



VARIANCE REQUEST #851-24-000526-PLNG:

BOUDREAU/TNK INVESTMENTS 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*

NOTICE OF ADMINISTRATIVE REVIEW

Date of Notice: October 14, 2024

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

#851-24-000526-PLNG: A Variance request to reduce the required roof pitch for manufactured dwellings, from a pitch of four (4) feet in height to each twelve (12) feet in width (4/12 pitch) to three (3) feet in height of each twelve (12) feet in width (3/12 pitch), to allow for the placement of a residential structure. The subject property is located within the Urban Growth Boundary of the Incorporated City of Nehalem, at the corner of Neptune Way and Neptun Court, both County local access roads, zoned Nehalem's Mixed Density Residential (RM) Zone and designated as Tax Lot 1818 of Section 33BA, Township 3 North, Range 10 West, W.M., Tillamook County, Oregon. The applicant is Spencer Boudreau. The property owner is TNJ Investments, LLC.

Written comments received by the Department of Community Development prior to 4:00 p.m. on October 28, 2024, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than the next business day, October 29, 2024.

Notice of the application, a map of the subject area, and the applicable criteria are mailed to all property owners within 250 feet of the exterior boundaries of the subject parcel for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. They are also available on the Tillamook County Department of Community Development website: <https://www.tillamookcounty.gov/commdev/landuseapps>.

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

Sincerely,

A handwritten signature in blue ink that reads "Melissa Jenck".

