

**DUSTIN CAPRI – CAPRI  
ARCHITECTURE/  
SHAINSKY**

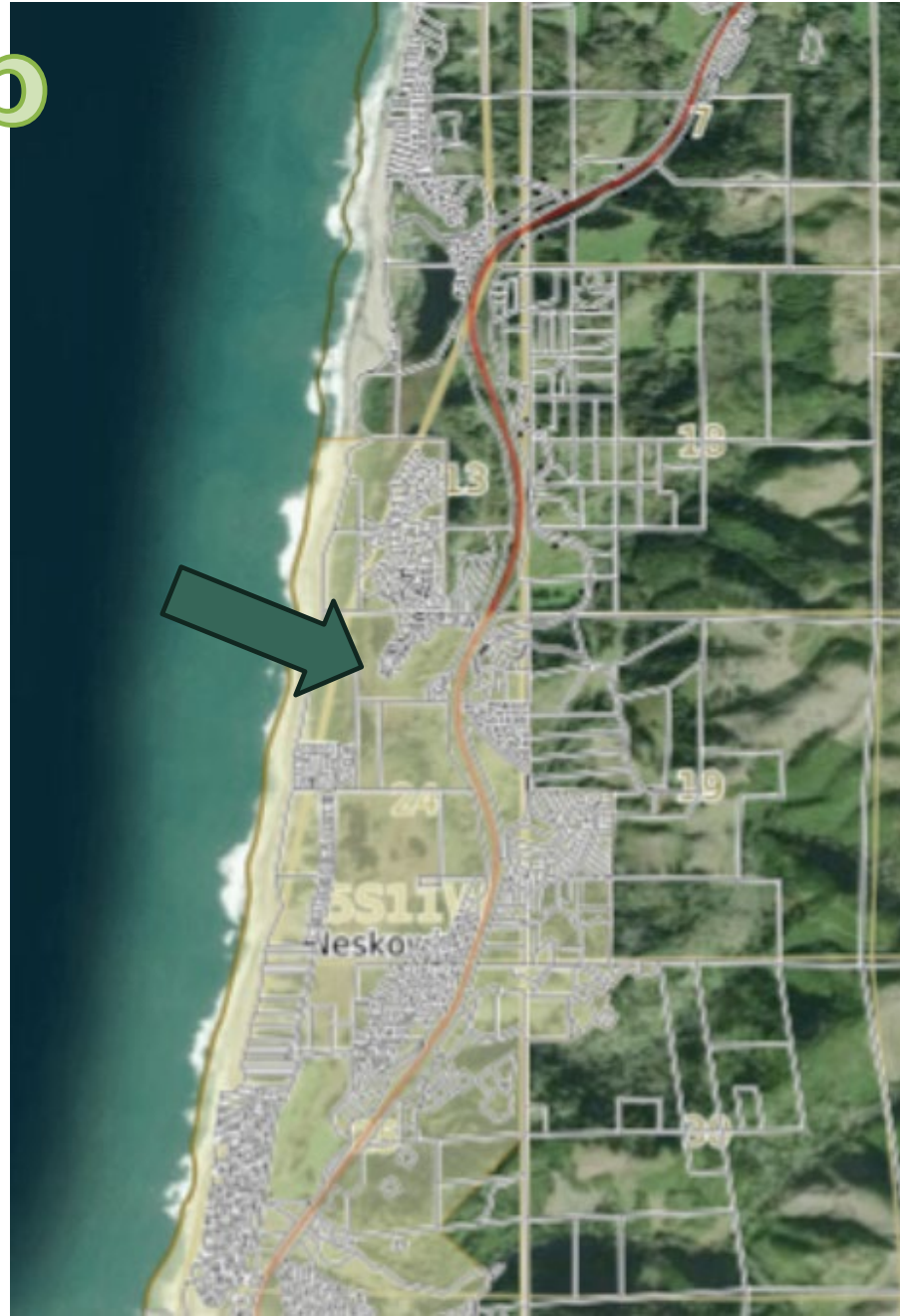
PROJECT PLANNER:  
MELISSA JENCK, SENIOR  
PLANNER, CFM

