



1510 – B Third Street  
Tillamook, Oregon 97141  
[www.tillamook.or.us](http://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 SETBACK EXCEPTION #851-23-000527-PLNG: CLAUDIU POP**

*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: April 18, 2024**

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

**#851-23-000527-PLNG:** An exception request to reduce the required 50-foot riparian setback from the Tillamook Bay Estuary zone boundary by 30-feet and establish a 20-foot riparian setback to allow for the construction of a residential structure (single-family dwelling).

Accessed via Bayocean Road, a County road, the subject property is located west of the city of Tillamook, is zoned Rural Residential 2-Acre (RR-2) and is designated as Tax Lot 300 in Section 22A of Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. The owner and applicant is Claudiu Pop.

Written comments received by the Department of Community Development prior to 4:00p.m. on May 2, 2024, 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 May 3, 2024.

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.tillamookcounty.gov/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 x3412 or email Melissa Jenck, CFM, Senior Planner, at [melissa.jenck@tillamookcounty.gov](mailto:melissa.jenck@tillamookcounty.gov).

Sincerely,

Melissa Jenck, CFM, Senior Planner

Sarah Absher, CFM, Director

Enc. Applicable Ordinance Criteria, Maps

## REVIEW CRITERIA

### **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.

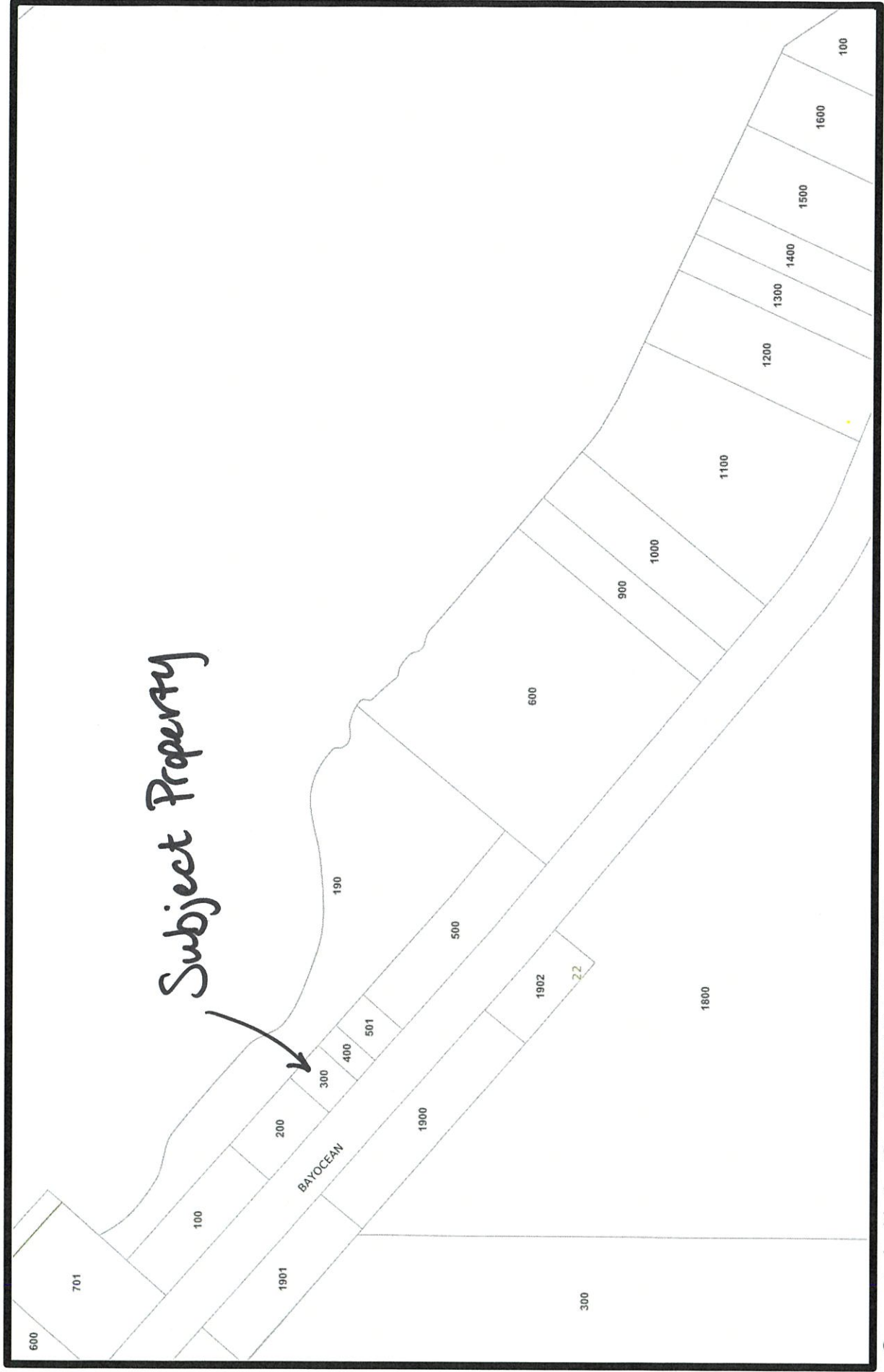
(2) All development shall be located outside of areas listed in (1) above, unless:

...

