

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 #851-21-000416-PLNG FOR ) A 19-SITE RECREATIONAL CAMPGROUND ON A 58.51- ) ACRE PARCEL, WITHIN THE RURAL RESIDENTIAL 2- ) ACRE (RR-2) ZONED PORTION OF THE PROPERTY, ) ACCESSED VIA FLOYD AVENUE, A COUNTY LOCAL ) ACCES ROAD, AND DESIGNATED AS TAX LOT 600 OF ) SECTION 6, TOWNSHIP 4 SOUTH, RANGE 10 WEST OF ) THE WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, ) OREGON. )	FINDINGS OF FACT, CONCLUSIONS AND ORDER  #851-22-000107-PLNG
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APPELLANT: Lisa Macy-Baker, 1035 NE Davis St., McMinnville, OR 97128

APPLICANT/PROPERTY OWNER: Oregon Treehouse Partners LLC, 1276 NW 107<sup>th</sup> Ave, Portland, OR 97229

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 #851-22-000107-PLNG.
2. Public hearings on the above-entitled matter were held before the Tillamook County Planning Commission on January 27, 2022, and February 24, 2022, 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 voted unanimously, 7 in favor and 0 opposed, to approve Conditional Use request #851-21-000416-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 April 25, 2022. The hearing was properly noticed according to the requirements of ORS 197 and 215. Public testimony was received at the hearing. The Board continued the hearing to May 11, 2022, which was continued to June 1, 2022. At the June 1, 2022 hearing, the Board heard additional oral Public Testimony and oral arguments from the appellant, the applicant and final comments from the planning director and 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:

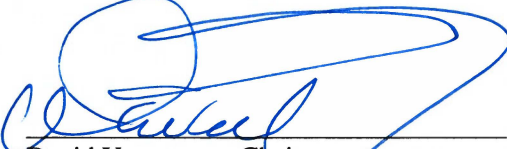
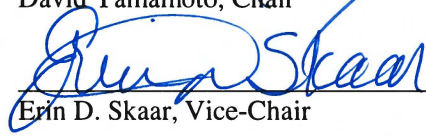
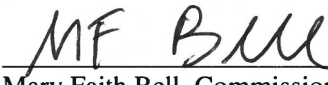
Section 1. The Planning Commission's decision to approve the Conditional Use application (file no. 851-21-000416-PLNG) is hereby upheld, and the appeal filed by Lisa Macy-Baker is denied.

Section 2. Conditional Use request #851-21-000416-PLNG for a 19-site recreational campground on a 58.51-acre parcel, within the Rural Residential 2-Acre (RR-2) zoned portion of the property, is approved. The above-named applicant applied to Tillamook County requesting Conditional Use approval for a 19-site recreational campground on a portion of a 58.51-acre parcel on the property as specified above.

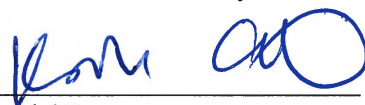
Section 3. The findings and conditions attached as "Exhibit A" and "Exhibit B" are hereby incorporated by reference and adopted in support of this order. Exhibits to the staff report can be found in the office of the Tillamook County Department of Community Development under Appeal #851-22-000107-PLNG.

DATED this 2nd day of June 2022.

BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

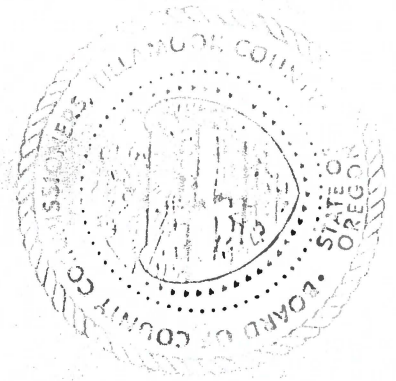
	Aye	Nay	Abstain/Absent
 _____ David Yamamoto, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Erin D. Skaar, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Mary Faith Bell, Commissioner	<input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

