

The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.co.tillamook.or.us/gov/ComDev/> to access the appointment scheduler portal.

**From:** Owen Miller <[buck97112@outlook.com](mailto:buck97112@outlook.com)>

**Sent:** Friday, April 29, 2022 3:52 PM

**To:** Melissa Jenck <[mjenck@co.tillamook.or.us](mailto:mjenck@co.tillamook.or.us)>

**Subject:** EXTERNAL: RE: Water Availability - Oregon Treehouse Partners

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

Good afternoon, Melissa:

I understand the concerns of the community with regard to the water supply in light of heightened development, and warming climate. I too share in the concern. I rely on the same water supply.

It is true that I have asked our customers to conserve and to maintain their plumbing systems in good condition. I have included a note to that effect on the face of the billing during the summer months for some now.

In the past I have offered free leak detection assistance on occasion.

Last summer's dry period was the second such in a row. We did not experience loss of service during either period. Notices were made in the billings both summers. The Tierra Del Mar Community Association was kind enough to disseminate a notice via e-mail to their members last June. We did not lose service last summer due to the drought.

I don't suspect that our capacity will be diminished to the point of failure due to drought, if it occurs again this summer. We have had excess capacity every summer (except 1996).

The addition of the Treehouse development is not enough to overwhelm the system in and of itself. We will only serve the four 'Tiny Houses' proposed at the west lower elevation of the project. This will result in an additional 12-16 people per day of use.

It is important to note that the one time the system went down (for 6-8 hours) was the fourth of July weekend 1993. The reason was not drought (thought it was dry), but rather an overnight low flow equal to about half of our production capacity. On the third of the holiday we were unable to keep up. This was caused by poor maintenance of the properties. Several were losing water all day and night. We notified the owners when we found the leaks. We continue to do so.

Some older properties on the system still have water loss issues from time to time. I still encourage conservation and maintenance and will continue to do so. The conditions of the cabins is improving with new houses and renovation of quite a few of the older cabins.

I have no evidence or finding as to the capacity of system into the future yet. We are preparing to hire an engineering firm to provide a feasibility study pursuant to construction of a new reservoir at the treatment plant site. Part of the study will be a twenty year long-range plan, optimal size of the reservoir and replacement of metering at the treatment plant. I can share these findings. We have made progress with the project already with the completion of

mass excavation of the site.

I hope this information is acceptable to you. If you have questions or need additional information please contact me.

Sincerely,

Owen Miller

**From:** Melissa Jenck <mjenck@co.tillamook.or.us>  
**Sent:** Wednesday, April 27, 2022 8:46 AM  
**To:** Owen Miller <buck97112@outlook.com>  
**Subject:** Water Availability - Oregon Treehouse Partners  
**Importance:** High

Good afternoon Buck,

The Board of County Commissioners conducted their hearing regarding the Oregon Treehouse Partners property and the proposed campground facilities yesterday, April 25<sup>th</sup>. A large part of the questions that the Commissioners had were with regards to evidence on the record provided by the general public that stated there have been times that the water company has asked it's users to limit water use during portions of the year due to capacity issues. The Commission would like to know if there is capacity concern to serve the proposed campground from Tierra Del Mar Water Company? While there is a service availability letter on the record, there is concerns given this information that the capacity may be questionable when it would come time to provide the service.

Is there any information or findings you can provide to the capacity issues experienced in prior years, and the expected capabilities of Tierra Del Mar Water Company to supply the capacity requests of properties currently served, along with the proposed campground?

The opportunity to supply new evidence on the record ends May 2<sup>nd</sup> at 4pm. If you're able – clarification of the above before such date would be appreciated. Thank you,



**Melissa Jenck** (she/her) | CFM, Land Use Planner II  
**TILLAMOOK COUNTY** | Community Development  
1510-B Third Street  
Tillamook, OR 97141  
Phone (503) 842-3408 x3301  
[mjenck@co.tillamook.or.us](mailto:mjenck@co.tillamook.or.us)

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## **BOARD OF COMMISSIONERS**

**David Yamamoto**, Chair  
*dyamamoto@co.tillamook.or.us*

**Erin D. Skaar**, Vice-Chair  
*eskaar@co.tillamook.or.us*

**Mary Faith Bell**, Commissioner  
*mbell@co.tillamook.or.us*

## **CONTACT**

Tillamook County Courthouse  
201 Laurel Avenue  
Tillamook, Oregon 97141  
503.842.3403  
[www.co.tillamook.or.us](http://www.co.tillamook.or.us)

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## **COMMUNITY UPDATE MEETING**

**Tuesday, April 19, 2022 at 8:00 a.m.**

*Teleconference and KTIL-FM at 95.9*

## **BOARD MEETING**

**Wednesday, April 20, 2022 at 9:00 a.m.**

**Commissioners' Meeting Rooms A & B**

*County Courthouse, Teleconference, and Live Video at [tctvonline.com](http://tctvonline.com)*

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## JOIN THE BOARD OF COMMISSIONERS' MEETINGS

The board is committed to community participation and provides opportunity for public attendance during meetings via in-person and teleconference. Teleconference options are listen-only. Due to Oregon COVID-19 recommendations for public gatherings, the maximum capacity of the board meeting room is limited to 12 persons, not including staff and commissioners.

- **Community Update Meetings: Tuesdays at 8:00 a.m.**
  - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
  - Radio: KTIL-FM at 95.9
  
- **Board Meetings: Wednesdays at 9:00 a.m.**
  - County Courthouse: Commissioner's Meeting Rooms A & B, 201 Laurel Avenue, Tillamook
  - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
  - Live Video: [tctvonline.com](http://tctvonline.com)

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## MEETING INFORMATION AND RULES

- Matters for discussion and consideration by the board shall be placed on an agenda prepared by the staff and approved by the board chair. Any commissioner may request items on the agenda.
- Public hearings are formal proceedings publicized through a special public notice issued to media and others. Public hearings held by the board are to provide the board an opportunity to hear from the public about a specific topic. Public hearings are therefore different regarding audience participation at board meetings.
- Commissioners shall be addressed by their title followed by their last name.
- Commissioners shall obtain approval from the chair before speaking or asking questions of staff, presenters, and public. As a courtesy, the chair shall allow an opportunity, by the commissioner who has the floor, to ask immediate follow-up questions.
- A majority of the board shall constitute a quorum and be necessary for the transaction of business.
- All board meeting notices are publicized in accordance with public meeting laws.
- All board meetings shall commence with the Pledge of Allegiance.
- The chair will utilize the gavel as needed to maintain order, commence and adjourn meetings, and signal approval of motions.
- The board reserves the right to recess to executive session as may be required at any time during these meetings, pursuant to ORS 192.660(1).
- The courthouse is accessible to persons with disabilities. If special accommodations are needed for persons with hearing visual, or manual impairments who wish to participate in the meeting, contact (503) 842-3403 at least 24 hours prior to the meeting so that the appropriate communications assistance can be arranged.



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## **PUBLIC COMMENT**

- Providing public comment is an opportunity for constituents to be heard and express their views to the board.
- The board allows public comment at board meetings during the public comment period designated on the agenda.
- Comments are limited to one per person and per agenda item.
- Comments must be related to the agenda item(s) previously registered to comment on.
- The allotted time for public comments is two minutes per person; this time may not be allotted to another speaker. The chair may, at their sole discretion, further limit or expand the amount of time.
- The public comment opportunity is not a discussion, debate, or dialogue between the speaker and the board, which may or may not respond.
- Members of the public do not have the right to disrupt the meeting; the board may prohibit demonstrations such as booing, hissing, or clapping.
- Remarks containing hate speech, profanity, obscenity, name calling or personal attacks, defamation to a person, people, or organization, or other remarks the board deems inappropriate will not be allowed.
- Failure to follow all rules and procedures may result in not being able to provide public comment and/or being removed from the meeting.

### **In-Person Procedures**

- Sign in before the meeting begins and indicate your desire to provide public comment and which agenda item you would like to comment on. When your name is announced, please come forward to the table placed in front of the dais and for the record, first identify yourself, area of residence, and organization represented, if any.

### **Virtual Procedures**

- Register by sending an email to [publiccomments@co.tillamook.or.us](mailto:publiccomments@co.tillamook.or.us) by 12:00 p.m. on the Tuesday prior to the board meeting. The email must contain all of the following information:
  - Full name, area of residence, and phone number.
  - Agenda item(s), you wish to comment on.
- Once registered, and before the start of the meeting, board staff will email a Microsoft Teams meeting link.
- When logged in to the meeting you must remain muted with your camera off until your name is called, then you unmute and turn on your camera.
- The chair may require those providing virtual comment to turn on their camera while providing comment or testimony.

### **Written Procedures**

- Written comments may be mailed to 201 Laurel Avenue, Tillamook, Oregon 97141 or emailed to: [publiccomments@co.tillamook.or.us](mailto:publiccomments@co.tillamook.or.us).
- Written comments received by 12:00 p.m. on the Tuesday prior to the board meeting will be distributed to the board and posted online. All written comments submitted become part of the permanent public meeting record.

## **AGENDAS**

### **COMMUNITY UPDATE**

CALL TO ORDER: Tuesday, April 19, 2022 8:00 a.m.

1. Welcome and Board of Commissioners' Roll Call
2. Adventist Health Tillamook
3. Coastal Caucus
4. Tillamook County Community Health Center
5. Nehalem Bay Health Center & Pharmacy
6. Tillamook Family Counseling Center
7. Sheriff's Office
8. Emergency Management
9. Board of Commissioners
10. Cities
  - a. Manzanita
  - b. Nehalem
  - c. Wheeler
  - d. Rockaway Beach
  - e. Garibaldi
  - f. Bay City
  - g. Tillamook
  - h. South County

### **ADJOURN**



## MEETING

CALL TO ORDER: Wednesday, April 20, 2022 9:00 a.m.

1. Welcome & Request to Sign Guest List
2. Pledge of Allegiance
3. Public Comment
4. Non-Agenda Items

## PRESENTATIONS

5. Tillamook County [Solid Waste Department 2021 Review and Progress Report](#)/David McCall, Solid Waste Program Manager

## LEGISLATIVE – ADMINISTRATIVE

6. Discussion and Consideration of a Personnel Requisition for a New Regular Full-Time Road Maintenance Equipment Operator 2 Journey Level in the Public Works Department/Chris Laity, Director, Public Works
7. Discussion and Consideration of a Personnel Requisition for a New Regular Full-Time Mechanic in the Public Works Department/Chris Laity, Director, Public Works
8. Discussion and Consideration of a Personnel Requisition for a New Regular Full-Time Solid Waste Transfer Station Attendant in the Solid Waste Department/Chris Laity, Director, Public Works
9. Discussion and Consideration of an Order in the Matter of [a Notice of Intent to Award a Contract](#) for the Old Wheeler Mohler Slide Repair Project/Chris Laity, Director, Public Works
10. Discussion and Consideration of a Memorandum of Understanding with the [Tillamook Family Counseling Center](#) for the Development of a Behavioral Health Housing Plan for Tillamook County/Thomas Fiorelli, Housing Coordinator, Community Development
11. Discussion and Consideration of a Travel Request for [Benji Antolin](#) to Attend the Esri Software User Conference in San Diego, California on 7/11/2022—7/16/2022/Jeff Underwood, Interim Director, Information Services
12. Discussion and Consideration of a Tillamook County [2021-2022 Part-Time Temporary Salary Schedule](#) Effective April 20, 2022/Shawn Blanchard, Treasurer
13. Discussion and Consideration of [an Order in the Matter of the Transfer of Certain County Property to Caren Hammack](#)/Joel Stevens, County Counsel
14. Discussion and Consideration of a [Tax Deed in Favor of Caren Hammack for Certain County Property](#) Located at Township 2 North, Range 10 West, Section 32CC, Tax Lot 2301/Joel Stevens, County Counsel

15. Discussion and Consideration of a [Tax Collector's Deed for the 2019 Foreclosure Proceedings](#)/Joel Stevens, County Counsel
16. Discussion and Consideration of a Personnel Requisition for a Replacement Regular Full-Time Interim Director in the Library Department/Commissioner Mary Faith Bell
17. Discussion and Consideration of a [Letter of Support for the Tillamook County Visitors Association](#) Business Oregon Innovation Hub Grant Application/Commissioner Mary Faith Bell
18. Discussion and Consideration of a Travel Request for [Commissioner David Yamamoto](#) to Attend the 2022 NACO Annual Conference in Aurora, Colorado from 7/20/2022—7/25/2022/Commissioner David Yamamoto
19. Board Concerns – Non-Agenda Items
20. Board Announcements

## **ADJOURN**

### **OTHER MEETINGS AND ANNOUNCEMENTS**

The Local Public Safety Coordinating Council (LPSCC) teleconference will be held on **Monday, April 18, 2022 at 12:00 p.m.** The teleconference number is 1-971-254-3149, Conference ID: 113 785 794#.

The Commissioners will hold a Board Briefing on **Wednesday, April 20, 2022 at 2:00 p.m.** to discuss weekly commissioner updates. The meeting will be held at the Courthouse in the Nestucca Room, 201 Laurel Avenue, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

The Commissioners will hold a public hearing on **Monday, April 25, 2022 at 8:30 a.m.** to hear an appeal of the Planning Commission's decision to approve Conditional Use request #851-21-000416-PLNG to establish a 19-site recreational campground on an approximately 18-acre portion of a 58.51-acre parcel in Tierra Del Mar. The meeting will be held at the Tillamook County Courthouse in the Commissioners' Meeting Rooms A & B, 201 Laurel Avenue, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

The Compensation Board for Tillamook County will hold a meeting on **Tuesday, April 26, 2022 at 1:30 p.m.** The teleconference number is 1 971-254-3149, Conference ID: 976 694 511#



Testimony received between April 18, 2022 till  
April 25, 2022

## Melissa Jenck

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**From:** Sean Malone <seanmalone8@hotmail.com>  
**Sent:** Monday, April 25, 2022 1:06 AM  
**To:** Cameron La Follette; Melissa Jenck; Sarah Absher  
**Subject:** EXTERNAL: Re: ORCA testimony on Treehouse Campground  
**Attachments:** Ex. A.pdf

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

Please also add to the record the attached Exhibit A, which is an exhibit to the testimony Cameron sent.

Thank you,

Sean Malone  
Attorney at Law  
259 E. Fifth Ave.  
Suite 200-C  
Eugene, OR 97401  
ph. 303.859.0403  
[seanmalone8@hotmail.com](mailto:seanmalone8@hotmail.com)

---

**From:** Cameron La Follette <cameron@oregoncoastalliance.org>  
**Sent:** Sunday, April 24, 2022 9:59 PM  
**To:** Melissa Jenck <mjenck@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>  
**Cc:** Sean Malone <seanmalone8@hotmail.com>  
**Subject:** ORCA testimony on Treehouse Campground

Dear Melissa and Sarah,

Attached please find the testimony of Oregon Coast Alliance in the matter of the appeal of Treehouse partners' application for a conditional use permit, which is being heard before the Board of Commissioners. Please place this testimony in the record for this matter. Please notify me of receipt and ability to open the testimony, as well as placement in the record.

Thank you,

Cameron  
—

Cameron La Follette  
Executive Director  
Oregon Coast Alliance  
P.O. Box 857  
Astoria, OR 97103  
(503) 391-0210  
cameron@oregoncoastalliance.org



<https://nam12.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.oregoncoastalliance.org%2F&data=05%7C01%7C%7Cf06cb458cc3744c1673408da26787037%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C637864596109891825%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=S8WxrPXejpckmmJpIISQkBNig8isZJYG4a%2BaRfQhH2o%3D&reserved=0>

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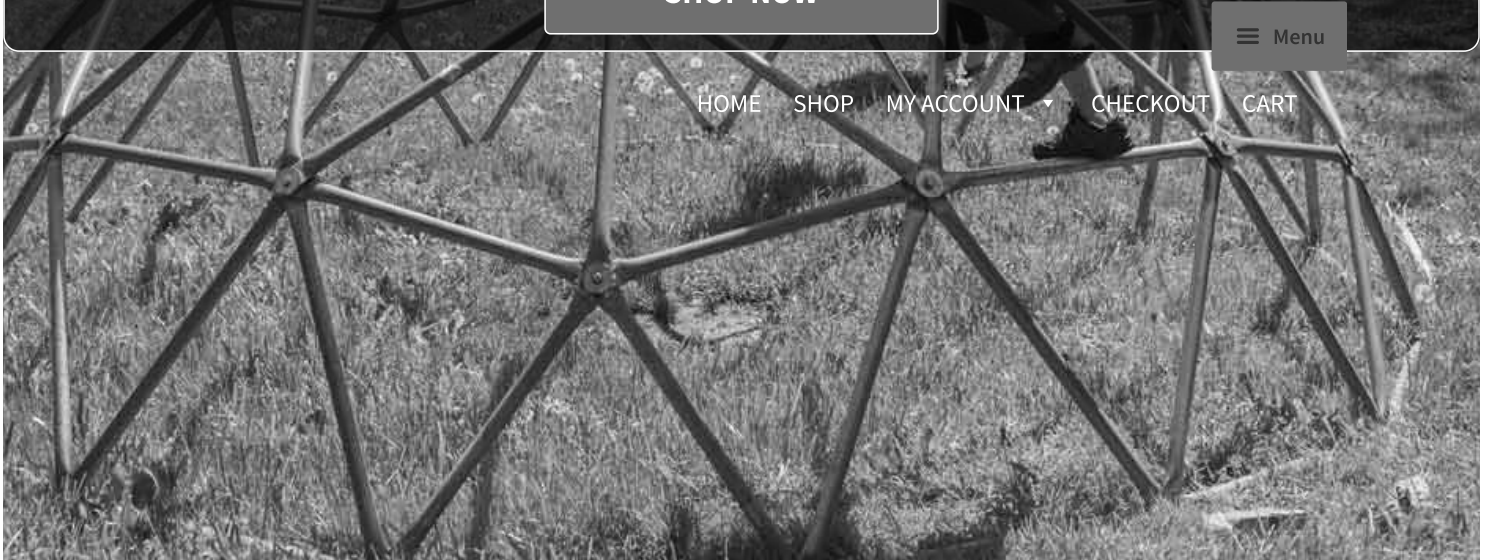




