

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



*Land of Cheese, Trees and Ocean Breeze*

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## CONDITIONAL USE REQUEST #851-22-000213-PLNG: REEDER

*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 16, 2022

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited request on September 16, 2022. A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141 and can be found on the Community Development website: <https://www.co.tillamook.or.us/commdev/landuseapps>.

**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 4:00pm on September 28, 2022. This decision will become final on September 28, 2022, after 4:00pm unless an appeal is filed in accordance with Tillamook County Land Use Ordinance Article X.

- Request:** A Conditional Use request for the placement of a single-family dwelling and an open storage operation (boat storage) in the Rural Commercial (RC) zone.
- Location:** The subject property is accessed via Bayocean Road, a County Road, and is designated as Tax Lot 1700 in Section 26 of Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.
- Zone:** Rural Commercial Zone (RC)
- Applicant/  
Property Owner:** Sharon and Perry Reeder, 222 Reeder Street NW, Tillamook, OR 97141

**CONDITIONS OF APPROVAL:**

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

1. The applicant and property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Development of the property shall conform to the applicable development standards outlined in TCLUO Section 3.020 of the Rural Commercial (RC) Zone and TCLUO Section 3.010 of the Rural Residential 2-Acre (RR-2) zone.
3. Applicant/property owner shall adhere to the Conditions of Approval of the Floodplain Development Permit #851-21-000280-PLNG, and conform the development standards outlined in TCLUO Section 3.510, 'Flood Hazard Overlay'.
4. A minimum 50-foot riparian setback from the estuary boundary, determined by the Oregon Department of Fish and Wildlife (ODFW) and measured in accordance with TCLUO Section 4.140, shall be maintained on the subject property for the proposed improvement. Future development on the subject property shall also maintain the required riparian setback and comply with the requirements of TCLUO 4.140: Development Requirements for Water Quality and Streambank Stabilization.
5. Applicant/property owner shall submit a to-scale site plan indicating the proposed parking plan, subject to those standards in TCLUO Section 4.030 'Off-Street Parking and Off-Street Loading Requirements' and 4.010 'Clear Vision Areas' at time of consolidated zoning/building permit.
6. The applicant/property owner shall submit letters for fire, water, sanitation and an updated Tillamook County Public Works road approach permit at time of the consolidated zoning/building permit.
7. This approval shall be void on September 16, 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 Land Use Planner  
Sarah Absher, CFM, Director

Enclosed: Vicinity & Zoning Maps



*Land of Cheese, Trees and Ocean Breeze*

**CONDITIONAL USE REQUEST #851-22-000213-PLNG:  
REEDER**

**STAFF REPORT**

**Staff Report Date:** September 16, 2022

**Report Prepared By:** Melissa Jenck, CFM, Senior Planner

**I. GENERAL INFORMATION:**

**Request:** A Conditional Use request for the placement of a single-family dwelling and an open storage operation (boat storage) in the Rural Commercial (RC) zone.

**Location:** The subject property is accessed via Bayocean Road, a County Road, and is designated as Tax Lot 1700 in Section 26 of Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

**Zone:** Rural Commercial Zone (RC)

**Applicant/  
Property Owner:** Sharon and Perry Reeder, 222 Reeder Street NW, Tillamook, OR 97141

**Property & Vicinity Description:** The subject property is approximately 6.35 acres in size, vegetated with grasses and shrubs; is unimproved and is irregular in shape. Topography of the site varies and is generally flat, with low slope changes near the estuary along the westerly portion of the property. Other property boundaries are defined by Bayocean Road, a County road, to the north, Highway 131/Netarts Highway, a State highway, to the east, a Farm (F-1) zoned parcel improved with a single-family dwelling to the west, and a vacant Farm (F-1) zoned parcel to the north. Located east of the subject property is Rural Commercial (RC) zoned property currently improved with a single-family dwelling and warehouse structures used prior as a marina (Exhibit A).

There are known wetland and riparian features identified on the subject property, as depicted on the Onsite Wetland Determination Report prepared by Department of State Lands dated January 4, 2022 (Exhibit C). The subject property is located outside of the Tsunami Hazard Overlay zone. The subject property is located within the ‘AE’ zone as depicted on FEMA FIRM #41057C0560F dated September 28, 2018, and therefore subject to the Flood Hazard Overlay zone (Exhibit A).

The subject property is zoned Rural Commercial (RC) as depicted on the zoning map included in “Exhibit A”. The applicant is proposing a single-family dwelling and an open storage operation to be used for boat, which are uses subject to Conditional Use review and approval in the RC zone (Exhibit B).

The vicinity consists of several established uses and zoning districts. The subject property is located in a cluster of

RC zoning. There is a recreational campground and buildings associated with a prior marina within this cluster of RC zoning. There is Rural Residential 2-Acre (RR-2) zoned properties in the vicinity generally developed with residential uses. There is also Farm (F-1) zoned properties that are generally used for farm uses within the vicinity and dwelling (Exhibit A).

## II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

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

- A. Section 3.010: Rural Residential 2-Acre (RR-2) Zone
- B. Section 3.020: Rural Commercial (RC) Zone
- C. Section 3.106: Estuary Conservation One (EC1) Zone
- D. Section 4.030: Off-Street Parking & Off-Street Loading Requirements
- E. Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization
- F. Section 3.510: Flood Hazard Overlay
- G. Article VI: Conditional Use Procedures and Criteria

## III. ANALYSIS:

### A. **Section 3.020: Rural Residential 2-Acre (RR-2) Zone**

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

#### 1. **Section 3.010(4) Standards**

- ...
- (f) *The minimum front yard setback shall be 20 feet.*
- (g) *The minimum side yard setback shall be 5 feet; on the street side of a corner lot, it shall be 15 feet.*
- (h) *The minimum rear yard setback shall be 20 feet; on a corner lot, it shall be 5 feet.*
- (i) *The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.*

**Findings:** The proposal contains a single-family dwelling and per Section 3.020(4)(a), a residential structure is subject to setback and height requirements of the RR-2 zone. The subject property is a corner lot, located between Bayocean Road to the north and Highway 131/Netarts Highway to the east. Staff finds these standards can be met through compliance with Conditions of Approval.

### B. **Section 3.020: Rural Commercial (RC) Zone**

*PURPOSE: The purpose of the RC zone is to permit a moderate level of commercial activities to serve the commercial needs of rural areas, and tourist areas. Commercial uses in the RC zone typically provide goods and services that would be required by most households in the area, and they have relatively few impacts on neighboring areas. Land is suitable for the RC zone because it:*

- (a) *Is needed;*
- (b) *Is physically capable of being developed;*
- (c) *Can obtain access to a public road without causing traffic hazards or congestion;*
- (d) *Will not cause significant conflicts with nearby residential uses; and*
- (e) *Has sufficient land area to accommodate off-street parking.*

1. **Section 3.020(3)** list uses permitted conditionally in the RC Zone. One-family dwelling not associated with an active business and warehousing including mini-storage, are listed as uses permitted conditionally in the RC Zone. The Director has determined that the proposed use of open storage is a similar use with that of warehousing and mini-storage.

