



Land of Cheese, Trees and Ocean Breeze

NOTICE OF DECISION

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

**APPEAL OF THE PLANNING COMMISSIONS DECISION TO APPROVE CONDITIONAL USE
REQUEST #851-24-000192-PLNG TO DEVELOP A 10-YEAR MASTER PLAN FOR THE
NEHALEM BAY STATE PARK
(APPEAL #851-24-000192-PLNG-01: OPRD/DEHEN)**

November 8, 2024

RE: #851-24-000192-PLNG-01: An appeal of the Planning Commission’s decision to approve Conditional Use request #851-24-000192-PLNG to develop a 10-year Master Plan for the Nehalem Bay State Park. The subject property is accessed via accessed via Garey Street, a County road, and designated as Tax lot 100 of Section 05, Township 2 North, Range 10 West of the Willamette Meridian, and Tax lot 300 of Section 32 & Tax lot 1700 of Section 33, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. The property is zoned Recreation Management (RM).

Dear Interested Parties:

This letter is to confirm the action taken by the Tillamook County Board of County Commissioners on September 30, 2024, regarding the above-referenced request. A public hearing on the above-entitled matter was held before the Tillamook County Board of County Commissioners September 30, 2024, where a decision was made on this date. The enclosed Board Order was approved and signed at the Board of County Commissioners meeting on November 6, 2024.

The Tillamook County Board of County Commissioners considered this Conditional Use request on the basis of the Conditional Use criteria listed in Section 6.040 of the Tillamook County Land Use Ordinance, findings of fact and conclusions contained within the staff report, staff memos, public and agency comments, evidence and information presented, written and oral testimony received at the hearing, and the applicant’s and appellants presentations.

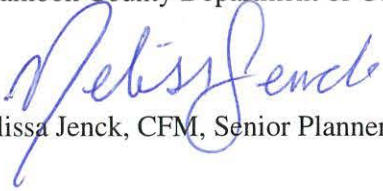
The Board of County Commissioners voted 3 in favor and 0 opposed to uphold the Planning Commission’s decision and deny the appeal for Conditional Use request #851-24-000192-PLNG. Conditional Use request #851-24-000192-PLNG, to develop a 10-year Master Plan for the Nehalem Bay State Park is approved, subject to the Conditions of Approval as amended and included as “Exhibit A”.

Due to their large size, the Board Order and other documents associated with this review are available for review on the Tillamook County Department of Community Development website at: <https://www.tillamookcounty.gov/commdev/landuseapps> and are also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

Any party with standing to appeal as described in TCLUO 10.110 may appeal this decision to the Land Use Board of Appeals pursuant with Oregon Revised Statutes 197.805 – 197.860 within twenty-one (21) days of the date of this Notice.

If you have any questions about this notice, you may contact this office at (503) 842-3408x3301.

Sincerely,
Tillamook County Department of Community Development



Melissa Jenck, CFM, Senior Planner

Sarah Absher, CFM, Director

Enclosures:

- Tillamook County Assessor Map, Vicinity Map & Zoning Map
- Copy of the record can be found on the Tillamook County Community Development page at:
<https://www.tillamookcounty.gov/commdev/landuseapps>

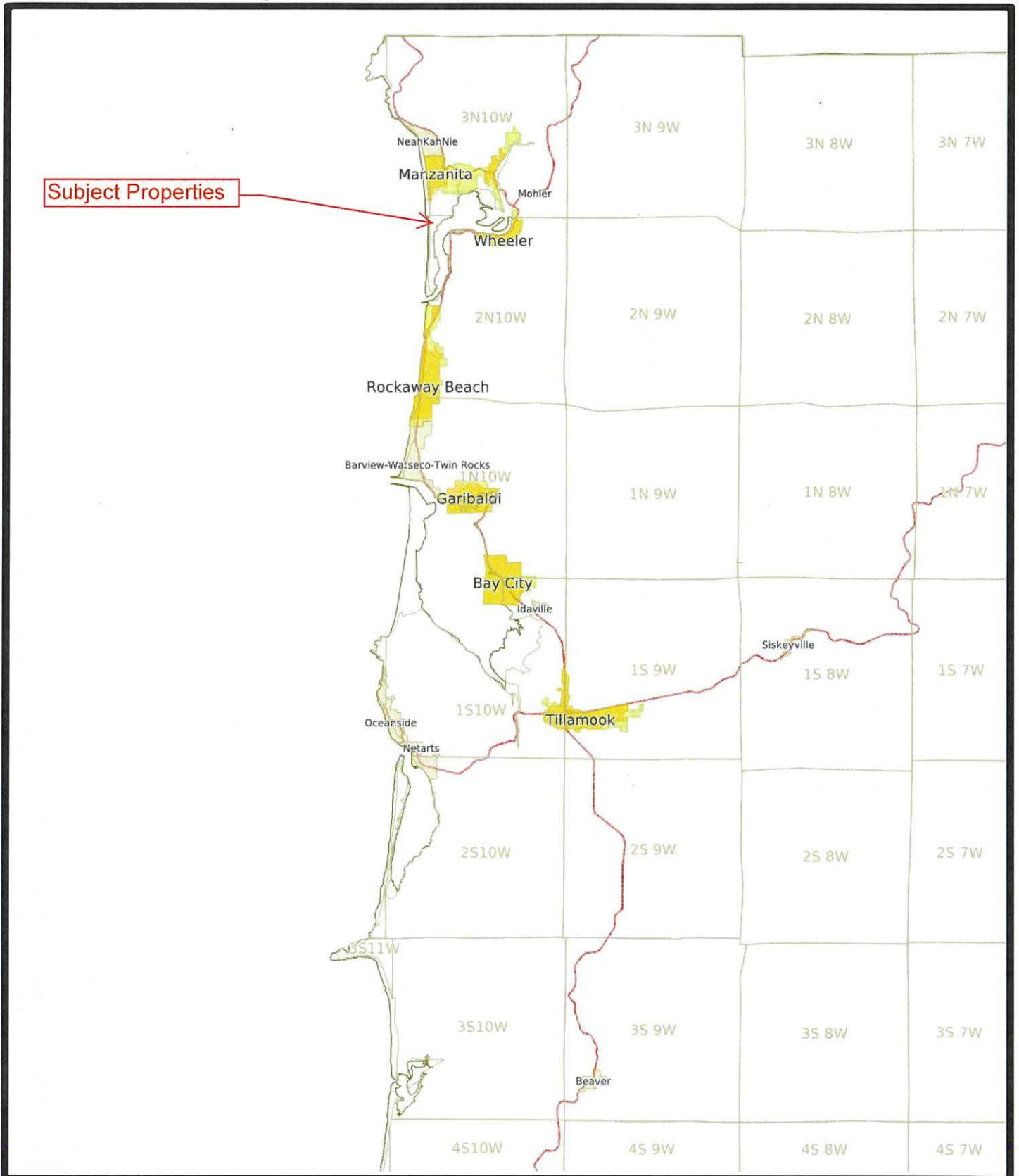
CONDITIONS OF APPROVAL:

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

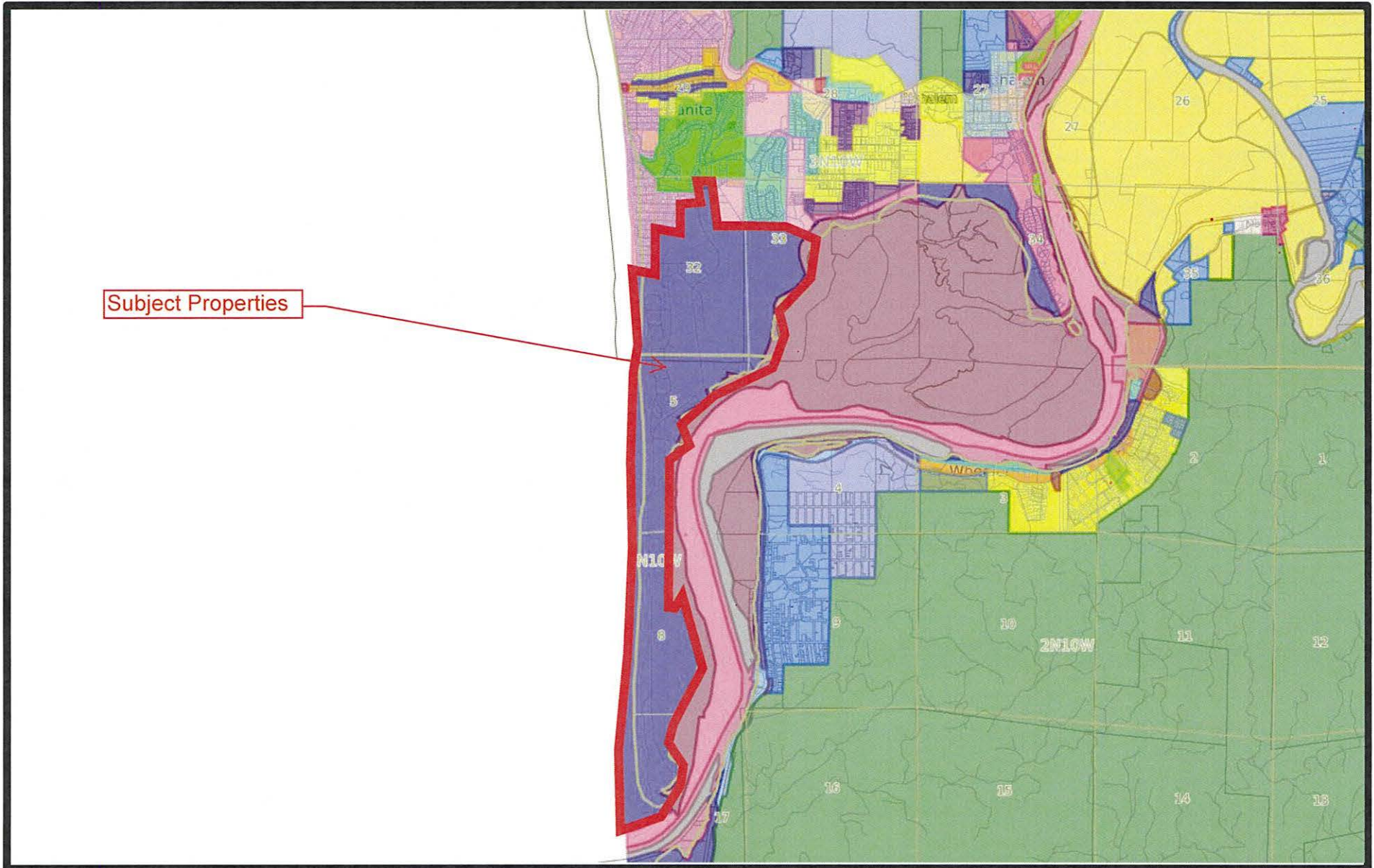
1. The applicant/property owner shall obtain all required Federal, State, and Local permits and/or licenses and shall comply with all applicable rules and regulations, including but not limited to:
 - Future development shall adhere to the requirement from development within areas of geologic hazard as required by TCLUO Section 4.130.
 - Future development shall adhere to the requirement for development within areas of dune hazard as required by TCLUO Section 3.530.
 - The applicants/property owners shall maintain an additional off-street parking spaces as required per TCLUO Section 4.030: Off-Street Parking & Off-Street Loading Requirements for the proposed expansion the campground, for one (1) parking space per camp site. Each parking space shall be a minimum of 8 feet by 20 feet. Parking areas shall comply with the standards of Section 4.030 including lighting, drainage and maneuvering. Parking spaces shall be identified on the site plan submitted with the Zoning Permit/Building Permit.
 - Future development shall adhere to the requirements of the Flood Hazard (FH) Overlay, TCLUO Section 3.510, including those standards required for development and the siting of recreational vehicles and fill in the floodplain.
 - Future development shall otherwise adhere to the requirement of the Shoreland Overlay, TCLUO Section 3.545.
 - Future development shall adhere to the requirement of the Estuary Natural (EN) Zone, TCLUO Section 3.102, including obtaining an Estuary Development Permit prior to activities requiring such as boat ramp repairs and associated fill.
 - Development will comply with the requirements and standards of TCLUO 3.040 'Recreation Management (RM) Zone' and Section 5.030 'Recreational Campground Standards'.
 - Overnight temporary use of the campground by a camper or a camper's vehicle shall not occur for longer than six (6) months in any twelve (12) month period as required by TCLUO Section 5.030.
 - Development shall comply with riparian buffer and vegetation retention requirements of TCLUO Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization.
 - Signage shall comply with the requirements of TCLUO Section 4.020: Signs.
2. The property owner shall obtain all necessary electrical, mechanical, and plumbing permits.
3. At the time of applying for Zoning and Building Permit approval for new campsites and lodging, the Applicant shall submit the following:
 - A letter for new sewer connections from Nehalem Bay Wastewater District.
 - A letter from City of Manzanita confirming water service to the proposed facility.
 - A letter from the Nehalem Bay Fire District confirming fire protection service to the proposed facilities.
 - A letter from the Tillamook County Public Works approving the road approach.
 - A letter from Tillamook County Public Works approving all internal roadway designs.

4. The Applicant shall provide a service letter from Nehalem Bay Wastewater District when applying for the Zoning and Building permit approval for future development for sanitation systems, including relocation of the RV Dump station, and new connections to existing campsites.
5. Applicant/property owner shall have Oregon Department of Fish and Wildlife (ODFW) confirm the location of the estuary and riparian areas.
6. Development shall only occur in the area as generally depicted on the submitted site plans and as described and shall not exceed (64) new campsites, and (29) group lodging cabins, in addition to new restrooms/showers, utility upgrades, boat ramp parking improvements, and RV dump station.

Vicinity Map



Zoning Map



Subject Properties

BEFORE THE BOARD OF COMMISSIONERS
OF TILLAMOOK COUNTY, OREGON

IN THE MATTER OF AN APPEAL OF THE PLANING) COMMISSIONS DECISION TO APPROVE A) CONDITIONAL USE REQUEST #851-24-000192-PLNG-01) TO DEVELOP A 10-YEAR MASTER PLAN FOR THE) NEHALEM BAY STATE PARK, ON A PROPERTY ZONED) RECREATION MANAGEMENT (RM) ZONED, ACCESSED) VIA GAREY STREET, A COUNTY ROAD, AND) DESIGNATED AS TAX LOT 100 OF INDEX SECTION 05,) TOWNSHIP 2 NORTH, RANGE 10 WEST OF THE) WILLAMETTE MERIDIAN, AND TAX LOT 300 OF) SECTION 32 & TAX LOT 1700 OF SECTION 33, TOWNSHIP) 3 NORTH, RANGE 10 WEST OF THE WILLAMETTE) MERIDIAN, TILLAMOOK COUNTY, OREGON.)	FINDINGS OF FACT, CONCLUSIONS AND ORDER #851-24-000192-PLNG-01
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APPELLANT: Regina Dehen, P.O. Box 51, Manzanita, OR 97130

APPLICANT: Tracy Johnson, 725 Summer Street NE, Salem, OR 97301

PROPERTY OWNER: Oregon State Parks and Recreation, 725 Summer Street NE, Suite C, Salem, OR 97301

This matter came before the Tillamook County Board of Commissioners at the request of the Appellant.

The Board of Commissioners, being fully apprised of the representations of the above-named persons and the record in the file in this matter, finds as follows:

1. The files in this proceeding can be found in the office of the Tillamook County Department of Community Development under Appeal #851-24-000192-PLNG-01.
2. Public hearings on the above-entitled matter were held before the Tillamook County Planning Commission on July 11, 2024, where a decision was made on that date. After consideration of all available evidence including the Conditional Use criteria listed in 6.040 of the Tillamook County Land Use Ordinance, findings of fact and conclusions contained within the staff report, staff memos, public and agency comments, evidence and information presented, written and oral testimony received at the hearing, and the applicant's presentations, the Tillamook County Planning Commission took action on the following:
 - a. The Planning Commission voted unanimously, 6 in favor and 0 opposed, to encourage all parties including Tillamook County, City of Manzanita, Oregon State Parks and Recreation, and the interested public to form a Working Group to work towards resolving the issues of Necarney City Road.
 - b. The Planning Commission voted unanimously, 6 in favor and 0 opposed, to approve Conditional Use request #851-24-000192-PLNG subject to the Conditions of Approval as amended and included as "Exhibit A".
3. The Tillamook County Board of Commissioners opened a de novo public hearing on September 30, 2024. The hearing was properly noticed according to the requirements of ORS 197 and 215. At the September 30, 2024 hearing, the Board heard additional oral public testimony and oral arguments from the appellant, the applicant and final comments from staff. The Board then

deliberated and voted unanimously (3-0) to uphold the Planning Commission's decision and deny the appeal, subject to the Conditions of Approval as amended and included as "Exhibit A", with the staff directed to prepare written findings for final adoption.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS FOR TILLAMOOK COUNTY, OREGON, ORDERS AS FOLLOWS:


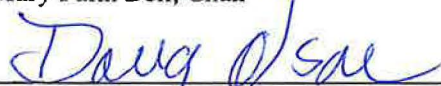
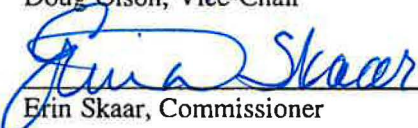
Section 1. The Planning Commission's decision to approve the Conditional Use application (file no. 851-24-000192-PLNG) is hereby upheld, and the appeal filed by Regina Dehen is denied.

Section 2. Conditional Use request #851-24-000192-to develop a 10-year Master Plan for the Nehalem Bay State Park is approved.

Section 3. The findings and conditions attached as "Exhibit A" and "Exhibit B" are hereby incorporated by reference and adopted in support of this order. Exhibits to the staff report can be found in the office of the Tillamook County Department of Community Development under Appeal #851-24-000192-PLNG-01.

