



**VARIANCE REQUEST #851-24-000384-PLNG:
KLEIN**

*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: August 16, 2024**

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

#851-24-000384-PLNG: A Variance request to reduce the required 15-foot street side yard setback to 5-feet to allow for the placement of a residential structure. The subject property is located south of the Unincorporated Community of Beaver, within the Nestucca Bend Subdivision, accessed via Nestucca Drive, a private road, zoned Rural Residential 2 Acres (RR-2) and designated as Tax Lot 3300 of Section 31DB, Township 3 South, Range 9 West, W.M., Tillamook County, Oregon. The applicant is Charmaine and James Klein. The property owner is James R Klein.

Written comments received by the Department of Community Development prior to 4:00 p.m. on August 30, 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 the next business day, September 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 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.tillamookcounty.gov/commdev/landuseapps>.

If you have any questions about this application, please contact the Department of Community Development at (503) 842-3408 ext. 3123 or Sheila.shoemaker@tillamookcounty.gov.

Sincerely,

Sheila Shoemaker, Land Use 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.

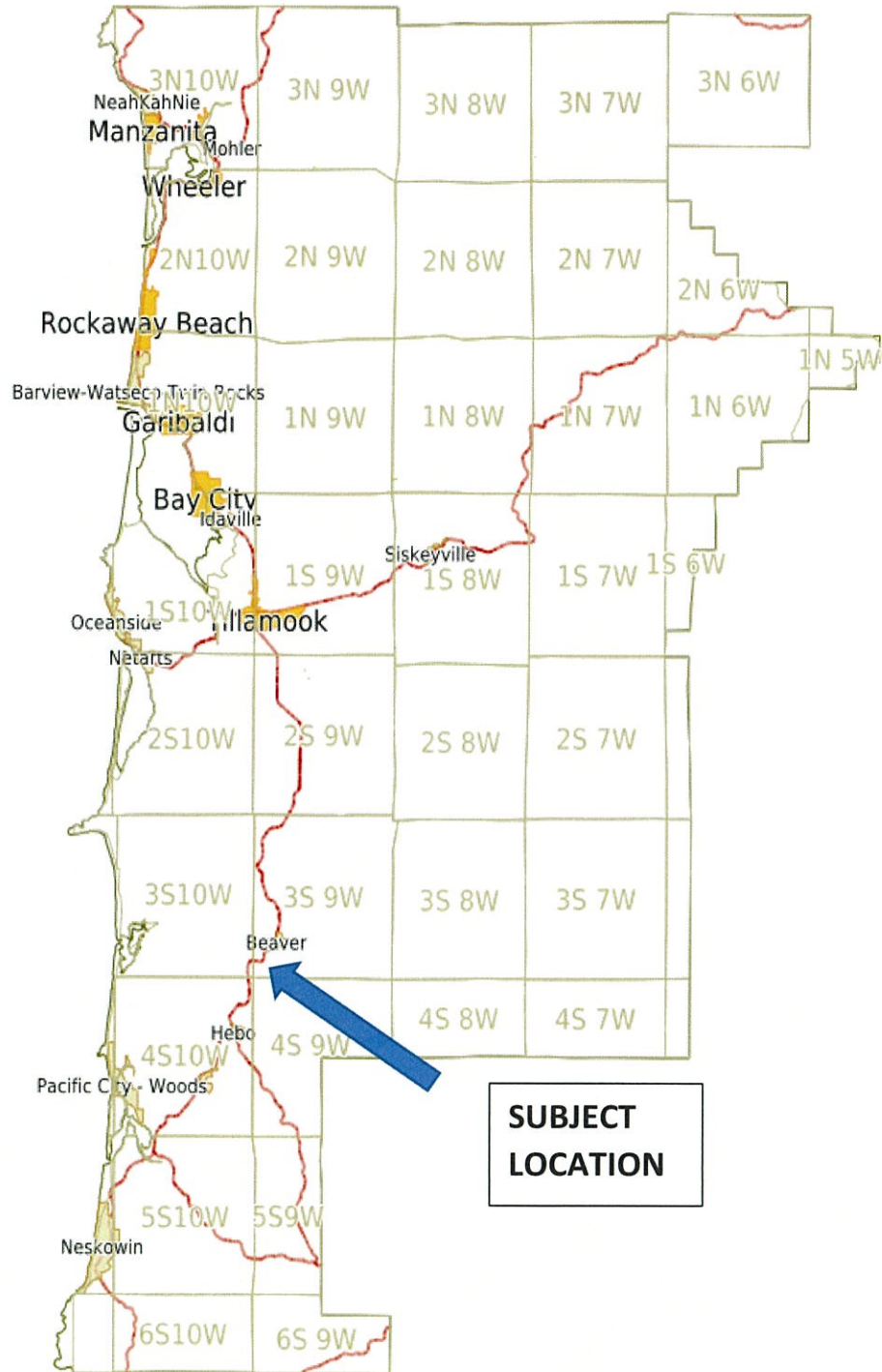
SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

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.