**Findings:** An analysis of the proposed uses are provided below under Conditional Use review Section 6.040(1).

2. **Section 3.020(4): Standards**

- (a) *The minimum lot dimensions, yard setbacks, and building height restrictions for structures containing only residential use shall be the same as in the RR zone.*

**Findings:** The proposal contains a single-family dwelling, which is a residential structure. The standards of the RR-2 zone were discussed in Subsection A, above in this report.

- (b) *Minimum yards for any structure on a lot or parcel adjacent to a residential zone shall be 5 feet on the side adjacent to the residential zone, and 10 feet in the front yard. No rear yard is required.*
- (c) *For commercial or combined commercial-residential structures, structures shall be either constructed on the property line or setback at least 3 feet or as required in Section 3.020 (4)(b).*
- (d) *All structures shall meet the requirements for clear-vision areas specified in Section 4.010.*
- (e) *All uses shall meet off-street parking requirements as provided in Section 4.030.*

**Findings:** The proposal is for a single-family dwelling and open storage operation (Exhibit B). Discussion of the off-street parking standards are included in Subsection C, below in this report. The subject property is a corner lot and therefore will be required to comply with the clear-vision area requirements. Applicants provided a site plan detailing the clear vision area being met (Exhibit B). The subject property abuts a RR-2 zone to the south which require a five (5) foot setback. Applicants site plan confirms applicable setbacks are met. Staff finds these standards are met.

- C. **Section 3.106, 'Estuary Conservation 1 (EC1) Zone'**

The estuary boundary and zones are defined in TCLUO Section 3.100 as "*ESTUARY ZONES shall be applied to all estuarine waters, intertidal areas, submerged and submersible lands and tidal wetlands up to the line of non-aquatic vegetation or the Mean Higher High Water (MHHW) line, whichever is most landward.*"

**Findings:** Applicant is proposing to construct a single-family dwelling and areas for an open storage operation (Exhibit B). A site plan was included in 'Exhibit B', which demonstrates the proposed siting location of the proposed dwelling and open storage operation areas. A letter was provided from Robert Bradley, Oregon Department of Fish and Wildlife (ODFW), recommending all proposed improvements be located outside the estuary setback (Exhibit C). Staff finds a 50-foot setback from the estuary boundary is required for proposed development in accordance with TCLUO Section 4.140, discussed below in Subsection E of this report. The site plan indicates that the proposed siting location of the dwelling is landward of the Mean Higher High water (MHHW) and the line of non-aquatic vegetation, in excess of approximately 100-ft (Exhibit B). Staff finds that the proposed development is located outside the Estuary Conservation 1 (EC1) zone, as it is located landward of the estuary boundary. Staff find the Applicant will be required to demonstrate compliance with such standards for any future development on the site subject to the EC1 boundary at time of consolidated zoning/building permit approval.

**D. Section 4.030: Off-Street Parking & Off-Street Loading Requirements**

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

**Section 4.030(13)** ‘Parking Space Requirements’ describes that residential uses shall provide two spaces for the first dwelling unit, and one space for each additional dwelling unit. The section describes that warehouse uses shall provide one space for each 2,000- square feet of storage area. The Director has determined that the proposed use of open storage is a similar use with that of warehousing and mini-storage.

**Findings:** The applicant provided a site plan indicating adequate space on the parcel for parking, including areas proposed to be used for an open storage operation (Exhibit B). The proposed residence requires a minimum (2) 8-ft by 20-ft parking spaces to meet the parking calculation standard for residential parking spaces. Warehouse uses require one (1) 8-ft by 20-ft parking space per 2000 square feet of storage area. Applicant has not identified on the site plan an exact amount of open storage operation area, but an approximation based on scale of would indicate around ~3,500-square feet proposed (Exhibit B). With ~3,500-square feet of dedicated area for open storage operation, the property would be required to support two (2) 8-ft by 20-ft parking spaces for such use. Staff finds that the subject property retains adequate area which can be utilized for parking areas (Exhibit B). Staff finds this standard can be met through compliance with Conditions of Approval.

Section 4.030(7) also addresses buffering non-residential parking areas. Section 4.030(7) states that non-residential parking and loading areas adjacent to a residential use shall be enclosed along the residential use by a sight-obscuring fence that is from five to six feet in height, except where vision clearance is required. Staff finds this requirement can be met through compliance with Conditions of Approval.

The applicant is not proposing any lighting, however, Staff finds a Condition of Approval can be made to ensure that artificial lighting does not create or reflect substantial glare into any adjacent residential zone or use.

**E. Section 4.140, ‘Requirements for Protection of Water Quality and Streambank Stabilization’**

*(1) The following areas of riparian vegetation are defined:*

*(a) Fifty (50) feet from lakes and reservoirs of one acre or more, estuaries, and the main stems of the following rivers where the river channel is more than 15 feet in width; Nestucca, Little Nestucca, Three Rivers, Tillamook, Trask, Wilson, Kilchis, Miami, Nehalem and North and South Fork Nehalem River.*

*...*

*For estuaries, all measurements are horizontal and perpendicular from the mean high water line or the line of non-aquatic vegetation, whichever is most landward. Setbacks for rivers, streams, and coastal lakes shall be measured horizontal and perpendicular from the ordinary high water line.*

**Findings:** Staff finds the subject property is adjacent to an estuarian slough from adjacent Esther Creek, Tomlinson Creek and Tomlinson Slough (Exhibit A). A 50-foot riparian setback is required from estuaries. Robert Bradley, ODFW, provided comments contained in ‘Exhibit C’ recommending all proposed development occur outside the estuary setback. Mr. Bradley continues that no storage or equipment should be placed within the estuary to avoid damage to vegetation, along with considerations that construction be sited to avoid creating future hazard tree’s (Exhibit C).

Staff finds that the proposed development maintains an estuarian setback exceed approximately 100-feet (Exhibit B). Staff finds that these requirements can be met through compliance with Conditions of Approval.

**F. Section 3.510, 'Flood Hazard Overlay'**

*It is the purpose of the FH zone to promote the public health, safety and general welfare and to minimize public and private losses or damages due to flood conditions in specific areas of unincorporated Tillamook County by provisions designed to:*

- (a) Protect human life and health;*
- (b) Minimize expenditure of public money for costly flood control projects;*
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public;*
- (d) Minimize prolonged business interruptions;*
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazards;*
- (f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;*
- (g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and*
- (h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.*
- (i) Maintain the functions and values associated with Special Flood Hazard Areas which reduce the risk of flooding.*

As indicated on FEMA FIRM 41057C0560F dated September 28, 2018, the subject property is located in an 'AE' Special Flood Hazard Area (SFHA) (Exhibit A). The Applicant is proposing to locate the single-family dwelling and an open storage operation within the 'AE Zone' (Exhibit B).

**Findings:** Staff finds that the applicant had a Development Permit, #851-21-000280-PLNG to review compliance with TCLUO Section 3.510 'Flood Hazard Overlay' was approved for the siting of a dwelling. Proposed development shall adhere to the conditions of the approved Development Permit for the proposed development of the single-family dwelling. Future site development for the open storage operation will be subject to a Development Permit for any fill within the SFHA.

