



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*

**CONDITIONAL USE REQUEST #851-22-000196-PLNG: HAKES**  
**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:**  
**ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,**  
**IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER**

October 19, 2022

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited request on October 22, 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 **4:00pm on October 31, 2022**. This decision will become final on October 31, 2022 after 4:00pm unless an appeal is filed in accordance with Tillamook County Land Use Ordinance Article X.

**Request:** Conditional Use request for approval of the construction of a duplex.

**Location:** The subject property is located within the Unincorporated Community of Oceanside via Highland Drive, a local access road, and designated as Tax Lot 202 in Section 30DC of Township 1 South, Range 10 West, W.M., Tillamook County, Oregon.

**Zone:** Residential Oceanside (ROS)

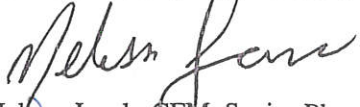
**Applicant & Property Owner:** Robert Hakes, 698 Sommerset Rd, Woodland, WA 98674

CONDITIONS OF APPROVAL

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

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall obtain a consolidated Zoning/Building Permit from the Tillamook County Department of Community Development.
3. A site plan, drawn to scale, illustrating the proposed development and required setbacks, shall be provided at the time of Zoning Permit submittal.
4. Development shall adhere to TCLUO Section 4.030: Off-Street Parking and Off-Street Loading Areas. A minimum of three (3) 8-foot by 20-foot parking spaces shall be maintained for the two-family dwelling.
5. Applicant/Owner shall comply with the applicable requirements of TCLUO Section 3.310: Residential Oceanside (ROS) Zone.
6. Development shall conform to the requirements of Section 3.350: Beach and Dune Overlay Zone. A Dune Area Development Permit is required for development of the property.
7. This approval shall be void on October 19, 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, CFM, Director

Enc.: Vicinity, Assessor's and Zoning maps



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**Conditional Use #851-22-000196-PLNG: Hakes Duplex  
Administrative Decision & Staff Report**

**Decision:** Approved with Conditions  
**Decision Date:** **October 19, 2022**  
**Report Prepared By:** **Melissa Jenck, CFM, Senior Planner**

**I. GENERAL INFORMATION:**

**Request:** Conditional Use request for approval of the construction of a duplex.

**Location:** The subject property is located within the Unincorporated Community of Oceanside via Highland Drive, a local access road, and designated as Tax Lot 202 in Section 30DC of Township 1 South, Range 10 West, W.M., Tillamook County, Oregon.

**Zone:** Residential Oceanside (ROS)

**Applicant & Property Owner:** Robert Hakes, 698 Sommerset Rd, Woodland, WA 98674

**Property and Vicinity Description:** The subject property is an unimproved property located in the Unincorporated Community of Oceanside, is 0.27 acres, irregular in shape and is access via Highland Drive, a local access road. The subject property is vegetated with and grass, with slopes trending downward from the northeast to the southwest (Exhibit A).

There are no mapped wetlands or riparian features on the subject property (Exhibit A). The subject property is entirely located entirely outside of the FEMA Special Flood Hazard Area (FIRM 41057C0555F) (Exhibit A). The subject property is located in an Older Stabilized Dune within the Beach and Dune Overlay Zone (Exhibit A).

The subject property is zoned Residential Oceanside (ROS) (Exhibit A). Residential uses and their accessory uses are predominant in this area as many properties within this vicinity are improved with single-family residential structures.

**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 3.310: Residential Oceanside (ROS) Zone
- B. Section 3.530: Beach and Dune Overlay
- C. Section 4.130: Development Requirements for Geologic Hazard Areas
- D. Article VI: Conditional Use Procedures and Criteria

**III. ANALYSIS:**

**A. Section 3.310: Residential Oceanside (ROS) Zone**

*PURPOSE: The purpose of the ROS zone is to designate areas for low-density one and two family residential development and other, compatible, uses. Suitability of land for low density uses is determined by the availability of public sewer services, and limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features. Where any provision of the ROS zone imposes a restriction on the use of land greater than is provided by other ordinance provisions, then the ROS zone shall prevail.*

...  
(3) *USES PERMITTED CONDITIONALLY: In the ROS zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.*

...  
(a) *Two-family dwelling.*

...  
**Findings:** Applicant seeks to construct a two-family dwelling (duplex) on the subject property (Exhibit B). Conditional use review and approval in accordance with TCLUO Article VI: Conditional Use Procedures and Criteria.

