



Land of Cheese, Trees and Ocean Breeze

1510 – B Third Street
Tillamook, Oregon 97141
www.tillamook.or.us
(503) 842-3408

AGENCY COMMENT REQUEST FOR
Development Permit #851-25-000173-PLNG:
Netarts Bay Boat Dock Repair & Maintenance

*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 ADMINISTRATIVE REVIEW
Date of Notice: April 14, 2025

Notice is hereby given that the Tillamook County Department of Community Development is considering the following:

#851-25-000173-PLNG: A review of a Development Permit for repairs and maintenance to an existing dock on Netarts Bay within the Unincorporated Community of Netarts. The subject property is accessed from Netarts Bay Drive, a County road, and is designated as Tax Lot 1000, of Section 5BC of Township 2 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. The property is located in the Estuary Conservation 1 (EC1) zone, Shoreland Overlay (SH) zone and the Flood Hazard Overlay (FH) zone. The applicant is Tom Erickson and property owner is Tillamook County.

Written comments received by the Department of Community Development prior to 4:00p.m. on April 28, 2025, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than the next business day, April 29, 2025.

Notice of the application, a map of the subject area, and the applicable criteria are being mailed to all property owners within 250 feet of the exterior boundaries of the subject parcel for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website: <https://www.co.tillamook.or.us/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

If you have any questions about this application, please call the Department of Community Development at 503-842-3408 or email Sarah Thompson, Office Specialist 2, at Sarah.thompson@tillamookcounty.gov.

Sincerely,

A handwritten signature in blue ink that reads "Sarah Absher". The signature is fluid and cursive.

Sarah Absher, CFM, Director
Enc. Applicable Ordinance Criteria, Maps

Applicable Ordinances & Development Standards

Tillamook County Land Use Ordinance (TCLUO)

<https://www.tillamookcounty.gov/commdev/page/land-use-ordinance-luo-zoning-ordinance>

- Section 3.106: Estuary Conservation 1 (EC1) Zone
- Section 3.120: Regulated Activities and Impacts Assessments
- Section 3.140: Estuary Development Standards
- Section 3.510: Flood Hazard Overlay (FH)
- Section 3.545: Shoreland Overlay (SH)
- Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization

REVIEW CRITERIA

ARTICLE III – ZONE REGULATIONS

TCLUO SECTION 3.510: FLOOD HAZARD OVERLAY ZONE

- (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.



DEVELOPMENT PERMIT

Applicant (Check Box if Same as Property Owner)

Name: TOM ERICKSON Phone: 503-801-1883
 Address: 4475 SILVER SANDS E.W.
 City: TILLAMOOK State: ORE. Zip: 97141
 Email: TOM1ERICKSON@CHARTEL.NET

Property Owner

Name: _____ Phone: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Email: _____

OFFICE USE ONLY	
Date Stamp	
RECEIVED	
APR 04 2025	
BY: <u>SAT</u>	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees: 147.00 <u>87.50</u> + 5% tech	
Permit No: 851- <u>25-000173</u> -PLNG	

Description of Work: REPAIR OF EXISTING DOCK WALKWAY
DUE TO DAMAGE FROM VEHICLE. REPAIR AND
MAINTENANCE ONLY.

Location:

Site Address: 2010 NETARTS BOAT BASIN RD
 Map Number: 2S 1D SBC 1000
Township Range Section Tax Lot(s)

Complete all applicable fields:

Regulatory Floodway:	<input type="checkbox"/>	Estuary:	<input checked="" type="checkbox"/>	Floodplain:	<input checked="" type="checkbox"/>
New:	<input type="checkbox"/>	Addition:	<input checked="" type="checkbox"/>	Replacement:	<input type="checkbox"/>
Remodel:	<input type="checkbox"/>	Demolish:	<input type="checkbox"/>		
Dwelling:	Accessory Structure:				
Culvert Diameter:	Bridge Length:				
Length:	Width:				
Fence Height:	Retaining Wall Height:				
Streambank Stabilization:	<u>NA</u>	Other:			
Fill/Removal/Grading:	<u>NA</u> CY	Vegetation Removal:			
		<u>NA</u>		<u>NA</u>	CY

Flood Insurance Rate Map (FIRM) Panel Info

Tillamook County	Panel Number: 41057C <u>0565F</u>
Effective Date: <u>9/29/18</u>	Property Flood Zone(s): <u>VE</u>
Floodway: Y <u>(N)</u>	Project Flood Zone(s): <u>VE</u>
Stream/Waterbody Name: <u>NETARTS BAY</u>	
Elevation Data (NAVD 88)	
Base Flood Elevation: <u>15.8</u>	First Habitable Floor: <u>N/A</u>
Lowest Floor/Horizontal Member: <u>N/A</u>	
Enclosed Area: <u>N/A</u>	Flood Vent Area: <u>N/A</u>