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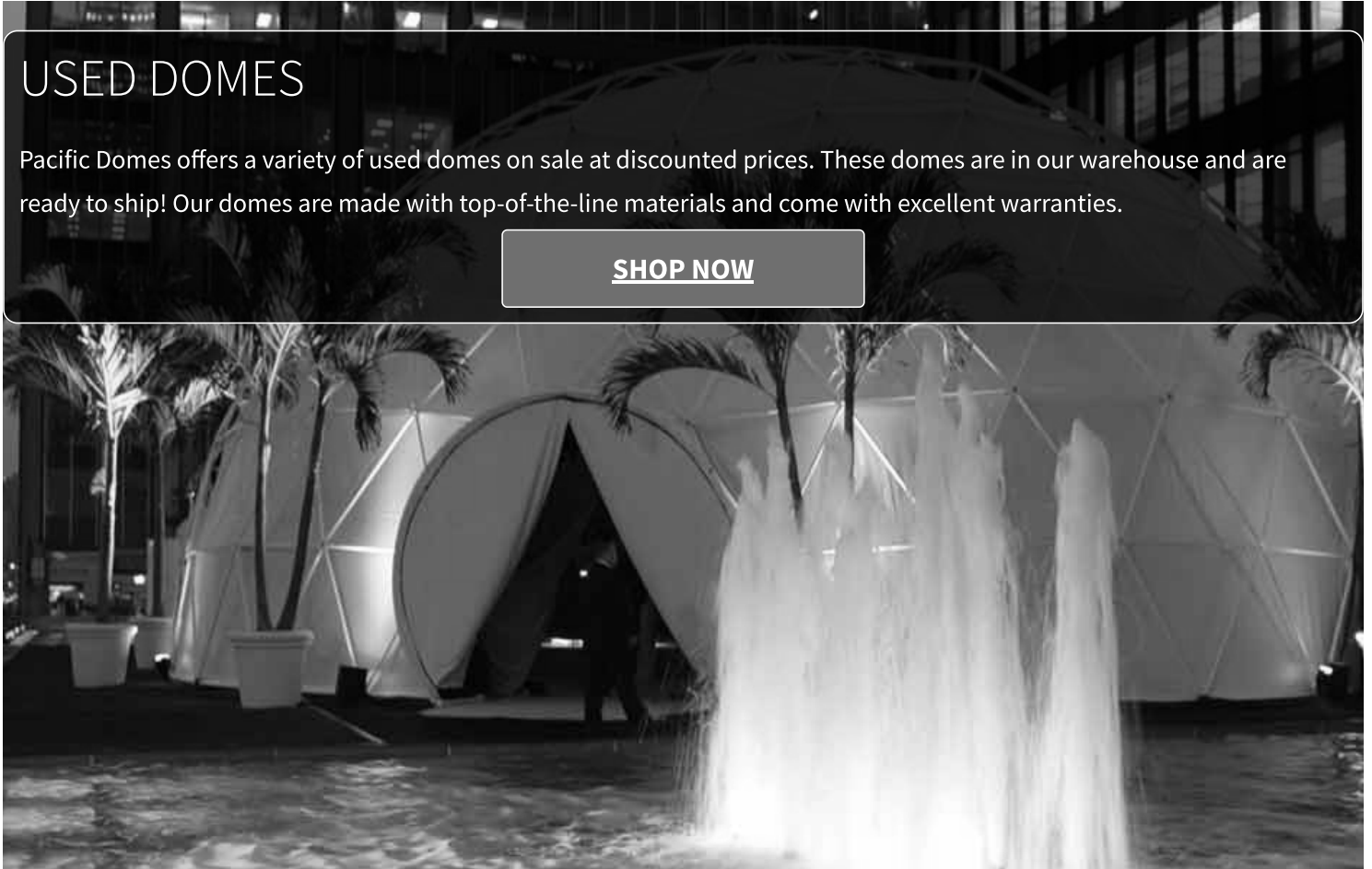
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The Ecoliving Earth Day Dome: Green Walls to End Indoor Air-Pollution

April 13, 2022 6:07 pm

Buckminster Fuller’s Design Science: The Evolution of Geodesic Domes

April 12, 2022 11:31 am

A Dome Community Vision

April 1, 2022 3:43 pm

Amazing Futuristic Architecture: Could Geodesic Domes be the Buildings of the Future?

March 27, 2022 9:48 am

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16FT NOMAD 5M
16FT 5M
20FT 6M
24FT 7M
30FT 9M
36FT 11M
44FT 13M



## Specifications: 16 ft Nomad / 5m

### Size & Weight

**Floor Area:** 195 sq.ft. (18 sq. meters)

**Ceiling Center Height:** 8 ft. 6 in. (2.6 meters)

**Approx. Dome Weight:** 450 lbs. (204 kg.)

**Frame Package:** 5ft. x 18in. x 18in. (1.5 x .5 x .5 meters)

**Cover Package:** 3ft. x 18in. x 18in. (.9 x .5 x .5 meters)

**Bay Window:** 5ft. h x 14ft. w (1.5x4.3 meters)

## Dome Home Package Includes

**Frame:** Standard .92" galvanized steel frame with hardware

**Cover:** Shelter cover with bay window

**Doors:** Weather-tight zip door

**Windows:** 4 round removable windows (2ft. / .6 meter diameter)

**Ventilation:** 1 ventilation roll-up with zipper

**Anchoring:** Hardware for any type of surface

**Instructions:** Dome care & assembly manual

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Custom Options

- Removable Roof: Zip-off
- Round Windows: 2ft. (.6 meter) diameter
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Assembly Time: 2 to 6 hours with crew of 2 or 4

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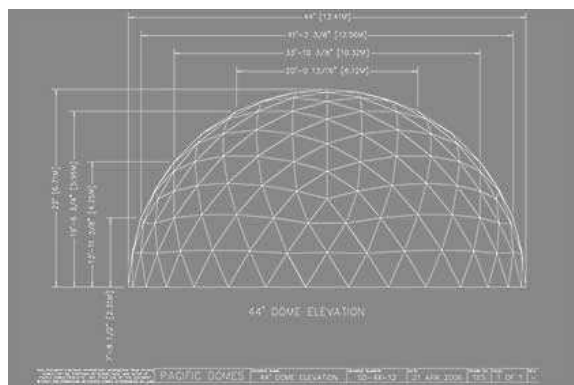


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## Melissa Jenck

---

**From:** Cameron La Follette <cameron@oregoncoastalliance.org>  
**Sent:** Sunday, April 24, 2022 10:00 PM  
**To:** Melissa Jenck; Sarah Absher  
**Cc:** Sean Malone  
**Subject:** EXTERNAL: ORCA testimony on Treehouse Campground  
**Attachments:** ORCA to Tillamook BOC re Treehouse Campground April 2022.pdf

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

Dear Melissa and Sarah,

Attached please find the testimony of Oregon Coast Alliance in the matter of the appeal of Treehouse partners' application for a conditional use permit, which is being heard before the Board of Commissioners. Please place this testimony in the record for this matter. Please notify me of receipt and ability to open the testimony, as well as placement in the record.

Thank you,

Cameron

—

Cameron La Follette  
Executive Director  
Oregon Coast Alliance  
P.O. Box 857  
Astoria, OR 97103  
(503) 391-0210  
cameron@oregoncoastalliance.org  
<https://us-east-2.protection.sophos.com?d=oregoncoastalliance.org&u=d3d3Lm9yZWdvbmNvYXN0YXsaWFuY2Uub3Jn&i=NWFIYtg4NWlwMDQxZjgxNzlwYmMzOTVj&t=eXRrdE5UUUJtL2Q4bGZFWk1CWw9WVmVpbIN0a292ekd1V3F2c0dJWTFIcz0=&h=7ca993a93a5d4d8f90a4e6a948c4be51>

# Sean T. Malone

## Attorney at Law

259 E. Fifth Ave.,  
Suite 200-C  
Eugene, OR 97401

Tel. (303) 859-0403  
Fax (650) 471-7366  
seanmalone8@hotmail.com

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April 25, 2021

### Via Email

Tillamook County Board of Commissioners  
c/o Tillamook Department of Community Development  
1501-B Third St.  
Tillamook, OR 97141

Re: Oregon Coast Alliance Hearing Testimony regarding conditional use permit request for 19-site campground in Tierra Del Mar, #851-21-000416-PLNG.

Dear Board of Commissioners,

On behalf of Oregon Coast Alliance (ORCA), please accept this testimony on the above-entitled application. Due to numerous shortcomings outlined below, I respectfully request that the Board of Commissioners overturn the planning commission approval and deny the application. ORCA is an Oregon nonprofit corporation whose mission is protection of coastal natural resources and working with residents to enhance community livability.

First, the applicant proposes 19 campsites, of which 15 will be tents, and of that number, 9 will be geodesic domes. The applicant proposes to use Geo Tents from Pacific Domes, located in Ashland, Oregon. The website for Pacific Domes, as well as the photos of “tents,” provided in the application do not satisfy the definition of “tent,” as provided in the code. The definition of “tent” is “[a] fabric shelter supported by poles or rope, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for permanent or residential purposes.” TCLUO 153.003. As is obvious from the photograph shown in the application and a brief review of the Pacific Domes’ website, the domes have wood floors. As such, they are not a “fabric shelter.” The applicant, therefore, is not able to utilize the Pacific Domes, under the TCLUO definition for “tent.”<sup>1</sup> Because no alternative tents are proposed, the application must be denied.

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<sup>1</sup> Apart from the fact that the domes are not fully fabric in nature, they also utilize equipment that would not be expected for a tent. For example, the tents utilize galvanized steel frames, heating components, and so forth. These

Second, the conditional use criteria require, amongst others, that “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.” Here, local residents have highlighted existing problems that will be exacerbated by the proposal (congestion, traffic, increase in illegal parking), as well as new problems, including impacts to big game and nesting migratory birds. The property is also home to big game and nesting migratory birds, and it appears that they will be impacted by the development, according to the Oregon Department of Fish and Wildlife. In addition, local residents have testified of sewer and water issues, including recent curtailment notices from the Tierra Del Mar Water Company.<sup>2</sup>

At maximum capacity or close-to-maximum capacity, the proposed use will create traffic congestion and will also likely create parking spillover onto Floyd Avenue. At the hearing the applicant alleged that maximum capacity would be between 60-80 (and some say 95) persons, which does not comport with the number of parking spaces proposed. There is simply no assurance that the number of vehicles can be accommodated within the site. Indeed, the applicant has submitted conflicting evidence and allegations with regard to maximum occupancy. The applicant alleged at the Planning Commission hearing that the campground would not allow camper vehicles or RVs and would accept reservations only from tent campers, but the staff report stated that the “Applicant confirms that all spaces will be numbered for one individual RV or tent.” Despite dramatically increasing the number of people that will be visiting the area and the beach, including from the proposed campground to the beach, the applicant has not proposed any improvements or safety<sup>3</sup> precautions to allow campers and patrons to cross busy roads.

Third, a further conditional use criterion requires that “[t]he parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements, and natural features.” TCLUO 6.040(3). The proposed use is not suitable given the natural features, including the presence of wetlands, Aquatic Resources of Special Concern, and geologic hazards. The staff report noted that there are mapped wetlands and river features, including forested shrub wetlands, and DSL has already stated that the proposal will impact wetlands, thus requiring a state permit. A competent wetlands delineation is necessary in order to satisfy any conditions that require the applicant to stay out of the wetlands. Indeed, DSL noted that “[t]he

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are typical of permanent structures. Indeed, it is not clear that the domes will ever be removed. As such, these domes do not fall within the definition of “tent.”

<sup>2</sup> Testimony has indicated that the applicant has “letter of supply” from the Tierra del Mar Water Company dated July 19, 2016. This is obviously stale evidence, and it must be updated, especially in light of recent curtailment notices sent from the Water Company. While the date has been corrected, it is unclear who corrected the date – the applicant or the Water company.

<sup>3</sup> Other issues of fire safety have arisen from local testimony. Notably, the applicant alleges that “[f]ire truck[s] will have the ability to reach most of the campsites from the main road.” If not all of the campsites can be reached by the truck, then that leaves the safety of not only the campers at risk but also those that live in the vicinity of the proposed use.



applicant must consult with appropriate permitting agencies if any development is proposed to occur within the wetlands.” The applicant must first know where those wetlands are located. Moreover, “[i]f any crossings of the stream/wetland are proposed (for example for the entrance road), the applicant must consult with ODFW for a fish passage determination, and receive approval from ODFW if determined to be necessary.”

The neighboring property has a wetland identified as “mature, forested wetland, and therefore, part or all of this wetland may meet the state’s criterion for Aquatic Resources of Special Concern<sup>4</sup>, which can affect the eligibility protocols for compensatory mitigation if a DSL Permit is required. Given that the onsite wetland is a continuation of the neighboring property, it is likely that the subject property also contains Aquatic Resources of Special Concern, and that issue should be resolved **before** the conditional use criteria can be applied.

The property is located in a High Landslide area. Section 4.130 requires a “Geologic Hazard report prior to approval of planned developments, coast resorts, subdivisions, and partitions....” As the development proposal is located within an area of geological hazards, excess traffic and congestion, a geologic report would provide recommendations on location of structures and roads; recommendations for management of stormwater runoff; hazards to life, public and private property, and the natural environment, which may be caused by the proposed use; and methods for protecting the surrounding area from any adverse effects of the development.

Fourth, under conditional use criterion TCLUO 6.040(6), “[t]he proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.” The available infrastructure in Tierra Del Mar is minimal at best, including water supply and wastewater treatment options. Moreover, according to testimony from local residents, there is an existing for-profit camping area less than a mile from Tierra Del Mar. Thus, the proposal is not timely, and similar uses are already in existence nearby. There has been no analysis of existing infrastructure and the demands to be placed on it by this campground, much less an analysis of the relationship of a new large for-profit campground to the existing nearby one, and their relationship to the minimal infrastructure of this rural area.

Next, it is imperative that the applicant retain some onsite host or security to address issues that will inevitably arise. This assurance must be included as a condition of approval. Without someone to check with and have supervision over the campsite, there is little to no chance that the conditions imposed if the application is approved and rules for the campsite will be enforced to the detriment of the neighboring property owners’ livability.

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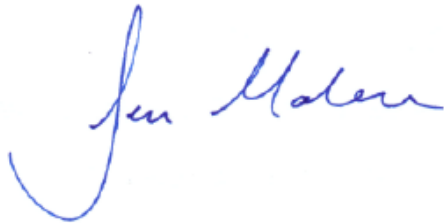
<sup>4</sup> OAR 141-85-510(3) defines “**Aquatic Resources of Special Concern**” to mean the: “waters of this state that provide functions, values and habitats that are limited in quantity because they are naturally rare or have been disproportionately lost due to prior impacts. These include alkali wetlands and lakes, bogs, cold water habitat, fens, hot springs, interdunal wetlands, kelp beds, mature forested wetlands, native eelgrass beds, off-channel habitats (alcoves and side channels), ultramafic soil wetlands, vernal pools, wet prairies, wooded tidal wetlands, and others as determined by the Department.”

Finally, it must be remembered that the applicant bears the burden of proof in a land use application. *See Wilson v. Washington County*, 63 Or LUBA 314 (2011) (an applicant bears the burden of proof to demonstrate that an application complies with applicable approval standards and a local government is not required to approve a noncomplying development proposal, even if conditions of approval might be imposed that would render the proposal consistent with the applicable criteria). Because there are so many loose ends in the subject application, the application cannot be approved, even with conditions of approval. Until the applicant has provided substantive information as required by law on all relevant issues (*e.g.*, wetland delineation and Aquatic Resources of Special Concern, as well as water, sanitary, traffic, and parking matters), the findings will be inherently inadequate.

In solidarity with those living within Tierra Del Mar and those that would be affected by the proposed use, ORCA further adopts the testimony as its own of the following that provided testimony, both before the Planning Commission and the Board: Dean Wood, Andrew Ewing, Bryan Quan, Travis Ellis, Susan Pileggi, Lynnae Ruttledge, Millie Wriggle, Lisa Macy-Baker, Rob Baker, Alan and Carol Rodrick, Linda Hilliard, and others who have submitted testimony in opposition to the proposal.

In conclusion, ORCA respectfully requests that the application be denied.

Sincerely,



Sean T. Malone  
Attorney for Oregon Coast Alliance

Cc:  
Client

## Melissa Jenck

---

**From:** Owen Miller <buck97112@outlook.com>  
**Sent:** Sunday, April 24, 2022 2:38 PM  
**To:** Melissa Jenck  
**Subject:** EXTERNAL: RE: Water Availability - Oregon Treehouse Partners Hearing  
**Attachments:** PrelimPlanfrom Dale.pdf

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

Good Morning Melissa.

I will begin by recounting the proceeds of a meeting I had With Dale Van Doren the late summer of 2021 regarding the scope of service regarding this project:

Attached is a copy of a preliminary design that I received July 6, 2021 from Dale Van Doren. The four cabins and their related restroom/shower room are indicated in the lower left of the drawing. This is the portion of the project that we agreed to serve. I understand that the balance of the project is to be served by water from a well on the property. Sheet A00.01 included with the application confirms this. Water service to the property east of the four cabins not served by the TDMWC. One 5/8" meter will be installed at the present east end of Eloise avenue.

The site plan page A00.01 indicates the water line from the east end of Eloise Avenue to the location of the four cabins as described to me in July 2021. The restroom shower room is not shown on this page. I understand now that the "cabins" will be self-contained. This is equivalent to the original project as outlined in July of four cabins and restroom/shower room.

I have no concerns of saltwater intrusion. I have never experienced such an occurrence.

I hope this clarifies.

Sincerely,  
Owen Miller  
Tierra Del Mar Water Co.

---

**From:** Melissa Jenck <mjenck@co.tillamook.or.us>  
**Sent:** Friday, April 22, 2022 3:15 PM  
**To:** HENDRICKS Nikki M WRD <Nikki.M.Hendricks@oregon.gov>; Owen Miller <buck97112@outlook.com>  
**Subject:** Water Availability - Oregon Treehouse Partners Hearing  
**Importance:** High

Good afternoon Nikki and Buck,

There has been requests by the Tillamook County Commissioners to obtain additional information regarding water availability, and if there is concerns regarding salt-water intrusion or other concerns associated with installing/utilizing water service on the subject property located at 4S10-060-00600. This property is going through the public land use review process Conditional Use to determine eligibility for siting of a recreational campground by Oregon Treehouse Partners. If you'd like to refresh regarding the request, you can find the [application materials here](#).

If either of you want to attend virtually on Monday morning, 8:30am, at the link below, to be available to the County Commissioners for questions, or if you have any additional comments or testimony you'd like to add to the record regarding this proposal, I'd appreciate it. Any further written testimony regarding this project can be presented by Staff on Monday if you're unable to attend, but have comments you'd like on the record.