**B. Section 3.530: Beach and Dune Overlay Zone**

*The purpose of the Beach and Dune Overlay Zone is to regulate development and other activities in a manner that conserves, protects and, where appropriate, restores the natural resources, benefits, and values of coastal beach and dune areas, and reduces the hazard to human life and property from natural events or human-induced actions associated with these areas. The Overlay Zone establishes guidelines and criteria for the assessment of hazards resulting from beach and dune processes and development activities in beach and dune areas.*

**Findings:** The subject property is located in an area of Older Stabilized Dunes as identified in Beaches and Dunes of the Open File Report O-20-04, Temporal and Spatial Changes in Coastal Morphology, Tillamook County, Oregon by the DOGAMI (Exhibit A). Residential development is allowed, subject to the site development requirements outlined in Section 3.530(5) for a Dune Area Development Permit, including the requirement of a Geologic Hazard Report in accordance with TCLUO Section 4.130. Any future development of the property is subject to the requirements of TCLUO 3.530 and shall be made as a Condition of Approval.

**C. Section 4.130: Development Requirements for Geologic Hazard Areas**

*TCLUO Section 4.130 defines Geologic Hazard Areas and describes the requirements for development within these areas. TCLUO 4.130(1)(b) lists 'inactive landslides, landslide topography and mass movement topography where slopes are greater than 19% as areas subject to the requirements of the section.*

**Findings:** The subject property is located in an area of inactive landslide topography as identified in Oregon Department of Geology and Mineral Industries (DOGAMI) Bulletin 74 (Exhibit A). Review of elevation data

identified on the recent Partition review, #851-21-000034-PLNG, for the creation of this parcel indicated slopes on the subject property at 29% and that any future development of the property is subject to the requirements of TCLUO 4.130. Any future development of the property is subject to the requirements of TCLUO 4.130 and shall be made as a Condition of Approval.

#### **D. 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.

**Section 6.020 Procedure** requires public notice in accordance with TCLUO Section 10.070 which requires notification of the request to be mailed to landowners within 250 feet of the subject property, to allow at least 14 days for written comment, and requires staff to consider comments received in making the decision.

**Findings:** Notice of the request was mailed to property owners and agencies on August 11, 2022. Comments received are included in "Exhibit C" of this report. Comments were received from Tillamook County Public Works, identifying that a Commercial Road Approach would be required for multi-family residential construction (Exhibit C).

#### **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:** Per Section 3.310(3)(a), a two-family dwelling (duplex) is permitted, subject to conditional use review and approval. Staff finds this criterion has been met.

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

**Findings:** Staff finds that the proposed use is permitted conditionally in the Tillamook County Land Use Ordinance. The TCLUO is an implementing document of the Comprehensive Plan. In the absence of evidence to the contrary, uses allowed conditionally in the Land Use Ordinance are presumed to be consistent with the Comprehensive Plan. Staff concludes that this criterion has been met.

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

**Findings:** Applicant states that the proposed two-family dwelling will maintain required setbacks given the subject property is oversized (Exhibit B). Applicant prepared a site plan demonstrating all setback requirements and as shown on the submitted site plan, and no more than 50% of the lot area shall be covered with structures. The submitted site plan confirms parking requirements as outlined in TCLUO Section 4.030 can be met (Exhibit B).

Staff concurs with the Applicant's findings supporting the subject property is suitable for the construction of a two-family dwelling (duplex) and concludes that this criterion can be met through the Conditions of Approval.

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 states that the proposed use will be similar to the look and feel of the community (Exhibit B).

Staff finds that adequate evidence has been submitted to confirm the proposed construction of a two-family dwelling (duplex) on the subject property can be done in a manner that ensures all residential uses take place within the

boundaries of the subject property and does not substantially limit, impair, or prevent the use of surrounding properties for the permitted uses listed in the ROS zone (Exhibit B). Staff finds the request will not alter the character of the surrounding area as the proposed construction is residential in nature and consistent with the residential uses already established in the area. Staff concludes that this criterion has been met or can be met through the Conditions of Approval.

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

**Findings:** Staff does not find any record of such facilities in the area. Applicant states that the proposed use is to be situated to minimize solar impacts to adjacent lots (Exhibit B). Staff concludes that this criterion has been met.

