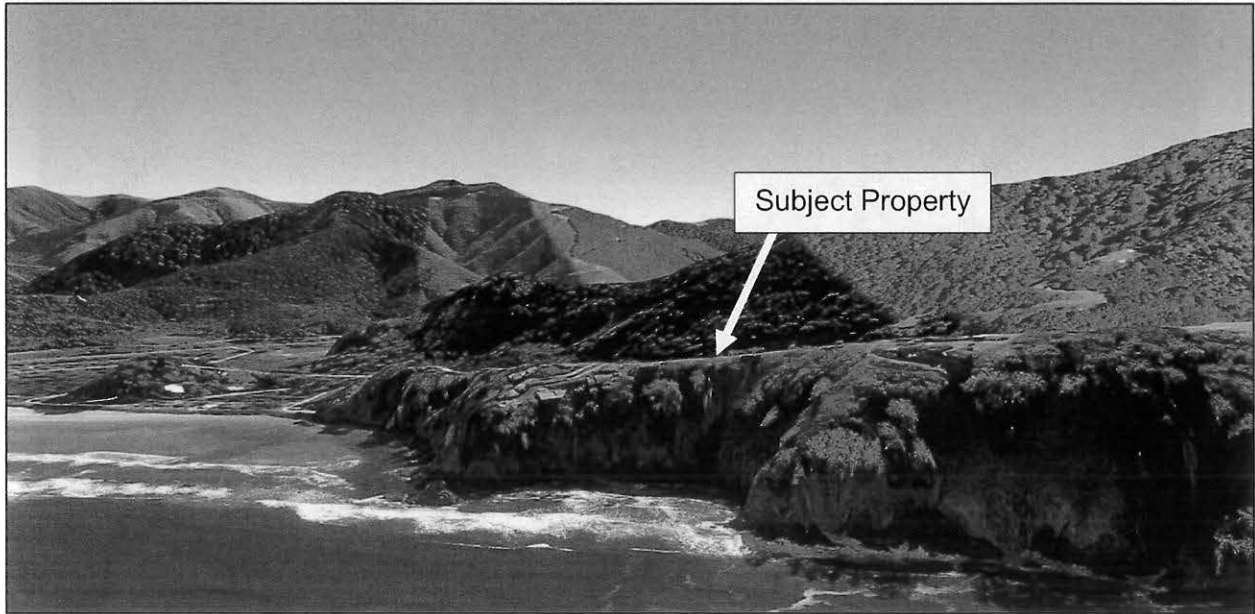


Figure 2: Google Earth view of the property looking east.

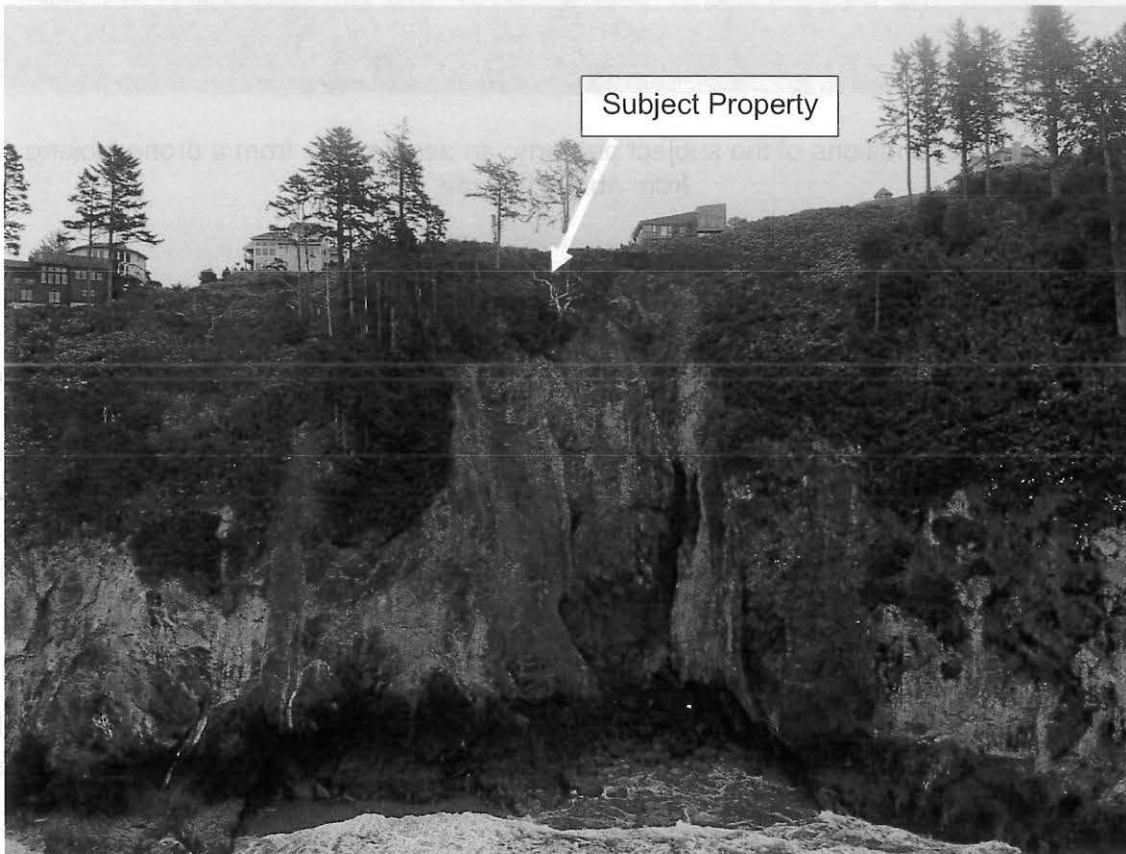


Photo 1: Current conditions of the subject property, looking east. The proposed structure will be located photo left of the grey structure at the top of the unvegetated portion of the cliff face.





**Photo 2:** Current conditions of the subject property; an aerial photo from a drone looking down from above the site.

## 2.2 Subsurface Materials

The site was explored with three SPT borings (B-1, B-2, and B-3). B-1 and B-2 were on the western portion of the buildable portion of the lot, while B-3 was on the eastern portion of the property. For the approximate exploration locations, see the Exploration Location Plan, Appendix B. The SPT borings were advanced with a subcontracted Mobile B-58 drill rig from PLi Systems of Hillsboro, Oregon. Using mud rotary drilling techniques, each of the borings were advanced to depths of 7- to 9-feet with SPT samples taken every 2.5-feet. In borings B-1 and B-2, the borings were further advanced to depths of 20 feet using rock coring techniques (HQ3 core barrel).

Select soil and rock samples were tested in the laboratory to determine material properties for our evaluation. Results of the drilled borings are reported in the Exploration Logs in Appendix C. Laboratory testing was accomplished in general accordance with ASTM procedures. The testing performed included moisture content tests (ASTM D 2216) and fines content determinations (ASTM D1140). The test results have been included on the Exploration Logs in Appendix C.

In general, we encountered a surficial layer of topsoil and shallow silt soil, underlain by weathered basalt grading to fractured basalt. Each individual stratum encountered is discussed in further detail below.

**Topsoil:** The surficial layer consisted of a dark brown silt with sand, roots and decomposed organics. Stratum thickness was approximately six inches across the site.

**Silt (ML):** Beneath the topsoil was a thin layer of dark brown silt in a stiff condition. Laboratory testing conducted on samples obtained in this stratum resulted in moisture contents of approximately 8 percent. The thickness of the stratum was approximately 6 inches, extending to a depth of 1-foot bgs.

**Weathered- to Fractured-Basalt:** The terminal stratum in each of the borings was basalt bedrock. The basalt was encountered in a weathered condition, grading from residuum just below the overlying silt to fractured intact rock a depth of approximately 10 feet bgs. Below approximately 10 feet bgs and to the terminal depth of the borings (20 feet bgs) the basalt can be described as dark gray in color, with limited rust and brown staining, and moderately- to highly-fractured. Within the weathered zone, the measured moisture contents in this stratum ranged from 12 to 20 percent. In the portions of the material examined by rock coring, Rock Quality Designation (RQD) ranged from approximately 0%-40% and percent recovery ranged from approximately 50%-80%.

The above subsurface description is of a generalized nature to highlight the major subsurface stratification features and material characteristics. The exploration log included in the Appendix should be reviewed for specific information at specific locations. This record includes soil descriptions, stratifications, and locations of the samples. The stratifications shown on the log represent the conditions only at the actual exploration location. Variations may occur and should be expected between locations. The stratifications represent the approximate boundary between subsurface materials and the actual transition may be gradual. Water level information obtained during field operations is also shown on the log. The samples that were not altered by laboratory testing will be retained for 90 days from the date of this report and then will be discarded.

### 2.3 Groundwater Information

Groundwater was not encountered in our explorations. During our research, we found one publicly available historical water well log for the area as published by Oregon Water Resources Department. This nearby well log (south of the site at the end of South Beach Road) indicated static water level at approximately 199 feet below the ground surface. According to mapping by Google Earth, this well log is located about 700 feet south of the property and about 80 feet higher in elevation than the subject site. A copy of this well report can be seen in Appendix E.

It should be noted that subsurface groundwater levels can fluctuate seasonally during periods of extended wet or dry weather or from changes in land use.

### 3.0 GEOLOGIC HAZARD ASSESSMENT

#### 3.1 Soil Survey

The United States Department of Agriculture (USDA) Soil Survey provides geographical information of the soils in Tillamook County as well as summarizing various properties of the soils. The USDA shows the native soils on the eastern part of the site mapped as Salander-Necanicum complex with 30 to 60 percent slopes, while the western part increases to 60 to 90 percent slopes<sup>1</sup>. This well drained complex is formed on mountain slopes from a parent material of colluvium and residuum derived from igneous rock.

#### 3.2 Geology

The region is underlain by a framework of Miocene aged (23 to 5 million years ago) volcanic rocks and Oligocene (33 to 23 million years ago) to Miocene aged marine sedimentary deposits that have been deposited over a basement rock of Eocene-aged (54 to 33 million years ago) volcanic arc deposits. Overlying this framework are Quaternary-aged (1.8 million years ago to present) marine terrace deposits, beach and dune deposits and landslide deposits.

The project area was mapped by Snavely, Macleod and Minasian (1990) of the U.S. Geological Survey to include the bedrock units of Tchb-Basalt of Cascade Head (Upper Eocene)<sup>2</sup>. The Basalt of Cascade Head is described as subaerial flows of massive to platy basalt that is locally very vesicular. Previously, Schlicker and others (1972)<sup>3</sup> mapped the project area as Undifferentiated Eocene Volcanic Rocks (Tevu). Which is described as "several thousand feet of chloritized basalt flows and basalt breccias of submarine and subaerial origin. See Figure 3 below for the 1972 mapped area.

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<sup>1</sup> Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/> accessed August 5, 2021.

<sup>2</sup> Snavely, P.D., MacLeod, N.S., and Minasian, D.L., 1990, Preliminary geologic map of the Neskowin quadrangle, Lincoln and Tillamook Counties, Oregon: U.S. Geological Survey, Open-File Report OF-90-413, scale 1:24,000

<sup>3</sup> Schlicker and others, 1972. Environmental Geology of the Coastal Region of Tillamook and Clatsop Counties, Oregon, Oregon Department of Geology and Mineral Industries, Bulletin 74.

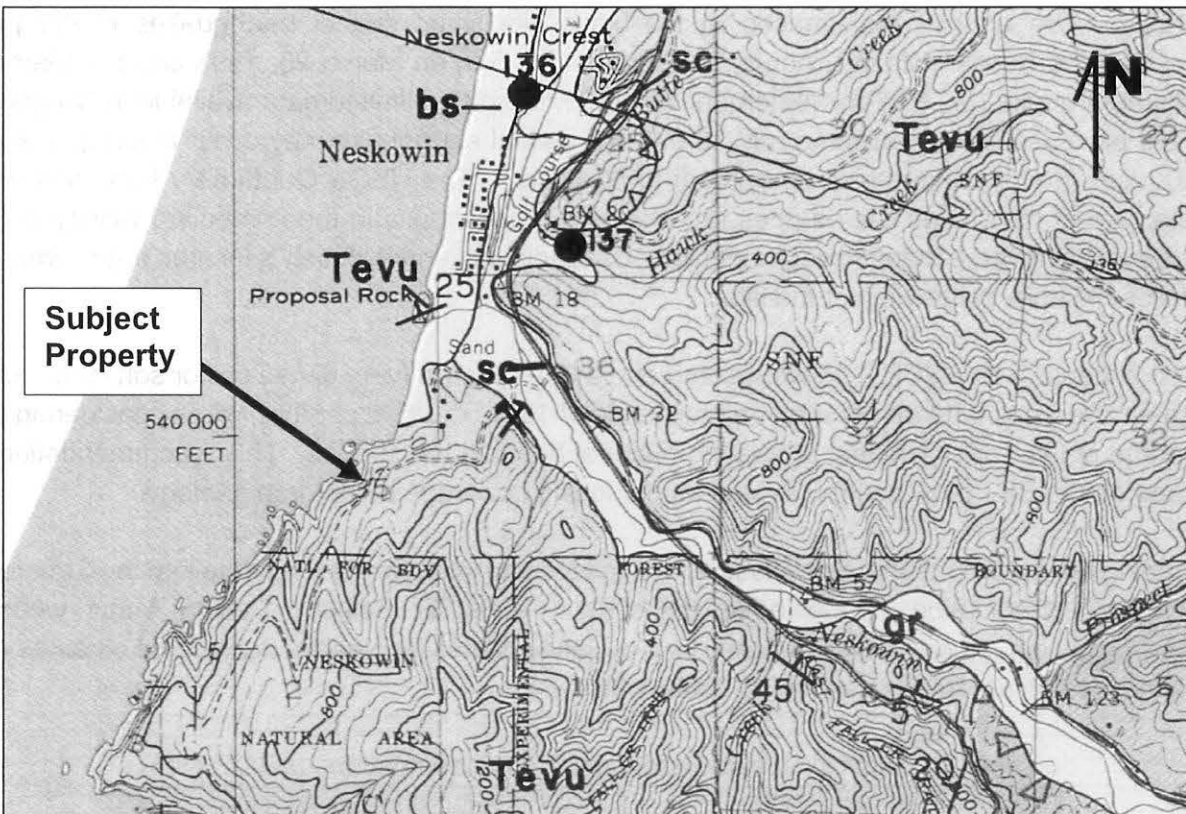


Figure 3: Geologic map of the area (source: Schlicker and others, 1972).