Melissa Jenck, CFM, Senior Planner

Sarah Absher, CBO, CFM, Director

Enc. Maps and applicable ordinance criteria

REVIEW CRITERIA

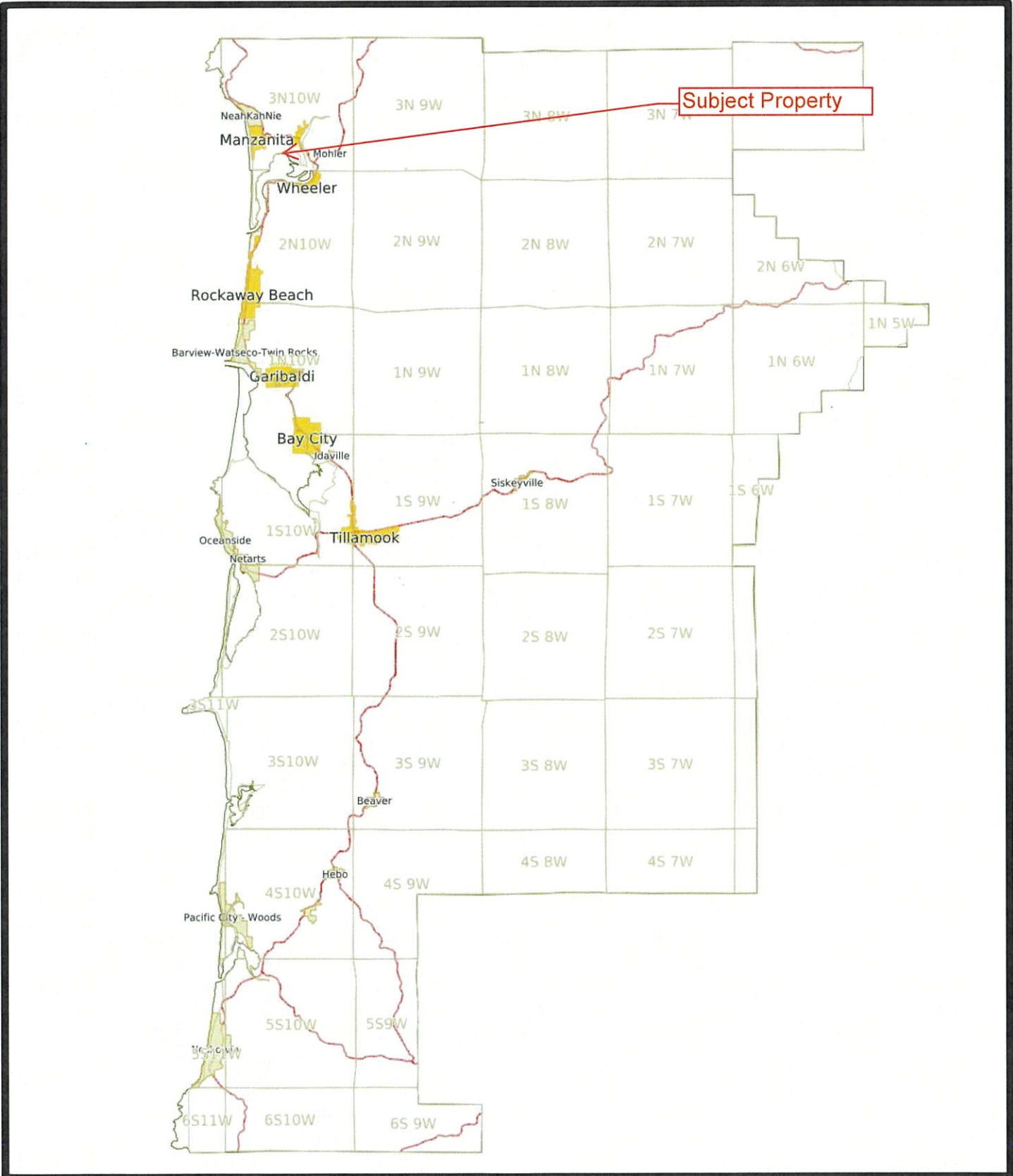
NEHALEM DEVELOPMENT ORDINANCE

SECTION 157.506.06: DECISION CRITERIA: The Planning Commission may allow a Variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with the Type III review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

- (A) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this Ordinance, topography, or other circumstances over which the applicant has no control.
- (B) Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.
- (C) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.
- (D) That the special conditions and circumstances on which the application is based do not result from a self-imposed hardship or a negligent or knowing violation of this Ordinance by the applicant.
- (E) The variance requested is the minimum variance which would alleviate the hardship.

EXHIBIT A

Vicinity Map



NEHALEM, OREGON

CITY ZONING MAP

DRAFT
DRAFT

- A1 - Low Density Residential, Agricultural, Forestry and Recreation
- RL - Low Density Residential
- RM - Residential
- MR - Medium Residential
- C - Commercial
- LM - Light Manufacturing
- EC1 - Elementary Conservation
- EC2 - Secondary Conservation
- F - Public, Local
- Nehelem City Units
- Nehelem Urban Growth Boundary

