



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 #851-23-000128-PLNG: MARTIN

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

June 20, 2023

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Conditional Use Request on June 20, 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 Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department in accordance with Article 10 of the TCLUO before **4:00 PM** on **July 3, 2023**. Unless appealed, the effective date of this decision shall be June 20, 2023.

Request: Conditional Use request for the construction of an accessory structure without a primary use (dwelling).

Location: The subject property is located east of Beaver, accessed off a private easement that abuts Upper Nestucca River Road, a County road, and is designated as Tax Lot 301 in Section 01 of Township 4 South, Range 8 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Rural Residential 2-Acre zone (RR-2).

Applicant & Property Owner: James Martin, 8985 Millcreek RD, Tillamook, OR 97141

CONDITIONS OF APPROVAL

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

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall adhere to applicable development standards in TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) zone.
3. Development of the property shall adhere to the applicable development standards outlined in TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. Development where the average existing slope of the building footprint or area to be disturbed measured from the highest to lowest point within the footprint or area to be disturbed is 29 percent or greater is subject to a Geologic Hazard Assessment as per TCLUO Section 4.130.
4. The applicant shall submit a fire letter from the Nestucca Rural Fire District to the Department at the time of consolidated zoning/building permit submittal.
5. This approval shall be void on June 20, 2025, unless implementation of approved plans has begun, or an extension is requested from, and approved by this Department.

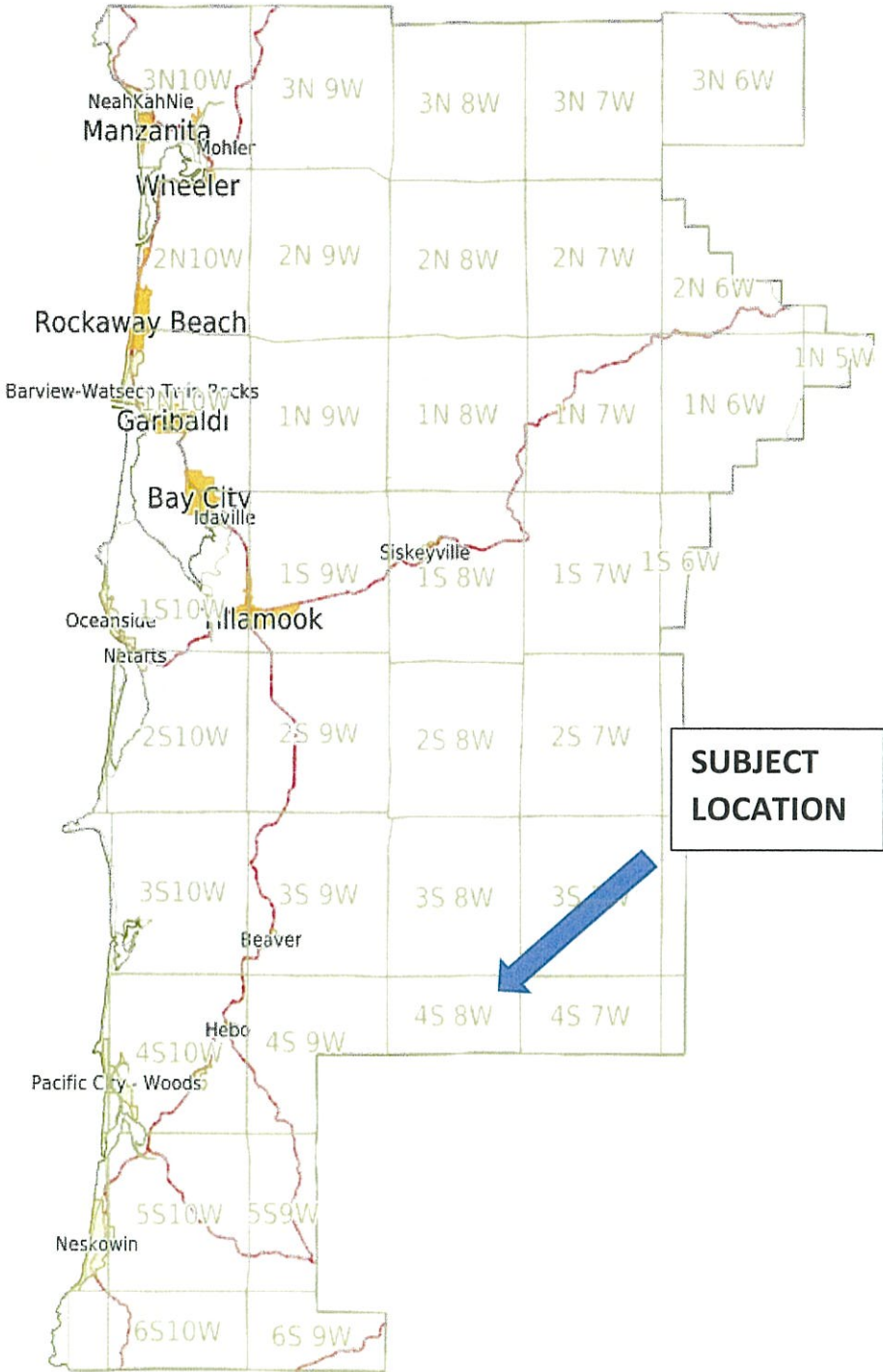
Sincerely,
Tillamook County Department of Community Development