### 3.3 Seismicity

Oregon's position at the western margin of the North American Plate and its location relative to the Pacific and Juan de Fuca plates have had a major impact on the geologic development of the state. The interaction of the three plates has created a complex set of stress regimes that influence the tectonic activity of the state. The western part of Oregon is heavily impacted by the influence of the active subduction zone formed by the Juan de Fuca Oceanic Plate converging upon and subducting beneath the North American Continental Plate off the Oregon coastline.

The Cascadia Subduction Zone, located approximately 100 kilometers off of the Oregon and Washington coasts, is a potential source of earthquakes large enough to cause significant ground shaking at the subject site. Research over the last several years has shown that this offshore fault zone has repeatedly produced large earthquakes, on average, every 300 to 700 years. It is generally understood that the last great Cascadia Subduction Zone earthquake occurred about 300 years ago, in 1700 AD. Although researchers do not necessarily agree on the likely magnitude, it is widely believed that an earthquake moment magnitude ( $M_w$ ) of 8.5 to 9.5 is possible. The duration of strong ground shaking is estimated to be greater than 1 minute, with minor shaking lasting on the order of several minutes.

Additionally, earthquakes resulting from movement in upper plate local faults are considered a possibility. Crustal earthquakes are relatively shallow, occurring within 10 to 20 kilometers of the

surface. Oregon has experienced at least two significant crustal earthquakes in the past decade—the Scotts Mills (Mt. Angel) earthquake ( $M_w$  5.6) on March 25, 1993 and the Klamath Falls earthquake ( $M_w$  5.9) on September 20, 1993. Based on limited data available in Oregon, it would be reasonable to assume a  $M_w$  6.0 to 6.5 crustal earthquake may occur in Oregon every 500 years (recurrence rate of 10 percent in 50 years). The USGS Quaternary Fault and Fold Database of the United States does not map any crustal faults in the immediate vicinity of the property; however, a mapped segment of the Cascadia fold and fault belt is located approximately 2 miles offshore to the west of the site.

In accordance with ASCE 7-16 we recommend a Site Class C (very dense soil or soft rock profile with an average standard penetration resistance of 15 to 50 blows per foot) when considering the average of the upper 100 feet of bearing material beneath the surface. This recommendation is based on the SPT blow counts, as well as our local knowledge of the area geology.

Inputting our recommended Site Class as well as the site latitude and longitude into the Structural Engineers Association of California (SEAOC) – OSHPD Seismic Design Maps website (<http://seismicmaps.org>) which is based on the United States Geological Survey, we obtained the seismic design parameters shown in Table 1 below.

**Table 1:** Seismic Design Parameter Recommendations (ASCE 7-16)

PARAMETER	RECOMMENDATION
Site Class	C
$S_s$	1.301
$S_1$	0.678g
$F_a$	1.200
$F_v$	1.400
$S_{MS} (=S_s \times F_a)$	1.561g
$S_{M1} (=S_1 \times F_v)$	0.949
$S_{DS} (=2/3 \times S_s \times F_a)$	1.041g
Design PGA ( $=S_{DS} / 2.5$ )	0.416g
$MCE_G$ PGA	0.644g
$F_{PGA}$	1.200
$PGA_M (MCE_G \text{ PGA} * F_{PGA})$	0.733g

Note: Site latitude = 45.091437, longitude = -123.9991533

The return interval for the ground motions reported in the table above is 2 percent probability of exceedance in 50 years.

### 3.4 Site Reconnaissance

EEl Principal Engineering Geologist Adam Reese conducted a reconnaissance of the subject property and the local site vicinity making observations of the slopes, vegetation, surface drainage, exposed soils and bedrock, and general topography of the surrounding areas. We observed the slope for evidence of instability, and checked for on-site evidence of slope creep or recent landslide movement. While in the project area we also observed the condition of existing

streets, adjacent homes, slopes and graded areas, and other engineered structures in the local site vicinity. While we did consider the general effects potentially caused by a major earthquake, we did not analyze the site-specific effects of a major earthquake, or conduct global slope stability analyses.

Based on Google Earth, the buildable portion of the site is at an elevation of approximately 260 to 270 feet above mean sea level. Below the flat buildable portion of the lot, the upper vegetated elevations (i.e. uppermost 20 to 40 feet) of the bluff slopes steeply at approximately 1H:1V (Horizontal:Vertical), then transitions to a near-vertical to vertical face to the rocky shoreline. On the upper portions of this slope, we observed limited areas of denuded soil in areas beneath trees and shrubs that were being undercut by surficial erosion. Other than these observations, we did not observe severely leaning or deformed trees in the vicinity that may indicate downslope shallow soil creep. In our limited observations, we did not observe evidence of distress in roads or adjacent house foundations in the vicinity of the site caused by slope movement.

Clearly definable site drainage, such as eroded areas, swales, or shallow depressions were also not observed. Based on the topography of the lot, we assume that most of the surface moisture introduced to the site is infiltrated into the surface soils, or sheet flows down to the north or west.

### 3.5 Geologic Hazards

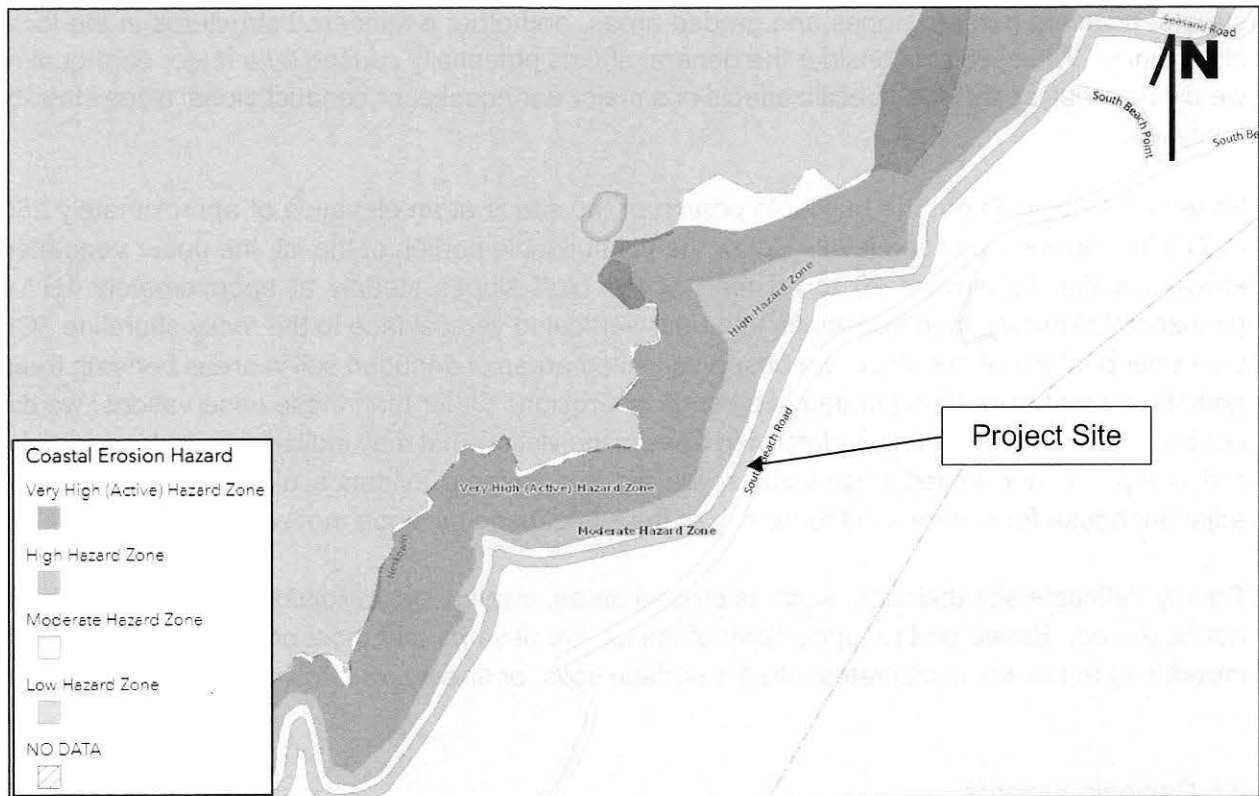
The Oregon Department of Geology and Mineral Resources (DOGAMI) maps various geologic hazards, such as 100-year flooding, earthquake ground shaking, tsunamis, and landslides.<sup>4</sup> Based on this service, the geologic hazards associated with development of this property include the following:

- Low to very high coastal erosion hazard
- Severe expected shaking from a Cascadia earthquake (estimated magnitude 9.0+/-)
- Tsunami inundation
- Very strong expected earthquake shaking
- Moderate to high landslide hazard
- Effective FEMA 100-year flood plain

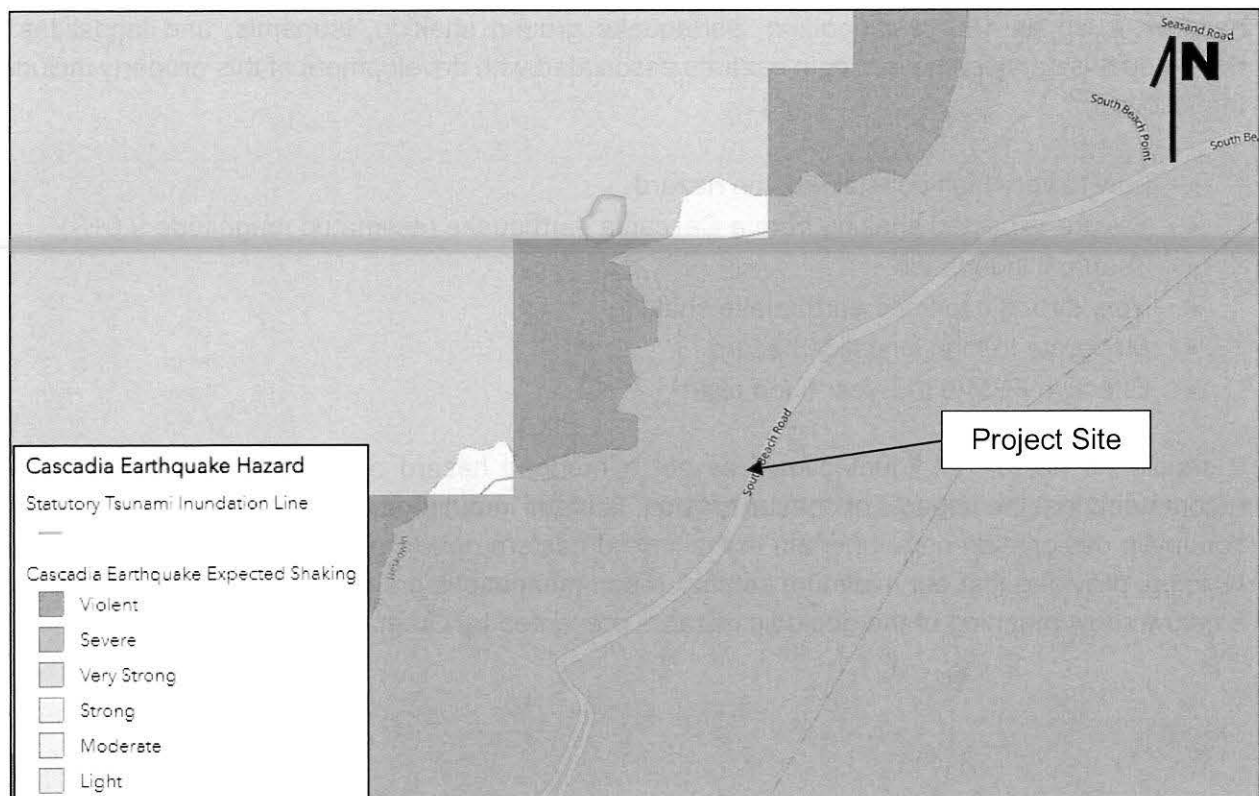
It should be noted that liquefaction was not a mapped hazard on or near the property. We recommend that the impacts of coastal erosion, tsunami inundation, landslide hazard, and FEMA floodplain designation do not pertain to the limited eastern upland portion of the lot proposed for building, provided that our minimum setback recommendations are observed. Figures 4 through 8 below show mapping of the geologic hazards presented by Oregon's HazVu.

