



**Tillamook County Department of Community Development**  
*BUILDING, PLANNING & ON-SITE SANITATION*

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*Land of Cheese, Trees, and Ocean Breeze*

## **GUIDE TO BETTER UNDERSTANDING 2022 HAZARD PLANNING UPDATES & OTHER INFORMATION**

Dear Community Member,

Property owners who own property within our coastal communities or who own properties within close proximity to the ocean will be receiving a Measure 56 notice from Tillamook County regarding a series of updates to Tillamook County's land use program. The proposed updates reflected in the Measure 56 notice apply to specific areas within unincorporated Tillamook County and are a reflection of continued efforts to increase resiliency and mitigate risk of natural hazards to life and property in Tillamook County. Our hope is that this guide will help address questions you may have related to the proposed updates and how these updates might impact, if at all, future development opportunities for properties located within areas of unincorporated Tillamook County made part of this land use planning process.

Department staff contact information is included at the end of this guide. Amendment documents can be found here: <https://www.co.tillamook.or.us/commdev/landuseapps> at #851-21-000440-PLNG through #851-21-000442-PLNG.

### **What is a Measure 56 Notice?**

Oregon voters passed a law in 1998 known as Ballot Measure 56. This law requires a jurisdiction (Tillamook County) to notify by mail every landowner whose property could be affected as a result of proposed ordinance changes, meaning that the proposed ordinance changes *may* limit property uses if adopted. The Department is required to send Measure 56 notices to property owners who own property currently within the Beach and Dune Overlay Zone or those who are within close proximity to a beach and dune landform, informing them of the proposed updates to the Beach and Dune Hazard Overlay Zone contained within Section 3.530 of the Tillamook County Land Use Ordinance. This notification action is primarily related to the proposal to adopt new maps and data produced by the Oregon Department of Geology and Mineral Industries (DOGAMI) that may alter the boundaries of the Beach and Dune Overlay zone (i.e. where the overlay zone is located and where implementing regulations apply).

Other updates included in the Measure 56 notice reflect our efforts to best inform the public and members within these coastal unincorporated communities of other proposed updates to Tillamook County's land use program.

### **Do the proposed updates apply to properties within Cities or Urban Growth Areas?**

No. The proposed updates are to the Tillamook County Land Use Ordinance and Tillamook County Comprehensive Plan and only apply to properties within unincorporated areas of Tillamook County outside of cities and urban growth boundaries.

### **Will these updates impact existing development on a property?**

If adopted by the Tillamook County Commissioners, the proposed updates will apply to new development on a property. If your property is already developed, the proposed updates may apply to future development activities including

proposals for additions/expansions or remodels of existing structures. A determination largely depends on what is proposed, the location of proposed development and the extent of work proposed.

**Will these updates prohibit me from building a home on my property in the future?**

Generally speaking, the updates should not prohibit the construction of a home on a property where the right to build a home already exists through zoning codes and policies contained within the Tillamook County Land Use Ordinance and Tillamook County Comprehensive Plan. If you would like to visit about potential allowable uses on your property in relation to the proposed updates, please contact Community Development planning staff. We are happy to visit with you about how these updates may relate specifically to your property.

**Purpose of the Beach and Dune Overlay Zone Updates (TCLUO Section 3.530)**

Type of dune classifications with accompanying policies contained within the Goal 18 Beaches and Dunes element of the Tillamook County Comprehensive Plan and Tillamook County Land Use Ordinance determine what type of use and development activity is allowed on beaches and dunes, and what is required for development.

The adopted beach and dune maps made part of the Beach and Dune Overlay Zone and Tillamook County Comprehensive Plan are the USDA maps of Oregon’s beaches and dunes produced in 1975. The 1975 maps were adopted by Tillamook County and are part of administration of the land use program for properties within the Beach and Dune Overlay Zone.

Beach and dune environments are very dynamic. The Oregon Department of Geology and Mineral Industries (DOGAMI) recently completed a mapping project of Tillamook County’s beaches and dunes. The Department of Community Development is proposing to adopt the new data produced by DOGAMI to update Tillamook County’s Beach and Dune Overlay Zone and associated maps and policies. The goal of these efforts will result in new data, mapping and ordinance language to ensure future development protects coastal resources and lessens impacts to properties and communities from coastal hazards.

Included with this process are proposed updates to subsections of Section 3.530 that outline the required information to be contained within a beach and dune hazard report also known as a geotechnical investigation report for new development activities on properties within the Beach and Dune Overlay Zone. These reports are currently required for development of a property and must be reviewed by Community Development in conjunction with zoning and building permits or prior to the submittal of zoning and building permits. The proposed updates include additional standards or investigative findings a geotechnical professional is required to address when completing a hazard report for future development of a property.

It should be noted that proposed ordinance language includes a limitation on the number of years a hazard report is valid if not yet submitted to the Department for review in conjunction with a new development proposal. Proposed language limits validity of a hazard report for up to 5 years. What this means is that if you have not yet developed your property but already have a hazard report for future development, you will want to make sure the hazard report was completed by a geotechnical professional within five years of the date of submittal of the report to the Department for review.

