



1510 – B Third Street  
Tillamook, Oregon 97141  
[www.tillamook.or.us](http://www.tillamook.or.us)  
Building (503) 842-3407  
Planning (503) 842-3408  
Sanitation (503) 842-3409  
FAX (503) 842-1819  
Toll Free 1(800) 488-8280

*Land of Cheese, Trees and Ocean Breeze*

**VARIANCE #851-24-000318-PLNG:  
Tillamook People’s Utility District**

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

**NOTICE OF ADMINISTRATIVE REVIEW  
Date of Notice: August 1, 2024**

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

**#851-24-000318-PLNG:** A Variance request to reduce the required 30-foot property line setback to 10-feet for the relocation of a down guy and anchor to support the approved construction of a 115-kilovolt Transmission Line. The subject property is accessed via a private easement and is designated as Tax Lot 500 of Section 30, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. The property is zoned Forest (F). The applicant is Tillamook People’s Utility District (PUD), and the property owner is SDC Tillamook, Scott Marshall representative.

Written comments received by the Department of Community Development prior to 4:00 p.m. on August 15, 2024, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. Notice of the application, a map of the subject area, and the applicable criteria are being mailed to all property owners within 750-feet of the exterior boundaries of the subject parcel for which an application has been made and other appropriate agencies at least 14-days prior to this Department rendering a decision on the request. A decision will be rendered no sooner than 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 at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. They are also available on the Tillamook County Department of Community Development website: <https://www.co.tillamook.or.us/commdev/landuseapps>.

If you have any questions about this application, please contact the Department of Community Development at (503) 842-3408 or by contacting Deborah Dixon, DCD Customer Care Specialist, at [deborah.dixon@tillamookcounty.gov](mailto:deborah.dixon@tillamookcounty.gov).

Sincerely,

Sarah Absher, CFM, Director

Enc. Maps and Applicable Ordinance criteria

## **REVIEW CRITERIA**

### **ARTICLE VIII - VARIANCE PROCEDURES AND CRITERIA**

**SECTION 8.030: REVIEW CRITERIA:** A VARIANCE shall be granted, according to the procedures set forth in Section

8.020, if the applicant adequately demonstrates that the proposed VARIANCE satisfies all of the following criteria:

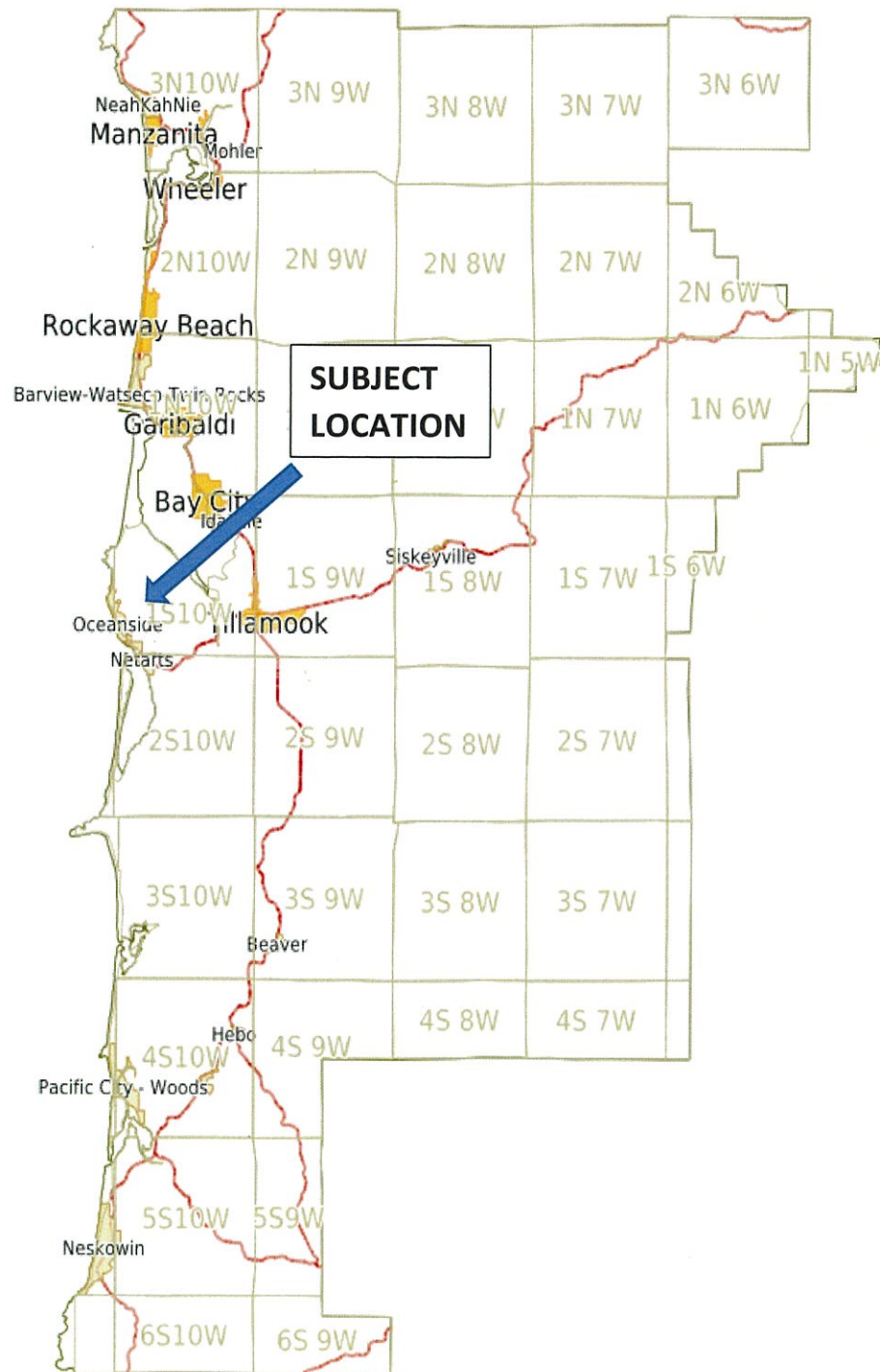
- (1) Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.
- (2) A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.
- (3) The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.
- (4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.