Sarah Absher, CFM, Director

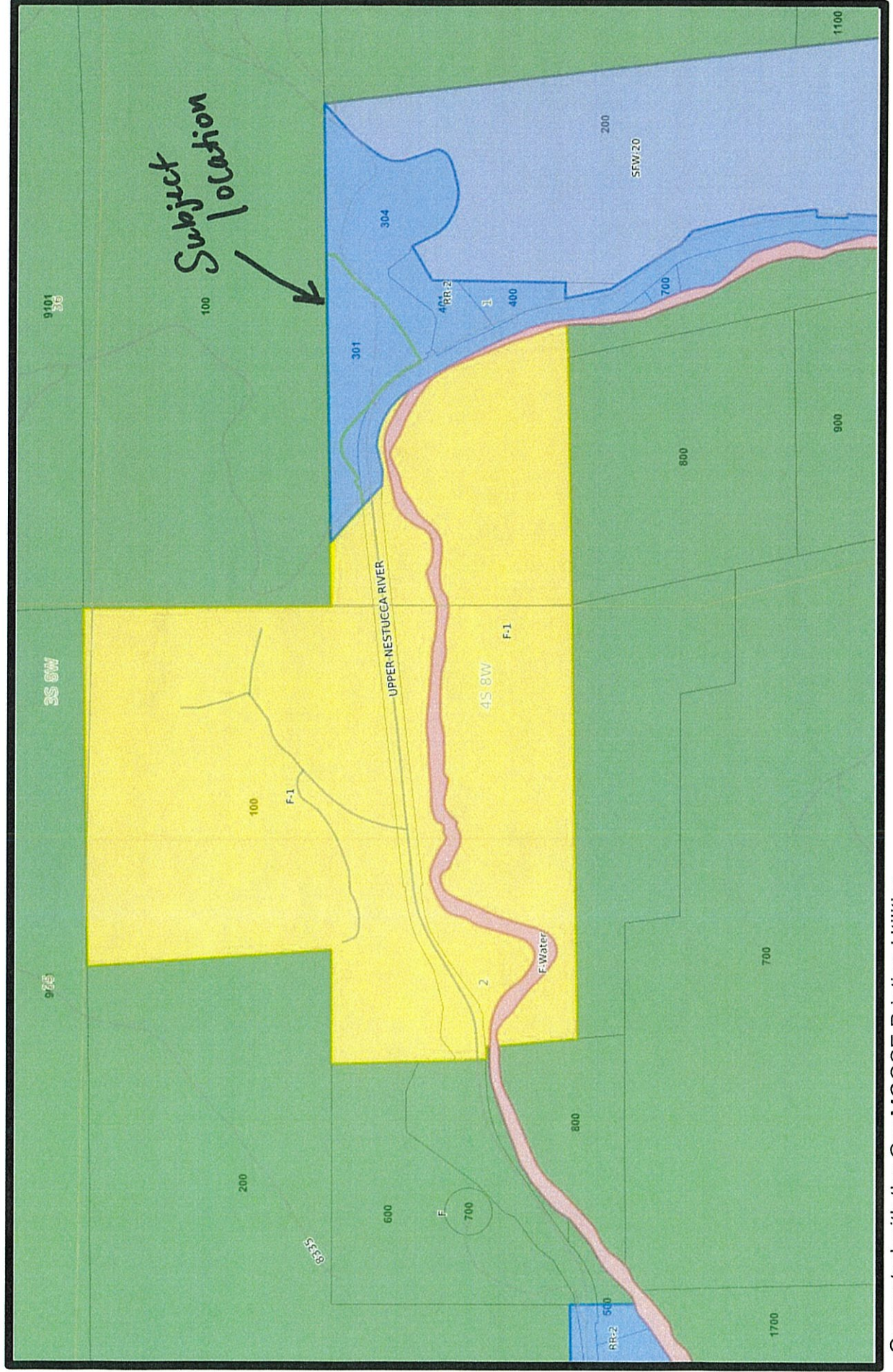
Enc.: Vicinity & Assessor/Zoning Map

VICINITY MAP



#851-23-000128-PLNG:
Martin

Map





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Land of Cheese, Trees and Ocean Breeze

**CONDITIONAL USE REQUEST #851-23-000128-PLNG: MARTIN
ADMINISTRATIVE DECISION & STAFF REPORT**

Decision Date: June 20, 2023

**Decision: APPROVED WITH CONDITIONS
(This is not Building or Placement Permit Approval)**

Report Prepared by: Sheila Shoemaker, Land Use Planner
Sarah Absher, CFM, Director

I. GENERAL INFORMATION:

Request: Conditional Use request for the construction of an accessory structure without a primary use (dwelling) (Exhibit B).

