



1510 - B Third Street  
Tillamook, Oregon 97141  
www.tillamook.or.us

Building (503) 842-3407  
Planning (503) 842-3408  
On-Site Sanitation (503) 842-3409  
FAX (503) 842-1819  
Toll Free 1 (800) 488-8280

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Land of Cheese, Trees and Ocean Breeze

## NON-CONFORMING MINOR REVIEW #851-22-000164-PLNG: PEARSON/GOLDEN

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

September 23, 2022

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Non-Conforming Minor Review on September 23, 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 Director of Tillamook County Community Development. Forms and fees must be filed in the office of this Department before **4:00pm on October 5, 2022**. This decision will become final on October 5, 2022, at 4:00pm unless an appeal is filed in accordance with Tillamook County Land Use Ordinance Article 10.

**Request:** Non-Conforming Minor Review request to allow the expansion of an existing non-conforming single-family dwelling, with the addition of a deck and living space to be placed at 8-ft 2-in from the westerly property line. *The existing dwelling maintains non-conforming setbacks and is a non-conforming structure.*

**Location:** The subject property is located in the unincorporated community of Neskowin at 47520 Hillcrest Drive, a County road, also designated Tax Lot 3100 of Section 25AB in Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).

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

**Applicant:** Tom Golden, 227 N. Holiday Lane, Otis, OR 97368

**Property Owner:** Todd Pearson, 47520 Hillcrest Drive, Neskowin, OR 97149

**CONDITIONS OF APPROVAL:**

Failure to comply with the Conditions of Approval and Tillamook County Land Use Ordinance provisions may result in nullification of this approval or citations.

1. The applicant/property owner shall obtain all required Federal, State, and Local permits, including and demolition permits, as applicable.
2. All applicable permits, including a consolidated Zoning/ Building Permit from the Tillamook County Department of Community Development shall be obtained prior to construction of the proposed expansion.
3. The applicant/property owner shall submit a site plan drawn to scale. The site plan shall include average slope calculations, setbacks, lot coverage calculations and location of off-street parking. The site plan shall be submitted to the Department of Community Development at the time of consolidated Zoning and Building Permit application submittal.
4. Applicant/property owner shall comply with the relevant standards of TCLUO Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone and TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. Confirmation of slope of the property shall be included on the submitted site plan to confirm if development of the property is subject to Geologic Hazard Assessment as per TCLUO Section 4.130.
5. Development of the property shall comply with the provisions outlined in TCLUO Section 5.100: Neskowin Erosion Control and Stormwater Management Ordinance. A stormwater management and erosion control plan be submitted to the Department at the time of consolidated zoning and building permit application submittal. Methods for management of stormwater and the erosion control plan may be included on the submitted site plan.
6. Alterations to location of off-street parking locations and access onto the property from the County road is subject to Tillamook County Public Works Department review. Documentation of review by the Tillamook County Public Works Department is required prior to commencement of development activities of this nature.
7. Development shall be limited to the expansion of the existing dwelling as indicated on the submitted site plan included in "Exhibit B" of this report.
8. This approval expires if a Building Permit is not applied for within two (2) years of issuance of this approval, or an extension is requested from, and approved by this Department prior to its expiration.

Sincerely,  
Tillamook County Department of Community Development



Sarah Absher, Director, CFM

Enc.: Vicinity, Assessor's and Zoning maps



**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
*BUILDING, PLANNING & ON-SITE SANITATION SECTIONS*

1510 – B Third Street  
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*Land of Cheese, Trees and Ocean Breeze*

**NON-CONFORMING MINOR REVIEW #851-22-000164-PLNG: PEARSON/GOLDEN**

**ADMINISTRATIVE DECISION AND STAFF REPORT**

**DECISION: Approved with Conditions**

**DECISION DATE:** September 23, 2022

**REPORT PREPARED BY:** Sarah Absher, CFM, Director

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**I. GENERAL INFORMATION:**

- Request:** Non-Conforming Minor Review request to allow the expansion of an existing non-conforming single-family dwelling, with the addition of a deck and living space to be placed at 8-ft 2-in from the westerly property line (Exhibit B). *The existing dwelling maintains non-conforming setbacks and is a non-conforming structure.*
- Location:** The subject property is located in the unincorporated community of Neskowin at 47520 Hillcrest Drive, a County road, also designated Tax Lot 3100 of Section 25AB in Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).
- Zone:** Neskowin Low Density Residential Zone (NeskR-1)
- Applicant:** Tom Golden, 227 N. Holiday Lane, Otis, OR 97368
- Property Owner:** Todd Pearson, 47520 Hillcrest Drive, Neskowin, OR 97149

**II. PROPERTY DESCRIPTION:**

According to Tillamook County Assessor’s records, the subject property is approximately 0.27 acres and is developed with an existing single-story 1,059 square foot single-family dwelling (Exhibit A). Tillamook County Assessor’s records indicated that the existing house was built in 1953(Exhibit A).

The surrounding area is also zoned Neskowin Low Density Residential Zone (NeskR-1) and is developed with residential uses (Exhibit A). The subject property is located in FEMA Flood Zone 'X', an area of minimal flood hazard. As depicted on FEMA FIRM 41057C1005F dated September 28, 2018 (Exhibit A)

### III. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

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

- A. Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone
- B. Article VII: Nonconforming Uses and Structures

### IV. ANALYSIS:

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

(1) *PURPOSE: The purpose of the NeskR-1 zone is to designate areas for low density single-family residential development and other, compatible, uses. Suitability of land for low-density uses is determined by the availability of public sewer service, and such limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features.*

(2) *USES PERMITTED OUTRIGHT: In the NeskR-1 zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.*

(a) *Single-family dwelling*

**Findings:** Staff finds that the residential use of a single-family dwelling and accessory structures is a use allowed by right in the underlying zone.

(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.*

...

(i) *The minimum rear yard shall be 20 feet; on a corner lot, it shall be 5 feet.*

...

**Findings:** The subject property is considered to be a "through lot" as defined in Article 11 of the TCLUO. The front property line is identified as the property line from which primary vehicular access is attained. The rear property line is identified as the property line most opposite and distant from the front property line. In relation to the subject property, the front property line is the easterly property line where the front yard setback is applied. The westerly property line is considered to be the rear property line and the rear yard setback is applied (Exhibit B).

The existing dwelling is considered to be non-conforming as it does not meet the required 20-foot rear yard setback from the westerly property line. The existing dwelling and deck maintain a 4-foot, 1-inch setback at the closest location from the westerly property line as depicted on the submitted site plan (Exhibit B). Applicant is proposing an addition to the existing single-family dwelling (Exhibit B). Addition includes a deck 8-feet, two-inches from the westerly property line and a proposed house addition along a northern portion of the existing building footprint that will maintain a 17-foot, 3-inch setback from the westerly property line (Exhibit B).

A 124 square foot utility room addition is also proposed in the southeast region of the existing building footprint. Staff finds this addition conforms to the Nesk-R1 development standards and is not subject to non-conforming review. Staff also finds that the proposed remodel of the existing garage is not subject to non-conforming review provided the value of the remodel does not exceed the Real Market Value (RMV) of the garage (Exhibit B).

Because the dwelling does not maintain the required 20-foot rear yard setback as outlined in Subsection 4: Development Standards of TCLUO Section 3.322: Neskowin Low Density Residential Zone (NeskR-1) zone, the proposed expansions are subject to the provisions of TCLUO Article 7: Non-conforming uses and structures.

**B. Article VII, Section 7.020 Nonconforming Uses and Structures**

*The purpose of the NONCONFORMING USES AND STRUCTURES provisions are to establish standards and procedures regulating the continuation, improvement and replacement of structures and uses which pre-date, and which do not comply with, this Ordinance. The intent is to allow changes to nonconforming uses and structures in a manner that does not increase the level of adverse impact to surrounding areas. These provisions are intended to be consistent with ORS 215.130.*

**TCLUO Section 7.020(1): Definitions:** A nonconforming structure is defined in the Tillamook County Land Use Ordinance (TCLUO) Section 7.020 as “A structure that does not conform to current requirements of this Ordinance but which legally existed at the time the applicable section(s) of the Ordinance took effect.”