Staff finds that these requirements can be met through compliance with Conditions of Approval.

**G. Article VI Conditional Use Procedures and Criteria**

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

- 1. Section 6.020 Procedure** requires public notice in accordance with TCLUO Section 10.070 which requires notification of the request to be published in a newspaper of local distribution and mailed to landowners within 250 feet of the subject property.

**Findings:** Notice of the Conditional Use request was mailed to property owners within 250-ft and affected agencies on August 11, 2022. Public comments received to date are included as "Exhibit C". Comments received include Tillamook County Public Works, Oregon Department of Fish and Wildlife and Department of State Lands (DSL). DSL provided a copy of the onsite wetland determination report for the proposed development of the site, indicating that wetland conditions were not present in the proposed building area (Exhibit C). TCPW indicated that an updated Road

Approach may be necessary to bring into conformance with their current ordinance standards (Exhibit C). Staff find a Condition of Approval to require an updated road approach with TCPW will ensure the Departments concerns are met.

## 2. Section 6.040 Review Criteria

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

**Findings:** A single-family dwelling and sales and warehousing including mini-storage are listed as uses permitted conditionally in the RC Zone. Applicant is proposing to site a single-family dwelling that is not for the owner of the active business on the subject property, along with an open storage operation (Exhibit B).

Staff concludes this criterion is met.

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

**Findings:** The Applicant's submittal states the proposal is consistent with the goals and policies (Exhibit B).

The TCLUO is an implementing document of the Tillamook County Comprehensive Plan. In the absence of evidence to the contrary, uses allowed conditionally in the Land Use Ordinance can be presumed to be consistent with the Tillamook County Comprehensive Plan.

Staff concludes this criterion is met.

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

**Findings:** The Applicant states that site is 6.35-acres and provides ample area suitable for boat storage and a single-family dwelling (Exhibit B).

Staff finds the property proposed for development is irregular in shape, with relatively flat slope as indicated on Count LIDAR imagery (Exhibit A). The subject property is a corner lot which abuts Bayocean Road to the north and Highway 131/Netarts Highway to the east (Exhibit A). There are known wetlands on the subject property, with confirmation from DSL that proposed development is not located where wetlands are present (Exhibit C). There is identified 'AE' Floodplain on the subject property, as indicated on FEMA FIRM #41057C0560F dated September 28, 2018. The subject property is currently vacant of improvements (Exhibit A).

The subject property is approximately 6.35-acres in size and demonstrates on the proposed site plan to have adequate area to support the proposed dwelling, the open storage operation and applicable off-street parking (Exhibit B). Staff concludes this criterion is met.

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

**Findings:** Applicant provides that the uses will not alter the character of the surrounding area which are farmland and the highway (Exhibit B).



The property boundaries are defined by Bayocean Road, a County road, to the north, Highway 131/Netarts Highway, a State highway, to the east, a Farm (F-1) zoned parcel improved with a single-family dwelling to the west, and a vacant Farm (F-1) zoned parcel to the north. Located east of the subject property is Rural Commercial (R-C) zoned property currently improved with a single-family dwelling and warehouse structures prior used as a marina (Exhibit A).

The vicinity consists of several established uses and zoning districts. The subject property is located at the southern cluster of RC zoning. There is a recreational campground and buildings associated with a prior marina in within this cluster of RC zoning. There is Rural Residential 2-Acre (RR-2) zoned properties in the vicinity generally developed with residential uses. There is also Farm (F-1) zoned properties that are generally used for farm uses within the vicinity (Exhibit A).

The proposed development maintains adequate access by abutting a County road and a State highway, with a site plan including adequate area for off-street parking to be contained within the boundaries of the subject property (Exhibit B). There is a predominance of single-family residential uses surrounding the subject property, both within the adjacent RR-2, F-1 and RC zone (Exhibit A). Staff finds the proposal will not impair neighboring properties for their permitted uses. Staff concludes this criterion is met.

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

**Findings:** Applicant states there are no existing solar energy or wind energy systems or windmills in the vicinity (Exhibit B). Staff did not identify any solar energy systems, wind energy conversion systems or windmills in the area. Staff conclude this criterion is met.

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

**Findings:** The Applicant is proposing to construct a single-family dwelling and an open storage operation (Exhibit B). The Applicant finds that access and the properties location would ensure the use is timely (Exhibit B).

An onsite site elevation was approved in 2021 for the siting of an onsite sanitation system to service a two-bedroom dwelling (Exhibit A).

Existing services in the area include adequate access to the property via County roads, water, sewer, electric and emergency services. The subject property is in an area served by the Tillamook Fire District which provides emergency response to the area. The subject property is in an area of a private water district, West Hills Water, to provide service to the property. The proposed development maintains adequate access by abutting a Bayocean Road, a County road, and Highway 131/Netarts Highway, a State highway (Exhibit A). Staff conclude this criterion is 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 September 28, 2022.**

**V. CONDITIONS OF APPROVAL:**

Sections 6.070: COMPLIANCE WITH CONDITIONS and 6.080: TIME LIMIT, requires compliance with approved plans and conditions of this decision, and all other ordinance provisions, 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 and property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Development of the property shall conform to the applicable development standards outlined in TCLUO Section 3.020 of the Rural Commercial (RC) Zone and TCLUO Section 3.010 of the Rural Residential 2-Acre (RR-2) zone.
3. Applicant/property owner shall adhere to the Conditions of Approval of the Floodplain Development Permit #851-21-000280-PLNG, and conform the development standards outlined in TCLUO Section 3.510, 'Flood Hazard Overlay'.
4. A minimum 50-foot riparian setback from the estuary boundary, determined by the Oregon Department of Fish and Wildlife (ODFW) and measured in accordance with TCLUO Section 4.140, shall be maintained on the subject property for the proposed improvement. Future development on the subject property shall also maintain the required riparian setback and comply with the requirements of TCLUO 4.140: Development Requirements for Water Quality and Streambank Stabilization.
5. Applicant/property owner shall submit a to-scale site plan indicating the proposed parking plan, subject to those standards in TCLUO Section 4.030 'Off-Street Parking and Off-Street Loading Requirements' and 4.010 'Clear Vision Areas' at time of consolidated zoning/building permit.
6. The applicant/property owner shall submit letters for fire, water, sanitation and an updated Tillamook County Public Works road approach permit at time of the consolidated zoning/building permit.
7. This approval shall be void on September 16, 2024, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

