



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 #851-22-000290-PLNG: MCNAUGHTON

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

January 18, 2023

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 January 18, 2023. 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 January 30, 2023**. This decision will become final on January 30, 2023, at 4:00pm unless an appeal is filed in accordance with Tillamook County Land Use Ordinance Article 10.

**Request:** A Non-Conforming Minor Review request to allow the replacement and expansion of a front yard deck and porch cover addition while maintaining the existing 3-foot, 1-inch front yard setback. *The existing dwelling maintains non-conforming setbacks and is a non-conforming structure.*

**Location:** The subject property is located at 4415 McMinnville Ave, a County road, within the Neskowin Unincorporated Community and is designated as Tax Lot 2900 in Section 25CC of Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon.

**Zone:** Neskowin High Density Urban Residential Zone (NeskR-3)

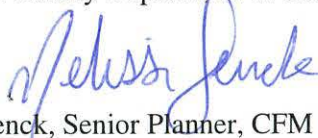
**Applicant/  
Property Owner:** Kathy McNaughton, 4415 McMinnville Ave, Neskowin, OR 97149

**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, 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. Applicant/Property owner shall adhere to the conditions of Floodplain Development Permit #851-22-000277-PLNG.
4. The applicant/property owner shall submit a site plan drawn to scale. The site plan shall include 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/Building Permit application submittal.
5. Applicant/property owner shall comply with the relevant standards of TCLUO Section 3.324: Neskowin High Density Urban Residential (NeskR-3) Zone and TCLUO Section 3.530: Beach and Dune Hazard Overlay.
6. 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/Building permit application submittal. Methods for management of stormwater and the erosion control plan may be included on the submitted site plan.
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

  
Melissa Jenck, Senior Planner, CFM

Sarah Absher, Director, CFM

Enc.: Vicinity, Assessor's and Zoning maps



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

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*Land of Cheese, Trees and Ocean Breeze*

**NON-CONFORMING MINOR REVIEW #851-22-000290-PLNG: McNaughton**

**ADMINISTRATIVE DECISION AND STAFF REPORT**

**DECISION: Approved with Conditions**

**DECISION DATE:** January 18, 2023

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

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**I. GENERAL INFORMATION:**

**Request:** A Non-Conforming Minor Review request to allow the replacement and expansion of a front yard deck and porch cover addition while maintaining the existing 3-foot, 1-inch front yard setback. *The existing dwelling maintains non-conforming setbacks and is a non-conforming structure.*

**Location:** The subject property is located at 4415 McMinnville Ave, a County road, within the Neskowin Unincorporated Community and is designated as Tax Lot 2900 in Section 25CC of Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon.

**Zone:** Neskowin High Density Urban Residential Zone (NeskR-3)

**Applicant/Property**

**Owner:** Kathy McNaughton, 4415 McMinnville Ave, Neskowin, OR 97149

**II. PROPERTY DESCRIPTION:**

According to Tillamook County Assessor's records, the subject property is approximately 0.06-acres and is developed with an existing two-story 1,282 square foot single-family dwelling (Exhibit A). Tillamook County Assessor's records indicated that the existing house was built in 1925 (Exhibit A).

The surrounding area is also zoned Neskowin High Density Urban Residential Zone (NeskR-3) and is developed with residential uses (Exhibit A). The subject property is located in FEMA Flood Zone 'AE' as depicted on FEMA FIRM 41057C1005F dated September 28, 2018 (Exhibit A). The subject property is located within a Stabilized

Foredune area subject to the requirements of the Beach and Dune Hazard Overlay contained within TCLUO Section 3.530.

The existing dwelling maintains an approximately 3-foot, 1-inch front yard setback, which does not conform to the 20-foot front yard setback required by the NeskR-3 zone standard (Exhibit B). The application is for a Non-Conforming Minor Review to expand the structure by adding a roof over an existing and new decks. The proposed development would continue to maintain the existing 3-foot, 1-inch front yard setback (Exhibit B).

### 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 3.324: Neskowin High Density Urban Residential (NeskR-3) Zone
- B. Section 3.510: Flood Hazard (FH) Overlay
- C. Section 3.530: Beach and Dune Hazard (BD) Overlay
- D. Article VII: Nonconforming Uses and Structures

### IV. ANALYSIS:

#### A. **Article III, Section 3.324:** Neskowin High Density Urban Residential Zone (NeskR-3)

(1) *PURPOSE:* The purpose of the NeskR-3 zone is to designate areas for a medium to high-density mix of dwelling types and other, compatible, uses. The NeskR-3 zone is intended for densely-developed areas or areas that are suitable for high density urban development because of level topography and the absence of hazards, and because public facilities and services can accommodate a high level of use.

(2) *USES PERMITTED OUTRIGHT:* In the NeskR-3 zone, the following uses and their accessory uses are permitted outright, and are subject to all applicable supplementary regulations contained in this ordinance.

(a) One, two, three, or four-family dwelling.

**Findings:** The property currently maintains an existing single-family dwelling. 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.

...

**Findings:** The existing dwelling is considered to be non-conforming as it does not meet the required 20-foot front yard setback from the northly property line abutting McMinnville Avenue. The existing dwelling and deck maintain a 3-foot, 1-inch setback at the closest location from the northerly property line as depicted on the submitted site plan (Exhibit B). Applicant is proposing an addition to the existing single-family dwelling (Exhibit B). The proposal includes replacing the existing decks within the front-yard, along with the addition of a roof to maintain a 3-foot 1-inch front yard (Exhibit B). An expansion of the roofline along the easterly side of the subject property will exceed the required five-foot side yard and therefore does not add non-conformity to the side-yard setback (Exhibit B).

Because the dwelling does not maintain the required 20-foot front yard setback as outlined in Subsection 4: Development Standards of TCLUO Section 3.324: Neskowin High Density Urban Residential Zone (NeskR-3) zone, the proposed expansions are subject to the provisions of TCLUO Article 7: Non-conforming uses and structures.

**B. Article III, 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 41057C1005F dated September 28, 2018, the subject property is located in an 'AE' Special Flood Hazard Area (Exhibit A). The existing dwelling and proposed expansion are proposed to be located entirely within the 'AE' zone (Exhibit B).

