



1510 – B Third Street
Tillamook, Oregon 97141
www.tillamook.or.us
Building (503) 842-3407
Planning (503) 842-3408
Sanitation (503) 842-3409
FAX (503) 842-1819
Toll Free 1(800) 488-8280

Land of Cheese, Trees and Ocean Breeze

RIPARIAN & RESOURCE ZONE EXCEPTION REQUEST #851-22-00261-PLNG: MACKIN

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

NOTICE OF ADMINISTRATIVE REVIEW

Date of Notice: October 19, 2022

Notice is hereby given that the Tillamook County Department of Community Development is considering the following:

#851-22-000261-PLNG: An exception request to reduce the required 50-foot riparian setback from the Trask River 26-feet and establish a 24-foot riparian setback together with a request to reduce the required 100-foot setback from the Small Farm and Woodlot 20-Acre resource zone boundary to 24-feet to allow for the construction of a single-family dwelling.

The subject property is accessed via Trask River Road, a County road, is located east of the City of Tillamook, is zoned Rural Residential 2-Acre and is designated as Tax Lot 300 in Section 36AC of Township 1 South, Range 8 West of the Willamette Meridian, Tillamook County, Oregon. The applicant and property owner is Chris Mackin.

Written comments received by the Department of Community Development prior to 4:00p.m. on November 2, 2022, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than November 3, 2022

Notice of the application, a map of the subject area, and the applicable criteria are being mailed to all property owners within 250 feet of the exterior boundaries of the subject parcel for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

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.

If you have any questions about this application, please call the Department of Community Development at 503-842-3408 Ext. 3412 or ltone@co.tillamook.or.us.

Sincerely,

Sarah Absher, CFM, Director

Enc. Applicable Ordinance Criteria, Maps

REVIEW CRITERIA

SECTION 3.010: RURAL RESIDENTIAL 2 ACRE AND 10 ACRE ZONE (RR-2) (RR-10) (4) STANDARDS: Land divisions and development in the RR-2 and RR-10 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

...

- (f) The minimum front yard shall be 20 feet.
- (g) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.
- (h) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 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.

...

- (k) *No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100-foot requirement. In either case, all yard requirements in this zone shall still apply.*

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.

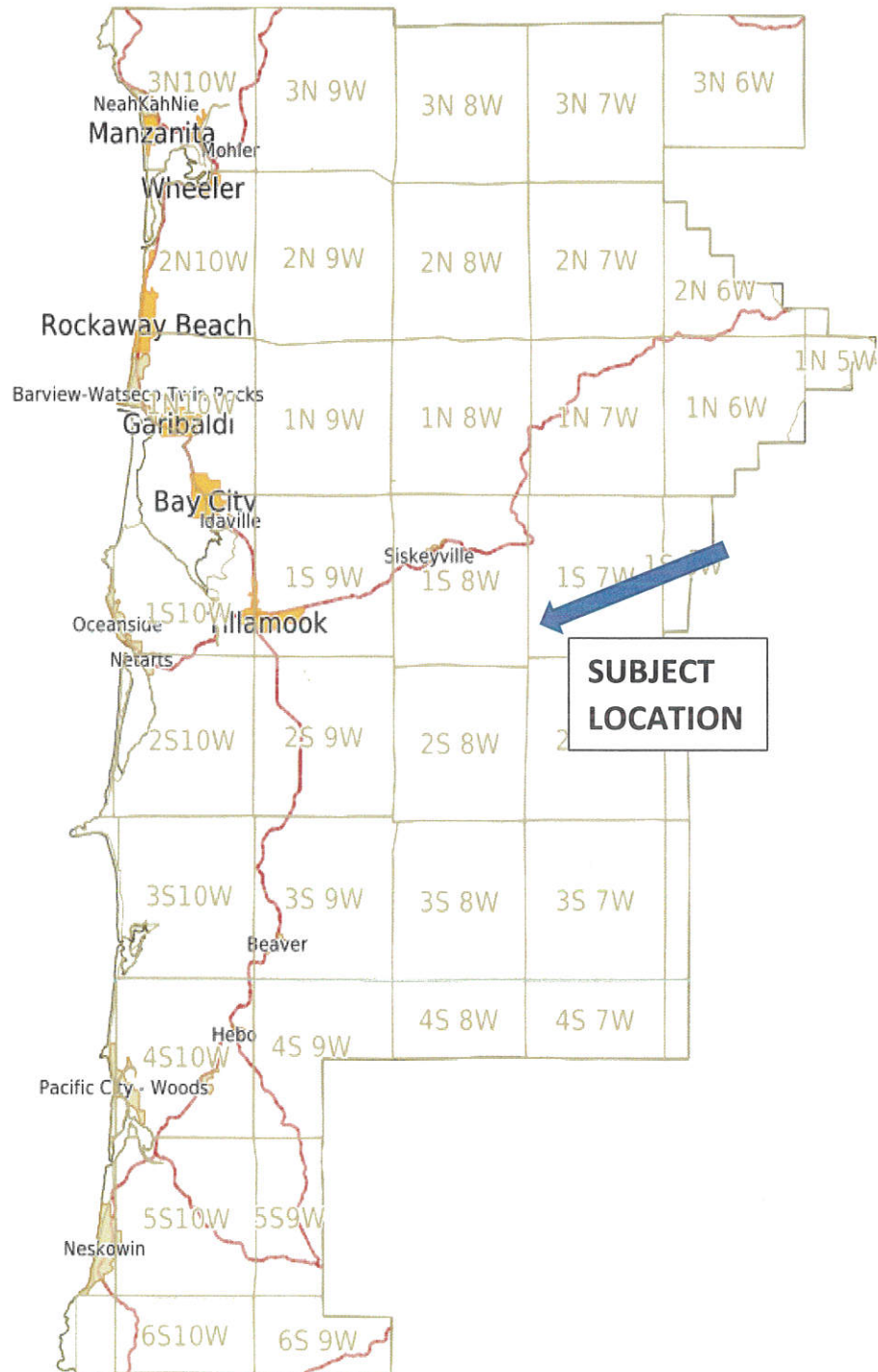
(2) All development shall be located outside of areas listed in (1) above, unless:

...

- (c) Because of natural features such as topography, a narrower riparian area protects equivalent habitat values; or
- (d) A minimal amount of riparian vegetation is present and dense development in the general vicinity significantly degrades riparian habitat values.

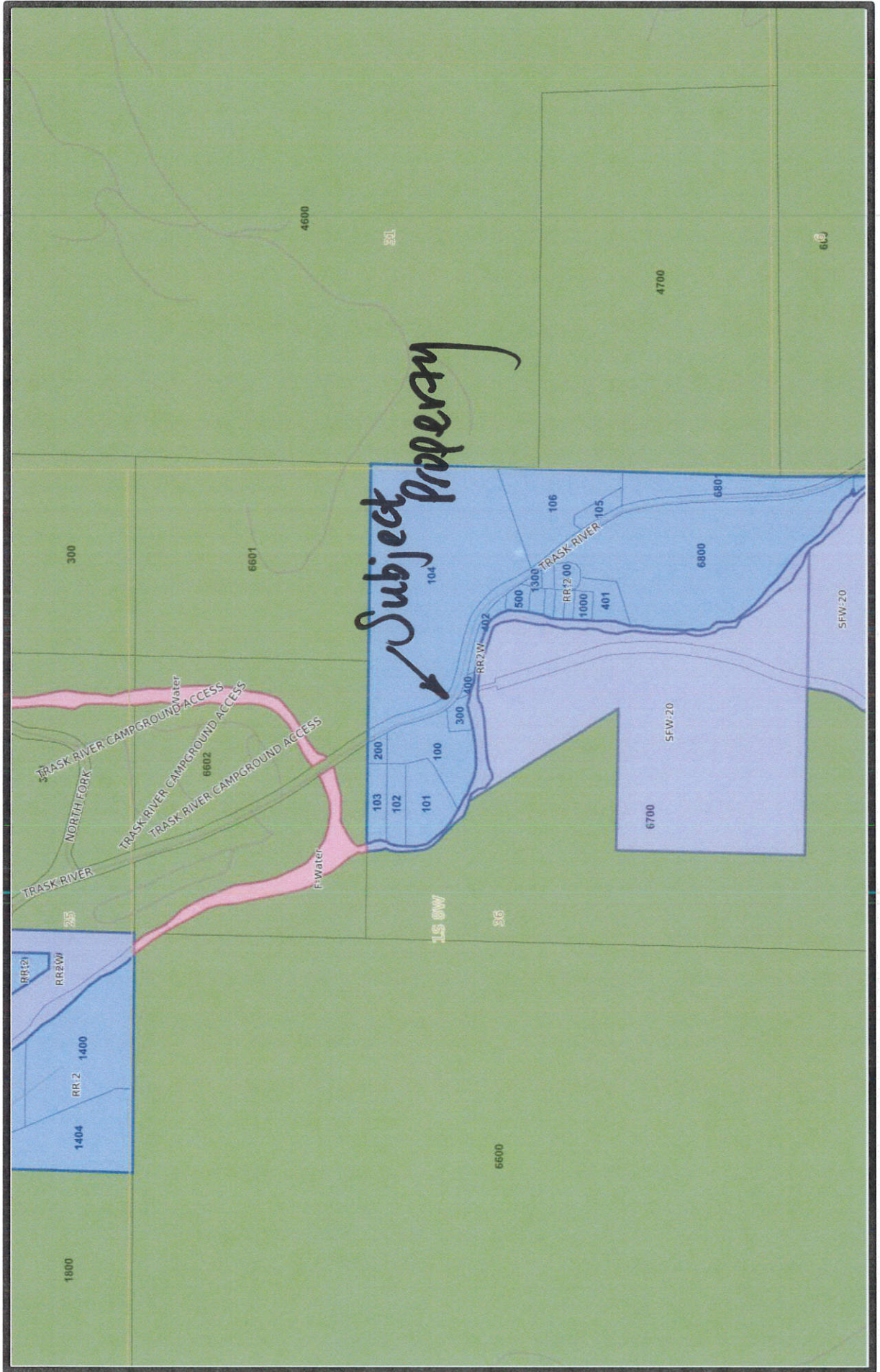
Setbacks may be reduced under the provisions of (c) and (d) above only if the threat of erosion will not increase and a minimum 20-foot setback is maintained. Determinations of habitat values will be made by the Oregon Department of Fish and Wildlife.