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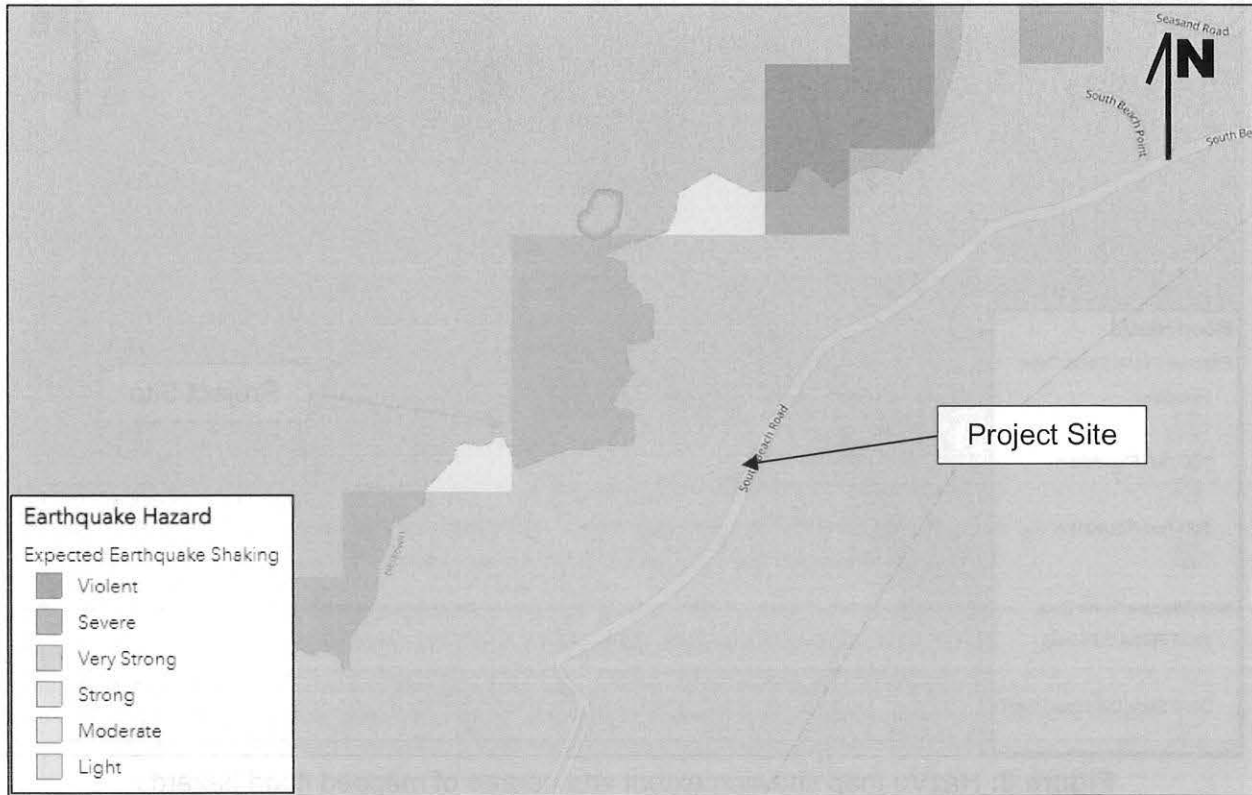
<sup>4</sup> Oregon HazVu: Statewide Geohazards Viewer, available online at: <http://www.oregongeology.org/sub/hazvu/> accessed 5/19/2021



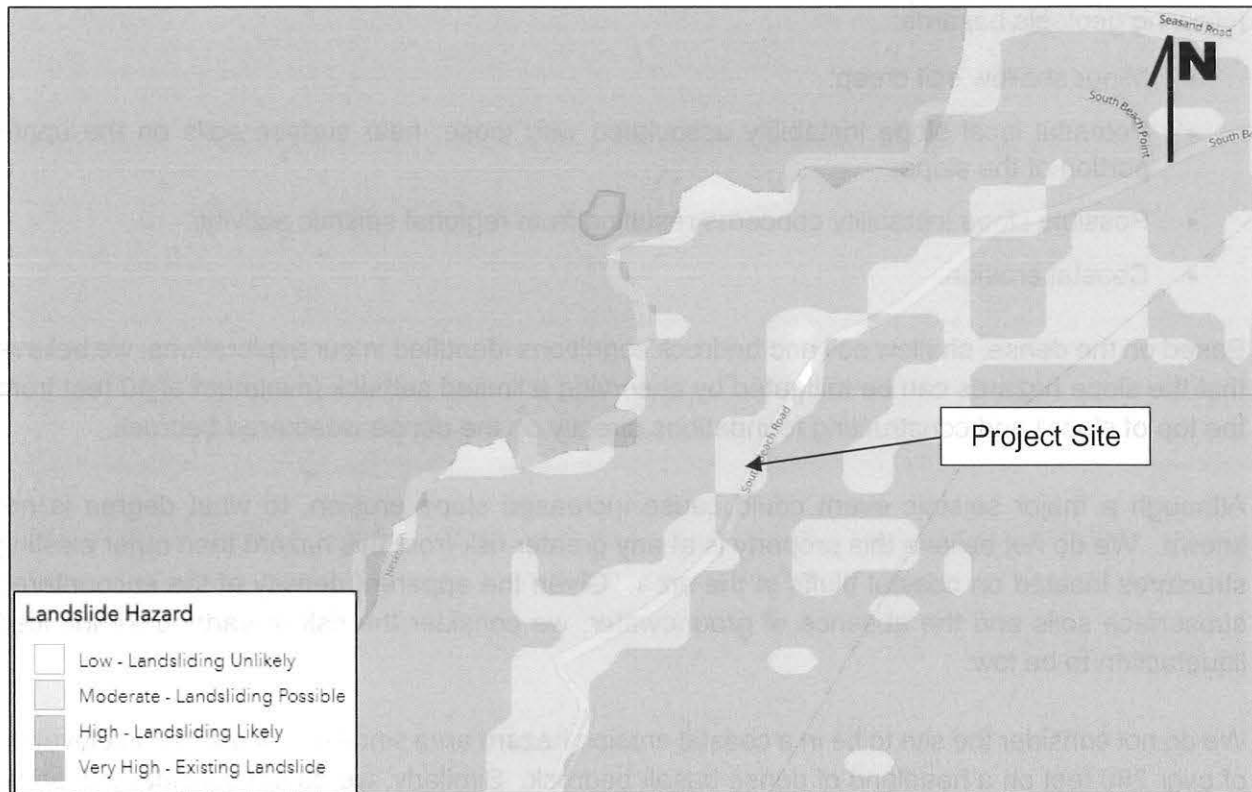
**Figure 4:** HazVu map showing extent and degree of coastal erosion hazard areas.



**Figure 5:** HazVu map showing extent and degree of Cascadia earthquake hazards.

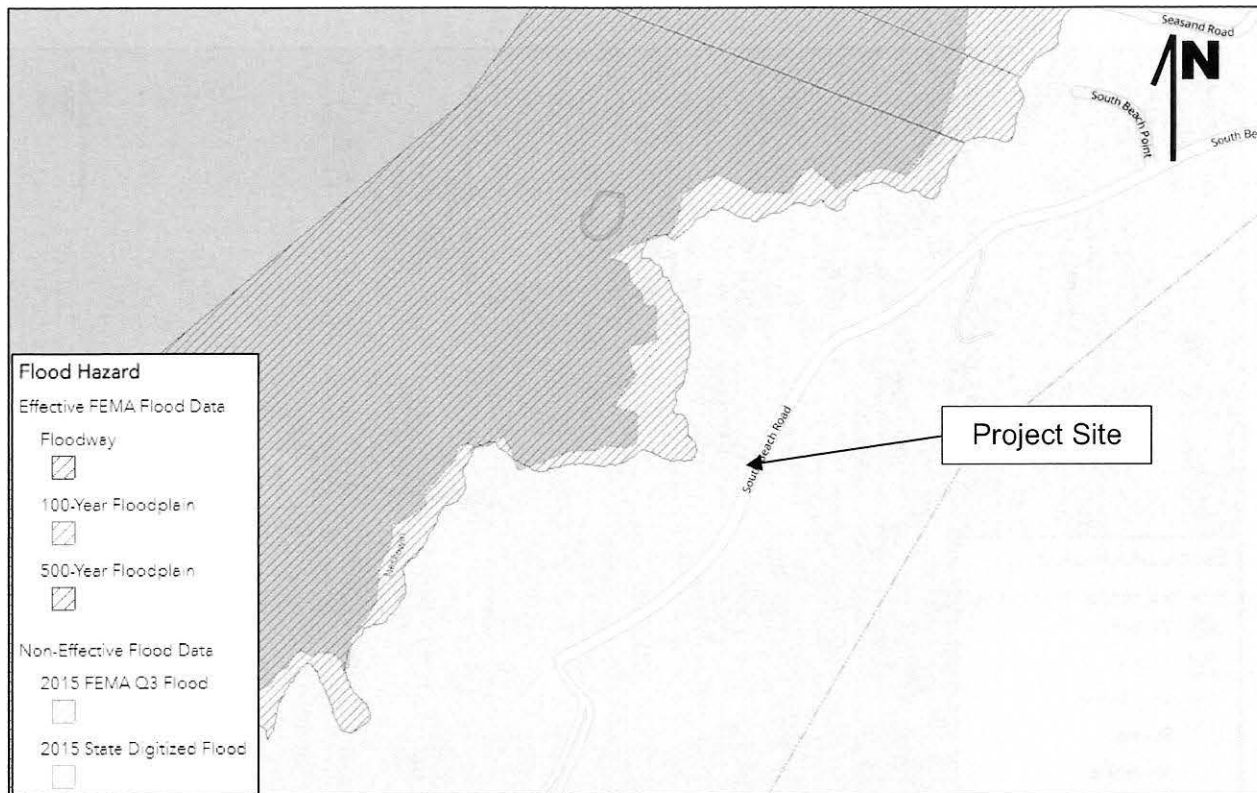


**Figure 6:** HazVu map showing extent and degree of expected earthquake shaking hazard.



**Figure 7:** HazVu map showing extent and degree of landslide hazards.





**Figure 8:** HazVu map showing extent and degree of mapped flood hazards.

Based on our site reconnaissance and subsurface explorations, we consider the site to have the following geologic hazards:

- Minor shallow soil creep;
- Potential local slope instability associated with loose, near surface soils on the upper portion of the slope;
- Possible slope instability concerns resulting from regional seismic activity.
- Coastal erosion.

Based on the dense, shallow soil and bedrock conditions identified in our explorations, we believe that the slope hazards can be mitigated by observing a limited setback (minimum of 10 feet from the top of slope) and constructing foundations directly on the dense weathered bedrock.

Although a major seismic event could cause increased slope erosion, to what degree is not known. We do not believe this property is at any greater risk from this hazard than other existing structures located on coastal bluffs in the area. Given the apparent density of the encountered subsurface soils and the absence of groundwater, we consider the risk of earthquake-induced liquefaction to be low.

We do not consider the site to be in a coastal erosion hazard area since it is located at an elevation of over 260 feet on a headland of dense basalt bedrock. Similarly, we do not consider tsunamis, flooding, and storm surges as hazards for this site.

It is our opinion that the proposed residential development on this property is feasible subject to the geologic hazard risks outlined above and the geotechnical engineering recommendations presented later in this report. Primary considerations to maintaining the existing static site slope stability include limiting the placement of fill to raise site grades, limiting the size of the building footprint to minimize disruption of the native soils and vegetation, observing a minimum horizontal building setback of 10 feet (of more) from the top of slope, and maintaining adequate site surface and subsurface drainage to prevent saturation of the slope. These recommendations are discussed in more detail in Section 4 below.

Ultimately, owning a home in this area of Neskowin means there is an acceptance of risk by the homeowner that the property is located on a steep cliff along the Oregon coast that is extremely dynamic and can change drastically from year to year.

### 3.6 Slope Stability

We qualitatively evaluated the slope stability of the site. We do not consider the site slope stability to be at risk of impacts from landsliding or substantial coastal erosion, since it is located at an elevation of over 260 feet on a headland of dense basalt bedrock that is resistive to erosion and sliding. The property appears currently stable when considering shallow slope movement and global, deep-seated landsliding, but the destabilizing effects of the slope due to a major earthquake are unknown.

## 4.0 EVALUATION AND FOUNDATION RECOMMENDATIONS

### 4.1 Geotechnical Discussion

Based on the subsurface investigation and evaluation of geologic hazards, it is our professional opinion that the primary factors impacting the proposed development include the following:

1. **Potential slope instability.** The primary slope stability concern is the layer of soil overlying the stable basalt bedrock. We are recommending mitigating this concern by deepening the footings to bear on the bedrock stratum and recommending that site grades should not be raised with fill. The secondary stability concern would be that small areas of the overall rock slope fracture and fall to the beach below, potentially undermining the residence. We are mitigating this concern by recommending a minimum 10-foot horizontal setback from the top of the slope—this will provide a buffer in case there is some rockfall that undermines the slope.
2. **Risks associated with earthquake shaking.** It is well-known that the Oregon coast is at risk of a major Cascadia Subduction Zone earthquake (predicted by some to be as high as magnitude 8 or 9) within the life of the proposed structure (the next Cascadia Subduction Zone earthquake is generally predicted to occur sometime within the next 400 years). Should this earthquake strike, there is high risk that it could cause a landside to occur at the bluff on the subject property. We do not anticipate that it will be possible to completely mitigate the risk of damage from such an event. It should be noted that other similar properties already developed with homes in the Neskowin area are at a similar risk.

