

Melissa Jenck

From: Owen Miller <buck97112@outlook.com>
Sent: Sunday, April 24, 2022 2:38 PM
To: Melissa Jenck
Subject: EXTERNAL: RE: Water Availability - Oregon Treehouse Partners Hearing
Attachments: PrelimPlanfrom Dale.pdf

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Good Morning Melissa.

I will begin by recounting the proceeds of a meeting I had With Dale Van Doren the late summer of 2021 regarding the scope of service regarding this project:

Attached is a copy of a preliminary design that I received July 6, 2021 from Dale Van Doren. The four cabins and their related restroom/shower room are indicated in the lower left of the drawing. This is the portion of the project that we agreed to serve. I understand that the balance of the project is to be served by water from a well on the property. Sheet A00.01 included with the application confirms this. Water service to the property east of the four cabins not served by the TDMWC. One 5/8" meter will be installed at the present east end of Eloise avenue.

The site plan page A00.01 indicates the water line from the east end of Eloise Avenue to the location of the four cabins as described to me in July 2021. The restroom shower room is not shown on this page. I understand now that the "cabins" will be self-contained. This is equivalent to the original project as outlined in July of four cabins and restroom/shower room.

I have no concerns of saltwater intrusion. I have never experienced such an occurrence.

I hope this clarifies.

Sincerely,
Owen Miller
Tierra Del Mar Water Co.

From: Melissa Jenck <mjenck@co.tillamook.or.us>
Sent: Friday, April 22, 2022 3:15 PM
To: HENDRICKS Nikki M WRD <Nikki.M.Hendricks@oregon.gov>; Owen Miller <buck97112@outlook.com>
Subject: Water Availability - Oregon Treehouse Partners Hearing
Importance: High

Good afternoon Nikki and Buck,

There has been requests by the Tillamook County Commissioners to obtain additional information regarding water availability, and if there is concerns regarding salt-water intrusion or other concerns associated with installing/utilizing water service on the subject property located at 4S10-060-00600. This property is going through the public land use review process Conditional Use to determine eligibility for siting of a recreational campground by Oregon Treehouse Partners. If you'd like to refresh regarding the request, you can find the [application materials here](#).

If either of you want to attend virtually on Monday morning, 8:30am, at the link below, to be available to the County Commissioners for questions, or if you have any additional comments or testimony you'd like to add to the record regarding this proposal, I'd appreciate it. Any further written testimony regarding this project can be presented by Staff on Monday if you're unable to attend, but have comments you'd like on the record.

Join Microsoft Teams Meeting

+1 971-254-3149 United States, Portland (Toll)

