



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

Land of Cheese, Trees and Ocean Breeze

**NON-CONFORMING MINOR REVIEW #851-23-000071-PLNG: PEARSON/DEA
PROPERTIES-19, LLC**

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

October 17, 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 October 17, 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 October 30, 2023**. This decision will become final on October 30, 2023, unless an appeal is filed in accordance with Tillamook County Land Use Ordinance Article 10.

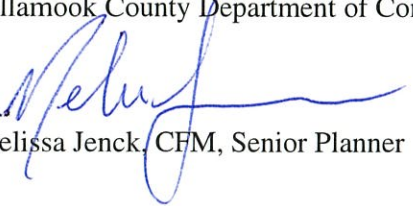
- Request:** Nonconforming Minor Review request for the expansion of a single-family dwelling, including remodel (Exhibit B).
- Location:** The subject property is located at 17850 Ocean Blvd, a County road. The subject property is located in the Unincorporated Community of Barview/Watseco/Twin Rocks and is designated as Tax Lot 2000 in Section 7DA of Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).
- Zone:** Community Medium Density Urban Residential (CR-2) Zone
- Applicant:** Sabrina Pearson, 2608 Irving Avenue, Astoria, OR 97103
- Property Owner:** DEA Properties-19, LLC, 16420 SSE McGillivray Blvd, Vancouver, WA 98683

CONDITIONS OF APPROVAL

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 required Federal, State, and Local permits, including demolition 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. The applicant/property owner shall submit a site plan drawn to scale that confirms all required setbacks are met. The site plan shall be submitted to the Department of Community Development at the time of consolidated Zoning/Building Permit application submittal.
4. Applicant/property owner shall comply with the relevant standards of TCLUO Section 3.014: Community Medium Density Residential (CR-2) Zone, TCLUO Section 3.530: Beach and Dune Hazard (BD) Overlay, and TCLUO Section 3.510: Flood Hazard (FH) Overlay.
5. Applicant/property owner shall prepare a Dune Area Development Permit, in accordance with the applicable standards contained in TCLUO Section 3.530: Beach and Dune Hazard (BD) Overlay, to include specific recommendations for development including vegetation and planting/replanting plans. Applicant/property owner shall submit a Dune Area Development Permit prior to, or at time of, consolidated Zoning/Building permit application submittal.
6. Applicant/property owner shall develop a maintenance and monitoring plan for vegetation on the subject site, including on the oceanward portion of the subject property, in accordance with TCLUO Section 3.530: Beach and Dune Hazard (BD) Overlay. The maintenance and monitoring plan shall include observations of the site when needed to maintain plant cover due to damage by erosion or trampling, grading activities and incomplete survival of initial plantings.
7. Applicant/property owner shall comply with the applicable development standards contained within TCLUO Section 3.510: Flood Hazard (FH) Overlay. Applicant/property owner shall submit a Floodplain Development Permit in accordance with TCLUO Section 3.510 prior to, or at time of, consolidated Zoning/Building Permit application submittal.
8. 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.
9. Applicant/property owner shall not remove more than 80-percent (80%) of the existing structure, and shall not constitute as a replacement of the structure, per TCLUO Section 7.020, 'Nonconforming Uses and Structures'.
10. This approval expires if a Consolidated Zoning/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

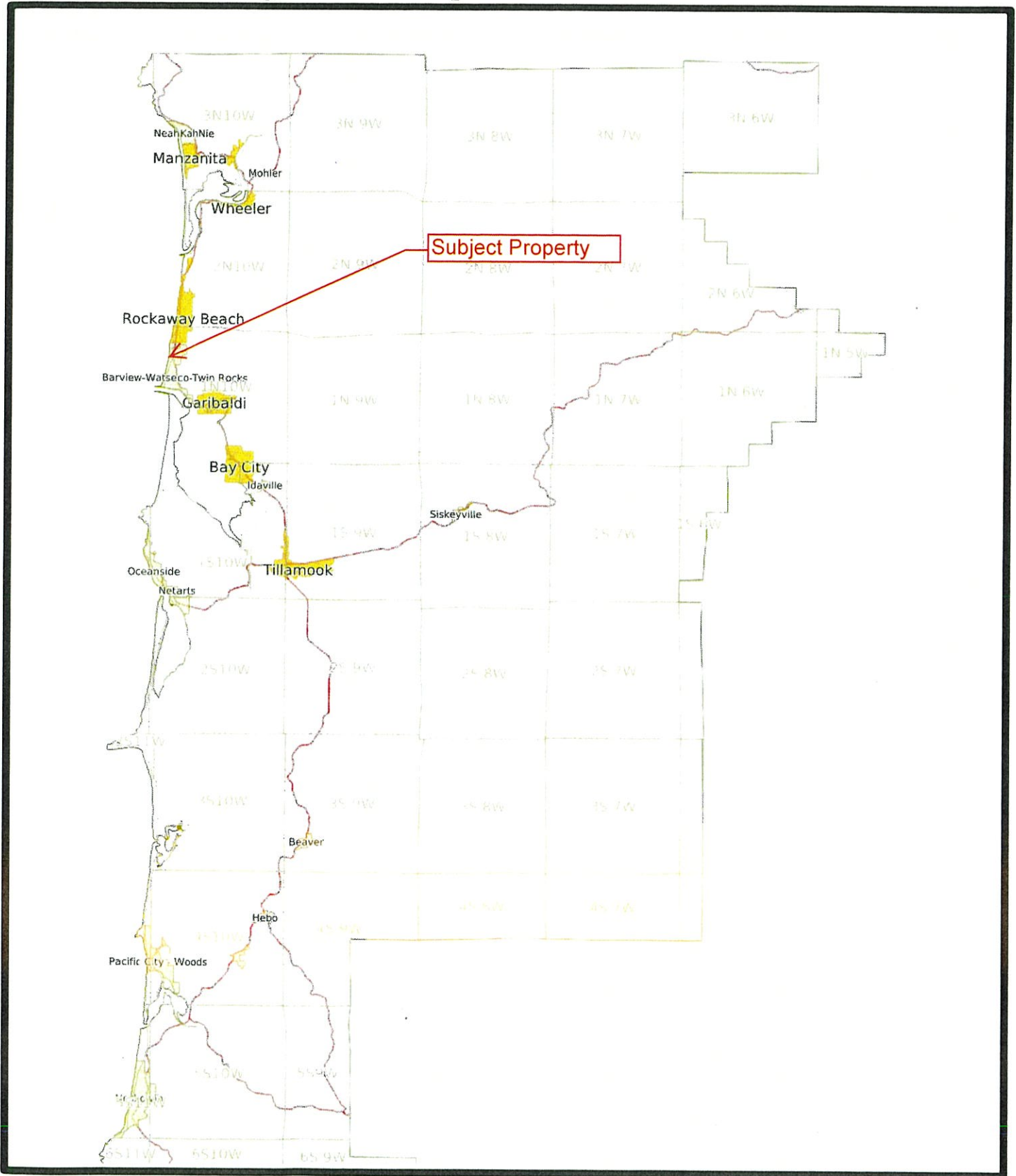


Melissa Jenck, CFM, Senior Planner

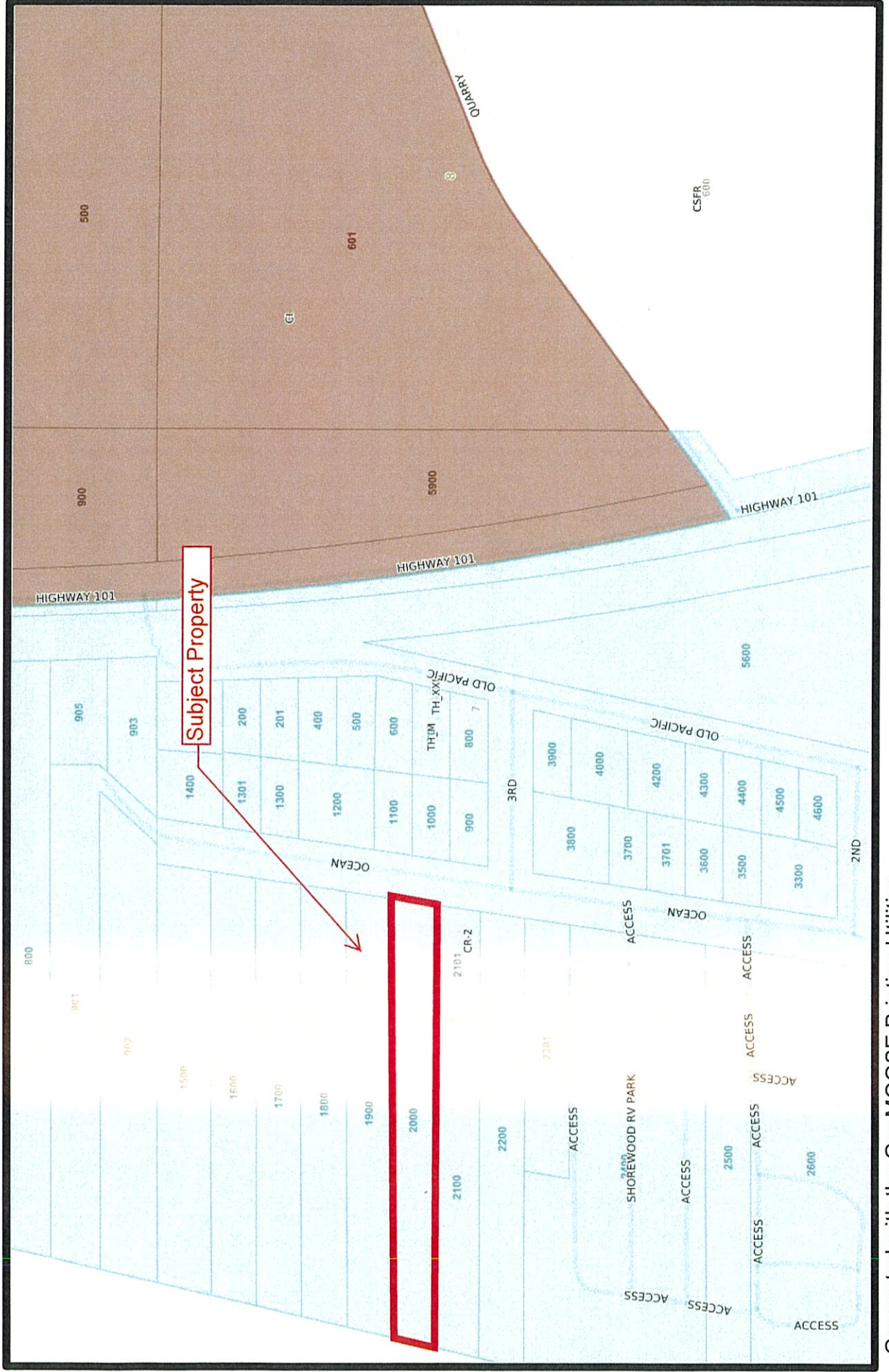
Sarah Absher, Director, CFM

Enc.: Vicinity, Assessor's and Zoning maps

Vicinity Map



Zoning Map





Land of Cheese, Trees and Ocean Breeze

NON-CONFORMING MINOR REVIEW #851-23-000071-PLNG: PEARSON/DEA PROPERTIES-19, LLC

ADMINISTRATIVE DECISION AND STAFF REPORT

DECISION: Approved with Conditions

DECISION DATE: October 17, 2023

REPORT PREPARED BY: Melissa Jenck, CFM, Senior Planner

I. GENERAL INFORMATION:

- Request:** Nonconforming Minor Review request for the expansion of a single-family dwelling, including remodel (Exhibit B).
- Location:** The subject property is located at 17850 Ocean Blvd, a County road. The subject property is located in the Unincorporated Community of Barview/Watseco/Twin Rocks and is designated as Tax Lot 2000 in Section 7DA of Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).
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- Property Owner:** DEA Properties-19, LLC, 16420 SSE McGillivray Blvd, Vancouver, WA 98683

II. PROPERTY DESCRIPTION:

According to Tillamook County GIS, the subject property is approximately 0.77-acres and is developed with an existing 1,606 square foot single-family dwelling (Exhibit A). Tillamook County Assessor's records indicated that the existing house was built in 1975 (Exhibit A).

The surrounding area is also zoned Community Medium Density Urban Residential Zone (CR-2) and is developed with residential uses (Exhibit A). The subject property is located in FEMA Flood Zone 'VE', an area subject to coastal flooding with hazards associated with storm waves, as depicted on FEMA FIRM 41057C0379F dated September 28, 2018 (Exhibit A). The subject property is located in an area mapped as Active Foredune, Dune Complex and Inland Foredune as mapped in the Department of Oregon Geology and Mineral Industries (DOGAMI) Open File report O-20-13 (Exhibit A).

No wetlands or natural features are present on the subject property, per Department of State Lands Statewide Wetlands Inventory (SWI) (Exhibit A).

Applicant is proposing an expansion to the existing single-family dwelling, including remodel of the existing dwelling (Exhibit B). The dwelling is considered to be non-conforming because the structure does not meet the required Oceanfront Setback Line (OSL) per TCLUO Section 3.530(8).

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 3.014: Community Medium Density Urban Residential Zone (CR-2)
- 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. Section 3.014 Community Medium Density Urban Residential Zone (CR-2)

(1) PURPOSE: The purpose of the CR-2 zone is to designate areas for medium-density single-family and duplex residential development, and other, compatible, uses. Land that is suitable for the CR-2 zone has public sewer service available, and has relatively few limitations to development.

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

(a) One or two-family dwelling.

Findings: 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 CR-2 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

(a) For a single-family dwelling, the minimum size for lots with an average slope of 20 percent or less shall be 5000 square feet. For lots averaging over 20 percent, the minimum lot size shall be 6000 square feet for a single-family dwelling. A two-family dwelling shall require 2500 square feet additional area, and each of the third and fourth dwelling units shall require an additional 3750 square feet. Where public sewers are unavailable, the County Sanitarian may require lot sizes greater than the minimum, if necessary for the installation of adequate on-site sewage disposal systems.

...
(d) The minimum front yard shall be 20 feet.

(e) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be 15 feet.

(f) The minimum rear yard shall be 20 feet; on a corner lot it shall be 5 feet.

(g) 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 VIII.

Findings: The subject property encompasses 0.77-acres and exceeds the minimum lot size required for the zone (Exhibit A). The subject property is an oceanfront parcel, abutting the Pacific Ocean to the West (Exhibit A & B). The property is accessed and served by Ocean Boulevard, a County road, located at the easterly (front) property line.

The submitted site plan indicates the existing dwelling is meeting or exceeding applicable setbacks of TCLUO Section 3.014 required for front and side yards (Exhibit B). Applicants' submittal includes elevation profiles and statements that the proposed development would include an expansion to increase the height of the existing structure to 24-feet, in accordance with the maximum building height for oceanfront properties in the CR-2 zone (Exhibit B).

Staff find that the proposed development shall comply with the standards of the CR-2 zone, subject to the conditions of approval.

B. TCLUO Section 3.510 Flood Hazard (FH) Overlay

(1) PURPOSE: 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.*

...

(10) SPECIFIC STANDARDS FOR COASTAL HIGH HAZARD AREAS (V, VE or VI-V30 ZONES): Located within areas of special flood hazard established in Section 3.510(2) are Coastal High Hazard Areas. These areas have special flood hazards associated with high velocity waters from tidal surges and, therefore, in addition to meeting all provisions in this Section the following provisions shall apply to residential, non-residential, manufactured dwellings and other development in Coastal High Hazard Areas:

- (a) All new construction and substantial improvements in Zones VI-V30, VE and V shall be elevated on pilings and columns so that:
 - (1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above one foot above the base flood level: and*
 - (2) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).**

Findings: As indicated on FEMA FIRM 41057C0379F dated September 28, 2018, the subject property is located in an 'VE' Special Flood Hazard Area (Exhibit A). The existing dwelling and expansion are proposed to be located entirely within the 'VE' zone (Exhibit B).

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 as shown on the submitted site plan (Exhibit B).

Applicant indicates that the proposed development will exceed the substantial improvement threshold of the existing dwelling, currently valued at \$250,680 per Tillamook County Assessors Summary (Exhibit A & B).

Staff find the proposed development is a substantial improvement and shall be required to conform to the requirements of TCLUO Section 3.510, specifically Subsection (10) for VE zone development, and requires a Floodplain Development Permit approval, to ensure conformance with the standards and criteria of TCLUO Section 3.510. Staff will require as a Condition of Approval conformance to obtain an approved Floodplain Development Permit, in accordance with TCLUO Section 3.510, prior to the start of future development.

C. Section 3.530 Beach and Dune Hazard (BD) Overlay

The purpose of this section is to establish criteria and standards to direct and manage development within beach and dune areas to conserve resources and benefits of coastal beach and dune areas, reduce risks to life and property from natural and man-induced actions, and ensure siting and design of development is consistent with Statewide Planning Goals 7 and 18.

...

(5) DUNE AREA DEVELOPMENT PERMIT:

(a) Except for activities identified in subsection (5)(b) as exempt, any new development, new construction, substantial improvement, shoreline alteration (including activities outside of OPRD's jurisdiction) or grading activity in an area subject to the provisions of this section shall require a Dune Area Development Permit. The Dune Area Development Permit may be applied for prior to or in conjunction with a building permit, grading permit, or any other permit or land use approval required by Tillamook County.

Findings: The subject property is located in an area mapped as Active Fore-dune, Dune Complex and Inland Fore-dune as mapped in the Department of Oregon Geology and Mineral Industries (DOGAMI) Open File report O-20-13 (Exhibit A). Staff find that the property is subject to the Beach and Dune Hazard (BD) Overlay, TCLUO Section 3.530.

Staff find that a Dune Area Development Permit is required for new development, new construction, substantial improvement or grading activity within designated Beach and Dune Hazard areas. Applicant states should development be approved, an application for a Dune Area Development Permit will accompany future submittals.

Staff find that the proposed development includes vegetation removal, and potential land grading activities for the expansion (Exhibit B). Staff find, that the Dune Area Development Permit will require recommendations from a geoprofessional for erosion control measures, to include vegetation, stormwater/drainage, and erosion/sediment control measures for site.

...

(8) OCEANFRONT SETBACKS: *As used in this section, "vegetation line" means the ocean shore state recreation area boundary as described in ORS 390.770 or the line of established upland shore vegetation, whichever is farther inland. In areas subject to the provisions of this section, all development, except for activities listed as exempt in subsection (5)(b), shall be set back from the vegetation line the greater of:*

...

(b) A distance established through calculation of an Oceanfront Setback Line (OSL) as follows:

(A) On a lot or parcel where there are existing buildings located within 300 feet of the boundaries of the subject lot or parcel on both the north and the south, the OSL is a line drawn between the nearest building to the north and the nearest building to the south. The line shall be drawn between the most oceanward points of the two building footprints closest to the vegetation line.

...

(D) For purposes of calculating the OSL, "building" means a lawfully established, permanent residential, commercial, public, or industrial structure within 500 feet of the vegetation line and located on a lot or parcel that abuts the vegetation line. It does not include detached accessory structures.

(E) For purposes of calculating the OSL, "closest point of a building" means the point on an exterior wall of a building that is closest to the vegetation line. It does not include decks, second story decks, other structural improvements above finished grade, unroofed porches or landings,

walkways, or building projections such as cornices, eaves, canopies, sunshades, gutters, or chimney chases.

Findings: Applicant finds there are existing dwellings located within 300-feet to the north and south of the subject property. The applicant provides a site survey prepared by Leland MacDonald & Associates, LLC dated March 24, 2022 which indicates the Oceanfront Setback line bisects the existing dwelling diagonally, resulting in the majority of the existing dwelling footprint being located oceanward of the Oceanfront Setback line (Exhibit B). The site plan confirms the existing single-family dwelling does not meet the Oceanfront Setback required by the Beach and Dune Hazard (BD) Overlay zone and the proposed expansion is subject to the provisions of TCLUO Article 7: Non-conforming uses and structures.

Staff received comments from Oregon Department of State Lands (DSL) with concerns relating to the location of the highest measured tide line (HMTL). DSL requests a delineation be provided to ensure the development is not oceanward of the vegetation line (Exhibit C). Staff discussed with Oregon Parks and Recreation Department staff the location of the Statutory Vegetation Line being located oceanward of the proposed development on September 11, 2023. Staff confirmed with OPRD they were not concerned regarding the proposed development.

Staff visited the subject property on September 11, 2023, to review the current vegetation on the oceanward portion of the structure. Vegetation, including beach grasses and low-lying shrubs were present on the property, predominately around the building and the boundary lines of the property. The Department will require continued maintenance of the existing vegetation, to ensure compliance with TCLUO Section 3.530 as a condition of approval.

A Condition of Approval shall require demonstration of compliance with the provisions of TCLUO Section 3.530: Beach and Dune Hazard (BD) Overlay at the time of consolidated zoning/building permit application submittal, to include a 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.” Replacement of a structure is defined “removal that exceeds 80 percent of an existing structure and placement of a new structure.”

Findings: County records indicate the subject property was developed in accordance with applicable land use ordinance provisions at the time of construction in 1975 (Exhibit A). Staff find the existing dwelling does not comply with the Oceanfront Setback Line, as detailed in Section C of this report. Applicant prepared an analysis of the existing structure and the percentage of such structure to remain as part of the proposed remodel and expansion. Applicant summarizes that of the dwelling, to include the attached deck and garage, that approximately 40% of the ‘residence’ and 60% of the deck will remain. Staff finds the structure is considered non-conforming as defined above, and that the Applicant proposal does not include removal of the existing structure to exceed 80% (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.

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 Non-Conforming 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 agencies May 19, 2023. Comments were received from the Oregon Department of State Lands, and properties in the vicinity (Exhibit C). A summary of the comments include:

- DSL requests a delineation of the statutory vegetation line.
- Concerns regarding impacts to additional traffic to adjacent roads for the dwelling.
- Loss of vegetation, due to expanded footprint and areas dedicated for landscaping/parking.

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 is to maintain the dwelling as a single-family residence, and the current and proposed conditions of the dwelling will not produce noise, vibration, dust, odor, fumes, glare, or smoke beyond the property boundary for normal operations of the residence (Exhibit B). The Applicant proposes to maintain the existing footprint on the oceanward portion of the dwelling, with expansion of the structure within the easterly portion of the subject property (Exhibit B). The Applicant indicated that the number of vehicular trips is not expected to increase, outside those expected for residential uses. Applicant states the proposed expansion will not have an adverse impact due to the number of vehicular trips for one single-family dwelling (Exhibit B).

Staff finds that the proposed use and location of improvements will not affect the listed factors for those reasons stated above. 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 with the proposed expansion, designated areas for parking and access will be improved beyond the County's minimum standards (Exhibit B). Applicant's site plan demonstrates that the proposed expansion areas will remain wholly within the subject property boundaries and shall comply with minimum development standards for setbacks and maximum 24-foot height allowance (Exhibit B). The proposed expansion/alteration is not a change in use and therefore no hours of operation compared to those typical for residential uses are expected to change as a result of the proposed development.

Staff finds that these criteria are met and can be met through compliance with Conditions of Approval.

- (6) Effect on existing vegetation;*
- (7) Effect on water drainage and water quality;*

Findings: The subject property is approximately 0.77-acres in size, with the existing footprint of the dwelling maintained in the westerly portion of the property. Applicant is proposing a primarily easterly expansion of the

existing single-family dwelling. The Applicant states that the site maintains salal, beach grasses, and a variety of native plants. Applicants' site plans demonstrate an approximate footprint of the existing structure at 47-feet by 58-feet. The proposed expansion would add an approximate 82-foot expansion of the depth of the dwelling to the east, with an increase in the width of the structure of approximately 50-feet, for a total footprint of 50-feet by 140-feet (Exhibit B).

Staff find the property is 60-feet in width by approximately 578-feet deep (Exhibit B). The proposed expansion will leave a front yard setback of approximately 225-feet. The Applicant's site plan details improved access and parking areas along the easterly portion of the subject property, with open space and vegetation remaining within the front 95-foot of the property (Exhibit B). Applicant concludes that the proposed expansion will not have an adverse impact to vegetation, with the proposed site area maintained for open space (Exhibit B).

Comments from the public include concerns of the removal of vegetation for the placement of the proposed parking areas, and the expansion of the dwelling (Exhibit C).

Staff visited the subject property on September 11, 2023, to review the current vegetation on the oceanward portion of the structure. Vegetation, including beach grasses and low-lying shrubs were present on the property, predominately around the building and the boundary lines of the property. The Department will require continued maintenance of the existing vegetation, to ensure compliance with TCLUO Section 3.530 as a condition of approval. The site visit performed by Staff indicate well established vegetation on the easterly portions of the property.

As indicated in Subsection C above, a Dune Area Development Permit shall be required in accordance with TCLUO Section 3.530. The Dune Area Development Permit will contain recommendations for erosion control measures, to include vegetation, stormwater/drainage, and erosion/sediment control measures for site.

Applicant indicates a discussion with Morgan Civil Engineering to develop an onsite management plan for water drainage on the subject property, to ensure no adverse impacts to the site or neighboring properties (Exhibit B).

Staff find that the proposed expansion will meet or exceed the minimum setback requirements of the CR-2 zone, along with maintaining approximately 95-feet of open space. Staff find that development shall comply with TCLUO Section 3.530, which will require site-specific stormwater, vegetation and erosion control measures to be developed for the proposed expansion.

Staff find expansion complies with the minimum standards of the CR-2 zone. Due to the properties size, drainage and water quality is not expected to affect neighboring properties, along with the development of site-specific stormwater, vegetation and erosion control plans through a Dune Area Development Per. Staff find that these criteria are met and can be met through compliance with Conditions of Approval.

- (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 existing residential house and that there are no know conflicts or incompatibilities (Exhibit B).

Public comments received detailed concerns of the proposed expansion, to include that the proposed size of the dwelling is larger than those in the vicinity and is unlike dwellings currently established in the area (Exhibit C).

Staff finds that the use of the single-family dwelling will remain residential in nature, and the proposed expansion to the dwelling is in compliance with those minimum CR-2 zone standards, including allowed height and setbacks (Exhibit B). 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 structure was developed as a single-family dwelling and the proposal maintains as such, with the expansion (Exhibit B). Applicant identifies that the area is improved with single-family residential development, along with a 52-space recreational vehicle park (Exhibit B).

County records indicate the single-family dwelling has existed on the subject property since 1975 (Exhibits A and B). Staff finds that the proposed development is served by existing County roads in a developed area consistent with the Applicant's property. Surrounding and adjacent properties are similar in nature, improved with single-family dwellings and are consistent with the character and history of the use and development in the surrounding area.

Staff find the proposed development will comply with the allowed residential density, along with the existing density maintained in the vicinity of a single-family dwelling.

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). There are no additional structures located on the subject property (Exhibit A & B). Applicants survey included in their submittal indicate that the existing dwelling located to the south exceeds six-foot of separation from the existing dwelling (Exhibit B). Staff find that the proposed expansion will maintain a 5-ft setback from the southerly boundary, and will therefore maintain the minimum six-foot separation from the southerly dwelling (Exhibit 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 the expansion shall comply with the minimum development standards of the CR-2 zone (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 and additional development requirements are outline in Conditions of Approval below.

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 October 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.

