

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 4000 AND 4100 (LOT 40 AND 41) LOCATED OFF PROPOSAL POINT DRIVE, A PRIVATE ROAD, WITHIN THE UNINCORPORATED COMMUNITY OF NESKOWIN, ZONED NESKOWIN RURAL RESIDENTIAL (NESKRR) AND DESIGNATED AS TAX LOTS 4000 AND 4100 OF SECTION 24AB, TOWNSHIP 5 SOUTH, RANGE 11 WEST OF THE WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON.)))))))))))	FINDINGS OF FACT, CONCLUSIONS AND ORDER #851-24-000293-PLNG
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APPLICANT: Richard D. Boyle, PO Box 147, Creswell, OR 97426

PROPERTY OWNER: Sahhali South LLC, 840 Beltline Road 202, Springfield, OR 97477

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 4000 and 4100 (Lot 40 and 41). Located within the Unincorporated Community of Neskowin off Proposal Point Drive, a private road, the subject properties are designated as Tax Lots 4000 and 4100 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 July 11, 2024.

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 July 11, 2024, hearing, and the Applicant's presentation.

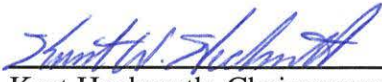
After consideration of all available evidence described above, the Planning Commission then voted unanimously in favor to approve Conditional Use request #851-24-000293-PLNG, the vote carrying 6 to approve and 0 opposed, subject to the modified Staff Report and Conditions of Approval contained in "Exhibit 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 25th of July, 2024.

TILLAMOOK COUNTY PLANNING COMMISSION



Kurt Heckerth, 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 40 and 41 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 40 and 41.
4. One (1) single-family dwelling may be placed on Lot 40 and 41, which shall be combined using the restrictive covenant in ‘Exhibit D’.
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, and in conformance with permit #851-24-000372-PLNG.
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.



Land of Cheese, Trees and Ocean Breeze

**AMENDED STAFF REPORT PER RECOMMENDATIONS OF PLANNING
COMMISSION ON JULY 11, 2024 HEARING**

CONDITIONAL USE REVIEW #851-24-000293-PLNG

Planning Commission Hearing Date: July 11, 2024

Staff Report Date: July 3, 2024

Staff Report Prepared by: Melissa Jenck, CFM, Senior Planner

I. GENERAL INFORMATION:

Request: Conditional Use request to amend the Planned Development Master Plan for ‘Sahhali South’ for Tax Lots 4000 and 4100 (Lot 40 and 41).

Location: Located at off Proposal Point Drive, a private road, the subject properties are located within the Neskowin Unincorporated Community, zoned Neskowin Rural Residential (NeskRR), and designated as Tax Lots 4000 and 4100 of Section 24AB, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Neskowin Rural Residential (NeskRR) Zone & Planned Development Overlay (PD) Zone

Applicant: Richard D. Boyles, PO Box 147, Creswell, OR 97426

Property Owner: Sahhali South LLC, 840 Beltline Rd. 202, Springfield, OR 97477

Description of Site and Vicinity

The subject properties are Lot 40 and 41 of the Sahhali South subdivision and Planned Development and both are approximately 0.16-acres each. The subject properties are located within the Neskowin Unincorporated Community and are zoned Neskowin Rural Residential (NeskRR), with the Planned Development (PD) Overlay. Neskowin Rural Residential (NeskRR) zoned properties surround the properties (Exhibit A).

The subject properties are accessed via Proposal Point Drive, a private road, which abuts their easterly property boundary. Proposal Point Drive intersect Sahhali Drive, a private road, which serves as entry from Highway 101, a State highway, to the east. The subject properties abut Vanora Street, a private road, along their westerly boundaries (Exhibit A).

There is existing open space as part of the Sahhali South subdivision abutting the easterly and southerly boundary of the subject properties (Exhibit A). The Sahhali South, Sahhali Shores and Sahhali Shores at Neskowin Subdivisions are located to the north of the properties (Exhibit A).