Location: The subject property is located east of Beaver, accessed off a private easement that abuts Upper Nestucca River Road, a County road, and is designated as Tax Lot 301 in Section 01 of Township 4 South, Range 8 West of the Willamette Meridian, Tillamook County, Oregon. (Exhibit A).

Zone: Rural Residential 2 Acre (RR-2) Zone

Applicant: James Martin, 8985 Millcreek RD, Tillamook, OR 97141

Property Owner: James Martin, 8985 Millcreek RD, Tillamook, OR 97141

Property Description: The subject property contains 7.58 acres. Property varies in topography and is vegetated with grasses, trees and shrubs. The subject property is currently unimproved (Exhibit A).

The subject property does not contain wetlands or other mapped natural features. Property is within an area of geologic hazard. Property is not located within area of special flood hazard per FEMA Firm #41057C0800F dated September 28, 2018 (Exhibit A).

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

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

- A. Section 3.010: Rural Residential 2 Acre and 10 Acre Zone
- B. Section 4.130: Development Requirements for Geologic Hazard Areas
- C. Article VI: Conditional Use Procedures and Criteria

III. ANALYSIS:

A. A. Section 3.010: Rural Residential 2 Acre and 10 Acre Zone

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

1. **Section 3.010 (3)(g)** lists accessory structures or accessory uses without an on-site primary structure (dwelling) as a use permitted conditionally in the Rural Residential 2 Acre Zone subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.

Findings: Staff finds that conditional use approval is required for the construction of an accessory structure without a primary structure (dwelling) in the RR-2 zone.

B. Article VI Conditional Use Procedures and Criteria

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

1. **Section 6.020 Procedure** requires public notice in accordance with TCLUO Section 10.070 which requires notification of the request to be 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 within 250 feet of the subject property and other agencies on May 22, 2023. Written comments were received by Chris Chiola, Environmental Program Manager and Nikki Hendricks, District One Watermaster. Comments conclude that an application has already been made for onsite sanitation and that there is a well on the property for water. Both comments are included as "Exhibit C" of this report.

2. Section 6.040 Review Criteria

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

Findings: The applicant is proposing the construction of an accessory structure without a primary structure (dwelling). As stated above, the use is permitted conditionally in the RR-2 Zone.

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 RR-2 zone of 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 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: The subject property contains approximately 7.58 acres and is accessed off a private easement that abuts Upper Nestucca River Road, a County road (Exhibit A). There are no wetland present on the property and is not in the flood hazard overlay zone (Exhibit A).

The subject property is located within an area of known geologic hazard. Applicant is proposing to construct the accessory structure in an area of the property has minimal slope (Exhibit B). The accessory structure is proposed to be sited in a developed area that is relatively flat and where ground disturbance is minimal. Staff also finds this area has been cleared of vegetation and impacts on undisturbed regions of the subject property are minimal.

Given the size of the property and relatively flat location for siting the accessory structure, Staff finds a Geologic Hazard Assessment is not required as per the provisions outlined in TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. A Condition of Approval has been made to ensure development adheres to the applicable standards of TCLUO Section 4.130.

The subject property has access to a well for water to provide water for fire suppression (Exhibit C).

Given the size of property, absence of natural features, and established access, Staff finds that the subject property can be suitable for the proposed construction of an accessory structure.

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: Adjacent properties are zoned RR-2, Farm (F-1) and Forest (F) as depicted on the zoning map included in "Exhibit A" of this report. Existing uses in the vicinity consist primarily of residential, agricultural and forestry. Several properties are improved with similar accessory structures. Applicant adds that the structure will be sited in a manner on the property with limited visibility to the neighboring properties (Exhibit B). Applicant's site plan demonstrates all uses will continue to take place on the subject property and that the property is of adequate size to accommodate the proposed accessory structure in a manner that ensures permitted uses on adjacent properties are not impacted in the manner described in the criterion above.

Given the diversity of existing uses in the area and size of the subject property in relation to the proposed use, Staff finds that the construction of an accessory structure on the subject property will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents surrounding landowners from developing their properties consistent with permitted uses in the underlying zones within this vicinity.

