

Tillamook County



DEPARTMENT OF COMMUNITY DEVELOPMENT  
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

1510 - B Third Street  
Tillamook, Oregon 97141  
[www.tillamookcounty.gov](http://www.tillamookcounty.gov)  
(503) 842 - 3408

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

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*Land of Cheese, Trees and Ocean Breeze*

**ESTUARY/FLOODPLAIN DEVELOPMENT PERMIT #851-24-000241-PLNG  
WHITE/DOCK**

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

October 11, 2024

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited request on October 11, 2024. 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.tillamookcounty.gov/commdev/landuseapps>. 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 October 23, 2024**. This decision will become final on October 23, 2024 after 4:00pm unless an appeal is filed in accordance with Tillamook County Land Use Ordinance Article X.

**Request:** An Estuary and Floodplain Development Permit for the placement of a dock on a property improved with an existing single-family dwelling near the Nehalem River.

**Location:** The subject property is accessed from Resort Drive, a County road, and is designated as Tax Lot 5904, of Section 19AC of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon

**Zone:** Pacific City/Woods Medium Density Residential & Estuary Conservation 1 (EC1) Zone

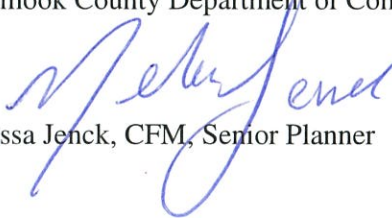
**Applicant/  
Property Owner:** Toby White, 33605 Resort Drive, Cloverdale, OR 97112

**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. Development shall be as described in the provided plans and descriptions.
3. Development shall comply with the applicable standards of TCLUO Section 3.106, 'Estuary Conservation 1 (EC1)', TCLUO Section 3.510, 'Flood Hazard Overlay (FH) Zone' and TCLUO Section 4.140, 'Requirements for Protection of Water Quality and Streambank Stabilization', and any other applicable standards.
4. The development shall comply with all Building Code requirements for Construction Materials and Methods for a structure located in the 'AE' flood zones.
5. This approval shall be void on October 11, 2026, 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

Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor's and Zoning maps



*Land of Cheese, Trees and Ocean Breeze*

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**ESTUARY/FLOODPLAIN DEVELOPMENT PERMIT REQUEST  
851-24-000241-PLNG:  
WHITE/DOCK**

**ADMINISTRATIVE DECISION & STAFF REPORT**

**Decision Date: October 11, 2024**

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

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

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**I. GENERAL INFORMATION:**

**Request:** An Estuary and Floodplain Development Permit for the placement of a dock on a property improved with an existing single-family dwelling near the Nehalem River.

**Location:** The subject property is accessed from Resort Drive, a County road, and is designated as Tax Lot 5904, of Section 19AC of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon

**Zone:** Pacific City/Woods Medium Density Residential & Estuary Conservation 1 (EC1) Zone

**Applicant/  
Property Owner:** Toby White, 33605 Resort Drive, Cloverdale, OR 97112

**Proposal Description:** The Applicant is proposing to place a floating dock in conjunction with a single-family dwelling within the Nestucca River (Exhibit B). The property is improved with a single-family dwelling as indicated on Tillamook County Assessor's records (Exhibit A). The property is zoned Pacific City Woods Medium Density Residential (PCW-R2). The placement includes a gangway and floating dock system (Exhibit B). The development does not include any piles or piers to be placed within the Estuary (Exhibit B).

The area of proposed construction is depicted on the maps included in the Applicant’s submittal, found in ‘Exhibit B’ of this report. As indicated on FEMA FIRM #41057C0855F dated September 28, 2018, the subject property is located entirely in an ‘AE’ and Floodway Area of Special Flood Hazard of the Nestucca River (Exhibit A).

The application is an Estuary and Floodplain Development Permit approval for the placement of a floating dock (Exhibit B). The criteria and standards for this review is 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 3.106, ‘Estuary Conservation 1 (EC1) Zone’
- B. TCLUO Section 3.120, ‘Regulated Activities and Impacts Assessments’
- C. TCLUO Section 3.140, ‘Estuary Development Standards’
- D. TCLUO Section 3.510, ‘Flood Hazard Overlay (FH) Zone’
- E. TCLUO Section 3.545, ‘Shoreland Overlay’
- F. TCLUO Section 4.140, ‘Requirements for Protection of Water Quality and Streambank Stabilization’

**III. ANALYSIS**

The project is located within the regulatory floodplain (AE Zone) and Estuary zone 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 August 1, 2024. Staff finds that notification requirements have been met. Comments were received the Oregon Department of Fish and Wildlife and are included as “Exhibit C”.

**A. TCLUO Section 3.106, ‘Estuary Conservation 1 (EC1) Zone’**

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

....  
*ESTUARY ZONES shall be applied to all estuarine waters, intertidal areas, submerged and submersible lands and tidal wetlands up to the line of non-aquatic vegetation or the Mean Higher High Water (MHHW) line, whichever is most landward.*

...  
(2) *USES PERMITTED WITH STANDARDS:*

- ...
  - (e) *Boat dock in conjunction with one or more private residences. Single purpose private docks shall be limited to a maximum of 200 square feet in size. Larger docks may be permitted subject to the conditional use provisions of Article VI of this Ordinance.*

**Findings:** Applicant is proposing to place a 128-square foot private dock in conjunction with the established single-family dwelling (Exhibit A & B). The proposed dock would be located within the EC1 zone boundary and would be a floating dock, with no proposed Regulated Activities as part of the siting within the Nestucca River (Exhibit B). A site plan was included in 'Exhibit B', which demonstrates that the proposed siting location is within the EC1 zone (Exhibit B).

Staff find that dock placement in conjunction with a single-family dwelling is an outright permitted use in the Estuary Conservation (EC1) Zone. Staff find the proposal does not contain Regulated Activities for review under TCLUO Section 3.120.

**B. Section 3.120: Review of Regulated Activities**

(2) *REGULATED ACTIVITIES: Regulated activities are those actions which require State and/or Federal permits and include the following:*

- (a) *Fill (either fill in excess of 50 c.y. or fill of less than 50 c.y., which requires a Section 10 or Section 404 permit from the U.S. Army Corps of Engineers).*
- (b) *Dredging (either dredging in excess of 50 c.y. within a 12 month period, or dredging of less than 50 c.y., which requires a Section 10 permit from the U.S. Army Corps of Engineers).*
- (c) *Dredged material disposal including flow lane disposal.*
- (d) *Piling/dolphin installation.*
- (e) *Shoreline stabilization, bank line or streamline alteration involving fill or dredging in excess of 50 c.y.*
- (f) *In-water lot storage.*

**Findings:** The applicant has proposed the placement of a floating dock, no proposed fill, dredging or piling installation as part of the activity (Exhibit B). The purpose of this section is to provide an assessment process and criteria for local review and comment on State and Federal permit applications which could potentially alter the integrity of the estuarine ecosystem. This project does not include regulated activities which are subject to State and Federal permits. Notification of the application was provided to Federal and State agencies in accordance with the provisions outlined in TCLUO Section 3.120(8).

Staff find the development standards included in TCLUO Section 3.120. are not applicable.

**C. Section 3.140: Estuary Development Standards**

Applicable subsections:

- *Section 3.140(3): Docks and Moorages*

**Findings:** The Applicant's narrative addresses the relevant standards and subsections of TCLUO Section 3.140 (Exhibit B). The purpose of the project is to place a floating dock 128-square feet in size in the Nestucca River in conjunction with a single-family dwelling, with no fill, dredging or pile installation (Exhibit B). Staff find the proposed dock is less than 200-square feet in size, and the gangway is excluded from the dock area per Section 3.140(3)(b)(1). The proposed dock is not designed to rest on the bottom of the river at low water, and the dock is intended for recreational uses serving only the private residence (Exhibit B).

Staff conclude these criteria have been met.

**D. TCLUO Section 3.510 'Flood Hazard (FH) Overlay'**

(5) *GENERAL STANDARDS: In all areas of special flood hazards the following standards are required:*

...

#### CONSTRUCTION MATERIALS AND METHODS

(d) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(e) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(f) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be elevated to prevent water from entering or accumulating within the components during conditions of flooding. In Flood Zones A, A1-A30, AE, V, V1-V30 or VE, such facilities shall be elevated three feet above base flood elevation. In Flood Zone AO, such facilities shall be elevated above the highest grade adjacent to the building, a minimum of one foot above the depth number specified on the FIRM (at least two feet above the highest adjacent grade if no depth number is specified).

...

#### (14) Development Permit Review Criteria

- (1) The fill is not within a Coastal High Hazard Area.
- (2) Fill placed within the Regulatory Floodway shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (3) The fill is necessary for an approved use on the property.
- (4) The fill is the minimum amount necessary to achieve the approved use.
- (5) No feasible alternative upland locations exist on the property.
- (6) The fill does not impede or alter drainage or the flow of floodwaters.
- (7) If the proposal is for a new critical facility, no feasible alternative site is available.

**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 and Floodway Area of Special Flood Hazard of the Nestucca River and no alternative upland location exists (Exhibits A and B). The project area is tidally influenced and is within the regulatory Floodway. The proposed dock placement is in conjunction with a single-family dwelling, is floating and is removable from the Nestucca River (Exhibit B). Staff find that the removable dock is not permanent fill placement within the FEMA Floodway and does not require a no-rise analysis for the proposed activity as no additional fill is proposed for placement (Exhibit B).

Staff finds that these criteria are met.

#### E. TCLUO Section 3.545 ‘Shoreland Overlay’

In the vicinity of the proposed project, the Goal 17 element of the Tillamook County Comprehensive Plan identifies all areas within 1,000 feet of estuaries and 500 feet of coastal lakes as within the Shorelands Boundary which may be subject to the provisions of TCLUO Section 3.545, ‘SH Shoreland Overlay’. TCLUO Section 3.545 defines those areas within the Shorelands Boundary included within the Shoreland Overlay Zone. Relevant to the proposed development, TCLUO Section 3.545(2) identifies areas within 50 feet of estuaries as areas included in the Shorelands Overlay zone.

**Findings:** Staff finds the proposed dock is located within the Shorelands Boundary as identified in the Goal 17 element of the Tillamook County Comprehensive Plan. Staff has reviewed the proposed development and determined that shoreland areas on the subject property are categorized as ‘Rural Shorelands’ as described in TCLUO 3.545(3) and are subject to the use limitations identified in TCLUO 3.545(4)(a)(1) and the standards identified in TCLUO 3.545(6). Staff has reviewed the significant shoreland inventory contained in the Goal 17 element of the Comprehensive Plan and has verified that there are no inventoried shorelands near the subject property.

*TCLUO Section 3.545(4) USES PERMITTED: Uses authorized by the underlying zone as outright or conditional uses are permitted, except at locations identified in (3) above.*

*(a) Rural Shorelands in General:*

*(1) Rural Shorelands uses are limited to:*

*...*

*(d) Water-dependent recreational, industrial and commercial uses.*

*(f) Other uses are allowed only upon a finding by the County that such uses satisfy a need which cannot be accommodated at any alternative upland location, except in the following cases:*

*...*

*TCLUO Section 3.545(6) STANDARDS: Uses within the SHORELAND OVERLAY ZONE are subject to the provisions and standards of the underlying zone and of this section. Where the standards of the SHORELANDS OVERLAY ZONE and the underlying zone conflict, the more restrictive provisions shall apply.*

*(a) Riparian vegetation shall be protected and retained according to the provisions outlined in Section 4.140, REQUIREMENTS FOR PROTECTION OF WATER QUALITY AND STREAMBANK STABILIZATION.*

*(b) Development in flood hazard areas shall meet the requirements of Section 3.510, FLOOD HAZARD OVERLAY ZONE.*

**Findings:** Staff finds the project is necessary and cannot be accommodated at an upland location for an in-water floating dock. The proposed floating dock is for recreational purposes in conjunction with an existing single-family dwelling (Exhibit B). The requirements of TCLUO Section 4.140 and 3.510 are addressed in this report.