The properties do not contain wetlands and are not in proximity to adjacent unnamed creeks (Exhibit A). The properties are located within an area of geologic hazard, maintaining susceptibility for shallow & deep landslides as identified in DOGAMI Open File Report O-20-13. The properties are located on an upland area with topography trending downward to the west. The properties are located outside of the area of special flood hazard per FEMA Firm #41057C0865F dated September 28, 2018 (Exhibit A).

Service providers include the Neskowin Water District, Nestucca Rural Fire Protection District, Tillamook PUD, Nestucca School District, and the Tillamook County Sheriff's Office. The subject property maintains an existing community septic system (Exhibit A).

The natural features identified in the area are not included in the list of inventoried protected natural features in the Goal 5: Natural Resources element of the Tillamook County Comprehensive Plan. Development of the subject property shall be in accordance with the development standards of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas, consistent with the policies outlined in the Goal 7: Hazards element of the Tillamook County Comprehensive Plan.

Tillamook County established an Unincorporated Community Boundary (UCB) around Neskowin based on the procedures and requirements of the Goal 2 exception process. Planning for the unincorporated community of Neskowin was completed in accordance with Goal 14 Urbanization.

Applicants are proposing to amend the Master Plan for the Sahhali South subdivision for Lots 40 and 41, to request a change to the prescribed setbacks and amend the original approval for one (1) townhome per lot to allow for the placement of one (1) dwelling across the two lots (Exhibit B). The Conditional Use review process is required for any changes to the approved Master Plan developed with the Planned Development Overlay.

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS

The desired use is governed through the following Sections of the Tillamook County Land Use Ordinance (TCLUO). The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. TCLUO Section 3.220: Neskowin Rural Residential (NeskRR) Zone
- B. TCLUO Section 3.520: Planned Development (PD) Overlay Zone
- C. Article VI: Conditional Use Procedures and Criteria
- D. TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas

III. ANALYSIS:

- A. Section 3.220 Neskowin Rural Residential (NeskRR) Zone.** This section lists outright and conditionally permitted uses.

Findings: The applicant is requesting an amendment to the Master Plan for Sahhali South to reflect the proposed build-out Lots 40 and 41 of Sahhali South, to include an amendment of the prescribed setbacks and amend the density for the two lots (Exhibit B). Section 3.220(3)(a) addresses the issue of Planned Developments as a Conditional Use. Amending the existing Planned Development is subject to Section 3.520 Planned Development Overlay Zone (PD) and requires Conditional Use approval, Article VI.

Staff concludes that the proposed use is allowed in the NeskRR Zone as a Conditional Use as indicated under Section 3.220(3)(a).

- B. Section 3.520 Planned Development Overlay Zone (PD).** This section lists the procedures that shall be observed in applying for and acting on a Planned Development. Section 3.520(i) requires that any changes in the approved

Master Plan be approved by the Planning Commission. The Applicant is proposing to amend lot layout for Lots 40 and 41 of Sahhali South, to amend the prescribed setbacks along with request the placement of one (1) single-family dwelling across the two lots (Exhibit B). Section 3.520(3)(b) addresses the procedure for amending an existing Planned Development. These include:

- (1) *There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.*

Findings: Applicant has proposed to amend the site-specific setbacks established during the Master Plan development of Sahhali South (Exhibit B). Setbacks for Lots 40 and 41 are proposed to allow for one (1) single family dwelling, to amend the zero (0) foot setback from the attached side yard as one building would be spanning the two lots (Exhibit B). The proposal would allow for no setback to be prescribed across the separating lot line between Lot 40 and 41. The proposal would not include any change to the prescribed front, rear or side yard setbacks of 10-feet from the proposed exterior property boundaries (Exhibit B). Applicants' proposal includes the reduction of one (1) dwelling unit per lot originally prescribed in the Master Plan, for the placement of one (1) dwelling unit upon the two lots. Applicant states the consolidation of the properties is justified due to the nature and style of dwellings in the subdivision, the difficulty of developing standalone units upon the single lots (Exhibit B).