ATTEST: Tassi O'Neil,  
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 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, Applicant will be required to submit the following:
  - Authorization Notice approval for on-site sewage disposal permits from the Department of Community Development or Oregon DEQ.
  - A letter from Tierra Del Mar Water Company confirming water service to the proposed facility.
  - A letter from the Nestucca Rural Fire Protection District confirming fire protection service to the proposed facilities.
  - A letter from the Tillamook County Public Works Department approving the road approach and internal roadway design.
  - Demonstration of compliance with the standards contained in TCLUO 4.130(2).
4. If buildings within or near the area identified as inactive landslide topography are to be sited on slopes greater than 29%, a Geologic Hazard Report will be required as described in TCLUO 4.130. If such a report is required, a Geologic Hazard Report shall be submitted in conjunction with application for Zoning and Building Permit approval for review and acceptance.
5. Applicant will maintain the minimum proposed vegetative buffers between the proposed area of development and the property boundaries. The site plan submitted for approval with application for Zoning and Building permits will clearly show the vegetative buffers.
6. Development will comply with the requirements and standards of TCLUO 3.010 'Rural Residential 2-Acre (RR-2) Zone' and 5.030 'Recreational Campground Standards'.
7. Overnight temporary use of the campground by a camper or a camper's vehicle shall not be for longer than six (6) months in any twelve (12) month period as required by TCLUO Section 5.030.
8. The applicant/property owner shall provide a copy of an approved campground design from Tillamook County Environmental Health at time of Zoning Permit/Building Permit submittal.
9. Development shall comply with riparian buffer and vegetation retention requirements of TCLUO Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization.
10. Signage shall comply with the requirements of TCLUO Section 4.020: Signs.
11. Development shall occur in the area as generally depicted on the submitted site plan and as described and shall not exceed 19 campsites and the supporting facilities, including the support cabin and bathhouse.
12. Applicant/property owner shall submit a to-scale site plan indicating the proposed parking plan, subject to standards in TCLUO Section 4.030 'Off-Street Parking and Off-Street Loading Requirements', including demonstration of a minimum one (1) parking space per guest accommodation.

# EXHIBIT B

Tillamook County

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



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

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

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*Land of Cheese, Trees and Ocean Breeze*

### CONDITIONAL USE REQUEST #851-21-000416-PLNG: OREGON TREEHOUSE PARTNERS LLC RECREATONAL CAMPGROUND STAFF REPORT

**Date: January 20, 2022**

**(This is not Building or Placement Permit Approval)**

**Report Prepared by: Melissa Jenck, Land Use Planner II, CFM**

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#### **I. GENERAL INFORMATION:**

**Request:** Request for Conditional Use approval for a 19-site recreational campground on an approximately 18-acre portion of a 58.51-acre parcel. The proposed campground is located within the Rural Residential 2-Acre (RR-2) zoned portion of the property.

**Location:** The subject properties are accessed via Floyd Avenue, a County local access road, and is designated as Tax Lot 600 of Section 6, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon

**Zone:** Rural Residential 2-Acre (RR-2) and Small Farm and Woodlot (SFW-20)

**Applicant/  
Property**

**Owner:** Oregon Treehouse Partners LLC, 1276 NW 107<sup>th</sup> Ave, Portland, OR 97229

**Property Description:** The subject property encompasses approximately 58.51 acres situated north of the Unincorporated Community Boundary of Pacific City/Woods in an area commonly referred to as Tierra Del Mar (Exhibit A). Floyd Avenue, a County local access road, serves off Sandlake Road, a County road, to the subject property (Exhibit A). According to County Tax Assessors records, the property is currently unimproved (Exhibit A).

The subject property is zoned Rural Residential 2-Acre (RR-2) and Small Farm and Woodlot (SFW-20) (Exhibit A). Development of the facilities are proposed to be concentrated an approximate 18-acre area of Rural Residential 2-Acre (RR-2) zoned portion of the property (Exhibit B). Development is not proposed within the Small Farm and Woodlot (SFW-20) zoned portion of the property (Exhibit B).

The United States Forest Service (USFS) owns the Forest (F) zoned property abutting the subject property to the east and south (Exhibit A). Unimproved SFW-20 zoned properties under private ownership abut the subject property to the north (Exhibit A). Adjacent RR-2 zoned properties under private ownership abut the subject property to the north, south and west (Exhibit A).

Situated to the west is a pocket of zoned Rural Residential 2 Acre (RR-2) and Rural Commercial (RC) properties and are either unimproved or contain single family dwellings (Exhibit A).