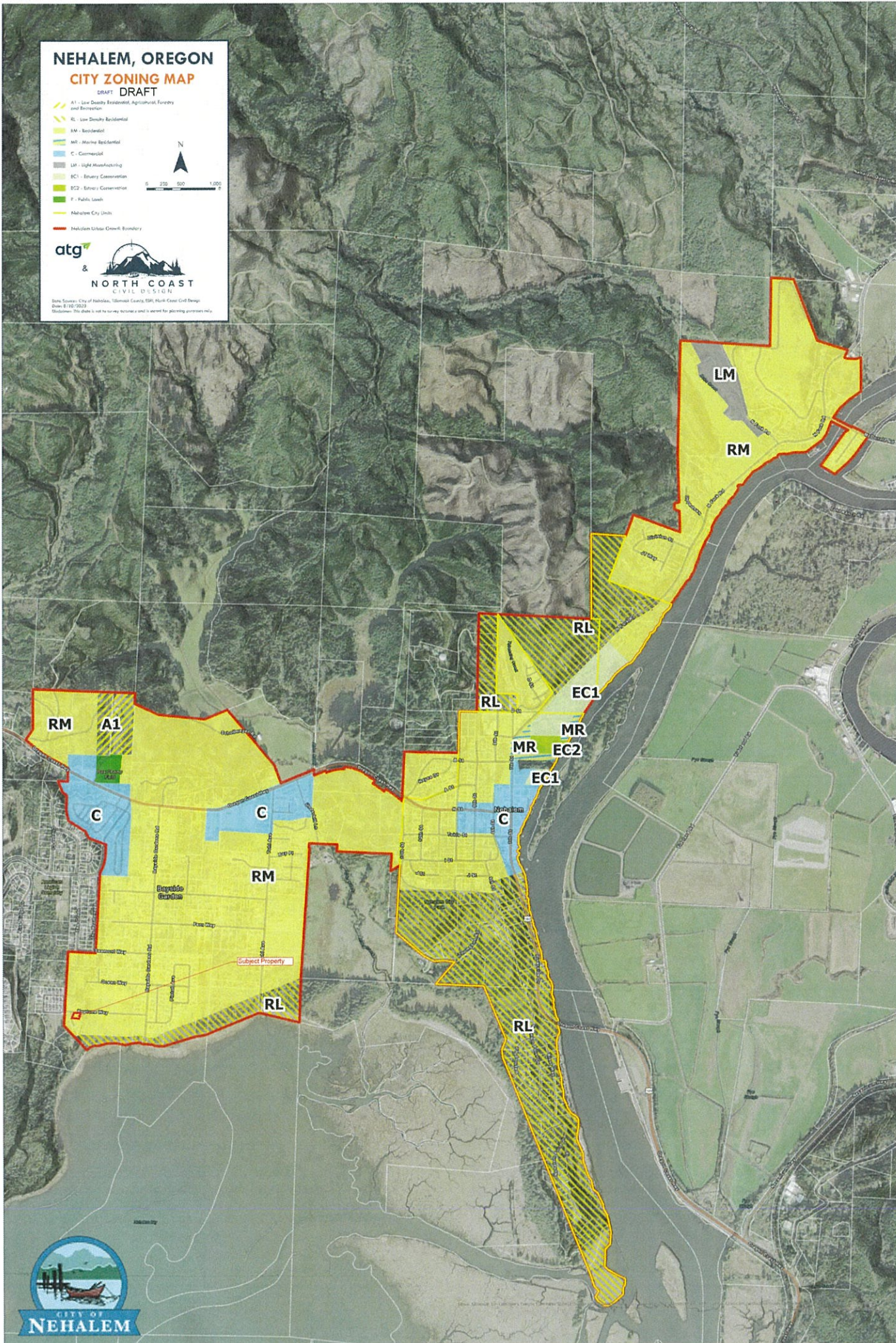
N

0 250 500 1,000

atg

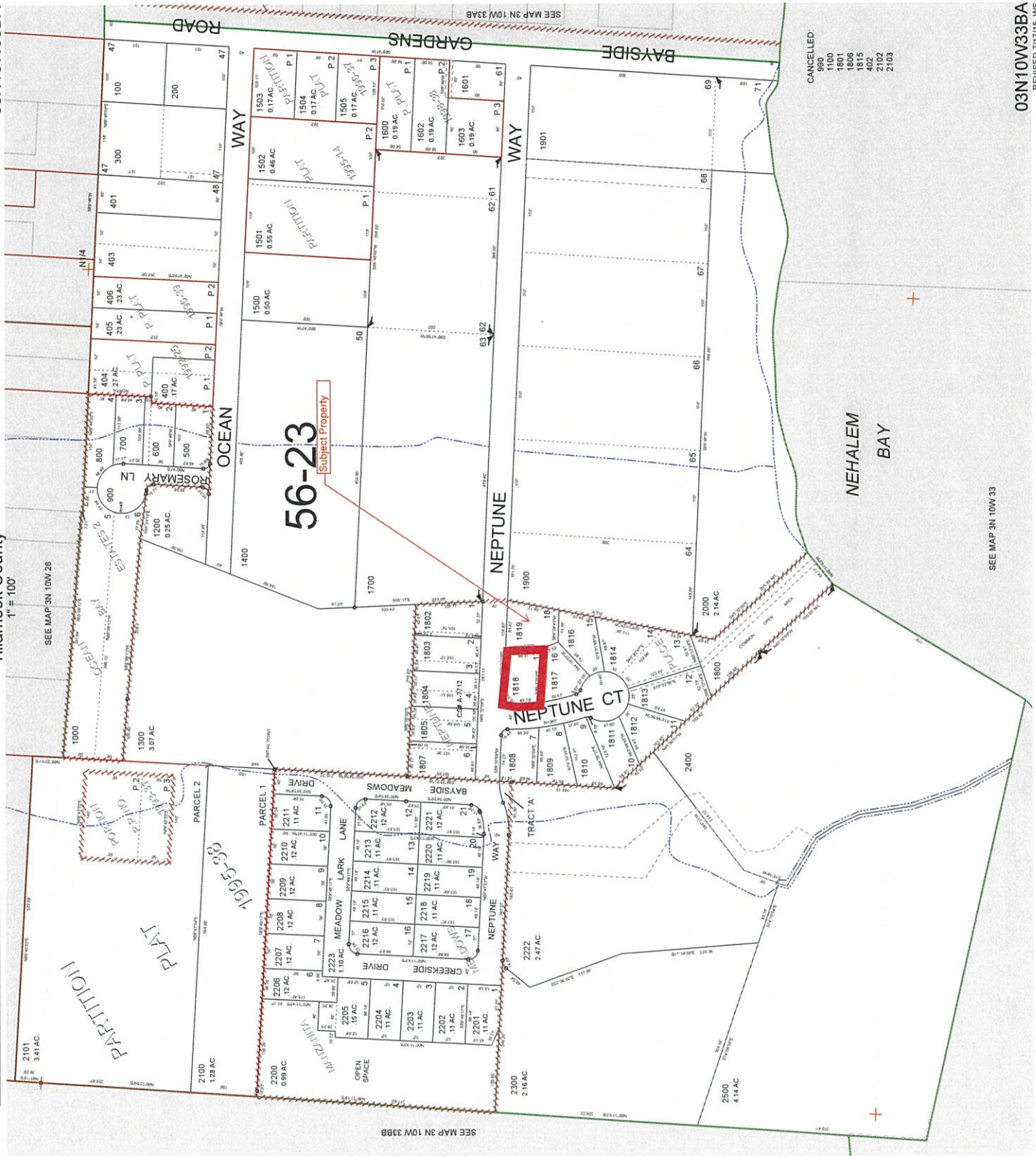


Source: City of Nehelem, Tillamook County, OR, North Coast Civil Design
Date: 8/16/2023
Disclaimer: This data is not to be relied upon and is meant for planning purposes only.



N.E. 1/4 N.W. 1/4 SEC. 33 T.3N. R. 10W. W.M.
Tillamook County

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



CANCELLED:
900
1100
1801
1806
1815
1816
2102
2103

SEE MAP 3N 10W 33

SEE MAP 3N 10W 33BB

SEE MAP 3N 10W 28

1" = 100'

Tillamook County
2024 Real Property Assessment Report
 Account 405744

Map 3N1033BA01818
 Code - Tax ID 5623 - 405744

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr NEPTUNE PLACE

Lot - 17

Mailing TNJ INVESTMENTS, LLC
 PO BOX 1231
 LONGVIEW WA 98632

Deed Reference # 2024-2012
 Sales Date/Price 05-15-2024 / \$118,500
 Appraiser ROBERT BUCKINGHAM