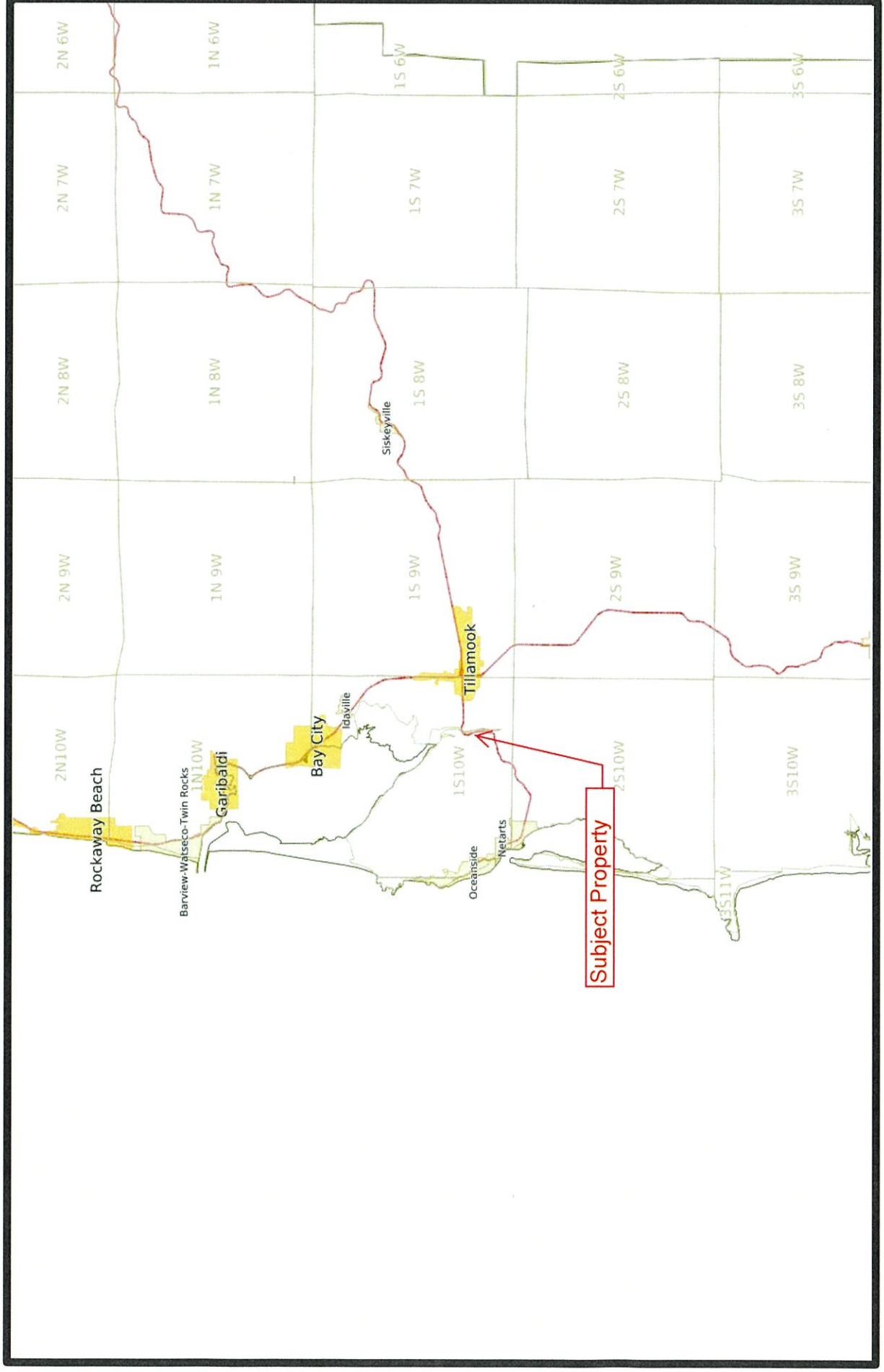
**VI. EXHIBITS**

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

- A. Location map, Assessor map, Zoning map, Aerial Photograph, Assessor's Summary Report, DOGAMI Hazard Map, FEMA FIRM
- B. Applicant's submittal
- C. Public Comments

# **EXHIBIT A**

# Vicinity Map

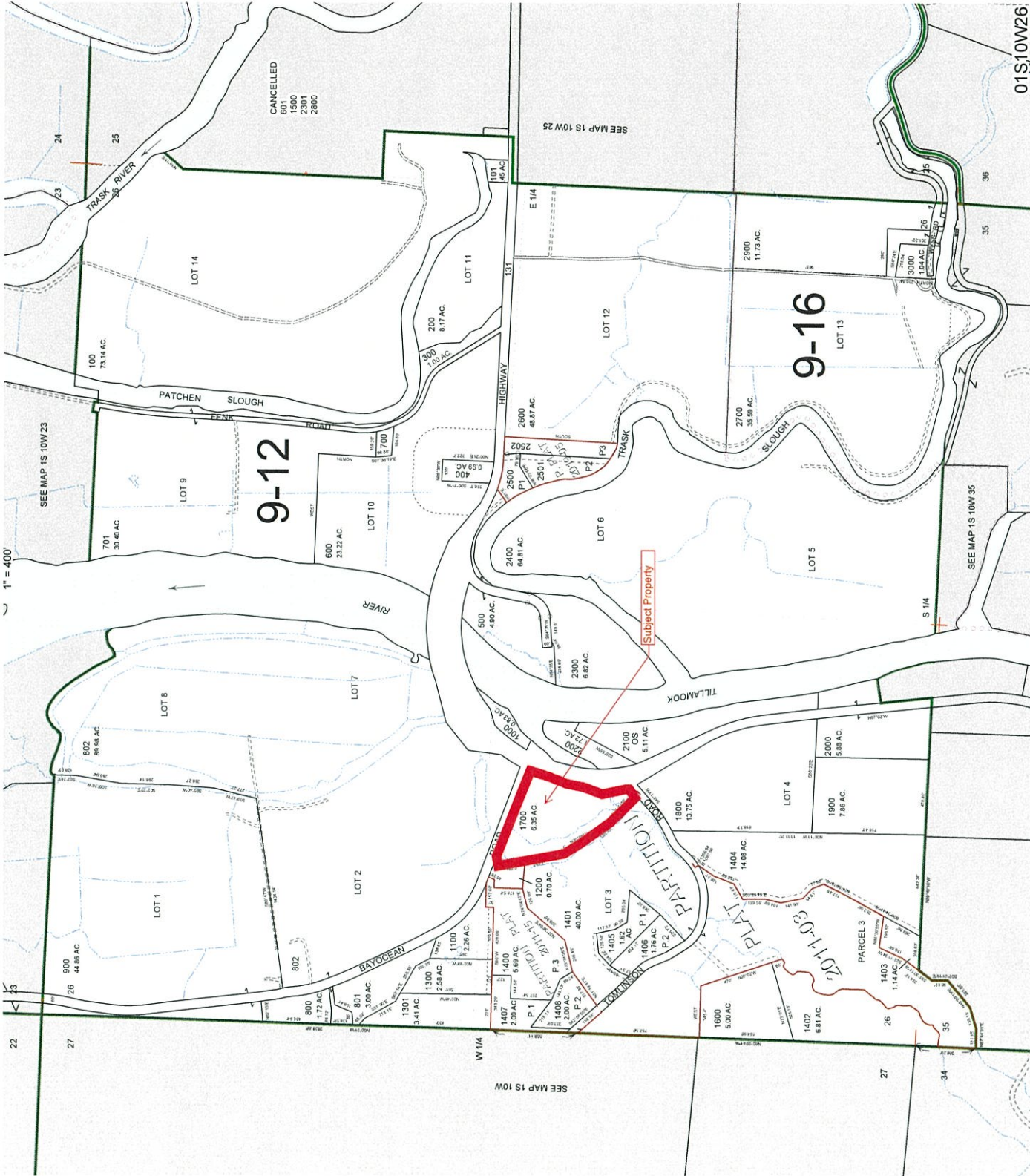


THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SECTION 26 T.1S. R.10W. W.M.  
TILLAMOOK COUNTY

