BEFORE THE PLANNING COMMISSION OF TILLAMOOK COUNTY, OREGON

IN THE MATTER OF A CONDITIONAL USE REQUEST TO AMEND THE PLANNED DEVELOPMENT MASTER PLAN FOR 'SAHHALI SOUTH' FOR TAX LOTS 2400 AND 2500 (LOT 24 AND 25) LOCATED OFF PROPOSAL POINT DRIVE, A PRIVATE ROAD, WITHIN THE UNINCORPORATED COMMUNITY OF NESKOWIN, ZONED NESKOWIN RURAL RESIDENTIAL (NESKR) AND DESIGNATED AS TAX LOTS 2400 AND 2500 OF SECTION 24AB, TOWNSHIP 5 SOUTH, RANGE 11 WEST OF THE WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON.

FINDINGS OF FACT, CONCLUSIONS AND ORDER

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#851-23-000118-PLNG

APPLICANT: Dustin Capri - Capri Architecture, 747 SW 13th Street, Newport, OR 97365

PROPERTY OWNER: Michael & Janice Shainsky, 4125 SW 48th Place, Portland, OR 97221

The above-named applicant/property owner applied to the Tillamook County Department of Community Development requesting a conditional use to amend the Planned Development Master Plan for 'Sahhali South' for Tax Lots 2400 and 2500 (Lot 24 and 25). Located within the Unincorporated Community of Neskowin off Proposal Point Drive, a private road, the subject properties are designated as Tax Lots 2400 and 2500 in Section 24AB of Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon. A public hearing on the above-mentioned matter was held before the Tillamook County Planning Commission on June 22, 2023.

The Tillamook County Planning Commission considered this request on the basis of the criteria listed in Section 6.040: Conditional Use Review Criteria, Section 3.520(3)(b): Planned Development Overlay criteria and relevant development standards contained within the TCLUO and Tillamook County Comprehensive Plan. The Planning Commission also considered this request on the basis of the findings of fact and conclusions contained within the staff report, written testimony received during the public comment period, oral testimony taken at the June 22, 2023, hearing, and the Applicant's presentation.

After consideration of all available evidence described above, the Planning Commission then voted unanimously in favor to approve Conditional Use request #851-23-000118-PLNG, the vote carrying 5 to approve and 0 opposed, subject to the Conditions of Approval contained in "Exhibit A" of this order.

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 of notice for this decision.

DATED this **29**⁷/₄ of June, 2023.

TILLAMOOK COUNTY PLANNING COMMISSION

Xunt W. Nachniff
Kurt Heckeroth, Chairperson

"EXHIBIT A"

ADOPTED CONDITIONS OF APPROVAL

Sections 6.070: COMPLIANCE WITH CONDITIONS, and 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/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.