

1510 - B Third Street  
Tillamook, Oregon 97141  
www.tillamook.or.us

Building (503) 842-3407  
Planning (503) 842-3408  
On-Site Sanitation (503) 842-3409  
FAX (503) 842-1819  
Toll Free 1 (800) 488-8280



*Land of Cheese, Trees and Ocean Breeze*

**FLOODWAY DEVELOPMENT PERMIT #851-22-000405-PLNG: CARLTON/HAT GIRL LLC**

*NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:  
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,  
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER*

March 27, 2023

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited requests on March 27, 2023. A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website: <https://www.co.tillamook.or.us/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

**Appeal of this decision.** This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00pm on April 10, 2023**. This decision will become final on April 10, 2023 after 4:00pm unless an appeal is filed in accordance with Tillamook County Land Use Ordinance Article X.


- Request:** A review of a Floodway Development Permit for the placement of 100 cubic yards of fill to level a parking lot in the Floodway.
- Location:** The subject property is located at 34920 Brooten Road, a County road, and is designated as Tax Lot 7800, of Section 19CC of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.
- Zone:** Pacific City/Woods Community Commercial (PCW-C2) Zone
- Applicant:** Sean Carlton, PO Box 236, Pacific City, OR 97135
- Property Owner:** Hat Girl LLC, PO Box 236, Pacific City, OR 97135

## 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. All applicable permits, including a consolidated Zoning and Building Permit from the Tillamook County Department of Community Development shall be obtained prior to placement of fill and creation of the parking lot.
3. The applicant/property owner shall submit a site plan drawn to scale that confirms all required setbacks are met. The site plan shall be submitted to the Department of Community Development at the time of consolidated Zoning and Building Permit application submittal.
4. The applicant/property owner shall obtain an approved Road Approach permit from the Tillamook County Public Works Department.
5. The applicant/property owner shall obtain a fire letter from the Nestucca Rural Fire Protection District. Letters shall be submitted to the Department of Community Development at the time of consolidated Zoning and Building Permit application submittal.
6. Development shall comply with the applicable standards of TCLUO Section 3.338, 'Pacific City/Woods Community Commercial (PCW-C2) Zone'.
7. Applicant/property owner shall prepare a parking plan in accordance with TCLUO Section 4.030 'Off-Street Parking and Off-Street Loading Requirements' at time of consolidated Zoning and Building Permit.
8. The applicant/property owner shall comply with all 'Floodway' flood hazard standards per FEMA requirements. All development shall adhere to the standards for fill in the 'Floodway' flood zone per TCLUO Section '3.510'.
9. This approval shall be void on March 27, 2025, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

Sincerely,

Tillamook County Department of Community Development

  
Melissa Jenck, CFM, Senior Planner  
503-842-3408 x 3301 or mjenck@co.tillamook.or.us

  
Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor's and Zoning maps



**FLOODWAY DEVELOPMENT PERMIT #851-22-000405-PLNG:  
CARLTON/HAT GIRL LLC**

**ADMINISTRATIVE DECISION & STAFF REPORT**

**Decision Date: MARCH 27, 2023**

**Decision: APPROVED WITH CONDITIONS  
(This is not Building or Placement Permit Approval)**

**Report Prepared by: Melissa Jenck, CFM, Senior Planner**

---

**I. GENERAL INFORMATION:**

**Request:** A review of a Floodway Development Permit for the placement of 100 cubic yards of fill to level a parking lot in the Floodway.

**Location:** The subject property is located at 34920 Brooten Road, a County road, and is designated as Tax Lot 7800, of Section 19CC of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

**Zone:** Pacific City/Woods Community Commercial (PCW-C2) Zone

**Applicant:** Sean Carlton, PO Box 236, Pacific City, OR 97135

**Property Owner:** Hat Girl LLC, PO Box 236, Pacific City, OR 97135

**Proposal Description:** The subject property encompasses 0.15 acres, is vacant, and is accessed off Brooten Road, a County road, to the east (Exhibit A). The topography at the location is fairly flat, with some areas of slope near the according to County LIDAR data (Exhibits A and B). No wetlands or geologic hazards are mapped on the subject property within the proposed development (Exhibit B).

As indicated on FEMA FIRM 41057C0855F dated September 28, 2018, the subject property is located entirely in an 'AE' Area of Special Flood Hazard and entirely in the Floodway of the Nestucca River

(Exhibit A). Staff finds that the proposed fill is subject to the standards and criteria of TCLUO Section 3.510, Flood Hazard Overlay' which are addressed below.

Currently, the application is a Floodplain Development Permit for the placement of 100 cubic yards of fill, to create a level parking lot, to serve the adjacent Twist Wine Company establishment at 4S10-19CC-07700 (Exhibit B). The criteria and standards for each of these reviews are addressed below in this Staff Report.

## **II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:**

The desired use is governed through the following Sections of the Tillamook County Land Use Ordinance (TCLUO). The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. TCLUO Section 3.338, 'Pacific City/Woods Community Commercial (PCW-C2) Zone'
- B. TCLUO Section 3.510, 'Flood Hazard Overlay (FH) Zone'
- C. TCLUO Section 4.030, 'Off-Street Parking and Off-Street Loading Requirements'

## **III. ANALYSIS**

The subject project is located within the regulatory floodway and is subject to a Type II review per TCLUO Article X: Development Approval Procedures. TCLUO Section 10.070 requires notification of Type II applications to be mailed to landowners within 250 feet of the subject properties, to allow at least 14 days for written comment and requires staff to consider comments received in making the decision.

**Findings:** Notice of the request was mailed to property owners and agencies on December 19, 2022. Staff finds that notification requirements have been met. Comments were received from the Oregon Department of Fish and Wildlife (ODFW) and FEMA Region X and are included as "Exhibit C". ODFW recommends the Applicant reach out to the Oregon Department of State Lands prior to development of the site, to confirm the project area is not within wetlands.

### **A. TCLUO Section 3.338, 'Pacific City/Woods Community Commercial (PCW-C2) Zone'**

*PURPOSE: The purpose of the PCW-C2 zone is to designate areas for high intensity commercial and some light industrial activities. The zone is intended to accommodate all commercial needs of nearby communities, surrounding rural areas, and visitors. Land that is suitable for the PCW-C1 zone is suitable for the PCW-C2 zone, except that a higher level of use, and therefore a higher level of off-site impacts, must be anticipated.*

TCLUO Section 3.333(2)(i), 'Uses Permitted Outright', lists *eating and drinking establishments* and their accessory uses as a use permitted outright in the PCW-C2 zone subject to applicable supplementary regulations contained in ordinance.

**Findings:** Applicant is proposing to create a level parking area with fill to serve for parking for the adjacent eating and drinking establishment, Twist Wine Company, also owned by Hat Girl LLC at 34930 Brooten Road (4S10-19CC-07700) in the Pacific City/Woods Community Commercial (PCW-C2) zone (Exhibit A & B). Staff finds that the proposed use is allowed outright in the Pacific City/Woods Community Commercial (PCW-C2) zone subject to applicable standards. Staff finds that Applicant will be required to demonstrate compliance with other applicable standards, such as parking standards, at the time of applying for consolidated zoning/building permit approval.

**B. TCLUO Section 3.510 ‘Flood Hazard (FH) Overlay’**

*(9) SPECIFIC STANDARDS FOR FLOODWAYS: Located within areas of special flood hazard established in Section 3.510(2) are areas designated as regulatory floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:*

*(a) Encroachments in the regulatory floodway including fill, new construction, substantial improvements and other development are prohibited unless certification is provided by a professional registered civil engineer demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.*

*(b) If Subsection 8(a) is satisfied, all new construction and substantial improvement shall comply with all applicable flood hazard reduction provisions of Section 3.510(5) and (6).*

*(c) If hydrologic and hydraulic analysis indicates an increase in flood levels, the Applicant shall obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before any encroachment, including fill, new construction, substantial improvement, or other development, in the regulatory floodway is permitted. Upon completion of the project, but no later than six months after project completion, a Letter of Map Revision (LOMR) shall be submitted to FEMA to reflect the changes on the FIRM and/or Flood Insurance Study. A LOMR is required only when the CLOMR documents an increase in flood levels during the occurrence of the base flood or where post-development conditions do not reflect what was proposed on the CLOMR.*

**Findings:** The Applicant retained West Consultants to complete the no-rise analysis required for development within the regulatory floodway (Exhibit B). The analysis was performed for fill amounts of approximately 150-200 cubic yards of fill (Exhibit B). The analysis confirms that the proposed encroachments into the regulatory floodway will not result in any increase in flood levels (Exhibit B). Comments were received from Joshua Crowley, FEMA Region X Service Center, to conclude that the proposed development as demonstrated in West Consultants report result in a zero rise in BFE (Exhibit C).

Staff finds that these standards have been met.

*(14) DEVELOPMENT PERMIT PROCEDURES: A development permit shall be obtained before construction or development begins within any area of special flood hazard zone. The permit shall be for all structures including manufactured dwellings, and for all development including fill and other development activities, as set forth in the Definitions contained in this Section of the Land Use Ordinance.*

*(a) Application for a development permit shall be made on forms furnished by the Community Development Director and shall include but not necessarily be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information in 3.510(14)(a)(1)–(4) is required and Development Permits required under this Section are subject to the Review Criteria put forth in Section 3.510(14)(b):*

*(1) Elevation in relation to a specific datum of the lowest floor, including basement, of all structures as documented on an Elevation Certificate;*

*(2) Elevation in relation to a specific datum to which any proposed structure will be floodproofed as documented on an Elevation Certificate;*

- (3) If applicable, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection (6)(c)(3) of this Section; and*
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.*

*(b) Development Permit Review Criteria*

- (1) The fill is not within a Coastal High Hazard Area.*

**Findings:** Staff finds the proposed location is within a FEMA 'AE' and 'Floodway' Flood zone and is therefore not located within a Coastal High Hazard Area (Exhibit B). Staff find this criterion is met.

- (2) Fill placed within the Regulatory Floodway shall not result in any increase in flood levels during the occurrence of the base flood discharge.*
- (3) The fill is necessary for an approved use on the property.*
- (4) The fill is the minimum amount necessary to achieve the approved use.*

**Findings:** The Applicant retained West Consultants to complete the no-rise analysis required for development within the regulatory floodway (Exhibit B). The analysis confirms that the proposed encroachments into the regulatory floodway will not result in any increase in flood levels (Exhibit B). The proposed activity is for the placement of 100 cubic yards of fill on the subject property (Exhibit B). No additional fill outside the proposed 100-cubic yards to create a parking area for the Twist Wine Company has been designated in the application submittal (Exhibit B). Staff find these criteria are met.

- (5) No feasible alternative upland locations exist on the property.*

**Findings:** The subject property is entirely located within the FEMA 'AE' Flood zone boundary and entirely within the Floodway (Exhibit A). No upland location exists on the subject property which would remove future development from the regulatory floodplain (Exhibit B). Staff find this criterion is met.

- (6) The fill does not impede or alter drainage or the flow of floodwaters.*

**Findings:** The Applicant retained West Consultants to complete the no-rise analysis required for development within the regulatory floodway (Exhibit B). The analysis confirms that the proposed encroachments into the regulatory floodway will not result in any increase in flood levels or surface elevations anywhere in the model (Exhibit B). Applicant states that with the proposed fill, the subject property will maintain an area lower than adjacent properties which will not create a change in drainage. Staff find this criterion is met.

- (7) If the proposal is for a new critical facility, no feasible alternative site is available.*
- (8) For creation of new, and modification of, Flood Refuge Platforms, the following apply, in addition to (14)(a)(1-4) and (b)(1-5):*
  - i. The fill is not within a floodway, wetland, riparian area or other sensitive area regulated by the Tillamook County Land Use Ordinance.*
  - ii. The property is actively used for livestock and/or farm purposes,*
  - iii. Maximum platform size = 10 sq ft of platform surface per acre of pasture in use, or 30 sq ft per animal, with a 10-ft wide buffer around the outside of the platform,*

- iv. Platform surface shall be at least 1 ft above base flood elevation,*
- v. Slope of fill shall be no steeper than 1.5 horizontal to 1 vertical,*
- vi. Slope shall be constructed and/or fenced in a manner so as to prevent and avoid erosion.*

**Findings:** The Applicant has proposed 100 cubic yards of fill on the subject property (Exhibit B). Staff find the proposed improvement is neither a critical facility as defined in TCLUO Section 3.510(4) nor a Flood Refuge Platform. Staff find these criteria are met.