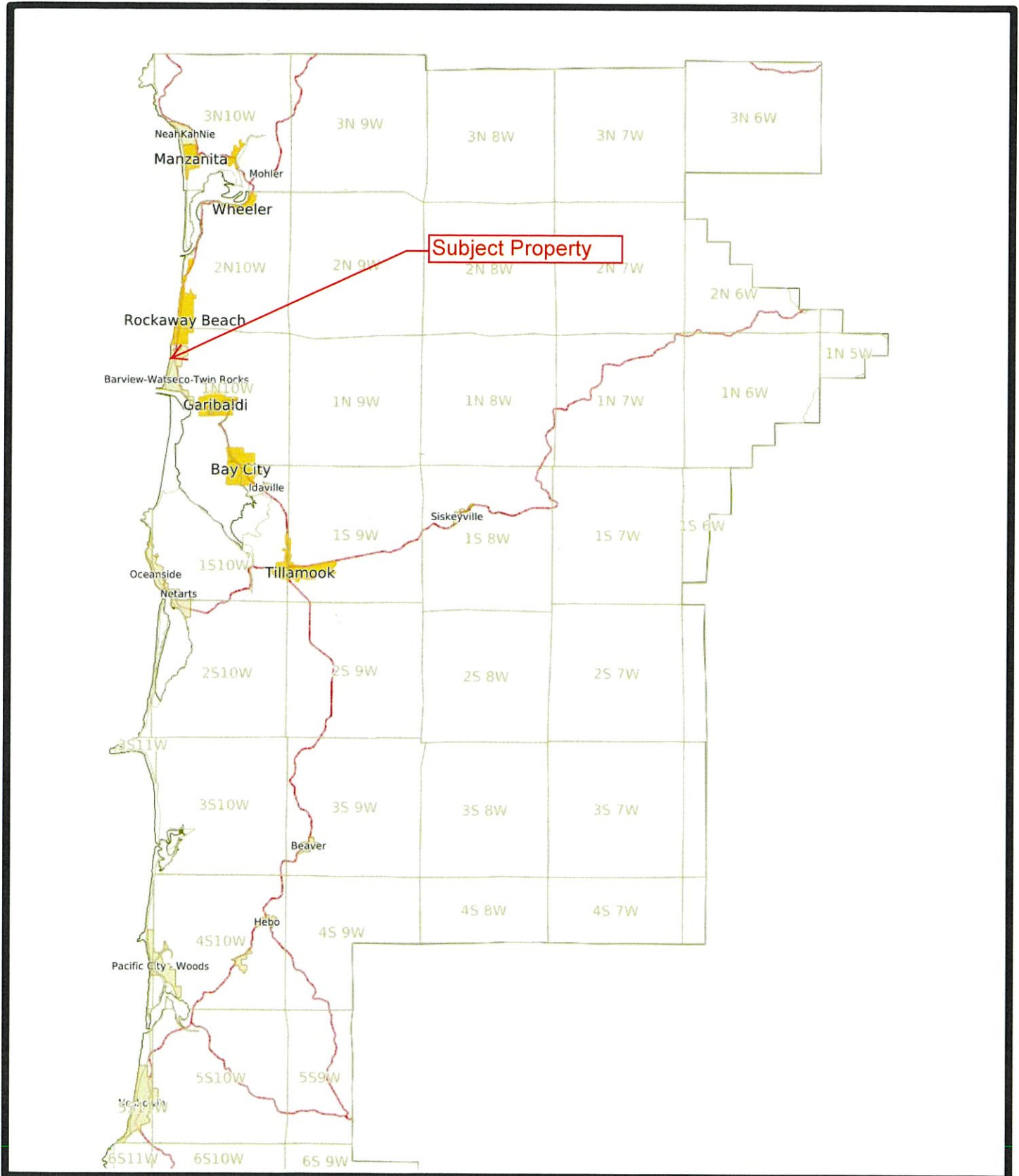
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4. Applicant/property owner shall comply with the relevant standards of TCLUO Section 3.014: Community Medium Density Residential (CR-2) Zone, TCLUO Section 3.530: Beach and Dune Hazard (BD) Overlay, and TCLUO Section 3.510: Flood Hazard (FH) Overlay.
5. Applicant/property owner shall prepare a Dune Area Development Permit, in accordance with the applicable standards contained in TCLUO Section 3.530: Beach and Dune Hazard (BD) Overlay, to include specific recommendations for development including vegetation and planting/replanting plans. Applicant/property owner shall submit a Dune Area Development Permit prior to, or at time of, consolidated Zoning/Building permit application submittal.
6. Applicant/property owner shall develop a maintenance and monitoring plan for vegetation on the subject site, including on the oceanward portion of the subject property, in accordance with TCLUO Section 3.530: Beach and Dune Hazard (BD) Overlay. The maintenance and monitoring plan shall include observations of the site when needed to maintain plant cover due to damage by erosion or trampling, grading activities and incomplete survival of initial plantings.
7. Applicant/property owner shall comply with the applicable development standards contained within TCLUO Section 3.510: Flood Hazard (FH) Overlay. Applicant/property owner shall submit a Floodplain Development Permit in accordance with TCLUO Section 3.510 prior to, or at time of, consolidated Zoning/Building Permit application submittal.
8. 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.
9. Applicant/property owner shall not remove more than 80-percent (80%) of the existing structure, and shall not constitute as a replacement of the structure, per TCLUO Section 7.020, 'Nonconforming Uses and Structures'.
10. This approval expires if a Consolidated Zoning/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

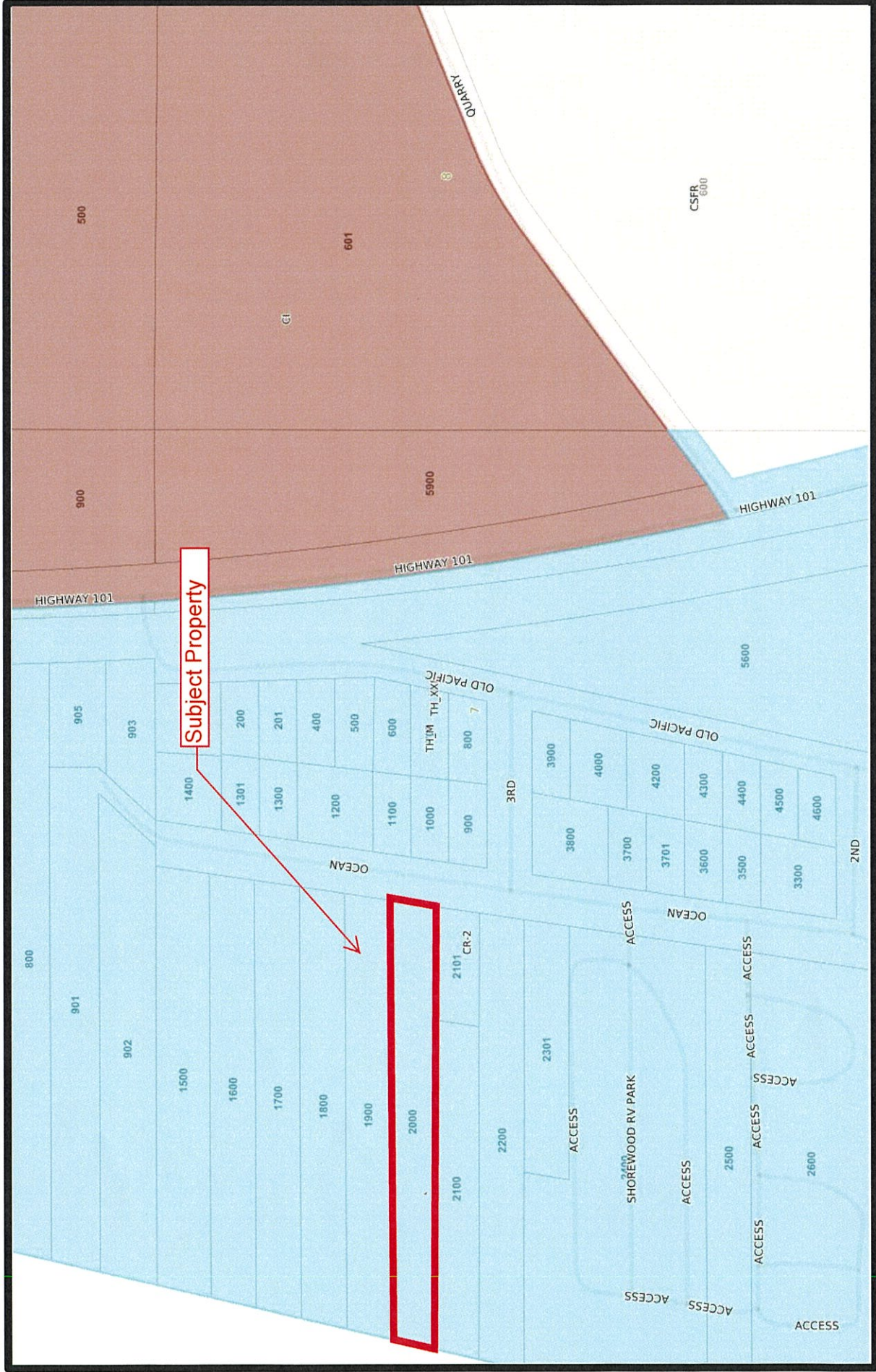
- A. Vicinity map, Assessor's map, Zoning map, Tax Assessor's Summary Report, Wetlands and FEMA FIRM
- B. Applicant's Submittal
- C. Public Comments

EXHIBIT A

Vicinity Map



Zoning Map

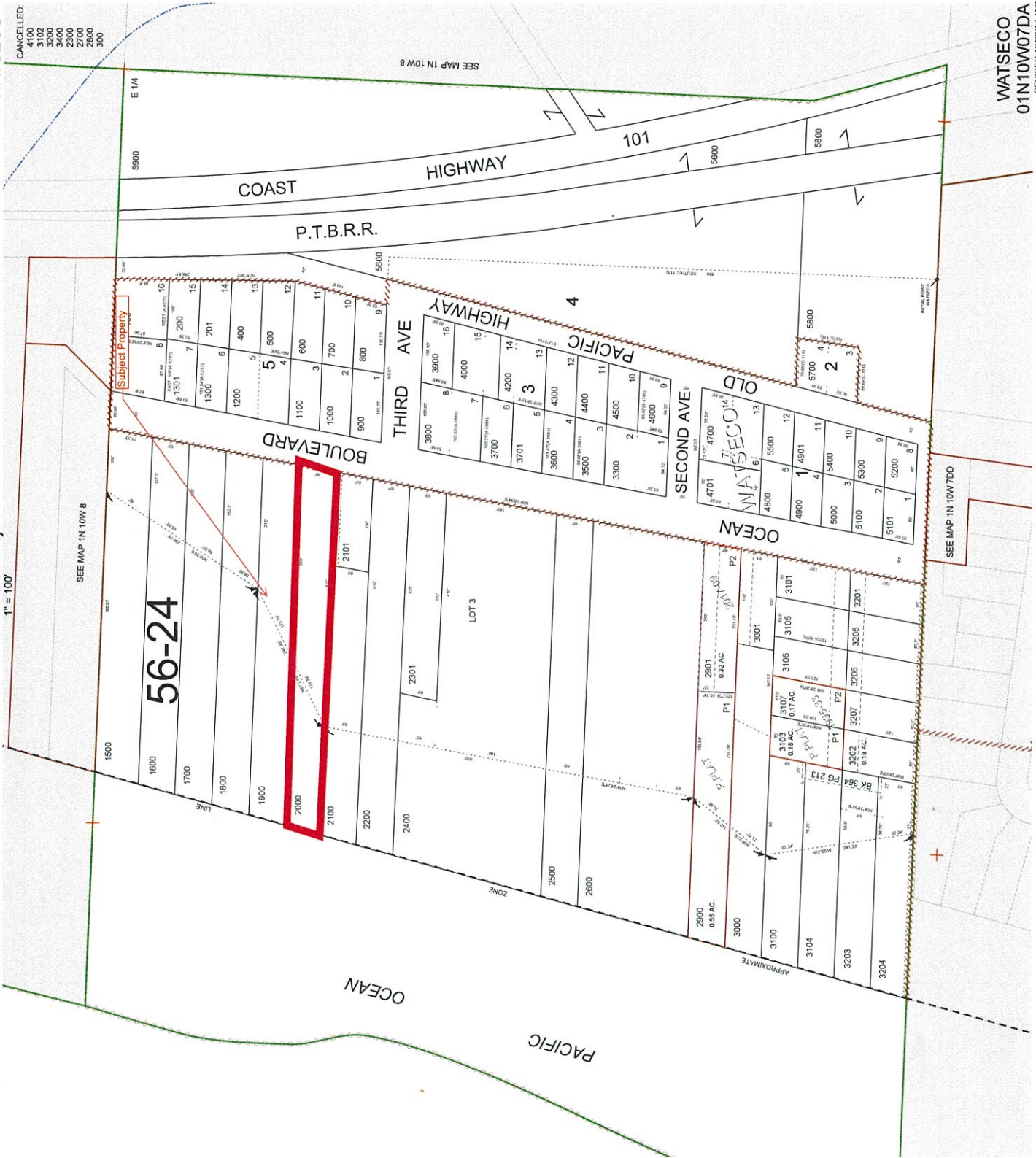


FOR ASSESSMENT AND TAXATION ONLY, NOT SUITABLE FOR
LEGAL, ENGINEERING, OR SURVEY PURPOSES

N.E. 1/4 S.E. 1/4 SEC. 7 T. 1N. R. 10W. W.M.
Tillamook County
1" = 100'

01N10W07DA
WATSECO

WATSECO
01N10W07DA
REVISED 12/29/17, WS



CANCELLED:
4100
4200
3200
3400
2300
2700
2800
300

SEE MAP IN 10W 8

SEE MAP IN 10W 7DD

SEE MAP IN 10W 8

National Flood Hazard Layer FIRMette

123°57'22"W 45°35'26"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

- 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 OF FLOOD HAZARD

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone

OTHER AREAS

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

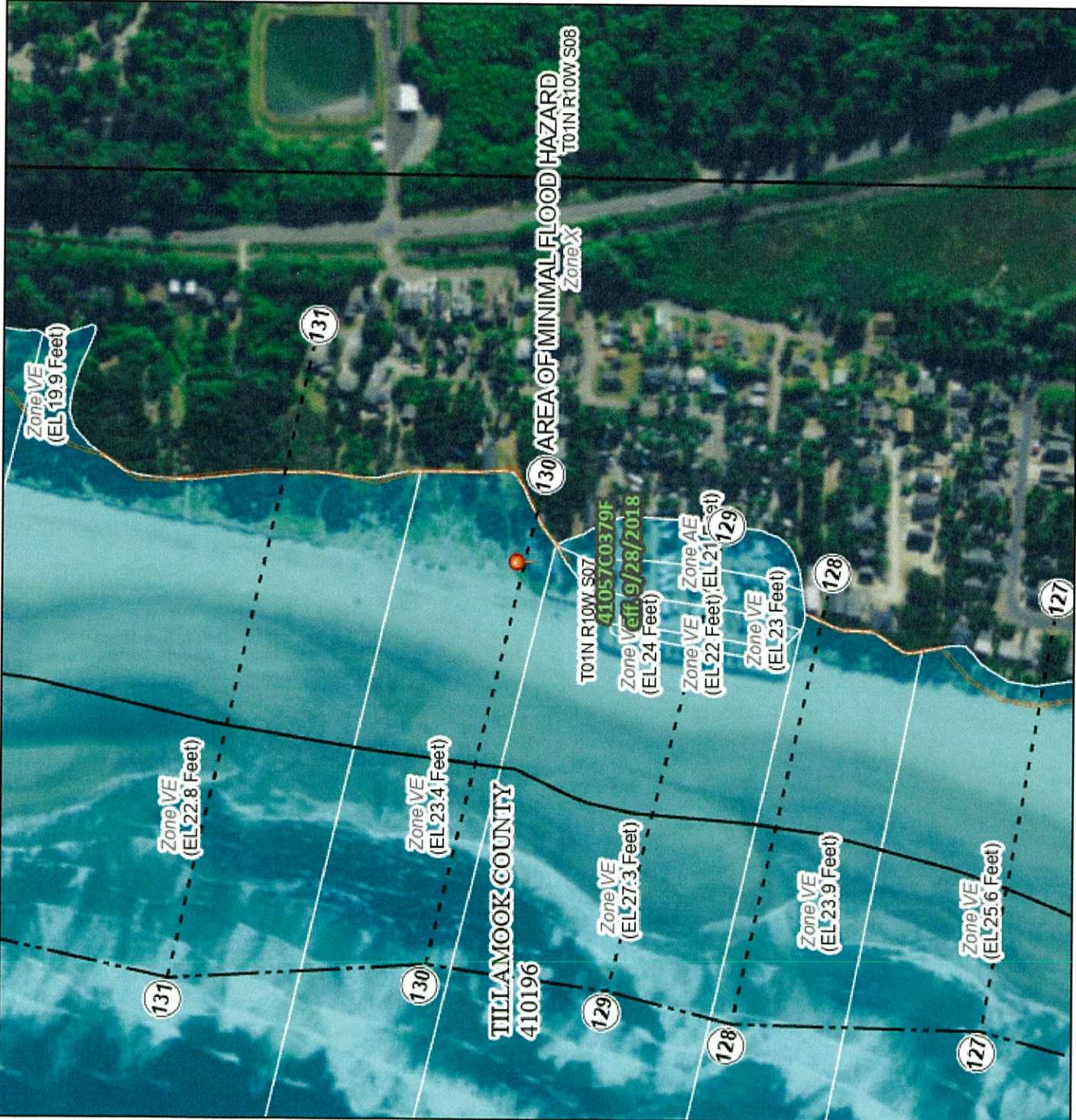
- Digital Data Available
- No Digital Data Available
- Unmapped

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

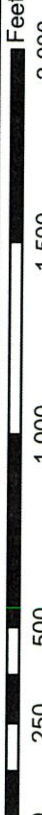
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/19/2023 at 2:01 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by 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.



123°56'45"W 45°35'N

1:6,000

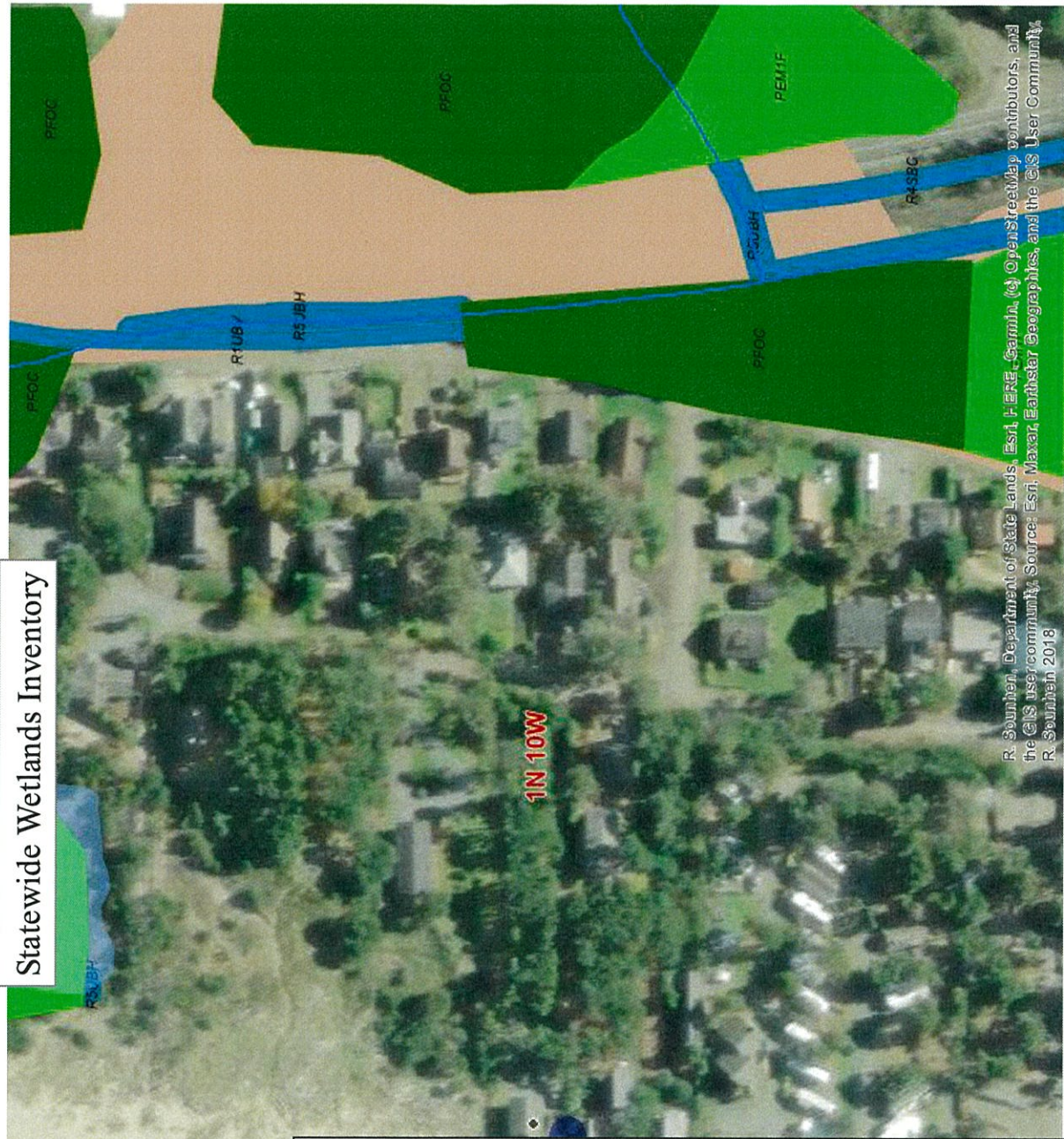


Beach & Dune Overlay



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. 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



R. Spurnhein, Department of State Lands, Esri, F. BREG, Gamma, (c) OpenstreetMap contributors, and the GIS User Community; Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, R. Spurnhein 2018

	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



The Statewide Wetlands Inventory (SWI) represents the best data available at the time the map was published and is updated as more data becomes available. It does not represent ownership boundaries or wetlands and waters (such as creeks and ponds). An onsite investigation by a wetland professional can verify actual field conditions.



Date: 5/19/2023



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

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

Applicant (Check Box if Same as Property Owner)

Name: Sabrina Pearson Phone: (503) 440-3015

Address: 2608 Irving Avenue

City: Astoria State: OR Zip: 97103

Email: plandevlopment@live.com

Property Owner

Name: DEA Properties-19, LLC Phone: (360) 921-9424

Address: 16420 SE McGillivray Blvd. STE. 103, Box 364

City: Vancouver State: WA Zip: 98683

Email: deapropertymgr@yahoo.com

OFFICE USE ONLY	
Date Stamp	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees: 500	
Permit No: 851-23-000071-PLNG	

Request: Retain and expand an existing single family dwelling with the 24-foot building height, with a 260-foot front yard setback, 5-foot side yard setbacks, and existing oceanfront setback and to meet current building code flood hazard overlay zone, and beaches and dunes area report recommendations. As a renovation, at least 20% of the existing structure will be retained.

Type II	Type III	Type IV
<input type="checkbox"/> Farm/Forest Review	<input type="checkbox"/> Appeal of Director's Decision	<input type="checkbox"/> Appeal of Planning Commission Decision
<input type="checkbox"/> Conditional Use Review	<input type="checkbox"/> Extension of Time	<input type="checkbox"/> Ordinance Amendment
<input type="checkbox"/> Variance	<input type="checkbox"/> Detailed Hazard Report	<input type="checkbox"/> Large-Scale Zoning Map Amendment
<input type="checkbox"/> Exception to Resource or Riparian Setback	<input type="checkbox"/> Conditional Use (As deemed by Director)	<input type="checkbox"/> Plan and/or Code Text Amendment
<input checked="" type="checkbox"/> Nonconforming Review (Major or Minor)	<input type="checkbox"/> Ordinance Amendment	
<input type="checkbox"/> Development Permit Review for Estuary Development	<input type="checkbox"/> Map Amendment	
<input type="checkbox"/> Non-farm dwelling in Farm Zone	<input type="checkbox"/> Goal Exception	
<input type="checkbox"/> Fore-dune Grading Permit Review		
<input type="checkbox"/> Neskowin Coastal Hazards Area		

Location:

Site Address: 17850 Ocean Blvd. Tillamook, OR 97141

Map Number: 1N Township 10W Range 7DA Section 2000 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.

DocuSigned by:
 Dale Anderson 2/27/2023
 Property Owner Signature (Required) Date
 Sabrina Pearson 8/30/2022
 Applicant Signature Date

Type II Administrative Application: Nonconforming Structure Expansion

Location: 1N 10W 7DA Tax Lot 2000. 17850 Ocean Blvd. Tillamook. OR 97141



RECEIVED
MAR 13 2023
BY: email

Plan Development, LLC
Sabrina Pearson,
Consultant, for:

Property Owner:
DEA Properties-19, LLC
Agent: Dale Anderson

March 9, 2023

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

TABLE OF CONTENTS

DOCUMENTS PROVIDED WITH THIS TYPE II ADMINISTRATIVE APPLICATION:	Page(s)
1. <u>Application Request.</u>	2
2. <u>Property Development Permit Process: 5 Steps</u>	3
3. <u>Table of Contents: Step 1: Expansion Application Applicable Criteria:</u>	4
4. <u>Signed Planning Application Form:</u>	5
5. <u>Contact Information for this Application.</u>	6
6. <u>Proof of Ownership:</u> Assessor Ownership Record. (Current on File: 2022)	7
7. <u>Receipt for Fees Paid:</u> Nonconforming Structure: Major Review. \$1,500*	7
8. <u>Application Plans:</u>	<u>8-24</u>
a. County Assessor Map 1N 10W 7DA.	8
b. County Assessor Map 1N 10W 7DA OSL affected development.	9
c. County GIS Aerial Photo identifying area development.	10
d. Google Earth (2017) Aerial depicting character of area development	11
e. Google Earth (2017) Aerial depicting 20 year development period	12
f. FEMA FIRM excerpt 41057C 0379F Ver. 2.3.2.1. 9/28/2018. Current.	13
g. County Aerial Photo with Flood Map of the OSL affected dwellings.	14
h. County Aerial Photo with Zoning Map of the OSL affected dwellings.	15
i. County Aerial Photo with the Tsunami Map of the OSL affected dwellings.	16
j. Oceanshore Setback Survey. Leland MacDonald & Associates, LLC.	17
k. Requested Expansion on Google Earth Photo with Fire Code Access driveway.	18
l. OSL Effect on Dwellings to the South on Google Earth Photo.	19
m. County Assessor Office Historic Site Plan (Per Google Earth Since July 29, 2000)	20
n. Example Plan to retain 20% of the existing structure.	21
o. East Elevation showing the 24-foot Building Height Expansion Effect.	22
p. North, South, West Elevations showing the requested expansion.	23
q. Site Plan showing requested expansion compared with existing structure.	24
r. Property Survey. Leland MacDonald & Associates, LLC.	25
s. Fire Code Access Design. Oregon Fire Code October 2022.	26
9. <u>Property Value Information:</u>	<u>27-28</u>
a. County Assessor Property Summary.	27
b. County Assessor: Improvement Summary.	28
10. <u>Statement of Findings of Fact:</u>	<u>29-83</u>

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Application Request

Applicant / Property Owner:

Applicant:

Plan Development, LLC

Planning Consultant: Sabrina Pearson

(503) 440-3015

plandevlopment@live.com

Property Owner:

DEA Properties-19, LLC

Mail: 10220 SW Greenburg Rd. Ste 111

Portland, OR 97223

Location: 1N 10W 7DA Tax Lot 2000. 17850 Ocean Blvd. Tillamook, Oregon 97141

Zone: CR-2 Zone; Flood Hazard Overlay Zone, FIRM Zone X and VE; Oceanfront.

Request: Section 7.020 (12) Major Review Expansion of a Nonconforming Structure

The property owner submits a Planning Application Type II for a Nonconforming Major Review under Section 7.020 (12) for the Expansion of a Nonconforming Structure.

The circa 1975 house on this 410' deep x 60' wide build site is positioned approximately parallel to three OSL affected oceanfront dwellings directly to its south (circa 1972). The northern OSL basis house (circa 1969) is located approximately 210 feet further east. This creates a nonconforming Oceanfront Setback Line that runs diagonally through the existing 1975 single family dwelling. Three dwellings to the south rely on this dwelling for a conforming OSL status.

The goal of this application is approval to renovate the existing structure and expand it to the east within the allowed 24-foot building height, with a 260-foot front setback, and 5-foot side setbacks and to meet current building code, flood hazard overlay zone standards, and dune area report recommendations. As a renovation, as a condition of approval for this application, detailed building permit plans will show at least 20% of the existing structure will be retained.

Property Description:

The subject property is located at 17850 Ocean Boulevard in Twin Rocks, Oregon, in the Tillamook County planning area. The site is nearly flat grade. County Assessor records identify placement of a 1,606 square foot single-family dwelling, 326 square foot deck, and 308 square foot garage in 1975. The Tillamook County Assessor assigned a 2022 Real Market Structure Value of \$250,680. FEMA Flood Insurance Rate Map (FIRM) 41057C 0379F (2018) identifies that the subject property is located in two FEMA Flood Zones, FEMA FIRM Zone X, an area of minimal flood hazard and FEMA FIRM Zone VE, Base Flood Elevation 23.4 feet. No wetland or riparian features are mapped on the subject property. The County Zoning Map identifies the site and surrounding area are zoned CR-2. Assessor Records identify the area surrounding the dwelling (1975) is developed with (2) single family dwellings (1972), (4) duplexes, and (104) RV sites in an RV park (1956) to the south and (2) single family dwellings to the north (1972, 1973).

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Property Development Permit Process

This application is Step 1 in a multi-step permit process required for site development.

The goal of this application is approval to renovate and expand the existing structure footprint east within the allowed 24-foot building height, 20-foot front yard setback, and 5-foot side yard setback and to meet current building code, flood hazard overlay zone standards, and the recommendations of a dune area development report. As a renovation, building permit plans will clearly show that at least 20% of the existing structure will be retained.

Step 1: Nonconforming Structure Expansion Land Use Application

Section 3.014 CR-2 Residential Zone
Section 3.510 Flood Hazard Overlay Zone
Section 3.530 (5) Oceanshore Setback; (8) Dune Area Report
Section 4.005 Purpose (Section 7.020 (12) Major Review Findings)
Article 7 Nonconforming Uses and Structures
Section 7.020 (11) (Section 7.020 (12) Findings); (12) Major Review
Article 10 Administrative Provisions
Article 11 Definitions: Nonconforming Structure or Use; Oceanfront Lot

Step 2: Obtain Flood Development Permit Approval

Section 3.510 Flood Hazard Overlay Zone FEMA FIRM Zone X and VE, BFE 23.4
Article 4 Development Standards
Article 10 Administrative Provisions

Step 3: Obtain Dune Area Development Permit Approval

Section 3.530 Dune Area Development Report
Article 4 Development Standards
Article 10 Administrative Provisions

Step 4: Obtain Zoning Permit Approval

Section 3.014 CR-2 Residential Zone
Section 3.530 Oceanshore; Dune Area Development Report
Article 4 Development Standards
Article 10 Administrative Provisions
Article 11 Definitions

Step 5: Obtain Building Permit Approval

Provide Building Permit Application accompanied by the following:
Step 1: Nonconforming Structure Expansion Land Use Application
Step 2: Flood Development Permit Approval
Step 3: Dune Area Development Permit Approval
Step 4: Zoning Permit Approval

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Applicable Criteria

Step 1: Nonconforming Structure Expansion Land Use Application

The following sections of the Tillamook County Land Use Ordinance (TCLUO) apply to the request. Each are addressed in this Application Statement of Findings of Fact.