### **SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS**

**PURPOSE:** In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards are the following:

- (1) To ensure the availability of private open space;
- (2) To ensure that adequate light and air are available to residential and commercial structures;
- (3) To adequately separate structures for emergency access;
- (4) To enhance privacy for occupants of residences;
- (5) To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;
- (6) To ensure that driver visibility on adjacent roads will not be obstructed;
- (7) To ensure safe access to and from common roads;
- (8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;
- (9) To separate potentially incompatible land uses;
- (10) To ensure access to solar radiation for the purpose of alternative energy production.

# VICINITY MAP

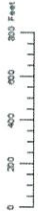


#851-24-000318-PLNG: TILLAMOOK PEOPLE'S  
UTILITY DISTRICT

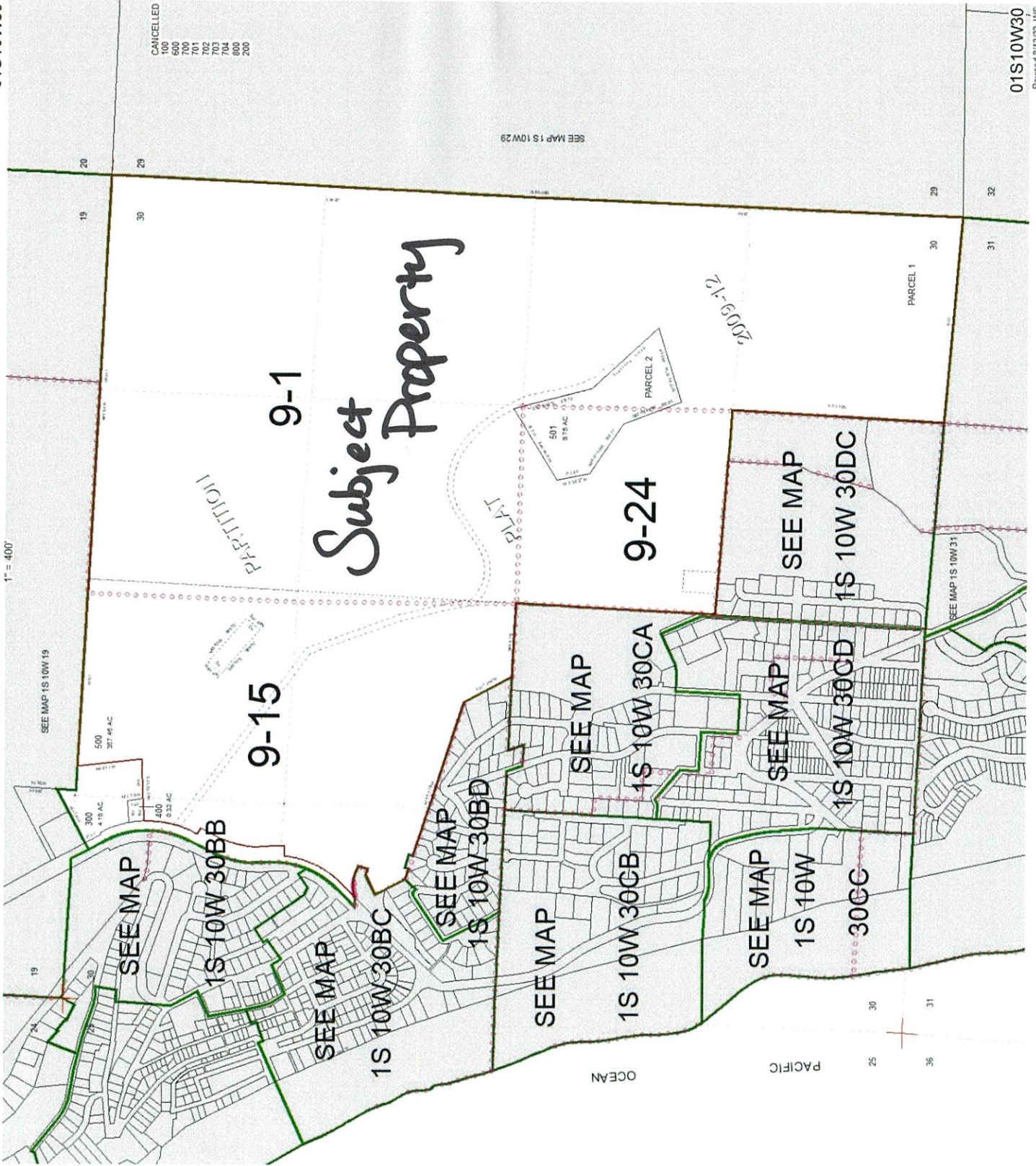
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SECTION 30 T.1S. R.10W. W.M.  
TILLAMOOK COUNTY