## Join Microsoft Teams Meeting

+1 971-254-3149 United States, Portland (Toll)

Conference ID: 887 242 77#

Thank you,



**Melissa Jenck** (she/her) | CFM, Land Use Planner II

**TILLAMOOK COUNTY** | Community Development

1510-B Third Street

Tillamook, OR 97141

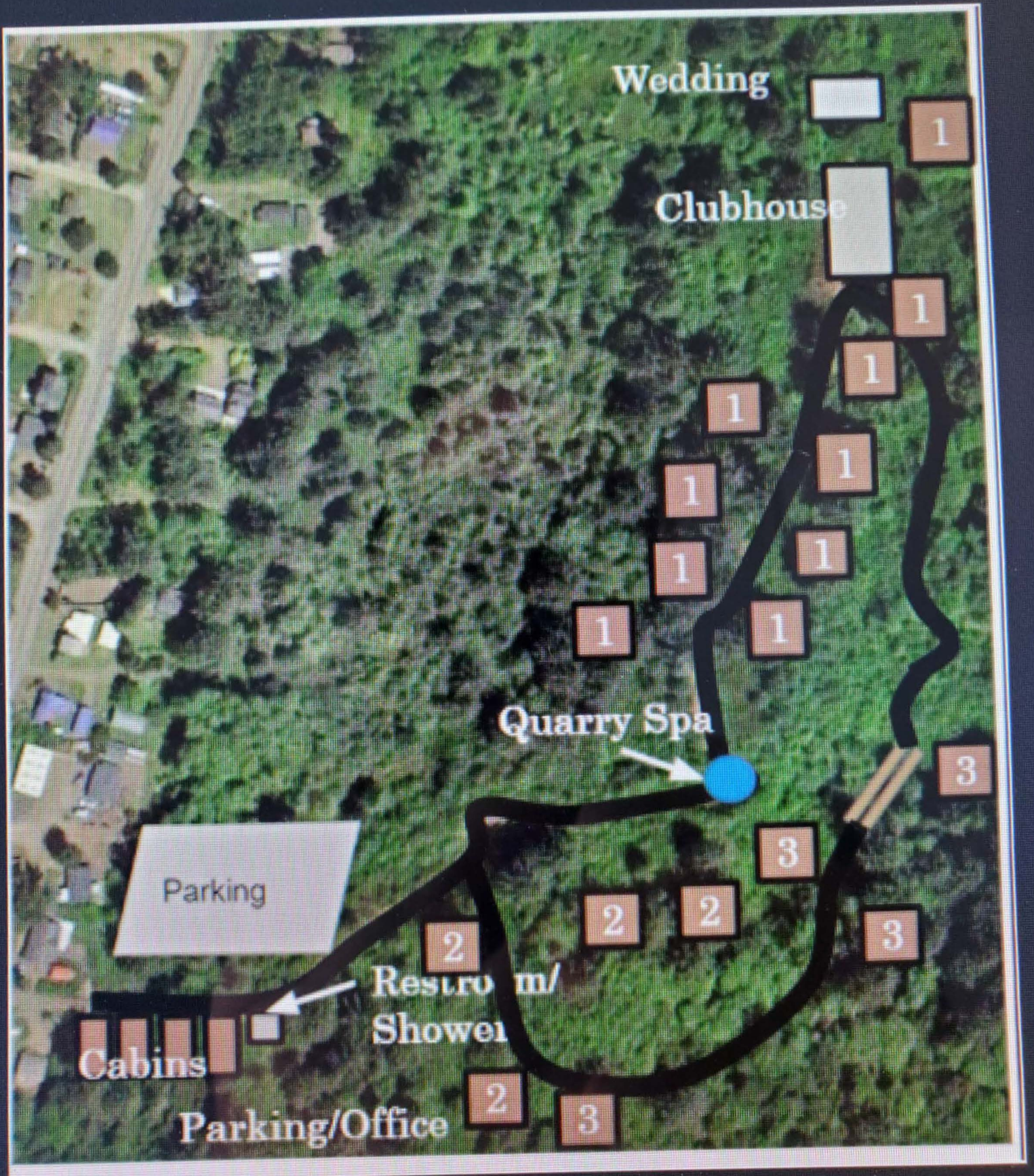
Phone (503) 842-3408 x3301

[mjenck@co.tillamook.or.us](mailto:mjenck@co.tillamook.or.us)

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*The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.co.tillamook.or.us/gov/ComDev/> to access the appointment scheduler portal.*







## Melissa Jenck

---

**From:** Lynn Tone  
**Sent:** Monday, April 25, 2022 8:08 AM  
**To:** Melissa Jenck  
**Subject:** FW: EXTERNAL: Application 851-21-000416-PLNG-Oregon Treehouse Partners LLC

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**From:** b <lyndasteiner@aol.com>  
**Sent:** Sunday, April 24, 2022 11:56 AM  
**To:** Lynn Tone <ltone@co.tillamook.or.us>  
**Subject:** EXTERNAL: Application 851-21-000416-PLNG-Oregon Treehouse Partners LLC

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

Please include my comments regarding the appeal to above mentioned application.

1. Traffic in Tierra Del Mar has increased tremendously since Covid-19 as has the beach parking. This will become hazardous due to the amount of autos entering/exiting the camp site...also, autos from the campsite will obviously seek parking close to the beach, thus impacting neighborhood streets, which is already a problem. Speed limit is constantly being ignored, especially from vehicles with their ATVs heading to Sand Lake Recreation area....our small road in Tierra Del Mar should not contend with more autos...just not safe.
2. Security on this proposed campsite has not been detailed. Will there be several 24 hour security guards which monitor fires, amount of people occupying each campsite, number of cars allowed per campsite, dealing with unruly guests? How will restrictions be enforced regarding rentals?
3. Water supply is limited in the summer most often thus taxing our communities water resource is unacceptable..also, will there be a fire/water hydrant to deal with a fire, thus raises a question as to how the fire emergency vehicles will have adequate access to the area.
4. Sewer system has not been addressed adequately as well as garbage collection times per week/weekly or? Tierra Del Mar streets near the campsite and on the beach no doubt will see significant garbage left by those from the campsite not wanting to take their garbage back to the designated garbage areas in the camping area.
5. Wetlands were an issue years ago when the owner of this property took out wetlands, filled them in, hoping to sell off lots but was found in violation of the state's mandate regarding wetlands...those wetlands at the bottom of this property had to be restored thus why has this issue not been addressed....a wetland delineation report must be required.
6. Oregon Department of Fish and Wildlife have concerns about loss of game habitat as well as bird nesting destruction....there should be a marbled murrelet survey as the Beltz Creek watershed has recorded these birds nesting , thus prohibiting logging in our watershed....a environmental impact statement should be required for this site in order to address any threatened or endangered wildlife or plant species.

This development in our small rural community is not in the best interest for those owning property or for maintaining the uniqueness of Tierra Del Mar...we already had to contend with Facebook coming into this area and now Tillamook County approved a conditional use permit, thus ignoring what is best for this community and its natural habitat...there are abundant camping areas in close proximity of Tierra Del Mar so developing a camping area in this small coastal community is just wrong. I urge you to revisit your decision and appeal it. I have owned property in Tierra Del Mar since 1980 and throughout the years we have fought to preserve our community for generations to come....keep Tierra Del Mar the way it is.

Lynda K. Steiner  
5625 Jasmine Avenue  
Tierra Del Mar/Cloverdale

## Melissa Jenck

---

**From:** Lynn Tone  
**Sent:** Monday, April 25, 2022 8:08 AM  
**To:** Melissa Jenck  
**Subject:** FW: EXTERNAL: Campground

-----Original Message-----

From: k swyter <kswyter@gmail.com>  
Sent: Saturday, April 23, 2022 4:21 PM  
To: Lynn Tone <ltone@co.tillamook.or.us>  
Subject: EXTERNAL: Campground

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

As a homeowner in TDM, I vehemently oppose the proposed campground!!! My concerns are traffic, water usage , which is already a concern in the summer for home owners. Trash is another concern, already a problem on our beaches, don't need anymore... please deny!!!



# #851-22-000107-PLNG

## Appeal of Conditional Use

# #851-21-000416-PLNG

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APRIL 25, 2022 BOARD OF COUNTY COMMISSIONERS

# REQUEST

Appellant: Lisa Macy-Baker

Applicant: Oregon Treehouse Partners LLC

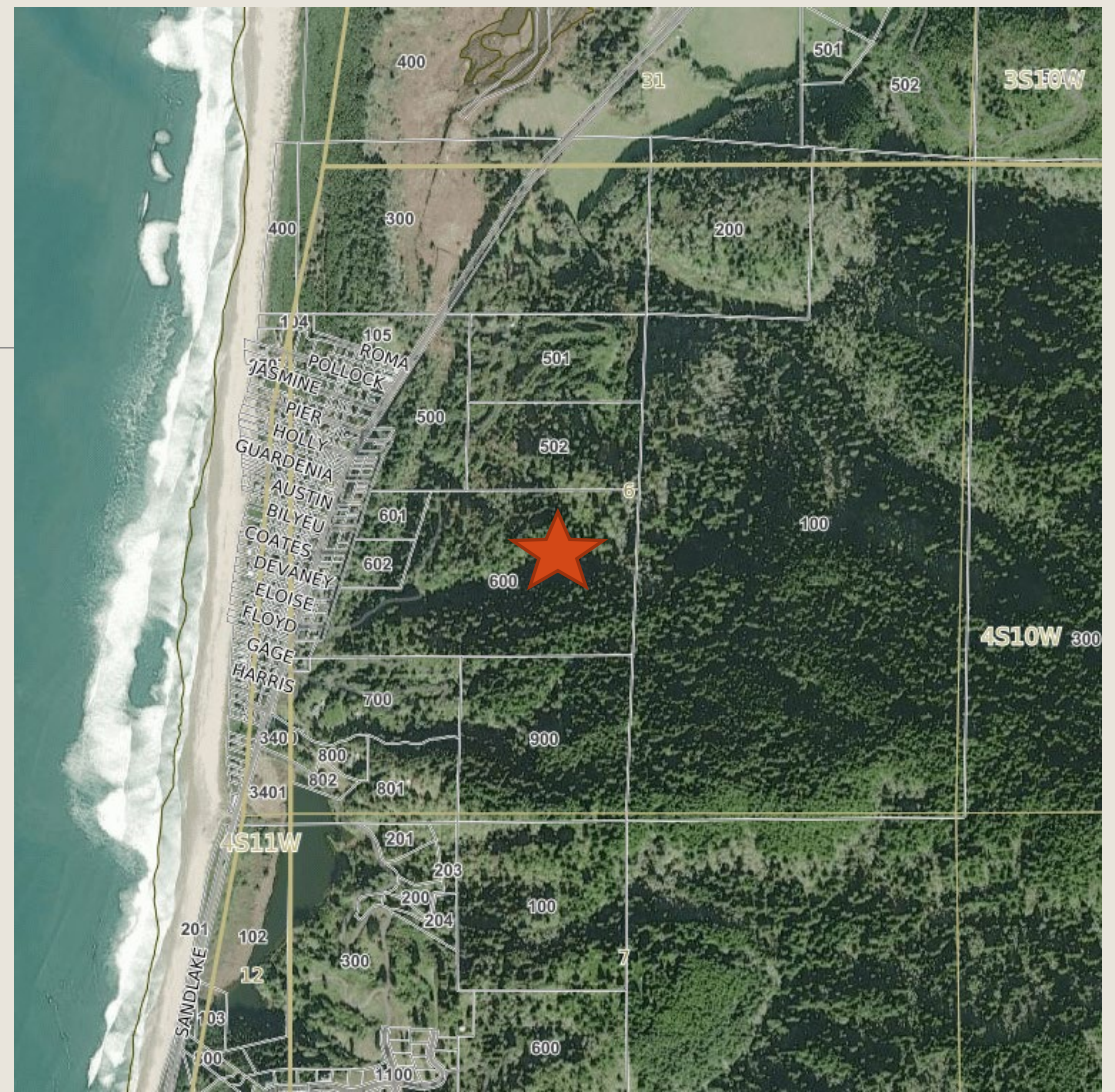
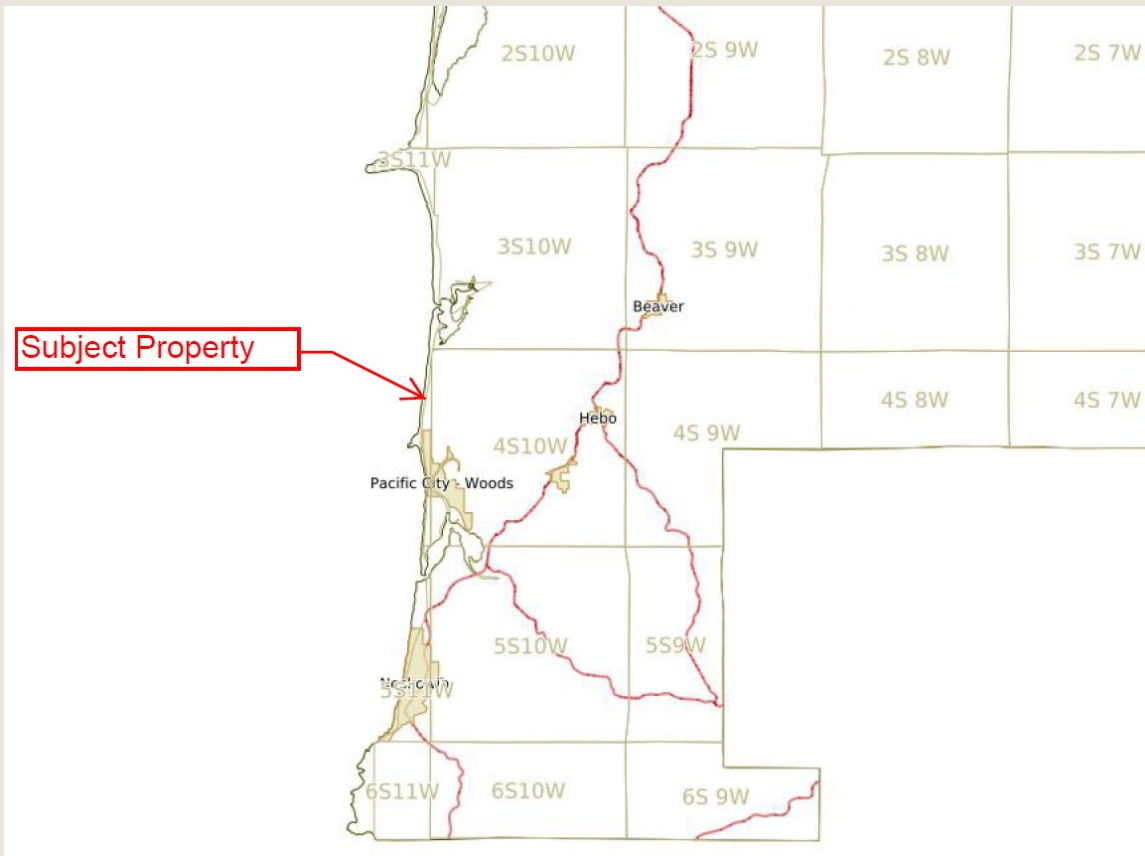
19-site Recreational Campground

Approximately 18-acres Rural Residential 2-Acre (RR-2) zoned land

Approximately 58.51-acre Parcel, remainder zoned Small Farm and Woodlot (SFW-20)

# PLANNING COMMISSIONS DECISION

- Planning Commission voted unanimously (7) in favor and (0) opposed to approved request.
- Based upon findings of fact and conclusions on the record, including the staff report, public comments, written and oral testimony, and evidence presented.

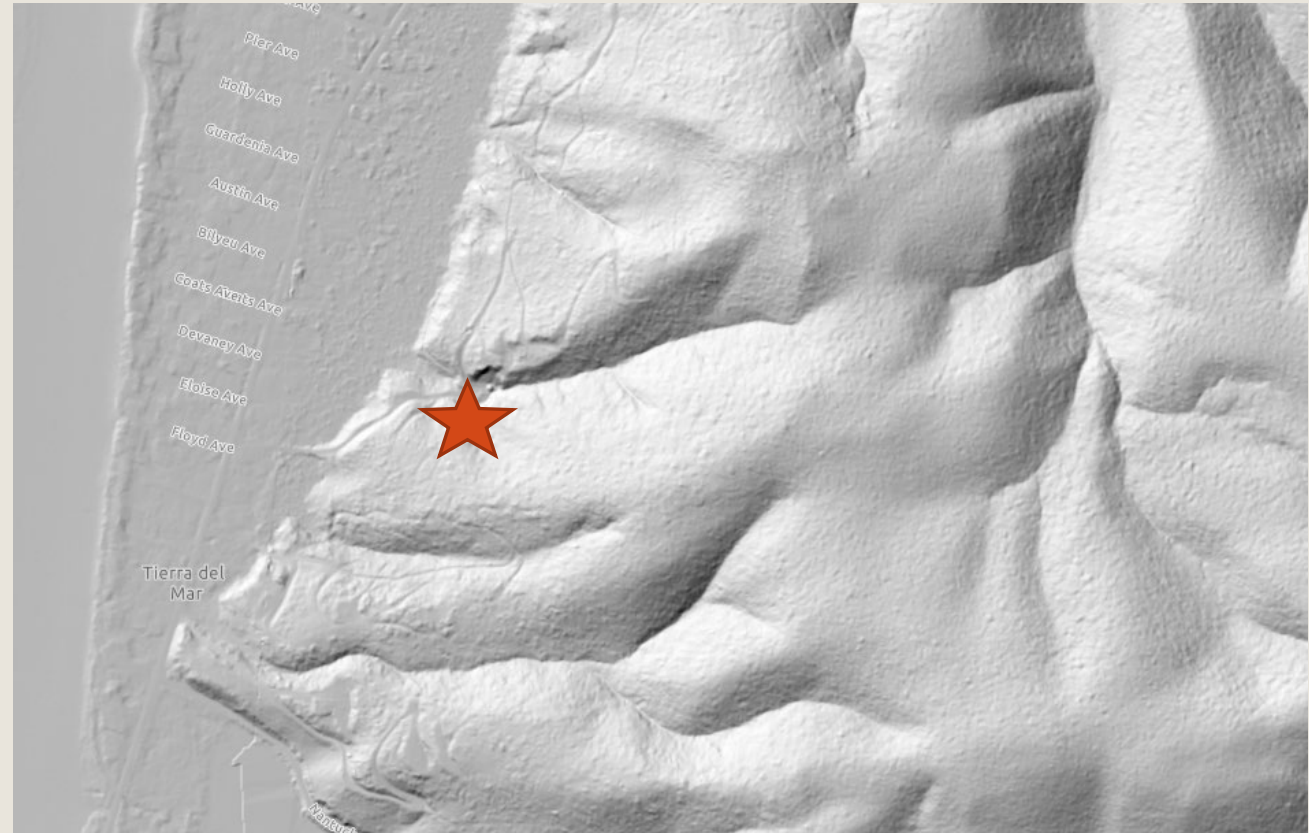
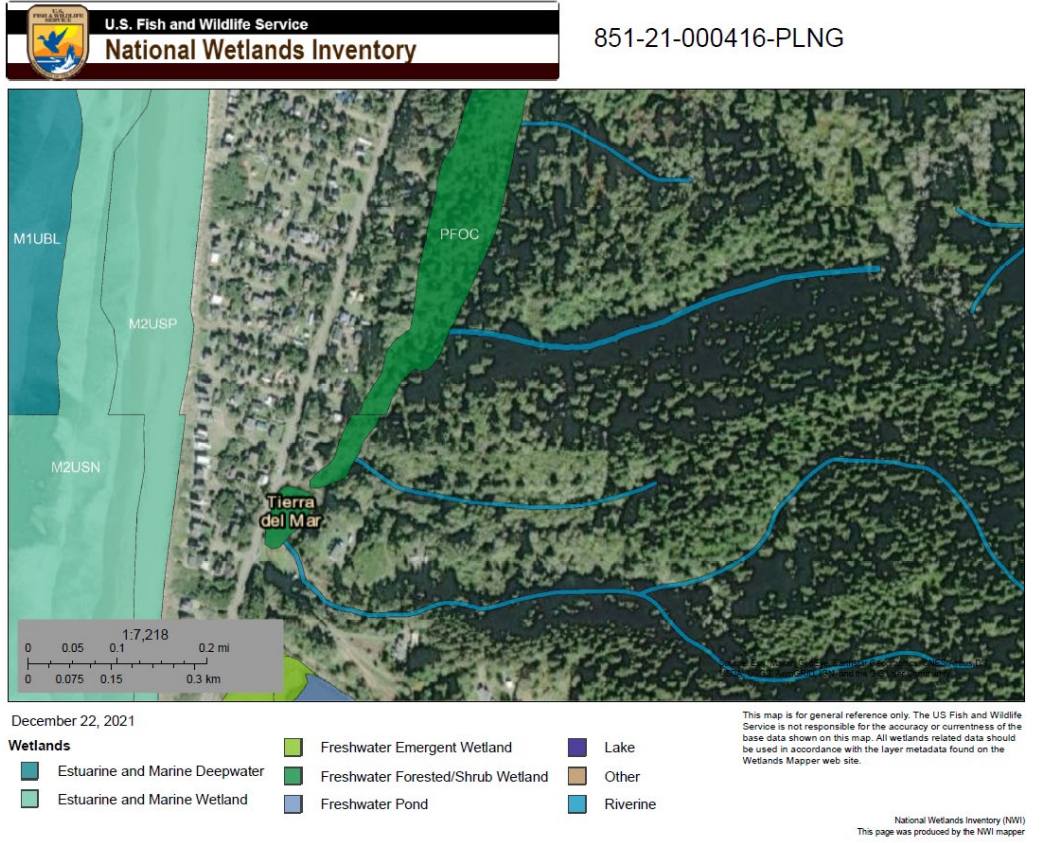


