



1510 - B Third Street  
Tillamook, Oregon 97141  
www.tillamookcounty.gov

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

*Land of Cheese, Trees and Ocean Breeze*

**CONDITIONAL USE REQUEST #851-23-000549-PLNG: GESIK  
ADMINISTRATIVE DECISION & STAFF REPORT**

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

April 10, 2024

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Conditional Use Request on April 10, 2024.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website: <https://www.tillamookcounty.gov/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

**Appeal of this decision.** This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department in accordance with Article 10 of the TCLUO before **4:00 PM on April 22, 2024**. Unless appealed, the effective date of this decision shall be April 10, 2024.

**Request:** Conditional Use request for the construction of an accessory structure without a primary use (dwelling) (Exhibit B).

**Location:** The subject property is located in the Unincorporated Community of Neskowin, accessed off of Scherzinger Road, a County Road and designated as Tax Lot 200 in Section 24AA of Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).

**Zone:** Neskowin Rural Residential (NeskRR)

**Applicant  
& Property  
Owner:**


Scott W Gesik, 5870 Scherzinger RD, Neskowin, OR 97149

**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/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall adhere to applicable development standards in TCLUO Section 3.320: Neskowin Rural Residential Zone (NeskRR).
3. Shall obtain all of the applicable sanitation permits from the Tillamook County On-site Sanitation Department prior to consolidated Building/Zoning Permit.
4. Development of the property shall adhere to the applicable development standards outlined in TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. Development where the average existing slope of the building footprint or area to be disturbed measured from the highest to lowest point within the footprint or area to be disturbed is 29 percent or greater is subject to a Geologic Hazard Assessment as per TCLUO Section 4.130.
5. The applicant shall submit a fire letter from the Nestucca Rural Fire District to the Department at the time of consolidated zoning/building permit submittal.
6. This approval shall be void on April 10, 2026, unless implementation of approved plans has begun, or an extension is requested from, and approved by this Department.

Sincerely,  
Tillamook County Department of Community Development



Sheila Shoemaker, Land Use Planner



Sarah Absher, CFM, Director

Enc.: Vicinity & Assessor/Zoning Map

1510 - B Third Street  
Tillamook, Oregon 97141  
www.tillamookcounty.gov

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



Land of Cheese, Trees and Ocean Breeze

**CONDITIONAL USE REQUEST #851-23-000549-PLNG: GESIK  
ADMINISTRATIVE DECISION & STAFF REPORT**

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

April 10, 2024

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Conditional Use Request on April 10, 2024.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website: <https://www.tillamookcounty.gov/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

**Appeal of this decision.** This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department in accordance with Article 10 of the TCLUO before **4:00 PM on April 22, 2024**. Unless appealed, the effective date of this decision shall be April 10, 2024.

**Request:** Conditional Use request for the construction of an accessory structure without a primary use (dwelling) (Exhibit B).

**Location:** The subject property is located in the Unincorporated Community of Neskowin, accessed off of Scherzinger Road, a County Road and designated as Tax Lot 200 in Section 24AA of Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).

**Zone:** Neskowin Rural Residential (NeskRR)

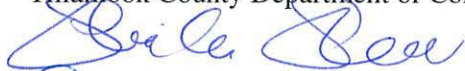
**Applicant & Property Owner:** Scott W Gesik, 5870 Scherzinger RD, Neskowin, OR 97149

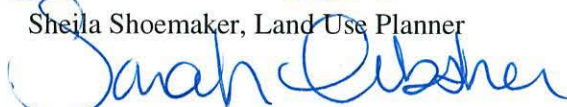
**CONDITIONS OF APPROVAL:**

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/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall adhere to applicable development standards in TCLUO Section 3.320: Neskowin Rural Residential Zone (NeskRR).
3. Shall obtain all of the applicable sanitation permits from the Tillamook County On-site Sanitation Department prior to consolidated Building/Zoning Permit.
4. Development of the property shall adhere to the applicable development standards outlined in TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. Development where the average existing slope of the building footprint or area to be disturbed measured from the highest to lowest point within the footprint or area to be disturbed is 29 percent or greater is subject to a Geologic Hazard Assessment as per TCLUO Section 4.130.
5. The applicant shall submit a fire letter from the Nestucca Rural Fire District to the Department at the time of consolidated zoning/building permit submittal.
6. This approval shall be void on April 10, 2026, unless implementation of approved plans has begun, or an extension is requested from, and approved by this Department.

Sincerely,  
Tillamook County Department of Community Development

  
Sheila Shoemaker, Land Use Planner

  
Sarah Absher, CFM, Director

Enc.: Vicinity & Assessor/Zoning Map



*Land of Cheese, Trees and Ocean Breeze*

---

**CONDITIONAL USE REQUEST #851-23-000549-PLNG: GESIK  
ADMINISTRATIVE DECISION & STAFF REPORT**

**Decision Date: April 10, 2024**

**Decision: APPROVED WITH CONDITIONS  
(This is not Building or Placement Permit Approval)**

**Report Prepared by:** Sheila Shoemaker, Land Use Planner  
Sarah Absher, CFM, Director

SS

---

**I. GENERAL INFORMATION:**

**Request:** Conditional Use request for the construction of an accessory structure without a primary use (dwelling) (Exhibit B).

**Location:** The subject property is located in the Unincorporated Community of Neskowin, accessed off of Scherzinger Road, a County Road and designated as Tax Lot 200 in Section 24AA of Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).

**Zone:** Neskowin Rural Residential (NeskRR)

**Applicant &  
Property**

**Owner:** Scott W Gesik, 5870 Scherzinger RD, Neskowin, OR 97149

**Property Description:** The subject property contains 7.58 acres. Property varies in topography and is vegetated with grasses, trees and shrubs. The subject property is currently unimproved (Exhibit A).

The subject property does not contain wetlands or other mapped natural features. Property is within an area of geologic hazard. Property is not located within area of special flood hazard per FEMA Firm #41057C0800F dated September 28, 2018 (Exhibit A).

## 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. Section 3.320: Neskowin Rural Residential Zone (NeskRR)
- B. Section 4.130: Development Requirements for Geologic Hazard Areas
- C. Article VI: Conditional Use Procedures and Criteria

## III. ANALYSIS:

### A. Section 3.320: Neskowin Rural Residential Zone (NeskRR)

*PURPOSE: Land designated Rural Residential is intended to maintain the rural character of the community by retaining large lots where typically community water and sewer are not available. Land that is suitable for Rural Residential use has limited value for farm or forest use; it is physically capable of having homesites on parcels of five acres or less; and it can be utilized for residential purposes without constraining the use of surrounding resource-zoned properties for resource-production purposes.*

*PURPOSE: The purpose of the RR zone is to provide for the creation and use of small acreage residential homesites. Land that is suitable for Rural Residential use has limited value for farm or forest use; it is physically capable of having homesites on parcels of five acres or less; and it can be utilized for residential purposes without constraining the use of surrounding resource-zoned properties for resource-production purposes.*

1. **Section 3.010 (3)(g)** lists accessory structures or accessory uses without an on-site primary structure (dwelling) as a use permitted conditionally in the Neskowin Rural Residential Zone (NeskRR) subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.

**Findings:** County records indicate the applicant completed a property line adjustment (PLA) permit # 851-23-000539-PLNG. As part of PLA Conditions of Approval, it states: *If both Units are retained by separate property owners, the property owner of Unit B must convert or demolish the accessory structures to an allowable use within 90 days of transfer of ownership of the real property* (Exhibit C).

The applicant states that they want to sell the property and new owners are not looking to build at this time(Exhibit B).

Staff finds that conditional use approval is required per the PLA Conditions of Approval to allow for the accessory structure to remain without a primary structure (dwelling) in the NeskRR zone.

### B. 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 public notice in accordance with TCLUO Section 10.070 which requires notification of the request to be mailed to landowners within 250 feet of the subject property, to allow at least 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 within 250 feet of the subject property and other agencies on January 30, 2024. No comments were received.