01S10W26

01S10W26



Revised 8/22/19, WS

# National Flood Hazard Layer FIRMette

123°53'10"W 45°27'29"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 X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

**OTHER AREAS**

- NO SCREEN
- Area of Minimal Flood Hazard *Zone X*
- Effective LOMRS
- Area of Undetermined Flood Hazard *Zone*

**GENERAL STRUCTURES**

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

**CROSS SECTIONS WITH 1% ANNUAL CHANCE WATER SURFACE ELEVATION**

- 20.2
- 17.5
- 8

**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.

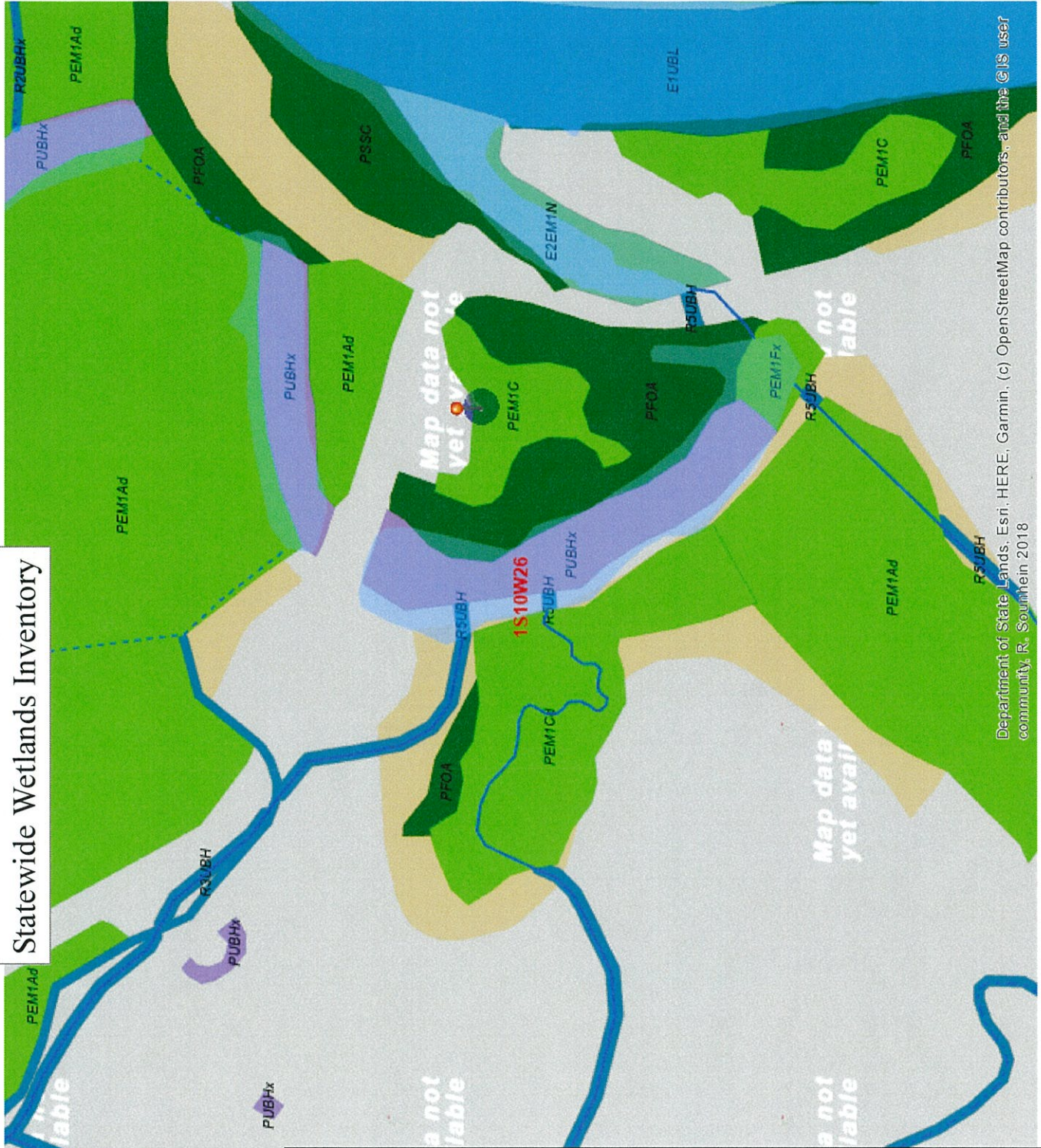
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **8/11/2022 at 12:55 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, FIRN panel number, and FIRN 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

Map data not yet available

Map data not available

Map data not available

Map data not available

Map data not available

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

# **EXHIBIT B**





## PLANNING APPLICATION

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

Name: Perry Reeder Phone: 503-815-8020  
 Address: 222 Reeder St N.W.  
 City: Tillamook State: Ore. Zip: 97141  
 Email: \_\_\_\_\_

**Property Owner**

Name: Same Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Email: \_\_\_\_\_

<b>OFFICE USE ONLY</b>	
Date Stamp <b>MAY 27 2022</b>	
BY: <u>Counter</u>	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: <u>MT</u>	
Receipt #: <u>126299</u>	
Fees: <u>\$1089</u>	
Permit No: <u>851-22-000213</u> -PLNG	

Request: outdoor boat storage & single-family dwelling.

**Type II**

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

**Type III**

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

**Type IV**

- Appeal of Planning Commission Decision
- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

**Location:**

x Site Address: \_\_\_\_\_

Map Number: 15 10 26000 1700 Acres 6.35  
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.

