

NOTICE OF APPEAL
TO THE TILLAMOOK COUNTY

)	
)	
)	<u>OFFICE USE ONLY</u>
)	Hearing Scheduled _____
)	Public Notice Completed _____
)	Property Owner Notice Completed _____
)	Fee Paid _____

APPELLANT:

1. Name See Exhibit A

Only personal names. If you are also representing an organization, place its name on line number 4.

2. Address See Exhibit A

3. Telephone (Daytime) See Exhibit A

4. Representing n/a

Place your organizations name here IF you are an official representative of an organization that has authorized this appeal. Proof of such authorization must be shown by the time of the public hearing. (You need not represent an organization in order to file an appeal.)

5. Date of Planning Department / Planning Commission Decision (circle one)
Planning Commission Decision dated November 14, 2019

6. Action Appealed (e.g. Variance, Condition Use Permit, etc.)
Similar Use Determination and Conditional Use Permit

7. Decision Appealed (Denied, Granted) Granted

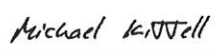
8. Name of Applicant Edge Cable Holdings USA, LLC

9. Additional Comments See Exhibit B

You will be notified by mail of the date and time set for the public hearing before the Planning Commission.

Date 11/22/2019

Signature

DocuSigned by:

 97FE91A3C9D8484...

November 22, 2019

Attn: Sarah Absher, Director
Tillamook County Department of Community Development
1510 – B Third Street
Tillamook, OR 97141
sabsher@co.tillamook.com

PERSONALLY DELIVERED

Re: *File No. 851-19-000105-PLNG*
Notice of Appeal

Dear Ms. Absher:

For filing, please find enclosed the Notice of Appeal filed in the matter of the Edge Cable Holdings USA, LLC Conditional Use Application, File No. 851-19-0000105-PLNG, along with a check for the \$250.00 appeal fee. If the County Commissioners waive the appeal fee, please make sure this check is returned to my office or voided.

Sincerely,

ALBRIGHT KITTELL PC

s/ Michael Kittell

MICHAEL KITTELL¹

Encls.

Cc: Thomas & Patricia Rogers (via email: patriciagrogers@mac.com)
Don & JoAnn Olson (via email: drojo1@comcast.net)
Marie Cook (via email: cookjmb@frontier.com)
Phil Grillo (via email: philgrillo@dw.com)

¹ Licensed in Oregon and Washington

EXHIBIT A

**(Notice of Appeal to the Tillamook County
Board of County Commissioners)**

Appellants:

Patricia Rogers

2202 E. Quiet Canyon Dr.
Tuscon, AZ 85718
H: 520-219-9140
C: 206-659-3889

Thomas Rogers

3202 E. Quiet Canyon Dr.
Tuscon, AZ 85718
H: 520-219-9140

Don Olson

44660 Ocean View Ct.
P.O. Box 484
Neskowin, OR 97149
H: 503-554-0246
C: 503-969-8822

JoAnn Olson

44660 Ocean View Ct.
P.O. Box 484
Neskowin, OR 97149
H: 503-554-0246

Marie Cook

111000 SW Muirwood Dr.
Portland, OR 97225
C: 503-380-5586
H: 503-643-9259

Standing:

Each appellant has standing because they testified in writing or orally prior to the close of the record in the Planning Commission hearing.

EXHIBIT B

(Notice of Appeal to the Tillamook County Board of County Commissioners)

Specific Issues to be Raised on Appeal. The following constitutes a non-exhaustive list of the specific issues the appellants intend to raise on appeal:

1. The use proposed by the Applicant is not allowed conditionally in the subject zone because it is not among the listed uses.
2. The proposed use does not and should not qualify for a similar use determination because it is fundamentally different than the uses permitted conditionally in the applicable zone.
3. The proposed use does not qualify for a similar use determination because the application is procedural defective.
4. The proposed use does not satisfy the Conditional Use Permit review criteria, including but not limited to: (a) the use is not listed as a conditional use in the underlying zone, (b) the proposed use is not consistent with the Tillamook County Comprehensive Plan, and (c) the subject property is not suitable for the proposed use because it is located in a dense residential oceanside community.