Staff finds these criteria have been met.

**F. TCLUO Section 4.140, 'Requirements for Protection of Water Quality and Streambank Stabilization'**

*1) The following areas of riparian vegetation are defined:*

*(a) Fifty (50) feet from lakes and reservoirs of one acre or more, estuaries, and the main stems of the following rivers where the river channel is more than 15 feet in width; Nestucca, Little Nestucca, Three Rivers, Tillamook, Trask, Wilson, Kilchis, Miami, Nehalem and North and South Fork Nehalem River.*

*...*

*For estuaries, all measurements are horizontal and perpendicular from the mean high water line or the line of non-aquatic vegetation, whichever is most landward. Setbacks for rivers, streams, and coastal lakes shall be measured horizontal and perpendicular from the ordinary high water line.*

*(2) All development shall be located outside of areas listed in (1) above, unless:*

*...*

*(b) Direct water access is required in conjunction with a water dependent use; or*

**Findings:** The proposal is for placement of a floating dock within Nestucca River (Exhibit B). The proposed use is for direct water access in conjunction with a single-family dwelling and its recreational uses (Exhibit B). ODFW states the dock should conform to ODFW and NMFS' dock guidelines and requirements (Exhibit C). ODFW states onsite vegetation within the riparian area should be mitigated with native species in the area disturbed by the siting of the dock.

Staff find that these standards have been met.

**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 Estuary and Floodplain Development Permit 851-24-000241-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 October 23, 2024.**

**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. Development shall be as described in the provided plans and descriptions.
3. Development shall comply with the applicable standards of TCLUO Section 3.106, 'Estuary Conservation 1 (EC1)', TCLUO Section 3.510, 'Flood Hazard Overlay (FH) Zone' and TCLUO Section 4.140, 'Requirements for Protection of Water Quality and Streambank Stabilization', and any other applicable standards.
4. The development shall comply with all Building Code requirements for Construction Materials and Methods for a structure located in the 'AE' flood zones.
5. This approval shall be void on October 11, 2026, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

**VII. EXHIBITS**

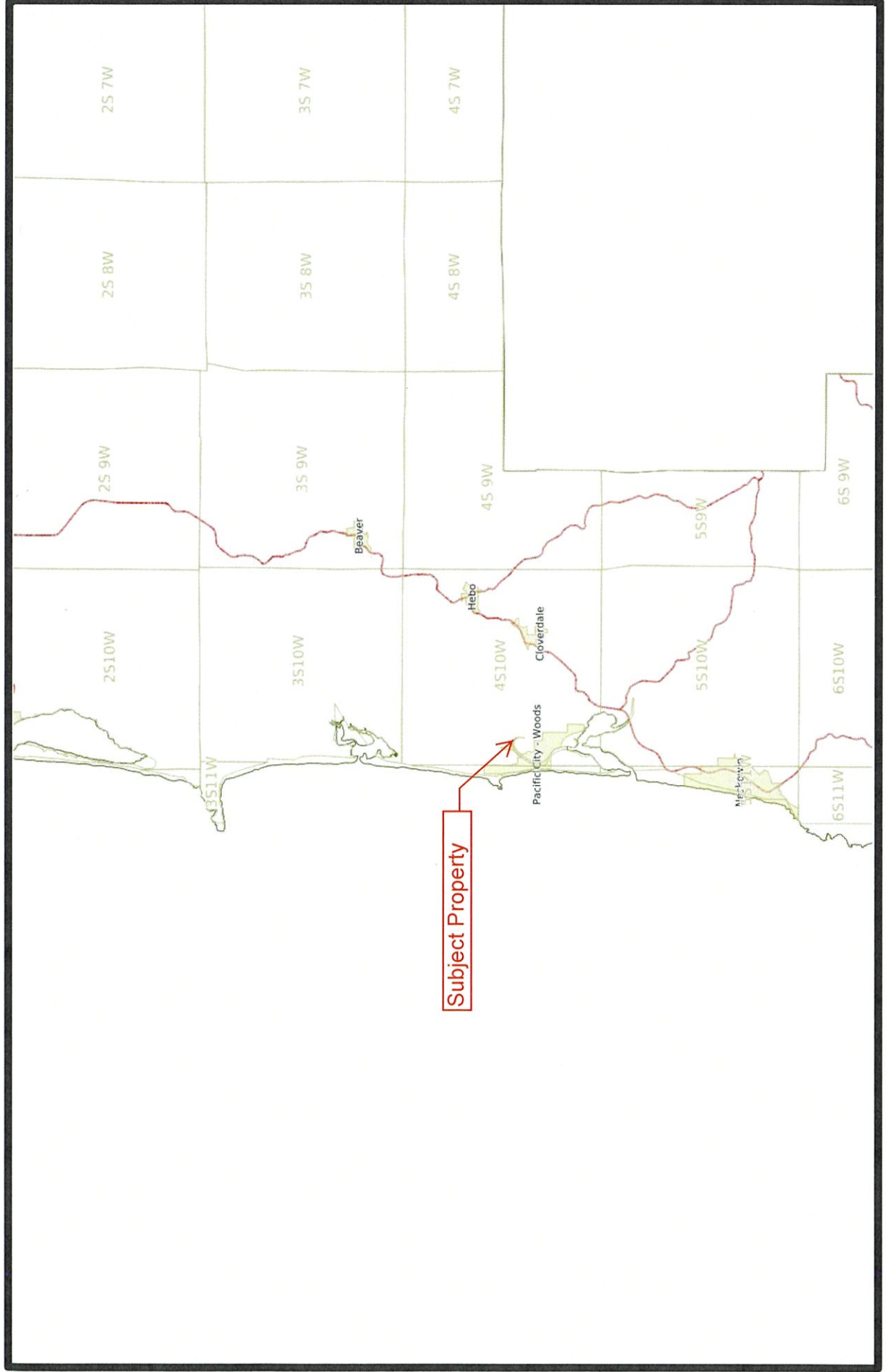
All Exhibits referred to herein are, by this reference, made a part hereof:

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

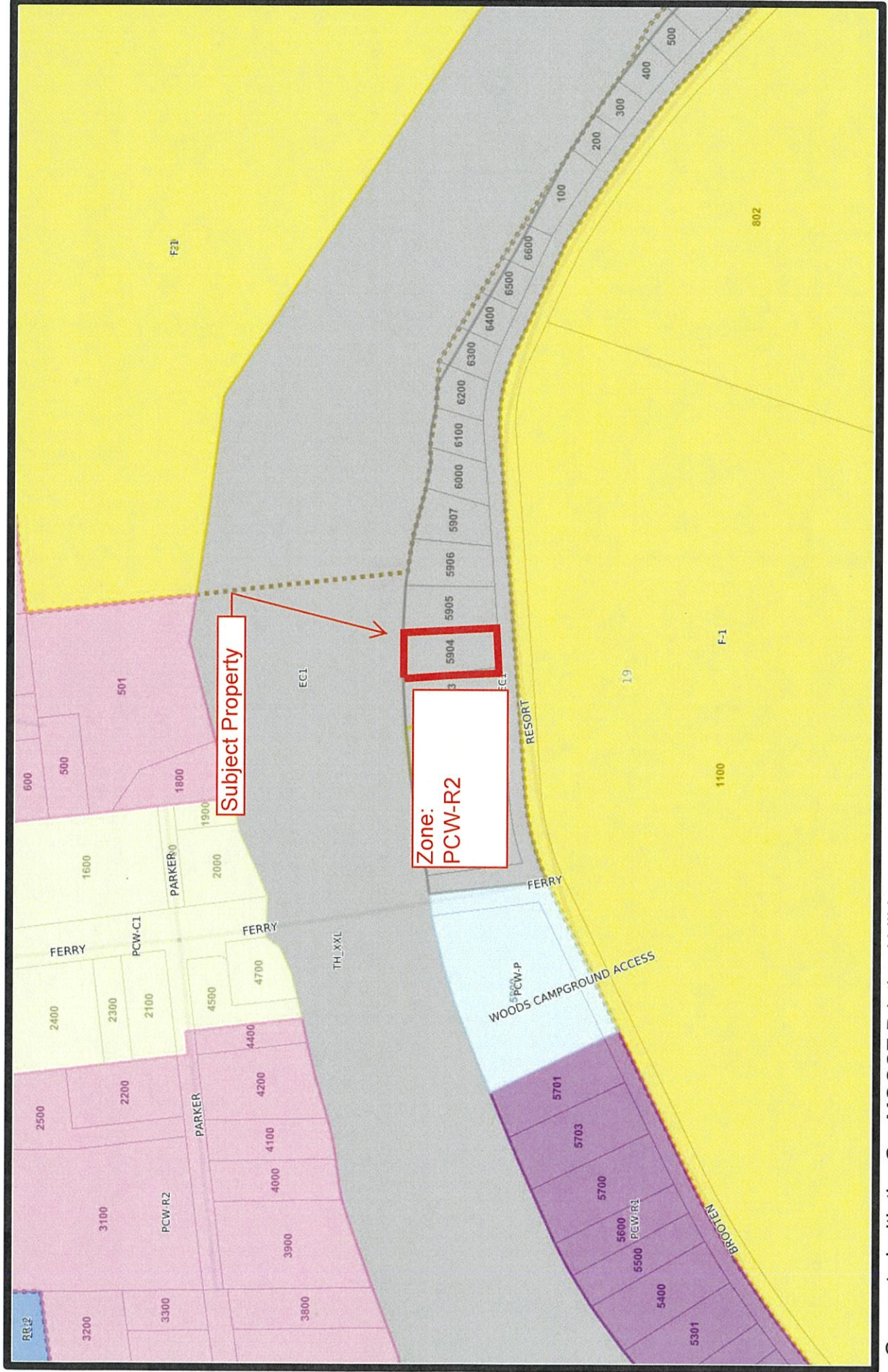


# EXHIBIT A

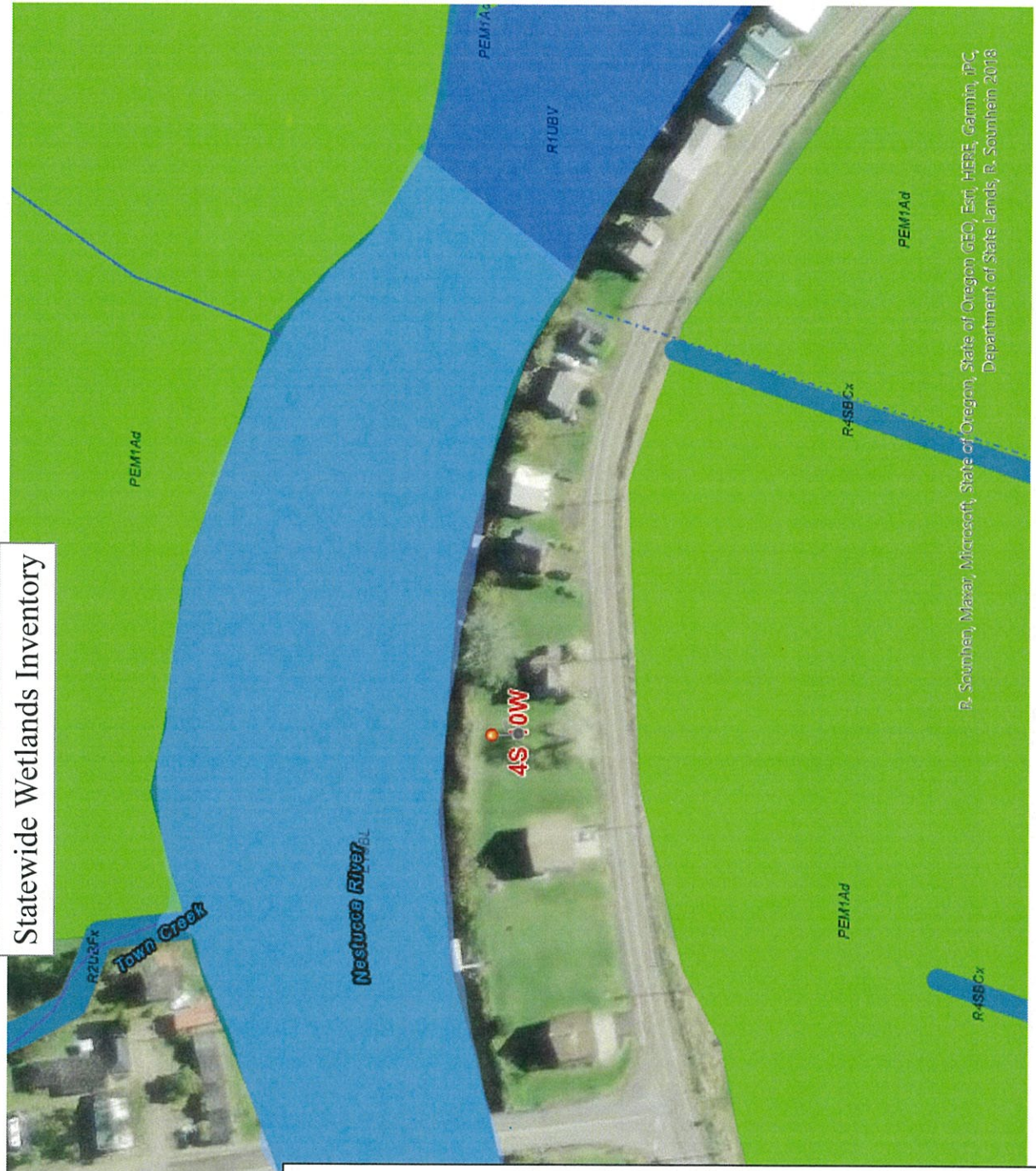
# Vicinity Map



# Zoning Map



# Statewide Wetlands Inventory



R. Scupper, Mavay, Microsoft, State of Oregon, State of Oregon GEO, Est. HERE, Garmin, JPC, Department of State Lands, R. Sounthern 2013

	Townships
	LWI Study Area
	BASEDAT.DBO.NHDI Waterbody
	BASEDAT.DBO.NHDI Area
<b>BASEDAT.DBO.NHDI Flowline</b>	
	Perennial
	Intermittent
	Ephemeral
	Unknown
	Canal/Ditch
	Canal/Ditch
	Canal/Ditch
	BASEDAT.DBO.NHDI Point
<b>Wetlands</b>	
	Estuarine and Marine Deepwater
	Estuarine and Marine Wetland
	Freshwater Emergent Wetland
	Freshwater Forested/Shrub Wetland
	Freshwater Pond
	Lake
	Riverine
	SWI Agate-Winto Soils
	SWI Predominantly Hydric Soil Map Units



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.

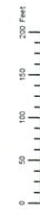


Date: 7/13/2024



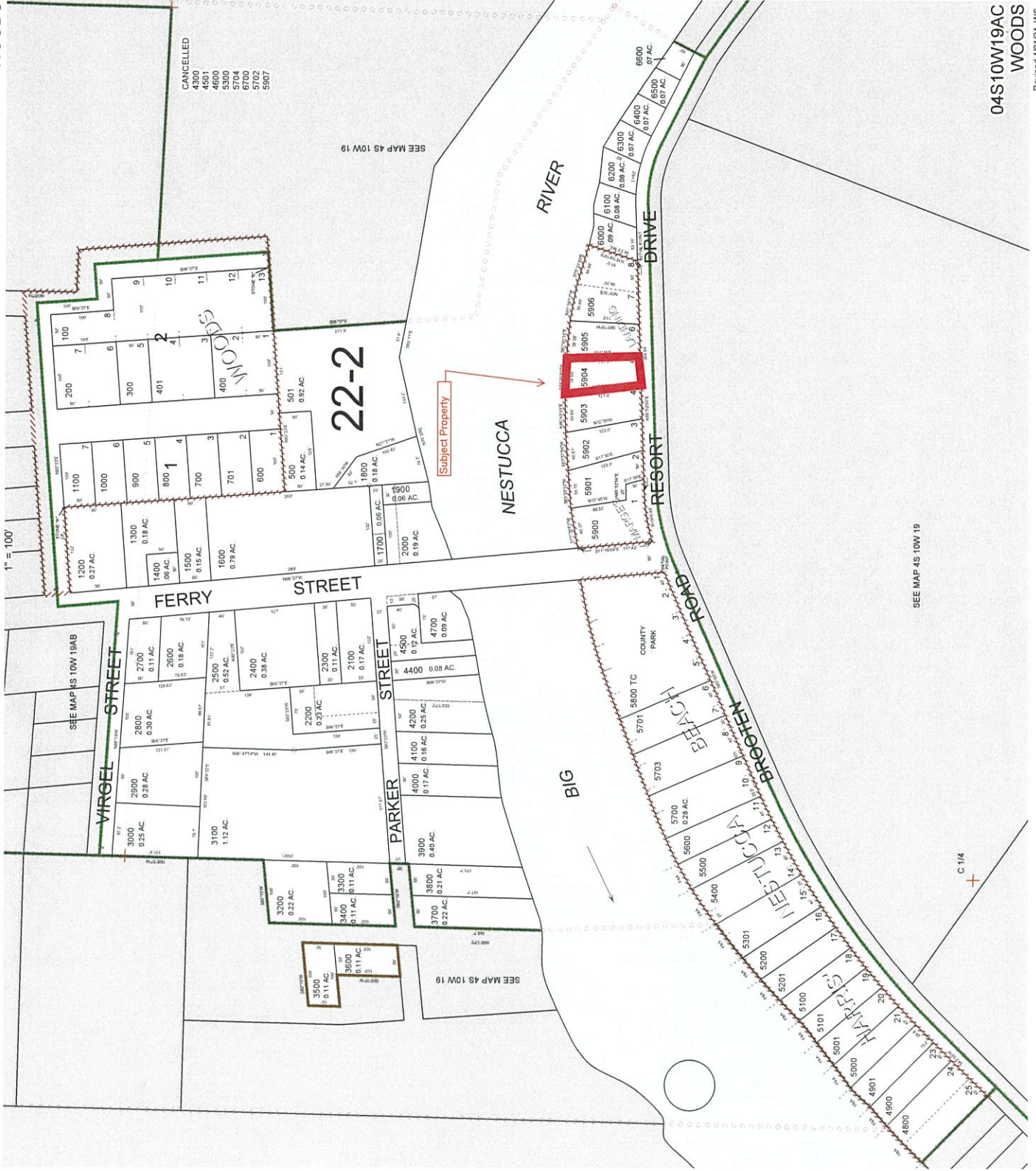
State of Oregon  
Department of State Lands  
775 Summer Street, NE, Ste 100  
Salem, OR 97301-1279

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



S.W. 1/4 N.E. 1/4 SEC. 19 T.4S. R. 10W. W.M.  
TILLAMOOK COUNTY

04S10W19AC  
WOODS



04S10W19AC  
WOODS

Revised 4/01/24, WS

**Tillamook County**  
**2023 Real Property Assessment Report**  
 Account 401154

Map 4S1019AC05904  
 Code - Tax ID 2202 - 401154

Tax Status Assessable  
 Account Status Active  
 Subtype NORMAL

Legal Descr MARGE'S LANDING  
 Lot - 5

Mailing WHITE, TOBY & JODY  
 18763 SE SEMPLE RD  
 DAMASCUS OR 97089

Deed Reference # 2020-5403  
 Sales Date/Price 08-18-2020 / \$165,000  
 Appraiser ROBERT BUCKINGHAM

Property Class 101 MA SA NH  
 RMV Class 101 09 WF 903

Site Situs Address	City
33605 RESORT DR	COUNTY

Value Summary					
Code Area	RMV	MAV	AV	RMV Exception	CPR %
2202 Land	169,650		Land	14,430	48.1
Impr	500,030		Impr	240,510	
<b>Code Area Total</b>	<b>669,680</b>	<b>335,310</b>	<b>335,310</b>	<b>254,940</b>	
<b>Grand Total</b>	<b>669,680</b>	<b>335,310</b>	<b>335,310</b>	<b>254,940</b>	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2202	0	<input checked="" type="checkbox"/>		PCW-R1	Market	114	0.14 AC		139,650
					OSD - AVERAGE	100			30,000
<b>Code Area Total</b>							<b>0.14 AC</b>		<b>169,650</b>

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex% MS Acct	Trended RMV	
2202	1	2022	149	Basement First Floor	127	1,821		500,030	
<b>Code Area Total</b>							<b>1,821</b>	<b>500,030</b>	