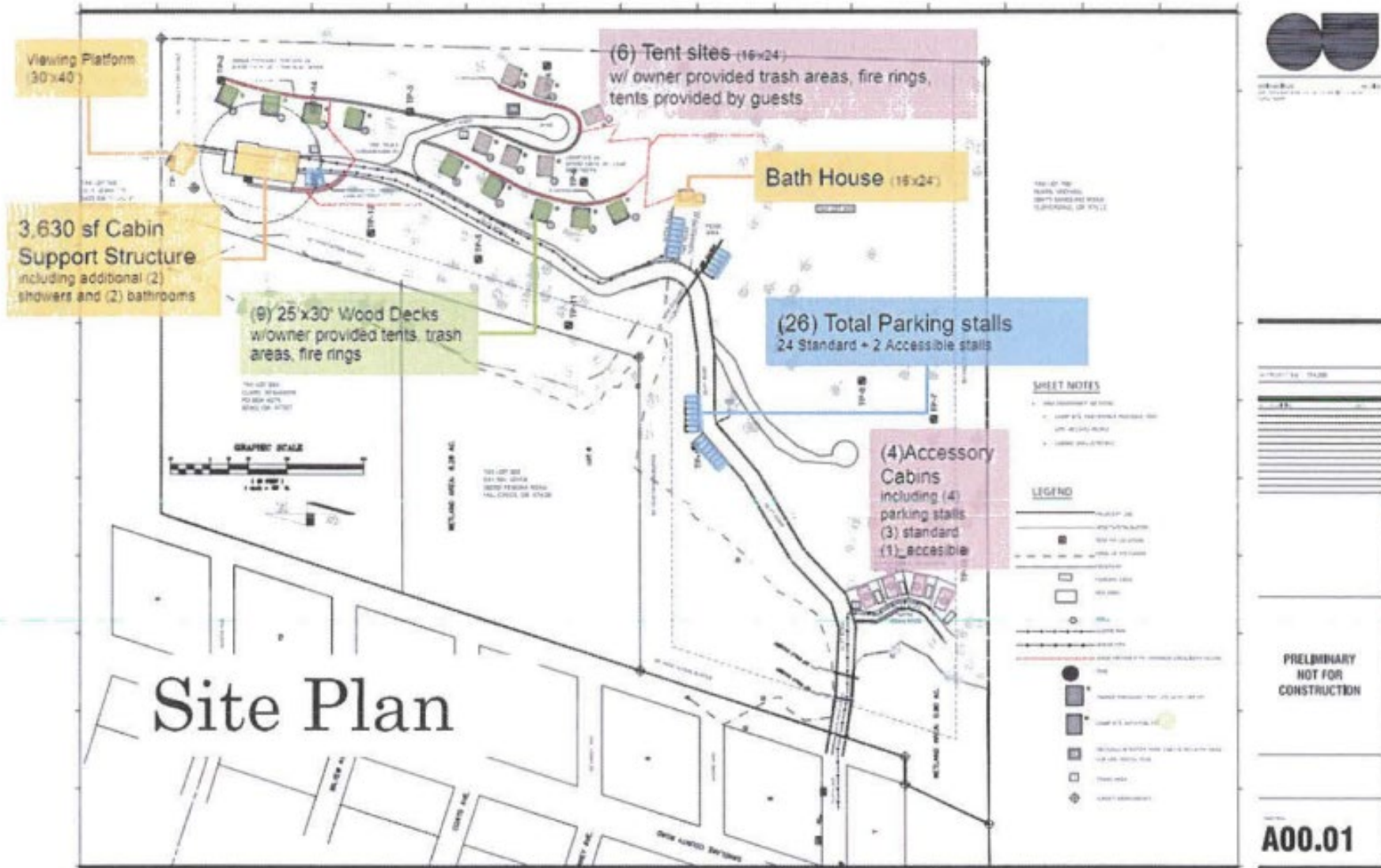
# Vicinity Maps





# Property Maps





Site Plan provided by the Applicant

# APPELLANTS BASIS FOR APPEAL

Planning Commission failed to adequately address criteria.

- Appellant notes primary concerns regarding criteria 3, 4 & 6.
  - Geologic Hazard Area assessment
  - Wetlands and groundwater impacts
  - Water availability & drinking water
  - Emergency response and infrastructure limited for a timely use



# PUBLIC COMMENTS

Primary concerns provided by the public include:

- Traffic and pedestrian impacts, such as parking and influx of tourists to the area
- Trash and health safety concerns
- Emergency service response
- Water service availability
- Noise generation due to facilities and tourists

# APPLICABLE PROVISIONS

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- TCLUO Section 3.010 – Rural Residential 2-Acre Zone (RR-2)
- TCLUO Section 5.030: Recreational Campgrounds Standards
- TCLUO Section 3.555: Freshwater Wetlands Overlay
- TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas
- TCLUO Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization

# CONDITIONAL USE REVIEW CRITERIA

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- (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

# CONDITIONS OF APPROVAL

1. The applicant/property owner shall obtain all required Federal, State, and Local permits and/or licenses and will comply with applicable rules and regulations.
2. The property owner shall obtain all necessary electrical, mechanical, and plumbing permits.
3. At the time of applying for Zoning and Building Permit approval, Applicant will be required to submit the following:
  - Authorization Notice approval for on-site sewage disposal permits from the Department of Community Development or Oregon DEQ.
  - A letter from Tierra Del Mar Water Company confirming water service to the proposed facility.
  - A letter from the Nestucca Rural Fire Protection District confirming fire protection service to the proposed facilities.
  - A letter from the Tillamook County Public Works Department approving the road approach and internal roadway design.
  - Demonstration of compliance with the standards contained in TCLUO 4.130(2).
4. If buildings within or near the area identified as inactive landslide topography are to be sited on slopes greater than 29%, a Geologic Hazard Report will be required as described in TCLUO 4.130. If such a report is required, a Geologic Hazard Report shall be submitted in conjunctions with application for Zoning and Building Permit approval for review and acceptance.

# CONDITIONS OF APPROVAL (CONT.)

5. Applicant will maintain the minimum proposed vegetative buffers between the proposed area of development and the property boundaries. The site plan submitted for approval with application for Zoning and Building permits will clearly show the vegetative buffers.
6. Development will comply with the requirements and standards of TCLUO 3.010 'Rural Residential 2-Acre (RR-2) Zone' and 5.030 'Recreational Campground Standards'.
7. Overnight temporary use of the campground by a camper or a camper's vehicle shall not be for longer than six (6) months in any twelve (12) month period as required by TCLUO Section 5.030.
8. The applicant/property owner shall provide a copy of an approved campground design from Tillamook County Environmental Health at time of Zoning Permit/Building Permit submittal.
9. Development shall comply with riparian buffer and vegetation retention requirements of TCLUO Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization.
10. Signage shall comply with the requirements of TCLUO Section 4.020: Signs.
11. Development shall occur in the area as generally depicted on the submitted site plan and as described and shall not exceed 19 campsites and the supporting facilities, including the support cabin and bathhouse.





*Tierra Del Mar*  
*Recreational Camp*  
*Floyd Ave*

# Agenda

- Camp Overview
- Site Engineering
- Geotechnical and Wetland contracts
- Water and Sewer
- Safety and Fire Protection
- Conclusion





# Overview - Tierra Del Mar Recreational Campground

**Vision:** To create a boutique recreational campground that provides guests with an amazing experience on the Oregon Coast while ensuring we have a positive impact on both the local community and the environment. Environmental stewardship will be at the heart of onsite programs including beach cleanup at local beaches and a tree planting program.

**Location:** Total of 58 Acres of beautiful coastal forest, short drive/walk to amazing parks, and a short drive to restaurants and shopping in Pacific City.

## Camping Sites:

19 Campsites

- 15 Tent Sites
  - 9 Geodesic Dome Tents
  - 6 Tent Sites with option to have tent pre-setup
- 4 Accessory Cabins

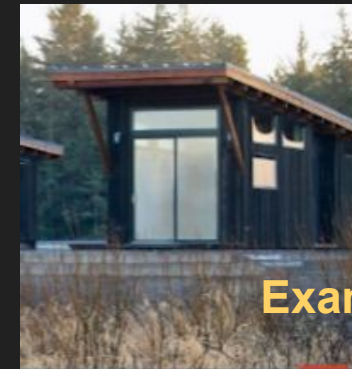
## Common Areas in Plan:

Support Cabin with viewing deck, Food and drink options for campers

Common area bath house

Picnic Area

Ample Parking for guests on site



Examples only







# Site Engineering, Wetlands, Geo Hazards

**Our goal is to invest properly in our boutique campground planning and engineering and do things RIGHT!**

- We are working with the Engineering team at Keller Associates that offers a full array of services to meet our infrastructure needs with major considerations like stormwater management, road design and grading, geodesic hazards, wetland impacts, sanitation design, water system design, noise reduction, and light pollution reduction.

## Geological Hazard Zone

- An extensive geological study has been done to the site by the previous owner utilizing the roads planned for the campground, and the study confirmed that the site is suitable for development.
- Geotechnical investigation has been contracted with Apex Industries and Earth Engineering and will be underway soon. OTP will meet all Oregon State and Tillamook County requirements.



## Wetland

- We will follow all permitting requirements including contracting to have a **Wetland determination and delineation report** performed on the property
  - OTP already have two contracts in hand, one with ZION Natural Resources Consulting who submitted for adjacent properties and another with an independent contractor. Both are on the DSL's list.

## Parking and Congestion

- Ample Parking (34 parking spots with 2+ ADA) will be onsite
- We will work with our Civil Engineering team on creating an overflow parking area on the property, conveniently located
- If our guests will need to haul their belongings to the beach, we plan to have campground shuttle assistance as an option.



# Geotechnical Contract and Exploration Map

April 1, 2022

Oregon Treehouse Partners  
Tierra Del Mar Development  
Tax Lot #600  
Tierra Del Mar, Oregon 97112  
Attention: Kevin Gindlesperger

**Subject: Proposal for Geotechnical Investigation and  
Geologic Hazard Assessment Report  
Proposed Camping Support Structure  
Tierra Del Mar, Oregon  
EEI Proposal No. 22-P156**

Dear Mr. Gindlesperger:

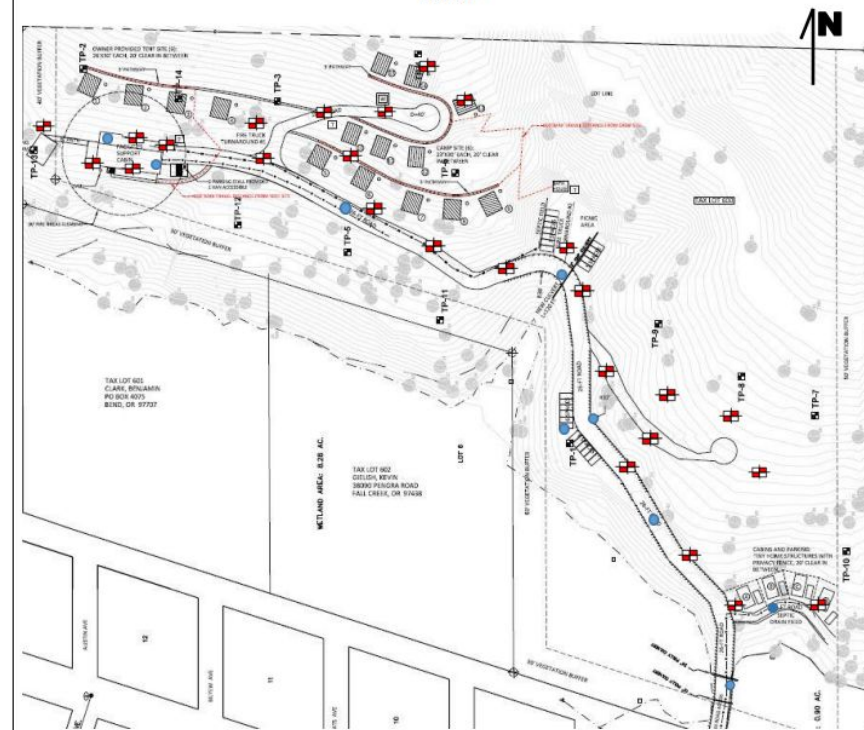
As requested by Kevin Gindlesperger of Oregon Treehouse Partners, **Earth Engineers, Inc. (EEI)** is pleased to submit our proposal to provide geotechnical engineering and geologic hazard assessment services for the subject project. Apex is supporting EEI on this project, providing field investigation, and reporting. Troy Hull P.E., G.E. of EEI will be the Geotechnical Engineer of Record for this project. Adam Reese R.G., C.E.G. (EEI) and Jake Munsey, R.G., C.E.G. (Apex) will provide project support including site reconnaissance, analysis, project management, and reporting effort. The project team is familiar with the site and recommend that there will challenges to developing this property and hazards that will need to be mitigated to reduce risk. Based on our experience with the site, we are uniquely qualified to support you with this project. This proposal outlines our project understanding, proposed scope of services, schedule, fees, and General Conditions that will apply.

## PROJECT UNDERSTANDING

Our current understanding of the project is based on the information Mr. Gindlesperger provided to Apex Principal John Foxwell. We received the following documents:

- November 10, 2021 site plans, floor plans, 3D drawings, elevation plans, and section plans by Officeuntitled.
- August 11, 2008 report by Ash Creek Associates titled "Geologic and Geotechnical Report, Tierra Vista, LLC, Tierra Del Mar, Tillamook County, Oregon."

## APPENDIX B – SITE EXPLORATION PLAN DRAFT



### Legend

- = Boring Location
- = Test Pit with Drive Probe Location
- = Ash Creek Test Pit (2008)



Oregon Treehouse Partners  
Tax Lot 600, Tierra Del Mar Development  
Tierra Del Mar, Tillamook County, Oregon

Report No.  
22-156-1

April 20, 2022

203 of 604



# Wetland Contracts



PHONE: (503) 838-0103 • FAX: (503) 623-7425

PO BOX 545 • MONMOUTH, OR • 97361

## PROFESSIONAL SERVICES AGREEMENT

**PROJECT NAME:** Tierra Del Mar Project  
**CLIENT:** Kevin Gindlesperger  
**BILLING ADDRESS:** 1276 NW 107<sup>th</sup> Avenue, Portland, OR 97229

### 1. DESCRIPTION OF SERVICES:

The CLIENT requests and authorizes ZION NATURAL RESOURCES CONSULTING to complete the following services for the property located east of Sandlake Road in Tierra Del Mar, Tillamook County, OR (T4S, R10W, Sec. 10, tax lot 600):

**Proposal Expiration Date:** April 1, 2022

#### A. Scope of Work

##### 1. Wetland Delineation

- ◆ ZNR will review all available information in order to ascertain where potential wetlands may exist on-site prior to the field work.
- ◆ ZNR will conduct field work and evaluate the subject site utilizing the routine on-site methods described in the *U.S. Army Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory, 1987).
- ◆ Data sheets will be completed at each sample plot documenting the vegetation, soils, and hydrology.
- ◆ Site photographs will be taken to further document the subject site.
- ◆ ZNR will consult with client, engineering firm, and state and federal agencies regarding the project and will offer guidance on proposed development activities affecting the wetlands.
- ◆ ZNR will attend any regulatory meetings or field visits required for concurrence.
- ◆ ZNR will provide an electronic copy of the comprehensive analytical report to the client.

#### B. Additional Services Not Included

Additional services/costs not included within this scope of work may include, but are not limited to: project specific engineering, agency fees, or other professional services, surveying, mapping, development drawings, stormwater management plans, erosion and sediment control plans, mitigation costs, excavation costs, planting costs, monitoring costs, and archeological surveys.

If the project includes a report as a part of the project, a finalized computerized report will be sent to the client. If a physical copy is requested by the client, an additional \$50.00 per copy will be applied to the account.

### 2. ESTIMATED COST, RETAINER AND PAYMENT TERMS:

#### A. Estimated Cost

## INDEPENDENT CONTRACTOR AGREEMENT Wetland Determination and Delineation For Kevin Gindlesperger, Oregon Treehouse Partners LLC

This Professional Services Agreement is entered into by and between Christine McDonald (hereinafter "Contractor") and Kevin Gindlesperger (hereinafter "Client").

**Legal Location of Subject Property:** T04SR10W06, 600  
**Phase 1 Study Area Boundary:** 18 acres as described in Client Site Plan Map A00.01

**Client Contact:** Kevin Gindlesperger  
1276 NW 107<sup>th</sup> Ave.  
Milwaukee, OR 97229  
KevinGindy@yahoo.com  
Cell-503-969-2158

**Contractor Contact:** Christine McDonald  
2901 Brayton Road  
Pullman, Washington 99163  
(503) 801-2243 cell  
Contactchris100@gmail.com

**WHEREAS**, the parties wish to enter into the Agreement to memorialize and confirm the terms and conditions under which Contractor will provide services to Client.

**NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED IN THIS AGREEMENT, THE PARTIES AGREE:**

1. **SERVICES TO BE PERFORMED:** Client engages Contractor to perform the following services as Contractor:
  - a. Contractor will do an on-site inspection of hydric soils, wetland hydrology and hydrophytic vegetation to determine if wetlands exist on the subject property. The focus of this study will be within the wetlands along Beltz Creek and the tributary that flows through the historic quarry. The remainder of the 18 acres will be walked to see if wetlands are present.
  - b. If wetlands are present, the boundary line will be demarcated with pin flags and/or flagging. Paired sample plots along the boundary will further document wetlands and non-wetlands. Multiple site visits may be necessary. Field procedures will follow the *Corps of Engineers Wetland Delineation*

# Water and Sewer



## Water Systems:

- Water for 4 Accessory cabins will be supplied by Tierra Del Mar water per commitment letter provided. These will have no impact on community water supply according to Tierra Del Mar Water.
- Water well will be drilled above Recreational support cabin to supply water for campsites and support cabin. The well will meet all permit requirements.
- Oregon Treehouse Partners have a contract with a well drilling company that has drilled in the area successfully on nearby hills

## Sanitation System:

- There will be two (2) septic systems onsite, one located by the Accessory cabins. The other will be centrally located in the center of the recreational campground and located by the common area bathhouse. Both will be in compliance with County sanitation requirements and inspected by County sanitation. The site was already inspected by Chris Chiola, Environmental Program Manager for suitability.

Both the water systems and sanitation systems will be engineered to ensure they meet all permit requirements and codes. They will not have any negative impact on the surrounding area.

# Safety



## **Safety is of utmost concern to Oregon Treehouse partners and measures will be taken to ensure 24/7 Safety of the boutique campground**

- The campground will have **24/7 security** and oversight for the campground and possibly an onsite host. This is required under OAR 333-021-0030.
- We will have an **emergency phone** and the property will have surveillance

## **Emergency Preparedness / Disaster Preparedness**

- We will work with an industry expert Patrick Hardy specializing in business continuity and disaster planning
- We will have a disaster plan, threat plans, and emergency equipment
- Emergency response and disaster preparedness training for all employees
- Evacuation maps
- Our onsite manager will be certified in emergency management

# Fire Protection



Oregon Treehouse Partners view fire protection as essential and will take every necessary action to prevent fires from occurring on the site. Measures include but are not limited to:

- Main road will be 26' feet wide and finished to Country Road standards for a Fire truck.
- Two Fire truck turnarounds will be located near the parking and clubhouse areas
- Recreational Support cabin will be sprinklered and major brush will be cleared 30 feet around the building for Fire break.
- Campsites will have a 500-gallon water storage tank with 300-foot hose box and on demand generator for pressure and ability to reach all campsites.
- Fire truck will have the ability to reach most campsites from the main road.
- Fire truck water hook up will be located near the Recreational Support cabin
- Fire extinguishers will be strategically located throughout the campground.
- Accessory cabins will have 30-foot clearing of overgrown brush while still maintaining natural vegetation for landscaping.
- Accessory cabins will have fire extinguishers in each cabin, smoke detectors, and CO2 detectors.

Chief Oeder with Nestucca Rural Fire Protection District commented that the plans showing road width, grade and pull outs are acceptable for the Nestucca Rural Fire Protection District

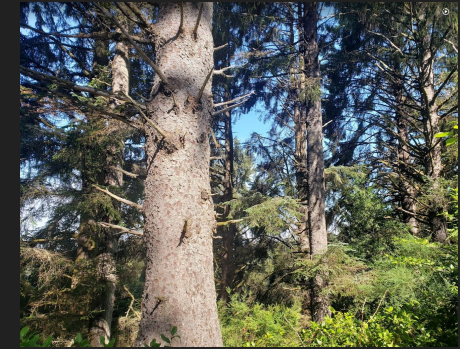


# Community Comment response

**THANK YOU** to all who submitted comments on our project and to our local supporters!

How Oregon Treehouse Partners plan to be a good neighbor and contribute to the community:

- We will provide local **family wage job opportunities**
- We will have and **enforce quiet hours** for our guests
- We will provide incentives for **beach clean ups** by our guests focused on helping with the micro plastic problem on the coast and will partner with nonprofits focused in this area
- We will make **updates to Floyd Ave** as requested by public works and would be happy to partner on signage, crossing light or a speed bump for merging traffic and pedestrian crossing if deemed necessary
- We will be **contributing to local economy** via the TLT Tillamook Lodging Tax that our guests will pay, which projections show will be >50K per year



# Conclusion

**Oregon Treehouse Partners are investing to ensure this boutique campground is environmentally friendly, an asset to the area, and fits in with the community.**

**Proper permitting and engineering will be done to ensure this investment is done properly, safely, and for the long term.**

**Oregon Treehouse Partners love the Oregon Coast and Tierra Del Mar!**

**Thank you!**

**April 25, 2022 Oral Testimony Sign Up**

Lynnae Ruttledge	<a href="mailto:lynnae.brown1@gmail.com">lynnae.brown1@gmail.com</a>	5885 Austin Ave	360-915-2008
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*Land of Cheese, Trees and Ocean Breeze*

# MEMO

**Date:** April 18, 2022  
**To:** Tillamook County Board of County Commissioners  
**From:** Melissa Jenck, Land Use Planner II, CFM  
**Subject:** #851-22-000107-PLNG: Appeal of Planning Commissions decision to approve Conditional Use request for a recreational campground

Included in this packet is request #851-22-000107-PLNG, with a copy of the appeal, original staff report, decision and related materials regarding the Appeal of the Planning Commission's decision to approve Conditional Use application #851-21-000416-PLNG. The Appellant, Lisa Macy-Baker, is appealing the Planning Commission's decision on the basis that the Planning Commission failed to adequately address the Applicant's compliance with the criteria.

The Applicant, Oregon Treehouse Partners LLC, is requesting to develop a recreational campground consisting of 19 sites on Rural Residential 2-Acre (RR-2) zoned property. The subject property is accessed via Floyd Avenue, a County local access road, and is designated as Tax Lot 600 of Section 6, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. Development is proposed to be concentrated in an approximately 18-acre area.

Public hearings were held before the Tillamook County Planning Commission on January 27, 2022 and February 24, 2022, where actions were taken by the Planning Commission on February 24, 2022, following discussion and consideration of Conditional Use request #851-21-000416-PLNG. After consideration of the findings of fact, testimony received, evidence in the record and the January 20, 2022 Staff Report, the Planning Commission voted unanimously, 7 in favor and 0 opposed, to approve Conditional Use request #851-21-000416-PLNG subject to Conditions of Approval as amended in 'Exhibit A'.

The Board of County Commissioners will hear this appeal request virtually on Monday, April 25, 2022 at 8:30am. I've provided a Table of Contents with the packet, to identify the location of materials included in the record. Staff have provided color 'divider' pages to detail these segments. Staff put a copy of the Planning Commission decision at the top of the original request information, with the remainder of the record being in chronological order.

If you have any questions about the information received, please do not hesitate to contact me. Thank You,

A handwritten signature in blue ink that reads "Melissa Jenck".

Melissa Jenck  
Land Use Planner II, CFM  
503-842-3408 Ext. 3301  
[mjenck@co.tillamook.or.us](mailto:mjenck@co.tillamook.or.us)

## TABLE OF CONTENTS

- 1) COPY OF APPEAL RECORD
  - a. Testimony received on the record
    - i. Contains testimony received on the appeal request to-date
  - b. Notice of BOCC public hearing
    - i. Contains a copy of the Appellants appeal request
- 2) COPY OF ORIGINAL RECORD
  - a. Notice of Decision with Board Order
    - i. Includes the Conditions of Approval
  - b. Notice of Planning Commission public hearings
  - c. January 27, 2022 Planning Commission Packet
    - i. Contains the original Staff Report dated January 20, 2022
  - d. January 27, 2022 Planning Commission hearing
    - i. Contains Staff and Applicant's presentations, along with additional comments received on the record
  - e. February 24, 2022 Planning Commission Packet
    - i. Contains final written testimony from the public and Applicant
  - f. February 24, 2022 Planning Commission hearing
    - i. Contains Staff and Applicant's presentations
  - g. Board Order signed by the Planning Commission

# APPEAL RECORD

#851-22-000107-PLNG

APPEAL OF PLANNING  
COMMISSION'S DECISION TO  
APPROVE CONDITIONAL USE  
REQUEST #851-21-000416-PLNG



TESTIMONY  
RECEIVED  
ON THE  
RECORD TO  
APRIL 15, 2022

## Melissa Jenck

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**From:** Lynn Tone  
**Sent:** Friday, April 15, 2022 2:30 PM  
**To:** Melissa Jenck  
**Subject:** FW: EXTERNAL: Testimony for 4/25 hearing  
**Attachments:** Testimony for 425 - final .pdf

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**From:** lisa macy <macyl20@yahoo.com>  
**Sent:** Friday, April 15, 2022 2:29 PM  
**To:** Lynn Tone <ltone@co.tillamook.or.us>  
**Subject:** EXTERNAL: Testimony for 4/25 hearing

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

Hello Ms Tone,  
Here's my testimony for submittal to the Tillamook County Board of Commissioners for the public hearing April 25, 2022.

Thank you!  
Lisa

RE: #851-22-000107-PLNG

April 15, 2022

To the Tillamook County Board of Commissioners:

For the record, my name is Lisa Macy-Baker and my address is 1035 NE Davis St. McMinnville, OR. My family of four owns a home on Pier Ave in Tierra Del Mar where we've lived full and part-time since 2009. My family has deep roots in South County. We've been living, vacationing, recreating, and giving back to our community for over a century. I also work in south county and am actively involved in my community and an engaged member of the Tierra Del Mar Community Association.

I would like to present my concerns to you today regarding the February 24, 2022, Planning Commission decision to approve the conditional use permit application for the year-round recreational campground in Tierra Del Mar. Formally appealing a land use application decision is certainly outside my comfort zone, however, after observing the Planning Commission deliberation regarding the concerns and public comments submitted at both public hearings, this feels like the only way to be heard.

Over our century in south county, my family has seen the economic landscape shift. We've witnessed and understand the push/pull of development verses preservation. My grandparents supported the "Save the Spit" project championed by Bob Straub that undoubtedly kept south county special and provides the attraction we see today – a coastline unmarked by Highway 101 and one of Oregon's most scenic and recreational gems. Yet, over tourism has created a mess of safety hazards, environmental damage, decreased livability, and lowered the visitor experience. We have the ability to preserve these unique qualities or over exploit them. It's a balance, indeed, and as County Commissioners, the power is in your hands.

Tierra Del Mar, much like Pacific City, has become a much sought-after tourist destination and the increased number of visitors to our small residential community needs to be managed with more focus on actual impact and not unclear interpretation of land-use criteria. I am respectfully requesting that the destination management planning for Pacific City and other tourist-impacted small towns in Tillamook County, also be applied to Tierra Del Mar.

Land use planning involves work and studies that guide and represent future growth by striving for a careful balance between residential, commercial, and recreational needs. We need developed land use decisions that protect and actively address the unique character and resources of south county and help keep it a viable economy for generations to come.

The Planning Commission did not adequately evaluate the applicant's compliance with several requirements of the Tillamook County Land Use Ordinance. In order to make a legally defensible decision, the county must require and then adequately weigh, the evidence provided



by the applicant, as well as other resources, studies, public comments and laws to which it must refer. The following are glaring misses by the planning commission:

Criteria 3:

- Geological Hazard Zone – the applicant states that an existing geological study has been done but did not provide for public review. The property appears to be in an area of high landslide susceptibility. Section 4.130(3)(4)(5) of Tillamook County Land Use Ordinance requires a "*Geologic Hazard report prior to approval of planned developments, coast resorts, subdivisions and partitions.....*" This report was not provided which is required to be prepared and stamped by both an Oregon Registered Geologist and an Oregon Registered Engineer. The report would provide important information to make an informed decision such as: recommendations on location of structures and roads, management of stormwater run-off, and potential hazards to life, public and private property and the natural environment which may be caused by the proposed use. It would also give methods for protecting the surrounding area from adverse effects of the development.
- Wetlands and Groundwater: There are mapped wetlands and riverine features including forested shrub wetlands present on the subject property. While the applicant states that they plan to provide, no wetland delineation has been provided which is crucial to decision making. Wetlands are among the most productive ecosystems in the world, comparable to rain forests and coral reefs. They are carbon sinks, helping to mitigate the negative effects of climate change. They store an immense amount of nutrients that form a vital part of the overall watershed, feeding the entire food web including salmon. They provide flood protection and are vital to healthy water systems for human consumption. Fill them with gravel, build on them and they're gone forever. In comments provided by Pacific Hydro-Geology, Inc., it was stated that recent studies have shown that there is a significant volume of groundwater that discharges into Sitka Sedge Park. Therefore, the placement and depth of the proposed well are important for determining the potential impacts of pumping groundwater to both nearby wetlands and Sitka Sedge.
- Water: Tierra Del Water Company is a privately owned company serving the community of TDM and does not have the same reporting requirements that a water district does. With an increase in short-term rentals which tend to overuse water and septic systems, many residents of Tierra Del Mar are increasingly concerned with the quality and quantity of our water. The applicant did not provide information on the surface and groundwater systems that will be used for drinking water. The planning commission failed to acknowledge the comments provided by Pacific Hydro-Geology, Inc., stating if water used from a proposed well of unknown location exceeds 5000 gallons per minute, then a water right permit must be obtained before the application is approved. Again, Pacific Hydro-Geology noted that their review of the application is challenged by the fact that no specific location of the campground is shown.

Criteria 6:

- The Planning Commission is in agreement that the proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use. Rubberstamping development and land use applications that allow for more tourism without any focus on sustainable tourism and before adequate infrastructure (EMS, roads, communications, water, sewer, police) are in place is simply poor planning and does not meet the criteria.

Recreation Campground Standards:

- A recreational campground as defined by Section 5.010 of Recreational campground standards in the Till Co Land Use Ordinance states that accessory uses that are permitted are designated for the primary purpose of serving the occupants of the campground. In the Oregon Treehouse Partner's Public Comment rebuttal, stated they plan to host musicians, host community events, and host neighbor happy hours. Is this a campground and a wine bar and an event center?

This conditional use application will allow the development of a privately-owned, high-capacity year-round commercial campground in a residential community. It will add 19 high-end STRs to a community that is already heavily impacted by short term vacation rentals. It's ironic that the development is being presented as environmentally friendly considering the negative environmental impacts it may create.

All of the aforementioned concerns were submitted to the planning commission at both public hearings and were not adequately reviewed or addressed. I don't feel our concerns were heard. We are people with skin in the game, who truly care about the future of our community. Land use planning decisions can overstress communities and add to feelings of lawlessness. Safety is at the very core of human need.

Thank you for your time and consideration,

Lisa Macy-Baker



## Melissa Jenck

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**From:** Lynn Tone  
**Sent:** Friday, April 15, 2022 11:54 AM  
**To:** Melissa Jenck  
**Subject:** FW: EXTERNAL:  
**Attachments:** 851-21-000416-PLNG.pdf

---

**From:** Tommy Manning <tommy.manning@gmail.com>  
**Sent:** Friday, April 15, 2022 11:53 AM  
**To:** Lynn Tone <ltone@co.tillamook.or.us>  
**Subject:** EXTERNAL:

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

Good evening,

Please see my attached letter regarding the campground project in Tierra Del Mar.

Sincerely,

Tommy Manning

April 15, 2022

Tillamook County Planning Commission:

I am writing in regards to Project No. 851-21-000416-PLNG, Oregon Tree House Partners application for a 19 site campground in Tierra Del Mar. I oppose this business' attempt to develop this land, and I kindly ask that this letter be added to the public testimony.

Each year, Sandlake Road has seen increased traffic congestion. During the summer months, this area has become dangerous for drivers, residents, and pedestrians. The proposed campground will increase human and motor traffic. With little infrastructure on Sandlake road to address these safety concerns, there will no doubt be serious safety concerns. The applicant and county must consider pedestrian traffic that will be crossing between the east and west sides of Sandlake Road and develop a plan to mitigate this hazard. Little signage in this area, no sidewalks, few street markings, and dangerous 90 degree turns onto side streets only exacerbate this problem. Motor traffic constantly breaks the posted speed on this section of Sand Lake Road and there is little police enforcement. Oregon Tree House Partners and the County must consider the impact this proposed development will have human and motor traffic.

Increased pedestrian traffic on Floyd Ave. and surrounding streets will adversely impact residents in the Tierra Del Mar Community. A constant flow of campers down the small, unimproved roads in Tierra Del Mar and across fragile sand dunes will be a detriment to residents and our coastal ecosystem. The current infrastructure that exists in Tierra Del Mar is enough to support the homes in the community. Poorly lit gravel roads with narrow trails through ever-changing sand dunes cannot accommodate increased foot traffic. Road and trail improvements to accommodate increased foot and motor traffic will prove detrimental to the community and environment.

Corporate and business interests have not been friendly to Tierra Del Mar in recent years. The County must stop this proposed project now. It seems that if Oregon Tree House Partners wants to honor its mission of environmental protection, then it should do just that: leave the land alone.

Sincerely,

Thomas Manning

## Melissa Jenck

---

**From:** Lynn Tone  
**Sent:** Friday, April 15, 2022 8:43 AM  
**To:** Melissa Jenck  
**Subject:** FW: EXTERNAL: Input on the proposed Oregon Tree House Project (Permit # 851-21-000416-PLNG)

**From:** Sheila Manning <sheilamanning303@gmail.com>  
**Sent:** Friday, April 15, 2022 8:32 AM  
**To:** Lynn Tone <ltone@co.tillamook.or.us>  
**Subject:** EXTERNAL: Input on the proposed Oregon Tree House Project (Permit # 851-21-000416-PLNG)

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

Please submit the following comments to the Tillamook County Commissioners in preparation for the public hearing on April 25, 2022.

Dear County Commissioners,

We wanted to express our objection and concerns regarding the proposed "Oregon Tree House Project" (permit # 851-21-000416-PLNG) for the following reasons:

- 1) The **environmental impact** this development will have on the hillside with the loss of wildlife habitat, trees and potential erosion. The proposed dwellings, infrastructure and additional vehicles and people will disrupt and impact this fine balance of nature that we will never get back.
- 2) The impact this will have on **human life** of both the residents of Tierra Del Mar and the visiting campers. As far as we have seen there are no additional measures to ensure safety in the area. Clearly campers will want to visit the beach and will be crossing a busy road and parking in residential areas. With the increase in traffic both pedestrian and vehicle there will be a loss of life or injury.

