



City of Bay City

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BEFORE THE PLANNING COMMISSION OF THE CITY OF BAY CITY

IN THE MATTER OF A: CONDITIONAL USE PERMIT
FOR THE FOLLOWING PROPERTY:

1S1002CC Tax Lot 100, and 1S1002CC Tax Lot 1800.

ZONING: Shorelands 3 (SL3)

PROPERTY OWNER/ APPLICANT

Tillamook Estuary Partnership (TEP)

Findings of Fact, Conclusions
and Order No. CU-2024-03

Tillamook Estuary Partnership (TEP) is requesting a conditional use permit to develop a 'Science Center' with pervious off-street vehicle parking areas, and a second phase of development onsite including community space and a residential duplex for visiting scholars, at property located at 7855 Warren Street, Bay City, OR 97107, legally described as 1S1002CC Tax Lot 100, and 1S1002CC Tax Lot 1800, in the Shorelands 3 (SL3) Zone.

The public hearing on the above-entitled matter was taken before the Planning Commission on October 16, 2024; and the Planning Commission closed the public hearing, and a decision was made at the October 16th, 2024 hearing.

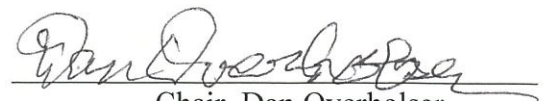
The Planning Commission adopts findings of fact, conclusions and conditions contained in Exhibit "A" and orders that this application for a conditional use permit to develop a 'Science Center' with pervious off-street vehicle parking areas, and a second phase of development onsite including community space and a residential duplex for visiting scholars, is approved with the following conditions:

- 1) Combination of Tax Lots 100 and 1800
- 2) Inclusion of the required bicycle parking location for two (2) bicycles on the site plan.
- 3) Submittal and approval by the City Staff of a City Zoning Permit application and other required permit applications with the site plan and elevation drawings and location of required landscaping.

This decision may be appealed to the City Council by an affected party by filing an appeal with the City Reorder within 10 days of this date.

BAY CITY PLANNING COMMISSION

Dated: October 17, 2024


Chair, Dan Overholser



City of Bay City

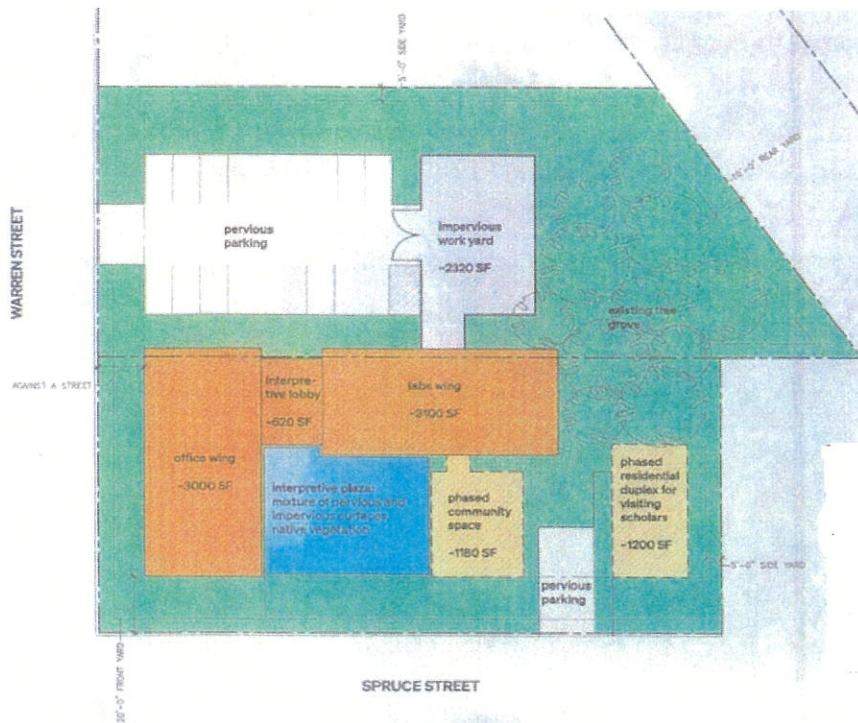
Conditional Use Permit CU-2024-03 Staff Report

To: City of Bay City Planning Commission
From: David Mattison, City Planner
Applicant: Tillamook Estuary Partnership (TEP)
Title: Request for development of a TEP Estuary Science Center on the subject property.
Case File #CU-2024-03

Nature of the Application:

The applicant is requesting to develop a 'Science Center' at property located east of Warren Street, north of Spruce Street at 7855 Warren Street, Bay City, OR 97107, legally described as 1S1002CC Tax Lot 100, and 1S1002CC Tax Lot 1800, in the Shorelands 3 (SL3) Zone. The off-street 10 vehicle parking areas are proposed to be pervious..