<u>Fire Code Report</u>	Excerpt Oregon Fire Code (Effective date October 1, 2022)	59 – 82
Section 3.014	CR-2 Residential Zone	29
	(1) Purpose	29
	(2) Permitted Uses	29
	(4) Standards	29
Section 3.510	Flood Hazard Overlay Zone	29
	(14) Development Permit Procedures:	29
Section 3.530	Beaches and Dunes Overlay Zone	
	(5) Dune Area Development Permit:	30
	(8) Oceanfront Setbacks	31
Section 4.005	Purpose (<u>Section 7.020 (12) Major Review Findings</u>)	32 – 36
Section 4.130	Geologic Reports for Hazard Areas	37
Article 7	Nonconforming Uses and Structures	38 – 46
	Section 7.010 Purpose	38
	Section 7.020 Nonconforming Uses and Structures	38
	(1) Definitions:	38
	(b) Nonconforming structure;	38
	(c) Expansion;	38
	(g) Replacement of a Nonconforming Structure.	39
	(2) Burden of Proof	39
	(3) Continuation	40
	(4) Alteration or Expansion	40
	(9) Nonconforming Structure Exception	40
	(10)	40
	(12) Major Review	41
	(11) Minor Review (<u>Section 7.020 (12) Major Review Findings</u>)	42 – 45
Article 10	Administrative Provisions	46 – 58
	Section 10.020 Applications	
	(6) (b) Application Submittal Requirements	49
	(6) (c) Application Completeness Review	50
	Section 10.030 Pre-Application Conference	51 – 52
	Section 10.070 Type II Procedures	55 – 57
Article 11	Definitions:	58
	Building Height; Grade; Nonconforming Structure or Use;	
	Oceanfront Lot; Parking Space	

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Signed and all signatures are valid.

Signature Panel



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

Applicant (Check Box if Same as Property Owner)

Name: Sabrina Pearson Phone: (503) 440-3015
 Address: 2608 Irving Avenue
 City: Astoria State: OR Zip: 97103
 Email: plandevlopment@live.com

Property Owner

Name: DEA Properties-19, LLC Phone: (360) 921-9424
 Address: 16420 SE McGillivray Blvd. STE. 103, Box 364
 City: Vancouver State: WA Zip: 98683
 Email: deapropertymgr@yahoo.com

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

Request: Retain and expand an existing single family dwelling with the 24-foot building height, with a 260-foot front yard setback, 5-foot side yard setbacks, and existing oceanfront setback and to meet current building code flood hazard overlay zone, and beaches and dunes area report recommendations. As a renovation, at least 20% of the existing structure will be retained.

- | Type II | Type III | Type IV |
|--|--|---|
| <input type="checkbox"/> Farm/Forest Review | <input type="checkbox"/> Appeal of Director's Decision | |
| <input type="checkbox"/> Conditional Use Review | <input type="checkbox"/> Extension of Time | <input type="checkbox"/> Appeal of Planning Commission Decision |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Detailed Hazard Report | <input type="checkbox"/> Ordinance Amendment |
| <input type="checkbox"/> Exception to Resource or Riparian Setback | <input type="checkbox"/> Conditional Use (As deemed by Director) | <input type="checkbox"/> Large-Scale Zoning Map Amendment |
| <input checked="" type="checkbox"/> Nonconforming Review (Major or Minor) | <input type="checkbox"/> Ordinance Amendment | <input type="checkbox"/> Plan and/or Code Text Amendment |
| <input type="checkbox"/> Development Permit Review for Estuary Development | <input type="checkbox"/> Map Amendment | |
| <input type="checkbox"/> Non-farm dwelling in Farm Zone | <input type="checkbox"/> Goal Exception | |
| <input type="checkbox"/> Fore-dune Grading Permit Review | | |
| <input type="checkbox"/> Neskowin Coastal Hazards Area | | |

Location:

Site Address: 17850 Ocean Blvd. Tillamook, OR 97141
 Map Number: 1N Township 10W Range 7DA Section 2000 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.

Signed by: Dale Anderson	2/27/2023
Property Owner Signature (Required)	Date
Sabrina Pearson	8/30/2022
Applicant Signature	Date

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Contact Information for this Step One Major Review Application:

Applicant:

Plan Development, LLC. Sabrina Pearson, Planning Consultant

Mailing Address: 2608 Irving Avenue, Astoria, OR 97103

(503) 440-3015. Email: plandevelopment@live.com

Property Owner:

DEA Properties-19, LLC. Agent: Dale Anderson

Mailing Address: 16420 SE McGillivray Blvd. Ste. 103. Box 364.

Vancouver, WA 98683

Email: deaproperties@gmail.com

Oceanfront Setback Survey and Property Survey:

MacDonald Surveying, Inc. Leland MacDonald, PLS.

Mailing Address: 3765 Riverside Drive, McMinnville, OR 97128

Phone: (503) 472-7904. Fax: (503) 472-0367

Email: lee@macdonaldsurveying.com

Civil Engineer: Jason Morgan, PE, CE, Morgan Civil Engineering, Inc.

Mailing Address: PO Box 386, Manzanita, OR 97130

Phone: (503) 801-6016. Email: jason@morgancivil.com

Jason Morgan, PE, will provide Stormwater Management Report and Plan and Civil Drawings including for Fire Code Access and a Fire Department Connection consistent with Oregon Fire Code (Date: October 1, 2022), Flood Hazard Overlay Zone standards, and Dune Area Report.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

**TILLAMOOK COUNTY ASSESSOR
REAL PROPERTY ACCOUNT NAMES**

2/14/2023 11:41:38 AM

Account # 61845
Map 1N1007-DA-02000
Owner DEA PROPERTIES-19, LLC
16420 SE MCGILLIVRAY BLVD STE 103 BOX 364
VANCOUVER WA 98683

Name Type	Name	Ownership Type	Own Pct
OWNER	DEA PROPERTIES-19, LLC	OWNER	100.00
OWNER (100%)			
DEA PROPERTIES-19, LLC			

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

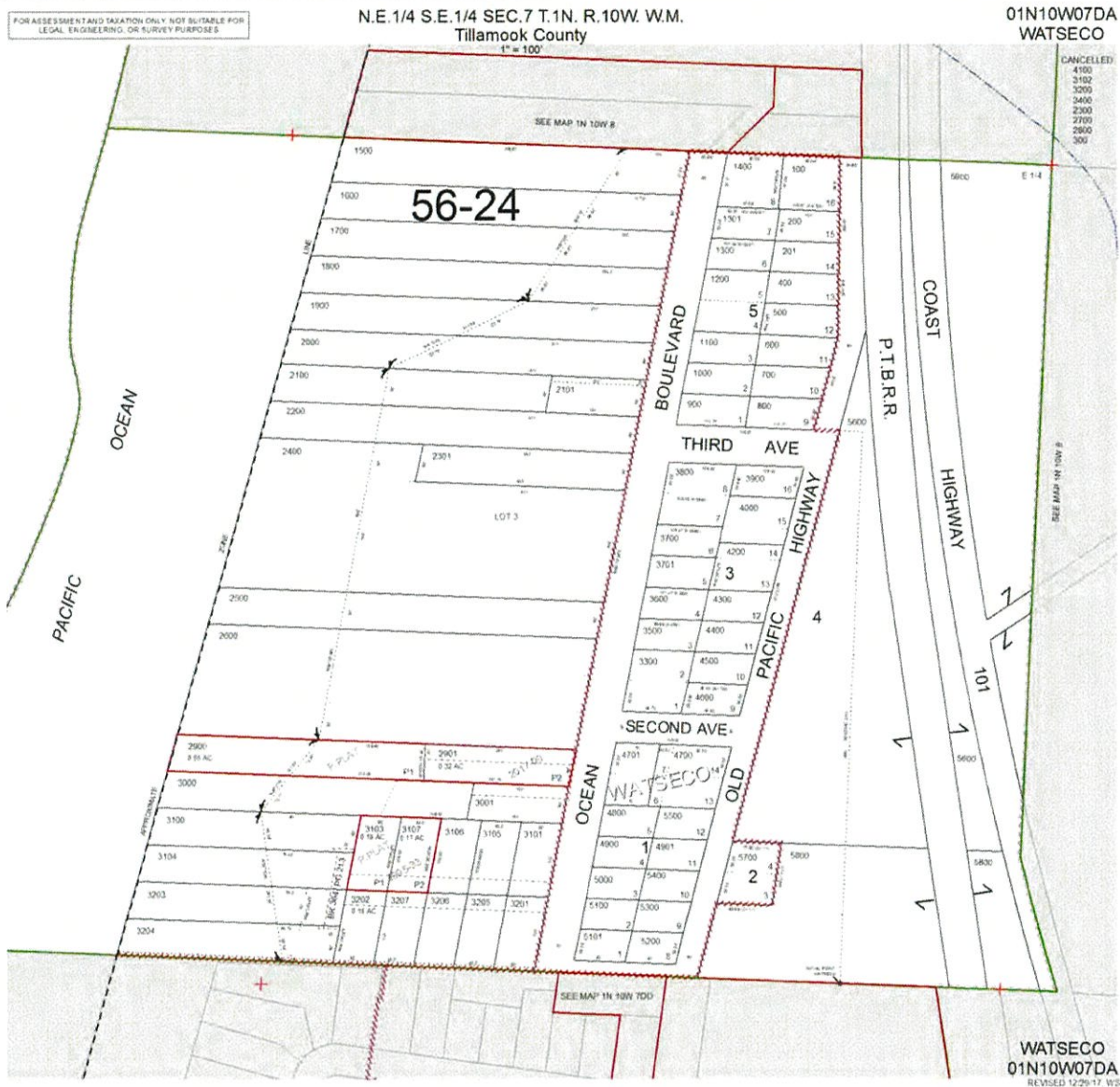


Figure: Existing Site Conditions. Tillamook County Assessor Map 1N 10W 7DA.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

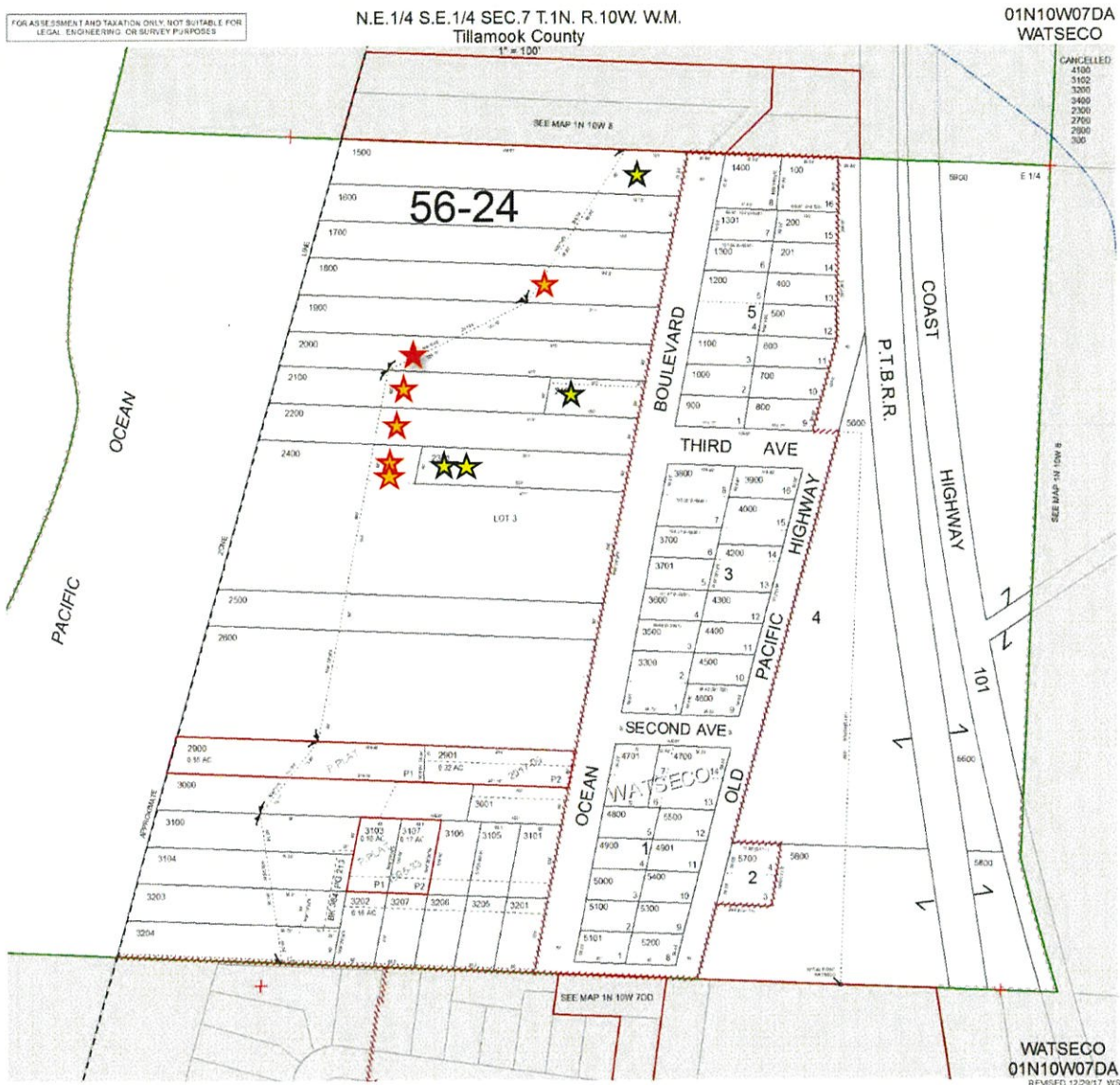


Figure: Existing Site Conditions. County Assessor Map 1N 10W 7DA approximately identifying area development affected by the application. There are two oceanfront dwellings to the north (respectively from south to north are circa 1969, 1973) and the three dwellings to the south (each circa 1972) are affected by this dwelling's OSL. The furthest oceanfront dwelling to the south is a duplex. The 52-space Shorewood RV Park is located on Tax Lots 2301, 2400, 2500 and 2600.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141



Figure: Tillamook County GIS Aerial Photograph. Existing Site Conditions. Red star shows subject property.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

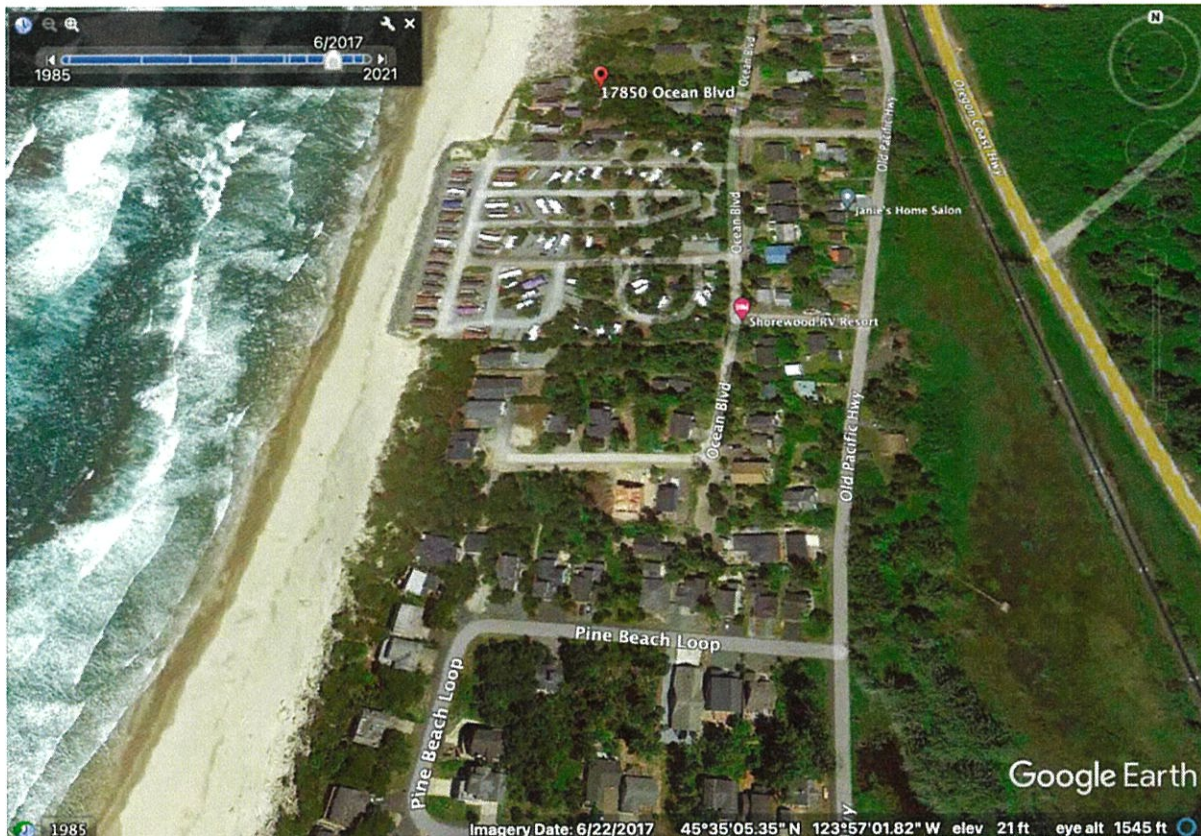
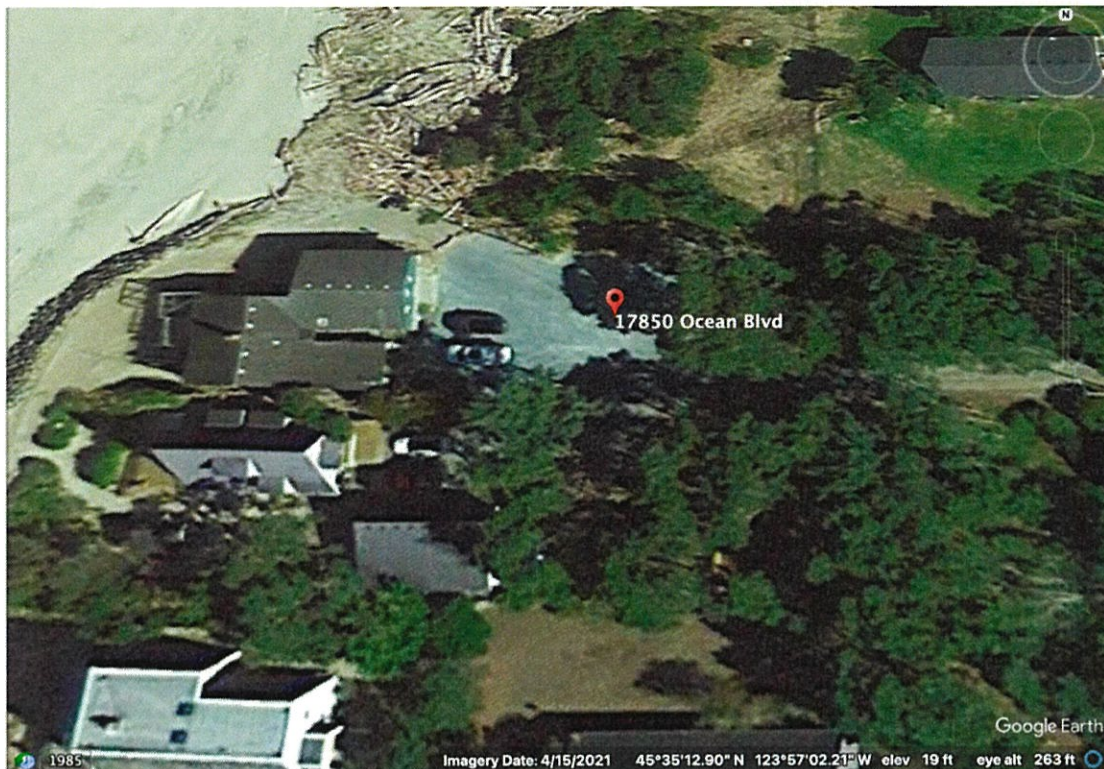


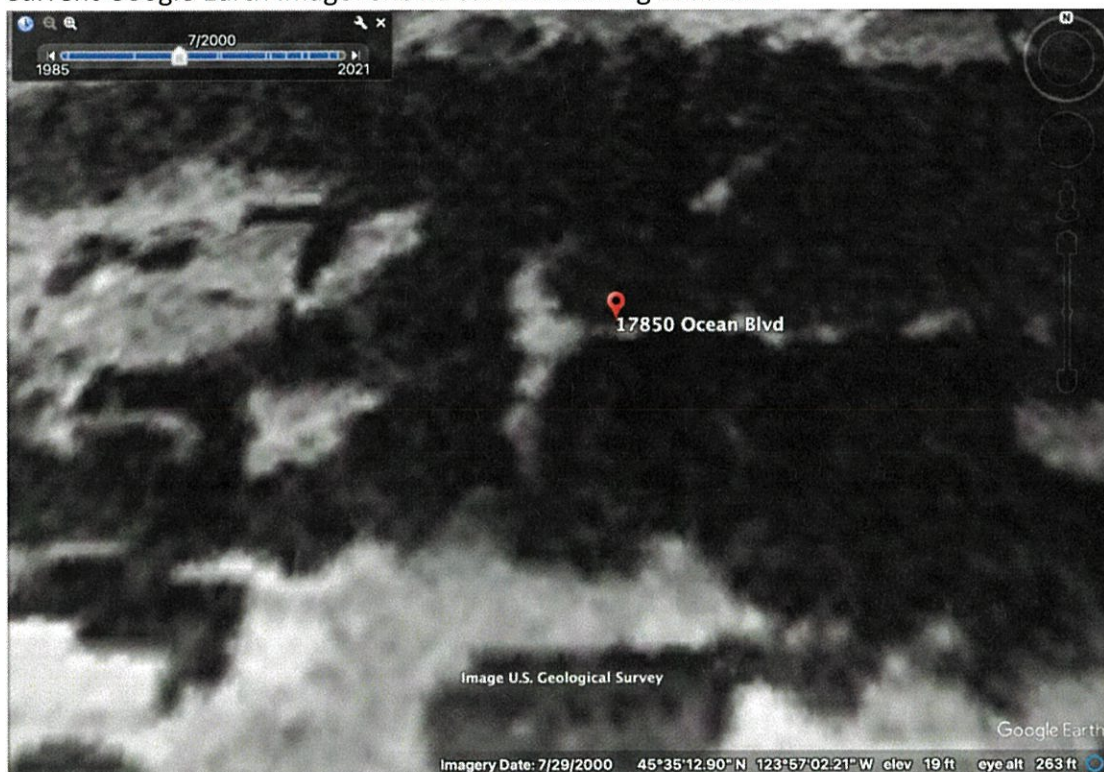
Figure: This figure shows how that all oceanfront houses in the vicinity to the south are aligned with similar OSL setbacks. This is the character of the area. In addition, these houses were all built in the same 1970s era. The 1972 Coastal Zone Management Act recommends aligning the homes parallel to the Ocean shore so that their safety can be collaboratively maintained with efficiency.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141



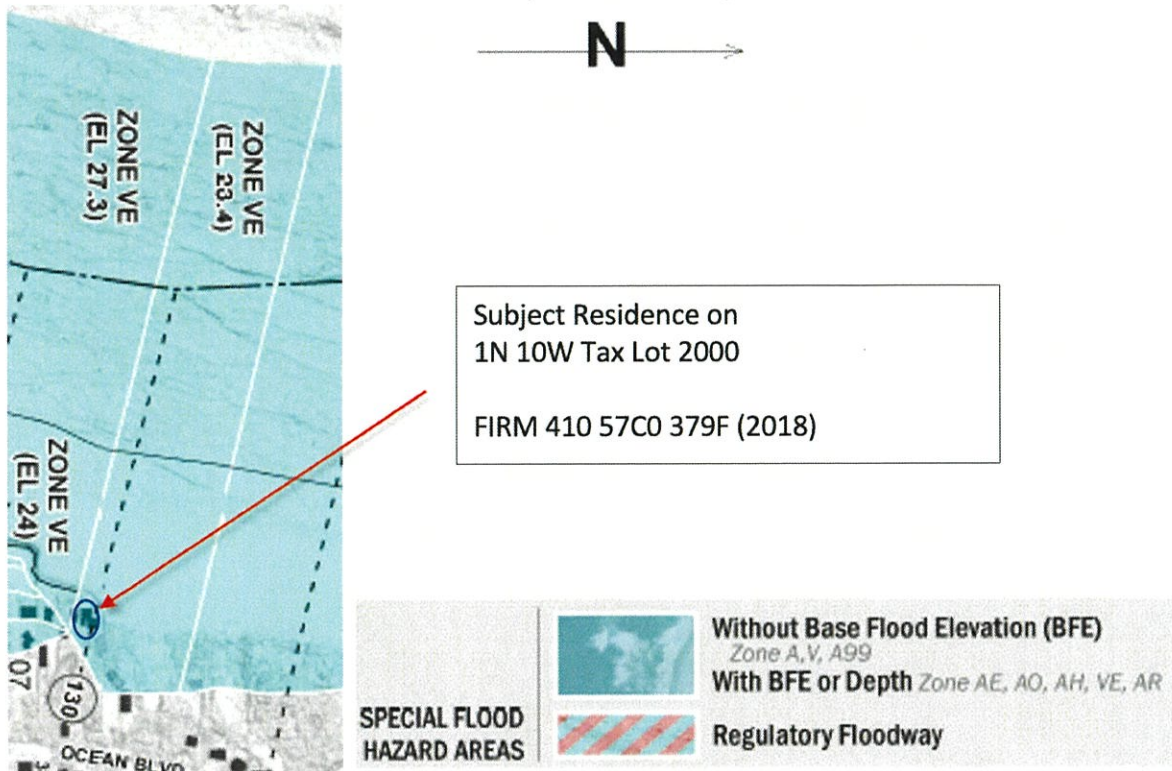
Current Google Earth Image: Shows current existing structure.



