



**CONDITIONAL USE REQUEST #851-25-000275-PLNG: URBAN PATTERNS/1985 BAYOCEAN LLC
RESTAURANT & RETAIL SPACE CONVERSION**

*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 29, 2025

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited request on October 29, 2025. A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141 and can be found on the Community Development website: <https://www.tillamookcounty.gov/commdev/landuseapps>

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 November 10, 2025. This decision will become final on November 10, 2025 after 4:00pm unless an appeal is filed in accordance with Tillamook County Land Use Ordinance Article X.

Request: A Conditional Use request for the addition of a waterfront restaurant and shellfish retail use, on a property current improved with an existing oyster processing facility and residence

Location: The subject property is located west of the City of Tillamook, located at 1985 Bayocean Road, a county road, and designated as Tax Lot 200 in Section 22DA of Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Water Dependent Development (WDD) and Estuary Conservation 1 (EC1)

Applicant: Urban Patterns, 1432 E Burnside St. Portland, OR 97214

Property Owner: 1985 Bayocean LLC, PO Box 3228 Portland, OR 97208

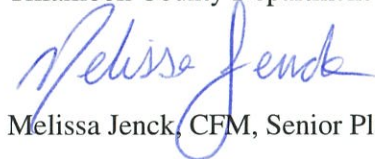
CONDITIONS OF APPROVAL:

Sections 6.070: COMPLIANCE WITH CONDITIONS and 6.080: TIME LIMIT, requires compliance with approved plans and conditions of this decision, and all other ordinance provisions, and allows 24 months for compliance with Conditions and start of construction. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The Applicant/property owner shall obtain all required Federal, State, and Local permits and/or licenses and will comply with applicable rules and regulations.
2. The property owner shall obtain all necessary electrical, mechanical, and plumbing permits.
3. At the time of applying for the Consolidated Zoning/Building Permit, Applicant will be required to submit the following:
 - Sanitation approval for on-site sewage disposal permits.
 - A letter confirming water service to the proposed facilities.
 - A letter from the Tillamook Fire District confirming fire protection service to the proposed facilities.
 - An approved road approach from the Tillamook County Public Works Department.
4. Prior to issuance of permits, the Applicant shall demonstrate that the outdoor storage container will be screened with a sight-obscuring fence in accordance with TCLUO Section 3.050(4)(d).
5. The Applicants/property owners shall maintain at least 16 off-street parking spaces as required per TCLUO Section 4.030: Off-Street Parking & Off-Street Loading Requirements for the proposed improvements on the site, based on existing calculations. Each parking space shall be a minimum of 8 feet by 20 feet. Parking spaces shall be identified on the site plan submitted with the Zoning Permit/Building Permit. Parking calculations shall be evaluated based on square footage of each use to be recognized at time of Consolidated Zoning/Building permit submittal.
6. Prior to issuance of permits, the Applicant shall provide plans demonstrating sight-obscuring fence, that is from five to six feet in height will be installed along the parking area proposed in the southeastern portion of the property, adjacent to the residential use to the east of the subject property, as required by TCLOU Section 4.030(7).
7. Prior to issuance of permits, the Applicant shall submit plans that demonstrate that the curb or bumper around the parking perimeter is at least four inches high and is set back at least four and one-half feet from the property line as required by TCLUO Section 4.030(8).
8. Future development shall adhere to the applicable requirements for development within areas of the Estuary Conservation One (EC1) zone as required by TCLUO Section 3.106.
9. Future development shall adhere to the applicable requirements for development within areas of geologic hazard as required by TCLUO Section 4.130.
10. Future development shall adhere to the requirements of the Flood Hazard (FH) Overlay Zone, TCLUO Section 3.510.

11. Development shall comply with the applicable requirements and standards of the Water Dependent Development (WDD) Zone, TCLUO Section 3.050, and the applicable requirements and standards of the Estuary Conservation 1 (EC1) Zone, TCLUO Section 3.106.
12. Development shall comply with the applicable standards 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 at time of future development outside the existing footprint of the structure.
13. Signage shall comply with the requirements of TCLUO Section 4.020: Signs, and the Applicant shall obtain an approved Consolidated Zoning/Building Permit for the proposed signage, prior to their installation on the subject property.
14. This approval shall be void on October 29, 2027, 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

Enclosed: Vicinity & Zoning Maps



CONDITIONAL USE REQUEST
#851-25-000275-PLNG: URBAN PATTERNS/1985 BAYOCEAN LLC
RESTAURANT & RETAIL SPACE CONVERSION
STAFF REPORT

Date: October 29, 2025

(This is not Building or Placement Permit Approval)

Report Prepared by: Melissa Jenck, Senior Planner, CFM

I. GENERAL INFORMATION:

Request: A Conditional Use request for the addition of a waterfront restaurant and shellfish retail use, on a property current improved with an existing oyster processing facility and residence

Location: The subject property is located west of the City of Tillamook, located at 1985 Bayocean Road, a county road, and designated as Tax Lot 200 in Section 22DA of Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Water Dependent Development (WDD) and Estuary Conservation 1 (EC1)

Applicant: Urban Patterns, 1432 E Burnside St. Portland, OR 97214

Property Owner: 1985 Bayocean LLC, PO Box 3228 Portland, OR 97208

Property Description: The subject property encompasses approximately 1.02-acres situated west of the City of Tillamook (Exhibit A). Bayocean Road, a county Road, serves off Netarts Highway (131), a State highway, to the subject property (Exhibit B). The property is currently improved with an existing oyster processing facility and residential dwelling (Exhibit A & B).

The subject property is zoned Water Dependent Development (WDD) and Estuary Conservation One (EC1) (Exhibit A). The estuary zone is designated to 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. The property is within the vicinity of Forest (F) zoned properties to the south, Rural Residential 2 Acre (RR-2) to the south and west, and Estuary Conservation One (EC1) to the north, west and east (Exhibit A). The subject property is bordered by Tillamook River to the north where Estuary Conservation One (EC1) zone is present.

The subject property has variable slopes and terrain with generally flat areas where the existing building is located, with steep bank to Tillamook River (Exhibit A). Part of the existing main structure overhangs the Tillamook River.

The subject property contains areas of moderate and high landslide susceptibility as well as rapidly moving landslides as described in DOGAMI Open File Report O-20-13 (Exhibit A). However, development is not inside any of the hazard areas. Wetlands and riverine features are present on the subject property along the north boundary of the property (Exhibit A). The subject property is located in a "AE" zone of the Special Flood Hazard Area (SFHA) as detailed on the FEMA FIRM 41057C0560F dated July 26, 2025 (Exhibit A).

The current request is for conditional use approval for the addition of a waterfront restaurant and shellfish retail use on the subject property that is currently improved with an existing oyster processing facility and residence (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: ANALYSIS OF STANDARDS

- A. Section 3.050: Water Dependent Development (WDD) Zone
- B. Section 3.106: Estuary Conservation 1 (EC1) Zone
- C. Section 3.510: Flood Hazard Overlay Zone (FH)
- D. Section 3.555: Freshwater Wetlands Overlay
- E. Section 4.020: Signs
- F. Section 4.030: Off-Street Parking And Off-Street Loading Requirements
- G. Section 4.060: Access
- 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

SECTION IV: ANALYSIS OF CRITERIA

- A. Section 6.040: Conditional Use Review Criteria

SECTION V

Article 10 – Development Approval Procedures

- A. Section 10.030: Pre-Application Conference
- B. Section 10.040: Review Types
- C. Section 10.050: General Noticing Requirements
- D. Section 10.070: Type II Procedures

III. ANALYSIS OF STANDARDS:

A. TCLUO SECTION 3.050: WATER DEPENDENT DEVELOPMENT (WDD) ZONE

- (1) *PURPOSE AND AREAS INCLUDED: The purpose of this zone is to designate shoreland areas which are especially suited for water-dependent recreational, commercial and industrial uses. Areas within the WDD zone may include, but are not limited to: (a) Areas with deep water close to shore and supporting land transportation facilities. (b) Areas with potential for aquaculture. (c) Areas adjacent to protected areas subject to scour which would require little dredging for use as*

marinas. (d) Areas with potential for recreational utilization of coastal water resources or riparian resources.

...
(3) *USES PERMITTED CONDITIONALLY: In a WDD zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6 only if they will not preclude or unduly conflict with existing or potential water-dependent use on the site or in the vicinity.*

...
(b) *Water-related uses can include, but are not limited to, the following:*

1. Water-related industrial uses such as:

- a. Fish or shellfish processing plants; or*
- b. Warehousing and/or other storage areas for marine equipment or water-borne commerce.*

2. Water-related commercial uses, such as:

- a. Fish or shellfish retail or wholesale outlets;*
- b. Marine craft or marine equipment sales establishments;*
- c. Sport fish cleaning, smoking or canning establishments;*
- d. Charter fishing offices;*
- e. Retail trade facilities in which the majority of products such as ice, bait, tackle, nautical charts, gasoline, or other products incidental to or used in conjunction with water-dependent use;*
- f. Restaurants which provide a view of the waterfront, and which are in conjunction with a water-dependent or other water-related uses, such as a seafood processing plant or a charter office.*

Findings: The subject property is zoned Water Dependent Development (WDD) and Estuary Conservation One (EC1) (Exhibit A). Staff finds the proposed use of a waterfront restaurant and shellfish retail is subject to the standards of Articles IV and VI, addressed below in this report (Exhibit A).

(4) *STANDARDS:*

(a) The minimum yards for any structure on a lot adjacent to a residential zone shall be a 5 foot side yard on the side adjacent to the residential zone. The front yard setback shall be one-half of the front yard requirement in the adjacent residential zone. Setback requirements of Section 4.080 shall also be met.

Findings: The subject property is not located adjacent to a residential zone, therefore these setback standards are not applicable (Exhibit A). The setback requirements of Section 4.080 are addressed further in this staff report.

(b) For commercial-residential structures, no yards shall be required except as provided in (a) above.

Findings: The proposed structures are commercial and residential as permitted conditionally in the WDD zone. Staff finds that no yard setback is required.

(c) The maximum building height shall be 24 feet. Higher structures may be permitted by the Planning Department according to the provisions of Article 8.

Findings: The existing building is not more than 24 feet in height, and none of the proposed new buildings or structures are greater than 24 feet in height (Exhibit B). This standard is met.

(d) Outdoor storage shall be screened with a sight-obscuring fence.

Findings: The Applicant is proposing a new storage container adjacent to the existing structure. Prior to issuance of permits, the Applicant shall demonstrate that the outdoor storage container will be screened with a sight-obscuring fence in accordance with this standard. Compliance is feasible.

(e) Accessory uses or structures are limited in size of lot coverage to a maximum of ten percent of the lot or parcel size.

Findings: The subject property has several existing and proposed accessory structures varying in size and up to approximately 585 square feet (Exhibit B). Staff find that all of the accessory structures are limited in size, and their combined lot coverage equals less than three percent of the parcel size. This standard is met.

(f) If applicable, the standards and requirements of Sections 4.070, 4.080 and 4.090 shall be met.

Findings: Findings addressing the applicable sections are addressed further in this staff report.

(5) ADMINISTRATIVE PROVISIONS:

(a) The following public agencies shall be notified according to the procedures of Article VI of all conditional use applications in the WDD zone; The Oregon Department of Fish and Wildlife, Oregon Division of State Lands, Oregon Department of Land Conservation and Development, Oregon Department of Economic Development, U. S. Fish and Wildlife Service, National Marine Fisheries Service, Environmental Protection Agency, U. S. Army Corps of Engineers and the locally affected Port District.

Findings: Staff has notified the applicable and appropriate public agencies and incorporated any comments received at this time into this staff report. This standard is met.

B. 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.*

(2) USES PERMITTED WITH STANDARDS: *The following uses are permitted subject to the procedure of Section 3.120 and the standards in Section 3.140:*

- (a) Maintenance and repair of existing structures or facilities involving a regulated activity.*

Findings: 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.*”

The Applicant provided a site plan which is included in ‘Exhibit B’, which demonstrates the boundary of the Estuary Conservation One (EC1) zone, and the Mean Higher High Water (MHHW) line. The site plans indicate that any new proposed development, structures, or improvements on the subject property is landward of the Mean Higher High water (MHHW) and the line of non-aquatic vegetation (Exhibit B). The existing development is not more than 50-ft from the estuary boundary, however Staff finds that this is an existing structure is not being expanded as a result of the proposed development, and that no new improvements are proposed within the EC1 zone, therefore the requirements of that zoning designation do not apply to this application.