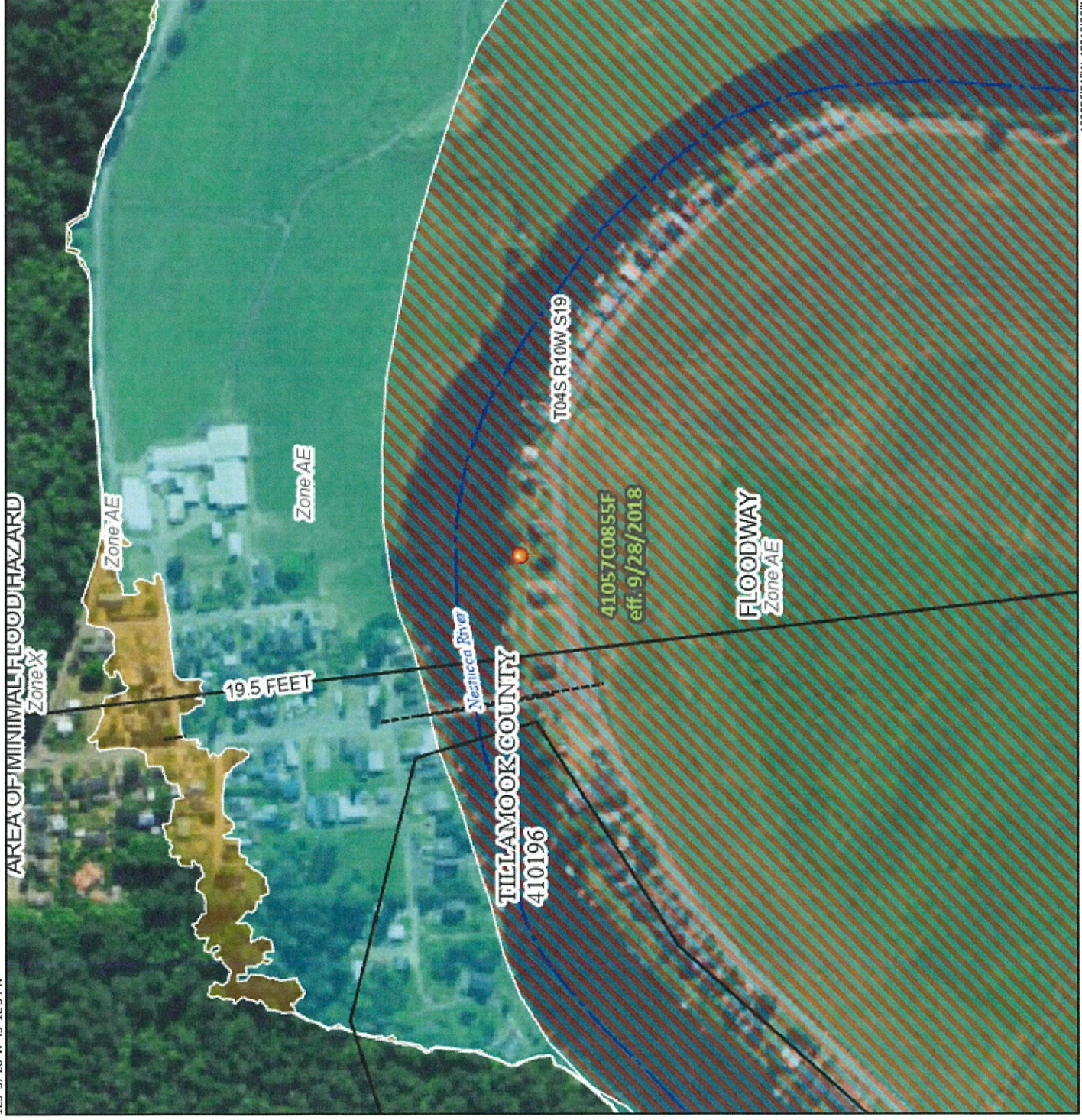
Exemptions / Special Assessments / Notations						
Code Area				Amount	Acres	Year Used
2202	<b>Special Assessments</b>					
	■ SOLID WASTE			12.00	1.00	2023

**Comments** 05/10/13 Account review. RCW  
 01/20/14 Reapp. of land/Tabled values. RCW  
 07/06/23 Added new SFD at 62% complete and added OSD; applied the exception. Removed development adjustment as RMV change only. Updated PCA & added solid waste. RBB

# National Flood Hazard Layer FIRMette



123°57'28"W 45°12'54"N



## Legend

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

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AP
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

- 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 X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

**OTHER AREAS**

- Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped

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 7/13/2024 at 10:10 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.

123°56'51"W 45°12'29"N

0 250 500 1,000 1,500 2,000 Feet

1:6,000

# **EXHIBIT B**





## PLANNING APPLICATION

**Applicant**  (Check Box if Same as Property Owner)

Name: **Toby White** Phone: **503-866-0660**

Address: **33605 Resort Drive**

City: **Cloverdale** State: **OR** Zip: **97112**

Email: **toby@forensicbuilding.com**

### Property Owner

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_

OFFICE USE ONLY	
Date Stamp	<b>RECEIVED</b>
	<b>MAY 06 2024</b>
BY:	<i>Drop off</i>
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: <i>MT</i>	
Receipt #: <i>137418</i>	
Fees: <i>1,680.00</i>	
Permit No: <i>851-24-000241-PLNG</i>	

Request: We would like to install a new aluminum gangway and floating dock.

Type II	Type III	Type IV
<input type="checkbox"/> Farm/Forest Review	<input type="checkbox"/> Detailed Hazard Report	<input type="checkbox"/> Ordinance Amendment
<input type="checkbox"/> Conditional Use Review	<input type="checkbox"/> Conditional Use (As deemed by Director)	<input type="checkbox"/> Large-Scale Zoning Map Amendment
<input type="checkbox"/> Variance	<input type="checkbox"/> Ordinance Amendment	<input type="checkbox"/> Plan and/or Code Text Amendment
<input type="checkbox"/> Exception to Resource or Riparian Setback	<input type="checkbox"/> Map Amendment	
<input type="checkbox"/> Nonconforming Review (Major or Minor)	<input type="checkbox"/> Goal Exception	
<input checked="" type="checkbox"/> Development Permit Review for Estuary Development	<input type="checkbox"/> Nonconforming Review (As deemed by Director)	
<input type="checkbox"/> Non-farm dwelling in Farm Zone	<input type="checkbox"/> Variance (As deemed by Director)	
<input type="checkbox"/> Foredune Grading Permit Review		
<input type="checkbox"/> Neskowin Coastal Hazards Area		

### Location:

Site Address: **33605 Resort Drive, Cloverdale, OR 97112**

Map Number: <b>4S</b>	<b>10</b>	<b>19AC</b>	<b>5904</b>
Township	Range	Section	Tax Lot(s)

Clerk's Instrument #: \_\_\_\_\_

### 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.

<i>Toby White</i>	<b>5/3/24</b>
Property Owner Signature (Required)	Date
<i>Toby White</i>	<b>5/3/24</b>
Applicant Signature	Date

### SECTION 3.140: ESTUARY DEVELOPMENT STANDARDS

- (3) DOCKS AND MOORAGES: Siting, design, construction, maintenance or expansion of new docks and moorages in estuary zones, Water-Dependent Development (WWD) Shoreland Zones or other areas within the Shoreland Overlay Zone shall be subject to the following standards:
- (a) Docks and moorages policy requirements in the Tillamook County Comprehensive Plan shall be met.
  - (b) When new construction or expansion of docks and moorages is proposed, evidence shall be provided by the applicant and findings made by the County that:
    - (1) The size of the facility is the minimum necessary to accommodate the number and size of boats using the facility. The maximum size limit for a single purpose private dock (excluding walkways) shall be 200 square feet. Larger docks may be permitted subject to the Conditional Use provisions of Article VI of this Ordinance. *The new dock will be less than 200 square feet in area.*
    - (2) Alternatives such as dryland storage, launching ramps or mooring buoys are impracticable. *Yes.*
  - (c) To ensure that consideration is given to the beneficial economic and social impacts of moorages on local communities, proposals for new or expanded moorages should include statements on the impacts to local communities derived from increases in employment or increases in commercial or recreational activity. *N/A.*
  - (d) Open pile piers or secured floats shall be used for dock construction. Piers and floats shall extend no further out into the water than is needed to provide navigational access. *The dock will be floating using secured plastic barrels and will not impeded navigational access.*
  - (e) Floating docks shall be designed so that they do not rest on the bottom at low water. *The dock will not rest on the river bottom during low water. See Plans. Dock will float at low water.*
  - (f) Single purpose docks shall be permitted if evidence is provided by the applicant and findings made by the County that cooperative use facilities (marinas or community docks or mooring buoys) are unavailable, impractical or will not satisfy the need. *The new dock shall service the private residence only.*
  - (g) Covered or enclosed moorages shall be limited to not more than 30 percent (in number) of the total moorage spaces of a given moorage. *N/A.*
  - (h) To avoid contamination of estuarine waters, intertidal areas or tidal wetlands, public docks and moorages should provide enclosed facilities on shorelands for public dumping of oil and emptying of holding tanks. *There will not be any contaminants store on dock or gangway.*

- (i) When docks and moorages are proposed in Estuary Conservation 1 or Estuary Conservation 2 Zones, evidence shall be presented by the applicant and findings made by the County that the proposed dock or moorage is consistent with the resource capabilities of the area and the long-term use of renewable resource and does not constitute a major alteration to the estuary. In assessing the resource capabilities of an area, consideration shall be given to the size or intensity of the proposed facility, and its location with respect to adjacent resources. **The new gangway and dock do not represent a major alteration of the estuary.**
- (j) Docks and moorages in Water-Dependent Development (WDD) Shoreland Zones or other areas within the Shoreland Overlay Zone shall be subject to Shoreland Development standards. **Dock will be compliant with this Standard.**
- (k) Moorages with a capacity greater than 25 boats shall be subject to Shallow Draft Port Facility and Marina standards. **Dock will only service one private residence.**
- (l) Dredging, fill, piling/dolphin installation, shoreline stabilization or other activities in conjunction with the construction of docks and moorages shall be subject to the respective standards for these activities. **NA.**

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

- (1) The fill is not within a Coastal High Hazard Area. *The location 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. *Fill will not result in an increase in flood levels. Removable dock.*
- (3) The fill is necessary for an approved use on the property. *The fill is necessary for an approved use on the property.*
- (4) The fill is the minimum amount necessary to achieve the approved use. *The fill is the minimum amount necessary to achieve the approved use*
- (5) No feasible alternative upland locations exist on the property. *N/A. Dock is in water.*
- (6) The fill does not impede or alter drainage or the flow of floodwaters. *The fill does not impede or alter drainage or the flow of floodwaters. Dock is removable.*
- (7) If the proposal is for a new critical facility, no feasible alternative site is available. *N/A. The location is not a 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):
  - i. The fill is not within a floodway, wetland, riparian area or other sensitive area regulated by the Tillamook County Land Use Ordinance. *N/A.*
  - ii. The property is actively used for livestock and/or farm purposes, *N/A.*
  - 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, *N/A.*
  - iv. Platform surface shall be at least 1 ft above base flood elevation, *N/A.*
  - v. Slope of fill shall be no steeper than 1.5 horizontal to 1 vertical, *N/A.*
  - vi. Slope shall be constructed and/or fenced in a manner so as to prevent and avoid erosion. *N/A.*

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.

GENERAL NOTES:

- 1 READ DRAWINGS IN CONJUNCTION WITH PROJECT MANUAL (SPECIFICATIONS), IF AVAILABLE.
- 2 DO NOT SCALE DRAWINGS. VERIFY DIMENSIONS ONSITE IN RELATION TO PLOT MAP AND SITE MARKINGS.
- 3 ALL WORK TO BE PERFORMED UNDER THIS SCOPE OF CONSTRUCTION (WORK) SHALL BE CONDUCTED IN FULL COMPLIANCE WITH ALL APPLICABLE REGULATIONS.
- 4 ALL WORK SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE APPLICABLE BUILDING CODES, PRODUCT MANUFACTURERS INSTALLATION INSTRUCTIONS, APPLICABLE INDUSTRY STANDARDS, AND IN A WORKMANLIKE MANNER.

PROJECT DESCRIPTION:

- 1 INSTALLATION OF NEW RESIDENTIAL DOCK AND GANGWAY.
- 2 FLOATING DOCK:  
  
8' WIDE X 16' LONG (128 SQUARE FEET) ALUMINUM DOCK BY ROLLING BARGE. HTTP://ROLLING BARGE.COM.  
LIVE LOAD = 40 LBS. / FT<sup>2</sup>.  
SIXTEEN (16) 55-GALLON POLYETHYLENE PLASTIC FLOATS SECURED W/ ALUMINUM STRAPPING. COMPLIES  
W/ OAR 250-014-0030  
FLOW-THROUGH GRATES ON >50% OF DOCK SURFACE. GRATES = >60% LIGHT PASSIVITY.
- 3 GANGWAY:  
  
4' WIDE X 16' LONG ALUMINUM GANGWAY & 42" RAILS BY ROLLING BARGE. HTTP://ROLLING BARGE.COM.  
LIVE LOAD = 1500 LBS.  
FLOW-THROUGH GRATES ON 100% OF DOCK SURFACE. GRATES = >60% LIGHT PASSIVITY.
- 4 GANGWAY AND DOCK AFFIXMENT:  
  
HINGED ATTACHMENT GANGWAY-TO-DOCK PER ROLLING BARGE. HTTP://ROLLING BARGE.COM.  
6" X 6" PT POSTS, 48" SOIL EMBEDMENT IN 12" DIAMETER CONCRETE PIER W/ PISCIVOROUS CAP DETERRENT  
HOT-DIPPED GALVANIZED (G90) POST BRACKET W/ HDG PIN ROD  
GANGWAY ATTACHMENT TO HDG POST BRACKET PER ROLLING BARGE. HTTP://ROLLING BARGE.COM.  
TWO 4"X4" SQUARE HDG POSTS EMBED 48". 1/4" SS CABLES ATTACHED TO DOCK FOR STABILIZATION. CABLE WLL = 1500LBS., BREAKING = 7500LBS.