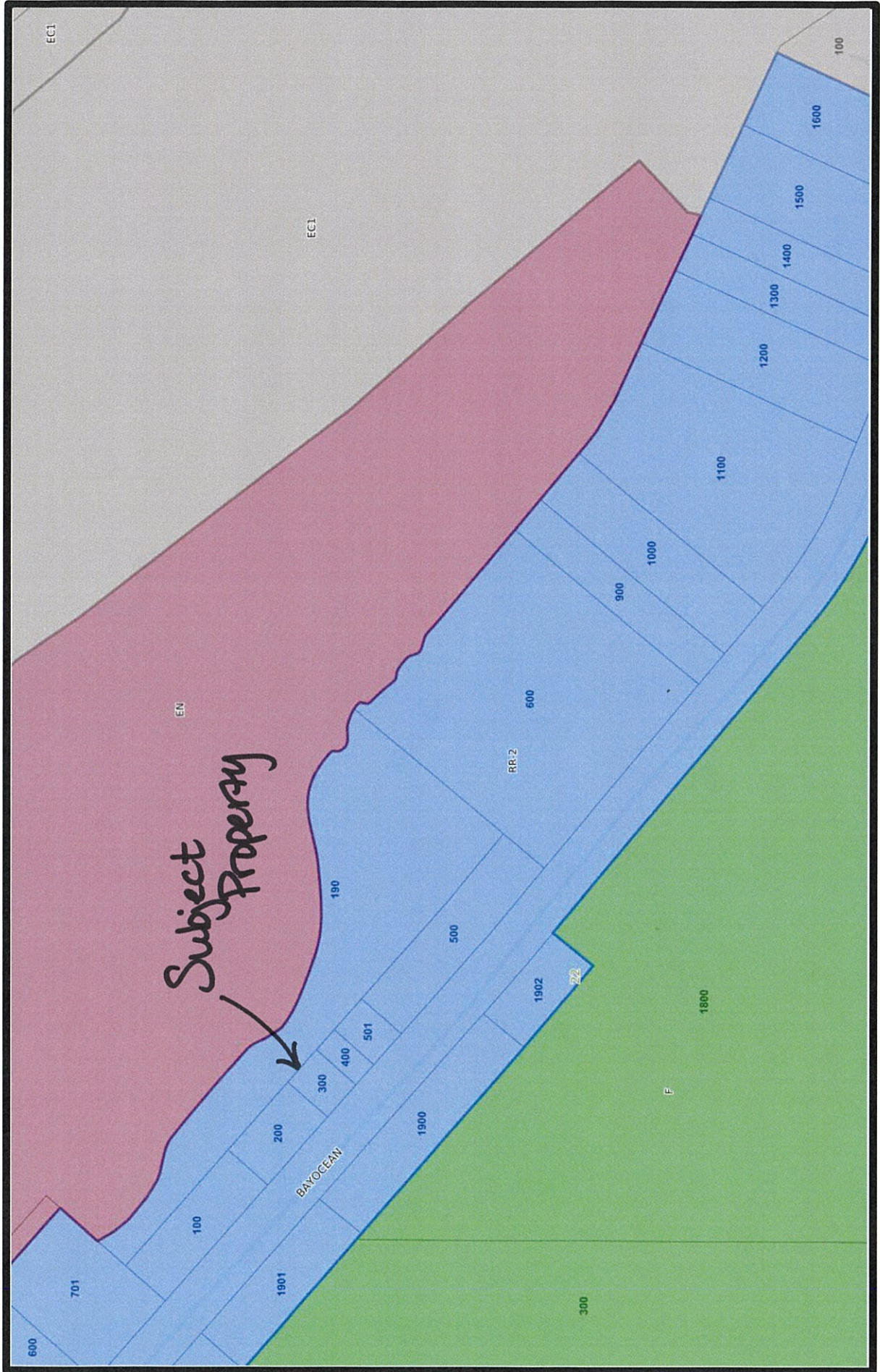
- (c) Because of natural features such as topography, a narrower riparian area protects equivalent habitat values; or
- (d) A minimal amount of riparian vegetation is present and dense development in the general vicinity significantly degrades riparian habitat values.

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.

# Map



# Map





## PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	
	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: <u>MT</u>	
Receipt #: <u>134669</u>	
Fees: <u>1865.00</u>	
Permit No: 851- <u>23-000527</u> -PLNG	

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

Name: CLAUDIA POP Phone: 9715631172  
 Address: 2325 BAY OCEAN RD NW  
 City: TILLAMOOK State: OR Zip: 97141  
 Email: yahch@icloud.com

**Property Owner**

Name: CLAUDIA POP Phone: 9715631172  
 Address: 7770 SW GARDNER HOME RD  
 City: PORTLAND State: OR Zip: 97223  
 Email: \_\_\_\_\_

**Request:** An adjustment and exception to the Riparian setback from 50 feet to 20 feet in order to accommodate a new build.