Structure/Damage \$:	<u>3800.</u>	5 Year Construction \$:	
<i>Substantial improvement/damage threshold 50% cost vs. value</i>			

Other Required Permits

<u>ZONING PERMIT</u>	

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

Ruler Hager
 Property Owner Signature (Required)
Tom Erickson
 Applicant Signature

2/28/2025
 Date

2-27-25
 Date

RESPONSE TO 6 ITEMS IN TCLUO SECTION 3.140 [9]

FROM: TOM ERICKSON – A MEMBER OF THE GROUP THAT LEASED
DOCK AREA FROM THE COUNTY

TO: SARAH ABSHER – CBO, CFM, DIRECTOR

DATE: 3-19-25

ITEMS IN QUESTION

- (1) The surface area is the same as it was when we (as a group) leased from the county. Nothing is changing. Allwe doing is repairing the damage. Foot print and material Will not change.
- (2) Provisions for public use and safety has changed. At the time we leased the dock From the county we gated access to the public and maded it a private dock for Members only.
- (3) Because the dock is no longer public use we have no multipurpose or cooperative Use.
- (4) The dock does not rest on the bottom at low tide and is protected by a rock Enclosure
- (5) The repairs will not alter walk way . It will remain the same as it had in the past.
- (6) The walk way will not change. Just replace broken parts as necessary.

Sarah Absher

From: Sarah Absher
Sent: Wednesday, March 12, 2025 4:14 PM
To: Tomerickson
Cc: Deborah A. Dixon; BRADLEY Robert * ODFW; SINNOTT Michael * ODFW
Subject: Update: Netarts Bay Dock Repair Project
Attachments: Netarts Dock Repairs Codes.PDF; EXTERNAL: RE: Netarts Dock

Importance: High

Good Afternoon Tom,

As discussed at our last meeting, it has been confirmed that the project location is located within the Estuary Conservation (EC 1) Zone. I have reviewed the applicable estuary zone standards and comprehensive plan estuary management units for the Netarts Boat Basin and Netarts Bay. This email outlines the local review process to permit the dock repairs and demonstrates compliance with zoning regulations and comprehensive plan policies. Attached are the relevant sections of TCLUO Section 3.106: Estuary Conservation Zone (location where repair project is proposed), Section 3.120: Regulated Activities and Impact Assessments, and Section 3.140: Estuary Development Standards. I have highlighted the relevant areas of these documents to help walk you through the code requirements. We can go over them at our upcoming meeting. I have only included the applicable subsection of Section 3.140. To review this section in its entirety, please visit: https://www.tillamookcounty.gov/sites/default/files/fileattachments/community_development/page/27173/section_3.140_estuary_development_standards.pdf

To summarize, the proposed repairs fall under maintenance and repairs of existing facilities involving a regulated activity and is a use permitted with standards in the EC1 zone. Please note that the procedure of Section 3.120 must be followed and the standards of Section 3.140 applied even though the use does not fall under Regulated Activities listed later in the EC1 Zoning Code. What this means is that the project does not require a Resource Capability Determination and Environmental Impact Assessment at the local level; however, I still need to send notice of the project to state and federal agencies and give them time to respond (Subsections 3 and 8 (highlighted) of Section 3.120). It also means that I need a response to the standards outlined in Section 3.140(9), also highlighted in the attachment. To help, I have included these standards later in this email.

Good news is that I think we can complete the review under the two permit applications I provided to you at our meeting, a cost savings of roughly \$800 because I do not have to complete a Type II review with the Resource Capability Determination and Environmental Impact Assessment. The cost of a Estuary/Floodplain Development Permit (Type II review) is over \$1500 without including the zoning permit fee.

The Type I Floodplain/Estuary Development Permit fee for this review \$750. This fee covers the notification costs and analysis (staff report) required to comply with the applicable provisions of TCLUO Section 3.120: Review of Regulated Activities and Section 3.140: Estuary Development Standards. Total cost for all permit review processes (Floodplain, Estuary and Zoning Permit) is \$1,216.95 (total).

As confirmed, a building permit is not required for the proposed repair work. The \$1,216.95 fee covers all local permits.

Application Submittal:

In addition to what you have provided for the applications, I need the following information in a supplemental report. I anticipate many of the answers will be repetitive in that there are no activities resulting in ground

needed. I will review the proposal and make findings based upon the information contained in the application, the responses outlined below and complete the analysis of the applicable estuary management unit comprehensive plan policies that apply to the proposed project to repair the dock.