**Findings:** County records indicate the subject property was developed prior to adoption of land use regulations in Tillamook County (Exhibit A). Staff finds the structure is considered non-conforming as defined above (Exhibits A and B).

**TCLUO Section 7.020(4): Alteration or Expansion:** indicates that the expansion of a nonconforming structure shall be subject to satisfaction of the Nonconforming Minor Review criteria.

**Findings:** Staff finds that Applicant’s request constitutes an expansion of a nonconforming structure and is therefore subject to the Minor Nonconforming Review process which is addressed below.

**TCLUO Article X** requires notice of Non-Conforming Minor Review applications to be mailed to landowners within 250 feet of the subject property and applicable agencies. Staff must allow at least 14 days for written comment and must consider received comments in making the decision.

**Findings:** A notice of the request was mailed to property owners within 250 feet of the subject property and impacted agencies July 1, 2022. Comments were received from the Tillamook County Public Works Department raising concerns about proposed retaining wall construction for parking. After further discussion amongst the property owner and Tillamook County Public Works, the property owner has decided not to proceed with construction of additional parking spaces. Correspondence is included in “Exhibit C”. No other comments were received.

**1. Article VII, Section 11 Minor Review**

*Application is made under the fee and procedures for a Type II Administrative Review and is reviewed using the following review criteria. A request may be permitted if:*

*(a) The request will have no greater adverse impact on neighboring areas than the existing use or structure when the current zoning went into effect, considering:*

*i. A comparison of existing use or structure with the proposed change using the following factors:*

- (1) Noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line or off-site;*
- (2) Number and kinds of vehicular trips to the site;*

**Findings:** Applicant states the proposal is to maintain as a single-family residence and there are no anticipated adverse effects on environmental factors such as noise, visual impact, dust, odor/fumes, smoke, vegetation or

water quality (Exhibit B). Applicant states they are in process of making the small vacation cottage their primary residence (Exhibit B).

Staff finds that the proposed use and location of improvements will not affect the listed items. Staff find these criteria are met.

- (3) Amount and nature of outside storage, loading and parking;*
- (4) Visual impact;*
- (5) Hours of operation;*

**Findings:** Applicant's site plan indicates there is no expansion of outside storage loading and will continue to work with Tillamook County Public Works on exploration of desired additional parking area (Exhibit B). The proposed expansion is not a change in use and therefore no hours of operation than those typical for residential uses are expected to change as a result of the proposed development.

Staff finds that these criteria are met.

- (6) Effect on existing vegetation;*
- (7) Effect on water drainage and water quality;*

**Findings:** Applicant is proposing an expansion of the existing dwelling in preparation of residing full time at this residence (Exhibit B). Applicant states this will not result in adverse impacts on water quality (Exhibit B).

The subject property is located in an area of mapped "moderate" susceptibility to shallow landslides and deep landslides as mapped in the Department of Oregon Geology and Mineral Industries (DOGAMI) Open File report 0-20-13 (Exhibit A). Properties less than 20,000 square feet where the average slope exceeds 19% are required to complete the Geologic Hazard Assessment Review for new development and substantial improvements to existing structures. Average existing slope is measured from the highest to lowest point of the property.

Applicant's site plan indicates slopes on the property have an upslope of approximately 18% to 20%. A Condition of Approval can be made to require demonstration of compliance with the provisions of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas at the time of consolidated zoning and building permit application submittal. Demonstration of compliance may result in Geologic Hazard Assessment Review. A Condition of Approval can also be made to require a stormwater management and erosion control plan in accordance with the provisions outlined in TCLUO Section 5.100: Neskowin Erosion Control and Stormwater Management Ordinance, and that a stormwater management and erosion control plan be submitted to the Department at the time of consolidated zoning and building permit application submittal.

Staff find that these criteria are met.

- (8) Service or other benefit to the use or structure provides to the area; and*
- (9) Other factors relating to conflicts or incompatibility with the character or needs of the area.*

**Findings:** Applicant states expansion is on existing residential dwelling intended to be utilized full time and that there are no know conflicts or incompatibilities (Exhibit B).

Staff finds that the use of the single-family dwelling will remain residential in nature. Any services or benefits that could be provided remain unchanged. Staff finds these criteria are met.

*ii. The character and history of the use and of development in the surrounding area.*

**Findings:** County records indicate the single-family dwelling has existed on the subject property since 1953, is located in an area predominantly consisting of residential uses and the dwelling will remain devoted to residential use (Exhibits A and B). Staff finds that the subject property is served by existing County roads in a developed area consistent with the Applicant's property. Surrounding and adjacent properties are similar in nature and are consistent with the character and history of the use and development in the surrounding area. Staff finds this criterion met.

*(b) The request shall maintain a minimum separation of six feet between structures, and comply with the clear vision area of Section 4.010. The Department may require the applicant to submit a site survey or similar information to assist in making these determinations.*

**Findings:** The subject property is not a corner lot and the requirements of TCLUO Section 4.010 are not applicable (Exhibit B). The submitted site plan confirms the existing garage is more than 6-feet in distance from the existing dwelling before and after expansion (Exhibit A & B).

Staff finds that the proposed development will have no greater adverse impact on neighboring areas than the existing structures particularly given the structure will continue to be devoted to single-family residential use (Exhibit B). Staff finds that these criteria can be met through compliance with Conditions of Approval.

**IV. DECISION: APPROVED WITH CONDITIONS**

Staff concludes that the applicant has satisfied the review criteria, and can meet all applicable requirements at the time of application. Therefore, Staff approves this request. No further development shall occur on the subject property without prior land use approval. This approval does not address any additional development of the subject property.

By accepting this approval the applicant and property owner agrees 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 applicant and property owner shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed construction.

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

**V. CONDITIONS OF APPROVAL:**

Failure to comply with the Conditions of Approval and Tillamook County Land Use Ordinance provisions may result in nullification of this approval or citations.

1. The applicant/property owner shall obtain all required Federal, State, and Local permits, including and demolition permits, as applicable.
2. All applicable permits, including a consolidated Zoning/ Building Permit from the Tillamook County Department of Community Development shall be obtained prior to construction of the proposed expansion.
3. The applicant/property owner shall submit a site plan drawn to scale. The site plan shall include average slope calculations, setbacks, lot coverage calculations and location of off-street parking. The site plan shall be submitted to the Department of Community Development at the time of consolidated Zoning and Building Permit application submittal.
4. Applicant/property owner shall comply with the relevant standards of TCLUO Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone and TCLUO Section 4.130: Development Requirements for Geologic

Hazard Areas. Confirmation of slope of the property shall be included on the submitted site plan to confirm if development of the property is subject to Geologic Hazard Assessment as per TCLUO Section 4.130.

5. Development of the property shall comply with the provisions outlined in TCLUO Section 5.100: Neskowin Erosion Control and Stormwater Management Ordinance. A stormwater management and erosion control plan be submitted to the Department at the time of consolidated zoning and building permit application submittal. Methods for management of stormwater and the erosion control plan may be included on the submitted site plan.
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8. This approval expires if a Building Permit is not applied for within two (2) years of issuance of this approval, or an extension is requested from, and approved by this Department prior to its expiration.