**Findings:** Staff finds that the existing dwelling and proposed expansion is subject to the standards and criteria of TCLUO Section 3.510 'Flood Hazard Overlay', as the improvements are to be located within the Special Flood Hazard Area. Staff find that the subject property is concurrently in review of a Floodplain Development Permit, #851-22-000277-PLNG, to ensure conformance with the standards and criteria of TCLUO Section 3.510. Staff will require as a Condition of Approval conformance to the conditions of the Floodplain Development Permit #851-22-000277-PLNG.

**C. Article III, Section 3.530 Beach and Dune Hazard Overlay**

The subject property is located in an area of mapped as Stabilized Foredune as mapped in the Department of Oregon Geology and Mineral Industries (DOGAMI) Open File report 0-20-13 (Exhibit A).

A Condition of Approval can be made to require demonstration of compliance with the provisions of TCLUO Section 3.530: Beach and Dune Hazard (BD) Overlay at the time of consolidated zoning and building permit application submittal. Demonstration of compliance may result in Dune Area Development Permit.

**D. 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. Expansion is defined as “Any increase in any external dimension of a structure, or any increase in land area devoted to a use.”

**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 Nonconforming 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 October 19, 2022. No comments were received for this request.

### **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 will not generate noise, vibration, dust, odor, fumes, flare or smoke at the property or offsite, and that there is no change in the number of vehicular trips for the work performed (Exhibit B).

Staff finds the subject property maintains an existing single-family residence (Exhibit B). The proposed expansion includes creating a roofline over an area of the subject property already dedicated with a deck (Exhibit B). Staff finds that the proposed continued use of a residence 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 areas, and areas dedicated to loading and parking are not affected by the proposed expansion (Exhibit B). Applicant states visually the impact will be the new roof which will cover the existing decks on the property (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 states that there will be no change in existing vegetation and no increased impervious area for drainage (Exhibit B).

The subject property is located in an area of mapped as Stabilized Fore-dune as mapped in the Department of Oregon Geology and Mineral Industries (DOGAMI) Open File report 0-20-13 (Exhibit A).

A Condition of Approval can be made to require demonstration of compliance with the provisions of TCLUO Section 3.530: Development Requirements for Geologic Hazard Areas at the time of consolidated zoning and building permit application submittal. Demonstration of compliance may result in Dune Area Development Permit. 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 the existing area proposed for the new roofline is an area currently covered in decks and impervious surfaces (Exhibit A & B). Staff find that compliance with stormwater management requirements contained within TCLUO Section 3.530 and TCLUO Section 5.100 are adequate to address effects of water drainage that may occur as part of this expansion.

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 an existing residential dwelling intended to provide additional rain protection (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:** Applicant states the proposed work is in line with the character and use of the surrounding area (Exhibit B). County records indicate the single-family dwelling has existed on the subject property since 1925, 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 decks are more than 6-feet in distance from buildings on the subject property and adjacent properties, 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, and no further encroachment toward the road right-of-way is being created (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 January 30, 2023.**

**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, 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.
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5. Applicant/property owner shall comply with the relevant standards of TCLUO Section 3.324: Neskowin High Density Urban Residential (NeskR-3) Zone and TCLUO Section 3.530: Beach and Dune Hazard Overlay.
6. 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/Building permit application submittal. Methods for management of stormwater and the erosion control plan may be included on the submitted site plan.
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.