## 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:** The applicant is proposing the construction of an accessory structure without a primary structure (dwelling). As stated above, the use is permitted conditionally in the NeskRR Zone.

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

**Findings:** Staff finds that the proposed use is permitted conditionally in the NeskRR zone of the Tillamook County Land Use Ordinance. The TCLUO is an implementing document of the Comprehensive Plan. In the absence of evidence to the contrary, uses allowed conditionally in the Land Use Ordinance are presumed to be consistent with the Comprehensive Plan. Staff concludes this criterion has been met.

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

**Findings:** The subject property contains approximately 1.96 acres and is accessed off Scherzinger Road, a County Road (Exhibit A). There is no wetland present on the property. The subject property is located within Zone X, an area of Minimal Flood as indicated on FEMA FIRM 4105C0865F dated September 28, 2018, and there are no wetlands present (Exhibit A). The subject property is located within an area of known geologic hazard.

The subject property is sloped with mature spruce trees with native grasses and shrubs. County records indicate the property is improved with an existing accessory structure, built in 2001 and is 1,080 square feet (Exhibit A). Applicant states the accessory structure has natural cedar siding, is insulated, heated and finished (Exhibit B).

Staff finds a Geologic Hazard Assessment is not required as per the provisions outlined in TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.

Staff finds a Geologic Hazard Assessment is not required as per the provisions outlined in TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. Given the accessory structure has existed, the size of property, absence of natural features, and established access, Staff finds that the subject property is suitable to allow the accessory structure.

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:** Adjacent properties are zoned Neskowin Rural Residential Zone (NeskRR) and Small Farm and Woodlot 10 Acre Zone (SFW-10) as depicted on the zoning map included in (Exhibit A) of this report. Existing uses in the vicinity consist primarily of residential, agricultural and forestry. Several properties are improved with similar accessory structures. The applicant states the existing accessory structure will be used as *a single person office and art studio and will not alter the character of the surrounding area* Exhibit B). Applicant's site plan demonstrates all uses will continue to take place on the subject property and that the property is of adequate size to accommodate the existing accessory structure

in a manner that ensures permitted uses on adjacent properties are not impacted in the manner described in the criterion above.

Staff finds that the accessory structure has existed on the subject property and will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents surrounding landowners from developing their properties consistent with permitted uses in the underlying zones within this vicinity.

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

**Findings:** None such systems are known to exist in the area. Staff concludes this criterion has been met.

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:** Long-established existing public facilities and services in this area include Nestucca Rural Fire District, Tillamook County Sheriff and Tillamook County Public Works, and Tillamook People’s Utility District (PUD). Applicant states the subject property has a letter of water availability and septic approval (Exhibit B). County records indicate before the PLA a water verification letter and a site evaluation was completed.

Given the existence of public services and facilities in the area in relation to the proposed existing accessory structure without a primary structure (dwelling), Staff finds the proposed use is timely and any requirements for service provider letters can be required through Conditions of Approval. Any sanitary needs can be accomplished through permitting for an onsite wastewater treatment system as reflected in the Conditions of Approval listed below.

Staff finds that this criterion can be met through compliance with the Conditions of Approval.

#### **IV. DECISION: APPROVED WITH CONDITIONS**

Based on the findings shown above, Staff concludes that the applicant has satisfied the review criteria and can meet all applicable ordinance requirements at the time of application. Therefore, the Department approves this request subject to the Conditions of Approval in section V of this report.

**Appeal of this decision.** This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. The forms and fees must be filed in the office of this Department before **4:00 PM on April 22, 2024.**

#### **V. 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/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall adhere to applicable development standards in TCLUO Section 3.320: Neskowin Rural Residential Zone (NeskRR).



3. Shall obtain all of the applicable sanitation permits from the Tillamook County On-site Sanitation Department prior to consolidated Building/Zoning Permit.
4. Development of the property shall adhere to the applicable development standards outlined in TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. Development where the average existing slope of the building footprint or area to be disturbed measured from the highest to lowest point within the footprint or area to be disturbed is 29 percent or greater is subject to a Geologic Hazard Assessment as per TCLUO Section 4.130.
5. The applicant shall submit a fire letter from the Nestucca Rural Fire District to the Department at the time of consolidated zoning/building permit submittal.
6. This approval shall be void on April 10, 2026, unless implementation of approved plans has begun, or an extension is requested from, and approved by this Department.

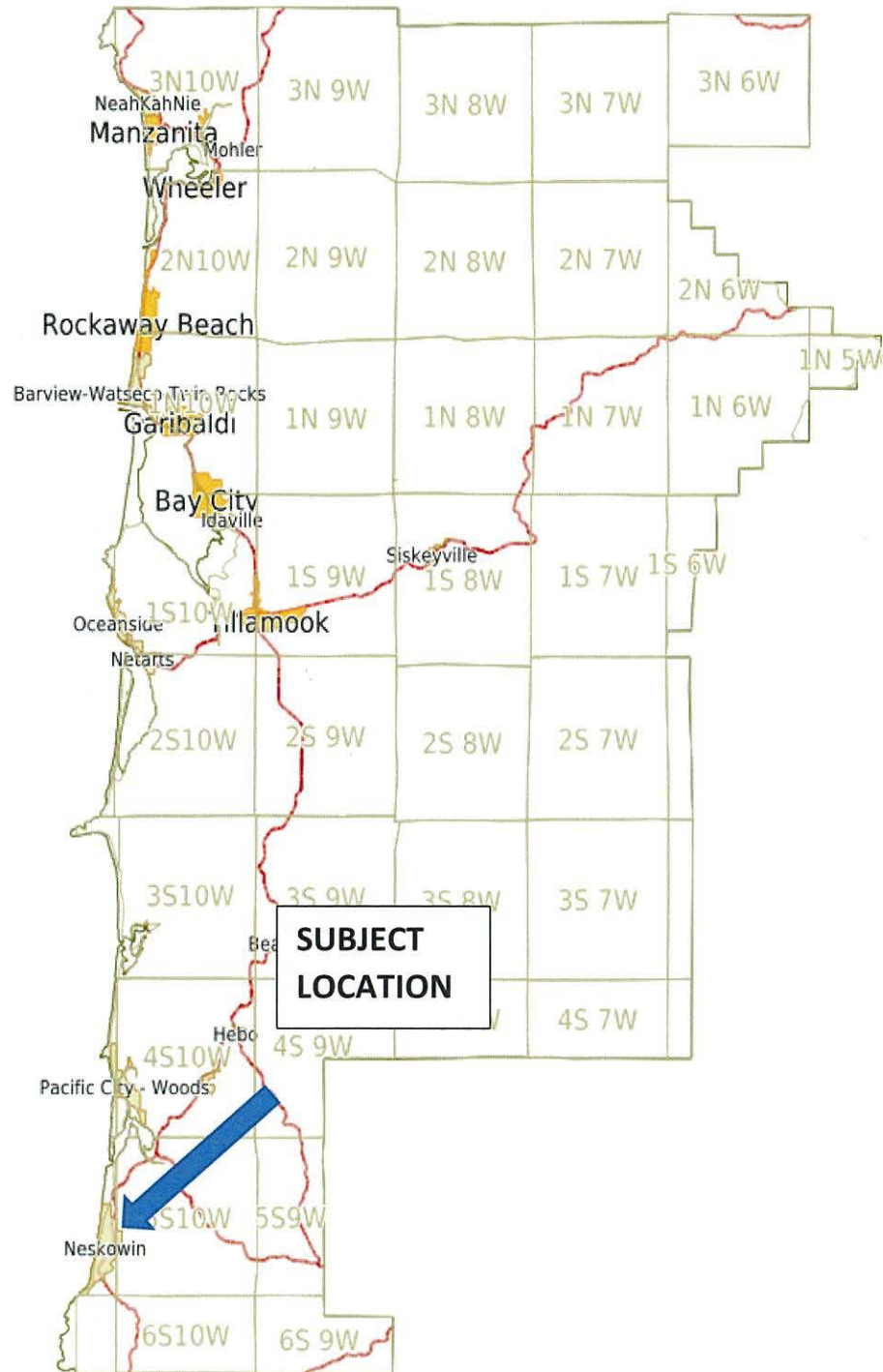
**VI. EXHIBITS**

All Exhibits referred to herein are, by this reference, made a part hereof:

- A. Location map, Assessor's summary, Zoning map, FEMA Firm, NWI Map
- B. Applicant's submittal
- C. County PLA Approval

# EXHIBIT A

# VICINITY MAP



#851-23-000549-PLNG:

Gesik

**Tillamook County**  
**2023 Real Property Assessment Report**  
 Account 390498

**Map** 5S1124AA00200  
**Code - Tax ID** 2207 - 390498

**Tax Status** Assessable  
**Account Status** Active  
**Subtype** NORMAL

**Legal Descr** PARTITION PLAT 2021-04  
 Lot - PARCEL 2

**Mailing** GESIK, SCOTT W TRUSTEE  
 5870 SCHERZINGER RD  
 NESKOWIN OR 97149

**Deed Reference #** 2022-2669  
**Sales Date/Price** 04-07-2022 / \$0  
**Appraiser** RANDY WILSON

**Property Class** 401 MA SA NH  
**RMV Class** 401 09 AC 972

Site	Situs Address	City
	5870 SCHERZINGER RD	COUNTY

Value Summary					
Code Area	RMV	MAV	AV	RMV Exception	CPR %
2207	Land	185,630	Land	0	
	Impr	722,380	Impr	0	
<b>Code Area Total</b>		908,010	496,570	496,570	0
<b>Grand Total</b>		908,010	496,570	496,570	0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2207	1	<input checked="" type="checkbox"/>		RR-2	Market	114	2.68 AC		164,730
					OSD TYPE B - AVERAGE	100			20,900
<b>Code Area Total</b>							2.68 AC		185,630

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2207	3	2001	345	GENERAL PURPOSE BUILDING	127	1,080			25,810
	4	2005	345	GENERAL PURPOSE BUILDING	127	4,104			102,020
	5	2021	131	One story	127	1,308			594,550
<b>Code Area Total</b>						6,492			722,380

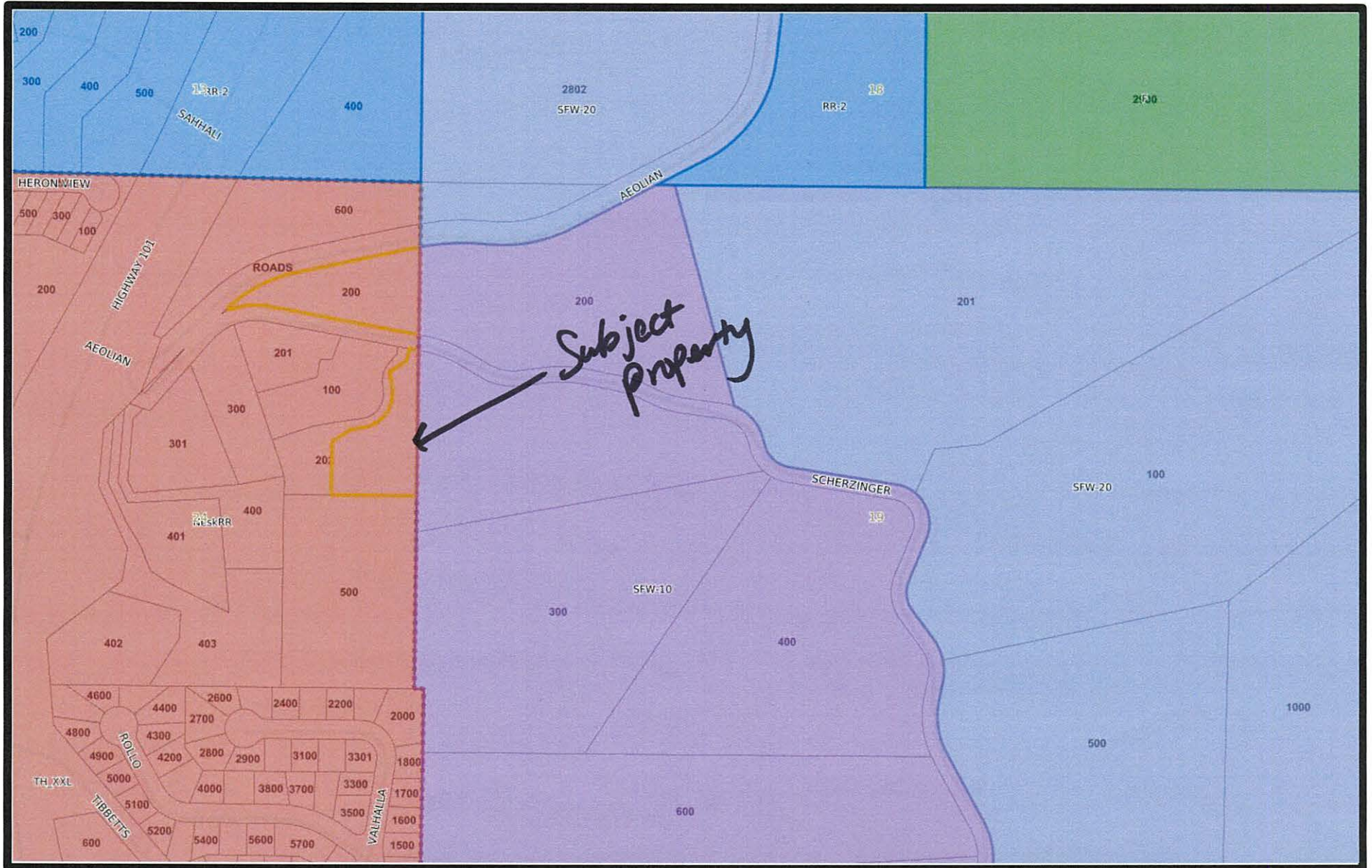
Exemptions / Special Assessments / Notations						
Code Area				Amount	Acres	Year Used
2207	<b>Special Assessments</b>					
	■	SOLID WASTE		12.00	0.00	2023
	<b>Fire Patrol</b>					
	■	FIRE PATROL SURCHARGE		47.50		2023
	■	FIRE PATROL NORTHWEST		18.75	2.68	2023

**Tillamook County**  
**2023 Real Property Assessment Report**  
**Account 390498**

**Comments**

12/17/04 New home 52% complete. Remapped from 5S11 24 104 dv. 08-02-05 Added picture. dv 6/8/06 Land to market after lot line adjustment from TL 100. Detached garage and existing GPB6 now on this lot. dv. 8/15/06 Home and new Pole Bldg 100% complete. dv. 07/25/07 Added Basement SM 2/6/08 Combined values after Tax Lot 101 was cancelled and combined into this lot. dv. 3/20/08 Acreage change only after Lot Line Adjustment from Tax Lot 400. dv. 6/3/08 Apportioned value after Partition Plat 2008-10 to Tax Lot 201. Detached garage and two GPB's remain on this lot. House now on Tax lot 201. dv. 06/09/09 Brought to market as I standard site and I view site. SM 03/31/14 Reappraised land; tabled values. RMV changes only. Applied exception for OSD that was added in 2008/09 for shop. Added solid waste. RBB 4/2021 Subject property was partitioned into two parcels (PP-2021-04) after 1/1/21. Adjusting size and values to reflect. RCW  
8/2/2021 New SFD in construction phase with remaining completion rolled forward/Updating inventory items, floorplan with photo. RCW  
3/8/22 Brought new home to 100% complete and land to market after P. Plat 2021-04 created TL 202 from this TL.  
KF

