



Land of Cheese, Trees and Ocean Breeze

VARIANCE #851-24-000384-PLNG: KLEIN

ADMINISTRATIVE DECISION AND STAFF REPORT

DECISION: APPROVED AS MODIFIED

Decision Date: October 25, 2024

REPORT PREPARED BY: Melissa Jenck, CFM, Senior Planner

I. GENERAL INFORMATION:

Request: A Variance request to reduce the required 15-foot street side yard setback to 5-feet to allow for the placement of a single-family dwelling on the subject property (Exhibit B).

Location: The subject property is located south of the Unincorporated Community of Beaver, within the Nestucca Bend Subdivision, accessed via Nestucca Drive, a private road, and designated as Tax Lot 3300 of Section 31DB, Township 3 South, Range 9 West, W.M., Tillamook County, Oregon.

Zone: Rural Residential 2-Acre (RR-2)

Applicant: James and Charmaine Klein, PO Box 37, Cloverdale, OR 97112

Property Owner: James Klein, PO Box 37, Cloverdale, OR 97112

Description of Site and Vicinity: The subject property contains 0.22 acres, is currently unimproved, is generally vegetated with grasses, is generally flat, with a bank that slopes downward towards the Nestucca River (Exhibit A). The subject property is rectangular in shape and fronts Nestucca Drive to the north, and Dolly Varden Lane to the east, both private roads (Exhibit A).

The surrounding properties are also zoned Rural Residential 2-Acre (RR-2) (Exhibit A). The area generally consists of single-family residential development (Exhibit A). Farm (F-1) zoned property surrounds the Nestucca Bend subdivision along its north, south, east and west boundaries (Exhibit A).

No riparian features or wetlands are mapped on the subject property. Wetland features are located south of the property located throughout the adjacent community area (Exhibit A). The subject property is in Flood Zone “X”, areas of minimal flooding, according to FEMA FIRM 41057C0740F dated September 28, 1990 and is not in a Special Flood Hazard Area (Exhibit A).

reasonable economic use. No VARIANCE shall be granted to allow a use of property not authorized by this Ordinance.

Article VIII of the Tillamook County Land Use Ordinance governs the applications of Variances within the County. Article IV, Section 4.005 lists the purposes of the land use standards in each of the residential and commercial zones.

Section 8.020 requires notification of the request 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: A notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on August 16, 2024. One comment was received and is included in 'Exhibit C'. The comment expresses concern about future decks/porches for entrance to the proposed dwelling (Exhibit C).

Section 8.030 states that a Variance may be authorized if the applicants/property owners adequately demonstrate that the proposed use satisfies all relevant requirements, including all four review criteria in Section 8.030. These criteria, including Section 4.005 Residential and Commercial Zone Standards, along with Staff's findings and conclusions are indicated below.

(1) Circumstances attributable either to the dimensional, topographical, or hazardous characteristics of 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.

Findings: Applicant states Dolly Varden Lane is reserved for recreational access to the community recreation area located to the south of the property, but the access is characterized by a 20-ft steep bank (Exhibits A & B). Applicants provided copies of the Deed which references the reservation of the 35-ft wide Dolly Varden Lane area to access the community recreation area (Exhibit B).

A copy of the Plat for Nestucca Bend subdivision is included in 'Exhibit B' depicting the location of Dolly Varden Lane (Exhibit A). Evidence submitted by the Applicant depicts areas for proposed future improvements, including a single-family dwelling, with application of a 20-foot front yard setback and a 5-foot street side yard setback if relief were granted through a variance process (Exhibit B).

Applicant submitted a site plan depicting the location of the proposed onsite wastewater treatment system (Exhibit B). The system is located within the front, northeastern region of the subject property. Applicants also propose the construction of a garage and carport cover, accessory structures similar to those improvements sited on other properties within the vicinity (Exhibits A & B).

Applicant is proposing a 27-ft by 60-ft dwelling (Exhibit B). In review of lot patterns and development of properties (building footprints) within the vicinity, staff find those lots comparable in size have similar sized single-family dwelling footprints (Exhibit B). Staff's findings for review of properties within the vicinity are outlined in the table below:

Map and tax lots	Acres	Single Family Dwelling Square footage
3S09-31DB-03000	0.22-acres	1,512 sq. ft. (27-ft by 56-ft)
3S0931BD-04000	0.18-acres	1,718 sq. ft.
3S09-31BD-03900	0.19-acres	1,336 sq. ft. (34-ft by 54-ft)

3S09-31DB-00400	0.24-acres	1,488 sq. ft.
3S09-31DB-03200	0.22-acres	1,560 sq. ft.

Applicant’s submittal argues that the purpose of Dolly Varden Lane is to provide access to the community recreation area located to the south of the property that has been maintained by the applicants, who also own the property on the east side of Dolly Varden Lane (Exhibit B). Applicant states Dolly Varden Lane has not been in use for access to the community recreation area given other accessible access points to the community recreation areas located throughout the development (Exhibit B). Applicant also states that increasing the side yard setback from the western property from 5-feet to 10-feet would provide additional room for maneuvering of vehicles on the adjacent property (Exhibit B).

Based upon the findings outlined above and the evidence contained within this report, staff finds circumstances attributable to the location of Dolly Varden Lane and the requirement of a 15-foot street side yard setback for the subject property effectively preclude the owner from enjoying a dwelling of similar size to those in the area and that these circumstances are not self-created.

Staff find this criterion is met.

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

Findings: Single-family dwellings are an outright use allowed in the Rural Residential 2-Acre (RR-2) Zone; this use is consistent with surrounding properties. This criterion is met.

(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.

Findings: Analysis of TCLUO Section 4.005 follows in a subsequent section.

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

Findings: Applicant states that there are no other reasonable alternatives due to the shape of the property, and the need to place detached accessory structure, similar to those in the community. The applicant identifies limitations of sanitation system locations, and provides that the proposed size of the dwelling is expected and reasonable for the area. Applicant details that the neighboring property owner along the westerly boundary was supportive of a 10-ft side yard setback for the proposed dwelling, to allow further separation between the dwellings (Exhibit B).

Staff find that development, as detailed in criterion #1, is of similar size and design as the applicants proposal. The area of Dolly Varden Lane is currently unimproved and is used for access to the community recreation area. Applicants identified two (2) other locations within Nestucca Bend which provide access to the community recreation area that does not have the topographic constraints as this site (Exhibit B).

Staff find that the Applicant has proposed a 5-ft side yard setback for future accessory building locations for the neighboring property to the west (Exhibit B). Staff find that development located can adequately setback the proposed dwelling to a 5-ft side yard setback from the westerly property line, as expected and developed within the Nestucca Bend subdivision. Staff find that this would allow for a 10-ft street side yard setback, with the expected development being sized similarly to those residential developments within the vicinity. Staff find that the unimproved nature of Dolly Varden Road, along with the wider, additional

access areas within the subdivision, that it is reasonable to maintain a 10-ft street side yard setback. Staff find this criterion have been met and can be met through compliance with Conditions of Approval, including a modification of the approved site plan to a 5-ft westerly side yard setback and a **10-ft easterly street side yard setback**.

Section 4.005: *Residential and Commercial Zone Standards of the Tillamook County Land Use Ordinance lists the purposes of the land use standards in each of the residential and commercial zones as follows:*

- (1) To ensure the availability of private open spaces;*
- (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 or residences;*

Findings: Applicant is proposing to maintain front, rear and non-street side yard setbacks and will exceed for the placement of a single-family dwelling (Exhibit B). Access to the property is off a private road, Nestucca Drive. Applicant is proposing to reduce the street side yard setback of 15-ft to 5-ft along the easterly property line abutting Dolly Varden Lane (Exhibit B).

Dolly Varden Lane is platted as a 35-ft wide access, which serves to the community recreation area (Exhibit A & B). The subdivision plat for Nestucca Bend does not indicate that Dolly Varden Lane provides sole access to existing residentially platted lots (Exhibit A). Two (2) additional platted roads in the Subdivision, Steelhead Place and Coho Lane are platted for access to the community recreation area, 50-ft wide and 60-ft wide respectively.

Applicant states maintaining an additional setback of 10-ft from the subject property located to the west. Staff find that the Applicant has proposed a 5-ft side yard setback for future accessory building locations for the neighboring property to the west (Exhibit B). Staff find that development located can adequately setback the proposed dwelling to a 5-ft side yard setback from the westerly property line, as expected and developed within the Nestucca Bend subdivision. Staff find that this would allow for a 10-ft street side yard setback, with the expected development being sized similarly to those residential developments within the vicinity.

Staff finds that allowing the proposed development with a **10-foot street side yard setback** with application of side, front and rear yard setbacks will maintain privacy and adequate access to air, light and open space for the subject property, the surrounding properties and provide for adequate separation of structures for emergency access. Staff find that these standards have been met and can be met through compliance with Conditions of Approval.

- (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, driveway, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;*

Findings: Applicant's submittal documents that all private land uses will occur on the subject property including off-street parking (Exhibit B). Staff finds this standards have been met and can be met through compliance with Conditions of Approval.

- (6) To ensure that driver visibility on adjacent roads will not be obstructed;*
- (7) To ensure safe access to and from common roads;*

Findings: Dolly Varden Lane is platted as a 35-ft wide access, which serves to the community recreation area (Exhibit A & B). The subdivision plat for Nestucca Bend does not indicate that Dolly Varden Lane provides sole access to existing residentially platted lots (Exhibit A). Two (2) additional platted roads in the Subdivision, Steelhead Place and Coho Lane are platted for access to the community recreation area, 50-ft wide and 60-ft wide respectively.