Conference ID: 887 242 77#

Thank you,



Melissa Jenck (she/her) | CFM, Land Use Planner II

TILLAMOOK COUNTY | Community Development

1510-B Third Street

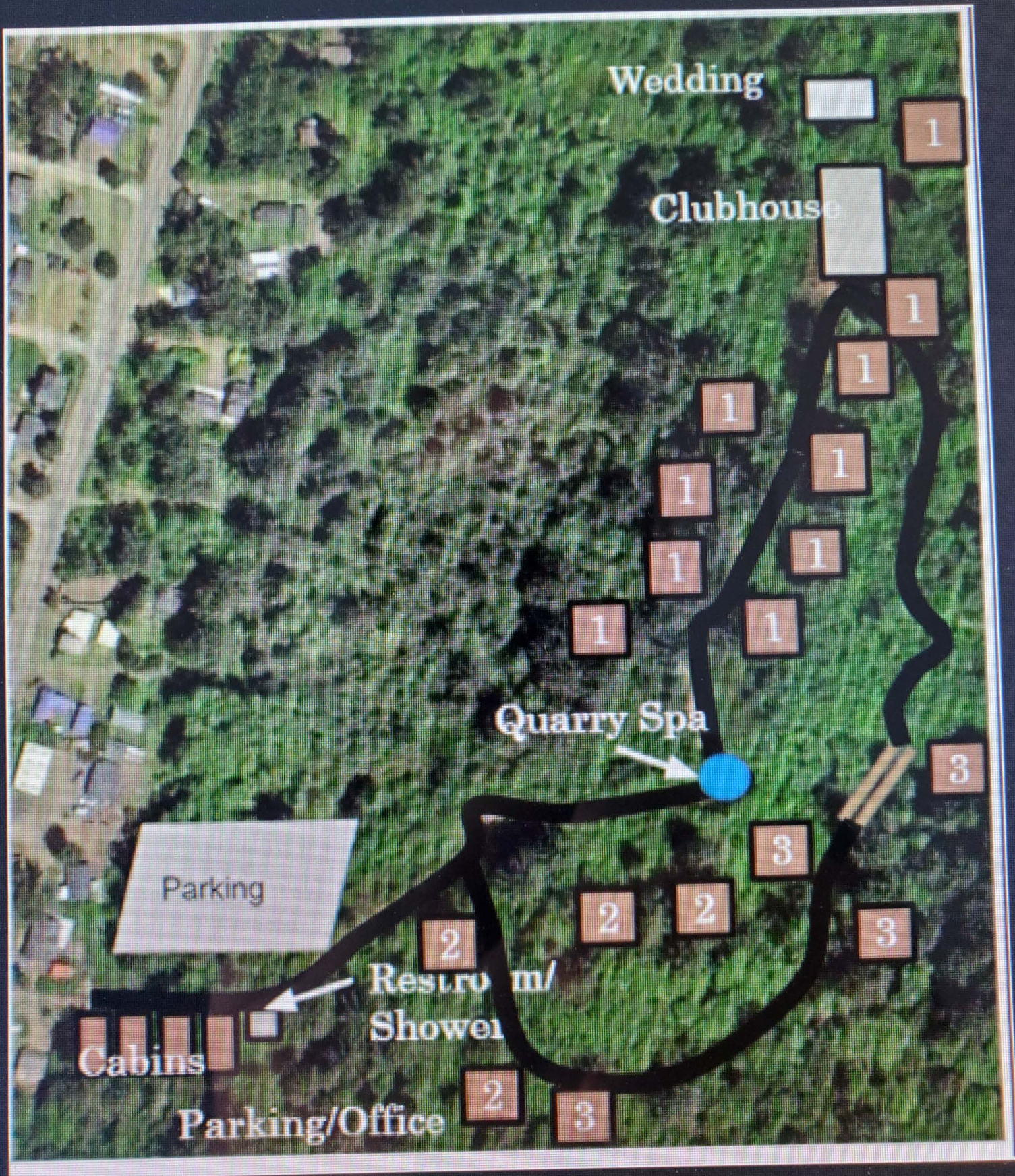
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Sean T. Malone

Attorney at Law

259 E. Fifth Ave.,
Suite 200-C
Eugene, OR 97401

Tel. (303) 859-0403
Fax (650) 471-7366
seanmalone8@hotmail.com

April 25, 2021

Via Email

Tillamook County Board of Commissioners
c/o Tillamook Department of Community Development
1501-B Third St.
Tillamook, OR 97141

Re: Oregon Coast Alliance Hearing Testimony regarding conditional use permit request for 19-site campground in Tierra Del Mar, #851-21-000416-PLNG.

Dear Board of Commissioners,

On behalf of Oregon Coast Alliance (ORCA), please accept this testimony on the above-entitled application. Due to numerous shortcomings outlined below, I respectfully request that the Board of Commissioners overturn the planning commission approval and deny the application. ORCA is an Oregon nonprofit corporation whose mission is protection of coastal natural resources and working with residents to enhance community livability.