Staff finds the Applicant will be required to demonstrate compliance with such standards for any future development on the site within the EC1 or MHHW boundary. A condition of approval has been issued to ensure compliance with this requirement.

C. TCLUO SECTION 3.510: FLOOD HAZARD OVERLAY ZONE (FH)

...

(13) SPECIAL ADMINISTRATIVE PROVISIONS FOR FH ZONE:

(a) Designation of the Local Administrator: The Community Development Director of Tillamook County is hereby appointed to administer and implement the provisions of this Flood Hazard Overlay Zone by granting or denying development permit applications in accordance with its provisions.

Findings: The subject property is located within the Flood Hazard Overlay Zone. As such, a Floodplain Development Permit was approved via case file #851-24-000606-PLNG. The floodplain development permit application was received by the Community Development Director prior to December 1, 2024, and was approved. The requirements of Section 3.510 are met.

D. 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: Mapped wetlands are indicated on the Statewide Wetlands Inventory (SWI) Map and are present on the tract, primarily abutting the property to the north (Exhibit A). The Department of State Lands (DSL) has not provided comment at this time, but were included in the agency notification process.

A condition of approval has been issued that requires the Applicant to obtain and provide to staff at the time of Zoning and Building Permit submittal all applicable local, state, and federal permits, in order to confirm the siting of the improvements are not in conflict with the mapped wetlands on the parcel.

E. TCLUO SECTION 4.020: SIGNS

Findings: No signs are proposed or authorized with this application. A condition of approval has been issued requiring the Applicant to obtain a Sign Permit prior to placement of any business signs on the subject property.

F. 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.

Findings: The proposed parking spaces measure at 20 feet in length and greater than 8 feet in width based on the Applicant's submitted materials (Exhibit B). Parking space sizing will be verified prior to issuance of permits. Staff finds this standard is met.

(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.

Findings: Staff finds that this standard can be met with a condition of approval. An ongoing condition of approval has been issued requiring the Applicant to keep the number of required parking spaces visible and sized in compliance with TCLUO 4.030(2), and as required by this Staff Report.

(4) PARKING FOR MULTIPLE USES: In the event several uses occupy a single structure or parcel of land, the total parking requirements shall be the sum of the requirements of the several uses computed separately. Joint use of the same parking and loading spaces by more than one use may be permitted, provided that the hours of operation of the separate uses do not overlap, and that satisfactory legal evidence is presented to the Department to establish the joint uses.

Findings: The Applicant is proposing (33) parking spaces for the proposed shared use of the property as an Eating and Drinking Establishment and a Retail Store, along with the existing residence and processing facility (Exhibit B). Staff find that joint use of the same parking and loading spaces by more than one use can be permitted because the uses are complementary in nature and will not cause a problem for either of the proposed uses. This standard is met.

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

Findings: Staff finds that the proposed parking area is designed for vehicles of patrons visiting the proposed establishment. This standard is met.

(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.

Findings: Staff finds that the proposed surface of gravel is suitable for all-weather use, and is considered an impervious surface. Tillamook County Public Works provided comments that stormwater calcs are needed to ensure a 25-year, 24-hour storm is captured within stormwater facilities for new impervious surfaces (Exhibit C). This standard is met and can be met through compliance with Conditions of Approval.

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

Findings: The Applicant is proposing five parking spaces on the southeast portion of the property. There is an existing adjacent residential use to the east of the subject property (Exhibit A & B). The Applicant did not provide details about a sight-obscuring fence to meet this requirement. A condition of approval has been issued requiring the Applicant to provide a sight-obscuring fence that is from five to six feet in height, abutting the adjacent residential use where the proposed parking is located. This standard can be feasibly met with a condition of approval.

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

Findings: Staff find that the proposed parking spaces are contained in what appears to be a curb. Prior to issuance of permits, Staff will confirm that the curb or bumper is at least four inches high and is set back at least four and one-half feet from the property line. This standard can be feasibly met with a condition of approval.

(9) LIGHTING: Artificial lighting shall not create or reflect substantial glare into any adjacent residential zone or use.

Findings: No artificial lighting is proposed or authorized with this approval, therefore this standard is not applicable.

(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.

Findings: Staff find that there is approximately 20 feet from the flow of traffic on Bayocean Road to the maneuvering areas for the proposed parking locations. This allows for the backing and maneuvering of vehicles within the parking area and out of the flow of traffic. This standard is met.

(11) SCHOOL DRIVEWAY: A one-way driveway for loading and unloading children shall be located on the site of any school having a capacity of more than 25 students.

Findings: The application is not for a school; therefore this standard is not applicable.

...
(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.

(a) RESIDENTIAL: Single family dwelling: Two spaces for each dwelling unit.

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

...
(l) RETAIL STORES OR MEDICAL OR DENTAL CLINIC: One space for each 200 square feet of floor area.

...
(n) Manufacturing Establishment One space for each 1,000 square feet of floor area.

Findings: Staff find that the proposed shared use of the building has approximately 1,120 square feet of floor area for the Eating and Drinking Establishment, approximately 956 square feet of processing area, and approximately 849 square feet of floor area for the Retail Store. Based on these approximate measurements which are obtained by the Applicant's submitted Level 1 Floor Plan, the proposed shared use requires 8 parking spaces for the Eating and Drinking Establishment and 5 parking spaces for the Retail Store, 2 parking spaces for the dwelling, and 1 for the processing facility, with a combined total minimum parking of 16 parking spaces. The Applicant is proposing 33 parking spaces, therefore the proposal meets the minimum parking space requirements. A condition of approval has been issued requiring the minimum parking spaces to be maintained in accordance with this standard.

G. TCLOU SECTION 4.060: ACCESS

Every lot and parcel shall abut a street other than an alley, an approved private way, or an approved private ACCESS easement, for at least 25 feet. Townhouses shall abut a street other than an alley, an approved private way, or an approved private access easement, for at least 20 feet, or the equivalent of the minimum lot width applicable in the zone, whichever is less.

Findings: Staff find that the subject parcel abuts a public street for greater than 25 feet. Therefore, the access standards of this section are met.

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 property contains areas with moderate and high susceptibility to landslides as well as rapidly moving landslides as identified by DOGAMI Open File report O-20-13 (Exhibit A). 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). The Applicant’s site plan indicate the proposed development is located outside of the mapped geologic hazard areas (Exhibit B). A condition of approval has been issued requiring future development of the site within geologic hazard areas to demonstrate compliance with TCLUO 4.130.

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.

Findings: The subject property abuts the Tillamook River and estuary boundary along the north property boundary (Exhibits A & B). Staff finds the subject property is required to comply with the 50-ft setback from the Tillamook River and the estuary boundary. Development on the property does not comply with the 50-ft setback, however Staff finds that this is an existing non-conforming condition. The Applicant is proposing the addition of a 160 square foot storage container to the east of the existing building, which is more than 50 feet away from the Tillamook River and the estuary boundary.

Oregon Department of Fish and Wildlife were notified of this request and provided comment that “a lot of the development is already in the estuary setback, and renovations to the building will not add to any existing impacts. If any work needs to be done to support structures or other portions that fall within the jurisdiction of DSL or the USACE, then the owners need to consult with those agencies for permitting requirements” (Exhibit C).

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 new development of structure. A condition of approval has been issued to ensure compliance with this standard.

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. A condition of approval has been issued requiring the Applicant to obtain all applicable federal, state, and local permits and adhere to applicable regulations including those required by the State Historic Preservation Office. Compliance is feasible.

IV. ANALYSIS OF CRITERIA:

A. TCLUO SECTION 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 uses of a Restaurant and Shellfish Retail are listed under Water-related commercial uses, and the existing use of Residential for owner or caretaker, are all listed as conditional uses in the underlying WDD zone (TCLUO 3.050(3)(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.

The Applicant's submitted materials discuss Comprehensive Goal 17, Goal 9, and Goal 16, and how the proposed conditional use would promote development of tourism as part of a larger strategy for economic growth (Exhibit B).

Staff finds that the Applicant is proposing to alter an existing shellfish process facility into a restaurant and retail outlet and that restaurants and shellfish retail uses are a conditional use in WDD zone subject to a finding that they also meet the criteria set forth in Article 6, which are discussed in this report.

The subject property is identified in Goal 16: Estuarine Resources, as maintaining a priority dredged materials disposal site, to be used for temporary storage of dredged materials from the adjacent Memaloose Boat Launch spoils. Section 3.3d.4 states preservation of the site should limit the area to open storage, parking and other temporary uses that could be moved when necessary. Staff recognize there is an additional dredged materials disposal site approximately ½ mile west of the site, also maintained for dredged spoils from Memaloose Boat Launch maintenance. The County Comprehensive Plan recognizes that should site 5A not be maintained, the County may use their own parking lot for Memaloose as a containment area for dredged spoils.

Staff find this criterion is met.

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

Findings: The Applicant states that the subject property is approximately 1.02-acres, is irregularly shaped, and currently maintains an oyster processing facility and residence (Exhibit B). The site is described to optimize available land which maintain maneuverability (Exhibit B). The subject property is zoned Water Dependent Development (WDD) and Estuary Conservation One (EC1). The size and shape of the property can accommodate the proposed improvements (Exhibits A and B). Staff find that the size and shape of the parcel is suitable for the provision of commercial opportunities on site and the proposed restaurant, retail, processing and residential uses.

The subject property is currently improved with an oyster processing facility and a residence (Exhibits A and B). The subject property has variable slopes and terrain with it generally being level and sloping downward to the Tillamook River (Exhibits A and E). Development is located outside areas of geologic hazard as identified in DOGAMI Open File Report O-20-13 (Exhibit A).

Mapped wetlands and riverine features are present on the subject property on the north boundary (Exhibit A). The Applicant cannot maintain a 50-foot buffer from estuary and riparian boundaries, and the existing development is an existing non-conforming use (Exhibit B). The Applicant is also proposing the addition of a 160 square foot storage container to the east of the existing building, which is more than 50 feet away from the Tillamook River and the estuary boundary.

The subject property is located in the 'AE' zone of the Special Flood Hazard Area as identified on FEMA FIRM 410570560F dated July 26, 2025 (Exhibit A), and the Applicant obtained a Floodplain Development Permit was approved via case file # 851-24-000606-PLNG.

The Applicant states that the subject property is well suited for a waterfront restaurant because of the open views and connection to the bay, adjacent to an active boat launch, and proximity to central Tillamook.

Staff finds that the parcel is suitable for the proposed uses.

- (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: The subject property is zoned Water Dependent Development (WDD) and Estuary Conservation One (EC1) (Exhibit A). The property neighbors Water Dependent Development (WDD) zoned properties to the east and west that are occupied by Memaloose Point Boat Launch and a residence (Exhibit B). The subject property is bordered by the Tillamook River to the north where Estuary Conservation One (EC1) zone is present. The surrounding properties are primarily zoned Forest (F) and Rural Residential 2 Acre (RR-2) improved with single family dwellings (Exhibit A).

The Applicant describes that the structure was designed to rely on water-related uses, at that the proposed restaurant will encourage water-related uses and preserve the character and uses of the surrounding area. The Applicant states that there will be no substantial limits or impairments of water-dependent development activities as a result of the proposed development. Staff concurs with the Applicant's written statements.

No comments were received on the application from the general public. Comments were received from the Department of Fish and Wildlife regarding potential impacts, which stated that renovations of the building will not add to any existing impacts (Exhibit C).

Staff have not identified evidence of impacts associated with the proposed development which would substantially impact the ability of adjacent Forest (F) zoned, Rural Residential 2-Acre (RR-2) zoned or

Estuary Conservation One (EC1) properties to continue their permitted uses (Exhibit B). This standard is met.

(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 solar energy systems, wind energy conversion systems or wind mill 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 is 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: The Applicant reiterates the property is served by Bayocean Road, a County road, off of Netarts Highway (OR131), a State highway. Both Bayocean Road and Netarts Highway are classified as Major Collectors. Oregon Department of Transportation's most recent 2022 Annual Average Daily Traffic (AADT) counts for OR131 were taken in two locations, north and south of the Bayocean Road intersection, measuring 4,701 and 3,995. The Applicant states that in the pre-application meeting, Director Laity commented that the traffic counts should be adequate.

Comments were received from Tillamook County Public Works that the current proposed Road Approach was not acceptable. Public Works would allow for the placement of two (2) approaches, but will need to prepare findings for impacts due to site distance issues. Tillamook County Public Works states the approach locations, width, and stormwater calculations can be determined through the Road Approach permit review process.

The subject property is currently served by two streams and points of diversion with Oregon Drinking Water Services, with a water right certificate on file with Oregon Water Resources (Exhibit A).