Staff find that allowing the proposed development with a 10-foot street side yard setback with application of side, front and rear yard setbacks will maintain privacy and adequate access to air, light and open space for the subject property, the surrounding properties and provide for adequate separation of structures for emergency access. Staff find that these standards have been met and can be met through compliance with Conditions of Approval.

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

Findings: The County regulates views through compliance with building height requirements. Staff find that compliance with building height requirements can be demonstrated at the time of consolidated Zoning Permit and Building Permit application submittal. Staff finds this standard can be met through compliance with the Conditions of Approval.

(9) To separate potentially incompatible land uses;

Findings: The applicant proposes to develop a single-family dwelling which is a use permitted outright in the RR-2 zone and is a use consistent with the use of surrounding properties. Staff find that the standard in Section 4.005(9) has been met.

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

Findings: County records do not indicate any such facilities in the vicinity of the subject property (Exhibit A). Staff find that the proposed development does not unreasonably shadow or otherwise inhibit access to solar radiation on adjacent properties and find that the standards of Section 4.005(10) have been met.

Staff conclude the standards outlined in TCLUO Section 4.005 are met or can be met through the Conditions of Approval outlined below. Variance criterion #3 is met and can be met through the Conditions of Approval outlined below.

IV. DECISION: APPROVED WITH CONDITIONS

Staff concludes, based on the findings of fact and other relevant information in the record, that applicant has satisfied/or is able to satisfy through the Conditions of Approval the applicable ordinance requirements related to applicant's request to reduce the required street side-yard setback along the easterly boundary of the subject property to 10-feet, and therefore, approves the request to reduce the street-side yard setback to 10-feet subject to the provisions in Section V below.

By accepting this approval, the applicants/property owners agree 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 applicants/property owners shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed building site.

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 before **4:00 PM on November 6, 2024**.

V. CONDITIONS OF APPROVAL:

Section 8.060: COMPLIANCE WITH CONDITIONS, and 8.070: TIME LIMIT requires compliance with approved plans and Conditions of this decision, and all other ordinance provisions, and allows 24 months for compliance with Conditions and start of construction. 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. Variance approval is for a **ten (10) foot street side-yard** setback along the easterly property line abutting Dolly Varden Lane.
3. The applicant/property owner shall obtain an approved consolidated Building and Zoning Permit from the Tillamook County Department of Community Development.
4. The applicant/property owner shall submit a site plan, drawn to scale and confirming all required yard setbacks are met at the time of consolidated Building and Zoning Permit application submittal.
5. The applicant/property owner shall submit updated service provided letters from the Nestucca Rural Fire Protection District and Beaver Water District at the time of consolidated Building and Zoning Permit application submittal.
6. The property owner shall obtain all of the applicable on-site sanitation permits from the Department of Community Development prior to Consolidated Zoning/Building Permit application.
7. Development of the property shall otherwise adhere to applicable development standards in TCLUO Section 3.010: Rural Residential 2-Acre (RR-2) zone.
8. A Geologic Hazard Report in compliance with TCLUO Section 4.130 shall be provided at the time of Consolidated Zoning/Building Permit submittal if the slope at the building site exceeds an average of 19% from the lowest to highest point of the property. The slope shall be indicated on the site plan submitted with the Consolidated Zoning/Building Permit application.
9. This approval shall be void on October 24, 2026, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

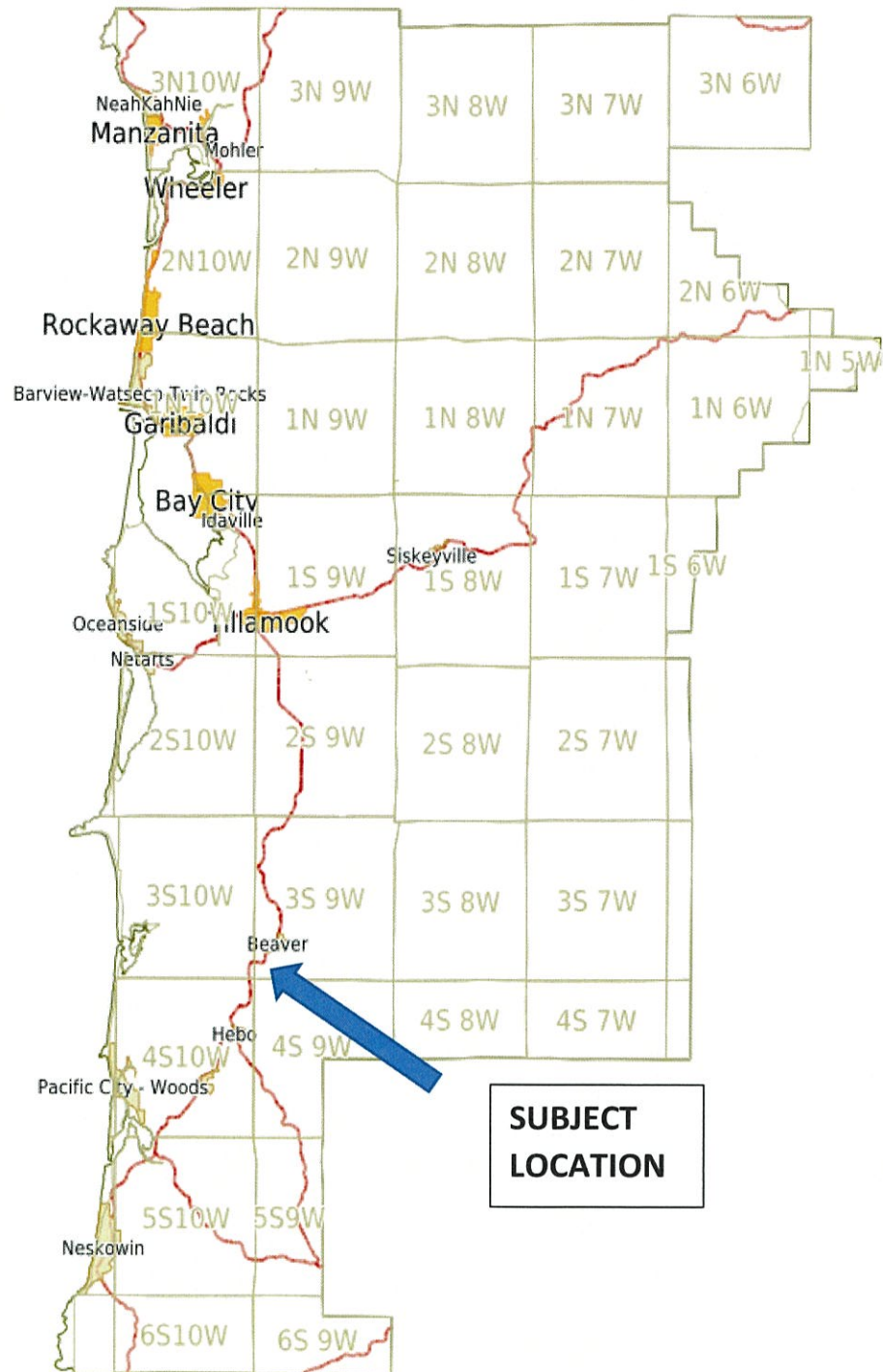
VI. EXHIBITS:

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

- A. Vicinity map, Assessor's map, Zoning map, Assessor's Summary Report, Aerial Photographs of Site
- B. Applicant/Property Owner's Submittal
- C. Public Comments
- D. Sanitation Permit #14-3397-S
- E. Summaries of Existing Dwellings in the Vicinity