*Conditions of approval may require that if the fill is found to not meet criterion (5), the fill shall be removed or, where reasonable and practical, appropriate mitigation measures shall be required of the property owner. Such measures shall be verified by a certified engineer or hydrologist that the mitigation measures will not result in a net rise in floodwaters and be in coordination with applicable state, federal and local agencies, including the Oregon Department of Fish and Wildlife.*

**Findings:** Applicant submitted the required information on forms provided by the Community Development Department and as attachments thereto (Exhibit B). The entire property is located in an AE Area of Special Flood Hazard and in the Floodway of the Nestucca River and no alternative upland location exists (Exhibits A and B). West Consultants provided a no-rise analysis certifying that the proposed fill will not create a rise in flood levels (Exhibit B). Staff finds these criteria are met.

**C. TCLUO Section 4.030 ‘Off-Street Parking and Off-Street Loading Requirements’**

*(1) PURPOSE: The purpose of requirements for off-street parking and loading areas is to relieve traffic congestion; to ensure customer convenience and safety; to provide safe access to parked vehicles; and to help ensure safe and timely response of emergency vehicles.*

*(2) PARKING SPACE: A single parking space shall be at least 8 feet by 20 feet in size.*

*(3) TIMING OF COMPLIANCE: At the time any structure or use is erected or enlarged, or the use of any parcel or structure is changed, all required off-street parking spaces and loading areas provided in conjunction with an existing use shall not be reduced below the minimum requirements of this Ordinance.*

...

*(5) USE OF REQUIRED PARKING AREAS: Parking areas required by this Section are designated for the operable vehicles of residents and their guests, and the owner, customer, patrons, and employees of commercial or industrial activities only. Vehicle or material storage, or the parking of vehicles used to conduct an activity, shall require additional parking areas.*

*(6) DRAINAGE: Areas used for standing and maneuvering of vehicles shall have a surface that is suitable for all-weather use, and shall be drained so as to avoid the flow of water across public sidewalks and streets.*

*(7) BUFFERING NON-RESIDENTIAL PARKING AREAS: Non-residential parking and loading areas adjacent to a residential use shall be enclosed along the residential use by a sight-obscuring fence that is from five to six feet in height, except where vision clearance is required.*

*(8) CURBING: Parking spaces along the boundaries of a lot shall be contained by a curb or bumper rail that is at least four inches high and is set back at least four and one-half feet from the property line.*

*(9) LIGHTING: Artificial lighting shall not create or reflect substantial glare into any adjacent residential zone or use. (10) PROXIMITY TO TRAFFIC: Parking areas for four or more vehicles shall be of sufficient size to allow the backing and maneuvering of vehicles entirely out of the flow of traffic.*

*(10) PROXIMITY TO TRAFFIC: Parking areas for four or more vehicles shall be of sufficient size to allow the backing and maneuvering of vehicles entirely out of the flow of traffic.*

...

*(13) PARKING SPACE REQUIREMENTS: Requirements for types of building and uses not specifically listed herein shall be determined by the Department, based upon the requirements for comparable uses either listed below or active elsewhere in the county.*

...

*(i) EATING AND DRINKING ESTABLISHMENT: One space for every 150 square feet of floor area.*

**Findings: Section 4.030(13)** ‘Parking Space Requirements’ describes that eating and drink establishments shall provide one space for every 100 square feet of floor area.

The applicants’ site plan does not indicate the proposed number of parking spaces that will be placed within the subject property. The facility Twist Wine Company located on the adjacent parcel 4S10-19CC-07700, which is proposed to utilize the parking area, is an existing commercial business.

The proposed parking area will be developed off Brooten Road, a County road. The Department finds a Road Approach permit may be necessary with Tillamook County Public Works Department prior to creation of the access.

Staff find a condition of approval, requiring compliance with parking standards, to be demonstrated at time of Consolidated Zoning/Building permit submittal.

**V. DECISION: APPROVED WITH CONDITIONS**

Based on the findings shown above, Staff concludes that the Applicant has satisfied the review criteria, and can meet all applicable ordinance requirements at the time of application. Therefore, the Department approves Floodplain Development Permit 851-22-000405-PLNG subject to the Conditions of Approval in section VI of this report.

**Appeal of this decision.** This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. The forms and fees must be filed in the office of this Department before **4:00 PM on April 10, 2023.**

**VI. 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. All applicable permits, including a consolidated Zoning and Building Permit from the Tillamook County Department of Community Development shall be obtained prior to placement of fill and creation of the parking lot.
3. The applicant/property owner shall submit a site plan drawn to scale that confirms all required setbacks are met. The site plan shall be submitted to the Department of Community Development at the time of consolidated Zoning and Building Permit application submittal.
4. The applicant/property owner shall obtain an approved Road Approach permit from the Tillamook County Public Works Department.
5. The applicant/property owner shall obtain a fire letter from the Nestucca Rural Fire Protection District. Letters shall be submitted to the Department of Community Development at the time of consolidated Zoning and Building Permit application submittal.



6. Development shall comply with the applicable standards of TCLUO Section 3.338, 'Pacific City/Woods Community Commercial (PCW-C2) Zone'.
7. Applicant/property owner shall prepare a parking plan in accordance with TCLUO Section 4.030 'Off-Street Parking and Off-Street Loading Requirements' at time of consolidated Zoning and Building Permit.
8. The applicant/property owner shall comply with all 'Floodway' flood hazard standards per FEMA requirements. All development shall adhere to the standards for fill in the 'Floodway' flood zone per TCLUO Section '3.510'.
9. This approval shall be void on March 27, 2025, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

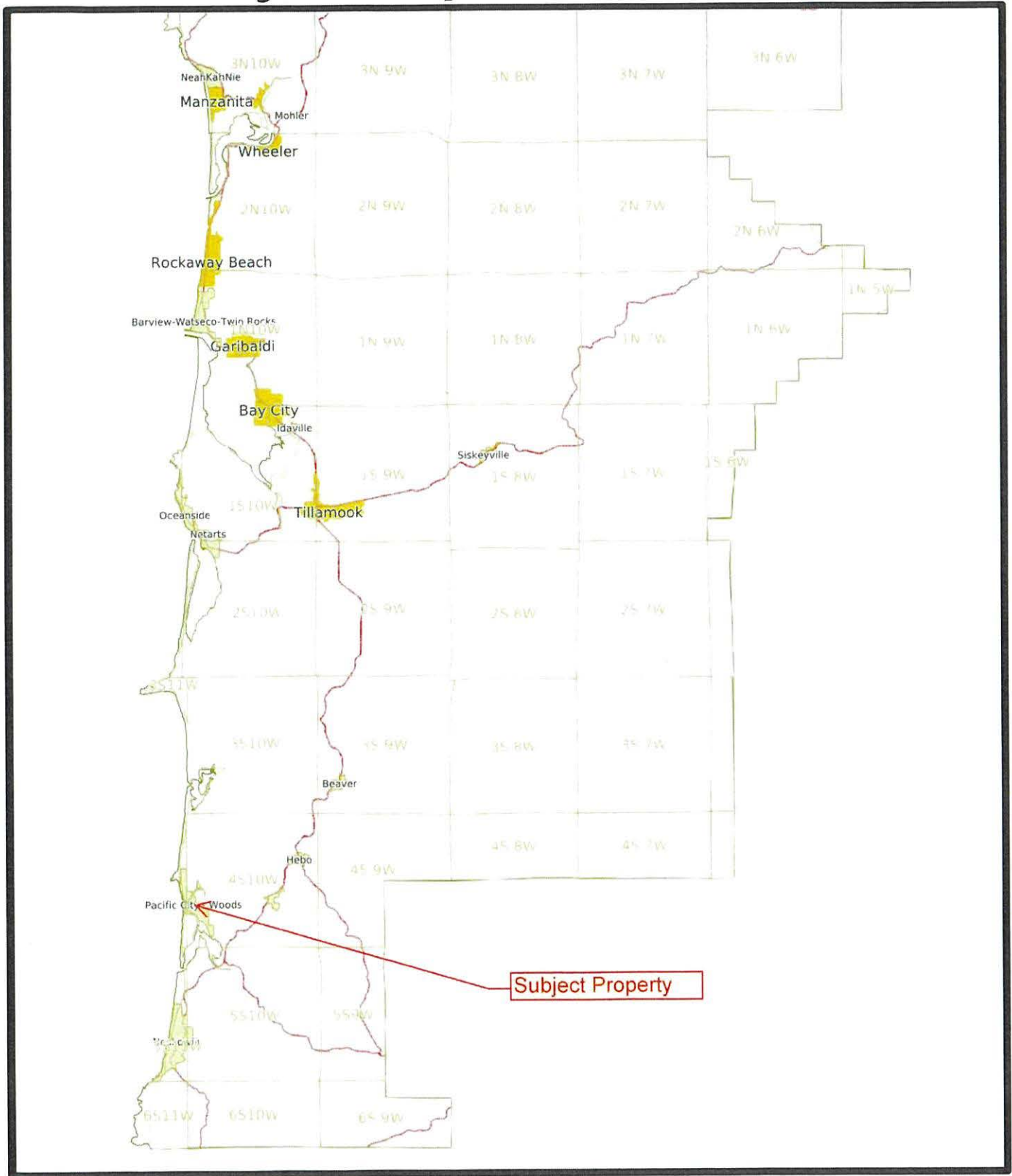
**VII. EXHIBITS**

All Exhibits referred to herein are, by this reference, made a part hereof:

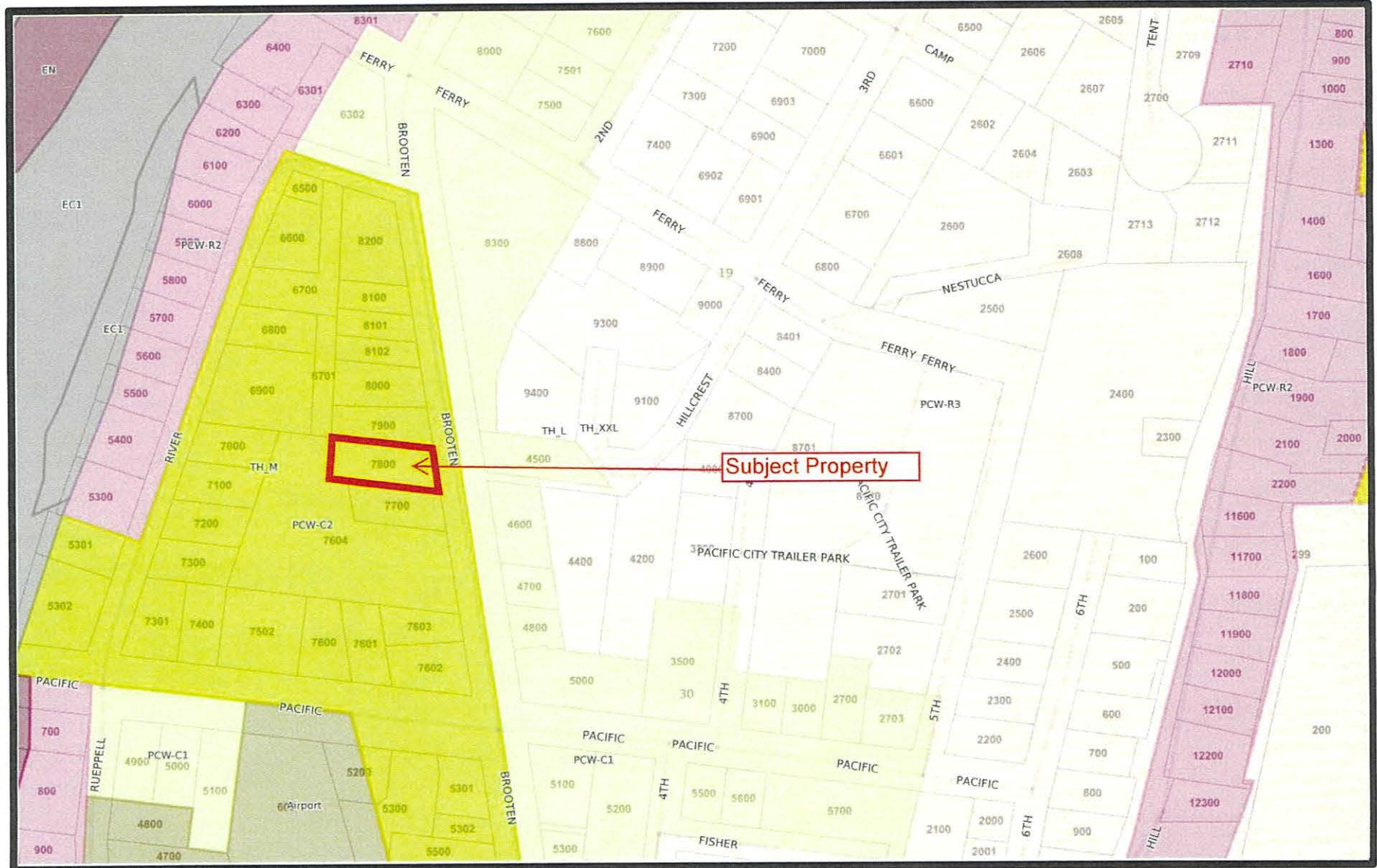
- A. Location map, Assessor map, Zoning map, FEMA FIRM, NWI Wetlands map
- B. Applicant's submittal
- C. Public Comments