Applicants identified there is an existing onsite system for the residence and processing facility. Chris Chiola of Tillamook County Onsite Wastewater division may require an Authorization Notice for the proposed activity to confirm it can accommodate the additional proposed uses (Exhibit A).

Staff find that the proposed conditional uses are timely and that there are adequate public facilities and services existing for the area affected by the proposed uses. This criterion is met.

V. ANALYSIS OF PROCESS:

A. TCLUO SECTION 10.030 PRE-APPLICATION CONFERENCE

Findings: The Applicant attended a pre-application conference with county Staff on Tuesday, April 22, 2025. In attendance included Tillamook County Parks Department, Tillamook County Onsite Wastewater Division, Oregon Department of Fish and Wildlife, Oregon Department of State Lands, Oregon Water Resources Division, Oregon Department of Environmental Quality, Oregon Health Authority Drinking Water Services, and Tillamook County Public Works.

B. TCLUO SECTION 10.040 REVIEW TYPES

All land use applications will be reviewed by the County using one of the following review types. Specific applications and their associated review types are listed in Table 10.1.

...

(2) Type II Administrative Review. Type II decisions are made by the Director, or his/her designee, and include notice and an opportunity to appeal to the Planning Commission. Alternately, the Director may refer a Type II application to the Planning Commission for its review and decision in a public hearing.

Applications involve permits for which the application of review criteria requires the exercise of limited discretion.

Findings: This application is being processed using the Type II Administrative Review procedures in accordance with this section.

C. TCLUO SECTION 10.050 GENERAL NOTICING REQUIREMENTS

The County shall provide opportunities for public and agency input in the planning process. To ensure that there is a coordinated effort to permit land use projects, notice of applications for development approval shall be sent to interested entities, local, state and federal agencies, County departments, and County designated Citizen Advisory Committees. A list of applicable local, state and federal agencies and entities shall be maintained by the Director.

The following general noticing requirements are in addition to the noticing requirements found under the Procedures section for each decision type in Article 10.

(1) General noticing requirements.

(a) The County shall provide review notice to the Department of State Lands for applications that are wholly or partially within an area identified as a wetland on the Statewide Wetlands Inventory. Notice shall be provided within 5 working days of receipt of the complete application.

Findings: Notice of the request was mailed to property owners and agencies on July 28, 2025. Staff find that notification requirements have been met. Comments were received from the Oregon Department of Fish and Wildlife and Tillamook County Public Works and are included as “Exhibit C”. The County provided notice to the Department of State Lands for this application. At this time, the Department has not received documentation back from DSL for this notice.

D. TCLUO SECTION 10.070 TYPE II PROCEDURES

Findings: The County will follow all Type II Procedures for this application including the public notice, decision, and notice of decision. Notice of the request was mailed to property owners and agencies on July 28, 2025. Staff find that notification requirements have been met. Comments were received from the Oregon Department of Fish and Wildlife and Tillamook County Public Works and are included as “Exhibit C”. The County provided notice to the Department of State Lands for this application. At this time, the Department has not received documentation back from DSL for this notice.

VI. DECISION: APPROVED WITH CONDITIONS

Staff concludes, based on the findings of fact and other relevant information in the record, that the Applicant has satisfied/or is able to satisfy the applicable ordinance requirements through the Conditions of Approval, and therefore, **approves** the request subject to the provisions in Section V below.

By accepting this approval the Applicant/property owners agree to indemnify, defend, save and hold harmless Tillamook County, and its officers, agents, and employees from any claim, suit, action or activity undertaken under this approval, including construction under a Building Permit approved subject to this approval. The Applicant/property owners shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed building site.

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 **4:00 PM on November 10, 2025.**

VII. CONDITIONS OF APPROVAL:

Sections 6.070: COMPLIANCE WITH CONDITIONS and 6.080: TIME LIMIT, requires compliance with approved plans and conditions of this decision, and all other ordinance provisions, and allows 24 months for compliance with Conditions and start of construction. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The Applicant/property owner shall obtain all required Federal, State, and Local permits and/or licenses and will comply with applicable rules and regulations.
2. The property owner shall obtain all necessary electrical, mechanical, and plumbing permits.
3. At the time of applying for the Consolidated Zoning/Building Permit, Applicant will be required to submit the following:
 - Sanitation approval for on-site sewage disposal permits.
 - A letter confirming water service to the proposed facilities.
 - A letter from the Tillamook Fire District confirming fire protection service to the proposed facilities.
 - An approved road approach from the Tillamook County Public Works Department.
4. Prior to issuance of permits, the Applicant shall demonstrate that the outdoor storage container will be screened with a sight-obscuring fence in accordance with TCLUO Section 3.050(4)(d).
5. The Applicants/property owners shall maintain at least 16 off-street parking spaces as required per TCLUO Section 4.030: Off-Street Parking & Off-Street Loading Requirements for the proposed improvements on the site, based on existing calculations. Each parking space shall be a minimum of 8 feet by 20 feet. Parking spaces shall be identified on the site plan submitted with the Zoning Permit/Building Permit. Parking calculations shall be evaluated based on square footage of each use to be recognized at time of Consolidated Zoning/Building permit submittal.
6. Prior to issuance of permits, the Applicant shall provide plans demonstrating sight-obscuring fence, that is from five to six feet in height will be installed along the parking area proposed in the southeastern portion of the property, adjacent to the residential use to the east of the subject property, as required by TCLUO Section 4.030(7).
7. Prior to issuance of permits, the Applicant shall submit plans that demonstrate that the curb or bumper around the parking perimeter is at least four inches high and is set back at least four and one-half feet from the property line as required by TCLUO Section 4.030(8).
8. Future development shall adhere to the applicable requirements for development within areas of the Estuary Conservation One (EC1) zone as required by TCLUO Section 3.106.
9. Future development shall adhere to the applicable requirements for development within areas of geologic hazard as required by TCLUO Section 4.130.
10. Future development shall adhere to the requirements of the Flood Hazard (FH) Overlay Zone, TCLUO Section 3.510.
11. Development shall comply with the applicable requirements and standards of the Water Dependent Development (WDD) Zone, TCLUO Section 3.050, and the applicable requirements and standards of the Estuary Conservation 1 (EC1) Zone, TCLUO Section 3.106.

12. Development shall comply with the applicable standards 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 at time of future development outside the existing footprint of the structure.
13. Signage shall comply with the requirements of TCLUO Section 4.020: Signs, and the Applicant shall obtain an approved Consolidated Zoning/Building Permit for the proposed signage, prior to their installation on the subject property.
14. This approval shall be void on October 29, 2027, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

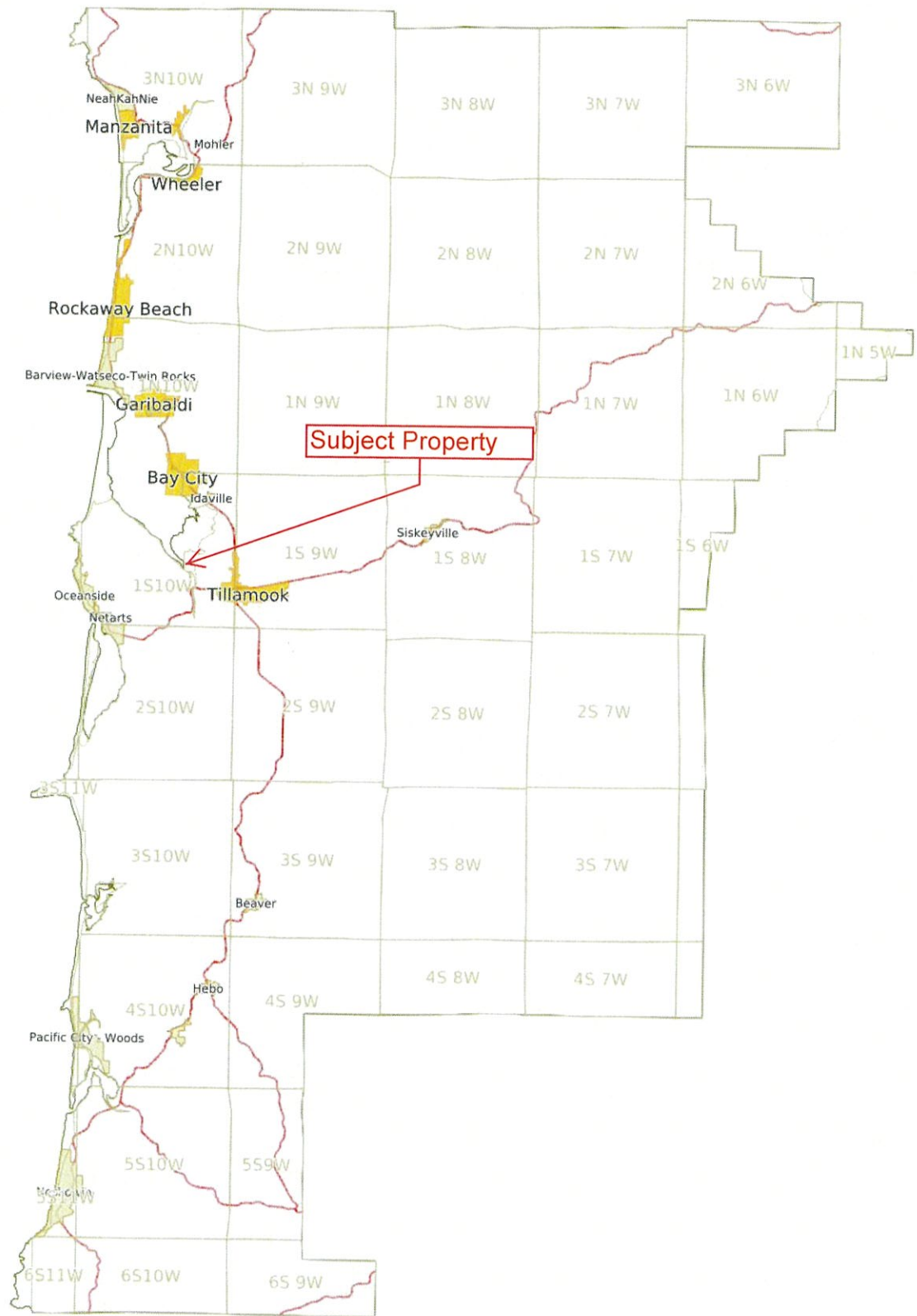
VIII. EXHIBITS

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

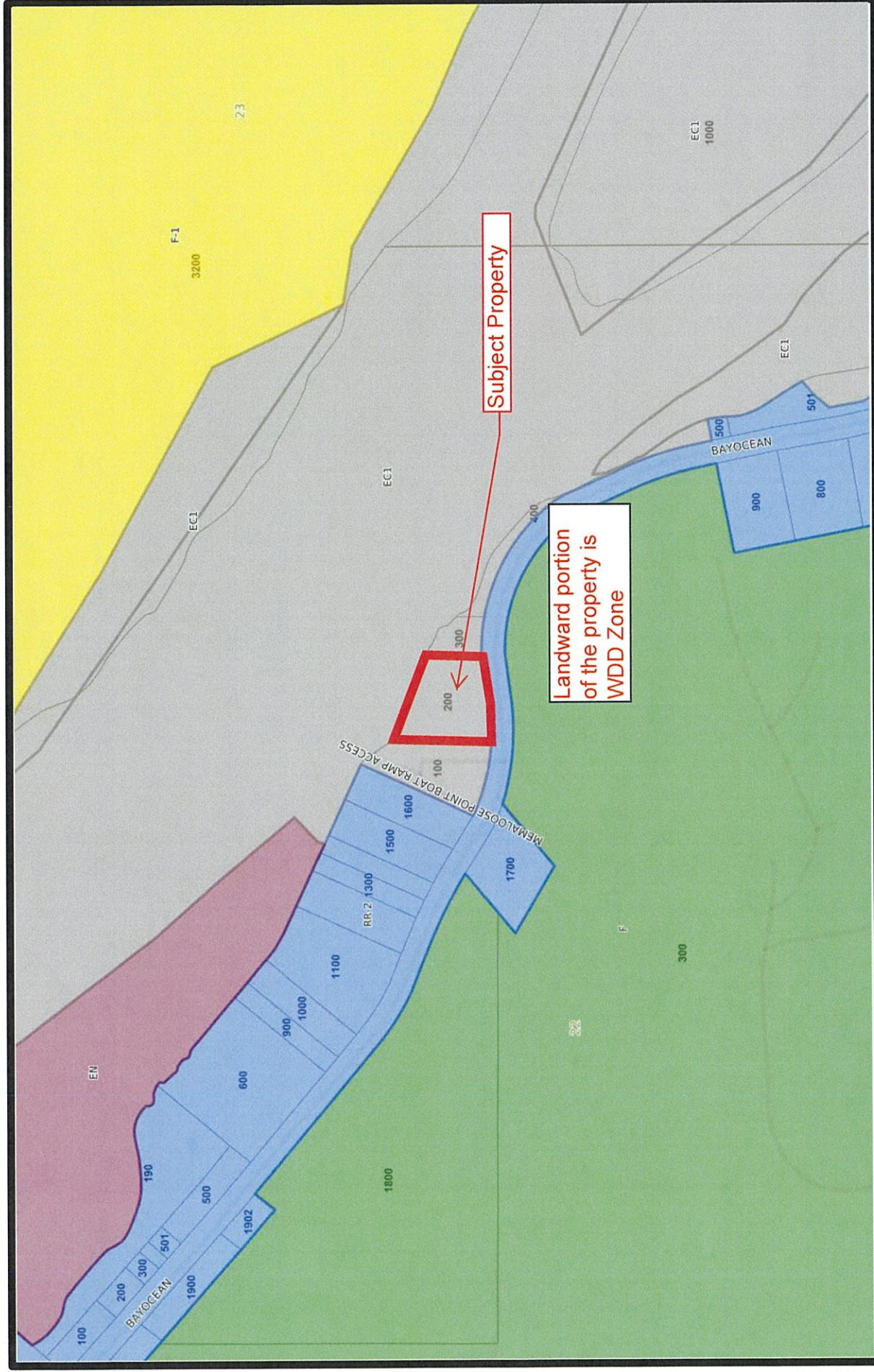
- A. Location map, Assessor map, Zoning map, FEMA FIRM, NWI Wetlands map
- B. Applicants Submittal
- C. Public Comments