Other updates associated with development where a hazard report is required include a proposal to require the geotechnical professional to provide certification in writing that the development as constructed meets the recommendations and standards outlined in the report and that this certification be required prior to a final inspection or issuance of a certificate of occupancy by the Building Official and for dune areas that foredune stabilization measures have been implemented.

**Do these updates change the permit review process?**

The permit review process will remain the same and reports will continue to be reviewed as a Type I application in accordance with the procedures outlined in Article 10 of the Tillamook County Land Use Ordinance. These reports can continue to be submitted in conjunction with zoning and building permits or prior to the submittal of zoning and building permits for development of a property. The current checklist for hazard report requirements will be updated upon adoption of any of the proposed updates. This will occur no sooner than the hearing scheduled for April 27, 2022.

If you are preparing to develop a property in the coming months or have a hazard report already prepared for future development, you will want to reach out to Community Development planning staff to make sure required updates as

adopted through this process are included in the hazard report prior to submitting the report for review. Planning staff will provide an updated list of required information for preparation of a hazard report that can be shared with your geotechnical professional.

While these hazard report standards and requirements are outlined in Section 3.530, we recognize property owners and contractors may need some assistance in relaying what is needed to a geotechnical professional. If you need assistance, it is recommended that staff be reached out to via email or by setting up an appointment utilizing the Department's online appointment scheduling tool at: <https://outlook.office365.com/owa/calendar/CommunityDevelopment1@co.tillamook.or.us/bookings/>.

### **Purpose of Updates to Section 4.130: Development Requirements for Geologic Hazard Areas**

It is important to understand that this section of the Tillamook County Land Use Ordinance is not a zoning district or an overlay zoning district, and therefore does not determine what uses are permitted on a property. This section of the Tillamook County Land Use Ordinance contains additional development standards that must be met when developing a property in a geologic hazard area. Allowable "use" of the property has already been determined by the underlying zone or an overlay zone.

As with updating mapping for Tillamook County's beaches and dunes, one of the significant updates to Section 4.130 of the Tillamook County Land Use Ordinance is to include new maps and data for administration of the requirements of this section.

Existing maps identifying areas of geologic hazard in Tillamook County include 1974 and 1979 DOGAMI bulletins as well as the 1964 USDA Soil Conservation Service soil survey maps. The Department of Community Development is proposing to adopt current landside map (SLIDO maps) and data produced by DOGAMI to better identify areas of geologic hazard.

Updates to this section of the Tillamook County Land Use Ordinance also include updating report requirements and investigation information contained within a geologic hazard report for development of a property located in an area of geologic hazard. These reports are currently required for development of properties within geologic hazard areas and must be reviewed by Community Development in conjunction with zoning and building permits or prior to the submittal of zoning and building permits for development of a property. The proposed updates reflect what a geotechnical professional is required to address when completing one of these reports for development of properties within areas of geologic hazard.

It should be noted that proposed ordinance language includes a limitation on the number of years a geologic hazard report is valid if not yet submitted to the Department for review in conjunction with a new development proposal. Proposed language limits validity of a geologic hazard report for up to 5 years. What this means is that if you have not yet developed your property but already have a prepared geologic hazard report for future development, you will want to make sure the report was completed by a geotechnical professional within five years of the date of submittal of the report to the Department for review.

Updates also include a proposal to require the geotechnical professional to provide certification in writing that the development as constructed meets the recommendations and standards outlined in the report and that this certification be required prior to a final inspection or issuance of a certificate of occupancy by the Building Official.

### **Do these updates change the permit review process?**

The permit review process will remain the same and reports will continue to be reviewed as a Type I application in accordance with the procedures outlined in Article 10 of the Tillamook County Land Use Ordinance. These reports can continue to be submitted in conjunction with zoning and building permits or prior to the submittal of zoning and building permits for development of a property. The current checklist for geologic hazard report requirements will be updated upon adoption of any of the proposed updates. This will occur no sooner than the hearing scheduled for April 27, 2022.

If you are preparing to develop a property in the coming months or have a geologic hazard report already prepared for future development, you will want to reach out to Community Development planning staff to make sure required updates

as adopted through this process are included in the report prior to submitting the report for review. Planning staff will provide an updated list of required information for preparation of a geologic hazard report that can be shared with your geotechnical professional.

### **Purpose of the Flood Hazard Overlay Zone Updates (TCLUO Section 3.510)**

Tillamook County completed a series of updates and amendments to the Flood Hazard Overlay Zone in 2018 that included adoption of new FEMA Flood Insurance Rate Maps (FIRMS). These updates were required by FEMA for program consistency with the FEMA Code of Federal Regulations for development of properties within Areas of Special Flood Hazard (regulated flood zones) as part of our obligation as a participating community in the National Flood Insurance Program (NFIP).

New proposed amendments to the Flood Hazard Overlay Zone section of the Tillamook County Land Use Ordinance consist of a series of updates and housekeeping tasks required by FEMA. The updates include addition of definitions or refinement of existing definitions, clarification to development and construction code requirements, and addition of several sections at the end of the ordinance related to administration and enforcement. All updates proposed are required by FEMA and must be adopted to remain in good standing with the National Flood Insurance Program.

