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ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER*

**NOTICE OF PUBLIC HEARING
TILLAMOOK COUNTY BOARD OF COUNTY COMMISSIONERS
REMAND HEARING FOR LUBA APPEAL**

Date of Notice: February 14, 2023

A public hearing will be held by the Tillamook County Board of County Commissioners at 5:30p.m. on Tuesday, March 14, 2023, in the Port of Tillamook Bay Conference Center Conference Room, 4000 Blimp Boulevard, Tillamook, OR 97141 to consider the following:

REMAND FROM THE STATE OF OREGON LAND USE BOARD OF APPEALS (LUBA) No. 2021-101 IN THE MATTER OF OREGON COAST ALLIANCE (Petitioners), OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT (Intervenor-Petitioner) vs. TILLAMOOK COUNTY (Respondent) and MICHAEL ROGERS et al. (Intervenors-Respondents). THIS LUBA REMAND WAS IN RESPONSE TO THE APPEAL OF TILLAMOOK COUNTY’S APPROVAL regarding:

#851-21-000086-PLNG-01: A Goal Exception request for approval of an exception to Statewide Planning Goal 18, Implementation Measure (IM) 5; approval of a comprehensive plan amendment for a “committed” exception and/or a “reasons” exception to Goal 18, Implementation Measure 5 for the construction of shoreline stabilization along the westerly lots of the Pine Beach Subdivision located within the Barview/Twin Rocks/Watseco Unincorporated Community Boundary along with Floodplain Development Permit Request **#851-21-000086-PLNG** for the installation of a beachfront protective structure (rip rap revetment) within an active eroding foredune east of the line of established vegetation in the Coastal High Hazard (VE) zone, an Area of Special Flood Hazard within the Flood Hazard Overlay Zone. The subject properties are Lots 11-20 of the Pine Beach Replat Unit #1, designated as Tax Lots 114 through 123, of Section 7DD, and Tax Lots 3000, 3100, 3104, 3203 and 3204 of Section 7DA all in Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. There are multiple property owners and applicants.

The remand hearing will be limited to argument and new evidence on the issues set forth in LUBA’s remand order. The subject matter of the remand hearing is related to the Findings, Conclusions and Order of the Board of Commissioners (on remand from the Land Use Board of Appeals) and are available at the Department of Community Development.

The hearing will take place at the Port of Tillamook Bay Conference Center with an option for virtual participation. For instructions on how to provide oral testimony at the March 14, 2023 hearing, please visit the Tillamook County Community Development homepage at <https://www.co.tillamook.or.us/commdev> for instructions and protocol or email Lynn Tone, Office Specialist 2, at ltone@co.tillamook.or.us. The virtual meeting link will be provided at the DCD homepage address

as well as a dial in number for those who wish to participate via teleconference but are unable to participate virtually prior to the evening of the hearing.

Written testimony may be submitted to the Tillamook County Department of Community Development, 1510-B Third Street, Tillamook, Oregon, 97141 prior to 3:00 p.m. on the date of the March 14, 2023, remand hearing. If submitted by 4:00 p.m. on March 6, 2023, the testimony will be included in the packet mailed to the Board of County Commissioners the week prior to the March 14, 2023, hearing. Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue. Please contact Lynn Tone, Office Specialist 2, Tillamook County Department of Community Development, ltone@co.tillamook.or.us as soon as possible if you wish to have your comments included in the staff report that will be presented to the Planning Commission.

Notice of public hearing, a map of the request area, and a general explanation of the requirements for submission of testimony and the procedures for conduct of the hearing are being mailed to all affected property owners; and to parties with standing in this process at least 28 days prior to the date of the hearing.

The applicable criteria include Tillamook County Land Use Ordinance (TCLUO) Section 3.510: Flood Hazard Overlay Zone, TCLUO Article 9: Amendment, Oregon Statewide Planning Goal 18, Administrative Rule: OAR-660-015-0010(3), Oregon Revised Statutes ORS 197.732, Statewide Planning Goals 1 through 19 and the Tillamook County Comprehensive Plan. Only comments relevant to the approval criteria are considered relevant evidence.

The documents and submitted application are also available on the Tillamook County Department of Community Development website (<https://www.co.tillamook.or.us/commdev/landuseapps>) or at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. A copy of the application and related materials may be purchased from the Department of Community Development at a cost of 25 cents per page. The staff report will be available for public inspection on March 7, 2023. Please contact Lynn Tone for additional information ltone@co.tillamook.or.us or call 1-800-488-8280 x3423.