Staff find the purpose of a Planned Development Overlay is “...to permit greater flexibility and creativity in the design of land development than is presently possible through the strict interpretation of conventional zoning and land division ordinances. The intent is to encourage development designs that preserve and/or take advantage of the natural features and amenities of a property such as, but not limited to, views water frontage, wetlands, sloping topography, geologic features and drainage areas. A Planned Development should be compatible with the established and proposed surrounding land uses. A Planned Development should accrue benefits to the County and the general public in terms of need, convenience and service sufficient to justify any necessary exceptions to the zoning and land divisions ordinances.”

Staff find the request is to modify an existing Master Plan to adjust setbacks and the prescribed density to two (2) lots contained within the Sahhali South Planned Development (Exhibit B). The flexibility of the Planned Development process allows for dimensional standards and setbacks to be prescribed through the creation of the Master Plan. The setbacks originally prescribed in the Master Plan for Lots 40 and 41 in Sahhali South are front and rear yard setbacks at 10-feet, with attached side yards at zero (0) feet and side yards at 10-feet. The proposed amendment would not alter the general footprint approved, with the reduction of density.

- (2) *Resulting development will not be inconsistent with the comprehensive plan provisions or zoning objectives of the area.*

Findings: Applicant states a single-family dwelling is allowed outright in the Neskowin Rural Residential (NeskRR) zone (Exhibit B). Staff find the proposed use of the lots is for a residential structure. This is consistent with the zone and the community plan for Neskowin.

- (3) *The plan can be completed within a reasonable period of time.*

Findings: The applicant provided that construction is expected to be completed in 15 months, once permitting is completed, which is a reasonable period of time for construction (Exhibit B).

- (4) *The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.*

Findings: Applicant provided that the properties maintain existing streets to the parcels, which were originally generated with the increased density which could have supported two (2) dwelling units (Exhibit B). There are no proposed changes to access or existing roadway systems in the development, other than the proposal details one (1) access from Proposal Point Drive (Exhibit B).

No comments were received from Tillamook County Public Works or Nestucca Rural Fire Protection District on this request.

(5) *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.*

Findings: Sahhali South maintains a community sanitary system as detailed in the Applicants submittal and included an approval letter from the Sahhali South Homeowners Association Architectural Review Board for approval of the proposed development (Exhibit B). Applicant states these existing facilities were addressed in the Sahhali South Master Plan for the original density. Staff find the proposal would maintain a similar area of development, with a reduction of density.

Water is available through an existing Neskowin community water district (Exhibit B). Comments were received from Oregon Department of Environmental Quality (DEQ) which states the tank must be reviewed and approved with DEQ prior to construction (Exhibit C).

(6) *The parcel is suitable for the proposed use, considering its size, shape, location, topography, existence of improvements, and natural features.*

Findings: Lot 40 and 41 are both approximately 0.16-acres in size (Exhibit A). The subject properties are located within the Neskowin Unincorporated Community and are zoned Neskowin Rural Residential (NeskRR), with the Planned Development (PD) Overlay. Neskowin Rural Residential (NeskRR) zoned properties surround the properties (Exhibit A). The subject properties are accessed via Proposal Point Drive, a private road, which abuts their easterly property boundary. Proposal Point Drive intersect Sahhali Drive, a private road, which serves as entry from Highway 101, a State highway, to the east. The subject properties abut Vanora Street, a private road, along their westerly boundaries (Exhibit A).

The properties do not contain wetlands and are not in proximity to adjacent unnamed creeks (Exhibit A). The properties are located within an area of geologic hazard, maintaining susceptibility for shallow & deep landslides as identified in DOGAMI Open File Report O-20-13. The properties are located on an upland area with topography trending downward to the west. The properties are located outside of the area of special flood hazard per FEMA Firm #41057C0865F dated September 28, 2018 (Exhibit A).