The subject property has highly variable slopes and terrain with it generally sloping upward to the east (Exhibits A and E). Development is proposed to be primarily located on the slopes, east of an existing private roadway through the subject property (Exhibit A). Mapped wetlands and riverine features are present on the subject property on the western boundary, including Freshwater Forested/Shrub wetlands (Exhibit A).

The tract lies within an area of potential landslide susceptibility as identified by DOGAMI map layers (Exhibit A). The subject property is not located in a Special Flood Hazard Area (Exhibit A).

The current request is for conditional use approval for a recreational campground consisting of 19-sites, including tent sites, accessory cabins and a cabin to provide support to the facilities (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 and IV of this report:

*STANDARDS: Standards are rules governing the size, dimensions, shape, or orientation of a lot or parcel, or the placement of buildings or activities thereon.*

*TCLUO Section 3.010: RURAL RESIDENTIAL 2-ACRE (RR-2) ZONE*

*TCLUO Section 5.030: RECREATIONAL CAMPGROUND STANDARDS*

*TCLUO Section 3.555: FRESHWATER WETLANDS OVERLAY*

*TCLUO Section 4.130: DEVELOPMENT REQUIREMENTS FOR GEOLOGIC HAZARD AREAS*

*TCLUO Section 4.140: REQUIREMENTS FOR PROTECTION OF WATER QUALITY AND STREAMBANK STABILIZATION*

*TCLUO Section 4.160: PROTECTION OF ARCHAEOLOGICAL SITES*

*APPROVAL CRITERIA: Any conditional use authorization shall be subject to the following criteria which may involve the exercise of judgement in implementing established policy.*

*TCLUO Section 6.040: REVIEW CRITERIA*

## **ARTICLE X: ADMINISTRATIVE PROVISIONS**

## **III. ANALYSIS OF STADARDS:**

*TCLUO Section 3.010: RURAL RESIDENTIAL 2-ACRE (RR-2) ZONE*

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

...

(u) Parks, recreational campgrounds, primitive campgrounds hunting and fishing preserves, and other recreational uses and associated facilities, on a contiguous ownership of 10 or more acres.

**Findings:** The subject property is approximately 58.51-acres, with the RR-2 zoned portion of the subject property approximately 18-acres in size (Exhibit A). The proposed campground is within the RR-2 zoned portion of the property (Exhibit B). Staff finds this standard is met.

(4) *STANDARDS: Land divisions and development in the RR-2 and RR-10 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:*

(a) *The minimum lot size is two acres for parcels zoned before October 4, 2000.*

...

(f) *The minimum front yard shall be 20 feet.*

(g) *The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.*

(h) *The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.*

(i) *The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.*

**Findings:** Applicant's site plan indicates all development will be located within the RR-2 zoned portion of the subject property (Exhibit B). Applicant's site plan indicates a 50-foot setback from the properties north, south, and westerly property lines for proposed structures, except for a 30-ft by 40-ft viewing platform located near the northerly property line (Exhibit B). Staff finds that these standards can be met through compliance with Conditions of Approval.

#### **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 RR-2 zoned property utilized for the campground is approximately 18-acres with (15) tent sites and (4) accessory cabin sites (Exhibit B). Minimum size for the establishment of a campground in the RR-2 is 10-acres or more, as detailed above in this Staff Report. 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 states six tent campsites maintain 23-ft by 40-ft in size, nine tent campsites maintain 30-ft by 40-ft spaces, and the accessory cabins being 23-ft by 40-ft in size with a single parking space (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:** Applicant describes that all sites will maintain over 10-ft from all interior road right-of-ways, and over 20-ft from exterior roadways. Units will maintain a minimum 20-ft separation, with the units and community buildings have a separation greater than 10-ft. Applicant's site plan confirms such setbacks and separation requirements are detailed. 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 well drained. No on-street parking shall be allowed;*

**Findings:** Applicants provides the existing right-of-way exceeds 16-ft, with access being provided to all proposed sites (Exhibit B). Applicants states they will improve the road surface to County standards and will not allow on-street parking (Exhibit B).

Tillamook County Public Works Director Chris Laity will require a Road Approach with their Department before approval (Exhibit C).