x Perry Reeder Sharon Reeder 5/27/22  
Property Owner Signature (Required) Date

x Perry E. Reeder 5/27/22  
Applicant Signature Date

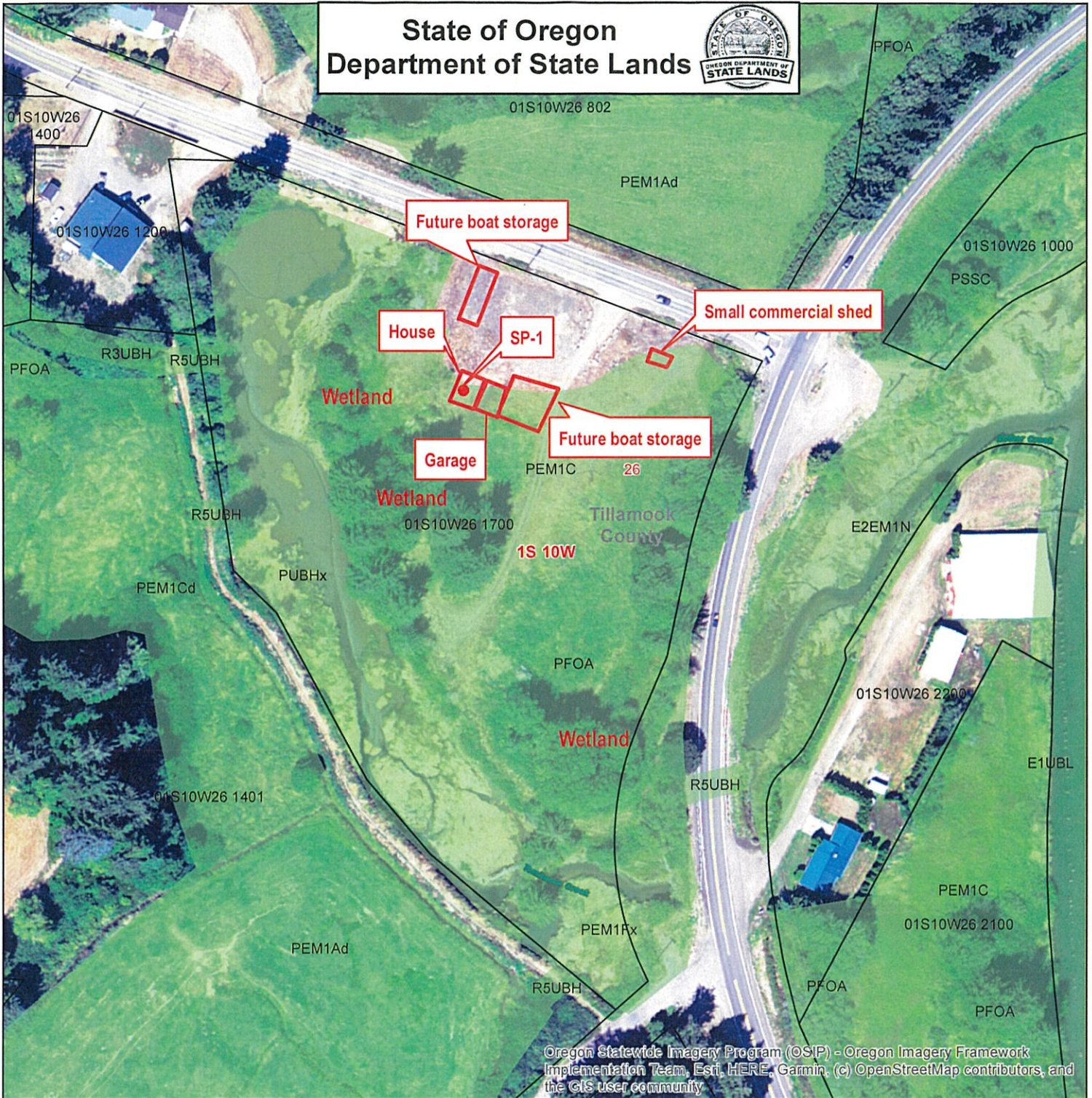
5/28/2022

Answers to the Land Use Criteria Review Questions.

Tillamook County Land use ordinance section 6.040:  
Reeder/Bay Ocean Rd Property for the proposed Boat Storage  
and Single Family Dwelling.

- 1) Yes, the use is listed as a Conditional use in the underlying zone, or in an applicable overlying zone.
- 2) Yes, The use is consistent with the applicable goals and policies of the Comprehensive Plan.
- 3) The parcel is 6.35 Acres, so ample in size and with great location, available to all utilities, this property already has water, it is suitable for Boat Storage and a Single-family dwelling.
- 4) No, it will not alter the character of the surrounding area because the area is farmland and highway.
- 5) No, because there are not any existing solar energy systems or wind energy systems or windmills around or near the property.
- 6) The purpose is timely and good for the area as the property has had a lot of businesses and has been useful in the past 100 plus years, it was the Sunset Mill, the Dunes Dance hall, and Howard Sherwood Wood Ends Business, it has great location and access.

State of Oregon  
Department of State Lands



Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

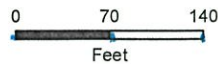
**Exhibit A**

**2018 Aerial Photo**

**WD2022-0002 Perry and Sharon Reeder  
T1S, R10W Section 26 TL 1700  
Tillamook County**

- City Limits
- Urban Growth Boundary
- County Lines

This map depicts the approximate location and extent of a Department of State Lands Proprietary authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

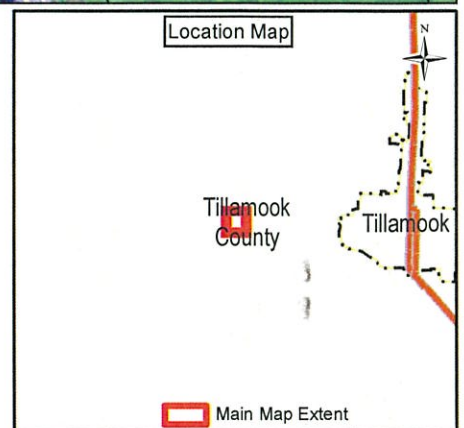


1 in = 138 ft



Map Projection:  
Oregon Statewide Lambert  
Horiz. Datum NAD83  
International Feet  
State of Oregon  
Department of State Lands  
775 Summer St NE, Suite 100  
Salem, OR 97301  
503-986-5200  
www.oregon.gov/DSL  
Date: 1/3/2022