DATED this 6th day of November 2024.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

	Aye	Nay	Abstain/Absent
 _____ Mary Faith Bell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Doug Olson, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Erin Skaar, Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: Christy Nyseth,
County Clerk



Special Deputy

APPROVED AS TO FORM:



William K. Sargent, County Counsel



EXHIBIT A

CONDITIONS OF APPROVAL:

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

1. The applicant/property owner shall obtain all required Federal, State, and Local permits and/or licenses and shall comply with all applicable rules and regulations, including but not limited to:
 - Future development shall adhere to the requirement from development within areas of geologic hazard as required by TCLUO Section 4.130.
 - Future development shall adhere to the requirement for development within areas of dune hazard as required by TCLUO Section 3.530.
 - The applicants/property owners shall maintain an additional off-street parking spaces as required per TCLUO Section 4.030: Off-Street Parking & Off-Street Loading Requirements for the proposed expansion the campground, for one (1) parking space per camp site. Each parking space shall be a minimum of 8 feet by 20 feet. Parking areas shall comply with the standards of Section 4.030 including lighting, drainage and maneuvering. Parking spaces shall be identified on the site plan submitted with the Zoning Permit/Building Permit.
 - Future development shall adhere to the requirements of the Flood Hazard (FH) Overlay, TCLUO Section 3.510, including those standards required for development and the siting of recreational vehicles and fill in the floodplain.
 - Future development shall otherwise adhere to the requirement of the Shoreland Overlay, TCLUO Section 3.545.
 - Future development shall adhere to the requirement of the Estuary Natural (EN) Zone, TCLUO Section 3.102, including obtaining an Estuary Development Permit prior to activities requiring such as boat ramp repairs and associated fill.
 - Development will comply with the requirements and standards of TCLUO 3.040 'Recreation Management (RM) Zone' and Section 5.030 'Recreational Campground Standards'.
 - Overnight temporary use of the campground by a camper or a camper's vehicle shall not occur for longer than six (6) months in any twelve (12) month period as required by TCLUO Section 5.030.
 - Development shall comply with riparian buffer and vegetation retention requirements of TCLUO Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization.
 - Signage shall comply with the requirements of TCLUO Section 4.020: Signs.
2. The property owner shall obtain all necessary electrical, mechanical, and plumbing permits.
3. At the time of applying for Zoning and Building Permit approval for new campsites and lodging, the Applicant shall submit the following:
 - A letter for new sewer connections from Nehalem Bay Wastewater District.
 - A letter from City of Manzanita confirming water service to the proposed facility.

- A letter from the Nehalem Bay Fire District confirming fire protection service to the proposed facilities.
 - A letter from the Tillamook County Public Works approving the road approach.
 - A letter from Tillamook County Public Works approving all internal roadway designs.
4. The Applicant shall provide a service letter from Nehalem Bay Wastewater District when applying for the Zoning and Building permit approval for future development for sanitation systems, including relocation of the RV Dump station, and new connections to existing campsites.
 5. Applicant/property owner shall have Oregon Department of Fish and Wildlife (ODFW) confirm the location of the estuary and riparian areas.
 6. Development shall only occur in the area as generally depicted on the submitted site plans and as described and shall not exceed (64) new campsites, and (29) group lodging cabins, in addition to new restrooms/showers, utility upgrades, boat ramp parking improvements, and RV dump station.

EXHIBIT B



Land of Cheese, Trees and Ocean Breeze

**CONDITIONAL USE REQUEST
#851-24-000192-PLNG: NEHALEM BAY STATE PARK MASTER PLAN
RECREATIONAL CAMPGROUND
STAFF REPORT**

Date: July 3, 2024

(This is not Building or Placement Permit Approval)

Report Prepared by: Melissa Jenck, Senior Planner, CFM

I. GENERAL INFORMATION:

- Request:** Request for Conditional Use approval to update the Master Plan for Nehalem Bay State Park.
- Location:** Located at off Garey Street, a County road, the subject properties are located adjacent to the City of Manzanita, and designated as Tax Lot 100 of Index Section 00, Township 2 North, Range 10 West of the Willamette Meridian, and Tax Lot 300 of Section 32 & Tax Lot 1700 of Section 33, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.
- Zone:** Recreation Management (RM)
- Applicant:** Tracy Johnson, 725 Summer Street NE, Salem, OR 97301
- Property Owner:** Oregon State Parks and Recreation, 725 Summer Street NE, Suite C, Salem, OR 97301

Property Description: The subject property encompasses approximately 1034.87-acres, abutting the City of Manzanita’s Urban Growth Boundary (UGB) (Exhibit A). Garey Street, a County road, serves off Necarney City Road, a County Road, for access into the subject property (Exhibit A). The property is currently improved with an existing recreational campground with recreational vehicle (RV) sites, tent and yurt sites, hiker/biker campsites, and an equestrian camp, along with existing staff cabins and facilities, a meeting hall, a small airport, and a boat launch (Exhibit A & B). The state park currently maintains 314 sites (Exhibit B).

The subject property is zoned Recreation Management (RM) (Exhibit A). The property abuts the Pacific Ocean upon its westerly boundary, and the Nehalem River/Bay primarily upon its easterly boundary (Exhibit A & B). The property neighbors residentially zoned properties located primarily to the north which are contained within the City of Manzanita’s city and UGB boundaries, zoned Manzanita’s Medium Density Residential (R2), Residential Manufactured Dwelling (RMD) and Special

Residential/Recreational (SRR) zones (Exhibit A). These residential properties are predominately improved with residential development (Exhibit A). Adjacent Rural Commercial (RC) zoned properties are located to the east and west. The subject property abuts the Nehalem River/Bay to the east, where Estuary Natural (EN) zone is present.

The subject property has variable slopes and terrain throughout the property, with foredunes present along the westerly portions and low-lying throughout the property, and steep slopes and terrain located upon the northeasterly portion (Exhibit A). The existing improved campground is primarily located within the level areas near the middle of the subject property (Exhibit A & B). Proposed improvements are located within level areas (Exhibit A & B).

The tract within areas described as areas of shallow landslide susceptibility as described in DOGAMI Open File Report O-20-13 as (Exhibit A). The tract also contained numerous dune areas, including Active Foredune, Stabilized Foredune, Younger Stabilized Dune, Interdune, Older Stabilized Dune, and Beach as identified in DOGAMI Open File Report O-20-04 (Exhibit A). The proposed improvements are contained within Younger Stabilized Dunes and Interdune areas (Exhibit A & B).

Wetlands features are present throughout the parcel, predominately Freshwater Emergent Forested Shrub wetlands in the southerly portion and located in the general area of the existing improved locations (Exhibit A). Proposed improvements are located outside of existing mapped wetland features (Exhibit A & B). The property abuts the Nehalem River/Bay along its easterly boundary (Exhibit A). The subject property is primarily outside the mapped Special Flood Hazard Area (SFHA), with areas along the easterly boundary maintaining a "AE" zone as detailed on the FEMA FIRM 41057C0208F and 41057C0216F dated September 28, 2018 (Exhibit A).

The current request is for conditional use approval update a Master Plan for the Nehalem Bay State Park. The proposed Master Plan includes bathroom buildings, utility improvements to existing RV sites, road improvements and creation, new group lodging and camp sites, additional parking areas, relocation of dump station and relocation of hiker/biker campsites (Exhibit B). The expected number of new sites is approximately 93-sites, including 24 cabins, 5 group sites, 50 RV/tent sites, 8 additional hiker/biker tent sites, and six (6) host sites (Exhibit B).

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 requirements and criteria, is discussed in Sections III, IV and V of this report:

Section III

- A. Section 3.040: Recreation Management (RM) Zone
- B. Section 3.102: Estuary Natural (EN) Zone
- C. Section 3.510: Flood Hazard Overlay Zone (FH)
- D. Section 3.530: Beach and Dune Hazard (BD) Overlay
- E. Section 3.545: Shoreland Overlay
- F. Section 3.555: Freshwater Wetlands Overlay
- G. Section 4.030: Off-Street Parking and Off-Street Loading Requirements
- H. Section 4.130: Development Requirements for Geologic Hazard Areas
- I. Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization
- J. Section 4.160: Protection of Archeological sites
- K. Section 5.030: Recreational Campground Standards

Section IV

- A. Article VI: Conditional Use Procedures and Criteria

Section V

B. Article X: Administrative Provisions

III. ANALYSIS OF STADARDS:

A. TCLUO SECTION 3.040: RECREATION MANAGEMENT (RM) ZONE

(2) USES PERMITTED OUTHRIGHT: In the RM zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance:

(a) Maintenance and operation of existing structures and facilities.

(b) Recreational improvements and additions necessary to serve the same numbers and densities of visitors served by the existing facilities, provided that off-site impacts are not increased. Such facilities include picnic areas, playgrounds, pavilions, maintenance buildings, tennis courts, and swimming pools.

(c) Single- or multiple-unit dwellings or residential quarters for caretakers and staff members necessary to serve existing facilities.

(d) Utility lines, excluding power transmission lines.