A second phase of development onsite includes community space and a residential duplex for visiting scholars.



Relevant Facts:

The following is a summary of the facts and testimony found to be relevant to this decision.

- 1) **PROPERTY LOCATION:** The property (two tax lot) is located east of Warren Street, north of Spruce Street at 7855 Warren Street, Bay City, OR 97107, legally described as 1S1002CC Tax Lot 100, and 1S1002CC Tax Lot 1800.
- 2) **LOT SIZE:** Tax Lot 100 and Tax Lot 1800 have an area of approximately 41,382 sq ft. (0.95 acres). The proposal will utilize 2 tax lots.
- 3) **ZONING DESIGNATION:** Shorelands 3 (SL3)

- 4) **EXISTING CONDITIONS/STRUCTURES:** Half of the subject property is vacant with a pad from a previous structure and the other half is occupied by a singlewide manufactured home. There are tall spruce trees located on the east side of the subject property.
- 5) **DEVELOPMENT CONSTRAINTS:** The property is generally level (0 – 4% slope). Therefore a Geologic Hazard Report is not required. The use of both tax lots (Tax Lot 100 and 1800) will require a combination of lots so that all setbacks area met.



Aerial View of Subject Property – looking NE



View of Subject Property – looking SE

- 6) **SURROUNDING LAND USE:** The subject property is adjacent to the Kilchis Trail, north of Spruce Street, east of Warren Street.

The surrounding properties are zoned SL3. They include Single-family dwellings and Sheltered Nook (a short term rental complex) to the north and west; Kilchis Trail to the south; POTB Rail road ROW and Hwy 101 to the east.



Relevant Criteria:

1) The Bay City Comprehensive Plan: Land Use Category – Shorelands 3 Zone (SL3):

SHORELAND 3 ZONE

The Shoreland 3 Zone area occupies land that is west of the US Highway 101 right-of-way, south of Tillamook Avenue, to the South City Limits. Vehicular access from the area to US Highway 101 is provided by Warren Street. The Shoreland 3 Zone is located adjacent to estuaries and includes wetlands associated with Goose Point and Kilchis Point. The land is suitable for residential development and for non-residential development where it is determined to be compatible with development standards. The Tillamook County Pioneer Museum operates Kilchis Point Reserve here. The City wastewater treatment plant, sewage treatment lagoons, and public works offices and shops are located here.

The Bay City Comprehensive Plan Goals and Policies

GOAL I: TO MAINTAIN A HIGH QUALITY OF LIFE IN KEEPING WITH THE NATURAL ENVIRONMENT.

- POLICY 1: The Plan and City ordinances shall promote development that complements and protects the Bay City environment.
- POLICY 7: The City shall promote the use of natural topography, native vegetation and retention of trees, compatible with development, through the City's Development Ordinance in both public and private development.

GOAL IV: TO SUPPORT THE EFFORTS OF TILLAMOOK COUNTY IN ATTRACTING INDUSTRY WHICH IS COMPATIBLE WITH THE ENVIRONMENT AND IS SUPPORTIVE OF THE NATURAL RESOURCES AND CULTURE OF THE AREA.

- POLICY 3: Protection of the existing quality of air, water, and land should be assured prior to the establishment of any new industry in the area.

Additional POLICIES applicable to the Shoreland 3 Zone are:

- a. The Shoreland 3 Zone allows other uses on a conditional use basis subject to specified performance standards. Performance standards are intended to separate non-compatible uses and, where appropriate, to reduce the overall intensity of use while allowing flexibility in development.
- b. All development except for single family dwellings, duplexes, accessory uses, and home occupations are to be reviewed by the City Planning Commission to ensure that they meet the following guidelines:
 1. Public utilities and streets have the capacity to support the proposed use or improvements necessary for the use are to be provided.
 2. The use does not impair the scenic value of the waterfront or block existing public access to the water for recreation purposes.
 3. The use is consistent with specified performance standards.
 4. The use is consistent with the Bay City Comprehensive Plan.

2) Bay City Codes, Chapter 10.10.020 Setback Requirements

- Setbacks from lot lines shall be: 20 ft front yard, 10 ft rear and 5 ft side
- In the case of a yard abutting a street, with the exception of the front yard, the street yard setback shall be 15 feet and the rear yard setback, with the exception of a rear yard abutting a street, may be reduced to 5 feet.