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

Findings: None such systems are known to exist in the area. Staff concludes 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: Long-established existing public facilities and services in this area include Nestucca Rural Fire District, Tillamook County Sheriff and Tillamook County Public Works, and Tillamook People's Utility District (PUD). Water is provided by a well as mentioned in the Applicant's submittal. The property is improved with an onsite wastewater treatment (onsite sanitation) system.

Given the existence of public services and facilities in the area in relation to the proposed construction of an accessory structure without a primary structure (dwelling), Staff finds the proposed use is timely and any requirements for service provider letters can be required through Conditions of Approval. The need for water service has been addressed. Any sanitary needs can be accomplished through permitting for an onsite wastewater treatment system as reflected in the Conditions of Approval listed below.

Staff finds that this criterion can be met through compliance with 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 **4:00 PM on July 3, 2023.**

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.

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5. This approval shall be void on June 20, 2025, unless implementation of approved plans has begun, or an extension is requested from, and approved by this Department.

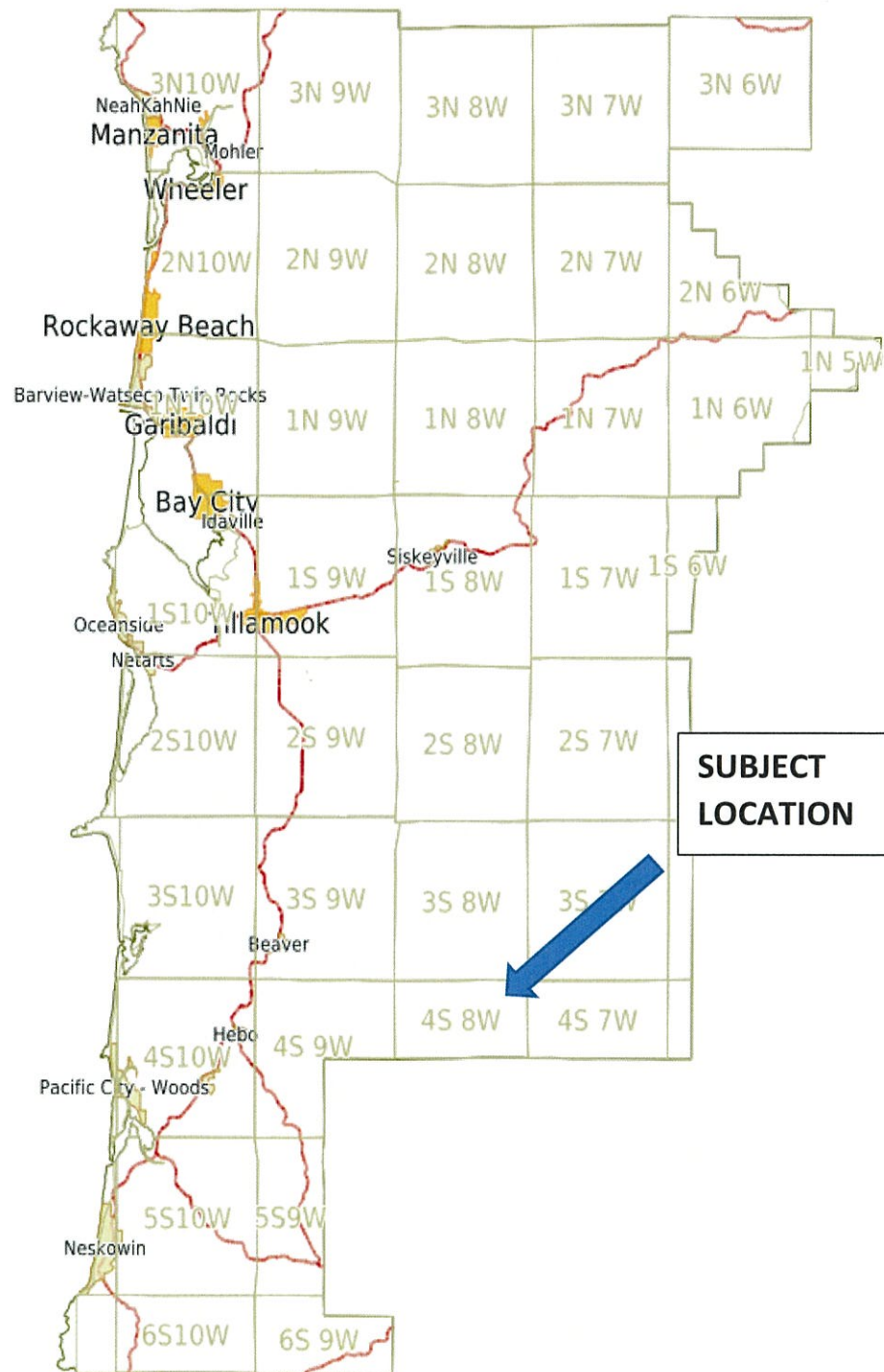
VI. EXHIBITS

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

- A. Location map, Assessor's summary, Zoning map, FEMA Firm, NWI Map
- B. Applicant's submittal
- C. Comments