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:** Applicant provides that walkways will maintain 3-ft minimum width in all areas, with lighting and drainage sufficient for the site (Exhibit B). Applicant details on the site plan a 50-ft buffer around the subject property boundaries to the north, south and west (Exhibit B), detailing that natural vegetation for landscaping will be used to maintain the existing coastal forest, with landscaping to be maintained around sites and service buildings (Exhibit B). Applicant further states that trash enclosures with approved wildlife closures are provided to all spaces (Exhibit 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:** Applicant confirms that all spaces will be numbered for one individual RV or tent use (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:** Applicable building permit review in accordance with uniform building code requirements will be obtained, per the Applicant (Exhibit B). 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

- ...
- 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:** Applicant provided that proposed commercial uses will not exceed Rural Commercial requirements (Exhibit B). Staff find accessory commercial uses described within the proposal include a support cabin for the campers that will maintain bathrooms, showers, a convenience store, gift shop area, and a preparation kitchen (Exhibit B).

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

**Findings:** The Applicant details those two onsite sanitation systems are proposed for the subject property meeting compliance with County sanitation requirements and OAR 333-031-0006.



**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 USFW National Wetlands Inventory (NWI) Map and are present on the tract, including Freshwater Forested/Shrub wetlands (Exhibit A). The Department of State Lands (DSL) provided comment that proposed project will impact wetlands and require a state permit (Exhibit C).

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 and improvements are not in conflict with the mapped wetlands on the tract.

**SECTION 4.130: DEVELOPMENT REQUIREMENTS FOR GEOLOGIC HAZARD AREAS**

*(1) The following are GEOLOGIC HAZARD AREAS to which the standards of this Section apply:*

...

*(b) Inactive landslides, landslide topography and mass movement topography identified in DOGMI bulletins 74 and 79 where slopes are greater than 19 percent;*

**Findings:** The subject properties lie within an area of potential landslide susceptibility as identified by DOGAMI map layers (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).

*(2) All development within GEOLOGIC HAZARD areas shall comply with the following standards:*

*(a) Vegetation removal shall be the minimum necessary to accommodate the use.*

*(b) Temporary measures shall be taken to control runoff and erosion of soils during construction. Such measures include temporary stabilization (mulching or sodding) sediment basins or other performance equivalent structures required by the Planning Department.*

*(c) Exposed areas shall be planted in permanent cover as soon as possible after construction.*

*(d) Storm water shall be directed into drainages with adequate capacity so as not to flood adjacent or downstream properties. Finished grades should preferably be designed to direct water flows along natural drainage courses.*

*(e) Additional requirements contained in a Geologic report required by this Section shall be followed.*

**Findings:** At the time of applying for Zoning and Building Permit approval, Applicant will be required to submit evidence demonstrating compliance with TCLUO 4.130(2). Staff recommends that these standards be met through compliance with Conditions of Approval.

- (3) A GEOLOGIC HAZARD report is required prior to approval of planned developments, coast resorts, subdivisions and partitions governed by the Land Division Ordinance, building permits, mobile home permits, sand mining, occurring in areas identified in (1) with the following exception:*
- (a) For building or mobile home or manufactured home permits in areas identified in (1)*
  - (b), reports are needed for lots 20,000 square feet or larger only where the proposed structure is to be situated on slopes greater than 29 percent or if (1) (f) applies.*

**Findings:** Buildings are proposed to be sited within or near the Geologic Hazard Area. Buildings situated on slopes greater than 29 percent will require Geologic Hazard Report review as described in TCLUO 4.130. If such a report is required, a Geologic Hazard approval will be required prior to applying for Zoning and Building permits. Staff recommends that this requirement be met through compliance with Conditions of Approval.

#### **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.*
- (b) Twenty-five (25) feet from all other rivers and streams where the river or stream channel is greater than 15 feet in width.*
- (c) Fifteen (15) feet from all perennial rivers and streams where the river or stream channel is 15 feet in width or less. 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:** An unnamed creek as mapped on the USFW National Wetlands Inventory (NWI) Map runs through the property east to west (Exhibits A & B).

Comments were received from the Oregon Department of Fish and Wildlife (ODFW) that states the area is in the vicinity of cutthroat trout (Exhibit C). ODFW recommends consultation with their agency prior to fish passage determination for any crossing of streams/wetlands proposed, including the entrance road location (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 development. Staff recommends that this requirement be met through compliance with Conditions of Approval.