1" = 400'



01S10W30



CANCELLED  
100  
600  
700  
701  
702  
703  
704  
800  
200

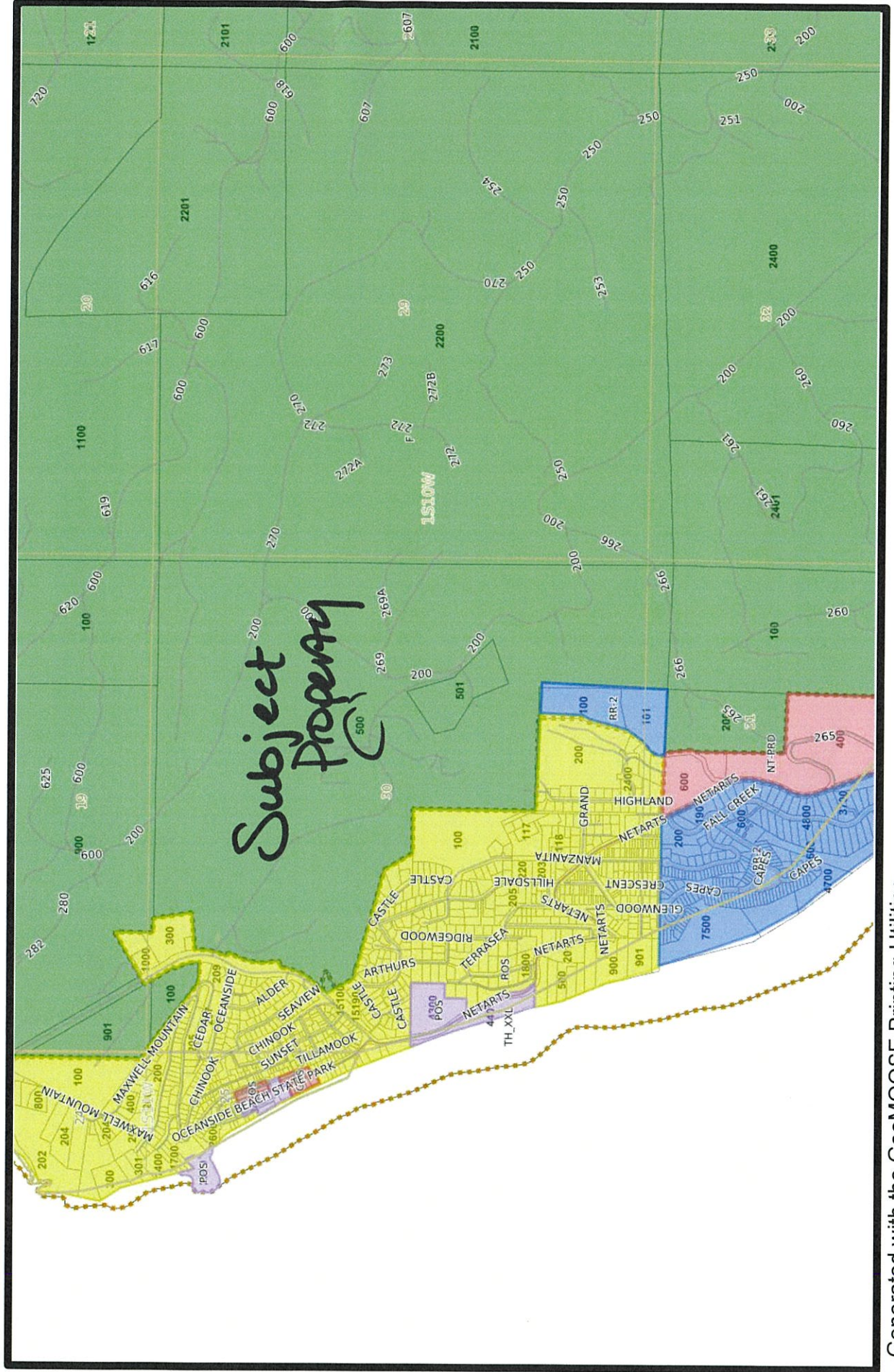
SEE MAP 1S 10W 29

PARCEL 1

SEE MAP 1S 10W 31

01S10W30  
Revised 8/12/22, WS

# Map





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](http://www.co.tillamook.or.us)