In summary, assuming that the unmitigable risks outlined above are acceptable, this site appears to be developable provided our mitigation recommendations are followed.

### 4.2 Site Preparation

Topsoil, vegetation, roots, and any other deleterious soils will need to be stripped from beneath the building areas. The topsoil thickness in our borings was approximately 6 inches. The existing site vegetation should not be removed beyond the proposed construction areas of the site, with the exception for construction access road, materials storage areas or stockpile locations. A representative of the Geotechnical Engineer should determine the depth of removal at the time of construction.

Any existing utilities present beneath the proposed construction will need to be located and rerouted as necessary and any abandoned pipes or utility conduits should be removed to inhibit the potential for subsurface erosion. Utility trench excavations should be backfilled with properly compacted structural fill in accordance with Section 4.3 below.

As mentioned above, vegetation should only be removed where needed to complete the proposed construction. This includes the building, and site improvement and grading areas, as well as areas used to temporarily store soil and rock on the site.

Final landscaping should be put in place where the soil is exposed as soon as practicable once final site grades are established. Ground covers and creeping shrubs should be used to help protect from soil erosion. Jute, burlap, or similar geotextile (or loosely placed straw) may be used to protect the soil while the vegetation is being established, especially during the much wetter winter months. The landscape architect or contractor should assist in the selection of the specific plants that are suitable for this climate and use.

Based on our past experience, site preparation will be very difficult to conduct during the wet season (i.e. typically about October to May). In addition, the geotechnical inspections will likely need to be more intensive (and costly) during wet weather construction. While not required, we recommend consideration be given to performing all earthwork during the drier summer months.

#### 4.3 Structural Fill

As stated above in Section 4.1, we recommend that minimal additional weight be placed on the lot to raise site grades. The added weight of any structural fill should not be substantially greater than the weight of soil removed from the property during excavation.

Where structural fill is required, it should be free of organic or other deleterious materials, have a maximum particle size less than about 3 inches, be relatively well graded, and have a liquid limit less than 45 and plasticity index less than 25. In our professional opinion, the on-site soils free of organics can be appropriate for use as structural fill. However, based on the moisture content at the time of our subsurface investigation, these soils may need to dry to achieve optimum moisture prior to compacting. As an alternative to using the native soils for structural fill, imported well-graded crushed rock gravel may be used.

We recommend any fill soils be moisture conditioned to within 3 percentage points below and 2 percentage points above optimum moisture as determined by ASTM D1557 (Modified Proctor). If water must be added, it should be uniformly applied and thoroughly mixed into the soil by disking or scarifying. The topsoil is not appropriate for structural fill but could be used as topsoil in landscaping areas.

Fill should be placed in a relatively uniform horizontal lift on the prepared subgrade. Each loose lift should be about 1 foot thick. The type of compaction equipment used will ultimately determine the maximum lift thickness. Structural fill should be compacted to at least 92 percent of the Modified Proctor maximum dry density as determined by ASTM D1557.

Each lift of compacted structural fill should be tested by a representative of the Geotechnical Engineer prior to placement of subsequent lifts. The fill should extend horizontally outward

beyond the exterior perimeter of the building and pavements at least 5 and 3 feet, respectively, prior to sloping.

Fills that are constructed on slopes steeper than 5H:1V, such as the current site slope, should be benched into the hillside. Level benches should be a minimum of 4 feet wide laterally, and should be cut into the slope for every five feet of vertical rise. The placement of fill should begin at the base of the slope. All benches should be inspected by a representative of the Geotechnical Engineer and approved prior to placement of structural fill lifts. If evidence of seepage is observed in the bench excavations, a supplemental drainage system may need to be designed and installed to prevent hydrostatic pressure buildup behind the fill. Fill and cut slopes and disturbed natural soil slopes should be graded no steeper than 2H:1V.

#### 4.4 Foundation Recommendations

Once the site has been properly prepared as discussed above, the proposed building foundations can be supported on a shallow foundation system bearing directly on the very dense, decomposed basalt bedrock stratum encountered in our borings at a depth of about 1 foot. Because of the close proximity to the steep cliff, we recommend the footings all be tied together with relatively rigid grade beams (i.e. no isolated pad footings).

It is our experience that the weathering of the bedrock at the coast can be variable. While the depth to the weathered bedrock in our borings was only approximately 1 foot, it could be variable across the site.

Footings can be designed for an allowable soil bearing pressure of up to 2,500 psf based on dead load plus design live load when bearing on the very dense, weathered bedrock stratum. The recommended allowable soil bearing pressure can be increased by one-third when including short-term wind or seismic loads.

Lateral frictional resistance between the base of footings and the very dense, weathered bedrock subgrade can be expressed as the applied vertical load multiplied by a coefficient of friction of 0.38 for concrete foundations bearing directly on firm native soils or properly compacted granular structural fill placed upon the firm native soils. In addition, lateral loads may be resisted by passive earth pressures based on an equivalent fluid pressure of 350 pounds per cubic foot (pcf) for footings poured “neat” against the above-mentioned soil strata. These are ultimate values—we recommend a factor of safety of 1.5 be applied to the equivalent fluid pressure, which is appropriate due to the amount of movement required to develop full passive resistance. To be clear, no safety factor has been applied to the friction factor recommended above either.

The bottom of the building foundation should be located at a depth of at least 12 inches below the final exterior grade to provide adequate frost protection. If the building is to be constructed during the winter months or if the foundation soils will likely be subjected to freezing temperatures after foundation construction, then the foundation soils should be adequately protected from freezing.

The foundation excavations should be observed by a representative of the Geotechnical Engineer prior to steel or concrete placement to assess that the foundation materials are capable of supporting the design loads and are consistent with the materials discussed in this report. Unsuitable soil zones encountered at the bottom of the foundation excavations should be removed and replaced with properly compacted structural fill as directed by the Geotechnical Engineer.

After opening, foundation excavations should be observed and concrete placed as quickly as possible to avoid exposure of the excavation bottoms to wetting and drying. Surface run-off water should be drained away from the excavations and not be allowed to pond. If possible, the foundation concrete should be placed during the same day the excavation is made. If the soils will be exposed for more than 2 days, consideration should be given to placing a thin layer of rock atop the exposed subgrade to protect it from the elements.

#### 4.5 Floor Slab Recommendations

Reinforced concrete floor slabs can be grade supported on at least 6-inches of properly compacted, well-graded, granular structural fill (i.e., crushed rock gravel) placed upon approved subgrade (i.e. very dense, weathered bedrock encountered in our borings at a depth of approximately 1 foot). Based on the existing soil conditions, the design of slabs-on-grade can be based on a subgrade modulus (k) of 150 pci. This subgrade modulus value represents an anticipated value which would be obtained in a standard in-situ plate test with a 1-foot square plate. Use of this subgrade modulus for design or other on-grade structural elements should include appropriate modification based on dimensions as necessary.

As noted above in Section 4.3, structural fill should be compacted to at least 92 percent of the maximum dry density, and moisture conditioned to within 3 percentage points below and 2 percentage points above optimum moisture as determined by ASTM D1557 (Modified Proctor).

The floor slabs should have an adequate number of joints to reduce cracking resulting from any differential movement and shrinkage.

The 6 inches of well-graded crushed rock gravel recommended will act as a relatively free draining granular mat that provides a capillary break to limit migration of moisture through the slab. If additional protection against moisture vapor is desired, a vapor retarding membrane may also be incorporated into the design. Factors such as cost, special considerations for construction, and the floor coverings suggest that decisions on the use of vapor retarding membranes be made by the owner.

#### 4.6 Retaining Wall Recommendations

We are not aware of any planned retaining walls for the project. The recommendations below are considered preliminary. If retaining walls will be included in the project, we should be provided

the detailed retaining wall information so that we can review our recommendations and confirm they are appropriate for the planned development.

Retaining wall footings should be designed in general accordance with the recommendations contained in Section 4.4 above (i.e. rigid grade beam designed for an allowable bearing capacity of up to 2,500 psf).

Lateral earth pressures on walls, which are not restrained at the top, may be calculated on the basis of an “active” equivalent fluid pressure of 35 pcf for level backfill, and 60 pcf for sloping backfill with a maximum 2H:1V slope. Lateral earth pressures on walls that are restrained from yielding at the top (i.e., stem walls) may be calculated on the basis of an “at-rest” equivalent fluid pressure of 55 pcf for level backfill, and 90 pcf for sloping backfill with a maximum 2H:1V slope. The stated equivalent fluid pressures do not include surcharge loads, such as foundation, vehicle, equipment, etc., adjacent to walls, hydrostatic pressure buildup, or earthquake loading.

Our above recommendations do not include the weight of surcharge loads, such as foundation, vehicle, equipment, etc., adjacent to walls, hydrostatic pressure buildup, or earthquake loading. Appendix F of this report provides guidance for the design of retaining walls where surcharges are present.

For seismic loading on retaining walls, new research indicates that the seismic load is to be applied at  $1/3 H$  of the wall instead of  $2/3 H$ , where  $H$  is the height of the wall. We recommend that a Mononobe-Okabe earthquake thrust per linear foot of  $8 \text{ psf} \cdot H^2$  be applied at  $1/3 H$  up from the base of the wall, where  $H$  is the height of the wall measured in feet. This applies for a backslope angle up to 10 degrees.

## 5.0 CONSTRUCTION CONSIDERATIONS

EI should be retained to provide observation and testing of construction activities involved in the foundation, earthwork, and related activities of this project. EI cannot accept any responsibility for any conditions that deviate from those described in this report, nor for the performance of the foundations if not engaged to also provide construction observation for this project.

### 5.1 Moisture Sensitive Soils/Weather Related Concerns

The upper soils encountered at this site are expected to be sensitive to disturbances caused by construction traffic and to changes in moisture content. During wet weather periods, increases in the moisture content of the soil can cause significant reduction in the soil strength and support capabilities. In addition, soils that become wet may be slow to dry and thus significantly retard the progress of grading and compaction activities. It will, therefore, be advantageous to perform earthwork and foundation construction activities during dry weather.

### 5.2 Drainage, Groundwater, and Stormwater Considerations

Water should not be allowed to collect in the foundation excavations or on prepared subgrades for the floor slab during construction. Positive site drainage should be maintained throughout construction activities. Undercut or excavated areas should be sloped toward one corner to facilitate removal of any collected rainwater, groundwater, or surface runoff.

The site grading plan should be developed to provide rapid drainage of surface water away from the building areas and to inhibit infiltration of surface water around the perimeter of the building and beneath the floor slab. The grades should be sloped away from the building area.

Because this site is adjacent to a very tall, steep cliff, we strongly recommend that stormwater be hard piped to a public stormwater disposal system off the property. Our preference would not be to dispose of stormwater on site.

### 5.3 Excavations

In Federal Register, Volume 54, No. 209 (October 1989), the United States Department of Labor, Occupational Safety and Health Administration (OSHA) amended its "Construction Standards for Excavations, 29 CFR, part 1926, Subpart P". This document and subsequent updates were issued to better insure the safety of workmen entering trenches or excavations. It is mandated by this federal regulation that excavations, whether they be utility trenches, basement excavations or footing excavations, be constructed in accordance with the new OSHA guidelines. It is our understanding that these regulations are being strictly enforced and if they are not closely followed, the owner and the contractor could be liable for substantial penalties.



The contractor is solely responsible for designing and constructing stable, temporary excavations and should shore, slope, or bench the sides of the excavations as required to maintain stability of both the excavation sides and bottom. The contractor's "responsible person", as defined in 29 CFR Part 1926, should evaluate the soil exposed in the excavations as part of the contractor's safety procedures. In no case should slope height, slope inclination, or excavation depth, including utility trench excavation depth, exceed those specified in local, state, and federal safety regulations.

We are providing this information solely as a service to our client. EEI does not assume responsibility for construction site safety or the contractor's compliance with local, state, and federal safety or other regulations.

## **6.0 GEOLOGIC HAZARD SUMMARY FINDINGS AND CONCLUSIONS**

We are providing this section of our report to facilitate the review of the anticipated building permit per Tillamook County Land and Water Development and Use Ordinance (TCLWUO), Section 4.130 (Development Requirements for Geologic Hazard Areas).

(7) The GEOLOGIC HAZARDS report shall recommend development standards that will protect development on the property and surrounding properties. These should include standards for:

- (a) Development density (when more than one use is possible): It is our professional opinion that the lot is suitable for the development of the proposed single family residence provided our recommendations are followed.
- (b) Locations for structures and roads: We are recommending no structures be located within 10 feet horizontally of the top of the slope.
- (c) Land grading practices, including standards for cuts and fills: Our recommended standards for cuts and fills are outlined in Section 4.3. We recommending that site grades not be raised with fill, as that could add surcharge loading to the steep cliff.
- (d) Vegetation removal and re-vegetation practices: As outlined in Sections 4.1 and 4.2, we recommend vegetation removal be limited to the area of construction and that replanting occur after construction is completed at areas that were stripped of vegetation.
- (e) Foundation design (if special design is necessary): As noted in sections 4.1, and 4.4, we are recommending the house be supported on an integrated system of grade beams (i.e. no isolated pad footings). All footings should be supported on the stable, decomposed bedrock stratum.
- (f) Road design (if applicable): Not applicable.
- (g) Management of storm water runoff during and after construction: As discussed in Section 5.2, we recommend that stormwater be solid piped to an approved off-site system.

