



Land of Cheese, Trees and Ocean Breeze

CONDITIONAL USE REQUEST #851-24-000129-PLNG: IHNAT

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

August 16, 2024

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Conditional Use Request on August 16, 2024.

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.tillamookcounty.gov/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department in accordance with Article 10 of the TCLUO before **4:00 PM on August 28, 2024**. Unless appealed, the effective date of this decision shall be August 16, 2024.

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

Location: The subject property is located within Unincorporated Cloverdale Tillamook County located off Misty Drive, a County Road and designated as Tax Lot 3300 in Section 26BB of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Community Low Density Urban Residential Zone (CR-1)

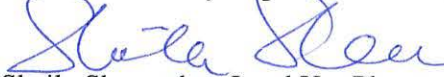
Applicant & Property Owner: Michael Ihnat, 14645 Misty Drive, Cloverdale, OR 97112

CONDITIONS OF APPROVAL

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

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall obtain a Consolidated Building/Zoning Permit from the Tillamook County Department of Community Development.
3. A site plan, drawn to scale, illustrating the proposed development and required setbacks, shall be provided at the time of Consolidated Building/Zoning Permit.
4. The applicant/property owner shall adhere to applicable development standards in TCLUO Section 3.012: Community Low Density Urban Residential Zone (CR-1).
5. Development of the property shall adhere to the applicable development standards outlined in TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. Development where the average existing slopes are equal to or greater than 19% measured from the highest to lowest point of the property is subject to a Geologic Hazard Assessment as per TCLUO Section 4.130.
6. The applicant/property owner shall submit a fire letter from the Nestucca Rural Fire District to the Department at the time of Consolidated Building/Zoning Permit submittal.
7. The applicant/property owner shall provide an approved Road Approach permit from Tillamook County Public Works at time of Consolidated Building/Zoning Permit submittal.
8. This approval shall be void on August 16, 2026, unless implementation of approved plans has begun, or an extension is requested from, and approved by this Department.

Sincerely,
Tillamook County Department of Community Development


Sheila Shoemaker, Land Use Planner


Sarah Absher, CFM, Director

Enc.: Vicinity & Assessor/Zoning Map



Land of Cheese, Trees and Ocean Breeze

**CONDITIONAL USE REQUEST #851-24-000129-PLNG: IHNAT
ADMINISTRATIVE DECISION & STAFF REPORT**

Decision Date: August 16, 2024

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

Report Prepared by: Sheila Shoemaker, Land Use Planner

I. GENERAL INFORMATION:

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

Location: The subject property is located within Unincorporated Cloverdale Tillamook County located off Misty Drive, a County Road and designated as Tax Lot 3300 in Section 26BB of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Community Low Density Urban Residential Zone (CR-1)

**Applicant
and Property**

Owner: Michael Ihnat, 14645 Misty Drive, Cloverdale, OR 97112

Property Description: The subject property contains .31 acres, is rectangular in shape, relatively flat and vegetated with trees, grasses and shrubs. The subject property is currently unimproved (Exhibit A).

Subject property does not contain wetlands or other mapped natural features. The subject property is within a Geologic Hazard Area as identified in Oregon Department of Geology and Mineral Industries

(DOGMI) Bulletins 74 and 79 (Exhibit A). The subject property is not located within area of special flood hazard per FEMA Firm #41057C08060F dated September 28, 2018 (Exhibit A).

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

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

- A. Section 3.012: Community Low Density Urban Residential Zone (CR-1)
- B. Section 4.130: Development Requirements for Geologic Hazard Areas
- C. Article VI: Conditional Use Procedures and Criteria

III. ANALYSIS:

A. Section 3.012: Community Low Density Urban Residential Zone (CR-1)

PURPOSE: The purpose of the CR-1 zone is to designate areas for low-density singlefamily residential development and other, compatible, uses. Suitability of land for lowdensity uses is determined by the availability of public sewer service and such limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features.