EXHIBIT A

VICINITY MAP



#851-24-000384-PLNG:
Klein

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

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

03S09W31DB
NESTUCCA BEND

CANCELLED:
800
1600
2400
3200
3800
4600
1800
1500

8-5

PORTION
PLAT
PARTITION
20-10-09

CHINOOK

COMMUNITY

RECREATION

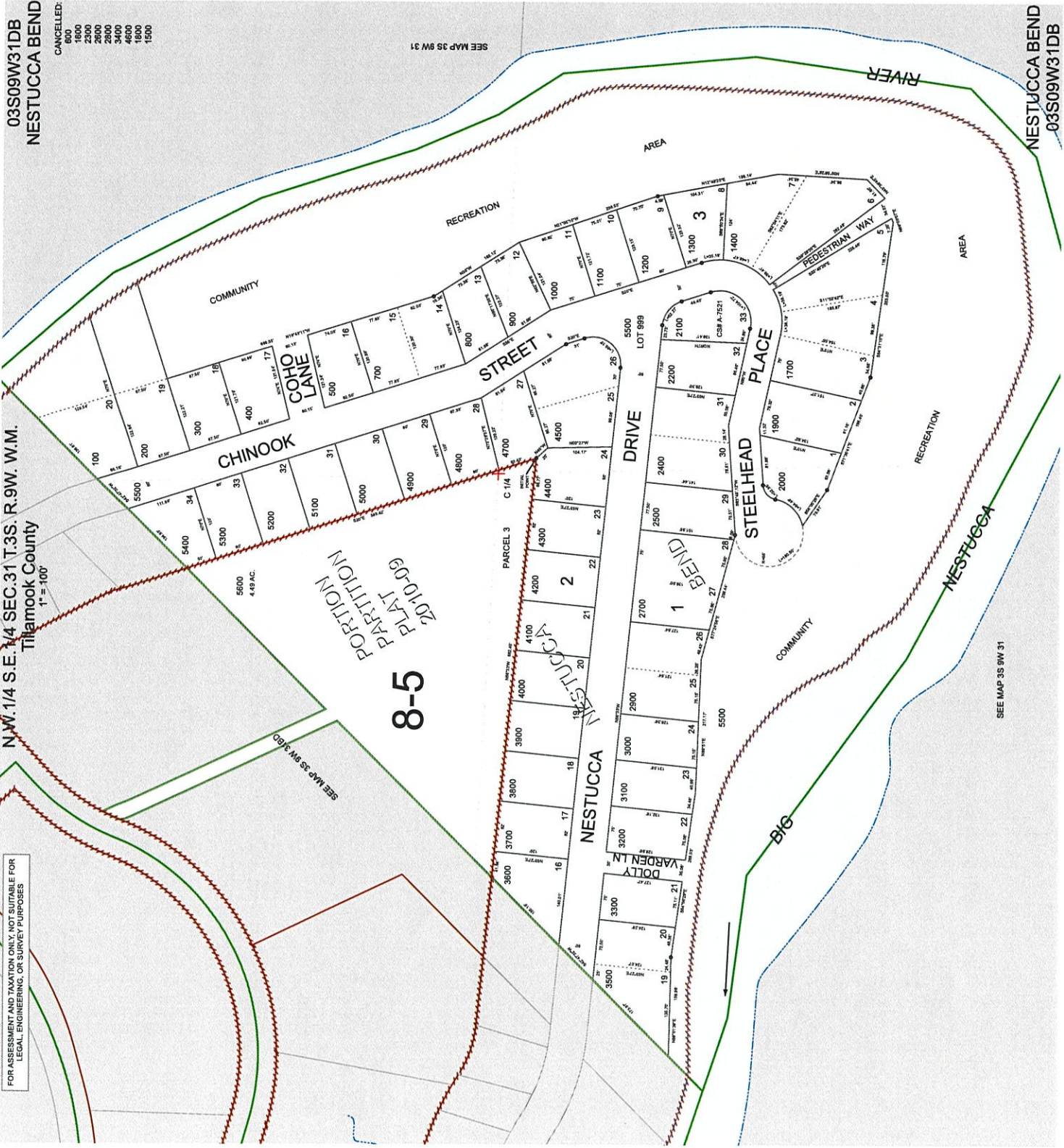
AREA

AREA

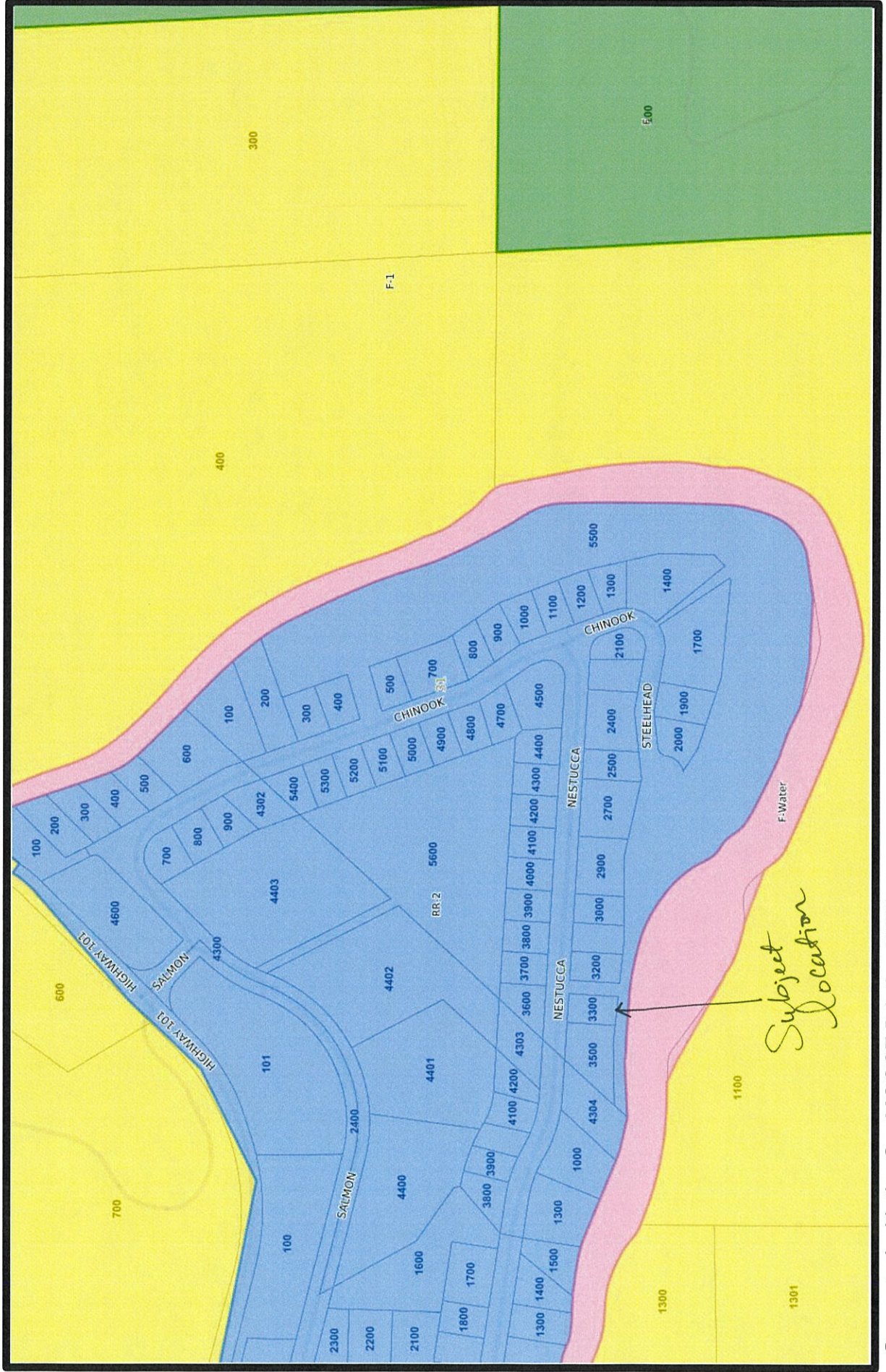
RECREATION

SEE MAP 3S 9W 31

NESTUCCA BEND
03S09W31DB
REV/ISED 6/16/17, WS



Map



National Flood Hazard Layer FIRMette

123°50'31"W 45°16'9"N



Legend

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

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone I

OTHER AREAS

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

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
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

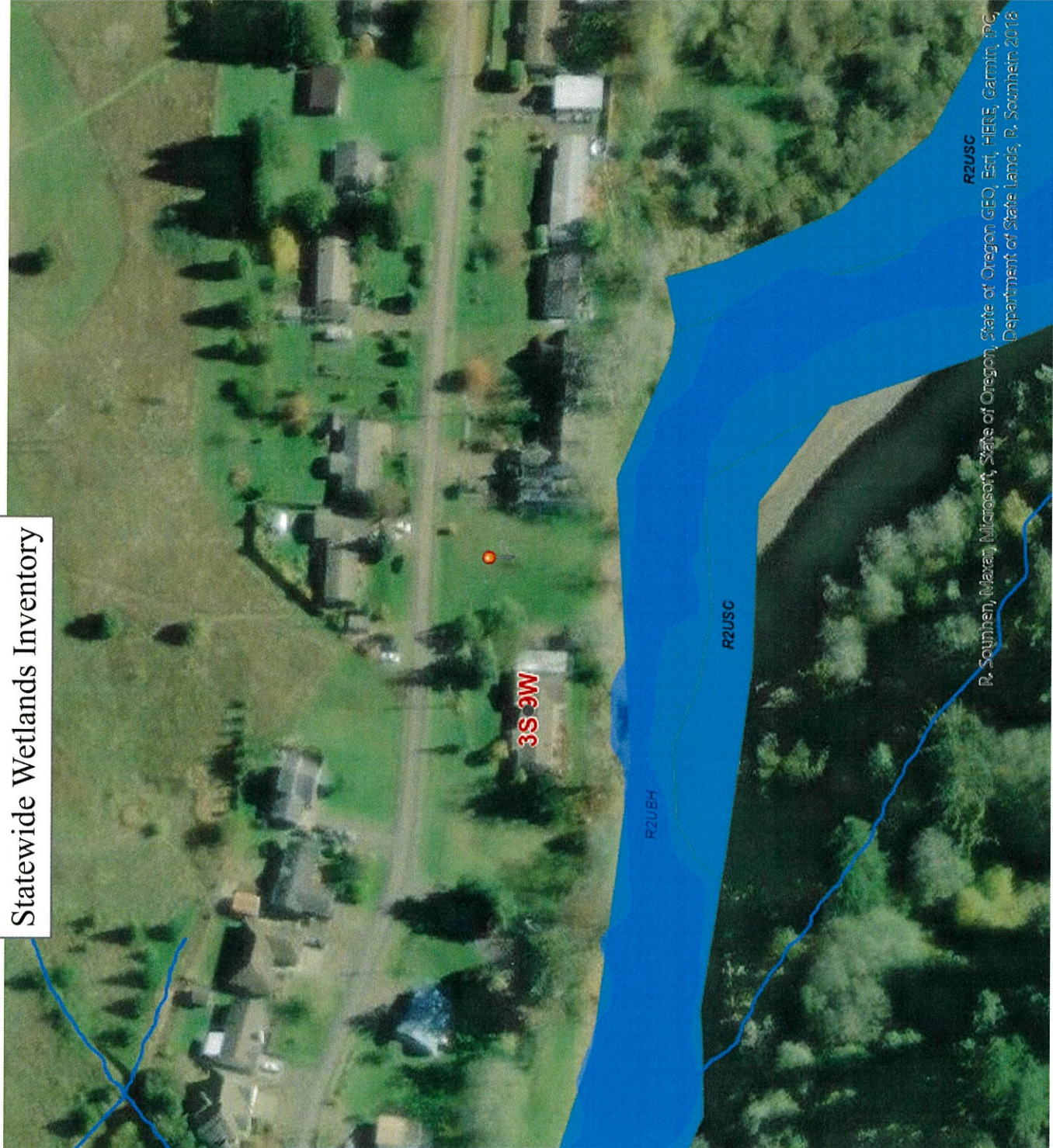
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/7/2024 at 7:13 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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