**#85 I-23-000 I 18-PLNG:  
CONDITIONAL USE**

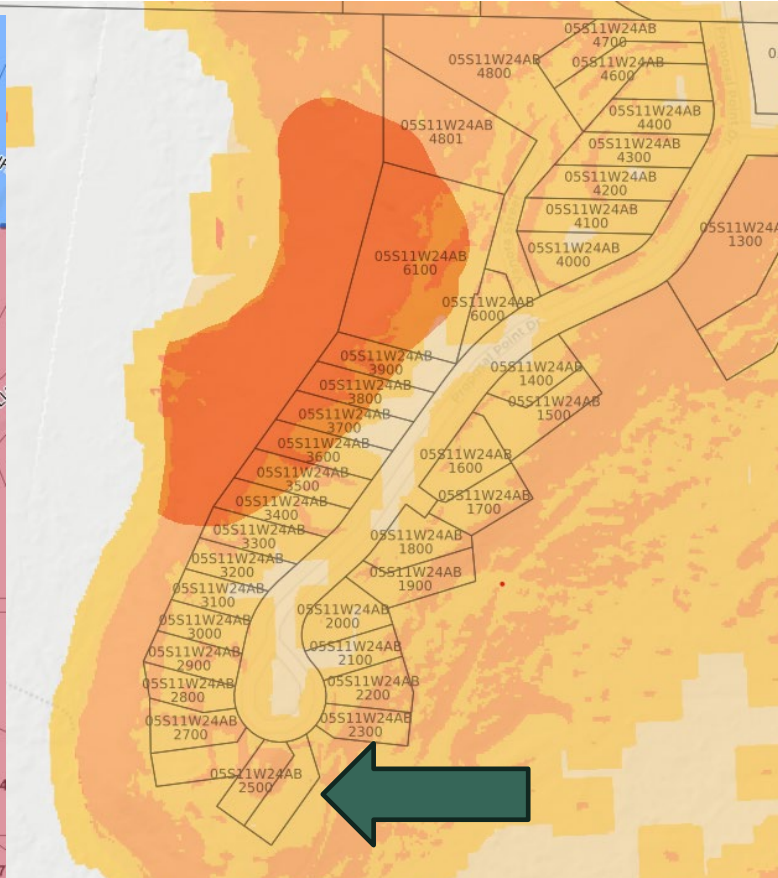
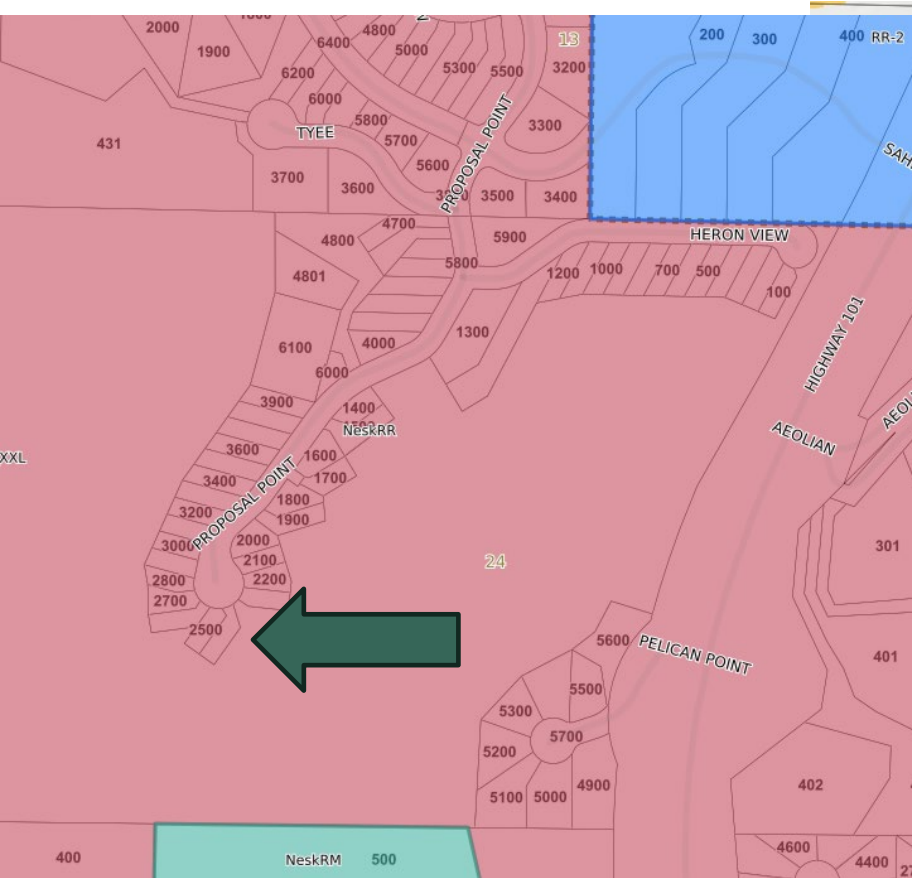
# REQUEST