Property Class 100 MA SA NH
 RMV Class 100 02 ST 201

Site	Situs Address	City
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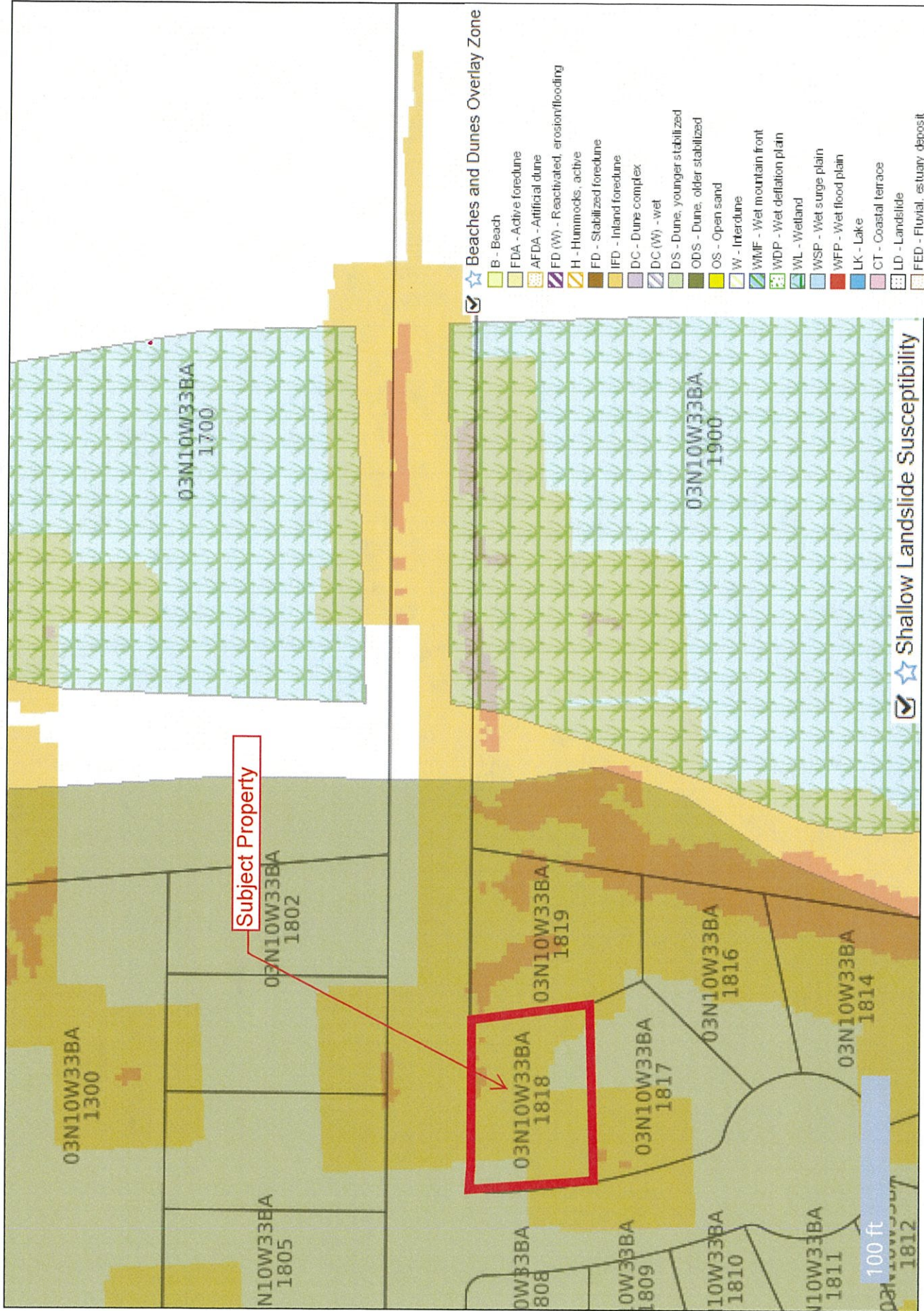
Value Summary					
Code Area	RMV	MAV	AV	RMV Exception	CPR %
5623 Land	95,810		Land	0	
Impr	0		Impr	0	
Code Area Total	95,810	48,840	48,840	0	
Grand Total	95,810	48,840	48,840	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
5623	0	<input checked="" type="checkbox"/>		NH-R3	Market	119	0.12 AC		95,810
Code Area Total							0.12 AC		95,810

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

Comments 04/17/15 Reappraised land; tabled values. RBB

Hazard Map



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, accompanying any of these products. 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.

National Flood Hazard Layer FIRMette

123°55'26"W 45°42'45"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., A.99
- 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 *Zone X*

Area of Minimal Flood Hazard *Zone X*

Effective LOMRs

Area of Undetermined Flood Hazard *Zone X*

Channel, Culvert, or Storm Sewer

Levee, Dike, or Floodwall

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

Digital Data Available

No Digital Data Available

Unmapped

MAP PANELS

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 **10/14/2024 at 5:34 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.



Statewide Wetlands Inventory



	Townships
	LWI Study Area
	BASEDAT.DBO.NHDWaterbody
	BASEDAT.DBO.NHDArea
	BASEDAT.DBO.NHDFlowline
	Perennial
	Intermittent
	Ephemeral
	Unknown
	Canal/Ditch
	Canal/Ditch
	Canal/Ditch
	BASEDAT.DBO.NHDPoint
Wetlands	
	Estuarine and Marine Deepwater
	Estuarine and Marine Wetland
	Freshwater Emergent Wetland
	Freshwater Forested/Shrub Wetland
	Freshwater Pond
	Lake
	Riverine
	SWI Agate-Winlo Soils
	SWI Predominantly Hydric Soil Map Units

1:2,257

The Statewide Wetlands Inventory (SWI) represents the best data available at the time the map was published and is updated as new data becomes available. In all cases, actual field conditions determine the presence, absence and boundaries of wetlands and waters (such as creeks and ponds). An onsite investigation by a wetland professional can verify actual field conditions.