## PLANNING APPLICATION

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

Name: Tillamook PUD, KC Fagen Phone: 503-815-8628

Address: 1115 Tillamook Ave

City: Tillamook State: OR Zip: 97141

Email: [kcfagen@tpud.org](mailto:kcfagen@tpud.org)

### Property Owner

Name: SDC Tillamook, Scott Marshall Phone: 206-450-7019

Address: 1867 Williams Hwy, Suite 109C

City: Grants Pass State: OR Zip: 97527

Email: [Scott@chinookfp.com](mailto:Scott@chinookfp.com)

OFFICE USE ONLY	
Date Stamp	<b>RECEIVED</b>
	MAY 31 2024
BY:	<i>JF</i>
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees: <i>1365.-</i>	
Permit No:	
851 <i>24</i> - <i>000318</i> - PLNG	

Request: Locate down guy and anchor 10 feet from property boundary to support power pole, maintain

### Type II

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

### Type III

- Detailed Hazard Report
- Conditional Use (As deemed by Director)
- Ordinance Amendment
- Map Amendment
- Goal Exception
- Nonconforming Review (As deemed by Director)
- Variance (As deemed by Director)

### Type IV

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

### Location:

Site Address: Near 1755 CAPE MEARES LP RD W - Tillamook, Oregon 97141

Map Number: 01 South	10 West	30	0500
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.

**KC Fagen**

Digitally signed by KC Fagen  
 Date: 2024.05.30 16:56:11 -07'00'

5/30/2024

Property Owner Signature (Required)

**Scott Marshall**

Digitally signed by Scott Marshall  
 Date: 2024.05.31 05:45:57 -07'00'

Date  
 5/31/2024

Applicant Signature

Date

VARIANCE 30-FOOT SETBACK LETTER FOR  
851-17-000448-PLNG-01 – FOREST (F) ZONE

Tillamook-Oceanside 115-kilovolt Transmission Line Project:  
Consolidated Administrative Review, Conditional Use Permit, and  
Development Permit Approvals 851-17-000448-PLNG, 851-17-  
000448-PLNG-01, and 851-17-000448-PLNG-02

Submitted to

Tillamook County Department of Community Development

May 30, 2024

Submitted by

Tillamook People's Utility District

1115 Pacific Avenue, Tillamook, Oregon 97141





# Tillamook People's Utility District

**Directors**  
David L. Burt  
Valerie S. Folkema  
Harry E. Hewitt  
Tamra R. Perman  
Barbara A. Trout

Office: 503 842-2535 • Toll-free: 800 422-2535 • Fax: 503 842-4161 • [www.tpod.org](http://www.tpod.org)

Todd Simmons  
GENERAL MANAGER

Attn: Tillamook County Department of Community Development  
1510 B Third Street  
Tillamook, OR 97141

May 30, 2024

Subject: Request for a Variance to the 30-foot setback for the 115-kilovolt Transmission Line, 851-17-000448-PLNG, 851-17-000448-PLNG-01, and 851-17-000448-PLNG-02 Conditional Use Approvals

Tillamook People's Utility District (District) is constructing a 115kV transmission line from Bonneville Power Administration's Tillamook substation in the City of Tillamook to the new Oceanside substation near the community of Oceanside in Tillamook County. The project received Conditional Use Approvals from the County on August 29<sup>th</sup>, 2018.

As the design was finalized there is one location in the Forest Zone where a "structure" falls within the 30-foot setback of a property boundary. Property owners expressed a preference that the route of the transmission line follow property lines with neighboring owners where practical as the property boundary naturally creates additional impacts for logging practices, so the addition of the transmission line in this same area is less of an impact than if the line were to be in the middle of a tax lot.

As noted in the Conditions of Approval for 851-17-000448-PLNG-01, "The location of pole structures within the Forest (F) Zone shall be relocated to meet the required 30-foot yard setback. As an alternative, prior to applying for a Zoning Permit approval, the Applicant may separately apply for a Variance, subject to the criteria outlined in Section 8.030 and processed as a Type II review in accordance with the procedures outlined in Article 10 of the TCLUO."

