



**VARIANCE REQUEST #851-22-000418-PLNG:
SLAVENS**

*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: March 31, 2023**

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

#851-22-000418-PLNG: A Variance request to reduce the required 20-foot rear yard setback to a fifteen (15) foot rear yard setback, in conjunction with an exception request to reduce the required 100-foot resource zone setback from the Farm (F-1) zone boundary to 20-foot setback, to allow for the placement of a residential structure (single-family dwelling). The subject property is located east of the Unincorporated Community of Beaver accessed via Blaine Road, a County road, zoned Rural Residential 2-Acre (RR-2) Zone and designated as Tax Lot 800 of Section 27, Township 3 South, Range 9 West, W.M., Tillamook County, Oregon. The applicant and property owner are Lucas Slavens.

Written comments received by the Department of Community Development prior to 4:00 p.m. on April 14, 2023, 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 the next business day, April 17, 2023.

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 at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. They are also available on the Tillamook County Department of Community Development website: <https://www.co.tillamook.or.us/commdev/landuseapps>.

If you have any questions about this application, please contact the Department of Community Development at (503) 842-3408 ext. 3412 or by contacting Lynn Tone, DCD Office Specialist, at ltone@co.tillamook.or.us.

Sincerely,

Melissa Jenck, CFM, Senior Planner

Sarah Absher, CBO, CFM, Director

Enc. Maps and applicable ordinance criteria

REVIEW CRITERIA

ARTICLE VIII - VARIANCE PROCEDURES AND CRITERIA

SECTION 8.030: REVIEW CRITERIA: A VARIANCE shall be granted, according to the procedures set forth in Section 8.020, if the applicant adequately demonstrates that the proposed VARIANCE satisfies all of the following criteria:

- (1) Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.
- (2) A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.
- (3) The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.
- (4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.

SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards is the following:

- (1) To ensure the availability of private open space;
- (2) To ensure that adequate light and air are available to residential and commercial structures;
- (3) To adequately separate structures for emergency access;
- (4) To enhance privacy for occupants of residences;
- (5) To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;
- (6) To ensure that driver visibility on adjacent roads will not be obstructed;
- (7) To ensure safe access to and from common roads;
- (8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;
- (9) To separate potentially incompatible land uses;
- (10) To ensure access to solar radiation for the purpose of alternative energy production.

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:

...

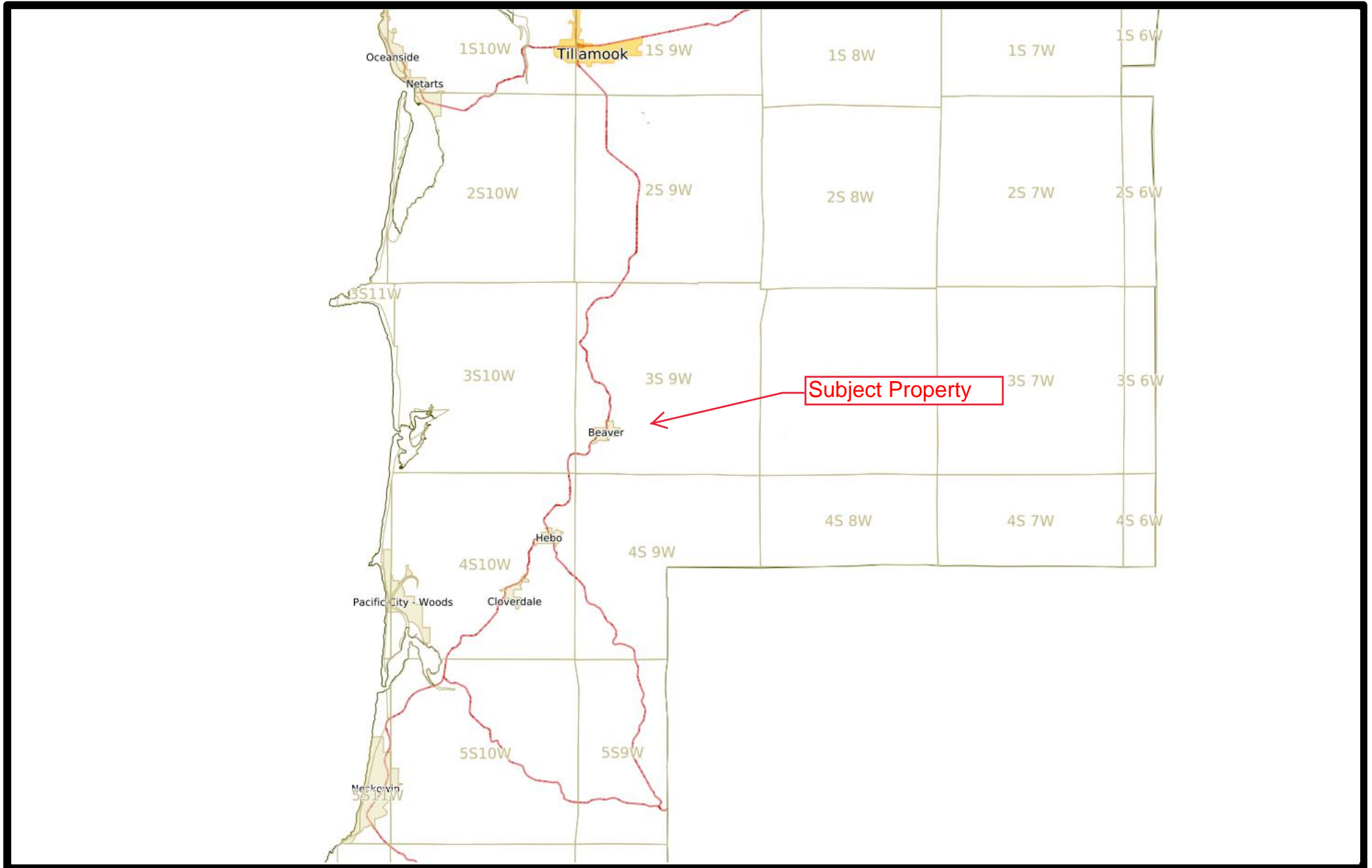
- (f) The minimum front yard shall be 20 feet.
- (g) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.
- (h) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.
- (i) The maximum building height shall be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