VICINITY MAP



#851-22-000261-PLNG: MACKIN

Map





PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)
 Name: CHRIS MACKIN Phone: 503-619-9012
 Address: 5437 SE FRANCES CT
 City: HILLSBORO State: OR Zip: 97123
 Email: MACKINEMAIL@GMAIL.COM

Property Owner
 Name: _____ Phone: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Email: _____

OFFICE USE ONLY	
Date Stamp	<u>JUL 21 2022</u> <u>Email</u>
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by:	<u>MT</u>
Receipt #:	
Fees:	<u>1015.-</u>
Permit No:	<u>851-22-0002101-PLNG</u>

Request: EXCEPTION TO RIPARIAN SETBACK

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

Location:
 Site Address: MILE MARKER 12 - TRASK RIVER RD.
 Map Number: TO1S RO8W Sec. 36AC LOT #300
Township Range Section Tax Lot(s)

Clerk's Instrument #: _____

Authorization

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

Property Owner Signature (Required) _____ Date 5/25/2022
 Applicant Signature _____ Date 5/25/2022

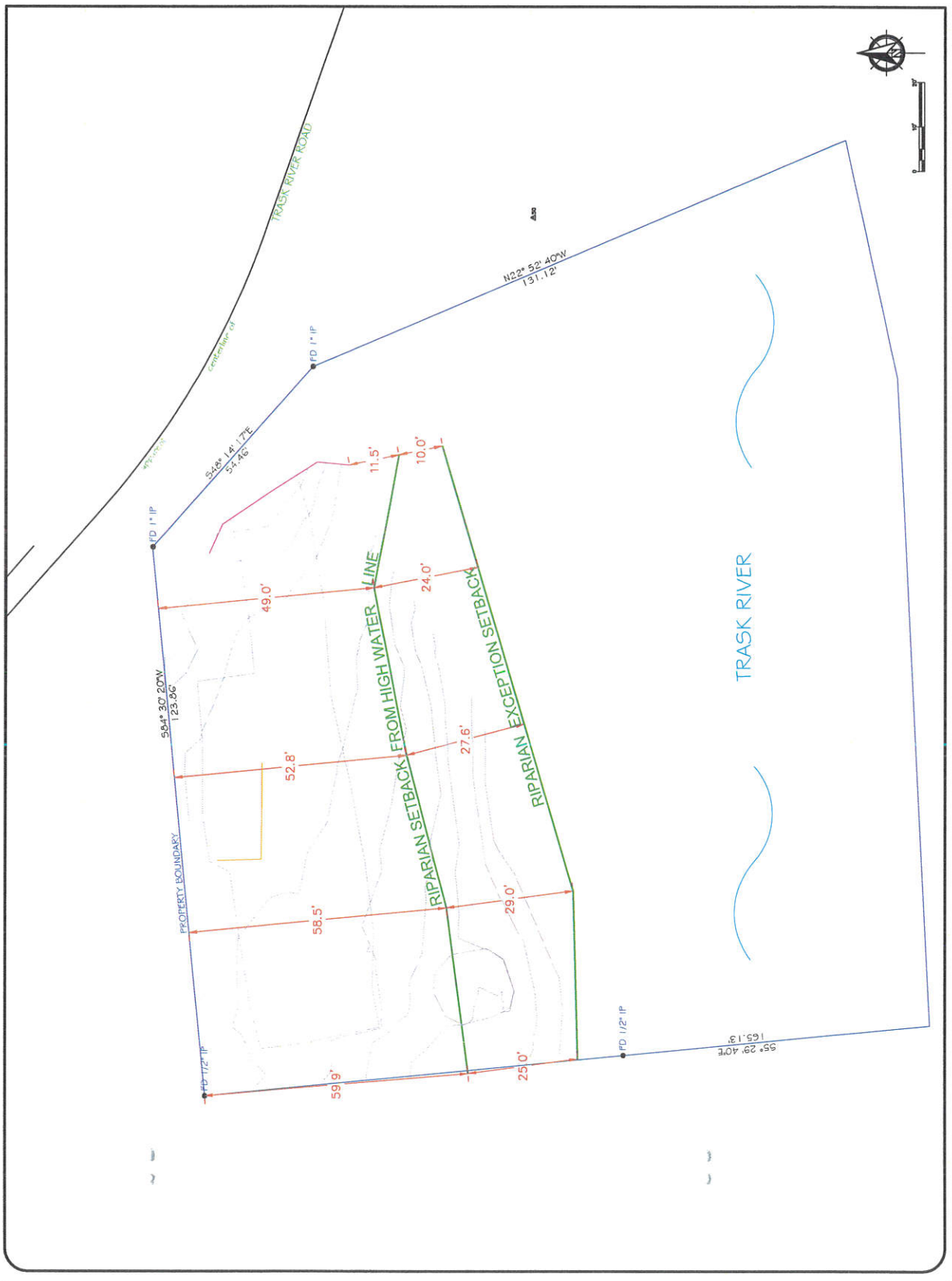
General Notes
NOT FOR CONSTRUCTION AS-BUILT ONLY

No.	Revisions/Issues	Date

Pibel Inc.
41660 Sunset Hwy
Banks, Oregon 97106

Project Name and Address
MACKIN PROPERTY

RIPARIAN SETBACK
Sheet Number
Date: 09/23/2022
Scale: 1" = 10'



Melissa Jenck

From: SINNOTT Michael * ODFW <Michael.SINNOTT@odfw.oregon.gov>
Sent: Friday, March 18, 2022 1:49 PM
To: Sarah Absher
Cc: BRADLEY Robert * ODFW; Chris Mackin
Subject: FW: Riparian Set back on Trask River
Attachments: Taxlot_Mackin.PNG; Trask riparian set back_Mackin.PNG; Trask riparian set back 2_Mackin.PNG

Hello again Sarah,

It appears I mis typed Mr. Mackin's email address on my first attempt. I have corrected it here.

Thank you,

Mike Sinnott
