



January 29, 2026

Melissa Jenck, Senior Planner
Tillamook County Community Development Department
Planning Division
1510 Third Street, B
Tillamook, Oregon 97141

RE: Sahhali South Planned Development (202218)
Concurrent Conditional Use and Replat (Preliminary Plat) Applications
Applicant's Response Letter to Open Record Period Comments

Assessor's Map: 5S-11W-24AB
Tax Lots: 1300, 1301, 1400, 1500, 1600, 1700, 1800, 1900, 4600, 4700, 4800, 4801 & 5900
Property Address: Vacant – Individual properties not yet assigned
Owner/Applicant: Sahhali South LLC
840 Beltline Road, Suite 202
Springfield, Oregon 97477
Contact: Richard Boyles
541.284.0613
rboyles@sycan.com
Owner/Applicant's Representative: TBG Community Planning Group LLC
PO Box 10248
Eugene, Oregon 97440
Contact: Kristen Taylor or Zach Galloway
541.687.1010 Ex 115 or Ex 122
ktaylor@tbg-arch.com or zgalloway@tbg-arch.com

Ms. Jenck,

On behalf of the Applicant, Sahhali South LLC, we are providing the following response letter to rebut the public testimony received prior to and following the January 8, 2026, public hearing before the Tillamook County Planning Commission on the concurrent Conditional Use (CU) and Replat applications regarding property located within the Sahhali South subdivision. The purpose of this letter is to correct the record by providing factually accurate information about the applications and respond to potentially relevant information and assertions made by adjacent property owners ("opponents"). It is our intent to provide accurate information, clarifications about the proposed amendments, and reinforce the codified County process that is the purview of the Planning Commission as the decision-making body for the subject applications.

It should be noted that the proposed amendments to the previously approved Planned Development are enabled by the codified processes in Tillamook County Land Use Ordinance (LUO) and Land Division Ordinance (LDO). Per LUO 3.320, a Planned Development (PD) is conditionally permitted in the NeskRR zone, which requires a Conditional Use review. The proposed concurrent applications are amendments to existing, previously approved Planned Developments to enable the reconfiguration of existing lot lines within a previously approved and recorded subdivision (County File Nos. PD 05-13, CU 07-14, MP 08-

02). These prior County decisions established development areas, setbacks similar to those currently proposed, and specific housing types that are allowed elsewhere in Sahhali South, as well as in the underlying base zone.

The Planning Commission must address comments about these proposed concurrent applications that relate to applicable approval criteria per the Tillamook Land Use Ordinance (LUO) and Land Division Ordinance (LDO). See Rosenzweig v. City of McMinnville, 64 Or LUBA 402, 410-411 (2011). Comments made by opponents that are unrelated to the approval criteria are addressed below.

HOA OUTREACH AND COORDINATION

Before addressing the development-related issues raised by opponents, the Applicant would like to present contextual information regarding the outreach to the Sahhali South Homeowners Association (HOA). Following the 2022 withdrawal of the prior application, the Applicant coordinated closely with the HOA, convened meetings to present the proposed plans that are the subject of the current applications, and held votes to determine the level of community support for the proposed changes. Except for the 5-foot street-side setback on the north side of proposed Lot 46 abutting Tyee Court, the Sahhali South HOA voted in favor of each of the proposed changes. The voting results are provided in Attachment K to the Applicant's written statement.

- Although not required by Tillamook County land use regulations, these coordination efforts demonstrate the Applicant's intent to involve the surrounding Sahhali South neighbors in the process, which is counter to the assertions of some opponents.

APPLICATION SUBMITTAL TIMING

Several opponents assert in their testimony that the timing of the application was inappropriate in some manner because a similar prior application was submitted in 2022. Like many other jurisdictions, Tillamook County requires that an application denied by the County cannot be filed for at least 6 months from the date of the final order of denial. The Applicant withdrew the prior application; it was not denied. This codified prohibition is not applicable. The current application was submitted in accordance with all relevant County procedures.

- The opponents have not presented any relevant objections to the submittal that would preclude the County from processing the concurrent applications. The Applicant has adhered to the codified procedural requirements of Tillamook County.