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

**Findings:** Applicant states the utility providers who already serve the area, and confirms that the subject property has water, sewer, access and fire service. Applicant reiterates that Highland Drive is to be updated to County standards by the developer of the adjacent subdivision, Second Addition to Avalon Heights (Exhibit B).

The local fire district, water district, sanitary district, and Tillamook County Public Works were contacted for comment and comments were received by the Tillamook County Public Works Department (Exhibit C). Review of County records confirms this area is served by these public utility providers.

Staff concludes that this criterion has been met or can be met through the Conditions of Approval.

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

Based on the findings shown above, Staff concludes that the applicant has satisfied the review criteria and can meet all applicable ordinance requirements at the time of application. Therefore, the Department approves this request subject to the Conditions of Approval in section V of this report.

**Appeal of this decision.** This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. The forms and fees must be filed in the office of this Department before **4:00pm on October 31, 2022**.

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

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

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall obtain a consolidated Zoning/Building Permit from the Tillamook County Department of Community Development.
3. A site plan, drawn to scale, illustrating the proposed development and required setbacks, shall be provided at the time of Zoning Permit submittal.
4. Development shall adhere to TCLUO Section 4.030: Off-Street Parking and Off-Street Loading Areas. A minimum of three (3) 8-foot by 20-foot parking spaces shall be maintained for the two-family dwelling.

5. Applicant/Owner shall comply with the applicable requirements of TCLUO Section 3.310: Residential Oceanside (ROS) Zone.
6. Development shall conform to the requirements of Section 3.350: Beach and Dune Overlay Zone. A Dune Area Development Permit is required for development of the property.
7. This approval shall be void on October 19, 2024, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

**VI. EXHIBITS**

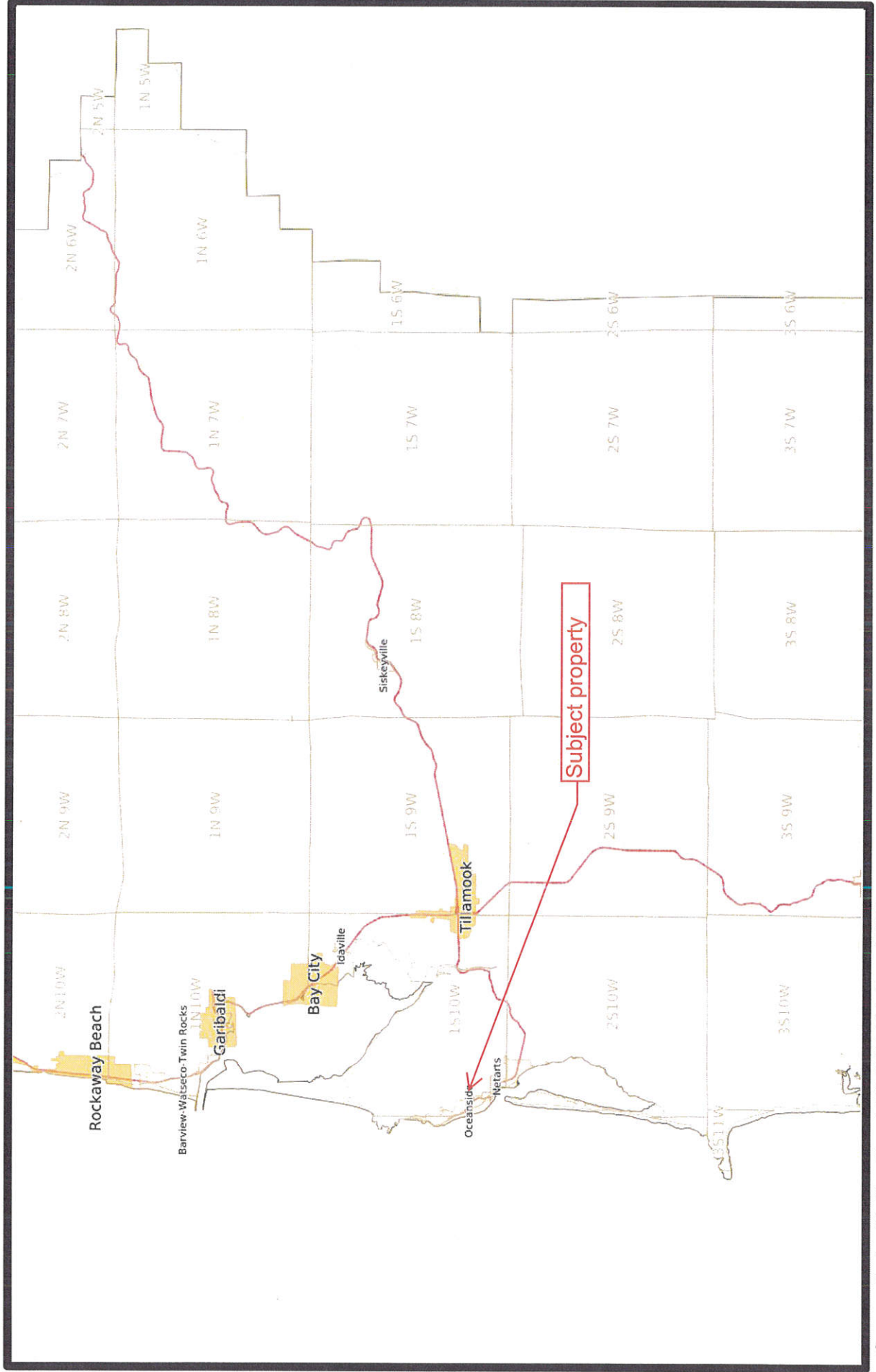
All Exhibits referred to herein are, by this reference, made a part hereof:

