



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

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Tillamook, Oregon 97141  
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*Land of Cheese, Trees and Ocean Breeze*

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

**NOTICE OF PUBLIC HEARING  
TILLAMOOK COUNTY PLANNING COMMISSION**

**Date of Notice:** September 20, 2022

Public hearings will be held by the Tillamook County Planning Commission at 7:00p.m. on Thursday, October 13, 2022, and at 7:00p.m. on Thursday, November 10, 2022, in the Port of Tillamook Bay Conference Center, 4000 Blimp Boulevard, Tillamook, OR 97141 to consider the following:

**#851-22-000328-PLNG & #851-22-000329-PLNG:** Consolidated review of a Floodway/Estuary/Floodplain Development Permit and Conditional Use Request for a wetland restoration project. The subject property is zoned Estuary Natural (EN), Estuary Conservation 1 (EC1) and Farm (F-1), is partially located within the Shoreland Overlay zone and lies entirely within the Flood Hazard Overlay zone. The subject property is located to the west of Highway 101 and is designated as Tax Lots 901, 1700 and 1900 in Section 12 of Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. The applicant and property owner are The Nature Conservancy.

The criteria applicable to review of the Conditional Use request are Tillamook County Land Use Ordinance Article 6: Conditional Use Procedures and Article 10: Administrative Provisions. The criteria applicable to review of the Floodway/Estuary/Floodplain Development Permit request are Tillamook County Land Use Ordinance Section 3.510: Flood Hazard Overlay and Article 10: Administrative Provisions. Only comments relevant to the approval criteria are considered evidence.

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 October 13, 2022 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](mailto: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 4:00 p.m. on the date of the October 13, 2022, Planning Commission hearing. If submitted by 4:00 p.m. on October 5, 2022, the testimony will be included in the packet mailed to the Planning Commission the week prior to the October 13, 2022, 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](mailto: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.

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 October 6, 2022. Please contact Lynn Tone for additional information [ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us) or call 1-800-488-8280 x3423.

Notice of public hearing, a map of the subject area, applicable specific request review criteria and a general explanation of the requirements for submission of testimony and the procedures for conduct of hearing are being mailed to all property owners within 750 feet of the exterior boundary of the subject property for which application has been made at least 10 days prior to the date of the hearing.

The Port of Tillamook Bay Conference Center 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. 3423, at least 24 hours prior to the hearing in order 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](mailto:ltone@co.tillamook.or.us).

Sincerely,



Tillamook County Department of Community Development  
Sarah Absher, CFM, Director

Enc. Maps

TCLUO SECTION 6.040: CONDITIONAL USE REVIEW CRITERIA (continues to next page):

Any CONDITIONAL USE authorized according to this Article shall be subject to the following criteria, where applicable:

- (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.