# EXHIBIT A

# Vicinity Map



# Zoning Map



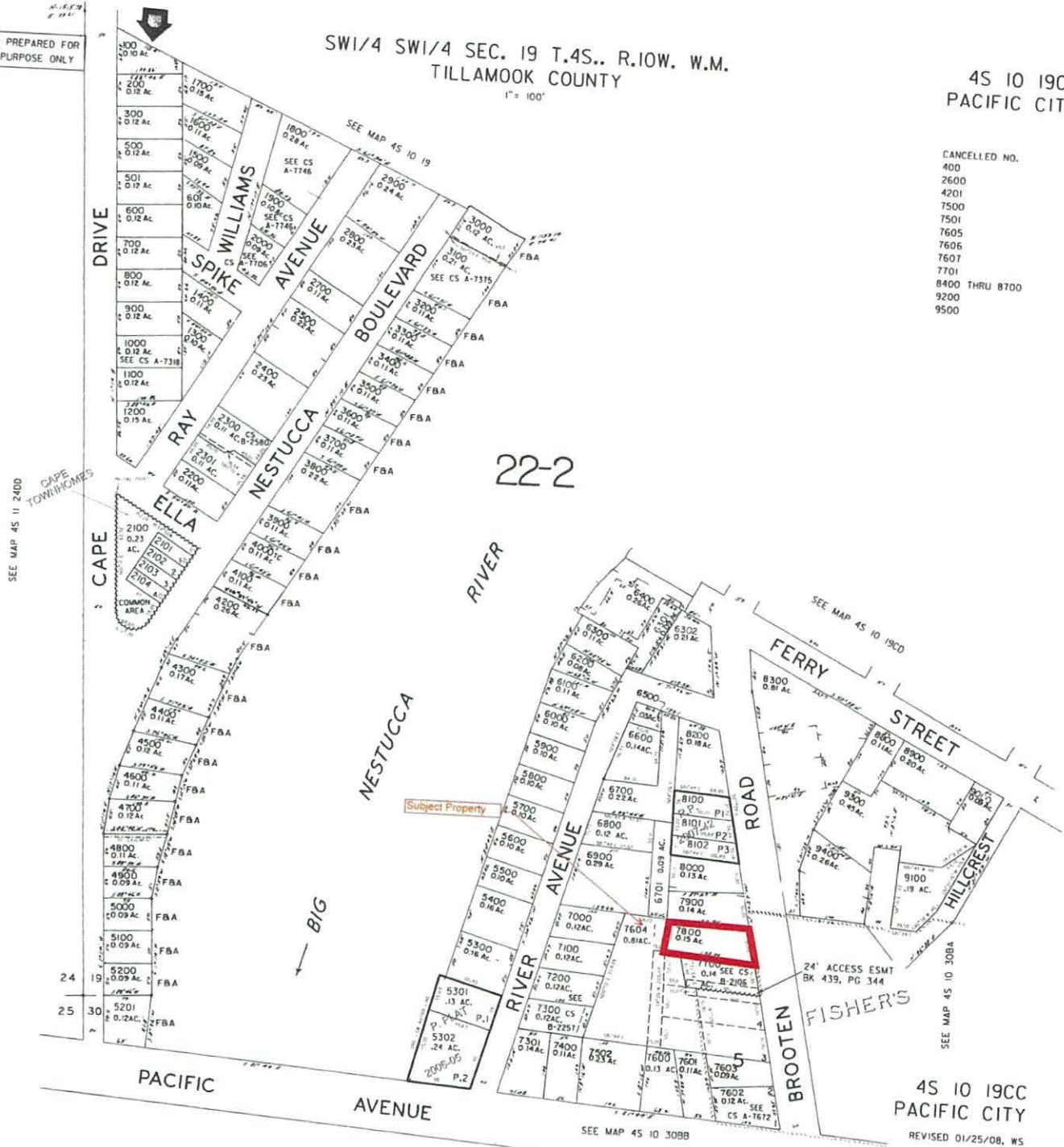
Generated with the GeoMOOSE Printing Utilities

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SW1/4 SW1/4 SEC. 19 T.4S.. R.10W. W.M.  
TILLAMOOK COUNTY  
1" = 100'

4S 10 19CC  
PACIFIC CITY

CANCELLED NO.  
400  
2600  
4201  
7500  
7501  
7605  
7606  
7607  
7701  
8400 THRU 8700  
9200  
9500



22-2

Subject Property

4S 10 19CC  
PACIFIC CITY  
REVISED 01/25/08, WS

SEE MAP 45 10 30BB

SEE MAP 45 10 30BA

SEE MAP 45 11 2400

1/25/08

**TILLAMOOK County Assessor's Summary Report**  
**Real Property Assessment Report**  
 FOR ASSESSMENT YEAR 2021

December 16, 2022 2:46:06 pm

<b>Account #</b> 233731 <b>Map #</b> 4S1019CC07800 <b>Code - Tax #</b> 2202-233731  <b>Legal Descr</b> See Record  <b>Mailing Name</b> HAT GIRL LLC <b>Agent</b> <b>In Care Of</b> <b>Mailing Address</b> PO BOX 236 PACIFIC CITY, OR 97135  <b>Prop Class</b> 200 <b>MA</b> <b>SA</b> <b>NH</b> <b>Unit</b> <b>RMV Class</b> 200      07   01   300   19960-1	<b>Tax Status</b> ASSESSABLE <b>Acct Status</b> ACTIVE <b>Subtype</b> NORMAL  <b>Deed Reference #</b> 2021-3765 <b>Sales Date/Price</b> 04-27-2021 / \$550,000.00 <b>Appraiser</b> GIL SMITH
---	--

Situs Address(s)	Situs City
ID# 1 34920 BROOTEN RD	COUNTY

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
2202 Land	118,090			Land	0
Impr.	0			Impr.	0
<b>Code Area Total</b>	<b>118,090</b>	<b>71,280</b>	<b>71,280</b>		<b>0</b>
<b>Grand Total</b>	<b>118,090</b>	<b>71,280</b>	<b>71,280</b>		<b>0</b>

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
2202	1	<input checked="" type="checkbox"/>		C-2	Commercial Site	110	A	0.15		108,090
2202					OSD - AVERAGE	100				10,000
<b>Grand Total</b>								<b>0.15</b>		<b>118,090</b>

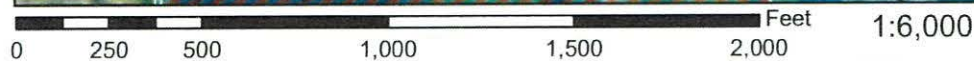
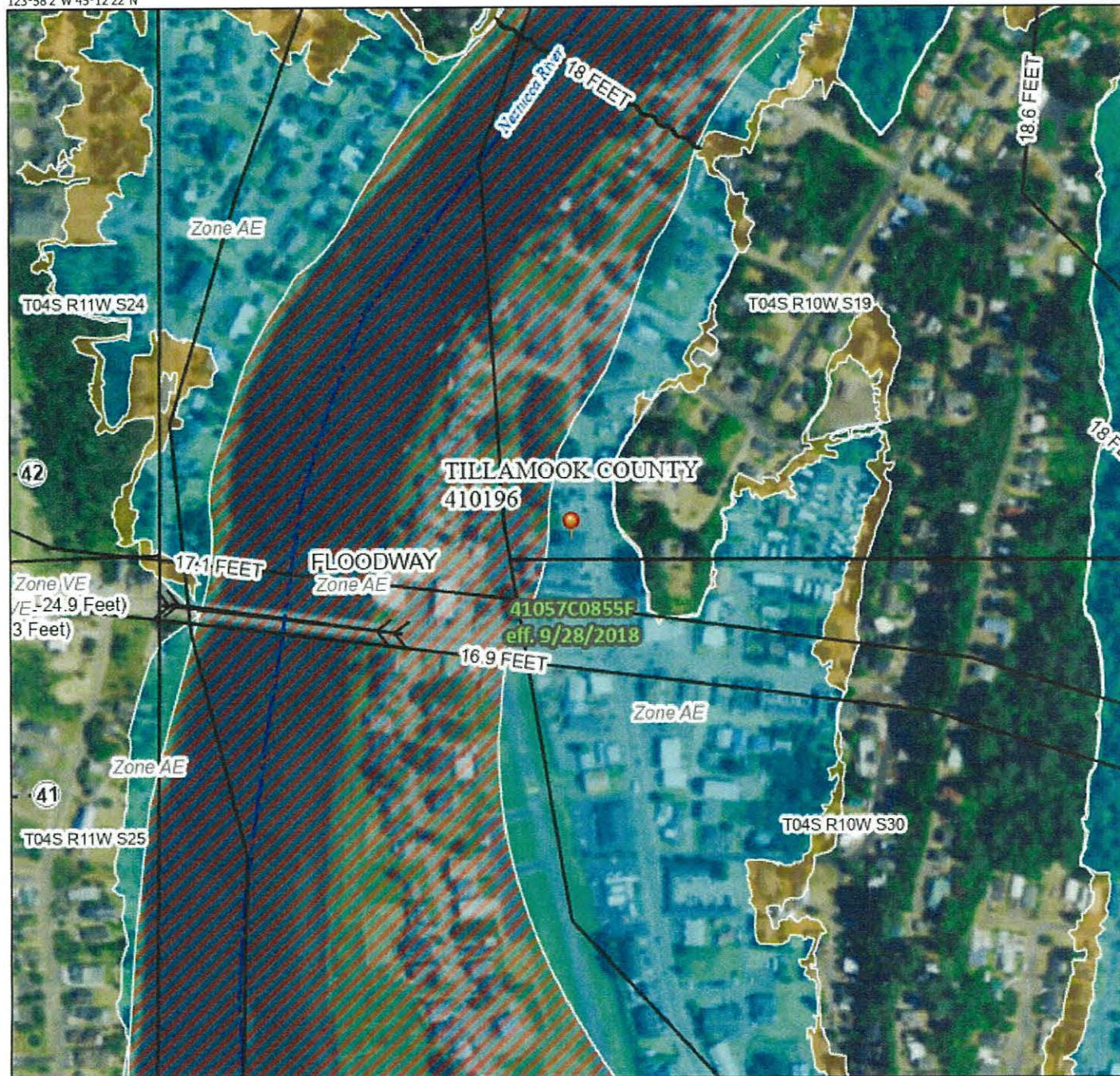
Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
<b>Grand Total</b>									<b>0</b>

**Comments:** Reappraisal for 2004. gbs 8/16/04 // 1/2/08 Imps were totally removed during late 2006. Adjusted RMV/MAV to reflect. KF