First, the applicant proposes 19 campsites, of which 15 will be tents, and of that number, 9 will be geodesic domes. The applicant proposes to use Geo Tents from Pacific Domes, located in Ashland, Oregon. The website for Pacific Domes, as well as the photos of “tents,” provided in the application do not satisfy the definition of “tent,” as provided in the code. The definition of “tent” is “[a] fabric shelter supported by poles or rope, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for permanent or residential purposes.” TCLUO 153.003. As is obvious from the photograph shown in the application and a brief review of the Pacific Domes’ website, the domes have wood floors. As such, they are not a “fabric shelter.” The applicant, therefore, is not able to utilize the Pacific Domes, under the TCLUO definition for “tent.”¹ Because no alternative tents are proposed, the application must be denied.

¹ Apart from the fact that the domes are not fully fabric in nature, they also utilize equipment that would not be expected for a tent. For example, the tents utilize galvanized steel frames, heating components, and so forth. These

Second, the conditional use criteria require, amongst others, that “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.” Here, local residents have highlighted existing problems that will be exacerbated by the proposal (congestion, traffic, increase in illegal parking), as well as new problems, including impacts to big game and nesting migratory birds. The property is also home to big game and nesting migratory birds, and it appears that they will be impacted by the development, according to the Oregon Department of Fish and Wildlife. In addition, local residents have testified of sewer and water issues, including recent curtailment notices from the Tierra Del Mar Water Company.²

At maximum capacity or close-to-maximum capacity, the proposed use will create traffic congestion and will also likely create parking spillover onto Floyd Avenue. At the hearing the applicant alleged that maximum capacity would be between 60-80 (and some say 95) persons, which does not comport with the number of parking spaces proposed. There is simply no assurance that the number of vehicles can be accommodated within the site. Indeed, the applicant has submitted conflicting evidence and allegations with regard to maximum occupancy. The applicant alleged at the Planning Commission hearing that the campground would not allow camper vehicles or RVs and would accept reservations only from tent campers, but the staff report stated that the “Applicant confirms that all spaces will be numbered for one individual RV or tent.” Despite dramatically increasing the number of people that will be visiting the area and the beach, including from the proposed campground to the beach, the applicant has not proposed any improvements or safety³ precautions to allow campers and patrons to cross busy roads.

Third, a further conditional use criterion requires that “[t]he parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements, and natural features.” TCLUO 6.040(3). The proposed use is not suitable given the natural features, including the presence of wetlands, Aquatic Resources of Special Concern, and geologic hazards. The staff report noted that there are mapped wetlands and river features, including forested shrub wetlands, and DSL has already stated that the proposal will impact wetlands, thus requiring a state permit. A competent wetlands delineation is necessary in order to satisfy any conditions that require the applicant to stay out of the wetlands. Indeed, DSL noted that “[t]he

are typical of permanent structures. Indeed, it is not clear that the domes will ever be removed. As such, these domes do not fall within the definition of “tent.”

² Testimony has indicated that the applicant has “letter of supply” from the Tierra del Mar Water Company dated July 19, 2016. This is obviously stale evidence, and it must be updated, especially in light of recent curtailment notices sent from the Water Company. While the date has been corrected, it is unclear who corrected the date – the applicant or the Water company.

³ Other issues of fire safety have arisen from local testimony. Notably, the applicant alleges that “[f]ire truck[s] will have the ability to reach most of the campsites from the main road.” If not all of the campsites can be reached by the truck, then that leaves the safety of not only the campers at risk but also those that live in the vicinity of the proposed use.

applicant must consult with appropriate permitting agencies if any development is proposed to occur within the wetlands.” The applicant must first know where those wetlands are located. Moreover, “[i]f any crossings of the stream/wetland are proposed (for example for the entrance road), the applicant must consult with ODFW for a fish passage determination, and receive approval from ODFW if determined to be necessary.”