#### **SECTION 4.160: PROTECTION OF ARCHAEOLOGICAL 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.

#### **IV. ANALYSIS OF CRITERIA:**

##### **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 is listed as a conditional use in the underlying zone (TCLUO 3.010(3)(u)). 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 describes Goal 8 'Recreation Element' 2.2 which describes the Statewide Comprehensive Outdoor Recreation Plan developed by State Parks which identified goals for the County to promote and enhance recreational activities.

Staff finds that the Applicant is proposing to develop a campground as it is defined in Ordinance and in Statute and that campgrounds are a use allowed in RR-2 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:**

- Applicant states that the subject property would maintain 18-acres of area for the campground, while being a good distance off the main road system (Exhibit B). Applicant describes existing forest and fauna providing a natural setting, with the establishment of existing roads that are to campground guidelines (Exhibit B).
- The subject property are zoned Rural Residential 2-Acre (RR-2 and Small Farm and Woodlot (SFW-20) (Exhibit A). Development of the facilities are proposed to be concentrated an approximate 18-acre area of Rural Residential 2-Acre (RR-2) zoned portion of the property (Exhibit B).
- The subject property is irregularly shaped and encompasses 58.51-acres and the proposed area of development encompasses approximately 18 acres (Exhibits A and B). The size and shape of the

property can accommodate the proposed development and still allow for a significant buffer of natural vegetation to be maintained around the proposed area of development, including the 50-ft buffer described by the Applicant (Exhibits A and B). Staff finds that the size and shape of the parcel is suitable to the provision of outdoor recreation opportunities on site and the proposed campground use.

- The subject property is zoned RR-2 which, as discussed above, allows campgrounds with consideration on contiguous property greater than 10-acres.
- The subject property is currently densely vegetated (Exhibits A and B). Staff finds that the significant existing vegetative cover provides an environment suitable to the requirements of TCLUO 5.030 and appropriate to provide outdoor recreational opportunities.
- The subject property has highly variable slopes and terrain with it generally sloping upward to the east (Exhibits A and E). Development is proposed to be primarily located on the slopes, east of an existing private roadway through the subject property (Exhibit A). Mapped wetlands and riverine features are present on the subject property on the western boundary, including Freshwater Forested/Shrub wetlands (Exhibit A).
- The tract lies within an area of potential landslide susceptibility as identified by DOGAMI map layers (Exhibit A). The subject property is not located in a Special Flood Hazard Area (Exhibit A).
- The Applicants site plan and National Wetlands Inventory Map would indicate that the proposed campsites and roadway may be adjacent to mapped wetland features (Exhibit A & B). As stated above, DSL provided comment that proposed activities will impact state wetlands and require state fill/removal permits (Exhibit C).
- The subject property is currently served off Floyd Avenue, a County local access road, which comes off Sandlake Road, a County road, to the subject property. The Tillamook County Public Works Department provided comment that improvements from Sandlake Road to the proposed development will be required as part of development of the road approach (Exhibit C). A Condition of Approval has been made to conform to any additional standards which might be required by the Tillamook County Public Works Department.

*(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 the campground is intended to keep the property at a natural and untouched state (Exhibit B). Applicant further details that there will be a 50-ft buffer around the subject property from neighboring properties for all sides, except the east (Exhibit B).

The subject property is zoned Rural Residential 2-Acre and Small Farm and Woodlot (SFW-20) (Exhibit A). The United States Forest Service (USFS) owns the Forest (F) zoned property abutting the subject property to the east and south (Exhibit A). Unimproved SFW-20 zoned properties under private ownership abut the subject property to the north (Exhibit A). Adjacent RR-2 zoned properties under private ownership abut the subject property to the north, south and west (Exhibit A). These abutting RR-2 zoned properties are either vacant or improved with a single-family dwelling (Exhibit A).

Situated to the west is a pocket of zoned Rural Residential 2 Acre (RR-2) and Rural Commercial (RC) properties and are either unimproved or contain single family dwellings (Exhibit A).

Surrounding uses, consistent with the surrounding zoning, include timber stands, and rural single-family dwellings (Exhibit A).

An unimproved unnamed platted 40-foot right-of-way serves as separation between the subject property and adjacent RR-2 zoned lands to the southwest (Exhibit A).