3) Bay City Codes, Chapter 10.10.050 Clear Vision Areas

- A clear vision area shall be maintained on the corners of all property at the intersection of two streets, or a street and a railroad. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 36 inches in height, except for trees with branches and foliage removed to a height of eight (8) feet above the ground and opened wire fencing that does not obscure sight more than 10%.

4) **Bay City Codes, Chapter 10.10.070 Off Street Parking.**

- Section 10.10.072.A. Off-Street parking requirements for office (1 space /600 sq ft) and meeting rooms (1 space per 400 sq ft) and duplex (1 per unit).
- Section 10.10.072.B. Bicycle parking requirements shall apply to all developments that require a site plan.
- Section 10.10.072. 2.b. There shall be a minimum of one bicycle space for every seven (7) motor vehicle spaces. At least ten percent (10%) of all bicycle parking spaces shall be sheltered.
- Section 10.10.074. Off-Street Parking Design Requirements. Whenever off-street parking is required, the parking area and space shall be designed, constructed, and maintained in accordance with the following minimum provisions and standards:
 1. All parking spaces shall be clearly striped.
 2. All parking spaces shall have access from an aisle in the parking area.
 3. Bumper stops, curbing, or wheel chocks shall be provided.
 4. The surface of the parking area shall be either asphalt or other suitable all-weather material.
 5. Full sized spaces shall be 9 ft x 18 ft, compact spaces shall be 8 ft x 16 ft.
 6. Parallel parking spaces shall be 9 ft x 18 ft, plus a 6 ft maneuvering space.
 7. All parking areas shall have access 22 ft wide if for two-way traffic; not more than 25 ft wide.
 8. Landscaping shall be provided at the entrances to the parking area in order to visually separate the area from the street. A landscaped buffer shall be installed adjacent to all buildings and property lines, and shall be continuously maintained.

5) **Bay City Code, Chapter 10.11.050 Public And Civic Uses**

B. Meeting Halls, Churches, and Schools

- The hours of operation of meeting halls and churches shall be controlled so as not to disrupt surrounding residential uses.
- Meeting halls, churches, and schools shall be designed in a manner which is compatible with the surrounding neighborhoods in terms of height, bulk, and maintenance of existing vegetation.

6) **Bay City Codes, Chapter 10.15.040 Conditional Use Considerations**

In permitting a new conditional use or the alteration or extension of an existing conditional use, the Planning Commission shall use the following considerations in review of applications:

- A. Conformance with the goals and policies of the Comprehensive Plan and the standards and policies of the zone.
- B. Compatibility of the conditional use with the surrounding area or neighborhood in terms of lot size, building height or bulk, traffic circulation, parking, provision of signs, buffering, screening, landscaping, open space, control of smoke, glare, noise, or hours of operation.

7) As per the Conditional Use Application Form (for those not listed in these other sections):

- A. Demonstrate that a demand exists for the use at the proposed location. The factors which should be considered in describing whether or not a demand exists include: accessibility for users (such as customers and employees); the availability of similar existing uses, and any other appropriately zoned sites – particularly those not requiring conditional use approval are not appropriate.
- B. Demonstrate that the site has an adequate amount of for any required yards building, drives, parking, loading and unloading area, storage facilities, utilities or other facilities which are required by the development code or are desired by the applicant.
- C. Demonstrate that the topography, soils and other physical characteristics of the site are appropriate for the use.

8) **Bay City Codes, Chapter 10.15.050 Construction Of A Conditional Use**

Work shall commence within six months of the granting of a conditional use permit. Upon application, the Planning Commission may grant one six-month extension.

- 9) **Bay City Codes, Chapter 10.15.080 General Conditional Use Standards** The following conditional use standards shall apply to all activities listed in the Use Matrix as a conditional use:

a. Traffic Generation Standards

- 1) Uses with high traffic generation, as determined by the Planning Commission using acceptable traffic generation documents, shall be located in the high intensity areas of the City or within 100 feet of the intersection of two arterial streets.
- 2) Uses which would generate moderately greater traffic volumes than residential uses occupying the same land area at allowable densities shall be located on arterial streets.
- 3) Uses which would generate no more traffic than a residential use occupying the same land area at allowable density levels (calculated without bonus density) may be located on residential or collector streets.

b. Public Facility and Services

- 1) Public facilities and services, including sewer, water, storm drainage, fire protection, electrical service, and schools shall have adequate capacity to serve projected needs of the proposed conditional use.
- 2) The person(s) requesting the conditional use permit shall be responsible for all costs associated with the extension of public facilities or services, including system improvement charges.

c. General Environmental Standards

- 1) No noise, smoke, heat, odor, fumes, dust, glare, vibration, or water pollution shall be detectable beyond the property line of the proposed use, except for occasional maintenance such as lawn care or for normal emissions such as from wood burning stoves or fireplaces. Glare from street lights or floodlights shall be shielded from adjacent uses and shall be the minimum necessary to illuminate the property.
- 2) Goals and Policies of the Comprehensive Plan and other Standards of this Ordinance shall be adhered to in the granting of Conditional Uses.