The neighboring property has a wetland identified as “mature, forested wetland, and therefore, part or all of this wetland may meet the state’s criterion for Aquatic Resources of Special Concern⁴, which can affect the eligibility protocols for compensatory mitigation if a DSL Permit is required. Given that the onsite wetland is a continuation of the neighboring property, it is likely that the subject property also contains Aquatic Resources of Special Concern, and that issue should be resolved **before** the conditional use criteria can be applied.

The property is located in a High Landslide area. Section 4.130 requires a “Geologic Hazard report prior to approval of planned developments, coast resorts, subdivisions, and partitions....” As the development proposal is located within an area of geological hazards, excess traffic and congestion, a geologic report would provide recommendations on location of structures and roads; recommendations for management of stormwater runoff; hazards to life, public and private property, and the natural environment, which may be caused by the proposed use; and methods for protecting the surrounding area from any adverse effects of the development.

Fourth, under conditional use criterion TCLUO 6.040(6), “[t]he proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.” The available infrastructure in Tierra Del Mar is minimal at best, including water supply and wastewater treatment options. Moreover, according to testimony from local residents, there is an existing for-profit camping area less than a mile from Tierra Del Mar. Thus, the proposal is not timely, and similar uses are already in existence nearby. There has been no analysis of existing infrastructure and the demands to be placed on it by this campground, much less an analysis of the relationship of a new large for-profit campground to the existing nearby one, and their relationship to the minimal infrastructure of this rural area.

Next, it is imperative that the applicant retain some onsite host or security to address issues that will inevitably arise. This assurance must be included as a condition of approval. Without someone to check with and have supervision over the campsite, there is little to no chance that the conditions imposed if the application is approved and rules for the campsite will be enforced to the detriment of the neighboring property owners’ livability.

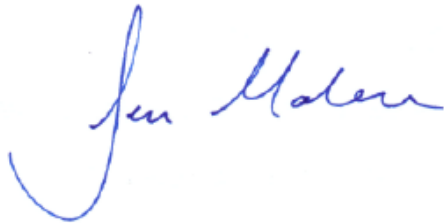
⁴ OAR 141-85-510(3) defines “**Aquatic Resources of Special Concern**” to mean the: “waters of this state that provide functions, values and habitats that are limited in quantity because they are naturally rare or have been disproportionately lost due to prior impacts. These include alkali wetlands and lakes, bogs, cold water habitat, fens, hot springs, interdunal wetlands, kelp beds, mature forested wetlands, native eelgrass beds, off-channel habitats (alcoves and side channels), ultramafic soil wetlands, vernal pools, wet prairies, wooded tidal wetlands, and others as determined by the Department.”

Finally, it must be remembered that the applicant bears the burden of proof in a land use application. *See Wilson v. Washington County*, 63 Or LUBA 314 (2011) (an applicant bears the burden of proof to demonstrate that an application complies with applicable approval standards and a local government is not required to approve a noncomplying development proposal, even if conditions of approval might be imposed that would render the proposal consistent with the applicable criteria). Because there are so many loose ends in the subject application, the application cannot be approved, even with conditions of approval. Until the applicant has provided substantive information as required by law on all relevant issues (*e.g.*, wetland delineation and Aquatic Resources of Special Concern, as well as water, sanitary, traffic, and parking matters), the findings will be inherently inadequate.

In solidarity with those living within Tierra Del Mar and those that would be affected by the proposed use, ORCA further adopts the testimony as its own of the following that provided testimony, both before the Planning Commission and the Board: Dean Wood, Andrew Ewing, Bryan Quan, Travis Ellis, Susan Pileggi, Lynnae Ruttledge, Millie Wriggle, Lisa Macy-Baker, Rob Baker, Alan and Carol Rodrick, Linda Hilliard, and others who have submitted testimony in opposition to the proposal.

In conclusion, ORCA respectfully requests that the application be denied.