Date: 10/14/2024



State of Oregon
Department of State Lands
775 Summer Street, NE, Ste. 100
Salem, OR 97301-1279

EXHIBIT B

Thursday, September 19, 2024

Dear Planner,

Please consider our letter requesting variance on Nehalem Code of Ordinances 157.422.02 General Standards on Manufactured Homes, section G, which reads as follows:

“(G) Roofing. The manufactured home must have a composition asphalt, fiberglass, shake, or tile roof with a nominal pitch of four feet in height for each twelve 12 feet in width.”

Per Nehalem Code of Ordinances 157.506.06, respectfully we request variance to allow us to build a manufactured home on the site we own and have requested permits for at 1818 Neptune Court in Nehalem with a roof pitch of three feet in height for each 12 feet in width as is standard on most non-custom, non-luxury manufactured homes, and a feature of every surrounding manufactured home in the neighborhood. Our reasons and justifications are outlined below by each criteria.

(A) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this Ordinance, topography, or other circumstances over which the applicant has no control.

Certain circumstances exist here regarding the code for which we are requesting variance. The requirement of a 4/12 roof pitch is not standard to other communities and is a hindrance, the code changed very recently, and was not published in a standard manner online on code publishing as is standard, and was instead published as part of a PDF document that was not searchable or user friendly to find information and code changes on. The previous code allowing a 3/12 roof pitch as we are requesting was the previous code and is still the readily available code on code publishing but is not the current code.

Additionally, the City of Nehalem was willing to grant this variance pending approval at a Planning Committee meeting that was originally to be held earlier on August 16th, but was cancelled as it was then discovered by their staff that the variance needs to be granted through this staff review process through yourselves at the Tillamook County Building and Planning Department. We are grateful for the quick action in working with us on this.

(B) Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.

Other adjacent property owners on nearly all adjacent properties in the neighborhood have been able to build and enjoy manufactured homes with a standard 3/12 roof pitch, with no issue or impact to anyone. They are not being required to change the roof pitch of their homes nor are they being notified that their homes no longer meet code.

For multiple reasons listed below in the other conditions, requirement of a 4/12 roof pitch on this home adds cost without adding actual value, impacting our ability to utilize the property we have purchased in the same manner as we could if we did not need the variance.

(C) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.

A 3/12 roof pitch as we are requesting is standard across most manufactured homes being built today. Additionally, changing to a 4/12 roof pitch as required in the ordinance would require the home to become custom and luxury from the manufacturer- whereas the standard home we seek to place here would be significantly less expensive than a stick-built home of the same size and scope, aiding in alleviating the affordable housing crisis and providing a housing option in a community which is in need of additional options.

The factory cost of the same home with a 4/12 roof pitch as the code requires increases nearly \$30,000 to almost \$160,000- significantly impacting our ability to deliver a new affordable housing option for home buyers by making the homes luxury homes instead, out of reach for most buyers and too expensive for the neighborhood. Additionally, the value change of spending the additional cost of making the home a luxury home with a 4/12 pitch would not translate to a resale of the same amount. A 4/12 roof pitch adds cost without adding value, impacting our ability to utilize the property we have purchased in the same manner as we could if we did not need the variance.

(D) That the special conditions and circumstances on which the application is based do not result from a self-imposed hardship or a negligent or knowing violation of this Ordinance by the applicant.

The manufacturer (and essentially all manufactures of the homes) building standard homes with a 3/12 roof pitch instead of a 4/12 roof pitch as the ordinance requires. The ordinance is new, passed within the last year, and is not standard or common in other cities. Additionally, many of the surrounding homes, constituting the neighborhood around the site we have purchased, would not be able to be built today if this new code requiring a 4/12 roof pitch had been in place at the time they were built. All adjacent homes were built between 1999 and 2007, making this a neighborhood of manufactured homes with a 3/12 roof pitch.

(E) The variance requested is the minimum variance which would alleviate the hardship.

The roof pitch variance is the only variance we are requesting. With this change we are able to build this home as we intend to and provide this new housing unit in the Nehalem community at a lower cost and more affordable rate than building this as a custom home with 4/12 roof pitch or building a new stick built home on the same site.