The size of the proposed lots will meet the minimum in the Neskowin Rural Residential zone of 20,000 square feet with the area made up of lot area and area within the common areas. The Planned Development process allows for smaller lot sizes providing all area is accounted for. The proposal would include a reduction of the original approved density, which ensures that the original maximum approved density is not exceeded.

Applicant states that despite the topographic conditions and unique shape of the lots, an adequately sized home can be accommodated on the property. Applicant affirms there is suitable access through the existing improved Proposal Point Drive. Applicant describes the topographic conditions at the street frontage due challenge development of multiple access points in this area, supporting the reduction to one (1) access to one (1) dwelling unit upon the two lots (Exhibit B).

Site specific setbacks are proposed through the Planned Development process. These are discussed in this report, above, to include only a change to the zero (0) foot setback from the 'attached' side yard, as the proposal would request one (1) dwelling unit across two lots rather than two (2) dwelling units (Exhibit B). The proposed request is to modify an existing Master Plan for Sahhali South which was approved in 2005. The proposed setback amendments and density reduction are stated by the Applicant to avoid topographic and hazard areas of the existing lots, along with the small size of the property for the original design of two (2) dwellings (Exhibit B).

Staff recommend, in accordance with Department practice, a restrictive covenant which allows for development across a Lot boundary, requiring the properties be conveyed as a single ownership. A recommended covenant has been included in 'Exhibit D'.

- (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.*

Findings: The Sahhali South lots (Lot 40 and 41) located within the Neskowin Unincorporated Community Boundary (UCB) and consists of residential structures (dwellings) on lots with an average density of 2.02 lots per acre. This includes common space. The area surrounding the Planned Development is predominantly residential, both inside the community boundary and outside. The original Planned Development maintained 1.99 lots per acre (Exhibit B).

Applicant states the Sahhali South architectural Review Board provided approval of the proposed development, with a letter included in their submittal. Applicant details the property will accommodate the proposed home design, along with the required parking spaces within the subject property (Exhibit B).

Staff finds that the proposed amendment to the Master Plan would not alter the original exterior footprint of the proposed development of Lots 40 and 41 (Exhibit B). Staff find that the proposed development is residential in nature, which was originally approved within the development of these lots (Exhibit B).

- (8) *The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.*

Findings: Applicant states the existing facilities include water, sewer, stormwater, underground power and telephone lines, which are currently in place in the development (Exhibit B). The applicant's submittal demonstrates that adequate access to roadways with the combination of the lots would be maintained as part of the amendment. Applicant has provided a copy of the approval from Sahhali South Architectural Review Board for approval of the design (Exhibit B).

The area is served by Neskowin Regional Water District. No comments were received from the Nestucca Rural Fire Protection District or Tillamook County Public Works.

- (9) *Proposed uses which are not otherwise permitted by the underlying zoning on the parcel are accessory uses within the entire development.*

Findings: Applicant states the proposal is for a single-family residence, which is allowed in the NeskRR zone (Exhibit B). No other uses have been proposed that are not otherwise permitted outright. The Applicant is proposing redesign of existing lots, along with adjustments to setbacks, to allow for siting of one (1) residential structure.

C. Article VI Conditional Use Procedures and Criteria. Article VI of the Tillamook County Land Use Ordinance contains the procedures and review criteria for processing a Conditional Use request. These criteria, along with staff's findings and conclusions are indicated below.

1. **Section 6.020 Procedure** requires notification of the request to be mailed to landowners within 250-feet of the subject property, to allow 14 days for written comment, and requires staff to consider comments received in making the decision.

Findings: Notice of the request was mailed to property owners and applicable agencies on June 13, 2024. Newspaper Notice of Public Hearing was published on June 25, 2024 in the Tillamook County Headlight Herald, which aligns with the minimum 10-days prior to hearing. Notice was provided to Tillamook County Public Works, Oregon Department of State Lands, Nestucca Rural Fire Protection District and Oregon Department of Fish and Wildlife. Oregon Department of Environmental Quality (DEQ) provided comments on this request, detailing compliance with the sanitation system design.

