



DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

1510-B Third Street
Tillamook, Oregon 97141

Land of Cheese, Trees and Ocean Breeze

Building (503) 842-3407
Planning (503) 842-3408
On-Site Sanitation (503) 842-3409
FAX (503) 842-1819
Toll Free 1 (800) 488-8280

NOTICE OF DECISION

DENIAL OF CONDITIONAL USE REQUEST:

CU-14-06: BAY OCEAN LLC

***NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER***

January 9, 2015

Dear Property Owner:

This letter is to confirm that the Tillamook County Planning Commission denied Conditional Use request CU-14-06 after considering the findings of fact and conclusions contained within the staff report, written and oral testimony received, information presented, and the applicant’s presentation at public hearings on November 13, 2014 and January 8, 2015, where a decision was made at the January 8, 2015 hearing. The site location information is enclosed.

The signed Planning Commission Order, application, and staff report containing the detailed findings of fact and conclusions upon which this decision was based are on file in the office of the Department of Community Development and available upon request.

Appeal of this decision: This decision may be appealed to the Tillamook County Board of 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, 201 Laurel Avenue, Tillamook, Oregon, 97141, by 4:00pm on **January 21, 2015**.

A copy of the application and staff report are available for inspection on the Tillamook County Department of Community Development website: <http://www.co.tillamook.or.us/gov/ComDev/> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon.

I. GENERAL INFORMATION:

Request: A Conditional Use request for a recreational campground, marina, cycling/equestrian staging area, gardens and research station in the Recreation Management (RM) zone, the Estuary Natural (EN) zone, the Beach and Dune Overlay (BD) zone, and the Shoreland Overlay (SH) zone.

Location: Located on the Bayocean (Tillamook) Spit north of the Cape Meares area, adjacent to Tillamook Bay and the Pacific Ocean, the subject property is designated as Tax Lot 1400 of Section 31A, Township 1 North, Range 10 West, W.M., Tillamook County, Oregon. The applicant/property owner is Bay Ocean LLC. (Exhibit A).

Zone: Recreation Management (RM) & Estuary Natural (EN) (Exhibit A)

Applicant &

Property Owner: Bay Ocean LLC, P.O. Box 25487, Portland, Oregon 97298

II. DECISION: DENIED

The Tillamook County Planning Commission considered this request on the basis of the Conditional Use criteria listed in Section 6.040 of the Tillamook County Land Use Ordinance, findings of fact and conclusions contained within the staff report, written and oral testimony received at the hearing, information presented, and the applicant's presentation. After consideration of all available evidence described above, the Planning Commission moved to deny Conditional Use request CU-14-06 on the basis of findings of fact, testimony, information presented, the staff report and applicant's presentation. The Planning Commission denied the Conditional Use request with a vote of 4 denials and 1 abstention.

III. REVIEW CRITERIA: TCLUO SECTION 6.040

A Conditional Use shall be granted if the applicant demonstrates that all of the following applicable criteria are satisfied.

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

Sincerely,
Tillamook County Department of Community Development



Sarah Absher
Senior Planner

Bryan W. Pohl, CFM
Director

Enclosure: Location Maps