Please give careful consideration to these two major concerns.

Thank You,

Tom and Sheila Manning  
5820 Eloise Ave  
Tierra Del Mar, OR

--

Sheila Manning )  
503.635.6595 )

## Melissa Jenck

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**From:** Lynn Tone  
**Sent:** Tuesday, April 12, 2022 2:17 PM  
**To:** Melissa Jenck  
**Subject:** FW: EXTERNAL: #851-22-000107-PLNG Oregon Treehouse Partners Appeal

**From:** Mary Voboril <SailorDiver@yahoo.com>  
**Sent:** Tuesday, April 12, 2022 2:13 PM  
**To:** Lynn Tone <ltone@co.tillamook.or.us>  
**Subject:** EXTERNAL: #851-22-000107-PLNG Oregon Treehouse Partners Appeal

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

Please acknowledge receipt. Thanks!

Members of the County Commission:

At this point, it's unclear how Treehouse "glamping" would affect the quiet rural community of Tierra Del Mar and how it would conform, if at all, to conditional use criteria and to the county Comprehensive Plan. Will you ask the pertinent questions and demand answers?

Oregon Treehouse Partners uses buzzwords like "eco-friendly" to portray its project in upbeat, feel-good terms. As has happened with other projects, however, Treehouse is suspiciously vague about the project's likely impact on Tierra Del Mar, glossing over important issues or omitting their mention entirely.

Apart from quality of life, these issues relate to public safety.

Among the questions:

— Given the uptick in pedestrian traffic, will the county accommodate Treehouse by installing crossing lights, a speed bump, a crosswalk and related signage on Sandlake Road? If so, will Treehouse foot the bill or will taxpayers? Treehouse promises to "partner" with the county. What does that mean, and who pays?

— Treehouse promises 24/7 security. They don't specify if it will be on-site, boots-on-the-ground security or if they'll hire an on-call security firm, with "security" arriving some time after an aggrieved party calls. And how would this work, given the site's lack of cell service? More information is needed. (This could affect how often the sheriff's office is called out to deal with glamper disputes.)

— Treehouse promises "family wage jobs," an attractive selling point when seeking government permits. However, Treehouse doesn't specify how many "family wage jobs" they'll fund or whether they'll be permanent and full-time, with benefits and competitive salaries.



— Treehouse glampers likely will include hunters, mushroom gatherers, anglers, archers and suchlike. Some surely will want to access adjacent forest land for foraging, target practice and other recreation. How will Treehouse keep them out?

— The Treehouse site is long-entrenched bear and elk habitat. Human encroachment is likely to cause problems.

It's reasonable to assume that bears will sniff out food opportunities on Treehouse barbecue grills, picnic tables, fish-cleaning areas and even Treehouse tents.

If resident bears menace campers, who pays to relocate the bears — Treehouse or taxpayers? Or, given proper permits, will Treehouse hire sharpshooters to eradicate problem bears? Or do taxpayers pay?

(A Google search shows that a bear's sense of smell is seven times greater than that of a bloodhound. [https://sectionhiker.com/bears\\_sense\\_of\\_smell/](https://sectionhiker.com/bears_sense_of_smell/)) Some bears even are attracted to the scent of deodorant: <https://www.backpacker.com/stories/ask-a-bear-ditch-the-deodorant-in-bear-country/> What will Treehouse do to repel resident bears? (Secure trash containers and rudimentary fencing won't be enough.)

Also, what kind of liability insurance does the county require Treehouse to have? Will it be similar to that imposed on owners of short-term rentals?

(And, please, the bear issue is no idle speculation. In one case alone, in 2002, a black bear snatched a baby from its stroller in New York's Catskills. It did not end well. See <https://www.nytimes.com/2002/08/20/nyregion/catskill-bear-snatches-infant-from-stroller-and-kills-her.html>)

Similarly, elk have caused serious injuries to inattentive or photo-seeking tourists, especially during the month-long rut. How will Treehouse protect its campers? Treehouse mentions a fence, but not its height, strength or whether it will be a perimeter fence. At that, bears climb fences, and elk knock them down.

— In its rebuttal, Treehouse makes inconsistent references to a manager or "possibly an on-site host" or a "manager/host." Will this person be required to "glamp" on site in case of after-hours infractions, such as late-night fireworks from the "viewing platform"? How will Tierra Del Mar residents contact this person? (The county requires vacation rental owners to provide neighbors with local contact info. Will the county give Treehouse a waiver of this requirement?)

—Treehouse says its site can house 80 campers at one time. How will these 80 campers access the beach? If in vehicles, they surely can be expected to park on Floyd or nearby residential streets, where tourist parking already causes significant ill will. Treehouse can tell them not to, but how, exactly, will Treehouse enforce this? They haven't said. Will you ask them?

—As I understand it, campers' visiting friends and family won't be allowed to park on site and will be told not to park on Floyd Avenue or other nearby streets or on Sandlake Road. Again, who's going to enforce this, and how, and under what authority? Treehouse hasn't said. Will you ask them?

Note that bumper-to-bumper parking regularly occurs on Cape Kiwanda Drive, despite "No Parking" signs. Why would it be different on Sandlake?

—Perhaps Treehouse expects campers, including those with young children and dogs, to hike down the steep camp road while carrying food, drink and beach gear, cross Sandlake Road, head west on Floyd and finally arrive at the beach by way of the Floyd Avenue beach access.



Does Treehouse further expect its campers to pack up their beer bottles, soda cans, plastic trash, used diapers, dog poop bags, etc., and haul it all back over the dune, down Floyd, across Sandlake, up the steep camp road and only then do proper disposal?

(Frankly, the likelihood of vastly more beach litter renders quaint the stated Treehouse plan to offer campers an incentive, as yet unspecified, to pick up micro-trash on the Tierra Del Mar beach.

(Apparently, Treehouse also assumes that no beach-going camper will be tempted to stuff dripping, malodorous beach trash in residential garbage cans.)

— In its rebuttal, and perhaps in an appeasing gesture, Treehouse says it plans a beach shuttle. Is this a definite thing or just aspirational? What are the specifics? There is no indication of how often the shuttle would run, whether it would be complimentary or where beach goers would be dropped off and picked up, which could further affect livability in Tierra Del Mar.

—Precisely what “improvements” does Treehouse envision for Floyd Avenue? Will taxpayers foot any part of the bill?

The inconvenient truth is that Treehouse glamping may greatly alter quality of life in the TDM community, and not in a positive way. But, absent more specific information, how would we know? From data we do have, however, imagine how a big commercial operation like this would impact your lives if you lived on Floyd or adjacent streets.

The foregoing leaves aside important matters of potable water, sewage, wetland destruction, fish and bird habitat, landslide susceptibility and so on. Before voting, please ask Treehouse for answers. They need to be accountable.

Thank you for your consideration, and thank you for serving as Tillamook County Commissioners.

Sincerely,

Mary Voboril  
5800 Irish Avenue  
Tierra Del Mar, OR 97112

## Melissa Jenck

---

**From:** Lynn Tone  
**Sent:** Tuesday, April 12, 2022 8:38 AM  
**To:** Melissa Jenck  
**Subject:** FW: EXTERNAL: Campground

-----Original Message-----

**From:** k swyter <kswyter@gmail.com>  
**Sent:** Saturday, April 9, 2022 6:19 PM  
**To:** Lynn Tone <ltone@co.tillamook.or.us>  
**Subject:** EXTERNAL: Campground

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

As a longtime homeowner in Tierra Del Mar, I strongly oppose proposed campground !!! My concerns are the additional traffic, increased water usage ( which is already limited in summer) and increased waste and trash in our community. These are the important issues that should be considered before making a critical decision impacting the wonderful community of Tierra Del Mar...

## Melissa Jenck

---

**From:** Lynn Tone  
**Sent:** Tuesday, April 12, 2022 8:18 AM  
**To:** Melissa Jenck  
**Subject:** FW: EXTERNAL: testimony for April 25 BOCC #851-22-000107-PLNG  
**Attachments:** 040922 ltr to tcbc - appeal planning commission determination[1464].pdf; 3263\_2021-135\_ClarkeResidence\_JPA-REVISED\_20211130[1372].pdf

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**From:** Lynnae <lynnae.brown1@gmail.com>  
**Sent:** Saturday, April 9, 2022 2:36 PM  
**To:** Lynn Tone <ltone@co.tillamook.or.us>  
**Cc:** tierradelmarcommunity@gmail.com  
**Subject:** EXTERNAL: testimony for April 25 BOCC #851-22-000107-PLNG

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

Hello Ms Tone: attached please find my testimony (with PDF attachment) for submittal to the Tillamook County Board of Commissioners for the public hearing April 25, 2022.

Please acknowledge receipt. Thanks.

Lynnae Ruttledge  
5885 Austin Ave.  
Tierra Del Mar  
(360) 915-2008

Sent from [Mail](#) for Windows

Lynnae M. Ruttledge  
5885 Austin Ave.  
Tierra Del Mar, Oregon 97112  
April 11, 2022

Tillamook County Board of Commissioners  
c/o Tillamook County Department of Community Development  
1510-B Third Street  
Tillamook, Oregon 97141

RE: #851-22-000107-PLNG

Thank you for scheduling a virtual public hearing April 25, 2022 to hear the appeal of the Planning Commission's decision to approve the Conditional Use request by Oregon Treehouse Partners for a Recreational Campground above unincorporated Tierra Del Mar. Please accept this written testimony (with attached file) as you consider #851-22-000107-PLNG.

There were multiple failures in the Planning Commission's review and subsequent approval of this conditional use request (#851-21-000416-PLNG). The Planning Commission failed to adequately assess the applicant's compliance with several fundamental requirements of Tillamook County ordinance - as the applicant has failed to meet the burden of proof as required by law. In order to make a legally defensible decision on this application, the county must require and then adequately weigh, the evidence provided by the applicant, as well as other resources, studies, public comments and laws to which it must refer. To date, the County has failed to perform its due diligence.

**Conditional Use Review Criteria (3) - not met**

The application provided by Oregon Treehouse Partners was incomplete. In critical areas, it lacked the specificity necessary for the Planning Commission's determination that the application met this conditional use criteria factor. The Planning Commission failed to adequately consider the suitability of the site given its topography and the potential impact to, among other critical factors, mapped wetlands and Aquatic Resources of Special Concerns, surface and groundwater systems as well as potential landslide susceptibility. The Planning Commission failed to require wetland delineation, despite acknowledging that the property has

mapped wetlands including forested shrub wetlands and riverine features. The Planning Commission failed to even require that the applicant provide a detailed map with the actual specific location of the proposed campground structures, campsites, parking areas and amenities in relation to the multiple maps provided.

The applicant has the burden of proof yet failed to provide evidence that their development proposal meets the critical conditional use requirement related to suitability of the parcel considering its natural features. The tract lies within an area of potential landslide susceptibility as identified by DOGAMI map layer yet the applicant did not provide a Geologic Hazard report proving its suitability. The applicant has provided no information on the surface and groundwater systems that will be needed for drinking water in the campground. The applicant failed to address concerns raised by Oregon Department of Fish and Wildlife staff regarding potential impacts on wetlands, fish passage determination, big game movements and potential conflicts with nesting birds.

**Conditional Use Criteria (6) - not met**

The unincorporated coastal community of Tierra Del Mar has minimal infrastructure and south Tillamook County lacks adequate public facilities and services to support this proposed campground. There are acknowledged limitations to the capacity of the Sheriff's Department that will be needed to respond timely to issues that may arise with the campground. There is no cell phone service and no public telephone available in our community. This will likely impact timely emergency response to campground incidents, fires, medical emergencies or natural disasters. The applicant has failed to adequately address these concerns and has not proven compliance with this Conditional Use Criteria (6).

**Conditional Use Review Criteria (4) - not met**

The applicant has failed to adequately address community concerns about the impact of increased traffic, parking overflow and acknowledged volume of vehicles accessing the campground. The stress on Sandlake Road, adjacent residential streets, the Tierra Del Mar water supply and the groundwater system will be substantial. Yet the applicant has not been required to meet the burden of proof for adequately addressing the impact to surrounding properties. The applicant has failed to adequately address these concerns and has not proven compliance with this Conditional Use Criteria (4).



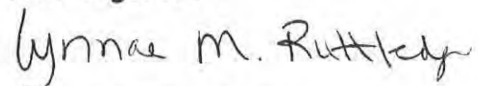
**In closing:**

Wetlands are a powerful component of our ecosystem. Wetlands are valued for the ecological services they provide to us all - they serve as natural water purifiers, reduce flood damage by absorbing and storing floodwater, as well as providing food and habitat for fish and other species. There needs to be careful and thoughtful evaluation by the County of how to reduce harm to aquatic resources and how to avoid impacts to our ecosystem. The County has the responsibility to provide that oversight. Land use decision-making is more than a box check-off exercise. Yet the Planning Commission followed the County's lead and failed to consider the suitability of the site and the potential problems on surrounding properties and with nearby communities.

Attached is a file that provides the type of essential information that is available and could have been considered by the County in its review of the Oregon Treehouse campground application. It is the federal Joint Permit Application (U.S. Army Corps of Engineers, Oregon Department of State Lands and Oregon Department of Environmental Quality) currently under review by the Oregon Department of Land Conservation and Development for a residential development on a property adjacent to the proposed campground. The planned residential development (Tax Lot 601) is immediately adjacent to the Oregon Treehouse Partners campground (Tax Lot 600). The application includes the type of information available with its delineation of non-tidal wetland and Aquatic Resources of Special Concern (ARSC) present on the adjacent property.

The County must do due diligence and require proof from the applicant that it meets the conditional use criteria. To date, it has not done that.

Kind regards,



Lynnae M. Ruttledge

Attached file:

Federal Permit application: NWP 2021-135, Clark Residence Tax Lot 601

# Joint Permit Application

This is a joint application, and must be sent to all agencies (Corps, DSL, and DEQ). Alternative forms of permit applications may be acceptable; contact the Corps and DSL for more information.

Date Stamp
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	<b>U.S. Army Corps of Engineers Portland District</b>		<b>Oregon Department of State Lands</b>		<b>Oregon Department of Environmental Quality</b>
Action ID Number	NWP-2021-135	Number	63193 (Rev. 8-21)		

**(1) TYPE OF PERMIT(S) IF KNOWN** (check all that apply)

Corps:  Individual  Nationwide No.: 29  Regional General Permit \_\_\_\_\_  Other (specify):

DSL:  Individual  GP Trans  GP Min Wet  GP Maint Dredge  GP Ocean Energy  No Permit  Waiver

**(2) APPLICANT AND LANDOWNER CONTACT INFORMATION**

	Applicant	Property Owner (if different)	Authorized Agent (if applicable) <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Contractor
Name (Required)	Ben Clark		Eric Henning
Business Name			Zion Natural Resources Consulting
Mailing Address 1	56564 Meteor Dr.		PO Box 545
Mailing Address 2			
City, State, Zip	Bend OR 97707		Monmouth, OR 97361
Business Phone	541-410-3996		503-881-4171
Cell Phone			
Fax			
Email	ben.built@yahoo.com		Eric@zionconsulting.org

**(3) PROJECT INFORMATION**

**A. Provide the project location.**

Project Name	Clark Residence			Latitude & Longitude*	45.2522 / -123.9629
Project Address / Location	City (nearest)	County			
East of Austin and Bilyeu Avenues	Tierra Del Mar	Tillamook			
Township	Range	Section	Quarter / Quarter	Tax Lot	
4S	10W	6		601	

Brief Directions to the Site:  
From I-5, Hwy 22 west, Hwy 101 north, follow Resort Dr and Sandlake Rd to Austin Ave.

**B. What types of waterbodies or wetlands are present in your project area? (Check all that apply.)**

River / Stream  Non-Tidal Wetland  Lake / Reservoir / Pond

Estuary or Tidal Wetland  Other  Pacific Ocean

Waterbody or Wetland Name**	River Mile	6th Field HUC Name	6th Field HUC (12 digits)
Wetlands A		Sand Creek – Frontal Pacific Ocean	171002030902

\* In decimal format (e.g., 44.9399, -123.0283)  
\*\* If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A").



<b>C. Indicate the project category. (Check all that apply.)</b>		
<input type="checkbox"/> Commercial Development	<input type="checkbox"/> Industrial Development	<input checked="" type="checkbox"/> Residential Development
<input type="checkbox"/> Institutional Development	<input type="checkbox"/> Agricultural	<input type="checkbox"/> Recreational
<input type="checkbox"/> Transportation	<input type="checkbox"/> Restoration	<input type="checkbox"/> Bridge
<input type="checkbox"/> Dredging	<input type="checkbox"/> Utility lines	<input type="checkbox"/> Survey or Sampling
<input type="checkbox"/> In- or Over-Water Structure	<input type="checkbox"/> Maintenance	<input type="checkbox"/> Other:

**(4) PROJECT DESCRIPTION**

**A. Summarize the overall project including work in areas both in and outside of waters or wetlands.**

The design of this proposed project requires removal and fill material within the designated project area to construct a residential home, driveway, and septic system (capping fill system). This includes permanently impacting 17,650 square feet (0.41 acres) of wetlands within the proposed project area (Preferred Alternative). This plan will have an approximate fill volume of 1,450 cubic yards and a removal volume of 650 cubic yards of material (rock, gravel, and topsoil) to complete the entire development.

**B. Describe work within waters and wetlands.**

Work within wetlands will result in 0.41 acres of total wetland impacts. Designated wetland impact areas will have an approximate fill volume of 1,450 cubic yards and a removal volume of 650 cubic yards of material (rock, gravel, and topsoil). Wetland impacts includes a small portion of wetland A while avoiding 2.88 acres of remaining wetlands. These impacts are for the placement of a 12' wide driveway, stormwater facilities, homesite, utilities, and a septic system.

**C. Construction Methods. Describe how the removal and/or fill activities will be accomplished to minimize impacts to waters and wetlands.**

Fill material will be transferred onsite to the designated impact area by means of trucks during the dry season to limit potential impacts to the remaining resources. Access to the site for construction activities will be from the existing Austin and Bilyeu Avenues to the west.

Throughout construction, best management practices (BMP) will be used to minimize erosion and siltation associated with site runoff. Practicable erosion control measures may include but are not limited to silt fencing, bio bags, sediment collection basins, and gravel entryways installed prior to the commencement of construction. All BMPs will be properly maintained throughout the duration of the project to keep sediments from entering any wetlands and other waterways in the project vicinity. Following completion of construction, all disturbed areas will be stabilized and re-vegetated with an approved groundcover material. An erosion control plan and stormwater management plan have been prepared as part of the proposed development.

**(4) PROJECT DESCRIPTION (continued)**

**D. Describe source of fill material and disposal locations if known.**

Fill material will be utilized onsite from the subject property as part of the site grading. Crushed rock will be imported from a local source to complete the development requirements.