PROCEDURAL MATTERS – PUBLIC RECORD FROM A DIFFERENT APPLICATION

The public testimony provided by Jennifer Bierce dated January 2, 2026, includes 4 pages of testimony related to the subject applications. It also includes 158 pages of public testimony and documentation from 2022 that appear to have been submitted in response to a different land use application. This is not presented as a precedent of prior County actions to advance a particular objection. Also, these additional documents from 2022 are signed by individuals other than Ms. Bierce and are, in some cases, generated by public agency staff in regard to issues that are not part of the current applications.

- The Applicant requests that this material be acknowledged and rejected, as it references a different application that is not relevant to the subject application, and was potentially not authored by Ms. Bierce. Per OAR 661-010-0025(1)(b), LUBA's rules of procedure regarding the record indicate that the local government can reject testimony not relevant to the application.

RESPONSE TO PUBLIC TESTIMONY

The following rebuttal is organized by a general issue or topic that members of the public addressed in their testimony. Each topic area is indicated by a Roman numeral, followed by a summary of that topic in ***bold italicized text*** with specific text, citations, or examples provided as a guide between the opponent's letter and the testimony. Each section concludes with the Applicant's response to the topic or objection in normal text.

I. Approval Criteria

Summary/Examples: *Two letters cite LUO 6.040(3) and (4) (Bentson, L. January 1, 2026; Hammack, K., January 1, 2026).*

The Planning Commission is charged with reviewing and rendering a decision on the proposed applications based on the Applicant's demonstrated ability to meet the codified approval criteria. The Applicant has met that burden of proof, as demonstrated in the application, written statement, and supporting attachments dated November 7, 2025. Similarly, any objections to the Applicant's findings must be based on the relevant approval criteria. Upon reviewing the public testimony, we identified one reference to the approval criteria in two letters. In this reference to the codified approval criteria, the 2 opponents restate the cited criterion as a negative conclusory statement. The cited criterion LUO 6.040(3) is simply changed from codified text "[t]he parcel is suitable for the proposed use..." to the conclusory "[t]he parcel is not suitable for the proposed use...". The same response is applied to LUO 6.040(4). However, no evidence or justification is provided.

- In the absence of evidence supporting these statements, the Applicant is not able to rebut and the Planning Commission should rely upon the written statement provided by the Applicant that demonstrates compliance with these criteria.

In other testimony, there are references to the purpose language of the entire County land use code (LUO 1.020) and the Neskowin Rural Residential zone (LUO 3.320) without accompanied substantiated testimony tied to the applicable application approval criteria for the proposed project. The Applicant has submitted concurrent applications that demonstrate compliance with the applicable criteria.

- The purpose statements of the LUO and NeskRR zone are not approval criteria applicable to a specific land use application and development proposal.

II. Character of the Community

Summary/Examples: *Several opponents suggest that the proposed amendments will adversely alter the character of the community. Opponents do not necessarily cite the criterion, but several letters reference portions of the text within LUO 3.520(3)(b)(7) and LUO 6.040(4), which are excerpted below.*

- (7) *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.***
- (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.***

When considering the criteria and the effect on the application, the approval criterion must be read in total. The final clause of the sentence states the threshold for a decision maker to determine if a use can be sited in a specific location. That threshold is limiting, impairing, or preventing the use of the surrounding property for the permitted uses in the underlying NeskRR zone. One can imagine a scenario where these PD and CU criteria would be invoked to prevent a noxious use (e.g., a garbage landfill or pig farm) that could substantially limit, impair, or prevent the surrounding properties from being developed because of the associated nuisances, stench, or noise. This is not that case. The proposed amendments and replat allows single-family detached dwellings in an area that currently allows such uses, reduces the width of a single street-side setback on a single property line from 10-feet to 5-feet, increases the overall amount of open space within the Sahhali South subdivision, and maintains the same overall density established through the original, previously approved Planned Development (County File No. PD 05-13).

- Nothing in the Applicant's proposal limits, impairs, or prevents the surrounding properties from being developed with the uses permitted in the NeskRR zone.

III. *Consistency with the zone*

Summary/Examples: *Opponents asserts that mixing housing types – single-unit detached and townhomes is inconsistent with the zoning. (Bentson, L. January 1, 2026; Hammack, K., January 1, 2026). Other opponents have objected specifically to the setbacks or more broadly to the amendment to a previously approved planned development.*

The Applicant has proposed amendments that allow single-family detached dwellings on lots that currently allow only attached townhouses. The application identifies lot pairs (2 lots) that can be used for the construction of a single-family detached dwelling. The Planning Commission has approved and created a precedent for lots within Sahhali South being used for construction of a single-unit detached dwelling (County file no. 851-23-000118-PLNG). In addition to this precedent, the NeskRR zone includes a mixture of housing types as "uses permitted outright." These housing types include single-family dwelling, duplex (in any attached or detached configuration), and townhouse (up to 4 attached dwellings).