**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: 2325 Bay Ocean Rd NW Tillamook OR 97141  
 Map Number: 151022A      C00      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.

[Signature]  
 Property Owner Signature (Required)

11.16.2023  
 Date

Applicant Signature

Date



EXTERNAL: RE: EXTERNAL: RE: 1S1022AC00300

BRADLEY Robert \* ODFW <Robert.BRADLEY@odfw.oregon.gov>

Tue 6/13/2023 8:29 AM

To:Melissa Jenck <mjenck@co.tillamook.or.us>;Sheila Shoemaker <sshoemak@co.tillamook.or.us>

Cc:yahch@comcast.net <yahch@comcast.net>

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I would certainly recommend that native vegetation be planted along the estuary. In the context of the ordinance, I think it should be required as mitigation if a request is made to reduce the setback to less than 20 feet (and is approved).

Robert

Robert W. Bradley  
District Fish Biologist  
Oregon Department of Fish and Wildlife  
North Coast Watershed District  
4907 Third St  
Tillamook, OR 97141  
503-842-2741 x18613 (w)  
503-842-8385 (fax)

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**From:** Melissa Jenck <mjenck@co.tillamook.or.us>

**Sent:** Monday, June 12, 2023 4:37 PM

**To:** BRADLEY Robert \* ODFW <Robert.BRADLEY@odfw.oregon.gov>; Sheila Shoemaker <sshoemak@co.tillamook.or.us>

**Cc:** yahch@comcast.net

**Subject:** RE: EXTERNAL: RE: 1S1022AC00300

Thank you for this information, Robert.

If the Department was to receive a request for this reduction, is there any additional mitigation requests that would be made out of this, such as vegetative plantings along the estuary boundary?

Thank you,



**Melissa Jenck** (she/her) | CFM, Senior Planner  
**TILLAMOOK COUNTY** | Community Development

1510-B Third Street

Tillamook, OR 97141

Phone (503) 842-3408 x3301

[mjenck@co.tillamook.or.us](mailto:mjenck@co.tillamook.or.us)

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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.

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**From:** BRADLEY Robert \* ODFW <[Robert.BRADLEY@odfw.oregon.gov](mailto:Robert.BRADLEY@odfw.oregon.gov)>  
**Sent:** Monday, June 12, 2023 4:09 PM  
**To:** Melissa Jenck <[mjenck@co.tillamook.or.us](mailto:mjenck@co.tillamook.or.us)>; Sheila Shoemaker <[sshoemak@co.tillamook.or.us](mailto:sshoemak@co.tillamook.or.us)>  
**Cc:** [yahch@comcast.net](mailto:yahch@comcast.net)  
**Subject:** EXTERNAL: RE: 1S1022AC00300

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

I visited this lot again this afternoon to look at the potential for a setback reduction. Here is what I found:

The rear of new construction to the north is at about 34 feet from the estuary line (with additional disturbance closer to the estuary).

The deck on the existing house on the adjacent lot to the south is about 15 feet from the estuary line.

The rear of the house on the adjacent lot to the south is about 24 feet from the estuary line.

Given the development on either side I think the estuary setback could be reduced to the minimum 20 feet as described in the ordinance for already developed locations.

Robert

Robert W. Bradley  
District Fish Biologist  
Oregon Department of Fish and Wildlife  
North Coast Watershed District  
4907 Third St  
Tillamook, OR 97141  
503-842-2741 x18613 (w)  
503-842-8385 (fax)

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**From:** BRADLEY Robert \* ODFW  
**Sent:** Tuesday, June 6, 2023 10:41 AM  
**To:** Melissa Jenck <[mjenck@co.tillamook.or.us](mailto:mjenck@co.tillamook.or.us)>; Allison Chase <[achase@co.tillamook.or.us](mailto:achase@co.tillamook.or.us)>; Sheila Shoemaker <[sshoemak@co.tillamook.or.us](mailto:sshoemak@co.tillamook.or.us)>  
**Cc:** Sarah Absher <[sabsher@co.tillamook.or.us](mailto:sabsher@co.tillamook.or.us)>; CARY Dan \* DSL <[Dan.CARY@dsl.oregon.gov](mailto:Dan.CARY@dsl.oregon.gov)>; [yahch@comcast.net](mailto:yahch@comcast.net)  
**Subject:** 1S1022AC00300

I measured the estuary setback at this lot along Bayocean Road today at the request of the landowner. The approximate 50 foot setback is shown on the attached aerial photo.

The line should be considered approximate because newly placed fill over the bank obscured some of the vegetation, making it a little more difficult to determine the starting point for measuring.

Robert

Robert W. Bradley  
District Fish Biologist  
Oregon Department of Fish and Wildlife



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