

BEFORE THE PLANNING COMMISSION  
OF TILLAMOOK COUNTY, OREGON

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| IN THE MATTER OF #851-22-000328-PLNG & #851-22-000329-PLNG: CONSOLIDATED REVIEW OF AN ESTUARY/FLOODPLAIN DEVELOPMENT PERMIT AND CONDITIONAL USE REQUEST FOR A WETLAND RESTORATION PROJECT ON A PROPERTY ZONED ESTUARY NATURAL (EN), ESTUARY CONSERVATION 1 (EC1), FARM (F-1), SHORELAND OVERLAY (SH) ZONE AND THE FLOOD HAZARD OVERLAY (FH) ZONE. SUBJECT PROPERTY IS DESIGNATED AS TAX LOTS 901, 1700 AND 1900 OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 10 WEST OF THE WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON. | )<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>) | FINDINGS OF FACT,<br>CONCLUSIONS AND<br>ORDER<br><br>#851-22-000328-PLNG<br>#851-22-000329-PLNG |
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APPLICANT/PROPERTY OWNER: The Nature Conservancy, 821 SE 14<sup>th</sup> Avenue, Portland, OR 97214.

The above-named applicant applied to Tillamook County requesting Conditional Use and Estuary/Floodplain Development Permit approval for a wetland restoration project on the property as specified above.

Public hearings on the above-entitled matter were held before the Tillamook County Planning Commission for their consideration on October 13, 2022, and November 10, 2022, December 15, 2022, and January 12, 2023, where a decision was made on that date.

The Tillamook County Planning Commission considered this Conditional Use request on the basis of the Conditional Use criteria listed in Section 6.040, the Development Permit criteria listed in Section 3.510 of the Tillamook County Land Use Ordinance (TCLUO), applicable development standards for development within estuaries contained in Sections 3.100 through 3.140 of the TCLUO, findings of fact and conclusions contained within the staff report, public and agency comments, evidence and information presented, written and oral testimony received at the hearing, and the applicant’s presentations.

Planning Commission voted 6 in favor with 1 abstention, to approve Conditional Use request #851-22-000328-PLNG, and voted 6 in favor with 1 abstention, to approve the Estuary/Floodplain Development Permit request #851-22-000329-PLNG, subject to the Conditions of Approval as included as “Exhibit A”.

The Planning Commission hereby adopts the Conditions of Approval shown in “Exhibit A” attached to this Order.

Conditional Use request #851-22-000328-PLNG and Estuary/Floodplain Development Permit #851-22-000329-PLNG are hereby approved. This decision may be appealed to the Board of County Commissioners by an affected party, by filing an application for an appeal, submitting written justification supporting the appeal, and submitting the required filing fees with the Tillamook County Board of Commissioners within twelve (12) days of the date that notice of this decision is mailed.

DATED this 20<sup>th</sup> day of January, 2023.

TILLAMOOK COUNTY PLANNING COMMISSION



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Gale Ousele, Vice-Chairperson

## *“EXHIBIT A”*

### CONDITIONS OF APPROVAL #851-22-000328-PLNG

Sections 6.070: COMPLIANCE WITH CONDITIONS, 6.080: TIME LIMIT, requires compliance with approved plans and conditions of this decision, and all other ordinance provisions. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. Applicant/Property Owner shall obtain all required Federal, State, and Local permits and/or licenses and will comply with applicable rules and regulations.
2. Prior to any development activity, Applicant/Property Owner shall provide the Department of Community Development a copy of their Construction Best Management Practices and Operational Best Management Practices, including provisions for vegetation management and erosion control measures during construction. All damaged or disturbed streambanks are to be restored to the slope, pattern, and profiles as reflected in the record for this project.
3. Applicant/Property Owner shall be responsible for restoring, as nearly as possible to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed during to the construction process for wetland restoration.
4. During the siting, construction, maintenance, repair or reconstruction of the proposed project, Applicant/Property Owner shall install and maintain fences, gates, cattle guards and other access ways along restoration routes to ensure existing access to grazing and recreation areas are maintained during and post construction activities.
5. Development shall be as described on the provided plans and descriptions. Modification of the provided plans and descriptions is subject to review and approval by the Planning Director in accordance with TCLUO Section 3.510: Flood Hazard Overlay (FH) Zone.
6. This approval shall be void on January 12, 2025, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

### CONDITIONS OF APPROVAL #851-22-000329-PLNG

Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this 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. Development shall adhere to the requirements of the Flood Hazard Overlay Zone, TCLUO Section 3.510, including any requirements for establishment of AE zoning designations and a Letter of Map Revision.
3. Development shall be as described on the provided plans and descriptions. Modification of the provided plans and descriptions is subject to review by the Planning Director and approval in accordance with TCLUO Section 3.510: Flood Hazard Overlay (FH) Zone.
4. Development shall comply with the applicable standards of TCLUO Section 3.002: Farm (F-1) Zone, Section 3.102: Estuary Natural (EN) Zone, Section 3.106: Estuary Conservation (EC1) Zone, Section 3.140: Estuary Development Standards, Section 3.545: Shoreland Overlay (SH) Zone, Section 3.550: Freshwater Overlay (FW) Zone, Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization and any other applicable standards.
5. The fill shall comply with all Building Code requirements for Construction Materials and Methods for a non-residential structure located in the 'AE' flood zone.
6. This approval shall be void on January 12, 2025, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.