Findings:

The Planning Staff Finds:

1. The property is adjacent to the Kilchis Trail and single-family residential units in the Shorelands 3 Zone (SL3). The applicant and staff expect there will be no adverse impact to these surrounding properties.
2. An interpretation of the City Comprehensive Plan and City Codes, Chapter 10, allows the applicant to construct an interpretative center, in the SL3 zone district, through a conditional use permit process.
3. Public facilities, include water, sewer, and electrical service; and the property will have adequate capacity to serve the proposed use of the proposed conditional use.
4. The applicant has provided a site plan that identifies the following:
 - a. Site location.
 - a. Common open space.
 - b. Building activity arrangement.
 - c. Off-Street parking.
 - d. Existing landscaping and vegetation.
5. The arrangement of the off-street parking area is clearly identified – 10 spaces located on the north side of the subject property, 2 spaces located on the south side of the subject property.
The parking spaces shall be clearly striped, have bumper stops, curbing, or wheel chocks, have landscaping at the entrances to the parking area, adjacent to all buildings and property lines.
6. The location of 2 bicycle parking spaces will need to be clearly identified on the site plan.
7. The proposed height is less than 24 feet and meets the required height.
8. The applicant provided the following information for the requirements listed in Chapter 10.10.010:
 - a. Development is shown to occupy 31% of the subject property, less than 40% of the subject property with impervious surface.

- b. Open space is proposed to exceed 10% of the property.
 - c. Landscaped Area exceeds 10% of the total lot area.
9. The applicant provided the following information for the requirements listed in 10.10:
- a. The structure locations onsite as shown on the plans meet the setback requirements.
 - b. The proposed buildings and their entrances are oriented to the street.
 - c. Off-street parking has been oriented to the property layout.
10. The generation of traffic will not require additional improvements on Warren Street.
11. The following responses to the criteria for a Conditional Use Permit have been provided:
- a. Conformance/Consistent with the Goals and Policies of the Comprehensive Plan and the Standards and Policies of the Zone;

As stated in the application and in the City Comprehensive Plan, the Shorelands 3 Area is suitable for non-residential development where it is determined to be compatible with development standards. The subject property is adjacent to single-family residential development and some non-residential uses. The Tillamook County Pioneer Museum operates Kilchis Point Reserve south of the subject property.

The Shoreland 3 Zone allows for non-residential uses on a conditional use basis subject to specified performance standards. Performance standards are intended to separate non-compatible uses and, where appropriate, to reduce the overall intensity of use while allowing flexibility in development.

The applicant has identified that this development complements and protects the Bay City environment with its low impact development and location of the property, with no industrial emissions, setback compliance, preservation of the existing landscape (cedar trees), use of native vegetation and protection of the existing quality of air, water, and land.

All development except for single family dwellings, duplexes, accessory uses, and home occupations are to be reviewed by the City Planning Commission to ensure that they meet the following guidelines:

- 1. Public utilities and streets have the capacity to support the proposed use or improvements necessary for the use are to be provided. The City utilities and existing streets (Warren and Spruce) appear adequate, as they meet City standards, for the proposed development.
- 2. The use does not impair the scenic value of the waterfront or block existing public access to the water for recreation purposes. The proposed development will not impair scenic value of the waterfront or block access to the Bay.
- 3. The use is consistent with specified performance standards. The proposed use appears consistent with the standards identified in these findings.
- 4. The use is consistent with the Bay City Comprehensive Plan. The proposed use appears to be consistent with the Comprehensive Plan standards listed above.

According to the applicant, this project will be the headquarters of the TEP whose mission statement is "dedicated to the conservation and restoration of Tillamook County's watershed through active stewardship, scientific inquiry, community engagement and education." This will be the headquarters of the TEP, a laboratory and an interpretive area for visitors. They plan to COLLABORATE WITH Kilchis Point Reserve to enhance the visitors' experience. The laboratory will allow testing and analysis of water quality indicators such as bacteria and temperature. Monitoring water quality and other indicators will help address seawater rise and ocean acidification.

This building is proposed to be one-story. The property is large enough for the headquarters, laboratory, interpretive area, community space, a duplex and parking as is shown on the proposed site plan, with more than adequate open space and retention of the native trees. TEP owns and operates a native plant nursery

and will landscape the property with native plants. The site will be screened and buffered with landscaping. The property will have operating hours Mon – Thurs 7:00-5:30, closed during evening hours.

