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April 11, 2022

Tillamook County Board of Commissioners  
c/o Tillamook County Department of Community Development  
1510-B Third Street  
Tillamook, Oregon 97141

RE: #851-22-000107-PLNG

Thank you for scheduling a virtual public hearing April 25, 2022 to hear the appeal of the Planning Commission's decision to approve the Conditional Use request by Oregon Treehouse Partners for a Recreational Campground above unincorporated Tierra Del Mar. Please accept this written testimony (with attached file) as you consider #851-22-000107-PLNG.

There were multiple failures in the Planning Commission's review and subsequent approval of this conditional use request (#851-21-000416-PLNG). The Planning Commission failed to adequately assess the applicant's compliance with several fundamental requirements of Tillamook County ordinance - as the applicant has failed to meet the burden of proof as required by law. In order to make a legally defensible decision on this application, the county must require and then adequately weigh, the evidence provided by the applicant, as well as other resources, studies, public comments and laws to which it must refer. To date, the County has failed to perform its due diligence.

**Conditional Use Review Criteria (3) - not met**

The application provided by Oregon Treehouse Partners was incomplete. In critical areas, it lacked the specificity necessary for the Planning Commission's determination that the application met this conditional use criteria factor. The Planning Commission failed to adequately consider the suitability of the site given its topography and the potential impact to, among other critical factors, mapped wetlands and Aquatic Resources of Special Concerns, surface and groundwater systems as well as potential landslide susceptibility. The Planning Commission failed to require wetland delineation, despite acknowledging that the property has

mapped wetlands including forested shrub wetlands and riverine features. The Planning Commission failed to even require that the applicant provide a detailed map with the actual specific location of the proposed campground structures, campsites, parking areas and amenities in relation to the multiple maps provided.

The applicant has the burden of proof yet failed to provide evidence that their development proposal meets the critical conditional use requirement related to suitability of the parcel considering its natural features. The tract lies within an area of potential landslide susceptibility as identified by DOGAMI map layer yet the applicant did not provide a Geologic Hazard report proving its suitability. The applicant has provided no information on the surface and groundwater systems that will be needed for drinking water in the campground. The applicant failed to address concerns raised by Oregon Department of Fish and Wildlife staff regarding potential impacts on wetlands, fish passage determination, big game movements and potential conflicts with nesting birds.

**Conditional Use Criteria (6) - not met**

The unincorporated coastal community of Tierra Del Mar has minimal infrastructure and south Tillamook County lacks adequate public facilities and services to support this proposed campground. There are acknowledged limitations to the capacity of the Sheriff's Department that will be needed to respond timely to issues that may arise with the campground. There is no cell phone service and no public telephone available in our community. This will likely impact timely emergency response to campground incidents, fires, medical emergencies or natural disasters. The applicant has failed to adequately address these concerns and has not proven compliance with this Conditional Use Criteria (6).

**Conditional Use Review Criteria (4) - not met**

The applicant has failed to adequately address community concerns about the impact of increased traffic, parking overflow and acknowledged volume of vehicles accessing the campground. The stress on Sandlake Road, adjacent residential streets, the Tierra Del Mar water supply and the groundwater system will be substantial. Yet the applicant has not been required to meet the burden of proof for adequately addressing the impact to surrounding properties. The applicant has failed to adequately address these concerns and has not proven compliance with this Conditional Use Criteria (4).

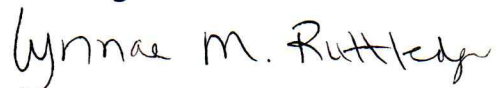
**In closing:**

Wetlands are a powerful component of our ecosystem. Wetlands are valued for the ecological services they provide to us all - they serve as natural water purifiers, reduce flood damage by absorbing and storing floodwater, as well as providing food and habitat for fish and other species. There needs to be careful and thoughtful evaluation by the County of how to reduce harm to aquatic resources and how to avoid impacts to our ecosystem. The County has the responsibility to provide that oversight. Land use decision-making is more than a box check-off exercise. Yet the Planning Commission followed the County's lead and failed to consider the suitability of the site and the potential problems on surrounding properties and with nearby communities.

Attached is a file that provides the type of essential information that is available and could have been considered by the County in its review of the Oregon Treehouse campground application. It is the federal Joint Permit Application (U.S. Army Corps of Engineers, Oregon Department of State Lands and Oregon Department of Environmental Quality) currently under review by the Oregon Department of Land Conservation and Development for a residential development on a property adjacent to the proposed campground. The planned residential development (Tax Lot 601) is immediately adjacent to the Oregon Treehouse Partners campground (Tax Lot 600). The application includes the type of information available with its delineation of non-tidal wetland and Aquatic Resources of Special Concern (ARSC) present on the adjacent property.

The County must do due diligence and require proof from the applicant that it meets the conditional use criteria. To date, it has not done that.

Kind regards,



Lynnae M. Ruttledge

Attached file:

Federal Permit application: NWP 2021-135, Clark Residence Tax Lot 601