

1510 – B Third Street
Tillamook, Oregon 97141
www.tillamook.or.us



Land of Cheese, Trees and Ocean Breeze

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TILLAMOOK COUNTY PLANNING COMMISSION
NOTICE OF APPEAL HEARING

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

Date of Notice: September 30, 2021

Date of Planning Commission Hearing: October 28, 2021

Dear Interested Parties:

A virtual public hearing will be held by the Tillamook County Planning Commission at 7:00 p.m. on Thursday, October 28, 2021, to consider the following:

RE: #851-21-000366-PLNG: An appeal of the Planning Director's decision to approve Exception request #821-21-000076-PLNG to reduce the required 50-foot riparian setback from the Nestucca River to 30-feet at the closest point to allow the construction of a single-family dwelling. Located within the Pacific City/Woods Unincorporated Community and accessed from Nestucca Boulevard, a County road, the subject property is designated as Tax Lot 12300 in Section 19CB of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. Appellants are Jeff Hunter, Margie Dogotch and Gary and Roberta Moriarty. Property Owner and Applicant is Dale Lydegraph.

Notice of public hearing, a map of the request area and applicable specific request review criteria has been mailed to all property owners within 250 feet of the exterior boundary of the subject properties for which application has been made at least 28 days prior to the date of the hearing in accordance with Article 10 of the TCLUO.

The record and related materials are 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. Please contact Allison Hinderer for additional information ahindere@co.tillamook.or.us or call 1-800-488-8280 x3411.

PUBLIC HEARING INFORMATION & ORAL TESTIMONY DURING PUBLIC HEARING

The hearing will take place virtually and will be livestreamed to ensure the public is able to participate. Oral testimony will be heard at the hearing on October 28, 2021. For instructions on how to provide oral testimony at the October 28,

2021 hearing, please visit the Tillamook County Community Development homepage at <https://www.co.tillamook.or.us/commdev/page/hearing-meeting-information> for instructions and protocol or email Allison Hinderer, DCD Permit Technician, at ahindere@co.tillamook.or.us. The livestream link will be provided at the DCD homepage address <https://www.co.tillamook.or.us/commdev> 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

Written testimony may be submitted to the Tillamook County Department of Community Development, 1510-B Third Street, Tillamook, Oregon, 97141 prior to 4:00pm on the date of the October 28, 2021, hearing. If submitted by 4:00 p.m. on October 20, 2021, the testimony will be included in the packet mailed to the Tillamook County Planning Commission the week prior to the October 28, 2021, 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 Sarah Absher, CFM, Director, Tillamook County Department of Community Development, sabsher@co.tillamook.or.us or Allison Hinderer, DCD Permit Technician, at ahindere@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.

The applicable criteria include Tillamook County Land Use Ordinance (TCLUO) Section 4.140: Development Requirements for Water Quality and Streambank Stabilization and are included with this letter. Only comments relevant to the approval criteria are considered relevant evidence. In addition to the specific applicable review criteria, the Tillamook County Land Use Ordinance and Tillamook County Comprehensive Plan 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.

If you have any questions about this notice, you may contact this office at (503) 842-3408 x3317.

Sincerely,
Tillamook County Department of Community Development



Sarah Absher, CFM, Director

Encl: Criteria, Maps

The Tillamook County Courthouse is handicapped accessible. If special accommodations are needed for persons with hearing, visual, or manual impairments who wish to participate in the hearing, please contact 1-800-488-8280 ext. 3303, at least 24 hours prior to the hearing in order that appropriate communications assistance can be arranged.

TILLAMOOK COUNTY LAND USE ORDINANCE

SECTION 4.140: REQUIREMENTS FOR PROTECTION OF WATER QUALITY AND STREAMBANK STABILIZATION

(2) All development shall be located outside of areas listed in (1) above, unless:

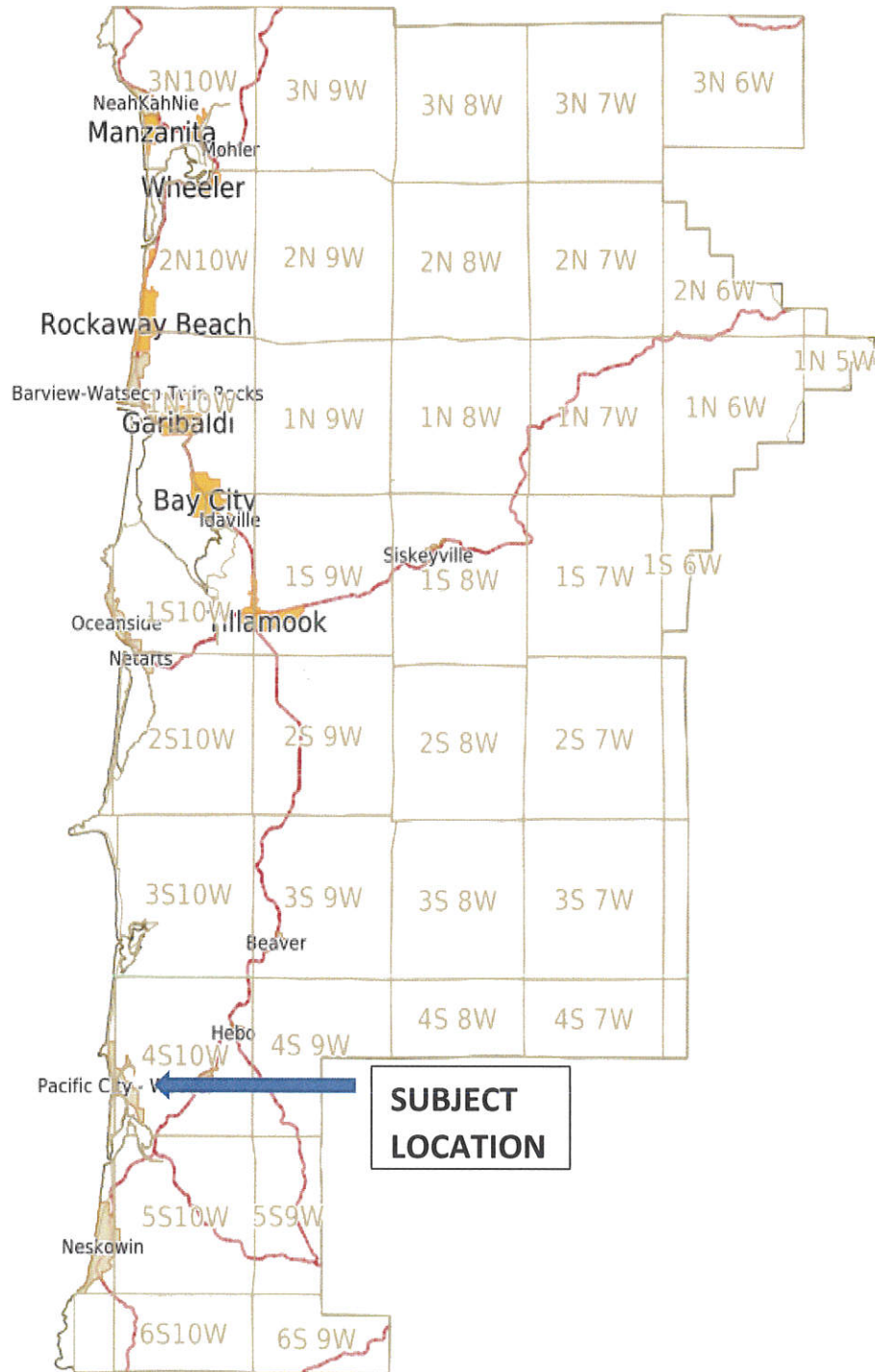
...

(c) Because of natural features such as topography, a narrower riparian area protects equivalent habitat values; or

(d) A minimal amount of riparian vegetation is present and dense development in the general vicinity significantly degrades riparian habitat values.

Setbacks may be reduced under the provisions of (c) and (d) above only if the threat of erosion will not increase and a minimum 20 foot setback is maintained. Determinations of habitat values will be made by the Oregon Department of Fish and Wildlife.

VICINITY MAP



**#851-21-000076-PLNG: LYDEGRAPH
RIPARIAN EXCEPTION**

Appeal # 851-21-000366-PLNG

Map

MOOSE MAPPING