EXHIBIT A

VICINITY MAP



#851-23-000128-PLNG:
Martin

TILLAMOOK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2022

June 12, 2023 3:34:13 pm

Account # 398670
 Map # 4S08010000301
 Code - Tax # 0802-398670

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr See Record

Mailing Name MARTIN, JAMES P

Deed Reference # 2022-111

Agent

Sales Date/Price 01-03-2022 / \$160,000.00

In Care Of

Appraiser HANNAH THOMPSON

Mailing Address 8985 MILLCREEK RD
 TILLAMOOK, OR 97141

Prop Class 640 MA SA NH Unit
 RMV Class 400 06 AC 602 43234-1

Situs Address(s) Situs City

Code Area		RMV	MAV	Value Summary AV	RMV Exception	CPR %
0802	Land	118,380			Land	0
	Impr.	0			Impr.	0
Code Area Total		118,380	81,020	35,736		0
Grand Total		118,380	81,020	35,736		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			Land Class	Trended RMV
						TD%	LS	Size		
0802	1	<input type="checkbox"/>		RR-2	Designated Forest Land	125	A	4.50	OB	70,280
0802	1	<input checked="" type="checkbox"/>		RR-2	Market	125	A	3.08	MKT	48,100
Grand Total								7.58		118,380

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Total Sq. Ft.	Ex% MS Acct #	Trended RMV	
					TD%						
Grand Total										0	0

Exemptions / Special Assessments / Potential Liability

NOTATIONS:

- FOREST LAND - POTENTIAL ADDITIONAL TAX LIABILITY 321.362 ADDED 2009
- MULTI LOT-SINGLE LOT VALUE ADDED 2022

Code Area 0802

FIRE PATROL:

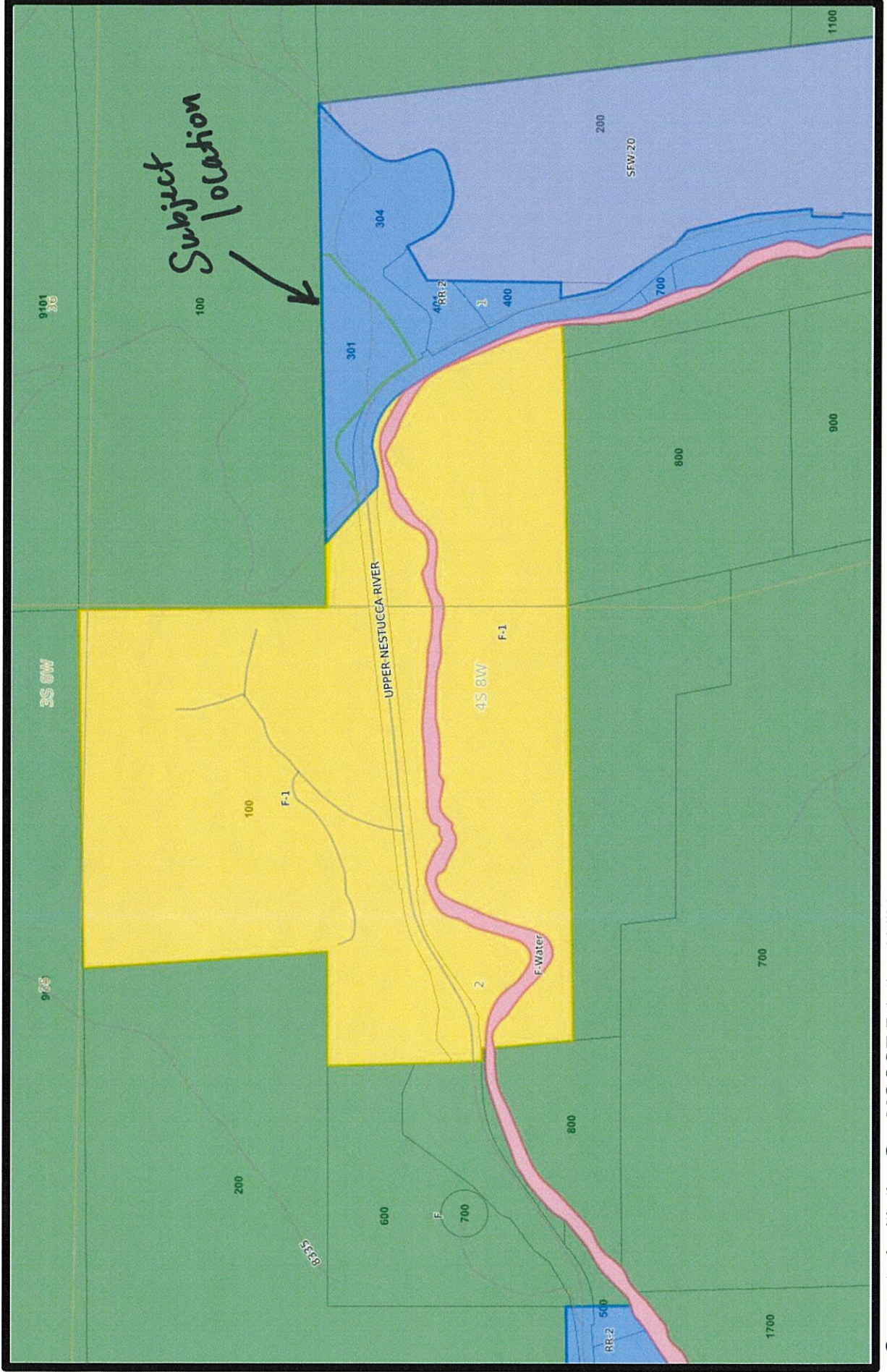
- FIRE PATROL NORTHWEST

Amount 18.75 Acres 7.58 Year 2022

Comments:

9/02 LLA with TL 300. Market val. ka 5/03 T-LOTS 300,302 & 303 COMBINED INTO 301. PROPERTY REVALUED FOR RMV PURPOSES AND MAV ADJ. AND COMBINED FROM PREVIOUS PARTITION OF ABOVE LOTS INTO THIS ONE. RCW 10/1/08 Entered inventory. dv.
 5/13/09 Seg -7.41 acres to TL 304, size correction of +2.02, LLA -1.98 to TL 304, App. MAV, land to market, imps now on TL 304.LM
 8/18/11 Due to a mapping error, a lot line was required to make the correction. A portion of taxlot 4S8 01 301 will now be carried in taxlot 304. Apportioned MAV, RMV to market. EJ.
 8/25/14 A Lot line adjustment is correcting a mapping error. Apportioned MAV and brought land RMV to market. EJ.
 2/2/17 - Land reappraisal; tabled values. EJ.
 03/02/2022 Owner applied for Designated Forestland, 4.5 acres qualifies. HT

Map



National Flood Hazard Layer FIRMette

123°37'30"W 45°15'31"N



Legend

SEE THIS 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 X)

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

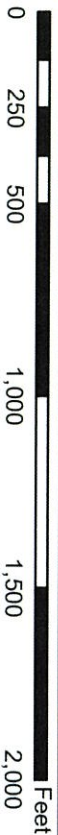
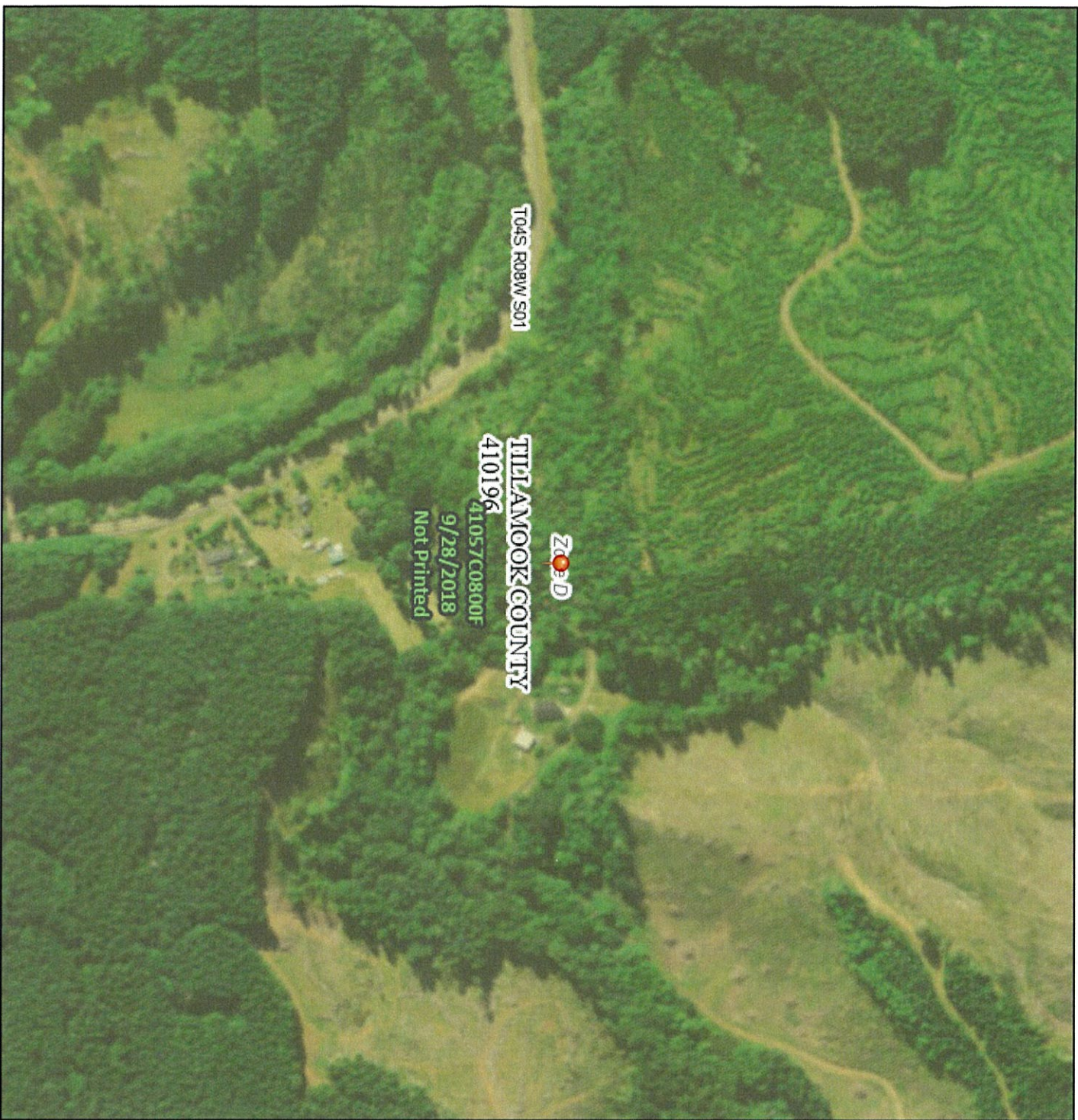
- Digital Data Available
- No Digital Data Available
- Unmapped