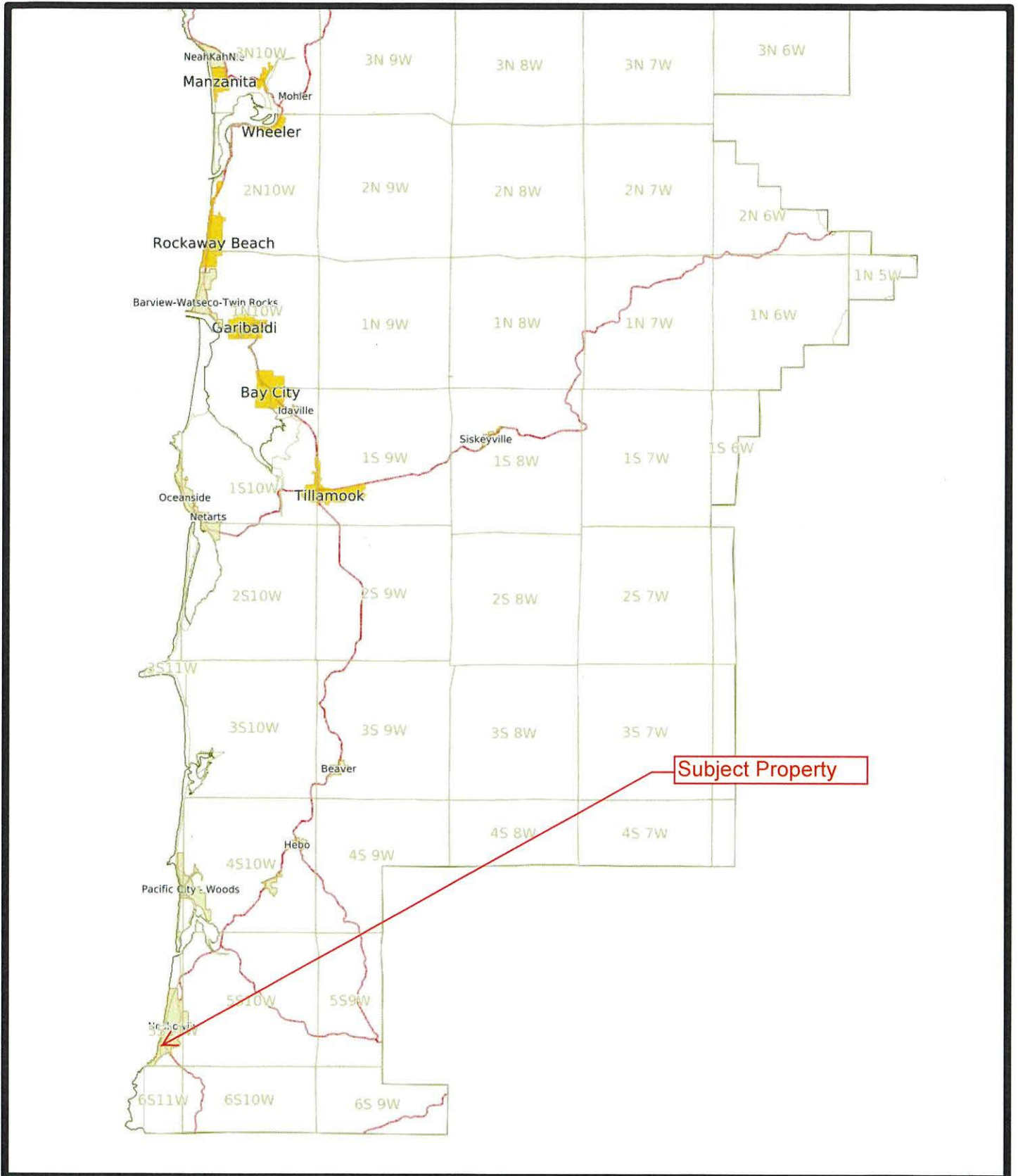
**VI. EXHIBITS**

- A. Vicinity map, Assessor's map, Zoning map, Tax Assessor's Summary Report, Wetlands and FEMA FIRM
- B. Applicant's Submittal

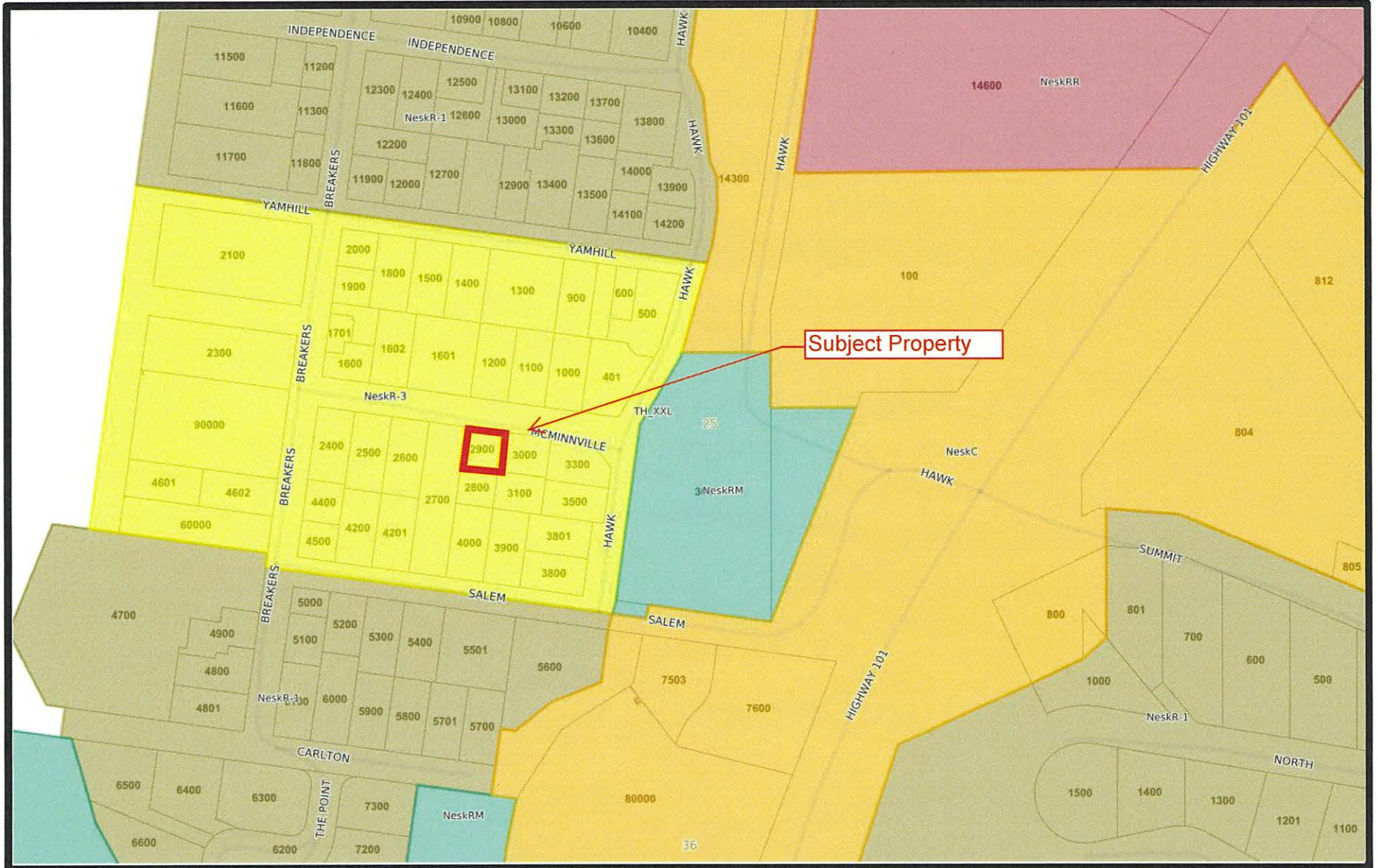


# EXHIBIT A

# Vicinity Map



# Zoning Map



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

0 50 100 150 200 Feet  
1" = 100'

S.W.1/4 S.W.1/4 SEC.25 T.5S. R.11W. W.M.  
TILLAMOOK COUNTY



22-7

Subject Property

CANCELLED  
 3200  
 200  
 2200  
 5500  
 7501  
 3701  
 3700  
 3400  
 3600  
 7700  
 7502  
 4300  
 4100  
 7900  
 2401  
 801  
 7500  
 70001 THRU 70032  
 400  
 800  
 4600  
 8000