Sincerely,



Sean T. Malone
Attorney for Oregon Coast Alliance

Cc:
Client

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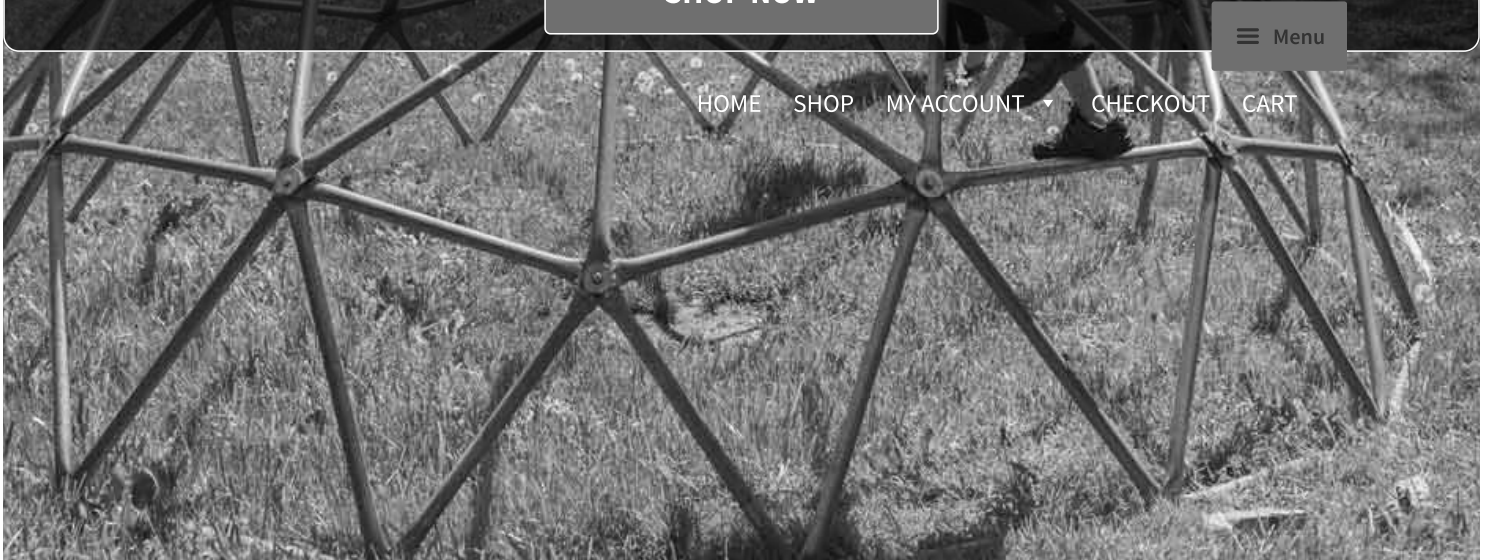