...

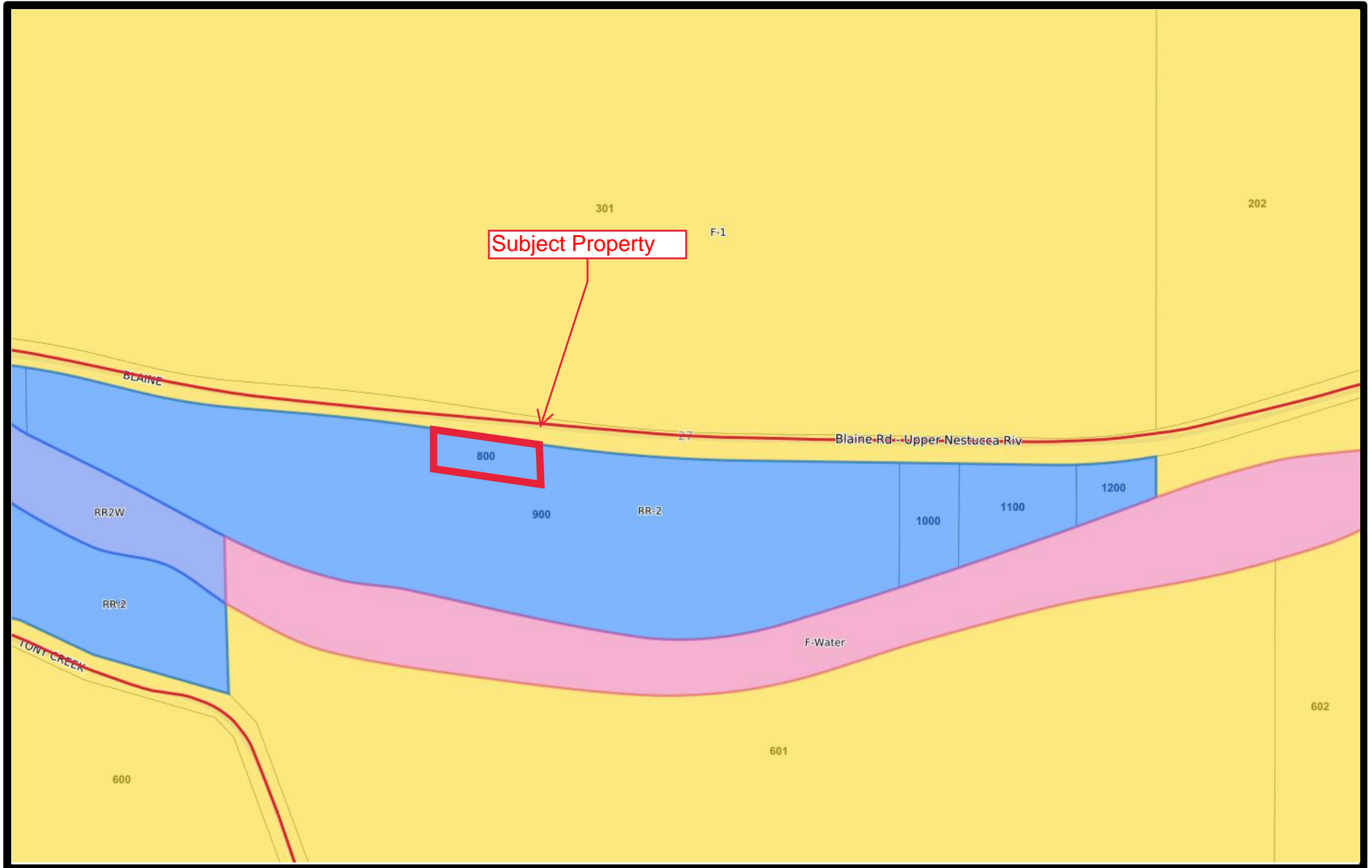
- (k) *No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not 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.*