- Request to amend Planned Development Master Plan in 'Sahhali South' for Lots 24 and 25, for a property within the Unincorporated Community of Neskowin.
- Neskowin Rural Residential (NeskRR) Zone
- Properties are approximately 0.11 and 0.10 acres in size.
- Proposed review does not include land division review or amendments to the Master Plan for any other lots located within the Sahhali South subdivision, than Lot 24 and Lot 25.

# Vicinity Map



# ZONING, HAZARDS & FLOOD

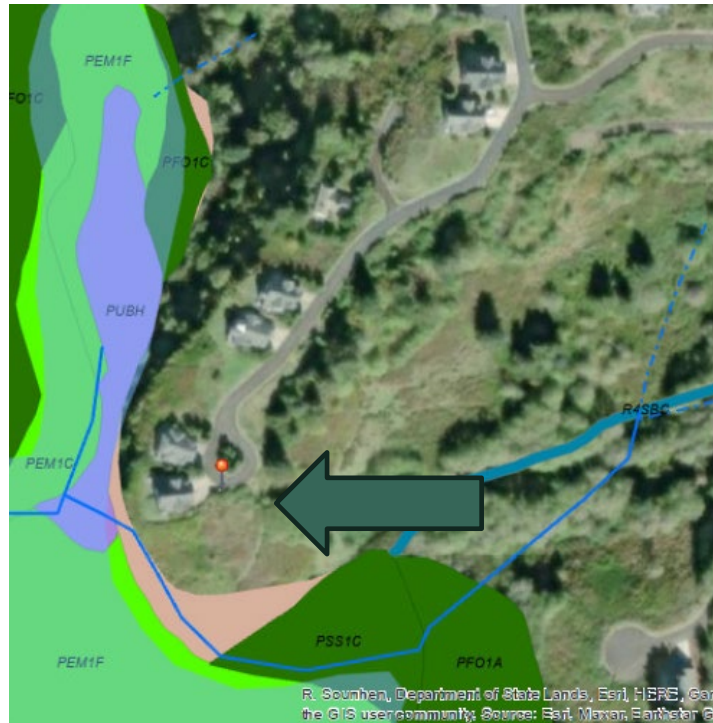


- Deep Landslide Susceptibility
- High Susceptibility
- Moderate Susceptibility
- Shallow Landslide Susceptibility





# WETLAND & AERIAL IMAGE





# APPLICABLE PROVISIONS

- Tillamook County Comprehensive Plan
  - Goal 2: The Land Use Plan
    - Established Unincorporated Community Boundary of Neskowin
  - Goal 5: Natural Resources
    - Wetland features mapped throughout the subdivision, retained within exiting Open Space.
    - Hazards addressed in accordance with TCLUO Section 4.130 'Development Requirements for Geologic Hazard Areas'.
- TCLUO Section 3.320 'Neskowin Rural Residential' (NeskRR)
- TCLUO Section 3.520 'Planned Development Overlay'