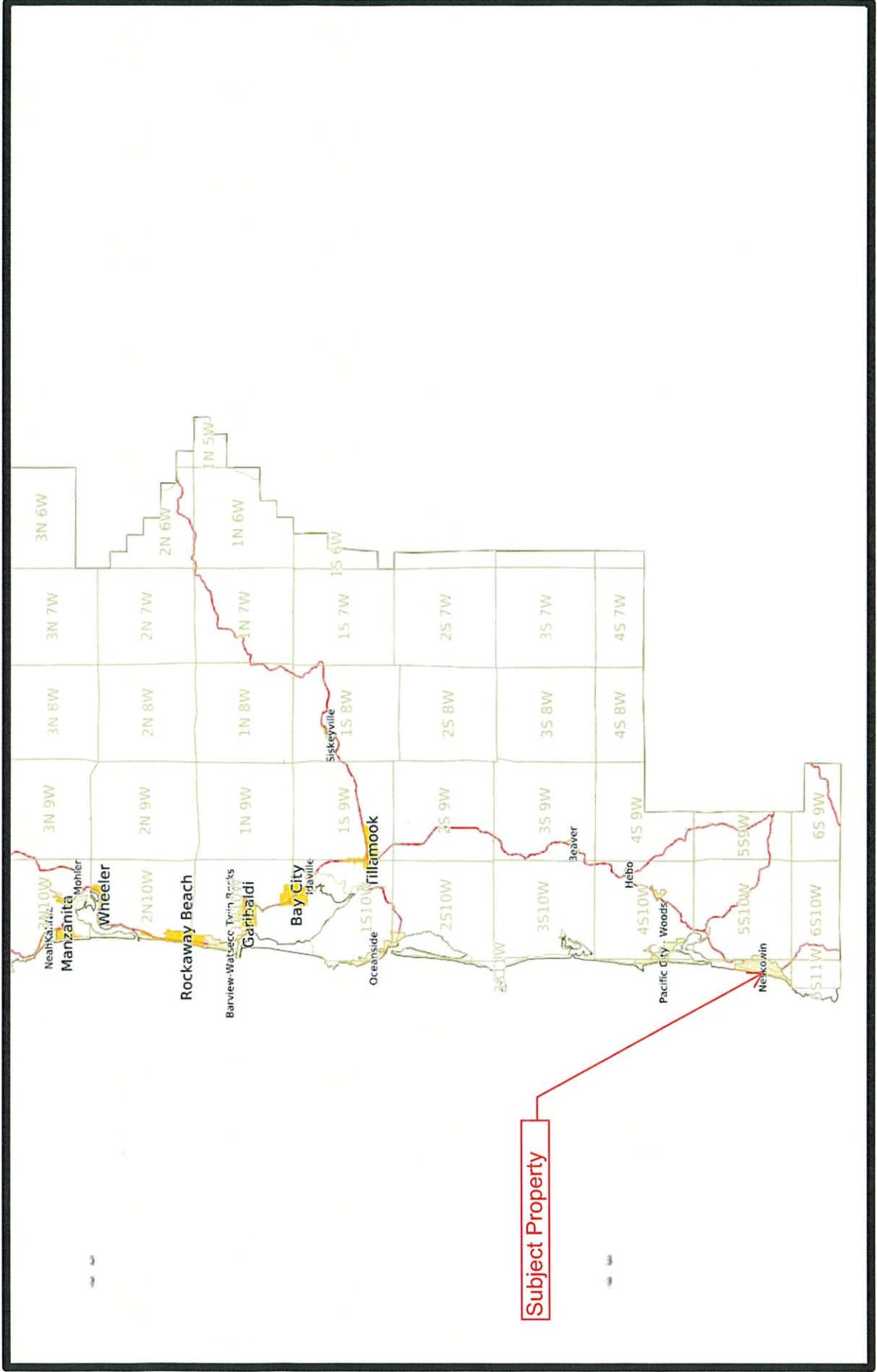
**VI. EXHIBITS**

- A. Vicinity map, Assessor's map, Zoning map, Tax Assessor's Summary Report, Wetlands and FEMA DFIRM
- B. Applicant's Submittal
- C. Tillamook County Public Works Department Correspondence



# EXHIBIT A

# Vicinity Map



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

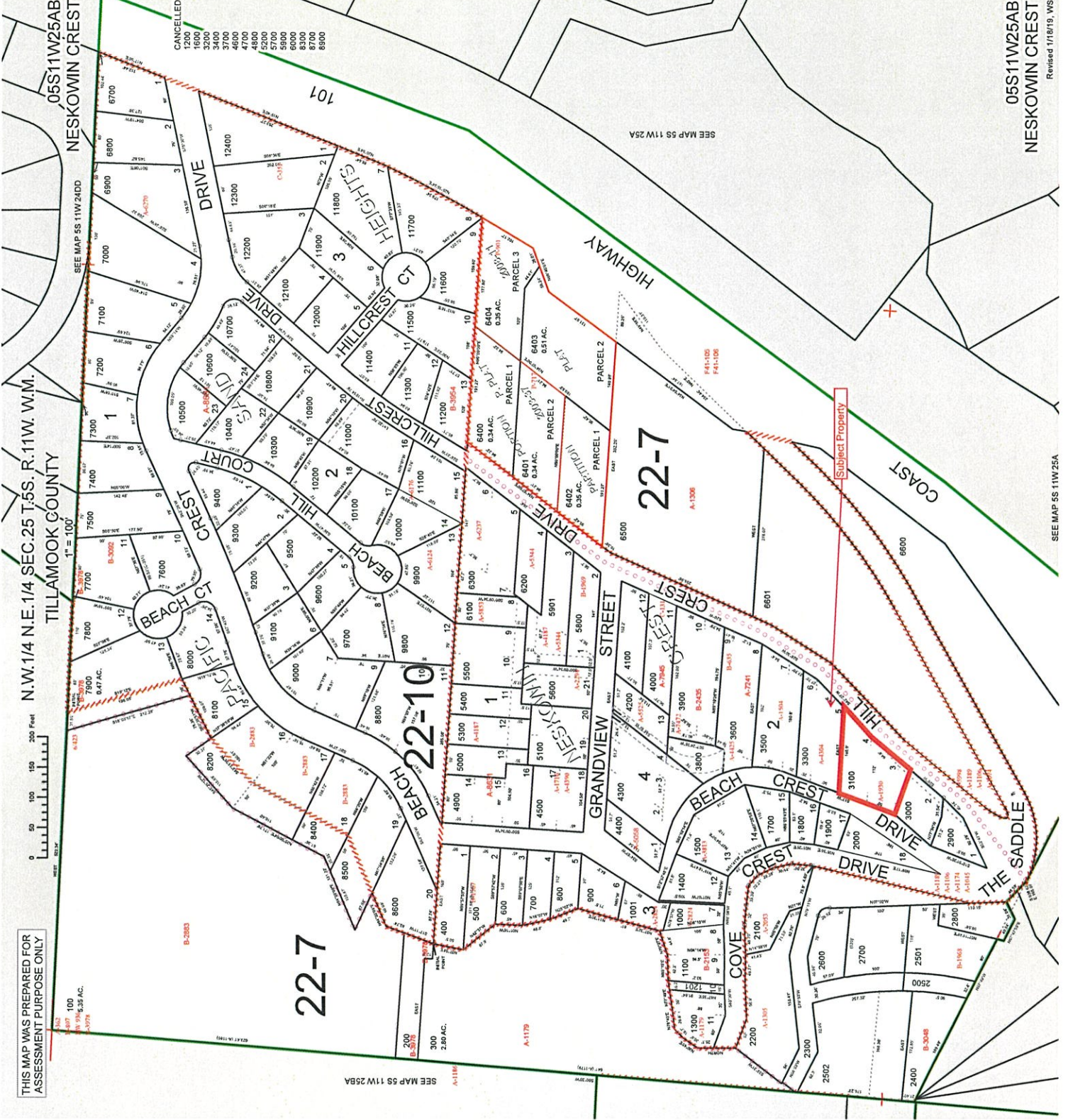
N.W. 1/4 N.E. 14 SEC. 25 T.5S. R.11W. W.M.