EXHIBIT A

Vicinity Map



Zoning Map



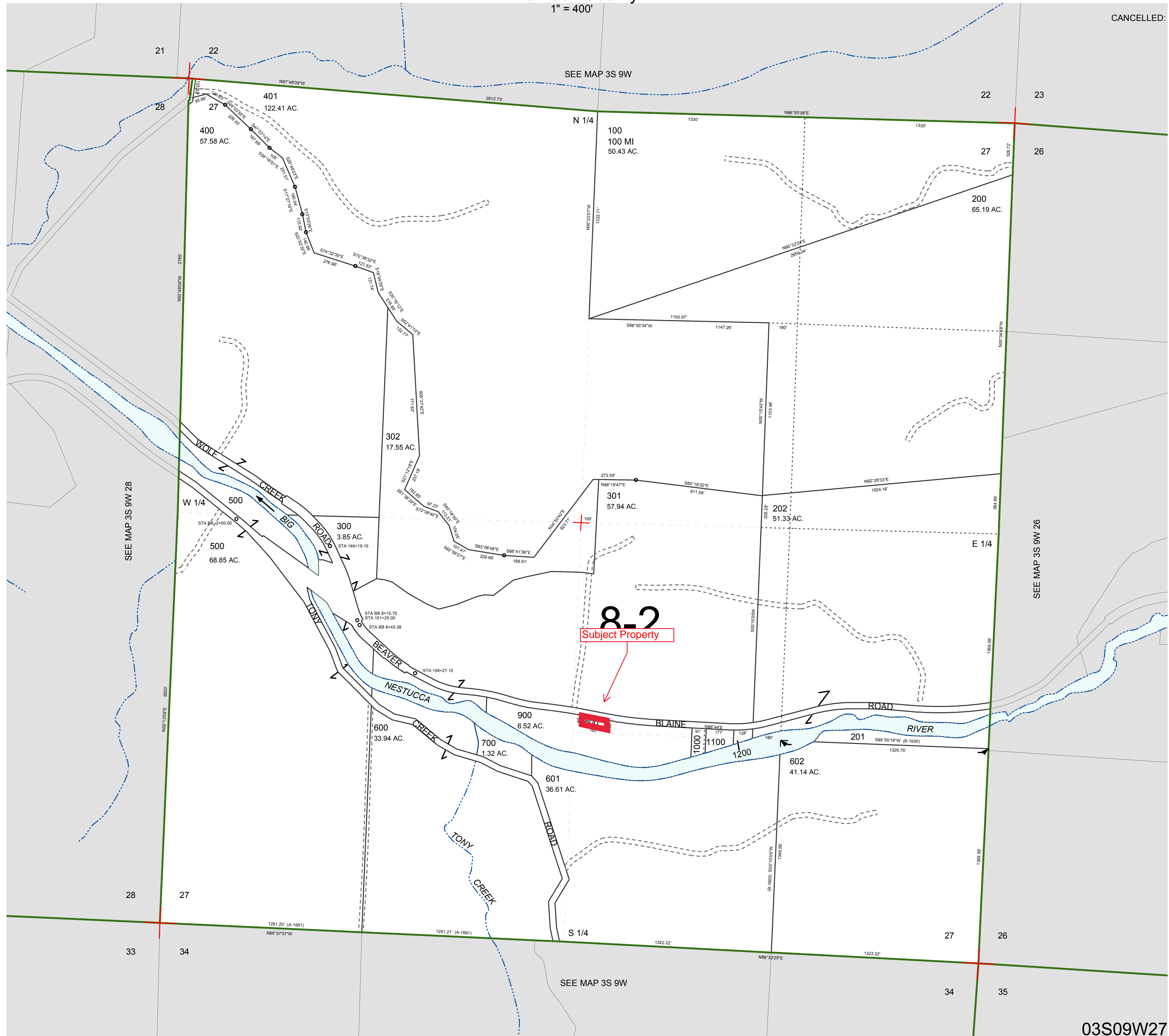
FOR ASSESSMENT AND TAXATION ONLY, NOT SUITABLE FOR LEGAL, ENGINEERING, OR SURVEY PURPOSES