Google Earth Photo from 7/29/2000, 21 years 5 months ago. Structure dimensions appear consistent with 2021 image.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141



NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

TILLAMOOK COUNTY, OREGON
And Incorporated Areas

PANEL **379** OF **1075**



FEMA

VERSION NUMBER
2.3.2.1

MAP NUMBER
41057C0379F

EFFECTIVE DATE
SEPTEMBER 28, 2018

Figure: Existing Site Conditions. FEMA FIRM.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

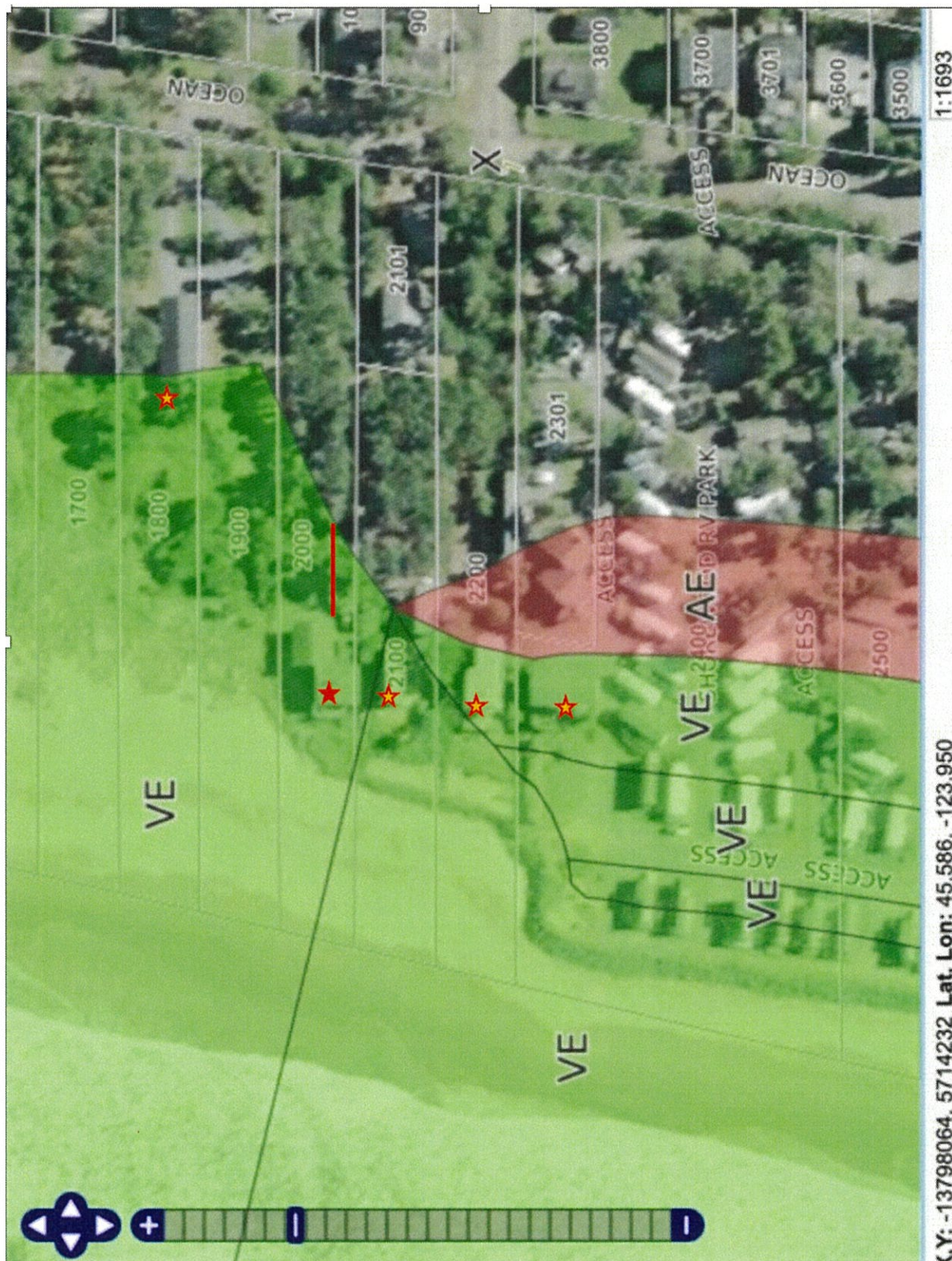


Figure: Existing Site Conditions. Flood Zone over County GIS Aerial Photograph.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

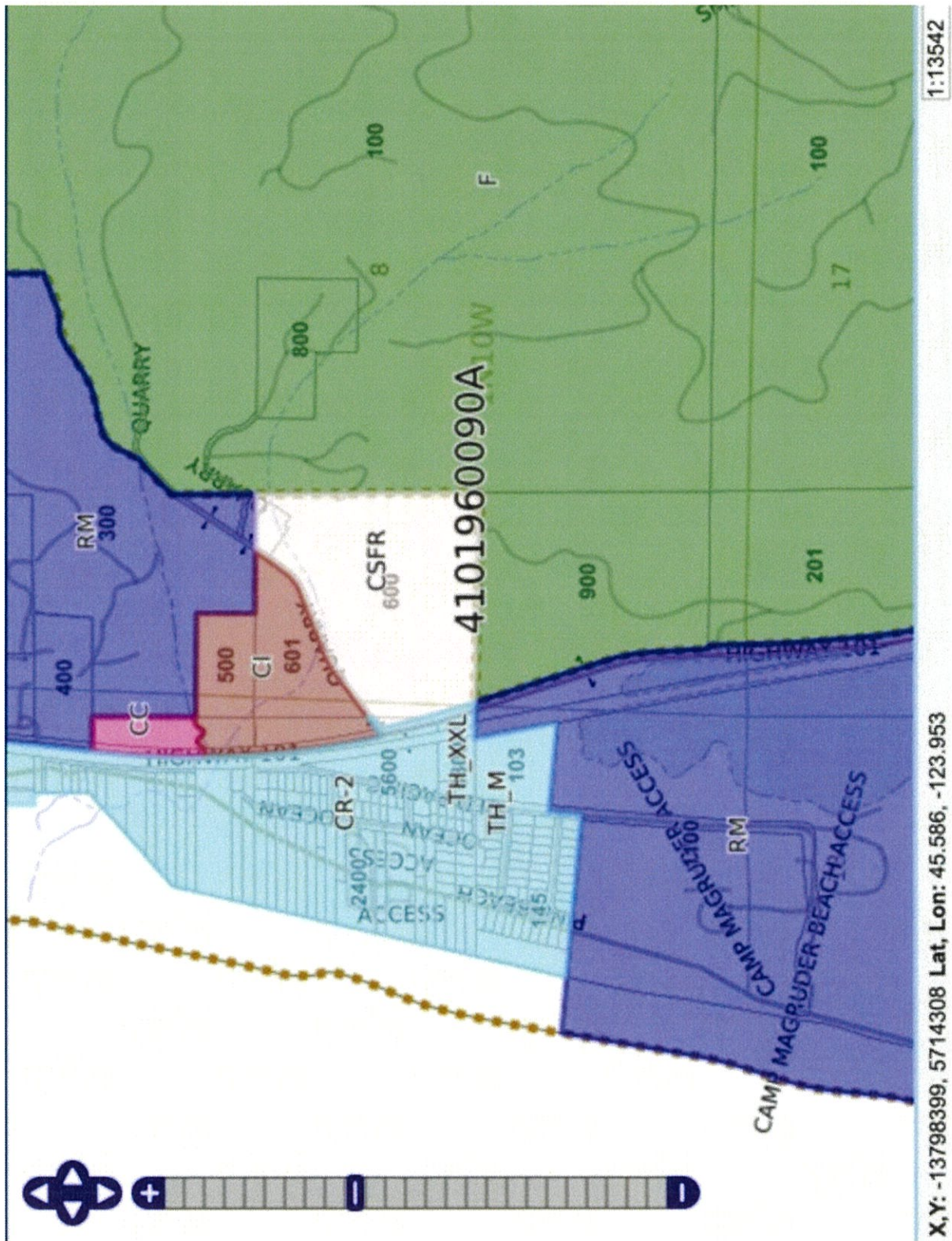


Figure: Existing Site Conditions. County Zoning Map.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

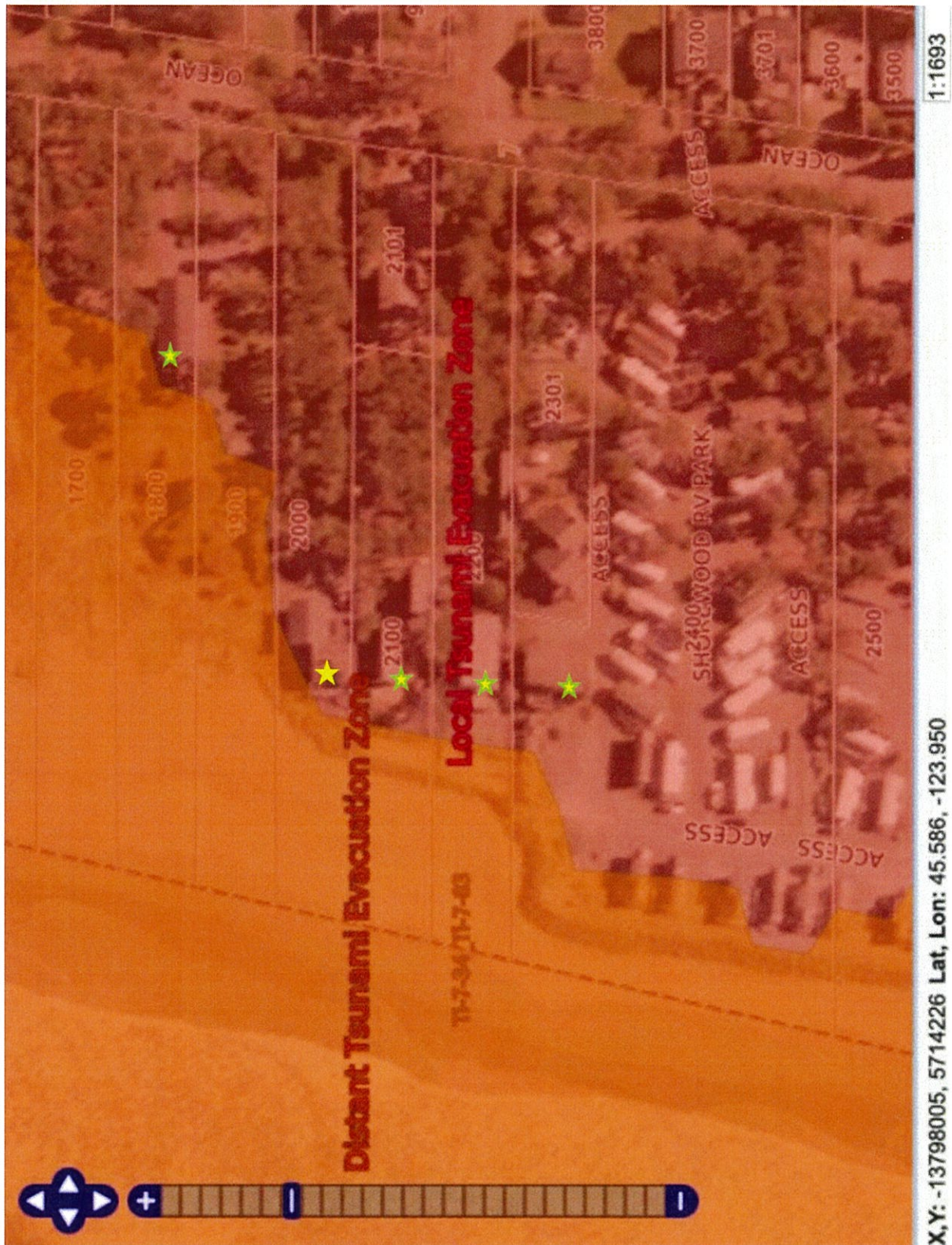
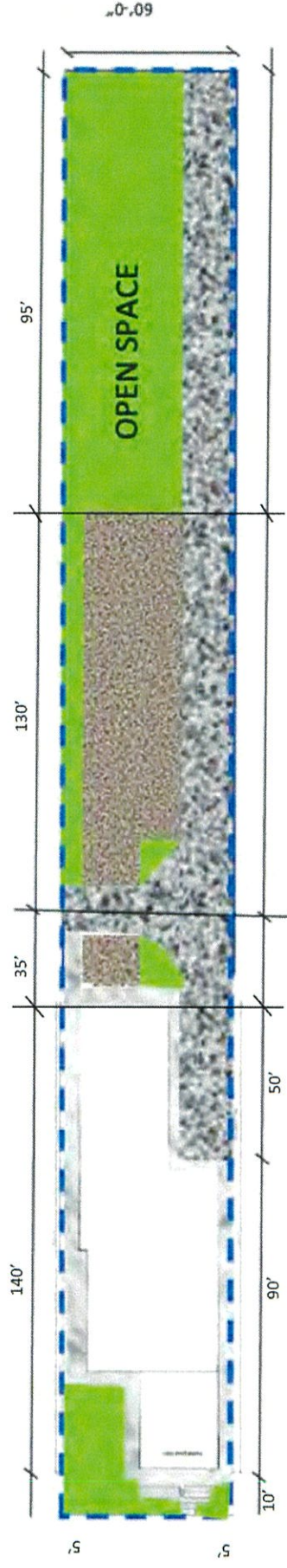


Figure: Existing Site Conditions. Tsunami Zone over County GIS Aerial Photograph.

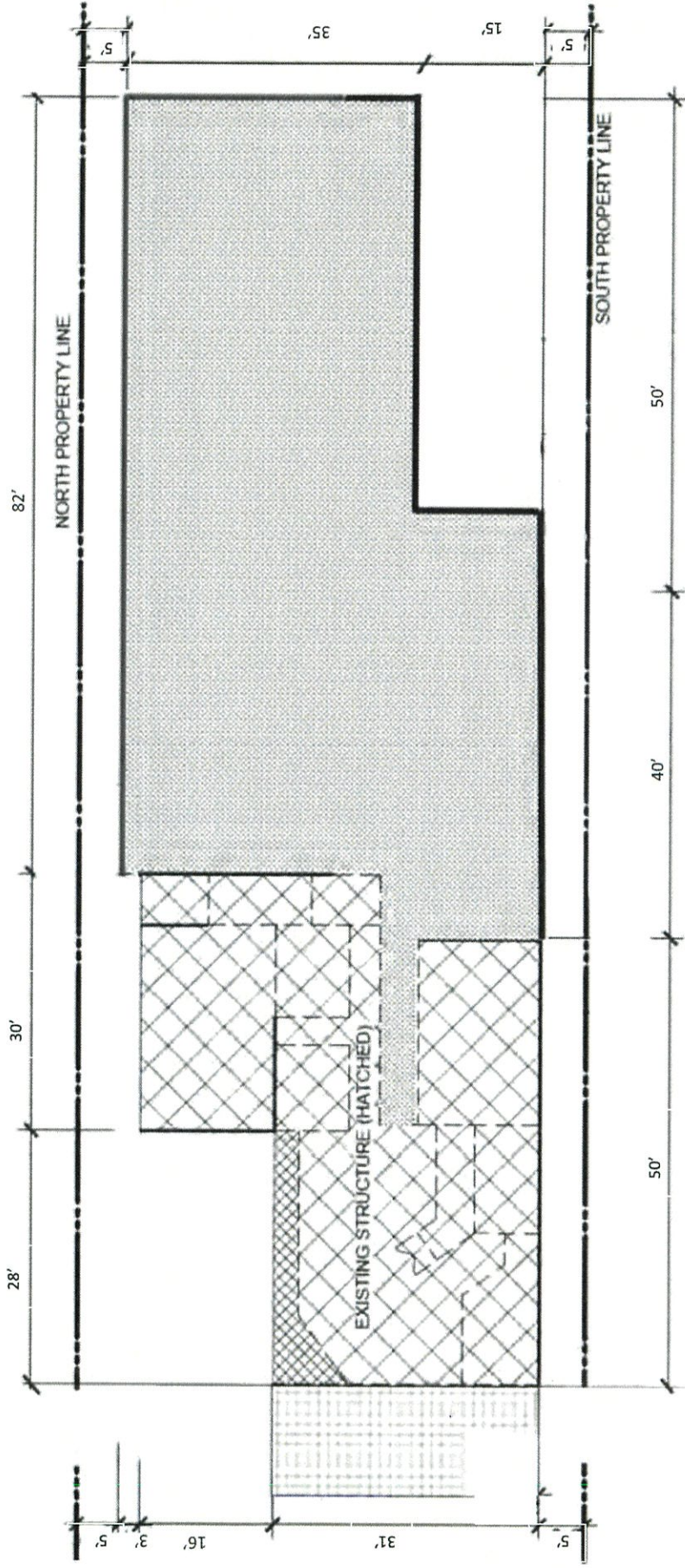
Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141



Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141



Type II Administrative Application: Nonconforming Structure Major Review

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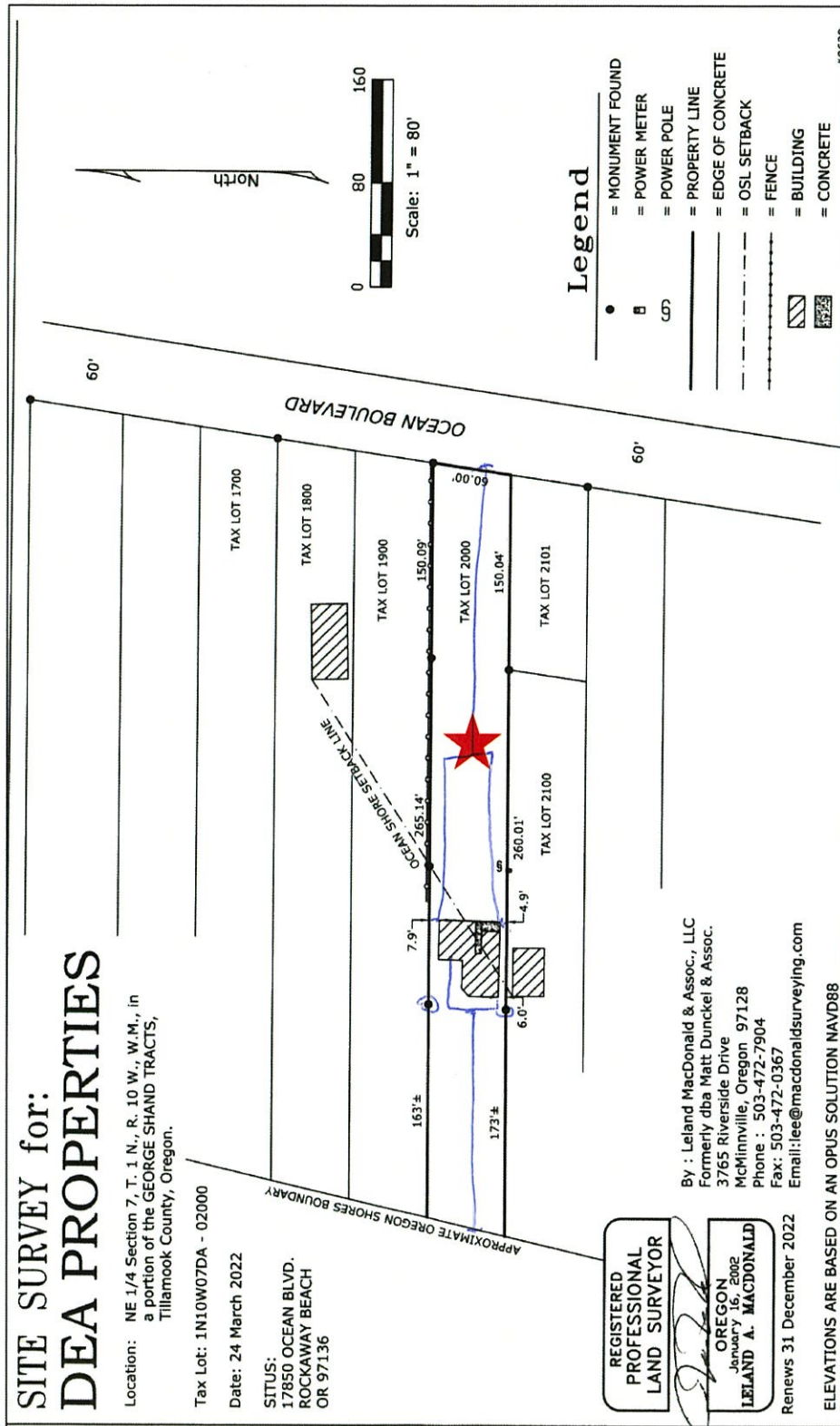


Figure: Oceanfront Setback Survey. Subject Property indicated by a Red Star Shape.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141



Figure: Area within which Requested Expansion of a Nonconforming Structure will be proposed. Base Map: a 2017 Google Earth Image.

Lot width is 60 feet. Lot depth is 410-feet to the monumented western dwelling projection.

Approximate Oceanfront Setback Line is shown as red dashed line. The line closely approximates the findings of the Oceanfront Setback Survey provided with this application.

Approximate Lot Area: The approximate lot area is shown as a blue rectangle.

Allowable Build Area: The Allowable Build Area within the 410-foot monumented western structure projection is approximately 390' x 50' with a 20-foot front yard and 5-foot side yard.

Anticipated Expansion Area: The yellow highlighted area is the requested expansion area. Since the furthest wall of the structure is greater than 150 feet from the nearest looped access or turnaround, driveway will be designed to meet the specifications for an Oregon Fire Code 2022 Appendix D acceptable alternative hammerhead as approved by the Fire Code Official.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

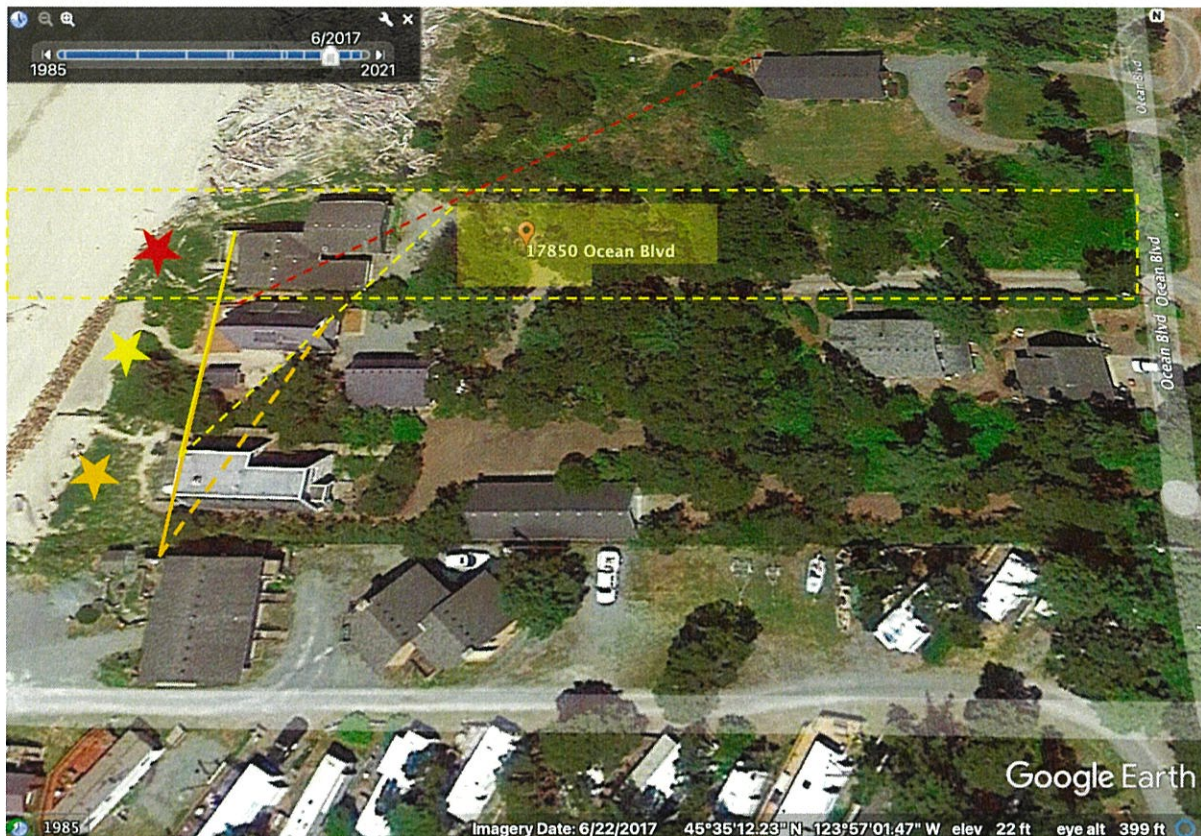


Figure: Effect of Proposed Nonconforming Structure Expansion using a 2017 Google Earth Image.

OSL Effect on Dwellings to the South: Maintaining this structure's historic (1975) OSL setback maintains the conforming OSL setback status for the two dwellings to the south (solid yellow and orange lines, overlain on each other).

The two dwellings to the south would become nonconforming if the residence were relocated to its new OSL. The dashed lines approximate the new OSLs (yellow and orange dashed lines) that would result from relocating the existing structure to its new OSL (red dashed line).

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

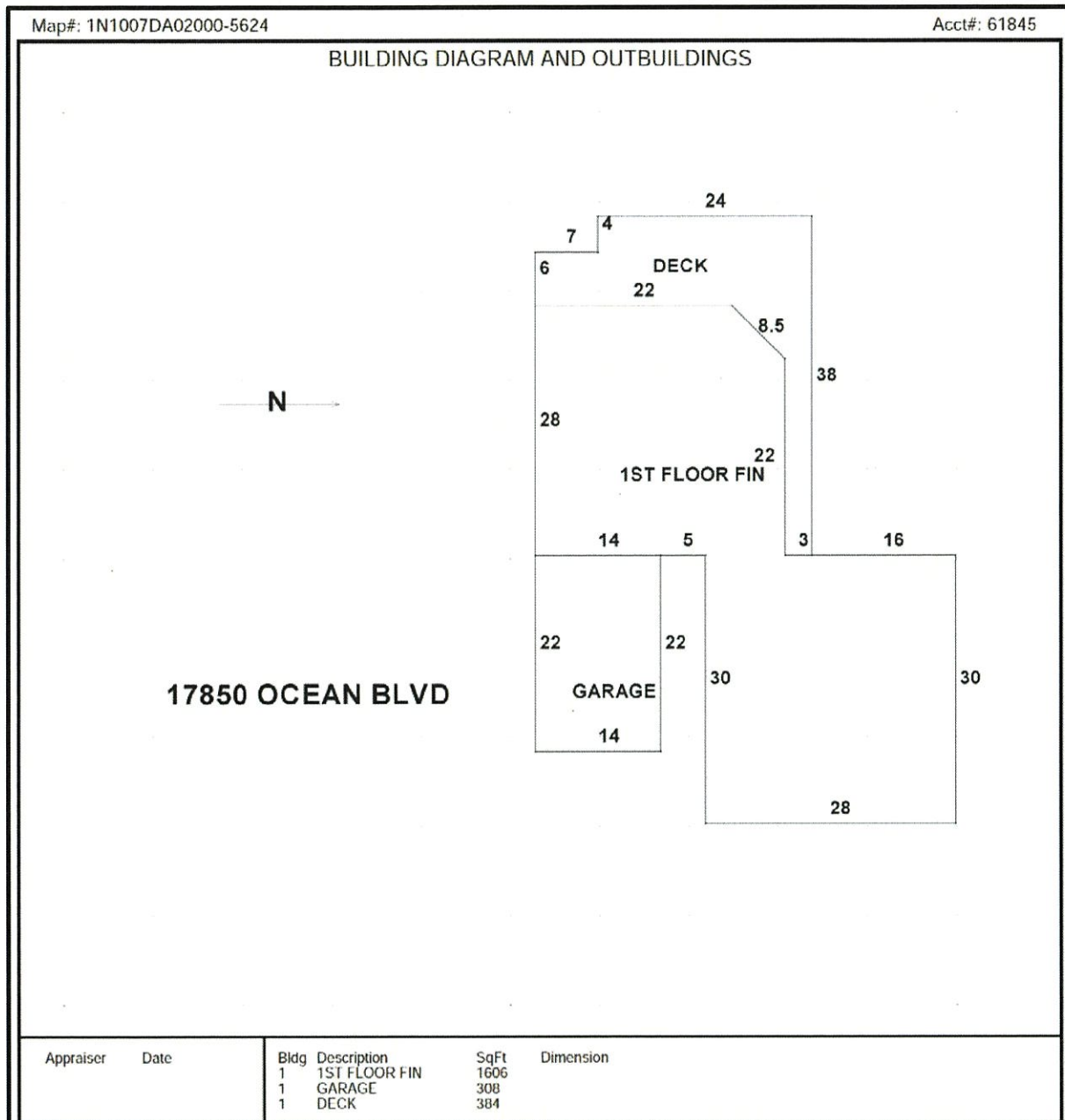
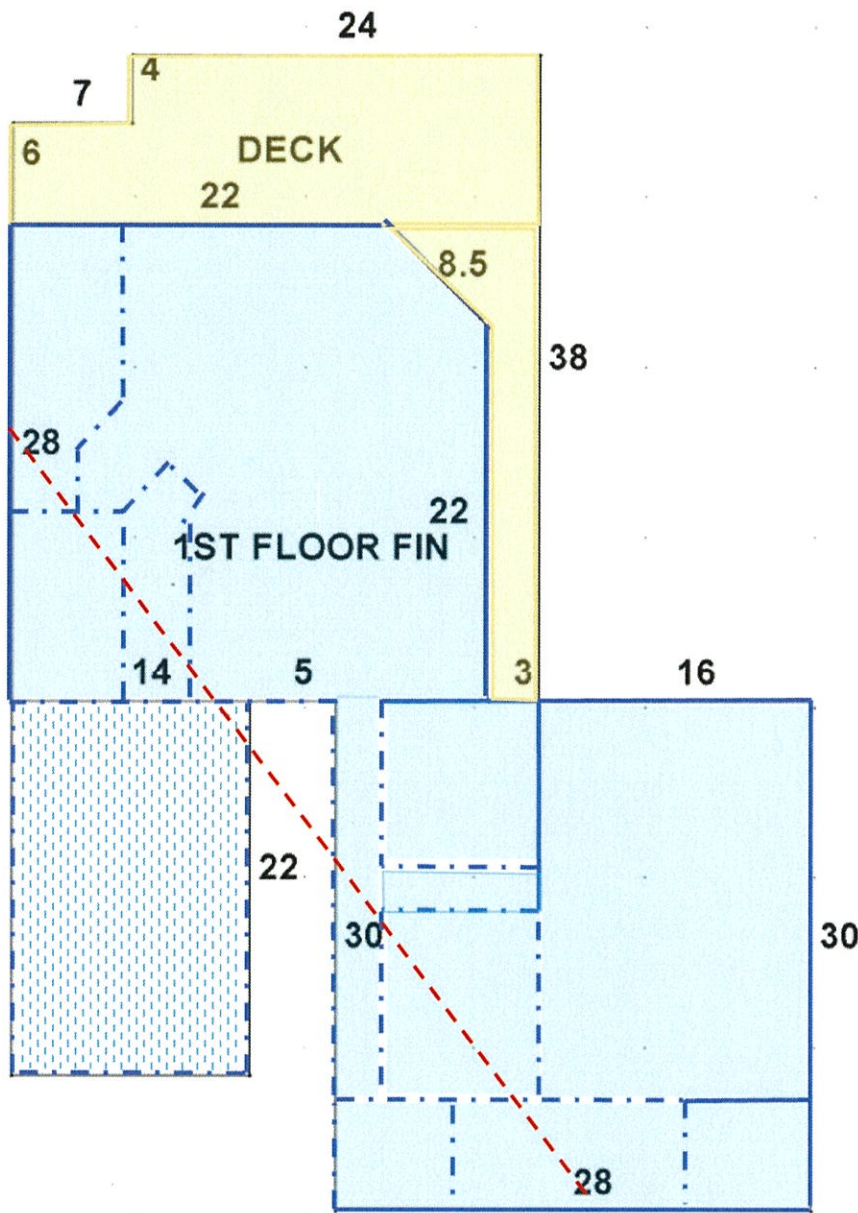


Figure: Tillamook County Assessor Office.
 Historic Site Plan (per Google Earth, predates July 29, 2000).