TILLAMOOK COUNTY

05S11W25AB NESKOWIN CREST

05S11W25AB NESKOWIN CREST

Revised 1/18/19, WS



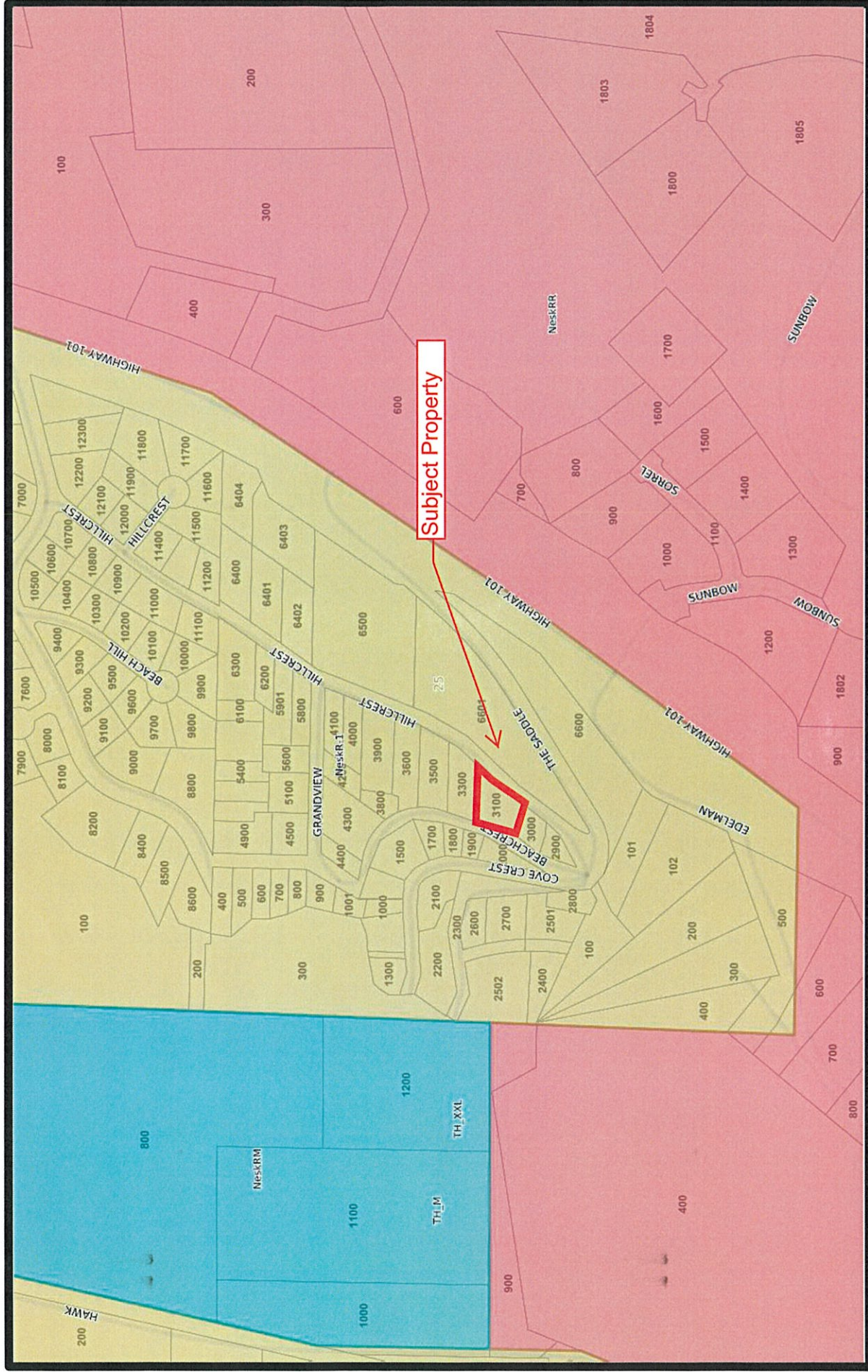
- CANCELLED
- 1200
  - 1600
  - 3200
  - 3400
  - 3700
  - 4700
  - 4800
  - 5200
  - 5700
  - 5900
  - 6000
  - 6700
  - 6800

SEE MAP 5S 11W 25A

SEE MAP 5S 11W 25A

SEE MAP 5S 11W 25A

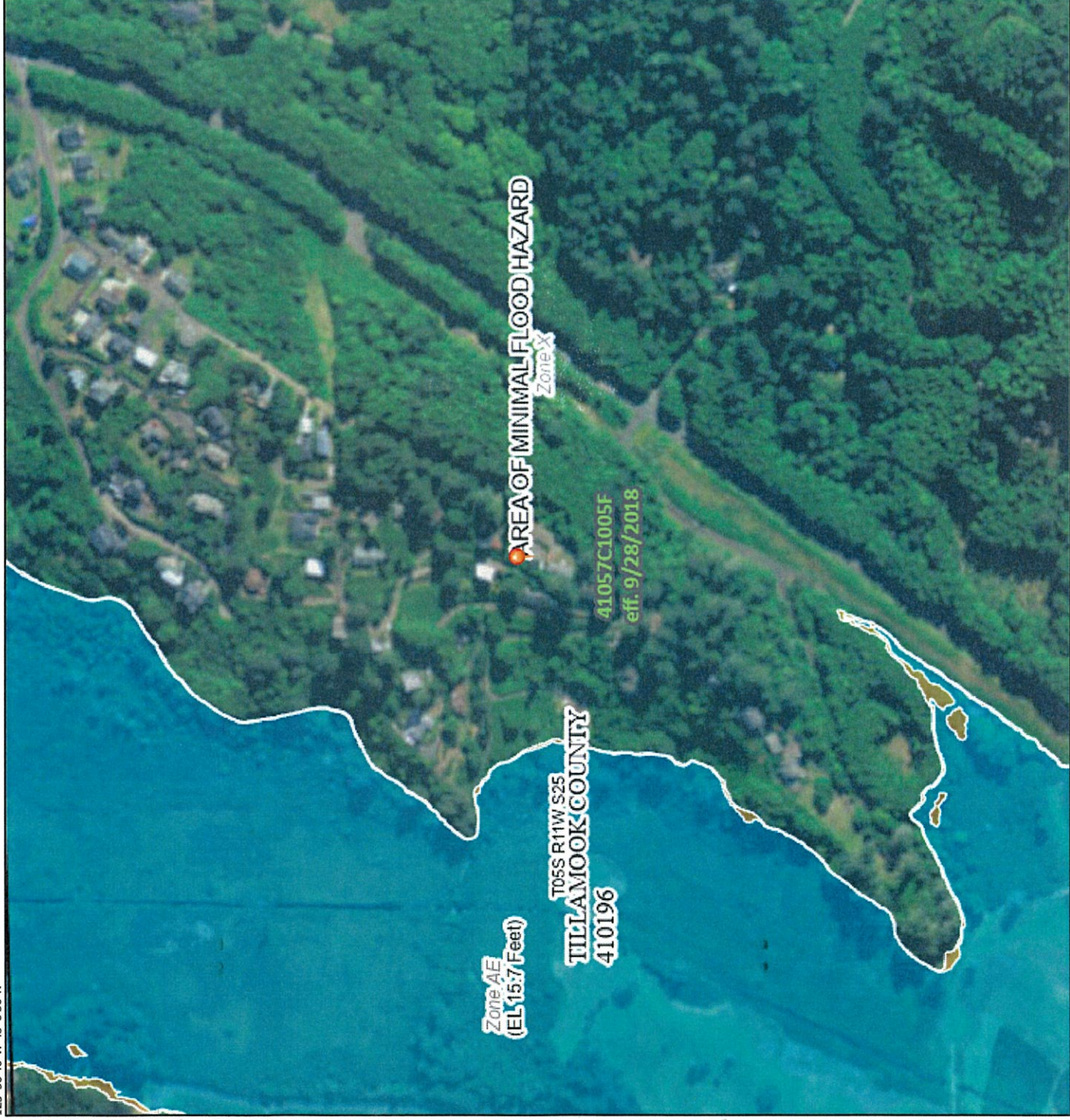
# Zoning Map



# National Flood Hazard Layer FIRMette



123°58'46"W 45°6'56"N



123°58'9"W 45°6'30"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 LOMFRs
- Area of Undetermined Flood Hazard (Zone X)

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**CROSS SECTIONS**

- 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
- 17.5 Coastal Transect
- 8 Base Flood Elevation Line (BFE)
- 50 Limit of Study

**OTHER FEATURES**

- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/1/2022 at 4:14 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 identifiers for unmapped and unmodernized areas cannot be used for regulatory purposes.