05S11W25C  
NESKOWIN  
Revised 8/12/0

# TILLAMOOK County Assessor's Summary Report

## Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

January 18, 2023 10:25:56 am

Account # 247432  
 Map # 5S1125CC02900  
 Code - Tax # 2207-247432

Tax Status ASSESSABLE  
 Acct Status ACTIVE  
 Subtype NORMAL

Legal Descr NESKOWIN  
 Block - 14 Lot - 22 NORTH HALF

Mailing Name MACNAUGHTON, KATHLEEN &  
 Agent  
 In Care Of MCCLURE, MARTHA LEWIS  
 Mailing Address 2521 NE 19TH ST  
 PORTLAND, OR 97212

Deed Reference # 2020-6049  
 Sales Date/Price 09-09-2020 / \$410,000.00  
 Appraiser EVA FLETCHER

Prop Class 101 MA SA NH Unit  
 RMV Class 101 09 ST 991 19383-1

Situs Address(s)	Situs City
ID# 1 4415 MC MINNVILLE AVE	COUNTY

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
2207	Land 261,650			Land 0	
	Impr. 163,450			Impr. 0	
<b>Code Area Total</b>	<b>425,100</b>	<b>220,360</b>	<b>220,360</b>	<b>0</b>	
<b>Grand Total</b>	<b>425,100</b>	<b>220,360</b>	<b>220,360</b>	<b>0</b>	

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			Trended RMV
						TD%	LS	Size	
2207					LANDSCAPE - FAIR	100			500
2207	1	<input checked="" type="checkbox"/>		NESKR-3	Market	104	A	0.06	237,950
2207					OSD - AVERAGE	100			23,200
<b>Grand Total</b>								0.06	<b>261,650</b>

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Trended RMV
					TD%	Total Sq. Ft.	Ex% MS Acct #	
2207	1	1925	135	Two story or more	123	1,282		163,450
<b>Grand Total</b>							<b>1,282</b>	<b>163,450</b>

Exemptions / Special Assessments / Potential Liability							
Code Area 2207							
<b>SPECIAL ASSESSMENTS:</b>							
■ SOLID WASTE		Amount	12.00	Acres	0	Year	2021

Comments: 5/9/03 New 2 story addn complete. dv. 03/10/14 Reappraised land, tabled values.ef

# National Flood Hazard Layer FIRMeTte



123°59'19"W 45°6'25"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

OTHER FEATURES	
	20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
	17.5
	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

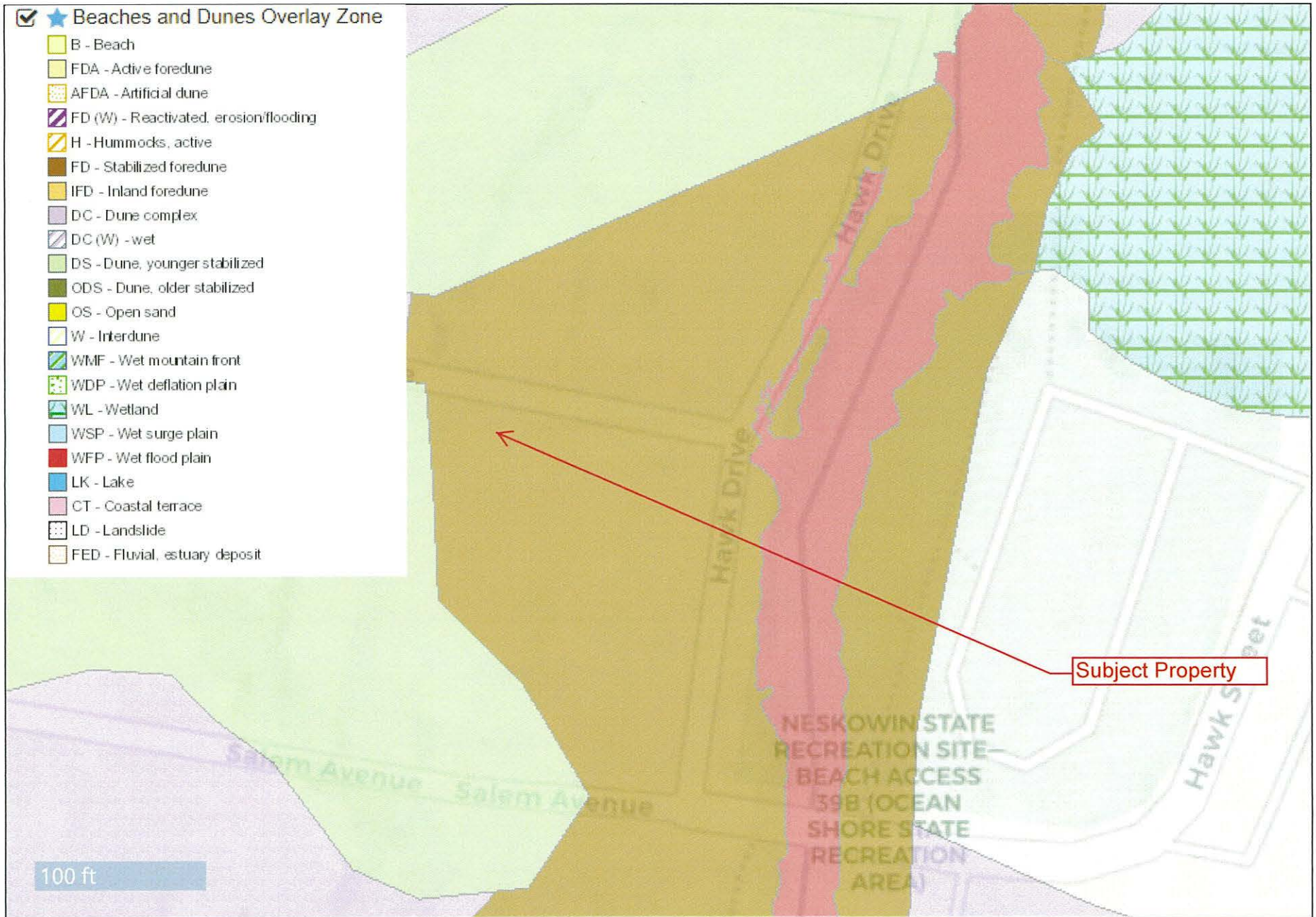
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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 1/18/2023 at 1:26 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