- A. Location, Assessor, Zoning, and Flood maps, Assessor's Summary Report
- B. Applicant's submittal
- C. Public Comment

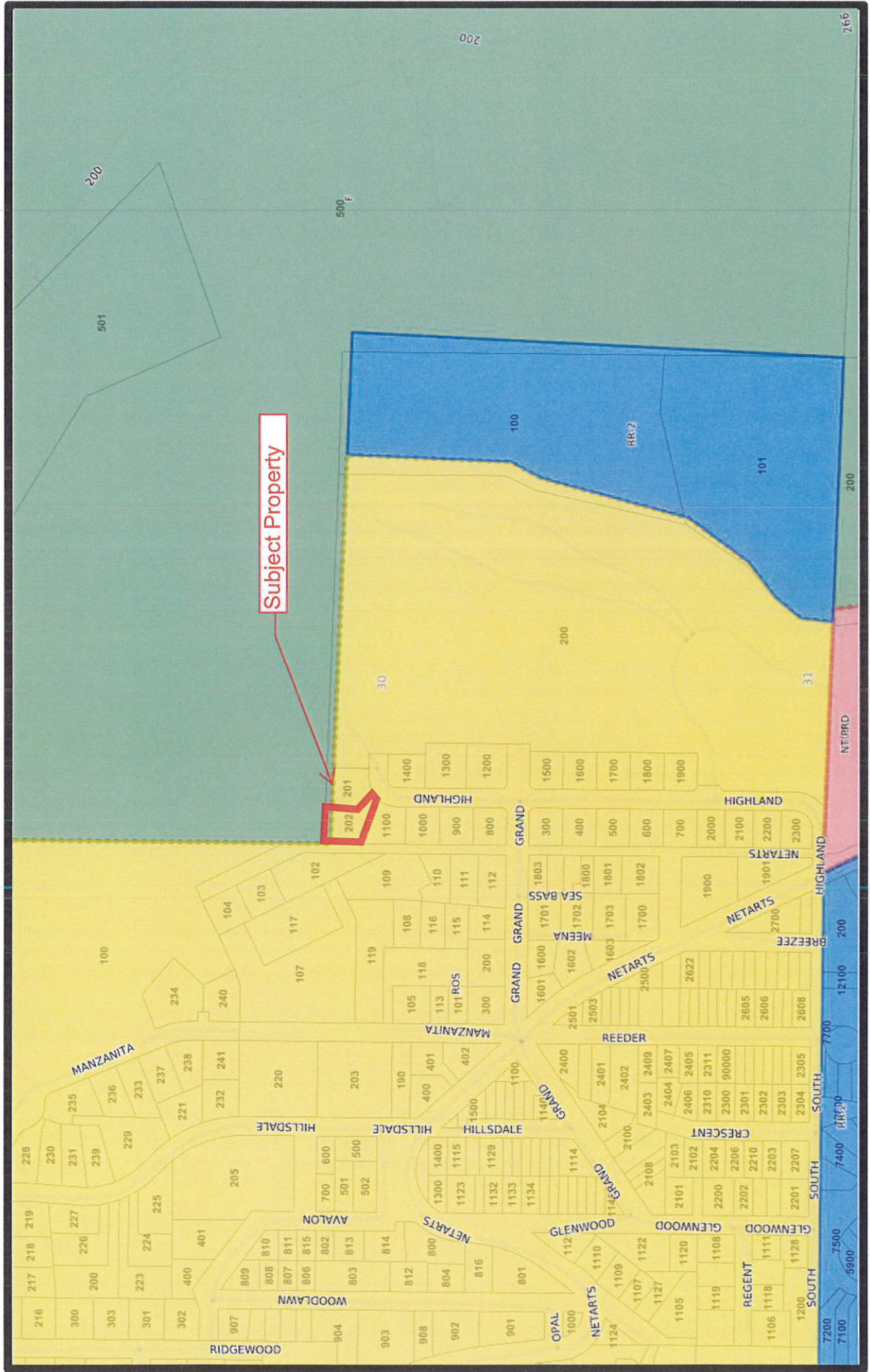