# Map



# National Flood Hazard Layer FIRMMette



123°58'19"W 45°7'57"N

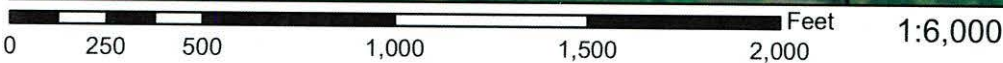


## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

<b>SPECIAL FLOOD HAZARD AREAS</b>		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
<b>OTHER AREAS OF FLOOD HAZARD</b>		0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone D
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
<b>OTHER AREAS</b>		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
<b>GENERAL STRUCTURES</b>		Area of Undetermined Flood Hazard Zone
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
<b>OTHER FEATURES</b>		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		8 Coastal Transect
		5.5 Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
	Profile Baseline	
<b>MAP PANELS</b>		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



123°57'41"W 45°7'32"N

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/26/2024 at 1:35 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

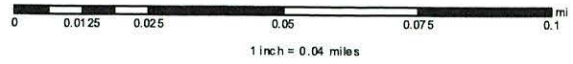
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

# Statewide Wetlands Inventory



-  Townships
-  LWI Study Area
-  BASEDAT.DBO.NHD Point
- BASEDAT.DBO.NHDF lowline**
-  Perennial
-  Intermittent
-  Ephemeral
-  Unknown
-  Canal/Ditch
-  BASEDAT.DBO.NHD Area
-  BASEDAT.DBO.NHD Waterbody
- Wetlands**
-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland
-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond
-  Lake
-  Riverine
-  SWI Pre dominantly Hydric Soil Map Units
-  SWI Agate-Winlo Soils

R. Sounhein, Department of State Lands, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, R. Sounhein 2018



Date: 1/26

N





# Area of Geologic Hazard

Zoom to Full Extent Measure Print Find Me Start Over

Catalog Favorites Visible Results  
Search catalog

Map Extras

Administrative Boundaries

- Tax lots
- County Boundaries

Non-Regulatory Planning

Physical

- Debris Flow fans
- Deep Landslide Susceptibility
  - High Susceptibility
  - Moderate Susceptibility
- Shallow Landslide Susceptibility
- Rapidly Moving Landslides
- Beaches and Dunes Overlay Zone

Elevation

- Highest Hit, OLC, 2008-19
- Bare Earth, OLC, 2008-19

Aerial Photos

- State Imagery
- World Imagery

Basemaps

- Carto
  - Light
  - Voyager
- Esri



# EXHIBIT B



## PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	
<b>RECEIVED</b>	
DEC 04 2023	
BY: .....	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #: 134933	
Fees: 1315-	
Permit No: 851-23-00549-PLNG	

**Applicant**  (Check Box if Same as Property Owner)

Name: Scott W Gesik Phone: 541-992-2563  
 Address: 5870 Scherzinger Rd  
 City: Neskowin State: OR Zip: 97149  
 Email: Scott Gesik @ GORGE.NET

**Property Owner**

Name: Scott Gesik Phone: 541-992-2563  
 Address: 5870 Scherzinger Rd  
 City: Neskowin State: OR Zip: 97149  
 Email: Scott Gesik @ GORGE.NET

Request: Property divided off - Has auxiliary building  
Do not want build at this time -  
Selling to family members and they would rather not  
Build at this time.

- | Type II  | Type III  | Type IV   |
|--|---|---|
| <input type="checkbox"/> Farm/Forest Review                                | <input type="checkbox"/> Detailed Hazard Report                       | <input type="checkbox"/> Ordinance Amendment              |
| <input checked="" type="checkbox"/> Conditional Use Review                 | <input type="checkbox"/> Conditional Use (As deemed by Director)      | <input type="checkbox"/> Large-Scale Zoning Map Amendment |
| <input type="checkbox"/> Variance  | <input type="checkbox"/> Ordinance Amendment                          | <input type="checkbox"/> Plan and/or Code Text Amendment  |
| <input type="checkbox"/> Exception to Resource or Riparian Setback         | <input type="checkbox"/> Map Amendment                                |   |
| <input type="checkbox"/> Nonconforming Review (Major or Minor)             | <input type="checkbox"/> Goal Exception                               |   |
| <input type="checkbox"/> Development Permit Review for Estuary Development | <input type="checkbox"/> Nonconforming Review (As deemed by Director) |   |
| <input type="checkbox"/> Non-farm dwelling in Farm Zone                    | <input type="checkbox"/> Variance (As deemed by Director)             |   |
| <input type="checkbox"/> Fore-dune Grading Permit Review                   |   |   |
| <input type="checkbox"/> Neskowin Coastal Hazards Area                     |   |   |

**Location:**  
 Site Address: PLAT 2008-10  
 Map Number: 5.5 - 11      24- AA      200  
Township      Range      Section      Tax Lot(s)

Clerk's Instrument #: \_\_\_\_\_

**Authorization**

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

Scott W Gesik      11-30-23  
 Property Owner Signature (Required)      Date  
Scott W Gesik      11-30-23  
 Applicant Signature      Date

## Conditional Use Review Criteria

1. The use is listed as a Conditional Use in the underlying zone, or in an application overlying zone. YES.
2. The use is consistent with the applicable goals and policies of the Comprehensive Plan. YES.
3. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features. YES: the purpose of this Conditional Use Permit (CUP) application is to allow owner Scott Gesik to sell Unit B as described in the county's January 5, 2024 Property Line Adjustment approval to Neskowin residents Shawn and Richard Ramirez, without having to remove Unit B's accessory structure. As described in the PLA approval, Unit B is 1.96 acres with a 1,650 square foot accessory structure which had been used as a personal gym by Gesik since 2001. Shawn and Richard currently live with Shawn's retired parents (Ken and Sandi Duxst) in the adjacent lot at 5925 Scherzinger Road in Neskowin. The accessory structure is located approximately 100 feet from their residence. The size of the accessory structure gives Shawn Ramirez the office space necessary to do her remote bookkeeping job. Also, she will have the space needed for her and her mother to continue their art work - both have contracts with the Freed Gallery and their art commercially. The Ramirez' moved to Neskowin in 2023 to support their parents as needed.

Unit B is a sloped lot with mature spruce trees, natural ferns and ocean views. The accessory structure was in 2001. It has natural cedar siding. It is insulated, heated and finished, and conforms with the surrounding environment. The lot is zoned Rural Residential and is greater than the 20,000 square foot minimum lot size. It has a letter of water availability and septic approval.

4. The proposed use will not alter the character of the surrounding area in a manner which substantially impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone. CORRECT: the proposed use of Unit B (for a remote single-person office and art studio) will not alter the character of the surrounding area.

The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills. CORRECT: the proposed use will not have a detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills. Furthermore, there are no known such systems on adjacent properties.

The proposed use is timely, considering the adequacy of public facilities and services existing or planned in the area affected by the use. YES: facilities and services already exist, including necessary utilities and infrastructure.