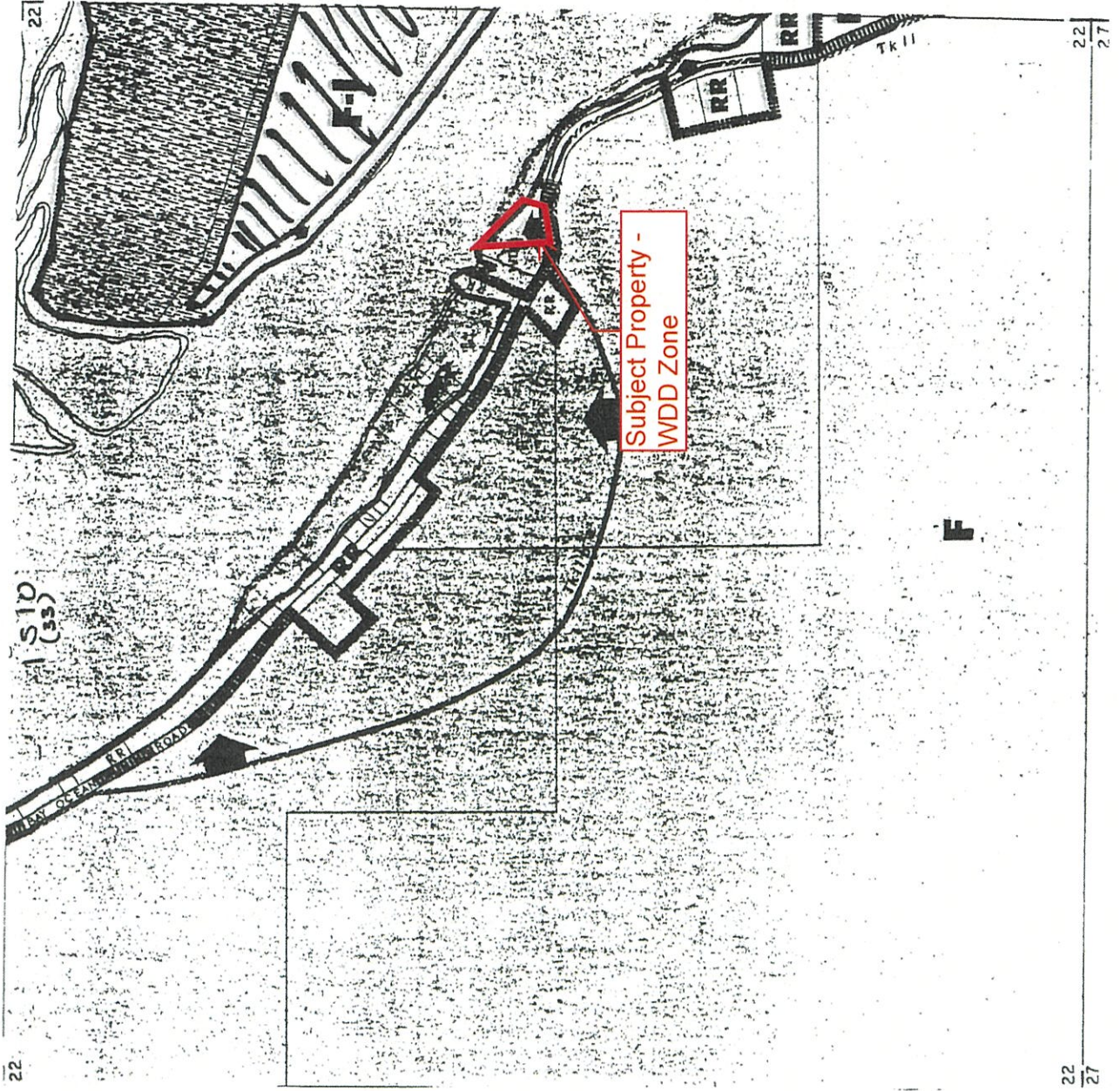
EXHIBIT A

Vicinity Map



Zoning Map





NE1/4 SE1/4 SEC.22 T.1S. R.10W.W.M.
TILLAMOOK COUNTY
1" = 100'

1" = 100'

SEE MAP IS 10 22AC

SEE MAP IS 10 22

Subject Property

9-12

GOV'T. LOT 4

SEE MAP IS 10 22

SEE MAP IS 10 22

SEE MAP IS 10 22

S 10 22DA
REVISED 7-7-98, CC

Tillamook County
2024 Real Property Assessment Report
Account 169873

Map 1S1022DA00200
Code - Tax ID 0912 - 169873

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr See Record

Mailing 1985 BAYOCEAN, LLC
PO BOX 3228
PORTLAND OR 97208

Deed Reference # 2022-1260
Sales Date/Price 02-07-2022 / \$0
Appraiser KARI FLEISHER

Property Class 201 MA SA NH
RMV Class 201 07 01 102

Site	Situs Address	City
	1985 BAYOCEAN RD	COUNTY

		Value Summary				
Code Area		RMV	MAV	AV	RMV Exception	CPR %
0912	Land	363,750		Land	0	
	Impr	279,260		Impr	0	
Code Area Total		643,010	194,050	194,050	0	
Grand Total		643,010	194,050	194,050	0	

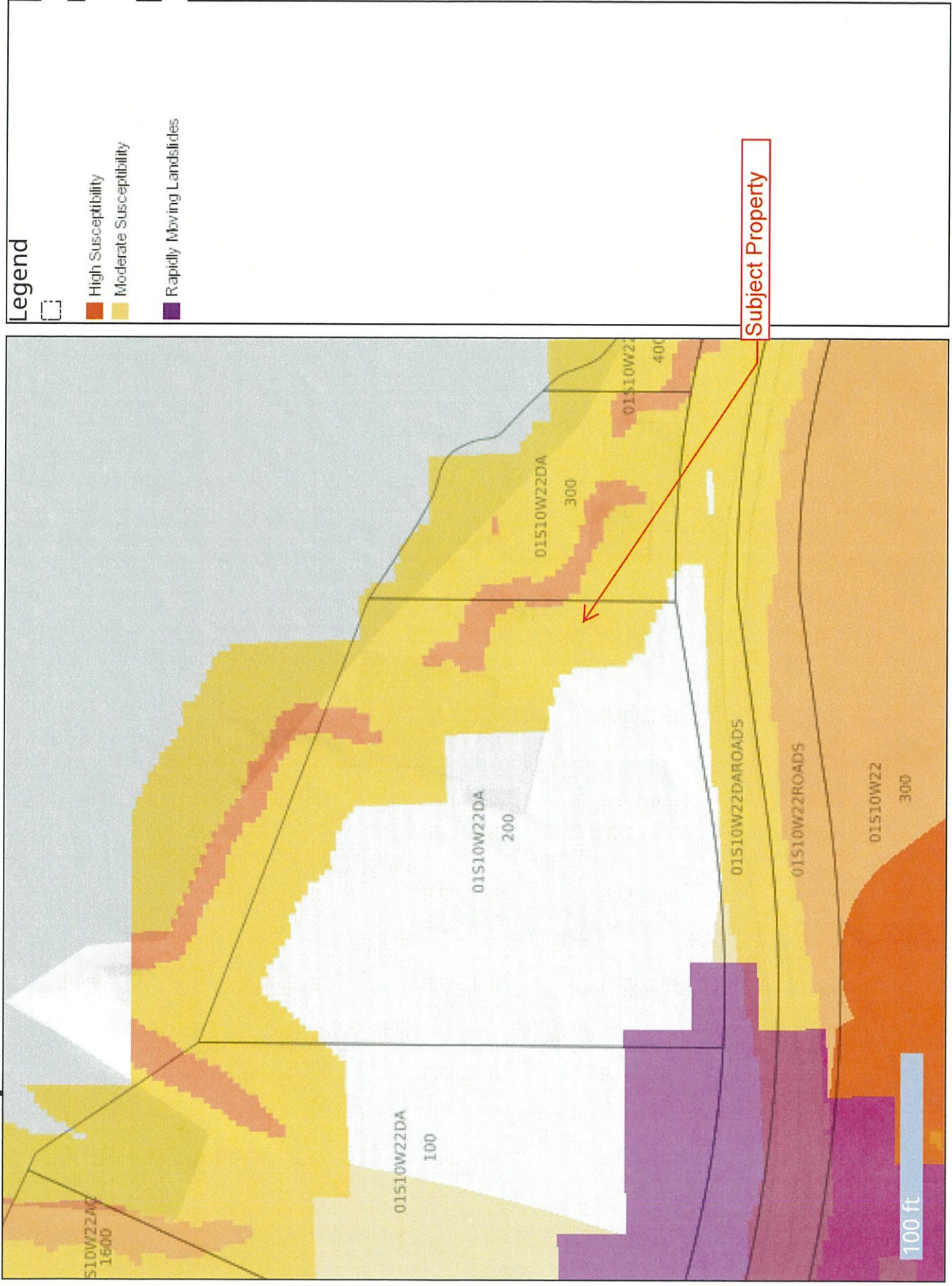
Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0912	1	<input checked="" type="checkbox"/>		WDD	Commercial Site	100	1.02 AC		353,750
					OSD - AVERAGE	100			10,000
					Code Area Total		1.02 AC		363,750

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
0912	1	1940	443	Retail Store - Multi-Use	110	6,984			279,260
Code Area Total						6,984			279,260

Exemptions / Special Assessments / Notations			
Code Area 0912			
Special Assessments		Amount	Year Used
■ SOLID WASTE		12.00	2024
Notations			
■ ACT OF GOD RMV & MAV ADJUSTED 308.146 ADDED 2010			

Comments 9/7/07 Corrected acreage per cartographer. KF 9/11/07 Reappraised RMV for 2007. KF 4/15/10 Large machine sheds and garages were destroyed during windstorm of 2007. Adjusted RMV/MAV to reflect. KF 11/14/11 Commercial stat class conversion to 476. KF

Hazard Map



National Flood Hazard Layer FIRMette

123°53'43"W 45°28'29"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, AR
- Regulatory Floodway