# EXHIBIT A



# Vicinity Map



# Map



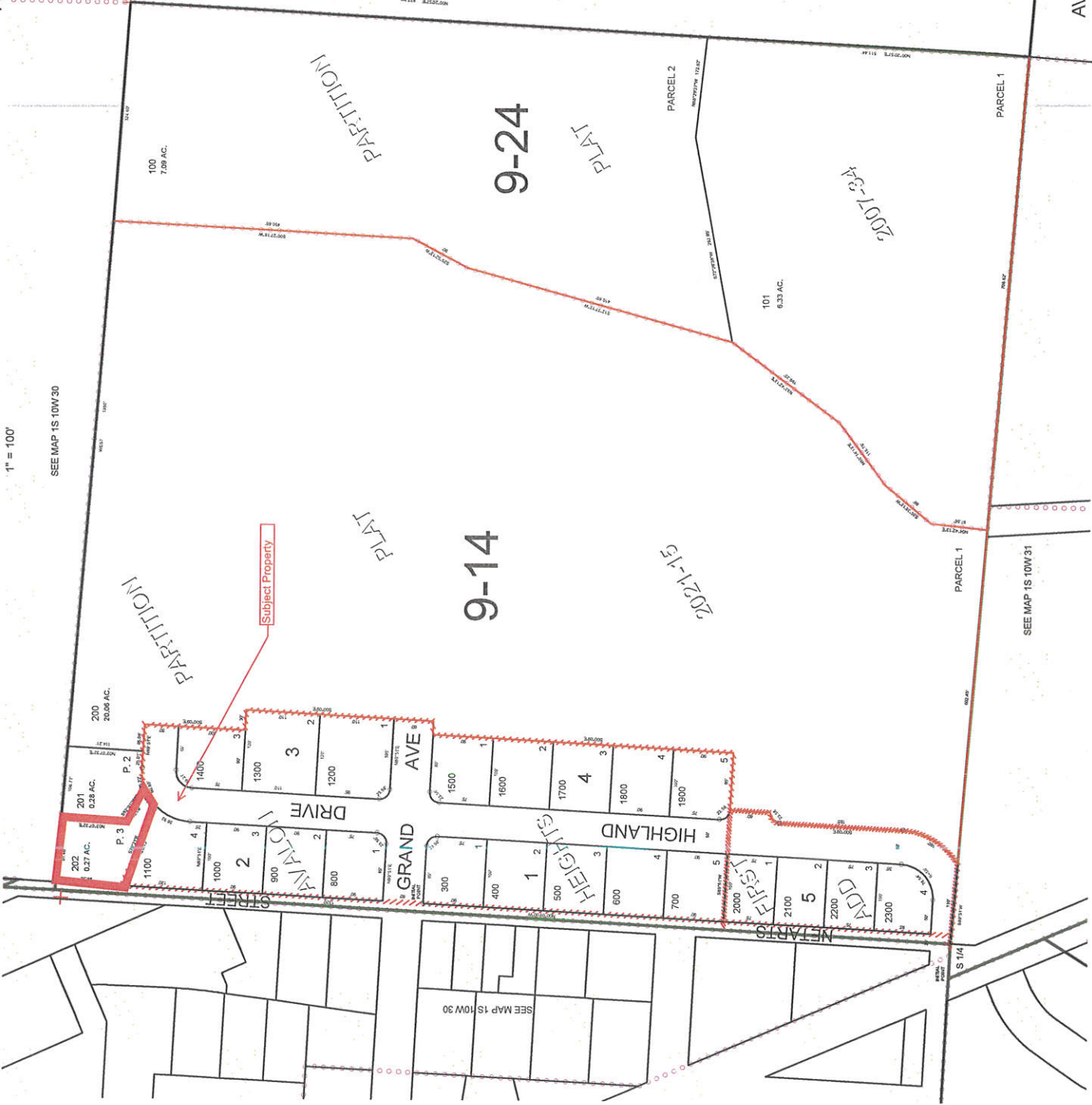
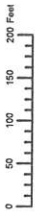
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