# National Flood Hazard Layer FIRMette



123°58'2"W 45°12'22"N



123°57'25"W 45°11'57"N

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- |   |   |
|---|---|
| <p><b>SPECIAL FLOOD HAZARD AREAS</b></p>  | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ADD8E6; border: 1px solid black; margin-right: 5px;"></span> Without Base Flood Elevation (BFE)<br/>Zone A, V, A99</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ADD8E6; border: 1px solid black; margin-right: 5px;"></span> With BFE or Depth Zone AE, AO, AH, VE, AR</li> <li><span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, red 2px, red 4px); border: 1px solid black; margin-right: 5px;"></span> Regulatory Floodway</li> </ul>   |
| <p><b>OTHER AREAS OF FLOOD HAZARD</b></p> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700; border: 1px solid black; margin-right: 5px;"></span> 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone D</li> <li><span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, gray 2px, gray 4px); border: 1px solid black; margin-right: 5px;"></span> Future Conditions 1% Annual Chance Flood Hazard Zone X</li> <li><span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, yellow 2px, yellow 4px); border: 1px solid black; margin-right: 5px;"></span> Area with Reduced Flood Risk due to Levee. See Notes, Zone X</li> <li><span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, yellow 2px, yellow 4px); border: 1px solid black; margin-right: 5px;"></span> Area with Flood Risk due to Levee Zone D</li> </ul>             |
| <p><b>OTHER AREAS</b></p>                 | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFFFF; border: 1px solid black; margin-right: 5px;"></span> NO SCREEN Area of Minimal Flood Hazard Zone X</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 2px solid blue; margin-right: 5px;"></span> Effective LOMRs</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700; border: 1px solid black; margin-right: 5px;"></span> Area of Undetermined Flood Hazard Zone</li> </ul>   |
| <p><b>GENERAL STRUCTURES</b></p>          | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; border-bottom: 2px dashed black; margin-right: 5px;"></span> Channel, Culvert, or Storm Sewer</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px dashed gray; margin-right: 5px;"></span> Levee, Dike, or Floodwall</li> </ul>  |
| <p><b>OTHER FEATURES</b></p>              | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid black; margin-right: 5px;"></span> Cross Sections with 1% Annual Chance Water Surface Elevation</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px dashed black; margin-right: 5px;"></span> Coastal Transect</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px dotted black; margin-right: 5px;"></span> Base Flood Elevation Line (BFE)</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid red; margin-right: 5px;"></span> Limit of Study</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid yellow; margin-right: 5px;"></span> Jurisdiction Boundary</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px dashed black; margin-right: 5px;"></span> Coastal Transect Baseline</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid blue; margin-right: 5px;"></span> Profile Baseline</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid blue; margin-right: 5px;"></span> Hydrographic Feature</li> </ul> |
| <p><b>MAP PANELS</b></p>                  | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Digital Data Available</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px dashed black; margin-right: 5px;"></span> No Digital Data Available</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px dashed gray; margin-right: 5px;"></span> Unmapped</li> </ul>  |



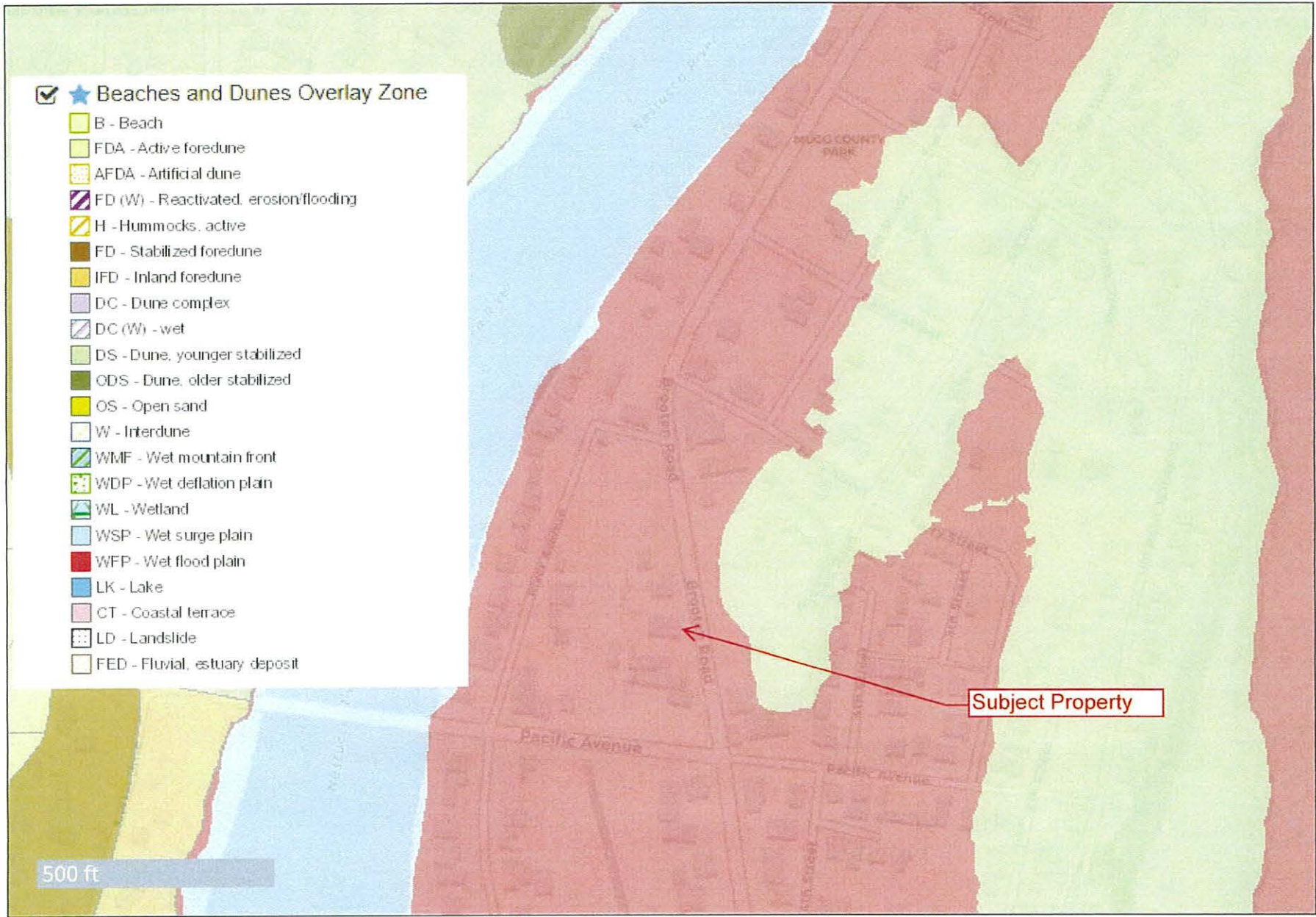
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **12/16/2022 at 5:43 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

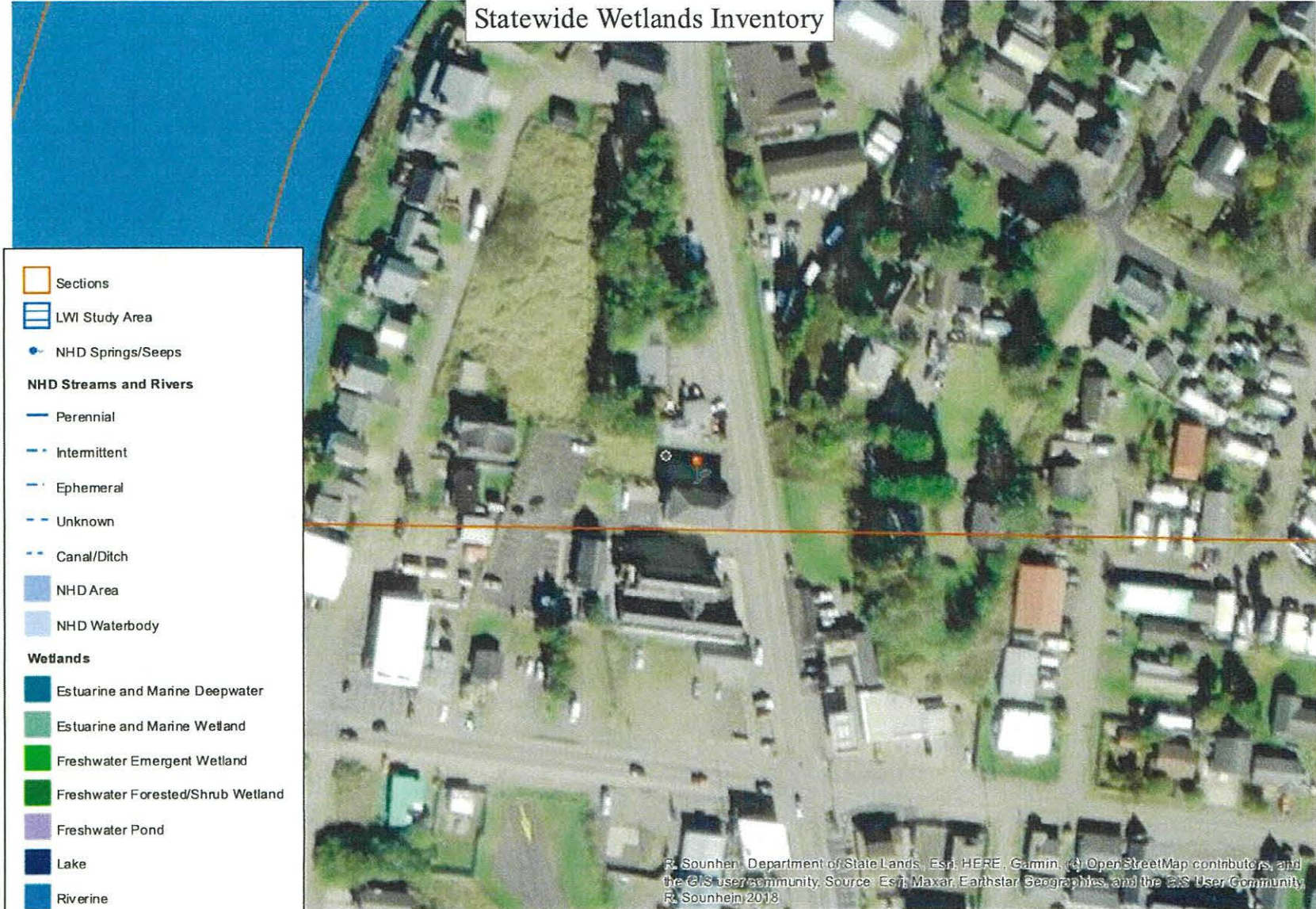
# DOGAMI Map



**Disclaimer:** The spatial information hosted at this website was derived from a variety of sources. Care was taken in the creation of these themes, but they are provided "as is". The state of Oregon, or any of the data providers cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or underlying records. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying any of these products. However, notification of any errors would be appreciated. The data are clearly not intended to indicate the authoritative location of property boundaries, the precise shape or contour of the earth or the precise location of fixed works of humans.



# Statewide Wetlands Inventory



- Sections
- LWI Study Area
- NHD Springs/Seeps
- NHD Streams and Rivers**
- Perennial
- Intermittent
- Ephemeral
- Unknown
- Canal/Ditch
- NHD Area
- NHD Waterbody
- Wetlands**
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine
- SWIPredominantlyHydricSoilMU
- SWIagateWinlo

R. Sounhein, Department of State Lands, Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community. Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community. R. Sounhein 2018



Date: 12/16/2022



State of Oregon  
Department of State Lands  
775 Summer Street, NE, Ste 100  
Salem, OR 97301-1279  
(503) 986-5200

The Statewide Wetlands Inventory (SWI) represents the best data available at the time this map was published and is updated as new data becomes available. In all cases, actual field conditions determine the presence, absence and boundaries of wetlands and waters (such as creeks and ponds). An onsite investigation by a wetland professional can verify actual field conditions.

# EXHIBIT B



Tillamook County Department of Community Development  
 1510-B Third Street, Tillamook, OR 97141 | Tel: 503-842-3408 Fax: 503-842-1819  
[www.co.tillamook.or.us](http://www.co.tillamook.or.us)

## DEVELOPMENT PERMIT

OFFICE USE ONLY	
Date Stamp	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by:	
Receipt #: 1291104	
Fees: 1600-	
Permit No: 851-22-000405-PLNG	

Applicant  (Check Box if Same as Property Owner)

Name: Sean (John) Carlton Phone: 503-437-0189

Address: PO Box 236--35235 6th St.