# TILLAMOOK County Assessor's Summary Report

## Real Property Assessment Report

### FOR ASSESSMENT YEAR 2021

July 1, 2022 1:37:21 pm

Account # 249939  
 Map # 5S1125AB03100  
 Code - Tax # 2210-249939

Tax Status ASSESSABLE  
 Acct Status ACTIVE  
 Subtype NORMAL

Legal Descr See Record

Mailing Name PEARSON, TODD D & HEATHER

Deed Reference # (SOURCE ID: 418-61)

Agent

Sales Date/Price 06-06-2000 / \$0.00

In Care Of

Appraiser EVA FLETCHER

Mailing Address 105 STREAMVIEW CT  
 ALEDO, TX 76008

Prop Class 101 MA SA NH Unit  
 RMV Class 101 09 OV 975 19241-1

Situs Address(s)	Situs City
ID# 1 47520 HILLCREST DR	COUNTY

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
2210 Land	184,060			Land	0
Impr.	122,140			Impr.	0
<b>Code Area Total</b>	<b>306,200</b>	<b>235,240</b>	<b>235,240</b>		<b>0</b>
<b>Grand Total</b>	<b>306,200</b>	<b>235,240</b>	<b>235,240</b>		<b>0</b>

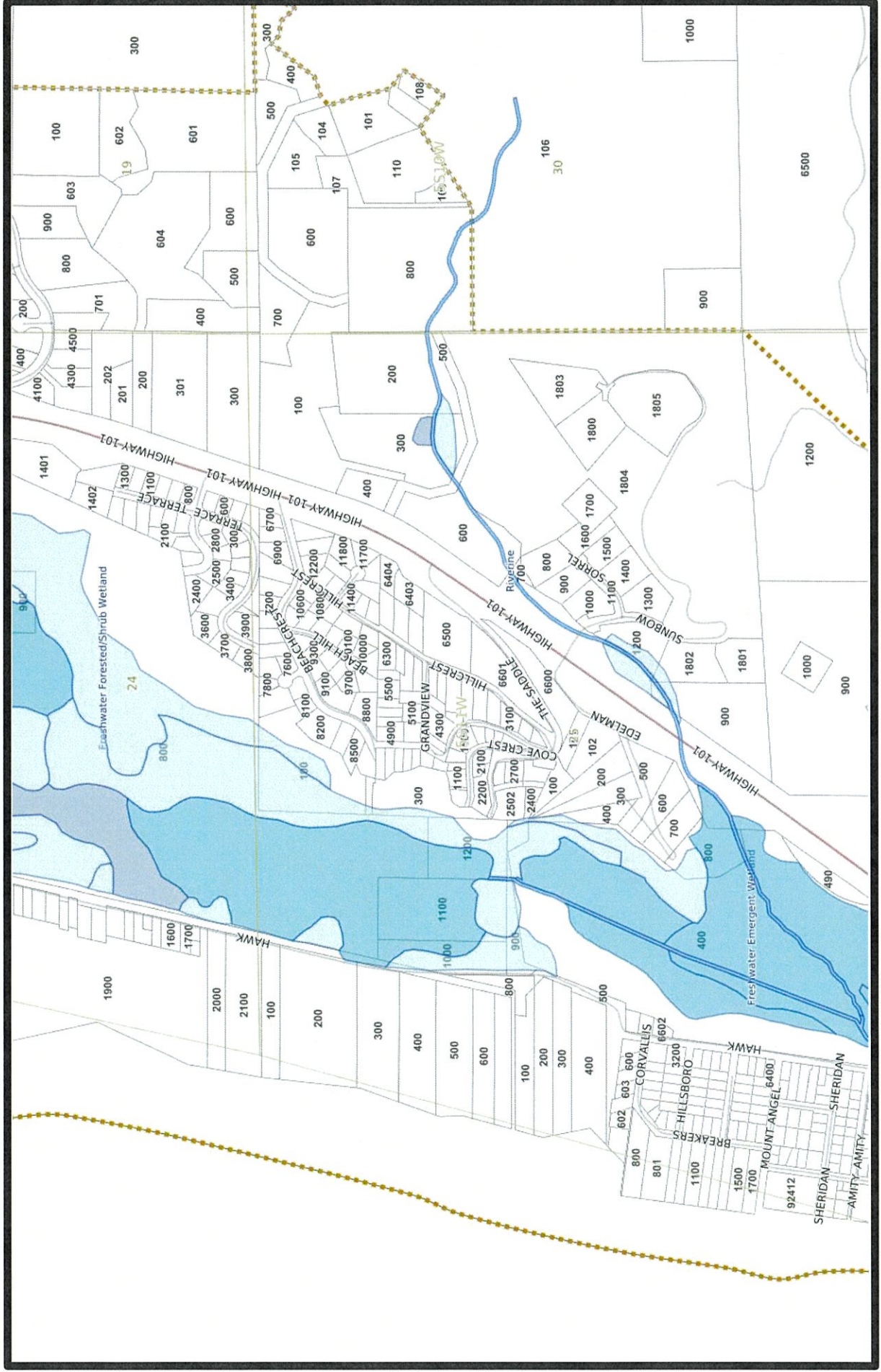
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
2210					LANDSCAPE - FAIR	100				500
2210	1	<input checked="" type="checkbox"/>		NESKR -1	Market	104	A	0.27		163,860
2210					OSD TYPE B - AVERAGE	100				19,700
<b>Grand Total</b>								<b>0.27</b>		<b>184,060</b>

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
2210	1	1953	131	One story		123	1,059		122,140
<b>Grand Total</b>								<b>1,059</b>	<b>122,140</b>