(3) USES PERMITTED CONDITIONALLY: In the CR-1 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.

- ...
* (n) Accessory structures or uses without an on-site primary structure.

Findings: Staff finds that conditional use approval is required for the construction of an accessory structure without a primary use (dwelling) in the CR-1 zone.

B. Section 4.130: Development Requirements for Geologic Hazard Areas

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

- a) All lands partially or completely within categories of “high” and “moderate” susceptibility to shallow landslides as mapped in Oregon Department of Geology and Mineral Industries (DOGAMI) Open File Report O-20-13, Landslide hazard and risk study of Tillamook County, Oregon;*
- b) All lands partially or completely within categories of “high” and “moderate” susceptibility to deep landslides as mapped in DOGAMI Open File Report O-20- 13, Landslide hazard and risk study of Tillamook County, Oregon;*

Findings: The subject property contains mapped areas with susceptibility to landslides as identified by DOGAMI Open File report O-20-13 (Exhibit A). Applicant states the site is relatively flat (Exhibit B). Staff finds development within the mapped areas is subject to applicable standards of TCLUO 4.130: Development Requirements for Geologic Hazard Areas. A Condition of Approval has been made to ensure development adheres to the applicable standards of TCLUO Section 4.130.

C. Article VI Conditional Use Procedures and Criteria

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

1. **Section 6.020 Procedure** requires public notice in accordance with TCLUO Section 10.070 which requires notification of the request to be mailed to landowners within 250 feet of the subject property, to allow at least 14 days for written comment, and requires staff to consider comments received in making the decision.

Findings: Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on May 16, 2024. Comments were received from the Oregon Department of State Lands (Exhibit C), indicating the site plan appears to avoid removal/fill impacts to potential jurisdictional wetlands. Therefore, no state permit is needed. No other comments were received.

2. **Section 6.040 Review Criteria**

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

Findings: The applicant is proposing the construction of an accessory structure without a primary use (dwelling). As stated above, the use is permitted conditionally in the CR-1 Zone.

Staff concludes criterion has been met.

2. *The use is consistent with the applicable goals and policies of the comprehensive plan.*

Findings: Staff finds that the proposed use is permitted conditionally in the CR-1 zone of the Tillamook County Land Use Ordinance. The TCLUO is an implementing document of the Comprehensive Plan. In the absence of evidence to the contrary, uses allowed conditionally in the Land Use Ordinance are presumed to be consistent with the Comprehensive Plan. Staff concludes this criterion has been met.

Staff concludes criterion has been met.

3. *The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.*

Findings: The subject property contains approximately .31 acres and is accessed off Misty Drive, a County Road (Exhibit A). There are no wetland present on the property and is not in the flood hazard overlay zone (Exhibit A). Applicant is proposing to construct the accessory structure in an area of the property that has minimal slope.

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

Staff concludes criterion has been met.

4. *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.*

Findings: Adjacent properties are also zoned CR-1 as depicted on the zoning map included in “Exhibit A” of this report. Existing uses in the vicinity consist primarily of single-family residences. Applicant adds the accessory structure will not interfere with, impair or prevent use of surrounding properties (Exhibit B). Applicant’s site plan demonstrates all uses will continue to take place on the subject property and that the property is of adequate size to accommodate the proposed accessory structure in a manner that ensures permitted uses on adjacent properties are not impacted in the manner described in the criterion above.

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

Staff concludes criterion has been met and can be met through the Conditions of Approval.

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

Findings: None such systems are known to exist in the area. Staff concludes this criterion has been met.

6. *The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.*

Findings: Long-established existing public facilities and services in this area include Nestucca Rural Fire District, Tillamook County Sheriff and Tillamook County Public Works, and Tillamook People’s Utility District (PUD). Applicant states the proposed use is timely with access off a well-maintained road, access to electrical service and access to city water.

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

Staff finds that this criterion is met and can be met through compliance with the Conditions of Approval.