EXHIBIT A

VICINITY MAP



#851-24-000384-PLNG:
Klein

03S09W31DB
NESTUCCA BEND

NESTUCCA BEND
03S09W31DB
REVISED 6/16/17, WS

N.W. 1/4 S.E. 1/4 SEC. 31 T.3S. R.9W. W.M.
Tillamook County
1" = 100'

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

CANCELLED:
800
1600
2300
2800
3400
4600
1800
1500

8-5

PORTION
PLAT
2010-09

COMMUNITY

RECREATION

AREA

AREA

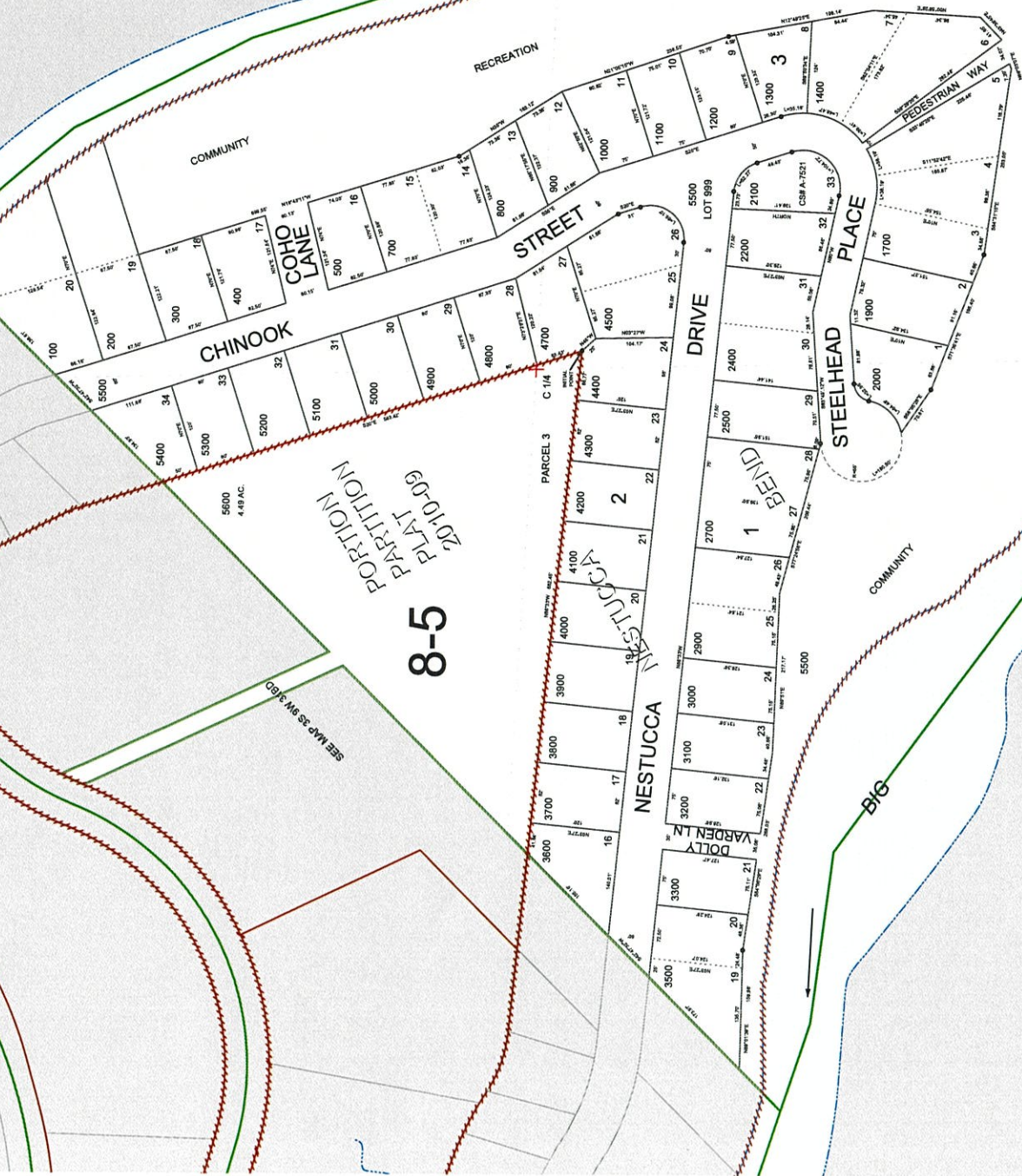
RECREATION

COMMUNITY

RECREATION

RIVER

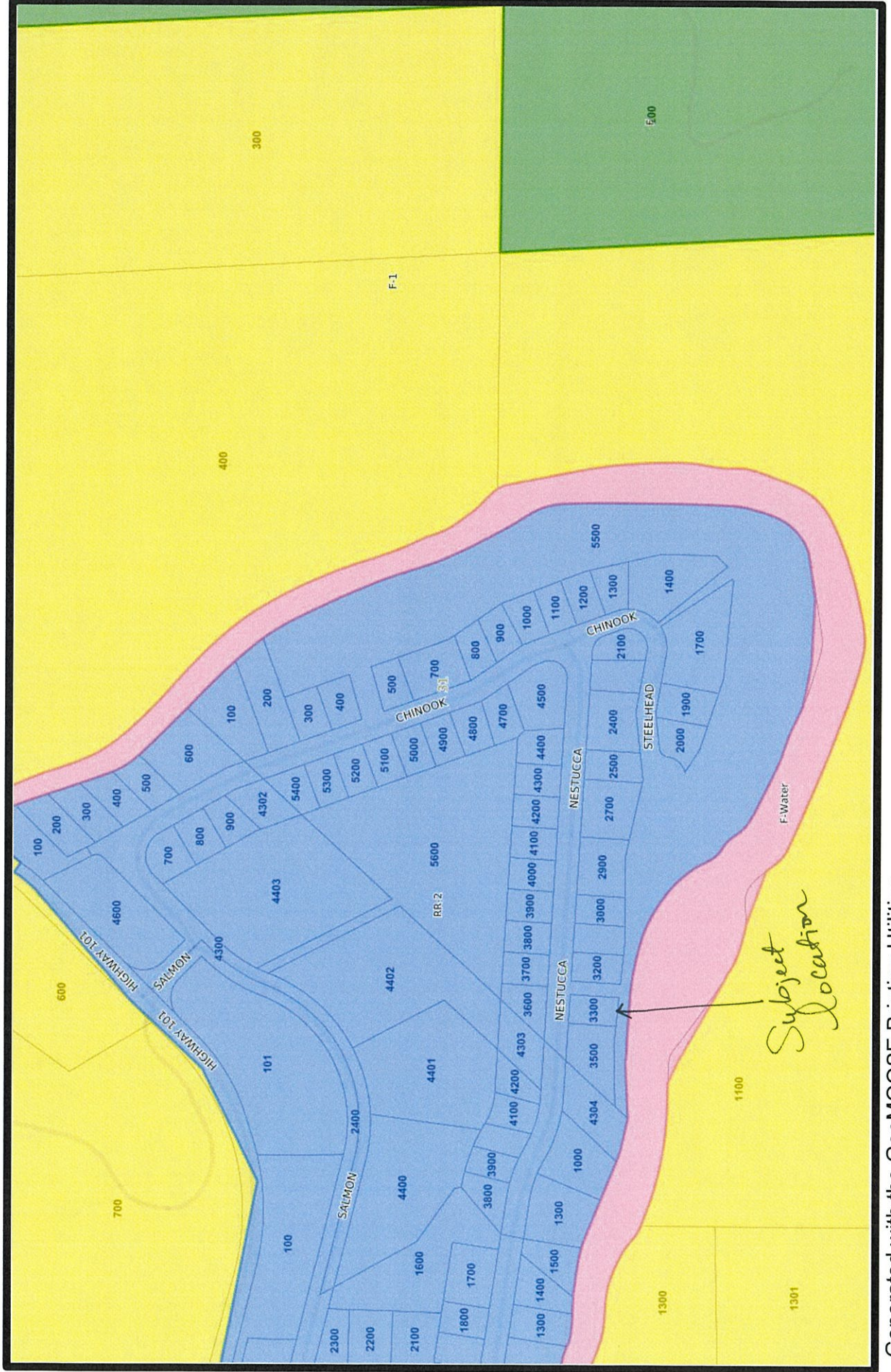
NESTUCCA
BIG



SEE MAP 3S 9W 31

SEE MAP 3S 9W 31

Map



Tillamook County
2023 Real Property Assessment Report
 Account 206244

Map 3S0931DB03300
Code - Tax ID 0805 - 206244

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr NESTUCCA BEND
 Block - 1 Lot - 21

Mailing KLEIN, JAMES R
 PO BOX 37
 CLOVERDALE OR 97112

Deed Reference # 2015-1137
Sales Date/Price 03-03-2015 / \$50,000
Appraiser RANDY WILSON

Property Class 100 MA SA NH
RMV Class 100 06 WF 603

Site	Situs Address	City
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Value Summary					
Code Area	RMV	MAV	AV	RMV Exception	CPR %
0805	Land 124,900		Land	0	
	Impr 0		Impr	0	
Code Area Total	124,900	23,510	23,510	0	
Grand Total	124,900	23,510	23,510	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0805	0	<input checked="" type="checkbox"/>		RR-2	Market	113	0.22 AC		124,900
Code Area Total							0.22 AC		124,900

Improvement Breakdown									
Code Area	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV	