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

R. Souther, Maxay Microsoft, State of Oregon, State of Oregon GEO, Est. HERE, Garmin, PC, Department of State Lands, R. Souther 2018

Geologic Hazard Area

Catalog | Favorites | Visible | Results

Search catalog

Map Extras

Administrative Boundaries

Tax lots

County Boundaries



Non-Regulatory Planning

Physical

Debris Flow fans

Deep Landslide Susceptibility

Shallow Landslide Susceptibility

Rapidly Moving Landslides

Rapidly Moving Landslides

Beaches and Dunes Overlay Zone

Elevation

Highest Hit, OLC, 2008-19

Bare Earth, OLC, 2008-19

Aerial Photos

▶ State Imagery

▶ World Imagery

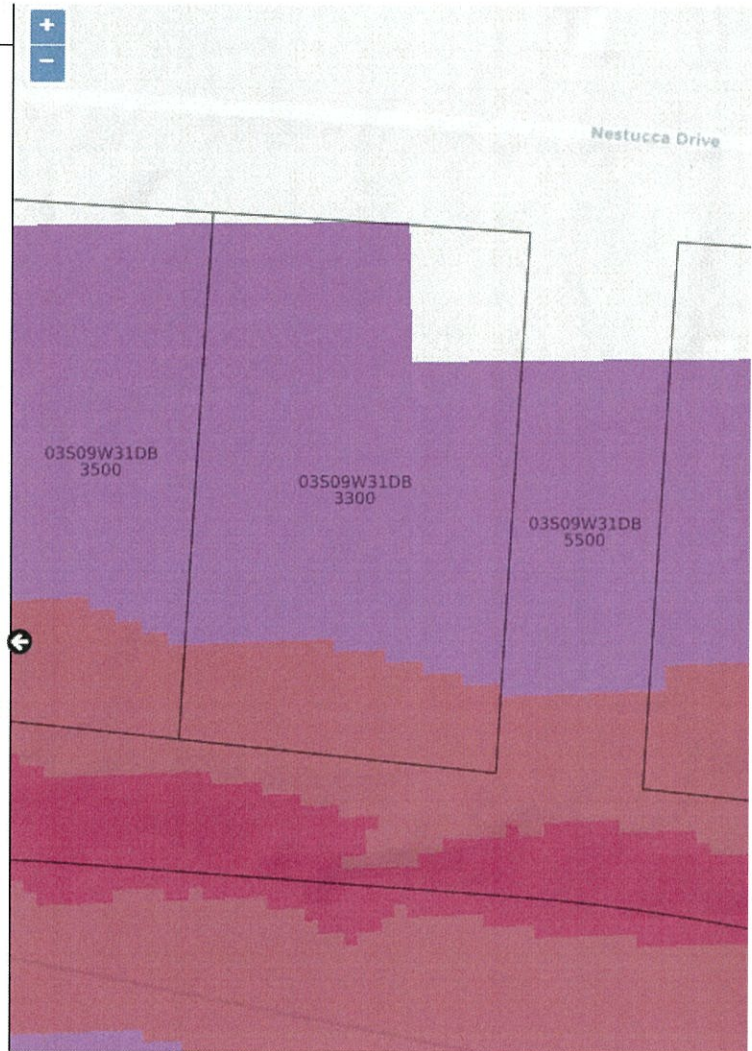
Basemaps

Carto

Light

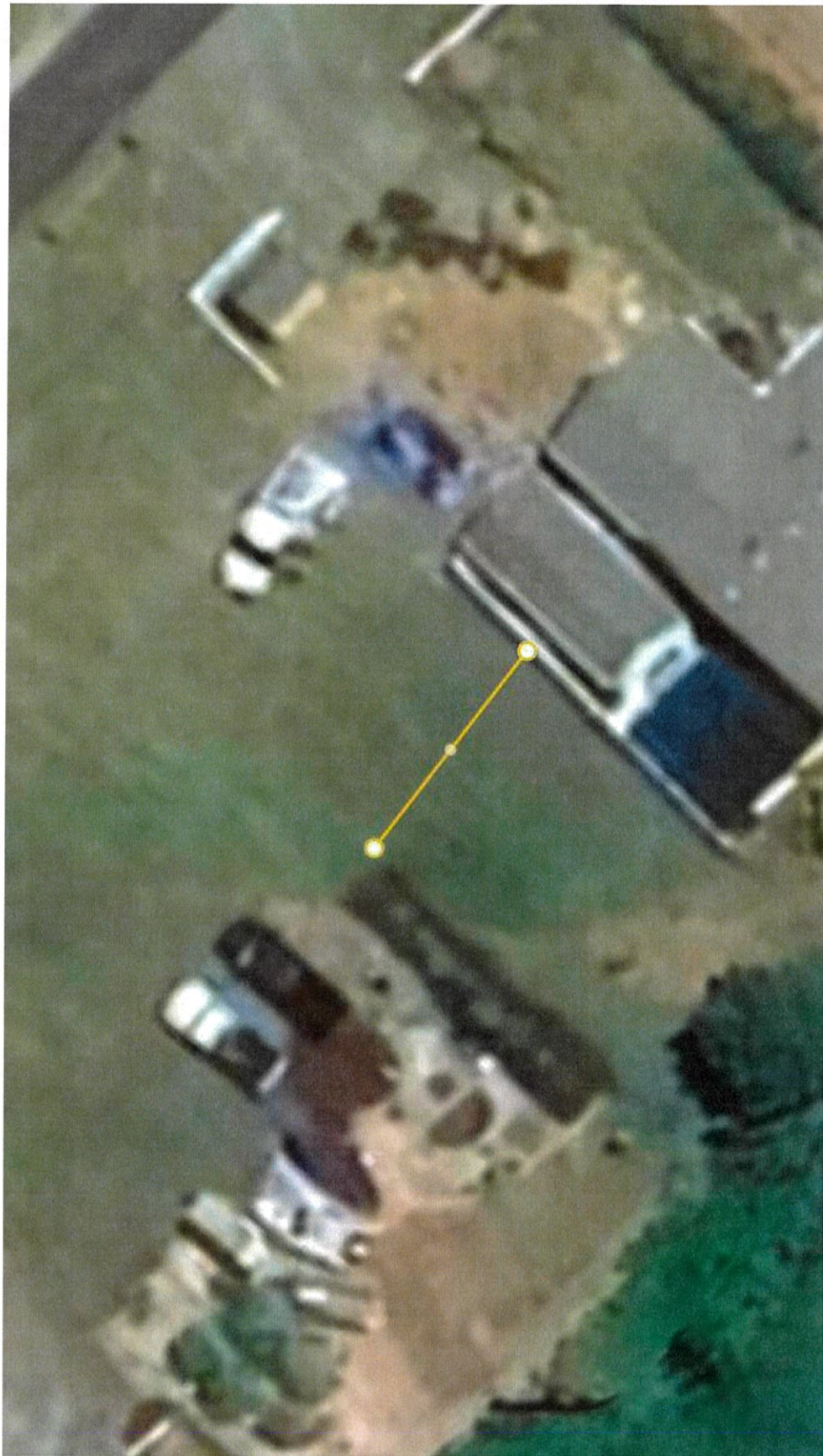
Voyager

▶ Esri





TOPOGRAPHY DEPICTION



APPROXIMATE LOCATION OF DOLLY VARDEN LANE- 35-FOOT RECREATION ACCESS LANE

Tillamook County
2023 Real Property Assessment Report
 Account 206244

Map 3S0931DB03300
Code - Tax ID 0805 - 206244

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr NESTUCCA BEND
 Block - 1 Lot - 21

Mailing KLEIN, JAMES R
 PO BOX 37
 CLOVERDALE OR 97112

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

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

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

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

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

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

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

EXHIBIT B



Tillamook County Department of Community

Development

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

PLANNING APPLICATION OFFICE USE ONLY

Date Stamp



Applicant (Check Box if Same as Property Owner)

Name: Phone: James Klein 503 812 0509

Address: 35 9W 31 DB 3300

City: State: Zip: Nestucca Dr. Cloverdale, OR 97112

Email: james.charmaine.klein@gmail.com

Property Owner

Name: Phone: (Same)

Address:

City: State: Zip:

Email:

Approved Denied

Received by: SS
Receipt #: 138535

Fees: 1,365.00

Permit No: 851-24-00384-PLNG

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

Type II

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

Type III

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

Type IV

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

Location:

Site Address:

Map Number: 35 9W 31 DB 3300 Nestucca Bend

Township Range Section Tax Lot(s)

Clerk's Instrument #: _____

Authorization

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

Property Owner Signature (Required)