S.W.1/4 S.E.1/4 SEC.30 T.1S. R.10W. W.M.  
TILLAMOOK COUNTY

01S10W30DC  
AVALON HEIGHTS

01S10W30DC  
AVALON HEIGHTS

Revised 2/25/22, WS



SEE MAP 1S 10W 30

SEE MAP 1S 10W 30

SEE MAP 1S 10W 31

SEE MAP 1S 10W 30

S 1/4

# National Flood Hazard Layer FIRMette

123°57'47"W 45°27'23"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**

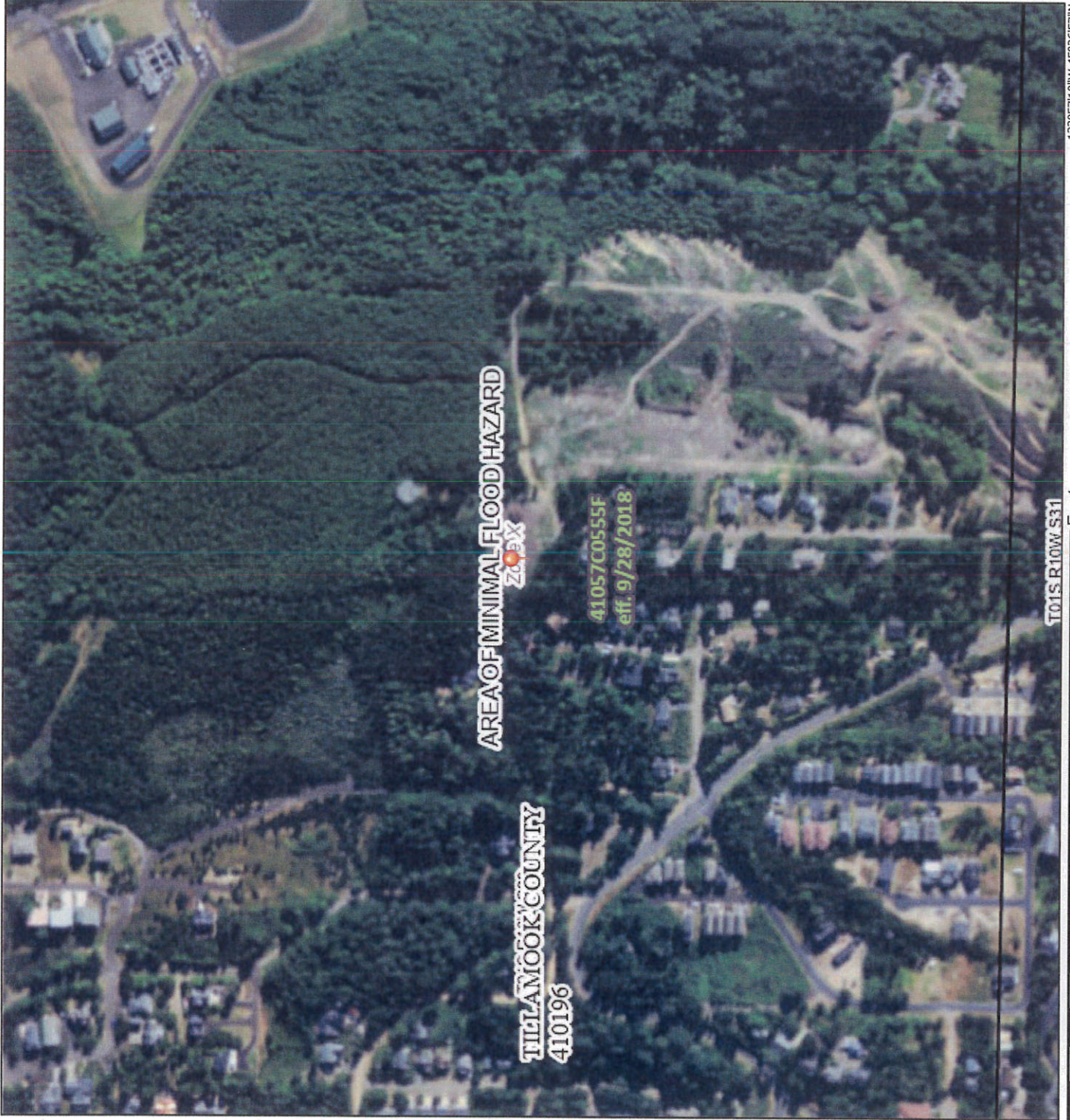
- Digital Data Available
- No Digital Data Available
- Unmapped