Comments 2/17 Reapp. of land with tabled values. RCW

National Flood Hazard Layer FIRMette

123°50'31"W 45°16'9"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

- 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

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

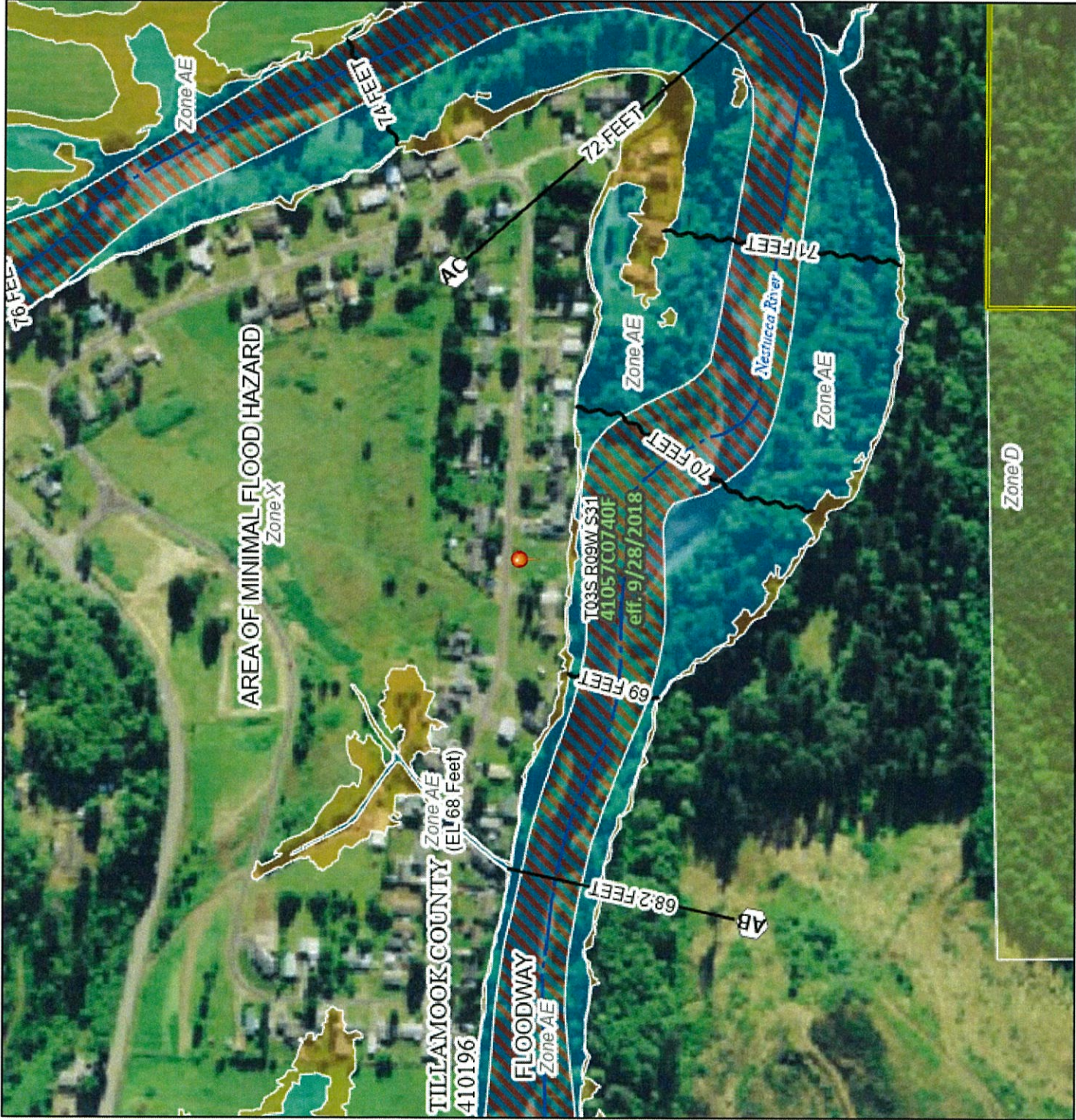
- Digital Data Available