City: Pacific City State: OR Zip: 97135

Email: sean@basketcasewine.com

Property Owner

Name: Hat Girl, LLC Phone: 503-932-1744

Address: PO Box 236

City: PC State: OR Zip: 97135

Email: sean@basketcasewine.com

Description of Work: Bringing in approximately 100 CY of fill to level a parking lot

Location:

Site Address: 34920 Brooten Road Pacific City, OR 97135

Map Number: 4S 10 19 CC 07800  
Township Range Section Tax Lot(s)

Complete all applicable fields:

Regulatory Floodway: <input checked="" type="checkbox"/>	Estuary: <input type="checkbox"/>	Floodplain: <input type="checkbox"/>
New: <input type="checkbox"/>	Addition: <input type="checkbox"/>	Replacement: <input type="checkbox"/>
Remodel: <input type="checkbox"/>	Demolish: <input type="checkbox"/>	
Dwelling: <input type="checkbox"/>	Accessory Structure: <input type="checkbox"/>	
Culvert Diameter: <input type="checkbox"/>	Bridge Length: <input type="checkbox"/>	
Length: <input type="checkbox"/>	Width: <input type="checkbox"/>	
Fence Height: <input type="checkbox"/>	Retaining Wall Height: <input type="checkbox"/>	
Streambank Stabilization: <input type="checkbox"/>	Other: <input type="checkbox"/>	
Fill/Removal/Grading: 100 CY	Vegetation Removal: 100 CY	

Structure/Damage \$:	5 Year Construction \$: 3000
<i>Substantial improvement/damage threshold 50% cost vs. value</i>	

Flood Insurance Rate Map (FIRM) Panel Info

Tillamook County	Panel Number: 41057C0855E
Effective Date:	Property Flood Zone(s): Reg. Floodway
Floodway: (Y) N	Project Flood Zone(s):
Stream/Waterbody Name: Nestucca River	
Elevation Data (NAVD 88)	
Base Flood Elevation: 17.3'	First Habitable Floor:
Lowest Floor/Horizontal Member:	
Enclosed Area:	Flood Vent Area:

Other Required Permits


### Authorization

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

Property Owner Signature (Required)

11/2/22  
Date

Applicant Signature

11/2/22  
Date

**TLCUO SECTION 3.510(14)(b) Development Permit Review Criteria:**

(1) The fill is not within a Coastal High Hazard Area.

***The fill is not within a Coastal High Hazard Area.***

(2) Fill placed within the Regulatory Floodway shall not result in any increase in flood levels during the occurrence of the base flood discharge.

***As per the included No-Rise Analysis, the Fill will not result in any increase in flood levels.***

(3) The fill is necessary for an approved use on the property.

***Approximately half of the property is in the floodway and half of the property is in the flood plain. In order for an approved use to be utilized in the flood plain portion, the flood way portion needs to be used for parking. Placing the fill in this area will allow us to meet the required parking requirements for optimal use of the current building and potential use of the floodplain portion of the subject property for additional outdoor seating.***

(4) The fill is the minimum amount necessary to achieve the approved use.

***The fill is the minimum amount necessary to level the entire lot for parking. The minimum fill will still be below grade of the adjacent developed properties.***

(5) No feasible alternative upland locations exist on the property.

***The entire property is within the Special Flood Hazard Area. In order to use the Floodplain portion of the property, we will need to use the Floodway portion of the property for parking. There is no portion of this property that is outside the SFHA.***

(6) The fill does not impede or alter drainage or the flow of floodwaters.

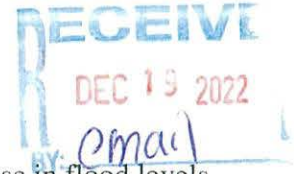
***There has never been flood water on this property. Additionally, the proposed fill is lower than the adjacent developed properties but higher than the property between the subject property and the river so there is no impediment to drainage.***

(7) If the proposal is for a new critical facility, no feasible alternative site is available.

***The proposal is not for a new critical facility.***

(8) For creation of new, and modification of, Flood Refuge Platforms, the following apply, in addition to (14)(a)(1-4) and (b)(1-5):

***Not Applicable***



- i. The fill is not within a floodway, wetland, riparian area or other sensitive area regulated by the Tillamook County Land Use Ordinance.
- ii. The property is actively used for livestock and/or farm purposes,
- iii. Maximum platform size = 10 sq ft of platform surface per acre of pasture in use, or 30 sq ft per animal, with a 10-ft wide buffer around the outside of the platform,
- iv. Platform surface shall be at least 1 ft above base flood elevation,
- v. Slope of fill shall be no steeper than 1.5 horizontal to 1 vertical,
- vi. Slope shall be constructed and/or fenced in a manner so as to prevent and avoid erosion.

Conditions of approval may require that if the fill is found to not meet criterion (5), the fill shall be removed or, where reasonable and practical, appropriate mitigation measures shall be required of the property owner. Such measures shall be verified by a certified engineer or hydrologist that the mitigation measures will not result in a net rise in floodwaters and be in coordination with applicable state, federal and local agencies, including the Oregon Department of Fish and Wildlife.

ENGINEERING "NO-RISE" CERTIFICATION

This is to certify that I am a duly qualified engineer licensed to practice in the State of Oregon.

It is to further certify that the attached technical data supports the fact that the proposed fill at Tillamook County Tax lot 4S1019CC07800 will  
*(Name of Development)*

not impact the 100-year flood elevations, floodway elevations and floodway widths on the Nestucca River at published sections  
*(Name of Stream)*

in the Flood Insurance Study for Tillamook Co. & Incorporated Areas (41057CV001A),  
*(Name of Community)*

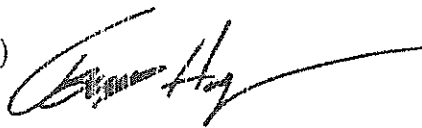
dated September 28, 2018 and will not impact the 100-year flood elevations, floodway elevations, and floodway widths at unpublished cross-sections in the vicinity of the proposed development.

Attached are the following documents that support my findings:

- Technical Memorandum by WEST Consultants, Inc. dated October 28, 2022.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

(Date) October 28, 2022

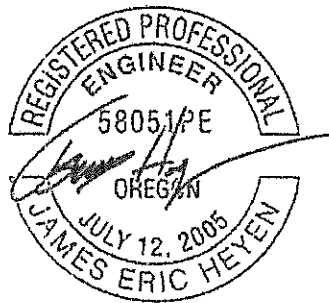
(Signature)



(Title) Project Manager

WEST Consultants, Inc.  
2601 25<sup>th</sup> Street  
Suite 450  
Salem, OR 97302

(Address)



EXPIRATION DATE: 06/30/2023

Figure 4 – FEMA No-Rise Certificate

## TECHNICAL MEMORANDUM

WEST Consultants, Inc.

2601 25<sup>th</sup> St. SE

Suite 450

Salem, OR 97302-1286

(503) 485-5490

(503) 485-5491 Fax

www.westconsultants.com



**Name:** Sean Carlton  
**Company:** Twist Wine Company  
**Date:** October 28, 2022  
**From:** James Heyen, P.E.  
**Subject:** No-Rise Analysis, Pacific City, OR



### Introduction

Per your request, I have evaluated the potential impacts to flood elevations based on the proposed fill on your property located at 34920 Brooten Road in Pacific City, OR. The property is located within a Special Flood Hazard Area (SFHA) of the Nestucca River as indicated on the U.S. Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel number 41057C0855F, effective on September 28, 2018. The specific location of the proposed fill is along the left bank of the river between FEMA lettered cross sections "C" and "D". The location also lies within the regulatory floodway. The effective base flood elevation at the proposed structure is approximately 17.3' and the floodway elevation is approximately 17.9'. All elevations listed in this memorandum are referenced to the North American Vertical Datum of 1988.

Figure 1 presents the study area and effective FEMA flood hazard mapping. All figures referenced in the text are found in Appendix A.

Pertinent information related to the property includes the following:

County Map Taxlot:	4S1019CC07800
Physical Address	34920 Brooten Road in Pacific City, OR
FEMA Community:	Tillamook County, Oregon [410196]
Flooding Source:	Nestucca River
FIRM Number:	41057C0855F

As specified by Article 3, Section 2.03.510(9a) of the Tillamook County Code, new construction is prohibited within a regulatory floodway "unless certification is provided by a professional registered civil engineer demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge."

On June 22, 2022, I conducted reconnaissance of the subject property and reviewed the location of the proposed fill. Select photographs from the reconnaissance are provided in Appendix B.

A hydraulic study was conducted in accordance with standard engineering practice for a FEMA No-Rise analysis which indicates that the proposed structure does not result in an increase in water surface elevations during the base flood. This memorandum summarizes the analysis methodology and results.

## Analysis Approach

The hydraulic study utilized the U.S. Army Corps of Engineers' (USACE) software HEC-RAS (Hydraulic Engineering Center – River Analysis System) version 5.0.7 (USACE 2019). According to the effective Flood Insurance Study (FIS) for Tillamook County (FEMA 2018), the original hydraulic modeling of this reach of the Nestucca River was conducted by CH2M Hill in July 1977.

Procedures set forth by FEMA Region 10 call for a multi-step analysis approach for evaluating a proposed project for No-Rise certification (FEMA 2013). The steps are as follows:

1. Current Effective Model: Obtain the effective model upon which the current effective base flood elevations and floodway extents is based. Effective models are archived by FEMA.
2. Duplicate Effective Model (DEM): Use the Current Effective Model input data to create a Duplicate Effective Model to ensure that the results recorded in the effective FIS can be reproduced within an acceptable tolerance.
3. Corrected Effective Model (CEM): The Duplicate Effective Model is then modified to correct any errors and incorporate the most recent topographic information.
4. Existing Conditions Model (ECM): The Corrected Effective Model is revised to reflect any modifications that have occurred within the floodplain since the date of the original analysis but prior to the proposed project. This model should be the best depiction of existing conditions.
5. Proposed Conditions Model (PCM): The Proposed Conditions Model is to reflect conditions following the completion of the project and will be compared with the Existing Conditions Model to determine the projects effects (if any). The direct comparison of water surface elevations between the results of these two models is the basis of a No-Rise analysis.

The effective model was requested from and provided by the FEMA Engineering Library in Alexandria, VA. However, that model was an older HEC-2 model. A more recent model of the lower Nestucca River was produced by WEST Consultants, Inc. (WEST) for a Letter of Map Revision (LOMR), effective September 24, 2015. The model produced for the LOMR is considered by FEMA to be the current effective model and was used to perform the hydraulic analysis for this No-Rise analysis.

## Effective Model

Documentation accompanying the effective model indicates that it was produced using Geographic Information System (GIS) data available in the digital flood insurance map (DFIRM) for Tillamook County



(FEMA) and topographic data available from the Oregon Department of Geologic and Mineral Industries (DOGAMI 2009). The model includes FEMA lettered cross sections A through F and 16 unlettered cross sections. Bathymetry at all cross sections was manually created to match thalweg elevations indicated in the FIS profiles and to match water surface elevations (WSE) of the original HEC-2 model. Discharges and downstream boundary conditions were set to published values in the effective Flood Insurance Study. The limits of floodway encroachments were extracted from the S\_FLD\_HAZ\_LN layer in the DFIRM.

### Duplicate Effective Model

A Duplicate Effective Model (DEM) was created from a copy of the effective. Results from the DEM were compared with water surface elevations computed by the Effective Model. The DEM results are within the minimum agreement tolerance of 0.1 feet. The DEM is considered sufficient for conducting a No-Rise analysis. Table 1 presents the comparison of DEM and FIS water surface elevations.