**E. Construction timeline.**

What is the estimated project start date? December 2021

What is the estimated project completion date? December 2022

Is any of the work underway or already complete?  Yes  No  
If yes, please describe.



F. Removal Volumes and Dimensions (if more than 7 impact sites, include a summary table as an attachment)							
Wetland / Waterbody Name *	Removal Dimensions					Time Removal is to remain**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq.ft.)	Volume (c.y.)		
Wetland A				17,650	650	Perm	Topsoil, rock
G. Total Removal Volumes and Dimensions							
Total Removal to Wetlands and Other Waters				Length (ft.)	Area (sq. ft / ac.)	Volume (c.y.)	
Total Removal to Wetlands					17,650 / 0.41	650	
Total Removal Below Ordinary High Water							
Total Removal Below <u>Highest Measured Tide</u>							
Total Removal Below <u>High Tide Line</u>							
Total Removal Below <u>Mean High Water Tidal Elevation</u>							
H. Fill Volumes and Dimensions (if more than 7 impact sites, include a summary table as an attachment)							
Wetland / Waterbody Name*	Fill Dimensions					Time Fill is to remain**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq. ft.)	Volume (c.y.)		
Wetland A				17,650	1,450	Perm	Topsoil, rock
(4) PROJECT DESCRIPTION (CONTINUED)							
I. Total Fill Volumes and Dimensions							
Total Fill to Wetlands and Other Waters				Length (ft.)	Area (sq. ft / ac.)	Volume (c.y.)	
Total Fill to Wetlands					17,650 / 0.41	1,450	
Total Fill Below Ordinary High Water							
Total Fill Below <u>Highest Measured Tide</u>							
Total Fill Below <u>High Tide Line</u>							
Total Fill Below <u>Mean High Water Tidal Elevation</u>							
<p>*If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A").</p> <p>**Indicate whether the proposed area of removal or fill is permanent or, if you are proposing temporary impacts, specify the days, months or years the fill or removal is to remain.</p> <p>*** Example: soil, gravel, wood, concrete, pilings, rock etc.</p>							
(5) PROJECT PURPOSE AND NEED							
<p><b>Provide a statement of the purpose and need for the overall project.</b></p> <p>The purpose of this project is to build a single-family home and driveway within a 4.05-acre residential lot. To meet the documented need for residential housing the applicant is developing this lot for his own personal home. The proposed removal and fill activity would allow the placement of a home, driveway, and utilities. The proposed development plan will impact 0.41 acres of wetlands.</p>							
(6) DESCRIPTION OF RESOURCES IN PROJECT AREA							
<p><b>A. Describe the existing physical, chemical, and biological characteristics of each wetland or waterbody. Reference the wetland and waters delineation report if one is available. Include the list of items provided in the instructions.</b></p> <p>The Oregon Rapid Wetland Assessment Protocol (ORWAP) has been completed and included with this application package. The HGM classification is Slope/Flats. The following wetland area information has been obtained from the Wetland Delineation Report that has been concurred with by DSL and under review by the Corps.</p> <p>The USDA Natural Resource Conservation Service has mapped the following soil series within the study area.</p>							

Soil Series	Drainage Class	Hydric	Hydric Inclusions
Waldport fine sand (9B)	Excessively drained	No	Heceta
Heceta fine sand (14A)	Poorly drained	Yes	-
Kloutchie-Necanicum (20E)	Well drained	No	-

### **Wetland A (3.29 ac)**

This wetland is a forested and palustrine emergent wetland located throughout the western three quarters of the study area. The wetland continues offsite to the north and south. Topography in the study area gently slopes to the east to the toe of the slope along the eastern boundary. The site largely consists of mature alder and Sitka spruce with hummocky conditions caused by downed trees and exposed roots. There is an understory of slough sedge with salal and huckleberry nursing off the downed trees. The hydrology appears to come from precipitation and groundwater hydrology. The hydrology follows the microtopography of the site along the toe of the eastern slope and drains to the north towards Beltz Creek.

**Table 1.** ORWAP assessment for the proposed wetland impact site.

Groups		Impact Site - Existing State		
		Specific Function	Rating	Rating Break Proximity
<i>Hydrologic Function</i>	Function	Water Storage & Delay	Moderate	
	Value		Lower	
<i>Water Quality Support</i>	Function	Nitrate Removal & Retention	Moderate	
	Value		Higher	
<i>Fish Habitat</i>	Function	Anadromous Fish Habitat	Lower	
	Value		Lower	
<i>Aquatic Habitat</i>	Function	Waterbird Nesting Habitat	Moderate	
	Value		Moderate	
<i>Ecosystem Support</i>	Function	Native Plant Diversity	Higher	
	Value		Higher	
<i>Carbon Sequestration</i>	Function		Lower	
<i>Public Use &amp; Recognition</i>	Value		Lower	
<i>Sensitivity</i>	Function		Higher	
<i>Ecological Condition</i>	Function		Lower	LM
<i>Stressors</i>	Function		Moderate	LM

### **Aquatic Resources of Special Concern (ARSC)**

*ARSC Mature Forested Wetlands- wetlands in which trees have an aerial cover of 30% or more and either the average diameter at breast height of a minimum of 10 trees exceeds 18 inches, the average age of trees exceeds 80 years, or there are >5 trees/acre with diameter >32 inches.*

The wetlands onsite do contain mature forested wetlands and do meet the following criteria for ARSC. Average diameter at breast height of the *Picea sitchensis* dominated wetlands a minimum of 10 trees exceeds 18 inches.

To minimize impacts to existing resources the applicant is proposing to remove only six trees for the placement of the homesite and driveway.



**B. Describe the existing navigation, fishing and recreational use of the waterbody or wetland.**

There are no existing navigation, fishing and recreational use of the wetlands.

**(7) PROJECT SPECIFIC CRITERIA AND ALTERNATIVES ANALYSIS**

**Describe project-specific criteria necessary to achieve the project purpose. Describe alternative sites and project designs that were considered to avoid or minimize impacts to the waterbody or wetland.\***

Project specific criteria necessary to achieve the project purpose includes the following:

- Provide an affordable single-family residence within the market area
- Provide utility access and street connectivity per the Tillamook County Transportation Plan
- Avoidance of waters/wetlands

**Offsite Alternatives**

Due to the size and location of the tax lot currently owned by the applicant there were no other offsite alternatives explored.

**Preferred Alternative:**

This alternative impacts only 0.41 acres of wetlands and avoids 2.88 acres of contiguous wetlands for the construction of a single-family residence and a driveway. The position of the home within the tax lot is determined by the property line setbacks and driveway orientation. Fill material and wetland impacts required for the placement of the home has been reduced only to amenities necessary for the establishment of a single-family residence. Access to the home is required from existing public right of ways to the west.

*Additional information has recently been obtained from a Geotechnical Report requiring a specific foundation for the home and required water quality treatment facilities has increased the wetland impact area.*

The preferred site design is considered to be the most practicable alternative based on

- Avoidance of 2.88 acres of contiguous forested wetlands
- Efficient utility access and street connectivity per Tillamook County
- Impacted moderate functioning wetlands would be compensated through the approved Wilson Trask Nestucca – ILF that will provide a lift in the functions and values.

**Reduced Impact Alternatives:**

Another alternative that was considered was a single driveway to the residence. This would reduce the wetland impacts by around 300 sq. ft. This alternative was not chosen since it does not provide a loop from Austin to Bilyeu Avenues allowing an emergency entrance and exit to the residence.

\* Not required by the Corps for a complete application, but is necessary for individual permits before a permit decision can be rendered.

Other alternatives to reduce the impacts such as retaining walls, riprap, or soil banks were not considered since the gradient of the site is so flat. The applicant has already reduced the wetland impacts as the square footage of the proposed house is a mere 678 sq. ft.

**No Wetland Impact Alternative:**

This plan would avoid the entire 3.29 acres of wetlands. In this scenario a home would not be able to be constructed due to the extent of the wetlands onsite. There are uplands located along the eastern property boundary, however, this area is inaccessible without a driveway crossing the existing wetlands. This alternative would not meet the project criteria.

**Measures to avoid and minimize effects of changes:**

Based on the preferred site plan the applicant is proposing to avoid 2.88 acres of wetlands that continue offsite to the north and south. In addition, the applicant will strategically remove only trees within the impact areas to conserve the esthetics of the site and further minimize the effects of the development.

**(8) ADDITIONAL INFORMATION**

- Are there state or federally listed species on the project site?  Yes  No  Unknown
- Is the project site within designated or proposed critical habitat?  Yes  No  Unknown
- Is the project site within a national Wild and Scenic River ?  Yes  No  Unknown
- Is the project site within a State Scenic Waterway?  Yes  No  Unknown
- Is the project site within the 100-year floodplain?  Yes  No  Unknown

**If yes to any above, explain in Block 6 and describe measures to minimize adverse effects to those resources in Block 7.**

- Is the project site within the Territorial Sea Plan (TSP) Area?  Yes  No  Unknown

**If yes, attach TSP review as a separate document for DSL.**

- Is the project site within a designated Marine Reserve?  Yes  No  Unknown

**If yes, certain additional DSL restrictions will apply.**

- Will the overall project involve ground disturbance of one acre or more?  Yes  No  Unknown

**If yes, you may need a 1200-C permit from the Oregon Department of Environmental Quality (DEQ).**

- Is the fill or dredged material a carrier of contaminants from on-site or off-site spills?  Yes  No  Unknown

- Has the fill or dredged material been physically and/or chemically tested?  Yes  No  Unknown

**If yes, explain in Block 6 and provide references to any physical/chemical testing report(s).**

- Has a cultural resource (archaeological and/or built environment) survey been performed on the project area?  Yes  No  Unknown

- Do you have any additional archaeological or built environment documentation, or correspondence from tribes or the State Historic Preservation Office?  Yes  No  Unknown

**If yes, provide a copy of the survey and/or documentation of correspondence with this application to the Corps only. Do not describe any resources in this document. Do not provide the survey or documentation to DSL.**

Is the project part of a DEQ Cleanup Site? No  Yes  Permit number \_\_\_\_\_  
DEQ contact. \_\_\_\_\_

- Will the project result in new impervious surfaces or the redevelopment of existing surfaces? Yes  No

**If yes, the applicant must submit a post-construction stormwater management plan as part of this application to DEQ's 401 WQC program for review and approval, see <https://www.oregon.gov/deq/FilterDocs/401wqcertPostCon.pdf>**

Identify any other federal agency that is funding, authorizing or implementing the project.



Agency Name	Contact Name	Phone Number	Most Recent Date of Contact
-------------	--------------	--------------	-----------------------------

List other certificates or approvals/denials required or received from other federal, state or local agencies for work described in this application.

Agency	Certificate / approval / denial description	Date Applied
Tillamook County	Residential Septic Site Evaluation Approval	8/4/2020

Other DSL and/or Corps Actions Associated with this Site (Check all that apply.)

Work proposed on or over lands owned by or leased from the Corps (may require authorization pursuant to 33 USC 408). These could include the federal navigation channel, structures, levees, real estate, dikes, dams, and other Corps projects.

- |  |                       |                 |
|--|-----------------------|-----------------|
| <input type="checkbox"/> State owned waterway                      | DSL Waterway Lease #: |                 |
| <input type="checkbox"/> Other Corps or DSL Permits                | Corps #               | DSL #           |
| <input type="checkbox"/> Violation for Unauthorized Activity       | Corps #               | DSL #           |
| <input checked="" type="checkbox"/> Wetland and Waters Delineation | Corps #               | DSL # 2021-0143 |

Submit the entire delineation report to the Corps; submit only the concurrence letter (if complete) and approved maps to DSL. If not previously submitted to DSL, send under a separate cover letter

**(9) IMPACTS, RESTORATION/REHABILITATION, AND COMPENSATORY MITIGATION**

**A. Describe unavoidable environmental impacts that are likely to result from the proposed project. Include permanent, temporary, direct, and indirect impacts.**

The resulting development would permanently impact 0.41 acres of forested wetlands. Due to the proposed stormwater management plan all hydrology within the subject property will be directed and discharged after pre-treatment downslope.

**B. For temporary removal or fill or disturbance of vegetation in waterbodies, wetlands or riparian (i.e., streamside) areas, discuss how the site will be restored after construction to include the timeline for restoration.**

No temporary impacts proposed.

**Compensatory Mitigation**

**C. Proposed mitigation approach. Check all that apply:**

- |  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> Permittee-responsible Onsite Mitigation | <input type="checkbox"/> Permittee-responsible Offsite mitigation | <input checked="" type="checkbox"/> Mitigation Bank or In-Lieu Fee Program | <input type="checkbox"/> Payment to Provide (not approved for use with Corps permits) |
|--|---|--|---|

**D. Provide a brief description of proposed mitigation approach and the rationale for choosing that approach. If you believe mitigation should not be required, explain why.**

The onsite wetlands are seasonal and are currently undeveloped. Onsite mitigation was reviewed as part of the development plan; however, the avoided wetlands would not be a good candidate for enhancement due to the existing topography and area available for mitigation.

The proposed adverse effects are considered to be reasonable and these wetland impacts will be mitigated through the purchase of wetland credits through the Wilson Trask Nestucca – ILF which will ensure the proposed wetland impacts will be compensated through mitigation that will result in an increase in wetland functions compared to the existing wetlands proposed to be impacted.

By compensating for the impacts through a wetland mitigation bank the following principle objectives listed in 141-085-0680 (2) will be met based on the results of the best professional judgement which indicates that the

current wetlands onsite proposed for impact are moderate functioning and also moderate value largely due to surrounding developments. We therefore believe that purchase of wetland credits from the Wilson Trask Nestucca – ILF will provide the lift necessary to meet the mitigation requirements.

- (A) The bank will provide functions and values lost at the site which it has successfully provided within this watershed.
- (B) The bank will provide local replacement for locally important functions and values within the same watershed.
- (C) Purchase of mitigation bank credits supports the creation of wetlands that have been designed to be self-sustaining and require minimal long-term maintenance
- (D) The ILF will ensure greater ecological suitability than onsite mitigation and would not provide connectivity to other similar habitats as what is present at the bank.
- (E) The ILF already contains mitigated wetlands and therefore the temporal loss would be considerably minimized vs. developing onsite or other offsite mitigation areas.

**Mitigation Bank / In-Lieu Fee Information:**

Name of mitigation bank or in-lieu fee project: Wilson Trask Nestucca - ILF  
 Type and amount of credits to be purchased: PFO – 0.41

If you are proposing permittee-responsible mitigation, have you prepared a compensatory mitigation plan?

- Yes. Submit the plan with this application and complete the remainder of this section.
- No. A mitigation plan will need to be submitted (for DSL, this plan is required for a complete application).

**Mitigation Location Information (Fill out only if permittee-responsible mitigation is proposed)**

Mitigation Site Name/Legal Description		Mitigation Site Address	Tax Lot #
County		City	Latitude & Longitude (in DD.DDDD format)
Township	Range	Section	Quarter/Quarter



**(10) ADJACENT PROPERTY OWNERS FOR PROJECT AND MITIGATION SITE**

<input type="checkbox"/> Pre-printed mailing labels of adjacent property owners attached separately (if more than 30).	Project Site Adjacent Property Owners	Mitigation Site Adjacent Property Owners
LILLY, JEANETTE M & 5425 SW TEXAS ST PORTLAND, OR 97219	HOOK, WILLIAM BENJAMIN 919 HIGHBERGER LP AUMSVILLE, OR 97325	
TIERRA VISTA LLC 360 BELMONT ST NE SALEM, OR 97301		
GIELISH, KEVIN & BRIANNA 38090 PENGRA RD FALL CREEK, OR 97438		
JACK DONAUGH LIFE INSURANCE TRUST 16776 SE GURNEE AVE GLADSTONE, OR 97027		
BATTLEGA, FRANK & JOANNE 16370 NE EILERS RD AURORA, OR 97002		
HUSKEY, ROBERT & HEIDI 1502 C ST HOOD RIVER, OR 97031-1629		
GORDON, TRUDY 19232 WHITNEY LN OREGON CITY, OR 97045		

**(11) CITY/COUNTY PLANNING DEPARTMENT LAND USE AFFIDAVIT  
(TO BE COMPLETED BY LOCAL PLANNING OFFICIAL)**

I have reviewed the project described in this application and have determined that:

- This project is not regulated by the comprehensive plan and land use regulations
- This project is consistent with the comprehensive plan and land use regulations
- This project is consistent with the comprehensive plan and land use regulations with the following:
  - Conditional Use Approval
  - Development Permit
  - Other Permit (explain in comment section below)
- This project is not currently consistent with the comprehensive plan and land use regulations. To be consistent requires:
  - Plan Amendment
  - Zone Change
  - Other Approval or Review (explain in comment section below)

An application or variance request has  has not  been filed for the approvals required above.

Local planning official name (print)	Title	City / County
Melissa Jenck	Land Use Planner II, CFM	Tillamook
Signature	Date	
<i>Melissa Jenck</i>	3/4/2021	
Comments:		
TCLUO Section 3.010, RR-2 Zone allows outright for one (1) single-family dwelling, subject to development standards.		

**(12) COASTAL ZONE CERTIFICATION**

If the proposed activity described in your permit application is within the Oregon Coastal Zone, the following certification is required before your application can be processed. The signed statement will be forwarded to the Oregon Department of Land Conservation and Development (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program and consistency reviews of federally permitted projects, contact DLCD at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050 or click [here](#).

**CERTIFICATION STATEMENT**

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print /Type Applicant Name	Title
Benjamin Clark	OWNER
Applicant Signature	Date
<i>Benjamin Clark</i>	4/10/21




**(13) SIGNATURES**

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities. By signing this application I consent to allow Corps or DSL staff to enter into the above-described property to inspect the project location and to determine compliance with an authorization, if granted. I hereby authorize the person identified in the authorized agent block below to act in my behalf as my agent in the processing of this application and to furnish supplemental information in support of this permit application. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that payment of the required state processing does not guarantee permit issuance. To be considered complete, the fee must accompany the application to DSL. The fee is not required for submittal of an application to the Corps.

Fee Amount Enclosed	\$339.00
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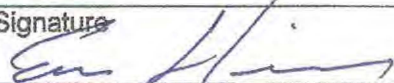
**Applicant Signature (required) must match the name in Block 2**

Print Name Ben Clark	Title Owner/Applicant
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Signature 	Date 1/5/2021
--	------------------

**Authorized Agent Signature**

Print Name Eric Henning	Title Managing Member, ZNR
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Signature 	Date 3/15/2021
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**Landowner Signature(s) ✓****Landowner of the Project Site (if different from applicant)**

Print Name	Title
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Signature	Date
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**Landowner of the Mitigation Site (if different from applicant)**

Print Name	Title
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Signature	Date
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**Department of State Lands, Property Manager (to be completed by DSL)**

If the project is located on \_\_\_\_\_, DSL staff will obtain a signature from the Land Management Division of DSL. A signature by DSL for activities proposed on state-owned submerged/submersible lands only grants the applicant consent to apply for a removal-fill permit. A signature for activities on state-owned submerged and submersible lands grants no other authority, express or implied and a separate proprietary authorization may be required.