- No Digital Data Available
- Unmapped

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 8/7/2024 at 7:13 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.

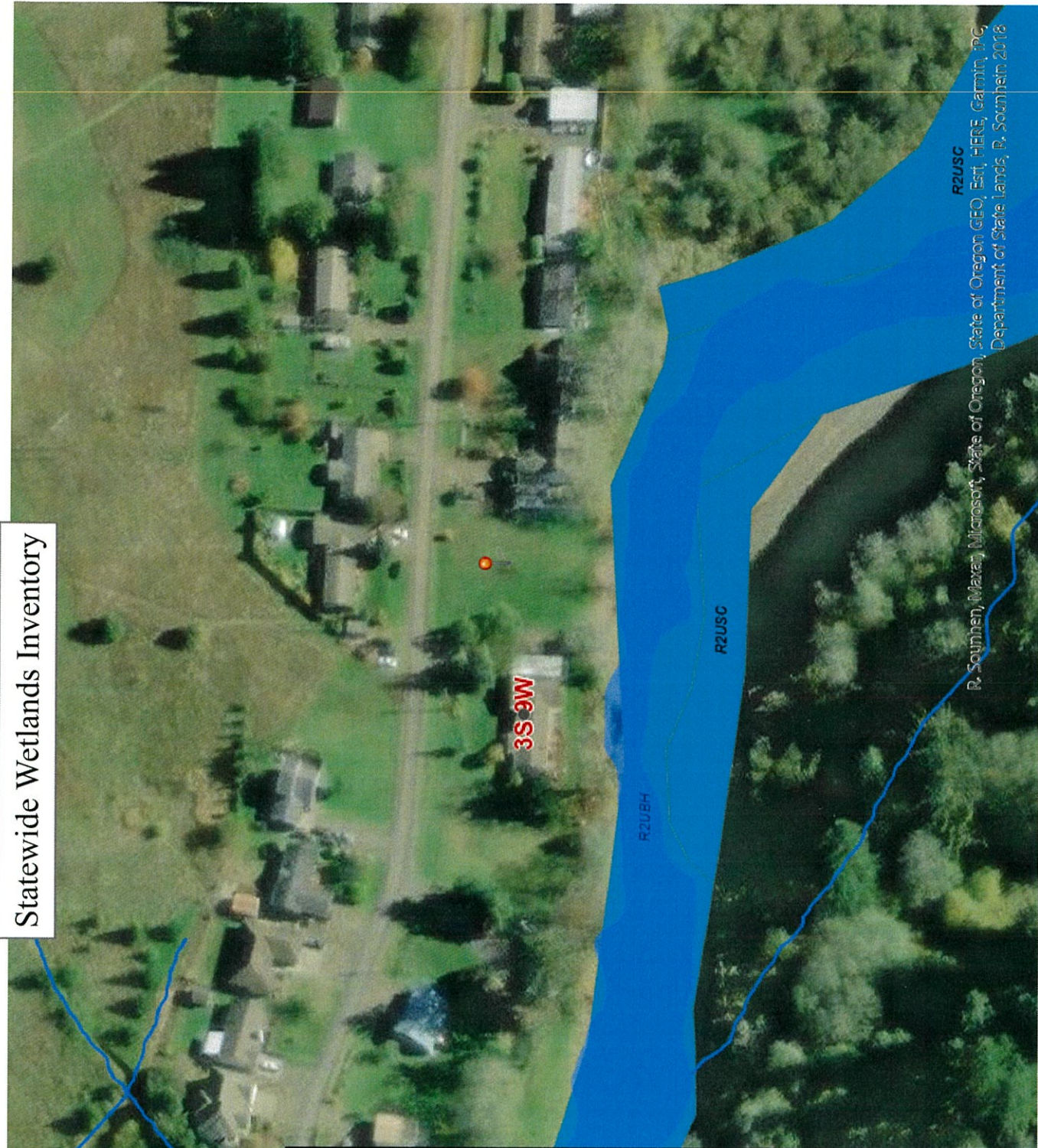
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory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