In addition to the specific applicable review criteria, the Tillamook County Land Use Ordinance, Tillamook County Land Division Ordinance, Tillamook County Comprehensive Plan, and Statewide Planning Goals which may contain additional regulations, policies, zones and standards that may apply to the request are also available for review at the Department of Community Development.

The Port of Tillamook Bay Conference Center is accessible to citizens with disabilities. If special accommodations are needed for persons with hearing, visual, or manual impairments that wish to participate in the meeting, please contact 1-800-488-8280 x3423 at least 24 hours prior to the meeting so that appropriate communications assistance can be arranged.

If you need additional information, please contact Lynn Tone, DCD Office Specialist, at 1-800-488-8280 ext. 3423 or email ltone@co.tillamook.or.us.

Sincerely,



Sarah Absher, CFM, Director

Enc. Applicable Ordinance Criteria
Maps

#851-21-000086-PLNG-01: GOAL EXCEPTION

TILLAMOOK COUNTY LAND USE ORDINANCE SECTION 9.030(3) AMENDMENT CRITERIA

- (a) If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;
- (b) The proposal must be consistent with the Comprehensive Plan. (The Comprehensive Plan may be amended concurrently with proposed changes in zoning);
- (c) The Board must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or ordinance; and
- (d) The amendment must conform to Section 9.040 Transportations Planning Rule Compliance.

OREGON REVISED STATUTES ORS 197.732

https://www.oregonlegislature.gov/bills_laws/ors/ors197.html

197.732 Goal exceptions; criteria; rules; review. (1) As used in this section:

(a) “Compatible” is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

(b) “Exception” means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:

(A) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;

(B) Does not comply with some or all goal requirements applicable to the subject properties or situations; and

(C) Complies with standards under subsection (2) of this section.

(2) A local government may adopt an exception to a goal if:

(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;

(b) The land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(c) The following standards are met:

(A) Reasons justify why the state policy embodied in the applicable goals should not apply;

(B) Areas that do not require a new exception cannot reasonably accommodate the use;

(C) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

(3) The commission shall adopt rules establishing:

(a) That an exception may be adopted to allow a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use;

(b) Under what circumstances particular reasons may or may not be used to justify an exception under subsection (2)(c)(A) of this section; and

(c) Which uses allowed by the applicable goal must be found impracticable under subsection (2) of this section.

- (4) A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons that demonstrate that the standards of subsection (2) of this section have or have not been met.
- (5) Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.
- (6) Upon review of a decision approving or denying an exception:
 - (a) The Land Use Board of Appeals or the commission shall be bound by any finding of fact for which there is substantial evidence in the record of the local government proceedings resulting in approval or denial of the exception;
 - (b) The board upon petition, or the commission, shall determine whether the local government's findings and reasons demonstrate that the standards of subsection (2) of this section have or have not been met; and
 - (c) The board or commission shall adopt a clear statement of reasons that sets forth the basis for the determination that the standards of subsection (2) of this section have or have not been met.
- (7) The commission shall by rule establish the standards required to justify an exception to the definition of "needed housing" authorized by ORS 197.303.
- (8) An exception acknowledged under ORS 197.251, 197.625 or 197.630 (1) (1981 Replacement Part) on or before August 9, 1983, continues to be valid and is not subject to this section. [1983 c.827 §19a; 1995 c.521 §3; 2005 c.67 §1; 2007 c.71 §68; 2011 c.354 §6]