# APPLICABLE PROVISIONS

- Land Use Ordinance
  - Section 3.520(2) 'Planned Development Overlay '
    - Subsection (2) 'Standards and Requirements'
    - Subsection (3)(a) 'Planned Development Procedure'



# REVIEW CRITERIA: LAND USE ORDINANCE SECTION 3.520(3)(B)

## Planned Development Overlay

1. There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.
2. Resulting development will not be inconsistent with the comprehensive plan provisions or zoning objectives of the area.
3. The plan can be completed within a reasonable period of time.
4. The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.
5. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.
6. The parcel is suitable for the proposed use, considering its size, shape, location, topography, existence of improvements, and natural features.

# REVIEW CRITERIA: LAND USE ORDINANCE SECTION 3.520(3)(B)

(CONTINUED)

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.
8. The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.
9. Proposed uses which are not otherwise permitted by the underlying zoning on the parcel are accessory uses within the entire development.

## REVIEW CRITERIA: LAND USE ORDINANCE SECTION 6.040

1. The use is listed as a CONDITIONAL USE in the underlying zone, or in an applicable overlying zone.
2. The use is consistent with the applicable goals and policies of the Comprehensive Plan.
3. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.
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.
5. The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.
6. The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

# RECOMMENDED CONDITIONS OF APPROVAL

1. The applicant/owner shall conform to all Federal, State and local regulations, and shall obtain all required permits prior to construction and/or development.
2. Letters of water and sewer availability are required for the development of individual lots and shall be submitted to Community Development at the time of zoning permit submittal.
3. Setbacks for Lot 24 and 25 shall be: 10-foot setback from front property line, 10-foot setback from the rear property line and 10-foot setback from the side property lines. No setback shall be prescribed between the separating lot line between Lot 24 and 25.
4. One (1) single-family dwelling shall be placed on Lot 24 and 25, to be combined using the restrictive covenant in 'Exhibit C'.
5. Development of each lot shall otherwise conform to the development standards outlined in TCLUO Section 3.320 Neskowin Rural Residential (NeskRR) zone as applicable.
6. A site specific Geologic Hazard Report in accordance with TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas shall be completed prior to consolidated Zoning/Building permit applications.
7. This approval shall be void two years, (24 months), from the date of the Order from the Planning Commission, unless all of the conditions are met, or an extension is requested from, and approved by, this department before expiration.

# SAMPLE LANGUAGE OF RESTRICTIVE COVENANT

## RESTRICTIVE COVENANT

\_\_\_\_\_, (GRANTORS) are the owners of real property described as follows:

### **Property Legal Description attached as Exhibit A hereto and incorporated by reference**

The Tillamook County Land Use Ordinance provides for minimum setbacks from property lines for any structural development on a unit of land and further provides for placement of structures within the setback area when adjustment of property lines is impracticable. The Grantor(s) wish to build a structure over and upon a property line between the units of land described in “Exhibit A” or within the setback area defined for the subject property in the Tillamook County Land Use Ordinance, and in consideration of the approval of said structural development, the Grantor(s) do hereby covenant and agree as follows:

1. The Grantor(s), their heirs, successors and assigns acknowledge that they desire to place a structure over and upon the line between the units of land referenced above or within the setback area defined for the subject property in the Tillamook County Land Use Ordinance, and that they do not wish to vacate the lots at this time.
2. The Grantor(s) do further acknowledge that upon completion and recording of this document that the above referenced units of land must be conveyed as a single ownership and may no longer be considered separately saleable units of land even though a formal vacation of the lots has not been completed.
3. Nothing in this agreement shall prevent the Grantor(s) or subsequent owners of the subject properties from adjustment of property lines or other lawful land use actions in the future, provided such actions comply fully with the applicable state and local laws and ordinances then current.
4. By signing this document I authorize the Tillamook County Assessor’s office to combine these parcels for property tax purposes.

This covenant shall run with the land and is intended to and hereby shall bind my/our heirs, assigns, lessees, and successors and it cannot be deleted or altered without approval by the Tillamook County Department of Community Development (GRANTEE) or its successor.