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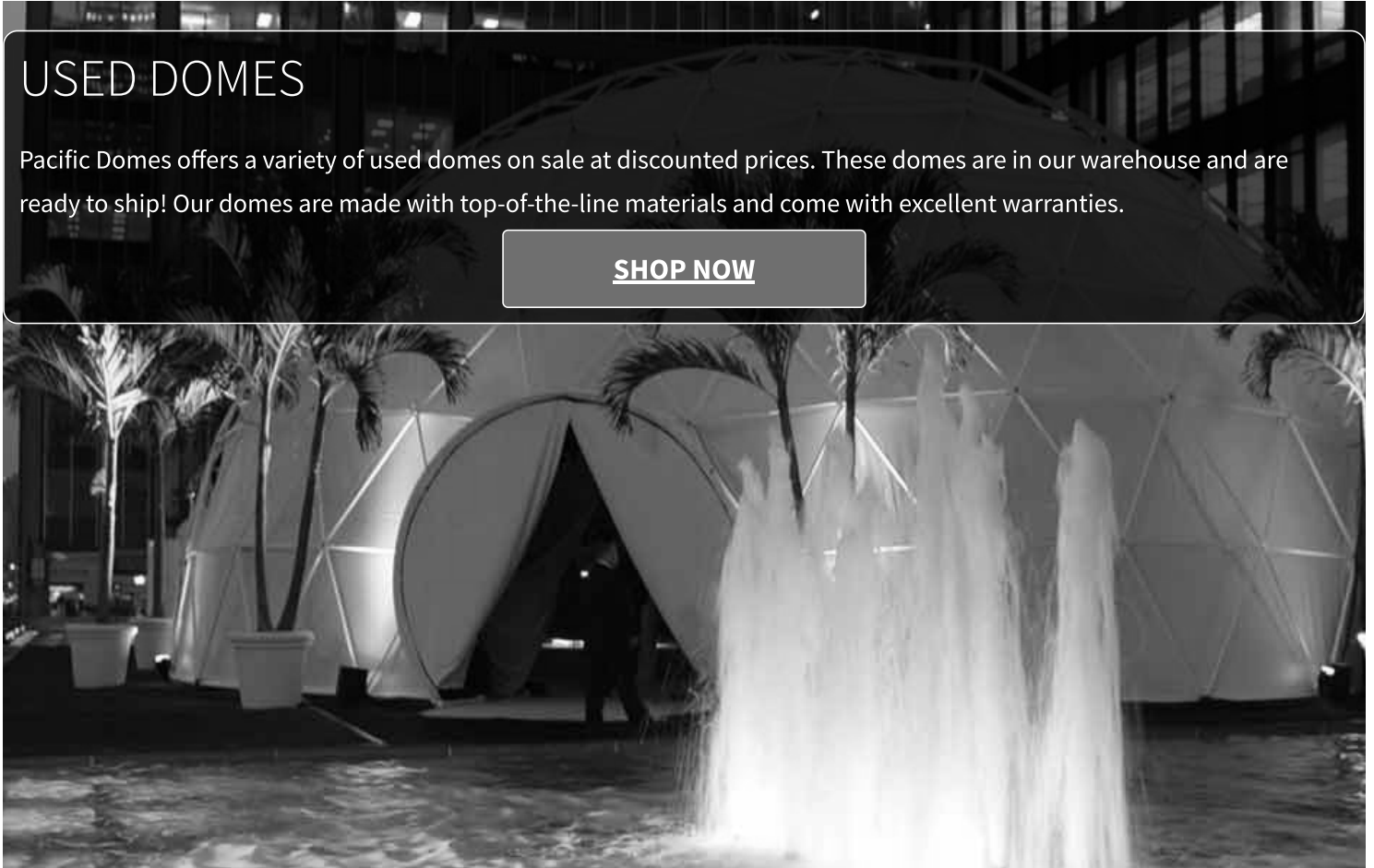
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Size & Weight

Floor Area: 195 sq.ft. (18 sq. meters)

Ceiling Center Height: 8 ft. 6 in. (2.6 meters)

Approx. Dome Weight: 450 lbs. (204 kg.)

Frame Package: 5ft. x 18in. x 18in. (1.5 x .5 x .5 meters)

Cover Package: 3ft. x 18in. x 18in. (.9 x .5 x .5 meters)

Bay Window: 5ft. h x 14ft. w (1.5x4.3 meters)

Dome Home Package Includes

Frame: Standard .92" galvanized steel frame with hardware

Cover: Shelter cover with bay window

Doors: Weather-tight zip door

Windows: 4 round removable windows (2ft. / .6 meter diameter)

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Anchoring: Hardware for any type of surface

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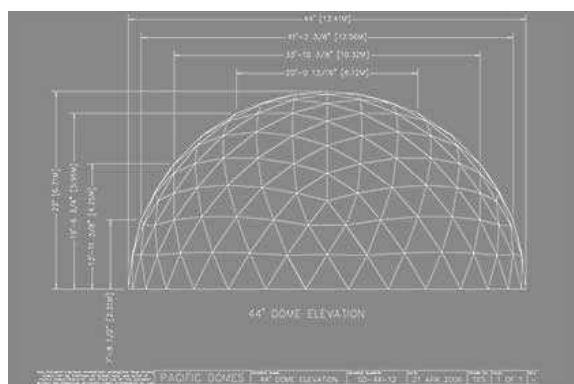