IV. DECISION: APPROVED WITH CONDITIONS

Based on the findings shown above, Staff concludes that the applicant has satisfied the review criteria and can meet all applicable ordinance requirements at the time of application. Therefore, the Department approves this request subject to the Conditions of Approval in section V of this report.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. The forms and fees must be filed in the office of this Department before **4:00 PM on August 28, 2024.**

V. CONDITIONS OF APPROVAL:

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

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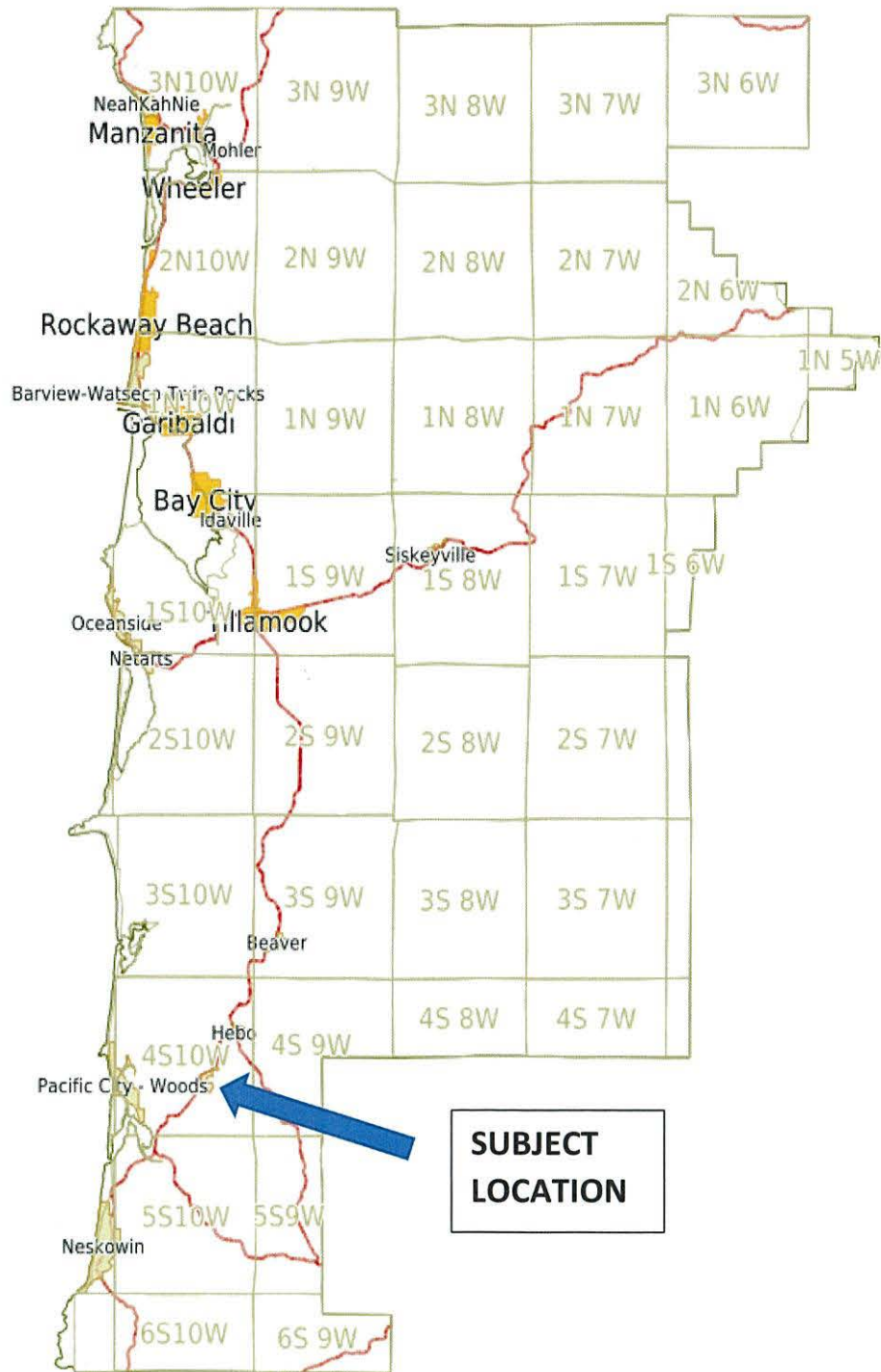
VI. EXHIBITS