The Planning Commission and the County Board of Commissioners recognized that with the given alignment of the transmission line route, there was the possibility of encroachment into the 30-foot setback area and allowed for a Variance to address this issue and provided the Director the authority to approve the Variance.

The District is seeking approval of a variance to the 30-foot setback rule in the ~~Farm~~ *Forest* Zone. The four criteria that need to be satisfied with the District's response are as follows:



- (1) Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.

Response: The transmission line easement in the area of structure 67 is located against the property boundary. Moving the structure outside of the setback (away from the property boundary) would require a shift in the easement away from the property boundary and would form an isolated area (a 20-foot strip of land) between the transmission line easement and the neighboring property creating a stranded island of production forest land due to the topography of the property along the property boundary. This island pocket of land would preclude the efficient use of this area of the property for the property owner.

The transmission line must divert from the property boundary at this location because of the topography in the area that creates a natural drainage system, which is used as a watershed. The project must avoid the watershed area.

- (2) A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.

Response: Structure 67 is located next to an existing logging road and next to the property boundary to accommodate the use of existing logging roads. Moving the structures outside of the setback area would require additional roads to be constructed to access the structure and to access the isolated strip of land, creating additional impacts to existing uses of the property.

- (3) The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.

Response: The requested Variance complies with standard as outlined in Section 4.005.

As stated in the development standards for Section 4.005, the purpose is for residential and commercial zones, specifically, "PURPOSE: In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards are the following:". The District would like to present that the requested variance doesn't have to meet the standards of 4.005 as the location of the variance is within a Forest Zone and located more than 3,100 feet from a residential home (see Figure 3 – Distance from residential facility) and 1,500 feet from any commercial facility (see Figure 4 – Distance from commercial facility).

- (1) To ensure the availability of private open space;

Response: There is little to no impact to the availability of open space. This area is Forest Zone and not open to the public. All open spaces have similar access for the property owner as it did prior to the proposed project.

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

Response: There are no residential and commercial structures in the area. The project will not negatively impact the adequacy of light and air in the area.

- (3) To adequately separate structures for emergency access;

Response: There is no emergency access in the area as this is production forest operation and the location is accessed by a spur road that is not accessible by emergency vehicles.

- (4) To enhance privacy for occupants of residences;

Response: There are no occupants of residences within 3,100 feet of the location and the location is not visible from any residence as there is an active forest between the variance location and the nearest residence.

- (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;

Response: All private land uses that can be reasonably expected can be accommodated on private land. The only land used in the area is for the harvesting of timber and there is not public land within 1,500 of the location.

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

Response: There are no publicly traveled roads within 1,500 feet of the location.

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

Response: There are no common roads in the area.

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

Response: There is no impact from the structure needing the variance on the views in the area. The guy wire will be less than 12-feet high at the 30-foot setback limit and continues to the ground.

- (9) To separate potentially incompatible land uses;

Response. The requested variance has no additional impact on the existing land uses as the support structures (guy wires and anchors) are within the transmission line easement area that was approved with conditions.

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

Response: The support structure needing the variance is a guy wire and anchor, which will not block any solar radiation for the purpose of alternative energy production as the guy wire is less than one inch in diameter and would be lower than any solar radiation apparatus.

- (4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.

Response: The guy wires and anchor at pole location 67 located between Tax Lots 1S10300000500 and 1S10000002200 fall within the 30-foot setback. This pole is an angle structure that requires guy wires for support and to meet strength requirements.

Because of the line angle at this structure, the guy lead length can't be shortened sufficiently to be placed outside of the 30-foot setback area and support the structure structurally. Figures 1 and 2 – Pole 67 Guy/Anchor Position show the guy wire as a white line extending into the 30-foot setback area. The guy wire lead length would need to be shortened to less than half of the distance to keep out of the setback resulting in tensions that exceed the hardware (pins, bolts, clamps) limits. By extending the guy wire lead length, the downward angle is decreased, thereby reducing the tension forces in the guy wire.

Moving the pole location so the guy lead and anchor are outside of the 30-foot setback would require moving three adjacent poles, shifting the easement 20 feet to the west, and the construction of additional roads to access the structures and the 20-foot strip of land for the property owner. This modification to the alignment would increase the impacts to the property owners uses and access to the property.

Based on the review of potential alternatives to reduce or eliminating the need for a structure to be located within the 30-foot setback, there are no reasonable alternatives that do not require significant changes in the route alignment or design materials and strengths.

The District respectfully requests that the County approve the Variance to the 30-foot setback.

Please call with any questions or comments. I can be reached at 503-815-8628 or [kcfagen@tpud.org](mailto:kcfagen@tpud.org).