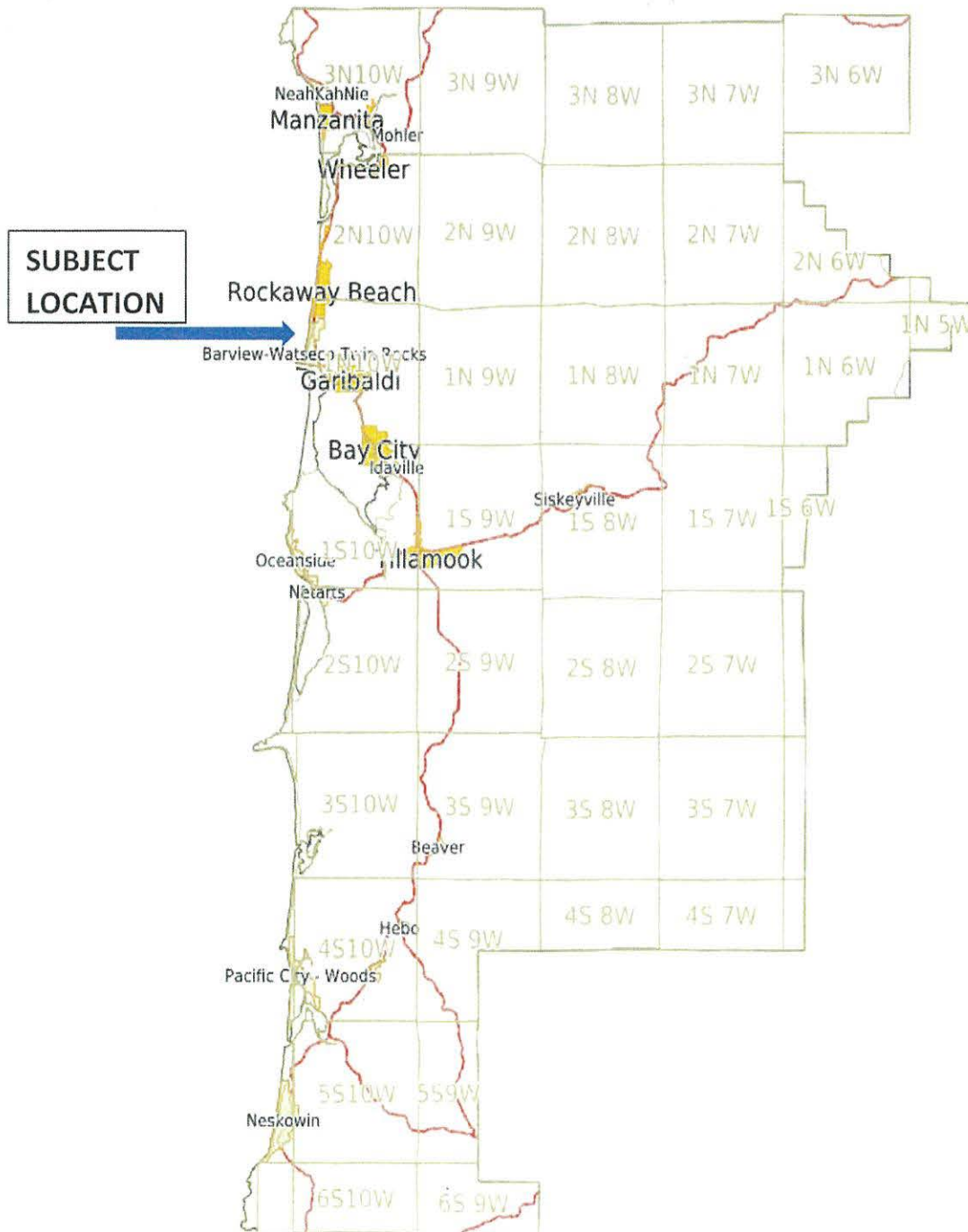
OREGON ADMINISTRATIVE RULE
OREGON ADMINISTRATIVE RULE OAR-660-015-0010(3)
<https://secure.sos.state.or.us/oard/displayCompilation.action?compRsn=81>
***Large Document- Click of Division 660 to Download**

#851-21-000086-PLNG: FLOODPLAIN DP

TILLAMOOK COUNTY LAND USE ORDINANCE
SECTION 3.510(14)(b) DEVELOPMENT PERMIT REVIEW CRITERIA

- (1) The fill is not within a Coastal High Hazard Area.
- (2) Fill placed within the Regulatory Floodway shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (3) The fill is necessary for an approved use on the property.
- (4) The fill is the minimum amount necessary to achieve the approved use.
- (5) No feasible alternative upland locations exist on the property.
- (6) The fill does not impede or alter drainage or the flow of floodwaters.
- (7) If the proposal is for a new critical facility, no feasible alternative site is available.
- (8) For creation of new, and modification of, Flood Refuge Platforms, the following apply, in addition to (14)(a)(1-4) and (b)(1-5)... (N/A)