0 250 500 1,000 1,500 2,000 Feet 1:6,000

123°49'54"W 45°15'43"N

Statewide Wetlands Inventory



Townships

- LWI Study Area
- BASEDAT.DBO.NHDWaterbody
- BASEDAT.DBO.NHDArea

BASEDAT.DBO.NHDFlowline

- Perennial
- Intermittent
- Ephemeral
- Unknown
- Canal/Ditch
- Canal/Ditch
- Canal/Ditch
- BASEDAT.DBO.NHDPoint

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine
- SWI Agate-Winlo Soils

R. Saubien, Maxey, Microsoft, State of Oregon, State of Oregon GEO, Esti, HERE, Garmin, Bing, Department of State Lands, P. Saubien 2018

Geologic Hazard Area

Catalog | Favorites | Visible | Results

Search catalog

Map Extras

Administrative Boundaries

Tax lots

County Boundaries



Non-Regulatory Planning

Physical

Debris Flow fans

Deep Landslide Susceptibility

Shallow Landslide Susceptibility

Rapidly Moving Landslides

Rapidly Moving Landslides

Beaches and Dunes Overlay Zone

Elevation

Highest Hit, OLC, 2008-19

Bare Earth, OLC, 2008-19

Aerial Photos

▶ State Imagery

▶ World Imagery

Basemaps

Carto

Light

Voyager

▶ Esri

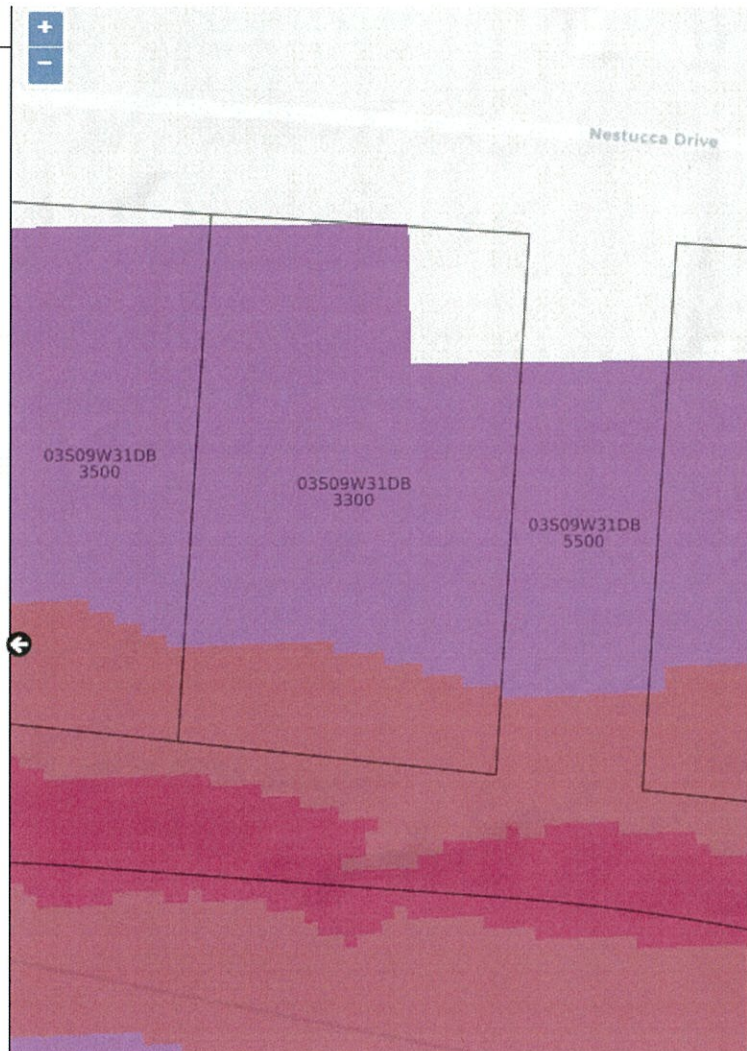


EXHIBIT B



Tillamook County Department of Community Development

1510-B Third Street, Tillamook, OR 97141 | Tel: 503-842-3408 Fax: 503-842-1819
www.co.tillamook.or.us

PLANNING APPLICATION OFFICE USE ONLY

Date Stamp



Applicant (Check Box if Same as Property Owner)

Name: Phone: James Klein 503 812 0509

Address: 35 9W 31 DB 3300

City: State: Zip: Nestucca Dr. Cloverdale, OR

Email: james.charmaine.klein@gmail.com 97112

Property Owner

Name: Phone: (Same)

Address:

City: State: Zip:

Email:

Approved Denied

Received by: SS

Receipt #: 138535

Fees: 1,365.00

Permit No:

851-24-00384-PLNG

Request: reduce side yard setback to 5' from 15'

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
- Foredune Grading Permit Review
- Neskowin Coastal Hazards Area

Type III

- Extension of Time
- Detailed Hazard Report
- Conditional Use (As deemed by Director)
- Ordinance Amendment
- Map Amendment
- Goal Exception

Type IV

- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

Location:

Site Address:

Map Number: 35 9W 31 DB 3300 Nestucca Bend

Township Range Section Tax Lot(s)

Clerk's Instrument #: _____

Authorization

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

Property Owner Signature (Required)

Charmaine Klein James Klein

Applicant Signature

Date

Date

7/8/24

Petition of a Variance for Lot 21, or 3S 9W 31 DB 3300 in Nestucca Bend – James Klein

- 1) Our lot is basically flat. It is located adjacent to Dolly Varden Lane, a 35' wide access area from Nestucca Drive to a 20' steep bank that is part of, and connects to, the community recreation area. It is owned by the Nestucca Bend Owners Association. In the 20 years we have owned the home on the eastern side of Dolly Varden Lane, it has not been used by anyone in the community. We have maintained it for the entire twenty years. A copy of "Exhibit A to Deed" of Nestucca Bend, explaining its use is attached to this petition. The community recreation area is more easily accessible through Coho Lane and Steelhead Place. They are either 50' or 60' wide and gently graded to access the community recreation area. In addition to this there is Pedestrian Way leading to the Porter Hole off of Steelhead Way. There is no where to turn around a vehicle on Dolly Varden Lane as its southern portion connecting it to the community recreation area is an unstable and steep bank. The majority of the lots in Nestucca Bend have the more traditional five foot side yard setback, which we are seeking along Dolly Varden Lane.
- 2) The lot is fairly close to the Nestucca River and we do not have community a sewer system. A septic system is required, which has already been approved. The septic system, the location of the river and the size and of the home limits where the home can be placed on the lot. On the western edge of the lot where the house would be sited, our neighbor's road and garage is located. It would be more neighborly to site the home ten feet from her lot line instead of the five feet allowed. Our property line at this point is right along the roadway/parking area accessing her garage. We've talked with her about applying for a variance to allow for moving the house over towards Dolly Varden, and she was supportive of this idea. If we could use the five foot setback along Dolly Varden Lane and increase the setback to ten feet along our only other adjoining neighbor, it would allow us to place a 60' long manufactured home, which will fit it well in our community which is approximately half manufactured homes already.
- 3) Since we have only one adjoining property owner, and she would prefer us to build closer to Dolly Varden Lane rather than to her property, it seems reasonable to do so. The placement of the garage can be five feet from the property line and it will fit in, and not be intrusive because of the placement of trees between our neighbors driveway and our property line.
- 4) Because we need to build a garage/shop large enough to store boats, trailer and a truck, as well as room for a work space, and the fact that there is only one spot for the septic system, there is no other reasonable location for a home/manufactured home than where we are proposing. A 27/28'x 60' manufactured home is a size of home that is appropriate for our community. We plan on finishing it in a way that improves the value of the surrounding properties.