2. Section 6.040 Review Criteria

1. *The use is listed as a Conditional Use in the underlying zone, or in an applicable overlying zone.*

Findings: Section 3.220(3)(a) Neskowin Rural Residential (NeskRR) Zone states Planned Developments are subject to TCLUO Section 3.520, 'Planned Development (PD) Overlay Zone' and will require review against TCLUO Section 6.040 Conditional Use Review Criteria.

2. *The use is consistent with the applicable goals and policies of the comprehensive plan.*

Findings: Generally, if a use is allowed outright or conditionally in the LUO, and is in compliance with all other LUO regulations, than it is assumed to be consistent with the applicable goals and policies of the Comprehensive Plan and the Neskowin Community Plan. Planned Development in the community of Neskowin is limited to the uses allowed within the Neskowin zones. Planned Developments for single family dwellings and townhouses are permitted uses.

Staff identifies the Goal 10 Housing element, recognizing that residential improvements are recognized as a need in the Comprehensive Plan.

The Planned Development Overlay (PD) zone allows for greater flexibility in the siting of structures, the protection of areas that are sensitive and the overall use of the property. For all its flexibility it can be a protective mechanism.

The property is eligible for development providing that all requirements of the Planned Development Ordinance, the Tillamook County Land Use Ordinance and the goals and policies of the Comprehensive Plan have been adequately and appropriately addressed.

The natural features identified on the subject property are not included in the list of inventoried protected natural features in the Goal 5: Natural Resources element of the Tillamook County Comprehensive Plan. Development of the subject property shall be done in accordance with the development standards of Section 4.130: Development Requirements for Geologic Hazard Areas, consistent with the policies outlined in the Goal 7: Hazards element of the Tillamook County Comprehensive Plan.

Tillamook County established an Unincorporated Community Boundary (UCB) around Neskowin based on the procedures and requirements of the Goal 2 exception process. Planning for the unincorporated community of Neskowin was completed in accordance with Goal 14 Urbanization. The proposed plat is located within the Neskowin Unincorporated Community Boundary at a density consistent with Plan policies for development within UCBs (14.3.11, Goal 14 element 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.*

Findings: Lot 40 and 41 are both approximately 0.16-acres in size (Exhibit A). The subject properties are located within the Neskowin Unincorporated Community and are zoned Neskowin Rural Residential (NeskRR), with the Planned Development (PD) Overlay. Neskowin Rural Residential (NeskRR) zoned properties surround the properties (Exhibit A). The subject properties are accessed via Proposal Point Drive, a private road, which abuts their easterly property boundary. Proposal Point Drive intersect Sakhali Drive, a private road, which serves as entry from Highway 101, a State highway, to the east. The subject properties abut Vanora Street, a private road, along their westerly boundaries (Exhibit A).

The properties do not contain wetlands and are not in proximity to adjacent unnamed creeks (Exhibit A). The properties are located within an area of geologic hazard, maintaining susceptibility for shallow & deep landslides as identified in DOGAMI Open File Report O-20-13. The properties are located on an upland area with

topography trending downward to the west. The properties are located outside of the area of special flood hazard per FEMA Firm #41057C0865F dated September 28, 2018 (Exhibit A).

The size of the proposed lots will meet the minimum in the Neskowin Rural Residential zone of 20,000 square feet with the area made up of lot area and area within the common areas. The Planned Development process allows for smaller lot sizes providing all area is accounted for. The proposal would include a reduction of the original approved density, which ensures that the original maximum approved density is not exceeded.