VICINITY MAP

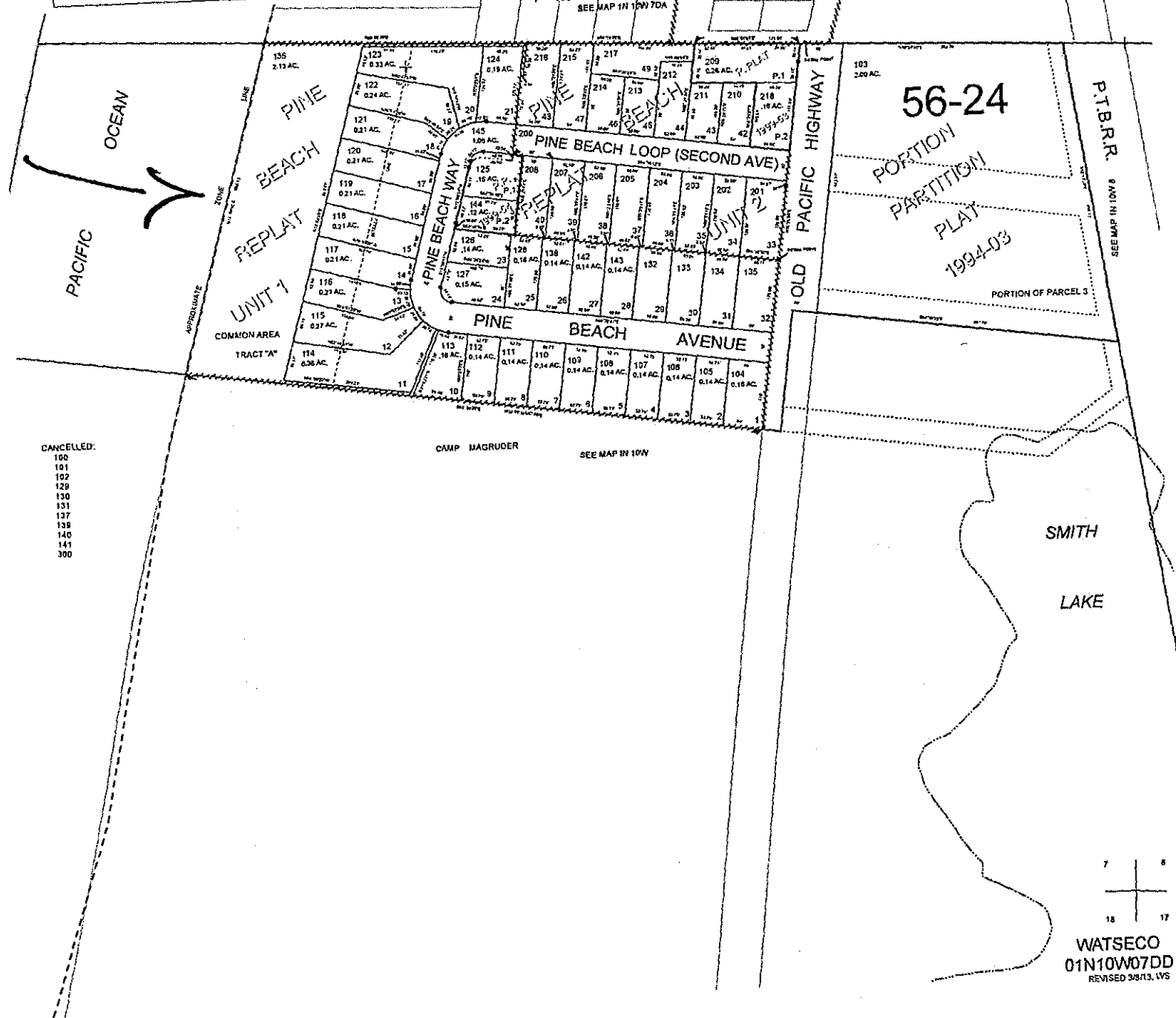


#851-21-000086-PLNG & #851-21-000086-PLNG-01
GOAL EXCEPTION & DEVELOPMENT PERMIT REQUEST

S.E.1/4 S.E.1/4 SEC.7 T.1N. R.10W. W.M.
Tillamook County
1" = 100'