Sincerely,



Tillamook People's Utility District  
KC Fagen  
Engineering Manager

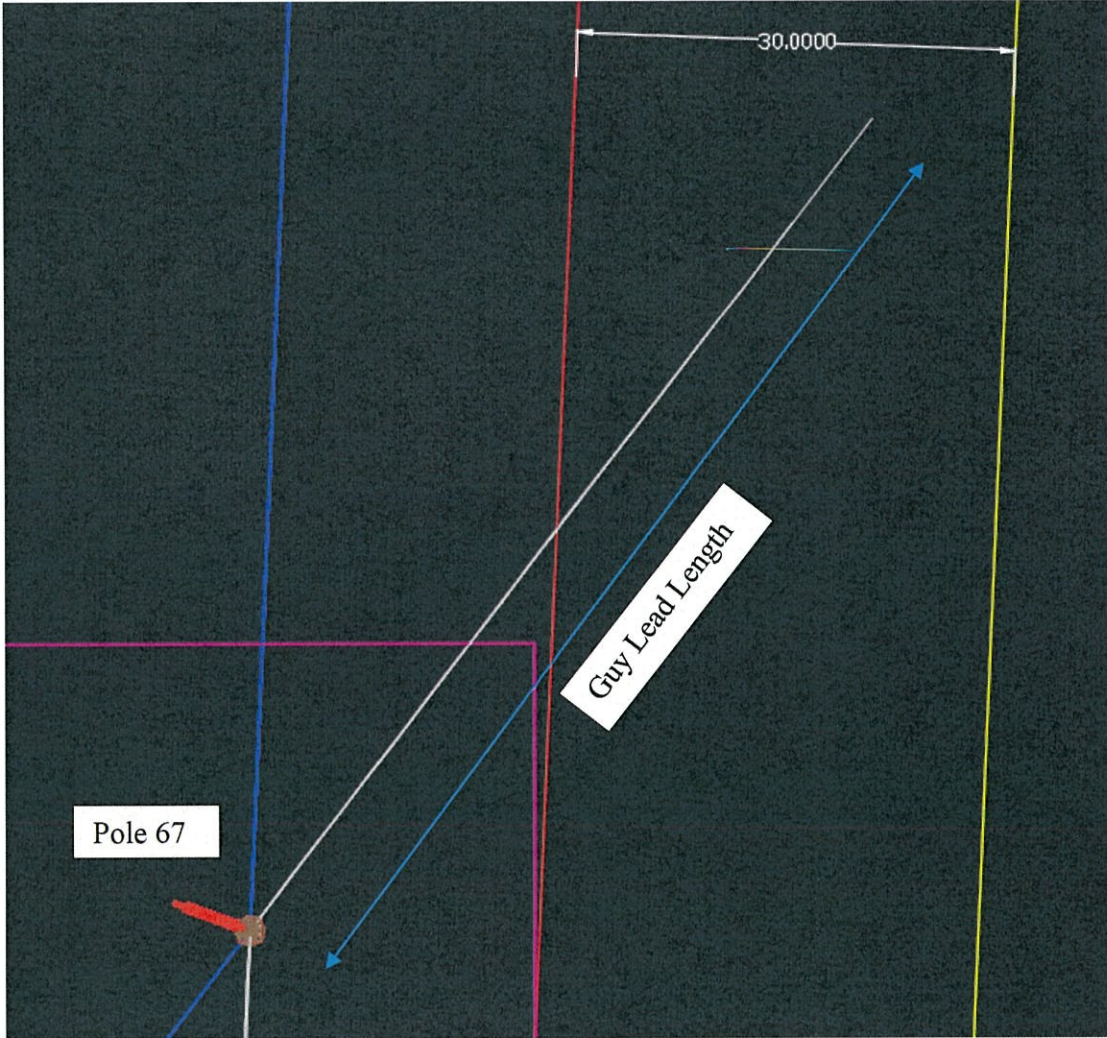


Figure 1- Pole 67 Guy/Anchor Position