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

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

EXHIBIT A

VICINITY MAP



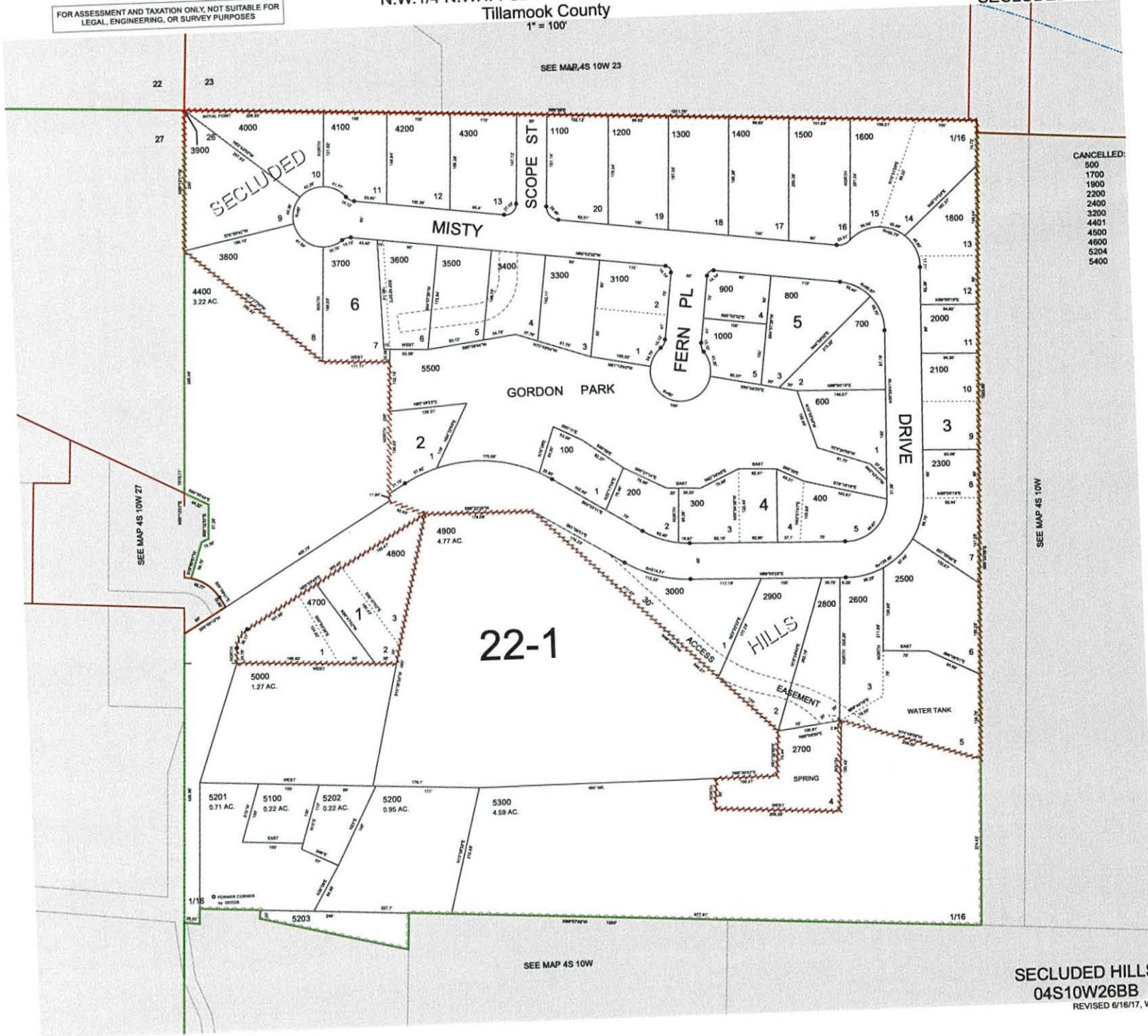
#851-24-000129-PLNG:

Ihnat

N.W. 1/4 N.W. 1/4 SEC. 26 T.4S. R. 10W. W.M.
Tillamook County
1" = 100'

04S10W26BB
SECLUDED HILLS

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



- CANCELLED:
- 500
 - 1700
 - 1900
 - 2200
 - 2400
 - 3200
 - 4401
 - 4500
 - 4600
 - 5204
 - 5400

SECLUDED HILLS
04S10W26BB
REVISED 6/16/17, WS

Tillamook County
2023 Real Property Assessment Report
 Account 225946

Map 4S1026BB03300
 Code - Tax ID 2200 - 225946

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr SECLUDED HILLS
 Block - 6 Lot - 3

Mailing IHNAT, MICHAEL
 14645 MISTY DR
 CLOVERDALE OR 97112

Deed Reference # (SOURCE ID: 380-179)
 Sales Date/Price 07-09-1996 / \$8,500
 Appraiser EVA FLETCHER

Property Class 100 MA SA NH
 RMV Class 100 06 ST 601

Site Situs Address	City
---------------------------	-------------

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2200	Land	68,740		Land	0	
	Impr	0		Impr	0	
Code Area Total		68,740	16,560	16,560	0	
Grand Total		68,740	16,560	16,560	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2200	0			CR-1	Market	113	0.29 AC		68,740
Code Area Total							0.29 AC		68,740

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

Exemptions / Special Assessments / Notations				
Code Area				
2200	Fire Patrol		Amount	Acres
	■ FIRE PATROL NORTHWEST		18.75	0.29
				2023
	Fire Patrol		Amount	Acres
	■ FIRE PATROL SURCHARGE		0.00	
				2023

Comments 02/17/17 Reappraised land, tabled values. Updated size per GIS calculations.ef

National Flood Hazard Layer FIRMette



123°53'18"W 45°12'18"N



Legend

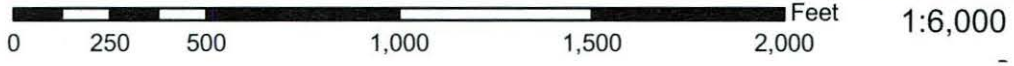
SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone 1
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone
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 5/8/2024 at 6:49 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°52'40"W 45°11'52"N



Statewide Wetlands Inventory



USFWS National Wetland Inventory

Wetlands

-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland
-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond
-  Lake
-  Riverine