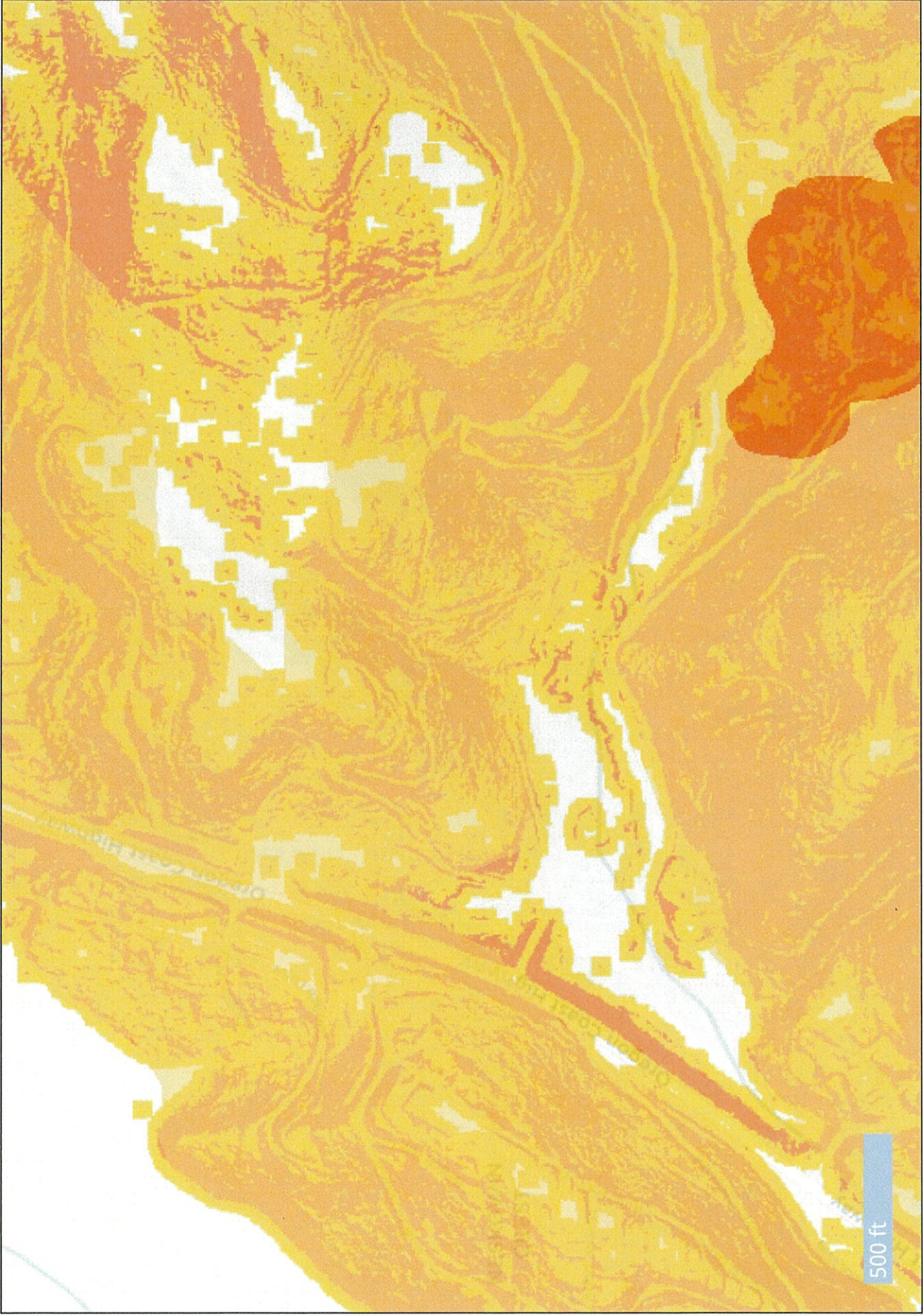
Exemptions / Special Assessments / Potential Liability										
Code Area 2210										
<b>SPECIAL ASSESSMENTS:</b>										
■ SOLID WASTE					Amount	12.00	Acres	0	Year	2021
<b>NOTATIONS:</b>										
■ MULTI LOT-SINGLE LOT VALUE ADDED 2014										

Comments: 11-22-06 input inventory. ej. 03/27/14 Reappraised land, tabled values. Size correction per GIS.ef

# Map



# Neskowin Landslide Susceptibility Map



**Disclaimer:** The spatial information hosted at this website was derived from a variety of sources. Care was taken in the creation of these themes, but they are provided "as is". The state of Oregon, or any of the data providers cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or underlying records. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying any of these products. However, notification of any errors would be appreciated. The data are clearly not intended to indicate the authoritative location of property boundaries, the precise shape or contour of the earth or the precise location of fixed works of humans.



# EXHIBIT B



## PLANNING APPLICATION

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

Name: TOM GOLDEN Phone: 541-994-654  
 Address: 227 N-HOLIDAY LN  
 City: OTIS State: OR Zip: 97368  
 Email: tomloydgolden

**Property Owner**

Name: TODD PEARSON Phone: 253-351-8577  
 Address: 47520 HILLCREST DR  
 City: NESKOWIN State: OR Zip: 97149  
 Email: hmperson51@gmail.com

OFFICE USE ONLY	
Date Stamp	<b>RECEIVED</b>
	APR 21 2022
BY:	<u>mailed ss</u>
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by:	
Receipt #:	
Fees:	<u>800</u>
Permit No:	851-22-000104-PLNG

Request: Approval For West House AND Deck Additions  
IN WEST SET BACK. MINIMUM SETBACK IS 20'0"  
PROPOSED DECK IS 9'-2", PROPOSED HOUSE ADDITION IS 17'-3"

**Type II**

- Farm/Forest Review
- Conditional Use Review
- Variance
- Exception to Resource or Riparian Setback
- Nonconforming Review (Major or Minor)
- Development Permit Review for Estuary Development
- Non-farm dwelling in Farm Zone
- Fore-dune Grading Permit Review
- Neskowin Coastal Hazards Area

**Type III**

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

**Type IV**

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

**Location:**

Site Address: 47520 HILLCREST DR. NESKOWIN, OR 97149  
 Map Number: 055-11W-25AB 3100

Clerk's Instrument #: \_\_\_\_\_

**Authorization**

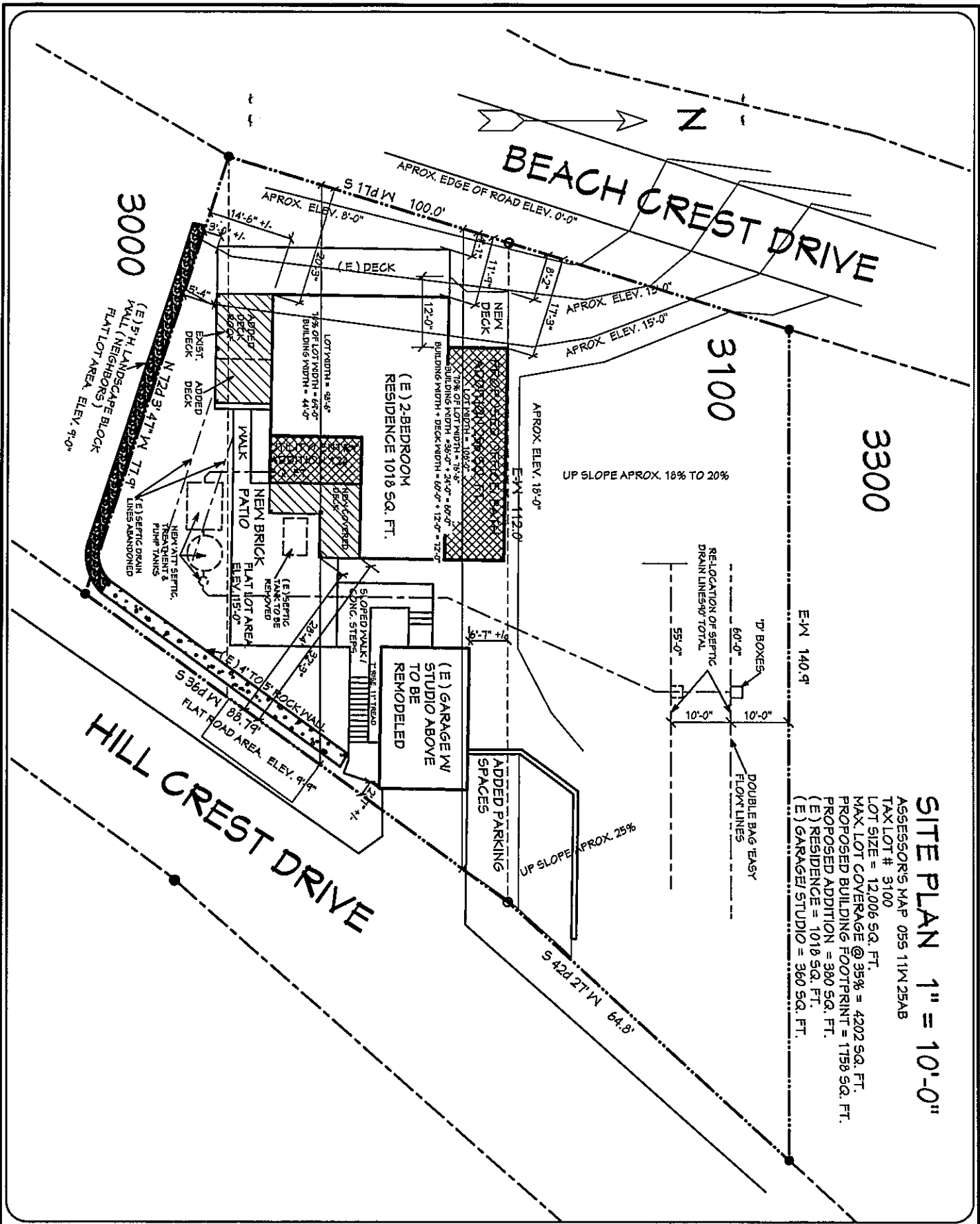
This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

Todd Pearson  
 Property Owner Signature (Required)

4/21/22  
 Date

Applicant Signature

Date



**SITE PLAN 1" = 10'-0"**

ASSESSOR'S MAP 055 11W 25AB  
 TAX LOT # 3100  
 LOT SIZE = 12,006 SQ. FT.  
 MAX. LOT COVERAGE @ 35% = 4,202 SQ. FT.  
 PROPOSED BUILDING FOOTPRINT = 1,750 SQ. FT.  
 PROPOSED ADDITION = 380 SQ. FT.  
 (E) RESIDENCE = 1,016 SQ. FT.  
 (E) GARAGE/STUDIO = 360 SQ. FT.