TCLUO Section 3.140(9):

- (1) The amount of estuarine surface area occupied is the minimum required to meet the need.*
- (2) Provision has been made for public access, view-points and recreational use, consistent with safety and security considerations.*
- (3) Multipurpose and cooperative use of piers, wharves, parking areas or handling and storage facilities has been provided for, or is impracticable.*
- (4) Floating structures are designed so as not to rest on the bottom at low water, and are protected against currents and waves.*
- (5) Alteration of productive intertidal areas and tidal marshes has been avoided or minimized.*
- (6) Adverse impacts on the following have been avoided or minimized to be consistent with the resource capabilities and purposes of the area: (i) Water quality. (ii) Hydrographic characteristics. (iii) Aquatic life and habitat. (iv) Bird and wildlife habitat. (v) Fish transit and migration routes*

Removal of riparian vegetation shall be permitted only if direct access to water is required in conjunction with a water-dependent use. Replacement of riparian vegetation, or enhancement of existing riparian vegetation shall be required, where consistent with water-dependent use, to enhance attractiveness or assist in bank stabilization.

Visual access to the water shall not be impaired by the placement of signs. When feasible, signs shall be constructed on or against buildings to minimize visual obstruction of the shoreline and water bodies. Off-premise outdoor advertising signs shall not be allowed within estuarine waters, intertidal areas or tidal wetlands.

Provision for the prevention and control of contaminants from entering the water shall be made. A contingency plan to provide for containment and clean-up of spills of contaminants shall be provided.

Additionally, I have copied Robert and Mike in this email so that they can also see what has been determined and next steps. Please be advised that this is my determination as the County Planning Director on what is required for local land planning compliance. DSL may also require a permit to complete the repairs, and that permit is separate from the County review process and permitting. Robert and Mike, I am not sure who to contact at DSL about this repair project. Do you have a contact you can share with Tom and I, please?

Sincerely,



Sarah Absher, CBO, CFM, Director
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3412
Sarah.Absher@tillamookcounty.gov

Sarah Absher

From: tom erickson <tom1erickson@charter.net>
Sent: Monday, March 31, 2025 1:34 PM
To: Sarah Absher
Subject: EXTERNAL: walkway repair Netarts bay

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

ADDITIONAL RESPONSE TO TCLUO SECTION 3.140 (9)

The necessary walkway repairs will not require any vegetation removal ; therefore, we will not have to replace any dirt, sand, rock or vegetation

There will be no signs in making walkway repairs. there will be no visual obstructions. the walkway will be reconstructed exactly as it was before damage accrued.

We wil not be used type of contaminants to make repairs.

thanks

TOM

--

This email has been checked for viruses by Avast antivirus software.
www.avast.com