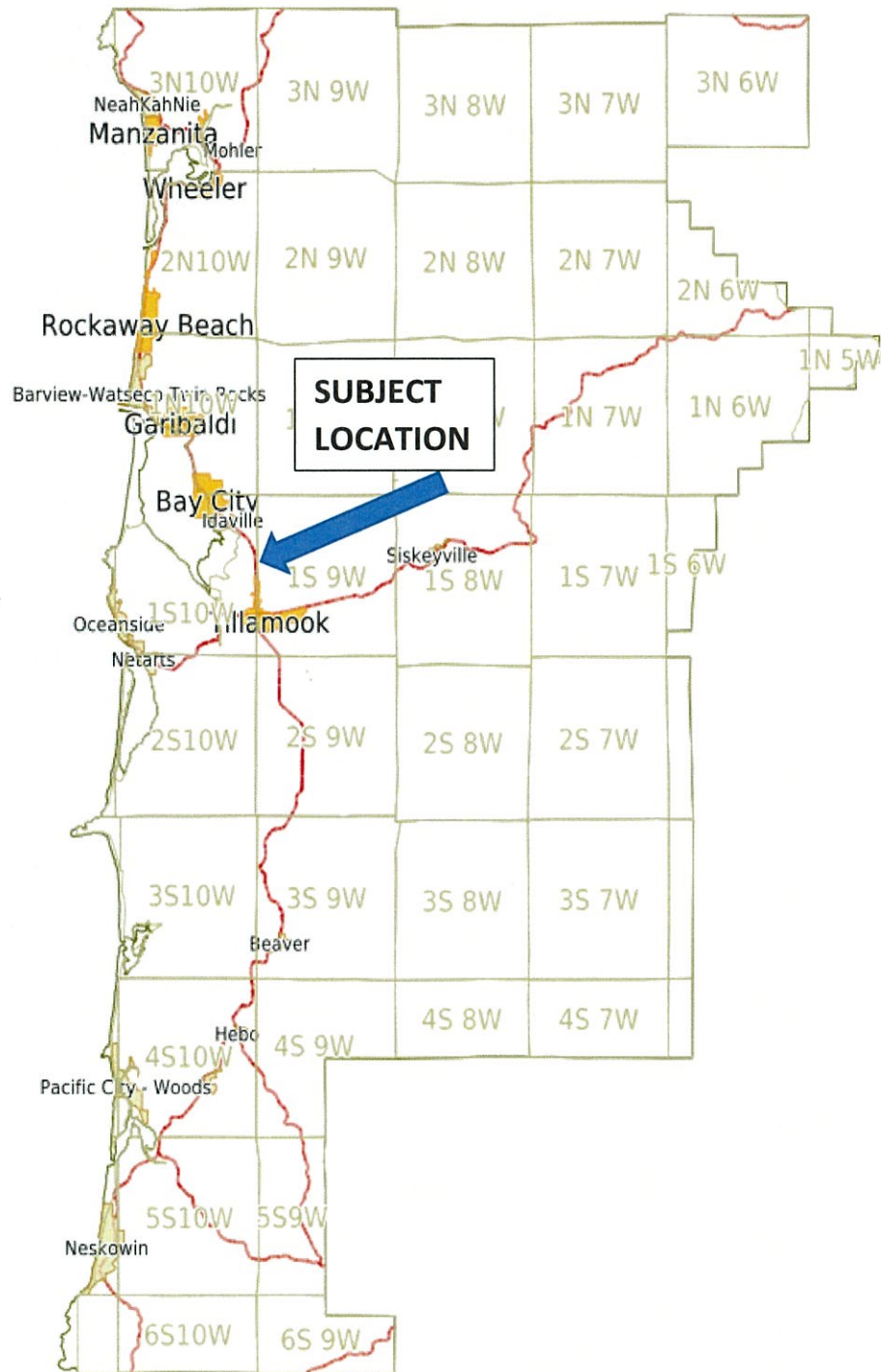
- (5) The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.
- (6) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

TCLUO SECTION 3.510: FLOOD HAZARD OVERLAY ZONE 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):
  - i. The fill is not within a floodway, wetland, riparian area or other sensitive area regulated by the Tillamook County Land Use Ordinance.
  - ii. The property is actively used for livestock and/or farm purposes,
  - iii. Maximum platform size = 10 sq ft of platform surface per acre of pasture in use, or 30 sq ft per animal, with a 10-ft wide buffer around the outside of the platform,
  - iv. Platform surface shall be at least 1 ft above base flood elevation,
  - v. Slope of fill shall be no steeper than 1.5 horizontal to 1 vertical,
  - vi. Slope shall be constructed and/or fenced in a manner so as to prevent and avoid erosion.

Conditions of approval may require that if the fill is found to not meet criterion (5), the fill shall be removed or, where reasonable and practical, appropriate mitigation measures shall be required of the property owner. Such measures shall be verified by a certified engineer or hydrologist that the mitigation measures will not result in a net rise in floodwaters and be in coordination with applicable state, federal and local agencies, including the Oregon Department of Fish and Wildlife.

# VICINITY MAP



#851-22-000328-PLNG & #851-22-000329-PLNG:  
The Nature Conservancy



# Map