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141



Description	SqFt
1ST FLOOR FIN	1606
GARAGE	308
DECK	384

Figure: Example Retention Plan This example is based on the historic site plan and provides clear support that at least 20% of the existing structure can be retained and available for inspection.

In this sample graphic, The solid color areas are existing to be retained. Blue dashed lines and garage are to be removed. The red dashed line is the approximate OSL.

Example Retention Plan:

Total Area 2,298 sf.
 % Area Per square feet:
 Deck: 16.7%. Garage: 13.4%.
 Residence: 69.9%.

Approval Condition: Building Permit Plans will clearly detail >= 20% retention available for inspection.

Example Retention Plan:

0% of the Garage.
 40% Residence.
 60% of the Deck.
Actual figures will vary.

Deck: Retain 60%:
 100% Deck (60%)
 0% posts (40%) to replace with VE Flood Standard.

Residence: Retain 40%:
 0% Roof (15%),
 0% Foundation (15%), and
 57% Living Areas (70%)
 As follows:

Floor: (29% by sf):
 Retain 100% Floor Framing, Decking, and Surfacing.

Exterior Walls (41% sf)
 Retain 57% as follows:
Framing (70%):
 Retain 179 of 234 lf, 76%.
Interior Surfacing (15%):
 Retain 76% per Framing.
Exterior Surfacing (15%):
 Retain 0% for consistency.

Interior Walls (30% sf)
 Retain 35 of 234 lf, 14.8% of Framing and Surfacing.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

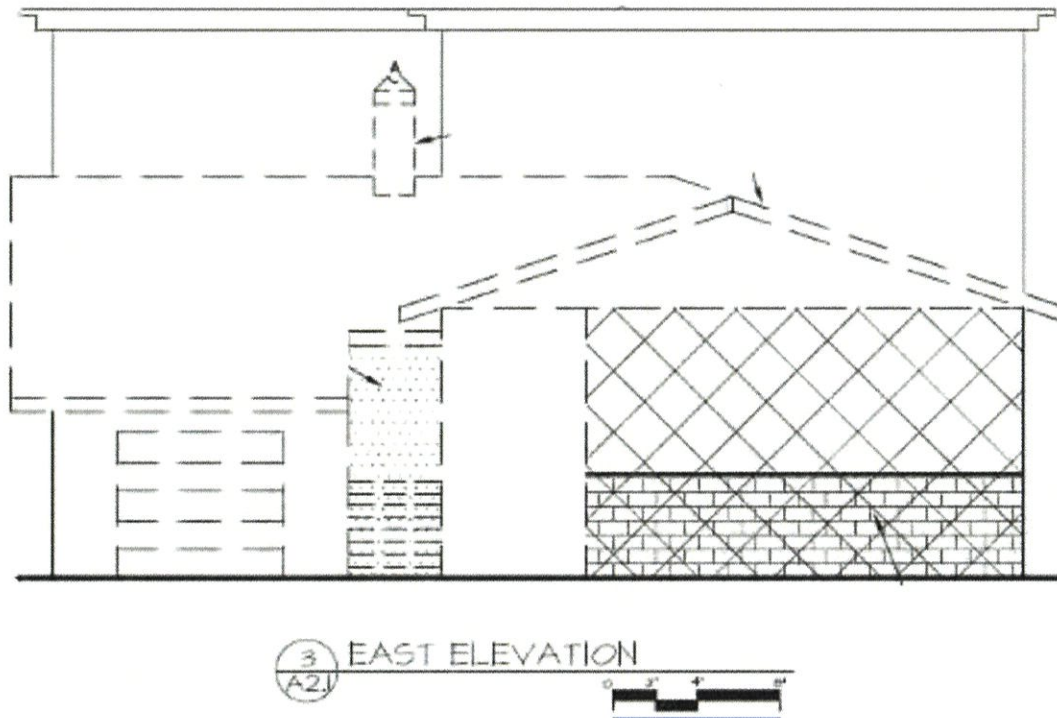


Figure: This figure shows an Example Expansion of existing structure to 24-foot building height. Dashed lines show existing structure. Solid Lines show 24-foot expansion effect.

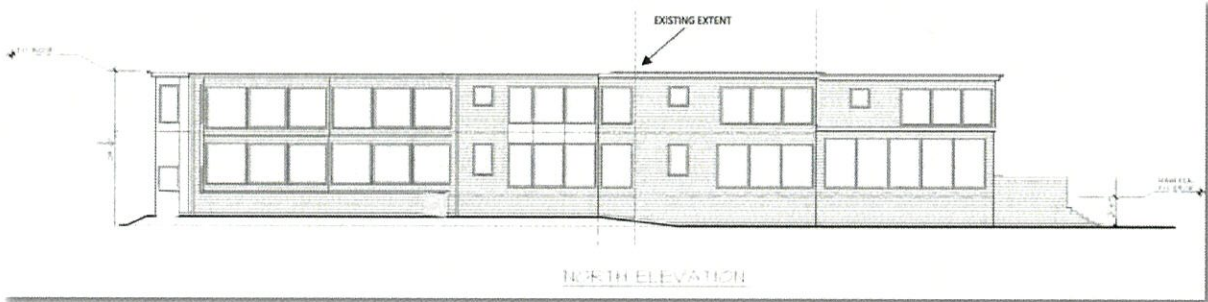
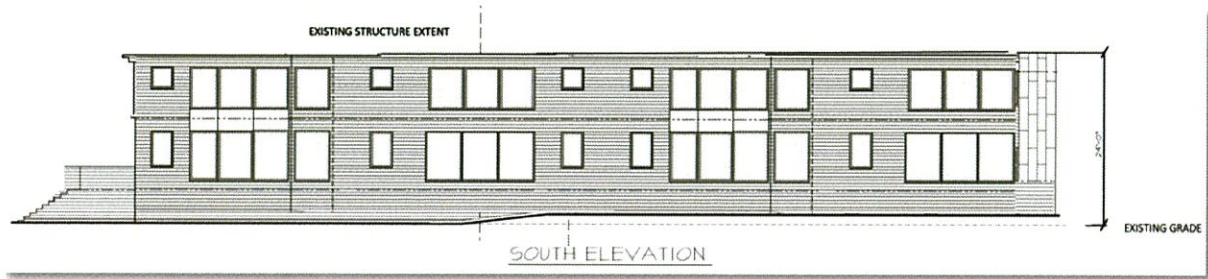
This image is only intended to show the visual height difference between the existing single story structure and the new 24-foot building height from the east viewpoint.

The existing dwelling is approximately 16-feet tall. The requested expansion will increase the existing building height by approximately 8 feet, consistent with the allowed 24-foot building height.

NOTE: This image does not identify how the structure will be brought into compliance with the Flood Hazard Overlay Zone standards or the Dune Area Report recommendations that will be integrated into the design submitted for application for Flood Development Permit, Dune Area Development Permit, Zoning Permit and Building Permit.

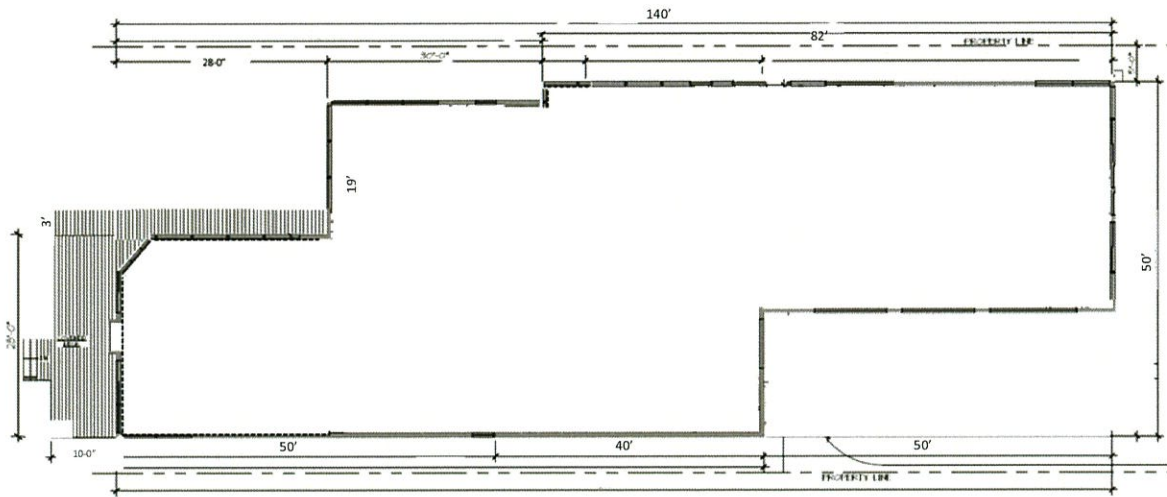
Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

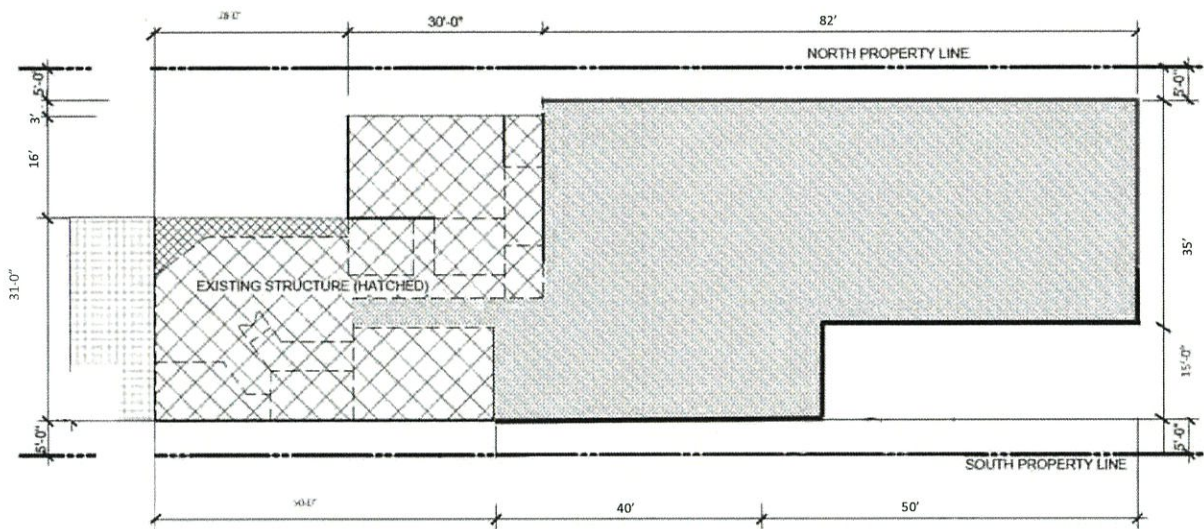


Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

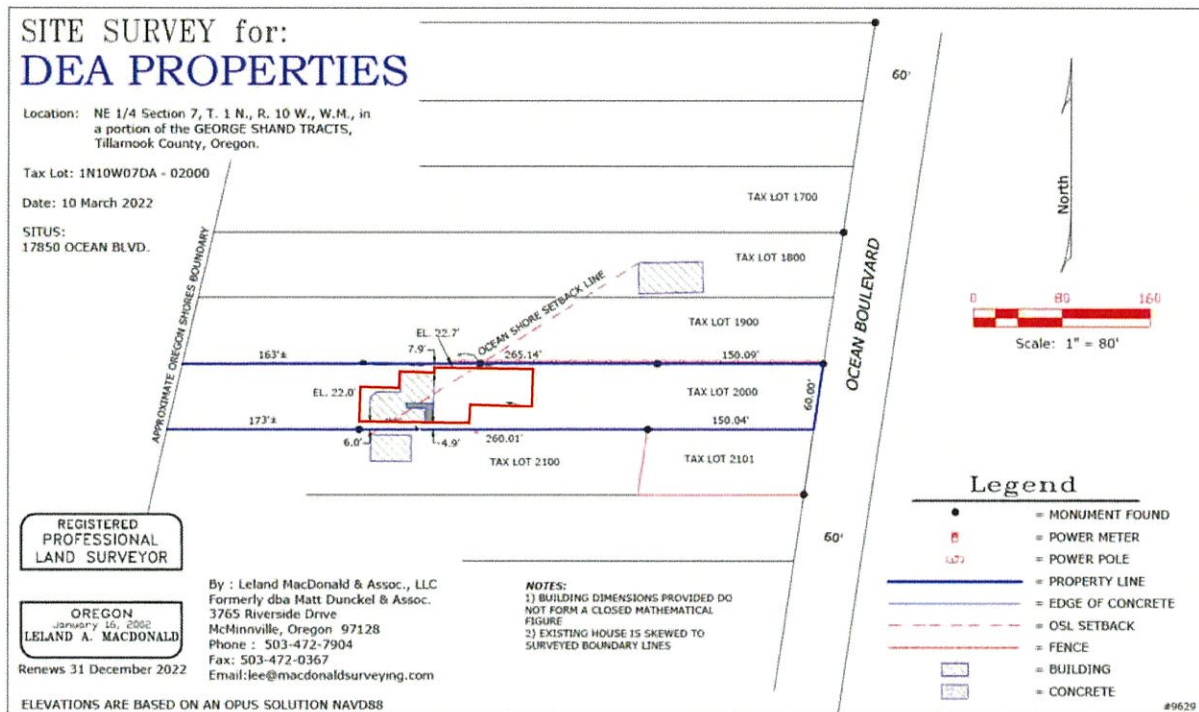


AREA PLAN FIRST FLOOR



Type II Administrative Application: Nonconforming Structure Major Review

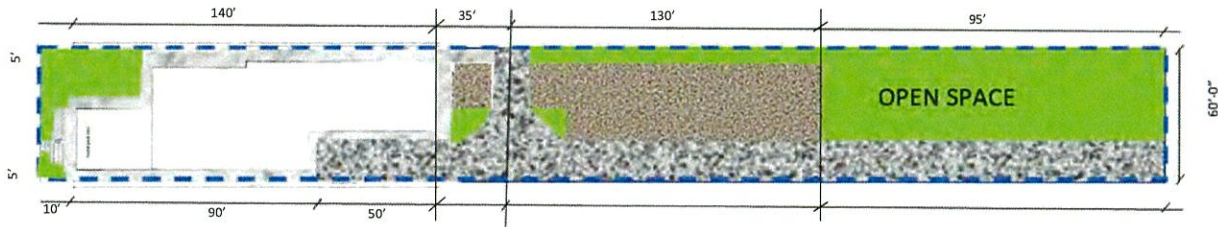
Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141



Findings of Fact: The red shape showing the expansion request depicts the requested expansion. The expansion will not extend west of the existing structure with this application. The red polygon extends past the structure to include the existing 10-foot deep deck depicted by the found survey monuments. The westward extent of the 10-foot deep deck is found by the surveyor to extend to 410'-6" from the front property line. The proposed residence 140-feet in depth, will extend to 260-feet from the front property line. The proposed residence, 50-feet at its widest width, will have 5-foot side yard setbacks on this 60-foot wide lot.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

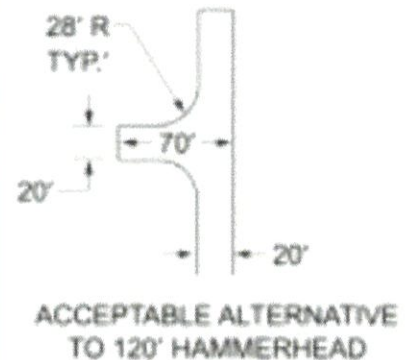


Setbacks: The furthest extent of the existing 10' deep deck is monumented at 410 feet from the front property line. From the front property line, the proposed 140' deep residence is setback 260 feet, and the off-street parking area is setback 95 feet. From the side property line, all structures and parking areas are setback five (5) feet.

Off-Street Parking. Two 8' x 18' off-street parking spaces, accessible from the turnaround are shown to meet the County single family dwelling development standards. At the request of Public Works, an additional off-street parking area with looped access available from the main driveway and from a separate driveway is provided to accommodate this larger single family home. This area shown measures approximately 100' in length x 35' in width not including the driveway.

Fire Code Plan: A driveway that meets the Oregon Fire Code effective date October 1, 2022, Appendix D. Section 103.1 Acceptable Alternative to 120' Hammerhead is shown with the exception that turnaround projection is 60' in depth instead of 70' due to limitations lot width. The fire code access extends to within 150-feet of the furthest wall of the structure. Access to the furthest wall is provided from the fire code access driveway along a fire code accessible pathway around the building. Other than access to the site structures and uses, signage will prohibit parking, storage, or other accessory temporary or permanent use on the fire code access road.

The surface of the turnaround will be designed by appropriate professionals and certified by the Fire Code Official to be consistent with Fire Code, by the County to be consistent with the National Flood Insurance Program (NFIP) and Geologic Standards. The structure will include automatic fire sprinklers to mitigate this reduction. In addition, to support fire flow pressures of the sprinklers on an approximately 10,000 sf structure, the site will include a Fire Department Connection designed by an appropriate professional in a location consistent with Fire Code and approved by the Fire Code Official.



Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

TILLAMOOK County Assessor's Summary Report
Real Property Assessment Report
 FOR ASSESSMENT YEAR 2022

February 14, 2023 11:41:11 am

Account #	61845	Tax Status	ASSESSABLE
Map #	1N1007DA02000	Acct Status	ACTIVE
Code - Tax #	5624-61845	Subtype	NORMAL
Legal Descr	See Record		
Mailing Name	DEA PROPERTIES-19, LLC	Deed Reference #	2021-372
Agent		Sales Date/Price	01-13-2021 / \$735,000.00
In Care Of		Appraiser	ROBERT BUCKINGHAM
Mailing Address	16420 SE MCGILLIVRAY BLVD STE 103 BOX 364 VANCOUVER, WA 98683		
Prop Class	101	MA	SA NH Unit
RMV Class	101	05	OF 536 27110-1

Situs Address(s)		Situs City
ID# 1	17850 OCEAN BLVD	COUNTY

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
5624	Land	416,120		Land	0
	Impr.	250,680		Impr.	0
Code Area Total	666,800	451,760	451,760		0
Grand Total	666,800	451,760	451,760		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
5624					LANDSCAPE - FAIR	100				500
5624	1	<input checked="" type="checkbox"/>		RK-R-2	Market	115	A	0.50		400,020
5624					OSD TYPE A - AVERAGE	100				15,600
Grand Total									0.50	416,120

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
5624	1	1975	131	One story		159	1,606		250,680
Grand Total							1,606		250,680

Exemptions / Special Assessments / Potential Liability										
Code Area 5624										
SPECIAL ASSESSMENTS:										
■ SOLID WASTE					Amount	12.00	Acres	0	Year	2022
NOTATIONS:										
■ CLERICAL OR OTHER ERROR - ADD'L TAX OWING 311.205 ADDED 2004 OMITTED ASSESSMENT					Tax	1,455.05				

Comments: 4/2/04 ADDED ADDITION TO HOUSE. PICKED UP AS OMITTED ADDITION FOR PREVIOUS YEARS. GB 02/07/13 Reappraised land. Tabled values. RBB

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Improvement Summary

TILLAMOOK County
For Assessment Year 2022

Account ID	61845	Situs	17850 OCEAN BLVD COUNTY OR
Map	IN1007DA02000		
Mailing	DEA PROPERTIES-19, LLC 16420 SE MCGILLIVRAY BLVD STE 103 BOX 364 VANCOUVER WA 98683		

Bldg	Code Area	Stat Class	Year Built	Comp %	Description	Sqft
1	5624	131	1975	100	131 - One story	1,606

Rooms: 3 - BD, 1 - FB, 1 - U, 1 - DR, 1 - LR, 1 - KT, 1 - FP

Floors					
Description	Class	Comp %	OR %	Sqft	
First Floor	3	100		1606	
Garage	3	100		308	

Improvement Inventory			
Description	Qty/Size	Description	Qty/Size
CABINETS - HARDWOOD	1	ROOF - GABLE ROOF	1
EXT COV - VERTICAL	1	ROOF COV - SHAKE MED	1606
FND - CONCRETE / MASONRY	1606	SINGLE FIREPLACE	1
FULL BATH	1	WALLS - CONVENTIONAL, WOODFRAME	1
H&C - FORCED AIR HEATING	1606	WATER HEATER - STANDARD	1
KITCHEN SINK SS DOUBLE	1		

Accessories			
Description	Size	Qty	
DECK W/RAILING	384		
Total RMV			\$250,680

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Findings of Fact: Statement of Consistency with Applicable Criteria

Section 3.014 CR-2 Residential Zone

3.014 (1) Purpose:

The purpose of the CR-2 Zone is to designate for medium density single family and duplex residential development and other compatible uses. Land that is suitable for the CR-2 Zone has public sewer available and has relatively few limitations to development.

3.014 (2) Uses Permitted Outright:

In the CR-2 Zone the following uses and their accessory uses are permitted outright subject to all applicable supplementary provisions contained in this Ordinance.

(a) One or two-family dwelling.

...

3.014 (4) Standards:

(a) For a single family dwelling, the minimum size for lots with an average slope of 20% or less shall be 5,000 square feet. ...

(b) The minimum lot width shall be 50 feet ...

(c) The minimum lot depth shall be 75 feet.

(d) The minimum front yard shall be 20 feet.

(e) The minimum side yard shall be 5 feet.

(g) The maximum building height shall be 35 feet except on ocean ... frontage lots, where it shall be 24 feet. ...

Findings of Fact: Criteria is met because:

Consistent with the CR-2 Zone: This application is for a Single Family Dwelling, an outright permitted use; the lot has an average slope of less than 20%, the 24,600 square foot site exceeds the 5,000 square foot minimum, 60-foot width exceeds the 50-foot minimum, and 410-foot depth exceeds the 75-foot minimum. A Zoning Permit will ensure that the required 20-foot front and 5-foot side yard setbacks and maximum 24-foot building height shall be met.

Section 3.510 Flood Hazard Overlay Zone (14) Development Permit Procedures:

A development permit will be obtained before construction or development begins within any area of special flood hazard zone. The permit shall be for all structures ... and for all development including fill and other development activities as set forth in the Definitions contained in this Section of the Land Use Ordinance.

Findings of Fact: Criteria will be met because:

The existing Single Family Dwelling was constructed in 1975 prior to the first Flood Insurance Rate Map and Flood Hazard Overlay Zone Standards. Its foundation design does not meet current Flood Hazard Overlay Zone Standards. The design of this expansion of an existing nonconforming structure will bring the entire structure into compliance with the current Flood Hazard Overlay Zone standards consistent with the FEMA NFIP Coastal Construction Manual.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Section 3.530 Beaches and Dunes Overlay Zone (BD):

3.530 (1) Purpose:

The purpose of the Beach and Dune Overlay Zone is to establish criteria and performance standards to direct and manage development and other activities in beach and dune areas in a manner that: (a) Conserves, protects, and where appropriate restores the resources and benefits of coastal beach and dune areas; (b) Reduces the risks to life and property from natural and man-induced actions on these inherently dynamic landforms; and (c) Ensures that the siting and design of development in beach and dune areas is consistent with Statewide Planning Goals 7 and 18 and the Hazards Element and Beaches and Dunes Element of the Tillamook County Comprehensive Plan.

...

3.530 (3) Permitted Uses:

Within the Beach and Dune Overlay Zone, all uses permitted pursuant to the provisions of the underlying zone may be permitted subject to the additional requirements and limitations of this section.

3.530 (5) Dune Area Development Permit:

- (a) Except for activities identified in subsection (5)(b) as exempt any new development, new construction, substantial improvement, shoreline alteration or grading activity in an area subject to the provisions of this section shall require a Dune Area Development Permit. The Dune Area Development Permit may be applied for prior to or in conjunction with a building permit, grading permit, or any other permit or land use approval required by Tillamook County.

...

Findings of Fact: Criteria will be met because:

Following receipt of a final Administrative Decision for this Expansion of a Nonconforming Structure under Section 7.020 (12) Major Review that will define the allowed build area and associated the Dune Area Report study area, an application for a Dune Area Development Permit accompanied by required support documentation will be submitted as required for development activities that are not exempt under Section 5.530 (5)(b).

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Section 3.530 (8) Oceanfront Setbacks:

In areas subject to the provisions of this section, all development, except for activities exempt in subsection (5)(b), shall be set back from the vegetation line the greater of:

- (a) A distance specified in a required Geologic Hazard Report if it is more restrictive than the Oceanfront Setback Line; or
- (b) A distance established through calculation of an Oceanfront Setback Line (OSL) as follows:
 - (A) On a lot or parcel where there are existing buildings located within 300 feet of the boundaries of the subject lot or parcel on both the north and the south, the OSL is a line drawn between the nearest building to the north and the nearest building to the south. The line shall be drawn between the most oceanward points of the two building footprints closest to the vegetation line.
 - ...
 - (D) For the purpose of calculating the OSL, "building" means a lawfully established permanent residential, commercial, public, or industrial structure within 500 feet of the vegetation line. It does not include detached accessory structures.
 - (E) For purposes of calculating the OSL, "closest point of a building" means the point on an exterior wall of a building that is closest to the vegetation line. It does not include decks, second story decks, or other structure improvements above finished grade, unroofed porches and landings, walkways, or building projections such as cornices, eaves, canopies, sunshades, gutters, or chimney chases.
 - ...

As used in this section, "vegetation line" means the ocean shore recreation area boundary as described in ORS 390.770 or the line of established upland shore vegetation, whichever is further inland.

Findings of Fact: Criteria will be met because:

The Oceanfront Setback standard that applies to this property, in addition to any geologic hazard report recommended limits, is Section 3.530(8)(b)(A) because eligible oceanfront buildings within 500 feet of the "vegetation line" exist within 300 feet of this structure's North and South property lines. An Oceanfront Setback Survey is provided to meet the criteria of Section 3.530 Beaches and Dunes Overlay Zone (8) (b) (A), (D), and (E).

The Oceanfront Setback Line runs diagonally through the existing structure such that a triangular portion of the existing structure is located to meet the Section 3.530 Beaches and Dunes Overlay Zone (8) Oceanfront Setback standard and a triangular portion of the existing structure is located west of the Section 3.530 Beaches and Dunes Overlay Zone (8) Oceanfront Setback standard. Therefore, the structure is nonconforming to the Section 3.530 Beaches and Dunes Overlay Zone (8) Oceanfront Setback standard.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Section 4.005 Purpose

In all residential and commercial zones, the purpose of land use standards are the following:

- (1) To ensure the availability of 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.

Findings of Fact: Criteria will be met because:

As explained in the following findings of fact (pp. 32-36), this application evidences consistency with Section 4.005 Purpose as required by Tillamook County Zoning Ordinance Section 7.020(12) Major Review to obtain approval for the Expansion of a Nonconforming Structure:

- (1) To ensure the availability of open space.

Findings of Fact: Criteria met because:

This expansion of this existing nonconforming structure to renovate and maintain at least 20% of the existing structure within its footprint and expand it east within the allowed 24-foot building height, with a 260-foot front setback and 5-foot side setbacks to meet flood hazard overlay zone standards and dune area report recommendations will ensure and not diminish or affect the availability of open space on neighboring properties and provides for large areas of open space on the western and eastern property frontages.

- (2) To ensure that adequate light and air are available to residential and commercial structures.

Findings of Fact: Criteria met because:

This expansion of this existing nonconforming structure to renovate and maintain at least 20% of the existing structure within its footprint and expand it east within the allowed 24-foot building height, with a 260-foot front setback and 5-foot side setbacks to meet flood hazard overlay zone standards and dune area report recommendations will ensure and will not diminish the availability of adequate light and air to neighboring residential properties. Zoning standards are intended to ensure adequate light and air. This expansion maintains the light and air available required by the zoning standards.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

3) To adequately separate structures for emergency access.

Findings of Fact: Criteria met because:

This expansion of this existing nonconforming structure to renovate and maintain at least 20% of the existing structure within its footprint and expand it east within the allowed 24-foot building height, with a 260-foot front setback and 5-foot side setbacks to meet flood hazard overlay zone standards and dune area report recommendations will ensure and not diminish existing adequate separation of structures for emergency access available to neighboring residential properties.

The subject property and the requested expansion provides adequate area and has adequate access to street, water, and hydrant infrastructure to accommodate emergency access consistent with the 2022 Oregon Fire Code (effective date 10/1/2022) as generally shown in this application. This infrastructure will be updated to serve the larger single family dwelling.

Following approval of this expansion request, civil engineering drawings will be provided to detail the design of the emergency access anticipated to include an "Oregon Fire Code Appendix D Alternative Hammerhead Design" (effective date October 1, 2022) with one design deviation authorized by the Fire Code Official: the depth of the turnaround will not exceed 60-feet, rather than the detail standard of 70-feet, due to the limitation of lot width. The Fire Code Official has the authority to support this deviation, in particular because structure design will mitigate the effect with residential automatic sprinklers and a Fire Department Connection in a location approved by the Fire Code Official to ensure appropriate water pressure availability for the sprinklers.

(4) To enhance privacy for occupants of residences.

Findings of Fact: Criteria met because:

This expansion of this existing nonconforming structure to renovate and maintain at least 20% of the existing structure within its footprint and expand it east within the allowed 24-foot building height, with a 260-foot front setback and 5-foot side setbacks to meet flood hazard overlay zone standards and dune area report recommendations will ensure and not diminish the privacy for occupants of residences.