Table 1 - Duplicate Effective Model vs. Effective Model

River Station (ft) and FEMA XS Letter	Regulatory Water Surface Elevation (ft)			With Floodway Water Surface Elevation (ft)			
	Effective Model	DEM	Difference (DEM - Eff Model)	Effective Model	DEM	Difference (DEM - Eff Model)	
0	--	14.15	14.15	0.00	15.15	15.15	0.00
1,271	--	14.28	14.28	0.00	15.27	15.27	0.00
2,646	A	14.76	14.76	0.00	15.61	15.61	0.00
4,529	--	16.04	16.04	0.00	16.72	16.72	0.00
5,739	--	16.25	16.25	0.00	16.90	16.90	0.00
6,092	--	16.35	16.35	0.00	17.01	17.01	0.00
6,888	--	16.61	16.61	0.00	17.19	17.19	0.00
7,804	B	16.82	16.82	0.00	17.42	17.42	0.00
7,949	C	16.97	16.97	0.00	17.61	17.61	0.00
9,267	--	17.73	17.73	0.00	18.30	18.30	0.00
10,296	D	18.50	18.50	0.00	18.91	18.91	0.00
11,441	--	19.37	19.37	0.00	19.84	19.84	0.00
12,521	--	19.41	19.41	0.00	19.88	19.88	0.00
12,629	E	19.43	19.43	0.00	19.89	19.89	0.00
13,850	--	19.49	19.49	0.00	19.94	19.94	0.00
15,553	--	19.53	19.53	0.00	19.99	19.99	0.00
15,776	--	19.52	19.52	0.00	19.98	19.98	0.00
15,920	--	19.53	19.53	0.00	20.00	20.00	0.00
16,980	--	19.70	19.70	0.00	20.14	20.14	0.00
18,057	--	19.94	19.94	0.00	20.45	20.46	0.01
18,909	F	20.08	20.08	0.00	20.63	20.63	0.00
20,454	--	20.49	20.49	0.00	21.12	21.12	0.00

Notes: --- Indicates unlettered FEMA cross section; estimated from FIS flood profile

## Corrected Effective Model (CEM)

The DEM was modified to create the Corrected Effective Model (CEM). The modifications included of adding four additional cross sections necessary to characterize the proposed fill on your property. Figure 2 shows the four added cross sections. Additional modifications to the model include updating of downstream reach lengths and bridge modeling methodology. Ineffective flow definitions in the DEM were revised for the CEM to correctly depict flow in the left overbank in the vicinity of the bridge carrying Ferry Street over the river. Ineffective flow definitions were modified at cross sections 11,441 through 15,553. Slight modifications to Manning's roughness values were also made to eliminate interpolated roughness values that remained in the DEM. Results from the CEM were compared with the water surface elevations computed by the DEM. That comparison is presented in Table 2.

Table 2 - Corrected Effective Model vs. Duplicate Effective Model

River Station (R) and FEMA XS Letter	Without Floodway Water Surface Elevation (ft)			With Floodway Water Surface Elevation (ft)			
	DEM	CEM	Difference (CEM - DEM)	DEM	CEM	Difference (CEM - DEM)	
0	---	14.15	14.15	0.00	15.15	15.15	0.00
1,271	---	14.28	14.30	-0.02	15.27	15.29	0.02
2,646	A	14.76	14.77	0.01	15.61	15.63	0.02
4,529	---	16.04	16.06	0.02	16.72	16.73	0.01
5,739	---	16.25	16.26	0.01	16.90	16.91	0.01
6,092	--	16.35	16.36	0.01	17.01	17.02	0.01
6,888	---	16.61	16.59	-0.02	17.19	17.18	-0.01
7,804	B	16.82	16.80	-0.02	17.42	17.40	-0.02
7,949	C	16.97	16.95	-0.02	17.61	17.59	-0.02
8,140	*		17.15		17.78		
8,147	*		17.18		17.78		
8,184	*		17.21		17.80		
8,192	*		17.22		17.81		
9,267	---	17.73	17.69	-0.04	18.30	18.27	-0.03
10,296	D	18.50	18.49	-0.01	18.91	18.90	-0.01
11,441	---	19.37	19.36	-0.01	19.84	19.83	-0.01
12,521	---	19.41	19.51	0.10	19.88	19.96	0.08
12,629	E	19.43	19.56	0.13	19.89	20.01	0.12
13,850	---	19.49	19.70	0.21	19.94	20.12	0.18
15,553	---	19.53	19.78	0.25	19.99	20.24	0.25
15,776	---	19.52	19.81	0.29	19.98	20.29	0.31
15,920	---	19.53	19.84	0.31	20.00	20.33	0.33
16,980	---	19.70	20.03	0.33	20.14	20.5	0.36
18,057	---	19.94	20.24	0.30	20.46	20.79	0.33
18,909	F	20.08	20.37	0.29	20.63	20.94	0.31
20,454	---	20.49	20.73	0.24	21.12	21.37	0.25

Notes: --- Indicates unlettered FEMA cross section, estimated from FIS flood profile

As seen in Table 2, the CEM computed water surface elevations for the reach located downstream of the bridge carrying Ferry Street (River Station 12,521) compare well with the values computed by the DEM. Upstream of river station 11,441, the reach length corrections and modifications to ineffective flow definitions resulted in CEM water surface elevation increases of up to 0.36 feet for the 1-percent annual chance flood elevations.

#### Existing Conditions Model (ECM)

No modifications to the modeling were necessary to create the ECM as there have been no significant modifications of the floodplain along this reach of the Nestucca River since the modeling for the 2015 LOMR was conducted. The ECM is the best representation of existing conditions in the study reach and was used as the basis for determining impacts to the water surface profile, if any, caused by the proposed fill.

#### Proposed Conditions Model (PCM)

The ECM was modified to create the PCM by adding the proposed fill. The proposed fill will raise the existing low ground to an elevation of 12.5'. The existing ground elevation beneath the proposed fill ranges from approximately 10' to 11.5' and the total quantity of fill is approximately 150 to 200 cubic yards. Figure 3 shows the approximate outline of the proposed fill, the added cross sections, and the underlying terrain.

#### Analysis Results

Water surface elevations predicted by the ECM and PCM models were compared to determine if the proposed fill resulted in a rise in water surface elevations for either the base flood or the floodway. Table 3 presents the computed water surface elevations for the ECM and PCM, and the calculated difference. As the table indicates, the proposed fill on your property will not result in a rise in water surface elevations along the Nestucca River for either the base flood or the floodway. A FEMA No-Rise Certificate is provided in Figure 4. Supporting data, including the effective FEMA flood hazard mapping and select model cross sections, are included in Appendix C.

Table 3 - Proposed Conditions vs. Existing Conditions

River Station (ft) and FEMA XS Letter	Without Floodway Water Surface Elevation (ft)			With Floodway Water Surface Elevation (ft)			
	ECM	PCM	Difference (PCM - ECM)	ECM	PCM	Difference (PCM - ECM)	
0	---	14.15	14.15	0.00	15.15	15.15	0.00
1,271	---	14.30	14.30	0.00	15.29	15.29	0.00
2,646	A	14.78	14.78	0.00	15.63	15.63	0.00
4,529	---	16.06	16.06	0.00	16.73	16.73	0.00
5,739	---	16.26	16.26	0.00	16.91	16.91	0.00
6,092	--	16.36	16.36	0.00	17.02	17.02	0.00
6,888	---	16.59	16.59	0.00	17.18	17.18	0.00
7,804	B	16.80	16.80	0.00	17.40	17.40	0.00
7,949	C	16.95	16.95	0.00	17.59	17.59	0.00
8,140	*	17.15	17.15	0.00	17.78	17.78	0.00
8,147	*	17.18	17.16	-0.02	17.78	17.78	0.00
8,184	*	17.21	17.20	-0.01	17.80	17.79	-0.01
8,192	*	17.22	17.22	0.00	17.81	17.81	0.00
9,267	---	17.69	17.69	0.00	18.27	18.27	0.00
10,296	D	18.49	18.49	0.00	18.90	18.90	0.00
11,441	---	19.36	19.36	0.00	19.83	19.83	0.00
12,521	---	19.51	19.51	0.00	19.96	19.96	0.00
12,629	E	19.56	19.56	0.00	20.01	20.01	0.00
13,850	---	19.70	19.70	0.00	20.12	20.12	0.00
15,553	---	19.78	19.78	0.00	20.24	20.24	0.00
15,776	---	19.81	19.81	0.00	20.29	20.29	0.00
15,920	---	19.85	19.85	0.00	20.33	20.33	0.00
16,980	---	20.03	20.03	0.00	20.50	20.50	0.00
18,057	---	20.24	20.24	0.00	20.79	20.79	0.00
18,909	F	20.37	20.37	0.00	20.94	20.94	0.00
20,454	---	20.73	20.73	0.00	21.37	21.37	0.00

Notes: --- Indicates unlettered FEMA cross section; estimated from FIS flood profile  
 \* Indicates cross section added at subject property

If you have any questions, please feel free to contact me by phone at (503) 485-5490, or by email at [jheyen@westconsultants.com](mailto:jheyen@westconsultants.com).

## References

U.S. Army Corps of Engineers, Hydrologic Engineering Center; HEC-RAS, River Analysis System, Software Version 6.2; March 2022

U.S. Department of Homeland Security, Federal Emergency Management Agency; Flood Insurance Study for Tillamook County, OR and Incorporated Areas, 41057C002A, Vol. 1 and 2; Effective September 28, 2018

U.S. Department of Homeland Security, Federal Emergency Management Agency; Letter of Map Revision, Case No. 14-10-1727P; Effective September 24, 2015

U.S. Department of Homeland Security, Federal Emergency Management Agency, Region X; Procedures for "No-Rise" Certification for Proposed Developments in the Regulatory Floodway; October 2013

Oregon Department of Geology and Mineral Industries; Light Detection and Ranging (LiDAR) data; OLC North Coast 2020; Published October 1, 2009