James Klein
james.charmaine.klein@gmail.com

Nestucca Drive

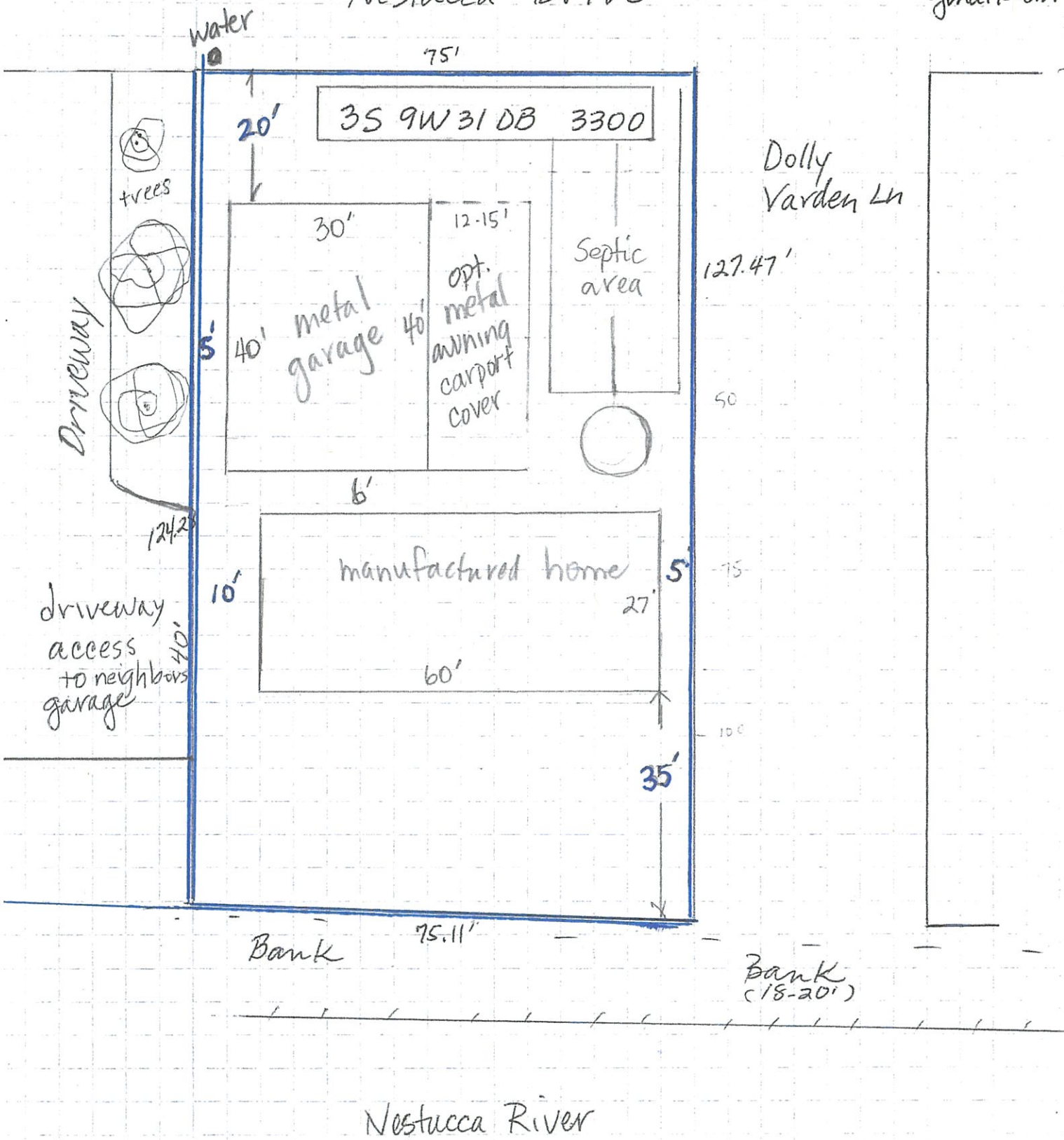


Exhibit A to Deed
Rivergreen to Nestucca Bend Owners Association

Parcel 1:

That area of the Nestucca Bend Subdivision in Section 31, Township 3 South, Range 9 West of the Willamette Meridian, Tillamook County Oregon labelled on the Subdivision Plat the "Community Recreation Area" and more particularly described as follows, to-wit:

All that land lying between the Big Nestucca River and Block 3 of said Subdivision bounded on the North by the Easterly extension to the River of the Northerly line of Lot 18, Block 3, and bounded on the West by the Southerly extension to the river of the Westerly line of Lot 19, Block 1 of said Subdivision.

Save and except therefrom a thirty five foot access across said Community Recreation Area extending Dolly Varden Lane southerly to the thread of the Big Nestucca River and

Subject to the rights of all owners and their successors in interest of properties in the Nestucca Bend Subdivision as set forth in the Covenants and Restrictions of record and the Bylaws of the Nestucca Bend Owners Association .

Parcel 2:

Lot 999 as designated on the recorded plat of the said Nestucca Bend Subdivision consisting of the roads and roadways labelled Salmon Drive, Tyee Road, Nestucca Drive, Dolly Varden Lane, Stellhead Place, Chinook Street, and Coho Lane.

Except therefrom and subject to the rights of the Grantors to rights of way and all forms of accesses to all portions of the properties of the Grantors adjacent to and enisled by the said Lot 999 and the boundary lines of Blocks 2 and 3 of said subdivision, including but not limited to the tracts a) the tract designated "Bonneville Transmission Line", b) the two tracts lying between Lot 999 and Lot 1 Block 1 an the U.S. Highway 101, c) the tract enisled by the Salmon Drive p ortion of Lot 999 and the boundary line of Block 2 of said subdivision and d) the property of the Grantors lying across the Big Nestucca River from the Subdivision, more particulary described as part of the property described in Exhibit B attached hereto and by reference made a part hereof.