DRAWING INDEX:

<u>SHEET NUMBER:</u>	<u>SHEET TITLE:</u>
A0.0	COVER PAGE
A1.0	DOCK & GANGWAY DEVELOPMENT PLAN
A1.1	SITE IMAGE & RIVER WIDTH
A1.2	ZONE MAPS
A2.0	ELEVATIONS
A3.0	DOCK & GANGWAY PLANS
A4.0	ISOMETRIC DRAWINGS

PROJECT INFORMATION:

TAX LOT INFORMATION:

5904, 4S-10-19AC, TILLAMOOK COUNTY, OR, LOT 5, MARGE'S LANDING

LEGAL DESCRIPTION:

LATITUDE: 45.21139  
LONGITUDE: 123.95250  
HORIZONTAL DATUM: NAD 1983

STREAM DESIGNATION:

NESTUCCA RIVER

RIVER MILE:

EST. = 1.25

ESSENTIAL SALMONID HABITAT (ESH):

YES

WETLAND DESIGNATION:

ESTUARINE = EB1UBL

WETLAND TYPE:

COWARDIN: ESTUARINE / RIVERINE FRINGE

WETLAND LAND USE NOTICE RESPONSE FOR BUILDING SITE:

APPROVED: WN#2021-0701, CASE FILE# 851-20-000527-PLNG

NO-RISE CERTIFICATE FOR BUILDING SITE:

WATERWAYS CONSULTING INC.  
APPROVED: SEE HYDRAULICS ANALYSIS REPORT, DATED FEBRUARY 11, 2021

ELEVATION CERTIFICATE:

KELLOW LAND SURVEYING  
OMB#: 1660-0008  
PLOT PLAN AND ELEVATION CERTIFICATE, DATED JAN. 30, 2021  
FINAL ELEVATION CERTIFICATE FOR BUILDING, DATED DECEMBER 15, 2023

TILLAMOOK STANDARDS:

ESTUARY CONSERVATION 1 ZONE  
  
ESTUARY DEVELOPMENT STANDARDS: SECTION 3.140, PART 3, b, d, e, i.  
  
TILLAMOOK COUNTY LAND USE ORDINANCE: SECTION 3.545 SHORELAND OVERLAY ZONE.

OWNER:  
TOBY WHITE

WHITE RESIDENCE  
33625 RESORT DRIVE  
CLOVERDALE, OR 97112

ISSUED FOR PERMIT

ISSUE  
DATE: 2024.04.19

REVISION DATES:

COVER PAGE

A0.0

OWNER:  
TOBY WHITE

### DEVELOPMENT PLAN FOR TOBY WHITE

IN TAX LOT 5904, 4S-10-19AC, TILLAMOOK CO., OREGON  
~ LOT 5, MARGE'S LANDING ~

MAP & SURVEY BY: KELLOW LAND SURVEYING  
P.O. BOX 335  
PACIFIC CITY, OR 97135-0335  
503-801-3537

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Douglas H. Kellow*

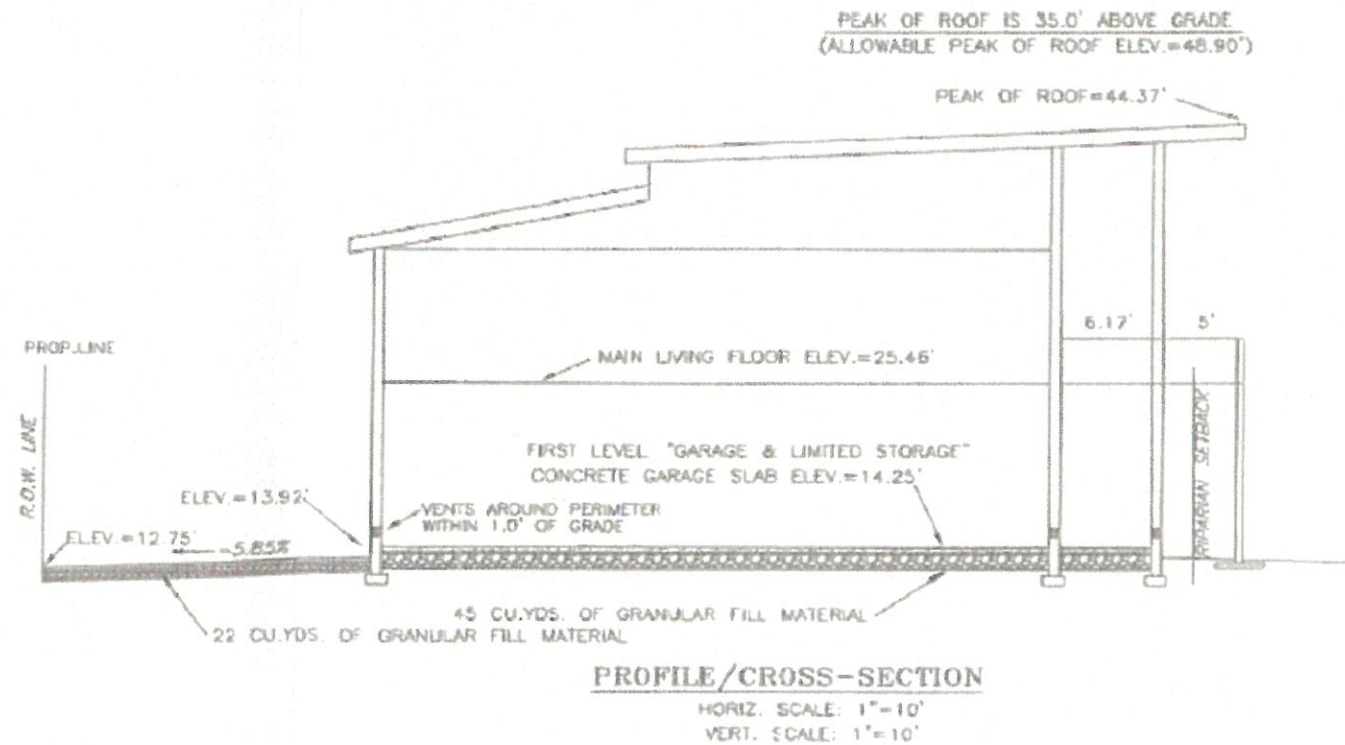
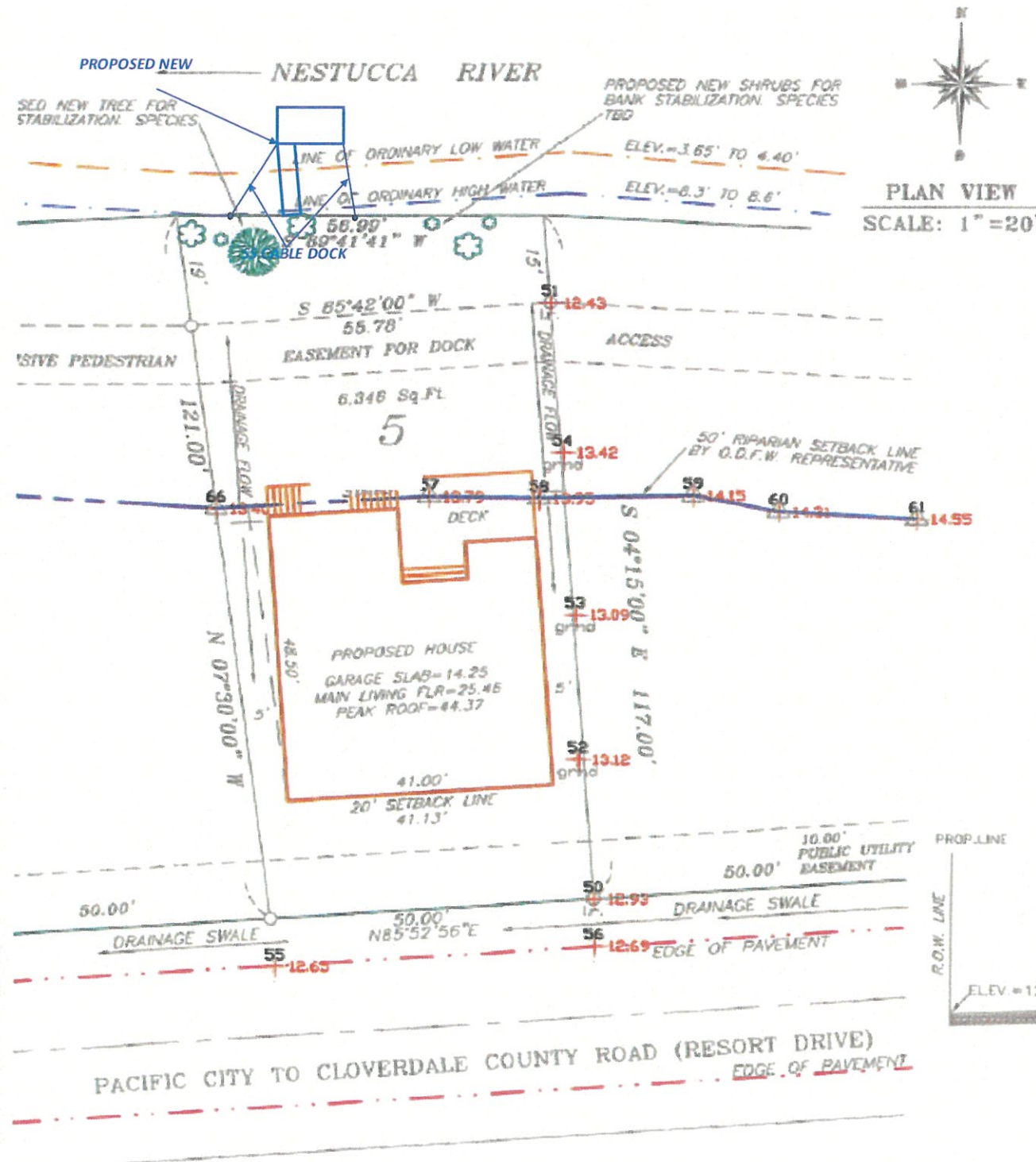
OREGON  
February 3, 1983  
DOUGLAS H. KELLOW  
2027  
Renewal 06/30/2021

DATE: APR. 06, 2021

NOTE: THE SUBJECT TRACT LIES WITHIN A FEMA DESIGNATED "AE" FLOOD ZONE. THE BASE FLOOD ELEVATION IS 19.6' ABOVE MSL (SEE FEMA FIRM 410196 41057C0855F)

NOTE: THE ELEVATION DATUM FOR THIS SURVEY WAS DERIVED FROM A TILLAMOOK COUNTY SURVEYOR'S BENCH MARK. (PC#7) ELEVATION = 24.54 MSL NAVD 1988

△ = SMALL YELLOW "FLAG" PLACED BY O.D.F.W.