Findings: The subject property is zoned Recreation Management (RM) (Exhibit A). Applicants' proposal includes:

- two (2) new bathroom/shower buildings to be located in Camp Loop C and D, respectively,
- a new restroom near the equestrian loop,
- connect sewer to five (5) existing RV sites for hosts,
- Six (6) new host sites, (2) near the Horse Concessionaire Loop, (2) at Cabin Loop, and (2) at the Camp Loop,
- water/sewer and electrical upgrades to (164) sites located within Loops D, E, F and the equestrian camp loop,
- water system upgrades to replace distribution lines and pedestals,
- extending existing sewer line to host sites,
- new pump station by horse corrals for sewage to boat ramp pump station,
- electrical upgrades to horse concessionaire area to serve pump station and host sites,
- widening of existing road entrance from Sandpiper Lane,
- North Day Use lot improvements for re-striping parking area, trail connection to Glennesslin Lane,
- Reconfigure boat ramp for additional stalls to include ADA-compliant parking spaces and pathways,
- Boat ramp repairs, including wave attenuators and debris booms, and
- Connection to the Oregon Coast Trail, with a connection from Neptune Way to the park entrance for a multiuse path (Exhibit B)

Staff find the proposed development described above are allowed outright in the RM zone. Proposed development will be required to comply with those applicable standards, detailed below in the staff report, including Flood Hazard (FH) Overlay, Beach and Dune Hazard (BD) Overlay, Development Requirements for Geologic Hazard Areas, and Requirements for Water Quality and Streambank Stabilization. Staff find these proposed developments are allowed outright.

(3) USES PERMITTED CONDITIONALLY: In the RM zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this Ordinance:

(a) Recreation campgrounds, primitive campgrounds and group lodging facilities such as dormitories for visitors, but not including commercial motels, hotels, or group cottages.

(b) Meeting and recreational facilities that will increase visitor capacity or off-site impacts.

Findings: Applicants proposal includes:

- Fourteen (14) new cabins located in northwest portion of the property,

- New parking area for overflow at Boat Ramp, located in the northeasterly portion of the property,
- Relocation of the existing RV Dump Station, located in the northwest portion of the property,
- Relocation of (8) Hiker/Biker camp sites, and the addition of (8) more sites, located in the northwest portion of the property,
- Future Camp Loop, including 5 group sites, 50 RV/tent sites, and 10 cabins located in the northeast portion of the property near the Nehalem River/Bay (Exhibit B).

Staff find the proposed use of a Recreational Campground, group lodging cabins and recreational facilities for visitor capacity increase, is subject to the provisions of Article VI, addressed below in this report.

Group lodging facilities have been similarly used to include cabins structures for sleeping areas. Applicants' proposal contains cabins and group sites, which are to act as sleeping areas, only. They are not providing amenities such as cooking facilities within the cabins. Cabins have similarly been implemented within other State Parks in Tillamook County, including Cape Lookout State Park for diverse accommodations.

(4) STANDARDS: Land divisions and development in the RM zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

(a) Recreational developments shall retain substantial open space on the property.

(b) Master plans for improvements in the RM zone may include any of the permitted or Conditional Uses listed in this zone. The Planning Department or Commission may approve such plans for a recreation area, according to the provisions of this Section, that plan for a period not to exceed ten years. Such approvals would allow all uses provided in the plan except those that require further information or review due either to lack of plan detail or the applicability of additional Ordinance criteria or standards. Any changes to the plan which would not affect visitor capacity or increase off-site impacts may be approved by the Director. All other changes or amendments shall be reviewed as required by this Section.

(c) The minimum lot size shall be 40 acres. The Director may approve a smaller lot size according to the provisions of Article VI, provided that forest resource values are maintained in the vicinity.

Findings: Applicant demonstrates substantial open space remains as part of the existing and proposed development. Nehalem Bay State Park maintains approximately 1,034-acres, with development existing and proposed sited primarily within the northerly portion of the property (Exhibit B). Staff find that a Master Plan for the park has not been completed, and due to proposed changes to visitor capacity, a Master Plan update is required through this report. The subject property exceeds the minimum 40-acres size (Exhibit A & B).

B. TCLUO SECTION 3.102: ESTUARY NATURAL (EN) ZONE

The estuary boundary and zones are defined in TCLUO Section 3.100 as "*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.*"

Findings: A site plan was included in 'Exhibit B', which demonstrates the approximate location of the 50-ft estuary boundary as measured from the high tide line. The site plans indicates that the proposed and existing camp sites, utility upgrades, restrooms/showers, and boat ramp parking improvements are landward of the Mean Higher High water (MHHW) and the line of non-aquatic vegetation, along with maintaining more than 50-ft from the estuary boundary.

The proposed boat ramp repairs are to be located below the high tide line (Exhibit B). The EN zone allows outright for maintenance and repairs of existing structures or facilities are uses allowed outright in the EN zone, involving regulated activities such as fill which requires a Section 10 or Section 404 permit from the US Army Corp of Engineers.

Staff finds that the proposed development is primarily located outside the Estuary Natural (EN) zone, as it is located landward of the estuary boundary, other than the boat ramp repairs which include associated fill (Exhibit B). Staff find the Applicant will be required to demonstrate compliance with such standards for any future development on the site subject to the EN boundary at time of consolidated zoning/building permit approval and Estuary Development Permit. Staff recommends that this requirement be met through compliance with Conditions of Approval, to include confirmation from Oregon Department of Fish and Wildlife for identifying the estuary/riparian boundary.

C. TCLUO SECTION 3.510 FLOOD HAZARD (FH) OVERLAY

The subject property is primarily outside the mapped Special Flood Hazard Area (SFHA), with areas along the easterly boundary maintaining a "AE" zone as detailed on the FEMA FIRM 41057C0208F and 41057C0216F dated September 28, 2018 (Exhibit A). The subject property is not located within a mapped Floodway.

(8) RECREATIONAL VEHICLES: Recreational vehicles may occupy a site in a Special Flood Hazard Area for periods of 180 consecutive days or less provided they are fully licensed and highway ready. Recreational vehicles are on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions. Recreational vehicles that do not meet these criteria become manufactured dwellings and shall be anchored and elevated pursuant to this ordinance.

Findings: The proposed development of the Overflow Boat Ramp parking area, southerly portions of the proposed Future Cabin Loop, and the boat ramp repairs are within the mapped 'AE' zone (Exhibit A & B). The proposed Cabin Loop sites would include RV sites within proximity of the 'AE' zone on the most southerly boundary (Exhibit B). The standards for Recreational Vehicles as described in TCLUO Section 3.510(8) address occupation of an RV within the SFHA. The proposed overflow parking area for the boat ramp is approximately 255-ft by 120-ft, with (32) boat stalls proposed (Exhibit B). The boat launch is within the water and is subject to the 'AE' flood zone requirements. Staff recommends a condition of approval be maintained for future siting of recreational vehicles on the subject site. All future improvements to the subject property, to include fill, grading, or any development shall be subject to a Floodplain Development permit prior to the commencement of such development within those mapped within the Special Flood Hazard Area. Staff recommend a condition of approval for compliance with the Flood Hazard (FH) Overlay.

D. TCLUO SECTION 3.530: BEACH AND DUNE HAZARD OVERLAY (BD)

The tract contains numerous dune areas, including Active Fore-dune, Stabilized Fore-dune, Younger Stabilized Dune, Interdune, Older Stabilized Dune, and Beach as identified in DOGAMI Open File Report O-20-04 (Exhibit A).

Proposed development includes new restrooms/showers, utility upgrades within Younger Stabilized Dune area, new camp loop and parking area within the Interdune, new cabin sites within the Dune Complex (Exhibit B).

Findings: Staff find that maintenance and reconstruction of private roads, parking lots, driveways, utility lines, and installation of individual service connections are exempt from a Dune Area Development Permit, per TCLUO Section 3.530(5)(b). Activities, such as grading activities, new structures, new beach access, new utility lines and roadways, and a new parking lot will require a Dune Area Development Permit prior to these improvements.

Staff find that an existing approved Dune Area Development Permit was issued for the development of previously approved workforce housing for host sites, in permit #851-23-000080-PLNG.

Staff find, as a condition of approval, requirements for compliance with TCLUO Section 3.530 be required for activities prior to the start of development/construction for those items not exempt from a Dune Area Development Permit.

E. TCLUO SECTION 3.545: SHORELAND OVERLAY

(2) AREAS INCLUDED: The SHORELAND OVERLAY ZONE is designated on the Tillamook County Zoning Maps. Included in this zone are:

(a) Lands contiguous with the ocean estuaries and coastal lakes that contain the following features shown in the Coastal Shoreland Element of the Comprehensive Plan:

(1) Areas subject to ocean flooding and lands within 100 feet of the ocean shore or within 50 feet of an estuary or a coastal lake.

...

(4) Significant shoreland and wetland biological habitats.

(5) Areas necessary for water-dependent and water-related uses.

(6) Shoreland areas of exceptional aesthetic or scenic quality.

Findings: The subject site contains significant shoreland and wetland biological habitat as identified in the Tillamook County Comprehensive Plan for Nehalem Spit State Park, in 3.2a, with areas needed for water-dependent and water-related uses (boat launch), and exception aesthetic resources in the southern end of the Nehalem Spit, including snowy plover habitat (Exhibit A). The site lies within the Estuarine Element and Coastal Shorelands Element of the Tillamook County Comprehensive Plan.