SECTION 27 T.3S. R.9W. W.M.
Tillamook County

03S09W27

CANCELLED:

1" = 400'



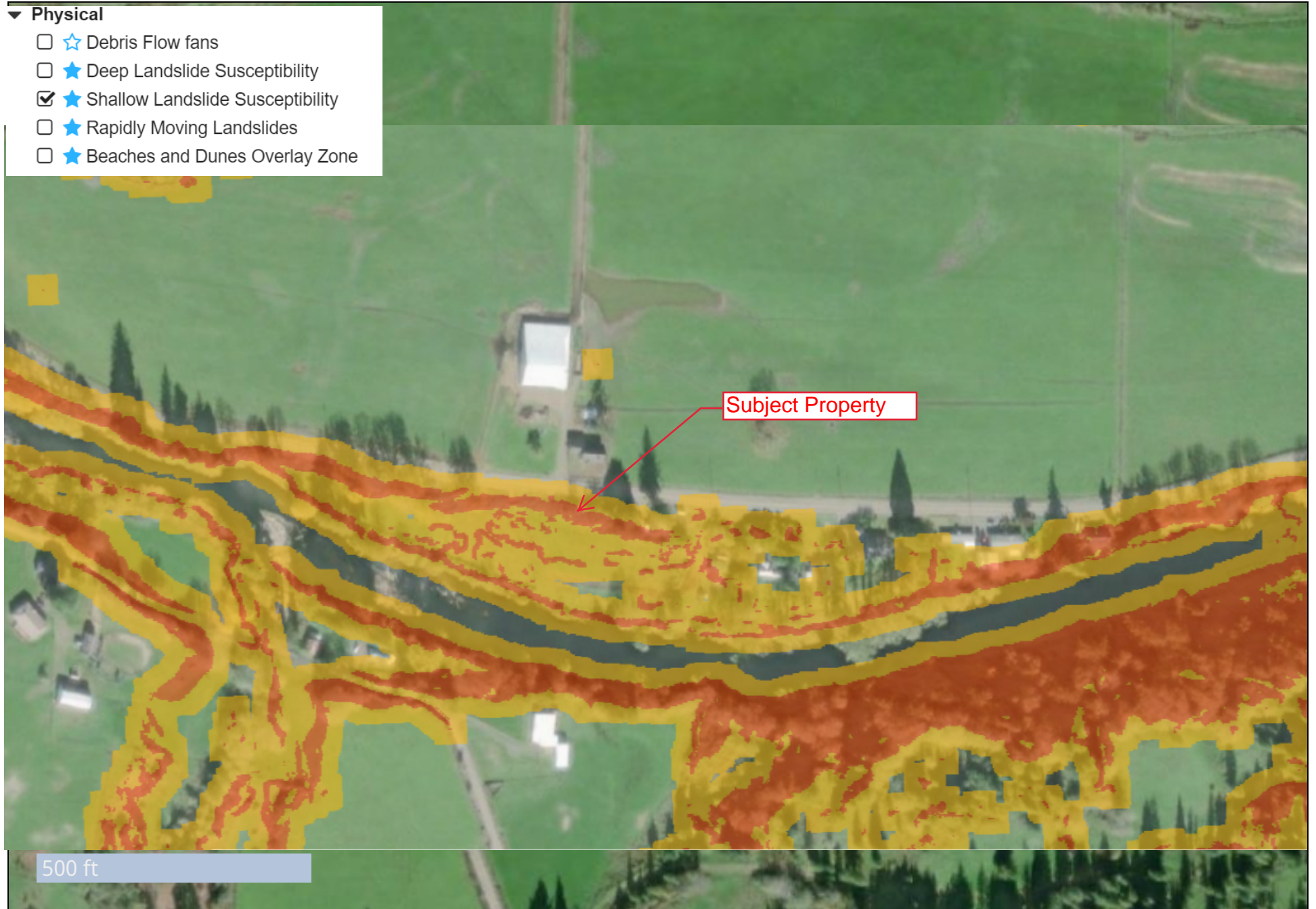
03S09W27

REVISED 6/16/17, WS

Slavens Hazard Map

Physical

- ☆ Debris Flow fans
- ★ Deep Landslide Susceptibility
- ★ Shallow Landslide Susceptibility
- ★ Rapidly Moving Landslides
- ★ Beaches and Dunes Overlay Zone

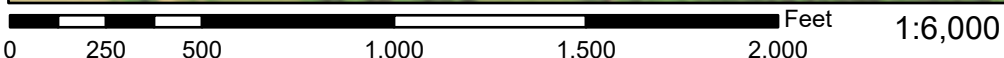


Disclaimer: The spatial information hosted at this website was derived from a variety of sources. Care was taken in the creation of these themes, but they are provided "as is". The state of Oregon, or any of the data providers cannot accept any responsibility for errors, omissions, or positional accuracy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

National Flood Hazard Layer FIRMette



123°46'43"W 45°16'49"N



Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard <i>Zone D</i>
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		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.