(8) The GEOLOGIC HAZARD report shall include the following summary findings and conclusions:

- (a) The type of use proposed and the adverse effects it might have on adjacent areas: As noted in Section 1.2 above, the type of use is a single family residence. Provided the recommendations in our report are followed, there will be no increased adverse effects on adjacent areas.
- (b) Hazards to life, public and private property, and the natural environment which may be caused by the proposed use: It is our professional opinion that if our recommendations in this report are followed, the increased hazard risk to life, public and private property, and the natural environment is low.
- (c) Methods for protecting the surrounding area from any adverse effects of the development: We are recommending site stripping and vegetation removal for construction be limited to the construction area. Once construction is complete, disturbed soil areas should be replanted or covered with other soil erosion prevention measures.
- (d) Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation: As discussed previously, we are recommending site stripping and vegetation removal for construction be limited to the construction area. Once construction is complete, disturbed soil areas should be replanted or covered with other soil erosion prevention measures.
- (e) The proposed development is adequately protected from any reasonably foreseeable hazards including but not limited to GEOLOGIC HAZARDS, wind erosion, undercutting, ocean flooding, and storm waves. Ocean flooding and storm waves are not hazards at this site. The only geologic hazards include shallow slope creep, settlement, and earthquake-induced damage from landsliding and severe ground shaking. We are recommending mitigation measures that include setting the proposed residence back from the slope, bearing the foundations on the stable, decomposed basalt bedrock, and connecting all the footings together with rigid grade beams (i.e. no isolated pad footings).
- (f) The proposed development is designed to minimize adverse environmental effects: We can confirm that the project has been designed to minimize an increase in adverse environmental effects. Vegetation disturbance is recommended to be limited, and the proposed structure will be supported on an integrated system of grade beams.

## **7.0 REPORT LIMITATIONS**

As is standard practice in the geotechnical industry, the conclusions contained in our report are considered preliminary because they are based on assumptions made about the soil, rock, and groundwater conditions exposed at the site during our subsurface investigation. A more complete extent of the actual subsurface conditions can only be identified when they are exposed during construction. Therefore, EEI should be retained as your consultant during construction to observe the actual conditions and to provide our final conclusions. If a different geotechnical consultant is retained to perform geotechnical inspection during construction, then they should be relied upon to provide final design conclusions and recommendations, and should assume the role of geotechnical engineer of record, as is the typical procedure required by the governing jurisdiction.

The geotechnical recommendations presented in this report are based on the available project information, and the subsurface materials described in this report. If there are any revisions to the plans for this project, or if deviations from the subsurface conditions noted in this report are encountered during construction, EEI should be notified immediately to determine if changes in the foundation recommendations are required. If EEI is not retained to review these changes, we will not be responsible for the impact of those conditions on the project.

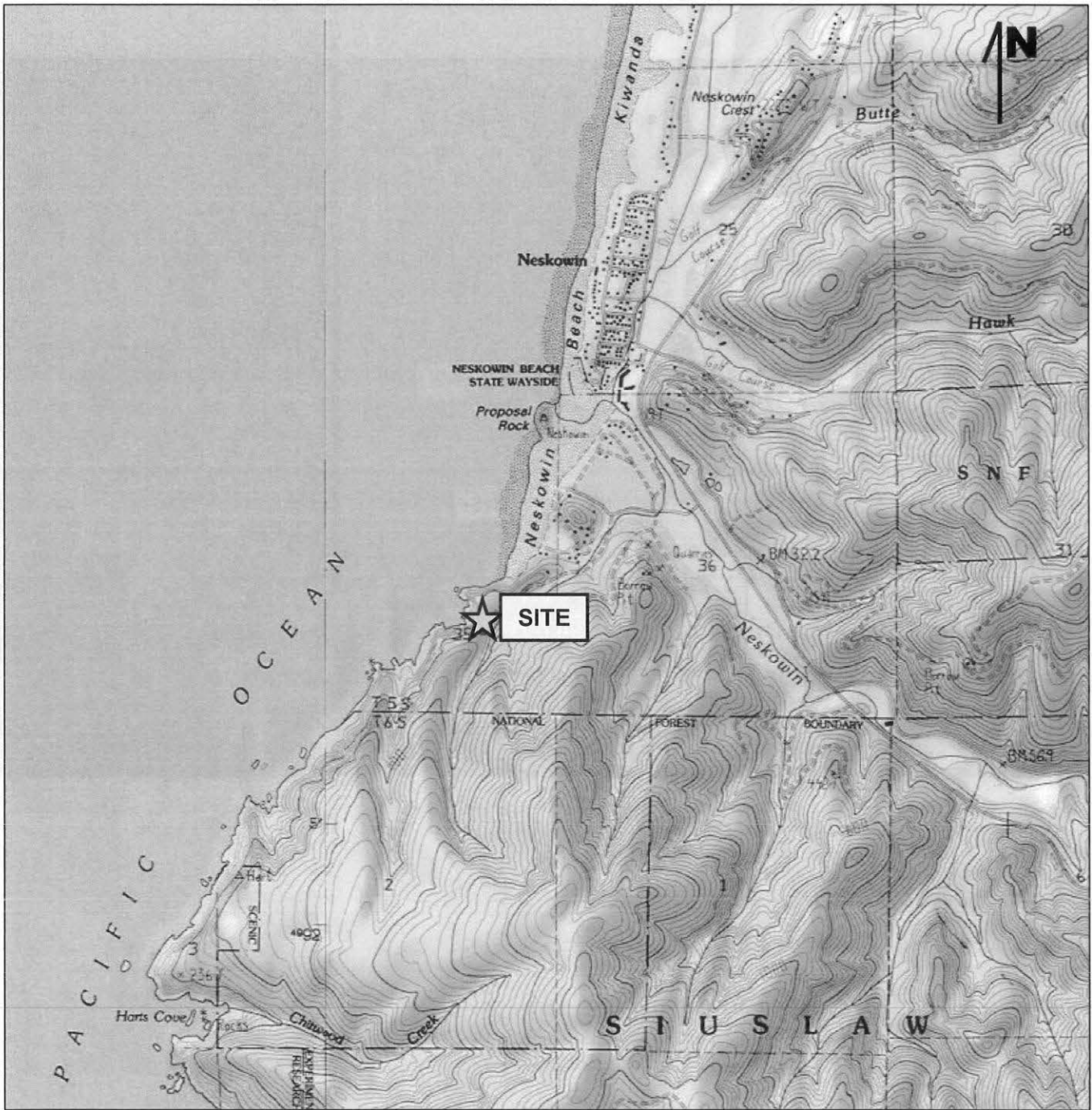
The Geotechnical Engineer warrants that the findings, recommendations, specifications, or professional advice contained herein have been made in accordance with generally accepted professional geotechnical engineering practices in the local area. No other warranties are implied or expressed.

After the plans and specifications are more complete, the Geotechnical Engineer should be retained and provided the opportunity to review the final design plans and specifications to check that our engineering recommendations have been properly incorporated into the design documents. At this time, it may be necessary to submit supplementary recommendations.

This report has been prepared for the exclusive use of Winsome Construction, LLC for the specific application to the proposed single family residence to be located at Tax Lot 4800 along South Beach Road in Neskowin, Tillamook County, Oregon. EEI does not authorize the use of the advice herein nor the reliance upon the report by third parties without prior written authorization by EEI.

## APPENDICES

# APPENDIX A – SITE LOCATION PLAN



Map Source: <https://viewer.nationalmap.gov/advanced-viewer/>



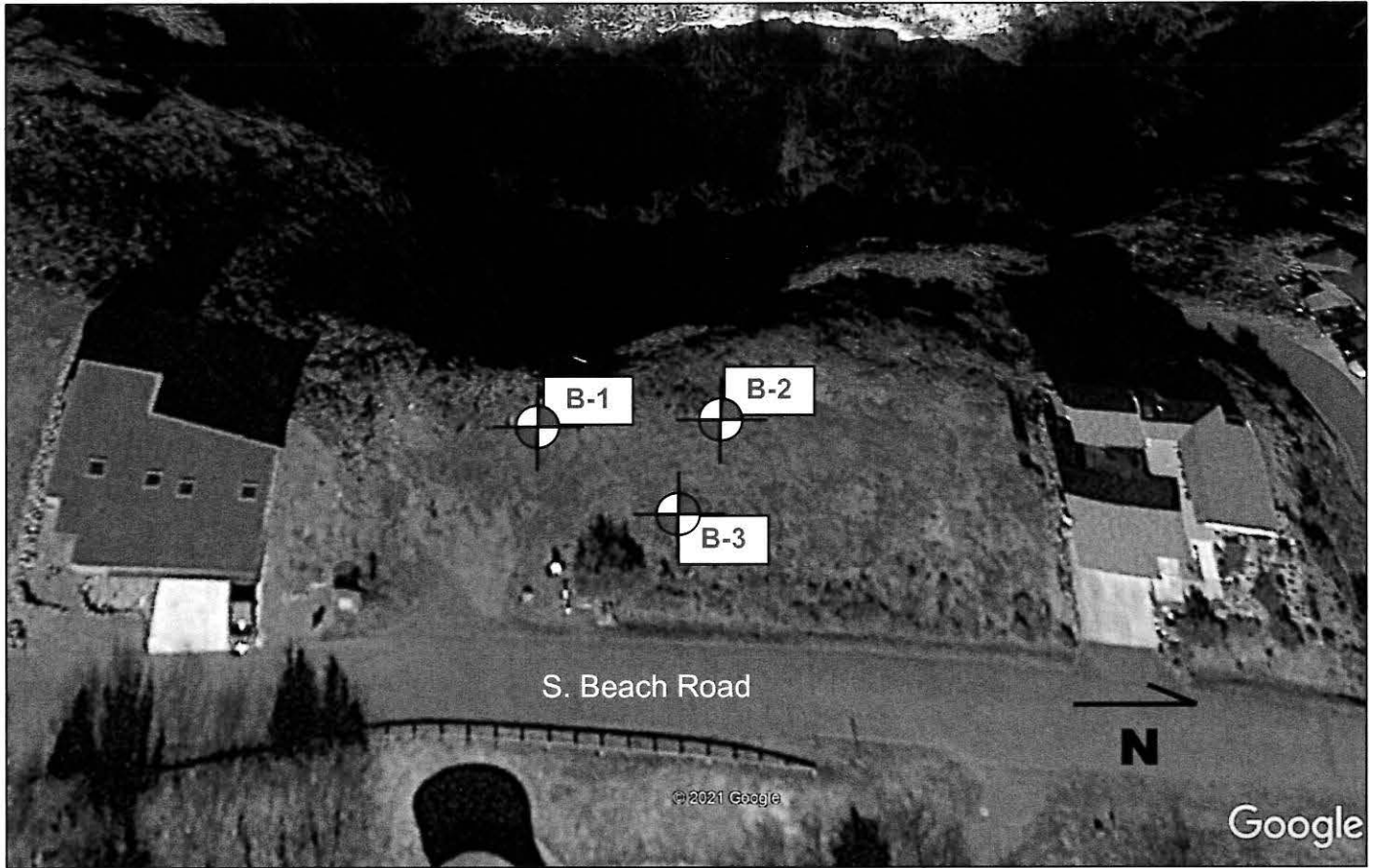
Earth  
Engineers,  
Inc.

Proposed Single Family Residence  
Tax Lot 4800, South Beach Road  
Neskowin, Tillamook County, Oregon


Report No.  
21-157-1

September 13, 2021

# APPENDIX B – SITE EXPLORATION PLAN



## LEGEND

 Approximate Boring Location

Source: GoogleEarth



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Proposed Single Family Residence  
Tax Lot 4800, South Beach Road  
Neskowin, Tillamook County, Oregon

Report No.  
21-157-1

September 13, 2021



**Earth  
Engineers,  
Inc.**

# Appendix C: Boring B-1

Sheet 1 of 1

Client: Winsome Construction  
 Project: Single Family Residence  
 Site Address: Tax Lot 4800, South Beach Road  
 Neskowin, Tillamook County, Oregon  
 Location of Exploration: See Appendix B  
 Logged By: Michael H.