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

...

(b) Significant Shoreland and Wetland Biological Habitats (Identified in Section 3.2 of the Coastal Shorelands Element of the Comprehensive Plan).

(1) Only low intensity uses and developments such as hiking trails and platforms for wildlife viewing or similar types of educational, scientific or recreational uses may be permitted providing that such uses and developments will not act as a barrier to or result in major disturbances or displacement of fish or wildlife species. Maintenance of existing drainageways and drainage structures is permitted.

Findings: The Nehalem Bay State Park is an existing State Park operating prior to the implementation of the local land use code (Exhibit B). The Nehalem Bay State Park is recognized in Goal 17, Section 6.2b for compatibility of uses permitted in these areas containing significant shoreland resources. Section 6.2b identifies those areas with exceptional aesthetic resources within Nehalem Spit and snowy plover use areas to be within the Management land use class, which allows for moderate impacts on resources, primitive campground, boat ramps and docks, secondary roads and parking lots, equestrian facilities, and utilities within its development area.

Nehalem Bay State Park is a State Park area already improved with development and recreational uses. Proposed development for the park is contained within the existing State Park area recognized in the Comprehensive Plan Goal 17 element, while the proposed relocation of facilities, new camp sites and lodging options are located outside those areas recognized as aesthetic resources, which are contained in the southern portion of the spit.

The boat ramp repairs and improvements to the parking area associated with the boat ramp are used for recreational uses, within those areas identified as water-dependent and water-related uses.

(2) In significant wetland biological habitats, no development is allowed except for the placement of a floating or pile supported dock or a boat ramp using less than 50 cubic yards

of fill to allow boat access to a coastal lake providing that such developments are placed to minimize impacts on wetland habitats. Where dwellings are permitted in the underlying zone, the density of allowed development shall be determined by the size of the entire parcel providing the allowed development will not result in a major impact to adjacent significant wetland habitat.

Findings: Boat dock is an existing structure. Proposed development for fill for repair of the boat dock is proposed to be less than 50-cubic yards of fill. Staff find the dock will be subject to regulatory requirements of Tillamook County, the Oregon Department of State Lands (DSL), and the US Army Corp of Engineers.

(3) Dredging less than 50 cubic yards from a coastal lake to provide access to a public boat ramp or a public boat dock is allowed, subject to the approval of Tillamook County.

Findings: No dredging is proposed as part of this Master Plan.

...
(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.

(c) Development in beach and dune and other geologic hazard areas shall meet the requirements of Section 3.085, BEACH AND DUNE OVERLAY ZONE and Section 4.130, DEVELOPMENT REQUIREMENTS FOR GEOLOGIC HAZARD AREAS.

Findings: The proposal is being reviewed for compliance with TCLUO Section 4.140, 3.510, 3.530, and 4.130 as part of this staff report. Proposed development is located outside mapped wetlands as indicated on the Oregon Statewide Wetlands Inventory. Proposed development within riparian areas is those associated with direct access for water-dependent uses. Development within the Beach and Dune Hazard Overlay and geologic hazard areas are required to demonstrate compliance with development standards contained in each respective section, with a prior approved Dune Area Development Permit issued in 2023 (Exhibit B).

...
(7) ADMINISTRATIVE PROVISIONS:

(a) All applications for developments in the SHORELANDS OVERLAY ZONE shall be reviewed for compliance with the requirements of the underlying zone and the requirements of the SHORELANDS OVERLAY ZONE.

(b) All applications shall be accompanied by a plot plan identifying the location of the parcel and its boundaries, the location of existing uses on the property, the proposed location of developments and uses and the location of any waterbodies, watercourses and wetlands in the vicinity of the proposed developments. Developments involving contiguous parcels under separate ownerships may be considered in a single application, provided that all affected property owners sign the final application.

(c) In the following instances, public agencies shall be notified of applications for development in the SHORELANDS OVERLAY ZONE.

(1) Significant Wetland Biological Habitats: The Oregon Department of Fish and Wildlife, Oregon Division of State Lands, Oregon Department of Land Conservation and Development, U. S. Fish and Wildlife Service, Environmental Protection Agency and U. S. Army Corps of Engineers shall be notified.

(2) Other Significant Shoreland Habitats: The Oregon Department of Fish and Wildlife, Oregon Department of Land Conservation and Development, and U. S. Fish and Wildlife Services shall be notified.

(3) Coastal Headlands and Exceptional Aesthetic and Scenic Resources: The Oregon Parks and Recreation Division and Oregon Department of Land Conservation and Development shall be notified.

Findings: Staff notified affected agencies as part of this request, when notified on June 13, 2024, including ODFW, USFW, DSL, DLCDC, EPA, US Army Corp of Engineers, and OPRD. No comments have been received from these notified agencies as of the time of publication of this staff report.

F. TCLUO SECTION 3.555: FRESHWATER WETLANDS OVERLAY (FW)

(1) PURPOSE AND AREAS INCLUDED: The purpose of this zone is to protect significant areas of freshwater wetlands, marshes and swamps from filling, drainage or other alteration which would destroy or reduce their biological value. Areas included in this zone are:

...

(b) Notification Wetlands: wetlands shown on the Statewide Wetland Inventory (discussed in the Goal 5 Element of the Comprehensive Plan).

(2) USES PERMITTED:

..

(b) Notification Wetlands: wetlands shown on the Statewide Wetland Inventory (discussed in the Goal 5 Element of the Comprehensive Plan).

(3) STANDARDS: The following standard shall be met in addition to the standards of the underlying zone.

...

(b) Development activities, permits, and land-use decisions affecting a Notification Wetland require notification of the Division of State Lands, and are allowed only upon compliance with any requirements of that agency. The applicant shall be responsible for obtaining approval from the Division of State Lands for activities on Notification Wetlands.

Findings: Wetlands features are present throughout the parcel, predominately Freshwater Emergent Forested Shrub wetlands in the southerly portion and located in the general area of the existing improved locations (Exhibit A). Proposed improvements are located outside of existing mapped wetland features (Exhibit A & B).

DSL was notified on June 13, 2024, of the proposed application. No comments were received from DSL at the time of publication of this staff report.

Staff recommend a Condition of Approval that all local, state, and federal permits are obtained and provided at time of Zoning and Building Permit submittal, to confirm the siting of the campsites, utility improvements, structures, and improvements are not in conflict with the mapped wetlands on the tract.

G. 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.

...

(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.

...
(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.*

(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.*

...
(b) *BOARDING, LODGING, OR ROOMING HOUSE: One space for each guest accommodation.*

Findings: Staff find the applicant is proposing to repair an existing parking area serving the boat launch, as well as the development of an overflow parking area for the boat ramp. Applicant details a 255-ft by 120-ft parking area for the overflow parking area, containing approximately 32-stalls sized to accommodate vehicles and boats. The improvements to the existing boat launch parking lot include striping and paving of the surface and improving the existing drainage (Exhibit B).

Staff find the proposed parking lots meet the standards for off-street parking and will be required to demonstrate compliance with lighting, drainage and surfacing requirements at time of development.

Staff find the proposed 93-sites, including 24 cabins, 5 group sites, 50 RV/tent sites, 8 additional hiker/biker tent sites, and six (6) host sites must all provide accommodation for one (1) 8-ft by 20-ft parking space per site (Exhibit B). The proposed (14) Cabin Loop sites maintain adequate area and propose to provide sufficient parking to each site, along with the future camp loop detailing adequate area and accommodations for parking for each site (Exhibit B). The proposed hiker/biker tent sites do not offer a parking space, but instead a bike rack (Exhibit B).

Staff recommend a condition requiring confirmation of parking availability for each additional camp site, as the time of the Consolidated Zoning/Building Permit review process for the establishment of the site(s).

H. TCLUO SECTION 4.130: DEVELOPMENT REQUIREMENTS FOR GEOLOGIC HAZARD AREAS

(2) *The following areas are considered potentially geologically hazardous and are therefore subject to the requirements of Section 4.130:*

(a) *All lands partially or completely within categories of "high" and "moderate" susceptibility to shallow landslides as mapped in Oregon Department of Geology and Mineral Industries (DOGAMI) Open File Report O-20-13, Landslide hazard and risk study of Tillamook County, Oregon;*

Findings: The subject properties contain areas with susceptibility to shallow landslides as identified by DOGAMI Open File report O-20-13 (Exhibit A). Staff find that maintenance and reconstruction of private roads, parking lots, driveways, utility lines, and installation of individual service connections are exempt from a Geologic Hazard Assessment, per TCLUO Section 4.130(3)(b). Activities, such as grading activities, new structures, new beach access, new utility lines and roadways, and a new parking lot will require a Geologic Hazard Assessment prior to these improvements, for areas with a preexisting slope greater than 29%.

Staff finds that the subject property is partially located within a Geologic Hazard Area and that development within that area is subject to the standards of TCLUO 4.130(2). Staff recommends a condition of approval that future development of the site within geologic hazard areas demonstrate compliance with TCLUO 4.130. Staff recommends that these standards be met through compliance with Conditions of Approval.

