

**BEFORE THE PLANNING COMMISSION
OF TILLAMOOK COUNTY, OREGON**

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| IN THE MATTER OF #851-22-000388-PLNG AND #851-22-000373-PLNG: CONSOLIDATED REVIEW FOR CONDITIONAL USE APPROVAL AND APPROVAL OF A FLOODPLAIN DEVELOPMENT PERMIT FOR THE INSTALLATION OF A UTILITY (SUBMARINE FIBER OPTIC CABLE) ON A PROPERTY AT 5195 WINEMA ROAD, A COUNTY ROAD, AND DESIGNATED AS TAX LOT 6200 OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 11 WEST OF THE WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON. |))))))))))) | FINDINGS OF FACT, CONCLUSIONS AND ORDER #851-22-000388-PLNG #851-22-000373-PLNG |
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APPLICANT: David Selby/AMCS, LLC, 410 Terry Avenue North, Seattle, WA 98109, et al.

PROPERTY OWNER: Wi-Ne-Ma Christian Camp, 5195 Winema Road, Cloverdale, OR 97112

The above-named applicant applied to Tillamook County requesting Conditional Use approval for the installation of a utility (submarine fiber optic cable) on the property as specified above.

Public hearings on the above-entitled matter were held before the Tillamook County Planning Commission for their consideration on December 8, 2022, and January 12, 2023, where a decision was made on that date.

The Tillamook County Planning Commission considered this Conditional Use request on the basis of the Conditional Use criteria listed in Section 6.040, the Development Permit criteria listed in Section 3.510 of the Tillamook County Land Use Ordinance (TCLUO), findings of fact and conclusions contained within the staff report, public and agency comments, evidence and information presented, written and oral testimony received at the hearing, and the applicant’s presentations.

Planning Commission voted 6 in favor with 1 abstention, to approve Conditional Use request #851-22-000388-PLNG, and voted 6 in favor with 1 abstention, to approve the Floodplain Development Permit request #851-22-000373-PLNG, subject to the Conditions of Approval as included as “Exhibit A”.

The Planning Commission hereby adopts the Conditions of Approval as amended and shown in “Exhibit A” attached to this Order.

Conditional Use request #851-22-000388-PLNG and Floodplain Development Permit #851-22-000373-PLNG are hereby approved. This decision may be appealed to the Board of County

Commissioners by an affected party, by filing an application for an appeal, submitting written justification supporting the appeal, and submitting the required filing fees with the Tillamook County Board of Commissioners within twelve (12) days of the date that notice of this decision is mailed.

DATED this 20th day of January, 2023.

TILLAMOOK COUNTY PLANNING COMMISSION



Gale Ousele, Vice Chairperson

“EXHIBIT A”

CONDITIONS OF APPROVAL:

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

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable, including but not limited to required utility permits from the Tillamook County Public Works Department.
2. Artificial lighting shall not create or reflect substantial glare onto any adjacent residential properties including artificial lighting along the access roads.
3. The property owner shall not develop within the Special Flood Hazard Area without prior land use approvals.
4. As an ongoing condition of operation, all areas not used for cable improvements shall be permanently landscaped or maintain existing natural vegetation. The landscaping shall be maintained in good condition by the property owner or their designee.
5. This approval is for the installation of one (1) fiber-optic cable and beach manhole (landing site) on the subject property. Development of additional fiber-optic cable is subject to a Type III Conditional Use process in accordance with Article 6 of the TCLUO.
6. Prior to the start of construction, a monitoring, maintenance and damage response plan shall be submitted to the Department of Community Development. This plan shall be available for community inspection at least 7 days prior to the start of construction.
7. Construction activities shall be limited to the period between 8:00am to 5:00pm Monday through Friday, except holidays, and except as necessary to perform periodic maintenance.
8. During construction, the Applicant shall post at the property entrance 24-hour contact phone numbers for the on-site project manager and the Applicant, to enable the Applicant to quickly respond to and resolve and construction-related issues.
9. Development of the property shall adhere to the relevant development standards of the Flood Hazard Overlay (FH) Zone, TCLUO Section 3.510.
10. This approval shall be void two years from the date of this decision (January 12, 2023), unless construction of approved plans has begun, or an extension is requested from, and approved by the Planning Director.