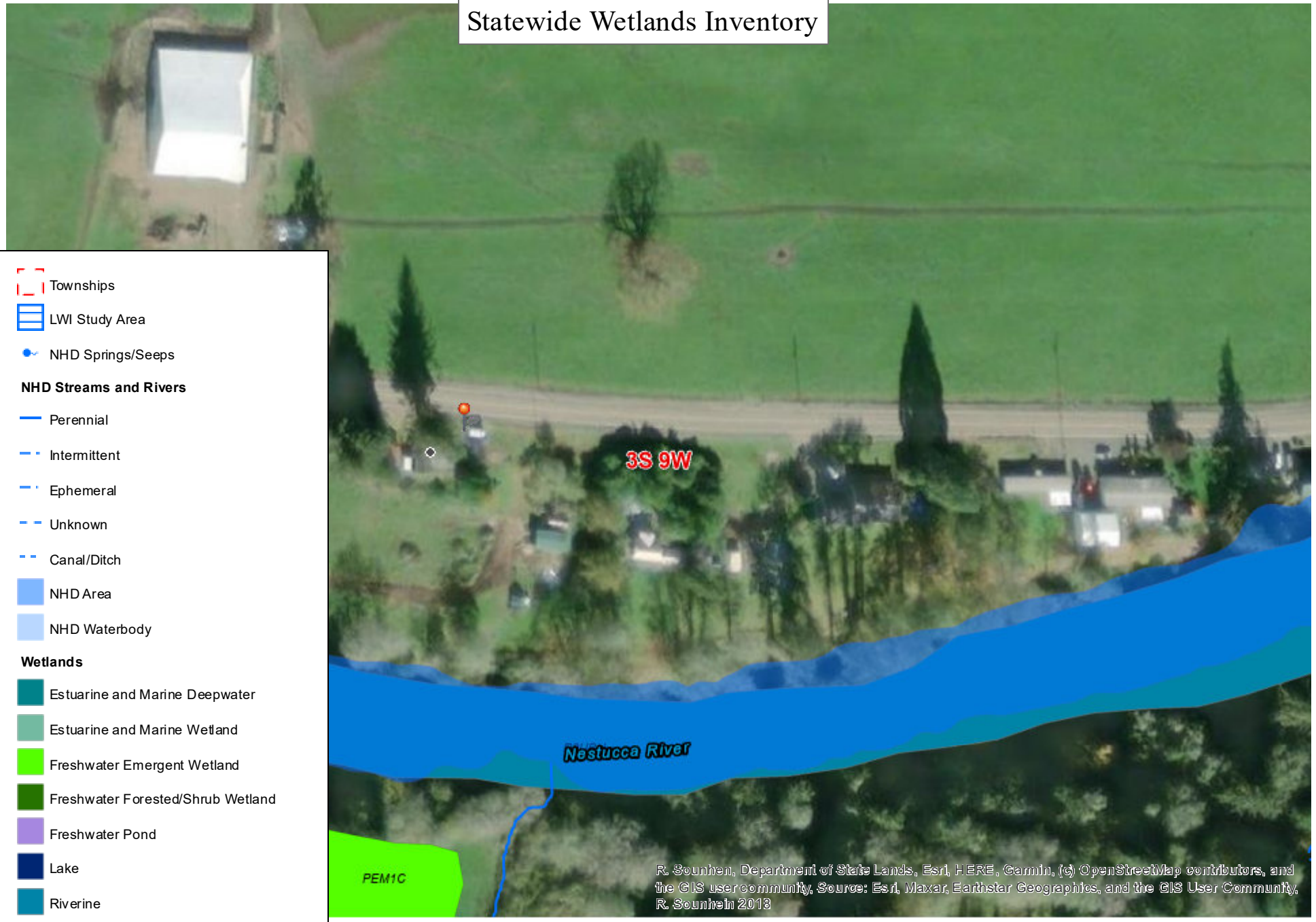


This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **3/31/2023 at 4:56 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.

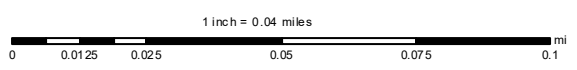
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory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

Statewide Wetlands Inventory



- Townships
- 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
- SWI Predominantly Hydric Soil Map Units
- SWI Agate-Winlo Soils

R. Sounhein, 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. Sounhein 2013



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: 3/31/2023



EXHIBIT B



PLANNING APPLICATION

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

Applicant (Check Box if Same as Property Owner)

Name: LUCAS STAVENS Phone: 503 812 6915
 Address: 7500S BLAINE RD
 City: BEAVER State: OR Zip: 97108
 Email: _____

Property Owner

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

Request: VARIANCE TO 20' SETBACK ON RR
LOT. SEE RESPONSE TO CRITERIA.
PROPOSED HOME TO USE EXISTING HOME
FOOT PRINT.

- | 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 checked="" type="checkbox"/> Variance | <input type="checkbox"/> Conditional Use (As deemed by Director) | <input type="checkbox"/> Plan and/or Code Text Amendment |
| <input 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"/> Foredune Grading Permit Review | | |
| <input type="checkbox"/> Neskowin Coastal Hazards Area | | |

Location:

Site Address: _____
 Map Number: 3 9 27 800
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.

Lucas Stavens 12-17-22
 Property Owner Signature (Required) Date

Applicant Signature Date

SECTION 8.030: REVIEW CRITERIA

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Response: The dimensions of the property do not currently allow for the minimum setbacks while still having enough room to build a home similar to neighboring homes in the area. Topographically if allowed to crowd the south setback, no neighbors would be affected secondary to significant topography change and neighbors would not readily build on the steep terrain. As is, nearest neighbors currently have residence built on their property several hundred feet from property lines.