- The proposed amendments are consistent with the applicable approval criteria and the proposed housing types – single-family detached dwelling and townhouse – are permitted in the NeskRR zone, as enabled per LUO 3.520(2)(b) that states "[a] planned development may include any uses and conditional uses permitted in the RR ... zone."

Also, it should be noted that the proposed amendments to the previously approved Planned Development are enabled by the codified process. Per LUO 3.320, a Planned Development (PD) is conditionally permitted in the NeskRR zone, which means a Conditional Use review is required. Then, per LUO 3.520(2), the codified procedures allow a PD within the Rural Residential zones, including the NeskRR zone. Further, although the code states that the density of a PD is based on that of the underlying zone, it explicitly states that the “[d]imensional standards for lot area, depth, width, and all yard setback standards of the underlying zone shall not apply and these standards shall be established through the Planned Development approval process.” The proposed setbacks are slight revisions to existing standards established by previously approved Planned Developments, as described above.

- As demonstrated in the written statement, the Applicant has adhered to the procedural requirements of the Conditional Use review and Planned Development processes. In so doing, the Applicant has proposed applying consistent setback standards across Sahhali South that are consistent with the applicable approval criteria.

IV. Open Space Relocation

Summary/Examples: Opponents suggest that the open space area should be publicly accessible and treated as common area for neighbors. Some opponents cited the cluster subdivision definition (LDO Section 020) and text therein that referenced open space (Bierce, J., January 2, 2026)

The codified County approval criteria for a Conditional Use and a Planned Development do not include minimum areas that must be reserved as open space within an overall development area. There are also no definitions of “open space” in either the LUO or LDO. The reference to open space in the codified definition of “cluster subdivisions” is irrelevant here, as Sahhali South was previously approved through the Conditional Use and Planned Development procedures. Sahhali South is not a cluster subdivision. Lastly, it should be noted that the proposed new location for the open space is larger than the previously approved open space – existing 0.34 acre, proposed 0.88 acre – within the Sahhali South subdivision and is now contiguous with the larger conservation area to the south that is within a separate lot, Tax Lot 200 of Assessor’s Map 5S-11W-24.

- There are no approval criteria that require a minimum amount of open space within Sahhali South. There are also no code requirements that stipulate how open space areas are to be used. As demonstrated in the Applicant’s written statement, the proposed change in the open space location is consistent with the applicable CU and PD approval criteria.

V. Density & Setbacks

Summary/Examples: Numerous opponents misconstrue the single proposed reduction of a setback width with density calculations. Testimony also asserts that all setbacks are being reduced.

To be clear, only the street-side setback on the northern property boundary of proposed Lot 46 is proposed to be a minimum of 5-feet. All other setbacks are applied consistently across the other subject lots, including the 20-foot front setback and the 10-foot side, rear, and street-side setbacks along all other property lines on other lots, except where townhouses are attached (0-feet) or single-family dwellings are

built across the identified lot pairs. Next, density is not affected by changes in setbacks. Density is calculated based on the number of dwelling units per acre of land.

- The proposed amendments and replat result in 1 less buildable residential lot. Because of the increased open space area, the overall density remains nearly the same. The proposed density is 1.99 dwellings per acre and the existing density per the previous development approvals (County File Nos. PD 05-13 and CU 07-14) is 1.98 dwellings per acre. As demonstrated in the Applicant's written statement, the existing and proposed density is consistent with the NeskRR zone, which has a maximum density of approximately 2.18 dwellings per acre.

VII. Condition of Approval Limiting Land Divisions

Summary/Examples: Opponents raised the question of how the proposed replat can move forward when a prior condition of approval appears to preclude the future division of land within the Sahali South subdivision, as excerpted below.

Condition F. from PD 05-13

All areas designated as open space, common area, wetlands, or the areas designated for development shall not be further subdivided for development purposes; however Lot 13 may be further partitioned into two separate lots at a future date subject to amendment of this Master Plan.