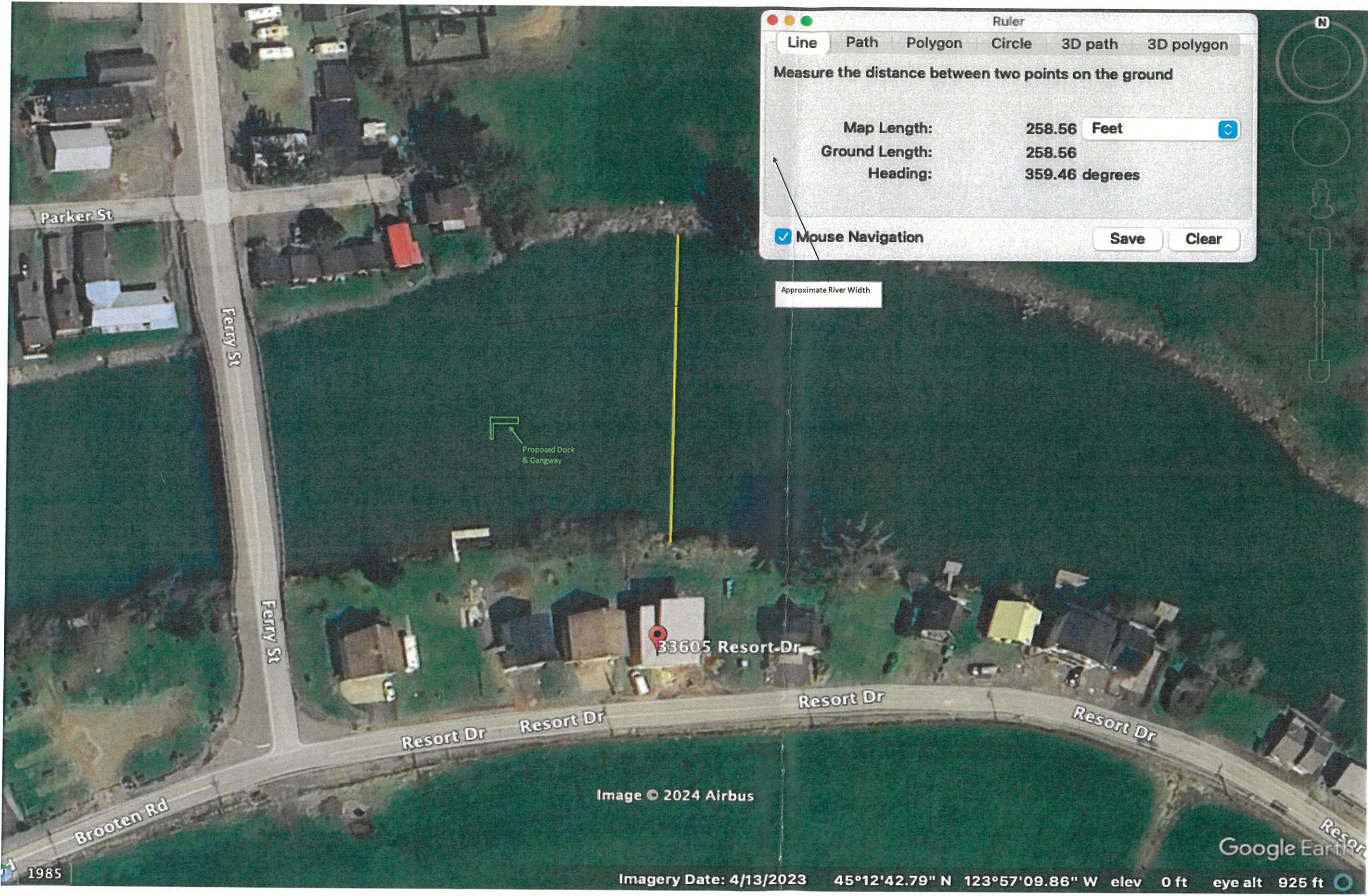
WHITE RESIDENCE  
33625 RESORT DRIVE  
CLOVERDALE, OR 97112

ISSUED FOR PERMIT

ISSUE  
DATE: 2024.04.19

REVISION DATES:

DOCK & GANGWAY  
DEVELOPMENT PLAN



OWNER:  
TOBY WHITE

WHITE RESIDENCE  
33625 RESORT DRIVE  
CLOVERDALE, OR 97112

ISSUED FOR PERMIT

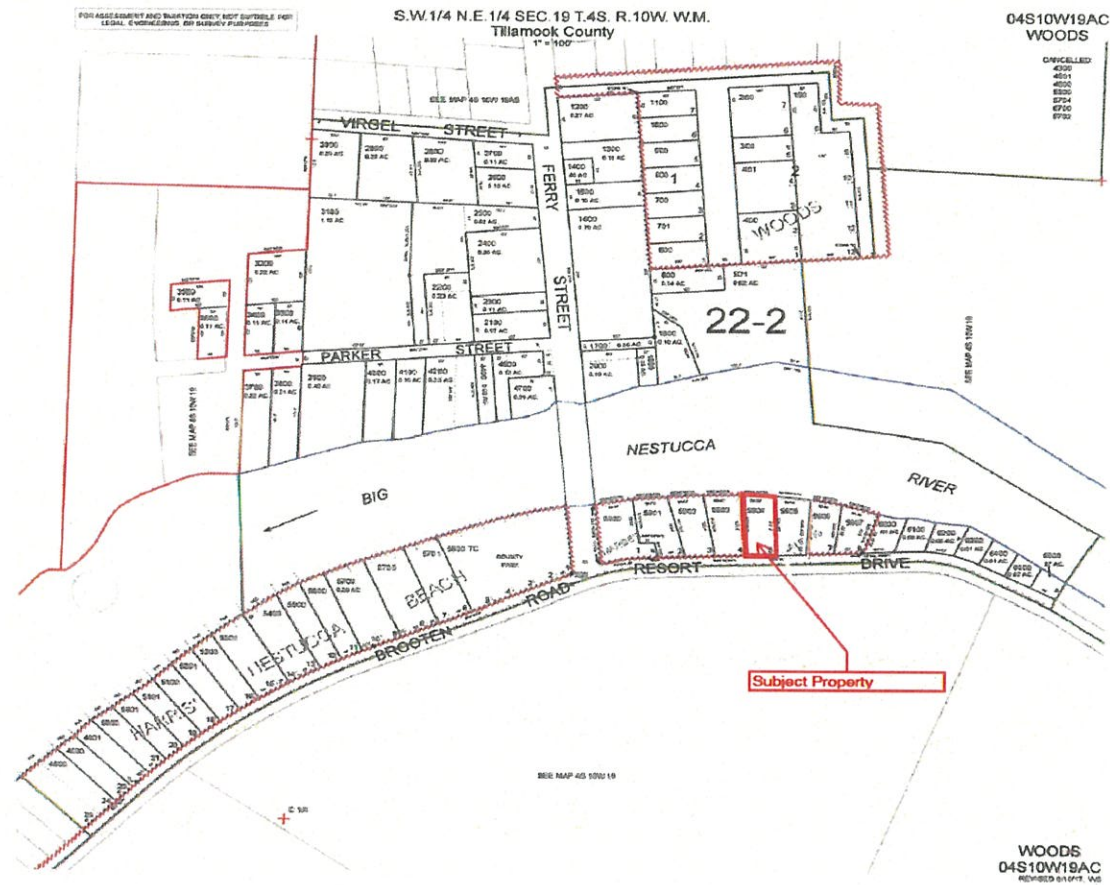
ISSUE  
DATE: 2024.04.19

REVISION DATES:

SITE IMAGE & RIVER  
WIDTH

1 SITE IMAGE & RIVER WIDTH  
NTS

A1.1



1 TILLAMOOK COUNTY TAX MAP  
NTS

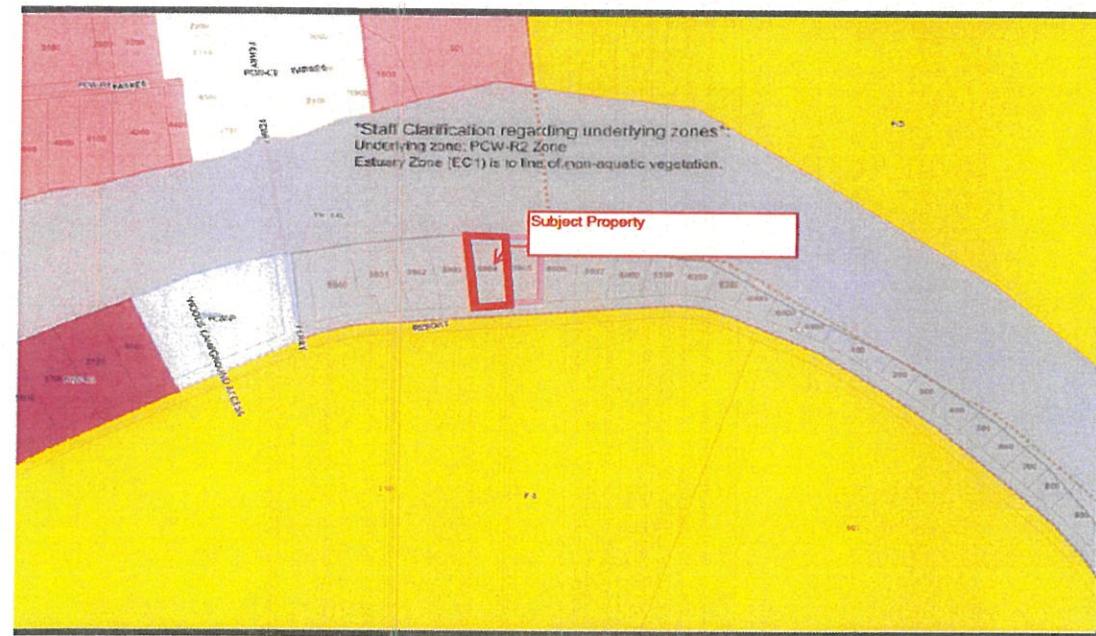
OWNER:  
TOBY WHITE

WHITE RESIDENCE  
33625 RESORT DRIVE  
CLOVERDALE, OR 97112

ISSUED FOR PERMIT

ISSUE  
DATE: 2024.04.19

# Zoning Map



Generated with the GeoMOOSE Printing Utilities

2 ESTUARY ZONE MAP  
NTS

REVISION DATES:

ZONE MAPS

A1.2



OWNER:  
TOBY WHITE

WHITE RESIDENCE  
33625 RESORT DRIVE  
CLOVERDALE, OR 97112

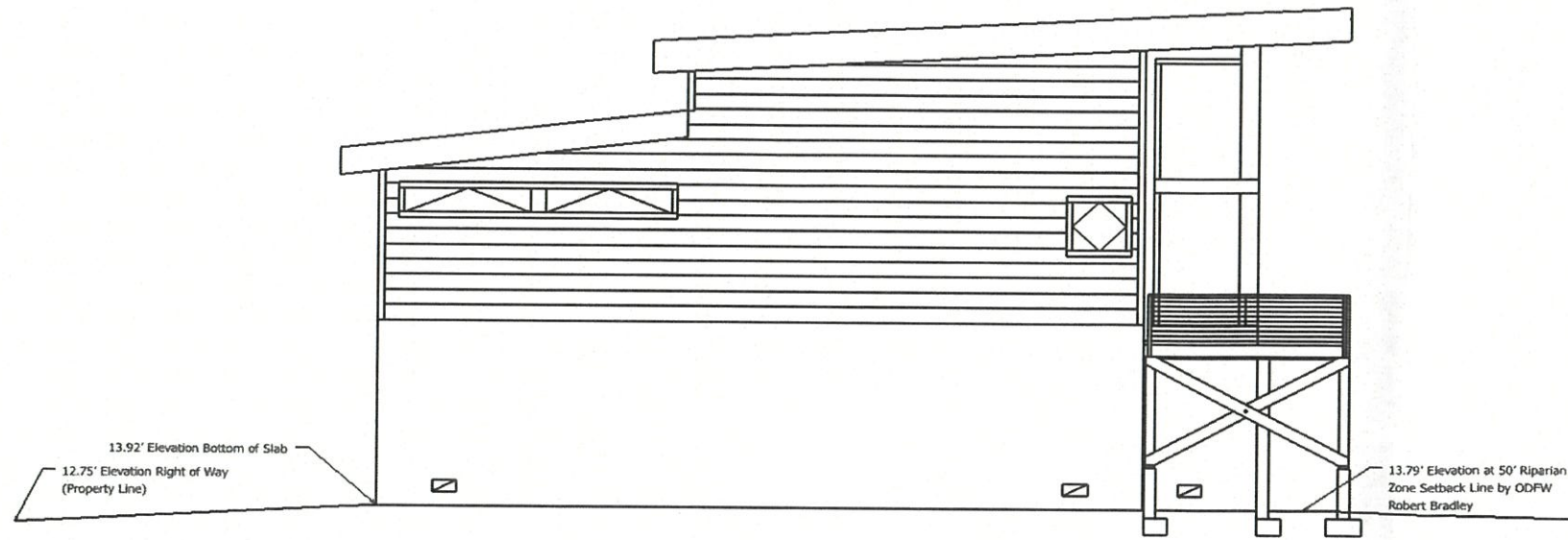
ISSUED FOR PERMIT

ISSUE  
DATE: 2024.04.19

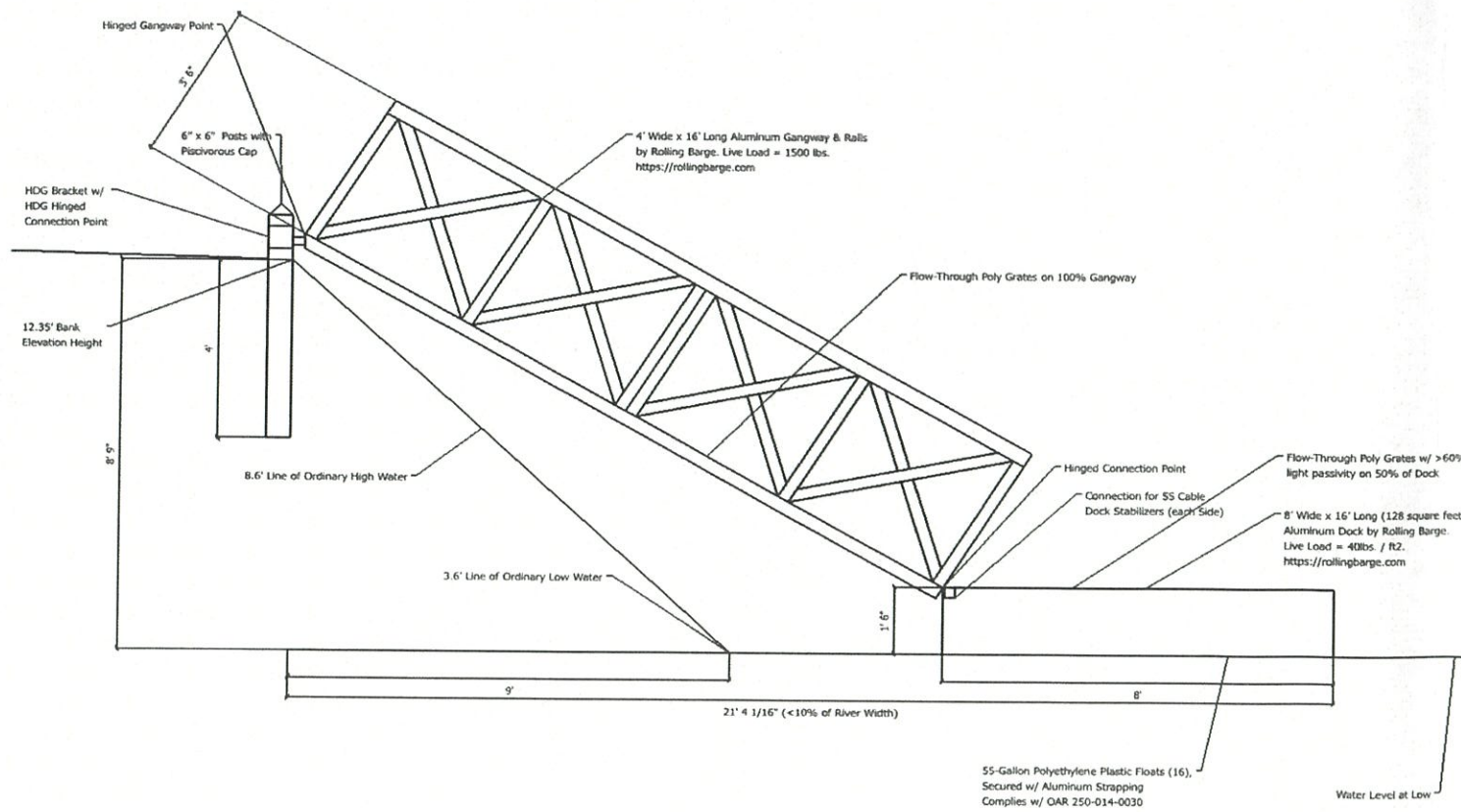
REVISION DATES:

ELEVATIONS

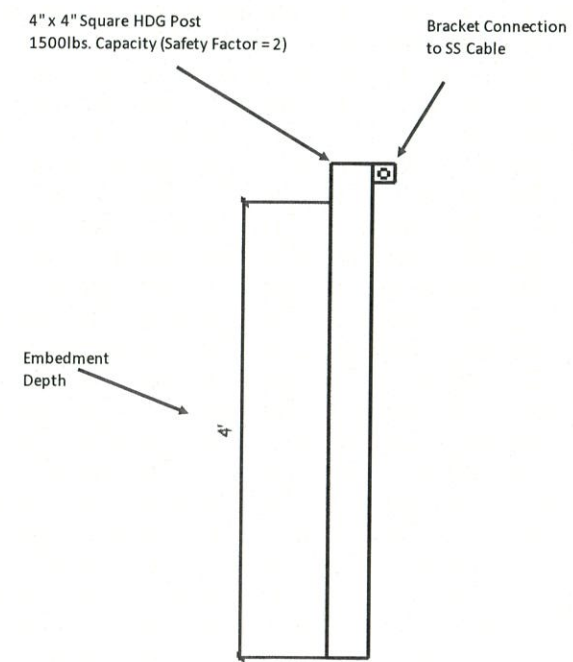
A2.0



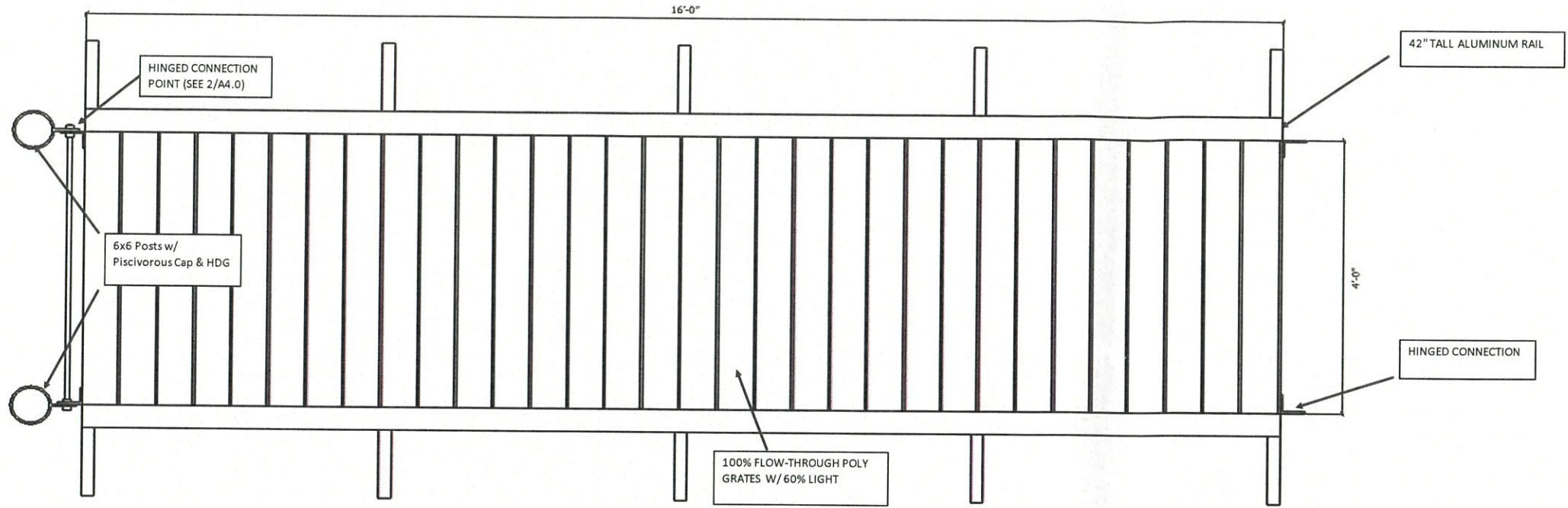
1 SOUTH ELEVATION HOUSE & PROPERTY  
NTS



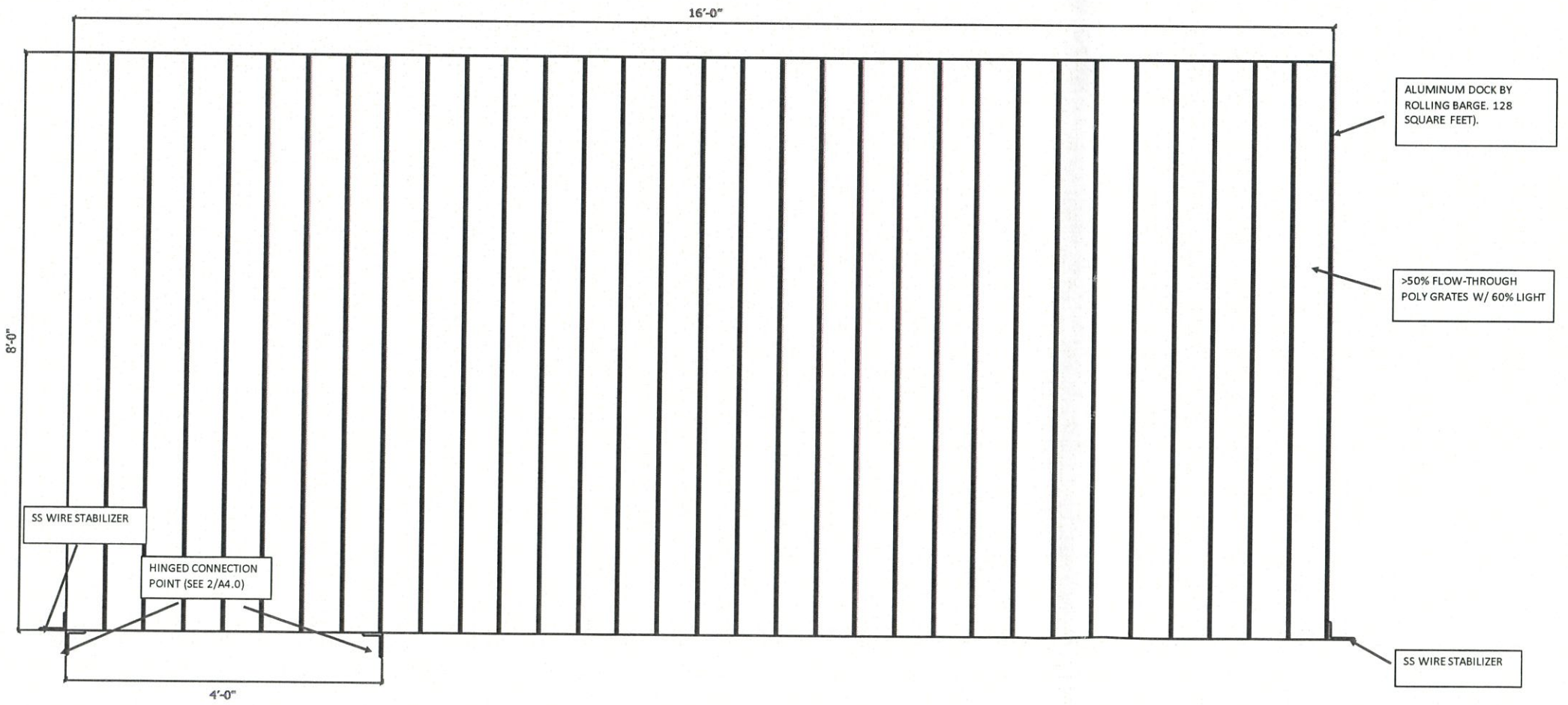
2 SOUTH ELEVATION BANK, GANGWAY, & DOCK  
NTS



3 DOCK STABILIZER POSTS  
NTS



1 GANGWAY PLAN  
NTS



2 DOCK PLAN  
NTS

OWNER:  
TOBY WHITE

WHITE RESIDENCE  
33625 RESORT DRIVE  
CLOVERDALE, OR 97112

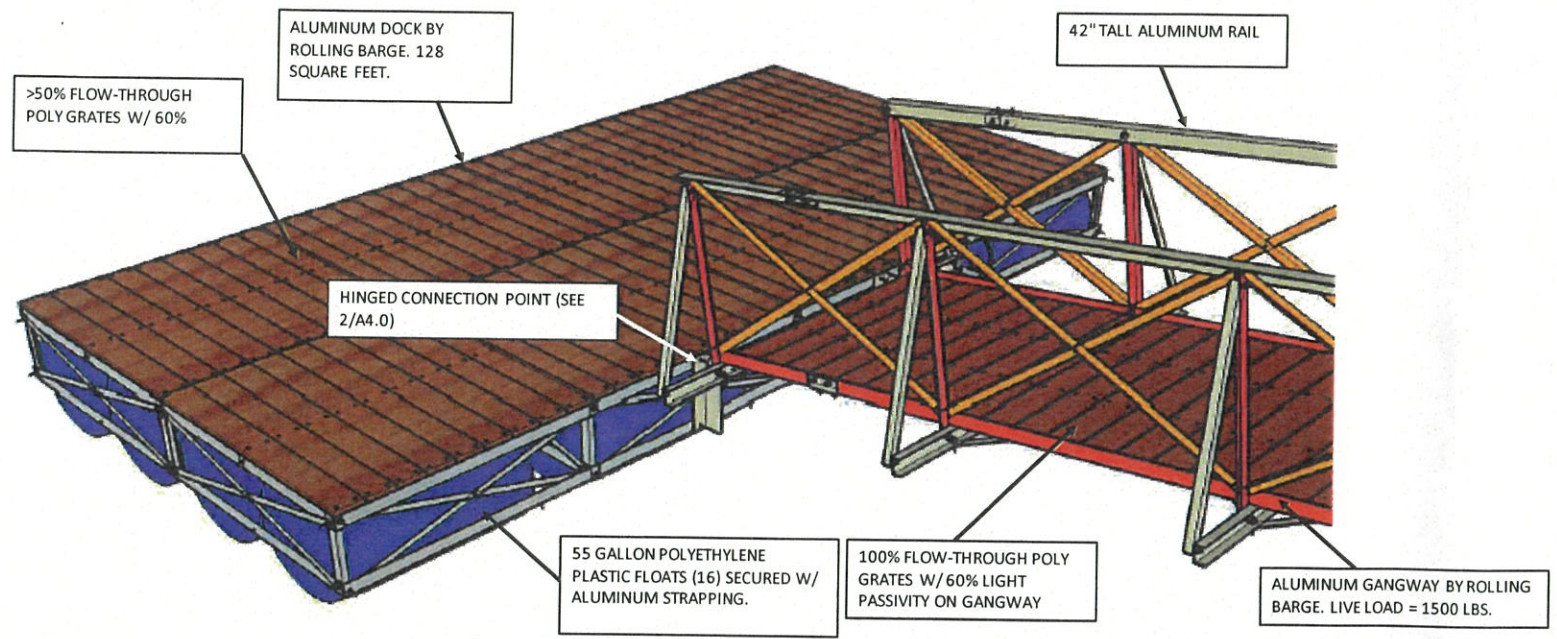
ISSUED FOR PERMIT

ISSUE DATE: 2024.04.19

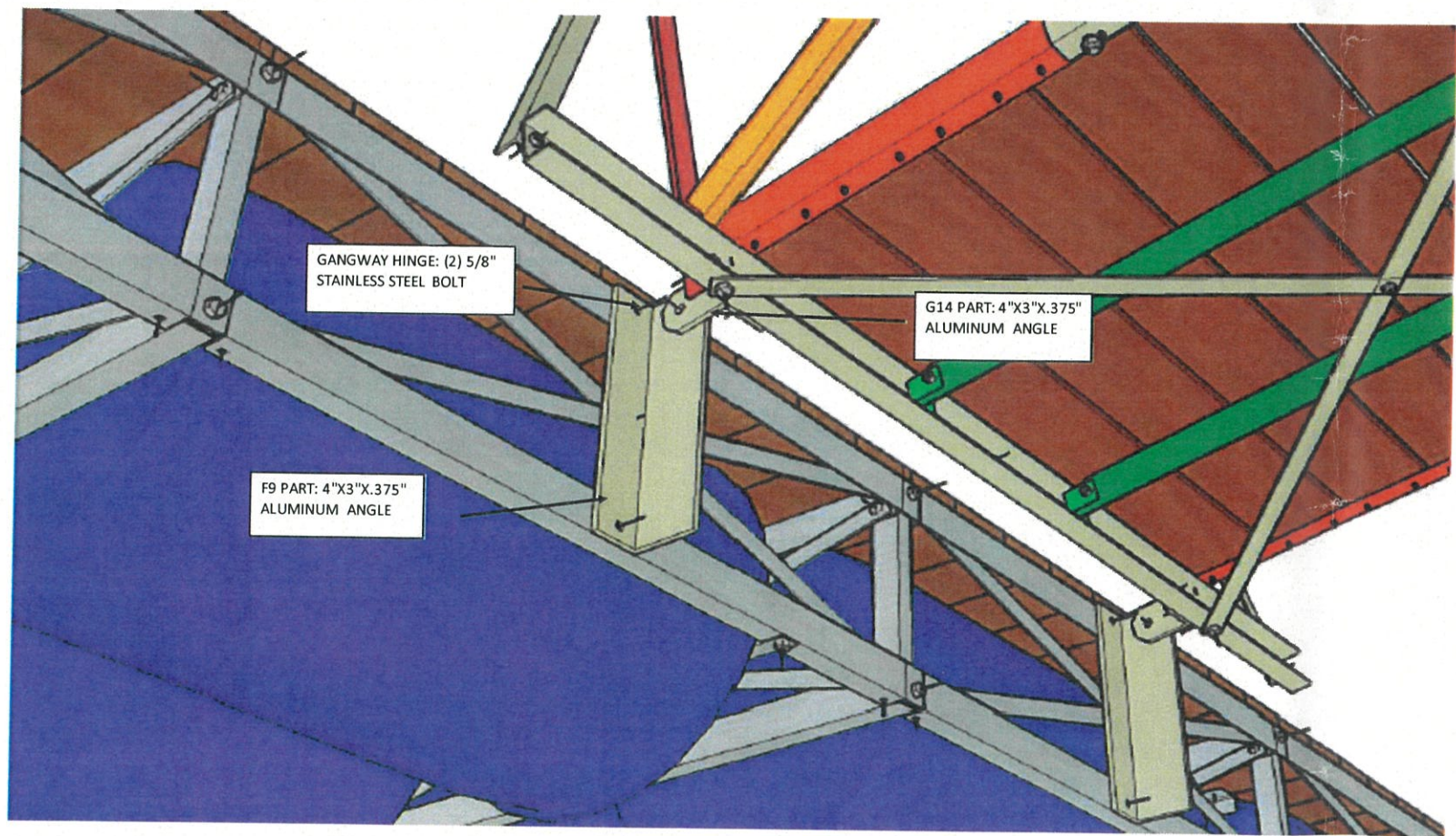
REVISION DATES:

DOCK & GANGWAY  
PLANS

A3.0



1 ISOMETRIC DRAWING DOCK & GANGWAY W/ RAILS  
NTS



2 ISOMETRIC DRAWING GANGWAY CONNECTION TO DOCK  
NTS

OWNER:  
TOBY WHITE

WHITE RESIDENCE  
33625 RESORT DRIVE  
CLOVERDALE, OR 97112

ISSUED FOR PERMIT

ISSUE  
DATE: 2024.04.19

REVISION DATES:

ISOMETRIC  
DRAWINGS

A4.0

# **EXHIBIT C**

## Melissa Jenck

---

**From:** BRADLEY Robert \* ODFW <Robert.BRADLEY@odfw.oregon.gov>  
**Sent:** Monday, August 12, 2024 2:33 PM  
**To:** Lynn Tone; Melissa Jenck  
**Subject:** EXTERNAL: RE: Floodway Development Permit #851-24-000241-PLNG: Toby White

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

Here are some comments from ODFW on this application:

The dock should conform to ODFW's and NMFS' dock guidelines/requirements.

Mitigation for vegetation disturbed (or prevented from growing by the presence of the dock) should be provided in the form of planting of native species (trees or shrubs) in the riparian area in an area (sq. ft) equivalent to or greater than that disturbed.

I believe a DSL general authorization has been obtained for this project, but I have not seen any correspondence with the US Army Corp of Engineers. The applicant should contact the USACE to determine if any permits are required.

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)

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**From:** Lynn Tone <Lynn.Tone@tillamookcounty.gov>  
**Sent:** Thursday, August 1, 2024 4:34 PM  
**To:** Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>  
**Subject:** Floodway Development Permit #851-24-000241-PLNG: Toby White

Hello, please see link for Notice of Administrative Review.

[851-24-000241-PLNG | Tillamook County OR](#)



**Lynn Tone** | Short-Term Rental Technician

**TILLAMOOK COUNTY** | Community Development

1510-B Third St

Tillamook, OR 97141

Phone (503) 842-3408 #3315

[Lynn.Tone@tillamookcounty.gov](mailto:Lynn.Tone@tillamookcounty.gov)

**My working hours are 7:00am to 5:30pm, Monday thru Thursday**