Tom Erickson - 503 801-1883

10 AM
2/12/85

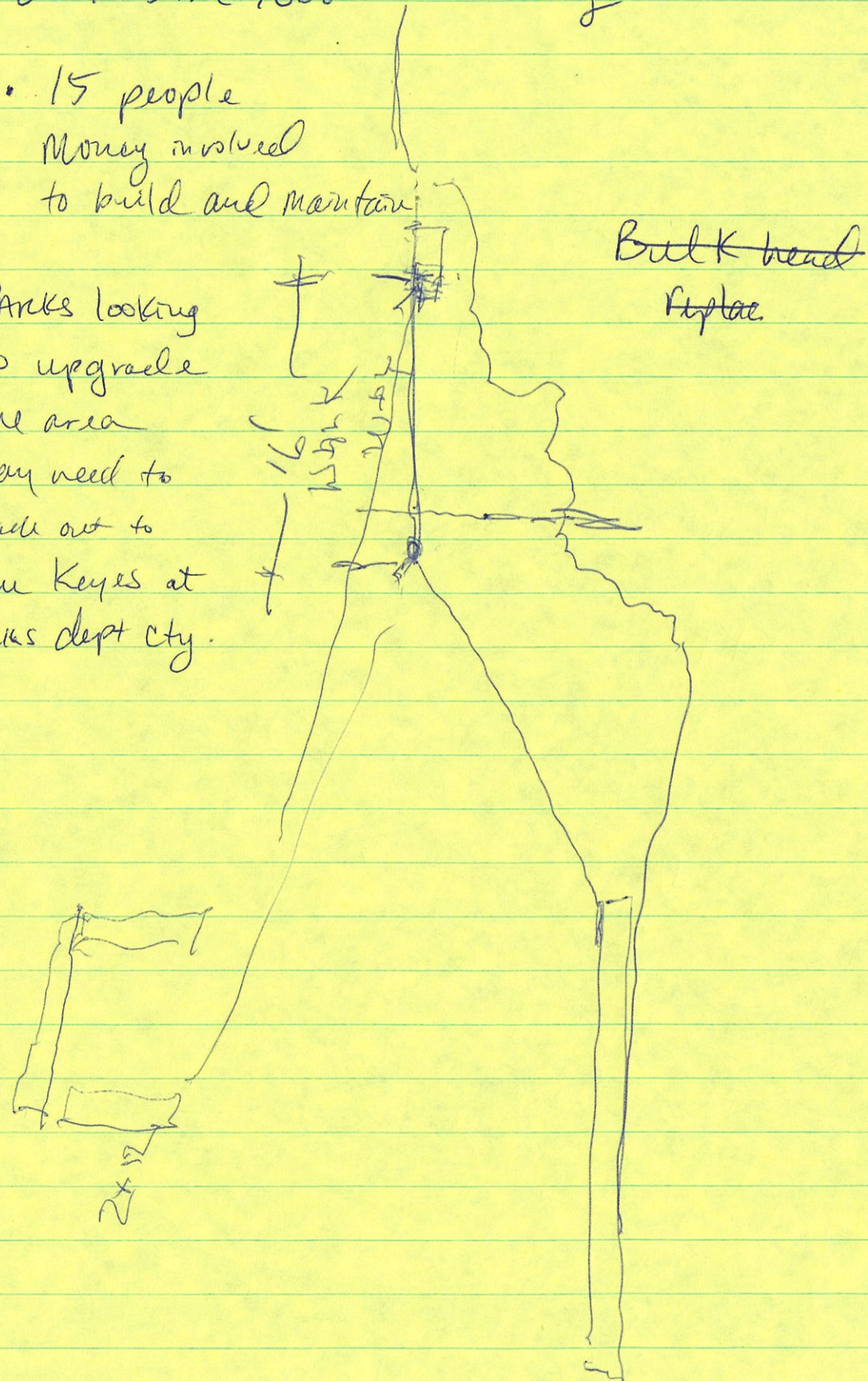
1020 NEPA'S BOAT RCL

tom1erickson@charter.net

25105BC 1000 - Estuary

- 15 people
Money involved
to build and maintain

- Parks looking
to upgrade
the area
May need to
reach out to
Dan Keyes at
Parks dept city.



From: 5038011883@mypixmessages.com
Date: 3/6/2025, 9:13 AM
To: tom1erickson@charter.net



This picture message or video message was sent using Multimedia Messaging Service.

To play video messages sent to email, Apple QuickTime 6.5 or higher is required. Visit www.apple.com/quicktime/download to download the free player or upgrade your existing QuickTime Player. Note: During the download process when asked to choose an installation type (Minimum, Recommended or Custom), select Minimum for faster download.

Attachments:

IMG_0532.jpg

547 KB



SECTION 3.106: ESTUARY CONSERVATION 1 ZONE (EC1)

- (1) PURPOSE AND AREAS INCLUDED: The purpose of the EC1 zone is to:
- (a) Provide for long-term utilization of areas which support, or have the potential to support valuable biological resources.
 - (b) Provide for long-term maintenance and enhancement of biological productivity.
 - (c) Provide for the long-term maintenance of the aesthetic values of estuarine areas, in order to promote or enhance the low intensity recreational use of estuarine areas adjacent to rural or agricultural shorelands.

Except where a goal exception has been taken in the Tillamook County Comprehensive Plan, the EC1 Zone includes the following areas within Development and Conservation Estuaries:

- (a) Tracts of tidal marshes, tideflats, seagrass and algae beds which are smaller or of less biological importance than those included in EN or ECA Zones.
- (b) Productive recreational or commercial shell fish and fishing areas.
- (c) Areas that are partially altered and adjacent to existing development of moderate intensity which do not possess the resource characteristics of Natural or Development management units.
- (d) Areas with potential for shell fish culture (excluding platted oyster beds in Tillamook Bay).

- (2) USES PERMITTED WITH STANDARDS: The following uses are permitted subject to the procedure of Section 3.120 and the standards in Section 3.140:

- (a) Maintenance and repair of existing structures or facilities involving a regulated activity.
- (b) Navigational aids.
- (c) Vegetative shoreline stabilization.
- (d) Structural shoreline stabilization, limited to riprap.
- (e) Boat dock in conjunction with one or more private residences. Single purpose private docks shall be limited to a maximum of 200 square feet in size. Larger docks may be permitted subject to the conditional use provisions of Article VI of this Ordinance.

- (f) Tidegate installation in existing functional dikes adjacent to EC1 zones.
 - (g) Water, sewer, gas or communication lines.
 - (h) Electrical distribution lines and line support structures.
 - (i) Active restoration and estuarine enhancement.
 - (j) Temporary dikes for emergency flood protection.
 - (k) Temporary low-water bridge.
 - (l) Signs subject to Section 4.020.
 - (m) Aquaculture and water-dependent portions of aquaculture facilities not requiring dredge or fill other than incidental dredging for harvest of benthic species or removal of in-water structures such as stakes or racks.
 - (n) Bridge crossings and crossing support structures.
 - (o) Boat ramps for public use where no dredging or fill for navigational access is needed.
 - (p) Water intake structures for out-bay aquaculture.
- (3) USES PERMITTED CONDITIONALLY: The following uses may be permitted subject to the procedures of Section 3.120 and Article 6 and the standards in Section 3.140.
- (a) Water dependent portions of aquaculture facilities which require dredge or fill.
 - (b) Water-dependent recreational facilities, including:
 - (1) Boat ramps, requiring dredging or fill for navigational access.
 - (2) Community boat docks in conjunction with a subdivision or planned development.
 - (3) Public or commercial docks and moorages for recreational marine craft (including seaplanes), and accessory uses not requiring the use of fill or the occupation of additional estuarine surface area.
 - (c) Mining and mineral extraction.
 - (d) Storm water and treated sewage outfalls.
 - (e) Bulkheads for structural shoreline stabilization.