- (2) A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.

Response: I purchased this R2 property with a dilapidated home with the intent of putting a similar sized home within the same footprint and to continue to use the property as it was zoned for. The proposed home is very similar to neighboring homes with the same zoning.

- (3) The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.

Response: My intent would be to build a home that does not affect any adjoining property owners, especially affect the enjoyment of their own land as I intend to be neighbors with these folks for the foreseeable future,

- (4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.

Response: The only reasonable alternative would be a manufactured dwelling, this is unlike what adjoining neighbors have done, and is not consistent with what has been done on the property in the past.

After reading Section 4.005 I feel my proposal would support all 10 bullet points, and provide no negative impact on any adjoining properties, or affect on adjoining properties future plans.

ARTICLE IV SUPPLEMENTARY REGULATIONS SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

PURPOSE: In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards are the following:

- (1) To ensure the availability of private open space;

- (2) To ensure that adequate light and air are available to residential and commercial structures;
- (3) To adequately separate structures for emergency access;
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BLAINE RD
N PROPERTY LINE

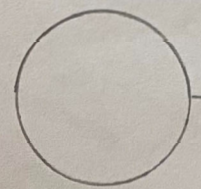
BLAINE RD ROW

PUD
METER

O WELL

DRIVEWAY

SEPTIC
TANK



20' to PROPERTY LINE ↑

NEW 26 x 55 HOME

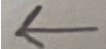
SIMILAR FOOTPRINT TO EXISTING

25'
TO
ADJACENT
↓

DEEP
SEEPAGE
PIT
300² FT

15' TO PROPERTY LINE ↓

90' to W
PROPERTY



E PROPERTY

S PROPERTY LINE