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 OF FLOOD HAZARD

- NO SCREEN
- Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs

Area of Undetermined Flood Hazard *Zone*

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

GENERAL STRUCTURES

- 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

OTHER FEATURES

- Digital Data Available
- No Digital Data Available
- Unmapped

MAP PANELS

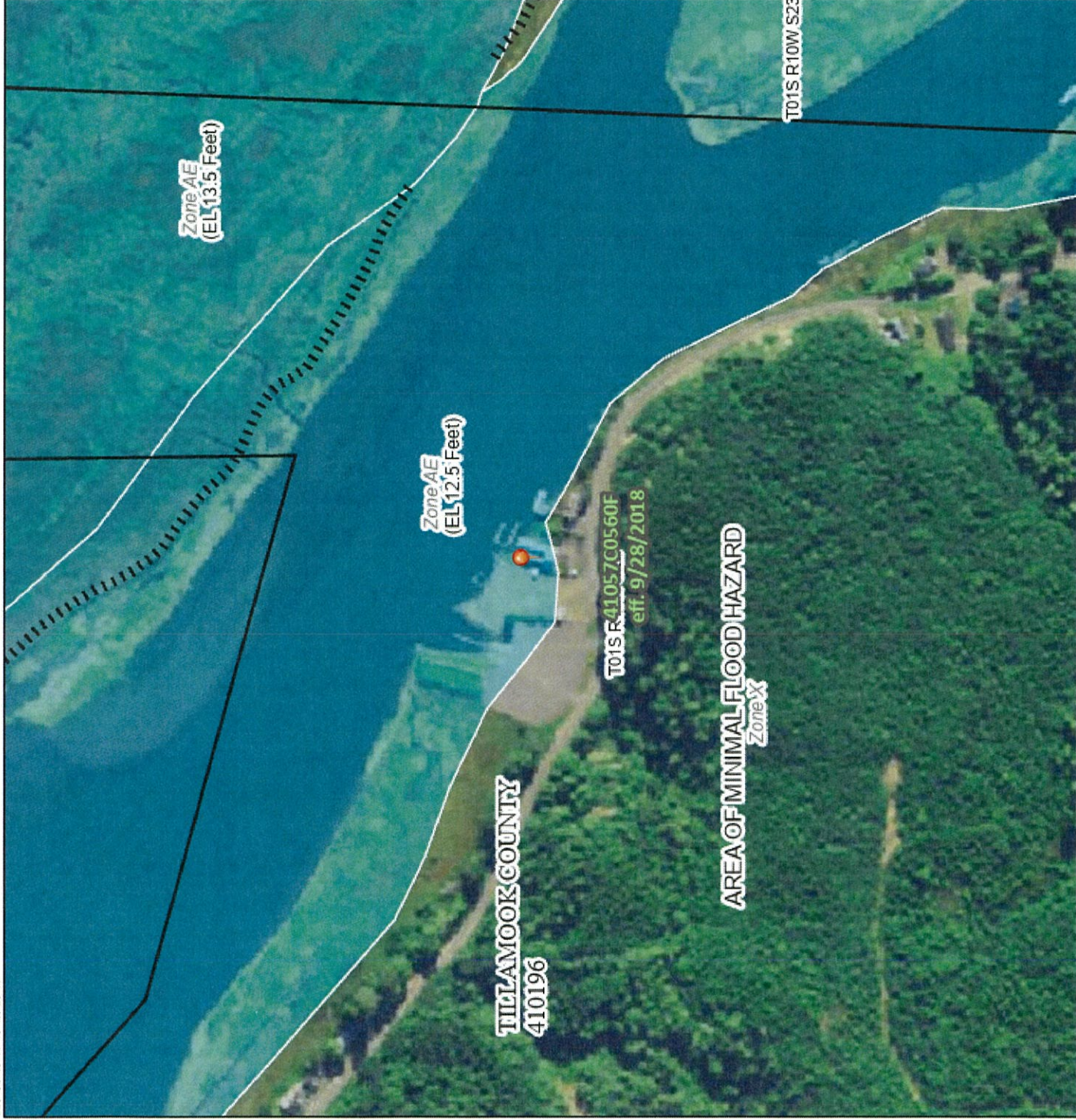


The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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

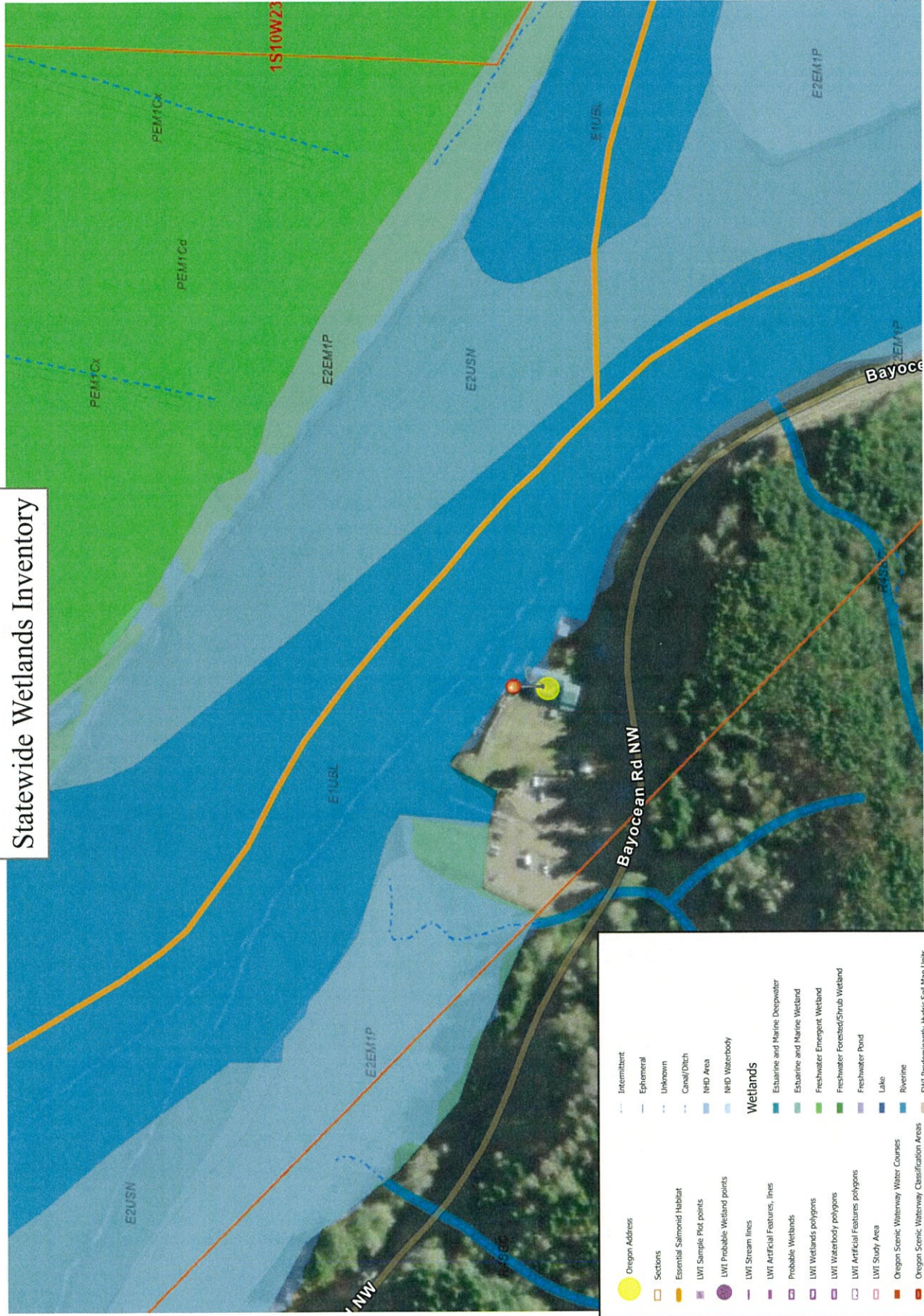
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/26/2025 at 11:01 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by 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°53'6"W 45°28'4"N

Statewide Wetlands Inventory



- Oregon Address
 - Sections
 - Essential Salmonid Habitat
 - LWI Sample Point
 - LWI Probable Wetland points
 - LWI Stream lines
 - LWI Artificial Features, lines
 - Probable Wetlands
 - LWI Wetlands polygons
 - LWI Waterbody polygons
 - LWI Artificial Features polygons
 - LWI Study Area
 - Oregon Scenic Waterway Water Courses
 - Oregon Scenic Waterway Classification Areas
 - NHD Springs/Scops
 - NHD Streams and Rivers
 - Perennial
- Wetlands**
- Estuarine and Marine Deepwater
 - Estuarine and Marine Wetland
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Lake
 - Riverine
 - SWI Predominantly Hydric Soil Map Units
 - SWI Agate-Winho Soils

Date: 7/26/2025



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.

State of Oregon
Department of State Lands
775 SW Washington St., Suite 100
Salem, OR 97301-1275

EXHIBIT B



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

PLANNING APPLICATION

Applicant ☐ (Check Box if Same as Property Owner)

Name: Urban Patterns Phone: (503) 893-2031

Address: 1432 E Burnside St.

City: Portland State: OR Zip: 97214

Email: info@urbanpatterns.com

Property Owner

Name: 1985 Bayocean, LLC Phone: (503) 236-1978

Address: PO BOX 3228

City: Portland State: OR Zip: 97208

Email: todd@ewcorp.net

OFFICE USE ONLY	
Date Stamp	
<div style="border: 2px solid blue; padding: 5px;"> RECEIVED MAY 20 2025 BY: [Signature] DROP OFF </div>	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees:	
Permit No:	
851- <u>25</u> - <u>000745</u> -PLNG	

Request: Alteration of (2) bathrooms for accessibility, structural upgrades, replacement of windows and doors, installation of equipment in commercial kitchen with bar and cold storage, alteration of retail space, alteration of second floor residence to include two kitchens, addition of outdoor seating on north patio and yard.

Type II	Type III	Type IV
<input type="checkbox"/> Farm/Forest Review	<input type="checkbox"/> Detailed Hazard Report	<input type="checkbox"/> Ordinance Amendment
<input checked="" 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 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"/> Fore-dune Grading Permit Review		
<input type="checkbox"/> Neskowin Coastal Hazards Area		

Location:

Site Address: 1985 Bayocean Road

Map Number: 1 S	10 W	22DA	200
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.

DocuSigned by: [Signature]	5/20/2025
Property Owner Signature (Required) Benjamin Gates	Date 5/20/2025
Applicant Signature 3A480DD7EBEC44E...	Date

1985 Bayocean Road

Conditional Use – Project Narrative

Updated: May 15th, 2025

Summary:

The purpose of this land use application is to request conditional use for a waterfront restaurant and shellfish retail outlet. As the site of the former Tillamook Oyster Company, the structure was designed for water-related uses such as shellfish processing, which was significant enough for the County to list it as one of the few Estuary and Water-Dependent Development Sites for which Goal 16 exceptions are included in the Tillamook County Comprehensive Plan Goal 9, (5.5). Today, the site has important potential to contribute to the local seafood economy as a waterfront restaurant and shellfish retail outlet.

- Site:
 - 1985 Bayocean NW
 - Next to Memaloose Boat Launch
 - 1.02 acres
- Existing use of the site:
 - Oyster processing, docks, residence
- Proposed use of the site:
 - **Waterfront restaurant, outdoor and indoor dining, shellfish retail, oyster processing, docks, residence**
- Proposed Project:
 - Site Plan & Scope:
 - All existing structures to remain. No additions or new buildings are proposed.
 - New parking area, accessible path to retail entry from parking, addition of small cover for grilling, outdoor seating (furniture)
 - First floor:
 - Existing residence entry, renovation to include retail (value-add products, fresh seafood, grab & go), commercial kitchen, cold and frozen storage, ADA restrooms, and dining room with bar and front kitchen.
 - Selective replacement of doors and windows.
 - (2) new door openings
 - Second floor:
 - Existing residence, adding a kitchen to this floor to maintain residence

Section 6.040: Review Criteria:

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

Yes, the Tillamook County Land Use Ordinance Section 3.050 (WWD) allows the conditional use of:

- a. Fish or shellfish retail or wholesale outlets;
- f. Restaurants which provide a view of the waterfront, and which are in conjunction with a water-dependent or other water-related uses, such as a seafood processing plant or a charter office.

The proposed use will not preclude or unduly conflict with existing or potential water-dependent use on the site or in the vicinity.

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

The use aligns well with the economic and water-dependent development goals of the Tillamook County Comprehensive Plan. The water-related uses of Goal 17, (5.2), describe how tourism is an important industry in Tillamook County, particularly the clustering of restaurants and tourist accommodation near waterfront areas and water dependent uses. As a specifically listed site of interest in Goal 9, (3.2, 4.4, 5.5), of water dependent development with Goal 16, (5.2), EC1 exceptions, the proposed use of the former Tillamook Oyster Company site as a waterfront restaurant and shellfish retail outlet would support Tillamook County's plan for growth of oyster production and careful development of tourism as part of a larger strategy for economic growth.