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Melissa Jenck

From: Lynn Tone
Sent: Monday, April 25, 2022 8:08 AM
To: Melissa Jenck
Subject: FW: EXTERNAL: Campground

-----Original Message-----

From: k swyter <kswyter@gmail.com>
Sent: Saturday, April 23, 2022 4:21 PM
To: Lynn Tone <ltone@co.tillamook.or.us>
Subject: EXTERNAL: Campground

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As a homeowner in TDM, I vehemently oppose the proposed campground!!! My concerns are traffic, water usage , which is already a concern in the summer for home owners. Trash is another concern, already a problem on our beaches, don't need anymore... please deny!!!

Melissa Jenck

From: Lynn Tone
Sent: Monday, April 25, 2022 8:08 AM
To: Melissa Jenck
Subject: FW: EXTERNAL: Application 851-21-000416-PLNG-Oregon Treehouse Partners LLC

From: b <lyndasteiner@aol.com>
Sent: Sunday, April 24, 2022 11:56 AM
To: Lynn Tone <ltone@co.tillamook.or.us>
Subject: EXTERNAL: Application 851-21-000416-PLNG-Oregon Treehouse Partners LLC

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Please include my comments regarding the appeal to above mentioned application.

1. Traffic in Tierra Del Mar has increased tremendously since Covid-19 as has the beach parking. This will become hazardous due to the amount of autos entering/exiting the camp site...also, autos from the campsite will obviously seek parking close to the beach, thus impacting neighborhood streets, which is already a problem. Speed limit is constantly being ignored, especially from vehicles with their ATVs heading to Sand Lake Recreation area....our small road in Tierra Del Mar should not contend with more autos...just not safe.
2. Security on this proposed campsite has not been detailed. Will there be several 24 hour security guards which monitor fires, amount of people occupying each campsite, number of cars allowed per campsite, dealing with unruly guests? How will restrictions be enforced regarding rentals?
3. Water supply is limited in the summer most often thus taxing our communities water resource is unacceptable..also, will there be a fire/water hydrant to deal with a fire, thus raises a question as to how the fire emergency vehicles will have adequate access to the area.
4. Sewer system has not been addressed adequately as well as garbage collection times per week/weekly or? Tierra Del Mar streets near the campsite and on the beach no doubt will see significant garbage left by those from the campsite not wanting to take their garbage back to the designated garbage areas in the camping area.
5. Wetlands were an issue years ago when the owner of this property took out wetlands, filled them in, hoping to sell off lots but was found in violation of the state's mandate regarding wetlands...those wetlands at the bottom of this property had to be restored thus why has this issue not been addressed....a wetland delineation report must be required.
6. Oregon Department of Fish and Wildlife have concerns about loss of game habitat as well as bird nesting destruction....there should be a marbled murrelet survey as the Beltz Creek watershed has recorded these birds nesting, thus prohibiting logging in our watershed....a environmental impact statement should be required for this site in order to address any threatened or endangered wildlife or plant species.

This development in our small rural community is not in the best interest for those owning property or for maintaining the uniqueness of Tierra Del Mar...we already had to contend with Facebook coming into this area and now Tillamook County approved a conditional use permit, thus ignoring what is best for this community and its natural habitat...there are abundant camping areas in close proximity of Tierra Del Mar so developing a camping area in this small coastal community is just wrong. I urge you to revisit your decision and appeal it. I have owned property in Tierra Del Mar since 1980 and throughout the years we have fought to preserve our community for generations to come....keep Tierra Del Mar the way it is.

Lynda K. Steiner
5625 Jasmine Avenue
Tierra Del Mar/Cloverdale