Report Number: 21-157-1  
 Drilling Contractor: PLi Systems \*  
 Drilling Method: Mud Rotary + Coring  
 Drilling Equipment: Mobil B-58  
 Approximate Ground Surface Elevation (ft msl): 111 \*  
 Date of Exploration: 8/19/2021

Depth (ft)	Water Level	Lithology		Sampling Data								
		Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Blows per 6 inches	N <sub>60</sub> value	Moisture Content (%)	Plastic Limit	Liquid Limit	% Passing #200 Sieve	Pocket Pen (tsf)	Remarks
0			Topsoil - Grass cover (6 inches).		5							
0			(ML) Dark brown sandy silt with few rootlets, slightly moist, very stiff.	SPT-1	18	49	8			24		
0			(GM) Dark brown to light brown with some blue and orange, silty-sand with some gravel.		20							
2			Decomposed bedrock-Bedrock residium, highly weathered bedrock.	SPT-2	15	67	18			20		
2					18							
2					34							
4				SPT-3	16	109	18			20		Drill rig experienced difficulties as material becomes more dense
4					35							
4					50/6"							
6				SPT-4	17	71	20			15		
6					22							
6					33							
10			(Bedrock) Black-blueish black basalt with fractures, highly fractured rock.									
12			RQD (10'-15' core) = 40%; Recovery = ~80%									Weathering decreases 10' - 14'
14												White mineralization in fracture joints increases 15'-20'
16												
18			RQD (15'-20' core) = 30%; Recovery = ~80%									
20												
22												
24												
26												
28												
30												

Notes : Boring terminated at a depth of approximately 20 feet below ground surface (bgs). Groundwater was not encountered at the time of our exploration. Boring backfilled with bentonite chips on 8/19/2021. N60 values reported are based on a SPT hammer energy correction factor of 1.388 (i.e. 83.3/60), reference "Report of SPT Hammer Energies" prepared by GeoDesign Inc. dated 3/12/2018. Approximate elevations from Google Earth. \*





**Earth  
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Inc.**

# Appendix C: Boring B-2

Client: Winsome Construction  
 Project: Single Family Residence  
 Site Address: Tax Lot 4800, South Beach Road  
 Neskowin, Tillamook County, Oregon  
 Location of Exploration: See Appendix B  
 Logged By: Michael H.

Report Number: 21-157-1  
 Drilling Contractor: PLI Systems \*  
 Drilling Method: Mud Rotary + Coring  
 Drilling Equipment: Mobil B-58  
 Approximate Ground Surface Elevation (ft msl): 222 \*  
 Date of Exploration: 8/19/2021

Depth (ft)	Water Level	Lithology		Sampling Data							Remarks		
		Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Blows per 6 Inches	N <sub>60</sub> value	Moisture Content (%)	Plastic Limit	Liquid Limit	% Passing #200 Sieve		Pocket Pen (tsf)	
0			Topsoil - Grass cover (6 inches)										
0			(ML) Dark brown sandy silt with rootlets, slightly moist, very stiff.										
2			(GM) Dark brown to light brown with some blue and orange, silty gravel. Decomposed bedrock- Bedrock residium/ highly weathered bedrock.	SPT-1	10 16 26	54	13			19			
4				SPT-2	16 15 28	56	14			16			
6													
8													
10			(Bedrock) Black-blueish black basalt with fractures, highly fractured rock.										
12			RQD (10'-15' core) = 20%; Recovery = ~50%										
14													
16													
18			RQD (15'-20' core) = 0%; Recovery = ~80%										
20													
22													
24													
26													
28													
30													

Notes : Boring terminated at a depth of approximately 20 feet below ground surface (bgs). Groundwater was not encountered at the time of our exploration. Boring backfilled with bentonite chips on 8/18/2021. N60 values reported are based on a SPT hammer energy correction factor of 1.388 (i.e. 83.3/60), reference "Report of SPT Hammer Energies" prepared by GeoDesign Inc. dated 3/12/2018. Approximate elevations from Google Earth. \*



**Earth  
Engineers,  
Inc.**

# Appendix C: Boring B-3

Sheet 1 of 1

Client: Winsome Construction  
 Project: Single Family Residence  
 Site Address: Tax Lot 4800, South Beach Road  
 Neskowin, Tillamook County, Oregon  
 Location of Exploration: See Appendix B  
 Logged By: Michael H.

Report Number: 21-157-1  
 Drilling Contractor: PLi Systems \*  
 Drilling Method: Mud Rotary  
 Drilling Equipment: Mobil B-58  
 Approximate Ground Surface Elevation (ft msl): 333 \*  
 Date of Exploration: 8/19/2020

Depth (ft)	Water Level	Lithology		Sampling Data								
		Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Blows per 6 inches	N <sub>60</sub> value	Moisture Content (%)	Plastic Limit	Liquid Limit	% Passing #200 Sieve	Pocket Pen (tsf)	Remarks
0			Topsoil - Grass cover (6 inches) (ML) Dark brown sandy silt with few rootlets, slightly moist, very stiff.									
2			(GM) Dark brown to light brown, blue and orange stained, silty gravel. Bedrock residium, highly weathered bedrock.									
4				SPT-1	7 15 34	63	12			13		
6				SPT-2	41 50/3" 50/1"	100	15			22		
8												
10												
12												
14												
16												
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28												
30												

Notes : Boring terminated at a depth of approximately 7.5 feet below ground surface (bgs). Groundwater was not encountered at the time of our exploration. Boring backfilled with bentonite chips on 8/19/2021. N60 values reported are based on a SPT hammer energy correction factor of 1.388 (i.e. 83.3/60), reference "Report of SPT Hammer Energies" prepared by GeoDesign Inc. dated 3/12/2018. Approximate elevations from Google Earth. \*

# APPENDIX D: SOIL CLASSIFICATION LEGEND

APPARENT CONSISTENCY OF COHESIVE SOILS (PECK, HANSON & THORNBURN 1974, AASHTO 1988)				
Descriptor	SPT N <sub>60</sub> (blows/foot)*	Pocket Penetrometer, Q <sub>p</sub> (tsf)	Torvane (tsf)	Field Approximation
Very Soft	< 2	< 0.25	< 0.12	Easily penetrated several inches by fist
Soft	2 – 4	0.25 – 0.50	0.12 – 0.25	Easily penetrated several inches by thumb
Medium Stiff	5 – 8	0.50 – 1.0	0.25 – 0.50	Penetrated several inches by thumb w/moderate effort
Stiff	9 – 15	1.0 – 2.0	0.50 – 1.0	Readily indented by thumbnail
Very Stiff	16 – 30	2.0 – 4.0	1.0 – 2.0	Indented by thumb but penetrated only with great effort
Hard	> 30	> 4.0	> 2.0	Indented by thumbnail with difficulty

\* Using SPT N<sub>60</sub> is considered a crude approximation for cohesive soils.

APPARENT DENSITY OF COHESIONLESS SOILS (AASHTO 1988)	
Descriptor	SPT N <sub>60</sub> Value (blows/foot)
Very Loose	0 – 4
Loose	5 – 10
Medium Dense	11 – 30
Dense	31 – 50
Very Dense	> 50

MOISTURE (ASTM D2488-06)	
Descriptor	Criteria
Dry	Absence of moisture, dusty, dry to the touch, well below optimum moisture content (per ASTM D698 or D1557)
Moist	Damp but no visible water
Wet	Visible free water, usually soil is below water table, well above optimum moisture content (per ASTM D698 or D1557)

PERCENT OR PROPORTION OF SOILS (ASTM D2488-06)	
Descriptor	Criteria
Trace	Particles are present but estimated < 5%
Few	5 – 10%
Little	15 – 25%
Some	30 – 45%
Mostly	50 – 100%
Percentages are estimated to nearest 5% in the field. Use "about" unless percentages are based on laboratory testing.	

SOIL PARTICLE SIZE (ASTM D2488-06)	
Descriptor	Size
Boulder	> 12 inches
Cobble	3 to 12 inches
Gravel - Coarse Fine	¾ inch to 3 inches No. 4 sieve to ¾ inch
Sand - Coarse Medium Fine	No. 10 to No. 4 sieve (4.75mm) No. 40 to No. 10 sieve (2mm) No. 200 to No. 40 sieve (.425mm)
Silt and Clay ("fines")	Passing No. 200 sieve (0.075mm)

UNIFIED SOIL CLASSIFICATION SYSTEM (ASTM D2488)				
Major Division		Group Symbol	Description	
<b>Coarse Grained Soils</b>  (more than 50% retained on #200 sieve)	<b>Gravel</b> (50% or more retained on No. 4 sieve)	Clean Gravel	GW	Well-graded gravels and gravel-sand mixtures, little or no fines
		Gravel with fines	GP	Poorly graded gravels and gravel-sand mixtures, little or no fines
			GM	Silty gravels and gravel-sand-silt mixtures
	<b>Sand</b> (> 50% passing No. 4 sieve)	Clean sand	GC	Clayey gravels and gravel-sand-clay mixtures
			SW	Well-graded sands and gravelly sands, little or no fines
		Sand with fines	SP	Poorly-graded sands and gravelly sands, little or no fines
SM	Silty sands and sand-silt mixtures			
<b>Fine Grained Soils</b>  (50% or more passing #200 sieve)	<b>Silt and Clay</b> (liquid limit < 50)	SC	Clayey sands and sand-clay mixtures	
		ML	Inorganic silts, rock flour and clayey silts	
		CL	Inorganic clays of low-medium plasticity, gravelly, sandy & lean clays	
	<b>Silt and Clay</b> (liquid limit > 50)	OL	Organic silts and organic silty clays of low plasticity	
		MH	Inorganic silts and clayey silts	
		CH	Inorganic clays or high plasticity, fat clays	
<b>Highly Organic Soils</b>		OH	Organic clays of medium to high plasticity	
		PT	Peat, muck and other highly organic soils	



GRAPHIC SYMBOL LEGEND		
GRAB	☒	Grab sample
SPT	■	Standard Penetration Test (2" OD), ASTM D1586
ST	▨	Shelby Tube, ASTM D1587 (pushed)
DM	▨	Dames and Moore ring sampler (3.25" OD and 140-pound hammer)
CORE	▨	Rock coring

**APPENDIX E:**  
**NEARBY HISTORICAL WELL REPORT**

STATE OF OREGON  
**WATER WELL REPORT**  
 (as required by ORS 537.765)

(7, 11)  
 1141

OS/11W/35G  
 (START CARD) # 48554

(1) OWNER: Well Number 1  
 Name Eugene R. & Carol L. Mauls  
 Address P.O. Box 67  
 City Pacific City State Oregon Zip 97135-0067

(2) TYPE OF WORK:  
 New Well  Deepen  Recondition  Abandon

(3) DRILL METHOD:  
 Rotary Air  Rotary Mud  Cable  
 Other

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Other

(5) BORE HOLE CONSTRUCTION:  
 Special Construction approval  Yes  No Depth of Completed Well 400 ft.  
 Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
10	0	25	Bentonite	0	25	17
7 3/8	25	137				
6	137	400				

How was seal placed: Method  A  B  C  D  E  
 Other Placed in dry & prodded  
 Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	6	+1	138	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:	4	0	400	160	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 138

(7) PERFORATIONS/SCREENS:  
 Perforations Method Drilled  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
280	400		480	9/16	4	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem at	Time
3	181	380	1 hr.

Pump  Bailer  Air  Flowing Artesian

Temperature of Water 53 Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done?  Yes By whom \_\_\_\_\_  
 Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
 Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:  
 County Tillamook Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township 55 N or S. Range 11 W E or W. WM. \_\_\_\_\_  
 Section 35 NE NE NE  
 Tax Lot 204 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) End of S. Beach Rd., Nestkown, Oregon

(10) STATIC WATER LEVEL:  
199 ft. below land surface. Date 7-27-93  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:  
 Depth at which water was first found 199

From	To	Estimated Flow Rate	SWL

(12) WELL LOG: Ground elevation \_\_\_\_\_

Material	From	To	SWL
Brown Clay w/ Mod. Gravel	0	19	
Gray Claystone w/ Rock embedded	19	400	199

RECEIVED

AUG 2 1993

WATER RESOURCES DEPT.  
 SALEM, OREGON

Date started 7-20-93 Completed 7-27-93

(unbonded) Water Well Constructor Certification:  
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Material used and information reported above are true to my best knowledge and belief.  
 Signed \_\_\_\_\_ WWC Number \_\_\_\_\_  
 Date \_\_\_\_\_

(bonded) Water Well Constructor Certification:  
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.  
 Signed L. M. C. Evey WWC Number 122  
 Date 7-27-93

# APPENDIX F: SURCHARGE-INDUCED LATERAL EARTH PRESSURES FOR WALL DESIGN

## LINE LOAD (applicable for retaining walls not exceeding 20 feet in height):

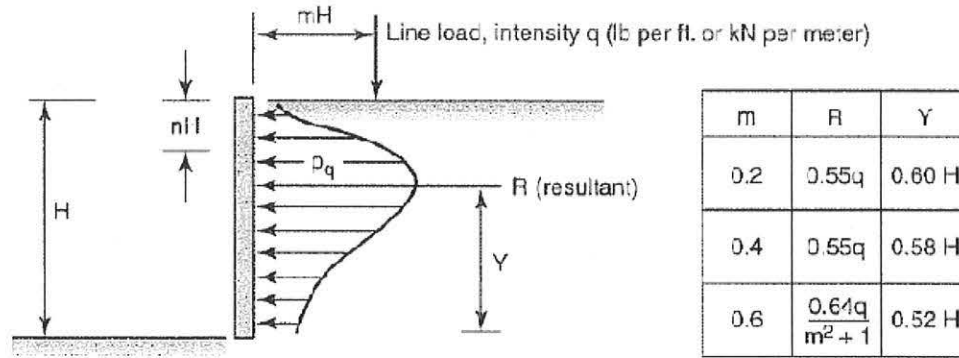


Figure 16-28 Pressure distribution against vertical wall resulting from line load of intensity  $q$ .