Comments received on the application included:

- Traffic congestion and increased parking on Sandlake Road and other roads within Tierra Del Mar.
- Insufficient existing roads to handle proposed development.
- Limited water availability for use and fire suppression.
- An excess of existing campgrounds and accommodations in the vicinity.
- Impacts to wetlands and water-features.
- Fire suppression concerns.

Oregon Department of Environmental Quality (DEQ) or the County Sanitarian and the County Environmental Health Department 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. Staff recommends that as a Condition of Approval, the Applicant be required to demonstrate that they have obtained permit approvals from the County Sanitarian or 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 and 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 and USFWS were notified of this application. ODFW has provided comments recommending consultation for fish passage improvements, due to proximity to cutthroat trout habitat (Exhibit C).

Staff has not identified evidence of impacts associated with the proposed campground development which would substantially impact the ability of a residential dwelling to be sited in the neighboring residential areas or would substantially impact the ability for residential uses to occur in dwellings sited in the neighboring residential areas. Adjacent Forest and SFW-20 zoned properties would maintain a proposed 50-ft buffer from proposed improvements (Exhibit B).

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

**Findings:** Applicant states the proposal will not have a detrimental effect on solar or wind systems (Exhibit B). Applicant states they will utilize solar energy in their development (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 there is a demand for year-around facilities with Pacific City experiencing a demand and shortage of facilities (Exhibit B).

The subject property is currently served off Floyd Avenue, a County local access road, which comes off Sandlake Road, a County road, to the subject property. The Tillamook County Public Works Department

provided comment that improvements from Sandlake Road to the proposed development will be required as part of development of the road approach (Exhibit C). Staff recommends that as a Condition of Approval, a letter from the Tillamook County Public Works Department be required at the time of applying for Zoning and Building permits.

The property is located within the service area of the Nestucca Rural Fire Protection District. Chief Oeder commented that the plans showing road width, grade and pullouts are acceptable for the Nestucca Rural Fire Protection District (Exhibit C). Staff recommends that as a Condition of Approval, a letter from the Nestucca Rural Fire Protection District confirming service to the campground development be required at the time of applying for Zoning and Building permits.

Tillamook County Environmental Health detailed requirements for licensing of a tourist facility, restaurant license and RV park license through their division. Staff recommend a Condition of Approval that final approval of campground design be provided at time of apply for Zoning and Building Permits from Tillamook County Environmental Health.

## **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:*

...

*iv. Property owners within 750 feet of subject property if the subject property is outside UGB and in a 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 December 29, 2021, to all landowners within 750 feet of the subject property, and affected agencies, districts and other parties. Newspaper Notice of Public Hearing was published on December 29, 2021 in the Tillamook County Headlight Herald.

**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, Applicant will be required to submit the following:
  - Authorization Notice approval for on-site sewage disposal permits from the Department of Community Development or Oregon DEQ.
  - A letter from Tierra Del Mar Water Company confirming water service to the proposed facility.
  - A letter from the Nestucca Rural Fire Protection District confirming fire protection service to the proposed facilities.
  - A letter from the Tillamook County Public Works Department approving the road approach and internal roadway design.
  - Demonstration of compliance with the standards contained in TCLUO 4.130(2) including:
4. If buildings within or near the area identified as inactive landslide topography are to be sited on slopes greater than 29%, a Geologic Hazard Report will be required as described in TCLUO 4.130. If such a report is required, a Geologic Hazard Report shall be submitted in conjunctions with application for Zoning and Building Permit approval for review and acceptance.
5. Applicant will maintain the minimum proposed vegetative buffers between the proposed area of development and the property boundaries. The site plan submitted for approval with application for Zoning and Building permits will clearly show the vegetative buffers.
6. Development will comply with the requirements and standards of TCLUO 3.010 'Rural Residential 2-Acre (RR-2) Zone' and 5.030 'Recreational Campground Standards'.
7. 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.
8. The applicant/property owner shall provide a copy of an approved campground design from Tillamook County Environmental Health at time of Zoning Permit/Building Permit submittal.
9. Development shall comply with riparian buffer and vegetation retention requirements of TCLUO Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization.
10. Signage shall comply with the requirements of TCLUO Section 4.020: Signs.
11. Development will occur in the area as generally depicted on the submitted site plan and as described and will not exceed 19 campsites and the supporting facilities, including the support cabin and bathhouse.

**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