I. 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 subject properties abut the Nehalem River/Bay and estuary boundary along the easterly boundary (Exhibits A & B). Staff find the subject property is required to comply with the 50-ft setback from the Nehalem River/Bay and the estuary boundary.

Oregon Department of Fish and Wildlife were notified of this request and did not provide comment at the time of this report.

Maps were included in the Applicants proposal, which would indicate the boat ramp repairs were located within the 50-ft riparian setback. A proposed overflow parking area for the boat launch would meet the 50-ft riparian setback from the Nehalem River (Exhibit B). Applicants site plan indicates that both the existing camp sites and all proposed camp sites, along with facility improvements, are located outside the 50-ft setback (Exhibit B).

Staff find the proposed overflow parking area, the existing parking area for the boat launch, and the boat ramp repairs are for direct water access and required in conjunction with the water dependent use of the boat launch.

Staff finds that the riparian setbacks of TCLUO Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization shall be followed for any development. Staff recommends that this requirement be met through compliance with Conditions of Approval, to include confirmation from Oregon Department of Fish and Wildlife for identifying the estuary/riparian boundary.

J. TCLUO SECTION 4.160: PROTECTION OF ARCHEOLOGICAL SITES

(1) *The Planning Department shall review building permits and other land use actions that may affect known ARCHAEOLOGICAL SITES. If it is determined that the proposed action may affect the integrity of an ARCHAEOLOGICAL SITE, the Planning Director shall consult with the State Historic Preservation Office on appropriate measures to preserve or protect the site and its contents. No permit shall be issued until either the State Historic Preservation Office determines that the proposed activity will not adversely affect the ARCHAEOLOGICAL SITE, or the State Historic Preservation Office has developed a program for the preservation or excavation of the site.*

(2) *Indian cairns, graves and other significant archaeological resources uncovered during construction or excavation shall be preserved intact until a plan for their excavation or reinterment has been developed by the State.*

Findings: The State Historic Preservation Office was noticed as part of this application and have not provided comments at time of publication of the Staff Report. Staff recommends that as a Condition of Approval, Applicant be required to obtain all applicable federal, state, and local permits and adhere to applicable regulations including those required by the State Historic Preservation Office.

K. TCLUO SECTION 5.030: RECREATIONAL CAMPGROUND STANDARDS

(1) *PURPOSE: The purpose of the RECREATIONAL CAMPGROUND STANDARDS is to insure that each new or enlarged RECREATIONAL CAMPGROUND provides necessary facilities, adequate lot area, set-back, and other needed requirements for the public safety, health, and general welfare.*

A RECREATIONAL CAMPGROUND is a place where four or more recreational vehicles and/or tents are located on one or more continuous lots, tracts, or parcels of land under a single ownership for temporary recreational camping. A permanent house, mobile home, manufactured home, or recreational vehicle for the owner, operator, or manager of the campground is allowed, however other Sections of the Ordinance pertaining to such use shall apply, including Section 5.010, etc. Accessory uses that may be permitted include recreational cabins, showers, laundry, a grocery, a gas pump, and recreation facilities that are designated for the primary purpose of serving the occupants of the campground. A camper as defined in Article I, shall not be allowed to stay any longer than six (6) months in any twelve (12) month period.

The standards contained in this Section are minimum standards. Additional standards may be required where necessary to meet other requirements of this Ordinance, i.e. Floodplain, Geologic Hazard zone, Riparian Vegetation.

(2) *A RECREATIONAL CAMPGROUND shall be built to State standards and shall comply with the following provisions:*

- a. A RECREATIONAL CAMPGROUND shall have:*
 - i. A minimum size of 1 acre or the minimum lot size of the zone, whichever is greater;*
 - ii. A minimum number of 4 sites;*

Findings: Applicant states the area of RM zoned and is approximately 1,034.87-acres (Exhibit A & B). The existing state park pre-dates the establishment of the local land use code. The existing campground provides (314) sites and proposes to add an additional (64) recreational campground sites as part of this Master Plan review. The proposal also maintains an additional (29) cabins/group lodging cabins.

Group lodging facilities have been similarly used to include cabins structures for sleeping areas. Applicants' proposal contains cabins and group sites, which are to act as sleeping areas, only. They are not providing amenities such as cooking facilities within the cabins. Cabins have similarly been implemented within other State Parks in Tillamook County, including Cape Lookout State Park for diverse accommodations.

Staff find these standards are met.

- iii. A minimum width of space 23 feet or state minimum which ever is greater, for each site;*
- iv. Lot depths may vary in size, however maximum unit lengths shall be designated for each proposed space, and each space shall include enough area for the required set-backs along with the maximum unit length;*

Findings: Applicant site plan details proposed new campsite spaces, with space widths exceed 23-feet, with varying depths throughout the park (Exhibit B). Staff find these standards can be met through compliance with conditions of approval.

- v. A minimum distance between actual unit location and interior road right-of-way of 10 feet. Each campsite will have direct access to interior road right-of-way;*
- vi. And all property lines not abutting an exterior roadway shall be 10 feet. A minimum distance between actual unit and an exterior roadway shall be 20 feet;*
- vii. A minimum distance between actual units of 15 feet;*
- viii. Minimum distance between actual unit and community or service buildings of 10 feet;*

Findings: Applicants site plan details sites will maintain at least 10-ft from all interior road rights-of-way, and over 20-ft from exterior roadways, to include Garey Street, a County Road. Units will maintain a minimum 15-ft separation, with the units and community buildings having a separation greater than 10-ft. Applicant's site plan confirms such setbacks and separation requirements are detailed (Exhibit B). Staff find these standards can be met through compliance with conditions of approval.

- ix. *Campground roads shall have a surface width of at least 16 feet with 2 foot shoulders on each side. All interior park roads shall be surfaced to minimum County road standards and welldrained. No on-street parking shall be allowed;*

Findings: Applicants provide the proposed roadway serving the Cabin Loop to be a minimum 20-foot wide, with access being provided to all proposed sites (Exhibit B). The proposed roads through the new camp loop would maintain a minimum 20-ft width, per the Applicants site plan (Exhibit B). No on-street parking is proposed within the plans (Exhibit B).

Staff find this standard can be met through compliance with conditions of approval.

- x. *Walkways not less than three (3) feet wide may be required to be provided from trailer spaces to community and service buildings. All access roads and walkways should be well lighted;*
- xi. *All areas not used for spaces, motor vehicle parking, traffic circulation, or service or community buildings shall be completely and permanently landscaped or maintain existing natural vegetation. The landscaping shall be maintained in good condition;*
- xii. *A sight-obscuring fence and/or buffer strip of vegetation may be required on every side of a RECREATIONAL CAMPGROUND;*
- xiii. *Trash cans shall be provided in convenient locations for the use of guests of the park, and shall be located in such number, and shall be of such capacity, that there is no uncovered accumulation of trash at any time;*

Findings: Site plan demonstrates multiple walkways and pathways proposed throughout the state park, connecting to existing pathways, and proposing additional walkways through proposed development (Exhibit B). The applicant does not propose to install site obscuring fence around the existing or proposed sites. Staff find the heavily vegetated around its property boundaries, and surrounding existing/proposed improvement areas (Exhibit A & B). Staff find these standards can be met through compliance with conditions of approval.

- xiv. *All Recreational Vehicles staying in the park shall be assigned to a space. No space shall have more than one (1) Recreational Vehicle or tent assigned to it, except as provided in State law;*

Findings: Application confirms that each space will have no more than one (1) RV or tent assigned to them (Exhibit B). Staff find this standard is met through compliance with conditions of approval.

- xv. *Approval of a recreational campground shall not be construed to be an approval of the building plans for building permit review purposes. All proposed building construction must meet Uniform Building Code requirements as part of building permit review;*

Findings: Staff find this standard can be met through compliance with conditions of approval.

- xvi. *On-site storage areas, for park residents only, may be allowed. If allowed, the storage area shall be screened or combined landscape and screening with a 6 foot*

high sight obscuring fence or hedge along all exterior property lines of the storage area;

Findings: Applicant has not proposed on-site storage areas for the park at this time (Exhibit B).

- xvii. *Preliminary plans which contain all the information specified in OAR 333-31-059 shall be submitted to the Planning Department when requesting Conditional Use approval.*

Findings: Applicants submission is being reviewed with materials for this Conditional Use request. Tillamook County Environmental Health provided they do not maintain licensing for the State Parks. Staff find this standard can be met through compliance with conditions of approval.

xviii. *All RECREATIONAL CAMPGROUNDS, which legally existed prior to the date of this Ordinance, and which have submitted complete Master Plans to the department for review, shall be considered an "existing use" if:*

- 1. The RECREATIONAL CAMPGROUND is in compliance with all State regulations and County Sanitation regulations; and*
- 2. Master Plans and review fees are submitted to the department no later than December 31, 1986; and*
- 3. The department issues a letter to the RECREATIONAL CAMPGROUND owner indicating that the campground meets the above two criteria.*

If it is determined by the department that the RECREATIONAL CAMPGROUND does meet the first two criteria, the department shall submit the letter, mentioned in (c) above, to the campground owner. At that time, only that portion of the campground identified in the Master Plan, will then be considered an "existing use".