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

The location is well suited for a waterfront restaurant because of its open views and connection to the bay, adjacency to an active boat launch, proximity to central Tillamook, and plentiful flat outdoor space. The site's long history as the Tillamook Oyster Company carries along with it a unique character and a synergy of the land and structure, which was designed to be adequately elevated above the Mean Higher High Water line (MHHW).

(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.

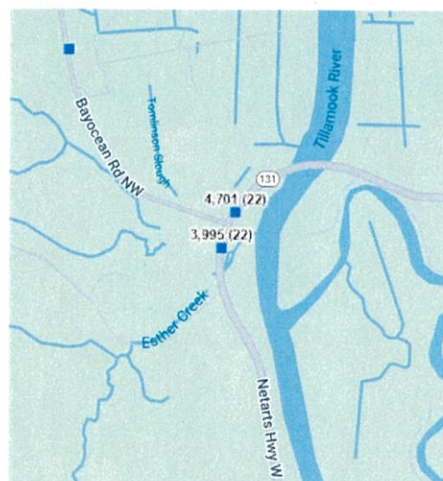
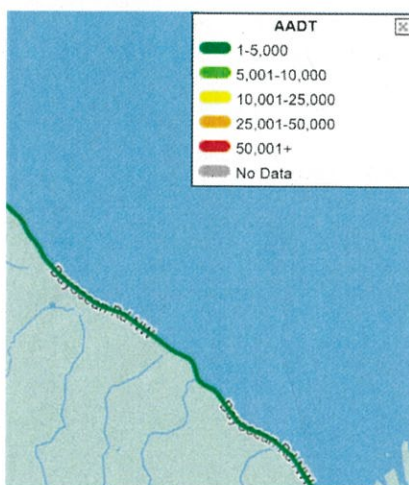
As the former Tillamook Oyster Company, the structure was designed to rely on water-related uses such as seafood processing. The proposed use as a waterfront restaurant is an active part of the local seafood supply network, continuing to encourage water-related uses and preserve the character and uses of the surrounding area. There would be no substantial limits or impairments of water-dependent development activities, as these activities would be a welcome and integral part of the character and identity of the restaurant. With around 75 visitors expected throughout the day, there would be minimal impact to the surrounding area.

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

No, there are no existing solar energy systems, wind energy systems, or windmills within the vicinity of the subject property.

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

Yes, there are adequate existing public facilities and services for the proposed use. Bayocean Rd and its only supplemental Highway (OR131) are both two-way roads classified as Major Collectors. Oregon Department of Transportation's most recent 2022 Annual Average Daily Traffic (AADT) counts for OR131 were taken in two locations, North and South of the Bayocean Rd intersection, measuring 4,701 and 3,995. Bayocean Road is a two-way road classified as a major collector, at 45 mph. In the pre-application meeting for this application, Director Laity commented that the traffic counts should be adequate.



Images from Oregon Department of Transportation – Oregon Traffic Monitoring System (OTMS) Interactive Map

Maloose Point
Boat Launch



Rd NW Bayocean Rd NW

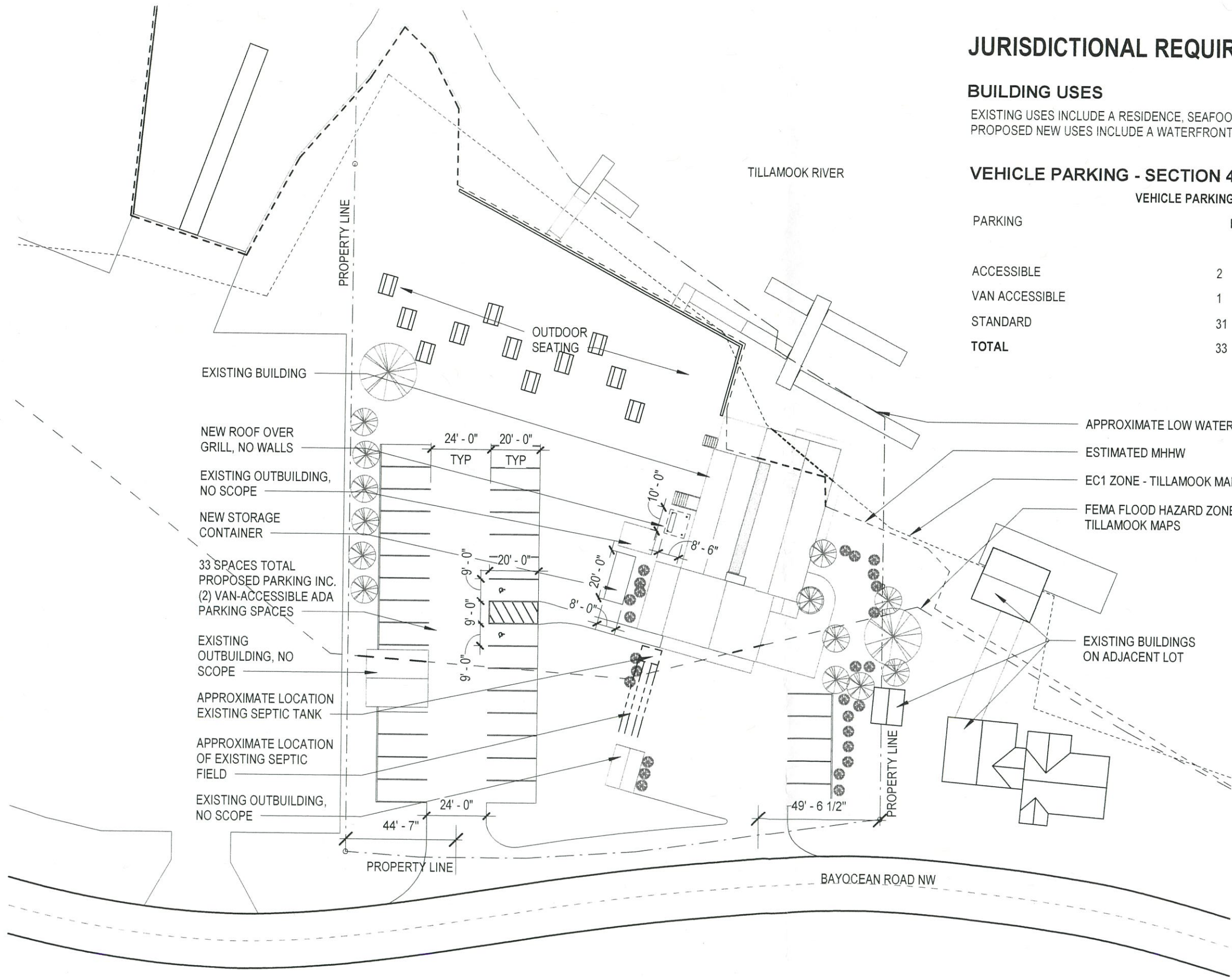
Bayocean Rd NW

Bayocean Rd NW

Bayocean Rd NW

Bayocean Rd NW

R



JURISDICTIONAL REQUIREMENTS

BUILDING USES

EXISTING USES INCLUDE A RESIDENCE, SEAFOOD PROCESSING, AND STORAGE
PROPOSED NEW USES INCLUDE A WATERFRONT RESTAURANT AND RETAIL