FOR ASSESSMENT AND TAXATION ONLY, NOT SUITABLE FOR
LEGAL, ENGINEERING, OR SURVEY PURPOSES

Subject Area



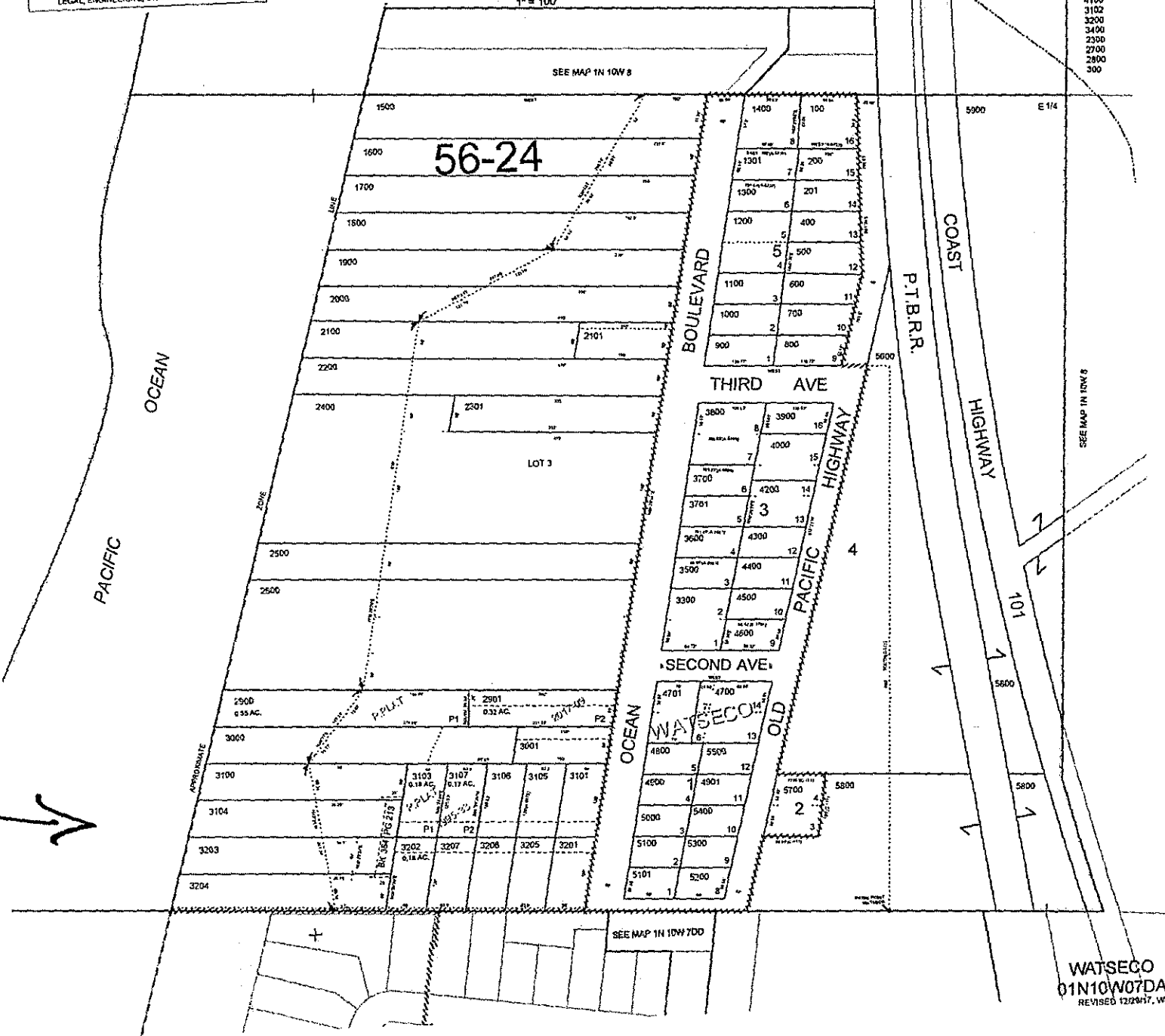
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FOR ASSESSMENT AND TAXATION ONLY, NOT SUITABLE FOR LEGAL, ENGINEERING, OR SURVEY PURPOSES

N.E. 1/4 S.E. 1/4 SEC. 7 T. 1N. R. 10W. W.M.
Tillamook County
1" = 100'

01N10W07DA
WATSECO

- CANCELLED:
- 4100
- 3102
- 3200
- 3400
- 2300
- 2700
- 2800
- 300



Subject Area →

SEE MAP 1N 10W 7DD

WATSECO
01N10W07DA
REVISED 12/20/17, W.S.

Map