Appendix A  
Figures

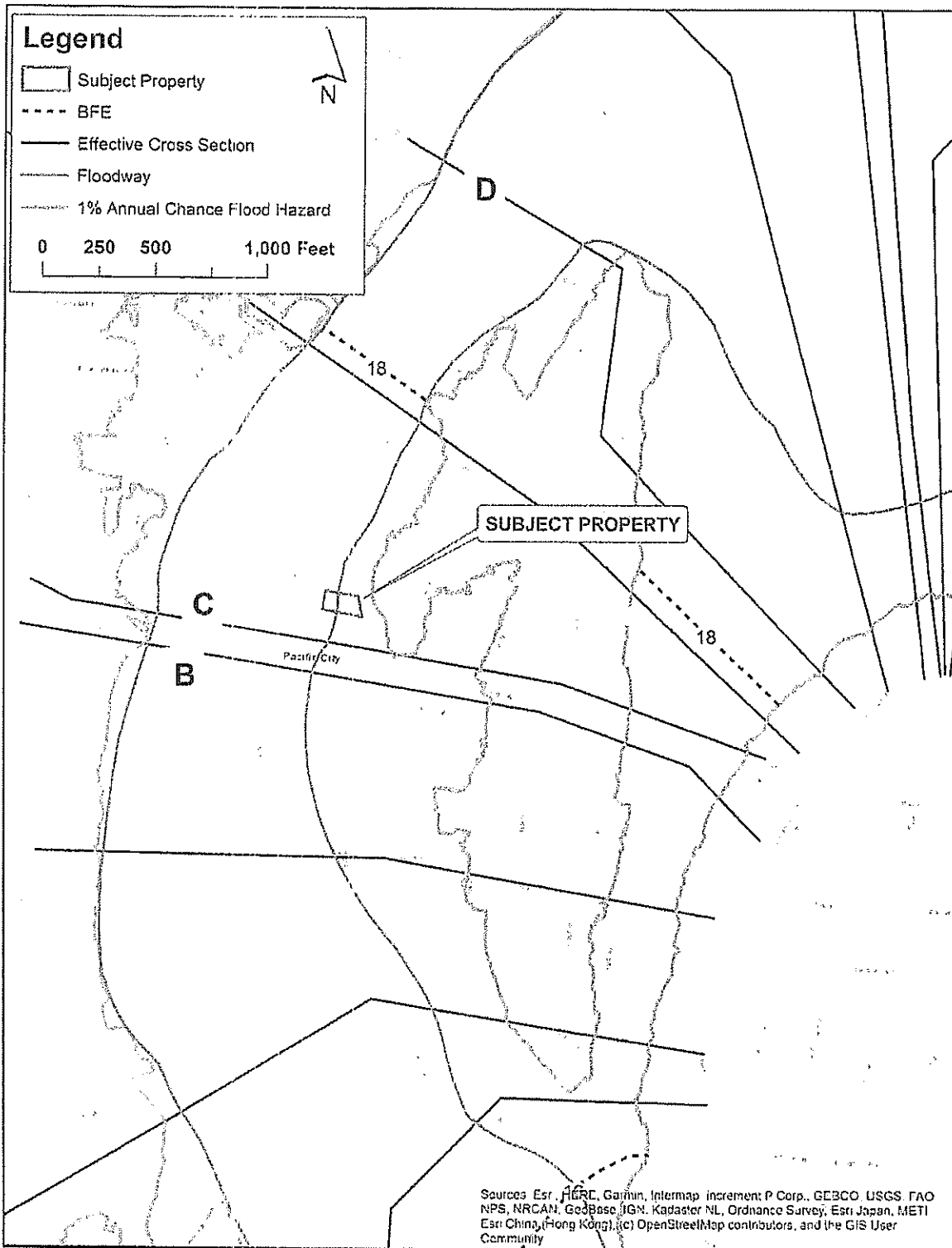


Figure 1 - Study Area and Effective Flood Hazard Mapping

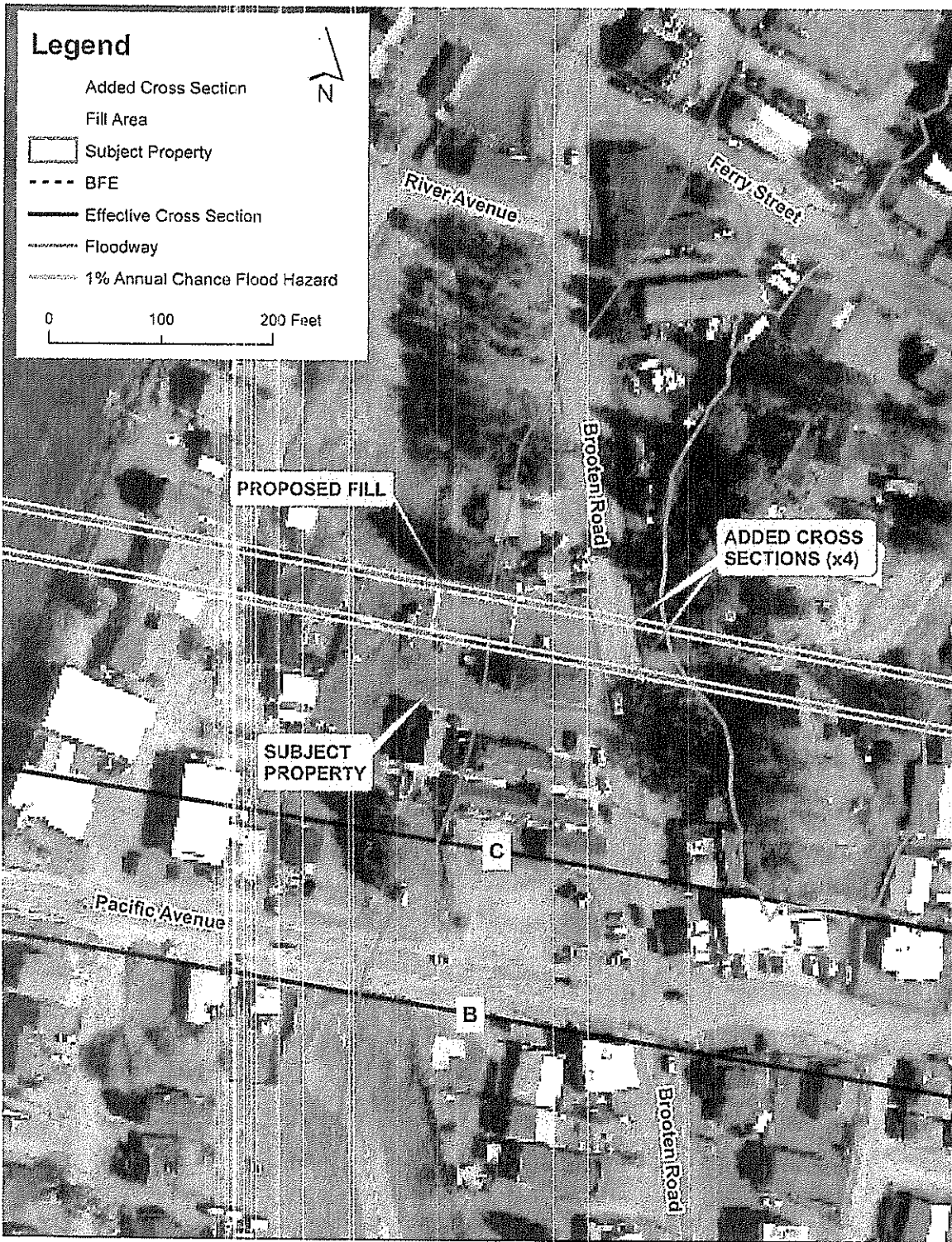


Figure 2 – Added Cross Sections and Proposed Fill



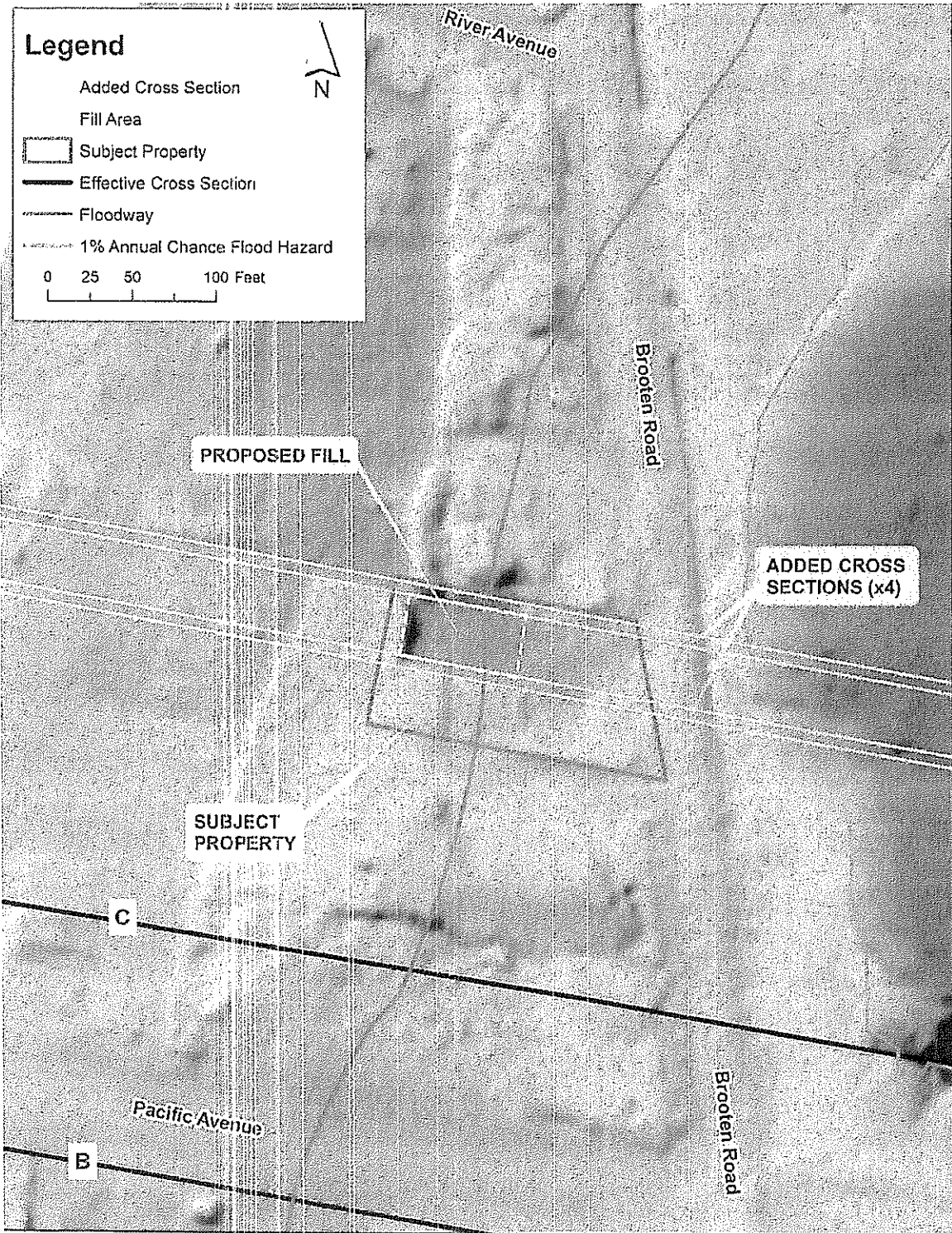


Figure 3 -- Proposed Fill, Added Cross Sections, and Terrain

ENGINEERING "NO-RISE" CERTIFICATION

This is to certify that I am a duly qualified engineer licensed to practice in the State of Oregon.

It is to further certify that the attached technical data supports the fact that the proposed fill at Tillamook County Tax lot 4S1019CC07800 will  
*(Name of Development)*

not impact the 100-year flood elevations, floodway elevations and floodway widths on the Nestucca River at published sections  
*(Name of Stream)*

in the Flood Insurance Study for Tillamook Co. & Incorporated Areas (41057CV001A),  
*(Name of Community)*

dated September 28, 2018 and will not impact the 100-year flood elevations, floodway elevations, and floodway widths at unpublished cross-sections in the vicinity of the proposed development.

Attached are the following documents that support my findings:

- Technical Memorandum by WEST Consultants, Inc. dated October 28, 2022.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

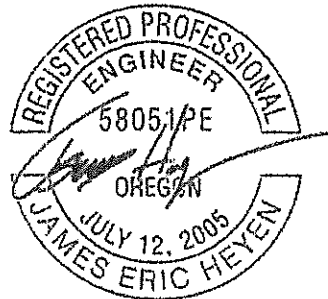
(Date) October 28, 2022

(Signature) 

(Title) Project Manager

WEST Consultants, Inc.  
2601 25<sup>th</sup> Street  
Suite 450  
Salem, OR 97302

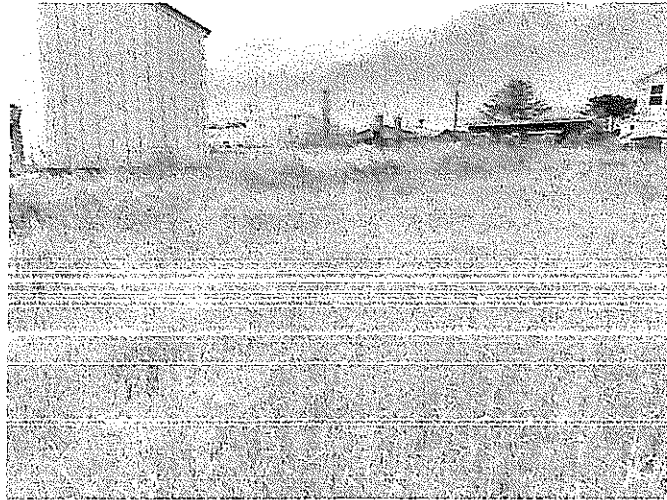
(Address)