Charmaine Klein James Klein

Applicant Signature

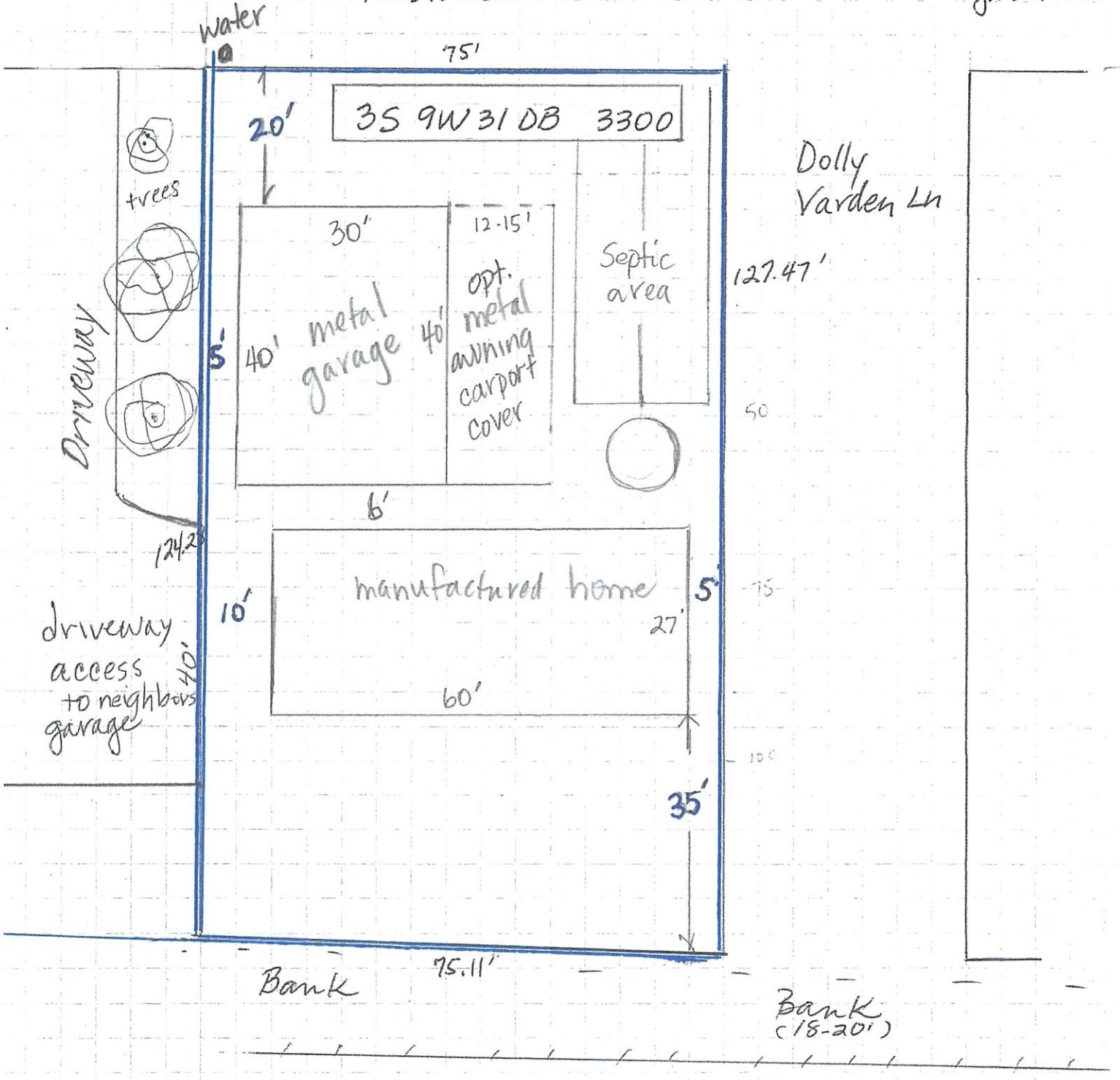
Date

Date

7/8/24

James Klein
James.charmaine.klein@gmail.com

Nestucca Drive



water

75'

35 9W 31 08 3300

20'

trees

Dolly Varden Ln

127.47'

Septic area

50

Driveway

5'

30'
40' metal garage
40' opt. metal awning carport cover
12-15'

6'



driveway access to neighbors garage

124.2'

10'

manufactured home
60' x 27' x 5'

75

100

35'

Bank

75.11'

Bank (18-20')

Nestucca River

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

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

Exhibit A to Deed
Rivergreen to Nestucca Bend Owners Association

Parcel 1:

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

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

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

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

Parcel 2:

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

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

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

Subject to all easements of record.

Beaver Water District
PO Box 306
Cloverdale, OR 97112
503-457-3570
beaverwaterdistrict@outlook.com

WATER AVAILABILITY

Date: 06/20/2024

To Whom It May Concern:

This letter is to inform you that Water service is available to the following lot within our District:

Township: 8S Range: 09E31 Section: DB Tax Lot: 03300

Physical Address: None at this time

According to our records the legal owner is: James Klein

Outstanding liens against the property listed above for Water: \$ 0.00

System Development Fees:

Water In District:

\$ 125.00

Received By: _____

Check Number: _____

COMMENTS: _____

[Signature]
Signature of Authorized Representative, Title

**No connection shall be made to water lines without a written agreement between the Beaver Water District and owner of the property. Line and connection inspections are required by the Water Operator, fees may apply. All connections shall be made in accordance with State, County, DEQ, OHA, and current plumbing guidelines.

3S0931DB03300

2 messages

BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov> Fri, Jun 21 at 3:47 PM

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

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

Sheila,

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

Robert

Robert W. Bradley

District Fish Biologist

Oregon Department of Fish and Wildlife

North Coast Watershed District

4907 Third St

Tillamook, OR 97141

503-842-2741 x18613 (w)

503-842-8385 (fax)

3S0931DB03300.jpg



3500

3300

3200

3100

3600

3700

3800

Nestucca Drive

Dolly Varden Lane

40

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

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

03S09W31DB
NESTUCCA BEND

CANCELLED:
600
1500
2300
2500
3000
3500
4000
4500
1600
1500



SEE MAP 35 9W 31

SEE MAP 35 9W 31

SEE MAP 35 9W 31

NESTUCCA BEND
03S09W31DB
REVISED 01/01/17, WS

EXHIBIT C

Nestucca Bend Owners Association

President, Sherrie Finnell
18400 Nestucca Drive
Cloverdale, OR 97112
503-664-6494
Finnell@gorge.net

Vice President, Tammy Heitsman
15820 Tye Road
Cloverdale, OR 97112
503-812-6897
Heits05@gmail.com

Secretary/Treasurer, Mary Groves
22600 Nestucca Drive
Cloverdale, OR 97112
503-812-3814
mgroves1@gmail.com

August 26, 2024



Department of Community Development
1510-B Third Street
Tillamook, OR 97141

ATTENTION: Shelia Shoemaker, Sarah Absher
REFERENCE: Variance request #851-24-000384-PLNG

Dear Madam,

The side setback is 15 feet if on a corner according to Tillamook County and NBOA CC&R's. Yet both variance request for the property at the location represented in variance request, 851-24-000384-PLNG and original home at 18955 Nestucca Drive which is also on a corner of Dolly Varden Lane have encroached with an out building and what appears to be a patio awning roof is on the property line with Dolly Varden Lane.

Now, we are asking about where the deck and front/back porch entrance for the mobile home will be. Are these items part of the calculations for the variance or are they outside of the measurements. According to the drawing attached to the variance, there is no provision for the porches or deck.

Is this going to be a second home or is she planning on living there. Is this property going to be a rental. The use of this property is a part of our understanding and decision making and we will need to understand future intentions.

We are requesting a 30-day extension on this variance request to allow the NBOA to have Dolly Varden Lane surveyed and to have these documents reviewed by our lawyer.

Please reply before the deadline of August 30, 2024.

Sincerely,

NBOA Board of Directors

EXHIBIT D



Land of Cheese, Trees and Ocean Breeze

Building (503)842-3407
Planning (503)842-3408
On-Site Sanitation (503)842-3409
FAX (503)842-1819
Toll Free 1 (800)488-8280

January 9, 2015

Peter Ng
168 Terrace Ave.
Oregon City, OR 97045

James Klein
2500 S 370th St. #208
Federal Way, WA 98003

RE: **Site Evaluation Results – Site Approval Permit #14-3397-S
T3S, R9W, Sec. 31DB, Tax Lot No. 3300, Tillamook County**

Dear Owner:

The above-described property was evaluated for suitability of on-site sewage disposal systems on the following date(s): **01/02/15**. Based on this evaluation, the following on-site sewage disposal systems are approved:

Initial system: Standard System with 188 lineal feet of absorption trenches*
Repair system: ATT System with 115 lineal feet of absorption trenches*
***refer to the site evaluation report for detailed system specifications**

Peak sewage flow is limited to a maximum of **375** gallons per day. This is normally sufficient to serve a single family dwelling of up to **3** bedrooms. The attached Site Evaluation Report includes more specific details and further conditions of the site approval.

This site evaluation is NOT a construction permit- When you are ready to proceed with system construction, contact this office for a permit to construct application package. The permit to construct must be issued before any construction can start on the property.

Request for Site Evaluation Report Review or Request for Variance- If you believe that an error was made in the evaluation of your property, you may apply for a Site Evaluation Report Review within 30 days of the site evaluation report issue date at a cost of \$640. If you would like to apply for a Variance from one or more of the On-Site Sewage Disposal rules, you may apply for a Variance at a cost of \$2080.

If you have any other questions about this report, please feel free to contact me at cchiola@co.tillamook.or.us or at (503) 842-3409.