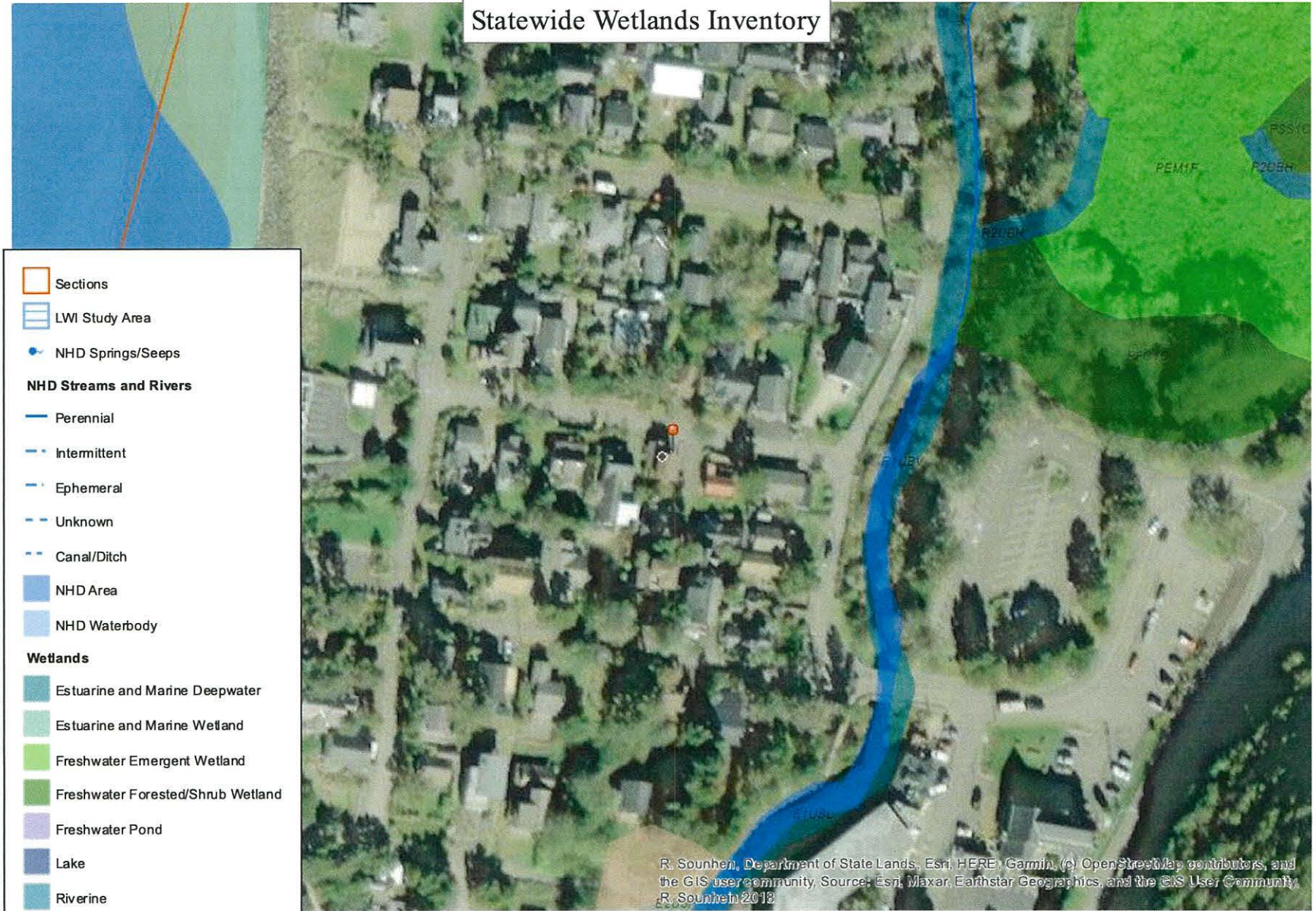
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

# 4415 McMinnville Ave



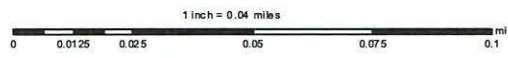
**Disclaimer:** The spatial information hosted at this website was derived from a variety of sources. Care was taken in the creation of these themes, but they are provided "as is". The state of Oregon, or any of the data providers cannot accept any responsibility for errors, omissions, or positional 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.

# 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
-  SWIPredominantlyHydricSoilMU
-  SWIAGateWinlo

R. Sounther, Department of State Lands, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, R. Sounther 2018



The Statewide Wetlands Inventory (SWI) represents the best data available at the time this map was published and is updated as new data becomes available. In all cases, actual field conditions determine the presence, absence and boundaries of wetlands and waters (such as creeks and ponds). An onsite investigation by a wetland professional can verify actual field conditions.



Date: 11/18/2023



State of Oregon  
 Department of State Lands  
 775 Summer Street, NE, Ste 100  
 Salem, OR 97301-1279  
 (503) 986-5200



# EXHIBIT B



## PLANNING APPLICATION

OFFICE USE ONLY
Date Stamp
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by:
Receipt #: 1271262
Fees: 1300.5
Permit No: 851-22 - 0002970-PLNG

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

Name: Kathy McNaughton Phone: 503.781.1492

Address: 4415 McMinnville Ave

City: Neskowin State: OR Zip: 97149

Email: kathym@macgroup.com

Also copy: Simone Goldfeder/ Constructive Form as co-applicant: sgoldfeder@constructiveform.com.

### Property Owner

Name: Kathy McNaughton Phone: 503.781.1492

Address: 4415 McMinnville Ave

City: Neskowin State: OR Zip: 97149

Email: kathym@macgroup.com

Request: Minor review. Small deck, porch replacement in front setback with new roof cover. Similar porch deck size with increase of in SF of approx. 10 SF.

### 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:

Site Address: 4415 McMinnville Ave, Neskowin OR 97149

Map Number:	5S	11	25CC	02900
	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.