Subject to the rights of all owners and successors in interest of properties in the Nestucca Bend Subdivision as set forth in the Covenants and Restrictions of record and the Bylaws of the Nestucca Bend Owners Association and

Subject to all easements of record.

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

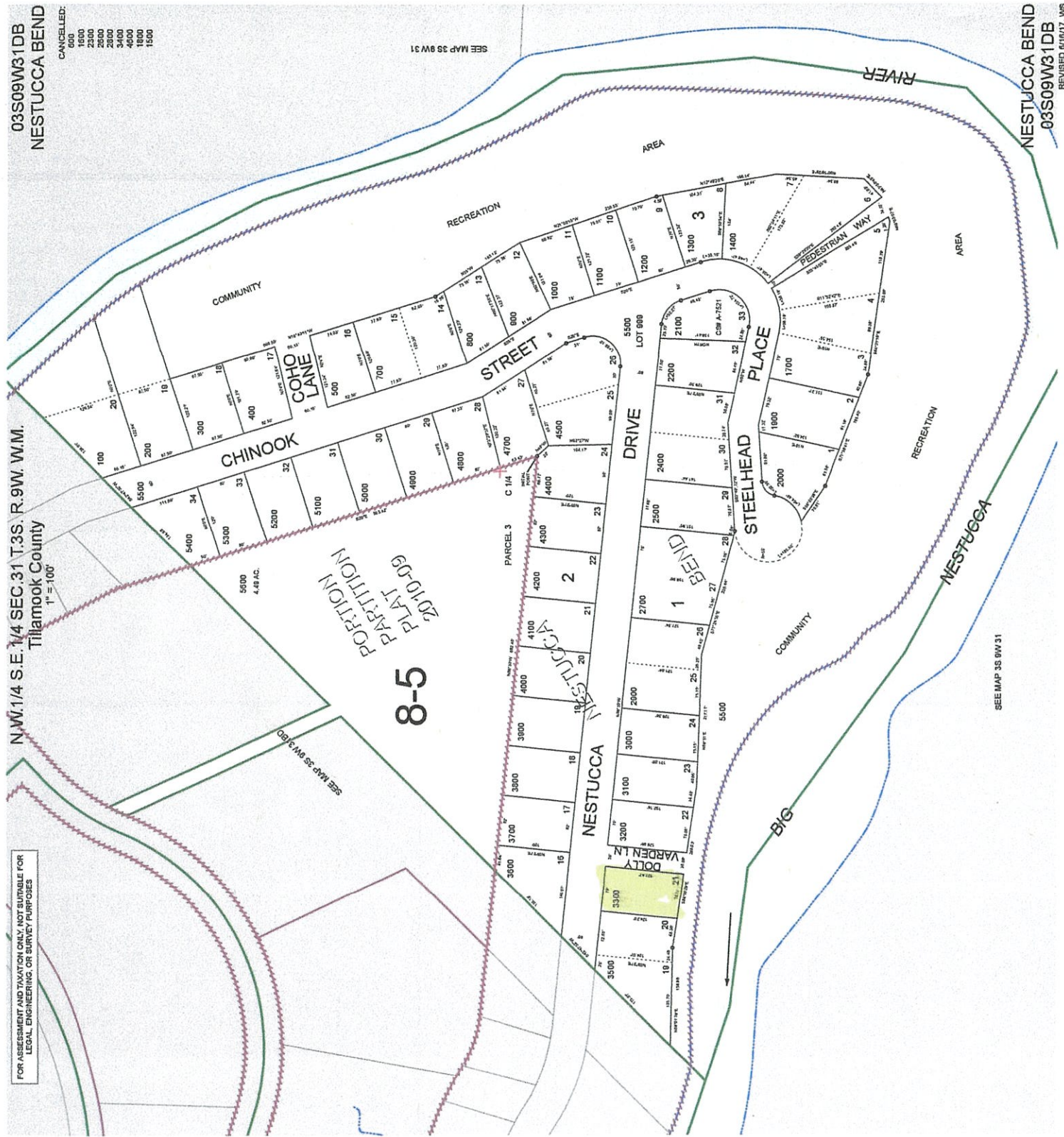
N.W. 1/4 S.E. 1/4 SEC. 31 T.3S. R.9W. W.M.
Tillamook County

03S09W31DB
NESTUCCA BEND

CANCELLED:
6000
16000
23000
26000
30000
35000
40000
18000
15000

SEE MAP 3S 9W 31

NESTUCCA BEND
03S09W31DB
REVISED 6/16/17, WS



SEE MAP 3S 9W 31

3S0931DB03300

2 messages

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

Fri, Jun 21 at 3:47 PM

To: Sheila Shoemaker <Sheila.Shoemaker@tillamookcounty.gov>

Cc: James.charmaine.klein@gmail.com <James.charmaine.klein@gmail.com>

Sheila,

I looked at this lot adjacent to 18955 Nestucca Dr. (in Nestucca Bend) to measure the riparian setback. It was different situation with the wider floodplain and less distinct ordinary high water mark, but I came up with the 50 foot setback line. The approximate setback line is shown on the attached aerial. Let me know if you have any questions.

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)

3S0931DB03300.jpg



AK

3500

3300

3200

3100

3600

3700

3800

Nestucca Drive

Dolly Varden Lane