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 **10/19/2022 at 4:05 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, FIRW panel number, and FIRW effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



1:6,000

123°57'10"W 45°26'57"N

# Hakes B&D Overlay



**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.

Printed 10/19/2022

# EXHIBIT B



## PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	
<b>RECEIVED</b>	
MAY 13 2022	
BY: .....	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees: 1089.00	
Permit No:	
851-22-00092-PLNG	

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

Name: Robert Hakes Phone: 503-318-1863  
 Address: 698 Somerset Rd.  
 City: Woodland State: WA Zip: 98674  
 Email: robert@roberthakescons.com

**Property Owner**

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

Request: Build a duplex on a single dwelling lot

**Type II**

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

**Type III**

- 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:**

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

Map Number: 1S 10W 30DC 202  
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.

Robert Hakes  
 Property Owner Signature (Required)

5-6-22  
 Date

Robert Hakes  
 Applicant Signature

5-6-22  
 Date

## CONDITIONAL USE REVIEW CRITERIA

A Conditional Use shall be granted if the applicant demonstrates that all of the following applicable criteria are satisfied.

- (1) The use is listed as a Conditional Use in the underlying zone, or in an applicable overlying zone.

The use is considered Conditional per Section 3.310 of the Residential ROS Zone:

“(3) USES PERMITTED CONDITIONALLY: In the ROS zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.

- (a) Two-family dwelling.”

- (2) The use is consistent with the applicable goals and policies of the Comprehensive Plan.

The use provides additional rental housing stock which is compliant with the Comprehensive Plan.

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

The parcel is oversized for a single-family residential use and all of the required set-backs are maintained with the proposed two-family use.

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

The use is in a new planned subdivision, has approval from the developer and will be consistent with the look and feel of the community

- (5) The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or windmills.

There are currently no solar energy systems or wind energy systems. The proposed use is situated as such to minimize the solar impact on adjacent lots.

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



The proposed use has been reviewed and approved by NOSD, Netarts Water District and the Netarts-Oceanside Fire District. The public roads are scheduled to be updated to County standards by the developer.



# EXHIBIT C

## Melissa Jenck

---

**From:** Lynn Tone  
**Sent:** Tuesday, August 16, 2022 8:10 AM  
**To:** Melissa Jenck  
**Subject:** FW: 851-22-000196-PLNG: HAKES DUPLEX

**From:** Ron Newton <[rnewton@co.tillamook.or.us](mailto:rnewton@co.tillamook.or.us)>  
**Sent:** Friday, August 12, 2022 11:04 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: 851-22-000196-PLNG: HAKES DUPLEX

Lynn

Application 851-22-000196 indicates plans to build a residential duplex adjacent to Highland Drive. Tillamook County Ordinance #44 Section II (D), requires multi-family residential construction to use the Commercial Road Approach as described in the ordinance.

The applicant should be directed to review Ordinance #44 Section VIII for details and to contact the Public Works office for application procedures to complete the formal Road Approach Approval 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

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**From:** Lynn Tone <[ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us)>  
**Sent:** Thursday, August 11, 2022 3:26 PM  
**To:** ESTES Brett DLCD <[Brett.ESTES@dlcd.oregon.gov](mailto:Brett.ESTES@dlcd.oregon.gov)>  
**Subject:** 851-22-000196-PLNG: HAKES DUPLEX

Please see attached pdf for Notice of Administrative Review.

Thank you