*Kathy MacNaughton*

Property Owner Signature (Required)

7/12/2012 | 11:30:16 AM PDT

Applicant Signature

Date

12 July 2022

**Tillamook County of Community Development**

**Project Address: 4415 McMinnville Ave, Neskowin, OR 97149**

**Re: Minor Review application for proposed deck replacement**

**To whom it may concern:**

**Please find attached our Narrative and response to the Minor Review criteria, illustrating that the proposed work meets the criteria.**

**Project summary:**

**Replacement of existing front deck/ porch in front property setback. New roof cover to be added for rain protection.**

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

**Criteria:**

**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;

**PROPOSED: NO Noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line or off-site due to the proposed work.**

2. Numbers and kinds of vehicular trips to the site;

**PROPOSED: NO change in numbers and kinds of vehicular trips to the site.**

3. Amount and nature of outside storage, loading and parking;

**PROPOSED: NO change in amount and nature of outside storage, loading and parking.**

4. Visual impact;

**PROPOSED: Proposed deck replacement and new porch roof cover will improve the exterior aspect of the existing structure.**

5. Hours of operation;

**PROPOSED: Not Applicable.**

6. Effect on existing vegetation;

**PROPOSED: Not Applicable.**

7. Effect on water drainage and water quality;

**PROPOSED: NO change in impervious area and water drainage.**

8. Service or other benefit to the use or structure provides to the area; and

**PROPOSED: Not Applicable. Provides a more visually appealing structure and functional for coastal location.**

9. Other factors relating to conflicts or incompatibility with the character or needs of the area.

**PROPOSED: Proposed deck replacement and porch cover is voluntary and the improvement and upgrade helps improves the existing quality and character of the house and area. The covered area contributes to the functional use and protection from rain and is in line and responsive to the coastal climate and location.**

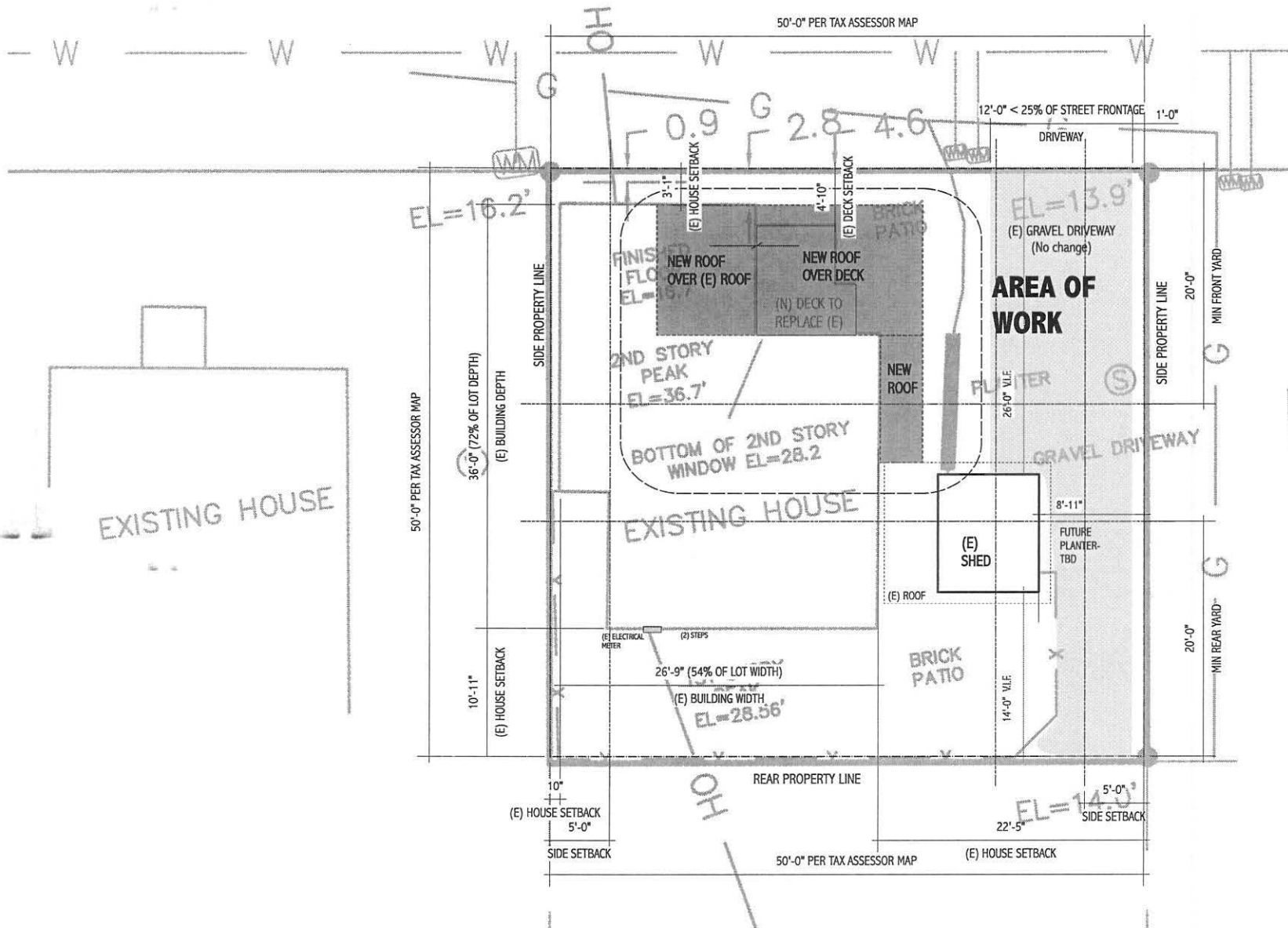
i. The character and history of the use and of development in the surrounding area.

**PROPOSED: Proposed deck replacement and porch cover is voluntary and the improvement and upgrade helps improves the existing quality and character of the house and area. The covered area contributes to the functional use and protection from rain and is in line and responsive to the coastal climate and location. The proposed minor work is in-line with the character and history of the use and development of the surrounding area.**

j.