HOME REMODEL & ADDITION FOR:  
**TODD & HEATHER PEARSON**

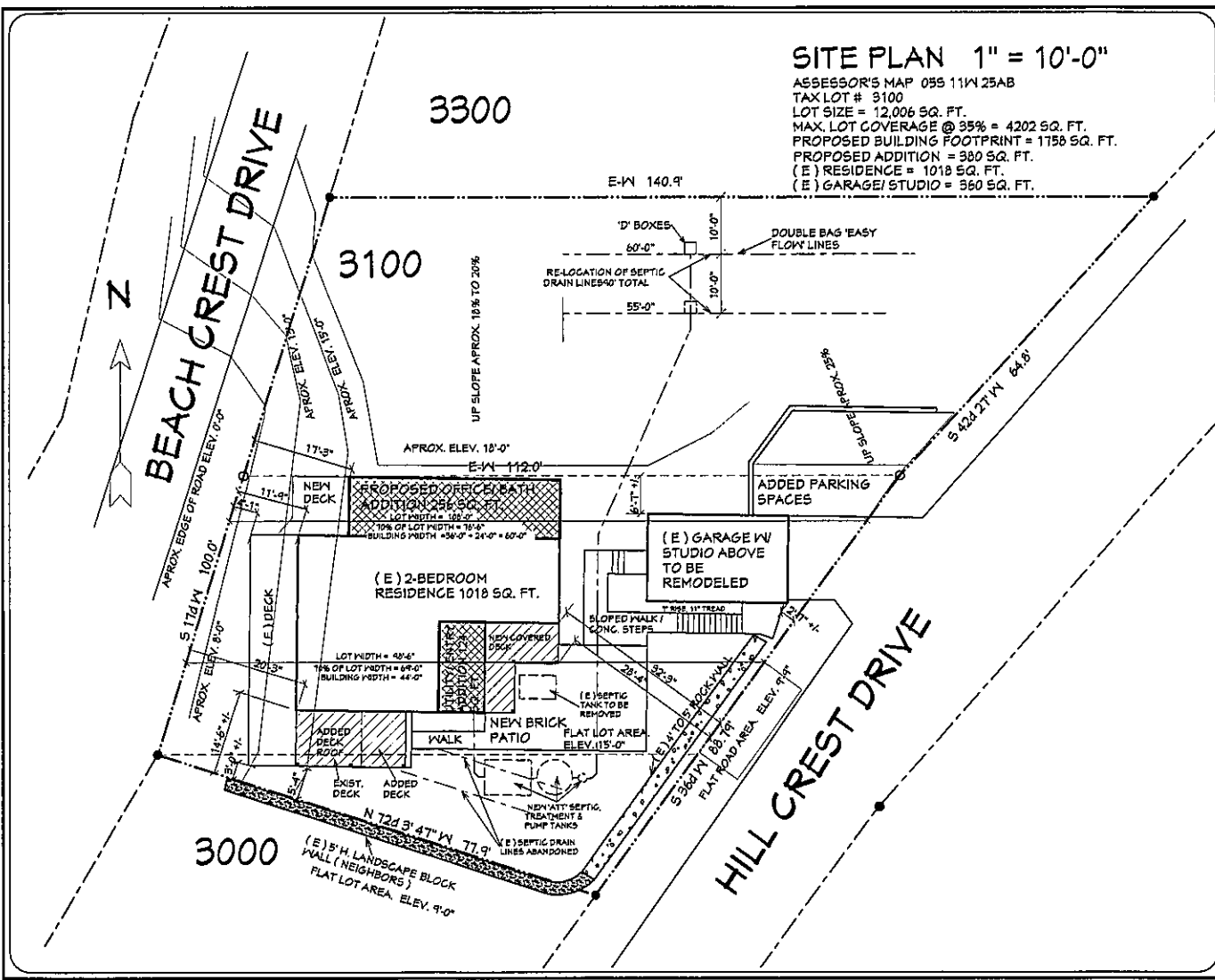
**TOM GOLDEN**  
 RESIDENTIAL DESIGN  
 541-994-6545

DATE:  
 4-20-2022

OF 7 SHTS  
 SHEET # **1**

**SITE PLAN 1" = 10'-0"**

ASSESSOR'S MAP 055 11W 25AB  
 TAX LOT # 3100  
 LOT SIZE = 12,006 SQ. FT.  
 MAX. LOT COVERAGE @ 35% = 4202 SQ. FT.  
 PROPOSED BUILDING FOOTPRINT = 1758 SQ. FT.  
 PROPOSED ADDITION = 380 SQ. FT.  
 (E) RESIDENCE = 1018 SQ. FT.  
 (E) GARAGE/STUDIO = 360 SQ. FT.



DATE:  
4-18-2022

TOM GOLDEN  
RESIDENTIAL DESIGN  
541-994-6545

HOME REMODEL & ADDITION FOR:  
**TODD & HEATHER  
PEARSON**

SHEET #  
**1**  
OF 7 SHTS

## Sheila Shoemaker

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**From:** Todd Pearson <tmcpearson53@gmail.com>  
**Sent:** Monday, April 11, 2022 1:55 PM  
**To:** Sheila Shoemaker; Thomas Golden  
**Subject:** EXTERNAL: Minor non-conforming review for Neskowin property

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

April 11, 2022

Re: Minor Review Criteria

47520 Hillcrest Dr, Neskowin, OR, 97368

Attention: Sheila Shoemaker,

My wife, Heather, and I recently retired are in the process of making our small vacation cottage in Neskowin our primary residence. We plan to renovate/add-on to the cottage to make it more appropriate for residing year-round. We are working with Jim Ullrich, general contractor, and Tom Golden, designer. Tom has been in communication with you, and with the On-Site Sanitation Division (Chris). It is my understanding that our septic/drain line plan has already received preliminary approval.

It is also our understanding that we will not need a variance but will need a minor non-conforming review, including a narrative response to Article VII: Minor Review Criteria which is as follows:

The renovation/addition to our cottage and adjoining lot (to the North) should not have greater adverse impact on neighboring areas than the existing use of our house/property when the current zoning went into effect. We are renovating the cottage and including a 256 sq. ft. addition to the north side of the house (master bath/closet and study) and 124 sq. ft. addition (utility/mudroom/laundry/pantry and entry) as detailed in our proposed building/site plan. We will relocate our septic/drain lines to our adjoining lot to the North and create parking space (for a maximum of 2 cars) that is off set from Hillcrest Drive (parking is currently on a narrow curbside grassy area between a retaining wall and Hillcrest Drive).

When comparing the existing use of our cottage to the proposed change, the only notable difference will be commensurate with that of year-round residence vs. our current periodic presence when we are on vacation and/or doing household/property maintenance. We would anticipate an enhanced appearance to the structure/property. Our use of the house/property will be commensurate with other residents in our location. We do not anticipate use that would be in conflict or incompatible with the character, history, or current development of our neighborhood. We do not anticipate adverse effects on environmental factors such as noise, visual impact, dust, odor/fumes, smoke, vegetation, or water drainage/quality.