Hi Sheila

Here is the club app

Terry Jones - has PLT  
Should be in your name  
any days then they both  
will be chew

Thank - Best regards  
Scott

SCALE: 1" = 60'

LEGEND:

- ⊙ - FOUND MONUMENT (AS NOTED)
- - FD. 5/8" X 30" I.R. w/Y.P.C. MARKED; "KELLOW PLS 2027"-FLUSH (B-2925)

(root) - RECORD DATA (AS NOTED)

NO ( ) - MEASURED VALUES

- I.R. - IRON ROD
- I.P. - IRON PIPE
- Y.P.C. - YELLOW PLASTIC CAP

CURVE DATA:

TO CLOSE:	
L=38.81'	L=38.51'
R=328.10'	R=283.00'
Δ=06°44'30"	Δ=07°47'32"
C LEN=38.56'	C LEN=38.40'
BRG=N 81°38'48" E	BRG=N 82°08'31" E

SW COR. SEC. 18  
FD. TEL. COLUMN - BRASS CAP  
IN CONC. w/ TILE - UP 0.33'  
T/S 287 1974" (REWTNESS/9+1)

NARRATIVE

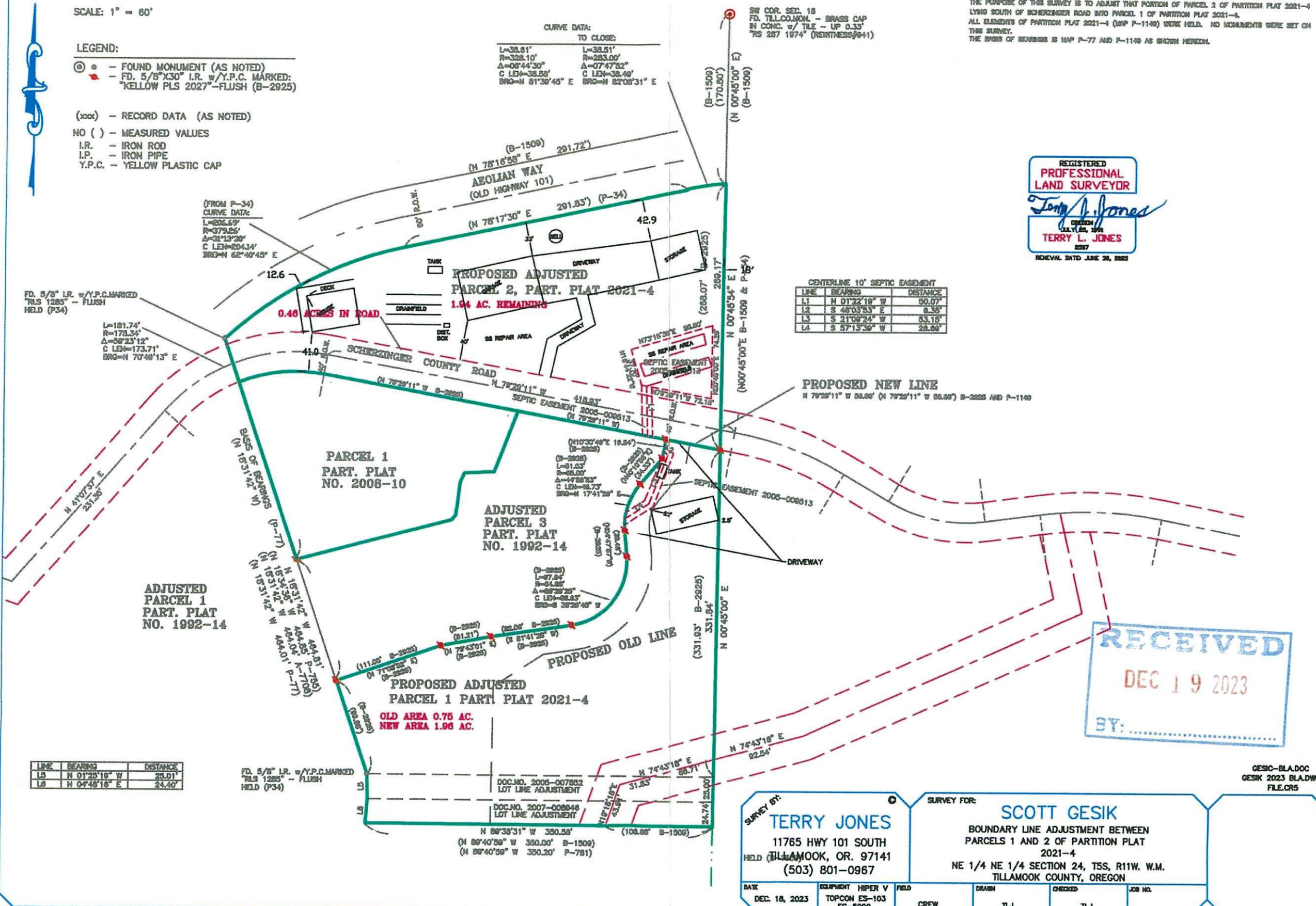
THE PURPOSE OF THIS SURVEY IS TO ADJUST THAT PORTION OF PARCEL 2 OF PARTITION PLAT 2021-4 LYING SOUTH OF SCHERZINGER ROAD INTO PARCEL 1 OF PARTITION PLAT 2021-4. ALL ELEMENTS OF PARTITION PLAT 2021-4 (MPP P-1148) WERE HELD. NO MONUMENTS WERE SET ON THIS SURVEY. THE BASIS OF BEARINGS IS MAP P-77 AND P-1148 AS SHOWN HEREON.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Terry L. Jones*  
TERRY L. JONES  
2007  
RENEWAL DATE: JUNE 28, 2022

CENTERLINE 10' SEPTIC EASEMENT

LINE	BEARING	DISTANCE
L1	N 01°22'18" W	80.07'
L2	S 45°03'53" W	8.36'
L3	S 21°08'24" W	63.16'
L4	S 57°13'38" W	28.89'



LINE	BEARING	DISTANCE
L3	N 01°22'18" W	23.01'
L4	N 04°48'18" E	24.40'

FD. 5/8" I.R. w/Y.P.C. MARKED  
T/S 1285" - FLUSH  
HELD (P34)

DOC. NO. 2005-007882  
LOT LINE ADJUSTMENT

DOC. NO. 2007-008848  
LOT LINE ADJUSTMENT

SURVEY BY  
**TERRY JONES**  
11765 HWY 101 SOUTH  
TILLAMOOK, OR. 97141  
(503) 801-0967

SURVEY FOR:  
**SCOTT GESIK**  
BOUNDARY LINE ADJUSTMENT BETWEEN  
PARCELS 1 AND 2 OF PARTITION PLAT  
2021-4  
NE 1/4 NE 1/4 SECTION 24, T5S, R11W. W.M.  
TILLAMOOK COUNTY, OREGON

DATE	EQUIPMENT	FIELD	DRAWN	CHECKED	JOB NO.
DEC. 18, 2023	TOPCON ES-103 FC-5000	HIPER V CREW	TLJ	TLJ	

GESIK-BLADOC  
GESIK 2023 BLADWG  
FILE.CRS

## Sheila Shoemaker

---

**From:** scottgesik at gorge.net <scottgesik@gorge.net>  
**Sent:** Thursday, January 11, 2024 2:27 PM  
**To:** Sheila Shoemaker  
**Subject:** EXTERNAL: Fwd: EXTERNAL: RE: FW: Gesik - CU incomplete letter - 851-23-000549-PLNG  
**Attachments:** Tillamook County CUP app.rtf

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

---

**From:** "scottgesik at gorge.net" <scottgesik@gorge.net>  
**To:** "Sheila Shoemaker" <Sheila.Shoemaker@tillamookcounty.gov>  
**Sent:** Thursday, January 11, 2024 2:09:02 PM  
**Subject:** Re: EXTERNAL: RE: FW: Gesik - CU incomplete letter - 851-23-000549-PLNG

### Conditional Use Review Criteria for Scott Gesik's December 2023 Conditional Use Permit Application

1. The use is listed as a Conditional Use in the underlying zone, or in an application overlying zone. YES.
2. The use is consistent with the applicable goals and policies of the Comprehensive Plan. YES.
3. The parcel is suitable for the proposed use considering it's size, shape, location, topography, existence of improvements and natural features. YES: the purpose of this Conditional Use Permit (CUP) application is to allow owner Scott Gesik to sell Unit B as described in the county's January 5, 2024 Property Line Adjustment approval (#851-23-000539-PLNG) to Neskowin residents Shawn and Richard Ramirez, without having to remove Unit B's accessory structure. As described in the PLA approval, Unit B is 1.96 acres with a 1,650 square foot accessory structure which had been used as a personal gym by Gesik since 2001. Shawn and Richard currently live with Shawn's retired parents (Ken and Sandi Dust) in the adjacent lot at 5925 Scherzinger Road in Neskowin. The accessory structure is located approximately 100 feet from their residence. The size of the accessory structure gives Shawn Ramirez the office space necessary to do her remote bookkeeping job. Also, she will have the space needed for her and her mother to continue their art work - both have contracts with the Freed Gallery and sell their art commercially. The Ramirez' moved to Neskowin in 2023 to support their parents as needed.  
Unit B is a sloped lot with mature spruce trees, natural ferns and ocean views. The accessory structure was built in 2001. It has natural cedar siding. It is insulated, heated and finished, and conforms with the surrounding environment. The lot is zoned Rural Residential and is greater than the 20,000 square foot minimum lot size. It has a letter of water availability and septic approval.
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. CORRECT: the proposed use of Unit B (for a remote single-person office and art studio) will not alter the character of the surrounding area.
5. The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills. CORRECT: the proposed use will not have a detrimental effect on