VEHICLE PARKING - SECTION 4.030

VEHICLE PARKING		
PARKING	REQUIRED	PROPOSED
ACCESSIBLE	2	2
VAN ACCESSIBLE	1	2
STANDARD	31	31
TOTAL	33	33

UP
urban patterns
1432 E BURNSIDE ST.
PORTLAND, OR 97214

PRELIMINARY
NOT FOR
CONSTRUCTION

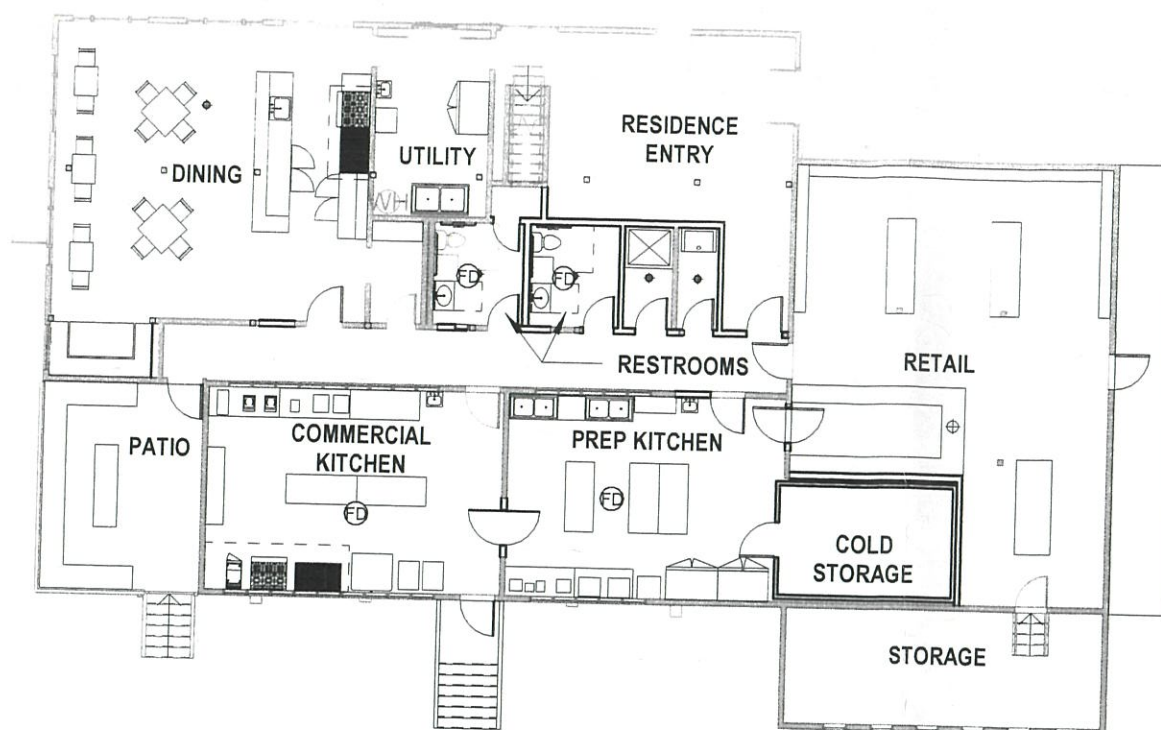
REVISIONS

BAYOCEAN
1985 BAYOCEAN RD
NW
URBAN
PATTERNS

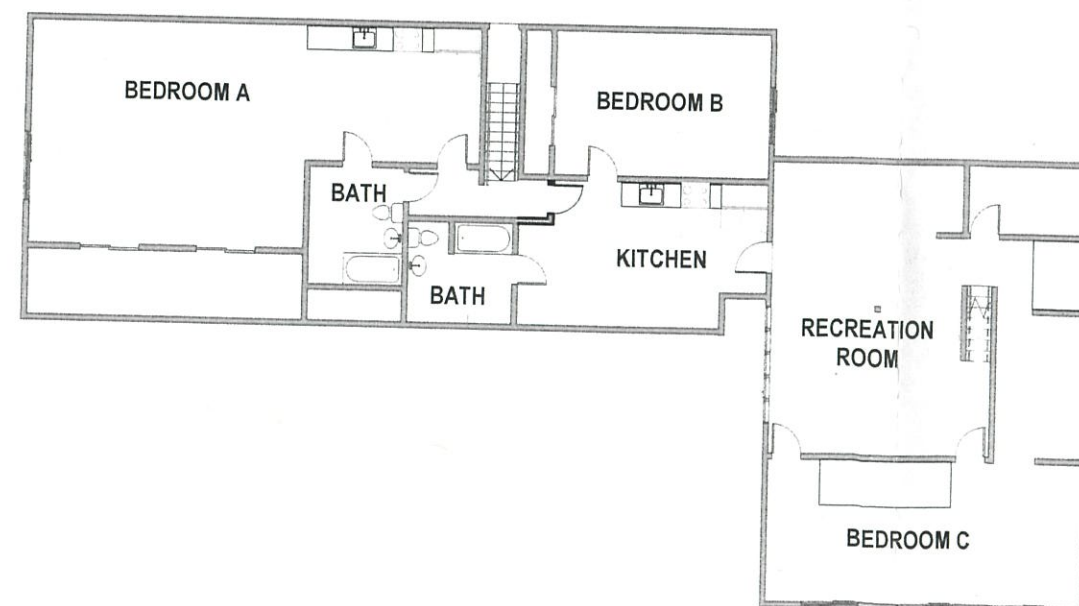
5/16/2025

SITE PLAN -
PLANNING

PL050
LAND USE



2 LEVEL 1 FLOOR PLAN
1/16" = 1'-0"



1 LEVEL 2 FLOOR PLAN
1/16" = 1'-0"

UP
urban patterns
1432 E BURNSIDE ST.
PORTLAND, OR 97214

PRELIMINARY
NOT FOR
CONSTRUCTION

REVISIONS

BAYOCEAN
1985 BAYOCEAN RD
NW
**URBAN
PATTERNS**

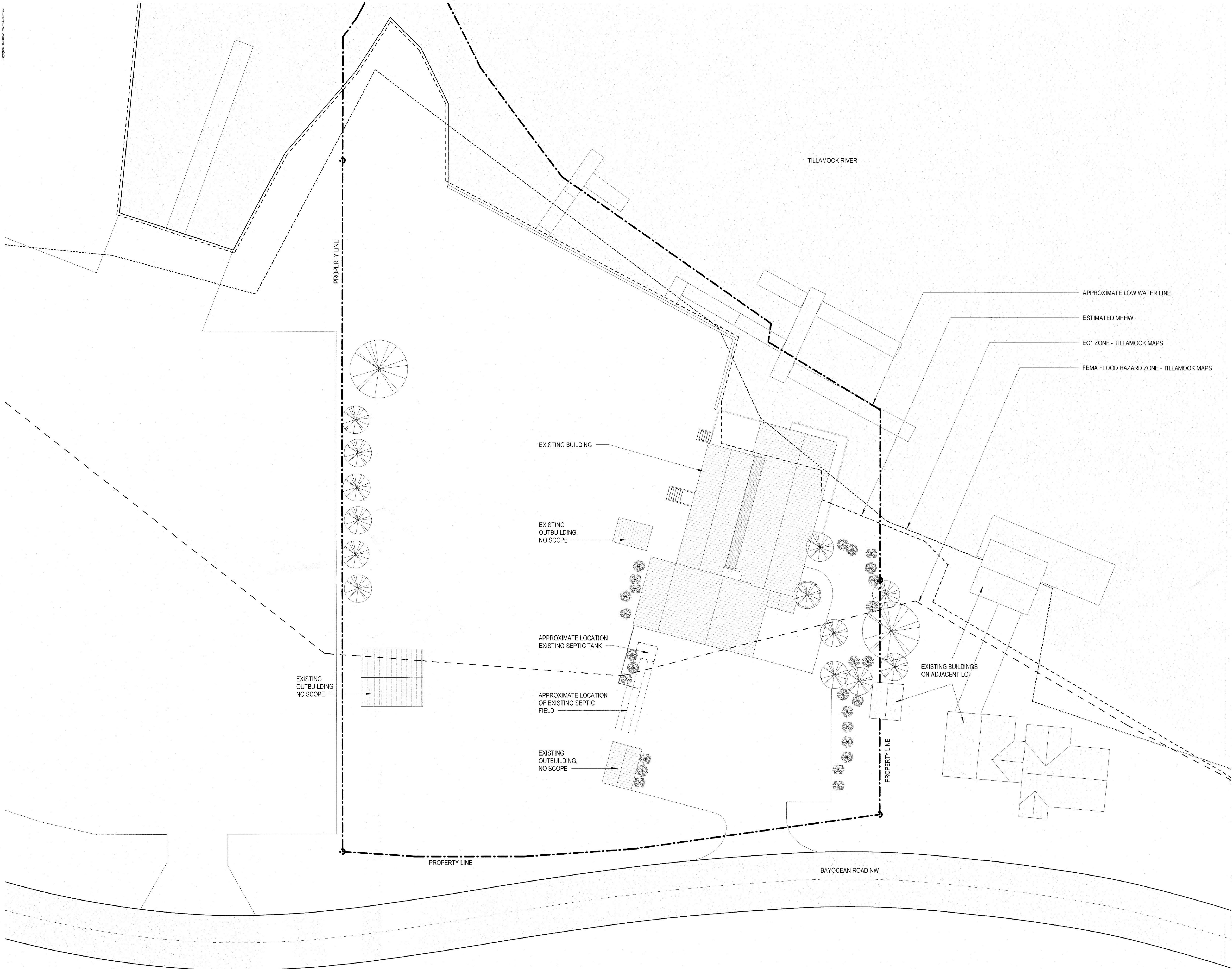
5/16/2025

FLOOR PLANS -
PLANNING

PL101

LAND USE

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1 SITE PLAN - EXISTING
1" = 20'-0"

5/16/2025 2:10:17 PM

GENERAL NOTES - SITE PLAN

- A. SITE PLAN KEYNOTES APPLY TO SHEET A051.
- B. GRAVEL FILL TO BE CLEAN, 1/4" MINUS FROM MOHLER SAND AND GRAVEL OR EQUIVILANT.
- C. LOCATION OF UTILITIES SHOWN FOR REFERENCE ONLY. CONTRACTOR TO VERIFY ALL UTILITY LOCATIONS PRIOR TO DEMOLITION AND/OR CONSTRUCTION.
- D. NORTH ARROW SHOWN ON SITE PLAN IS TRUE NORTH.

LEGEND - SITE PLAN

- EXISTING STRUCTURE TO BE DEMOLISHED, SEE DEMO PLAN
- EXISTING STRUCTURE TO REMAIN
- NEW STRUCTURE
- UNDERGROUND WATER LINE
- UNDERGROUND SEWER LINE
- UNDERGROUND EFFLUENT LINE
- EC1 ZONE - TILLAMOOK MAPS
- ESTIMATED MHHW
- FEMA FLOOD HAZARD ZONE - TILLAMOOK MAPS

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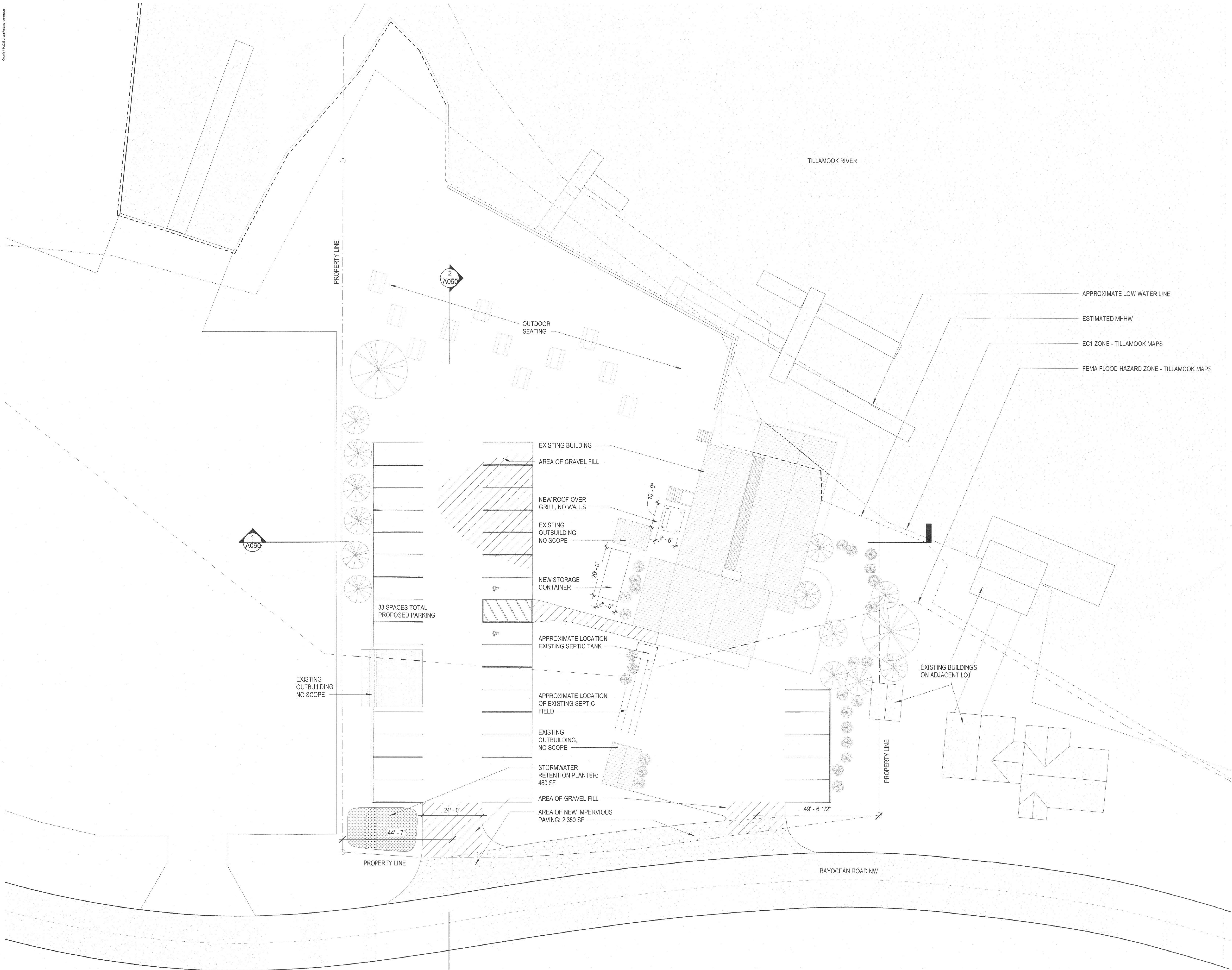
BAYOCEAN

1985 BAYOCEAN RD NW

URBAN PATTERNS
5/16/2025

SITE PLAN - EXISTING

A051A
LAND USE



1 SITE PLAN
1" = 20'-0"

GENERAL NOTES - SITE PLAN

- A. SITE PLAN KEYNOTES APPLY TO SHEET A051.
- B. GRAVEL FILL TO BE CLEAN, 1/4" MINUS FROM MOHLER SAND AND GRAVEL OR EQUIVILANT.
- C. LOCATION OF UTILITIES SHOWN FOR REFERENCE ONLY. CONTRACTOR TO VERIFY ALL UTILITY LOCATIONS PRIOR TO DEMOLITION AND/OR CONSTRUCTION.
- D. NORTH ARROW SHOWN ON SITE PLAN IS TRUE NORTH.

LEGEND - SITE PLAN

- EXISTING STRUCTURE TO BE DEMOLISHED, SEE DEMO PLAN
- EXISTING STRUCTURE TO REMAIN
- NEW STRUCTURE
- W UNDERGROUND WATER LINE
- SS UNDERGROUND SEWER LINE
- EE UNDERGROUND EFFLUENT LINE
- EC1 ZONE - TILLAMOOK MAPS
- ESTIMATED MHHW
- . - . - FEMA FLOOD HAZARD ZONE - TILLAMOOK MAPS