Sincerely,

Chris Chiola, REHS
Environmental Program Manager
Tillamook County On-site Sanitation

**Site Evaluation Report for
On-Site Sewage Disposal System Suitability**

Site Location: **T3S, R9W, Sec. 31DB, Tax Lot No. 3300, Tillamook County**
Applicant: **Peter Ng & James Klein**
Date(s) of Site Evaluation: **January 2, 2015**
On-site Specialist: **Chris Chiola**
Date of Report: **January 9, 2015**

General Description of Site Evaluations

Sewage contains disease-causing organisms and other pollutants that can cause adverse impacts to human health and the environment. An on-site sewage disposal system must treat and dispose of sewage in a way that will not cause a public health hazard, contaminate drinking water supplies, or pollute public waters.

Proper treatment in an on-site system begins with primary treatment in the septic tank. The septic tank separates the solid particles in sewage from the liquid. The liquid that comes out of the septic tank is called effluent. The effluent may then be dispersed in the soil for further treatment or discharged into a secondary treatment device such as a sand filter or aerobic treatment unit prior to dispersal in the soil. For proper treatment, the effluent must slowly infiltrate into the underlying soil. Dissolved wastes and bacteria in the effluent are trapped or adsorbed to soil particles or decomposed by microorganisms. This process removes disease-causing organisms, organic matter, and most nutrients. Effluent that comes to the ground surface (through poor soils or other problems with the system) can be a possible health hazard because it may still contain some disease-causing organisms. Soil that drains too quickly may not give the effluent enough treatment and may result in groundwater contamination.

The purpose of the evaluation was to locate suitable soils in an area that is large enough for both the initial and the replacement disposal areas. The criteria used for this site evaluation can be found in Oregon Administrative Rules (OAR) 340-071.

Soil test pits and other site features were evaluated during the site visit on **January 2, 2014**. In the site inspection, the following features were evaluated:

- Soil types - how well they drain and other evidence of good soil structure for treatment
- Depth to temporary and permanent groundwater tables
- Wells located on the site or adjacent sites.
- Slopes, escarpments, ground surface variations, topography
- Creeks or springs on the site or adjacent properties
- Whether the soils have been disturbed
- Setbacks from property lines, buildings, water lines, and other utilities
- Other site features that could affect the placement of the on-site system.

Approved Systems

Initial System:

System Type:	Standard with Absorption Trenches
Minimum Septic Tank Size:	1000 gallons
Lineal Feet of Absorption Area:	188
Distribution Method:	Equal or Looped
Maximum Trench Depth:	36 inches
Minimum Trench Depth:	18 inches
Other Requirements:	None

Replacement System

System Type:	ATT with Absorption Trenches
Minimum Septic Tank Size:	1000 gallons
Lineal Feet of Absorption Area:	115
Distribution Method:	Equal or Looped
Maximum Trench Depth:	36 inches
Minimum Trench Depth:	18 inches
Other Requirements:	A system stake-out may be required to ensure adequate area is available

Attached is the Site Evaluation Field Worksheet, which shows the approved areas and other details of the field investigation.

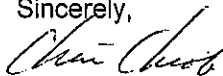
Additional Conditions of Site Approval

1. This site is approved for the type of on-site system described above. Peak sewage flow into the system is limited to a maximum of **375** gallons per day, with an average daily sewage flow of not more than approximately half of the peak sewage flow. This is normally sufficient to serve a single family dwelling with a maximum of **three** bedrooms. Premature failure of the treatment system may occur if these flow quantities are exceeded. If for some reason it is expected that the domestic household water use may exceed these flows, it would be advisable to increase the size of the treatment system.
2. Any alteration of natural soil conditions (i.e. cutting or filling) in the acceptable area may void this approval.
3. Both the initial and replacement disposal areas are to be protected from traffic, cover, development or other potential disturbance of natural soil conditions.
4. The area must not be subjected to excessive saturation due to, but not limited to, artificial drainage of ground surfaces, roads, driveways and building down spouts.
5. This approval is given on the basis that the parcel described above will not be further partitioned or subdivided.
6. Placement of a well within 100 feet of the approved areas may invalidate this approval.
7. All setbacks required in the On-site Wastewater Treatment System Rules must be met for the proposed initial and repair systems.

This site approval is valid until the system approved above is constructed in accordance with a construction permit issued by Tillamook County. Technical rule changes shall not invalidate this approval, but may require the use of a different kind of system. If there is a technical rule change affecting this site approval, the Department will attempt to notify in writing the current property owner as identified by the county assessor's records. The site approval runs with the land and will automatically benefit subsequent owners.

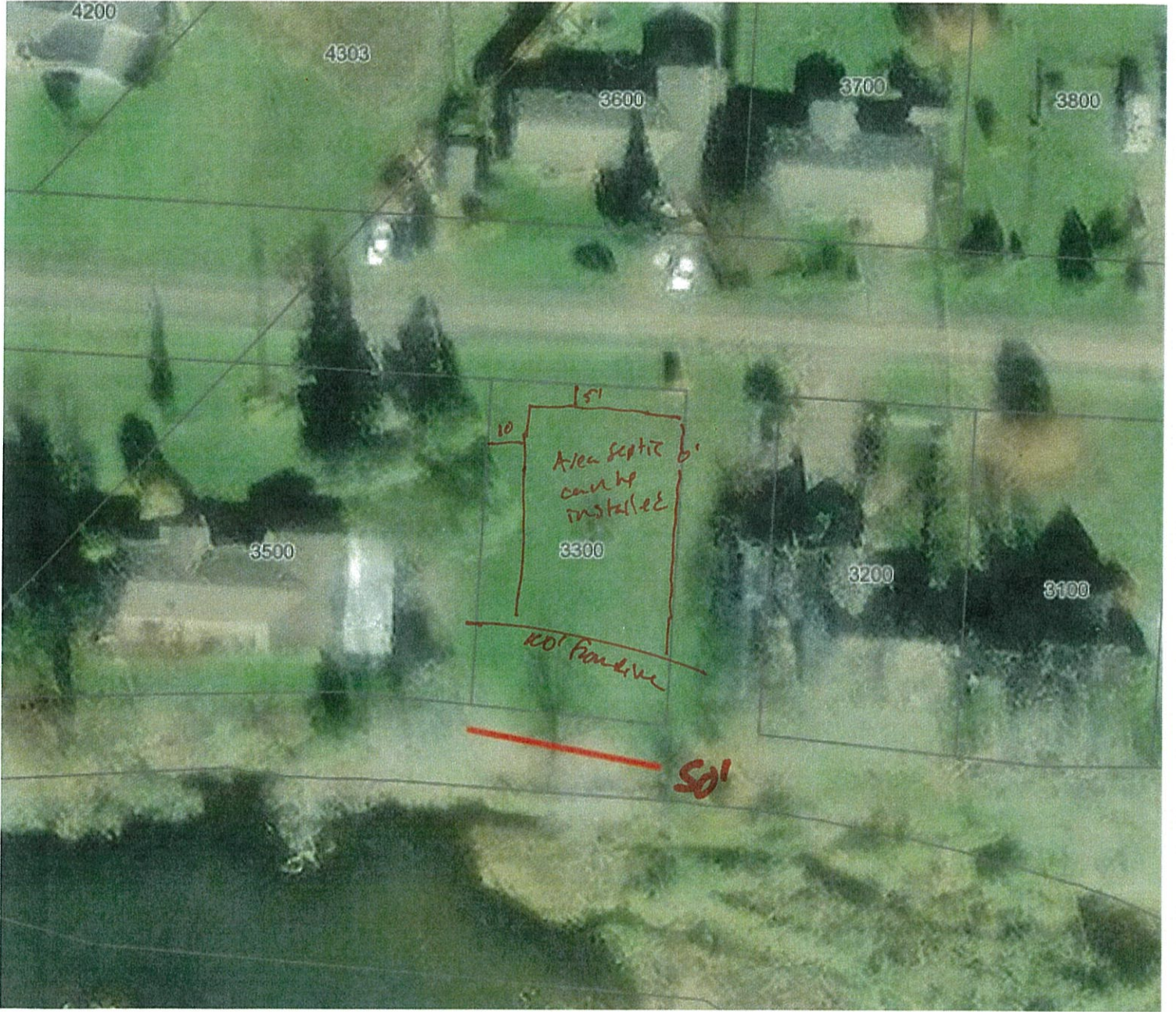
If you have any additional questions or concerns, please contact me at cchiola@co.tillamook.or.us or at (503) 842-3409.

