

NOTICE OF APPEAL
TO TILLAMOOK COUNTY

)	
)	<u>OFFICE USE ONLY</u>
)	
Received)	Hearing Scheduled _____
)	
AUG 02 2024)	Public Notice Completed _____
)	
Tillamook County)	Property Owner Notice Completed _____
Board of Commissioners)	
)	Fee Paid _____

APPELLANT:

1. Name Regina Ida Dehen

Only personal names. If you are also representing an organization, place its name on line number 4.

2. Address 930 Fairway Court

3. Telephone (Daytime) 503-380-7694

4. Representing _____

Place your organizations name here IF you are an official representative of an organization that has authorized this appeal. Proof of such authorization must be shown by the time of the public hearing. (You need not represent an organization in order to file an appeal.)

5. Date of Decision

26 July 2024

6. Action Appealed

CONDITIONAL USE APPROVAL TO UPDATE THE MASTER PLAN FOR NEHALEM BAY STATE PARK

7. Decision Appealed (*Denied, Granted*) Granted

8. Name of Applicant Tracy Johnson

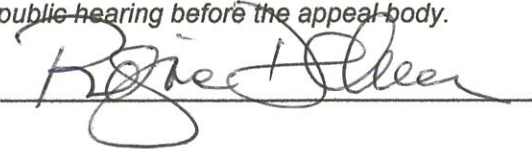
9. Additional Comments _____

We request an additional condition be imposed upon OPRD at the time of applying for Permit approval for new campsites and lodging.

that they develop a plan for offsite improvements to Necarney City Road to mitigate the safety issues that will be exacerbated by the campsite expansion.

You will be notified by mail of the date and time set for the public hearing before the appeal body.

Date 07/31/2024

Signature 

Notice of Appeal

1. Identification of the decision being appealed, including the date of the decision.

RE: #851-24-000192-PLNG: Approval of a Conditional Use request to update the Master Plan for Nehalem Bay State Park; Notice of Decision dated July 26, 2024.

After consideration of all available evidence, the Planning Commission took the following actions:

- During deliberations, the Planning Commission voted unanimously, 6 in favor and 0 opposed, to *encourage* all parties including Tillamook County, City of Manzanita, Oregon State Parks and Recreation, and the interested public to form a Working Group to work towards resolving the issues of Necarney City Road.
 - Planning Commission voted unanimously, 6 in favor and 0 opposed, to approve Conditional Use request #851-24000192-PLNG subject to the Conditions of Approval as amended and included as "Exhibit A".
 - The Planning Commission hereby adopts the Conditions of Approval as amended and shown in "Exhibit A" attached to the Order.
2. A statement demonstrating the person filing the notice of appeal has standing to appeal.

My name is Regina Ida Dehen. I reside at 930 Fairway Court in Manzanita, Oregon, 97130. I was present at the Tillamook County Land Use Commission meeting on the 11th of July, 2024 about this proposal. I submitted oral and written testimony at that time representing 122 citizens who signed a Petition expressing the community's continuing concerns about the safety of Necarney City Road as the primary access road to the Park.

3. A statement explaining the specific issues being raised on appeal:

Issue One: The Notice residents received stated that testimony could only address the criteria "contained within the Tillamook County Land Use Ordinance Section 6.040: Conditional Use Review Criteria. Only comments relevant to the approval criteria are considered relevant evidence." For this reason, this testimony focuses on criteria 2 and 4, which are:

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

Concerning criterion 2, Goal One of the Tillamook County Comprehensive Plan, and the statewide plan of the Department of Land Conservation and Development, both require community involvement in planning. Goal 1 of the DLCD calls for "the opportunity for citizens to be involved in all phases of the planning process." But *OPRD did not meet with the communities of Nehalem or Manzanita prior to creating and submitting this revised Proposal*. This omission of public input is a violation of the policies of the Comprehensive Plans.

Concerning criterion 4, when OPRD wrote the 2009 Nehalem Bay State Park Master Plan, they found:

"The county road leading to the park entrance, Necarney City Road, is reportedly over capacity and in need of improvements to accommodate the existing level of use... The road is not wide enough, has two no-stop/free right turns that are potentially confusing, and poor sight distance at a couple of driveway intersections. It also has no bike/pedestrian lanes and is dangerous for biking and walking. In addition to the park traffic, this road serves existing and future residential developments, a driving range and a solid waste transfer station... A number of comments ***pointed out the need to implement the needed access improvements prior to expanding the visitor capacity of the park.***"

Had OPRD engaged the community in this revised proposal, they would have gotten the same feedback about Necarney City Road that they got 15 years ago, to wit:

The proposed use (increasing park capacity by 30%¹) *alters the character of the surrounding area by increasing traffic on a road that is already over capacity and in need of improvements, thereby endangering the safety and well-being of pedestrians and bicyclists on that access road*. It is over capacity because this road has no bicycle or pedestrian lanes.

¹(93 new campsites and group lodging cabins²/307 sites currently) X 100 = 30%

²From the Conditional Approval: "Development shall only occur in the area as generally depicted on the submitted site plans and as described and shall not exceed (64) new campsites, and (29) group lodging cabins, in addition to new restrooms/showers, utility upgrades, boat ramp parking improvements, and RV dump station."

Issue Two: Discussion at the County Land Use Commission hearing in July supported improving the road. That's why Commissioner LaFranc made the motion to "encourage all parties to form a work group," and to include that in the Findings of Fact. He also stated that all the people who could carry that forward, including community development, public works, state parks, and the public, needed to get

together and push harder. That is why we are appealing the decision. This is what the public, pushing harder to address the safety issues of the road, looks like.

Other evidence to consider: During the Planning Commission meeting, Director of Public Works, Chris Laity suggested numerous easy and timely traffic safety improvements in the short-term, including reducing the speed limit from 35 to 30 mph, adding a “Share the Road” and a solar-powered speed sign on Necarney City Road. We would be happy to see those things occur as soon as feasible. In the longer-term, he suggested that OPRD could submit a safety plan/Letter of Recommendation from their department to the county road department for offsite improvements that would reduce or mitigate the concerns of pedestrians and bicyclists on this road. He also mentioned partnering with the Parks staff to apply for Community Trails grants.

It is true that the proposed expansion did not trigger a traffic assessment by ODOT. Nevertheless, ODOT officials acknowledged that their model *cannot account for campground traffic*. It is possible the model underestimates the impact of the campsite expansion, and therefore, they recommended working with the local cities and communities early in the process to identify and address any traffic concerns.

Because of concerns about timing of the project, the sunseting of the GO Bonds to fund it, and meeting schedules, the Applicant declined the opportunity to amend the application, as it would require additional meetings with the Planning Commission and delay project initiation.

We want to emphasize that we do not want to prohibit OPRD from doing the upgrades and expansion at the park; we support them. Nor do we want to jeopardize OPRD’s receipt of GO Bond funds by encroaching on their timeline. In the interest of time, OPRD could provide the safety plan/Letter of Recommendation at the time of applying for Zoning and Building Permits for new campsites and lodging, which is in the later phase of the project.

However, we are respectfully requesting that the County Commissioners address these safety issues now by adding conditions to the approval along the lines of what Director Laity suggested, as well as *requiring* the formation of a Working Group, as the Land Use Commissioners recommended.

Thank you for the opportunity to express the community’s concerns.