Only those campgrounds who retain the confirmation letter will be considered an "existing use". In the future, if one of the "existing use" campgrounds enlarge or expand, only that new portion of the campground will be required to meet the County standards. The "existing use" RECREATIONAL CAMPGROUNDS are to be allowed to remain as they are represented within the accepted Master Plan on only that portion of the property designated. If the use is vacated for over one year the "existing use" designation shall be void, and any new use of the property shall conform to the requirements of this Ordinance.

The "existing use" may be sold or transferred to new owners. The new owners will maintain the same rights as the previous owners.

Findings: The existing campground pre-dates the local land use codes' adoption. Staff find the existing state park is allowed to continue. The proposed expansion of an additional (64) sites, and (29) group lodging cabins, is subject to this Conditional Use review process.

- xix. *The accessory commercial uses such as gas pump, laundry, grocery store and recreational facilities shall not exceed the requirements of Rural Commercial, Section 3.020.*

Findings: Staff find there is an existing equestrian concessionaire facility, along with a boat launch. Proposal includes a relocation of the RV dump station, restrooms and shower buildings, and (29) group lodging cabins (Exhibit B).

Group lodging facilities have been similarly used to include cabins structures for sleeping areas. Applicants' proposal contains cabins and group sites, which are to act as sleeping areas, only. They are not providing

amenities such as cooking facilities within the cabins. Cabins have similarly been implemented within other State Parks in Tillamook County, including Cape Lookout State Park for diverse accommodations.

- xx. *New full hook-up parks requiring a community septic/sewer system are permitted only within adopted unincorporated community boundaries.*

Findings: The Applicant includes a proposal to upgrade water/sewer and electrical to (164) sites located within Loops D, E, F and the equestrian camp loop, remove and replace an RV dump station, and provide service hookups to the proposed (64) sites and (29) group lodging cabins (Exhibit B). No comments were received from the Department of Environmental Quality at the time of publishing this report.

IV. ANALYSIS OF CRITERIA:

A. TCLUO SECTOIN 6.040: CONDITIONAL USE REVIEW CRITERIA

Any CONDITIONAL USE authorized according to this Article shall be subject to the following criteria, where applicable:

- (1) The use is listed as a CONDITIONAL USE in the underlying zone, or in an applicable overlying zone.*

Findings: The proposed use of the campground site expansions is listed as a conditional use in the underlying zone (TCLUO 3.040(3)(a & b)). Staff finds that this criterion has been met.

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

Findings: The Tillamook County Land Use Ordinance is an implementing document of the Comprehensive Plan. In the absence of evidence to the contrary, uses allowed conditionally in the Land Use Ordinance are presumed to be consistent with the Comprehensive Plan.

Applicant described Goal 8 'Recreation' element that discusses goals for the County to promote and enhance recreational activities (Exhibit B). Applicant also discloses Goal 5 'Natural Resources' as they intend to expand the existing campground in a way which maintains separation from natural resources, wetlands and adjacent estuaries (Exhibit B). Applicant provides Goal 16 'Estuarine Resources' for improvements to the boat ramp site support continued public access to, which is promoted in this goal element. Goal 18 'Beaches and Dunes' is supported and discussed in this report above, for compliance with TCLUO Section 3.530.

Goal 17 'Coastal Shorelands' element details consistency with development to conserve, protect and develop where appropriate. The Nehalem Bay State Park is an existing State Park operating prior to the implementation of the local land use code (Exhibit B). The Nehalem Bay State Park is recognized in Goal 17, Section 6.2b for compatibility of uses permitted in these areas containing significant shoreland resources. Section 6.2b identifies those areas with exceptional aesthetic resources within Nehalem Spit and snowy plover use areas to be within the Management land use class, which allows for moderate impacts on resources, primitive campground, boat ramps and docks, secondary roads and parking lots, equestrian facilities, and utilities within its development area.

Nehalem Bay State Park is a State Park area already improved with development and recreational uses. Proposed development for the park is contained within the existing State Park area recognized in the Comprehensive Plan Goal 17 element, while the proposed relocation of facilities, new camp sites and lodging options are located outside those areas recognized as aesthetic resources, which are contained in the southern portion of the spit.

Staff finds that the Applicant is proposing to expand an existing campground as it is defined in Ordinance and in Statute and that campgrounds are a use allowed in RM zone subject to a finding that they also meet the criteria set forth in Article 6, which are discussed in this report.

(3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.

Findings:

- The property is currently improved with an existing recreational campground with recreational vehicle (RV) sites, tent and yurt sites, hiker/biker campsites, and an equestrian camp, along with existing staff cabins and facilities, a meeting hall, a small airport, and a boat launch (Exhibit A & B).
- The state park currently maintains 314 sites (Exhibit B).
- The expected number of new sites is approximately 93-sites, including 24 cabins, 5 group sites, 50 RV/tent sites, 8 additional hiker/biker tent sites, and six (6) host sites (Exhibit B).
- The subject property is irregularly shaped and encompasses 1,034-acres (Exhibits A and B).
- The proposed improvements would take place on approximately 23-acres of the property, adjacent to or within existing developed areas (Exhibit B).
- The shape of the property is approximately 1-mile long to 0.3 to 0.5-miles wide. The proposed improvements are focused within the northern region of the property, near existing improvements, roadways and development.
- The park is located south of the City of Manzanita, and sites between Nehalem River/Bay and the Pacific Ocean (Exhibit A & B).
- The topography of the subject property maintains variable terrain, with a foredune feature along the westerly portion of the property, and generally level terrain throughout the middle of the property. Proposed development is to be sited within the level portions of the property.
- The property maintains existing improvements servicing the 300+ sites. Applicant states proposed improvements are consistent with character of existing development (Exhibit B).
- Applicant states proposed improvements are designed to minimize impacts to natural features, minimizing development in wetlands, and removing vegetation on as necessary for development (Exhibit B).
- The subject property has variable slopes and terrain throughout the property, with foredunes present along the westerly portions and low-lying throughout the property, and steep slopes and terrain located upon the northeasterly portion (Exhibit A). The existing improved campground is primarily located within the level areas near the middle of the subject property (Exhibit A & B). Proposed improvements are located within level areas (Exhibit A & B).
- The tract within areas described as areas of shallow landslide susceptibility as described in DOGAMI Open File Report O-20-13 as (Exhibit A). The tract also contained numerous dune areas, including Active Foredune, Stabilized Foredune, Younger Stabilized Dune, Interdune, Older Stabilized Dune, and Beach as identified in DOGAMI Open File Report O-20-04 (Exhibit A). The proposed improvements are contained within Younger Stabilized Dunes and Interdune areas (Exhibit A & B).
- Wetlands features are present throughout the parcel, predominately Freshwater Emergent Forested Shrub wetlands in the southerly portion and located in the general area of the existing improved locations (Exhibit A). Proposed improvements are located outside of existing mapped wetland features (Exhibit A & B). The property abuts the Nehalem River/Bay along its easterly boundary (Exhibit A).
- The subject property is primarily outside the mapped Special Flood Hazard Area (SFHA), with areas along the easterly boundary maintaining a “AE” zone as detailed on the FEMA FIRM 41057C0208F and 41057C0216F dated September 28, 2018 (Exhibit A).
- The subject property is currently served off Garey Street, a County road, which comes off Necarney City Road, a County road, to the subject property. The Tillamook County Public Works Department provided comments stating they did not have requirements at this time (Exhibit C). Tillamook

County Public Works Engineer Brian Olle provided additional that OPRD's 2009 Master Plan stated the access road was used beyond capacity and in need of improvements (Exhibit C). Tillamook County Public Works Department requests that the Applicant provide clarification to these statements, as the application materials would include the Applicant stating that proposed development will not exceed existing infrastructure capacity (Exhibit B & C).

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

Findings: Applicant states there will be minimal expected traffic impacts from the proposed development, no increase in noise, lights, or other emissions that would affect surrounding properties (Exhibit B).

The subject property is zoned Recreation Management (RM) (Exhibit A). The property abuts the Pacific Ocean upon its westerly boundary, and the Nehalem River/Bay primarily upon its easterly boundary (Exhibit A & B). The property neighbors residentially zoned properties located primarily to the north which are contained within the City of Manzanita's city and UGB boundaries, zoned Manzanita's Medium Density Residential (R2), Residential Manufactured Dwelling (RMD) and Special Residential/Recreational (SRR) zones (Exhibit A). These residential properties are predominately improved with residential development (Exhibit A). Adjacent Rural Commercial (RC) zoned properties are located to the east and west. The subject property abuts the Nehalem River/Bay to the east, where Estuary Natural (EN) zone is present.

Nehalem River/Bay serves as separation between the subject property and adjacent properties to the south and east (Exhibit A).