The existing and expanded structure enjoy privacy from existing natural geographic features. There will not be a structure directly to its North due to the Oceanfront setback standard. The structure two lots to the north lot is located 210 feet to the east. There is one structure directly to its South. The location of this structure protects the oceanfront setback of the three structures to the south. Privacy will be maintained through compliance with building code, and zone setback and building height standards

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

- (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.

Findings of Fact: Criteria met because:

This expansion of this existing nonconforming structure to renovate and maintain at least 20% of the existing structure within its footprint and expand it east within the allowed 24-foot building height, with a 260-foot front setback and 5-foot side setbacks to meet flood hazard overlay zone standards and dune area report recommendations will provide for all private land uses within the boundaries of the 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.

The subject property is 410-feet in depth to its survey monumented western structure projection and 60-feet in width and provides sufficient area to provide for all private land uses needs consistent with current standards.

The approximately 10,000 square foot single family home setback 260 feet from the front property line planned for this site will be accessed by an Oregon Fire Code compliant driveway approved by the Fire Code Official located entirely or almost entirely outside of the regulatory flood zone.

The fire code access driveway will also receive an updated permit from Tillamook County Public Works that ensures it meets the requirements of the Tillamook County Public Works standards for driveway design and clear vision.

To support the needs of this larger single family home, in addition to the two off-street parking spaces provided from the driveway adjacent to the residence, an additional off-street parking area 100-feet wide and 35-feet deep will be located on designated land area accessed by the fire code access driveway adjacent to the residence. This off-street parking area is located entirely outside the regulatory flood zone.

Aside from land devoted to structures, access driveways, and off-street parking areas, the rest of the site will remain undeveloped to provide for private yards.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

- (6) To ensure that driver visibility on adjacent roads will not be obstructed.

Findings of Fact: Criteria met because:

This expansion of this existing nonconforming structure to renovate and maintain at least 20% of the existing structure within its footprint and expand it east within the allowed 24-foot building height, with a 260-foot front yard setback, and 5-foot side yard setbacks to meet flood hazard overlay zone standards and dune area report recommendations will ensure that visibility on adjacent County Road Ocean Boulevard will not be obstructed.

The expansion is designed meet the Tillamook County Road Department access and Oregon Fire Code (current effective date 10/01/22) Fire Access Road Standards. Access will be reviewed by the Tillamook County Road Department and the Fire Code Official to ensure consistency with zone standards.

- (7) To ensure safe access to and from common roads.

Findings of Fact: Criteria met because:

This expansion of this existing nonconforming structure to renovate and maintain at least 20% of the existing structure within its footprint and expand it east within the allowed 24-foot building height, with a 260-foot front yard setback, and 5-foot side yard setbacks to meet flood hazard overlay zone standards and dune area report recommendations will continue to obtain safe access to and from the existing County Road Ocean Boulevard.

The expansion is designed meet the Tillamook County Road Department access and Oregon Fire Code (current effective date 10/01/22) Fire Access Road Standards. Access will be reviewed by the Tillamook County Road Department and the Fire Code Official to ensure consistency with zone standards.

- (8) To ensure that pleasing views are neither unreasonably obstructed nor obtained.

Findings of Fact: Criteria met because:

This expansion of this existing nonconforming structure to renovate and maintain at least 20% of the existing structure within its footprint and expand it east within the allowed 24-foot building height, with a 260-foot front yard setback, and 5-foot side yard setbacks to meet flood hazard overlay zone standards and dune area report recommendations will ensure that pleasing views are neither unreasonably obstructed nor obtained.

The renovation and expansion east of the existing residence will add 8-feet of building height not exceeding the allowed 24-foot building height and consistent with the existing oceanfront setback, required 20-foot front yard and 5-foot side yard setbacks.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

- (9) To separate potentially incompatible land uses.

Findings of Fact: Criteria met because:

This expansion of this existing nonconforming structure to renovate and maintain at least 20% of the existing structure within its footprint and expand it east within the allowed 24-foot building height, with a 260-foot front yard setback, and 5-foot side yard setbacks to meet flood hazard overlay zone standards and dune area report recommendations will continue to appropriately separate incompatible land uses.

The existing and proposed expanded location of this dwelling is parallel to all of the dwellings to the south. The location of this dwelling protects the conforming nature of the oceanfront setback for the structures to the south which supports approval of this renovation and expansion as a more compatible development than a relocation and replacement.

This expansion is compatible with the land use types, setbacks, and densities in the area. While this is a large single family home providing opportunity for this large family to visit and stay in one dwelling, the requested site development density is far below the existing and allowed zone density of two dwelling units per 5,000 square feet of lot area east of the existing oceanfront structure for this 24,600 square foot site.

- (10) To ensure access to solar radiation for the purpose of alternative energy production.

Findings of Fact: Criteria met because:

This expansion of this existing nonconforming structure to renovate and maintain at least 20% of the existing structure within its footprint and expand it east within the allowed 24-foot building height, with a 260-foot front yard setback, and 5-foot side yard setbacks to meet flood hazard overlay zone standards and dune area report recommendations and maintain at least 20% of the existing structure will ensure access to solar radiation for the purpose of alternative energy production.

In addition to rooftop solar, vertical wind turbine, or underground geothermal alternative energy structure opportunities, zoning setbacks provide regulatorily protected opportunities for alternative energy production.

This expansion request will meet the regulatorily protected setbacks that could provide that access for alternative energy production. The existing structure and some of the expansion is located within the Velocity Flood Zone. There will remain undeveloped land area outside of the regulatory floodplain available for alternative energy production where it is found to be appropriate to the site.

Section 4.130 Development Requirements for Geologic Hazard Areas:

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

...

Section 4.130 (2) Applicability (e) All lands along the oceanfront:

The following areas are considered potentially geologically hazardous and are therefore subject to the requirements of Section 4.130:

...

- (e) All lands along the oceanfront. An oceanfront lot is a lot or parcel that abuts the ocean shore state recreation area (as defined in OAR 736-021-0010) or a lot or parcel where there is no portion of a buildable lot between it and the ocean shore state recreation area. Lots or parcels that are fronted by roads, parks, beach accesses or other minimal improvements are also considered oceanfront.

Section 4.130 (3) Geologic Hazard Assessment Review:

- (a) Except for activities identified in Subsection 4.130 (3) (b) as exempt, any new development or substantial improvement (as defined in Article 11) in an area subject to the provisions of this section shall require a Geologic Hazard Assessment Review.

...

- (d) All applications for Geologic Hazard Assessment Review shall be accompanied by a Geologic Hazard Report prepared by a qualified licensed geoprofessional (as defined in Article 11) that meets the content requirements of Section 4.130 (4)...

- (e) For development activities that are subject to both this section and Section 3.530 Beaches and Dunes Overlay Zone, one complete Geologic Hazard Report can be submitted for meeting the requirements of this section and Section 3.530. The report shall include requirements for both sections as applicable.

...

Findings of Fact: Criteria will be met because: This lot is an oceanfront lot. Development is subject to the requirements of Section 4.130 Geologic Hazard Assessment Review and Section 3.530 Beaches and Dunes Overlay Zone. Prior to site development and following approval of this Expansion of a Nonconforming Structure request, appropriate professionals will provide the required Section 4.130 and Section 3.530 Beaches and Dunes Overlay Zone Geologic Hazard Report and Geologic Hazard Assessment Review to support the requested site development.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Article 7 Nonconforming Uses and Structures:

Section 7.010 Purpose

The purpose of Section 7.010 is to establish standards and procedures regulating the continuation, improvement, and replacement of structures that pre-date and do not comply with the Tillamook County Land Use Ordinance. The intent is to allow changes to nonconforming uses and structures in a manner which does not increase the level of adverse impact to surrounding properties. These provisions are intended to be consistent with ORS 215.130.

Findings of Fact Criteria Met Because:

These findings of fact support the conclusion that the requested expansion of this nonconforming structure that pre-dates the current Oceanshore Setback standard does not increase the level of adverse impact to surrounding properties and is consistent with ORS 215.130.

Section 7.020 Nonconforming Uses and Structures

Section 7.020 (1) Definitions

...

(b) Nonconforming Structure

A Nonconforming Structure as one that does not conform to current requirements of this Ordinance, but which legally existed at the time the applicable sections of the Ordinance took effect.

Findings of Fact Criteria Met Because:

This single family dwelling legally existed in 1975 prior to the current Section 3.530 (8) Oceanfront Setback (OSL). It was placed in alignment with the structures to its south with survey monument documenting its western extent supporting that it was considered consistent with the oceanward setback in its current extent. In the application of the current oceanfront setback standard, a diagonal portion of the existing structure is located west of the OSL, defining it as a nonconforming structure.

(e) Expansion: Any increase in the external dimensions of a structure.

Findings of Fact: Criteria met because:

This application proposes the expansion of the existing nonconforming structure to retain the existing footprint and extend to the east within the allowed 24 foot building height, with a 260-foot front setback and 5-foot side yard setbacks, to meet flood hazard overlay zone standards and dune area report recommendations.

...

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

(g) Replacement of a Structure

Removal of a Nonconforming Structure that exceeds 80% of an existing structure and placement of a new structure.

Findings of Fact Criteria Met Because:

Following approval of the requested expansion, detailed plans will be prepared that ensure that the requested expansion will retain at least 20% of the existing structure.

As an example of the anticipated retention, much of the wall framing, and the deck and house decking will be retained, and the existing garage will be converted to interior living area. The roof of the existing structure will be replaced, and the 16-foot height extended to 24-feet. To meet the current building code requirements, the existing house and deck foundation will be elevated and replaced with a foundation consistent with the regulatory floodplain. This renovation will retain at least 20% of the existing structure.

Section 7.020 (2) Burden of Proof

In matters relating to the continuation, alteration, expansion or replacement of a nonconforming structure, the applicant bears the burden of proof for establishing:

- (a) The current ... structure lawfully existed at the time the applicable zoning requirement went into effect; and
- (b) The ... external dimensions of the structure that existed at the time the applicable zoning went into effect.

Standard evidence that a structure has been maintained over time include dated documents such as building permits, land use approvals, development permits, other governmental permits, utility bills, tax records, assessor records, loan statements, business license, directory listings, published references, or other documents deemed admissible by the Director. If the regulation which rendered the structure ... nonconforming was enacted more than 20 years prior to the time of application, the applicant need only provide evidence or information pertaining to the 20 years immediately before the application.

Findings of Fact Criteria Met Because:

This request for the expansion of this nonconforming structure includes documentation from Tillamook County Tax Assessor records and Google Earth photos that identify the existing structure, originally built in 1975, lawfully existed in 1975, prior to the time the applicable Section 3.530 OSL zoning requirement went into effect. Assessor records indicate that the northeastern portion of the structure is an addition with an approved building permit in 2004.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Section 7.020 (3) Continuation

A Nonconforming Use or Structure may be continued at the ... dimension of structure existing on the date the applicable zoning went into effect subject to the requirements of Section 7.020.

Section 7.020 (4) Alteration or Expansion:

- (a) Alteration of a Nonconforming Structure ... is allowed subject to other provisions of this ordinance. If such alteration causes the 100% market threshold to be exceeded, then it shall be subject to Major Review under Section 7.020 (12). The 100% Market Value threshold shall not apply to an Alteration for purposes of conformance with Section 3.510 Flood Hazard Overlay Zone.
- (b) Expansion of a Nonconforming Structure ... shall be subject to Minor Review under Section 7.020 (11) Expansion of a Nonconforming Structure shall be allowed outright for purposes of conformance with Section 3.510 Flood Hazard Overlay Zone if the Expansion meets the height standard for the subject property and does not reduce existing nonconforming setbacks. The 100% Market Value threshold shall not apply to an Alteration for purposes of conformance with Section 3.510 Flood Hazard Overlay Zone.

Section 7.020 (9) Nonconforming Structure Exception:

Notwithstanding Section 7.020 (3), a structure having a conforming main use but not conforming to setback or height standards may be expanded as follows:

- (a) If all proposed new construction complies with all standards of the zone, the expansion may be allowed.

....

If the expansion exceeds the 100% Market Value Threshold, Section 7.020 (12) Major Review Criteria must be met.

Findings of Fact Criteria Met Because:

This application requests an expansion that will exceed 100% of the \$250,680 Market Value Threshold (Assessment December 21, 2022). Therefore, it is required to address and meet Section 7.020 Major Review Criteria.

Section 7.020 (10)

Notwithstanding the provisions of this section, alteration or expansion of a nonconforming use or structure shall be allowed if necessary to comply with any lawful requirement.

Findings of Fact Criteria Met Because:

The alteration and expansion of this nonconforming structure plans to bring the structure into compliance with the standards of the regulatory floodplain outlined in Section 4.310 Flood Hazard Overlay Zone and the Coastal Construction Manual consistent with the standards of Section 3.510 Dune Hazard Permit and 3.530 Geologic Hazard Assessment Review is allowed.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

7.020 (12) Major Review

Application is made under the fee and procedure for a Type II Administrative Review and is reviewed under the following criteria:

(a) The proposed alteration may be allowed ... if the nonconforming structure ... including the proposed alteration / expansion meets the following criteria:

I. The Alteration / Expansion meets the Section 7.020 (11) Minor Review criteria; and

Findings of Fact Criteria met because:

The criteria of Section 7.020 (11) Minor Review are addressed in these findings of fact on the following pages (pp. 41-46).

II. ... The nonconforming structure ... including the proposed alteration / expansion is consistent with the purposes of relevant development criteria enumerated in Section 4.005 Purpose and preserves the rights of neighboring property owners to enjoy their land for legal purposes.

Findings of Fact Criteria met because:

1. The proposed alteration / expansion is consistent with the purposes of relevant development criteria enumerated in Section 4.005 Purpose, Article 4 Development Standards, are addressed in these Findings of Fact (pp. 31-34).
2. The requested expansion of this existing nonconforming structure preserves the rights of neighboring property owners to enjoy their land for legal purposes.

The department may requirement the applicant to submit a site survey or similar information to assist in making these determinations.

Findings of Fact Criteria met because:

Documentation is provided to support the assertions in these findings of fact to assist the Tillamook County Department of Community Development in making these determinations.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Section 7.020 (11) Minor Review: A request may be permitted if:

- (a) The request will have no greater impact on neighboring properties than the existing structure when the current zoning went into effect, considering:
 - I. A comparison of existing structure and the proposed change considering the following factors:
 - 1. Noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line or off-site.
 - 2. Numbers and kinds of vehicle trips to the site.
 - 3. Amount and nature of outside storage, loading, and parking.
 - 4. Visual impact.
 - 5. Hours of Operation.
 - 6. Effect on existing vegetation.
 - 7. Effect on water drainage and water supply.
 - 8. Service or other benefits the use or structure provides to the area.
 - 9. Other factors relating to conflicts or incompatibility with the character or needs of the area.
 - II. The character and history of development in the surrounding area.
- (b) The request shall maintain a minimum separation of six feet between structures and comply with the clear vision area of 4.010.

The Department may require the applicant to submit a site survey or similar information to assist in making these determinations.

7.020(11)(a)(I) Findings of Fact Criteria met because:

The request will have no greater impact on neighboring properties than the existing structure when the current zoning went into effect, considering a comparison of existing structure and the proposed change considering the following factors addressed in these findings of fact.

- 1. Noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line or off-site.

Existing Structure

The existing structure has no adverse effect on neighboring properties because there is no noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line or off-site beyond normal landscape maintenance and allowed property use activities.

Proposed Change

The proposed expansion will have no adverse effect on neighboring properties because there will be no noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line or off-site beyond normal landscape maintenance and allowed property use activities.

Type II Administrative Application: Nonconforming Structure Expansion

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

2. Numbers and kinds of vehicle trips to the site.

Existing Structure

The number and kinds of vehicle trips to the site have no adverse effect on neighboring properties because the site and driveway accommodate a residential single family dwelling use that is far below the allowable zone density of 2 dwelling units per 5,000 square feet lot area on this 24,000 square foot site.

Proposed Change

The number and kinds of vehicle trips to the site will have no adverse effect on neighboring properties because the site will accommodate the vehicle trips for this large single family dwelling that is far below the allowable zone density.

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

Existing Structure

The amount and nature of outside storage, loading, and parking provided to serve the existing single family dwelling has no adverse effect on neighboring properties because the site accommodates these needs without encroachment onto adjacent properties. Loading areas are not required by the County Development Code to serve the use; however, the existing driveway accommodates all loading needs. A minimum of two off-street parking spaces required by Code are provided to serve the existing single family dwelling.

Proposed Change

The amount and nature of outside storage, loading and parking to serve the single family dwelling renovation and expansion will continue to have no adverse effect on neighboring properties because the site has suitable area to serve these needs. Loading areas are not required by Code to serve the residence; however, the driveway will continue to accommodate all loading needs. In addition to the two required off-street parking spaces, an additional off-street parking area will be provided on-site to serve the larger single family dwelling.

4. Visual impact.

Existing Structure

Visual impact of the existing residence has no adverse effect on neighboring properties because the existing structure is 16-feet within the allowed 24-foot building height, with a 362-foot front setback, historic oceanfront setback and 5-foot side setback except where a small portion of the structure extends to within 4.9 feet of the southern property line. The site is suitable for multiple dwellings that would reduce the site front setback outright to 20-feet.

Proposed Change

The visual impact of the proposed expansion will have no adverse effect on neighboring properties because the proposed renovation and expansion will maintain the existing residence footprint and expand it east within the allowed 24-foot building height, with a 260-foot front yard setback, and 5-foot side yard setbacks for a single larger single family dwelling.

Application for the Major Expansion of a Nonconforming Structure

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

5. Hours of Operation.

Existing Structure

Hours of operation have no adverse effect on adjacent properties because the existing residential use does not have hours of operation and complies with county rules.

Proposed Change

Hours of operation will have no adverse effect on adjacent properties because the proposed residence expansion does not have hours of operation and will continue to comply with county rules.

6. Effect on existing vegetation.

Existing Structure

Existing site vegetation consisting of salal, beach pine, beach grass, and a variety of native herbs have no adverse impact because they prevent erosion of the sandy soils without encroachment onto on neighboring properties.

Proposed Change

The proposed expansion will have no adverse effect on existing vegetation because a large area of the existing site vegetation will be maintained and continue to prevent erosion of the sandy soils without encroachment onto on neighboring properties.

7. Effect on water drainage and water supply.

Existing Structure

The existing site is connected to the municipal water supply without any known adverse effects since 1975. Existing roof and rain / storm water drainage percolates into site soils without any known adverse effects since 1975 and without an engineered water drainage plan.

Proposed Change

The renovation and expansion of the existing structure will be connected to the municipal water supply consistent with current code standards. A Civil Engineer will provide an engineered water drainage recommendations and plan for on-site management to prevent adverse effects to the site and neighboring properties. It is anticipated from discussions with Jason Morgan, PE, that the site has suitable area, sandy soils, and water table elevation to direct water drainage from structures, parking, and on-site drives to adjacent areas for percolation designs without adverse effects to the site and adjacent properties. This plan will also be consistent with the County Code and as recommended by a Geologic Hazard, Flood Hazard, and Beaches and Dunes Area Development Report prepared by a qualified professionals to prevent adverse effects.

Application for the Major Expansion of a Nonconforming Structure

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

8. Service or other benefits the use or structure provides to the area.

Existing Structure

The existing structure benefits the area without adverse effect because it provides a conforming status OSL to the two circa 1972 dwellings to the south. They rely on the historic 1975 west projection of this residence to retain their conforming OSL status. This structure was placed in alignment with the structures to the south when both three structures to the south and the structure to the north existed and the structure to the north was not included in the monumented west OSL setback calculation allowed for this structure.

Proposed Change

If the proposed expansion benefits the area without adverse effect because by retaining the existing western projection is approved, the three circa 1972 houses to the south remain conforming to their OSL and this structure will be the only structure considered to have a nonconforming OSL. If this existing residence is relocated to its current OSL, the three structures to the south will become serially nonconforming to their new OSL immediately beginning with the neighboring residence to the south.

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

Existing Structure

There are no known other factors relating to conflicts or incompatibility with the character or the needs of the area that cause the existing structure to be an adverse effect except that the existing residence and those to the south were built in the same era and do not conform to the Flood Hazard Velocity Zone Development Standards that were enacted after its construction.

Proposed Change

This proposed expansion will have no adverse effects on neighboring properties from any other factors relating to conflicts or incompatibility with the character or needs of the area. The proposed change will bring the structure into conformance with the Flood Hazard Velocity Zone Development Standards that were enacted after its construction.

Application for the Major Expansion of a Nonconforming Structure

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

7.020(11)(a)(II)

II. The character and history of development in the surrounding area.

Findings of Fact Criteria met because:

The renovation and expansion of the existing structure will have no greater impact on neighboring properties than the existing structure when the current zoning went into effect.

Existing Structure

The historic character of the area is family sized beach homes and a 52 space recreation vehicle park with an allowed density of 2 dwelling units per 5,000 square feet. All residences to the south have oceanfront setbacks approximately parallel to this one. This existing dwelling was authorized by building permit in 1975 without consideration of the location of the existing 1969 dwelling to the north. The two oceanfront dwellings directly south rely on this structure to retain conformance with the Oceanfront Setback standard.

Proposed Change

This larger family home is consistent with the currently existing and allowed density of the area. This structure use is well below maximum allowed density of site and area zoning. This 24,600 square foot building site would outright allow multiple one- or two-family dwelling unit structures. Also, allowing this structure to remain and be expanded east as requested retains the conforming oceanfront setback of the two residences directly south. Thus, this renovation and expansion will have no greater impact on neighboring properties than the existing structure when the current zoning went into effect.

Application for the Major Expansion of a Nonconforming Structure

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Section 7.020(11)(b)

- (b) The request shall maintain a minimum separation of six feet between structures and comply with the clear vision area of 4.010.

Findings of Fact Criteria met because:

The criteria of Section 4.010 Clear Vision Area are addressed in these findings of fact with a clear conclusion that the existing structure meets the criteria.

Existing Structure

A site survey submitted with application identifies that the existing structure maintains a minimum separation of six feet between structures. The existing structure is a minimum of 4.9 feet from the side property line where the nearest adjacent structure is located 6 feet from the same property line. Thus, 10.9 feet is provided between structures. The existing structure complies with the clear vision area of Section 4.010 because it is not located in any clear vision area.

Proposed Change

The renovation and expansion of the existing structure will maintain a minimum separation of six feet between structures because it and the adjacent property will each meet the five-foot setback requirement. The renovation and expansion of the existing structure will comply with the clear vision area of Section 4.010 Clear Vision Area because no portion of the structure will be located in any clear vision area including that which will be provided for the fire code standard driveway.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Article 10 Administrative Provisions:

(1) Purpose:

The purpose of this chapter is to establish standard decision making procedures that will enable the County, the applicant, and the public to reasonably review applications and participate in the local decision making process in a timely and effective way. Table 10.1 provides a key for determining the review procedure and the decision making body for particular approvals.

(2) Applicability and coordination:

All land use and development permit applications and approvals included in Table 10.1 shall be reviewed and decided using the procedures contained in this chapter.

- (a) The Director shall be responsible for the coordination of land use and development applications and decision-making procedures.
- (b) No development shall occur without first obtaining the required permit(s) pursuant to the provisions in this chapter.
- (c) Permit approval is contingent upon receipt of required application submittal(s) and findings of compliance with the provisions of this Ordinance and, where applicable, the Tillamook County Comprehensive Plan.

(3) Consistency with Oregon Revised Statutes.

The processing of applications and permits authorized under this Ordinance shall be consistent with the Oregon Revised Statutes (ORS). The County shall follow the provisions of the ORS in instances where following the provisions of this Chapter alone would fail to meet the State requirements for the processing or review of land use applications or permits.

(4) Review Types.

All land use and development permit applications shall be reviewed under one review type as established in this chapter. There are four types of permit / approval procedures. Detailed information about each type is provided in Section 10.040. A complete list of applications and their associated review type and review authority is provided in Table 10.1.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Section 10.020 Applications

- (1) Applications for Type 1, 2, 3, planning actions may be initiated by the following:
 - (a) The owner of the property that is the subject of the application.
 - ...
 - (g) The representative or agent of any of the above upon submittal of written authorization to make such application.

Findings of Fact Criteria met because:

This application is made by the authorized property owner agent DEA-Properties-19, LLC. The applicant Plan Development, LLC, Sabrina Pearson, Consultant is identified in writing by the signed application as an authorized application representative.

- (3) Consolidated Review.

When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the proceedings may be consolidated if requested by the applicant for review and decision.

 - (a) Under a consolidated review, required notices also may be consolidated, provided the notice shall identify each application to be decided.
 - (b) The applications shall be processed according to the highest numbered review type required for any part of the application. For example, a concurrent review of a Type II review and a Type II review would be processed through a Type III review.
 - (c) When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.
 - (d) The applicant shall submit an application form and application fee for each application being reviewed.
- (4) Decision deadlines and time limits.
 - (a) The County shall take final action on Administrative and Quasi-Judicial land use applications including the resolution of all appeals within the following time limits:
 - ...
 - ii. ... 150 days from the date of the date the application is deemed complete.
 - iii. Upon written request by the applicant, the decision period may be extended for a specified period of time. The total of all extensions shall not exceed 215 days ...

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

(5) Filing Fees.

- (a) For the purpose of defraying the cost of processing applications, fees shall be paid to the Department upon the filing of an application.

Findings of Fact:

An application fee of \$1,500 is included with the application.

(6) Application forms and checklists.

Application forms provided by the County must be used for all applications. The County shall supply all application forms pursuant to the standards contained in applicable State laws, Comprehensive Plan policies, and Ordinance provisions. The County shall also supply checklists or information sheets that specify the information that must be contained in the application, including format and number of copies.

Findings of Fact:

The Tillamook County Department of Community Development Form: Planning Application Type I is provided with this application request for a Nonconforming Use or Structure Major Review.

(a) Application Types.

Table 10.1 provides a list of all application types and their associated review procedure, review authority, and appeal authority.

Type I: Ministerial.

Decision by Planning Director. Not appealable to LUBA.

Type II: Administrative.

Decision by Planning Director or Planning Commission. Appeal to Planning Commission or Board of Commissioners. Appeal to Land Use Board of Appeals.

...

Findings of Fact Criteria met because:

The requested expansion will include multiple processes and permits that can be requested separately or consolidated process. This application is Step 1, an Article 7 Nonconforming Use or Structure Section 7.020 (12) Major Review, and it identified by Section 10.1 as a Type II Administrative Decision.

The other four processes are Type I Decisions.

It makes sense to undertake this Type II request separately from the Type I application processes.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

(b) Application submittal requirements.

An application shall be considered complete when it is submitted in accordance with the format and upon such forms as may be established by the Director. In addition to required hard copies, all materials must be submitted electronically or in a format that does not exceed 11 inches by 17 inches. A complete application is one that contains the information required to address the relevant standards of this ordinance and the applicable standards and requirements of the Comprehensive Plan as specified by this Ordinance. At minimum, a complete application must contain the following items:

- i. Application form with applicable signatures.
- ii. Payment of applicable review fees.
- iii. Deed, title, or other proof of ownership.
- iv. Detailed description of all existing and proposed uses and structures including a summary of all information contained in any site plans. The description may need to include both a written and graphic component such as elevation drawings or 3D models.
- v. Detailed statement that demonstrates how the proposal meets all applicable approval criteria, zoning and land use regulations and development standards.
- vi. Site plan(s), preliminary plat, or final plat as applicable.
- vii. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable.
- viii. Any other items identified on the specific application form or submittal checklist.
- ix. Copy of the pre-application summary, if applicable.

...

Findings of Fact: Criteria are met because:

This application for the alteration and expansion of a nonconforming structure includes:

- i. (p. 4) Application form with applicable signatures.
- ii. (p. 7) Receipt for Payment of applicable review fees.
- iii. (p. 7, 27-28) Proof of ownership from the office of the Tillamook County Assessor.
- iv. (pp.1, 8-81) Detailed description of all existing and proposed uses and structures including a summary of all information contained in any site plans.
- v. (pp. 4, 29-81) Detailed statement that demonstrates how the proposal meets all applicable criteria, zoning, and land use regulations and development standards.
- vi. (pp. 8-26) Site plans that clearly represent the expansion request.
- vii. There are no known prior decisions or conditions of approval applicable to the request.
- viii. There are no other items required on the specific application form or submittal checklist.
- ix. A pre-application meeting was held and attended by Tillamook County Community Development, Public Works, and the Fire Code Official. Additional off-street parking was requested by public works to meet the needs of this large single family home. An engineered Stormwater Drainage plan consistent with the geologic hazard and flood hazard standards will be provided with those permits. The Fire Code Official concurred with the fire code water supply and access plan to be provide by Civil Engineer plans.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

(c) Application Completeness Review.

Upon receipt of an application, the County shall conduct a completeness review to determine if an application contains all information necessary to continue with the review. If an application is determined to be incomplete, the Director shall notify the applicant in writing exactly what information is missing within thirty (30) days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete by the Director upon complete receipt by the Director of:

- i. All of the information.
- ii. Some of the information and written notice from the applicant that no other information will be provided, or
- iii. Written notice from the applicant that none of the missing information will be provided.

On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information and has not responded in accordance with (i-iii) above.

(d) Re-submittal of a denied application.