There are no map changes to the adopted 2018 FEMA FIRMs proposed or made part of this update process. The criteria for which a decision is made to approve a Floodplain Development Permit remain the same.

### **Do these updates change the permit review process?**

The permit review process will remain the same and Floodplain Development Permits will continue to be reviewed as a Type I or Type II application in accordance with the procedures outlined in Article 10 of the Tillamook County Land Use Ordinance.

### **What criteria apply to the proposed amendments?**

The criteria decision makers will use as the basis in their decision-making process are contained within Article 9 of the Tillamook County Land Use Ordinance. There are two sets of criteria that apply to the proposed updates- text amendment criteria for all Tillamook County Land Use Ordinance text changes and the map amendment criteria specifically for the Beach and Dune Hazard Overlay Zone. The criteria for all amendment proposals can be found here: [https://www.co.tillamook.or.us/sites/default/files/fileattachments/community\\_development/page/27173/article\\_9\\_amendment.pdf](https://www.co.tillamook.or.us/sites/default/files/fileattachments/community_development/page/27173/article_9_amendment.pdf)

### **What is the process and who makes the decision?**

The process is a legislative map and text amendment process that requires public notice and public hearings following the provisions outlined in Article 10 of the Tillamook County Land Use Ordinance for a Type IV review process. There will be multiple hearings for consideration of these updates by the Tillamook County Planning Commission and the Tillamook County Board of Commissioners. The hearing process will begin with the Tillamook County Planning Commission who make a recommended action to the Board of County Commissioners to deny or approve the proposed updates ( may include recommendation for amendment of some updates as well). The Board of County Commissioners will then take the proposed amendments with Planning Commission recommendations under consideration at more public hearings. The Board of County Commissioners will ultimately decide to approve or deny the proposed amendments which will occur no sooner than the hearing scheduled for April 27, 2022.

### **When are the public hearings and how do I participate?**

A hearing schedule is provided below with additional details included in the Measure 56 notice also posted on the Department website. Citizen involvement is a critical component of this land use review process and the public is encouraged to participate. Community Development staff are here to help assist with your participation needs and best answer questions on how to participate. Here are some helpful tips:

- Decisions to approve or deny a land use request are based upon the criteria. You will want to review the criteria that are the basis for these decisions. Effective comments and testimony are those related to the criteria upon which the Planning Commission and Board of County Commissioners are using as the basis for their recommendations and decisions.
- Comments on the proposed updates can be provided in written form or through oral testimony at a hearing. If you wish to have your written comments considered by the Planning Commission and Board of County Commissioners, please email comments to Lynn Tone, DCD Office Specialist 2, at [ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us) or mail written testimony to Community Development, Attn: Lynn Tone, 1510-B Third Street, Tillamook, OR 97141.
  - All written comments received in email and in writing will be shared with the Tillamook County Planning Commission and Board of County Commissioners. Written comments received after a hearing packet has been posted for decision maker review public inspection will still be presented by planning staff at the upcoming hearing.
- Oral testimony will be taken at the hearings, specifically those hearings scheduled for February 10<sup>th</sup> with the Tillamook County Planning Commission and April 6<sup>th</sup> with the Board of County Commissioners. If you wish to speak at either of these hearings, please email Lynn with your testimony request ahead of the hearing so that the Chair of the hearing can call on you to speak at the appropriate time during the hearing proceedings. If you decide during one of these hearings that you would like testify and did not previously make arrangements, an opportunity to speak will still be afforded. There is always a “last call” for oral testimony before the Chair closes the public comment portion of the hearing.
  - The public comment period of each hearing process with the Tillamook County Planning Commission and Board of County Commissioners will eventually close. To ensure you are able to testify, it is strongly recommended that you make arrangements to provide oral testimony at the February 10<sup>th</sup> and/or April 6<sup>th</sup> hearings.
- Due to the pandemic, opportunities for in-person participation continue to be limited. Please continue to check the Community Development website for any hearing proceeding updates.
- The hearings include virtual meeting and via teleconference access. Virtual meeting links are provided on the Community Development homepage for Planning Commission hearings and on the Board of County Commissioners webpage for Board of County Commissioner hearings. Teleconference participation information is also included on each webpage for hearings and meetings.

### **Virtual Hearing Information**

Tillamook County uses Microsoft Teams. You will want to make sure you install the Microsoft Teams app on your electronic device if you wish to participate or appear virtually at upcoming hearings. Additional information and helpful tips can be found on the Tillamook Planning Commission webpage: <https://www.co.tillamook.or.us/bc-pc>

### **Tillamook County Planning Commission Hearing Dates**

6:30pm on February 10, 2022, with staff recommendation for continuation of hearing to 6:30pm on March 10, 2022  
Recommendation on updates will not occur before the March 10, 2022 hearing

### **Tillamook County Board of Commissioner Hearing Dates**

10:30am on April 6, 2022 and 10:30am on April 27, 2022  
Board action to approve or deny the proposed amendments will occur no sooner than the April 27, 2022 hearing

### **Community Development Department Staff Contact**

Planning Application Line: 503-842-3408 x3412  
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