## CONCENTRATED POINT LOAD (applicable for retaining walls not exceeding 20 feet in height):

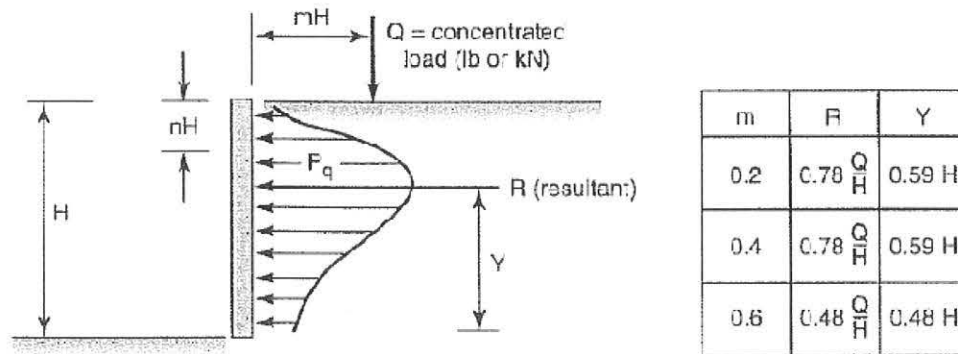


Figure 16-27 Pressure distribution against vertical wall resulting from point load,  $Q$ .

## AREAL LOAD:

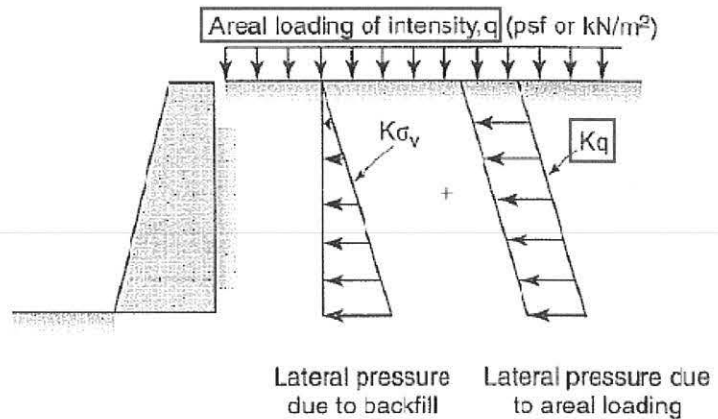
Figure 16-26 Influence of areal loading on wall pressures.

use  $K=0.4$  for active condition (i.e. top of wall allowed to deflect laterally)

use  $K=0.9$  for at-rest condition (i.e. top of wall not allowed to deflect laterally)

$$\text{Resultant, } R = K * q * H$$

Where  $H$  = wall height (feet)



Source of Figures: McCarthy, D.F., 1998, "Essentials of Soil Mechanics and foundations, Basic Geotechnics, Fifth Edition."



Earth  
Engineers,  
Inc.

Proposed Single Family Residence  
Tax Lot 4800, South Beach Road  
Neskowin, Tillamook County, Oregon

Report No.  
21-157-1

September 13, 2021

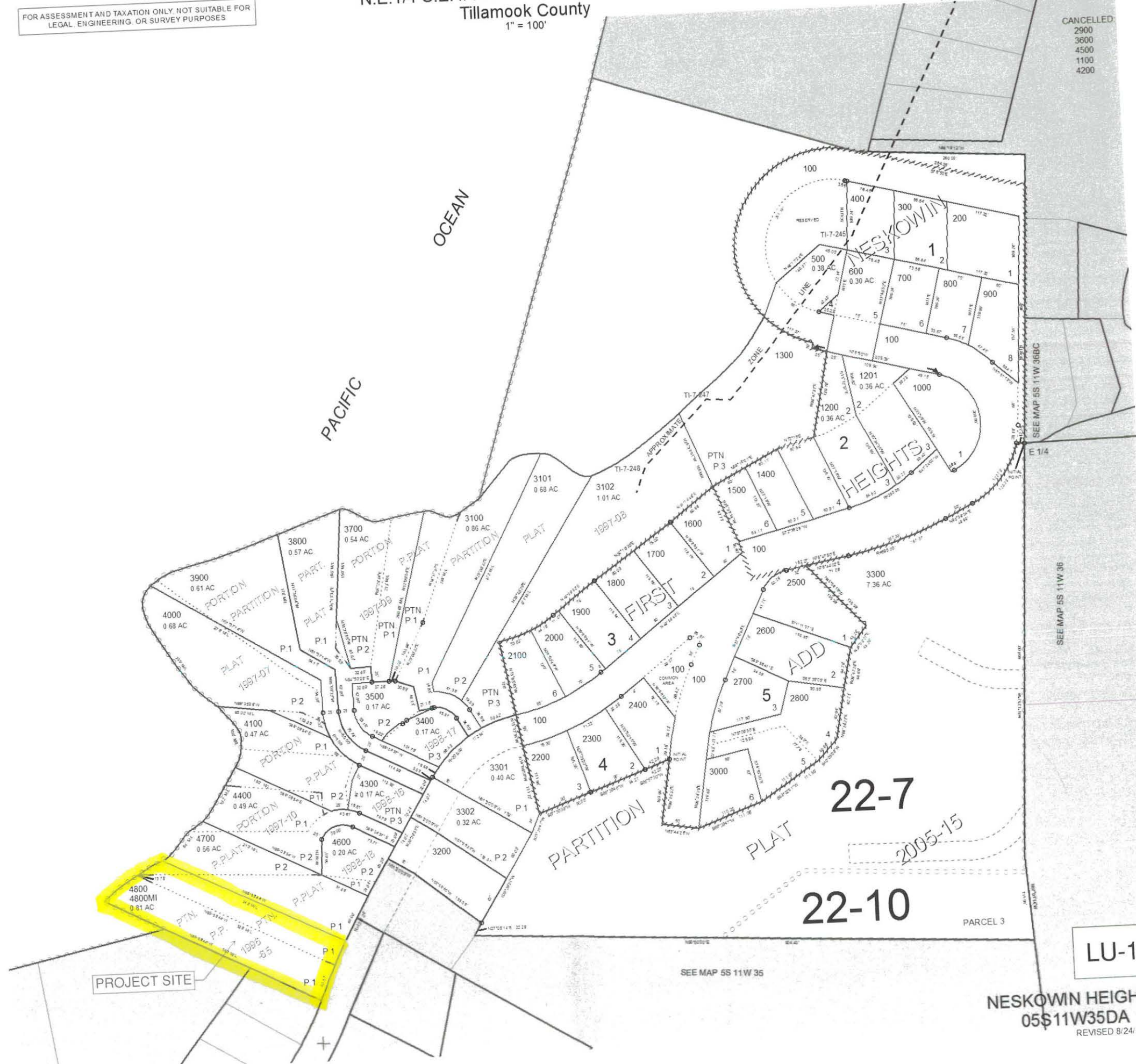


FOR ASSESSMENT AND TAXATION ONLY. NOT SUITABLE FOR LEGAL, ENGINEERING, OR SURVEY PURPOSES.

N.E. 1/4 S.E. 1/4 SEC. 35 T.5S. R.11W. W.M.  
Tillamook County  
1" = 100'

05S11W35DA  
NESKOWIN HEIGHTS

CANCELLED  
2900  
3600  
4500  
1100  
4200



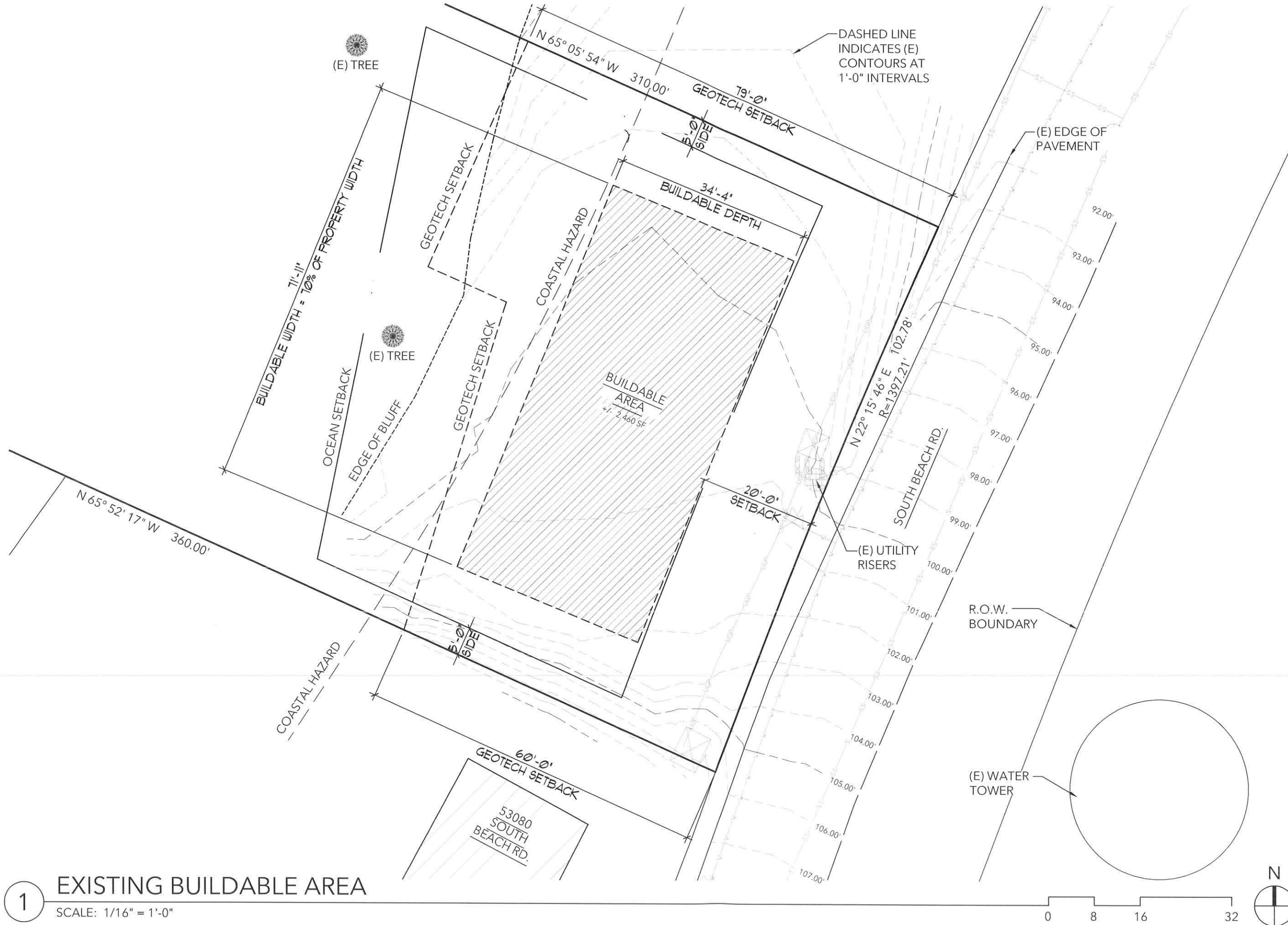
22-7

22-10

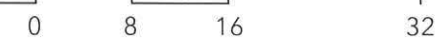
LU-1

NESKOWIN HEIGHTS  
05S11W35DA  
REVISED 8/24/16 WS





**1** EXISTING BUILDABLE AREA  
 SCALE: 1/16" = 1'-0"



**LU-2**

**WOMBWELL BARNARD RESIDENCE**  
 LOT 4800 SOUTH BEACH RD., NESKOWIN, OR 97149

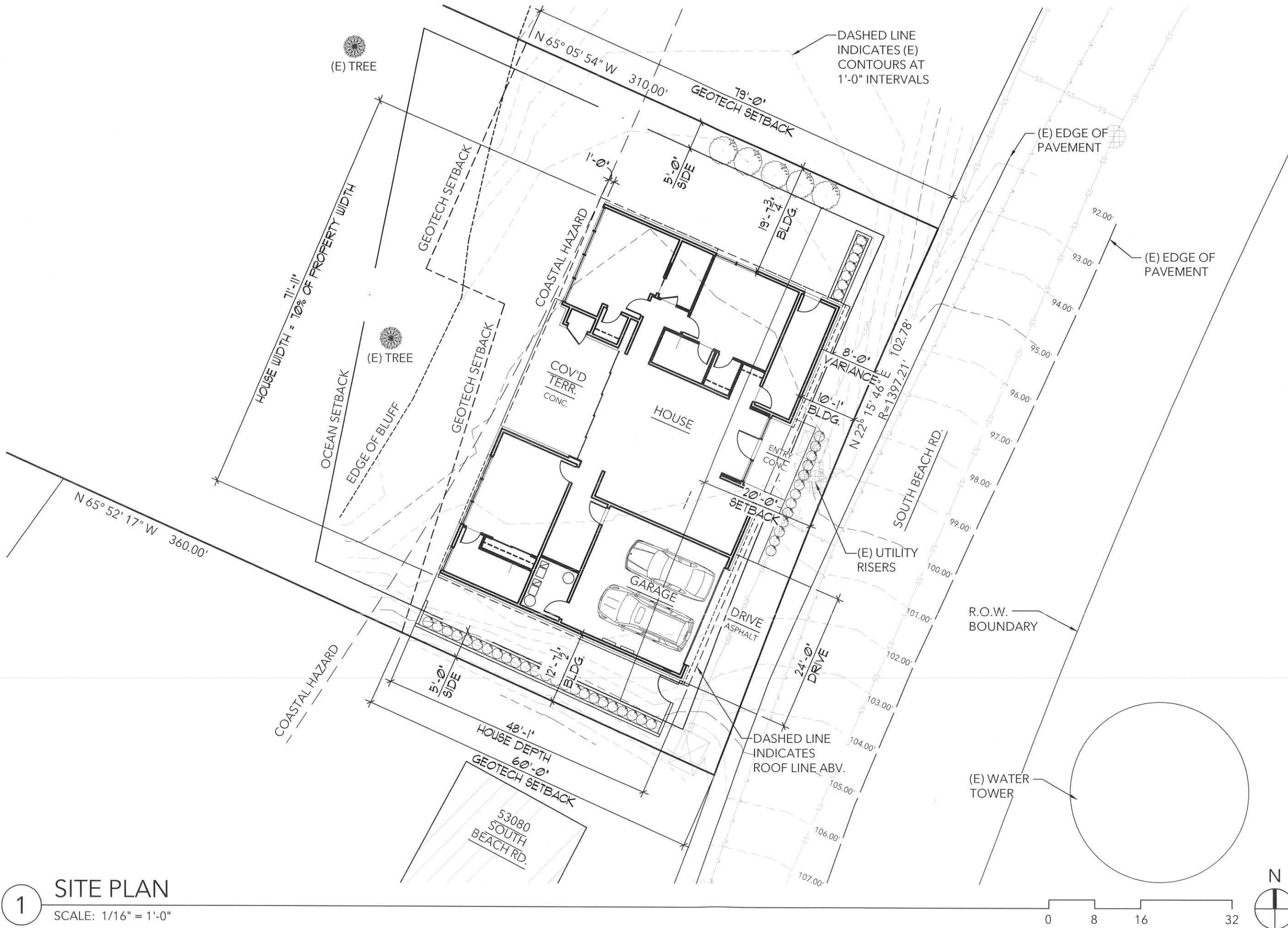
PROJECT NO: 202128  
 DRAWN BY: JW  
 DATE ISSUED: 3.1.2022  
 DATE REVISED: ..