If an application is denied by the County, and no higher authority reverses such denial upon appeal, no new application for the same or substantially similar action shall be filed for at least six (6) months from the date the final order of the action denying the application.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Section 10.030 Pre-Application Conference

(1) Purpose.

The purpose of a pre-application conference is to acquaint the applicant with the substantive and procedural requirements of the Ordinance; provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development requirements, arrange such technical and design assistance as will aid the applicant; and to identify policies and regulation that create opportunities or pose significant constraints for the proposed development.

The Department shall make such background information as may be on file relating to the general area of the subject parcel or parcels, and any plans the County may have, or information related to past activity or development in the area upon the request of the developer. The Department shall advise the applicant of the design standards, improvement requirements, and procedures established by the County for the review and approval of the proposed land use action.

(2) Applicability.

- (a) For a Type I application, a pre-application conference is not required. An applicant may request a pre-application conference and will be subject to applicable fees.
- (b) Applicants shall complete a pre-application form obtained from the Department and pay the required fee for proposals that require Type II and Type III decisions.
- (c) For a Type II Application a pre-application conference is required unless the applicant provides a signed acknowledgement that they have waived the pre-application conference. The fee must still be paid and is not refundable.

...

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

(3) Pre-Application Conference Procedure.

The pre-application conference procedure will include the following steps:

- (a) An applicant must submit pre-application request form, the required pre-application information and materials and the pre-application conference fee.
- (b) The County will schedule a pre-application conference. When feasible based on staff availability and other scheduling factors, the pre-application conference will be held within two weeks of the applicant's request.
- (c) The County will review the pre-application materials and notify other relevant agencies prior to the conference. Notified agencies will provide written comments prior to the conference or attend the conference.
- (d) After the conference is held, the County will provide the applicant with a written summary including applicable policies and regulations that must be addressed in the application. The County will also provide a submittal for a complete application package including applicable fees.
- (e) An applicant may request an additional pre-application conference at any time prior to submittal of an application, subject to applicable fees.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Section 10.040 Review Types

All land use applications will be reviewed by the County using one of the following review types. Specific applications and their associated review types are listed in Table 10.1.

(1) Type I Ministerial Review.

Type I decisions are made by the Director or his/her designee without public notice and without a hearing. Type I applications involve permitted uses or development governed by clear and objective approval criteria and / or development standards that may require the exercise of professional judgement about technical issues.

(2) Type II Administrative Review.

Type II decisions are made by the Director or his/her designee and include notice and an opportunity to appeal to the Planning Commission. Alternatively, the Director may refer a Type II application to the Planning Commission for its review and decision in a public hearing. Applications involve permits for which the application of review criteria requires the exercise of limited discretion.

...

Section 10.50 General Noticing Requirements

The County shall provide opportunities for public and agency input in the planning process. To ensure that there is a coordinated effort to permit land use projects, notice of applications for development approval shall be set to interested entities, local, state, and federal agencies, County departments and County designated Citizen Advisory Committees. A list of applicable local, state, and federal agencies and entities shall be maintained by the Director.

...

(f) Affidavit or ... formal certification of all mailing notices shall be made part of the record.

(g) Failure of a notified party to receive notification will not invalidate the procedure.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Section 10.060 Type I Procedures

- (1) Notice of Review. No notice of review of a Type I application is required.
- (2) Criteria and Decision. The Director's review of a Type I application will determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit.
- (3) Notice of Decision. Type I development actions shall be decided by the Director without public notice of hearing. Notice of a decision shall be provided to the applicant or the applicant's representative and owners of the subject property.
- (4) Effective Date. A Type I decision is final on the date it is signed by the Director. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the State Land Use Board of Appeals. Ensure that there is a coordinated effort to permit land use projects, notice of applications for development approval.
- (5) Appeals. A Type I Decision can be appealed in accordance with Section 10.100.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Section 10.070 Type II Procedures

(1) Notice for Type II Decisions.

- (a) Notice of Review. The purpose of the Administrative Decision notice is given to nearby property owners and other interested people and agencies the opportunity to submit written comments on the application before the Director issues the decision.
- i. Notice shall be provided to the following parties within 10 business days of the receipt of a complete application:
- ...
2. All record property owners within 250 feet of the subject site if the subject site is outside UGB and not in farm or forest zone.
4. Any citizen advisory's committee or community organization whose boundaries include, or are adjacent to, the subject site.
- ...
7. Other persons as may be affected by the proposal.
- ii. The notice of review shall contain the following information:
1. A summary of the proposal and the relevant approval criteria.
 2. The general location of the subject property and, when available, street address, legal description, or other easily understandable reference to the location of the proposed use or development.
 3. The deadline established for rendering a final decision.
 4. The address and County contact person for submitting written comments.
 5. The deadline for submitting written comments on the request, which shall be at least 14 days prior to the scheduled decision date.
 6. Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant approval criteria re considered relevant evidence.
 7. Statement that all evidence relied upon the County Planning Director or Planning Commission, as applicable, to make its decision in the public record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the County.
 8. Statement that after the comment period closes the County will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments, or which is otherwise legally entitled to notice.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

(2) Type II Criteria and Decision

- (a) At the conclusion of the comment period, the Director shall review the comments received and prepare a decision approving, approving with conditions, or denying the application based on the applicable Ordinance criteria. Alternatively, the Director may transmit all written comments received, if any, along with the application to the Planning Commission for review and decision at its next regularly scheduled meeting.

- (b) Where the Director refers an application subject to Administrative Review to the Planning Commission, the Planning Commission shall approve, approve with conditions, or deny the application through the Type II procedure based on the applicable Ordinance criteria. The Planning Commission may continue its review to the next meeting to allow the applicant time to respond to questions provide the Commission makes a final decision within the 150-day period prescribed under State law (ORS 215.427) and described in Section 10.020(4) of this Ordinance. ...

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

(3) Type II Notice of Decision

- (a) Notice of decision shall be provided within 10 days of the date of the decision to all parties who received review notice under subsection (1)(a) above.
- (b) The Director shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.
- (c) The decision notice shall include the following information:
 - i. A description of the applicant's proposal and the County's decision, including conditions of approval if applicable.
 - ii. The street address or other easily understood geographical description of the subject site, including a map of the property in relation to the surrounding area.
 - iii. Name of the County contact with phone number.
 - iv. Statement that a copy of the decision is available for inspection at no cost, or copies will be provided at a reasonable cost.
 - v. The date the decision shall become final, unless appealed.
 - vi. Statement that any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing or written appeal within 12 days of the date that the notice was mailed, pursuant to the requirements in Section 10.100.
 - vii. Statement that the decision will not become final until the 12-day appeal period is over.
 - viii. Statement that a person is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals (LUBA) under ORS 197.830, unless the notice does not reasonably describe the nature of the decision.
 - ix. Effective date of Decision. Unless the conditions of approval specify otherwise, an Administrative Decision becomes effective twelve (12) days after the County mails the decision notice unless the decision is appealed pursuant with section 10.100.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Article 11 Definitions

Building Height:

The vertical distance of a building measured from grade to the highest point of the roof.
(See Grade.)

Grade:

The average elevation of the existing ground at the center of all walls of a building.

Nonconforming Structure or Use:

A structure or use that legally exists at the time this ordinance or any Amendment hereto becomes effective, but which does not conform to the current requirements of the zone in which it is located.

Oceanfront Lot:

Lot which abuts the State Beach Zone Line (ORS 390.770) or a lot where there is no portion of a buildable lot between it and the State Beach Zone Line.

Parking Space:

A 20-foot x 8-foot area (exclusive of areas for maneuvering and access) that is permanently reserved for the temporary storage of a single vehicle and which has legal access to a street or alley.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

FIRE CODE REPORT

PURPOSE

There are two purposes for this Fire Code summary findings of fact report. First, the report highlights an understanding of the specific governance, administration, access, and water supply codes that will be addressed in application for site design approval in addition to any requirements specified by the fire code official. Second, the report states that when the application for Building Permit is designed, it will utilize applicable associated building codes. Building design is not addressed with this site design application except in terms of access and water supply; the remaining building design requirements will be addressed with application for Building Permit. Design will be consistent with the standards of the Oregon Fire Code that integrates the international fire code with an effective date of October 1, 2022, cited below.

Site Design

The Subject Property, 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd, Tillamook, OR 97141, is located in the Tillamook County Unincorporated Community of Twin Rocks and located in the Garibaldi Fire Service District. The Subject Property has a building site that is monumented to extend 410 feet from the front property line to the existing westward projection of the deck. The Subject Property is 60 feet in width. Where required, there is sufficient lot width to extend a 20-foot wide fire service turnaround and fire apparatus access to within 150 feet of the furthest wall of the structure and to provide a fire code egress pathway around the structure as a condition of site design approval to be provided with future application for Building Permit.

Source:

2022 Oregon Fire Code, enacting the 2021 International Fire Code, Effective October 1, 2022
Authorized by ORS 476.030, Adopted by OAR 837, Division 40.

https://www.oregon.gov/osp/programs/sfm/Pages/Fire_Codes.aspx

CONTENTS

Chapter 1	Scope and Administration including: Applications and Permits, Duties and Powers of the Fire Code Official, and Construction Document requirements.
Chapter 2	Definitions
Chapter 5	Fire Service Requirements including: Access, Egress, and Water Supply
Appendix B	Fire Flow Requirements based on building size.
Appendix C	Fire Hydrant Spacing and Requirements
Appendix D	Fire Access Apparatus Roads Design Standards.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Effective Use of the International Fire Code (IFC) (p. vii)

Excerpt:

The IFC is a model code that regulates minimum fire safety for new and existing buildings, facilities, storage, and processes. The IFC addresses fire prevention, fire protection, life safety, and safe storage and the use of hazardous materials in new and existing buildings, facilities, and processes. The IFC provides a total approach of controlling hazards in all buildings and sites, regardless of the hazard being indoors or outdoors.

The IFC is a design document. For example, before one constructs a building, the site must be provided with an adequate supply for firefighting operations and a means of building access for emergency responders in the event of a medical emergency, fire, or natural or technological disaster. Depending on the building occupancy and use, the IFC regulates the various hazards that may be housed within the building, including refrigeration systems, application of flammable finishes, fueling of motor vehicles, high-piled combustion storage, and storage and use of hazardous materials. The IFC sets forth minimum requirements for these and other hazards and contains requirements for maintaining the life safety of building occupants; protecting emergency responders; and limiting the damage to a building and its contents as a result of a fire, explosion, or other hazardous material discharge.

As described, the IFC has many types of requirements for buildings and facilities. The applicability of these requirements varies. An understanding of the applicability of requirements, as addressed in Sections 102.1 and 102.2, is necessary. Section 102.1 addresses when construction and design provisions are applicable, whereas Section 102.2 addresses when the administrative, operational and maintenance provisions are applicable. Generally, the construction and design provisions apply only to new buildings or existing buildings and occupancies addressed by Chapter 11. The administrative, maintenance, and operational requirements are applicable to all buildings and facilities, whether new or existing.

Before applying the requirements of the IFC, it is beneficial to understand its arrangement and format. The IFC, like other codes published by the ICC, is arranged and organized to follow sequential steps that generally occur during plan review or inspection.

The IFC requirements for fire-resistance-rated construction, interior finish, fire protection systems, means of egress and construction safeguards are directly correlated to the chapters containing parallel requirements in the International Building Code, the IBC. Chapter 7: Fire and Smoke Protection Features; Chapter 8: Interior Finish, Decorative Materials, Furnishings; Chapter 9: Fire Protection and Life Safety Systems; and Chapter 10: Means of Egress

CODE EXCERPTS

Chapter 1 Scope and Administration

Section 104 Duties and Powers of the Fire Code Official

104.1 General

The fire code official is hereby authorized to enforce the provisions of this code as directed in ORS 476.060 and OAR Chapter 837, Division 39, and shall have the authority to adopt policies, procedures, rules, and regulations in order to clarify the application of its provisions. Modifications to this code shall not be less stringent than the minimum fire code adopted by the State Fire Marshall. The fire code official shall have the authority to render interpretations of this code and to adopt policies, procedures, rules, and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules, and regulations shall be in compliance with the intent and purpose of this code. Such policies, procedures, rules, and regulations shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and Permits.

The fire code official is authorized to receive applications, review construction documents and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3 Right of Entry.

The fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform duties imposed by this code.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Section 105 Permits

105.3.3 Occupancy prohibited before approval

The building or structure shall not be occupied prior to the fire code official issuing a permit and conducting associated inspections indicating the applicable provisions of this code have been met.

105.3.6 Compliance with code

Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the fire code official from requiring the correction of errors in the construction documents and other data.

105.3.7 Information on the permit

Issued permits shall bear the signature of the fire code official or other approved legal authorization.

105.4 Revocation

The fire code official is authorized to revoke a permit issued under the provision of this code where it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or construction documents on which the permit based including but not limited to any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it was issued.
6. The permittee failed, refused, or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation, or this code.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Section 106 Construction Documents

106.1 Submittals

Construction documents and supporting data shall be submitted in two or more sets with each application for a permit and in such form and detail as required by the fire code official.

106.2.1 Information on construction documents.

Construction documents shall be drawn to scale on suitable material. Documents in a digital format are allowed to be submitted where approved by the fire code official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations as determined by the fire code official.

107.1 Fees

A permit shall not be issued until the fees have been paid.

Chapter 2 Definitions

Section 201 General

201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall for the purposes of this code have the meanings shown in this chapter.

201.3 Terms defined in other codes.

Where terms are not defined in this code, and are defined in the International Building Code, International Fuel Gas Code, International Mechanical Code, or International Plumbing Code, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context applies. Merriam Webster's Collegiate Dictionary, 11th Edition, shall be considered as providing ordinarily accepted meanings.

PART III BUILDING AND EQUIPMENT DESIGN FEATURES

Chapter 5 Fire Service Features

The requirements of Chapter 5 apply to all buildings and occupancies and pertain to access roads, access to building openings and roofs, premises identification, key boxes, fire protection water supplies, fire command centers, fire department access to equipment, and in-building emergency responder communication systems coverage.

Section 501 General

501.1 Scope

Fire service features shall comply with this chapter. See also Oregon Revised Statutes (ORS) 92.044 (plats and plans), 203 (County Rule), 211 (City Government), 195.065 (Urban Service Agreements), 369.09 (Local Road Standards may supersede), 455.610 (alternative method of construction to meet fire code), 478.920 (local fire code), and Oregon Administrative Rule (OAR) Chapter 918-480-0125 (method to apply the alternative method of construction to meet fire code).

501.2 Permits

A permit shall be required as set forth in Sections 105.5 and 105.6.

501.3 Construction Documents

Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire apparatus access roads, and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

501.4 Timing of Installation

Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except where approved alternative methods of protection are provided.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Section 503 Fire Apparatus Access Roads

503.1 Where required

Fire apparatus roads shall be provided and maintained in accordance with Section 503.1.1 through 503.1.3. Also See Appendix D.

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

1. The Fire Code Official is authorized to modify 503.1 and 503.2 where any of the following occur:
 - 1.1 The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Sections 903.3.1.1 – 9.3.1.3.
 - 1.2 Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
 - 1.3 There are not more than two non-sprinklered one-and two- family dwellings ...
- 2 ...

503.2 Specifications.

Fire apparatus access roads shall be installed and arranged in accordance with sections 503.2.1 through 503.2.8.

503.2.1 Dimensions.

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet exclusive of shoulders, except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of 13 feet 6 inches.

503.2.2 Authority

The fire code official shall have the authority to modify the dimensions specified in Section 503.2.1.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

503.2.3 Surface

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities.

503.2.4 Turning radius.

The fire code official shall determine the required turning radius of a fire apparatus access road.

503.2.5 Dead ends.

Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.

503.3 Marking.

Where required by the Fire Code Official, approved signs or other approved notices or markings that include the words "NO PARKING – FIRE LANE" shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

503.4 Obstruction of fire apparatus access roads.

Fire apparatus access roads shall not be obstructed in any manner including the parking of vehicles. The minimum widths and clearances established in Sections 503.2.1 and 503.2.2. shall be maintained at all times.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Section 507 Fire Protection Water Supplies

507.1 Required Water Supply

An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises on which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. See Appendix D108, "Uniform Alternate Construction Standard for One-and Two-family Dwellings".

507.5 Fire hydrant systems.

Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6. Also, see Appendix C.

507.5.1 Where required.

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building- on site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

...

- 2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 the distance shall be 600 feet.

FINDINGS:

Based on discussions with the Fire Department, a structure the size proposed with this application will need an onsite FDC connection to ensure appropriate water pressure to residential fire sprinklers in the event of an emergency.

Section 505 Premises Identification

505.1 Address Identification

New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Chapter 6 Building Services and Systems

Chapter 6 focuses on building systems and services as they relate to potential safety hazards and when and how they should be installed. This chapter brings together building system and service related issues for convenience and provides a more systematic view of buildings. The following building services and systems are addressed: electrical equipment, wiring and hazards (Section 603); elevator recall and maintenance (Section 604); fuel-fired appliances (Section 605); commercial kitchen hoods (Section 606); ... and clothes dryer exhaust systems (Section 610).

Chapter 7 Fire and Smoke Protection Features

The maintenance of assemblies required to be fire-resistance rated is a key component in a passive fire protection philosophy. Chapter 7 sets forth requirements to maintain required fire-resistance ratings of building elements and limit fire spread. Section 701 addresses the basics of what construction elements such as fire barriers and smoke barriers need to be maintained as well as defining the owner's responsibility. The rest of the chapter, Sections 703 through 708 deals with various fire and smoke protection features that also must be maintained. These features include penetrations, joint protection, door and window openings, duct and air transfer opening protection, concealed spaces, and spray applied fire-resistant and intumescent fire-resistant materials.

Chapter 8 Interior Finish, Decorative Materials and Furnishings

Chapter 8 provides requirements for interior finishes, decorative materials, and furnishings in new and existing buildings so that they do not significantly add to or create fire hazards in buildings. This chapter is consistent with Chapter 8 of the International Building Code.

Chapter 9 Fire Protection and Life Safety Systems

Chapter 9 prescribes the minimum requirements for active fire protection equipment systems to perform the functions of detecting a fire, alerting the occupants or fire department, mass notification, gas detection, controlling smoke and controlling or extinguishing fire. Generally, the requirements are based on the occupancy, the height, and the area of the building because these are the factors that most affect fire-fighting capabilities and the relative hazard of a specific building or portion thereof.

901.3 Permits

Permits shall be as set forth in Sections 105.5 and 105.6.

Section 903 Automatic Sprinkler Systems

AUTOMATIC SPRINKLER SYSTEM

An automatic sprinkler system for fire protection purposes is an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply. The portion of the system above the ground is a network of specially sized or hydraulically designed piping installed in a structure or area generally overhead and to which automatic sprinklers are connected in a systematic pattern. The system is usually activated by heat from a fire and discharges water over the fire area.

903.1 General

Automatic sprinkler systems shall comply with this section.

903.3 Installation Requirements

Automatic sprinkler systems shall be designed and installed in accordance with Sections 903.3.1 through 903.3.8.

903.3.1 Standards

Sprinkler systems shall be designed and installed in accordance with section 903.3.1.1 unless otherwise permitted by Sections 903.3.1.2 and 903.3.1.3 and other chapters of this code as applicable.

903.3.1.1 NFPA 13 sprinkler systems

Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Sections 903.3.1.1.1 and 903.3.1.1.2.

...

903.3.4 Actuation

Automatic sprinkler systems shall be automatically actuated unless specifically provided for in this code.

903.3.5 Water supplies

Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the International Plumbing Code. For

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

connection to public waterworks systems, the water supply test used for design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as approved by the fire code official.

903.3.5.1 Domestic service.

Where the domestic service provides the water supply for the automatic sprinkler system the supply shall be in accordance with this section.

903.3.6 Hose threads

Fire hose threads and fittings used in connection with automatic sprinkler systems shall be as prescribed by the fire code official.

903.3.7 Fire department connections

Fire department connections for automatic sprinkler systems shall be installed in accordance with Section 912.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Section 912 Fire Department Connections

Consistent with the purposes and scope of application authorized in ORS 455.020, only the installation and construction standards for fire department connections are adopted by the State of Oregon Building Codes Division, as part of the state building code. Fire department connection locations shall be determined by the fire code official.

FINDINGS:

The Fire Code Official has requested an FDC Connection because of the pressure needed for the residential fire sprinklers necessary to meet fire flow with the fire hydrants for a building this size.

912.1 Installation

Fire Department Connections shall be installed in accordance with NFPA standards applicable to the system design and shall comply with Section 912.2 through 912.7.

912.2 Location

With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of fire department connections shall be approved by the fire department official.

912.2.1 Visible Location

Fire department connections shall be located on the street side of buildings or facing approved fire apparatus access roads, fully visible and recognizable from the street, fire apparatus road or nearest point of fire department vehicle access or as otherwise approved by the fire code official.

912.3 Fire hose threads

Fire hose threads used in connection with standpipe systems shall be approved and shall be compatible with fire department hose threads.

912.4 Access

Immediate access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to the fire department connections shall be approved by the fire code official.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Exception:

Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 and means of emergency operation. The gate and means of emergency operation shall be approved by the fire code official and maintained operational at all times.

9.12.4.1 Locking fire department connection caps.

The fire code official is authorized to require locking caps on fire department connections for water based fire protection systems where the responding fire department carries appropriate wrenches for removal.

912.4.2 Clear space around connections.

A working space of not less than 36 inches (914 mm) in width, 36 inches in depth, and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall mounted fire department connections and around the circumference of free-standing fire department connections, except as otherwise required or approved by the fire code official.

912.4.3 Physical protection.

Where fire department connections are subject to impact by a motor vehicle, vehicle impact protection shall be provided in accordance with Section 312.

912.5 Signs

A metal sign with raised letters not less than 1 inch (25 mm) in size shall be mounted on all fire department connections serving automatic sprinklers, standpipes, or fire pump connections. Such signs shall read: "AUTOMATIC SPRINKLERS" or "STANDPIPES" or "TEST CONNECTION" or a combination thereof as applicable. Where the fire department connection does not serve the entire building, a sign shall be provided indicating the portion of the building served.

912.6 Backflow prevention

The potable water supply to automatic sprinkler and standpipe systems shall be protected against backflow as required by the International Plumbing Code.

912.7 Inspection, Testing and Maintenance.

Fire Department Connections shall be periodically inspected, tested and maintained in accordance with NFPA 25. Records of inspection testing and maintenance shall be maintained.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Chapter 10 Means of Egress

The general criteria set forth in Chapter 10 regulating the design of the means of egress are established as the primary method for protection of people in buildings by allowing timely relocation or evacuation of building occupants. Both prescriptive and performance language is utilized in this chapter to provide for a basic approach in the determination of a safe exiting system for all occupancies. It addresses all portions of the egress system (i.e., exit access, exits, and exit discharge) and includes design requirements as well as provisions regulating individual components. Functional and operational characteristics are also specified for the components that will permit their safe use without special knowledge or effort.

The means of egress protection requirements work in coordination with other sections of the code, such as protection of vertical openings (Chapter 7), interior finish (Chapter 8), fire suppression and detection systems (chapter 9), and numerous others having an impact on life safety. Sections 1002 through 1031 duplicate text from the IBC; however. The IFC contains an extra Section 1032 on maintenance of the means of egress system in existing buildings. Retroactive minimum means of egress requirements for existing buildings are found in Chapter 11.

Section 1001 Administration

1001.1 General

Buildings or portions thereof shall be provided with a means of egress system as required by this chapter. The provisions of this chapter shall control the design, construction, and arrangement of means of egress components required to provided approved means of egress from structures and portions thereof. Sections 1003 – 1031 shall apply to new construction. Section 1032 shall apply to existing buildings.

Exception:

Detached one- and two-family dwellings ... shall comply with the International Residential Code.

Chapter 12 Energy Systems

Chapter 12 addresses the current energy systems found in this code and is provided for the introduction of a wide range of systems to generate and store energy in, on, and adjacent to buildings and facilities. ... specifically, this chapter addresses standby and emergency power, portable generators, photovoltaic systems, fuel cell energy systems, and energy storage systems.

PART VII APPENDICES

...

Appendix B Fire Flow Requirements for Buildings

B101.1 Scope

The procedure for determining fire flow requirements for buildings or portions of buildings hereafter constructed shall be in accordance with this appendix and as required by the fire code official.

Section B102 Definitions:

Fire Flow: The flow rate of a water supply, measured at 20 pounds per square inch (psi) residual pressure that is available for firefighting.

Fire flow calculation area:

The floor area in square feet used to determine the required fire flow.

Protected Areas.

Geographic areas where a service or an agency has been established for the purpose of providing fire suppression services for buildings and other structures. Examples of agencies typically include public fire departments, rural fire protection districts, and private fire protection districts.

Section B103 Modifications

B103.1 Decreases

The fire code official is authorized to reduce the fire flow where the development of full fire-flow requirements is impractical based on but not limited to the following: type of occupancy, type of construction, location on property, floor area, height and number of stories, yards as defined by the International Building Code, fire walls and the firefighting capabilities of the jurisdiction.

B103.2 Increases

The fire code official is authorized to increase the fire-flow requirements where conditions indicate an unusual susceptibility to group fires or conflagrations. An increase shall not be more than twice that required for the building under consideration.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

B103.3 Limiting.

The fire code official is authorized to limit the maximum required fire flow based on but not limited to the firefighting capabilities of the jurisdiction. Fire-flow limitations shall be in accordance with Section B106, which are in addition to the fire-flow requirement as specified in B105.

Section B104 Fire Flow Calculation Area

AREA, BUILDING

The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

B104.1 General

The fire flow calculation area shall be the total of all floor levels within the exterior walls and under the horizontal projections of the roof of a building, except as modified in Sections B104.2 and B104.3.

B104.2 Area Separation

Portions of buildings that are separated by fire walls, constructed in accordance with the International Building Code, are allowed to be considered as separate fire-flow calculation areas.

Section B105 Fire-flow Requirements for Buildings in Protected Areas with Adequate and Reliable Water Systems

B105.1 One- ... family dwellings ...

The minimum fire flow and flow duration requirements for one-and two- family dwellings ... shall be specified in Tables B105.1(1) and B105.1(2).

105.3 Water supply for buildings equipped with an automatic sprinkler system.

For buildings equipped with an approved automatic sprinkler system, the water supply shall be capable of providing the greater of:

1. The automatic sprinkler system demand including hose stream allowance.
2. The required fire flow

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Table B105.1 Required Fire Flow for one and Two Family Dwellings...

Fire Flow Calc. Area	Auto. Sprinklers	Minimum Fire Flow	Flow Duration
3,601 sf and greater	No	Value Table B105.1(2)	Value Table B105.1(2)
3,601 sf and greater	Yes	½ value Table B105.1(2)	1 hour

Table B105.1 Reference Table for B105.1(1) and 105.2.

Without Automatic Sprinklers	Area	Fire Flow (gpm)	Duration (hours)
Type VB (unprotected wood frame):	0 – 3,600 sf	1,500	2
	3,601 – 4,800	1,750	2
	4,801 – 6,200	2,000	2
	6,201 – 7,700	2,250	2
	7,701 – 9,400	2,500	2
	9,401 – 11,300	2,750	2
	11,301 – 13,400	3,000	3
With Automatic Sprinklers	Area	Fire Flow (gpm)	Duration (hours)
Type VB (unprotected wood frame):	0 – 3,600 sf	750	1
	3,601 – 4,800	875	1
	4,801 – 6,200	1,000	1
	6,201 – 7,700	1,125	1
	7,701 – 9,400	1,250	1
	9,401 – 11,300	1,375	1
	11,301 – 13,400	1,500	1
	13,401 – 15,600	1,625	1
	15,601 – 18,000	1,750	1
	18,001 – 20,600	1,875	1
	20,601 – 23,300	2,000	1
	23,301 – 26,300	2,125	1
	26,301 - 29,300	2,250	1
	29,301 – 32,600	2,375	1
	32,601 – 36,000	2,500	1

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Appendix C Fire Hydrant Locations and Distribution

C101.1 Scope

In addition to the requirements of Section 507.5.1 fire hydrants shall be provided in accordance with this appendix for the protection of buildings or portions of buildings hereafter constructed or moved into the jurisdiction.

Section C102 Number of Fire Hydrants

C102.1 Minimum number of fire hydrants for a building.

The number of fire hydrants available to a building shall be not less than the minimum specified in Table C102.1.

Table C102.1 Required Number and Spacing of Fire Hydrants

Fire Flow (gpm)	Min. # Hydrants	Avg. Spacing Between	Max Dist. at St. Front.
1,750 or less	1	500	250
1,751 – 2,250	2	450	225
2,251 – 2,750	3	450	225
2,751 – 3,250	4	400	225

...

Section C103 Fire Hydrants Spacing

C103.1 Hydrant Spacing

Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 shall be provided with one or more fire hydrants as determined by Section 102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be in accordance with Sections C103.2 and C103.3.

C103.2 Average Spacing.

The average spacing between fire hydrants shall be in accordance with Table C102.1.

Exception: The average spacing shall be permitted to be increased by 10 percent where existing fire hydrants provide all or a portion of the required number of fire hydrants.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

Section C104 Consideration of Existing Fire Hydrants

C104.1 Existing fire hydrants.

Existing fire hydrants on public streets are allowed to be considered available to meet the requirements of C102 and C103. ...

Appendix D Fire Apparatus Access Roads

Section D101 General

D101.1 Scope.

Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code. The fire code official may be guided by the Oregon Department of Land and Conservation and Development's Neighborhood Street Design Guidelines, June 2001.

...

Section D102 Required Access.

D102.1 Access and Loading.

Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds.

Exception: The minimum weight specified in Section D102.1 may be increased by the Fire Code Official based on the actual weight of fire apparatus vehicles serving the jurisdiction that provides structural fire protection services to the location, including fire apparatus vehicles that respond under automatic and mutual aid agreements.

Section D103 Minimum Specifications

D103.1 Access road width with a hydrant.

Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 26 feet, exclusive of shoulders.

Exception: The fire code official is authorized to modify the provisions of Section D103.1 where any one of the four items are provided:

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

1. All one- and two- family dwellings located along the narrowed fire access road are protected with an approved automatic fire sprinkler system.
2. Provisions are made for the emergency use of sidewalks by such means as rolled or mountable curbs capable of supporting the fire department’s apparatus.

...

D103.3 Turning Radius.

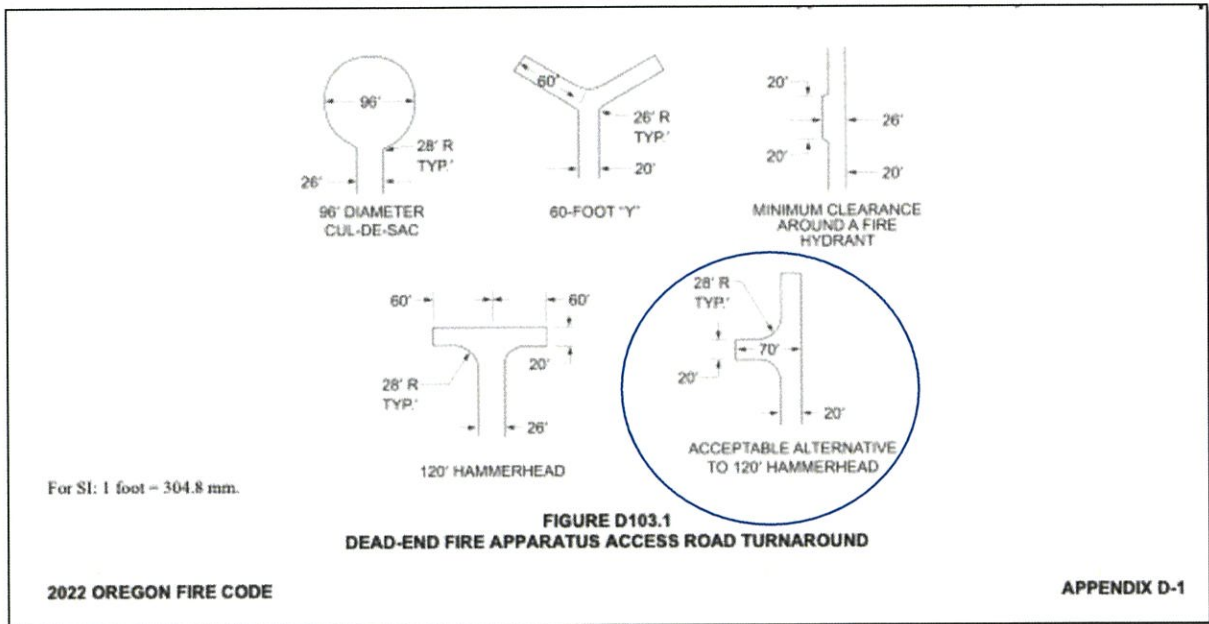
The minimum turning radius shall be determined by the fire code official.

D103.4 Dead ends.

Dead end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4.

Table D103.4 Requirements for Dead-End Fire Apparatus Access Roads

Length (feet)	Width (feet)	Turnarounds Required
0 – 150	20	None Required
151 – 500	20	120-foot Hammerhead ... 96 foot diameter cul-de-sac in accordance with Fig. D103.1.
501 – 750	26	120-foot Hammerhead ... 96 foot diameter cul-de-sac in accordance with Fig. D103.1.
Over 750	Special Approval Required	



Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

FINDINGS:

A turnaround consistent with Figure 103.1 Acceptable Alternative to 120' hammerhead is proposed with the only design difference that the width of the turnaround will be constructed within the lot width limitation of 60 feet, not the specified 70 feet. The structure will be equipped with automatic sprinkler system consistent with the NFPA and Section 903, and a Fire Department Connection consistent with Section 912 to justify the modification to the code standard.

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

D103.5 Fire Apparatus Access Road Gates

Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than 20 feet. Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet.
2. Gates shall be of the horizontal swing, horizontal slide, vertical lift, or vertical pivot type
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by the fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Methods of locking shall be submitted for approval by the fire code official.
7. Electric gate operators, where provided shall be listed in accordance with UL 235.
8. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F2200.

See also:

ASTM F2200-14 Standard Specification for Automated Vehicular Gate Construction.

UL 325-02 Door, Drapery, Gate, Louver, and Window Operators and Systems through May 2015.

D103.6 Signs.

Where required by the fire code official, fire apparatus access roads shall be marked with permanent "NO PARKING – FIRE LANE" signs complying with Figure D103.6.

D103.7 Drainage

Where subject to run-off damage, the fire code official is authorized to require approved drainage.

D108 Uniform Alternate Construction Standard (UACS) for One- and Two-family Dwellings

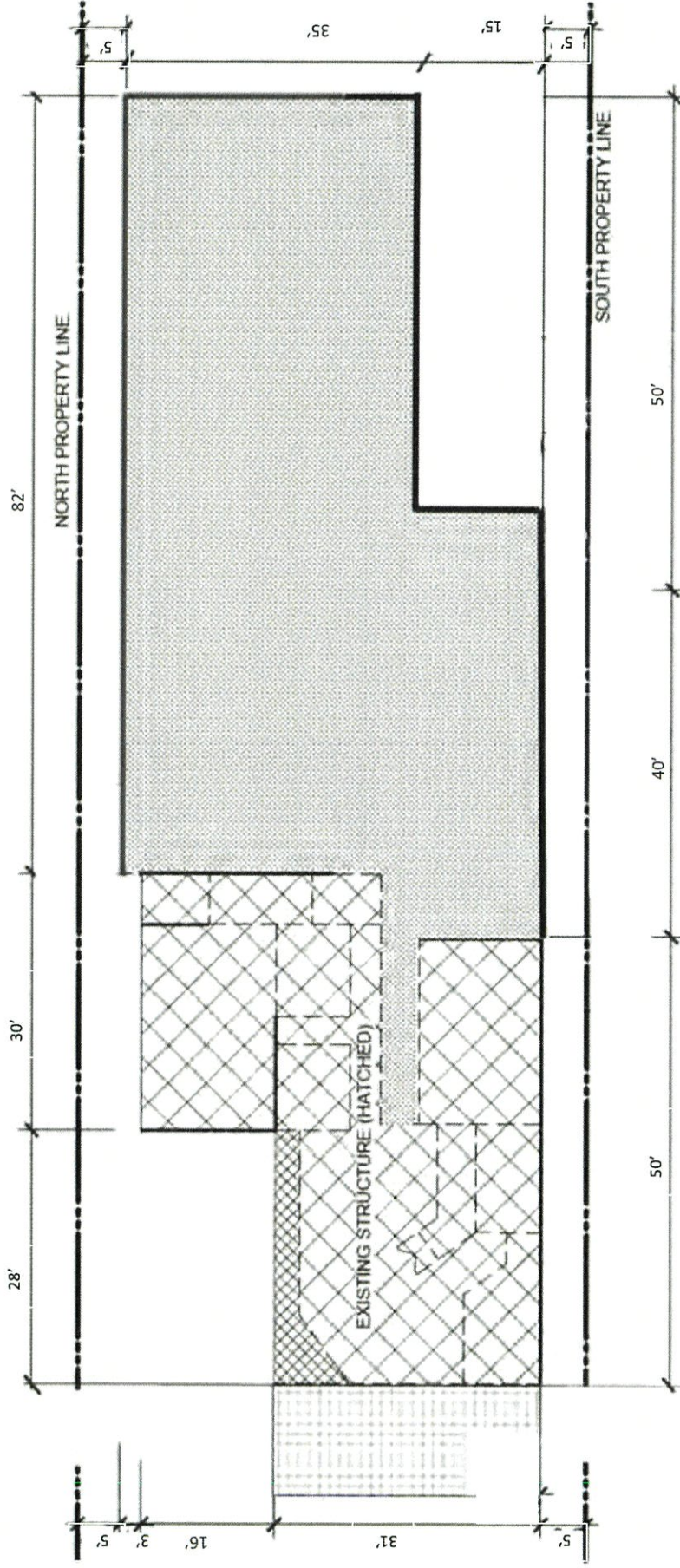
D108.1 Uniform Alternate Construction Standard (UACS) for one- and two- family dwellings.

If the fire code official is unable to resolve inadequate fire apparatus access and water supply issues utilizing Section 104.9, the applicant may seek alternative requirements as outlined in Oregon Administrative Rule (OAR) 918-480-0125. The building official retains the authority to choose the UACS alternative with input from the fire code official.

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MAR 30 2023
BY: emc

Type II Administrative Application: Nonconforming Structure Major Review

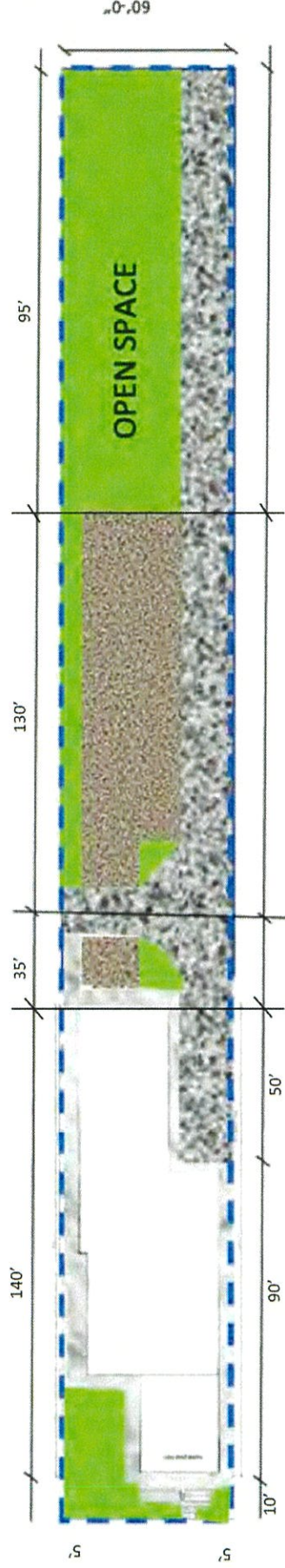
Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141



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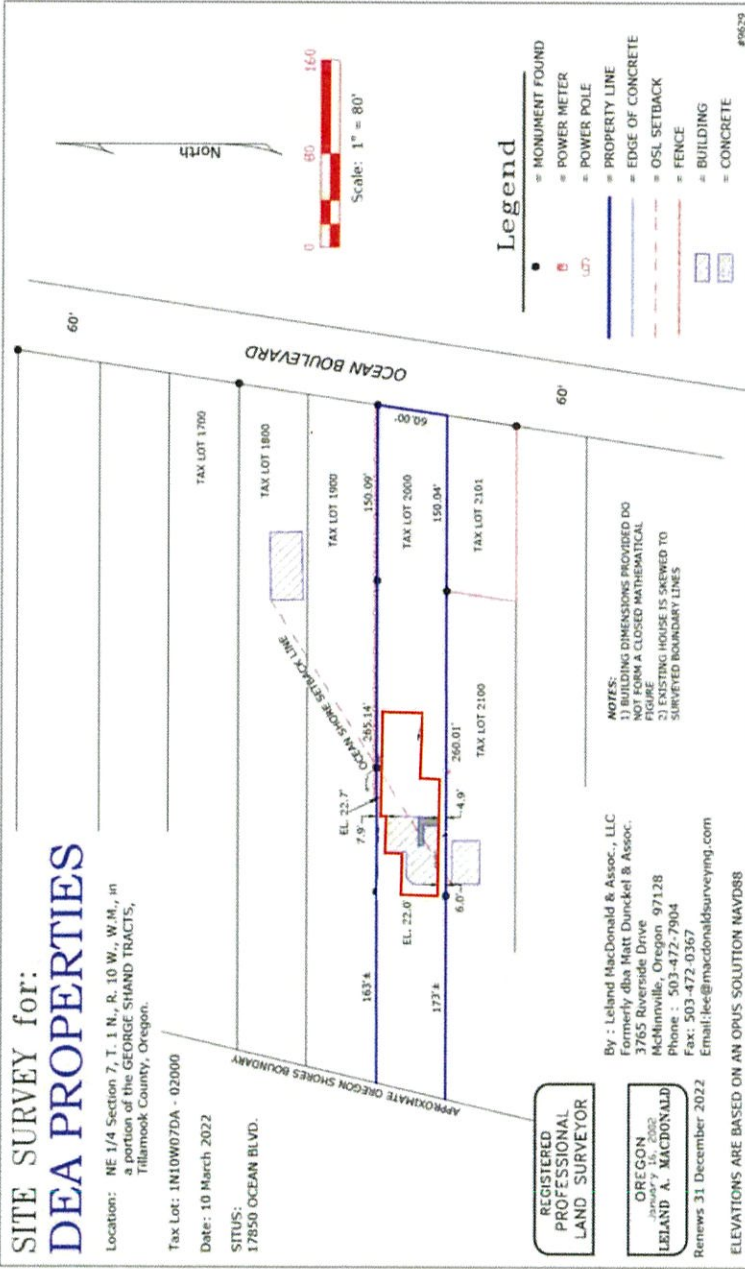
Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

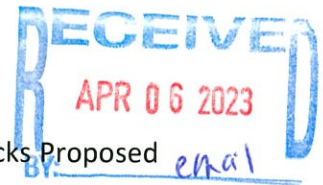


Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141



Findings of Fact: The red shape showing the expansion request depicts the requested expansion. The expansion will not extend west of the existing structure with this application. The red polygon extends past the structure to include the existing 10-foot deep deck depicted by the found survey monuments. The westward extent of the 10-foot deep deck is found by the surveyor to extend to 410'-6" from the front property line. The proposed residence 140-feet in depth, will extend to 260-feet from the front property line. The proposed residence, 50-feet at its widest width, will have 5-foot side yard setbacks on this 60-foot wide lot.



Narrative: Questions about Side-Yard and Front-Yard Setbacks Proposed

This application requests to both bring the entire structure and the expansion into compliance with the 5-foot setback requirement and retain 20% of the existing structure. Therefore, it is our understanding that a future zoning permit will require compliance with these application requests as limitations of extent. The application submits a site survey that shows a small portion of the existing structure extends to 4.9 feet, a 0.1 foot violation of the south side yard setback requirement. This 4.9-foot non-conforming setback is historic. As we are not the original owners of the structure, we are unsure how the setback came to be 4.9-feet instead of 5-feet. 0.1-foot closer to the property line than currently required. It is our understanding that Article 7 Nonconforming structures allows us to maintain this 4.9-foot setback provided that the entire expansion meets the 5-foot side yard setback requirement. We intend instead to bring the entire structure into compliance with the 5-foot side yard setback requirement.

The front yard setback requirement in the CR-2 Zone is 20-feet. However, this application proposes that the front yard setback will be 260-feet. Therefore, it is our understanding that the expansion will not be allowed to extend closer to the front yard property line than 260-feet. Further, there is an important reason why we chose this 260-foot front yard setback. We chose 260-feet so that we can provide a driveway that also provides fire code access to within 150-feet of the furthest wall of the structure. The site plan on page 27 identifies property boundaries with a blue dashed line, an at grade accessible pathway around the structure, a use allowed within the 5-foot side yard setback, and the area within which a fire code compliant driveway will be located, the final design to be approved by the fire chief with the submittal of civil engineering plans.

This limitation to provide a structure with a 5-foot side yard setback that extends no closer than 260-feet from the front yard property line, is stated in 19 locations in the application:

- | | | |
|------|-------------|---|
| 1 | Page 4, | Narrative: The Description of the Request; |
| 2 | Page 7, | Narrative: The Application Form; |
| 3 | Page 19, | Narrative: The Site Plan; |
| 4 | Page 25, | Narrative: The Site Survey; |
| 5 | Page 26, | Narrative: Fire Code Access Design; |
| 6 | Page 29, | Findings: CR-2 Zone; |
| 7-16 | Page 32-36, | Findings: Section 4.005 (1 – 10) ten times; |
| 17 | Page 38, | Findings: Section 7.020(1) Definitions (e) Expansion; |
| 18 | Page 42, | Findings: Section 7.020(11)(a)(1)(4) Visual Impact; |
| 19 | Page 47, | Findings: Section 7.020(11)(b) Existing Structure Side Yard Setback is cited as 4.9 feet Proposed Structure Side Yard Setback is proposed to be 5-feet. |

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APR 08 2023
BY: email

Type II Administrative Application: Nonconforming Structure Major Review

Location: 1N 10W 7DA Tax Lot 2000, 17850 Ocean Blvd. Tillamook, OR 97141

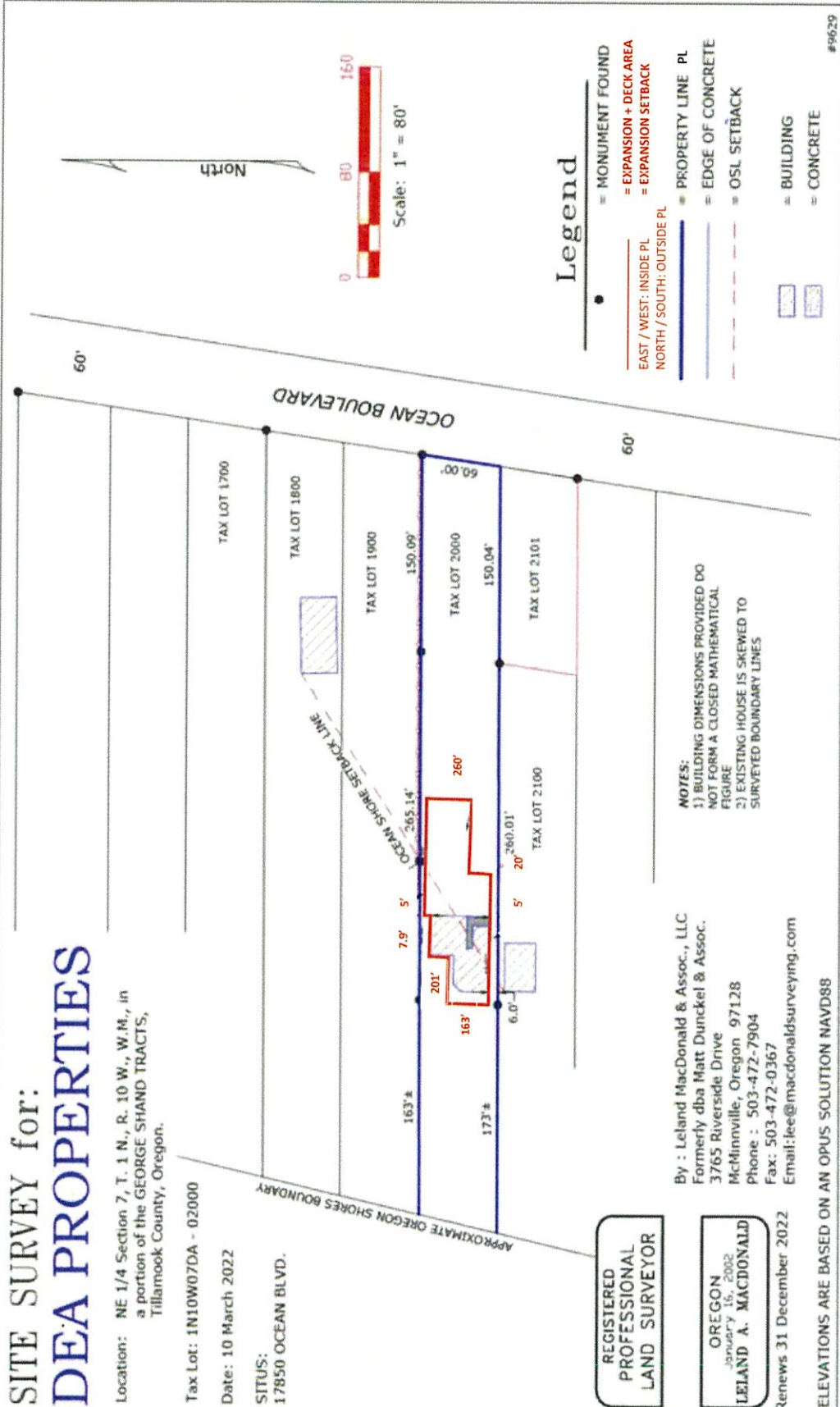
SITE SURVEY for: DEA PROPERTIES

Location: NE 1/4 Section 7, T. 1 N., R. 10 W., W.M., in a portion of the GEORGE SHAND TRACTS, Tillamook County, Oregon.

Tax Lot: 1N10W07DA - 02000

Date: 10 March 2022

SITUS:
17850 OCEAN BLVD.



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
January 16, 2002
LELAND A. MACDONALD

Renews 31 December 2022

By: Leland MacDonald & Assoc., LLC
Formerly dba Matt Duncel & Assoc.
3765 Riverside Drive
McMinnville, Oregon 97128
Phone: 503-472-7904
Fax: 503-472-0367
Email: lee@macdonaldsurveying.com

NOTES:
1) BUILDING DIMENSIONS PROVIDED DO NOT FORM A CLOSED MATHEMATICAL FIGURE
2) EXISTING HOUSE IS SKEWED TO SURVEYED BOUNDARY LINES

Legend

- = MONUMENT FOUND
- (red) = EXPANSION + DECK AREA
- (red) = EXPANSION SETBACK
- (blue) = PROPERTY LINE PL
- (blue) = EDGE OF CONCRETE
- (red) = OSL SETBACK
- (hatched) = BUILDING
- (grey) = CONCRETE

#9629

Sabrina Pearson, Consultant Plan Development, LLC for DEA Properties – 19 LLC

EXHIBIT C

Melissa Jenck

From: rjnewland@comcast.net
Sent: Friday, June 2, 2023 2:53 PM
To: Melissa Jenck
Cc: Lynn Tone
Subject: EXTERNAL: Application #851-23-000071-PLNG

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

Hello,

I would like to respond to the letter I received regarding the application 851-23-000071-PLNG. I am the co-owner of the home directly East of the proposed building.

I would like to address the following concerns.

Numbers and kinds of vehicular trips to the site; There is a request of 2 parking spaces plus parking area which doesn't state how many vehicles can park there however the potential of increased traffic is a guarantee. Ocean Blvd is a small neighborhood road that can basically accommodate one vehicle at a time. There is absolutely no shoulder to pull over unless you go onto neighboring properties. Historically Dale Anderson/DEA Properties-19, LLC has purchased homes/land in Rockaway Beach to be used as rentals. If this should be the case this new very large structure will be able to accommodate large groups of people which will increase traffic and noise levels.

Effect on existing vegetation; The 10,000 square foot home design and parking area will most definitely affect the landscape. There would be some if not all trees and vegetation removed to accommodate. In years past there have been deer sightings which this structure will also affect their habitat.

The character and history of the use and of development in the surrounding area. This proposed structure and design is 100% different than the current character of said immediate neighborhood. The enclosed drawings appear to be modern in structure which is not this neighborhood. It will be vastly noticeable and ostentatious compared to other home in the immediate area. Majority of the homes are less than 2,000 square feet while this home will be approximately 5 times as large.

I encourage the committee to visit the proposed site to see that Ocean Blvd neighborhood is small, quiet and lovely beach neighborhood to see how proposed structure would drastically change the landscape.

Sincerely,
Rebecca Newland



Response Page

Department of State Lands (DSL) WN#*

WN2023-0417

Responsible Jurisdiction

Staff Contact

Melissa Jenck

Jurisdiction Type

County

Municipality

Tillamook

Local case file #

851-23-000071-PLNG

County

Tillamook

Activity Location

Township

01N

Range

10W

Section

07

QQ section

DA

Tax Lot(s)

2000

Street Address

17850 Ocean Blvd

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Tillamook

Latitude

45.58698

Longitude

-123.95106

Wetland/Waterway/Other Water Features

There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

The property includes or is adjacent to state-owned waters.

Your Activity

It appears that the proposed project **may** impact wetlands and **may** require a State permit.

Applicable Oregon Removal-Fill Permit Requirement(s)

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information



Additional Comments

It is estuarine and beach jurisdiction that is of concern for this property, not actually wetlands. The highest measured tide line (HMTL) is the state's jurisdictional boundary for the Pacific Ocean. It is higher than the average higher high tide. A delineation of the HMTL is needed. The delineation report should be sent to DSL for review and approval. The beach has been moving easterly since at least the mid 2000s, and the line of actual vegetation defining beach jurisdiction may now be east of the house. The Oregon Parks and Recreation Department has jurisdiction of the beach and can determine the line of actual vegetation defining their jurisdiction. In addition to determination of the HMTL, you should contact OPRD to get a jurisdictional boundary determination of the beach and whether the deck can be located in the proposed location.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

6/13/2023

Response by:

Lynne McAllister

Response Phone:

503-986-5300

June 2, 2023

Regarding the Non -Conforming minor Review Application Notice
for Tax Lot 2000 Section 7DA in Watseco.

We are Steve and Anne Savage, owners of tax lot 2300 in Watseco. 17810 Ocean Blvd. Our home faces Ocean Boulevard. Our view from tall windows is to the west and the ocean.

Having no idea this process had been in the works for a couple of years we feel pressured by the applicant to provide reasons why the review criteria are not met. We sincerely would have done more research had we been advised earlier. We were able to talk to Melissa Jenks only yesterday and found the link in our original letter which we had not seen. Melissa was very helpful and gave us the advice to address the Review Criteria specifically.

Our response to Review Criteria.

Adverse affects are based on the impact on neighboring areas than the existing use or structure when the current zoning went into effect.

The zoning was in effect in 1990s but not sure when it became C2.

1. We purchased our home in 2001. The current dwelling in question, Lot 2000 was the exact same structure as it is now. It was a rental and now it has been virtually empty, not lived in full time or rented since DBA properties has owned it. Besides building a fence to protect our home and yard from dust due to the gravel driveway it has had no adverse effect. Very little traffic and no visual impact.

The proposed change will add 2 18 ft. parking spaces and remove the shorepines and Oregon grape as well as bird habitat and other plantings. That amount of parking will impact the gravel road with more dust, fumes and noise. It will affect the neighboring properties greatly.

In addition Ocean Blvd has potholes ...often deep...that residents have fixed themselves if no one from

the county comes out. It is not true of Old Hwy 101 which goes to Camp Macgruder and is an important property for the County. The increased traffic that a home this size will incur is putting too much stress on our already poor road. Will the County provide a new road or maintain the current one or will it be the responsibility of the owner to insure current residents are not impacted with more potholes and erosion?

2. Trips to and from the site will increase dramatically if this request is granted. Currently there have been few uses for the driveway to Lot 2000. Many trips have been made with loads of sand to build up the parking area and the area in front of the house. A house this size with parking for 8-10 cars is a huge change and will adversely affect surrounding properties without a doubt.

3. Loading and unloading will require more travel on this driveway and therefore more dust and noise and fumes.

4. Watseco is and has been from its humble beginning a small community locked in by wetland nature areas to the North and Camp Macgruder on the South. In the past 20 years of owning property and living here full time we have seen corporate investors and individuals purchase homes solely for rentals leaving few full time rentals. When a property comes on the market it is sold immediately. If we had time we would give the percentage of full time residents. The visual impact of having homes used only weeks out of each year is that it has lost community feel and little signs have popped up declaring the rental status for short terms. Steel fences and gates surround other properties on our road owned by DBA properties. We assume this will be the case if the new project is built. It will also entirely block the ocean view of our home as well as others. While it is the law that a 25' tall dwelling is acceptable it does adversely change the value and use of our Lot 2000. The current 1600 SQ FT home will only keep 20%

of its original space and the size of the proposed dwelling is not in character with the surrounding properties. We are not sure if the CLEAR-VISION AREAS will be impacted.

6. The effect on existing vegetation is to remove it. The trees are providing habitat for many bird species and provide privacy between homes.

8. This proposed structure has absolutely no benefit to this small neighborhood. It is incompatible with surrounding areas. When Pine Beach development was built these larger homes were completely acceptable as it was a subdivision. The north side of Watseco, Ocean Blvd. does not have the same character at all and is comprised of small homes and manufactured homes. How will it be used? Will DBA properties live there full time even though in Watseco alone they own 3 large houses? Or will it be a boutique hotel-like property with many bedrooms to accommodate many visitors.

With sincere thanks for considering our concerns we ask that this application be denied. Erosion of the area in the 20 years we have been here has been intense. Many homes have been granted rip rap permits and have added sand and increased areas between the high tide area and their homes. The

properties not allowed to add rip rap due to age of dwelling are in grave danger of disappearing if the current speed of erosion continues. While we do not have any objection to DBA properties building on to the current home to ensure sq. ftg. that will be safer, we see no advantage at all to bldg. a huge 10,000 ? sq. ft. home with parking spaces instead of habitat.

Steve and Anne Savage

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Steve + Anne Savage 6/2/23