- (f) Temporary alterations.
- (g) Minor navigational improvements.

(4) **REGULATED ACTIVITIES:** The following Regulated Activities are permitted subject to the procedure of Section 3.120 and the standards in Section 3.140.

- (a) Regulated Activities in association with on-site maintenance and repair of existing structures or facilities, limited to:
 - (1) Dredging for on-site maintenance of:
 - a. Drainage tiles.
 - b. Drainage ditches.
 - c. Tidegates.
 - d. Bridge crossing support structures.
 - e. Water, sewer, gas or communication lines.
 - f. Electrical distribution lines.
 - g. Outfalls.
 - (2) Fill or riprap for on-site maintenance of:
 - a. Dikes.
 - b. Bridge crossing support structures or other land transportation facilities.
 - (3) Replacement of pilings.
- (b) Piling installation for:
 - (1) Water-dependent recreational facilities.
 - (2) Aquaculture facilities.
 - (3) Navigational aids.
 - (4) Bridge crossing support structures.

- (c) Riprap for structural shoreline stabilization or protection of utility lines.
- (d) Dredging for:
 - (1) Bridge crossing support structure installation.
 - (2) Storm water or treated sewage outfall installation.
 - (3) Tidegate installation in existing functional dikes adjacent to EC1 Zones.
 - (4) Water, sewer, gas or communication line installation.
 - (5) Water intake facilities.
 - (6) Electrical distribution line installation.
 - (7) Mining or mineral extraction.
- (e) Fill for:
 - (1) Bridge crossing support structures.
 - (2) Structural shoreline stabilization.
 - (3) Boat ramps.
 - (4) Bridge approaches, where a goal exception has been taken and included as an amendment to the Tillamook County Comprehensive Plan (Ordinance # 33).
- (f) Regulated Activities in conjunction with an approved active restoration or estuarine enhancement project.
- (g) Incidental dredging for harvest of benthic species or removal of in-water structures such as stakes or racks.
- (h) Regulated activities in conjunction with temporary alterations.

SECTION 3.120: REVIEW OF REGULATED ACTIVITIES

- (1) **PURPOSE:** The purpose of this Section is to provide an assessment process and criteria for local review and comment on State and Federal permit applications which could potentially alter the integrity of the estuarine ecosystem.
- (2) **REGULATED ACTIVITIES:** Regulated activities are those actions which require State and/or Federal permits and include the following:
 - (a) Fill (either fill in excess of 50 c.y. or fill of less than 50 c.y., which requires a Section 10 or Section 404 permit from the U.S. Army Corps of Engineers).
 - (b) Dredging (either dredging in excess of 50 c.y. within a 12 month period, or dredging of less than 50 c.y., which requires a Section 10 permit from the U.S. Army Corps of Engineers).
 - (c) Dredged material disposal including flow lane disposal.
 - (d) Piling/dolphin installation.
 - (e) Shoreline stabilization, bank line or streamline alteration involving fill or dredging in excess of 50 c.y.
 - (f) In-water lot storage.
- (3) **PROCEDURE FOR REVIEWING REGULATED ACTIVITIES:** Review of State and Federal permit notices are an Administrative function of the Planning Department. Regulated activities and any associated use or uses as a whole shall be reviewed according to the requirements of the zone(s) in which the proposed uses and activities are to be located (Section 3.100 to 3.110), standards relevant to the proposed uses and activities (Section 3.140), an impact assessment (Section 3.120 (6)), requirements for degradations or reductions of estuarine natural values where applicable (Section 3.120 (7)) and comments from State and Federal agencies having responsibility for permit review (Section 3.120 (8)). **Based on this review, the Department will decide whether the proposed uses and activities comply with this Ordinance and will forward this decision to the appropriate permitting agencies and the permit applicant prior to the final date set for comments.** Decisions of the Planning Department or Planning Commission may be appealed (Section 3.120 (9)).
- (4) **ZONE REQUIREMENTS:** Uses and activities shall be allowed only if they are allowed in the zones in which they are to be located. Accessory uses proposed for adjacent upland areas must be allowed in the upland zones in which they are to be located as well as the SHORELANDS OVERLAY ZONE (Section 3.090). Uses that are permitted with standards must comply with the standards of Section 3.140. Uses listed as Conditional Uses shall be reviewed according to the procedures of Article 6 and the standards of Section 3.140. If a

Conditional Use review is required, the Planning Department shall notify the applicant and State and Federal permitting agencies and shall request an extension of the comment period.