Public comments were received detailing concerns relating to:

- Current roadway infrastructure's ability to support the existing park and proposed expansion
- Traffic impacts with expansion design
- Impacts to neighboring properties due to increased visitors and sites
- Impacts to cultural resources and sensitivity to the area due to known cultural resources/artifacts in the area.

The subject property is currently served off Garey Street, a County road, which comes off Necarney City Road, a County road, to the subject property. The Tillamook County Public Works Department provided comments stating they did not have requirements at this time (Exhibit C). Tillamook County Public Works Engineer Brian Olle provided additional that OPRD's 2009 Master Plan stated the access road was used beyond capacity and in need of improvements (Exhibit C). Tillamook County Public Works Department requests that the Applicant provide clarification to these statements, as the application materials would include the Applicant stating that proposed development will not exceed existing infrastructure capacity (Exhibit B & C).

Oregon Department of Transportation (ODOT) included comments within the Applicants submittal stating the proposed development will not trigger a Change of Use and will not require a traffic study (Exhibit B).

Oregon Department of Environmental Quality (DEQ) or the County Sanitarian are the entities charged with the regulation of sewage, liquid waste and solid waste for recreational parks including overnight campgrounds. These agencies were noticed of the application. The Applicant provided documentation regarding a proposal for new restroom and shower locations, along with relocation of an RV dump station (Exhibit B). Staff recommends that as a Condition of Approval, the Applicant be required to demonstrate that they have obtained permit approvals from DEQ for sewage and liquid waste disposal systems appropriate to the proposed development at the time of applying for Zoning and Building permits. Solid waste disposal is also subject to DEQ regulation. Both solid, sewage and liquid waste are addressed in

OAR 333-31, Oregon Health Authority, Public Health Division rules addressing the construction, operation and maintenance of recreation parks, including overnight campgrounds. Staff recommends that as a Condition of Approval, Applicant obtain all required federal, state and local permits and licenses and adhere to all applicable rules and regulations.

ODFW, EPA, US Army Corp of Engineers and USFWS were notified of this application. No comments were received from such entities.

(5) The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.

Findings: Applicant states there is no existing such facilities in the area (Exhibit B). Staff find no record of such facilities and improvements on the subject properties or within the vicinity (Exhibit A). Staff finds that this criterion has been met.

(6) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

Findings: Applicant states the campground is current served for water by City of Manzanita, electricity with Tillamook Peoples Utility District (TPUD), sewer with Nehalem Bay Wastewater Agency, fire protection with Nehalem Bay Fire & Rescue District, and roads with ODOT and County Public Works (Exhibit B). The park maintains (314) existing sites (Exhibit B). Applicant is proposing to provide connections to existing sites for water/sewer and electricity to (164) existing sites, and the proposal include (64) new campsites and (29) group lodging cabins (Exhibit B). Oregon Department of Transportation included comments in the Applicants submittal, detailing that no Traffic Impact Analysis (TIA) would be required for the proposed campground expansion due to no Change in Use for proposed development (Exhibit B).

The subject property is currently served off Garey Street, a County road, which comes off Necarney City Road, a County road, to the subject property. The Tillamook County Public Works Department provided comments stating they did not have requirements at this time (Exhibit C). Tillamook County Public Works Engineer Brian Olle provided additional that OPRD's 2009 Master Plan stated the access road was used beyond capacity and in need of improvements (Exhibit C). Tillamook County Public Works Department requests that the Applicant provide clarification to these statements, as the application materials would include the Applicant stating that proposed development will not exceed existing infrastructure capacity (Exhibit B & C).

The property is located within the service area of the Nehalem Bay Fire District. Chief Knight responded to the Department that they had no formal comment on the proposal (Exhibit C). Staff recommends that as a Condition of Approval, a letter from the Nehalem Bay Fire District confirming service to the campground development be required at the time of applying for Zoning and Building permits.

The Department reached out to Nehalem Bay Wastewater District and City of Manzanita for comments regarding sewer and water infrastructure and capacity. They did not provide comments at the time of publishing this report.

V. ADMINISTRATIVE PROVISIONS

SECTION 6.020: PROCEDURE

The following procedure shall be observed in submitting and acting on a CONDITIONAL USE request: (1) A request may be initiated for a CONDITIONAL USE, or the modification of an approved CONDITIONAL USE, by filing an application with the Department. The Department may require any information necessary for a complete understanding of the proposed use and its relationship to surrounding properties.

(2) *The Director shall act administratively according to the procedure set forth in Article 10, or shall refer the application to the Commission for a public hearing and decision. The application shall be referred to the Commission if the director determines that the proposed use would have significant impacts that extend beyond the abutting properties, and that those impacts are not likely to be adequately addressed by response to public notice required by Section 10.070. If the Director elects to refer the application to the Commission, it shall be heard at the next available Commission hearing, unless the applicant requests otherwise.*

(3) *No CONDITIONAL USE permit shall be invalidated because of failure to receive the notice provided for in Section 10.070*

SECTION 10.080 TYPE III PROCEDURES

(1) *Notice for Type III Decisions.*

(a) *Notice of Review. The County shall provide notice of a public hearing on a Quasi-Judicial application at least 28 days prior to the first hearing date. If two or more hearings are allowed, then notice shall be provided at least 10 days prior to first hearing. The County Planning Director shall prepare an affidavit of notice, which shall be made part of the file. This affidavit shall state the date that the notice was mailed. Notice of a public hearing shall be provided to the following parties:*

...

ii. *Property owners within 250 feet of subject property if the subject property is outside UGB and not in farm or forest zone.*

...

v. *Any affected government agency or public district, including affected city if subject site is inside a UGB.*

vi. *Any citizen's advisory committee or community organization whose boundaries include, or are adjacent to, the subject site.*

...

(c) *Newspaper notice. Notice of the public hearing shall be published in a newspaper of general circulation in the County at least ten (10) calendar days prior to the date of a quasi-judicial public hearing. An affidavit or other formal certification of publication shall be made part of the record.*

Findings: Notice of Public Hearing was mailed out on June 13, 2024, to all landowners within 250 feet of the subject property, and affected agencies, districts and other parties. Newspaper Notice of Public Hearing was published on June 25, 2024, in the Tillamook County Headlight Herald. Comments were received from Tillamook County Public Works, Nehalem Bay Fire District and the general public, and are included in 'Exhibit C'.

VI. RECOMMENDED CONDITIONS OF APPROVAL:

1. The applicant/property owner shall obtain all required Federal, State, and Local permits and/or licenses and will comply with applicable rules and regulations.
2. The property owner shall obtain all necessary electrical, mechanical, and plumbing permits.
3. At the time of applying for Zoning and Building Permit approval for new campsites and lodging, Applicant will be required to submit the following:
 - Authorization Notice approval for new sewer connections from Oregon DEQ.
 - A letter from City of Manzanita confirming water service to the proposed facility.
 - A letter from the Nehalem Bay Fire District confirming fire protection service to the proposed facilities.
 - A letter from the Tillamook County Public Works approving the road approach.
 - A letter from Tillamook County Public Works approving all internal roadway designs.

4. Future development for sanitation systems, including relocation of the RV Dump station, and new connections to existing campsites, shall provide an authorization notice approval from Oregon DEQ, at time of apply for the Zoning and Building Permit approval.
5. Future development shall adhere to the requirement from development within areas of geologic hazard as required by TCLUO Section 4.130.
6. The applicants/property owners shall maintain an additional off-street parking spaces as required per TCLUO Section 4.030: Off-Street Parking & Off-Street Loading Requirements for the proposed expansion the campground, for one (1) parking space per camp site. Each parking space shall be a minimum of 8 feet by 20 feet. Parking areas shall comply with the standards of Section 4.030 including lighting, drainage and maneuvering. Parking spaces shall be identified on the site plan submitted with the Zoning Permit/Building Permit.
7. Future development shall adhere to the requirements of the Flood Hazard (FH) Overlay, TCLUO Section 3.510, including those standards required for development and the siting of recreational vehicles and fill in the floodplain.
8. Future development shall otherwise adhere to the requirement of the Shoreland Overlay, TCLUO Section 3.545.
9. Future development shall adhere to the requirement of the Estuary Natural (EN) Zone, TCLUO Section 3.102, including obtaining an Estuary Development Permit prior to activities requiring such as boat ramp repairs and associated fill.
10. Development will comply with the requirements and standards of TCLUO 3.040 'Recreation Management (RM) Zone' and Section 5.030 'Recreational Campground Standards'.
11. Overnight temporary use of the campground by a camper or a camper's vehicle shall not for longer than six (6) months in any twelve (12) month period as required by TCLUO Section 5.030.
12. Development shall comply with riparian buffer and vegetation retention requirements of TCLUO Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization. Applicant/property owner shall have Oregon Department of Fish and Wildlife (ODFW) confirm the location of the estuary and riparian areas.
13. Signage shall comply with the requirements of TCLUO Section 4.020: Signs.
14. Development will occur in the area as generally depicted on the submitted site plans and as described and will not exceed (64) new campsites, and (29) group lodging cabins, in addition to new restrooms/showers, utility upgrades, boat ramp parking improvements, and RV dump station.

VIII. 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. Applicants/Property Owner's submittal
- C. Public comments