Print Name	Title
------------	-------

Signature	Date
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\* Not required by the Corps.

## (14) ATTACHMENTS

- Drawings
  - Location map with roads identified
  - U.S.G.S topographic map
  - Tax lot map
  - Site plan(s)
  - Plan view and cross section drawing(s)
  - Recent aerial photo
  - Project photos
  - Erosion and Pollution Control Plan(s), if applicable
  - DSL / Corps Wetland Concurrence letter and map, if approved and applicable
- Pre-printed labels for adjacent property owners (Required if more than 30)
- Incumbency Certificate if applicant is a partnership or corporation
- Restoration plan or rehabilitation plan for temporary impacts
- Mitigation plan
- Wetland functional assessments, if applicable
  - Cover Page
  - Score Sheets
  - ORWAP OR, F, T, & S forms
  - ORWAP Reports
  - Assessment Maps
  - ORWAP Reports: Soils, Topo, Assessment area, Contributing area
- Stream Functional Assessments, if applicable
  - Cover Page
  - Score Sheets
  - SFAM PA, PAA, & EAA forms
  - SFAM Report
  - Assessment Maps
    - Aerial Photo Site Map and Topo Site Map (Both maps should document the PA, PAA, & EAA)
- Compensatory Mitigation (CM) Eligibility & Accounting [Worksheet](#)
  - Matching Quickguide sheet(s)
  - CM Eligibility & Accounting sheet
- Alternatives analysis
- Biological assessment (if requested by the Corps project manager during pre-application coordination)
- Stormwater management plan (may be required by the Corps or DEQ)
- Other
  - Please describe:



**For U.S. Army Corps of Engineers send application to:**

USACE Portland District  
ATTN: CENWP-ODG-P  
PO Box 2946  
Portland, OR 97208-2946  
Phone: 503-808-4373  
[portlandpermits@usace.army.mil](mailto:portlandpermits@usace.army.mil)

**Counties:**

Baker, Benton, Clackamas, Clatsop, Columbia, Gilliam,  
Grant, Hood River, Jefferson, Lincoln, Linn, Malheur,  
Marion, Morrow, Multnomah, Polk, Sherman, Tillamook,  
Umatilla, Union, Wallowa, Wasco, Washington, Wheeler,  
Yamhill

U.S. Army Corps of Engineers  
ATTN: CENWP-ODG-E  
211 E. 7<sup>th</sup> AVE, Suite 105  
Eugene, OR 97401-2722  
Phone: 541-465-6868  
[portlandpermits@usace.army.mil](mailto:portlandpermits@usace.army.mil)

**Counties:**

Coos, Crook, Curry, Deschutes, Douglas, Jackson,  
Josephine, Harney, Klamath, Lake, Lane

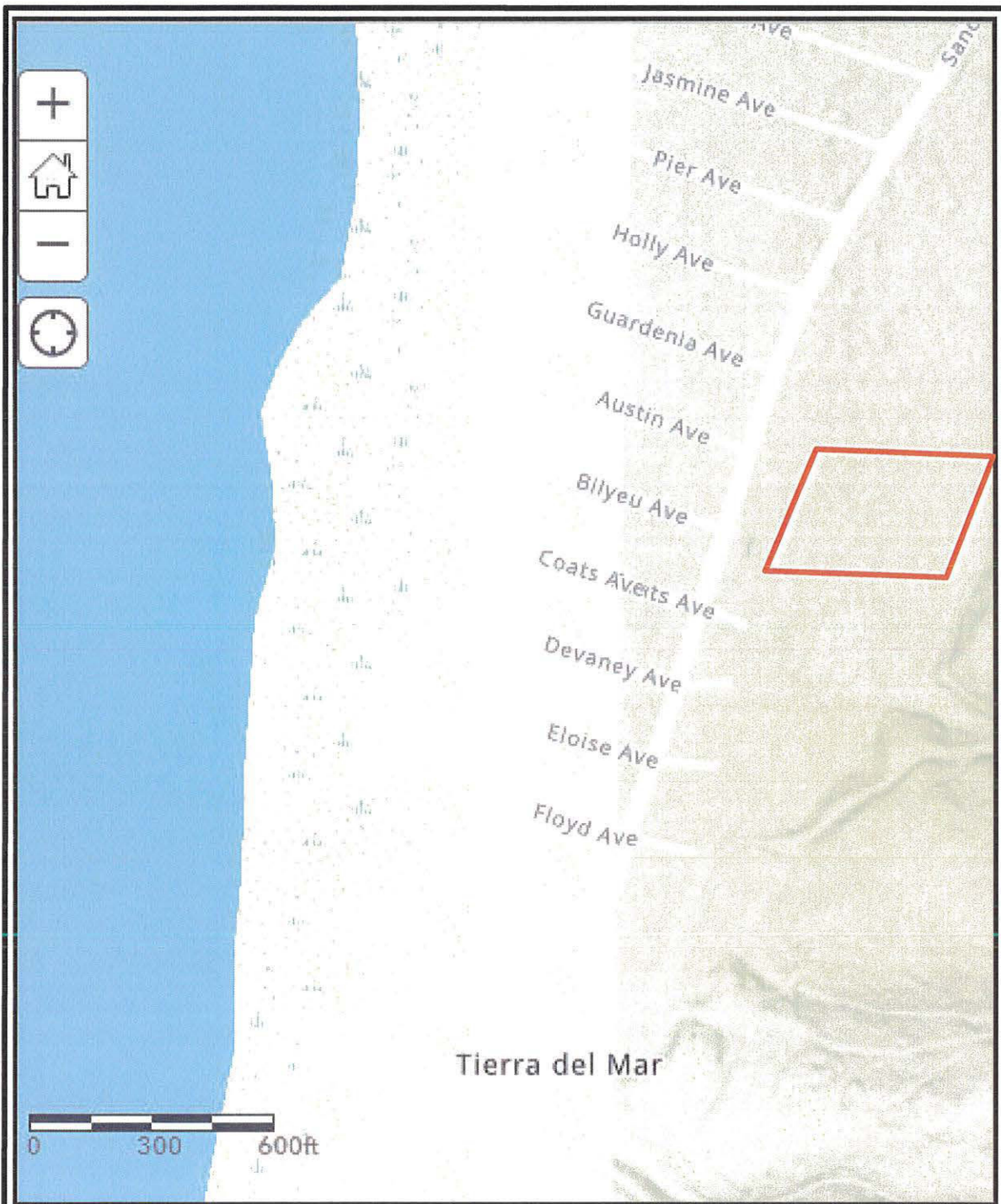
**For Department of State Lands send application to:**

**West of the Cascades:**  
Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
Phone: 503-986-5200

**East of the Cascades:**  
Department of State Lands  
1645 NE Forbes Road, Suite 112  
Bend, Oregon 97701  
Phone: 541-388-6112


**For Department of Environmental Quality e-mail application to:**

ATTN: DEQ 401 Certification Program  
Water Quality  
700 NE Multnomah St, Suite 600  
Portland, OR 97232  
[401applications@deq.state.or.us](mailto:401applications@deq.state.or.us)

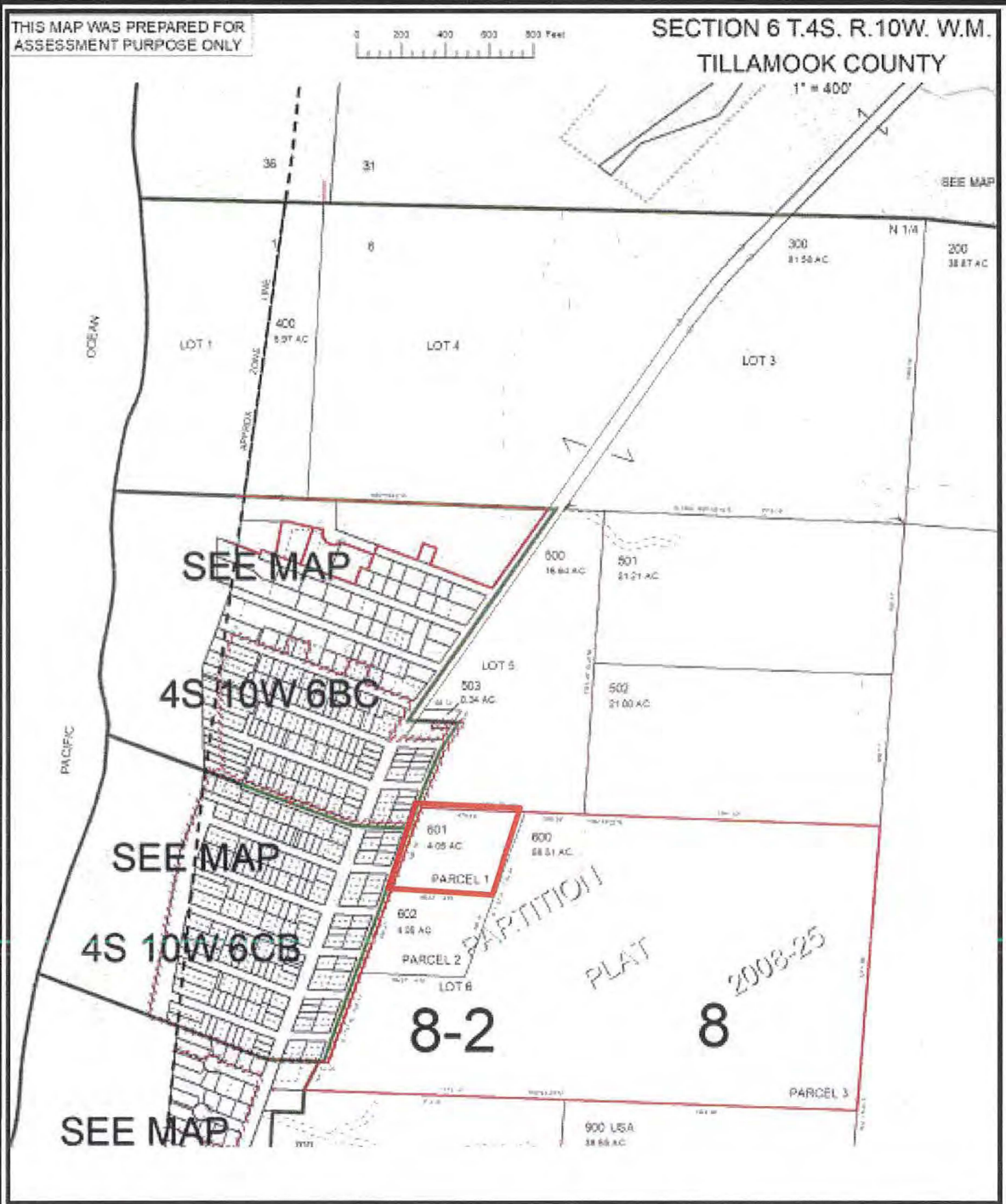


**FIGURE 1**  
Vicinity Map

Project: Ben Clark

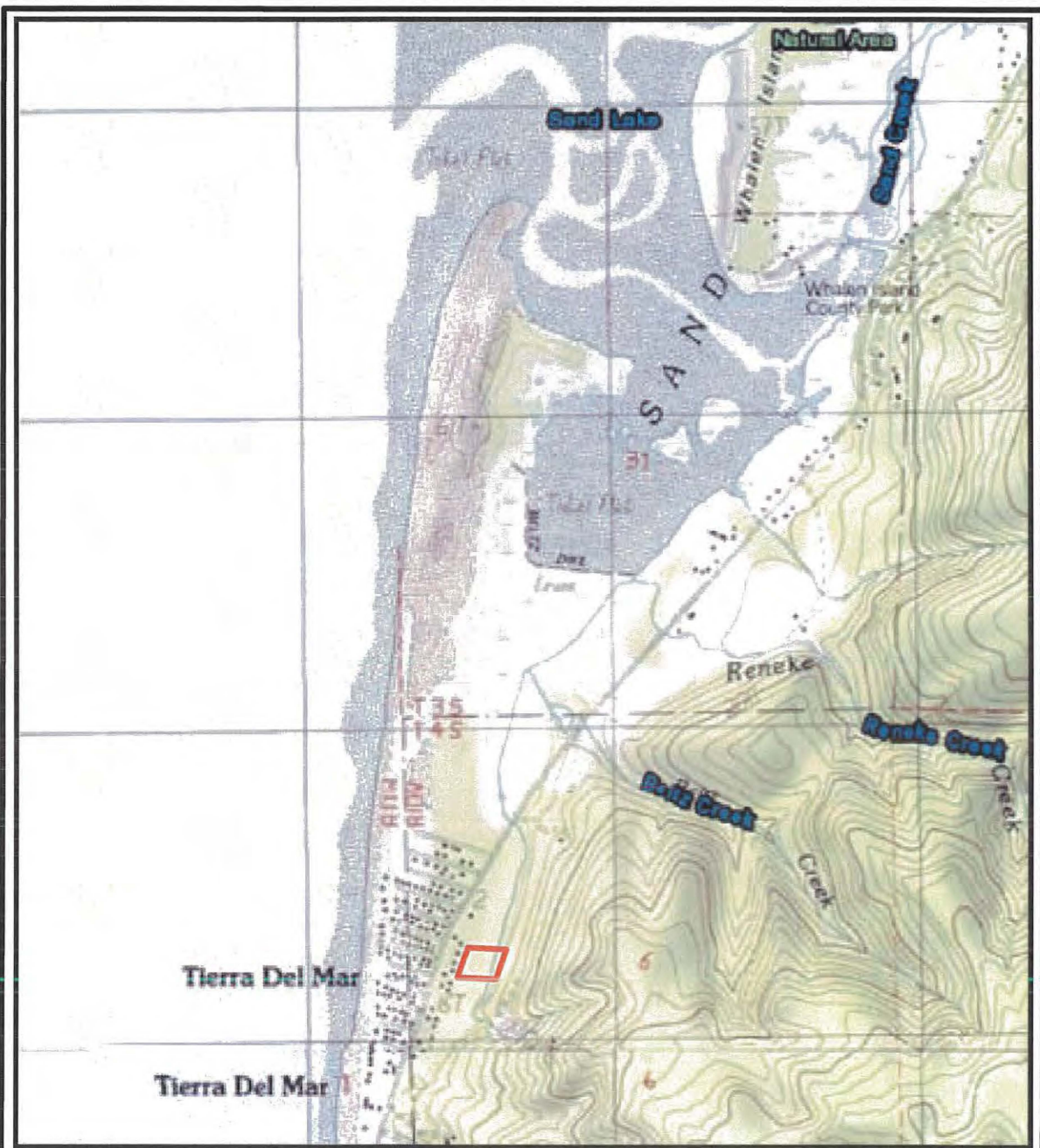






**FIGURE 2**  
Tax Lot Map

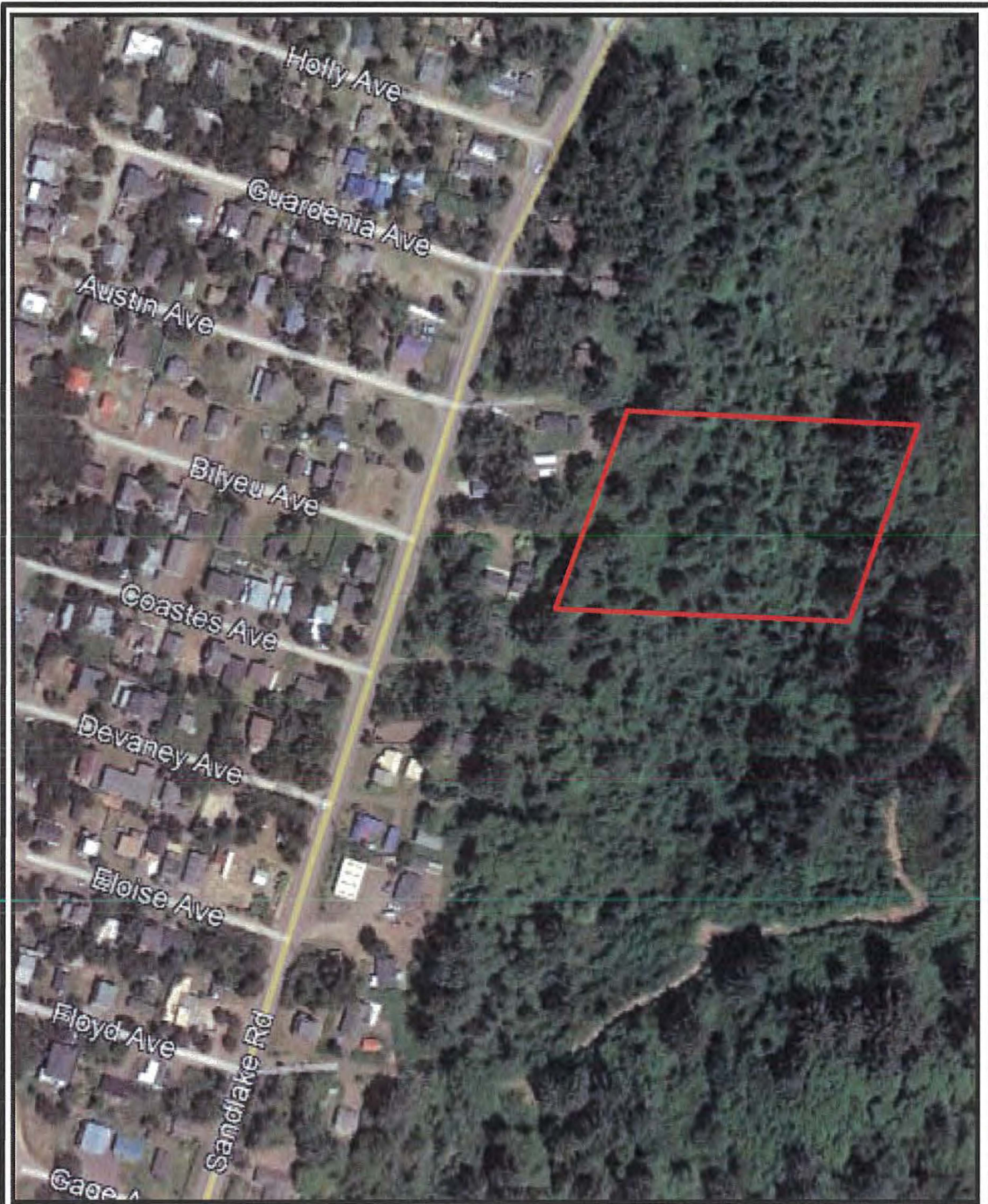
Project: Ben Clark



**FIGURE 3**  
USGS Topo Map  
Project: Ben Clark







**FIGURE 4**  
Aerial Photo – Google Earth June 22<sup>nd</sup>, 2017  
Project: Ben Clark