11-11-17  
11-11-17

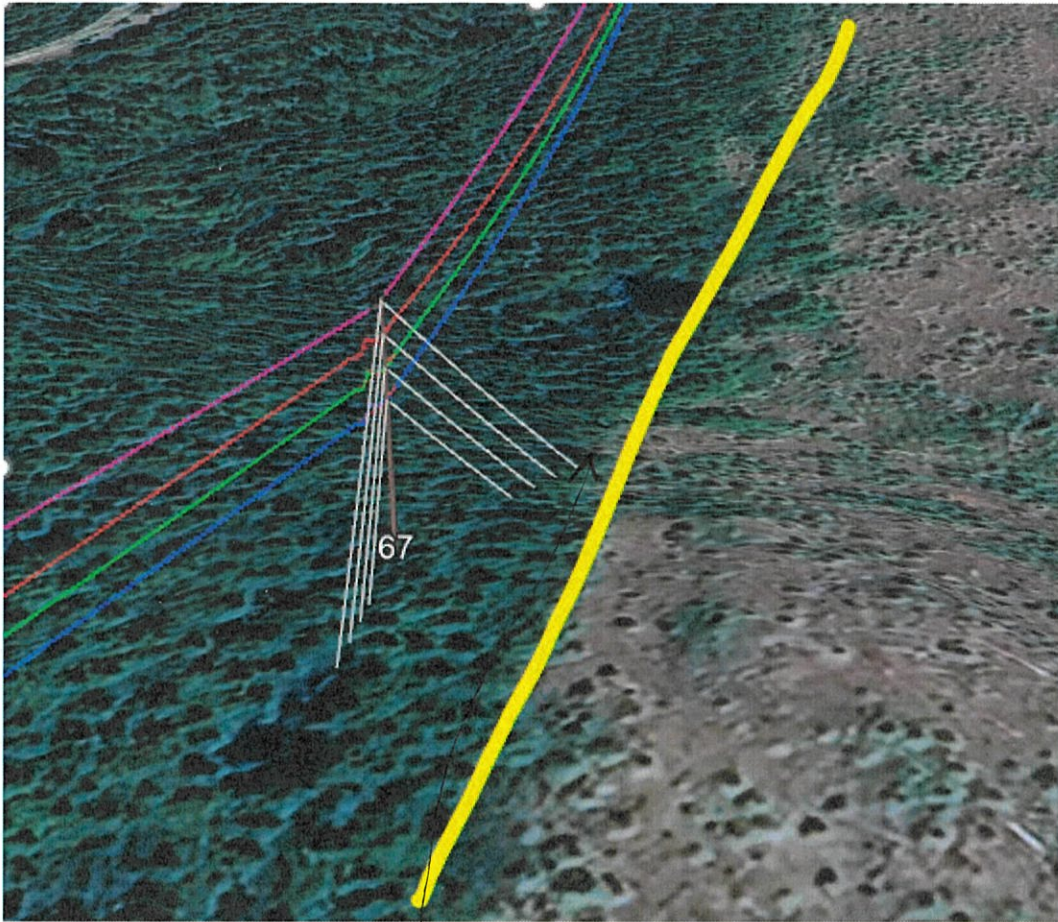


Figure 2-Pole 67 Guy/Anchor Position

↓  
Add  
30' Setback  
10-Ft