Applicant states the despite the topographic conditions and unique shape of the lots, an adequately sized home can be accommodated on the property. Applicant affirms there is suitable access through the existing improved Proposal Point Drive. Applicant describes the topographic conditions at the street frontage due challenge development of multiple access points in this area, supporting the reduction to one (1) access to one (1) dwelling unit upon the two lots (Exhibit B).

Site specific setbacks are proposed through the Planned Development process. These are discussed in this report, above, to include only a change to the zero (0) foot setback from the 'attached' side yard, as the proposal would request one (1) dwelling unit across two lots rather than two (2) dwelling units (Exhibit B). The proposed request is to modify an existing Master Plan for Sahhali South which was approved in 2005. The proposed setback amendments and density reduction are stated by the Applicant to avoid topographic and hazard areas of the existing lots, along with the small size of the property for the original design of two (2) dwellings (Exhibit B).

Staff recommend, in accordance with Department practice, a restrictive covenant which allows for development across a Lot boundary, requiring the properties be conveyed as a single ownership. A recommended covenant has been included in 'Exhibit D'.

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.*

Findings: The Sahhali South lots (Lot 40 and 41) located within the Neskowin Unincorporated Community Boundary (UCB) and consists of residential structures (dwellings) on lots with an average density of 2.02 lots per acre. This includes common space. The area surrounding the Planned Development is predominantly residential, both inside the community boundary and outside. The original Planned Development maintained 1.99 lots per acre (Exhibit B).

Applicant states the Sahhali South architectural Review Board provided approval of the proposed development, with a letter included in their submittal. Applicant details the property with accommodate the proposed home design, along with the required parking spaces within the subject property (Exhibit B).

Staff find that the proposed amendment to the Master Plan would not alter the original exterior footprint of the proposed development of Lots 40 and 41 (Exhibit B). Staff find that the proposed development is residential in nature, which was originally approved within the development of these lots (Exhibit B).

5. *The proposed use will not have a detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.*

Findings: Applicant states the proposed use will not have a detrimental effect on these systems as there is none in the vicinity (Exhibit B). There is no known existing solar energy system, wind energy conversion systems or windmills in the vicinity.

6. *The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.*

Findings: Applicant states the existing facilities include improved private access, power, telephones which are currently in place on the development (Exhibit B). The applicant’s submittal demonstrates that adequate access to roadways with the combination of the lots would be maintained as part of the amendment. Applicant has provided a copy of the approval from Sahhali South Architectural Review Board for approval of the design (Exhibit B).

The area is served by Neskowin Regional Water District. No comments were received from the Nestucca Rural Fire Protection District or Tillamook County Public Works.

D. TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.

The properties are located within an area of geologic hazard, maintaining susceptibility for shallow & deep landslides as identified in DOGAMI Open File Report O-20-13. The properties are located on an upland area with topography sloping downward to the west (Exhibit B).

Findings: Applicant has provided a hazard report for Lot 40 and Lot 41 by H. G. Schlicker and Associates dated November 9, 2023 currently in review by the Department with record number 851-24-000372-PLNG (Exhibit E).

Given the properties are within an area of geologic hazard, a Condition of Approval is recommended to require a site-specific Geologic Hazard Report in accordance with TCLUO Section 4.130 at time of lot development, and compliance with those requirements made out of review #851-24-000372-PLNG. This requirement ensures that continued development of the site is appropriately addressed in accordance with TCLUO Section 4.130 at the time of construction.

V. RECOMMENDED CONDITIONS OF APPROVAL FOR CONDITIONAL USE REQUEST #851-23-000118-PLNG

Sections 6.070: COMPLIANCE WITH CONDITIONS, AND 6.080: TIME LIMIT require 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/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 40 and 41 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 40 and 41.
4. One (1) single-family dwelling shall be placed on Lot 40 and 41, to be combined using the restrictive covenant in ‘Exhibit D’.
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, and in conformance with permit #851-24-000372-PLNG.

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.

VII. EXHIBITS

- A. Maps
- B. Applicants Submittal
- C. Public Comments
- D. Restrictive Covenant