Geologic Hazard Area

- County Boundaries
-

▶ Non-Regulatory Planning

▼ Physical

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

▼ Elevation

- ☆ Highest Hit, OLC, 2008-19
- ☆ Bare Earth, OLC, 2008-19

▼ Aerial Photos

- ▶ State Imagery
- ▶ World Imagery

▼ Basemaps

▼ Carto

- ☆ Light
- ☆ Voyager

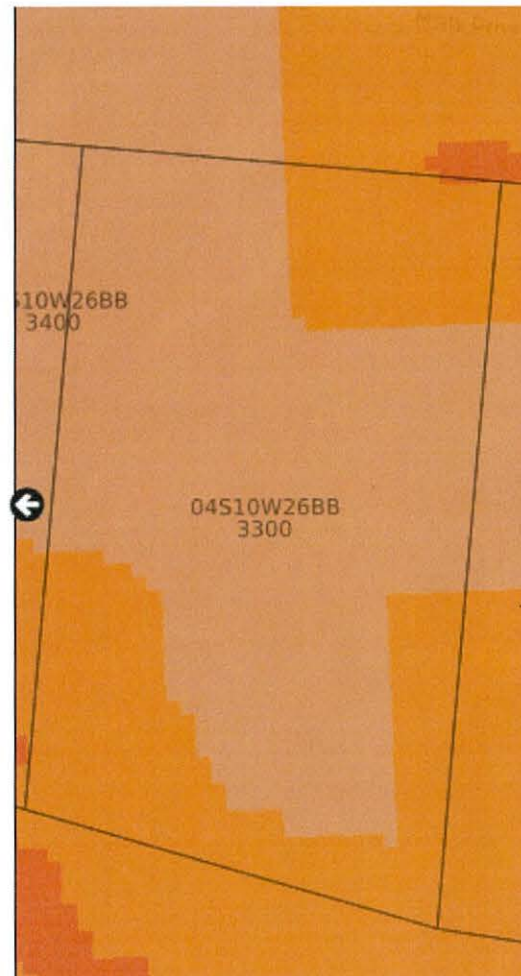


EXHIBIT B



PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: MICHAEL JHNAT Phone: 503-801-6190
 Address: 14645 MISTY DR
 City: LOUERDALE State: OR Zip: 97112
 Email: mikesj@centurylink.net

Property Owner

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

OFFICE USE ONLY	
Date Stamp	RECEIVED
	MAR 12 2024
	BY: <u>COOPER</u>
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	<u>AK</u>
Receipt #:	<u>136315</u>
Fees:	<u>\$ 1365</u>
Permit No:	851- <u>24</u> - <u>000129</u> -PLNG

Request: Build an accessory structure

Type II

- Farm/Forest Review
- Conditional Use Review**
- Variance
- Exception to Resource or Riparian Setback
- Nonconforming Review (Major or Minor)
- Development Permit Review for Estuary Development
- Non-farm dwelling in Farm Zone
- Foredune Grading Permit Review
- Neskowin Coastal Hazards Area

Type III

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

Type IV

- Appeal of Planning Commission Decision
- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

Location:

Site Address: _____

Map Number: 45 10 26BB 3300
Township Range Section Tax Lot(s)

Clerk's Instrument #: _____

Authorization

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

Michael J Jhnat
 Property Owner Signature (Required)