**GSSW** Giulietti Schouten Weber ARCHITECTS  
 2800 NW THURMAN STREET, PORTLAND, OR 97210  
 TEL: +1 503 223 0325 WWW.GSWARCHITECTS.NET

1

# SITE PLAN

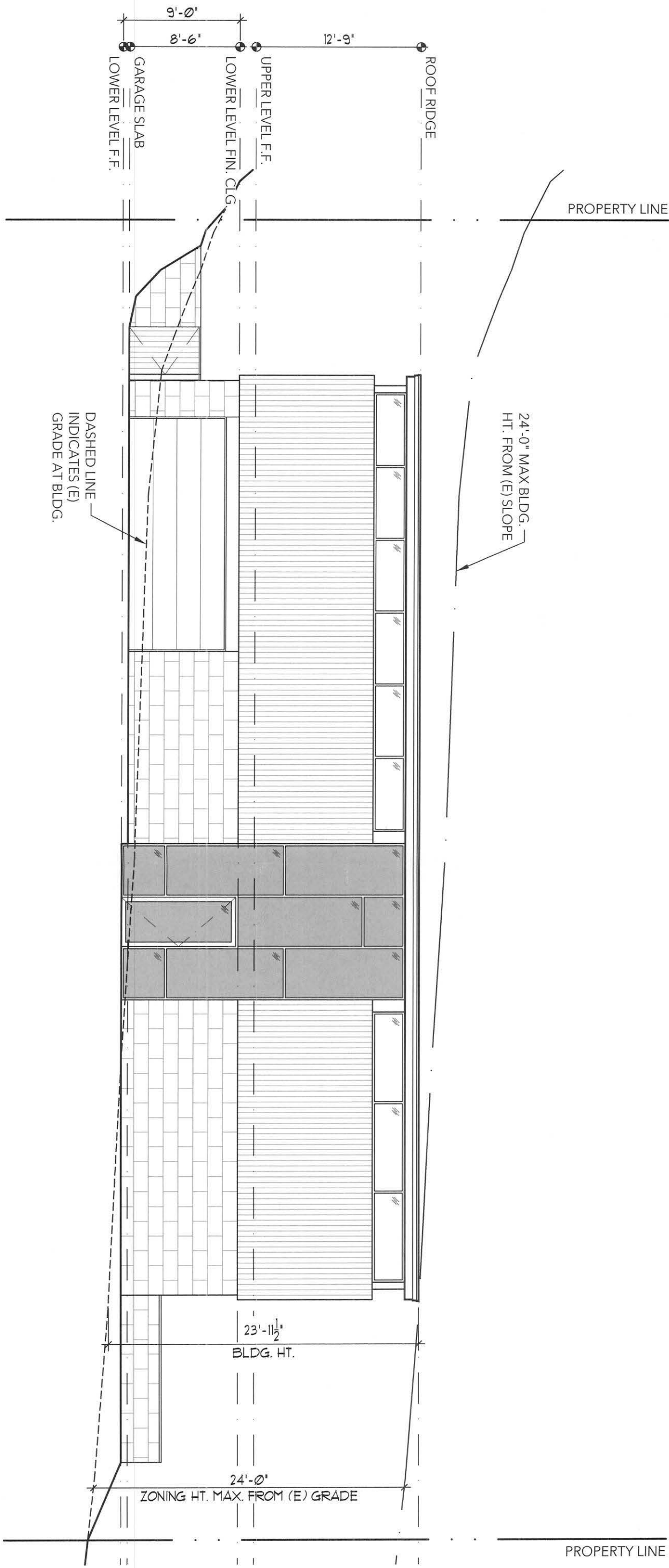
SCALE: 1/16" = 1'-0"



1

# EAST BUILDING ELEVATION

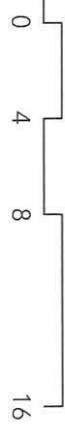
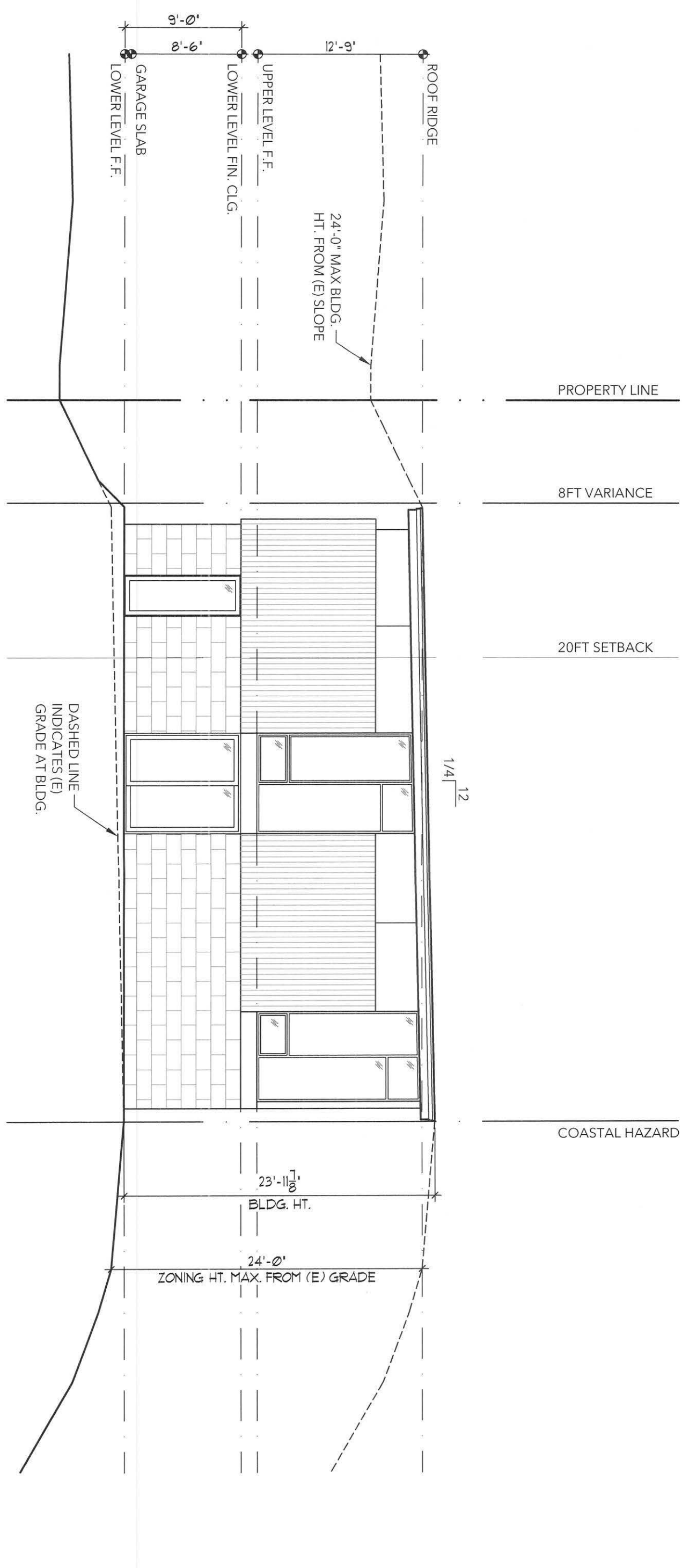
SCALE: 1/8" = 1'-0"



1

# NORTH BUILDING ELEVATION

SCALE: 1/8" = 1'-0"













# EXHIBIT C

## Melissa Jenck

---

**From:** Tillamook County OR <tillamookcounty-or@municodeweb.com>  
**Sent:** Friday, June 17, 2022 10:27 AM  
**To:** Melissa Jenck  
**Subject:** EXTERNAL: [Melissa Jenck] Variance Request #851-22-000094-PLG:WEBER/WOMBELL & Barnard

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

William Busch & Barbara Triplett ([whbbat@gmail.com](mailto:whbbat@gmail.com)) sent a message using the contact form at <https://www.co.tillamook.or.us/>.

50300 South Beach Road  
Neskowin, OR 97149

17 June 2022

Melissa Jenck  
Tillamook County Department of Community Development  
1510-B Third Street  
Tillamook, OR 97141

Dear Ms. Jenck,

Thank you for the opportunity to comment on Variance Request #851-22-000094-PLNG:Weber/Wombwell & Barnard.

The referenced document requests a variance to reduce the legal 20-foot front yard setback to an 8-foot setback, presumably to place the residence in the lot's safest location. Although we understand this need, there are additional factors to consider.

- (1) The drainage ditch that runs along South Beach Road on the east side of Tax Lot 4800 precludes the use of this section of South Beach Road for on-street parking. Thus, it is imperative that the design of the residence include space within the lot for visitor parking.
- (2) There is only one residence in the Ocean Ridge development with a reduced front-yard setback. Tax Lot 0501, bordering the southern boundary of Tax Lot 4800, was granted a 10-foot front yard setback. After reducing the front-yard setback to 10 feet, the driveway to Tax Lot 0501 has insufficient room to park two vehicles. In attempting to park two vehicles in front of her house, the previous owner of Tax Lot 0501 damaged the garage door on the south side of the driveway. The former owner was also unable to park a pickup truck on the north side of the driveway without it extending into South Beach Road.
- (3) South Beach Road is a private road that does not fully conform to public standards. Providing off-street parking for each residence is essential for ensuring that emergency vehicles can safely pass through the neighborhood.
- (4) A significant number of undeveloped lots exist south of Tax Lot 4800 with the only access via South Beach Road. Providing adequate off-street parking for Tax Lot 4800 will ensure that large construction vehicles and building supply trucks can reach their intended destinations unimpeded.

In summary, we recommend that the Variance Request for Tax Lot 4800 be modified to accommodate off-street parking for two vehicles or a setback of no less than 10 feet.

Sincerely,

William H. Busch /s/  
Barbara A. Triplett/s/



# Wetland Land Use Notice Response

## Response Page

Department of State Lands (DSL) WN#\*

WN2022-0572

### Responsible Jurisdiction

**Staff Contact**

Lynn Tone

**Jurisdiction Type**

County

**Municipality**

Tillamook

**Local case file #**

851-22-000094-PLNG

**County**

Tillamook

### Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
05S	11W	35	DA	4800

Street Address

South Beach Rd

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Tillamook

**Latitude**

45.091644

**Longitude**

-123.991459

### Wetland/Waterway/Other Water Features

There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

The National Wetlands Inventory shows wetland, waterway or other water features on the property

The property includes or is adjacent to state-owned waters.

### Applicable Oregon Removal-Fill Permit Requirement(s)

A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

### Closing Information

**Additional Comments**

Tillamook County submitted to DSL a Wetland Land Use Notice to review a setback variance request for a single family residence. Wetlands and waters do not appear present in the location of the proposed dwelling. However, it is not possible to determine the full scale and location of ground disturbance required to construct and if any of this work may be through wetlands or waters.

The attached Geotechnical Investigation and Geologic Hazard Report indicates that this site is not proposing on-site storm water retention and that it is recommended to be piped offsite to an undisclosed location. This variance request application does not contain the information on length and location of trenching required for DSL to accomplish full review of ground disturbance required for construction of a single family dwelling. There may be other features like septic that are also components of a project. If Tillamook County would like confirmation that no wetlands or waters are required for the project in full, an additional Wetland Land Use Notice may be submitted at the time that the complete project footprint is known. If storm water infrastructure piping is only within current developed locations (e.g., roadbeds) no further DSL review would be recommended.

**This is a preliminary jurisdictional determination and is advisory only.**

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

**Contact Information**

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

**Response Date**

6/10/2022

**Response by:**

Daniel Evans

**Response Phone:**

503-986-5271

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