

**Nehalem Bay State Park GO Bond Projects**  
**Tillamook County Land Use Application – Conditional Use Master Plan**  
Response to Appeal – September 27, 2024  
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The land use decision for Oregon Parks and Recreation Department’s Conditional Use Master Plan application was ordered on July 26<sup>th</sup> after a lengthy discussion by the Planning Commission over traffic safety issues the Appellant noted in a community petition and presented at the public hearing. The Final Order included a unanimous recommendation for OPRD to participate in a Tillamook County workgroup on the subject, but required no specific conditions for off-site improvements. The Appellant filed an appeal to the decision on August 2<sup>nd</sup>, and the Board of Commissioners’ hearing is scheduled for September 30<sup>th</sup>.

In the Notice of Appeal, the Appellant raised similar issues as previously discussed, including a lack of community involvement in planning, and adverse impacts to the surrounding properties. OPRD presents the following response:

**Issue 1, Conditional Use Review Criteria**

*(2) The use is consistent with the applicable goals and policies of the Comprehensive Plan.*

The Appellant argues that OPRD violated Goal 1 of the Tillamook County Comprehensive Plan regarding community involvement in planning, because there was no public review of the land use application materials prior to submittal.

In fact, Goal 1 applies to the process by which the County creates its development plans and policies, requiring public oversight and involvement through committees and hearings. The Planning Commission hearing is evidence that the County has adhered to Goal 1 in considering OPRD’s application. Goal 1 public process requirements are incorporated into the Conditional Use Land Use approval process through the requirement for Public Notice and Public Hearing before the Planning Commission.

OPRD is similarly required to involve the public in master planning efforts through a series of public meetings and committee reviews throughout the multi-year master planning process. The Nehalem Bay State Park Master Plan followed this process and was adopted by the Oregon Parks and Recreation Commission in 2009. The Plan includes a 20-year vision of potential development proposals that are reflected in the 2024 Conditional Use Master Plan application.

*(4) The proposed use will not alter the character of the surrounding neighborhood in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zones.*

The Appellant argues that the overnight capacity increase proposed in OPRD’s land use application will generate so much additional traffic as to endanger the safety and well-being of pedestrians and cyclists. As noted in the 2009 Master Plan, the access road to the park (Necarney City Road) serves several additional businesses and residential communities but is narrow with poor sight distance in some sections and lacks dedicated facilities for walking and biking. Necarney City Road is within Tillamook County’s jurisdiction, and only a small portion of the road (technically Garey Street) fronts OPRD property.

In fact, OPRD consulted with Tillamook County Public Works Department and Oregon Department of Transportation prior to this Conditional Use Master Plan application regarding potential traffic impacts from the proposed development. Both agencies advised that the increased traffic demand from the proposed projects would not generate sufficient traffic to warrant an independent study or improvements to the road system. In light of the appeal, Tillamook County Public Works collected updated traffic data for Necarney City Road that appears to confirm that the roadway speed and capacity are acceptable in consideration of the proposed development. The City of Manzanita provided no further requests for information nor improvements.

Since the 2009 Master Plan was adopted, OPRD has improved its frontage on several City of Manzanita and Tillamook County streets to include facilities for pedestrians and cyclists.

The 2023 Nehalem Bay Transportation System Plan (TSP) identifies Necarney City Road as a minor collector route (1.2 miles from Hwy 101 to Nehalem Bay State Park) and proposes an off-street pathway to serve non-motorized users. OPRD fully supports this proposal but is not authorized to design and develop significant roadway infrastructure beyond the park boundary; and a project estimated at \$2.25 million (per the TSP) would not be proportional to the proposed development.

The 2023 TSP also identifies an alternative non-motorized route for bicyclists and pedestrians travelling between Nehalem Bay State Park and Highway 101 that is consistent with the Oregon Coast Trail Connection project, one of the allowed use projects listed in OPRD's Conditional Use Master Plan application. As such, OPRD's proposed development makes progress on the community's goals for safer facilities and would not substantially affect the ability for surrounding properties to be used according to their underlying zone.

## **Issue 2, Planning Commission Discussion and Decision**

The Appellant argues that the recommendation to form a working group on traffic safety issues around the park is not sufficient to address concerns raised, and references other improvements discussed by the Commission and staff as being appropriate conditions of approval for OPRD's application.

In fact, many of the recommendations cited by the Appellant, including installation of *Share the Road* signage, speed reductions and speed feedback signs, are outside the authority of OPRD but could be completed by Tillamook County regardless of OPRD's application. It would be inappropriate for OPRD to provide a detailed safety plan for a county road, as transportation is not the purview of the agency. Typically, the roadway authority reviews the proposal and determines impacts, assesses potential road improvements, determines what conditions would be appropriate to coincide with the proposed capacity increase, and requests that the applicant contribute towards those improvements proportionally. OPRD has met with Tillamook County and City of Manzanita staff following the Notice of Appeal and understands that neither agency has requested additional improvements to the road system.

At the time of this writing, OPRD understands Tillamook County and City of Manzanita have essentially determined that the working group is an appropriate venue to continue discussions of traffic safety improvements around the park, and no additional conditions of approval are necessary. OPRD is committed to ongoing collaboration with these jurisdictions and the public to further its mission to provide outstanding recreation experiences for present and future generations of Oregonians.