Condition 7. from CU 07-14

All areas designated as open space, common area, wetlands, or the areas designated for development shall not be further subdivided for development purposes.

As clarified by County staff at the January 8, 2026 public hearing, the prohibition on further subdivision is common language applied to subdivision approvals. The intent is to warn others outside the planning and development arena, such as an Assessor's Office, that the land cannot be further divided without following the codified planning procedures. The Applicant has made an application that adheres to the codified procedures. Next, the County LUO and LDO provide a pathway for amending a PD as a conditional use and subdividing lots in accordance with current standards per LUO 3.520, LUO 6.040, and LDO Section 120). The above-cited conditions are more restrictive than the Code and are unnecessary. State law already requires formal approval for land divisions. The above-cited conditions may be overridden by subsequent land use actions such as the proposed Application. The County process provides the Applicant with the opportunity to request the Planning Commission revisit its prior conditions of approval to ensure alignment among prior and current proposals. Therefore, the Applicant requested these conditions be deleted to avoid confusion.

- As demonstrated in the written statement, the proposal is consistent with the applicable approval criteria. Nothing in the prior conditions of approval should be interpreted as having the power to inhibit or preclude an application process that would render a codified County process meaningless.
- Per the memo dated January 8, 2026, the County staff recommend applying a similarly worded condition to the subject applications. To avoid further confusion, the Applicant requests that the following clarifying language is added to the condition: "unless processed through the required applicable County land use application process."

VIII. Existing Streets

Summary/Examples: Select testimony raised questions about the status of Thalassa Drive and Vanora Street.

Vanora Street and Thalassa Drive are existing, paved private roads to remain within the Sahhali South subdivision. As explained in the application written statement, the current proposal does not include new public improvements or infrastructure. As described in the application written statement under LDO Section 070(c), the proposal is a reconfiguration of existing lot lines within a previously approved and recorded subdivision. The necessary public improvements, facilities, and services have already been installed and the infrastructure constructed consistent with prior County approvals.

- With the exception of a clarification of the description of Vanora Street – an existing access easement that is within the proposed Lot 47 – due to the inconsistency of terms identified by County staff and the Applicant in the prior original decisions, Vanora Street and Thalassa Drive are not part of the subject application.
- Any potential changes to the status of Thalassa Drive are a private matter to be addressed by the Sahhali South HOA.

IX. County process and Private Covenants, Conditions, & Restrictions (CC&Rs)

Summary/Examples: Several opponents assert that a particular aspect of the proposal, a development standard, or process is inconsistent with the CC&Rs of the local HOAs.

As described above, the Applicant has coordinated with the Sahhali South HOA and held votes to determine level of support and potential changes to the CC&Rs.

- The actions of the HOA, the content of the CC&Rs, and any potential changes thereto are outside the jurisdiction of Tillamook County. The County does not administer or enforce CC&Rs; these are private, civil matters that the Planning Commission and County staff have no role in.

X. Financial Loss

Summary/Examples: One opponent went to great lengths to argue that the subject applications would lead to reduced property values, thereby reducing property tax revenues.

There is no evidence in the record to support this statement. Furthermore, “reduced property values” and “reduction in tax revenue” are not criteria for approval. Therefore, the Applicant requests that the concurrent applications be reviewed based on the codified procedures of the Tillamook County LUO and LDO.

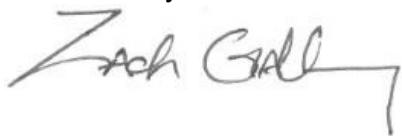
- The codified approval criteria for the Conditional Use review, Planned Development, and Replat processes do not consider fiscal impacts on adjacent property values or effects on local tax revenue. The opponent’s argument is not relevant to the applicable approval criteria.

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CONCLUSION

As demonstrated in the Applicant's written materials dated November 7, 2025, and as demonstrated in this letter, the proposed CU review, PD amendments, and Replat of the existing subdivision are consistent with the applicable approval criteria. As described herein, opponents have failed to rebut Applicant's findings and have largely ignored the approval criteria on which the Planning Commission must base its decision.

Sincerely,



Zach Galloway, AICP
Principal Planner

ZG/KT

cc: Richard Boyles, Sahhali South LLC
Mike Reeder, Law Office of Mike Reeder

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