**Location Map**

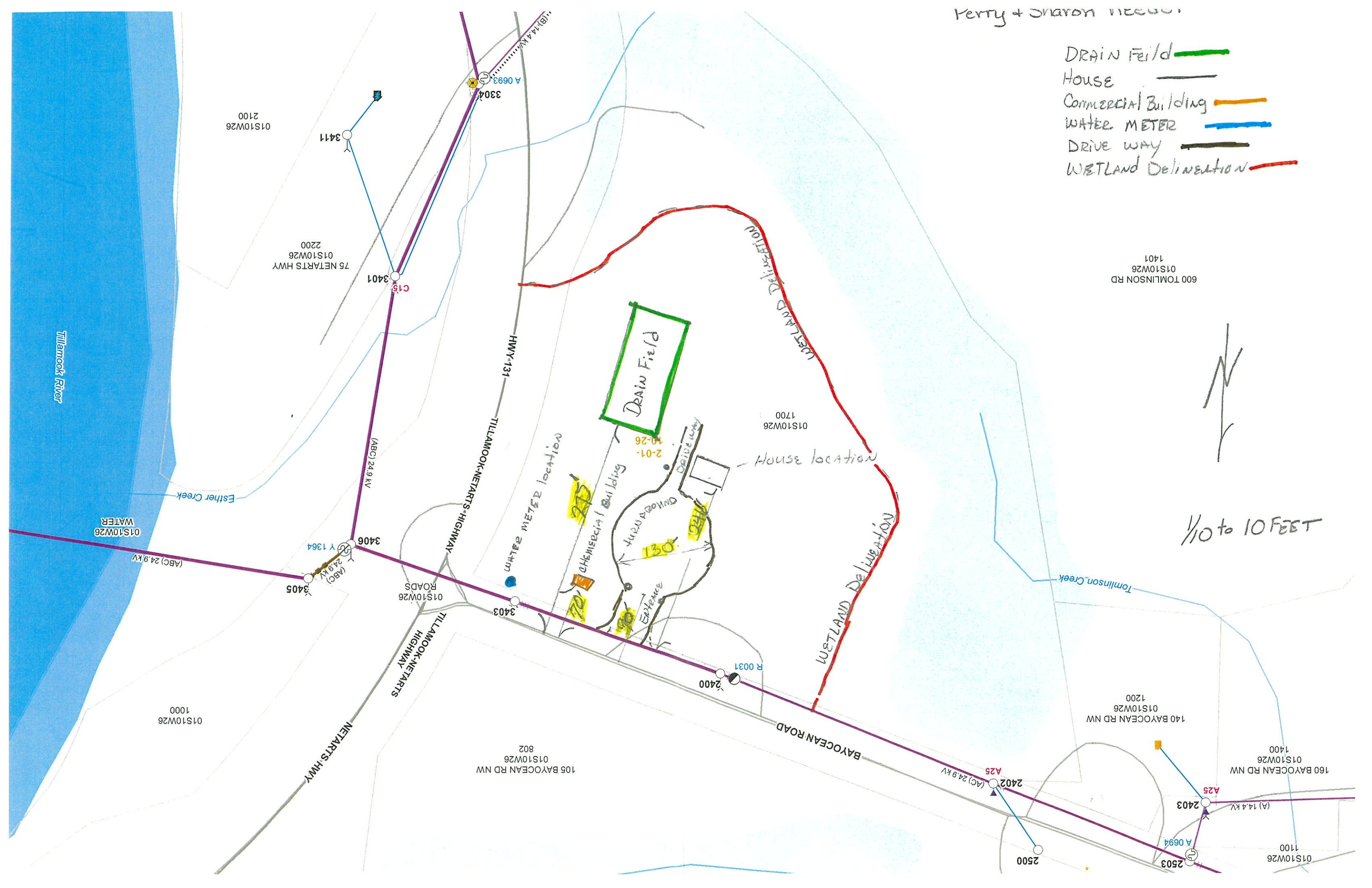


Main Map Extent

Map Producer: darcy

Perry + Sharon NEEDS

- DRAIN Field █
- House ▭
- Commercial Building ▭
- WATER METER ●
- DRIVE WAY ▬
- WETLAND DELINEATION ▬



# **EXHIBIT C**

**ONSITE WETLAND DETERMINATION REPORT**  
**OREGON DEPARTMENT OF STATE LANDS – SALEM OFFICE**  
775 Summer Street NE, Suite 100, Salem OR 97301-1279 (503) 986-5200

WD#: 2022-0002

An onsite wetland determination has been conducted on the property described below.

County: Tillamook

City: \_\_\_\_\_

OwnerName & Address: Perry and Sharon Reeder, C/O Sarah MacDonald, 222 Reeder St. NW, Tillamook, OR 97141

Township: 1S Range: 10W Section: 26 Q/Q: \_\_\_\_\_ Tax Lot: 1700

Project Name: Bayocean Road house site Date of Site Visit 12/02/2021

Site Address/Location: Undeveloped Lot on west side of Netarts Highway, south of Bayocean Road, OR 97141

- There are no jurisdictional wetlands or waterways on the property. Therefore, no state removal-fill permit is required.  
Notes: \_\_\_\_\_
- There are wetlands or waterways on the property that are subject to the state Removal-Fill Law.
- A state permit is required for  $\geq 50$  cubic yards of fill, removal, or ground alteration in the wetlands or waterways.
- A state permit may be required for any amount of fill, removal, or ground alteration in the Essential Salmonid Habitat and hydrologically associated wetlands.
- A state permit may be required for any amount of fill, removal, or other ground alteration in a compensatory wetland mitigation site.
- A wetland determination or delineation is needed. If site development is planned, the delineation report should be submitted to the Department for review and approval.
- A state permit will not be required for the access development because the project footprint is confirmed to be outside of wetlands and waters.
- A permit may be required by the Army Corps of Engineers: (503) 808-4373

**Note: This report is for the state Removal-Fill Law only. City or County permits may be required for the proposed activity.**

Comments: Although the site is largely mapped with NWI wetlands, wetland conditions were not present in the proposed building area. Wetlands and waters were observed outside of the project development footprint, so if development plans expand at a future date, a wetland delineation may be recommended.

Determination by: Dan Cary, SPWS  \_\_\_\_\_  Date 01/04/2022

This jurisdictional determination is valid for five years from the above date, unless new information necessitates a revision. Circumstances under which the Department may change a determination and procedures for renewal of an expired determination are found in OAR 141-090-0045 (available on our web site or upon request). The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months from the above date.

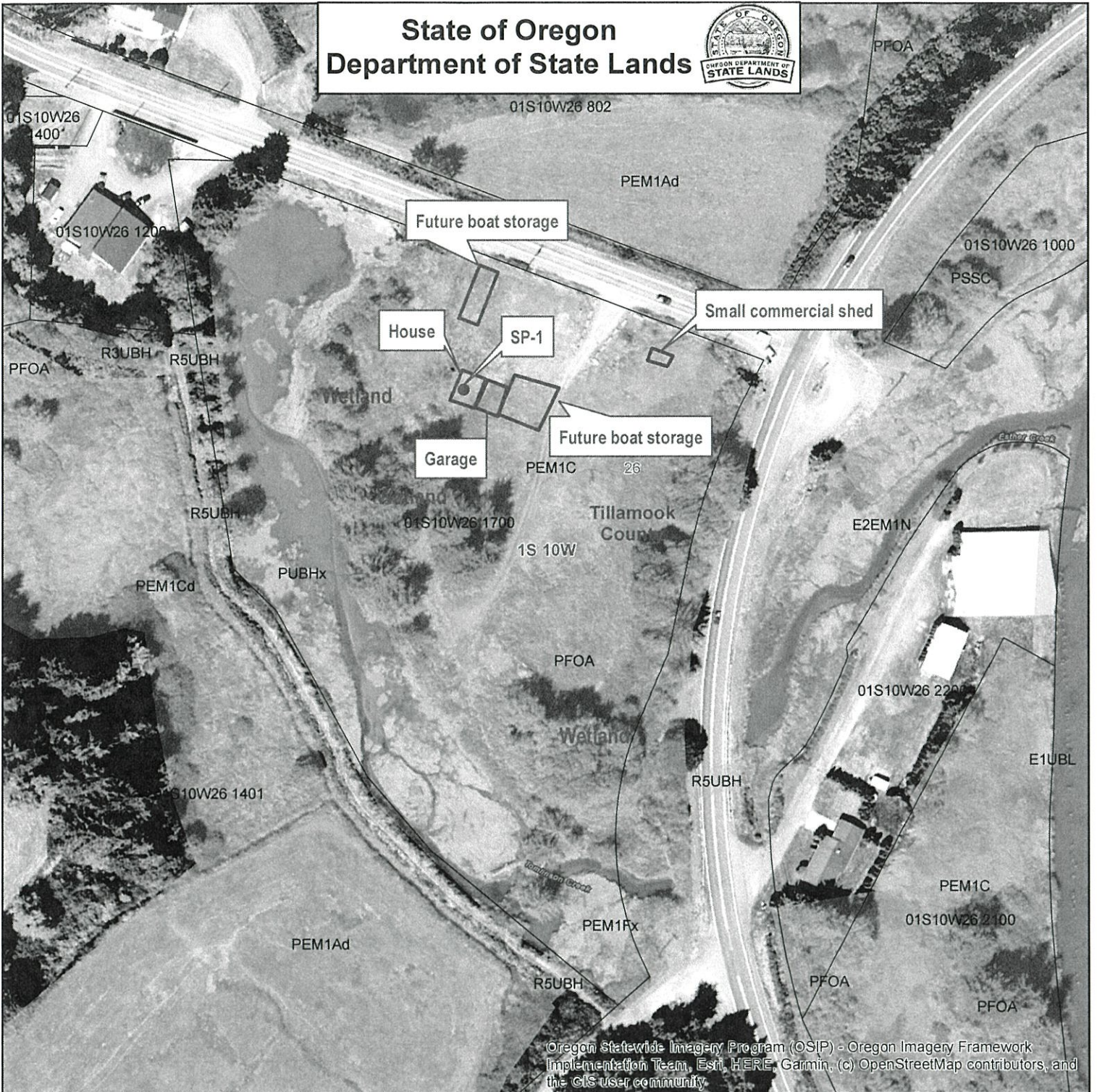
**This is a preliminary jurisdictional determination and is advisory only**