Please let me know if you have any questions.

Blessings,

Spencer Boudreau

Agent of TNJ Investments, LLC

PO Box 1231

Longview, WA 98632

360-751-3982

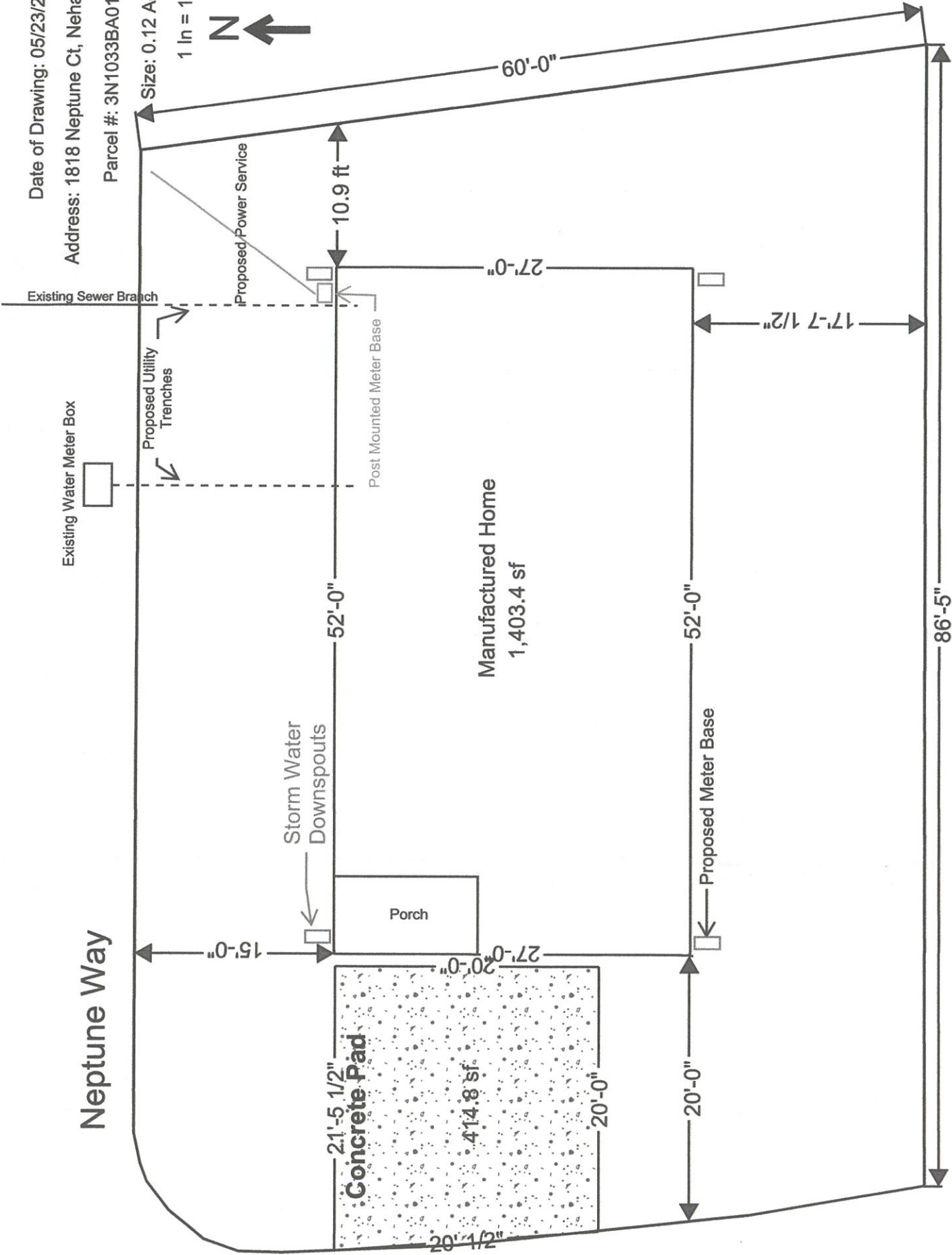






Date of Drawing: 05/23/2024
Address: 1818 Neptune Ct, Nehalem
Parcel #: 3N1033BA01818

Size: 0.12 Acres
1 in = 10 Ft



Neptune Ct