**PROPOSED: The request shall maintain a minimum separation of six feet between structures and comply with the clear vision area of Section 4.010. The proposed deck replacement faces the street R.O.W.**

**See attached SITE PLAN.**



Project:  
**NESKOWIN  
 BEACH**

DECK replacement

Address:  
 4415 McMinnville Ave  
 Neskowin, OR 97149

Owner:  
 Kathy McNaughton  
 2521 NE 19th Ave.  
 Portland, OR 97212

Contact:  
 503.781.1492  
 kathy@macgroup.net

Architect:  
 Constructive Form  
 Architecture and Design LLC  
 5744 E Burnside - Studio 102  
 Portland OR 97215

Contact: Simone Goldfeder  
 Tel 503.894.9638  
 info@constructiveform.com



Consultants:

Structural:  
 Grummel Engineering Inc.  
 920 SW 3rd Ave Suite 200  
 Portland, OR 97204

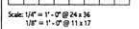
Contact: Jesse Wolfe  
 Tel 503.244.7014  
 www.grummelengineering.com

Consultant:  
 XXX  
 XXX

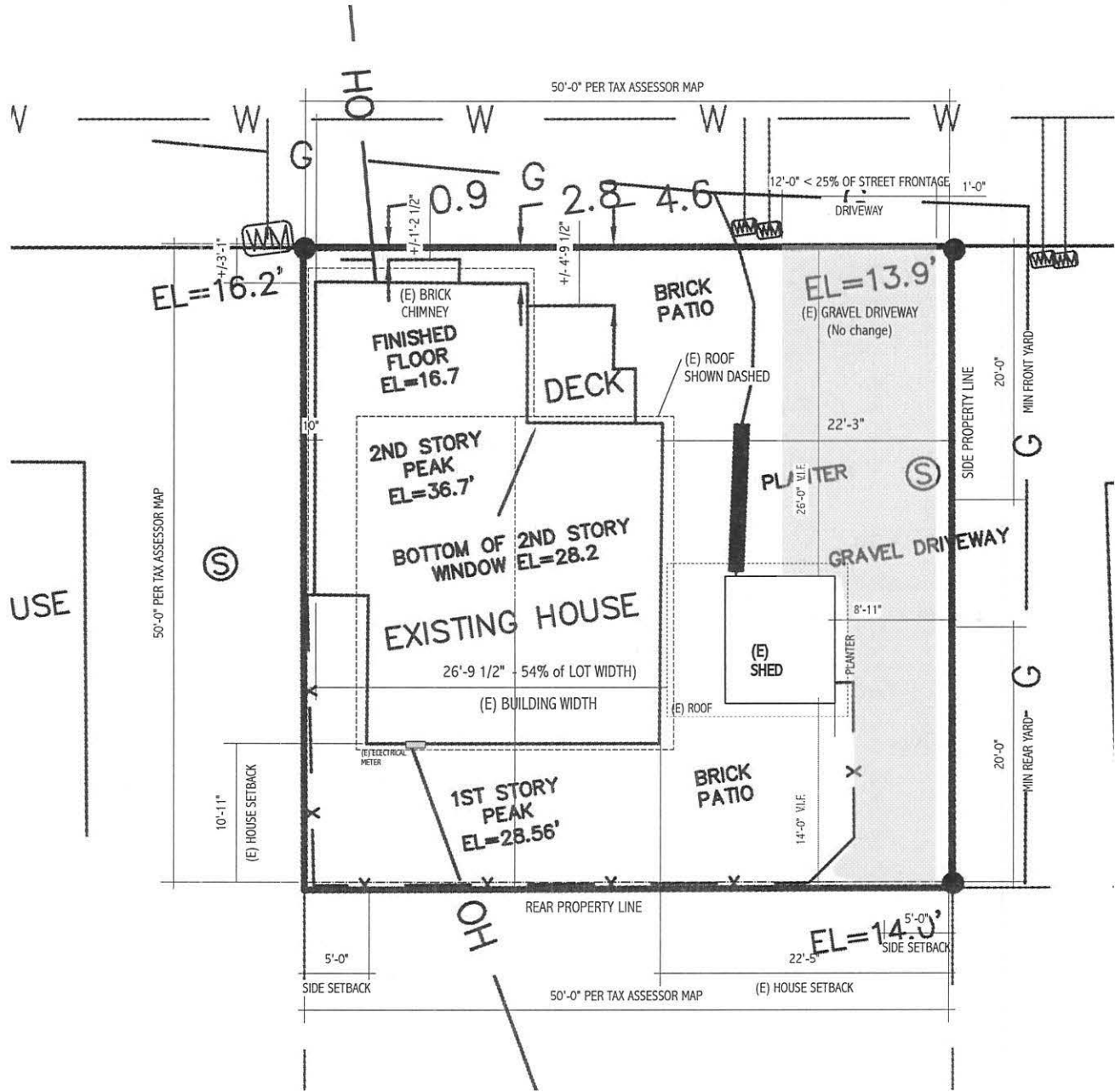
Contact:  
 Tel 503.XXX.XXXX  
 XXX

Project: Neskowin Beach Renovation  
 Issued: 08 JULY 2022

Permit Set



**A2.0**  
 Site Plan



**Project:**  
**NESKOWIN BEACH**

**DECK replacement**

**Address:**  
 4415 McMinville Ave  
 Neskowin, OR 97219

**Owner:**  
 Kathy McNaughton  
 2571 NE 19th Ave.  
 Portland, OR 97212

**Contact:**  
 503.781.1492  
 kathy@kmacgroup.net

**Architect:**  
**Constructive Form**  
 Architecture and Design LLC  
 5744 E Burnside - Studio 102  
 Portland OR 97215