REVISIONS

BAYOCEAN

1985 BAYOCEAN RD NW

URBAN PATTERNS

5/16/2025

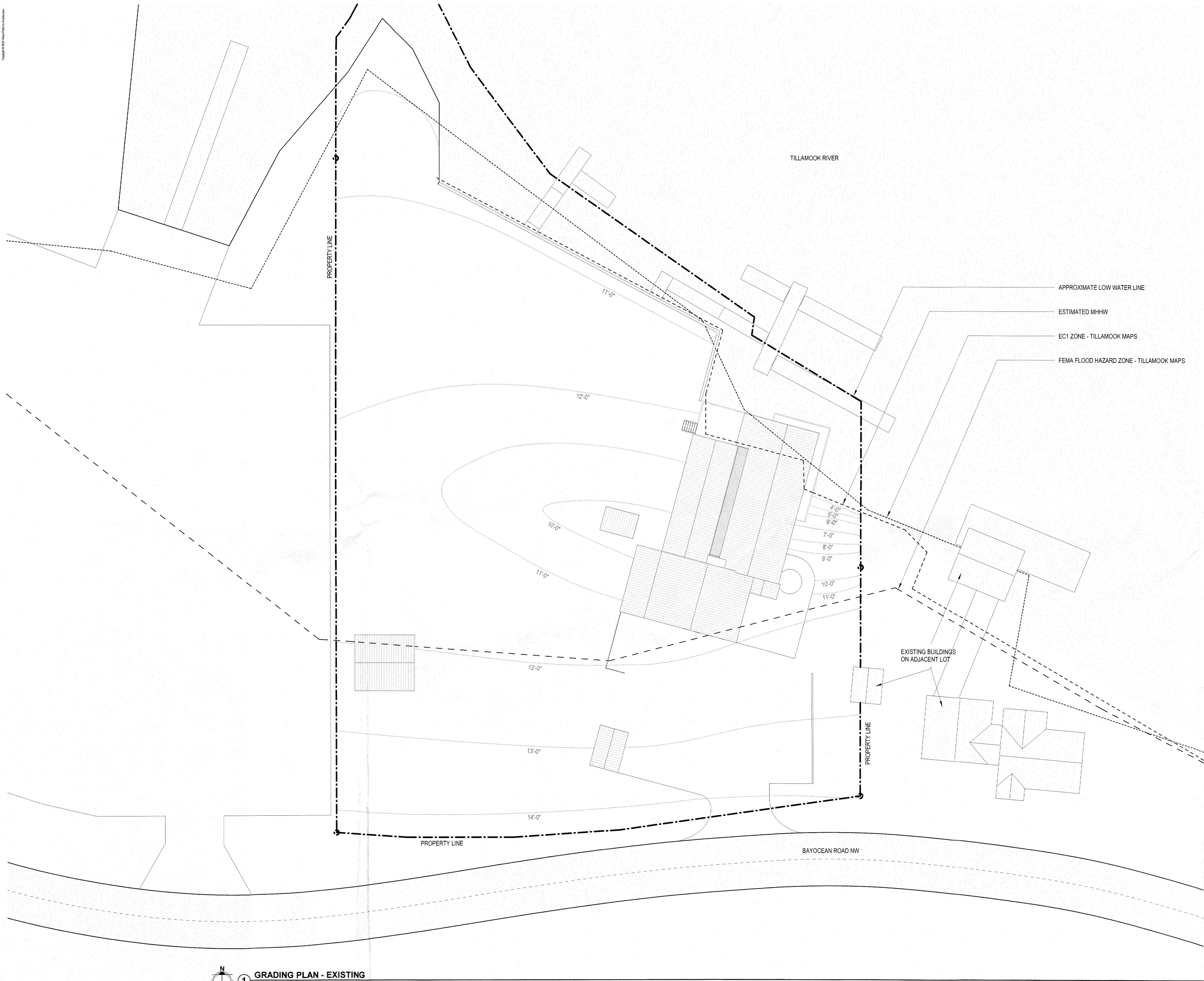
SITE PLAN

A051B

LAND USE

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5/16/2025 2:15 PM



GENERAL NOTES - SITE PLAN

- A. SITE PLAN KEYNOTES APPLY TO SHEET A051.
- B. GRAVEL FILL TO BE CLEAN, 1/4" MINUS FROM MOHLER SAND AND GRAVEL OR EQUIVILANT.
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LEGEND - SITE PLAN

- EXISTING STRUCTURE TO BE DEMOLISHED, SEE DEMO PLAN
- █ EXISTING STRUCTURE TO REMAIN
- █ NEW STRUCTURE
- W — UNDERGROUND WATER LINE
- SS — UNDERGROUND SEWER LINE
- EE — UNDERGROUND EFFLUENT LINE
- EC1 ZONE - TILLAMOOK MAPS
- ESTIMATED MHHW
- FEMA FLOOD HAZARD ZONE - TILLAMOOK MAPS

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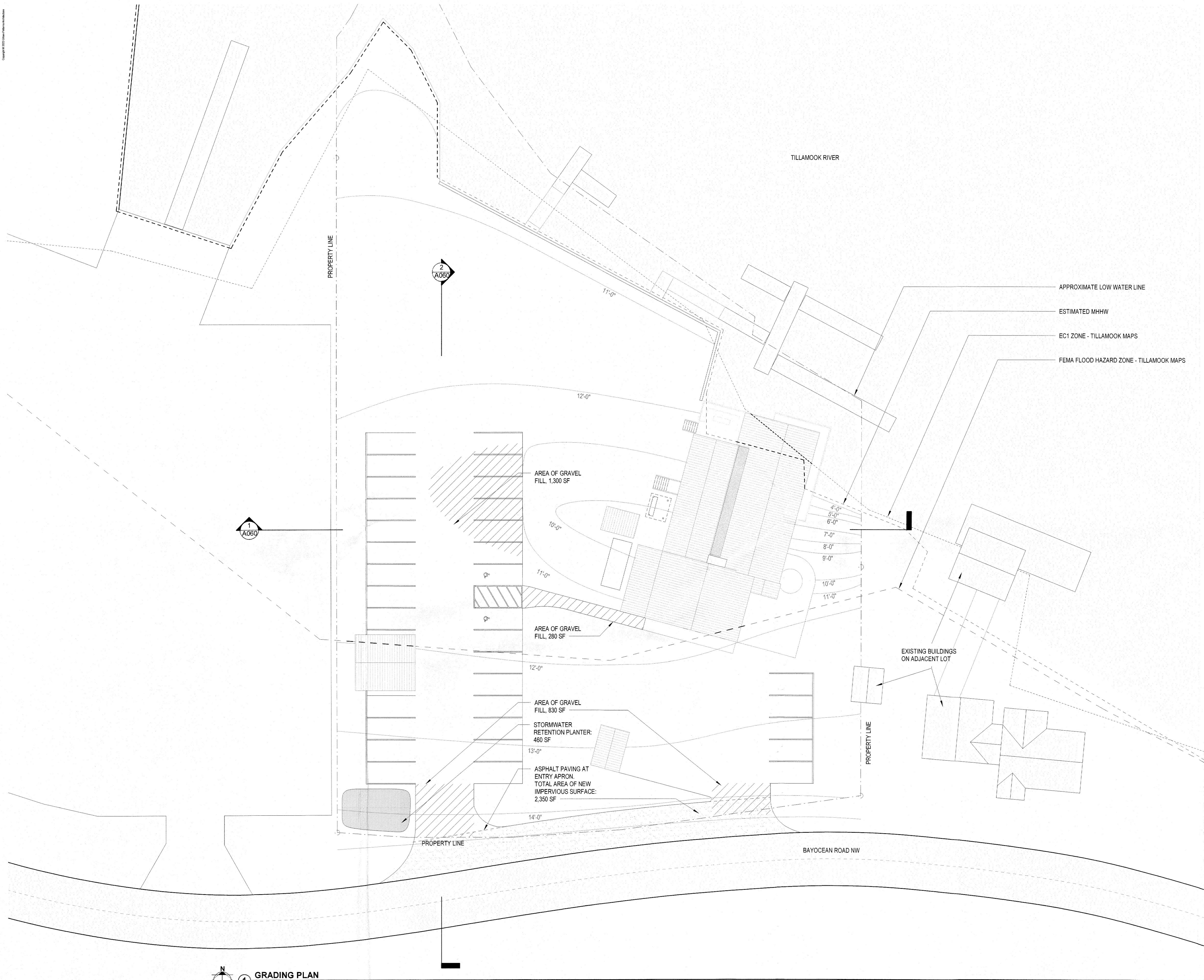
GRADING PLAN - EXISTING

A052A

LAND USE

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5/16/2025 2:10 PM



GENERAL NOTES - SITE PLAN

- A. SITE PLAN KEYNOTES APPLY TO SHEET A051.
- B. GRAVEL FILL TO BE CLEAN, 1/4" MINUS FROM MOHLER SAND AND GRAVEL OR EQUIVILANT.
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- D. NORTH ARROW SHOWN ON SITE PLAN IS TRUE NORTH.

LEGEND - SITE PLAN

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- EXISTING STRUCTURE TO REMAIN
- NEW STRUCTURE
- W --- UNDERGROUND WATER LINE
- SS --- UNDERGROUND SEWER LINE
- EE --- UNDERGROUND EFFLUENT LINE
- EC1 ZONE - TILLAMOOK MAPS
- ESTIMATED MHHW
- FEMA FLOOD HAZARD ZONE - TILLAMOOK MAPS

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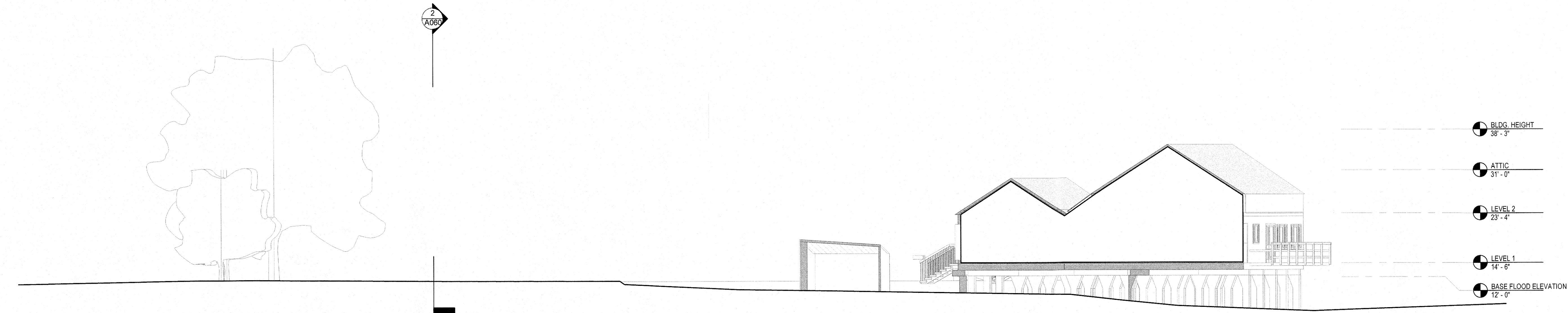
5/16/2025

GRADING PLAN

A052B

LAND USE

PRELIMINARY
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1 Section 3
1" = 10'-0"



2 Section 4
1" = 10'-0"

REVISIONS

BAYOCEAN

1985 BAYOCEAN RD NW

URBAN PATTERNS

5/16/2025

GRADING SECTIONS

A060

LAND USE

EXHIBIT C

Melissa Jenck

From: BRADLEY Robert * ODFW <Robert.BRADLEY@odfw.oregon.gov>
Sent: Monday, July 28, 2025 3:52 PM
To: Sarah Thompson; Sarah Absher
Cc: Melissa Jenck
Subject: EXTERNAL: RE: #851-25-000275-PLNG

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

No particular comments other than a lot of the development is already in the estuary setback, and renovations to the building will not add to any existing impacts. If any work needs to be done to the support structures or other portions that fall within the jurisdiction of DSL or the USACE, then the owners need to consult with those agencies for permitting requirements.

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)

From: Sarah Thompson <sarah.thompson@tillamookcounty.gov>
Sent: Monday, July 28, 2025 3:15 PM
To: Sarah Absher <Sarah.Absher@tillamookcounty.gov>
Cc: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Subject: #851-25-000275-PLNG

Good afternoon,

Please see the link below for the Notice of Application for #851-25-000275-PLNG for a Development Permit.

<https://www.tillamookcounty.gov/commdev/project/851-25-000275-plng>

Thanks,



Sarah Thompson (she/her) | Office Specialist 2
TILLAMOOK COUNTY | Surveyor Department
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3423
Sarah.thompson@tillamookcounty.gov

Melissa Jenck

From: Brian Olle
Sent: Tuesday, August 12, 2025 7:58 AM
To: Melissa Jenck
Subject: RE: #851-25-000275-PLNG

I was really hoping to catch up with Chris to review these items, but have not heard back. Apologies for not sending this yesterday, and hope it is not too late. Here is my comments in case:

Public Works would like to note the following:

- The proposed Road Approach is not acceptable. Applicant should review Ordinance #44
 - Commercial lots with over 100' of frontage are allowed multiple approaches, but not to exceed 30%. Given this location of Bay Ocean Road, Public Works would allow 2 approaches.
 - Commercial Road Approaches cannot exceed 35' and must be paved
 - In addition, this location has sight distance issues and Road Approaches will need to be placed accordingly to meet those standards. That process can be determined once the Road Approach Applications are complete.
- Parking Lot; Only the ADA stalls are dimensioned, please provide stall dimensions.
- Stormwater Calcs, additional detail is needed to ensure 25 year-24 hour storms are captured within stormwater facilities for new impervious surfaces

Other concerns that are not Public Works related but should be noted by other departments is proximity to Parks/Memaloose Parking lot. Parks should weigh in if they have concerns if overflow parking is on their property. Fire department that emergency access and turnarounds are sufficient.

Brian Olle, P.E. | Engineering Project Manager
TILLAMOOK COUNTY | Public Works
Cell: (503)812-6569

From: Sarah Thompson <sarah.thompson@tillamookcounty.gov>
Sent: Monday, July 28, 2025 3:15 PM
To: Sarah Absher <Sarah.Absher@tillamookcounty.gov>
Cc: Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>
Subject: #851-25-000275-PLNG

Good afternoon,

Please see the link below for the Notice of Application for #851-25-000275-PLNG for a Development Permit.

<https://www.tillamookcounty.gov/commdev/project/851-25-000275-plng>

Thanks,