We have an existing non-attached single car garage with shed overhead. When the cottage renovation/addition is completed, we anticipate converting the shed (308 sq. ft.) into a bunkhouse for when our family visits. We will maintain the current footprint of this structure without an addition. It is my understanding that our septic/drainage approval included accommodation for a possible 3<sup>rd</sup> bedroom (the bunkhouse) if/when we decide to renovate the shed. We understand this renovation will likely involve a separate permit process.

Please contact us with any questions or needed clarifications. Thank you for your time and consideration.

Respectfully,

Todd Pearson

Cell #253-351-8577

[tmcpearson53@gmail.com](mailto:tmcpearson53@gmail.com)

# EXHIBIT C

## Sarah Absher

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**From:** Todd Pearson <tmcpearson53@gmail.com>  
**Sent:** Tuesday, August 9, 2022 5:04 PM  
**To:** Chris Laity; Sarah Absher; Ron Newton  
**Subject:** Re: EXTERNAL: setback variance for retaining wall

Chris and Sarah,

Chris, thanks for your quick reply, very much appreciated. Your response was informative and helpful, and included questions that I do not have the expertise to answer in the detail required. This is why I was hoping our designer would have had this conversation with you when you raised your initial concerns back in early July. I will forward your e-mail to our designer, Tom Golden, to address your specific questions/concerns.

Based on your reply, I think we will forego the additional parking space for now. When our cottage renovation is completed we plan to remodel the shed above our detached garage to create a bunkhouse studio for our adult children and grandchildren. We can address possible additional parking space at that time.

Thanks again for your quick reply, time and consideration.

Sarah, I am not aware of any other concerns re: our permit proposal. Do you have any sense of where our application is in the process/queue?

My best,  
Todd

On Tue, Aug 9, 2022 at 3:36 PM Chris Laity <[claity@co.tillamook.or.us](mailto:claity@co.tillamook.or.us)> wrote:

Todd,

The location shown for the added parking spaces has some topography that will need to be addressed, and it appears that it will be addressed by the retaining wall. There is no information regarding the size of the parking spaces, what the end vertical grades will be, or how the parking spaces will tie into the road. The contour lines are nonexistent in the area of the parking spaces. I can't tell if the driveway to the north will be impacted or if another retaining wall is needed there. I don't know what the foundation of the retaining wall will be or if a portion of the foundation will extend into the right of way. I have no information on the height of the wall, so I can't determine if it needs to be designed by a professional engineer. Drainage is always a concern, but may be specific to the type of wall that is used.

The note on the plans shows an upslope of 25%. Assuming that your parking space (no dimensions provided), is 20-ft wide, then the wall height is 5-ft. This requires a professional engineer to design the wall. The view from the street indicates that the slope may be greater than 25% resulting in a higher wall. See images below.

Note that the additional parking spaces will require a road approach permit.

I've cc'd Ron Newton, our senior engineering tech, in this response as I'm often not available and he may be able to respond sooner than I am able to.





Chris Laity, P.E. | Director

TILLAMOOK COUNTY | Public Works

503 Marolf Loop Road

Tillamook, OR 97141

Phone (503) 842-3419

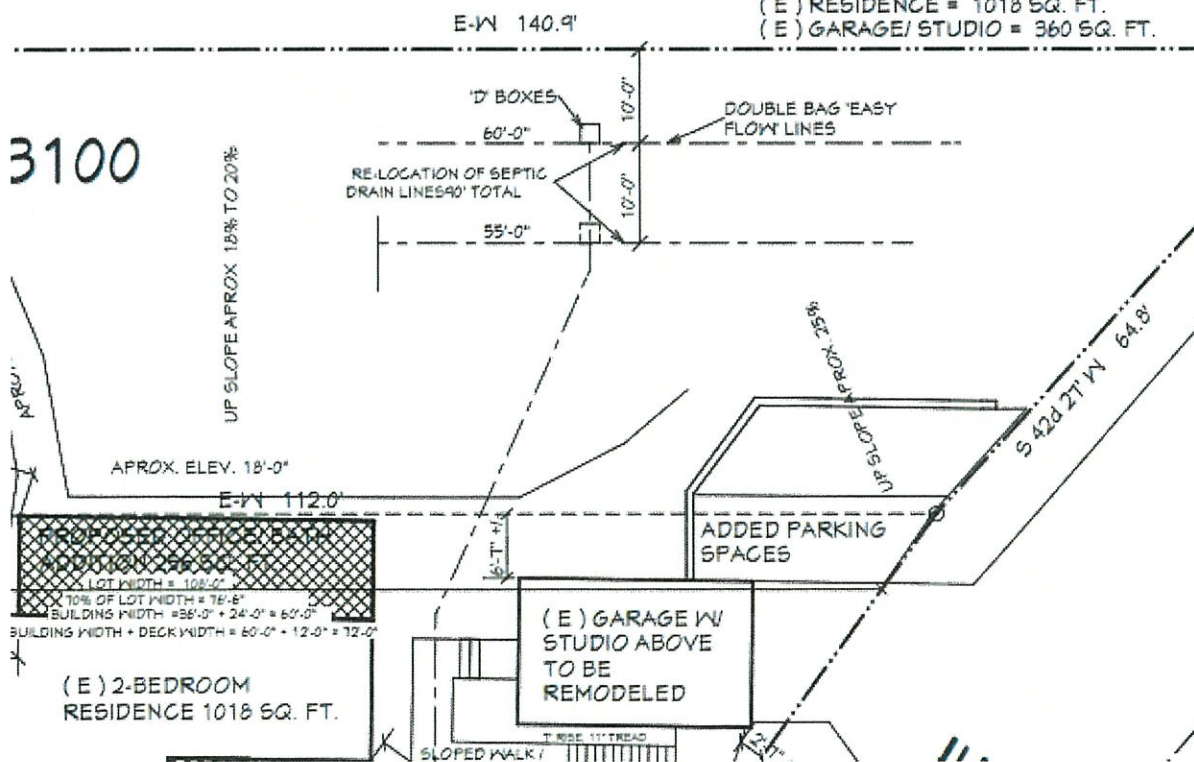
[claity@co.tillamook.or.us](mailto:claity@co.tillamook.or.us)

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PROPOSED ADDITION = 380 SQ. FT.  
 (E) RESIDENCE = 1018 SQ. FT.  
 (E) GARAGE/STUDIO = 360 SQ. FT.



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**From:** Todd Pearson <[tmcpearson53@gmail.com](mailto:tmcpearson53@gmail.com)>

**Sent:** Tuesday, August 9, 2022 9:39:29 AM

**To:** Chris Laity <[claity@co.tillamook.or.us](mailto:claity@co.tillamook.or.us)>; Sarah Absher <[sabsher@co.tillamook.or.us](mailto:sabsher@co.tillamook.or.us)>

**Subject:** EXTERNAL: setback variance for retaining wall

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

Good morning Chris,

I am doing my due diligence in followup re: your concerns/questions for a retaining wall to support additional parking on our vacant lot north of our single care detached garage. The additional parking is part of our proposed renovation of our Neskowin cottage to become our primary residence. Your comments in an e-mail to Lynn Tone on July 5 indicated the retaining wall would require a setback variance, and that you could not support this variance without additional information re: the wall. I asked Tom Golden, our designer, to followup with you and address your concerns/questions for the retaining wall so we could proceed accordingly. To my knowledge he has not communicated with you about this to date, hence my followup. My apologies for the delayed communication.

What is your concerns re: the retaining wall? Please let us know what is required for approval of a setback variance? I assume it is for the provision of adequate support and drainage, which we anticipated (e.g. interlocking blocks, gravel backfill and subbase, landscape fabric, drain pipe, etc...). We are anxious to proceed with our remodel before the rainy season begins (we need to demolish/replace our roof before internal renovation can begin) and do not want additional parking concerns to hold up our building permit process. If needs be we will forego the additional parking for now if this is the case.

I look forward to your reply, Chris. I will try to reach you via phone as well.

My best,

Todd