## BEFORE THE PLANNING COMMISSION OF TILLAMOOK COUNTY, OREGON

IN THE MATTER OF #851-24-000527-PLNG A VARIANCE REQUEST TO EXCEED THE 24-FOOT HEIGHT MAXIMUM BY 14-FEET FOR A MAXIMUM BUILDING HEIGHT OF 38-FEET AS MEASURED FROM EXISTING, PRE-CONSTRUCTION	)	FINDINGS OF FACT, CONCLUSIONS AND ORDER
GRADE IN THE NESKOWIN LOW DENSITY RESIDENTIAL ZONE (NESKR-1). THE SUBJECT PROPERTY IS DESIGNATED AS TAX LOT 214 OF SECTION 35, TOWNSHIP 5 SOUTH,	)	#851-24-000527-PLNG
RANGE 11 WEST OF THE WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON.	)	

APPLICANT: Clinton Mugge, 42120 N Olympic Fields Ct, Anthem, AZ 85086

PROPERTY OWNER: Clinton & Michelle Mugge, 42120 N Olympic Fields Ct, Anthem, AZ 85086

The above-named applicant applied to Tillamook County requesting Variance approval to exceed the 24-foot height maximum by 14-feet for a maximum building height of 38-feet as measured from existing, pre-construction grade on the property as specified above.

A public hearing on the above-entitled matter was held before the Tillamook County Planning Commission for their consideration on December 12, where a decision was made on that date.

The Tillamook County Planning Commission considered this Variance request on the basis of the Variance criteria listed in 8.030 of the Tillamook County Land Use Ordinance, findings of fact and conclusions contained within the staff report, staff memos, agency comments, evidence and information presented, written and oral testimony received at the hearing, and the applicant's presentation.

Planning Commission voted unanimously, 6 in favor and 0 opposed, to approve Variance request #851-24-000527-PLNG subject to the Conditions of Approval included as "Exhibit A".

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 day of December, 2024.

TILLAMOOK COUNTY PLANNING COMMISSION

Gale Ousele, Vice Chair

## EXHIBIT A

## **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. The applicant/property owner shall obtain an approved Consolidated Zoning and Building Permit from the Tillamook County Department of Community Development.
- 3. The applicant/property owner shall submit a site plan, drawn to scale depicting all required setbacks are met at the time of consolidated Zoning and Building Permit application submittal.
- 4. The applicant/property owner shall submit a Fire Letter from the local fire department at the time of consolidated Zoning and Building Permit application submittal.
- 5. Development of the property shall be done in accordance with the development standards of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. A Geologic Hazard Assessment is required for development of this property.
- 6. Height of the structure shall not exceed 38-feet in height as measured in accordance with TCLUO Section 3.322(4)(k). Certification by a licensed professional surveyor confirming the height of the structure does not exceed the approved 38-foot height maximum shall be provided to the Department prior issuance of the Certificate of Final Occupancy by the Department.
- 7. A building height affidavit as included in 'Exhibit D' shall be signed by the property owners and provided at time of applying for the Consolidated Zoning and Building Permit from the Tillamook County Department of Community Development.
- 8. This approval shall be void two years from the date of approval, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.