## Conditional Use Review Criteria for Scott Gesik's December 2023 Conditional Use Permit Application

1. The use is listed as a Conditional Use in the underlying zone, or in an application overlying zone. YES.
2. The use is consistent with the applicable goals and policies of the Comprehensive Plan. YES.
3. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features. YES: the purpose of this Conditional Use Permit (CUP) application is to allow owner Scott Gesik to sell Unit B as described in the county's January 5, 2024 Property Line Adjustment approval (#851-23-000539-PLNG) to Neskowin residents Shawn and Richard Ramirez, without having to remove Unit B's accessory structure. As described in the PLA approval, Unit B is 1.96 acres with a 1,650 square foot accessory structure which had been used as a personal gym by Gesik since 2001. Shawn and Richard currently live with Shawn's retired parents (Ken and Sandi Dunst) in the adjacent lot at 5925 Scherzinger Road in Neskowin. The accessory structure is located approximately 100 feet from their residence. The size of the accessory structure gives Shawn Ramirez the office space necessary to do her remote bookkeeping job. Also, she will have the space needed for her and her mother to continue their art work - both have contracts with the Freed Gallery and sell their art commercially. The Ramirez' moved to Neskowin in 2023 to support their parents as needed.

Unit B is a sloped lot with mature spruce trees, natural ferns and ocean views. The accessory structure was built in 2001. It has natural cedar siding. It is insulated, heated and finished, and conforms with the surrounding environment. The lot is zoned Rural Residential and is greater than the 20,000 square foot minimum lot size. It has a letter of water availability and septic approval.

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. CORRECT: the proposed use of Unit B (for a remote single-person office and art studio) will not alter the character of the surrounding area.
5. The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills. CORRECT: the proposed use will not have a detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills. Furthermore, there are no known such systems on the adjacent properties.
6. The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use. YES: facilities and services already exist, including necessary utilities and infrastructure.



existing solar energy systems, wind energy conversion systems or wind mills. Furthermore, there are no known such systems on the adjacent properties.

6. The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use. YES: facilities and services already exist, including necessary utilities and infrastructure.

corection spelling dunst should be dust ken and sandy

---

**From:** "Sheila Shoemaker" <Sheila.Shoemaker@tillamookcounty.gov>

**To:** "scottgesik" <scottgesik@gorge.net>

**Cc:** "Richard Ramirez" <andona503@gmail.com>

**Sent:** Thursday, January 11, 2024 11:13:19 AM

**Subject:** RE: EXTERNAL: RE: FW: Gesik - CU incomplete letter - 851-23-000549-PLNG

Hi Scott,

Thank you for signing the acknowledgment form and checking the box that you will be sending the additional information. However by signing the 150 day waiver you are confirming that your application is complete and if we review all that was given to us (application and fee paid) then it would remain incomplete and may be denied since we never received your responses to the criteria attached. The revised site plan and criteria responses was missing. We since got the site plan but without the criteria responses the application remains incomplete. Please respond to the criteria as if they were questions pertaining to the property and your request to have an accessory structure on the property without a primary. You can call me if you'd like to discuss further. Things tend to get lost in email.

Sincerely,



**Sheila Shoemaker** | Land Use Planner

**TILLAMOOK COUNTY** | Community Development

1510-B Third Street

Tillamook, OR 97141

Phone (503) 842-3408 x 3123

[Sheila.Shoemaker@tillamookcounty.gov](mailto:Sheila.Shoemaker@tillamookcounty.gov)

**\*Please make note: NEW EMAIL ADDRESS effective immediately.**

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

*The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.co.tillamook.or.us/gov/ComDev/> to access the appointment scheduler portal.*

**From:** scottgesik <scottgesik@gorge.net>

**Sent:** Thursday, January 11, 2024 10:41 AM

**To:** Sheila Shoemaker <Sheila.Shoemaker@tillamookcounty.gov>

**Cc:** Richard Ramirez <andona503@gmail.com>

**Subject:** EXTERNAL: RE: FW: Gesik - CU incomplete letter - 851-23-000549-PLNG

Date: December 12, 2023

RE: Incomplete application for a Conditional Use request #851-23-000549-PLNG

To Whom It May Concern:

As indicated in the attached correspondence, your application has been deemed to be incomplete.

Please acknowledge, in writing, your intent to provide the material required to complete the application, as identified in the attached correspondence.

Tillamook County Department of Community Development  
Attn: Sheila Shoemaker, Land Use Planner  
1510 B Third Street  
Tillamook, OR 97141

If you indicate your intent to complete the application, you will have 180 days from the date the application was originally submitted (**December 4, 2023**) to submit the required material. If you fail to submit the material within 180 days, your application will be deemed void. The case file regarding the application will then be closed.

If you do not return this acknowledgment, by the above date, such action will be considered to be a refusal to complete the application under the meaning accorded in ORS 215.428. Your application will then be processed based upon the information you have previously submitted. Note that failure to submit sufficient evidence or material to demonstrate compliance with the applicable criteria is grounds for denial of the application.

**ACKNOWLEDGMENT**

- I intend to provide the additional material identified in the attached correspondence from the Department of Community Development.
- I refuse to provide the additional material identified in the attached correspondence from the Department of Community Development.

Scott A. Gessell  
Signed and Acknowledged (Applicant)

1-11-24  
Date

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hi pics of signatures ( think we did that already at surveyors office , enclosed with site plan ,and dropped off at development office) believe the 15th dec///signed these that you sent ,dated them at today's date, also pics of the approval from Angela Ramaldi .

Thank you very much .

Ps . Angela,s Christmas jingle on the message phone is gone , till next year lol

Sent via the Samsung Galaxy S22+ 5G, an AT&T 5G smartphone

----- Original message -----

From: Sheila Shoemaker <[Sheila.Shoemaker@tillamookcounty.gov](mailto:Sheila.Shoemaker@tillamookcounty.gov)>

Date: 1/11/24 10:21 AM (GMT-08:00)

To: scottgesik <[scottgesik@gorge.net](mailto:scottgesik@gorge.net)>

Subject: FW: Gesik - CU incomplete letter - 851-23-000549-PLNG

Good morning Scott,

This is a follow up email from our phone conversation today regarding the incomplete Conditional Use letter and missing information. It appears that Angela Rimoldi got all of the missing information to reach the property line adjustment (PLA) decision however, were still needing additional information pertaining to the incomplete Conditional Use application. Please see the incomplete letter attached. I can use the site plan that was sent to Angela for the PLA review but need responses to the attached criteria, page 4 of the attachment.

Sincerely,



**Sheila Shoemaker** | Land Use Planner  
TILLAMOOK COUNTY | Community Development  
1510-B Third Street  
Tillamook, OR 97141  
Phone (503) 842-3408 x 3123  
[Sheila.Shoemaker@tillamookcounty.gov](mailto:Sheila.Shoemaker@tillamookcounty.gov)

**\*Please make note: NEW EMAIL ADDRESS effective immediately.**

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

*The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.co.tillamook.or.us/gov/ComDev/> to access the appointment scheduler portal.*

**From:** Sheila Shoemaker

**Sent:** Tuesday, December 12, 2023 10:54 AM

**To:** Angela Rimoldi <[Angela.Rimoldi@tillamookcounty.gov](mailto:Angela.Rimoldi@tillamookcounty.gov)>  
**Subject:** Gesik - CU incomplete letter - 851-23-000549-PLNG

Attached for your email.