Sincerely,



Chris Chiola
Environmental Program Manager
Tillamook County Onsite Sanitation

attached: Field Worksheet and Plot Plan
rev. 02/11/2014



Township: 3S Range: 9W

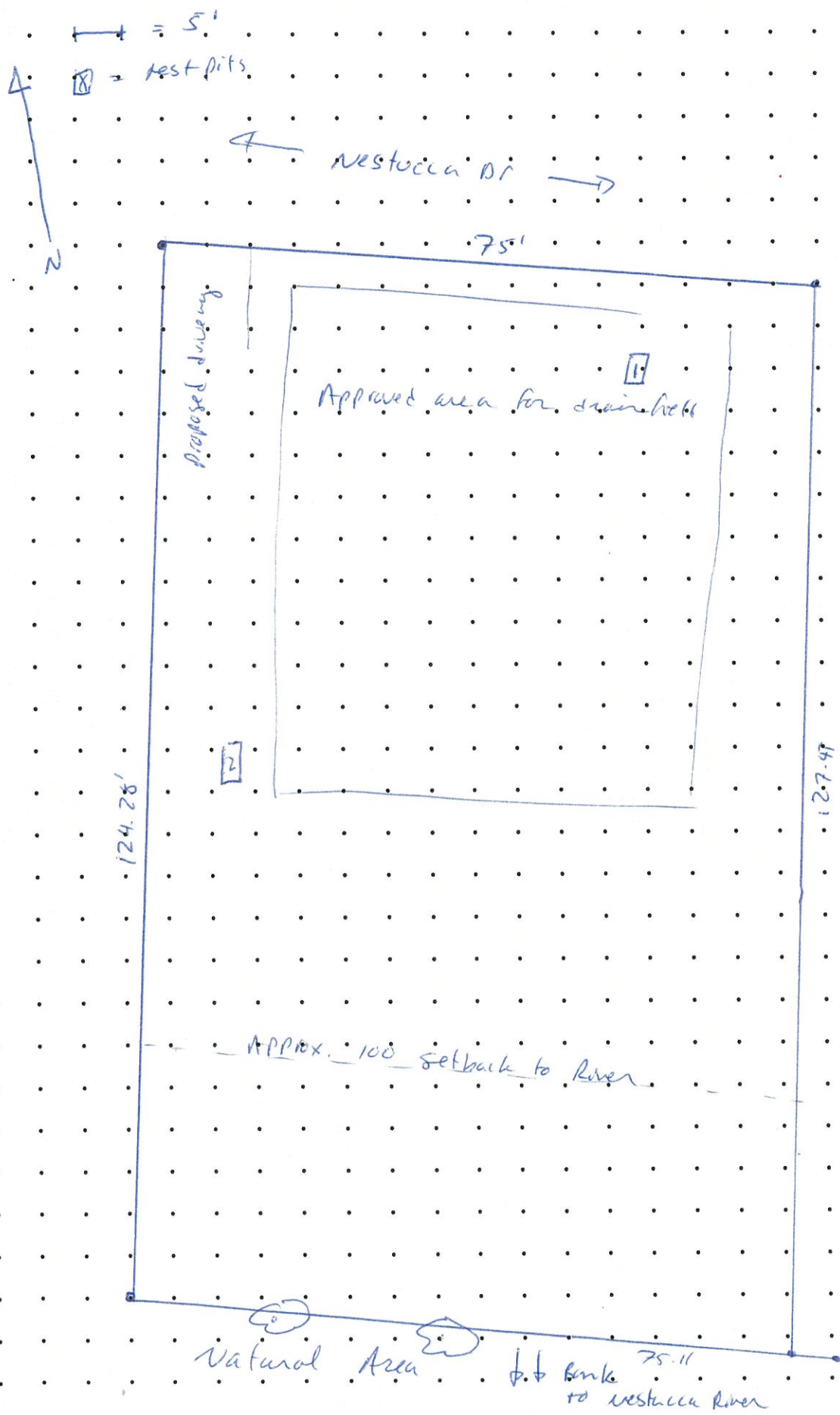
Section: 31DB Property ID: 3300

Owner/Applicant: Ng / Klein

Evaluator: Chiola

Inspection Date(s): 1-2-15

Application Number: 14-3392



SITE EVALUATION FIELD WORKSHEET

Township: 35 Range: 310B Section: 310B Property ID: 3300
 Owner/Applicant: Peter NG / James Klein Evaluator: Cheri Clark
 Inspection Date(s): 1-2-15 Application Number: 14-3397

DEPTH	TEXTURE	SOIL MATRIX COLOR AND CONDITIONS ASSOCIATED WITH SATURATION, ROOTS, STRUCTURE, EFFECTIVE SOIL DEPTH, ETC...
Pit 1	0-3"	fill
	3-24"	compacted fill
	24-52'	10YR 4/4 2-mshk m-uf
		10YR 4/3 2-mshk w-uf, f-f
Pit 2		
		very sandy
Pit 3		
Pit 4		

Landscape Notes: river terrace
 Slope: 25% Aspect: S Groundwater Type: None observed
 Other Site Notes: moisture in test pits was frozen @ time of inspection

SYSTEM SPECIFICATIONS

Design Flow: 450 gpd
 Initial System: standard / or redundant if need be Treat. Std. (if applicable): _____
 Disposal Facility: 75/150 gal linear feet/square feet Maximum Depth: 36 inches Minimum Depth: 18 inches
 Replacement System: ATI Treat. Std. (if applicable): _____
 Disposal Facility: _____ linear feet/square feet Maximum Depth: _____ inches Minimum Depth: _____ inches
 Special Conditions: _____

EXHIBIT E

Tillamook County
2024 Real Property Assessment Report
 Account 206208

Map 3S0931DB03000
 Code - Tax ID 0805 - 206208

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr NESTUCCA BEND
 Block - 1 Lot - 24

Mailing GIBSON, WILLIAM J & HARRIET R
 18999 NESTUCCA RIVER RD
 CLOVERDALE OR 97112

Deed Reference # 2020-2797
 Sales Date/Price 05-05-2020 / \$175,100
 Appraiser EVA FLETCHER

Property Class 409 MA SA NH
 RMV Class 409 06 WF 603

Site	Situs Address	City
1	18999 NESTUCCA DR	COUNTY

Code Area		RMV	MAV	AV	RMV Exception	CPR %
0805	Land	131,220		Land	0	
	Impr	50,860		Impr	0	
Code Area Total		182,080	86,880	85,590	0	
Grand Total		182,080	86,880	85,590	0	

Code Area		Plan	Value Source	Trend %	Size	Land Class	Trended RMV
0805			LANDSCAPE - FAIR	100			500
	1	<input checked="" type="checkbox"/>	Market	96	0.22 AC		112,720
			OSD - AVERAGE	100			18,000
Code Area Total					0.22 AC		131,220

Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex% MS Acct	Trended RMV
0805	1	2003	910	M S Other Improvements	102	0		7,320
	2	1986	962	Class 6, Double Wide	118	1,512	R-409620	43,540
Code Area Total						1,512		50,860

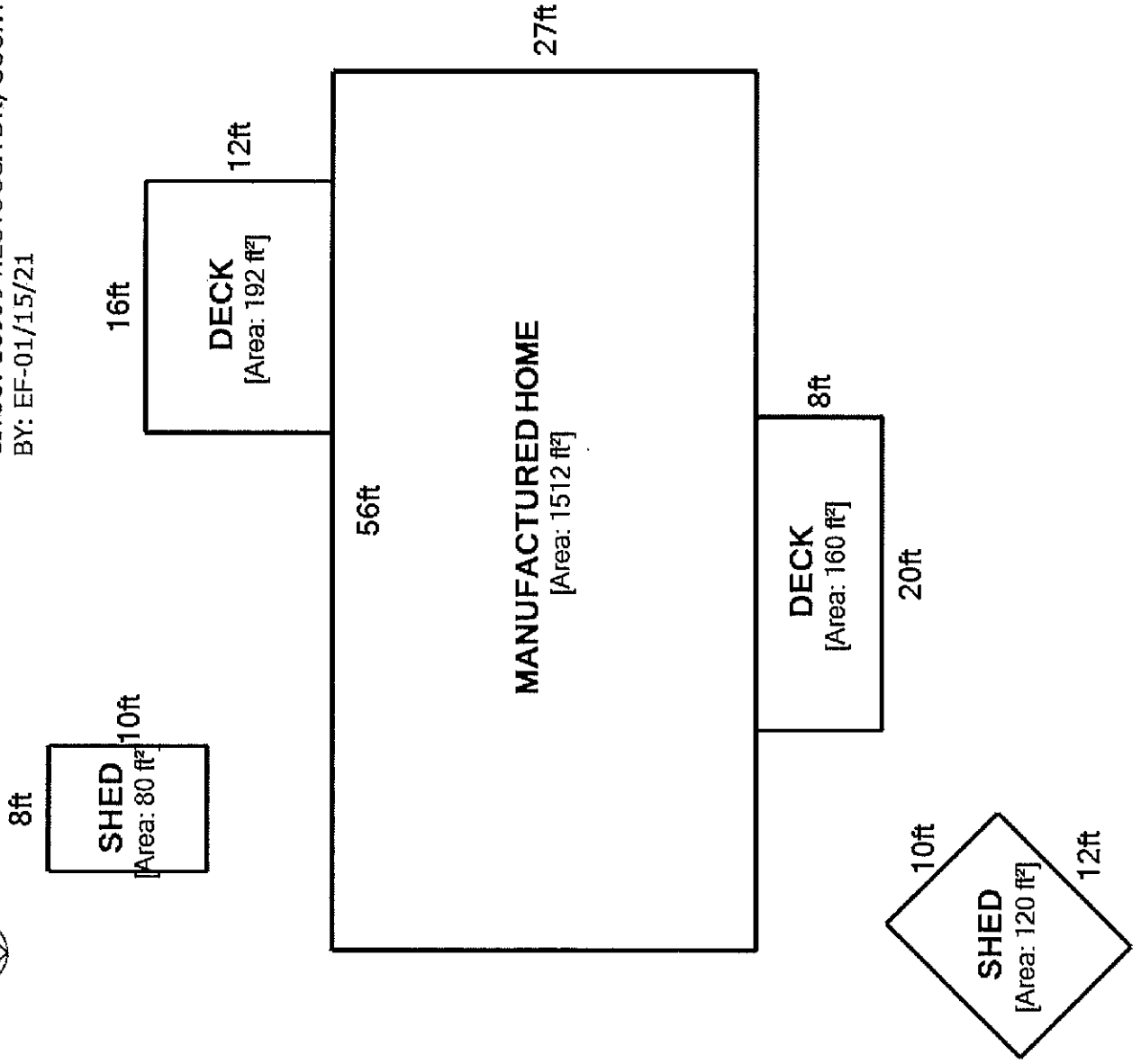
Exemptions / Special Assessments / Notations				
Code Area	Special Assessments	Amount	Acres	Year Used
0805	■ SOLID WASTE	12.00	0.00	2024