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 **6/12/2023 at 4:33 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.



1:6,000

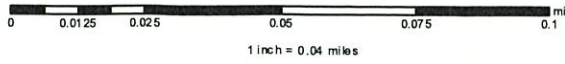
123°36'53"W 45°15'6"N

Statewide Wetlands Inventory

-  Townships
-  LWI Study Area
-  NHD Springs/Seeps
- NHD Streams and Rivers**
 -  Perennial
 -  Intermittent
 -  Ephemeral
 -  Unknown
 -  Canal/Ditch
- NHD Area**
 -  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 Pre dominantly Hydric Soil Map Units
 -  SWI Agate-Winko Soils



R. Scunhein, 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. Scunhein 2013



Date: 6/12

N



EXHIBIT B



PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp: RECEIVED	
APR 26 2023	
BY: <i>Cowter</i>	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: <i>SS</i>	
Receipt #: <i>131471</i>	
Fees: <i>1,300.00</i>	
Permit No: 851- <i>93-00028</i> -PLNG	

Applicant (Check Box if Same as Property Owner)

Name: *James* Phone: *503 812-7858*
 Address: *8985 Mill creek rd.*
 City: *Tillamook* State: *OR* Zip: *97141*
 Email: *mjammy820@gmail.com*

Property Owner

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

Request: *to build shop before house is built.*

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: _____

Map Number: *45* *8* *01* *301*
Township Range Section Tax Lot(s)