Sincerely,



**Sheila Shoemaker** | Land Use Planner  
TILLAMOOK COUNTY | Community Development  
1510-B Third Street  
Tillamook, OR 97141  
Phone (503) 842-3408 x 3123  
[Sheila.Shoemaker@tillamookcounty.gov](mailto:Sheila.Shoemaker@tillamookcounty.gov)

**\*Please make note: NEW EMAIL ADDRESS effective immediately.**

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

*The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.co.tillamook.or.us/gov/ComDev/> to access the appointment scheduler portal.*

## Sheila Shoemaker

---

**From:** scottgesik <scottgesik@gorge.net>  
**Sent:** Thursday, January 11, 2024 2:31 PM  
**To:** Sheila Shoemaker  
**Subject:** EXTERNAL: RE: EXTERNAL: RE: FW: Gesik - CU incomplete letter - 851-23-000549-PLNG  
**Attachments:** 20240111\_142833\_resized.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]**

Mr Ramirez typed up the criteria page, noted that he had mis spelled his inlaws last name it is Dust , not Dunst.

Sent via the Samsung Galaxy S22+ 5G, an AT&T 5G smartphone

----- Original message -----

**From:** Sheila Shoemaker <Sheila.Shoemaker@tillamookcounty.gov>  
**Date:** 1/11/24 11:13 AM (GMT-08:00)  
**To:** scottgesik <scottgesik@gorge.net>  
**Cc:** Richard Ramirez <andona503@gmail.com>  
**Subject:** RE: EXTERNAL: RE: FW: Gesik - CU incomplete letter - 851-23-000549-PLNG

Hi Scott,

Thank you for signing the acknowledgment form and checking the box that you will be sending the additional information. However by signing the 150 day waiver you are confirming that your application is complete and if we review all that was given to us (application and fee paid) then it would remain incomplete and may be denied since we never received your responses to the criteria attached. The revised site plan and criteria responses was missing. We since got the site plan but without the criteria responses the application remains incomplete. Please respond to the criteria as if they were questions pertaining to the property and your request to have an accessory structure on the property without a primary. You can call me if you'd like to discuss further. Things tend to get lost in email.

# EXHIBIT C



**PROPERTY LINE ADJUSTMENT REVIEW**  
**#851-23-000539-PLNG:**  
**GESIK / JONES**

**Ministerial Review Report Date:** January 5, 2024  
**Prepared by:** Angela Rimoldi, Planning Permit Technician

**Applicant:** Terry Jones Consulting, 11765 Highway 101 S., Tillamook, OR. 97141

Unit A				Unit B			
Township	Range	Section	Tax Lot	Township	Range	Section	Tax Lot
5S	11W	24AA	200	5S	11W	24AA	202
<b>Owner:</b> Scott Gesik				<b>Owner:</b> Scott Gesik			
<b>Property Address:</b> 5870 Scherzinger Road, Neskowin, OR. 97149				<b>Property Address:</b> Undeveloped			
<b>Mailing Address (Street or PO Box):</b> P.O. Box 87, Pacific City, OR. 97135				<b>Mailing Address (Street or PO Box):</b> P.O. Box 87, Pacific City, OR. 97135			
<b>Zone:</b> Neskowin Rural Residential (NeskRR)				<b>Zone:</b> Neskowin Rural Residential (NeskRR)			

Proposed Unit	Existing Area	Proposed Area
Unit A (Tax Lot 200)	2.69 Acres	1.94 Acres
Unit B (Tax Lot 202)	0.75 Acres	1.96 Acres

**Materials Submitted:** PLA Application, Warranty Deeds and Preliminary Plot Maps

**CRITERIA & FINDINGS:**

*i. Parcel Creation. No additional parcel or lot is created by the lot line adjustment.*

**Findings:**

- Staff finds that Unit A holds a portion of land to the north and south of Scherzinger Road, the proposed property line adjustment proposes the southern portion of Unit A to be obtained into Unit B (Exhibit B).
- Staff concludes that no new parcels are being created as a result of the proposed property line adjustment (Exhibit B).

**ii. Lot standards.**

1. *All lots and parcels conform to the applicable lot standards of the zone including lot area, dimensions, setbacks, and coverage, except where 2. or 3. applies.*
2. *For properties entirely outside an Unincorporated Community Boundary, where one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment, one property shall be as large or larger than the minimum lot or parcel size for the applicable zone after the adjustment.*
3. *For properties entirely outside an Unincorporated Community Boundary, both abutting properties are smaller than the minimum lot size for the applicable zone before and after property line adjustment.*

**Findings:**

- Staff finds that both Units meet the minimum lot size of 20,000 square feet required by the Neskowin Rural Residential (NeskRR) Zone, respectively both before and after the proposed property line adjustment (Exhibit B).
- Staff finds that both Units meet the minimum 100-foot lot width and depth required by the Neskowin Rural Residential (NeskRR) Zone, respectively both before and after the proposed property line adjustment (Exhibit B).
- Staff finds that Unit A is currently improved with a single-family dwelling and 3 detached accessory structures: two on the north portion of the property and one on the south portion of the property; however, as a result of the proposed property line adjustment, the detached accessory structure on the south portion of Unit A will become a part of Unit B (Exhibit B). The proposed property line adjustment will continue to maintain conformance with the setback standards set by the Neskowin Rural Residential (NeskRR) Zone (Exhibit B).
- Staff finds that Unit B is currently undeveloped; however, as a result of the proposed property line adjustment, Unit B will obtain the accessory structure from Unit A (Exhibit B). The Neskowin Rural Residential (NeskRR) Zone does not allow outright for detached accessory structures without an on-site primary structure; therefore, staff find development standards can be met through compliance with the Conditions of Approval. The proposed property line adjustment will continue to maintain conformance with the setback standards set by the Neskowin Rural Residential (NeskRR) Zone (Exhibit B).
- Staff concludes that this criterion has been met through the Conditions of Approval.

4. *As applicable, all lots and parcels shall conform to the Tillamook County Flood Hazard Overlay Zone.*

**Findings:**

- Staff finds that both units are located within Zone X an Area of Minimal Flood Hazard as depicted on FEMA FIRM 41057C0865F dated September 28, 2018 (Exhibit A).
- Staff concludes that this criterion has been met.

- iii. Access and Road Authority Standards.** *All lots and parcels conform to the standards or requirements of Section 150: Development Standards for Land Divisions and all applicable road authority requirements are met. If a lot is nonconforming to any road authority standard, it shall not be made less conforming by the property line adjustment.*



**Findings:**

- Staff finds that both Units are accessed via Scherzinger Road, a county-maintained road, respectively both before and after the proposed property line adjustment (Exhibit B).
- Staff concludes that this criterion has been met.

**CONCLUSION:**

Upon completion of review of the submitted materials, staff concludes that the requirements to allow a property line adjustment have been met. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing upon receipt of the appeal and applicable fees. In such case, forms and fees must be filed in the office of this Department before **4:00 PM on January 17, 2024**

**CONDITIONS OF APPROVAL:**

Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. A Restrictive Covenant, as identified in 'Exhibit C', is required for the detached accessory structure from the southern portion of Unit A, being adjusted to Unit B, to confirm the structure maintains accessory to the primary dwelling on Unit A. If both Units are retained by separate property owners, the property owner of Unit B must convert or demolish the accessory structures to an allowable use within 90 days of transfer of ownership of the real property.
2. The existing zoning designations for all Units shall remain the same and the standards for each zone will continue to apply, following the proposed adjustment.
3. If the adjusted units of land are less than ten acres in size, a survey to monument the new common boundary is required and shall be filed with the Tillamook County Surveyor's Department.
4. The property owner(s) shall record all proper documents, including descriptions of all access and utility easements necessary to serve the properties, in the Tillamook County Clerk's Office. Copies of the recorded documents shall be submitted to this Department.
5. A copy of the filed survey identifying all easements for access and utilities shall be submitted to this Department.
6. The property owner(s) shall fulfill the requirements for recording and filing above and shall submit any required map and documents within one year of the date of this approval. An extension of tentative approval may be available.