**Contact:** Simone Goldfeder  
 Tel 503.894.9638  
 sim@constructiveform.com



**Consultants:**  
**Structural:**  
**Grummel Engineering Inc.**  
 920 SW 3rd Ave Suite 200  
 Portland, OR 97204

**Contact:** Jesse Wolfe  
 Tel 503.244.7014  
 www.grummelengineering.com

**Consultant:**  
 XXX  
 XXX

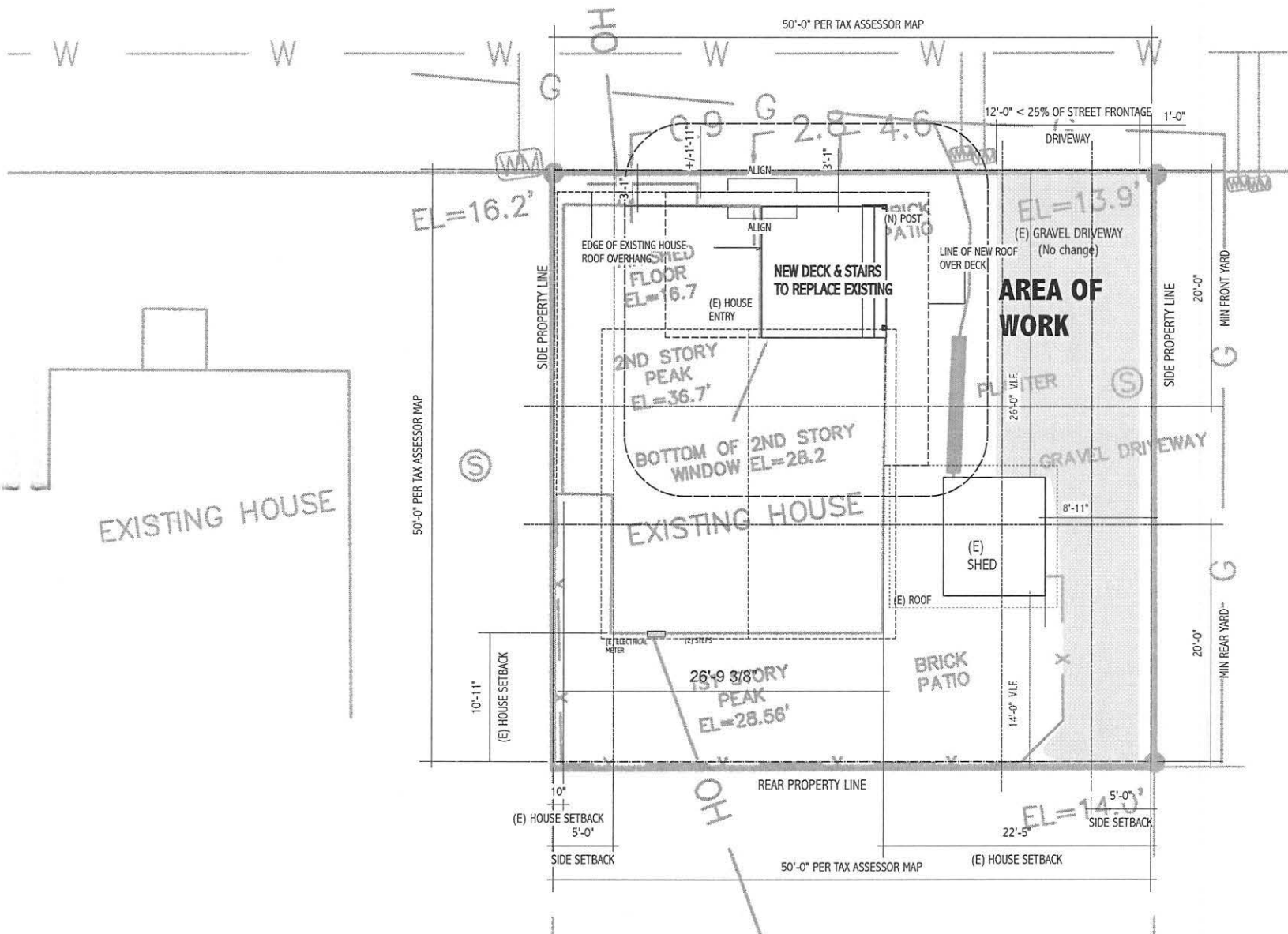
**Contact:**  
 Tel 503.XXX.XXXX  
 XXX

**Project:** Neskowin Beach Renovation  
**Issued:** 20 JULY 2022

**Permit Set**  
 Scale: 1/4" = 1'-0" @ 24 x 36  
 1/8" = 1'-0" @ 11 x 17



**A1.2**  
**Existing Site Plan**



**Project**  
**NESKOWIN**  
**BEACH**

DECK replacement

Address:  
 4415 McMinville Ave  
 Neskowin, OR 97149

Owner:  
**Kathy McNaughton**  
 2521 NE 19th Ave.  
 Portland, OR 97212  
 Contact:  
 503.781.1492  
 kathy@kathygroup.com

Architect:  
**Constructive Form**  
 Architecture and Design LLC  
 5744 E Burnside - Studio 102  
 Portland OR 97215  
 Contact: Simone Goldfeder  
 Tel 503.894.9638  
 info@constructiveform.com



Consultants:  
**Structural**  
**Grunnel Engineering Inc.**  
 920 SW 3rd Ave Suite 200  
 Portland, OR 97204  
 Contact: Jesse Wolfe  
 Tel 503.244.7014  
 www.grunnelengineering.com

Consultant:  
 XXX  
 XXX  
 Contact:  
 Tel 503.XXX.XXXX  
 XXX

Project: Neskowin Beach Renovation  
 Issued: 20 JULY 2022

Permit Set  
 Scale: 1/4" = 1'-0" @ 24 x 36  
 1/8" = 1'-0" @ 11 x 17



**A2.0**  
**Proposed Site Plan**

Project  
**NESKOWIN  
 BEACH**

**DECK replacement**

**Address:**  
 4450 Neskowin Ave  
 Neskowin, OR 97149

**Owner:**  
 Kathy McLaughlin  
 2521 NE 17th Ave  
 Portland, OR 97212

**Contact:**  
 503.781.1492  
 klm17@comcast.net

**Architect:**  
 Constructive Form  
 LLC  
 5744 E Burnside - Suite 102  
 Portland OR 97215

**Contact:** Simon Galkaber  
 Tel: 503.854.9638  
 sim@constructivem.com



**Consultants**

**Structural:**  
 Gramma Engineering Inc.  
 900 SW 10th  
 Portland, OR 97204

**Contact:** Jesse Mills  
 Tel: 503.244.2014  
 www.grammaengineering.com

**Consultant**

**XXX**  
 XXX  
 XXX

**Contact:**  
 Tel: 503.XXX.XXXX  
 XXX

**Project:** Neskowin Beach Renovation  
**Issued:** 20 JULY 2022

**Permit Set**

Scale: as laid



**A0.0**  
 Existing Photos