MS Accounts 0805 - R-409620

Comments 3/17/04 New "real" ms placed. KM
 03/03/2011 - Reappraisal, updated inventory - tabled values, KL.
 2/17 Reapp. of land with tabled values. RCW
 01/15/21 Sales review. Updated accessories and class - RMV only. MS is undergoing a remodel - no change to value at this time. Added new shed and applied exception.ef



MAP ID: 3509 31DB 03000
ACCT: 206208
SITUS: 18999 NESTUCCA DR, COUNTY
BY: EF-01/15/21



Tillamook County
2024 Real Property Assessment Report
 Account 205600

Map 3S0931BD04000
Code - Tax ID 0805 - 205600

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr NESTUCCA BEND
 Block - 2 Lot - 13

Mailing MCCONKEY, MACK E & MARGUERITE D
 18550 NESTUCCA DR
 CLOVERDALE OR 97112

Deed Reference # (SOURCE ID: 439-713)
Sales Date/Price 09-16-2002 / \$160,000
Appraiser

Property Class 401 MA SA NH
RMV Class 401 06 ST 601

Site	Situs Address	City
1	18550 NESTUCCA DR	COUNTY

Code Area		RMV	MAV	AV	RMV Exception	CPR %
0805	Land	128,690		Land	0	
	Impr	306,100		Impr	0	
Code Area Total		434,790	244,920	244,920	0	
Grand Total		434,790	244,920	244,920	0	

Code Area		Plan	Value Source	Trend %	Size	Land Class	Trended RMV
0805			LANDSCAPE - AVERAGE	100			1,500
	1	<input checked="" type="checkbox"/>	Market	96	0.18 AC		109,190
			OSD - AVERAGE	100			18,000
Code Area Total					0.18 AC		128,690

Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex% MS Acct	Trended RMV
0805	1	1996	141	One story	102	1,718		306,100
Code Area Total						1,718		306,100

Exemptions / Special Assessments / Notations			
Code Area	0805		
Exemptions (AV)	Amount	Letter Year	
■ VETERANS AND SPOUSES 307.250 SERVICE RELATED	30,646	2024	
Special Assessments	Amount	Year Used	
■ SOLID WASTE	12.00	2024	

Comments 10/13/08 Phase 1 review, update inventory. PF
 02/11/11 - Reappraisal, updated inventory - tabled values, KL.
 2/17 Reapp. of land w/tabled values. RCW

Tillamook County
2024 Real Property Assessment Report
 Account 205584

Map 3S0931BD03900
Code - Tax ID 0805 - 205584

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr NESTUCCA BEND
 Block - 2 Lot - 12

Mailing PYLE, DUANE MARTIN TRUSTEE &
 PYLE, ROSEMARY KATHRYN TRUSTEE
 18500 NESTUCCA DR
 CLOVERDALE OR 97112

Deed Reference # 2024-1386
Sales Date/Price 04-02-2024 / \$0
Appraiser RANDY WILSON

Property Class 401 MA SA NH
RMV Class 401 06 ST 601

Site	Situs Address	City
1	18500 NESTUCCA DR	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
0805	Land	127,690		Land	0	
	Impr	248,780		Impr	0	
Code Area Total		376,470	209,280	209,280	0	
Grand Total		376,470	209,280	209,280	0	

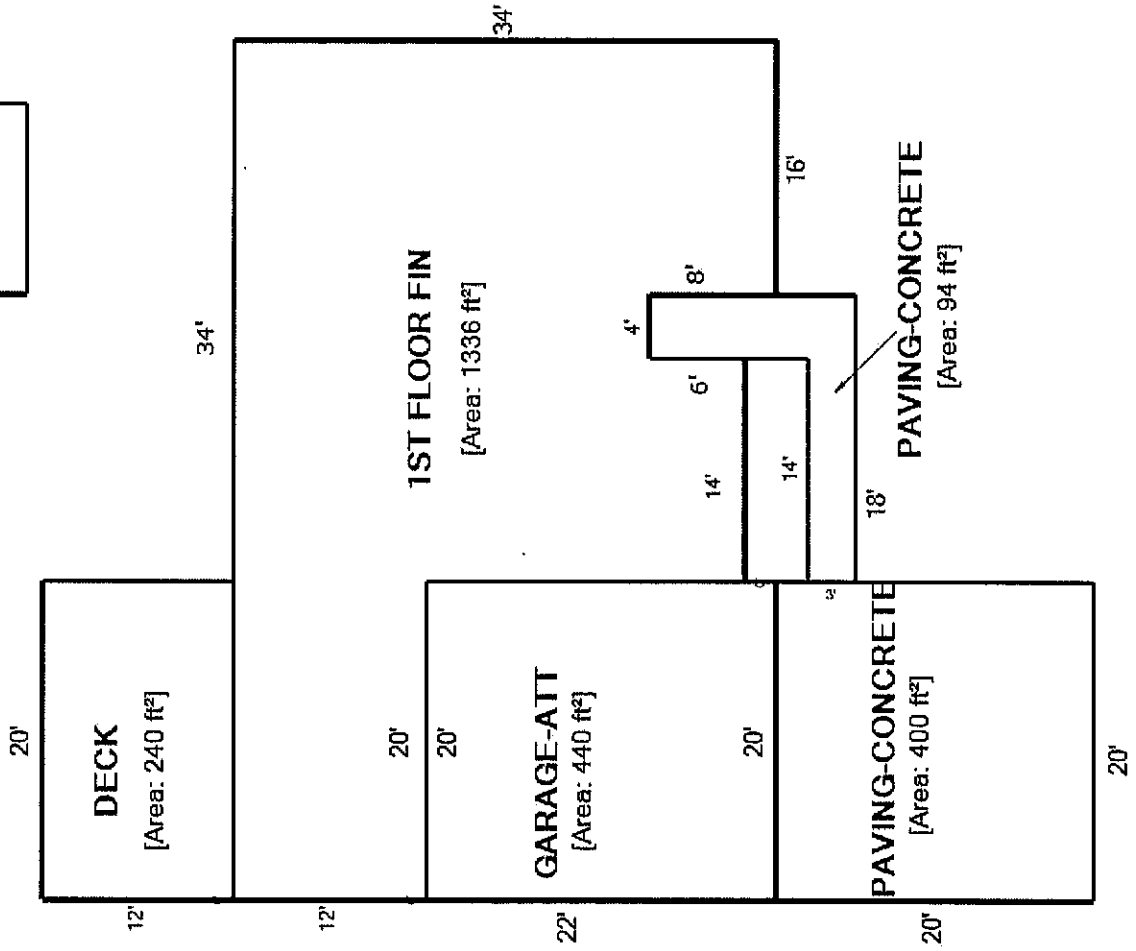
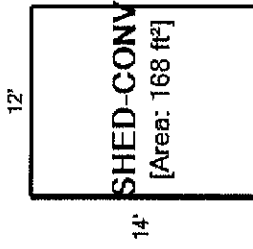
Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0805					LANDSCAPE - FAIR	100			500
	1	<input checked="" type="checkbox"/>		RR-2	Market	96	0.19 AC		109,190
					OSD - AVERAGE	100			18,000
Code Area Total							0.19 AC		127,690

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
0805	1	1995	141	One story	102	1,336			248,780
Code Area Total						1,336			248,780

Exemptions / Special Assessments / Notations			
Code Area	0805		
Exemptions (AV)	Amount	Letter Year	
▪ VETERANS AND SPOUSES 307.250 SERVICE RELATED	30,646	2023	
Special Assessments	Amount	Year Used	
▪ SOLID WASTE	12.00	2024	

Comments 02/23/11 - Reappraisal, updated inventory - tabled values, KL.
 2/17 Reapp. of land w/tabled values. RCW

MAP: 3S0931BD03900
ACCT: 205584
SITUS: 18500 NESTUCCA DR.
BY: KL-02/23/2011



Tillamook County
2024 Real Property Assessment Report
 Account 205842

Map	3S0931DB00400	Tax Status	Assessable
Code - Tax ID	0805 - 205842	Account Status	Active
		Subtype	NORMAL
Legal Descr	NESTUCCA BEND Block - 3 Lot - 17		
Mailing	GREEN, TIMOTHY K PO BOX 547 TILLAMOOK OR 97141	Deed Reference #	2020-2239
		Sales Date/Price	04-09-2020 / \$318,500
		Appraiser	RANDY WILSON
Property Class	401 MA SA NH		
RMV Class	401 06 WF 603		

Site	Situs Address	City
1	25855 CHINOOK ST	COUNTY

Value Summary					
Code Area	RMV	MAV	AV	RMV Exception	CPR %
0805	Land 131,220		Land	0	
	Impr 309,050		Impr	0	
Code Area Total	440,270	230,310	230,310	0	
Grand Total	440,270	230,310	230,310	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0805					LANDSCAPE - FAIR	100			500
	1	<input checked="" type="checkbox"/>		RR	Market	96	0.24 AC		112,720
					OSD - AVERAGE	100			18,000
Code Area Total							0.24 AC		131,220

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
0805	1	1999	141	One story	102	1,488			309,050
Code Area Total						1,488			309,050

Exemptions / Special Assessments / Notations			
Code Area	Special Assessments	Amount	Year Used
0805	■ SOLID WASTE	12.00	2024

Comments 10/13/2008 Phase 1 review, updated inventory. PF
 03/02/11 - Reappraisal, updated inventory - tabled values, KL. 2/17 Reapp. of land w/tabled values and an updated size change per GIS calculations. RCW
 3/25/21 Riverfront adjustment applied for non-exclusive easement over common area, RMV only. LM