Sincerely,



Angela Rimoldi, Planning Permit Technician



Sarah Absher, CFM, Director

SCALE: 1" = 60'

LEGEND:

- - FOUND MONUMENT (AS NOTED)
- - FD. 5/8" X 30" I.R. w/Y.P.C. MARKED: "KELLOW PLS 2027"-FLUSH (B-2925)

(xxx) - RECORD DATA (AS NOTED)

NO ( ) - MEASURED VALUES

- I.R. - IRON ROD
- I.P. - IRON PIPE
- Y.P.C. - YELLOW PLASTIC CAP

CURVE DATA:  
TO CLOSE:

L=38.61'	L=38.51'
R=328.10'	R=283.00'
Δ=06°44'30"	Δ=07°47'52"
C LEN=38.58'	C LEN=38.49'
BRG=N 61°39'45" E	BRG=N 82°08'31" E

NARRATIVE

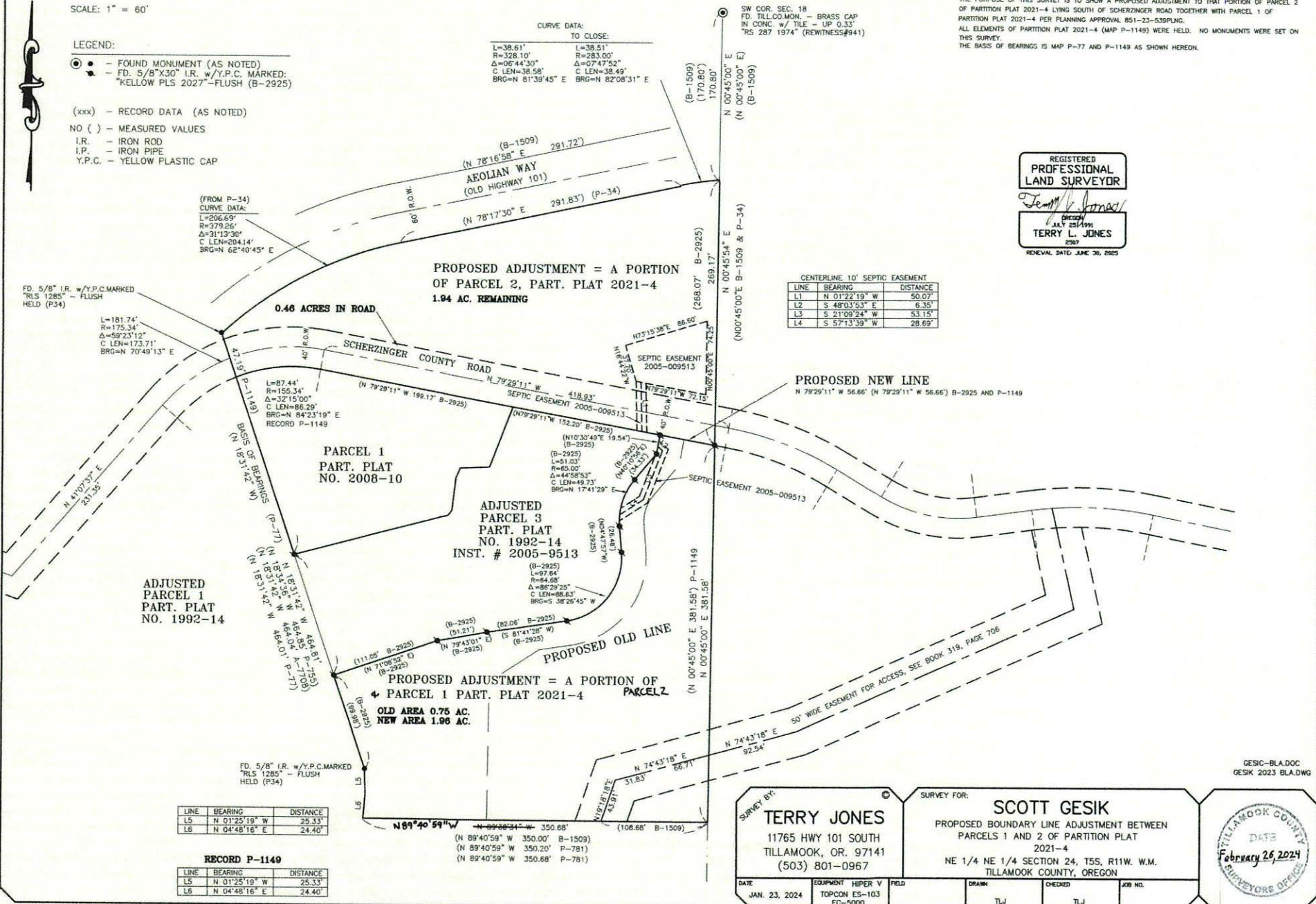
THE PURPOSE OF THIS SURVEY IS TO SHOW A PROPOSED ADJUSTMENT TO THAT PORTION OF PARCEL 2 OF PARTITION PLAT 2021-4 LYING SOUTH OF SCHERZINGER ROAD TOGETHER WITH PARCEL 1 OF PARTITION PLAT 2021-4 PER PLANNING APPROVAL B51-23-539PLNG. ALL ELEMENTS OF PARTITION PLAT 2021-4 (MAP P-1149) WERE HELD. NO MONUMENTS WERE SET ON THIS SURVEY. THE BASIS OF BEARINGS IS MAP P-77 AND P-1149 AS SHOWN HEREON.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Terry L. Jones*  
TERRY L. JONES  
2907  
RENEWAL DATE: JUNE 30, 2025

CENTERLINE 10' SEPTIC EASEMENT

LINE	BEARING	DISTANCE
L1	N 01°22'19" W	50.07'
L2	S 48°03'53" E	6.35'
L3	S 21°09'24" W	53.15'
L4	S 57°13'39" W	28.69'



ADJUSTED  
PARCEL 1  
PART. PLAT  
NO. 1992-14

PARCEL 1  
PART. PLAT  
NO. 2008-10

ADJUSTED  
PARCEL 3  
PART. PLAT  
NO. 1992-14  
INST. # 2005-9513

PROPOSED ADJUSTMENT = A PORTION OF  
PARCEL 1 PART. PLAT 2021-4

PROPOSED ADJUSTMENT = A PORTION  
OF PARCEL 2, PART. PLAT 2021-4  
1.94 AC. REMAINING

PROPOSED NEW LINE  
N 79°29'11" W 56.66' (N 79°29'11" W 56.66') B-2925 AND P-1149

LINE	BEARING	DISTANCE
L5	N 01°25'19" W	25.33'
L6	N 04°48'16" E	24.40'

RECORD P-1149

LINE	BEARING	DISTANCE
L5	N 01°25'19" W	25.33'
L6	N 04°48'16" E	24.40'

SURVEY BY:  
**TERRY JONES**  
11765 HWY 101 SOUTH  
TILLAMOOK, OR. 97141  
(503) 801-0967

SURVEY FOR:  
**SCOTT GESIK**  
PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN  
PARCELS 1 AND 2 OF PARTITION PLAT  
2021-4  
NE 1/4 NE 1/4 SECTION 24, T5S, R11W. W.M.  
TILLAMOOK COUNTY, OREGON



DATE	EQUIPMENT	HIPER V	FIELD	DRAWN	CHECKED	JOB NO.
JAN. 23, 2024	TOPCON ES-103	FC-5000		TLJ	TLJ	

GESIK-BLA.DOC  
GESIK 2023.BLA.DWG