- (5) **IMPACT ASSESSMENTS:** The Planning Department shall, with the assistance of affected State and Federal agencies, develop impact assessments for regulated activities. Federal Environmental Impact Statements or Assessments may be substituted if made available to the Planning Department. The following considerations must be addressed in the impact assessment.
 - (a) The type and extent of alterations expected.
 - (b) The type of resource(s) affected including, but not limited to aquatic life and habitats, riparian vegetation, water quality and hydraulic characteristics.
 - (c) The expected extent of impacts of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary.
 - (d) The methods which could be employed to avoid or minimize adverse impacts.
- (6) **REQUIREMENTS FOR RESOURCE CAPABILITY DETERMINATIONS:** Uses and activities for which a resource capability determination is required by Section 3.140, shall be allowed only if they are found to be consistent with the resource capabilities of the management unit(s) and the purposes of the zone(s) in which they are to be located. An activity will be found to be consistent with the resource capabilities of a management unit (as described in Section 2 of the Estuarine Resources Element of the Tillamook County Comprehensive Plan) when either (1) the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or; (2) that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner consistent with the purposes of the zone. The resource capability determination shall be based on information generated by the impact assessment.
- (7) **SIGNIFICANT DEGRADATIONS OR REDUCTIONS OF ESTUARINE NATURAL VALUES:**
 - (a) **Definition:** Significant degradations or reductions of estuarine natural values include dredging, fill, and other activities which will cause significant off site impacts as determined by the impact assessment (Section 3.120 (5)).
 - (b) **Requirements:** Dredging and fill must comply with the standards in Section 3.140 (Subsections (5) and (7) respectively). Other reductions and degradations of estuarine natural values shall be allowed only if:
 - (1) A need (i.e. a substantial public benefit) is demonstrated and the use or

alteration does not unreasonably interfere with public trust rights; and

- (2) No feasible alternative upland locations exist; and
- (3) Adverse impacts are minimized as much as feasible.

(8) **STATE AND FEDERAL REVIEWING AGENCY COMMENTS:** In the review of regulated activities, the Planning Department shall notify the following agencies: Oregon Department of Fish and Wildlife, Oregon Division of State Lands, Oregon Department of Land Conservation and Development, Oregon Department of Economic Development, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Environmental Protection Agency, U.S. Army Corps of Engineers. Notice will be mailed within 7 days of County receipt of the State or Federal permit notice. The notice will include permit reference, identification of the local decisions to be made, references to applicable policies and standards, and notification of comment and appeal periods. The Planning Department shall consider any comments received no later than seven days before the closing date for comments on the State or Federal permit notice.

(9) **APPEALS:** Planning Department decisions on regulated activities may be appealed according to the requirements of Section 10.020. Planning Commission decisions on regulated activities that involve a Conditional Use may be appealed according to the requirements of Section 10.030. If the decision of the Planning Department or Planning Commission is appealed, the Planning Department shall notify the appropriate State and Federal permitting agencies and shall request an extension to the comment period to allow for the local appeals process.

Section 3.140

- (e) When new in-water log handling, sorting and storage areas are proposed in estuarine waters, evidence must be presented by the applicant and findings made by the County that:
- (1) The proposed use is an integral part of the process of water-borne transportation of logs (i.e. is water-dependent).
 - (2) There is a need (i.e. a substantial public benefit) for the proposed use and the use or alteration does not unreasonably interfere with public trust rights.
 - (3) Alternative non-aquatic locations are unavailable, impracticable or do not meet the need.
 - (4) Conflicts with navigation, aquaculture and commercial and recreational fishing have been avoided or minimized.
 - (5) Easy let-down facilities for transfer of logs from land to water have been provided for (free-fall lot dumps shall not be permitted).
 - (6) Sites are located to avoid shellfish beds, shallow spawning areas, or areas where grounding of logs will occur.

(9) **INDUSTRIAL AND COMMERCIAL USES IN ESTUARINE WATERS, INTERTIDAL AREAS AND TIDAL WETLANDS:** Siting, design, construction, maintenance or expansion of industrial and commercial uses within estuary zones shall be subject to the following standards:

- (a) Evidence shall be provided by the applicant and findings made by the County that:
- (1) The amount of estuarine surface area occupied is the minimum required to meet the need.
 - (2) Provision has been made for public access, view-points and recreational use, consistent with safety and security considerations.
 - (3) Multipurpose and cooperative use of piers, wharves, parking areas or handling and storage facilities has been provided for, or is impracticable.
 - (4) Floating structures are designed so as not to rest on the bottom at low water, and are protected against currents and waves.
 - (5) Alteration of productive intertidal areas and tidal marshes has been avoided or minimized.