Copy To:  Owner Email: stmac11@gmail.com  Enclosures: Location Map  
 Tillamook County Planning Department (mjenck@co.tillamook.or.us)  
 Dan Cary (DSL)  
 Daniel Evans (DSL)

**FOR OFFICE USE ONLY**

Entire Lot(s) Checked? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Waters Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe	Request Received <u>11/17/2021</u>
LWI Area: <u>N/A</u> LWI Code: _____	Latitude: <u>45.455249</u> Longitude: <u>-123.880917</u> Related DSL File #: <u>WN2021-0693</u> <input type="checkbox"/> For ENF.	
Has Wetlands? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk	ESH? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Wild & Scenic? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
State Scenic? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
Coast Zone? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk		
Adjacent Waterbody: <u>Esther Creek, Tomlison Slough remnant</u>		

# State of Oregon Department of State Lands



Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

## Exhibit A

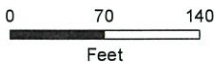
## 2018 Aerial Photo

**WD2022-0002 Perry and Sharon Reeder  
T1S, R10W Section 26 TL 1700  
Tillamook County**

- City Limits
- Urban Growth Boundary
- County Lines

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Document Path: O:\ARM\RemovalFill\Applications\Tillamook\Reeder Bayocean\WetDetMap.mxd

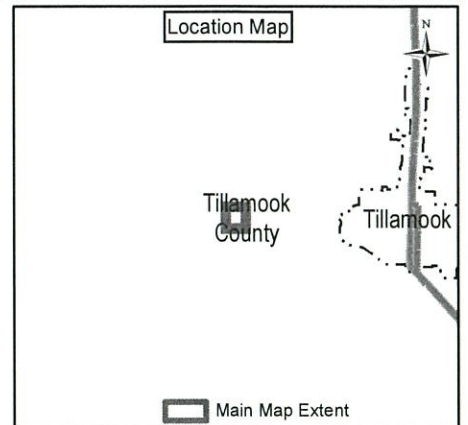


1 in = 138 ft



Map Projection:  
Oregon Statewide Lambert  
Horiz. Datum NAD83  
International Feet

State of Oregon  
Department of State Lands  
775 Summer St NE, Suite 100  
Salem, OR 97301  
503-986-5200  
www.oregon.gov/DSL  
Date: 1/3/2022



Map Producer: darcy

## Melissa Jenck

---

**From:** BRADLEY Robert \* ODFW <Robert.BRADLEY@odfw.oregon.gov>  
**Sent:** Friday, August 12, 2022 8:50 AM  
**To:** Lynn Tone  
**Cc:** Melissa Jenck; Sarah Absher  
**Subject:** EXTERNAL: RE: 851-22-000213-PLNG: REEDER

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

ODFW recommends no development occur within the estuary setback on the property. Material storage, equipment, etc. should not be placed in the estuary setback to avoid damage to vegetation. No live trees should be removed. Construction should be sited to avoid creating future "hazard" trees.

Applicant should consult with the Department of State Lands (and any other appropriate regulatory agency) to determine what, if any, permitting is required.

Robert W. Bradley  
District Fish Biologist  
Oregon Department of Fish and Wildlife  
North Coast Watershed District  
4907 Third St  
Tillamook, OR 97141  
503-842-2741 x18613 (w)  
503-842-8385 (fax)

**Note new email address as of 4/26/21: Robert.Bradley@odfw.oregon.gov**

---

**From:** Lynn Tone <ltone@co.tillamook.or.us>  
**Sent:** Thursday, August 11, 2022 3:43 PM  
**To:** WADE Heather DLCD <heather.wade@dlcd.oregon.gov>  
**Subject:** 851-22-000213-PLNG: REEDER

Please see link for Notice of Administrative Review

[851-22-000213-PLNG | Tillamook County OR](#)

Thank you



**Lynn Tone** | Office Specialist II  
TILLAMOOK COUNTY | Surveyor's Office/Community Development  
1510 3<sup>rd</sup> Street Ste C  
Tillamook, OR 97141  
Phone (503) 842-3423  
[ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us)



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## Melissa Jenck

---

**From:** Lynn Tone  
**Sent:** Tuesday, August 16, 2022 8:10 AM  
**To:** Melissa Jenck  
**Subject:** FW: 851-22-000213-PLNG: REEDER

---

**From:** Ron Newton <[rnewton@co.tillamook.or.us](mailto:rnewton@co.tillamook.or.us)>  
**Sent:** Friday, August 12, 2022 11:11 AM  
**To:** Lynn Tone <[ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us)>  
**Cc:** Jasper Lind <[jlind@co.tillamook.or.us](mailto:jlind@co.tillamook.or.us)>  
**Subject:** Re: 851-22-000213-PLNG: REEDER

Lynn

The approach on to Bayocean Road at this location predates Tillamook County Ordinance #44. The applicant should be directed to contact the Tillamook County Public Works office to complete the current Ordinance #44 Road Approach process.

Ron Newton  
Engineering Tech. III  
Tillamook County Public Works  
Working Remote  
Until Further Notice  
Cell - (503) 812-1441

"The two most important days in your life are the day you are born, and the day you find out why"  
Mark Twain

---

**From:** Lynn Tone <[ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us)>  
**Sent:** Thursday, August 11, 2022 3:43 PM  
**To:** WADE Heather DLCD <[heather.wade@dlcd.oregon.gov](mailto:heather.wade@dlcd.oregon.gov)>  
**Subject:** 851-22-000213-PLNG: REEDER

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[851-22-000213-PLNG | Tillamook County OR](#)

Thank you



**Lynn Tone** | Office Specialist II

TILLAMOOK COUNTY | Surveyor's Office/Community Development

1510 3<sup>rd</sup> Street Ste C

Tillamook, OR 97141

Phone (503) 842-3423

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

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