Assistant District Fish Biologist
Oregon Department of Fish and Wildlife
North Coast Watershed District
4907 Third St
Tillamook, OR 97141
503-842-2741 Ext. 18614

My email has recently changed to: Michael.SINNOTT@odfw.oregon.gov

From: SINNOTT Michael * ODFW
Sent: Friday, March 18, 2022 1:46 PM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Cc: BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov>; chris.mackin@phil-inc.com
Subject: Riparian Set back on Trask River

Good afternoon Sarah,

I had the pleasure of visiting Mr. Mackin's property on the South Fork Trask River today. Mr. Mackin, whom I've Cc'd on this email, had requested the 50 foot riparian set back be measured and marked on his property which I have done and pictures of the approximate set back are attached. For this site ODFW North Coast Watershed District would recommend the retention of all trees presently within the riparian set back in concurrence with the County's riparian protection ordinance. There is a small area within the set back which is currently developed (gravel or lawn); in which ODFW would not object to a variance of the riparian set back, but would request mitigation in the form of planted and maintained conifers within the setback area on the property. Should Mr. Mackin apply for a variance to the riparian set back please share the application with me so that I may recommend appropriate mitigation tree numbers to offset impacts.

Thank you and have a good weekend,

Mike Sinnott
Assistant District Fish Biologist
Oregon Department of Fish and Wildlife
North Coast Watershed District
4907 Third St

Tillamook, OR 97141
503-842-2741 Ext. 18614

My email has recently changed to: Michael.SINNOTT@odfw.oregon.gov