4-12-2024
 Date

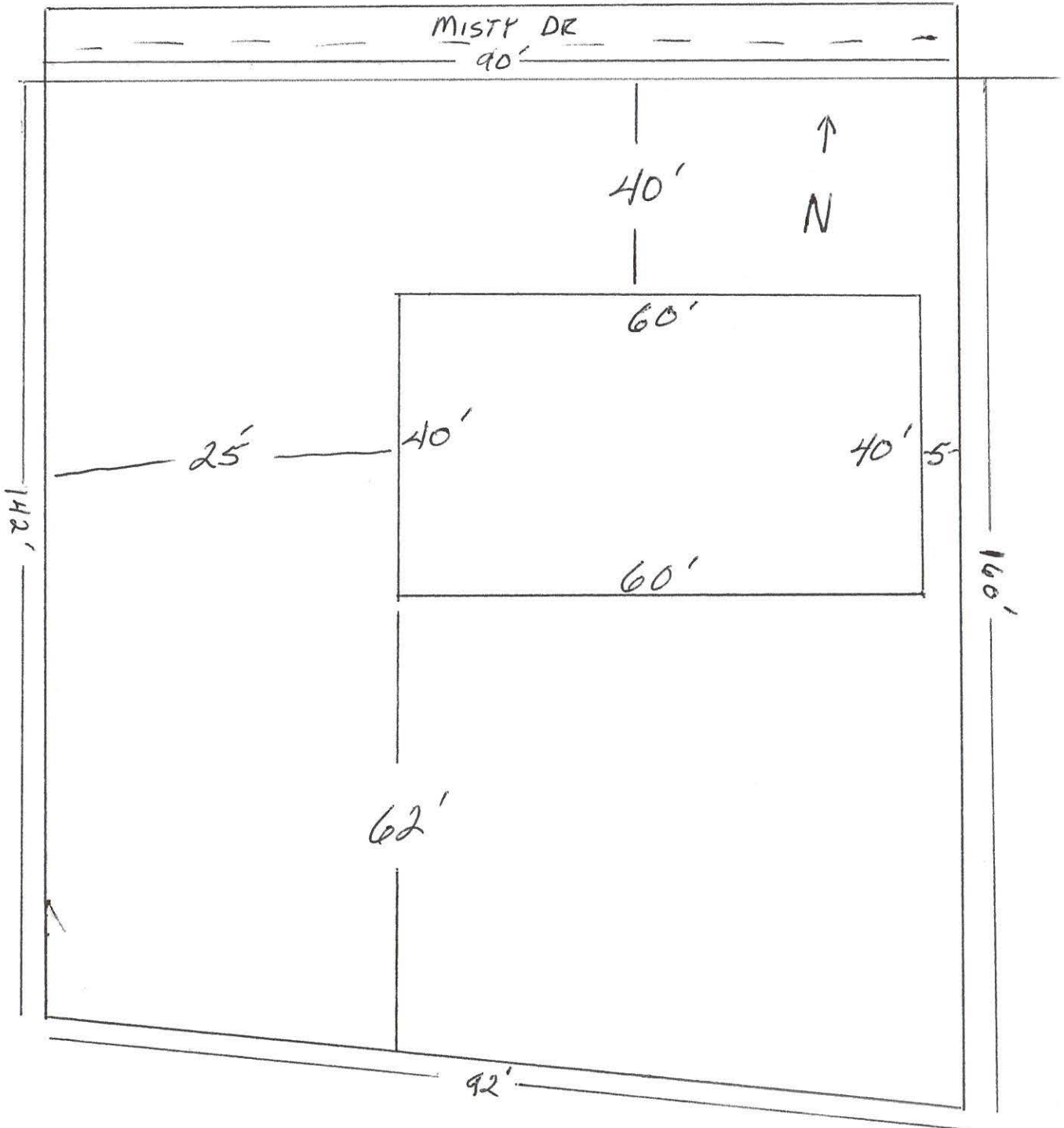
Applicant Signature

Date

SITE PLAN

Michael Ihnat
14645 Misty Dr
Cloverdale OR 97112
503-801-6190

Site address:
4S 10 26BB 3300



Conditional Use Review Criteria

- 1) CR1 Zone allows for accessory structure.
- 2) Yes, the use is consistent with the applicable goals and policies of the Comprehensive Plan.
- 3) Parcel is 90x142 feet, relatively flat, accessible off county road, easy access to power and water, it's proximity to my residence makes it an ideal location for a 60x40 foot accessory structure that will easily fit within the boundaries of this parcel.
- 4) Accessory structure to be used for personal storage. It's use, location and access point off county road will not interfere with, impair or prevent use of surrounding properties.
- 5) There are no solar energy systems, wind energy conversion systems or windmills to be effected by the proposed use.
- 6) The proposed use is timely. Easy access off a well maintained road. Electrical service runs next to parcel allows for easy access to power. City water system within easy access if needed.

EXHIBIT C



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*

WN2024-0354

Responsible Jurisdiction

Staff Contact

Lynn Tone

Jurisdiction Type

County

Municipality

Tillamook

Local case file #

851-24-000129-PLNG

County

Tillamook

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
04S	10W	26	BB	3300

Street Address

Misty Dr

Address Line 2

City

Cloverdale

Postal / Zip Code

97112

State / Province / Region

OR

Country

Tillamook

Latitude

45.201325

Longitude

-123.882474

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.

Your Activity

A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

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.

DSL Review

Wetland Ecologist Comments

Based on review of available information and site plan submitted, proposed site plan appears to avoid removal/fill impacts to potential jurisdictional wetlands. Therefore, no state permit is needed.

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

6/17/2024

Response by:

Matthew Unitis

Response Phone:

503-910-1559