Clerk's Instrument #: _____

Authorization

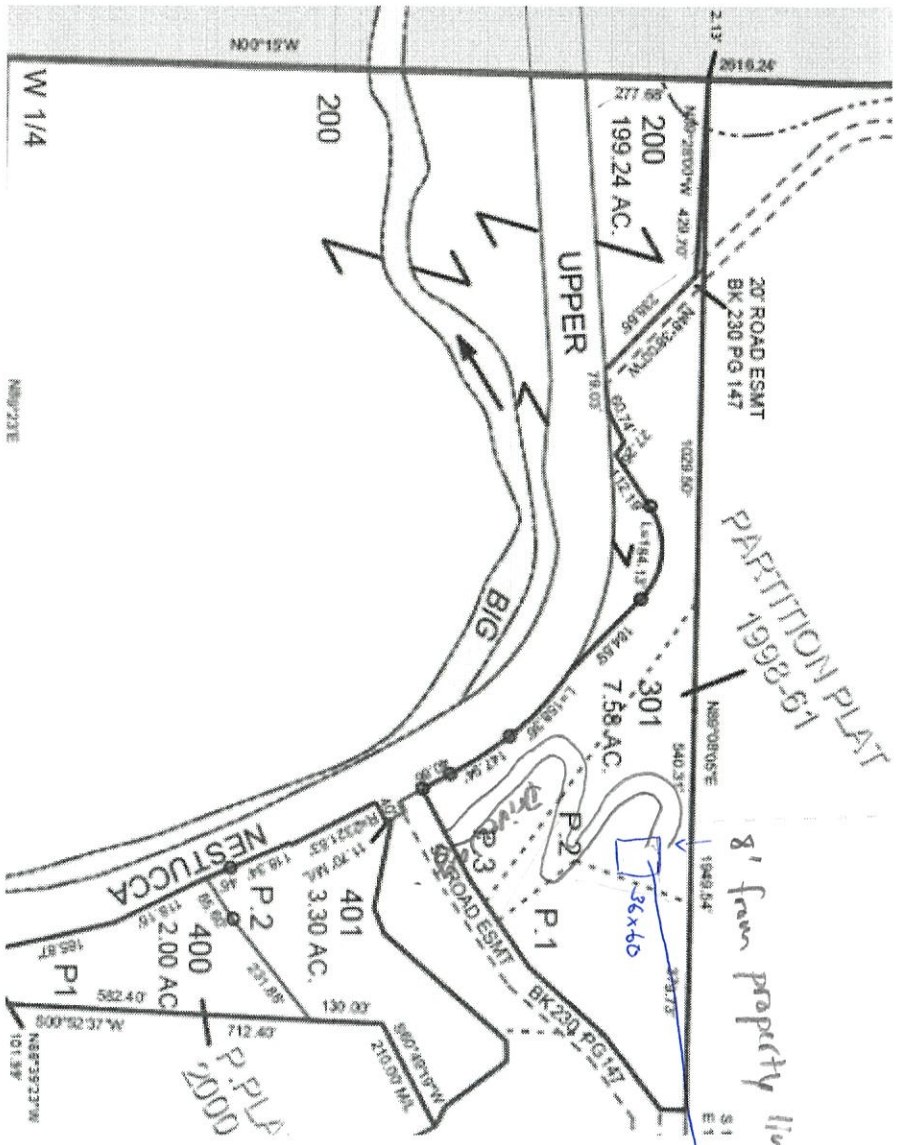
This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted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

James Martha
 Property Owner Signature (Required)

April 26, 2023
 Date

Applicant Signature _____

Date _____



8' from property line.
proposed shop.

1. Yes Zoned RR-2 the use is allowed conditionally

2. Yes

3. The proposed area the shop is going is in the back of the parcel. not visible from road. It is surrounded by 2nd growth trees and is a mound. with a slight slope on one side, 7.58 acres.

surrounded by Residential property + Forest + Farm zones.

4. The proposed building sight is not visible from neighboring property, and will not limit view or sight from neighboring property. Neighboring property have like structures. barns, out buildings.

5. No none exist

Road. easement Pg 230 Pg 147

6. Have my own access off Upper Nestucca River Rd. Water is accessed from its own well. Drilled well. It has a accepted site approved plan. for septic. Will meet fire service access. Served from Nestucca Rural Fire district.

EXHIBIT C

Sheila Shoemaker

From: Chris Chiola
Sent: Tuesday, May 23, 2023 8:32 AM
To: Lynn Tone; Sheila Shoemaker
Subject: RE: Conditional Use Review Request 851-23-000128-PLNG MARTIN

This review does not have any onsite requirements. He already is in the hopper for his onsite stuff.

Chris Chiola, Environmental Program Manager
Tillamook County Onsite Sanitation
(503) 842-3409

Thank you for contacting the Department of Community Development. The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.co.tillamook.or.us/gov/ComDev/> to access the appointment scheduler portal.

From: Lynn Tone <ltone@co.tillamook.or.us>
Sent: Monday, May 22, 2023 4:26 PM
To: Sheila Shoemaker <sshoemak@co.tillamook.or.us>
Subject: Conditional Use Review Request 851-23-000128-PLNG MARTIN

Please see attached for Notice of Administrative Review. Thank you



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

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Sheila Shoemaker

From: HENDRICKS Nikki M * WRD <Nikki.M.HENDRICKS@water.oregon.gov>
Sent: Tuesday, May 23, 2023 1:25 PM
To: Lynn Tone; Sheila Shoemaker
Subject: EXTERNAL: RE: Conditional Use Review Request 851-23-000128-PLNG MARTIN
Attachments: well_label_133931_exempt_use_map.pdf

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

There is a well on the property.

Cheers,

Nikki Hendricks

District 1 Watermaster
4000 Blimp Blvd Ste 400
Tillamook, OR 97141
Office: 503-815-1967
Cell: 503-457-8989
Nikki.M.Hendricks@water.oregon.gov

“When the well is dry, we know the worth of water.”-Benjamin Franklin

From: Lynn Tone <ltone@co.tillamook.or.us>
Sent: Monday, May 22, 2023 4:26 PM
To: Sheila Shoemaker <sshoemak@co.tillamook.or.us>
Subject: Conditional Use Review Request 851-23-000128-PLNG MARTIN

Please see attached for Notice of Administrative Review. Thank you



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

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