- (6) Adverse impacts on the following have been avoided or minimized to be consistent with the resource capabilities and purposes of the area:
- (i) Water quality.
 - (ii) Hydrographic characteristics.
 - (iii) Aquatic life and habitat.
 - (iv) Bird and wildlife habitat.
 - (v) Fish transit and migration routes.
- (b) Removal of riparian vegetation shall be permitted only if direct access to water is required in conjunction with a water-dependent use. Replacement of riparian vegetation, or enhancement of existing riparian vegetation shall be required, where consistent with water-dependent use, to enhance attractiveness or assist in bank stabilization.
- (c) Visual access to the water shall not be impaired by the placement of signs. When feasible, signs shall be constructed on or against buildings to minimize visual obstruction of the shoreline and water bodies. Off-premise outdoor advertising signs shall not be allowed within estuarine waters, intertidal areas or tidal wetlands.
- (d) The design and construction of new industrial and commercial facilities should consider reclamation and re-use of waste water.
- (e) Provision for the prevention and control of contaminants from entering the water shall be made. A contingency plan to provide for containment and clean-up of spills of contaminants shall be provided.
- (f) Industrial outfalls, sewer outfalls, and storm water outfalls shall go out to channels or areas where flushing will be adequate and shall not empty onto tideflats or salt marshes. Effluent from outfalls must meet DEQ and EPA water quality standards. Water Quality policies shall apply.
- (g) When water-dependent industrial and commercial uses are proposed in Estuary Conservation 2 (EC2) zones, evidence shall be provided by the applicant and findings made by the County that the proposed use is consistent with the resource capabilities of the area and the long-term use of renewable resources, and would not cause a major alteration of the estuary.

- (h) When water-related nor non-dependent, non-related industrial or commercial uses are proposed in Estuary Development (ED) zones evidence must be presented that:
 - (1) The use will not preclude the provision or maintenance of navigation and other needed public, commercial and industrial water-dependent uses.
 - (2) The use will not preempt the use of shorelands especially suited for water-dependent development.
 - (3) Non-water-dependent and non-water-related uses which permanently alter estuarine resources and values shall include evidence of the public benefits derived from the project, which shall include:
 - (i) The beneficial economic impacts to local communities derived from increases in employment; and/or
 - (ii) Indirect economic impacts generated by increases in commercial, industrial or recreational activity within the area.
 - (i) All State and Federal laws governing the use, handling, storage, treatment and disposal of toxic materials, petroleum, waste water and organic wastes and other State and Federal laws governing environmental quality, resource protection or public health and safety shall be met. This determination shall be made by appropriate State or Federal agencies with regulatory authority.
 - (j) Dredging, fill, piling/dolphin installation, shoreline stabilization, disposal of dredged material or other activities in conjunction with industrial and commercial uses shall be subject to the respective standards for these activities.
- (10) LAND TRANSPORTATION FACILITIES: Siting, design, construction and maintenance of bridges, roads or railroads in estuary zones shall be subject to the following standards:
- (a) Proposals for new County or State highways, or for railroads, shall provide an evaluation of the proposed project on the following:
 - (1) Land use patterns.
 - (2) Energy use.
 - (3) Air and water quality.
 - (4) Estuarine habitat, functions and processes.
 - (5) Existing transportation facilities.



Waterway Structure Registration Application 2017

RECEIVED
DATE RECEIVED:

SEP 25 2017

RECEIVED \$ 250.00
DEPARTMENT OF STATE LANDS
#4450

(West of the Cascade Crest)
WESTERN REGION
Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
PHONE: 503-986-5200
FAX: 503-378-4844

www.oregon.gov/dsl/

(East of the Cascade Crest)
EASTERN REGION
Department of State Lands
1645 NE Forbes Road, Suite 112
Bend, OR 97701
PHONE: 541-388-6112
FAX: 541-388-6480

Make checks payable to Oregon Department of State Lands.
To pay by Visa or Master Card, call your local office by region or pay online at <https://apps.oregon.gov/dsl/EPS/>.
To email documents, send to registrations@dsl.state.or.us.