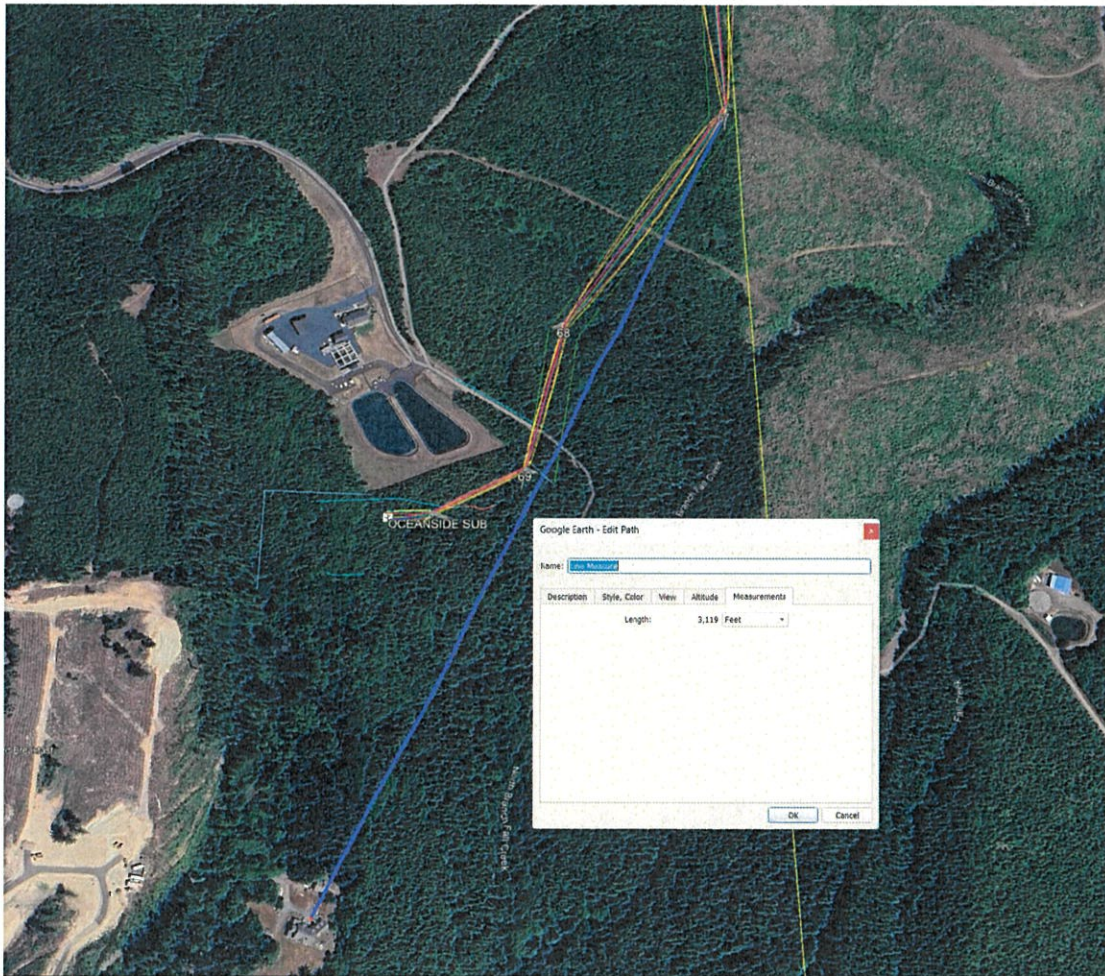


Figure 3 - Distance from Residential Facility

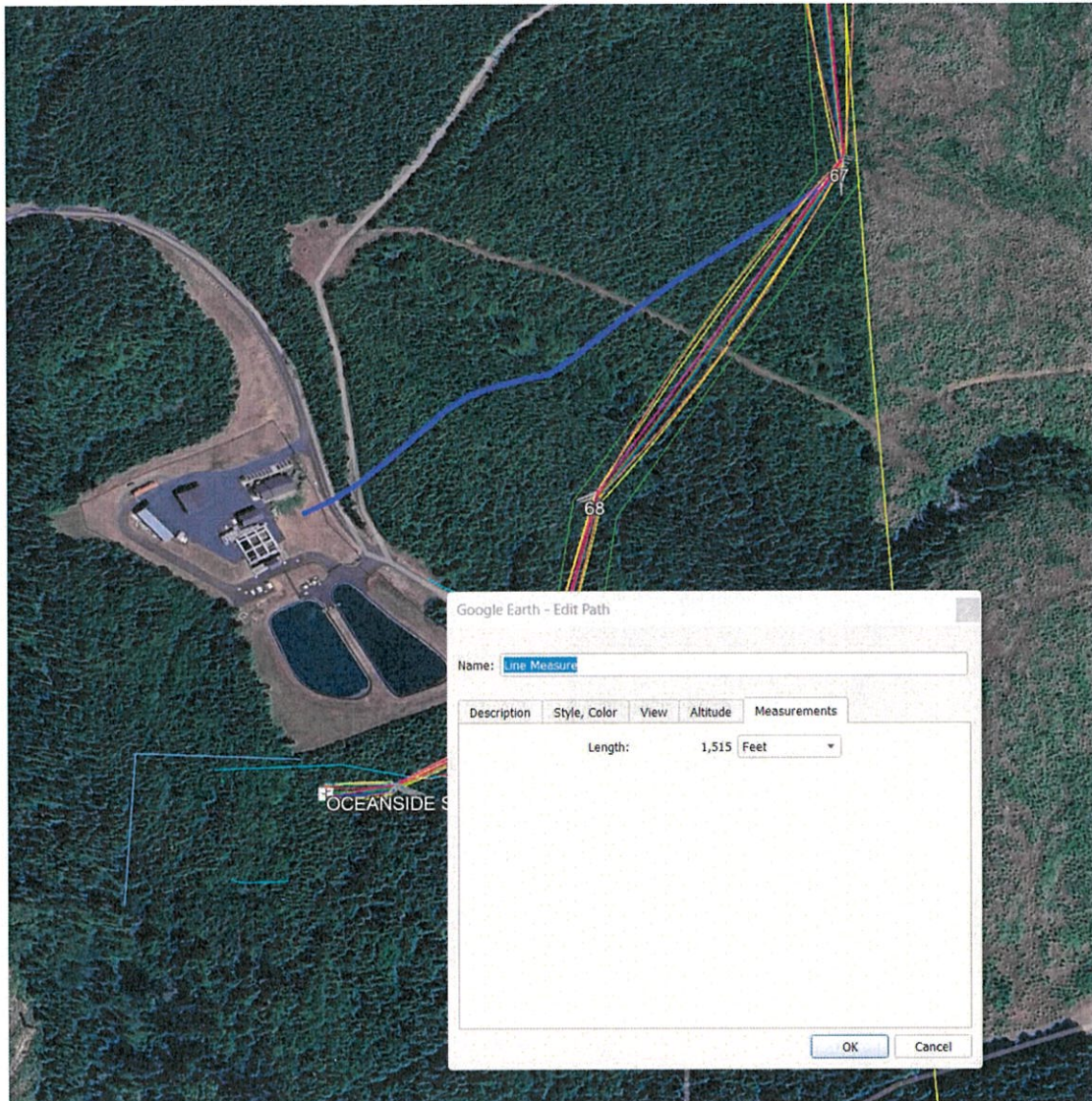


Figure 4 - Distance from Commercial Facility