TEP has proposed design around the trees with removal of the blackberries and landscaping with native plants. They are proposing to tie the entrance of the proposed center to the KPR entrance. TEP has a staff of 16 which work a hybrid schedule – some at home, some at the office – including biologists, education instructors, scientists, project managers and administrative staff. Phase 2 of development includes a duplex for visiting scholars.

These criteria have been met.

- b. Compatibility of the use with the surrounding area or neighborhood in terms of lot size, building height or bulk, traffic circulation, parking, provision of signs, buffering, screening, landscaping, open space, control of smoke, glare, noise, and hours of operation.

According to the applicant, the proposed development is adequate for the site. The landscaping will add screening of the developed site. The entrance to the building will face KPR, away from the single-family dwellings. The property will have operating hours Mon – Thurs 7:00-5:30, closed during evening hours. It appears that there will be no smoke, glare, or noise onsite.

This criterion has been met.

As per the Conditional Use Application Form:

- a. Demonstrate that a demand exists for the use at the proposed location. The factors which should be considered in describing whether or not a demand exists include: accessibility for users (such as customers and employees); the availability of similar existing uses, and any other appropriately zoned sites – particularly those not requiring conditional use approval are not appropriate.

According to the applicant, TEP is looking for a site for the new headquarters. This site is large enough to meet the needs of TEP and meet the requirements of the City's development code. This project will be designed to meet the ADA requirements for public spaces and parking. TEP's mission is to improve watershed health through stewardship, scientific inquiry, community engagement and education. The proposed interpretive area is an opportunity to tell the story of Tillamook estuaries and surrounding land and water with partners and the greater community. This fits well with the adjacent KPR and TEP sees an opportunities to enhance the visitors' experience with a partnership with KPR and TEP.

This criterion has been met.

- b. Demonstrate that the site has an adequate amount of space for any required yards building, drives, parking, loading and unloading area, storage facilities, utilities or other facilities which are required by the development code or are desired by the applicant.

According to the applicant, the site is flat, 0.95 acres. The lot coverage is less the 40%. The off-street parking areas are proposed to be pervious. The applicant proposes to retain the large trees onsite.

This criterion has been met.

- c. Demonstrate that the topography, soils and other physical characteristics of the site are appropriate for the use.

According to the applicant, the property is generally level, large enough and therefore is appropriate for the proposed use.

This criterion has been met.

As per Section 10.15.080, General Conditional Use Standards:

- a. Traffic Generation.

No greater traffic generation is expected. The size of the proposed structure and the facilities are adequate for the proposal.

b. Public Facilities and Services.

According to the applicant, the proposed project will not create excessive traffic congestion on the street, nor overburden the water, sewer, storm drainage, electrical, fire protection, and schools.

c. General Environmental Standards

- The topography, soils, and other physical characteristics of the site are appropriate for the use.

The property is generally level with a slope of 0 – 4%.

- No noise, smoke, heat, odor, fumes, dust, glare, vibration, or water pollution shall be detectable beyond the property line of the proposed use, except for occasional maintenance such as lawn care or for normal emissions such as from wood burning stoves or fireplaces. Glare from street lights or flood lights shall be shielded from adjacent uses and shall be the minimum necessary to illuminate the property.

No noise, smoke, heat, odor fumes, dust, glare, vibration, or water pollution is expected to be detectable beyond the property line except occasional maintenance.

These requirements have been met.

11. Notice was sent to 18 adjacent property owners within 250 feet and local and state agencies and published on September 26, 2024.
12. No Comments have been received.

Conclusion:

The findings and condition listed below, that Staff has prepared, support the conclusion that the requested conditional use permit (CU-2024-03) meets the listed goals and policies of the City Comprehensive Plan, the standards and criteria of the Bay City Codes Chapters 10.10.020, 10.10.050, 10.10.070, 10.11.050, 10.15.040, 10.15.050, 10.15.070, 10.15.080, the proposed development of a Estuary Science Center, may be approved with the following condition:

1. Combination of Tax Lots 100 and 1800
2. Inclusion of the required bicycle parking location for two (2) bicycles on the site plan.
3. Submittal and approval by the City Staff of a City Zoning Permit application and other required permit applications with the site plan and elevation drawings and location of required landscaping identified onsite.

In making a decision, Planning Commission may:

1. *Grant the conditional use permit request.*
2. *Grant the conditional use permit request, with conditions, as shown above with additional conditions.*
3. *Deny the conditional use permit request.*