Registration # 60044-RG

Please complete the sections based on the option you select below

<input checked="" type="checkbox"/> Applying for a new Registration	—————>	Sections 1, 2, 3, 4, 5; Sign page 2
<input type="checkbox"/> Renewal of an existing Registration with no changes	—————>	Sections 1 & 2; Sign page 2
<input type="checkbox"/> Amendment to an existing Registration (e.g. add sq. ft., moving structure, etc.)	—————>	Sections 1, 2, 3, 4, 5; Sign page 2

Section 1 - APPLICANT INFORMATION

Applicant's Name: <u>ALLAN KIMMEL</u>	Home Phone: <u>503-842-5154</u>
Mailing Address: <u>5307 3RD Street</u>	Business/Other Phone: <u>503-842-4204</u>
City: <u>TILLAMOOK</u>	Fax: <u>503-842-1974</u>
State: <u>OREGON</u> Zip: <u>97141</u>	Email Address: <u>ASKimmel@charter.net</u>
Address of Structure Location (if applicable): <u>2010 Defaets Boat Basin Rd</u>	

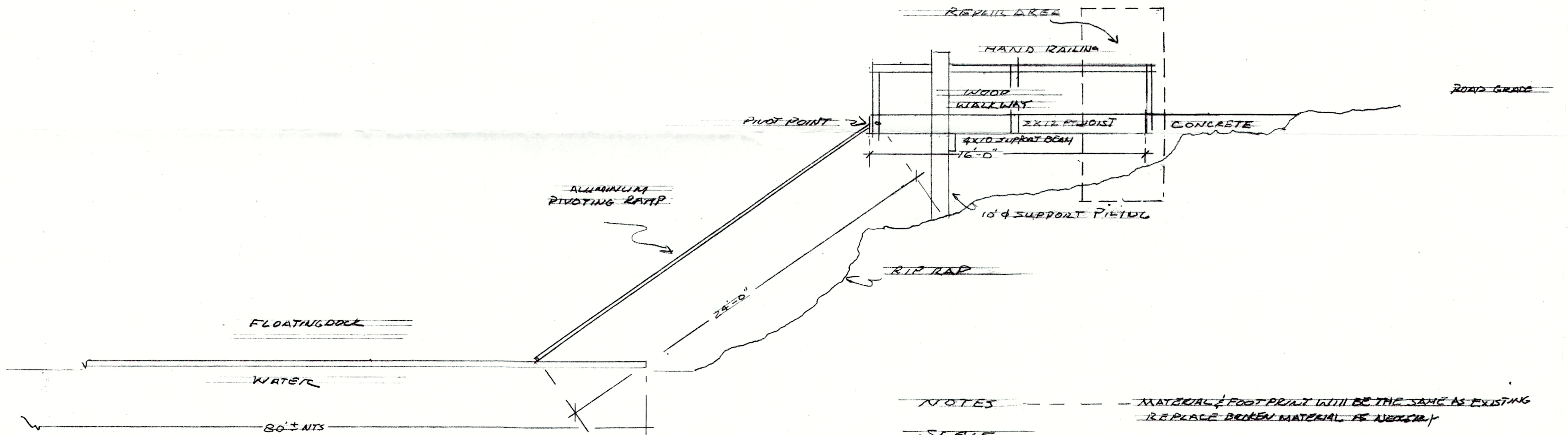
Section 2 - STRUCTURE TYPE (check all applicable boxes)

Dock or Float Only	Boat House Only	Dock with Boat House	Fee (per 5 Year Term)
<input checked="" type="checkbox"/> Less than 1,000 sq ft	<input type="checkbox"/> Less than 1,000 sq ft	<input type="checkbox"/> Less than 1,000 sq ft	\$250
<input type="checkbox"/> 1,001 to 2,000 sq ft	<input type="checkbox"/> 1,001 to 2,000 sq ft	<input type="checkbox"/> 1,001 to 2,000 sq ft	\$500
<input type="checkbox"/> 2,001 to 2,500 sq ft	<input type="checkbox"/> 2,001 to 2,500 sq ft	<input type="checkbox"/> 2,001 to 2,500 sq ft	\$600
<input type="checkbox"/> Floating Recreational Cabin (must be less than 1,500 sq ft)			\$700
NO FEE CATEGORY	<input type="checkbox"/> Revetments, attenuators, retaining walls, riprap, tidegates, etc.		\$0
	<input type="checkbox"/> Structures maintained by a Drainage District (ORS 547)		\$0
	<input type="checkbox"/> Rights-of-way established for City or County roads prior to Nov. 1, 1981		\$0
	<input type="checkbox"/> Voluntary Habitat Restoration Projects		\$0
	<input type="checkbox"/> Other structure associated with dock, boat house, or floating rec. cabin (e.g. boat ramp, mooring buoy, piling, etc.)		\$0
<input type="checkbox"/> Other structure not associated with dock, boat house, or floating rec. cabin (e.g. boat ramp only, mooring buoy only, piling only, etc.)			\$250/structure type

REPAIR WALKWAY TO DOCK

NETRATS BAY

RECEIVED
MAR 10 2025
BY:



NOTES ----- MATERIAL & FOOT PRINT WILL BE THE SAME AS EXISTING
REPLACE BROKEN MATERIAL AS NECESSARY

SCALE
1/4" = 1'-0"

ADDRESS ----- 2012 NETRATS BAY RD