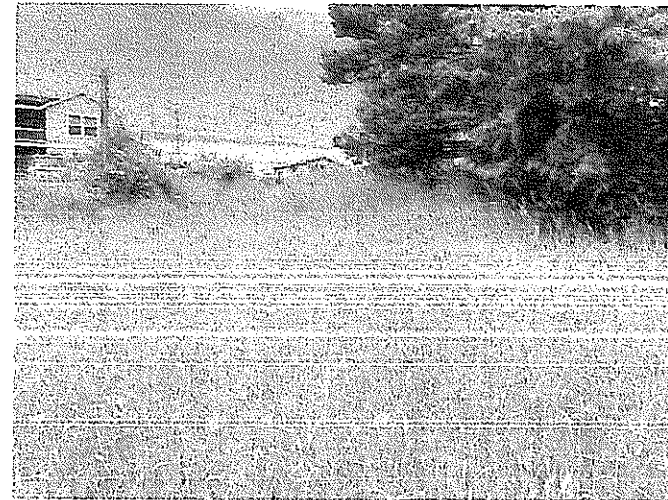
EXPIRATION DATE: 06/30/2023

Figure 4 – FEMA No-Rise Certificate

Appendix B  
Photographic Log  
Site Reconnaissance  
June 22, 2022



Proposed fill area facing west



Proposed fill area facing northwest



Proposed fill area facing southeast



Proposed fill area from parking lot, facing west

**Appendix C**  
**Supporting Data**



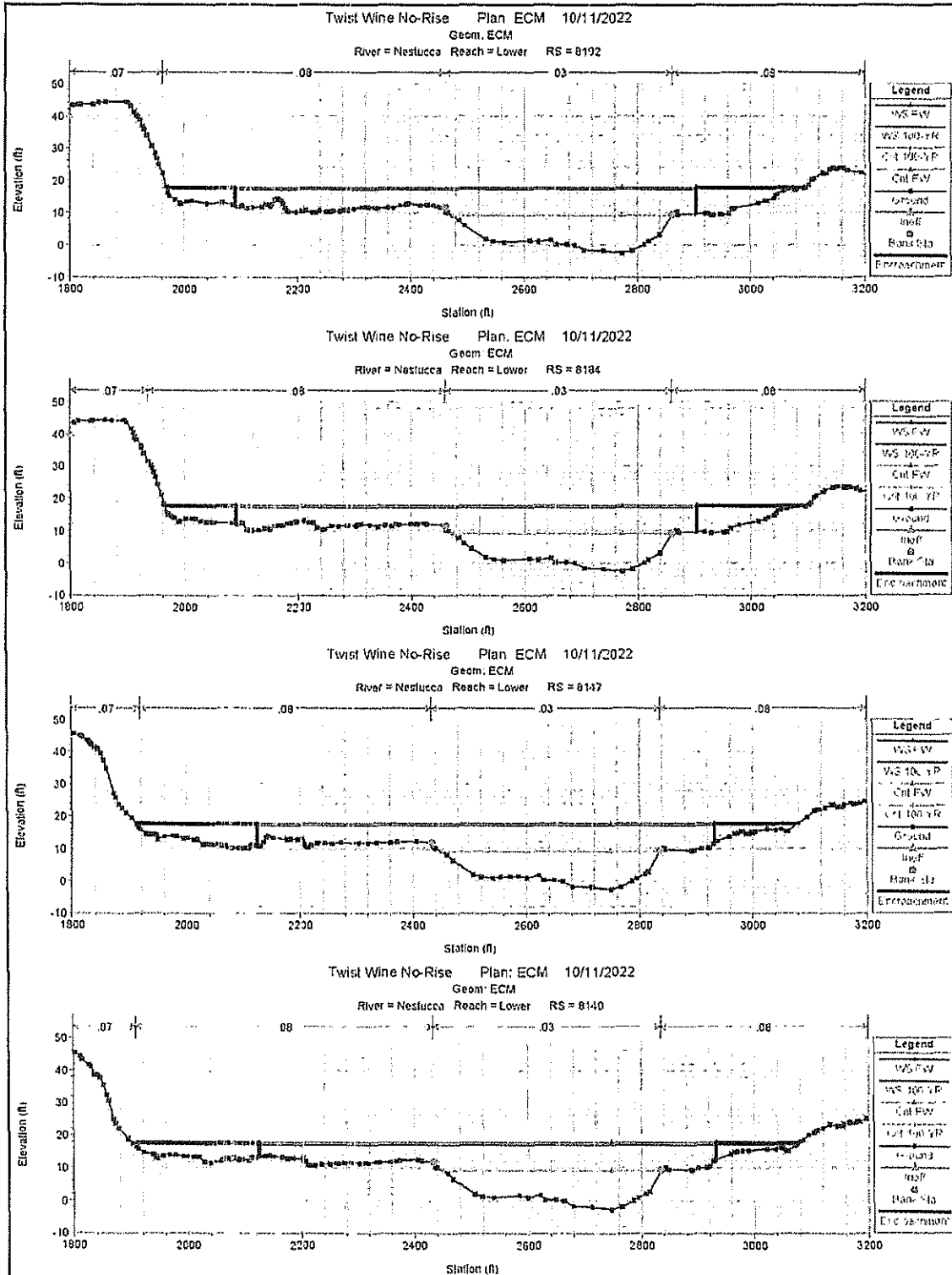
LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE*	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
A	2,647	607	7,750	6.9	14.9	14.9	15.7	0.8
B	7,805	764	8,765	6.9	16.9	16.9	17.5	0.6
C	7,949	792	9,221	7.2	17.1	17.1	17.7	0.6
D	10,296	760	8,048	7.2	18.6	18.6	19.0	0.4
E	12,629	2,925	36,571	2.4	19.5	19.5	20.0	0.5
F	18,909	1,418	15,555	5.7	20.2	20.2	20.7	0.5
G	24,140	4,185	45,222	1.1	22.3	22.3	23.3	1.0
H	28,300	4,256	43,463	1.1	23.1	23.1	24.1	1.0
I	32,000	3,365	32,222	1.5	24.3	24.3	25.3	1.0
J	34,205	2,020	17,839	2.7	25.5	25.5	26.5	1.0
K	36,400	1,657	13,236	3.6	27.3	27.3	28.3	1.0
L	37,600	451	6,773	7.1	28.6	28.6	29.6	1.0
M	41,950	1,874	16,114	2.9	31.5	31.5	32.4	0.9
N	45,620	1,020	12,882	3.6	32.7	32.7	33.7	1.0
O	48,480	1,033	11,134	4.2	34.4	34.4	35.4	1.0
P	52,980	605	8,356	5.5	38.3	38.3	39.3	1.0
Q	55,350	297	6,473	6.3	41.1	41.1	42.1	1.0
R	57,350	780	7,772	5.2	43.8	43.8	44.8	1.0
S	59,995	235	7,785	5.1	45.5	45.5	46.3	0.8
T	60,400	392	6,738	5.9	46.6	46.6	47.5	0.9
U	61,700	415	6,638	6.0	48.0	48.0	48.9	0.9
V	63,105	227	3,549	11.3	49.2	49.2	50.0	0.8
W	65,200	169	2,827	14.0	52.9	52.9	53.2	0.3
X	67,185	344	4,958	8.0	58.4	58.4	58.5	0.1

\*Feet above Nestucca Bay

Effective FEMA Floodway Data Table

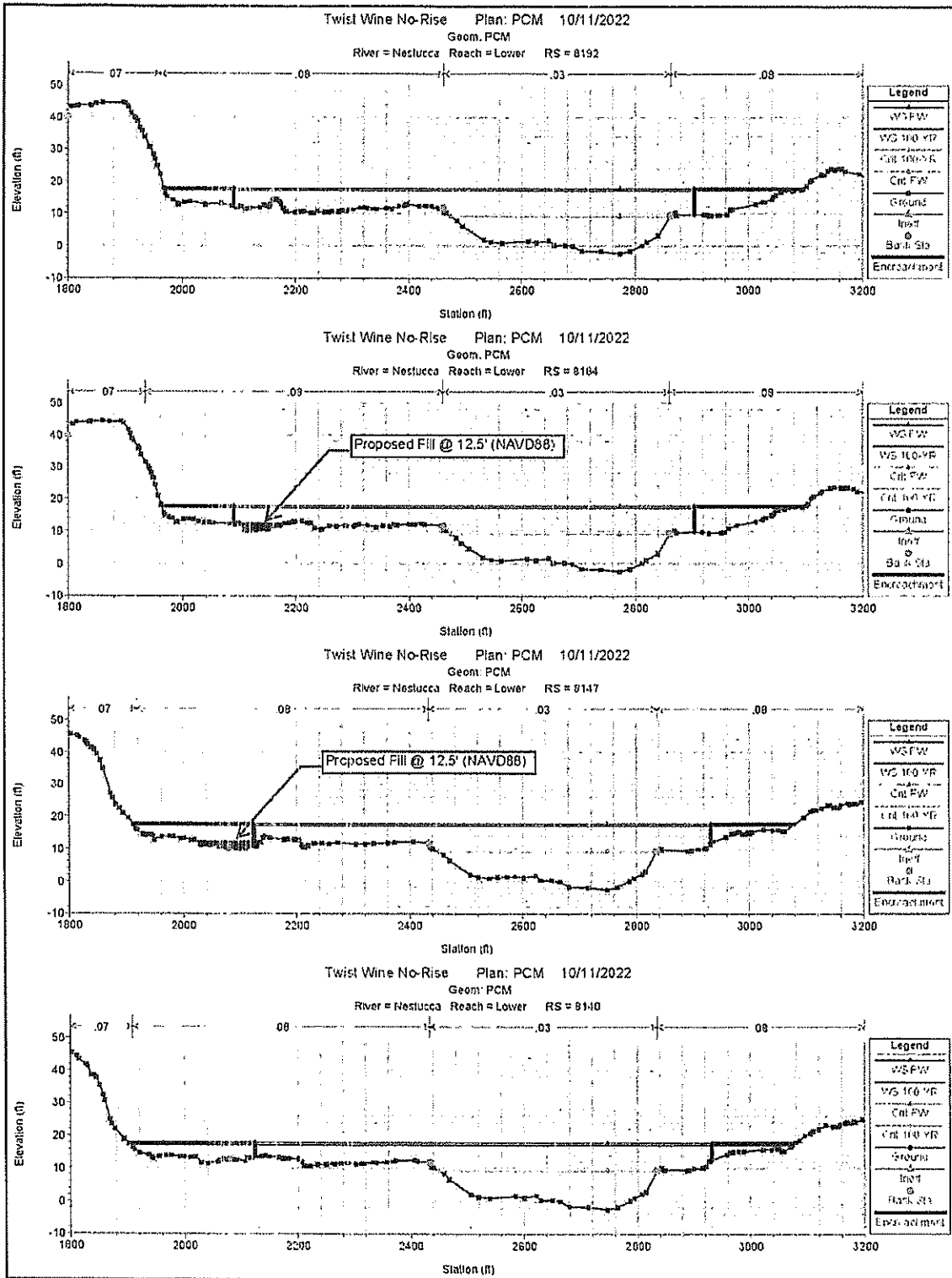
TABLE 24	FEDERAL EMERGENCY MANAGEMENT AGENCY	FLOODWAY DATA
	TILLAMOOK COUNTY, OREGON AND INCORPORATED AREAS	FLOODING SOURCE: NESTUCCA RIVER

## HEC-RAS Cross Section Plots – Existing Conditions





## HEC-RAS Cross Section Plots - Proposed Conditions



# EXHIBIT C

## Melissa Jenck

---

**From:** Crowley, Josha <Josha.Crowley@atkinsglobal.com>  
**Sent:** Thursday, January 19, 2023 5:59 PM  
**To:** Melissa Jenck  
**Subject:** EXTERNAL: RE: Carlton Floodway Review

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

This looks complete and fine to me. They do not show any impact to BFEs as a result of the proposed project. Thanks.

Josha Crowley, PE, PMP, CFM, D.WRE  
RSC Lead | STARR II - Region 10 Service Center  
Phone: (425) 329-3679  
Cell: (206) 499-2440

---

**From:** Melissa Jenck <mjenck@co.tillamook.or.us>  
**Sent:** Tuesday, January 17, 2023 9:59 AM  
**To:** Crowley, Josha <Josha.Crowley@atkinsglobal.com>  
**Subject:** Carlton Floodway Review

Good afternoon Josha,

Thanks last week for the discussion and data regarding Trask River in Tillamook County. Appreciate you all getting those guidance documents to us!

I've got some new development in the floodway in Pacific City. This isn't a structural build, but instead fill for a parking lot. I've attached the report, along with a copy of the HEC-RAS modeling from West Consultants.

Can you let me know if the data jives? Appreciate, as always, your expertise.

Sincerely,



**Melissa Jenck** (she/her) | CFM, Senior Planner  
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)

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

*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:** BRADLEY Robert \* ODFW <Robert.BRADLEY@odfw.oregon.gov>  
**Sent:** Tuesday, December 20, 2022 9:38 AM  
**To:** Melissa Jenck  
**Subject:** EXTERNAL: FW: 851-22-000405-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.]**

Melissa,

Although the wetlands inventory does not show wetlands in this vicinity, based on the aerial photo and included photos in the application, ODFW recommends the applicant contact the Department of State Lands for confirmation that the site does not contain wetlands prior to placing fill. If it is determined there are wetlands on site, the applicant will need to work with DSL on appropriate permitting.

Robert

Robert W. Bradley  
District Fish Biologist  
Oregon Department of Fish and Wildlife  
North Coast Watershed District  
4907 Third St  
Tillamook, OR 97141  
503-842-2741 x18613 (w)  
503-842-8385 (fax)

**Note new email address as of 4/26/21: Robert.Bradley@odfw.oregon.gov**

---

**From:** Lynn Tone <ltone@co.tillamook.or.us>  
**Sent:** Monday, December 19, 2022 4:20 PM  
**To:** Melissa Jenck <mjenck@co.tillamook.or.us>  
**Subject:** 851-22-000405-PLNG

Please see link for Notice of Administrative Review. Thank you

<https://www.co.tillamook.or.us/commdev/project/851-22-000405-plng>



**Lynn Tone** | Office Specialist II  
TILLAMOOK COUNTY | Surveyor's Office/Community Development  
1510 3<sup>rd</sup> Street Ste C  
Tillamook, OR 97141  
Phone (503) 842-3423  
[ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us)